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SENATE—*Tuesday, March 10, 1998*

The Senate met at 9:30 a.m. and was called to order by the Honorable TIM HUTCHINSON, a Senator from the State of Arkansas.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, You have created us to love You. The words of the Bible admonish us to love You by giving thanks. Thanksgiving is the memory of our hearts. Today, our hearts overflow with memories of Your goodness to our Nation, Your grace to each of us, and Your guidance in the decision-making challenges of leadership. When we review our Nation's brief history, we have been not only a Nation under God but a Nation under Your watchful, providential care. We renew our trust in You as the Sovereign of our Nation and the generous benefactor of the prosperity and blessings of our land.

As individuals, we think of all You have done for us. You are the source of our gifts, the One who has opened doors of opportunity for us and given us exactly what we have needed to live faithfully and obediently for Your glory.

Thanks be to You, Lord, for this Senate and for the powers You have entrusted to it for the progress of our Nation toward Your goals. Engender in the Senators a renewed sense of profound gratitude for Your call to serve, through the voice of the people. We join with the Senators in thanksgiving for the privilege of serving. May gratitude be our controlling attitude as we receive a new aptitude to work today with joy and delight. Through our Lord and Saviour. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The bill clerk read as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 10, 1998.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TIM HUTCHINSON, a Senator from the State of Arkansas, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. HUTCHINSON thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. D'AMATO. Mr. President, this morning the Senate will resume consideration of the pending transit amendment to S. 1173, the highway bill. It is hoped that the Senate will be able to make considerable progress on the numerous amendments that have been offered and filed in regard to the highway legislation throughout today's session.

As earlier announced, the majority leader, after consultation with the Democratic leader, will announce when the previously filed cloture vote on a modified substitute amendment to S. 1173 will occur. By unanimous consent, the Senate will recess from 12:30 to 2:15 p.m. for the weekly policy luncheons to meet. Members should anticipate a busy voting day with votes continuing into the evening as the Senate attempts to make progress on this important legislation.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1173, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1173) to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

The Senate resumed consideration of the bill, with a modified committee amendment in the nature of a substitute (Amendment No. 1676).

Pending:

D'Amato amendment No. 1931 (to amendment No. 1676) to reauthorize the mass transit programs of the Federal Government.

AMENDMENT NO. 1931

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of amendment No. 1931.

Mr. D'AMATO. Mr. President, the pending amendment, the mass transit portion of the highway bill, is one that has been carefully crafted, one that has increased transit in proportion to the needs of our country. I can say quite candidly that there are not sufficient funds to meet all of those needs. Indeed, that is one of the problems that we have attempted to deal with, recognizing the budget constraints that we have.

Now, let me say we have pending before the Senate from our colleagues on both sides of the aisle well over $15 billion in requests for new transit starts. They come from all over the country. They come from California, they come from Colorado, they come from Utah, they come from Texas, they come from the Carolinas, and they come from the traditional large transit States such as New Jersey, New York, Pennsylvania and Illinois. It will be impossible for us to do justice to all of these. We will have to be selective and mindful of getting the greatest dollar value invested in moving people. That is what we are attempting to do.

So it was that we have increased substantially the allocations in this area.

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

We have provided some $2.5 billion more for new starts over the life of the bill.

Now, having said that, notwithstanding this increase, we are talking about providing, in terms of budget authority for these programs, approximately $4 billion to $5 billion, and we have well in excess of $15 billion worth of requests. That does not take into consideration requests that will be coming for desperately needed projects to help unclog the various urban-suburban areas, to move people in the best methodology, getting them off the road where it is possible into a light rail system or into a bus transit system. That does not take into consideration the requests that will be flowing from the House of Representatives. I imagine that they, too, will be numerous.

Now, in terms of where the greatest increases have been as they relate to resources, I want to point out we have increased, by way of percentage over and above the 1991 figures, 38 percent more for rural America, recognizing their needs. Is that enough? No, absolutely not. But can we accommodate all of the needs of mass transit, given the budget constraints? No, we can't. So we have to attempt to prioritize. That is what we have done. They have received the largest increase as it relates to any particular section of America—38 percent—recognizing that traditionally they have not used mass transit and that it is now becoming something that rural America, suburban America, is turning to more and more.

Now, whenever my colleagues have suggested there be some departures and radical formula changes that would provide $1.5 billion more for rural America, would this Senator like to do that? Certainly, but where do we get the money? Now, let's be honest with this; if we are going to get into a game of taking from those who have a demonstrated need to increase disproportionately the dollars allocated under this bill, we are going to have trouble having a bill. I suggest that is not why we are here. Ours should not be a game of saying how do I enrich or how do I get extra for my State.

I suggest, when it comes to the highway transportation bill, this Senator said, "Look, we recognizes that there have been a number of States that have had incrementally faster growth, have greater needs, have not gotten back a percentage which can be defended in terms of the revenues they send to Washington from the gasoline tax, and they should get a higher benefit from the additional funds that are provided for transportation." That is why the formula as it relates to distribution is one that I will support, notwithstanding the percentage that my State gets goes down, goes down because we are talking about fairness.

If we are going to operate in terms of meeting all of the needs, then we can't simply say, "Oh, no, I can't have any less a percentage, I have to have more or the same," I think we have to look at basic fairness. So I am really putting forth an appeal here to suggest that we not attempt to come up with a formula that is going to give a few dollars more to a majority of the States, to build a coalition on that basis as opposed to what is fair.

Now, if this bill did not provide 38 percent more for rural America, then I could see the Senators from the rural districts coming in and saying, "Where is our fair share?" But 38 percent more has been provided. That is more than any other—if you want to say particularly large State, small State, rural State—has received. It is in total proportion because as it relates to the new starts, our smaller urban areas will be getting them. That is open to all of America based on a competitive form there, and it fits within the budget caps because those moneys spend out slower.

So I say to my friends here, in all due honesty, this Senator wants to be accommodating, and will be. We didn't get to this position now where we have, I believe, a well-crafted bill—I am willing to entertain any suggestion for improvement, but I have to start out saying, to come to this Senator with a $1.5 billion request, which has come from staff to staff, for more in one area, simply because you can line up the votes on the basis of pure numbers, is not what we should be about. It is wrong. It is counterproductive. While I respect meeting legitimate requests and needs of the Members and of communities and to demonstrate one's concern for his or her constituency, certainly that is to be applauded. But let's look at the constraints of the budget and what we are operating under. I would like to give to rural America $5 billion of the $5 billion that we have allocated, but then how do we meet the needs of the rest of the country?

I hope we will not get into pity for the so-called rural States because some ingenious staff members have developed a program whereby they can count and figure that we can put 30 some odd States together and we are going to get each State a few dollars more, and then don't they come down here and say, "We will vote for our State because, after all, I have to vote for my State." That is not what this bill should be about. That is not what this body should be about. I really dislike having to call that to the attention of our Members. And this is a Senator who has supported those programs and policies that are important to the regional interests of my colleagues and their States. I have never come down here and said, "Well, what do we get?" I am asking now for a little bit of equity here. If my colleagues are going to attempt to go forth on this—and I must say to you that I have held out until my staff could meet with some coalition. But when we met, we were told they want $300 million a year more. Where does it come from?

I say to my friends, my colleagues, you are not going to get it under the budget authority. Even if I went along with that, the Budget Committee is not going to be able to find that money because it spends out faster.

Secondly, there is the question of fairness. To say we are going to increase an allocation and say that we want an 85-plus percent increase—that is what people are saying. My gosh, if you want to say let's look and see if we can do somewhat better, that is one thing. But to come in and say you want an 85 percent increase, that is horrendous. It is not reasonable.

If we want a bill—and this Senator wants a bill—then I say to those colleagues who have every right to lobby for the interests and to work for the interests of the people of their State, let's do so with some reasonableness so we can have an accommodation. I don't want to be opposing friends and colleagues simply because I say that we have the best way. We have a limited amount of resources. I think we have been fortunate enough to get to the point that we have, where we have stretched the resources of both our committee and the Budget Committee.

This isn't a situation where we can just open it up. By the way, we can use money for buses as fast as anybody else. But that spends out quicker. The Budget Committee isn't going to be able to find the money if we do that. I say to my colleagues, if you are on the floor, let's have a little balance. When I have staffers sitting down with our staff, when we say let's look and see, and they say we need $1.5 billion more or $300 million more, that is not being reasonable. That is going beyond. To say we want $1.5 billion, and to jigger the formulas around so we are not doing it on a per capita basis—but we are changing that also—that is not going to work.

Mr. President, I say let's go forward in the spirit of attempting to ascertain whether there are methodologies available to provide additional resources. That is fine. But to come forward in this manner and say, well, we have a coalition of X number of States—I have done that before. We have had to defend against formula changes. I don't like it. It's not conducive to working together for the best interests of our States, our region and, more importantly, the people of our country as a whole.

I yield the floor.

Mr. SARBANES addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, I am pleased to join with Chairman D'AMATO in introducing the Federal

Transit Act of 1997 and the Transportation Equity Act as part of reauthorizing the Intermodal Surface Transportation Efficiency Act of 1991, what is characterized as ISTEA II. I want to commend Senator D'AMATO for his leadership on this bill and urge my colleagues to support this important legislation.

The Federal Transit Act of 1997 continues for another 6 years the program structure established in ISTEA in 1991. It takes the total funding for Federal transit programs, all Federal transit programs, up from $31.5 billion for the 6 years under ISTEA I to $41.3 billion over the next 6 years.

Adoption of the budget agreement for transit continues the important 4-to-1 funding relationship between highways and transit that was incorporated in ISTEA. Actually, that ratio has existed now since the early 1980s, during the administration of President Ronald Reagan, when we raised the gas tax 5 cents. Four cents went to highways and 1 cent went to mass transit. We have managed, subsequently, to maintain that 80/20 ratio with respect to the allocation of the gasoline tax.

The additional funding provided for in this legislation is critical to address the demand for transit in all regions of the country. The Department of Transportation reports in the newly released 1997 Conditions and Performance Status Report on the Nation's surface transportation system that we need to spend almost $10 billion every year just to maintain existing transit conditions.

Enactment of this bill will at least take us a good part of the way toward meeting the goal of maintaining current conditions on transit systems nationwide. It doesn't really take us far enough out to address the question of improving the conditions and performance of the transit systems.

The bill and the budget agreement increase the authorization levels for discretionary capital grants of formula programs to new levels. Funding for urbanized areas, for rural areas, for the elderly and persons with disabilities, the bus capital program, the fixed guideway program, and new starts are all covered under this legislation.

The new levels should, hopefully, provide an important boost to much-needed transportation services in all parts of our country. Transit investment is critical to achieving the full implementation of the Americans With Disabilities Act. Enactment of this legislation strengthens the important Federal commitment to a national transit program.

Building on the flexibility in ISTEA, the bill ensures that local decisionmakers continue to have the necessary tools to make balanced transportation decisions based on local needs. There is a new emphasis in this bill on giving transit operators greater flexibility to use transit formula funds.

The definition of capital is expanded to include preventive maintenance activities. These changes help ensure that the Federal investment is properly maintained and encourages the development and deployment of new transit technologies. In this legislation, small urbanized areas, those between 50,000 and 200,000 population, will gain the flexibility that rural areas already have. This is a flexibility that is already provided to rural areas of the country; namely, to use their formula funds flexibly for either capital or operating assistance. In other words, they won't be divided into categories in this respect. This change should help to offset the reductions in the operating assistance that various areas of the country have faced over the past 3 years.

In combination with the expanded definition of capital, which I referred to above—expansion includes preventive maintenance activities—this new flexibility will benefit all transit operators in those communities.

The transit bill also includes an additional $600 million over 6 years for a new access-to-jobs program that is designed to improve transit services for welfare and low-income individuals to get to and from jobs. Actually, one of the greatest obstacles welfare recipients face in getting jobs is getting to the job. Making public transportation more accessible ensures that people can move from welfare to work.

This legislation follows the path broken by ISTEA in placing emphasis on regional planning and flexibility to allow each area of the country, whether rural or urban, east or west, north or south, to use Federal transportation dollars, along with matching State and local resources, to develop the best mix of highway and transit systems to meet local infrastructure needs. It seeks to level the playing field so that local decisionmakers can make those choices, in effect, on an equal basis.

ISTEA gave us a balanced, multimodal approach to designing and constructing transportation systems, quality systems that reduce congestion, reduce air pollution, conserve fuel, improve efficiency in the movement of people and goods, contribute to the economic well-being of our country nationally, and help us compete more effectively in the global economy.

The legislation that is now before us continues that balanced approach to the development of an integrated and intermodal transportation system. Now, I don't think there is much argument that transit is critical to our overall economy. It's especially essential to our ability to sustain and revitalize the great metropolitan areas of the country.

In many areas, transit systems provide basic mobility for people of all ages and abilities. As an increasingly larger proportion of our population ages, we need to ensure mobility for active seniors who can no longer drive. I really want to stress that point. This is a very important matter. Various senior groups have actually been to us underscoring how essential transit is in terms of meeting the needs of our senior citizens.

Clearly, transit systems link people to jobs, to medical care, to shopping and other essential services. They are particularly crucial to lower income Americans who have no other alternative to reach their jobs. Making public transportation more accessible ensures that people can move from welfare to work.

Now, let me turn for a moment to the interrelationship between effective transit systems and the environment and dealing with the challenges we confront with respect to our environment. Congestion and air pollution are two major headaches that we confront every single day, whether or not we drive. Increased use of public transit is critical if we are to reach Clean Air Act goals in areas with significant noncompliance. In fact, many of the gains that have been already achieved under the Clean Air Act are now in jeopardy unless there are viable transportation alternatives. Air pollution constitutes a major public health threat, and careful scientific study has shown that the danger posed by air pollution to health is more pervasive than scientists previously thought. In fact, the American Lung Association estimates that the national health care bill for air-pollution-related illness is $40 billion a year.

In many areas of the country, transportation actually is a major creator of air pollution for both ozone smog and particulate matter pollutions. Whether it be diesel trucks or gasoline-powered vehicles, they contribute to that problem. One way, of course, of reducing this problem is for people to make greater use of our mass transit systems.

Secondly, congestion is imposing significant costs to the economy and wasted time and fuel as drivers are simply stuck in traffic. If we did not have public transit, there would be a minimum estimate of 5 million more cars on the Nation's roads, requiring 27,000 more land miles of roads. Last year, the Texas Transportation Institute released its 10th annual report on congestion in 50 urban areas. Research showed that commuters in one-third of the Nation's largest cities spend more than 40 hours a year in traffic jams, and they estimate that the gridlock costs the Nation over $50 billion a year.

Use of mass transit systems is on the increase. In the third quarter of 1997, transit ridership increased by 2.6 percent over the same period in 1996. Actually, the total number of trips taken on all modes of public transportation from July through September of 1997 exceeded 2 billion. More than 50 million more trips were taken on transit during this period than during the same time the previous year.

Third, transit means mobility. According to the Federal Transit Administration, over 10 million Americans use transit each working day, and another 25 million use it less frequently but on a regular basis. Public transit provides these commuters with an affordable and convenient transportation option. Mobility is important in all parts of the country in urban, rural and small town America. This legislation seeks to contribute to an improvement in transit in all parts of the country.

Finally, transit is an important contributor to economic development and job creation. Observers from across the political spectrum recognize that quality transit investment, whether bus or rail, makes good economic sense.

In "Conservatives and Mass Transit: Is It Time For A New Look?" Paul Weyrich and William Lind state that transit serves important conservative goals, "including economic development, moving people off welfare and into productive employment, and strengthening feelings of community."

Public transit is also about jobs—creating jobs and connecting people with jobs. Increasingly, employers see the benefits of locating their businesses near a transit line for employee access to work, for reduced need for parking facilities, and for the economic benefit from commercial development around transit stations.

Mr. President, a balanced, integrated national transportation network is essential to improve the economic productivity and quality of life of all Americans. Public transit is a vital part of our intermodal transportation system. We must continue to invest to both maintain existing transit and to build the necessary infrastructure to meet growing, unmet demands for quality transit systems.

ISTEA has worked well for transit, and that has brought many benefits to our States and to the country. Passage of the Federal Transit Act of 1997 will keep America moving forward well into the 21st century.

Therefore, I am very pleased to join with Chairman D'AMATO to continue a strong Federal transit program as we reauthorize ISTEA.

I urge my colleagues to support this very important legislation.

PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent that Loretta Garrison, of the Committee on Banking, Housing, and Urban Affairs, be permitted access to the floor during the consideration of S. 1173 and S. 1271.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

Mr. SARBANES. Mr. President, I want to address very briefly the matter which my distinguished colleague from New York was addressing just before I took the floor, because apparently it now appears, unfortunately, that we are going to have a squabble over regional allocations of transit money. The transit program has always been based on need. We have tried to structure the program in such a way that it responds to need, whether it is in the urban areas, the small metropolitan areas, or in the rural areas of the country. If we get into a sort of, "well, I need to get back what I put in" mentality, this can be carried to an extreme.

My State, for example, is a high taxpayer to the Federal Government with a high per capita income. On any chart we put in, we are right up in the top handful in terms of what we put into the Federal Treasury. We don't get, to use an example, much from the agricultural subsidy program—from the various stabilization programs for agriculture. I, in fact, have supported those programs in this body, responding to the appeal of my colleagues from the farm States that it is essential to the economies of their States and, indeed, essential to the economy of the Nation.

I think a strong agricultural program is essential for America's strength, just as I think a strong transit system program is essential to America's strength. But I have not approached that issue on the basis that I should get out of the agriculture subsidy program a relationship to the money we are putting into the Federal Treasury. I am willing to take that issue on its own in terms of the need to have the program. I think if you are going to have a united nation, you have to have a certain amount of that attitude.

We have already been through a revision of the highway formula that has markedly shifted the percentage shares distributed under that formula to the Western and Southern States, and we recognize the arguments that are made for that. That change is taking place in other sections of this legislation.

I, for one, would be very much opposed to departing from the needs criteria in addressing the transit systems. We are trying to meet, in effect, national transportation needs. The extent of that, of course, varies in different parts of the country. We structured legislation to try to ensure that a reasonable amount of resources go into each part of the country. But we have not structured it on the basis of, in effect, you get back something that is related to what you put in. As I said, if we go down that path, there are any number of programs that we are supportive of that are not done on that basis. And I think Members, if they stopped and thought about it for a bit, would reach the conclusion that it would not be advisable to have that approach.

So I hope these matters can be dealt with in a spirit that recognizes the national interest that is involved in these transit system programs and that maintains some sense of equity as between highway and transit moneys, which I think is essential—that sense of equity is essential—if we are going to develop a balanced and integrated national transportation network.

Mr. President, I yield the floor.

Mr. ALLARD addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, first of all, I would like to commend the chairman of the Banking Committee, Chairman D'AMATO, for all of his hard work on the issue of mass transit and the authorization legislation.

I have listened with interest to some of the comments both of my colleagues have made here on the floor, and what they say is true in many regards—that we have some real needs in urban metropolitan areas; we have real needs in regard to congestion; we have real needs in trying to deal with the problems of air pollution; we have real needs in trying to deal with the elderly and how they are going to get back and forth to meet their needs of everyday living.

I have been working with Senator ROD GRAMS for an amendment on six guideways and the new-start amendment. All it is dealing with is new dollars that will be going to fix guideway systems. We are talking in this amendment about a third of the dollars that actually go into mass transit.

The State that I come from, Colorado, maybe falls into the classification of a rural State, but the fact remains that many States like Colorado are experiencing tremendous growth. We are not having a rural problem; we are having urban problems. We are having problems with air pollution. We are having problems with congestion and how people are going to get back and forth to work in a timely manner.

So those problems that many of the larger communities of our country have experienced for many years we are now beginning to experience while moving into a new century. People are looking to the West, and they are looking to the South to retire. They are becoming used to using a lot of these fixed guideway systems. So they are moving to States like Colorado. Maybe they are moving to Arizona, California, Florida, Southern States because it is warmer weather, it is a good place to retire. Consequently, many of the communities that were small are now experiencing growth problems and are experiencing traffic problems in trying to meet the needs of their citizens.

I have many communities on the front range area of Colorado. That is the area that is just east of the Rockies. The Denver metro area runs all the way from Pueblo, CO, and Colorado Springs, there is a Denver metro area, then north to Boulder and Longmont and Fort Collins. This is an area that extends for about 120 miles. There is a lot of growth occurring in these areas. These communities are looking at ways of how they begin to move traffic off of roads where there is a lot of congestion and where they are dealing with some serious air pollution problems. They want to clean up the air in Colorado. We are privileged that we live in a beautiful State. We want to see it remain that way.

If we can have a fair option, at least, of trying to tap in on some of the money for new fixed guideway systems and new starts, then it gives these communities an opportunity to begin to plan and to begin to become a part of the formula so that mass transit dollars can become available for those communities.

As a member of the Banking Committee, I would like to recognize that the chairman has fought hard for more dollars for mass transit. Because of his effort, obviously, we are all going to benefit from it.

I would also like to thank ROD GRAMS, who is also a member of the committee, who has been working with me, who is from Minnesota and who is cosponsoring my amendment, for fighting hard to try to get the committee and get the Senate to recognize that as we move into the next century things are changing, that there are States that are beginning to experience urban problems, and they need to have some solutions that may be available through new mass transit projects and need to have an opportunity to access these dollars.

I have worked hard to see that Colorado and similar States get a fair return on their gas contributions to the highway trust fund. Now I am going to work hard to make sure that there is a fair return as far as mass transit dollars because we are moving into a new century. Many of these States that in the past have not had a need for these dollars now find the need to resolve some of their urban problems that are developing. These efforts, I think, become particularly important in the context of additional funding that appears to have been secured for mass transit.

The obvious question is which States are going to get this additional money? Is the money going to be distributed under the same formulas in place up to now, or will there be a fair allocation of new funds?

I would like to talk a little bit about the Allard-Grams amendment, which I think is a very straightforward amendment. It simply states that any new money in the Fixed Guideway Modernization Formula, and the New Starts Program, will go to new transit systems. We are only talking about a third of the mass transit dollars. This is not a minimum allocation amendment. It does not require any set allocation to any State. This amendment would specifically address two of the mass transit programs and requires that new funds go to new systems. All of these transit projects would have to meet the criteria that are currently in law for funding under these programs.

Mass transit is funded with both gas tax funds and general funds. Currently, 2 cents of the gas tax is allocated to mass transit, and under the recently approved budget agreement that is going to rise to nearly 3 cents. Obviously, there is a lot at stake here for the future.

Certain areas of the country have done very well under the current system, but some of the disparities, I think, are very striking. From 1992 through 1997, my State received only 50 percent of the return on its gas contributions to mass transit, and many States get far less. This current year, 1998, was actually the first year that my State did well in the program. While I am obviously hopeful that this will continue, it is very important to lay the groundwork to make this happen.

The funding disparities are striking in some of the mass transit programs. One of the two programs that this amendment addresses is the Fixed Guideway Modernization Formula. Up to this point, 90 percent of the funds, that is, under current law, 90 percent of the funds have gone to 11 cities that are specifically designated in the formula. While the committee bill alters this somewhat, it ensures that the lion's share of the Fixed Guideway Modernization Formula funds will continue to go to 11 statutory cities.

This is an authorization bill for the 21st century. It takes us through 2003. It is, therefore, very important to recognize that the urban growth in this country is occurring in the West and in the South. If Federal programs are going to be effective, they need to shift with the times, and the high-growth regions of the country are going to have the greatest justification for new mass transit dollars. The Allard-Grams amendment would afford the Senate the opportunity to look at how a portion of the mass transit money is being distributed.

As noted, the amendment addresses the Fixed Guideway Modernization Formula and the New Starts Program. We selected these two programs because they have, up to this point, been funded entirely by gas tax revenues. These two programs combined constitute about one-third of the mass transit dollars—only one-third of the mass transit dollars. I make this point for a simple reason: This amendment is not an attempt to reallocate the entire mass transit funding system; this amendment is only a modest first step towards equity for those areas of the Nation that are experiencing the greatest degree of population growth. Even with the changes proposed by this amendment, a small number of cities will continue to do very well when it comes to mass transit funding. Our amendment simply requires that new money, money above the 1997 funding levels, will go to new transit systems. Old transit systems will continue to receive what they received in 1997. The difference is they will not continue with such a large, disproportionate share of new funding.

The problem is most glaring in the Fixed Guideway Modernization Program. This formula program funds everything from underground rail to light rail to bus shuttles and even HOV lanes. While 45 cities currently receive some funding under the program, it has historically allocated 90 percent of funds to 11 cities. I would like to ask the Members of the Senate here to view a chart with me that demonstrates the unfairness of the formula up to now. This is under current law. In this formula, we have 11 statutory cities that are getting 90 percent of the dollars in the Fixed Guideway Modernization Formula. The other 34 cities are getting 10 percent. That is current law.

I would like to recognize the chairman's efforts. Realizing that there is a problem there, he has tried to do something in this bill. We should not forget that all transit systems have modernization needs. In fact, when we refer to the 34 new systems we are speaking only in relative terms. Before any system even qualifies for Fixed Guideway Modernization Formula funds, it first must be in operation for at least 7 years. In our part of the country, that is getting out of the realm of a new system, if they have been there for 7 years. Many parts of the so-called new transit systems are even much older than that.

Obviously, the 11 cities have the largest systems, and generally the oldest systems. One would expect them to get a large portion of the money. I concede that. However, I think most would agree with me that 90 percent is excessive. The committee bill does begin to address this past disparity. I bring up a chart to show where we are as far as the committee bill is concerned. Again, I compliment the committee and our chairman for his work in this regard.

This is, again, the Fixed Guideway Modernization Formula and what happens at $1 billion of total funding. Eleven of the statutory cities in this one program, under the Fixed Guideway Modernization Formula, will get 83 percent of the dollars; 17 percent is then divided among these 34 other cities. Even with the committee bill, we see there is a split of 83 percent for the old and 17 percent for the new at the $1 billion funding level. If it is less than that, obviously the 11-cities' statutory amount is going to be protected and there will be even fewer dollars available for these 34 cities as we move below the $1 billion level.

Let me explain how our amendment would change the way it is now, in the current bill. First, we leave the current Fixed Guideway Modernization Formula in place up to the 1997 funding level. So 90 percent of those funds would continue to go to the 11 statutory systems that receive these funds now. This would continue in each and every year; however, the amendment provides any amounts above the current funding levels would go to new systems.

Mr. D'AMATO. Will the Senator yield for a question?

Mr. ALLARD. I yield to the Senator from New York.

Mr. D'AMATO. I want the Senator to know that I absolutely understand the equity and the justice which the Senator seeks. There is no denying it, under the old formula as it related to rail modernization, fixed rail modernization, that those communities that heretofore did not have a system would not have moneys allocated to them. That is why we attempted to structure—and this gets a little complex, but I think the Senator knows this, and probably even to a far greater degree than the Senator from New York. I commend the Senator from Colorado for a thoughtful approach to dealing with this inequity. What the Senator is saying to these 11 cities is: Look, you have been drawing down, traditionally, X dollars. Let the program operate that way and let those additional funds over and above be allocated to the other areas of the country which have not been drawing those funds. That is the essence of the Senator's amendment. Is that a fair characterization?

Mr. ALLARD. With only one little modification I would make to that, as far as new starts are concerned. We are talking about new, the new part of the formula, where communities are trying to get started into mass transit. Because we see the solution for some of their community problems. Yes.

Mr. D'AMATO. Certainly. So now I have to say to my colleague that that would appear unfair, and I think there is something to be said for recognizing a basic situation that should not continue as we have new growth throughout the regions of our country. I think the Senator's State is one that goes right to that. There is tremendous growth in the Denver area and other areas where heretofore mass transit was never looked upon as a necessity, or something that was on the minds of people. Now, moving college students or senior citizens or others from the suburban region into the business districts, back and forth, becomes important, whether it be by way of bus, light rail, et cetera. That is why the committee attempted to deal with this, and I commend the Senator for a balanced presentation of his amendment, because he took time out to recognize that the committee attempted to deal with this by making available those funds over and above the previously allocated level, $760 million annually, available to the communities that heretofore have not shared in that.

It may be that in that distribution of funds the Senator from Colorado could differ with us, because what we have done is recognized that these systems that are in existence need continual refurbishment, and there are billions of dollars being poured in from the State and local governments. Indeed, my State allocates at least 50 cents for every 50 cents that comes from Washington. It matches it. Indeed, in many projects it overmatches, it puts much more than that in because they have allocated, by way of the transit box and local revenues, these funds. It becomes so critical.

I might say, and I am giving an approximation, 30 percent of all mass transit riders nationwide are in New York. We draw down considerably less in the way of all of the transit dollars. We do not overdraw in terms of the numbers of people moved, nor do we put in the application of local tax dollars that go into these systems. In a minute I am going to give you the exact number.

We have the lowest subsidy in the Nation per rider; that is 34 cents. If we are going to take a nationwide average, it is 64 cents per rider.

I just say this so we get a balance. Why do we need a balance? Because if we are going to get into the situation of saying 11 cities draw 80-plus percent, or 90 percent of the funds, we have to look at what are the numbers of people being moved and what is the percentage in terms of people being moved and their contribution and moneys coming back from the Federal Government. I do not have the number yet but I think it will be an interesting one, and I should have it. We are looking to get it—in terms of how many people are being moved.

And I would venture to say that we are probably moving more than two-thirds of the Nation's mass transit riders in those 11 communities. Now, having said that, those are more than communities, they are regions—regions—because when we talk about New York, it is servicing Connecticut, it is servicing New Jersey, as well as all New Yorkers.

When you talk about the transit system of Chicago, for example, it takes in a huge expanse. It is not just the 3-and-a half-plus million people in Chicago, but all of the outlying areas—that is, regions. So I think we have to think about this. And if you take the Philadelphia transit system, again, people from Delaware, people from New Jersey, as well as the Pennsylvania region come in.

In no way am I attempting to diminish the Senator's argument—or not even argument but presentation—to say, look, as it relates to the newer funds, we want those over and above what have been traditionally put forth, and an opportunity to have a more significant sharing of the revenues. The Senator did point out that in this bill, for the first time, we have provided that—maybe not to the Senator's standards or to that which you would think would be fair, but we have provided that new-starts funds over $1 billion, above what we have provided, will be shared on a 50-50 basis, recognizing that these 11 areas that now serve—I will get that number; but let us use a number—at least 70 percent of the Nation's transit riders. And I think that is a number that is fairly accurate. They will continue to have a need to modernize. They will continue to have a need to make the kinds of improvements that are so desperately necessary.

Some of these transit systems are 100 years old. So, consequently, if we do not provide additional revenues to these starts, we are going to have great difficulties in the maintaining of these older systems.

So while my colleague makes a good point—and I notice the Senator from Minnesota is here, Senator GRAMS; and I know he is working with you on this—while there is every reason to logically say, you have to provide for our needs, we started to do this. I take great pride in that. And our bill prior to your coming to the floor and prior to our markup last year, we did provide for a fairer, better allocation. It may be that it is not enough.

But let me simply say this to my colleague, that it would be, in this Senator's opinion, unacceptable—and this is important because it goes to the heart of where I am coming from—it would be absolutely unacceptable to say to 70 percent of the mass transit riders, to the communities that carry 70 percent of the mass transit riders, that as it relates to additional funds, you cannot have any more. Now, just as it would be unreasonable for us to cling to the old formula, it would be unreasonable to say, as it relates to additional funds, you cannot have any.

What I am saying to my friends and colleagues, to both of you, is, please, let us sit down, and make your presentations, because I do not argue against the thrust of what you are going to say, that you want some of these resources, and see if we cannot work on a system that will do fairness to your position and yet recognize the necessity of having an increasing dollar allocation to these old systems that are moving tens and tens of millions of people and do need these additional funds.

That is where this Senator is coming from, not coming from, "It has got to be my way or this way." But let us look at it in that way. If we can, I believe we would have the ability to serve the needs of our own communities. I recognize that. There is no one who fights harder and sometimes has been accused of parochialism for the people of his State than I, so I recognize when my colleagues have that interest and good intent for their States. But let us see if we cannot do it in that manner, where we really do the best we can with the limited resources. And I am very willing to sit down and talk to them.

Mr. ALLARD. Will the Senator yield?

Mr. D'AMATO. Certainly.

Mr. ALLARD. I appreciate your willingness to work with us on these issues. And like the Senator from New York, I am not inflexible; I want to recognize the problems we have in these areas and be sensitive to that. All I am asking is that the Senate and the chairman and everybody—and I believe you are doing this—think a little bit about what is happening demographically as we move into a new century, and what has happened to those populations in other parts of the country that are going to be facing some of these problems you have been dealing with for many years. In fact, people from my part of the country, I hope, would consult with people from your part of the country in dealing with these problems, because these are new problems for us.

There is a tremendous amount of commitment from the local communities in Colorado. They are willing to make commitments to more than pay for their fair share of the mass transit programs. They are not looking for a lot of Federal dollars, but they would like to have a little bit of help. They are willing to commit a lot of local dollars to these programs, even despite the fact that, these are programs that are paid entirely by gas tax dollars. And so in a way, they feel that, well, we spent this money on these gas taxes with the use of our cars and trucks. They have been paying for these in some ways because they have been buying fuel for their vehicles. So they feel that they do not want to be left out of the system.

I would just like to show what our amendment does, the Allard-Grams amendment on the fixed guideway. It actually changed the formula for 68 percent for 11 statutory cities and then 32 percent for the other 34. And there is some difference of opinion as to where that fair level is. But, like I said, we are willing to be sensitive to your needs. I appreciate the chairman's willingness to be sensitive to our needs. But I would like to explain the second part of our amendment which addresses the New Starts Program.

Here our amendment, once again, addresses only new money, and we do not take any money from projects already receiving funds from fully funded grant agreements. And why is this amendment necessary?

Well, Mr. President, one might assume that the term "new starts" means that money allocated through this program must go to new transit program projects. Actually, new starts are currently defined very broadly, and much of the money goes to additions on the same old systems that receive most of the fixed guideway money. And the Senator from New York pointed out those needs.

Under the Allard-Grams amendment, all money above the 1997 funding level would be set aside for new projects. We define "new projects" as entirely new fixed guideway systems or additions to fixed guideway systems that have been in revenue operation for 15 years or less, which is different than current law which says that they have to be in operation at least 7 years.

Again, this change would not greatly alter the current system, but it would set some important benchmarks for where we would be heading in the 21st century. As I noted earlier, the amendment would not alter the process for selecting worthwhile projects. Both Congress and the Federal Transit Administration would continue to determine which projects have merit and fund them accordingly, and which projects the local communities would be most willing to contribute to to make sure it happens from locally raised funds.

Currently, there are dozens of potential new starts located in States throughout the Nation. Unless we more carefully earmark funds specifically for new systems, these projects will continue to wait for many years.

Now, this amendment is an important change, and its impact grows with each year. Those older systems will continue to get a very generous allocation, in my view. However, the new systems in the fastest growing regions of the Nation will be able to claim a growing portion of the funds.

Now, I have not moved my amendment at this time, and I am not going to at this time, because I want to continue to have this dialogue on the floor with the chairman of the Banking Committee. But there are some very important issues here that I think we need to begin to think about in getting this country ready to address problems that will be coming up in the next century.

So I now yield to the Senator from Minnesota, Senator GRAMS, who is a cosponsor on this amendment with me. And I would like to recognize the contributions he has made both to the Senate and to this issue of transportation, particularly mass transit.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Thank you very much.

Mr. President, I am pleased to join my friend and colleague from Colorado in support of this amendment, the Mass Transit Capital Investment Grants and Loan Program of the ISTEA II bill. I am very pleased that dialogue has been going on recognizing the needs of the 11 core, or old, systems and also looking at the needs of the future of the 34 cities and others to come on line and how they are going to be able to receive the funding they are going to need to handle the mass transit needs they are facing today and in the very immediate future.

So I am very glad to see at least the dialogue is going on to begin the process of changing the current formula to take into consideration and into account both the needs of the existing systems but also the growing needs of growing systems as well. So I commend both Chairman D'AMATO and also Senator ALLARD for their work on this.

In recent years, Minnesota has received, Mr. President, less than a 20 percent return on its gas tax contributions to mass transit, and many States have received even less. Through the Allard-Grams amendment, I seek to ensure that Minnesota gets a fair and equitable return on its gas tax contribution.

Now, we do not have the ridership on mass transit because we do not have the mass transit. If we do not have the mass transit, we cannot move the number of people, we cannot get into the formula argument of how many—70 percent, et cetera—people move on these existing systems. So there has to be a formula to ensure an equitable return to make sure these cities, such as the Denver or the Minneapolis-St. Paul area, have the funds to be able to invest in their transit needs.

Now, section 5309 is entirely funded by the gas tax, and it provides nearly half of our Nation's mass transit dollars. We intend to amend this program to provide an equitable and fair distribution of transit dollars to new systems. These are systems in areas where the rising population dictates the need to resolve traffic congestion through mass transit options.

As the Senator from Colorado has indicated, the amendment consists of two program changes. First, we make a change in the Fixed Guideway Program, and second, an improvement in the New Starts Program. Now, unless the Senate bill is amended, the vast majority of section 5309 will go to existing transit systems only. If mass transit programs are to be effective, well, then, the funding needs to go to the cities in regions of our country that are the fastest growing and drastically need this transit funding.

In 1997, fixed guideway systems were funded at the level of $760 million in modernization funds. This was distributed on the formula of 90 percent to the 11 "old" or "statutory" systems, and only 10 percent went to the 34 "new" systems. The committee title alters this somewhat, but most of the funding for fixed guideway funds will continue to go to the 11 statutory cities.

Now, let me make one very important point. This amendment does not alter the current level of funding for the 11 old systems. It merely requires that of all the new funding above the current funding levels of $760 million for 1997 go to the new transit systems. These new systems include the 34 new systems that now receive funds and any additional systems that meet the threshold requirement of 7 years of revenue operation during the 1998 through the 2003 year period.

Just let me list the 34 new systems that would receive increased moneys from this amendment. They include Los Angeles, Washington, DC, Seattle, Atlanta, San Diego, San Jose, Providence, Dayton, Tacoma, Wilmington, Trenton, Lawrence-Haverhill, Chattanooga, Baltimore, Minneapolis-St. Paul, St. Louis, Denver, Norfolk, Honolulu, Hartford, Madison, San Juan, Detroit, Dallas, Sacramento, Houston, Buffalo, Portland, Miami, Phoenix, Jacksonville, West Palm Beach, Fort Lauderdale, and Tampa.

Of course, this list will continue to grow as other cities come on board in the future years once they meet the existing threshold requirement of 7 years of revenue operation. By the year 2000, the Allard-Grams amendment would direct 24 percent of fixed guideway modernization funds to go to these new cities. Even under our amendment, the vast majority of funds would continue to go, again, to the 11 "old" systems. And that is still a very generous allocation of these resources.

The New Starts set-aside for projects for new transit systems is defined as projects for completely new fixed guideway systems, or extensions to existing fixed guideway systems placed in revenue service for 15 years or less.

The amendment would ensure that growth in the New Starts program is directed at assisting new transit systems. Also, another important point to make is that this amendment would not alter the process for selecting worthwhile projects.

Both Congress and the Department of Transportation would continue to determine which projects have merit, and fund them accordingly. There are no earmarks or language that would direct the funds to our states. While there are additional monies that have been added to the new starts program, the Transportation Appropriations Committees would still need to decide which new start projects to fund and at what levels to fund these projects.

Keep in mind that both the Fixed Guideway Modernization and New Starts program combined constitute less than one-third of the mass transit dollars. Even with the changes proposed by the amendment this small number of cities will continue to do very well when it comes to mass transit funding. Our amendment is a small step toward ensuring a minimum degree of equity to regions in our nation that now have the greatest growth. I urge my colleagues to support our amendment.

Mr. President, I would like to take this opportunity to recognize the importance of the ISTEA II bill and thank the floor managers for their efforts to report out very comprehensive and difficult legislation that is vital to all our states. The Senate's ISTEA II bill represents the result of intense negotiations between Chairman CHAFEE, Senator WARNER, and Senator BAUCUS, each of whom have represented three different legislative approaches to the reauthorization of ISTEA.

I want to again thank them for the work they've done to bring this bill to the floor. The citizens of my home state of Minnesota strongly support a 6-year reauthorization bill funded at the highest levels we can. This must be one of our top priorities in this session, and I hope we can soon reach a time agreement to facilitate its passage. I know we have only considered a few of over 200 amendments, many of which are nongermane, to this bill.

As we are all painfully aware, the short-term ISTEA reauthorization bill expires March 31, 1998. After May 1, states will be prohibited from obligating any federal highway or transit funds at all. Although the money has been appropriated, it cannot be spent.

This makes it especially difficult for a cold-weather state such as Minnesota to fund construction projects for the summer and fall construction seasons. That is why we must pass a 6-year reauthorization bill, rather than merely extending it for another 6 months. Again, on behalf of Minnesota constituents, I ask my colleagues to allow this bill to proceed rapidly. I am pleased that an agreement was reached on transportation spending in order to move this bill forward.

I'm glad that we will now be able to spend the 4.3 cents per gallon federal gas tax that was moved from the general budget to the Highway Trust Fund in the Balanced Budget Act of 1997. I was pleased to be a supporter of the effort to use the 4.3 cents for its intended purpose of fulfilling our nation's transportation infrastructure needs and obligations. This will mean that federal highway spending will be increased by some $26 billion over the next few years.

With these extra funds, the bill's authorizations for roads and bridges jumps from $145 billion to about $173 billion. We will now be able to guarantee states at least a 91 percent return on their gas tax payments to Washington. For Minnesota, this additional spending will result in an average increase of $47 million per year. The bill would also increase Minnesota's average share by over $129 million per year above the 1991 authorization.

But most importantly, I want to commend Chairman DOMENICI for his commitment to find real offsets to this new spending so we do not break the spending caps in the 1998 balanced budget agreement. Mr. President, while I was pleased with the spending agreement, I am concerned about the additional spending for new programs that was negotiated as part of this agreement.

As one who has supported an amendment in the past to reduce the level of funding for the Appalachian Regional Commission, and require that the Commission provide a specific plan for future downsizing, I am particularly concerned about the extra $1.89 billion for the Appalachian highway system. I was disappointed that some Senators would seek to add earmarks for their own states, when all states would benefit from the additional funding. The earmarks have increased the total funding amount—and expected and necessary offsets will undoubtably hurt other states such as mine in unrelated areas, including possible tax increases.

Mr. President, the short-term extension of ISTEA is approaching its expiration. We need to go forward and approve a new highway reauthorization bill that is fair to states and consistent with our five-year balanced budget agreement as well.

I yield the floor.

Mr. ALLARD. I thank the Senator from Minnesota for his very fine statement. I have no further comments and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, let me address the question, because my colleague has been very persuasive. When you give a picture with 11 cities getting 90 percent of the transit moneys for mass transportation—about that, or 80 some-odd plus percent for the 11 regions; and I really think they are regions that receive most of the rail modernization, three quarters of the people—so where do you put the money? I don't say this to diminish my colleague's argument in terms of providing funds for those regions which are now developing needs because they have become high-growth, fast-growth and therefore they want to begin to have the people movers. They want to move people, get them off the roads. They want to partake of this program. That is not an issue.

We will come into conflict with people who say all additional moneys, all new moneys for rail modernization shall go to cities that heretofore have not participated. Then what you are saying is that those communities that are now moving hundreds of millions of people, 1 billion plus riders annually—that is a lot of people; a lot of people going to work—thereafter additional funds can't be used to modernize to keep these systems operational.

Now, are we saying they have a fixed cost and that their costs don't go up; that they don't have a need for additional funds over and above the levels they have been traditionally receiving? Of course not. That is like saying you can spend the same amount of money to maintain the Nation's highway systems and roads every year, and since you have been getting money, you don't need any additional money over and above. That is silly. The fact is that costs do go up and they are going up. The main thing, as these facilities become older, particularly where you have transit systems that go back 75, 80, 90, 100-plus years—that is why we call it rail modernization and fixed guideway systems—their needs will absolutely be greater than new systems coming in.

So to simply say that any moneys over and above what they have traditionally received should now go to those who heretofore have not participated is not something that this Senator could accept. I don't pretend to speak for my colleague, the ranking member, the senior Senator from Maryland, but I am quite sure that Senator SARBANES would have to take that same position, and all of my colleagues who represent these 11 regions would similarly find themselves in a position to say, "Are you saying that notwithstanding you are provided more money, new money for rail modernization, because we are an older system, we are not going to get any of that money?" It is on that basis that I have to oppose my colleague's amendment as put forth.

However, I want my colleague to know that I am not unwilling to look at an alternative, to say, can we provide funding that will recognize the needs of these other communities that historically have not participated? That is the art, then, Mr. President, of attempting to deal with an issue that will provide equity and fairness for the present system and for those who wish to start systems.

I see my colleague and friend, the distinguished Senator from Maryland, rising, so I yield the floor.

Mr. SARBANES. Mr. President, I agree with the distinguished Senator from New York, the chairman of the committee.

There are just a few basic points I want to make. First of all, I think all of us owe a significant measure of appreciation to the chairman of the committee for his efforts interacting with the chairman of the Budget Committee to find additional money for transit programs.

In other words, a real effort was made here to get more money into the transit programs to help address the various needs of people.

Secondly, on the fixed guideways, the committee itself, in consultation with the public transit groups across the country, made an adjustment in the workings of that formula so it is not as though we are oblivious to some of the problems that have been raised here on the floor. We try to make adjustments to take care of them.

Thirdly, it is very important to understand that about three-quarters of the riders are in those cities. So there is a relationship between where you are putting the money and where the ridership is. This gets complicated because more and more cities now want to come on line with transit systems. The additional money that the chairman and those of us working with him have been able to gain for the transit programs will help to make that possible.

Now, the distinguished Senator from Colorado said that this last year, he thought his return had jumped significantly. As I understand it, there is a full-funding agreement for the transit system in the Denver area so that the payout is beginning on that system. One of the problems you have here—and people have to understand this—the transit systems have to be funded in discreet jumps. You can't do it just a little bit everywhere each year because that doesn't give you enough money to build your transit system. In order to build a transit system, the transit systems have to work with the Department of Transportation to get a full-funding agreement, and then there is a commitment. So you get a jump, a discreet jump, in the amount of money coming in to build your system. You have to do that with each system that is coming along. If you just give a few extra dollars in each place, you can't build a transit system with that little money.

Now, one of the problems, obviously, we will confront as we move along is more and more areas and regions recognize the desirability of a transit system, so they want to be part of the process. I am in favor of their being part of the process.

I fought very hard with the chairman to maintain the 80/20 allocation. If we had lost that allocation, I think our ability to have additional money for transit would have been very quickly on the downslide.

We know there are lots of needs. Members come to us. We understand that. We are trying to work with Members in order to achieve that. You can't look at one segment of the transportation funding without relating it to the other segments, not just within mass transit, but highways as well.

Now, the chairman's State and my State take a sharp hit on our percentage share of the highway money in this bill. We take a sharp hit on the percentage share of the highway money. Many of those who are now coming to us who were seeking to rework the transit formulas, in fact, were among the States that benefit very significantly by the reworking of the highway formula.

I am trying to look at it with a broad point of view. I recognize some of the arguments that have been made about the highway formula, although I had counterarguments I could make if you want to talk about miles traveled, congestion and all the rest of it. I can bring up a list of figures. The second most congested area in the country on highway traffic is right here in Washington, DC, as most of my colleagues probably realize as they seek to move around the area. But in any event, those adjustments are getting made, and we are recognizing that those adjustments are getting made. Now, even within the transit scene, it's clear that the new-start money is moving to new areas. Now, that simply is happening. I don't think the old areas ought to be "frozen out" of new starts because often they have to, as it were, extend their systems to accommodate the movement of populations further out into suburban areas.

We are trying to build systems here that work, and we recognize the needs of new areas. I think we have tried to be very responsive, as a matter of fact, in the committee to try to address the needs of new areas.

So I say to my colleagues that I think it's very important to try to take a balanced view. I think it's important for the Senate to try to come out with a balanced bill that represents a reasonable accommodation amongst all the interests that are reflected in the Senate, because the nature of the political dynamic is quite different in the House, if one stops and thinks about it for a moment. I think that if we have a balanced bill, it can become a kind of magnet point in dealing with the House. If our bill is seen as unbalanced, it won't be that magnet point, and the House people, I think, will obviously be seeking to move it to a new balance. So I think it is very important for us here to try to come with a new balance, and we are working hard to try to get that.

I made my point on the highway formula, and I don't intend to press it any further. But in terms of taking a broader view, I hope we can get a comparable response on the transit measures. But you have these older transit systems—actually, a system that is more than 15 years old may need modernization worse than any system in the country. You have to upgrade these systems. New York has upgraded its system, and it made an enormous difference in ridership and in the general acceptability of the transit system. So we understand the problem, and we are trying to work with our colleagues. We are trying to keep moving this process along. We really have worked overtime to try to get the additional resources to help ease the situation. And I think, having done that, although we have to carry it all the way through the appropriations process now, I think we are in a better position to respond to needs that Members have.

If we get into undoing all of these arrangements—it is a never-ending process—then I think we are going to confront a lot of difficulty. I appeal to all of my colleagues to recognize the complexity of it and recognize that the committee has been trying to deal with it. I think the chairman has bent over backwards to try to find ways to accommodate Members. But I certainly hope we don't make any sort of major, sweeping changes in the allocation because it's going to throw the balance completely off.

I yield the floor.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER (Mr. FRIST). The Senator from New York.

Mr. D'AMATO. Mr. President, I thank my friend and colleague, the ranking member, Senator SARBANES, for recognizing what we as a committee and our staffs have attempted to do in coming up with a bill that does not nearly meet the needs of all of our constituents because there are spending limitations. We are going to have a tough time. I can tell the Chair that we have a minimum of $15 billion-plus worth of requests for new starts. And I think if you were to look at them, you could probably—and I am not attempting to rank them; that is not my job. There is a procedure which does that, and I think they should be ranked, but as it relates to cost-benefit, numbers of people moved—I know when you look at the city of Denver, where my colleague comes from, there is no doubt that the program being advanced by the city and metropolitan region will be probably one of the highest ranked. But they are going to have to earn that ranking. But you can't have that kind of development and not believe that it's not going to be there.

Demonstrated need is the key. In fairness to my colleague, I don't want to imply that he is arguing for any change on that. I am simply saying that when we look at the numbers of applications that will be coming in, I have to tell you that there will not be nearly enough resources to do them all. I hope that, in the fullness of time, we will be able to get a better allocation for mass transit generally. I think we are being very, very myopic as it relates to the manner in which we are allocating resources nationwide. It is easy to put money in and justify for highways. It has a very strong base of support. That is undeniable. But something that is even more important, or equally as important, is when we look at our major urban centers throughout this country, we are going to begin to find in those fast-developing areas in the South and far West, as people migrate, you are going to have incredible problems, whether it be in Atlanta, Denver, Memphis, et cetera. As these areas build and develop, we are going to want to be able to move these people. Unless we provide the resources, it's not going to happen. So we have had a rather unbalanced—I think the last time we provided any moneys was in the legislation that I authored, and I had a tremendous battle, back in 1982. It authorized 1 penny out of the nickel to be set aside from gasoline for mass transit.

Let me say this to you. If it sounds like I am self-aggrandizing, I don't mean to. But, thank God, we were able to get those moneys set aside. I have heard more people complaining about that. What a myopic view. Where would some of the systems in their States be? They have come on rather recently, and they have applications for more, and I am talking about large States that have to move large numbers of people. Their representatives are complaining about that 1 penny set-aside. Well, what would you have then in terms of any type of new start or mass transportation? We would not be having this debate and we would not be having a mass transit bill.

Some people say, oh, we don't care, we don't need it, we don't want it. That is a rather narrow-minded point of view. So I have to say, thank God, we are at this point where at least we have limited resources that have been provided as a result of the 1 penny set-aside as opposed to no resources that we would have. We would not have any. So maybe we are lucky that the Senator, at this point in time, can come to the floor and say, "Listen, we want a better allocation on that." I don't fault him for that. I think he has real merit in his position of saying, "There is this need, so can't we do better?" I say to the Senator that I want to try to do better under these. I hope we can come to the floor some day, sooner rather than later, because the expressed, absolute need—by the way, we save lives. When you get people out of the automobiles in congested areas where sometimes they are stuck 30 minutes when coming through a bridge or tunnel, whatever, and put them on a modern system that moves them back and forth, you take out tons and tons of pollution.

We have one project that we are looking at in terms of removing 1 million trucks a year off of the roads between New York and New Jersey. It is a tunnel project. It is not part of this bill. They estimate that we will be able, as a result of this one tunnel, to save in the New York City region 3,000 lives annually—3,000 people who otherwise would be dying. That is not to talk about the incredible hospital costs that go into it, the hundreds of millions of dollars in terms of asthmatics, et cetera. That is just one little project.

We are talking about another one for moving 100,000 people a day who now have to make a cross-town transfer. They come into New York City on one side of the city and then have to transfer and go all the way over to the other side to get to their job, and then come all the way over again. They are talking about eliminating 12,000 taxicab rides a day. They are talking about saving $900 a year for 100,000 people who have to pay then to go back and forth. In terms of hours, it's about an hour a day for each one of these 100,000 people. So the man-hours can be saved.

The pollution that would result will be cut down, and the quality of life will be enhanced. These are the kinds of things that can and should be available to us. There is an underlying problem in this bill—a big one: we don't provide sufficient resources. We can't, unfortunately. There are the budget constraints. So, I think we all have to recognize that there has to be a little give and take on this thing. This is not going to be good for us if we have to make changes in terms of a parochial sense to take less. I think the Senator from Maryland stated it well. We get back a smaller percentage as it relates to the highway that we received previously. But we had to recognize that there are expanding areas and they need some money. I am willing to recognize that here. But I need some help in arriving at that, because there is an underlying deficiency. I might say to those colleagues who are going to say we need more, then help us and support us when it comes to providing additional resources for all of mass transit, so that we can see that rural America and urban America are not in conflict and we can make those needs.

Right now, our job becomes impossible to meet all of the needs, due to the lack of resources. That is a fact. And were it not for the incredible work of the Budget Committee, and particularly Senator DOMENICI, in finding available resources, we would not even be at this point, and the inequity and problems would be even greater.

So I thank my colleague, Senator SARBANES. Again, I want to commend the Senator from Colorado for coming forth in a way, hopefully, that will provide additional resources to the people not only in this region but in like regions throughout the country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I wonder if I may have 10 minutes to speak out of order.

Mr. D'AMATO. I have no objection.

(The remarks of Mr. WELLSTONE pertaining to the submission of S. Con.

Res. 82 are located in today's RECORD under "Submission of concurrent and Senate Resolutions.")

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I be able to move on and talk about one related matter for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIBETAN UPRISING DAY

Mr. WELLSTONE. Mr. President, today is the 39th anniversary of the Tibetan Uprising Day. On March 10, 1959, the Tibetans instigated a massive uprising against the Chinese in Lhasa, the Tibetan capital. It was ruthlessly suppressed by military force. An estimated 80,000 Tibetans were killed, and the Dalai Lama was forced to flee, seeking refuge in India. Every year, on March 10, the Tibetans in exile gather to commemorate the anniversary of this unfortunate day and to protest the continued occupation of Tibet.

Mr. President, there are demonstrations all across the country which commemorate this day, March 10, 1959. And I would like to bring to the attention of my colleagues the meaning of today to the people in Tibet and to make a linkage to what we are doing on the floor—again, with Senator MACK from Florida, with Senator HUTCHINSON from Arkansas, with Senator FEINGOLD from Wisconsin.

By the end of this week, because of the personal commitment of the majority leader, we will have an up-or-down vote on a resolution, or an amendment to a bill, which will call on the President to put the full force of the United States authority behind the resolution which will be critical of or condemn human rights violations in China before the International Commission on Human Rights, which is going to start meeting on March 16.

I have a letter which was translated into English—but I am going to keep this forever, because I think it is such a great thing—from Wei Jingsheng, which he wrote out in my office on Friday. This is an appeal by Wei, who spent 18 years in prison and had the courage to stand up for what he believes in. He will be nominated for the Nobel Peace Prize.

This is the request to the U.S. Senate to please go on record this week, before the International Commission on Human Rights meets, strongly behind a resolution calling on the President to do what the President has promised to do, calling on the administration to do what they promised to do, which is to move forward on a resolution at this Human Rights Commission in Geneva which will be critical of, or condemn, the human rights in China, including the crushing of the culture and history and the people in Tibet.

Mr. President, silence on our part would be betrayal. It would be unconscionable. Our country is a great country because we support human rights. We support the freedoms of people. We support the idea that people should not be persecuted because of their religious practices. They should not be persecuted because they have the courage to challenge governments if one of those governments is left, or right, or center.

I said it yesterday, but I will say it one more time today. I hope we will work with the President. We are going to get a strong vote for this resolution. I hope the President and the administration will do the right thing. I have myself been calling the State Department. I think Secretary Albright wants to move forward on this. I have not had a chance to talk to her. She is, of course, abroad, working on another very important question about what is happening to people in Kosovo—and rightfully so—trying to lead an international effort and making it clear to Milosevic that Serbia cannot with impunity do this to the people in Kosovo. I believe she is a strong advocate on human rights.

I talked to Strobe Talbott and to Sandy Berger. I have been putting calls in to their offices, and I think it is important that this week the administration come out with a clear position which would be a reasonable position, doing just what the President has said we ought to do. We don't link it to trade agreements, though I think we should. But this is the right place—at this U.N. Human Rights Commission—to be talking about these human rights violations.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The Senate continued with the consideration of the bill.

Mr. D'AMATO. Mr. President, I believe that we have made substantial progress and, hopefully, we will be able to come to an accommodation that will meet the needs a number of my colleagues have expressed relating to the fixed rail modernization system. We are working on that at the present time. I hope we are going to be able to further deal with the question of New Starts in a way that will be satisfactory to my colleagues.

Last, but not least, it is my hope that we can resolve even the most contentious of points if those who are advocating changes will either meet with our staffs or come to the floor for the purposes of introducing their amendments so we can dispose of this significant portion of the bill, hopefully today. I believe we can, or certainly we can make very significant progress.

If we are not going to have agreement, then I can tell you it is my intent, after negotiations and after deliberations and debate, to move to table those amendments on which we cannot come to an agreement. But I hope we will work to the best of our ability. I think by putting this off we are not going to add to the likelihood of finishing this chapter of the bill today, and that is my hope.

This is an important piece of legislation which I believe the Senate, and I know Senator LOTT, our majority leader, is anxious to dispose of. That means the difference between States doing nothing and States beginning their highway projects in an orderly fashion, undertaking the necessary work to get their transit systems going and improving them. There are contracts that have to be let out. It takes time.

So, the sooner we get this done the more likely that some of the programs that otherwise will not continue, or start, this spring, will get started. We have to give the States assurance that there is going to be an orderly flow of funds. So I urge my colleagues if they have provisions or have statements they want to make, between now and 12:15 they can certainly come down. That would be a good time to make those statements. If there is legislation that they seek, now is the time to make it known to the committee, to the staff, and seek either an accommodation or action on their legislation. Certainly between now and 12:15, if anyone wants to come down to speak to these issues, or 12:30 when we go out—or thereafter, when we reconvene at 2:15—we are ready, willing and able to deal with whatever ramifications my colleagues might have or whatever legislative solution they might look for. We are willing to discuss and entertain their legislative proposals, again, by way of staff work directly, or the Senator meeting with his colleagues and/or Senators offering legislation. We can attempt to dispose of their legislative proposals one way or the other.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SARBANES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SARBANES. Mr. President, I just want to make a few points about the importance of transit as we are considering this amendment.

First of all, when we had the energy crisis, there was a tremendous focus at the time on transit, which in a sense faded from the scene because we no longer confront an energy crisis. But it is very important to underscore how energy efficient mass transit is in terms of moving people and goods. We have developed and, of course, even improved technology with respect to low emissions on clean-fuel buses, clean technology for light rail systems and for heavy rail systems.

People have to understand that means it is just that much less oil we have to import. So we are able to decrease our dependence on foreign oil by developing transit systems. And, of course, we are able to, as a consequence, improve our balance of payments situation. We often lose sight of that. We do not talk about that very much nowadays because energy isn't seen as a critical issue. But I simply want to remind people that at the time when we had the oil embargoes and everything, there was a tremendous emphasis on transit and its importance.

Secondly, the importance of transit for improving the environment I think is indisputable. It is estimated that over 40 percent, between 40 and 50 percent, of all Americans live in areas with unhealthy air, according to the EPA. In many communities, transit investments are a cornerstone of the strategies to achieve air quality standards. A failure to develop transit capacity will undermine our efforts to give millions of Americans cleaner air to breathe. So we have to recognize that transit is important for environmental purposes as well.

Thirdly, traffic congestion in our Nation's largest 50 cities is estimated to cost travelers over $50 billion annually, just from the bottlenecks and the gridlocks. These delays translate directly into added cost to businesses and to individuals. Transit carries the equivalent of 5 million additional automobiles per year. People need to sort of envision what would happen if we did not have these transit systems. You would have utter chaos.

So we have to address this congestion and delay cost for millions of American motorists. And it is interesting to note, transit is used disproportionately during peak periods, peak-period commuting, which is exactly the same time when the roads are at their most congested. So, obviously, it serves a very important purpose in limiting or diminishing the amount of congestion that would otherwise occur on the highways.

Now, not only does it eliminate or decrease the amount of congestion, transit also provides essential access for people to jobs and shopping and medical services. It is estimated there are about 80 million or above Americans who do not drive, in other words, people who, to get around independently, are totally dependent on transit.

Transit is also essential now as we focus on moving people from welfare to work, a major national priority, one as a consequence of the legislation passed by the Congress. Now the States are under very tight constraints in terms of addressing that population. It is estimated that only a very small percentage of welfare recipients, 6 percent, own cars. So most people on welfare would be dependent on transit in order to get them to and from their jobs.

So a strong and vibrant transit system, I think, is critical to the Nation's economy, to the well-being of our communities. I hope we can keep these additional considerations in mind as we address the transit title which is now pending before the Senate. There are these additional benefits that flow from it, and they really flow to the country as a whole.

If we can reduce our dependence on foreign oil and the import of oil, we become less in the hands, as it were, of others overseas, and we improve our balance of payments position. Transit makes an important contribution in that regard. It clearly makes a very strong contribution in the effort to improve our environment and to achieve clean air quality. It helps to reduce congestion.

Of course, people look around and say there is a tremendous amount of congestion now. I only say to them, think how much worse it would be if we did not have the transit systems. I mean, for those in the areas that are served by a transit system and are traveling by automobile or truck and encounter a lot of congestion, think what they would encounter if there was not a transit system moving millions and millions of people every day. You would have absolute gridlock in those areas of the country.

Now, as we deal, of course, with the welfare-to-work challenge, transit is a major component in helping us to succeed in addressing that challenge. It is also clear that transit is an important contributor to economic development and property values. Those areas that have the availability of convenient transit services have discovered that it makes an important contribution in spurring economic development and job creation. So, Mr. President, I hope our colleagues will keep this in mind.

An argument was strongly made in this body many years ago that we needed farm-to-market roads. We needed roads to make it possible for farmers to move their goods to market. As a nation, we responded to that and sought to support a farm-to-market network of highway transportation. I am supportive of that concept.

I think if we are going to build the Nation, we have to be sensitive to the needs of all parts of our country. I very much hope my colleagues will be sensitive to the needs of transit. Actually, everywhere in the country, we have provisions in this bill for rural transit, and transit in cities of over 50,000 and up to 200,000, special provisions. But, of course, we have the situation in which we have the greater urban centers where literally millions of people move every day on mass transit. If it were not there, if we did not have a first-rate system, we would have a total, total breakdown in the functioning of the economy.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SESSIONS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SARBANES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SARBANES. Mr. President, I think we are now scheduled to go out, as I understand it, for the party conferences.

RECESS

The PRESIDING OFFICER. The Senate is recessed, under the previous order, until 2:15 p.m.

Thereupon, the Senate, at 12:25 p.m., recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask permission to address the Senate as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

LOSING OUR WAY II

Mr. GRASSLEY. Mr. President, in earlier remarks, I indicated a number of problems in our domestic drug control efforts. I intend now to highlight some of the problems in our international control efforts. Many past problems in this area have been documented in testimony before the House and Senate and in reports issued by the Congress. Let me give just a few highlights of recent issues that speak of deep problems.

I am concerned that the Administration seems only too willing to give drug producing pariah states a pass. Recently Senator HELMS and I wrote the Secretary of State on North Korea. We wanted to know why, with indications that the Government of North Korea is implicated in drug production, that there was not more effort to confront this pariah state. The response was that we don't know enough. Well, why don't we know enough? Basically because we are not asking the questions. We are not putting our collection assets on the problem.

This is one way of avoiding confronting North Korea on drug trafficking. This is a country apparently whose only two cash crops are nuclear weapons and illegal drugs. Yet, we ignore their drug activities and provide them help with nuclear materials. This is not the only dictatorship and enemy of the United States that this Administration is declining to confront for drug production and trafficking.

During the recent recess, the Administration pulled another rabbit out of its hat. In the process, it once again showed its disregard for both requirements in law and for consulting with Congress. Mr. President, most members are probably not aware that the Administration has dropped Syria from the countries that we certify on drugs. The rationale the Administration offers for this move, done without consulting with Congress or Israel, is that what drug production there is in Syria does not affect the United States. That is not, of course, what last year's International Narcotics Control Strategy report, the Administration's own report, said. It is not what presidential certification notices have said. It is not what the Israelis report. It does not accord with the realities of international drug trafficking and the nature of the activities of organized criminal gangs. But there's more to the story. The Administration says it made this decision strictly on interpreting the law. In its reading of the law, the Administration argues that Congress did not mean to include countries like Syria where production is not coming to the United States. That is a singular interpretation, however.

I have here a copy of an interpretation by the Senate Legislative Council's office pointing out where the Administration's reading of the law is in error. I also note that the Administration undertook this significant change in policy based on the legal opinion of a single State Department lawyer. They did this without consulting with anyone in Congress. And, in my view, they did it by not complying with the law.

What all this means is empty gestures that send useless signals to pariah states. The fact that it does this by using U.S. drug policy as the throw away issue tells us a lot about how seriously this Administration takes our international counter-drug efforts.

The law requires the Administration to submit to Congress each November 1 the list of countries to be considered for certification. My staff reminded the State Department of this requirement in late October. It became clear, however, that Administration officials had no intention of meeting that requirement. Only under pressure did they finally get the paperwork up here, 10 days late. This tardiness was in spite of the fact that they promised not to be late, after having been weeks late in 1996. And they were weeks late then even after Congress gave them an extra month to get the list up here. This list, as I say, was late. I note also, that in being late, the Administration submitted it just days before the Congress recessed. That is, it submitted a document that contained a controversial decision without consultation or the opportunity for serious discussion.

Not only did the Administration not seek to consult on this important issue before the decision, it delayed action to avoid accountability after the decision. What next? Having ignored North Korea and having given Syria a wink, can we expect the Administration to certify Iran? Don't laugh. That was under consideration. The Administration cannot confirm significant changes in Iran's drug control efforts, but it was prepared to take Iran's word on the matter. It was only when J.C. WATTS and I and several other Members of Congress blew the whistle on this that the idea was dropped. What was going on here? Why all the sneaking around? Iran suggests more cultural exchanges and the Administration plans to certify them as doing the right stuff on drugs. Once again, we are going to use our drug control policy to make gestures to our sworn enemies. What is wrong with this picture? Do these steps, this lack of consultation, suggest a deficit of seriousness on drugs?

There's more. The Administration has also been mounting an effort to deconstruct the annual certification process. With all the misinformation being floated around about that process, it may be hard for the public and Members of Congress to get at the facts. Let me just make a couple of points. Certification is about accountability. It is about expecting the Administration and governments in the major drug producing and transiting countries to take drug control seriously. It is about establishing standards to measure that seriousness. It is about expecting the Administration to then report on compliance with those standards to the Congress and the public. Let me note also, that recent and past polls indicate that the public supports tough standards. The Administration, however, it trying to undo this. For an Administration that has a record of avoiding accountability standards, this should come as no surprise. This is yet another area where the Administration is mounting an effort to weaken or disregard performance measures.

But let me continue. On the issues I deal with on the International Drug Caucus, I see an Administration that doesn't follow through. Let me give just one case in point. This concerns nominations. The important post of the Assistant Secretary of State for International Narcotics Control remains vacant. We have yet to see a nomination. It has been vacant for many months. The post of Commissioner of Customs remains vacant. On this latter point, however, I am happy to see some movement, at last. Still, that critical post has been vacant for over six months.

I also note that the Office of National Drug Control Policy has recently asked Congress to give them new presidential appointment positions. But the important post of Demand Reduction Deputy has not seen a qualified nominee in several years. It is vacant. The critical post of Supply Reduction Deputy has been empty since the Administration took office in 1993. These are the two most important posts in that office. Vacant. Unqualified candidates. Inaction. This is the legacy.

The Administration also continues to send mixed signals to our partners in Latin America on drug control. Leaving aside the retreat on certification, the Administration cannot seem to get clear on its priorities. There are a number of examples, but I'll stick to one. In 1994, the Administration almost destroyed one of our most important information-sharing programs with Peru. This program enabled the closing of the drug smuggling air bridge. Congress stepped in to prevent the cutoff of information to this highly effective program.

Today, the major declines in coca cultivation in Peru—almost 45 percent in two years—are directly attributable to that information-sharing program that the Congress rescued. Now, the traffickers are seeking to circumvent that program by flying through Brazil. Brazil is prepared to cooperate, but the Administration cannot get its act together to make this program happen. What's more, I have learned that some in the Administration are once again in the process of considering pulling the plug on this not only in Brazil but in Peru and Colombia. If this happens, we will throw away all our recent gains. If this is not enough, the whole counter-drug program in the region is in disarray. It lacks a coherence or consistent oversight and strategic vision. But this is not the only place we see a lack of comprehensive thinking.

There is a similar problem on our own borders. Over the past few years, I have supported efforts to increase our ability to police our borders. This has meant more funding on the Southwest Border and in Puerto Rico. The problem, however, is that there is no coherent vision coming from the Administration. What I have repeatedly asked for is a more comprehensive concept for the whole southern tier. We keep seeing plans for this place or that place. Now we hear plans about sealing the Southwest Border with technological wonders. We know, however, that the traffickers adjust to our control efforts. Thus, if we focus here, they shift over there. And they can shift faster.

As a recent Christian Science Monitor piece notes, we're seeing Miami Vice two. The traffickers are moving back into the Caribbean and south Florida. We need, therefore, a plan that does not create trafficking opportunities in one area while trying to foreclose them some place else.

But we don't see this. Instead, we see plans that rob Peter to pay Paul. Or we see another version of data slicing that I noted in my earlier remarks. The Administration is now double counting increases in the Border Patrol as contributions to the drug war. While INS and the Border Patrol have some responsibilities in the drug area, this is not their primary duty. Yet they are counted in drug spending. The primary responsibility at the border falls to U.S. Customs. And what is happening here? The Administration continues to under fund agents, inspectors, and intelligence support on our southern tier. Further, to strengthen the presence on the Southwest Border, the Administration robbed positions in U.S. Customs from Miami and New York and elsewhere. The result? We now see more trafficking in south Florida. It's time to stop this piecemeal approach and develop a comprehensive southern tier strategy. This will require not only more serious thinking but a look at the resources necessary to make our borders more secure. I, for one, will be looking for such an effort.

Problems at our borders and incoherence in thinking in dealing with our international partners are not the limits to the inconsistency we see.

I have been calling on the Administration to offer proposals for how to deal with the problem of international organized crime. A plan for bringing together comprehensive international efforts to disrupt the organizations most responsible for drug trafficking. To date we have seen nothing. The proposals are late. Sound familiar?

From these various accounts, it should be clear that we have a drug policy in name only. What we have is a collection of things with a price tag attached. We do not see accountability. What we do see is increasing drug use among our kids. What we do not have is the coherence Congress has asked for and the public has right to expect. We need better not just more.

With this in mind, I have proposed, separately, several initiatives to improve our drug efforts. I will be following up on those proposals.

I have gone on at this length to make it clear to my colleagues and the public that we need a lot of work on our national drug control strategy. Above all, we need seriousness of purpose and consistent follow through. We need to know where we're going. Otherwise, we will continue to wander around, lost, on roads that take us nowhere.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1931

Mr. REED. Mr. President, I would like to take a moment this afternoon to talk about the pending highway bill and particularly the transit provisions in that bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I commend Senator D'AMATO and Senator SARBANES for their work on this initiative. The bill they brought to the Banking Committee adds immensely to the act we are debating. It provides a critical component to the overall transportation in America, and that component is mass transit. This bill that Senator SARBANES and Senator D'AMATO have worked so hard on would provide $5 billion, which, over the next 6 years, would accumulate and provide sufficient funding for mass transit throughout the United States.

The legislation recognizes that in many regions of the country, particularly the Northeast where I come from, mass transit is one of the critical elements of our transportation policy. We do not have the space to build more roads. We also are in a congested area of the country in which environmental factors are so critical. Without mass transit we cannot deal with transportation problems, environmental problems, and also the basic needs of the people of my State and my region to be productive citizens.

This is particularly the case when we are talking about reforms we have just undertaken with respect to the welfare system, moving Americans from welfare to work. For many of these Americans, literally, their path to the work site is through mass transit, through buses, through subways. Without these vehicles, without these mechanisms, they cannot become effective participants in our work force. Transit is particularly important to my State of Rhode Island.

Just this morning I had an opportunity to meet with our director of the Rhode Island Transit Authority, Dr. Beverly Scott. She is doing a remarkable job. She impressed upon me again the important role that transit plays in my State. Ridership is up in Rhode Island. We are one of the few States in the country with a statewide system, one system serving the entire State. Last year 19.5 million bus passengers used our rider services. In addition, we had over 450,000 paratransit riders. These are small jitneys that move around the State, many times serving disabled Americans who cannot use the traditional buses that we still have in our fleet. Indeed, 18 percent of the riders of mass transit in Rhode Island are seniors or disabled Americans. These are individuals who cannot avail themselves of the highways through their own vehicles in many cases. They depend upon transit. They depend upon our role here in Washington to adequately fund mass transit throughout America.

We also have, because of our mass transit investments in Rhode Island, done some remarkable things with respect to the environment. It is estimated that the buses of the Rhode Island Public Transit Authority over the past several years have kept about 1.2 million pounds of pollution from entering our system. In doing so, they have allowed us to keep pace, at least, with the demands for a cleaner environment up in Rhode Island. We have to do more, but without mass transit we would be in a much more perilous situation.

There are those who are arguing with respect to transit that we should move away from traditional formulations of transit policy and start talking about minimum allocations, State by State, which, in effect, would reward certain parts of the country that do not have the history and, indeed I would argue, the strong need for transit services, as we do in the Northeast or in other parts, the older urban parts of America. I think this approach would be wrong. This bill we are considering in effect shapes national transportation policy. As Senators in the National Assembly, we have to recognize our national responsibilities. One responsibility is to continue to support those systems that are so essential to my region of the country, so essential historically.

I was thinking, as I spoke to Dr. Scott, my director of public transportation, that his family goes way back in transit. My grandfather, James J. Monahan, worked for the United Electric Railway System, which was the local transit system. In fact, he started around the turn of the century. Before there were electric railroads, there were horse-drawn rail cars, and he was working on those. We have seen, in my section of the country, this reliance upon transportation for years. We must maintain appropriate funding.

I hope we can do that because I think, if we would try to arbitrarily distort the funding for transit, if we would suddenly yield, not to sensible national transportation policy but simply regional interests, we could undercut something which is very essential, not only to my region but also to the Nation. If we do not have good transit in the Northeast and other parts of the country, we will not make our environmental targets, we will not be able to continue to develop a strong economy, we will not be able to ensure that all of our citizens have access to the job sites, we will not be able, in short, to do what we all want to do—provide for a transportation system that serves all of America.

I should point out, too, that in this debate we have seen changes impacting, through the highway formulas, adversely on many parts of the country. Those parts of the country are most dependent on transit. The idea of reformulating highway policy, which many of us have approached with some sense of cooperation because of our view of the national economy and the national needs, to turn around now and inject strident regionalism into the transit formula would, I think, be a mistake. We cannot, I think, in our position, bear to see some of these changes in the highway position without the confidence that transit funding will be maintained on a reasonable basis and that we will continue to develop and support good transit throughout this country but particularly in those areas that historically have relied upon it.

Mr. President, I hope we could summon not only the wisdom and courage to support this bill coming from the Banking Committee but also to oppose those proposals which would impose a minimum allocation on the States. We have to recognize and support transit as it exists today and develop new starts, for which there is plenty of funding in the proposal that Senator D'AMATO is bringing to the floor to do that. But we cannot, I think, impose some arbitrary constraints on the transit formulation which so far has served us very well.

I hope we can support this amendment from the Banking Committee, oppose the amendment that would distort it dramatically, and in doing so contribute, along with our highway provisions, to sound and very important national transportation policy.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, let me first say I tremendously appreciate the work and the contribution and the support the Senator from Rhode Island, Mr. REED, has given to the committee in bringing this amendment to this point. He has been constructive. He has been helpful. I particularly appreciate his efforts as they relate to that part of the program that concentrates primarily on attempting to meet the needs of those people who are trying to get off welfare. We are talking about the people who want to help themselves. He has been a leader in this area. Indeed, we have provided more funds and specifically targeted them to getting transportation for people who otherwise cannot get to work.

Later, I believe a number of our colleagues will be coming to the floor. I am going to ask those who might be listening and/or their staffs, to please, if they have amendments, come on down. Let's deal with them. I believe the Senators from Pennsylvania have an amendment that maybe a great number of colleagues would be willing to support. I know Senator REED would probably be one of the prime sponsors, in terms of enhancing that program, and that is programs to help people to get to work to get off the welfare rolls. So that is a plea I make to them.

At this point, I would like to recognize the outstanding work of Senators ALLARD and GRAMS in relationship to making, I think, an important contribution to this bill in seeking great balance. I believe the distinguished Senator from Colorado has an amendment he would like to offer.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 1940 TO AMENDMENT NO. 1931

(Purpose: To make an amendment with respect to fixed guideway modernization)

Mr. ALLARD. Mr. President, I would like to call up amendment 1940, the Gramm-Allard amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado, [Mr. ALLARD], for himself and Mr. GRAMS, proposes an amendment numbered 1940 to amendment No. 1931.

Mr. ALLARD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 68, line 21, strike "The next" and all that follows through "(7)" on page 70, line 1.

Mr. ALLARD. Mr. President, I again thank the chairman of the Banking Committee for his willingness to work with both Senator GRAMS and myself. I think we had a very productive floor debate this morning about the transit needs of the different sectors of this Nation. I think Senator D'AMATO has certainly showed his statesmanship this morning in recognition of the transit needs of the more rapidly growing regions of this Nation, much of which is occurring in the Western United States as well as in the Southern States. States like Colorado are experiencing extraordinary growth, and our citizens are certainly anxious to have a fair return on transit dollars. As the chairman knows, Senator GRAMS and I have filed and discussed an amendment that addresses new dollars that will flow into the New Starts and Fixed Gúideway Modernization Programs.

The chairman has agreed to accept some of the fixed guideway language that was included in our amendment. He has offered to work with us further in the conference committee. I now submit the revised language and urge its acceptance. I thank again Chairman D'AMATO for his willingness to ensure high-growth areas that are experiencing problems of congestion and air quality nonattainment shall be recipients of Federal dollars for New Start projects. In addition, we will continue to work with him on the Fixed Guideway Modernization Program to see whether some of the high-growth cities can be eligible for funding on an accelerated basis. I thank the chairman.

Mr D'AMATO. I thank the Senator.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I also thank Chairman D'AMATO for working with Senator ALLARD and myself in recognizing that growing mass transit moneys should be more fairly and equitably distributed to the new systems in our country, including Minneapolis and St. Paul.

I represent Minnesota, a State that is growing, and growing in areas where rising populations are basically dictating the needs to resolve traffic congestion through new-start mass transit options. I thank the chairman for his commitment to work with Senator ALLARD and me in the conference and again to make the Fixed Guideway Program more equitable to the new system. I thank the chairman for his acceptance of our fixed guideway language in this amendment and for his commitment to work with us to maintain this language in conference, because it is important that a greater portion of the new funding above the current levels, currently $760 million in 1997, go to these new systems. These are the systems, as we have noted, that are growing the most and growing fast.

I also thank him for this agreement to work with us in conference to help us establish some very significant funding for new starts. I also thank Senator ALLARD for all his work with us on this as well. I thank the Chairman very much for his help and cooperation.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, let me say I am deeply appreciative of the work of my colleagues, Senator ALLARD and Senator GRAMS, and for their patience, for their diligence in working on behalf of their constituents and, more importantly, recognizing the need for balance, the need to meet the needs of the high-growth cities in the United States, which they represent, but also recognizing the needs of the older cities, the older transportation hubs, that also need to continue to get adequate funding.

In addition, I am looking forward to working with my colleagues towards addressing the growing needs for mass transit in growing cities such as Minneapolis/St. Paul and Denver. They have unique problems. The problems of attaining the clean air standards certainly are not those just found in the cities of Boston or New York or Philadelphia. Indeed, in areas that we may not have ever considered, these are problems. They are. Cities like these must receive an equitable portion of the New Start funds so they may begin to implement mass transit as a solution of their problems of traffic congestion and air quality. Again, I commend them, and I am committed to working with my colleagues on this issue and on the issues of eligibility for funds under the fixed guideway formula.

Might I also say, I thank again, in all of this, my colleague and friend, the ranking member of the Banking Committee, Senator SARBANES, for working to achieve this balance.

Mr. President, I ask acceptance of the amendment.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I just say, I think this is an instance of trying to work through, in a practical and pragmatic way, points that are being made, which the chairman has indicated he is quite prepared to do. So I am prepared to go along and accept the amendment in an effort in part to move this legislation forward and also to indicate that we are trying to be reasonable here. We want to get accomplished a result without departing from the basic structure of ISTEA in some significant way. I think what has been talked about here sort of puts us on that path. So I support accepting the amendment.

The PRESIDING OFFICER. Without objection, the amendment No. 1940 is agreed to.

The amendment (No. 1940) was agreed to.

Mr. D'AMATO. I move to reconsider the vote.

Mr. ALLARD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. D'AMATO. Mr. President, I urge those Members who have amendments to come to the floor so that we can work on their amendments. This could have been one of the most contentious amendments and, indeed, started out on the very basis that almost no one saw a resolve of it. We can work through these amendments because we are willing to meet and speak to those who want to be heard. But they cannot be heard if they do not come to the floor.

I have asked that my colleagues from Pennsylvania, who have a unique amendment, one that attempts to help accelerate people from welfare into productive jobs, and helps them get to work, come on down and offer their amendment, because at some point in time we are going to move to close this. If they want to object, I am going to ask that they be here to object personally.

So I do not think that this bill is completed, by any stretch of the imagination, but I think we would like to move on it rather than put us in a quorum call and wait. So again, I can only suggest, come on down, offer your amendments, or at least have your staffs meet with our staffs so we can discuss a resolve of this so we can get this important legislation passed.

Mr. President, having nothing further in the way of any kind of productive suggestions at this point in time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. Mr. President, I rise to talk about an amendment being offered by Senator SPECTER, myself, and Senator MOSELEY-BRAUN to the transportation bill before us, the mass transit section.

Over the past several years, when I was in the House and then here in the Senate, on the issue of welfare reform, one of the great concerns I had with putting time limits on welfare and requiring work was the ability of people, particularly in the inner city, urban areas, to be able to find job opportunities. We know that the urban core is not a job center and a lot of urban poor neighborhoods are not economically well off in the form of job creation. So people who live in these poor urban areas have to have some sort of transportation access to get to the jobs. It has worked in the past fairly well when from the urban neighborhoods outside the center of town—in many cases where the job centers were—people could hop on transportation, a bus, rail, whatever, and go into the downtown area for jobs. That had worked well in the tourism industry, hotel/motel, et cetera. A lot of those jobs are not particularly high skilled because a lot of the urban poor don't have a lot of job skills starting out.

The problem with the current economy is that, in many cities, Philadelphia being one of them, the job creation boom is not taking place in the inner city; it's taking place in suburban corridors. In the case of Philadelphia, it is taking place in what's called the Route 202 corridor. In fact, we are not an anomaly. Two-thirds of all new jobs are being created in the suburbs. So you have a very odd situation happening. You have the dramatic increase in jobs; in fact, there is very low unemployment in most areas of the country. But there is still chronically high unemployment in the inner cities and, as a result of the new job creation happening in the suburbs, no transportation link for people in the urban neighborhoods out to the suburbs. Now, they can get to maybe a train station in the suburbs, or a bus station, as the bus that went into town for the commute comes back out of town. But they can't get from that station to their job, which may be in an industrial park somewhere. So that creates a real problem for the suburban business because the suburban business—and I have talked to a lot of suburban manufacturers who tell me they cannot find workers to get to their job sites.

Yet, we have a great pool of workers in the inner city. So what Senator SPECTER and Senator MOSELEY-BRAUN and I have sponsored is an authorization of $100 million to be used to encourage and develop reverse commutes. It's a very flexible program. It's a program that says the money is designated by the Secretary, and the Secretary can accept bids from a variety of different regional organizations. The transit organizations, different communities, a whole variety of entities can apply, which will create a tremendous amount of, I believe, and a very positive competition for these dollars and will require innovative plans to get people to the workplace. I believe if we are going to follow through with our commitment of requiring work—and we are reaching that time now with the bill—and stating that there is a 5-year time limit on benefits where people are going to exhaust that 5-year period of time and they are going to lose their cash benefit—and if there is no opportunity for a job in their own neighborhood or there is no opportunity for a job within transit distance, then we are, in a sense, locking these people into a desperate situation.

I don't think that was the intention of the U.S. Senate. It certainly wasn't my intention. So I believe that at least one of the keys to unlocking that situation is to create the opportunity to get out to the suburbs, to get out to where the job growth is occurring, and to provide a transportation network in the area of a reverse commute to do that.

I hope that we will get strong bipartisan support for this initiative. This is something that is essential if we are going to follow through. I speak specifically to the Members on this side of the aisle, many of whom are not big fans of mass transit. But mass transit is the lifeblood for millions of people who live in urban America. Millions of people could not go to work; they can't own cars; they don't have the money; they can't afford it in many of the neighborhoods because of insurance rates and everything else, not just the cost of the car. Mass transit is the only way for these people to get to work, and it is essential for us to provide the link. Particularly in the time that we are going to be forcing people off the welfare rolls, it is essential for us to provide the link for those people to get to the job site. We are doing the right thing with welfare reform. We have done the right thing. But now we need to follow up and make sure that those people who want to work, who have in many cases worked hard to get the skills to get into the job market, now have the access to take those jobs.

So I thank my colleagues, Senator SPECTER, Senator MOSELEY-BRAUN, and others who are supportive of this amendment. As I said, I hope that we can get very strong bipartisan support for this amendment to be added to the mass transit title. If we do not, then I think we are going to see a lot of big city mayors and a lot of activists descend upon Washington in a couple of years when that 5-year time limit is up, and they are going to say, "You are telling us to cut these people off and there are no jobs where they live, no jobs within commuting distance of where they live, and we can't do it." Welfare reform will have failed. We can't let the transportation issue be the reason for that failure. This money will create incentives for businesses and other people in the suburbs and the city to create a network that doesn't exist now. Once that network is created, then I think we can begin to see, and, in many cases, employers will begin to see, the profitability of having this network in place. I think this money will go a long, long way in inspiring and instituting these kinds of plans.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NOMINATION OF JAMES C. HORMEL

Mrs. FEINSTEIN. Mr. President, I rise today to bring to my colleagues' attention the nomination of James C. Hormel to be U.S. Ambassador to Luxembourg. As was the case with Dr. Satcher's nomination to be Surgeon General, his nomination has been on the shelf, held by a "hold" at the request of only a few Senators. I will deal shortly with the reasons Jim Hormel's nomination has been stalled. But let me take just a few moments to review the history of the nomination and some of the facts about the nominee and his background.

Last fall, following a hearing on his nomination, the Senate Foreign Relations Committee voted to approve Jim Hormel's nomination by a vote of 16 to 2 at a business meeting on November 4, 1997. In point of fact, for those who were not present at the business meeting, the nomination was deemed a routine matter, and was approved by a voice vote, along with the rest of the committee's agenda of nominations and legislation for that day. No Senator spoke in opposition to the nomination. It was only after the meeting that two Senators asked to be recorded against the nomination, as was their right, which resulted in the final tally. Still, 16 to 2 is a strong endorsement by the Committee on Foreign Relations.

The nomination was placed on the Executive Calendar, and, despite the fact that the Senate confirmed every other Foreign Relations Committee nominee before the close of the first session—some 50 nominees in total—Jim Hormel's nomination was left languishing because of "holds" placed on it by a few Senators.

That such a distinguished and qualified nominee would face opposition is, on its face, hard to understand. Let me tell you a little about the Jim Hormel I have known for some 20 years now. He is, first and foremost, a loving and devoted father of 5, and a grandfather of 13. His entire family has been unfailingly supportive of his nomination. Anyone who has met him or knows him knows that he is decent, patient, and a very gentle person.

His professional credentials are equally impressive. He is an accomplished businessman. He serves as chairman of the California investment firm, Equidex, and he serves as a member of the board of directors of the San Francisco Chamber of Commerce.

He has also spent time as a successful lawyer and educator. He received his J.D. from the University of Chicago, one of our Nation's finest law schools, and he later returned there to serve as dean and assistant dean of students from 1961 to 1967. In addition, he currently serves as a member of the board of managers of his alma mater, Swarthmore College, another of our Nation's finest institutions of higher learning.

Jim Hormel has also been a remarkably generous philanthropist and dedicated community activist. He has supported a wide variety of causes and organizations, but there has always been a common theme: bringing people together, resolving conflict, helping those who are in need, and making the surrounding community a more pleasant place in which to live.

Even a sampling of the organizations he has supported is impressive in its breadth as well as its diversity. In addition to his support for Swarthmore and the University of Chicago, he has provided resources and assistance to the Virginia Institute of Autism, Breast Cancer Action, the American Foundation for AIDS Research, the American Indian College Fund, the United Negro College Fund, the NAACP, the Institute for International Education, the Human Rights Campaign Foundation, the Catholic Youth Organization, Jewish Family and Children's Services, the San Francisco Museum of Modern Art, the San Francisco Public Library, the San Francisco ballet, and the San Francisco symphony. Many of these organizations have honored him with awards.

Not surprisingly from such a community-minded individual, Jim Hormel has throughout his life also harbored a firm commitment to public service. The first example of this was his service in the U.S. Coast Guard, Active Reserve, from 1951 to 1957. Later, he established the James C. Hormel Public Service Program at the University of Chicago Law School to encourage law students to go into public service. As a consequence of his leadership in this area, he was recognized by his peers when he received the Public Service Citation from the University of Chicago Alumni Association.

His commitment to public service and his dedication to the cause of human rights ultimately came together when he was named as a member of the U.S. delegation to the 51st U.N. Human Rights Commission in Geneva in 1995. There, he helped the United States team press its case for improved human rights in nations as diverse as Cuba, China, and Iraq.

Finally, he was nominated in 1997 to serve as an alternate representative of the U.S. delegation to the 51st U.N. General Assembly. Now, this part of his biography is particularly ironic, in light of the situation we find ourselves in today, because this position is subject to Senate confirmation, and, indeed, on May 23, 1997, this same U.S. Senate unanimously confirmed Jim Hormel to represent this country at the United Nations.

So we have a well-qualified nominee for Ambassador. He has had a remarkable and distinguished career in several fields. He has demonstrated a lifelong commitment to public service. In recent years he has gained firsthand experience in diplomacy as a representative of the United States. He was overwhelmingly approved by the Foreign Relations Committee, and most notably, he was confirmed by this very same U.S. Senate only 10 months ago.

I suspect most listeners—and most of my colleagues—would expect such a nomination to be quickly brought to a vote and confirmed. Yet, the majority leader has refused to call this nomination for an up-or-down vote, and a number of Senators on the other side of the aisle have placed "holds" on the nomination.

It seems clear to many of us why these Senators do not want to allow a vote on Jim Hormel's nomination: because Jim Hormel is gay. In a clear, unquestionable case of discrimination, these Senators refuse to let the full Senate vote for a qualified nominee because of his sexual orientation. This

Senator does not believe that the Senate wants to be party to this kind of discrimination.

Jim Hormel is exactly the kind of person who should be encouraged to engage in public service. He is intelligent, civic minded, generous, and he is a person of proven accomplishment who wants to serve our country. So we need people like this in public service, and we cannot afford to drive them away because of their sexual orientation.

I think that is the point that was made well in a letter from the former Secretary of State, George Shultz, and Mrs. Shultz, when they wrote to the majority leader urging Jim Hormel's speedy approval, stating that they know him very well, and concluding with this:

> We recommend him to you because we believe he would be a wonderful representative for our country. We hope that his nomination can be brought to the floor of the Senate for a vote as soon as possible.

I submit to you, Mr. President, that George Shultz, former Secretary of State, should know who would be a wonderful representative and who would not be a wonderful representative of our country.

So, as a matter of simple fairness, a qualified nominee with broad support, approved by the committee of jurisdiction, should at least be allowed a vote. If people have concerns, express them. Let's address them. But let's give the nominee a vote.

In this regard, I want to compliment the distinguished chairman, my chairman, of the Senate Judiciary Committee, Senator HATCH, for his thoughtful remarks on this subject when he appeared on NBC's Meet the Press on November 30, 1997. He said:

> I get tired of that stuff. We ought to vote on him. And I personally believe he would pass, and he'd become the next ambassador to Luxembourg. I just don't believe in prejudice against any individual, regardless. And frankly, we have far too much of that.

I believe Senator HATCH is right on every point.

So I call on the majority leader, Mr. President, to schedule a vote on Jim Hormel's nomination. I call upon those who have holds to allow the nomination to reach the floor. If they wish, let's debate the qualifications. Let's debate any allegation about him, or against him. But it is wrong to simply prevent the Senate from speaking on this nomination.

I have seen news reports where some of the Senators who have "holds" on this nomination claim it is not because he is gay. They claim it is because of his views on certain issues involving gay rights, or something to that effect. The truth is I am not sure exactly what their objections are because they have been very reluctant to describe them publicly. I would certainly welcome the opportunity to meet privately with those Senators who are holding up the nomination to talk through their concerns.

Perhaps my colleagues who have holds are embarrassed in some way, or perhaps they feel their arguments are not strong enough to stand the light of day. I am hard pressed to come to any other conclusion because, apart from fleeting quotes in news articles and vague statements by spokespersons, the Senators opposed to Jim Hormel have done little to lay out their case against him. They are content to just quietly allow the Senate rules to prevent a vote.

That is not right, Mr. President. Around here, if a Senator takes a strong position on an issue, or a nomination, they have an obligation to their constituents, their colleagues, and the Senate itself, to explain themselves publicly. This is what the tradition of deliberative debate is all about.

So I challenge my colleagues who have "holds" on this nomination to come to this very floor, explain why they believe Jim Hormel is unfit to become an American Ambassador because he happens to be gay. Let other Senators and the American people judge on the merits of the argument.

From what I have read in news reports, I can anticipate that some of these Senators, if they choose to speak at all, will try to argue that this is not about Jim Hormel being gay—rather it is about his views on gay rights.

We may hear a lot of stories about books that appear in the San Francisco Public Library to which Jim Hormel generously donated half a million dollars. Are we to understand that donating funds to a library means you are responsible for every book in this library? Many of these same books are in the Library of Congress. Is the Senate responsible, because we fund that library, for the content of every book in that library? Of course not, Mr. President. You know that. I know that. This is a specious argument. This is designed to kill a nomination.

We may also hear stories about Jim Hormel's charitable giving, some of which has gone to organizations which support equal rights for gays and lesbians. Is equal rights a cause we in the Senate do not support? And even if this issue is subject to some controversy in the Senate, do the Senators blocking this nomination know or care that Jim Hormel has, in writing, committed to limiting his charitable contributions to noncontroversial areas such as the performing arts, museums, educational institutions, humanitarian assistance and health care? He will not use his office to advocate or promote any personal view on any issue and will not engage or associate himself with any outside activities that conflict with his official duties and responsibilities. We have that in writing. This is the only time I know of any ambassadorial nominee who has actually put that in writing. I find it, in a way, very difficult to recognize that he has to do it. Nonetheless he has done it.

So the issue is a very simple one. We have a qualified nominee who was resoundingly approved by the Foreign Relations Committee. He is entitled to a vote, and I, as a U.S. Senator, am entitled to cast my vote for him.

Mr. President, I yield the floor.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1931

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the D'Amato amendment No. 1931.

Mr. SPECTER. Mr. President, I ask unanimous consent the pending amendment be set aside for consideration of an amendment I am about to submit.

The PRESIDING OFFICER. Is there objection?

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, may I suggest to the Senator, if he could offer it, it would be appropriate to offer the amendment that I believe the Senator intends to offer as it relates to providing for transportation needs of those who are seeking jobs outside of the inner cities. I think it is a well-crafted amendment and one that the Senator has worked on and has spoken to, and one that Senator SANTORUM has worked on and spoken to, and one that Senator CAROL MOSELEY-BRAUN has worked on and spoken to. We are willing to entertain that and support it. It would be added as an amendment to the existing amendment.

AMENDMENT NO. 1941 TO AMENDMENT NO. 1931

(Purpose: To make reverse commute project grants eligible for assistance under the job access grants program)

Mr. SPECTER. In that event, I send this amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for himself, Mr. SANTORUM, and Ms. MOSELEY-BRAUN, proposes an amendment numbered 1941 to amendment No. 1931.

Mr. SPECTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 55, strike line 12, and insert the following:

"SEC. 14. JOB ACCESS AND REVERSE COMMUTE GRANTS."

On page 56, line 13, strike "and".

On page 56, line 18, strike the period and insert "; and".

On page 56, between lines 18 and 19, insert the following:

"(9) many residents of cities and rural areas would like to take advantage of mass transit to gain access to suburban employment opportunities."

Beginning on page 57, strike line 9 and all that follows through page 58, line 4, and insert the following:

"(2) ELIGIBLE PROJECT AND RELATED TERMS.—

"(A) IN GENERAL.—The term 'eligible project' means and access to jobs project or a reverse commute project.

"(B) ACCESS TO JOBS PROJECT.—The term 'access to jobs project' means a project relating to the development of transportation services designed to transport welfare recipients and eligible low-income individuals to and from jobs and activities related to their employment, including—

"(i) capital projects and to finance operating costs of equipment, facilities, and associated capital maintenance items related to providing access to jobs under this section;

"(ii) promoting the use of transit by workers with nontraditional work schedules;

"(iii) promoting the use by appropriate agencies of transit vouchers for welfare recipients and eligible low-income individuals under specific terms and conditions developed by the Secretary; and

"(iv) promoting the use of employer-provided transportation including the transit pass benefit program under subsections (a) and (f) of section 132 of title 26.

"(C) REVERSE COMMUTE PROJECT.—The term 'reverse commute project' means a project related to the development of transportation services designed to transport residents of urban areas, urbanized areas, and areas other than urbanized areas to suburban employment opportunities, including any project to—

"(i) subsidize the costs associated with adding reverse commute bus, train, or van routes, or service from urban areas, urbanized areas, and areas other than urbanized areas, to suburban workplaces;

"(ii) subsidize the purchase or lease by a private employer, nonprofit organization, or public agency of a van or bus dedicated to shuttling employees from their residences to a suburban workplace;

"(iii) otherwise facilitate the provision of mass transportation services to suburban employment opportunities to residents of urban areas, urbanized areas, and areas other than urbanized areas."

On page 59, line 20, insert "access to jobs grants and reverse commute" before "grants".

On page 60, line 15, insert "in the case of an applicant seeking assistance to finance an access to jobs project," after "(2)".

On page 61, line 7, insert "in the case of an applicant seeking assistance to finance an access to jobs project," before "presents".

On page 61, line 13, strike "and".

On page 61, line 16, strike the period and insert "; and".

On page 61, between lines 16 and 17, insert the following:

"(8) in the case of an applicant seeking assistance to finance a reverse commute project, the need for additional services identified in a regional transportation plan to transport individuals to suburban employment opportunities, and the extent to which the proposed services will address those needs."

On page 62, strike lines 13 through 18, and insert the following:

"(2) COORDINATION.—Each application for a grant under this section shall reflect coordination with and the approval of affected transit grant recipients. The eligible access to jobs projects financed must be part of a coordinated public transit-human services transportation planning process."

On page 64, strike lines 1 through 4 and insert the following:

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, to remain available until expended, $250,000,000 for each of fiscal years 1998 through 2003, of which—

"(A) $150,000,000 in each fiscal year shall be used for grants for access to jobs projects; and

"(B) $100,000,000 in each fiscal year shall be used for grants for reverse commute projects."

On page 8, line 16, strike "$100,000,000" and insert "$250,000,000".

On page 11, line 16, strike ", except" and all that follows through line 20 and insert a period.

Mr. SPECTER. Mr. President, this amendment works on reverse commute projects, which are designed to enable people to come from the inner city where there are no jobs available and to go to the suburbs where jobs are available. This is, in part, the reverse commute pilot project introduced by my distinguished colleague, Senator SANTORUM, and myself along with Senator LAUTENBERG in the "Mass Transit Amendments Act," S. 764. We think it is appropriate to include it on the ISTEA legislation at this time.

This program essentially responds to the growing need to provide access to suburban employment opportunities for residents of cities and rural areas who wish to continue living in their city or rural town and need mass transit to get to the jobs. This amendment will also increase from $100 million to $150 million the access-to-jobs, welfare-to-work provision already in ISTEA under the Banking Committee bill as introduced by the distinguished Senator from Illinois, Senator MOSELEY-BRAUN. My amendment establishes a new $100 million annual authorization for reverse commute grants, bringing the total access-to-jobs/reverse commute program to $250 million annually.

A week ago yesterday I visited a reverse commute project, the Schuylkill Valley Metro project, envisioned by SEPTA and BARTA. This rail line would run from the inner city of Philadelphia to Reading, through Montgomery County, through Philadelphia County, and into Berks County. It is an excellent illustration of what is necessary in order to take people from the inner city where people need jobs out to the suburbs where the jobs are available.

This is a very abbreviated statement of a complex bill, but one which I think is designed to meet a very, very pressing need, especially in an era where we are moving away from welfare, to take people who have been on the welfare rolls in the inner cities and provide them with job opportunities in the suburbs.

If I might yield to the distinguished chairman, there is an addendum to the bill which I have added at the chairman's request which he said he would comment on briefly.

Mr. D'AMATO addressed the chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, we have maintained in this, as it relates to the construction of a ferry, the same worker protection language that heretofore has existed in mass transportation. I would like to call that to the attention of the Chair.

I thank the Senator for his initiative in this most important opportunity to get people off of the welfare rolls and see to it that they do have access to the jobs that are increasingly growing in number in the suburbs.

I ask I be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. Mr. President, I rise in support of the amendment. I commend Senator SANTORUM and Senator SPECTER for their work on this and, of course, the chairman of the Banking Committee, Senator D'AMATO, and the ranking member, Senator SARBANES, for their work on this issue in that committee.

This amendment will improve the job access grants that are contained in the bill, in the underlying legislation.

Last September, when the Banking Committee—of which I am a member—considered the mass transit component of ISTEA reauthorization, I was successful in adding to the bill a $600 million grant program to help welfare recipients and low-income individuals to get to work. I thank again the Chairman, Senator D'AMATO, as well as Senator SARBANES and the others who helped make that possible.

The amendment that my colleagues from Pennsylvania and I are offering today expands and improves the job access provisions in the Banking Committee's bill. The amendment more than doubles the amount of funding available for the program—from $100 million per year to $250 million per year.

The amendment increases from $100 million to $150 million the amount available every year for access to jobs grants—monies designed to address the fact that, in too many cases, in both urban and rural areas, welfare recipients and low-income individuals are isolated from the jobs they want and need.

The amendment adds an additional $100 million per year for a new reverse commute program, designed to provide seed money to local communities to shuttle employees who live in central cities, or in outlying rural areas, into jobs located in the suburbs.

Two-thirds of all new jobs are being created in the suburbs. Many suburban communities report severe labor shortages because they cannot find enough workers looking for entry-level jobs. Public transportation systems, however, are often not designed to move people from either inner cities or rural areas to job opportunities in the suburbs. This amendment will help communities implement new transit systems designed to transport people of all income levels from their homes in cities and rural areas to jobs in rapidly-growing suburban communities.

Mr. President, I would like to talk for a moment about the access to jobs portion of this amendment. I am very pleased that I have been able to work with my colleagues from Pennsylvania, as well as with the leadership of the committee, to increase the amount of funding available for that program.

Last year, Congress enacted legislation to move people from welfare to work, the welfare-to-work legislation that was so much a point of discussion a year ago. The bill imposed time limits and other restrictions that will result in the termination of benefits for an estimated two million people by the year 2002. One of the greatest obstacles many of these current welfare recipients face in getting jobs is literally getting to the jobs. Welfare recipients and low-income individuals often live, almost by definition, in impoverished communities devoid of job opportunities. I pointed out that in a single census tract near the public housing developments in Chicago, there is less than 1 percent, according to the census, less than 1 percent employment in that entire census tract. Clearly, people have to get to where the jobs are. Mr. President, 94 percent of welfare recipients do not have cars. Low-wage earners often do not have cars. They are dependent on public transportation to get to areas with jobs. If the public transit is inadequate, the jobs become inaccessible. People cannot move from welfare to work if the people on welfare can't get to the work.

In many communities with high concentrations of welfare recipients and low-wage earners, new jobs are practically non-existent. Three-quarters of welfare recipients live in central cities or rural areas, and as I already noted, two-thirds of all new jobs are created in suburbs. So clearly we have to resolve this disconnect to allow people to get from welfare to work, and this program goes a long way in that direction.

In Cleveland, a study found that inner city residents can only reach between eight and 15 percent of job openings in a reasonable time using public transportation. Even if central city residents were willing to commute for two hours and 40 minutes every day, they would still have access to less than half of the entry-level jobs in the Cleveland area. A separate study of 43 large metropolitan areas revealed that communities with the longest job commute times had the highest rates of unemployment. So the ability to have access to employment is directly correlated with the ability of people to hold employment.

In Boston, there are public transit stations within one-half mile of 99 percent of the city's welfare recipients. Only 43 percent of employers, however, are within one-half mile of transit lines.

Studies of Baltimore and Atlanta have demonstrated the same trend. While the jobs are in the suburbs, the people looking for the jobs are not.

In rural areas, the same problems exist. The Community Transportation Association of America has found that 40 percent of all rural counties have no public transportation whatsoever. When transit is present, it often does not operate at night or on weekends—times when many low-wage or entry-level jobs are performed.

By filling the gaps in transit services, we can give people the chance to get to the jobs they seek. In Chicago, an innovative Suburban Job Links program is doing just that. Buses carry workers from the Pilsen neighborhood on the near southwest side of the city to their jobs at Avon Products in north-suburban Morton Grove. Hundreds of city residents are carried on buses and vans to places like a UPS facility in southwest-suburban Hodgkins.

The amendment we are offering today will help to broaden this program and help other communities replicate its success and test new approaches to solving this problem. The amendment also preserves the important funding ratio between urban, small urban, and rural areas. Sixty percent of funds will be awarded to projects in large cities, 20 percent to projects in small cities, and 20 percent to projects in rural areas.

Again, I thank my colleagues from Pennsylvania and the leadership of the Banking Committee for their work on this important initiative.

Mr. President, I would like at this point to take advantage of the time to speak to the minimum allocation amendment. I do not know whether or not there is action to be taken on this amendment?

Mr. D'AMATO. If I might suggest to the Senator, I believe that we are very close to resolving the minimum allocation amendment as initially proposed and that we are very close to coming to a settlement in which additional resources will be provided to the rural States and rural communities without a disfigurement, so to speak, of the basis of mass transit funding, the formulas which provide for most, or the highest number of people being moved on the basis of need. So I recommend at this time, knowing the Senator is a great, great supporter of mass transit but has sought balance, that we proceed to dispose of this legislation. And I think within a matter of minutes we will be able to go forward with a compromise.

Mr. SPECTER. Mr. President, if the Senator will yield, if we might have final action on the amendment? Senator SANTORUM and I have commitments on a major shipbuilding project on the House side. So if we could conclude the debate on the amendment without the distinguished Senator from Illinois losing her right to the floor, it would be appreciated.

Ms. MOSELEY-BRAUN. I thank my colleague. I am happy to defer going further with any comments on the minimum allocation until we can take action on this amendment.

I commend the Senator from New York for his work on the minimum allocation issue because, of course, maintaining the balance of which he speaks is a very, very important thing to this entire bill. So I will defer, without losing my right to the floor, until the Senate has acted on this amendment. I defer and yield for that purpose.

Mr. SPECTER. Mr. President, I urge adoption of the pending amendment.

The PRESIDING OFFICER. If there is no further debate, the question occurs on agreeing to amendment No. 1941.

The amendment (No. 1941) was agreed to.

Mr. D'AMATO. I move to reconsider the vote.

Mr. SANTORUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1931

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. Thank you very much, Mr. President.

I would like at the outset to congratulate the Senator from New York for his work on this minimum allocation issue because it really goes to the heart of this legislation and it is a very, very important issue.

But I will take the time at this point to speak to the proposal that we have seen in the hopes that the Senator from New York is as successful as he has been on these issues overall and can get this matter resolved through the legislative compromise.

Mr. D'AMATO. Let me, if I might, say I think we are very close to arriving at a compromise. I want to pay particular tribute to a new colleague of ours, although he is not new to the legislative process. I think he has demonstrated the kind of leadership that makes it a great pleasure for me to chair the Banking Committee. I am talking about Senator JOHNSON, who initially came forward and said our rural States are not getting sufficient funding to meet our needs. And, indeed, the compromise we are forging is one in which there can and still will be room for them, in the future, to come forward and ask for more.

We are addressing an imbalance that has existed over a number of years. He has been joined in that effort by Senator THOMAS of Wyoming. And, again, the two have carried this in a manner that makes doing the business of the people something that we can be proud of. We did not, nor did it ever reach the business of trying to see who had more votes, who had more muscle; but, rather, how, with limited resources, could we do the business of the people to the best of our ability.

We need more money for this bill to be able to meet all the transit needs of this country. We do not have it. So I applaud both of my colleagues for bringing us to a point where I believe we can enact legislation that begins to address their concerns. It does not fully address them, but it begins to move the process in the right direction, and yet recognizes the tremendous needs that those in the urban States still have.

Mr. JOHNSON. Will the Senator yield?

Ms. MOSELEY-BRAUN. Yes.

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. JOHNSON. Mr. President, I simply want to concur with Chairman D'AMATO and to express my gratitude to him for his willingness to work with Senator THOMAS and with me and with others who are very concerned about transit needs in rural areas, to recognize that there are very great and very real needs there. Yet there is a finite amount of money, and there are great needs as well in our urban areas. I thank him for having been willing to work with us to recognize that Chicago and New York are major urban areas that will indeed benefit by a significant new infusion of transit money but that, by massaging the budget carefully and coming up with a compromise that does not change the underlying formula system, it still provides a significant infusion of resources for our rural areas.

I am very encouraged that we can arrive at a win-win situation. So I commend Chairman D'AMATO. I also thank my colleague from my neighboring State of Wyoming, Senator THOMAS, for his leadership and his very hard work on trying to devise an approach to this that will work.

So I say to my colleague and my very good friend from Illinois that I think we are at a point now where we will be able to move on with a transit amendment that will be of enormous benefit to the State of Illinois, that will not change the formula, but will be able to do some more positive things for those of us in rural areas, including the rural areas in Illinois. I know that my colleague has great concern for those areas, as well, in her own State. So we will all, I think, benefit by this compromise.

Ms. MOSELEY-BRAUN. I thank my colleague for his gracious remarks. He is exactly right.

We have an expression at home that says, "Just outside of Chicago there's a place called 'Illinois.'" Much of my State is rural. And, of course, I share the concern that we provide for transit and transportation in rural areas as well as the urban ones.

I am delighted that an agreement has been reached in this regard that will maintain the balance for transit and highway funding in this legislation. That balance, I think, represents the best national interests, the interests in getting people moved from place to place, getting people to where the jobs are and making certain that we do not unduly jeopardize commerce, jeopardize the environment, jeopardize our ability to provide for the movement of large numbers of people by our disrupting of the formula between mass transit and highway funding in this ISTEA legislation.

So, again, I commend my colleague and commend the members of the committee who have worked on this issue. I am very, very pleased that we have worked this out, because in its previous incarnation, the minimum allocation proposal would have been disastrous for mass transportation and I think would have mitigated against the national interest in moving people from place to place and protecting the environment and in aiding commercial activity in the country. If it has been resolved in ways as has been suggested here this afternoon, then I think that is the best of all possible worlds.

Mr. President, Rudolf Julius Emmanuel Clausius was a 19th century German physicist famous for saying, "The entropy of the universe tends to a maximum." What he meant was, that if left to its own designs, the universe will continue to expand and progress away from its origin of a singular, focused point, toward a state of increasing disorder.

If Mr. Clausius were alive and here today, he might well say, "The entropy of the Senate tends to a maximum." We sometimes have an uncanny ability to take a perfectly good Federal program that targets a national need and dilute it to the point where it is barely recognizable as a program designed to address a specific purpose. The amendment before us today—the amendment to establish a so-called "minimum allocation" for mass transit funds—would do exactly that. It would increase the entropy of the transit program to the point where the program would no longer serve its intended purpose.

This amendment represents a digression from the path we were on last week. Last week was a good week for those of us who support investing in our Nation's infrastructure. First, an agreement was reached providing an additional $25.8 billion for highway improvements and construction. Second, an agreement was reached to distribute those funds in a more equitable manner than the rest of the highway funds being allocated under the ISTEA reauthorization bill. Third, an agreement was reached providing an additional $5 billion in mass transit funding, increasing from $36 billion to $41 billion the amount of funding transit will receive over the next 6 years.

I am a builder by inclination. I believe one of the most economically productive activities in which the Federal Government can and should engage is infrastructure investment. Those of us who share that view welcomed last week's developments.

This week, the Senate appears to have digressed. The amendment we are considering today would take the heart out of the Federal transit program—a program upon which millions of commuters rely every single day to get to work, a program that relieves congestion in cities and suburbs, a program that provides mobility for millions of elderly Americans who can no longer safely drive, a program that allows millions of disabled Americans, to get to work, to access medical care, grocery stores, and other essential services, a program that improves the quality of the air we breathe, a program that boosts economic activity in our urban centers, a program that is vital to our cities, critical to our suburban and rural communities, and that ought to be a priority as we formulate our national, intermodal surface transportation policy.

We are now considering an amendment which forgets all that, which forgets about the importance of transit to commuters, to the elderly and disabled, to our environment, and to our economy. It is an amendment that forgoes national policy in favor of parochial pork. It is an amendment that turns a program targeted toward specific needs into a diluted formula allocation of funds to states without regard to needs of communities. It is a cynical ploy by States without mass transit to grab money from States that do. The so-called "minimum allocation" for transit amendment will indeed marginalize our national interest in providing efficient transportation for millions of Americans.

Mr. President, mass transit is a critical part of our national intermodal transportation system. People depend on transit to get to work. More than half of all transit trips are for work purposes. Transit helps the environment. Without public transit there would be 5 million more cars on the roads and 27,000 more lane miles of roads. The degradation of the air from such a massive infusion of pollution is incalculable. Transit is a great economic investment. The net economic return on public expenditures for public transportation is four or five to one. When mass transit improvements are made, land values go up, commercial development increases, and jobs are created. Without transit, congestion alone would cost the private sector economy $15 billion annually.

Mass transit is particularly important to States like Illinois. Chicago is the fifth-most congested area in the country. Congestion and bottlenecks sap the region's economic productivity by $2.8 billion every year. Without transit, congestion in Chicago would likely be unbearable, and without continued investments in the area's aging transit systems, the cost to the local and regional economy will grow.

Three-fourths of the Chicago Transit Authority's elevated structures—used by 400,000 passengers every single day—are more than 80 years old. METRA, which carries 270,000 riders a day into and out of the city, uses 300 bridges that are at least 80 years old, and 52 of those are listed in "critical" condition. The Regional Transportation Authority of Northeastern Illinois—which carries 1.8 million riders every single workday—estimates it needs $3 billion over the next 5 years just to bring Chicago-area transit systems up to "a state of good repair" and to control operating costs.

The Chicago Transit Authority, which operates the Nation's second largest public transportation system, needs $336 million in Federal funds to rehabilitate the Douglas branch of the Blue Line, which serves Chicago's near west side. The line was originally opened for service more than 100 years ago. Every weekday, more than 13,000 riders use the line, which feeds right into the heart of downtown Chicago and into west-side manufacturing districts. Shutting down this line because funds are not available to repair it would be a disaster for the area.

The CTA also seeks funds to expand the capacity of the Ravenswood line. In order to run longer trains on the tracks, the station platforms will have to be lengthened and improvements made to various parts of the track system. This project will cost several hundred million dollars.

METRA—which is the country's second largest commuter rail system and which serves an area as large as the State of Connecticut, with a population base of over 7.5 million people—seeks more than $300 million to expand capacity. Recent studies indicate that the Chicago area will experience a 25 percent population growth by 2020, and employment will grow by 37 percent over the same period. Expanded and improved transit service will be essential if the region's transportation system is to absorb that level of growth.

In southern Illinois, outside of St. Louis, Federal funds are needed to continue extending the new MetroLink system all the way to the new Mid-America Airport.

The current program structure is designed to help meet these needs. It targets resources based on need. Through the transit formula programs, Federal funding ensures the continued maintenance, operation, and improvement of our Nation's existing transit systems. Through the discretionary capital programs, Federal funding assists in the development and expansion of new transit systems, whether bus or rail, whether urban or rural.

The current program is a strong Federal-local partnership. Funds are allocated directly to local authorities, or to state authorities based on local needs, using factors such as population, transit ridership, and the size of existing transit systems.

The so-called "minimum allocation" amendment would destroy that program structure. It would result in resources not being targeted toward needs, decrease the cost-efficiency of building and operating mass transit systems, and cripple the ability of Federal funds to leverage State and local resources.

The amendment distorts the intent and direction of the Federal transit program by basing transit funding on gasoline consumption. By so doing, the amendment creates an illogical and perverse dynamic: a state that invested in transit and used Federal transit funds to improve service would, in future years, see its share of transit funds decline, because transit riders do not consume gasoline. There is no precedent for such an impossible incentive system—a system that withholds Federal funds from States that spend them most effectively.

I want to make sure that every member of the Senate understands the irrational nature of this amendment. Consider what would happen in the State of North Carolina. I know that the Raleigh-Durham area seeks funding to build a new commuter rail system. The minimum allocation amendment would make their task harder for two reasons. First, it would reduce the amount of Federal funding available to build new transit systems, making it less likely that the Raleigh-Durham area would receive enough federal assistance to build the system on a cost-effective schedule. Second, if the system were to be built, the amount of Federal funding the Raleigh-Durham transit agency would receive to support the system would slowly decline over time. That is because the commuter rail system would take cars off the road. If it worked, as most transit systems do, it would reduce gasoline consumption in the area. Since transit funding would be based on gasoline consumption, North Carolina would receive less and less transit funding, even as the Raleigh-Durham system grew older and required more capital investments to keep it running. Eventually, the system would deteriorate, people would stop riding the trains, and the considerable capital investments made by the taxpayers to set up the system would go to waste.

That is the incentive system this amendment establishes. It makes absolutely no sense. The fact is, States like Illinois receive a proportionally large share of mass transit funding today because we have a proportionally large share of mass transit riders. People take almost 540 million trips every year on Chicago-area transit systems alone.

Mr. President, supporters of the minimum allocation amendment seem to have lost sight of the national objective and purpose of the transit program. It is not a program designed to spread money around to every State in equal proportion. It is designed to address real needs that affect our entire nation.

I do not doubt claims that rural areas have tremendous transit needs. In fact, it is a disturbing fact that 40 percent of all rural counties in America have absolutely no public transit whatsoever. Where transit does exist in rural areas, it often does not operate on weekends or late into the night—times when many low-income individuals count on transit to get to jobs. Rural areas do have transit needs, and I support increases in the transit program in order to help expand access to public transportation in rural areas. Destroying the transit program in order to funnel more money to rural areas, however, is not the way to achieve those objectives.

Supporters of the minimum allocation amendment complain that drivers in their States pay taxes on the gasoline they consume, that those revenues are deposited into the Mass Transit Account of the Highway Trust Fund, and that their State does not receive its fair share of those revenues.

The reason we have a national government, Mr. President, is "to form a more perfect Union." To that end, we have established a variety of programs designed to address national needs. The transit program is one of those programs. Our Nation's metropolitan areas rely on transit systems. They could not exist without them.

Our cities are among the Nation's most important assets. Visitors to and residents of our urban centers enjoy access to unlimited entertainment, myriad cultural activities, and unrivaled educational and economic opportunities. And 26 million leisure travelers visit Chicago each year in order to sample the city's 7,000 restaurants, 100 theaters, and 250 museums and art galleries; to stroll in its 552 parks; and to view some of the world's most unusual and interesting architecture. Cities like Chicago play a crucial role in the life of the Nation, adding immensely to its wealth and its quality of life.

Our major cities would not be as enjoyable, livable, and attractive as they are in the absence of their mass transit systems. Without transit, congestion in Chicago, Philadelphia, Boston, San Francisco, Baltimore, and Cleveland would bring those cities to a halt. The air quality in Manhattan would deteriorate rapidly. Our cities need viable transit systems, and this is precisely why we have a national transit program. It fulfills a critical need and repays the investment many times over.

There are a lot of Federal programs that are designed to meet national needs and which do not benefit my state of Illinois at all, if you only look at them through the limited prism of only where the dollars are actually spent. Illinois receives almost no funding under the Federal lands highway program, for example, even though Illinois residents pay their fair share of gas taxes into the Highway Trust Fund, from which monies are drawn to pay for the Federal lands highway program. That is because Illinois has almost no Federal lands. Illinois receives almost no funding from the Bureau of Land Management, because Illinois has no lands under its control. Illinois receives almost no funding from the Bureau of Indian Affairs or the Bureau of Reclamation, either—because the needs those programs are designed to address are not found in Illinois.

Mr. President, those are the consequences of having a national government. That is the price we pay for having "a more perfect Union." We all contribute to national goals and objectives, even if those priorities are not found in our own backyards. If the objective of a national government were to return Federal tax revenues to their States of origin, Illinois would probably not do too badly. But that is not the purpose of our national government.

Mr. President, I hope my colleagues will vote against this destructive amendment. The transit program is not a highway program. Highway programs have long been battlegrounds for convoluted formulas that allocate funds to political power-centers. Witness this year's shift of Federal highway funds from the northeast to the south—a reflection of the shift in power in the Senate.

The transit program is different. It is not a Federal-State program. It is a Federal-local partnership. It has never been a mere political battleground for more funds. The program has been carefully designed to target needs, and it works. Nothing would destroy the transit program more quickly than the enactment of this amendment.

I urge every one of my colleagues to consider the national policy implications of their vote, prove the German physicist Mr. Clausius wrong, and vote against this bad idea.

I thank the Chair and yield the floor.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Thank you, Mr. President.

I rise to thank the chairman for his cooperation in moving towards a solution to a problem that I think has real meaning. I have been involved in this highway transportation bill for some time, being a member of the subcommittee. So we are down now, I think, to coming to closure. I am so pleased with that.

So I thank the chairman for his cooperation and his willingness to work on it. Certainly, I thank my friend from South Dakota for working on this as well. I think it points out the diversity of this country. We do have different needs in different places, and it is very difficult sometimes to find the formula, the Federal formula, that treats fairly all of the States that are involved.

AMENDMENT NO. 1942 TO AMENDMENT NO. 1931

Mr. THOMAS. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The Clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. THOMAS], for himself and Mr. JOHNSON, proposes an amendment numbered 1942 to amendment No. 1931.

Mr. THOMAS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 10, line 24, and page 11, lines 1 through 7, strike "$500,000,000" each time it appears and insert in lieu thereof "$470,000,000."

On page 12, lines 3 though 7 strike "$100,000,000" each time it appears and insert in lieu thereof "$80,000,000."

On page 13, lines 19 though 23 strike "$50,000,000" each time it appears and insert in lieu thereof "$100,000,000."

Mr. THOMAS. Mr. President, I urge adopting the amendment and ask for the yeas and nays.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. We are prepared to accept this amendment. It strikes a balance. It provides $250 million more for those rural communities that are at populations of under 50,000. It can be accomplished within the framework of the budget. We believe, as a result of the reconfiguration of the distribution of the $5 billion, that it will be done in such a way as to maximize the dollars that have been provided by the Budget Committee, the budget authority and the outlays, and that it will not do violence to the agreement.

It reduces the new starts by $150 million from $2.5 billion to $2.35 billion. It reduces those dollars that would go to the discretionary bus program from $500 million to $400 million and then adds $250 million to the rural formula program, so that my colleagues who represent rural America will be producing, under this bill, $500 million—a half a billion dollars—over and above what the committee had initially reported out.

Mr. President, I believe it is a good compromise, and I can be totally supportive of it. I urge my colleagues to support it.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1942) was agreed to.

Mr. D'AMATO. I move to reconsider the vote.

Ms. MOSELEY-BRAUN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. D'AMATO. Mr. President, I congratulate again both Senators who worked and built a broad-based coalition and yet recognized that this really is an equity that we seek throughout this country. It is not always easy and not always easy to obtain. But I thank them for their cooperation.

Mr. President, I know of no other Senator who seeks the floor, but let me say this before I suggest the absence a quorum. We have now, as far as I can see, disposed of all of the outstanding amendments that I have been made aware of up until this point.

If Senators do have amendments that they wish to offer, I hope they will do so. I believe the leader is going to seek a unanimous consent to put out over the hotline to get a time certain to vote. We have made great progress. Again, I urge my colleagues to have their staffs meet with our staffs or come to the floor to take up any question they might have so that we can resolve these issues and continue the progress that we have made on this bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. It is not my intent in any way to interrupt the consideration of this bill. I say to the managers if someone comes to the floor with an amendment, if they will give me a signal, I will promptly relinquish the floor.

AGENDA FOR CONGRESS

Mr. DORGAN. Mr. President, I wanted to take just a minute to discuss an item that has shown up in a number of newspapers and columns in the last week or two. I will read a couple of headlines. "Congress and the Clock." "They Seem at Times to be Running on an Empty Tank." "A Do-Nothing Congress Could Turn Into a Do-Little Congress." "AWOL Congress."

The point that is made by some editorial writers and some others is that there is not much of an agenda. Well, we have the highway bill on the floor of the Senate now. This is very important. I want very much to get this done and get it done promptly. This is last year's business being done this year. Let's get it done and provide some certainty with respect to our plans and our desires to invest in our country's infrastructure, highways and roads.

When we complete this piece of legislation, it is not the case that there is not an agenda here for the Congress to consider. Many of us have developed an agenda that is very aggressive. We have an agenda to save Social Security first. We would like very much for the Senate to vote on that proposition, a sense-of-the-Senate resolution that says it is our intention to save Social Security first. The question here is, if there is, in fact, a brighter picture ahead with respect to Federal deficits, what is to be done. Some want to spend it, some want to provide tax breaks. The President says let us save Social Security first. I hope very much we can have a vote here in the Senate that says we agree, let us save Social Security first. That is the first and the best priority for this Congress.

Second, we want to consider legislation to protect health care consumers. There are 160 million people now enrolled in managed health care plans in this country. Yes, some managed care plans can and do save money. They can, in fact, improve care. But medical decisions ought to be made by health care practitioners, not insurance company accountants. Many in this country are very concerned about their treatment by their managed care plan.

The President has proposed a patient's bill of rights to provide some basic protections for patients. You have the right to know all of your medical options, not just the cheapest. You have the right to choose the doctor you want for the care you need. And you have the right to emergency room care you need whenever and wherever you need it. You also have the right to keep your medical records confidential.

We believe very strongly that one of the first items of business in this session of Congress should be to address the question of managed care.

Here is an essay written by Dr. Ronald Glasser titled, "The Doctor Is Not In," and subtitled "On the managed failure of managed health care."

Let me read a couple of paragraphs of this article by Dr. Glasser, a Minneapolis pediatrician and the author of several books. He writes in this essay:

> We are born, we live, and then we die, but these days we do so with less and less help from a medical profession paid to discount our suffering and ignore our pain. Proofs of the bitter joke implicit in the phrase "managed care" show up in every morning's newspaper, in casual conversations with relatives or friends recently returned from a hospital or from what was once thought of as a doctor's office instead of an insurance company's waiting room, and in a country generously supplied with competent and compassionate doctors, 160.3 million of us now find ourselves held captive to corporate healthcare systems that earn $952 billion a year but can't afford the luxury of a conscience or a heart.

Dr. Glasser, in his essay, talks about the denial of certain health care. He says,

> Such forced denial of care occurs at a time when new medical and surgical technologies allow physicians to treat and often cure any number of conditions that only a few years ago could barely be diagnosed; organs now can be digitally reconstructed in three dimensions to locate previously inoperable tumors; heart attacks can be stopped with injections of a compound known as tPA; blind people may wake up and see with implanted plastic lenses, one-and-a-half-pound premature babies, once given up for lost, routinely are nursed to health; a new generation of medical research brings us genetically engineered tests and one nearly miraculous drug after the next. At the same moment, presumably well-insured women diagnosed with disseminated breast cancer must hire lawyers to have their health plans pay for life-saving bone-marrow transplants and managed-care companies can deny powered wheelchairs to handicapped children who pass a "utilization review" showing them able to stagger twenty-five feet with the help of a walker.

This is a long and fascinating essay about managed care. My colleagues have heard the stories that have persuaded many of us that this Congress at least ought to address the question of what patients' rights are in managed care.

A 27-year-old man from central California received a heart transplant and was discharged from the hospital after 4 days because his HMO would not pay for additional hospitalization. Nor would the HMO pay for the bandages needed to cover the man's infected surgical wounds. The patient died.

An otherwise healthy 2-year-old boy who had suffered a fall was taken to a local hospital with a stick lodged between his upper lip and his gums. Once there, health care providers repeatedly misdiagnosed the boy's condition and refused to authorize an $800 CT scan that would have confirmed the boy was developing a brain abscess. The result? The boy was left blind and brain damaged.

A 54-year-old man who just had prostate surgery was told by his HMO he must leave the hospital within 24 hours of his surgery because the HMO wouldn't pay. He had to go home where there was no one to care for him even though he was still bleeding, had to wear a catheter to drain his bladder, and couldn't walk.

The stories go on and on. Most of us have heard the stories in our hometowns, our States. One managed care organization recently stated it would not pay for more than 5 hours of epidural pain relief for labor pains. Doctors objected, saying that some labor pains go on for more than 20 hours. One wonders whether the insurance company employee who said we will limit the coverage for epidural relief to 5 hours has ever been in a hospital experiencing the pain of childbirth. My guess is no.

We now have a circumstance where, all too often, the operation of the emergency room is a matter of profit or loss. There was an article about a woman in the New York Times recently. She was in an ambulance with her brain swelling from an injury just received, and she told the ambulance driver, "Do not take me to the closest hospital." And she named the hospital farther away where she wanted to be taken that did not have a reputation for making cost its bottom line. She said later that she didn't want to be taken to the other emergency room and have somebody make a decision about her life that related to their bottom line, to their profit and loss. A lot of Americans share her concern.

So we have an agenda. We have an agenda on managed care that says there ought to be a patient's bill of rights. People ought to know what their medical options are. No accountant 500 miles away from a hospital room or a doctor's office ought to be giving guidance on whether a doctor's judgment is appropriate with respect to treatment. And yet that is what is happening in this country.

We have an agenda on managed care. We think it ought to be one of the first items of business here on the Senate floor when we finish the highway bill. Let's talk about managed care. Let's talk about the health care. Let's talk about the 160 million people who are in managed care plans and ask the question, what does this plan mean to my health care? to my family's health care? to my children's and my parents' health care? What does it mean to our pocketbook? What kind of coverage exists for us today, tomorrow and next month? This Congress needs to be debating and answering some of those questions. These are life-or-death issues, not matters of inconvenience.

So when someone says the Senate doesn't have an agenda, they aren't talking about us. We have an agenda, but regrettably, we didn't win the Senate. The majority party that controls the Senate won the election. We understand that when votes are counted, whatever party wins wins, and they control the House and the Senate. But I want everybody to understand, when they see an editorial titled "Congress Gone AWOL," "Congress and the Clock," "70 days left," or "A do little Congress," that for some of us there is an agenda.

Many of us have very strong feelings about what issues the Senate should be considering—managed care, education, tobacco legislation, a whole series of issues that we want brought to the floor of this Congress and debated. The fact is we have some who, without question, want to have the engine running but have the transmission in idle. They don't want to go anywhere. They just want to claim the car started. We would like to put this car in drive and drive towards an objective that we think represents the best interests of this country.

On education, we understand that State and local governments should make the main decisions in elementary and secondary education. But many of us also believe that we have a national interest in trying to reach goals and achievements as a country in elementary and secondary education. The President and those of us on this side of the aisle are very concerned about trying to find some way to address the issue of class size. Are there things we can do with respect to class size and modernizing schools? For example, we understand that reducing class sizes can have a substantial impact on the teaching of children. Smaller class size means more attention is paid to each of the children, and we understand that is important.

The issue of modernizing schools—many of our schools all across this country are 30, 40, and 50 years old and in disrepair. I have been in schools, unfortunately, like the Ojibwa School on the Turtle Mountain Indian Reservation. These are schools children shouldn't be in. Reports from the General Accounting Office about the schools say they are unsafe. I have seen light fixtures dangling from the ceilings and frigid winter air coming through the trailers that masquerade as schoolrooms. We can do something as a Congress to modernize schools and remedy their state of disrepair. We want to talk additionally about the issue of minimum wage, about those at the bottom of the economic ladder. We made a couple of adjustments in the minimum wage on a bipartisan basis, but we need to further consider how to restore its purchasing power, not to a level above where it used to be, but to a level comparable to where it historically has been.

It is interesting in this country that we have a market system that is very generous to some and not to others. That is the way the market system works, and I accept that. In the market system we have in this country we have a right to make choices. I certainly don't want to discontinue those choices. But by our choices we've created a system where a man who is 7 feet 2 inches tall and can dunk a basketball gets $120 million. Where does that come from? It comes from folks who watch television or go to a basketball game, if they can afford to do so. But that's $120 million for somebody who can dunk a basketball and $30,000 for an elementary schoolteacher.

Which one would you pick? We make choices in the public and private sectors. Actually, when I refer to the private sector, there are not exactly unimpeded economic circumstances in professional basketball, where somebody makes $120 million, because it is not exactly an open and free market system. There are different circumstances in professional basketball because they limit the number of teams and so on.

My point is that the question of what we invest in both publicly and privately in this country determines a lot about what kind of a country we are going to have in the future. Our agenda, which we think would improve this country, deals with health care and education and jobs and income opportunity—a whole range of issues that we think represent good and strong positions for this Congress to consider. So the reason I came to the floor this afternoon is to say that the next time I see one of these editorials that says "do nothing, do little, march in place, you know, the car is in idle," we have plenty to do. If we finish the highway bill this week—and I hope we will and I will support all the efforts to get this done quickly—then I hope next week we can grab a hold of a significant part of this agenda that we feel is important. If we do this, I think the next editorial will say, gee, they tackled education and health care and a lot of things that are very important to the people in this country.

I yield back the balance of the time I haven't used.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRAMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The Senate continued with the consideration of the bill.

Mr. D'AMATO. Mr. President, I have an amendment I will offer on behalf of Senator NICKLES, which would permit basically his mass transit funds to be used as it related to the funding of Amtrak activities in his State. I know of no opposition.

AMENDMENT NO. 1943 TO AMENDMENT NO. 1931

(Purpose: To permit States to use assistance provided under the mass transit account of the Highway Trust Fund for capital improvements to, and operating support for, intercity passenger rail service)

Mr. D'AMATO. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO], for Mr. NICKLES, proposes an amendment numbered 1943 to Amendment No. 1931.

Mr. D'AMATO. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . INTERCITY RAIL INFRASTRUCTURE INVESTMENT FROM MASS TRANSIT ACCOUNT OF HIGHWAY TRUST FUND.

Section 5323 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(o) INTERCITY RAIL INFRASTRUCTURE INVESTMENT.—Any assistance provided to a State that does not have Amtrak service as of the date of enactment of this subsection from the Mass Transit Account of the Highway Trust Fund may be used for capital improvements to, and operating support for, intercity passenger rail service.".

Mr. D'AMATO. Mr. President, this makes no changes in the allocations of the appropriations, but it empowers the State transportation people to make decisions as to how they will allocate the mass transit dollars that come to them. If they wish to use them with respect to their Amtrak facilities, that is their right. I support the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1943) was agreed to.

Mr. D'AMATO. Mr. President, I move to reconsider the vote.

Mr. REED. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. D'AMATO. Mr. President, I believe the Senator from Rhode Island has an amendment he would like to offer.

AMENDMENT NO. 1944 TO AMENDMENT NO. 1931

(Purpose: To make an amendment relating to capital projects and small area flexibility)

Mr. REED. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED], for Mrs. BOXER, proposes an amendment numbered 1944 to Amendment No. 1931.

Mr. REED. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page , line , insert "and provides non-fixed route paratransit transportation services in accordance with section 223 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12143)" after "for mass transportation".

Mr. REED. Mr. President, this amendment would broaden the definition of capital expenditures for paratransit facilities. These are vehicles used for disabled American citizens. There are many communities in the United States that have these facilities. This definition would not adversely affect the allocation and would provide, we hope, for more use of the paratransit services. I encourage adoption of the amendment.

Mr. D'AMATO. Mr. President, we have no objection and support the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1944) was agreed to.

Mr. D'AMATO. Mr. President, I move to reconsider the vote.

Mr. REED. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. D'AMATO. Mr. President, I believe we have reached a point where I am not aware of any other outstanding amendments. I think there may be two Senators who, for whatever reason, would object, apparently, to us calling for a vote. But it would be the intention, otherwise, of the leadership to dispose of this amendment by at least 5:45, is what I've been given to understand.

I don't know what my colleagues might object to or what part of the bill they might want to debate. It would seem reasonable to me that if they do have objection, they should come to the floor and state it. Let's have a vote on it or an attempt to deal with whatever they feel is an inequity. We might lose, we might win, or they may get their way, or they may not. But the business of the people, I believe, would best be served by resolving this.

I just have no idea at this time as to what their objections might be. So even if I were in a position to remedy the deficiencies—and I am not saying this is a perfect bill; it is far from perfect, and it could be second-guessed by many. But I am not in a position, nor is the ranking member or Senator REED, who is standing in for Senator SARBANES, at this point to even offer any type of solution or compromise if we are kept in the dark.

Now, I don't see any useful purpose in that. So I ask that our respective sides reach out to our colleagues through their staffs to ascertain from them whether they can inform us as to what procedure they would recommend we undertake. If it is to stop the entire bill, then it would seem to me that the leadership should be advised so that they can proceed accordingly. Any Member has the right to lodge his or her objection and to take to the floor and, indeed, make their views known, offer their amendments, or prolong debate. I guess that is a nice way for saying "enter into a filibuster." I respect that. I have, on occasion, resorted to that myself.

Now, having said that, I came down to the floor and took the floor and raised my objection. So when we have reduced a bill to a point where all of the Senators, except one or two, have agreed that we should go forward, it seems to me that in fairness to the body we should have some kind of an explanation and set about a course of action to determine how we can deal with it. That would not be my prerogative; that would be the prerogative of the majority and minority leaders. They might decide to file for cloture, or they might decide to undertake another activity, or they might even be able, as I would think, to mediate successfully a cessation of the objections from our colleagues. But I want the RECORD to note that we have done as much as we can. We are here. We are ready. This bill is ready, and, as far as I am concerned and to the best I can determine, this amendment is ready to be acted on. Forty-one plus billion dollars would be spent over the next 5 years on a combination of activities—rural, urban, suburban, new starts, new buses, improvement of existing facilities, extension of some —a whole combination.

Even at this eleventh-and-a-half hour, there are some very worthy amendments that we have taken dealing with the disabled and giving communities the ability to buy vehicles and put them in a capital program that they might not qualify for, giving additional flexibility to States to use some of these funds.

So I think it is a well-balanced approach to transportation. I hope my colleagues will give us an opportunity to conduct the business of the people as it should.

With that, Mr. President, I suggest the absence of a quorum, and maybe we can get our two colleagues to come down and resolve their differences.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1945 TO AMENDMENT NO. 1931

(Purpose: To make an amendment relating to new start rating and evaluation)

Mr. GRAHAM. Mr. President, I will soon send to the desk an amendment which will provide for three additional criteria to be added to the current five criteria that are utilized for purposes of the Federal Transit Authority's determination of the validity of a New Start application.

These three additional criteria are population density and current transit ridership, the technical capability of the applicant to construct the project, and the degree of local financial commitment to the project, including the degree to which the local community has overmatched the project.

The purpose of these three are to add three relatively quantifiable factors to the five existing factors that will be used by the Congress and by the Federal Transit Administration in determining which of the New Start applications are appropriate for Federal participation.

I urge adoption of the amendment on behalf of Senator MURRAY and myself.

Mr. D'AMATO. Mr. President, one of the great problems that we have today is that as more communities grasp the realities of the access to move people, particularly in our urban centers with great densities of traffic, and come to the Federal Transit Administration with their proposals to construct people movers to areas that are alternatively utilizing mass transit, there are some programs that are started that shouldn't be started, for a variety of reasons.

In some cases, the technical knowhow and capabilities that should be there, in terms of studying and getting them ready, just are not. So the Senator says one of the criteria is the technical capabilities to construct the project. You can come in with a wonderful project, but it is "pie in the sky;" it is not possible. And what is taking place is that new starts are being considered, undertaken, lots of money is being laid out by the Federal Government, and engineering studies and what-not are taking place, engineering costs are being racked up, and there is very little likelihood of people ever being able to move. In other words, no transportation project is really going to get underway.

So I commend the Senator for saying let us take a look and see if this really is real; is it going to work? Obviously, the needs should be tied to the numbers of people that can and should be moved in these new start projects. Again, it is nice to have one in every community. But what is the logic and sense of spending x hundreds of millions of dollars if the numbers of people who would be moved on a daily basis are negligible—if there is no demand? So the Senator sets this as a criterion.

And the third and probably most important is the degree of local financial commitment to the project; i.e, overmatch. There are those who are attempting to build these projects and think they can do it simply with Federal funds. That is not the case. We look for matching funds. And those communities that recognize the need as such, so they are willing to not only contribute what the minimum contribution from the local community is but overmatch it, put in more, certainly they should have, where funding is available, the ability to draw down those funds faster so those projects can be built.

Right now I think it would be fair to say that we probably have too many projects that have been given a green light but there is no hope of them moving forward because some of these criteria the Senator has put forth are not met. So this is prudence, in saying, let's do that which can be done.

I commend the Senator, and I support his amendment.

Mr. REED. Will the Senator yield?

Mr. D'AMATO. Certainly.

Mr. REED. I concur with the analysis of Chairman D'AMATO with respect to this legislation and also commend the Senator from Florida. This is a legislative initiative that puts further precision into the granting of startup contracts. It puts in factors that are critical to the whole consideration of when we should support at the Federal level a local initiative.

As the chairman said, one of the major criteria is local support, which is measured most effectively in terms of dollars, but also in terms of the population density and leadership they anticipate in this new startup. All of these are important additions to existing criteria, which the Senator retains.

So I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

> The Senator from Florida [Mr. GRAHAM], for himself and Mrs. MURRAY, proposes an amendment numbered 1945 to amendment No. 1931.

Mr. GRAHAM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. GRAHAM. If there are no other persons wishing to speak on this amendment, I urge a voice vote.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1945) was agreed to.

Mr. GRAHAM. Mr. President, I move to reconsider the vote.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PRIVILEGE OF THE FLOOR

Mr. GRAHAM. Mr. President, I ask unanimous consent that Mr. Alon Street of my office be granted the privilege of the floor throughout debate of ISTEA II.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. D'AMATO. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

Mr. D'AMATO. Mr. President, I ask unanimous consent that at 5:40 p.m., the Senate proceed to a vote on the pending transit amendment No. 1931, as amended, to S. 1173, the highway bill. I further ask unanimous consent that no amendments be in order to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. D'AMATO. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. D'AMATO. Mr. President, there is an outstanding issue between the Environment and Public Works Committee and the Banking Committee involving university transportation centers. Apparently, there are conflicting provisions in our bills.

I thank my friend and colleague, who has done such an outstanding job, the senior Senator from Rhode Island, Mr. CHAFEE, the chairman of the Environment and Public Works Committee, for his patience. I am committed to working with the chairman to resolve this situation together. I thank him for allowing us to proceed. I believe we will be able to work this out, and I pledge to work with him. He has always demonstrated a willingness to accommodate the needs of his colleagues, and I am looking forward to being able to do it in this case as well.

Mr. President, let me say that I am deeply grateful for the tremendous leadership and contribution that the senior Senator from Maryland, Senator SARBANES, has contributed, both himself personally and with a great and talented staff, to bring us to this point. I do not know how many people really thought that within this day we would be able to come to a point where we are in a position of passing this part of the Surface Transportation Act overwhelmingly. Without his patience, without his leadership, without his constant support, both during the negotiations for attempting to achieve the additional funding, $9.8 billion over and above the previous ISTEA allocations, we could never have been in a position to accommodate the legitimate interest and needs of so many of our colleagues.

Again, while we might have differences because we do represent different regions, different configurations of the population where different needs may exist, while not everyone is happy, I am certain that there are those in the mass transit industry who think we need more. Understand, this is not a pie that continues to expand. There are constraints and we have to draw from that which we are allocated.

On the basis of both working to achieve a greater allocation and working to achieve a fair distribution, no one has done more than my good friend, the Senator from Maryland. For that I am deeply, deeply appreciative. Mr. President, I yield the floor.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, I thank my able colleague, Chairman D'AMATO, for his very kind words. I simply underscore that it has been a pleasure to work with him on this issue and also to thank him very much for his leadership throughout. He has been, of course, a leader on the transit issue in the Senate. It was reflected once again in the consideration of this measure.

I also thank by name the staff people involved: Steve Harris and Loretta Garrison on this side of the aisle, and Howard Menell, Joe Mondello and Peggy Kuhn on the other side of the aisle, who really have made extraordinary contributions. They have worked late at night, early in the morning, on the weekends. They have really committed themselves totally to helping to bring us to this state of affairs. The fact that we have put together a good transit title is very much due to the tremendous contributions which the staff people have made. I express my appreciation to all of them.

MODIFICATION TO AMENDMENT NO. 1931

Mr. D'AMATO. Mr. President, I have one unanimous consent request, and it is technical in nature. I ask unanimous consent to modify amendment No. 1931 to change all references to the "Intermodal Surface Transportation Efficiency Act of 1997" in the amendment to the "Intermodal Surface Transportation Efficiency Act of 1998"—that is very technical in nature, again because we waited 6 months—and change all references to the "Federal Transit Act of 1997" in the amendment to the "Federal Transit Act of 1998."

The PRESIDING OFFICER. Without objection, it is so ordered.

The modification follows:

> Modify amendment (No. 1931) to change all references to the "Intermodal Surface Transportation Efficiency Act of 1997" in the amendment to the "Intermodal Surface Transportation Efficiency Act of 1998", and to change all references to the "Federal

Transit Act of 1997" in the amendment to the "Federal Transit Act of 1998".

Mr. SARBANES. This is an apt demonstration, Mr. President, of the fact that we are really up with the times.

Mr. D'AMATO. Mr. President, I thank the Committee on Banking—all of the members. They have been particularly helpful and have made, I think, tremendous contributions to allow us to arrive at this point.

The Budget Committee, especially Senator DOMENICI and Senator LAUTENBERG—without their help we could not have come to this point. And I thank the leadership of the Senate that has given us the opportunity to work in a collaborative manner and has been supportive.

I also note, for the RECORD, and to the chagrin of some, there were some who said, "Oh, the Senate and its leadership don't care about mass transportation, that if you look at the numbers of States that use it or are dependent on those as opposed to those who are not, then those needs will be neglected." I think that maybe even some colleagues, for whatever reason—some colleagues in the Congress—may have hoped that to be the case. But, once again, I think the common good, and recognizing how we have to deal and must deal with each other, overrode the parochialism that sometimes rears its head.

I could not be more grateful and thankful for the leadership that has been provided on both sides of the aisle by Senator DASCHLE, and the minority side, and by Senator LOTT on the majority side.

I say that my staff, particularly Peggy Kuhn, Joe Mondello, Jr., Loretta Garrison, under the able leadership of Howard Menell, staff director, have been Herculean and have been totally dedicated to bringing us to this point. Again, I am deeply appreciative of them.

I am also appreciative of the professionalism of the minority staff. They have been absolutely outstanding. No one could have asked for better cooperation from the minority staff. Sometimes I think they felt that they worked for me or sometimes I felt that I worked for them. More often Senators, I think, are accountable—people do not realize—to our staff to a great degree. But I thank them. I thank them for their patience and for their persistence and for their working long and enduring hours. They have made, hopefully, the amendment that will be considered a reality.

Mr. President, I yield the floor.

Mr. SARBANES. I see the Senator from Texas is on the floor. I say to the Senator, we are scheduled for a vote at 5:45. So the time between now and 5:45 is available.

Mrs. HUTCHISON. I thank the Senator.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I rise in support of the amendment. I think Senator D'AMATO, Senator SARBANES, and all of those who worked so hard, including especially Senator DOMENICI, for helping us find this money in the budget, should be commended, because there is no question that highways are the lifeline of our country. But there is a point at which you cannot build enough freeways in our biggest cities to get rid of the congestion. This is especially happening in some of the States that have new emerging big cities that have not kept up with their infrastructure demands.

Some of those cities are in my State of Texas. We now have some of our biggest cities starting to try rail. And some are being successful. For instance, in Dallas, when people said, no one could get Dallasites out of their cars, nevertheless, people are leaving their cars to ride the new DART trains. It has been so successful—over an extended period of time—that they are going to try to get the extended DART lines out in a quicker timetable.

So it is very important that we look at cities, not only like Dallas, but San Antonio, El Paso, Austin, and Fort Worth in my State. There are other States now that are looking at new transit systems—Colorado, Utah—Western States that have not had traffic problems before.

The issue really is that in order to have a good infrastructure in our country, we must have more than one mode of transportation. Highways are the lifeline. But we also have airports and airplanes. We have buses. We have trains. Particularly in our urban areas, this is the only way we can address congestion. We cannot have a clean environment in a major city if we have cars stuck on freeways for hours at a time. We cannot have environmental purity throughout our States if we do not have some way to stop this congestion.

The aesthetics. You cannot continue to build big spaghetti-bowl freeways and have any kind of aesthetics if you cannot get away from that.

So I do think highways are our first line. And that is why the lion's share of the money is going to highways. But I think this amendment, that allows $5 billion additional for transit, half of which is earmarked for our new starts, recognizes that there are new emerging cities that are behind in their infrastructure improvements. This will give them the capability to do new starts in things like rail systems that will have, hopefully, the success of the Dallas DART train. Even Houston is beginning to look at this kind of rail system in a line from Katy to downtown where the freeway congestion is like a parking lot most of the day.

These are things that I hope we can help to start. I hope that we can give incentives to some of our major big cities that have not had years and years and years of mass transit funding to be able to start thinking of new and innovative ways to have a cleaner environment, to stop the waste of money and time of congested traffic, and to have aesthetics that are also pleasing in a city.

So these are the reasons that I am supporting this amendment. I think it is quite a good compromise. I think Senator D'AMATO and Senator DOMENICI, along with Senator SARBANES, and all of those who had the foresight to provide this extra money, are to be commended. And I do commend them. I hope my colleagues will recognize that this is an environmental vote, it is an aesthetic vote, it is a time-conserving vote, and it is a money-conserving vote.

I hope that we will pass this and give our cities the chance. The locals match this Federal funding. It is not like it is all Federal funding. The local people should match. That is the right thing to do. But this does give them a very important start.

Thank you, Mr. President. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. D'AMATO. What is the pending business?

The PRESIDING OFFICER. The question is on agreeing to the amendment 1931, as amended.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 96, nays 4, as follows:

[Rollcall Vote No. 25 Leg.]

YEAS—96

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions

Shelby
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—4

Gregg
Helms
Nickles
Smith (NH)

The amendment (No. 1931), as amended, as modified, was agreed to.

Mr. D'AMATO. Mr. President, I move to reconsider the vote.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SAFETY TITLE

Mr. MCCAIN. Mr. President, I would like to comment on the Commerce Committee's Safety title that was adopted by the full Senate last week. That amendment reauthorizes the many surface transportation safety programs last reviewed in the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991.

Mr. President, the Commerce Committee spent considerable time and effort developing that safety amendment. The Committee held a number of hearings—both at the full Committee and Subcommittee levels—to consider ISTEA reauthorization matters under its jurisdiction. The Committee held hearings focusing on National Highway Traffic Safety Administration (NHTSA) issues, including air bag deployment and seat belt usage; motor carrier safety issues, including the Motor Carrier Safety Assistance Program (MCSAP) and truck size issues; hazardous materials transportation; and proposals to improve protection of underground energy, water, and communications systems from excavator damage.

The comprehensive safety amendment is a bi-partisan Commerce Committee product. It incorporates many of the proposals requested in the Administration's reauthorization submission, which was entitled the National Economic Crossroads Transportation Efficiency Act (NEXTEA). This bi-partisan amendment also includes a number of new transportation safety proposals. It is designed to improve travel safety on our nation's roads and waterways, promote the safe shipment of hazardous materials, protect underground pipelines and telecommunications cables from excavation damage, and ensure that our nation's commercial motor vehicle fleet is well maintained and safely operated.

Mr. President, transportation safety must be at the forefront of our deliberations during the debate on ISTEA reauthorization and I was pleased to offer one of the very first amendments. S. 1173 proposes funding and policy authorizations to improve our transportation infrastructure and facilitate the efficient and economical transportation of people and goods. The amendment offered on behalf of myself and Senator HOLLINGS is a vital component of that effort. Our amendment will help ensure that people and goods not only move efficiently, but that they move safely too.

The need for improvements in Federal transportation safety policy is crystal clear. The National Transportation Safety Board (NTSB) report that deaths from transportation accidents in the United States totaled more than 44,000 for calendar year 1996. Highway-related deaths, which account for more than 90 percent of all transportation fatalities, rose by 109, reaching a total of 41,907. The Federal Transit Administration reported 120 fatalities from accidents associated with the operations of light and commuter rail companies, compared to 98 in 1995. And, pipeline-related deaths totaled 20, compared to 21 in 1995.

Mr. President, I would like to provide a broad overview of the various transportation safety provisions contained in the amendment as adopted last week. First, this amendment would reauthorize a number of programs under the National Highway Transportation Safety Administration (NHTSA) to improve safety on America's roadways, including grant programs which would provide $1.1 billion to the states over the next six years. While many of us wish we could have authorized funding at the levels requested by the Administration, the Committee had to also acknowledge the budget agreement entered into last year. Accordingly, the levels authorized in the amendment reflect that agreement. However, I stand ready to increase the levels should an agreement be reached with the Budget Committee to enable a higher authorization level.

Second, this amendment reauthorizes funding for programs to ensure the safe transportation of hazardous materials. It also includes a number of changes intended to strengthen and improve the hazardous materials transportation program. For example, according to DOT's Research and Special Programs Administration (RSPA) statistics, there were hundreds of transportation related incidents involving undeclared or hidden hazardous materials. These incidents resulted in 110 deaths and 112 injuries from January 1990 through October 1996. This legislation would give DOT inspectors the authority to open and examine the contents of packages suspected of containing hazardous materials.

This provision would help ensure that packages containing undeclared hazardous materials shipments can be removed from transportation before they harm individuals. In the event a package is opened under the amendment's authorities, DOT inspectors would be required to mark the package accordingly and notify the shipper before the parcel could continue in transport.

The amendment also expands hazardous materials training access by allowing States and Indian tribes to use a portion of their grants to assist small businesses in complying with regulations. DOT has indicated that the majority of hazardous materials shipment and packaging mistakes occur at small businesses.

The amendment also authorizes the Secretary of Transportation to issue emergency orders when it is determined that an unsafe condition poses an imminent hazard. In such a situation, the Secretary is granted the authority to issue recalls, restrictions, or out-of-service orders to lessen the dangerous condition.

Third, at the request of the Majority Leader, this amendment incorporates S. 1115, the Comprehensive One-Call Notification Act introduced by Senators LOTT and DASCHLE on July 31, 1997. S. 1115 would facilitate a national effort encouraging states to strengthen their laws that protect underground pipelines, telecommunication cables, and other infrastructure from excavation damage. S. 1115 passed the Senate by unanimous consent on November 9, 1997.

Fourth, this amendment reauthorizes the Motor Carrier Safety Assistance Program (MCSAP) which provides funding for commercial driver and vehicle safety inspections, traffic enforcement, compliance reviews and safety data collection.

It further authorizes a performance-based approach for the MCSAP, removing many of the prescriptive requirements of the program. Instead, States would be given greater flexibility to implement safety activities and goals they design to evaluate and improve truck safety programs. This new performance-based approach, to be implements by the year 2000, would enable States to spend their limited resources on those activities best able to address their unique motor carrier problem areas.

This legislation also contains several other important truck and bus safety enhancement provisions. The amendment would help ensure greater safety oversight by permitting the Secretary to contract with private entities to conduct inspections and investigations to ensure compliance with Federal Motor Carrier Safety Regulations. Similar contractual authority is already afforded to the Department of Defense and the Federal Aviation Administration. The bill further strengthens safety oversight by extending safety regulations such as Commercial Drivers Licensing and drug and alcohol testing requirements to for-hire passenger vans. It would also permit the Secretary to order any unsafe carrier to cease operations. Currently this authority applies only to prevent unsafe operations of commercial passenger carriers and hazardous materials carriers.

We have also incorporated a number of provisions designed to promote the timely and accurate exchange of important carrier and driver safety records. Strategic and effective policies should always be based on timely and accurate information. Good data is crucial to good decision making. Therefore, the McCain/Hollings amendment gives the Office of Motor Carriers the capability to improve its existing data collection programs through the development of more technologically advanced systems.

We have all too often heard of stories where even the most sophisticated information systems contains inaccurate data and data which frequently is difficult for the affected party to correct. Therefore, when implementing the information systems and strategic safety initiatives authorized in the McCain/Hollings amendment, the Secretary of Transportation should ensure that the motor carrier data collected is needed and accurate, and that the information collected is protected from disclosure that would unfairly injure the motor carrier or the commercial motor vehicle driver.

Mr. President, every time Congress considers legislation affecting federal motor carrier safety regulations, various segments of the industry seek exemptions. Some are common sense, such as acknowledging the special transportation time constraints of farmers during the planting and harvesting seasons. But, I strongly believe we should not have to pass a bill every time an exemption is warranted. The consideration of regulatory exemptions is a proper function of the Executive Branch.

This amendment seeks to address this issue. Today, the Secretary of Transportation has the authority to grant exemptions. However, the authority is relatively meaningless because prior to granting a waiver or exemption, it must first be proven the exemption would not diminish safety. That's an appropriate consideration, but how can DOT assess an exemption's safety risk if it can't first test the concept on a limited pilot basis?

In an attempt to address this problem and recognize the Secretary should be permitted to examine innovative approaches or alternatives to certain rules, Senator HOLLINGS and I have worked to define a process whereby the Secretary may grant waivers and exemptions. This legislation would also authorize the Secretary to carry out pilot programs to test the affects of limited regulatory exemptions.

I am urging my colleagues to work with Senator HOLLINGS and myself to help us enact a reasoned and safe waiver/exemption/ pilot project process. While this amendment also incorporates three amendments authored by Senator BURNS to provide regulatory exemptions to three industry segments, I have committed to working with Senator BURNS to find an alternative approach. We are not quite in agreement, but I think we are getting closer. I bring this to my colleagues attention in order to inform the members that I expect that some amendments will be offered very shortly to alter the Senator's exemptions.

In another transportation area, the McCain/Hollings amendment addresses the serious security threats to our Nation's railroad and mass transportation systems. As my colleagues well know, our transportation system is vulnerable to security threats. Two years, Arizonans and citizens throughout the country were saddened to learn of an Amtrak derailment near Hyder, Arizona, which claimed the life of one individual and injured seventy-eight others. Shortly after the accident, the sadness turned to shock as we learned that the derailment could have been caused by someone who may have intentionally sabotaged the track. The Arizona accident is not unique. There have been other examples of acts against railroads. Therefore, as requested by the Administration, this legislation would create criminal sanctions for violent attacks against railroads, their employees, and passengers. The penalties are similar to those which currently cover vessels, airlines, motor carriers, and pipelines.

Finally, this amendment addresses boating safety concerns. In conjunction with Finance Committee extensions of the motorboat fuel, fishing equipment excise, and other tax and trust fund authorities, this amendment would reauthorize the Wallop-Breaux boating safety and sportfish restoration programs which are funded directly from these revenues. It is designed to ensure state boating safety programs receive a higher level of funding, and a level that is more proportionate to the amount of motorboat fuel taxes paid by boaters. In the past, receipts into the Boating Safety Account have been diverted for other purposes.

This amendment would also reauthorize the Clean Vessel Act, which is funded through the Wallop-Breaux program's trust fund. It provides funds to the states for vessel sanitation pumpout programs, a new state boating infrastructure improvement program, and boating safety programs. In addition, it would create a new national outreach and communications program to help increase safe and responsible boating and fishing and increases funding available to states for boating infrastructure and aquatic resources education projects.

I am well aware that Senator CHAFEE and other members of the Senate Environment and Public Works have views on certain aspects of these boating safety provisions. We have been working and will continue to work with these members on this section of the McCain/Hollings amendment in an effort to reach an agreement on these provisions prior to final passage of the bill.

Mr. President, clearly this is a very comprehensive transportation safety amendment. I have not discussed every single item, but I have provided a thorough overview of its complex provisions. I also ask unanimous consent that a summary of the amendment be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE MAJOR PROVISIONS IN THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION SAFETY TITLE AMENDMENT TO S. 1173

SUBTITLE A HIGHWAY SAFETY

Subtitle A reauthorizes grant programs administered by the National Highway Traffic Safety Administration (NHTSA) that are designed to improve safety on America's roadways. The Subtitle authorizes over $1.1 billion to the states during the next 6 years for the safety grant programs. Specifically, the Subtitle would reauthorize the State and Community Highway Safety Program which provides grants under Section 402 of Title 23. The incentive grant program concerning alcohol-impaired driving countermeasures is also reauthorized, but the Subtitle moves it from Section 410 and incorporates it within Section 402 of Title 23.

Subtitle A adds several new grant programs. One of the grant programs established would improve occupant protection programs by encourage states to provide for primary enforcement of seat belt laws. That program is located in a reconstituted Section 410. Subtitle A provides incentives for the states to improve safety programs, rather than sanctions. Another program added would provide grants to states to encourage them to improve the quality of their highway safety data. Subtitle A also expands NHTSA's existing drugs and driver behavior research and development program to include measures that may deter drugged driving. The Subtitle includes an amendment offered by Senator DORGAN to authorize NHTSA to undertake programs to train law enforcement officers on motor vehicle pursuits conducted by law enforcement officers. An amendment offered by Senator FORD requires State highway safety programs to have guidelines that improve law enforcement services including the enforcement of light transmission standards of glazing for passenger motor vehicles and light trucks.

SUBTITLE B HAZARDOUS MATERIALS TRANSPORTATION

This section reauthorizes funding and strengthens and improves programs to ensure the safe transportation of hazardous materials. It would authorize DOT inspectors to open and examine the contents of hazardous materials suspect packages to prevent illegal shipments and requires DOT inspectors to mark opened packages and notify the shipper before the parcel can continue in transport. In the event a package is opened under the authority provided in Subtitle B, DOT inspectors would be required to mark the package accordingly and notify the shipper before the parcel can continue in transport

Subtitle B also expands access to hazardous materials training opportunities by allowing States and Indian tribes to use a portion of their grants to assist in training small businesses in complying with regulations. This provision is necessary because the majority of hazardous materials shipment and packaging mistakes occur at small businesses. The Secretary of Transportation also is authorized to issue emergency orders when it is determined that an unsafe condition poses an imminent hazard. In such a situation, the Secretary is granted the authority to issue recalls, restrictions, or out-of-service orders to lessen the dangerous condition.

The Committee held a hearing on issues relating to the reauthorization of the Hazardous Materials Transportation Act on May 8, 1997.

SUBTITLE C—COMPREHENSIVE ONE-CALL NOTIFICATION

This section incorporates the provisions of S. 1115, the Comprehensive One-Call Notification Act, introduced by Senators Lott, Daschle and others on July 31, 1997. S. 1115 is intended to encourage States to strengthen laws that protect underground pipelines, telecommunication cables, and other infrastructure from excavation damage. The measure creates a voluntary program under which states that choose to improve their underground damage excavation prevention programs could apply for Federal grants.

The Subcommittee on Surface Transportation and Merchant Marine held a hearing on S. 1115 on September 17, 1997 and S. 1115 passed the Senate by unanimous consent on November 9, 1997.

SUBTITLE D—MOTOR CARRIER VEHICLE SAFETY

Subtitle D reauthorizes the Motor Carrier Safety Assistance Program (MCSAP) which provides funding to the States for commercial driver and vehicle safety inspections, traffic enforcement, compliance reviews and safety data collection. It also authorizes a performance-based approach to be implemented for the MCSAP by 2000, removing many of the prescriptive requirements of the program. A performance-based program would enable States to target their safety enforcement efforts on activities that directly improve motor carrier safety.

Subtitle D contains other provisions intended to strengthen commercial motor vehicle safety enforcement by permitting the Secretary to order any unsafe carrier to cease operations. The Secretary's existing authority applies only to the prevention of unsafe commercial passenger operators and hazardous materials carriers. The provisions in Subtitle D permit the Secretary to contract with private entities to conduct inspections and investigations to ensure compliance with Federal Motor Carrier Safety Regulations. Similar contractual authority is already afforded to the Department of Defense and the Federal Aviation Administration.

To promote the timely and accurate exchange of important carrier and driver safety records, Subtitle D would authorize comprehensive information systems and strategic safety initiatives to support motor carrier regulatory and enforcement activities as requested by the Administration. The Subtitle also establishes a pilot program to help facilitate the exchange of accurate driver records data history. Language is included in the Subtitle to permit carriers to provide safety records of former drivers to prospective employers as required by law without the fear of a former employee taking legal action against the carrier, provided the data exchanged is accurate.

The Full Committee held a hearing on Truck Safety issues on April 24, 1997.

During the Commerce Committee's consideration of this legislation, three amendments offered by Senator Burns were accepted by voice vote. The amendments would exempt retailers that transport agricultural chemicals from the Department of Transportation's hazardous materials transportation safety regulations; permit States to waive Commercial Driver License (CDL) requirements for custom harvesters and other farm-related service industry employees; and, exempt all drivers of utility industry vehicles from Department of Transportation Hours of Service and physical testing and reporting regulations.

SUBTITLE E—RAIL AND MASS TRANSPORTATION SAFETY

As requested by the Administration, Subtitle would provide for criminal sanctions in cases of violent attacks against railroads, their employees, and passengers. These stronger criminal sanctions, intended to help deter against future attacks against the rail industry, are similar to penalties which currently cover attacks against vessels, airlines, motor carriers, and pipelines. In addition, the Subtitle clarifies the Secretary's authority to ensure safety issues are fully addressed prior to making grants or loans to or for the benefit of commuter railroads subject to the Federal Railroad Administration safety regulations.

SUBTITLE F—SPORTFISHING AND BOATING SAFETY

In conjunction with Finance Committee extensions of the motorboat fuel, fishing equipment excise, and other tax and trust fund authorities, Subtitle F would reauthorize the Wallop-Breaux boating safety and sportfish restoration programs which are funded directly from these revenues. The Subtitle is designed to ensure state boating safety programs receive a higher level of funding, and a level that is more proportionate to the amount of motorboat fuel taxes paid by boaters. In the past, receipts into the Boating Safety Account have been diverted for other purposes.

Further, the Subtitle would reauthorize the Clean Vessel Act, which is funded through the Wallop-Breaux program's trust fund. Subtitle F provides funds to the states for vessel sanitation pump-out programs, a new state boating infrastructure improvement program, and boating safety programs. In addition, it would create a new national outreach and communications program to help increase safe and responsible boating and fishing and increases funding available to states for boating infrastructure and aquatic resources education projects.

SUBTITLE G—MISCELLANEOUS

Subtitle G includes an amendment adopted by the Commerce Committee offered by Senator GORTON. The Subtitle authorizes $10 million from general revenues for each of the years covered by the Intermodal Transportation Safety Act reauthorization for grants to States for pilot projects to improve and rehabilitate publicly and privately owned shortline and regional railroads. Subtitle G requires the shortline and regional railroads to share in the costs of the rail infrastructure improvement projects funded by the State grants.

AMENDMENTS NOS. 1709 AND 1710

Mr. McCAIN. Mr. President, I rise today in support of two amendments as sponsored by Senator CAMPBELL, numbered 1709 and 1710, which would improve the delivery of ISTEA funds for the Indian reservation roads system now administered by the Bureau of Indian Affairs (BIA).

Amendment 1709 is an administrative efficiencies provision that will allow tribes to construct more roads and bridges with the funds they receive under ISTEA. Simply put, amendment 1709 allows Indians to get a bigger bang for their ISTEA buck.

The amendment does not increase the overall ISTEA funding targeted to Indian roads and bridges under this bill. Instead, it allows tribes to assume all functions, programs, activities and services previously managed for tribes by an inefficient and wasteful BIA bureaucracy that has been paid for with ISTEA funds.

Unless we enact this amendment, up to six percent of the Indian ISTEA funds will continue to be diverted to pay for a BIA bureaucracy that is often located far from the Indian communities to be served. Amendment 1709 would provide express authority for these funds to be made available to willing tribes to build roads and bridges in their local communities.

Congress has been trying to curb the BIA bureaucracy and support tribal autonomy ever since 1975 when it first enacted the Indian Self-Determination Act, known as Public Law 93-638. In recent years, I have been pleased to be part of legislative efforts to expand Self-Determination and Tribal Self-Governance.

Four years ago, the Congress enacted substantive amendments to Public Law 93-638 which by its terms makes all funds, at all levels of the BIA, available to tribes to do for themselves what BIA bureaucrats have previously claimed to do for Indians. Public Law 93-638 authorities now allow a tribe, at its option, to cut through levels and levels of bureaucratic red tape and efficiently build things and run programs. The law has well-developed minimum standards and reporting requirements which assure accountability without a wasteful and offensively paternalistic federal oversight bureaucracy.

In many ways, Public Law 93-638 works like a consolidated block grant. It is designed to encourage tribal efficiency and accountability, and to maximize benefits by targeting local priority needs.

In the 1994 amendments to Public Law 93-638, the Congress intended to apply these authorities to all funds administered by the BIA, including ISTEA funds transferred to BIA from the Department of Transportation for the benefit of Indian roads and bridges.

Despite our clear references in Committee report and floor language that this was our intent, the BIA has refused tribal efforts to fully subject all ISTEA funds to Public Law 93-638. This issue has consumed hundreds of hours of federal-tribal negotiations since 1994. Great sums of time and money have been wasted in arguments between BIA and tribal officials about whether the Congress wanted to permit the BIA roads bureaucracy to continue to fund itself by diverting up to six percent of the ISTEA funds away from actual construction in Indian and Native communities.

Last month, the BIA issued proposed regulations on Tribal Self-Governance which claim that the 1994 amendments do not prohibit the BIA from continuing to withhold from tribes up to six percent of the ISTEA funds in order to fund the BIA roads bureaucracy. ISTEA is the last major BIA account which the BIA continues to protect as immune from the reach of tribal requests under Public Law 93-638 to obtain a direct transfer of the full tribal share of these funds.

When I learned of this debate and the proposed regulations, I looked back at our actions in 1994 and realized we in Congress intended the 1994 amendments to Public Law 93-638 to apply to ISTEA funds transferred to the BIA from the Department of Transportation. They were to be treated like all other funds administered by the BIA—if a tribe wanted to obtain its full share of funds directly, in a flexible and accountable contract or compact, it could do so.

I believed then, and I believe now, that there is nothing unique about building a road that requires a federal bureaucracy. Many tribes are building safe buildings that adhere to prevailing codes; they can do the same on roads and bridges without a heavy handed and costly BIA supervision.

There are two ways by which Amendment 1709 would squeeze more benefit out of the funding levels otherwise provided under ISTEA. First, the amendment would clearly and expressly allow any tribe, so choosing, to require the BIA to transfer that tribe's full share of ISTEA funding directly to the tribe rather than being siphoned off by a wasteful, federal bureaucracy. Second, the amendment would allow a tribe to administer ISTEA funds under the flexible authorities provided by Public Law 93-638, including greater local control and responsibility, field decision-making powers, sharply reduced paperwork and reporting requirements, audited accountability, consolidated local operations, and in general, the local, tribal power to respond to project challenges and local needs when and as they occur.

Amendment 1710 would require that regulations implementing the Indian ISTEA program and refashioning its funding allocation formula be prepared under negotiated rulemaking procedures adapted to the unique government-to-government relationship between Indian tribes and the United States. This amendment simply borrows from the recent success that Indian tribes and the United States have forged in carrying out the government-to-government negotiated rulemaking on the Native American Housing and Self-Determination Act of 1996 (NAHASDA).

In recent days, the Administration has finalized rules governing the implementation of NAHADSA. From what we have heard in Congress, nearly all Indian tribes are pleased with the outcome of this federal-tribal negotiated rulemaking process. That is remarkable, given that the final regulations put detail upon a major overhaul of the Indian housing program funded by the Department of Housing and Urban Development (HUD). NAHADSA reorganized how hundreds of millions of federal construction funds are spent each year. And the tribal satisfaction is even more noteworthy given that the federal-tribal negotiated rulemaking process also produced a revised funding allocation formula, guided by factors set out in the underlying statute.

Given the NAHADSA successes in allowing tribes to negotiate a new funding allocation formula to determine how the funds are divided up among tribes, I am convinced that the same approach should be applied to ISTEA funds. It works, and should be replicated on ISTEA, where many of the same issues involving housing construction are raised in efforts to construct roads.

Amendment 1710 reflects the language used in NAHADSA to provide a statutory framework of basic relative need assessment factors to be used by the tribal-federal negotiating team to develop a new funding allocation formula. The specific language of Amendment 1710 would ensure that the new funding formula fairly takes into account Indian communities who have not had their road needs met under previous formulas.

Amendment 1710 should not be seen by the BIA as an opportunity to completely rewrite the regulations already promulgated under Public Law 93-638. Indeed, these should for the most part apply to the Indian ISTEA, except where they now preclude a tribe from using the full authorities of Public Law 93-638 in the ISTEA program due to a mis-reading of our intention in the 1994 Amendments to Public Law 93-638 to fully subject ISTEA funds administered by BIA to Public Law 93-638.

Both amendments 1709 and 1710 will maximize the benefit of the ISTEA dollars in Indian communities. This kind of express statutory language in ISTEA is apparently needed to remove any room for doubt on the part of the BIA that all ISTEA funding for Indian roads and bridges must be brought within the parameters of Public Law 93-638. I urge my colleagues to support these two amendments as one way we can maximize the benefit, and better target the expenditure, of ISTEA funds otherwise directed toward Indian roads and bridges in this bill.

Mr. ASHCROFT. Mr. President, I am pleased to take part in the debate to reauthorize the Intermodal Surface Transportation Efficiency Act of 1997, commonly known as ISTEA. This debate was originally scheduled to take place the first week in May. As we all know, the current measure is designed to end in the last week in April. Had we not debated this until the first week of May, there would have been an interruption in the funding and the opportunity to build highways in this country. So I express my appreciation to the majority leader for moving this debate up and making it possible for us to address this issue. When we are talking about the construction of infrastructure, which allows the body politic to be nourished by the stream of commerce, it is important that we don't interrupt that stream. I thank the majority leader, however, for the people of Missouri, the crisis is not yet over. The necessary funds for their road improvement projects still have not been approved.

It is with great concern for the State of Missouri that I rise today. It is concern for everyone that relies on our transportation infrastructure to go to work or school, to the grocery store and to return home. It is concern for the workers who improve our existing roads and build new ones. I urge the Senate to quickly relieve the people of my state of the uncertainty caused by the lack of consistent funds, that hangs over their heads.

It also is imperative that we pass a six year ISTEA authorization bill that gives states a fair return on their transportation dollars. These funds enable states to invest in improvement projects that affect Americans daily lives. Every day millions of Americans depend on our roads and bridges to safely and timely go about their lives. The need for safe roads is universal to every thriving community and the life of every American. Investment in our transportation infrastructure translates into safer and less congested travel.

I have been contacted by several of my constituents expressing their frustration with Congress' failure to authorize the funds necessary to continue their road improvement projects. As they spend more and more time, stuck in traffic waiting to return home to their families, they wonder, "Why Congress has not acted?" They wonder, "Why is ISTEA stuck in traffic, as well?"

While Congress has been unable to finish the job of passing the highway bill in a swift manner, there has been several Members of this body that have worked tirelessly to move this legislation forward. I am grateful, on behalf of the citizens of Missouri, for the work that has been done on this bill to ensure a fair return to Missourians for the kind of contribution that they make to the highway trust fund. I especially thank the senior Senator from

Missouri, KIT BOND, for his irreplaceable effort in this battle. No Senator in this Chamber, in my judgment, has made a more conscientious and consistent effort to make sure that there was fairness in the allocation of these highway resources than Senator KIT BOND. Without his work, our current debate would not be to make sure the road construction continues unimpeded but to get it started again.

To me, the issue is clear, and it has been clear throughout the entire debate. When a Missourian fills a gas tank and pays 4.3 cents in Federal fuel taxes, that money should go to improving roads rather than paying for additional Federal spending on some social program in a distant State. That is another improvement that this bill reflects, putting highway taxes back into the highway trust fund.

I think the decision, which involved both the authorizing committee and the Budget Committee, to dedicate the 4.3 cent fuel tax to highways is a good one, and I am pleased to support that aspect of this bill. When this is all over, Missourians will now see a 91 cent return on each dollar as opposed to a dismal 80 cents that it received under the former funding scheme. Under the formula that was passed out of the Environment and Public Works Committee, Missouri will receive $3.6 billion compared to $2.4 billion that Missouri received over the last 6 years of the 1991 highway bill. Missouri's average allocation per year would be around $600 million as opposed to around $400 million that the State received under the old bill. I believe this allocation of highway trust money to the development and construction of highways is appropriate. I would add that this is not taking from other Government programs. This is the allocation of highway trust money for highways. Uniquely, we are beginning to get to the place where we focus resources that we take from people who use the highways on the highways. That is a major benefit. Although, I would like to see a 100 percent return on Missouri's investments, I appreciate the advancements made over the last few days. Also, I am committed to working with the Budget Committee to see that these additional funds are offset so we can stay within the budget caps that were approved by this Congress last session.

Regrettably, we were unable to resolve these issues and a number of other concerns during the First Session. In order to continue funding to the states for their highway needs, Senator BOND authored the six month extension plan while ensuring that Missouri receives its fair share of highway dollars. The six month extension is scheduled to end April 30, of this year. I have recently received word from the Missouri Department of Transportation that their last bidding process for road construction contracts will be in March.

I would like to share with you some of the long term projects that are in jeopardy because of our failure to act expeditiously. These are all top priorities for the Missouri Department of Transportation. "The replacement or rehabilitation of seven bridges on Interstate 70 in the St. Louis area. A new exit on Route 40 in St. Charles County to Chesterfield Airport Road." Here is a few not to far from my home in Southwest Missouri the, "Widening to five lanes of Route 71 in Newton County. Rehabilitation of the Interstate 44 bridge at Route 50 in Franklin County. Widen and resurface 3 miles of Route 39 in Barry County." The list goes on.

Mr. President, federal funds make up about seventy percent of all funding for road and bridge construction in Missouri. With seventy percent of the funds hanging in uncertainty the Department of Transportation must end the bidding process. As the State of Missouri stops issuing construction contracts, contractors stop asking their employees to come to work.

In order to put this into perspective I would like to share with you an email that I received from one of my constituents from St. Louis, Missouri. This constituent has been in the road construction industry for nearly thirty years. He writes,

> . . . We the construction workers, have always strived to produce quality, on time projects. You, the U.S. Senate have failed once again to provide those needed funds in any sort of timely manor . . . I received a notice on January 22, 1998 that the Missouri Department of Transportation was going to cancel all future lettings after March 1998. I wish I could make you understand the devastating effect this will have on the Missouri Construction Industry, it's workers and the many related and non-related industries in our state.
>
> I was hoping to be contacting you regarding a better allocation of those tax dollars back to Missouri to better represent the amounts paid into the trust fund, I now find myself doubting if there will be any authorization at all . . .

I do understand. I am grateful for the words of insight that I have received from my constituents.

I quickly would like to address one more issue. This is the amendment that was voted on yesterday to take away State highway funds if they do not establish a blood alcohol content of .08 for drunk-driving violations. I opposed this amendment, not because I do not abhor drunk driving. Far too many of us have lost loved ones as a result of this tragedy. However, I believe States are in the best position to make the decision on the most effective way to eliminate drunk driving. The 'stick' approach offered in the amendment was rejected by the 104th Congress, when we repealed the Federal speed limit. I believe the 'carrot' approach, contained in the safety provisions of this bill—which provides a .08 option—is the appropriate method to allow States the freedom to establish comprehensive programs to discourage drunk driving. That is why the National Governors Association, the National Association of Governors' Highway Safety Representatives, the National Conference of State Legislatures, the National Association of Counties, and the American Association of State Highway and Transportation Officials support the safety provisions contained in the bill, rather than the amendment offered by the Senator from New Jersey.

The people of Missouri gave me the privilege of serving them in this body. We would be derelict in our responsibility to them and the people of this great country, if one person lost their job because of our failure to act. I urge the Senate to once again avert the continued loss of time to our families, the loss of funds to our states and the loss of jobs for our workers, and quickly pass a long term ISTEA bill.

Mr. D'AMATO. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, March 9, 1998, the federal debt stood at $5,523,019,454,633.25 (Five trillion, five hundred twenty-three billion, nineteen million, four hundred fifty-four thousand, six hundred thirty-three dollars and twenty-five cents).

Five years ago, March 9, 1993, the federal debt stood at $4,209,676,000,000 (Four trillion, two hundred nine billion, six hundred seventy-six million).

Ten years ago, March 9, 1988, the federal debt stood at $2,485,526,000,000 (Two trillion, four hundred eighty-five billion, five hundred twenty-six million).

Fifteen years ago, March 9, 1983, the federal debt stood at $1,222,370,000,000 (One trillion, two hundred twenty-two billion, three hundred seventy million).

Twenty-five years ago, March 9, 1973, the federal debt stood at $455,698,000,000 (Four hundred fifty-five billion, six hundred ninety-eight million) which reflects a debt increase of more than $5 trillion—$5,067,321,454,633.25 (Five trillion, sixty-seven billion, three hundred twenty-one million, four hundred fifty-four thousand, six hundred thirty-three dollars and twenty-five cents) during the past 25 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a withdrawal and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ENTITLED "THE 1996 ANNUAL REPORT ON ALASKA'S MINERAL RESOURCES"—MESSAGE FROM THE PRESIDENT—PM 108

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Environment and Public Works.

To the Congress of the United States:

I transmit herewith the 1996 Annual Report on Alaska's Mineral Resources, as required by section 1011 of the Alaska National Interest Lands Conservation Act (Public Law 96-487; 16 U.S.C. 3151). This report contains pertinent public information relating to minerals in Alaska gathered by the U.S. Geological Survey, the U.S. Bureau of Mines, and other Federal agencies.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 10, 1998.*

REPORT CONCERNING FEDERAL CLIMATE CHANGE PROGRAMS AND ACTIVITIES—MESSAGE FROM THE PRESIDENT—PM 109

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

In accordance with section 580 of the Foreign Operations, Export Financing, and Related Agencies Appropriations Act, 1998, I herewith provide an account of all Federal agency climate change programs and activities.

These activities include both domestic and international programs and activities directly related to climate change.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 10, 1998.*

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

At 2:24 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 347. An act to designate the Federal building located at 61 Forsyth Street, S.W., in Atlanta, Georgia, as the "Sam Nunn Atlanta Federal Center."

H.R. 595. An act to designate the Federal building and United States courthouse located at 475 Mulberry Street in Macon, Georgia, as the "William Augustus Bootle Federal Building and United States Courthouse."

H.R. 3116. An act to address the Year 2000 computer problems with regard to financial institutions, to extend examination parity to the Director of the Office of Thrift Supervision and the National Credit Union Administration, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on March 10, 1998 he had presented to the President of the United States, the following enrolled bill:

S. 347. An act to designate the Federal building located at 61 Forsyth Street, S.W., in Atlanta, Georgia, as the "Sam Nunn Atlanta Federal Center."

REPORTS OF COMMITTEE

The following report of committee was submitted:

By Mr. THOMPSON, from the Committee on Governmental Affairs:

Final Report entitled "Investigation of Illegal Or Improper Activities In Connection With 1996 Federal Election Campaigns" (Rept. No. 105-167).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LUGAR:

S. 1733. A bill to require the Commissioner of Social Security and food stamp State agencies to take certain actions to ensure that food stamp coupons are not issued for deceased individuals; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. HUTCHISON:

S. 1734. A bill to amend the Internal Revenue Code of 1986 to waive the income inclusion on a distribution from an individual retirement account to the extent that the distribution is contributed for charitable purposes; to the Committee on Finance.

By Mr. WARNER (for himself and Mr. ROBB):

S. 1735. A bill to allow the National Park Service to acquire certain land for addition to the Wilderness Battlefield, as authorized by Public Law 102-541, by purchase or exchange as well as by donation; to the Committee on Energy and Natural Resources.

By Mr. ROBB:

S. 1736. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for vessel BETTY JANE; to the Committee on Commerce, Science, and Transportation.

By Mr. MACK (for himself, Mr. KERREY, Mr. NICKLES, Mr. CONRAD, Mr. GRASSLEY, Ms. MOSELEY-BRAUN, Mr. BREAUX, Mr. LOTT, Mr. CRAIG, Mr. COVERDELL, Mr. MCCONNELL, Mr. THURMOND, Mr. MURKOWSKI, Mr. BOND, Mr. LUGAR, Mr. ASHCROFT, Mr. DEWINE, and Mr. ABRAHAM):

S. 1737. A bill to amend the Internal Revenue Code of 1986 to provide a uniform application of the confidentiality privilege to taxpayer communications with federally authorized practitioners; to the Committee on Finance.

By Mr. ABRAHAM:

S. 1738. A bill to amend the National Sea Grant College Program Act to exclude Lake Champlain from the definition of the Great Lakes, which was added by the National Sea Grant College Program Reauthorization Act of 1998; to the Committee on Commerce, Science, and Transportation.

By Mr. FRIST (for himself and Mr. ROCKEFELLER):

S. 1739. A bill to establish a commission, under the aegis of the National Science Foundation, to review and propose recommendations for assuring United States leadership in science and mathematics; to the Committee on Labor and Human Resources.

By Ms. COLLINS (for herself and Mr. DURBIN):

S. 1740. A bill to amend the Communications Act of 1934 to improve the protections against the unauthorized change of subscribers from one telecommunications carrier to another, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. HUTCHISON:

S. Res. 194. A resolution designating the week of April 20 through April 26, 1998 as "National Kick Drugs Out of America Week"; to the Committee on the Judiciary.

S. Res. 195. A bill designating the week of March 22 through March 28, 1998, as "National Corrosion Prevention Week"; to the Committee on the Judiciary.

By Mr. WELLSTONE (for himself and Mrs. FEINSTEIN):

S. Con. Res. 82. A concurrent resolution expressing the sense of Congress concerning the worldwide trafficking of persons, that has a disproportionate impact on women and girls, and is condemned by the international community as a violation of fundamental human rights; to the Committee on Foreign Relations.

By Mr. WARNER (for himself, Mr. ROBB, and Mr. GRAHAM):

S. Con. Res. 83. A concurrent resolution remembering the life of George Washington and his contributions to the Nation; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR:

S. 1733. A bill to require the Commissioner of Social Security and food stamp State agencies to take certain actions to ensure that food stamp coupons are not issued for deceased individuals; to the Committee on Agriculture, Nutrition, and Forestry.

THE FOOD STAMP FRAUD PREVENTION ACT

Mr. LUGAR. Mr. President, I rise today to introduce a bill to combat fraud and waste in the food stamp program—in this case, the fraud and waste results from deceased individuals being counted as food stamp recipients. At my request, the General Accounting Office (GAO) has recently completed an inquiry into groups of ineligible persons being counted as food stamp recipients. In the report being released today, GAO reported that 26,000 deceased individuals in four states were on the food stamp rolls. My bill will require the Social Security Administration to share information from its Death Master file with state food stamp agencies to verify that no deceased individuals are counted as members of food stamp households, either increasing a households' benefits or allowing an individual to illegally receive benefits in the deceased person's name.

Last year, GAO reported to the Agriculture Committee that over $3 million in food stamp benefits were being overpaid to prisoners' households. In response, we passed legislation to stop prisoners from receiving payments. In follow-up to the prisoner study and legislation, I requested that GAO determine if other ineligible individuals were similarly being counted as members of food stamp households. Today GAO will release the details of their study showing that, over a 2-year period, about 26,000 deceased individuals in the four states examined (California, Texas, New York, and Florida) were counted as members of food stamp households. According to GAO, this resulted in overpayments of food stamp benefits of an estimated $8.6 million in four states alone.

Current law requires that households notify their local welfare office of any changes in the makeup of the household within ten days. The GAO report showed that the deceased individuals were counted in food stamp households for an average of four months; and, in a few instances, the deceased individuals were counted as beneficiaries for the full two years the review was conducted. This is unacceptable particularly since this type of fraud can easily be prevented.

Mr. President, one federal agency has the information to prevent this fraud and abuse, but is not sharing it with other agencies issuing federal benefits. The Social Security Administration (SSA) has a Death Master File that compiles death information from a wide variety of sources and is considered the most comprehensive list of death information available in the federal government. According to the GAO, a match using SSA's Death Master File information could be a cost-effective method for identifying such individuals in food stamp households and eliminating these overpayments. States already rely on the SSA to verify the social security numbers of food stamp applicants. Therefore, a system already exists in one branch of the federal government that, with some modifications, could stop these overpayments.

Although the Social Security Administration agrees that a portion of their death information can be shared with the states and the Department of Agriculture for food stamp program purposes, in SSA's comments to GAO it does not believe it has the authority, under current law, to share all of the death information. Therefore, I am introducing legislation that will require the Commissioner of SSA to establish cooperative arrangements with each state agency that administers the food stamp program that will allow the sharing of all death data. My bill then requires the food stamp program to provide the information necessary for the Commissioner to verify that no deceased individual is being counted as part of a food stamp household.

The Food Stamp program provides a safety net for millions of people. We cannot allow fraud and abuse to undermine the food stamp program. Integrity is essential to ensure a program that can serve those in need. It is Congress' responsibility to play a role in ending fraud and abuse in all federally funded programs. This legislation is an important step in ending fraud and abuse in the Food Stamp program.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1733

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NOTIFICATION OF CERTAIN STATE AGENCIES BY COMMISSIONER OF SOCIAL SECURITY OF DECEASED INDIVIDUALS.

(a) IN GENERAL.—Section 205(r) of the Social Security Act (42 U.S.C. 405(r)) is amended by adding at the end the following:

"(8)(A) The Commissioner shall establish a cooperative arrangement with each State agency that administers the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

"(B) Under the arrangement in subparagraph (A), the State agency shall provide information to the Commissioner, in such form and manner as the Commissioner determines necessary, regarding individuals receiving benefits under the food stamp program.

"(C) The Commissioner shall compare information received under subparagraph (B) with information obtained under paragraph (1) and notify the State agency of the individuals who are deceased.

"(D) An arrangement under subparagraph (A) shall meet the requirements of paragraph (3)(A).".

(b) REPORT.—Not later than 180 days, 1 year, and 18 months after the date of enactment of this Act, the Commissioner of Social Security shall submit a report regarding the progress and effectiveness of the cooperative arrangements established with State agencies under section 205(r)(8) of the Social Security Act (42 U.S.C. 405(r)(8)) to—

(1) the Committee on Agriculture of the House of Representatives;

(2) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(3) the Committee on Ways and Means of the House of Representatives;

(4) the Committee on Finance of the Senate; and

(5) the Secretary of the Treasury.

(c) AMENDMENT OF INTERNAL REVENUE CODE OF 1986.—Clause (ii) of subparagraph (B) of section 6103(d)(4) of the Internal Revenue Code of 1986 (relating to the availability and use of death information) is amended by inserting "or, in the case of a food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), State agency" after "agency".

SEC. 2. PROVISION OF INFORMATION TO ENSURE NONISSUANCE OF FOOD STAMP COUPONS FOR DECEASED INDIVIDUALS.

Section 11(e)(20) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(20)) is amended—

(1) in subparagraph (A), by striking "and" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(C) to provide such information to the Commissioner of Social Security as the Commissioner determines is necessary to enable the Commissioner to use the information provided under the arrangement established under section 205(r)(8) of the Social Security Act (42 U.S.C. 405(r)(8)) to verify and otherwise ensure that coupons are not issued for deceased individuals;".

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect on the date that is 180 days after the date of enactment of this Act.

By Mr. WARNER (for himself and Mr. ROBB):

S. 1735. A bill to allow the National Park Service to acquire certain land for addition to the Wilderness Battlefield, as authorized by Public Law 102-541, by purchase or exchange as well as by donation; to the Committee on Energy and Natural Resources.

LONGSTREET'S FLANK ATTACK LEGISLATION

Mr. WARNER. Mr. President, I rise today to introduce legislation which will preserve a site of great historical importance. The legacy of Civil War battlefields must be perpetuated, not only to commemorate those who lost their lives in this tragic epoch, but also to consecrate land upon which some of our country's finest strategic maneuvers occurred. On the hallowed land of Wilderness, VA occurred one of the greatest tactical stratagems in military history. Snatching the initiative to turn the tide of battle, Lt. Gen. James A. Longstreet, under the command of Gen. Robert E. Lee, forced back Union forces directed by Gen. Ulysses S. Grant, in an advance known as "Longstreet's Flank Attack."

Mr. President, this legislation will allow the Park Service to acquire this stretch of land, which will serve to complete Wilderness Battlefield. The legacy of the Civil War is far-reaching. A war which wrought such destruction has been the source of much fascination for scholars and amateur historians. The Battle of Wilderness is legendary for the tactical skills employed and the caliber of the soldiers who fought. There, among the tangled forests and twisted undergrowth, the Union Army, numerically superior and well supplied, were forced into confrontation with General Lee's hardscrabble Confederate troops. It would be one of the last battles in which Lee's incomparable martial machine would force Grant's Army of the Potomac to withdraw. It is also the site of the wounding of General Longstreet, who, like Gen. Stonewall Jackson, was wounded by friendly fire. Though Longstreet's injury was not mortal, the genius of the cadre of officers under the command of Lee dwindled. Thus would begin the twilight of the Confederacy.

Legislation passed in the 102d Congress would have allowed the Park Service to acquire this land by donation. Despite numerous efforts, the Park Service has been unable to accomplish this. The legislation at hand would amend Public law 102-541 to allow the Park Service to procure the land by purchase or exchange as well as donation. The heritage and history which dwell amongst the interlaced undergrowth of this land deserve our recognition. I look forward to the swift passage of this bill.

By Mr. ROBB:

S. 1736. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for vessel *Betty Jane*; to the Committee on Commerce, Science, and Transportation.

JONES ACT WAIVER LEGISLATION

Mr. ROBB. Mr. President, I am introducing a bill today to authorize the Coast Guard to issue the appropriate endorsement for the vessel *Betty Jane* Virginia Registration number VA 7271 P to engage in the coastwise trade and fisheries. This legislation is necessary to resolve an issue regarding official documentation of the *Betty Jane*'s chain of title.

The *Betty Jane* was built in the United States in Deltaville, Virginia by an American private boat builder in 1970. It is a 36-foot wood hull, in-board gas propulsion boat, which is planned to be used for the excursion tourboat trade. The builder and the only former boat owner are deceased. The lack of an appropriate affidavit from these persons has left a gap in the chain of title of the vessel. The Coast Guard has informed the owner of the *Betty Jane* that if the gap is left unresolved, a coastwise endorsement cannot be issued for the vessel, even though the present owner is a U.S. citizen, the only former owner was a U.S. citizen, and the vessel was built in the United States.

The Congress passes a number of these technical bills every year. I'm introducing this bill today so that the Senate Commerce Committee may act upon it with the upcoming coastwise bill this session.

By Mr. MACK (for himself, Mr. KERREY, Mr. NICKLES, Mr. CONRAD, Mr. GRASSLEY, Ms. MOSELEY-BRAUN, Mr. BREAUX, Mr. CRAIG, Mr. COVERDELL, Mr. MCCONNELL, Mr. THURMOND, Mr. MURKOWSKI, Mr. BOND, Mr. LUGAR, Mr. ASHCROFT, Mr. DEWINE, and Mr. ABRAHAM):

S. 1737. A bill to amend the Internal Revenue Code of 1986 to provide a uniform application of the confidentiality privilege to taxpayer communications with federally authorized practitioners; to the Committee on Finance.

THE TAXPAYER CONFIDENTIALITY ACT OF 1998

Mr. MACK. Mr. President, I rise to introduce the Taxpayer Confidentiality Act of 1998. This bill corrects an inequity in the way that taxpayers are treated by the IRS. Under current law, communications between taxpayers and their lawyers concerning tax advice can often be protected from disclosure to the IRS by the common law attorney-client privilege.

Many taxpayers choose to obtain their tax advice from practitioners who are not attorneys. Under federal law, there are other categories of tax practitioners to whom these taxpayers can turn for tax advice—certified public accountants, enrolled agents, enrolled actuaries, and attorneys providing advice in the role of a tax practitioner. These tax practitioners are subject to federal regulation, and are authorized to provide tax advice and to represent taxpayers before the IRS.

But under current law, communications with these other tax practitioners cannot be protected from disclosure to the IRS by a client privilege. The very same words on the very same piece of paper that would be beyond the reach of the IRS if they were the advice of an attorney at law would have to be turned over to the IRS if they came from a certified public accountant or an enrolled agent. This is an unfair penalty to impose on a taxpayer based on their choice of tax advisor, particularly since many taxpayers do not have the financial resources to hire legal counsel.

The Taxpayer Confidentiality Act of 1998 fixes this unjust situation, and provides taxpayers with the confidence of knowing that their tax advice communications with any federally-authorized tax practitioners are afforded equal confidentiality protections in dealings with the IRS.

This bill does not unduly restrict the ability of the IRS to gather information. The IRS will still be able to discover the facts. The taxpayer can protect from disclosure only tax advice communications that would be protected by the attorney-client privilege if the advisor were acting as an attorney. The client privilege extends only to communications and does not cover the taxpayer's business records. Also, courts have widely held that information used to prepare a tax return is not subject to a privilege and thus, under the Act, would remain subject to disclosure.

The bill will not hinder criminal investigations and prosecutions, as taxpayers can assert the privilege only in noncriminal matters before the IRS and noncriminal judicial proceedings arising from these matters. And existing exceptions to the attorney-client confidentiality privilege would also apply to the protections under the bill. Thus, communications in the furtherance of a crime or a fraud would not be protected.

And the bill does not affect the ability of anyone other than the IRS—including other federal or state agencies, and private individuals involved in civil litigation—to obtain access to information that they have the right under current law to obtain. It is just a narrowly-tailored, common-sense solution to the problem of treating taxpayers differently based on the tax advisor they employ. Taxpayers should have a right to privacy in the tax advice they receive from qualified tax practitioners.

The Taxpayer Confidentiality Act of 1998 does not modify the attorney-client privilege in any way, and does not expand the authority of federally-regulated tax practitioners in any way. It merely provides equal treatment for all taxpayers who receive tax advice from federally-authorized sources. The Act curbs unwarranted IRS intrusiveness, and must be included in our IRS reform efforts.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1737

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Taxpayer Confidentiality Act of 1998".

SEC. 2. UNIFORM APPLICATION OF CONFIDENTIALITY PRIVILEGE TO TAXPAYER COMMUNICATIONS WITH FEDERALLY AUTHORIZED PRACTITIONERS.

(a) IN GENERAL.—Chapter 77 of the Internal Revenue Code of 1986 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

"SEC. 7525. UNIFORM APPLICATION OF CONFIDENTIALITY PRIVILEGE TO TAXPAYER COMMUNICATIONS WITH FEDERALLY AUTHORIZED PRACTITIONERS.

"(a) General Rule.—With respect to tax advice, the same common law protections of confidentiality which apply to a communication between a taxpayer and an attorney shall also apply to a communication between a taxpayer and any federally authorized tax practitioner if the communication would be considered a privileged communication if it were between a taxpayer and an attorney.

"(b) Limitations.—Subsection (a) may only be asserted in—

"(1) noncriminal tax matters before the Internal Revenue Service, and

"(2) noncriminal proceedings in Federal courts with respect to such matters.

"(c) Federally Authorized Tax Practitioner.—For purposes of this section, the term 'federally authorized tax practitioner' means any individual who is authorized under Federal law to practice before the Internal Revenue Service if such practice is subject to Federal regulation under section 330 of title 31, United States Code."

(b) Conforming Amendment.—The table of sections for such chapter 77 is amended by adding at the end the following new item:

"Sec. 7525. Uniform application of confidentiality privilege to taxpayer communications with federally authorized practitioners."

(c) Effective Date.—The amendments made by this section shall take effect on the date of enactment of this Act.

By Mr. ABRAHAM:

S. 1738. A bill to amend the National Sea Grant College Program act to exclude Lake Champlain from the definition of the Great Lakes, which was added by the National Sea Grant College Program Reauthorization Act of 1998; to the Committee on Commerce, Science, and Transportation.

GREAT LAKES LEGISLATION

Mr. ABRAHAM. Mr. President, I rise today to introduce legislation to reverse the recent designation of Lake Champlain as a "Great Lake."

Mr. President, I was extremely pleased to be an original cosponsor of the Sea Grant College Program Act, an important piece of legislation which supplies crucial funding for programs targeted at zebra mussel research and control. This Act is extremely important to the Great Lake states, which suffer considerably from zebra mussel infestation.

Late last year, the Sea Grant College Program Act was amended to allow Vermont Universities to apply for grants related to zebra mussel programs. This amendment, which designated Vermont's Lake Champlain a Great Lake, was never offered in Committee for consideration. Nor was it shared with the Great Lakes Task Force, whose Members would have been very interested in reviewing it.

This was unfortunate, Mr. President, because that Lake Champlain suffers greatly from zebra mussel infestations and needs help. Let me make clear, I am not opposed to allowing Vermont Universities to apply to the Sea Grant program. Lake Champlain has a very real zebra mussel problem and it should be addressed. Michiganians can understand and empathize with Vermont's efforts to battle this invader.

However, I am troubled by the approach taken to achieve funding for zebra mussel programs in Vermont. Rather than asking for language which would specifically allow Vermont Universities to apply for Sea Grant dollars, the definition of a Great Lake was changed to include Lake Champlain when, clearly, it is not. Lake Ontario, covering over 7,300 square miles, is the smallest of the Great Lakes. It is almost 17 times the size of Lake Champlain and twice as deep. Lake Superior, the largest of the Great Lakes, is over 70 times the size of Lake Champlain. Clearly Vermont's lake is not a member of this elite class.

For that reason, Mr. President, I have introduced this legislation to reverse the designation of Lake Champlain as a Great Lake. I would support language that specifically allows Vermont to apply for Sea Grant assistance, but I cannot agree to language changing the definition of a Great Lake, even for such a limited purpose. Notwithstanding assurances to the contrary, I believe such an action could lead to a host of unintended consequences and even serve as the basis for states outside the region to push for participation in a number of substantial Great Lakes issues. In addition, I oppose defining Lake Champlain as a Great Lake in the interest of clarity and truth. To call Lake Champlain a Great Lake is sheer nonsense.

The legislation I have introduced will amend the definition to state that only the Great Lakes, Superior, Michigan, Huron, Erie and Ontario are to be defined as Great Lakes. I hope that we can resolve this soon and put this entire matter to rest.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1738

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITION OF GREAT LAKES FOR NATIONAL SEA GRANT COLLEGE PROGRAM ACT.

Section 203 of the National Sea Grant College Program Act (33 U.S.C. 1122) is amended in paragraph (5), as added by section 4(a)(3) of the National Sea Grant College Program Reauthorization Act of 1998, by striking "includes Lake Champlain" and inserting "applies to Lake Superior, Lake Michigan, Lake Huron, Lake Erie and Lake Ontario".

By Mr. FRIST (for himself and Mr. Rockefeller):

S. 1739. A bill to establish a commission, under the aegis of the National Science Foundation, to review and propose recommendations for assuring United States leadership in science and mathematics; to the Committee on Labor and Human Resources.

THE NATIONAL COMMISSION FOR SCIENCE AND MATHEMATICS LEADERSHIP ACT

Mr. FRIST. Mr. President, I rise today to announce the establishment of the National Commission for Science and Mathematics Leadership. This effort is a direct result of the United States' devastating performance of 12th grade students on the recently released Third International Mathematics and Science Study (TIMSS), the most comprehensive and rigorous comparison of quantitative skills across nations. If we, as a nation, are going to continue to be global leaders in the new knowledge-based economy, we must first re-evaluate our current failures in our classrooms. I concur with Secretary Daley when he stated, "These results are entirely unacceptable."

TIMSS was designed to constructively assess the students' knowledge of mathematics and science needed to function effectively in society as adults. American 12th graders were outperformed in mathematics and science literacy by their counterparts in 12 of 20 countries, and only faired better than 2, Cypress and South Africa. In advanced mathematics and physics, no country performed more poorly. We simply cannot accept the conclusion of this study without considering its consequences on our entire educational system.

The 4th grade TIMSS measurement indicated that the American students are well above the international average in mathematics and very near the top in achievement in science. However, the United States is the only country in TIMSS whose students dropped in ranking from above average in mathematics at the fourth grade level to slightly below average performance at the eighth grade. And it only gets worse. Why does this drop-off occur? American students start out equal with or ahead in basic skills and steadily decline the longer they stay in school, compared with the students of our country's main trading partners.

Our children cannot afford to be illiterate in mathematics and science. The rapidly changing American society demands skills requiring mathematics, science, and technology. Information Technology, perhaps the fastest growing sector of our economy with 90% of new jobs, relies on more than basic high school literacy in mathematics and science.

The National Commission on Science and Mathematics Leadership is a first step toward improving our current educational system. It is a solid commitment from Congress to establish a core of national experts to review and propose recommendations for assuring leadership in science and mathematics training in the United States. Furthermore, using TIMSS as a comprehensive and valuable tool, the Commission, in coordination with the National Academy of Sciences, will analyze the results of this international study to better our schools, and more importantly, the future of our children.

Mr. ROCKEFELLER. Mr. President, I rise today to join my colleague Senator FRIST in introducing legislation to authorize the National Science Foundation to form a commission to review and propose recommendations for assuring the United States leadership in science and mathematics. This bill would require the formation of a 12 member commission of experts in the field of science and mathematics education. The commission is charged with reviewing the recently released Third International Mathematics and Science (TIMSS) study results, along with whatever other relevant information they need to assess the state of science and mathematics education in the United States, and reporting back to Congress with a set of recommendations for implementation by public and private agencies; these recommendations would serve to allow United States students to become preeminent among the nations of the world.

As everyone in the Senate knows, I have been a long and ardent supporter of education. That is why I read with such dismay the recent TIMSS study results which show United States students behind every major industrialized nation in the study. This is an unacceptable situation. The United States' economy is becoming increasingly dependent on high-technology, information management, and intellectual ability rather than raw materials, natural resources and muscle power. It is imperative that our high-school graduates—whether they go on to college, post-secondary technical training, or move straight into the workforce—have a solid foundation of science and mathematics education. A recent study suggests that 60 percent of positions require some sort of computer skills, while only 22 percent of today's workers have applicable skills. We can not let this inequality continue to future generations.

Unfortunately the TIMSS study results show that we are setting up our students to fail. We need to identify, and work diligently to implement, means to correct this situation. The commission formed by this bill is a needed first step. I encourage my colleagues to support this bill.

By Ms. COLLINS (for herself and Mr. DURBIN):

S. 1740. A bill to amend the Communications Act of 1934 to improve the protections against the unauthorized change of subscribers from one telecommunications carrier to another, and other purposes; to the Committee on Commerce, Science, and Transportation.

THE TELEPHONE SLAMMING PREVENTION ACT OF 1998

Ms. COLLINS. Mr. President, today I am introducing a bill to curtail a fraudulent practice known as slamming—the unauthorized change of a customer's telephone service provider. Telephone slamming is a widespread and growing problem. In Maine, for example, slamming complaints to the local telephone company increased by 100% from 1996 to 1997. Nationwide, slamming is also the number one telephone-related complaint to the FCC. While the FCC received a total of more than 20,000 slamming complaints in 1997, a significant increase over the previous year, estimates from phone companies indicated that as many as one million people were slammed last year.

Last fall, the Permanent Subcommittee on Investigations, which I chair, undertook an extensive investigation of the slamming problem. On February 18th, I chaired a field hearing on slamming in Portland, Maine. My distinguished colleague, Senator RICHARD DURBIN, joined me at the hearing, and we heard first-hand from several consumers about the problems they experienced with telephone slamming.

At the Subcommittee hearing, Maine slamming victims explained how some long-distance companies used fraudulent or deceptive practices to change their telephone service. Witnesses used words such as "stealing," and "criminal," and "break-in" to describe practices employed by unscrupulous telephone companies to switch unsuspecting customers and boost profits.

One witness, Pamela Corrigan from West Farmington, Maine, testified that she was sent an unsolicited "welcome package" in the mail, which looked like the stacks of junk mail that we receive every day. However, this "junk mail" was not what it appeared to be. This "welcome package" automatically signed her up for a new long distance service unless she returned a card rejecting the change. She was amazed and appalled that it was possible for a company to change her long distance service simply because she did not respond that she did not want their service.

Another witness, Susan Deblois from Winthrop, Maine, testified that when she was slammed, her children were unable to use the 800 number she had for them to call home in case of an emergency.

Slamming not only affects families but also small businesses and communities. For example, Steve Klein, the owner of Mermaid Transportation Company in Portland, Maine, testified that his business phone lines, which are critical to his livelihood, were tied up for four days when he was slammed by a long-distance telephone reseller which falsely represented itself as AT&T.

Similarly, Ms. Corrigan, who is the town manager of Farmington, Maine, reported that the town's phone lines were also slammed. Simply put, Mr. President, no one is immune from this illegal activity.

Victims of slamming are frustrated. They are angry. They should not have to spend their time and energy resolving problems that are not of their own making. People rely on their home and business telephone service, and they should be able to choose their own long-distance company without fear that their decision will be changed without their consent.

Deliberate slamming is like stealing and should not be tolerated. The FCC must step up enforcement efforts to make sure that existing laws and regulations are followed by telephone companies, and Congress must act to strengthen penalties to halt this pernicious practice.

The comprehensive legislation that I am introducing today, along with my colleague Senator DURBIN, will attack the problem of slamming from all sides.

First, the bill gets tough with those who engage in deliberate slamming. It would increase civil penalties and establish new criminal penalties for intentional slamming. Specifically, civil penalties would be increased to a minimum of $50,000 for the first slamming offense and $100,000 for a subsequent offense.

Criminal penalties would be established for intentional slamming, the same as those for any other federal crime: a maximum of $100,000 and one year imprisonment for a misdemeanor and $250,000 and five years imprisonment for a felony. In addition, anyone convicted of intentional slamming will be disqualified from being a telecommunications service provider. The bill would also allow the states to bring action in federal court against slammers on behalf of its residents, a provision suggested by Senator DURBIN.

Second, our legislation increases consumer protection. It would give control back to consumers by taking the financial incentive away from companies that engage in slamming. Rather than paying the slamming company, consumers could pay their original carrier at their previous rate. It would further protect consumers by eliminating the so-called "welcome package" method of verification, a favorite tool of slammers, which is misused and deceptive.

Third, the bill strongly encourages the FCC to step up its enforcement efforts against slamming. It would require local telephone companies to report a summary of slamming complaints to the FCC for further investigation, and it would require the FCC to report to Congress on its enforcement actions against slammers.

Finally, the legislation would require the FCC to report to Congress on whether or not its current procedures contain sufficient safeguards to prevent unscrupulous telecommunications providers from receiving an FCC license in the first place.

Mr. President, consumers have lost control over their telecommunications service to unscrupulous providers. The Collins-Durbin legislation would go a long way toward halting slamming. I urge my colleagues to join me in the fight against slamming by co-sponsoring the "Telephone Slamming Prevention Act of 1998."

For the information of all my colleagues, I ask unanimous consent to include in the RECORD a detailed summary of the provisions contained in this comprehensive anti-slamming bill.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF TELEPHONE SLAMMING PREVENTION ACT OF 1998

(1) *Clarification of Verification Procedures:* The bill amends current law, which allows the FCC to determine the verification procedures that telecommunications carriers can use when executing a change in subscriber service, to place some restrictions on the approved verification methods. Specifically, this provision will eliminate the "welcome package" method of verification. It will still allow the FCC to determine the appropriate forms of verification and the time and manner in which such verification must be retained by carriers.

(2) *Liability for Charges:* The bill also allows subscribers who have been slammed, and who have not yet paid their telephone bill to the unauthorized carrier, to pay their original carrier for their phone usage, at the rate they would have been charged by their original carrier. The provision will not change existing law and FCC regulations that make the slamming carrier liable to the original carrier for any charges it collects from a slammed subscriber. This provision is designed to take away the financial incentive for slamming.

(3) *Additional Penalties:* The bill also increases the civil penalties for slamming and creates criminal penalties.

The civil penalties provision will require the FCC to assess a minimum of $50,000 for the first slamming offense, and $100,000 for any subsequent offense, unless the Commission determines that there are mitigating circumstances. Currently, the penalty typically assessed by the FCC is only $40,000 for each offense.

In addition, this provision will allow the Commission, at its discretion, to assess civil penalties against carriers that make unauthorized carrier changes on behalf of their agents or resellers. It will require the Commission to promulgate regulations on the oversight responsibilities of the underlying facilities-based carriers for their agents or resellers. This will make it clear to carriers, who sell access to their telephone lines, that they have some responsibility for the actions of their agents or resellers.

Currently, slamming is not a crime. The criminal penalties provision will make intentional slamming a misdemeanor for the first offense (not more than one year imprisonment), and a felony for subsequent intentional slamming offenses (not more than five years imprisonment). Criminal fines for intentional slamming are the same as those for any other federal crime: a maximum of $100,000 for a misdemeanor and $250,000 for a felony. In addition, anyone convicted of the crime of intentional slamming will not be allowed to be a telecommunications service provider, and any company substantially controlled by a person convicted of intentional slamming will also be disqualified from providing such services. After five years, however, the FCC shall have the option to reinstate such individuals or companies disqualified under this provision, if it is in the public interest to do so.

(4) *State Actions:* The bill gives the states the right to take action against slammers on behalf of its residents, and makes it clear that nothing in this section preempts the states from taking action against intra-state slammers. This provision is necessary because some state supreme courts have ruled that FCC regulatory authority preempts the states from acting in this area.

(5) *Reports on Slamming Complaints:* The bill requires all telecommunications carriers, including local exchange carriers, to report on the number of subscriber slamming complaints against each carrier. The provision allows the FCC to determine how often these reports would have to be submitted. This provision would *not* require carriers to refer complaints on an individual basis, only a summary report that could be used by the FCC to determine which companies are engaging in patterns and practices of slamming.

(6) *FCC Report on Slamming and Enforcement Actions:* The bill establishes a requirement that FCC submit a report to Congress on its slamming enforcement actions. The FCC already provides this information in its Common Carrier Scorecard, so this provision does not establish a new report. It is designed to make it clear to the FCC that Congress considers slamming enforcement important.

(7) *FCC Report on Adequacy of FCC License Process:* This bill requires the FCC report to Congress on whether current licensing requirements and procedures are sufficient to prevent fraudulent telecommunications providers from receiving an FCC license. Currently, the FCC does not review telecommunications provider applications prior to issuing FCC licenses, allowing fraudulent companies into the telecommunications marketplace.

ADDITIONAL COSPONSORS

S. 238

At the request of Mr. GRAMS, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of S. 238, a bill to amend title XVIII of the Social Security Act to ensure medicare reimbursement for certain ambulance services, and to improve the efficiency of the emergency medical system, and for other purposes.

S. 328

At the request of Mr. HUTCHINSON, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 328, a bill to amend the National Labor Relations Act to protect employer rights, and for other purposes.

S. 1312

At the request of Mr. ABRAHAM, the names of the Senator from Connecticut [Mr. DODD] and the Senator from Ohio [Mr. DEWINE] were added as cosponsors of S. 1312, a bill to save lives and prevent injuries to children in motor vehicles through an improved national, State, and local child protection program.

S. 1571

At the request of Mr. MCCAIN, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1571, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 1638

At the request of Mr. CONRAD, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 1638, a bill to help parents keep their children from starting to use tobacco products, to expose the tobacco industry's past misconduct and to stop the tobacco industry from targeting children, to eliminate or greatly reduce the illegal use of tobacco products by children, to improve the public health by reducing the overall use of tobacco, and for other purposes.

S. 1673

At the request of Mr. HUTCHINSON, the names of the Senator from South Carolina [Mr. THURMOND], the Senator from North Carolina [Mr. HELMS], and the Senator from Wyoming [Mr. THOMAS] were added as cosponsors of S. 1673, a bill to terminate the Internal Revenue Code of 1986.

SENATE CONCURRENT RESOLUTION 77

At the request of Mr. SESSIONS, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of Senate Concurrent Resolution 77, a concurrent resolution expressing the sense of the Congress that the Federal government should acknowledge the importance of at-home parents and should not discriminate against families who forego a second income in order for a mother or father to be at home with their children.

SENATE CONCURRENT RESOLUTION 78

At the request of Mr. D'AMATO, his name was added as a cosponsor of Senate Concurrent Resolution 78, a concurrent resolution relating to the indictment and prosecution of Saddam Hussein for war crimes and other crimes against humanity.

SENATE RESOLUTION 155

At the request of Mr. LOTT, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of Senate Resolution 155, a resolution designating April 6 of each year as "National Tartan Day" to recognize the outstanding achievements and contributions made by Scottish Americans to the United States.

SENATE RESOLUTION 187

At the request of Mr. MACK, the names of the Senator from Vermont

[Mr. LEAHY] and the Senator from Kansas [Mr. BROWNBACK] were added as cosponsors of Senate Resolution 187, a resolution expressing the sense of the Senate regarding the human rights situation in the People's Republic of China.

SENATE RESOLUTION 193

At the request of Mr. REID, the names of the Senator from Nevada [Mr. BRYAN], the Senator from Nebraska [Mr. KERREY], and the Senator from North Dakota [Mr. DORGAN] were added as cosponsors of Senate Resolution 193, a resolution designating December 13, 1998, as "National Children's Memorial Day."

AMENDMENT NO. 1709

At the request of Mr. MCCAIN his name was added as a cosponsor of Amendment No. 1709 intended to be proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

AMENDMENT NO. 1710

At the request of Mr. MCCAIN his name was added as a cosponsor of Amendment No. 1710 intended to be proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

AMENDMENT NO. 1766

At the request of Mr. MURKOWSKI the names of the Senator from Virginia [Mr. ROBB] and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of Amendment No. 1766 intended to be proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

SENATE CONCURRENT RESOLUTION 82—RELATIVE TO A VIOLATION OF FUNDAMENTAL HUMAN RIGHTS

Mr. WELLSTONE (for himself and Mrs. FEINSTEIN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 82

Whereas one of the fastest growing international trafficking businesses is the trade in women, whereby women and girls seeking a better life, a good marriage, or a lucrative job abroad, unexpectedly find themselves in situations of forced prostitution, sweatshop labor, exploitative domestic servitude, or battering and extreme cruelty.

Whereas trafficked women are often subjected to rape and other forms of sexual abuse by their traffickers and often held as virtual prisoners by their exploiters, made to work in slavery-like conditions, in debt bondage without pay and against their will;

Whereas the President, the First Lady, the Secretary of State, and the President's Interagency Council on Women have all identified trafficking in women as a significant problem and are working to mobilize a response;

Whereas the Fourth World Conference on Women (Beijing Conference) called on all governments to take measures, including legislative measures, to provide better protection of the rights of women and girls in trafficking, to address the root factors that put women at risk to traffickers, and to take measures to dismantle the national, regional, and international networks in trafficking;

Whereas the United Nations General Assembly, noting its concern about the increasing number of women and girls who are being victimized by traffickers, passed a resolution in 1996 calling upon all governments to criminalize trafficking in women and girls in all its forms and penalize all those offenders involved, while ensuring that the victims of these practices are not penalized; and

Whereas numerous treaties to which the United States is a party address government obligations to combat trafficking and the abuses inherent in trafficking, including such treaties as the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, which calls for the complete abolition of debt bondage and servile forms of marriage, and the 1957 Abolition of Forced Labor Convention, which undertakes to suppress and not to make use of any form of forced or compulsory labor: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) trafficking consists of all acts involved in the recruitment or transportation of persons within or across borders involving deception, coercion or force, abuse of authority, debt bondage or fraud, for the purpose of placing persons in situations of abuse or exploitation such as forced prostitution, sexual slavery, battering and extreme cruelty, sweatshop labor or exploitative domestic servitude;

(2) trafficking also involves one or more forms of kidnapping, false imprisonment, rape, battering, forced labor or slavery-like practices which violate fundamental human rights;

(3) to address this problem, the Department of Justice Office of Violence Against Women, with the cooperation of Immigration and Naturalization Service, should submit a report to Congress on—

(A) efforts to identify instances of trafficking into the United States within the last 5 years;

(B) the successes or difficulties experienced in promoting interagency cooperation, cooperation between local, State, and Federal authorities, and cooperation with nongovernmental organizations;

(C) the treatment and services provided, and the disposition of trafficking cases in the criminal justice system; and

(D) legal and administrative barriers to more effective governmental responses, including current statutes on debt bondage and involuntary servitude;

(4) in order to ensure effective prosecution of traffickers and the abuses related to trafficking, victims should be provided with support services and incentives to testify, such as—

(A) stays of deportation with an opportunity to apply for permanent residency, witness protection, relocation assistance, and asset forfeiture from trafficking networks with funds set aside to provide compensation due to victims of trafficking; and

(B) services such as legal assistance in criminal, administrative, and civil proceedings and confidential health care;

(5) the Secretary of State, in consultation with the Department of Justice Office of Violence Against Women, and nongovernmental organizations should—

(A) develop curricula and conduct training for consular officers on the prevalence and risks of trafficking and the rights of victims; and

(B) develop and disperse to visa seekers written materials describing the potential risks of trafficking, including—

(i) information as to the rights of victims in the United States, including legal and civil rights in labor, marriage, and for crime victims under the Violence Against Women Act; and

(ii) the names of support and advocacy organizations in the United States;

(6) the Department of State and the European Union—

(A) are commended as to their joint initiative to promote awareness of the problem of trafficking throughout countries of origin in Eastern Europe and the independent states of the former Soviet Union; and

(B) should continue efforts to engage in similar programs in other regions and to ensure that the dignity and the human rights of trafficking victims are protected in destination countries;

(7) the State Department's Bureau for International Narcotics and Law Enforcement Affairs, together with the Department of Justice and the Department of the Treasury, should continue to provide and expand funding to support criminal justice training programs, which include trafficking; and

(8) the President's Interagency Council on Women should submit a report to Congress, not later than 6 months after the date of the adoption of this resolution, with regard to the implementation by the Secretary of State and the Attorney General of the duties described in this resolution.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President, the Secretary of State, and the Attorney General.

Mr. WELLSTONE. Mr. President, in honor of International Women's Day, I am submitting, along with my colleague Senator FEINSTEIN, legislation to curb a horrific practice: the forced or coerced trafficking of women and girls for the purposes of sexual exploitation. This resolution will effectively put Congress on record as opposing trafficking for forced prostitution and domestic servitude, and acting to check it before the lives of more women and girls are shattered.

One of the fastest growing international trafficking businesses is the trade in women. Women and girls seeking a better life, a good marriage, or a lucrative job abroad, unexpectedly find themselves forced to work as prostitutes, or in sweat shops. Seeking this better life, they are lured by local advertisements for good jobs in foreign countries at wages they could never imagine at home.

Every year, the trafficking of human beings for the sex trade affects hundreds of thousands of women throughout the world. Women and children whose lives have been disrupted by civil wars, or fundamental changes in political geography, such as the disintegration of the Soviet Union, have fallen prey to traffickers. The International Organization for Migration has said that as many as 500,000 women are annually trafficked into Western Europe alone.

Upon arrival in countries far from their homes, these women are often stripped of their passports, held against their will in slave-like conditions, and sexually abused. Rape, intimidation, and violence are commonly employed by traffickers to control their victims and to prevent them from seeking help. Through physical isolation and psychological trauma, traffickers and brothel owners imprison women in a world of economic and sexual exploitation that imposes a constant fear of arrest and deportation, as well as of violent reprisals by the traffickers themselves, to whom the women must pay off ever-growing debts. Many brothel owners actually prefer foreign women—women who are far from help and home, and who do not speak the language—precisely because of the ease of controlling them.

Most of these women never imagined that they would enter such a hellish world, having traveled abroad to find better jobs or to see the world. Many in their naiveté, believed that nothing bad could happen to them in the rich and comfortable countries such as Switzerland, Germany, or the United States. Others, who are less naive but desperate for money and opportunity, are no less hurt by the trafficker's brutal grip.

One of the most disturbing trends in trafficking is the growing number of young women and children. For various reasons, including the AIDS epidemic, virgins are increasingly in demand and can fetch some of the highest prices in the international sex market. In the most extreme cases, criminals buy and sell children as if these children were mere objects or animals.

Trafficking rings are run by criminals often operating through nominally reputable agencies. Through entertainment companies, employment or marriage agencies, these criminals mislead and manipulate women. Lack of awareness of complacency among government officials, such as border and consular officers, contribute to the problem. Further, traffickers are rarely punished as official policies inhibit women from testifying against their traffickers, making forced prostitution highly profitable, low risk business ventures.

Last year, according to a report in the Washington Post, the FBI raided a massage parlor in downtown Bethesda, right next to Congress, right next to Washington, DC. The massage parlor was involved in the trafficking of Russian women into the United States. The eight Russian women who worked there, lived at the massage parlor, sleeping on the massage tables at night. They were charged $150 a week for "housing" and were not paid any salary, only receiving a portion of their tips.

Gillian Caldwell and her organization, Global Survival Network (GSN), conducted an extraordinary two-year investigation of the growing international transport of Russian women for prostitution. GSN found that trafficking networks in Russia charge women anywhere from $1,500 to $30,000 for their "services" in facilitating documentation, jobs, and transportation. A relationship of debt-bondage is created that the woman can never defeat.

Fortunately, the global trade in women and children is receiving greater attention by governments and NGOs following the UN World Conference on Women in Beijing. The United Nations General Assembly has called upon all governments to criminalize trafficking, to punish its offenders, while not penalizing its victims. The President's Interagency Council on Women is working hard to mobilize a response to this problem. But, much, much more must be done.

Recognizing this worldwide problem, my resolution calls upon the State Department and the Department of Justice to increase their efforts to investigate and take action against international sex trafficking, and to report to Congress about their finding and steps taken to curb this problem. Further, it seeks to reduce incidences of trafficking and forced prostitution by making information available to warn at risk women and girls of the potential dangers they may face. Finally, it provides for training of consular officials, incentives for victims to testify against traffickers, and services for victims of trafficking.

This resolution strengthens the work of the President's Interagency Council on Women, and has the support of a broad array of organizations: Human Rights Watch, Global Survival Network, Ayuda, National Network on Behalf of Battered Immigrant Women, International Human Rights Law Group, Program for Appropriate Technology in Health, and the National Council on International Health.

I would like to thank the above organizations and agencies who helped craft this legislation. We must commit ourselves to ending the trafficking of women and girls and to building a world in which such exploitation is relegated to the dark past. I urge my colleagues to cosponsor this resolution, and I urge its timely passage. The President tomorrow will sign an Executive order which will also deal with this problem. We will work on passing the resolution, and also to make sure that this translates into legislative action.

Mr. President, it is absolutely unconscionable that this goes on in the world, including our country.

I will come to the floor later on with a blown-up map. But this is a sample of routes used to traffic women for prostitution from the Newly Independent States in the former Soviet Union, and all over the world. But also you see an arrow coming to the United States and to a lot of the European countries. It is just unconscionable that this is happening to women and to girls and essentially the international community has turned its gaze away from it.

It is important that we have cosponsors for this resolution and that we pass this concurrent resolution with an overwhelming vote. I look forward to the Senate and the House of Representatives working with the President on this matter.

I hope that we will get a strong vote for this resolution by the end of the week, an up-or-down vote, which, if we have a commitment to do so, I hope the administration will take the action on.

Finally, Mr. President, let me just thank Senator FEINSTEIN for working with me on this resolution.

Mr. President, I ask unanimous consent to have printed in the RECORD excerpts from this book entitled "Crime and Servitude: An Expose of the Traffic in Women for Prostitution from the Newly Independent States, A report by the Global Survival Network, In Collaboration with the International League for Human Rights."

Mr. President, I want these excerpts printed in the RECORD because I want history to show that for the first time the U.S. Senate is going to take a position on this issue. I want this included in the RECORD because I want history to show that for the first time the U.S. Senate is going to make it clear that we are not going to be silent when it comes to the most brutal treatment of women and girls throughout the world. These are all God's children, and we intend to take a strong position, and we intend to put the resolution into legislation and do everything we can to try to provide the protection for these women and these children.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CRIME AND SERVITUDE, AN EXPOSÉ OF THE TRAFFIC IN WOMEN FOR PROSTITUTION FROM THE NEWLY INDEPENDENT STATES

(A report by the Global Survival Network in collaboration with the International League for Human Rights)

PREFACE

The United Nations estimates that four million people are trafficked throughout the world each year, resulting in illicit profits to criminal syndicates of up to seven billion dollars annually. One of the fastest growing trafficking businesses is the sex trade.

This ground-breaking report details the findings of a two-year investigation by the Global Survival Network into the trafficking of women from Russia and the Newly Independent States for prostitution. Each day, thousands of women and girls are lured into the international sex trade with promises of a better life and a lucrative job abroad. These false promises are especially appealing to the scores of unemployed and underemployed women struggling to survive in impoverished regions and in societies facing post-Communist transition.

They are transported by bus, plane, and train to Europe, Asia, the Middle East, and North America, where they unexpectedly find themselves forced into cruel sexual exploitation. They may be forced to work for months or years without earnings, and many endure deep physical and psychological trauma as a result of their experience. In the worst of cases, they may lose not only their freedom but also their lives.

Trafficking has been recognized by the United Nations as a form of slavery and violence against women. It has also been condemned by numerous international human rights documents, including the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others, the Declaration on the Elimination of Discrimination Against Women, and the Convention on the Rights of the Child.

Despite the many prohibitions against trafficking, international networks that market women and children for prostitution continue to thrive. Their success can be attributed to several factors, including the global economic trends, the declining socioeconomic status of women, the enormous profitability of the business, government inaction, and, in the most egregious circumstances, government complicity.

It will not be possible to address the growing problem of trafficking without the collaboration of state institutions and nongovernmental organizations, and both have their own challenges to meet. Governments must identify and remove corrupt public officials acting as accomplices of sex traders, and resist the pressure to attempt to address trafficking by restricting migration, which exacerbates the problem and leads to a violation of another fundamental human right, the freedom of movement.

For the human rights movement, trafficking extends beyond the familiar set of civil and political concerns. It is a multidimensional problem which demands comprehensive evaluation. Recommended responses must be informed by active cooperation between the traditional human rights community and the newer women's rights groups.

Moreover, because trafficking is a problem that transcends national borders, it demands a transnational response. Collaborative relationships must be formed between the "sending countries" of the former Eastern Bloc, Asia, Africa and Latin America, and "receiving countries" in the wealthier nations of North America and Western Europe.

This report was prepared for distribution at an international conference in Moscow on "The Trafficking of NIS Women Abroad," coordinated jointly by Sysotri (Moscow), the Global Survival Network (Washington, D.C.), the International League for Human Rights (New York), and hosted at the Andrei Sakharov Foundation. This remarkable collaborative effort represents a critical first step toward developing cooperative and transnational relationships to address this massive violation of human rights.

Let us work together to eradicate this form of modern-day slavery, because no society is truly democratic until all human beings are guaranteed their rights to freedom, dignity, and equality.

Sincerely,

ANASTASIA POSADSKAYA-VANDERBECK,
Ph.D.

I. A TESTIMONY FROM HELL

[Slavery is] the status or condition of a person over whom any or all of the powers attaching to right of ownership are exercised.—Slavery Convention, 1926.

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.—Universal Declaration of Human Rights, 1948.

You cannot give them any [money]. It means that they will live in the States without any cash, without any money.—Russian Trafficker, 1996.

Every year, the trafficking of human beings for the sex trade puts hundreds of thousands of women at risk of losing their personal freedom, suffering physical and emotional harm, working in degrading and sometimes life-threatening situations, and being cheated of their earnings. Since the break-up of the Soviet Union, an increasing percentage of these women are from Russia and the Newly Independent States. Most of them never imagined that they would enter such a hellish world of crime and servitude, having traveled abroad to find better jobs or to see the world. Many, in their naivete, believed that nothing bad could happen to them in rich and comfortable countries such as Switzerland, Germany, Japan, or the United States. Others, who were less naive but still desperate for money and opportunity, are equally affected by the cruel and unforgiving grip of traffickers.

Unfortunately, during the chaos of massive political, social, and economic change in Russia and the Newly Independent States, criminal elements have been able to establish themselves in the international business of trafficking women. Operating through nominally reputable employment agencies, entertainment companies, or marriage agencies, these criminals mislead and manipulate women, who become pawns in a vicious, illegal worldwide trade. In the most extreme cases, the criminals buy and sell women and children as if they were mere objects or animals.

Lena's story

To understand what it means to be a slave today, consider the case of "Lena."

Several years ago in the Russian Far East, 19-year-old Lena, seeking to travel and earn money, joined several other Russian women who had responded to a newspaper ad for a work and study program in China. "They brought us the contracts that described all the conditions: medical insurance, housing, food, travel there and back," reported Lena.

The women were flown to Jukhai, China, where they studied cooking for a month. "Everything seemed fine. Until they took our passports, in spite of the fact that the contract had a point that said that everybody should have their passports with them," she continued. "Then they didn't return our passports. When we demanded them, they immediately and categorically told us '$15,000 for each passport.'" It soon became clear that the "restaurant" Lena had been hired to work in didn't exist, and none of the girls were being paid.

One of the girls in Lena's group, a 17-year-old, was purchased by a competing group, which paid $15,000 for her passport and transported her to Macau to work as a prostitute. From that point on, Lena and her friends endured beatings, imprisonment, and hunger. "They began to withhold our monthly salaries. They locked us up without food and without money. There was a balcony...You could jump if you wanted to die." The Chinese bosses said they would give the girls their passports if they started to "cooperate," which meant working in hotels, restaurants, and karaoke clubs as "entertainers" and prostitutes for Chinese men.

Lena and her friends eventually escaped. With little money and enraged by what had happened to them, they traveled to several Chinese cities and appealed without success to Russian consulates and Chinese city mayors for assistance to return home. "At times we had to work like this: you're walking down the street, a car drives up, you agree that tonight you'll sit with them in a restaurant, karaoke, and they will pay you some money for it. Just like prostitution." The women met some Russian men who offered to help them return home in exchange for sexual favors. "So that's how we worked for three months, to make some money to leave. We had to work in different places, some of them awful, when there was not even a penny in the wallet."

Lena and the others finally managed to get back to Russia. At home now, Lena says she has a hard time trusting anyone and keeps a gun for protection. "I sometimes have to turn to a psychiatrist to put myself back in place, because I became very jumpy. My health is ruined. I simply curse the day when my romantic notions made me decide, having trusted these people, to go see China," she concluded.

The investigation

Thousands of women from Russia and the Newly Independent States have endured such exploitation and slavery during recent years, yet their stories have been largely ignored by most law-enforcement agencies and governments. Unfortunately, as this report reveals, police agencies in receiving countries often minimize the extent of trafficking. And governments usually respond to trafficking as a problem of illegal migration, an approach that transforms women victimized by particular circumstances into criminals.

To learn why and how this form of modern slavery persists, and to propose solutions, the Global Survival Network (GSN) conducted a study from August 1995 through the Autumn of 1997 to uncover the rapidly growing trade in Russian women for purposes of prostitution.

Because of the underground nature of the trade, the study combined conventional and unconventional methodologies. GSN conducted open interviews with numerous nongovernmental organizations, more than fifty women who had been trafficked overseas, and police and government officials in Russia, Western Europe, Asia, and the United States.

In order to delve into and learn more about the world of organized crime and its role in Russian sex trafficking, GSN also conducted some unconventional research. GSN established a dummy company that purportedly specialized in importing foreign women as escorts and entertainers. The company was "based" in the United States and claimed to specialize in "Foreign Models, Escorts, and Entertainers." Company "employees" represented the business. Brochures, business cards, and a telephone and fax line give the operation a look of authenticity. Under the guise of this company, GSN successfully gained entree to the shadowy operations of international trafficking networks based in Russia and beyond. Many of the interviews were recorded with hidden cameras and provide unique insight into the trafficking underworld in action.

While conducting investigations with this front, GSN met Russian pimps and traffickers who revealed their modus operandi, as well as the identities of their financial investors and overseas partners. GSN combined these findings with other information collected through interviews with non-governmental organizations, law enforcement agencies, trafficked women, and relevant news reports. Taken together, this information provided GSN with enough detail to target several countries where Russian women and girls work as prostitutes in substantial numbers, including Germany, Switzerland, Japan, Macau, and the United States. Wherever legal, interviews were recorded by hidden camera directly inside the establishments where prostitution was occurring. Whenever possible, the investigators revealed the nature of their work.

In some cases, security conditions for both the investigator and the persons interviewed prevented disclosure. In order to preserve the safety and privacy of all parties involved, pseudonyms have been given to the persons interviewed during GSN's covert investigations, and whenever requested otherwise. The videotaped material has been transcribed and is used to tell much of the story you are about to read.

Trafficking networks flourish in large part because governments, officials, and citizens fail to speak out and to act. Criminals operate with impunity when they have corrupted the law-enforcement personnel who ostensibly combat them. GSN's investigation has not only sought to expose the degrading nature and viciousness of human trafficking, but also to provide insight into how to stop it.

This report offers concrete recommendations for action and policies that can rein in traffickers and provide assistance to their victims. To understand the recommendations, it is first necessary to understand trafficking: who does it, and why; how it can exist outside the law; how it violates basic human rights; and why its victims so rarely seek help.

SENATE CONCURRENT RESOLUTION 83—RELATIVE TO GEORGE WASHINGTON

Mr. WARNER (for himself, Mr. ROBB, and Mr. GRAHAM) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 83

Whereas December 14, 1999, will be the 200th anniversary of the death of George Washington, the father of our Nation and the protector of our liberties;

Whereas the standards established by George Washington's steadfast character and devotion to duty continue to inspire all men and women in the service of their country and in the conduct of their private lives;

Whereas the Mount Vernon Ladies' Association of the Union, which maintains the Mount Vernon estate and directs research and education programs relating to George Washington's contribution to our national life, has requested all Americans to participate in the observance of this anniversary;

Whereas bells should be caused to toll at places of worship and institutions of learning for the duration of 1 minute commencing at 12 o'clock noon, central standard time, throughout the Nation, on the 200th anniversary of the death of George Washington;

Whereas the flag of the United States should be lowered to half staff on the 200th anniversary of the death of George Washington; and

Whereas the example set by George Washington is of the utmost importance to the future of the Nation, and it is the responsibility of private and government institutions to prepare for the observation of the 200th anniversary of the death of George Washington: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) calls upon the Nation to remember the life of George Washington and his contributions to the Nation; and

(2) requests and authorizes the President of the United States—

(A) to issue a proclamation calling upon the people of the United States—

(i) to commemorate the death of George Washington with appropriate ceremonies and activities; and

(ii) to cause and encourage patriotic and civic associations, veterans and labor organizations, schools, universities, and communities of study and worship, together with citizens everywhere, to develop programs and research projects that concentrate upon the life and character of George Washington as it relates to the future of the Nation and to the development and welfare of the lives of free people everywhere; and

(B) to notify the governments of all Nations with which the United States enjoys relations that our Nation continues to cherish the memory of George Washington with affection and gratitude by furnishing a copy of this resolution to those governments.

Mr. WARNER. Mr. President I rise today to offer legislation to commemorate the 200th anniversary of the death of our Founding Father, George Washington.

The legacy of Washington cannot be overestimated. Noble in spirit, honorable in deed, George Washington was a just leader, whose firm moral character provided an enduring example for the young nation he had fought so courageously to win. Over the past two centuries, the traditions Washington set forth for his country—patriotism, generosity, honesty, and diplomacy—became the paragons for countries attempting to inaugurate democracy throughout the world. Perhaps President Lincoln, an ardent admirer of Washington, said it best in his remarks,

> Washington is the mightiest name on earth . . . To add brightness to the sun or glory to the name of Washington is alike impossible. Let none attempt it. In solemn awe pronounce the name, and in its naked deathless splendor, leave it shining on.

Despite his role in the founding of our Nation, and the high esteem in which all Americans hold our first President, less and less is known about this great leader. Educators lament that history textbooks are woefully inadequate in documenting the strong and engaging constitution of Washington, and the many lesser known aspects of his life. Washington was an innovative farmer, a skillful surveyor, a gifted debater and orator, as well as a courageous and indeed visionary soldier and President. In an era when role models in the United States and the world at large, possessing good judgment and character, are in decline, let us further examine the life of one so fervent in his convictions.

As the bicentennial of Washington's death approaches, I ask the Senate to join me in celebrating the life of our distinguished first President, and dedicate this year long commemoration to learning more about his fascinating life and career. On December 14th, 1999, let flags throughout our great Nation be lowered to commemorate this life of this heroic man. Let bells everywhere extoll his steadfastness. Let the entire year of 1999 be the year in which we rediscover the legacy of the man who is still "First in War, First in Peace, and First in the Heart of his Countrymen."

SENATE RESOLUTION 194—DESIGNATING "NATIONAL KICK DRUGS OUT OF AMERICA WEEK"

Mrs. HUTCHISON submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 194

Whereas the overwhelming problems in our country resulting from drug abuse are staggering;

Whereas youth violence and gangs are serious problems in America today;

Whereas in inner-city and suburban schools drug and gang related peer pressures are at an all time high;

Whereas tragically, many young people today receive little or no guidance or direction from family, role models, or schools; and

Whereas one method of helping fight the war on drugs and youth violence is to support educational and motivational programs aimed primarily at the youth of America that help guide young people and support their decisions to reject drugs and violence: Now, therefore, be it

Resolved, That the Senate designates the week of April 20 through April 26, 1998, as "National Kick Drugs Out of America Week".

SENATE RESOLUTION 195—DESIGNATING "NATIONAL CORROSION PREVENTION WEEK"

Mrs. HUTCHISON submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES 195

Whereas corrosion undermines the physical integrity of structures and endangers the public and environment;

Whereas corrosion leads to catastrophic failures and wastes scarce resources;

Whereas corrosion is the deterioration of a material resulting from a reaction with its environment and costs the United States over $300,000,000,000 every year, which amounts to more than 4 percent of the gross national product;

Whereas it is estimated that over ⅓ of the costs from corrosion (approximately $100,000,000,000) are preventable through the application of existing corrosion control technology;

Whereas corrosion engineers in the United States and around the world save taxpayers money through the application of state-of-the-art, time-proven corrosion control technology; and

Whereas corrosion engineers are committed to protecting public safety, preserving the environment, and preventing the premature deterioration of infrastructure facilities: Now, therefore, be it

Resolved, That the Senate designates the week of March 22 through March 28, 1998, as "National Corrosion Prevention Week" in order to raise public awareness of the problems associated with it and the measures available to prevent it.

AMENDMENTS SUBMITTED

THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1998

SESSIONS AMENDMENT NO. 1939

(Ordered to lie on the table.)

Mr. SESSIONS submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill (S. 1173) to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes; as follows:

On page 88, line 13, after "greater" insert "and for States in which administrative jurisdiction over federally owned land has been or is at any time transferred to the United States Fish and Wildlife Service for the preservation of rare botanical ecosystems (including long leaf pine ecosystems)".

ALLARD (AND GRAMS) AMENDMENT NO. 1940

Mr. ALLARD (for himself and Mr. GRAMS) proposed an amendment to amendment No. 1931 proposed by Mr. D'AMATO to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 68, line 21, strike "The next" and all that follows through "(7)" on page 70, line 1.

SPECTER (AND OTHERS) AMENDMENT NO. 1941

Mr. SPECTER (for himself, Mr. SANTORUM, Ms. MOSELEY-BRAUN, and Mr. D'AMATO) proposed an amendment to amendment No. 1931 proposed by Mr. D'AMATO to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 55, strike line 12, and insert the following:

"SEC. 14. JOB ACCESS AND REVERSE COMMUTE GRANTS."

On page 56, line 13, strike "and".

On page 56, line 18, strike the period and insert "; and".

On page 56, between lines 18 and 19, insert the following:

"(9) many residents of cities and rural areas would like to take advantage of mass transit to gain access to suburban employment opportunities."

Beginning on page 57, strike line 9 and all that follows through page 58, line 4, and insert the following:

"(2) ELIGIBLE PROJECT AND RELATED TERMS.—

"(A) IN GENERAL.—The term 'eligible project' means an access to jobs project or a reverse commute project.

"(B) ACCESS TO JOBS PROJECT.—The term 'access to jobs project' means a project relating to the development of transportation services designed to transport welfare recipients and eligible low-income individuals to and from jobs and activities related to their employment, including—

"(i) capital projects and to finance operating costs of equipment, facilities, and associated capital maintenance items related to providing access to jobs under this section;

"(ii) promoting the use of transit by workers with nontraditional work schedules;

"(iii) promoting the use by appropriate agencies of transit vouchers for welfare recipients and eligible low-income individuals under specific terms and conditions developed by the Secretary; and

"(iv) promoting the use of employer-provided transportation including the transit pass benefit program under subsections (a) and (f) of section 132 of title 26.

"(C) REVERSE COMMUTE PROJECT.—The term 'reverse commute project' means a project related to the development of transportation services designed to transport residents of urban areas, urbanized areas, and areas other than urbanized areas to suburban employment opportunities, including any project to—

"(i) subsidize the costs associated with adding reverse commute bus, train, or van routes, or service from urban areas, urbanized areas, and areas other than urbanized areas, to suburban workplaces;

"(ii) subsidize the purchase or lease by a private employer, nonprofit organization, or public agency of a van or bus dedicated to shuttling employees from their residences to a suburban workplace;

"(iii) otherwise facilitate the provision of mass transportation services to suburban employment opportunities to residents of urban areas, urbanized areas, and areas other than urbanized areas."

On page 59, line 20, insert "access to jobs grants and reverse commute" before "grants".

On page 60, line 15, insert "in the case of an applicant seeking assistance to finance an access to jobs project," after "(2)".

On page 61, line 7, insert "in the case of an applicant seeking assistance to finance an access to jobs project," before "presents".

On page 61, line 13, strike "and".

On page 61, line 16, strike the period and insert "; and ".

On page 61, between lines 16 and 17, insert the following:

"(8) in the case of an applicant seeking assistance to finance a reverse commute project, the need for additional services identified in a regional transportation plan to transport individuals to suburban employment opportunities, and the extent to which the proposed services will address those needs."

On page 62, strike lines 13 through 18, and insert the following:

"(2) COORDINATION.—Each application for a grant under this section shall reflect coordination with and the approval of affected transit grant recipients. The eligible access to jobs projects financed must be part of a coordinated public transit-human services transportation planning process."

On page 64, strike lines 1 through 4 and insert the following:

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, to remain available until expended, $250,000,000 for each of fiscal years 1998 through 2003, of which—

"(A) $150,000,000 in each fiscal year shall be used for grants for access to jobs projects; and

"(B) $100,000,000 in each fiscal year shall be used for grants for reverse commute projects."

On page 8, line 16, strike "$100,000,000" and insert $250,000,000".

On page 11, line 16, strike ", except" and all that follows through line 20 and insert a period.

THOMAS (AND JOHNSON) AMENDMENT NO. 1942

Mr. THOMAS (for himself and Mr. JOHNSON) proposed an amendment to amendment No. 1931 proposed by Mr. D'AMATO to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 10, line 24, and page 11, lines 1 through 7, strike "$500,000,000" each time it appears and insert in lieu thereof "$470,000,000."

On page 12, lines 3 through 7, strike "$100,000,000" each time it appears and insert in lieu thereof "$80,000,000."

On page 13, lines 19 through 23, strike "$50,000,000" each time it appears and insert in lieu thereof "$100,000,000."

NICKLES AMENDMENT NO. 1943

Mr. D'AMATO (for Mr. NICKLES) proposed an amendment to amendment No. 1931 proposed by Mr. D'AMATO to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place, insert the following:

SEC. . INTERCITY RAIL INFRASTRUCTURE INVESTMENT FROM MASS TRANSIT ACCOUNT OF HIGHWAY TRUST FUND.

Section 5323 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(O) INTERCITY RAIL INFRASTRUCTURE INVESTMENT.—Any assistance provided to a State that does not have Amtrak service as of the date of enactment of this subsection from the Mass Transit Account of the Highway Trust Fund may be used for capital improvements to, and operating support for, intercity passenger rail service.".

BOXER (AND HARKIN) AMENDMENT NO. 1944

Mr. REED (for Mrs. BOXER, for herself and Mr. HARKIN) proposed an amendment to the bill, S. 1173, supra; as follows:

On page , line , insert "and provides non-fixed route paratransit transportation services in accordance with section 223 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12143)" after "for mass transportation".

GRAHAM (AND MURRAY) AMENDMENT NO. 1945

Mr. GRAHAM (for himself and Mrs. MURRAY) proposed an amendment to amendment No. 1931 proposed by Mr. D'AMATO to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place, insert the following:

SEC. . NEW START RATING AND EVALUATION.

(a) Criteria for Grants and Loans for Fixed Guideway Systems.—Section 5309(e) of title 49, United States Code, is amended to read as follows:

“(e) Criteria for Grants and Loans for Fixed Guideway Systems.—

“(1) The Secretary of Transportation may approve a grant or loan under this section for a capital project for a new fixed guideway system or extension of an existing fixed guideway system only if the Secretary decides that the proposed project is—

“(A) based on the results of an alternatives analysis and preliminary engineering;

“(B) justified based on a comprehensive review of its mobility improvements, environmental benefits, cost effectiveness, and operating efficiencies; and

“(C) supported by an acceptable degree of local financial commitment, including evidence of stable and dependable financing sources to construct, maintain, and operate the system or extension.

“(2) In evaluating a project under paragraph (1)(A), the Secretary shall analyze and consider the results of the alternatives analysis and preliminary engineering for the project.

“(3) In evaluating a project under paragraph (1)(B), the Secretary shall—

“(A) consider the direct and indirect costs of relevant alternatives;

“(B) account for costs and benefits related to factors such as congestion relief, improved mobility, air pollution, noise pollution, congestion, energy consumption, and all associated ancillary and mitigation costs necessary to carry out each alternative analyzed;

“(C) identify and consider mass transportation supportive existing land use policies and future patterns, and the cost of urban sprawl;

“(D) consider the degree to which the project increases the mobility of the mass transportation dependent population or promotes economic development;

“(E) consider population density, and current transit ridership in the corridor;

“(F) consider the technical capability of the grant recipient to construct the project;

“(G) adjust the project justification to reflect differences in local land, construction, and operating costs; and

“(H) consider other factors the Secretary considers appropriate to carry out this chapter.

“(3)(A) The Secretary of Transportation shall issue guidelines on the manner in which the Secretary will evaluate results of alternatives analysis, project justification, and the degree of local financial commitment.

“(B) The project justification under paragraph (1)(B) shall be adjusted to reflect differences in local land, construction, and operating costs.

“(4)(A) In evaluating a project under paragraph (1)(C), the Secretary shall require that—

“(i) the proposed project plan provides for the availability of contingency amounts the Secretary of Transportation determines to be reasonable to cover unanticipated cost overruns;

“(ii) each proposed local source of capital and operating financing is stable, reliable, and available within the proposed project timetable; and

“(iii) local resources are available to operate the overall proposed mass transportation system (including essential feeder bus and other services necessary to achieve the projected ridership levels) without requiring a reduction in existing mass transportation services to operate the proposed project.

“(B) In assessing the stability, reliability, and availability of proposed sources of local financing, the Secretary of Transportation shall consider—

“(i) existing grant commitments;

“(ii) the degree to which financing sources are dedicated to the purposes proposed;

“(iii) any debt obligation that exists or is proposed by the recipient for the proposed project or other mass transportation purpose; and

“(iv) the extent to which the project has a local financial commitment that exceeds the required non-Federal share of the cost of the project.

“(5)(A) Not later than 120 days after the date of enactment of the Federal Transit Act of 1997, the Secretary of Transportation shall issue guidelines on the manner in which the Secretary will evaluate and rate the projects based on the results of alternatives analysis, project justification, and the degree of local financial commitment.

“(B) The project justification under paragraph (1)(B) shall be adjusted to reflect differences in local land, construction, and operating costs as required under this subsection.

“(6)(A) A proposed project may advance from alternatives analysis to preliminary engineering, and may advance from preliminary engineering to final design and construction, only if the Secretary of Transportation finds that the project meets the requirements of this section and there is a reasonable likelihood that the project will continue to meet the requirements.

“(B) In making any findings under subparagraph (A), the Secretary shall evaluate and rate the project as either highly recommended, recommended, or not recommended, based on the results of alternatives analysis, the project justification criteria, and the degree of local financial commitment as required under this subsection.

“(C) In rating each project, the Secretary shall provide, in addition to the overall project rating, individual ratings for each criteria established under the guidelines issued under paragraph (5).

“(7)(A) Each project financed under this subsection shall be carried out through a full funding grant agreement.

“(B) The Secretary shall enter a full funding grant agreement based on evaluations and ratings required under this subsection.

“(C) The Secretary shall not enter into a full funding grant agreement for a project unless that project is authorized for final design and construction.

“(8)(A) A project for a fixed guideway system or extension of an existing fixed guideway system is not subject to the requirements of this subsection, and the simultaneous evaluation of similar projects in at least 2 corridors in a metropolitan area may not be limited, if the assistance provided under this section with respect to the project is less than $25,000,000.

“(B) The simultaneous evaluation of projects in at least 2 corridors in a metropolitan area may not be limited and the Secretary of Transportation shall make decisions under this subsection with expedited procedures that will promote carrying out an approved State Implementation Plan in a timely way if a project is—

“(i) located in a nonattainment area;

“(ii) a transportation control measure (as that term is defined in the Clean Air Act (42 U.S.C. 7401 et seq.)); and

“(iii) required to carry out the State Implementation Plan.

“(C) This subsection does not apply to a part of a project financed completely with amounts made available from the Highway Trust Fund (other than the Mass Transit Account).

“(D) This subsection does not apply to projects for which the Secretary has issued a letter of intent or entered into a full funding grant agreement before the date of enactment of the Federal Transit Act of 1997.”.

(b) Letters of Intent, Full Financing Grant Agreements, and Early Systems Work Agreements.—Section 5309(g) of title 49, United States Code, is amended—

(1) in the subsection heading, by striking “Financing” and inserting “Funding”;

(2) by striking “full financing” each place it appears and inserting “full funding”; and

(3) in paragraph (1)(B)—

(A) by striking “30 days” and inserting “60 days”;

(B) by inserting “or entering into a full funding grant agreement” after “this paragraph”; and

(C) by striking “issuance of the letter” and inserting “letter or agreement. The Secretary shall include with the notification a copy of the proposed letter or agreement as well as evaluations and ratings for the project”.

(c) Reports.—Section 5309 of title 49, United States Code, is amended by adding at the end the following:

“(p) Reports.—

“(1) Funding levels and allocations of funds for fixed guideway systems.—

“(A) Annual report.—Not later than the first Monday in February of each year, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report that includes a proposal on the allocation of amounts to be made available to finance grants and loans for capital projects for new fixed guideway systems and extensions to existing fixed guideway systems among applicants for those amounts.

“(B) Recommendations on funding.—Each report submitted under this paragraph shall include—

“(i) evaluations and ratings, as required under subsection (e), for each project that is authorized or has received funds under this section since the date of enactment of the Federal Transit Act of 1997 or October 1 of the preceding fiscal year, whichever date is earlier; and

“(ii) recommendations of projects for funding, based on the evaluations and ratings and on existing commitments and anticipated funding levels for the next 3 fiscal years and for the next 10 fiscal years, based on information available to the Secretary.

“(2) Supplemental report on new starts.—On August 30 of each year, the Secretary shall submit a report to Congress that describes the Secretary's evaluation and rating of each project that has completed alternatives analysis or preliminary engineering since the date of the last report. The report shall include all relevant information that supports the evaluation and rating of each project, including a summary of each project's financial plan.

"(3) ANNUAL GAO REVIEW.—The Comptroller General of the United States shall—

"(A) conduct an annual review of—

"(i) the processes and procedures for evaluating and rating projects and recommending projects; and

"(ii) The Secretary's implementation of such processes and procedures; and

"(B) report to Congress on the results of such review not later than April 30 of each year.".

ROBB AMENDMENT NO. 1946

(Ordered to lie on the table.)

Mr. ROBB submitted an amendment intended to be proposed by him to amendment No. 1748 submitted by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 15, line 8, insert the following:

(7) STATE AND DISTRICT OF COLUMBIA APPROVAL OF ACTION BY THE CORPORATION.—

Any exercise of the powers granted under Section 006(b)(6) of this title must be approved by the state departments of transportation in Virginia and Maryland, and the Department of Public Works of the District of Columbia.

SESSIONS AMENDMENTS NOS. 1947–1948

(Ordered to lie on the table.)

Mr. SESSIONS submitted two amendments intended to be proposed by him to amendment No. 1931 proposed by Mr. D'AMATO to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1947

On page 54, strike line 19 and all that follows through page 55, line 11, and redesignate sections 14 through 20 as sections 13 through 19, respectively.

AMENDMENT NO. 1948

On page 49, strike lines 10 through 20 and insert the following:

"(2) HYBRID ELECTRIC AND BATTERY-POWERED BUS PROGRAM.—

"(A) ESTABLISHMENT.—The Secretary shall establish and conduct a program to deploy and operationally test hybrid electric- and battery-powered buses, and to assist in the manufacture of such buses and the facilities and equipment required to service such buses.

"(B) DUTIES OF THE SECRETARY.—To carry out the program established under subparagraph (A), the Secretary—

"(i) shall develop performance and safety standards for the hybrid electric- and battery-powered buses that are acquired or used in the deployment and testing program;

"(ii) shall, not later than 6 months after the date of enactment of the Federal Transit Act of 1998, issue a request for proposals to undertake battery-powered or electric hybrid bus deployment and testing projects;

"(iii) shall request proposals that shall include—

"(I) the amount of cost-sharing to be provided by the party making the proposal, including non-Federal funding or in-kind services equal to or greater than 40 percent of the total eligible costs of the project, if Federal funding for the acquisition of electric or hybrid electric buses for the project is equal to not more than 80 percent of such capital costs;

"(II) a description of—

"(aa) the parties involved in the project, including involvement of appropriate public transit authorities with jurisdiction to service the territory in which the buses are to be deployed and State and local agencies;

"(bb) the buses to be used; and

"(cc) the infrastructure, including necessary battery charging or battery changing facilities, that will be installed or utilized in support of the project; and

"(III) a description of the information expected to be obtained from the project, the manner in which the buses will be used after project completion, and the manner in which such information will be disseminated to other organizations and parties determined by the Secretary to have an interest in electric or hybrid electric buses; and

"(iv) may, with respect to projects to include the manufacture of buses, prescribe such cost-sharing and other requirements as the Secretary deems necessary.

"(C) GRANT AWARDS.—Not later than 9 months after the date of enactment of the Federal Transit Act of 1998, the Secretary shall award grants to not fewer than 10 qualifying projects.

"(D) NUMBER OF TESTS.—Each project selected for an award under this paragraph shall seek to deploy and test not fewer than 4 electric or hybrid electric buses. Projects selected shall test buses in a diversity of applications and demonstrate a variety of technologies, including battery-powered, fuel cell, and hybrid electric applications.

"(E) LIMIT ON FUNDING.—No project selected may receive more than $\frac{1}{10}$ of the funds made available for grants under this paragraph. In no case shall any State receive more than 15 percent of the total funds made available under this subsection.

BOXER AMENDMENT NO. 1949

(Ordered to lie on the table.)

Mrs. BOXER submitted an amendment intended to be proposed by her to the bill, S. 1173, supra; as follows:

At the end of the title entitled "Revenue", add the following:

SEC. . LARGE ELECTRIC TRUCKS, VANS, AND BUSES ELIGIBLE FOR DEDUCTION FOR CLEAN-FUEL VEHICLES.

(a) IN GENERAL.—Paragraph (3) of section 179A(c) (defining qualified clean-fuel vehicle property) is amended by inserting ", other than any vehicle described in subclause (I) or (II) of subsection (b)(1)(A)(iii)" after "section 30(c))".

(b) DENIAL OF CREDIT.—Subsection (c) of section 30 (relating to credit for qualified electric vehicles) is amended by adding at the end the following new paragraph:

"(3) DENIAL OF CREDIT FOR VEHICLES FOR WHICH DEDUCTION ALLOWABLE.—The term 'qualified electric vehicle' shall not include any vehicle described in subclause (I) or (II) of section 179A(b)(1)(A)(iii)."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service on or after the date of enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Tuesday, March 10, 1998, at 9 a.m. in SR-328A. The purpose of this meeting will be to examine the current Federal Crop Insurance Program and consider improvements to the system.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, March 10, 1998, to conduct a hearing on S. 1405, the "Financial Regulatory Relief and Economic Efficiency Act (FRREE)."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Committee on Commerce Science, and Transportation be authorized to meet on Tuesday, March 10, 1998, at 9:30 a.m. on the nominations of Orson Swindle and Mozelle Thompson—FTC, Robert J. Shapiro—Under Secretary of Commerce, John C. Horsey—Associate Deputy Secretary of DOT, Christy Carpenter—Corporation for Public Broadcasting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 10, 1998, at 10:00 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. D'AMATO. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Tuesday, March 10, 1998, at 10:00 a.m. for a business meeting and markup. Agenda items will include: markup of S. 981, the Regulatory Improvement Act of 1998; and markup of S. 1364, the Federal Reports Elimination Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, March 10, 1998, at 10:00 a.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on "The United States Marshals Service: A Selection Process for the 21st Century."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SEAPOWER

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet at 10:00 a.m. on Tuesday, March 10, 1998, in open session, to receive testimony on littoral warfare missions in the 21st century in review of the Defense authorization request for fiscal year 1999 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO HUGH THOMPSON, LAWRENCE COLBURN, AND GLENN ANDREOTTA

• Mr. CLELAND. Mr. President, I rise today to honor Hugh Thompson, Lawrence Colburn, and Glenn Andreotta, who helped save the lives of 11 Vietnamese civilians during the My Lai massacre in Vietnam thirty years ago. Hugh Thompson and Lawrence Colburn received the Soldier's Medal for bravery on March 6, 1998 for their gallant efforts during the My Lai massacre. Their comrade Glenn Andreotta, who passed away three weeks after the My Lai massacre, was honored as well, and his family will receive his medal at a later date. The Soldier's Medal is presented by the Army to those who show "the highest standards of personal courage and ethical conduct."

After their helicopter landed amongst firing U.S. troops and fleeing Vietnamese civilians, Thompson, protected by Colburn and Andreotta, went to confront U.S. forces. The efforts of these three men led to the eventual cease-fire at My Lai and an end to the killing.

Hugh Thompson and Lawrence Colburn are both natives of Georgia. Hugh Thompson, a veterans counselor, hails from Stone Mountain, Georgia, and currently resides in Lafayette, Louisiana. Lawrence Colburn, now a salesman, lives in Woodstock, Georgia.

Mr. President, I would like to honor Hugh Thompson, Lawrence Colburn and Glenn Andreotta for their heroic efforts during the My Lai massacre, and for their outstanding commitment to American values. These three men are true examples of American patriotism at its finest.•

TRIBUTE TO MR. FRED HITZ

• Mr. SPECTER. Mr. President, on the occasion of the retirement of Fred Hitz as the Central Intelligence Agency's first Presidentially-appointed Inspector General, I want to offer my comments and congratulations. Since the position of an independent Inspector General for the CIA was created at my initiative in the FY 90 Intelligence Authorization Act and since I have come to know Fred Hitz during my tenure as Chairman of the Senate Select Committee on Intelligence, it is fitting that I recognize his contributions.

By way of background, it became clear during the Iran-Contra investigations that the Central Intelligence Agency lacked an effective Office of Inspector General which not only could conduct thorough and objective internal investigations of CIA activities, but even more so, could exercise authority and independence to ensure that its investigative recommendations regarding individual accountability and systemic shortcomings would be followed through and implemented. The proposal to create a Presidentially-appointed and Senate-confirmed independent Inspector General was met with fierce resistance by the Administration and the Director of Central Intelligence. Nonetheless, in light of the revelations from the Iran-Contra affair, the Congress recognized the need for such an office. In my mind, the establishment of an independent Inspector General for the CIA was the most effective piece of legislation to derive from the Iran-Contra affair.

It was in this atmosphere that Fred Hitz was nominated by President Bush in 1990, confirmed by the Senate in October 1990 and sworn in November 1990. The Congress wanted a strong-willed and independent individual who was knowledgeable of CIA's mission, history and activities and who had the fortitude and skills to identify, investigate and report wrongdoing when he saw it and how he saw it. Over the past seven years Fred Hitz has accomplished this mandate with honor and diligence in a sea of controversial investigations.

One of the most important, if not the most important, of the investigations undertaken by Fred Hitz was that of the Aldrich Ames case which provided the Intelligence oversight committees and the public details of Ames' treachery and insight into CIA. In addition, Fred Hitz has been fearless in taking on difficult and controversial issues such as the role of intelligence in the BCCI and BNL scandals, human rights abuses in Guatemala and Honduras, allegations of drug trafficking by the Contras, the compromise of CIA operations in Paris, and CIA involvement in providing assistance to a Presidential campaign contributor. The Senate Intelligence Committee has not always agreed with Fred's judgements in these matters; it never has questioned his integrity.

Upon the completion of Fred's fifth year as CIA's Inspector General, Senator BOB KERREY and I led a bi-partisan resolution in the Senate to commend Fred for his leadership and achievements.

In his lifetime, Fred Hitz has made an important contribution through his public service. As an attorney who graduated from Harvard Law School, he could have remained in the private sector and reaped handsome financial rewards. He chose instead to invest over 20 years in public service, and the United States government and his country have been the chief beneficiaries.

Fred entered public service by teaching law in Nigeria and in 1967 he entered the CIA. From 1974 to 1978 he served in the Office of the Secretary of Defense, as a Senior Staff Member for Energy Policy in the Office of the President and as Director of Congressional Affairs at the Department of Energy. In 1978 he returned to the CIA where he served as Legislative Counsel to the Director of Central Intelligence and later as Deputy Director of the Europe Division in the Directorate of Operations.

In my view, Mr. Hitz completes one of the most demanding assignments in the federal government—Inspector General of the Central Intelligence Agency. He has journeyed through the shoals of hawks and doves, public reporting and security demands and admirers and detractors by sailing a straight and visible course with honesty, dignity and truthfulness. His efforts have made the Central Intelligence Agency more accountable and thus more in consonance with a Congressional view of the rightful role of intelligence and secrecy in a democracy. For these qualities, Fred Hitz will be missed and I wish him smooth sailing in his new teaching career.•

CONFIRMATION OF GEORGE McGOVERN AS THE UNITED STATES REPRESENTATIVE TO THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

• Mr. JOHNSON. Mr. President, I want to express my strong support for the recent confirmation of George McGovern as the United States Representative to the Food and Agriculture Organization of the United Nations.

Having spent many years as a devoted public servant, Senator McGovern embodies the highest standards of dedication and integrity. I firmly believe he is the right person to represent this country as part of the United Nations Food and Agriculture Organization and am pleased that my Senate colleagues supported his nomination to this post in an overwhelming bipartisan fashion. There is no person that I can think of alive today that is better prepared for the responsibility of improving nutrition, food production and distribution worldwide.

Senator McGovern was not new to the arena of agricultural policy at the time of his election to the U.S. Senate. Having served under the Kennedy Administration as Director of the Food for Peace Program, George McGovern proved early that he had the ability to lead with vision and skill. As a United States delegate to the United Nations FAO Conference in 1961, Senator McGovern made the U.S. offer which led to the first World Food Program making freedom from hunger an international objective. Under the Ford and Carter Administrations, he was also a delegate to the U.N. where he gained esteem as a discerning statesman and cultivated international ties.

In Congress, George McGovern was an advocate for the welfare and health of the people. While serving on the Senate Agriculture, Nutrition and Forestry Committee, he was an avid supporter of the food stamp program. As a member of that committee, he was active and effective in matters of child nutrition and hunger. As Chairperson of the Senate Select Committee on Nutrition and Human Needs, he led the committee to assure an adequate diet for the poor and the elderly and for the improved health and well being of all Americans. Because I have always been a strong supporter of nutrition programs in the United States, especially food stamps, WIC, and school lunch programs, I understand the high importance and true value of his work to advance these policies. After Senator McGovern worked to make certain that all Americans have access to adequate nutrition, he in many ways came to symbolize Americans' "social conscience."

Mr. President, I would like to congratulate Senator McGovern on his new position and express my complete confidence that he will work with unbridled energy to serve the people by improving nutrition, food production, and distribution throughout the world. He is a true humanitarian and I'm proud he is representing South Dakota and our country to the United Nations.●

TRIBUTE TO THE SALVATION ARMY

● Mr. GRAMS. Mr. President, I rise today on the 118th Anniversary of the founding of the Salvation Army in the United States to pay tribute to its valiant tradition of public service.

In March of 1880, George Scott Railton left his native England and set sail for New York on a mission to further the work of the Salvation Army. On March 10 of that year, Railton arrived in New York where he began spreading the Salvation Army's mission in the United States, working in the spirit of service that has been inherent in the Salvation Army since its founding.

Although the passage of time has brought with it new challenges, I am happy to say that today, the Salvation Army's presence in the United States is as strong as ever. Whenever there is a human need to be met, the Salvation Army responds to the call, providing comfort in the face of tragedy and hope in situations where there is seemingly no hope to be found.

In its earliest days, the focus of the Salvation Army's work was attending to the material, emotional, and spiritual needs of the poor by providing shelter for the homeless, food for the hungry, and alcohol rehabilitation for the chemically dependant. Today the Salvation Army's mission is the same, yet the number of services offered has greatly increased. The Salvation Army has indeed adapted to changing times, as seen by the fact that it now offers services such as shelters for battered women, assistance to victims of HIV/AIDS, career counseling, vocational training, day care centers, correctional services, and drug rehabilitation.

Mr. President, I would like to make special mention of one service the Salvation Army provides which has particularly touched my home state of Minnesota: disaster relief. Minnesotans witnessed that service first hand when the Salvation Army responded to the tragedy which struck in the form of the spring floods of 1997.

In Operation "We Care", the Salvation Army provided a great deal of comfort and support to Minnesotans who had the misfortune of experiencing the devastation caused by the floods. Thousands were displaced by the floods, their homes destroyed, and necessities such as food, shelter and fresh water were made inaccessible by the flood's fury. In this trying time, the Salvation Army was on hand to give victims hot meals and a roof over their heads, as well as clothing, personal hygiene items, and a variety of other basic commodities that are often taken for granted yet are sorely missed when unavailable.

Once the flood waters retreated, victims were faced with a new set of problems brought by the flood's aftermath. Victims returned to their homes and businesses to discover the extensive damage left in the flood's wake. Although the task of sandbagging and containing the river was over, the Salvation Army remained in the flooded areas to aid in the clean-up and rebuilding process. The Salvation Army contributed to this effort by providing clean-up kits, water pumps, wet vacs, emergency generators, and the tireless labor of dedicated volunteers.

Operation "We Care" proved an effective and heartfelt response to this crisis. Through the generosity of the Salvation Army's employees and its many volunteers, Minnesotans were aided by everything from direct assistance to help pay rent, utilities, and other living expenses, to a prayer chain which called on people of all faiths to pray for those devastated by the floods.

Mr. President, on behalf of the citizens of Minnesota, I would like to express my deep gratitude for the work the Salvation Army has undertaken in my state and send my sincerest congratulations on its 188th anniversary in this country. With its dedication to service and spiritual growth, the Salvation Army truly embodies the good in humanity.●

SALUTE TO WOMEN IN BUSINESS AND THE BUSINESS WOMEN'S NETWORK

● Mrs. FEINSTEIN. Mr. President, for Women's History Month, I want the world to know how proud I am of the women's business leadership in California and the entire United States. It is with great pride that we recognize California is No. 1 in the number of women entrepreneurs as well as the fastest growing state for women minority entrepreneurs.

The entire nation should celebrate with us as we recognize that there are almost 9 million women entrepreneurs today of which 1.1 million are minorities.

The female labor force is making great strides as we project, along with the Bureau of Labor Statistics, that 72 million women will be working by the year 2005 representing 63% of women 16 and older.

As the decade draws to an end and a new millennium approaches, we celebrate women entrepreneurs as the fastest growing segment in our economy. And may I remind you again, dear colleagues, California is No. 1.

Despite all the good news, women entrepreneurs still are under-served in access to capital. I am proud of several of the California banks such as Bank of America and Wells Fargo. They need to do more, as do all of our California banks (and all banks across the United States) to help finance the growth of women-owned business, the growth of minority-owned business, and the financing of U.S. Exports.

How can one represent the great State of California and not talk about technology. It is fantastic to note that women now represent 52% of all Internet users. The analyst said just a few years ago we were technologically illiterate. We proved them wrong.

I want to recognize the Business Women's Network (BWN) for its outstanding capacity and record to unite business women. BWN is a giant network now of 1200 women's associations whose membership total more than 9 million. In addition, BWN has located 750 women's web sites nationwide and will publish profiles of the 1200 organizations and 750 web sites in its 1998 Directory due out in October 1998.

Women are the economy, as University of California/Berkeley professor and former Chairman for the Council of Economic Advisors, Laura D'Andrea Tyson, reminds us of this fact. Women represent more than $3.5 trillion in spending economy. And, women owned businesses generate over $3 trillion in revenue.

Again, thanks to the Business Women's Network for helping us recognize that it is essential to salute business women. As my Congressional sisters today have selected Women in Business as the issue of the day, how appropriate that I, too, with the support of my Senate colleagues recognize the important progress women in business are achieving.

I also want to salute Aida Alvarez, Administrator of the Small Business Administration (SBA). She singlehandedly has moved women entrepreneurs and minority entrepreneurs up as priorities for this Nation. With the role of the Office of Women Business Ownership and its Women Centers, and with SCORE's commitment to counsel more women and add to its rolls more women counselors, we all say, felicitates Administrator Alvarez.

I praise the National Women's Business Council for emphasizing critical issues such as access to capital for women entrepreneurs.

In summary, as Women's History Month makes us stop and reflect where we come from, I personally want to salute all women in business and look forward to much greater gains for the next millennium, now not many months away. Congratulations to the Business Women's Network (BWN), and the 1200 business organizations representing entrepreneurs and professionals, diversity, and high and low income business women.•

MARTIN LUTHER KING MEMORIAL

• Mr. ABRAHAM. Mr. President, I rise today to express my strong support for legislation authorizing the placement of a Martin Luther King, Jr. Memorial on the Capitol Mall.

Mr. President, the Capitol Mall has an important place in our nation, and in the hearts of its people. It is on the Mall that we honor the heroes who made our country great. Under the Commemorative Works Act, which governs placement of memorials on the Mall, the honor of placement there is reserved for memorials of "preeminent historical and lasting significance to the Nation."

These words clearly apply to the Reverend Doctor Martin Luther King, Jr. Dr. King changed America by awakening her conscience. His campaign of nonviolent protest brought to light the injustices of a racially segregated society and played a major role in fostering the legislation necessary to do away with many forms of official discrimination. In the words of the National Capital Memorial Commission, Dr. King "has had a profound effect on all Americans which will continue through history."

America is more just and honest because of the efforts of this man of God. We remain far from perfect as a nation, but, in confronting our problems in regard to race relations and violence, we can look to the legacy of Doctor King for guidance.

Dr. King sought a nation in which each of us would be judged according to the content of our character, in which opportunity would replace want, and acceptance would replace discrimination. He addressed these problems through his speeches and grass roots activism. He addressed them as a scholar and a statesman, as a father and as a husband, as a man, and as a man of God.

Doctor King called on the better angels of our character, only to die from an assassin's bullet. But his spirit lives on so long as we strive to make his dream a reality. He called on us as a nation to treat one another as brothers and sisters, to care for one another and to strive together for a better world. It is up to us to answer his call, to honor him for making it, and to spread his word by making it a part of a national memorial in the heart of our nation's capital.•

SARA DECOSTA: 1998 U.S. WOMEN'S OLYMPIC ICE HOCKEY TEAM GOLD MEDALIST

• Mr. REED. Mr. President, I rise today to honor the accomplishments of Sara DeCosta of Warwick, RI. As a member of the U.S. Women's Olympic Ice Hockey Team, Sara and her teammates made history this year by winning the first-ever gold medal awarded in women's ice hockey at the 1998 Olympic Winter Games in Nagano, Japan.

Sara's efforts were a great part of the drive to bring home the gold. Her world class talent and solid determination helped team USA rise above the best in Women's Ice Hockey. Sara and her teammates proved that years of discipline, hard work, and tough sacrifices can pay off. Their magnificent display of sportsmanship and pride lifted our hearts and hopes. Truly, Sara and the U.S. Women's Olympic Ice Hockey team exemplify the best America has to offer and their success serves as a gleaming reminder of what can be achieved through bold determination and persistence.

Mr. President, Sara's victory is not just about hard work and discipline. It proves that if you believe in your own abilities you can succeed, no matter what outdated gender stereotypes would dictate. Sara has served as an example to the state of Rhode Island and the country. Her dedication and enthusiasm will inspire others to look beyond the traditional path and to reach for the stars to bring home their own personal gold medals. I congratulate Sara, the other eight players who are alumnae or students in Rhode Island's schools and the rest of the Women's Hockey Team. We can be proud of this group of young women for their commitment to follow their dreams. Sara DeCosta and her teammates are an inspiration to us all.•

MESSAGE OF THE DALAI LAMA ON THE 39TH ANNIVERSARY OF THE TIBETAN UPRISING

• Mr. MOYNIHAN. Mr. President, today marks the 39th anniversary of the Tibetan uprising, a time when many Tibetan citizens gave their lives to defend their freedom and to prevent the Dalai Lama from being kidnapped by the Chinese army. For those who stand with the Tibetan people, it is a day to consider what can be done to lend support to their aspirations.

Every year on this day, Tibetan around the world mark the event by conducting peaceful protests against the continued Chinese occupation of Tibet. A vital part of those gatherings is the annual message from the Dalai Lama. The statements show his Nobel prize to be well deserved, as they demonstrate his commitment to a peaceful resolution of this conflict. I ask that the statement by the Dalai Lama for this anniversary be printed in the RECORD.

ADDRESS BY THE DALAI LAMA, MARCH 10, 1998

Great changes are talking place all over the world at the dawn of a new millennium. While there are instances of new conflicts breaking out, it is encouraging that we are also able to witness the emergency of a spirit of dialogue and reconciliation in many troubled parts of the world. In some ways, this twentieth century could be called a century of war and bloodshed. It is my belief that humanity in general has drawn lessons from the experiences gained during this century. As a result, I believe the human community has become more mature. There is, therefore, hope that with determination and dedication we can make the next century a century of dialogue and non-violent conflict resolution.

Today, as we commemorate the thirty-ninth anniversary of our freedom struggle, I wish to express my sincere appreciation and great respect for the resilience and patience shown by the Tibetan people in the face of tremendous odds. The current situation in Tibet and the lack of any substantive progress in resolving the Tibetan problem is no doubt causing an increasing sense of frustration among many Tibetans. I am concerned that some might feel compelled to look for avenues other than peaceful resolutions. While I understand their predicament, I wish to firmly reiterate once again the importance of abiding by the non-violent course of our freedom struggle. The path of non-violence must remain a matter of principle in our long and difficult quest for freedom. It is my firm belief that this approach is the most beneficial and practical course in the long run. Our peaceful struggle until now has gained us the sympathy and admiration of the international community. Through our non-violent freedom struggle we are also setting an example and thus contributing to the promotion of a global political culture of non-violence and dialogue.

The sweeping changes across the globe have also embraced China. The reforms, initiated by Deng Xiaoping, have altered not only the Chinese economy, but also the political system, making it less ideological, less reliant on mass mobilization, less coercive, and less stifling for the average citizen. The government is also notably far less centralized. Moreover, the post-Deng Xiaoping leadership in China seems to have become more flexible in its international policy. One indication of this is China's greater participation in international fora and cooperation with international organizations and agencies. A remarkable development and achievement has been the smooth transfer of Hong Kong to Chinese sovereignty last year and Beijing's subsequent pragmatic and flexible handling of issues concerning Hong Kong. Also recent statements from Beijing on restarting cross-strait negotiations with Taiwan reflect apparent flexibility and softening of its stance. In short, there is no doubt that China today is a better place to live in than 15 or 20 years ago. These are historic changes that are commendable. However, China continues to face grave human rights problems and other formidable challenges. It is my hope that the new leadership in China, with this renewed confidence, will have the foresight and courage to provide greater freedom to the Chinese people. History teaches us that material progress and comfort alone are not the full answer to the needs and yearnings of any human society.

In stark contrast to these positive aspects of the development in China proper, the situation in Tibet has sadly worsened in recent years. Of late, it has become apparent that Beijing is carrying out what amounts to a deliberate policy of cultural genocide in Tibet. The infamous "strike hard" campaign against Tibetan religion and nationalism has intensified with each passing year. This campaign of repression (initially confined to monasteries and nunneries) has now been extended to cover all parts of the Tibetan society. In some spheres of life in Tibet, we are witnessing the return of an atmosphere of intimidation, coercion and fear, reminiscent of the days of the Cultural Revolution.

In Tibet human rights violations continue to be wide-spread. These abuses of rights have a distinct character, and are aimed at preventing Tibetans as a people from asserting their own identity and culture and their wish to preserve it. This Buddhist culture inspires the Tibetan people with values and concepts of love and compassion that are of practical benefit and relevance in daily life and hence the wish to preserve it. Thus, human rights violations in Tibet are often the result of policies of racial and cultural discrimination and are only the symptoms and consequences of a deeper problem. Therefore, despite some economic progress in Tibet, the human rights situation has not improved. It is only by addressing the fundamental issue of Tibet that the human rights problems can be overcome.

It is an obvious fact that the sad state of affairs in Tibet is of no benefit at all either to Tibet or to China. To continue along the present path does nothing to alleviate the suffering of the Tibetan people, nor does it bring stability and unity to China, which are of overriding importance to the leadership in Beijing. Also, one of the main concerns of the Chinese leadership has been to improve its international image and standing. However, its inability to resolve the Tibetan problem peacefully has been tarnishing the international image and reputation of China. I believe a solution to the Tibetan issue would have far-reaching positive implications for China's image in the world, including in its dealings with Hong Kong and Taiwan.

With regard to a mutually-acceptable solution to the issue of Tibet, my position is very straightforward. I am not seeking independence. As I have said many times before, what I am seeking is for the Tibetan people to be given the opportunity to have genuine self-rule in order to preserve their civilization and for the unique Tibetan culture, religion, language and way of life to grow and thrive. My main concern is to ensure the survival of the Tibetan people with their own unique Buddhist cultural heritage. For this, it is essential, as the past decades have shown clearly, that the Tibetans be able to handle all their domestic affairs and to freely determine their social, economic and cultural development. I do not believe that the Chinese leadership would have any fundamental objections to this. Successive Chinese leaderships have always assured that the Chinese presence in Tibet is to work for the welfare of the Tibetans and to "help develop" Tibet. Therefore, given a political will, there is no reason why the Chinese leadership cannot start addressing the issue of Tibet by entering into a dialogue with us. This is the only proper way to ensure stability and unity, which the Chinese leadership asserts are their primary concern.

I take this opportunity to once again urge the Chinese leadership to give serious and substantive considerations to my suggestions. It is my firm belief that dialogue and a willingness to look with honesty and clarity at the reality of Tibet can lead us to a viable solution. It is time for all of us to "seek truth from facts" and to learn lessons derived from a calm and objective study of the past and to act with courage, vision and wisdom.

The negotiations must aim to establish a relationship between the Tibetan and Chinese peoples based on friendship and mutual benefit; to ensure stability and unity; and to empower the Tibetan people to exercise genuine self-rule with freedom and democracy, thus allowing them to preserve and cultivate their unique culture as well as to protect the delicate environment of the Tibetan plateau. These are the principle issues. However, the Chinese government is making consistent efforts to confuse the real issues at stake. They allege that our efforts are aimed at the restoration of Tibet's old social system and the status and privileges of the Dalai Lama. As far as the institution of the Dalai Lamas is concerned, I stated publicly as early as 1969 that it is for the people of Tibet to decide whether this institution is to continue or not. In my own case, I made it clear in a formal public statement in 1992 that when we return to Tibet, I will hold no positions in any future Tibetan government. Moreover, no Tibetan, whether in exile or within Tibet, has a desire of restoring Tibet's old social order. It is, therefore, disappointing that the Chinese government continues to indulge in such baseless and distorted propaganda. This is not helpful in creating a conducive atmosphere for dialogue, and I hope that Beijing will refrain from making such allegations.

I also would like to express my sincere appreciation and gratitude to the many governments, parliaments, non-governmental organizations, Tibet support groups and individuals, who continue to be deeply concerned with the repression in Tibet and urge to resolve the question of Tibet through peaceful negotiations. The United States has set a precedence of appointing a Special Coordinator for Tibetan Affairs in order to facilitate dialogue between us Tibetans and the Chinese government. The European and Australian parliaments have recommended similar initiatives. Last December, the International Commission of Jurists issued its third report on Tibet, entitled Tibet: Human Rights and the Rule of Law. These are timely initiatives and most encouraging developments. Moreover, the growing empathy, support and solidarity from our Chinese brothers and sisters in China as well as those overseas for the fundamental rights of the Tibetan people and for my "Middle-Way Approach" are of particular inspiration and a source of great encouragement for us Tibetans.

Furthermore, on this occasion of the fiftieth anniversary of India's independence I wish to express on behalf of the Tibetan people our heart-felt congratulations and reiterate our immense appreciation and gratitude to the people and government of India, which has become a second home to the majority of the Tibetans in exile. India represents not only a safe haven for us Tibetan refugees, but is also for us a country whose ancient philosophy of Ahimsa and deep-rooted democratic tradition have inspired and shaped our values and aspirations. Moreover, I believe India can and should play a constructive and influential role in resolving the Tibetan problem peacefully. My "Middle-Way Approach" is in line with the basic Indian policy vis-a-vis Tibet and China. There is no reason why India should not be actively engaged in encouraging and promoting dialogues between Tibetans and the Chinese government. It is clear that without peace and stability on the Tibetan plateau, it is unrealistic to believe that genuine trust and confidence can be restored in the Sino-Indian relationship.

Last year we conducted an opinion poll of the Tibetans in exile and collected suggestions from Tibet wherever possible on the proposed referendum, by which the Tibetan people were to determine the future course of our freedom struggle to their full satisfaction. Based on the outcome of this poll and suggestions from Tibet, the Assembly of Tibetan People's Deputies, our parliament in exile, passed a resolution empowering me to continue to use my discretion on the matter without seeking recourse to a referendum. I wish to thank the people of Tibet for the tremendous trust, confidence and hope they place in me. I continue to believe that my "Middle Way Approach" is the most realistic and pragmatic course to resolve the issue of Tibet peacefully. This approach meets the vital needs of the Tibetan people while ensuring the unity and stability of the People's Republic of China. I will, therefore, continue to pursue this course of approach with full commitment and make earnest efforts to reach out to the Chinese leadership.

With my homage to the brave men and women of Tibet, who have died for the cause of our freedom, I pray for an early end to the suffering of our people and for peace and welfare of all sentient beings.●

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent the Senate immediately proceed to executive session to consider Calendar No. 534 on the Executive Calendar. I further ask unanimous consent the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the

Senate then return to legislative session.

Just for the information of all Senators, this is the confirmation of Brian Scott Roy, to be U.S. Marshal for Kentucky.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF JUSTICE

Brian Scott Roy, of Kentucky, to be United States Marshal for the Western District of Kentucky for the term of four years.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, MARCH 11, 1998

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stands in adjournment until 9 a.m. on Wednesday, March 11, and immediately following the prayer, the routine requests through the morning hour be granted and the Senate begin a period for the transaction of morning business until 11 a.m. with Senators permitted to speak for up to 10 minutes each with the following exceptions: Senator DEWINE for 10 minutes, Senator FAIRCLOTH for 10 minutes, Senator CONRAD for 30 minutes, Senator LEAHY for 20 minutes, and Senator THOMAS for 30 minutes from 10:30 a.m. to 11 a.m.

I also ask unanimous consent that at 11 a.m. the Senate resume consideration of S. 1173, the surface transportation bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. Mr. President, tomorrow morning the Senate, as I said, will be in morning business for 2 hours because of requests we have had from Senators to speak, and also so some drafting can be done with regard to an amendment that will be offered later on in the day. At 11, the Senate will go back to the highway bill. It is hoped that the donor amendment will be offered at 11 a.m., to be followed by the finance title. Following the adoption of the Finance Committee title, it will be the majority leader's intention—and I have consulted with the minority leader and he agrees—that we should move to the cloture vote that had been postponed by consent from Monday afternoon. So we could have the three issues dealt with then in the morning: the donor amendment, the Finance Committee title, and then a cloture vote.

In order to ever get to a conclusion on this legislation, we do need the cloture so we can identify what amendments are serious and are pending out there. We are still hopeful we can complete this legislation either Wednesday at some point or Thursday—certainly this week. But we will not have a true feel of what the prospects are on that until we get a cloture vote and we identify the amendments that are then pending that are serious. So Members should anticipate a busy day voting tomorrow, with votes all during the day, in the afternoon and into the early evening with the probability of at least three votes, and it could be four or five before the day is out.

ORDER FOR ADJOURNMENT

Mr. LOTT. If there is no business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order, following the remarks of the Senator from Maine, Senator COLLINS.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate will stand in adjournment after the comments of the Senator from Maine.

The Senator from Maine is recognized.

Ms. COLLINS. I thank the Chair.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 1740 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. COLLINS. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. If there is no objection, the quorum call is rescinded.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until Wednesday, March 11, 1998, at 9 a.m.

Thereupon, the Senate, at 7:07 p.m., adjourned until Wednesday, March 11, 1998, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate March 10, 1998:

DEPARTMENT OF STATE

SHIRLEY ELIZABETH BARNES, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MADAGASCAR.

CHARLES RICHARD STITH, OF MASSACHUSETTS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED REPUBLIC OF TANZANIA.

WILLIAM LACY SWING, OF NORTH CAROLINA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC REPUBLIC OF THE CONGO.

IN THE COAST GUARD

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS COMMANDER, PACIFIC AREA, UNITED STATES COAST GUARD, AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

To be vice admiral

REAR ADM. (LH) THOMAS H. COLLINS, 9096.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS VICE COMMANDANT, UNITED STATES COAST GUARD, AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 47:

To be vice admiral

VICE ADM. JAMES C. CARD, 8343.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS CHIEF OF STAFF, UNITED STATES COAST GUARD, AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50A:

To be vice admiral

REAR ADM. TIMOTHY W. JOSIAH, 7249.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. EDMUND P. GIAMBASTIANI, JR., 8318.

CONFIRMATION

Executive Nomination Confirmed by the Senate March 10, 1998:

DEPARTMENT OF JUSTICE

BRIAN SCOTT ROY, OF KENTUCKY, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS.

WITHDRAWAL

EXECUTIVE MESSAGE TRANSMITTED BY THE PRESIDENT TO THE SENATE ON MARCH 10, 1998, WITHDRAWING FROM FURTHER SENATE CONSIDERATION THE FOLLOWING NOMINATION:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

TRACY D. CONWELL, OF TEXAS, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2001, WHICH WAS SENT TO THE SENATE ON FEBRUARY 11, 1997.

HOUSE OF REPRESENTATIVES—*Tuesday, March 10, 1998*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mrs. EMERSON).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 10, 1998.

I hereby designate the Honorable JO ANN EMERSON to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundegran, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1668. An act to encourage the disclosure to Congress of certain classified and related information.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Indiana (Mr. VISCLOSKY) for 5 minutes.

THE PROJECTED BUDGET SURPLUS

Mr. VISCLOSKY. Madam Speaker, I rise today to address an issue which is of great importance to me: the nearly balanced Federal budget and what to do with the projected budget surpluses. First, let me say that I am extremely pleased at projections which show that the budget is nearly balanced. The most recent figures from the Congressional Budget Office say that by the year end, the Federal budget will not only come into balance but will actually produce an $8 billion surplus.

While we have certainly made tremendous progress from 1992, when the deficit hit a record high of $290 billion, more work needs to be done. Even if the deficit does disappear on paper, the budget will not really be balanced since the true size of the deficit is masked by borrowing from the Federal trust funds.

It is estimated that for fiscal year 1998, trust fund surpluses from programs such as Social Security and the Highway Trust Fund will make the deficit appear $155 billion less than it actually is. Therefore, I believe we must redouble our efforts to make sure that the budget is really balanced without borrowing from the trust funds. If a surplus does occur, I am committed to working for the following three goals:

First, we should take steps to provide for the long-term fiscal health of Social Security, Medicare and other Federal retirement programs without, I would repeat that, without increasing the payroll tax. Under current CBO projections, Medicare is scheduled to run out of funds by the year 2010 while Social Security will start to lose money in the year 2012 and be unfunded by the year 2029.

These glum predictions are not the result of gross mismanagement or because anyone is guilty of stealing money from the programs. Rather, these programs are in trouble because the average American is living longer and because health care costs are rising so fast. Therefore, it is our responsibility to make the tough choices necessary to ensure that these programs can support not only us, but more importantly, our children and the generations that come after them.

Secondly, I believe it is absolutely imperative that we begin paying down the massive Federal debt. Since 1980, the gross Federal debt has grown more than five times in size to nearly $5.5 trillion. Today, the debt is two-thirds the size of our Nation's gross domestic product and interest payments on the debt consume 15 cents of every dollar in Federal spending. Think about how much better off we would be if this money did not have to be spent on interest payments. At today's average interest rate of 6.7 percent for every $1 billion in debt we retire, we would save $55 million each and every year in interest payments.

Most economists say that by reducing the debt and thereby shrinking interest payments, we would reduce interest rates, increase savings rates, keep the tax burden down, and make more money available in both the public and private sectors to continue to fuel economic growth. It will not happen in the next 10 years, 20 years or even 30 years. But if we begin paying off the debt now, eventually we will reduce it to a manageable level so it does not eat up such a large portion of our national output.

Finally, we should be investing more in this country's economic infrastructure such as roads, bridges, inland waterways, sewage treatment plants and airports in order to make American workers and businesses more productive and profitable.

There is little doubt that investing in economic infrastructure has positive benefits for all Americans. Improving roads, updating sewer systems, modernizing airports and making sure our communications system is ready for the 21st century enhances our international competitiveness and helps American workers remain the most productive in the world.

Despite the obvious benefits, many infrastructure projects are not today receiving adequate funds or are simply being ignored. For instance, a 1995 Department of Transportation study found that nearly one-third of the roads in this country are in poor or mediocre condition.

The Department of Defense estimates that it will be at least 12 years before adequate housing can be built for every soldier in the U.S. armed forces.

And in 1996, the Federal Aviation Administration said it would need at least $33 billion over the next 5 years to meet its capital improvement needs. Yet last year the Federal Government spent only $1.46 billion for airport development projects.

Madam Speaker, we have a moral responsibility to provide a solid and fiscally secure future for the generations that will follow us.

THE 2000 CENSUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida (Mr. MILLER) is recognized during morning hour debates for 5 minutes.

Mr. MILLER of Florida. Madam Speaker, today I rise to discuss the current status of the 2000 census.

Most Americans do not realize the size and scope of the decennial census. It is the largest peacetime mobilization of the Federal Government in history. The Census Bureau will hire and train about 500,000 Americans to carry out and conduct the 2000 census.

Under our system of government, we do not consider engaging in such a

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

huge operation that spends billions of dollars without involving the United States Congress. Unfortunately, that is exactly what this administration has decided to do, ignore the Congress.

Most Americans do not know what the dispute over the 2000 census is all about. So let me take a moment to try and explain.

For 200 years we have conducted the census by trying to count all Americans. The fancy term for this is full enumeration. Of course, it is a difficult undertaking to count all Americans, but that is what we have been doing for 200 years. The administration does not want to do that anymore.

They no longer want to attempt to count all Americans. Instead, with the help of experts, they have designed the largest statistical experiment in U.S. history. I do not want to bore everyone with the details, but let me try and give my colleagues a basic outline of this grand experiment.

There are 60,000, 60,000 separate census tracts in the United States, each contains approximately 4,000 people. Under this new, untested theory, the administration wants to count 90 percent of the people in each of the 60,000 census tracts. And then they will use 60,000 simultaneous polls to estimate the other 10 percent in each of the census tracts. That is just step one.

And step two only gets worse. The scope of this experiment is simply breathtaking. When you see a poll in the New York Times or CNN or USA Today, the pollsters normally talk to about 1,000 or so Americans. What this administration is talking about is doing 60,000 separate polls at the same time. It has never been tried before and the potential for mistakes and errors is quite large.

The Commerce Department's own Inspector General said in December, "We can conclude that although the 2000 census design is risky, the Bureau's fundamental problem is that it simply may not have enough time to plan and implement a design that achieves its dual goals of containing costs and increasing accuracy."

The Inspector General goes on to state, "Because this process is long, complex and operating under a tight schedule, there will be many opportunities for operational and statistical errors."

Madam Speaker, I include for the RECORD the report, as follows:

U.S. DEPARTMENT OF COMMERCE,
THE INSPECTOR GENERAL,
Washington, DC, December 30, 1997.

Hon. JOHN MCCAIN,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: During the Committee's May 14, 1997, oversight hearing on the Department of Commerce, you requested our views on what needs to be accomplished by what dates in order to ensure a successful 2000 decennial census. You planned to use this information as a benchmark to track the progress of the census.

In response to your request, the enclosed paper discusses decennial census milestones and associated risks. This paper does not take into account the recent decision to include plans for conducting the decennial without the use of sampling. The Census Bureau is currently in the early stages of adjusting its scheduling and cost models to reflect that decision, and we will closely monitor and report on the bureau's progress in making these adjustments.

We conclude that although the 2000 census design is risky, the bureau's fundamental problem is that it simply may not have enough time to plan and implement a design that achieves its dual goals of containing cost and increasing accuracy. The problem is evidenced by the decennial Master Activity Schedule—the primary decennial program management tool. The schedule's tightness is due to changing design details, lagging progress in some critical activities, less than full implementation of strategies and procedures, and a continuing lack of agreement between the Administration and the Congress on the appropriate use of sampling.

A recurring theme of this paper is our conclusion that, as a result of its lack of time to complete various aspects of the design, the bureau will need to ask for additional funding, reprogram funds, or accept potential quality shortfalls. To minimize the need for such actions, the bureau should immediately (1) prioritize and assess the readiness of its major design components, (2) simplify the design, (3) realistically reassess costs, (4) communicate results both internally and externally, and (5) redirect the 1998 dress rehearsal accordingly.

We discussed our findings and recommendations with senior bureau managers who generally concurred. They stated that some planned corrective actions had been delayed by the Fiscal Year 1998 continuing resolution and the recent legislation requiring both a sampling and a non-sampling 1998 Dress Rehearsal. However, the bureau has initiated a comprehensive design review to be completed in January 1998 that is intended to address our concerns. We look forward to assessing the adequacy of those corrective actions.

If you have any questions about this paper, your staff may contact either me at (202) 482-4661 or Jessica Rickenbach, our Congressional Liaison Officer, at (202) 482-3052.

Sincerely,
FRANCIS D. DEGEORGE,
Inspector General.

Enclosure.

U.S. DEPARTMENT OF COMMERCE, OFFICE OF INSPECTOR GENERAL, DECEMBER 1997

2000 DECENNIAL CENSUS: KEY MILESTONES AND ASSOCIATED RISKS

INTRODUCTION

History of Decennial Census Design

The Census Bureau, in consultation with expert advisory panels, "reengineered" census-taking methods to meet the challenges of accurately and cost-effectively counting an increasingly hard-to-count population in 2000. An accurate census is crucial because the Constitution requires that it be used to apportion seats in the Congress. Additionally, census data are used for a host of other important activities, including federal and state redistricting, the implementation and enforcement of the Voting Rights Act, and the distribution of billions of dollars of federal and state funds each year. Because of its centrality to decisions that last 10 years, the bureau must address concerns about the content and method of conducting the census raised by its stakeholders—federal, state, and local governments and a myriad of advocacy groups whose constituents are affected by census results.

The 1990 census was long, expensive, and labor-intensive, a situation exacerbated by a lower-than-expected public response. Because of the low response, the bureau required additional appropriations from the Congress during the census to complete the count. Despite the census' higher cost, post-analysis concluded that the count was less accurate than that of the 1980 census. Particularly alarming to the Congress and other stakeholders was the increase over past censuses in the disproportionate undercount of minorities.

The Congress convened a panel of experts from the National Academy of Sciences to study these problems and recommend actions to address them. In 1994, the panel determined that traditional counting methods alone are no longer sufficient, and recommended that to contain cost and increase accuracy, the bureau use statistical sampling and estimation as an integral part of the 2000 census design. In addition, the panel recommended that the bureau rethink and reengineer the entire census process and operations. The bureau agreed with the panel's recommendations and decided to incorporate sampling and estimation, multiple response modes, updated computing tools, and an improved national address file into the design.

The dress rehearsal, scheduled to begin in the spring of 1998, offers the Census Bureau its first opportunity to test the interrelationships of the various decennial design components. The bureau plans to closely approximate all major decennial components and their supporting automated systems in the dress rehearsal. Only a complete dress rehearsal will allow the bureau and outside observers to document the efficacy of the 2000 census design.

OIG Monitoring of Decennial Census Design

The OIG has long been concerned about the need for the bureau to develop a sound decennial design. In an inspection report issued two years ago, we concluded that the bureau had not sufficiently refined and optimized a design that was supported by adequate research and analysis and that it lacked a credible cost estimate.[1] Among our recommendations was that the bureau derive a coherent, substantiated, cost-effective design for meeting decennial goals. Since that time, we have continued to monitor the bureau's progress in finalizing its design, offering our views on what actions needed to be taken.

This paper was developed in response to a request made by Senator John McCain, Chairman of the Committee on Commerce, Science, and Transportation, at a May 14, 1997, oversight hearing on the Department of Commerce. The Chairman wanted the OIG's perspective on milestones that the Census Bureau needs to meet in order to ensure a successful census, intending to use this information as a benchmark to track the progress of the census.

To define the requested decennial census milestones and associated risks, we present several analyses of the design using some of the bureau's activities for the dress rehearsal and the census itself. First, we identify the key activities and design components in each of the four phases of the census. Then we briefly describe how the Master

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See footnotes at end of article.

Activity Schedule defines relationships between activities and calculates start and finish dates. Based on the body of work done by our office, we next provide a design risk analysis, component by component. Since few dress rehearsal activities, and even fewer decennial activities have yet occurred, we identify potential future delays in milestone activities.

BACKGROUND

Decennial Census Phases

Pre-Enumeration. Before census enumeration can start, the Census Bureau must produce, distribute, and publicize the 2000 Census questionnaire. Perhaps the most complex step in this process is creating the Master Address File (MAF)—the list of addresses of all households to be counted in the census. The MAF is being developed from information obtained from the Postal Service, the 1990 census, local governments, and field checks. Rural address capture requires temporary staff to canvass areas that have rural delivery routes or post office boxes. Before the MAF is finalized, it will be sent to local governments for review and correction.

Enumeration. Once all address information is complete, the bureau will create the address file that will be used to label questionnaires. Questionnaires will then be distributed to households in one of two ways, depending on whether they are in urban or in rural areas. Questionnaires with urban, city-style addresses will be delivered by Postal Service mail carriers. In rural areas, temporary census staff will drop off questionnaires at each household and verify the location of residences in the process.

There will always be some individuals who do not return a questionnaire or do not receive one in the first place. To allow residents to obtain census forms at locations other than their residences, the bureau will distribute additional census forms, known as "Be Counted" forms, at high-profile public places. Distribution sites in each community will be determined through consultation with local officials and community organizations. Additionally, temporary staff will visit shelters and soup kitchens to enumerate transient populations.

The Census Bureau anticipates that about two-thirds of all households will mail back a census form. To obtain information on the remaining one-third of households, temporary staff will visit them and attempt to conduct in-person census enumeration. Interviewers will obtain responses from at least 90 percent of all households in each census tract before terminating their activities. The bureau will use statistical estimation to determine the characteristics of the remaining nonrespondents.

Processing. As census questionnaires are mailed back, collected through follow-up interviews, or received over the telephone, they are sent to one of several processing centers. The data is then "captured," or translated from paper to electronic format for computer processing. Questionnaires from within a defined geographic area are compared to eliminate any duplicate responses from a single household. The results are compiled into the unedited census file, which is used in the post-enumeration phase to produce final counts.

Post-Enumeration. After enumeration and processing, the Census Bureau will conduct an independent survey, called the Integrated Coverage Measurement (ICM) survey, during which 750,000 households will be re-interviewed by temporary staff. These second interviews serve as a quality check on all preceding census activities. Responses to the ICM survey will then be matched to each household's original census form, if one was obtained, and the data transmitted to census headquarters. The results of the quality check will be used in calculating the final statistical adjustment of the census count.

At the end of December 2000, the Census Bureau will deliver to the Congress the population counts to be used in reapportionment. By April 2001, the bureau will release the redistricting data to the states. Later, the census database will be formatted for use by other data users—federal agencies, state and local governments, and the general public.

Project Management

To help manage the planning for the 2000 Census, the Census Bureau spent much of 1997 building its Master Activity Schedule (MAS) for the census. The schedule was developed using Primavera Project Planner (P3), a sophisticated project management software tool. P3 allows the bureau to identify relationships among activities in the schedule, such as whether one activity must be completed before another can start, or whether two must end at the same time. Using activity durations developed by the bureau, P3 calculates the earliest date an activity can begin based on its relationship to predecessor activities, as well as the latest date an activity can begin before it delays successor activities. The interval between those two dates is known as "float" time.

The bureau's planned beginning and ending dates for each activity generally fall within the float period. Activities with zero or negative float are considered critical, meaning that they either are delaying or will delay subsequent activities unless their durations are shortened. In part because P3 provides the bureau with the opportunity to vary activity durations or relationships as part of "what if" analyses, it is an important tool in determining the cost, schedule, and performance trade-offs inherent in implementing the census.

The milestones identified throughout this analysis come from the MAS as of late October 1997. For major milestones, we selected important end points from a possible list of several thousand activities in the schedule. Unless otherwise specified, we used the bureau's planned start and finish dates. Appendixes I and II to this paper lists key dress rehearsal and decennial milestones from the schedule. Appendix III depicts the interrelationships among those key activities as portrayed in the schedule. Appendix IV provides a summary of our results.

RISK ANALYSIS

Phase One: Pre-enumeration

Master Address File (MAF)

Background

In 1990, the bureau purchased commercial address lists, available only for metropolitan areas, to begin its address-building process. Temporary field staff went door-to-door nationwide in 1989 to develop the 1990 Census Address Control File. Because the address list was the source of millions of errors, it was a good candidate for reengineering. Further, the list was of particular interest to local officials, who believed that they could help to improve it. In October 1994, partially in response to local government requests, the Congress passed Public Law 103-430, which requires the bureau to allow local governments to review its address list before the 2000 decennial. Consequently, bureau officials adopted an address-building program that centered on partnerships with the U.S. Postal Service and up to 39,000 local governments to build and review the MAF before the census.

This program was designed to produce an improved list at a lower cost by assigning a unique georgraphic code to city-style addresses based on the bureau's mapping system. This list is a combination of addresses from the Postal Service, the 1990 census, and local governments. Rural address capture would still require temporary staff to canvass areas that had rural delivery routes or post office boxes. The address list that emerged from both sets of activities would be sent to local governments for review and corrections. In addition to meeting the legal requirement for local government review of the address list before the 2000 census, this review would enable the bureau to obtain the most current information available while receiving early acceptance from local officials to preclude challenges after the census.

Activities at risk

Developing base MAF. Although the MAF program seemed sound in concept, when bureau staff began implementing it, a number of deficiencies became apparent. The quality, currency, and usability of the Postal Service and local government address lists varied greatly. Additionally, few local governments participated in the address-building part of the program. The bureau addressed these deficiencies by planning for targeted canvassing operations, such as a search for hidden units and checks of multi-unit structures. However, as time progressed, bureau analysts became increasingly alarmed about their inability to clearly identify the attributes of areas where errors would be most likely to occur. If it cannot identify such attributes, the bureau will be unable to accurately select the areas in need of the planned targeting, resulting in error-prone areas not being among those checked.

Acknowledging the MAF program concerns, during this past summer, the bureau's Deputy Director established a team to assess the 2000 decennial address-list building strategy. Finding this strategy to be complex, risky, and incapable of providing an adequate final product, the assessment team concluded that a 1990-style, 100-percent field check was essential and that the local review process needed to be redesigned. Consequently, the bureau has requested an additional $108.7 million to complete the MAF building process. Bureau officials say that if the funding request is denied, they will reprogram the money from other areas to conduct the field operation.

Conducting local review of MAF. Despite its conclusions and the associated need for additional funds, the assessment team developed performance measures based on the number of local governments participating in MAF building. These participation measures seem to be considered as important as quality measures. This apparent emphasis is troubling since evidence suggests that, in some cases, local lists may contain significant numbers of inappropriate or erroneous addresses.

Further, the redesigned process calls for a more interactive process with greater technical assistance from the bureau; as a result, depending on the intensity of the bureau's efforts and the number of local governments participating, the bureau could be facing an enormous unanticipated resource drain. For example, local officials may require detailed geographic assistance to conduct reviews consistent with MAF requirements or technical assistance to match and unduplicate multiple lists using computer software. However, the current program infrastructure calls for staff whose primary skills are in public relations, not technical support. If the emphasis on local participation is not subordinated to quality concerns and the local reviews become unexpectedly numerous and intense, either cost and complexity will further increase or MAF accuracy will decrease.

Conclusion

To deliver the decennial MAF on schedule, the bureau must receive additional funding, reprogram funds, or accept potential quality shortfalls.

Phase Two: Enumeration

Nonresponse Follow-up

Background

The largest single operation in the decennial census is nonresponse follow-up—repeat mailings, visits, and telephone calls to nonresponding households. In 1990, 35.7 million housing units required follow-up. In 2000, nonresponding housing units will reach nearly 40 million, if the bureau's projections of voluntary mail response are correct.

After the traditional mail-out/mail-back phase of the census, the 2000 plan calls for applying new methods, such as making questionnaires (known as Be Counted forms) widely available in up to 32 languages, and other coverage improvement programs to further boost participation. Then, the bureau will end the initial enumeration phase, tally the responses in each census tract, and select a sample of the remainder of sufficient size to increase response rates in each tract to at least 90 percent. Using this strategy, according to bureau projections, will reduce the nonresponse workload to about 22 million housing units.

In addition to using statistical methods, another strategy for the 2000 census is building partnerships at every stage of the process with state, local, and tribal governments; community-based and other organizations; and the private sector. The bureau believes that such partnerships are valuable because local officials and community leaders understand and know their communities, and can therefore help to tailor plans for conducting the census. Local and tribal governments will have the opportunity to review, confirm, and augment the list of neighborhoods identified for targeting methods, including distributing Be Counted forms in multiple languages. Additionally, community-based organizations and local governments will help the bureau to identify strategic and high-visibility locations to serve as Be Counted form distribution sites.

According to bureau officials despite the significant reduction in workload under the current sampling strategy, the single biggest threat to a successful census is completing nonresponse follow-up within six weeks so that the ICM survey can be completed in time to meet the December 31, 2000, legislative deadline.

Activities at risk

Making Be Counted forms widely available in multiple languages. The 2000 decennial census program to improve coverage of the hard-to-enumerate by targeting questionnaires in multiple languages may not be necessary and may conflict with the bureau's dual goals of increasing accuracy and containing costs.[2] The program may be unnecessary because the bureau has made sampling an integral part of its 2000 design to compensate for ineffective coverage improvement programs used in past censuses. Further, the 1995 Census Test results indicated that targeting areas with blank census questionnaires in multiple languages did not increase response rates for the intended populations.

Although specific program details are not yet in place, if the program is large and results in an unanticipated increase in the workload, it could hamper the bureau's ability to complete nonresponse follow-up on schedule. According to decennial census managers, the limited period available to complete nonresponse follow-up in time to conduct the ICM survey is the single biggest risk in the census. A delay in the start of the survey could compromise the bureau's ability to deliver the appointment counts to the President by the legal deadline.

Acknowledging these limitations, bureau managers have identified the goal of promoting partnerships as a justification for expanding the number of languages included, suggesting that measures of cost effectiveness are less important. Given bureau managers' intensive efforts to communicate and implement partnerships, community leaders are likely to expect to play a significant role in determining the program's ultimate scope and nature. In light of past experience, local officials will probably advocate an expansive program. Unless cost-effectiveness is a fundamental criterion, program cost growth is likely.

Conducting non-response follow-up. A long standing bureau concern has been the difficulty and expense of recruiting, hiring, training, and retaining a qualified, temporary workforce. Even under a sampling scenario, this task involves recruiting millions of people to ensure the hiring of about 500,000 staff to maintain a peak workforce. The magnitude of the problem is exacerbated by a number of potential external developments over which the bureau would have little or no control; e.g., a decline in voluntary mail response rates below the projected 67 percent, a booming economy shrinking the available workforce, or a greater-than-expected difficulty in enumerating nonrespondents

To help address the workforce problem, the bureau contracted with WESTAT Inc. to devise a formula to calculate the optimal pay rate for each area of the country to minimize staff turnover without unnecessarily increasing wages. WESTAT concluded that the bureau could achieve an 80 percent turnover rate (a significant improvement over 1990) by setting wage rates at 70 percent of locally prevailing rates and by increasing the number of enumerators working at any one time by 50 percent over 1990. Given the nearly unprecedented pace and scale of hiring involved, however, WESTAT's calculations are subject to uncertainty. (For the discussion of some of the estimation issues related to nonresponse follow-up, see the ICM/Estimation section.)

Phase Three: Processing

Data Processing

Background

Unlike with previous labor-intensive decennial censuses, the bureau's plan for the 2000 decennial depends heavily on technology and automation. In previous censuses, the bureau used internally designed and developed technology for data processing. A prime example is its approach to data capture, the process of translating data from paper questionnaires to an electronic format for computer processing. Because the system that the bureau used in 1990 is expensive, obsolete, and unsupportable, it is acquiring a modern system, called Data Capture System 2000 (DCS 2000), which uses electronic imaging. The bureau is seeking to maximize the use of commercial-off-the-shelf components for DCS 2000, but the unique and stringent decennial census requirements necessitate customizing parts of the system. Further, DCS 2000 is a key system for the 2000 census because every response to a census questionnaire or personal visit must be processed through the system in order to become a part of the census.

Once all census questionnaires are processed, questionnaires potentially from the same address or person must be matched and "unduplicated." In the 1990 census, census questionnaires were tightly controlled, with a unique identification number printed on each, and only one was sent to each household. Conversely, a key strategy for the 2000 Census is making questionnaires widely available. The bureau plans to mail two questionnaires to every household in the nation; mail a follow-up questionnaire to large households; place unaddressed questionnaires, called "Be Counted" forms, in public places; and allow responses by telephone and possibly over the Internet. The potential for duplication is therefore much greater than in previous censuses.

Activities at risk

Capturing data from census questionnaires. The bureau's plan for testing and implementing DCS 2000 appears feasible, but only if two conditions are met. First, the bureau must fund the contractor at agreed-upon levels. Second, the processing plan cannot be altered significantly to accommodate changes from other decennial census activities. If the bureau fails to meet the first condition, the contractor will be unable to provide full functionality. The DCS 2000 project faces the continuing threat of funding shortfalls. Without needed funds, the contractor will be unlikely to complete the full range of planned testing, which increases the risk of delays during operations.

If other parts of the decennial census require changes (e.g., in the questionnaire design or to the duration of the Be Counted program), either increased funding will be needed to pay for additional equipment and tasking, or the system will be unable to perform at the required level. For example, the bureau will be unable to process Be Counted forms in languages other than English until they are translated. If large quantities of Be Counted forms are submitted late in the census, the bureau will have to wait for translators to complete their work. To compensate for the delay, the bureau will have to process data in extra shifts, reduce quality assurance procedures, or extend the processing period. If the bureau is unable to process all questionnaires by its "drop dead date," the matching of the census data to the ICM survey will be delayed, jeopardizing timely census completion.

Conducting matching and unduplication of census questionnaires and concluding all ICM matching. Because limited time is available for processing the millions of questionnaires involved in the 2000 census, the bureau must rely heavily on automated procedures to match potential duplicate questionnaires. Preparing the algorithms necessary to automate the matching process requires a set of detailed rules indicating what constitutes a match and a duplicate. Those rules cannot be completed until the programs under which questionnaires will be made available are fully defined. The uncertainties associated with the bureau's plan to use the telephone, the Be Counted campaign, and a second questionnaire mailing, as well as each one's interaction with the sample design, have delayed the preparation of the automated matching rules.

In fact, it appears the bureau's concern about its ability to automate this process caused it to limit to one block the size of the area it will search for potential duplicates for both the census and the ICM survey. Limiting the search area decreases computational complexities and timing constraints, but increases the likelihood of duplication because housing units placed erroneously in adjacent blocks will go undetected. This limitation is particularly problematic for matching the ICM survey and census results because it increases the likelihood that a household could be incorrectly designated as undercounted.

For example, if a household at 1075 Main Street is mistakenly recorded as 1076 Main Street in the ICM survey, the household will be incorrectly sorted across the street from its actual location and placed in an adjacent block. A matching process that searched nine blocks, as was previously considered, would probably discover that this household had been enumerated in the census. A single-block search would not find this household's census enumeration and would erroneously include the household in the undercounted population. An abbreviated search area would virtually guarantee more errors in the ICM survey.

Errors in both the census and the ICM matching will be further exacerbated without adequate software development and testing. To date, however, the bureau has not completed defining the matching rules and other procedural requirements needed to develop the specifications to guide software developers. Without adequate software, the matching and unduplication process will ultimately depend more heavily on labor-intensive clerical procedures, which are expensive, time-consuming, and error-prone. A high rate of errors in this arena could result in overcounts for certain groups, which could exacerbate the differential undercount, given that the method used in the ICM survey operates through "netting out" over- and undercounts. (See the Post-Enumeration Phase for more discussion about issues associated with completing the survey.)

Conclusion

Completing processing of census questionnaires in time to deliver the census unedited file to the ICM survey will require stability in the rest of the design, which appears unlikely. Moreover, to deliver accurate apportionment counts on time, the bureau must have well-defined, automated procedures to match and weed out duplicate questionnaires. Without improvements in this area, quality may suffer.

Phase Four: Post-Enumeration

Integrated Coverage Measurement

Background

The census has always had an undercount. Since 1940, the Census Bureau has been able to measure the undercount; since 1990, methods have been sophisticated enough to consider correcting for it. In the 1990 decennial census, the bureau intentionally produced two sets of numbers: the census counts and the counts "adjusted" through a quality check called the Post Enumeration Survey (PES). The PES was a separate operation conducted upon the completion of regular census operations, in order to provide the option of adjusting the census counts for over- and undercounts. The results did not have to be completed as early as the first set of counts. Opposition to the adjustment ranged from technical to parochial, and the adjustment was not made. Bureau statisticians later conducted extensive analysis of the PES design, methodology, and results to help them develop the next-generation PES—the 2000 ICM survey.

The 1990 PES and the 2000 ICM survey differ in size, precision, and function. A major criticism of the PES was the use of indirect state estimates, which were based on samples from several states combined. In response to this criticism, the bureau increased the 2000 ICM sample size fivefold (to 750,000 households) to ensure that each state would have a large enough sample to allow for direct state estimates. This increase will provide every state with comparable levels of accuracy, as well as the assurance that corrections to a state's count are derived from residents of that state. Partially as a result of this change, the ICM survey should define the undercounted groups more precisely than the PES would. The survey should also feature improved categorization of subgroups that would share a probability of being counted or missed.

The most significant difference is that the ICM survey will be integrated into overall census operations, producing a single set of official Census Bureau counts. This "one-number census" is intended to be a seamless, accurate calculation of the population that will not distinguish between a housing unit determined through the ICM survey and one enumerated in any other manner. The bureau plans to provide data users with a single point estimate of a relevant population count and its combined level of error.

Activities at risk

Conducting ICM Field Interviews: ICM Size and Schedule. Because of its complexity, the ICM survey is highly vulnerable. In particular, the survey's magnitude, quality demands, and tight schedule all present serious challenges. Other than the census itself, the ICM is the largest survey the bureau will ever have undertaken—the bureau must survey 750,000 households in 25,000 census tracts nationwide. Because the ICM survey serves as a quality measure and adjustment for the entire census, it must also be extremely accurate. The bureau has stated that the survey must have a 98-percent response rate to produce a high-quality, accurate adjustment.

Perhaps the biggest obstacle facing the implementation of the survey is the time pressure it faces at both ends. At the front end, survey interviews cannot take place until the bureau receives a household's initial census response. Because the survey is one of the last census operations, it is already at risk of delay from lags in earlier projects, like nonresponse follow-up. If the survey begins late, ICM activities themselves could require ad hoc operational shortcuts, sure to compromise quality. At the back end, the bureau must implement a whole host of complex estimation and review steps.

Interview Mode. As one approach to ensure quality, the bureau plans for its thousands of interviewers to use laptop computers, rather than paper and pencil. Originally, the bureau selected Computer Assisted Personal Interviewing (CAPI) to save time by eliminating the need to process paper questionnaires and to improve quality through standardization of interviews and built-in quality control measures. Unfortunately, this area is subject to cost growth, because the bureau's cost estimates for the ICM survey do not fully capture the costs necessary to successfully manage, implement, and process it. Areas of likely cost growth include better-trained interviewers, a technical support structure, a more complicated field structure to implement laptop use, additional telecommunications to transmit data to headquarters for processing, special contractual arrangements with vendors to ensure the readiness of CAPI software, and hardware delivery nationwide.

To alleviate time pressures, the bureau recently decided to include in the dress rehearsal some early ICM interviews over the telephone after a household has returned its census questionnaire but before nonresponse follow-up has been completed in the block. Not having been tested, this approach introduces new risks and complications. Using two ICM interview techniques poses methodological concerns, and early enumeration could violate the separation of the census and the ICM survey. The integrity of the ICM design hinges on the assumption that it is fully independent of nonresponse follow-up. If residents or enumerators realize that a block is in the ICM sample before nonresponse follow-up is complete, independence is comprised, error is introduced, and the ICM survey becomes a less effective correction for the undercount. Ultimately, because early telephone ICM interviews only recently became the subject of serious consideration, there has not been enough time to develop a solid understanding of their implications. An attempt will be made to validate this approach during the dress rehearsal.

Concluding All ICM Matching: Matching. The most sensitive aspects of ICM quality control arise after initial field interviews, when ICM responses are matched to census responses and when interviewers conduct follow-up,or reconciliation, interviews. The two sets of responses must be compared to identify who was missed or erroneously counted in census operations. Households that have not yet been counted in the ICM survey, or who have offered incomplete or inconsistent responses, must then be contacted by expert interviewers. These final steps will be critical to minimize error and to raise response rates to the necessary 98 percent.

Response Rate. Current ICM interview plans propose a response rate of 98 percent, since research has shown that the undercount correction could be imprecise at response rates as high as 95 percent. Raising response rates to 98 percent will require exhaustive efforts to contact all households. In fact, some senior decennial census field division managers do not find that goal realistic. If the ICM survey begins late, the probability of achieving such a high response rate is further reduced. Perhaps the only solution involves using statistical methods (imputation) or sampling of ICM nonrespondents (subsampling). The bureau is considering the implications of both of these options. Continued indecision in this area limits the bureau's opportunities to address the ICM survey's quality assurance measures. However, at present, the bureau does not fully understand how the treatment of ICM nonrespondents will interact with other design components, contribute to error, or otherwise influence the results.

Movers. Further, the bureau has yet to finalize decisions about handling ICM responses from households that move in and out of ICM blocks between census day and ICM enumeration. Since the 1990 census, there have been concerns about accurately enumerating movers in the ICM survey. The bureau's decision to select a means for handling movers was expected during the summer of 1997. Instead, the bureau will test different methods for the treatment of movers during the dress rehearsal, and will select an approach after analyzing dress rehearsal results. Because of the delay of this decision, there will be limited time to evaluate the selected method, address any questions arising from the dress rehearsal, and prepare software specifications and quality assurance measures relating to movers. The treatment of movers is yet another example of the questions that remain about the reliability of matching and follow-up and the adequacy of quality control in these operations.

Combining All Estimation Streams to Produce Final Counts. Census 2000 includes numerous avenues for data collection and statistical adjustment; late in the census, all these elements must be brought together into one file. Nonresponse follow-up will estimate the characteristics of the final nonresponding portion of the population and merge the results into the census data file. Included in nonresponse follow-up are a number of unique treatments for a series of special populations. For example, the bureau must estimate how many housing units in the address file are vacant buildings and adjust census files to include counts for transient populations. Finally, the file will incorporate ICM estimates.

Estimation Design and Quality Control. Because this process is long, complex, and operating under a tight schedule, there will be many opportunities for operational and statistical errors. These conditions heighten the need for procedures to control for sampling and non-sampling error, while also managing the interplay of estimation and software components. Given the importance of ensuring that undiscovered errors do not creep into the final results, the bureau must ensure timely development, refinement, and testing of the software. These activities cannot be undertaken until the bureau solidifies the estimation design.

However, estimation associated with the ICM survey in particular faces lingering methodological questions. Decennial census managers intend to make all sampling and estimation design decisions by December 31, 1997. Since significant research questions have not yet been answered, the bureau is unlikely to have the information it will need to announce a fully adequate integrated sampling and estimation plan by then.

Conducting Estimation for Small Areas and Groups. Among the research yet to be completed is research to address two issues related to the accuracy of the ICM survey. First, ICM estimates have higher error rates for small geographic areas. The survey is intended to increase accuracy by significantly reducing the differential undercount. Although the ICM survey does introduce error, for larger geographic areas it improves the data quality greatly. However, in its current design, the survey introduced increasingly error-prone estimates for small localities and in particular for block-level data.

Second, the assumption that members of demographic subgroups share a probability of being missed in the census, called the homogeneity assumption, limits the accuracy of the estimates. The ICM survey estimates a person's chances of being undercounted based on only a few characteristics. In reality, a person may be missed for many diverse reasons. Therefore, the survey offers only an approximation of who is undercounted. The bureau examined several techniques for addressing this problem. Only one showed promise, and it has serious unresolved mathematical questions. Therefore, the bureau will be forced to address this important issue with a tool that may not be fully evaluated and tested before implementation.

Applying Estimation to Blocks. The bureau is reconsidering its initial plan for applying all estimates to individual census blocks. The bureau intended to produce all population estimates in the form of households, making enumerated and estimated households indistinguishable. This approach was designed to address data user concerns about the 1990 PES method, which added an additional "group quarter" to each census block to hold all persons estimated as undercounted. This new approach raises fundamental questions about how results will be formatted for the data file and provided to all data users. Because of difficulties in applying the new technique, the bureau is considering reusing the 1990 method.

Implementing the One-Number Census. To deliver a one-number census that is accurate and credible requires not only mathematically proven sampling and estimation methodologies, but also highly reliable, robust, and confidentiality-assured software programs. Software of this caliber requires a controlled development approach and rigorous testing and retesting. Before the software development begins, decennial census statisticians should produce numerous sampling and estimation requirements specifications, or detailed sets of rules to implement the intended methodology, which can guide software developers. These specifications address selecting households for many applications ranging from receiving a long form to being included in the ICM survey. However, since many design decisions will not be made until December 1997, and the dress rehearsal begins in March 1998, the period available for specification preparation and subsequent software development is extremely limited.

In fact, even the long form sampling specifications, which are not based on a new technique, are almost a month late. Bureau officials plan to address delays in sampling and estimation specifications by having knowledgeable staff begin programming before the specifications are completed and formally delivered. They will then make software adjustments in an iterative manner as the dress rehearsal progresses. In a recent inspection of the decennial census software development area, we found that (1) software is not being developed in accordance with any well-defined process, (2) estimates of software development schedules and resources are not realistic for the dress rehearsal or the census, and (3) requirements for headquarters processing are immature, volatile, and likely to be late.[3] These findings call into question the bureau's ability to develop and implement complete, accurate software for the census.

Bureau managers acknowledged the deficiencies and are taking steps to address them. For example, they have contracted with a recognized software expert to recommend improvements to the software development and testing process that will assist in achieving decennial census goals. However, there is not enough time to make significant changes before the dress rehearsal software development effort begins.

FOOTNOTES

[1] *Inadequate Design and Decision-Making Process Could Place 2000 Decennial at Risk* (OSE-7329-6-0001, November 1995).

[2] *2000 Decennial Census: Expanded Targeted Questionnaire Program May Be Unnecessary and Counterproductive* (ESD-9610-7-0001, September 1997).

[3] *Headquarters Information Processing Systems for the 2000 Decennial Census Require Technical and Management Plans and Procedures* (OSE-10034-8-0001, November 1997).

Mr. MILLER of Florida. Madam Speaker, as the Chairman of the Subcommittee on the Census and a member of both the Committee on Appropriations and the Committee on the Budget, I have to stop and scratch my head. Let me get this straight. This administration has unilaterally designed the largest statistical experiment in history. Their own Inspector General raises serious concerns that it will work. The majority of Congress disapproves of the plan. Yet, the administration is moving full steam ahead with their theory. They continue to stonewall the Congress.

On November 26, 1997, President Clinton signed the Commerce, State, Justice Appropriations bill. The law states, "that funds appropriated under this Act shall be used by the Bureau of the Census to plan, test, and become prepared to implement the 2000 decennial census without using statistical methods which will result in the percentage of the total population enumerated being as close to 100 percent as possible."

That legislation was signed last November. Secretary Daley testified last week before the Subcommittee on Commerce, Justice, State, and Judiciary, chaired by the gentleman from Kentucky (Mr. ROGERS), and the Chairman asked a simple question, "Do you have an enumeration plan in place?" And Secretary Daley replied, "If you are asking for a physical document, none is available."

Let me respond to Secretary Daley with the same words used by Chairman ROGERS. Why not? We paid for the plan. We need cooperation, not stonewalling from this administration.

The stonewalling continues. Congress, in the exercise of its responsibility for oversight, has been repeatedly thwarted by the lack of timely and complete responses for requests for information by our oversight subcommittees. Last year, Congress had to pass legislation to force the administration to give us a status report on their plan. Then the report was full of mistakes and had to be resubmitted.

As recently as last week, the Commerce Department took the position that the Subcommittee on the Census staff should not be allowed to interview Bureau employees. They are deemed to be the best source of oversight information. The National Academy of Sciences is allowed to talk to them. The Government Accounting Office is allowed to talk to them, but not the Congress, not the elected representatives of the people, not the branch of government directed by the Constitution to carry out the census.

Our ranking member of the subcommittee maintains that "the planning process for the next Census has been the most open and inclusive ever and has been carried out in direct accord with the wishes of Congress. . . ." Certainly the record has shown and continues to demonstrate that this is not true.

Finally, Madam Speaker, I want to quickly change topics. There's a growing controversy out at the Census Bureau in Suitland, Maryland about a fence around the parking lot. It was put there because of repeated car thefts and vandalism. Now, the junior Senator from

Maryland is threatening to go out there and cut down the fence. Employees of the census bureau are busy trying to prepare for the 2000 Census. Is it too much to ask for them to have peace of mind that their cars will be protected from vandals while they are at work? I mean really. All they want is to keep their fence. Doesn't the Junior Senator have more pressing issues to consider?

LET US HAVE AN UP OR DOWN VOTE ON SCHOOL VOUCHERS FOR EVERYONE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized during morning hour debates for 3 minutes.

Ms. NORTON. Madam Speaker, if the average American had a kid in almost any public school today, what do you believe she would say if someone advertised free money for scholarships to attend private or religious schools? How about you colleagues?

If you are like most Americans, you believe that private schools are more selective, have better classes in some important subjects, have a better teacher/student ratio. Why not apply? Private certainly have better reputations in many parts of the country. Free money for such schools would probably get many takers if advertised anywhere in this country among any group.

Last year, some District of Columbia ministers were asked to sign on to a letter to support free scholarships—that is how it was called—for D.C. kids. They, too, jumped at the opportunity.

When they found out that these scholarships were, in fact, publicly funded vouchers, which take taxpayer dollars away from public schools, they felt deceived, had a press conference, and took their names off of the letter and off of the campaign.

In public meetings around the District, I have raised this subject regularly with my constituents who have now applied in numbers over 7,000 for some free scholarship money. Who in America would not? They are no different, however, from the 69 percent of Americans who say that they do not want public money to go to vouchers for private schools. In the District, 89 percent have voted against private school vouchers.

What the majority puts up against this vote is a poll slanted with words to try to defeat what the people said at the polls. Why is the majority picking on D.C.? If they are for vouchers, why not bring a bill to the floor to have an up or down vote for everybody for vouchers? What are they afraid of? Why do they go for the smallest, least powerful district in America? We are not the only district, I have to tell my colleagues, that has poor public schools.

I think it just may be because so many States have turned down vouchers at the polls, just as D.C. has. Listen to hear whether your State is in this list.

□ 1245

New York, Michigan, Nebraska, Oregon, Idaho, Maryland, Washington, Missouri, Alaska, California, Massachusetts, Utah, Colorado. What a cross-section of America has turned down private vouchers with public money at the polls!

Even when voucher advocates lose, however, they double back and lose again, always by more than they lost the first time. In California they lost first by 61 percent; then by 70 percent. In Washington State first by 61 percent; then they lost by 65 percent. In Massachusetts the first time they lost by 62 percent, then they lost by 70 percent. And here in the District, vouchers, public vouchers with public school money, have lost by 89 percent.

My constituents do want a better education for their children, but they are neither foolish nor selfish. They want educational choice but not at the expense of their own public schools here in the District.

I ask my colleagues: Do we want to help poor children get a better education, or do we want a veto, or do we want a lawsuit? Because that is all we will get out of a voucher bill for the District coming to the floor at this time.

If we are serious, there is a way to get scholarships for the remaining kids. Please join me in a group committed to raising private money for children who want to attend private schools in the District of Columbia.

STOP THE VIOLENCE IN KOSOVA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Michigan (Mr. BONIOR) is recognized during morning hour debates for 3 minutes.

Mr. BONIOR. Madam Speaker, our morning papers carried the grim news of the makeshift morgue in Kosova where Serbian authorities displayed the remains of 51 ethnic Albanians who died in an attack on their village. Bodies were proudly displayed by the Serbian police, showing the world the results of their destruction of a tiny village in Kosova. Some of the dead were women and children, and many were innocent civilians. The men had been executed by the police, often in front of their wives and their children.

Although this news has come as quite a shock to most of the world, we should have all seen it coming. For 9 years Serbia has repressed and harassed the people of Kosova and dozens have died. But within the past 10 days this campaign of terror has escalated into full-scale violence. Seventy-seven have died and scores more have been beaten and jailed and harassed.

We must say strongly and forcefully that this repression and this violence cannot continue. The lessons we learned from Serbian aggression in Bosnia cannot be forgotten now. We and our allies cannot sit idly by on the sidelines. We cannot allow Milosevic to carry out his campaign of ethnic intimidation, violating the human rights of the people of Kosova.

Imposing an arms embargo and sanctions is the least we can do. Milosevic must know that any more bloodshed will not be tolerated. He must also know that the wishes of the people of Kosova cannot be ignored.

Madam Speaker, in the past we have taken to the floor to make the case for giving the people of Kosova greater freedom and independence, but today we come to the floor with a more urgent purpose, to make a plea for their lives. We must remember the commitments that have been made to protect ethnic Albanians in Kosova. We must not stray away from those commitments now, even though it means making difficult decisions.

We brought peace to the people of Bosnia only after we showed Milosevic that his brute force would be countered with swift and decisive military action. Now is the time to make sure he knows that he faces the same consequences if the violence in Kosova is not put to a stop.

This crisis has far-reaching implications but we must also keep it in focus. The people of Kosova are being brutalized and we must not allow it to continue.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 50 minutes p.m.), the House stood in recess until 2 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 p.m.

PRAYER

The Reverend Dr. Thomas F. Gulbronson, Senior Pastor, First Assembly of God Church, Alexandria, Virginia, offered the following prayer:

Our gracious Heavenly Father, the one who gives grace to all people, we exalt Your name and implore Your righteousness. Thank You for this day and this particular time in history. You have blessed this Nation and we trust that You will continue to do so. May You draw together this great country of many cultures under the banner of love.

We thank You for these lawmakers that have dedicated their lives to the service of this great Nation. May You continue to give each one of us strength and the fortitude to make choices according to Your divine will. May we walk in love, humility, gentleness, patience and peace, which are the attributes that the Apostle Paul described as worthy of our vocation or calling. By faith, we receive these blessings and glorify You.

In the name of Jesus Christ our Lord. Amen.

JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. GIBBONS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GIBBONS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 5 of rule I, further proceedings on this question are postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from the District of Columbia (Ms. NORTON) come forward and lead the House in the Pledge of Allegiance.

Ms. NORTON led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

TRIBUTE TO REVEREND THOMAS F. GULBRONSON

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute.)

Mr. MORAN of Virginia. Mr. Speaker, I do not know when it was that Pastor Tom Gulbronson realized what a gift from God and a calling for God that he had. It may have been when he was serving in the United States Air Force. I do know that since serving his country in the Air Force, Pastor Tom has been a pastor for 40 years. In fact, 20 of those years he has been Pastor at the First Assembly of God Church in Alexandria, Virginia.

Now, during that period of time he has gotten all kinds of awards, and I could list all of them, and he has spoken on the 700 Club and he has become nationally known, both for his sermons and his books and his leadership. But we know him because he is a dynamic figure in our community. People gather together under his leadership and are inspired by his commitment to God and to the principles that he has dedicated his life to.

So it is a particular pleasure to have him address this body this day. I thank the majority leader for arranging it. I thank Pastor Tom for all of the many, many years that he has served our community and our country. Thank you, Tom.

U.S.-LAOS BILATERAL RELATIONS JEOPARDIZED BY RELIGIOUS PERSECUTION

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, this Member comes before the body to alert his colleagues to a troubling situation in the Southeast Asian country of Laos. While the Laotian Constitution guarantees religious freedom for its citizens, in reality the government restricts freedom of religion, especially for Christian denominations. Recently, 40 Laos citizens and 5 foreigners, 3 of whom were Americans, were arrested and imprisoned. The official reason given for their arrest was "illegal assembly;" however, the real cause was related to their practice of the Christian faith.

The record of Laos in this regard is troubling. According to the State Department's Country Reports on Human Rights for 1997, the Lao government has harassed, arrested and jailed clergy members. Members of the Lao Christian community are often looked upon with distrust by their government as having connections to "foreign influences." There are also unconfirmed reports that Christians have been barred from joining the Lao People's Revolutionary Party or from securing government employment.

As chairman of the Subcommittee on Asia and the Pacific, this Member sincerely hopes that the United States and Laos can develop warm and cordial relations. The potential is there. However, Mr. Speaker, this Member, through this forum, now urges the government of Laos to stop the growing trend of religious persecution within their borders.

NO FEAR OF GOVERNMENT FOR AMERICANS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the IRS says, do not change the law. Taxpayers should remain guilty in a civil tax case. Unbelievable.

Let me remind Members of the recent testimony of an IRS employee before the other body about IRS reform. She demanded that she be behind a screen to hide her identity and she said she must have a voice scrambler to disguise her voice. I want to quote what she said, Mr. Speaker. "I am afraid. I am afraid of retaliation by the Internal Revenue Service" that she worked for.

Beam me up, Mr. Speaker. No American should fear their government, and let me say this to Congress. There can be no true substantive reform of the Internal Revenue Service without shifting the burden of proof to the government in a civil tax case. We know it, the IRS knows it, I know it, and by God, the American people know it, and the American people demand it.

GOVERNMENT THAT GOVERNS LEAST GOVERNS BEST

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, everyone outside of the bloated Federal bureaucracy knows that government that governs least governs best.

Never was this more apparent than on Friday when California reached a historic agreement with local Indians regarding Indian gaming in California. In fact, the tribal chairman there is quoted as saying "a turning point in tribal-state relations" has been reached.

The real significance of this agreement, however, lies more in its origin than in its content. Despite numerous attempts by Secretary Babbitt to backdoor his way into negotiations and the approval process, California has rightly asserted its sovereign status and jurisdiction. This compromise between California and sovereign Indian nations is proof that Federal intervention was not necessary, nor would it have been appropriate in this issue. California correctly and repeatedly told the Interior Department to butt out, that they do not need to be told by the Federal Government what is best for their State. Now we have proof. The Tenth Amendment works.

I urge my colleagues to cosponsor H.R. 3094, a bill which will ensure that no State must sit back while the Federal Government tramples the Constitution and blatantly disregards their sovereignty.

IN HONOR OF WOMEN'S HISTORY MONTH

(Ms. DEGETTE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DEGETTE. Mr. Speaker, I rise today in honor of women's history month to recognize the achievements of business women in my community and across the country. In my State of Colorado, women have had a dramatic impact on the economy. There are over 160,000 women-owned businesses in my State, which account for 40 percent of all firms in Colorado. Women employ over 350,000 people in Colorado and were responsible for generating $39 billion in sales in 1996.

While many of the businesses owned by Colorado women are traditional, such as service and retail, the greatest increase in women-owned firms has been in industries like transportation, communications, construction, and mining. Women are making significant contributions to the economy in Colorado and across the country. I am pleased to recognize not only the advancements made by women in business, but also the vital role they play as employers and investors in today's economy.

Despite challenges and initial setbacks, women-owned businesses are at the forefront of many new and innovative ideas.

WE MUST WIN THE WAR AGAINST DRUGS

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, heroin has claimed another young life in my hometown of Plano, Texas. A total of 13 young people have died from heroin there within the past year.

The local police are doing their very best to stop drugs in our schools, but they are being stretched beyond their limits. They need our help now.

I have been working with members of the North Texas delegation to have the Dallas-Fort Worth area designated as a HIDTA, a High Intensity Drug Trafficking Area, but this administration has been dragging its feet. This is a real war, and we need the resources and armor of our Federal law enforcement agencies to stop drug flow now. I urge General McCaffrey to approve the HIDTA designation as soon as possible.

Speaker GINGRICH said just yesterday our first goal ought to be to win the war against drugs. We must win this war. The survival of our children depends on it.

INTERNATIONAL WOMEN'S DAY

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, I choose today, International Women's Day, to call to the attention of this body that women business owners are proving to be a major factor in the most robust economy since World War II. Women business owners are showing remarkable staying power. Three-quarters of the women businesses that were in existence in 1991 are still in existence, compared to the overall American average of two-thirds of all firms.

What does this signify? What does it tell us about women? What we have already known: that the stability and hard work for which women have been known in the home, they are bringing now not only to the workplace but to owning businesses themselves.

The bipartisan Women's Caucus has put special emphasis on women-owned business. I salute the bipartisan team leaders in our caucus, the gentlewoman from California (Ms. MILLENDER-McDONALD) and the gentlewoman from New York (Mrs. KELLY) for their leadership on women-owned business issues. They have introduced House Resolution 313, which I invite all Members to sign on. The Federal Government has a goal of 5 percent women-owned businesses. We are only at 2 percent.

TIME FOR TAX REFORM

(Mr. JONES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONES. Mr. Speaker, today the average American will work 2 hours and 49 minutes of an 8-hour work day just to pay his or her taxes. Many of them will go home not to spend quality time with their families, but to tackle a complicated maze of IRS rules and forms simply so they can figure out how much of their hard-earned money they will send to Washington this year.

Mr. Speaker, this is not what America should be about. The tax burden of this country is far too high, both in the size of the checks that taxpayers must write to the IRS each year and in the amount of time and money: 5 billion hours and $225 billion annually they must spend complying with the lengthy and complicated Tax Code.

□ 1415

The American people want, need and deserve a fairer, simpler tax system. I hope my colleagues in this Congress will join a bipartisan effort to provide them with the very critical tax relief they deserve.

DUE PROCESS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I try to watch the network news every day. I watch some of the political talk shows that cover the strange world of Washington, D.C. I keep waiting to see some discussion of 18 U.S. Code, section 1503.

Most people are not lawyers, but there are a lot of lawyers out there, including a lot of journalists, who know perfectly well what 18 U.S. Code, section 1503 means. It is a criminal statute that absolutely prohibits government employees from interfering in a Federal investigation. Government employees may not attempt to influence, obstruct or impede a Federal investigator.

This is not a controversial law. It is obvious that one may not impede or interfere in any way with a Federal investigation. Mafia dons may try it, but a person conducting a smear campaign to intimidate or discredit judicial officials is in violation of the law. It is not even a debatable issue.

Due process must proceed without interference immediately, period.

SURPLUS? WHAT SURPLUS? WATCH THE DEBT MOUNT

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, for the first time since 1969, 29 years ago, the Federal Government is supposed to balance its budget and have a surplus. But will we really? Here is a lesson in government accounting.

In 1998, the Congressional Budget Office, CBO, projects there will be a surplus of $8 billion, and the national debt will be $5.5 trillion. Remember, the national debt is the total from accumulated deficits and interest payments.

In 2002, after 5 years of balanced budgets, CBO projects the surplus will be $67 billion, and the national debt will be $6.4 trillion. Let me repeat, the national debt in 1998 will be $5.5 trillion; after years of surpluses, the national debt in 2002 will be $6.4 trillion.

What is wrong with this picture? How can the government say the Federal budget will be in surplus at the same time that the national debt will increase by nearly $1 trillion? It is easy, if we do not count billions spent every year from government trust funds like Social Security.

Clearly there is no surplus. If the debt continues to go up, the budget is really not balanced, now is it?

JUDGE KENNETH STARR

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, what is happening right now to Judge Kenneth Starr is absolutely disgraceful. The amazing thing about it is that the smear campaign directed at Judge Starr is happening right before our eyes. Attorney General Janet Reno, the Attorney General of the United States, not some right-wing partisan, appointed Judge Starr to investigate the allegations of perjury and obstruction of justice.

Judge Starr was appointed by Attorney General Janet Reno because he had a track record of distinguished and honorable service and because he had a record of integrity, honesty and fairness. If Judge Starr has acted improperly in any manner, Attorney General Janet Reno should remove him immediately as Independent Counsel. If Judge Starr has shown himself to be conducting his investigation in an unfair, partisan manner, the Attorney General must act immediately to replace him. But if Judge Starr has done nothing wrong or improper, Attorney General Janet Reno should make a statement demanding that friends of the White House stop interfering with his investigation and stop the campaign to destroy him.

All Federal prosecutors must be free of outside interference.

RECESS

The SPEAKER pro tempore (Mr. PEASE). Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 4:20 p.m. today.

Accordingly (at 2 o'clock and 20 minutes p.m.), the House stood in recess until approximately 4:20 p.m.

☐ 1621

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SHIMKUS) at 4 o'clock and 21 minutes p.m.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2495

Mr. GEJDENSON. Mr. Speaker, I ask unanimous consent to remove myself as a cosponsor of H.R. 2495, the Higher Education for the 21st Century Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules but not before 5 p.m. today.

PERMITTING USE OF ROTUNDA FOR CEREMONY IN COMMEMORATION OF DAYS OF REMEMBRANCE OF VICTIMS OF THE HOLOCAUST

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 206) permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

The Clerk read as follows:

H. CON. RES. 206

Resolved by the House of Representatives (the Senate concurring), That the rotunda of the Capitol is authorized to be used from 8 o'clock ante meridian until 3 o'clock post meridian on April 23, 1998, for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. THOMAS) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the concurrent resolution that we have before us is a renewal of what has become an annual and a moving event. House Concurrent Resolution 206 permits the use of the rotunda in the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust. The two names most associated with requesting this event through the House of Representatives are the gentleman from Illinois (Mr. YATES) and the gentleman from New York (Mr. GILMAN). The sum and substance of this concurrent resolution is to allow for the physical use of the Capitol rotunda to remember, quite appropriately at the seat of freedom, the victims of the Holocaust.

Mr. Speaker, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, it is a small irony that I am here today as the ranking Democrat on this committee. Both my parents survived the Holocaust in Europe. My father's village was liquidated. Certainly after Pearl Harbor, my mother was lucky enough to flee her homeland and was saved in much of the war in Kazakhstan and other deep parts of Russia.

It is, for me, a particularly important statement to make to the world not simply to remember the cruelty that occurred, but also to recognize the incredible courage of those who survived, who shortly after these dark days, went out, formed families, moved their families. Many of them came to the United States to create new lives and meet new challenges.

But it would not be enough if we simply have this historic event just to remember, because we all need to learn a lesson where hatred and bigotry and prejudice existed. Hitler had many victims, not just the Jews; gays, gypsies and others were also victims of Hitler's torture, terror and death.

I would hope, as we continue this tradition, we also continue to remember that hatred is not dead among us today, and we need to continue that fight.

Mr. Speaker, I commend the gentleman from California for his efforts here today.

Mr. Speaker, I yield back the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend the gentleman from Connecticut because what he has done is pointed out the fact that although a number of people believe this to have been a historical event with no real relevance to the present, the clear indication that there are people who are living who actually have this as a portion of their lives brings home how close it is to a number of Americans.

I want to underscore the fact that when we began this commemorative, it was before the opening of the Holocaust Museum, and that it tended to appear to be an annual event. One of the nicer aspects of the Holocaust Museum as one of the key places to visit in the Capital today is that it is an ongoing remembrance, because clearly we do not want to just commemorate what occurred; we want to remember to make sure that it does not happen again.

Mr. GILMAN. Mr. Speaker, I rise in support of House Concurrent Resolution 206, sponsored by our distinguished colleague from Illinois, Mr. YATES, and wish to also commend the Chairman of the House Committee on House Oversight, Mr. THOMAS, for the expeditious consideration of this bill.

House Concurrent Resolution 206 will permit the use of our Congressional Rotunda for the annual ceremony to commemorate the days of remembrance of victims of the Holocaust.

The annual days of remembrance, sponsored by the Holocaust Memorial Council of which Mr. YATES and I are both congressional members, will be held on April 23, 1998.

This important commemorative program allows Congress and the Nation to observe the days of remembrance for victims of the Holocaust, to pay tribute to the American liberators of the concentration camp's survivors, and by commemorating this enormous tragedy, ensuring that it will never happen again anywhere in the world.

Accordingly, Mr. Speaker, I am pleased to join in urging adoption of this resolution.

Mr. THOMAS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 206.

The question was taken.

Mr. THOMAS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the concurrent resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

BIRTH DEFECTS PREVENTION ACT OF 1997

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 419) to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes.

The Clerk read as follows:

S. 419

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the "Birth Defects Prevention Act of 1997".

(b) FINDINGS.—Congress makes the following findings:

(1) Birth defects are the leading cause of infant mortality, directly responsible for one out of every five infant deaths.

(2) Thousands of the 150,000 infants born with a serious birth defect annually face a lifetime of chronic disability and illness.

(3) Birth defects threaten the lives of infants of all racial and ethnic backgrounds. However, some conditions pose excess risks for certain populations. For example, compared to all infants born in the United States, Hispanic-American infants are more likely to be born with anencephaly spina bifida and other neural tube defects and African-American infants are more likely to be born with sickle-cell anemia.

(4) Birth defects can be caused by exposure to environmental hazards, adverse health conditions during pregnancy, or genetic mutations. Prevention efforts are slowed by lack of information about the number and causes of birth defects. Outbreaks of birth defects may go undetected because surveillance and research efforts are underdeveloped and poorly coordinated.

(5) Public awareness strategies, such as programs using folic acid vitamin supplements to prevent spina bifida and alcohol avoidance programs to prevent Fetal Alcohol Syndrome, are essential to prevent the heartache and costs associated with birth defects.

SEC. 2. PROGRAMS REGARDING BIRTH DEFECTS.

Section 317C of the Public Health Service Act (42 U.S.C. 247b–4) is amended to read as follows:

"PROGRAMS REGARDING BIRTH DEFECTS

"SEC. 317C. (a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall carry out programs—

"(1) to collect, analyze, and make available data on birth defects (in a manner that facilitates compliance with subsection (d)(2)), including data on the causes of such defects and on the incidence and prevalence of such defects;

"(2) to operate regional centers for the conduct of applied epidemiological research on the prevention of such defects; and

"(3) to provide information and education to the public on the prevention of such defects.

"(b) ADDITIONAL PROVISIONS REGARDING COLLECTION OF DATA.—

"(1) IN GENERAL.—In carrying out subsection (a)(1), the Secretary—

"(A) shall collect and analyze data by gender and by racial and ethnic group, including Hispanics, non-Hispanic whites, Blacks, Native Americans, Asian Americans, and Pacific Islanders;

"(B) shall collect data under subparagraph (A) from birth certificates, death certificates, hospital records, and such other sources as the Secretary determines to be appropriate; and

"(C) shall encourage States to establish or improve programs for the collection and analysis of epidemiological data on birth defects, and to make the data available.

"(2) NATIONAL CLEARINGHOUSE.—In carrying out subsection (a)(1), the Secretary shall establish and maintain a National Information Clearinghouse on Birth Defects to collect and disseminate to health professionals and the general public information on birth defects, including the prevention of such defects.

"(c) GRANTS AND CONTRACTS.—

"(1) IN GENERAL.—In carrying out subsection (a), the Secretary may make grants to and enter into contracts with public and nonprofit private entities.

"(2) SUPPLIES AND SERVICES IN LIEU OF AWARD FUNDS.—

"(A) Upon the request of a recipient of an award of a grant or contract under paragraph (1), the Secretary may, subject to subparagraph (B), provide supplies, equipment, and services for the purpose of aiding the recipient in carrying out the purposes for which the award is made and, for such purposes, may detail to the recipient any officer or employee of the Department of Health and Human Services.

"(B) With respect to a request described in subparagraph (A), the Secretary shall reduce the amount of payments under the award involved by an amount equal to the costs of detailing personnel and the fair market value of any supplies, equipment, or services provided by the Secretary. The Secretary shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.

"(3) APPLICATION FOR AWARD.—The Secretary may make an award of a grant or contract under paragraph (1) only if an application for the award is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out the purposes for which the award is to be made.

"(d) BIENNIAL REPORT.—Not later than February 1 of fiscal year 1998 and of every second such year thereafter, the Secretary shall submit to the Committee on Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report that, with respect to the preceding 2 fiscal years—

"(1) contains information regarding the incidence and prevalence of birth defects and the extent to which birth defects have contributed to the incidence and prevalence of infant mortality;

"(2) contains information under paragraph (1) that is specific to various racial and ethnic groups (including Hispanics, non-Hispanic whites, Blacks, Native Americans, and Asian Americans);

"(3) contains an assessment of the extent to which various approaches of preventing birth defects have been effective;

"(4) describes the activities carried out under this section; and

"(5) contains any recommendations of the Secretary regarding this section.

"(e) APPLICABILITY OF PRIVACY LAWS.—The provisions of this section shall be subject to the requirements of section 552a of title 5, United States Code. All Federal laws relating to the privacy of information shall apply to the data and information that is collected under this section.

"(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $30,000,000 for fiscal year 1998, $40,000,000 for fiscal year 1999, and such sums as may be necessary for each of the fiscal years 2000 and 2001.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 419, introduced by Senator BOND of Missouri, calls for a national strategy to prevent birth defects. This legislation has a history of bipartisan support with key provisions having passed both the House and Senate previously.

It passed the Senate by voice vote on June 12, 1997. The bill was cosponsored by 34 Senators, including both the majority leader, Senator LOTT, and the minority leader, Senator DASCHLE. The companion House bill, H.R. 1114, was introduced by the gentleman from Texas (Mr. ORTIZ) and the gentleman from Texas (Mr. BONILLA) and has 162 cosponsors.

The Birth Defects Prevention Act was first introduced by the gentleman from Texas (Mr. ORTIZ) in 1992 in response to a tragedy that occurred in south Texas where a cluster of devastating birth defects escaped detection for several years. I want to particularly, Mr. Speaker, commend the gentleman from Texas (Mr. ORTIZ) for his commitment to preventing birth defects and for his leadership on this legislation; and to best exemplify that commitment, I would share with my colleagues the fact that when I called him as a matter of courtesy with a plan to offer Senator BOND's bill, rather than his, because the Bond bill was already passed by the Senate unanimously, he without hesitating said, "Mike, I don't care about credit. The important thing is to get the bill passed."

Mr. Speaker, each year 150,000 infants are born with serious birth defects according to the Centers for Disease Control and Prevention. Many more children are found to have such disorders later in life. According to the March of Dimes, birth defects have been the leading cause of infant mortality for more than 20 years. Birth defects cause one out of every 5 infant deaths and they are responsible for about 30 percent of all pediatric admissions to hospitals. Among the babies born with birth defects who survive, a large number develop serious disabilities with high emotional and social costs.

Families from all racial, ethnic and economic groups share the risk of having a child with a serious birth defect. S. 419 authorizes a national plan to prevent birth defects. These efforts would be coordinated by the CDC as a partnership between the Federal and State governments, as well as health and education groups involved in birth defects prevention.

□ 1630

The strategy has three components: surveillance, research, and prevention.

First, surveillance is necessary to track the incidents of birth defects and identify communities and populations at higher risk. Currently, 31 States have some surveillance program. In my own State of Florida, a surveillance system was approved and funded in 1997 and will become operational in 1998. According to the Florida Department of Health, 21 percent of infant deaths in Florida are related to birth defects. Florida's Secretary of Health, Dr. James T. Howell, has expressed strong support for the measure under consideration today.

S. 419 directs the CDC to carry out through the States a program to collect, analyze and report statistics on birth defects. Over the past several years the CDC has received additional Federal support to provide this technical assistance and to fund cooperative agreements to help States establish or improve the State-based surveillance programs. Additional funds were included in the fiscal year 1998 budget which will provide assistance to additional States this year.

The second component of the bill relates to CDC research activities. The causes of 75 to 80 percent of birth defects and developmental disabilities are unknown. Until the causes are known, prevention strategies cannot be developed. S. 419 authorizes at least 5 regional centers to conduct and apply epidemiological research on the prevention of birth defects.

As of October 1, 1997, 8 centers for birth defects research and prevention are already in operation, and these are located in Massachusetts, Iowa, California, New York, Texas, Arkansas, New Jersey and Georgia. These centers contribute cases into an ongoing collaborative study to determine causes of birth defects. The National Birth Defect Prevention Study is one of the largest case control studies of birth defects ever conducted, Mr. Speaker. The study also provides a mechanism for collaboration among the most prominent national researchers into the causes of birth defects.

In addition, each center will expand and approve their State birth defects surveillance systems and will conduct additional studies of potential genetic and environmental causes of birth defects. The research conducted by these centers will dramatically increase our understanding of the causes of birth defects and will provide information for developing effective programs to prevent the tragedy of birth defects.

Finally, prevention activities also include professional and public education about birth defects as called for in the bill. The CDC has helped to establish a new organization called the National Birth Defects Prevention Network. This network provides technical assistance to States in the development and implementation of programs, publishes a newsletter, conducts special projects, and holds workshops for members. The network will play a major role in improving the quality of data collected about birth defects.

The goal of birth defects surveillance and research is to develop intervention strategies to integrate into our public health and medical care systems. Preventing those defects will reduce costs for medical care and other services for affected families and society.

S. 419 is supported by many groups representing families of children with birth defects, researchers working to find the causes, and health officials trying to prevent birth defects. Passage of the bill is also the top Federal legislative priority of the March of Dimes. This organization's mission is to prevent birth defects and infant mortality. The March of Dimes has 99 chapters around the country and 3 million volunteers.

Last September over 500 March of Dimes volunteers and staff came to Capitol Hill to urge passage of the bill. I was impressed by the commitment of the volunteers from my district, John and Suzie Haden and their daughter, Lindsey, who live at Palm Harbor, Florida.

Mr. Speaker, 1998 marks the 60th anniversary of the March of Dimes and I believe that passage of this bill is a fitting way to commemorate this important anniversary. Passage of S. 419 today will underscore this Congress's strong commitment to the most vulnerable in our society, our children, and particularly those with special health care needs.

Again, Mr. Speaker, I thank my colleagues, the gentleman from Texas (Mr. ORTIZ) and the gentleman from Texas (Mr. BONILLA), for their leadership in sponsoring this legislation. And I certainly thank the gentleman from Michigan (Mr. DINGELL) and the gentleman from Ohio (Mr. BROWN) for their willingness to basically waive the rules and bring this to the floor, and I urge all of my colleagues to support passage of S. 419.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, 150,000 children in the United States are born each year with a serious birth defect. Depending on the severity of the defect, many of these children die at a young age. Almost 1 out of every 5 infant deaths can be attributed to birth defects, according to recent data from the National Center for Health Statistics. Those who grow up to be adults oftentimes develop serious mental, emotional and physical disabilities.

Compounding these human costs are the staggering financial burdens facing the families whose children suffer from birth defects.

Fortunately, there are reasons to hope that the future is brighter for individuals suffering from birth defects and that we will ultimately be successful in our efforts to prevent more infants from suffering from these horrible illnesses in the future.

As the ranking Democrat on the Subcommittee on Health of the Committee on Commerce, I am pleased to join the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Michigan (Mr. DINGELL) in bringing legislation to the floor today to address this serious public health problem.

I would also like to say a special thanks to the gentleman from Texas (Mr. ORTIZ) who has worked so hard on this issue. He has dedicated many years to passing legislation to provide CDC with the tools to reduce the number of children born with birth defects and reduce the economic costs associated with this national tragedy. The gentleman from Texas has been a tireless champion in the fight against birth defects, and without him and his efforts, we probably would not be here today considering this bill.

Many birth defects are preventable, and with integrated systems in place to help health care providers evaluate needs and deliver services and implement effective prevention strategies, we can win the fight against birth defects. Just as we have eradicated life threatening and crippling diseases like smallpox and polio, we can similarly win the battle against birth defects. I urge my colleagues to support this legislation which will ensure that millions of children have an opportunity to grow up healthy and strong, free of debilitating and life-threatening birth defects.

Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I want to encourage my colleagues to support this legislation. I certainly want to thank Senator BOND for the leadership role he has played in the Senate, and the gentleman from Texas (Mr. ORTIZ) here in the House for addressing this problem that is really the number one cause of infant death.

As the gentleman from Florida (Mr. BILIRAKIS) has already said, 150,000 births every year are affected with serious birth defects, but about 3 percent of all births have birth defects. Three out of 100 families with new babies deal with birth defects.

This bill will put a system in place where we can begin for the first time to collect and share that information. It also puts a system in place where for the first time we can begin on a project basis to look and see if we cannot solve these specific problems that lead to these results, and eliminate this problem.

This is an incredible challenge, not only important to the families and individuals involved, but it is a challenge in our society that we should not let continue to be a challenge for our society. We can solve it. This bill does solve it. I urge my colleagues to support this legislation.

Mr. BROWN of Ohio. Mr. Speaker, I yield 8 minutes to the gentleman from Texas (Mr. ORTIZ).

Mr. ORTIZ. Mr. Speaker, I thank the gentleman for yielding me this time.

I am extremely pleased to see this legislation come to the floor of the House. This has been a bipartisan effort from the very, very beginning.

Mr. Speaker, there are many people to whom this effort means so much, and I want to thank them. They include the gentleman from Florida (Mr. BILIRAKIS), the subcommittee chairman, the gentleman from Ohio (Mr. BROWN), the ranking member of the subcommittee, and their staffs; along with Committee on Commerce chairman, the gentleman from Virginia (Mr. BLILEY), and the gentleman from Michigan (Mr. DINGELL), the ranking member, and their staffs; the March of Dimes, for their undying support; Senator CHRISTOPHER BOND, who moved the companion legislation in the Senate; and my colleague from Texas, (Mr. BONILLA), who as lead cosponsor of this bill worked hard to push this legislation. Lastly, I would like to thank all of the 163 cosponsors who have joined to champion the cause of reducing the rate of birth defects in our country.

This legislation was first introduced in 1992, in response to the tragedy that occurred in part of my district of Cameron County, Texas, where a cluster of devastating birth defects escaped detection for several years. In March of 1991, a nurse helped deliver 2 babies in a 36-hour period. Both babies had anencephaly, a lethal birth defect in which the baby either has only a partial brain or is born with no brain at all. This pattern triggered this very competent nurse to review recent hospital birth records where she found a pattern of six babies born with anencephaly in the previous month.

These incidents caused unbelievable anguish and misery in my south Texas community. However, I want my colleagues to understand that anencephaly and other birth defects are not only prevalent in south Texas but all over the United States. I was told that there are no means to detect such birth clusters around our Nation, so I introduced this bill to establish a surveillance system.

This bill creates regional birth defects centers to study the information about birth defects. It creates a clearinghouse for the Centers for Disease Control so information on birth defects is centralized. Families all over the Nation, from all racial, ethnic and economic groups, share the risk of having a child with a birth defect.

Birth defects are preventable. This bill will provide an important first step in helping our country's next generation to be healthy and active members of our communities.

Birth defects research is a wise investment. The children and the families of Cameron County sounded this alarm, and I am proud that today Congress answers the call for investigation. Nothing is more important than our kids.

Mr. Speaker, at this time I would like to engage the distinguished gentleman from Florida (Mr. BILIRAKIS), the chairman of the Subcommittee on Health and the Environment, in a colloquy for a few moments, if I may.

Some of my constituents, Mr. Speaker, wrote to me raising a concern about whether the Birth Defects Prevention Act will impose a burden on their religious practices. It is not my intent that this bill detrimentally affect religious practices or religious freedom.

Let me ask a question. Nothing in this act is designed to preempt existing State religious accommodation laws which allow those with religious objections to decline to have personal health information about themselves, or their minor children, included in birth defects information collection, analysis and reporting; is that correct?

Mr. BILIRAKIS. Mr. Speaker, will the gentleman yield?

Mr. ORTIZ. I yield to the gentleman from Florida.

Mr. BILIRAKIS. Mr. Speaker, the gentleman from Texas is very certainly correct. States have historically provided accommodations in their laws for individuals whose religious beliefs and practices would be burdened by certain governmental programs. This act does not preempt those existing State religious accommodation laws. Moreover, this bill does not limit a State's authority to enact religious accommodation laws in the future.

Mr. ORTIZ. Mr. Speaker, I thank the gentleman and the ranking member for their support because without that help, this would not be on the House floor today, and I thank my colleagues for their support.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume to say that the gentleman from Texas (Mr. ORTIZ) has thanked me and others, but all of us as well as the little children out there should be grateful to him, because he has worked awfully hard on this particular issue. The only reason we brought up Senator BOND's bill is because it has already been taken care of in the Senate and it would just expedite the process.

Mr. Speaker, I yield 5 minutes to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Speaker, there is nothing in the world that can possibly console a family when they learn that their newborn child has been victimized by a preventable birth defect. Sometimes there is nothing in our universe of knowledge that can explain to proud new parents why their child has been born with a debilitating condition that he or she will carry for the rest of their life. Still worse, because birth defects are the leading cause of infant mortality, that debilitating condition will often lead to tragic death. We can and must take prudent actions to respond to this public health tragedy, which is why this bill before us today, the Birth Defects Prevention Act, is of such importance.

☐ 1530

As a mother, I can tell my colleagues that Bill and I were blessed with happy and healthy children. There is not a day that goes by that I do not thank the good Lord and say many prayers for that wonderful blessing.

But some people are not so fortunate. In fact, the district that I represent in southern Missouri is home to the highest rate of birth defects in the State. Scientists cannot yet tell us what causes all birth defects, but we know from the brilliance of modern science that many birth defects can be prevented.

The March of Dimes, which is leading America's battle against this national tragedy, informs us that if American women consumed just 400 milligrams of the B vitamin folic acid each day, 50 to 75 percent of all cases of spina bifida and anencephaly would be prevented. The discovery that the use of this simple, widely available vitamin is proven in the prevention of neural tube defects is one of most exciting medical findings of the last part of this century.

According to Dr. Godfrey Oakley, director of the Centers for Disease Control's Division of Birth Defects and Developmental Disabilities, "Not since the rubella vaccine became available 30 years ago have we had a comparable opportunity for primary prevention of such common and serious birth defects."

Mr. Speaker, I am especially excited about the outreach efforts called for under this bill. I know from my own experience that expectant mothers need all of the information they can get about what it takes to raise a healthy child. The strategy called for under this bill to track regional incidences of birth defects also will help public health officials identify opportunities to prevent future occurrences of birth defects.

In closing, I want to thank the gentlemen from Texas (Mr. ORTIZ) and (Mr. BONILLA) for taking an early lead here in the House by sponsoring the Birth Defects Prevention Act. I also want to extend my great appreciation to the gentleman from Florida (Mr. BILIRAKIS), the gentleman from Virginia (Mr. BLILEY) and the gentleman from Michigan (Mr. DINGELL) for their efforts to pass this bill, as well as the gentleman from Ohio (Mr. BROWN).

Certainly, not the least, my State's senior Senator, KIT BOND, who is sitting with me here in the House Chamber right now, seized the initiative by writing this bill and guiding it through the other body by a firm unanimous vote. He has been a true leader in this endeavor to help promote the public health by taking common-sense steps to prevent birth defects.

Mr. Speaker, I want to encourage all of my colleagues to join in supporting the Birth Defects Prevention Act. With Mother's Day fast approaching, I can think of few better responsive actions we can take to help promote the health of America's children.

Mr. BROWN of Ohio. Mr. Speaker, I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I do not want to take up too much of this body's valuable time so I will be brief.

I am pleased to join my distinguished colleagues Mr. BILIRAKIS, Mr. BROWN, and particularly Mr. ORTIZ, in support of the enactment of S. 419, the Birth Defects Prevention Act. This important public health measure should provide significant dividends by reducing preventable birth defects. I am disappointed to think how much more good this bill would have done had it been enacted when first proposed by my good friend and distinguished colleague, Mr. ORTIZ. He should take justifiable pride in his work on this bill.

Thousands of healthy babies will be born in the future whose lives would have been far different if not for my colleague's efforts. When these babies grow up they will not know to thank him, nor should they. Such is the nature sometimes of the work we do here.

Although a regrettable situation in Texas involving children born with spina bifida demonstrated the need for this legislation, the Birth Defects Prevention Act will have powerful and positive benefits everywhere in America. The heart wrenching statistics on birth defects have been vividly set forth by my colleague, Mr. ORTIZ, and by my other colleagues who have spoken in favor of this bill. The collection of surveillance data and epidemiological research to study the incidence of birth defects and their causes will lead directly to the design and implementation of prevention programs. Two leading causes of preventable birth defects, spina bifida and fetal alcohol syndrome, will be among those targeted for public and professional information and education programs.

Mr. Speaker, this bill is a fitting capstone to the strong leadership and sustained effort on this issue by the gentleman from Texas and others. I commend him and my other colleagues here and in the other body for their superb efforts and I am delighted to join with Mr. ORTIZ and the rest of my colleagues in support of this important legislation.

Mr. BLILEY. Mr. Speaker, I am pleased to rise in support of this bill. As you know, the Committee on Commerce has a long and proud tradition of promoting and improving the health of America's children.

That is why the committee discharged S. 419—to make today's vote possible.

Mr. Speaker, birth defects are one of the most serious and compelling health problems in the United States today.

Ironically, they are also one of the most overlooked.

Birth defects affect over 3 percent of all births in America, and they are the leading cause of infant deaths.

S. 419 addresses this problem in a number of important ways:

It broadens public and professional awareness of birth defects and new prevention strategies. It is our intention that this effort will expand the practice of pre-natal surgery—a remarkable step forward that can prevent birth defects and save countless lives.

This bill also establishes a national clearinghouse for data on birth defects.

Finally, it puts in place a meaningful State surveillance effort.

In response to concerns raised by some, I think it important to clearly state what this bill does not do: S. 419 does not make any funds available for abortion or euthanasia. Instead, these funds are for the prevention of birth defects—and it is the unanimous intent of the Congress that this goal not be met through the use of these funds for abortion or euthanasia.

In closing, Mr. Speaker, I would like to note that this bill is strongly supported by the March of Dimes Birth Defects Foundation, which has worked very hard on this critical issue. I hope all my colleagues will join me in adding our support to it, as well.

Mr. PAUL. Mr. Speaker, I rise in opposition to S. 419, yet another circumvention of the enumerated powers clause and tenth amendment by this 105th Congress in its continued obliteration of what remains of our national government of limited powers.

For most of the past thirty years, I have worked as physician specializing in obstetrics. In so doing, I delivered more than 4,000 infants. Despite what I believe to be a somewhat unique insight on the topic of birth defect prevention, today, I address the house as a Congressman rather than as a physician.

As a Congressman, I have repeatedly come to the house floor to denounce the further expansion of the federal government into areas ranging from "toilet-tank-size mandates" to "public housing pet size;" areas, that is, where no enumerated power exists and the tenth amendment reserves to state governments and private citizens the exclusive jurisdiction over such matters. My visits to the floor have not gone uncontested—proponents of an enlarged federal government and more government spending have justified their pet spending and expansionist projects by distorting the meaning of the "necessary and proper" and "common defense and general welfare" clauses to encompass the constitutionally illegitimate activities they advocate. Even the Export-Import Bank and Overseas Private Investment Corporation during Foreign Operations Appropriations debate were constitutionally "justified" by the express power to "coin money and regulate the value thereof"? In other words, where money exists, credit exists—where credit exists, loans exist—where loans exist, defaulters exist—and from this, the federal government has a duty to bail-out (at taxpayer expense) politically connected corporations who make bad loans in political-risk-laden venues?

In the Federalist Papers, Madison and Hamilton strongly denied such views with respect to the necessary and proper clause. Madison was similarly emphatic that the "defense and welfare" clause did not expand the enumerated powers granted to Congress. To the extent these clauses encompass the enumerated powers (rather than merely serve as their preamble), one must ask why then the federal powers were, in fact, enumerated in Article One, Section 8.

Chiefly to resolve ambiguities about the national powers, the tenth amendment, proposed as part of the Bill of Rights by the Federalist-controlled first Congress, was added, declaring that the "powers not delegated to the United States by the constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." According to constitutional scholar Bernard Siegan, University of San Diego College of Law, the Constitution might never have been ratified had the Federalists' representations in this regard not been accepted by a portion of the public. Siegan also reminds us that the Framers rejected the notion of empowering the national government to grant charters of incorporation; establish seminaries for the promotion of agriculture, commerce, trades, and manufactures; regulate stages on post roads; establish universities; encourage by premiums and provisions, the advancement of useful knowledge; and opening and establishing canals. Each notion was introduced during the convention and voted down or died in committee.

Jefferson, in one of his most famous remarks, when addressing the issue of whether to grant a federal charter to a mining business, recognized below the slippery slope of a lax interpretation of the "necessary and proper" clause:

> Congress are [sic] authorized to defend the nation. Ships are necessary for defense, copper is necessary for ships; mines, necessary for copper; a company necessary to work the mines; and who can doubt this reasoning who has ever played at "This is the House that Jack Built"? under such a process of filiation of the necessities the sweeping clause makes clean work. [1 c. Warren, The Supreme Court United States History 501 (Rev. ed. 1926)]

Cleary, while engaging in such congressional activism makes "clean work," it also makes for an oppressive national government involved in every aspect of its citizens' lives. Remember that in engaging in such activism, the next liberty upon which the Congress infringes, may be your own.

I, for one, am uninterested in further catapulting this country down this "road to serfdom" albeit a road paved with the good intentions of, in this case, "preventing birth defects". If this matter is so vital that it can only be done via the power of the federal government, then I suggest that members of the House convince their constituents of this and amend the constitution accordingly. I, despite my extensive work as an obstetrician, remain unconvinced. A volunteer group, private charity, hospital trade association, or university could certainly, in this age of advanced computer technology, maintain a database necessary to adequately address the information needs of those hoping to advance the cause of birth defect reduction. This, I believe would be a solution compatible with the framer's notion of a national government of limited powers.

For these reasons I oppose S. 419, the Birth Defects Prevention Act of 1997.

Mr. BONILLA. Mr. Speaker, I rise today in support of S. 419, The Birth Defects Prevention Act. This bill is aimed at curbing a very serious problem that hits over 150,000 American families each year, birth defects.

Birth defects strike over three percent of all births in America and are the leading cause of infant death. The real tragedy is that many of these birth defects and deaths could be prevented.

The horrifying impact of birth defects touched my home state of Texas just a few years ago. In the early 1990's health officials noted extremely high numbers of children born with neural tube defects in Cameron County, in my colleague SOLOMON ORTIZ's district.

Unfortunately, the tragedy did not stop there. During a short four month period of 1995, six infants were born without brains or with only partial brains in Eagle Pass, Texas, a city in my congressional district. Despite a massive investigation by medical researchers, the cause of these outbreaks were never discovered. Nightmares like these must never happen again.

That's why I was proud to join my colleague, SOLOMON ORTIZ in introducing the Birth Defects Prevention Act. This bill will link the researchers and health care providers to the important information they need to curb birth defects and prevent other tragedies like the ones along the Texas/Mexico border.

Biomedical researchers are making progress in preventing birth defects. Recently, scientists discovered the crucial role of the vitamin folic acid in preventing birth defects. Despite discoveries like this, the fact remains that researchers and health care professionals just don't know what causes most birth defects.

That's why this bill is so important. The bill establishes a National Information Clearinghouse on Birth Defects. This national, state-based, tracking system will count the number of babies born with birth defects, identify the causes and start community prevention programs. By learning all the facts surrounding birth defects, we have a chance to get ahead in the fight against them.

Education and research are key to fighting birth defects. With the programs established in the Birth Defects Prevention Act, hopefully fewer American families and children will be forced to live with the tragedy of birth defects.

I would like to conclude by recognizing the dedication of the March of Dimes in the fight against birth defects. Their hard work in trying to eradicate the number one killer of American babies is truly outstanding.

Mr. BRADY. Mr. Speaker, today I rise in support of S. 419, the Birth Defects Prevention Act, and am pleased to be a cosponsor of its companion bill in the House of Representatives, H.R. 1114, which was introduced by two of my colleagues from the Texas delegation. As you know, this legislation was first introduced in the 102nd Congress in response to the tragedy that occurred in South Texas where a cluster of devastating birth defects escaped detection for several years.

S. 419 builds on legislation I introduced in the Texas House of Representatives in 1993 and that was signed into law. Anne Andis, from The Woodlands, Texas, was told when she was 10 weeks pregnant that her baby would be born with anencephaly, the same birth defect plaguing women and infants in South Texas. Her physician advised an induced delivery immediately. However, after agonizing over this decision with her husband and their two young daughters, they decided to have the child. Emma was born in February 1992 and lived for five days.

After Emma's death, Anne became involved in lobbying efforts to establish a birth defects registry in Texas after learning of the tragic situation in South Texas where an unexplained cluster of babies were being born with partial brains. Anne is a heroine because she agreed to make a very private tragedy public and was the motivator of Texas' efforts.

As you know, S. 419 calls for the establishment of a National Information Clearinghouse on Birth Defects to collect and disseminate to health professionals and the public information on birth defects, including prevention measures. It also directs the Centers for Disease Control to carry out, through the states, a program to collect, analyze and report statistics on birth defects.

Mr. Speaker, 150,000 infants are born each year with a serious birth defect. Many more children are found to have such disorders later in life. Families from all racial, ethnic and economic groups share the risk of having a child with a serious birth defect. Furthermore, for more than 20 years, birth defects have been the leading cause of infant mortality. Surveillance is necessary to track the incidence of birth defects and reduces their impact of public health. Again, I am proud to be a cosponsor of this legislation. We can not begin to stop birth defects until we know when and where they are occurring. For families across our Nation like the Andis family, we must pass this legislation.

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on S. 419, the Senate bill presently under consideration.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, we have Senator BOND here, who I know must be chomping at the bit to get up and talk about this. We are certainly very grateful to him for his leadership in the Senate. I guess our rules do not allow that.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the Senate bill, S. 419.

The question was taken.

Mr. BILIRAKIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5 p.m. today.

Accordingly (at 4 o'clock and 49 minutes p.m.), the House stood in recess until approximately 5 p.m.

□ 1700

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to the provisions of clause 5, rule 1, the Chair will now resume proceedings on approval of the Journal and put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

Approval of the Journal de novo; House Concurrent Resolution 206, by the yeas and nays; and S. 419 by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question is on agreeing to the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BARRETT of Nebraska. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 365, nays 39, not voting 26, as follows:

[Roll No. 40]

YEAS—365

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Boswell
Boucher
Boyd
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Cox
Coyne
Cramer
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Deal
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fawell
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Herger
Hill
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Lofgren
Lowey
Lucas
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Salmon
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Weygand
White
Whitfield
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)

NAYS—39

Becerra
Bonior
Borski
Brown (CA)
Chenoweth
Clay
Clyburn
Costello
Crane
DeFazio
Dickey
English
Ensign
Fazio
Filner
Fox
Ganske
Gephardt
Gutknecht
Hastings (FL)
Hefley
Hilleary
Hilliard
Hinchey
Kingston
Kucinich
Lewis (GA)
LoBiondo
Moran (KS)
Nussle
Ramstad
Sabo
Schaffer, Bob
Sessions
Taylor (MS)
Thompson
Waters
Watts (OK)
Wicker

NOT VOTING—26

Barton
Blagojevich
Brady
Buyer
Davis (VA)
Fattah
Furse
Gilchrest
Gonzalez
Harman
Hefner
Hinojosa
Inglis
Kennedy (MA)
Luther
McCarthy (NY)
Pickett
Poshard

Riggs
Rodriguez
Rush
Schaefer, Dan
Schiff
Schumer
Weller
Young (FL)

□ 1722

Mr. TAYLOR of Mississippi changed his vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

REMOVAL OF MEMBER AND APPOINTMENT OF MEMBER AS CONFEREE ON H.R. 1757, STATE DEPARTMENT AND RELATED AGENCIES AUTHORIZATION ACT, FISCAL YEARS 1998 AND 1999

The SPEAKER. The Chair wishes to announce that pursuant to clause 6(f), rule X, the Chair removes the gentleman from Iowa (Mr. LEACH) as a conferee on H.R. 1757 and appoints the gentleman from Indiana (Mr. BURTON) to fill the vacancy.

The Clerk will notify the Senate of the change in conferees.

PERMITTING USE OF ROTUNDA FOR CEREMONY IN COMMEMORATION OF DAYS OF REMEMBRANCE OF VICTIMS OF THE HOLOCAUST

The SPEAKER. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 206.

The Clerk read the title of the concurrent resolution.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 206, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 406, nays 0, not voting 24, as follows:

[Roll No. 41]

YEAS—406

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio

DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)

NOT VOTING—24

Barton
Blagojevich
Brady
Buyer
Davis (VA)
Fattah
Furse
Gilchrest
Gonzalez
Harman
Hefner
Hinojosa
Inglis
Kennedy (MA)
McCarthy (NY)
Pickett
Poshard
Riggs
Rodriguez
Schaefer, Dan
Schiff
Schumer
Weller
Young (FL)

□ 1733

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, On rollcall votes 40 and 41 had I been present, I would have voted "yes".

BIRTH DEFECTS PREVENTION ACT OF 1997

The SPEAKER pro tempore (Mrs. EMERSON). The pending business is the question of suspending the rules and passing the Senate bill, S. 419.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the Senate bill, S. 419, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 405, nays 2, not voting 23, as follows:

[Roll No. 42]

YEAS—405

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland

Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)

NAYS—2

Johnson, Sam
Paul

NOT VOTING—23

Barton
Blagojevich
Brady
Buyer
Davis (VA)
Doggett
Fattah
Furse
Gilchrest
Gonzalez
Harman
Hefner
Inglis
Kennedy (MA)
McCarthy (NY)
Poshard
Riggs
Rodriguez
Schaefer, Dan
Schiff
Schumer
Weller
Young (FL)

□ 1741

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. MCCARTHY. Mr. Speaker, on Tuesday, March 10, I missed rollcall vote Nos. 40, 41, and 42, as I was unavoidably delayed at the airport en route to the Hill. Had I been present, I would have voted "aye" on rollcall No. 40, "aye" on rollcall No. 41, and "aye" on rollcall No. 42.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SHIMKUS). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CELEBRATING WOMEN'S HISTORY MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD is recognized for 5 minutes.)

Ms. MILLENDER-MCDONALD. Mr. Speaker, as we continue to celebrate Women's History Month, today we have gotten together, both my colleague and friend, the gentlewoman from New York (Mrs. KELLY) and I, who are cochairs of the Women's Caucus on Women-Owned Businesses, to come tonight to speak on women-owned businesses. I am pleased that such a strong showing of Members will be coming forth to speak on this issue.

The gentlewoman from New York (Mrs. KELLY) and I, in cochairing the Women-Owned Businesses Caucus, had, for the first time ever, a women's caucus hearing on woman-owned businesses on September 25 of last year. In that hearing, a lot of things were revealed. We delved into the problems facing women-owned businesses and explored the obstacles that these women continue to face in trying to obtain contracts with the Federal Government.

Current procurement rates to women-owned businesses is 1.8 percent. The Federal goal is 5 percent. This was a concern of ours, and as we began to probe, we wanted to get down to the real issue as to why women, who are making up the largest growth of jobs and growth of businesses, were unable to get the Federal procurement goal of 5 percent.

The hearing further brought up the problems of the lack of access to the Federal contracting process, the bundling of contracts, the need for more outreach to women business owners, poor and incomplete feedback provided to businesses when their bids are not accepted, and frustration in the certification process.

The certification process was one particular concern of ours. Thus, our introduction of House Resolution 313. This resolution was introduced so that we can begin to recommend to agencies that they make a part of their outreach information on contracting practices and opportunities readily available to women-owned businesses and recommend the "Rule of One" where at least one woman-owned business is solicited on all competitive acquisitions.

We would also like to mention that the Clinton Administration supports doubling the funding from $4 million to $9 million for SBA women's business centers, and then, in addition to that, funding the Census Bureau's Survey of Women-Owned Businesses. We must ensure that women-owned businesses get the type of support that they need in order for their growth as well as their opportunities to expand.

I would also like to congratulate the SBA for launching a new initiative for women entrepreneurs, the On-Line Women's Business Center, which helps women start and expand their businesses.

Mr. Speaker, the statistics are really exciting. In California, from 1987 to 1996, the number of women-owned businesses have grown by 78 percent, employment has increased by 255 percent, and sales have grown by 313 percent. California ranks first out of 50 States in the number of women-owned businesses, first in employment and first in sales.

So as my colleagues can imagine, we are excited about women-owned businesses and are really eager to ensure that the women get their rightful 5 percent Federal contract procurement, procurement contracts, so that they can continue to expand and grow as we look at women who are coming off of welfare-to-work and are in need for strong support from women-owned businesses for entrepreneurship and other ventures that they might enjoy.

There are now approximately 8 million women-owned businesses providing jobs for 15.5 million people and generating nearly $1.4 trillion in sales. We are absolutely ahead of the game in ensuring that women-owned businesses are out there to ensure that jobs are created for women and to provide the type of leadership that is necessary for women to go into business.

In the 37th District of California, women-owned businesses are generating $105 billion in sales in the Los Angeles-Long Beach metropolitan area. This area ranks second out of the top 50 metropolitan areas in the number, employment and sales of women-owned businesses.

GENERAL STATISTICS

There are now approximately eight million women-owned businesses, providing jobs for 15.5 million people and generating nearly $1.4 trillion in sales. Women-owned businesses now employ 35 percent more people in the United States than the Fortune 500 companies employ worldwide.

Between 1987 and 1996, the number of minority women-owned businesses increased by 153 percent, which is three times the rate of overall business growth in the United States The rate of employment by minority businesses grew by 276 percent and revenues rose by 318 percent.

Between 1987 and 1996, women-owned businesses grew by 171 percent in construction; by 157 percent in wholesale trade; by 140 percent in transportation/communications; by 130 percent in agriculture; and by 112 percent in manufacturing.

Between 1987 and 1996, minority women-owned businesses grew by 319 percent in construction; by 276 percent in wholesale trade; and by 253 percent in transportation/communications/public utilities.

ORGANIZATIONS YOU COULD COMMEND

Small Business Administration—Aida Alverez.

Office of Women's Business Ownership within SBA—Sherrye Henry.

National Women's Business Council—Amy Millman.

National Association of Women Business Owners—Susan Peterson.

Women's Business Enterprise National Council—Susan Bari.

ORGANIZATIONS HELPING WOMEN BUSINESS OWNERS IN/NEAR THE 37TH

Women's Business Exclusive in Torrance.

Association of Black Women Entrepreneurs in Los Angeles.

Los Angeles County Office of Small Business.

Mr. RUSH. Mr. Speaker, I rise today, in honor of Women's Month, to pay tribute to the contribution that women-owned businesses make to our economy.

Carolyn Sánchez Crozier founded CSC Consulting 6 years ago. A Hispanic American, she employs over 25 people—mostly women and people of color. She has won recognition from the Small Business Administration (SBA) and the Entrepreneur of the Year Award.

Deborah Sawyer, African-American founder of a multimillion environmental engineering company, employing over a dozen women and people of color, was just inducted into the Entrepreneurial Hall of Fame. And Ida Hinman, publisher of Minority Entrepreneur, was just named the SBA Minority Advocate of 1998.

What do these businesses have in common?

They are all women business owners, vitally involved in the fastest growing segment of our U.S. economy, and they are clients and supporters of the Women's Business Development Center (WBDC) in Chicago, IL.

Over 2,000 women a year have benefited from the programs of the Women's Business Development Center in Chicago. And tens of thousands of women business owners have grown and thrived with the advocacy support of the National Women's Business Council and local women's business assistance programs like the WBDC.

Based in Chicago, the WBDC successfully serves women starting and expanding their companies with counseling, training, financial assistance, certification, procurement, and advocacy on women's economic empowerment. The programs of the Chicago-based center are effective, and benefit a diverse group of women and their families. The programs emphasize micro enterprise development for women transitioning off welfare, as well as business development and expansion and job creation for growing businesses.

The U.S. economy is strengthened by the expansion of women's business development nationally. In the Chicago metropolitan area, women-owned businesses represent 37 percent of all firms and employ 22 percent of all workers. During 1996, over 225,000 women-owned firms generated more than $96 billion in sales in the Chicago area.

With funding from the U.S. SBA Office of Women's Business Ownership and other public and private sector support, the WBDC and women's business assistance centers throughout the United States continue to make a vital contribution. These programs serve my constituents by offering quality programs that leverage scarce resources into successful job creation, new business startups, and business expansion. These centers are dedicated to promoting economic self-sufficiency programs.

Women business owners are making history in the United States. It is appropriate that we salute and pay honor to them during Women's History Month.

Mrs. JOHNSON of Connecticut. Mr. Speaker, today I rise to pay special tribute to a woman business owner in my district who is a shining example of the dramatic impact that women business owners are having on our economy. In the State of Connecticut there are approximately 104,000 women-owned businesses. This female entrepreneurship accounts for 35 percent of all firms in the State of Connecticut, employing 23 percent of all Connecticut workers.

In June 1985, Betsy Perkins and her husband Jack opened the doors of Perkins Travel. Betsy, a former executive in American Express' travel division, had always wanted to be a business owner. She found herself ready to take the plunge into entrepreneurship when all of her children went off to college. One of her sons had unknowingly provided her with this golden opportunity when he chose to attend the Naval Academy. His decision gave his parents the financial flexibility to strike out on their own, and Perkins Travel was born.

While Betsy maintained close ties to her old company, Perkins Travel struggled in its early years. Betsy called on many corporate executives who were concerned that her new company could not handle their $3 million a year travel budgets. But, Betsy saw a need in the community and set out to fill it with determination. Perkins Travel created a niche serving small- and medium-sized companies that the large travel agents were not serving. By offering an unprecedented level of service, such as ticket deliveries 7 days a week/24 hours a day, she enticed clients and became essential to their business.

However, Betsy remained committed to working with the community and developed a division to work with senior citizens and school groups to promote culture and the arts. Most recently, she was contacted by a local high school drama club. A teacher wanted to take his students to New York to see a Broadway show on a shoestring budget. Once again, through Betsy's determination, she was able to make this opportunity a reality for the drama club.

One of the greatest testaments to Betsy's success is the stability that her business has brought to her workforce. Perkins Travel now has 17 employees, 4 of which were with her when the business opened its doors in 1985. Indeed, since that time only 2 employees have left to pursue other opportunities. Over the years, Betsy has also lent her support to other business owners by counseling and mentoring innumerable men and women about starting a business. Some have gone on to open successful businesses while some decided entrepreneurship was not for them. Unfortunately, Betsy notes that she has watched many of the women go on to struggle the way she did in her early years.

When I asked Betsy what drove her to be an entrepreneur, she replied "I didn't want to leave the earth wondering if I could do it." I applaud her pioneering spirit and that of the 8 million women business owners who have taken risks to secure the financial future for themselves, their families and the American economy. These women deserve our tribute during Women's History Month because they are actively shaping the world for our daughters and granddaughters.

INTERNATIONAL WORKING WOMEN'S DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. KELLY) is recognized for 5 minutes.

Mrs. KELLY. Mr. Speaker, today as we celebrate International Working Women's Day, I think it is fitting that we also celebrate the impressive presence of women-owned business owners in our Nation. Women business owners are impressive, wonderful people who are out there helping to generate small businesses that are vital to the well-being of our economy.

As a former small business owner, I wholeheartedly believe that we must support these women-owned businesses as an integral part of the well-being of our economy. Nationally, women-owned firms make up approximately 36 percent of all U.S. firms in America. We employ more people than the Fortune 500 companies combined. We will own 50 percent of all businesses in America in the 21st century.

In fact, in my State of New York, which was ranked third out of the 50 States in the number of women-owned firms, there are more than 527,000 women-owned firms in New York. They account for 36 percent of all New York firms. These women-owned firms employ nearly 1.4 million people and generate $205.8 billion in sales. Between 1987 and 1992, the National Foundation for Business Owners estimated that the number of women-owned firms in New York increased by 70 percent, and employment in women-owned businesses has grown by 141 percent with their sales rising by 180 percent.

However, as we celebrate these women and their accomplishments, it is necessary that we also recognize that inequities exist. I would like to bring to the attention of my colleagues the fact that America's largest purchaser of goods and services is Uncle Sam, but Uncle Sam dispenses a mere 1.8 percent of all Federal procurement contracts to women-owned businesses. This sad underutilization of women-owned businesses is most unfortunate.

I recently learned of a startling statistic that puts this inequity into perspective. On the heels of the exciting news that NASA appointed its first woman shuttle mission commander, it came to my attention that of the total of 516 shuttle astronauts, 40 have been women. This makes up 13.56 percent of our shuttle astronauts to date. It is shocking to think that with respect to their field, women have greater access to space travel than obtaining a Federal Government procurement contract. It is time for us to open government contract opportunities to women-owned businesses.

For this reason, I have introduced House Resolution 313 with my colleague, the gentlewoman from California (Ms. MILLENDER-MCDONALD). The resolution is designed to highlight problems in the Federal acquisition system, but more importantly, it makes concrete recommendations for Federal agencies striving to achieve the unmet goal of having at least 5 percent of Federal contracts awarded to women-owned businesses.

My commitment to improving Federal procurement access for women-owned businesses will not waiver until such access is assured. The time has come to open the doors for women business owners, level the playing field, and create real competition among our Nation's businesses. This will only be achieved when every Federal agency commits to improving access for women-owned businesses. House Resolution 313 helps set us on this path, and I believe its passage is a critical first step for women and for our country's economic prosperity.

HUMAN RIGHTS VIOLATIONS IN KOSOVO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, in recent weeks we have seen a seemingly new conflict begin to emerge in the Balkans with fighting in Kosovo. I say seemingly because it is really a conflict that has been around for quite some time.

As the co-chairman of the Helsinki Commission in the mid-1980s, human rights violations were the first issue regarding the former Yugoslavia with which I and the Commission was confronted. In April 1990, 2 years before Bosnia would enter our foreign policy debates, I and other Members of the commission traveled to Kosovo and witnessed firsthand the repression which was building in Kosovo as the basis for Slobodan Milosevic's rise to power.

During the Croatian and Bosnian conflicts, Kosovo no longer became a leading concern, as the Serbian regime directed its nationalist ambitions toward the north, and the Kosovar Albanians attempted to avoid bloodshed through a highly commendable passive resistance to Serbian rule. Even at that time, the Commission had focused on Kosovo in hearings and briefings as a potential site for spillover of the conflict.

Finally, in the post-Dayton period the Commission has seen that Kosovo remains explosive, as indicated in a Commission visit and report in the summer of 1996. So for me and for other Members, the gentleman from New York (Mr. ENGEL), the gentleman from Virginia (Mr. MORAN), the gentlewoman from New York (Mrs. KELLY), and the gentleman from New Jersey (Mr. SMITH), Kosovo is not new.

Despite the complexities of the Balkans, the simple fact is that the regime of Slobodan Milosevic has fermented hatred between the peoples of the former Yugoslavia as a means to maintain power and ward off democratic development in Serbia itself.

In 1989, Milosevic unilaterally revoked Kosovo's previous autonomy. He made discrimination against ethnic Albanians, who constitute 90 percent of the population of Kosovo, official policy, especially in terms of employment. His police force in Kosovo, which is, in effect, more of an army, has arbitrarily harassed, detained, tortured, and yes, even murdered innocent Albanians on a regular basis.

The front page of the Washington Post shows an Albanian mother and her small child, victims of this Serbian onslaught.

□ 1800

On a regular basis, when students protest the lack of a university education, they announce it in advance and make clear their desire is to do so peacefully. The response to the exercise of freedom of assembly and expression? They are beaten.

The recent fighting in central Kosovo can be traced to a few Kosovar Albanians who have formed a Kosovo liberation army and seek to fight repression with terrorism. They are wrong and their actions should be condemned.

That said, and I say it strongly, the presence of these individuals cannot and must not be the pretext to justify further human rights violations by the Milosevic regime. The attacks on several Albanian villages which left dozens dead and many others injured or displaced is absolute and undeniable contravention of the standards for the behavior of governments as stated in the Helsinki Final Act and other documents of the OSCE. They are to be condemned by this country and all freedom-loving peoples.

At a high-level meeting of the contact group yesterday, at which Secretary of State Albright represented the United States, there was agreement to take action, as we must. In particular, I would like to focus on three of them which I, along with the gentleman from New Jersey (Mr. SMITH), raised with the Secretary beforehand.

First, the contact group supports a new OSCE mission led by former Spanish Prime Minister Felipe Gonzalez and the return of the mission to Kosovo, the Sandzak and Vojvodina. Getting an international presence on the ground which can deter human rights violations and report objectively on the situation is absolutely critical.

Frankly, I believe there has not been a sufficient effort to get a mission back on the ground. Milosevic kicked out the mission and opposed its return because of Yugoslavia's suspension of the OSCE, yet he invited the OSCE to come to Serbia during and after elections in 1996 and 1997, when he found it convenient.

Whatever else we do, Mr. Speaker, we must create this international presence on the ground as a first step.

Second, the contact group urged the prosecutor of the International criminal tribunal for the former Yugoslavia to gather information related to the violence in Kosovo which may fall within its jurisdiction.

Third, the contact group recommended adoption of the mandate for UNPREDEP, the U.N. peacekeeping force in neighboring Macedonia, which has a U.S. contingent.

Mr. Speaker, this House, the Senate and this Nation must speak out for the safety of those in Kosovo.

If Kosovo explodes, its potential for direct spillover into neighboring countries is actually greater than it was for Bosnia, and we must be prepared for that threat.

As far as political and economic sanctions on Belgrade, Russia has indicated opposition at this time. I hope Moscow reconsiders this position. While it calls for sanctions on Latvia resulting from a demonstration in which no injuries were reported, the Russian Government opposed sanctions against a regime which brutally attacked whole villages and caused more than 75 fatalities, including women and children.

Finally, I want to make clear that my opposition to Slobodan Milosevic is not opposition to the Serbian people. They, too, are victims in all of this. They are denied their basic human rights through limits on a free media, rigged elections and harassment by the authorities. Ultimately, Mr. Speaker, we need to focus more squarely not just on ethnic conflict in the Balkans, but on democratization in Serbia. Ultimately, we cannot rely on Slobodan Milosevic to maintain stability in the Balkans, a democratic Serbia is essential to that end, in Bosnia and in Kosovo.

Given our witness to the horrors which took place in Bosnia, we should be aware of the dangers of Kosovo. As Polish foreign minister, and OSCE chairman, Bronislav Gerememek said in February, "In Kosovo we are witnessing a conflict in preparation * * * it would be inexcusable for the OSCE to remain passive regarding Kosovo." I fully agree, and hope my colleagues will support strong action to prevent a new and potentially more dangerous conflict in the Balkans.

FEDERAL CREDIT UNION MEMBERSHIP ACT

The SPEAKER pro tempore (Mr. JENKINS). Under a previous order of the House, the gentleman from Maryland (Mr. EHRLICH) is recognized for 5 minutes.

Mr. EHRLICH. Mr. Speaker, after months of waiting, the Supreme Court recently rendered a decision in the AT&T Federal Credit Union case. The court held in a 5-to-4 decision that five North Carolina banks had standing to challenge the NCUA's 1982 common bond interpretation. Furthermore, of the justices that contemplated the "field of membership" issue, the court held 5-to-0 that some credit unions had overstepped the membership limits contained in the 1934 Federal Credit Union Act.

All eyes are on Congress to resolve this important issue.

Mr. Speaker, I rise today not to talk about the problems facing credit unions, but to offer a solution. Today I will be introducing the Federal Credit Union Membership Act of 1998. While there are many "field of membership" proposals on the table and indeed a bill that codifies the 1982 interpretation, I am taking a quite different approach to resolving this issue.

The purpose of my bill is not to placate either side, the banks or the credit unions. Rather, I wish to restore credit unions as we the Congress intended them to be when originally chartered, not what some credit unions have become or what banks want them to be. Congress chartered credit unions with the purpose of restricting them to members who share a common bond. Quite simply, the common bond constitutes the union in credit union.

The 1982 interpretation and current legislative proposal supported by the credit unions establishes no discernible limit on membership and therefore no common bond or union.

In fact, Justice Thomas wrote in a Supreme Court ruling that "Section 109 cannot be considered a limitation on credit union membership if at the same time it permits a limitless result." Accordingly, my bill restores the limitations originally placed on credit union membership.

As times have changed and financial markets have evolved from the post-Depression era, I recognize credit union membership must be made available to a broader segment of our population. Further, in today's society we most closely identify ourselves by our profession or career. Thus, my bill creates a new "field of membership" entitled "trade" credit union.

The "trade" credit union is defined as members of a group that share a common trade, profession or occupation. As promised to my constituents, my proposal maintains the tax status of credit unions and exempts them from regulatory burdens like CRA. Imposing such conditions begs the following question: If a credit union is not subject to membership limits, pays taxes and conforms to CRA requirements, what is the distinction between such an institution and a mutual savings bank? I contend it would be so similar there would be no justification for maintaining the Federal credit union charter and the NCUA.

Finally, my bill protects current credit union members by grandfathering all members of a Federal credit union prior to February 25, 1998. The bottom line, Mr. Speaker, is that credit union members do not need to worry about being divested or losing the membership privileges they currently enjoy.

Industry groups have dug in on both sides of this debate. Still, I hope and believe this bill will serve as a middle ground which addresses legitimate grievances by banks with regard to the limits of field of membership and allows credit unions to expand and prosper in a safe and sound manner.

As Congress moves forward, Mr. Speaker, with modernizing banks and other financial institutions, we should also update the 1934 Credit Union Act and bring credit unions into the 1990s.

For my colleagues who are interested in my approach and seek to resolve this important issue, I ask that they join me as a cosponsor of the Federal Credit Union Act of 1998.

URGENT APPEAL FROM CUBA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. DIAZ-BALART) is recognized for 5 minutes.

Mr. DIAZ-BALART. Mr. Speaker, March 8 is commemorated as the International Day of Women's Rights. With that motive and also because of what has been going on in Cuba since the Pope's visit in January, an urgent appeal went out from Cuba yesterday, March 9, signed by a very distinguished group of women dissidents and independent journalists. And their urgent petition to the international organizations for human rights and all women, which went out yesterday, I would like to read at this point.

It reads as follows:

"The so-called 'pardons' that the government of Fidel Castro has instrumented in the last few months as an attempt to obtain the good graces of international heads of State have not been acts of clemency or goodwill.

"It is an outrage that within two years of the next millennium Cuba maintains in its prisons more than 100,000 prisoners and another significant number of detainees at adjacent interrogation facilities. In proportion to population, the penal population on the island is perhaps the largest in Latin America, and even more criminal still is the cruel and brutal treatment that is suffered by political prisoners, especially women.

"Very few women have been released, a significant number of women still remain incarcerated, among them Rosa Maria Pujol Llanes, Rosalina Gonzalez Laffita, who is currently at Villa Marista, a state security facility and still remains detained even though her name appears on the list of prisoners scheduled to be deported from Cuba to Canada, Marta Beatriz Roque Cabello, Migdelis Pozo Casanova, Esperanza Micaela Atencio de la Rosa, Daula Carpio Matas, Avianes Jordan Contreras, Mayda Barbara Jordan Contreras, Ana Maria Agramonte, Anaismiel Sánchez, Reina Isabel Rojas Sánchez, and many others.

"Currently on a hunger strike since February 24 and after being released from the hospital at Santa Clara are Lilian Meneses Martinez and Ileana Penalver Duque, both charged with illicit association and sentenced to 18 months in prison due to their participation with the opposition group that recently carried out the 120-day hunger strike in that city.

"In light of so much injustice and ignominy, we join our voices of opposition so that the world may learn of the spitefulness and indignity with which Cuban women political prisoners are treated.

"We call on all free citizens of the world to join in support of these women that suffer."

It is signed Soiris Aguiar Callejas of the Popular Democratic Alliance, Geronima Rosa Soto of the Association in Favor of Constitutional Democracy, Vicky Ruiz Labrit of the Committee of Peaceful Opposition Members and Coordinator of the National Centers for Studies on the Family, Celia Jorge of the Liberal Current, Maria Antonia Escobedo Yaser of the Democratic Front Oriental, Neri Gorostiza Campoalegre of the Movement Pro-Human Rights, Adis Alcolea of the Organization of Social Christians, Ana Luisa Lopez Baeza of Cuba Press, Isabel del Pino, Humanitarian Association Followers of Christ Jesus, Beatriz Garcia of the Association of the National Front Against Injustice, Dr. Iraida Leon of the Independent Medical Association, Daisy Carcases Batle of the Feminist Forum, Gladys Linares Blanco of the Humanitarian Feminist Front of Cuba, Nancy Sotolongo Leon of the Democratic Action Movement, Marta Parga of the Movement in Favor of Solidarity and Peace, Cecilia Zamora Cabrera of the Independent Feminist Organization of Cuba, Odilia Collazo Valdez of the Pro-Human Rights Party of Cuba.

Just another reality check, Mr. Speaker, with regard to the horror of Cuba today and what has been going on despite the hope that much of the world had that things could change pursuant to the Pope's visit. And things will change in Cuba.

A seed has no doubt been planted for the future of spirituality. But the reality of today is totalitarianism and continued repression. I think it is important for the international community to know the plight of Cuban human rights violations and of prisoners of conscience, especially women prisoners of conscience that languish at this very moment in Castro's dungeons.

Mr. Speaker, March 8th is commemorated each year as international women's rights day. At this moment a great number of dignified Cuban women patriots are in dungeons of the dictatorship for the sole crime of seeking freedom for their country. Silence before their suffering is unacceptable and constitutes a form of complicity with the jailers of Cuban women prisoners of conscience. I will not cease denouncing the existence of political imprisonment in Cuba until it is but a tragic chapter of past history.

ON WOMEN-OWNED BUSINESSES IN CELEBRATION OF WOMEN'S HISTORY MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland (Mrs. MORELLA) is recognized for 5 minutes.

Mrs. MORELLA. Mr. Speaker, as we celebrate Women's History Month, I rise to pay tribute to the achievements of businesswomen, both in my own congressional district and across the Nation. In Montgomery County, Maryland, the district that I represent in Congress, we have one of the highest percentages of women entrepreneurs and working women in America.

The growth of women-owned businesses has been extraordinary. Women are starting businesses at twice the rate of men according to the Small Business Administration. The SBA anticipates that women will own 50 percent of the small businesses in America in the 21st century. At present, there are 9 million women-owned businesses that generate $2.3 trillion in annual revenues, an increase of approximately 236 percent over the last 10 years.

Women business owners employ one out of every four company workers. Women-owned businesses generate more jobs than all of the Fortune 500 companies combined. According to the National Foundation for Women Business Owners, women employers are more likely to offer flexible work arrangements, child care subsidies and health care benefits.

I would be remiss if I did not mention that of the 9 million women business owners, 1.1 million are minority women entrepreneurs. Of the 1.1 million minority-owned businesses, approximately 35 percent are owned by African American women; 33 percent by Hispanic American women, and 26 percent by Asian American women. Although Native Americans represent only 1 percent of the American population, 6 percent of all women-minority-owned businesses are owned by Native American women.

□ 1815

Despite all of their progress women entrepreneurs still have difficulty obtaining access to capital. Women and minorities still only receive 5 percent of total loans for major financial institutions. Although government agencies and corporations have initiated successful minority lending programs to compensate for these shortfalls, much still remains to be done.

On this important day, in celebration of the achievements of women in business, I am proud to join with the Business Women's Network in saluting the strong trends represented by women's organizations. Under the leadership of Edie Fraser, president of BWN, this group provides an extraordinary network, bridging together 1,200 business women's business and professional organizations.

BWN has shared some special examples of women helping women:

BWN has been working with 30 women's organizations to provide 13,000 jobs for women who have been on welfare.

Dare to Dream is a special program that provides mentors to girls in school.

The American Women's Economic Development Center, AWED, offers new women business owners one-on-one counseling with a successful entrepreneur.

The Association for Women in Science has developed a mentoring guide and programs to encourage young women to enter the fields of science, engineering and technology.

Today, more than 52 percent of all web users are women. BWN located 169 women's resource web sites last year, and that number has now increased to 750. From 169 to 750.

As we look toward the new millennium, it is clear that women will continue to be leaders in the business arena. My congratulations to the Business Women's Network and the 1,200 women's business and professional organizations for their accomplishments in promoting women-owned businesses. I salute women in business for their outstanding achievements and their contributions to the economic well-being of America.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

TRIBUTE TO WOMEN IN BUSINESS

The SPEAKER pro tempore (Mr. SHIMKUS). Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, as we celebrate Women's History Month, I rise today to pay tribute to women in business and to express pride in the fact that the women of Chicago and Cook County have benefitted from the successful programs of the Women's Business Development Center.

Based in Chicago, the Women's Business Development Center serves 2,000 women annually with counseling, training, financial assistance, certification, procurement and advocacy on behalf of women's economic empowerment. The programs of the Chicago-based center are effective, successful, and benefit diverse women. These centers service an array of women and their families, including self-employment for former welfare recipients, business development, expansion and job creation.

The work of the Women's Business Development Center and other women's business assistance centers are essential to strengthening the economy of this Nation by fostering women's business development nationally.

The WBDC and women's business assistance centers are funded by the United States SBA office of Women's Business Ownership and by private and public sector support. They help support a diverse and growing population of new and emerging job-creating women entrepreneurs, including women transitioning off welfare.

These centers are unique in that they provide long-term training, involve public and private partnerships for their support, and can be measured on the basis of their economic impact. These centers have served tens of thousands of women.

The women's business assistance centers serve our constituencies by offering quality programs to effectively leverage scarce public and private resources into successful job creation, new business start-ups, and business expansion. Most of them, even after they are no longer eligible for Federal funding, continue to be sustained by the private sector.

These centers are committed to economic self-sufficiency programs that are as diverse as the women served: women of color, women on public assistance, women seeking self-employment, rural and urban women, and women starting home-based businesses. Therefore, it is appropriate that we pause to recognize the great work of the Women's Business Development Center and women's business assistance centers throughout the country.

I take special note of the work of Hedy Ratner of the Women's Development Center, Counselo Pope of the Cosmopolitan Chamber of Commerce, Jaribi Kitwana, director of the Women's Business Development Center, and Pam Bozeman, director of the Women's Self-Employment Project, all outstanding women in the City of Chicago who provide immeasurable help and support to other women seeking to go into business.

RECOGNIZING ACHIEVEMENTS OF WOMEN-OWNED BUSINESSES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Mrs. MEEK) is recognized for 5 minutes.

Mrs. MEEK of Florida. Mr. Speaker, it is my pleasure to welcome the United States and the Congress to Women's History Month. As a member of the Women's Caucus, I stand to recognize the achievements and the remaining obstacles of women-owned businesses.

I would also like to take this opportunity to thank the co-chairs of the Women's Caucus and the women-owned business legislative team, my colleagues, the gentlewoman from California (Ms. JUANITA MILLENDER-MCDONALD) and the gentlewoman from New York (Mrs. SUE KELLY), for organizing us to come to the floor today. They should be congratulated for their efforts on this issue, specifically for introducing legislation, House Resolution 313, which outlines the findings from last year's first-ever Women's Caucus hearing on women-owned businesses.

This legislation expresses the sense of the House of Representatives that all Federal agencies would benefit from reviewing specified recommendations for the purpose of improving equitable access for women-owned businesses to the Federal procurement market.

Women-owned businesses are important sources of economic development in my community in Miami, Florida, one of the poorest districts in the country. But low income does not mean low ambition, Mr. Speaker, nor does it mean low potential. Microcredit programs that lend small amounts to nontraditional borrowers have proven to be very promising tools for change, allowing women to build businesses, income and pride for themselves and their families.

Small loans, yes; microcredit, yes; but it does bring respect and ownership to these women who otherwise could not find work. This in itself is another remedy for getting off welfare and moving into work.

The microcredit concept has been notably developed by Working Capital Florida. That is the name of the group. It is a local nonprofit group in south Florida. This program serves approximately 350 businesses in Miami, Dade County. The loans average about $725, and they have to be paid back in less than a year. And guess what, Mr. Speaker? These loans have been coming back in and being paid and being rotated and other women are taking advantage of this money.

Many of the borrowers of the money comprise single-family mothers with not a man in the house. These are minority mothers who have children they must care for, and certainly Working Capital Florida is helping them.

Programs like Working Capital Florida provide women with the opportunity to develop their entrepreneurial talents. Working Capital Florida provides the loans necessary to launch businesses, and also provides education about business practices through workshops and training sessions, allowing women to further tune their skills for successful enterprises.

In the wake of welfare reform, this is a particularly critical time for business enterprise, and specifically business enterprise for women. There are few jobs for female welfare recipients in inner-city areas. In Miami many women have taken the giant step of employing themselves to make ends meet for their families.

In Liberty City, my own neighborhood in Miami, many women create their own private businesses. Many of them make dolls. They sell them. They make head scarves. They make ethnic clothing. They capitalize on their own personal talents in order to make ends meet. Innovative businesses run the gamut from day care and house cleaning to hair braiding and stick-on nail specialists.

These women simply could not launch these businesses without the required financial backing to bring their initiatives to fruition. Programs like Working Capital Florida enable these women to devise their own business plans and get on their feet. These are small loans, Mr. Speaker, between $500 and $5,000, and they maintain the ability to produce significant life changes. They generate economic activity in our communities and a sense of self-pride.

I believe that the community development opportunity that is provided through group lending programs is vitally important, especially during a time that long-time safety nets for the poor are unraveling. Further support from other private sources, commercial banks, and State and Federal governments, helps to further build programs like Working Capital Florida.

Mr. Speaker, thousands of poor women are responsive, creative and hard-working. They have the spark. All they need is a little leadership to turn that spark into a flame. And that is what Working Capital Florida is doing and that is what many programs throughout this country are doing to help women get on their feet. They have the skills. They have the ability.

U.S. OBSESSION WITH WORLDWIDE MILITARY OCCUPATION POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, last week it was Saddam Hussein and the Iraqis. This week's Hitler is Slobodon Milosevic and the Serbs. Next week, who knows? Kim Chong-il and the North Koreans? Next year, who will it be, the Ayatollah and the Iranians? Every week we must find a foreign infidel to slay; and, of course, keep the military-industrial complex humming.

Once our ally, Saddam Hussein, with encouragement from us, invaded Iran. Was it not logical that he might believe that we condone border crossings and invasions even into what Iraqis believe rightfully theirs, Kuwait, especially after getting tacit approval from U.S. Ambassador Glaspie?

Last week U.S. Special Envoy to the Balkans Robert Gelbard, while visiting Belgrade, praised Milosevic for his cooperation in Bosnia and called the separatists in Kosova "without question a terrorist group." So how should we expect a national government to treat its terrorists?

Likewise, our Secretary of State in 1991 gave a signal to Milosevic by saying, "All Yugoslavia should remain a monolithic state." What followed was to be expected: Serb oppression of the Croats and the Muslims.

All our wise counsel so freely given to so many in this region fails to recognize that the country of Yugoslavia was an artificial country created by the Soviet masters, just as the borders of most Middle Eastern countries were concocted by the British and U.N. resolutions.

The centuries old ethnic rivalries inherent in this region, and aggravated by persistent Western influence as far back as the Crusades, will never be resolved by arbitrary threats and use of force from the United States or the United Nations. All that is being accomplished is to further alienate the factions, festering hate and pushing the region into a war of which we need no part.

Planning any military involvement in Kosova is senseless. Our security is not threatened, and no one has the foggiest notion of whether Kofi Annan or Bill Clinton is in charge of our foreign policy. The two certainly do not speak in unison on Iraq.

But we cannot maintain two loyalties, one to a world government under the United Nations and the other to U.S. sovereignty protected by an American Congress. If we try, only chaos can result and we are moving rapidly in that direction.

Instead of bringing our troops home from Bosnia, as many Members of Congress have expressed an interest in doing, over the President's objection, we are rapidly preparing for sending more troops into Kosova. This obsession with worldwide military occupation by U.S. troops is occurring at the very time our troops lack adequate training and preparation.

□ 1830

This is not a result of too little money by a misdirected role for our military, a role that contradicts the policy of neutrality, friendship, trade and nonintervention in the affairs of other nations. The question we should ask is: are we entitled to, wealthy enough, or even wise enough to assume the role of world policemen and protector of the world's natural resources?

Under the Constitution, there is no such authority. Under rules of morality, we have no authority to force others to behave as we believe they should, and force American citizens to pay for it not only with dollars, but with life and limb as well. And by the rules of common sense, the role of world policemen is a dangerous game and not worth playing.

Acting as an honest broker, the U.S. may help bring warring factions to the peace table, but never with threats of war or bribes paid for by the American taxpayers. We should stop sending money and weapons to all factions. Too often our support finds its way into the hands of both warring factions and we never know how long it will be for our friends and allies of today to become our enemy and targets of tomorrow.

Concern for American security is a proper and necessary function of the U.S. Congress. The current policy, and one pursued for decades, threatens our security, drains our wallets, and worst of all, threatens the lives of young Americans to stand tall for Americans' defense, but not for Kofi Annan and the United Nations.

PLANNING THE 2000 CENSUS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, earlier today one of my colleagues came to the floor of the House and complained about the Census Bureau and the Department of Commerce not providing information about the 2000 Census.

I am here to put the facts of the matter before the Members of the House so that they can make up their own minds about the openness of the planning for the 2000 Census.

First, let me remind my colleagues that the process of planning the 2000 Census has been the most open planning process of any census in history. The only thing that is closed in this process is the minds of those who are opposed to sampling.

First, a few of the facts. As I have pointed out before, the planning for the 2000 Census has involved an Advisory Committee of over 50 organizations, including House and Senate members who sit on the authorizing and appropriations committees and subcommittees.

In the 102nd and 103rd Congresses, there were several hearings on the 2000 Census. Unfortunately, there have been very few since then. The Census Bureau Director and the Secretary of Commerce have held dozens of town hall meetings to involve the public in the planning of the 2000 Census. There have been no secrets in the past about planning the census and there are no secrets today.

Last week, there was much ado about the plans for a nonsampling census and some Members have complained because one has not been produced. Mr. Speaker, there is a plan for the 2000 Census and it is a good one. Here it is: The Congress has asked for yet a second plan to be developed and that is being done. But there was no staff at the Census Bureau to develop a second plan for a census when that request was made. Every available staff member of the Census Bureau was hard at work trying to get the 2000 dress rehearsal under way, or working on the Economic Census, or working on one of the many current population programs the Census Bureau is responsible for. To develop a second plan for the 2000 Census means that they have to hire new staff. That takes time.

Once that staff has been hired, they have to be trained before they can be turned loose to design a census. If Members think that plan should be ready today, they either badly misunderstand the complexity of the task, or do not care about the quality of the product. I for one, want to make sure that the next census is the best possible. I fear that some of my colleagues will settle for a census that leaves out millions of Americans, as long as it suits their own political purposes.

Finally, Mr. Speaker, I would like to suggest that there is inappropriate and appropriate oversight. The opponents of sampling have repeatedly claimed that the use of sampling left the census open to political manipulation by the political officials at the Commerce Department. Now, it is my understanding that the Census Subcommittee staff has requested to interrogate the staff at the Census Bureau doing some of the most sensitive statistical work, before that work is completed.

Why I ask? The Census Bureau offered to give the subcommittee staff full access to any documents or individuals once the research was completed. Why is the subcommittee insisting that they must have access during the research process?

Congressional staff has no more reason to interfere with this statistical process than do officials at the Department of Commerce. If the political officials at Commerce asked for the kind of access requested by the subcommittee's staff, they would be turned down. That is as it should be. The subcommittee staff needs to learn the difference between oversight and interference.

The Census Bureau is an agency of impeccable integrity. I, for one, stand here ready to defend their integrity against any who attack it, be they Congresspersons, Congressional staff, or officials in the administration. The subcommittee staff are not being stonewalled, they are being told that there should be no political interference with the statistics of the census. That is correct, and I will defend it to the end.

CONGRESSIONAL CHILDREN'S CAUCUS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I come today on the floor of the House for two issues that I think are extremely important. First of all, I would like to thank all of the participants who joined the Congressional Children's Caucus today in a hearing on emotional disorders of children.

Shockingly, one after another witness presented to our Congressional committee the fact that the services and funding for treating children with emotional disorders was at the lowest end of any sort of health care service in this country. In fact, we were told by the administration, that two-thirds of America's children needing assistance with emotional disorders are without treatment and care. We are also told of the complicated process of HMOs that does not cover care for emotional disorders and mental illness in children.

In fact, running between two hearings, one of the remarks that I made in coming to the Congressional Children's Caucus hearing on this matter is that we might even call the system bankrupt; the fact that our children are so very important and when, in the greatest need of their time, when they are young, when they may be suffering from attention deficit disorder or they may be suffering from depression, we in this very powerful nation do not have the wherewithal or funding to fix these broken lives.

Parents came and presented to us tragic instances of suicide and what could have been done or what should be done to prevent this. But more importantly, what they did say to us is this is something that could be remedied. A child aged 7 or 4 or 5, 8, 10, 12 or a teenager suffering from depression can be helped. That family can be helped.

Why, in this powerful country, do we spend so much money on so many different things; do we argue and debate on the floor of the House on so many different things, and yet we cannot find the funding or any of the resources to truly help those children who are in need?

With that, Mr. Speaker, I would like to say that I will be looking to offer legislation to increase the amount of funding that we have to implement centers around the country, some centers, that we now have only 31 centers in 22 States, 22 out of 50 States, where we have the resources to help our children suffering from emotional disorders. And clearly, I will be looking to question HMOs as to how they treat the reimbursement to families for coverage of this whole question of mental or emotional disorders of our children and hope to support House Resolution 212 sponsored by JOHN LEWIS that emphasizes the importance of this question.

TRIBUTE TO WOMEN-OWNED BUSINESSES

Let me complete my remarks, Mr. Speaker, by saying that I do want to pay tribute to women-owned businesses. Certainly, one would ask the connection. But I thought these were two important issues that I needed to mention this evening.

My tribute to women-owned businesses is simply this: These represent the backbone of America's economy. How many women do I meet who are moved out of the workforce without any opportunity for employment and have found economic independence through the idea of women-owned businesses. I am a major supporter of the Small Business Administration's effort in helping cottage-owned industries owned by women.

In fact, there was a pilot program in Houston, Texas, spearheaded by Milton Wilson of our SBA, that helped to fund what we call cottage-owned agencies, such as Mary Kay, which has been expanded by the one-stop capital store. The U.S. general store allows small businesses to go in and access contracts in the Federal Government all over the country. The one-stop capital store allows small businesses and women-owned business to access capital.

If I ever heard anything from our women-owned businesses, it is that it is so difficult for them to prove themselves as a worthy credit risk. How shameful in 1998 that we still have the problems of saying the little lady can't handle it.

Well, let me salute all the women-owned businesses who have turned into the big ladies who are doing quite well. Let me encourage them to continue to be the pioneers that they are. And let me say to them that I, for one, will give to them my full commitment for ensuring that they are treated with the dignity and equality for capital, for investment, for access to opportunities, and for access to opportunity in this government.

I close by simply saying that women-owned businesses have benefitted from affirmative action. And for all my colleagues who might be listening, that is why I think it is extremely important to turn back anyone who attempts to undermine what affirmative action stands for, providing an equal opportunity, acting affirmatively to open the doors of opportunity for all.

WOMEN'S HISTORY MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. TAUSCHER) is recognized for 5 minutes.

Mrs. TAUSCHER. Mr. Speaker, I rise today in honor of Women's History Month and in particular to pay special recognition to the millions of women business owners in the United States today. I think that it is particularly significant and important that we honor the nearly 8 million women-owned businesses that exist in the United States, because the right of a woman to legally own or run a business has been won only very recently in the course of United States history.

Women were historically denied the right to legally run a business or hold assets in their name, which prevented them from ever achieving financial self-sufficiency. This is not to say that women did not run businesses or make financial decisions every day. They not only ran shops and mercantiles, but farms and other businesses on a regular basis. But this was done in the name of a husband, a father, a brother, or a son. The economic contributions women have made to this country have been tremendous, but they remain largely unrecognized. We need to acknowledge this not only during Women's History Month but every month.

As a former businesswoman, I know how difficult it is to break into business, period, and how particularly difficult it is if you are a woman. Every business needs capital to succeed. In our business-friendly environment, one where we value hard work and entrepreneurship, one would think that all talented, educated individuals would have access to capital.

Despite the tremendous advances women have made in every field, access to capital is still a significant problem for many women. There are still banks that deny business loans to qualified women entrepreneurs.

The Congressional Caucus for Women's issues last year heard testimony from a number of businesswomen owners who stated that they were forced to use credit cards to finance their first business ventures. But despite the barriers that women business owners have had to face, they have continually proven themselves to be a success.

The nearly 8 million women-owned firms in the United States provide jobs for 15.5 million people and generate nearly $1.4 trillion in sales. The number of women-owned companies increased at twice the rate of male-owned businesses from 1987 to 1992.

Businesses owned by women are extremely stable. For example, nearly three-quarters of the commercially women-owned firms that existed in 1991 are still successfully operating today. However, in comparison, only two-thirds of all commercially active firms in 1999 are successfully operating today.

□ 1845

I am especially proud of the fact that my home State of California leads the country in the number of women-owned business firms. There are nearly 1.1 million women-owned businesses in California, which employ approximately 2.3 million people and generate $314 million in sales.

Women-owned businesses make a difference in the economic health of not only the State of California but the entire United States. In return, we must do more for them.

Encouraging women to start their own businesses, for example, is an excellent way to move them off the welfare rolls. Microcredit programs across the country provide low-income women with marketable skills; many of them are moving from welfare to work with small loans to start their own businesses. These women might set up something as small as a stall in a flea market or as challenging as a catering service. Whatever business they choose to start, the fact is that they are working to make themselves and their families self-sufficient.

Women are twice as likely to start a business as men, and we must encourage that and ensure that a level playing field is available to women for access to capital and information. In 1995, as a small business owner, I was a delegate to the White House Conference on Small Business where many of these issues were discussed. Now, as a Member of Congress, I have not forgotten the issues that we discussed then and I believe that we need to bring them again to the forefront.

I would like to take a moment to acknowledge the many women who fought so hard for the right of women to achieve economic self-sufficiency. Let us carry on that tradition by honoring the millions of women business owners today and by supporting the millions of business owners we have to come.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 992, TUCKER ACT SHUFFLE RELIEF ACT

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 105–430) on the resolution (H. Res. 382) providing for consideration of the bill (H.R. 992) to end the Tucker Act shuffle, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1432, AFRICA GROWTH AND OPPORTUNITY ACT

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 105–431) on the resolution (H. Res. 383) providing for the consideration of the bill (H.R. 1432) to authorize a new trade and investment policy for sub-Saharan Africa, which was referred to the House Calendar and ordered to be printed.

REPUBLICAN LEADERSHIP NEEDS TO ACT NOW ON BASIC PATIENT PROTECTIONS

The SPEAKER pro tempore (Mr. JENKINS). Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, this evening I would like to discuss an issue which I have addressed on the floor of the House many times before and probably will deal with a lot more as we move through the session in this year, 1998; and that is the need for managed care reform.

I believe that the American people have the best health care in the world. Unfortunately, the quality of care is being limited by HMOs or managed care plans. I think that Congress must act now to enact basic patient protections, but to put the "care" back in managed care.

Many of us have talked for the last year or so about the types of things that should be included in an effort to reform managed care. The President had an advisory committee that issued a report that went through various patient protections that could be included. At the same time, in his State of the Union address the President talked about the need for patient protections and basically called upon the Congress on a bipartisan basis to pass managed care reform. I have actually introduced a bill, a number of our colleagues have introduced legislation that would put patient protections in effect in the context of managed care organizations.

But what has not happened and what needs to happen is that this House and this Congress must pass legislation and should get to doing so as quickly as possible. The time for talk is over. The time for action is now. We do not have a lot of time left because of a shortened legislative calendar in 1998, and I think we need to move in committee, we need to move on the floor and we need to move in both Houses towards managed care reform.

I have to say that I believe very strongly from every indication that I have received that the Republican leadership is not interested in moving forward on managed care reform. There has been a tremendous amount of money coming from special interest groups, from the insurance companies, in particular, that have been lobbying Members of Congress not to pass a managed care reform or patient protection act legislation in this session of Congress.

The Republican leadership has been out there saying that they do not want to do it, and I think what we have to do as Democrats and those Republicans that are willing to join us, is to push the Republican leadership. Because they are in the majority, we have to push them to bring this legislation through committee to the floor so that the President can sign it.

I have to say that this is a very important issue for our constituents. Every time I go back home and hold a town meeting, constituents ask me when Congress is going to provide common-sense managed care reform.

In New Jersey, the voters spoke loud and clear and the State legislature, along with Governor Whitman, a Republican, enacted model patient protections. It was not radical legislation in New Jersey. It has not substantially increased costs as the special interest lobbyists would have us believe. Instead, it was principled on choice, access and quality health care.

Let me just give my colleagues an idea, if I could, about the types of things that we are talking about when we talk about a Democratic managed care reform initiative.

Basically what we are saying is that individuals enrolled in managed care plans would be guaranteed that their health plan will have enough doctors and health providers in its network to ensure that they get the care they need on a timely basis, that they would have the right to choose to see providers outside their health plan, that they would have the right to see specialists when necessary outside their health plan, that they would be guaranteed that their doctor would be allowed to tell them about all their treatment options, that is, no plan would be able to use gag rules to restrict doctors' communications with patients, that they would have access to emergency care without prior authorization in any situation that a prudent lay person would regard as an emergency.

For women with breast cancer, they would be allowed to stay in the hospital following surgery for a minimum of 48 hours for a mastectomy, or 24 hours for a lymph node dissection. For a women to be guaranteed the right to direct access to their obstetrician-gynecologist and be able to choose their obstetrician-gynecologist as their primary care physician.

When a service and procedure is covered by their plan, that they be guaranteed that they and their doctor, not the insurance bureaucrats, would decide what care is medically necessary for their treatment, that they be able to get authorization for care from their plan in a timely manner based on clear, objective written guidelines, that they be guaranteed that if they were denied care by their plan, there would be a timely, reasonable and meaningful system of recourse for those with life-threatening illnesses allowing them to participate in a clinical trial for experimental therapies at no extra cost to them, that they have protections against discrimination on the basis of health status, genetic information and other factors, that for women who have had a mastectomy, guaranteed coverage for reconstructive breast surgery, that they have access to medically necessary drugs, that they be guaranteed that their health plan does not use discriminatory practices when choosing doctors or other health providers who participate in its network, that they be guaranteed that their health plan would be subject to these new protections regardless of whether it is licensed at the State or Federal level and that they be provided full, relevant information about their plan, including which benefits are covered and which are excluded, what the individual costs are, what the plan policies are regarding authorization and denial of care and what their plan's policies are regarding selection and payment of providers.

Mr. Speaker, these are a few of the common-sense provisions that the American people want enacted. New Jerseyans in my State are fortunate to have a responsive State legislature that addressed these issues but unfortunately not all New Jerseyans will be able to enjoy the same level of patient protections. That is because the Employee Retirement Income Security Act of 1974, ERISA, says that State laws do not apply to companies that self-insure. This means that many of the constituents of my State are left without adequate health care quality standards.

In a sense there is a two-tiered standard in my State and in many others. Only Congress can act to address this shortfall. ERISA comes under Federal law.

The Democrats are gearing up to fight for the rest of the American public's right to common-sense, quality health care. We understand that it is good that State legislatures passed these individual laws in their State, but it does not apply to a lot of people who are self-insured. It also obviously does not apply from one State to the other. That is why we need Federal action.

I am pleading with the Republican leadership not to sit on the sidelines. They have to basically realize that regardless of what the special interests say, this is the type of legislation that the American public wants, that the American public needs, and that we should be addressing here during our debate this year in 1998.

One of the things that I noticed, Mr. Speaker, is that when we have forums back in my district in New Jersey, and we have had some and we are going to have a lot more on the issue of managed care reform, that many people will show up and basically tell the story, if you will, about their individual problems that they have had, or their children have had or their mothers, their fathers have had, or friends with managed care plans that have denied them coverage or denied them certain services, and how difficult it has been for them to appeal with the denial of certain coverage and to get through the bureaucratic process that many managed care plans necessitate when you try to get some service or some procedure that they deny or that they will not allow.

I could give my colleagues many examples of that, but I wanted to give one example tonight because this was a woman who came to our hearing that we held in January. Her name is Cheryl Bolinger. She in particular, I thought, explained very well the morass or the maze, if you will, that one has to go through when trying to get the managed care plan to approve a service or procedure that they do not want to approve.

I do not know if I am going to read the entire thing, because I know I am going to be joined by another Member here, but I wanted to at least start with some of the testimony that Ms. Bolinger gave at a hearing that I held, along with Senator TORRICELLI, back in January on the issue of managed care reform.

She said that she is the mother, Mrs. Cheryl Bolinger from New Jersey, of a 15-year-old child who has multiple developmental disabilities and complex chronic mental problems. Her daughter Kristin's medical problems began shortly after her birth. At 6 weeks of age, she developed unexplained intractable seizures. Because of the severity and the debilitating effects of her condition, she must be followed by many specialists and undergo many specialized and expensive diagnostic tests.

"Today, that was in January, Kristin remains nonverbal and nonambulatory and requires customized durable medical equipment for every aspect of daily living. Customized equipment is also needed to prevent and minimize the effects of orthopedic problems. She also requires physical and occupational therapy to enhance and maximize her potential in terms of her orthopedic status and general medical condition.

"During Kristin's infancy and early childhood we were fortunate enough to have a fee-for-service insurance plan. As long as our medical documentation was current and in place, in other words, prescriptions, follow-up care and letters of medical necessity, we did not encounter problems obtaining adequate and proper medical care regarding all areas of our daughter's acute and long-term care. In 1993, however, our insurance plan was changed to an HMO."

This is something, Mr. Speaker, that of course has happened to many people who had a fee-for-service plan where they could choose their doctor and switched and were forced basically because their employer switched to an HMO.

Ms. Bolinger goes on to say that at that point, when she changed to the HMO, "We encountered many difficulties regarding Kristin's medical care. According to the plan, we had to choose a pediatrician who had contracted with the HMO to serve as her primary care physician. The pediatrician who had been seeing Kristin for many years was not a participant in the plan. Likewise the specialists who had been treating her for so long also were not plan participants.

"My husband and I were very upset over this change and need to give up the excellent care Kristin had been receiving from these physicians. We were very concerned about the future of our child's health care. Nevertheless, we tried to be optimistic, and we visited a plan-approved pediatrician who would serve as Kristin's primary care physician. To our dismay and disappointment, we were not satisfied with the level and quality of care provided.

"Our freedom to choose a suitable physician for our child, while receiving adequate insurance coverage have been taken away by the HMO."

If I could just stop here, Mr. Speaker, from Ms. Bolinger's statement before our hearing, this is, of course, the problem. Now that people who for many years had been taken care of by primary care physicians whom they knew and whom they respected and who they felt were doing a good job, now all of a sudden had to be replaced by someone within the HMO.

I think what I am going to do at this point is to stop here in talking about Ms. Bolinger's case, because I can go back to it later on, because I want to, if I can, give time to one of my colleagues from the Committee on Commerce, the gentleman from Texas (Mr. GREEN). He, I know, has been involved with this managed care issue for some time now and has had many experiences in his own district where people have come up to him and talked about some of the problems that they have had.

□ 1900

Mr. GREEN. Mr. Speaker, I want to thank my colleague from New Jersey (Mr. PALLONE) for requesting this hour special order talking about managed care and patient protection. A lot of folks, though, and I found out in my own district in Houston, I represent a very urban district, we had a managed care town hall meeting not yesterday, but the week before, and just asked senior citizens, average working folks, we had physicians, providers, even some hospital representatives come talk about managed care.

What I found out is that first of all, for the discussion tonight, we need to make sure that people know that some States like New Jersey and Texas have passed legislation but that only covers insurance policies or HMOs that are licensed to practice in that State.

A great many employers come under what we call the ERISA Act. It is a Federal act that was passed in the early 1970s. Because so many of our employers are multi-State and sometimes multinational, an employer in Texas and New Jersey, obviously, they would not want to have to jump through both restrictions in each State, so Congress passed something that said, okay, you can come under Federal law for your health care, and so many of our constituents now come under Federal law.

So what is happening, though, is that we are lagging behind some of the innovative efforts that States are doing to provide for more patient protections. Both the bill of the gentleman from New Jersey (Mr. PALLONE), and of course the gentleman from Georgia (Mr. NORWOOD) has his bill that has over 200 cosponsors, and the gentleman from New Jersey (Mr. PALLONE) and I are members of the Democratic Health Care Task Force where we are working on legislation that will be similar on managed care reform, patient protection reform. The gentleman from Michigan (Mr. DINGELL), our ranking member on the Committee on Commerce, is putting that together and will be the lead sponsor on that.

We need to ensure that every American enrolled in an HMO or a PPO or a PSO, also known as managed care, gets first-rate health care with benefits and the quality and the protections that both they come to expect and that they also deserve. Americans should not be required to give up access to their quality health care just because we in Congress are not doing our job in bringing the Federal law into the same realm that the private industry is doing.

The gentleman and I were both here in 1993 and 1994 when we heard the fear of government-run insurance. Well, we did not pass any of those bills and now we do not have government-restricted care, we have industry-run insurance. So we have seen the fear of 1994 and 1995 come to light, and in 1996, 1997 and 1998, because we are seeing restriction in choice, and it is not because the government is telling someone that they have to do it, it is because the market is doing that. Employers are trying to cut the cost for their bottom line, and I understand that and I am for that, but I also know that is what one can do, when we are seeing a cutting of the cost and also a cutting of the benefits and what people are assuming hopefully will be quality health care.

There are some great managed care networks in our country, and some of them are really good. What I would like is just to have, whether it be the Norwood bill or the Pallone bill or the Dingell bill, that would just give some guidance to managed care networks in our country so people will know what they can expect, that they have some flexibility; that, importantly, they should not lose control of the decisions regarding their personal health care.

Although I have to admit trends are bleak unless we pass legislation, the picture is limits on access, limits on information, and even limits on accountability. The trend is not acceptable and must be corrected by those of us who the people elect in Congress to deal with that.

An individual in my district, they do not have the ability to negotiate. Their employer often does, and I have even had employers who come up to me and say, "I would like to have some guidance." Our concern is to provide the best care for our employees at the cheapest rate and the cheapest price. But there is bound to be a convergence of that, and I do not think we are seeing that, whether it be in my district or around the country.

It is time for the managed care companies, the insurance companies and the plans to be more accountable in delivering quality care and respecting basic human rights, consumer rights. By setting this standard and the guidelines, what we could have will be an effective tool for delivery of first-rate health care. But it also will give people, the consumer, the ability to know that when they go out on the market, whether it is as an employer or employee, they will also know some of the guidelines that each company that is bidding on their business would have to comply with.

Our health care task force and our full committee and our subcommittee, we have not had as many hearings as I would like to have, but our Democratic Health Care Task Force has adopted an agenda that will assure patients high-quality health care by requiring these HMOs or insurance companies or managed care plans to provide patients with access to specialists, coverage for emergency services which cannot be denied by the plan. I have heard it, and I have heard it from other Members of Congress, and I have had constituents who have gone to an emergency room because they had chest pains, and because they did not have time to preclear going to a different hospital than was on their plan, their plan will not pay for it because their chest pains turned out to not be a heart attack.

Well, the gentleman and I are not physicians and we are not the people, and neither are our constituents, that should diagnose their illnesses. They go immediately because we know with heart conditions, the quicker you get to health care, the better. So that is why it is important to have easy access to emergency services.

Also, internal and external appeals process, so if someone is watching who is making those decisions, that is what is important; and then confidentiality of medical records.

Mr. PALLONE. Mr. Speaker, if I could just interrupt my colleague for a second on that last point, when I was using this example of Ms. Bollinger as one of the people that has written to me and talked to me about the problem that she had with her child, one of the things that was most important to her was the last thing you mentioned about the grievance and appeal procedure. Because my colleague understands and I understand, but I think a lot of people do not, that if you are an individual like her that has a daughter that needs this kind of care that has been denied, it is very difficult, first of all, in that strenuous situation which she was in, to be calling up the bureaucrats and telling them this is what you want them to do, and getting the papers together and trying to find a means, if you will, to overturn a decision that they have made to deny the care. So if there is not some sort of expedited procedure that is easily accessed by someone to make an appeal or to express a grievance, they are not going to be able to succeed in changing the decision the insurance companies made.

So I just wanted to mention that, because even though it does not seem like it is very important, it is crucial to these people that are trying to get justice and make sure that the coverage is there.

Mr. GREEN. Again, it is just some guidance so people will know that if they make that call for pre-clearance, that if that decision is made that they have some appeal process, and that is just fair. I do not want to particularly go hire a lawyer to do it, I just want to have some process that that layperson can do.

The confidentiality of medical records, I know it is part of the President's plan; and also, with what we are concerned about with genetic privacy, we need to make sure that our medical records are as confidential as possible and yet still allow for research. But with what is happening in the National Institutes of Health and the discovery of genetic makeup of ourselves, we need to make sure that we protect individuals so that they are not excluded from health care because of their genetic makeup that they do not have anything to do with, because we are forcing them then onto the public system where all taxpayers have to pay.

In the patient participation in medical decisions, during our town hall meeting on health care about 8 days ago I had a hospital come in, it is Texas Children's Hospital in Houston, that is a secondary HMO, because they only deal with children, and they talked about the scenario that they are a recent HMO, they have only gotten in the business as a PSO or provider service organization.

But one of the things they want to do is sit down, and they are doing it with the parents and the children, so that the parents will know, and it is even more important with children, because as a parent we are concerned about what happens to our children, so we want to make sure that those decisions are made cooperatively and that we understand what is happening with our children. Like I said earlier, similar protections have been made in health insurance reform, like I said, in the State of Texas and also in New Jersey, but the State of Texas reform is being challenged by one of the insurance carriers. But the problem exists here on the Federal level. The States can only do so much, and we have to respond to our constituents.

I know I have a colleague from Texas (Ms. EDDIE BERNICE JOHNSON) who has a health care background, is a nurse, and I have had the honor of serving with the gentlewoman for 25 years, and I have always looked for her guidance with her health care background because I do not have any health care background. I was a printer and a lawyer and a business manager. So the gentlewoman has been able for many years as a State legislator and here in Congress to help bring that perspective to us in Congress.

But that is why it is so important for us in Congress to respond, whether it is the Norwood bill, or Pallone bill, or Dingell bill. No matter what we do, we have to address the need for reform and the way health care and managed care and HMOs are delivered, and follow the lead of a lot of States that have tried to do this as best they can with the State insurance policies. We have to do it on a national basis.

Mr. PALLONE. Mr. Speaker, I appreciate the gentleman's remarks, and I just want to point out what the gentleman pointed out over and over again, that this is really pretty common sense. The things that the gentleman listed are things that we really should have in place on the Federal level. Even though it is true that the gentleman's State and my State have adopted some patient protections, it does not help a lot of people, even in our own States, and certainly does not help anybody who is not in our States, and that is why we need Federal action.

Maybe tonight we can go through some of these patient protections in a little more detail and give some examples of how it might impact people, because I think as the public understands what we are talking about, they understand how simple and common sense these principles are and why they should be enacted into Federal law.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, will the gentleman yield?

Mr. PALLONE. I yield to the gentlewoman from Texas.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I thank the gentleman.

There is real concern going on, because as we began to talk about the patient concerns, we began to see ads coming onto television to attempt to actually frighten people. I think that what we are attempting to do now makes a lot of sense.

As long as we have health care that is focusing on how much money the insurance companies can save and how much they make, and they make a lot of money, then we get away from patient basic needs. Clearly, we want every business, legitimate business to make money, but in health care when it is only focused on how much the insurance companies make, we tend to get away from basic human desires and needs. I believe we have gone too far, and I think that is one of the reasons why bipartisan concerns now are being expressed here in the Congress.

We are seeing situations where patients are being taken away from the doctors they have had for 25 or 30 years, and they do not get an opportunity to get to know who the doctor is on that staff because they do not spend any time with them. The anxiety levels go up, and often the interventions, the contact the patients might have might increase instead of decrease.

We see a number of people in my district that are complaining about getting sick after 5 o'clock, or getting to the office of an HMO about a quarter to 5 and they close at 5 and they will not let them in, and if they are really sick they have to go to the emergency room, which costs twice as much as having a simple intervention. When patients have to give up physicians that know them individually and know their records, because no matter what the illness is, individual bodies react differently, and when they have had the same physician for a number of years and all of a sudden they have to give that physician up, it affects that patient negatively.

The complaints are so great that I do not know how we can address them without this legislation. When we talk about Patient's Bill of Rights, often nobody knows what we are talking about, but it is really a very simple thing to address the concerns that patients have now.

I suppose that one of the major concerns is the fact that they cannot choose their own physician, which often makes it so that they have to travel miles across town to get to where they need to go, and this is especially a problem in a large metropolitan area that I represent a major part of. When we have people that live 25 and 30 miles away from the nearest office of an HMO, and they are elderly and they are depending on public transportation, it makes it very difficult to get there. And if they work, it makes it almost impossible to get preventive care, which is primary care, which is the least expensive care, which is the most important to invest in, because once someone gets the information, learns how to take care of themselves, it reduces the health care bill because they do not have to go as often when they have that information.

□ 1915

Mr. PALLONE. Mr. Speaker, if I could interrupt 1 minute, I think this issue of choice of doctors is so crucial to the whole emphasis that we as Democrats are putting on managed care reform. The President has talked about this, and, of course, as the gentleman from Texas (Mr. GREEN) mentioned, our health care task force, which is about to put out a bill that the gentleman from Michigan (Mr. DINGELL) is going to be the lead sponsor of, talks about patient choice.

I am not saying, and I do not think we can maybe say that, in a network, in an HMO network, that we have to guarantee in every case that we can choose any doctor we want.

Ms. EDDIE BERNICE JOHNSON of Texas. No. I do not think that makes sense.

Mr. PALLONE. But that maybe would break up the whole idea of managed care.

Ms. EDDIE BERNICE JOHNSON of Texas. That is right.

Mr. PALLONE. But at least people, when they initially choose a plan, should have a choice that, if they want a point of service option so they can go outside the network, they can.

That means they might have to pay a little more of a nominal fee; I do not have a problem with that. But there has to be some way so that people have the option of choosing a doctor if they are not satisfied with the doctor they have.

That is the problem I think that so many people bring to my attention now that they do not have that choice anymore. It has been denied them.

Ms. EDDIE BERNICE JOHNSON of Texas. Yes. It is clear that, if every person chose every doctor that they wanted or not wanted to move from any physician, it probably would interfere, clearly it would interfere with the concept of a health maintenance organization. However, there ought to be choices within that network. Personnel does not always click with personalities.

Often, physicians, as skilled as they are, might have particular areas with which they show concern, and they are very interested in a particular area and might not be as interested in another area.

I think that patients ought to have a right to choose within that network what physician they see, because that patient/physician relationship has a lot to do with the progress of that patient. This is a new experience anyway for these patients, and just having that opportunity could make it a much more acceptable experience for them.

We recognize that the cost of health care soared. We understand that these interventions are for the purpose of controlling some of that cost. But when we have to give up all of the quality, it is not worth it. We have to maintain a level of quality that our patients can do well with. In order for them to do well, they absolutely have to have some choices. Not everyone can go to the hospital with the same diagnosis and get out in 3 days. It might take some 5.

Mr. PALLONE. If I could ask the gentlewoman from Texas to yield back to me, I think it is particularly important when the gentlewoman talks about access to specialists, because, oftentimes, the HMO, the network will not have the specialty care that is needed. And I think that there should be a guarantee.

One of the things we have talked about as part of this managed care reform, that if the plan, if a network does not have a specialist that is qualified or can handle that particular situation, that we should be able to go outside of the network to get the specialist. That is another complaint that I hear quite a bit about.

Ms. EDDIE BERNICE JOHNSON of Texas. That is correct. Clearly, that is why we have specialists, because certain physicians specialize in areas that are needed. We need the specialists. If patients do not have access to those specialists, then we are not offering them the greatest opportunity for recovery or for getting the best information that they can have, the best approaches for taking care of themselves.

Clearly, a majority of the long-term care can be self-administered. But they must have the information, they must have access to the right and the best information in order to do well and to prosper healthwise after making the intervention with the health care provider.

We cannot get away from having some type of individualized care. We cannot wholesale all health care. Human beings are different. They react to medications differently. They do better under various different circumstances. That has to be taken into consideration.

When we get to the point where absolutely no individualized opportunities are there for patients, then we have gotten away from the real meaning of having health care and really even having specialists.

We have come to a point where we must allow a physician to practice medicine. Physicians are trained. They are educated. They must be allowed to practice medicine.

Insurance companies simply cannot practice medicine for that physician. They must be given the leeway of practice so that they can look at that patient and determine what is best for that patient. We have gotten a little bit away from much of that.

I have had numerous visits from hospital staff, from physicians themselves asking for that right to have the opportunity to simply practice their art. That is what they are educated for. They have the expertise.

No insurance company can make that determination for individual patients. Sure we can have broad categories, but physicians must retain their right to practice.

Mr. PALLONE. If I could interrupt the gentlewoman from Texas again, we had a perfect example of this, of course, with the drive-through deliveries for pregnant moms, where it had gotten to the point where many of the women, when they went to the hospital, actually had to leave within 24 hours.

It did not matter whether or not the physician thought that was appropriate or whether the women felt that it was not appropriate, the health insurance company said that is it. She is there for 24 hours. I think it was 2 days for C-section. Again, I think that was a perfect example.

Ms. EDDIE BERNICE JOHNSON of Texas. And for mastectomies.

Mr. PALLONE. Exactly. It has got to be that that decision is made by the doctor with the patient, not by the insurance company. Unfortunately, that is getting to be the case with so many different types of care, not only mastectomies and child birth, but so many of the situations.

Ms. EDDIE BERNICE JOHNSON of Texas. That is why it is so important that we consider legislation now, because it gets to be rather unmanageable to have to bring every particular ailment before this Congress to legislate for that particular ailment.

We need a systemic type of approach. Unless we have an overall general approach as we get the outcry from our constituents around the country, we will be piecemealing it. Every year, we will put something else to be covered by an insurance company or how it is to be covered. That also is not a wise way to do the reforms for our health care system.

We need a more organized, a more intellectualized way of approaching these problems. But if we fail to do that, we will have to continue to look at mastectomies one year, childbirth the next year, prostate surgery the next year, and something else the next year. That is not the appropriate way to address problems.

Mr. PALLONE. One of the areas that concerns me the most in this regard is emergency care, because what I find increasingly is that the people are denied emergency care in the emergency room, or they are allowed into the emergency room, and they are provided care, and, later, the health insurance company does not cover it because they say it was not necessary; it was not an emergency.

So one of the things I think is really crucial is this sort of prudent layperson standard; in other words, that you have to be provided and you have to cover the emergency care if a rational or reasonable person would think that that was an emergency—again, a decision based on what a doctor would think or what the average patient would think, not what the insurance company would think.

Because I am getting more and more cases where, as I said, either people have been denied emergency care or they simply do not cover it, and they send them the bill on their own, which they cannot afford, which, as we know, emergency room care can be exorbitant if we are paying for it privately.

Ms. EDDIE BERNICE JOHNSON of Texas. That is correct. If someone gets ill in traffic on their way home from work, and they happen to stop by an HMO, I had a constituent that this happened to just recently, 15 minutes before it is to close, and be told to come back the next day because they are getting ready to leave. The person has to go to the emergency room, and he ends up being hospitalized. Then that is a situation that can only be governed by a change of attitude where the attitude is toward the care of that patient rather than watching the clock for an employee making a decision at the door before a physician is even seen.

This is when the system is out of control. When the price tag goes up, the cost emotionally and physically to the patient is greater because the employees say it is 15 minutes before it is time for us to get off, and we simply cannot take care of it today. I do not want to be here overtime.

Mr. PALLONE. One of the things that the gentlewoman has really brought out, and I think is so important, is that the emphasis, again, has to be on the quality of care and not so much on the cost of it. We understand that managed care reform has brought great cost savings, but the bottom line is that now it is just out of hand.

If we implemented these patient protections that we are talking about, the cost really is very minimal. I know that that is an argument that is used that, oh, this is going to increase costs, but I do not believe it when we are looking at the kind of common sense approaches that we are talking about here that there is any significant cost increase.

It seems to me, in the long run, we will probably save money, because a lot of it is preventative, and we end up helping people so they do not get sicker.

Ms. EDDIE BERNICE JOHNSON of Texas. One of the fallacies of a system that has failed us is distrust, one of the outcomes. Once the patients distrust a system, the cost of it generally goes up, because there are more complaints, more anxieties, more concerns, and not confidence that the quality of care will be there.

Mr. PALLONE. If I could give the gentlewoman an example, just an example of this, when my wife and I had our son 2 years ago, they had just implemented this policy with the pregnant women that they were only allowed the 2 days for a C-section, because he was born with a C-section. She had a C-section.

As they were about to release him from the hospital for the 2 days, they had a pediatrician that was required, I think under the law, had to come in and look at him before he was checked out. They found that he was jaundiced. So they let him stay an extra day. They let her stay an extra day.

If that had not happened and had not been detected, he could have easily gone out of the hospital, gotten worse with the jaundice, end up having to come back to the hospital and stayed a week or more, which would, of course, cost more money.

So, to me, a lot of this is just preventative and actually saves the system money in the long run.

Ms. EDDIE BERNICE JOHNSON of Texas. Oh, indeed. Most obstetricians will tell us that depression and anxiety after childbirth, especially for the first child, is very common. If that mother is forced to leave the hospital while they are still in a real state of uncertainty and not confident whether they know exactly what to do, they are more likely to exaggerate and exacerbate those symptoms than to have their anxieties alleviated.

Clearly, just 24 hours, which we saw the need to correct in the last Congress, is not enough to ensure that that anxiety will not cause unnecessary bleeding and lots of other symptoms that might occur.

When we insist upon these very hard decisions, notwithstanding what that individual reaction might be, then the system has gotten away from the human part of it. That is a major part of healing. That is a major part of well-being with anyone who has a physical symptom.

It seems to me that, under the current system, without correction, we have just said it does not matter. It really does not matter. As long as we stay within the guidelines of this insurance company, that is all that matters.

I do not believe this country is ready for a system that does not care. I think that is why the outcry is now. It is not that people do not respect and do not feel the need for some type of reform.

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It is just that when that reform becomes so calculating, so antihuman that it becomes then a failed system. That is why we have the outcry now.

It does not take a lot of big government to correct it. It really takes a very few simple steps to do it that will not be costly. As a matter of fact, I think the costs will be greater to ignore the demands of our general public.

This approach is not partisan. It is really not going to be solved based upon any hard-core decisions. It is going to be solved with us recognizing that patients across this country from all income levels, all walks of life, are rejecting what their experiences are now. I believe we restore the confidence and restore some quality that patients deserve when we can address this through this simple, what we call the patient's Bill of Rights.

It is really not asking a lot. It certainly does not bring in a big government arm to direct everyone around, but it does return some reason. It does return some rights to the patient, that they can feel confident that they have just a little bit of say about what happens to them when they are ill.

It is not a free system. It as a matter of fact, it costs more for the patients to get less. And that will not change with what we are talking about doing. That clearly will not change. But what can change is to have a little better opportunity for a little bit more quality in that care.

Mr. PALLONE. I appreciate the gentlewoman's comments. I think it is absolutely to the point.

I guess I started out today by saying that I really think that we know what has to be done here now. We have talked about this, and the President came forward with a Bill of Rights. Some of the Republicans have sponsored legislation. As we mentioned before, our Democratic health care task force has put forth a set of principles which are going to be put forward in a managed care consumer protection bill that will be introduced very shortly that we are going to be talking about and that we believe we have support for amongst the Senators as well as the White House in favor of this legislation.

But what really needs to be done is, we need to push the Republican leadership to bring this managed care reform to the floor of the House, to bring it up in the relevant committees, to push that it come to the floor of the House, and do the same in the Senate.

We do not have a lot of time here between now and the end of this legislative year. If we do not act quickly, and after all the Republicans are in charge of the process, they are in the majority; they are the ones that are going to decide what can come to the floor. If they do not bring this up and allow for debate and allow for a vote, then it is not going to happen.

Part of the reason why we, as Democrats, constantly talk about this and will continue to talk about it is because we know that we need to push them to bring it up. Otherwise, it is not going to happen this year.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I thank the gentleman for his leadership. I hope that we can depend on our Republican leadership to be responsive to the voices of the American people.

It is not just Democrats that we are hearing from. My district has as many Republican voices speaking out and asking for some type of redress as do Democrats. It is an issue that all Americans have concern about, especially those working Americans who cannot actually pay for the cost of health insurance in an independent plan.

We know we have to have these larger, supposedly affordable plans. But these plans do not work with gag orders. These plans are not working with all of the restrictions. Patients need a little bit more freedom of choice, and they need to feel confident that there is a little that they can expect coming to them after paying into these plans.

I do not believe it is asking too much. I think the profits for the insurance companies would still be good, because in the long run it would reduce cost; it would reduce cost because you reduce anxiety, you reduce skepticism and you restore some confidence that when care is needed, care will be there.

Once we restore some of that confidence, remove the gag orders so they will know the full truth, then I believe that we will certainly continue to control that cost. Otherwise, we have a system that is considered to be broken. And just because we ignore those voices does not mean they are going away. They will continue to speak out.

I think we have a duty and a responsibility to be responsive to those voices. I thank the gentleman for his leadership.

Mr. PALLONE. I thank my colleague from Texas also for joining me, and for her insight into this as a nurse, as well, because it is often those who are involved in the health care system as nurses, physicians, they are the ones that have the most knowledge and understand the kind of problems that many patients now face with the existing managed care or HMO systems.

I was going to ask my colleague, if I could indulge the Speaker tonight, I began this evening by going through the testimony of a New Jerseyan, Cheryl Bolinger, who had experienced some severe problems dealing with the managed care system with her daughter. I did not complete her statement. I know that there is not enough time in the time that is allotted to us to complete it. I would like to either include it in the RECORD now, if I could; or if not, I will put it in as an extension of remarks this evening because she really outlines very well the kinds of problems that a mother or somebody goes through when they are trying to get through this sort of Byzantine labyrinth of managed care.

I just cannot imagine myself, if it was my daughter or my son, to have to go through this experience to get the proper care and to make the appeals and to deal with the objections and follow a grievance procedure. She was spending, from what I can see, more time doing this than she was with her job. She was not a woman who was in a position to be able to spend the time from 9:00 to 5:00 taking appeals of decisions that were made by HMOs.

So many people face this on a regular basis. Fortunately, her daughter had a mother who had the willingness and aggressiveness and understanding about what to do, but many people do not. That is the problem. That is why we need our legislation.

Ms. EDDIE BERNICE JOHNSON of Texas. Let me just quickly say that I am from Texas. It is not known to be a liberal State. As a matter of fact, we are kind of known to be a rather stubborn State. But one of the Republican leaders in the State Senate introduced and passed a bill to allow for HMOs to be sued.

We have had a real fiasco in our State in how they have been able to function and the kind of quality that has virtually disappeared in health care.

This was not brought forth by a liberal spending person. It was brought to the legislature by a very conservative Republican, because we have had probably one of the most unpleasant experiences in our State in dealing with our HMOs. We have had a number of, just a burgeoning number of complaints with them virtually having no way to do anything about it. I know this is not just my State. I believe this is happening around the country. I think that we have the responsibility to address these issues for the American people.

During the district work period week of February 20, President Clinton issued an executive order directing all federal health plans, which serve over 85 million Americans, to come into compliance with his quality commission's consumer bill of rights. At the same time, many constituents asked me when Congress would follow the President's example and pass legislation that assures that the initiatives in his executive order for the patients' bill of rights becomes standard for all Americans.

Four weeks later, I still have to inform my constituents that the majority has not scheduled a vote on such an important matter.

As a member of the democratic health care task force, I look forward to the challenge of ensuring that more than 160 million Americans in managed care plans get the quality care they deserve, with more choices, protections and freedoms.

Some special interests wish to label reform efforts as more big government. Giving more choices and quality care to more consumers in not big government, it is a "patients bill of rights" that has people and their well-being in mind.

One example of the problems Americans experience with managed care is illustrated by a Kaiser Family/Harvard University poll which found that three-fifths of Americans feel managed care has resulted in doctors spending less time with patients.

Americans are clear on the need for managed care reform. Congress should be clear on their commitment to enact it. The American people leave no doubt about their displeasure with health plans because of cost considerations and withholding important information from patients because of "gag orders."

As a lawmaker, registered nurse and businesswoman, I know the benefits of not only protecting patients, but also giving them choices. Protecting patients and giving them choices are good policy, good health care and good business.

This year, I will work to ensure that Congress answers the calls from Americans who are dissatisfied with their health care plans. It is important that Members of Congress from both parties work to provide Americans with a basic "patients bill of rights."

I ask that the leadership in Congress answer the President's call, but more importantly, the American people's call to pass a "patients bill of rights this year."

If we do not act now, we are faced with the reality that millions of Americans in private health plans may never be assured that they will also have the protections that their counterparts in federal plans enjoy.

I yield the balance of my time.

Mr. PALLONE. Mr. Speaker, it is important for us to tell these stories because I think that it is only when we tell the stories of our constituents and the people that have been through the system and the public and the other colleagues down here understand what our constituents are going through that we will get a ground-swell of support for managed care reform. I think it is very important that we relate those stories.

I want to thank my colleague again.

Mr. Speaker, I include for the RECORD the testimony to which I referred:

TESTIMONY OF CHERYL BOLINGER

January 22, 1998.

Good morning Senator Torricelli and Congressman Pallone. Thank you for your interest in hearing about the struggles my family has had in trying to receive good, quality medical care from an HMO for our daughter.

My name is Cheryl Bolinger and I am the mother of a 15-year old child who has multiple developmental disabilities and complex, chronic medical problems. My daughter Kristin's medical problems began shortly after her birth. At six weeks of age, she developed unexplained intractable seizures. Because of the severity and the debilitating effects of her condition, she must be followed by many specialists and undergo many specialized and expensive diagnostic tests.

Today, Kristin remains non-verbal and non-ambulatory, and requires customized durable medical equipment for every aspect of daily living. Customized equipment is also needed to prevent and minimize the effects of orthopedic problems. She also requires physical and occupational therapy to enhance and maximize her potential in terms of her orthopedic status and general medical condition.

During Kristin's infancy and early childhood, we were fortunate enough to have a free-for-service insurance plan. As long as our medical documentation was current and in place, (i.e., prescriptions, follow-up care, and letters of medical necessity), we did not encounter problems obtaining adequate and proper medical care regarding all areas of our daughter's acute and long-term care.

In 1993, however, our insurance plan was changed to an HMO. At that point, we encountered many difficulties regarding Kristin's medical care. According to the plan, we had to choose a pediatrician who had contracted with the HMO to serve as her primary care physician. The pediatrician who had been seeing Kristin for many years was not a participant in the plan. Likewise, the specialists who had been treating her for so long also were not plan participants. My husband and I were very upset over this change and need to give up the excellent care Kristin had been receiving from these physicians. We were very concerned about the future of our child's health care.

Nevertheless, we tried to be optimistic and we visited a plan-approved pediatrician who would serve as Kristin's primary-care physician. To our dismay and disappointment, we were not satisfied with the level and quality of care provided. Our freedom to choose a suitable physician for our child while receiving adequate insurance coverage had been taken away by the HMO.

After such a disheartening experience, we decided that it would be in Kristin's best interest to remain with her current pediatrician and specialists. They were the doctors who knew her best. As a result of our decision, our benefits were reduced and we were required to pay out of pocket.

Also in 1993, we were advised by our insurance company's medical review board that it had deemed Kristin's therapies to be not medically necessary. Even though medical documentation recommending these therapies was in place, benefits were ceased. Because of the importance and necessity of therapies for our child, we paid for them out of pocket.

In 1994, Kristin developed a scoliosis curve which required bracing. We used an orthotist in our HMO plan to manufacture the brace. When I returned to our orthopedist with the brace, he told me it was worthless and would probably increase the curvature rather than inhibit it. My doctor was irate that the HMO had contracted with a company that provided substandard equipment; he referred us to an orthotist of his choice who manufactured the brace free of charge.

I called and wrote to my HMO regarding the inferior quality of the brace the orthotist in their plan had made for us. They responded by telling me they wouldn't handle the problem and to contact the agency they contract with. I phoned and sent written correspondence to the agency regarding the problem. However, other than someone saying they would make a note of the situation, I never received a satisfactory answer or explanation regarding the inadequate and inferior quality of the brace.

In August 1997, Kristin underwent scoliosis surgery, which required spinal fusion and instrumentation—a complicated and serious surgical procedure. Fortunately, we were able to use a reputable prominent surgeon in New York City who was on our plan as a participating specialist. At this time, Kristin's post-operative condition was very fragile. Upon discharge from the hospital, Kristin was to receive nursing care and physical therapy at home. The surgeon wrote very specific orders regarding the medical care and rehabilitation needed at home.

After Kristin had been home for nine days, I received a phone call from the contracted nursing agency informing me that nursing services would no longer be covered and were to cease. Contrary to our surgeon's recommendations, the HMO opted to provide a home health aide instead of a nurse to care for Kristin's nursing needs. The level and quality of care provided by a home health aide was not adequate for my daughter's complex medical needs. I immediately became actively involved in requesting that the HMO cover the necessary nursing care. After several additional letters of medical justification, repeated taxes, phone calls, and communication, the HMO conceded that they should follow the initial recommendations of their surgeon. Nursing care was reinstated after seven days.

The surgeon also wrote very specific instructions regarding special therapy for rehabilitation. Physical therapy was ordered for 12 weeks. However, after only about six weeks—half the period recommended by the surgeon—I received another phone call from the contracted agency stating that physical therapy would no longer be covered and would cease. Once again after my repeated attempts to correct the situation, the insurance company reinstated therapy after a two-week lapse. In both situations, continuity of vital services for my daughter was interrupted due to poor decisions made by the HMO.

On our most recent follow-up visit to the surgeon (January 14, 1998) he was not satisfied with Kristin's post-operative rehabilitation. He requested Kristin receive additional physical therapy so that she could regain her post-operative abilities and level of functioning. To date, I am still awaiting a response to this request from the HMO.

Because of surgery and the changes in Kristin's body alignment, a new wheelchair is needed to accommodate her post-operative status. We have been waiting for three-and-a-half months for secondary approval of this crucial and essential piece of equipment and have still not received a decision from the HMO. In the meantime, we have no choice but to keep our daughter in a wheelchair that no longer meets her needs while we continue to wait for a response.

In conclusion, I would like to state that HMO's present the following problems to families trying to obtain health care for a family member who has developmental disabilities and requires long-term care.

Freedom to choose qualified physicians is compromised.

The quality, continuity, and duration of care is subjected and often does not meet the medical need of the patient.

Durable medical equipment that must be customized and is not a stock item is often inadequate and inappropriate for specific medical needs.

Many crucial requests are denied or delayed for too long a time.

The time and effort our family invests in trying to correct the poor judgement of our HMO and the stress this creates takes away from the valuable time we need to care for our child. Unfortunately, this is the constant battle we must wage to try to obtain proper, quality care for our daughter.

Thank you very much Senator Torricelli and Congressman Pallone for listening to the problems I have had in obtaining good quality medical care for my daughter, Kristin.

AN AMERICAN DREAM

The SPEAKER pro tempore (Mr. JONES). Under the Speaker's announced policy of January 7, 1997, the gentleman from Wisconsin (Mr. NEUMANN) is recognized for 60 minutes as the designee of the majority leader.

Mr. NEUMANN. Mr. Speaker, I rise tonight to talk about this great Nation we live in. I was reminded over the weekend just what a great country it is, and I would like to challenge all of my colleagues tonight that we dare to dream about what we can do next in this great country of ours.

Back in 1980, I was teaching math, earning about $8,500 a year. We had two young children. I can remember distinctly the day we walked through the store, filled our grocery cart. As a math teacher, I added up how much the groceries were and we could not pay for them. We stopped that day and we said, we have a dream. We would like to live a better life.

In this great country that we live in, we took a chance and we started a business in the basement of our home. We dared to dream that in this great country, the United States of America, that if you want to start a business on your own, work very hard, you could be successful.

The business grew and expanded and eventually we were able to move to an office. That was in Milton, Wisconsin. Six years later we dreamed again. We said, we have this dream that we would like to build something. We would like to provide job opportunities in this great Nation where we live. We would like to provide other people with the opportunities to live the American dream as our company grew.

We started building homes that year, 1986. We built nine homes. We lost $20,000 plus my salary, and it almost seemed like our dreams were going to be shattered in that year. But this is America. We would not let those dreams be shattered.

We turned the company around the second year. We built 27 homes, turning a profit, providing 54 job opportunities in southern Wisconsin; and by four years later we had put this circle on a map. It was a circle, a 60-mile radius of Janesville, Wisconsin. We had this dream that we could build houses all through that 60-mile radius of Janesville, Wisconsin.

By 4 years later, we were building 120 homes a year, providing 250 job opportunities. We had watched not only our own company grow and the job opportunities that that company provided, but we watched other people in the industry grow right along with us, a heating contractor and electrical contractor, all the other people that were so actively involved in this home building business.

We turned that business over to some other folks and ran for Congress. We lost twice. We had this dream that in this great Nation we lived in we were going to stop our government from spending our children's money. That was our dream. We left the private sector with this very positive business and ran for office twice.

I ran against Les Aspin. Looking back on it, a person who had been in office for 22 years, a very respected Member of Congress, it was a very difficult task, but I knew in the United States of America if you had a dream you were allowed to pursue that dream.

We ran twice and lost. We came back. The third time I was elected to Congress and I came here with a very definite dream.

That is why I rise tonight. I want to talk about that dream and how far we have come with that dream and then I want to dare to dream as we look forward to this country and look at what we could possibly do to make a America a better nation for our children.

When we got here in 1995, I dug this out to come over here tonight, this is a copy of what we called America's Contract with Our Children. In our first three months in office, with the help of lots of other folks, we put together a budget resolution, and we at that time were in an environment where we kept hearing about how we were going to promise the American people we could balance the budget by 2002. Many of us came in from the private sector, never having served in government before, and we had heard these promises, way back to 1985, of Gramm-Rudman-Hollings. In 1987, we heard them again. In 1990 they said they had to raise our taxes to get the job done; 1993, they said they had to raise our taxes again.

We came in with a different idea. We came in with a dream. We came in with this dream for America that rather than raising taxes on the working people, getting more money into Washington, that instead we would control Washington. And people looked at us and they said, you cannot get Washington spending under control. There are too many special interests out there. There are too many other people out there that are not going to let you control the growth of Washington spending.

That did not stop us from dreaming. We put this budget plan together and it really, at that point it was a dream. The main components of this budget plan that we put together, and it was very detailed, it was not just a few sheets of paper, it showed exactly how to get the job done; we were going to balance the budget, and not in the year 2002. We were going to balance the budget in 1999. Our dream was that we could get there not on time but ahead of schedule.

We realized that the right move was to control the growth of Washington spending so we could not only balance the budget, but by controlling this Washington spending, we could also reduce the tax burden on the American people.

In this dream, this budget plan that we put together, in this dream that we had for America, we called for lower taxes, but our dream did not end there. We realized that this government had been taking money that was supposed to be set aside, much like a pension plan in my business that we used to run, a pension plan for our employees. We realized that this government was taking the pension fund called Social Security, but instead of putting the money aside that was supposed to be set aside to preserve and protect the system, it had been spending that money on all sorts of other things. We dreamed in this budget plan that we could set that money aside like any other pension plan and restore Social Security for our senior citizens.

Our dream did not end there. Our dream recognized that even after we got to a balanced budget and set aside the Social Security money and lowered taxes, we still had run up a $4.5, $4.9 trillion debt to be exact, at that point in time. Our dream was that we could start paying down on that debt so that our children would not inherit this huge burden as we looked forward to their future.

I brought this with me tonight. I would just like to refer to a couple pages in it, just to remind Members what it was like back in 1995, as we think about this dream that we had back then.

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Page 1-1 of this budget says that we are going to balance the budget in 4 years; that is by 1999. We are going to pay off the $4.9 trillion debt over a 30-year period of time. We are going to quit stealing the Social Security money. We are going to provide a strong national defense. Medicare is on the verge of bankruptcy, so we were going to restore Medicare for our senior citizens. We were not going to require tax increases to do this. And we were going to provide tax cuts for workers all across this great Nation that we live in.

The next page in this proposal said what is the difference between this and what else is being proposed in Washington? Remember, this is 1995. This is our class coming in here and laying out our dream for the future of this country.

The difference, number one, page 1-2, in this thing: The plan calls for immediately setting aside surplus funds from Social Security. That was part of our dream. The plan sets out a path.

Definite difference two: The plan sets out a path to repay the $4.9 trillion dollar national debt by the year 2025.

Difference three: The plan balances the budget not in 2002 but in 1999. Not only that we provide suggested spending reductions for this government that exceeded the amount necessary to balance the budget in the year 1999 by $70 billion, so that we can debate what was the highest priority and not reduce spending in areas that were most important to our country but go after areas that were least important to our country. This plan laid all those things out.

I would like to read through a few of the other things; the environment that we were in back in 1995. Here are a few of the things that were going on around the world back in 1995 when we dared to dream that this could happen.

The U.S. debt had grown from $1 trillion to $5 trillion in a 15-year period of time. Orange County files for bankruptcy. Washington, D.C. experiences major financial problems. Barings

Bank of England collapses. The dollar slides to record lows against the yen and the mark. Interest rates, not coming down like they are today, interest rates rise 3 percent in a 15-month period of time. The Mexican collapse is imminent or probable. Canada has serious financial problems. The January U.S. trade deficit is the worst on record.

This is what we came into in 1995. Just think how much things have changed and how, by daring to dream, we have been able to bring about some of these changes in this great country we live in.

So tonight what I would like to do is to challenge my colleagues to dare to dream with me again. I would like to dare them to dream about a future in our country, and I would like to dare them to dream about a few different aspects.

We have already come to a balanced budget. We are going to make our first payment on the Federal debt three short years into this thing. Those dreams we had back in 1995 of a balanced budget before the turn of the century, it is here and it has happened. Our dreams have come true for the good of the future of this country.

So let us talk about dreaming for the future of America and let us dare to dream about a better America for the future of our kids. Let us start by paying off the Federal debt so our children can inherit a debt-free United States of America. And let me translate that into what that means.

For our children, if we could be successful at this, we could allow them to keep $580 a month for every family of five in America in their home instead of sending it to Washington. Because that is the amount of money that is necessary to do nothing but pay the interest on the Federal debt.

So let us dare to dream. And for our seniors, let us dare to dream that we restore the Social Security Trust Fund. Let us stop taking that money and spending it on other Washington programs and putting IOUs in the trust fund. Let us dare to dream we can actually get this government to do the same thing any business in the private sector would do for their employees, and that is put real dollars or real assets into that trust fund so our senior citizens can rest assured that Social Security is safe and secure for them as we go forward.

I want to dare to dream about the tax rate, too. Because in this great Nation that we live in, when we go to work and earn a dollar, 37 cents out of every dollar goes to taxation of some form, whether it be State, local or Federal or property taxes. Whatever form we want to look at, 37 cents out of every dollar our American worker earns is paid in in taxes.

So I want to dare to dream again. I want to dream about reducing that tax rate by a third and more if possible. But let us dream again about getting our tax rate down to not more than 25 cents out of every dollar that our American workers earn. And, frankly, I think that number is too high and maybe we should even dream for a lower number. But for the time being let us set our dream that we at least reduce the tax burden on American families all across this Nation by at least a third.

I suggested this at one of our town hall meetings recently, or one of our meetings with a group of people, and somebody stood up in the room and said, "God only asked for 10 percent. Where does government get off asking for 37?" That person made a good point. And I think she said it half tongue-in-cheek, but she was also right on track. Why does it cost 37 cents out of every dollar of our workers' paychecks to do nothing but run government at all the different levels, State, local, and Federal?

And I want to point some more about an education system that makes our kids number one in the world. I do not like these scores that I am hearing, where our kids rank somewhere 20th in the world. That is not acceptable, and I do not think that should be acceptable for us as a nation.

So when we think about this thing, let us dare to dream that when we restore our educational system in America to a point where our kids finish not in the top 2 or 3 or 4, let us get our kids number one in education in this great country.

How do we go about doing that? Let us fill in some of the blanks of this dream for education. Let us restore the ability to control education, put it back in the hands of the parents, put it back in the hands of the teachers, put it back in the hands of the local community so they once again control education.

I know my colleague from California is here, but if I can mention one specific bill that relates to education to help us get to this dream, one specific bill was introduced by a good friend of mine, the gentleman from Pennsylvania (Mr. PITTS). His bill would require that 90 cents out of every dollar spent for education be returned to actually help the kids in the classroom.

Because what happens today is our government collects that money, brings it out here to Washington, spends 40 cents on the dollar on the bureaucracy here in Washington, and then our government here in Washington makes a decision of where to send that other 60 cents back to. And that is not right. So this bill requires at least 90 cents out of every dollar be returned to the classroom. I think it would be a great part of this dream for the future of our country.

Mr. Speaker, I would be glad to yield to my colleague from California.

Mr. CUNNINGHAM. I thank my friend, the gentleman from Wisconsin (Mr. NEUMANN).

How can we do this? First of all, good government does not have to be an oxymoron like it is today. People want their tax dollars to go to fund good government not wasteful government.

I am glad the gentleman talked about education. I have two focuses in Congress; one is national security and the other is education. I think both sides, no matter what the opinions are, education is the key to a lot of many different areas. It is anticrime, it is antidrug, it is antipoverty.

My father and mother, who were Democrats, focused on education because they knew that that was the future. I remember my dad telling me, he said, "Son," he said, "if you get a good education," and neither my father or my mother went to college, but they said, "If you get a good education and you work hard, you can make tomorrow better than it is today." And that was their definition, very simple definition of the American dream.

Where are we today? We are sending billions of tax dollars to Washington, D.C. Now only about 93 percent of education dollars come from the State. Less than 7 percent come from the Federal Government, but yet that 7 percent represents about $35 billion. So that 7 percent is no small number. Now, what I would think that the American people want, if they send their tax dollars to Washington, is that they get a return on that dollar that is going to enhance education.

The President, for example, wanted $3 billion for a new literacy program. California, the State that I come from, is 50th in literacy. So the gentleman can imagine the jubilation that the folks that said, hey, California is 50th in literacy; $3 billion for a new literacy program. That will be good. But if we look at it, the Federal Government has 14 literacy programs. Title 1, which is the biggest user of that $35 billion, is one of those. Title 7 is another.

What is wrong with taking one or two of our literacy programs, of the 14 that we currently have, and not just funding them 100 percent but increasing them because they work, and taking the other 12 that are not working, and getting rid of the bureaucracy? We have to pay all those salaries, the buildings, the overhead, the cost of paperwork, the retirements, which gets us less than 48 cents out of a dollar down to the classroom. In doing so, by having this other 12, we have to send our tax dollars to support this level. And that is wrong.

That is what we are saying, is that government can be good government. We can reduce the cost of government and yet at the same time benefit the American people, especially in education. And that is just one example.

And I thank my friend for yielding.

Mr. NEUMANN. Well, Mr. Speaker, I think the next thing I wish to mention is an area the gentleman is also very concerned about, and I know of the gentleman's fine work in the area.

As we continue this dream for the future of America, and I do think it is important we dare to dream, if we had not dared to dream back in 1995 we would not be here today standing here talking about a balanced budget and lower taxes for the first time in 16 years and a Medicare system that has been restored. That was part of our daring to dream back in 1995.

So today, as we look forward, I think part of this daring to dream as we look ahead is a strong defense system, a defense system that other nations around the world look at us and recognize us as the one world power as it relates to defense. That means we have to adequately fund the defense budget.

I know that is an area the gentleman is very concerned about.

Mr. CUNNINGHAM. Mr. Speaker, I would like to tell the gentleman, if he will continue to yield, that we just finished with a readiness hearing in San Diego. We had both Republicans and Democrats from the Committee on National Security and the defense appropriations committee. And I was proud of my Democratic colleagues because they not only recognized but praised the individuals and swore to help the situation.

Our service chiefs will come and tell us that the budget is okay, but then between the lines they will tell us of increased operations of 300 percent above the Cold War. Our equipment is 1970s. We have large numbers of our senior NCOs and aviators getting out of the service because they are forced to go away.

Take, for example, the U.S.S. *Constellation*. She got back from a cruise. This is typical of all services. She got back from a 6-month cruise. She goes into port into San Diego. April, May, June, July, August. She has to go up to Bremerton for repairs. Now, all of those families are in San Diego. So those personnel again, besides on cruise, have to leave their families.

They are having to cannibalize parts. Several aircraft or squadrons have only one aircraft to fly because they have to steal those parts. They call it cannibalization, take that part off those airplanes and send them to Bosnia and Iraq and where our forward forces are deployed.

Mr. NEUMANN. To that end, I just interviewed a former lieutenant commander. We were talking about the possibility of him working in our congressional office. He told the story of every third flight something breaking down in the aircraft he was flying, and that is one of the reasons he left the service. It is a very serious problem.

Again, I do not think we should get bogged down, that we look at this in a very pessimistic way, but rather we need to dare to dream as Americans that we can find it within ourselves to restore our military to the strong position that it should be in this world.

Mr. CUNNINGHAM. I would agree with the gentleman. And instead of bogging down in the sadness of the state of readiness, there are ways in which we can actually make a three-cornered Pentagon.

A couple of examples: One, I was able to get $12 million through both the authorization process and appropriations to copy all defense maps. All services for $12 million. That was a reduction of 1 to 100th of the cost. The office of Secretary of Defense held onto the money. They wanted to steal it. They wanted to reprogram it. They wanted to give it to NAVCOM. They wanted to do other purposes with it. And we fought for 1 year to get the money released so we could copy those systems. The services continued at the old rate of copying those services. They copied 10 percent of those maps, costing $16 million.

One of the things we can do is reduce the size of OSD by at least 35 percent, and streamlining the bureaucracy in the military. That is just one of a thousand suggestions.

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Mr. NEUMANN. So what the gentleman is saying or suggesting is that by more efficiently using the dollars that are already being spent for defense and without raising taxes on the people to fund more defense spending, there are a lot of ways within the defense plan already that we could better spend the dollars that are already being spent to provide for a better defense of our Nation.

Mr. CUNNINGHAM. Exactly. And when we are trying to balance the budget, we can look forward that for all of those wastes, from the 12 to $16 million for only 10 percent of what we could have done for 100 percent, taxpayers have got to send their dollars to Washington, D.C., turn those around at a very low rate, we can totally eliminate it. And it is not a question of giving money back from taxes; it is having not to send it here in the first place to balance the budget.

Mr. NEUMANN. I couldn't agree more. Going on with this dream, we talked about a debt-free America for our children and how wonderful it would be if when they had their kids, that they didn't have to pay $580 a month to pay interest on the Federal debt. We talked about restoring the Social Security Trust Fund. And I think it is important that we have this dream that our senior citizens can again get up in the morning and not worry about whether Social Security is going to be there; and the dream of reducing the tax rates from 37 percent down to 25 percent, that is 37 cents out of every dollar is going to Government, to down to less than 25 cents, a one-third reduction.

And we have this dream about restoring our education system so that we are, once again, the number one education system in the entire world, not two, not three, not four. That is not our target. Our target is set, number one. And we do that by restoring the control of the education system back to the parents and the teachers and the community.

I know my colleague from Arizona (Mr. HAYWORTH) is very concerned in this issue as well. I want to continue with this dream for the future of our country. I want to dream of a drug-free America. I do not want to dream of a America that has 400,000 or only 400,000 on drugs at the eighth grade level. I want to dream of an America where we eliminate drugs. I want to declare war on drugs in this country. And I want to devote as much time and effort and attention to the drug war as we do all the other things that are going on in this city right now so that our kids can once again feel safe going into school, and that they do not have to feel compelled to try drugs because so many of their friends are.

We saw a study here that the average student believes that in one hour they can go out and purchase marijuana in virtually any school system in the United States of America, and that is not acceptable.

Mr. CUNNINGHAM. But that takes real commitment. We cannot just wish it away. And it is like fighting a war. We cannot just say education is going to stop drugs. We cannot just say interdiction is going to stop it. But we have got a gross base on which we have got to reach across and stop it. And that takes real commitment from the White House, which we have not had in the past.

We can win the war on drugs. There are always going to be those that use it and sell it. Those are the ones that you put away and they never see the light of day. But what we are proposing is not just a word game to stop crime and drugs, but to actually fight it.

Example: The $7 billion that we spent, and the quote was 100,000 cops, just like a 100,000 teachers, there was no 100,000 cops. The most they could fund is 20,000, and it was to rain money down to the big cities so they could get support for reelections. What we want to do is take the money, give it to the local police force.

Just like my colleague was talking about with education, we want the teachers, the parents, the community and the extended communities and the administrators to be able to handle it. Because they know the needs, they know the first names of your children, not a bureaucrat here in Washington.

And the same is true in law enforcement. You put the money in the area. Do you need equipment? Do you need standby? Do you need more force? And instead of controlling with strings back here in Washington, it takes an all-out war with generals. And that is why we are calling for General McCaffrey to get on with it and give us some information on what he forsees on this real fight and we will back him 100 percent.

Mr. NEUMANN. Mr. Speaker, I yield to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from Wisconsin for yielding. And I listened with interest to my colleague from California. Because, Mr. Speaker, as I stand here in the well of the Congress of the United States, I am truly in awe not only of the responsibility my constituents conferred upon me constitutionally to represent them in this hall and in this Chamber, but also with the quality of people who come from coast to coast and beyond; and here I stand with one who distinguished himself first as an educator and then fought this country's battles in southeast Asia where he quite fittingly earned the title of top gun.

And I stand with another who distinguished himself first as a teacher, as did my colleague from California, but my friend from Wisconsin, who worked so hard as a teacher, and then went into home building. And we really have the essence of the American dream embodied in these two gentlemen.

But Mr. Speaker, I would simply concur with the statements that have been made tonight as we try to dream a dream that can be reality for our children. This is something achievable. And I especially, Mr. Speaker, appreciate the comments of my friend from California (Mr. CUNNINGHAM). Because what we need is not a war of words, what we need is a solid commitment to our families and to our children.

Think if you would, Mr. Speaker, what we would say today if we sent an army into battle and lost 10,000 young Americans. Now, Mr. Speaker, think for a second. That is exactly what is happening. Indeed, Mr. Speaker, that may be an understatement of the number of deaths we see on an annual basis due to drug addiction.

And, Mr. Speaker, as I travel the width and breadth of the Sixth Congressional District of Arizona, an area in square mileage almost the size of the Commonwealth of Pennsylvania, I hear firsthand in the smaller communities that challenges those small police forces and those rural areas are facing as big city gangs and big city drugs are sent from the cesspools of organized crime to the very heartland of America.

So what we have, Mr. Speaker, is indeed a call to arms; not the traditional battle, nor the war on words so offered as Washington's version of Madison Avenue; a war on poverty, a war on drugs.

Mr. CUNNINGHAM. Let me give my colleagues a good example of coming to arms. I had a doctor come into my office about 3 years ago. And I was fortunate enough to write much of the welfare reform bill, being on the Committee on Education and the Workforce. He said, "Duke, I had a lady come in my office with a 13-year-old daughter. She wanted to know what was wrong with her daughter that had just had her fourth menstrual cycle that she couldn't have a child. She wanted the welfare money."

Now, what happens to those children? There is one view that would continue to spend trillions of dollars in the old welfare system. To me, that was a waste. And we have to send our tax dollars there. But what we did is stood up to the plate, made a commitment that we are going to solve the welfare and slavery problem of the people trapped in the inner cities.

Now, that child, what chance do they have of the American dream? Zero. Is it because the parents raised them? No. They are busy having other children. Is it the grandmother? Usually. If it is a male child, that child is in a gang. And if it is a female today, that child is in a gang. And where do they turn? Can they get a job? No. Do they have an American dream? No. They go to drugs and crime, and then it is perpetuated over and over again.

But we stood up to the plate. And in many States like the gentleman's, over 50 percent of the welfare roles are coming off just because we said, you should go to work. The average welfare recipient was 16 years. That is a perfect example of stepping up to the plate and making a commitment.

Mr. HAYWORTH. I think my colleague from Arizona, Mr. Speaker, makes an excellent point. And I appreciate my colleague from Wisconsin for yielding some time as we talk about this, how we work through problems to solve them.

The other thing we should note, Mr. Speaker, is that there is an achievable objective for success. And indeed, Mr. Speaker, what we have been able to do within this Chamber, Republicans and Democrats alike reaching across America, has said, when it comes to the dilemma of dealing with a self-perpetuating welfare state as we help people go from welfare to work, we now measure success not by the numbers of people who are on the welfare roles, but by the numbers of people who are out in gainful employment.

Just this last Friday, in Mesa, Arizona, I had a chance to go in and work with a program. Initially, it was called Women Off Welfare, or WOW. Now they call it World of Work because nontraditional opportunities are opening up for women and men alike in our society. And the four people that were supposed to be there as part of the program, my colleagues, they could not be there to tell about what they have done because they were busy at work earning money for their families having a brighter future.

Mr. NEUMANN. Reclaiming my time, listening to you talk is why it is so exciting. My colleague was here; he cosponsored this legislation, and we said we were going to balance the budget sooner than 2002. We said we were going to lower taxes so people could keep more of their own money and make decisions about how to spend their money instead of sending it to Washington. We said we were going to get Social Security taken care of for our seniors and start paying down the debt.

Do my colleagues remember back in 1995, when we first came how they reacted? But we dared to dream. I think that is what is so important for this country and to these young people. Sometimes they have it taken away from them because they hear all of these class warfare arguments where somehow if you do not have a lot of money to start with that you cannot get ahead in this country. And I just point to our own example in my own family where we started with nothing and you can work very hard, and if you do work hard, there is an opportunity to live the American dream.

I point to this booklet. I point to our dream that we can balance the budget before the turn of the century and lower taxes at the same time, but getting Washington spending under control, or at least taking a good stab at it. This stuff can happen and it is real, and it has happened in the first 3 years here and there is lots more to come.

Mr. HAYWORTH. And what is remarkable, Mr. Speaker, is the fact that this is recent history; this is within the last 3 years. I remember sitting here on the front row when we talked about the budget plan where we dared to dream, less than 100 Members of this body would join with us.

Mr. NEUMANN. Eighty-nine, to be exact.

Mr. HAYWORTH. They derided it as extreme. Now look at what has happened. We see that it makes extremely good sense to have Washington spend less so that families can spend more, to make sure that the money that belongs to the people in the first place stays in their paychecks; and in so doing, actually letting Americans have more of their own money to save, spend, and invest, create new jobs and new opportunities.

Now, we are in a situation where the tables have turned. Oh, there is still work to do, as my colleague has pointed out; our commitment to our seniors in terms of the Social Security Preservation Act, which we cosponsored, the challenges we still confront in terms of ending the scourge on drugs. In a free society, it is an ongoing battle. But we have made the first steps toward realizing those dreams for our children.

Mr. CUNNINGHAM. Mr. Speaker, if the gentleman would continue to yield, what the gentleman just said is what William Wallace, in the year 1312, I do not know how many saw the movie "Brave Heart," in his death throes he screamed out "freedom." We are giving those freedoms back to the American families that have given up those freedoms so Washington can rule and control their life.

Just in these few short minutes we talked about a balanced budget, but yet a balanced budget in which we actually have education reform or education receives more and families and parents, administrators, teachers have more freedom to teach their children and the results are better.

We can talk about DOD and reform, to have a stronger defense, but yet to have it reduced and more like a business, and welfare reform and saving Medicare. Remember the blast that we got from Medicare from the unions and from the DNC? But at the same time, this is the same Medicare plan that the President signed in the balanced budget, and everybody wins. We do have areas to go.

When we have got a 50 percent fraud, waste, and abuse with food stamps and those areas in which, again, taxpayers have to send their money to the overhead of Washington bureaucracy to support, we can actually get more of the money down to the families, down to military, down to the welfare recipients and have good government, which, again, does not have to be an oxymoron.

Mr. NEUMANN. Reclaiming my time, I would like to turn this into some very specific examples. Because we have talked about returning this freedom to the people and letting them keep more of their own money in their own homes to decide how to spend it, I would like to talk about some specifics for just a minute on this very topic.

For example, starting next year, every family with a child under the age of 17 in the middle-income brackets will get down to the bottom line of how much they would have sent to Washington in taxes and they will subtract $400 off the bottom line because of the $400-per-child tax cut.

In Wisconsin, sometimes I am out at these meetings and people look at me like, "Are you kidding? Is this a political promise," or "What are you talking about?" This bill was signed into law next year. And starting next year when they do their taxes, they literally will get down to the bottom line how much they would have sent to Washington and subtract $400 for each child under the age of 17.

If they have college students, I have got two in college myself, and I will not qualify for this particular benefit, but a lot of families that are in the middle-income brackets, they are going to qualify for this. It is tough to pay college bills; it is expensive. So if they have got a freshman or sophomore in college, again they go through their taxes and figure out how much would they have sent to Washington, but they subtract $1500 off the bottom line. This is very real money.

I just want to add a specific family that I know of. I want to turn this into a very real situation. This family I am thinking of has one child in college, as a matter of fact, goes to the same school my daughter goes to. They have got two kids still at home in their family. And they are middle-income folks.

I do not know exactly what they earn, someplace between 40 and $60,000 a year, I suppose. But with their household, with one in college, a sophomore by next year, and two kids at home under the age of 17, they get $400 off for each one of the two kids, or $800 for the two kids at home, and $1500 to help pay that college tuition. We are talking about a $50,000 a year family here, reducing their taxes by $2,300. That is a lot of money.

When we talk about this idea of returning power to the people and freedom to the people, we are talking about letting then decide how they are going to spend their hard-earned money, as opposed to sending it out out here to Washington so people in this city, bureaucrats out here, Members of Congress, can figure out how to spend their money for them.

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I yield to the gentleman from South Dakota, a new Member, and we are happy to have him with us.

Mr. THUNE. I would like to, as always, commend the gentleman from Wisconsin for the bold leadership he has taken a number of these issues. We talk about the subject of daring to dream and again the enormous challenges that are out there in front of us as a country and some of the things that have been accomplished in the past.

I want to again compliment the gentleman for the extraordinary work he has done to draw attention to the need to be debt free as we move into a new century and to do something that is very positive for our children, for our grandchildren, in the legislation he has introduced which would put us on a systematic plan to where we will eliminate the $5.5 trillion debt that soaks up more and more of our tax dollars every year just in interest payments.

It gets mentioned often, but I do not think often enough that before we do anything else, the Committee on Appropriations in this Congress writes that $250 billion interest check right off the top, before we do anything that assists people who are in need of education. Before we do anything in terms of the other programs the government funds, roads and bridges, national defense, we take the first $250 billion and pay it off in interest.

The plan that he has introduced would in 2026 completely eliminate the $5.5 trillion debt and put us as a country on a path toward being debt free. That is something that is absolutely historic in terms of what we can do for the future of this country. I would like to see us take that same sort of passion, that same sort of courage and leadership that the gentlemen did in the 104th Congress, and the gentleman from Arizona who is here and had a part in that process, in reforming welfare and in dealing with some very tough and controversial issues, issues that people said, "That can't be done, we can't do this, this thing is just too complicated and too big."

Yet you demonstrated the courage to get that done. I think it is proof of what we can accomplish when we want to work together.

If we could turn that same sort of intensity to the war on drugs, I was just reading today in the Sioux Falls newspaper about the methamphetamine crisis we are facing in our State. There is a quote here from a young lady. It says the powerful drugs also stole every good thing she had, including her three children and her freedom. She quotes, "I have never in my life felt so helpless and out of control. There is no good outcome to meth use. You use everything. That includes yourself."

In fact, South Dakota has been designated as a high intensity drug trafficking area because of the growing methamphetamine traffic in our State. We need to apply the same type of leadership in this particular area.

I hearken back to the 1980s when Nancy Reagan started her Just Say No campaign and the demonstrable impact that had on drug use among young people and the powerful and immediate impact that the message has. If we are willing, as a country, and if we could get the White House and this administration to take some leadership on this issue, we could work with them, because this is an increasing problem, particularly in rural areas.

Again, another statistic here, in 1991, 14 grams of methamphetamine were seized, that has grown each year to this last year, 984 grams of methamphetamine seized by law enforcement officials. It is a very serious issue in parts of this country. It demands very serious leadership and something that I think we all need to provide as public officials.

Mr. NEUMANN. I would just add that when we dream about the future of this country that is going to be a drug free nation for our children, when we have that dream about the future of America, I do not think we should temper it with not inhaling or some of the other things that we have heard from some of our leadership. This Nation needs leaders that are willing to stand up and say, it is not acceptable, drug use is not acceptable in the United States of

America; and we have today declared war on the use of drugs in this country. We need leadership that is willing to stand up and say these things.

There are many other values that we could talk about that would be along the same lines as what we just talked about with drugs. People need to stand up and say that a married couple, that either spouse in the marriage should be committed to that marriage and that it is not acceptable to go off with another person of the opposite sex; whether it be the same age or a different age or whatever, those things are not acceptable in the United States of America.

This Nation needs leaders that are willing to stand up and say, "Mr. President, if you in fact had a problem or had a situation with Monica Lewinsky or Gennifer Flowers, that is not acceptable as an example for our Nation and for our children in this country."

Somebody needs to tell our kids that it is not the norm that our President or any other leader in a community, or for that matter any other member of a marriage, whether it be husband or wife, this is not acceptable practice in the United States of America and we do not want to tolerate it.

Mr. CUNNINGHAM. I think that also goes when we are talking about drugs, not to come across to MTV and say they would inhale if they could, the leader of our Nation.

I have talked to drug agents and I have talked to people in rehabilitation. The kids sneer. They say, "Look, the President said he would inhale if he could." That is the wrong message.

Let me give my colleagues another example. Remember the young man that was caned in Singapore for spray-painting cars? I am not saying that we cane people, but I would guarantee that that individual, that young man, when he went back to Singapore would never spray-paint another car nor would any other individual. But yet look at our streets and the tagging and the graffiti and those kinds of things that take place because we let it go on. That is just a symptom of the lack of commitment, from drugs to graffiti, that juvenile crime has gone exponentially up, a 600 percent increase and the viciousness of it has increased, to be paramount.

Those are the kinds of things I think the gentlemen are talking about.

We need a commitment, not just words and not the wrong direction. You do not say, let us increase rehabilitation dollars and cut off why they are getting on drugs in the first place. I want to stop it so I do not have to put as many dollars in rehab, and save those children.

Mr. NEUMANN. When we think about the war on drugs or bringing education back to number one in the world for our kids here in America, can this goal, can this job of getting from where we are today to a drug-free America and back to where our education is number one in the world, can that really be tougher than what we have already been through between 1995 and today, getting to a balanced budget, actually lowering taxes, restoring Medicare for our senior citizens?

When we think about this, a lot of people would look at this and go, "We can't do this." What I am suggesting tonight is that we dare to dream, because you have got to have the dream before you can bring about the results, and we commit ourselves to this dream in the same way we committed ourselves to getting to a balanced budget, to starting to pay down the debt, to lowering taxes for our families and to restoring Medicare for our senior citizens.

Mr. CUNNINGHAM. I would say this gentleman's dream has guided a lot of us on this House floor on how to balance the budget and how to achieve that. He has been a leader across the board in how to have more effective government and yet reduce the penalties on the American people, and I would like to thank the gentleman.

Mr. NEUMANN. I think it has been a lot of us here together, getting this job done. But I do think that it is the American people that deserve the credit for sending a group of people here that were willing to commit to these dreams.

Mr. HAYWORTH. Mr. Speaker, this is the essence of our constitutional republic. The brilliance of our founders is found in the sense that they had the foresight and the sense of commitment to set up this unique institution where we can represent and where we can dare to dream, but then take the steps firmly rooted in reality to make those dreams come true.

Certainly we have talked about a far-flung and ambitious agenda of where our dreams will take us, not only fiscal responsibility and a better future for our children, not only fighting this war on drugs, not only realizing the successes and seizing upon those for our seniors as well as the youngest among us, but making this translation work.

Mr. Speaker, we have talked about the legislation offered by the gentleman from Wisconsin and the innovative programs that the gentleman from California has been involved in and the fresh new perspective the gentleman from South Dakota brings. In a moment of personal indulgence, might I also, Mr. Speaker, offer something that I have introduced, that the Committee on Resources just held hearings on 2 weeks ago, that my staff has taken to calling HELGA in one of those moods you get here where you have an acronym, for Hayworth Education Land Grant Act.

It is born out of something that happened in my district, something that you may find in your districts, the folks you represent. In rural Arizona, there is a real shortage of private land. The little community of Alpine, Arizona, nestled there on the New Mexico border, in my first term in Congress came to see me. They said, "We have scraped together enough money to build a new school. We meet right now in an old church. It's not exactly a one-room schoolhouse, but it's close. We have the money to build a school, but we don't have the money to purchase a site on which to build the school. This is a real dilemma."

What makes it ironic is the fact that the town of Alpine sits on the edge of a national forest, government-controlled land. They said, "Congressman, could you help us get a conveyance of land?"

And so we did so. The good news is they are building a school because they could save their money to build the school and concentrate on students and teachers and the future instead of worrying about buying land.

As Mark Twain pointed out, "History doesn't repeat itself, but it rhymes." And so learning from that experience and the experience of Congressman Morrill, quite frankly, in the last century with the Land Grant Act for Higher Education that transformed higher education in this country, I came up with a plan that offers a standard, uniform way for rural school districts to apply for conveyances of federally controlled land, so again they can concentrate their resources on what is most important, the children and their education, and not worry about buying land and not have that economic impact hit them adversely in trying to build a new school.

We held hearings, as I mentioned, 2 weeks ago, a subcommittee of the Committee on Resources. I am very optimistic about this legislation, labeled H.R. 2322. Mr. Speaker, I would ask my colleagues to be involved, to take a look at this legislation, because it can do important things across America in rural districts for those school children and their future, because again as we all concur, Mr. Speaker, education is too important to be left up to Washington bureaucrats. We have got to maximize flexibility and innovation and what happens at home on the front lines to make sure that different districts are armed with different alternatives so that they can decide what is best.

I would commend the legislation to my colleagues and move in that type of common-sense direction to focus on educating children, not worrying about the shifting of dollars but focusing on what works.

A couple of quick admonitions I would offer. If you are worried about Park Service land, no Park Service land can be taken for this, nor can any Federal wildlife refuges be taken for this. But there is a uniform way to convey land, and I believe that it can transform rural education in this country for students K-through-12 not only in school districts, but in charter schools that have sprung up in places like Arizona and come to full flower and full fruition.

And those types of innovative ideas, based on the best of what our heritage teaches us when applied to the challenges of today, those are the ways that we translate our dreams into reality. That is why I am so pleased, Mr. Speaker, to be here with men and women of conviction on both sides of the aisle, who are willing to look to translate those dreams into reality.

Mr. Speaker, I would invite my colleagues to take a good look at that legislation and join us in taking that step toward helping rural children.

Mr. NEUMANN. Just briefly, I would like to point out that the great State of Wisconsin, as we find in many cases, is quite far out in front on this particular issue. When you develop land of any sort in Wisconsin, at least 5 percent of the land is dedicated to schools, to community or to parks. We find in many cases that not 5 percent, it is more like 10 or 15 percent of the land is set aside permanently for our families that then build in these subdivisions and realize the American dream in buying their own home. They then have this land preserved for them, whether it be for schools or for parkland or whatever.

In Wisconsin, it is standard operating procedure that at least 5 percent of your land is set aside for schools, parks, community recreation and community service. In Wisconsin, we are already doing some of these things. I certainly think what he has there is a pretty fair idea.

I yield to the gentleman from South Dakota.

Mr. THUNE. The gentleman from Arizona makes a pretty compelling case, I think, with respect to what his legislation would do. I think again it points to at least one of the issues that we are discussing here this evening, and have been for some time, and that is how do we go about making sure that more education dollars get into the classroom where they are benefiting our young people and preparing them for the future.

In South Dakota, we have taken some steps in terms of wiring the schools to bring technology, the high technology that is available to us today, to see that our kids are equipped so that when the time comes for them to transition into the workplace, they are ready for that.

I think again that happens when you look in a very systematic, disciplined way at moving power and control out of the Federal bureaucracy, making the Federal bureaucracy smaller, the family budget bigger, the budget of schools and local and State governments; and I think that is something that all of us in the Chamber this evening are very interested in doing and seeing come to pass. I think it points again to the broad need in this country to address the real problems that real people are facing.

The gentleman from Arizona made some reference to common sense, which is something that is very terribly lacking, it seems, here in Washington.

□ 2030

However, if we look at these things in a very commonsensical way, and in dealing with the issue of drugs, if we could eliminate the scourge of drugs in this country, the very best thing that we could do to preserve the future for our kids, making our future debt-free, giving them the resources that they need in the classroom to see that they have the very highest possible quality education opportunities available to them at the best value to the taxpayer, and working in a way as well to address the retirement needs.

When we talked about welfare reform, and we did, we took some important steps in this last Congress, of which my colleagues were a part, and in the 105th since I have been here in terms of balancing the budget, reforming Medicare and trying to secure a better future for all people of all ages in our country.

And in the area of retirement where we have so much to do in the area of professionals today looking down the road, looking at Social Security and saying, "By golly, I just do not think that that is going to be there for me," and we need to give them some options. Now, for the first time, in a very bipartisan way, we are hearing people talk about what we might do to provide a better future and to ensure that the retirement needs in this country are met when the time comes.

Finally, I would simply say, and my colleagues have touched on it this evening, lowering the overall cost of government on the taxpayers in this country, the goal of trying to get to 25 percent so that the Federal Government, the State and local governments are not taking more than 25 cents out of every dollar of the family in this country so that we can make the family budget bigger, strengthen families and not government institutions, I think that is the direction we are going.

Mr. NEUMANN. Mr. Speaker, or less than 25 cents. I like the idea of going for a lower number.

Mr. THUNE. Mr. Speaker, the problem is, as my colleagues know, is that they were going to put a cap on it, but they were worried about ever getting that high. So yes, probably 25 percent or less, actually, before it is all said and done.

But that would move in a very dramatic way toward making again the Federal Government smaller, making the family budget bigger, and strengthening our families in this country so that they can address the needs that they have, whether it be retirement or health care or education or child care.

As I travel the State of South Dakota and I talk with real people, these are real needs, real problems that require real leadership and not a lot of the same old Washington-based solutions that have dominated the agenda in this city for such a long time.

So again, I am delighted to be a part of the agenda that we are on, talking about these issues and talking about real solutions. Again, leading by example. One of the things that the gentleman from Wisconsin mentioned earlier is that sometimes we need to be using the bully pulpit. The fact of the matter is, as C.S. Lewis once said, that we laugh at honor and are shocked to find traders in our midst.

When we talk about the use of drugs in a very cavalier way, when we talk about the things, the values that we hold near and dear, the importance of keeping the family together, family relationships and the various activities that have been on the front page of the newspaper for the past several months, it is important for people who are in positions I think of public leadership to not only provide leadership in economic areas, but also in the moral area. That is something that I would hope that we will continue to emphasize and talk about in the discussion as well, that values be a part of our debate in this country.

Mr. NEUMANN. Mr. Speaker, just one comment on that. I know the gentleman is alluding to a situation that many people here in Washington have taken a hands-off policy and are just plain not talking about it, but at the risk of making a suggestion to the President of the United States, I would like to take this opportunity to suggest to the President of the United States that he come out with a very public statement that says, "No, I did not do that. If I had done that, I would immediately resign." That would be a very different message than the message our young people in this country are hearing today.

The message, "No, I did not do it, but if I had done that, I would resign immediately from this office," would send a message to our kids that he does not accept what he is being accused of as acceptable behavior or practice in this country, and it would be very different, what our kids are hearing, than what they are hearing today. I would encourage him to come out with that as soon as possible so that our kids hear a different message.

I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Speaker, I thank the gentleman. I would like to compliment the gentleman from South

Dakota. I know he has taken a leadership role in education. Again, a dream that the gentleman is talking about, a vision, it takes commitment. Mr. Speaker, those folks that started off to the West on covered wagons, they could dream about it, they could have a vision, but unless they were really committed, they would never make it.

We look at Martin Luther King. He had a dream, he had a vision, but yet it would not have become a reality unless he was willing to commit, and he did that.

But just like in education, if we get so little money out of the Federal Government down to the classroom, and I would say, Mr. Speaker, a State bureaucracy is just as bad as a Federal bureaucracy if it keeps the dollars away from the classroom. But if we get so little money, and I do not know, Mr. Speaker, if my colleagues have ever tried to pass a school bond in their districts, but I know in California it takes two-thirds, it is very difficult.

So if we have very little money from the Federal Government, if we cannot pass a school bond, how are we going to bring those classrooms up when we are last of the industrialized nations, 15th in math and science? And that was duplicated in a major study just this last month, where over half of the 4th graders could not identify the Atlantic or Pacific Ocean, and we got over half of our students coming out functionally illiterate.

One of the commitments, and the President signed this bill in the balanced budget, and what we looked at is taking the 21st century education bill to where we take companies who are dumping computers on schools but the school did not have the technology or the teachers to upgrade them, and they ended up in a corner. So what we did is we said, okay, if you have a computer that is under 2 years old, you can write off that computer and we are going to give you a tax benefit for donating that computer.

Now, we have a company, a nonprofit corporation in California and it is in 21 States, called Detwiler Foundation. They take that computer and they use prison labor to upgrade that computer. If they do not serve so many hours in working on education or work, they do not get their privileges. So it brings a triple force right there. They then turn that computer down to the school, ready to plug in.

So that is what it takes as a Federal, a private, and a State partnership. But again, the focus should be on the teachers, the parents, the families and the community to make those decisions. But that is what we talk about as far as commitment, and making it happen and coming up with those kinds of solutions, which means less government.

Mr. NEUMANN. Mr. Speaker, reclaiming my time, we are very near the end of the hour here and I would just kind of like to wrap this up. We talked about daring to dream. We talked about my personal life where we reached a point that we could not pay our bills, where we started a business and turned it into something.

We talked about starting the home building business and suffering through years where we lost money, and turning that company around and getting to the point where we were building 120 homes a year and providing 250 job opportunities. And daring to dream that in the United States of America, even if you have no political background, that in this great Nation that we live in, where if you want to run for office you can run for office, and we ran twice and lost, but we had a dream that it could still happen.

We got elected and came in here with a very specific dream. We came in here in 1995 and we dared to dream that we could balance our budget before the turn of the century and quit spending our kids' money. We dared to dream that we could make payments on the Federal debt and start paying this thing down, so instead of our kids getting a legacy of huge debts and interest payments, that we could actually start paying down the debt and maybe give our country to our children debt-free. We dared to dream that we could start putting the money away for Social Security so our senior citizens could once again rest assured that their Social Security was safe, and we dared to dream that we could reduce the tax burden on American workers.

Those things have all come about in less than 3 years. They have come about far faster than anyone even dared to dream that they could possibly happen.

Now we are here. It is time to look ahead and to look where we are going to. I would like to challenge my colleagues to dare to dream for the future of this country.

For our kids, let us give them a debt-free, drug-free America where education is once again No. 1 in the entire world. For our workers, let us reduce the tax burden at all levels of government by at least a third, so that they are once again empowered to make decisions about how they will spend their own hard-earned money. For our senior citizens, let us start putting the Social Security Trust Fund money aside in real dollars so that the Social Security Trust Fund is restored and safe for our senior citizens, and let us make sure that our Medicare system is solid and solvent so that our senior citizens are assured that their health care will be taken care of.

For all Americans, let us make sure that we provide a strong defense for this Nation and a clean environment as we look forward to the future. Let us dare to dream that we can restore this great Nation and once again have the greatest Nation in the world. Let us not be afraid to dare to dream.

BUDGETARY PRIORITIES

The SPEAKER pro tempore (Mr. REDMOND). Under the Speaker's announced policy of January 7, 1997, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, I want to talk today about the most important subject we have to deal with here, and that is finances, budget and appropriations. I want to talk about it in the context of financing two societies and the way we deal with two different groups.

One society I would say is the international banking and investment community, which when they approach us for help it seems always to get an immediate response of billions of dollars to go into the International Monetary Fund or to bail out Mexico. Now we are talking about bailing out South Korea, Indonesia, Malaysia, and the immediate response of billions and billions of dollars.

In the other society I would lump all of us together and start with my most important concern, and that is schools, financing for schools, assistance for schools. School construction at the top of that list, but everything related to education.

There is a double standard with respect to the International Monetary Fund and the way it comes to the relief of the international investment community, versus the funding that we receive and the kinds of debate and deliberation that we have when we are funding education or when we are funding other vital domestic programs, or when we are funding certain African and Caribbean countries. Caribbean aid and Caribbean trade always have a second class status. They are in the same category as funding for domestic programs that help poor people.

We are committed, we say, both parties say that we are really concerned about using Federal resources to help people who are disadvantaged. Low-income people should be helped as opposed to special groups, affirmative action is condemned as helping special groups, and the justification for that is condemned.

I do not agree with that approach where affirmative action is tossed aside as not being legitimate, but let us suspend that argument for a while and say that opportunity programs which help all poor people are certainly desirable, and if both parties, Democrats and Republicans, want to join in doing that, let us do that. But as we debate the process, let us understand that if we are going to help people who need help, the poorest people in our society, if we are going to help the children in inner cities' education systems, the schools that need repair most, the schools that need new classrooms, the schools that need to be wired for the Internet, if we are going to help them, it costs money.

So whenever we have a discussion of money, let us not retreat from the necessary resources to provide the opportunities for people who do not have opportunities. That is going to be our modus operandi. We are going to focus on providing opportunity versus providing corrections and adjustments for people who have been discriminated against. Then let us really provide the funding.

Let us deal with the funding for the schools in the inner city communities. Let us deal with the funding necessary for school construction, necessary for increasing classrooms, so that as we increase the number of teachers and we decrease the ratio of children to teachers, we have the space to do it. As we pursue those objectives that have been outlined by the President for education, let us deal with the funding the same way we deal with funding for the international investment community.

We have on the agenda in a few weeks a bill which will call for at least $18 billion to be added to the International Monetary Fund. The American taxpayers are going to be called upon to add $18 billion to the International Monetary Fund.

Now, there are some complications about one portion of it is $3 billion and the other portion is $15 billion; it is not really going to affect the budget, and it is not really an aid program, it is a loan program, and we only contribute to it and other nations contribute; there is a whole lot of malarkey which seems to hide the fact that it is money out of the Treasury, out of the coffers, which could be going to some other purpose, and it goes into the International Monetary Fund.

We are the biggest contributor there. Some people say we are approaching a point where almost 50 percent of the funds in the International Monetary Fund will be funds from the taxpayers of this country.

□ 2045

So we are going to have that bill on the floor. We have a bill tomorrow on the floor related to Africa, the African Growth and Opportunity bill, which I think is related to the discussion, too.

We are going to have, I hope, later on a bill related to the Caribbean Basin Initiative NAFTA Parity, how we deal with trade with the poor, sparsely populated countries of the Caribbean: These are all related.

I apologize if I do not proceed in a way where you have a simple topic, and I move from A to B, and it is an easy straight line, and you do not strain your brain to follow me. I think it is necessary for us to understand that this is a very complex world, and that a very complex process is undertaken when we spend your taxpayers' money.

I think it is also important to understand every voter, every American citizen has a stake in this process. Do not go to sleep. Do not let your eyes glaze over when I mention matters like the International Monetary Fund. It is your money.

Do not make the mistake of thinking you have no stake here, and you also have no power to help make the decision. Every American voter has a great deal of power. As recent elections show, which have been very close, the election for the House of Representatives, the election for the other body, they are close enough to let you know that every vote counts, and what you think and how you vote, how you react to what we do here is very important. Your input matters a great deal.

Democracy plays itself out in a very complex way nowadays, and you ought to understand that. You ought to understand that, beyond your single vote at the poll, you have another role. Every citizen has a role in shaping public opinion, because public opinion drives the decision making in this House of Representatives.

Both parties have very elaborate, very well-structured processes for measuring public opinion. It leads to some amazing results because we do measure public opinion.

I never get tired of using the example of the 1996 turnaround on education, how the Republicans took over the House of Representatives. They had the majority, and they began to wage war on education, and the Federal involvement in matters related to education. There was a war which was almost like, you know, take no prisoners, you know, a scorched earth policy.

They called for the elimination of the Department of Education. They called for cuts in Head Start. They called for dramatic cuts across the board in education programs. At one point, the cuts that were being proposed added up to about $4 billion.

Because we had a process whereby we came to the floor, the House of Representatives was meeting on a regular basis. In fact, in that first year, I think we made history in terms of the hours that were put in on this floor where the new majority pressed their Contract with America.

But the fact that they were pressing their Contract with America gave the minority an opportunity to answer. In the process of the minority answering, we got a message out to the people, our message on education.

We did not succeed on all matters. They did cut housing programs dramatically. They made $22 billion in cuts across the board. So they got a whole lot of their program of cuts in; some needed, and many not needed, many devastating.

But on education, our ability to bring the message to the floor, to talk to the American people about the proposed cuts in Head Start, the proposed cuts in the school lunch program, our ability to make our case, shape public opinion, and win—the Republicans without the measure, the public opinion in their poll and in their focus groups, they found that the public definitely was not happy with their program to move the Federal Government out of its programs of aid to education.

Instead of a $4 billion cut, which we resisted and avoided in 1995, in 1996, the same majority Republicans proposed a $4 billion increase. I use this example because it is one example of the power of public opinion and how dramatically things can turn around, ideology notwithstanding, ceremony notwithstanding.

People have their agendas, and they want to cling to them, but because this is a democracy, and in the end, the people at the polls will determine who has power, the majority parties saw that their power was threatened if they continued on their policies and their dogma related to Federal aid to education. They turned around. They are out now trying to sell themselves, the majority Republicans, as a party for education.

We are in a situation where both parties have strong rhetoric programs about education. I say rhetoric, because I do not think either party is delivering as it should. But certainly, if we were to follow the leadership of President Clinton and the kind of program elaborated in the State of the Union address, the Democrats and the people who have good common sense would have a program for education that was far beyond rhetoric. It would be a reality. Certainly, in the area of construction, we need that reality.

So I am saying it pays for the people with the power. Every American out there who votes has power. It pays for you to understand what is going on here. I wish that you would join us in spreading the word so that other people will understand what is going on here. In order for you to do that, you need to go in some processes of circular reasoning, and not just follow the simple A to B to C to D approach.

We need to talk about the coming vote on IMF, which will pull out of the Treasury $18 billion; the vote on the Africa Trade bill, which is a different kind of situation from what is going to happen with the bailouts; money that the IMF will give to Indonesia or to South Korea, or to some of the other more developed economies that have had tremendous investments made there.

What does it mean that we are willing to spend so much money in these highly developed societies when they go bankrupt as a result of corruption usually? Talking about school construction over a 10-year period, we may spend 20 to $21 billion. But we are going to rush to bail out these corrupt economies of Indonesia and South Korea, et cetera, and we are going to pay billions.

They are talking about $50 billion in Indonesia, which means that about half of that will somehow come out of the American taxpayers' coffers. South Korea, there is about $40 or $30 billion there. A majority of that is going to come out of the American taxpayers' coffers.

So what is it? Will Indonesia's corrupt or bankrupt system now get more benefits from the American taxpayers than the school children of America who need classroom space? They need safe schools. They need wiring for computers. They need computers.

What does it mean to have those kinds of amounts of money flowing out of the American Treasury to these countries?

I am not against IMF, the International Monetary Fund, the World Bank, United Nations. These are all international institutions which I support wholeheartedly. I am enthusiastically in favor of using these various international institutions to maintain peace and harmony and prosperity in the world as far as you can. We should support them.

But we should not allow them to be used as instruments for swindling the taxpayers of this country and for oppressing the people of the other nations like Indonesia, oppressing them through billions of dollars that are poured in by American banks and investors. Will Indonesia get better terms than we get?

We are talking about a school construction bill now that does not have any grant in it. Listen closely. There was a time when we were talking about school construction aid from the Federal Government which had grants. You give the money to the areas with the greatest need. You give some portion of it. Other portions were going to be loans.

Now we are talking about a school construction initiative which are strictly loans, strictly loans. There are no grants. Now we are going to have a program for school construction. It is being finalized now, the Rangel/Lowey bill, which is the President's bill, also. It is his initiative.

I am grateful for that initiative, because it is far better than anything else we have, but it is loans. It is forgiving the interest on bonds, I mean for giving a tax credit. Let me just go back. This is complicated. I am not sure I have it all straight. But you can follow up and investigate, because I think we need to begin to unravel some of these financing mechanisms and understand what is going on.

We are going to have money go to schools through their States and their localities as loans. The loans will come from the private sector. The private sector will be given a tax credit in lieu of the interest. Instead of the schools, the local education agencies, the States, localities, instead of them having to pay the principal and the interest, they will only pay back the principal.

That is a pretty good deal; no interest loans. But the Federal Government will finance that by giving the lenders a tax credit, which would equal the amount of interest that they would have charged. That sounds like a good deal.

Over a long period of time, if the payment required of the localities, schools, school boards, if that repayment is spread over a long period of time, it is an even better deal. I do not know exactly how long a period of time it will be spread over.

I do not know exactly how much of a tax credit the private sector will get in terms of the interest rate and what is going to be the going rate. You need to know that in order to compare the deal we are giving our children, our school systems to the deal that the IMF will give to Indonesia and Malaysia and these other countries. What kind of deal are they getting?

In the international marketplace, what kind of interest rates will be charged on the loans that they will be given in order to bail them out, and over what period of time? Will they really be getting a better deal? They may be getting a better deal automatically because their deal is going to move fast.

The schools are required and the education agencies and the State education departments are required to do a great deal of preparation and show that they have a plan to revamp their schools and to construct new schools, and that they are going to come forward with some contribution of their own.

There are a lot of things that are required. Some of the States would have the greatest needs; they have the greatest low-income population that is suffering; are least concerned about their low-income population.

So if they are required to make any match, any effort, they may reject it. If they are required to do this over a period of time, they may never get around to submitting the necessary paperwork. They may never get around to meeting the necessary conditions.

So we may have a far worse deal being offered by the Federal Government of the United States to our school children of America than we are offering to the corrupt bankers and manufacturers and politicians of Indonesia.

Let me just read for a moment what this school constructed initiative proposes to do and give you a better idea of how you should be talking to other people about the proposal.

The modernized schools for the 21st Century follows what you heard President Clinton propose in the State of the Union address. In order for students to learn and to compete in the global economy, schools must be well-equipped, and they must be able to accommodate smaller class sizes.

To address these and other critical needs, the President's fiscal year 1999 budget will propose Federal tax credits to pay interest on nearly $22 billion in bonds to build and renovate public schools. This is more than double the assistance proposed last year which covered half the interest of an estimated $20 million in bonds.

The new proposal provides tax credits in lieu of interest payments for investors in two types of bonds, school modernization bonds, and the expansion of the qualified zone academy bonds created last year.

These tax credits will cost the Treasury $5 billion over 5 years and more than $10 billion over 10 years. In other words, the tax credits that will be given to the private investors will amount to $5 billion over 5 years and $10 billion over 10 years.

Over a 10-year period, the private investors are going to loan the schools $22 billion, according to this scheme, if it follows through in detail. They are going to make $10 billion back on their money. They are going to receive $10 billion of tax. It is going to cost the Treasury in tax credits. That is a pretty good deal for the private sector. How good a deal is it to the school system?

□ 2100

I am not sure. I serve on the Committee on Economic and Educational Opportunities. I have been there for 16 years.

There was a time when I would not even undertake this kind of discussion because I trusted our colleagues on the Committee on Ways and Means and the Committee on Appropriations to deal with these issues. But the longer I stayed on Education, the more I realized that our problems, the way we deal with the funding for schools, the resources that schools need, the way we deal with opportunities to learn, you cannot complete the process, you cannot get what you need unless you focus on where the money is going from the Federal Treasury, unless you confront the people on the Committee on Appropriations who continually say there is not enough money, unless you confront the administration, unless you confront the leadership of the House. They insist there is not enough money.

So in order to deal with the basic concern that I have of improving education in America, funding education in America adequately, I have to challenge all of the assumptions that are being made about where the priorities are, where the money is going.

I think the American people, the voter out there, have to use his or her common sense in the same way. You have to look at the total picture so that when your Congressman tells you, we would like to fund schools and I am all in favor of education, but we do not have the money for school construction, we want to use the surplus that we are about to get, use that for Social Security. We are going to use it for some other purpose.

We do not want to begin to go back into deficit financing; if you propose to build new schools or to renovate old schools, the problem is that you are going to get into big spending. Well, if you are going to give the International Monetary Fund $18 billion over a short period of time, right away, then is that not big spending also? How can we do that big spending, investing in the bailout of corrupt enterprises across the ocean, when we cannot deal with a faster and a more thorough response to the financing of school construction.

Let us ask the question and let the experts answer it. At least we must be intelligent enough to keep asking the right question.

School modernization bonds, 19.4 billion and zero interest bonds, that is 9.7 billion in 1999 and 9.7 billion in the year 2000, are proposed for construction and renovation of public school facilities. The Department of the Treasury will allocate the rights to offer these special 15-year bonds.

I asked before, how long a period would they have to pay. Now we hear, they will be 15 years, 15-year bonds to States, territories and certain school districts that have submitted school construction plans to the Secretary of Education. I will not read all of this.

I will include this document entitled Modernized Schools for the 21st Century. It is just a one-page explanation of the school modernization program. I think it is a good summary. Instead of reading it, I would like to submit it.

School construction plans would not be accepted unless they meet certain requirements. In order to receive a bond allocation, States, territories and the eligible 100 school districts will be required to submit a plan to the Secretary of Education.

As I said before, there are two types of plans. One is for construction and one is for qualified zone academy bonds, a kind of bond that has been created for certain districts where you have high poverty rates.

I think the basic here is that you have 15 years to pay back the principal and the Federal Government will pay, will be responsible for the interest by giving tax credits to the private sector which issues those bonds to the States, territories and certain school districts.

It may be a better deal than Indonesia will get, but I am not sure. I suspect that because Indonesia will get their money so much faster and because they are in a situation where the private market has a higher interest rate, they will be placed at a great advantage. Those corrupt people who have now gone bankrupt will get money at a far lower interest rate than they would have, than they would get if they had to deal in the private sector. It is rewarding corruption and incompetence and rewarding it quite rapidly, using American taxpayer money to do that.

My question is, why do we deal with that set of people with such generosity? What have they done to earn such generosity while we are so slow?

Here we are in the fourth year of our discussion of an initiative to aid school construction. It has been a no-no for so long. In the meantime, we have bailed out the savings and loan associations; $500 billion it cost the taxpayers. And we bailed out Mexico; Mexico was nearly bankrupt. And we are now about to bail out certain Asian countries, including Indonesia.

I keep referring to Indonesia because it is a particularly difficult situation to swallow. It is hard to accept what is going on in Indonesia. Indonesia has an authoritarian regime headed by a man who used to be a general, General Suharto. Now President Suharto, who has been in office, I think he is going into his fifth term, five-year terms, like he has been there 25 years, he runs the country with an authoritarian hand. He is in the same category as Saddam Hussein.

I called Saddam Hussein a sovereign predator. Saddam Hussein has all the power, all the authority, there is no democracy. There are no institutions free to criticize him or challenge him. He has all the power. There is no likelihood that anybody is ever going to be able to internally overthrow Saddam Hussein. He uses the power to create a military machine, manufacture massive numbers of military weapons and maintain a massive army which can be used only for destruction to keep the people under control within the country, and to also lead to promote ventures like the invasion of Kuwait. If he was not stopped, had not been stopped by the U.S., he would be probably invading Saudi Arabia and everybody around him who is weak enough to be swallowed up by the monster Iraq. So Saddam Hussein is a sovereign predator of a certain type.

General Suharto in Indonesia is not a military threat. He is a different kind of sovereign predator. He has all power, too, the military, everything under his control. But he is only interested in making money for his family and himself and his cronies, and he has used his power to enhance his money.

There was an article in the New York Times this past Sunday, March 8, in the Week in Review. It was called Indonesian face off, drawing blood without bombs. I was very impressed that the reporter, David Sanger, used the same comparison that I had begun to think of when I attended a meeting last week.

I sat in on a meeting of the Congressional Black Caucus leadership and the head of the IMF to discuss some of the same issues we are talking about here. Why is there a double standard? I am going to talk in a few minutes about that double standard, how not only it applies to our own concerns domestically, but when the U.S. starts giving aid to countries in Africa or aid to countries in the Caribbean region, we do not behave the same way we behave with these big sovereign predators who have these big economies that require billions and billions of dollars.

I came out of that meeting thinking that, hey, Suharto is very much like Saddam Hussein. He is an economic sovereign predator. He sucks in investments from all over the world and uses them to enrich his family and his cronies and pours them into phony enterprises.

They have an aircraft manufacturing enterprise where, the whole world knows, they are never going to produce decent planes. Nobody is going to want to fly the kinds of planes they produce, if they ever get around to producing any at all.

They have an automobile concern headed by one of his sons which is supposed to manufacture the international automobile for Indonesia, and the automobile is really made in South Korea. They bring it out of the factory in Indonesia and they give it a subsidy. If you buy one of those automobiles, you do not have to pay the same taxes you pay if you buy other automobiles because that is supposed to be the national automobile made in that nation.

The owner of that factory is one of Suharto's sons. So on and on it goes.

Let us just take a minute, do not let your eyes glaze over, look at the Asian bailout through the eyes of my good friend, the gentleman from Vermont (Mr. SANDERS). He wrote an article for The Hill, which I think gives a very good summary of what we are dealing with here. I quote from the article that appeared in The Hill newspaper, Wednesday, January 28, 1998.

Again, Mr. Speaker, I will ask that this article be entered in its entirety in the RECORD. I will not have to read it all. I think it is pertinent. It is short and to the point. I would like to have it in the RECORD.

Just quoting parts of the Sanders article, which is entitled "Asian Bailout Is Unfair," it is counterproductive, and he goes so far as to say it is illegal.

> It is amazing to me that even as President Clinton and Speaker Gingrich tell us we have to cut back on Medicare, Medicaid, veterans' programs, affordable housing and children's needs, and perhaps even Social Security in the near future, that we can provide some $15 to $20 billion in loans to Indonesia, Thailand, the Philippines and South Korea. This action will only increase public cynicism.
>
> American workers have seen a substantial decline in their standard of living over the last 20 years even as they are working longer

> hours for lower wages. Twenty-two percent of the children in this country live in poverty. Millions of elderly people cannot afford prescription drugs. Forty million Americans lack health insurance. And there has recently been a significant increase in homelessness and hunger. For those people there is apparently no government assistance available, only the virtues of personal responsibility.

That is the name of the Welfare Reform Act that plunged so many people into a new level of desperation in our society.

But to continue quoting the gentleman from Vermont (Mr. SANDERS) from his article that appeared in The Hill on January 28:

> But when foreign governments, some led by corrupt authoritarian billionaires, need assistance, the United States is there in rapid-response fashion to help them out. Where are the risks for the poorly managed governments which have run their economies into bankruptcy? Where is the self-regulation of the free enterprise system for the wealthy special interests of Asia that have borrowed more money than they can repay? Where is the magic of the marketplace for the reckless investors and speculators that have made huge profits by investing and lending money in Asia, but now want U.S. taxpayers to bail them out; or corrupt dictators, like President Suharto of Indonesia, whose family is worth $30 to $40 billion and who has invested much of his money abroad in foreign currencies?
>
> Should the taxpayers of this country really be providing 19.3 billion as part of the bailout of these huge profitable banks and their overpaid executives? Is that really the way the system is supposed to work? I do not think so. That is socialism for the rich and the powerful and Darwinian capitalism for the middle class and the poor.
>
> The International Monetary Fund bailout, as currently designed, is illegal and in violation of the Sanders-Frank amendment of 1994 which requires U.S. representatives to international financial institutions to urge borrowing countries to guarantee internationally recognized workers' rights and to include the status of such rights as an integral part of the institution's policy dialogue with each borrowing country. This has not been done.
>
> In Indonesia, for example, Muchtar Pakpahan, the head of the Independent Indonesia Labor Welfare Union, is still in jail because of his belief that workers have the right to freely organize and join unions. No one believes that Indonesia guarantees international recognized workers' rights.

I will conclude my reading of sections from this article at this point.

The point is being made here that we have in Indonesia not only a corrupt, bankrupt system, but they are also violating the requirements that we have placed on our international monetary institutions. They are in violation of the principle that held us together, the majority of the Members of Congress, held us together against the free trade fast track.

We had the fast track process being proposed last fall, and in November of last year we defeated, we did not defeat it, we let it be known that there would not be enough votes for it on the floor. So fast track trade processes did not get okayed or approved by this Congress. It never got to first base in this House of Representatives. It was not put on the floor because they knew it would be defeated.

One reason we had solidarity there was that so many of us agreed that the effort that we had been waging to get standards placed into the international trade agreements, which require governments to recognize unions and to permit union organizing, were not going to go forward, that we would not have a chance to do that on the fast track.

□ 2115

We also had concerns about environmental standards, and that is not going to be done. I hope that negotiation process is going on and that we will not have a replay of the fast track drama; that whatever new trade bills come back to this floor will have that requirement in them.

We have a bill that is coming to the floor tomorrow, the Africa Growth and Trade Act, which has provisions in it to deal with the problem of the right of unions to organize. No nation like Nigeria in Africa would be allowed to participate in this Africa Growth and Trade bill since it does not have that kind of freedom for labor unions. We have written it into the bill.

So we have a situation here where the kind of violations and the kind of abuses that have been permitted in Indonesia and some other Asian countries while they enjoy the benefits of the International Monetary Fund, will not be allowed in this process of trying to help Africa.

Here again I want to talk about the double standard. Africa has not received any substantial aid from the United States. I think if you add all of the aid of all kinds that flow into Africa from the United States we have about a billion dollars. A billion dollars in aid the last year we have records for flowed from the United States to Africa. The huge continent of Africa got a billion dollars in aid. The Caribbean countries, the little islands, got far less than that. When we lump them all together they got far less than that.

So there is an issue of a standard of operation with these needy countries, disadvantaged countries, countries that are just getting started. And by the way, these are nations that will provide far greater markets for our products than our Asian corrupted partners. The balance of trade with some of these countries that we are going to be bailing out is already skewed so that we are importing far more from them than they are buying from us.

So we are not only helping corrupt investors and corrupt institutions in these Asian countries, certainly like in Indonesia, but we are also financing our competitors. American workers are being jeopardized and displaced by the cheap labor markets in the same countries we are now going to bail out.

The African nations are not among these competitors. We have a very tiny trade with Africa. And by the way, the trade with Africa is in surplus in the other direction: $6 billion in the last period that is recorded. That is small compared to what we do with Japan and China and Indonesia, et cetera. Six billion dollars. But it is on our side. We sold them products worth $6 billion. The amount of trade coming the other way is minuscule, the amount that they have sold to us.

So the Africa Growth and Trade bill will be opening up a great new market. It will be establishing a dialogue, and mostly it is about dialogue. There is very little money in that bill that is going to be on the floor tomorrow, and it is important that people understand that. At a time when we are considering International Monetary Fund bailouts for these overheated developing economies in Asia, we should not mix it up and get confused and say we do not want any trade bills.

The Africa trade bill is an example of a great need that will benefit this country ultimately, because it opens and builds new markets. It is a great process of trade that has not gone forward which is to our advantage, and that will be opened up by the Africa Growth and Trade bill.

But I hear complaints. There is tiny amounts of money that may be involved there in terms of trade in textiles, so we have a lot of problems with people saying we do not want any more competition for our textile industry. And certainly I have friends in the labor movement I have worked with for years on this problem of competition with our industries, textile or otherwise. The amount of textiles imported from Africa at this point is .6 percent. Less than 1 percent. All of the countries of Africa combined, less than .6 percent.

I have a chart here that shows that on the other hand the amount that is exported from places like China, which by the way has no environmental standards and they do not allow free organization of labor unions, here is a chart called "Comparison of U.S. Textile Imports From Major Suppliers and from Sub-Saharan Africa." Total imports, $19 billion.

And they give some of the break-out from the various countries that enjoy a percentage of that support. At the top, of course, is Mexico. Mexico has 11.5 percent of the imports of textiles. We import from Mexico, out of our total, and they get a big share, 11.5 percent. They are right across the border, and of course NAFTA has made it possible for them to enjoy great advantages. So they are the biggest importer.

Second to Mexico is the faraway country of China. The faraway country of China that does not allow its unions to organize, is not involved with environmental standards, and they get 8.6 percent, 8.6 percent of the total in our textile imports.

Taiwan, 6.3 percent. Hong Kong, 4.7 percent almost. India, South Korea, Thailand. The standard of living in countries like Hong Kong, Taiwan, and South Korea is quite high versus the standard of living in sub-Saharan Africa, where the per capita income is $383 per year. I am sorry, the per capita income of Taiwan, for example, is $12,000 a year. Per capita income in Hong Kong is $21,000. Per capita income. That may be pretty close to our per capita income here when we break it out in terms of wage earners. South Korea is $8,000; Taiwan $2,400. But Africa's per capita income, I said $383. No, it is $460.

So I am saying, again, two societies, two approaches. When we come to approaching Africa, we have been very mean, very stingy. We do not have any real trade going. Only .6 percent in textiles. And I assure my colleagues that overall imports from Africa are not much better, but we want to apply very stringent standards to Africa now. But we did not apply those to China. China is getting already a big share, and we did not apply those standards to China. We did not apply those standards to Mexico.

People have approached me and said, "I am concerned. If we let Africa have a greater percentage, and we import more textiles from Africa, will that not throw American workers out of jobs?" And my answer is I doubt it seriously. I think if there are any people thrown out of jobs, they will be in Hong Kong or China or Taiwan, because they have the lion's share. They got that way because they had cheaper labor and they could undercut the labor cost in the United States. They do not have cheaper labor than Africa.

So if we want the market processes to continue to work, Africa will take some of the textile business away from these countries that have now prospered. They have higher labor costs and they will be the ones who lose. We have already lost it. We have already lost these tremendous percentages to China, to Mexico, to Taiwan, to Hong Kong and to South Korea. They are doing very well. Now, if we allow international monetary forces to work without any interference, Africa would take some of the textile business away from these countries and not from the United States.

Mr. Speaker, I wish to include for the RECORD at this point the chart labeled "Comparison of U.S. Textile Imports From Major Suppliers and From Sub-Saharan Africa."

COMPARISON OF U.S. TEXTILE IMPORTS FROM MAJOR SUPPLIERS AND FROM SUB-SAHARAN AFRICA

	1996 MFA Fibers (in millions of square meters)	Percent of 1996 total imports	Total 1996 U.S. textile imports (in millions)	1994 GNP per capita income
Total Imports	19,070.766	100.00	$45,932	$4,470
Mexico	2,207.063	11.57	4,232	4,180
China	1,644.861	8.63	4,892	530
Taiwan	1,203.465	6.31	2,733	12,100
Hong Kong	891.950	4.68	4,031	21,650
India	869.682	4.56	1,737	320
S. Korea	729.189	3.82	2,049	8,260
Thailand	631.137	3.31	1,402	2,410
Sub-Saharan Africa	127.413	0.67	383	460

Source: 1997 Major Shippers Report and World Bank.

Mr. Speaker, I want to conclude by making some comparisons here. A billion dollars is a lot of money, and we should never minimize the fact that a billion dollars from the taxpayers is to be treasured and a great value should be placed upon it. And when we talk about $18 billion going into the International Monetary Fund, we already have a lot of money going into the International Monetary Fund. We have been pouring a lot of money in.

So the big question to ask is: If it is not a giveaway, if it is not aid but loans, after it has existed for so long, why do we continually have to put money in? Why does the return of the principal and the return of interest on the principal not keep the fund at a point where we do not need to keep pouring money in? We have been pouring money into the International Monetary Fund in ever greater amendments.

A billion dollars. What does a billion dollars do? Let us take my concern about schools in New York City, my concerns about school construction there, and narrow it down to just one part of the school construction problem. We have 300 schools that burn coal in their furnaces in 1998, in America, in the big City of New York, which has all kinds of pollution problems.

And the Daily News, the second biggest newspaper in the city, has recently completed a series of articles on asthma and the high asthma rate in our city. We have the highest in the country. Asthma is the number one killer of children in our city, and yet we have 300 coal-burning furnaces. And these coal-burning furnaces, it is said to convert them would cost us $1.3 million. Like everything in New York, I fear the cost is rather inflated. But to take one coal-burning furnace and change it into an oil-burning or gas-burning furnace they say will cost $1.3 million.

Well, if we take $1 billion out of the $18 billion we are going to give away to Indonesia, what could we do with it in this situation? Simple arithmetic would say that we could take care of the problem of all the coal-burning furnaces, and that will cost us a little more than $300 million, probably about $330 million. For $330 million we could take care of all the coal-burning furnaces in New York City, have the kids in a situation where they are not officially being victimized by their own city, by their own school system, where the asthma problem is not being aggravated by public negligence. Wipe it out. $330 million will do it.

So we still have $670 million left over from that billion. With that we could buy a large number of computers and we could wire schools, and we could go on to begin the process of building and repairing our schools.

A billion dollars is a great deal of money. When we look at the appropriations for the International Monetary Fund, we say, oh, it is no problem. Eighteen billion dollars more into the International Monetary Fund is no problem. But when we look at appropriations for our own domestic concerns, like coal-burning furnaces and school construction, it becomes a lot of money. Big spenders, we are called.

Right now we have a program called the empowerment zones. We have 10 empowerment zones that are going now; six urban, three rural, and one Indian reservation; and 100 enterprise communities. I asked my staff to just check how much have we spent. These programs have been going now for 2 years. How much have we spent on all these enterprise zones and the empowerment zones? And the estimate is that in 2 years these zones that are spread across several cities and rural areas, and these enterprise communities, we have spent a billion dollars in social services grants from the Health and Human Services.

These programs are comprehensive, and all the departments of government contribute, so it is estimated that we have spent about a billion dollars in 2 years. A billion. And we have $2.5 billion in anticipated tax expenditures of revenue to the Federal Government because of the tax breaks.

The other part of the enterprise zone and empowerment program is we give tax breaks to industries that invest in these communities. A combination of $3.5 billion for our number one economic recovery program for cities and our rural areas.

□ 2130

$3.5 billion over a 2-year period. And we are going to drop $18 billion into the International Monetary Fund in one action. Just compare what a billion dollars is worth, and you will see that there are two sets of standards. When we are dealing with domestic concerns, like school construction, enterprise zones or any other activity of our Federal Government designed to help poor people, we are nickel and diming, relatively speaking, we are nickel and diming the process.

As I conclude on schools, the New York City report on the performance of the public schools in reading and math, the elementary schools, came out in the Sunday New York Times. And I want to congratulate the New York Times for not only in its Sunday paper giving a spread which included every school that was involved and every local school district, they had a big spread that covered two pages and is quite informative.

They went even further, and they put into this process a new calculation of their own, a new way of analyzing the statistics. They did something called reading performance, where they took the reading scores of the children in each school; and I will read what they did here.

Under the category called, "Reading Performance," they list the scores, they list the schools, they list the student-teacher ratio, and they list the income of that school. Income is measured in terms of the number of children who qualify for the Federal School Lunch Program. The percentage of children who qualify for the Federal School Lunch Program, well, they do it in terms of children who do not qualify. They get a figure based on the number of children who do not qualify.

If 6.6 percent of the children in the school do not qualify for the school lunch program, they know that 93 percent do qualify. So the low-income population they can calculate by looking at the fact that the high-income, those who are above the level where they qualify for school lunch programs, are low. So they give the math score and they give the reading score, and they give the percent of changes in reading and they rank the whole city, and they give you the reading performance indication.

The reading performance is a measure calculated by the New York Times comparing schools to similar schools after taking into account student family income and English speaking ability as reported by the State. A score of 5 is the highest, and 1 is the lowest. And they show you that, and very informative things happen.

There are those of us who say that there is a relationship between the income of a family and the performance of students at school, and we have said that for years. But the New York Times reading performance index shows it quite clearly. We can just look and we will see clearly that there is a pattern where the incomes were lowest.

Where the incomes were lowest, we had the greatest problems in reading except for a few exceptions. And I think where there are exceptions, the chancellor of the school system, Rudy Crew, and the other school authorities, as well as other school boards, everybody ought to take a look at the fact there are some low-income schools, a few, which perform very well. The income was not an indicator of their reading performance. You know, they read very well. Something is happening at that school which is unusual. But, by and large, 90 percent of the schools follow the pattern of the lowest incomes and the lowest scores. And in the overall districts, we have the same pattern.

Except, I think the people of Staten Island better take a hard look at their schools. Because it was very interesting that Staten Island, that section of New York City which has strived to secede from the city recently, they voted they wanted to get out of the city and secede, mostly middle-income homeowners' favorite place to live, their overall average in terms of income is very interesting. They are highest in the city. They have 58.9 percent of the children who do not qualify for school lunches. That is the highest in the city. And yet their reading level is nothing impressive.

And when you compare their reading levels with their income, they are the lowest in the State. The City of Staten Island is taking a hard look at the fact that they have a relatively prosperous population, people with decent incomes and yet they are not performing well at all. That is the only exception to the rule in terms of district.

Other districts follow the pattern. If the overall district had a very low income level, the percentage of students with low incomes, the district's reading levels were also quite low except for a few exceptions here and there. And I say this in closing because I want to reemphasize the fact that opportunity programs that we have talked about in the poorest parts of our population deserving help from the government, our neglect of following our rhetoric with principle leads to situations where these concentrations of poor students are not getting the kind of help that they need.

In an area like District 23 in Brownsville, one of the lowest income levels on these charts, you have the highest number of teachers who are not certified teachers. It is a place where a great deal of effort is required to maintain certified teachers. It is a place where you will find other kinds of problems related to lack of resources that are needed. There is a correlation in that which should be taken into consideration, and it is not enough for the State to make tours of schools, do evaluations and ratings and decide to take low-performance schools and put them into special programs.

The problem is poverty, and the problem has to be addressed. We cannot address the problem of poverty if we are going to continue with this two-society system. One approach to any kind of activity which relates to international financing where bankers have invested money, we will jump in with billions of dollars to bail it out starting with the situation in this country, the Mexican bailout, and now the bailout of Asian countries. We rush with our resources and money to put it into situations which is going to make the investments of bankers good, people who have loaned money to these enterprises in these countries at high interest rates. They got high interest rates. That is why they made the loans.

So they profited from high interest rates, and now the taxpayers are going to bail out the country so they get their principal back also. So it is international socialism, giving away large amounts of money in situations which promote people who are rich already, and corrupt, and have created a situation in the free market that they ought to be allowed with free market resources.

On the other hand, we apply to Africa and to Caribbean nations a different standard, and we give them nickels and dimes and not much help. Just as we approach situations in our own domestic economy, and when we deal with vital domestic programs, we take a nickel-and-dime approach. This was an approach taken by a reporter I mentioned last week. The Eisenhower Foundation came out with a report which updated the current commission record, and they had in their report a list of investments that ought to be made by the Federal Government.

And I will leave my colleagues with this, investments in school reform should be $15 billion a year. They said we should be investing $15 billion a year just in school reform, not construction, just reform and other kinds of activities in schools. We should be investing $7 billion a year in Head Start. And they had many other programs that support poor communities, job training, economic development et cetera, and they come out with a figure of $56 billion a year that they think we should be spending. That would be on the order of an operation bailout. We would be doing for ourselves the kind of things we are so readily willing to do in our own Nation if we would spend in our own economy and own schools, invest in our own institutions to the degree it is needed.

Modern, complicated societies require great investments in order to be able to survive and to be productive and for this Nation to continue to lead the world as it does. We are making a great mistake when we pour our resources into foreign enterprises blindly in order to bail out the private sector while we are not willing to make comparable investments in our own institutions.

Mr. Speaker, I include for the RECORD the following:

[The Hill, Wednesday, January 28, 1998]

ASIAN BAILOUT IS UNFAIR, COUNTERPRODUCTIVE AND ILLEGAL

(By Rep. Bernard Sanders)

President Clinton's proposal for the Asian bailout, which is supported by Speaker Newt Gingrich (R-Ga.) and a number of Republicans, is an insult to American taxpayers, counterproductive for movement toward a stable world economy, and illegal.

It is amazing to me that even as President Clinton and Speaker Gingrich tell us we have to cut back on Medicare, Medicaid, veterans' programs, affordable housing and children's needs—and perhaps even Social Security in the near future—that we can provide some $15-to-$20 billion in loans to Indonesia, Thailand, the Philippines and South Korea. This action will only increase public cynicism.

American workers have seen a substantial decline in their standard of living over the last 20 years, even as they are working longer hours for lower wages. Twenty-two percent of the children in this country live in poverty, millions of elderly people cannot afford prescription drugs, 40 million Americans lack health insurance, and there has recently been a significant increase in homelessness and hunger. For these people, apparently, there is no government assistance available, only the virtues of "personal responsibility."

But when foreign governments, some led by corrupt authoritarian billionaires, need assistance, the United States is there in rapid response fashion to help them out. Where are the "risks" for the poorly managed governments which have run their economies into bankruptcy? Where is the "self-regulation" of the free enterprise system for the wealthy special-interests in Asia that have borrowed more money than they can repay?

And where is the "magic of the marketplace" for the reckless investors and speculators that have made huge profits by investing and lending money in Asia, but now want U.S. taxpayers to bail them out? Or the corrupt dictators like President Suharto of Indonesia, whose family is worth $30-to-$40 billion and who has invested much of his money abroad in foreign currencies?

Should the taxpayers of this country really be providing $19.3 billion as part of the bailout to these huge, profitable banks and their overpaid executives? Is that really the way the system is supposed to work? I don't think so. That's socialism for the rich and the powerful, and Darwinian capitalism for the middle-class and the poor.

The International Monetary Fund (IMF) bailouts, as currently designed, are illegal and in violation of the Sanders-Frank Amendment of 1994, which requires U.S. representatives to international financial institutions to urge borrowing countries to guarantee internationally recognized workers' rights, and to include the status of such rights as an integral part of the institution's policy dialogue with each borrowing country.

This has not been done. In Indonesia, for example, Muchtar Pakpahan, the head of the independent Indonesia Labor Welfare Union, is still in jail because of his belief that workers have the right to freely organize and join unions. No one believes that Indonesia guarantees internationally recognized worker rights.

Will the IMF bailout improve the lives of people who are affected? Experts as diverse as former Republican Secretary of the Treasury George Shultz, Jim Sheehan of the conservative Competitive Enterprise Institute, Ralph Nader and the Friends of the Earth agree that it won't.

Finally, what does this bailout say about our position in the international economy? How does this crisis relate to our absurd trade policies which, this year, will run up a record-breaking $200 billion trade deficit as American corporations continue to invest billions in low-wage Third World countries, while laying off workers here?

The president and Congress must move to resolve this crisis and make certain that similar crises do not arise again. Let me suggest a few steps that should be taken as soon as possible:

We must not repeat the errors of the past, learning nothing from the savings and loan fiasco and the Mexican bailout. Instead, we must use this crisis to fully debate the proper role for the United States in the global economy, and all aspects of IMF policy;

Enforce the law and not support any IMF bailout which does not guarantee internationally recognized worker rights;

Make certain that the financial institutions responsible for the crisis pay for the bailout, and not the taxpayers of the United States or the workers of Asia;

Implement a tax in the U.S. on international transactions on capital that creates an insurance fund for bailouts; and

Make certain that the IMF does not implement a one-size-fits-all "austerity program," which further impoverishes the workers of Asia, and makes their exports into the United States even cheaper, potentially costing us millions of jobs.

Finally, we must pass legislation prohibiting the president from expending any more than $250 million from the Exchange Stabilization Fund without the approval of Congress.

MODERNIZE SCHOOLS FOR THE 21ST CENTURY

In order for students to learn and to compete in the global economy, schools must be well-equipped and they must be able to accommodate smaller class sizes. To address these and other critical needs, the President's FY 99 Budget will propose Federal tax credits to pay interest on nearly $22 billion in bonds to build and renovate public schools. This is more than double the assistance proposed last year, which covered half the interest on an estimated $20 billion in bonds. The new proposal provides tax credits in lieu of interest payments for investors in two types of bonds: School Modernization Bonds (a new proposal), and expansion of the Qualified Zone Academy Bonds (created last year). These tax credits will cost the Treasury $5 billion over 5 years, and more than $10 billion over ten years.

SCHOOL MODERNIZATION BONDS

$19.4 billion in zero-interst bonds ($9.7 billion in 1999 and $9.7 billion in 2000) is proposed for construction and renovation of public school facilities. The Department of the Treasury would allocate the rights to offer these special 15-year bonds to States, territories, and certain school districts that have submitted school construction plans to the Secretary of Education.

Half of the bond authority would be allocated to the 100 school districts with the largest number of low-income children, in proportion to the number of such children served (the Title I Basic Grant formula), to provide assistance in accordance with each school district's plan.

The other half would be allocated to States and territories to provide to school districts in need of assistance in accordance with each State's plan. The bond authority would be allocated according to the State's proportion of low-income children (Title I Basic Grant formula), except that children in the 100 school districts (above) would not be included in the count.

School Construction Plans: In order to receive a bond allocation, States, territories, and the eligible 100 school districts would be required to submit a plan to the Secretary of Education. The plans would (1) demonstrate that a comprehensive survey has been undertaken of the construction and renovation needs in the jurisdiction, including meeting requirements for access by persons with disabilities, and (2) describe how the jurisdiction will ensure that the bond funds are used for the purposes intended by this proposal, including the requirement that they will supplement, not supplant, amounts that would have been spent on construction and renovation in the absence of these bonds. State plans would also describe how they will ensure that localities with the greatest need—as demonstrated by inadequate facilities coupled with a low level of resources to meet the needs—would be served.

QUALIFIED ZONE ACADEMY BONDS

This program, created by the Taxpayer Relief Act of 1997, provides a tax credit to pay interest on bonds for a variety of expenses (including building renovation) related to certain public school-business partnerships. The FY 99 Budget would expand these bonds to cover school construction and would increase and extend the bond authority by $2.4 billion (an additional $1 billion, to $1.4 billion, in 1999, and $1.4 billion in 2000). This bond authority is allocated to States on the basis of their respective populations of individuals with incomes below the poverty line

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CONFERENCE REPORT ON H.R. 1757, FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT

Mr. SMITH of New Jersey (during special order of the gentleman from Oklahoma, Mr. ISTOOK) submitted the following conference report and statement on the bill (H.R. 1757) to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and to ensure that the enlargement of the North Atlantic Treaty Organization (NATO) proceeds in a manner consistent with United States interests, to strengthen relations between the United States and Russia, to preserve the prerogatives of the Congress with respect to certain arms control agreements, and for other purposes:

CONFERENCE REPORT (H. REPT. 105-432)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1757), to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and to ensure that the enlargement of the North Atlantic Treaty Organization (NATO) proceeds in a manner consistent with United States interests, to strengthen relations between the United States and Russia, to preserve the prerogatives of the Congress with respect to certain arms control agreements, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Affairs Reform and Restructuring Act of 1998".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) DIVISION A.—Foreign Affairs Agencies Consolidation Act of 1998.

(2) DIVISION B.—Foreign Relations Authorization Act, Fiscal Years 1998 and 1999.

(3) DIVISION C.—United Nations Reform Act of 1998.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.

SUBDIVISION A—CONSOLIDATION OF FOREIGN AFFAIRS AGENCIES

TITLE I—GENERAL PROVISIONS

Sec. 101. Short title.
Sec. 102. Purposes.
Sec. 103. Definitions.
Sec. 104. Report on budgetary cost savings resulting from reorganization.

TITLE II—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

CHAPTER 1—GENERAL PROVISIONS

Sec. 201. Effective date.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

Sec. 211. Abolition of United States Arms Control and Disarmament Agency.
Sec. 212. Transfer of functions to Secretary of State.
Sec. 213. Under Secretary for Arms Control and International Security.

CHAPTER 3—CONFORMING AMENDMENTS

Sec. 221. References.
Sec. 222. Repeals.
Sec. 223. Amendments to the Arms Control and Disarmament Act.
Sec. 224. Compensation of officers.
Sec. 225. Additional conforming amendments.

TITLE III—UNITED STATES INFORMATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

Sec. 301. Effective date.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

Sec. 311. Abolition of United States Information Agency.
Sec. 312. Transfer of functions.
Sec. 313. Under Secretary of State for Public Diplomacy.
Sec. 314. Abolition of Office of Inspector General of United States Information Agency and transfer of functions.

CHAPTER 3—INTERNATIONAL BROADCASTING

Sec. 321. Congressional findings and declaration of purpose.
Sec. 322. Continued existence of Broadcasting Board of Governors.
Sec. 323. Conforming amendments to the United States International Broadcasting Act of 1994.
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DIVISION A—CONSOLIDATION OF FOREIGN AFFAIRS AGENCIES

TITLE I—GENERAL PROVISIONS

SEC. 101. SHORT TITLE.

This division may be cited as the "Foreign Affairs Agencies Consolidation Act of 1998".

SEC. 102. PURPOSES.

The purposes of this division are—

(1) to strengthen—

(A) the coordination of United States foreign policy; and

(B) the leading role of the Secretary of State in the formulation and articulation of United States foreign policy;

(2) to consolidate and reinvigorate the foreign affairs functions of the United States within the Department of State by—

(A) abolishing the United States Arms Control and Disarmament Agency, the United States Information Agency, and the United States International Development Cooperation Agency, and transferring the functions of these agencies to the Department of State while preserving the special missions and skills of these agencies;

(B) transferring certain functions of the Agency for International Development to the Department of State; and

(C) providing for the reorganization of the Department of State to maximize the efficient use of resources, which may lead to budget savings, eliminated redundancy in functions, and improvement in the management of the Department of State;

(3) to ensure that programs critical to the promotion of United States national interests be maintained;

(4) to assist congressional efforts to balance the Federal budget and reduce the Federal debt;

(5) to ensure that the United States maintains effective representation abroad within budgetary restraints; and

(6) to encourage United States foreign affairs agencies to maintain a high percentage of the best qualified, most competent United States citizens serving in the United States Government.

SEC. 103. DEFINITIONS.

In this division:

(1) ACDA.—The term "ACDA" means the United States Arms Control and Disarmament Agency.

(2) AID.—The term "AID" means the United States Agency for International Development.

(3) AGENCY; FEDERAL AGENCY.—The term "agency" or "Federal agency" means an Executive agency as defined in section 105 of title 5, United States Code.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(5) COVERED AGENCY.—The term "covered agency" means any of the following agencies: ACDA, USIA, IDCA, and AID.

(6) DEPARTMENT.—The term "Department" means the Department of State.

(7) FUNCTION.—The term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

(8) IDCA.—The term "IDCA" means the United States International Development Cooperation Agency.

(9) OFFICE.—The term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

(10) SECRETARY.—The term "Secretary" means the Secretary of State.

(11) USIA.—The term "USIA" means the United States Information Agency.

SEC. 104. REPORT ON BUDGETARY COST SAVINGS RESULTING FROM REORGANIZATION.

The Secretary of State shall submit a report, together with the congressional presentation document for the budget of the Department of State for each of the fiscal years 1999, 2000, and 2001, to the appropriate congressional committees describing the total anticipated and achieved cost savings in budget outlays and budget authority related to the reorganization implemented under this division, including cost savings by each of the following categories:

(1) Reductions in personnel.

(2) Administrative consolidation, including procurement.

(3) Program consolidation.

(4) Consolidation of real properties and leases.

TITLE II—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

CHAPTER 1—GENERAL PROVISIONS

SEC. 201. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) October 1, 1998; or

(2) the date of abolition of the United States Arms Control and Disarmament Agency pursuant to the reorganization plan described in section 601.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

SEC. 211. ABOLITION OF UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY.

The United States Arms Control and Disarmament Agency is abolished.

SEC. 212. TRANSFER OF FUNCTIONS TO SECRETARY OF STATE.

There are transferred to the Secretary of State all functions of the Director of the United States Arms Control and Disarmament Agency, and all functions of the United States Arms Control and Disarmament Agency and any office or component of such agency, under any statute, reorganization plan, Executive order, or other provision of law, as of the day before the effective date of this title.

SEC. 213. UNDER SECRETARY FOR ARMS CONTROL AND INTERNATIONAL SECURITY.

Section 1(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651(b)) is amended—

(1) by striking "There" and inserting the following:

"(1) IN GENERAL.—There"; and

(2) by adding at the end the following:

"(2) UNDER SECRETARY FOR ARMS CONTROL AND INTERNATIONAL SECURITY.—There shall be in the Department of State, among the Under Secretaries authorized by paragraph (1), an Under Secretary for Arms Control and International Security, who shall assist the Secretary and the Deputy Secretary in matters related to international security policy, arms control, and nonproliferation. Subject to the direction of the President, the Under Secretary may attend and participate in meetings of the National Security Council in his role as Senior Advisor to the President and the Secretary of State on Arms Control and Nonproliferation Matters.".

CHAPTER 3—CONFORMING AMENDMENTS

SEC. 221. REFERENCES.

Except as otherwise provided in section 223 or 225, any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to—

(1) the Director of the United States Arms Control and Disarmament Agency, the Director of the Arms Control and Disarmament Agency, or any other officer or employee of the United States Arms Control and Disarmament Agency or the Arms Control and Disarmament Agency shall be deemed to refer to the Secretary of State; or

(2) the United States Arms Control and Disarmament Agency or the Arms Control and Disarmament Agency shall be deemed to refer to the Department of State.

SEC. 222. REPEALS.

The following sections of the Arms Control and Disarmament Act (22 U.S.C. 2551 et seq.) are repealed: Sections 21 through 26 (22 U.S.C. 2561–2566), section 35 (22 U.S.C. 2575), section 42 (22 U.S.C. 2582), section 43 (22 U.S.C. 2583), sections 45 through 50 (22 U.S.C. 2585–2593), section 53 (22 U.S.C. 2593c), section 54 (22 U.S.C. 2593d), and section 63 (22 U.S.C. 2595b).

SEC. 223. AMENDMENTS TO THE ARMS CONTROL AND DISARMAMENT ACT.

The Arms Control and Disarmament Act (22 U.S.C. 2551 et seq.) is amended—

(1) in section 2 (22 U.S.C. 2551)—

(A) in the first undesignated paragraph, by striking "creating a new agency of peace to deal with" and inserting "addressing";

(B) by striking the second undesignated paragraph; and

(C) in the third undesignated paragraph—

(i) by striking "This organization" and inserting "The Secretary of State";

(ii) by striking "It shall have" and inserting "The Secretary shall have";

(iii) by striking "and the Secretary of State";

(iv) by inserting ", nonproliferation," after "arms control" in paragraph (1);

(v) by striking paragraph (2);

(vi) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively; and

(vii) by striking ", as appropriate," in paragraph (3) (as redesignated);

(2) in section 3 (22 U.S.C. 2552), by striking subsection (c);

*(3) in the heading for title II, by striking "**ORGANIZATION**" and inserting "**SPECIAL REPRESENTATIVES AND VISITING SCHOLARS**";*

(4) in section 27 (22 U.S.C. 2567)—

(A) by striking the third sentence;

(B) in the fourth sentence, by striking ", acting through the Director"; and

(C) in the fifth sentence, by striking "Agency" and inserting "Department of State";

(5) in section 28 (22 U.S.C. 2568)—

(A) by striking "Director" each place it appears and inserting "Secretary of State";

(B) in the second sentence—

(i) by striking "Agency" each place it appears and inserting "Department of State"; and

(ii) by striking "Agency's" and inserting "Department of State's"; and

(C) by striking the fourth sentence;

(6) in section 31 (22 U.S.C. 2571)—

(A) by inserting "this title in" after "powers in";

(B) by striking "Director" each place it appears and inserting "Secretary of State";

(C) by striking "insure" each place it appears and inserting "ensure";

(D) in the second sentence, by striking "in accordance with procedures established under section 35 of this Act";

(E) in the fourth sentence by striking "The authority" and all that follows through "disarmament:" and inserting the following: "The authority of the Secretary under this Act with respect to research, development, and other studies concerning arms control, nonproliferation, and disarmament shall be limited to participation in the following:"; and

(F) in subsection (l), by inserting "and" at the end;

(7) in section 32 (22 U.S.C. 2572)—

(A) by striking "Director" and inserting "Secretary of State"; and

(B) by striking "subsection" and inserting "section";

(8) in section 33(a) (22 U.S.C. 2573(a))—

(A) by striking "the Secretary of State,"; and

(B) by striking "Director" and inserting "Secretary of State";

(9) in section 34 (22 U.S.C. 2574)—

(A) in subsection (a)—

(i) in the first sentence, by striking "Director" and inserting "Secretary of State";

(ii) in the first sentence, by striking "and the Secretary of State";

(iii) in the first sentence, by inserting ", nonproliferation," after "in the fields of arms control";

(iv) in the first sentence, by striking "and shall have primary responsibility, whenever directed by the President, for the preparation, conduct, and management of the United States participation in international negotiations and implementation fora in the field of nonproliferation";

(v) in the second sentence, by striking "section 27" and inserting "section 201"; and

(vi) in the second sentence, by striking "the" after "serve as";

(B) by striking subsection (b);

(C) by redesignating subsection (c) as subsection (b); and

(D) in subsection (b) (as redesignated)—

(i) in the text above paragraph (1), by striking "Director" and inserting "Secretary of State";

(ii) by striking paragraph (1); and

(iii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(10) in section 36 (22 U.S.C. 2576)—

(A) by striking "Director" each place it appears and inserting "Secretary of State"; and

(B) by striking ", in accordance with the procedures established pursuant to section 35 of this Act,";

(11) in section 37 (22 U.S.C. 2577)—

(A) by striking "Director" and "Agency" each place it appears and inserting "Secretary of State" or "Department of State", respectively; and

(B) by striking subsection (d);

(12) in section 38 (22 U.S.C. 2578)—

(A) by striking "Director" each place it appears and inserting "Secretary of State"; and

(B) by striking subsection (c);

(13) in section 41 (22 U.S.C. 2581)—

(A) by striking "In the performance of his functions, the Director" and inserting "In addition to any authorities otherwise available, the Secretary of State in the performance of functions under this Act";

(B) by striking "Agency", "Agency's", "Director", and "Director's" each place they appear and inserting "Department of State", "Department of State's", "Secretary of State", or "Secretary of State's", as appropriate;

(C) in subsection (a), by striking the sentence that begins "It is the intent";

(D) in subsection (b)—

(i) by striking "appoint officers and employees, including attorneys, for the Agency in accordance with the provisions of title 5, United States Code, governing appointment in the competitive service, and fix their compensation in accordance with chapter 51 and with subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, except that the Director may, to the extent the Director determines necessary to the discharge of his responsibilities,";

(ii) in paragraph (1), by striking "exception" and inserting "subsection"; and

(iii) in paragraph (2)—

(I) by striking "exception" and inserting "subsection"; and

(II) by striking "ceiling" and inserting "positions allocated to carry out the purpose of this Act";

(E) by striking subsection (g);

(F) by redesignating subsections (h), (i), and (j) as subsections (g), (h), and (i), respectively;

(G) by amending subsection (f) to read as follows:

"(f) establish a scientific and policy advisory board to advise with and make recommendations to the Secretary of State on United States arms control, nonproliferation, and disarmament policy and activities. A majority of the board shall be composed of individuals who have a demonstrated knowledge and technical expertise with respect to arms control, nonproliferation, and disarmament matters and who have distinguished themselves in any of the fields of physics, chemistry, mathematics, biology, or engineering, including weapons engineering. The members of the board may receive the compensation and reimbursement for expenses specified for consultants by subsection (d) of this section;"; and

(H) in subsection (h) (as redesignated), by striking "Deputy Director" and inserting "Under Secretary for Arms Control and International Security";

(14) in section 44 (22 U.S.C. 2584)—

(A) by striking "CONFLICT-OF-INTEREST AND";

(B) by striking "The members" and all that follows through "(5 U.S.C. 2263), or any other" and inserting "Members of advisory boards and consultants may serve as such without regard to any"; and

(C) by inserting at the end the following new sentence: "This section shall apply only to individuals carrying out activities related to arms control, nonproliferation, and disarmament.";

(15) in section 51 (22 U.S.C. 2593a)—

(A) in subsection (a)—

(i) in paragraphs (1) and (3), by inserting ", nonproliferation," after "arms control" each place it appears;

(ii) by striking "Director, in consultation with the Secretary of State," and inserting "Secretary of State with the concurrence of the Director of Central Intelligence and in consultation with";

(iii) by striking "the Chairman of the Joint Chiefs of Staff, and the Director of Central Intelligence" and inserting "and the Chairman of the Joint Chiefs of Staff";

(iv) by striking paragraphs (2) and (4); and

(v) by redesignating paragraphs (3), (5), (6), and (7) as paragraphs (2) through (5), respectively; and

(B) by adding at the end of subsection (b) the following: "The portions of this report described in paragraphs (4) and (5) of subsection (a) shall summarize in detail, at least in classified annexes, the information, analysis, and conclusions relevant to possible noncompliance by other nations that are provided by United States intelligence agencies.";

(16) in section 52 (22 U.S.C. 2593b), by striking "Director" and inserting "Secretary of State";

(17) in section 61 (22 U.S.C. 2593a)—

(A) in paragraph (1), by striking "United States Arms Control and Disarmament Agency" and inserting "Department of State";

(B) by striking paragraph (2);

(C) by redesignating paragraphs (3) through (7) as paragraphs (2) through (6), respectively;

(D) in paragraph (4) (as redesignated), by striking "paragraph (4)" and inserting "paragraph (3)"; and

(E) in paragraph (6) (as redesignated), by striking "United States Arms Control and Disarmament Agency and the";

(18) in section 62 (22 U.S.C. 2595a)—

(A) in subsection (c)—

(i) in the subsection heading, by striking "DIRECTOR" and inserting "SECRETARY OF STATE"; and

(ii) by striking "2(d), 22, and 34(c)" and inserting "102(3) and 304(b)"; and

(B) by striking "Director" and inserting "Secretary of State";

(19) in section 64 (22 U.S.C. 2595b-1)—

*(A) by striking the section title and inserting "**SEC. 503. REVIEW OF CERTAIN REPROGRAMMING NOTIFICATIONS.**";*

(B) by striking subsection (a); and

(C) in subsection (b)—

(i) by striking "(b) REVIEW OF CERTAIN REPROGRAMMING NOTIFICATIONS.—"; and

(ii) by striking "Foreign Affairs" and inserting "International Relations";

(20) in section 65(1) (22 U.S.C. 2595c(1)) by inserting "of America" after "United States"; and

(21) by redesignating sections 1, 2, 3, 27, 28, 31, 32, 33, 34, 36, 37, 38, 39, 41, 44, 51, 52, 61, 62, 64, and 65, as amended by this section, as sections 101, 102, 103, 201, 202, 301, 302, 303, 304, 305, 306, 307, 308, 401, 402, 403, 404, 501, 502, 503, and 504, respectively.

SEC. 224. COMPENSATION OF OFFICERS.

Title 5, United States Code, is amended—

(1) in section 5313, by striking "Director of the United States Arms Control and Disarmament Agency.";

(2) in section 5314, by striking "Deputy Director of the United States Arms Control and Disarmament Agency.";

(3) in section 5315—

(A) by striking "Assistant Directors, United States Arms Control and Disarmament Agency (4)."; and

(B) by striking "Special Representatives of the President for arms control, nonproliferation, and disarmament matters, United States Arms Control and Disarmament Agency", and inserting "Special Representatives of the President for arms control, nonproliferation, and disarmament matters, Department of State"; and

(4) in section 5316, by striking "General Counsel of the United States Arms Control and Disarmament Agency.".

SEC. 225. ADDITIONAL CONFORMING AMENDMENTS.

(a) ARMS EXPORT CONTROL ACT.—The Arms Export Control Act is amended—

(1) in section 36(b)(1)(D) (22 U.S.C. 2776(b)(1)(D)), by striking "Director of the Arms Control and Disarmament Agency in consultation with the Secretary of State and the Secretary of Defense" and inserting "Secretary of State in consultation with the Secretary of Defense and the Director of Central Intelligence";

(2) in section 38(a)(2) (22 U.S.C. 2778(a)(2))—

(A) in the first sentence, by striking "be made in coordination with the Director of the United States Arms Control and Disarmament Agency, taking into account the Director's assessment as to" and inserting "take into account"; and

(B) by striking the second sentence;

(3) in section 42(a) (22 U.S.C. 2791(a))—

(A) in paragraph (1)(C), by striking "the assessment of the Director of the United States Arms Control and Disarmament Agency as to";

(B) by striking "(1)" after "(a)"; and

(C) by striking paragraph (2);

(4) in section 71(a) (22 U.S.C. 2797(a)), by striking ", the Director of the Arms Control and Disarmament Agency,";

(5) in section 71(b)(1) (22 U.S.C. 2797(b)(1)), by striking "and the Director of the United States Arms Control and Disarmament Agency";

(6) in section 71(b)(2) (22 U.S.C. 2797(b)(2))—

(A) by striking ", the Secretary of Commerce, and the Director of the United States Arms Control and Disarmament Agency" and inserting "and the Secretary of Commerce"; and

(B) by striking "or the Director";

(7) in section 71(c) (22 U.S.C. 2797(c)), by striking "with the Director of the United States Arms Control and Disarmament Agency,"; and

(8) in section 73(d) (22 U.S.C. 2797b(d)), by striking ", the Secretary of Commerce, and the Director of the United States Arms Control and Disarmament Agency" and inserting "and the Secretary of Commerce".

(b) FOREIGN ASSISTANCE ACT.—Section 511 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321d) is amended by striking "be made in coordination with the Director of the United States Arms Control and Disarmament Agency and shall take into account his opinion as to' and inserting "take into account".

(c) UNITED STATES INSTITUTE OF PEACE ACT.—

(1) Section 1706(b) of the United States Institute of Peace Act (22 U.S.C. 4605(b)) is amended—

(A) by striking paragraph (3);

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(C) in paragraph (4) (as redesignated), by striking "Eleven" and inserting "Twelve".

(2) Section 1707(d)(2) of that Act (22 U.S.C. 4606(d)(2)) is amended by striking ", Director of the Arms Control and Disarmament Agency".

(d) ATOMIC ENERGY ACT OF 1954.—The Atomic Energy Act of 1954 is amended—

(1) in section 57b. (42 U.S.C. 2077(b))—

(A) in the first sentence, by striking "the Arms Control and Disarmament Agency,"; and

(B) in the second sentence, by striking "the Director of the Arms Control and Disarmament Agency,";

(2) in section 109b. (42 U.S.C. 2129(b)), by striking "and the Director";

(3) in section 111b. (42 U.S.C. 2131(b)) by striking "the Arms Control and Disarmament Agency, the Nuclear Regulatory Commission," and inserting "the Nuclear Regulatory Commission";

(4) in section 123 (42 U.S.C. 2153)—

(A) in subsection a., in the third sentence—

(i) by striking "and in consultation with the Director of the Arms Control and Disarmament Agency ('the Director')";

(ii) by inserting "and" after "Energy,";

(iii) by striking "Commission, and the Director, who" and inserting "Commission. The Secretary of State"; and

(iv) after "nuclear explosive purpose.", by inserting the following new sentence: "Each Nuclear Proliferation Assessment Statement prepared pursuant to this Act shall be accompanied by a classified annex, prepared in consultation with the Director of Central Intelligence, summarizing relevant classified information.";

(B) in subsection d., in the first proviso—

(i) by striking "Nuclear Proliferation Assessment Statement prepared by the Director of the Arms Control and Disarmament Agency," and inserting "Nuclear Proliferation Assessment Statement prepared by the Secretary of State, and any annexes thereto,"; and

(ii) by striking "has been" and inserting "have been"; and

(C) in the first undesignated paragraph following subsection d., by striking "the Arms Control and Disarmament Agency,";

(5) in section 126a.(1), by striking "the Director of the Arms Control and Disarmament Agency, and the Nuclear Regulatory Commission" and inserting "and the Nuclear Regulatory Commission,";

(6) in section 131a. (42 U.S.C. 2160(a))—

(A) in paragraph (1)—

(i) in the first sentence, by striking "the Director,";

(ii) in the third sentence, by striking "the Director declares that he intends" and inserting "the Secretary of State is required"; and

(iii) in the third sentence, by striking "the Director's declaration" and inserting "the requirement to prepare a Nuclear Proliferation Assessment Statement";

(B) in paragraph (2)—

(i) by striking "Director's view" and inserting "view of the Secretary of State, Secretary of Energy, Secretary of Defense, or the Commission"; and

(ii) by striking "he may prepare" and inserting "the Secretary of State, in consultation with such Secretary or the Commission, shall prepare"; and

(7) in section 131c. (42 U.S.C. 2160(c))—

(A) in the first sentence, by striking ", the Director of the Arms Control and Disarmament Agency,";

(B) in the sixth and seventh sentences, by striking "Director" each place it appears and inserting "Secretary of State"; and

(C) in the seventh sentence, by striking "Director's" and inserting "Secretary of State's".

(e) Nuclear Non-Proliferation Act of 1978.—The Nuclear Non-Proliferation Act of 1978 is amended—

(1) in section 4 (22 U.S.C. 3203)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) through (8) as paragraphs (2) through (7), respectively;

(2) in section 102 (22 U.S.C. 3222), by striking ", the Secretary of State, and the Director of the Arms Control and Disarmament Agency" and inserting "and the Secretary of State";

(3) in section 304(d) (42 U.S.C. 2156a), by striking "the Secretary of Defense, and the Director," and inserting "and the Secretary of Defense,";

(4) in section 309 (42 U.S.C. 2139a)—

(A) in subsection (b), by striking "the Department of Commerce, and the Arms Control and Disarmament Agency" and inserting "and the Department of Commerce"; and

(B) in subsection (c), by striking "the Arms Control and Disarmament Agency,";

(5) in section 406 (42 U.S.C. 2160a), by inserting ", or any annexes thereto," after "Statement"; and

(6) in section 602 (22 U.S.C. 3282)—

(A) in subsection (c), by striking "the Arms Control and Disarmament Agency,"; and

(B) in subsection (e), by striking "and the Director".

(f) State Department Basic Authorities Act of 1956.—Section 23(a) of the State Department basic Authorities Act of 1956 (22 U.S.C. 2695(a)) is amended by striking "the Agency for International Development, and the Arms Control and Disarmament Agency" and inserting "and the Agency for International Development".

(g) Foreign Relations Authorization Act of 1972.—Section 502 of the Foreign Relations Authorization Act of 1972 (2 U.S.C. 194a) is amended by striking "the United States Arms Control and Disarmament Agency,".

(h) Title 49.—Section 40118(d) of title 49, United States Code, is amended by striking ", or the Director of the Arms Control and Disarmament Agency".

TITLE III—UNITED STATES INFORMATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

SEC. 301. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) October 1, 1999; or

(2) the date of abolition of the United States Information Agency pursuant to the reorganization plan described in section 601.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

SEC. 311. ABOLITION OF UNITED STATES INFORMATION AGENCY.

The United States Information Agency (other than the Broadcasting Board of Governors and the International Broadcasting Bureau) is abolished.

SEC. 312. TRANSFER OF FUNCTIONS.

(a) In General.—There are transferred to the Secretary of State all functions of the Director of the United States Information Agency and all functions of the United States Information Agency and any office or component of such agency, under any statute, reorganization plan, Executive order, or other provision of law, as of the day before the effective date of this title.

(b) Exception.—Subsection (a) does not apply to the Broadcasting Board of Governors, the International Broadcasting Bureau, or any function performed by the Board or the Bureau.

SEC. 313. UNDER SECRETARY OF STATE FOR PUBLIC DIPLOMACY.

Section 1(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(b)), as amended by this Act, is further amended by adding at the end the following new paragraph:

"(3) Under Secretary for Public Diplomacy.—There shall be in the Department of State, among the Under Secretaries authorized by paragraph (1), an Under Secretary for Public Diplomacy, who shall have primary responsibility to assist the Secretary and the Deputy Secretary in the formation and implementation of United States public diplomacy policies and activities, including international educational and cultural exchange programs, information, and international broadcasting.".

SEC. 314. ABOLITION OF OFFICE OF INSPECTOR GENERAL OF UNITED STATES INFORMATION AGENCY AND TRANSFER OF FUNCTIONS.

(a) Abolition of Office.—The Office of Inspector General of the United States Information Agency is abolished.

(b) Amendments to Inspector General Act of 1978.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking "the Office of Personnel Management, the United States Information Agency" and inserting "or the Office of Personnel Management"; and

(2) in paragraph (2), by striking "the United States Information Agency,".

(c) Executive Schedule.—Section 5315 of title 5, United States Code, is amended by striking the following:

"Inspector General, United States Information Agency.".

(d) Amendments to Public Law 103–236.—Subsections (i) and (j) of section 308 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6207 (i) and (j)) are amended—

(1) by striking "Inspector General of the United States Information Agency" each place it appears and inserting "Inspector General of the Department of State and the Foreign Service"; and

(2) by striking ", the Director of the United States Information Agency,".

(e) Transfer of Functions.—There are transferred to the Office of the Inspector General of the Department of State and the Foreign Service the functions that the Office of Inspector General of the United States Information Agency exercised before the effective date of this title (including all related functions of the Inspector General of the United States Information Agency).

CHAPTER 3—INTERNATIONAL BROADCASTING

SEC. 321. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.

Congress finds that—

(1) it is the policy of the United States to promote the right of freedom of opinion and expression, including the freedom "to seek, receive, and impart information and ideas through any media and regardless of frontiers", in accordance with Article 19 of the Universal Declaration of Human Rights;

(2) open communication of information and ideas among the peoples of the world contributes to international peace and stability, and the promotion of such communication is in the interests of the United States;

(3) it is in the interest of the United States to support broadcasting to other nations consistent with the requirements of this chapter and the United States International Broadcasting Act of 1994; and

(4) international broadcasting is, and should remain, an essential instrument of United States foreign policy.

SEC. 322. CONTINUED EXISTENCE OF BROADCASTING BOARD OF GOVERNORS.

Section 304(a) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6203(a)) is amended to read as follows:

"(a) Continued Existence Within Executive Branch.—

"(1) In general.—The Broadcasting Board of Governors shall continue to exist within the Executive branch of Government as an entity described in section 104 of title 5, United States Code.

"(2) Retention of existing board members.—The members of the Broadcasting Board of Governors appointed by the President pursuant to subsection (b)(1)(A) before the effective date of title III of the Foreign Affairs Agencies Consolidation Act of 1998 and holding office as of that date may serve the remainder of their terms of office without reappointment.

"(3) Inspector general authorities.—

"(A) In general.—The Inspector General of the Department of State and the Foreign Service shall exercise the same authorities with respect to the Broadcasting Board of Governors and the International Broadcasting Bureau as the Inspector General exercises under the Inspector General Act of 1978 and section 209 of the Foreign Service Act of 1980 with respect to the Department of State.

"(B) Respect for journalistic integrity of broadcasters.—The Inspector General shall respect the journalistic integrity of all the broadcasters covered by this title and may not evaluate the philosophical or political perspectives reflected in the content of broadcasts.".

SEC. 323. CONFORMING AMENDMENTS TO THE UNITED STATES INTERNATIONAL BROADCASTING ACT OF 1994.

(a) References in Section.—Whenever in this section an amendment or repeal is expressed as an amendment or repeal of a provision, the reference shall be deemed to be made to the United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.).

(b) Substitution of Secretary of State.—Sections 304(b)(1)(B), 304(b) (2) and (3), 304(c), and 304(e) (22 U.S.C. 6203(b)(1)(B), 6203(b) (2) and (3), 6203(c), and 6203(e)) are amended by striking "Director of the United States Information Agency" each place it appears and inserting "Secretary of State".

(c) Substitution of Acting Secretary of State.—Section 304(c) (22 U.S.C. 6203(c)) is amended by striking "acting Director of the agency" and inserting "Acting Secretary of State".

(d) Standards and Principles of International Broadcasting.—Section 303(b) (22 U.S.C. 6202(b)) is amended—

(1) in paragraph (3), by inserting ", including editorials, broadcast by the Voice of America, which present the views of the United States Government" after "policies";

(2) by redesignating paragraphs (4) through (9) as paragraphs (5) through (10), respectively; and

(3) by inserting after paragraph (3) the following:

"(4) the capability to provide a surge capacity to support United States foreign policy objectives during crises abroad;";

(e) Authorities of the Board.—Section 305(a) (22 U.S.C. 6204(a)) is amended—

(1) in paragraph (1)—

(A) by striking "direct and"; and

(B) by striking "and the Television Broadcasting to Cuba Act" and inserting ", the Television Broadcasting to Cuba Act, and Worldnet Television, except as provided in section 306(b)";

(2) in paragraph (4), by inserting ", after consultation with the Secretary of State," after "annually,";

(3) in paragraph (9)—

(A) by striking ", through the Director of the United States Information Agency,"; and

(B) by adding at the end the following new sentence: "Each annual report shall place special emphasis on the assessment described in paragraph (2).";

(4) in paragraph (12)—

(A) by striking "1994 and 1995" and inserting "1998 and 1999"; and

(B) by striking "to the Board for International Broadcasting for such purposes for fiscal year 1993" and inserting "to the Board and the International Broadcasting Bureau for such purposes for fiscal year 1997"; and

(5) by adding at the end the following new paragraphs:

"(15)(A) To procure temporary and intermittent personal services to the same extent as is authorized by section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the rate provided for positions classified above grade GS–15 of the General Schedule under section 5108 of title 5, United States Code.

"(B) To allow those providing such services, while away from their homes or their regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently, while so employed.

"(16) To procure, pursuant to section 1535 of title 31, United States Code (commonly known as the 'Economy Act'), such goods and services from other departments or agencies for the Board and the International Broadcasting Bureau as the Board determines are appropriate.

"(17) To utilize the provisions of titles III, IV, V, VII, VIII, IX, and X of the United States Information and Educational Exchange Act of 1948, and section 6 of Reorganization Plan Number 2 of 1977, as in effect on the day before the effective date of title III of the Foreign Affairs Agencies Consolidation Act of 1998, to the extent the Board considers necessary in carrying out the provisions and purposes of this title.

"(18) To utilize the authorities of any other statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding that had been available to the Director of the United States Information Agency, the Bureau, or the Board before the effective date of title III of the Foreign Affairs Consolidation Act of 1998 for carrying out the broadcasting activities covered by this title.".

(f) DELEGATION OF AUTHORITY.—Section 305 (22 U.S.C. 6204) is amended—

(1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(2) by inserting after subsection (a) the following new subsection:

"(b) DELEGATION OF AUTHORITY.—The Board may delegate to the Director of the International Broadcasting Bureau, or any other officer or employee of the United States, to the extent the Board determines to be appropriate, the authorities provided in this section, except those authorities provided in paragraph (1), (2), (3), (4), (5), (6), (9), or (11) of subsection (a).".

(g) BROADCASTING BUDGETS.—Section 305(c)(1) (as redesignated) is amended—

(1) by striking "(1)" before "The Director"; and

(2) by striking "the Director of the United States Information Agency for the consideration of the Director as a part of the Agency's budget submission to".

(h) REPEAL.—Section 305(c)(2) (as redesignated) is repealed.

(i) IMPLEMENTATION.—Section 305(d) (as redesignated) is amended to read as follows:

"(d) PROFESSIONAL INDEPENDENCE OF BROADCASTERS.—The Secretary of State and the Board, in carrying out their functions, shall respect the professional independence and integrity of the International Broadcasting Bureau, its broadcasting services, and the grantees of the Board.".

(j) FOREIGN POLICY GUIDANCE.—Section 306 (22 U.S.C. 6205) is amended—

(1) in the section heading, by striking "**FOREIGN POLICY GUIDANCE**" and inserting "**ROLE OF THE SECRETARY OF STATE**";

(2) by inserting "(a) FOREIGN POLICY GUIDANCE.—" immediately before "To";

(3) by striking "State, acting through the Director of the United States Information Agency," and inserting "State";

(4) by inserting before the period at the end the following: ", as the Secretary may deem appropriate"; and

(5) by adding at the end the following:

"(b) CERTAIN WORLDNET PROGRAMMING.—The Secretary of State is authorized to use Worldnet broadcasts for the purposes of continuing interactive dialogues with foreign media and other similar overseas public diplomacy programs sponsored by the Department of State. The Chairman of the Broadcasting Board of Governors shall provide access to Worldnet for this purpose on a nonreimbursable basis.".

(k) INTERNATIONAL BROADCASTING BUREAU.—Section 307 (22 U.S.C. 6206) is amended—

(1) in subsection (a), by striking "within the United States Information Agency" and inserting "under the Board";

(2) in subsection (b)(1), by striking "Chairman of the Board, in consultation with the Director of the United States Information Agency and with the concurrence of a majority of the Board" and inserting "President, by and with the advice and consent of the Senate";

(3) by redesignating subsection (b)(1) as subsection (b);

(4) by striking subsection (b)(2); and

(5) by adding at the end the following new subsection:

"(c) RESPONSIBILITIES OF THE DIRECTOR.—The Director shall organize and chair a coordinating committee to examine and make recommendations to the Board on long-term strategies for the future of international broadcasting, including the use of new technologies, further consolidation of broadcast services, and consolidation of currently existing public affairs and legislative relations functions in the various international broadcasting entities. The coordinating committee shall include representatives of Radio Free Asia, RFE/RL, Incorporated, the Broadcasting Board of Governors, and, as appropriate, the Office of Cuba Broadcasting, the Voice of America, and Worldnet.".

(l) REPEALS.—The following provisions of law are repealed:

(1) Subsections (k) and (l) of section 308 (22 U.S.C. 6207 (k), (l)).

(2) Section 310 (22 U.S.C. 6209).

SEC. 324. AMENDMENTS TO THE RADIO BROADCASTING TO CUBA ACT.

The Radio Broadcasting to Cuba Act (22 U.S.C. 1465 et seq.) is amended—

(1) by striking "United States Information Agency" each place it appears and inserting "Broadcasting Board of Governors";

(2) by striking "Agency" each place it appears and inserting "Board";

(3) by striking "the Director of the United States Information Agency" each place it appears and inserting "the Broadcasting Board of Governors";

(4) in section 4 (22 U.S.C. 1465b), by striking "the Voice of America" and inserting "the International Broadcasting Bureau";

(5) in section 5 (22 U.S.C. 1465c)—

(A) by striking "Board" each place it appears and inserting "Advisory Board"; and

(B) in subsection (a), by striking the first sentence and inserting "There is established within the Office of the President the Advisory Board for Cuba Broadcasting (in this Act referred to as the 'Advisory Board')."; and

(6) by striking any other reference to "Director" not amended by paragraph (3) each place it appears and inserting "Board".

SEC. 325. AMENDMENTS TO THE TELEVISION BROADCASTING TO CUBA ACT.

The Television Broadcasting to Cuba Act (22 U.S.C. 1465aa et seq.) is amended—

(1) in section 243(a) (22 U.S.C. 1465bb(a)) and section 246 (22 U.S.C. 1465dd), by striking "United States Information Agency" each place it appears and inserting "Broadcasting Board of Governors";

(2) in section 243(c) (22 U.S.C. 1465bb(c))—

(A) in the subsection heading, by striking "USIA"; and

(B) by striking "'USIA Television" and inserting "the 'Television";

(3) in section 244(c) (22 U.S.C. 1465cc(c)) and section 246 (22 U.S.C. 1465dd), by striking "Agency" each place it appears and inserting "Board";

(4) in section 244 (22 U.S.C. 1465cc)—

(A) in the section heading, by striking "**OF THE UNITED STATES INFORMATION AGENCY**";

(B) in subsection (a)—

(i) in the first sentence, by striking "The Director of the United States Information Agency shall establish" and inserting "There is"; and

(ii) in the second sentence—

(I) by striking "Director of the United States Information Agency" and inserting "Broadcasting Board of Governors"; and

(II) by striking "the Director of the Voice of America" and inserting "the International Broadcasting Bureau";

(C) in subsection (b)—

(i) by striking "Agency facilities" and inserting "Board facilities"; and

(ii) by striking "Information Agency" and inserting "International"; and

(D) in the heading of subsection (c), by striking "USIA"; and

(5) in section 245(d) (22 U.S.C. 1465c note), by striking "Board" and inserting "Advisory Board".

SEC. 326. TRANSFER OF BROADCASTING RELATED FUNDS, PROPERTY, AND PERSONNEL.

(a) TRANSFER AND ALLOCATION OF PROPERTY AND APPROPRIATIONS.—

(1) IN GENERAL.—The assets, liabilities (including contingent liabilities arising from suits continued with a substitution or addition of parties under section 327(d)), contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions and offices of USIA transferred to the Broadcasting Board of Governors by this chapter shall be transferred to the Broadcasting Board of Governors for appropriate allocation.

(2) ADDITIONAL TRANSFERS.—In addition to the transfers made under paragraph (1), there shall be transferred to the Chairman of the Broadcasting Board of Governors the assets contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds, as determined by the Secretary, in concurrence with the Broadcasting Board of Governors, to support the functions transferred by this chapter.

(b) TRANSFER OF PERSONNEL.—Notwithstanding any other provision of law—

(1) except as provided in subsection (c), all personnel and positions of USIA employed or maintained to carry out the functions transferred by this chapter to the Broadcasting Board of Governors shall be transferred to the Broadcasting Board of Governors at the same grade or class and the same rate of basic pay or basic salary rate and with the same tenure held immediately preceding transfer; and

(2) the personnel and positions of USIA, as determined by the Secretary of State, with the concurrence of the Broadcasting Board of Governors and the Director of USIA, to support the functions transferred by this chapter shall be transferred to the Broadcasting Board of Governors, including the International Broadcasting Bureau, at the same grade or class and the same rate of basic pay or basic salary rate and with the same tenure held immediately preceding transfer.

(c) TRANSFER AND ALLOCATION OF PROPERTY, APPROPRIATIONS, AND PERSONNEL ASSOCIATED WITH WORLDNET.—USIA personnel responsible for carrying out interactive dialogs with foreign media and other similar overseas public diplomacy programs using the Worldnet television broadcasting system, and funds associated with such personnel, shall be transferred to the Department of State in accordance with the provisions of title VI of this division.

(d) INCIDENTAL TRANSFERS.—The Director of the Office of Management and Budget, when requested by the Broadcasting Board of Governors, is authorized to make such incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with functions and offices transferred from USIA, as may be necessary to carry out the provisions of this section.

SEC. 327. SAVINGS PROVISIONS.

(a) CONTINUING LEGAL FORCE AND EFFECT.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) that have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions exercised by the Broadcasting Board of Governors of the United States Information Agency on the day before the effective date of this title, and

(2) that are in effect at the time this title takes effect, or were final before the effective date of this title and are to become effective on or after the effective date of this title,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Broadcasting Board of Governors, or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PENDING PROCEEDINGS.—

(1) IN GENERAL.—The provisions of this chapter, or amendments made by this chapter, shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Broadcasting Board of Governors of the United States Information Agency at the time this title takes effect, with respect to functions exercised by the Board as of the effective date of this title but such proceedings and applications shall be continued.

(2) ORDERS, APPEALS, AND PAYMENTS.—Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this chapter had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(3) STATUTORY CONSTRUCTION.—Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this chapter had not been enacted.

(c) NONABATEMENT OF PROCEEDINGS.—No suit, action, or other proceeding commenced by or against any officer in the official capacity of such individual as an officer of the Broadcasting Board of Governors, or any commission or component thereof, shall abate by reason of the enactment of this chapter. No cause of action by or against the Broadcasting Board of Governors, or any commission or component thereof, or by or against any officer thereof in the official capacity of such officer, shall abate by reason of the enactment of this chapter.

(d) CONTINUATION OF PROCEEDINGS WITH SUBSTITUTION OF PARTIES.—

(1) SUBSTITUTION OF PARTIES.—If, before the effective date of this title, USIA or the Broadcasting Board of Governors, or any officer thereof in the official capacity of such officer, is a party to a suit which is related to the functions transferred by this chapter, then effective on such date such suit shall be continued with the Broadcasting Board of Governors or other appropriate official of the Board substituted or added as a party.

(2) LIABILITY OF THE BOARD.—The Board shall participate in suits continued under paragraph (1) where the Broadcasting Board of Governors or other appropriate official of the Board is added as a party and shall be liable for any judgments or remedies in those suits or proceedings arising from the exercise of the functions transferred by this chapter to the same extent that USIA would have been liable if such judgment or remedy had been rendered on the day before the abolition of USIA.

(e) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Broadcasting Board of Governors relating to a function exercised by the Board before the effective date of this title may be continued by the Board with the same effect as if this chapter had not been enacted.

(f) REFERENCES.—Reference in any other Federal law, Executive order, rule, regulation or delegation of authority, or any document of or relating to the Broadcasting Board of Governors of the United States Information Agency with regard to functions exercised before the effective date of this title, shall be deemed to refer to the Board.

SEC. 328. REPORT ON THE PRIVATIZATION OF RFE/RL, INCORPORATED.

Not later than March 1 of each year, the Broadcasting Board of Governors shall submit to the appropriate congressional committees a report on the progress of the Board and of RFE/RL, Incorporated, on any steps taken to further the policy declared in section 312(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995. The report under this subsection shall include the following:

(1) Efforts by RFE/RL, Incorporated, to terminate individual language services.

(2) A detailed description of steps taken with regard to section 312(a) of that Act.

(3) An analysis of prospects for privatization over the coming year.

(4) An assessment of the extent to which United States Government funding may be appropriate in the year 2000 and subsequent years for surrogate broadcasting to the countries to which RFE/RL, Incorporated, broadcast during the year. This assessment shall include an analysis of the environment for independent media in those countries, noting the extent of government control of the media, the ability of independent journalists and news organizations to operate, relevant domestic legislation, level of government harassment and efforts to censor, and other indications of whether the people of such countries enjoy freedom of expression.

CHAPTER 4—CONFORMING AMENDMENTS

SEC. 331. REFERENCES.

(a) IN GENERAL.—Except as otherwise provided in this division, any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to—

(1) the Director of the United States Information Agency or the Director of the International Communication Agency shall be deemed to refer to the Secretary of State; and

(2) the United States Information Agency, USIA, or the International Communication Agency shall be deemed to refer to the Department of State.

(b) CONTINUING REFERENCES TO USIA OR DIRECTOR.—Subsection (a) shall not apply to section 146 (a), (b), or (c) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4069a(f), 4069b(g), or 4069c(f)).

SEC. 332. AMENDMENTS TO TITLE 5, UNITED STATES CODE.

Title 5, United States Code, is amended—

(1) in section 5313, by striking "Director of the United States Information Agency.";

(2) in section 5315—

(A) by striking "Deputy Director of the United States Information Agency."; and

(B) by striking "Director of the International Broadcasting Bureau, the United States Information Agency." and inserting "Director of the International Broadcasting Bureau."; and

(3) in section 5316—

(A) by striking "Deputy Director, Policy and Plans, United States Information Agency."; and

(B) by striking "Associate Director (Policy and Plans), United States Information Agency.".

SEC. 333. APPLICATION OF CERTAIN LAWS.

(a) APPLICATION TO FUNCTIONS OF DEPARTMENT OF STATE.—Section 501 of Public Law 80–402 (22 U.S.C. 1461), section 202 of Public Law 95–426 (22 U.S.C. 1461–1), and section 208 of Public Law 99–93 (22 U.S.C. 1461–1a) shall not apply to public affairs and other information dissemination functions of the Secretary of State as carried out prior to any transfer of functions pursuant to this division.

(b) APPLICATION TO FUNCTIONS TRANSFERRED TO DEPARTMENT OF STATE.—Section 501 of Public Law 80–402 (22 U.S.C. 1461), section 202 of Public Law 95–426 (22 U.S.C. 1461–1), and section 208 of Public Law 99–93 (22 U.S.C. 1461–1a) shall apply only to public diplomacy programs of the Director of the United States Information Agency as carried out prior to any transfer of functions pursuant to this division to the same extent that such programs were covered by these provisions prior to such transfer.

(c) LIMITATION ON USE OF FUNDS.—Except as provided in section 501 of Public Law 80–402 and section 208 of Public Law 99–93, funds specifically authorized to be appropriated for such public diplomacy programs shall not be used to influence public opinion in the United States, and no program material prepared using such funds shall be distributed or disseminated in the United States.

(d) REPORTING REQUIREMENTS.—The report submitted pursuant to section 601(f) of this division shall include a detailed statement of the manner in which the special mission of public diplomacy carried out by USIA prior to the transfer of functions under this division shall be

preserved within the Department of State, including the planned duties and responsibilities of any new bureaus that will perform such public diplomacy functions. Such report shall also include the best available estimates of—

(1) the amounts to be expended by the Department of State for public affairs programs during fiscal year 1998, and on the personnel and support costs for such programs;

(2) the amounts to be expended by USIA for its public diplomacy programs during fiscal year 1998, and on the personnel and support costs for such programs; and

(3) the amounts, including funds to be transferred from USIA and funds appropriated to the Department, that will be allocated for the programs described in paragraphs (1) and (2), respectively, during the fiscal year in which the transfer of functions from USIA to the Department occurs.

(e) CONGRESSIONAL PRESENTATION DOCUMENT.—The Department of State's Congressional Presentation Document for fiscal year 2000 and each fiscal year thereafter shall include—

(1) the aggregated amounts that the Department will spend on such public diplomacy programs and on costs of personnel for such programs, and a detailed description of the goals and purposes for which such funds shall be expended; and

(2) the amount of funds allocated to and the positions authorized for such public diplomacy programs, including bureaus to be created upon the transfer of functions from USIA to the Department.

SEC. 334. ABOLITION OF UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

(a) ABOLITION.—The United States Advisory Commission on Public Diplomacy is abolished.

(b) REPEALS.—Section 604 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469) and section 8 of Reorganization Plan Numbered 2 of 1977 are repealed.

SEC. 335. CONFORMING AMENDMENTS.

(a) The United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431 et seq.) is amended—

(1) in section 505 (22 U.S.C. 1464a)—

(A) by striking "Director of the United States Information Agency" each place it appears and inserting "Broadcasting Board of Governors";

(B) by striking "United States Information Agency" each place it appears and inserting "Broadcasting Board of Governors";

(C) in subsection (b)—

(i) by striking "Agency's" and all that follows through "'USIA-TV')" and inserting "television broadcasts of the United States International Television Service"; and

(ii) in paragraphs (1), (2), and (3), by striking "USIA-TV" each place it appears and inserting "The United States International Television Service"; and

(D) in subsections (d) and (e), by striking "USIA-TV" each place it appears and inserting "the United States International Television Service";

(2) in section 506(c) (22 U.S.C. 1464b(c))—

(A) by striking "Director of the United States Information Agency" and inserting "Broadcasting Board of Governors";

(B) by striking "Agency" and inserting "Board"; and

(C) by striking "Director" and inserting "Board".

(3) in section 705 (22 U.S.C 1477c)—

(A) by striking subsections (a) and (c); and

(B) in subsection (b)—

(i) by striking "(b) In addition, the United State Information Agency" and inserting "The Department of State"; and

(ii) by striking "program grants" and inserting "grants for overseas public diplomacy programs";

(4) in section 801(7) (22 U.S.C. 1471(7))—

(A) by striking "Agency" and inserting "overseas public diplomacy"; and

(B) by inserting "other" after "together with"; and

(5) in section 812 (22 U.S.C. 1475g)—

(A) by striking "United States Information Agency post" each place it appears and inserting "overseas public diplomacy post";

(B) in subsection (a), by striking "United States Information Agency" the first place it appears and inserting "Department of State";

(C) in subsection (b), by striking "Director of the United States Information Agency" and inserting "Secretary of State"; and

(D) in the section heading, by striking "usia" and inserting "overseas public diplomacy".

(b) Section 212 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 1475h) is amended—

(1) by striking "United States Information Agency" each place it appears and inserting "Department of State";

(2) in subsection (a), by inserting "for carrying out its overseas public diplomacy functions" after "grants";

(3) in subsection (b)—

(A) by striking "a grant" the first time it appears and inserting "an overseas public diplomacy grant"; and

(B) in paragraph (1), by inserting "such" before "a grant" the first place it appears;

(4) in subsection (c)(1), by inserting "overseas public diplomacy" before "grants";

(5) in subsection (c)(3), by inserting "such" before "grant"; and

(6) by striking subsection (d).

(c) Section 602 of the National and Community Service Act of 1990 (22 U.S.C. 2452a) is amended—

(1) in the second sentence of subsection (a), by striking "United States Information Agency" and inserting "Department of State"; and

(2) in subsection (b)—

(A) by striking "appropriations account of the United States Information Agency" and inserting "appropriate appropriations account of the Department of State"; and

(B) by striking "and the United States Information Agency".

(d) Section 305 of Public Law 97–446 (19 U.S.C. 2604) is amended in the first sentence, by striking ", after consultation with the Director of the United States Information Agency,".

(e) Section 601 of Public Law 103–227 (20 U.S.C. 5951(a)) is amended by striking "of the Director of the United States Information Agency and with" and inserting "and".

(f) Section 1003(b) of the Fascell Fellowship Act (22 U.S.C. 4902(b)) is amended—

(1) in the text above paragraph (1), by striking "9 members" and inserting "7 members";

(2) in paragraph (4), by striking "Six" and inserting "Five";

(3) by striking paragraph (3); and

(4) by redesignating paragraph (4) as paragraph (3).

(g) Section 803 of the Intelligence Authorization Act, Fiscal Year 1992 (50 U.S.C. 1903) is amended—

(1) in subsection (b)—

(A) by striking paragraph (6); and

(B) by redesignating paragraphs (7) and (8) as paragraphs (6) and (7), respectively; and

(2) in subsection (c), by striking "subsection (b)(7)" and inserting "subsection (b)(6)".

(h) Section 7 of the Federal Triangle Development Act (40 U.S.C. 1106) is amended—

(1) in subsection (c)(1)—

(A) in the text above subparagraph (A), by striking "15 members" and inserting "14 members";

(B) by striking subparagraph (F); and

(C) by redesignating subparagraphs (G) through (J) as subparagraphs (F) through (I), respectively;

(2) in paragraphs (3) and (5) of subsection (c), by striking "paragraph (1)(J)" each place it appears and inserting "paragraph (1)(I)"; and

(3) in subsection (d)(3) and subsection (e), by striking "the Administrator and the Director of the United States Information Agency" each place it appears and inserting "and the Administrator".

(i) Section 3 of the Woodrow Wilson Memorial Act of 1968 (Public Law 90–637; 20 U.S.C. 80f) is amended—

(1) in subsection (b)—

(A) in the text preceding paragraph (1), by striking "19 members" and inserting "17 members";

(B) by striking paragraph (7);

(C) by striking "10" in paragraph (10) and inserting "9"; and

(D) by redesignating paragraphs (8) through (10) as paragraphs (7) through (9), respectively; and

(2) in subsection (c), by striking "(9)" and inserting "(8)".

(j) Section 624 of Public Law 89–329 (20 U.S.C. 1131c) is amended by striking "the United States Information Agency,".

(k) The Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.) is amended—

(1) in section 202(a)(1) (22 U.S.C. 3922(a)(1)), by striking "Director of the United States Information Agency" and inserting "Broadcasting Board of Governors";

(2) in section 210 (22 U.S.C. 3930), by striking "United States Information Agency" and inserting "Broadcasting Board of Governors";

(3) in section 1003(a) (22 U.S.C. 4103(a)), by striking "United States Information Agency" and inserting "Broadcasting Board of Governors"; and

(4) in section 1101(c) (22 U.S.C. 4131(c)), by striking "the United States Information Agency," and inserting "Broadcasting Board of Governors,".

(l) The Department of State Basic Authorities Act of 1956, as amended by this Act, is further amended—

(1) in section 23(a) (22 U.S.C. 2695(a)), by striking "United States Information Agency" and inserting "Broadcasting Board of Governors";

(2) in section 25(f) (22 U.S.C. 2697(f))—

(A) by striking "Director of the United States Information Agency" and inserting "Broadcasting Board of Governors"; and

(B) by striking "with respect to their respective agencies" and inserting "with respect to the Board and the Agency";

(3) in section 26(b) (22 U.S.C. 2698(b)), as amended by this Act—

(A) by striking "Director of the United States Information Agency, the chairman of the Board for International Broadcasting," and inserting "Broadcasting Board of Governors,"; and

(B) by striking "with respect to their respective agencies" and inserting "with respect to the Board and the Agency"; and

(4) in section 32 (22 U.S.C. 2704), as amended by this Act, by striking "the Director of the United States Information Agency" and inserting "the Broadcasting Board of Governors".

(m) Section 507(b)(3) of Public Law 103–317 (22 U.S.C. 2669a(b)(3)) is amended by striking ", the United States Information Agency,".

(n) Section 502 of Public Law 92–352 (2 U.S.C. 194a) is amended by striking "the United States Information Agency,".

(o) Section 6 of Public Law 104–288 (22 U.S.C. 2141d) is amended—

(1) in subsection (a), by striking "Director of the United States Information Agency,"; and

(2) in subsection (b), by striking "the Director of the United States Information Agency" and inserting "the Under Secretary of State for Public Diplomacy".

(p) Section 40118(d) of title 49, United States Code, is amended by striking ", the Director of the United States Information Agency,".

(q) Section 155 of Public Law 102–138 is amended—

(1) by striking the comma before "Department of Commerce" and inserting "and"; and

(2) by striking ", and the United States Information Agency".

(r) Section 107 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6037) is amended by striking "Director of the United States Information Agency" each place it appears and inserting "Director of the International Broadcasting Bureau".

SEC. 336. REPEALS.

The following provisions are repealed:

(1) Sections 701 (22 U.S.C. 1476), 704 (22 U.S.C. 1477b), 807 (22 U.S.C 1475b), 808 (22 U.S.C 1475c), 811 (22 U.S.C 1475f), and 1009 (22 U.S.C. 1440) of the United States Information and Educational Exchange Act of 1948.

(2) Section 106(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2456(c)).

(3) Section 565(e) of the Anti-Economic Discrimination Act of 1994 (22 U.S.C. 2679c(e)).

(4) Section 206(b) of Public Law 102–138.

(5) Section 2241 of Public Law 104–66.

(6) Sections 1 through 6 of Reorganization Plan Numbered 2 of 1977 (91 Stat. 636).

(7) Section 207 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100–204; 22 U.S.C. 1463 note).

TITLE IV—UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

SEC. 401. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) October 1, 1998; or

(2) the date of abolition of the United States International Development Cooperation Agency pursuant to the reorganization plan described in section 601.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

SEC. 411. ABOLITION OF UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY.

(a) IN GENERAL.—Except for the components specified in subsection (b), the United States International Development Cooperation Agency (including the Institute for Scientific and Technological Cooperation) is abolished.

(b) AID AND OPIC EXEMPTED.—Subsection (a) does not apply to the Agency for International Development or the Overseas Private Investment Corporation.

SEC. 412. TRANSFER OF FUNCTIONS AND AUTHORITIES.

(a) ALLOCATION OF FUNDS.—

(1) ALLOCATION TO THE SECRETARY OF STATE.—Funds made available under the categories of assistance deemed allocated to the Director of the International Development Cooperation Agency under section 1–801 of Executive Order No. 12163 (22 U.S.C. 2381 note) as of October 1, 1997, shall be allocated to the Secretary of State on and after the effective date of this title without further action by the President.

(2) PROCEDURES FOR REALLOCATIONS OR TRANSFERS.—The Secretary of State may allocate or transfer as appropriate any funds received under paragraph (1) in the same manner as previously provided for the Director of the International Development Cooperation Agency under section 1–802 of that Executive Order, as in effect on October 1, 1997.

(b) WITH RESPECT TO THE OVERSEAS PRIVATE INVESTMENT CORPORATION.—There are transferred to the Administrator of the Agency for International Development all functions of the Director of the United States International Development Cooperation Agency as of the day before the effective date of this title with respect to the Overseas Private Investment Corporation.

(c) OTHER ACTIVITIES.—The authorities and functions transferred to the United States International Development Cooperation Agency or the Director of that Agency by section 6 of Reorganization Plan Numbered 2 of 1979 shall, to the extent such authorities and functions have not been repealed, be transferred to those agencies or heads of agencies, as the case may be, in which those authorities and functions were vested by statute as of the day before the effective date of such reorganization plan.

SEC. 413. STATUS OF AID.

(a) IN GENERAL.—Unless abolished pursuant to the reorganization plan submitted under section 601, and except as provided in section 412, there is within the Executive branch of Government the United States Agency for International Development as an entity described in section 104 of title 5, United States Code.

(b) RETENTION OF OFFICERS.—Nothing in this section shall require the reappointment of any officer of the United States serving in the Agency for International Development of the United States International Development Cooperation Agency as of the day before the effective date of this title.

CHAPTER 3—CONFORMING AMENDMENTS

SEC. 421. REFERENCES.

Except as otherwise provided in this division, any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to the United States International Development Cooperation Agency (IDCA) or to the Director or any other officer or employee of IDCA—

(1) insofar as such reference relates to any function or authority transferred under section 412(a), shall be deemed to refer to the Secretary of State;

(2) insofar as such reference relates to any function or authority transferred under section 412(b), shall be deemed to refer to the Administrator of the Agency for International Development;

(3) insofar as such reference relates to any function or authority transferred under section 412(c), shall be deemed to refer to the head of the agency to which such function or authority is transferred under such section; and

(4) insofar as such reference relates to any function or authority not transferred by this title, shall be deemed to refer to the President or such agency or agencies as may be specified by Executive order.

SEC. 422. CONFORMING AMENDMENTS.

(a) TERMINATION OF REORGANIZATION PLANS AND DELEGATIONS.—The following shall cease to be effective:

(1) Reorganization Plan Numbered 2 of 1979 (5 U.S.C. App.).

(2) Section 1–101 through 1–103, sections 1–401 through 1–403, section 1–801(a), and such other provisions that relate to the United States International Development Cooperation Agency or the Director of IDCA, of Executive Order No. 12163 (22 U.S.C. 2381 note; relating to administration of foreign assistance and related functions).

(3) The International Development Cooperation Agency Delegation of Authority Numbered 1 (44 Fed. Reg. 57521), except for section 1–6 of such Delegation of Authority.

(4) Section 3 of Executive Order No. 12884 (58 Fed. Reg. 64099; relating to the delegation of functions under the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992, the Foreign Assistance Act of 1961, the Foreign Operations, Export Financing and Related Programs Appropriations Act, 1993, and section 301 of title 3, United States Code).

(b) OTHER STATUTORY AMENDMENTS AND REPEAL.—

(1) TITLE 5.—Section 7103(a)(2)(B)(iv) of title 5, United States Code, is amended by striking "United States International Development Cooperation Agency" and inserting "Agency for International Development".

(2) INSPECTOR GENERAL ACT OF 1978.—Section 8A of the Inspector General Act of 1978 (5 U.S.C. App. 3) is amended—

(A) in subsection (a)—

(i) by striking "Development" through "(1) shall" and inserting "Development shall";

(ii) by striking "; and" at the end of subsection (a)(1) and inserting a period; and

(iii) by striking paragraph (2);

(B) by striking subsections (c) and (f); and

(C) by redesignating subsections (d), (e), (g), and (h) as subsections (c), (d), (e), and (f), respectively.

(3) STATE DEPARTMENT BASIC AUTHORITIES ACT OF 1956.—The State Department Basic Authorities Act of 1956 is amended—

(A) in section 25(f) (22 U.S.C. 2697(f)), as amended by this Act, by striking "Director of the United States International Development Cooperation Agency" and inserting "Administrator of the Agency for International Development";

(B) in section 26(b) (22 U.S.C. 2698(b)), as amended by this Act, by striking "Director of the United States International Development Cooperation Agency" and inserting "Administrator of the Agency for International Development"; and

(C) in section 32 (22 U.S.C. 2704), by striking "Director of the United States International Development Cooperation Agency" and inserting "Administrator of the Agency for International Development".

(4) FOREIGN SERVICE ACT OF 1980.—The Foreign Service Act of 1980 is amended—

(A) in section 202(a)(1) (22 U.S.C. 3922(a)(1)), by striking "Director of the United States International Development Cooperation Agency" and inserting "Administrator of the Agency for International Development";

(B) in section 210 (22 U.S.C. 3930), by striking "United States International Development Cooperation Agency" and inserting "Agency for International Development";

(C) in section 1003(a) (22 U.S.C. 4103(a)), by striking "United States International Development Cooperation Agency" and inserting "Agency for International Development"; and

(D) in section 1101(c) (22 U.S.C. 4131(c)), by striking "United States International Development Cooperation Agency" and inserting "Agency for International Development".

(5) REPEAL.—Section 413 of Public Law 96–53 (22 U.S.C. 3512) is repealed.

(6) TITLE 49.—Section 40118(d) of title 49, United States Code, is amended by striking "the Director of the United States International Development Cooperation Agency" and inserting "or the Administrator of the Agency for International Development".

(7) EXPORT ADMINISTRATION ACT OF 1979.—Section 2405(g) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(g)) is amended—

(A) by striking "Director of the United States International Development Cooperation Agency" each place it appears and inserting "Administrator of the Agency for International Development"; and

(B) in the fourth sentence, by striking "Director" and inserting "Administrator".

TITLE V—AGENCY FOR INTERNATIONAL DEVELOPMENT

CHAPTER 1—GENERAL PROVISIONS

SEC. 501. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) October 1, 1998; or

(2) the date of reorganization of the Agency for International Development pursuant to the reorganization plan described in section 601.

CHAPTER 2—REORGANIZATION AND TRANSFER OF FUNCTIONS

SEC. 511. REORGANIZATION OF AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) In General.—The Agency for International Development shall be reorganized in accordance with this division and the reorganization plan transmitted pursuant to section 601.

(b) Functions To Be Transferred.—The reorganization of the Agency for International Development shall provide, at a minimum, for the transfer to and consolidation with the Department of State of the following functions of AID:

(1) The Press office.

(2) Certain administrative functions.

CHAPTER 3—AUTHORITIES OF THE SECRETARY OF STATE

SEC. 521. DEFINITION OF UNITED STATES ASSISTANCE.

In this chapter, the term "United States assistance" means development and other economic assistance, including assistance made available under the following provisions of law:

(1) Chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance).

(2) Chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund).

(3) Chapter 10 of part I of the Foreign Assistance Act of 1961 (relating to the Development Fund for Africa).

(4) Chapter 11 of part I of the Foreign Assistance Act of 1961 (relating to assistance for the independent states of the former Soviet Union).

(5) The Support for East European Democracy Act (22 U.S.C. 5401 et seq.).

SEC. 522. ADMINISTRATOR OF AID REPORTING TO THE SECRETARY OF STATE.

The Administrator of the Agency for International Development, appointed pursuant to section 624(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2384(a)), shall report to and be under the direct authority and foreign policy guidance of the Secretary of State.

SEC. 523. ASSISTANCE PROGRAMS COORDINATION AND OVERSIGHT.

(a) Authority of the Secretary of State.—

(1) In general.—Under the direction of the President, the Secretary of State shall coordinate all United States assistance in accordance with this section, except as provided in paragraphs (2) and (3).

(2) Export promotion activities.—Coordination of activities relating to promotion of exports of United States goods and services shall continue to be primarily the responsibility of the Secretary of Commerce.

(3) International economic activities.—Coordination of activities relating to United States participation in international financial institutions and relating to organization of multilateral efforts aimed at currency stabilization, currency convertibility, debt reduction, and comprehensive economic reform programs shall continue to be primarily the responsibility of the Secretary of the Treasury.

(4) Authorities and powers of the Secretary of State.—The powers and authorities of the Secretary provided in this chapter are in addition to the powers and authorities provided to the Secretary under any other Act, including section 101(b) and section 622(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151(b), 2382(c)).

(b) Coordination Activities.—Coordination activities of the Secretary of State under subsection (a) shall include—

(1) approving an overall assistance and economic cooperation strategy;

(2) ensuring program and policy coordination among agencies of the United States Government in carrying out the policies set forth in the Foreign Assistance Act of 1961, the Arms Export Control Act, and other relevant assistance Acts;

(3) pursuing coordination with other countries and international organizations; and

(4) resolving policy, program, and funding disputes among United States Government agencies.

(c) Statutory Construction.—Nothing in this section may be construed to lessen the accountability of any Federal agency administering any program, project, or activity of United States assistance for any funds made available to the Federal agency for that purpose.

(d) Authority To Provide Personnel of the Agency for International Development.—The Administrator of the Agency for International Development is authorized to detail to the Department of State on a nonreimbursable basis such personnel employed by the Agency as the Secretary of State may require to carry out this section.

TITLE VI—TRANSITION

CHAPTER 1—REORGANIZATION PLAN

SEC. 601. REORGANIZATION PLAN AND REPORT.

(a) Submission of Plan and Report.—Not later than 60 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a reorganization plan and report regarding—

(1) the abolition of the United States Arms Control and Disarmament Agency, the United States Information Agency, and the United States International Development Cooperation Agency in accordance with this division;

(2) with respect to the Agency for International Development, the consolidation and streamlining of the Agency and the transfer of certain functions of the Agency to the Department in accordance with section 511;

(3) the termination of functions of each covered agency as may be necessary to effectuate the reorganization under this division, and the termination of the affairs of each agency abolished under this division;

(4) the transfer to the Department of the functions and personnel of each covered agency consistent with the provisions of this division; and

(5) the consolidation, reorganization, and streamlining of the Department in connection with the transfer of such functions and personnel in order to carry out such functions.

(b) Covered Agencies.—The agencies covered by this section are the following:

(1) The United States Arms Control and Disarmament Agency.

(2) The United States Information Agency.

(3) The United States International Development Cooperation Agency.

(4) The Agency for International Development.

(c) Plan Elements.—The plan transmitted under subsection (a) shall contain, consistent with this division, such elements as the President deems appropriate, including elements that—

(1) identify the functions of each covered agency that will be transferred to the Department under the plan;

(2) specify the steps to be taken by the Secretary of State to reorganize internally the functions of the Department, including the consolidation of offices and functions, that will be required under the plan in order to permit the Department to carry out the functions transferred to it under the plan;

(3) specify the funds available to each covered agency that will be transferred to the Department as a result of the transfer of functions of such agency to the Department;

(4) specify the proposed allocations within the Department of unexpended funds transferred in connection with the transfer of functions under the plan; and

(5) specify the proposed disposition of the property, facilities, contracts, records, and other assets and liabilities of each covered agency in connection with the transfer of the functions of such agency to the Department.

(d) Reorganization Plan of Agency for International Development.—In addition to applicable provisions of subsection (c), the reorganization plan transmitted under this section for the Agency for International Development—

(1) may provide for the abolition of the Agency for International Development and the transfer of all its functions to the Department of State; or

(2) in lieu of the abolition and transfer of functions under paragraph (1)—

(A) shall provide for the transfer to and consolidation within the Department of the functions set forth in section 511; and

(B) may provide for additional consolidation, reorganization, and streamlining of AID, including—

(i) the termination of functions and reductions in personnel of AID;

(ii) the transfer of functions of AID, and the personnel associated with such functions, to the Department; and

(iii) the consolidation, reorganization, and streamlining of the Department upon the transfer of such functions and personnel in order to carry out the functions transferred.

(e) Modification of Plan.—The President may, on the basis of consultations with the appropriate congressional committees, modify or revise any part of the plan transmitted under subsection (a) until that part of the plan becomes effective in accordance with subsection (g).

(f) Report.—The report accompanying the reorganization plan for the Department and the covered agencies submitted pursuant to this section shall describe the implementation of the plan and shall include—

(1) a detailed description of—

(A) the actions necessary or planned to complete the reorganization,

(B) the anticipated nature and substance of any orders, directives, and other administrative and operational actions which are expected to be required for completing or implementing the reorganization, and

(C) any preliminary actions which have been taken in the implementation process;

(2) the number of personnel and positions of each covered agency (including civil service personnel, Foreign Service personnel, and detailees) that are expected to be transferred to the Department, separated from service with such agency, or eliminated under the plan, and a projected schedule for such transfers, separations, and terminations;

(3) the number of personnel and positions of the Department (including civil service personnel, Foreign Service personnel, and

detailees) that are expected to be transferred within the Department, separated from service with the Department, or eliminated under the plan, and a projected schedule for such transfers, separations, and terminations;

(4) a projected schedule for completion of the implementation process; and

(5) recommendations, if any, for legislation necessary to carry out changes made by this division relating to personnel and to incidental transfers.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—The reorganization plan described in this section, including any modifications or revisions of the plan under subsection (e), shall become effective on the earlier of the date for the respective covered agency specified in paragraph (2) or the date announced by the President under paragraph (3).

(2) STATUTORY EFFECTIVE DATES.—The effective dates under this paragraph for the reorganization plan described in this section are the following:

(A) October 1, 1998, with respect to functions of the Agency for International Development described in section 511.

(B) October 1, 1998, with respect to the abolition of the United States Arms Control and Disarmament Agency and the United States International Development Cooperation Agency.

(C) October 1, 1999, with respect to the abolition of the United States Information Agency.

(3) EFFECTIVE DATE BY PRESIDENTIAL DETERMINATION.—An effective date under this paragraph for a reorganization plan described in this section is such date as the President shall determine to be appropriate and announce by notice published in the Federal Register, which date may be not earlier than 90 calendar days after the President has transmitted the reorganization plan to the appropriate congressional committees pursuant to subsection (a).

(4) STATUTORY CONSTRUCTION.—Nothing in this subsection may be construed to require the transfer of functions, personnel, records, balance of appropriations, or other assets of a covered agency on a single date.

(5) SUPERSEDES EXISTING LAW.—Paragraph (1) shall apply notwithstanding section 905(b) of title 5, United States Code.

(h) PUBLICATION.—The reorganization plan described in this section shall be printed in the Federal Register after the date upon which it first becomes effective.

CHAPTER 2—REORGANIZATION AUTHORITY

SEC. 611. REORGANIZATION AUTHORITY.

(a) IN GENERAL.—The Secretary is authorized, subject to the requirements of this division, to allocate or reallocate any function transferred to the Department under any title of this division, and to establish, consolidate, alter, or discontinue such organizational entities within the Department as may be necessary or appropriate to carry out any reorganization under this division, but this subsection does not authorize the Secretary to modify the terms of any statute that establishes or defines the functions of any bureau, office, or officer of the Department.

(b) REQUIREMENTS AND LIMITATIONS ON REORGANIZATION PLAN.—The reorganization plan transmitted under section 601 may not have the effect of—

(1) creating a new executive department;

(2) continuing a function beyond the period authorized by law for its exercise or beyond the time when it would have terminated if the reorganization had not been made;

(3) authorizing a Federal agency to exercise a function which is not authorized by law at the time the plan is transmitted to Congress;

(4) creating a new Federal agency which is not a component or part of an existing executive department or independent agency; or

(5) increasing the term of an office beyond that provided by law for the office.

SEC. 612. TRANSFER AND ALLOCATION OF APPROPRIATIONS.

(a) IN GENERAL.—Except as otherwise provided in this division, the assets, liabilities (including contingent liabilities arising from suits continued with a substitution or addition of parties under section 615(e)), contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions and offices, or portions thereof, transferred by any title of this division shall be transferred to the Secretary for appropriate allocation.

(b) LIMITATION ON USE OF TRANSFERRED FUNDS.—Except as provided in subsection (c), unexpended and unobligated funds transferred pursuant to any title of this division shall be used only for the purposes for which the funds were originally authorized and appropriated.

(c) FUNDS TO FACILITATE TRANSITION.—

(1) CONGRESSIONAL NOTIFICATION.—Funds transferred pursuant to subsection (a) may be available for the purposes of reorganization subject to notification of the appropriate congressional committees in accordance with the procedures applicable to a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706).

(2) TRANSFER AUTHORITY.—Funds in any account appropriated to the Department of State may be transferred to another such account for the purposes of reorganization, subject to notification of the appropriate congressional committees in accordance with the procedures applicable to a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706). The authority in this paragraph is in addition to any other transfer authority available to the Secretary of State and shall expire September 30, 2000.

SEC. 613. TRANSFER, APPOINTMENT, AND ASSIGNMENT OF PERSONNEL.

(a) TRANSFER OF PERSONNEL FROM ACDA AND USIA.—Except as otherwise provided in title III—

(1) not later than the date of abolition of ACDA, all personnel and positions of ACDA, and

(2) not later than the date of abolition of USIA, all personnel and positions of USIA,

shall be transferred to the Department of State at the same grade or class and the same rate of basic pay or basic salary rate and with the same tenure held immediately preceding transfer.

(b) TRANSFER OF PERSONNEL FROM AID.—Except as otherwise provided in title III, not later than the date of transfer of any function of AID to the Department of State under this division, all AID personnel performing such functions and all positions associated with such functions shall be transferred to the Department of State at the same grade or class and the same rate of basic pay or basic salary rate and with the same tenure held immediately preceding transfer.

(c) ASSIGNMENT AUTHORITY.—The Secretary, for a period of not more than 6 months commencing on the effective date of the transfer to the Department of State of personnel under subsections (a) and (b), is authorized to assign such personnel to any position or set of duties in the Department of State regardless of the position held or duties performed by such personnel prior to transfer, except that, by virtue of such assignment, such personnel shall not have their grade or class or their rate of basic pay or basic salary rate reduced, nor their tenure changed. The Secretary shall consult with the relevant exclusive representatives (as defined in section 1002 of the Foreign Service Act and in section 7103 of title 5, United States Code) with regard to the exercise of this authority. This subsection does not authorize the Secretary to assign any individual to any position that by law requires appointment by the President, by and with the advice and consent of the Senate.

(d) SUPERSEDING OTHER PROVISIONS OF LAW.—Subsections (a) through (c) shall be exercised notwithstanding any other provision of law.

SEC. 614. INCIDENTAL TRANSFERS.

The Director of the Office of Management and Budget, when requested by the Secretary, is authorized to make such incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of any title of this division. The Director of the Office of Management and Budget, in consultation with the Secretary, shall provide for the termination of the affairs of all entities terminated by this division and for such further measures and dispositions as may be necessary to effectuate the purposes of any title of this division.

SEC. 615. SAVINGS PROVISIONS.

(a) CONTINUING LEGAL FORCE AND EFFECT.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) that have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions that are transferred under any title of this division; and

(2) that are in effect as of the effective date of such title, or were final before the effective date of such title and are to become effective on or after the effective date of such title,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary, or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PENDING PROCEEDINGS.—

(1) IN GENERAL.—The provisions of any title of this division shall not affect any proceedings, includinging notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending on the effective date of any title of this division before any Federal agency, commission, or component thereof, functions of which are transferred by any title of this division. Such proceedings and applications, to the extent that they relate to functions so transferred, shall be continued.

(2) ORDERS, APPEALS, PAYMENTS.—Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this division had not been enacted. Orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Secretary, by a court of competent jurisdiction, or by operation of law.

(3) STATUTORY CONSTRUCTION.—Nothing in this division shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this division had not been enacted.

(4) REGULATIONS.—The Secretary is authorized to promulgate regulations providing for the orderly transfer of proceedings continued under this subsection to the Department.

(c) NO EFFECT ON JUDICIAL OR ADMINISTRATIVE PROCEEDINGS.—Except as provided in subsection (e) and section 327(d)—

(1) the provisions of this division shall not affect suits commenced prior to the effective dates of the respective titles of this division; and

(2) in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this division had not been enacted.

(d) NONABATEMENT OF PROCEEDINGS.—No suit, action, or other proceeding commenced by or against any officer in the official capacity of such individual as an officer of any Federal agency, or any commission or component thereof, functions of which are transferred by any title of this division, shall abate by reason of the enactment of this division. No cause of action by or against any Federal agency, or any commission or component thereof, functions of which are transferred by any title of this division, or by or against any officer thereof in the official capacity of such officer shall abate by reason of the enactment of this division.

(e) CONTINUATION OF PROCEEDING WITH SUBSTITUTION OF PARTIES.—If, before the effective date of any title of this division, any Federal agency, or officer thereof in the official capacity of such officer, is a party to a suit, and under this division any function of such department, agency, or officer is transferred to the Secretary or any other official of the Department, then effective on such date such suit shall be continued with the Secretary or other appropriate official of the Department substituted or added as a party.

(f) REVIEWABILITY OF ORDERS AND ACTIONS UNDER TRANSFERRED FUNCTIONS.—Orders and actions of the Secretary in the exercise of functions transferred under any title of this division shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the Federal agency or office, or part thereof, exercising such functions immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by any title of this division shall apply to the exercise of such function by the Secretary.

SEC. 616. AUTHORITY OF SECRETARY OF STATE TO FACILITATE TRANSITION.

Notwithstanding any provision of this division, the Secretary of State, with the concurrence of the head of the appropriate Federal agency exercising functions transferred under this division, may transfer the whole or part of such functions prior to the effective dates established in this division, including the transfer of personnel and funds associated with such functions.

SEC. 617. FINAL REPORT.

Not later than January 1, 2001, the President, in consultation with the Secretary of the Treasury and the Director of the Office of Management and Budget, shall submit to the appropriate congressional committees a report which provides a final accounting of the finances and operations of the agencies abolished under this division.

DIVISION B—FOREIGN RELATIONS AUTHORIZATION

TITLE X—GENERAL PROVISIONS

SEC. 1001. SHORT TITLE.

This division may be cited as the "Foreign Relations Authorization Act, Fiscal Years 1998 and 1999".

SEC. 1002. DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.

In this division, the term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

TITLE XI—AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF STATE

SEC. 1101. ADMINISTRATION OF FOREIGN AFFAIRS.

The following amounts are authorized to be appropriated for the Department of State under "Administration of Foreign Affairs" to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law, including the diplomatic security program:

(1) DIPLOMATIC AND CONSULAR PROGRAMS.—For "Diplomatic and Consular Programs", of the Department of State $1,746,977,000 for the fiscal year 1998 and $1,691,282,000 for the fiscal year 1999.

(2) SALARIES AND EXPENSES.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For "Salaries and Expenses", of the Department of State $363,513,000 for the fiscal year 1998 and $367,148,000 for the fiscal year 1999.

(B) LIMITATIONS.—Of the amounts authorized to be appropriated by subparagraph (A), $2,000,000 for fiscal year 1998 and $2,000,000 for the fiscal year 1999 are authorized to be appropriated only for the recruitment of minorities for careers in the Foreign Service and international affairs.

(3) CAPITAL INVESTMENT FUND.—For "Capital Investment Fund", of the Department of State $86,000,000 for the fiscal year 1998 and $118,340,000 for the fiscal year 1999.

(4) SECURITY AND MAINTENANCE OF BUILDINGS ABROAD.—For "Security and Maintenance of Buildings Abroad", $397,943,000 for the fiscal year 1998 and $590,800,000 for the fiscal year 1999.

(5) REPRESENTATION ALLOWANCES.—For "Representation Allowances", $4,300,000 for the fiscal year 1998 and $4,300,000 for the fiscal year 1999.

(6) EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.—For "Emergencies in the Diplomatic and Consular Service", $5,500,000 for the fiscal 1998 and $5,500,000 for the fiscal year 1999.

(7) OFFICE OF THE INSPECTOR GENERAL.—For "Office of the Inspector General", $28,300,000 for the fiscal year 1998 and $28,717,000 for the fiscal year 1999.

(8) PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN.—For "Payment to the American Institute in Taiwan", $14,490,000 for the fiscal year 1998 and $15,000,000 for the fiscal year 1999.

(9) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—(A) For "Protection of Foreign Missions and Officials", $7,900,000 for the fiscal year 1998 and $8,100,000 for the fiscal year 1999.

(B) Each amount appropriated pursuant to this paragraph is authorized to remain available through September 30 of the fiscal year following the fiscal year for which the amount appropriated was made.

(10) REPATRIATION LOANS.—For "Repatriation Loans", $1,200,000 for the fiscal year 1998 and $1,200,000 for the fiscal year 1999, for administrative expenses.

SEC. 1102. INTERNATIONAL COMMISSIONS.

The following amounts are authorized to be appropriated under "International Commissions" for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:

(1) INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO.—For "International Boundary and Water Commission, United States and Mexico"—

(A) for "Salaries and Expenses" $17,490,000 for the fiscal year 1998 and $19,179,000 for the fiscal year 1999; and

(B) for "Construction" $6,463,000 for the fiscal year 1998 and $7,125,000 for the fiscal year 1999.

(2) INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA.—For "International Boundary Commission, United States and Canada", $761,000 for the fiscal year 1998 and $835,000 for the fiscal year 1999.

(3) INTERNATIONAL JOINT COMMISSION.—For "International Joint Commission", $3,189,000 for the fiscal year 1998 and $3,432,000 for the fiscal year 1999.

(4) INTERNATIONAL FISHERIES COMMISSIONS.—For "International Fisheries Commissions", $14,549,000 for the fiscal year 1998 and $14,549,000 for the fiscal year 1999.

SEC. 1103. GRANTS TO THE ASIA FOUNDATION.

Section 404 of The Asia Foundation Act (title IV of Public Law 98–164) is amended to read as follows:

"SEC. 404. There are authorized to be appropriated to the Secretary of State $10,000,000 for each of the fiscal years 1998 and 1999 for grants to The Asia Foundation pursuant to this title.".

SEC. 1104. VOLUNTARY CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for "Voluntary Contributions to International Organizations", $294,500,000 for the fiscal year 1998 and $294,500,000 for the fiscal year 1999.

(b) LIMITATIONS.—

(1) WORLD FOOD PROGRAM.—Of the amounts authorized to be appropriated under subsection (a), $4,000,000 for the fiscal year 1998 and $2,000,000 for the fiscal year 1999 are authorized to be appropriated only for a United States contribution to the World Food Program.

(2) UNITED NATIONS VOLUNTARY FUND FOR VICTIMS OF TORTURE.—Of the amount authorized to be appropriated under subsection (a), $3,000,000 for the fiscal year 1998 and $3,000,000 for the fiscal year 1999 are authorized to be appropriated only for a United States contribution to the United Nations Voluntary Fund for Victims of Torture.

(3) INTERNATIONAL PROGRAM ON THE ELIMINATION OF CHILD LABOR.—Of the amounts authorized to be appropriated under subsection (a), $5,000,000 for the fiscal year 1998 and $5,000,000 for the fiscal year 1999 are authorized to be appropriated only for a United States contribution to the International Labor Organization for the activities of the International Program on the Elimination of Child Labor.

(c) AVAILABILITY OF FUNDS.—Amounts authorized to be appropriated under subsection (a) are authorized to remain available until expended.

SEC. 1105. VOLUNTARY CONTRIBUTIONS TO PEACEKEEPING OPERATIONS.

There are authorized to be appropriated for "Peacekeeping Operations", $77,500,000 for the fiscal year 1998 and $68,000,000 for the fiscal year 1999 for the Department of State to carry out section 551 of Public Law 87–195.

SEC. 1106. LIMITATION ON UNITED STATES VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS DEVELOPMENT PROGRAM.

(a) LIMITATION.—Of the amounts made available for fiscal years 1998 and 1999 for United States voluntary contributions to the United Nations Development Program an amount equal to the amount the United Nations Development Program will spend in Burma during each fiscal year shall be withheld unless during such fiscal year the President submits to the appropriate congressional committees the certification described in subsection (b).

(b) CERTIFICATION.—The certification referred to in subsection (a) is a certification by the President that all programs and activities of the United Nations Development Program (including United Nations Development Program—Administered Funds) in Burma—

(1) are focused on eliminating human suffering and addressing the needs of the poor;

(2) are undertaken only through international or private voluntary organizations that have been deemed independent of the State Law and Order Restoration Council (SLORC), after consultation with the leadership of the National League for Democracy and the leadership of the National Coalition Government of the Union of Burma;

(3) provide no financial, political, or military benefit to the SLORC; and

(4) are carried out only after consultation with the leadership of the National League for Democracy and the leadership of the National Coalition Government of the Union of Burma.

SEC. 1107. UNITED NATIONS POPULATION FUND.

The amounts made available for each of the fiscal years 1998 and 1999 to carry out part I of the Foreign Assistance Act of 1961, not more than $25,000,000 shall be available for each such fiscal year for the United Nations Population Fund.

TITLE XII—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

CHAPTER 1—AUTHORITIES AND ACTIVITIES

SEC. 1201. REIMBURSEMENT OF DEPARTMENT OF STATE FOR ASSISTANCE TO OVERSEAS EDUCATIONAL FACILITIES.

Section 29 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2701) is amended by adding at the end the following: "Notwithstanding any other provision of law, where the child of a United States citizen employee of an agency of the United States Government who is stationed outside the United States attends an educational facility assisted by the Secretary of State under this section, the head of that agency is authorized to reimburse, or credit with advance payment, the Department of State for funds used in providing assistance to such educational facilities, by grant or otherwise, under this section.".

SEC. 1202. REVISION OF DEPARTMENT OF STATE REWARDS PROGRAM.

Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended to read as follows:

"SEC. 36. DEPARTMENT OF STATE REWARDS PROGRAM.

"(a) Establishment.—

"(1) In general.—There is established a program for the payment of rewards to carry out the purposes of this section.

"(2) Purpose.—The rewards program shall be designed to assist in the prevention of acts of international terrorism, international narcotics trafficking, and other related criminal acts.

"(3) Implementation.—The rewards program shall be administered by the Secretary of State, in consultation, as appropriate, with the Attorney General.

"(b) Rewards Authorized.—In the sole discretion of the Secretary (except as provided in subsection (c)(2)) and in consultation, as appropriate, with the Attorney General, the Secretary may pay a reward to any individual who furnishes information leading to—

"(1) the arrest or conviction in any country of any individual for the commission of an act of international terrorism against a United States person or United States property;

"(2) the arrest or conviction in any country of any individual conspiring or attempting to commit an act of international terrorism against a United States person or United States property;

"(3) the arrest or conviction in any country of any individual for committing, primarily outside the territorial jurisdiction of the United States, any narcotics-related offense if that offense involves or is a significant part of conduct that involves—

"(A) a violation of United States narcotics laws such that the individual would be a major violator of such laws;

"(B) the killing or kidnapping of—

"(i) any officer, employee, or contract employee of the United States Government while such individual is engaged in official duties, or on account of that individual's official duties, in connection with the enforcement of United States narcotics laws or the implementing of United States narcotics control objectives; or

"(ii) a member of the immediate family of any such individual on account of that individual's official duties, in connection with the enforcement of United States narcotics laws or the implementing of United States narcotics control objectives; or

"(C) an attempt or conspiracy to commit any act described in subparagraph (A) or (B);

"(4) the arrest or conviction in any country of any individual aiding or abetting in the commission of an act described in paragraph (1), (2), or (3); or

"(5) the prevention, frustration, or favorable resolution of an act described in paragraph (1), (2), or (3).

"(c) Coordination.—

"(1) Procedures.—To ensure that the payment of rewards pursuant to this section does not duplicate or interfere with the payment of informants or the obtaining of evidence or information, as authorized to the Department of Justice, the offering, administration, and payment of rewards under this section, including procedures for—

"(A) identifying individuals, organizations, and offenses with respect to which rewards will be offered;

"(B) the publication of rewards;

"(C) the offering of joint rewards with foreign governments;

"(D) the receipt and analysis of data; and

"(E) the payment and approval of payment,

shall be governed by procedures developed by the Secretary of State, in consultation with the Attorney General.

"(2) Prior approval of Attorney General required.—Before making a reward under this section in a matter over which there is Federal criminal jurisdiction, the Secretary of State shall obtain the concurrence of the Attorney General.

"(d) Funding.—

"(1) Authorization of appropriations.—Notwithstanding section 102 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99–93; 99 Stat. 408), but subject to paragraph (2), there are authorized to be appropriated to the Department of State from time to time such amounts as may be necessary to carry out this section.

"(2) Limitation.—No amount of funds may be appropriated under paragraph (1) which, when added to the unobligated balance of amounts previously appropriated to carry out this section, would cause such amounts to exceed $15,000,000.

"(3) Allocation of funds.—To the maximum extent practicable, funds made available to carry out this section should be distributed equally for the purpose of preventing acts of international terrorism and for the purpose of preventing international narcotics trafficking.

"(4) Period of availability.—Amounts appropriated under paragraph (1) shall remain available until expended.

"(e) Limitations and Certification.—

"(1) Maximum amount.—No reward paid under this section may exceed $2,000,000.

"(2) Approval.—A reward under this section of more than $100,000 may not be made without the approval of the Secretary.

"(3) Certification for payment.—Any reward granted under this section shall be approved and certified for payment by the Secretary.

"(4) Nondelegation of authority.—The authority to approve rewards of more than $100,000 set forth in paragraph (2) may not be delegated.

"(5) Protection measures.—If the Secretary determines that the identity of the recipient of a reward or of the members of the recipient's immediate family must be protected, the Secretary may take such measures in connection with the payment of the reward as he considers necessary to effect such protection.

"(f) Ineligibility.—An officer or employee of any entity of Federal, State, or local government or of a foreign government who, while in the performance of his or her official duties, furnishes information described in subsection (b) shall not be eligible for a reward under this section.

"(g) Reports.—

"(1) Reports on payment of rewards.—Not later than 30 days after the payment of any reward under this section, the Secretary shall submit a report to the appropriate congressional committees with respect to such reward. The report, which may be submitted in classified form if necessary, shall specify the amount of the reward paid, to whom the reward was paid, and the acts with respect to which the reward was paid. The report shall also discuss the significance of the information for which the reward was paid in dealing with those acts.

"(2) Annual reports.—Not later than 60 days after the end of each fiscal year, the Secretary shall submit a report to the appropriate congressional committees with respect to the operation of the rewards program. The report shall provide information on the total amounts expended during the fiscal year ending in that year to carry out this section, including amounts expended to publicize the availability of rewards.

"(h) Publication Regarding Rewards Offered by Foreign Governments.—Notwithstanding any other provision of this section, in the sole discretion of the Secretary, the resources of the rewards program shall be available for the publication of rewards offered by foreign governments regarding acts of international terrorism which do not involve United States persons or property or a violation of the narcotics laws of the United States.

"(i) Determinations of the Secretary.—A determination made by the Secretary under this section shall be final and conclusive and shall not be subject to judicial review.

"(j) Definitions.—As used in this section:

"(1) Act of international terrorism.—The term 'act of international terrorism' includes—

"(A) any act substantially contributing to the acquisition of unsafeguarded special nuclear material (as defined in paragraph (8) of section 830 of the Nuclear Proliferation Prevention Act of 1994 (22 U.S.C. 3201 note)) or any nuclear explosive device (as defined in paragraph (4) of that section) by an individual, group, or non-nuclear-weapon state (as defined in paragraph (5) of that section); and

"(B) any act, as determined by the Secretary, which materially supports the conduct of international terrorism, including the counterfeiting of United States currency or the illegal use of other monetary instruments by an individual, group, or country supporting international terrorism as determined for purposes of section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)).

"(2) Appropriate congressional committees.—The term 'appropriate congressional committees' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

"(3) Member of the immediate family.—The term 'member of the immediate family', with respect to an individual, includes—

"(A) a spouse, parent, brother, sister, or child of the individual;

"(B) a person with respect to whom the individual stands in loco parentis; and

"(C) any person not covered by subparagraph (A) or (B) who is living in the individual's household and is related to the individual by blood or marriage.

"(4) REWARDS PROGRAM.—The term 'rewards program' means the program established in subsection (a)(1).

"(5) UNITED STATES NARCOTICS LAWS.—The term 'United States narcotics laws' means the laws of the United States for the prevention and control of illicit trafficking in controlled substances (as such term is defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6))).

"(6) UNITED STATES PERSON.—The term 'United States person' means—

"(A) a citizen or national of the United States; and

"(B) an alien lawfully present in the United States.".

SEC. 1203. RETENTION OF ADDITIONAL DEFENSE TRADE CONTROLS REGISTRATION FEES.

Section 45(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2717(a)) is amended—

(1) by striking "$700,000 of the" and inserting "all";

(2) at the end of paragraph (1), by striking "and";

(3) in paragraph (2)—

(A) by striking "functions" and inserting "functions, including compliance and enforcement activities,"; and

(B) by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following new paragraph:

"(3) the enhancement of defense trade export compliance and enforcement activities, including compliance audits of United States and foreign parties, the conduct of administrative proceedings, monitoring of end-uses in cases of direct commercial arms sales or other transfers, and cooperation in proceedings for enforcement of criminal laws related to defense trade export controls.".

SEC. 1204. FEES FOR COMMERCIAL SERVICES.

Section 52(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2724(b)) is amended by adding at the end the following: "Funds deposited under this subsection shall remain available for obligation through September 30 of the fiscal year following the fiscal year in which the funds were deposited.".

SEC. 1205. PILOT PROGRAM FOR FOREIGN AFFAIRS REIMBURSEMENT.

(a) FOREIGN AFFAIRS REIMBURSEMENT.—

(1) IN GENERAL.—Section 701 of the Foreign Service Act of 1980 (22 U.S.C. 4021) is amended—

(A) by redesignating subsection (d)(4) as subsection (g); and

(B) by inserting after subsection (d) the following new subsections:

"(e)(1) The Secretary may provide appropriate training or related services, except foreign language training, through the institution to any United States person (or any employee or family member thereof) that is engaged in business abroad.

"(2) The Secretary may provide job-related training or related services, including foreign language training, through the institution to a United States person under contract to provide services to the United States Government or to any employee thereof that is performing such services.

"(3) Training under this subsection may be provided only to the extent that space is available and only on a reimbursable or advance-of-funds basis. Reimbursements and advances shall be credited to the currently available applicable appropriation account.

"(4) Training and related services under this subsection is authorized only to the extent that it will not interfere with the institution's primary mission of training employees of the Department and of other agencies in the field of foreign relations.

"(5) In this subsection, the term 'United States person' means—

"(A) any individual who is a citizen or national of the United States; or

"(B) any corporation, company, partnership, association, or other legal entity that is 50 percent or more beneficially owned by citizens or nationals of the United States.

"(f)(1) The Secretary is authorized to provide, on a reimbursable basis, training programs to Members of Congress or the Judiciary.

"(2) Employees of the legislative branch and employees of the judicial branch may participate, on a reimbursable basis, in training programs offered by the institution.

"(3) Reimbursements collected under this subsection shall be credited to the currently available applicable appropriation account.

"(4) Training under this subsection is authorized only to the extent that it will not interfere with the institution's primary mission of training employees of the Department and of other agencies in the field of foreign relations.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 1998.

(3) TERMINATION OF PILOT PROGRAM.—Effective October 1, 2002, section 701 of the Foreign Service Act of 1980 (22 U.S.C. 4021), as amended by this subsection, is further amended—

(A) by striking subsections (e) and (f); and

(B) by redesignating subsection (g) as paragraph (4) of subsection (d).

(b) FEES FOR USE OF NATIONAL FOREIGN AFFAIRS TRAINING CENTER.—Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by adding at the end the following new section:

"SEC. 53. FEES FOR USE OF THE NATIONAL FOREIGN AFFAIRS TRAINING CENTER.

"The Secretary is authorized to charge a fee for use of the National Foreign Affairs Training Center of the Department of State. Amounts collected under this section (including reimbursements and surcharges) shall be deposited as an offsetting collection to any Department of State appropriation to recover the costs of such use and shall remain available for obligation until expended.".

(c) REPORTING ON PILOT PROGRAM.—Two years after the date of enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees containing—

(1) the number of persons who have taken advantage of the pilot program established under subsections (e) and (f) of section 701 of the Foreign Service Act of 1980 and section 53 of the State Department Basic Authorities Act of 1956, as added by this section;

(2) the business or government affiliation of such persons;

(3) the amount of fees collected; and

(4) the impact of the program on the primary mission of the National Foreign Affairs Training Center.

SEC. 1206. FEE FOR USE OF DIPLOMATIC RECEPTION ROOMS.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.), as amended by this Act, is further amended by adding at the end the following new section:

"SEC. 54. FEE FOR USE OF DIPLOMATIC RECEPTION ROOMS.

"The Secretary is authorized to charge a fee for use of the diplomatic reception rooms of the Department of State. Amounts collected under this section (including reimbursements and surcharges) shall be deposited as an offsetting collection to any Department of State appropriation to recover the costs of such use and shall remain available for obligation until expended.".

SEC. 1207. ACCOUNTING OF COLLECTIONS IN BUDGET PRESENTATION DOCUMENTS.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.), as amended by this Act, is further amended by adding at the end the following new section:

"SEC. 55. ACCOUNTING OF COLLECTIONS IN BUDGET PRESENTATION DOCUMENTS.

"The Secretary shall include in the annual Congressional Presentation Document and the Budget in Brief a detailed accounting of the total collections received by the Department of State from all sources, including fee collections. Reporting on total collections shall also cover collections from the preceding fiscal year and the projected expenditures from all collections accounts.".

SEC. 1208. OFFICE OF THE INSPECTOR GENERAL.

(a) PROCEDURES.—Section 209(c) of the Foreign Service Act of 1980 (22 U.S.C. 3929(c)) is amended by adding at the end the following:

"(4) The Inspector General shall develop and provide to employees—

"(A) information detailing their rights to counsel; and

"(B) guidelines describing in general terms the policies and procedures of the Office of Inspector General with respect to individuals under investigation other than matters exempt from disclosure under other provisions of law.".

(b) NOTICE.—Section 209(e) of the Foreign Service Act of 1980 (22 U.S.C. 3929(e)) is amended by adding at the end the following new paragraph:

"(3) The Inspector General shall ensure that only officials from the Office of the Inspector General may participate in formal interviews or other formal meetings with the individual who is the subject of an investigation, other than an intelligence-related or sensitive undercover investigation, or except in those situations when the Inspector General has a reasonable basis to believe that such notice would cause tampering with witnesses, destroying evidence, or endangering the lives of individuals, unless that individual receives prior adequate notice regarding participation by officials of any other agency, including the Department of Justice, in such interviews or meetings.".

(c) REPORT.—

(1) IN GENERAL.—Not later than September 30 1998, the Inspector General of the Department of State and the Foreign Service shall submit a report to the appropriate congressional committees which includes the following:

(A) Detailed descriptions of the internal guidance developed or used by the Office of the Inspector General with respect to public disclosure of any information related to an ongoing investigation of any officer or employee of the Department of State, the United States Information Agency, or the United States Arms Control and Disarmament Agency.

(B) Detailed descriptions of those instances for the year ending December 31, 1997, in which any disclosure of information to the public by an employee of the Office of Inspector General about an ongoing investigation occurred, including details on the recipient of the information, the date of the disclosure, and the internal clearance process for the disclosure.

(2) STATUTORY CONSTRUCTION.—Disclosure of information to the public under this section shall not be construed to include information shared with Congress by an employee of the Office of the Inspector General.

SEC. 1209. CAPITAL INVESTMENT FUND.

Section 135 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 2684a) is amended—

(1) in subsection (a), by inserting "and enhancement" after "procurement";

(2) in subsection (c), by striking "are authorized to" and inserting "shall";

(3) in subsection (d), by striking "for expenditure to procure capital equipment and information technology" and inserting "for purposes of subsection (a)"; and

(4) by amending subsection (e) to read as follows:

"(e) Reprogramming Procedures.—Funds credited to the Capital Investment Fund shall not be available for obligation or expenditure except in compliance with the procedures applicable to reprogramming notifications under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706).".

SEC. 1210. CONTRACTING FOR LOCAL GUARDS SERVICES OVERSEAS.

Section 136(c) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4864(c)) is amended—

(1) by amending paragraph (3) to read as follows:

"(3) in evaluating proposals for such contracts, award contracts to the technically acceptable firm offering the lowest evaluated price, except that proposals of United States persons and qualified United States joint venture persons (as defined in subsection (d)) shall be evaluated by reducing the bid price by 10 percent;";

(2) by inserting "and" at the end of paragraph (5);

(3) by striking "; and" at the end of paragraph (6) and inserting a period; and

(4) by striking paragraph (7).

SEC. 1211. AUTHORITY OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION.

Section 4(a) of the International Claims Settlement Act of 1949 (22 U.S.C. 1623(a)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) in the first sentence, by striking "(a) The" and all that follows through the period and inserting the following:

"(a)(1) The Commission shall have jurisdiction to receive, examine, adjudicate, and render a final decision with respect to any claim of the Government of the United States or of any national of the United States—

"(A) included within the terms of the Yugoslav Claims Agreement of 1948;

"(B) included within the terms of any claims agreement concluded on or after March 10, 1954, between the Government of the United States and a foreign government (exclusive of governments against which the United States declared the existence of a state of war during World War II) similarly providing for the settlement and discharge of claims of the Government of the United States and of nationals of the United States against a foreign government, arising out of the nationalization or other taking of property, by the agreement of the Government of the United States to accept from that government a sum in en bloc settlement thereof; or

"(C) included in a category of claims against a foreign government which is referred to the Commission by the Secretary of State."; and

(3) by redesignating the second sentence as paragraph (2).

SEC. 1212. EXPENSES RELATING TO CERTAIN INTERNATIONAL CLAIMS AND PROCEEDINGS.

(a) Recovery of Certain Expenses.—The Department of State Appropriation Act of 1937 (22 U.S.C. 2661) is amended in the fifth undesignated paragraph under the heading entitled "INTERNATIONAL FISHERIES COMMISSION" by inserting "(including such expenses as salaries and other personnel expenses)" after "extraordinary expenses".

(b) Procurement of Services.—Section 38(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2710(c)) is amended in the first sentence by inserting "personal and" before "other support services".

SEC. 1213. GRANTS TO REMEDY INTERNATIONAL ABDUCTIONS OF CHILDREN.

Section 7 of the International Child Abduction Remedies Act (42 U.S.C. 11606; Public Law 100-300) is amended by adding at the end the following new subsection:

"(e) Grant Authority.—The United States Central Authority is authorized to make grants to, or enter into contracts or agreements with, any individual, corporation, other Federal, State, or local agency, or private entity or organization in the United States for purposes of accomplishing its responsibilities under the Convention and this Act.".

SEC. 1214. COUNTERDRUG AND ANTICRIME ACTIVITIES OF THE DEPARTMENT OF STATE.

(a) Counterdrug and Law Enforcement Strategy.—

(1) Requirement.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall establish, implement, and submit to Congress a comprehensive, long-term strategy to carry out the counterdrug responsibilities of the Department of State in a manner consistent with the National Drug Control Strategy. The strategy shall involve all elements of the Department in the United States and abroad.

(2) Objectives.—In establishing the strategy, the Secretary shall—

(A) coordinate with the Office of National Drug Control Policy in the development of clear, specific, and measurable counterdrug objectives for the Department that support the goals and objectives of the National Drug Control Strategy;

(B) develop specific and, to the maximum extent practicable, quantifiable measures of performance relating to the objectives, including annual and long-term measures of performance, for purposes of assessing the success of the Department in meeting the objectives;

(C) assign responsibilities for meeting the objectives to appropriate elements of the Department;

(D) develop an operational structure within the Department that minimizes impediments to meeting the objectives;

(E) ensure that every United States ambassador or chief of mission is fully briefed on the strategy, and works to achieve the objectives; and

(F) ensure that—

(i) all budgetary requests and transfers of equipment (including the financing of foreign military sales and the transfer of excess defense articles) relating to international counterdrug efforts conforms with the objectives; and

(ii) the recommendations of the Department regarding certification determinations made by the President on March 1 as to the counterdrug cooperation, or adequate steps on its own, of each major illicit drug producing and drug trafficking country to achieve full compliance with the goals and objectives established by the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances also conform to meet such objectives.

(3) Reports.—Not later than February 15 of each year subsequent to the submission of the strategy described in paragraph (1), the Secretary shall submit to Congress an update of the strategy. The update shall include—

(A) an outline of the proposed activities with respect to the strategy during the succeeding year, including the manner in which such activities will meet the objectives set forth in paragraph (2); and

(B) detailed information on how certification determinations described in paragraph (2)(F) made the previous year affected achievement of the objectives set forth in paragraph (2) for the previous calendar year.

(4) Limitation on Delegation.—The Secretary shall designate an official in the Department who reports directly to the Secretary to oversee the implementation of the strategy throughout the Department.

(b) Information on International Criminals.—

(1) Information System.—The Secretary shall, in consultation with the heads of appropriate United States law enforcement agencies, including the Attorney General and the Secretary of the Treasury, take appropriate actions to establish an information system or improve existing information systems containing comprehensive information on serious crimes committed by foreign nationals. The information system shall be available to United States embassies and missions abroad for use in consideration of applications for visas for entry into the United States.

(2) Report.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on the actions taken under paragraph (1).

(c) Overseas Coordination of Counterdrug and Anticrime Programs, Policy, and Assistance.—

(1) Strengthening Coordination.—The responsibilities of every diplomatic mission of the United States shall include the strengthening of cooperation between and among the United States and foreign governmental entities and multilateral entities with respect to activities relating to international narcotics and crime.

(2) Designation of Officers.—

(A) In General.—Consistent with existing memoranda of understanding between the Department of State and other departments and agencies of the United States, including the Department of Justice, the chief of mission of every diplomatic mission of the United States shall designate an officer or officers within the mission to carry out the responsibility of the mission under paragraph (1), including the coordination of counterdrug, law enforcement, rule of law, and administration of justice programs, policy, and assistance. Such officer or officers shall report to the chief of mission, or the designee of the chief of mission, on a regular basis regarding activities undertaken in carrying out such responsibility.

(B) Reports.—The chief of mission of every diplomatic mission of the United States shall submit to the Secretary on a regular basis a report on the actions undertaken by the mission to carry out such responsibility.

(3) Report to Congress.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on the status of any proposals for action or on action undertaken to improve staffing and personnel management at diplomatic missions of the United States in order to carry out the responsibility set forth in paragraph (1).

SEC. 1215. ANNUAL REPORT ON OVERSEAS SURPLUS PROPERTIES.

The Foreign Service Buildings Act, 1926 (22 U.S.C. 292 et seq.) is amended by adding at the end the following new section:

"Sec. 12. Not later than March 1 of each year, the Secretary of State shall submit to Congress a report listing overseas United States surplus properties that are administered under this Act and that have been identified for sale.".

SEC. 1216. HUMAN RIGHTS REPORTS.

Section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)) is amended—

(1) by striking "January 31" and inserting "February 25";

(2) redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(3) by inserting after paragraph (2) the following new paragraph:

"(3) the status of child labor practices in each country, including—

"(A) whether such country has adopted policies to protect children from exploitation in the workplace, including a prohibition of forced and bonded labor and policies regarding acceptable working conditions; and

"(B) the extent to which each country enforces such policies, including the adequacy of the resources and oversight dedicated to such policies;".

SEC. 1217. REPORTS AND POLICY CONCERNING DIPLOMATIC IMMUNITY.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.), as amended by this Act, is further amended by adding at the end the following new section:

"SEC. 56. CRIMES COMMITTED BY DIPLOMATS.

"(a) ANNUAL REPORT CONCERNING DIPLOMATIC IMMUNITY.—

"(1) REPORT TO CONGRESS.—180 days after the date of enactment, and annually thereafter, the Secretary of State shall prepare and submit to the Congress, a report concerning diplomatic immunity entitled "Report on Cases Involving Diplomatic Immunity".

"(2) CONTENT OF REPORT.—In addition to such other information as the Secretary of State may consider appropriate, the report under paragraph (1) shall include the following:

"(A) The number of persons residing in the United States who enjoy full immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.

"(B) Each case involving an alien described in subparagraph (A) in which an appropriate authority of a State, a political subdivision of a State, or the United States reported to the Department of State that the authority had reasonable cause to believe the alien committed a serious criminal offense within the United States, and any additional information provided to the Secretary relating to other serious criminal offenses that any such authority had reasonable cause to believe the alien committed before the period covered by the report. The Secretary may omit from such report any matter the provision of which the Secretary reasonably believes would compromise a criminal investigation or prosecution or which would directly compromise law enforcement or intelligence sources or methods.

"(C) Each case described in subparagraph (B) in which the Secretary of State has certified that a person enjoys full immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.

"(D) The number of United States citizens who are residing in a receiving state and who enjoy full immunity from the criminal jurisdiction of such state under laws extending diplomatic privileges and immunities.

"(E) Each case involving a United States citizen under subparagraph (D) in which the United States has been requested by the government of a receiving state to waive the immunity from criminal jurisdiction of the United States citizen.

"(F) Whether the Secretary has made the notifications referred to in subsection (c) during the period covered by the report.

"(3) SERIOUS CRIMINAL OFFENSE DEFINED.—For the purposes of this section, the term 'serious criminal offense' means—

"(A) any felony under Federal, State, or local law;

"(B) any Federal, State, or local offense punishable by a term of imprisonment of more than 1 year;

"(C) any crime of violence as defined for purposes of section 16 of title 18, United States Code; or

"(D)(i) driving under the influence of alcohol or drugs;

"(ii) reckless driving; or

"(iii) driving while intoxicated.

"(b) UNITED STATES POLICY CONCERNING REFORM OF DIPLOMATIC IMMUNITY.—It is the sense of the Congress that the Secretary of State should explore, in appropriate fora, whether states should enter into agreements and adopt legislation—

"(1) to provide jurisdiction in the sending state to prosecute crimes committed in the receiving state by persons entitled to immunity from criminal jurisdiction under laws extending diplomatic privileges and immunities; and

"(2) to provide that where there is probable cause to believe that an individual who is entitled to immunity from the criminal jurisdiction of the receiving state under laws extending diplomatic privileges and immunities committed a serious crime, the sending state will waive such immunity or the sending state will prosecute such individual.

"(c) NOTIFICATION OF DIPLOMATIC CORPS.—The Secretary should periodically notify each foreign mission of United States policies relating to criminal offenses committed by individuals with immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.".

SEC. 1218. REAFFIRMING UNITED STATES INTERNATIONAL TELECOMMUNICATIONS POLICY.

(a) PROCUREMENT POLICY.—It is the policy of the United States to foster and support procurement of goods and services from private, commercial companies.

(b) IMPLEMENTATION.—In order to achieve the policy set forth in subsection (a), the Diplomatic Telecommunications Service Program Office (DTS-PO) shall—

(1) utilize full and open competition, to the maximum extent practicable, in the procurement of telecommunications services, including satellite space segment, for the Department of State and each other Federal entity represented at United States diplomatic missions and consular posts overseas;

(2) make every effort to ensure and promote the participation in the competition for such procurement of commercial private sector providers of satellite space segment who have no ownership or other connection with an intergovernmental satellite organization; and

(3) implement the competitive procedures required by paragraphs (1) and (2) at the prime contracting level and, to the maximum extent practicable, the subcontracting level.

SEC. 1219. REDUCTION OF REPORTING.

(a) REPEALS.—The following provisions of law are repealed:

(1) MODEL FOREIGN LANGUAGE COMPETENCE POSTS.—The second sentence of section 161(c) of the Foreign Relations Authorization Act, Fiscal Year 1990 and 1991 (22 U.S.C. 4171 note).

(2) ACTIONS OF THE GOVERNMENT OF HAITI.—Section 705(c) of the International Security and Development Cooperation Act of 1985 (Public Law 99–83).

(3) TRAINING FACILITY FOR THE FOREIGN SERVICE INSTITUTE.—Section 123(e)(2) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99–93).

(4) MILITARY ASSISTANCE FOR HAITI.—Section 203(c) of the Special Foreign Assistance Act of 1986 (Public Law 99–529).

(5) INTERNATIONAL SUGAR AGREEMENT, 1977.—Section 5 of the Act entitled "An Act providing for the implementation of the International Sugar Agreement, 1977, and for other purposes" (Public Law 96–236; 7 U.S.C. 3605 and 3606).

(6) AUDIENCE SURVEY OF WORLDNET PROGRAM.—Section 209 (c) and (d) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100–204).

(7) RESEARCH ON THE NEAR AND MIDDLE EAST.—Section 228(b) of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102–138; 22 U.S.C. 2452 note).

(b) PROGRESS TOWARD REGIONAL NONPROLIFERATION.—Section 620F(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2376(c); relating to periodic reports on progress toward regional nonproliferation) is amended by striking "Not later than April 1, 1993 and every six months thereafter," and inserting "Not later than April 1 of each year,".

(c) REPORT ON PARTICIPATION BY UNITED STATES MILITARY PERSONNEL ABROAD IN UNITED STATES ELECTIONS.—Section 101(b)(6) of the Uniformed and Overseas Citizens Absentee Voting Act of 1986 (42 U.S.C. 1973ff(b)(6)) is amended by striking "of voter participation" and inserting "of uniformed services voter participation, a general assessment of overseas nonmilitary participation,".

CHAPTER 2—CONSULAR AUTHORITIES OF THE DEPARTMENT OF STATE

SEC. 1221. USE OF CERTAIN PASSPORT PROCESSING FEES FOR ENHANCED PASSPORT SERVICES.

For each of the fiscal years 1998 and 1999, of the fees collected for expedited passport processing and deposited to an offsetting collection pursuant to title V of the Department of State and Related Agencies Appropriations Act for Fiscal Year 1995 (Public Law 103–317; 22 U.S.C. 214 note), 30 percent shall be available only for enhancing passport services for United States citizens, improving the integrity and efficiency of the passport issuance process, improving the secure nature of the United States passport, investigating passport fraud, and deterring entry into the United States by terrorists, drug traffickers, or other criminals.

SEC. 1222. SURCHARGE FOR PROCESSING CERTAIN MACHINE READABLE VISAS.

Section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended—

(1) in paragraph (2), by striking "providing consular services" and inserting "the Department of State's border security program, including the costs of the installation and operation of the machine readable visa and automated namecheck process, improving the quality and security of the United States passport, investigations of passport and visa fraud, and the technological infrastructure to support the programs referred to in this sentence";

(2) by striking the first sentence of paragraph (3) and inserting "For each of the fiscal years 1998 and 1999, any amount collected under paragraph (1) that exceeds $140,000,000 may be made available only if a notification is submitted to Congress in accordance with the procedures applicable to reprogramming notifications under section 34 of the State Department Basic Authorities Act of 1956."; and

(3) by striking paragraphs (4) and (5).

SEC. 1223. CONSULAR OFFICERS.

(a) PERSONS AUTHORIZED TO ISSUE REPORTS OF BIRTHS ABROAD.—Section 33 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2705) is amended in paragraph (2) by adding at the end the following: "For purposes of this paragraph, the term 'consular officer' includes any United States citizen employee of the Department of State who is designated by the Secretary of State to adjudicate nationality abroad pursuant to such regulations as the Secretary may prescribe.".

(b) PROVISIONS APPLICABLE TO CONSULAR OFFICERS.—Section 1689 of the Revised Statutes (22 U.S.C. 4191) is amended by inserting "and to such other United States citizen employees of the Department of State as may be designated by the Secretary of State pursuant to such regulations as the Secretary may prescribe" after "such officers".

(c) PERSONS AUTHORIZED TO AUTHENTICATE FOREIGN DOCUMENTS.—

(1) DESIGNATED UNITED STATES CITIZENS PERFORMING NOTARIAL ACTS.—Section 1750 of the Revised Statutes, as amended (22 U.S.C. 4221) is further amended by inserting after the first sentence: "At any post, port, or place where there is no consular officer, the Secretary of State may authorize any other officer or employee of the United States Government who is a United States citizen serving overseas, including any contract employee of the United States Government, to perform such acts, and any such contractor so authorized shall not be considered to be a consular officer.".

(2) DEFINITION OF CONSULAR OFFICERS.—Section 3492(c) of title 18, United States Code, is amended by adding at the end the following: "For purposes of this section and sections 3493 through 3496 of this title, the term 'consular officers' includes any United States citizen who is designated to perform notarial functions pursuant to section 1750 of the Revised Statutes, as amended (22 U.S.C. 4221).".

(d) PERSONS AUTHORIZED TO ADMINISTER OATHS.—Section 115 of title 35, United States Code, is amended by adding at the end the following: "For purposes of this section, a consular officer shall include any United States citizen serving overseas, authorized to perform notarial functions pursuant to section 1750 of the Revised Statutes, as amended (22 U.S.C. 4221).".

(e) DEFINITION OF CONSULAR OFFICER.—Section 101(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(9)) is amended by—

(1) inserting "or employee" after "officer" the second place it appears; and

(2) inserting before the period at the end of the sentence "or, when used in title III, for the purpose of adjudicating nationality".

(f) TRAINING FOR EMPLOYEES PERFORMING CONSULAR FUNCTIONS.—Section 704 of the Foreign Service Act of 1980 (22 U.S.C. 4024) is amended by adding at the end the following new subsection:

"(d)(1) Before a United States citizen employee (other than a diplomatic or consular officer of the United States) may be designated by the Secretary of State, pursuant to regulation, to perform a consular function abroad, the United States citizen employee shall—

"(A) be required to complete successfully a program of training essentially equivalent to the training that a consular officer who is a member of the Foreign Service would receive for purposes of performing such function; and

"(B) be certified by an appropriate official of the Department of State to be qualified by knowledge and experience to perform such function.

"(2) As used in this subsection, the term 'consular function' includes the issuance of visas, the performance of notarial and other legalization functions, the adjudication of passport applications, the adjudication of nationality, and the issuance of citizenship documentation.".

SEC. 1224. REPEAL OF OUTDATED CONSULAR RECEIPT REQUIREMENTS.

Sections 1726, 1727, and 1728 of the Revised Statutes of the United States (22 U.S.C. 4212, 4213, and 4214), as amended (relating to accounting for consular fees) are repealed.

SEC. 1225. ELIMINATION OF DUPLICATE FEDERAL REGISTER PUBLICATION FOR TRAVEL ADVISORIES.

(a) FOREIGN AIRPORTS.—Section 44908(a) of title 49, United States Code, is amended—

(1) by inserting "and" at the end of paragraph (1);

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(b) FOREIGN PORTS.—Section 908(a) of the International Maritime and Port Security Act of 1986 (46 U.S.C. App. 1804(a)) is amended by striking the second sentence, relating to Federal Register publication by the Secretary of State.

SEC. 1226. DENIAL OF VISAS TO CONFISCATORS OF AMERICAN PROPERTY.

(a) DENIAL OF VISAS.—Except as otherwise provided in section 401 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (Public Law 104–114), and subject to subsection (b), the Secretary of State may deny the issuance of a visa to any alien who—

(1) through the abuse of position, including a governmental or political party position, converts or has converted for personal gain real property that has been confiscated or expropriated, a claim to which is owned by a national of the United States, or who is complicit in such a conversion; or

(2) induces any of the actions or omissions described in paragraph (1) by any person.

(b) EXCEPTIONS.—Subsection (a) shall not apply to—

(1) any country established by international mandate through the United Nations; or

(2) any territory recognized by the United States Government to be in dispute.

(c) REPORTING REQUIREMENT.—Not later than 6 months after the date of enactment of this Act, and every 12 months thereafter, the Secretary of State shall submit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate a report, including—

(1) a list of aliens who have been denied a visa under this subsection; and

(2) a list of aliens who could have been denied a visa under subsection (a) but were issued a visa and an explanation as to why each such visa was issued.

SEC. 1227. INADMISSIBILITY OF ANY ALIEN SUPPORTING AN INTERNATIONAL CHILD ABDUCTOR.

(a) AMENDMENT OF IMMIGRATION AND NATIONALITY ACT.—Section 212(a)(10)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(C)) is amended by striking clause (ii) and inserting the following:

"(ii) ALIENS SUPPORTING ABDUCTORS AND RELATIVES OF ABDUCTORS.—Any alien who—

"(I) is known by the Secretary of State to have intentionally assisted an alien in the conduct described in clause (i),

"(II) is known by the Secretary of State to be intentionally providing material support or safe haven to an alien described in clause (i), or

"(III) is a spouse (other than the spouse who is the parent of the abducted child), child (other than the abducted child), parent, sibling, or agent of an alien described in clause (i), if such person has been designated by the Secretary of State at the Secretary's sole and unreviewable discretion, is inadmissible until the child described in clause (i) is surrendered to the person granted custody by the order described in that clause, and such person and child are permitted to return to the United States or such person's place of residence.

"(iii) EXCEPTIONS.—Clauses (i) and (ii) shall not apply—

"(I) to a government official of the United States who is acting within the scope of his or her official duties;

"(II) to a government official of any foreign government if the official has been designated by the Secretary of State at the Secretary's sole and unreviewable discretion; or

"(III) so long as the child is located in a foreign state that is a party to the Convention on the Civil Aspects of International Child Abduction, done at The Hague on October 25, 1980.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to aliens seeking admission to the United States on or after the date of enactment of this Act.

SEC. 1228. HAITI; EXCLUSION OF CERTAIN ALIENS; REPORTING REQUIREMENTS.

(a) GROUNDS FOR EXCLUSION.—Except as provided in subsection (c), a consular officer shall not issue a visa to, and the Attorney General shall exclude from the United States, any alien who the Secretary of State, in the Secretary's sole and unreviewable discretion, has reason to believe is a person who—

(1) has been credibly alleged to have ordered, carried out, or materially assisted, in the extrajudicial and political killings of Antoine Izmery, Guy Malary, Father Jean-Marie Vincent, Pastor Antoine Leroy, Jacques Fleurival, Mireille Durocher Bertin, Eugene Baillergeau, Michelange Hermann, Max Mayard, Romulus Dumarsais, Claude Yves Marie, Mario Beaubrun, Leslie Grimar, Joseph Chilove, Michel Gonzalez, and Jean-Hubert Feuille;

(2) was included in the list presented to former president Jean-Bertrand Aristide by former National Security Council Advisor Anthony Lake in December 1995, and acted upon by President Rene Preval;

(3) was sought for an interview by the Federal Bureau of Investigation as part of its inquiry into the March 28, 1995, murder of Mireille Durocher Bertin and Eugene Baillergeau, Jr., and was credibly alleged to have ordered, carried out, or materially assisted, in those murders, per a June 28, 1995, letter to the then Minister of Justice of the Government of Haiti, Jean-Joseph Exume;

(4)(A) was a member of the Haitian High Command during the period 1991–1994, who has been credibly alleged to have planned, ordered, or participated with members of the Haitian Armed Forces in the September 1991 coup against the duly elected Government of Haiti or the subsequent murders of as many as three thousand Haitians during that period; or

(B) is an immediate relative of an individual described in subparagraph (A); or

(5) has been credibly alleged to have been a member of the paramilitary organization known as FRAPH who planned, ordered, or participated in acts of violence against the Haitian people.

(b) EXEMPTION.—Subsection (a) shall not apply where the Secretary of State finds, on a case by case basis, that the entry into the United States of the person who would otherwise be excluded under subsection (a) is necessary for medical reasons, or such person has cooperated fully with the investigation of the political murders or acts of violence described in subsection (a). If the Secretary of State exempts such a person, the Secretary shall notify the appropriate congressional committees in writing.

(c) REPORTING REQUIREMENT ON EXCLUSION OF CERTAIN HAITIAN ALIENS.—

(1) PREPARATION OF LIST.—The United States chief of mission in Haiti shall provide the Secretary of State a list of those who have been credibly alleged to have ordered or carried out the extrajudicial and political killings referred to in paragraph (1) of subsection (a).

(2) SUBMISSION OF LIST TO CONGRESS.—Not later than 3 months after the date of enactment of this Act, the Secretary of State shall submit the list provided under paragraph (1) to the appropriate congressional committees.

(3) LISTS OF VISA DENIALS AND EXCLUSIONS.—The Secretary of State shall submit to the Committee on Foreign Relations and the Committee on the Judiciary of the Senate and the Committee on International Relations and the Committee on the Judiciary of the House of Representatives a list of aliens denied visas, and the

Attorney General shall submit to the appropriate congressional committees a list of aliens refused entry to the United States, as a result of subsection (a).

(4) DURATION FOR SUBMISSION OF LISTS.—The Secretary shall submit the list under paragraph (3) not later than six months after the date of enactment of this Act and not later than March 1 of each year thereafter as long as the Government of Haiti has not completed the investigation of the extrajudicial and political killings and has not prosecuted those implicated for the killings specified in paragraph (1) of subsection (a).

(d) REPORT ON THE COST OF UNITED STATES ACTIVITIES IN HAITI.—(1) Not later than September 1, 1998, and every 6 months thereafter, the President shall submit a report to Congress on the situation in Haiti, including—

(A) a listing of the units of the United States Armed Forces or Coast Guard and of the police and military units of other nations participating in operations in and around Haiti;

(B) incidents of the use of force in Haiti involving hostile acts against United States Armed Forces or Coast Guard personnel during the period covered by the report;

(C) the estimated cumulative program costs of all United States activities in Haiti during the period covered by the report, including—

(i) the incremental cost of deployments of United States Armed Forces and Coast Guard personnel training, exercises, mobilization, and preparation activities, including the United States contribution to the training and transportation of police and military units of other nations of any multilateral force involved in activities in Haiti;

(ii) the costs of all other activities relating to United States policy toward Haiti, including humanitarian assistance, reconstruction assistance, assistance under part I of the Foreign Assistance Act of 1961, and other financial assistance, and all other costs to the United States Government; and

(D) a detailed accounting of the source of funds obligated or expended to meet the costs described in paragraph (3), including—

(i) in the case of amounts expended out of funds available to the Department of Defense budget, by military service or defense agency, line item, and program; and

(ii) in the case of amounts expended out of funds available to departments and agencies other than the Department of Defense, by department or agency and program.

(2) DEFINITION.—In this section, the term "period covered by the report" means the 6-month period prior to the date the report is required to be submitted, except that, in the case of the initial report, the term means the period since the date of enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999.

CHAPTER 3—REFUGEES AND MIGRATION

Subchapter A—Authorization of Appropriations

SEC. 1231. MIGRATION AND REFUGEE ASSISTANCE.

(a) MIGRATION AND REFUGEE ASSISTANCE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for "Migration and Refugee Assistance" for authorized activities, $650,000,000 for the fiscal year 1998 and $704,500,000 for the fiscal year 1999.

(2) LIMITATIONS.—

(A) LIMITATION REGARDING TIBETAN REFUGEES IN INDIA AND NEPAL.—Of the amounts authorized to be appropriated in paragraph (1), not more than $2,000,000 for the fiscal year 1998 and $2,000,000 for the fiscal year 1999 are authorized to be available only for humanitarian assistance, including food, medicine, clothing, and medical and vocational training, to Tibetan refugees in India and Nepal who have fled Chinese-occupied Tibet.

(B) REFUGEES RESETTLING IN ISRAEL.—Of the amounts authorized to be appropriated in paragraph (1), $80,000,000 for the fiscal year 1998 and $80,000,000 for the fiscal year 1999 are authorized to be available for assistance for refugees resettling in Israel from other countries.

(C) HUMANITARIAN ASSISTANCE FOR DISPLACED BURMESE.—Of the amounts authorized to be appropriated in paragraph (1), $1,500,000 for the fiscal year 1998 and $1,500,000 for the fiscal year 1999 for humanitarian assistance are authorized to be available, including food, medicine, clothing, and medical and vocational training, to persons displaced as a result of civil conflict in Burma, including persons still within Burma.

(b) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to this section are authorized to remain available until expended.

Subchapter B—Authorities

SEC. 1241. UNITED STATES POLICY REGARDING THE INVOLUNTARY RETURN OF REFUGEES.

(a) IN GENERAL.—None of the funds made available by this division shall be available to effect the involuntary return by the United States of any person to a country in which the person has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, except on grounds recognized as precluding protection as a refugee under the United Nations Convention Relating to the Status of Refugees of July 28, 1951, and the Protocol Relating to the Status of Refugees of January 31, 1967, subject to the reservations contained in the United States Senate Resolution of Ratification.

(b) MIGRATION AND REFUGEE ASSISTANCE.—None of the funds made available by section 1231 of this Act or by section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)) shall be available to effect the involuntary return of any person to any country unless the Secretary of State first notifies the appropriate congressional committees, except that in the case of an emergency involving a threat to human life the Secretary of State shall notify the appropriate congressional committees as soon as practicable.

(c) INVOLUNTARY RETURN DEFINED.—As used in this section, the term "to effect the involuntary return" means to require, by means of physical force or circumstances amounting to a threat thereof, a person to return to a country against the person's will, regardless of whether the person is physically present in the United States and regardless of whether the United States acts directly or through an agent.

SEC. 1242. UNITED STATES POLICY WITH RESPECT TO THE INVOLUNTARY RETURN OF PERSONS IN DANGER OF SUBJECTION TO TORTURE.

(a) POLICY.—It shall be the policy of the United States not to expel, extradite, or otherwise effect the involuntary return of any person to a country in which there are substantial grounds for believing the person would be in danger of being subjected to torture, regardless of whether the person is physically present in the United States.

(b) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the heads of the appropriate agencies shall prescribe regulations to implement the obligations of the United States under Article 3 of the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment, subject to any reservations, understandings, declarations, and provisos contained in the United States Senate resolution of ratification of the Convention.

(c) EXCLUSION OF CERTAIN ALIENS.—To the maximum extent consistent with the obligations of the United States under the Convention, subject to any reservations, understandings, declarations, and provisos contained in the United States Senate resolution of ratification of the Convention, the regulations described in subsection (b) shall exclude from the protection of such regulations aliens described in section 241(b)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)(B)).

(d) REVIEW AND CONSTRUCTION.—Notwithstanding any other provision of law, and except as provided in the regulations described in subsection (b), no court shall have jurisdiction to review the regulations adopted to implement this section, and nothing in this section shall be construed as providing any court jurisdiction to consider or review claims raised under the Convention or this section, or any other determination made with respect to the application of the policy set forth in subsection (a), except as part of the review of a final order of removal pursuant to section 242 of the Immigration and Nationality Act (8 U.S.C. 1252).

(e) AUTHORITY TO DETAIN.—Nothing in this section shall be construed as limiting the authority of the Attorney General to detain any person under any provision of law, including, but not limited to, any provision of the Immigration and Nationality Act.

(f) DEFINITIONS.—

(1) CONVENTION DEFINED.—In this section, the term "Convention" means the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment, done at New York on December 10, 1984.

(2) SAME TERMS AS IN THE CONVENTION.—Except as otherwise provided, the terms used in this section have the meanings given those terms in the Convention, subject to any reservations, understandings, declarations, and provisos contained in the United States Senate resolution of ratification of the Convention.

SEC. 1243. REPROGRAMMING OF MIGRATION AND REFUGEE ASSISTANCE FUNDS.

Section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706) is amended—

(1) in subsection (a)—

(A) by striking "Foreign Affairs" and inserting "International Relations and the Committee on Appropriations"; and

(B) by inserting "and the Committee on Appropriations" after "Foreign Relations"; and

(2) by adding at the end the following new subsection:

"(c) The Secretary of State may waive the notification requirement of subsection (a), if the Secretary determines that failure to do so would pose a substantial risk to human health or welfare. In the case of any waiver under this subsection, notification to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives shall be provided as soon as practicable, but not later than 3 days after taking the action to which the notification requirement was applicable, and shall contain an explanation of the emergency circumstances.".

SEC. 1244. ELIGIBILITY FOR REFUGEE STATUS.

Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (Public Law 104–208; 110 Stat. 3009–171) is amended—

(1) in subsection (a)—

(A) by striking "For purposes" and inserting "Notwithstanding any other provision of law, for purposes"; and

(B) by striking "fiscal year 1997" and inserting "fiscal years 1997 and 1998"; and

(2) by amending subsection (b) to read as follows:

"(b) ALIENS COVERED.—

"(1) IN GENERAL.— An alien described in this subsection is an alien who—

"(A) is the son or daughter of a qualified national;

"(B) is 21 years of age or older; and

"(C) was unmarried as of the date of acceptance of the alien's parent for resettlement under the Orderly Departure Program.

"(2) QUALIFIED NATIONAL.—For purposes of paragraph (1), the term 'qualified national' means a national of Vietnam who—

"(A)(i) was formerly interned in a reeducation camp in Vietnam by the Government of the Socialist Republic of Vietnam; or

"(ii) is the widow or widower of an individual described in clause (i); and

"(B)(i) qualified for refugee processing under the reeducation camp internees subprogram of the Orderly Departure Program; and

"(ii) on or after April 1, 1995, is or has been accepted—

"(I) for resettlement as a refugee; or

"(II) for admission as an immigrant under the Orderly Departure Program.".

SEC. 1245. REPORTS TO CONGRESS CONCERNING CUBAN EMIGRATION POLICIES.

Beginning not later than 6 months after the date of enactment of this Act, and every 6 months thereafter, the Secretary of State shall supplement the monthly report to Congress entitled "Update on Monitoring of Cuban Migrant Returnees" with additional information concerning the methods employed by the Government of Cuba to enforce the United States-Cuba agreement of September 1994 and the treatment by the Government of Cuba of persons who have returned to Cuba pursuant to the United States-Cuba agreement of May 1995.

TITLE XIII—ORGANIZATION OF THE DEPARTMENT OF STATE; DEPARTMENT OF STATE PERSONNEL; THE FOREIGN SERVICE

CHAPTER 1—ORGANIZATION OF THE DEPARTMENT OF STATE

SEC. 1301. COORDINATOR FOR COUNTERTERRORISM.

(a) ESTABLISHMENT.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended by adding at the end the following new subsection:

"(f) COORDINATOR FOR COUNTERTERRORISM.—

"(1) IN GENERAL.—There is within the office of the Secretary of State a Coordinator for Counterterrorism (in this paragraph referred to as the 'Coordinator') who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) DUTIES.—

"(A) IN GENERAL.—The Coordinator shall perform such duties and exercise such powers as the Secretary of State shall prescribe.

"(B) DUTIES DESCRIBED.—The principal duty of the Coordinator shall be the overall supervision (including policy oversight of resources) of international counterterrorism activities. The Coordinator shall be the principal adviser to the Secretary of State on international counterterrorism matters. The Coordinator shall be the principal counterterrorism official within the senior management of the Department of State and shall report directly to the Secretary of State.

"(3) RANK AND STATUS OF AMBASSADOR.—The Coordinator shall have the rank and status of Ambassador at Large.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 161 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended by striking subsection (e).

SEC. 1302. ELIMINATION OF DEPUTY ASSISTANT SECRETARY OF STATE FOR BURDENSHARING.

Section 161 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 2651a note) is amended by striking subsection (f).

SEC. 1303. PERSONNEL MANAGEMENT.

Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a), as amended by this Act, is further amended by adding at the end the following new subsection:

"(g) QUALIFICATIONS OF OFFICER HAVING PRIMARY RESPONSIBILITY FOR PERSONNEL MANAGEMENT.—The officer of the Department of State with primary responsibility for assisting the Secretary of State with respect to matters relating to personnel in the Department of State, or that officer's principal deputy, shall have substantial professional qualifications in the field of human resource policy and management.".

SEC. 1304. DIPLOMATIC SECURITY.

Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a), as amended by this Act, is further amended by adding at the end the following new subsection:

"(h) QUALIFICATIONS OF OFFICER HAVING PRIMARY RESPONSIBILITY FOR DIPLOMATIC SECURITY.—The officer of the Department of State with primary responsibility for assisting the Secretary of State with respect to diplomatic security, or that officer's principal deputy, shall have substantial professional qualifications in the fields of (1) management, and (2) Federal law enforcement, intelligence, or security.".

SEC. 1305. NUMBER OF SENIOR OFFICIAL POSITIONS AUTHORIZED FOR THE DEPARTMENT OF STATE.

(a) UNDER SECRETARIES.—

(1) IN GENERAL.—Section 1(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(b)) is amended by striking "5" and inserting "6".

(2) CONFORMING AMENDMENT TO TITLE 5.—Section 5314 of title 5, United States Code, is amended by striking "Under Secretaries of State (5)" and inserting "Under Secretaries of State (6)".

(b) ASSISTANT SECRETARIES.—

(1) IN GENERAL.—Section 1(c)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)(1)) is amended by striking "20" and inserting "24".

(2) CONFORMING AMENDMENT TO TITLE 5.—Section 5315 of title 5, United States Code, is amended by striking "Assistant Secretaries of State (20)" and inserting "Assistant Secretaries of State (24)".

(c) DEPUTY ASSISTANT SECRETARIES.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a), as amended by this Act, is further amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

SEC. 1306. NOMINATION OF UNDER SECRETARIES AND ASSISTANT SECRETARIES OF STATE.

(a) UNDER SECRETARIES OF STATE.—Section 1(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)), as amended by this Act, is further amended by adding at the end the following new paragraph:

"(4) NOMINATION OF UNDER SECRETARIES.—Whenever the President submits to the Senate a nomination of an individual for appointment to a position in the Department of State that is described in paragraph (1), the President shall designate the particular Under Secretary position in the Department of State that the individual shall have.".

(b) ASSISTANT SECRETARIES OF STATE.—Section 1(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)), as amended by this Act, is further amended by adding at the end the following new paragraph:

"(3) NOMINATION OF ASSISTANT SECRETARIES.—Whenever the President submits to the Senate a nomination of an individual for appointment to a position in the Department of State that is described in paragraph (1), the President shall designate the regional or functional bureau or bureaus of the Department of State with respect to which the individual shall have responsibility.".

CHAPTER 2—PERSONNEL OF THE DEPARTMENT OF STATE; THE FOREIGN SERVICE

SEC. 1311. FOREIGN SERVICE REFORM.

(a) PERFORMANCE PAY.—Section 405 of the Foreign Service Act of 1980 (22 U.S.C. 3965) is amended—

(1) in subsection (a), by striking "Members" and inserting "Subject to subsection (e), members"; and

(2) by adding at the end the following new subsection:

"(e) Notwithstanding any other provision of law, the Secretary of State may provide for recognition of the meritorious or distinguished service of any member of the Foreign Service described in subsection (a) (including any member of the Senior Foreign Service) by means other than an award of performance pay in lieu of making such an award under this section.".

(b) EXPEDITED SEPARATION OUT.—

(1) SEPARATION OF LOWEST RANKED FOREIGN SERVICE MEMBERS.—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall develop and implement procedures to identify, and recommend for separation, any member of the Foreign Service ranked by promotion boards of the Department of State in the bottom 5 percent of his or her class for 2 or more of the 5 years preceding the date of enactment of this Act (in this subsection referred to as the "years of lowest ranking") if the rating official for such member was not the same individual for any two of the years of lowest ranking.

(2) SPECIAL INTERNAL REVIEWS.—In any case where the member was evaluated by the same rating official in any 2 of the years of lowest ranking, an internal review of the member's file shall be conducted to determine whether the member should be considered for action leading to separation.

(3) PROCEDURES.—The Secretary of State shall develop procedures for the internal reviews required under paragraph (2).

SEC. 1312. RETIREMENT BENEFITS FOR INVOLUNTARY SEPARATION.

(a) BENEFITS.—Section 609 of the Foreign Service Act of 1980 (22 U.S.C. 4009) is amended—

(1) in subsection (a)(2)(A), by inserting "or any other applicable provision of chapter 84 of title 5, United States Code," after "section 811";

(2) in subsection (a), by inserting "or section 855, as appropriate" after "section 806"; and

(3) in subsection (b)(2)—

(A) by striking "(2)" and inserting "(2)(A) for those participants in the Foreign Service Retirement and Disability System,"; and

(B) by inserting before the period at the end "; and (B) for those participants in the Foreign Service Pension System, benefits as provided in section 851"; and

(4) in subsection (b) in the matter following paragraph (2), by inserting "(for participants in the Foreign Service Retirement and Disability System) or age 62 (for participants in the Foreign Service Pension System)" after "age 60".

(b) ENTITLEMENT TO ANNUITY.—Section 855(b) of the Foreign Service Act of 1980 (22 U.S.C. 4071d(b)) is amended—

(1) in paragraph (1)—

(A) by inserting "611," after "608,";

(B) by inserting "or for participants in the Foreign Service Pension System," after "for participants in the Foreign Service Retirement and Disability System"; and

(C) by striking "Service shall" and inserting "Service, shall"; and

(2) in paragraph (3), by striking "or 610" and inserting "610, or 611".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) EXCEPTIONS.—The amendments made by paragraphs (2) and (3) of subsection (a) and paragraphs (1)(A) and (2) of subsection (b) shall apply with respect to any actions taken under section 611 of the Foreign Service Act of 1980 on or after January 1, 1996.

SEC. 1313. AUTHORITY OF SECRETARY TO SEPARATE CONVICTED FELONS FROM THE FOREIGN SERVICE.

Section 610(a)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4010(a)(2)) is amended in the first sentence by striking "A member" and inserting "Except in the case of an individual who has been convicted of a crime for which a sentence of imprisonment of more than 1 year may be imposed, a member".

SEC. 1314. CAREER COUNSELING.

(a) IN GENERAL.—Section 706(a) of the Foreign Service Act of 1980 (22 U.S.C. 4026(a)) is amended by adding at the end the following new sentence: "Career counseling and related services provided pursuant to this Act shall not be construed to permit an assignment that consists primarily of paid time to conduct a job search and without other substantive duties for more than one month.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective 180 days after the date of the enactment of this Act.

SEC. 1315. LIMITATIONS ON MANAGEMENT ASSIGNMENTS.

Section 1017(e)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4117(e)(2)) is amended to read as follows:

"(2) For the purposes of paragraph (1)(A)(ii) and paragraph (1)(B), the term 'management official' does not include—

"(A) any chief of mission;

"(B) any principal officer or deputy principal officer;

"(C) any administrative or personnel officer abroad; or

"(D) any individual described in section 1002(12) (B), (C), or (D) who is not involved in the administration of this chapter or in the formulation of the personnel policies and programs of the Department.".

SEC. 1316. AVAILABILITY PAY FOR CERTAIN CRIMINAL INVESTIGATORS WITHIN THE DIPLOMATIC SECURITY SERVICE.

(a) IN GENERAL.—Section 5545a of title 5, United States Code, is amended by adding at the end the following:

"(k)(1) For purposes of this section, the term 'criminal investigator' includes a special agent occupying a position under title II of Public Law 99–399 if such special agent—

"(A) meets the definition of such term under paragraph (2) of subsection (a) (applied disregarding the parenthetical matter before subparagraph (A) thereof); and

"(B) such special agent satisfies the requirements of subsection (d) without taking into account any hours described in paragraph (2)(B) thereof.

"(2) In applying subsection (h) with respect to a special agent under this subsection—

"(A) any reference in such subsection to 'basic pay' shall be considered to include amounts designated as 'salary';

"(B) paragraph (2)(A) of such subsection shall be considered to include (in addition to the provisions of law specified therein) sections 609(b)(1), 805, 806, and 856 of the Foreign Service Act of 1980; and

"(C) paragraph (2)(B) of such subsection shall be applied by substituting for 'Office of Personnel Management' the following: 'Office of Personnel Management or the Secretary of State (to the extent that matters exclusively within the jurisdiction of the Secretary are concerned)'.".

(b) IMPLEMENTATION.—Not later than the date on which the amendments made by this section take effect, each special agent of the Diplomatic Security Service who satisfies the requirements of subsection (k)(1) of section 5545a of title 5, United States Code, as amended by this section, and the appropriate supervisory officer, to be designated by the Secretary of State, shall make an initial certification to the Secretary of State that the special agent is expected to meet the requirements of subsection (d) of such section 5545a. The Secretary of State may prescribe procedures necessary to administer this subsection.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Paragraph (2) of section 5545a(a) of title 5, United States Code, is amended (in the matter before subparagraph (A)) by striking "Public Law 99–399)" and inserting "Public Law 99–399, subject to subsection (k))".

(2) Section 5542(e) of such title is amended by striking "title 18, United States Code," and inserting "title 18 or section 37(a)(3) of the State Department Basic Authorities Act of 1956,".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first applicable pay period—

(1) which begins on or after the 90th day following the date of the enactment of this Act; and

(2) on which date all regulations necessary to carry out such amendments are (in the judgment of the Director of the Office of Personnel Management and the Secretary of State) in effect.

SEC. 1317. NONOVERTIME DIFFERENTIAL PAY.

Title 5 of the United States Code is amended—

(1) in section 5544(a), by inserting after the fourth sentence the following new sentence: "For employees serving outside the United States in areas where Sunday is a routine workday and another day of the week is officially recognized as the day of rest and worship, the Secretary of State may designate the officially recognized day of rest and worship as the day with respect to which the preceding sentence shall apply instead of Sunday."; and

(2) at the end of section 5546(a), by adding the following new sentence: "For employees serving outside the United States in areas where Sunday is a routine workday and another day of the week is officially recognized as the day of rest and worship, the Secretary of State may designate the officially recognized day of rest and worship as the day with respect to which the preceding sentence shall apply instead of Sunday.".

SEC. 1318. REPORT CONCERNING MINORITIES AND THE FOREIGN SERVICE.

The Secretary of State shall during each of calendar years 1998 and 1999 submit a report to the Congress concerning minorities and the Foreign Service officer corps. In addition to such other information as is relevant to this issue, the report shall include the following data for the last preceding examination and promotion cycles for which such information is available (reported in terms of real numbers and percentages and not as ratios):

(1) The numbers and percentages of all minorities taking the written Foreign Service examination.

(2) The numbers and percentages of all minorities successfully completing and passing the written Foreign Service examination.

(3) The numbers and percentages of all minorities successfully completing and passing the oral Foreign Service examination.

(4) The numbers and percentages of all minorities entering the junior officers class of the Foreign Service.

(5) The numbers and percentages of all minority Foreign Service officers at each grade.

(6) The numbers of and percentages of minorities promoted at each grade of the Foreign Service officer corps.

TITLE XIV—UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS

CHAPTER 1—AUTHORIZATION OF APPROPRIATIONS

SEC. 1401. INTERNATIONAL INFORMATION ACTIVITIES AND EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.

The following amounts are authorized to be appropriated to carry out international information activities and educational and cultural exchange programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, the United States International Broadcasting Act of 1994, the Radio Broadcasting to Cuba Act, the Television Broadcasting to Cuba Act, the Board for International Broadcasting Act, the North/South Center Act of 1991, and the National Endowment for Democracy Act, and to carry out other authorities in law consistent with such purposes:

(1) SALARIES AND EXPENSES.—For "Salaries and Expenses", $431,000,000 for the fiscal year 1998 and $457,146,000 for the fiscal year 1999.

(2) TECHNOLOGY FUND.—For the "Technology Fund" for the United States Information Agency, $5,050,000 for the fiscal year 1998 and $5,050,000 for the fiscal year 1999.

(3) EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(A) FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.—

(i) FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.—There are authorized to be appropriated for the "Fulbright Academic Exchange Programs" (other than programs described in subparagraph (B)), $99,236,000 for the fiscal year 1998 and $99,236,000 for the fiscal year 1999.

(ii) VIETNAM FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.—Of the amounts authorized to be appropriated under clause (i), $5,000,000 for the fiscal year 1998 and $5,000,000 for the fiscal year 1999 are authorized to be available for the Vietnam scholarship program established by section 229 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102–138).

(B) OTHER EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(i) IN GENERAL.—There are authorized to be appropriated for other educational and cultural exchange programs authorized by law, $100,764,000 for the fiscal year 1998 and $100,764,000 for the fiscal year 1999.

(ii) SOUTH PACIFIC EXCHANGES.—Of the amounts authorized to be appropriated under clause (i), $500,000 for the fiscal year 1998 and $500,000 for the fiscal year 1999 are authorized to be available for "South Pacific Exchanges".

(iii) EAST TIMORESE SCHOLARSHIPS.—Of the amounts authorized to be appropriated under clause (i), $500,000 for the fiscal year 1998 and $500,000 for the fiscal year 1999 are authorized to be available for "East Timorese Scholarships".

(iv) TIBETAN EXCHANGES.—Of the amounts authorized to be appropriated under clause (i), $500,000 for the fiscal year 1998 and $500,000 for the fiscal year 1999 are authorized to be available for "Educational and Cultural Exchanges with Tibet" under section 236 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236).

(4) INTERNATIONAL BROADCASTING ACTIVITIES.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For "International Broadcasting Activities", $344,655,000 for the fiscal year 1998, and $341,655,000 for the fiscal year 1999.

(B) ALLOCATION.—Of the amounts authorized to be appropriated under subparagraph (A), the

Director of the United States Information Agency and the Broadcasting Board of Governors shall seek to ensure that the amounts made available for broadcasting to nations whose people do not fully enjoy freedom of expression do not decline in proportion to the amounts made available for broadcasting to other nations.

(5) Radio Construction.—For "Radio Construction", $40,000,000 for the fiscal year 1998, and $25,308,000 for the fiscal year 1999.

(6) Radio Free Asia.—For "Radio Free Asia", $22,000,000 for the fiscal year 1998 and $22,000,000 for the fiscal year 1999, and an additional $8,000,000 in fiscal year 1998 for one-time capital costs.

(7) Broadcasting to Cuba.—For "Broadcasting to Cuba", $22,095,000 for the fiscal year 1998 and $22,704,000 for the fiscal year 1999.

(8) Center for Cultural and Technical Interchange Between East and West.—For the "Center for Cultural and Technical Interchange between East and West", not more than $12,000,000 for the fiscal year 1998 and not more than $10,000,000 for the fiscal year 1999.

(9) National Endowment for Democracy.—For the "National Endowment for Democracy", $30,000,000 for the fiscal year 1998 and $30,000,000 for the fiscal year 1999.

(10) Center for Cultural and Technical Interchange Between North and South.—For "Center for Cultural and Technical Interchange between North and South" not more than $1,500,000 for the fiscal year 1998 and not more than $1,500,000 for the fiscal year 1999.

CHAPTER 2—AUTHORITIES AND ACTIVITIES

SEC. 1411. RETENTION OF INTEREST.

Notwithstanding any other provision of law, with the approval of the National Endowment for Democracy, grant funds made available by the National Endowment for Democracy may be deposited in interest-bearing accounts pending disbursement, and any interest which accrues may be retained by the grantee without returning such interest to the Treasury of the United States and interest earned may be obligated and expended for the purposes for which the grant was made without further appropriation.

SEC. 1412. USE OF SELECTED PROGRAM FEES.

Section 810 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1475e) is amended to read as follows:

"USE OF ENGLISH-TEACHING PROGRAM FEES

"Sec. 810. (a) In General.—Notwithstanding section 3302 of title 31, United States Code, or any other law or limitation of authority, fees and receipts described in subsection (b) are authorized to be credited each fiscal year for authorized purposes to the appropriate appropriations of the United States Information Agency to such extent as may be provided in advance in appropriations acts.

"(b) Fees and Receipts Described.—The fees and receipts described in this subsection are fees and payments received by or for the use of the United States Information Agency from or in connection with—

"(1) English-teaching and library services,

"(2) educational advising and counseling,

"(3) Exchange Visitor Program Services,

"(4) advertising and business ventures of the Voice of America and the International Broadcasting Bureau,

"(5) cooperating international organizations, and

"(6) Agency-produced publications,

"(7) an amount not to exceed $100,000 of the payments from motion picture and television programs produced or conducted by or on behalf of the Agency under the authority of this Act or the Mutual Education and Cultural Exchange Act of 1961.".

SEC. 1413. MUSKIE FELLOWSHIP PROGRAM.

(a) Guidelines.—Section 227(c)(5) of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note) is amended by inserting "journalism and communications, education administration, public policy, library and information science," after "business administration," each of the two places it appears.

(b) Redesignation of Soviet Union.—Section 227 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note) is amended—

(1) in subsections (a), (b), and (c)(5), by striking "Soviet Union" each place it appears and inserting "independent states of the former Soviet Union";

(2) in subsection (c)(11), by striking "Soviet republics" and inserting "independent states of the former Soviet Union"; and

(3) in the section heading, by inserting "**INDEPENDENT STATES OF THE FORMER**" after "**FROM THE**".

SEC. 1414. WORKING GROUP ON UNITED STATES GOVERNMENT-SPONSORED INTERNATIONAL EXCHANGES AND TRAINING.

Section 112 of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460) is amended by adding at the end the following new subsection:

"(g) Working Group on United States Government Sponsored International Exchanges and Training.—(1) In order to carry out the purposes of subsection (f) and to improve the coordination, efficiency, and effectiveness of United States Government-sponsored international exchanges and training, there is established within the United States Information Agency a senior-level interagency working group to be known as the Working Group on United States Government-Sponsored International Exchanges and Training (in this section referred to as the 'Working Group').

"(2) For purposes of this subsection, the term 'Government-sponsored international exchanges and training' means the movement of people between countries to promote the sharing of ideas, to develop skills, and to foster mutual understanding and cooperation, financed wholly or in part, directly or indirectly, with United States Government funds.

"(3) The Working Group shall be composed as follows:

"(A) The Associate Director for Educational and Cultural Affairs of the United States Information Agency, who shall act as Chair.

"(B) A senior representative of the Department of State, who shall be designated by the Secretary of State.

"(C) A senior representative of the Department of Defense, who shall be designated by the Secretary of Defense.

"(D) A senior representative of the Department of Education, who shall be designated by the Secretary of Education.

"(E) A senior representative of the Department of Justice, who shall be designated by the Attorney General.

"(F) A senior representative of the Agency for International Development, who shall be designated by the Administrator of the Agency.

"(G) Senior representatives of such other departments and agencies as the Chair determines to be appropriate.

"(4) Representatives of the National Security Adviser and the Director of the Office of Management and Budget may participate in the Working Group at the discretion of the Adviser and the Director, respectively.

"(5) The Working Group shall be supported by an interagency staff office established in the Bureau of Educational and Cultural Affairs of the United States Information Agency.

"(6) The Working Group shall have the following purposes and responsibilities:

"(A) To collect, analyze, and report data provided by all United States Government departments and agencies conducting international exchanges and training programs.

"(B) To promote greater understanding and cooperation among concerned United States Government departments and agencies of common issues and challenges in conducting international exchanges and training programs, including through the establishment of a clearinghouse for information on international exchange and training activities in the governmental and nongovernmental sectors.

"(C) In order to achieve the most efficient and cost-effective use of Federal resources, to identify administrative and programmatic duplication and overlap of activities by the various United States Government departments and agencies involved in Government-sponsored international exchange and training programs, to identify how each Government-sponsored international exchange and training program promotes United States foreign policy, and to report thereon.

"(D)(i) Not later than 1 year after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, the Working Group shall develop a coordinated and cost-effective strategy for all United States Government-sponsored international exchange and training programs, including an action plan with the objective of achieving a minimum of 10 percent cost savings through greater efficiency, the consolidation of programs, or the elimination of duplication, or any combination thereof.

"(ii) Not later than 1 year after the date of enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, the Working Group shall submit a report to the appropriate congressional committees setting forth the strategy and action plan required by clause (i).

"(iii) Each year thereafter the Working Group shall assess the strategy and plan required by clause (i).

"(E) Not later than 2 years after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, to develop recommendations on common performance measures for all United States Government-sponsored international exchange and training programs, and to issue a report.

"(F) To conduct a survey of private sector international exchange activities and develop strategies for expanding public and private partnerships in, and leveraging private sector support for, United States Government-sponsored international exchange and training activities.

"(G) Not later than 6 months after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, to report on the feasibility and advisability of transferring funds and program management for the ATLAS or the Mandela Fellows programs, or both, in South Africa from the Agency for International Development to the United States Information Agency. The report shall include an assessment of the capabilities of the South African Fulbright Commission to manage such programs and the cost effects of consolidating such programs under one entity.

"(7) All reports prepared by the Working Group shall be submitted to the President, through the Director of the United States Information Agency.

"(8) The Working Group shall meet at least on a quarterly basis.

"(9) All decisions of the Working Group shall be by majority vote of the members present and voting.

"(10) The members of the Working Group shall serve without additional compensation for their service on the Working Group. Any expenses incurred by a member of the Working Group in connection with service on the Working Group shall be compensated by that member's department or agency.

"(11) With respect to any report issued under paragraph (6), a member may submit dissenting *views to be submitted as part of the report of the Working Group.".*

SEC. 1415. EDUCATIONAL AND CULTURAL EXCHANGES AND SCHOLARSHIPS FOR TIBETANS AND BURMESE.

(a) IN GENERAL.—Section 103(b)(1) of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 (Public Law 104–319; 22 U.S.C. 2151 note) is amended—

(1) by striking "for fiscal year 1997" and inserting "for the fiscal year 1999"; and

(2) by inserting after "who are outside Tibet" the following: "(if practicable, including individuals active in the preservation of Tibet's unique culture, religion, and language)".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1998.

SEC. 1416. UNITED STATES-JAPAN COMMISSION.

(a) RELIEF FROM RESTRICTION OF INTERCHANGEABILITY OF FUNDS.—

(1) ELIMINATION OF RESTRICTION.—Section 6(4) of the Japan-United States Friendship Act (22 U.S.C. 2905(4)) is amended by striking "needed, except" and all that follows through "United States" and inserting "needed".

(2) AUTHORIZED INVESTMENTS.—The second sentence of section 7(b) of the Japan-United States Friendship Act (22 U.S.C. 2906(b)) is amended to read as follows: "Such investment may be made only in interest-bearing obligations of the United States, in obligations guaranteed as to both principal and interest by the United States, in interest-bearing obligations of Japan, or in obligations guaranteed as to both principal and interest by Japan.".

(b) REDESIGNATION OF COMMISSION.—

(1) REDESIGNATION.—Effective on the date of enactment of this Act, the Japan-United States Friendship Commission shall be redesignated as the "United States-Japan Commission". Any reference in any provision of law, Executive order, regulation, delegation of authority, or other document to the Japan-United States Friendship Commission shall be considered to be a reference to the United States-Japan Commission.

(2) CONFORMING AMENDMENT.—The heading of section 4 of the Japan-United States Friendship Act (22 U.S.C. 2903) is amended to read as follows:

"UNITED STATES-JAPAN COMMISSION".

(3) CONFORMING AMENDMENT.—The Japan-United States Friendship Act is amended by striking "Japan-United States Friendship Commission" each place such term appears and inserting "United States-Japan Commission".

(c) REDESIGNATION OF TRUST FUND.—

(1) REDESIGNATION.—Effective on the date of enactment of this Act, the Japan-United States Friendship Trust Fund shall be redesignated as the "United States-Japan Trust Fund". Any reference in any provision of law, Executive order, regulation, delegation of authority, or other document to the Japan-United States Friendship Trust Fund shall be considered to be a reference to the United States-Japan Trust Fund.

(2) CONFORMING AMENDMENT.—Section 3(a) of the Japan-United States Friendship Act (22 U.S.C. 2902(a)) is amended by striking "Japan-United States Friendship Trust Fund" and inserting "United States-Japan Trust Fund".

SEC. 1417. SURROGATE BROADCASTING STUDY.

Not later than 6 months after the date of enactment of this Act, the Broadcasting Board of Governors, acting through the International Broadcasting Bureau, should conduct and complete a study of the appropriateness, feasibility, and projected costs of providing surrogate broadcasting service to Africa and transmit the results of the study to the appropriate congressional committees.

SEC. 1418. RADIO BROADCASTING TO IRAN IN THE FARSI LANGUAGE.

(a) RADIO FREE IRAN.—Not more than $2,000,000 of the funds made available under section 1401(a)(4) of this Act for each of the fiscal years 1998 and 1999 for grants to RFE/RL, Incorporated, shall be available only for surrogate radio broadcasting by RFE/RL, Incorporated, to the Iranian people in the Farsi language, such broadcasts to be designated as "Radio Free Iran".

(b) REPORT TO CONGRESS.—Not later than 60 days after the date of enactment of this Act, the Broadcasting Board of Governors of the United States Information Agency shall submit a detailed report to Congress describing the costs, implementation, and plans for creation of the surrogate broadcasting service described in subsection (a).

(c) AVAILABILITY OF FUNDS.—None of the funds made available under subsection (a) may be made available until submission of the report required under subsection (b).

SEC. 1419. AUTHORITY TO ADMINISTER SUMMER TRAVEL AND WORK PROGRAMS.

The Director of the United States Information Agency is authorized to administer summer travel and work programs without regard to preplacement requirements.

SEC. 1420. PERMANENT ADMINISTRATIVE AUTHORITIES REGARDING APPROPRIATIONS.

Section 701(f) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1476(f)) is amended by striking paragraph (4).

SEC. 1421. VOICE OF AMERICA BROADCASTS.

(a) IN GENERAL.—The Voice of America shall devote programming each day to broadcasting information on the individual States of the United States. The broadcasts shall include—

(1) information on the products, tourism, and cultural and educational facilities of each State;

(2) information on the potential for trade with each State; and

(3) discussions with State officials with respect to the matters described in paragraphs (1) and (2).

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Broadcasting Board of Governors of the United States Information Agency shall submit a report to Congress detailing the actions that have been taken to carry out subsection (a).

(c) STATE DEFINED.—In this section, the term "State" means any of the several States of the United States, the District of Columbia, or any commonwealth or territory of the United States.

TITLE XV—INTERNATIONAL ORGANIZATIONS OTHER THAN UNITED NATIONS

SEC. 1501. INTERNATIONAL CONFERENCES AND CONTINGENCIES.

There are authorized to be appropriated for "International Conferences and Contingencies", $3,500,000 for the fiscal year 1998 and $1,223,000 for the fiscal year 1999 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international conferences and contingencies and to carry out other authorities in law consistent with such purposes.

SEC. 1502. RESTRICTION RELATING TO UNITED STATES ACCESSION TO ANY NEW INTERNATIONAL CRIMINAL TRIBUNAL.

(a) PROHIBITION.—The United States shall not become a party to any new international criminal tribunal, nor give legal effect to the jurisdiction of such a tribunal over any matter described in subsection (b), except pursuant to—

(1) a treaty made under Article II, section 2, clause 2 of the Constitution of the United States on or after the date of enactment of this Act; or

(2) any statute enacted by Congress on or after the date of enactment of this Act.

(b) JURISDICTION DESCRIBED.—The jurisdiction described in this section is jurisdiction over—

(1) persons found, property located, or acts or omissions committed, within the territory of the United States; or

(2) nationals of the United States, wherever found.

(c) STATUTORY CONSTRUCTION.—Nothing in this section precludes sharing information, expertise, or other forms of assistance with such tribunal.

(d) DEFINITION.—The term "new international criminal tribunal" means any permanent international criminal tribunal established on or after the date of enactment of this Act and does not include—

(1) the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law in the Territory of the Former Yugoslavia, as established by United Nations Security Council Resolution 827 of May 25, 1993; or

(2) the International Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighboring States, as established by United Nations Security Council Resolution 955 of November 8, 1994.

SEC. 1503. UNITED STATES MEMBERSHIP IN THE BUREAU OF THE INTERPARLIAMENTARY UNION.

(a) INTERPARLIAMENTARY UNION LIMITATION.—Unless the Secretary of State certifies to Congress that the United States will be assessed not more than $500,000 for its annual contribution to the Bureau of the Interparliamentary Union during fiscal year 1999, then effective October 1, 1999, the authority for further participation by the United States in the Bureau shall terminate in accordance with subsection (d).

(b) ELIMINATION OF AUTHORITY TO PAY EXPENSES OF THE AMERICAN GROUP.—Section 1 of the Act entitled "An Act to authorize participation by the United States in the Interparliamentary Union", approved June 28, 1935 (22 U.S.C. 276) is amended—

(1) in the first sentence—

(A) by striking "fiscal year" and all that follows through "(1) for" and inserting "fiscal year for";

(B) by striking "; and"; and

(C) by striking paragraph (2); and

(2) by striking the second sentence.

(c) ELIMINATION OF PERMANENT APPROPRIATION.—Section 303 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1988 (as contained in section 101(a) of the Continuing Appropriations Act, 1988 (Public Law 100–202; 22 U.S.C. 276 note)) is amended—

(1) by striking "$440,000" and inserting "$350,000"; and

(2) by striking "paragraph (2) of the first section of Public Law 74–170,".

(d) CONDITIONAL TERMINATION OF AUTHORITY.—Unless Congress receives the certification described in subsection (a) before October 1, 1999, effective on that date the Act entitled "An Act to authorize participation by the United States in the Interparliamentary Union", approved June 28, 1935 (22 U.S.C. 276–276a–4) is repealed.

(e) TRANSFER OF FUNDS TO THE TREASURY.—Unobligated balances of appropriations made under section 303 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act 1988 (as contained in section 101(a) of the Continuing Appropriations Act, 1988; Public Law 100–202) that

are available as of the day before the date of enactment of this Act shall be transferred on such date to the general fund of the Treasury of the United States.

SEC. 1504. SERVICE IN INTERNATIONAL ORGANIZATIONS.

(a) IN GENERAL.—Section 3582(b) of title 5, United States Code, is amended by striking all after the first sentence and inserting the following: "On reemployment, an employee entitled to the benefits of subsection (a) is entitled to the rate of basic pay to which the employee would have been entitled had the employee remained in the civil service. On reemployment, the agency shall restore the sick leave account of the employee, by credit or charge, to its status at the time of transfer. The period of separation caused by the employment of the employee with the international organization and the period necessary to effect reemployment are deemed creditable service for all appropriate civil service employment purposes. This subsection does not apply to a congressional employee.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to transfers that take effect on or after the date of enactment of this Act.

SEC. 1505. REPORTS REGARDING FOREIGN TRAVEL.

(a) PROHIBITION.—Except as provided in subsection (e), none of the funds authorized to be appropriated by this Act for fiscal year 1999 may be used to pay for the expenses of foreign travel by an officer or employee of an Executive branch agency to attend an international conference, or for the routine services that a United States diplomatic mission or consular post provides in support of foreign travel by such an officer or employee to attend an international conference, unless that officer or employee has submitted a preliminary report with respect to that foreign travel in accordance with subsection (b), and has not previously failed to submit a final report with respect to foreign travel to attend an international conference required by subsection (c).

(b) PRELIMINARY REPORTS.—A preliminary report referred to in subsection (a) is a report by an officer or employee of an Executive branch agency with respect to proposed foreign travel to attend an international conference, submitted to the Director prior to commencement of the travel, setting forth—

(1) the name and employing agency of the officer or employee;

(2) the name of the official who authorized the travel; and

(3) the purpose and duration of the travel.

(c) FINAL REPORTS.—A final report referred to in subsection (a) is a report by an officer or employee of an Executive branch agency with respect to foreign travel to attend an international conference, submitted to the Director not later than 30 days after the conclusion of the travel—

(1) setting forth the actual duration and cost of the travel; and

(2) updating any other information included in the preliminary report.

(d) REPORT TO CONGRESS.—The Director shall submit a report not later than April 1, 1999. to the Committees on Foreign Relations and Appropriations of the Senate and the Committees on International Relations and Appropriations of the House of Representatives, setting forth with respect to each international conference for which reports described in subsection (c) were required to be submitted to the Director during the preceding six months—

(1) the names and employing agencies of all officers and employees of Executive branch agencies who attended the international conference;

(2) the names of all officials who authorized travel to the international conference, and the total number of officers and employees who were authorized to travel to the conference by each such official; and

(3) the total cost of travel by officers and employees of Executive branch agencies to the international conference.

(e) EXCEPTIONS.—This section shall not apply to travel by—

(1) the President or the Vice President; or

(2) any officer or employee who is carrying out an intelligence or intelligence-related activity, who is performing a protective function, or who is engaged in a sensitive diplomatic mission.

(f) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term "Director" means the Director of the Office of International Conferences of the Department of State.

(2) EXECUTIVE BRANCH AGENCY.—The terms "Executive branch agency" and "Executive branch agencies" mean—

(A) an entity or entities, other than the General Accounting Office, defined in section 105 of title 5, United States Code; and

(B) the Executive Office of the President (except as provided in subsection (e)).

(3) INTERNATIONAL CONFERENCE.—The term "international conference" means any meeting held under the auspices of an international organization or foreign government, at which representatives of more than two foreign governments are expected to be in attendance, and to which United States Executive branch agencies will send a total of ten or more representatives.

(g) REPORT.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a report describing—

(1) the total Federal expenditure of all official international travel in each Executive branch agency during the previous fiscal year; and

(2) the total number of individuals in each agency who engaged in such travel.

TITLE XVI—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

SEC. 1601. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out the purposes of the Arms Control and Disarmament Act $41,500,000 for the fiscal year 1998.

SEC. 1602. STATUTORY CONSTRUCTION.

Section 303 of the Arms Control and Disarmament Act (22 U.S.C. 2573), as redesignated by section 1223 of this Act, is amended by adding at the end the following new subsection:

"(c) STATUTORY CONSTRUCTION.—Nothing contained in this chapter shall be construed to authorize any policy or action by any Government agency which would interfere with, restrict, or prohibit the acquisition, possession, or use of firearms by an individual for the lawful purpose of personal defense, sport, recreation, education, or training.".

TITLE XVII—EUROPEAN SECURITY ACT OF 1998

SEC. 1701. SHORT TITLE.

This title may be cited as the "European Security Act of 1998".

SEC. 1702. STATEMENT OF POLICY.

(a) POLICY WITH RESPECT TO NATO ENLARGEMENT.—Congress urges the President to outline a clear and complete strategic rationale for the enlargement of the North Atlantic Treaty Organization (NATO), and declares that—

(1) Poland, Hungary, and the Czech Republic should not be the last emerging democracies in Central and Eastern Europe invited to join NATO;

(2) the United States should ensure that NATO continues a process whereby all other emerging democracies in Central and Eastern Europe that wish to join NATO will be considered for membership in NATO as soon as they meet the criteria for such membership;

(3) the United States should ensure that no limitations are placed on the numbers of NATO troops or types of equipment, including tactical nuclear weapons, to be deployed on the territory of new member states;

(4) the United States should reject all efforts to condition NATO decisions on review or approval by the United Nations Security Council;

(5) the United States should clearly delineate those NATO deliberations, including but not limited to discussions on arms control, further Alliance enlargement, procurement matters, and strategic doctrine, that are not subject to review or discussion in the NATO-Russia Permanent Joint Council;

(6) the United States should work to ensure that countries invited to join the Alliance are provided an immediate seat in NATO discussions; and

(7) the United States already pays more than a proportionate share of the costs of the common defense of Europe and should obtain, in advance, agreement on an equitable distribution of the cost of NATO enlargement to ensure that the United States does not continue to bear a disproportionate burden.

(b) POLICY WITH RESPECT TO NEGOTIATIONS WITH RUSSIA.—

(1) IMPLEMENTATION.—NATO enlargement should be carried out in such a manner as to underscore the Alliance's defensive nature and demonstrate to Russia that NATO enlargement will enhance the security of all countries in Europe, including Russia. Accordingly, the United States and its NATO allies should make this intention clear in negotiations with Russia, including negotiations regarding adaptation of the Conventional Armed Forces in Europe (CFE) Treaty of November 19, 1990.

(2) LIMITATIONS ON COMMITMENTS TO RUSSIA.—In seeking to demonstrate to Russia NATO's defensive and security-enhancing intentions, it is essential that neither fundamental United States security interests in Europe nor the effectiveness and flexibility of NATO as a defensive alliance be jeopardized. In particular, no commitments should be made to Russia that would have the effect of—

(A) extending rights or imposing responsibilities on new NATO members different from those applicable to current NATO members, including rights or responsibilities with respect to the deployment of nuclear weapons and the stationing of troops and equipment from other NATO members;

(B) limiting the ability of NATO to defend the territory of new NATO members by, for example, restricting the construction of defense infrastructure or limiting the ability of NATO to deploy necessary reinforcements;

(C) providing any international organization, or any country that is not a member of NATO, with authority to delay, veto, or otherwise impede deliberations and decisions of the North Atlantic Council or the implementation of such decisions, including deliberations and decisions with respect to the deployment of NATO forces or the admission of additional members to NATO;

(D) impeding the development of enhanced relations between NATO and other European countries that do not belong to the Alliance;

(E) establishing a nuclear weapons-free zone in Central or Eastern Europe;

(F) requiring NATO to subsidize Russian arms sales, service, or support to the militaries of those former Warsaw Pact countries invited to join the Alliance; or

(G) legitimizing Russian efforts to link concessions in arms control negotiations to NATO enlargement.

(3) COMMITMENTS FROM RUSSIA.—In order to enhance security and stability in Europe, the

United States should seek commitments from Russia—

(A) to demarcate and respect all its borders with neighboring states;

(B) to achieve the immediate and complete withdrawal of any armed forces and military equipment under the control of Russia that are deployed on the territories of the independent states of the former Soviet Union without the full and complete agreement of those states;

(C) to station its armed forces on the territory of other states only with the full and complete agreement of that state and in strict accordance with international law; and

(D) to take steps to reduce further its nuclear and conventional forces in Kaliningrad.

(4) Consultations.—As negotiations on adaptation of the Treaty on Conventional Armed Forces in Europe proceed, the United States should engage in close and continuous consultations not only with its NATO allies, but also with the emerging democracies of Central and Eastern Europe, Ukraine, and the South Caucasus.

(c) Policy With Respect to Ballistic Missile Defense Cooperation.—

(1) In general.—As the United States proceeds with efforts to develop defenses against ballistic missile attack, it should seek to foster a climate of cooperation with Russia on matters related to missile defense. In particular, the United States and its NATO allies should seek to cooperate with Russia in such areas as early warning.

(2) Discussions with NATO allies.—The United States should initiate discussions with its NATO allies for the purpose of examining the feasibility of deploying a ballistic missile defense capable of protecting NATO's southern and eastern flanks from a limited ballistic missile attack.

(3) Constitutional prerogatives.—Even as the Congress seeks to promote ballistic missile defense cooperation with Russia, it must insist on its constitutional prerogatives regarding consideration of arms control agreements with Russia that bear on ballistic missile defense.

SEC. 1703. AUTHORITIES RELATING TO NATO ENLARGEMENT.

(a) Policy of Section.—This section is enacted in order to implement the policy set forth in section 2702(a).

(b) Designation of Additional Countries Eligible for NATO Enlargement Assistance.—

(1) Designation of additional countries.—Romania, Estonia, Latvia, Lithuania, and Bulgaria are each designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994 (22 U.S.C. 1928 note) and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act.

(2) Rule of construction.—The designation of countries pursuant to paragraph (1) as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994—

(A) is in addition to the designation of other countries by law or pursuant to section 203(d)(2) of such Act as eligible to receive assistance under the program established under section 203(a) of such Act; and

(B) shall not preclude the designation by the President of other emerging democracies in Central and Eastern Europe pursuant to section 203(d)(2) of such Act as eligible to receive assistance under the program established under section 203(a) of such Act.

(3) Sense of congress.—It is the sense of Congress that Romania, Estonia, Latvia, Lithuania, and Bulgaria—

(A) are to be commended for their progress toward political and economic reform and meeting the guidelines for prospective NATO members;

(B) would make an outstanding contribution to furthering the goals of NATO and enhancing stability, freedom, and peace in Europe should they become NATO members; and

(C) upon complete satisfaction of all relevant criteria should be invited to become full NATO members at the earliest possible date.

(c) Regional Airspace Initiative and Partnership for Peace Information Management System.—

(1) In general.—Funds described in paragraph (2) are authorized to be made available to support the implementation of the Regional Airspace Initiative and the Partnership for Peace Information Management System, including—

(A) the procurement of items in support of these programs; and

(B) the transfer of such items to countries participating in these programs.

(2) Funds described.—Funds described in this paragraph are funds that are available—

(A) during any fiscal year under the NATO Participation Act of 1994 with respect to countries eligible for assistance under that Act; or

(B) during fiscal year 1998 under any Act to carry out the Warsaw Initiative.

(d) Extension of Authority Regarding Excess Defense Articles.—Section 105 of Public Law 104-164 (110 Stat. 1427) is amended by striking "1996 and 1997" and inserting "1997, 1998, and 1999".

(e) Conforming Amendments to the NATO Participation Act of 1994.—Section 203(c) of the NATO Participation Act of 1994 (22 U.S.C. 1928 note) is amended—

(1) in paragraph (1), by striking ", without regard to the restrictions" and all that follows through "section)";

(2) by striking paragraph (2);

(3) in paragraph (6), by striking "appropriated under the 'Nonproliferation and Disarmament Fund' account" and inserting "made available for the 'Nonproliferation and Disarmament Fund'"; and

(4) in paragraph (8)—

(A) by striking "any restrictions in sections 516 and 519" and inserting "section 516(e)";

(B) by striking "as amended,"; and

(C) by striking "paragraphs (1) and (2)" and inserting "paragraph (1)"; and

(5) by redesignating paragraphs (3) through (8) as paragraphs (2) through (7), respectively.

SEC. 1704. SENSE OF CONGRESS WITH RESPECT TO THE TREATY ON CONVENTIONAL ARMED FORCES IN EUROPE.

It is the sense of Congress that no revisions to the Treaty on Conventional Armed Forces in Europe will be approved for entry into force with respect to the United States that jeopardize fundamental United States security interests in Europe or the effectiveness and flexibility of NATO as a defensive alliance by—

(1) extending rights or imposing responsibilities on new NATO members different from those applicable to current NATO members, including rights or responsibilities with respect to the deployment of nuclear weapons and the stationing of troops and equipment from other NATO members;

(2) limiting the ability of NATO to defend the territory of new NATO members by, for example, restricting the construction of defense infrastructure or limiting the ability of NATO to deploy necessary reinforcements;

(3) providing any international organization, or any country that is not a member of NATO, with the authority to delay, veto, or otherwise impede deliberations and decisions of the North Atlantic Council or the implementation of such decisions, including deliberations and decisions with respect to the deployment of NATO forces or the admission of additional members to NATO; or

(4) impeding the development of enhanced relations between NATO and other European countries that do not belong to the Alliance.

SEC. 1705. RESTRICTIONS AND REQUIREMENTS RELATING TO BALLISTIC MISSILE DEFENSE.

(a) Policy of Section.—This section is enacted in order to implement the policy set forth in section 1702(c).

(b) Restriction on Entry Into Force of ABM/TMD Demarcation Agreements.—An ABM/TMD demarcation agreement shall not be binding on the United States, and shall not enter into force with respect to the United States, unless, after the date of enactment of this Act, that agreement is specifically approved with the advice and consent of the United States Senate pursuant to Article II, section 2, clause 2 of the Constitution.

(c) Sense of Congress With Respect to Demarcation Agreements.—

(1) Relationship to multilateralization of ABM treaty.—It is the sense of Congress that no ABM/TMD demarcation agreement will be considered for advice and consent to ratification unless, consistent with the certification of the President pursuant to condition (9) of the resolution of ratification of the CFE Flank Document, the President submits for Senate advice and consent to ratification any agreement, arrangement, or understanding that would—

(A) add one or more countries as State Parties to the ABM Treaty, or otherwise convert the ABM Treaty from a bilateral treaty to a multilateral treaty; or

(B) change the geographic scope or coverage of the ABM Treaty, or otherwise modify the meaning of the term "national territory" as used in Article VI and Article IX of the ABM Treaty.

(2) Preservation of United States theater ballistic missile defense potential.—It is the sense of Congress that no ABM/TMD demarcation agreement that would reduce the capabilities of United States theater missile defense systems, or the numbers or deployment patterns of such systems, will be approved for entry into force with respect to the United States.

(d) Report on Cooperative Projects With Russia.—Not later than January 1, 1999, and January 1, 2000, the President shall submit to the Committees on International Relations, National Security, and Appropriations of the House of Representatives and the Committees on Foreign Relations, Armed Services, and Appropriations of the Senate a report on cooperative projects with Russia in the area of ballistic missile defense, including in the area of early warning. Each such report shall include the following:

(1) Cooperative projects.—A description of all cooperative projects conducted in the area of early warning and ballistic missile defense during the preceding fiscal year and the fiscal year during which the report is submitted.

(2) Funding.—A description of the funding for such projects during the preceding fiscal year and the year during which the report is submitted and the proposed funding for such projects for the next fiscal year.

(3) Status of dialogue or discussions.—A description of the status of any dialogue or discussions conducted during the preceding fiscal year between the United States and Russia aimed at exploring the potential for mutual accommodation of outstanding issues between the two nations on matters relating to ballistic missile defense and the ABM Treaty, including the possibility of developing a strategic relationship not based on mutual nuclear threats.

(e) Definitions.—In this section:

(1) ABM/TMD demarcation agreement.—The term "ABM/TMD demarcation agreement" means any agreement that establishes a demarcation between theater ballistic missile defense systems and strategic antiballistic missile defense systems for purposes of the ABM Treaty.

(2) ABM treaty.—The term "ABM Treaty" means the Treaty Between the United States of

American and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, signed at Moscow on May 26, 1972 (23 UST 3435), and includes the Protocols to that Treaty, signed at Moscow on July 3, 1974 (27 UST 1645).

TITLE XVIII—OTHER FOREIGN POLICY PROVISIONS

SEC. 1801. REPORTS ON CLAIMS BY UNITED STATES FIRMS AGAINST THE GOVERNMENT OF SAUDI ARABIA.

(a) In General.—Not later than 90 days after the date of the enactment of this Act and every 180 days thereafter, the Secretary of State, after consultation with the Secretary of Defense and the Secretary of Commerce, shall submit a report to the appropriate congressional committees on specific actions taken by the Department of State, the Department of Defense, and the Department of Commerce toward progress in resolving the commercial disputes between United States firms and the Government of Saudi Arabia that are described in the June 30, 1993, report by the Secretary of Defense pursuant to section 9140(c) of the Department of Defense Appropriations Act, 1993 (Public Law 102–396), including the additional claims noticed by the Department of Commerce on page 2 of that report.

(b) Termination.—Subsection (a) shall cease to have effect on the earlier of—

(1) the date of submission of the third report under that subsection; or

(2) the date that the Secretary of State, after consultation with the Secretary of Defense and the Secretary of Commerce, certifies in writing to the appropriate congressional committees that the commercial disputes referred to in subsection (a) have been resolved satisfactorily.

SEC. 1802. REPORTS ON DETERMINATIONS UNDER TITLE IV OF THE LIBERTAD ACT.

(a) Reports Required.—Not later than 30 days after the date of the enactment of this Act and every 3 months thereafter during the period ending September 30, 1999, the Secretary of State shall submit to the appropriate congressional committees a report on the implementation of section 401 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6091). Each report shall include—

(1) an unclassified list, by economic sector, of the number of entities then under review pursuant to that section;

(2) an unclassified list of all entities and a classified list of all individuals that the Secretary of State has determined to be subject to that section;

(3) an unclassified list of all entities and a classified list of all individuals that the Secretary of State has determined are no longer subject to that section;

(4) an explanation of the status of the review underway for the cases referred to in paragraph (1); and

(5) an unclassified explanation of each determination of the Secretary of State under section 401(a) of that Act and each finding of the Secretary under section 401(c) of that Act –

(A) since the date of the enactment of this Act, in the case of the first report under this subsection; and

(B) in the preceding 3-month period, in the case of each subsequent report.

(b) Protection of Identity of Concerned Entities.—In preparing the report under subsection (a), the names of entities shall not be identified under paragraph (1) or (4).

SEC. 1803. REPORT ON COMPLIANCE WITH THE HAGUE CONVENTION ON INTERNATIONAL CHILD ABDUCTION.

(a) In General.—Beginning 6 months after the date of the enactment of this Act and every 12 months thereafter during the period ending September 30, 1999, the Secretary of State shall submit a report to the appropriate congressional committees on the compliance with the provisions of the Convention on the Civil Aspects of International Child Abduction, done at The Hague on October 25, 1980, by the signatory countries of the Convention. Each such report shall include the following information:

(1) The number of applications for the return of children submitted by United States citizens to the Central Authority for the United States that remain unresolved more than 18 months after the date of filing.

(2) A list of the countries to which children in unresolved applications described in paragraph (1) are alleged to have been abducted.

(3) A list of the countries that have demonstrated a pattern of noncompliance with the obligations of the Convention with respect to applications for the return of children submitted by United States citizens to the Central Authority for the United States.

(4) Detailed information on each unresolved case described in paragraph (1) and on actions taken by the Department of State to resolve each such case.

(5) Information on efforts by the Department of State to encourage other countries to become signatories of the Convention.

(b) Definition.—In this section, the term "Central Authority for the United States" has the meaning given the term in Article 6 of the Convention on the Civil Aspects of International Child Abduction, done at The Hague on October 25, 1980.

SEC. 1804. SENSE OF CONGRESS RELATING TO RECOGNITION OF THE ECUMENICAL PATRIARCHATE BY THE GOVERNMENT OF TURKEY.

It is the sense of Congress that the United States should use its influence with the Government of Turkey to suggest that the Government of Turkey—

(1) recognize the Ecumenical Patriarchate and its nonpolitical, religious mission;

(2) ensure the continued maintenance of the institution's physical security needs, as provided for under Turkish and international law, including the Treaty of Lausanne, the 1968 Protocol, the Helsinki Final Act (1975), and the Charter of Paris;

(3) provide for the proper protection and safety of the Ecumenical Patriarch and Patriarchate personnel; and

(4) reopen the Ecumenical Patriarchate's Halki Patriarchal School of Theology.

SEC. 1805. REPORT ON RELATIONS WITH VIETNAM.

In order to provide Congress with the necessary information by which to evaluate the relationship between the United States and Vietnam, the Secretary of State shall submit a report to the appropriate congressional committees, not later than 90 days after the date of enactment of this Act and every 180 days thereafter during the period ending September 30, 1999, on the extent to which—

(1) the Government of the Socialist Republic of Vietnam is cooperating with the United States in providing the fullest possible accounting of all unresolved cases of prisoners of war (POWs) or persons missing-in-action (MIAs) through the provision of records and the unilateral and joint recovery and repatriation of American remains;

(2) the Government of the Socialist Republic of Vietnam has made progress toward the release of all political and religious prisoners, including Catholic, Protestant, and Buddhist clergy;

(3) the Government of the Socialist Republic of Vietnam is cooperating with requests by the United States to obtain full and free access to persons of humanitarian interest to the United States for interviews under the Orderly Departure (ODP) and Resettlement Opportunities for Vietnamese Refugees (ROVR) programs, and in providing exit visas for such persons;

(4) the Government of the Socialist Republic of Vietnam has taken vigorous action to end extortion, bribery, and other corrupt practices in connection with such exit visas; and

(5) the Government of the United States is making vigorous efforts to interview and resettle former reeducation camp victims, their immediate families including unmarried sons and daughters, former United States Government employees, and other persons eligible for the ODP program, and to give such persons the full benefit of all applicable United States laws including sections 599D and 599E of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1990 (Public Law 101–167).

SEC. 1806. REPORTS AND POLICY CONCERNING HUMAN RIGHTS VIOLATIONS IN LAOS.

Not later than 180 days after the date of enactment of this Act, the Secretary of Sate shall submit a report to the appropriate congressional committees on the allegations of persecution and abuse of the Hmong and Laotian refugees who have returned to Laos. The report shall include the following:

(1) A full investigation, including full documentation of individual cases of persecution, of the Lao Government's treatment of Hmong and Laotian refugees who have returned to Laos.

(2) The steps the Department of State will take to continue to monitor any systematic human rights violations by the Government of Laos.

(3) The actions which the Department of State will take to seek to ensure the cessation of human rights violations.

SEC. 1807. REPORT ON AN ALLIANCE AGAINST NARCOTICS TRAFFICKING IN THE WESTERN HEMISPHERE.

(a) Sense of Congress on Discussions for Alliance.—

(1) Sense of congress.—It is the sense of Congress that the President should discuss with the democratically-elected governments of the Western Hemisphere, the prospect of forming a multilateral alliance to address problems relating to international drug trafficking in the Western Hemisphere.

(2) Consultations.—In the consultations on the prospect of forming an alliance described in paragraph (1), the President should seek the input of such governments on the possibility of forming one or more structures within the alliance—

(A) to develop a regional, multilateral strategy to address the threat posed to nations in the Western Hemisphere by drug trafficking; and

(B) to establish a new mechanism for improving multilateral coordination of drug interdiction and drug-related law enforcement activities in the Western Hemisphere.

(b) Report.—

(1) Requirement.—Not later than 60 days after the date of enactment of this Act, the President shall submit to Congress a report on the proposal discussed under subsection (a). The report shall include the following:

(A) An analysis of the reactions of the governments concerned to the proposal.

(B) An assessment of the proposal, including an evaluation of the feasibility and advisability of forming the alliance.

(C) A determination in light of the analysis and assessment whether or not the formation of the alliance is in the national interests of the United States.

(D) If the President determines that the formation of the alliance is in the national interests of the United States, a plan for encouraging and facilitating the formation of the alliance.

(E) If the President determines that the formation of the alliance is not in the national interests of the United States, an alternative proposal to improve significantly efforts against the

threats posed by narcotics trafficking in the Western Hemisphere, including an explanation of how the alternative proposal will—

(i) improve upon current cooperation and coordination of counter-drug efforts among nations in the Western Hemisphere;

(ii) provide for the allocation of the resources required to make significant progress in disrupting and disbanding the criminal organizations responsible for the trafficking of illegal drugs in the Western Hemisphere; and

(iii) differ from and improve upon past strategies adopted by the United States Government which have failed to make sufficient progress against the trafficking of illegal drugs in the Western Hemisphere.

(2) UNCLASSIFIED FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 1808. CONGRESSIONAL STATEMENT REGARDING THE ACCESSION OF TAIWAN TO THE WORLD TRADE ORGANIZATION.

(a) FINDINGS.—The Congress makes the following findings:

(1) The people of the United States and the people of the Republic of China on Taiwan have long enjoyed extensive ties.

(2) Taiwan is currently the 8th largest trading partner of the United States.

(3) The executive branch of Government has committed publicly to support Taiwan's bid to join the World Trade Organization and has declared that the United States will not oppose this bid solely on the grounds that the People's Republic of China, which also seeks membership in the World Trade Organization, is not yet eligible because of its unacceptable trade practices.

(4) The United States and Taiwan have concluded discussions on a variety of outstanding trade issues that remain unresolved with the People's Republic of China and that are necessary for the United States to support Taiwan's membership in the World Trade Organization.

(5) The reversion of control over Hong Kong—a member of the World Trade Organization—to the People's Republic of China in many respects affords to the People's Republic of China the practical benefit of membership in the World Trade Organization for a substantial portion of its trade in goods despite the fact that the trade practices of the People's Republic of China currently fall far short of what the United States expects for membership in the World Trade Organization.

(6) The executive branch of Government has announced its interest in the admission of the People's Republic of China to the World Trade Organization; the fundamental sense of fairness of the people of the United States warrants the United States Government's support for Taiwan's relatively more meritorious application for membership in the World Trade Organization.

(7) Despite having made significant progress in negotiations for its accession to the World Trade Organization, Taiwan has yet to offer acceptable terms of accession in agricultural and certain other market sectors.

(8) It is in the economic interest of United States consumers and exporters for Taiwan to complete those requirements for accession to the World Trade Organization at the earliest possible moment.

(b) CONGRESSIONAL STATEMENT.—The Congress favors public support by officials of the Department of State for the accession of Taiwan to the World Trade Organization.

SEC. 1809. PROGRAMS OR PROJECTS OF THE INTERNATIONAL ATOMIC ENERGY AGENCY IN CUBA.

(a) WITHHOLDING OF UNITED STATES PROPORTIONAL SHARE OF ASSISTANCE.—Section 307(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227(c)) is amended—

(1) by striking "The limitations" and inserting "(1) Subject to paragraph (2), the limitations"; and

(2) by adding at the end the following:

"(2)(A) Except as provided in subparagraph (B), with respect to funds authorized to be appropriated by this chapter and available for the International Atomic Energy Agency, the limitations of subsection (a) shall apply to programs or projects of such Agency in Cuba.

"(B)(i) Subparagraph (A) shall not apply with respect to programs or projects of the International Atomic Energy Agency that provide for the discontinuation, dismantling, or safety inspection of nuclear facilities or related materials, or for inspections and similar activities designed to prevent the development of nuclear weapons by a country described in subsection (a).

"(ii) Clause (i) shall not apply with respect to the Juragua Nuclear Power Plant near Cienfuegos, Cuba, or the Pedro Pi Nuclear Research Center unless Cuba—

"(I) ratifies the Treaty on the Non-Proliferation of Nuclear Weapons (21 UST 483) or the Treaty for the Prohibition of Nuclear Weapons in Latin America (commonly known as the Treaty of Tlatelolco);

"(II) negotiates full-scope safeguards of the International Atomic Energy Agency not later than two years after ratification by Cuba of such Treaty; and

"(III) incorporates internationally accepted nuclear safety standards.".

(b) OPPOSITION TO CERTAIN PROGRAMS OR PROJECTS.—The Secretary of State shall direct the United States representative to the International Atomic Energy Agency to oppose the following:

(1) Technical assistance programs or projects of the Agency at the Juragua Nuclear Power Plant near Cienfuegos, Cuba, and at the Pedro Pi Nuclear Research Center.

(2) Any other program or project of the Agency in Cuba that is, or could become, a threat to the security of the United States.

(c) REPORTING REQUIREMENTS.—

(1) REQUEST FOR IAEA REPORTS.—The Secretary of State shall direct the United States representative to the International Atomic Energy Agency to request the Director-General of the Agency to submit to the United States all reports prepared with respect to all programs or projects of the Agency that are of concern to the United States, including the programs or projects described in subsection (b).

(2) ANNUAL REPORTS TO THE CONGRESS.—Not later than 180 days after the date of the enactment of this Act, and on an annual basis thereafter, the Secretary of State, in consultation with the United States representative to the International Atomic Energy Agency, shall prepare and submit to the Congress a report containing a description of all programs or projects of the Agency in each country described in section 307(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227(a)).

SEC. 1810. LIMITATION ON ASSISTANCE TO COUNTRIES AIDING CUBA NUCLEAR DEVELOPMENT.

(a) IN GENERAL.—Section 620 of the Foreign Assistance Act of 1961 (22 U.S.C. 2370), as amended by this Act, is further amended by adding at the end the following:

"(y)(1) Except as provided in paragraph (2), the President shall withhold from amounts made available under this Act or any other Act and allocated for a country for a fiscal year an amount equal to the aggregate value of nuclear fuel and related assistance and credits provided by that country, or any entity of that country, to Cuba during the preceding fiscal year.

"(2) The requirement to withhold assistance for a country for a fiscal year under paragraph (1) shall not apply if Cuba—

"(A) has ratified the Treaty on the Non-Proliferation of Nuclear Weapons (21 UST 483) or the Treaty of Tlaltelulco, and Cuba is in compliance with the requirements of either such Treaty;

"(B) has negotiated and is in compliance with full-scope safeguards of the International Atomic Energy Agency not later than two years after ratification by Cuba of such Treaty; and

"(C) incorporates and is in compliance with internationally accepted nuclear safety standards.

"(3) The Secretary of State shall prepare and submit to the Congress each year a report containing a description of the amount of nuclear fuel and related assistance and credits provided by any country, or any entity of a country, to Cuba during the preceding year, including the terms of each transfer of such fuel, assistance, or credits.".

(b) EFFECTIVE DATE.—Section 620(y) of the Foreign Assistance Act of 1961, as added by subsection (a), shall apply with respect to assistance provided in fiscal years beginning on or after the date of the enactment of this Act.

SEC. 1811. INTERNATIONAL FUND FOR IRELAND.

(a) PURPOSES.—Section 2(b) of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99-415; 100 Stat. 947) is amended by adding at the end the following new sentences: "United States contributions should be used in a manner that effectively increases employment opportunities in communities with rates of unemployment higher than the local or urban average of unemployment in Northern Ireland. In addition, such contributions should be used to benefit individuals residing in such communities.".

(b) CONDITIONS AND UNDERSTANDINGS.—Section 5(a) of such Act is amended—

(1) in the first sentence—

(A) by striking "The United States" and inserting the following:

"(1) IN GENERAL.—The United States";

(B) by striking "in this Act may be used" and inserting the following: "in this Act—

"(A) may be used";

(C) by striking the period and inserting "; and"; and

(D) by adding at the end the following:

"(B) should be provided to individuals or entities in Northern Ireland which employ practices consistent with the principles of economic justice."; and

(2) in the second sentence, by striking "The restrictions" and inserting the following:

"(2) ADDITIONAL REQUIREMENTS.—The restrictions".

(c) PRIOR CERTIFICATIONS.—Section 5(c)(2) of such Act is amended—

(1) in subparagraph (A), by striking "in accordance with the principle of equality" and all that follows and inserting "to individuals and entities whose practices are consistent with principles of economic justice; and"; and

(2) in subparagraph (B), by inserting before the period at the end the following: "and will create employment opportunities in regions and communities of Northern Ireland suffering from high rates of unemployment".

(d) ANNUAL REPORTS.—Section 6 of such Act is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(4) the extent to which the practices of each individual or entity receiving assistance from United States contributions to the International Fund has been consistent with the principles of economic justice.".

(e) REQUIREMENTS RELATING TO FUNDS.—Section 7 of such Act is amended by adding at the end the following:

"(c) PROHIBITION.—Nothing included herein shall require quotas or reverse discrimination or mandate their use.".

(f) DEFINITIONS.—Section 8 of such Act is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(3) the term 'principles of economic justice' means the following principles:

"(A) Increasing the representation of individuals from underrepresented religious groups in the workforce, including managerial, supervisory, administrative, clerical, and technical jobs.

"(B) Providing adequate security for the protection of minority employees at the workplace.

"(C) Banning provocative sectarian or political emblems from the workplace.

"(D) Providing that all job openings be advertised publicly and providing that special recruitment efforts be made to attract applicants from underrepresented religious groups.

"(E) Providing that layoff, recall, and termination procedures do not favor a particular religious group.

"(F) Abolishing job reservations, apprenticeship restrictions, and differential employment criteria which discriminate on the basis of religion.

"(G) Providing for the development of training programs that will prepare substantial numbers of minority employees for skilled jobs, including the expansion of existing programs and the creation of new programs to train, upgrade, and improve the skills of minority employees.

"(H) Establishing procedures to assess, identify, and actively recruit minority employees with the potential for further advancement.

"(I) Providing for the appointment of a senior management staff member to be responsible for the employment efforts of the entity and, within a reasonable period of time, the implementation of the principles described in subparagraphs (A) through (H).".

SEC. 1812. UNITED STATES POLICY WITH RESPECT TO JERUSALEM AS THE CAPITAL OF ISRAEL.

(a) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated by section 1101(4) of this Act for "Security and Maintenance of Buildings Abroad", $25,000,000 for the fiscal year 1998 and $75,000,000 for the fiscal year 1999 are authorized to be appropriated for the construction of a United States Embassy in Jerusalem, Israel.

(b) LIMITATION ON USE OF FUNDS FOR CONSULATE IN JERUSALEM.—None of the funds authorized to be appropriated by this Act should be expended for the operation of a United States consulate or diplomatic facility in Jerusalem unless such consulate or diplomatic facility is under the supervision of the United States Ambassador to Israel.

(c) LIMITATION ON USE OF FUNDS FOR PUBLICATIONS.—None of the funds authorized to be appropriated by this Act may be available for the publication of any official government document which lists countries and their capital cities unless the publication identifies Jerusalem as the capital of Israel.

(d) RECORD OF PLACE OF BIRTH AS ISRAEL FOR PASSPORT PURPOSES.—For purposes of the registration of birth, certification of nationality, or issuance of a passport of a United States citizen born in the city of Jerusalem, the Secretary of State shall, upon the request of the citizen, record the place of birth as Israel.

SEC. 1813. SUPPORT FOR DEMOCRATIC OPPOSITION IN IRAQ.

(a) ASSISTANCE FOR JUSTICE IN IRAQ.—There are authorized to be appropriated for fiscal year 1998 $3,000,000 for assistance to an international commission to establish an international record for the criminal culpability of Saddam Hussein and other Iraqi officials and for an international criminal tribunal established for the purpose of indicting, prosecuting, and punishing Saddam Hussein and other Iraqi officials responsible for crimes against humanity, genocide, and other violations of international law.

(b) ASSISTANCE TO THE DEMOCRATIC OPPOSITION IN IRAQ.—There are authorized to be appropriated for fiscal year 1998 $15,000,000 to provide support for democratic opposition forces in Iraq, of which—

(1) not more than $10,000,000 shall be for assistance to the democratic opposition, including leadership organization, training political cadre, maintaining offices, disseminating information, and developing and implementing agreements among opposition elements; and

(2) not more than $5,000,000 of the funds made available under this subsection shall be available only for grants to RFE/RL, Incorporated, for surrogate radio broadcasting by RFE/RL, Incorporated, to the Iraqi people in the Arabic language, such broadcasts to be designated as "Radio Free Iraq".

(c) ASSISTANCE FOR HUMANITARIAN RELIEF AND RECONSTRUCTION.—There are authorized to be appropriated for fiscal year 1998 $20,000,000 for the relief, rehabilitation, and reconstruction of people living in Iraq, and communities located in Iraq, who are not under the control of the Saddam Hussein regime.

(d) AVAILABILITY.—Amounts authorized to be appropriated by this section shall be provided in addition to amounts otherwise made available and shall remain available until expended.

(e) NOTIFICATION.—All assistance provided pursuant to this section shall be notified to Congress in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

(f) RELATION TO OTHER LAWS.—Funds made available to carry out the provisions of this section may be made available notwithstanding any other provision of law.

(g) REPORT.—Not later than 45 days after the date of enactment of this Act, the Secretary of State and the Broadcasting Board of Governors of the United States Information Agency shall submit a detailed report to Congress describing—

(1) the costs, implementation, and plans for the establishment of an international war crimes tribunal described in subsection (a);

(2) the establishment of a political assistance program, and the surrogate broadcasting service, as described in subsection (b); and

(3) the humanitarian assistance program described in subsection (c).

SEC. 1814. DEVELOPMENT OF DEMOCRACY IN THE REPUBLIC OF SERBIA.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States stands as the beacon of democracy and freedom in the world.

(2) A stable and democratic Republic of Serbia is important to the interests of the United States, the international community, and to peace in the Balkans.

(3) Democratic forces in the Republic of Serbia are beginning to emerge, notwithstanding the efforts of Europe's longest-standing communist dictator, Slobodan Milosevic.

(4) The Serbian authorities have sought to continue to hinder the growth of free and independent news media in the Republic of Serbia, in particular the broadcast news media, and have harassed journalists performing their professional duties.

(5) Under Slobodan Milosevic, the political opposition in Serbia has been denied free, fair, and equal opportunity to participate in the democratic process.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States, the international community, nongovernmental organizations, and the private sector should continue to promote the building of democratic institutions and civic society in the Republic of Serbia, help strengthen the independent news media, and press for the Government of the Republic of Serbia to respect the rule of law; and

(2) the normalization of relations between the "Federal Republic of Yugoslavia" (Serbia and Montenegro) and the United States requires, among other things, that President Milosevic and the leadership of Serbia—

(A) promote the building of democratic institutions, including strengthening the independent news media and respecting the rule of law;

(B) promote the respect for human rights throughout the "Federal Republic of Yugoslavia" (Serbia and Montenegro); and

(C) promote and encourage free, fair, and equal conditions for the democratic opposition in Serbia.

SEC. 1815. FUNDS MADE AVAILABLE UNDER CHAPTER 4 OF PART II OF THE FOREIGN ASSISTANCE ACT OF 1961.

Not less than $2,000,000 shall be made available under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346; relating to the economic support fund), for fiscal years 1998 and 1999 to carry out the programs and activities under the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6021 et seq.) and the Cuban Democracy Act of 1992 (22 U.S.C. 6001 et seq.).

SEC. 1816. FOREIGN ORGANIZATIONS THAT PERFORM OR PROMOTE ABORTION; FORCED ABORTION IN THE PEOPLE'S REPUBLIC OF CHINA.

(a) Section 104 of the Foreign Assistance Act of 1961 is amended by adding at the end the following new subsection:

"(h) RESTRICTION ON ASSISTANCE TO FOREIGN ORGANIZATIONS THAT PERFORM OR ACTIVELY PROMOTE ABORTIONS.—

"(1) PERFORMANCE OF ABORTIONS.—

"(A) Notwithstanding section 614 of this Act or any other provision of law, no funds appropriated for population planning activities or other population assistance may be made available for any foreign private, nongovernmental, or multilateral organization until the organization certifies that it will not, during the period for which the funds are made available, perform abortions in any foreign country, except where the life of the mother would be endangered if the pregnancy were carried to term or in cases of forcible rape or incest.

"(B) Subparagraph (A) may not be construed to apply to the treatment of injuries or illnesses caused by legal or illegal abortions or to assistance provided directly to the government of a country.

"(2) LOBBYING ACTIVITIES.—(A) Notwithstanding section 614 of this Act or any other provision of law, no funds appropriated for population planning activities or other population assistance may be made available for any foreign private, nongovernmental, or multilateral organization until the organization certifies that it will not, during the period for which the funds are made available, violate the laws of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited, or engage in any activity or effort to alter the laws or governmental policies of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited.

"(B) Subparagraph (A) shall not apply to activities in opposition to coercive abortion or involuntary sterilization.

"(3) APPLICATION TO FOREIGN ORGANIZATIONS.—The prohibitions of this subsection

apply to funds made available to a foreign organization either directly or as a subcontractor or subgrantee, and the certifications required by paragraphs (1) and (2) apply to activities in which the organization engages either directly or through a subcontractor or subgrantee.".

(b) Section 301 of the Foreign Assistance Act of 1961 is amended by adding at the end the following new subsection:

"(i) LIMITATION RELATING TO FORCED ABORTIONS IN THE PEOPLE'S REPUBLIC OF CHINA.—Notwithstanding section 614 of this Act or any other provision of law, no funds may be made available for the United Nations Population Fund (UNFPA) in any fiscal year unless the President certifies that—

"(1) UNFPA has terminated all activities in the People's Republic of China, and the United States has received assurances that UNFPA will conduct no such activities during the fiscal year for which the funds are to be made available; or

"(2) during the 12 months preceding such certification there have been no abortions as the result of coercion associated with the family planning policies of the national government or other governmental entities within the People's Republic of China.

As used in this section, the term 'coercion' includes physical duress or abuse, destruction or confiscation of property, loss of means of livelihood, or severe psychological pressure.".

(c) The President may waive the provisions of section 104(h)(1) of the Foreign Assistance Act of 1961, as amended, pertaining to population assistance to foreign organizations that perform abortions in foreign countries, for any fiscal year: Provided, That if the President exercises the waiver provided by this subsection for any fiscal year, not to exceed $356,000,000 may be made available for population planning activities or other population assistance for such fiscal year: Provided further, That the limitation in the previous proviso includes all funds for programs and activities designed to control fertility or to reduce or delay childbirths or pregnancies, irrespective of the heading under which such funds are made available.

DIVISION C—UNITED NATIONS REFORM

TITLE XX—GENERAL PROVISIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "United Nations Reform Act of 1998".

SEC. 2002. DEFINITIONS.

In this division:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

(2) DESIGNATED SPECIALIZED AGENCY DEFINED.—The term "designated specialized agency" means the International Labor Organization, the World Health Organization, and the Food and Agriculture Organization.

(3) GENERAL ASSEMBLY.—The term "General Assembly" means the General Assembly of the United Nations.

(4) SECRETARY GENERAL.—The term "Secretary General" means the Secretary General of the United Nations.

(5) SECURITY COUNCIL.—The term "Security Council" means the Security Council of the United Nations.

(6) UNITED NATIONS MEMBER.—The term "United Nations member" means any country that is a member of the United Nations.

(7) UNITED NATIONS PEACEKEEPING OPERATION.—The term "United Nations peacekeeping operation" means any United Nations-led operation to maintain or restore international peace or security that—

(A) is authorized by the Security Council; and

(B) is paid for from assessed contributions of United Nations members that are made available for peacekeeping activities.

SEC. 2003. NONDELEGATION OF CERTIFICATION REQUIREMENTS.

The Secretary of State may not delegate the authority in this division to make any certification.

TITLE XXI—AUTHORIZATION OF APPROPRIATIONS

SEC. 2101. CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated under the heading "Contributions to International Organizations" $901,000,000 for the fiscal year 1998 and $900,000,000 for the fiscal year 1999 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international organizations and to carry out other authorities in law consistent with such purposes.

(b) NO GROWTH BUDGET.—Of the funds made available for fiscal year 1999 under subsection (a), $80,000,000 may be made available only after the Secretary of State certifies that the United Nations has taken no action during calendar year 1998 to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget of $2,533,000,000 and cause the United Nations to exceed that budget.

(c) INSPECTOR GENERAL OF THE UNITED NATIONS.—

(1) WITHHOLDING OF FUNDS.—Twenty percent of the funds made available in each fiscal year under subsection (a) for the assessed contribution of the United States to the United Nations shall be withheld from obligation and expenditure until a certification is made under paragraph (2).

(2) CERTIFICATION.—A certification under this paragraph is a certification by the Secretary of State in the fiscal year concerned that the following conditions are satisfied:

(A) ACTION BY THE UNITED NATIONS.—The United Nations—

(i) has met the requirements of paragraphs (1) through (6) of section 401(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note), as amended by paragraph (3);

(ii) has established procedures that require the Under Secretary General of the Office of Internal Oversight Service to report directly to the Secretary General on the adequacy of the Office's resources to enable the Office to fulfill its mandate; and

(iii) has made available an adequate amount of funds to the Office for carrying out its functions.

(B) AUTHORITY OF OIOS.—The Office of Internal Oversight Services has authority to audit, inspect, or investigate each program, project, or activity funded by the United Nations, and each executive board created under the United Nations has been notified, in writing, of that authority.

(3) AMENDMENT OF THE FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1994 AND 1995.—Section 401(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 is amended—

(A) by amending paragraph (6) to read as follows:

"(6) the United Nations has procedures in place to ensure that all reports submitted by the Office of Internal Oversight Service are made available to the member states of the United Nations without modification except to the extent necessary to protect the privacy rights of individuals."; and

(B) by striking "Inspector General" each place it appears and inserting "Office of Internal Oversight Service".

(d) PROHIBITION ON CERTAIN GLOBAL CONFERENCES.—None of the funds made available under subsection (a) shall be available for any United States contribution to pay for any expenses related to the holding of a United Nations Global Conference except any conference that the General Assembly, prior to the date of enactment of this Act, decided to convene.

(e) REDUCTION IN NUMBER OF POSTS.—

(1) FISCAL YEAR 1999.—Of the funds authorized to be appropriated for fiscal year 1999 for the United Nations by subsection (a), $50,000,000 shall be withheld from obligation and expenditure until the Secretary of State certifies to Congress that the number of posts authorized by the General Assembly, has resulted in a net reduction of at least 1,000 posts from the 10,012 posts authorized under the 1996–97 United Nations biennium budget, as a result of a suppression of that number of posts.

(2) REPORT.—Not later than October 1, 1998, the Secretary of State shall submit a report to the appropriate congressional committees specifying—

(A) the budget savings associated with the reduction of the 1,000 posts specified in paragraph (1), including any reduction in the United States assessed contribution for the United Nations regular budget resulting from those savings;

(B) the vacancy rates for United Nations professional and general service staff contained in the United Nations biennium budget for 1998–99, including any reduction in the United States assessed contribution for the United Nations regular budget resulting from those vacancy rates; and

(C) the goals of the United States for further staff reductions and associated budget savings for the 1998–99 United Nations biennium budget.

(f) PROHIBITION ON FUNDING OTHER FRAMEWORK TREATY-BASED ORGANIZATIONS.—None of the funds made available for the 1998–1999 biennium budget under subsection (a) for United States contributions to the regular budget of the United Nations shall be available for the United States proportionate share of any other framework treaty-based organization, including the Framework Convention on Global Climate Change, the International Seabed Authority, and the 1998 Desertification Convention.

(g) LIMITATIONS FOR FISCAL YEARS 1999 AND 2000.—

(1) IN GENERAL.—The total amount of funds made available for all United States memberships in international organizations under the heading "Contributions to International Organizations" may not exceed $900,000,000 for each of fiscal years 1999 and 2000.

(2) CONSULTATIONS WITH CONGRESS.—The Secretary of State shall regularly consult with the appropriate congressional committees regarding the impact, if any, of the limitation in paragraph (1) on the maintenance of United States membership in such international organizations.

(h) FOREIGN CURRENCY EXCHANGE RATES.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated by subsection (a), there are authorized to be appropriated such sums as may be necessary for each of fiscal years 1998 and 1999 to offset adverse fluctuations in foreign currency exchange rates.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated under this subsection shall be available for obligation and expenditure only to the extent that the Director of the Office of Management and Budget determines and certifies to Congress that such amounts are necessary due to such fluctuations.

(i) REFUND OF EXCESS CONTRIBUTIONS.—The United States shall continue to insist that the

United Nations and its specialized and affiliated agencies shall credit or refund to each member of the agency concerned its proportionate share of the amount by which the total contributions to the agency exceed the expenditures of the regular assessed budgets of these agencies.

SEC. 2102. CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated under the heading "Contributions for International Peacekeeping Activities" $210,000,000 for the fiscal year 1998 and $220,000,000 for the fiscal year 1999 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international peacekeeping activities and to carry out other authorities in law consistent with such purposes.

(b) CODIFICATION OF REQUIRED NOTICE OF PROPOSED UNITED NATIONS PEACEKEEPING OPERATIONS.—

(1) CODIFICATION.—Section 4 of the United Nations Participation Act of 1945 (22 U.S.C. 287b) is amended—

(A) in subsection (a), by striking the second sentence; and

(B) by striking subsection (e) and inserting the following:

"(e) CONSULTATIONS AND REPORTS ON UNITED NATIONS PEACEKEEPING OPERATIONS.—

"(1) CONSULTATIONS.—Each month the President shall consult with Congress on the status of United Nations peacekeeping operations.

"(2) INFORMATION TO BE PROVIDED.—In connection with such consultations, the following information shall be provided each month to the designated congressional committees:

"(A) With respect to ongoing United Nations peacekeeping operations, the following:

"(i) A list of all resolutions of the United Nations Security Council anticipated to be voted on during such month that would extend or change the mandate of any United Nations peacekeeping operation.

"(ii) For each such operation, any changes in the duration, mandate, and command and control arrangements that are anticipated as a result of the adoption of the resolution.

"(iii) An estimate of the total cost to the United Nations of each such operation for the period covered by the resolution, and an estimate of the amount of that cost that will be assessed to the United States.

"(iv) Any anticipated significant changes in United States participation in or support for each such operation during the period covered by the resolution (including the provision of facilities, training, transportation, communication, and logistical support, but not including intelligence activities reportable under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.)), and the estimated costs to the United States of such changes.

"(B) With respect to each new United Nations peacekeeping operation that is anticipated to be authorized by a Security Council resolution during such month, the following information for the period covered by the resolution:

"(i) The anticipated duration, mandate, the command and control arrangements of such operation, the planned exit strategy, and the vital national interest to be served.

"(ii) An estimate of the total cost to the United Nations of the operation, and an estimate of the amount of that cost that will be assessed to the United States.

"(iii) A description of the functions that would be performed by any United States Armed Forces participating in or otherwise operating in support of the operation, an estimate of the number of members of the Armed Forces that will participate in or otherwise operate in support of the operation, and an estimate of the cost to the United States of such participation or support.

"(iv) A description of any other United States assistance to or support for the operation (including the provision of facilities, training, transportation, communication, and logistical support, but not including intelligence activities reportable under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.)) and an estimate of the cost to the United States of such assistance or support.

"(v) A reprogramming of funds pursuant to section 34 of the State Department Basic Authorities Act of 1956, submitted in accordance with the procedures set forth in such section, describing the source of funds that will be used to pay for the cost of the new United Nations peacekeeping operation, provided that such notification shall also be submitted to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

"(3) FORM AND TIMING OF INFORMATION.—

"(A) FORM.—The President shall submit information under clauses (i) and (iii) of paragraph (2)(A) in writing.

"(B) TIMING.—

"(i) ONGOING OPERATIONS.—The information required under paragraph (2)(A) for a month shall be submitted not later than the 10th day of the month.

"(ii) NEW OPERATIONS.—The information required under paragraph (2)(B) shall be submitted in writing with respect to each new United Nations peacekeeping operation not less than 15 days before the anticipated date of the vote on the resolution concerned unless the President determines that exceptional circumstances prevent compliance with the requirement to report 15 days in advance. If the President makes such a determination, the information required under paragraph (2)(B) shall be submitted as far in advance of the vote as is practicable.

"(4) NEW UNITED NATIONS PEACEKEEPING OPERATION DEFINED.—As used in paragraph (2), the term 'new United Nations peacekeeping operation' includes any existing or otherwise ongoing United Nations peacekeeping operation—

"(A) where the authorized force strength is to be expanded;

"(B) that is to be authorized to operate in a country in which it was not previously authorized to operate; or

"(C) the mandate of which is to be changed so that the operation would be engaged in significant additional or significantly different functions.

"(5) NOTIFICATION AND QUARTERLY REPORTS REGARDING UNITED STATES ASSISTANCE.—

"(A) NOTIFICATION OF CERTAIN ASSISTANCE.—

"(i) IN GENERAL.—The President shall notify the designated congressional committees at least 15 days before the United States provides any assistance to the United Nations to support peacekeeping operations.

"(ii) EXCEPTION.—This subparagraph does not apply to—

"(I) assistance having a value of less than $3,000,000 in the case of nonreimbursable assistance or less than $14,000,000 in the case of reimbursable assistance; or

"(II) assistance provided under the emergency drawdown authority of sections 506(a)(1) and 552(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)(1) and 2348a(c)(2)).

"(B) QUARTERLY REPORTS.—

"(i) IN GENERAL.—The President shall submit quarterly reports to the designated congressional committees on all assistance provided by the United States during the preceding calendar quarter to the United Nations to support peacekeeping operations.

"(ii) MATTERS INCLUDED.—Each report under this subparagraph shall describe the assistance provided for each such operation, listed by category of assistance.

"(iii) FOURTH QUARTER REPORT.—The report under this subparagraph for the fourth calendar quarter of each year shall be submitted as part of the annual report required by subsection (d) and shall include cumulative information for the preceding calendar year.

"(f) DESIGNATED CONGRESSIONAL COMMITTEES.—In this section, the term 'designated congressional committees' means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.".

(2) CONFORMING REPEAL.—Subsection (a) of section 407 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236; 22 U.S.C. 287b note; 108 Stat. 448) is repealed.

(c) RELATIONSHIP TO OTHER NOTICE REQUIREMENTS.—Section 4 of the United Nations Participation Act of 1945, as amended by subsection (b), is further amended by adding at the end the following:

"(g) RELATIONSHIP TO OTHER NOTIFICATION REQUIREMENTS.—Nothing in this section is intended to alter or supersede any notification requirement with respect to peacekeeping operations that is established under any other provision of law.".

TITLE XXII—UNITED NATIONS ACTIVITIES

SEC. 2201. UNITED NATIONS POLICY ON ISRAEL AND THE PALESTINIANS.

(a) CONGRESSIONAL STATEMENT.—It shall be the policy of the United States to promote an end to the persistent inequity experienced by Israel in the United Nations whereby Israel is the only longstanding member of the organization to be denied acceptance into any of the United Nation's regional blocs.

(b) POLICY ON ABOLITION OF CERTAIN UNITED NATIONS GROUPS.—It shall be the policy of the United States to seek abolition of certain United Nations groups the existence of which is inimical to the ongoing Middle East peace process, those groups being the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and other Arabs of the Occupied Territories; the Committee on the Exercise of the Inalienable Rights of the Palestinian People; the Division for the Palestinian Rights; and the Division on Public Information on the Question of Palestine.

(c) ANNUAL REPORTS.—On January 15 of each year, the Secretary of State shall submit a report to the appropriate congressional committees (in classified or unclassified form as appropriate) on—

(1) actions taken by representatives of the United States to encourage the nations of the Western Europe and Others Group (WEOG) to accept Israel into their regional bloc;

(2) other measures being undertaken, and which will be undertaken, to ensure and promote Israel's full and equal participation in the United Nations; and

(3) steps taken by the United States to secure abolition by the United Nations of groups under subsection (b).

(d) ANNUAL CONSULTATION.—At the time of the submission of each annual report under subsection (c), the Secretary of State shall consult with the appropriate congressional committees on specific responses received by the Secretary of State from each of the nations of the Western Europe and Others Group (WEOG) on their position concerning Israel's acceptance into their organization.

SEC. 2202. DATA ON COSTS INCURRED IN SUPPORT OF UNITED NATIONS PEACEKEEPING OPERATIONS.

Chapter 6 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2348 et seq.) is amended by adding at the end the following:

"SEC. 554. DATA ON COSTS INCURRED IN SUPPORT OF UNITED NATIONS PEACEKEEPING OPERATIONS.

"(a) UNITED STATES COSTS.—The United States shall annually provide to the Secretary General of the United Nations data regarding all costs incurred by the United States in support of all United Nations peacekeeping operations.

"(b) UNITED NATIONS MEMBER COSTS.—The United States shall request that the United Nations compile and publish information concerning costs incurred by United Nations members in support of such operations.".

SEC. 2203. REIMBURSEMENT FOR GOODS AND SERVICES PROVIDED BY THE UNITED STATES TO THE UNITED NATIONS.

The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is amended by adding at the end the following new section:

"SEC. 10. REIMBURSEMENT FOR GOODS AND SERVICES PROVIDED BY THE UNITED STATES TO THE UNITED NATIONS.

"(a) REQUIREMENT TO OBTAIN REIMBURSEMENT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the President shall seek and obtain in a timely fashion a commitment from the United Nations to provide reimbursement to the United States from the United Nations whenever the United States Government furnishes assistance pursuant to the provisions of law described in subsection (c)—

"(A) to the United Nations when the assistance is designed to facilitate or assist in carrying out an assessed peacekeeping operation;

"(B) for any United Nations peacekeeping operation that is authorized by the United Nations Security Council under Chapter VI or Chapter VII of the United Nations Charter and paid for by peacekeeping or regular budget assessment of the United Nations members; or

"(C) to any country participating in any operation authorized by the United Nations Security Council under Chapter VI or Chapter VII of the United Nations Charter and paid for by peacekeeping assessments of United Nations members when the assistance is designed to facilitate or assist the participation of that country in the operation.

"(2) EXCEPTIONS.—(A) The requirement in paragraph (1) shall not apply to—

"(i) goods and services provided to the United States Armed Forces;

"(ii) assistance having a value of less than $3,000,000 per fiscal year per operation;

"(iii) assistance furnished before the date of enactment of this section;

"(iv) salaries and expenses of civilian police and other civilian and military monitors where United Nations policy is to require payment by contributing members for similar assistance to United Nations peacekeeping operations; or

"(v) any assistance commitment made before the date of enactment of the United Nations Reform Act of 1998.

"(B) The requirements of subsection (d)(1)(B) shall not apply to the deployment of United States military forces when the President determines that such deployment is important to the security interests of the United States. The cost of such deployment shall be included in the data provided under section 554 of the Foreign Assistance Act of 1961.

"(3) FORM AND AMOUNT.—

"(A) AMOUNT.—The amount of any reimbursement under this subsection shall be determined at the usual rate established by the United Nations.

"(B) FORM.—Reimbursement under this subsection may include credits against the United States assessed contributions for United States peacekeeping operations, if the expenses incurred by any United States department or agency providing the assistance have first been reimbursed.

"(b) TREATMENT OF REIMBURSEMENTS.—

"(1) CREDIT.—The amount of any reimbursement paid the United States under subsection (a) shall be credited to the current applicable appropriation, fund, or account of the United States department or agency providing the assistance for which the reimbursement is paid.

"(2) AVAILABILITY.—Amounts credited under paragraph (1) shall be merged with the appropriations, or with appropriations in the fund or account, to which credited and shall be available for the same purposes, and subject to the same conditions and limitations, as the appropriations with which merged.

"(c) COVERED ASSISTANCE.—Subsection (a) applies to assistance provided under the following provisions of law:

"(1) Sections 6 and 7 of this Act.

"(2) Sections 451, 506(a)(1), 516, 552(c), and 607 of the Foreign Assistance Act of 1961.

"(3) Any other provisions of law pursuant to which assistance is provided by the United States to carry out the mandate of an assessed United Nations peacekeeping operation.

"(d) WAIVER.—

"(1) AUTHORITY.—

"(A) IN GENERAL.—The President may authorize the furnishing of assistance covered by this section without regard to subsection (a) if the President determines, and so notifies in writing the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives, that to do so is important to the security interests of the United States.

"(B) CONGRESSIONAL NOTIFICATION.—When exercising the authorities of subparagraph (A), the President shall notify the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

"(2) CONGRESSIONAL REVIEW.—Notwithstanding a notice under paragraph (1) with respect to assistance covered by this section, subsection (a) shall apply to the furnishing of the assistance if, not later than 15 calendar days after receipt of a notification under that paragraph, the Congress enacts a joint resolution disapproving the determination of the President contained in the notification.

"(3) SENATE PROCEDURES.—Any joint resolution described in paragraph (2) shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

"(e) RELATIONSHIP TO OTHER REIMBURSEMENT AUTHORITY.—Nothing in this section shall preclude the President from seeking reimbursement for assistance covered by this section that is in addition to the reimbursement sought for the assistance under subsection (a).

"(f) DEFINITION.—In this section, the term 'assistance' includes personnel, services, supplies, equipment, facilities, and other assistance if such assistance is provided by the Department of Defense or any other United States Government agency.".

SEC. 2204. UNITED STATES POLICY REGARDING UNITED NATIONS PEACEKEEPING OPERATIONS.

It shall be the policy of the United States—

(1) to ensure that major peacekeeping operations (in general, those comprised of more than 10,000 troops) authorized by the United Nations Security Council under Chapter VII of the United Nations Charter (or missions such as the United Nations Protection Force (UNPROFOR)) are undertaken by a competent regional organization or a multinational force, and not established as a peacekeeping operation under United Nations operational control which would be paid for by assessment of United Nations members;

(2) to consider, on a case-by-case basis, whether it is in the national interest of the United States to agree that smaller peacekeeping operations authorized by the United Nations Security Council under Chapter VII of the United Nations Charter and paid for by assessment of United Nations members (such as the United Nations Transitional Authority in Slavonia (UNTAES)) should be established as peacekeeping operations under United Nations operational control which would be paid for by assessment of United Nations members; and

(3) to oppose the establishment of United Nations peace operations approved by the General Assembly and funded out of the regular budget of the United Nations.

SEC. 2205. REFORM IN BUDGET DECISIONMAKING PROCEDURES OF THE UNITED NATIONS AND ITS SPECIALIZED AGENCIES.

For the fiscal year 1999, the President may withhold funds for the United States assessed contribution to the United Nations or to any of its specialized agencies in the same percentage and subject to the same requirements as are applicable to the withholding of funds under section 409 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note).

SEC. 2206. CONTINUED EXTENSION OF PRIVILEGES, EXEMPTIONS, AND IMMUNITIES OF THE INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT TO UNIDO.

Section 12 of the International Organizations Immunities Act (22 U.S.C. 288f–2) is amended by inserting "and the United Nations Industrial Development Organization" after "International Labor Organization".

SEC. 2207. SENSE OF THE CONGRESS REGARDING COMPLIANCE WITH CHILD AND SPOUSAL SUPPORT OBLIGATIONS BY UNITED NATIONS PERSONNEL.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) all United Nations staff, including diplomats, should comply with binding United States Federal, State, and local court orders regarding child and spousal support obligations;

(2) the internal regulations of the United Nations allows—

(A) the United Nations to release staff salary information to the courts in spousal and child support cases;

(B) the Secretary General to authorize deduction of dependency related allowances from staff salary;

(C) the United Nations to cooperate with appropriate authorities to facilitate proper legal or judicial resolution of the family's claim.

(b) CONGRESSIONAL STATEMENT.—The Secretary of State should urge the United Nations to comply fully with regulations regarding compliance with child and spousal support obligations by United Nations personnel, in a timely manner and to the fullest extent possible.

TITLE XXIII—ARREARS PAYMENTS AND REFORM

CHAPTER 1—ARREARAGES TO THE UNITED NATIONS

Subchapter A—Authorization of Appropriations; Obligation and Expenditure of Funds

SEC. 2301. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Department of State for payment of arrearages owed by the United States described in subsection (b) as of September 30, 1997—

(1) $100,000,000 for fiscal year 1998;

(2) $475,000,000 for fiscal year 1999; and

(3) $244,000,000 for fiscal year 2000.

(b) LIMITATION.—Amounts made available under subsection (a) are authorized to be available only—

(1) to pay the United States share of assessments for the regular budget of the United Nations;

(2) to pay the United States share of United Nations peacekeeping operations;

(3) to pay the United States share of United Nations specialized agencies; and

(4) to pay the United States share of other international organizations.

(c) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

(d) STATUTORY CONSTRUCTION.—For purposes of payments made pursuant to subsection (a), section 404(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) shall not apply to United Nations peacekeeping operation assessments received by the United States prior to October 1, 1995.

SEC. 2302. OBLIGATION AND EXPENDITURE OF FUNDS.

(a) IN GENERAL.—Funds made available pursuant to section 2301 may be obligated and expended only if the requirements of subsections (b) and (c) of this section are satisfied.

(b) OBLIGATION AND EXPENDITURE UPON SATISFACTION OF CERTIFICATION REQUIREMENTS.—Subject to subsection (e), funds made available pursuant to section 2301 may be obligated and expended only in the following allotments and upon the following certifications:

(1) Amounts authorized to be appropriated for fiscal year 1998, upon the certification described in section 2311.

(2) Amounts authorized to be appropriated for fiscal year 1999, upon the certification described in section 2321.

(3) Amounts authorized to be appropriated for fiscal year 2000, upon the certification described in section 2331.

(c) ADVANCE CONGRESSIONAL NOTIFICATION.—Funds made available pursuant to section 2301 may be obligated and expended only if the appropriate certification has been submitted to the appropriate congressional committees 30 days prior to the payment of the funds.

(d) TRANSMITTAL OF CERTIFICATIONS.—Certifications made under this chapter shall be transmitted by the Secretary of State to the appropriate congressional committees.

(e) WAIVER AUTHORITY.—

(1) FISCAL YEAR 1999 FUNDS.—Subject to paragraph (3) and notwithstanding subsection (b), funds made available under section 2301 may be obligated or expended pursuant to subsection (b)(2) even if the Secretary of State cannot certify that one of the following three conditions has been satisfied:

(A) The condition described in section 2321(b)(1).

(B) The condition described in section 2321(b)(4).

(C) The condition described in section 2321(b)(5).

(2) FISCAL YEAR 2000 FUNDS.—Subject to paragraph (3) and notwithstanding subsection (b), funds made available under section 2301 may be obligated or expended pursuant to subsection (b)(3) even if the Secretary of State cannot certify that one of the following seven conditions has been satisfied: A condition described in paragraph (3), (4), (5), (6), (7), (8),or (9) of section 2331(b).

(3) REQUIREMENTS.—

(A) IN GENERAL.—The authority to waive a condition under paragraph (1) or (2) of this subsection may be exercised only if—

(i) the Secretary of State determines that substantial progress towards satisfying the condition has been made and that the expenditure of funds pursuant to that paragraph is important to the interests of the United States; and

(ii) the Secretary of State has notified, and consulted with, the appropriate congressional committees prior to exercising the authority.

(B) EFFECT ON SUBSEQUENT CERTIFICATION.—If the Secretary of State exercises the authority of paragraph (1) with respect to a condition, such condition shall be deemed to have been satisfied for purposes of making any certification under section 2331.

(4) ADDITIONAL REQUIREMENT.—If the authority to waive a condition under paragraph (1)(A) is exercised, the Secretary of State shall notify the United Nations that the Congress does not consider the United States obligated to pay, and does not intend to pay, arrearages that have not been included in the contested arrearages account or other mechanism described in section 2321(b)(1).

SEC. 2303. FORGIVENESS OF AMOUNTS OWED BY THE UNITED NATIONS TO THE UNITED STATES.

(a) FORGIVENESS OF INDEBTEDNESS.—Subject to subsection (b), the President is authorized to forgive or reduce any amount owed by the United Nations to the United States as a reimbursement, including any reimbursement payable under the Foreign Assistance Act of 1961 or the United Nations Participation Act of 1945.

(b) LIMITATIONS.—

(1) TOTAL AMOUNT.—The total of amounts forgiven or reduced under subsection (a) may not exceed $107,000,000.

(2) RELATION TO UNITED STATES ARREARAGES.—Amounts shall be forgiven or reduced under this section only to the same extent as the United Nations forgives or reduces amounts owed by the United States to the United Nations as of September 30, 1997.

(c) REQUIREMENTS.—The authority in subsection (a) shall be available only to the extent and in the amounts provided in advance in appropriations Acts.

(d) CONGRESSIONAL NOTIFICATION.—Before exercising any authority in subsection (a), the President shall notify the appropriate congressional committees in accordance with the same procedures as are applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

(e) EFFECTIVE DATE.—This section shall take effect on the later of—

(1) the date a certification is transmitted to the appropriate congressional committees under section 2331; or

(2) October 1, 1999.

Subchapter B—United States Sovereignty

SEC. 2311. CERTIFICATION REQUIREMENTS.

(a) CONTENTS OF CERTIFICATION.—A certification described in this section is a certification by the Secretary of State that the following conditions are satisfied:

(1) SUPREMACY OF THE UNITED STATES CONSTITUTION.—No action has been taken by the United Nations or any of its specialized or affiliated agencies that requires the United States to violate the United States Constitution or any law of the United States.

(2) NO UNITED NATIONS SOVEREIGNTY.—Neither the United Nations nor any of its specialized or affiliated agencies—

(A) has exercised sovereignty over the United States; or

(B) has taken any steps that require the United States to cede sovereignty.

(3) NO UNITED NATIONS TAXATION.—

(A) NO LEGAL AUTHORITY.—Except as provided in subparagraph (D), neither the United Nations nor any of its specialized or affiliated agencies has the authority under United States law to impose taxes or fees on United States nationals.

(B) NO TAXES OR FEES.—Except as provided in subparagraph (D), a tax or fee has not been imposed on any United States national by the United Nations or any of its specialized or affiliated agencies.

(C) NO TAXATION PROPOSALS.—Except as provided in subparagraph (D), neither the United Nations nor any of its specialized or affiliated agencies has, on or after October 1, 1996, officially approved any formal effort to develop, advocate, or promote any proposal concerning the imposition of a tax or fee on any United States national in order to raise revenue for the United Nations or any such agency.

(D) EXCEPTION.—This paragraph does not apply to—

(i) fees for publications or other kinds of fees that are not tantamount to a tax on United States citizens;

(ii) the World Intellectual Property Organization; or

(iii) the staff assessment costs of the United Nations and its specialized or affiliated agencies.

(4) NO STANDING ARMY.—The United Nations has not, on or after October 1, 1996, budgeted any funds for, nor taken any official steps to develop, create, or establish any special agreement under Article 43 of the United Nations Charter to make available to the United Nations, on its call, the armed forces of any member of the United Nations.

(5) NO INTEREST FEES.—The United Nations has not, on or after October 1, 1996, levied interest penalties against the United States or any interest on arrearages on the annual assessment of the United States, and neither the United Nations nor its specialized agencies have, on or after October 1, 1996, amended their financial regulations or taken any other action that would permit interest penalties to be levied against the United States or otherwise charge the United States any interest on arrearages on its annual assessment.

(6) UNITED STATES REAL PROPERTY RIGHTS.—Neither the United Nations nor any of its specialized or affiliated agencies has exercised authority or control over any United States national park, wildlife preserve, monument, or real property, nor has the United Nations nor any of its specialized or affiliated agencies implemented plans, regulations, programs, or agreements that exercise control or authority over the private real property of United States citizens located in the United States without the approval of the property owner.

(7) TERMINATION OF BORROWING AUTHORITY.—

(A) PROHIBITION ON AUTHORIZATION OF EXTERNAL BORROWING.—On or after the date of enactment of this Act, neither the United Nations nor any specialized agency of the United Nations has amended its financial regulations to permit external borrowing.

(B) PROHIBITION OF UNITED STATES PAYMENT OF INTEREST COSTS.—The United States has not, on or after October 1, 1984, paid its share of any interest costs made known to or identified by the United States Government for loans incurred, on or after October 1, 1984, by the United Nations or any specialized agency of the United Nations through external borrowing.

(b) TRANSMITTAL.—The Secretary of State may transmit a certification under subsection (a) at any time during fiscal year 1998 or thereafter if the requirements of the certification are satisfied.

Subchapter C—Reform of Assessments and United Nations Peacekeeping Operations

SEC. 2321. CERTIFICATION REQUIREMENTS.

(a) IN GENERAL.—A certification described in this section is a certification by the Secretary of State that the conditions in subsection (b) are satisfied. Such certification shall not be made by the Secretary if the Secretary determines that any of the conditions set forth in section 2311 are no longer satisfied.

(b) CONDITIONS.—The conditions under this subsection are the following:

(1) CONTESTED ARREARAGES.—The United Nations has established an account or other appropriate mechanism with respect to all United States arrearages incurred before the date of enactment of this Act with respect to which payments are not authorized by this Act, and the failure to pay amounts specified in the account do not affect the application of Article 19 of the Charter of the United Nations. The account established under this paragraph may be referred to as the "contested arrearages account".

(2) LIMITATION ON ASSESSED SHARE OF BUDGET FOR UNITED NATIONS PEACEKEEPING OPERATIONS.—The assessed share of the budget for each assessed United Nations peacekeeping operation does not exceed 25 percent for any single United Nations member.

(3) LIMITATION ON ASSESSED SHARE OF REGULAR BUDGET FOR THE DESIGNATED SPECIALIZED AGENCIES.—The share of the total of all assessed contributions for the regular budget of the United Nations or any designated specialized agency does not exceed 22 percent for any single United Nations member.

(4) REVIEW OF REGULAR BUDGET-FUNDED PEACE OPERATIONS.—The mandates of the United Nations Truce Supervision Organization (UNTSO) and the United Nations Military Observer Group in India and Pakistan (UNMOGIP) are reviewed annually by the Security Council, and are subject to the notification requirements pursuant to section 4(e) of the United Nations Participation Act of 1945, as amended by section 2102(b) of this Act.

(5) PROCUREMENT.—

(A) PROHIBITION ON PUNITIVE ACTIONS.—The United Nations has implemented a system that prohibits punitive actions, such as suspension of contract eligibility against contractors on the basis that they have challenged contract awards or complained about delayed payments.

(B) PUBLIC ANNOUNCEMENT OF CERTAIN CONTRACT AWARDS.—The United Nations has implemented a system for public announcement of the award of any contract over $100,000.

(C) NOTIFICATION OF UNSUCCESSFUL BIDDERS.—The United Nations has implemented a system to notify unsuccessful bidders for contracts and to provide an explanation upon request of the reason for rejection of their bids.

(D) PERIODIC REPORTING TO UNITED NATIONS MEMBERS.—The United Nations reports to all United Nations members on a regular basis the value and a brief description of local procurement contracts awarded in excess of $70,000.

Subchapter D—Budget and Personnel Reform

SEC. 2331. CERTIFICATION REQUIREMENTS.

(a) IN GENERAL.—A certification described in this section is a certification by the Secretary of State that the following conditions in subsection (b) are satisfied. Such certification shall not be made by the Secretary if the Secretary determines that any of the conditions set forth in sections 2311 and 2321 are no longer satisfied.

(b) CONDITIONS.—The conditions under this subsection are the following:

(1) LIMITATION ON ASSESSED SHARE OF REGULAR BUDGET.—The share of the total of all assessed contributions for the regular budget of the United Nations, or any designated specialized agency of the United Nations, does not exceed 20 percent for any single United Nations member.

(2) INSPECTORS GENERAL FOR CERTAIN ORGANIZATIONS.—

(A) ESTABLISHMENT OF OFFICES.—Each designated specialized agency has established an independent office of inspector general to conduct and supervise objective audits, inspections, and investigations relating to the programs and operations of the organization.

(B) APPOINTMENT OF INSPECTORS GENERAL.—The Director General of each designated specialized agency has appointed an inspector general, with the approval of the member states, and that appointment was made principally on the basis of the appointee's integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(C) ASSIGNED FUNCTIONS.—Each inspector general appointed under subparagraph (A) is authorized to—

(i) make investigations and reports relating to the administration of the programs and operations of the agency concerned;

(ii) have access to all records, documents, and other available materials relating to those programs and operations of the agency concerned; and

(iii) have direct and prompt access to any official of the agency concerned.

(D) COMPLAINTS.—Each designated specialized agency has procedures in place designed to protect the identity of, and to prevent reprisals against, any staff member making a complaint or disclosing information to, or cooperating in any investigation or inspection by, the inspector general of the agency.

(E) COMPLIANCE WITH RECOMMENDATIONS.—Each designated specialized agency has in place procedures designed to ensure compliance with the recommendations of the inspector general of the agency.

(F) AVAILABILITY OF REPORTS.—Each designated specialized agency has in place procedures to ensure that all annual and other relevant reports submitted by the inspector general to the agency are made available to the member states without modification except to the extent necessary to protect the privacy rights of individuals.

(3) NEW BUDGET PROCEDURES FOR THE UNITED NATIONS.—The United Nations has established and is implementing budget procedures that—

(A) require the maintenance of a budget not in excess of the level agreed to by the General Assembly at the beginning of each United Nations budgetary biennium, unless increases are agreed to by consensus; and

(B) require the systemwide identification of expenditures by functional categories such as personnel, travel, and equipment.

(4) SUNSET POLICY FOR CERTAIN UNITED NATIONS PROGRAMS.—

(A) EXISTING AUTHORITY.—The Secretary General and the Director General of each designated specialized agency have used their existing authorities to require program managers within the United Nations Secretariat and the Secretariats of the designated specialized agencies to conduct evaluations of United Nations programs approved by the General Assembly and of programs of the designated specialized agencies in accordance with the standardized methodology referred to in subparagraph (B).

(B) DEVELOPMENT OF EVALUATION CRITERIA.—

(i) UNITED NATIONS.—The Office of Internal Oversight Services has developed a standardized methodology for the evaluation of United Nations programs approved by the General Assembly, including specific criteria for determining the continuing relevance and effectiveness of the programs.

(ii) DESIGNATED SPECIALIZED AGENCIES.—Patterned on the work of the Office of Internal Oversight Services of the United Nations, each designated specialized agency has developed a standardized methodology for the evaluation of programs of designated specialized agencies, including specific criteria for determining the continuing relevance and effectiveness of the programs.

(C) PROCEDURES.—Consistent with the July 16, 1997, recommendations of the Secretary General of the United Nations regarding a sunset policy and results-based budgeting for United Nations programs, the United Nations and each designated specialized agency has established and is implementing procedures—

(i) requiring the Secretary General or the Director General of the agency, as the case may be, to report on the results of evaluations referred to in this paragraph, including the identification of programs that have met criteria for continuing relevance and effectiveness and proposals to terminate or modify programs that have not met such criteria; and

(ii) authorizing an appropriate body within the United Nations or the agency, as the case may be, to review each evaluation referred to in this paragraph and report to the General Assembly on means of improving the program concerned or on terminating the program.

(D) UNITED STATES POLICY.—It shall be the policy of the United States to seek adoption by the United Nations of a resolution requiring that each United Nations program approved by the General Assembly, and to seek adoption by each designated specialized agency of a resolution requiring that each program of the agency, be subject to an evaluation referred to in this paragraph and have a specific termination date so that the program will not be renewed unless the evaluation demonstrates the continuing relevance and effectiveness of the program.

(E) DEFINITION.—For purposes of this paragraph, the term "United Nations program approved by the General Assembly" means a program approved by the General Assembly of the United Nations, which is administered or funded by the United Nations.

(5) UNITED NATIONS ADVISORY COMMITTEE ON ADMINISTRATIVE AND BUDGETARY QUESTIONS.—

(A) IN GENERAL.—The United States has a seat on the United Nations Advisory Committee on Administrative and Budgetary Questions or the five largest member contributors each have a seat on the Advisory Committee.

(B) DEFINITION.—As used in this paragraph, the term "5 largest member contributors" means the 5 United Nations member states that, during a United Nations budgetary biennium, have more total assessed contributions than any other United Nations member state to the aggregate of the United Nations regular budget and the budget (or budgets) for United Nations peacekeeping operations.

(6) ACCESS BY THE GENERAL ACCOUNTING OFFICE.—The United Nations has in effect procedures providing access by the United States General Accounting Office to United Nations financial data to assist the Office in performing nationally mandated reviews of United Nations operations.

(7) PERSONNEL.—

(A) APPOINTMENT AND SERVICE OF PERSONNEL.—The Secretary General—

(i) has established and is implementing procedures that ensure that staff employed by the United Nations is appointed on the basis of merit consistent with Article 101 of the United Nations Charter; and

(ii) is enforcing those contractual obligations requiring worldwide availability of all professional staff of the United Nations to serve and be relocated based on the needs of the United Nations.

(B) CODE OF CONDUCT.—The General Assembly has adopted, and the Secretary General has

the authority to enforce and is effectively enforcing, a code of conduct binding on all United Nations personnel, including the requirement of financial disclosure statements binding on senior United Nations personnel and the establishment of rules against nepotism that are binding on all United Nations personnel.

(C) Personnel Evaluation System.—The United Nations has adopted and is enforcing a personnel evaluation system.

(D) Periodic Assessments.—The United Nations has established and is implementing a mechanism to conduct periodic assessments of the United Nations payroll to determine total staffing, and the results of such assessments are reported in an unabridged form to the General Assembly.

(E) Review of United Nations Allowance System.—The United States has completed a thorough review of the United Nations personnel allowance system. The review shall include a comparison of that system with the United States civil service, and shall make recommendations to reduce entitlements to allowances and allowance funding levels from the levels in effect on January 1, 1998.

(8) Reduction in Budget Authorities.—The designated specialized agencies have achieved a negative growth budget in their biennium budgets for 2000–01 from the 1998–99 biennium budget levels of the respective agencies.

(9) New Budget Procedures and Financial Regulations.—Each designated specialized agency has established procedures to—

(A) require the maintenance of a budget that does not exceed the level agreed to by the member states of the organization at the beginning of each budgetary biennium, unless increases are agreed to by consensus;

(B) require the identification of expenditures by functional categories such as personnel, travel, and equipment; and

(C) require approval by the member states of the agency's supplemental budget requests to the Secretariat in advance of expenditures under those requests.

CHAPTER 2—MISCELLANEOUS PROVISIONS

SEC. 2341. STATUTORY CONSTRUCTION ON RELATION TO EXISTING LAWS.

Except as otherwise specifically provided, nothing in this title may be construed to make available funds in violation of any provision of law containing a specific prohibition or restriction on the use of the funds, including section 114 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (22 U.S.C. 287e note) and section 151 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 287e note), and section 404 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note).

SEC. 2342. PROHIBITION ON PAYMENTS RELATING TO UNIDO AND OTHER INTERNATIONAL ORGANIZATIONS FROM WHICH THE UNITED STATES HAS WITHDRAWN OR RESCINDED FUNDING.

None of the funds authorized to be appropriated by this division shall be used to pay any arrearage for—

(1) the United Nations Industrial Development Organization;

(2) any costs to merge that organization into the United Nations;

(3) the costs associated with any other organization of the United Nations from which the United States has withdrawn including the costs of the merger of such organization into the United Nations; or

(4) the World Tourism Organization, or any other international organization with respect to which Congress has rescinded funding.

And the Senate agree to the same.

For consideration of the House bill and the Senate amendment, and modifications committed to conference:

Benjamin A. Gilman,
Henry Hyde,
Christopher H. Smith,

For consideration of the House bill (except title XXI) and the Senate amendment, and modifications committed to conference:

William Goodling,
Dan Burton,
Doug Bereuter,
Managers on the part of the House.
Jesse Helms,
Paul Coverdell,
Chuck Hagel,
Rod Grams,
Managers on the part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1757) to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and to ensure that the enlargement of the North Atlantic Treaty Organization (NATO) proceeds in a manner consistent with United States interests, to strengthen relations between the United States and Russia, to preserve the prerogatives of the Congress with respect to certain arms control agreements, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

Division A—Foreign Affairs Reform and Restructuring

USIA AND BROADCASTING

Section 313 of the Senate bill provides for the creation of a new Under Secretary of State for Public Diplomacy. It should be noted that it is slightly different from the original Senate-passed bill (S. 903) in delineating the duties of this Under Secretary. Specifically, Section 313 provides that the Under Secretary will have primary responsibility for assisting the Secretary and Deputy Secretary in carrying out the public diplomacy function. Additionally, although the bill provides, as did the original Senate bill, that the new Under Secretary will have responsibility for assisting the Secretary and Deputy Secretary with regard to international broadcasting, the authorities of the Department of State with regard to broadcasting are limited. While the Secretary has a seat and vote on the Broadcasting Board of Governors, and she provides foreign policy guidance to the Board, neither she nor the Under Secretary will have specific supervisory powers over the international broadcasting function; those powers are vested in the Broadcasting Board of Governors, as explained below.

Chapter 3 of Title III provides for the organization of all U.S.-sponsored international broadcasting. It is very similar to the original Senate bill (S. 903), with several modifications. The central element of this chapter is that the current Broadcasting Board of Governors—which supervises international broadcasting, but is currently part of the U.S. Information Agency—will remain in place, but it will not be merged into the Department of State. Instead, the Board will become an independent federal establishment.

The Broadcasting Board of Governors was established by the United States International Broadcasting Act of 1994 (Title III of the Foreign Relations Authorization Act for Fiscal Years 1994–1995, P.L. 103–236). In that Act, Congress consolidated all U.S.-sponsored international broadcasting—the Voice of America (VOA), Radio and TV Marti, Worldnet TV, Radio Free Europe/Radio Liberty (RFE/RL), and Radio Free Asia (RFA)—under the direction and supervision of one governing board. The Board is part of the United States Information Agency, although in essence it is a self-contained unit within the Agency.

The bill does not alter the consolidation achieved in 1994, but it does prevent the Board and the international broadcasting entities from being merged into the State Department, where the credibility and journalistic integrity of the broadcasters would be threatened. The rationale for creating this arms-length distance from the State Department is two-fold: (1) to provide "deniability" for the Department when foreign governments voice their complaints about specific broadcasts; and (2) to provide a "firewall" between the Department and the broadcasters to ensure the integrity of the journalism.

Establishing this structure is not to deny that the broadcast entities are funded by the United States government—quite obviously, they are. This structure in no way should be construed to lessen the responsibility of the Board to ensure that U.S. broadcasts are "consistent with the broad foreign policy objectives of the United States," as required by Section 303(a)(1) of the 1994 Broadcasting Act. For example, this legislation states that the VOA should continue to include editorials which present the views of U.S. policy. But the concepts of "deniability" and "firewall" are not merely diplomatic fictions. In truth, the State Department will be able to deny responsibility for a specific broadcast—because it will have denied itself the ability to directly affect the content of any specific broadcast. It can do so because the "firewall" will have operational meaning. Whenever a foreign government complains to a U.S. diplomat that a broadcast is inconsistent with U.S. foreign policy objectives, that diplomat can plausibly deny that the broadcast is "not my department," and refer their counterpart to the Board. The Board, in turn, will exercise its oversight duties to investigate the matter, take steps to influence overall broadcast policy to ensure that broadcasts are consistent with broad foreign policy objectives of the United States, but the journalists themselves will be shielded from political interference by State Department officials.

Of course, this bureaucratic separation does not mean that the broadcasters should remain aloof from U.S. foreign policy interests. Broadcasting is an important instrument of U.S. foreign policy, and should remain so. The broadcasting agencies would continue to serve the foreign policy needs of the U.S. government, and would be linked to the foreign affairs apparatus by what might be described as a "dotted-line" relationship to the State Department: (1) the Secretary of State would be a permanent voting member of the Board (as the USIA Director is now), would provide foreign policy guidance to the Board, and would be consulted about the addition or deletion of language services; (2) the VOA mission of telling America's story would remain intact, as would the VOA Charter; (3) the statutory requirements requiring that the broadcasts be consistent with the broad foreign policy objectives of the United States would remain intact; (4)

the broadcasters would continue to have the capability to provide surge capacity to support broad U.S. foreign policy objectives during crises abroad.

Although the Board will be a federal agency, the work performed by the international broadcasting entities under it can hardly be described as a typical government function. Cynics may deride their work as "propaganda," but in fact the broadcasters are journalists, reporting the news of the United States and the world to foreign audiences. The news gathering and reporting functions of the broadcasters must continue to be independent and objective. The broadcasters themselves understand the importance of this imperative. It is no accident that VOA employees treasure the VOA Charter, which states that the VOA will "serve as a consistently reliable and authoritative source of news" and that VOA news will be "accurate, objective, and comprehensive." The employees do so because they take this command seriously. Similarly, the employees of the surrogate services—Radio and TV Marti, RFE/RL and RFA—are committed to the highest standards of professional journalism. Accuracy and credibility are their watchwords.

This credibility would be at risk if the various broadcast services were placed inside the Department of State, where they would be perceived by foreign audiences as mere adjuncts of the Department, and where they would be subject to the daily pressures of diplomacy. But in establishing this structure, it is not intended that the broadcasters will become unmoored from the broad objectives of American policy.

The provision in this bill also provides that the current Board members may complete their existing terms without being reappointed. Furthermore, they may be appointed to new terms when those terms expire.

It should be noted here that the bill does not include the original Senate proposal to create a separate Inspector General for broadcasting within the Broadcasting Board of Governors. Instead, that function will continue to be performed by the Inspector General of the Department of State. The bill states, however, that the Inspector General shall respect the journalistic integrity of all broadcasters covered by this title, and may not evaluate the philosophical or political perspectives reflected in the content of broadcasts. The Inspector General must take great care in reviewing broadcast operations, for, as noted earlier, international broadcasting is not a typical government function. The broadcasters are journalists, and the Inspector General must not be involved in second-guessing the daily decisions of journalists and their editors. To do so could have a chilling effect on the activities of the journalists. The Inspector General is currently conducting a review of the Cuba services of the Voice of America, known as Radio and TV Marti. She contends that this review is limited to analyzing whether the Martis have a process in place for assuring that broadcasts are consistent with broad U.S. foreign policy objectives. This provision is intended to ensure that any content review not cross this line drawn by the Inspector General.

In establishing the Broadcasting Board of Governors as an independent agency in the executive branch, several changes to existing law were made—and new authorities were provided to the Board. A few of these changes are highlighted below:

Section 323(d)) amends the "standards and principles" section of the 1994 Broadcasting Act in two respects. First, it makes clear that U.S. international broadcasting should include editorials broadcast by the Voice of America which present the views of the U.S. government (only the VOA performs this function). This provision and this title are not intended to change in any manner the current process for ensuring that editorials are consistent with U.S. policy. Second, this section states that international broadcasting should have the capability to provide surge capacity to support U.S. foreign policy objectives during crises abroad.

Sections 323(e) and 323(f) make several amendments to the authorities of the Board, which are set forth in Section 305 of the 1994 Broadcasting Act. First, it amends the statute to provide that the Board has the power to "supervise" all broadcasting activities; current law gives the Board the power to "direct and supervise." This change is intended to clarify any confusion that may have been caused by the use of the word "direct". The word "direct" implies day-to-day management responsibilities, a function that is incongruous with a part-time oversight board. The daily operations of the broadcasters are conducted by the Director of the International Broadcasting Bureau, and the presidents of the respective grantees (RFE/RL and RFA), operating under the supervision of the Board.

Second, the bill requires the Board to consult with the Secretary of State in making its determinations on the addition or deletion of language services. This change is not intended to give the Secretary veto power over such decisions; at the end of the day, she has but one vote on the Board. The amendment does recognize, however, that the addition or deletion of language services has foreign policy implications, and that the Board should give careful consideration to the Secretary's views on such matters.

Third, the bill provides the Board with several additional legal authorities that are necessary for it to function as a separate federal agency. These are intended to ensure that the Board and the Director of the International Broadcasting Bureau have, for the purposes of carrying out their respective duties, all the authorities which are now available to the Director of the U.S. Information Agency on the day before the effective date of this division. It is intended that the Board and the Bureau be enabled thereby to operate utilizing the full range of the Director's administrative, technical, contracting, personnel, and all other authorities, including acquisition and disposal of international broadcasting facilities abroad, liberally interpreted, to carry out their functions.

Fourth, the bill provides the Board with the authority to procure, pursuant to the "Economy Act," goods and services from other federal departments and agencies. In keeping the Board and the Bureau outside the State Department, it is not intended that these entities will grow significantly. The Bureau will likely need additional personnel to carry out certain administrative tasks now performed by the administrative offices of USIA. But some of these routine functions may just as easily—and perhaps more efficiently—be performed by existing federal agencies.

Finally, the bill provides authority for the Board to delegate certain authorities to the Director of the International Broadcasting Bureau, and any other officer or employee of the United States. It bears emphasis here that the Board need not do so, for the Board has a small professional staff which assists it to carry out its statutory functions; the provision simply provides the Board with the option to delegate certain authorities.

Section 323(j) of the bill makes two changes to current law with regard to the role of the Secretary of State. First, the bill amends current law to make clear that the Secretary's authority to provide foreign policy guidance to the Board may be exercised at her discretion.

Second, it authorizes the Secretary of State to use Worldnet broadcasts, on a nonreimbursable basis, for the purposes of continuing interactive dialogues with foreign media and other similar overseas public diplomacy programs sponsored by the State Department. "Interactive dialogue" is a term of art, which describes, in essence, press conferences between a U.S. policy maker (sitting in a studio in Washington), and foreign journalists (sitting in a U.S. Information Service post or other facility overseas). This is a public diplomacy function that should be under the policy control of the State Department after the integration of USIA into the Department. Most other Worldnet programs are, by contrast, the type of traditional broadcasting carried out by the VOA; for example, the VOA has recently commenced simulcasts of its radio programs on television. The Broadcasting Board of Governors and USIA have already reached a cooperative agreement regarding Worldnet (which was submitted recently to the Foreign Relations Committee in the form of a reprogramming) that is similar to the design set forth in the bill. It is intended that this arrangement continue when USIA is merged into the State Department, with the Board making available appropriate broadcasting time slots to the State Department to continue this important program. This provision is not intended to limit the access the Secretary currently has to Worldnet for other purposes, such as the current practice of using this service to broadcast from time to time to employees located at U.S. missions abroad.

Section 326 contains specific authority for the transfer of appropriate USIA assets and personnel to the Broadcasting Board of Governors. This includes those assets and personnel employed in connection with, or to carry out, the functions transferred by this chapter to the Board. It also includes provisions which will permit the transfer of assets and personnel which support the functions transferred by this chapter. These latter determinations will be made by the Secretary of State, with the concurrence of the Broadcasting Board of Governors. It is intended that the Broadcasting Board of Governors should receive administrative support funds and personnel commensurate with the administrative support it now receives from the U.S. Information Agency.

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Section 333 addresses the complex question of how to apply restrictions in current law on USIA to influence public opinion in the United States once USIA is integrated into the Department of State. The Department has a responsibility to communicate with the American people on U.S. foreign policy, for example, to explain the importance of continuing U.S. involvement in international affairs. Subsection (a) makes clear that none of the restrictions applicable to USIA shall become applicable to public affairs and other information dissemination functions of the Secretary of State as carried out prior to any transfer of functions pursuant to this division. Subsection (b) provides that existing restrictions will, however, continue to apply to USIA public diplomacy programs (which are carried out abroad) once they are integrated into the State Department. This subsection preserves the exceptions in current law. Under this approach, public diplomacy programs that are unique to USIA, including the program material produced by them, shall continue to be subject to the restrictions of the Zorinsky Amendment and in the Smith-Mundt Act, as relevant. At the same time, the Department of State will be able to integrate the activities that it already performs, such as public outreach, direct public affairs contact with domestic and foreign press, and administrative activities, with such activities of the other foreign affairs agencies without these restrictions being applicable.

In addition, subsection (c) provides that funds that are specifically authorized in statute for such public diplomacy programs at the Department in the future shall not be used to influence public opinion in the United States, and that no program material prepared using such funds shall be distributed or disseminated in the United States. This provision makes clear that if an amount is specifically authorized in an authorization bill for such public diplomacy programs, such amount will be subject to these restrictions.

Subsections (d) and (e) create greater planning and budget transparency for how public diplomacy functions are integrated into the Department.

AUTHORITY TO REORGANIZE THE DEPARTMENT

Section 611(a) authorizes the Secretary, subject to the requirements of the subdivision, to allocate or reallocate any function transferred to the Department, and to establish, consolidate, alter, or discontinue such organizational entities within the Department as may be necessary or appropriate to carry out any reorganization under this subdivision. This subsection does not authorize the Secretary to modify the terms of any statute that establishes or defines the functions of any bureau, office or officer of the Department. Thus, while the Secretary could add functions and responsibilities to a bureau that is mandated under current law, she could not eliminate such a bureau or take away any responsibilities currently mandated by statute to be performed by that bureau.

TRANSFER OF PERSONNEL

Section 613 of the Senate bill provides in subsections (a) and (b) that except as provided in Title III, not later than the date of abolition of ACDA and USIA, or the transfer of any function of AID to the Department of State, affected personnel and positions of those agencies shall be transferred to the Department of State at their same grade or class, the same rate of basic pay or basic salary rate, and with the same tenure held immediately preceding transfer. Thus, members of the Foreign Service will transfer to the Department in the same Foreign Service class (or, in the case of Foreign Service nationals, at the same grade), at the same salary rate, and with the same tenure held prior to transfer. Civil Service employees transferred to the Department will transfer at the same Civil Service grade, at the same rate of basic pay, and with the same tenure held prior to transfer. Tenure, in this context, refers to the employment status of the employee (e.g., probationary, career conditional, or career tenure). This provision is also intended to ensure that the type of appointment (e.g., Civil Service competitive or excepted service appointment, or Foreign Service career or limited appointment) held immediately preceding transfer will remain unchanged by reason of the transfer.

Subsection (c) authorizes the Secretary, for a period of not more than six months commencing on the effective date of the transfer of personnel to the Department under subsections (a) and (b), to assign such personnel to any position or set of duties at any grade in the Department except that by virtue of such assignment, such personnel shall not have their grade or class or rate of basic pay or basic salary rate reduced, nor their tenure changed. Although the Secretary's authority to make assignments under this subsection is limited to a six-month period following transfer, the duration of any assignment made pursuant to this authority and the retention of grade may continue indefinitely, as long as the employee remains in a position to which s/he is assigned during the six month period. This provision will overcome any requirement for the Department of State involuntarily to demote or reassign personnel at the end of the six-month period, even though the number of employees who retain a particular grade may exceed the number of positions at that grade level. This provision does not, however, provide Civil Service personnel with a guaranteed grade if, for example, they apply for and obtain another position or the Department chooses to employ reduction in force procedures to reduce the number of Department employees. The Secretary shall consult with the relevant labor organizations with regard to the exercise of this authority. This subsection gives the Secretary the flexibility to assign and reassign for a six month period transferred personnel to any position within the Department after they have been transferred to the Department, except to positions that by law require appointment by the President, by and with the advice and consent of the Senate.

REORGANIZATION OF AGENCY FOR INTERNATIONAL DEVELOPMENT

The bill requires that AID's Press Office and certain administrative functions be transferred to and consolidated with the Department of State. The committee of conference is aware that the Department of State and the Agency for International Development recently entered into an agreement to implement the President's April 1997 decision that these two agencies should share certain administrative functions.

The single largest change will occur overseas as the International Cooperative Administrative Support Services (ICASS) system is put into place. ICASS is designed to provide AID with the data and other information needed to compare the costs of services within the system that encourages the use of the most economic service provider. Both agencies will, over the next fiscal year, work to maximize shared administrative support services. As part of this agreement, both agencies agree to analyze jointly the data generated by ICASS to identify opportunities where one or the other agency can expand shared services.

Also, AID had agreed already to have the Department of State provide retirement processing for Foreign Service officers, retirement counseling for AID officers, and site consolidation of AID headquarters' computer operations. According to the Administration, these are either now implemented or on their way to implementation.

Further, AID has agreed to expand its use of training services offered by the Department of State. Specifically, AID will attempt to obtain all of its foreign language training from the Department of State. In addition, State and AID have agreed to jointly develop training programs so that other professional and technical training can be shared to the maximum extent possible.

The Department of State has agreed to try to accommodate AID by taking responsibility for storage of employees' household goods. In addition, State and AID already share other transportation and storage services, and they will continue to review these areas for other opportunities. The committee of conference expects AID and the State Department to continue to explore areas in which additional consolidation and cost savings can occur and that the Foreign Relations Committee and the International Relations Committee will be notified of such progress.

ASSISTANCE PROGRAMS COORDINATION AND OVERSIGHT

The bill provides for the coordination of activities of the Secretary of State in relation to United States assistance. The activities include designing of an overall assistance strategy for countries in the region; ensuring the coordination of United States government agencies; coordinating with the individual country governments and international organizations; and resolving policy disputes among United States government agencies with respect to assistance being provided.

This coordination authority does not supersede the responsibility of the Secretary of Commerce in relation to the promotion of exports of United States goods and services. Nor does this supersede the responsibility of the Secretary of the Treasury to coordinate the activities of the United States in relation to the International Financial Institutions, and the organization of multilateral efforts aimed at currency stabilization, currency convertibility, debt reduction, and comprehensive economic reform programs.

This section of the bill is essential to bring improved coordination and rationalization to U.S. overseas economic and development assistance programs. The establishment within the Department of State of this coordination function will ensure that, in the future, foreign aid programs are being carried out in a manner consistent with our nations overall foreign policy. It furthers the President's goal of establishing the Secretary of State's pre-eminence in foreign policy making. According to the State Department's April 17, 1997, statement regarding reorganization, one reform "...would be to further improve coordination between AID's and State's regional Bureaus." This section supports that objective.

A.I.D. UNDER THE DIRECT AUTHORITY AND FOREIGN POLICY GUIDANCE OF THE SECRETARY OF STATE

The President's decision on reorganization retains the Agency for International Development as a distinct agency but places it under the direct authority and foreign policy guidance of the Secretary of State. This bill supports that objective.

This bill includes a section which provides that funds formerly allocated to the International Development Cooperation Agency (IDCA)—which is abolished by this legislation—now be allocated to the Secretary of State. The bill provides that the Secretary of State may allocate or transfer these funds to the head of any other agency. It is the understanding of the committee of conference that Secretary Albright intends to allocate this foreign aid and the administrative funds currently apportioned to AID to its Administrator. Bringing AID under the direct authority and foreign policy guidance of the Secretary of State, will strengthen the U.S.

Government's coordination of long term development and humanitarian assistance.

AUTHORITY TO TRANSFER FUNCTIONS EARLY

Section 616 provides that the Secretary may, notwithstanding any provision of this subdivision and with the concurrence of the head of the appropriate Federal Agency, transfer the whole or part of any function prior to the effective dates established in this subdivision, including the transfer of personnel and funds associated with such functions. In exercising this authority, personnel and funds would be transferred in accordance with the applicable provisions of Title VI. This provision is intended to permit the Administration to have an orderly transfer of functions if the Administration chooses to transfer some functions from an agency prior to its abolition. It is intended that the Secretary will consult with the Broadcasting Board of Governors if she exercises the authority of this section to transfer personnel or assets that might otherwise be used to provide administrative support for the Board when it becomes a separate federal establishment.

DIVISION B—STATE DEPARTMENT AND RELATED AGENCIES AUTHORIZATION ACT

AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF STATE

The conference substitute authorizes a total of $6,140,895,000 for fiscal year 1998 and $6,664,093,000 for fiscal 1999. The President's request for FY 1999 is $6,789,259,000. The conference substitute follows the Senate format providing the authorization of appropriations in the specific sections of the bill.

ADMINISTRATION OF FOREIGN AFFAIRS

The House bill (sec. 1101) authorizes $2,610,271,000 for fiscal year 1998 and $2,610,271,000 for fiscal year 1999 for the Administration of Foreign Affairs. The House bill (sec. 1101 (1)(B)) requires the Secretary of State to provide passport information without charge to citizens of the U.S.

The Senate amendment (sec. 1101) authorizes for $2,609,661,000 fiscal year 1998 and $2,634,706,000 for fiscal year 1999 for the Administration of Foreign Affairs. The Senate amendment has no comparable provision to House sec. 1101(1)(B) on passport information.

The conference substitute (sec. 1101) authorizes $2,656,143,000 for fiscal year 1998 and $2,830,387,000 for fiscal year 1999 for the Administration of Foreign Affairs. The conference substitute is the same as the Senate amendment with regard to the passport information provision.

The recommended level of authorization for Diplomatic and Consular Programs is intended to be utilized to maintain a strong U.S. presence abroad, and to meet current unfunded needs, including security of personnel and overseas U.S. facilities, and does not include funding for new programs, not presently funded for environmental conferences, programs, and associated expanded staffing.

The conference substitute incorporates the sub-authorization of $2,000,000 for fiscal years 1998 and 1999 for recruitment of minorities for careers in the foreign Service.

INTERNATIONAL COMMISSIONS

The House bill (sec. 1103) authorizes $43,512,000 for fiscal year 1998 and $43,512,000 for fiscal year 1999 for the International Commissions.

The Senate amendment (sec. 1202) authorizes $43,512,000 for fiscal year 1998 and $43,512,000 for fiscal year 1999 for the International Commissions.

The conference substitute (sec. 1102) authorizes $42,452,000 for fiscal year 1998 and $45,120,000 for fiscal year 1999 for the International Commissions.

ASIA FOUNDATION

The House bill (sec. 1105) authorizes $10,000,000 for fiscal year 1998 and $10,000,000 for fiscal year 1999 for the Asia Foundation.

The Senate amendment (sec. 1103) authorizes $8,000,000 fiscal year 1998 and $8,000,000 for fiscal year 1999 for the Asia Foundation.

The conference substitute (sec. 1103) authorizes $10,000,000 for fiscal year 1998 and $10,000,000 for fiscal year 1999 for the Asia Foundation.

VOLUNTARY CONTRIBUTIONS

The House bill (sec. 1102(b)) authorizes $199,725,000 for fiscal year 1988 and $199,725,000 for fiscal year 1999 for voluntary contributions to international organizations. The provision also includes limitations for the World Food Program, the United Nations Voluntary Fund for victims of Torture, and International Program on the Elimination of Child Labor.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1104) is the same as the House bill, except it authorizes $294,500,000 for fiscal year 1988 and $294,500,000 for fiscal year 1999.

VOLUNTARY CONTRIBUTIONS TO INTERNATIONAL PEACEKEEPING OPERATIONS

The House bill (sec. 1102(d)) authorizes $87,600,000 in fiscal year 1988 and $67,000,000 in fiscal year 1999 for voluntary contributions to peacekeeping operations.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1105) authorizes $77,500,000 in fiscal year 1988 and $68,000,000 in fiscal year 1999 for voluntary contributions to peacekeeping operations.

LIMITATIONS ON U.S. VOLUNTARY CONTRIBUTIONS TO THE UNDP

The House bill (sec. 1102(g)) requires the withholding from U.S. voluntary contributions to the UN Development Program an amount equal to the amount UNDP intends to spend in Burma during each of the fiscal years 1998 and 1999, unless the President certifies to Congress that UNDP programs in Burma are focused on eliminating human sufffering and other issues.

The Senate amendment contains no comparable provision.

The conference subsititute (sec. 1106) is the same as the House bill.

UN POPULATION FUND

The House (1523) House bill section 1523 UN Population Fund, authorizes $25 million for the UN Population Fund for fiscal years 1998 and 1999, but makes only $12.5 million available to UNFPA before March 1 of each fiscal year. It also contains other prohibitions.

The conference substitute (sec. 1107) is similar to the House bill, but deletes subsections (b), (c) and (d).

Conference Report (H.R. 1757)

(000s)

INTERNATIONAL RELATIONS COMMITTEE ACCOUNT	FY98 Enacted Levels	FY98 Conference Report	FY99 President's Request	FY99 Conference Report
Foreign Relations Authorization (H.R. 1757) Totals				
Administration of Foreign Affairs				
Diplomatic and Consular Programs	1,638,193	1,746,997	1,691,282	1,691,282
Salaries and Expenses	352,205	363,513	367,778	367,148
Minority Recruitment		[2,000]		[2,000]
Capital Investment Fund	86,000	86,000	118,340	118,340
Security and Maintenance of US Missions	397,943	397,943	640,800	590,800
Jerusalem Embassy Authorization	[9,500]	[25,000]		[75,000]
Representation Allowances	4,200	4,300	4,300	4,300
Emergencies in the Diplomatic and Consular Service	5,500	5,500	5,500	5,500
Office of the Inspector General	27,495	28,300	28,717	28,717
Payment to the American Institute in Taiwan	14,000	14,490	16,426	15,000
Protection of Foreign Missions and Officials	7,900	7,900	8,100	8,100
Repatriation Loans Program Account	1,200	1,200	1,200	1,200
International Commissions				
International Boundary Waters Comm. (S&E)	17,490	17,490	19,179	19,179
International Boundary Waters Comm. (Constr)	6,463	6,463	7,125	7,125
American Sections: IBC	761	761	835	835
American Sections: IJC	3,189	3,189	3,432	3,432
International Fisheries Commissions	14,549	14,549	14,549	14,549
Asia Foundation	8,000	10,000	15,000	10,000
Refugee Assistance				
Migration and Refugee Assistance	553,384	650,000	650,000	704,500
Administration	12,000			
Refugees Resettling In Israel	80,000	[80,000]		[80,000]

House International Relations Committee

Conference Report (H.R. 1757) (000s)

INTERNATIONAL RELATIONS COMMITTEE ACCOUNT	FY98 Enacted Levels	FY98 Conference Report	FY99 President's Request	FY99 Conference Report
UN Fund for Vulnerable Children	5,000			
Humanitarian Assistance for Displaced Burmese		[1,500]		[1,500]
Tibetan Refugees in India and Nepal		[2,000]		[2,000]
United States Information Agency				
Salaries and Expenses	453,146	431,000	461,728	457,146
Technology Fund	5,050	5,050	5,050	5,050
Educational and Cultural Exchange Programs				
Fulbright Academic Exchange Program	100,000	99,236	99,046	99,236
Vietnam Fulbright	[5,000]	[5,000]		[5,000]
Other Programs	97,731	100,764	99,978	100,764
South Pacific Exchanges		[500]	[439]	[500]
East Timorese Scholarships		[500]	[470]	[500]
Tibetan Exchanges		[500]	[416]	[500]
International Broadcasting Operations (IBO)	362,789	344,655	388,690	341,655
Radio Construction	40,000	40,000	25,308	25,308
Radio Free Asia	0	30,000	[19,400]	22,000
Broadcasting to Cuba	22,095	22,095	[22,704]	22,704
East-West Center	12,000	12,000	5,000	10,000
National Endowment for Democracy	30,000	30,000	31,000	30,000
North-South Center	1,500	1,500	2,500	1,500
International Conferences and Contingencies	6,537	3,500	1,223	1,223
International Organizations and Peacekeeping				
Voluntary International Organizations	294,500	294,500	314,000	294,500
World Food Program		[4,000]		[2,000]
U.N. Voluntary Fund for Victims of Torture		[3,000]		[3,000]
International Program on the Elimination of Child Labor		[5,000]		[5,000]

House International Relations Committee

Conference Report (H.R. 1757)

(000s)

INTERNATIONAL RELATIONS COMMITTEE ACCOUNT	FY98 Enacted Levels	FY98 Conference Report	FY99 President's Request	FY99 Conference Report
UNFPA Limitation	[25,000]	[25,000]	[25,000]	[25,000]
Voluntary Peacekeeping Contributions	77,500	77,500	83,000	68,000
Assessed Contributions to International Organizations	894,461	901,000	930,773	900,000
Assessed Peacekeeping	210,000	210,000	231,000	220,000
International Organization or Peacekeeping Arrears	100,000	100,000	475,000	475,000
Arms Control and Disarmament Agency	42,716	41,500	43,400	0
State Authorization Bill Subtotals (FY98-FY99)	**5,985,497**	**6,102,895**	**6,789,259**	**6,664,093**
Foreign Assitance				
Iraq				
Justice in Iraq		3,000		
Democratic Opposition		15,000		
Political Training		[10,000]		
Radio Free Iraq		[5,000]		
Humanitarian Assistance		20,000		
Cuba ESF Earmark for LIBERTAD Activities		[2,000]		[2,000]
subtotal		**38,000**		**0**
Grand Total	**5,985,497**	**6,140,895**	**6,789,259**	**6,664,093**
UN and Other International Organization Arrears FY00				**244,000**
Grand Total FY 1998-2000				**13,048,988**

House International Relations Committee

Department of State Authorities and Activities

OVERSEAS EDUCATIONAL FACILITIES

The House bill (sec. 1213) provides the authority for US government agencies to make grants to overseas educational facilities. This amendment allows agencies that may not have grant authority to make grants to support these schools if agency employees have children attending these schools.

The Senate provision (sec. 1136) is identical.

The conference substitute (sec. 1201) is identical to the House provision.

REVISION OF DEPARTMENT OF STATE REWARDS PROGRAM

The House bill (sec. 1201(a)) rewrites the State Department rewards statute to update the program and improve its use as a tool to help capture fugitives abroad in cases of terrorism and narcotics offenses. The following changes are made to current law: (1) raising the cap on the funds available for the rewards program; (2) requiring that, to the maximum extent possible, the program funds are split equally between terrorism and narcotics related rewards programs; (3) allowing rewards to be paid for help in preventing counterfeiting of U.S. currency by state sponsors and others supporting terrorism; (4) allowing rewards to be paid for help in arresting any individual who aids or abets in the commission of any narcotics-related offense; (5) deleting the requirement for consultation over procedures for the chiefs' of mission recommendations of rewards the Secretary of State and the Attorney General; (6) requiring an annual report on the rewards program and; (7) making clear that the funds authorized for the rewards program are available to advertise rewards offered by foreign governments for international terrorism offenses. The Secretary is also required to submit a report to Congress when a reward payment is made.

The House bill also clarifies that determinations by the Secretary of State regarding counter terrorism and narcotics-related rewards are solely at the discretion of the Secretary, in consultation, as appropriate, with the Attorney General and are not subject to judicial review. This language conforms the State Department rewards program to similar provisions in various statutes that provide the reward authorities of the Attorney General, including those related to domestic terrorism. This language is intended to preclude unnecessary lawsuits that could divert Department resources, as well as bring unwarranted negative publicity to the rewards program and discourage potential informers.

The House bill (sec. 1201(b) makes available to carry out the rewards program up to two percent of the foreign assets frozen by of the President under the International Emergency Economic Powers Act. This section also clarifies that determinations by the Secretary of State regarding counter terrorism and narcotics-related rewards are solely at the discretion of the Secretary, in consultation as appropriate with the Attorney General and are not subject to judicial review.

The Senate amendment (sec. 1125) similar to the House provision, amends section 36 of the State Department Basic Authorities Act of 1956 to make clear that terrorism rewards would be paid at the sole discretion of the Secretary of State and that reward determinations made by the Secretary would not be subject to judicial review.

The conference substitute (sec. 1202) adopts the House language with modifications. The conference substitute requires that before making a reward in a matter over which there is federal criminal jurisdiction, the Secretary of State shall obtain the concurrence of the Attorney General. The House provision required "consultation" with the Attorney General. The conference substitute also deletes the House section requiring the use of frozen foreign assets for the rewards program.

RETENTION OF ADDITIONAL DEFENSE TRADE CONTROLS REGISTRATION FEES

The House bill (sec. 1208) amends section 45(a) of the State Department Basic Authorities Act to enable the Department to retain all of the registration fees that the Department's office of Defense Trade Controls collects. The additional fees are to be used for enhanced reporting on end-use monitoring and expanded registration and licensing and company audits.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1203) is the same as the House bill.

FEES FOR COMMERCIAL SERVICES

The House bill (sec. 1211) allows fees collected for commercial services provided to businesses to remain available for obligation until expended. This authority will ensure the Department does not forfeit funds collected late in a fiscal year and that are not obligated by the end of that year.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1204) is similar to the House position but makes the collected funds available only for two fiscal years.

PILOT PROGRAM FOR FOREIGN AFFAIRS REIMBURSEMENT

The House bill (sec. 1209) amends section 701 of the Foreign Service Act of 1980 by adding a new subsection to allow the State Department to provide training for employees and their family members of the U.S. companies operating overseas on a reimbursable basis. In addition, this section allows the Department to provide foreign language training on a reimbursable basis to Members and employees of Congress. Section 1209(b) authorizes the Secretary of State to charge a fee for use of the National Foreign Affairs Training Center Facility. These fees shall be deposited as an offsetting collection to any State Department appropriations and shall remain available until expended. Fees set for renting these facilities should not provide a competitive advantage over other commercial facilities.

The Senate amendment (sec. 1135) is similar to the House bill except the training program is set up as a pilot project that terminates October 1, 1999. The provision also requires an assessment of the program within one year after enactment.

The conference substitute (sec. 1205) is similar to the Senate amendment. Changes include extending the pilot program to October 2002, and requiring the report two years after enactment.

FEE FOR USE OF DIPLOMATIC RECEPTION ROOMS

The House bill (sec. 1210) authorizes the Secretary of State to charge a fee for use of the Department of State diplomatic reception rooms. Such fees are deposited as an offsetting collection to recover the costs of such use and shall remain available for obligation until expended.

The Senate amendment (sec. 1124) is identical to the House bill.

The conference substitute (sec. 1206) is the same as the House bill.

BUDGET PRESENTATION DOCUMENTS

The House bill (sec. 1212) requires the State Department to report in the budget presentation documents all sources of income from fees or other collections.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1207) is the same as the House bill. This Act provides several additional new fee collections for the Department, as well as continuing the collection and retention of fees for machine readable visas. This provision is designed to secure budget transparency particularly for funds that are not subject to appropriations, and provide a full accounting of resources available to the Department. The report on income required by this provision is intended to include an accounting of proceeds from the sale of properties owned by the Department, projected expenditures from and the balance in the Foreign Service Building Fund for long term capital reinvestment.

OFFICE OF THE INSPECTOR GENERAL

The Senate amendment (sec. 1126) amends Section 209 of the Foreign Service Act of 1980 to require the State Department Inspector General (IG) to provide (1) information to employees on rights to counsel, and (2) guidelines describing in general terms IG policies and procedures with respect to individuals under investigation, other than matters exempt from disclosure under other provisions of law.

The House bill contains no comparable provision.

The conference substitute (sec. 1208) maintains the Senate language and further amends Section 209 of the Foreign Service Act to require that only officials from the Office of the Inspector General may participate in formal interviews or other formal meetings with the individual who is the subject of an investigation unless that individual receives prior adequate notice regarding the participation of any other person, including any officer or employee of the Department of Justice, in such interview or meeting. The notice requirement does not apply to (1) any intelligence-related or sensitive undercover investigation; or (2) any situation in which the Inspector General has reasonable grounds to believe that the provision of notice would cause tampering with any witness, the destruction of evidence, or the endangering of the life of any individual.

CAPITAL INVESTMENT FUND

The House bill (sec. 1202) amends section 135 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 to allow the Capital Investment Fund to be used for the procurement and upgrade of information technology and other related capital investments of the department of State. Sec. 135(e) eliminates the requirement that subjects money in the fund to Congressional reprogramming requirements before it is obligated.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1209) is identical to the House bill.

CONTRACTING FOR LOCAL GUARD SERVICES OVERSEAS

The House bill (sec. 1204) amends section 136 of PL 101–246 by repealing subsection (c)(7) and replacing (c)(3) with a more efficient process for evaluating requests for proposals for contracts for the local guard program. These changes continue a preference for firms and joint ventures qualifying under an existing definition of a U.S. person.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1210) is similar to the House bill, with a change to the price preference system. The price preference which is used to reduce the price of US firms' contracts, was increased from five percent to ten percent.

AUTHORITY OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION

The House bill (sec. 1205) amends section 4 of the International Claims Settlement Act to permit the Foreign Claims Settlement Commission to preadjudicate claims by U.S. citizens. Preadjudication would provide the Department with important information on the value and validity of claims by the U.S. public in advance of the negotiations and conclusion of an agreement. The Committee understands that in the event of preadjudication, the Secretary of State will make every effort to inform affected people.

The Senate amendment (sec. 1122) amends section 4 of the International Claims Settlement Act to permit the Foreign Claims Settlement Commission to preadjudicate claims by the US citizens in a category determined by the Secretary of State. Currently the Commission only has general authority to adjudicate claims after settlement has been reached by the Department with a foreign government. This section is designed to facilitate claims settlement practices by providing a mechanism for obtaining further information from US citizens about their claims in advance of actual negotiation.

The conference substitute (sec. 1211) is identical to the Senate amendment.

EXPENSES RELATING TO CERTAIN INTERNATIONAL CLAIMS AND PROCEEDINGS

The House bill (sec. 1206) allows the Department to accept in certain cases reimbursement from private sector claimants for tribunal expenses, salaries and ordinary expenses. The intent of this provision is to allow the Department to accept reimbursement from claimants who would normally pay for the legal expenses of pursuing a claim.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1212) is similar to the House bill, with a clarification that eligible expenses include salaries and personnel expenses.

GRANTS TO REMEDY INTERNATIONAL ABDUCTIONS OF CHILDREN

The House bill (sec. 1214) amends section 7 of the International Child abduction Remedies Act to allow the U.S. Central Authority to make grants or enter into contracts or agreements for the purposes of carrying out certain functions required by the Hague Convention on the Civil Aspects of International Child Abduction.

The Senate amendment (sec. 1137) is identical.

The conference substitute (sec. 1213) is identical to the House bill.

COUNTERDRUG & ANTICRIME ACTIVITIES OF THE DEPARTMENT OF STATE

The Senate amendment (sec. 1128(a)) requires that not later than 180 days after the date of enactment of this Act, the Secretary of State shall establish, implement, and submit to Congress a comprehensive, long-term strategy, involving all elements of the Department, to carry out State Department counterdrug responsibilities in a manner consistent with the National Drug Control Strategy ("National Strategy").

The House bill has no comparable provision.

The conference substitute (sec. 1214) adopts the Senate approach with several modifications: (1) the strategy shall also ensure that the President's drug certification determinations conform to meet the objectives of the strategy; (2) the annual reports shall include a detailed analysis of how drug certification determinations made the previous year affected achievement of such objectives for the previous calendar year; (3) the required coordination of counterdrug and law enforcement programs, policy and assistance shall include coordination of rule of law and administration of justice enforcement programs, policy and assistance; and (4) the section clarifies that such coordination will be consistent with memoranda of understanding between the State Department and other United States agencies.

ANNUAL REPORT ON OVERSEAS SURPLUS PROPERTIES

The House bill (sec. 1216) requires the Secretary of State to report annually on the list of overseas surplus properties for sale. In addition, the provision requires that proceeds for the sale of U.S. overseas surplus properties be deposited in the Treasury to be used for deficit reduction.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1215) requires an annual report on the surplus properties identified for sale.

HUMAN RIGHTS REPORTS

The House bill (sec. 1704) makes two changes to the requirement for the annual country reports on Human Rights Practices. First, the reporting date is extended from January 31 to February 25. Second, the section requires that the report include information on child labor practices in each country the report covers.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1216) is identical to the House bill.

REPORTS AND POLICY CONCERNING DIPLOMATIC IMMUNITY

The House bill (sec. 1215 and 1706) requires the Secretary of State to submit to Congress an annual report on cases involving diplomatic immunity.

A related provision, section 1215 of the House bill amends the State Department Basic Authorities Act, requiring reporting similar to that required under section 1706 of the House bill. It also requires the Secretary to take "such steps as may be necessary" to educate and encourage local law enforcement officials to investigate, charge and prosecute members of foreign missions to the extent consistent with international law. Section 1215 forbids "interference" by State Department officers in the investigation, charge, or prosecution of aliens not exempt from the criminal jurisdiction of the United States and requires notification by the Secretary to members of diplomatic missions about United States policies relative to criminal offenses committed by members of the diplomatic corps.

The Senate amendment has no comparable provision to House bill section 1215, and Senate section 1610 is identical to section 1706 of the House bill.

The conference substitute (sec. 1217) is a modification and consolidation of sections 1215 and 1706 of the House bill. The conference substitute adds several provisions drawn from Section 1215 of the House bill, such as broadening the definition of "serious crime" (triggering reports to Congress) to include reckless driving and driving while intoxicated or under the influence of drugs or alcohol whether or not personal injury resulted, requiring the provision of information furnished to the Secretary on crimes that appear to have been committed by a person with diplomatic immunity in periods prior to the period covered by a particular report by the Secretary (so that readers of the report will be aware if there is a pattern of violations attributable to a particular person), and encouraging the Secretary to notify diplomatic missions of United States policies encouraging the prosecution of members of foreign missions who commit crimes.

The conference substitute provides Congressional impetus for restructuring a troubling aspect of international practice with respect to diplomatic immunity: the prospect that an individual who commits a serious offense will escape all liability because of his or her status as a diplomat. A number of highly publicized, and indeed tragic, cases have occurred in recent years. The fact is that while cases of diplomats abusing their immunity in the United States are relatively rare, the number of such cases needs to be reduced, if possible, to zero.

Diplomatic immunity serves the interests of the United States. The United States cannot have its diplomats exposed to the full rigor of the criminal laws of the countries where they are stationed, since they could be subject to trumped-up charges, unfair treatment in court, or inhumane punishments.

The committee of conference applaud governments, such as the government of the Republic of Georgia, which have waived the immunity of their diplomats accused of serious crimes. They suggest that in the exceedingly rare cases where American officials apparently abuse their status—and do so in countries where they would prosecuted on an equal footing with local residents and can receive a fair trial and humane treatment if convicted—the Department consider waiving the immunity of the Americans in question.

The committee of conference also supports the Administration's practice of notifying prosecutors that they may charge diplomats whose immunity has not been waived and who been withdrawn from or expelled from the United States. Such abusers of diplomatic immunity are then put on the Department's "watch list" and are denied visas; they may also be subject to extradition if they travel to third countries where they are not covered by diplomatic immunity.

REAFFIRMING UNITED STATES INTERNATIONAL TELECOMMUNICATIONS POLICY

The Senate amendment (sec. 1127) clarifies that the Diplomatic Telecommunications Service Program Office will have full and open competition in the procurement of telecommunications services; will make efforts to promote the participation of all commercial private sector provider; and will implement these requirements at the prime contracting level and at the subcontracting level unless the fixed price contracts make it more costly to require a prime contractor to compete subcontracts.

The House bill has no comparable provision.

The conference substitute (sec. 1218) is identical to the Senate amendment.

Concerns about DTSPO continue as certain users have decided to utilize other systems to meet their overseas communications needs. DTS was unable to meet agency requirements in a timely fashion. Developing a cost sharing system to increase resources for DTS for post communications upgrades and maintenance should be priority. The committee of conference urges the Office of Management and Budget to promptly finalize a charge back system thereby enhancing DTS's capabilities to coordinate overseas communications structures and provide the services for which it was created.

REDUCTION OF REPORTING

The House bill (sec. 1203) eliminates several reporting requirements. This provision has been requested by the Administration.

The Senate (Sec. 1121) eliminates several reporting requirements as follows: Repeals section 161(c), second sentence, 22 U.S.C. 4171 note, on required reports on competency of foreign language experts at embassies. Repeals Section 502B (b), 22 U.S.C. 2304 (b), on required reports on human rights in countries that receive security assistance. Repeals Section 705 (c), P.L. 99–83, on required reports on emigration from Haiti. Repeals Section 123 (e) (2), P.L. 99-93, on required reports on Operation, Maintenance, Security, Alteration, Repair of Foreign Service facilities. Repeals Section 203 (c), P.L. 99-529, on required reports on military training and other nonlethal assistance for Haiti. Repeals Sections 5 and 6, P.L. 96–236; 7 U.S.C. 3605 and 3606, on required reports on implementation of the sugar agreement. Repeals Section 514, P.L. 97-121, the Foreign Assistance and Related Programs Appropriations Act, a one time report on appropriations. Repeals Section 209 (c) and (d), P.L. 100–204, on required reports on audience survey of Worldnet program and notification of selected surveyor. Repeals Section 228 (b), P.L. 102-138; 22 USC 2452 note, on required reports on Near and Middle East research and training.

The conference substitute (sec. 1219) is similar to the Senate amendment and eliminates seven reports and modifies two reporting requirements. The provision does not repeal Section 502(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(b)) and Section 514 of the Foreign Assistance and Related Programs Appropriations Act, 1982 (PL 97–121).

USE OF CERTAIN PASSPORT PROCESSING FEES FOR ENHANCED PASSPORT SERVICES

The House bill (sec. 1241) requires that thirty percent of the funds generated by the expedited passport fee (estimated to be $18 million in fiscal year 1998) be dedicated exclusively to enhancing passport services for U.S. citizens, improving the system of issuing the passport, developing a more secure document and increasing U.S. border security.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1221) is identical to the House bill.

The Committee of conference is alarmed by recent revelations that the State Department does not maintain a data base on lost or stolen U.S. passport. These U.S. passports are the frequent document of choice for international travel by drug traffickers, other criminals, and terrorists who may target U.S. interests. The timely identification of lost or stolen documents for law enforcement purposes is critical to protecting our national security.

In addition, the committee of conference is aware that on weekends there is no Departmental procedure or mechanism to access the passport issuance records maintained by the Consular Affairs Bureau. The result is that when a foreign law enforcement authority inquires about the status of a person or passport on the weekend, the State Department does not or cannot respond. This is a clear deficiency in border security procedures. The two identified shortcomings limit the U.S. government's responses to foreign police security inquires at airports and often makes it impossible for such authorities to prevent travel by possible criminals and terrorists who may use lost or stolen U.S. travel documents.

The Department shall provide a report within 180 days of enactment on the Department's efforts to rectify weekend access to passport data, and establishing a data base for lost or stolen passports. The committee of conference urges that the Consular Affairs Bureau work expeditiously with the Diplomatic Security Bureau to establish a weekend access program to records now available on U.S. passports.

SURCHARGE FOR PROCESSING CERTAIN MACHINE READABLE VISAS

The House bill (sec. 1207) extends the authority to collect and retain fees collected for the machine readable visa for fiscal years 1998 and 1999. The fees collected are offsetting collections to be used for the costs of the State Department's border security program. The House bill limits fees deposited to $140 million in each fiscal year and fees are subject to appropriation.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1222) is similar to the House bill. The limitation on the deposit of $140 million and requiring that fees be subject to appropriations were both deleted. The provision requires that collections that exceed $140 million will only be available for expenditure subject to Congressional approval of a reprogramming notice that details how the Department intends to spend any fees above $140 million in either fiscal year 1998 or fiscal year 1999. The reprogramming notification will be sent to the Chairmen of the House and Senate authorizing committees and the House and Senate appropriations committees.

CONSULAR OFFICERS

The House bill (sec. 1242) permits U.S. citizen employees abroad who are not consular officers to perform additional consular functions, including the issuance of reports of birth abroad, the authentication of foreign documents, the administration of nationality provisions, and the administration of oaths for patent purposes. This provision is intended to improve the service to the public and to overcome consular staffing shortfalls abroad.

The Senate amendment (sec. 1151) is similar to the House bill except that it also authorizes the Secretary to allow US government contractors to serve as notaries abroad.

The conference substitute (sec. 1223) is similar to the House bill with the inclusion of the Senate provision on notaries.

REPEAL OF OUTDATED CONSULAR RECEIPT REQUIREMENTS

The House bill (sec. 1243) repeals an 1856 Act that required the issuance of a receipt when fees were collected by a consular officer for a service.

The Senate amendment (sec. 1152) is virtually identical.

The conference substitute (sec. 1224) is identical to the House bill.

ELIMINATION OF DUPLICATE FEDERAL REGISTER PUBLICATION FOR TRAVEL ADVISORIES

The House bill (sec. 1244) eliminates a duplicative report on travel advisories. Presently, both the Secretary of Transportation and the Secretary of State publish the same advisories. This section eliminates the need for the Secretary of State to publish this advisory.

The Senate amendment (sec. 1153) is virtually identical.

The conference substitute (sec. 1225) is the same as the Senate amendment.

DENIAL OF VISAS TO ALIENS WHO HAVE CONFISCATED PROPERTY CLAIMED BY NATIONALS OF THE UNITED STATES

The Senate amendment (sec. 1155) would provide the Secretary of State with discretion to deny the issuance of a visa to any alien who has confiscated or has directed or overseen the confiscation or expropriation of property claimed by a United States national, or converts or has converted for personal gain confiscated or expropriated property claimed by a United States national.

The House bill has no comparable provision.

The conference substitute (sec. 1226) provides the Secretary of State with the authority to deny the issuance of a visa to any alien who, through the abuse of position, including a position of governmental or political party position, converts or has converted for personal gain real property that has been confiscated or expropriated, a claim to which is held by a United States national, or who is complicit in such conversions, or who induces any such actions or omissions.

The committee of conference consulted closely with the Department of State in fashioning a provision that is acceptable to both sides. The committee of conference intends that this section provides the Secretary of State with the authority to respond to particularly egregious, unlawful confiscations by foreign governments, especially those confiscations not undertaken for a public purpose but rather for the private gain of certain persons of public position. The committee notes that this provision would cover abuses of governmental or political positions, but there may be rare cases where aliens hold positions of particular social prominence and exercise forms of authority that allow them to take the property of foreign nationals for personal gain.

This section is not intended to apply to the issuance of a visa to aliens involved in a foreign government's legitimate expropriation of property, consistent with international law. Neither is this section intended to affect in any way the broad variety of private commercial disputes in which United States citizens are involved all over the world. Further, this section does not cover the exercise of ministerial functions or legitimate police powers, such as seizures of property used in police and judicial authorities involved in anti-drug programs. While this section supplements the sanctioning authority of Section 527 of the 1994–1995 Foreign Relations Authorization Act (P.L. 103–236, April 30, 1994), it is not meant to revise or otherwise detract from the substantive requirements of that section of law.

INADMISSIBILITY OF ANY ALIEN SUPPORTING AN INTERNATIONAL CHILD ABDUCTOR

The Senate amendment (sec. 1156) denies visas to aliens or family members of such aliens who assist in the abducting of children.

The House bill has no similar provision.

The conference substitute (sec. 1227) is similar to the Senate amendment with technical changes.

HAITI; REPORTS AND EXCLUSION OF CERTAIN ALIENS

The Senate amendment (sec. 1607) requires a report to Congress on the deployment of United States armed forces, and the costs thereof, in Haiti. The Senate amendment (sec. 1614) makes findings regarding political killings in Haiti and requires the exclusion from the United States of any alien credibly alleged to have been involved in such political killings or in the September 1991 coup d'etat or related violence against Haitians. This exclusion provision is subject to an exemption by the Secretary of State on a case-by-case basis, under specific conditions.

The House bill has no similar provision.

The conference substitute (sec. 1228) combines and modifies Senate sections 1607 and 1614. This section clarifies the subjects of the report to Congress. For the purposes of the report, activities "in Haiti" shall apply to those activities in the territory of the Republic of Haiti, including its territorial waters; and "cost of deployments of United States Armed Forces" shall include, inter alia, any extraordinary United States Coast Guard operations initiated to control smuggling to and from Haiti.

Regarding the exclusion of aliens, the conference substitute incorporates several technical amendments requested by the Department of State; however, it does not include language that the Department requested that would have broadened the Secretary's exemption to include "compelling foreign policy" reasons.

MIGRATION AND REFUGEE ASSISTANCE

The House bill (sec. 1104) authorizes $623,000,000 for each of the fiscal years 1998 and 1999 for Migration and Refugee Assistance. Of this amount, $1,000,000 is authorized for each fiscal year 1998 and 1999 for Tibetan refugees in India. This section authorizes an additional $80,000,000 for each of the fiscal years 1998 and 1999 for the resettlement of refugees in Israel; and $1,500,000 for each of the fiscal years 1998 and 1999 for displaced Burmese. The total amount available for refugee programs for fiscal years '98 and '99 is $704,500,000.

The Senate amendment (sec. 1102) authorizes a total of $650,000,000 for each of the fiscal years 1998 and 1999 for Migration and Refugee Assistance.

The conference substitute (sec. 1231) authorizes $650,000,000 for fiscal year 1998 and $704,500,000 for fiscal year 1999 for Migration and Refugee Assistance. The total for each fiscal year includes specific authorization of no more than $2 million for the Tibetan refugee program, the resettlement of refugees in Israel and for humanitarian assistance for the displaced Burmese.

UNITED STATES POLICY REGARDING THE INVOLUNTARY RETURN OF REFUGEES

The House bill (sec. 1701) provides that no funds authorized by division B be used for the involuntary return of refugees to countries in which they have a well-founded fear of persecution, except on grounds recognized as precluding refugee protection under the 1951 Convention and the 1967 Protocol. It would not prohibit funding for the return of persons who had been found to be non-refugees by a process genuinely calculated to identify and protect refugees.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1241) is similar to the House bill with a technical change.

US POLICY WITH RESPECT TO THE INVOLUNTARY RETURN OF PERSON IN DANGER OF SUBJECTION TO TORTURE

The House bill (sec. 1702) prohibits the involuntary return of any person to country in which he or she is in serious danger of being subjected to torture.

The Senate amendment (sec. 1606) prohibits the United States from expelling, extraditing, or otherwise effecting the involuntary return of any person to a country in which there are reasonable grounds for believing the person would be in danger of subjection to torture.

The conference substitute (sec. 1242) is similar to the House bill but makes a statement of policy regarding implementation of the Torture Convention. The provision gives the authority to the appropriate federal agencies to promulgate regulations to implement the Convention, subject to the conditions of ratification set by the Senate in its resolution of ratification of the Torture Convention. The conference provision also makes clear that the regulations will be consistent with the Immigration and Nationality Act (INA). The provision agreed to by the conferees does not permit for judicial review of of the regulations or of most claims under the Convention. Finally, the Conference provision ensures that the Attorney General is not prevented from detaining any individual under the INA.

REPROGRAMMING OF MIGRATION AND REFUGEE ASSISTANCE FUNDS

The House bill (sec. 1262) provides a waiver of the 15-day notification requirement of the drawdown of funds from the migration and refugee account in the case of an emergency.

The Senate amendment has no similar provision.

The conference substitute (sec. 1243) is identical to the House bill.

ELIGIBILITY FOR REFUGEE STATUS

The Senate amendment (Sec. 1624) amends current law to permit the unmarried children of Vietnamese persons who emigrate to the United States under the Orderly Departure Program to also qualify for emigration under the program.

The House bill has no comparable provision.

The conference substitute (Sec. 1244) is identical to the Senate provision.

REPORT TO CONGRESS CONCERNING CUBAN EMIGRATION POLICIES

The House bill (sec. 1261) requires periodic reports on the Cuban Government's methods of enforcing its 1994 and 1995 anti-immigration agreements with the United States, on treatment of persons returned to Cuba under the 1995 agreement, and on the methods used by the United States to monitor such treatment and enforcement.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1245) is similar to the House bill with technical change on the first reporting date.

ORGANIZATION OF THE DEPARTMENT OF STATE; PERSONNEL; FOREIGN SERVICE

COORDINATOR FOR COUNTER TERRORISM

The House bill (sec. 1301) establishes the office of the Coordinator for Counter terrorism.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1301) is identical to the House bill.

ELIMINATION OF DEPUTY ASSISTANT SECRETARY OF STATE FOR BURDENSHARING

The House bill (sec. 1302) eliminates the statutory requirements for the Assistant Secretary for South Asia, the Assistant Secretary for Oceans, Environment and Science and the Deputy Assistant Secretary for Burden sharing.

The Senate amendment (sec. 1131) eliminates the Deputy Assistant Secretary for Burden sharing.

The conference substitute (sec. 1302) is identical to the Senate amendment.

PERSONNEL MANAGEMENT

The House bill (sec. 1303) provides that the official with primary responsibility for matters relating to personnel in the Department of State, or that person's deputy, shall have substantial professional qualifications in the field of human resource policy and management.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1303) is similar to the House bill and includes technical changes.

DIPLOMATIC SECURITY OFFICIALS OF THE DEPARTMENT OF STATE

The House bill (sec. 1304) provides that any Assistant Secretary with primary responsibility for diplomatic security, or that person's principal deputy, shall have substantial professional qualifications in the fields of (1) management and (2) federal law enforcement, intelligence, or security.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1304) is similar to the House bill. It modifies the House provision so that any "official" with primary responsibility, rather than any "Assistant Secretary" with such responsibility (or that person's deputy), is required to have the stated qualifications. This provision is intended to apply even if the primary responsibility for diplomatic security is lodged with someone other than an Assistant Secretary.

The committee of conference is concerned that a lack of professional expertise in the areas of security, law enforcement, intelligence, and management at the top often places the Bureau at an operational disadvantage. The head of the Diplomatic Security bureau must contend with the institutional indifference to security matters while keeping abreast of threats and countermeasures. Professionally experienced leadership should help improve the implementation of security standards, oversight of regional security operations, confidence within the executive branch agencies, and advocacy within the State Department for appropriate resources. In short qualified leadership will ensure that the duties assigned to the Diplomatic Security Service are fully executed.

NOMINATION OF UNDER SECRETARIES AND ASSISTANT SECRETARIES

The conference substitute (sec. 1306) added this section to require that the President identify the particular position the Under Secretary or the Assistant Secretary will occupy when the nomination is transmitted to the Senate for confirmation.

FOREIGN SERVICE REFORM

The Senate bill (Sec. 1138): 1) requires that Foreign Service Officers, as Officers commissioned by the President, receive in all such instances their regular salaries based upon rank and service; (2) makes it possible to confer a Presidential award without requiring an accompanying cash payment; and (3) requires the Secretary of State to develop and implement a plan to identify officers who are ranked by promotion boards in the bottom 5% of their class for any two of five years, and recommend such officers for separation from the Foreign Service.

The House bill has no comparable provision.

The conference substitute (Sec. 1311) is similar to the Senate bill but eliminates the requirement regarding regular salaries. The substitute also amends the expedited separation out requirement to add protections where one supervisor has a grudge against an individual he or she is supervising.

RETIREMENT BENEFITS FOR INVOLUNTARY SEPARATION

The House bill (sec. 1326) corrects drafting oversights regarding retirement benefits for the foreign service employees under the "new system" for those who are involuntarily separated. The amendment makes clear that separated members cannot receive both immediate retirement benefits and severance-type payments.

The Senate amendment had no comparable provision.

The conference substitute (sec. 1312) is identical to the House bill.

AUTHORITY OF SECRETARY TO SEPARATE CONVICTED FELONS FROM SERVICE

The House bill (sec. 1323) excludes individuals who have been convicted of a crime for which a sentence of imprisonment of greater than one year may be imposed from the right to have the cause for their separation established in a hearing before the Foreign Service Grievance Board.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1313) is identical to the House bill. The committee of conference believes that because of the special trust placed in members of the Foreign Service, in the case of an individual who has been convicted of a felony and where the Secretary has determined that the individual be separated for cause, the due process rights of the individual will have been sufficiently protected by the processes of the criminal justice system, and the individual in question may be separated without the need for a hearing before the Grievance Board.

CAREER COUNSELING

The House bill (sec. 1324) provides that the statutory authority permitting career counseling and related job placement services that may be provided to employees prior to their separation from the Foreign Service shall not be construed to permit an assignment that consists primarily of paid time to conduct a job search and without other substantive duties. This limitation would not have applied to individuals being separated from the Foreign Service and who are both (a) not receiving an immediate annuity, and (b) have not been stationed in the United States within one year prior to their separation.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1314) modifies the House provision to prohibit any member of the foreign service to be assigned to more than one month of paid time, free of other substantive duties, to undertake a job search. This limitation does not apply to the one month "job search seminar" currently offered to certain departing employees. The Committee of conference does not intend to create an entitlement to either program. The Administration may further limit or eliminate the program.

As in the House bill, the effective date of this new provision is delayed for 180 days so as not to disadvantage individuals who had relied on the earlier policies of the Administration.

LIMITATIONS ON MANAGEMENT ASSIGNMENTS

The House bill (sec. 1328) amends section 1017(e) of the Foreign Service Act of 1980 to modify the definition of "management official" to include only those individuals involved in labor-management relations or personnel programs. Section 1017 was previously amended to restrict the movement of Foreign Service personnel between certain positions in labor organizations and management positions in the Foreign Affairs agencies in order to prevent conflicts of interests from arising. This provision is intended to continue to protect against conflicts of interest, but narrows the application of the two-year prohibition to individuals who take management jobs subsequent to serving in a position with the American Foreign Service Association and vice versa.

The Senate amendment (sec. 1141) is identical to the House bill.

The conference substitute (sec. 1315) is the same as the Senate amendment.

AVAILABILITY PAY FOR THE DIPLOMATIC SECURITY SERVICE

The House bill (sec. 1327) extends eligibility for law enforcement availability pay (LEAP) to certain agents with the Department of State's Diplomatic Security service. The House intended to provide LEAP to certain individuals (1) whose "primary" duties consist of "performing" protective functions or criminal investigations or both, and (2) who actually worked the required hours.

The Senate amendment (sec. 1139) is similar to the House bill but it does not contain either of the two conditions set out above.

The conference substitute (sec. 1316) is similar to the House bill. It deletes condition (1) and retains condition (2) of the House bill.

NON OVERTIME DIFFERENTIAL PAY

The House bill (sec. 1322) allows the Secretary of State to substitute another day in lieu of Sunday for purposes of Sunday premium pay in countries where the normal workweek includes Sunday.

The Senate amendment (sec. 1134) is virtually identical to the House bill.

The conference substitute (sec. 1317) is identical to the House bill.

REPORT CONCERNING MINORITIES AND THE FOREIGN SERVICE

The House bill (sec. 1325) requires the Secretary of State to submit an annual report concerning minorities in the Foreign Service.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1318) is similar to the House bill with two modifications: (1) it requires a report only for calendar years 1998 and 1999; and (2) it deletes the redundant requirement to provide the numbers and percentages of all minorities in the Foreign Service.

AUTHORITIES AND ACTIVITIES FOR UNITED STATES INFORMATION AGENCY

AUTHORIZATION OF APPROPRIATIONS

The House bill (sec. 1106) authorizes a total of $1,112,928,000 for fiscal year 1998 and $1,102,928,000 for 1999 for the U.S. Information Agency.

The Senate amendment (sec. 1301) authorizes a total of $1,093,120,000 for fiscal year 1998 and $1,083,410,000 for 1999 for the U.S. Information Agency.

The conference substitute (sec. 1401) authorizes a total of $1,116,300,000 for fiscal year 1998 and $1,115,363,000 for 1999 for the U.S. Information Agency. The conference report includes the following subauthorizations:

(1) Vietnam Fulbright exchange programs: $5,000,000 for fiscal year 1998 and $5,000,000 for fiscal year 1999.

(2) South Pacific exchanges programs: $500,000 for fiscal year 1998 and $500,000 for fiscal year 1999.

(3) East Timorese Scholarships: $500,000 for fiscal year 1998 and $500,000 for fiscal year 1999.

(4) Tibetan Exchanges: $500,000 for fiscal year 1998 and $500,000 for fiscal year 1999.

Vietnam Fulbright Authorization. The Senate bill (section 1301 (b)) authorizes to be appropriated $5,000,000 in each of the fiscal years 1998 and 1999 for the Vietnam Fulbright Program established by Section 229 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (PL 102–138).

The House bill contains no comparable provision.

The conference substitute (sec. 1401(3)(A)(ii)) is identical to the Senate provision.

This program was first authorized at an annual level of $3 million in fiscal year 1994 and was funded at $2.7 million in fiscal year 1997. The increase in authorization will provide for an increase in the number of scholarships given to Vietnamese candidates to study in the United States and an expansion of the teaching program in Vietnam including the curricula and the number of American teachers and Vietnamese students.

The conferees remain deeply concerned about the current lack of political and religious freedom in Vietnam. However, the conferees believe that exchange programs of this nature, which provide educational opportunities and exposure to American institutions and values, can be important tools in hastening the transition of countries like Vietnam into free and open societies. The conferees understand that the Vietnamese Government does not select the participants in this program and that any Vietnamese citizen can apply for admission to this program. The conferees expect USIA to continue to ensure that opportunities to participate in the program are made available to all qualified applicants and to administer this program under the guidelines set out in Section 102 of the Human Rights, Refugee, and Other Foreign Provisions Act of 1996 (PL 104–319).

The success of the Vietnam Fulbright Program and similar programs in like countries will be marked by the extent of progress toward freedom and democracy. The conferees will continue to monitor this program to evaluate its impact on such progress.

Women's World Cup Soccer. The committee of conference is pleased to note that the 1999 Women's World Cup soccer event will take place in the United States. The committee of conference recognizes that the U.S. Information Agency has provided support for similar events in the past since such competitions offer opportunities to advance the public diplomacy goals of the United States. Accordingly, the committee of conference urges the U.S. Information Agency to provide appropriate support within available resources for exchange-related activities associated with the World Cup.

National Endowment for Democracy. The Senate amendment (sec. 1302) authorizes $30,000,000 for fiscal year 1998 and $30,000,000 for fiscal year 1999 to carry out the National Endowment for Democracy Act. The section prescribes in law current National Endowment for Democracy (NED) practice, that 55 percent of funding will be divided equally between the four major NED grantees: the International Republican Institute (IRI), the National Democratic Institute (NDI), the Free Trade Union Institute (FTUI), and the Center for International Private Enterprise.

The House bill (sec. 1106(9)) authorizes $30,000,000 for fiscal year 1998 and $30,000,000 for fiscal year 1999 to carry out the National Endowment for Democracy Act.

The conference substitute (sec. 1401(9)) is identical to the House bill.

RETENTION OF INTEREST

The House bill (sec. 1402) authorizes grantees of the National Endowment of Democracy to deposit their grant money in interest bearing accounts and to use the interest for the purposes of the grant.

The Senate bill has no comparable provision.

The conference substitute (sec. 1411) is identical to the House bill.

USE OF SELECTED PROGRAM FEES

The House bill (sec. 1404) expands the United States Information Agency's existing fee retention authority.

The Senate amendment (sec. 1311) is virtually identical.

The conference substitute (sec. 1412) is similar to the Senate amendment, with technical changes to fully rewrite the section of law amended by the section.

MUSKIE FELLOWSHIP PROGRAM

The House bill (sec. 1405) expands the fields of study covered by the Muskie Fellowship Exchange Program which operates in the former Soviet Union, Lithuania, Latvia, and Estonia. In addition, the provision replaces the term "Soviet Union" in the statute with "Independent States of the Former Soviet Union."

The Senate amendment (sec. 1313) is nearly identical to the House bill.

The conference substitute (sec. 1413) is identical to the House bill.

WORKING GROUP ON UNITED STATES GOVERNMENT SPONSORED INTERNATIONAL EXCHANGES AND TRAINING

The House bill (sec. 1406) establishes an interagency working group on international exchanges and training to improve the coordination, efficiency and effectiveness of U.S. government sponsored exchange programs.

The Senate amendment (sec. 1317) is similar to the House bill.

The conference substitute (sec. 1414) is similar to the House bill with technical changes.

EDUCATIONAL/CULTURAL EXCHANGES AND SCHOLARSHIPS FOR TIBETANS AND BURMESE

The House bill (sec. 1407) requires USIA to provide 30 scholarships for Tibetans and 15 scholarships for Burmese. It also requires USIA to establish exchange programs for Tibetans and Burmese.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1415) is similar to the House bill. The provision was redrafted to amend current law (Section 103(b)(1) of PL 104-319) to extend the Tibet and Burmese scholarship program for fiscal years 1998 and 1999. In addition, section 1732 of the House bill was incorporated into this section which provides for participants from Tibet to be active in the preservation of Tibet's culture, religion and language.

UNITED STATES-JAPAN COMMISSION

The House bill (sec. 1408) amends the United States-Japan Friendship Act (PL 94-118) to permit the Commission to invest the trust fund in either Japan or US Government securities.

The Senate amendment (sec. 1618) is virtually identical.

The conference substitute (sec. 1416) is identical to the House bill.

SURROGATE BROADCASTING STUDY

The House bill (sec. 1409) requires the USIA to conduct studies on the feasibility of providing surrogate broadcasting service to Africa and Iran.

The Senate has no comparable amendment.

The conference substitute (sec. 1417) is similar to the House bill but eliminates the study regarding Iran.

RADIO BROADCASTING TO IRAN

The Senate amendment (sec. 1315) provides $2 million of the grant funds designated for Radio Free Europe/Radio Liberty to be available for broadcasting to Iran. It also requires a report on how this new surrogate broadcasting service will be implemented.

The House bill has no comparable provision.

The conference substitute (sec. 1418) is identical to the Senate amendment.

AUTHORITY TO ADMINISTER SUMMER TRAVEL AND WORK PROGRAMS

The House bill (sec. 1410) authorizes the Director of USIA to administer the summer travel/work program without regard to the pre-placement requirements of the "J" visa.

The Senate amendment (sec. 1319) is virtually identical.

The conference substitute (sec. 1419) is identical to the Senate amendment.

PERMANENT ADMINISTRATIVE AUTHORITIES REGARDING APPROPRIATIONS

The House bill (sec. 1411) allows the USIA to transfer among accounts in the second year of a two-year bill and makes this authority permanent. The transfers could exceed the authorized levels, but are subject to limitation. The limitations are that amounts appropriated to the Salaries and Expenses and Exchange Program accounts may not exceed by more than 5% the authorized level. No other appropriation account may exceed by more than 10% the amount authorized.

The Senate amendment (sec. 1312) is similar to the House provision, except that it permits the transfer to occur in either year of a two year authorization and makes the authority permanent.

The conference substitute (sec. 1420) is the same as the House bill.

VOICE OF AMERICA BROADCASTS

The Senate amendment (sec. 1316) requires that the Voice of America devote programming time each day to broadcasting information on the individual States of the United States. The broadcasts are to include information on the products, cultural and educational facilities, and trade opportunities.

The House bill has no comparable provision.

The conference substitute (sec. 1421) is the same as the Senate amendment. The committee of conference notes that the House Report (105-94) discussed this issue in support of expanding VOA programming to incorporate specific interests of the states and territories. Such programming is in keeping with U.S. international broadcasting standards and principles.

INTERNATIONAL CONFERENCES AND CONTINGENCIES

The House bill (sec. 1102) provides authorization of appropriations for voluntary and assessed contributions to international organizations, voluntary and assessed contributions to UN peacekeeping, and international conferences and contingencies.

The Senate amendment (sec. 1201) provides authorization of appropriations for international conferences and contingencies on; $3,944,000 for fiscal year 1998, and $3,500,000 for fiscal year 1999.

The conference substitute (sec. 1501) provides $3,500,000 for fiscal years 1998, and $1,223,000 for fiscal year 1999 for international conferences and contingencies.

RESTRICTIONS RELATING TO INTERNATIONAL CRIMINAL TRIBUNAL

The Senate amendment (sec. 1211) requires that any participation of the United States in an international criminal court is subject to the advise and consent of the Senate and statutory implementing legislation.

The House bill has no similar provision

The conference substitute (sec. 1502) is similar to the Senate bill but clarifies the definition of membership and jurisdiction under such a court. The provision also makes clear that nothing in the section would prohibit the sharing of information, expertise, or other such assistance with such a court prior to Congressional approval. Finally, the conference substitute makes clear that this provision does not apply to the existing Rwanda and Former Yugoslavia war crimes tribunals.

MEMBERSHIP IN THE INTER-PARLIAMENTARY UNION

The Senate bill (Sec. 1213) requires either a cap of $500,000 on U.S. payments to the Inter-Parliamentary Union (IPU) or withdrawal by the United States. The fund also requires that funds allocated for travel by Members of Congress be returned to the State Department.

The House bill has no similar provision.

The conference substitute (Sec. 1503) makes technical and conforming amendments to the Senate provision. The provision has the same effect of capping U.S. payments at $500,000 or requiring withdrawal so that the United States will not accumulate arrears to the IPU. The provision also makes conforming amendments to delete the permanent appropriation for travel by Members of Congress. Unobligated balances in this account shall be transferred to the U.S. Treasury following enactment of this Act. This provision was requested by the Secretary of the Senate and the Clerk of the House of Representatives due to a lack of Congressional interest during the last decade. The Secretary of the Senate has indicated that interested Members of Congress can still travel under Leadership authorization and use State Department 502b funds.

SERVICE IN INTERNATIONAL ORGANIZATIONS

The House bill (sec. 1501) repeals a provision in the Federal Employees International Organizations Services Act which entitles a Federal employee after terminating his/her service with an international organization and reentering the federal service, the difference between (a) the salary, allowance, post adjustment and other monetary benefits actually paid to him/her by the international organization and (b) salary/benefits that he/she would have received had he/she been detailed to the international organization but paid by the U.S. Government.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1504) is similar to the House bill with technical changes.

REPORTS REGARDING FOREIGN TRAVEL

The Senate amendment (sec. 1214) requires any officer or employee of United States Executive agencies attending any international conference or engaging in any other foreign travel to submit a report to the Director of the Office of International Conferences of the Department of State stating the purpose, duration and estimated cost of the travel. The requirement does not apply to the President, the Vice President, or any person traveling on a delegation led by the President or Vice President, or any officer or employee of the Executive Office of the President, or the foreign travel of officers or employees of United States Executive agencies who are carrying out intelligence or intelligence-related activities, or law enforcement activities, or the deployment of members of the Armed forces of the United States or U.S. Government officials engaged in sensitive diplomatic missions.

The House bill has no similar provision.

The conference substitute (sec. 1505) is similar to the Senate amendment but makes changes to limit the application of the reporting requirement to travel to and from international conferences and meetings. The exception to this reporting requirement is narrowed to apply only to the President or Vice President (not their staffs), and officers or employees engaged in protective functions, intelligence activities, or sensitive diplomatic missions. For all other travel, the substitute requires the President to submit a report detailing the cost of and number of persons engaged in international travel.

ACDA AUTHORIZATION OF APPROPRIATIONS

The House bill (sec. 1107) authorizes $44,000,000 for fiscal year 1998 and $44,000,000 for fiscal year 1999 for the Arms Control and Disarmament Agency.

The Senate amendment (sec. 1501) authorizes $39,000,000 for fiscal year 1998 and $0 for fiscal year 1999 for the Arms Control and Disarmament Agency.

The conference substitute (sec. 1601) authorizes $41,500,000 for fiscal year 1998. For fiscal year 1999, $0 is authorzied for ACDA. The committee of conference notes that there will be an expected 2-fold increase in fees collected from the Machine Readable Visa which can be used to offset costs for ACDA.

STATUTORY CONSTRUCTION

The Senate bill (sec. 1511) reinstates a clarification contained in the Arms Control and Disarmament Act removed in the 102nd Congress. This section makes clear that the Arms Control and Disarmament Agency cannot authorize policies which would interfere with the use of firearms by an individual for the lawful purpose of personal defense, sport, recreation education or training.

The House bill has no comparable provision.

The conference substitute (sec. 1602) is identical to the Senate amendment.

TITLE XVIII—EUROPEAN SECURITY ACT

The House bill (sec. 3201–3207), includes the "European Security Act of 1998" which contains various provisions relating to security relations with Europe and Russia, including with respect to NATO enlargement, conventional arms control negotiations in Europe, and ballistic missile defense.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1701–1705) is similar to the House bill with modest changes.

With respect to NATO enlargement, the Act declares, among other things, that Poland, Hungary, and the Czech Republic should not be the last emerging democracies in central and Eastern Europe admitted to NATO. To implement this policy, the Act designates Romania, Estonia, Latvia, Lithuania, and Bulgaria as eligible to receive assistance under the NATO Participation Act of 1994. This designation gives these countries the same status under U.S. law as currently enjoyed by Poland, Hungary, the Czech Republic, and Slovenia. The Act further declares that NATO enlargement should be carried out in such a manner as to underscore the Alliance's defensive nature and demonstrate to Russia that NATO enlargement will enhance the security of all countries in Europe, including Russia.

With respect to conventional arms control, the Act declares that no revisions to the Conventional Armed Forces in Europe Treaty will be approved for entry into force with respect to the United States that jeopardize fundamental United States security interests in Europe or the effectiveness of NATO as a defensive alliance by, for example, extending rights or imposing responsibilities on new NATO members different from those applicable to current NATO members, or by limiting the ability of NATO to defend the territory of new NATO members.

With respect to ballistic missile defense, the Act declares that as the United States proceeds with efforts to develop defenses against ballistic missile attack, it should seek to foster a climate of cooperation with Russia on matters related to missile defense. In particular, the United States and its NATO allies should seek to cooperate with Russia in such areas as early warning.

To implement this policy, the Act provides that no agreement establishing a demarcation between theater and strategic missile defense systems may enter into force with respect to the United States without the advice and consent of the Senate pursuant to Article II, section 2, clause 2 of the Constitution. The purpose of this restriction is to prevent the Administration from implementing such an agreement on its own on the theory that Congress has "preauthorized" the implementation of such an agreement in prior legislation.

The Act further implements this policy regarding ballistic missile defense by requiring the submission of a report on cooperative ballistic missile defense efforts with Russia, including in the area of early warning, not later than July 1, 1998, July 1, 1999, and July 1, 2000. This report shall include, among other matters, a discussion of the status of any dialogue with Russia aimed at exploring the potential for mutual accommodation of outstanding issues between the two countries arising under the ABM Treaty.

REPORTS ON CLAIMS BY U.S. FIRMS AGAINST THE GOVERNMENT OF SAUDI ARABIA

The House bill (sec. 1703) requires a report every 120 days on the progress in resolving the commercial disputes between US firms and the Government of Saudi Arabia.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1801) is the same as the House bill with some modifications to the report requirements.

REPORTS ON DETERMINATIONS UNDER TITLE IV OF THE LIBERTAD ACT

The House bill (sec. 1705) requires the Secretary of State to make quarterly reports to the Congress on the implementation of Title IV of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (P.L. 104–114).

The Senate amendment has no comparable provision.

The conference substitute (sec. 1802) is similar to the House language, although it does not amend the permanent law but applies through September 30, 1999. The conference substitute also clarifies that the reports shall not identify the names of entities under review pursuant to Title IV of the LIBERTAD Act.

REPORT ON COMPLIANCE WITH THE HAGUE CONVENTION ON INTERNATIONAL CHILD ABDUCTION

The House bill (sec. 1710) requires periodic reports on the compliance of the signatories to the Hague Convention on the Civil Aspects of International Child Abduction.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1803) is similar to the House bill with the addition that the report include efforts by the State Department to encourage other countries to become signatories of the Convention, and limiting the reporting requirement to fiscal years 1998 and 1999.

ECUMENICAL PATRIARCHATE BY THE GOVERNMENT OF TURKEY

The House bill (sec. 1711) expresses a sense of Congress that the US should recognize the Ecumenical Patriarchate, located in Istanbul, Turkey as the spiritual center for more than 300 million Orthodox Christians worldwide.

The Senate amendment has nc comparable provision.

The conference substitute (sec. 1804) is the same as the House bill, except that the reference to the US using its influence as a permanent member of the UN Security Council was deleted.

REPORT ON RELATIONS WITH VIETNAM

The House bill (sec. 1714) expresses a sense of Congress that US-Vietnamese relations should be developed in such a way as to facilitate maximum progress in the areas of POW/MIA, human rights, and refugee issues, regional stability and economic relations.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1805) requires the Secretary of State to report on the extent to which the Government of Vietnam is 1) cooperating with the US on the fullest possible accounting of POW/MIA's; 2) has made progress on the release of political and religious prisoners; 3) is cooperating on requests by the U.S. to obtain full and free access to persons for interviews under the Orderly Departure and Resettlement Opportunities for Vietnamese Refugees programs; 4) has taken action to end corrupt practices in connections with exit visas; and 5) is making efforts to interview and resettle former reeducation camp victims and other persons.

REPORTS CONCERNING HUMAN RIGHTS VIOLATIONS IN LAOS

The House bill (sec. 1723) requires a report on the allegations of persecution and abuse of the Hmong and Laotian refugees who have returned to Laos.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1806) is identical to the House bill.

REPORT ON AN ALLIANCE AGAINST NARCOTICS TRAFFICKING IN THE WESTERN HEMISPHERE

The Senate amendment (section 1608(a)) expresses the sense of the Congress that the President should discuss with the democratically-elected Western Hemisphere governments, during the President's trips in the region in 1997 and through other consultations, the prospect of forming a multilateral alliance to address drug trafficking. In such consultations, the President should seek such governments' input on the possibility of forming alliance structures to (1) develop a regional, multilateral strategy to address the drug trafficking threat; and (2) establish a new mechanism for improving multilateral coordination of drug interdiction and drug-related law enforcement activities in the Western Hemisphere.

The House bill has no comparable provision.

The conference substitute (section 1807) is the same as the Senate amendment with technical changes.

TAIWAN AND THE WORLD TRADE ORGANIZATION

House bill (sec. 1722) expresses that Congress favors public support by officials of the Department of State for the accession of Taiwan to the World Trade Organization.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1808) is the same as the House bill with a few modifications.

PROGRAMS AND PROJECTS OF THE IAEA IN CUBA

The House bill (sec. 1801) withholds funds to a country in the amount equal to the value of nuclear fuel and related assistance provided by that country to Cuba during the preceding year.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1809) is the same as the House bill.

LIMITATION ON ASSISTANCE TO COUNTRIES AIDING CUBA NUCLEAR DEVELOPMENT

The House bill (sec. 1801) prohibits assistance to countries aiding Cuba's nuclear programs.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1810) is the same as the House bill.

INTERNATIONAL FUND FOR IRELAND

The House bill (sec. 1737) amends the Anglo-Irish Agreement Support Act of 1986 (P.L. 99-415) to strongly recommend that U.S. contributions "shall" be used in a manner that effectively increases employment opportunities in communities with rates of unemployment "significantly" higher than the local or urban average of unemployment in Northern Ireland (defined as the counties of Antrim, Armagh, Derry, Down, Tyrone, and Fermanagh).

Funding should be provided by the IFI only if individuals or entities receiving such funds are in compliance with the "principles of economic justice." The principles of economic justice are defined as the "MacBride Principles" as modified, include:

(1) Increasing the representation of individuals, from under represented religious groups in the workforce, including managerial, supervisory, administrative, clerical, and technical jobs,

(2) Providing adequate security for the protection of minority employees at the workplace,

(3) Banning provocative sectarian or political emblems from the workplace,

(4) Providing that all job openings be advertised publicly and providing that special recruitment efforts be made to attract applicants from under represented religious groups,

(5) Providing that layoff, recall and termination procedures do not favor a particular religious group,

(6) Abolishing job reservations, apprenticeship restrictions and differential employment criteria which discriminate on the basis of religion,

(7) Providing for the development of training programs that will prepare substantial numbers of minority employees for skilled jobs, including the expansion of existing programs and the creation of new programs to train, upgrade and improve the skills of minority employees,

(8) Establishing procedures to assess, identify and actively recruit minority employees with the potential for further advancement, and

(9) Proving for the appointment of a senior management staff member to be responsible for the employment efforts of the entity and, within a reasonable period of time, the implementation of the principles described above.

The section also includes the principles of economic justice to insure that these principles should be applied by those individuals or entities who receive any portion of the U.S. contribution to the International Fund for Ireland.

In addition a new provision was added to insure nothing shall require quotas or reverse discrimination, which is consistent with the intent and purpose of the MacBride principles.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1811) is similar to the House bill except the mandatory requirement that the US contributions shall be used in a manner that effectively increases employment opportunities in communities with rates of unemployment "significantly" higher than the local or urban average of unemployment in Northern Ireland (defined as the counties of Antrim, Armagh, Derry, Down, Tyrone, and Fermanagh) is changed to "should".

US POLICY WITH RESPECT TO JERUSALEM AS THE CAPITAL OF ISRAEL

The House bill (sec. 1709) contains four provisions which together reaffirm and strengthen U.S. policy as reflected in the Jerusalem Embassy Act of 1995 (P.L. 104-45) that Jerusalem should remain the undivided capital of Israel.

The Senate amendment (sec. 1603) similar to the House bill.

The conference substitute sec. 1812(a) authorizes the appropriation of $25,000,000 for fiscal year 1998 and $75,000,000 for fiscal year 1999 for the construction of a U.S. Embassy in Jerusalem. This subsection restates and updates the Jersusalem Embassy Act of 1995 (P.L. 104-45). It reiterates Congressional intent concerning the establishment of the U.S. Embassy in Jerusalem, Israel, no later than May 31, 1999.

Subsection (b) urges the President to correct the current anomalous situation in which the United States Ambassador to Israel, currently resident in Tel Aviv, does not supervise all U.S. diplomatic and consular activities in the State of Israel, and particularly, does not supervise the Consul General and consualte personnel in Jerusalem, Israel.

Subsection (c) requires new public documents to describe Jerusalem as Israel's capital as a prerequisite for funding under the bill. This requirement follows State Department practice in such publications as the "Background Notes" for Israel.

Subsection (d) requires that for purposes of registration of birth, certification of nationality, or issuance of a passport, that the Secretary of State, upon the request of a U.S. citizen born in Jerusalem, record the place of birth as Israel. The section does not constitute a requirement that U.S. citizens born in Jerusalem have Israel recorded as their place of birth.

A reporting requirement pertaining to subsection (a) is required by P.L. 104-45. The committee of conference recommends that that report also include information pertaining to subsections (b), (c), and (d). Accordingly, the commitment to implement subsection (b) should be detailed, the new public documents referred to in subsection (c) should be included with the report, and the Department of State should indicate the steps taken to inform U.S. citizens born in Jerusalem of the option they may exercise in seeking implementation of subsection (d). The Department of State should also include the number of citizens requesting the change permitted by subsection (d).

SUPPORT FOR DEMOCRATIC OPPOSITION IN IRAQ

The conference substitute (sec. 1813) adds a new section on Iraq. The committee of conference notes that bringing Saddam Hussen and other Iraqi officials to justice for war crimes has been a stated goal of President Clinton's administration since 1993. Legislation encouraging the Administration to pursue this course has passesd the House (H. Con. Res. 137) and is pending in the Senate (S. Con. Res. 78). Secretary of State Albright's statement of February 26, 1998 is noted: "We look forward to working effectively with them in the future." The overt support for political activities and broadcasting by opposition forces can have a significant impact inside Iraq. In addition, the committee of conference notes that disparate Kurdish, Shiite, and Sunni groups have in the past been willing to set aside their differences and unite under the umbrella of the Iraqi National Congress (INC) to effectively challenge Saddam Hussein. The committee of conference recommends supporting efforts to reunite these disparate groups under a unified umbrella, whether it be the INC or another opposition group, to present a solid, pro-democracy, Iraqi front against Saddam Hussein. The Administration is expected to work closely with the Committee on Foreign Relations and the Committee on International Relations in the development of the program, including the selection of grantees.

DEVELOPMENT OF DEMOCRACY IN SERBIA

The House bill (sec. 1713) expresses a sense of Congress regarding the various methods and actions that can be taken to support the development of democracy in the Republic of Serbia. The Senate amendment has no comparable provision.

The conference substitute (sec. 1814) is similar to the House bill with modifications to consolidate the findings.

CUBA ASSISTANCE

The House bill (sec. 1901) makes $2 million available for democracy programs in Cuba under chapter 4 part II of the Foreign Assistance Act of 1961.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1815) is the same as the House bill.

FOREIGN ORGANIZATIONS THAT PERFORM OR PROMOTE ABORTION; FORCED ABORTION IN CHINA

The House bill (sec. 2101)

The Senate amendment had no comparable provision.

The conference substitute (sec. 1816) combines House bill sections 2101 and 2102. Section 2101 concerns U.S. population assistance to foreign organizations that perform or promote abortions. Section 2102 concerns UN Population Fund (UNFPA) activities in the People's Republic of China in relation to forced abortions carried out in connection with the Chinese government's population program.

The conference substitute prohibits, inter alia, population assistance to foreign organizations that "engage in any activity or effort to alter the laws or governmental policies of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited." Such practices include not only overt lobbying for such changes, but also such other activities as sponsoring, rather than merely attending, conferences and workshops on the alleged defects of the abortion laws, as well the drafting and distribution of materials or public statements calling attention to such alleged defects.

DIVISION C—UNITED NATIONS REFORM

GENERAL PROVISIONS

Short title

The House bill has no similar section.

The Senate bill (Sec. 2001) names this division the "United Nations Reform Act of 1997."

The conference substitute (Sec. 2001) is identical to the Senate bill.

DEFINITIONS

The House bill has no similar section.

The Senate bill (Sec. 2002) defines the terms: appropriate congressional committee, designated specialized agency, secretary general, United Nations member, United Nations peacekeeping operation.

The conference substitute (Sec. 2002) is nearly identical to the Senate bill.

NONDELEGATION OF CERTIFICATION REQUIREMENTS

The House bill has no similar section.

The Senate bill (Sec. 2003) expresses that the Secretary of State may not delegate the authority in this chapter to make any certification.

The conference substitute (Sec. 2003) is identical to the Senate bill.

TITLE XXI—AUTHORIZATION OF APPROPRIATIONS

ASSESSED CONTRIBUTIONS TO THE UNITED NATIONS AND AFFILIATED ORGANIZATIONS.

The House bill (Sec. 1102) provides for $960,389,000 in fiscal year 1998 and $987,590,000 in fiscal year 1999 for assessed contributions to the United Nations and affiliated organizations.

The Senate bill (Sec. 2101) provides for $938,000,000 in fiscal year 1998 and $900,000,000 in fiscal year 1999 for assessed contributions to the United Nations and affiliated organizations, subject to certifications and conditions enumerated below.

The conference substitute (Sec. 2101) provides $901,000,000 for fiscal year 1998 and $900,000,000 for fiscal year 1999.

NO GROWTH BUDGET

The House bill has no similar provision.

Of the funds authorized, the Senate bill (Sec. 2101) makes available in fiscal years 1998 and 1999, $80,000,000 on a semi-annual basis only when the Secretary of State certifies to the Congress that no action has been taken by the United Nations to increase the United Nations 1998-99 budget of $2,533,000,000 during that period without finding an offset elsewhere in the United Nations budget during that period.

The conference substitute (Sec. 2101) amends the certification for a no growth budget to become an annual rather than a semi-annual certification

INSPECTOR GENERAL

The House bill has no similar provision.

The Senate bill (Sec. 2101) withholds 20 percent of the funds made available for the United Nations until the Secretary of State certifies that the Office of Internal Oversight Services (OIOS) continues to function as an independent inspector general. This section requires the Director of the OIOS to report directly to the Secretary General on the adequacy of his resources and to notify in writing each program, project, or activity funded by the United Nations that it has the authority to audit, inspect, or investigate it.

The conference substitute (Sec. 2101) makes several technical and conforming amendments to the inspector general requirements of the Senate bill. This section requires that all reports completed by the Office of Internal Oversight Service, including audit, investigation, inspection, and evaluation reports, are made available to the United Nations members states, regardless of whether or not these reports are provided to the Secretary General.

PROHIBITION ON CERTAIN U.N. GLOBAL CONFERENCES

The House bill has no similar provision.

The Senate bill (Sec. 2101) prohibits U.S. funding of U.N. global conferences.

The conference substitute (Sec. 2101) is nearly identical to the Senate bill, except that it exempts conferences that were approved by the United Nations prior to enactment of the Act. The Conferees agree that the U.N. Global Conferences referred to in this section are those organized on a one-time basis with universal participation to address a single subject, such as the environment or population, outside of the normal course of regularly scheduled deliberations by existing U.N. bodies. For example, this section would have applied to the Rio Earth Summit, the Beijing Women's Conference, or the Habitat Conference. Should the U.N. schedule a conference of this kind, the U.S. will not fund such a conference nor any arrears related to such a conference. This section does not include conferences directed to the achievement of a binding international agreement, or other legal instrument, on a particular matter (such as, the negotiation on the control and elimination of anti-personnel land mines in the U.N. Conference on anti-personnel land mines in the U.N. Conference on Conventional Weapons and the U.N. Conference on Disarmament).

REDUCTION IN THE NUMBER OF POSTS

The House bill has no similar provision.

The Senate bill (Sec. 2101) requires annual withholding of $50,000,000 until the Secretary of State certifies that in fiscal year 1998 that 1,000 authorized posts have been suppressed at the United Nations, and that in fiscal year 1999 the United Nations is maintaining a vacancy rate of at least five percent for professional staff and 2.5 percent for general services staff. Both policies have been presented by Secretary General Kofi Annan as part of the 1998-99 budget for the United Nations.

The conference substitute (Sec. 2101) makes several technical and conforming amendments to the post reduction requirements of the Senate bill. The Conferees note the Secretary General's intention to abolish 1,000 posts, and understand that this reform represents the deletion of 1,000 posts that will not be filled. The Conferees intend that the transfer of posts due to changes in UN budget methodology, or for any other purpose, must not be counted toward the 1,000 post suppression required by this section. For example, posts from the jointly-financed activities which still exist, but are deleted from the UN staffing table because of the use of net budgeting, would not be included in the 1,000 post suppression.

PROHIBITION ON FUNDING ORGANIZATIONS OTHER THAN THE UNITED NATIONS FROM THE UNITED NATIONS REGULAR BUDGET

The House bill has no similar provision.

The Senate bill (Sec. 2101) requires the Secretary of State to certify that no United States contributions have been used to fund other international organizations out of the United Nations regular budget. This certification is not intended to refer to the U.N. giving grants or payments to other organizations.

The conference substitute (Sec. 2101) makes several technical and conforming amendments to the prohibition on funding of other organizations in the Senate bill. The Conferees clarified that no portion of the U.S. contribution to the United Nations regular budget should be used to fund the operating costs of another organization, which has been established through a framework treaty. Such organizations are those established under separate treaties of a framework nature, composed only of parties to the treaties, having their own secretariats. This term does not include U.N. human rights treaty bodies. Should any such framework treaty organization be funded out of the regular budget, the provision will require that the U.S. withhold from its U.S. assessment to the U.N. budget the U.S. share of the amount budgeted for such organizations.

LIMITATION ON U.S. ASSESSED CONTRIBUTIONS

The House bill has no similar provision.

The Senate bill (Sec. 2101) caps the amount authorized in assessed contributions to international organizations at $901,000,000 for fiscal years 1999 and 2000. Additional authorization is required to exceed this amount.

The conference substitute (Sec. 2101) is identical to the Senate bill.

REFUND OF EXCESS CONTRIBUTIONS

The House bill has no similar provision.

The Senate bill (Sec. 2101) requires that the United States continue to press it's policy that the organizations in this account should have procedures in place to return excess contributions to member states when contributions exceed expenditures.

The conference substitute (Sec. 2101) is identical to the Senate bill.

ASSESSED CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

The House bill (Sec. 1102) authorizes $240 million for fiscal year 1998 and $240 million for fiscal year 1999 for assessed peacekeeping operations and activities.

The Senate bill (Sec. 2103) authorizes $200 million for fiscal year 1998 and $205 million for fiscal year 1999 for assessed peacekeeping operations and activities. This section also consolidates many current reporting requirements regarding international peacekeeping activities.

The Conference substitute (Sec. 2102) authorizes $210 million for fiscal year 1998 and $220 million for fiscal year 1999 for assessed peacekeeping operations and activities.

CODIFICATION OF REQUIRED NOTICE OF PROPOSED UNITED NATIONS PEACEKEEPING OPERATIONS

The House bill has no similar provision.

The Senate bill (Sec. 2103) consolidates many current reporting requirements regarding international peacekeeping activities.

The conference substitute (Sec. 2102) amends the timing of notification and makes amendments to the funding and troop levels that trigger notification.

TITLE XXII—UNITED NATIONS ACTIVITIES

UNITED NATIONS POLICY ON ISRAEL AND THE PALESTINIANS

The House bill (Sec. 1522) requires reports on efforts to promote full equality at the UN for Israel. Section 1522 expresses a sense of Congress to expand Israel's participation at the United Nations. The Secretary is required to submit a report not later than 90 days after the date of enactment (and on a quarterly basis thereafter) that outlines actions taken by the United States to encourage the Western European and Other Group (WEOG) to accept Israel as a member, and the efforts undertaken by the Secretary General of the United States to secure Israel's participation in that body. The report must include the specific responses of each of the WEOG member states regarding their position concerning Israel's membership as well as other measures either underway or planned to promote Israel's full and equal participation in the United Nations.

The Senate bill (Sec. 2102) provides that it shall be the policy of the United States to assist Israel in gaining acceptance into a United Nations regional bloc. It states further that it shall be the policy of the United States to seek the abolition of the U.N. Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and other Arabs of the Occupied Territories; the U.N.'s Committee on the Exercise of the Inalienable Rights of the Palestinian People; the U.N.'s Division for the Palestinian Rights; and the U.N.'s Division on Public Information on the Question of Palestine. The Secretary of State is required to consult with the appropriate congressional committees on steps taken to these ends, including efforts to bring Israel into the Western Europe and Others Groups of the U.N.

The conference substitute (Sec. 2201) requires that the it be the policy of the United States to assist Israel in gaining acceptance into a United Nations regional bloc. It states further that it shall be the policy of the United States to seek the abolition of the U.N. Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and other Arabs of the Occupied Territories; the U.N.'s Committee on the Exercise of the Inalienable Rights of the Palestinian People; the U.N.'s Division for the Palestinian Rights; and the U.N.'s Division on Public Information on the Question of Palestine. The section requires an annual report on actions taken by the United States to encourage the Western European and Other Group (WEOG) to accept Israel as a member, and the efforts undertaken by the Secretary General of the United States to secure Israel's participation in that body. The conference substitute also requires the Secretary to consult with Congress when submitting the annual report on the specific responses of each of the WEOG member states regarding their position concerning Israel's membership as well as other measures either underway or planned to promote Israel's full and equal participation in the United Nations.

DATA ON COSTS INCURRED IN SUPPORT OF UNITED NATIONS PEACE AND SECURITY OPERATIONS

The House bill has no similar division.

The Senate bill (Sec. 2104) requires the United States to report annually to the United Nations on the total costs of United Nations peacekeeping activities—including assessed, voluntary and incremental costs—to the United Nations. The section also requires the United States to request that the United Nations prepare and publish a report that compiles similar information for other United Nations member states.

The conference substitute (Sec. 2202) is nearly identical to the Senate bill. The Conferees expect that this comprehensive reporting will quantify all costs to the United States for peacekeeping activities, and enable the Congress to consider those costs in relation to the proposed operation or expansion of an operation prior to action by the United Nations Security Council.

REIMBURSEMENT FOR GOODS AND SERVICES PROVIDED BY THE UNITED STATES TO THE UNITED NATIONS

The House bill contains no similar provision.

The Senate bill (section 2105) requires that the United States seek and receive reimbursement for any assistance, including personnel, services, supplies, equipment, and facilities, to the United Nations, United Nations assessed peacekeeping operations, and bilateral assistance designed to assist that country to participate in the peacekeeping operation.

The Senate bill is prospective in its application and permits the President to waive the provision if he determines that an important national interest exists. However, such a waiver is subject both to notification requirements of section 634A of the Foreign Assistance Act and a joint resolution of disapproval by Congress if Congress disapproves of the President's determination.

The Senate bill also exempts direct assistance for U.S. military personnel. The Administration requested this provision, and understands that it is designed only to allow for incidental costs in support of U.S. troops such as extra blankets, latrines, or other similar services that the U.N. does not ordinarily supply for troops carrying out a U.N. peacekeeping operation.

The conference substitute (Sec. 2203) makes several changes but, like the Senate provision, is intended to ensure that the U.S. Government is reimbursed by the U.N. in a timely manner for military assistance it provides in support of the U.N. or U.N. peacekeeping operations, whether this assistance is provided to the U.N. or to another country participating in such an operation. The conference substitute makes clear that this provision is not intended to apply to civilian police monitors, which are funded individually by the nation contributing monitors.

As drafted, the conferees believe that this section does not impede the President in his ability to use any constitutional authority to provide assistance at any time. The conference substitute exempts the deployment of United States troops by the President from the requirement of reprogramming procedures under section 634A of the Foreign Assistance Act of 1961. As written, this section does not affect the President's constitutional authority as Commander-in-Chief. Nothing in this section shall be construed as an authorization of the use of force.

UNITED STATES POLICY REGARDING UNITED NATIONS PEACEKEEPING MISSIONS

The House bill has no similar section.

The Senate bill (section 2107) makes clear that the policy of the United States is to limit the size and scope of United Nations peacekeeping missions. It is not the policy of the United States to support major U.N. peacekeeping operations such as the United Nations Protection Force (UNPROFOR) in the former Yugoslavia. Smaller peacekeeping missions should be considered on a case by case basis (with full consultation with Congress as required in section 2102 of this Act).

The conference substitute (Sec. 2204) is nearly identical to section 2107 of the Senate bill and also consolidates section 2106 of the Senate bill into this provision. Thus, this section also makes clear that the stated policy of the United States is not to fund peacekeeping activities out of the regular budget unless the President determines and notifies Congress that an important national security interest exists.

The Conferees expect that a clear statement of this policy will save United States taxpayers millions of dollars as it limits the scope and mandate of United Nations peacekeeping missions.

REFORM IN BUDGET DECISION-MAKING PROCEDURES OF THE UNITED NATIONS AND SPECIALIZED AGENCIES

The House bill (Sec. 1521) extends current law allowing the President to withhold 20 percent of appropriated funds for the U.N. or any of its specialized agencies if the U.N. or the agency fails to implement consensus-based budget decision making procedures. The President is directed to notify Congress of any decisions to withhold the U.S. share of an assessed contribution to the United Nations.

The Senate bill has no similar provision.

The conference substitute is nearly identical to the House bill.

CONTINUED EXTENSION OF PRIVILEGES, EXEMPTIONS, AND IMMUNITIES OF THE INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT TO UNIDO

The House bill (Sec. 1524) extends U.S. privileges and immunities to the United Nations Industrial Development Organization consistent with longstanding U.S. policy regarding U.S. withdrawal from multilateral organizations.

The Senate bill has no similar provision.

The conference substitute is identical to the House bill.

SENSE OF THE CONGRESS REGARDING COMPLIANCE WITH CHILD AND SPOUSAL SUPPORT OBLIGATIONS BY UNITED NATIONS PERSONNEL

The House bill (Sec. 1728) urges the Secretary of State to fully comply with regulations regarding compliance with child and spousal support obligations by United Nations personnel. The House bill also withholds $10 million until the Secretary certifies that the U.N. is enforcing child and spousal support payments, and reforming its pension policy.

The Senate bill has no similar provision.

The conference substitute deletes the withholding requirement but continues to urge that the Secretary of State ensure that the U.N. is enforcing child and spousal support payments.

ORGANIZATION OF AMERICAN STATES

The House bill (Sec. 1502) expresses the Sense of the Congress that the Secretary of State should make every effort to pay the United States share of assessed funding levels for the Organization of American States (OAS).

The Senate bill (Sec. 2108) is identical to the House bill.

The conference substitute deletes this provision. The Conferees recognize that the OAS is uniquely important to the United States interests in the Western Hemisphere, especially in the areas of trade, anti-drug trafficking efforts, support for human rights and democracy, and that the OAS is disproportionately supported by the United States contribution of 59 percent. Responding in part to the leadership of the United States, the OAS is continuing broad reforms in its agenda and its budget. The Committee notes that the OAS operating budget has not grown for the past three years. It was the intent of both the Senate and House provisions that the State Department consider these factors when allocating resources to international organizations.

TITLE XXII—ARREARS PAYMENTS AND REFORM

Chapter 1—Arrearage to the United Nations

AUTHORIZATION OF APPROPRIATIONS

The House bill has no similar provision.

The Senate bill (Sec. 2201) section authorizes $100,000,000 in fiscal year 1998, $475 million in fiscal year 1999, and $244 million in fiscal year 2000 for the repayment of arrears to the United Nations, United Nations peacekeeping activities, United Nations specialized agencies, and other international organizations.

The conference substitute (Sec. 2301) is nearly identical.

DISBURSEMENT OF FUNDS

The House bill has no similar provision.

The Senate bill (Sec. 2202) outlines the manner in which disbursements will be made, and requires that certification of specified reforms be completed prior to any disbursement of funds by the United States. This section also requires a 30 day notification by the Secretary of State to Congress prior to the disbursement of any funds.

The conference substitute (Sec. 2302) is nearly identical, except that it contains a limited waiver of certain conditions. In response to a direct request from the Secretary of State, we agreed to grant the Secretary a very limited waiver authority upon assurances that it would be exercised only if strict conditions are met. We continue to believe that achievement of each of the reforms contained in this plan is essential if the United Nations is to be able to contend with the challenges of the 21st Century. Thus, we expect that all of the conditions required by the legislation will be met and that there will be no need to use the waiver authority.

The bill grants the Secretary of State a very limited authority to waive one of the conditions in each of the second and third years of the U.N. payment plan. This waiver may be exercised only if substantial progress has already been made in meeting the condition proposed to be waived. Further, prior to exercising such a waiver, the Secretary of State must first consult with the appropriate Congressional Committees to explain in detail why it is important to the national interest of the United States to do so.

Most important, this section prohibits the Secretary from waiving requirements to reduce U.S. assessment rates or to establish an inspector general in the specialized agencies. The Secretary of State, while serving as the U.S. Permanent Representative to the United Nations, proposed a bold plan to reduce the U.S. assessment to 20 percent. That proposal was incorporated into this legislation and its is expected that the Administration will achieve this reduction within three years. For this reason, this section strictly prohibits the Secretary from waiving the requirements on reducing the U.S. assessment rates for peacekeeping operations or for the U.N. regular budget. Also, the Conferees continue to believe that the specialized agencies are in need of serious, independent scrutiny. Therefore, the requirement that there be established within the World Health Organization (WHO), the Food and Agriculture Organization (FAO), and the International Labor Organization (ILO) an inspector general to investigate cases of waste, fraud and abuse, cannot be waived.

While we rejected outright the Administration's proposal to allow a waiver of the U.S. assessment rates, we are persuaded that an unforeseen circumstance may arise which prohibits total achievement of the legislative requirements related to the assessment rates. For this reason, the Administration should be allowed some flexibility if it has substantially achieved the requirement to reduce the U.S. general budget assessment to 20 percent. If Congress is convinced that the Administration has substantially achieved the requirement to reduce the U.S. assessment to 20 percent, we commit to act expeditiously to consider legislation to release the funds in Fiscal Year 2000.

Throughout the three year reform period, the we expect that the Administration will consult with Congress regularly to discuss the status of each of these reforms and to explain well in advance if a particular reform cannot be met fully.

Subchapter B—United States Sovereignty/ Certification requirements

SUPREMACY OF THE CONSTITUTION

The House bill has no similar provision.

The Senate bill (Sec. 2211) requires that the Secretary of State certify that the United States Constitution controls U.S. law and no action by the United Nations or any of its agencies has caused the U.S. to violate the Constitution.

The conference substitute (Sec. 2311) is identical to the Senate bill.

NO UNITED NATIONS SOVEREIGNTY

The House bill has no similar provision.

The Senate bill (Sec. 2211) requires that the Secretary of State certify that neither the United Nations nor its specialized agencies have exercise authority over the United States or taken forward steps to require that the U.S. cede sovereignty.

The conference substitute (Sec. 2311) is identical to the Senate bill.

NO UNITED NATIONS TAXATION

The House bill has no similar provision.

The Senate bill (Sec. 2211) requires that the Secretary of State certify that U.S. law does not give the United Nations any legal authority to tax the American people; no taxes or comparable fees have in fact been imposed; and there has been no effort sanctioned by the United Nations to develop, advocate or promote such a taxation proposal.

The conference substitute (Sec. 2311) is identical to the Senate bill.

NO UNITED NATIONS STANDING ARMY

The House bill has no similar provision.

The Senate bill (Sec. 2211) requires that the Secretary of State certify that the United Nations has not taken formal steps to create or develop a standing army under Article 43 of the United Nations Charter.

The conference substitute (Sec. 2311) is identical to the Senate bill.

NO INTEREST FEES

The House bill has no similar provision.

The Senate bill (Sec. 2211) requires that the Secretary of State certify that interest fees have not been levied on the U.S. for any arrears owed to the United Nations.

The conference substitute (Sec. 2311) is identical to the Senate bill.

NO UNITED NATIONS REAL PROPERTY RIGHTS

The House bill has no similar provision.

The Senate bill (Sec. 2211) requires that the Secretary of State certify that neither the United Nations nor its specialized agencies have exercised any authority or control over public or private property in the United States.

The conference substitute (Sec. 2311) is nearly identical to the Senate bill. This section should not be construed to override obligations of the parties to the International Organizations Immunities Act, the Agreement Regarding the Headquarters of the United Nations, supplemental agreements to the Agreement, the Convention on the Privileges and Immunities of the United Nations, or under any other agreement with the United States according the United Nations or its specialized agencies privileges and immunities, or apply to property occupied or utilized under lease or contract with private or government owners.

TERMINATION OF BORROWING AUTHORITY

The House bill has no similar provision.

The Senate bill (Sec. 2211) requires that the Secretary of State certify that the United Nations has not engaged in external borrowing, nor have the financial regulations of the United Nations or any of its specialized agencies been amended to permit borrowing, nor has the United States paid any interest for any loans incurred through external borrowing by the United Nations or its specialized agencies.

The conference substitute (Sec. 2311) is identical to the Senate bill.

Subchapter C—Reform of Assessments and United Nations Peace Operations

CERTIFICATION REQUIREMENTS FOR FISCAL YEAR 1999

The House bill has no similar provision.

The Senate bill (Sec. 2221) requires that the Secretary shall not make her 1999 certification if she determines the 1998 certifications are no longer valid, and prior to payment of authorized arrears in fiscal year 1999, certify that the certification requirements set out below have been met.

The conference substitute (Sec. 2321) is nearly identical to the Senate bill.

CONTESTED ARREARS ACCOUNT

The House bill has no similar provision.

The Senate bill (Sec. 2211) requires that prior to disbursement of any funds authorized in this title, a contested arrears or some other appropriate mechanism has been created for the U.S. This account represents the difference between what the United Nations says is owed by the United States and the amount recognized by the United States Congress. Thus, the sum of the obligations that the Congress is authorizing in this legislation is the total that the Congress shall authorize to be appropriated to the U.N. for its arrears under the regular and peacekeeping budgets. Agreement must be reached with the United Nations that any monies identified in this account will not affect the voting rights of the United States as contained in Article 19 of the United Nations charter.

The conference substitute (Sec. 2321) is nearly identical, but the timing of the certification was moved to fiscal year 1999 certifications at the request of the Administration.

LIMITATION ON SHARE OF REGULAR BUDGET

The House bill has no similar provision.

The Senate bill (Sec. 2211) requires that the share of the total regular budget assessment for the United Nations and its specialized agencies does not exceed 22 percent for any member.

The conference substitute (Sec. 2311) is identical to the Senate bill.

LIMITATION ON ASSESSED SHARE OF BUDGET FOR PEACE OPERATIONS

The House bill has no similar provision.

The Senate bill (Sec. 2221) requires that the Secretary of State certify that the share of the total peacekeeping budget for each United Nations assessed peace operation does not exceed 25 percent for any member.

The conference substitute (Sec. 2321) is identical to the Senate bill.

TRANSFER OF REGULAR BUDGET-FUNDED PEACE OPERATIONS

The House bill has no similar provision.

The Senate bill (Sec. 2221) requires that the Secretary of State certify that the mandates of two peace operations funded from the regular budget, the United Nations Truce Supervision Organization (UNTSO) and the United Nations Military Observer Group in India and Pakistan (UNMOGIP) are subject to annual review by the Security Council, and the Congressional notification requirements for peacekeeping activities.

The conference substitute (Sec. 2321) is identical to the Senate bill.

Subchapter D—Budget and Personnel Reform

CERTIFICATION REQUIREMENTS

The House bill has no similar provision.

The Senate bill (Sec. 2231) requires that the Secretary shall not make her fiscal year 2000 certification if she determines the fiscal year 1998 and 1999 certifications are no longer valid, and prior to payment of authorized arrears in fiscal year 2000, certify that the certification requirements set out below have been met.

The conference substitute (Sec. 2331) is nearly identical to the Senate bill.

LIMITATION ON ASSESSED SHARE OF REGULAR BUDGET

The House bill has no similar provision.

The Senate bill (Sec. 2231) requires that the Secretary of State certify that the share of the total regular budget assessment for the United Nations and its specialized agencies does not exceed 20 percent for any member.

The conference substitute (Sec. 2331) is identical to the Senate bill.

INSPECTOR GENERAL FOR CERTAIN ORGANIZATIONS

The House bill has no similar provision.

The Senate bill (Sec. 2231) requires that the Secretary of State certify that the three largest specialized agencies, the International Labor Organization, the Food and Agriculture Organization, and the World Health Organization have each established an internal inspector general office comparable to the Office of Internal Oversight Services established in the United Nations following a similar certification requirement in the Foreign Relations Authorization Act, FY94-95 (section 401 of P.L. 103-236).

The conference substitute (Sec. 2331) is nearly identical to the Senate bill.

NEW BUDGET PROCEDURES FOR THE UNITED NATIONS

The House bill has no similar provision.

The Senate bill (Sec. 2231) requires that the Secretary of State certify that the United Nations is implementing budget procedures that require the budget agreed to at the start of a budgetary cycle to be maintained, and the system wide identification of expenditures by functional categories. For purposes of this section, system-wide identification of expenditures by functional categories is defined to mean an object class distribution of resources. The object class distribution should accompany the initial regular assessed budget estimates for both the United Nations and its specialized agencies.

The conference substitute (Sec. 2331) is identical to the Senate bill.

SUNSET POLICY FOR CERTAIN UNITED NATIONS PROGRAMS

The House bill has no similar provision.

The Senate bill (Sec. 2231) requires that the Secretary of State certify that the United Nations and the International Labor Organization, the Food and Agriculture Organization, and the World Health Organization have each established an evaluation system that requires a determination as to the relevance and effectiveness of each program. The United States is required to seek a "sunset" date for each program unless the program demonstrates relevance and effectiveness.

The conference substitute (Sec. 2331) is nearly identical to the Senate bill. The Conferees strongly object to the incorporation of funding for terminated programs into the baseline of the UN budget for the next biennium. Funding for programs which have ceased and one-time expenditures should not be carried over into the next budget cycle. The sunset of programs should result in financial savings for the member states.

UNITED NATIONS ADVISORY COMMITTEE ON ADMINISTRATIVE AND BUDGETARY QUESTIONS

The House bill has no similar provision.

The Senate bill (Sec. 2231) requires that the Secretary of State certify that the United States have a seat on the United Nations Committee on Administrative and Budgetary Questions (ACABQ). Until 1997, the United States has served on this committee since the creation of the United Nations. This committee is key to the budgetary decisions at the United Nations and the United States, as the largest contributing nations, should have a seat on this Committee.

The conference substitute (Sec. 2331) is nearly identical to the Senate bill.

NATIONAL AUDITS

The House bill has no similar provision.

The Senate bill (Sec. 2231) requires that the Secretary of State certify that the General Accounting Office (GAO) shall have access to United Nations financial data so that the GAO may perform nationally mandated reviews of all United Nations operations.

The conference substitute (Sec. 2331) is nearly identical to the Senate bill. Financial data means data pertaining to the financial transactions of the United Nations as well as data relating to its organization and activities. It is contemplated that as a result of this provision, GAO will have access to the data it determines it needs to conduct reviews of all U.N. operations.

PERSONNEL

The House bill has no similar provision.

The Senate bill (Sec. 2231) requires that the Secretary of State certify that the United Nations is enforcing a personnel system based on merit and is enforcing a worldwide availability of its international civil servants; a code of conduct is being implemented that requires, among other standards, financial disclosure statements by senior United Nations officials; a personnel evaluation system is being implemented; periodic assessments are being completed by the United Nations to determine total staffing levels and reporting of those assessments; and the United States has completed a review of the United Nations allowance system, including recommendations for reductions in allowances.

The conference substitute (Sec. 2331) is nearly identical to the Senate bill.

REDUCTION IN BUDGET AUTHORITIES

The House bill has no similar provision.

The Senate bill (Sec. 2231) requires that the Secretary of State certify that the International Labor Organization, the Food and Agriculture Organization, and the World Health Organization have each approved a budget that reflects a decline in the budget approved for 2000-01 from the levels agreed to for 1998-99.

The conference substitute (Sec. 2331) is nearly identical to the Senate bill.

NEW BUDGET PROCEDURES AND FINANCIAL REGULATIONS FOR SPECIALIZED AGENCIES

The House bill has no similar provision.

The Senate bill (Sec. 2231) requires that the Secretary of State certify that the International Labor Organization, the Food and Agriculture Organization, and the World Health Organization have each established procedures require the budget agreed to at the start of a budgetary cycle to be maintained; the system wide identification of expenditures by functional categories; and approval of supplemental budget requests to the secretariat in advance of appropriations for those requests.

The conference substitute (Sec. 2331) is nearly identical to the Senate bill.

Chapter 2—Miscellaneous provisions

STATUTORY CONSTRUCTION IN RELATION TO EXISTING LAWS

The House bill has no similar provision.

The Senate bill (Sec. 2241) makes clear that this Act does not change or reverse any previous provision of law regarding restriction on funding to international organizations.

The conference substitute (Sec. 2341) is identical to the Senate bill.

PROHIBITION ON PAYMENTS RELATING TO UNIDO AND OTHER ORGANIZATIONS FROM WHICH THE UNITED STATES HAS WITHDRAWN OR RESCINDED FUNDING

The House bill has no similar provision.

The Senate bill (Sec. 2242) prohibits payment to organizations from which the United States has withdrawn or from which Congress has rescinded funding, including the United Nations Industrial Organization and the World Tourism Organization.

The conference substitute (Sec. 2342) is identical to the Senate bill.

OTHER PROVISIONS

STATEMENT CONCERNING RETURN OF WRONGFULLY CONFISCATED FOREIGN PROPERTIES

The House bill (sec. 1715) expresses a sense of Congress supporting efforts and encouraging further actions by post-communist countries to address the questions of the status of wrongly confiscated properties.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1909) is identical to the Senate.

PAYMENT OF IRAQI CLAIMS

The Senate amendment (sec. 1601), at subsection (a), requires that all nondiplomatic accounts of the Government of Iraq in the United States that have been blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) vest in the President. It further requires that the President liquidate such accounts within 30 days of the date of enactment of the Act, and transfer the amounts from such liquidation into the Iraq Claims Fund, established under subsection (b).

The House bill contains no comparable provision.

The conference substitute is the same as the House bill.

PROHIBITION ON FUNDING FOR UNESCO WORLD HERITAGE PROGRAMS

The House bill (sec. 1525) prohibits funds authorized by this Act to be made available for the Man and Biosphere Program or the World Heritage Program administered by UNESCO.

The Senate amendment has no comparable provision.

The conference substitute is the same as the Senate amendment.

COMPREHENSIVE COMPILATION OF ARMS CONTROL AND DISARMAMENT STUDIES

The House bill (sec. 1601) repeals a reporting requirement to compile arms control and disarmament studies because a similar report is produced by another organization.

The Senate amendment has no comparable provision.

The conference substitute is the same as the Senate amendment.

USE OF FUNDS

The House bill (sec. 1602) amends current law by eliminating a requirement to use the Government Printing Office and allowing the

Arms Control and Disarmament Agency to procure printing and binding from local vendors.

The Senate amendment has no comparable provision.

The conference substitute is the same as the Senate amendment.

RADIO FREE EUROPE/RADIO LIBERTY

The House bill (sec. 1707) is a sense of Congress that RFE/RL should continue surrogate broadcasting beyond the year 2000 to countries whose people do not yet fully enjoy freedom of expression.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1328) revised the House provision to require that the Broadcasting Board of Governors issue a report to include an assessment of the need for continued funding of RFE/RL broadcasts in the year 2000 and beyond.

U.S. CITIZENS HELD IN PRISONS IN PERU

The House bill (sec. 1716) expresses a sense of Congress that Peru should respect the rights of prisoners to timely legal procedures, including the rights of all US citizens held in prisons in Peru.

The Senate amendment (sec. 1613) expresses a sense of the Senate that the Government of Peru should take all necessary steps to ensure that US citizens charged with a crime is accord fair proceedings in a civilian court.

The conference substitute does not include any provision.

PRISONERS IN ANDEAN COUNTRIES

The House bill (sec. 1730) expresses the Sense of Congress that the Governments of the Andean countries should respect the rights of prisoners to timely legal procedures.

The Senate amendment has no comparable provision.

The conference substitute is the same as the Senate amendment.

SPECIAL ENVOYS FOR MUTUAL DISARMAMENT

The House bill (sec. 1718) requires the US Ambassador to the United Nations to support UN efforts to appoint special envoys for conflict prevention to organize and conduct mutual disarmament talks in every region of the world.

The Senate amendment has no comparable provision.

The conference substitute is the same as the Senate amendment.

TRANSFER OF NUCLEAR WASTE FROM TAIWAN TO NORTH KOREA

The House bill (sec. 1719) expresses a sense of Congress that the Government of Taiwan should refrain from issuing an export license for the transfer of nuclear waste to North Korea until all parties on the Korean peninsula are assured that certain safety precautions are met.

The Senate amendment has no comparable provision.

The conference substitute is the same as the Senate amendment.

ASSISTANCE FOR ETHIOPIA

The House bill (sec. 1717) states that the Department of State should monitor human rights progress in Ethiopia.

The Senate amendment has no comparable provision.

The conference substitute is the same as the Senate amendment.

PRIME MINISTER GUJRAL

The House bill (sec. 1720) expresses a sense of Congress that the Administration should support and work closely with Indian Prime Minister Gujral to strengthen relations between the US and India.

The Senate amendment has no comparable provision.

The conference substitute is the same as the Senate amendment.

SOVEREIGNTY OF BELARUS

The House bill (sec. 1721) expresses a sense of Congress that the Administration urge the Government of President Aleksandr Lukashenka of the Republic of Belarus to defend the sovereignty of Belarus.

The Senate amendment has no comparable provision.

The conference substitute is the same as the Senate amendment.

BORDER CLOSURES

The House bill (sec. 1724) requires a report on any border closure or use of an economic or commercial blockade by or against any independent state of the former Soviet Union against any other country.

The Senate amendment has no comparable provision.

The conference substitute is the same as to the Senate amendment.

NAGORNO-KARABAGH CONFLICT

The House bill (sec. 1725) expresses a sense of Congress that the US should take a greater leadership role in working for a negotiated settlement of the Nagorno-Karabagh conflict.

The Senate amendment has no comparable provision.

The conference substitute is the same as the Senate amendment.

CRISIS IN ALBANIA

The House bill (sec. 1726) expresses a sense of Congress that among other things, the US should support the new Albanian government as it attempts to reestablish calm and achieve political reconciliation .

The Senate amendment has no comparable provision.

The conference substitute is the same as the Senate amendment.

UKRAINE

The House bill (sec. 1727) expresses a sense of Congress that the President should ensure that Ukraine receives assistance for fiscal years 1998 and 1999 for political and economic reforms at a level equal to that allocated to Ukraine for fiscal year 1997.

The Senate amendment has no comparable provision.

The conference substitute is the same as the Senate amendment.

AZERBAIJAN

The House bill (sec. 1729) expresses a sense of Congress that the President should seek cooperation from the governments of Armenia, Azerbaijan and Turkey to encourage the construction of a pipeline route from Azerbaijan through Armenia that could reach Turkey and Mediterranean sea ports.

The Senate amendment has no comparable amendment.

The conference substitute is the same as the Senate amendment.

ADDITIONAL REQUIREMENTS

The House bill (sec. 1731) permitted counter narcotic military assistance to countries that had been decertified on their cooperation on drug-related matters.

The Senate amendment has no comparable provision

The conference substitute is the same as the Senate amendment.

US POLICY REGARDING RELIGIOUS PERSECUTION AND SUPPORT OF TERRORISM BY SUDAN

The House bill (sec. 1733) imposed trade and investment sanctions on the government of Sudan until such time as the President certifies to Congress that Sudan is no longer sponsoring or supporting terrorism.

The Senate amendment (sec. 1605) imposed prohibitions on financial transactions on state sponsors of terrorism.

The conference substitute contains no provision.

SYRIA

The House bill (sec. 1734) expresses the sense of Congress that the US should consider applying to Syria sanctions which are currently enforced against Iran and Libya under the Iran and Libya Sanctions Act of 1996 if the Government of Syria does not eliminate its destablizing policies.

The Senate has no comparable amendment.

The conference substitute is the same as the Senate amendment.

ABDUCTION OF DONALD HUTCHINGS

The House bill (sec. 1735) expresses the sense of Congress that the militant organization Al-Faran should release Donald Hutchings and three Western Europeans from captivity.

The Senate amendment has no comparable provision.

The conference substitute is the same as the Senate amendment.

CUBAN CIGARS

The House bill (sec. 1736) expresses a sense of Congress that the US should not prohibit the importation into the U.S. of cigars that are the product of Cuba until the Government of Cuba has met certain human rights criteria.

The Senate amendment has no comparable provision.

The conference substitute is identical to the Senate amendment.

LITHUANIA AND LATVIA

The House bill (sec. 1738) expresses the sense of Congress that adequate assistance should be provided to Lithuania and Latvia in fiscal year 1998.

The Senate amendment has no comparable provision.

The conference substitute is the same as the Senate amendment.

EAST TIMOR

The House bill (sec. 1739) states that Congress affirms its support for a just and peaceful solution to the conflict in East Timor.

The Senate amendment has no comparable provision.

The conference substitute is the same as the Senate amendment.

NATO ENLARGEMENT ASSISTANCE

The House bill (sec. 1740) expresses the sense of Congress that Romania has made progress toward meeting the criteria for accession into NATO and states that the President shall designate Romania as eligible to receive assistance under the program established under the NATO Participation Act.

The Senate amendment (sec. 1612) expresses a sense of the Senate that Romania, Estonia, Latvia, Lithuania, and Bulgaria are to be commended for their progress toward political and economic reform. In addition it states that Romania, Estonia, Latvia, Lithuania and Bulgaria are designated as eligible to receive assistance under the program established under the NATO participation Act.

The conference substitute is the same as the Senate amendment.

PALESTINIAN LAND SALES

The House bill (sec. 2201) expresses the sense of Congress condemning the policy and practice of murdering Palestinian sales of land to Jews.

The Senate amendment (sec. 1622) is similar to the House provision.

The conference substitute does not include any provision.

CONGO

The House bill (sec. 2301) makes foreign assistance available to the Democratic Republic of Congo.

The Senate amendment has no comparable amendment.

The conference substitute is the same as the Senate amendment.

CHINA

The House bill (sec. 2401) expresses a sense of Congress regarding the imprisonment of Ngawang Choephel in China.

The Senate amendment has no comparable provision.

The conference substitute is the same as the Senate amendment.

BUY AMERICAN

The House bill (sec. 2501) requires compliance with the Buy American Act.

The Senate amendment has no comparable provision.

The conference substitute is identical to the Senate amendment.

FOREIGN AID REPORTING REFORM

The House bill (sec. 2601–2604) requires detailed annual reports justifying the foreign assistance programs.

The Senate amendment has no comparable provision.

The conference substitute is the same as the Senate amendment.

PROGRAMS IN LATIN AMERICA, THE CARIBBEAN AND THE ASIA AND PACIFIC REGION

The House bill (sec. 2701) requires aid to be proportional by region.

The Senate amendment has no comparable provision.

The conference substitute is the same as the Senate amendment.

INDONESIA

The House bill (sec. 2801) expresses the sense of Congress on various political and human rights issues within Indonesia.

The Senate amendment has no comparable provision.

The conference substitute is the same as the Senate amendment.

LIBYA

The House bill (sec. 2901) prohibits foreign aid to any country that assists Libya in circumventing UN sanctions.

The Senate amendment has no comparable provision.

The conference substitute is the same as the Senate amendment.

RUSSIA

The House bill (sec. 3101) prohibits foreign aid to Russia if Russia transfers missiles to China.

The Senate amendment has no comparable provision.

The conference substitute is the same as the Senate amendment.

BELARUS

The Senate amendment (sec. 1602) expresses the sense of the Congress that if Belarus concludes a treaty of unification with another country the US Permanent Representative to the UN should introduce resolutions abrogating the sovereign status of Belarus within the UN.

The House bill has no comparable provision.

The conference substitute is the same as the House bill.

ITALIAN CASE

The Senate amendment (sec. 1611) states that the Congress urges the Italian government to seek a negotiated settlement with an American citizen whose property was confiscated over twenty years ago without fair and proper compensation.

The House bill has no comparable provision.

The conference substitute is the same as the House bill.

IRAN-IRAQ

The Senate amendment (sec. 1615) expresses the sense of the Senate to urge the Clinton Administration to enforce the provisions of the Iran-Iraq Arms Non-Proliferation Act of 1992.

The House bill has no comparable amendment.

The conference substitute is the same as the House bill.

CHRISTIAN MINORITIES IN CHINA

The Senate amendment (sec. 1616) expresses the sense of the Senate that the government of the People's Republic of China be urged to release from incarceration all those held for participation in religious activities outside the aegis of the official churches and cease prosecuting those who participate in such religious activities.

The House bill has no comparable provision.

The conference substitute is the same as the House bill.

NATO

The Senate amendment (sec. 1617) expresses a sense of Congress that NATO should consider a formal dispute resolution process within the Alliance prior to its December 1997 ministerial meeting.

The House bill has no comparable amendment.

The conference substitute is the same as House bill.

AVIATION SAFETY

The Senate amendment (sec. 1619) expresses a sense of Congress that the need for cooperative efforts in transportation and aviation safety be placed on the agenda for the Summit of the Americas to be held in March 1998.

The House bill has no comparable amendment.

The conference substitute is the same as the House bill.

CHINA

The Senate amendment (sec. 1620) expresses the sense of the Senate that the US should limit the granting of US visas to Chinese government offices who work in entities implementing China's laws and directives on religious practices and coercive family planning.

The House bill has no comparable provision.

The conference substitute is the same as the House bill.

RULE OF LAW IN CHINA

The Senate amendment (sec. 1621) expresses the sense of the Senate to encourage the National Endowment for Democracy to expand its activities in China and Hong Kong.

The House bill has no comparable provision.

The conference substitute is the same as the House bill.

FACILITIES IN BEIJING AND SHANGHAI

The Senate amendment (sec. 1623) authorizes appropriations for the renovation and construction of housing and diplomatic facilities at the Embassy in Beijing and the Consulate in Shanghai, China.

The House bill has no comparable provision.

The conference substitute (sec. 1101(4)(B)) is the same as the House bill.

RETURN OF HONG KONG TO CHINA

The House bill (sec. 1712) expresses the sense of Congress that the People's Republic of China should respect the rule of law, and the freedom of press, speech, association and movement that the people of Hong Kong currently enjoy.

The Senate amendment has no comparable provision.

The conference substitute is the same as the Senate amendment.

RADIO FREE ASIA/VOICE OF AMERICA

The House bill (sec. 1108) expresses a sense of Congress that U.S. broadcasting through Radio Free Asia and the Voice of America should increase to 24 hours broadcasting to China.

The Senate amendment has no comparable provision.

The conference substitute is the same as the Senate amendment.

PROCUREMENT OF SERVICES

The Senate amendment (sec. 1123) amends the State Department Basic Authorities Act to enable the Department to use personal services contracts to obtain expert and other support services for international claims and proceedings. Currently, the law allows the Legal Adviser's Office to obtain these services by contracting with firms. In many cases, the same services could be obtained at half the cost by contracting with an individual. This amendment would permit the Department, for example, to hire an individual accountant or records manager to work on a particular project, rather than having to retain an accounting firm to perform the same task, usually at more than twice the cost.

The House bill has no comparable provision.

The conference substitute is the same as the House bill.

RESTRICTIONS ON LOBBYING ACTIVITIES

The Senate amendment (sec. 1132) amends Section 207 of title 18, United States Code, regarding "Restrictions on former officers, employees, and elected officials of the executive and legislative branches", to also prohibit any person who serves in the position of chief of mission within the category of senior executive branch personnel who are restricted, for one year after they leave the chief of mission position, from knowingly making representations on behalf of someone with an interest in a matter that is before any officer or employee of the department or agency in which they served.

The House bill has no comparable provision.

The conference substitute is the same as the House bill.

RECOVERY OF COSTS OF HEALTH CARE SERVICES

The Senate amendment (sec. 1133) has been requested by the Administration. This section, which implements recommendations of the Department of State's Office of the Inspector General, amends section 904 of the Foreign Service Act of 1980 to authorize the Department to recover and retain the costs incurred by the Department for health care services provided to eligible USG employees and their families and to other eligible individuals. The proposed legislation would permit the Department to recover and retain such costs from third-party payers, and to recover directly from the employee if the employee chooses to be uninsured. The Departments of Defense and Veterans Affairs, as well as the Indian Health Service, already have similar authority.

The House bill has no comparable provision.

The conference substitute is the same as the House bill.

INTERNATIONAL ARMS SALES CODE OF CONDUCT

The House bill (sec. 2001) expresses the sense of the Congress that the President should attempt to achieve the foreign policy goal of an international arms sales code of conduct with all Wassenaar Arrangement countries.

The Senate amendment has no comparable amendment.

The conference substitute is the same as the Senate amendment.

ARMS TRANSFERS CODE OF CONDUCT

The House bill (sec. 3001–3006) establishes policy guidelines regarding the provision of U.S. military assistance and arms transfers to foreign governments by prohibiting such assistance and transfers to countries that fail to promote democracy and respect human rights, are engaged in armed aggression, and do not fully participate in the U.N. register of conventional arms.

The Senate amendment has no comparable provision.

The conference substitute is the same as the Senate amendment.

INADMISSIBILITY OF MEMBERS OF FORMER SOVIET UNION INTELLIGENCE SERVICES

The Senate amendment (sec. 1154) denies United States visas to individuals who were employed by the intelligence services of the Union of Soviet Socialist Republics prior to the collapse of the Soviet Union at the end of 1991.

The House bill has no comparable provision.

The conference substitute is the same as the House bill.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES

The Senate amendment (sec. 1212) expands upon current law which requires withholding the proportional amount of foreign aid to what a country owes Washington, D.C. in parking fines, plus ten percent. Section 1212 expands this requirement to New York City, and Virginia, and Maryland.

The House bill has no comparable provision.

The conference substitute is the same as the House bill.

GREENHOUSE GAS EMISSIONS AGREEMENT

The Senate amendment (sec. 1609) section requires that the President prepare a detailed and comprehensive report on the economic and environmental impacts of the final negotiating text of any proposed international agreement under the U.N. Framework Convention on Climate Change (FCCC) to reduce greenhouse gas emissions.

The House bill has no comparable provision.

The conference substitute is the same as the House bill.

SENSE OF THE SENATE ON USE OF FUNDS IN JAPAN-US FRIENDSHIP TRUST FUND.

The Senate amendment (sec. 1215) expresses the sense of the Senate that the Japan-US Friendship Commission shall be able to use amounts in the Trust Fund in pursuit of the original mandate of the Commission.

The House bill has no comparable provision.

The conference substitute is the same as the House bill.

INTERNATIONAL INFORMATION PROGRAMS

The Senate amendment (sec. 1318) would change the name of the salaries and expense account for the US Information Agency to International Information Programs.

The House bill has no comparable provision.

The conference substitute is the same as the House bill.

AUTHORIZED STRENGTH OF THE FOREIGN SERVICE

The House bill (sec. 1321) establishes personnel end strengths for the Foreign Service.

The Senate amendment has no comparable provision.

The conference substitute is identical to the Senate amendment.

STATEMENT CONCERNING RETURN OF OR COMPENSATION FOR WRONGLY CONFISCATED FOREIGN PROPERTIES

The House bill (sec. 1715) expresses a sense of Congress supporting efforts and encouraging further actions by post-Communists countries to address question of the status of wrongfully confiscated properties.

The Senate amendment has no comparable provision.

The conference substitute is the same as the Senate amendment.

EXTENSION OF AU PAIR PROGRAMS

The House bill (sec. 1401) permanently extends the Au Pair program as authorized in P.L. 104–72.

The Senate amendment (sec. 1314) is virtually identical to the House bill.

The conference substitute does not include the provision. The extension was passed as a separate bill (PL 105–48).

PEACE CORPS

The Senate amendment (sec. 1401–1403) authorizes appropriations for the Peace Corps. In addition, section 1403 makes certain modifications to current law regarding personal services contractors, overseas travel, and other technical changes.

The House has no comparable provision.

The conference substitute is identical to the House bill.

GPS Standards Negotiations. The Committee of Conference finds that the U.S. Department of Defense-developed and operated Global Positioning System provides crucial information for global navigation, position location and precision timing. With its various military, scientific and commercial uses, GPS is making important contributions to the national security, foreign policy, economic growth, and trade goals of the United States.

The Committee of Conference further finds that, by seeking to establish GPS as an international standard, the United States can advance national security interests, strengthen cooperative security relations with our allies, and support the competitive leadership of American industry in providing GPS products and services to the global marketplace. The broad use of GPS spurs global economic growth as it contributes to improving infrastructures of both developing and industrial countries.

The Committee of Conference is pleased that the U.S. Department of State is undertaking an important leadership role in coordinating efforts within the executive branch in pursuit of regional agreements with U.S. allies, starting with Japan, that seek to achieve three critical goals: (1) ensure the operation of the GPS on a continuous worldwide basis free of direct user fees; (2) establish GPS and its augmentations as an acceptable international standard; (3) eliminate any foreign barriers to, and other restrictions of foreign governments on, peaceful applications of GPS.

The Committee of Conference therefore directs that, not later than 60 days after the enactment of this legislation, and annually thereafter, the Secretary of State shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives that provides the status, prospects and results of cooperative activities undertaken by the United States with the governments of other countries to achieve regional agreements that establish GPS and its augmentations as an acceptable international standard.

For consideration of the House bill and the Senate amendment, and modifications committed to conference:

BENJAMIN A. GILMAN,
HENRY HYDE,
CHRISTOPHER H. SMITH,

For consideration of the House bill (except title XXI) and the Senate amendment, and modifications committed to conference:

WILLIAM GOODLING,
DAN BURTON,
DOUG BEREUTER,
Managers on the part of the House.
JESSE HELMS,
PAUL COVERDELL,
CHUCK HAGEL,
ROD GRAMS,
Managers on the part of the Senate.

RELIGIOUS FREEDOM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Oklahoma (Mr. ISTOOK) is recognized for 60 minutes as the designee of the majority leader.

Mr. ISTOOK. Mr. Speaker, I wanted to take the time this evening to talk about one of the most significant problems that has plagued America because of a multitude of Supreme Court decisions, which the American people have never accepted. You see, there is a problem with lack of respect for our Constitution and for the history and the heritage which brought our Constitution to us.

In fact, what brought so many people to America originally was their desire for religious freedom. We look at the stories of the Pilgrims and Puritans, and we recognize that they were motivated by a desire to be in a land where they could be free to worship as they pleased to worship. And that has been so much of the bedrock of American values, but it has been under attack by the United States Supreme Court.

In 1962, the Supreme Court said it did not matter if it was voluntary; students could not come together and pray at school the way that they had since the founding of the republic. In 1998, the U.S. Supreme Court said the Ten Commandments could not be on the wall of the public school because, and this is what the U.S. Supreme Court said, the students might read and obey the Ten Commandments. So, thanks to the court, of course, our students do not read the Ten Commandments and certainly there is a problem in getting people to obey them.

In 1985, the U.S. Supreme Court said even a moment of silence was wrong. A law to permit a moment of silence, they declared, was unconstitutional because it said that this was okay for students to use that time to pray silently.

In 1992, the Supreme Court said that a rabbi broke the law by offering prayer at a public school graduation. And in 1995, the same Supreme Court, which has ruled that a Nazi swastika is protected on public policy, ruled that a cross could not be included in a group of symbols on a city seal to show the heritage of that community.

In fact, I know that case very well, Mr. Speaker, because it happened in my congressional district in Edmond, Oklahoma. The city seal had five emblems on it: A pair of hands clasped in friendship; an oil derrick, symbolizing the importance of oil to Oklahoma's economy; a covered wagon, indicating the heritage of the Oklahoma land run; a tower that is at the university, the University of Central Oklahoma, in Edmond; and a cross depicting a portion of the religious heritage of the community. And I will bring it on another case, Mr. Speaker, that city seal has a blank spot because the other courts ruled and the Supreme Court said, oh, yes, you cannot have a cross displayed on public property.

Now, that is the same Supreme Court that had said that you could not have a nativity scene in Pennsylvania in Allegheny County. They said a nativity scene, or for that matter a menorah, were unconstitutional because they were not sufficiently balanced by emblems like Santa Claus and Frosty the Snowman and the reindeer. Because of that, they said it was unconstitutional to have the Christmas displays that so many places have had.

I know there are many places in this country where people still do things like have a prayer at a high school football game or as part of the school assembly or maybe in a classroom. But often, Mr. Speaker, that is because the ACLU and their friends have not got around to suing that particular community yet. And, indeed, I see in this Chamber of the House of Representatives right above the Speaker's chair, it reads, "In God we trust." And if the Speaker looks directly across the Chamber from his chair on the back wall here, he sees the visage of Moses, the great lawgiver. And yet, if we had those displayed in public schools, they would likely be held by the U.S. Supreme Court to be unconstitutional.

These decisions started in 1962. There is a whole series of them. I have not even mentioned all of them. But, Mr. Speaker, the time has come to end the judicial misinterpretations of the U.S. Constitution.

□ 2145

The first amendment says, "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." But the Supreme Court has misconstrued that to say, "Oh, well, if you have a prayer at public school, that is the same thing as establishing an official church." Of course it is not.

Common sense tells us it is not, but it is used by people who are intolerant of religion. That is why over 150 Members of this body, of the House of Representatives, have so far joined together with me in sponsoring the religious freedom amendment. It is a proposed amendment to the U.S. Constitution to tell the Supreme Court it is time that we straighten out these things.

It has been approved by the House's Subcommittee on the Constitution. Just last week it was approved by the House Judiciary Committee. We will be voting in the House of Representatives on the religious freedom amendment in not too many weeks from now, a proposed amendment to the U.S. Constitution to correct the mistaken rulings of the Supreme Court against voluntary school prayer, and in so many other ways where they have misconstrued the first amendment.

Now, the text, Mr. Speaker, of the religious freedom amendment is pretty straightforward. I would like to share it with Members. It reads, "To secure the people's right to acknowledge God according to the dictates of conscience, neither the United States nor any State shall establish any official religion, but the people's right to pray and to recognize their religious beliefs, heritage or traditions on public property, including schools, shall not be infringed. The government shall not require any person to join in prayer or other religious activity, prescribe school prayers, discriminate against religion or deny equal access to a benefit on account of religion."

It is pretty simple. It is pretty straightforward. It expresses that we have a right to acknowledge God in America according to the dictates of our own conscience, and neither the United States nor any State is to establish any official religion. Government is not going to tell us how to believe or what faith we must profess or indeed if we must profess any faith, but the people have a right to pray, even when they are on public property, and that is an individual right and a collective right. We can do it as individuals. We can do it as a group. Government can accommodate that and make it possible for it to occur. And also if it is a recognition of religious belief, heritage or tradition, that is okay.

I have kids in public school or that have graduated from public school, and I cannot tell you how I, as so many other parents have done, have gone to school at different times, you think you are going to a Christmas program, but you find that the songs that are sung are Frosty the Snowman, Here Comes Santa Claus, Walking in a Winter Wonderland, but what happened to O Come All Ye Faithful? What happened to Silent Night? People are afraid to sing them because they think they may get sued by the ACLU. And indeed the policies have gotten so restrictive, whether it is Christmas or a song about Hanukkah or a hymn of Thanksgiving, whatever it may be. It happens not just at school assemblies, it happens at school graduations.

After a case in Utah where a Federal court told them not to sing a simple song about friends because the court thought it had too many religious connotations, the Washington Post wrote in an editorial, it is now an open question, is it okay anymore in public school to sing America the Beautiful, because the chorus says, "God shed His grace on thee."

Is it not absurd in the United States of America, a land with such a beautiful, rich history and heritage of religious freedom, when we wonder if somebody is going to get sued for singing America the Beautiful?

The religious freedom amendment says religious heritage, traditions, belief, yes, the people can express those on public property, and that includes schools. It says also, because we want to make sure people know that they are protected, they are not compelled, government is not going to force anybody to join in prayer.

We start sessions of Congress with two things, the Pledge of Allegiance and a prayer. That used to be common in public schools as well. There are some people in this country who do not want to say the Pledge of Allegiance. The U.S. Supreme Court ruled on that 50 years ago. They said no child can be forced to say the Pledge of Allegiance. I agree with that. That is common sense. You do not force them to. But they did not give somebody the right to censor and halt the children who did want to say the Pledge of Allegiance.

That is the standard we should be applying to prayer in public schools. You are not forced to join in; if you do not want to, you do not have to, but that does not mean that if you are so intolerant of other people's beliefs, you can force them to stop, because there are millions of people in this country, Mr. Speaker, millions of Americans, who think they should be starting a day at school with a prayer, a simple expression of hope and faith and desire for guidance at the start of the day. But we do not want to force anybody.

And so it is explicit. Government shall not require any person to join in prayer or any other religious activity. And the government does not prescribe school prayers; it does not say, you must pray, and if you choose to pray, it does not say what your prayer shall be. Instead, follow the basic rule. Rotate, take turns, give different students their opportunities. Let them enjoy the understanding that comes from praying together and hearing and sharing in the prayers of others.

And we have a protection in the religious freedom amendment. You are not going to discriminate against religion and you are not going to deny equal access to a benefit on account of religion.

I recall in Oklahoma City, Mr. Speaker, after the bombing and when there was Federal assistance to rebuild the area of downtown Oklahoma City damaged by the blast of the Murrah Building, there were hundreds of other structures that also suffered damage in that. Several of them within a block or two of the blast were churches. The Department of Housing and Urban Development had to get their arms twisted frankly, Mr. Speaker, to accept the idea that a church, just like any other business or enterprise or building nearby, could receive the rebuilding assistance that came from the Federal Government to the properties damaged by the Murrah Building blast. I think that is proper.

We do not say that we are going to help this building over here because it is a copy business or a printing business or a restaurant but, oh, we will help everybody except those that are institutions of faith. We are not going to pay them for their religion or for their religious ceremonies, but we are going to treat them equally if there is some sort of Federal assistance program. Because churches are involved in so many things; they are involved in welfare assistance, they are involved in housing assistance, they are involved in programs against drinking and drugs and rehabilitation. Why should we say that when we have a Federal grant that is available to help somebody get on the right track again, if they have a spiritual component as part of their program, they are going to be disqualified?

The religious freedom amendment is not about supporting churches. It does not enable that to happen for religious activity. But when they have a program that meshes with what we are trying to accomplish to help people get on the right track and to get a hand up and a helping hand in their lives, you do not disqualify someone.

Just like, for example, take Federal education assistance, Pell grants, Federal college loans, GI bill benefits, we do not tell somebody, look, if you go to the University of Oklahoma or the University of Virginia or the University of Michigan, you can have the Federal assistance in education. Oh, but if you are going to go to Notre Dame or some other Catholic institution, or if you go to Baylor, which is where I went to college, since it is a Baptist institution, you cannot do that. Or Brigham Young or Southern Methodist, we do not say that we are going to disqualify you because you are going to a school that has a religious affiliation. No, we understand that the purpose is education.

So the religious freedom amendment also seeks to cut down on the attacks that people are making, trying to stop normal, everyday assistance programs just because they want to discriminate against people's religion. It is long overdue, Mr. Speaker, that we correct the decisions that the U.S. Supreme Court has heaped upon us.

I think it is important that we look at a particular term that is often used by people in this discussion. I hear people say, well, what does this mean about separation of church and State? I understand the questions. But I also worry when people pay more attention to a catch phrase than to what are the words of the U.S. Constitution. Because that phrase, "separation of church and State," although it has some use, is not found in the Constitution of the United States of America. No matter how many people try to claim that it is, all you had to do is pick up a copy of the Constitution and read it.

What does it say about religion? "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." That phrase, "separation of church and State," is not found in the Constitution.

So the religious freedom amendment does not violate the concept of separation of church and State in the proper sense of that term, but unfortunately, Mr. Speaker, people who are intolerant of other people's religions have distorted the proper meaning of that phrase. In the process, they have persuaded our courts to distort the first amendment.

Under their approach, because the government keeps expanding, everywhere, whether you are talking about schools or roads or if you are talking about drug counseling programs, if you are talking about trade, if you are talking about the price of apples and eggs and butter, the government is involved. When you have a constantly growing government, if you put in place a mistaken notion of separation of church and State and make an improper use of that term, then as government gets bigger, you are saying that religion has to leave the room.

When government comes in the door, religion must exit. So as government keeps growing, religion and its place in our lives has to shrink. That is not what the Founding Fathers intended. That is not what that phrase was intended to mean.

I want to share with Members what the phrase properly means. This is not according to Ernest Istook; this is according to the Chief Justice of the United States Supreme Court, William Rehnquist. Justice Rehnquist is not one of those who has been trying to push religion and religious expression out of the public square. But Justice Rehnquist has dissented from what the court has done in so many ways.

Justice Rehnquist wrote an official dissent, and this was in the case of Wallace v. Jaffree in 1985. He wrote that the wrongful focus on the term separation of church and State has caused, and here are his words on what it has caused, "a mischievous diversion of judges from the actual intentions of the drafters of the Bill of Rights. The wall of separation between church and State is a metaphor based on bad history, a metaphor which has proved useless as a guide to judging. It should be frankly and explicitly abandoned." Those are the words of the Chief Justice of the U.S. Supreme Court.

Because people, instead of talking about the Constitution and our rights under the Constitution, have sought to persuade people that instead you just talk about this phrase, "separation of church and State."

The religious freedom amendment does not abandon the notion of separation of church and State. It just corrects it to the proper meaning; the original and correct meaning of it is what we focus upon. Chief Justice Rehnquist wrote about the actual intent of the first amendment, "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." This is what Justice Rehnquist says was the actual intent of the Founding Fathers.

And I quote his words again, "The evil to be aimed at, so far as its drafters were concerned, appears to have been the establishment of a national church and perhaps the preference of one religious sect over another, but it was definitely not concerned about whether the government might aid all religions evenhandedly."

So the religious freedom amendment follows the correct interpretation and meaning. We do not establish any sort of official religion. We are not going to have a national church in the USA. But that does not mean that we cannot have evenhanded treatment of different religions, of all religions rather than suppressing them, rather than having this current, horrible standard that says you go into a classroom and if a child wants to pray, you silence them.

□ 2200

We silence them. We censor them, we shut them up. That is wrong. That is not tolerance, that is not diversity, that is censorship. But that is what the U.S. Supreme Court has been telling us for 36 years, and it is long overdue that we correct what they have done to twist and distort the First Amendment.

Now, it is really embarrassing, Mr. Speaker, that Congress has taken so long to act on this crucial issue which goes to the heart of the matter; it goes to the essence of our liberties as Americans. We have not had a vote on a school prayer constitutional amendment in this House of Representatives since 1971, and that is the only time we ever had it. The Supreme Court made its decision in that area in 1962. Now, after 36 years, we only had one vote on the floor of this House, and that was 27 years ago. They have not had a vote in the Senate since 1984.

And yet, year after year, month after month, we have public opinion polls, I have a collection of 36 years of public opinion polls in the U.S.A., and 75 percent plus, 75 percent and up of the American people say they want a constitutional amendment to address this, to make it possible to have voluntary prayer in public school again. And the House has been unresponsive. That is why I am so pleased that 150 and more Members of this House have come together in sponsoring the religious freedom amendment to correct this. It is so long overdue.

As we look at this, let us compare the difference between what we do on a Federal level and the States. If we look at the preamble of the religious freedom amendment, to secure the people's right to acknowledge God according to the dictates of conscience, is that not what we want? Is that not the freedom we want? We can acknowledge God according to what our conscience tells us ought to be the manner of doing so.

I hear some critics say, oh, my goodness, we cannot refer to God in the Constitution of the United States of America. What do we think the Founding Fathers did and the Declaration of Independence when they talked about a due regard for nature's God, when they said in the Declaration of Independence that we hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain inalienable rights, and that among these rights are life, liberty, and the pursuit of happiness, that to secure these rights, governments are instituted among men. Now, is that not something? The Founding Fathers said our rights do not come from government, they come from God, from our Creator, and the purpose of government, the whole reason for setting up government is to secure the rights given to us by God.

Now, to some people today perhaps that appears a strange notion, and so when we say let us put in the Constitution that people have a right to acknowledge God according to the dictates of conscience, they seem to think it is something strange. But yet, Mr. Speaker, I have looked through the constitutions of all 50 States. I ask my colleagues if they know that every one of our 50 States in their State constitutions refer to God. They do.

We can look at any State, pick a State. The gentleman from California (Mr. CUNNINGHAM), from that Golden State, California's constitution includes the words that they are grateful to Almighty God for our freedom. Pick another State. Let us take another western State. Arizona, in its Constitution it says, grateful to Almighty God for our liberties. Idaho, grateful to Almighty God for our freedom. Kansas, grateful to Almighty God for our civic and religious privileges.

Maine, oh, listen to this in Maine: Acknowledging with grateful hearts the goodness of the sovereign ruler of the universe in affording us an opportunity so favorable to the design, and imploring God's aid and direction in its accomplishments. That is in a State Constitution in Maine. Connecticut says that it acknowledges with gratitude the good providence of God. Indiana, grateful to Almighty God for the free exercise of the right to choose our own government. Nebraska, grateful to Almighty God for our freedom. Michigan, grateful to Almighty God for the blessings of freedom. New York, grateful to Almighty God for our freedom.

My home State of Oklahoma, invoking the guidance of Almighty God. Rhode Island in its State Constitution says, grateful to Almighty God for the civil and religious liberty which he hath so long permitted us to enjoy and looking to him for a blessing upon our endeavors. South Carolina in their State Constitution says that they are grateful to God for our liberties. Vermont says that part of the reason for their Constitution is to worship Almighty God.

We could go on and on, Mr. Speaker, through the different States, through what the people of the States have thought was so important that they needed to write it into their constitutions, and they did not mince words. They said, we as a people believe in Almighty God, and we want to protect people's rights to worship God Almighty.

In this age when so many people are trying to suppress religious expression in everyday life, is it not overdue that we make it clear in the national Constitution of the United States of America that people should be secure in their right to acknowledge God according to the dictates of conscience? And that is a phrase that appears also in a number of State constitutions: according to the dictates of conscience.

So the people that did so much to establish this Nation and the States and to establish and then to preserve our freedom and our liberty, they recognized that it is because of God Almighty that we have been able to do those things. Yet, Mr. Speaker, it is sad that so many people want to wipe it out. They say, well, look, if we want to express something about religion, do it in the privacy of your own home, do it only at church.

But, Mr. Speaker, if our constitutional rights only exist when we are in private and we cannot proclaim them in public, are they really a right anymore? If we were told we have a right of free speech, but not in public, we would have the media so up in arms about it saying, wait a minute, free speech is something one takes with them wherever they go, and in fact it is supposed to be more protected on public property than on private property. Is that happening?

A sad case recently, this is a Federal court, a Federal court in New Jersey, there was a first grade student in Medford, New Jersey, and he wanted the right to read a story to his classmates and he brought a book to school the next day to read a story to his classmates. The book was The Beginner's Bible. The story was about Jacob and Esau, their reunion together, two brothers coming back together. In fact, I have read the text of that story. It does not even mention God, but because it is from a beginner's Bible, the teacher said, "You cannot read it in school," and the U.S. District Court agreed and said that is right, you cannot read it. That is the first grader.

In Alabama right now, in a court ruling issued by a Federal judge in Alabama, over 70 students have been expelled because the judge has said it does not matter what sort of school activity it is, classroom, school assembly, football game, pep rally, you name it, school officials cannot permit a prayer to occur. And students that do not go along with that have been expelled. Now, what kind of religious tolerance is that?

I recall the words of another Supreme Court Justice, Potter Stewart. He dissented, Mr. Speaker. He dissented when the Supreme Court said that students should not be allowed to join together in prayer at school as part of a normal activity, and he wrote that he did not see that there was a danger in letting students that wanted to say a prayer to say one. In fact, he said if we really believe in diversity, students are only going to learn about diversity if they are exposed to it at school where they know it is normal, where they realize different people pray different ways, different people have some differences among their faiths, but yet they are more united than they are separate on those things.

In fact, Justice Stewart went farther, because I hear some people talk about what they call a captive audience at school, they say, oh, you cannot have prayers at school because the children are captive audiences there. The people that first came up with that concept did not think about all of the students, they only cared about maybe a child who did not want to hear someone else's prayer.

But how about the vast majority of students that say yes, that is something good, that is something positive, what about their rights? Because Justice Potter Stewart wrote, in a system of compulsory attendance at public school, to deny children the right to have a prayer, which is an everyday occurrence in so many other places in life—this Congress, legislatures, city council meetings, city club meetings, you name it—to deny them the right, Justice Stewart wrote, to have a prayer while they are required to be at school is to place religion at an artificial and State-created disadvantage. It is not being neutral, it is being negative toward religion, and that is not what the Founding Fathers intended.

Mr. BISHOP. Mr. Speaker, will the gentleman yield?

Mr. ISTOOK. I yield to the gentleman from Georgia.

Mr. BISHOP. Mr. Speaker, I thank the gentleman for yielding to me. I would just like to thank my good friend from Oklahoma for organizing this special order and for all of his hard work in behalf of this very important and vital legislation. I respect very, very deeply our Constitution and our First Amendment, but I share the gentleman's concern with the interpretations that have been given of the First Amendment over the last 30 years by our Supreme Court.

Ironically, it seems that the Founding Fathers who certainly had the specter of a national religion fresh on their minds probably never, ever envisioned a time in history like we experience today when religious expression and exercise of any kind in a public place is shunned so adamantly by our government. They were running from a government that was too involved in religion, and we now have a government that discriminates against religion.

So I want to commend the gentleman from Oklahoma (Mr. ISTOOK) for his efforts and for lifting up this issue for the American people and for the Members of this body to carefully deliberate on so that we can really consider where we want to go in the future to right what has been 30 years of the wrong direction.

I can remember very vividly when I was a child growing up in Mobile, Alabama, and I started to school and every morning it was the Lord's Prayer, the 23rd Psalm, the Pledge of Allegiance to the flag, and My Country 'Tis of Thee. That was regular, it was consistent, and even though we recited it almost by rote, the words of all of those began to have meaning for us. And I believe that somehow those words, through the 12 years of grade school and high school that I attended, made a difference in shaping the values that I have. I am afraid that several generations of America's young people have grown up despiritualized because of this wall of separation that has been placed between our religious values and our life.

I learned somewhere that religion is what means the most to a person. I believe as Americans we are very, very reverent, and I think that everyone should have the right to express him or herself in any way that he or she should, within the appropriate and accepted means.

This religious freedom amendment that is being offered is very simple. It says simply that to secure the people's right to acknowledge God according to the dictates of conscience, neither the United States nor any State shall establish any official religion. Who would have any qualms about that? It goes on to say that the people's right to pray and to recognize their religious beliefs, heritage or traditions on public property, including schools, shall not be infringed. Now, who should have problems with that?

□ 2215

It says, "Neither the United States nor any State shall require any person to join in prayer or other religious activity, prescribe school prayers, discriminate against religion, or deny equal access to a benefit on account of religion."

All of this would appear to be perfectly legitimate and perfectly consistent with what the Founding Fathers had when they drafted the First Amendment to our Constitution. It is certainly consistent with our history, our traditions for most of the 200 plus years of our country's history, save the last 30 years where the Supreme Court has turned us in another direction.

I believe that it is appropriate. I believe that it is certainly incumbent upon us to lift this issue and to raise it so that, once again, Americans will have as much protection to express their religious beliefs and heritage, even in a public place as they do to express, to describe, or to observe nude or pornographic material.

I think that to offer more protection for pornography than for the sacred, religious beliefs and traditions of the various people in this country is really awful. It is something that is inconsistent with our history and our heritage.

I commend the gentleman from Oklahoma (Mr. ISTOOK) for his efforts. And I join the gentleman in his efforts to see if we can right that wrong.

Now, there are those who would suggest that, if we should do this, that we will somehow be infringing upon the rights of, perhaps, a minority; that there may be a Jewish student in school or a Muslim student in school who might feel ostracized because he or she may be the only child or one of just a few children in the class who may be belonging to a particular religious belief or faith.

Well, that may be true that they may be a minority, but we have learned in America that even minorities have rights. Under this religious freedom amendment, even that child who belongs to a minority would have just as much right to pray or to express his or her religious traditions as the majority, the majority faith that would be represented in that particular environment.

They say, well, how are we going to manage to make sure that no child gets ostracized or no one is treated unfairly? I suggest to the gentleman that it should be handled in the very same way that teachers and principals and school administrators and school boards handle the order and discipline of our schools today.

What has to happen is that school boards must be accountable. They must make sure that whatever policies are applied are applied evenhandedly. And if those policies are applied evenhandedly, even the minority students would have the right to express their religious beliefs with the same dignity and the same respect as any other students in the class. I believe that it is fair. It is basic. I think it is an idea whose time has returned.

I commend the gentleman from Oklahoma. I certainly support his efforts. Maybe we may disagree on some of the nuances and some of the specific wording in the amendment, but I think the thought, the principles, and the ideas are the same.

I want to join the gentleman and support what he is doing. Maybe at some point we can get together and fine tune the language in a way that it would eliminate any criticism.

For example, I believe the gentleman mentioned the word, "God". There are some religions that God can be a generic term or God can be an anthropomorphic deity. I do not think it is appropriate for government to decide.

So for that reason, if it were my preference, I would remove the word, "God," from the amendment itself, because it appears no where else in the Constitution anyway. But I do not think that that is a severe impediment.

I believe that the essence of the amendment is for every person to have the right to express his or her religious beliefs and opinions without being discriminated against and in an evenhanded way.

I do not think that government should shun religion just as I do not think government should foster religion. I believe that this amendment, if implemented and if it is applied fairly, and school boards are accountable and hold their employees accountable in the implementation of it, I think it can work well. I think that it will help us to get back to the day where we can restore spirituality and values and principles and character and dignity in our young people, and we can look forward to a brighter future.

I thank the gentleman from Oklahoma for yielding.

Mr. ISTOOK. I appreciate the gentleman from Georgia's comments. In fact, I would like to exchange a couple of thoughts with the gentleman.

I would like to engage in a colloquy, if I can, with the gentleman from Georgia, because I was struck by something he said about some people, the way they treat it, in essence, equate religion or religious expression with pornography.

Now, let me explain what I mean by that, because pornography is a special category where free speech does not apply. Free speech is not absolute. We cannot yell "fire" in a crowded theater. That is kind of the classic. We cannot advocate for people to rush out and take up arms and violently overthrow the government or otherwise incite people to riot or rebel. I do not know if that is truly what we are trying to do. Of course, then, there is limitations on things that are pornographic.

Now, the courts in doing this, I can think of an example that involves the Internal Revenue Service. One of their big district offices in California put out a memorandum to its employees. They said, you cannot have a religious item in your personal work space or on your desk. We are talking about things that could be a picture of Christ. It could be a Star of David. It could be a nativity scene. It could be lots of different things.

I wrote the IRS, and I said, why are you doing this? They wrote back, and they said in their letter, items which are considered intrusive such as, and they gave two examples, and these are the only examples they gave, items which are considered intrusive such as religious items or sexually suggestive cartoons or calendars are prohibited.

Look how they juxtaposed things. Look how they categorized a Bible or a menorah or a cross or whatever as though it were pornographic. I was struck by that when the gentleman from Georgia made the comment that he did. I wanted to share that with the gentleman and get your reaction to that.

Mr. BISHOP. I would be appalled to have that kind of comparison contrast made to mention religious items. Religion is what means most to people. It is revered. It is something that is sacred, whatever that expression may be. If it is religious, it is deeply held and deeply felt.

For those of us who feel that a person's right to express his or her religious traditions, whether it is the wearing of religious items, a crucifix, a menorah, or whatever the sacred item might be, and to have that item in his or her possession, and to have that equated with pornography, I think, is abominable.

I think it is certainly inconsistent with the noble high ideals of our Founding Fathers when they founded this country and when they wrote what I believe to be one of the greatest documents ever written in history, and that is our Constitution, next to the Bible, of course.

I feel very strongly that this is wrong, that the interpretation, the pendulum, has swung too far in that direction, and we need to right a wrong. I believe that the way to do that is through the enactment of a Constitutional amendment to set it straight once and for all.

Mr. ISTOOK. I agree with the gentleman. I think through the different symbols. Because it is not just the Internal Revenue Service. They are acting in response to these horrible court decisions.

In San Francisco, in a city park there, for 65 years, there was a large cross. It was on public property there. It had been there for 65 years. It had been praised by people.

President Franklin D. Roosevelt, when he was President, made a national address where he singled it out. A U.S. Supreme Court ruled last year it was unconstitutional. Now, I do not know if it was unconstitutional to them 65 years ago or if it first became unconstitutional to them in 1997 or when.

There have since become cases in San Diego, cases in Oregon, cases in Hawaii. I mentioned the one in Edmond, Oklahoma. For the U.S. Supreme Court to single out emblems of a particular faith and, yet, that same U.S. Supreme Court has ruled that an emblem like a Nazi swastika is protected.

I am thinking of a case in Skokie, Illinois, a Jewish community with a lot of members of the Jewish faith who were survivors of the Nazi Holocaust, and American Nazis went to parade in Skokie, Illinois, through the streets emblazoning their Nazi swastika all over the place. The court said, oh, that is protected. A symbol of hate is protected, but a symbol of love, of hope, of faith, it is not. What kind of standard is the Supreme Court using?

Mr. BISHOP. Will the gentleman yield?

Mr. ISTOOK. Yes.

Mr. BISHOP. I think that is a very, very profound question, because I think what the Supreme Court was trying to say was that we have to learn to be tolerant of the views of others, even though they may be different from ours. I think that is a very, very valid statement, a very, very valid principle.

However, do we want to draw the line and not be tolerant of the views of others if those views happen to be based in religious tradition, religious practices, religious beliefs? Certainly, that could not be the intent of our Founding Fathers.

Certainly, we must want to teach tolerance so that, if people are of different religions, different backgrounds, have different points of view, that they each have the right to express those points of view in an atmosphere of tolerance, particularly government tolerance.

I think that that is essentially what this amendment is trying to do. Let us be as tolerant of the expressions of religious belief, regardless of what the religion might be.

Let us be as tolerant of that as we would be of a swastika or of burning a flag in public, which is certainly abominable to those of us who are patriotic Americans who revere our flag, but to allow tolerance for those who, through their anger and misguided or misdirection, would destroy our flag or would want to wave a symbol of hate like a swastika, to give them the protection and the tolerance, but not to give that to a young girl who merely wants to take her Bible with her on her school bus on her way to school, to ban that and not give her the protection and the tolerance by her government merely to carry a sacred book on the school bus with her, that could not be the intent of our Founding Fathers, and certainly was not the practice of the custom for most of our country's history.

Can you imagine justifying and protecting the use and the waving of a swastika, a symbol of hate, while at the same time, banning a young girl from playing a videotape of herself in a show-and-tell day at school simply because she is singing a religious song in church. It just does not seem to be fair. It is not right. And it is discriminatory.

□ 2230

I believe the time has come that we need to stop discriminating against the kind of tolerance that expresses religious traditions while we protect the kind of tolerance that allows hate and racism to be expressed as with the swastika and many other symbols that the Supreme Court has allowed to be protected.

Mr. ISTOOK. I certainly agree with the gentleman. Unfortunately, some people seem to have this notion that tolerance is a one-way street. They expect us to tolerate expressions by people who are way out of the ordinary, and certainly I believe in protecting the rights of minorities of whatever type they may be, but that does not mean that you disregard the rights of the majority because the first amendment was meant for all of us.

I hear some people say, the first amendment and the religious protections in it were intended to protect the minority from the majority, but I think that cuts both ways. Yes, it is intended to protect the minority from the majority, but it is also to protect the majority as well. And to say that it only protects some of us and not others is certainly not equal protection of the laws and it is not what the Founding Fathers intended.

Yet I think of instances, in Denver, Colorado, a year or two ago, this organization known as Americans United for Separation of Church and State got involved really in an incredible way, because they were going to have a prayer luncheon and the governor was going to be a part of it, and they put out this press release saying, oh, it is terrible for a public official to be involved in a prayer breakfast or a prayer luncheon because they are public officials and, therefore, I guess supposedly they are not supposed to have any religious expression of religious freedom. Yet they were condemning the idea of having a community prayer luncheon and letting public officials be a part of it. That was outrageous to me.

You look, right now the State of Ohio, Ohio has a State motto. Their State motto is, "With God all things are possible." They are being sued by the ACLU saying. You cannot use the State motto; you cannot put it up.

Like I mentioned before, we have "In God We Trust" over the Speaker's chair here in the Chamber of the House of Representatives. But they are suing, saying the State of Ohio better not say, "With God all things are possible."

Look at the State seal of Florida; it says, "In God we trust" on the State seal of Florida. There are other expressions on other State seals and State flags.

I look at West Virginia, where the ACLU is suing there to say you cannot have prayers to start football games. What kind of intolerance is this? Yet in this topsy-turvy world, some people try to say, oh, we are practicing tolerance by telling people to be silent. That is not tolerance. That is intolerance of the worst order because it picks on people's religious faith.

I know when it comes to saying that it is once again possible for students at school and, if they wish, in the classroom to have a prayer at the start of the day and, as you mentioned, you protect everybody's rights, you have it rotated and you make sure that it is not just one faith that gets to say a prayer and others do not, the religious freedom amendment does not countenance that sort of thing, but it gives people the opportunity.

I think back on my experience, and I am 48 years old; maybe once or twice in 48 years of life thousands and thousands of prayers I have ever heard, only maybe once or twice in my life has there ever been a prayer that I heard that I thought was out of place.

I think when you talk about having prayers in public schools and thousands of public schools, what turns out to be millions of times a year probably, that it is going to be extremely rare if there is going to be any sort of prayer that is offensive. Do you say that if you are afraid that somebody is going to say something wrong, you force everyone to be silent? That is not the American way. If something happens that is wrong, that is how you learn. You learn from those experiences.

These scare tactics that some people are using, the ACLU-type groups, saying, people are going to be coming into our schools to do this and that; no, they are not. This amendment does not give anybody the right to walk into a public school. It talks about the rights of those who have a right to be there, just as everybody does not have the right to come in and disrupt the proceedings of this House or to go into some other government office and be disruptive, there is no right to be disruptive just because you have a right to free speech.

Mr. BISHOP. That is a very interesting concept that the gentleman just raised, because I hear a lot of the opponents or the critics of the amendment suggesting, how are we going to regulate this? How are we going to control who comes in and what they say?

We already have in place the mechanisms for controlling the orderly processes of our government operations, for example, the rules of this House, for the operation of our schools, the principals, the school board, the teachers, the faculty. They have a routine. They have procedures. Students know when they are allowed to speak and when they should remain silent. They know that they have to cease speaking while another child is giving his or her recitation or responding in class. There is a protocol.

I believe that the people in this country, our school boards in this country, are as creative and as ingenious and as bright as it takes to be able to establish the right kinds of protocol so that every child would be given the opportunity to express him or herself in a way that is evenhanded.

We live in a melting pot. America has always been a melting pot with many, many backgrounds and many generations of people coming from all over the world to make their home on these soils. I believe that they bring a very, very interesting set of backgrounds and histories and religious traditions which is a part of our national cultural heritage. We must be willing to expose ourselves and to listen to it, not necessarily agree with everything we hear, but to listen, to listen respectfully and to form our own opinions.

I believe that is what this religious freedom amendment is all about. It is not about cramming one particular point of view down anyone's throat. It is about allowing all of the ideas, allowing young people, allowing people who have religious beliefs to be able to express them as they can express any other form of free speech in any context that is not inhibiting and is not discriminatory.

I just believe that what the gentleman is trying to do through this amendment and what we all want to see for America will help us to have a much richer heritage and a much more tolerant environment. I do not believe that anybody will be put upon, and I do not believe that any school board would stand for anyone being put upon. Should that happen, those instances where someone abuses that authority, it will be appropriate for the ACLU or for parents or for the community to rise up in arms, to rise up in protest legally or otherwise to make sure that those wrongs are righted.

Mr. ISTOOK. I think the gentleman has stated things very well. I appreciate your recognition and expression of the fact that this amendment is about tolerance.

Some people have developed the mistaken notion that if they are present when somebody says something with which they disagree, that they have been put upon. Well, hearing something with which you disagree and being respectful of it does not mean you agree with it. It happens all the time on the floor of this House. It happens all the time in classrooms at school. And to single out religion and say, you cannot say something that does not have unanimous approval because it infringes on someone else's rights, what you are really doing is stomping on the rights of almost everyone just because somebody there is intolerant.

I think of the case, this was the graduation prayer case, the prayer there was said by a Jewish rabbi. The Supreme Court said it was unconstitutional to expect people to be there because they would be expected to be respectful. That interfered with their constitutional rights.

I suggest to you and to everyone that if they said, well, we expect students to be respectful when somebody is speaking, we expect them to be respectful if the school choir is singing a song, we expect them to be respectful of all the occasions, but if it is a prayer, you cannot expect respect.

What a terrible doctrine the Supreme Court unleashed there. We have to correct it. You do not have free speech if you can only say things with which people agree.

If I could close and just share a thought expressed recently, just about 3 months ago by Pope John Paul II, concerned with religious freedom in the United States of America, when he received the new American ambassador to the Vatican just in December. He said this: "It would truly be a sad thing if the religious and moral convictions upon which the American experiment was founded could now somehow be considered a danger to free society, such that those who would bring these convictions to bear upon your Nation's public life would be denied a voice in debating and resolving issues of public policy. The original separation of church and State in the United States was certainly not an effort to ban all religious convictions from the public sphere, a kind of banishment of God from civil society."

Those were the words of Pope John Paul II just in December, expressing concern about religious freedom being stripped away in America.

The religious freedom amendment will correct that. I thank the gentleman from Georgia (Mr. BISHOP). I thank the Chair for having the time to present it. I look forward to the day in the next few weeks when we will have a chance to debate and to act upon this House floor on the religious freedom amendment.

1997 ANNUAL REPORT ON ALASKA'S MINERAL RESOURCES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. REDMOND) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Resources:

To the Congress of the United States:

I transmit herewith the 1996 Annual Report on Alaska's Mineral Resources, as required by section 1011 of the Alaska National Interest Lands Conservation Act (Public Law 96-487; 16 U.S.C. 3151). This report contains pertinent public information relating to minerals in Alaska gathered by the U.S. Geological Survey, the U.S. Bureau of Mines, and other Federal agencies.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 10, 1998.*

FEDERAL AGENCY CLIMATE CHANGE PROGRAMS AND ACTIVITIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105-226)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science, the Committee on International Relations, and the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with section 580 of the Foreign Operations, Export Financing, and Related Agencies Appropriations Act, 1998, I herewith provide an account of all Federal agency climate change programs and activities.

These activities include both domestic and international programs and activities directly related to climate change.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 10, 1998.*

MILITARY READINESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from California (Mr. CUNNINGHAM) is recognized for 60 minutes.

Mr. CUNNINGHAM. Mr. Speaker, one of my favorite speakers is a guy named Will Rogers. First of all, he tells stories and he relates to people. And my subject tonight is the readiness, the national security of this great country.

We just finished a hearing in San Diego headed up by the gentleman from Virginia (Mr. BATEMAN). Our Republican and Democrat colleagues, I was very, very proud, they listened. They watched. And they unanimously contended that the readiness state of our armed forces in this country is at a critical state.

I think it best relates, as my friend Will Rogers used to relate the stories, and it tells about a case of a gentleman that was in an accident and he was banged up. His horse was killed. His dog was killed.

And the insurance agent came to the gentleman and said, Well, is it true the day of your accident you told the police officer that it was the best day of your life and that you had never felt better? And the gentleman looked at him and said, Yes, this is right. I did that. He said, But you had broken legs and broken arms. He said, Yes, but I still said that I never felt better. He said, Can you explain? He said, Well, my horse had broken legs and the policeman took out his revolver and he shot the horse. My dog was near death, and he reached over and shot the dog and the police officer looked at me and said, how do you feel? And of course, I replied I never felt better in my life, even though I had broken legs and arms.

Kind of the truth in the same story could be related to our service chiefs as they testified before the different committees.

□ 2245

A four-star General or Admiral will come before the committee and state, "Our readiness state is high, we are well trained, we are well prepared." And these are the same words that they said in the '70s when we were at an all-time low. But we know and they know if they do not agree with the President's budget and they say otherwise, the President will find someone who will agree. And there is the paradigm.

If we take a look, the White House budget is a good one. But our service chiefs try and give us the information to read between the lines. For example, in the President's budget education impact aid has been cut. What is education impact aid?

If a military service person signs up for aid in one State and moves to another, and they reside in that State and keep their registration there, their State taxes go to that State. And say that they go to California, the State that I am from, and their children go to that school. Well, they impact that school, but yet there are no State funds. Ninety-seven percent of education is paid for, excuse me, 93 percent, out of State funds, so there is a direct impact on that school. Yet the budget is okay, but education impact aid is not in the budget.

The service chiefs testified that 80 percent of the equipment of all of our services, 80 percent, is of 1970 vintage. But the budget is okay. There is not enough money for modernization, because modernization over the past 7 years has been cut 70 percent. So our new tanks, our new aircraft, our new weapon systems, our ships cannot be built. But yet the system is okay.

The bottom-up review that was charged by then Secretary of Defense Les Aspin pointed out that the Navy was going from 546 ships, but yet we needed only 346 to complete two combat zones at one time. They refer to it as a two MRC. It would take 346 ships to do that. But yet in the budget that we see today, in the outgoing years and this year, we are only building three to five ships, which will put us well below 300 ships. But yet the budget was okay.

There are limited parts, so bad that many squadrons in the United States have but one or two aircraft that will fly because they have had to take the parts off of those aircraft and send them to Iraq and Bosnia and our other contingencies on the front line, and that means that the aircraft that are left here are down so that the pilots here cannot train or cannot fly those aircraft.

They have to operate a maintenance practice called cannibalization, in which they have to take a part off of one aircraft, they have to put it on another aircraft, and then take a third part and put it on the original airplane, and in many cases that does not work. The load for that maintenance worker is three times the amount of work that a normal maintenance worker has to work. But the budget is okay.

Operation tempo. Listen to this, Mr. Speaker. The operation tempo since the Cold War has increased 300 percent. But yet the budget is okay.

Our men and women are getting out of the service. The retention rate is 24 percent. Pilots in the Air Force, they had to give bonuses. It was 29 percent, and they were able to boost it up to 33 percent. The Navy is similar. What does this mean?

We interviewed in San Diego our top enlisted, our staff sergeants, our gunnies, our master chiefs, our chiefs and enlisted. Most of their senior enlisted personnel, because of the time away from home, because of the increased tempo, because of three times the workload, because of having to deploy and be away from their families, are getting out of the service. So we do not have that experience level to man the readiness of our equipment, in which in the States we do not have because it is being forced on the front lines. But yet the budget is okay.

Older equipment from the 1970s is much more difficult to keep up, Mr. Speaker. Cannibalization that does not work, 300 percent increase in op tempo, and a budget that is lower than in the 1950s. But yet the budget is okay.

Now, with that 1950s budget, Mr. Speaker, with that 1950s budget for our national security, all of the contingencies, Somalia, Haiti, Bosnia, there was $16 billion spent for which Congress did not support. We did not support the increase and lengthening of Somalia, we did not support Haiti, and we did not support going into Bosnia, but the President ordered it. It cost $16 billion, which comes out of the operations and maintenance funds which our service chiefs, our enlisted and our commanders have told us there are no parts. We are not maintaining our equipment because it is already coming out of there.

One thing they said unanimously, the service chiefs. We have a supplemental called a defense supplemental coming up, and if they do not receive this supplemental, all services will not only go into a hollow force, they will be inept. That is the words of our service chiefs. And this is critical. Without the supplemental, we will not only be in a hollow force but we will be inept.

With the experience leaving the services, we have a real problem. With our groups training, the low level, we have less and less and less. Let me talk about the troops getting out with a Will Rogers type of story.

In Vietnam I was fortunate to shoot down a Mig 21 over Southeast Asia. When I came back aboard the U.S.S. Constellation, which was the same ship we held this hearing on, all 5,000 men on that ship were up on the flight deck because no Mig had been shot down in almost 2 years of fighting. As I taxied over to the elevator, I looked and there was Captain James D. Ward, skipper of the U.S.S. Constellation, Admiral Hutch Cooper, who was commander of Task Force 77, and all 5,000 guys were there cheering.

And I looked at my plane captain, his name was Willie Lincoln White. Willie Lincoln White, in his enthusiasm, Mr. Speaker, broke through the crowd. He knocked over Admiral Cooper, and you do not do that in the Navy, and he ran across the flight deck. In his enthusiasm, he ran by the tail feathers where the engines were still going and jumped up on the port wing. We are trying to get the ejection seat pins in and the safety arm for the weapon systems, and Willie White leaned over and grabbed my arm and said, "Lieutenant Cunningham, Lieutenant Cunningham, we got our Mig today, didn't we?"

Well, what was Willie Lincoln White telling me, Mr. Speaker? He felt a very important member of a team, and rightfully so. We shot down a lot of Migs, but we only deserve about 1/5000th of the credit. And those men and women serving in our military feel like they are part of the team. But this Congress and the White House is letting down that team, Mr. Speaker, because when men and women who are dedicated, dedicated to serving this country, are forced out because of a 300 percent increase, because of cannibalization, because of no parts, because they cannot train and that they are kept away from their families, that is wrong.

Let us take a look at the U.S.S. Constellation in port in San Diego today. She returned from a 6-month cruise overseas. Now, during the months of April, May, June, July and August she has to go up to Bremerton. She is an old boat and she has to get repairs. Now, Bremerton is not where the families of those men and women serving on that ship live. They live back in San Diego. So after a 6-month cruise, they are going to have to go up, months away from their family. This is supposed to be a time called shore duty on the rotation, 6 months on, 6 months off, that they have to spend some time with their families, but they cannot do that.

After they get through with this time in Bremerton, they have two 40-day workup periods. Why? Because the aircraft they have does not have any parts. In some cases they do not even have the airplanes. They have to get them back from sailors that are coming back off another ship, beef up their airplanes, go out and train them, because they have not trained their new kids that have just joined the squadron.

So we have kids that are not trained as well as pilots and aviators. And even the weapons people to onload the weapons are new. So they have to gear up to that because they could potentially end up in combat. But yet the budget's okay.

Let us take a look at how foreign policy has damaged the readiness of our forces in this great country. We went into Somalia with a humanitarian message and mission. There was an extension after George Bush left and the President took over in the White House. They extended Somalia. Most of us voted against that because there was no mission, there was no clear time to get out, much like there is in Bosnia today.

The extension changed from humanitarian. And Mr. Speaker, I think you will remember that the mission went after General Aideed. Well, during that time there was a humvee, which is a vehicle that our Rangers were driving, and they were trapped by the forces there. They were cut in four pieces with chainsaws and their remains were drug through the streets of Somalia. Our military leaders asked for armor.

And at the same time the mission changed from humanitarian to going after General Aideed, the President drew down our forces, making us vulnerable to attack. And so our commanders again asked for armor and they were denied.

There was a helicopter that went down, Mr. Speaker. The same thing. Two of the members were killed outright, the one survivor was taken out and cut to pieces and his body parts were drug through the streets of Mogadishu. And again they asked for armor, because they could not get to them through the streets.

Then we put in a strike going after General Aideed, downtown Mogadishu. Our Rangers were trapped. It took 7 hours to get to them because they did not have armor, and we lost 22 of our soldiers unnecessarily. And another reason that I do not support the United Nations is because at that time Boutros Boutros-Ghali could have ordered in our tanks from other U.N. nations and did not. We lost 22 men, Mr. Speaker.

Let us look at Haiti. Oh, and guess what? In Somalia, General Aideed died last year but his son is still there. They still have the same corruption. They still have the same poverty. They have the same problems that they did for the humanitarian reasons we went there and it cost billions of dollars. Now, we take that out of Medicare, we take that out of Social Security, we take it out of education, but it is dollars that we do not have overseas.

Let us take a look at Haiti. In my opinion, Haiti could stay there for another 200 years and not be a threat militarily or economically to this country. But yet, on the President's orders, against the will of Congress, we went into Haiti. Who did we send in there? A mad dog named Aristide, who used Haitian neckties, which is a tire around the neck of his opponents filled with gas, and lit them. But yet he was our ambassador. He was going to be the head of Haiti, supported by this administration.

Billions of dollars, Mr. Speaker. Aristide is still there, the government is still poor, the people are still poor. There are still boat people coming from Haiti, and all of the same problems we went there for. But yet it cost billions of dollars.

Let us take a look at Bosnia. In my opinion, if we pulled out of Bosnia today, would there be conflict? Yes. Look at Kosova. Look in the news today.

□ 2300

But if we pull out 5 years from now, the fighting is going to be even worse because of our failed foreign policy. And let me be explicit. The White House sent arms to Izetbegovic, the leader in Sarajevo, head of the Muslim forces, to balance out, quote, "balance out the force." We are continuing to arm and send our troops to train the Muslims. There are between 10 and 12,000 Mujahedin surrounding Izetbegovic and essentially trained under Kadafi, and that government is going closer, and closer, and closer to Iran and Iraq. And if we pull out in later years, it is not going to be the Serbs, it is not going to be the Croatians, but it is going to be the fundamentalists, the Mujahadin and Hamas that are going to strike a blow, and Iran and Iraq is going to have a foothold in former Yugoslavia, and it is going to threaten Europe, and it is going to threaten Greece, and it is going to threaten the United States of America, Mr. Speaker. And that is wrong.

The President's budget represents the 14th consecutive year of defense spending decline. The President's request represents 3.1 percent of GDP, down by 50 percent in the mid 1980's. The fiscal year 1999 request represents the lowest defense budget since before, before the Korean War; Bosnia, $7.1 billion; southeast Asia ops, 4.7 billion; Haiti Cuban ops, $1.4 billion; Somalia, Rwanda, $1.9 billion; $16 billion that, again, comes out of an already low defense budget.

Since 1993, three times more spent on contingency operations than all of the United States Marine Corps procurement. Bosnia deployments are estimated to have cost an additional 10 to $15 billion when we do not pull out this June, as the President said he would a year ago. Air Force officials have established 120 days per year as the desired maximum number of days an individual should be away from his home station.

Many of our troops are away from their homes over 230 days, and then because those critical rate shortages of our senior enlisted getting out have got to either cross deck, or go to Air Force units, or turn around and go right back to fulfill those voids. And that is another reason why retention is so low. It is another reason why our readiness is low because experience is leaving. And it is a self-contained cesspool, Mr. Speaker.

Do more with less. Brigadier General William Wallace. Remember William Wallace in "Brave Heart." This is Brigadier General William Wallace. And I quote, "We tend to see leaders that are well-educated, but not well-practiced." Why? Because their quality of experience is lacking.

Before many of us went to Vietnam and even in Desert Storm, we had strong training; we had strong control with our leaders. Our leaders were war-tested and trained. Now that is fading, Mr. Speaker. We had adversary squadrons. We were able to fight against A–4s that simulated the MiG–17 and MiG–21. We were able to fight F–5Es and other aircraft which simulated MiG–21 and MiG–29. But we do not have any more of those adversary squadrons.

The budget does not allow for those aircraft. I am alive today because of the training and the superior equipment I had in combat. And our troops are losing that edge.

Mr. Speaker, did you know that Captain O'Grady, when he was shot down in Bosnia that made the news, was not qualified at air combat maneuvering, because they are not training here in the States. And when you get overseas on the front lines, you are flying these missions, you cannot afford an airplane, you cannot afford to fly and train in many of the areas because they will not allow us the air space to fight with live ordnance on. So you end up drilling holes in the skies. And yes, Captain O'Grady was shot down with a sand missile.

You saw him being picked up by Navy and Marine forces. But he was not qualified for air combat when he was shot down. That is a crime that this country would send our men and women abroad with the lack of training, lack of parts, 70-year-old aircraft, and on and on and on.

According to Army briefing, 125 infantry squads are unmanned. That is equal to five infantry battalions, and they are not even manned because we do not have the personnel. And if we did, we do not have the senior noncommissioned officers to train them.

Additionally, there are 134 tank crews and units based in the United States which are undermanned and unqualified, more than 40 percent of a division of armored fighting power, and this is according to the Army itself.

This briefing also identified 199 crews, Mr. Speaker, of Bradley fighting vehicles in the United States that are undermanned or unqualified. That is 60 percent of a division's infantry fighting power. But yet the budget is okay.

The widespread belief of trainers interviewed in the NTC, which is Naval Training Center, 29 Palms, and U.S. Air Force Air Warfare Center at Nellis Air Force Base is that units are arriving less prepared than they used to be and not as proficient when they complete their training as in the past. Deployed units numbers of overdue training events which drives increased workloads in order to catch up is forcing our men and women out the service.

The report states that service secretaries have confirmed that while readiness has traditionally fluctuated, meaning it is a moving target, depending on where the unit was, either deployed or at home, from all the services was at troughs of lower readiness are deeper and longer in duration. Many pilots and maintenance personnel interviewed report that aircraft are increasingly being stripped of parts as soon as they return from deployment in order to support other aircraft that are deploying.

Personnel in an S–3ASW aircraft squadron noted that it had returned from recent deployment and had no aircraft to train because the aircraft were needed to support the ongoing deployment of aircraft on the U.S.S. Kittyhawk. An ES–6 squadron only had one aircraft left. They had to get rid of all their airplanes. Fighter squadrons are leaving with no parts. Back here in the United States, they cannot fly them so they cannot train so that we can support all of these contingencies. And I quote, Never before have squadrons come back with no planes to train with.

The Marine Corps: Marine aviation weapons and tactical squadrons noted that fixed-wing pilots coming to school used to have approximately 1500 hours of flying time in a particular type aircraft. Today the average is closer to 400 hours. And these are your pilots that are going to go back and train the remaining pilots, and they only have 400 hours. They are beginners, Mr. Speaker.

Helicopter pilot students used to average approximately 12 to 1500 hours flying time. Now the average is near the minimum, 700 hours. So quality, experience. And we can neither accept or tolerate anything less than superlative in our air crews and in our men and women who maintain those machines.

Officers expressed their belief that a gradual decline in marine tactical air combat readiness was underway due to a combination of factors: Reduced experience levels, reduced turnaround time between deployments, pilot resignations, degradation of aircraft readiness and training, ordnance shortages, and a lack of trained personnel to maintain those machines. Approximately 12,000 DOD service members are on food stamps and that many others qualify. Is it any wonder, Mr. Speaker, that our servicemen and women are leaving? But yet, the budget is okay.

A 1990 survey found that 61 percent of Active enlisted soldiers and 47 percent of officers were dissatisfied with the amount of time that they had to be separated from their families. For the last 30 years, Mr. Speaker, the number one reason for a lack of retention in our armed services is family separation. And we cannot increase an operation tempo by over 300 percent and expect to have any kind of retention figures.

Increased drug and child abuse are attributed to high pace of operations within the armed services. In 14 separate studies, 25 percent of the senior NCOs and officers indicate that they are leaving service either earlier than planned or undecided due to downsizing. Increase of PERSTEMPO, increased stress, concern about job security, declining satisfaction with quality of life, and concern for their families. Job satisfaction is down two-thirds, and leaders say organizations are working longer hours.

The force is tired, Mr. Speaker, concerned about the uncertainty of their future. Morale is low. The service chiefs will tell you that is not true, but just go out and talk to the kids. Morale is low both at individual and unit levels. And that is from the commanders of those that risk their careers by letting us know these facts.

Fully one-third of both Active and Reserve Army leaders surveyed reported the problems with outdated or aging equipment; 80 percent of their equipment is beyond the year 1970. Air Combat Command was reporting that F-15Es, the Strike Eagle, had dropped below its mission capable standards. Cannibalization of parts and deploying aircraft are increasing, overextended maintenance crews.

Air Force NCOs recently testified before the House National Committee that "higher demand for aging aircraft parts and fewer resources due to cutbacks in funding drives us to cannibalization which triples our workload. Readiness is reduced to lower numbers of aircraft. Our pilots can't train. Fewer available missions capable of aircraft results in fewer trained pilots and mission accomplishment."

Mr. Speaker, there is another factor that has decreased our readiness. In our downsizing, which was important, we had too many overseas bases; it drew too much from taxpayers and it drew too much from our services. But it has been overdone. Raising both the workloads on forces and costs of operations, CONUS-based forces must travel farther now and longer to reached deployed areas.

Of the 674 Army facilities closed worldwide since 1989, 593 were overseas. We used to go to those overseas bases. We used to get our parts. We used to get maintenance supplements. We used to have our aircraft and ships worked on at those overseas bases. But now they are closed. So what do you have to do? You have to go to Guam and Japan and other places in the Atlantic.

U.S. Air Force Europe reduced 16 main and 37 minor operating bases to six bases. Nine U.S. Air Force fighter wings, totaling 636 aircraft, were reduced to three wings, 636 aircraft to 168 aircraft, to do the same job. But yet, the increase in tempo is 300 percent and they are expected to do the same thing.

Personnel reductions from 62,000 down to 27,000; post-Cold War operations, larger, more intensive, more complex, longer in duration, Air Force study describes the context of a new environment of degrading readiness. And I quote, "The increase in demand for U.S. Air Force assets and personnel has come to a time when U.S. Air Force and inventory personnel, operating locations, and budgets have experienced dramatic downsizing. U.S. Air Force aircraft inventory has declined 31 percent during the last 5 years."

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Procurement, Mr. Speaker, has declined in the last 7 years by 70 percent. We need these new aircraft to survive. Since the fall of the Berlin Wall in 1989, America has committed forces to nearly 40 crises. Deployments have increased, as I said, 300 percent since the Cold War, but yet funding below World War II levels.

The combined result of a smaller size and increased activity is illustrated by the Air Force which deployed 28,900 of its 441,000 personnel in 1996. The figures rose to 63,000 deployed. The previous figure deployed was 29,000. This year 63,000 had to deploy.

Army, General Reimer, the Army reduced manpower by 36 percent while increasing deployment 300 percent, increased the workload by 625 percent, with a decrease in force. Is it any wonder that our kids are getting out?

The U.S. Air Force requires 13 of its 20 air wing equivalents to support current operations, or 65 percent of the combat fighter force.

An average 50 percent of the Navy ships are out of home port. Roughly 30 percent are deployed.

A good example. We are funded for 50.4 hours per quarter steaming in the Navy. But yet with increased contingencies, those hours have gone up to over 75 hours, the increases there.

But the budget is okay, Mr. Speaker.

Reserve forces are fairly cheap, until you actually use them. When you have to send them to Iraq, when you have to send them to Bosnia, when you have to send them to South Korea because North Korea rattles its sword, then you have to pay them and, Mr. Speaker, that is not in the President's budget. But it is okay. And there are no replacements.

And op tempo continues to grow. In FY 1997 only 32 percent of the eligible Air Force aviators accepted a pilot's bonus to continue service. Our experience is leaving, our war fighters are leaving, our trigger pullers are leaving. Yet your service chiefs will stand up and say we are well trained, we are well equipped and we can go. But what can we go with, Mr. Speaker? We cannot fight a 2 MRC.

The Army's MA2A tank, they are only upgrading one-third of them. It is one of the finest tanks in the world, but their only new tank does not come out until 2020, 25 years from now, Mr. Speaker. A lot can happen in that time frame.

Let us talk about the threat and why we need these new aircraft. General Shalikashvili, for whom I have a lot of respect, he was appointed by the President, but yet he pushed the envelope, Mr. Speaker. He knew his troops needed more. They needed more of the assets. And he said we need $60 billion for modernization or we are going to go into a hollow force. The President's budget does not come anywhere close to that. But yet we need the F-22, we need the F-18E/F, we need the B-2, we need the V-22 for special ops. Why? Why do we need these aircraft? Why is it so important? First our equipment is from 1970.

This chart that I have, Mr. Speaker, points out that the Russians today, the threat, they have aircraft, one called the MiG-29 which we have parity with it with our F-14s and our F-15s and our F-16s, but they have the SU-35 and the SU-37 which outmaneuver our aircraft. They have an AA-10 and an AA-12 missile. On the left side it shows the F-22, you can put an F-18E/F in the same position, but if you had an F-15 or an F-14 there and the SU-35, say, on this side shot or the SU-37 fired its missile, its AA-10 or AA-12 and we fired our AMRAM from an F-14 or an F-15, we die. It is a better missile. They have better radar and they can see farther, and our kids die. With the F-18E/F, the stealth characteristics built in those airplanes, instead of shooting each at the same time, we actually get closer before the Russian aircraft can see us. We are able to fire and leave and the enemy pilot dies. Yes, we need those aircraft, and they are expensive. But they give us increased range, they give us increased stealthiness, they give us increased capability. But yet that money is not in the budget to replace those aircraft in the numbers that we need them to continue with a 2 MRC. It is more intensive, it is more critical as we go.

George C. Wilson, contributing editor to the Washington Post, is a former national defense correspondent for the Washington Post. He says, "'We're having all we can do to fight no wars,' a flag officer told me ruefully, complaining that current commitments and force cuts have mooted 2 MRCs even though Clinton and Cohen won't admit it. The numbers bear him out."

Mr. Speaker, I am not going to take up the whole hour, but I would also like to show this chart. It shows mandatory outlays in all other spending has increased by 35 percent. Domestic discretionary outlays have increased 15 percent. Defense discretionary outlays have decreased 33 percent. And procurement of new systems, like the F-22 that the Air Force needs as its number one priority, the Army's helicopter the Marine Corps V-22 and even the Joint Strike Fighter is not there.

Mr. Speaker, I was proud of the Republicans and Democrats on the National Security Committee and on the House Appropriations Committee, because they came to the defense hearing, our service chiefs gave as much between the lines as they could without losing their jobs, and I am very, very proud of them. Our commanders of the units in all forces got up and gave us these between-the-line instances that I have just given during these last few moments, Mr. Speaker. Our noncommissioned officers, our master sergeants, our chiefs, our gunnies said it the best. They said, "Mr. Chairman," to the chairman of the committee, "We cannot continue as men and women in the Armed Forces with the lack of readiness and the lack of support that this Nation is giving us."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SCHIFF (at the request of Mr. ARMEY) for through March 27 on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

Ms. MCCARTHY, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mrs. MEEK of Florida, for 5 minutes, today.

(The following Members (at the request of Mrs. KELLY) to revise and extend their remarks and include extraneous material:)

Mr. RIGGS, for 5 minutes each day, on March 11 and 12.

Mr. DIAZ-BALART, for 5 minutes, today.

Mrs. MORELLA, for 5 minutes, today.

Mr. PAUL, for 5 minutes, today.

Mr. JONES, for 5 minutes, on March 11.

Mr. BARTLETT, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes each day, today and on March 11.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCNULTY) and to include extraneous matter:)

Mr. SHERMAN.
Mrs. MALONEY of New York.
Mr. SCHUMER.
Mr. PAYNE.
Mr. TOWNS.
Mr. BONIOR.
Mr. THOMPSON.
Mr. DOYLE.
Mr. WYNN.
Mr. ORTIZ.
Mr. FROST.
Ms. SLAUGHTER.
Mr. LANTOS.
Ms. SÁNCHEZ.
Mr. KIND.
Mr. POSHARD.
Mr. MENENDEZ.
Mr. SKELTON.
Mr. TORRES.
Ms. WOOLSEY.
Mr. MANTON.
Mr. HINOJOSA.

(The following Members (at the request of Mrs. KELLY) and to include extraneous matter:)

Mr. OXLEY.
Mr. HUNTER.
Mr. RILEY.
Mr. BASS.
Mr. HYDE.

(The following Members (at the request of Mr. CUNNINGHAM) and to include extraneous matter:)

Mr. STARK.
Mr. LIPINSKI.
Mr. BORSKI.
Mr. LAHOOD.
Mr. PACKARD.
Mrs. JOHNSON of Connecticut.
Mrs. MORELLA.
Mr. MANTON.
Mr. BROWN of Ohio.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

An act to encourage the disclosure to Congress of certain classified and related information; to the Permanent Select Committee on Intelligence.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 595. An act to designate the Federal building and United States courthouse located at 475 Mulberry Street in Maçon, Georgia, as the "William Augustus Bootle Federal Building and United States Courthouse."

H.R. 3116. An act to address the Year 2000 computer problems with regard to financial institutions, to extend examination parity to the Director of the Office of Thrift Supervision and to the National Credit Union Administration, and for other purposes.

ADJOURNMENT

Mr. CUNNINGHAM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 24 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 11, 1998, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

7864. A letter from the Administrator, Food Safety and Inspection Service, transmitting the Service's final rule—Food Labeling: Nutrient Content Claims, Definition of Term: Healthy [Docket No. 97–035F] (RIN: 0583–AC47) received March 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7865. A letter from the Secretary, Panama Canal Commission, transmitting the Commission's final rule—Vessel Transit Reservation System (RIN: 3207–AA40) received March 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

7866. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Department's final rule— Amendment to the Commission's Rules Regarding a Plan for Sharing the Costs of Microwave Relocation [WT Docket No. 95–157 RM–8643] received March 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7867. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Arcadia and Fort Meade, Florida) [Docket No. 97–159 RM–9122] received March 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7868. A letter from the AMD-PERM, Federal Communications Commission, transmitting the Commission's final rule—Geographic Partitioning and Spectrum Disaggregation by Commercial Mobile Radio Services Licensees [WT Docket No. 96–148] received March 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7869. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule— Amendment of the Commission's Rules to Establish New Personal Communications Services, Narrowband PCS [GEN Docket No. 90–314 ET Docket No. 92–100] received March 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7870. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting a report entitled "Audit of the Public Service Commission's Agency Fund for Fiscal Years 1995 and 1996," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

7871. A letter from the Chairman, Commission on Protecting and Reducing Government Secrecy, transmitting recommendations concerning the classification of national security information and granting of security clearances, pursuant to Public Law 103—236, section 910(a) (108 Stat. 529); to the Committee on Government Reform and Oversight.

7872. A letter from the Deputy Assistant Secretary for Budget and Finance, Department of Interior, transmitting a report of activities under the Freedom of Information Act for the calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

7873. A letter from the Secretary of Health and Human Services, transmitting a report of activities under the Freedom of Information Act for the calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

7874. A letter from the Assistant Secretary for FOIA Matters, U.S. Commodity Futures Trading Commission, transmitting a report of activities under the Freedom of Information Act for the calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

7875. A letter from the Administrator, U.S. General Services Administration, transmitting a draft of proposed legislation to amend Section 616 of the Act of December 22, 1987 (40 U.S.C. 490b), relative to child care services for Federal employees in Federal buildings; to the Committee on Government Reform and Oversight.

7876. A letter from the Acting Special Counsel, U.S. Office of Special Counsel, transmitting a report of activities under the Freedom of Information Act for the calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

7877. A letter from the Chief Counsel, Office of Foreign Assets Control, Department of Treasury, transmitting the Department's final rule—Blocked Persons, Specially Designated Nationals, Specially Designated Terrorists, Specially Designated Narcotics Traffickers, and Blocked Vessels; Addition of Foreign Terrorist Organizations; Removal of One Individual [31 CFR Chapter V] received November 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7878. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Nondiscrimination on the Basis of Disability in Air Travel [Docket OST-96-1880] (RIN: 2105-AC28) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7879. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; American Champion Aircraft Corp. Model 8GCBC Airplanes [Docket No. 97-CE-37-AD; Amendment 39-10365; AD 98-05-04] (RIN: 2120-AA64) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7880. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aeromot-Industria Mecanico Metalurgica Ltda. Models AMT-100 and AMT-200 Powered Gliders [Docket No. 97-CE-78-AD; Amendment 39-10366; AD 98-05-05] (RIN: 2120-AA64) received March 6,1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7881. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Aircraft Ltd. Model PC-12 Airplanes [Docket No. 97-CE-98-AD; Amendment 39-10367; AD 98-05-06] (RIN: 2120-AA64) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7882. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; SIAI Marchetti, S.r.1 Models SF600 and SF600A Airplanes [Docket No. 97-CE-64-AD; Amendment 39-10376; AD 98-05-15] (RIN: 2120-AA64) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7883. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Aircraft Company Models T210N, P210N, and P210R Airplanes [Docket No. 97-CE-62-AD; Amendment 39-10375; AD 98-05-14] (RIN: 2120-AA64) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7884. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Procedures for Processing Petitions for Final Compliance Waivers [Docket No. 29155] received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7885. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace BAe Model ATP Airplanes [Docket No. 96-NM-178-AD; Amendment 39-10101; AD 97-16-09] (RIN: 2120-AA64) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7886. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model ATP Airplanes [Docket No. 97-NM-191-AD; Amendment 39-10373; AD 98-05-12] (RIN: 2120-AA64) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7887. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company Model 1900D Airplanes (Formerly Known as Beech Aircraft Corporation Model 1900D Airplanes) [Docket No. 97-CE-73-AD; Amendment 39-10111; AD 97-17-08] (RIN: 2120-AA64) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7888. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Ayres Corporation S2R Series Airplanes [Docket No. 97-CE-65-AD; Amendment 39-10105; AD 97-17-03] (RIN: 2120-AA64) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7889. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Robinson Helicopter Company Model R44 Helicopters [Docket No. 97-SW-62-AD; Amendment 39-10371; AD 98-05-10] (RIN: 2120-AA64) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7890. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL-215-6B11 (CL-215T) Series Airplanes [Docket No. 97-NM-328-AD; Amendment 39-10372; AD 98-05-11] (RIN: 2120-AA64) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7891. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328-100 Series Airplanes [Docket No. 97-NM-103-AD; Amendment 39-10369; AD 98-05-08] (RIN: 2120-AA64) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7892. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A310 and A300-600 Series Airplanes [Docket No. 97-NM-205-AD; Amendment 39-10374; AD 98-05-13] (RIN: 2120-AA64) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7893. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model SA-365N, SA-365N1, AS-365N2, and SA-366G1 Helicopters [Docket No. 97-SW-53-AD; Amendment 39-10378; AD 98-05-17] (RIN: 2120-AA64) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7894. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Model DH 125-1A and -3A Series Airplanes [Docket No. 96-NM-196-AD; Amendment 39-10377; AD 98-05-16] (RIN: 2120-AA64) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7895. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29154; Amdt. No. 1854] (RIN: 2120-AA65) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7896. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29152; Amdt. No. 1852] (RIN: 2120-AA65) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7897. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Laconia, NH [Docket No. 98-ANE-92] received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7898. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Laconia, NH [Airspace Docket No. 98-ANE-92] received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on. Transportation and Infrastructure.

7899. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; MT-Propeller Entwicklung GMBH Model MTV-3-B-C Propellers (RIN: 2120-AA64) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7900. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company CJ610 Series Turbojet and CF700 Series Turbofan Engines [Docket No. 97-ANE-21-AD; Amendments 39-10232; AD 97-25-08] (RIN: 2120-AA64) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7901. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29153; Amdt.

No. 1853] (RIN: 2120-AA65) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7902. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace (Jetstream) Model 4101 Airplanes [Docket No. 97-NM-1[illegible]5-AD; Amendment 39-10368; AD 98-05-07] (RIN: 2120-AA64) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7903. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira on Aeronatutica, S.A.(EMBRAER) Model EMB-120 Series Airplane [Docket No. 97-NM-46-AD; Amendment 38-10249; AD 97-26-08] (RIN: 2120-AA64) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7904. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300, A310, and A300-600 Series Airplanes [Docket No. 96-NM-155-AD; Amendment 39-10177; AD 97-22-06] (RIN: 2120-AA64) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7905. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Extra Flugzeugbau, GmbH. Model EA-300/200 Airplanes [Docket No. 97-CE-80-AD; Amendment 39-10174; AD 97-22-03] (RIN: 2120-AA64) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7906. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Teledyne Continental Motors E-165, E-185, E-225, O-470 and IO-470 Series Reciprocating Engines [Docket No. 97-ANE-39-AD; Amendment 39-10155, AD 97-21-02] (RIN: 2120-AA64) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7907. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revocation and Establishment of Class D; and Revocation, Establishment and Modification of Class E Airspace Areas; Olathe, Johnson County Industrial Airport, KS [Airspace Docket No. 98-ACE-5] received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7908. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 29080; Amdt. No. 406] received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7909. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 29079; Amdt. No. 405] received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7910. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability [Revenue Procedure 98-24] received March 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7911. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Introduction To Employee Plans Compliance Resolution System [Rev. Proc. 98-22] received March 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7912. A letter from the Assistant Secretary For Import Administration, International Trade Administration, transmitting the Administration's final rule—Limit On Duty-Free Insular Watches In Calendar Year 1998 [Docket No. 971021249-8006-02] (RIN: 0625-AA50) received February 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BURTON: Committee on Government Reform and Oversight. H.R. 2883. A bill to amend provisions of law enacted by the Government Performance and Results Act of 1993 to improve Federal agency strategic plans and performance reports; with an amendment (Rept. 105-429). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 382. Resolution providing for consideration of the bill (H.R. 992) to end the Tucker Act shuffle (Rept. 105-430). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 383. Resolution providing for consideration of the bill (H.R. 1432) to authorize a new trade and investment policy for sub-Saharan Africa (Rept. 105-431). Referred to the House Calendar.

Mr. GILMAN: Committee of Conference. Conference report on H.R. 1757. A bill to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and for other purposes (Rept. 105-432). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. WICKER:

H.R. 3409. A bill to suspend temporarily the duty on a chemical known as 5-tertiary butyl-isophthalic acid; to the Committee on Ways and Means.

By Mr. SMITH of Oregon:

H.R. 3410. A bill to amend the Immigration and Nationality Act to establish a 24-month pilot program permitting certain aliens to be admitted into the United States to provide temporary or seasonal agricultural services pursuant to a labor condition attestation and to offset those admissions with temporary reductions in diversity and unskilled workers' immigrant visas; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MORELLA:

H.R. 3411. A bill to establish a commission to review, and make recommendations with respect to, leadership in mathematics education; to the Committee on Science, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TALENT (for himself and Ms. Velázquez):

H.R. 3412. A bill to amend and make technical corrections in title III of the Small Business Investment Act; to the Committee on Small Business.

By Mr. BAKER:

H.R. 3413. A bill to amend the Federal Credit Union Act to allow groups which comprise the membership of any Federal credit union to continue to comprise such membership; to the Committee on Banking and Financial Services.

By Mr. CALLAHAN:

H.R. 3414. A bill to suspend temporarily the duty on the chemical KL540; to the Committee on Ways and Means.

By Mr. CALLAHAN:

H.R. 3415. A bill to suspend temporarily the duty on the chemical methyl thioglycolate; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 3416. A bill to suspend until January 1, 2001, the duty on tebufenozide; to the Committee on Ways and Means.

By Mr. FRELINGHUYSEN:

H.R. 3417. A bill to suspend temporarily the duty on organic luminescent pigments, dyes and fibers for security applications; and, 4-Hexylresorcinol; to the Committee on Ways and Means.

By Mr. FRELINGHUYSEN:

H.R. 3418. A bill to suspend temporarily the duty on polymethine sensitizing dyes for photo/imaging applications; and, certain fluorozirconium compounds; to the Committee on Ways and Means.

By Mr. HOUGHTON:

H.R. 3419. A bill to provide for the liquidation or reliquidation of certain entries of mueslix cereals; to the Committee on Ways and Means.

By Mr. HYDE (for himself, Mr. Sensenbrenner, Mr. Gekas, Mr. Coble, Mr. Smith of Texas, Mr. Canady of Florida, Mr. Inglis of South Carolina, Mr. Goodlatte, Mr. Bryant, Mr. Barr of Georgia, Mr. Hutchinson, Mr. Rogan, and Mr. Graham):

H.R. 3420. A bill to amend title 28, United States Code, to clarify the method for filling vacancies in the Department of Justice; to the Committee on the Judiciary, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAM JOHNSON:

H.R. 3421. A bill to amend section 313(p)(3) of the Tariff Act of 1930 to allow duty drawback for Methyl Tertiary-butyl Ether ("MTBE"), a finished petroleum derivative; to the Committee on Ways and Means.

By Mr. SAM JOHNSON:

H.R. 3422. A bill to amend the Tariff Act of 1930 with respect to drawback for finished petroleum derivatives; to the Committee on Ways and Means.

By Mr. SAM JOHNSON:

H.R. 3423. A bill to amend the Tariff Act of 1930 with respect to drawback for finished petroleum derivatives; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 3424. A bill to provide for reductions in duty for the chemical Rimsulfuron Technical; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 3425. A bill to provide for reductions in duty for carbamic acid (U-9069); to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 3426. A bill to provide for reductions in duty for the chemical DPX-E9260; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 3427. A bill to suspend temporarily the duty on the chemical DPX-E6758; to the Committee on Ways and Means.

By Mr. MATSUI:

H.R. 3428. A bill to suspend temporarily the duty on a certain drug substance used as an HIV Antiviral Drug; to the Committee on Ways and Means.

By Mr. MATSUI:

H.R. 3429. A bill to suspend temporarily the duty on a certain drug substance used in the formulation of HIV Antiviral Drug; to the Committee on Ways and Means.

By Mr. MCDERMOTT:

H.R. 3430. A bill to suspend temporarily the duty on certain polyethylene base materials; to the Committee on Ways and Means.

By Mrs. ROUKEMA:

H.R. 3431. A bill to suspend until December 31, 2000, the duty on Benzenepropanal, 4-(1,1-Dimethylethyl)-Methyl-; to the Committee on Ways and Means.

By Mr. THOMAS:

H.R. 3432. A bill to amend the Tariff Act of 1930 to provide that 5-year reviews of countervailing duty or antidumping duty orders would not be conducted in certain cases in which the merchandise subject to the orders was prohibited from being imported into the United States because of trade sanctions imposed against the country in which the merchandise originates; to the Committee on Ways and Means.

By Ms. SLAUGHTER:

H. Con. Res. 239. Concurrent resolution expressing the sense of Congress concerning the worldwide trafficking of persons, that has a disproportionate impact on women and girls, and is condemned by the international community as a violation of fundamental human rights; to the Committee on International Relations, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 96: Mr. LAMPSON, Mr. ADERHOLT, and Mr. HAYWORTH.

H.R. 349: Mr. HOSTETTLER.

H.R. 532: Mr. RODRIGUEZ, Mr. BRADY, Mr. GREEN, Mr. CRAMER, and Mr. HALL of Texas.

H.R. 539: Mr. FROST and Mr. DAVIS of Illinois.

H.R. 620: Mr. HOUGHTON.

H.R. 815: Mrs. MINK of Hawaii.

H.R. 906: Mr. PETRI.

H.R. 922: Mr. BACHUS, Mr. BOB SCHAFFER, and Mr. FROST.

H.R. 923: Mr. BACHUS, Mr. CALVERT, Mr. BOB SCHAFFER, and Mr. FROST.

H.R. 981: Ms. PELOSI, Mr. MCHALE, Mr. MANTON, Mr. KENNEDY of Massachusetts, Mr. BROWN of California, Mr. BALDACCI, Mr. FRANK of Massachusetts, Mr. RAMSTAD, Mr. FARR of California, Mr. MARKEY, and Mr. DIXON.

H.R. 982: Mr. PALLONE.

H.R. 1023: Mrs. NORTHUP.

H.R. 1037: Mr. BUNNING of Kentucky and Mr. NEAL of Massachusetts.

H.R. 1061: Mr. CAMP and Mr. FOLEY.

H.R. 1114: Mr. FATTAH.

H.R. 1126: Ms. HARMAN.

H.R. 1134: Mr. BLAGOJEVICH, Mr. LEWIS of Kentucky, and Mr. SOLOMON.

H.R. 1151: Mr. SNYDER, Mr. METCALF, Mr. ROEMER, and Mr. FORD.

H.R. 1285: Mr. PETERSON of Minnesota.

H.R. 1302: Mr. CLYBURN.

H.R. 1334: Ms. ROS-LEHTINEN, Ms. EDDIE BERNICE JOHNSON of Texas, and Mrs. LOWEY.

H.R. 1375: Mr. LAMPSON and Mr. GREEN.

H.R. 1387: Mr. WAXMAN.

H.R. 1401: Mr. BLUMENAUER, Mr. ABERCROMBIE, and Mr. WATKINS.

H.R. 1500: Mr. WYNN, Mr. COSTELLO, and Ms. KILPATRICK.

H.R. 1689: Mr. GILLMOR.

H.R. 1715: Mr. BACHUS, Mr. MANZULLO, and Mr. RUSH.

H.R. 1788: Mr. DELAHUNT and Mr. SHAYS.

H.R. 1812: Mr. RADANOVICH.

H.R. 1858: Mr. HINOJOSA.

H.R. 1895: Mr. MCDERMOTT, Mr. MILLER of California, Mr. GONZALEZ, Mr. HOYER, Ms. DELAURO, Mr. STARK, Mr. FALEOMAVAEGA, Ms. KAPTUR, Mr. ENGEL, Mr. FROST, and Mr. KUCINICH.

H.R. 1951: Mr. BARCIA of Michigan, Mr. QUINN, and Ms. HARMAN.

H.R. 2019: Mr. PETRI, Mr. HILLEARY, Mr. WAMP, Mr. NEY, Ms. PRYCE of Ohio, Mrs. EMERSON, and Mr. OXLEY.

H.R. 2020: Mr. BORSKI and Mr. FATTAH.

H.R. 2052: Mr. OWENS and Mr. NADLER.

H.R. 2088: Mr. CALVERT.

H.R. 2094: Mr. ACKERMAN.

H.R. 2228: Ms. HARMAN.

H.R. 2365: Mr. GILMAN and Ms. SLAUGHTER.

H.R. 2409: Mr. MORAN of Kansas and Mr. NEAL of Massachusetts.

H.R. 2526: Mr. BENTSEN.

H.R. 2537: Mr. BILBRAY.

H.R. 2549: Mr. HINCHEY, Mr. DELAHUNT, Mr. HOLDEN, Mrs. MORELLA, and Mr. BRYANT.

H.R. 2593: Mr. MALONEY of Connecticut.

H.R. 2670: Mr. LOBIONDO, Mr. DELAHUNT, Mr. PASCRELL, and Mr. FALEOMAVAEGA.

H.R. 2689: Mr. GILCHREST and Mrs. CUBIN.

H.R. 2695: Ms. NORTON and Mr. CUMMINGS.

H.R. 2699: Mr. LAMPSON and Ms. PELOSI.

H.R. 2754: Mr. OBERSTAR, Mr. YATES, Mr. BERMAN, Mr. LAMPSON, and Mrs. MINK of Hawaii.

H.R. 2775: Mr. KLINK, Mr. WELDON of Pennsylvania, Mr. FOX of Pennsylvania, Mr. PITTS, and Mr. MCDADE.

H.R. 2828: Mr. DAVIS of Virginia and Mr. DIAZ-BALART.

H.R. 2829: Mr. KENNEDY of Massachusetts, Mr. MILLER of California, Mr. QUINN, Mr. TALENT, and Mr. WOLF.

H.R. 2837: Mr. BEREUTER.

H.R. 2888: Mrs. MYRICK.

H.R. 2908: Mrs. MINK of Hawaii, Mr. DEFAZIO, Mr. DREIER, Mr. HOSTETTLER, Mr. RAHALL, Mr. KING of New York, Mr. PETERSON of Pennsylvania, and Ms. WOOSLEY.

H.R. 2912: Mr. HILLEARY, Mr. BRYANT, and Ms. DANNER.

H.R. 2914: Mrs. ROUKEMA.

H.R. 2925: Mr. TORRES.

H.R. 2931: Mr. COYNE and Mr. HOLDEN.

H.R. 2938: Mr. FROST.

H.R. 2990: Mr. BENTSEN, Mr. MURTHA, Mr. SABO, Mr. HOLDEN, Ms. BROWN of Florida, Mr. KILDEE, Mr. BARCIA of Michigan, Mr. CLEMENT, Mr. BORSKI, Mr. WAXMAN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RUSH, Ms. DEGETTE, Mr. BOB SCHAFFER, Mr. TIERNEY, Ms. CHRISTIAN-GREEN, Mr. DEUTSCH, Mr. OLVER, Mr. MCINNIS, Mr. MEEHAN, Mr. MOAKLEY, and Ms. ESHOO.

H.R. 3039: Mr. KENNEDY of Massachusetts.

H.R. 3048: Mr. EVANS, Ms. WOOLSEY, Mr. SANDLIN, and Mr. WALSH.

H.R. 3097: Mr. SPENCE, Mr. NEY, Mr. MCINTYRE, Mr. LEWIS of Kentucky, and Mr. NUSSLE.

H.R. 3107: Mr. UNDERWOOD.

H.R. 3110: Mr. DAVIS of Virginia, Mr. WOLF, and Mr. MCINTOSH.

H.R. 3131: Mr. PALLONE.

H.R. 3211: Mr. SESSIONS, Mr. STEARNS, Mr. JENKINS, Mr. WATTS of Oklahoma, Mr. FRANKS of New Jersey, Mr. HOLDEN, Mr. SKELTON, Mr. CUNNINGHAM, Mr. METCALF, Mr. FOSSELLA, Mr. SCARBOROUGH, Mr. BISHOP, Mr. PASTOR, Mrs. KELLY, Ms. HARMAN, Mr. GIBBONS, Mr. BARTLETT of Maryland, Mr. PORTMAN, and Mr. BUNNING of Kentucky.

H.R. 3217: Mr. SHAW, Mr. NUSSLE, Mr. CHRISTENSEN, and Mr. MORAN of Virginia.

H.R. 3234: Mr. BURTON of Indiana.

H.R. 3240: Ms. FURSE, Mr. LEWIS of Georgia, Mr. FROST, and Mr. FRANK of Massachusetts.

H.R. 3246: Mr. MCINTOSH, Mr. PAUL, and Mr. STUMP.

H.R. 3248: Mr. SCARBOROUGH, Mr. SKEEN, and Mr. RADANOVICH.

H.R. 3259: Mr. BOUCHER.

H.R. 3262: Mr. MCHALE and Mr. UNDERWOOD.

H.R. 3265: Mr. NORWOOD, Mr. MCINTYRE, Mr. VISCLOSKY, Mr. MORAN of Virginia, Mr. BUYER, Ms. DUNN of Washington, Mr. REDMOND, Mr. CLEMENT, Mr. METCALF, Mr. BURR of North Carolina, Mr. INGLIS of South Carolina, Ms. WOOLSEY, Mr. GIBBONS, Mr. CHABOT, Mr. BONILLA, Mrs. LINDA SMITH of Washington, Mr. GOODLING, Mr. MCINTOSH, and Mr. HANSEN.

H.R. 3269: Mr. DAVIS of Illinois, Mr. BONIOR, Mr. BROWN of California, Mr. FORD, Mr. STARK, and Mr. UNDERWOOD.

H.R. 3279: Mr. ROMERO-BARCELO, Mr. MCDERMOTT, Mr. KLECZKA, Ms. STABENOW, Mr. BOYD, Mr. FROST, Ms. FURSE, Ms. WOOLSEY, Mr. HOLDEN, Mr. BONIOR, Mr. KENNEDY of Rhode Island, Mr. RUSH, and Mr. WEXLER.

H.R. 3295: Mr. SABO, Mr. HALL of Ohio, Mr. KILDEE, Mr. TRAFICANT, Mr. SANDERS, Mr. WATTS of Oklahoma, Mr. STUMP, and Mr. ACKERMAN.

H.R. 3331: Mr. SOLOMON, Mr. ROHRABACHER, Mr. WATTS of Oklahoma, Mr. ISTOOK, Mr. JONES, and Mr. CANNON.

H.R. 3336: Mr. HASTINGS of Florida and Mr. DIAZ-BALART.

H.R. 3399: Mr. ENGLISH of Pennsylvania.

H.R. 3400: Mr. ABERCROMBIE, Mr. BROWN of California, Mr. CLAY, Mr. ALLEN, Mr. MCGOVERN, and Mr. VENTO.

H.J. Res. 66: Mr. FALEOMAVAEGA.

H.J. Res. 100: Mr. BEREUTER, Mr. PICKETT, Mr. SPENCE, Mr. BILBRAY, and Mr. DEFAZIO.

H.J. Res. 114: Mr. MILLER of Florida, Mr. SOLOMON, Mr. METCALF, Mr. WATTS of Oklahoma, and Mr. LATHAM.

H. Con. Res. 12: Mr. DEFAZIO.

H. Con. Res. 83: Mr. VENTO.

H. Con. Res. 152: Mr. CRANE.

H. Con. Res. 203: Mr. WYNN.

H. Con. Res. 206: Mr. RILEY.

H. Con. Res. 211: Mr. HALL of Ohio, Mr. DUNCAN, Mr. GILMAN, Mr. RYUN, Mr. CLEMENT, and Mr. DOOLITTLE.

H. Con. Res. 212: Mr. ENSIGN, Mr. BOSWELL, Mr. LEACH, Mr. TRAFICANT, Mr. MATSUI, Mr. BOEHNER, Mr. SESSIONS, Mr. ISTOOK, and Mr. WATKINS.

H. Con. Res. 233: Ms. SLAUGHTER.

H. Res. 267: Mr. UPTON and Mr. MARTINEZ.

H. Res. 340: Mr. ALLEN.

H. Res. 361: Mr. GILMAN.

H. Res. 364: Mr. BERMAN, Mr. FOX of Pennsylvania, Mr. SALMON, and Mr. PAYNE.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2495: Mr. GEJDENSON.

AMENDMENTS

Under clause 6 of rule XXIII, proprosed amendments were submitted as follows:

H.R. 992

OFFERED BY: MR. SMITH OF TEXAS

AMENDMENT NO. 1: Page 3, after line 12, insert the following:

(4) PRECLUSIVE REVIEW.—The grant of jurisdiction made by this subsection does not extend to matters over which other Federal law has granted exclusive jurisdiction to one or more United States courts of appeals.

H.R. 992

OFFERED BY: MR. WATT OF NORTH CAROLINA

AMENDMENT NO. 2: Beginning on page 2, strike line 8 and all that follows through page 3, line 20, and insert the following:

(1) GRANT OF JURISDICTION TO UNITED STATES DISTRICT COURTS.—The United States district courts shall have original jurisdiction to hear and determine all claims, notwithstanding the dollar amount, arising out of an agency action alleged to constitute a taking without just compensation under the fifth article of amendment to the Constitution of the United States.

(2) ELECTION BY PLAINTIFF.—The plaintiff may elect to file separate actions relating to such claims in the United States district court and the Court of Federal Claims, or may consolidate all such claims in the United States district court.

(3) PRECLUDIVE OR EXCLUSIVE REVIEW.—Nothing in this section shall be construed to affect any provision of a Federal statute which gives preclusive or exclusive jurisdiction of a specific cause of action to the United States court of appeals or to specific United States district courts.

Page 3, line 21, strike "(d)" and insert "(b)".

Page 4, strike lines 5 through 9.

Page 4, strike lines 10 through 17 and insert the following:

SEC. 3. CLARIFICATION OF LIMITATION ON FEDERAL CLAIMS COURT JURISDICTION BECAUSE OF PENDING CLAIMS IN OTHER COURTS.

Section 1500 of title 28, United States Code, is amended by inserting ", arising from the same operative facts and seeking the same relief," after "claim".

EXTENSIONS OF REMARKS

LABELING IMPORTED PRODUCE

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. HUNTER. Mr. Speaker, I rise today to discuss an issue that is extremely important to the health of millions of American families, the labeling of imported produce. We were reminded just how critical of an issue this is twice last year when a breakout of Cyclospora bacteria occurred in imported Guatemalan raspberries and when the Hepatitis A virus was found in strawberries which were imported from Mexico. In this particular case, these strawberries were illegally used in our nation's school lunch program and more than 150 students in Michigan were infected. When you take into consideration that shipments were sent to as many as 15 other states, thousands more could have been at risk.

What is perhaps more frightening than the presence of these strawberries in our nation's school lunch program, is the fact that these children are in just as much danger eating dinner at home. Every day, millions of Americans buy produce without knowing where it was grown. Though nearly every consumer product we purchase has origin labeling, the fruits and vegetables we eat do not. Taking into consideration that foreign countries do not adhere to the same phytosanitary and labor standards as American growners and handlers, it is very likely that harmful fruits and vegetables are being stocked on the shelves of our local grocery stores.

Mr. Speaker, this is simply unconscionable. Many of these countries are using pesticides that are currently banned in the United States or using irrigated water that is contaminated with raw sewage. it is also not uncommon to find young children being forced to work up to 12 hours a day picking and sorting these products. It is for many of these reasons that 80% of those asked in a recent survey believe that produce should have a label indicating its country of origin

I, along with many of my colleagues, have already become a cosponsor of H.R. 1232, the Imported Produce Labeling Act of 1997, introduced by our good friend, the late Sonny Bono. This legislation will extend our current labeling laws, under the Tariff Act of 1930, to require country of origin labeling on imported produce at the final point of sale, the grocery stores. This requirement is neither complicated nor burdensome to farmers and retailers. H.R. 1232 will simply require that the country of origin of imported produce be displayed in a clear and visible manner if the produce package is not already labeled. For example, a grocer could place a sign above the food bin or include the information on or next to the price sign.

This action not only promotes safety awareness, but is good trade policy as well. Many of our major trading partners, including Canada, Japan, Australia and various European nations, require country of origin labeling for imported produce, including the fruits and vegetables they buy from the United States. H.R. 1232 will place American farmers and consumers on a level playing field with out trading partners by harmonizing our labeling polices.

Most importantly, however, this action will provide American consumers with the opportunity to decide for themselves what fruits and vegetables they wish to buy, I firmly believe that it is not only a parent's right to know where the food they are feeding their family originated, but is also our responsibility to provide safe food to our nation's children. It is my understanding that Congressman Condit has recently requested to become the first sponsor of H.R. 1232 for the propose of adding cosponsors and working for its consideration. I applaud this action and urge all my colleagues, who have not already done so, to strongly consider cosponsoring this important legislation and support its passage when it reaches the Floor.

TRIBUTE TO REV. ANTHONY W. WILCOTS, A MAN WITH A MISSION

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. PAYNE. Mr. Speaker, this past weekend marked a celebration for a fine young man who is serving as shepherd to some of my constituents. That young man is Reverend Anthony W. Wilcots. Rev. Wilcots is the pastor of the Liberty Baptist Church of Elizabeth, New Jersey. Although his physical presence with this church is short-lived, the spirituality and lessons he has taught are far-reaching. As we begin our life's journey we never know what paths we'll cross or with whom we'll come in contact but if we're fortunate to be prepared and faithful we are usually blessed to meet and serve those for whom we were destined.

Rev. Wilcots' journey has taken him far and wide and he and his congregants have certainly benefitted. Rev. Wilcots, a native of Houston, Texas, is a graduate with the Bachelor of Arts degree from Texas Southern University, the Master of Divinity degree from the School of Theology, Oral Roberts University and the Master of Sacred Theology degree from Yale University School of Divinity. He is currently pursuing a Ph.D. in Social Ethics at Drew University. His evangelistic ministry has carried him to college campuses, churches and tent crusades in over 30 states, the District of Columbia and six foreign countries. Mr. Speaker, as you can see Rev. Wilcots has taken his calling seriously and continues to increase his capacity to serve the minds and souls of many.

Mr. Speaker, I know my colleagues join me in expressing our appreciation to Rev. Anthony W. Wilcots and his family for his contributions to our community.

HONORING VILICIA ELIZABETH CADE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. TOWNS. Mr. Speaker, I rise today to honor the skill and achievements of Vilicia Elizabeth Cade. Her contribution to public and community service is incomparable.

Vilicia was taught the value of community service and scholarship at a young age. As a child, she was often involved in community service through her family's church. Her zeal for community service found its firm foundations from these experiences.

In 1984, Vilicia attended the College of New Paltz. While enrolled full time she was involved in various community service endeavors. One particular project, involved creating a plan to provide resources for migrant workers. In addition, Ms. Cade stood in the forefront to fight injustice. She helped organize peaceful and successful demonstrations against apartheid. These demonstrations eventually lead to her college's discontinuing its use of a bank that had investments in South Africa. In the end, NYPRIG asked Ms. Cade to serve as a poster model for their 1986–97 campaign.

In 1986, she joined Zeta Phi Beta Sorority, Incorporated. As a member of Zeta Phi Beta Sorority, Incorporated, she continued her community service endeavors. In addition, her local chapter started a scholarship fund in the Sorority's name for female students. Vilicia obtained her Bachelor's degree in 1988. Without reservation her peers voted for her to be the first recipient of the "NIA" Award, an award for the highest grade point average in her major. She also received a full fellowship for graduate studies. In 1989 she attended the State University of New York at Albany for graduate school.

Upon returning to Brooklyn, Vilicia continued in her commitment to community and scholarship. She obtained employment with the Federation Employment Guidance Service (FEGS). Through her employment as a case manager with "at risk" New York City Public High School students, she organized college trips and encouraged students to be actively involved in service learning projects. In 1996, she obtained her second Masters degree from Long Island University.

Vilicia was blessed with two beautiful sons, Jelani Omari (deceased) and Curtis Anthony. Encouraged by her supportive family, friends, and Sorors, Vilicia continues to fight for the betterment of her community.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. Speaker, please join me in congratulating Vilicia Elizabeth Cade for all of her achievements, for being a woman who dares to be different, and for showing young women everywhere that they can do and accomplish anything.

IN HONOR OF THE PANCYPRIAN ASSOCIATION OF AMERICA WOMEN'S ISSUE NETWORK AND MRS. YIANOULLA VASSILIOU

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to the Pancyprian Association of America Women's Issues Network on the occasion of their first annual dinner dance. I would also like to honor the Pancyprian Women's Issue Network's first 1998 Woman of the Year Award honoree, Mrs. Yianoulla Vassiliou.

Mrs. Vassiliou, who is visiting the United States for several weeks, is a former principal and elementary school teacher in the occupied part of Cyprus in the village of Rizokarpaso Cyprus. Yianoulla Vassiliou has devoted the past 24 years to educating these enclaved children. For selflessly leaving her family and dedicating her time to ensure that these children in the occupied area receive an education, Mrs. Vassiliou is a worthy recipient of the first Pancyprian Women's Issue Network 1998 Woman of the Year Award.

The Pancyprian Association of America Women's Issues Network was established in the spring of 1996 by a group of dedicated women as a division of the Pancyprian Association of America, Inc. in an effort to bring together women of Hellenic origin. The Founding President, Dr. Florentina Christrodoulidou, has spearheaded the organization to be a significant component of the Hellenic women's movement.

The Pancyprian Women's Issues Network is a network group providing information and services to women within the Hellenic communities. It helps raise awareness about social, health, economic and other issues as they relate to women's roles as mothers, daughters, wives, breadwinners and homemakers.

The philosophy of the Pancyprian Women's Issues Network is one of extending a helping hand to others, and which is deeply rooted in efforts to develop mutual prosperity and steering lives towards family fulfillment.

Mr. Speaker, I ask that my colleagues rise with me in this tribute to the Pancyprian Association of America Women's Issues Network, a group of dedicated Hellenic women who have successfully integrated the Hellenic spirit with American ideals and values. I also ask my colleagues to rise in tribute to the Pancyprian Association's Woman of the Year honoree, Mrs. Yianoulla Vassiliou.

ACKNOWLEDGMENT OF NEW HOPE FOUNDATION

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. THOMPSON. Mr. Speaker, I am honored to acknowledge the positive efforts of the New Hope Foundation, Inc. in Jackson, MS. New Hope was established in 1981 as a nonprofit organization to provide community-based alcohol and other drug abuse correction services to individuals, regardless of race, sex, religion, or national origin. New Hope's mission is to prevent, treat, and educate individuals living in low and moderate income communities about alcohol, tobacco and other drug abuse.

Some of New Hope's programs include a Three Quarter-way House for males. This program is a secondary alcohol and drug treatment program for recovering chemically dependent persons. In this program, individuals are given an opportunity to improve their lives by participating in vocational and employment activities. New Hope also conducts several other programs such as support groups that help aid in temporary and permanent housing, medical assistance, achieving a Graduate Equivalency Diploma (GED), aid to the homeless and many other worthwhile benefits for men subjected and victimized by the ills of society. It is refreshing to know that organizations such as New Hope are created to help people who are not able to help themselves.

Mr. Speaker, I salute The New Hope Foundation. We can learn a lot from their determination and their commitment to assisting the less fortunate. I congratulate New Hope on their accomplishments and I encourage them in their quest to empowering a part of America that is almost too often neglected.

SALUTE TO DR. JOHN S. MBITI

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. PAYNE. Mr. Speaker, I would like to call to the attention of my colleagues here in the U.S. House of Representatives a very special man, Dr. John S. Mbiti.

Dr. Mbiti has studied the attitudes of mind and belief that have evolved in the many societies of Africa. His interests are in biblical studies in relation to the expansion of Christianity and theological developments in Africa, Asia, and Oceania, and missiology, ecumenics, and the science of religion. Mbiti adds a new dimension to the understanding of the history, thinking, and life throughout the African continent. Religion is approached from an African point of view but is as accessible to readers who belong to non-African societies as it is to those who have grown up in African nations. The publication of his book "African Religions and Philosophy," has become essential reading for anyone concerned with African religion, history, philosophy, anthropology or general African studies.

As the representative of Elizabeth in Congress, I am proud of the accomplishments of Dr. John S. Mbiti. Mr. Speaker, I know my colleagues join me in expressing our appreciation to Dr. John S. Mbiti for his numerous outstanding contributions to humankind.

HONORING PETER C. CAMPANELLI

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. TOWNS. Mr. Speaker, I rise today to honor the numerous achievements of Peter C. Campanelli during his fiftieth birthday celebration. His dedication to providing vital clinical services to individuals afflicted with mental illness has been incomparable.

As an adjunct professor at Rutgers and as a supervisor of students working towards an expertise in Cognitive/Behavioral Psychotherapy, Dr. Campanelli has trained a new generation to deal with the intricacies of the mental health field. He also organized and directed the Institute for Community Living (ICL), a private not-for-profit corporation, for the purpose of development and operation of community residences for the mentally ill within the catchment areas of two large state psychiatric hospitals. ICL currently provides approximately five hundred and sixty residential beds within various levels of care. It is clear that Dr. Campanelli strives to provide vital services to a constituency desperate for health and social services.

Mr. Speaker, please join me in congratulating Dr. Peter C. Campanelli on his fiftieth birthday and thank him for sowing the seeds for others in our community to follow in his footsteps and provide the needed services for those who live there.

IN HONOR OF IRENE KLEMENTOWICZ

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to Irene Klementowicz, a resident of my district who has fought hard to protect the environmental health of her community.

Ms. Klementowicz has actively worked to improve her community since she first arrived in Greenpoint. Among her many activities, she helped ensure that a local factory started implementing pollution controls. This was especially important since it was situated directly across from two schools.

This early activism led to an appointment to Community Board 1, where she continues to champion the health and safety of her district. Among her accomplishments, she can be credited with a hard-fought and successful campaign to shut down the Greenpoint incinerator, long a source of pollution and nuisance.

Ms. Klementowicz's efforts have been recognized by numerous civic organizations. The City Club of New York honored her with an award for grass-roots leadership to the Concerned Citizens of Greenpoint, of which she is president. This group was formed to address environmental conditions that are detrimental to the health of Greenpoint citizens.

Her selfless efforts on behalf of the Greenpoint community have earned her the respect, and in some cases trepidation, of numerous public officials. She is both a tireless opponent of environmental degradation, and a committed activist for improving the quality of life in her district.

The efficiency and effectiveness Irene Klementowicz has displayed in Greenpoint should serve as a model for all community activists. Without people like Ms. Klementowicz working to improve communities on the local level, our work as Members of Congress would be compounded tenfold. It is the hard-working people like Ms. Klementowicz who keep alive the small-town feeling which could so easily be lost in a big city.

Mr. Speaker, I ask that my colleagues rise with me in this tribute to Ms. Irene Klementowicz, a woman who has worked very hard to improve her community.

AMERICA'S CREDIT UNION

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. THOMPSON. Mr. Speaker, I rise today in support of America's Credit Unions. The United States Supreme Court ruled last week that the Depression-era statute which authorized the creation of our Nation's credit unions does not permit them to draw members from a variety of occupations. This decision will upset long-standing federal policies and the personal lives of 70 million credit union members and countless more workers who are considering their financial-planning options.

While the Supreme Court's ruling will stand as long as the statutes governing credit unions remain the same, Congress can act now to clarify the law and protect credit unions. H.R. 1151, "The Credit Union Membership Access Act," would permit credit unions to continue recruiting members according to their traditional practices. This bill has already received 182 co-sponsors, but it desperately needs more support to break its deadlock in Committee.

Credit Unions are the only source of financial services for many low-income Americans. It is unfortunate that I am the only Member of Congress from Mississippi—one of the poorest states in the Union—who is a co-sponsor of this bill even though there are over 419,000 thousand credit union members in Mississippi alone. Nonetheless, Congress can not afford to ignore this issue, and I sense the mood is changing here. Let us act swiftly and move to save credit unions by enacting this bill; more than 70 million Americans are waiting.

IN RECOGNITION OF THE ACCOMPLISHMENTS OF RHODA HOOPER

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. BASS. Mr. Speaker, I rise today to recognize and honor an outstanding woman and worker, Rhoda Hooper, from my home state of New Hampshire.

Mrs. Hooper was recently named as the "Outstanding Older Worker" from our fine state and I believe she serves as an example to us all that ability is truly timeless.

At the age of 88, Mrs. Hooper is the type of person we would all like to be, and certainly would be lucky to hire. Her success story is both poignant and triumphant. Forced to find employment after the death of her husband, Mrs. Hooper entered the job market as an older worker without significant work experience outside the home or even a driver's license. But despite the odds seemingly stacked against her, Mrs. Hooper found work at New Boston Central School where she has fulfilled the role of office aide and so much more for the past seven years.

Since she does not drive, on a pleasant day she walks the quarter mile from her home to her job where she never missed a day. Her strong work ethic seems to be matched only by the size of her generous heart. Despite demanding office duties, Mrs. Hooper takes the time to take a personal interest in each of the students. For instance, you will never find a student at New Boston Central School without mittens. She knows when any of the children are without them and makes sure they do not leave school without a hand-knit pair. If you've ever experienced a New Hampshire winter, you know just how wonderful that gift of warm mittens can be.

Her co-workers call her "a lifesaver and a joy to work with." The students affectionately call her "Grandma." I call her a "winner." Not just because she has won a richly deserved award, but because she is a role model for workers everywhere. Mrs. Hooper has overcome obstacles to achieve her goals and change her life, and in the process has enriched the lives of countless others.

I extend my best wishes to Mrs. Hooper as she receives her award and urge her to keep up the good work. She is truly a special person and I am privileged to recognize her here today.

NEWARK STUDENTS PRACTICE RANDOM ACTS OF KINDNESS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. PAYNE. Mr. Speaker, I would like to pay tribute to the students of New Jersey for winning the Kindness and Justice Challenge. Pupils of New Jersey led the nation with 96,816 acts of kindness. Students from my home district of Newark, New Jersey led all municipalities with 30,615 good deeds. This is indeed an honor and a privilege to represent such model students.

The competition was started 3 years ago by Newark students who wanted to do something about all the negative images that faced their communities. Today we have over 40,000 pupils in over 12,000 classrooms participating in the contest across the nation. Good deeds are recorded on the Internet to keep an accurate account. Teachers had to pitch in during lunch breaks and at night because not all students had access to computers at home.

Newark students were led by Latoya Hedgespeth, a fifth grader at Madison Avenue School who recorded the most acts of kindness with 321 goods deeds. This truly exemplifies the dream of Dr. Martin Luther King, Jr. and should serve as a lesson to us all. The students were honored by Superintendent Beverly Hall and Mayor Sharpe James.

Mr. Speaker, I am sure that my colleagues will join me as I extend heartfelt congratulations and best wishes to the students of New Jersey.

HONORING KANDACE V. SIMMONS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. TOWNS. Mr. Speaker, I rise today to honor the efforts of one of the hardest working young women in my district, Ms. Kandace V. Simmons.

Kandace is the President and Chief Operating Officer of Simmons Design Group, Ltd., a building design firm located in Park Slope, Brooklyn. Simmons Design Group was established in 1969 by her father, the late Harry Simmons, Jr. as Simmons Architects. Ms. Simmons over sees the strategic planning marketing, financial administration, and project management of the firm.

Prior to permanently joining the family business in 1994, Kandace had a varied career. After graduation from Yale University in 1988, she was a financial analyst with Chemical Bank. She later moved to New York City Department of General Services (DGS) becoming a senior policy analyst where she implemented City-wide cost savings initiatives. Ms. Simmons also coordinated activities for compliance with the Americans with Disabilities Act in city-owned buildings. In 1992, wile still employed by DGS, she founded Simmons Entertainment, managing jazz musicians and producing concerts in Houston, TX.

At her father's request, Ms. Simmons returned to Simmons Architects in July, 1994 with overall responsibility for the business management of the firm. After the death of her father in October 1994, Ms. Simmons took charge of the company. In addition to managing Simmons Design Group, she is an architectural student at Pratt Institute in Brooklyn.

Born in Brooklyn, New York, Kandace Simmons is the eldest child of the late Harry Simmons, Jr. and Dr. Sharon E. Simmons. She is also the sister of Harry Simmons III and Carlton Tarver.

Mr. Speaker, please join me in congratulating Ms. Kandace Simmons for all of her achievements, for being a woman who dares to be different, and showing young women everywhere that they can do, and accomplish, anything.

* * *

SUPPORT HUMAN RIGHTS IN MOLDOVA

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. BONIOR. Mr. Speaker, I rise today to share with my colleagues information about a serious human rights situation in the Trans-Dnestr region of Moldova.

Since 1993, the men known as the "Ilascu Six" have been imprisoned for allegedly murdering two separatists in this region.

The State Department's most recent human rights report for Moldova states that serious questions have been raised about the fairness of the trial of the "Ilascu Six" conducted by Trans-Dnestr officials. There is a strong belief that these men were persecuted for political reasons—solely because they are supporters of reunification with Romania.

The leader of the group is Ilie Ilascu, president of the local branch of the democratic Moldavian Popular Front, which favors reunification with Romania. Such a move is strongly opposed by the Trans-Dnestr ruling authorities, who instead favor a closer alliance with Russia and independence for the Trans-Dnestr region.

Mr. Ilascu and three others remain in prison. One prisoner has been freed, and a sixth person, an infiltrator placed by the Trans-Dnestr secret police, was released after his testimony against the others.

There are reports that these men have been subjected to torture and mock executions. Ilie Ilascu remains in isolation in a top security prison.

Despite his imprisonment, in 1994 Mr. Ilascu was elected to the Parliament of Moldova. Although he has been duly elected, Ilie Ilascu has never been able to take his seat in parliament.

According to the State Department report, a group of Moldovan doctors was refused access to Mr. Ilascu in the fall. Trans-Dnestr authorities have also refused the International Committee of the Red Cross access for the purpose of monitoring the conditions of the prisoners.

Mr. Speaker, I believe we must press officials in Trans-Dnestr to allow access to these prisoners by the Red Cross.

I am pleased the State Department focused on this serious situation in its human rights report, and hope that it will continue to raise this issue with the governments of Russia and Moldova.

We should insist that Mr. Ilascu and the other prisoners be guaranteed their internationally-recognized human rights—the right to a fair trial, due process, and freedom of expression.

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ACKNOWLEDGMENT OF MS. EUNICE GENTRY, MISS JACKSON STATE UNIVERSITY

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. THOMPSON. Mr. Speaker, I rise today to congratulate Ms. Eunice Gentry on obtaining the title of Miss Jackson State University 1997–98. Ms. Gentry is a native of Jackson, MS. She is a senior communications major and the daughter of Dr. and Mrs. Roosevelt Gentry.

Ms. Gentry is very active in numerous organizations at Jackson State University (JSU). Such organizations include the Mass Communications Club, JSU Student Government Association, Tiger Pride Connection, and the JSU chapter of the NAACP. Among some of Ms. Gentry's accomplishments include her position as parliamentarian for the student chapter of the National Association of Black Journalists, a $3,000 scholarship earned in a national essay competition sponsored by the National Black Programmers Coalition of Atlanta, and her membership to the W.E.B. DuBois Honors College. Over her summer break, Ms. Gentry worked as an intern for television station KVBC, the NBC affiliate in Las Vegas, NV.

Mr. Speaker, it is with the utmost pride that I stand here before you today and acknowledge Ms. Eunice Gentry, Miss Jackson State University 1997–98.

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IN HONOR OF THE NEW YORK STATE ASSEMBLY PUERTO RICAN/HISPANIC TASK FORCE

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. SCHUMER. Mr. Speaker, I rise today to ask my colleagues to join me in honoring the New York State Assembly Puerto Rican/Hispanic Task Force on the eve of their 11th Annual Conference.

This Task Force has brought together a large network of government officials, community leaders and service providers who share a common goal: improving the quality of life for our Hispanic population in New York. It has managed to draw on the strengths of its participants to move forward and knock down the continued barriers of bias and discrimination.

With great tenacity, the Task Force has fought for and won a number of battles on behalf of Hispanic constituencies. From identifying problems of access by Spanish speaking women to domestic abuse services to uncovering the tracking of Hispanic students in New York schools. Always, and with great success; they have found legislative solutions to these problems that have served to improve and protect the rights of all New Yorkers.

This years' annual legislative meeting will certainly bring to the fore some very important issues facing the Hispanic communities in New York. As our state legislature begins to work on issues such as the evolvement of managed care, education reform and economic opportunity, the debate will no doubt be enhanced by the contributions to be made by this Task Force. In fact, all communities will be better served by having an inclusive rapport on these important topics.

I ask my fellow colleagues if I may take this opportunity to commend this fine organization for its leadership and resolve. May the Puerto Rican/Hispanic Task Force continue its admirable task to ensure equal access, true representation and opportunity for all constituencies in New York.

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HONORING DEIDRA C. TOWNS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. TOWNS. Mr. Speaker, I rise today to honor the skill and achievements of Deidra Towns. Her contribution to community and public service is incomparable.

A woman at the beginning of her career, Deidra's dynamic personality bespeaks a character that will stare the world down—and win. Already, she has flourished as an Administrative Assistant at Bedford-Stuyvesant Legal Services, a Managed Care Training Facilitator/Public Relations Coordinator at East New York Diagnostic and Treatment Center and as a Legislative Aid for the New York State Assembly. Currently, Deidra is the Team Leader for the Red Hook Public Safety Corps. In this position she has provided direction and structure to its AmeriCorps team. She has also planned and implemented projects designed to address public safety issues.

As a devoted mother to her daughter, Kiara, and a loving daughter to Edolphus and Gwen Towns, there is no doubt that this young woman will leave her special mark on her community.

Mr. Speaker, please join me in congratulating Deidra C. Towns for all of her achievements, for being a woman who dares to be different, and for showing young women everywhere that they can do and accomplish anything.

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COMMEMORATION OF LOS ANGELES COUNTY CANCER AWARENESS WEEK

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. SHERMAN. Mr. Speaker, I rise today to commemorate Childhood Cancer Awareness Week which will occur March 8th–March 14th in the County of Los Angeles. I would also like to acknowledge the American Cancer Fund For Children and its founder Steve Firestein for their tireless efforts to help children. Through their dedication and perseverance, they have influenced the lives of hundreds of children with cancer, while bringing awareness of this issue to our country as a whole.

Cancer is the leading cause of death by disease among children in our country. Each year, approximately 10,000 children are diagnosed with this frightening illness. A cure for cancer is an important goal that we all hope to achieve. Until that time, important services and programs like the American Cancer Fund for Children play a vital role in the lives of those afflicted with this disease.

The American Cancer Fund for Children has been established to provide financial assistance to families with children fighting cancer. When a child is sick, parents should not be restricted by financial burdens in determining what type of treatment their child receives. Funds are used for expenses such as a bone marrow transplant, housing and food. The American Cancer Fund for Children also enables parents to be with their children as they undergo treatment. This organization has also worked to meet hospital needs for patient and family services, helping to ensure the quality of care and improving the chances of survival. For instance, children participate in psycho-social services designed to foster self-esteem, encourage peer interaction and develop special patient communications.

Through his interactions with children entering the Los Angeles Orthopedic Hospital, Steven Firestein has provided them with courage and hope. He has established a national network of programs, through which he provides children with baseball caps, toys and sports cards. These small tokens do wonders to brighten a child's day.

Mr. Speaker, distinguished colleagues, please join me in acknowledging the work of Steven Firestein and the American Cancer Fund for Children. They have worked to raise awareness of childhood cancer and they have motivated our community to take the first steps toward achieving our ultimate goal of prevention.

IN RECOGNITION OF W.A. "BING" LECROY

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. RILEY. Mr. Speaker, I rise today to pay tribute to an outstanding educator and citizen of the State of Alabama, the late W.A. "Bing" LeCroy. Mr. W.A. "Bing" LeCroy died on October 29, 1996, but his enthusiasm for the field of education can still be felt by everyone that he directly and indirectly touched throughout his career.

Bing LeCroy was born in Coosa County, Alabama, on April 1, 1918. Mr. LeCroy studied at Jacksonville State University and Auburn University where he received a Bachelor's and Master's degree in Administration. He later attended the University of Alabama at Birmingham for additional graduate work.

Bing left Coosa County and moved to Chilton County to begin his career as a classroom teacher. He later served as Superintendent of Education of Chilton County, State Superintendent of Education, Director of the Chilton County Area Vocational Center and Director and Coordinator of the Wallace Community College, Clanton Extension. After his many years as an Alabama educator, he became such a recognizable icon that he was known to thousands across the state as "Mr. Education."

Mr. LeCroy not only indulged in scholastic education, he also was a leader in civil education and worked tirelessly to ensure the safety and health of our children. During his administrative career in public education, he hired the first female bus driver in the State of Alabama. He also was the first proponent in the United States for mandating red stop signs on school buses, allowing for children's passage across the roads and highways.

In addition to the unparalleled dedication that Bing selflessly gave to his students, Mr. LeCroy was a devoted member of the First Baptist Church of Clanton and was a long-time member and President of Kiwanis Club.

Mr. Speaker, I am not the only person aware of Bing LeCroy's accomplishments. The thousands of students this man directly impacted will remain both a legacy and a reminder of the potential good that a teacher can achieve in a child's life. Recently, the Chilton County Board of Education recommended and approved the Chilton County Area Vocational Center be re-named the W.A. "Bing" LeCroy Career Technical Center. The re-naming of this building is a suitable memorial for a man who was known by those who love him as "Mr. Education".

I ask my colleagues to join me in honoring the memory of one of Alabama's great education advocates, Bing LeCroy.

HONORING JUANITA C. BOBBITT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. TOWNS. Mr. Speaker, I rise today to honor the skill and achievements of Juanita C. Bobbitt. Her contribution to the United Nations and women's issues is incomparable.

Ms. Bobbitt was raised in the Bedford-Stuyvesant community of Brooklyn. Her undergraduate degree from Brooklyn College of the City University of New York as well as her Masters degree from New York University and Harvard University, successfully prepared her for a United Nations career that has spanned nearly four decades.

As a consultant to governments and an expert in public administration and management, she has traveled to Africa, Asia and the Pacific, Latin America, the Caribbean, and Europe. She is fluent in French and Spanish. Recently, she was responsible for managing a group of professionals to formulate and implement programs in developing countries and economies in transition devoted to social, rural and community development, poverty alleviation, and the advancement of women. She is currently leading the Gender Advisory Services Unit in the Division for the Advancement of Women within the Department of Economic and Social Affairs. Most recently, Ms. Bobbitt organized a workshop on behalf of the United Nations to examine the ways to enhance the partnership among entrepreneurs, government, and the business community. As a result of Ms. Bobbitt's workshop, the Lausanne Enterprise was created to serve as an international mechanism to further develop women's entrepreneurship worldwide as a result of Ms. Bobbitt's workshop.

As an active member of her community, Ms. Bobbitt has served on various academic committees. She is also a long-standing member of St. George's Episcopal Church and a Golden Life Member of Delta Sigma Theta, Inc., a Public Service Sorority.

Ms. Bobbitt has been able to reach these incredible goals and also be the proud mother of one son, Edmund Michael Bobbitt, a Harvard graduate and entrepreneur.

Mr. Speaker, please join me in congratulating Ms. Juanita C. Bobbitt for all of her achievements, for being a woman who dares to be different, and for showing young women everywhere that they can do and accomplish anything.

PRESIDENT'S BUDGET BRINGS BACK DEFICIT SPENDING

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. PACKARD. Mr. Speaker, last week the Congressional Budget Office (CBO) released an analysis that shows that the President's FY1999 Budget submission would result in a $5 billion deficit, even with the $130 billion in new taxes his plan proposes. President Clinton's Budget not only comes as a disappointment, it blows a hole in the agreement he made with Congress last year and breaks the promise he made to American taxpayers.

As a member of the Appropriations Committee, I admit that these figures do not come as a shock. Considering that the President's proposal includes 85 new programs, costing at least $150 billion over the next five years, we shouldn't be surprised that the numbers in his budget don't add up. Mr. Speaker, the President's budget puts us right back on the path to deficit spending. To top it off, this plan raises taxes to the highest level since 1945. That is totally unacceptable.

The CBO analysis projects that by 2000, the deficit would return to $5 billion under the President's plan. If no changes were made to the Balanced Budget pact agreed to last summer, however, the CBO reported that there would be a higher surplus each year through 2003.

Mr. Speaker, this is one more indication that Bill Clinton is not sympathetic to the American taxpayer. It took a Republican Congress to create and pass the Balanced Budget Agreement, and it's going to take a Republican Congress to protect it. Bill Clinton has only given lip service to balancing the budget, but is apparently not willing to be a partner in that effort.

HONORING THE ACCOMPLISHMENTS OF AMANDA DAVIS

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. POSHARD. Mr. Speaker, I rise today to laud the accomplishments of Amanda Davis, a senior at Eastern Illinois University (EIU). Amanda is from Mt. Vernon, Illinois, a town I represented during my first two terms in Congress, and she served as an intern in my Washington, D.C. office last summer. She possesses maturity beyond her years and a character made up of the finest qualities: intelligence, integrity, and a desire to help those around her. I believe her example is one to be emulated by not only her peers, but by the entire nation.

The first thing you notice about Amanda is her seriousness. She is not a frivolous person, and immerses herself in the projects she undertakes. In my office, this trait manifested itself in everything from her thorough Capitol tours to her tireless research into numerous legislative issues. An accomplished scholar, the list of her academic achievements, awards, and activities is truly staggering. I will list just a few: recipient of the Herbert F. Hueller and Jennifer Woods Scholarships, Honors student and regular member of the Dean's List, high school valedictorian, co-editor of and contributor to The Vehicle, EIU's literary magazine, and membership in numerous honor societies. She is perhaps most passionate about women's issues, especially as related to the correctional system and literacy. Her work on these subjects has resulted in numerous papers that she has presented at professional conferences across the nation. Somehow, Amanda finds time to volunteer as a tutor for illiterate adults and a crisis hot-line worker at a battered women's shelter. Her unrelenting pursuit of knowledge and her penchant for helping others is a powerful combination, and it will lead her to accomplish great things in the future.

Mr. Speaker, it is people like Amanda Davis that never allow me to worry about the future of the United States. Every summer our congressional offices are filled with thousands of our brightest young minds, and they will be prepared to pick up the mantle of public service when their time comes. Amanda has already answered this call. As I stated earlier, I hope her example serves as a catalyst for others, and I thank her for all of her efforts on behalf of the people of Illinois.

HONORING CYNTHIA CARRINGTON-MURRAY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. TOWNS. Mr. Speaker, I rise today to honor the skill and achievements of Cynthia Carrington-Murray. Her contribution to the health care community is incomparable.

After transferring from her native Trinidad and Tobago, she received her Bachelors Degree in Nursing and a Masters in Community Health Administration from Long Island University. Currently, Cynthia is the Executive Director of the Woodhull Medical Center in Brooklyn, a 428 bed public hospital that is part of the New York City Health and Hospitals Corporation. Woodhull is the acute care hospital for the North Brooklyn Health Network with over 18,000 discharges and 240,000 clinic visits annually. The Center operates three free-standing residency programs in Internal Medicine, Primary Care Pediatrics and Dentistry.

A dynamic and personable leader, Cynthia brings over twenty years of progressive leadership to the formidable task of interpreting Woodhull's mission, vision and goals. A strong advocate of community health, she imbues her work with vigor, compassion, and a keen understanding of the needs of the North Brooklyn community. She has received numerous awards for her professional excellence and she is a member of the Board of the Brooklyn Chamber of Commerce, President of the Trinidad and Tobago Nurses Association of America and the President of the East 45th Street Block Association.

As a wife and mother to two daughters, Camille and Kamika, Cynthia has managed the triumphs and pressures of those roles, and risen to excellence in the field of nursing.

Mr. Speaker, please join me in congratulating Cynthia Carrington-Murray for all of her achievements, for being a woman who dares to be different, and for showing young women everywhere that they can do and accomplish anything.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. KIND. Mr. Speaker, today is the date for the special election in California's 22nd Congressional seat, the race to replace my friend Walter Capps. The winner of today's race will be decided by the voters of Santa Barbara and San Luis Obispo Counties. The loser in this race has already been decided, and it is the current campaign system.

The race for this seat has seen an unprecedented level of outside spending by special interest groups trying to influence the election. While the citizens of California's 22nd district have repeatedly said that education and taxes are their top priorities, outside groups have overwhelmed the district with television commercials that only impact their own narrow agendas.

I am afraid that the spending in this race is only a sign of things to come. If we don't pass meaningful campaign finance reform the outside interest groups are going to spend unlimited amounts of money in each Congressional campaign, and each candidate will be forced to raise more money to combat that spending. We need campaign finance reform to stop this vicious cycle. Mr. Speaker the people of my district refuse to accept "no" for an answer.

HONORING THE PINK OYSTER INTEREST GROUP

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. WYNN. Mr. Speaker, I rise today to pay tribute to the Pink Oyster Interest Group's service to Southern Prince George's County, Maryland.

In January of 1996, five sorors, Patricia Oliver Bell, Annette Oliver Boxley, Irene Bullock-Overton, V'Nell De Costa and Gloria McCray Watson were gathered at Pat's Exclusives Boutique. In conversation, the subject of starting a local graduate chapter of Alpha Kappa Alpha Sorority, Inc. in the Ft. Washington area surfaced. Soror Gloria McCray Watson was charged with determining the procedure for starting a new chapter.

As directed, later in the same month, Soror Gloria McCray Watson reported to the group advising them of the procedure for the formation of an interest group. A meeting was scheduled for March 29, 1996 at Pat's Exclusives Boutique.

On March 29, 1996, the group's first meeting was held at Pat's Exclusives Boutique. Soror Carmilla Watkins of Nu Zeta Omega was invited to serve as an advisor to the group. The meeting was attended by Sorors: Patricia Oliver Bell, Annette Oliver Boxley, Yvonne Bundley, Irene Bullock-Overton, V'Nell De Costa, Brenda Jones and Gloria McCray Watson.

On Sunday, April 21, 1996, the group's next meeting was held at Pat's Exclusives Boutique. Soror Wilma Holmes Tootle, North Atlantic Regional Director, was our guest, where she most graciously sanctioned the formation of a formal Interest Group of Alpha Kappa Alpha Sorority, Inc., in Ft. Washington, Maryland.

The group met at Pat's Exclusives Boutique again in the month of May. However, it soon became necessary to move the meetings to another location because of the tremendous response from sorors in the area. Soror Gloria McCray Watson was charged with securing a location for the meeting.

Officers were elected to conduct the business of the Interest Group. The Officers were: Irene Bullock-Overton—President, Gloria McCray Watson—1st Vice-President, Patricia Oliver Bell—2nd Vice-President, Pamela Mohammed—Recording Secretary, Andrise Payton-Watson—Assistant Recording Secretary, Brenda Jones—Financial Secretary, V'Nell De Costa—Treasurer, Annette Oliver Boxley—Historian, Angela Roberts—Assistant Historian and LaKeisha Ratcliff—Philacter.

Soror Watson recommended and later secured Harmony Hall Regional Center for the third Thursday of each month. In June of 1996, 36 members strong, the Interest Group moved the meetings to Harmony Hall Regional Center in Ft. Washington, Maryland. Also at this meeting, it was recommended by Soror Angela Roberts that the group be formally known as, "The Pink Oyster Interest Group". The name was enthusiastically accepted by the sorors in attendance.

By August of 1997, the Group had initiated various programs and performed numerous community service projects. Some of the programs and activities included but are not limited to: an ongoing senior citizens project at Livingston HealthCare Center in Ft. Washington, Maryland; an Adopt-a-School partnership with Potomac Landing Elementary School in Ft. Washington, Maryland; a voter registration drive; an Adopt-a-Road partnership with Prince George's County; donated school supplies to the Alpha Kappa Alpha Sorority, Inc., AKA–IFESH project; sponsored five Southern Prince George's County middle school students for the Alpha Kappa Alpha Sorority, Inc. Putting emphasis on Math and Science (PIMS) Camp held at Bowie State University; donated career clothing to the Anacostia Center for Mental Health; made a financial contribution to the Maryland Stallions Basketball league; awarded scholarships to two Prince George's County senior high school students from Crossland High School; sponsored a Minority Business Symposium; established an AKAdemy; donated books for the library for Potomac Landing Elementary School in Ft. Washington; donated career clothing to the Maryland State Department of Rehabilitative Services and participated in the AIDS WALK '97 in Washington, DC.

The commitment of Alpha Kappa Alpha Sorority, Inc., is service to all mankind. The mission of this chartering shall be to extend Alpha Kappa Alpha's commitment to the citizens of southern Prince George's County.

HONORING RENEE POLLACK

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. TOWNS. Mr. Speaker, I rise today to honor the skill and achievements of Renee Pollack. Her contributions to education, particularly Bushwick High School, are incomparable.

Her philosophy is simple: "Students need to be able to dream the way I dreamed and I will try to help make those dreams come true." Early in her career she served as an assistant principal of Pupil Personnel Services at Park West High School in Manhattan. Renee was also a Spanish teacher, grade advisor, and served as a member of various task forces and steering committees.

Renee has realized her childhood dream of being a principal and it is clear that her students are as enthusiastic about her as she is about them. During her tenure, Renee has obtained new computers for the library, laboratory and the college office; improved the functioning of the program office for the teachers and students; expanded the technology initiative for all the content areas; opened a Saturday community school for students and parents to have an opportunity to learn; and opened the pool and gym on Saturdays so students and their parents can go swimming.

It is clear that Ms. Pollack has a vision for Bushwick High School and its surrounding community. I have no doubt that she will leave an indelible mark on all the teachers, students and parents that she will come in contact with.

Mr. Speaker, please join me in congratulating Renee Pollack for all of her achievements, for being a woman who dares to be different, and for showing young women everywhere that they can do and accomplish anything.

MANAGED CARE AND MENTAL HEALTH/SUBSTANCE ABUSE: A NATIONAL DISGRACE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. STARK. Mr. Speaker, managed care does many things will and some things poorly. It has been my impression that its major failing lies in the area of mental health and substance abuse services—and the following report submitted to the Congressional Budget Office in October 1997 by J. Wrich & Associates, Inc. (JWA) confirms that impression.

The report, which describes a pattern of lying about services, malpractice, and profiteering at the expense of some of the sickest in our society, is a call to action. As we consider managed care consumer protection and quality legislation, we need to provide special protections in the mental health and substance abuse sectors.

In the coming weeks, I will be proposing legislation to address some of the issues so well-raised by the Wrich report. Portions of this report follow:

A. OVERSTATED PROGRAM UTILIZATION

There was a tendency with providers audited to overstate utilization. In some instances multiple patient numbers were assigned to the same patients. One provider issued a new case number each time it authorized additional care. In other instances, case numbers were assigned on an annual basis, thereby enrollees were counted more than once if they received services in two or more calendar years.

In one audit the utilization reported by the contractor to the customer was: 5085 patients.

The audit found utilization to be: 3495 patients.

Variation—overstated utilization reported vs. actual: 45%.

B. TIMELINESS OF SERVICE

J. Wrich & Associates has consistently found timeliness of service to fall far outside the contractors' written standards.

Typically the contractor's written standards fall within the following parameters:

Routine cases shall receive service within 5 days;

Urgent cases shall receive service within 24 hours;

Emergency cases shall receive service within 2 hours.

This computes to a blended average standard for elapsed time of 4.32 days.

Actual performance in audits JWA has conducted ranged from 8.5 to 19.3 days.

Variation—Contractor's written standards computed to a blended average vs. the blended average of actual waiting time for care: 97% to 347%.

C. NETWORK DEVELOPMENT

Coverage

Coverage is frequently spotty. Where managed behavioral health care serve employee groups in multiple locations, JWA finds considerable unevenness in provider network development and accessibility. In the case of one managed behavioral health care company serving a statewide enrollee group, the contractor's proposal and initial agreement called for a minimum of one chemical dependency and one mental health provider in each county. Two years into the contract, gaps in the provider coverage were found to be as follows:

Findings	Counties not covered (%)	Enrollees not covered (%)
No providers at all	15	6
No mental health providers	16	7
No substance abuse providers	32	19
No adolescent/child providers	25	12

In this case, the customer paid the full premium for 100% of the plan's enrollees during that time frame even though the managed behavioral health care network was never completely in place to serve all of them.

Matching Service to Enrollees' Problems

JWA found that provider networks are rarely developed with adequate consideration of expected high incidence of certain disorders. Two landmark studies of incidence and prevalence—the Epidemiologic Catchment Area Study and the National Comorbidity Study—indicate that as many as 80% of the adult population with a behavioral health disorder have one of four major diagnosis or some combination thereof—substance abuse disorders, major depression, anxiety, and phobia. None of the managed care companies JWA audited have built their networks on a research-based rationale of expected patient needs.

Contractor reports on employing minority providers are often overstated. One ploy involved hiring high percentages of Asian and Indian providers who were anxious to build their practices and willing to work for lower fees, as opposed to employing established African Americans providers who would have more closely profiled the culture and ethnicity of the target population.

D. CLINICAL ISSUES

JWA found the charts they have audited to reveal a surprisingly high percentage of problems across the full spectrum of service.

Findings	Problem charts (%)
Failure to properly evaluate/diagnose/treat substance abuse cases where a diagnosis of a substance abuse disorder was documented in the chart, or where there were strong indications of the presence of a substance abuse disorder	54.8–78.3
Failure to properly evaluate/diagnose/treat psychiatric disorders cases where a psychiatric disorder was documented in the chart or where there were strong indications of the presence of a psychiatric disorder	4.3–8.6
Failure to follow up	6.3–78.8
Instances in which a patient had not received care within three months of initial contact due to delays in authorization or due to other administrative/clinical problems	4.1–26.0

E. ADMINISTRATIVE ISSUES

The frequency of administrative problems which had an impact on the delivery of care varied widely among providers. Problems included delays in answering telephone inquiries, failure to authorize care in a timely manner, problems with payment of claims.

Total Problems of Cases: 37% to 86%.

F. PATIENT PLACEMENT CRITERIA

JWA audits have shown that the criteria for inpatient, residential, or intensive outpatient treatment is often extremely restrictive. In one audit the provider required an attempt to harm self within the previous 24 hours, or significant action or harm to another person within the previous 24 hours, or significant threatening action to damage property with high lethality in order to receive intensive outpatient care or inpatient care.

Another audit revealed that the criteria for admission to detoxification services put the patient at risk because it included a confirmed diagnosis of addiction plus the presence of delirium tremens. Most experts would agree that a major purpose of detoxification is to prevent DT's, which are life-threatening medical conditions.

Mr. Speaker, the J. Wrich & Associates report causes great concern. While the audit findings cannot be generalized to the entire managed care industry, several audits performed by this company since 1992 have found significant problematic similarities in placement criteria, practice guidelines, network development procedures, and pricing among many of the firms. Currently patients have little protections against the bad mental health care that they often receive.

In the near future, a large number of us will be introducing a Patient Bill of Rights to provide new protections in managed care. Some of the provisions of that bill will help stop the type of abuses and abysmal care documented by the JWA audits. I suspect, Mr. Speaker, that the problems in the mental health and substance abuse sector are so severe, that we will need separate, special legislation to address this sector's unique problems. I am working on such legislation and welcome ideas and suggestions from the provider and patient communities.

A TRIBUTE TO DR. WALTER F. LAMACKI, DDS, ON THE OCCASION OF HIS RETIREMENT

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to an outstanding gentleman who for many years has served the people of my district in the field of dentistry, Dr. Walter F. Lamacki, DDS.

Dr. Lamacki has been practicing dentistry for 35 years, and 24 years have been spent in the town of Burbank, Illinois. However, on March 1, 1998, Dr. Lamacki retired, and his practice will undoubtedly be missed by many people.

Before entering general practice, Dr. Lamacki attended the University of Illinois and Loyola University and served in the United States Army Dental Corp. Over the years, Dr. Lamacki has held numerous positions in the Chicago Dental Society, including the position of President. He has served on several committees of the Illinois State Dental Society and the American Dental Association. Dr. Lamacki also has served on the Board of Governors of Loyola Alumni Dental School and as President of the Loyola Alumni Association.

Dr. Lamacki is a respected member of the Chicago dental community. More importantly, he is a respected member of his community, both for the service he has given in dentistry and his commitment to civic concerns. He has taken on responsibilities as the President of the Burbank Chapter of the American Cancer Society, as a member of the Burbank Chamber of Commerce, and as a Member of the Palos Gardens Civic Association.

Mr. Speaker, I would like to applaud Dr. Lamacki on behalf of the many people he has treated and befriended in his years of practicing dentistry. I would like to extend my very best wishes for continued success and happiness in retirement and in the years to come.

HONORING ROBIN HUNTER-BUSKEY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. TOWNS. Mr. Speaker, I rise today to honor the skill and achievements of Robin Hunter-Buskey. Her contribution to the health care community is incomparable.

A native of New York, Robin attended the State University of New York at Stoney Brook, where she completed the Physical Therapy and Physicians Assistant Programs. She has practiced in a variety of healthcare settings including: HomeCare, Emergency Medicine, OB/GYN, Substance Abuse, infectious Disease, Rehabilitation, Internal Medicine and Geriatrics. In her current role, Robin brings her urban medicine experience into a growing suburban community.

As a dedicated member of various professional organizations, Robin has been a consultant to the New York State Board for Physical Therapy and a public member of the Board for Professional Medical Conduct. She is a clinical instructor and mentor to physician assistant students, medical students and others interested in the health professions. Also, Robin has given countless hours toward ensuring increased minority recruitment and retention in health professional programs. Though Ms. Hunter-Buskey has moved to North Carolina, I know her work in the community will always be appreciated.

As a mother of two, Veronica and Bennett, family involvement and support has given deeper meaning to Robin's commitment to helping others. Raising a developmental challenged child has helped her provide motivation for others.

Mr. Speaker, please join me in congratulating Robin Hunter-Buskey for all of her achievements, for being a woman who dares to be different, and for showing young women everywhere that they can do and accomplish anything.

THE INTRODUCTION OF THE "DEPARTMENT OF JUSTICE VACANCIES CLARIFICATION ACT OF 1998"

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. HYDE. Mr. Speaker, today I am introducing the "Department of Justice Vacancies Clarification Act of 1998." This legislation will end the practice of appointing acting personnel for indefinite periods of time to important jobs in the Department of Justice. For too long, the Department of Justice has used this method to evade the political accountability provided by the Senate confirmation process.

In 1988, Congress reenacted the Vacancies Act to prevent the filling of Executive Branch positions with acting personnel for long periods. Generally speaking, the Vacancies Act says that a person may serve as an acting head of an office for no more than 120 days. 5 U.S.C. § 3348. (These times are tolled while a nomination is pending or when Congress has adjourned sine die.)

Most organic statutes for government departments have language that says the head of the agency may delegate his functions to anyone within the Department. See, e.g., 28 U.S.C. §§ 509–10 (language for the Department of Justice). Both Democrats and Republicans in the Executive Branch have interpreted this kind of language to be an alternative method of filling vacancies that is not subject to the 120-day period provided in the Vacancies Act. That interpretation effectively nullifies the Vacancies Act.

The Department of Justice Vacancies Clarification Act of 1998 would make it clear that the general language in the Department of Justice statute is not intended to override the Vacancies Act and that the Vacancies Act is the only method for filling vacancies in the Department of Justice.

In addition, to insure that the language is not ignored, the Act provides that when any acting person serves beyond the time provided in the Vacancies Act, the United States Circuit Court of Appeals for the District of Columbia Circuit will step in to appoint someone to fill the job until someone is nominated and confirmed. The Court could not appoint a person who had previously served as an acting head for that particular vacancy or a person who was nominated, but did not get confirmed. This is similar to language that already exists with respect to United States Attorney positions. 28 U.S.C. § 546. My intent is not so much that the Court ought to make such appointments, but to give the Executive Branch an incentive not to let the time lapse.

I believe that this legislation will clarify the law, vindicate our system of checks and balances, and be to the advantage of all concerned. I hope that all of my colleagues will support it.

WHY IT MATTERS

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. OXLEY. Mr. Speaker, for those who missed it, I would like to bring an opinion piece from the March 6th Wall Street Journal to the attention of my colleagues. William J. Bennett has once again provided an insightful analysis on recent developments in the White House that demands the consideration of Congress and the American people.

Mr. Speaker, I commend the following column by Mr. Bennett to the attention of all interested parties.

[From the Wall Street Journal, Mar. 6, 1998]

WHY IT MATTERS

(By William J. Bennett)

In the matter of Bill Clinton and Monica Lewinsky, almost everything points to the conclusion that something unseemly happened: the tapes; Ms. Lewinsky's 37 visits to the White House; Mr. Clinton's morning-after-the-deposition meeting with his secretary, Betty Currie; the gifts; the talking points; Vernon Jordan's many activities; the job offer from United Nations Ambassador Bill Richardson; the president's stonewalling; his initial, unconvincing denial; his refusal to explain what happened; Press Secretary Mike McCurry's remark that the relationship is probably "very complicated"; and White House surrogates' declaration of "war" against the independent counsel.

Nevertheless, many Americans think the scandal—even if true—is either "none of our business" or not worth the effort to inquire about. This apparent indifference is surprising and unsettling. It is therefore important to respond to the most common arguments made by those who believe that a president's sexual involvement with a 21-year-old intern, and the ensuing suspected coverup, are essentially irrelevant to our national life:

We shouldn't be judgmental. At a recent speech before an organization of religious broadcasters, I criticized the president's unwillingness to explain what happened in the Lewinsky matter. A member of the audience took me to task for "casting stones." I responded that it shows how far we have fallen that asking the president to account for possible adultery, lying to the public, perjury and obstruction of justice is regarded as akin to stoning. This is an example of what sociologist Alan Wolfe refers to as America's new "Eleventh Commandment: Thou shalt not judge."

LOST ITS WAY

Even the Rev. Billy Graham declared yesterday: "I forgive him. . . . I know how hard it is, and especially a strong, vigorous, young man like he is; he has such a tremendous personality. I think the ladies just go wild over him." Mr. Graham, perhaps the nation's most admired religious figure, apparently is willing to shrug off both adultery and lying, without any public admission or apology on Mr. Clinton's part. This is what the theologian Dietrich Bonhoeffer called "cheap grace."

All of us are in favor of tolerance and forgiveness. But the moral pendulum in America has swung too far in the direction of relativism. If a nation of free people can no longer make clear pronouncements on fundamental matters of right and wrong—for example, that a married, 50-year-old commander-in-chief ought not to have sexual relations with a young intern in his office and then lie about it—it has lost its way.

The problem is not with those who are withholding judgment until all the facts are in, but with the increasing number of people who want to avoid judgment altogether. For it is precisely the disposition and willingness to make judgments about things that matter that is a defining mark of a healthy democracy. In America we do not defer to kings, cardinals or aristocrats on matters of law and politics, civic conduct and moral standards. We rely instead on the people's capacity to make reasonable judgments based on moral principles. Our form of government requires of us not moral perfection but modest virtues, and adherence to some standards. How high should those standards be? Certainly higher than the behavior alleged in this case.

Those who constantly invoke the sentiment of "Who are we to judge?" should consider the anarchy that would ensue if we adhered to this sentiment in, say, our courtrooms. What would happen if those sitting on a jury decided to be "nonjudgmental" about rapists and sexual harassers, embezzlers and tax cheats? Justice would be lost. Without being "judgmental," Americans would never have put an end to slavery, outlawed child labor, emancipated women or ushered in the civil-rights movement. Nor would we have mobilized against Nazism and communism.

Mr. Clinton himself put it well, in a judgment-laden 1996 proclamation he signed during National Character Week, which said that "individual character involves honoring and embracing certain core ethical values: honesty, respect, responsibility. . . . Parents must teach their children from the earliest age the difference between right and wrong. But we must all do our part."

A president's private behavior doesn't matter. In a recent Wall Street Journal/NBC News poll, 57% said that private character doesn't matter at all or matters only if it interferes with his ability to do the job. Of course, if Mr. Clinton did have sexual encounters with Ms. Lewinsky, it involves at least adultery and lying to the public—and probably lying under oath as well. In any event, the attempt to rigidly compartmentalize life in this way is divorced from the real world. A mother would not accept from her son the explanation that his drug habit doesn't matter because he did well on the Scholastic Assessment Test; a police commissioner should not dismiss the raw bigotry of a detective because he has a good arrest record.

Yet in the name of "compartmentalization," many now seem willing to accept raunchier behavior from our president than we would from any CEO, college professor or Army drill sergeant. Housing Secretary Andrew Cuomo put it this way: "Let's remember what's important here. The lives of the American people are more important than the personal life of the president." But Mr. Clinton is a laboratory test case of why private character is relevant. Prevarications typify his private and public life. A seamless web of deceit runs through the man and through his administration.

John Adams held a far different view than Mr. Cuomo does. Adams wrote that the people "have a right, an indisputable, unalienable, indefeasible, divine right to that most dreaded and envied kind of knowledge; I mean, of the characters and conduct of their rulers. Rulers are no more than attorneys, agents, and trustees, for the people; and if the cause, the interest and trust, is insidiously betrayed, or wantonly trifled away, the people have a right to revoke the authority than they themselves have deputed."

To better understand the limits of the "private-public" argument, imagine the storm that would engulf a president who privately supported a whites-only membership policy in a country club. Most voters would rightly deem this private sentiment to be of intense public interest. Why, then, are we supposed to accept a man in the Oval Office whom many parents would not trust alone with their daughters?

The only thing that matters is the economy. "What we should be talking about is that we are going to have the first balanced budget in more than three decades," says one citizen, who voted against Mr. Clinton in 1996. "That's going to impact our children, not this sleaze that is masquerading as news." This sentiment reveals an arid and incomplete understanding of the presidency. More than any other person, the president symbolizes America. He stands for us in the eyes of the world and of our children, who inevitably learn from his example. Whether or not Bill Clinton escapes impeachment, his legacy will be one of pervasive deceit, squandered trust, a reckless disregard for the truth, heightened cynicism and a nastier political culture.

A ROGUE IN OUR MIDST

This corruption matters a great deal. Even if the Dow Jones breaks 10000. Even if Americans get more day care. Even if the budget is balanced. It matters because lessons in corruption, particularly when they emanate from the highest office in the land, undermine our civic life. Children are watching, and if we expect them to take morality seriously, they must see adults take it seriously. As C.S. Lewis wrote: "We make men without chests and expect of them virtue and enterprise. We laugh at honor and are shocked to find traitors in our midst."

Today we find not a traitor but a rogue in our midst. Of course, rogues have been with us forever, and the corruption of people in power is at least as old as the Scriptures. But in America today, more and more citizens seem to be complicit in that corruption. One worry of the Founders was that luxury and affluence might dull our moral sensibilities. The next few months will go a long way toward determining how strongly we believe in something we once revered as "our sacred honor."

HONORING JOYCE ARBERMAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. TOWNS. Mr. Speaker, I rise today to honor the skill and achievements of Joyce Arberman. Her contributions to our community are incomparable.

Ms. Arberman's service to the community spans almost two decades. She works closely with the Ladies of the Adult Retardate Center (LARC), a program which is nearest to her heart. Currently, she works to organize the Center's annual major fund raiser. Over the years, Ms. Arberman's efforts has lead to the raising of almost over a million dollars for LARC.

Currently, Ms. Arberman serves as State Committeewoman of the 39th Assembly District, a post she was elected to in 1984. She, along with Assemblyman Anthony Genovesi, are the leaders of the Thomas Jefferson Democratic Club in Brooklyn. Clearly, our district has only benefitted from her tireless efforts.

Ms. Arberman's family remains a source of strength for her. She has a son, Jeff, a daughter, Jamee, and is also the grandmother of two wonderful grandchildren.

Mr. Speaker, please join me in congratulating Joyce Arberman for all of her achievements, for being a woman who dares to be different, and for showing young women everywhere that they can do and accomplish anything.

WOMEN'S BUSINESS DEVELOPMENT CENTER

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. BORSKI. Mr. Speaker, in honor of Women's History Month, I rise today to commend the Women's Business Development Center, which is located in Philadelphia, Pennsylvania.

The Women's Business Development Center (WBDC) is a non-profit organization dedicated to the economic empowerment of women. The Center provides services and programs that support and accelerate women's business ownership and strengthen the impact of women on the economy. The Center enables women to launch new businesses and helps those currently in business to remain successful.

The WBDC was formed in July, 1995 with the assistance of a three-year matching fund grant from the U.S. Small Business Administration's Office of Women's Business Ownership. By offering a full range of services and utilizing the expertise of successful women business owners to deliver its programs, the Women's Business Development Center is the Greater Philadelphia Region's focal point for women's economic empowerment opportunities.

To date, the Women's Business Development Center has provided information, business assessment, training and counseling services to over 4,500 potential and existing women business owners. The metropolitan Philadelphia area has 127,100 women-owned business enterprises that employ 448,500 people and generate over $56 billion in sales. Women-owned business are a viable economic force and WBDC is vital to their continued growth and success.

Mr. Speaker, I would like to take this opportunity to thank Ms. Geri Swift, President of the WBDC. Working with the community, business organizations, and all levels of government and the corporate sector, Geri has played an essential role in supporting the growth and development of entrepreneurial business ventures. In addition to being the current President of WBDC, Ms. Swift serves as the national vice president of the National Association of Women Business Owner's (NAWBO) and as a director of the National Foundation of Women Business Owners. Geri Swift was also the founding president of the NAWBO, Greater Philadelphia Chapter.

HMO QUALITY DATA: LET THE PATIENT BEWARE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. STARK. Mr. Speaker, as the nation moves increasingly toward managed care, a high priority must be to give the patient/consumer reliable, accurate information on the qualify provided by HMOs.

On February 26 the chief medical officer of the Medicare agency testified that the popular HEDIS data used to measure how well HMOs are doing in a variety of areas is, in some cases, very inaccurate and misleading. I've asked the Health Care Financing Administration to give us more information on this problem and the extent of the errors.

There are private groups which accredit HMOs and use HEDIS data to help measure those plans. The leader in these private groups is the National Commission on Quality Assurance. But it is all very confusing to the consumer. The following shows why.

The October 13, 1997 issue of US News and World Report rated 223 HMOs using data largely from the National Commission on Quality Assurance's HEDIS system. The rating also showed whether NCQA had given full or partial accreditation to those HMOs.

Using the HEDIS data on things that people care about, like immunization rates, mammography rates, etc., US News ranked plans as Above Average or Below Average—but the NCQA accreditations had relatively little to do with how plans did on the US News ratings. For example, NCQA denied accreditation to 2 plans that US News found among the best, but denied none among the plans that US News found the worst. Following is a table my staff did showing the results.

What can be done to make this babble of ratings more useful to the public?

How NCQA Accreditation Compares to U.S. News and World Report Rankings of HMO's

U.S. News ranking	Full Acc.	1-Yr. Acc.	Prov. Acc.[1]	Denied	Review[2]	N/A[4]	P/S/E[3]	Totals
****	41	15	0	2	0	6	0	64
***	46	30	7	1	1	5	6	96
**	47	30	0	1	1	16	8	103
*	13	7	1	0	1	5	10	37
Not ranked	14	0	0	0	1	7	5	27
Totals	161	82	8	4	4	39	29	327

[1] Provisional accreditation: plan meets some standards; can move up if review after one year shows improvement.

[2] Initial status determiend but under review.

[3] Initial status Pending/review Scheduled/rating Expired.

[4] Accreditation information not available.

Source: U.S. News and World Report, October 13, 1997.

One of the most important things would be to ensure that these private accrediting and rating groups, which are paid for their services by those they rate, are true to the public interest. I have proposed legislation, H.R. 800, which would require that the boards of accrediting organizations like NCQA and JCAHO include public interest representatives and public meetings.

So much money is at stake in the quality ratings of managed care plans, that I do not believe the ratings should be directed in private and by boards of directors who include representatives of the interest being evaluated.

HONORING JACKIE SMITH

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. TOWNS. Mr. Speaker, I rise today to honor the skill and achievements of Jackie Smith. Her contribution to women's sports is incomparable.

Jackie began playing organized basketball at the age of 11. The effort that she put into the game since then has made her a competitive player of international renown. She attended Forest Hills High School and, as a premier player, received All-City honors and the 1st Regusus award given by New York City. Upon graduation, she received a full athletic scholarship to St. John's University where she led the team to two Big East championships, four NCAA appearances, and has received numerous individual awards.

In 1986, after receiving her Bachelors degree, she played professionally with the Racing Club de France in Paris, France. In 1988, she returned to New York City to play an instrumental role with the Brooklyn Sports Foundation as its Community Relations Director. While in this position, she worked closely with the Foundation's Chairman, Board of Directors, and community leaders to plan and develop the first and only sports complex for amateur sports in Brooklyn.

In keeping with her love of sports, this year she became the Head Women's Basketball Coach at York College and is committed to building a successful program.

Mr. Speaker, join me in congratulating Ms. Jackie Smith for all of her achievements, for being a woman who dares to be different, and showing young women everywhere that they can do, and accomplish, anything.

TRIBUTE TO DAWSON HIGH SCHOOL STUDENTS

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. FROST. Mr. Speaker, I rise to recognize the tremendous bravery shown by Dawson High School students earlier this year. These students, whose high school is in my district, have displayed an incredible example of courage in the face of danger and given all of us a fascinating story of courage and bravery.

Mr. Speaker, on January 6th of this year, students from Dawson High School arose and planned their day as usual. As they waited in their neighborhoods for the school bus, they had no way of knowing about the dangers that awaited them. Because there has been heavy rains in Dawson the previous week, many of the roads were flooded. The school bus that the Dawson students were on, got caught in one of those flooded roads and was swept off into a ditch towards the flooded creek.

Mr. Speaker, this would have been a tragic situation, if it had not been for the quick thinking of the older students on the bus. They took the initiative to check for anyone who was hurt, and then they moved all 40 students to the right side of the bus in order to keep it from flipping over.

The students who put their fear aside and acted so bravely were: Shelley Wheat, Jessica Hall, Misty Rounsavall, Jeremy Rounsavall, Jasm McCury, Keith Becker, James Stults, Sarah Urrutia, Kevin Ivie, Dorinda Golden, April Dooley, Jennifer Wren, Mandy Houk, Niki Dooley, Krysty Copeland and Sharlaina Hooley.

Mr. Speaker, it's hard to overestimate the fear I think anyone would feel faced with a situation such as this. I know I join the people of Dawson in thanking these young heroes and heroines for their courage and their inspiration.

THE 150th ANNIVERSARY OF SENATE APPROVAL OF THE TREATY OF GUADALUPE HIDALGO IN 1848

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. LANTOS. Mr. Speaker, today—March 10th—marks one of the great historic occasions in the history of the United States, and it is a particularly significant anniversary for the people of the great State of California. Today is the 150th anniversary of the vote in the United States Senate in which that body approved the Treaty of Guadalupe Hidalgo by a vote of 38 to 14. That historic document marked the conclusion of the two-year war with Mexico.

The treaty is also a tribute to American diplomacy and the creatively of Nicholas P. Trist, the chief clerk of the Department of State who was sent to Mexico by President James K. Polk at the end of 1847 with instructions "to take advantage of circumstances as they might arise to negotiate a peace." After a lengthy delay, Trist was about to begin negotiations with Mexican representatives when the President sent instructions for Trist to return to Washington. Trist—convinced that he was on the verge of achieving all of the objectives that he was sent to achieve—ignored his instructions to return, continued his negotiations with Mexican officials, and concluded the treaty of Guadalupe Hidalgo, named after the place where it was completed.

When Trist returned to Washington with the treaty, President Polk could find no fault with the document and, despite "the exceptional conduct of Mr. Trist," submitted the treaty of Guadalupe Hidalgo to the Senate for its advice and consent. It was this document which was approved by the Senate on March 10, 1848, which I invite my colleagues to join me in commemorating today, Mr. Speaker.

The anniversary of the Treaty of Guadalupe Hidalgo, Mr. Speaker, is an occasion for both celebration and for thoughtful reflection about the nature of our great nation.

First, Mr. Speaker, it is an occasion for celebration because the treaty led to major changes that helped to define the United States as we know it today. Under terms of the treaty, 1.2 million square miles were added to the United States, and the United States government paid $15 million to the government of Mexico. Included in these new territories were the Mexican states of Upper California and New Mexico, which today comprise the entire state of California, plus most of New Mexico, Arizona, and Nevada, as well as portions of Utah, Wyoming, and Colorado.

The treaty also confirmed the Rio Grande River as the boundary between the State of Texas and Mexico. Texas had become an independent Republic in 1836, and, at the request of the majority Anglo American population, it was annexed to the United States in 1845. Questions regarding the boundary between Texas and Mexico were among the principle causes of the United States' war with Mexico.

My home state of California has become the most populous state in our Union, with some 32 million residents—12 percent of the entire population of our country, considerably ahead of Texas (19 million) and New York (18 million). Furthermore, California has made significant contributions to the history, character, and culture of the United States. It has provided a number of prominent national leaders in science, medicine, education, entertainment, and many other fields, and our state has been the home state of two presidents of the United States.

Mr. Speaker, this Sesquicentennial of the Treaty of Guadalupe Hidalgo is also an occasion for us to reflect thoughtfully upon the cultural heritage of Hispanic Americans in the United States. Under terms of the treaty, residents of the land that was ceded to the United States who were Mexican citizens were permitted to chose American or Mexican citizenship, and it guaranteed the property rights of new Hispanic Americans by reaffirming land grants that had been made by Spain and Mexico before 1846. The treaty, however, did not define or affirm the language or cultural rights of these new American citizens of Hispanic background. In the half century after the approval of the Treaty, most states in the new territories that were added to the United States enacted laws limiting the participation of Hispanic participation in voting, the judicial process, and education. Other laws resulted in dispossessing many Hispanic Americans of their lands.

Throughout most of the 150 years since the historic approval by the Senate of the Treaty of Guadalupe Hidalgo, Hispanic Americans have been subject to exclusion and marginalization. In recent times, however, this treaty has become a potent symbol as Hispanic Americans have affirmed their right to participate fully in American life. Again, Mr. Speaker, it is California that is a harbinger of the America of the twenty-first century. Hispanic Americans play an important role in the economic, political and social life of the State of California, and they bring a vitality and a healthy diversity to our state and to our nation. As California moves toward becoming a "majority minority" state, with Hispanic Americans the largest of our state's minority populations, it is my hope that Americans of all ethnic backgrounds can work together in contributing to the greatness that the rich diversity of our nation can produce.

Mr. Speaker, as we mark the Sesquicentennial of the Senate's approval of the Treaty of Guadalupe Hidalgo, it is my sincere wish that all of us as Americans will take this occasion to recommit ourselves to understanding, appreciating, and celebrating the depth and meaning of our historical past. It is also my hope, Mr. Speaker, that we will also recommit ourselves to the ideals of equality and diversity which have contributed so much to the richness and culture of our nation and of which this anniversary should remind us.

HONORING ELBA IRIS ROJAS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. TOWNS. Mr. Speaker, I rise today to honor the work and achievements of Elba Iris Rojas. Elba was born in Puerto Rico and she and her family moved to the United States when she was just a child. Her family has allowed her to become the success that she is today.

As a result of her dedication to education, Ms. Rojas was awarded a scholarship to Kings County Hospital of Nursing in 1968. During her tenure in the nursing program, Elba knew that she could best serve her community as a Pediatric Nurse Practitioner. For over twenty years she has managed to provide invaluable services in this capacity through a joint program of Kings County Hospital Center and Down State Medical Center. While working at the Hospital, Ms. Rojas has participated in numerous health fairs and career days in community high schools. She also serves as a mentor to nursing students. I have no doubt that Mrs. Rojas has guided many young people to make their own contributions to the field of health.

When one speaks to Ms. Rojas, one gets a sense that she is truly excited about her life. As a wife, mother of three, and a professional, it is clear that the demands of these roles do not exhaust her, but strengthen her commitment to her work and family.

Mr. Speaker, please join me in congratulating Ms. Elba Iris Rojas for all of her achievements, for being a woman who dares to be different, and for showing young women everywhere that they can do and accomplish anything.

CARING AND SHARING, INC.

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. DOYLE. Mr. Speaker, I rise today to recognize an organization in my district that's doing amazing work for veterans in Western Pennsylvania, Sharing and Caring, Inc.

Sharing and Caring is an all volunteer organization dedicated to helping our nation's most important heroes, our veterans. Each year, Sharing and Caring organizes a cruise on Pittsburgh's rivers for hospitalized veterans. The event gives these veterans an opportunity to spend a day outside the hospital, but it's also an opportunity for our entire community to honor the service of our veterans by sponsoring, or "adopting", a veteran for the boat ride.

In 1985, the first year of this event, Sharing and Caring's river boat cruise benefitted over 500 veterans. Today, that number has doubled, allowing more than 1,000 veterans to take part in the day's events. This effort to give veterans a "holiday" outside of their normal hospital environments deserves acknowledgment and commendation.

The people who started this event, however, deserve just as much praise. As a hospital volunteer, Bernard Pack, who himself is a veteran of World War II and Korea, was dismayed by the sight of so many veterans spending their days watching television inside hospital wards. His desire to bring something special to the lives of his comrades propelled him and fellow volunteers Robert Riethmiller and David Gool to organize the first river boat cruise. Out of this event, Sharing and Caring, Inc. was formed, and the organization has gone on to help numerous hospitalized veterans.

I want to extend my personal thanks and best wishes to Bernie, Robert and David for the time, energy and effort they put into creating Caring and Sharing. And I also want to thank all the volunteers that keep the organization going. Your efforts to help our veterans is an inspiration to us all.

INTRODUCTION OF DUTY SUSPENSION BILLS

HON. RAY LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. LAHOOD. Mr. Speaker, I am introducing the attached four bills at the request of a chemical manufacturer in my Congressional District. Enactment will increase this company's ability to compete in a highly competitive U.S. agricultural market. These bills will also improve the health of our environment, because the products involved are used in lower concentrations than chemicals used today, and they break down quicker in the environment than the older generation of products. Suspension of the duty on these products will have a positive effect on U.S. companies, because they are not currently manufactured in the United States.

A BILL To provide for reductions in duty for the chemical DPX–E9260

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDUCTION IN DUTIES FOR DPX-E9260

(a) REDUCTION IN DUTIES.–Notwithstanding any other provision of law, the general column rate of duty for the article described in subsection (b) shall be—

(1) 6.0% for goods entered, or withdrawn from warehouse for consumption, during calendar year 1999; and

(2) 5.3% for goods entered, or withdrawn from warehouse for consumption, during calendar year 2000.

(b) DESCRIPTION OF ARTICLE.—The article which subsection (a) applies is DPX–E9260, 3-(ethylsulfonyl)-2-pyridinesulfonamide (CAS No. 117671–01–9), provided for in subheading 2935.00.75 of the Harmonized Tariff Schedule of the United States.

A BILL To provide for reductions in duty for carbamic acid (U–9069)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDUCTION IN DUTIES FOR CARBAMIC ACID (U–9069).

(a) REDUCTION IN DUTIES.—Notwithstanding any other provision of law, the general column rate of duty for the article described in subsection (b) shall be—

(1) 9.0% for goods entered, or withdrawn from warehouse for consumption, during the period beginning on the 15th day after the date of the enactment of this Act and ending December 31, 1998;

(2) 8.3% for goods entered, or withdrawn from warehouse for consumption, during calendar year 1999; and

(3) 7.6% for goods entered, or withdrawn from warehouse for consumption, during calendar year 2000.

(b) DESCRIPTION OF ARTICLE.—The article to which subsection (a) applies is Carbamic Acid, [3-((dimethylamino)carbonyl)-2-pyridinyl sulfonyl]-, phenyl ester (CAS No. 112006–94–7), provided for in subheading 2935.00.75 of the Harmonized Tariff Schedule of the United States.

A BILL To provide for reductions in duty for the chemical Rimsulfuron Technical

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDUCTION IN DUTIES FOR RIMSULFURON TECHNICAL.

(a) REDUCTION IN DUTIES.—Notwithstanding any other provision of law, the general column rate of duty for the article described in subsection (b) shall be—

(1) 8.0% for goods entered, or withdrawn from warehouse for consumption, during the period beginning on the 15th day after the date of the enactment of this Act and ending December 31, 1998;

(2) 7.3% for goods entered, or withdrawn from warehouse for consumption, during calendar year 1999; and

(3) free for goods entered, or withdrawn from warehouse for consumption, during calendar year 2000.

(b) DESCRIPTION OF ARTICLE.—The article to which subsection (a) applies is Rimsulfuron Technical N-[(4.6-dimethoxypyrimidin-2-yl) aminocarbonyl]-3-(ethylsulfonyl)-2-pyridine-sulfonamide (CAS No. 122931–48–0), provided for in subheading 2933.59.10.

A BILL To suspend temporarily the duty on the chemical DPX–E6758

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUSPENSION OF DUTY ON DPX-E6758.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.33.59	(4.6-dimethoxypyrimidin-2-yl) carbamic acid, phenyl ester (provided for in subheading 2933.59.70).	Free		No change	No change	On or before 12/31/2000".

(b) APPLICABILITY.—The amendment made by this section applies to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

HONORING BARBARA ELK

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. TOWNS. Mr. Speaker, I rise today to honor the skill and achievements of Barbara Elk. Her contribution to education, particularly William H. Maxwell Vocational High School, is incomparable.

Barbara has served as principal of William H. Maxwell Vocational High School since 1991. Before becoming principal, she was District Manager of Clinical Services for the Brooklyn Superintendency for five and one half years. She served as an assistant principal of Special Education at John Dewey High School and teacher at James Madison High School. Altogether, she has served the New York City Board of Education as an educator, administrator, and supervisor for twenty-six years.

Barbara has always known that her mission is to educate and challenge the student and staff by nurturing and encouraging their growth, to ensure a positive impact upon home, school, and community. She believes that when children are prepared mentally, emotionally, spiritually, and physically for today and the future, we all gain strength, success and deep satisfaction. This holistic view of education makes me proud to know that she is involved in preparing our children for the next century.

Ms. Elk has received tremendous support from her husband, Barry, two sons, Adam and Benjamin, a daughter-in-law, Tari, her sister Deborah and her family.

Mr. Speaker, please join me in congratulating Barbara Elk for all of her achievements, for being a woman who dares to be different, and for showing young women everywhere that they can do and accomplish anything.

INTRODUCTION OF RESOLUTION ON THE WORLDWIDE TRAFFICKING OF PERSONS, A VIOLATION OF FUNDAMENTAL HUMAN RIGHTS

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Ms. SLAUGHTER. Mr. Speaker, I am introducing today a resolution condemning the global increase in the trafficking of persons and urging increased efforts to combat this violation of fundamental human rights.

Trafficking involves the use of deception, coercion, abuse of authority, debt bondage, or fraud to exploit persons through forced prostitution, sexual slavery, sweatshop labor, or exploitative domestic service. Trafficked women are often subject to battering, cruelty, rape, and other forms of physical and mental abuse.

The resolution I am introducing today, builds on my efforts over the past several years to bring attention to the problem of the trafficking of Burmese women and children into brothels in Thailand. As we learn more information, it is becoming tragically clear that trafficking knows no national or regional boundaries. Worldwide, four million women and children are trafficked each year, most by criminal syndicates that turn $7 billion in profits annually.

Trafficking is particularly aggravated in areas of the world in economic and social upheaval. An unhappy side effect of the breakup of the Soviet Union and the Warsaw Pact is the vast increase in trafficking from Russia, Ukraine, Eastern Europe and the Newly Independent States. Criminal organizations are capitalizing on the poverty, rising unemployment, and the disintegration of social networks to exploit and abuse women and children.

In addition to bringing attention to this troubling situation, the resolution lauds the anti-trafficking efforts of the President, First Lady, Secretary of State and the President's Interagency Council on Women. Working with key non-governmental organizations, they have focused on trafficking as a significant problem and are working to mobilize a comprehensive response.

The resolution particularly directs the Departments of Justice and State to continue and increase their efforts to address the trafficking of women into the United States. We must ensure that our legal system can effectively prosecute traffickers and the crimes associated with trafficking, while ensuring the dignity and human rights of trafficking victims. The State Department should continue its trafficking prevention efforts, and its partnership with nations around the globe to combat these heinous crimes.

Mr. Speaker, I ask my colleagues to join me and Senator WELLSTONE, who is introducing the Senate companion resolution, in supporting this resolution. We must put Congress squarely on record in opposition to the abhorrent practice of trafficking.

H. CON. RES.—

Whereas one of the fastest growing international trafficking businesses is the trade in women, whereby women and girls seeking a better life, a good marriage, or a lucrative job abroad, unexpectedly find themselves in situations of forced prostitution, sweatshop labor, exploitative domestic servitude, or battering and extreme cruelty.

Whereas trafficked women are often subjected to rape and other forms of sexual abuse by their traffickers and often held as virtual prisoners by their exploiters, made to work in slavery-like conditions, in debt bondage without pay and against their will;

Whereas the President, the First Lady, the Secretary of State, and the President's Interagency Council on Women have all identified trafficking in women as a significant problem and are working to mobilize a response;

Whereas the Fourth World Conference on Women (Beijing Conference) called on all governments to take measures, including legislative measures, to provide better protection of the rights of women and girls in trafficking, to address the root factors that put women at risk to traffickers, and to take measures to dismantle the national, regional, and international networks in trafficking;

Whereas the United Nations General Assembly, noting its concern about the increasing number of women and girls who are being victimized by traffickers, passed a resolution in 1996 calling upon all governments to criminalize trafficking in women and girls in all its forms and penalize all those offenders involved, while ensuring that the victims of these practices are not penalized; and

Whereas numerous treaties to which the United States is a party address government obligations to combat trafficking and the abuses inherent in trafficking, including such treaties as the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, which calls for the complete abolition of debt bondage and servile forms of marriage, and the 1957 Abolition of Forced Labor Convention, which undertakes to suppress and not to make use of any form of forced or compulsory labor: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) trafficking consists of all acts involved in the recruitment or transportation of persons within or across borders involving deception, coercion or force, abuse of authority, debt bondage or fraud, for the purpose of placing persons in situations of abuse or exploitation such as forced prostitution, sexual slavery, battering and extreme cruelty, sweatshop labor or exploitative domestic servitude;

(2) trafficking also involves one or more forms of kidnapping, false imprisonment, rape, battering, forced labor or slavery-like practices which violate fundamental human rights;

(3) to address this problem, the Department of Justice Office of Violence Against Women, with the cooperation of Immigration and Naturalization Service, should submit a report to Congress on—

(A) efforts to identify instances of trafficking into the United States within the last 5 years;

(B) the successes or difficulties experienced in promoting interagency cooperation, cooperation between local, State, and Federal authorities, and cooperation with nongovernmental organizations;

(C) the treatment and services provided, and the disposition of trafficking cases in the criminal justice system; and

(D) legal and administrative barriers to more effective governmental responses, including current statutes on debt bondage and involuntary servitude;

(4) in order to ensure effective prosecution of traffickers and the abuses related to trafficking, victims should be provided with support services and incentives to testify, such as—

(A) stays of deportation with an opportunity to apply for permanent residency, witness protection, relocation assistance, and asset forfeiture from trafficking networks with funds set aside to provide compensation due to victims of trafficking; and

(B) services such as legal assistance in criminal, administrative, and civil proceedings and confidential health care;

(5) the Secretary of State, in consultation with the Department of Justice Office of Violence Against Women, and nongovernmental organizations should—

(A) develop curricula and conduct training for consular officers on the prevalence and risks of trafficking and the rights of victims; and

(B) develop and disperse to visa seekers written materials describing the potential risks of trafficking, including—

(i) information as to the rights of victims in the United States, including legal and civil rights in labor, marriage, and for crime victims under the Violence Against Women Act; and

(ii) the names of support and advocacy organizations in the United States;

(6) the Department of State and the European Union—

(A) are commended as to their joint initiative to promote awareness of the problem of trafficking throughout countries of origin in Eastern Europe and the independent states of the former Soviet Union; and

(B) should continue efforts to engage in similar programs in other regions and to ensure that the dignity and the human rights of trafficking victims are protected in destination countries;

(7) the State Department's Bureau for International Narcotics and Law Enforcement Affairs, together with the Department of Justice and the Department of the Treasury, should continue to provide and expand funding to support criminal justice training programs, which include trafficking; and

(8) the President's Interagency Council on Women should submit a report to Congress, not later than 6 months after the date of the adoption of this resolution, with regard to the implementation by the Secretary of State and the Attorney General of the duties described in this resolution.

SEC. 2. The Clerk of the House of Representatives shall transmit a copy of this resolution to the President, the Secretary of State, and the Attorney General.

TRIBUTE TO DAVID MAURICE LOZANO

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. ORTIZ. Mr. Speaker, I rise today to pay special tribute to an officer of the law, David Maurice Lozano, of Harlingen, Texas. David is retiring from the U.S. Probation and Parole Department in Brownsville, Texas.

As a former law enforcement officer myself, I know about the danger and difficulty of dealing with criminals and the havoc they create. Upholding the law is often a thankless task, yet it is critical to our society.

David Lozano served in the United States Air Force after high school. After he got a degree in education at Southwest Texas State College in San Marcos, Texas, he worked as a special agent for the Federal Bureau of Investigation (FBI). Later, he worked as a supervisor at the U.S. Social Security Administration in Harlingen.

He spent the last 20 years working for the federal government at the U.S. Probation and Parole Department in Brownsville, most recently as a supervising probation officer. David has a distinguished body of work doing a hard job to make his community a safer place to live.

As one terribly familiar with the various aspects of law enforcement, let me point out that Probation Officers have a difficult task in helping in the rehabilitation of those who have committed crimes against society, paid their debt and are trying to find their way outside the system. It is for those people like David, who can help difficult people re-enter our society, that we offer our gratitude today.

I ask my distinguished colleagues to join me today in commending an outstanding patriot and American, David Maurice Lozano, as he leaves government service. Please remember him again on March 19, when he will formally celebrate his retirement in the Rio Grande Valley.

HONORING PROFESSOR JOSEPH CREA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. TOWNS. Mr. Speaker, just one block away from my district office is the campus of Brooklyn Law School. This year, Brooklyn Law School Professor Joseph Crea celebrates his fiftieth year as a member of the faculty. I believe that Professor Crea may hold the distinction of teaching more law students and training more lawyers than any other person in the United States and possibly in the world.

Professor Crea's path to the law is even more amazing than his longevity as a faculty member. He was born in 1915 and spent his early years growing up in Manhattan's Lower East Side. His family moved to the Gravesend section of Brooklyn and there he attended Bay Ridge High School as an evening student. By day, he drove a bread truck, and one day he drove past a pile of discarded books in an empty field. He found among them a legal treatise on corporate reorganizations and, when he read it, he discovered that the legal fees for reorganizing a small railroad, even in the depths of the Great Depression, amounted to $2 million. Then and there he decided that law school was for him.

But first he would serve his country in World War II. Then as a returning veteran, he attended Brooklyn Law School at night, while working for the Selective Service Administration by day. He started law school even before he eventually graduated from Brooklyn College. During this period he also met and married his beloved wife Regina and started a family of four daughters.

Despite his family and professional commitments, Joe Crea was such an able student that then Dean Carswell asked him to join the faculty. The first course he taught in 1948 was Torts. Since then, he has taught most of the courses in the curriculum at one time or another and continues to teach a full load of both Corporations and Commercial Paper courses as Professor Emeritus.

In addition to being a key teacher and mentor for five decades of students, Professor Crea has been a pivotal member of the faculty. Nearly thirty years ago, at a critical moment in the law school's history, Joe Crea provided the leadership, vision, and cohesiveness that allowed Brooklyn Law School to begin its evolution into a modern law school with a national curriculum, faculty, and student body.

Even today, he provides the history and wisdom that helps Brooklyn Law School face its new challenges as we approach the beginning of the 21st century and the one-hundredth anniversary of Brooklyn Law School.

This year Brooklyn Law School honors Professor Joseph Crea's fifty years of teaching with two separate gala celebrations. I offer this tribute which will be presented to him in commemoration of his years of service and the incomparable impact he has had on his colleagues and on tens of thousands of students.

Mr. Speaker, please join me in congratulating Professor Joseph Crea for his distinguished years of teaching at a Brooklyn Law School.

A TRIBUTE TO DONALD L. CLARK

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. SKELTON. Mr. Speaker, I invite my colleagues in the Congress to join me in paying tribute to Donald L. Clark, a truly outstanding Missourian. It has come to my attention, that after 48 years of commendable service to the Laclede Electric Cooperative, Don Clark has decided to retire.

A native of Pulaski County, MO, Don Clark graduated from Waynesville R–6 High School in 1949, at the age of 16. After graduation, he attended the University of Missouri Extension Service and participated in Electrical Engineering Short Courses in Columbia, Missouri. In addition, Don attended several specialized electrical schools in order to prepare him for a career in the electrical field.

Immediately after high school, in December of 1949, Don began working with Laclede Electric Cooperative, and he has remained with this company for 48 year. Over the years, Don has worked as a Groundsman, Linesman, Area Foreman, Operating Superintendent, and General Manager. He was recognized by state and national associations as a Co-op leader. Don also serves on the NRECA board and the board of Show-Me Power Electric Cooperative.

In addition to a career in electricity, Don Clark honorably served his country in the United States Army. Don served in the Army from November 1952 until November 1954, and was sent to the Republic of Korea for one and a half years. While in Korea, Don served in the Field Artillery Observation Battalion, where he surveyed battlefields in preparation for artillery attack. During his last six months in Korea, Don served as Survey Party Chief, and he was discharged from active duty with an E5 rank.

Don Clark's military and civilian careers are enhanced by his participation in many community activities. Don has served as Chairman of Deacons at First Baptist Church in Lebanon, Missouri, and on the Building and Personnel Committees therein. He has also served on the Waynesville, Missouri, City Council and the Waynesville Area Vocational School Advisory Board. Don organized and was chairman of the Waynesville City Park Board for 15 years, and he has served as President of the Waynesville-Fort Leonard Wood R–6 School District. In addition, for more than 20 years, Don has participated in the Association of the United States Army. He has also served on the Committee of Fifty, the Red Cross Board, the Boatman's Bank Board, and is a member of the Rotary Club.

Don Clark's dedication to his nation, his community, and his career is exemplary, and I am certain that the Members of the House will join me in paying tribute to this fine Missourian.

IN HONOR OF KYOKO INA AND JASON DUNGJEN: THE 1998 U.S. OLYMPIANS

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to two outstanding individuals, Ms. Kyoko Ina and Mr. Jason Dungjen, in recognition of their incredible talents and accomplishments throughout their brilliant careers which culminated with their arrival in Nagano, Japan at the 1998 Winter Olympics. They are an example that the American dream is alive and well.

Ms. Kyoko Ina was born in Tokyo, Japan on October 11, 1972. She comes from a long tradition of athletes in her family. Ms. Ina's father was a 1924 Olympic track competitor, her grandmother played tennis at Wimbledon, and her mother is an Asian Games swimming champion. Her interests include jet skiing, horseback riding, tennis and car racing. It is an honor to have Ms. Ina's hometown of Guttenberg, New Jersey as part of my district.

Mr. Jason Dungjen, whose hometown is Nanuet, New York, was born in Detroit, Michigan on September 28, 1967. He won the U.S. Junior Pair Title in 1983 and finished second at the 1984 World Junior Championships with his sister, Susan.

Ms. Ina and Mr. Dungjen began skating at the ages of 4 and 11 respectively. Together they train in the town of Monsey, New York with the help of their coach, Mr. Peter Burrows, and choreographer Ms. Tatiana

Tarasova. Ms. Ina and Mr. Dungjen have participated in numerous competitions including the National and World Championships.

It is an honor to have two such distinguished individuals who worked hard for their dreams and inspired the residents in my district and throughout America. I ask that my colleagues join me in honoring Kyoko Ina and Jason Dungjen who epitomize the good that can be accomplished when two people work together for a common goal.

TRIBUTE TO RANDOLPH NEWMAN

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Ms. WOOLSEY. Mr. Speaker, I rise today to pay tribute to Randolph Newman. The death of Dr. Newman on February 27, 1998 was a sad day for anyone who knew Ran. He will be greatly missed, both as a dedicated supporter of Santa Rosa Junior College and as a generous and caring individual.

Dr. Newman was raised in Oakland, California. He began his career in education as a business education teacher at Healdsburg High School before serving in the Army Air Corps. He returned to the field of education and eventually received a doctorate in higher education at Berkeley.

The Santa Rosa Junior College family will forever remember Dr. Newman's dedication as President and close friend of the Foundation. As President, he expanded the college to become a community resource that offered, along with the traditional first two years of a baccalaureate degree, vocational and business training, adult education, and a variety of enrichment programs. He transformed the role of this junior college into a true community college—one of the best in the nation.

But Dr. Newman's work did not stop with S.R.J.C. His commitment to over 40 organizations, including his active membership in the Santa Rosa Symphony Association and the Sonoma County Library, is admirable. It is special people like Randolph Newman who make me proud to represent the California 6th District in Congress.

Mr. Speaker, it is with great sadness that I acknowledge the loss of Randolph Newman. He was a tremendous asset to our community and an inspiration to us all. I extend my deepest sympathies to the Newman family and all who knew this wonderful man.

SJOGREN'S SYNDROME

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Ms. SLAUGHTER. Mr. Speaker, I rise today to draw attention to a largely unrecognized and undiagnosed disease in our nation: Sjogren's Syndrome.

The month of March has been designated as Sjogren's Syndrome Awareness Month. Sjogren's Syndrome is an autoimmune disorder characterized by excessively dry mouth and eyes, although all of the body's glands that excrete sweat, saliva or oil can be affected. About half of all those affected experience Sjogren's Syndrome in connection with another disorder, such as rheumatoid arthritis, lupus or scleroderma.

An estimated four million Americans currently suffer with Sjogren's Syndrome, making it the most common autoimmune disorder in the United States according to the October 1997 International Symposium on Sjogren's Syndrome. The vast majority of Sjogren's patients are women and often go undiagnosed.

Tragically, Sjogren's Syndrome is incurable. The causes of this disorder have not yet been discovered, although scientists suspect a combination of infectious, hormonal and genetic factors aggravated by stress. Some basic steps can be taken to alleviate the symptoms of Sjogren's, but they are far from a cure.

The Sjogren's Syndrome Foundation is fighting to raise awareness and fund research into a cure, but they face a long road. I am proud to receive their 1998 Award for Exceptional Public Health Initiatives for my sponsorship of H.R. 306, the Genetic Information Nondiscrimination in Health Insurance Act. I hope my colleagues will join the Sjogren's Syndrome Foundation in working to raise awareness, educate our constituents, and work toward a cure for this devastating disorder.

HONORING THE LOS ANGELES UNIFIED SCHOOL DISTRICT MEXICAN AMERICAN EDUCATION COMMISSION ON THE OCCASION OF ITS 30TH ANNIVERSARY

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. TORRES. Mr. Speaker, I rise to recognize the Mexican-American Education Commission (MAEC) for its 30 years of dedicated service to the students of the Los Angeles Unified School District (LAUSD). On Friday, March 6, 1998, MAEC commemorated the 30th anniversary of the East Los Angeles "Blowouts" and the establishment of the Commission. At this special program, over 300 LAUSD students joined former MAEC directors, commissioners, and community and student leaders who participated in the 1968 walkouts. This program was an educational and historical reflection on an event that was significant to the city of Los Angeles and to the Mexican-American community.

For three decades, MAEC has worked to establish inroads to equitable educational opportunities for Chicano/Hispanic students and to fight the early discriminatory practices of the educational community. Today, MAEC continues to voice the community's concerns and make recommendations to the Board of Education about programs and issues related to the more than 435,000 Chicano/Hispanic students who comprise over 70 percent of the LAUSD student population. It has accomplished this task through pro-active assessments of the community's needs and recommendations on priorities. The Commission recommends projects and activities to improve the effectiveness of educational programs for Hispanic students. It also strengthens communication between the public and the LAUSD. To fulfill its mission of advising, assisting, and making recommendations to the Board of Education, the Commission conducts surveys and studies, participates in LAUSD committees, meets with school, community, and District groups, and advises students, parents and community members of the District's activities.

Dedicated to the principle of community involvement, MAEC membership is broad-based, and includes parents, educators, administrators, professionals, and civic and community leaders. The Commission has carried out its responsibilities through the generous support of its members who dedicate many hours of volunteer time and expertise to this worthy cause. I am proud to count myself as a current MAEC member and one of the 1968 Commission's original members, appointed by the Board of Education, the Educational Issues Coordinating Council and the Los Angeles Unified School District Office of Urban Affairs.

The dedicated efforts of its original members created an institution that has been instrumental in educational reform for the past 30 years. The members of the original MAEC were: Parents—Mr. Ben Carmona, Mr. Armando Chavez, Mrs. Sara MacPherson, Mr. Gordon Moreno, Mr. George Mount, Mrs. Celia Rodriguez, Mrs. Eva Romero; Educators—Dr. Rudolph Acuna, Mr. Raul Arreola, Mr. Ray Ceniceros, Mr. Joseph Conway, Mr. Marcos De Leon, Mr. William Forbes, Mr. Oscar L. Gallego, Dr. Simon Gonzales, Mr. Cesar Gonzales, S.J., Dr. Kenneth Martyn, Mr. Joseph Maytorena, Dr. David Sanchez, Mr. Fred Sanchez, Mr. Frank Serrano, Dr. Frank Synder; Students—Miss Maria Baeza, Mr. Henry Gutierrez, Miss Rosalinda Mendez, Mr. Carlos Munoz, Mr. Monte Perez, Mr. Jesus Trevino, Mr. Carl Vasquez; Professionals—Mr. Manuel Aragon, Jr., Dr. Francisco Bravo, Mr. Ben Gurule, Rev. Vahac Mardirosian, Mr. Robert Morales, Mr. Richard Orozco, Mr. Joseph Ortega, Rev. Horacio Quinones, Mr. J.J. Rodriguez, Mr. Raul Ruiz, Mr. Esteban E. Torres.

Present Commission members are: Parents—Mrs. Ruby Aguilar, Mr. Ben Carmona, Mr. Armando Chavez, Mrs. Mary Fernandez, Mrs. Sara Fernandez, Mrs. Kay Gurule, Mrs. Sara MacPherson, Mr. Gordon Moreno, Mr. George Mount, Mrs. Monica Salinas, Mrs. Rita Zepeda; Educators—Mr. David Almeda, Mr. Ray Ceniceros, Mr. Al Cobos, Mr. Oscar Gallego, Dr. Simon Gonzales, Mr. Joe Maytoreno, Mr. Frank Serrano; Students—Mr. David Arellano, Miss Raquel Galan, Mr. Henry Gutierrez, Mr. Leonard Herrera, Mr. Carlos Ramirez; Professionals—Mr. Manuel Aragon, Jr., Rev. Vahac Mardirosian, Mr. Joe Ortega, Rev. Horacio Quinones, Mr. Esteban E. Torres.

Mr. Speaker, I ask my colleagues to join me in recognizing the Los Angeles Unified School District Mexican American Education Commission for its 30 years of outstanding and invaluable service to the students and greater Los Angeles community and for its dedication to tearing down barriers and ensuring that all students have equitable access to education.

INDIAN PRIME MINISTER THREATENS UNITED STATES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. TOWNS. Mr. Speaker, I would like to bring to my colleagues' attention the attached articles from the January and February, 1998 edition of News India-Times and Burning Punjab placed into the CONGRESSIONAL RECORD.

I was shocked to read an article from News India-Times stating that "India will not tolerate the use of military force against Iraq." This threat was made by Inder Kumar Gujral, the caretaker Prime Minister of India, on January 30. "Hindustan will not tolerate another attack on Iraq," the Reuters news service quoted Mr. Gujral as saying.

Members of this House have differing views about the wisdom of launching a military attack against Iraq, but one thing I think we can all agree on is that this decision should be made by the government of the United States without the threats or interference of any foreign power, especially one that depends on American aid.

India is one of the five largest recipients of foreign aid from the United States. Its economy is so bad that half the population lives below the international poverty line. Yet it has been a major exporter of dangerous weapons to Iran and other hostile countries. How can the United States continue to aid such a country?

If the shoe were on the other foot, Mr. Speaker, India would be decrying this interference in its internal affairs. But Mr. Gujral seems to think that it is OK for him to interfere in America's internal affairs. Sovereign countries are allowed to have and express their opinions, even to express them in strong language, but this kind of threat against the sovereignty of the United States is unacceptable and must not be tolerated.

I also find it's ironic that a country that has murdered almost 60,000 Muslims in Kashmir in the past decade is taking such a strong position in support of a Muslim country. If India's repression against the Sikhs of Khalistan, the Christians of Nagaland, the Dalits, the Muslims of Kashmir, and other minorities of South Asia were not reason enough to support the independence movements of South Asia, this kind of threat ought to make us support them for strategic reasons. Let us make it clear to India and all the countries of the world that we will not tolerate this kind of interference with our national sovereignty.

I am introducing the News India-Times article from its February 6 issue into the RECORD:

[From the News-India Times, Feb. 6, 1997]

ATTACK ON IRAQ WON'T BE TOLERATED: GUJRAL

CALCUTTA.—India will not tolerate the use of military force against Iraq, Prime Minister Inder Kumar Gujral told an election rally Jan. 30.

Reuters quoted the premier as saying: "Hindustan will not tolerate another attack on Iraq," Gujral told the rally in the eastern city of Calcutta. "An attack on Iraq will jeopardize the peace in the entire Middle East region where more than 2.5 million Indians live."

Gujral said he had written to President Bill Clinton stating that an attack on Iraq would endanger the lives of expatriate Indians and had sent similar letters to leaders of the other four nations with permanent seats on the United Nations Security Council.

"However, India was of the view that use of military force against Iraq will complicate the situation and will not contribute to the ends to which the UN is committed. Further, it will greatly aggravate the acute sufferings which the Iraqi people had undergone," he said, PTI reported.

In his letter to Clinton, Gujral drew attention to the geographical proximity and traditional cultural links which India has with the Gulf region and the substantial growth of New Delhi's interaction over the years with all the countries in the region, especially in the economic field.

"The Gulf countrie are among India's leading trading partners and sources of energy and are home to a sizable Indian community," Gujral said.

PUNJAB POLICE FRAME TWO MORE YOUNG SIKHS

Mr. Speaker, I was distressed by a recent report from Burning Punjab that two more young Sikhs were falsely arrested at Gurdwara Guru Nanak in Jalandhar by the Punjab police. These two Sikh youths were innocently riding by the Gurdwara on their bicycles, according to Burning Punjab, when they were beaten and shoved into a police jeep. Later about 150 police surrounded the Gurdwara.

No crime was committed, but the police falsely alleged that the two Sikhs they picked up were "militants," an odd claim considering that the Indian government is fond of telling the world that they have crushed the militancy in Punjab. How is it that none of these "militants," has ever been brought to trial?

Human-rights activists have appealed to the National Human Rights Commission for action. Let's see if anything happens.

Unfortunately, this is all too typical of Indian "democracy" in action. With the instability in India increased by the recent election results, I expect that this kind of abuse will continue no matter who winds up in the Prime Minister's chair. Is this a country that should be receiving U.S. aid and trade? I don't think so.

I would like to introduce the Burning Punjab article on this incident into the RECORD.

[From the Burning Punjab News, Feb. 13, 1998]

MILITANTS ARREST AT JALANDHAR A FARCE

CHANDIGARH.—Militants arrested by the Jalandhar police at Gurudwara Guru Nanak Mission is nothing more than a farce as claimed by a joint committee of Human Right organisations. According to Kuldip Singh Jolly, Secretary of the Gurudwara Committee, the two Sikh Youth arrested by the police were neither going inside the Gurudwara nor were they coming out of it. In fact, both of them were moving on their bicycles when the cops pounced upon them. When they raised an alarm the cops started beating them and tried to push both of them into a waiting police jeep. Later on, according to Jolly, about 150 policemen surrounded the Gurudwara Sahib under the overall command of the SSP Hardip Singh Dhillon. According to the joint committee Maj. Gen. Narinder Singh, * * * Rama Krishnan (Advocate) and others, the police action is nothing more than a "drama" enacted by the Punjab police to defame Gurudwaras. Human Rights Organisations have decided to approach the National Human Rights Commission for intervention. Meanwhile police have identified the two arrested "Militants" as Baljinder Singh * * * Hardyal Nayar (Jalandhar) and Dhian Singh * * * Kapurthala. However, many a residents of Jalandhar are of the opinion that the episode of "Militants arrest" is just an election gimmick to give publicity to Prime Minister Inder * * * Gujral.

INTRODUCTION OF H.R. 3411, THE COMMISSION FOR AMERICAN MATHEMATICS LEADERSHIP ACT

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mrs. MORELLA. Mr. Speaker, I rise to announce the introduction of H.R. 3411, the Commission for American Mathematics Leadership (CAML) Act to create a commission on mathematics education. I am very pleased to join with my distinguished colleague from the other body, Senator FRIST of Tennessee, who is introducing the bill today in the Senate.

The need for the bill is clear. Just two weeks ago, the most comprehensive and rigorous international comparison of mathematics education ever undertaken revealed American high school seniors—even our nation's best students in advanced classes—to be among the world's least prepared. The results of this study, the Third International Mathematics and Science Study (TIMSS), cry out for a comprehensive reexamination of our current approach to mathematics education in the United States. This bill will provide the commission necessary to achieve that goal.

H.R. 3411

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Commission for American Mathematics Leadership Act".

SEC. 2 FINDINGS.

The Congress finds the following:

(1) Students in the United States should be the world leaders in mathematics achievement within the next decade.

(2) The Third International Mathematics and Science Study (hereinafter in this Act referred to as the "TIMSS"), the largest international study ever undertaken of how students perform in mathematics and science, demonstrated that the mathematics skills of students in the United States (including the top 10 percent of students in the United States) lag far behind the skills of students in many other nations, even though students in the United States spend more class time on mathematics and science and usually are assigned more homework.

(3) Research indicates that the problems of mathematics and science education in the United States stem largely from the lack of a coherent and focused curriculum designed for high-level learning goals, the lack of assessment instruments aligned with such curricula, and the lack of a sufficient commitment by colleges and universities in the United States to high-quality teacher preparation and professional development programs.

(4) Core problems exist with the courses of study and the teaching style on which many schools in the United States rely to instruct students in mathematics and science, as reflected in the conclusion of the National Science Foundation that schools in the United States teach math concepts in superficial, and ultimately ineffective, ways.

(5) A developed framework for mathematics and science should be coherent, focused, and give balanced attention to basic skills, conceptual understanding, problem solving, reasoning, and communication skills, and appropriate uses of technology.

(6) The failure of mathematics and science teaching methods in the United States requires a systemic retraining of, and an increased emphasis on the professional development of, teachers in the United States.

(7) Teachers of mathematics and science should be well-trained professionals who combine sound knowledge of subject matter with the necessary skills and a good understanding of student learning and assessment.

SEC. 3. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the "Commission for American Mathematics Leadership" (in this Act referred to as the "Commission").

(b) COMPOSITION.—The Commission shall be composed of 12 members as follows:

(1) Four members appointed by the President.

(2) Four members appointed by the Speaker of the House of Representatives, in consultation with the minority leader of the House of Representatives.

(3) Four members appointed by the President pro tempore of the Senate, in consultation with the minority leader of the Senate.

SEC. 4. DUTIES OF COMMISSION.

The Commission shall, in coordination with the National Academy of Sciences—

(1) review the existing research base on mathematics education leadership, including the status of mathematics education in the United States relative to international competitors;

(2) propose professional development priorities to assure that the teaching of mathematics at all educational levels in the United States is strengthened; and

(3) formulate an implementation proposal, including specific recommendations which can be implemented by appropriate public and private agencies, for assuring world class achievement of the United States in mathematics education within a decade.

SEC. 5. REPORT.

Not later than 180 days after the date of the enactment of this Act, the Commission shall submit to the Speaker of the House of Representatives and to the President pro tempore of the Senate a report including the findings and recommendations of the Commission under section 4.

SEC. 6. POWERS.

The Commission may, for the purpose of carrying out its duties, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

SEC. 7. COMMISSION PROCEDURES.

(a) CHAIRMAN.—A chairman of the Commission shall be elected by the members of the Commission.

(b) QUORUM.—Seven members of the Commission shall constitute a quorum for the purpose of conducting meetings.

SEC. 8. PERSONNEL MATTERS.

(a) PAY OF MEMBERS.—Members of the Commission shall not be paid by reason of their service as members.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed, while away from their homes or regular places of business in the performance of services for the Commission, travel expenses (including per diem in lieu of subsistence) in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5, United States Code.

SEC. 9. ADMINISTRATIVE SUPPORT.

The National Academy of Sciences shall provide the administrative support services necessary for the Commission to carry out its duties under this Act.

SEC. 10. FUNDING.

Out of any amounts appropriated for the National Science Foundation, $750,000 shall be available for activities of the Commission.

SEC. 11. TERMINATION OF COMMISSION.

The Commission shall terminate 30 days after submitting the report required under section 5.

A UNIQUE TRIBUTE TO THE IRISH

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. BROWN of Ohio. Mr. Speaker, St. Patrick's Day is fast approaching, that time of year when we all feel a little Irish. On this day, we honor Ireland's patron saint in a variety of ways, but Chippewa Lake Village, a small town in my northeast Ohio district, is home to perhaps the most unique celebration. At the urging of councilman Leonard English and other local residents, its town council has recently declared March 17 to be a legal holiday.

As the only municipality in the state, and possibly the nation, to honor St. Patrick's Day in this manner, Chippewa Lake Village is the proud inheritor of a tradition established in 1980 by neighboring Briarwood Beach which merged with Chippewa-on-the-Lake on January 1 of this year to form the new community of Chippewa Lake.

The history of Irish contributions to American and world achievements is a story well worth celebrating. I am sure my colleagues will join me today in recognizing this unique and fitting tribute to a distinguished people and their heritage.

TERRORISM IN PESHAWAR, PAKISTAN

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. MANTON. Mr. Speaker, I rise today to express my deep concern for the ongoing situation in the city of Peshawar in the Northwest Frontier territory of the Islamic Republic of Pakistan. For the past decade, Peshawar has been the breeding ground for terrorism and religious extremism. Peshawar is the unfortunate home to the infamous "Jihad University" a training camp where young men are forcibly molded into hardened terrorists. After completing their "studies" the "graduates" of "Jihad University" are then sent across Pakistan's border to spread death and destruction on Pakistan's neighbors.

For the past decade, people living in India's northern-most state of Jammu and Kashmir and its western state of Punjab have been victims of bombings, assassinations, and other deadly actions. Similarly, terrorists from Peshawar have been sent west from Pakistan into neighboring Afghanistan to join the Taliban forces. Mr. Speaker, the Tabilan rule most part of Afghanistan in one of the most repressive regimes on earth.

"Graduates" of Jihad University also have made their way to the United States. Those convicted of the World Trade Center bombings are believed to have been trained in Peshawar.

Mr. Speaker, we now learn that Pakistan's neighbor to the northwest, Uzbekistan, has also been the victim of Peshawar's terrorist tentacles. On February 16th of this year, Abdulaziz Kamilov, the Foreign Minister of Uzbekistan, held a special briefing in Tashkent to discuss the serious threats emanating from Peshawar. According to Minister Kamilov, more than 400 young people from Uzbekistan are undergoing "special training" on "different forms of terrorist activity at special camps located in Peshawar." Upon completion of their trainings according to Minister Kamilov, "these so-called students get back to Uzbekistan illegally . . . with a view of carrying out illegal subversive activities." Minister Kamilov also noted that special training centers have been established in Islamabad, Mardon, and Karachi.

Mr. Speaker, Uzbekistan and Pakistan have historically enjoyed good relations. Both are Muslim countries. Minister Kamilov pointed out that his government believes these terrorist activities originating in Pakistan are "carried out without knowledge of official authorities in Pakistan." Indeed, Minister Kamilov said his government has concluded that these activities are "beyond the control of the concerned governmental bodies there" and the Ministry found it necessary to bring this grave matter to the attention of the Pakistani Government.

Mr. Speaker, Pakistan has long been a source of terrorism throughout South and Central Asia. Many governments, including our own, have repeatedly stated that they do not believe Pakistan has an official involvement with these terrorist organizations in Peshawar or other locations in Pakistan. Yet, these militant cells continue to operate openly with impunity. It is long past time for the Government of Pakistan to eliminate the terrorist gangs within its own borders. Continued failure to do so can only lead to the conclusion that the Government of Pakistan is much more than an innocent bystander.

Senate—*Wednesday, March 11, 1998*

The Senate met at 9 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Sovereign of history and personal Lord of our lives, today we join with Jews throughout the world in the joyous celebration of Purim. We thank You for the inspiring memory of Queen Esther who, in the fifth century B.C., threw caution to the wind and interceded with her husband, the King of Persia, to save the exiled Jewish people from persecution. The words of her uncle, Mordecai, sound in our souls: "You have come to the kingdom for such a time as this."—(Esther 4:14)

Lord of circumstances, we are moved profoundly by the way You use individuals to accomplish Your plans and arrange what seems like coincidence to bring about Your will for Your people. You have brought each of us to Your kingdom for such a time as this. You whisper in our souls, "I have plans for you, plans for good and not for evil, to give you a future and a hope."—(Jeremiah 29:11)

Grant the Senators a heightened sense of the special role You have for each of them to play in the unfolding drama of American history. Give them a sense of destiny and a deep dependence on Your guidance and grace.

Today, on Purim, we renew our commitment to fight against sectarian intolerance in our own hearts and religious persecution in so many places in our world. This is Your world; let us not forget that "though the wrong seems oft so strong, You are the Ruler yet." Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. ALLARD. Mr. President, on behalf of the majority leader, I announce that today the Senate will be in a period of morning business until 11 a.m. to accommodate a number of Senators who have requested time to speak. At 11 a.m., the Senate will resume consideration of S. 1173, the highway bill. It is hoped that the donor amendment will be available to be offered at 11 a.m., followed by the finance title. After adoption of the finance title, it will be the majority leader's intention to conduct the cloture vote that had previously been postponed by unanimous consent.

With that in mind, Members should anticipate a very busy voting day, with votes occurring in the evening. We will attempt to complete action on the highway bill.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the Senator from North Dakota, Mr. CONRAD, is recognized to speak for up to 30 minutes.

NATIONAL TOBACCO POLICY

Mr. CONRAD. Mr. President, I am coming to the floor this morning to address the question of national tobacco policy. I was asked last year by the Democratic leadership to chair the Senate Democratic task force on tobacco legislation.

Today, we have 31 cosponsors of our bill called the HEALTHY Kids Act. The purpose of this legislation is, first of all, to reduce teen smoking, because we believe that is the overarching priority, and to protect the public health.

The HEALTHY Kids Act represents responsible tobacco policy. As I have said, it protects children; it promotes the public health; it helps tobacco farmers who are completely left out of the proposed settlement. It resolves Federal, State, and local claims against the tobacco industry. It invests in children and health care, and it provides savings for Social Security and Medicare, and it reimburses taxpayers for the costs that were imposed on them by the use of these tobacco products.

Importantly, the HEALTHY Kids Act also does not provide special protection to the tobacco industry. The HEALTHY Kids Act protects children in several different ways. First, it provides for a healthy price increase on tobacco products. The reason for that is, all of the experts that came and testified before our task force—and we had 18 hearings and we heard from over 100 witnesses—said that first and most important in any comprehensive strategy to protect the public health is to have a healthy price increase, that children who are the most vulnerable, children who, after all, are the people who keep the tobacco industry going because if you don't start when you are young, you don't start—ninety percent of smokers start before the age of 19. Nearly half start before the age of 14. Once started, it is very hard to quit. So if you are going to have an effective, comprehensive strategy, you have to do lots of different things. One of them is to have a healthy price increase.

Second, we provide for full FDA authority. The Food and Drug Administration ought to have the ability to regulate this product just as they regulate other drugs that are brought to market.

Third, our legislation provides for strong look-back penalties. Look-back penalties is a simple way of saying you set a goal for reduction of teen smoking, and if there is a failure to reach those goals, the industry pays a penalty.

In the proposed settlement, the goal is to reduce teen smoking by 60 percent over 10 years. In our legislation, our goal is to reduce teen smoking by 67 percent over 10 years. As an incentive to the industry to accomplish those goals, we put in these so-called look-back penalties in our legislation, and that is 10 cents a pack industrywide. If the industry fails to achieve the goals, it is 40 cents a pack on the individual companies that fail to meet the goals that are set in the legislation. We also provide for comprehensive antitobacco programs because, again, the experts who came before our task force said: You have to have a comprehensive plan. It is important, yes, to increase price, to have strong look-back penalties, but it is also critically important that you have counteradvertising and smoking cessation and smoking prevention programs.

All of those are included in the HEALTHY Kids Act. Then we have a section on retailer compliance, and we have a provision for State licensure and no sales to minors.

The HEALTHY Kids Act promotes the public health. It does that in a series of ways. First of all, it addresses the issue of secondhand smoke. We cover most public facilities, providing that they will be smoke free; although, if you are in a building and it is properly ventilated, a special place for smokers which is separate from others who don't choose to be exposed to secondhand smoke, that is something that is in the legislation. So there is a provision for smoking areas in public facilites.

We also have broad exemptions. We exempt bars, casinos, bingo parlors, hotel guest rooms. Let me be clear. That simply means not all hotel guest rooms are exempt. If you have a hotel and you have some rooms that are smoking rooms and some that are nonsmoking, that is certainly acceptable. We exempt non-fast-food small restaurants with seating for less than 50 people, non-fast-food franchise type restaurants. We did that because the experts told us that compliance would be an issue. It is very difficult on an economic basis for some of these very small restaurants to adjust to a smoke-free requirement. We have also exempted prisons, tobacco shops, and private clubs. We have also said there will be no State or local preemption. The Federal Government is not going to go into a jurisdiction and say, "You do it our way and that's it." We have allowed local jurisdictions to have stronger regulations if they so choose.

The second major element of promoting the public health is to provide for document disclosure. This is an area of real controversy. What documents ought to be disclosed? We believe there is a public right to know, that the public ought to be able to have access to the documents that are being revealed. We see in Minnesota a major controversy now about what documents are going to be released. We hope and trust that ultimately all of the relevant documents will be made available for the public, so that they know what has happened in the past, what has been the behavior of this industry, and what has been the effect of their products.

We provide that all documents be disclosed to the FDA. We believe that is an appropriate policy. The FDA would make public all documents. The public health interest overrides trade secret or attorney-client privileges. We do understand that there are special categories, such as attorney-client privilege and trade secrets. We have provided for those things, if in the FDA's judgment they can be protected and not in any way compromise the public health for those documents to remain privileged.

We also provide for international tobacco marketing controls and no promotion of U.S. tobacco exports. I think it's important to acknowledge that the Federal Government is not doing that at this time. But it has done it in previous administrations. We think it ought to be codified, the current policy, so that we are not promoting tobacco products overseas. We also provide for a code of conduct that the industry would be asked to make a commitment that they would not have marketing to foreign children. We also have modest funding for international tobacco control efforts, and we require warning labels. If the country that is having tobacco products from the United States marketed in their country has their own warning labels, then that applies. If they have no requirement for a warning label, then the U.S. label applies.

The HEALTHY Kids Act helps tobacco farmers. In the settlement, the tobacco farmers were just left out. Clearly, if you are going to reduce smoking in this country and reduce it, hopefully, substantially over time, that is going to have an effect on tobacco farmers. They deserve to have some consideration of their economic plight. We provide $10 billion over 5 years for assistance to farmers and their communities, and we authorize funding for transition payments to farmers and quota holders, rural and community economic development efforts, retraining for tobacco factory workers and tobacco farmers. It's even authorized to have college scholarships for farm families who are adversely affected by this tobacco legislation.

The HEALTHY Kids Act provides for no immunity for the tobacco industry. This is also an area of great controversy and great debate. The tobacco industry is coming to us and saying, look, we will not agree to any restrictions on our advertising or marketing unless you give us special legal protection—legal protection, by the way, that has never been granted to any other industry ever. That is what they are asking for. They are saying they have to be given a special shield. They are saying that they want a whole series of legal actions to be barred, such as government actions—all government actions barred under the terms of this proposed settlement; all actions that involve addiction or dependency are barred under the provisions of the proposed settlement; they bar all class actions under the proposed settlement, such as consolidations and other measures to make legal actions move more efficiently through the courts; all third party claims are barred under the proposed settlement. And the list goes on. Special protections are afforded this industry not only for their past wrongdoing, but also for any potential future wrongdoing—special protections never afforded any other industry at any time. That is wrong. That is wrong. It is not just my view that it is wrong; it is the view of the American people that it is wrong. They don't think this industry ought to be given special protection. They remember the history of this industry. They remember the tobacco executives coming before Congress and putting up their hand and swearing under oath that their products have not caused health problems, when we now know that they do. They remember the tobacco industry coming before Congress and swearing under oath that their products were not addictive, when we now know they are. They remember the tobacco industry coming before Congress and saying their products were never manipulated to have even greater addiction, when we now know they did that precisely. And the American people remember this industry coming to Congress and saying they have never targeted kids, when we now know that they have. American people remember that full well.

So when the tobacco industry comes now and says to us, unless you give us these special protections, we will not agree to restrictions on advertising and marketing, the American people are very skeptical. And they should be, because the fact is you don't need to give this industry the kind of special protection that it seeks in order to restrict advertising. That is abundantly clear from the research of our task force.

Mr. President, when I say it is abundantly clear you don't have to give them those kinds of restrictions, let me say why that is the case.

First of all, many advertising restrictions are constitutional without any agreement from the industry. Those restrictions provided for in the FDA rule, for example, were crafted to withstand any constitutional challenge. So those restrictions clearly could be put in place and withstand constitutional challenge.

Second, additional restrictions could be put in place and also withstand any constitutional scrutiny. For example, in Baltimore they went beyond the restrictions on billboard advertising that are contained in the FDA rule. In fact, they banned outdoor advertising for alcohol and tobacco products. That has been upheld in the fourth circuit, and the U.S. Supreme Court refused to hear a review of that case. So it is clear that additional restrictions beyond those contained in the FDA rule could also be put in place and withstand constitutional challenge.

Third, I think it should be kept in mind that it is possible for the industry to sign consent agreements without giving them the special protection that they are seeking. For example, the HEALTHY Kids Act says that we will resolve the State and local claims that are outstanding; we will resolve any potential Federal claim. And I believe on that basis the industry, when presented with the choice, if this legislation were to pass, would sign those consent agreements, and they would sign them "Jimmy crack quick," because they would have resolved the legal actions that have, after all, brought us to where we are today.

Fourth, I think it is important also to remember that what we are faced with here is an unusual circumstance. We have, I believe, a situation where, in signing a consent decree, we could wind up having the industry sign consent decrees in exchange for restricting their advertising. We might be buying a pig in a poke. Let me say why that is the case.

The legal experts that came before our task force were very clear. They said yes, it would improve the chances of advertising restrictions—at least some advertising restrictions—to have the industry sign consent decrees. So they were agreeing to those limitations. But they also told us, and they warned us, that even if the manufacturers signed those consent decrees, third parties could come and challenge the constitutionality of some of these restrictions.

Again, I want to make clear that many of the restrictions that are proposed in our legislation and in the proposed settlement will withstand any constitutional challenge. Some may not. They would be helped by having consent decrees signed by the industry. But we need to understand that even if the industry signs them—the manufacturers, and others affected by those consent decrees—they may challenge their constitutionality. For example, the advertising industry could go to court and challenge the constitutionality of some of the restrictions; the convenience store industry could challenge the constitutionality of some of these restrictions. So, ironically, we could be faced with the worst of both worlds.

If we buy what the industry is telling us and we give them the special protections that they seek in exchange for restrictions on advertising and their consent to those restrictions, and later those restrictions are challenged by third parties and found to be unconstitutional, Congress will have bought a pig in a poke. We will have given special protection, and then we could face the prospect of those restrictions being held unconstitutional. And we would have lost on both ends of the bargain. Mr. President, I submit to you, that would be a profound mistake and it is a mistake we should not make.

I was very pleased to see that Speaker GINGRICH yesterday was reported to have said that he didn't think we needed to pay the tobacco industry to prevent them from continuing to advertise and addict our kids. He is right. He is exactly right on that score. We don't need to be giving special protection to this industry, of all industries, in order to get something that in the end may prove to be illusory.

Mr. President, I point out to you that the American people feel strongly about these issues as well. Voters are opposed to providing special protection to the tobacco industry by 55 to 32. Let me say that the question that was put to them was a good deal more favorable to the industry than the wording on this chart. They spelled out what the restrictions would be. If you ask them about giving special protection to this industry, the numbers are much more dramatic, because the American people are smart. They certainly don't know all the details of every bill that is up here on tobacco—they have other things to be doing in their lives—but they know the history of this industry, and they don't believe this industry ought to be given special protection.

Mr. President, no immunity. That is what the HEALTHY Kids Act provides—no special protection for future misconduct; no special protection against individuals redressing grievances through filing legal actions of their own; we do resolve the outstanding Federal, State, and local legal claims; we also provide that States can opt out of the money at the Federal level and continue their own lawsuits; we provide that cities and counties get a fair share of any reimbursement that goes to the States.

On the controversial question of attorney fees, we resolve that by concluding that attorney fees that are in dispute ought to be resolved by arbitration panels using ABA ethical guidelines for legal fees.

Mr. President, there is no question that some law firms are in a place to potentially secure truly windfall fees. We concluded that is not right; that just cannot be the ultimate outcome here. But where there is an agreement between those who hired attorneys and the attorneys themselves, where there is an agreement, the Federal Government shouldn't intervene. But where there is a dispute and a difference, those disputes ought to go to arbitration panels, and they ought to make the determination based on the ABA ethical guidelines for what the fee conclusion should be.

We believe in a case like Florida where you have a dispute, that ought to go to an arbitration panel, and they ought to be empowered to make a decision of what is a reasonable fee based on the difficulty of the case, based on the investment of those who brought the action, and based on the recovery, based on the ABA's own ethical guidelines for settling fee disputes.

Mr. President, the HEALTHY Kids Act invests in children and health, savings for Social Security and Medicare, and reimburses taxpayers at the Federal and State and local levels for costs that have been imposed on them.

Our legislation provides that 41.5 percent of all the revenue would go to the States; 27 percent would go for improving children's health care and child care and education; 14.5 percent of the total would go to the States on an unrestricted basis. After all, they brought these lawsuits and have negotiated with the industry to this point. We think it is appropriate that they should get this share of the total.

We also provide that antitobacco programs would get 15.5 percent of the money. Those are smoking cessation programs, counteradvertising programs, smoking prevention programs, and we provide that NIH health research would get about a fifth of the money—precisely 21 percent. We also concluded that when you get a windfall, you don't spend it all; you don't go and spend all the money; some of it you save. So we have started by putting 4 percent of the money into Medicare. That grows to 10 percent over time as the demography of the country changes and more demands are put on the Medicare System and Social Security. We provide that 6 percent of the money initially goes to that use. That grows to 12 percent over time.

So ultimately we are saving 22 percent of the money by putting it into Medicare and Social Security to strengthen those programs. We think that is a wise use of the money.

Finally, initially farmers will get 12 percent of the money. That is phased out over time. But we acknowledge that they were left out of the proposed settlement and ought to be considered.

In terms of a comparison of how the money is spent—the President's bill compared to what we have proposed—I would offer the following:

Our total revenue is $82 billion over 5 years. The President's budget provides about $65 billion. Under our formula, $12 billion would go to the States unrestricted. That is just somewhat more than the President's $11.8 billion. The States, for improving children's health care and child care, education, would get $22 billion under our proposal compared to the President's $15.7 billion.

Research under our proposal: NIH would get $17 billion over the 5 years; the President had $25.3 billion for research; $17 billion—the same $17 billion that we had—for NIH health research, but he had $8 billion for nonhealth research. And we believe that really more appropriately should be funded elsewhere, should not be funded out of this stream of revenue.

Medicare: We provided $3 billion initially; the President, $800 million. Farmers would get $10 billion under our proposal in the first 5 years, and $13 billion would go for antitobacco programs, compared to the President providing $12 billion for both of those uses.

So we have provided $10 billion for farmers and $13 billion for the antitobacco programs, for a total of $23 billion. The President didn't break that category down; he just provided a total of $12 billion for both.

Finally, in Social Security: We put $5 billion in the first 5 years; the President doesn't use any of these proceeds for that purpose. Again, we start with the modest amount of money going to Social Security and Medicare, but we grow that over time as the demographics of the country change and require additional funding.

The HEALTHY Kids Act accomplishes the five objectives that the President sent: Reduce teen smoking, including tough penalties. We provide the full FDA authority. We go a long way towards changing the industry culture. We meet additional health goals that the American people want addressed. And we protect the tobacco farmers and their communities.

The HEALTHY Kids Act also accomplishes the eight goals set out by Drs. Koop and Kessler. They have called for full FDA authority to regulate this drug just as they regulate other drugs. We agree. They provide for protection of youth from tobacco influences. And we agree. They provide for adequate smoking cessation funding. We have provided for it. They ask, for secondhand smoke, expanded regulation. And we provide that. They say there should be no special immunity provisions, no special protection. And we agree. They say with respect to preemptions that local communities ought to judge and should not be preempted by Federal law. And we agree. We provide for no local preemption.

We also are in agreement with them that there ought to be adequate compensation for tobacco farmers and that there ought to be strong international policies.

We have met the five principles laid out by the President. We have met the eight goals laid out by Dr. Koop and Dr. Kessler. We believe that the provisions here are strongly supported by the American people. We did national polling to see if we were in sync with what, in fact, the American people believe. Let me show you what they told us.

They want a significant per-pack price increase. They believe that it is a part of a comprehensive strategy. They support strong look-back penalties. And they say there should be no special protections for this industry. If you go to the polling data directly, what one finds is that the voters support a $1.50 health fee to reduce youth smoking and they support it on a very, very high level. Mr. President, 65 percent of the American people support a $1.50-a-pack health fee; 65 percent favor it, only about 30 percent oppose. Mr. President, 65 to 35 percent, people say yes, let's put in a $1.50-a-pack health fee. And this is on a completely bipartisan basis. There is almost no difference between Democrats and Republicans on this question. In fact, you can see here: Health fee, $1.50—the blue are Democrats; 69 percent of Democrats support that, and 67 percent of Republicans support a $1.50-a-pack-health fee. This was done by the well-known national polling firm, Lake, Sosin, Snell, Perry and Associates.

There is also strong public support for a look-back penalty of 50 cents a pack or more. That is what we provide in our legislation. If the industry fails to meet the goals for reducing teen smoking, we put in place a 50-cent-a-pack penalty. By 54 to 34, the American public supports that.

Mr. President, to sum it up, we believe the HEALTHY Kids Act—that has now been cosponsored by 31 Senators, 31 of our colleagues—is strong legislation to protect the public health and to reduce teen smoking. If there is one thing that came through loud and clear in all the hearings that we held, it is that that is what our priority should be. If we keep our eye on the ball, that is what we will do. Protecting the public health is so important. If you listened to those who came and testified, they are saying to us that's the priority.

I remember very well, when we were in Newark we had a series of witnesses, some of them victims. As we went around the country, we made it a practice to listen to those who have suffered the ill-effects that tobacco products cause. I found two witnesses in Newark especially moving. One was a young woman named Gina Seagrave. She told the story of her mother dying prematurely because of the effects of a lifetime of tobacco addiction. She broke down during her testimony as she described the effects on her family of her mother dying at a young age, the incredible impact that had on their family. I do not think there was a person in that hall who was not moved by her story.

She was then followed by a big tough guy, a coach. He was a big, tough strapping guy, but you could hardly hear him when he testified. He spoke in a raspy voice. This big, tough guy could hardly be heard because he spoke in a raspy voice, and he explained that he had a laryngectomy. His larynx had been cut out because it had been filled with cancer after a lifetime of smoking. He told the members of the committee of the terror he felt when he was given the diagnosis. He told those of us who were there listening the profound regret he had that he hadn't listened to the warnings of those who told him of the dangers of smoking.

This man was a coach and an assistant principal, and he told us that every day he goes to school and sees young people doing what he did, taking up the habit. He recalled once he had taken it up how hard it was to quit, he would quit for awhile but he would always go back to it, and how he hoped that some of these young people would learn from his experience.

Mr. President, when you listen to the victims you cannot help but be moved by how serious a threat tobacco usage is to the public health of our country. We ought to do something about it. We have that chance this year.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that I may speak for 20 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Wisconsin is recognized to speak for 20 minutes.

Mr. FEINGOLD. I thank the Chair very much.

CONGRATULATING WISCONSIN ON ITS SESQUICENTENNIAL

Mr. FEINGOLD. Mr. President, recently the senior Senator from Wisconsin and I introduced a resolution congratulating the State of Wisconsin on the 150th anniversary of its statehood. We will celebrate that great occasion on May 29. The sesquicentennial of Wisconsin's statehood is both a time to reflect on the distinguished history of the State and a time to look ahead to the promise of the next 150 years.

Mr. President, every year that I have been a Member of this body, I have traveled to each of Wisconsin's 72 counties to hold what I call "listening sessions." These meetings allow me to learn more about what my constituents think about what is going on in Washington, and they also afford me the opportunity to continue to learn more about the unique character of the people of my home State and its history and traditions.

In honor of this historic anniversary, Mr. President, I have asked children from each of Wisconsin's 72 counties to construct a cloth panel which features a person, place, or event of historical significance for the county in which they live. These panels will be combined to form a quilt to commemorate this milestone. I have already been presented with some of these panels during my trips through the State this year, and I am pleased by the interest that the children have taken in learning about the history of their counties and of the whole State of Wisconsin.

Mr. President, as I travel through Wisconsin I am struck by the amount of history that is present in every corner of the State. From the city of Green Bay, the first permanent European settlement in the State of Wisconsin, which was founded by Charles de Langlade in 1764, to Menominee County, the State's newest county, which was established in 1961, there are a myriad of larger cities and small towns, villages and Native American communities which, together, form the foundation of the State of Wisconsin. It is this sense of community that binds Wisconsin's more than 4.8 million people.

I am also struck by the commitment of the people of Wisconsin to the State's motto, "Forward." While there is no question that the residents of Wisconsin cherish the State's rich history, they never stop looking forward to find ways to build on that solid foundation to ensure that Wisconsin continues to grow and prosper well into the next century and beyond.

This forward-looking thinking, rooted in the State's progressive tradition, is evident in many areas, including education. America's first kindergarten was founded in 1856 by Margarethe Meyer Schurz, a German immigrant who settled in Watertown in Jefferson County. More than 140 years later, Wisconsin is still working to ensure that its children get the best possible start in education through the Student Achievement Guarantee in Education program, the SAGE program. One aspect of this program seeks to reduce class size in kindergarten through grade three to 15 students per class. This forward-thinking approach to educating our children I think is a model that I hope will be expanded to the rest of the country.

Mr. President, Wisconsin has also been a pioneer in the area of higher education. The University of Wisconsin was the first in the United States to offer correspondence courses. This effort opened up the world of higher education to people all over the State—and all over the country. Under the leadership of one of our presidents of our university, President Charles R. Van Hise, the university began its long tradition of working with elected officials at all levels of the State and Federal Government.

Another area in which the people of Wisconsin continue to look forward is in their commitment to serving their fellow Wisconsinites, and their fellow Americans. Wisconsinites have served the United States in all levels of Government from Congress, to the President's Cabinet, to the Supreme Court; they have explored the unknown as astronauts and have represented their State and their country as ambassadors. I am, of course, very honored to follow in the tradition of such Wisconsinites as Robert M. LaFollette, Sr., William Proxmire and Gaylord Nelson as a Member of this body. While there is no doubt that Wisconsin's representatives to the U.S. Congress have not always agreed on matters of policy, we do all share a very strong commitment to the people of our State.

The progressive tradition of politicians such as Robert M. LaFollette is embodied in Charles R. McCarthy's work called "The Wisconsin Idea," which was published in 1912. This book espoused the benefits of returning Government to the people through such reforms as a direct primary system and the popular referendum. "The Wisconsin Idea" also touched on Government regulation and promoted benefits such as workers' compensation for job-related injuries. In that vein, Wisconsin passed the first unemployment compensation law in the country in 1932.

Wisconsin's progressive tradition was evident when on June 10, 1919, it earned its place in suffrage history by becoming the first to deliver to our Nation's capital its ratification of the 19th amendment to the Constitution which granted women the right to vote in this country.

The struggle by women in Wisconsin for full participation in Government is only a piece of the history of my State, which is so well renowned for reform. Many know of Wisconsin's reputation for progressivism; but few are aware of the belief of Crystal Eastman, a Wisconsin suffragist who wrote in 1912, "The last thing a man becomes progressive about is the activities of his own wife." Even fewer are aware of the significant role of Wisconsin women in bringing about this Federal amendment, a quest that took more than 70 years, in light of the public cynicism about the benefits of women's suffrage that actually existed during the early part of this century.

Mr. President, Carrie Chapman Catt, a native of Ripon, WI, was the last president of the National American Women Suffrage Association, and the founder and first president of the National League of Women Voters. Her influence on the direction and success of the suffrage movement and her legacy in grassroots organizing is undeniable, as is the role of many other Wisconsin women in this area.

Mr. President, like every State, Wisconsin has been home to many memorable people. It is hard to pick which ones to mention, but among them are the great architect Frank Lloyd Wright, World War II heroes Mitchell Red Cloud and Richard Bong, author Thornton Wilder, escape artist Harry Houdini, and artist Georgia O'Keeffe, just to name a few.

One person in particular who exemplified the determination and commitment to the greater good shared by the people of Wisconsin was Asaph Whittlesey, one of the founders of the city of Ashland which is in northern Wisconsin. In January 1860, Whittlesey was chosen to represent his region in the Wisconsin legislature, which was located very much to the south of Ashland in Madison. Even though it was the middle of winter, Mr. Whittlesey was determined to get to Madison, so he walked—on snowshoes—to the nearest train station in the town of Sparta, a mere 240 miles from where he was in Ashland. His determination to do the job for which he was selected is indicative of the spirit of the people of Wisconsin.

Another such person was Bernard Cigrand, a teacher at Stony Hill School in Waubeka, who led the first recognized observance of Flag Day on June 14, 1885. Cigrand worked diligently for 31 years for the establishment of a national Flag Day observance, which was proclaimed by President Woodrow Wilson on June 14, 1916.

Mr. President, Wisconsin is a patchwork of races and ethnicities and is home to 11 Federally recognized tribal governments. The influence of the immigrants who have come to Wisconsin and the Native Americans who have lived in Wisconsin for many years is evident in the names of our cities and towns, lakes and rivers, and counties and parks.

Wisconsin has played an integral role in American agriculture. As is proudly proclaimed on our license plates, Wisconsin is "America's Dairyland." According to the United States Department of Agriculture, in 1996, Wisconsin's 1.45 million milk cows produced 22.4 billion pounds of milk, 2.10 billion pounds of cheese, 295 million pounds of butter, 31.8 million pounds of yogurt, and 21.3 million gallons of ice cream and lowfat ice cream.

The state's first cheese factory was built in the town of Ladoga, in Fond du Lac County, by Chester Hazen in 1864. Other dairy firsts that took place in Wisconsin include the first ice cream sundae, which was invented by Two Rivers resident Edward Berner in 1881, and the first simple test for determining the butterfat content of milk, which was developed by Stephen Babcock in 1890. The United States' first Secretary of Agriculture was former Wisconsin Congressman and Governor Jeremiah Rusk.

In addition to its dairy industry, Wisconsin is also a top producer of cranberries.

The State of Wisconsin is blessed with many unique geographical features and has been home to many noted conservationists, among them John Muir and Aldo Leopold.

The passenger pigeon, which, in 1871, numbered over 136 million in the central part of the state, became extinct in Wisconsin in 1899 when the last one was shot. Wisconsin resident John Muir, founder of the Sierra Club, wrote of the passenger pigeon, "of all God's feathered people that sailed the Wisconsin sky, no other bird served us so wonderful." A monument to this bird is located in Wyalusing State Park in Grant County.

Portage resident Aldo Leopold, author of the seminal environmental work "A Sand County Almanac," wrote, "the oldest task in human history [is] to live on a piece of land without spoiling it."

Some of the "unspoiled" pieces of land in Wisconsin include the Apostle Islands National Lakeshore, the Nicolet and Chequamegon National Forests, and the 40,000-acre Necedah National Wildlife Refuge, which is home to almost 200 species of birds, including sandhill cranes, bald and golden eagles, and wild turkeys.

Roche a Cri State Park, located in Adams and Juneau Counties, includes examples of rocks carved by the erosion of water and wind, including Castle Rock, Mill Bluff, and Friendship Mound.

Over the past 150 years, Wisconsin has also amassed an impressive list of inventions and industrial and business credits. In my own hometown of Janesville, George Parker was granted a patent for his fountain pen in 1889. The first typewriter was patented by Christopher Latham Sholes in Milwaukee in 1868. The first snowmobile was invented in the town of Sayner and Kleenex was invented in Neenah. The Ringling Brothers Circus began in Baraboo in 1884.

Many Wisconsin companies are household names: Lands' End, Oshkosh B'Gosh, the Kohler Company, Oscar Meyer, Johnson Controls, Harley Davidson, S.C. Johnson Wax, Miller Brewing Company, Snap-On Tools, and many more.

In addition to its success in business, the state has enjoyed success in sports. Names like Vince Lombardi and Erik and Beth Heiden evoke memories of championships won and Olympic glory. The Badgers, Packers, Brewers and Bucks, and many other professional and amateur teams throughout the state, are examples of the determination and dedication, teamwork and sacrifice that are representative of the competitive spirit of Wisconsin.

Mr. President, as is evident in these examples, Wisconsinites have greatly contributed to the history and prosperity of the United States over the last 150 years. I am proud to be a Wisconsinite, and I am honored to represent the people of Wisconsin in the United States Senate. I congratulate the people of Wisconsin on this historic anniversary, invite them to reflect on the state's distinguished past, and encourage them to remain committed to our state motto by looking "Forward" to the next 150 years.

Thank you, Mr. President. I yield the floor.

Mr. DURBIN. I congratulate my friend from Wisconsin for his statement on behalf of his State. I have warm feelings about Wisconsin, as a southern neighbor in the State of Illinois.

I am happy to report that of my three children, one is a graduate of Marquette, my son; my daughter is a graduate of the University of Wisconsin at Madison; and our third child married a young man from Janesville, the Senator's hometown, so we have our bases covered in Wisconsin.

That does not suggest I will be rooting for the Packers when they play the Bears, but I thank the Senator for his comments on behalf of his great State.

Mr. KOHL. Mr. President, to some people, Wisconsin means cheese. To that I say, yes, and we're proud of it. The great state of Wisconsin has a dairy industry that has thrived for 150 years despite our country's discriminatory milk pricing policies.

To some people, Wisconsin means beer. To that I say, yes, and we're proud of it. Brewing was among the first industries to help propel Wisconsin's economy forward, creating thousands of jobs and incomes that supported many families. They were not amused with Prohibition.

But Wisconsin means much more. As we celebrate 150 years of Wisconsin statehood this year we are reminded of the state's rich history, its natural beauty and its determined people.

In 1848, as a wave of immigrants flooded into America, many of the brightest among them chose to settle in Wisconsin. The state still displays the influence of its earliest settlers, from Poland, Russia, Ireland, Germany and Scandinavia. Wisconsin continues to draw newcomers because of its strong economy, its first-rate education system and the appealing mix of villages and cities that exist side by side. And we have the Green Bay Packers.

Wisconsin's natural beauty is unsurpassed. We are fortunate to have as our borders two Great Lakes and the Mississippi River. Wisconsin is called a 'sporting paradise' because of its lakes, rivers and forests. We boast fishing, hunting, skiing and world-class golf. Our national forests are breathtaking. People in Wisconsin know the value of our environment and have worked hard to protect it. Wisconsin's spas and resorts and restaurants have earned the attention of glossy travel magazines, who have discovered the charm of vacationing in Wisconsin. We don't mind visitors because we realize that not everyone is lucky enough to be born here.

Wisconsin residents can relax in a small, picturesque lakeside town or explore a vibrant and sophisticated city without traveling far from home. Over the years we have built a thriving arts community that includes the theater, symphony and ballet. For those of us who have an interest in sports, we have exciting teams to follow. For over 150 years, our state has been home, home to Olympic athletes, respected scholars, famous celebrities and great artists. Frank Lloyd Wright left us the gift of Taliesen. Wisconsin has an independent streak that runs through our economy and our politics, and a work ethic that is the envy of employers nationwide. Wisconsin has some of the best minds in the country working in some of the best research facilities on behalf of all Americans. And we make Harley Davidson motorcycles.

But the best thing about Wisconsin in 1998 is the same as in 1848: the people. Their dedication to family, friends, neighbors and community is not a quaint notion from the past, but alive today. Wisconsin is a place where families gather for Sunday dinner. Where lost wallets are returned with all the cash. Where a neighbor offers a ride to work when the car is in the shop. Where friends come to the doorstep with a casserole to welcome a new baby or to console the loss of a grandparent. That's what we celebrate most about Wisconsin and that's why I have tremendous respect for the people I represent.

Much of what we value about Wisconsin has, in the best sense, remained unchanged from its start, 150 years ago. I am fortunate to have lived in Wisconsin all of my life and grateful for the opportunities my family had. Wisconsin is a great place to be a kid, to raise a family and to grow old. It is a reminder of all this country had to offer 150 years ago, and an example of the best it can put forward in the next century.

THE TOBACCO INDUSTRY

Mr. DURBIN. Mr. President, this morning I rise to discuss an issue which I hope Americans will come to realize is one of the most timely issues facing the U.S. Congress. Consider for a moment this is supposed to be a year of short sessions on Capitol Hill. Members of the House and Senate, anxious to return to their States and districts, hope to do the people's business in short order and go back home. They suggest that perhaps we have about 68 days of session remaining for this calendar year, which is an amazingly short session.

I am concerned that we not forget during the course of the remaining days the high priority that faces us when it comes to the tobacco legislation. It is a high priority because each day, every day in the United States of America, 3,000 children start smoking for the first time. A third of those kids will ultimately become addicted and their lives will become shortened because of tobacco-related death and disease. This is a tragedy that is repeated every single day. So far this year, about 240,000 children in America have started their nicotine addiction. We have a chance through tobacco legislation to start reducing that number substantially. Every day that we wait, every day that we miss, we are certain that more kids will become addicted to this product.

The tobacco companies understand there is a lot at stake here. Of course, they saw the lawsuits from 42 different States attorneys general and concluded that they needed to reach some kind of a settlement. They have gone on now to buy full-page ads in newspapers. In this morning's Wall Street Journal they urge the public to consider the importance of a tobacco settlement. It is nothing short of amazing that the tobacco industry, which years ago thumbed its noses at the public policy leaders of the United States and the public health experts, now starts talking in very positive terms about the fact that we need to do something—a massive, sustained assault against underage smoking, paid for by the tobacco companies, when each and every day they are addicting 3,000 more children.

I say to the people who are following this debate it is no accident that these kids start smoking. They are appealed to by the advertising of tobacco companies. It is subtle, it is pervasive, and from their point of view, it is very effective.

I hope that in this debate on tobacco legislation we do not lose sight of what is really at stake. First, right now in the State of Minnesota where Attorney General Skip Humphrey is vigorously prosecuting an action against tobacco companies, we are learning every single day of the depth of the deception of the tobacco companies. Because of Attorney General Humphrey's courage and initiative, they now have some 39,000 documents which the tobacco companies over the years have refused to publicize, which are now being ordered to be made public by the court. Tobacco companies, naturally, don't want us to see them, so they have taken this case on appeal. There are another 103,000 documents which may involve children in advertising and other topics which should be released.

I hope that these documents see the light of day because, as these documents are disclosed, we begin to realize the insidious campaign by the tobacco industry to lure our youth into addiction. The tobacco companies have systematically lied about what they know about their products. They have known for a long, long time that their products cause death and disease. They have known that their products are addictive. They have known that they are appealing to children. And yet they have categorically denied it. One of the most outrageous scenes in the history of Congress occurred before a subcommittee chaired by Congressman Waxman several years ago when the executives of the tobacco companies stood up under oath and swore that tobacco was not addictive. What an outrage. And the same executives of the same companies came before that committee and said, "No, we are to not appealing to children. No, we are not trying to encourage high nicotine tobacco to addict people even more." We can't believe a word they say. Now, when their successors in ownership in these tobacco companies buy full-page ads and tell the American people what a great deal they have for them, I hope there is a healthy degree of skepticism across America.

Let me tell you something else that needs to be taken into consideration in this debate. Not only has the tobacco industry systematically hidden the truth from the American people, they have had the opportunity in their own research to realize the devastation of their product and they have refused to acknowledge it. Time and again, we learn of the suppression of scientific research which could have saved lives.

Thinking of the billions of dollars of profits that this industry has made at the expense of death and disease in America is an outrage.

They have also tried to manipulate nicotine levels. They don't just take the tobacco leaves that come from the field and put them in the cigarettes and sell them to America. They like to spike the nicotine in there, get the addiction levels higher so you can't quit. How many people have you run into who said, "I wish I could quit. I have tried everything. I chew the gum, put on the patch, go through hypnosis, go through acupuncture, try everything imaginable, and I cannot quit."

The tobacco companies had a role in that because they were making their product more addictive. They focused their marketing at children—imagine that. We are so concerned, and rightly so, about the scourge of drugs in America, narcotics and what it means to America's kids, but the single greatest addiction of our children is the addiction to nicotine, tobacco, and ultimately death and disease are a result of it. They have known this. The tobacco companies have been hawking their products to kids across America for decades. They lose a substantial number of their best customers each year. They lose about 400,000 who die because of tobacco-related death and disease and then about 1.5 million who quit. They have to find 2 million new customers each year. You know what. They won't find them in adults. They find them in playgrounds, in school yards, in children who make a decision to smoke and, unfortunately, become addicted.

Let me tell you what we have to look for in legislation here on Capitol Hill. We have to have performance standards that hold tobacco companies accountable so that we can look year to year to see if the number of children across America is being reduced for smoking. That can be done. It can be done by an aggressive advertising campaign, an aggressive campaign to enforce the laws across America in terms of illegal sales to minors. Any bill that comes to us for consideration on the floor that doesn't have performance standards for children should be rejected.

Second, we have to give the Food and Drug Administration the power to fight this industry. Don't believe we can pass this bill and walk away. We have to give the agency the power to regulate nicotine, to make sure the tobacco companies don't get up to their old tricks again and come up with this high nicotine tobacco leaf to addict people even more. We have to make sure the tobacco industry pays and pays, in an amount that will not only compensate for the losses they have created across America, but to discourage kids from buying this product. I believe $1.50 per pack as a fee is a minimum—a minimum. To go less than that is really to not address the serious problem that faces us.

This whole question of immunity, that is what it is about. That is why they are buying the ads. The tobacco companies want off the hook. They don't want people who are addicted today and die tomorrow to either sue personally or have their estates bring a lawsuit. They want to get out of this courtroom scene in a hurry. They want to get back to the boardroom scene where they make billions of dollars. I tell you this, we should not trade away the liability of these companies, because we believe as politicians that is the only way to hold this industry accountable. I hope there is enough political will among Democrats and Republicans to make sure that we have an agreement that is sensible.

Finally, let us not, in the name of reaching a tobacco settlement, protect America's kids and endanger children around the world. The strategy of the tobacco companies in America is to export their product overseas. We used to have an image of America abroad, the stars and stripes, the great American image. You know what it is today? It is the cancer cowboy, the Marlboro man. You can find him on the streets and billboards in Warsaw, Poland; Bangkok, Thailand, all around the world. The new image of America, a sad image of America, an image of death and disease being promoted by the companies that are shameless in their efforts to exploit and addict children around the world. We cannot stand for that. It is a moral embarrassment to the United States of America if our legislation does not include strict limitations on the sale and advertising of American tobacco products overseas. We can do it. We should do it.

For a century this Congress has enjoyed a reputation as a leader in the world in public health. Let us not in this next century bear the burden of a country that has exported death and disease by American tobacco. I hope that we pass this bill and pass it soon. For those who wonder whether we can get it done, I ask them to consider the following. Count the days remaining in the session. Count the children who become addicted to this product every day; count the lives that will be lost if we don't act; count on our responsibility in the Senate and the House to move this legislation as quickly as possible.

I yield the remainder of my time.

Mr. TORRICELLI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

CAMPAIGN FINANCE REFORM

Mr. TORRICELLI. Mr. President, 2 weeks ago, all of our hopes for campaign finance reform in this session of the Congress were once again frustrated. A year of investigations, legislative proposals, and public debate were met with a filibuster led by the Republican leadership. Perhaps it really should not have come as much of a surprise to any of us. In the last decade, this Senate has considered 321 different pieces of legislation for campaign finance reform, which filled 6,742 pages of the CONGRESSIONAL RECORD—and all of this with no change.

So now, for the 117th time in 10 years, the Senate has voted on an element of campaign finance reform to absolutely no avail. It is a problem of near-crisis proportions, not simply because of the burden it places on candidates for public office, not simply because of the compromises it seems to make in public policy. There is a problem far more fundamental. As evidenced in the confidence of our own people in their system of Government, the United States remains perhaps the only developed democracy in the world where its leadership is chosen by a minority of its citizens. Americans are expressing themselves in our system of Government not with their voices but with their feet, because they choose not to walk into a voting booth.

If it was bad enough that this Congress would not act, now this frustration with reform is in an entirely different form. President Clinton has challenged the FCC to institute at least one element of reform—in my judgment, perhaps the most important element of reform—by mandating a reduction in the cost of television advertising, on the simple theory that if the cost of advertising is less, candidates will be raising less. If the cost of advertising is less, candidates without great financial resources will still seek public office and not find a barrier to expression. It is not a perfect answer, but it is at least a contribution. This was the President's challenge. The FCC has before it that question.

But it was not enough to have a filibuster to defeat the McCain-Feingold reform legislation. Now an effort is being made to include in the President's supplemental funding request in the appropriations process a prohibition on the FCC actually ordering a reduction in rates. The scale of the problem the FCC would deal with is enormous. Since 1977, the cost of congressional campaigns has risen over 700 percent. The central element of this rising spiral of costs is television advertising. In 1996, candidates spent over $400 million to purchase television advertising on federally licensed, public airwaves. Hundreds of candidates were traveling to virtually every State, thousands of communities, to raise hundreds of millions of dollars to buy time on federally licensed airwaves that belong to the American people. It is almost incredible to believe.

There has been, since 1988, a 76 percent increase in this financial burden on public candidates for television advertising. Political advertising on the public airwaves dominates all other forms of campaign spending. President Clinton and Senator Dole spent nearly two-thirds of all their financial resources to buy television time. One half of all the money raised by U.S. Senate candidates was similarly spent on television advertising. In the larger industrial States for the principal media markets, the numbers are far greater—in Los Angeles, Chicago, New York, Miami, or Boston. In my own State of New Jersey, in the Senate race in 1996, fully 80 percent of all financial resources went to buy television advertising. Some 30 seconds of access to the voting population on television could cost in excess of $50,000.

Can it be any wonder that candidates are spending all of their time raising money rather than discussing issues? Can there be any question why candidates without great financial resources, simply possessing a desire to serve and a creativity for dealing with public policy, do not feel they can enter the electoral process? The principal barrier is the public airwaves themselves—something the people of the United States already own. Yet, it's being denied to our own people to discuss issues about our country's own future.

Congress has had a chance to deal with this problem, and it has not. The original version of the McCain-Feingold reform legislation contained reductions in television advertising. It was removed. A challengers' amendment was offered to the McCain-Feingold reform bill that would have provided for a reduction. It was not adopted. I introduced an amendment that would have allowed for a 75 percent reduction. My amendment could not be offered. These are the reasons why I believe President Clinton challenged the FCC to act. To this Congress, our responsibility should be clear. Since the Congress failed to enact campaign finance reform, at least get out of the way so that the FCC can act responsibly and institute at least one element of reform. The Congress has had a decade, hundreds of opportunities, and did nothing. At least now remain silent so that others who will act responsibly can do something to deal with this mounting national problem.

It is not as if we do not have in the FCC the legal ability to require the television networks to reduce the cost of advertising. And it is not as though this request is without precedence. In 1952, the FCC set aside 12 percent of all television channeling time for education purposes, for noncommercial use. In 1967, President Johnson set aside part of the spectrum for public broadcasting. For the FCC now to require a reduction in rates has not only precedence but overwhelming precedence. Candidates for public office now pay a reduced rate, albeit insufficiently reduced. Perhaps even greater, however, is that the FCC is providing up to $20 billion worth of free licenses to broadcasters for digital television, a part of the spectrum on a digital basis, requiring the broadcasters to pay nothing, and probably the greatest grant to private industry since the opening of Federal lands to the railroads. The broadcasters were provided this license on a single basis, on a single request that they fulfill a public obligation to the people of this country.

I can think of no greater opportunity to fulfill that public obligation in meeting a more serious national problem than the FCC now—after the granting of these digital television licenses to broadcasters, asking them to provide reduced rates or free television time. The scale of the burden is so minimal.

Last year, television networks billed, for commercial and other advertising, $42 billion. Of this total advertising expenditure, 1.2 percent was for political advertising. The cost of reducing the rates for political advertising, that 1.2 percent, would still allow for a growth in the overall advertising revenue of the networks next year. So if the FCC acted on any reasonable basis, it would not result in less broadcaster revenues next year and, in year-to-year terms, it would be simply a small reduction in the rate of growth. This we would hesitate to ask after providing $20 billion worth of free new licenses to the networks that are already operating on publicly owned airwaves of the people of the United States?

Perhaps it isn't that the burden isn't too great; perhaps it isn't a legal problem at all; perhaps it is that there are Members of this institution of the Congress that like the idea that there is a threshold price for entry to public office in the United States. The price of entering public office in the United

States is not an academic degree; it is not a command of the issues; it is not a given level of commitment to public service; it is the ability to buy television time to communicate views. Increasingly, that means people of great personal wealth use their own resources. If it is not their own resources, it is the ability to use those resources of great financial interests in the United States that command all of the candidate's time and attention. Perhaps it is that people like this threshold price of entry and what it means for certain interests in the Senate, partisan or otherwise.

Well, it leaves us with this simple situation: The Congress had its chance for campaign finance reform and, after a decade of effort, it has failed. President Clinton has made a request for the FCC to consider reductions in television advertising rates. That issue is now before Chairman Kennard. The Commissioners of the FCC and its new chairman, Mr. Kennard, have a historic opportunity—an opportunity that goes to the very issue of confidence in this Government, the ability for people to feel they identify with these institutions, with their futures and the welfare of their families. They have an extraordinary opportunity to institute reform.

I hope the FCC will act, and I hope this Congress, having failed to be responsible in dealing with this problem, at least has the good grace to remain silent, to not amend the supplemental appropriations legislation so that others can meet a responsibility that was not met on the floor of this Senate.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1173, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1173) to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

The Senate resumed consideration of the bill, with a modified committee amendment in the nature of a substitute (Amendment No. 1676).

AMENDMENT NO. 1951 TO AMENDMENT NO. 1676

(Purpose: To make additional allocations, with an offset)

Mr. CHAFEE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE] proposes amendment numbered 1951 to amendment No. 1676.

Mr. CHAFEE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 18, between lines 19 and 20, insert the following:

(g) ADDITIONAL ALLOCATIONS.—

(1) IN GENERAL.—For each of fiscal years 1999 through 2003, after making apportionments and allocations under sections 104 and 105(a) of title 23, United States Code, and section 1102(c) of this Act, the Secretary shall allocate to each of the following States the following amount specified for the State:

(A) Arizona: $7,016,000.

(B) Indiana: $9,290,000.

(C) Michigan: $11,158,000.

(D) Oklahoma: $6,924,000.

(E) South Carolina: $7,109,000.

(F) Texas: $20,804,000.

(G) Wisconsin: $7,699,000.

(2) ELIGIBLE PURPOSES.—Amounts allocated under paragraph (1) shall be available for any purpose eligible for funding under title 23, United States Code, of this Act.

(3) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this subsection.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(4) LIMITATIONS.—

(A) APPLICABILITY OF OBLIGATION LIMITATIONS.—Funds made available under this subsection shall be subject to subparagraphs (A) and (B) of section 118(e)(1) of that title.

(B) LIMITATION ON AVAILABILITY.—No obligation authority shall be made available for any amounts authorized under this subsection for any fiscal year for which any obligation limitation established for Federal-aid highways is less than the obligation limitation established for fiscal year 1998.

On page 415, strike lines 10 through 15 and insert the following:

(other than the Mass Transit Account) to carry out sections 502, 507, 509, and 511 $98,000,000 for fiscal year 1998, $31,000,000 for fiscal year 1999, $34,000,000 for fiscal year 2000, $37,000,000 for fiscal year 2001, $40,000,000 for fiscal year 2002, and $44,000,000 for fiscal year 2003.

Mr. CHAFEE. Mr. President, the amendment that I have submitted would assist seven States—Arizona, Indiana, Michigan, Oklahoma, South Carolina, Texas, and Wisconsin. This assistance would be in addition to the increases already provided to these States in the Chafee amendment that the Senate adopted last week.

The Chafee amendment provided allocations to the States in three categories—the Appalachian Regional Commission program, the density program, and the bonus program for donor States—to bring their minimum up to 91 cents on the dollar. Six of the seven States to be assisted by this proposal did not qualify for either the Appalachian Regional Commission program or the density program in the Chafee amendment. The other State—South Carolina—that would receive assistance under this proposal received only $1.4 million per year from the ARC program in the Chafee amendment. Thus, the proposal is to provide an additional amount to donor States that received no, or very little, money from the ARC and density programs in the Chafee amendment.

The proposal is to take $70 million per year for 5 years—1999 through 2003—from the Federal research program and distribute that amount among the seven States. Thirty percent of the new funds would be distributed equally among the States—$3 million per State—and 70 percent would be distributed according to the share of payments to the trust fund in 1996.

The States would be added to the density program, giving each State almost complete discretion in the use of the money. The research program is authorized at approximately $100 million per year in the underlying bill and would be reduced to approximately $30 million per year by the amendment.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, this is a balancing amendment to make the bill fair to all regions of the country. When the committee took up the bill in the first place—actually there were several major bills—it was intended to represent different parts of the country. We in the committee melded these bills together. One is a donor States bill; one is a New England States, Eastern States, bill; one is a Western States bill.

Because of the leadership of the chairman, Senator CHAFEE, as well as the composition of the committee, which is balanced, we came up with a very balanced bill. Now, balance is in the eyes of the beholder. When we finished, there were some States that felt that although treated fairly, they perhaps could have been treated more fairly.

The effect of this bill is to make sure that all parts of the country are treated evenly, fairly. The effect of this amendment will help accomplish that. It will also help speed passage of this bill. It is my hope, and even expectation, that we can finish this bill today with the passage of this amendment, because the remaining business before the Senate is various amendments, matters that, as important as they are, are not as much of a consequence as this amendment, which is the one that has been worked out in the last couple, 3 days—actually last week, with the chairman and others and interested Senators.

So I urge that this amendment be agreed to. It is going to speed passage of the bill and can get some highways built.

Mr. LEVIN. Mr. President, first, let me thank the managers of the bill. I support this amendment. We have worked very hard on it. It represents a step towards greater fairness for some donor States who did not receive any benefits from other parts of changes in this bill. It is a long road, still, towards fairness—from our perspective, I emphasize—but this represents a step along the road and could not have been made without the help of our good friends from Rhode Island and Montana. I want to thank them for that.

Mr. BAUCUS. Mr. President, I want to thank the very able distinguished Senator from Michigan.

I say to the Senator, I appreciate his tenacity. It is always good to see a Senator who fights doggedly for his State, who works very hard to make sure that his State is not taken advantage of. In fact, I say to the Senate, and to the residents of Michigan, the very able Senator from Michigan adds new meaning to "fighting like a pit bull." Every day, there is Senator LEVIN, making sure, "Hey, what about Michigan?" What about donor States and so forth?

I am very appreciative of the very hard work of the Senator. It has helped make this a more balanced bill.

Mr. CHAFEE. Mr. President, those remarks were well-phrased by the distinguished ranking member of the full committee. I also want to include in that "pit bull" category, Senator ABRAHAM. He, also, was right there. They were a team. They dogged us every step of the way.

So Senator ABRAHAM and Senator LEVIN both did outstanding work in connection with this legislation. I look forward to a nice, friendly, telephone call from the Governor of Michigan saying what wonderful things we have done for Michigan.

Mr. THURMOND. Mr. President, I support this amendment, and I want to commend the able managers for the manner in which they have handled this difficult situation.

Mr. CHAFEE. I thank the very distinguished senior Senator for the kind remarks about what we did for South Carolina.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1951) was agreed to.

Mr. CHAFEE. I move to reconsider the vote.

Mr. BAUCUS. I move to lay it on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1952

(Purpose: To express the sense of the Senate concerning the operation of longer combination vehicles)

Mr. BOND. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself and Mr. REID, proposes an amendment numbered 1952 to amendment No. 1676.

Mr. BOND. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in subtitle H of title I, insert the following:

SEC. 18 . SENSE OF SENATE CONCERNING THE OPERATION OF LONGER COMBINATION VEHICLES.

(a) FINDINGS.—Congress finds that—

(1) section 127(d) of title 23, United States Code, contains a prohibition that took effect on June 1, 1991, concerning the operation of certain longer combination vehicles, including certain double-trailer and triple-trailer trucks;

(2) reports on the results of recent studies conducted by the Federal Government describe, with respect to longer combination vehicles—

(A) problems with the adequacy of rearward amplification braking;

(B) the difficulty in making lane changes; and

(C) speed differentials that occur while climbing or accelerating; and

(3) surveys of individuals in the United States demonstrate that an overwhelming majority of residents of the United States oppose the expanded use of longer combination vehicles.

(b) LONGER COMBINATION VEHICLE DEFINED.—In this section, the term "longer combination vehicle" has the meaning given that term in section 127(d)(4) of title 23, United States Code.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that the prohibitions and restrictions under section 127(d) of title 23, United States Code, as in effect on the date of enactment of this Act, should not be amended so as to result in any less restrictive prohibition or restriction.

Mr. BOND. Mr. President, thank you for giving me this opportunity to explain very briefly my amendment.

This amendment simply says that the status quo regarding the operation of triple trailers—these are the long trucks with a cab and three trailers behind them—shall stay in place. States that currently allow the operation of triple trailers on certain roads within their own State restrictions can continue to allow them, but the operation of triples should not be expanded.

Under the current Federal freeze enacted in ISTEA in 1991, triple trailers may not operate in any additional States on any routes on which they could not operate in 1991.

Now I have no interest in getting into a debate on the statistical merits of triple trailers. Supporters of triples tell you they are perfectly safe, environmentally friendly, less damaging to the highways, and help keep consumer costs low. Supporters of triples will also tell you that the State requirements make them as safe or safer than other trailer operations.

On the other hand, opponents of triple trailers will tell you they are unsafe for the drivers as well as other highway users, they damage roads, especially bridges, and they have little beneficial impact on consumer costs.

As a Senator representing a State with the second and third largest rail hubs in the country, I can tell you railroads hate triples. As a Senator representing a State that allows triples on a small portion of roadways in the Kansas City and southwest Missouri areas, as home of the third largest trucking center in the country, I can tell you that trucking companies love them.

As a Senator, as a driver, and as the father of a teenaged driver, I can tell you that triple trailers scare me to death. Triple trailers can be as long as 120 feet. They are as long as a 10-story building is tall. These trucks can weigh up to 64 tons. For comparison, the cars most of us drove to work this morning are about 14 to 15 feet long and only weigh 1 ton or so. The 120-foot triple trailer is equivalent of seven full-sized passenger cars end to end. Triple trailers require a full football field and a half to come to a stop. Anybody who has driven on a road with triples knows that triples can be intimidating.

Let me be clear, I am a strong advocate and supporter of the trucking industry. I have said that Kansas City, MO, is the third largest trucking center in the country. Trucks based in Missouri move over 200,000 tons of outbound freight and over 250,000 tons of inbound freight every day. Because of the hard work, dedication, and quality service that the trucking industry provides, because of the skill and the ability and the dedication of truck drivers, our lives are made easier, and truck drivers are generally among the very safest drivers on the road. I think all of us can tell many stories of assistance, accommodation, and courtesy by the drivers of trucks, but we have also heard from drivers of trucks that they are very much concerned about the safety of triple trailers.

When I, along with the chairman and other members of this committee, first spoke of this amendment last fall, we were joined by truckers, independent operators, who have had experience with triple trailers and they told us some horrifying tales about the dangers and the difficulties of running a triple trailer. Triples are not the answer. Expanding their operation into areas where they are not now present is not the answer to anyone's question. Sometimes bigger is definitely not better.

I ask the support of my colleagues that this body go on record saying that we will maintain the status quo, that we will not expand the ability of triples to go beyond those areas where they were operating and were grandfathered in in 1991.

I ask unanimous consent to have printed in the Record a letter from Walter B. McCormick, chief executive officer of the American Trucking Association. They have questions about some of the language in the amendment. They wish to express their views. They do not feel that the studies which have been cited are accurate. They state that the continuation of the freeze is not inconsistent with our position.

There being no objection, the letter has ordered to be printed in the Record, as follows:

American Trucking
Associations, Inc.,
Alexandria, VA, March 10, 1998.

Hon. Chiristopher S. Bond,
U.S. Senate, Washington, DC.

Dear Senator Bond: Earlier this year, Nevada Senator Harry Reid proposed legislation that would have prohibited the operation of triple-trailer trucks in the 16 states where they currently operate. Over the course of several months, Senator Reid modified his position and decided not to pursue an outright ban on triples, but instead proposed a comprehensive study on the safety, environmental, and infrastructure impacts of triples and other longer combination vehicles ("LCVs"). During the past week, he announced that he would not offer this modified amendment because, he said, he did not have the votes to pass it.

On behalf of the American Trucking Associations, its 50 state associations, 14 conferences, and 35,000 members, I want to express our appreciation to the United States Senate for the tempered and considered approach that it has taken on this issue. The fact of the matter is that triple-trailer trucks and other LCVs have a very good safety record in the states in which they operate. Yet, in spite of that record, ATA is not seeking any expansion of triples authority in the United States—authority which was frozen in 1991 with the adoption of the Intermodal Surface Transportation Efficiency Act ("ISTEA").

In the next few days, Senators Bond, Chafee and Lautenberg will be offering a Sense of the Senate resolution calling for a continuation of the 1991 freeze. We do not oppose this resolution. As previously stated, we are not seeking an expansion of the freeze. There is no provision in the resolution that would have any impact of repealing the freeze. There is also no provision in the resolution that would prohibit the operation of triples and LCVs in the states where they currently operate. Hence, the Bond-Chafee-Lautenberg Sense of the Senate resolution, which calls for a continuation of the freeze, is not inconsistent with our position.

Nevertheless, we are concerned by some of the language in the "findings" section of the resolution, which could be read to suggest that triple-trailer operations are unsafe. We stand by our position that triples are indeed safe. And, as a majority of Senators have recognized over the past several weeks, the safety record of triple-trailer trucks and other LCVs does not warrant their prohibition in the states where they currently operate.

Therefore, as this resolution moves forward, we would hope that our non-opposition would not be read as an endorsement of any specific language in the resolution.

Sincerely,
Walter B. McCormick, Jr.,
President and
Chief Executive Officer.

Mr. LAUTENBERG. Mr. President, as co-sponsor of this amendment and author of the original freeze on longer combination vehicles in the first ISTEA in 1991, I strongly support maintaining this freeze. By adopting this amendment, the Senate will declare loudly and clearly, that the freeze should not be weakened with more exemptions.

Six years ago, Congress recognized the need to stop the growing presence of big rig trucks on our roads. We included in ISTEA a provision I authored that froze the lawful operation of LCVs to only those routes where they had been operating up until that time. It was the right thing to do then and it's the right thing to do now.

We, as Members of Congress, have a duty to actively ensure the safety of all our Nation's roads, not just the roads in our individual States. By allowing monster trucks to terrorize our highways are we not failing to fulfill that duty?

LCVs can be as long as 123 feet (that's longer than a 737 jetliner) and can weigh up to 164 tons.

If it's raining when one of these trucks passes you, the spray from its 32 sets of wheels can blind you for over a minute. That's a long time when you're driving at 55 miles an hour. It means you can't see anything for over a mile.

LCVs pose extraordinary safety risks to other motorists.

Quick lane changes can cause them to exhibit a "crack-the-whip" effect—throwing the last trailer into other traffic lanes, causing the vehicle to roll over, or causing the last trailer to rupture its connections with the truck. In addition, LCVs are big and slow, especially when they have to accelerate. Thus they create dangerous traffic hazards when they have to merge or change lanes.

They also have difficulty maintaining speed on upgrades, and reducing speed and braking on downgrades. Speed differentials between trucks and other traffic of only 15 miles per hour are known to dramatically increase the risk of crashes, and speed differentials could be aggravated by the recent speed limit increases in many States.

As a result of all these dangerous features, multi-trailer trucks are involved in much more serious crashes than single-unit trucks or small tractor-trailer combinations. In 1994, over 5,000 people in the U.S. lost their lives in big truck crashes, and more than 100,000 were injured. Although big rig trucks make up only 3 percent of all regulated vehicles, they are involved in 21 percent of all fatal multi-vehicle crashes.

Clearly these big rig trucks are a deadly menace.

It's no wonder that of the over 42,000 people polled last summer, 87 percent said they are opposed to permitting the use of even bigger trucks, and 91 percent said large trucks should not be allowed on roads other than major highways.

Trucking companies are constantly pushing drivers to drive longer and longer hours and heavier and longer trucks to meet ever tighter deadlines. This is a trend that has to stop now.

And if the safety risks these vehicles impose on everyone else wasn't enough, these big rigs also cause significant damage to our roads and bridges.

On top of that, they don't even pay their fair share of costs. A recent study found that in virtually all truck classes, the heaviest vehicles pay considerably less in taxes than the costs they impose on our Nation's highway system. For example, LCVs registered at over 100,000 pounds pay only about half their cost responsibility.

Highway agencies are losing money every mile traveled by one of these vehicles. That will mean poorer roads, higher taxes, or both. To maintain road conditions States must turn to funds from other sources—i.e., gas taxes paid by other motorists. This shifts the cost savings experienced by truck companies, who can hire fewer drivers if they use LCVs, onto other highway users.

This is outrageous. Not only do other motorists get less return on their highway investment because they have to share the road with these life-threatening juggernauts, they also have to pay more for it.

The least we can do is maintain the status quo and not let LCVs branch out onto roads they aren't already on now.

I hope you'll join Senator Bond, Senator Reid and me in maintaining the freeze on LCVs.

I yield the floor.

Mr. LIEBERMAN. Mr. President, I rise in support of the resolution sponsored by Senator Bond to oppose less restrictive requirements for double- and triple-trailer trucks. The resolution states that existing prohibitions and restrictions on these vehicles should be retained.

Mr. President, there are serious safety concerns associated with the operation of bigger trucks. Because of their instability, handling difficulties, and braking problems, bigger trucks cannot stop quickly to prevent accidents and cannot be controlled safely. Bigger trucks also are disproportionately responsible for expensive damage to our roads and bridges that we all must pay to repair.

I long have opposed the operation of bigger trucks in my home state of Connecticut. Traffic in Connecticut is too congested to allow these trucks, and the geography is too varied. On I–84 west of Hartford, for example, about 105,000 vehicles each day clog the highway, and traffic steadily is getting worse. Truck accidents on this stretch of road in the last year have been a cause of public concern. The last thing citizens of Connecticut need is even bigger trucks competing with cars here and on other crowded highways.

Common sense alone tells us that these bigger trucks are not compatible with passenger vehicles. The public overwhelmingly agrees. Opinion polls show that the public consistently has opposed legalizing the use of bigger trucks. People find these vehicles intimidating and are very aware of the hazards associated with their operation.

Mr. President, getting into a car exposes any one of us to the chance of an accident under the best of circumstances, and we know how many Americans are injured or killed in highway accidents. We do our best to protect ourselves on the road—for example by fastening our seat belts, by obeying traffic laws, and by refusing to ride with drivers who drink. With all the other risks we face on our increasing crowded roads, we surely do not need the added hazards posed by bigger trucks. I enthusiastically support the Bond resolution for this reason.

I yield the floor.

Mr. CHAFEE. Mr. President, I am delighted to be a cosponsor of this amendment offered by the Senator from Missouri.

Now we all recognize trucks are essential to the Nation's economic health. There is no argument to that. But we believe allowing increasing the number of the larger trucks to operate on our highway is a dangerous way to increase productivity. Triple-trailer trucks impose, I believe, a triple threat to safety, to the environment, and to the highway infrastructure.

This amendment is a sense of the Senate that we will stay as we are. That is what the underlying legislation does. It does not change what the States allow, or roads they are permitted to operate under now, and does not increase the ability to operate where they are not operating now. I am for that.

I thank the Senator for his amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. BAUCUS. Mr. President, this is a freeze on the expansion of future triples. States that currently have triples can maintain them. I think that is a fair balance. A lot of us have problems with triples, basically the problems enunciated by the sponsor of this amendment.

To repeal the current use of trailers, I think, would be unfair.

I urge Senators to agree to this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1952) was agreed to.

Mr. BOND. I move to reconsider the vote.

Mr. CHAFEE. I move to lay it on the table;

The motion to lay on the table was agreed to.

AMENDMENT NO. 1953

(Purpose: To authorize the Secretary of Transportation to implement hazardous material transportation pilot programs for certain farm service vehicles, and for other purposes)

Mr. McCAIN. Mr. President, on behalf of myself and Senator HOLLINGS, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for himself and Mr. HOLLINGS, proposed an amendment numbered 1953 to amendment No. 1676.

Mr. McCAIN. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 50, beginning with line 18, strike through line 14 on page 51 and insert the following:

SEC. 3208. SPECIAL PERMITS, PILOT PROGRAMS, AND EXCLUSIONS.

(a) Section 5117 is amended—

(1) by striking the section heading and inserting the following:

"§5117. Special permits, pilot programs, exemptions, and exclusions";

(2) by striking "2 years" in subsection (a)(2) and inserting "4 years";

(3) by redesignating subsection (e) as subsection (f); and

(4) by inserting after subsection (d) the following:

"(e) AUTHORITY TO CARRY OUT PILOT PROGRAMS.—

"(1) IN GENERAL.—The Secretary is authorized to carry out pilot programs to examine innovative approaches or alternatives to regulations issued under this chapter for private motor carriage in intrastate transportation of an agricultural production material from—

"(A) a source of supply to a farm;

"(B) a farm to another farm;

"(C) a field to another field on a farm; or

"(D) a farm back to the source of supply.

"(2) LIMITATION.—The Secretary may not carry out a pilot program under paragraph (1) if the Secretary determines that the program would pose an undue risk to public health and safety.

"(3) SAFETY LEVELS.—In carrying out a pilot project under this subsection, the Secretary shall require, as a condition of approval of the project, that the safety measures in the project are designed to achieve a level of safety that is equivalent to, or greater than, the level of safety that would otherwise be achieved through compliance with the standards prescribed under this chapter.

"(4) TERMINATION OF PROJECT.—The Secretary shall immediately terminate any project entered into under this subsection if the motor carrier or other entity to which it applies fails to comply with the terms and conditions of the pilot project or the Secretary determines that the project has resulted in a lower level of safety than was maintained before the project was initiated.

"(5) NONAPPLICATION.—This subsection does not apply to the application of regulations issued under this chapter to vessels or aircraft.".

(b) Section 5119(c) is amended by adding at the end the following:

"(4) Pending promulgation of regulations under this subsection, States may participate in a program of uniform forms and procedures recommended by the working group under subsection (b).".

(c) The chapter analysis for chapter 51 is amended by striking the item related to section 5117 and inserting the following:

"5117. Special permits, pilot programs, exemptions, and exclusions.".

On page 129, beginning with line 1, strike through line 23 on page 133 and insert the following: shall not apply to any driver of a utility service vehicle during an emergency period of not more than 30 days declared by an elected State or local government official under paragraph (2) in the area covered by the declaration.

"(2) DECLARATION OF EMERGENCY.—The regulations described in subparagraphs (A), (B), and (C) of paragraph (1) do not apply to the driver of a utility service vehicle operated—

"(A) in the area covered by an emergency declaration under this paragraph; and

"(B) for a period of not more than 30 days designated in that declaration.

issued by an elected State or local government official (or jointly by elected officials of more than one State or local government) after notice to the Regional Director of the Federal Highway Administration with jurisdiction over the area covered by the declaration.

"(3) INCIDENT REPORT.—Within 30 days after the end of the declared emergency period the official who issued the emergency declaration shall file with the Regional Director a report of each safety-related incident or accident that occurred during the emergency period involving—

"(A) a utility service vehicle driver to which the declaration applied; or

"(B) a utility service vehicle to the driver of which the declaration applied.

"(4) DEFINITIONS.—For purposes of this subsection—

"(A) DRIVER OF A UTILITY SERVICE VEHICLE.—The term 'driver of a utility service vehicle' means any driver who is considered to be a driver of a utility service vehicle for purposes of section 345(a)(4) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note).

"(B) UTILITY SERVICE VEHICLE.—The term 'utility service vehicle' has the meaning given that term in section 345(e)(6) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note).".

(b) CONTINUED APPLICATION OF SAFETY AND MAINTENANCE REQUIREMENTS.—

(1) IN GENERAL.—The amendment made by subsection (a) may not be construed—

(A) to exempt any utility service vehicle from compliance with any applicable provision of law relating to vehicle mechanical safety, maintenance requirements, or inspections; or

(B) to exempt any driver of a utility service vehicle from any applicable provision of law (including any regulation) established for the issuance, maintenance, or periodic renewal of a commercial driver's license for that driver.

(2) DEFINITIONS.—For purposes of this subsection—

(A) COMMERCIAL DRIVER'S LICENSE.—The term "commercial driver's license" has the meaning given that term in section 31301(3) of title 49, United States Code.

(B) DRIVER OF A UTILITY SERVICE VEHICLE.—The term "driver of a utility service vehicle" has the meaning given that term in section 31502(e)(2)(A) of title 49, United States Code, as added by subsection (a).

(C) REGULATION.—The term "regulation" has the meaning given that term in section 31132(6) of title 49, United States Code.

(D) UTILITY SERVICE VEHICLE.—The term "utility service vehicle" has the meaning given that term in section 345(e)(6) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note).

Mr. McCAIN. Mr. President, this amendment has to do with the disposition of hazardous materials. It has been agreed to by both sides.

Mr. President, as I stated last week during debate on the Commerce Committee's safety amendment, negotiations were ongoing to alter several special interest provisions that had been conditionally approved by the Committee when we approved the comprehensive safety amendment last October.

One of the more difficult areas the Committee faced concerned the many requests we received to provide statutory exemptions for one industry or another from certain motor carrier safety rules. Exemptions were sought from Hours-of-Service regulations, Commercial Drivers License (CDL) requirements, and hazardous materials transportation regulations. Of course, these type of requests are not new. In fact, we face them every time Congress considers legislation affecting federal motor carrier safety policy.

The Commerce Committee has worked to avoid any statutory exemptions or regulation carve outs for single industries. At the same time, we want to ensure there is a fair process by which all requests can be considered appropriately. This compromise amendment developed by Senators HOLLINGS, BURNS, BRYAN, GORTON, LOTT, and myself achieves these goals.

In addition to the new process provided under the safety amendment adopted last week, which would permit the Secretary to examine innovative approaches or alternatives to certain rules, this amendment clarifies the Secretary may carry out similar pilot programs dealing with certain regulations impacting the carriage of agricultural production materials. This provision includes, however, specific criteria clearly stating that only projects that are designed to achieve a level of safety equivalent to or greater than the safety level provided through compliance with current regulatory standards are permitted.

In addition, the amendment clarifies and improves the process for providing limited regulatory relief during times of emergencies for utility operators to better allow critical services to be carried out during times of emergencies.

I want to thank Senators HOLLINGS, BURNS, BRYAN, GORTON and LOTT and their staffs for working in a bipartisan manner to achieve this compromise amendment.

Mr. LOTT. Mr. President, I would like to recognize Senator BURNS for his efforts in obtaining passage of the Utility Service Vehicle amendment to the Intermodal Surface Transportation Efficiency Act. Senator BURNS' support and leadership on this issue has been instrumental in reaching an important compromise that provides state and local officials with much needed flexibility in emergency situations. Essentially, the emergency can be dealt with at the discretion of the appropriate local official who has first hand expertise in understanding the needs of their communities. More importantly, this clarification enhances public safety. It is our hope that the U.S. Department of Transportation will take advantage of the flexibility provided by this amendment and fully implement the transportation pilot programs authorized by this legislation. Again, I want to commend Senator BURNS for his efforts in coordinating the bipartisan compromise needed to ensure that the public's well-being in emergency situations is fully protected.

Mr. CHAFEE. This amendment is agreeable to this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1953) was agreed to.

Mr. McCAIN. I move to reconsider the vote.

Mr. CHAFEE. I move to lay it on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1726

(Purpose: To provide that demonstration projects shall be subject to any limitation on obligations established by law that applies to Federal-aid highways and highway safety construction programs)

Mr. McCAIN. Mr. President, I send amendment numbered 1726 to the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, and Mr. MACK, Mr. GRAHAM, Mr. BROWNBACK, Mr. THURMOND, and Mr. KYL, proposed an amendment numbered 1726 to amendment No. 1676.

Mr. McCAIN. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 41, line 11, insert "(excluding demonstration projects)" after "programs".

On page 41, line 16, insert "(excluding demonstration projects)" after "programs".

On page 44, strike line 5 and insert the following:

date of enactment of this subparagraph).

"(3) DEMONSTRATION PROJECTS.—

"(A) APPLICABILITY OF OBLIGATION LIMITATIONS.—Notwithstanding any other provision of law, a demonstration project shall be subject to any limitation on obligations established by law that applies to Federal-aid highways and highway safety construction programs.

"(B) MAXIMUM OBLIGATION LEVEL.—For each fiscal year, a State may obligate for demonstration projects an amount of the obligation authority for Federal-aid highways and highway safety construction programs made available to the State for the fiscal year that is not more than the product obtained by multiplying—

"(i) the total of the sums made available for demonstration projects in the State for the fiscal year; by

"(ii) the ratio that—

"(I) the total amount of the obligation authority for Federal-aid highways and highway safety construction programs (including demonstration projects) made available to the State for the fiscal year; bears to

"(II) the total of the sums made available for Federal-aid highways and highway safety construction programs (including demonstration projects) that are apportioned or allocated to the State for the fiscal year.

"(4) DEFINITION OF DEMONSTRATION PROJECT.—In this subsection, the term 'demonstration project' means a demonstration project or similar project (including any project similar to a project authorized under any of sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027)) that is funded from the Highway Trust Fund (other than the Mass Transit Account) and authorized under—

"(A) the Intermodal Surface Transportation Efficiency Act of 1997; or

"(B) any law enacted after the date of enactment of that Act.".

Mr. McCAIN. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were agreed to.

Mr. McCAIN. Mr. President, on behalf of myself, Senators MACK, GRAHAM of Florida, THURMOND, COATS, BROWNBACK, KYL, and others, this amendment would require that any future highway demonstration projects be included under the annual obligation limitation.

Let there be no question. I remain strongly opposed to so-called demonstration, high priority, and any other termed descriptions for earmarked projects. As I have done on previous occasions, I will again offer an amendment during this debate a Sense of the Senate Resolution, in opposition to any future demonstration earmarks in this reauthorization legislation.

At the same time, I recognize the real possibility that Congress could, in its collective wisdom, continue to follow the same path it has in prior highway funding bills—that is, to authorize pork barrel projects. Despite the efforts of myself and many other members, the final ISTEA reauthorization bill coming out of Conference may very well include earmarks—earmarks for projects that in many cases aren't even considered necessary among the States' transportation priorities. Therefore, this amendment is an attempt to bring some semblance of equity should Congress fall back to the same old earmarking status quo.

My colleagues may better appreciate the importance of this amendment by reviewing the history of previously enacted highway bills. In 1982, 10 demos were authorized, costing a total of $362 million. In 1987, 152 demo projects were created, costing a total of $1.4 billion. Then in 1991, the mother lode of all demo project bills, ISTEA, was signed into law. 538 location-specific projects totaling $6.23 billion were created. Since 1982, that's a total of $8 billion in trust fund dollars that did not go out for general distribution to the states.

For far too long, highway demonstration projects have received preferential funding treatment. These projects are essentially paid for separately, with states receiving demo project money on top of their annual highway program allocations.

This treatment clearly distorts the allocation process because the earmarked projects are funded outside the overall federal aid to highways obligation ceiling. Again, this distorted demo allocation is outside the funding process established by the statutory formulas—formulas that some of us will argue are already unfair to a number of states.

Our amendment would require that any future, and I stress the word future, demonstration projects funded out of the highway trust fund be subtracted directly from a state's highway funding allocation.

Contrary to the opinion our friends in the House like to push, not all of us buy the idea that special projects benefit our states' and nation's transportation system. The GAO said that "if demonstration projects were brought under the obligation limitation, all states would benefit from an increase in their flexibility to target annual obligations to programs and projects that were ready to go."

GAO further reported that the majority of states would have benefitted if the money provided under the guise of demos had been allocated according to the ISTEA formula. In one year GAO analyzed, it found that "33 states, plus the District of Columbia and Puerto Rico, would have received more obligation authority if demonstration projects were made subject to the obligation limitation."

The GAO said that "if demonstration projects were brought under the obligation limitation, all states would benefit from an increase in their flexibility to target annual obligations to programs and projects that were ready to go."

Further, during DOT Secretary Slater's confirmation hearing last year, he forcefully expressed the Administration's opposition to demonstration projects. Secretary Slater said demonstration projects "take resources from the trust fund for general distribution." He went on to say that avoiding creation of new projects would add more money to the trust fund for general distribution purposes.

Now, I recognize S. 1173 does not include new demos, and I commend the Chairman and Ranking member of the Environment and Public Works Committee for holding firm to this position. However, I also realize that our House colleagues are not expected to adopt a similar course of action.

Let's consider what is happening in the House and its efforts to reauthorize ISTEA. There are reports that more than 400 members in the House have placed requests for highway, bridge, or transit projects. Of course, they were also actively solicited to do so by the Chairman and Ranking Member of the committee of jurisdiction. And I've been told these requests include more than 1,000 projects—requests that could total hundreds of millions of dollars, dollars that will be siphoned away from formula-driven state allocations and funneled to individually-designated state or local projects.

In one committee print there's even a new funding item called "legislative discretionary projects." I wasn't aware we needed to set up a separate kitty for legislative, member-favored projects. How much would this new legislative discretionary account consume? My calculations indicate $9.07 billion. That is almost double the level earmarked in ISTEA, and the bill isn't even out of conference.

This is offensive. And I'll do everything in my power to make sure that such outlandish action is not condoned by the Senate. However, in the event my efforts to entirely stop all new demo-type funding projects are not fully accepted by the conferees, we must ensure a safety valve is in place. The McCain/Mack/Graham/Thurmond/Coats/Brownback/Kyl amendment is one such safety valve.

Under our amendment, a state would be provided the authority to choose to fund a congressionally-favored highway, bypass, bridge, or another road project named in ISTEA II out of the money it receives annually. Simply put, our amendment would allow states to be the final arbitrator with respect to spending its federal funding resources on demonstration projects.

In addition, our amendment will restore modest spending equity for states that have relatively little demonstration project funding. Why should states that don't happen to have members who champion pork-barrel projects have their allocation reduced to pay for other states' earmarks? Simply put, they shouldn't.

Earmarked demonstration projects subvert statewide and metropolitan planning processes to the extent that projects are advanced that might not have been chosen based on area needs, benefit-cost analysis, or other criteria. Our amendment will also guarantee a state's authority to control its highway spending authority.

There are critical needs throughout our nation's transportation network. Clearly, states don't need Congress to micromanage and dictate their planning process. The traveling public certainly is not well served when Washington forces limited funding to be spent on unnecessary road projects.

Three years ago, the Senate adopted my amendment to prohibit funding for "future" demo projects. The amendment passed by a vote of 75 to 21. Last year, the Senate unanimously approved my Sense of the Senate Resolution to the Budget Resolution again expressing opposition to future demonstration projects. The Senate is on record for opposing new earmarks and we must remain on record.

I remind my colleagues that $8 billion already has been siphoned away from the states' highway allocations. And donor states like Arizona and Florida and Indiana don't need to have any more of our gasoline tax dollars taken away in order to finance demonstration projects in donee states.

I urge my colleagues to vote in favor of the McCain/Mack/Graham/Thurmond/Coats/Brownback/Kyl amendment as a backstop to provide some needed sanity to the ISTEA II conference agreement.

I yield the floor.

Mr. CHAFEE. Mr. President, it's my understanding that the yeas and nays have been ordered on this amendment; is that correct?

The PRESIDING OFFICER. That's correct.

Mr. CHAFEE. Mr. President, I ask unanimous consent that this amendment, No. 1726, be laid aside and be in order at a later time, regardless of the outcome of the cloture vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1951

Mr. ABRAHAM. Mr. President, I intend, in a moment here, to move forward with a couple of amendments. Before I do, I wanted to comment on the earlier action that was taken a little bit ago with regard to the manager's amendment pertaining to States, which was designed to provide a number of us who did not fit regionally within either the Appalachian Regional Commission qualifications or the density corridor qualifications with an opportunity to benefit from some of the unique additional dollars that have been made available through the earlier amendment that Senator CHAFEE offered.

We have worked very closely with Senator CHAFEE and his staff, Senator WARNER and his staff, and Senator BAUCUS and his staff to try to address some of these equity issues. I thank them for their ongoing patience and efforts to assist us. We, certainly, in Michigan—as I have spoken earlier during the discussions of this legislation, Michigan is a State that has been trying to gain more equity. I know we have been persistent, as both managers have indicated in previous conversations. We are being persistent for obvious reasons. But we do appreciate it, and I want to publicly acknowledge the cooperation we have received.

I think the amendment that was agreed to today goes a long way in helping us to address those issues. We all want to have the best outcome, but we realize there are many other inconsistent viewpoints being expressed around the floor, and to help everybody is often difficult. I think the managers have gone the extra mile to address these things and I thank them.

AMENDMENT NO. 1380 TO AMENDMENT NO. 1676

(Purpose: To provide for continuation of eligibility for the International Bridge, Sault Ste. Marie, Michigan)

Mr. ABRAHAM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. ABRAHAM], for himself and Mr. LEVIN, proposes an amendment numbered 1380 to amendment No. 1676.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 309, between lines 3 and 4, insert the following:

SEC. 18. INTERNATIONAL BRIDGE, SAULT STE. MARIE, MICHIGAN.

The International Bridge Authority, or its successor organization, shall be permitted to continue collecting tolls for maintenance of, operation of, capital improvements to, and future expansions to the International Bridge, Sault Ste. Marie, Michigan, and its approaches, plaza areas, and associated structures.

Mr. ABRAHAM. Mr. President, the International Bridge connects Sault Ste. Marie, Michigan with Sault Ste. Marie, Ontario, providing a link for both the exchange of goods between the United States and Canada, as well as allowing commuters to traverse between these sister cities.

Vehicle traffic averages over three million crossings a year, with commercial trucks increasing in the wake of NAFTA by 13 percent in the last year alone.

U.S. Public Law 889 of 1940 authorized the State of Michigan, through the International Bridge Authority, to construct, maintain, and operate this toll bridge. The administration of this toll was specifically permitted by this act.

However, the law also required that upon retiring the construction debt, the bridge would revert from the authority to the State of Michigan and the Province of Ontario. The debt from the original construction will be repaid in full in the year 2000. Negotiations are underway for the joint ownership treaty between Michigan and Ontario.

The question is, however, what will happen to the toll when the debt is retired. It was previously believed that section 1012 of ISTEA resolved the toll issue at the federal level by specifying toll bridges could be eligible for federal funds. However, section 1012 covers only those crossings that have a toll agreement with the Federal Highway Administration and already fall under title 23.

This cannot be applied, however, to the International Bridge. The International Bridge was financed with bonds independent of the Federal Highway Administration, and therefore instituted a toll agreement with the Federal Highway Administration.

Because of this catch-22 situation in ISTEA, the International Bridge is therefore ineligible for federal funds under section 1012 of ISTEA, although similar toll bridges would be if they had financed the bridge through the FHWA.

This becomes especially problematic as the bridge is expected to retire it's debt in 2000, and the bridge is turned over to Michigan and Ontario.

Canada is not subject to this prohibition, and will continue to operate a toll after the debt is retired.

For the United States to stop the toll on its side of the bridge after 2000 will place us in an unequal position vis-a-vis the Canadians, making negotiations for joint ownership more difficult.

It will also deny the most secure funding source for maintenance, operations, and future capital improvements to the bridge.

Finally, it will be nearly impossible to reestablish a toll once it has been discontinued, even if ostensibly for a short time.

For those reasons, this amendment will try to address this anomaly and is needed to allow Michigan to more effectively enter into a new agreement with Ontario and cover the costs of the bridge during the transition.

For those reasons, I believe the managers on both sides have cleared this amendment. I hope we can agree to it at this time.

Mr. CHAFEE. Mr. President, this amendment is acceptable to this side.

Mr. BAUCUS. Mr. President, it is also acceptable to this side. This enables Michigan to continue to collect a toll that it is not collecting. It basically continues to make the payments status quo. It is a good amendment.

The PRESIDING OFFICER (Mr. BURNS). If there is no more debate, the question is on agreeing to the amendment of the Senator from Michigan.

The amendment (No. 1380 to Amendment No. 1676) was agreed to.

Mr. ABRAHAM. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE. Mr. President, I thank the Senator from Michigan for his kind comments about the work we did. He is right; he can clearly be labeled persistent, and he worked very hard on this. He represents his State with great vigor; I can testify to that. And he can be satisfied with what was accomplished here. So I congratulate him for the work he did.

Mr. ABRAHAM. I thank the Senator.

Mr. President, I thank the Senator from Rhode Island for his comments and, as I said earlier, for his many efforts.

I would also like to offer an amendment to the committee amendment.

AMENDMENT NO. 1955 TO AMENDMENT NO. 1676

(Purpose: To improve the provisions relating to credit for acquired lands)

Mr. ABRAHAM. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan (Mr. ABRAHAM), for himself, and Mr. LEVIN, proposes an amendment numbered 1955 to amendment No. 1676.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 139, strike lines 22 through 24 and insert the following:

"(A) is obtained by the State or a unit of local government in the State, without violation of Federal law;

"(B) is incorporated into the project;

"(C) is not land described in section 138; and

"(D) does not influence the environmental assessment of the project, including—

"(i) the decision as to the need to construct the project;

"(ii) the consideration of alternatives; and

"(iii) the selection of a specific location.

On page 140, strike line 15 and insert the following:

(3) in paragraph (3), by striking "agency of a Federal, State, or local government" and inserting "agency of the Federal Government";

On page 140, strike line 20 and all that follows and insert the following:

(c) CREDITING OF CONTRIBUTIONS BY UNITS OF LOCAL GOVERNMENT TOWARD THE STATE SHARE.—Section 323 of title 23, United States Code, is amended by adding at the end the following:

"(e) CREDITING OF CONTRIBUTIONS BY UNITS OF LOCAL GOVERNMENT TOWARD THE STATE SHARE.—A contribution by a unit of local government of real property, funds, material, or a service in connection with a project eligible for assistance under this title shall be credited against the State share of the project at the fair market value of the real property, funds, material, or service.".

(d) CONFORMING AMENDMENTS.—

(1) Section 323 of title 23, United States Code, is amended by striking the section heading and inserting the following:

"§ 323. Donations and credits.".

(2) The analysis for chapter 1 of title 23, United States Code, is amended—

(A) by striking the item relating to section 108 and inserting the following:

"108. Advance acquisition of real property.";

and

(B) by striking the item relating to section 323 and inserting the following:

"323. Donations and credits.".

Mr. ABRAHAM. Mr. President, often times, as my State's Department of Transportation undertakes new highway projects, donations are offered in order to assist in the development of these projects.

Up to now, these have been limited to those businesses, organizations, and individuals who believe the advancement of these projects will assist them.

Their reasons could be that there will be economic growth resulting from this highway project that will directly benefit them, or that they wish to see a project develop in a certain direction that will be facilitated by the donation of this property, supplies or services.

These donations can make the difference between whether or not the project is undertaken.

Often times the amount of the federal funds are insufficient to complete the project, especially federally mandated projects.

Because the value of the donation can be applied to the State's match requirement for federally funded projects, a donation like these can provide the funds necessary to not only meet the State's match, but provide the funds necessary to make up for insufficient federal funds.

An example may better illustrate this point.

A community in my state was designated for demonstration project to expand the capacity of a major artery through that city.

However, the level of federal funding was only $15 million on a $25 million project.

The normal state match for a project like this, $3 million, would still leave the community $7 million short of completing this project.

However, this community has also acquired over $6 million in property rights of way along the project corridor.

By donating this project, and allowing the value of this property, which has since increased in value to about $9 million, to be applied to the State match, the State could not only save the state match requirement of $3 million for other high priority projects, but apply the remainder to the deficit in federal funds, thereby allowing the federal funds to finally be utilized.

The benefits of allowing these donations was realized by the drafters of section 323 of title 23, U.S. Code, by allowing any donations of property, supplies, services, or funds by "a person" could apply to a State's match requirements.

However, the experience in my state has been that the Department of Transportation has determined that a local unit of government does not fit the legal definition of a "person."

I disagree with this interpretation, but that is the interpretation by the federal agency charged with executing these laws, and absent their reversing this interpretation, donations from these units of government cannot be fully leveraged for Michigan transportation needs.

This could provide our states with significant increases in the highways dollars available.

With just two examples of which I am aware of local units of government capable of donating property, goods, services or funds to complete highway projects, my state could save over $11 million in total project costs.

These are funds that could be applied to other projects. So, in essence, these donations would be the same as increases in federal funding.

Therefore, Mr. President, I urge adoption of this amendment in hopes that we can provide the equivalent of more money for our states, without having to actually spend more money.

Therefore, the purpose of this amendment would be to correct this interpretation and to allow contributions made by local governments to be added to the group of contributions that have been already interpreted as counting toward a State match.

I believe, again, this amendment has been agreed to on both sides. I urge its adoption.

Mr. CHAFEE. Mr. President, the Senator from Michigan is quite right; this amendment is acceptable at this time.

Mr. BAUCUS. Mr. President, I commend the Senator from Michigan.

This amendment, which is very beneficial to States, and particularly local governments, frankly, is an extension of the provision in the National Highway System bill. When this is agreed to—and I think it will be—States, and particularly local governments, will be able to use land, or gravel, or building materials as "in kind" contributions for their State's match instead of cash. They can use other assets to meet that requirement. This will be particularly helpful for local communities that want to build bike paths, or some other similar use of State highway funds, which is provided for in law. If the local community comes up with the gravel, and the work efforts, that will be the match that will allow the Federal funds to then be used for either enhancement, like a bike path, or some other project allowed under the underlying bill.

So I commend the Senator. This is an extension. It goes beyond what is currently allowed in the National Highway System legislation.

I very much thank the Senator for bringing this to the Senate's attention and for building upon an idea which I think makes sense in the first place.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1955) was agreed to.

Mr. ABRAHAM. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ABRAHAM. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1956 TO AMENDMENT NO. 1676

Mr. BROWNBACK. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas (Mr. BROWNBACK) proposes an amendment numbered 1956 to amendment No. 1676.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 309, between lines 3 and 4, insert the following:

Section 8(d) of the National Trails System Act (43 U.S.C. 1247(d)) is amended by—

(1) Striking "The" and inserting in lieu thereof, "(1) The";

(2) By adding at the end thereof the following new paragraphs:

"(2) Consistent with the terms and conditions imposed under paragraph (1), the Surface Transportation Board shall approve a proposal for interim trail use of a railroad right-of-way unless—

"(A) at least half of the units of local government located within the rail corridor for which the interim trail use is proposed pass a resolution opposing the proposed trail use, and

"(B) the resolution is transmitted to the Surface Transportation Board within the applicable time requirements for rail line abandonment proceedings.

"(3) The limitation in paragraph (2) shall not apply if a State has assumed responsibility for the management of such right-of-way."

Mr. BROWNBACK. Mr. President, we have been working with all parties involved on the majority side and the minority side, and with the various committees involved with the issue, regarding rails and trails. I understand that this amendment has been agreed to and will be accepted by all of the various people involved.

Today I offer an amendment that will increase local input in community planning regarding recreational rail-trails. Today, while a railroad is in the process of petitioning to abandon railroad tracks, outside groups may take over that right of way—and the local government may have no say in the matter whatsoever. Railroads and private groups may make decisions as to how large portions of land are used, and property owners and local governments are not even consulted.

Under current law, a right-of-way for a railroad that is about to be abandoned may be used to establish a recreational rail-trail, thereby preserving the rail corridor in the case that the right-of-way is needed in future. The decision making authority for establishing a rail-trail lies solely with the railroad, the Surface Transportation Board, and private groups advocating trail development. A fatal flaw is that there is no component for local community involvement, including the input of those who own property adjacent to railroad corridors and who are most directly affected by the change in use of the right-of-way.

The process of creating rail trails from old railroad lines begins when a railroad petitions the Surface Transportation Board to abandon a line. Normally, if the STB determines that a line may be abandoned, it issues the railroad a certificate of abandonment. However, under the National Trails System Act, once a railroad files a petition to abandon groups may suspend the abandonment by requesting to enter negotiations with the railroad to establish a trail. These trail groups may purchase the corridor or "railbank" it—in other words, convey the right-of-way with the provision that it will return to the railroad if it resumes service in the future. If the trail group signs a statement of willingness to assume responsibility for the right of way, and it comes to an agreement with the railroad on the terms under which the land will be conveyed, then the Surface Transportation Board is obligated to allow the group to develop the rail corridor.

This negotiation takes place not in the communities where the proposed trails are, but rather behind closed doors here in Washington. At no point is there an opportunity for meaningful citizen participation in making the determination of the best use of the land. Many community members have learned of proposed rail trails not by reading the newspaper or by attending a community meeting, but by looking in their backyards. This is wrong.

The issue of rail trail development is an extremely divisive issue in Kansas—perhaps more so than in any other state in the country. One reason that this issue has become so inflammatory is because Kansas state law provides that ownership of an abandoned railroad right-of-way will revert to the original property owners. However, Federal law preempts Kansas State law and prevents property owners' rights to regain possession of the land where there is a group ready to establish a trail.

Mr. President, my goal here is not to take sides in this emotionally charged issue. I empathize with private property owners who believe that trails give rise to trespassers and crime, and lower the value of their property. Moreover, I believe it is a valid assertion that trail development, where reversionary property rights exist, constitutes a taking of private property for which just compensation should be paid. In fact, this opinion was upheld by the U.S. Court of Appeals in November 1996. Private property owners have legitimate concerns.

However, I also understand the beliefs of trail advocates, who view trail development as a means of economic growth and who strive to improve the quality of life for communities. My goal here is not to "kill railbanking." This amendment does not kill railbanking and does not impede the ability of groups to propose rail-trail projects during normal abandonment proceedings. In fact, I maintain that opposition to rail trails by property owners might not be so solidified if the property owners were more engaged in the decision making process. As it stands, the resentment they feel for having trail development forced upon them fuels their anger and strengthens their resolve to oppose both current and future trail development.

My goal here, in fact, is to improve the process so that people on both sides of this issue will receive an equitable opportunity to air their views before any designation of a trail is made. This is not an issue of whether rail-trails are good or bad; it is an issue of whether it is the role of the federal government to engage in community planning. I contend that it is not. The federal government has authorized the development of trails on railroad rights of way, and I do not seek to dismantle that authorization. I simply believe that it should be at the discretion of the local government whether that authorization should be utilized.

In fact, one of the hallmarks of the ISTEA legislation that we are debating today is that it through Metropolitan Planning Organizations it incorporates the concept of local involvement in transportation planning, which, prior to 1991, was largely absent from the federal program. I simply want to correct the disconnect that exists between provisions of the National Trails System Act and the philosophical underpinnings of the ISTEA legislation.

Mr. President, I do not have an objection to the Rails to Trails program. In fact, my amendment does not limit rail-trail funding or prohibit rail-trails from being developed where they are wanted by the local community. I do, however, have an objection to a process whereby railroads, private groups, and federal bureaucrats can make sweeping land use decisions, while private property owners and local authorities are shut out. Let's improve that process by giving local governments a decision-making role.

Mr. President, with that I urge adoption of the amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I am glad to yield to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise simply to congratulate the Senator from Kansas on this amendment, which I hope will be accepted. I can attest that in my own State of New York this kind of difficulty has arisen. I think the amendment will have an important effect in bringing about agreed solutions as against agitated—how do I say—contested solutions.

So I thank the Senator. If I could, I ask that I be added as a cosponsor, and yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana.

Mr. BAUCUS. Mr. President, it is my understanding this amendment has been worked out. I thank the Senator for his cooperation. I regret I must say that when we informed Senator BUMPERS, who is the ranking member of the Committee on Energy and Natural Resources, the committee that has jurisdiction over this amendment, we were informed by his staff that he wanted to come over and look at exact language and make sure it was the same language that was agreed to. I do not expect that to, A, take long or, B, to be a problem. In fact, they told us they were on their way over about 10 minutes ago.

We cannot clear it pending that resolution. I suggest to the chairman, perhaps if we lay this amendment aside, we can take up another amendment. But I expect it to be cleared very quickly.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I know the Senator from Kansas worked hard on this, and we have worked with him. I am absolutely confident that everything is all set here. Meanwhile, nonetheless, there is a request that has been made, so we will have to defer to that. What I suggest to the Senator is, let's set his amendment aside, and as soon as things get cleared—which I think will be momentarily—we will go right back to it.

Before we do that, I have several points of clarification on the amendment allowing for the disapproval, by the Surface Transportation Board, of a railbanking request at least half of the local jurisdictions through which the rail corridor proposed for railbanking affirmatively oppose the request. Will the Senator from Kansas confirm my understanding of his amendment?

Mr. BROWNBACK. I would be delighted to clarify the intent and content of my amendment for the Senator from Rhode Island.

Mr. CHAFEE. Thank you. First, although it is not explicitly referenced in the wording of the amendment whether its terms would apply to rail corridors that already are railbanked, and which already have been transferred from the railroad to the railbanking agency, it is my understanding that your amendment does not apply to corridors where a notice or certificate of interim trail use under section 1247(d) of title 23, United States Code, already has been issued by the Surface Transportation Board. The amendment only will be applied prospectively. Am I correct in my understanding?

Mr. BROWNBACK. You are correct. The amendment will not affect any corridor for which a certificate or notice of interim trail use has been issued by the Surface Transportation Board prior to the date of enactment of this law.

Mr. CHAFEE. Thank you. Now, it is my understanding that this amendment does not, in any way, amend existing abandonment proceedings as regulated under the Interstate Commerce Act. Is that correct?

Mr. BROWNBACK. That is correct. This amendment does not seek to encroach in any way, shape, or form, abandonment procedures established under the Interstate Commerce Act. Those procedures are entirely within the jurisdiction of the Surface Transportation Board and the Senate Commerce Committee, as the authorizing agency overseeing these rules and procedures.

Mr. CHAFEE. Thank you for that clarification. It also is my understanding that the purpose of your amendment is to provide clear opportunities for local input into the railbanking process in instances where section 1247(d) of title 16 is being invoked by parties other than the states, U.S. territories, Commonwealth, and the District of Columbia?

Mr. BROWNBACK. Yes, that is correct. The intent behind this amendment is to ensure that in instances specified in the amendment, a forum can be created for local public dialogue with the Surface Transportation Board. Finally, I would add that we have worked with Senators from both sides of the aisle and with private interest groups including the Kansas Farm Bureau, the Kansas Livestock Association, and the national Rails-to-Trails Conservancy.

Mr. CHAFEE. Mr. President, the purpose of the amendment offered by my colleague from Kansas is to provide clear opportunities for local input into the railbanking process where section 8(d) of the National Trails System Act is invoked. The National Trails System Act provides for the preservation of otherwise abandoned rail corridors through interim use as trails. In short, it has allowed railroads wishing to abandon a line to enter into a voluntary agreement with a trail-managing agency, to turn the abandoned right-of-way into a trail for bicycling, walking, snowmobiling, horseback riding and the like.

Railbanking is a complex and sensitive issue that is in the jurisdiction of the Senate Energy and Commerce Committees. I am pleased that Senator BROWNBACK has worked with the Chairman and ranking members of both of these committees and with the National Rails-to-Trails Conservancy to come to an agreement that does not limit the development of rail trails or detract from the good work done by the railbanking program.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I thank the manager of this bill, who has been extraordinarily patient with us in working this through. We have worked closely with Senator BUMPERS' staff. It was several days working this out. It was our understanding they had no difficulty and they were in agreement with this language.

I also thank the Senator from New York for his kind comments. This simply does provide for a modicum of local input, to try to provide some means for people locally to comment on this. It doesn't affect existing trails. That is why we proposed this.

I thank the Senator from Rhode Island for all of his efforts, along with those of the Senator from Montana, too. I hope we can get this resolved within the next 10 minutes if possible. I will stay here on the floor, so maybe while we are considering this next amendment, we could get this resolved right after that, if that is at all possible.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. I congratulate the Senator from Kansas. He has been very, very patient. I think it was about last week I said to him, "You are next up." Then problems arose and problems arose and we could not get to it. Each time I had to go to him and say, "We have to slip you back a little bit here." But he was very patient and helpful although, indeed, tenacious. I congratulate him for his theory, which is a good one. The local folks should be consulted on these matters. He has worked it out. I am confident all the problems are taken care of.

I say to the Senator, if he is not here when we get the approval, with his approval I will just go ahead and urge the adoption of the amendment and get it agreed to, if that is agreeable to him.

Mr. BROWNBACK. Yes.

Mr. BAUCUS. Mr. President, I do commend the Senator for his patience. I say to the Senator, we have again sent an urgent plea over to Senator BUMPERS' office to make sure his staff comes over immediately. We made the request 10 or 12 minutes ago. Just 1 minute ago, I renewed the request to have the staff come over.

The fact is, the more we talk about this and commend the Senator, the more likely we are going to kill two birds with one stone. If people realize what the Senator is doing, by that time maybe the staff will be over here to get this thing cleared. I do not see them yet. I don't see any problems, but I must honor the request by the Senator from Arkansas that we wait until his staff looks at the exact language.

Mr. MCCAIN. Mr. President, I would like to comment briefly on the Brownback amendment adopted earlier today which proposes to alter the present rails-to-trails process. While I did not formally object to the unanimous consent approval of that amendment, I continue to hold serious reservations over it. Indeed, I believe the proposal warrants further analysis prior to enactment.

I recognize the sponsor of the amendment has concerns over the current manner in which trails are established. However, I am concerned the amendment offers the potential to greatly impede the establishment of future trails.

Let me be clear. I agree it is appropriate to consider the current railbanking structure. I further understand the sponsor's interest in ensuring involvement by the local-area governments during the process. That is an important consideration and, in fact, local governments as well as any interested persons already have the ability to participate in the process. However, they do not have the ability to veto an agreement reached at the end of the process. Similarly, no one has the ability to force a trail's establishment. There is a balance.

The amendment adopted would prevent the establishment of a new trail if the majority of the local governments along the rail right-of-way pass a resolution opposing the proposed trail use. While that sounds reasonable at first glance, I believe the Congress needs to better understand how such a new requirement would be implemented efficiently.

For example, I believe we must carefully consider any implementing difficulties likely to result with this amendment. How will it impact the work load of the Surface Transportation Board, the agency which holds jurisdiction over rail abandonment and rail banking matters? How is the STB to know what constitutes the majority of local governments? Further, how is this new process carried forward when only one community is along a proposed trail? Would that one local government have veto authority over a new trail?

Mr. President, I strongly believe these and other considerations must be addressed as this legislation continues through conference. As Chairman of the Senate Committee on Commerce, Science, and Transportation, which has jurisdiction over the STB, I am committed to further exploring this matter along with any and all anticipated effects of this amendment when we hold hearings later this month on the STB's reauthorization. I will work to ensure our findings are carefully considered during conference consideration.

Mr. President, railbanking is a voluntary program requiring agreement between the railroad abandoning a line and a trail-managing agency—most, which I understand, are local. I want to ensure that in an effort to improve the current process, we are not unintentionally jeopardizing future trails. I look forward to working with my colleagues on this important matter in the weeks ahead.

AMENDMENT NO. 1911 TO AMENDMENT NO. 1676

(Purpose: To save lives and prevent injuries to children in motor vehicles through an improved national, State, and local child protection program)

Mr. ABRAHAM. Mr. President, I would like to call up my amendment 1911, please.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. ABRAHAM], for himself and Mr. DODD, proposes an amendment numbered 1911 to amendment No. 1676.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in the March 9, 1998 edition of the RECORD.)

AMENDMENT NO. 1911, AS MODIFIED, TO AMENDMENT NO. 1676

Mr. ABRAHAM. Mr. President, at this point I send to the desk a modification of my amendment.

The PRESIDING OFFICER. Without objection, the Senator may modify his amendment.

The amendment (No. 1911), as modified, is as follows:

In section 410 of title 23, United States Code, as amended by section 3101(g)(1)—

(1) strike the section heading and insert the following:

"§410. Safety belts and occupant protection programs";

(2) in the first sentence, insert "(a) IN GENERAL.—" before "The Secretary shall"; and

(3) add at the end the following:

"(b) CHILD OCCUPANT PROTECTION EDUCATION GRANTS.—

"(1) DEFINITIONS.—In this subsection:

"(A) COVERED CHILD OCCUPANT PROTECTION EDUCATION PROGRAM.—The term 'covered child occupant protection education program' means a program described in subsection (a)(1)(D).

"(B) COVERED STATE.—The term 'covered State' means a State that demonstrates the implementation of a program described in subsection (a)(1)(D).

"(2) CHILD PASSENGER EDUCATION.—

"(A) GRANTS.—

"(i) IN GENERAL.—Subject to the availability of appropriations, the Secretary may make a grant to a covered State that submits an application, in such form and manner as the Secretary may prescribe, that is approved by the Secretary to carry out the activities specified in subparagraph (B) through—

"(I) the covered child occupant protection program of the State; and

"(II) at the option of the State, a grant program established by the State to provide for the carrying out of 1 or more of the activities specified in subparagraph (B) by a political subdivision of the State or an appropriate private entity.

"(ii) GRANT AWARDS.—The Secretary may make a grant under this subsection without regard to whether a covered State is eligible to receive, or has received, a grant under subsection (a).

"(B) USE OF FUNDS.—Funds provided to a State under a grant under this subsection shall be used to implement child restraint programs that—

"(i) are designed to prevent deaths and injuries to children under the age of 9; and

"(ii) educate the public concerning—

"(I) all aspects of the proper installation of child restraints using standard seatbelt hardware, supplemental hardware, and modification devices (if needed), including special installation techniques; and

"(II)(aa) appropriate child restraint design selection and placement and; and

"(bb) harness threading and harness adjustment; and

"(iii) train and retrain child passenger safety professionals, police officers, fire and emergency medical personnel, and other educators concerning all aspects of child restraint use.

"(C) REPORTS.—

"(i) IN GENERAL.—The appropriate official of each State that receives a grant under this subsection shall prepare, and submit to the Secretary, an annual report for the period covered by the grant.

"(ii) REQUIREMENTS FOR REPORTS.—A report described in clause (i) shall—

"(I) contain such information as the Secretary may require; and

"(II) at a minimum, describe the program activities undertaken with the funds made available under the grant.

"(D) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1998, and annually thereafter, the Secretary shall prepare, and submit to Congress, a report on the implementation of this subsection that includes a description of the programs undertaken and materials developed and distributed by the States that receive grants under this subsection.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Transportation to carry out this subsection, $7,500,000 for each of fiscal years 1999 and 2000.".

In the heading for section 410 of title 23, United States Code, as amended by section 3101(g)(2), strike "program" and insert "programs".

Mr. ABRAHAM. Mr. President, I would like to speak briefly about this amendment, which I offer on behalf of myself and Senators DODD and MCCAIN. I believe this amendment will save many children's lives and prevent countless injuries.

Last October, I introduced S. 1312, the Child Passenger Protection Act. This bill sought to provide $7.5 million to the U.S. Department of Transportation for each of the next two years for the purpose of awarding grants to State highway agencies and other public safety organizations which promote important safety information on the use of car seats. My amendment today, which has been cosponsored by my colleague from Connecticut, Senator DODD, is essentially identical to S. 1312. We believe this amendment will encourage and expedite the dissemination of child safety seat information to parents and help save children's lives in the process.

Mr. President, I urge my colleagues to consider the following alarming statistics. Motor vehicle crashes are the leading cause of unintentional injury-related death among children ages 14 and under, accounting for more than 40 percent of all unintentional injury-related deaths. In 1995, nearly 1,400 child occupants ages 14 and under died in motor vehicle crashes in this country. In 1996, more than 305,000 children ages 14 and under were injured as occupants in motor vehicle-related crashes.

Because most motor vehicle safety features are designed for the comfort and protection of an adult-sized body, children are particularly at risk of death and injury during automobile crashes. However, child safety seats and safety belts, when installed and used correctly, can prevent injury and save lives. In fact, it is estimated that properly used child restraints in motor vehicles can reduce the chance of serious or fatal injury in a collision by a factor of 71% for infants and 54% for children ages 4 and under.

Regrettably, Mr. President, results from regional child restraint clinics have indicated that currently between 70% and 90% of child occupant restraints are incorrectly installed or otherwise misused. Three weeks ago, in conjunction with Child Passenger Safety Week, a workshop was sponsored by local public safety officials in nearby Fairfax County, Virginia, to help educate parents on the proper installation and use of child safety restraints. According to a Washington, D.C. television affiliate that covered the event, of the 113 child safety seats that were inspected, only 2 were installed correctly! That is less than 2%!

Mr. President, as the parents of three small children, my wife Jane and I have struggled with making sure that each of our children is properly positioned and safely secured while riding in vehicles. This is an issue that is near and dear to our hearts. That is why Jane and I have joined with the SAFE KIDS coalition back in our state of Michigan, to work on this problem. What we've learned is this: understanding which seat is age- and size-appropriate for your child and knowing how to install that seat—and how to properly secure the child in that seat—can be very confusing for parents.

The amendment offered today by myself, Senator DODD and Senator MCCAIN is designed to help eliminate much of that confusion. Our amendment would provide $7.5 million for each of the next two fiscal years to the U.S. Department of Transportation for the purpose of awarding grants to State highway agencies and child passenger safety organizations who promote important safety information on the use of child safety seats.

While national programs such as the Air Bag & Seat Belt Safety Campaign already exist to help instruct parents on the proper location for placing child safety seats in vehicles, there is currently no national program designed to instruct parents on how properly to install child safety seats or to secure children in those safety seats.

This amendment will provide critical assistance for training public safety officials on the proper techniques for installing and using child safety seats while also providing invaluable public education through workshops, publications, and audio-visual aids.

In conclusion, Mr. President, there is considerable—and mounting—evidence concerning the high incidence of misuse of child safety seats and other restraint systems for children. There is also an incredibly compelling correlation between the improper use of child safety restraints in vehicles and an inordinately high rate of death and injury suffered by children in automobile crashes. Based on these factors, I believe it is imperative that we in Congress provide a relatively small amount of "seed" money to assist public safety officials, highway safety organizations, and child safety advocates in educating parents in the United States on the proper installation and use of safety seats and other restraints for children who are passengers in vehicles.

As I said at the outset, the question is not whether such a program will save lives; the only question is how many young lives will it save.

Mr. President, before I conclude, I would just like to acknowledge the role in this legislation played by Congresswoman MORELLA of Maryland, who introduced the original companion bill over in the other Chamber. She has been a leader in this area, and I look forward to working with her to keep this provision in the bill, as well as working with her in the future on other initiatives relating to child passenger safety.

Mr. President, that said, let me also indicate very briefly the purpose of the modification which we entered here a few moments ago at the suggestion of Senator MCCAIN.

Basically, we have done three things. First, we modified the amendment so it conforms with the grant programs that are contained in the Commerce Committee's public safety provisions, specifically the new section 410 entitled "Safety belts and occupant protection program."

My amendment will now establish a new supplemental grant under section 410, where States can get assistance for establishing programs aimed at improving the practices of parents and public safety officials when it comes to ensuring the safety of child occupants. The basic grant contained in the Commerce Committee's amendment provides incentives for States to pass tougher laws for dealing with parents who fail to adequately safeguard their children in vehicles. My amendment would assist in educating them so that punishment is less necessary.

That said, I believe this amendment has been cleared on both sides.

Mr. DODD. Mr. President, I rise today along with my friend and colleague Senator ABRAHAM to speak to this amendment that will help save lives and prevent injuries to our youngest children by improving education and awareness about child safety seats.

Motor vehicle crashes are the leading cause of unintentional injury-related death to children ages 14 and under. Yet some 40 percent of kids are still riding unrestrained. And of the children who are buckled up, studies estimate that eight out of ten are restrained incorrectly. Each year more than 1,400 children die in automobile accidents, and an additional 280,000 are injured. Tragically, most of these injuries could have been prevented.

The most proven way to protect our children is child safety seats. They reduce the risk of death by 69 percent for infants and 47 percent for toddlers. We must work to ensure that they are used at all times and used correctly.

This amendment that we introduce today will provide $7.5 million to the Department of Transportation for the purpose of awarding grants to state highway agencies, as well as child safety organizations who promote important information on the use of child safety seats. The legislation will ultimately allow funds to be used to help parents become better informed on the best way to restrain and protect their children. This money may also enhance public education on car safety through workshops, publications, and audio-visual aides.

This past June, Senator ABRAHAM and I sponsored a resolution that allowed the National SAFE KIDS Campaign to use a small portion of the Capitol Hill grounds to conduct a car seat check-up event and launch a new national safety campaign. The initiative, SAFE KIDS BUCKLE-UP, was a joint project of the National SAFE KIDS Campaign and the General Motors Corporation. Its purpose was to educate families about the importance of buckling up on every ride. This event and this initiative have been a success, but we need to do more to educate parents and public safety officials, not only on Capitol Hill, but in our communities.

This legislation will put more resources at the disposal of the people in our towns and cities, so they may do a better job of educating others and raising awareness on this issue.

Protecting our children is a critical national priority that deserves national attention. I applaud Senator ABRAHAM for his work on this issue, and I urge my colleagues to support this amendment.

Mr. McCAIN. Mr. President, as chairman of the Senate Committee on Commerce, Science, and Transportation, which has jurisdiction over most federal safety policies, I believe this amendment will be very beneficial to promoting the travel safety of our nation's youngsters.

Last April, we held Car Safety Seat Check-Up Day in Arizona. Numerous safety officials—including Administrator Martinez, participated in this event. During this event, parents had the opportunity to have trained law enforcement officers show them how to properly install child safety seats in their automobiles to maximize the effectiveness of the life saving equipment. In addition to the child restraint instructions, literature was distributed on other vital highway safety issues, including seat belt use and airbags.

I have continually urged NHTSA to take additional actions to improve the safety of children in motor vehicles. In that effort, public education is an important first step in addressing transportation safety concerns specific to young passengers. I am hopeful NHTSA's initiatives, coupled with the Abraham amendment, will greatly advance our efforts to promote child protection mechanisms.

Mr. President, as this measure continues through the legislative process, I want to express my intentions to strongly champion this initiative during conference deliberations. In particular, I want to ensure the states that receive assistance under this new program are fully vested participants. Given the very limited funding resources we are authorizing for this important program, we need to do all we can to ensure these limited dollars go as far as possible. As such, I believe we should explore the merits of authorizing the Secretary to implement requirements for matching funds as a condition for eligibility.

Mr. BAUCUS. Mr. President, I have some good news and some bad news. The good news is that the amendment offered by the Senator from Kansas has been cleared. The bad news is we have not yet checked with Commerce to make sure the amendment offered by the Senator from Michigan is cleared. We have not yet heard from the Commerce Committee, the committee of jurisdiction. So I suggest to the manager of the bill, and to the proponent of the amendment, if he could withhold and have his set aside, we could take up the Brownback amendment and agree to it. I expect Senator HOLLINGS and his staff will clear the Senator's amendment.

Mr. ABRAHAM. That is perfectly agreeable to this Senator. If someone wants to move to lay aside this amendment and move back to Senator Brownback's, that will be fine.

Mr. CHAFEE. Mr. President, I ask unanimous consent to set aside the Abraham amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1956

Mr. CHAFEE. We will proceed now to a vote on the Brownback amendment. That Brownback amendment is acceptable on this side.

Mr. BAUCUS. It is acceptable on this side as well.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1956) was agreed to.

Mr. BROWNBACK. Mr. President, I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, we are moving along and making good progress.

AMENDMENT NO. 1957 TO AMENDMENT NO. 1676

Mr. WARNER. Mr. President, on behalf of Senator HUTCHISON from Texas, I send an amendment to the desk and ask for its immediate consideration. It is an amendment which has been cleared by both sides. It would allow a State at its discretion to spend up to one-fourth of 1 percent of its funds allocated under the surface transportation program on initiatives to halt the evasion of motor fuel taxes. The U.S. Department of Transportation, which administers the motor fuel tax evasion program, has no objection to the amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mrs. HUTCHISON, proposes an amendment numbered 1957 to amendment No. 1676.

Mr. WARNER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 73, strike line 18 and insert the following:

"nance of the system.

"(8) In addition to funds allocated under this section, a state may, at its discretion, expend up to one-fourth of one percent of its annual federal-aid apportionments under 104(b)(3) on initiatives to halt the evasion of payment of motor fuel taxes."

Mr. WARNER. Mr. President, my understanding is this is acceptable to the distinguished ranking member.

Mr. BAUCUS. Mr. President, the Senator is correct; this is acceptable. Frankly, I think it is important to point out that there is, in some cases, an increase of fuel tax evasion. This amendment allows States to use a portion of their surface transportation funds to combat fuel tax evasion. So we are adding a new eligibility to surface transportation accounts.

I mention that also in part because the whole point of this underlying bill is to give States more flexibility compared with the current law, and this provision, in fact, will add even more flexibility than that contained in the underlying bill.

Mr. WARNER. I thank my distinguished colleague.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1957) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1958 TO AMENDMENT NO. 1676

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the senior Senator from Alaska, Mr. STEVENS, and ask for its immediate consideration. The amendment has been cleared by both sides. It would allow for the application of anti-icing applications to be eligible for certain Federal aid highway funds.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. STEVENS, proposes an amendment numbered 1958 to amendment No. 1676.

Mr. WARNER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Insert at the appropriate place:

23 U.S.C. Section 144 is amended—(1) in each of subsections (d) and (g)(3) by inserting after "magnesium acetate" the following: "or agriculturally derived, environmentally acceptable, minimally corrosive anti-icing and de-icing compositions"; and (2) in subsection (d) by inserting "or such anti-icing or de-icing composition" after "such acetate".

23 U.S.C. Section 133(b)(1) is amended by inserting after "magnesium acetate" the following: "or agriculturally derived, environmentally acceptable, minimally corrosive anti-icing and de-icing compositions".

Mr. BAUCUS. Mr. President, this amendment has been cleared on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1958) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I see our distinguished colleague from West Virginia. There are several additional amendments that will take but a few minutes. We wish to accommodate the senior Senator. Can he just acquaint the managers as to his desire?

Mr. BYRD. I thank my friend. I have no desire for the floor.

AMENDMENT NO. 1769 TO AMENDMENT NO. 1676

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of both Senators from Alaska and ask for its immediate consideration.

This amendment, offered by Senators MURKOWSKI and STEVENS, eliminates the redundant provisions of the law by integrating the so-called major investment study, MIS, requirement into the overall transportation planning process.

Under current law, States are required to conduct a major investment study when there are high-cost and high-impact transportation alternatives being considered. There have been many concerns raised that the MIS requirement duplicates other planning and project development processes already required under ISTEA.

This amendment would eliminate only those elements of the MIS that are duplicative of other transportation planning requirements. It would integrate those elements of the MIS requirement which are not duplicated elsewhere in the law into the larger transportation planning process. This amendment has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia (Mr. WARNER), for Mr. MURKOWSKI, for himself, and Mr. STEVENS, proposes an amendment numbered 1769 to amendment No. 1676.

Mr. WARNER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 269, line 2, insert "(a) IN GENERAL.—" before "Section".

On page 278, between lines 14 and 15, insert the following:

(b) REDUNDANT METROPOLITAN TRANSPORTATION PLANNING REQUIREMENTS.—

(1) FINDING.—Congress finds that certain major investment study requirements under section 450.318 of title 23, Code of Federal Regulations, are redundant to the planning and project development processes required under other provisions in titles 23 and 49, United States Code.

(2) STREAMLINING.—

(A) IN GENERAL.—The Secretary shall streamline the Federal transportation planning and NEPA decision process requirements for all transportation improvements supported with Federal surface transportation funds or requiring Federal approvals, with the objective of reducing the number of documents required and better integrating required analyses and findings wherever possible.

(B) REQUIREMENTS.—The Secretary shall amend regulations as appropriate and develop procedures to-

(i) eliminate, within six months of the date of enactment of this section, the major investment study under section 450.318 of title 23, Code of Federal Regulations, as a stand-alone requirement independent of other transportation planning requirements, and integrate those components of the major investment study procedure which are not duplicated elsewhere with other transportation planning requirements, provided that in integrating such requirements, the Secretary shall not apply such requirements to any project which previously would not have been subject to section 450.318 of title 23, Code of Federal Regulations.

(ii) eliminate stand-alone report requirements wherever possible;

(iii) prevent duplication by drawing on the products of the planning process in the completion of all environmental and other project development analyses;

(iv) reduce project development time by achieving to the maximum extent practicable a single public interest decision process for Federal environmental analyses and clearances; and

(v) expedite and support all phases of decisionmaking by encouraging and facilitating the early involvement of metropolitan planning organizations, State departments of transportation, transit operators, and Federal and State environmental resource and permit agencies throughout the decisionmaking process.

(3) SAVINGS CLAUSE.—Nothing in this subsection shall affect the responsibility of the Secretary to conform review requirements for transit projects under the National Environmental Policy Act of 1969 to comparable requirements under such Act applicable to highway projects.

Mr. MURKOWSKI. Mr. President, my amendment on major investment study requirements for highway projects in metropolitan areas was cleared by the managers and adopted during today's debate, but I wanted to say a few words about it.

Mr. President, regulations now require a major investment study for all large metropolitan projects. This requirement needlessly duplicates planning and study processes already required for such projects under other long range transportation planning efforts required in Title 23. The result is a significant slow-down in planning and project completion.

In my home state, major projects in our largest city, Anchorage, have been frozen in place by this needless insistence on needless studies. This amendment directs the Secretary to adopt regulations eliminating the Major Investment Study as a stand-alone requirement within six months, and to integrate any non-redundant and worthwhile portions of it into a new, streamlined transportation planning process that involves all concerned parties as early as possible in the planning and decision process.

This is a very important step in alleviating needless red tape and confusion for metropolitan planners, and moving forward on some vital projects, and I appreciate the managers' help in resolving this issue.

Mr. WARNER. I urge the adoption of the amendment.

Mr. BAUCUS. This is a red-tape buster. It is a good amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1769) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1838 TO AMENDMENT NO. 1676

(Purpose: To improve the magnetic levitation transportation technology deployment program)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the distinguished senior Senator from Pennsylvania, Mr. SPECTER; the Senator from New York, Mr. MOYNIHAN; and the junior Senator from Pennsylvania, Mr. SANTORUM.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SPECTER, for himself, Mr. MOYNIHAN and Mr. SANTORUM, proposes an amendment numbered 1838 to amendment No. 1676.

Mr. WARNER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 115, strike lines 12 through 16 and insert the following:

"(f) PROJECT SELECTION.—

"(1) PRE-CONSTRUCTION PLANNING ACTIVITIES.—

(A) Not later than 90 days after a deadline established by the Secretary for the receipt of applications, the Secretary shall evaluate the eligible projects in accordance with the selection criteria and select 1 or more eligible projects to receive financial assistance for pre-construction planning activities, including—

"(i) preparation of feasibility studies, major investment studies, and environmental impact statements and assessments as are required under state law;

"(ii) pricing of the final design, engineering, and construction activities proposed to be assisted under paragraph (2); and

"(iii) such other activities as are necessary to provide the Secretary with sufficient information to evaluate whether a project should receive financial assistance for final design, engineering, and construction activities under paragraph (2).

"(B) Notwithstanding section (a)(1) of this section, eligible project costs shall include the cost of pre-construction planning activities.

"(2) FINAL DESIGN, ENGINEERING, AND CONSTRUCTION ACTIVITIES.—After completion of pre-construction planning activities for all projects assisted under paragraph (1), the Secretary shall select 1 of the projects to receive financial assistance for final design, engineering, and construction activities."

Mr. WARNER. Mr. President, this amendment provides that preconstruction costs and planning costs are included as eligible activities under the maglev program.

The maglev program is one which the senior Senator from New York, Mr. MOYNIHAN, has really been the driving force, and it is catching on in terms of interest all across America. I am pleased to submit this on behalf of those three Senators.

Mr. BAUCUS. Mr. President, as the Senator from Virginia stated, the Senator from New York has been the leader in maglev. It is really incredible that this Nation is so far behind other countries. We are going to have it eventually in this country. It is too bad we did not have it earlier. This helps in that process. It is not additional money, but it does help the maglev program, and I accept the amendment.

Mr. SPECTER. Mr. President, I have sought recognition to speak in support of the amendment I have offered with my distinguished colleagues, Senators MOYNIHAN and SANTORUM, which clarifies that pre-construction planning activities are eligible for funding under Section 1119 of the bill, which establishes a magnetic levitation transportation technology deployment program.

I have long supported the concept of maglev systems, where through the use of magnetic levitation, the passenger cars are propelled above a steel and concrete guideway at speeds as high as 300 miles per hour. In January, 1998, I rode the maglev being developed by Thyssen in Lathen, Germany at 422 kilometers per hour and it was exhilarating to be in a kind of mass transit which goes so fast. I am committed to bringing this technology to Pennsylvania, where it will create thousands of manufacturing jobs for steelworkers and high tech firms. It would be a tremendous boon to the economy of every stop along the line from Philadelphia to Pittsburgh. People could go from Philadelphia to Pittsburgh in one and a half hours non-stop, revolutionizing our transportation system. Or, there would be intermediate stops in Harrisburg, Lewisburg, Altoona, Johnstown, and Greensburg, adding only about 40 minutes to the trip.

Section 1119 of the pending bill reflects the provisions of the maglev funding bill introduced by Senator MOYNIHAN, which I cosponsored, and would fund the capital costs associated with 1 maglev project chosen by the Secretary of Transportation. The bill includes $30 million in contract authority and more than $900 million in authorizations of appropriations for the outyears. However, in the absence of our amendment, the bill does not provide specific financial assistance for pre-construction planning activities.

There are several States which have groups currently exploring the feasibility of maglev projects and which need federal assistance for pre-construction planning, feasibility studies, final design work, and environmental impact statements. States showing interest include California, Florida, Maryland, Nevada, and Pennsylvania.

The Specter-Moynihan amendment amends the bill to clarify that pre-construction planning activities are eligible project costs and that the Secretary may make grants to more than one maglev project for such pre-construction planning costs. Without such funds, it is unclear whether any project will be ready for the capital assistance envisioned in the current bill.

Our amendment would make eligible for federal funds pre-construction planning activities to include: (1) preparation of feasibility studies, major investment studies, and environmental impact statements and assessments as required by state law; (2) pricing of final design, engineering and construction activities; and (3) other activities necessary to provide the Secretary with sufficient information to evaluate whether the project should receive financial assistance for final design, engineering, and construction activities.

I am particularly hopeful that this amendment will ultimately help MAGLEV, Inc., a nonprofit consortium in Pittsburgh, which has licensed the German technology and plans to build a state-of-the-art steel fabrication facility capable of constructing the steel guideways needed for a maglev system, which has the potential to create hundreds of jobs in the region. The first planned maglev system segment could be from Westmoreland County into downtown Pittsburgh and on to the Pittsburgh International Airport, at a projected cost of $1.3 billion.

I look forward to working with my colleagues to ensure that this amendment is preserved in conference with the House and thank them for allowing it to be included in the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1838) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1959 TO AMENDMENT NO. 1676

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of Senator CAMPBELL and Senator GRAMM.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. CAMPBELL, for himself, Mr. GRAMM and Ms. MOSELEY-BRAUN, proposes an amendment numbered 1959 to amendment No. 1676.

Mr. WARNER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . LIMITATIONS.

(a) PROHIBITION ON LOBBYING ACTIVITIES.—(1) No funds authorized in this title shall be available for any activity to build support for or against, or to influence the formulation, or adoption of State or local legislation, unless such activity is consistent with previously-existing Federal mandates or incentive programs.

(b) Nothing in this section shall prohibit officers or employees of the United States or its departments or agencies from testifying before any State or local legislative body upon the invitation of such legislative body.

Ms. MOSELEY-BRAUN. Mr. President, I thank the leaders of the Environment and Public Works Committee—Chairman CHAFEE, Senator BAUCUS, and Senator WARNER—for working with us on this amendment, and I want to thank my colleague from Colorado, Mr. CAMPBELL, for offering this amendment with me.

Our amendment will help address concerns that the National Highway Traffic Safety Administration has been actively lobbying state legislatures to enact state laws that are not consistent with any other federal mandate or incentive program. It has come to our attention, for example, that NHTSA has engaged in an active lobbying campaign to urge states to enact laws mandating that motorcycle riders wear helmets.

Two years ago, during consideration of the National Highway System bill, Congress voted to repeal a section of the Intermodal Surface Transportation Efficiency Act that sanctioned States without mandatory motorcycle helmet laws. At that time, Congress determined that the issue of motorcycle safety was best left in the hands of State governments, and that the decision about whether or not to enact mandatory helmet laws was best left to State lawmakers.

Since that time, the National Highway Traffic Safety Administration (NHTSA) has actively engaged in a lobbying campaign to try to persuade State legislators to enact mandatory motorcycle helmet laws. According to the U.S. General Accounting Office, they sent letters, made phone calls, showed up at State hearings on motorcycle helmet laws and acted in a variety of ways to encourage States to enact mandatory helmet laws. Sometimes they have been invited to offer their technical expertise, and sometimes they have simply shown up to try to persuade State legislators to require motorcycle riders to wear helmets.

NHTSA recently entered into a $149,000 contract to produce a media package designed to encourage States to enact mandatory helmet laws. This contract includes the production of a video and other promotional materials. I would like to quote from the description of the contract:

The contractor shall produce a media package that includes a 12 to 15 minute video presentation and complementary 'white paper' that presents the injury prevention and economic benefits of enacting mandatory motorcycle helmet laws for all riders.

> . . . While the primary audience will be state legislators, the information contained in the video and accompanying 'white paper' can also be used by Federal, state, and local safety officials, and injury prevention groups who are working to replace existing, but ineffective, helmet laws with stronger mandatory helmet use legislation. This information will also be used to provide technical assistance in order to defeat repeal efforts of existing laws.

Mr. President, I know that NHTSA engages in lobbying efforts on a number of safety issues and encourages States to enact laws and implement policies relating to a variety of highway safety issues. I do not oppose these activities, and our amendment does not prevent NHTSA from continuing to work with States to improve highway safety.

With regard to motorcycle safety, however, NHTSA would do better by the American public if they were to encourage States to implement rider education and awareness programs, rather than concentrating their energy on encouraging States to enact mandatory motorcycle helmet laws.

The evidence suggests that it is those States with the most comprehensive rider education programs that have the lowest accident and fatality rates—not the States with the toughest mandatory helmet laws.

In 44 States, motorcycle riders pay for rider education programs. Since 1980, both motorcycle accidents and motorcycle fatalities have fallen from an all time high of 5,097 fatalities and 177,160 accidents to 2,221 fatalities and 73,432 accidents. Through safety training, over 15 years, motorcyclists reduced accidents by 58 percent and fatalities by 56 percent.

The job of NHTSA should be to encourage States to strengthen their motorcycle rider education programs—not to encourage States to restrict the freedoms of motorcycle riders by forcing them to wear helmets.

I would like to quote briefly from a letter from the director of NHTSA, Dr. Ricardo Martinez, to a State legislator, discussing this issue. I believe this letter succinctly illustrates NHTSA's attitude toward motorcyclists. Dr. Martinez wrote in this letter dated June 17, 1997, "Like other preventable diseases, motorcycle riders can be vaccinated to prevent most head injuries by simply wearing a helmet."

Mr. President, motorcyclists are not diseased, and they should not be treated as though they are. The issue is not whether motorcycle riders ought to wear helmets. Of course they should.

The question, however, is what is the appropriate Federal role in improving motorcycle safety? The question is whether the Federal government should mandate the use of motorcycle helmets, and whether the Federal government should actively try to persuade State governments to mandate the use of motorcycle helmets.

Congress answered the first question two years ago when we repealed the penalties on States that did not have mandatory motorcycle helmet laws.

Our amendment addresses the second question, and will redirect NHTSA's interest in improving motorcycle safety toward the promotion of rider education programs, and away from the misguided promotion of mandatory helmet laws.

I again thank the leadership of the Environment and Public Works Committee and Senator CAMPBELL, who has been a leader in this issue. We worked together two years ago, along with a number of other senators, to repeal the motorcycle helmet mandate. He is here now, and I know he would like to comment on the intent of this amendment.

Mr. CAMPBELL. Mr. President, I thank the Senator from Illinois, Ms. MOSELEY-BRAUN. She has been a leader on this issue and I have enjoyed working with her.

Mr. President, I want to clarify the intent and effect of our amendment. It will not prohibit NHTSA from lobbying on behalf of tougher drunk driving laws, seat belt laws, or air bag requirements. In each of those cases, there are federal mandates or incentive programs designed and in place. It would also not prohibit NHTSA from lobbying on behalf of improved motorcycle safety. In fact, we would hope that NHTSA would engage in more activities designed to improve motorcycle safety and education programs.

Ms. MOSELEY-BRAUN. Mr. President, my colleague from Colorado just made an important point. We would encourage NHTSA to work with state governments to improve motorcycle safety and education programs, to work with them on accident prevention, on rider education, and on driver awareness campaigns. Our amendment is simply designed to ensure that NHTSA's efforts on behalf of motorcycle safety are no longer one-sided, and are no longer in conflict with the stated intent of Congress, which was to leave the decision of whether to enact mandatory motorcycle helmet laws entirely to state legislatures.

Mr. CAMPBELL. Mr. President, I thank the Senator from Illinois for that clarification, and I urge the adoption of the amendment.

Mr. WARNER. Mr. President, this amendment clarifies that funds provided under this bill shall not—I repeat, shall not—be used by the Department of Transportation for lobbying activities unless those activities are consistent with existing Federal programs.

Mr. BAUCUS. Mr. President, this amendment has been cleared on this side.

Mr. WARNER. I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1959) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS. Mr. President, I ask unanimous consent that Senator MOSELEY-BRAUN be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1838

Mr. MOYNIHAN. Mr. President, Senator SPECTER, for himself and the Senator from New York, submitted amendment No. 1838. I ask that that now be the pending business.

The PRESIDING OFFICER. That amendment has already been agreed to.

Mr. MOYNIHAN. There are just some days you have nothing but luck around here. Might I just thank the managers for having agreed to the amendment. I am sure Senator SPECTER would want to be associated with this. I make the point for the record that in our present legislation, the Secretary of Transportation is directed to choose one maglev project to proceed.

Senator SPECTER and I feel that there is no reason we should not have more than one, if that makes sense. If there are alternative engineering techniques that should be tested, the Secretary agrees more than one is the way to proceed in an experimental mode.

I note, sir, that magnetic levitation was invented on the Bronx-Whitestone Bridge in February of 1960. A nuclear engineer by the name of Powell, working at Brookhaven, was on his way back to MIT from a visit, and between the time the car slowed down in that "permanent" traffic jam and the time he paid his toll, he thought up maglev.

The Germans are now in the process of building a route from Hamburg to Berlin, which will be open in 2005 and make the trip in 55, 58 minutes. The Japanese have much the same technology. We have nothing. In ISTEA I we authorized $1 billion for this newest mode of transportation since the airplane. It is an extraordinary phenomenon. It travels easily at 270 miles an hour, will go to 350—no friction, no exhaust. We invented it; the Germans and the Japanese are building it.

In the 6 years of ISTEA, with the $1 billion authorized, no Secretary of

Transportation took any effort, any energy, any initiative. That is a formula for failure, failure in Government. We hope that this will not continue. We have authorized an equal amount in this bill, but we had better pull up our socks here or we are going to find ourselves with the most important transportation technology of the next century manufactured elsewhere—important here.

I just add, because the distinguished senior Senator from West Virginia is on the floor, that this type of transportation is uniquely suited for the generation of electricity and powerplants that is then distributed along the system. It does not have to—you do not have your powerplant within the train or within the car or within the plane. It is simply electricity moving along magnets—elemental. Simple as a thing can be, a great American invention so far ignored by our Department of Transportation, which I am sorry to say is still in the four-lane highway mode and does not seem to be able to get out of it.

But that is a personal view. I do not want to associate it with Senator SPECTER—just mine.

I thank the Chair, and I thank the managers of the bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1960 TO AMENDMENT NO. 1676

(Purpose: To give preference under the Interstate 4R and bridge discretionary program to States that are bordered by 2 navigable rivers that each comprise at least 10 percent of the boundary of the State, and for other purposes)

Mr. WARNER. Mr. President, I now send to the desk an amendment on behalf of Senator CHAFEE and Senator BAUCUS and myself.

This amendment addresses a number of issues which, in the judgment of the three principal managers, strengthen this bill. It primarily relates to the I-4R and bridge discretionary program, Indian roads, research activities, and other very significant issues.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself, Mr. CHAFEE and Mr. BAUCUS, proposes an amendment numbered 1960 to amendment No. 1676.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. WARNER. My understanding is it is acceptable.

Mr. BAUCUS. Mr. President, on this side I do accept this amendment. Frankly, this is another one of those that just makes the bill more fair. And it is a good idea.

Mr. WARNER. I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1960) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1961 TO AMENDMENT NO. 1676

(Purpose: To provide that a State with respect to which certain conditions are met shall be eligible for the funds made available to carry out the high density transportation program that remain after each State that meets the primary eligibility criteria for the program has received the minimum amount of funds)

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of Senator LEVIN and Senator ABRAHAM relating to the density program.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. LEVIN, for himself and Mr. ABRAHAM, proposes an amendment numbered 1961.

Mr. WARNER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 13, between lines 9 and 10, insert the following:

(6) ADDITIONAL ELIGIBLE STATES.—In addition to States that meet the eligibility criteria under paragraph (3), a State with respect to which the following conditions are met shall also be eligible for the funds made available to carry out the program that remain after each State that meets the eligibility criteria under paragraph (3) has received the minimum amount of funds specified in paragraph (4)(A)(i):

(A) POPULATION DENSITY.—The population density of the State is greater than 161 individuals per square mile.

(B) VEHICLE MILES TRAVELED.—The amount determined for the State under paragraph (2)(A) with respect to the factor described in paragraph (2)(A)(ii) is greater than the national average with respect to the factor determined under paragraph (2)(B).

(C) URBAN FEDERAL-AID LANE MILES.—The ratio that—

(i) the total lane miles on Federal-aid highways in urban areas in the State; bears to

(ii) the total lane miles on all Federal-aid highways in the State;

is greater than or equal to 0.26.

(D) APPORTIONMENTS PER CAPITA.—The amount determined for the State with respect to the factor described in paragraph (2)(A)(iv) is less than 85 percent of the national average with respect to the factor determined under paragraph (2)(B).

On page 136, after line 22, in the section added by Chafee Amendment No. 1684—

(1) on page 13, line 10, strike "(6)" and insert "(7)";

(2) on page 13, line 14, strike "(7)" and insert "(8)"; and

(3) on page 14, line 1, strike "(8)" and insert "(9)".

Mr. WARNER. Mr. President, this amendment just expands the eligibility of States under the density program. It clarifies the conditions States are required to meet to be eligible for the program. I understand this is acceptable on this side.

Mr. BAUCUS. It has been cleared.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1961) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

AMENDMENT NO. 1962 TO AMENDMENT NO. 1676

(Purpose: To provide additional uses for the payment by AmTrak to non-AmTrak States)

Mr. BAUCUS. Mr. President, I have an amendment which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for Mr. DASCHLE, for himself, Mr. THOMAS and Mr. ENZI, proposes an amendment numbered 1962 to amendment No. 1676.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the title entitled "Revenue", add the following:

SEC. . ADDITIONAL QUALIFIED EXPENSES AVAILABLE TO NONAMTRAK STATES.

(a) IN GENERAL.—Section 977(e)(1)(B) of the Taxpayer Relief Act of 1997 (defining qualified expenses) is amended—

(1) by striking "and" at the end of clause (iii) and all that follows through "clauses (i) and (iv).", and

(2) by adding after clause (iii) the following:

"(iv) capital expenditures related to State-owned rail operations in the State,

"(v) any project that is eligible to receive funding under section 5309, 5310, or 5311 of title 49, United States Code,

"(vi) any project that is eligible to receive funding under section 130 or 152 of title 23, United States Code,

"(vii) the upgrading and maintenance of intercity primary and rural air service facilities, and the purchase of intercity air service between primary and rural airports and regional hubs,

"(viii) the provision of passenger ferryboat service within the State, and

"(ix) the payment of interest and principal on obligations incurred for such acquisition, upgrading, maintenance, purchase, expenditures, provision, and projects."

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 977 of the Taxpayer Relief Act of 1997.

Mr. DASCHLE. Mr. President, Congress last year approved a $2.3 billion tax program primarily to finance capital improvements for Amtrak. This amendment applies to that legislation, which was part of the Taxpayer Relief Act of 1997.

Under the able and distinguished leadership of the Chairman of the Finance Committee [Mr. ROTH] and the Ranking Member [Mr. MOYNIHAN], the law wisely set aside 1 percent of the total tax benefit for each state with no Amtrak service, which amounts to $23 million. The 6 states currently lacking Amtrak service are South Dakota, Wyoming, Oklahoma, Maine, Alaska and Hawaii. However, the law limited the use of those funds by non-Amtrak states to inter-city passenger rail or bus service capital improvements and maintenance, or the purchase of inter-city passenger rail services from the National Railroad Passenger Corporation.

This formulation presented real problems for states like South Dakota, Wyoming, Hawaii and some of the other non-Amtrak states that have no passenger rail service and only limited inter-city bus service. Due to these limitations, this otherwise valuable funding would not significantly benefit our states, nor could they wisely invest funds in such service.

Our amendment would expand the eligible uses of funding provided to non-Amtrak states under this provision to include the expenditure of such funds for transit, rail and highway safety, state-owned rail lines, small rural air service facilities, and passenger ferryboat service. These modes of transportation provide a similar function in our states to the role played by Amtrak in the states it serves.

None of these funds come from any other states, nor does our amendment authorize any additional funds for our states. It is completely budget-neutral. Rather, it simply expands the eligible uses of the funds that our states are already scheduled to receive by law.

Mr. President, let me explain the types of programs our states could use these funds for under our amendment.

First, it allows use of our funds for rural and public transportation projects that are eligible for funding under Sections 5309, discretionary transit-urban areas, 5310, transit capital for the elderly and handicapped, and 5311, rural transit capital and operations. Rural public transportation, a portion of which is inter-city in nature in transporting elderly and disabled from small towns to larger cities for medical care, shopping and other purposes, as well as providing local nutritional needs and mobility, is extremely important and needed in South Dakota in order to deal with the vast aging population in a sparsely populated area. During FY 1996 in my state, rural public transportation operators provided 1,114,672 rides and traveled 2,102,414 miles transporting the elderly and disabled of which over 50% of the rides were for medical, employment and nutritional needs. However, only about two-thirds of the state currently has access to limited public transportation, and over half of the existing transit vehicles in the providers' fleets are older than 7 years or have over 100,000 miles. Therefore this funding would address significant public transit needs.

Second, it allows use of our funds for rail/highway crossing safety projects that are eligible for funding under Section 130 of Title 23. Only 219 out of 2025 of South Dakota's rail/highway crossings are signalized, and there is a tremendous unmet need to improve the safety of rail/highway crossings in the state.

Third, it provides for capital expenditures for state-owned rail lines. This is extremely important for states like South Dakota, which made a major investment and currently owns many of the rail lines operating in the state in order to provide a core rail transportation system to benefit the state's agricultural economy. This is a very narrow class of operations. This special one time credit would be utilized only to upgrade state-owned railroads. In cases where states own railroad facilities, they were purchased by the state only as a last resort. The state took extraordinary measure to preserve a core level of rail transportation to protect the public interest and support the state's economy.

South Dakota owns 635 miles of active trackage that was purchased from the bankrupt Milwaukee Railroad in the 1980's. The primary operation on this line is performed under an operating agreement between the South Dakota and the Burlington Northern/Santa Fe Railroad. Much of the state-owned rail line has been in place since it was originally constructed, and much of it is in sub-standard condition or is too lightweight to efficiently handle current railroad car weights. This funding would allow the state to upgrade its rail line to enhance movement of agriculture and natural resource products.

Fourth, it expands the eligible use of the funds to hazard elimination safety projects that are eligible for funding under Section 152 of Title 23. This funding would be used to implement safety improvements at locations on public roads where there is a documented high accident frequency. Projects eligible under this program include installation of traffic signals, traffic control signs, or guardrails; reconstruction of intersections, construction of turning lanes, climbing lanes, or passing lanes; flattening slopes, removing sharp curves, and other appropriate safety measures. This would reduce the potential for traffic accidents and save lives.

Finally, at the request of my distinguished colleague from Hawaii [Mr. INOUYE], the amendment permits use of the funds for passenger ferryboat service within any non-Amtrak state. This makes perfect sense for states like Hawaii and Alaska that rely on ferryboat service in the same fashion that other states rely on Amtrak service.

Mr. President, I thank the able Ranking Member on the Committee on Environment and Public Works [Mr. BAUCUS] for his assistance in moving this amendment, and the assistance of the distinguished Chairman [Mr. CHAFEE] for expediting its consideration.

Mr. BAUCUS. Mr. President, it is a very simple amendment offered on behalf of Senator DASCHLE, Senator THOMAS, and Senator ENZI. Essentially, it allows States that receive Amtrak money but States which have no Amtrak to be able to spend that money on light rail or rural rail service. That is the point of the amendment.

Mr. WARNER. Mr. President, this amendment is acceptable on this side. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1962) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS. Mr. President, I ask unanimous consent that Senator INOUYE be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, on behalf of the distinguished majority leader and the Democratic leader, I make the following unanimous consent request. I ask unanimous consent that it be in order during the pendency of the Finance Committee amendment Senator MACK be recognized to offer an amendment in relation to repeal of the 4.3-cent gas tax, and the amendment be considered under the following terms: 2 hours for debate prior to a vote in relation to the amendment, to be equally divided in the usual form; that no amendments be in order to the Mack amendment, or the language proposed to be stricken, prior to a vote in relation to the Mack amendment; and that following the conclusion or yielding back of time, the Senate proceed to vote on or in relation to the Mack amendment or a motion to waive.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, parliamentary inquiry. The right to raise a point of order is preserved under this?

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. I thank the Chair.

That was important on behalf of Members.

Mr. BAUCUS. Mr. President, reserving the right to object, I want to underline that last point about the availability of a point of order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FRIST). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANTORUM). Without objection, it is so ordered.

AMENDMENT NO. 1911, AS MODIFIED

Mr. ABRAHAM. Mr. President, I call up amendment No. 1911.

Mr. President, earlier today I spoke at some length about this amendment which involved making dollars available for educational efforts to try to better inform families as to how to properly use child passenger safety seats. We discussed it at some length, and at that time it had not been cleared on both sides. It is my understanding that it now has. I hope we can agree to it at this juncture.

Mr. CHAFEE. Mr. President, this amendment is agreeable to this side.

Mr. BAUCUS. Mr. President, we checked with the Commerce Committee and the ranking member, and it is also cleared with them.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan.

The amendment (No. 1911), as modified, was agreed to.

Mr. ABRAHAM. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ABRAHAM. Mr. President, I thank the managers again for their working with us on this. Also, I would like to thank both the chairman and ranking member of the Commerce Committee for their help and cooperation on behalf of Senators MCCAIN and DODD.

We appreciate very much its inclusion in the legislation. I think it is an important step in the right direction.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Drew Willison, a congressional fellow in my office, be extended floor privileges during the pendency of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1726

Mr. REID. Mr. President, I rise in opposition to an amendment offered by my friend, the senior Senator from the State of Arizona, concerning what he refers to as "demonstration projects."

I rise as someone who has served both in the House of Representatives and in this body, and am aware of demonstration projects that have been initiated in both the House of Representatives and in this body.

First of all, we must acknowledge that the House is going to have demonstration projects in their bill. There is no question about that. They have had them in the past. They will have them in the future. As long as there is a House of Representatives, there will be demonstration projects. There is no chance that the House will pass a transportation bill—an ISTEA bill—without earmarks of individual Members' projects.

The Senate, in its wisdom, has refused at the committee level to adopt such a procedure for the consideration of demonstration projects. I have stated in those committee meetings that I thought they were wrong. But I accept the will of the majority of the committee and have not talked at great length about that. But I don't think that we should merely defer to the House on this matter. It would appear that we will, before this procedure is all over, have in the Senate version of the bill projects that are referred to as "demonstration projects."

The House has a procedure. These aren't just willy-nilly thrown into the bill. The House committee of jurisdiction required a 14-point checklist. They are filled out for each demonstration project before they would even consider it. Only a very few projects on that list in the House will ultimately be accepted for funding. If the original ISTEA legislation is any indication, well under 10 percent of the final dollar amount in the House will be earmarked for demonstration projects.

I also say to my friend from Arizona, for whom I have the greatest respect—and we have worked very closely on a lot of different issues—that I don't think that referring to these matters as "glorified pork" is doing anything to add any stature to this body or the other body.

For example, in the State of Nevada—we are the fastest growing State in the Union—we have tremendous problems in the Las Vegas area. We have 300 new people, approximately, moving in there every day. We have all kinds of traffic problems because of that tremendous growth.

I say to my friend from Arizona, and others within the sound of my voice, take for example, Hoover Dam. Hoover Dam is built over the Colorado River, which separates the States of Arizona and Nevada. The traffic that travels from Arizona into Nevada has to go over the bridge. For decades, they have said that is a security risk to this country and should be replaced. It has only gotten worse as years have gone by. We have now often times 5 to 7 miles of backups of cars waiting to get over that bridge. It is not only dangerous and unsafe but also, because of the national importance of this dam, it is very insecure for purposes of terrorist attacks. We have authorized, Mr. President, a new bridge over the river to alleviate that traffic. That is going to have to come in some type of an earmark. It is going to cost $150 million. Somehow, because of the need to move commerce—not to Las Vegas but throughout the country—we are going to have to have something done about heavy traffic coming over that river. Commerce is being held up there, interstate commerce—trucks hauling goods from all over the country. We need to do something with the bridge over the river.

Take, for example, what we refer to as the "spaghetti bowl" in Las Vegas, on I–15 and U.S. Highway 95 from Salt Lake to Reno, to the bridge, and to Boulder City. I have already indicated that we are the fastest growing State in the United States. This spaghetti bowl is holding up interstate commerce. Large trucks hauling all kinds of products simply can't move through that area because it is clogged. We have been very fortunate in that this interchange is going to be rebuilt. It is going to be rebuilt with earmarked funds. Now, maybe someday we would have done that anyway, but how many lives would have been lost and what would be the loss to productivity in not being able to move people through that part of the country? So it is good that we went ahead and did this.

Carson City, NV, remains one of only a handful of State capitals in the United States that are not linked to an interstate system. An earmark in the original ISTEA bill funded the first leg of this critical link.

Finally, we have a real problem bringing people between the States of California and Nevada. This used to be just a Nevada problem, until California came to the realization that commerce from California simply could not move through southern Nevada because it was clogged on I–15. We worked out a cooperative project with the States of California, Nevada, and Arizona. This interchange that sends traffic to all three States is now beginning to be replaced. This, again, was done with an earmark. There is certainly nothing wrong with that, something that benefits the country. It doesn't benefit Arizona more than Nevada, or California more than Nevada, or Arizona more than California. It benefits all three States. There is terrible congestion there. There is a lot more work that needs to be done on I-15 and along its entire route.

As I have indicated, at some time, perhaps, these projects would have been funded. But what tragedies would have occurred had these projects not gone forward? In a State that is experiencing growth like Nevada or California, we have been able to move ahead on some of these projects more rapidly than we would have normally. Delivering critical needs and services promptly is what the people of this country expect. It has nothing to do with glorified pork.

Not surprisingly, this year's list of House requests is filled with far more projects such as the ones that I have just described than some of the unusual projects described by my colleague from Arizona. We are talking about a relatively small amount of money here, and the projects that are funded in this manner are frequently of critical importance to the States or they would not be earmarked.

Regarding the notion that these projects should count against the State's obligation limit, I would ask three questions:

First, would the House ever agree with that? The answer is, obviously, no. We spoke today with the House Surface Transportation Committee. To say they reacted coolly, coldly, is an understatement. Instead of preparing for the inevitable day when demonstration projects both exist and are outside the obligation limit, we are, once again, hiding behind some type of rhetoric that has nothing to do with effectively preparing the conference's bill for the Senators.

Second, how are we defining a demonstration project under this amendment? I feel very confident that the Senators from Maryland and Virginia are not eager to have the Woodrow Wilson Bridge count against their State's obligation limit. The bridge is federally owned, just like the bridge at Hoover Dam. Perhaps the State should be held harmless. I believe that is the case. But that argument can be made about any number of federally owned facilities; as example, Hoover Dam. The bridge between Nevada and Arizona has to be built. Should Nevada or Arizona be penalized as a result of that? Obviously, the answer is no.

Third, we have to give our colleagues some credit. The members of the conference committee are charged with doing what they can to hammer out a bill that is acceptable to both bodies. This is a key point. Obviously, a State that gets a disproportionate share of demonstration projects is going to get less in the final bill. Is it always dollar for dollar? Of course not. But it needs to get past both Houses. Spreading largess one way or another is frequently the way we get a bill. We have to look at the process we have used to get the bill this close to completion. It is a tedious process, but it has worked well.

Finally, I suggest to my friend from Arizona that if the Senate would be realistic, and we usually are, and we will be when the conference is completed, there will be demonstration projects.

I suggest this amendment should not be something we just accept. I think we should vote against it. I know people are going to say, Why should I vote this way? Usually we knock it out in conference anyway. But I do not think we should be doing that. I think we should recognize this is not a good amendment. It is something unrealistic, for the points I mentioned, and they are that conference committee members will do their best to come up with a good bill, demonstration projects, by definition, are very difficult to come by—for example, the Hoover Dam Bridge and the Woodrow Wilson Bridge are two good examples—and, last, the House is never going to agree to this. So I think we should vote the right way and vote against this amendment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GREGG). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1963 TO AMENDMENT NO. 1676

(Purpose: To provide for a committee amendment)

Mr. ROTH. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH] proposes an amendment numbered 1963 to amendment No. 1676.

Mr. ROTH. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is located in today's RECORD under "Amendments Submitted.")

Mr. ROTH. Mr. President, I am pleased to rise today to send to the desk the Finance Committee's amendment to the pending legislation. The work of the Finance Committee complements the work undertaken by the Environment and Public Works Committee. In general, the Finance Committee amendment updates the current Tax Code provisions to correspond to the purposes of the pending legislation. There are several additional provisions contained in the Finance Committee amendment that I would like to highlight in my remarks today.

In particular, the Finance Committee amendment extends the current expiration date of the highway fund excise taxes and the authority to spend revenue from the highway fund for 6 years. It also extends current law transfers of revenue on motorboat and small engine gasoline taxes from the highway fund to the aquatic resources trust fund for 6 years.

The Finance Committee amendment also extends the alternative fuels tax provision for 6 years. These provisions are extended at reduced rates. They are identical to the provisions that were included in the Senate version of the Taxpayer Relief Act of 1997.

The Finance Committee amendment clarifies a provision relating to the taxability of employer-provided transportation benefits. The amendment clarifies employees who have the choice of either receiving cash compensation or receiving one of three nontaxable transportation fringe benefits. The nontaxable transportation fringe benefits are employer-provided parking, employer-provided transit passes and employer-provided van pooling services. This provision would give all employees the flexibility to determine the type of employer-subsidized transportation benefit that they want to use or whether they want to receive cash instead of using these employer-provided benefits.

This provision also provides that the value of tax-free employer-provided transit passes and van pooling services would be increased from $65 per month to $100 per month in the year 2002. Both of these changes are offset by delaying the cost-of-living increase and the amount of tax-free employer-provided parking that would have been made in 1999.

The Finance Committee also extends the highway trust fund expenditures authority through September 30, 2003. This provision is important because without it, States would not have access to highway trust fund monies.

With regard to another issue, railroads are unfairly burdened under current law. They are required to pay a higher deficit reduction tax than other modes of transportation. The Finance Committee amendment helps to remedy this unfairness by repealing the $1.25 gallon deficit reduction rail diesel tax as of March 1, 1999.

The committee amendment also clarifies the tax treatment of funds received under the Congestion Mitigation Air Quality Program. The Finance

Committee amendment includes a proposal to allow public-private partnership to use tax-exempt bonds to fund highway toll roads and bridge construction projects.

Finally, the amendment also includes language that would provide for a 2-year moratorium on the fuel terminal registration requirement concerning kerosene. Senator CHAFEE and Senator NICKLES have worked hard to reach this compromise. It is their hope that the market will work properly to ensure the availability of both dyed and undyed kerosene. If not, then the provision would be implemented as originally enacted.

The amendment includes a supplement through the technical explanation of the Finance Committee amendment that was printed in the CONGRESSIONAL RECORD on October 8, 1997. Mr. President, the Finance Committee amendment was approved on a voice vote. All members of the Finance Committee support the amendment. It is my hope that this Senate will proceed swiftly to enact this amendment.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, might I rise in the spirit of the chairman's wish and the Senate's clear interest that we move ahead and get this work done. It is almost finished. This is an absolutely indispensable title. It provides the money for the programs that have been authorized so far.

I will make two points. One is that the amendment was reported out of the Committee on Finance unanimously. Once again, the chairman has brought us to a bipartisan unanimous position, and I personally thank him for accepting the provision that gives equal treatment to mass transit commuters, as well as those who receive parking benefits from their employers.

This is an excellent measure, Mr. President. It is not without certain serendipity that the managers of the underlying bill, the Senator from Rhode Island and the Senator from Montana, are also members of the Finance Committee.

So we are here in perfect accord, and I hope we can proceed directly to approving this amendment, although I understand we have an agreement that an amendment will be offered shortly by the Senator from Florida.

I thank the Chair, and I yield the floor.

Mr. CHAFEE. Mr. President, I am pleased to strongly support the amendment offered by the chairman of the Finance Committee which adds the revenue title to the Intermodal Surface Transportation Efficiency Act of 1997. Along with extending the motor fuel excise taxes, this amendment includes several changes to the nation's tax laws that will further the goal of improving the quality of transportation in our country.

I want to take a few moments to discuss a few of those provisions.

EXPANSION OF COMMUTER CHOICE BENEFITS

The Internal Revenue Code allows employers to provide parking or transit benefits to employees on a tax-free basis. These benefits are limited to parking valued at no more than 175 dollars per month and transit or commercial vanpool benefits valued at no more than 65 dollars per month.

Prior to this year, these tax exempt benefits had to be offered by an employer on a take-it-or-leave-it basis. That created a strong inducement for employees to drive to work, even in those instances where an employee would prefer alternative methods of commuting. Given the choice between free parking or nothing at all, most commuters will choose to drive to work and take advantage of the free parking.

Last year's tax bill corrected this problem by giving employers flexibility in offering transportation benefits. Under that change, employers who want to offer employees a choice between free parking or a raise in salary can do so without jeopardizing the tax benefits for employees who want to keep their parking spaces.

The Finance Committee amendment extends this flexibility to transit and vanpool benefits. Under this change, an employee now can choose between taxable cash compensation and tax-free transit or vanpool benefits. This puts transit benefits on a level playing field with employer-provided parking.

EXPAND TAX-FREE TRANSIT BENEFITS

In addition to providing flexibility in the provision of transit benefits, the Finance Committee amendment, as modified by Chairman ROTH, increases the level of tax-free transit benefits.

Currently, the tax code is tilted heavily in favor of commuters who drive to work. Up to $175 per month of parking benefits can be provided to an employee on a tax-free basis. That results in a tax savings of almost 600 dollars per year for a typical middle-income family working in a major metropolitan area of this country.

Employees who commute to work by other means, however, are not provided commensurate tax benefits. The current limit for tax-free transit benefits is 65 dollars per month.

The Finance Committee amendment begins to narrow this gap by increasing the amount of tax-free transit benefits to $100 beginning in the year 2002.

HIGHWAY INFRASTRUCTURE PRIVATIZATION ACT

The Finance Committee amendment also includes a pilot program that will make it easier to finance public-private partnerships for the provision of transportation infrastructure projects. This proposal is modeled after legislation which I introduced last year along with my distinguished colleagues, Senators WARNER, MOYNIHAN, and BOND. Senators BOXER and GRAHAM are also cosponsors of that bill.

One needs only to venture a few blocks from here to see the terrible condition of many of the nation's roads and bridges. Regrettably, the United States faces a significant shortfall in funding for our highway and bridge infrastructure needs.

This investment need comes at a time when we in Congress are desperately looking for ways to constrain federal spending to keep the budget balanced. State governments face similar budget pressures. It is incumbent upon us to look at new and innovative ways to make the most of limited resources to address significant needs.

In the United States, highway and bridge infrastructure is the responsibility of the government. Governments build, own and operate public highways, roads and bridges. In many other countries, however, the private sector, and private capital, construct and operate important facilities. These countries have found that increasing the private sector's role in major transportation projects offers opportunities for construction cost savings and more efficient operation. They also open the door for new construction techniques and technologies.

To help meet the nation's infrastructure needs, we must take advantage of private sector resources by opening up avenues for the private sector to take the lead in designing, constructing, financing and operating highway facilities.

A substantial barrier to private sector participation in the provision of highway infrastructure is the cost of capital. Under current Federal tax law, highways built by government can be financed using tax-exempt debt, but those built by the private sector, or those with substantial private-sector participation, cannot. As a result, public/private partnerships for the provision of highway facilities are unlikely to materialize, despite the potential efficiencies in design, construction, and operation offered by such arrangements.

To increase the amount of private sector participation in the provision of highway infrastructure, the tax code's bias towards public sector financing must be addressed.

The Finance Committee amendment creates a pilot program aimed at encouraging the private sector to help meet the transportation infrastructure needs for the 21st century. It makes tax exempt financing available for a total of 15 highway privatization projects. The total face value of bonds that can be issued under this program is limited to $15 billion.

The 15 projects authorized under the program will be selected by the Secretary of Transportation, in consultation with the Secretary of Treasury. To qualify under this program, projects selected must: serve the general public; be on public owned rights-of-way; revert to public ownership; and, come from a state's 20-year transportation plan. These criteria ensure that the projects selected meet a state or locality's broad transportation goals.

The bonds issued under this pilot program will be subject to the rules and regulations governing private activity bonds. Moreover, the bonds issued under the program will not count against a state's tax exempt volume cap.

TWO-YEAR DELAY ON TERMINAL DYEING MANDATE FOR KEROSENE

Finally, I am pleased that the Finance Committee has worked with Senator NICKLES and me on a compromise that delays the implementation of the terminal dyeing mandate for kerosene for 2 years. Coming from the Northeast, this is an important matter for me, and I think the chairman's proposal is a reasonable approach to a contentious issue.

Last year's tax bill included a provision which required that kerosene used for nontaxable purposes be dyed to distinguish it from kerosene during the winter to prevent diesel fuel from congealing. As you may know, diesel used as a motor fuel is subject to the highway excise tax. When kerosene is mixed with diesel motor fuel, the excise tax applies to the kerosene added.

In the Northeast, however, essentially the same diesel fuel is used as home heating oil. As home heating oil, diesel is not subject to the excise tax. Therefore, kerosene mixed with diesel that is destined for home heating oil use is also not taxed.

When Congress decided to dye kerosene, there was considerable concern about whether terminals would invest in the equipment necessary to make sure dyed, nontaxable kerosene would be available for use in home heating oil. If terminals chose not to add this equipment, the only recourse would be for home heating oil dealers to purchase taxed kerosene and pass the cost along to home heating oil customers. Customers purchasing home heating oil on which tax has been paid would be eligible to file for a refund with the IRS, but you can imagine how cumbersome that would be for both the homeowner and the Service.

So, when Congress imposed the dyeing regime, it also included a mandate that all terminals make dyed kerosene available. This mandate has proven to be burdensome on many terminal operators. Chairman ROTH, Senator NICKLES, and I were able to work out a compromise that delays that terminal dyeing mandate for 2 years. That will give Congress ample time to determine whether the market will accommodate the need for dyed kerosene without the mandate.

I am confident that the marketplace will meet the demand for dyed kerosene in those areas where it is needed. However, if that does not turn out to be the case I can assure the Senate that I will fight to reimpose the terminal dyeing mandate so that home heating oil customers are not left out in the cold.

AMENDMENT TO CORRECT THE FLOW OF TAX REVENUES

Mr. President, I had intended to offer an amendment to correct a provision included in last year's Taxpayer Relief Act that could have dramatic effects on the highway program in the future. That provision, which granted those collecting highway taxes an unprecedented 75-day delay in depositing those taxes with the Federal Government, will affect future apportionment formulas used to distribute highway money to the States.

This provision was not included in either the House or the Senate tax bills. Nevertheless, this measure was slipped into the conference agreement purportedly to make the path to a balanced budget by the year 2002 more uniform. Now that we are on track to reach balance this year, the proposal included in last year's tax bill is no longer necessary.

The provision allows those collecting excise taxes from July 15 through September 30 of this year to hold onto that money and deposit it with the Federal Government no later than October 5, 1998. From a Federal budget standpoint, what this proposal does is shift highway tax revenue from the current fiscal year to the next fiscal year.

Switching revenue from one year to another could affect the highway program because the State apportionment formulas use revenues collected from each of the States as the key factor. Senators may remember the contentious debate this body had in 1996 during consideration of the fiscal year 1997 Transportation appropriations bill when we attempted to correct an error made by the Department of Transportation in interpreting Treasury excise tax collection data. My amendment would have attempted to avoid a similar problem that may be caused by this excise tax deposit shift.

The problem facing the Environment and Public Works Committee is that there is a strong likelihood that any problems created by this excise tax revenue shift will not crop up until well after the damage is done. This special benefit—which I might add was also extended to the airlines on the collection of their excise taxes—will expire on October 5 of this year. The effect on the state allocation formulas will not appear, however, until the year 2000. At that point, there will be no way to undo the effect of the delay in receiving those receipts.

I remain very concerned that this deposit shift will come back to haunt the Senate. I also believe that the only sure way to prevent that from occurring would be to repeal the provision that was included in last year's tax bill.

Nevertheless, the chairman of the Finance Committee has convinced me that my amendment should be reviewed further, and I accept his opinion. Therefore, I will not offer my amendment at this time.

Mr. MOYNIHAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1906 TO AMENDMENT NO. 1963

(Purpose: To repeal the 4.3-cent transportation motor fuels excise tax transferred to the Highway Trust Fund by the Taxpayer Relief Act of 1997, effective on the date of enactment of this Act)

Mr. MACK. Mr. President, consistent with a prior UC agreement, I call up for consideration amendment No. 1906.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. MACK] proposes an amendment numbered 1906 to amendment No. 1963.

Mr. MACK. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment, add the following:

SEC. . REPEAL OF 4.3-CENT TRANSPORTATION MOTOR FUELS EXCISE TAX TRANSFERRED TO THE HIGHWAY TRUST FUND BY THE TAXPAYER RELIEF ACT OF 1997.

(a) REPEAL.—

(1) IN GENERAL.—Section 4081 of the Internal Revenue Code of 1986 (relating to imposition of tax on gasoline and diesel fuel) is amended by adding at the end the following new subsection:

"(f) REPEAL OF 4.3-CENT TRANSPORTATION MOTOR FUELS EXCISE TAX TRANSFERRED TO THE HIGHWAY TRUST FUND BY THE TAXPAYER RELIEF ACT OF 1997.—

"(1) IN GENERAL.—Each rate of tax referred to in paragraph (2) shall be reduced by 4.3 cents per gallon.

"(2) RATES OF TAX.—The rates of tax referred to in this paragraph are the rates of tax otherwise applicable under—

"(A) subsection (a)(2)(A) (relating to gasoline and diesel fuel),

"(B) sections 4091(b)(3)(A) and 4092(b)(2) (relating to aviation fuel),

"(C) section 4042(b)(2)(C) (relating to fuel used on inland waterways),

"(D) paragraph (1) or (2) of section 4041(a) (relating to diesel fuel and special fuels),

"(E) section 4041(c)(3) (relating to gasoline used in noncommercial aviation), and

"(F) section 4041(m)(1)(A)(i) (relating to certain methanol or ethanol fuels).

"(3) COMPARABLE TREATMENT FOR COMPRESSED NATURAL GAS.—No tax shall be imposed by section 4041(a)(3) on any sale or use during the applicable period.

"(4) COMPARABLE TREATMENT UNDER CERTAIN REFUND RULES.—Each of the rates specified in sections 6421(f)(2)(B), 6421(f)(3)(B)(ii), 6427(b)(2)(A), 6427(l)(3)(B)(ii), and 6427(l)(4)(B) shall be reduced by 4.3 cents per gallon.

"(5) COORDINATION WITH MASS TRANSIT ACCOUNT.—The rate of tax specified in section 9503(e)(2) shall be reduced by .85 cent per gallon.".

(2) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act.

(b) FLOOR STOCK REFUNDS.—

(1) IN GENERAL.—If—

(A) before the date of enactment of this Act, tax has been imposed under section 4081 or 4091 of the Internal Revenue Code of 1986 on any liquid, and

(B) on such date such liquid is held by a dealer and has not been used and is intended for sale,

there shall be credited or refunded (without interest) to the person who paid such tax (hereafter in this subsection referred to as the "taxpayer") an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on such date.

(2) TIME FOR FILING CLAIMS.—No credit or refund shall be allowed or made under this subsection unless—

(A) claim therefor is filed with the Secretary of the Treasury before the date which is 6 months after the date of enactment of this Act, and

(B) in any case where liquid is held by a dealer (other than the taxpayer) on the date of enactment of this Act—

(i) the dealer submits a request for refund or credit to the taxpayer before the date which is 3 months after such date, and

(ii) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer or has obtained the written consent of such dealer to the allowance of the credit or the making of the refund.

(3) EXCEPTION FOR FUEL HELD IN RETAIL STOCKS.—No credit or refund shall be allowed under this subsection with respect to any liquid in retail stocks held at the place where intended to be sold at retail.

(4) DEFINITIONS.—For purposes of this subsection, the terms "dealer" and "held by a dealer" have the respective meanings given to such terms by section 6412 of such Code; except that the term "dealer" includes a producer.

(5) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 of such Code shall apply for purposes of this subsection.

(c) EFFECTIVE DATE CONTINGENT UPON CERTIFICATION OF DEFICIT NEUTRALITY.—

(1) PURPOSE.—The purpose of this subsection is to ensure that—

(A) this section will become effective only if the Director of the Office of Management and Budget (referred to in this subsection as the "Director") certifies that this section is deficit neutral;

(B) discretionary spending limits are reduced to capture the savings realized in devolving transportation functions to the State level pursuant to this section; and

(C) the tax reduction made by this section is not scored under pay-as-you-go and does not inadvertently trigger a sequestration.

(2) EFFECTIVE DATE CONTINGENCY.—Notwithstanding any other provision of this Act, this section shall take effect only if—

(A) the Director submits the report as required in paragraph (3); and

(B) the report contains a certification by the Director that, based on the required estimates, the reduction in discretionary outlays resulting from the reduction in contract authority is at least as great as the reduction in revenues for each fiscal year through fiscal year 2003.

(3) OMB ESTIMATES AND REPORT.—

(A) REQUIREMENTS.—Not later than 5 calendar days after the date of notification by the Secretary of any election described in subsection (c), the Director shall—

(i) estimate the net change in revenues resulting from this section for each fiscal year through fiscal year 2003;

(ii) estimate the net change in discretionary outlays resulting from the reduction in contract authority under this section for each fiscal year through fiscal year 2003;

(iii) determine, based on those estimates, whether the reduction in discretionary outlays is at least as great as the reduction in revenues for each fiscal year through fiscal year 2003; and

(iv) submit to the Congress a report setting forth the estimates and determination.

(B) APPLICABLE ASSUMPTIONS AND GUIDELINES.—

(i) REVENUE ESTIMATES.—The revenue estimates required under subparagraph (A)(i) shall be predicated on the same economic and technical assumptions and scorekeeping guidelines that would be used for estimates made pursuant to section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)).

(ii) OUTLAY ESTIMATES.—The outlay estimates required under subparagraph (A)(ii) shall be determined by comparing the level of discretionary outlays resulting from this Act with the corresponding level of discretionary outlays projected in the baseline under section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907).

(4) CONFORMING ADJUSTMENT TO DISCRETIONARY SPENDING LIMITS.—Upon compliance with the requirements specified in paragraph (2), the Director shall adjust the adjusted discretionary spending limits for each fiscal year through fiscal year 2003 under section 601(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 665(a)(2)) by the estimated reductions in discretionary outlays under paragraph (1)(B).

(5) PAYGO INTERACTION.—Upon compliance with the requirements specified in paragraph (2), no changes in revenues estimated to result from the enactment of this section shall be counted for the purposes of section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)).

The PRESIDING OFFICER. Under the unanimous consent agreement, the Senator is recognized for 1 hour. There is also a Senator recognized for 1 hour in opposition.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Mr. President, this amendment is straightforward. It calls for repealing the 4.3-cent gas tax, while ensuring deficit-neutrality through a corresponding reduction in overall spending caps. So the first point I want to make to my colleagues is that this is, in essence, budget neutral.

In 1993, when President Clinton and a Democratic Congress raised the gas tax 4.3 cents, they did so for deficit reduction purposes. Again, I do not think I have to remind my colleagues it was a pretty contentious debate. The underlying bill ended up passing, I believe, by one vote. However, it seems clear now that this tax is no longer needed. All the estimates that we are receiving from many, many different sources would indicate that we are going to see surpluses out for many years to come. However, rather than to return this tax, the Congress is on the verge of retaining this tax for increased transportation spending, having succumbed to a multiyear campaign by the transportation industry.

The industry vehemently maintains that the gas tax's user fee is paid by a consumer who believes gas taxes will be used for transportation purposes. However, this is simply not the case. Gas taxes being used for deficit reduction is not a unique event. What many do not know, or simply will not acknowledge, is that the gas tax was created for deficit reduction purposes, and for the first 20 years had been used for that purpose. It was for the same purpose that the 4.3-cent gas tax was enacted in 1993. However, this Congress is one that is committed to fiscal restraint and providing tax relief to America's working men and women. It is much different than the Congresses of the last several decades, which were all too willing to commit and spend taxpayers' dollars. It seems to me that this Congress ought to return to the taxpayer this now unnecessary deficit reduction gas tax, and, in so doing, we can provide tax relief directly to the men and women who need it most—America's working class who drive on our Nation's roads every day.

This tax should be repealed. The American people were asked to contribute more money at the pump so that we might achieve a balanced budget. And we did. But nobody has gone back to the American people and asked them if their money can be kept for increased spending. It seems to me this is a question which ought to be asked. I am confident that almost all of us have heard from our States claiming that they need more transportation dollars. They have asked for more flexibility in spending their transportation dollars, and they have complained about the bureaucratic red tape which accompanies gas tax dollars funneled through Washington.

Repeal of the 4.3 cents offers the Congress a way of meeting all of these goals. First, it keeps the faith with the taxpaying public by returning a deficit reduction tax which is no longer needed. Again, I remind everyone, there was a very strong debate about this, passing a 4.3-cent gasoline tax for the purpose of deficit reduction. It was almost implied—in fact, I guess if I went back and pulled up the various speeches, I am sure that there were those who said, when there is, in fact, no longer a deficit, this tax will be repealed and returned to the taxpayer.

Secondly, it gives States the opportunity to replace this tax with one of their own. This gives the taxpaying public ample opportunity to have their voices heard on the issue of whether this gas tax should be lowered again or kept in place for increased transportation spending.

Finally, should the States and the respective taxpayers support using the gas tax for increased transportation spending, it would be free from Federal strings and available for the States' priorities, not Washington's. Estimates from transportation economists and several State secretaries of transportation suggest that without Federal interference, mandates, and restrictions, a State could get as much as 20 to 40 percent more for their gas tax dollars.

As a final point, according to data compiled by the Congressional Research Service, since 1990, two-thirds of all States have increased their own gas taxes. This clearly indicates that our Nation's States have the will and the ability to increase their own gas taxes should they need them and should their citizens choose to do so.

So I say to my colleagues, let us repeal this 4.3-cent gas tax which we told the American people would be used to achieve a balanced budget. Let us give them a chance to consider, with their State legislators, whether they are willing to see this tax used for increased transportation spending.

Mr. President, I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I yield myself such time as——

The PRESIDING OFFICER. Is the Senator rising in opposition?

Mr. WARNER. I do rise in opposition.

The PRESIDING OFFICER. The Senator is recognized for 1 hour.

Mr. WARNER. Mr. President, as an author of the underlying bill, before we had done such valuable work in the Senate to amend it, I would have to say, with the greatest respect to my colleague, while philosophically I align myself with his view of giving the States and the people of those States the greatest say over their tax dollars and the wisdom of having those dollars at their discretion—and if several States do go through the legislative process, putting a replacement tax on the books, there is a question and doubt about that, I am sure the Senator will agree with me—but with due respect, this amendment, were it to be adopted by the Senate, would be literally destructive of this bill and the work that the committee, under the leadership of the distinguished chairman and ranking member and myself, have provided these many, many months to get where we are.

I think we have at long last, Mr. President, reconciled many, many differences to try and bring back a feeling of credibility in the principle of equity of distribution among the several States.

The needs for the highway system are clearly in the minds of all Senators, as well as, I am sure, the Senator from Florida. There is no dispute there. So we are down here in the final hours of this bill now faced with an amendment which would, in my judgment, simply be destructive and would result in the unraveling of the bill as it presently is before the Senate.

At this point I am perfectly willing to yield the floor if other Senators wish to speak to the issue. I see the distinguished chairman of the Finance Committee and my distinguished chairman of the Environment Committee.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I have the greatest respect for the author of this amendment. But as the distinguished Senator from Virginia has so ably stated, this amendment, if adopted, would be a killer amendment. So I rise in opposition to this amendment. Under current law, the 4.3-cent tax is transferred to the highway trust fund. And that tax is being proposed to be used to fund important highway programs.

I point out, as the Senator from Virginia has already mentioned, months of hard work have gone into the development of this legislation. The bill has been considered for several days on the Senate floor. I think it is important that we move forward as expeditiously as possible.

As I said, this amendment, if adopted, would have the effect of killing the ISTEA legislation. It would be most regrettable to have that happen. It is time, in my judgment, to pass the legislation and give States the necessary highway funding without further delay.

I yield the floor.

Mr. WARNER. I yield such time as the Senator may consume.

Mr. BAUCUS. Mr. President, this sounds good, repeal the 4.3-cent gasoline tax. Nobody likes paying taxes. We all know that. We also know we want our highways.

If this amendment were to pass, we would be going backwards. Why do I say that? I say that, first, because it would, as the Senator from Delaware said, kill this bill. This is a killer amendment. This amendment would take about $6 billion a year away from the highway bill, $6 billion that would not be spent on highway construction, maintenance, et cetera.

In addition, it is inadvisable because we are now at this point, with the passage of this bill and the defeat of this amendment, spending the money that comes into the highway trust fund back out on to highways. That is, the revenue coming in as a consequence of this bill will be used to finance spending on our roads and our highways.

I might say, Mr. President, that polls confirm that Americans support the gas tax so long as the funds are being used on our highways. That is what this bill does. This amendment says, sorry, folks, we are not going to repair the roads and highways, not to the degree we should, and we are going to be derelict and not live up to our responsibilities.

Today, all levels of government spending on highways and roads and bridges is about $34 billion a year. The Department of Transportation says we need more than that. It says we need $54 billion just to maintain current conditions, just to maintain. We need about $74 billion a year to improve. If this amendment passes, we are going to take $6 billion a year away from what we otherwise would be spending. That is, today I say we spend $34 billion, and it is true with the passage of this bill we spend more than $34 billion, but I might say I think it is obvious to Senators who are listening to this that it sounds good but it is a bad idea. I urge Members to yield back time and get on with the vote. We all know where the votes are in this, and we are just wasting our time by debating this further.

Mr. WARNER. I simply say, philosophically I agree with my colleague, but I think it is an important amendment, one deserving such attention as the distinguished Senator from Florida desires. I will make a motion at an appropriate time here on the Budget Act, just to inform Senators, but I remind Senators we are ready to move on this amendment. If any Senator desires to speak, he or she should make that known to the managers of the bill.

I agree with my colleague from Montana. I am prepared to yield back the time in opposition.

Mr. MACK. Mr. President, let me say to my colleagues, I have nothing but the greatest of respect for each of you as well. We all know that we come to the floor with different interests in this debate. I suspect if the addition of the 4.3 cents that I believe Senator CHAFEE added during this debate on the underlying bill, that probably, if that 4.3 cents had gone back to each individual State as the money was contributed, it would be much harder for me to be here today offering an amendment to repeal it.

But I think it is fair to say from the perspective of a donor State—and I might add, a donor State for the past 41 years—that we are just kind of saying the time has arrived in which we think there ought to be greater equity in the allocation of funds and we believe that our States, and again the 29 donor States, would be better off with the 4.3 cents coming back to their individual States for them to make a determination about how it should be spent.

I just happen to believe, and many transportation economists support it, that the dollars spent in States themselves are more efficiently used, more effectively used, the purchasing power is much greater. Again, I respect the perspective that my colleagues on the other side of this issue raise, but I have a totally different viewpoint.

The second point I raise is that the comment was made a few moments ago that somehow or another if I were to be successful in this amendment—and I think we all know before we have a vote what the outcome is going to be. I make a point that if we were to repeal this, to then assume that all of these funds would then not be spent for highway construction is fundamentally flawed.

I indicated in my opening comments that State after State has raised their own gasoline taxes to be spent at home, and I say those States—and I suspect mine would be one of them because we do have tremendous needs with respect to transportation, whether that be mass transit or whether that be highway construction—have tremendous needs and I am confident that the State legislatures would, in fact, address the issue of the 4.3-cent repeal.

Again, the budget's bottom line is the 29 donor States would be much better off if, in fact, they were able to collect this money and set their own priorities. So that is, again, one of the reasons that I have offered this amendment.

The last point I make before I yield to others is that the original bill had been crafted without this new funding. Any funding attributable to the 4.3 cents has been provided as a totally separate section of the committee's original bill.

I don't think we are destroying the underlying work. I say to my colleagues, I look at this in a sense as two different packages. One, there is the underlying bill; and then the other has to do with how the 4.3 cents is divided up.

Again, my intention here is not to destroy the work that the committee has so diligently done, and in no way do I mean to imply by the offering of this amendment that I don't appreciate the work you have done to try to accommodate us. Each of us knows there is a point at which we have to stand up for our own beliefs, and the time has arrived with respect to this issue.

I yield the floor.

Mr. WARNER. I might say we have a basic disagreement on the likelihood that the States would all enact the tax promptly, but that certainly is an issue to be understood by all Senators.

As to the funding, yes, the Senator is correct. The underlying bill which came out of the subcommittee, which I am privileged to chair, of which the distinguished Senator from Montana is the ranking member, did not have these funds. I and, as a ranking member, Mr. BAUCUS, joined Senators BYRD and GRAMM, and the rest is history. This amendment was adopted very strongly in the Senate.

I have to say as to the bill as it has been amended under the leadership of the distinguished chairman, the Senator from Rhode Island, we have had to make some modifications to the allocation in the underlying bill as we placed on top the Chafee amendment which added the funds derived from the Byrd-Gramm-Warner-Baucus amendment.

I assure the Senator that with the funding profile in this bill of equity among the States, where we had a 90 percent return in the original bill out of subcommittee and now we have achieved, I think, in many instances a 91 percent return in the combination of the underlying bill and the Chafee amendment, such amendments as we put on, some today, are—I use the word not "killer" but "destructive," out of my respect for my good friend.

Mr. BAUCUS. If I could very briefly say to my good friend from Florida, I think it is important for us to look at our national motto: E pluribus unum. We are different States. Florida is a very densely populated State. Western States are very thinly populated. There are large expanses. Western States have high State gasoline taxes to match the Federal funds. I can't speak for all the western States, but I know my State of Montana has a 27-cents-a-gallon State gasoline tax. I don't know what it is in Florida.

The assumption that, with the passage of the amendment, States themselves can spend their own money that they otherwise send to Uncle Sam, that money would be spent on highways may work in more densely populated States where the present gasoline tax is a little lower and where those States can finance the spending of the additional highway dollars, but I say to my good friend, in the West that is much more difficult. In fact, if Montana were to spend the same dollars that it sends to Uncle Sam and spend it at home, the State of Montana would have to raise the gasoline tax 12 to 15 cents. So we would be up to about 42 cents a gallon State tax on top of Federal. That is typical of a lot of western States. It just can't be done.

So, it is the nature of the beast that the very densely populated States, the smaller, densely populated States similar to the State of Florida, are by definition going to have to probably pay a little more into the trust fund so that the very thinly populated States that already have very high State gasoline taxes trying to make their State match can have highways built in their States so we have a truly national system.

If you follow the logic of the amendment of the Senator, and I understand it, it is essentially moving toward 50 nations, 50 States. We had that argument about 200 years ago when we scrapped the Articles of Confederation. We decided under the principles of federalism—it is complicated, I grant you—that we are a nation and we are 50 States—not 50 then but today 50.

It is not an easy matter. It is complex. We have to find some rough justice here. The effect of the amendment of the Senator, I submit with all graciousness, would have put an unfair burden on the thinly populated States because they couldn't raise the money, frankly, to have a truly national interstate highway or primary road system. It is for that reason, in addition, that I do not think the Senator's amendment is good for our country.

Mr. MACK. If I may take a couple of minutes to respond, and then I think my colleague, Senator GRAHAM, will seek recognition, I think it is fair to say that the so-called donor States, some of the more densely populated States, have recognized the needs of western States. I grant that there are unique situations that exist among the different States of our Nation.

I might just say I don't think in my wildest imagination that if this amendment would pass, we would have created, then, 50 nations, but I understand the point that my colleague is trying to make.

We understand and I think that, by our actions in the past, we recognize that. But the concept, when the Interstate Highway System was put into effect, in fact, was an interstate system. It was done for a national or Federal purpose. That is, in fact, why the formulas were initially created. But I again make the argument that—and I think most people would agree—for all intents and purposes, the Interstate System has been completed.

While I probably would go much further than this amendment, all I am suggesting is that we take the 4.3-cent gasoline tax, which was originally passed for the purpose of deficit reduction, and eliminate that. I think it is fair to say that we do have an interstate system that is in place. States like mine recognize the needs of other States around the Nation. We helped build those, pay for those, and maintain those. But now it's time to recognize that there is a new era, that things have in fact changed. The Interstate System is built. There is no longer a deficit—at least, we are being told that—and it is safe to assume that, for as far as we can see, there will be surpluses. There ought to be a repeal of the tax.

I yield the floor.

The PRESIDING OFFICER. Who seeks time?

Mr. WARNER. Mr. President, I yield such time as the distinguished Senator from Rhode Island may require.

The PRESIDING OFFICER. The Senator from Rhode Island, Mr. CHAFEE, is recognized.

Mr. CHAFEE. Mr. President, I have the greatest respect for my distinguished colleague from Florida, and I would like to point out several things, if I might, in connection with the repeal of the 4.3-cent gasoline tax.

It seems to me that this is an amendment that is about 2 weeks late. As we have had pointed out here, about 10 days ago, maybe a little bit more, we were in a jam on this floor in connection with this so-called ISTEA II legislation. State after State was asking for more, and so, thus, then came the freeing up, if you would, through negotiations with the majority leader, the leader of the Budget Committee and others from both sides of the aisle, of this money, which started out at $18 billion and worked its way up to $25 billion. Because we had that extra money, we were able to achieve peace on the floor here, and we have adopted an amendment, which we just did a couple of hours ago, which we call the donor States amendment. As a result, the money has been spent. At least it has been allocated on the floor.

If this amendment should pass, it then would unravel everything that we have accomplished in the last 2 weeks in this body. It would unravel the agreement we reached because there aren't additional funds to substitute for the 4.3 cents that we allocated. So I think it would be very unfortunate. Maybe if the amendment had been brought up, as I say, some 2 weeks ago and we then could say to everybody that there is no more, that is all there is, perhaps an agreement would have been reached. But I doubt it because sides were dug in pretty hard around here, and it was necessary for the majority leader to become involved and the Budget Committee chairman in order to extricate ourselves from that difficult situation.

I want to raise one more point, Mr. President, and that is as follows. Every industrial nation in the world has far higher overall gasoline taxes than we have in this Nation. If you talk to any environmental group, they will say that gasoline taxes result in a reduction in miles traveled by automobiles. In other words, if somebody is encumbered by a gasoline tax, raising the cost of operating his or her vehicle, those people will be more cautious about using their vehicle, or else they will seek out vehicles that get far more miles per gallon than would otherwise be true. So a gasoline tax, no matter whether it's modest or very substantial, results in environmental improvements, lower emissions, obviously, and less global warming.

So in a strange way that many of us haven't thought about, a vote to repeal the 4.3 cents would really be a vote against the environment and our efforts to reduce emissions in this country and our efforts to curb the global warming that is occurring.

So, recognizing that both of my colleagues from Florida are very good environmentalists, I urge them to consider that measure when they rise to make their presentations.

I thank the Chair.

Mr. WARNER. Mr. President, to inform the Senate with regard to the status of the timing on this amendment, of course, under the time agreement—I first ask the Chair to state the remainder of the time.

The PRESIDING OFFICER. The Senator from Virginia has 43 minutes. The Senator from Florida has 48 minutes.

Mr. WARNER. I thank the Chair. It is the intention of the Senator from Virginia, in my capacity of managing time for the opponents, to yield back my time at such time as the distinguished Senators from Florida indicate they are prepared to do so.

Just prior thereto, I shall make the following motion, which I do not make now but I state for the RECORD and for the information of all Senators:

The amendment offered by the Senator from Florida, Mr. MACK, repeals 4.3 cents of the Federal gasoline tax. This amendment would result in a loss of Federal revenue of nearly $6 billion for the first year and $30 billion over 5 years. The loss of revenue will cause a breach of the revenue floor established in the budget resolution. Therefore, I raise a point of order under section 311(a)(2)(b) of the Congressional Budget Act of 1974 against the pending amendment.

I will ask the Chair at the appropriate time that that be stated.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia still has the floor.

Mr. WARNER. I yield to the Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I would like to repeat the admonition the Senator from Virginia made for all those who wish to speak either for or against this amendment. Please come to the floor. I am not sure what the proponents of the amendment will do with their time. But as has been pointed out, we are anxious to move on with this legislation.

Speaking just for our side, I hope that all those who wish to speak in opposition will come to the floor; here is your chance. The store is open for business. We are anxious to move on. If there are no speakers, the idea would be to close debate as soon as possible thereafter.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida, Mr. MACK, controls the time.

Mr. MACK. Mr. President, I yield to my distinguished colleague such time as he may require.

The PRESIDING OFFICER. The Senator from Florida, Mr. GRAHAM, is recognized.

Mr. GRAHAM. Mr. President, I commend my friend and colleague, Senator MACK, for having brought this fundamental issue to the Senate at the earliest opportunity that was available to have this matter debated. It had been our understanding and advice that it was on the amendment offered by the Finance Committee that the amendment that Senator MACK brings to us today to repeal the 4.3-cent deficit reduction tax, which was adopted in 1993, would be germane and appropriate. So we offer it to our colleagues at this earliest opportunity.

Mr. President, I believe that there are a number of fundamental issues raised by this amendment. The first of those is the obvious, and that is that the United States is a federal system. We have the opportunities for the needs of our people to be met, as the Presiding Officer knows well as a former Governor of one of our States, by action at the State level, or by action at the national level where appropriate, and as illustrated by the transportation system, a merger of State and Federal initiatives. So the statement that is made that if we repeal these funds, it will have a serious adverse and continuous effect on our transportation system ignores the fact that (a) these funds were not levied for the purposes of transportation and, up until this proposal that is before us today, these funds have never been spent for transportation, and, third, that we are in essence returning to the States the fiscal capacity which they can decide to use for transportation.

So we are not, in this amendment, hostile to the needs of transportation. We are particularly aware of those needs in a rapidly growing State. Our position is, however, that this degree of capacity to meet transportation needs should be at the States' discretion. The States should decide whether they wish to use this amount of resources to expand their transportation needs, and we should not arrogate that decision to us to make by shifting a tax initially levied for one purpose, deficit reduction, to a new purpose, transportation spending.

Second is the enormity of the decision that we are about to make. The Interstate Highway System and the current Federal highway trust fund both came into being in the mid 1950s during the administration of President Dwight Eisenhower. President Eisenhower had a great vision for this Nation, which was that it would be linked by a system of the most modern highways. The Nation accepted that vision and, in 1957, we launched this goal.

In that year, 1957, as we were starting the National Interstate Highway System, this Congress determined that the appropriate level of funding to commence the project was $2.1 billion. That is what was spent in the first year of the Interstate Highway System. Fifteen years later, in 1973, the system was well underway. Its tentacles were beginning to reach across America. Suburbs were being united by modern highway systems with major cities. Cities were being connected. Regions were being brought together in a national interstate highway system upon which we spent, in the 1973 Highway Act, $5.9 billion a year, for a total under that act of $17.8 billion for 3 years.

In 1976, as the system continued to expand, in my State, as it was reaching down the east coast, what is now Interstate 95, we were spending $8.7 billion a year on the Interstate Highway System. In 1978, as we were beginning to complete some of the major systems within our largest cities, we were spending $12.8 billion on the Interstate Highway System. Those numbers continued to grow until, by 1987, we were spending $14 billion a year on the Interstate Highway System, and I am pleased to announce that we brought it to completion.

In fact, the last segment of the original Interstate Highway System that was completed was I–595 in Broward County, FL. A celebration should be held at that site where the last bit of asphalt and concrete were poured to complete a half century of America's effort to build the Interstate Highway System. When we passed ISTEA I in 1991, we declared this to be the first post-Interstate Highway System bill. Our actions were not quite consistent with the rhetoric because, in the first year after completion of the Interstate Highway System, we spent $20.4 billion a year on highways—more than $6 billion more than we were spending in the last year when we were completing the Interstate Highway System.

Now, today, we are proposing to pass a bill, which started at $145 billion over a 6-year period, which has now reached $173 billion over a 6-year period, for an average over that time of $28.8 billion. So we are going to be spending, in the period that is now almost 10 years after the completion of the system, approximately $14 billion, more than 100 percent more per year than we were spending in the last year of completing the Interstate Highway System.

(Ms. COLLINS assumed the Chair.)

Mr. GRAHAM. Madam President, I say enough is enough. We have finished our task. We have built the Interstate Highway System that was President Dwight Eisenhower's vision. This is the time to begin to ask the question: What is the Federal role in transportation? What is our next step in terms of meeting the transportation needs of the American citizen?

I do not believe it is appropriate at this time to be doubling the amount of Federal expenditures over what we were spending as we were completing the very purpose for the Federal highway trust fund, which was the Interstate Highway System.

Third, there is the issue of: Is this a fair tax? The Senate has considered that issue at great length. We considered it in 1993 when the tax was imposed as part of the deficit reduction program. This tax was not passed to add to the spending on the transportation system. Rather it was to reduce the Federal deficit.

In 1996, recognizing that fact and recognizing that we were moving rapidly toward an elimination of the deficit, and at a time when there was a spike in gasoline taxes, our then colleague, Senator Bob Dole, offered an amendment to repeal the 4.3 cents. On the 14th of May of 1996, we had a vote on a cloture motion to close down debate and to proceed to vote on Senator Dole's proposal to repeal the 4.3 cents.

I might say that I opposed the repeal of the 4.3 cents because I felt we needed to retain those funds in the General Treasury until such time as we had in fact achieved the objective of eliminating the Federal deficit. But 54 of our 100 Members on the 14th of May of 1996 voted to invoke cloture and bring to a vote the proposal to repeal the 4.3 cents tax. There were many arguments made at that time in favor of that repeal.

I will quote from one of those, which was given by the senior Senator from Texas which related to the issue of the fundamental unfairness of this 4.3 cents tax. The Senator stated on the 14th of May of 1996:

> We, therefore, created through this gasoline tax an incredible redistribution of income and wealth. The Clinton gasoline tax imposed a new burden on people who drive to work for a living in order to subsidize people who, by and large, do not go to work. We have an opportunity in this pending amendment to solve this problem by repealing this gasoline tax, thereby eliminating this burden on people who have to drive their cars and trucks great distances to earn a living. In my State it is not uncommon for someone to drive 40 miles from where they work, and, as a result, a gasoline tax imposes a very heavy burden on them. We have an opportunity to eliminate this inequity by repealing the 4.3-cents-a-gallon tax on gasoline—a permanent gas tax that for the first time ever went into the general revenue to fund social programs instead of paying for highway construction.

Madam President, we have that same opportunity again today to repeal this 4.3-cents tax, which is imposing this very heavy burden on many of our people.

Finally, Madam President, on the issue of a national system or a parochial transportation system at the original recommended authorization level of $145 billion, which is the level recommended by the Senate Committee on Environment and Public Works, we would have been spending approximately $23 billion more on the highway system under ISTEA II than we spent on the highway system under ISTEA I since 1991. So there was a substantial increase in highway spending already recommended. On top of that, we have added an additional almost $29 billion of highway spending.

How have we chosen to distribute this money? I come from a State which, since the inception of the highway system, the Interstate Highway System in 1957, has been a donor State; that is, we have contributed more each year into the fund than we have received back from the fund. This was to be the year in which we would make a major breakthrough in terms of equity in the distribution of funds.

I will say in commendation to the Senator from Virginia, the Senator from Rhode Island, and the Senator from Montana that we have made substantial progress in ISTEA II in terms of that goal of equity.

Mr. WARNER. Madam President, if the Senator will yield, I wish to credit the Senator from Florida, and I will have further comments about his contribution all the way since 1991 on behalf of the donor States.

Mr. GRAHAM. Madam President, I appreciate that generous comment, which is typical of my friend from Virginia, with whom I was pleased to join as an original cosponsor of what we call step 21. Step 21 had as a central goal to provide that, of those funds which came into the Federal highway trust fund, 95 percent of those funds would be returned to the contributing States, thus leaving 5 percent of the total to be available to meet national needs as determined by this Congress. When we were debating step 21 and the various alternatives for the Federal highway program, it was determined that there was not an adequate amount of money left to meet national needs, if 95 percent was returned to the contributing State. So two changes were made.

One change was to lower the percentage from 95 percent to 90 percent, and the second was to change the base upon which the percentage was applied from the amount that each State contributed to the fund to the amount which each State received from the fund for formula programs, which now is that approximately 91 to 92 percent of all of the funds which will be distributed will come through one of these formula programs.

The rationale for stepping back from that original goal of equity of 95 percent of contributions into the fund was that there were insufficient dollars in order to be able to achieve that level of equity. The concern of many today is that we have now added almost $29 billion to the original $145 billion of highway funds, and, yet, we have made only marginal progress towards that original goal of equity. We still are going to utilize not a percentage of the money going into the fund but rather a percentage of money coming out of the fund under the formula programs. And we have increased the percentage from 90 to 91 percent, albeit even that is going to be subject to a variety of factors that will occur over the next 6 years as to whether a true 91 percent is established as the floor.

Madam President, I believe we missed a major opportunity, if these new funds were going to be available, to use them, first, to achieve the goal of equity, which was established as a principal objective, and then to use the balance for those things that we considered to be of a national priority.

So, with that history, I conclude that the best course of action for the additional funds which were adopted in 1993 as a deficit reduction measure, not a transportation measure, and which we have failed to use in the way to maximize the achievement of equity, is to say the appropriate thing to do is to follow the advice of our colleagues who spoke with such eloquence in 1993 and 1996 and terminate this tax at the Federal level.

Let us give our citizens tax relief. It would represent tax relief of approximately $6 billion a year to the American motorist by repealing this tax at the Federal level. I would not suggest that the American motorist should immediately begin putting those dollars in their wallets, because we are essentially releasing that capacity to the States so the States can decide whether they wish to utilize these funds by levying part or all of this as a State gasoline tax, therefore using those funds to meet needs which people in the States and communities of America identify to be of the greatest priority.

I believe that is in the spirit of this new Congress and its emphasis on placing authority and responsibility as close to the people as possible. I believe we can say that we are able to meet our national transportation responsibilities with approximately an additional $23 billion above what we are spending in the current transportation bill without having to utilize this 4.3 cents.

I believe that we would come closer to our goal of equity by allowing the States, unencumbered by all of the Federal constraints and regulatory requirements and the sheer expense of shipping people's money from Maine to Washington and then back to Maine—let it stay in Maine and not be subjected to any of the transactional costs of coming through Washington. Let the people of Florida, let the people of North Dakota, California, West Virginia, Virginia, Montana, and every other State decide what they want to do with the 4.3 cents if they choose to levy it for their transportation needs.

So I commend my colleague for his tenacity in raising this opportunity to provide tax relief, enhance federalism, and to truly recognize that we have celebrated the victory of completion of the Interstate System, that we are in a new era, and that we should recognize and act as if we are in that new era.

Thank you, Madam President.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Madam President, I will take about 2 minutes, and then I will yield the floor.

First, I say to our distinguished colleague from Florida that, while we, first, disagree on this issue, he, indeed, has been a partner. He is a very valued member of the Environment and Public Works Committee. He has been in the forefront of this legislation beginning back in 1991 when there was a recognition that the donor States were simply not getting an equitable allocation. Under his leadership, we put together step 21, which was the coalition of the various highway officials in the several States that were donor States who worked for years on procedures by which to correct the inequities that were placed on the donor States in 1991. We should always remember, it was that group that was the foundation group of the legislation that we now are considering here in the Senate. Eventually that was joined with a group under the leadership of the distinguished Senator from Montana, Mr. BAUCUS, Stars 2000, and it was that coalition that began to move this legislation. I shall always be grateful. Also, the Senator from Florida was very helpful, drawing on his experience as Governor, in streamlining this procedure so the various highway projects, once authorized, funds appropriated through the States, were started, and you could expedite the Federal Highway Administration and the like to get them done on time.

We shall always remember with great respect the contributions of the distinguished Senator from Florida. I point out both Senators from Florida. I notice that under ISTEA I, since 1991, you received 81 cents on the dollar. Under this bill before the Senate, Florida will receive a 52 percent increase, approximately. That is quite an achievement which the two Senators from Florida have made.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. I yield 10 minutes to my distinguished colleague from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, I thank the Senator from Florida for yielding to me and for sponsoring this amendment, which I am proud to cosponsor, and heartily urge my colleagues to support, and I also thank the other Senator from Florida, who has just made an eloquent argument in favor of this amendment as well.

Madam President, there are three primary points I would like to make in support of the Mack amendment. First of all, this represents the first opportunity that we have had to repeal a portion of the 1993 tax increase that virtually every Republican—maybe every Republican; I will have to go back and look to be sure—voted against. I was a Member of the House at the time and I recall that after the so-called Clinton tax increase of 1993 there was a great uprising in the State of Arizona, especially over the 4.3-cent gas tax increase that was a part of that. I introduced a bill immediately to repeal that 4.3-cent gas tax increase.

I remember a radio station asked me to go to a service station and talk to people who came by to gas up their cars and trucks. I was amazed at the reaction of the people as they drove up and heard about this increase in the gas tax. They were irate. They were very supportive of my effort to get it repealed which has, up to now, been unsuccessful. Perhaps with the sponsorship of the Senator from Florida, now it will be successful.

But I must say that Republicans who voted against that tax increase in 1993 but who vote against its repeal today have some answering to do to their constituents. I think this is a symptom of Potomac fever. We oppose a tax increase, especially when it is the agenda of the opposing party, and we go back home and we rail against it. But then too many of our colleagues fail to follow up their rhetoric with action to repeal the tax.

Now is our opportunity. Where will Republicans stand? I know a lot of my Democratic colleagues will continue to support the tax. They are not about to vote for this repeal, except for certain enlightened Democrats such as the Senator who has just spoken. But where will my Republican colleagues stand, those who opposed the gas tax when it was put into effect, who argued against it, who voted against it, and now have an opportunity to repeal it? Ah, but now they have an opportunity to divide up the money. The longer you are here, the more accustomed you get to spending American taxpayer dollars. After all, you get to go home and show the folks what a wonderful, magnanimous, generous person you are by giving them back some of their money.

As the good Senator from Virginia just said, States like Arizona and Florida got increases in their percentage in this bill. Yes, that is true. When you start from a very low percentage and you get a good increase in the total dollars, it represents a big increase percentage-wise. But, like my colleagues from Florida, I represent a State, Arizona, which is still a donor State. Something mysterious happens. Arizonans send a dollar to Washington in gas taxes and Federal highway taxes and we get 89 cents back. Something happens to the other 11 cents.

Here in Washington, DC, it's not so bad. The round trip actually earns them $2 on the $1 they send. Maybe that is because they do not send it so far. We have colleagues from other States, I will not mention them, but some colleagues are here representing constituents who send $1 and they get $2 back, or more than $2 back, and they ask us to be grateful for the fact that we get 90 cents instead of 89 cents, "We gave you an increase." Madam President, it is not fair. That is the second reason I suggest we repeal this 4.3-cent gas tax.

We have a policy now in the Congress called devolution. It's a fancy word for "let's give the power back to the States and the local government and to the people." The Federal Government has gotten too big and too powerful. One way we could do that is by repealing this 4.3-cent gas tax. My colleagues who want to spend the money on highways, all they have to do is go back to their State legislatures and say, Folks, we just repealed the 4.3-cent Federal tax. If you want to tax the people of Montana, Virginia, New York, whatever, 4.3 cents, they will never notice the difference at the gas pump. They will be paying exactly the same for a gallon of gas today as yesterday and tomorrow. Then we can spend the 4.3 cents in Montana or New York or Virginia or whatever the State is.

Actually, a lot of us would be better off because we do not lose any of that money as it makes the trip to Washington and then comes back. If my State of Arizona wanted to immediately put on a 4.3-cent State gas tax, the State of Arizona would come out very well. We would get to spend that money on our Arizona roads, and maybe the State legislature would do that, but I would rather have them decide that rather than have people here in Washington decide that we are going to retain this tax with the result that my State gets back about 89 cents or 90 cents. So that is the second reason. It is the right thing to do in terms of returning the power back to the people at the lower levels of government so they can decide for themselves how much tax they want to impose upon themselves.

The third reason is that America is already an overtaxed nation. This last year the taxes, the total tax burden has now gone up well over 38 percent. It is the highest level since 1945: $6,047 for every man, woman, and child in the country. That is over $27,000 for a family of four. We are an overtaxed nation. We do not need this money. We are now in a budget surplus situation. This tax increase was designed to reduce the deficit. The deficit has been reduced and our surplus is going to be, I suggest, at least as much as the money that would be lost as a result of the imposition of this tax. In any event, it has been paid for in the sense that obligations of Government have been reduced correspondingly so it has a neutral budget effect.

Madam President, I think, since this is a tax that affects every American equally, its repeal would not be for the wealthy. It would have just as much of an effect on the wealthy or the poor or the modest-income or whatever. It would be a very fair way to return some of the hard-working American families' money to them so they could decide themselves how to spend it. I urge support for the Mack amendment to repeal the 4.3-cent Federal gas tax, because, first of all, it is unnecessary, second, because it is unfair; third, because it is contradictory to our policy to return power to the States and the people, and fourth, because it adds an unnecessary tax burden to the already overtaxed families of America.

I urge my colleagues to support the Mack amendment.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MACK. Madam President, I would like to inquire as to the amount of time remaining?

The PRESIDING OFFICER. The Senator from Florida has 20 minutes 42 seconds.

Mr. MACK. And those opposed?

The PRESIDING OFFICER. They have 38 minutes 38 seconds.

Mr. MACK. I would inform the Senate, to my knowledge, we have only one more speaker. Should there be no speakers on the other side, I will be prepared to yield back the remainder of time at the conclusion of the comments of Senator NICKLES.

Mr. WARNER. Madam President, I thank the distinguished Senator—at which time, speaking on behalf of the opposition, I shall yield back the time, make the appropriate budget statement, and then the Senator will be recognized for the procedure he will follow thereafter.

Mr. MACK. I am of the opinion we will not have any more speakers, but I will reserve that judgment until that time arrives.

I yield 10 minutes to the distinguished Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, I compliment my colleagues from Florida for this amendment. I wish to be made a cosponsor of this amendment and ask unanimous consent to be made a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Madam President, I also compliment my colleague, Senator WARNER from Virginia, for his leadership on this. Senator BAUCUS, Senator GRAHAM, Senator BYRD, Senator CHAFEE—a lot of people—worked a long time on this bill. I hope we can finish this bill today. If not today, certainly this week. This is an important piece of legislation.

The reason why I cosponsored the amendment of my colleague from Florida, Senator MACK, is because I happen to think he is right. I know a lot of work has been going into allocations. The Senators managing this bill have been bending over backwards to be fair to every Senator. I think they have been doing the best job they can and I compliment them on their work. But I happen to think Senator MACK is right. Should the gasoline tax be a prerogative of the State or the Federal Government? Should we all as colleagues have to bend and beg and plead? I do not really like doing that. I don't like asking for money in appropriations. I have done it on occasion. Senator BYRD has accommodated me on occasion when he was chairman of the Appropriations Committee. Sometimes Senator STEVENS has. I appreciate that. But I really do not enjoy that nor do I enjoy, when we have a highway bill, saying, "Oh, please, we need more money. We are not doing very well in this bill. We are not doing as well as I hoped."

We happen to be a donor State. I know Virginia has been. I know Florida has. I know a lot of States have. We don't like it. We don't like sending a dollar to Washington, DC, and getting 80 cents back in return. Unfortunately, that has happened year after year after year. We are talking about a lot more money.

I heard on the floor discussions: Senator WARNER is going to get 50 percent more, 52 percent. So is Oklahoma. It's a lot more money compared to the last 6 years, a lot more money to our States.

Every one of our contractors is going to be delighted with this bill. They have been knocking on my door: Please pass this bill. They maybe don't get involved in should we be donors or should we not. My thought, though, is this tax really should belong to the States. I do read the Constitution. The Constitution and the 10 amendments say all the rights and powers are reserved to the States and to the people. Shouldn't we allow the States to have the prerogative to have a gasoline tax and spend it the way they want? Then we don't have to fight and beg and plead and say, "Hey, wait, I want 90 cents of my dollar back." If I do really good, I will get 90 cents on the dollar back. You lose 10 percent off the top. Not all States lose 10 percent; some States do better than other States. I guess that is the way it is always going to be when you have a national program.

Our State does not qualify as a dense State. That applies to some big States. There is a dense State formula in here that helps some States. Our State doesn't qualify for the Appalachian Regional Commission. I know some States do. There is a bonus provision. Maybe we do—no, we didn't qualify for that. We get a little something.

My point being you have to beg, cajole, and plead. Maybe you come up with 90 cents, but that is 90 cents on 90 cents. My math is not always accurate, but sometimes it's fast, and 90 percent of 90 percent is about 81 cents. I have seen one chart that says we will come out with about 82 cents, maybe 83 cents. The point being, you send $1 to Washington, DC, and in return you lose maybe 17, 18 percent before it gets back to the State.

Then, as Senator MACK mentioned, when it comes back, there are a lot of strings. It's not quite as simple as, "Here, States, you get your money back. You can have the 82 cents or 90 cents or whatever and you can spend it as you wish." That is not the case. There are lots of strings. You have little requirements like you have to meet Davis-Bacon. You have to meet a lot of other requirements, Federal highway standards and so on. Guess what. A lot of these roads are not Federal highway roads or they are not part of the interstate system. The interstate system is, by and large, complete. It needs a lot of maintenance, I guess, but certainly that could be maintained without this 4.3 cents per gallon.

In my State of Oklahoma, the legislature has already passed legislation, already the law of the land. If the Federal Government does not extend the 4.3 cents, or if we repeal it, that tax increase goes on automatically for our State. So there will not be any loss of income. The State is going to pick it up. Our State is going to be a lot better off.

Every once in a while you do vote your State interest around here, and my State interest is, let's repeal that 4.3 cents and we are going to get 100 percent of the money, not 90 cents, not 82 cents, we are going to get 100 percent of the money. And we don't get the Federal strings, and the Governor and the legislature can decide how they want to spend it. They don't have to spend it on this type of road—primary road, secondary road. They have all the flexibility they want because it's theirs. They have all the authority. They don't have to worry about the differences. Hey, wait a minute, budget authority/budget outlays, this is not easy. And we are going to allocate 100 percent of this money for contract authority, but the outlays won't hit for a number of years. We don't have to worry about that. If we repeal this, the States are going to have 100 percent of the money and they can let the contracts and they can make the decisions and, frankly, I think some of us should have some more confidence in our States. So I rise in support of this amendment.

I opposed the 1993 tax increase that was passed by President Clinton at that time. It didn't have a Republican vote, as I recall. I thought that was a mistake. That was a 4.3-cent-per-gallon gasoline tax increase that went into the general revenue. It did not go to highways. A lot of us said we thought that was a mistake. At least in this bill, and I compliment the sponsors, at least we are going to rectify that. Under this bill, assuming the amendment of Senator MACK and myself does not pass, this money at least will be spent for highways. I think that is a giant step in the right direction. I compliment the sponsors, and particularly Senator GRAHAM and Senator BYRD, who were very persistent—I started to say stubborn in their efforts. Because that helped make that happen. That doesn't mean our budget problems are over. We are going to have some challenging times to stay within the caps on the budget, but we will wrestle with that. Hopefully, we will stay on the caps in the budget and will still be able to put 100 percent of the moneys coming in into the highway program and the gasoline tax will stay in the highway program.

I think the better fix would be the fix that Senator MACK is proposing, and that is, let's allow the States to have this tax and let's give the States the option.

My guess is a strong majority of the States would continue the tax, because all States have very significant needs and demands on their highways for safety, for maintenance, for upgrades. Certainly my State does, and I know that is the action our State would take.

So I believe the best solution would be the solution proposed by my colleagues from Florida, and that would be to give the States the option. Let's repeal the 4.3-cent tax. I think it was a mistake in 1993; I still think it is a mistake in 1998. Let's allow that money to go back to the States, and if the States want to enact it, they can, or if they want to return it to the taxpayers, they will have that option to do so as well.

With that, I urge my colleagues to vote in favor of the Mack amendment. I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I know how my distinguished leader wants to be accurate. In the course of his remarks, there might have been the inference, in support of the Mack amendment, that all the money would go back to the States, but, in fact, as you well understand, 14 and a fraction cents still go to the highway fund.

Mr. NICKLES. That is true.

Mr. WARNER. We are really talking about 4.3.

Mr. NICKLES. Yes, 4.3.

Mr. WARNER. Madam President, I am prepared to make the following statement to the Senate:

The amendment offered by the Senator from Florida, Mr. MACK, repeals 4.3 cents of the Federal gasoline tax. This amendment will result in a loss of Federal revenues of nearly $6 billion for the first year and $30 billion over 5 years. The loss of revenue will cause a breach of the revenue floor established in the budget resolution. Therefore, I raise a point of order under section 311(a)(2)(B) of the Congressional Budget Act of 1974 against the pending amendment.

The PRESIDING OFFICER. All time has to be yielded back on the amendment before the point of order may be made.

Mr. WARNER. I understand. I am prepared to do that at such time as we yield back the time. I thought I stated that.

The PRESIDING OFFICER. The Chair will so acknowledge.

Mr. WARNER. I thank you.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. WARNER. Does the Senator yield back his time?

Mr. MACK. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Who controls the time?

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. I control the time in opposition. We will accommodate the Senator. Are his remarks generic to the bill?

Mr. STEVENS. They are on this amendment. I am in opposition to it.

Mr. WARNER. I yield such time as the Senator may use.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Madam President, I am constrained to come here in two roles. One is as chairman of the Appropriations Committee. And I am certain everyone will understand that problem. This is, obviously, a situation in which we negotiated a very tightly wrapped package, and it will eventually come to our committee. The distinguished Senator from West Virginia and I will allocate money under it.

The real difficulty I see with the amendment of the Senator from Florida is, having reached an agreement of what to do with the 4.3 cents of the tax revenue, now that we have transferred it to the highway trust fund, it would be repealed. I just cannot understand an attempt to do that at this time, I say respectfully to my friend.

I do understand people who are insisting that the donor States ought to be totally recognized to get 100 percent of their money back, and this obviously would be one way to do that.

I am here in the second role as a Senator from the largest State in the

Union, 20 percent of the landmass in the United States. I repeat for the Senate, we have a thousand miles more of roads now than when we became a State almost 40 years ago. We are completely locked out of this highway program.

I wonder what Dwight D. Eisenhower, the person I consider to be one of the greatest leaders of the 20th century, would feel about the concept that roads would only be built by those people who lived within the State. The national concept of highways was, in fact, the Eisenhower dream, and it has been fulfilled in the Interstate Highway System, but the difficulty is it does not reach our State.

Furthermore, this concept that people who drove from Florida to Alaska would suddenly stop at the border and be told, "Sorry, we don't have tax revenues, so we can't build you any roads," or you drove to Seattle and went to the dock where we currently maintain the ferries for citizens of the United States and others to come to Alaska by Alaskan-owned and operated ferries—you would find out they wouldn't be there any longer.

The concept of highways in this country has always been a national concept, and I have always thought, as I paid my gasoline taxes as I drove across the country—and I have driven across the country and up to my State many times—as we drive even into our neighboring country of Canada, we pay a Canadian gasoline tax. It never entered my mind that the Canadians somehow would think I was a Canadian citizen paying taxes in Canada.

Nor do I think that all the people who travel on the roads in Florida or any of the rest of these roads around the country are necessarily residents of that State. The States collect the taxes, but they certainly have no right to collect the taxes from people from outside their State who are traveling through that State to come to mine.

The idea of repealing this gas tax at this time is just completely abhorrent to this Senator's way of thinking. But beyond that, I am here, once again, to say to the sponsor of this amendment, the amendment is unfair, basically, to the States that do not have the highways totally constructed yet.

This is a bill to improve existing highways, not to continue the idea of making sure that there are highways in this country to reach every portion of this great continent that Americans who travel with their families, travel in RVs, travel in their personal automobiles want to go. I just can't believe we are going to abandon the concept that there is one national system of highways. And if there is a national system of highways, some of this highway money has to trickle into Alaska.

Somehow or another, we have to find some way—I see the Senator from Oklahoma smiling. I wonder what would have happened if I just returned from Philadelphia, and suppose we put in the Constitution that there would be no money spent coming from the original 13 States beyond the confines of the 13 States. That is what you are saying—you cannot spend money beyond our State if it was taken into the Treasury through our State.

Again, I say to the Senate advisably, we send 25 percent of the oil of the United States to the United States, to what we call the "south 48," every day—every day. It is the oil that is used to produce the gasoline that your States tax. The taxes are derived from that oil. They do not come back to our State.

How about we put in a provision that says 100 percent of the revenue of the United States from the development of any resource in any State comes back to that State? Would that be agreeable? Would the Senator from Florida like to see that? We have the store house of the United States as far as resources are concerned. We would be able to build roads then, Madam President.

As long as we base this concept that the money has to go back to the very State in which it was collected from any citizen of the United States traveling through the United States, no matter where they are from, it goes back to the State that collected the money, then we won't have a National Highway System.

I am against this concept of repealing this tax. I hope that the Senate will find that the point of order is well taken. I congratulate the Senator from Virginia for making it.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MACK. Madam President, before I yield back the remainder of my time and ask for a waiver of the Budget Act, I cannot help but respond to my delightful colleague from Alaska.

First of all, with respect to Eisenhower, if you go back and read the record, Eisenhower indicated that he was in favor of repealing the gas tax when the interstate system was completed. So I think if he had the opportunity, we would know where he stood on this issue.

In respect to the comments made about Florida and Alaska and oil and so forth, I remind my colleagues, I am talking about 4.3 cents of the gasoline tax. That is point 1.

Point 2, we have supported the interstate system for 41 years, and there will be sufficient funds to, in fact, maintain the interstate system after the repeal of the 4.3 cents.

I just could not let those comments go without responding.

At this point, I am prepared to yield back the remainder of my time.

Mr. WARNER. Madam President, at this time I yield back the time in opposition and restate, which has been put in the RECORD twice, the budget point of order.

The PRESIDING OFFICER. All time has been yielded back.

Mr. BAUCUS. I ask the Senator from Virginia when he expects this vote to occur.

Mr. WARNER. Now.

Mr. BAUCUS. I say to the Senator, that's fine.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

MOTION TO WAIVE THE BUDGET ACT

Mr. MACK. Madam President, I move to waive the Budget Act for consideration of my amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act in relation to the Mack amendment No. 1906. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alabama (Mr. SESSIONS) and the Senator from Alabama (Mr. SHELBY) are necessarily absent.

The yeas and nays resulted—yeas 18, nays 80, as follows:

[Rollcall Vote No. 26 Leg.]

YEAS—18

Abraham
Ashcroft
Brownback
Coats
Coverdell
Graham
Gregg
Hutchison
Inhofe
Kyl
Levin
Lugar
Mack
McCain
Nickles
Smith (NH)
Thompson
Thurmond

NAYS—80

Akaka
Allard
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Gramm
Grams
Grassley
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Lieberman
Lott
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Smith (OR)
Snowe
Specter
Stevens
Thomas
Torricelli
Warner
Wellstone
Wyden

NOT VOTING—2

Sessions
Shelby

The PRESIDING OFFICER. On this vote the yeas are 18, the nays are 80. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected, the point of order is sustained, and the amendment fails.

Mr. CHAFEE. Mr. President, we have a couple of quick colloquies and then it is my understanding that the Senator from Arizona has an amendment which he wishes to present. So let's proceed with these colloquies. Then when the Senator from Arizona completes his amendment, which I understood was going to be something like 10 minutes equally divided, I understand he was going to ask for a rollcall vote, but I don't see the Senator here.

Meanwhile, the Senator from Colorado has a colloquy.

AMENDMENT NO. 1328

Mr. ALLARD. I want to thank the chairman for yielding, and I will engage the chairman and the ranking member in a brief colloquy, if I may.

I had an amendment, 1328, filed and was prepared to offer it for a vote. The amendment would have added particulate matter and ozone as an equally weighted factor for funding from the Congestion Mitigation Air Quality Program (CMAQ).

My concern is that Colorado has problems from PM-10 in the Denver Metro Area that are transportation related that could be lessened from inclusion in the CMAQ program. My understanding is that high altitude states may have a problem with respect to this pollutant that low altitude states may not have. As the chairman and the ranking member of the Environment and Public Works Committee both know, my amendment would have an impact not only on the CMAQ program, but on the formula as a whole.

Out of respect to the hours of work put in by the Senator CHAFEE, WARNER, and BAUCUS, I'm not going to offer the amendment. However, H.R. 2400 which was reported out of the Transportation and Infrastructure Committee in the House of Representatives does make allowances for funding PM-10 in CMAQ.

It's my hope that the leadership of the EPW Committee would find a way to help areas like Colorado deal with their unique problems with respect to PM and carbon monoxide in conference and I will provide any assistance necessary in working toward that end. I will not be offering that amendment with the assurances that you will continue to work with me.

Mr. CHAFEE. I say to the Senator from Colorado that we are happy to pledge to him that we will strive in our work during the conference with the House to address the issue the Senator has raised. The House bill includes the provision he would have offered, so the issue will be in conference. The PM factor will be considered.

The Senator from Colorado has raised a very good point. In some western cities transportation emissions are a principal source of fine particulates in the air. EPA has recently issued new standards for particulate matter that may require these cities to adopt transportation strategies to reach attainment. The CMAQ program in this highway bill is intended to help cities solve their transportation-related air quality problems. So I am happy to pledge to the Senator from Colorado that we will strive in our work during the conference with the House to address the issue he has raised. The House bill includes the provision he would have offered, so the issue will be in the conference and the PM factor could be included in the final formula for CMAQ funding. I want to stress though that we should only move in that direction where the particulate pollution problem is caused by transportation as opposed to stationary sources such as power plants.

Mr. BAUCUS. Mr. President, I supplement what the chairman of the committee said. This has been a matter with the Senator from Colorado and is a matter that relates to CMAQ funding. I can assure the Senator from Colorado that, as I think the Senator from Rhode Island said, we will work with the Senator, work it out in conference, and try to come up with a solution that is workable and agreeable with the Senator from Colorado.

Mr. ALLARD. I thank both the chairman and ranking member for their willingness to work with me on this very important issue.

I yield back the remainder of my time.

Mr. CHAFEE. I thank the Senator from Colorado for being able to work this out. He has been very patient and very helpful as we have tried to reach conclusion on this matter, something he cares deeply about. We will do in the conference exactly as I said and make an honest effort.

Now, Mr. President, the Senator from Arizona has an amendment, but that amendment, it is my understanding, was going to be opposed by the Senator from Iowa. I don't see him here. In fairness to him——

Mr. MCCAIN. Perhaps I could take a few minutes in describing it and by that time the Senator from Iowa would be here.

He is rather familiar with the issue, as the Senator knows.

Mr. CHAFEE. He certainly is. Why don't you go ahead, and we will try to round up the Senator from Iowa.

AMENDMENT NO. 1968 TO AMENDMENT NO. 1963

(Purpose: To prohibit extension of inequitable ethanol subsidies)

Mr. MCCAIN. I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 1968.

Mr. MCCAIN. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment, add the following new section:

"SEC. X008. Notwithstanding any other provision of law, existing provisions in the Internal Revenue Code of 1986 relating to ethanol fuels may not be extended beyond the periods specified in the Code, as in effect prior to the date of enactment of this Act."

Mr. MCCAIN. Mr. President, I say to the Senator from Rhode Island, the distinguished managers, I will take about 5 minutes and then I will have no more debate. This issue is very well known. I do not like to impede the progress of the Senate. While I am speaking, perhaps the Senator from Iowa will agree to that time agreement. I want to let him know I am agreeable to any time agreement.

Mr. President, the amendment prevents an extension of inequitable Government subsidies for the ethanol industry that would cost the American taxpayers $3.8 billion.

The amendment is simple. It negates the effect of the Finance Committee amendment, which is No. 1759, to the ISTEA legislation, which would extend for an additional 7 years the tax credits for ethanol and methanol producers. The value of these ethanol subsidies is estimated by the Congressional Budget Office at $3.8 billion in lost revenue.

Enough is enough. The American taxpayers have subsidized the ethanol industry, with guaranteed loans and tax credits for more than 20 years. Since 1980, government subsidies for ethanol have totaled more than $10 billion. The Finance Committee amendment to ISTEA, if not stricken, would give another $3.8 billion in tax breaks to ethanol producers.

Current law provides tax credits for ethanol producers which are estimated to cost the Treasury $770 million a year in lost revenue, and the Congressional Research Service estimates that loss may increase to $1 billion by the year 2000. These huge tax credits effectively increase the tax burden on other businesses and individual taxpayers.

The current tax subsidies for ethanol are scheduled to expire at the end of 2000. This amendment does not change current law; it allows the existing generous subsidies do continue until the turn of the century. The amendment merely ensures that the subsidies do expire and are not extended for another 7 years.

Mr. President, let me just take a moment and try to explain why we have such generous ethanol subsidies in law today. The rationale for ethanol subsidies has changed over the years, but unfortunately, ethanol has never lived up to the claims of any of its diverse proponents.

In the late 1970s, during the energy crisis, ethanol was supposed to help the

U.S. lessen its reliance on oil. But ethanol use never took off, even when gasoline prices were highest and lines were longest.

Then, in the early 1980s, ethanol subsidies were used to prop up America's struggling corn farmers. Unfortunately, the usual "trickle down" effect of agricultural subsidies is clearly evident. Beef and dairy farmers, for example, have to pay a higher price for feed corn, which is then passed on in the form of higher prices for meat and milk. The average consumer ends up paying the cost of ethanol subsidies in the grocery store.

By the late 1980s, ethanol became the environmentally correct alternative fuel. Unfortunately, the Department of Energy has provided statistics showing that it takes more energy to produce a gallon of ethanol than the amount of energy that gallon of ethanol contains. In addition, the Congressional Research Service, the Congressional Budget Office, and the Department of Energy all acknowledge that the environmental benefits of ethanol use, at least in terms of smog reduction, are yet unproven.

In addition, ethanol is an inefficient, expensive fuel. Just look at the 3- to 5-cent-per-gallon increase in gasoline prices during the winter months in the Washington, D.C. area when ethanol is required to be added to the fuel.

Finally, let me quote Stephen Moore, of the CATO Institute, who puts it very succinctly in a recent paper:

> . . . [V]irtually every independent assessment—by the U.S. Department of Agriculture, the General Accounting Office, the Congressional Budget Office, NBC News and several academic journals—has concluded that ethanol subsidies have been a costly boondoggle with almost no public benefit.

So why do we continue to subsidize the ethanol industry? I think James Bovard of the CATO Institute put it best in a 1995 policy paper:

> . . . [O]ne would be hard-pressed to find another industry as artificially sustained as the ethanol industry. The economics of ethanol are such that, for the industry to survive at all, massive trade protection, tax loopholes, contrived mandates for use, and production subsidies are vitally necessary. Only by spooking the public with bogeymen such as foreign oil sheiks, toxic air pollution, and the threatened disappearance of the American farmer can attention be deflected from the real costs of the ethanol house of cards that consumes over a billion dollars annually.

Mr. President, last year, when the Congress was considering the Taxpayer Relief Act, the House Ways and Means Committee took a bold step and included in its version of the bill a phaseout of ethanol subsidies. In the report accompanying the bill, the House Committee stated:

> [Ethanol tax subsidies] were assumed to be temporary measures that would allow these fuels to become economical without permanent Federal subsidies. Nearly 20 years have passed since that enactment, and neither the projected prices of oil nor the ability of ethanol to be a viable fuel without Federal subsidies has been realized. The Committee determined, therefore, that enactment of an orderly termination of this Federal subsidy program is appropriate at this time.

The Senate Finance Committee took the opposite view, but fortunately, reason prevailed and the conference agreement on the Taxpayer Relief Bill made no change to current law, allowing this needless subsidy program to expire at the turn of the century.

Mr. President, we should end these subsidies. If ever there was a prime example of corporate pork, the unnecessary, inequitable ethanol subsidy program is it.

Mr. President, with today's booming economy, it is hard to justify continued government subsidies for programs that have not lived up to expectations after more than two decades of government assistance. It is even harder when those subsidies are given to an industry that makes over $30 million a year producing ethanol.

Current law terminates ethanol subsidies after the year 2000. This amendment would avoid the $3.8 billion cost of extending the ethanol subsidies through 2006. I urge my colleagues to oppose changing current law and adopt my amendment to prohibit extension of the ethanol subsidies.

Again, Mr. President, I am not without sympathy for the corn producers. I have less sympathy for the large corporations that produce it. But the fact is that I would be willing to agree to an orderly phaseout of this program. But for us to just permanently extend a program that has no viable benefit to consumer or environment doesn't make any sense.

Mr. President, how do we go to the American taxpayer and say, gee, we are cutting your taxes, trying to save you money, we are trying to have good Government here, when we have already spent some $10 billion in subsidies over the last 20 years? And now we are going to go through a $3.8 billion cost to the taxpayer as a result of the ISTEA bill.

Mr. President, we should not do that. We really should not do it. Again, I urge my colleague from Iowa, Senator GRASSLEY, who I respect enormously—I would be glad to talk about a phaseout. But a phaseout must take place.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Ms. MOSELEY-BRAUN. Mr. President, several months ago, during the debate on the Balanced Budget Act of 1997, some of my colleagues called upon Congress to end its commitment to ethanol.

These lawmakers drew their daggers in professed horror, charging that federal support for ethanol was some sort of "deficit buster," or a conspiracy of "corporate welfare."

While I know that in recent years, this mantra has become popular and convenient for some, it falls far short of the facts in this instance.

Ethanol, as my colleagues are aware, is an alcohol-based motor fuel manufactured from corn. Over fifty facilities produce ethanol in more than twenty different states. By the year 2005, 640 million bushels of corn will be used to produce 1.6 billion gallons of ethanol.

Ethanol is good for the environment. Ethanol burns more cleanly than gasoline, and, according to the Environmental Protection Agency, diminishes dangerous fossil-based fumes, like carbon monoxide and sulfur, that choke the air of our congested urban areas.

Tankers will not spill ethanol into our oceans, killing wildlife. National parks and refuges will not be target for exploratory drilling. When ethanol supplies run low, you simply grow more corn.

Ethanol strengthens our national security. Ethanol flows not from oil wells in the Middle East, but from grain elevators in the Middle West, using American farmers, and creating American jobs. With each acre of corn, ten barrels of foreign oil are displaced—up to 70,000 barrels each day.

And for farmers, ethanol creates value-added markets, creating new jobs and boosting rural economic development. According to a recent study conducted by Northwestern University, the 1997 demand for ethanol is expected to create 195,000 new jobs nationwide.

Ethanol is the fuel of the future—and the future is here. Illinois drivers consume almost five billion gallons of gasoline, one-third of which is blended with ethanol. Chicago automotive plants are assembling a new Ford Taurus that runs on 85 percent ethanol. More and more gas stations are offering ethanol as a choice at the pump.

Isn't it worth cultivating an industry that improves the environment and promotes energy independence? Isn't it the responsibility of Congress to foster an economic climate that creates jobs and strengthens domestic industry? Don't we have a commitment to rural America, and a responsibility for its economic future?

Mr. President, I think the answer to these questions is a resounding yes, and that's why I urge my colleagues to oppose this amendment.

Mr. GRASSLEY. Mr. President, I urge my Senate colleagues to vote against the anti-ethanol tax hike amendment offered by Senator MCCAIN.

The good Senator from Arizona took us down this road last year, only to be turned back by a vote of 69–30.

I want to thank the 35 Republicans and 34 Democrats who joined in defending the Grassley/Moseley-Braun ethanol program extension, and urge that you join us again in defending one of our Nations's bright spots in our long battle to reduce our dependence upon foreign energy.

I want to thank Chairman ROTH for honoring the request from Senator LOTT, Senator MOSELEY-BRAUN, and me to include in the highway bill the same ethanol language that we defended in that 69-30 vote last year.

Mr. President, with increased frequency, we hear loosely tossed around the phrase "corporate welfare."

Unfortunately, by failing to establish and apply a consistent, workable definition, "corporate welfare" becomes as worn and arbitrary as the term "pork barrel."

Is it "corporate welfare" for an Arizona road construction company to take a government check to build roads?

Clearly, without the government money, it would not be building roads, so does that make it "corporate welfare?"

Is it "corporate welfare" for a defense contractor to take a government check to build aircraft? Clearly, without the government money, it would not be building military aircraft.

If the key factor in identifying corporate welfare is the receipt of a government check, then America has a lot of companies depending upon corporate welfare.

But what if the company receives no government check—not one thin dime from Uncle Sam?

What if America decides that because it has become increasingly and dangerously dependent upon foreign energy, that we must establish programs and incentives to develop domestic sources of energy and to conserve energy?

What if, instead of doling out government checks to specific corporations, we establish a program to lower the taxes of motorists who use gasoline blended with home-grown ethanol?

That's exactly how the ethanol program works! Not one thin dime from the government goes to ethanol producers such as ADM. We do not pick the winners and losers.

We do not influence, let alone decide or dictate who makes ethanol or who doesn't.

Ethanol is produced by 35 companies with plants in 22 states. Many of these are farmer owned and operated cooperatives that support small towns and small businesses.

Anybody under the sun in America can produce ethanol, and the fact is, one of the biggest growth areas in ethanol production is coming from cooperatives.

But no matter who makes ethanol, they will get absolutely no government funds from the ethanol program that my colleague from Arizona seeks to destroy through a tax hike.

The ethanol program doesn't even fit the criteria outlined by the corporate subsidy reform bill introduced by Senator MCCAIN.

One key test under his bill is whether or not government spending benefits the public, as opposed to a narrow group of corporations. Numerous studies have demonstrated that ethanol incentives provide tremendous economic, energy, and environmental benefits to the public.

Those who oppose the ethanol program are not trying to eliminate a subsidy; they are attempting to impose a tax increase upon America's motorists.

And we all know that the power to tax is the power to destroy, and that is just exactly what will happen if the anti-ethanol forces win.

Ask the Society of Independent Gasoline Marketers of America what will happen. If you deny them the alternative of ethanol-blended gasoline as a supply option, many will no longer be able to compete with the major oil companies. Many independents will be forced out of business by big oil, and gasoline prices will rise.

And rise indeed: According to recent economic analysis, the termination of the ethanol program would force motorists to pay an extra $3 billion for gasoline!

The Midwest Governors Conference analysis of the ethanol program found that it provides a 20-1 return on investment. It adds $4.5 billion annually to farm income, it reduces our trade deficit by $2 billion, and it generates $4 billion in increased federal revenues.

Does the ethanol program promote the public interest? Absolutely.

Is the ethanol program "corporate welfare?" Absolutely not!

There is not one shread of credibility to accusations that the ethanol program is corporate welfare.

Unfortunately, many of us have been caught up with misinformation. Misinformation disseminated by big oil's massive brain washing-machine, with it's hyper spin cycle that fuels the engines of tabloid journalism.

Again, it's a massive brain-washing-machine, with a hyper spin cycle. And you thought I was going to say it was a vast right wing conspiracy.

Mr. President, a year or so ago, Senator MCCAIN produced a white-paper which analyzed and critiqued our nation's current defense planning assumptions which require us to be prepared to go it alone simultaneously fighting wars in two regions of the world, and do so with a win-win objective. He concluded that our financial and military resources are stretched too thinly to meet the demands of such a defense plan.

We may not always agree, but Senator MCCAIN rightfully takes a back-seat to no one in his understanding of military affairs.

I hope, therefore, he will take to heart my following comments which touch directly upon stretched military resources as well as the question of corporate welfare.

Over 40 years ago, American oil producers convinced the federal government to impose oil import quotas and tariffs with the argument that we faced a national security crisis because we were importing a mere 10 percent of our oil.

Today, our national security crisis is far more severe—we depend upon foreign energy for over 50 percent of our needs. I believe it's about 54 percent today.

In 1995, the administration reported, and I quote:

> Growing import dependence increases U.S. vulnerability to a supply disruption because non-OPEC sources lack surge production capacity . . . petroleum imports threaten to impair national security.

Now, Mr. President, what I am about to share, will shed light, not only upon Senator MCCAIN's concern about our military resources being spread too thin, but also upon the very reason our petroleum imports continue to grow and continue to jeopardize our national security.

In 1987, Secretary of Navy, John Lehman, stated that our total cost of protecting the Persian Gulf oil supply lines—forces, training, operations, bases and support—amounted to 20 percent of our total military budget.

That amounted to $40 billion per year that taxpayers were being forced to pay to defend foreign oil.

By any definition, this $40 billion, gold-plated military escort service is a subsidy directly benefiting the major oil companies and the Persian Gulf oil producing nations.

So I ask, isn't this $40 billion military subsidy simply corporate welfare for an exclusive club of oil companies?

And doesn't the expenditure of 20 percent of our military budget to defend oil supply lines partly explain the reason for and suggest solutions to the problems detailed in Senator MCCAIN's white paper?

What would happen if the oil companies, or even the oil producing nations, were required to pay for this $40 billion per year military escort service?

Well, I can hear the oil importers already saying, "You either pay me now, or pay me later. We'll just pass on the cost to the American consumer with high gasoline costs."

My answer to that is "maybe so, but let's take a look at all the trade-offs."

I ask my colleagues to think about this. One analysis concluded that this $40 billion taxpayer subsidy put the real cost of imported Persian Gulf oil at $140 per barrel, during a time that U.S. domestic producers were getting about $18 per barrel.

Is it any wonder that thousands of American independent oil producers were forced out of business during the 1980's?

Isn't it just a little ironic that these taxpaying oil producers were being forced to subsidize the very foreign competition that was running them out of business?

And, if they were still producing today, would we be so reliant upon foreign oil?

Which, in turn, leads to the question of whether or not we would feel so compelled to devote 20 percent of our military resources to the Persian Gulf in the first place.

Would it not make more sense to let the market place take over by requiring someone other than the taxpayer to pay for this military escort service?

Wouldn't this put Oklahoma and Texas producers back in business?

And to cap it all off, think of this: Most of this subsidized Persian Gulf oil goes not to the United States, but to our economic competitors in Europe and Japan! So here we are, subsidizing the energy of our foreign manufacturing competitors so that they can better undercut American manufacturers.

I'm not sure what we have here: Corporate welfare? Foreign aid? Or is it Foreign corporate welfare?

Picking up on John Lehman's admission that we must devote 20 percent of our military budget to protect Persian Gulf oil supply lines, it goes without saying that we are also talking about the lives of our sons and daughters who bravely, and honorably serve in our military.

And as inflammatory as this may sound to some, the truth is not one of our sons and daughters have ever been asked to sacrifice life or limb to defend the supply lines and production of America's home-grown domestic fuel—ethanol.

Isn't that worth something? Isn't that worth a mere 5.4 cent exemption from highway taxes?

Or is your thirst of tax increases too great to resist?

Are we that blind? Just a few months ago, officials of a Persian Gulf nation admitted publicly that they wanted American oil companies to establish operations in their country. Why? Because they knew the U.S. military would then most definitely come to the rescue if that country faced aggressive military action from a neighboring country.

A few months ago, four of our nation's top national security experts wrote to congressional leaders calling for increased support for ethanol.

They warned, and I quote:

> The domestic ethanol industry provides fuels that reduce imports . . . We implore Congress of the United States to continue and indeed strengthen tax incentives for the ethanol industry.
>
> To do otherwise would threaten America's national and economic security, weaken its plans to improve the environment and relinquish U.S. world-wide leadership in the biofuels area.

This letter was signed by: General Lee Butler USAF (Ret.) Former Commander, Strategic Air Command, Desert Storm; R. James Woolsey, Former Director of the CIA; Robert McFarland, Former National Security Advisor to the President; and Admiral Thomas Moorer USN (Ret.), Former Chairman, Joint Chiefs of Staff.

Mr. President, by using ethanol, Americans reduce by 98,000 barrels a day, the amount of oil and MTBE that must be imported.

But the ethanol program is just one of many government programs implemented to reduce our dependence upon foreign energy. Others include: Mass transit subsidies, energy efficiency and conservation programs, alternative fuel vehicle incentives, subsidies to help oil and gas producers to develop advanced technologies for exploration and extraction, programs to promote natural gas use, and the Strategic Petroleum Reserve.

Let's face it, no single government program can eliminate dependence upon foreign oil entirely, but these various initiatives, taken together as a whole, can help reduce our vulnerability.

I ask my friends from oil and gas states:

Is your problem the farmer and ethanol producer from the middle west?

Or is it OPEC and the oil sheiks from the Middle East?

Isn't it time we started pulling together, instead of pulling apart?

Or do you propose giving up and surrendering to the OPEC oil sheiks by eliminating all energy and conservation programs?

If so, be prepared to face the termination of the 14 cent highway excise tax exemption for natural gas.

Be prepared for the termination of the highway tax brake for propane, liquefied natural gas, and methanol which now only pay 13.6 cents, 11.9 cents and 9.15 cents respectively, instead of the full 18.3 cents per gallon.

Be prepared for the termination of the percentage depletion allowance for domestic producers, which drains the treasury to the tune of $900 million per year.

And while my colleagues from oil and gas states think about this, could they please tell us, are these tax breaks and subsidies programs to promote energy independence, or are they merely forms of corporate welfare?

What about mass transit subsidies. I have seen figures that show some mass transit taxpayer subsidies, for capital and operations, can run as high as $15 per rider. If you assume a 20 mile ride, that comes out to a government subsidy of 75 cents per rider/mile.

Compare the ethanol investment. Ethanol has transported people 200 billion miles at a cost to taxpayers of about 2.5 cents per mile. It's even less if you subtract the savings to our farm programs.

So, which does a better job of reducing our dependence on foreign energy? Ethanol at 2.5 cents a mile, or mass transit that can cost as high as 75 cents a mile?

We could terminate all these programs aimed at reducing our dependence upon foreign oil.

Are we that short-sighted? Are we that parochial? I think not.

I know we're not, because 35 Republican and 34 Democratic Senators voted to save the ethanol program extension. Senate Republican Leader LOTT and Democratic Leader DASCHLE are both committed to extending this program. House Speaker GINGRICH and Minority Leader GEPHARDT have both pledged to support the ethanol program.

And I know first hand, that both President Clinton and Vice President GORE support the ethanol extension because they both called me at my farm last year to pledge their support.

It would be true folly to destroy one of the few bright spots in our fight for energy independence.

Ethanol production has become highly energy efficient. Today, it takes 100 Btu's to yield 135 Btu's of ethanol. In sharp contrast, it takes 100 Btu's to produce 85 Btu's of gasoline or 55 Btu's of methanol.

And ethanol helps reduce every mobile source pollutant that EPA regulates. It reduces carbon monoxide, ozone, NO_X and toxic emissions.

Furthermore, the Department of Energy and the Argonne National Laboratory recently finished a study entitled, "Fuel-Cycle Fossil Energy Use and Greenhouse Gas Emissions of Fuel Ethanol Produced from Midwest Corn." This study reported that ethanol use results in a 50–60 percent reduction in fossil energy use and a 35–46 percent reduction in greenhouse gas emissions.

Mr. President, I ask my colleagues to join with me and voting against the McCain tax hike amendment.

Ethanol is good for national security. It is good for the environment. It is good for America's motorists. It is good for our balance of trade. It is good for our farm economy.

I have said it before, but it bears repeating. Ethanol is just plain good, good, good.

Mr. DASCHLE. Mr. President, I strongly oppose the amendment to strike extension of the ethanol tax incentive from the federal highway bill. This program has proven its value to the nation in the past, and its continuation is important not only to the economic vitality of rural America, but also to the national goals of improving air quality and weaning the country from its dangerous dependence on foreign oil.

Over the last 20 years, ethanol has grown from a good idea to a serious alternative fuel for American motorists. Its use today—over a billion gallons per year—significantly reduces our need to import foreign oil. As General Lee Butler has pointed out, every barrel of oil we import from the Middle

East costs us, in real terms, more than $100 The cost Americans pay at the pump for gasoline is not reflective of this extraordinary investment, which underscores the need to do even more to reduce our consumption of imported oil.

In addition, clean-burning ethanol helps cities throughout the country achieve clean air standards inexpensively and easily, while reducing emissions of greenhouse gases. And, in rural America, it provides jobs at a time when family farms are struggling to survive.

Mr. President, less than a year ago, this body made clear its overwhelming support for renewable fuels when it defeated a similar amendment to the budget bill by a vote of 69 to 30. The Senate should reaffirm its support for this program just as resoundingly today.

The only difference between last year and today is that today we are debating this tax incentive in the context of the transportation bill. In the past, some have raised the specter that this tax incentive could reduce the federal investment in our transportation infrastructure. I would like to dispel that argument once and for all.

Last week, Transportation Secretary Rodney Slater wrote me that, "The Administration believes that the ethanol tax exemption does not reduce needed investments in roads, bridges, and transit. Furthermore, given the current balances in the Highway Trust Fund and projected revenues, continuation of the exemption will not affect future Federal spending on transportation projects." I ask unanimous consent that the entire letter from Secretary Slater be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SECRETARY OF TRANSPORTATION,
Washington, DC, March 6, 1998.

Hon. THOMAS A. DASCHLE,
U.S. Senate,
Washington, DC.

DEAR SENATOR DASCHLE: The Administration strongly supports the use of alternate fuels as a meaningful way to address some of the Nation's air quality, energy conservation and balance of payment problems. The future of U.S. transportation will depend heavily on alternative fuels. For these reasons, the Administration is firmly in favor of continuing an ethanol excise tax exemption.

The Administration believes that the ethanol exemption does not reduce needed investments in roads, bridges and transit. Furthermore, given the current balances in the Highway Trust Fund and projected revenues, continuation of the exemption will not affect future Federal spending on transportation projects.

The extension of the tax exemption for ethanol use as a highway motor fuel is part of the Administration's surface transportation reauthorization proposal, S. 468, the National Economic Crossroads Transportation Efficiency ACt (NEXTEA). Our proposal would extend the current exemption provision through September 30, 2006, because of the many benefits that domestic ethanol production provides to the Nation.

Sincerely,

RODNEY E. SLATER.

Mr. DASCHLE. Given the clear benefits of the ethanol tax incentive and the fact that it does not affect federal investments in transportation projects, I urge my colleagues to join me in opposing this amendment and helping to ensure that America has the tools to meet its energy, environmental and economic goals long into the future.

Mr. LOTT. Mr. President, I appreciate Senator MCCAIN's position on this. I understand how he feels about it. I also appreciate the fact that he is willing to bring it up in such a fashion where he can make this points and we can move on to a vote on a motion to table. A number of Senators on both sides could come over and speak at great length on this subject. But in the interest of trying to begin to move toward a conclusion and getting within, hopefully, a short period of time, the final votes before we would have the cloture vote so we can see what is exactly left to be done on this bill.

In order to get that accomplished, I move to table amendment No. 1968 and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table Amendment No. 1968.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alabama (Mr. SHELBY) and the Senator from Alabama (Mr. SESSIONS) are necessarily absent.

Mr. FORD. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 71, nays 26, as follows:

[Rollcall Vote No. 27 Leg.]

YEAS—71

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Campbell
Chafee
Cleland
Coats
Cochran
Conrad
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Faircloth
Feinstein
Ford
Glenn
Graham
Gramm
Grams
Grassley
Hagel
Harkin
Hatch
Helms
Hollings
Inouye
Jeffords
Johnson
Kempthorne
Kerrey
Kerry
Kohl
Landrieu
Levin
Lott
Lugar
Mack
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Reed
Reid
Roberts
Roth
Sarbanes
Smith (OR)
Stevens
Thomas
Thurmond
Torricelli
Wellstone

NAYS—26

Byrd
Collins
Coverdell
Enzi
Feingold
Frist
Gorton
Gregg
Hutchinson
Hutchison
Inhofe
Kyl
Lautenberg
Leahy
Lieberman
McCain
Nickles
Robb
Rockefeller
Santorum
Smith (NH)
Snowe
Specter
Thompson
Warner
Wyden

NOT VOTING—3

Kennedy
Sessions
Shelby

The motion to lay on the table the amendment (No. 1968) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I now enter into a colloquy with the distinguished Senator from Maine.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Maine.

Ms. COLLINS. Mr. President, I rise today to engage the distinguished chairman of the Senate Committee on Environment and Public Works in a colloquy in order to clarify that a specific kind of innovative materials research will be eligible for funding under this bill.

Many of our Nation's bridges have been in service far longer than originally planned. As a result, they have fallen into a state of serious disrepair. Many of them are in need of outright replacement. Over the past several years, the Federal Government has supported research in an effort to develop a new, stronger, and more environmentally sensitive material for use in bridge construction. One of the most promising developments in this area is a new technology known as "wood composites." These materials combine wood, an abundant and renewable resource, with modern composites to give the wood significantly more strength and durability.

I am proud to say that the University of Maine's Advanced Engineered Wood Composites Center has been a leader in developing wood composite technologies, and it has done so in part with research funds from the National Science Foundation. That research has now advanced to the point where composite-reinforced wood is being used in pilot projects in Maine and elsewhere in the United States.

Wood composites have shown a great deal of promise as a means of providing low-cost, extremely durable, and environmentally safe material for building and repairing bridges. Given its performance and its promise, we should be enthusiastically promoting further development of this exciting new technology.

I have discussed with the chairman my strong support for ensuring that the research involving wood composites, specifically wood fiber-reinforced plastic composites, will be eligible for funding under the sections of this legislation. Specifically, the bill authorizes funding to: First, establish four new national university transportation centers; second, section 2005 of the bill authorizes funding for the Department of Transportation's basic research and technology programs over the next 6 years; third, section 2011 of the bill authorizes funding for the Federal Highway Administration's National Technology Deployment Initiatives and Partnership Program; and, finally, section 2013 of the legislation authorizes funding for an innovative bridge research and construction program.

The purpose of my colloquy with the distinguished chairman today is to confirm my understanding that the ongoing research involving wood FRP composites is eligible for funding under all of these sections of the ISTEA reauthorization bill, and further that the University of Maine's Wood Composites Center will be eligible to apply for designation as one of the new NUTCs authorized in the bill.

I yield to my distinguished friend and colleague from Rhode Island, the chairman of the committee, Senator CHAFEE, for any reassurances that he might be able to give me in this regard.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I want to confirm the understanding of the Senator from Maine, Ms. COLLINS, that, in fact, wood composite research involving so-called wood FRP composites is eligible to compete for funding under those sections of the ISTEA II legislation that she mentioned.

Furthermore, I want to confirm for the Senator that the Advanced Engineered Wood Composites Center at the University of Maine is eligible to apply for designation by the Federal Highway Administration as one of the four new national university transportation centers authorized by the ISTEA legislation as well.

I understand there is a great deal of excitement about this new, emerging field of wood composite research. Certainly I believe that the Federal Government should be actively encouraging and providing funding for this innovative activity, which would be beneficial to rebuilding many of our bridges across our country.

Mr. President, I look forward to continuing to work with Senator COLLINS during the committee conference on this matter, and I want to express my appreciation to her for her efforts in bringing this matter to my attention.

Ms. COLLINS. Mr. President, I thank the distinguished chairman of the committee. I invite both the distinguished chairman and the distinguished ranking minority member, Senator BAUCUS, to come to the University of Maine sometime and look at the fabulous research that is being done in this area. It is extremely exciting. The wood reinforced with these composites is stronger than steel. I am very proud of the research that is going on in my State and I believe it can contribute greatly to the transportation future of this country.

Mr. CHAFEE. Is that all in Orono?

Ms. COLLINS. It is.

Mr. CHAFEE. The home of black bears, I believe.

Ms. COLLINS. That's right.

Mr. BAUCUS. I say to my gracious friend from Maine, I accept her invitation. I would love to see this process, not only because anyone would like to visit Maine, but, second, it is mutually beneficial to lots of other States which have a very prominent reinforced products industry. I thank the Senator.

Ms. COLLINS. I thank the Senator. We will throw in a lobster dinner as well.

Mr. BAUCUS. It's a deal.

Ms. COLLINS. I yield the floor.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I ask unanimous consent we temporarily lay aside the Finance amendment currently pending.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1969 TO AMENDMENT NO. 1676

(Purpose: To allow entities and persons to comply with court orders relating to disadvantaged business enterprises and to require the Comptroller General to carry out a biennial review of the impact of complying with requirements relating to disadvantaged business enterprises)

Mr. McCONNELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] proposes an amendment numbered 1969 to amendment No. 1676.

Mr. McCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 79, between lines 13 and 14, insert the following:

(e) COMPLIANCE WITH COURT ORDERS.—Nothing in this section limits the eligibility of an entity or person to receive funds made available under titles I and II of this Act, if the entity or person is prevented, in whole or in part, from complying with subsection (a) because a Federal court issues a final order in which the court finds that the requirement of subsection (a), or the program established under subsection (a), is unconstitutional.

(f) REVIEW BY COMPTROLLER GENERAL.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct a review of, and publish and report to Congress findings and conclusions on, the impact throughout the United States of administering the requirement of subsection (a), including an analysis of—

(1) in the case of small business concerns certified in each State under subsection (d) as owned and controlled by socially and economically disadvantaged individuals—

(A) the number of the small business concerns; and

(B) the participation rates of the small business concerns in prime contracts and subcontracts funded under titles I and II of this Act;

(2) in the case of small business concerns described in paragraph (1) that receive prime contracts and subcontracts funded under titles I and II of this Act—

(A) the number of the small business concerns;

(B) the annual gross receipts of the small business concerns; and

(C) the net worth of socially and economically disadvantaged individuals that own and control the small business concerns;

(3) in the case of small business concerns described in paragraph (1) that do not receive prime contracts and subcontracts funded under titles I and II of this Act—

(A) the annual gross receipts of the small business concerns; and

(B) the net worth of socially and economically disadvantaged individuals that own and control the small business concerns;

(4) in the case of business concerns that receive prime contracts and subcontracts funded under titles I and II of this Act, other than small business concerns described in paragraph (2)—

(A) the annual gross receipts of the business concerns; and

(B) the net worth of individuals that own and control the business concerns;

(5) the rate of graduation from any programs carried out to comply with the requirement of subsection (a) for small business concerns owned and controlled by socially and economically disadvantaged individuals;

(6) the overall cost of administering the requirement of subsection (a), including administrative costs, certification costs, additional construction costs, and litigation costs;

(7) any discrimination, on the basis of race, color, national origin, or sex, against small business concerns owned and controlled by socially and economically disadvantaged individuals;

(8)(A) any other factors limiting the ability of small business concerns owned and controlled by socially and economically disadvantaged individuals to compete for prime contracts and subcontracts funded under titles I and II of this Act; and

(B) the extent to which any of those factors are caused, in whole or in part, by discrimination based on race, color, national origin, or sex;

(9) any discrimination, on the basis of race, color, national origin, or sex, against construction companies owned and controlled by

socially and economically disadvantaged individuals in public and private transportation contracting and the financial, credit, insurance, and bond markets;

(10) the impact on small business concerns owned and controlled by socially and economically disadvantaged individuals of—

(A) the issuance of a final order described in subsection (e) by a Federal court that suspends a program established under subsection (a); or

(B) the repeal or suspension of State or local disadvantaged business enterprise programs; and

(11) the impact of the requirement of subsection (a), and any program carried out to comply with subsection (a), on competition and the creation of jobs, including the creation of jobs for socially and economically disadvantaged individuals.

Mr. McCONNELL. Mr. President, the amendment I send to the desk has been cleared, I am told, by both Senator CHAFEE, the chairman of the committee, and Senator BAUCUS, the ranking minority member. It is my understanding there is no objection.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, the amendment offered by the Senator from Kentucky deals with the so-called Disadvantaged Business Enterprise Program. I want to emphasize this McConnell amendment is not the same as the earlier McConnell amendment which we voted on a week ago. This new amendment would clarify Department of Transportation policy with regard to grant recipients who are under a Federal court order.

It also would require a new GAO study of the DBE program and of discrimination against DBEs in general.

Mr. President, the Senator has made a number of modifications to this. It is an amendment we are prepared to accept. I thank him for working out these modifications with us.

Mr. BAUCUS. Mr. President, this amendment has been worked out and cleared on our side.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, let me say briefly that this amendment is simple, fair and noncontroversial, as evidenced by the fact that my colleagues have signed off on it.

It says two things:

First, no State or local transit authority will lose its ISTEA funding simply because it suspends the DBE Program in response to a court order declaring the program unconstitutional.

Second, my amendment asks GAO to study the program and let Congress know how the program is working to ensure it genuinely helps disadvantaged women and minorities.

Even though ISTEA and the DBE program were declared unconstitutional last summer by the federal court in Colorado, this legislative body chose to reauthorize the program because the Secretary of Transportation and the Attorney General promised us that any possible problems with the program had been cleaned up under the new proposed regulations.

The Senate accepted the Secretary and the Attorney General at their word. As my good friend and respected colleague from New Mexico stated on the floor last Thursday night:

> I say to the administration very clearly right now: You have now put the signature of the Attorney General of the United States and the Secretary of [Transportation] on the answer to . . . seven questions [about the constitutionality of this program]. And this Senator, and I think a number of other Senators, is going to be voting to keep the provisions in the bill based on these kinds of assurances. . . . If, in fact, it comes out in a few months that the regulations are not being interpreted in the way suggested here, then I assure you that we will change them. . . . This better become a very, very, serious challenge to the administration as they finally implemented this program.

I appreciate the candor of my friend, Mr. DOMENICI. Consistent with that candor and with that challenge, my amendment simply says that the Senate is taking the administration at its word.

And, if for any reason, the program is not fixed, and more courts strike down the program, then my amendment ensures that we will not punish the States for complying with federal court orders.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1969) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NEPA PROCESS AND TRANSPORTATION PROJECTS

Mr. SMITH of New Hampshire. Mr. President, I would like to speak for a few minutes on the need to bring some common sense and reason to the environmental permitting process for transportation projects. I am pleased to say that we have at least begun a debate on this issue and that a bipartisan effort to improve the environmental review process has taken place.

As a member of the Environment and Public Works Committee, I am very familiar with the planning and construction process for highway and bridge projects. As such, I have been disturbed by statistics showing that it takes 10 years to plan, design and construct a typical transportation project in this country.

Why does it take so long to plan a project? The answer lies in the multiple layers of agency evaluations on the impacts of various modes and/or alignment as required by the National Environmental Policy Act (NEPA). While it would be sensible and efficient if the NEPA process established a uniform set of regulations and submittal documents nationwide, this has not been the case.

For example, the Environmental Protection Agency, U.S. Army Corps of Engineers, U.S. Coast Guard, U.S. Fish and Wildlife Service, and their companion state agencies each require a separate review and approval process, forcing separate reviews of separate regulations and requiring planners to answer requests for separate additional information. Also, each of these agencies issues approvals according to separate schedules. The result: the time period between project beginning to completion has grown to at least 10 years, assuming that the project is non-controversial and there is adequate funding available. If either of these assumptions is not the case, the time period could be even longer.

I am sure that if Senators contacted their own state transportation departments, they would be dismayed by the number of transportation projects that are delayed due to overlapping and often redundant regulatory reviews and processes. These delays increase costs and postpone needed safety and traffic improvements that would save lives. Clearly, this process from start to finish is too long and too cumbersome, often taking eight years just to complete the planning, review and design phases of a project.

There are numerous examples to illustrate why the current system is broken. One of these examples is from my home state of New Hampshire. The Nashua Circumferential Highway project was in the planning and environmental review phase for more than 10 years and had received the necessary permits from the Corps of Engineers when, at the eleventh hour, EPA stepped in and exercised its veto authority. EPA vetoed the project even though a $31 million environmental mitigation package was committed by the state. A scaled back version of this project is finally back on the table. However, many years and a significant amount of resources were unnecessarily wasted. This is just one of many fiascoes that have occurred all over the country.

While I think the language in S. 1173 represents a good first step, I still believe we could do more to streamline and improve the review process without circumventing protections for the environment. Unfortunately, there are certain groups who consider the National Environmental Policy Act to be a sacred statute in which no changes are warranted. I disagree with that viewpoint.

I had intended to offer my own NEPA streamlining amendment today which would greatly improve the environmental review process for highway-related projects. In fact, my amendment is endorsed by numerous professional organizations involved in transportation as well as the association of state departments of transportation—the people who have first-hand knowledge and experience in the planning and design of a project. When it takes an average of eight years to complete the environmental review process, there is something wrong with the system.

Many of these wasteful endeavors could have been avoided if a coordinated interagency review procedure was established early in the process. I think it is also important to establish a framework with mutually agreed upon deadlines for each agency to take action, as well as establish an effective dispute resolution process. As it stands now, often times there is no Federal-State coordinated review process established from the beginning, no set timetables for meeting certain reviews or permit approvals, and no system for resolving disputes in a timely manner.

We need to design a better system that protects both the taxpayers' investment and the environment. I do not buy the argument that making common sense reforms to the NEPA review process is in any way compromising environmental protection.

In conclusion, I hope we can continue working on improvements to the planning process as the ISTEA bill makes its way through conference. The system is "broke" and needs fixing. Thank you, Mr. President, and I yield to the distinguished majority leader.

Mr. LOTT. Mr. President, I thank the Senator from New Hampshire for raising this important issue on the ISTEA bill. I completely agree with his statement about the need to reform the NEPA review process as it pertains to transportation projects. In fact, the National Environmental Policy Act as a whole needs to be looked at for possible improvements. I fully support the goals and intent behind NEPA, but I also believe that States are capable of carrying out NEPA's requirements when planning and reviewing various transportation projects within their borders.

While I agree with my friend that S. 1173 makes good progress toward streamlining the environmental review process, I share his concerns that it might not go far enough in resolving this problem. It is clear we need a more effective environmental coordination process that results in less staff time and expense for all the agencies and stakeholders in the NEPA process.

If we are successful in this effort, we will hopefully reduce the time it now takes in reaching final decisions and receiving project approvals and permits, saving resources and lives. Therefore, I congratulate my colleague on his efforts thus far and encourage him to pursue additional improvements to the current NEPA review process. At this time, Mr. President, I yield back to my friend from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I thank the majority leader for his comments and support on this issue as we move toward Senate passage and conference committee deliberations on the ISTEA legislation. I yield the floor.

Mr. CHAFEE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that three members of my staff be permitted to have access to the floor for further consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, we are down to the point where this Senator wants to get some information. I don't serve on this committee, so I want to serve notice to the managers that I have a series of questions I want to ask them.

I keep being told that the money under this bill is allocated, that there is no way at all to consider any amendments that might deal with the marine highway system.

So, in the course of the next few hours, I intend to find out what has happened to the money that is in this bill and why there is no money to fulfill the needs of our State.

I suggest the absence of a quorum, until I get the information that my staff is bringing.

The PRESIDING OFFICER (Mr. ABRAHAM). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1963

Mr. CHAFEE. Mr. President, I ask unanimous consent that no further amendments be in order to the Finance amendment and the amendment be agreed to with a motion to reconsider being laid upon the table.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 1963) was agreed to.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1970 THROUGH 1973, EN BLOC, TO AMENDMENT NO. 1676

Mr. CHAFEE. Mr. President, I have a series of technical amendments here that are agreeable to both sides, and I will have them considered en bloc. The first is an amendment by Senator BYRD dealing with a study of the highway and bridge needs and road needs of the country. The second is a MOSELEY-BRAUN safety amendment. The third is a SARBANES amendment dealing with travel plazas. The fourth amendment is from Senator MOYNIHAN dealing with the Pennsylvania Station Redevelopment Corporation board of directors and the membership of that board.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Rhode Island (Mr. CHAFEE) proposes amendments en bloc numbered 1970 through 1973 to amendment No. 1676.

Mr. CHAFEE. Mr. President, I ask unanimous consent that these amendments be considered en bloc.

The PRESIDING OFFICER. The amendments will be considered en bloc.

The amendments (Nos. 1970 through 1973) are as follows:

AMENDMENT NO. 1970

(Purpose: To impose certain requirements concerning the biennial infrastructure investment needs report)

Beginning on page 369, strike line 22 and all that follows through page 370, line 4, and insert the following:

"§ 509. Infrastructure investment needs report

"(a) IN GENERAL.—Not later than January 31, 1999, and January 31 of every second year thereafter, the Secretary shall report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on—

"(1) estimates of the future highway and bridge needs of the United States; and

"(2) the backlog of current highway and bridge needs.

"(b) FORMAT.—

"(1) IN GENERAL.—Each report under subsection (a) shall, at a minimum, include explanatory materials, data, and tables comparable in format to the report submitted in 1995 under section 307(h) (as in effect on the day before the date of enactment of this section).

Mr. BYRD. Mr. President, this amendment is designed to keep the Congress and the American people informed about the real condition of our National Highway System.

Under current law, the Secretary of Transportation is required to sent a biannual report to the Congress on the performance and conditions of America's highways.

Unfortunately, the report that was due at the beginning of last year was not completed and delivered to the Congress until last week, some 18 months late. Moreover, the new report uses an entire new set of measures that make it impossible to determine whether the condition of our roadways has improved or declined. Indeed, the new report abandons the format utilized in prior years which provided direct and clear data on the condition of our highways and bridges. This data enabled all citizens and policy makers to measure the progress of lack of progress that had been made on improving our highway system.

This amendment would ensure that all future reports include data using the format that was used in prior years so that we can compare "apples to apples" when formulating our national policy on highways.

AMENDMENT NO. 1971

(Purpose: To improve highway safety)

At the appropriate place, insert the following:

SEC. . ROADSIDE SAFETY TECHNOLOGIES.

(a) CRASH CUSHIONS.—

(1) GUIDANCE.—The Secretary shall initiate and issue a guidance regarding the benefits and safety performance of redirective and nonredirective crash cushions in different road applications, taking into consideration roadway conditions, operating speed limits, the location of the crash cushion in the right-of-way, and any other relevant factors. The guidance shall include recommendations on the most appropriate circumstances for utilization of redirective and nonredirective crash cushions.

(2) USE OF GUIDANCE.—States shall use the guidance issued under this subsection in evaluating the safety and cost-effectiveness of utilizing different crash cushion designs and determining whether directive or nonredirective crash cushions or other safety appurtenances should be installed at specific highway locations.

AMENDMENT NO. 1972

(Purpose: To authorize the continuance of commercial operations at the service plazas on the John F. Kennedy Memorial Highway)

At the end of subtitle H of title I, add the following:

SEC. 18 . CONTINUANCE OF COMMERCIAL OPERATIONS AT CERTAIN SERVICE PLAZAS IN THE STATE OF MARYLAND.

(a) WAIVER.—Notwithstanding section 111 of title 23, United States Code, and the agreements described in subsection (b), at the request of the Maryland Transportation Authority, the Secretary shall allow the continuance of commercial operations at the service plazas on the John F. Kennedy Memorial Highway on Interstate Route 95.

(b) AGREEMENTS.—The agreements referred to in subsection (a) are agreements between the Department of Transportation of the State of Maryland and the Federal Highway Administration concerning the highway described in subsection (a).

AMENDMENT NO. 1973

(Purpose: To provide for the inclusion of the Secretary of Transportation and Federal Railroad Administrator on the Boards of Directors of the Pennsylvania Station Redevelopment Corporation and the Union Station Redevelopment Corporation)

At the end of the bill add the following:

SEC. . PENNSYLVANIA STATION REDEVELOPMENT CORPORATION BOARD OF DIRECTORS.

Section 1069(gg) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2011) is amended by adding at the end the following: "(3) In furtherance of the redevelopment of the James A. Farley Post Office Building in the city of New York, New York, into an intermodal transportation facility and commercial center, the Secretary of Transportation, the Federal Railroad Administrator, and their designees are authorized to serve as ex officio members of the Board of Directors of the Pennsylvania Station Redevelopment Corporation."

SEC. . UNION STATION REDEVELOPMENT CORPORATION BOARD OF DIRECTORS.

Subchapter I of chapter 18 of title 40 of the United States Code is amended by adding a new section at the end thereof as follows:

"Section 820. Union Station Redevelopment Corporation

"To further the rehabilitation, redevelopment and operation of the Union Station complex, the Secretary of Transportation, the Federal Railroad Administrator, and their designees are authorized to serve as ex officio members of the Board of Directors of the Union Station Redevelopment Corporation."

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 1970 through 1973), en bloc, were agreed to.

Mr. CHAFEE. I move to reconsider the vote.

Mr. BAUCUS. I move to lay it on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 1974 AND 1975, EN BLOC, TO AMENDMENT NO. 1676

Mr. CHAFEE. Mr. President, I send two amendments to the desk and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE] proposes amendments numbered 1974 and 1975, en bloc, to amendment No. 1676.

Mr. CHAFEE. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1974

(Purpose: To reduce the amounts authorized to be appropriated for motor carrier safety)

On page 91, line 23, strike "$12,000,000" and insert "$9,620,000".

On page 91, line 24, strike "$12,000,000" and insert "$9,620,000".

On page 91, line 25, strike "$12,000,000" and insert "$9,620,000".

On page 92, line 1, strike "$10,000,000" and insert "$9,320,000".

On page 92, line 2, strike "$10,000,000" and insert "$9,320,000".

AMENDMENT NO. 1975

On page 108, line 14, strike "(A)" and insert "(A)(i)".

Mr. CHAFEE. Mr. President, the one amendment on behalf of Senator MCCAIN deals with the Commerce Committee's budget allocation.

The other is on behalf of myself, and it is a truly technical modification of the bill by changing a site reference. It is necessary to comply with the contract authority levels for highway safety programs.

Both of these amendments have been cleared by both sides.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 1974 and 1975), en bloc, were agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I seek the attention of the distinguished Senator from Rhode Island for a moment. Mr. President, I am about ready to send an amendment to the desk.

AMENDMENT NO. 1976 TO AMENDMENT NO. 1676

(Purpose: To reauthorize the ferry discretionary program)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself and Mr. MURKOWSKI, proposes an amendment numbered 1976 to amendment No. 1676.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . REAUTHORIZATION OF FERRY AND FERRY TERMINAL PROGRAM.

(a) Section 1064(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note) is amended by striking "$14,000,000" and all that follows through "this section" and inserting in lieu thereof "$30,000,000 for fiscal year 1998, $25,000,000 for fiscal year 1999, $25,000,000 for fiscal year 2000, $30,000,000 for fiscal year 2001, $35,000,000 for fiscal year 2002, and $35,000,000 for fiscal year 2003 in carrying out this section, at least $12,000,000 of which in each such fiscal year shall be obligated for the construction of ferry boats, terminal facilities and approaches to such facilities within marine highway systems that are part of the National Highway System".

(b) In addition to the obligation authority provided in subsection (a), there are authorized to be appropriated $20,000,000 in each of fiscal years 1999, 2000, 2001, 2002, and 2003 for the ferry boat and ferry terminal facility program under section 1064 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note).

SEC. . REPORT ON UTILIZATION POTENTIAL.

(a) STUDY.—The Secretary of Transportation shall conduct a study of ferry transportation in the United States and its possessions—

(1) to identify existing ferry operations, including—

(A) the locations and routes served;

(B) the name, United States official number, and a description of each vessel operated as a ferry;

(C) the source and amount, if any, of funds derived from Federal, State, or local government sources supporting ferry construction or operations;

(D) the impact of ferry transportation on local and regional economies; and

(E) the potential for use of high-speed ferry services.

(2) identify potential domestic ferry routes in the United States and its possessions and to develop information on those routes, including—

(A) locations and routes that might be served;

(B) estimates of capacity required;

(C) estimates of capital costs of developing these routes;

(D) estimates of annual operating costs for these routes;

(E) estimates of the economic impact of these routes on local and regional economies; and

(F) the potential for use of high-speed ferry services.

(b) REPORT.—The Secretary shall report the results of the study under subsection (a) within 1 year after the date of enactment of this Act to the Committee on Commerce, Science, and Transportation of the United States Senate and the Committee on Transportation and Infrastructure of the United States House of Representatives.

(c) After reporting the results of the study required by paragraph (b), the Secretary of Transportation shall meet with the relevant state and municipal planning organizations to discuss the results of the study and the availability of resources, both Federal and State, for providing marine ferry service.

Mr. STEVENS. Mr. President, my amendment will extend and provide a modest increase for the national ferry program under section 1064 of the previous ISTEA bill. The old ferry program provided $18 million a year nationwide in contract authority for ferry boat and ferry terminal construction. We have raised that to an average of $30 million per year in contract authority and in addition have authorized $20 million to be appropriated. The amendment would require that $12 million per year of the $30 million of contract authority be used for ferries, ferry terminals, and approaches to ferry terminals within marine highway systems which are part of the national highway system. As many of my colleagues know, the Alaska Marine Highway System is unique in this nation in that Congress has deemed it important enough to designate it as part of the national highway system. Alaska is by far the largest state in the union. We possess half of all the coastline, twenty percent of all the border, and almost half of all the federal lands in the United States.

For these and other reasons, the amendment is of particular importance to Alaska. Alaska has very few roads. In fact, our State capitol lies within an area of Alaska the size of West Virginia which contains no intercity roads at all. Practically all of this land is federally-owned, and the present Administration has made it very difficult for us to build roads on federal lands in Alaska. Ferries are the only form of surface transportation for Alaskans in this area. The ferries currently serving Alaska are almost thirty years old. The oldest ones have been in service since the Kennedy Administration. These vessels must be replaced soon.

I would also like to point out that twenty percent of the nation's oil comes from Alaska. Our oil produces 25 million gallons of gasoline each day. This translates to $1.6 billion dollars in gas taxes going straight to the federal Treasury, for which Alaska gets no credit whatsoever. This money is on top of the income taxes paid into the Treasury by the oil companies and their employees in my state. Alaska gets no credit in the highway formula for fueling the nation's cars. While this amendment does not help us build more roads, it will improve transportation for many Alaskans.

A number of Senators (INOUYE, AKAKA, LAUTENBERG, BREAUX, MURRAY, FAIRCLOTH, KERRY, KENNEDY, SNOWE, COLLINS, MOYNIHAN, HELMS, and REED) had joined Senator MURKOWSKI and me in an earlier amendment that would have provided $50 million per year in contract authority for ferries. While this compromise does not provide all of the funding needed for ferries nationwide, it is an improvement over the existing program.

Mr. President, again, this will amend the Intermodal Surface Transportation Efficiency Act reauthorization for the ferries and ferry terminals. It has been under discussion here for some time. I am delighted that we now have an allocation of contract authority that could be applied to this. It also provides for an authorization for appropriations for the balance of the months we needed for the circumstances I described previously.

Mr. MURKOWSKI. Mr. President, I compliment the staffs and I thank Senator CHAFEE.

Mr. President, Ferries are a small but extremely important part of our transportation system. This amendment reauthorizes the ferry discretionary program at $30 million per year, with an authorization to appropriate $20 million more annually, and it calls on the Secretary of Transportation to conduct a thorough review of existing ferry services and potential new routes, and to both report back to Congress and to discuss his findings with interested local and state governments. It is our hope this will both maintain this important link in our transportation chain, and stimulate thought and action toward both standard and high-speed ferries as cost effective and environmentally sensitive alternatives for traditional solutions such as bridges and causeways. Included is a provision setting aside $12 million for ferry systems that are in the national highway system.

Mr. President, in my state of Alaska, where roads are few and far between our ferry system—the Alaska Marine Highway System—is the only scheduled transportation link between many island communities which are not connected by roads. Many of these villages are too small even to have the smallest of landing strips, and expensive float planes are the only other option for travel.

It is absolutely irreplaceable. It carries senior citizens from their small communities to doctors' offices and hospitals in larger communities. It is how basketball and swimming and other sports teams from remote villages are able to reach out to meet and interact with other teams from other communities. It is how small communities receive their fresh milk, their fresh bread, and their canned goods and other foodstuffs. Most of these are fishing communities, and quite often the ferry system is how a fishermen sidelined by an engine breakdown will get his new parts so that he can get back to making a living for himself and his family.

Mr. President, I could go on, but I trust the message is clear. In my state, the service provided by our ferry system is an integral part of the fabric of life. When I say it is irreplaceable, that is not just a figure of speech, it is the literal truth.

In other states, Mr. President, ferry services may have slightly different impacts, but they are all equally essential. In Hawaii they offer a necessary alternative to a strained road system that is close to its limits. In the southeast, they quickly and safely evacuate those threatened by hurricanes. In the Pacific Northwest and in the northeastern states they move hundreds of thousands of vehicles and millions of passengers quickly and safely and with a minimum of pollution.

In all, 25 states have benefited from the ferry discretionary program under ISTEA. In alphabetical order, these are: Alabama, Alaska, California, Connecticut, Delaware, Florida, Illinois, Kentucky, Louisiana, Massachusetts, Maine, Mississippi, Maryland, North Carolina, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Virginia and Washington. Puerto Rico and the Virgin islands have also received funds.

Mr. President, that is an impressive list, but the sad fact is that the funding that has been available under this program is not keeping pace with the need. Ferries—like any vessel—are very expensive to operate, let alone the cost of maintaining the necessary shoreside facilities, and of expanding both those facilities and the capacity of our nation's ferries in response to increasing demand.

Let me offer a little comparison here. The national highway program has paid for and is paying for the construction and replacement of over 483,000 bridges over waterways of various sizes. In FY97 alone, almost $2 billion went to bridges. The ferry program was a puny $18 million—less than one percent of the bridge dollars, and not nearly enough to do the job.

And what of those communities that are beyond the reach of bridges and are dependent—literally dependent—on ferries? The communities may not be physically or reliably reachable by road, but they are full of American citizens who deserve the same priority treatment from Congress as those who are reliant on bridges.

My amendment gives those communities the recognition and assistance they need and deserve. I urge the support of all my distinguished colleagues, and ask for it's immediate adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1976) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MODIFICATION TO AMENDMENT NO. 1951

Mr. CHAFEE. Mr. President, this is a modification to amendment No. 1951, which we adopted earlier in the day. It recognizes the changes that were made in various sections.

I send the modification to the desk.

The PRESIDING OFFICER. The amendment is modified.

The modification is as follows:

On page 40, strike lines 10 through 15 and insert the following:

"(other than the Mass Transit Account) to carry out sections 502, 507, 509 and 511: $68,000,000 for fiscal year 1998; $1,500,000 for fiscal year 1999, $4,500,000 for fiscal year 2000, $2,500,000 for fiscal year 2001, $1,500,000 for fiscal year 2002, $4,500,000 for fiscal year 2003."

Mr. LOTT. Mr. President, pursuant to the consent agreement on March 10, I will ask the clerk to report the cloture motion. But before he does that, I want to announce to all Senators that this will trigger the cloture vote that was postponed from Monday's session of the Senate. Assuming cloture is invoked then, all Senators will have an additional 4 hours to file with the clerk any additional first-degree amendments. Due to the lateness of the hour, we will amend the request in the closing remarks to reflect a new time of 10 a.m. tomorrow morning for the deadline on filing the amendments. I thank all Senators for their cooperation, and I particularly congratulate and thank the Senators managing the bill, Senators CHAFEE and BAUCUS. They have made good progress. I think maybe when we get this cloture vote, we can begin to see what amendments we have to consider and we can begin to bring this to closure.

This will be the last vote of the evening. There will be another vote in the morning. This one will be on the McCain amendment, probably sometime between 10:30 and 11 o'clock.

Therefore, I make that request.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provision of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the modified committee amendment to S. 1173, the Intermodal Surface Transportation Efficiency Act:

Trent Lott, John H. Chafee, John Ashcroft, Larry E. Craig, D. Nickles, Mike DeWine, Frank Murkowski, Richard Shelby, Gordon Smith, R.F. Bennett, Craig Thomas, Pat Roberts, Mitch McConnell, Conrad Burns, Spencer Abraham, Jesse Helms.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the modified committee amendment to S. 1173, the ISTEA authorization bill, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Massachusetts (Mr. KENNEDY), is necessarily absent.

The PRESIDING OFFICER (Ms. COLLINS). Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 96, nays 3, as follows:

[Rollcall Vote No. 28 Leg.]

YEAS—96

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—3

Kyl
McCain
Specter

NOT VOTING—1

Kennedy

The PRESIDING OFFICER. On this vote, the yeas are 96, the nays are 3. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 1977 TO AMENDMENT NO. 1676

(Purpose: To add certain counties to the Appalachian region for the purposes of the Appalachian Regional Development Act of 1965)

Mr. WARNER. Madam President, I ask unanimous consent we can now bring up an amendment by the distinguished Senator from Georgia, Mr CLELAND. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. CLELAND, proposes an amendment numbered 1977 to amendment No. 1676.

Mr. WARNER. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of subtitle H of title I, add the following:

SEC. 18 . ADDITIONS TO APPALACHIAN REGION.

Section 403 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) in the undesignated paragraph relating to Alabama, by inserting "Hale," after "Franklin,";

(2) in the undesignated paragraph relating to Georgia—

(A) by inserting "Elbert," after "Douglas,"; and

(B) by inserting "Hart," after "Haralson,";

(3) in the undesignated paragraph relating to Mississippi, by striking "and Winston" and inserting "Winston, and Yalobusha"; and

(4) in the undesignated paragraph relating to Virginia—

(A) by inserting "Montgomery," after "Lee,"; and

(B) by inserting "Rockbridge," after "Pulaski,".

Mr. CLELAND addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CLELAND. Madam President, I would like to explain this briefly. Two counties in northeast Georgia are in Appalachia, Elbert County and Hart County. They opted out of the original act creating the Appalachia Regional

Development Corridor in 1965. They now desire to enter on behalf of their counties. This amendment directs itself to two counties in Georgia that qualify in every respect and meet the standards of the law. I urge the amendment be agreed to.

Mr. WARNER. Madam President, I ask unanimous consent a letter to me from the Appalachian Regional Commission be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD as follows:

APPALACHIAN REGIONAL COMMISSION,
Washington, DC, March 10, 1998.

Hon. JOHN WARNER,
Chairman, Subcommittee on Transportation and Infrastructure, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of March 10, 1998, requesting technical assistance regarding the economic status of possible additional counties to be served by the Appalachian Regional Commission. It should be noted that the Congress has added only three counties to ARC since our early formation.

ARC uses four categories to describe the economic status of our 399 counties: attainment (those counties that are performing at national economic norms); competitive (those counties that are near national norms but are not yet fully at national averages); transitional counties (those counties whose economies are still significantly below national levels on key indicators but are not suffering from severe distress); and distressed (those counties whose economies are substantially below the national level of economic performance).

In making these determinations we examine unemployment, per capita market income, and poverty rate. Distressed counties, for example, have three-year unemployment rates that are at least 150% of the national average, per capita market incomes that are no more than two-thirds of the national average, and poverty rates that are at least 150% of the national rate.

If the ARC criteria were applied to the additional counties, they would be categorized as follows: Hale County, Alabama—distressed, Elbert County, Georgia—transitional, Hart County, Georgia—transitional, Yalobusha County, Mississippi—distressed, Montgomery County, Virginia—transitional, Rockbridge County, Virginia—transitional.

I have attached a chart that shows the specific data for each of these counties. If you have any questions, please let me know.

Sincerely,

JESSE L. WHITE, JR.,
Federal Co-Chairman.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1977) was agreed to.

Mr. WARNER. Madam President, I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. I wish to thank the distinguished Senator from Georgia. He worked long and hard on this amendment. It involves a lot of small—five States are touched by this amendment—small rural areas. Without his leadership on it, it is not likely this matter would have been incorporated in this bill. I thank the Senator.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

AMENDMENT NO. 1979 TO AMENDMENT NO. 1676

(Purpose: To provide for the reconstruction of national defense highways located outside the United States)

Mr. CHAFEE. Madam President, on behalf of Senator MURKOWSKI and Senator STEVENS, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. MURKOWSKI, for himself and Mr. STEVENS, proposes an amendment numbered 1979.

Mr. CHAFEE. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 43, between lines 15 and 16, insert the following:

"(xiii) amounts set aside under section 11 ."

On page 136, after line 22, add the following:

SEC. 11 . NATIONAL DEFENSE HIGHWAYS OUTSIDE THE UNITED STATES.

(a) RECONSTRUCTION PROJECTS.—If the Secretary determines, after consultation with the Secretary of Defense, that a highway, or a portion of a highway, located outside the United States is important to the national defense, the Secretary may carry out a project for reconstruction of the highway or portion of highway.

(b) FUNDING.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary may set aside not to exceed $16,000,000 from amounts to be apportioned under section 104(b)(1)(A) of title 23, United States Code, to carry out this section.

(2) AVAILABILITY.—Funds made available under paragraph (1) shall remain available until expended.

Mr. MURKOWSKI. Madam President, I thank the managers for accepting my amendment on the reconstruction of the Alaska Highway. The Alcan is the only road link between the contiguous states and Alaska. It was constructed in 1942 during World War II to respond to a critical strategic need for such a highway.

This amendment adds language needed to fund the last stages of a multi-year reconstruction project on the Alcan, which runs 1,520 miles from Dawson Creek, British Columbia to Fairbanks, Alaska.

The still-unfinished portion is the last 95 miles of the 325-mile northern, or "Shakwak" section, so-called because a good part of it runs through a geological formation called the Shakwak Trench.

At this point, Mr. President, I want to provide a little of this highway's fascinating history. Since the British burned the Capitol here in Washington during the War of 1812, the United States' territory in the mainland of North America has suffered only one invasion. That invasion was during World War II, in Alaska.

In 1940, construction began on Fort Richardson, outside Anchorage. However, immediately after the bombing of Pearl Harbor, it became clear that Alaska had great strategic importance as a staging area for forces in the North Pacific. Construction on the Alcan began in the spring of 1942.

In June 1942, Japanese aircraft bombed Dutch Harbor, Alaska. Four days later, they invaded and fortified sites on Attu and Kiska, two of the Aleutian Islands, which they held for nearly a full year before our forces liberated them.

During the Japanese occupation of these U.S. islands, the Alcan was built. It provided a secure route to move essential supplies and equipment safe from German or Japanese submarines.

In a feat of engineering that is still unprecedented, the U.S. Army Corps of Engineers managed to build this 1,520-mile road across trackless wilderness in just eight months.

At first, naturally, the Alcan was just a dirt road punched through trees and across the tundra by bulldozers. After the war, however, civilian contractors began the long task of upgrading to a graveled road that civilian vehicles could manage.

But traffic continued to increase, with 79% of the traffic Americans on the way to Alaska and back. A gravel road just isn't up to the task.

In 1977, the United States and Canada joined in an agreement in which the United States government committed to pay the costs of reconstructing the Alcan to a modern, paved standard, and Canada undertook to pay for all maintenance and upkeep, such as snow removal.

In passing, Mr. President, let me note that where the U.S. commitment in that agreement has been approximately $20 million per year and is now dropping to $16 million per year, Canada spends $40 million to $50 million per year on its portion of the highway agreement.

Mr. President, if I may, I have a copy of that 1977 diplomatic agreement that I ask unanimous consent to have printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF
EXTERNAL AFFAIRS, CANADA,
Ottawa, February 11, 1977.

Note No. GWU-156

His Excellency THOMAS O. ENDERS,
Ambassador of the United States of America, Ottawa.

EXCELLENCY, I have the honor to refer to your Note No. 11 of January 11, 1977, concerning bilateral cooperation in the reconstruction of Canadian portions of the Alaska Highway.

I am pleased to inform you that the Government of Canada accepts the proposals set out in your Note and agrees that your Note, together with its Annex, and this reply, which is authentic in English and French, shall constitute an agreement between our two Governments which shall enter into force on today's date.

Accept, Excellency, the renewed assurances of my highest consideration.

DONALD JAMIESON,
Secretary of State for External Affairs.

EMBASSY OF THE
UNITED STATES OF AMERICA,
Ottawa, January 11, 1977.

No. 11
Hon. DONALD JAMIESON,
Secretary of State for External Affairs, Ottawa.

SIR: I have the honor to refer to the discussions between representatives of our two governments regarding bilateral cooperation in the reconstruction of Canadian portions of the Alaska Highway.

As a result of these discussions, I now have the honor to propose that the conditions set forth in the attached annex, which accord with the understandings reached between the representatives of our two governments, should govern such reconstruction. These conditions shall not affect continuing obligations of the two governments regarding the status and use of the Alaska Highway, Including the agreements effected by exchanges of notes dated March 17 and 18, 1942; November 28 and December 7, 1942; and April 10, 1943

If these conditions are acceptable to your government, I propose that this note, together with its annex, and your reply indicating such concurrence, shall constitute an agreement between our two governments, which shall enter into force on the date of your reply. Accept, Sir, the renewed assurances of my highest consideration.

ANNEX

Agreed conditions regarding a program of cooperation between the Government of the United States represented by the Federal Highway Administrator, Department of Transportation, and the Government of Canada, represented by the Minister of Public Works, to improve certain highways in Canada to facilitate transportation between and within their respective countries, and to implement the purposes of section 218 of Title 23, United States Code. These shall apply only to the program authorized by that section.

The Government of the United States and the Government of Canada agree as follows:

ARTICLE I

For purposes of this Agreement:

1. "Highways" means that portion of the Alaska Highway from the Yukon-Alaska border to Haines Junction in Canada and the Haines Cutoff Highway from Haines Junction in Canada to the British Columbia-Alaska border.

2. "Reconstruction" means the supervising, inspecting, actual rebuilding, paving, and all other work incidental to the reconstruction of the highways (except for providing right-of-way), including but not limited to planning studies, environmental studies, locating, surveying, plan and specification preparation, contracting, financial control, traffic control devices, and those utility relocations which are the responsibility of the Canadian Government.

3. "Maintain such highways" means to perform such work on a year round basis as shall be necessary to keep the completed highway and related facilities in a state of repair and use equivalent to the standards to which they are reconstructed under this Agreement.

ARTICLE II

1. The United States and Canada agree to the reconstruction of such Highways in accordance with standards agreed to by them jointly in writing prior to commencement of reconstruction.

2. The United States will pay to Canada the cost of reconstruction out of funds appropriated for that purpose by the Congress of the United States and will

(a) Inform Canada of the amount of funds appropriated from time to time therefore in order that Canada may schedule and perform the reconstruction or such part thereof or may from time to time be paid for out of such appropriated funds,

(b) Provide liaison with Canadian officials responsible for the program to meet and discuss planning, programming and scheduling of reconstruction, and

(c) Process an Environmental Impact Statement in accordance with the laws of the United States and of Canada,

3. Canada will

(a) Provide, without participation of the United States funds appropriated for the reconstruction, all necessary right-of-way for the reconstruction of such highways for a period of 25 years from the date of entry into force of this agreement and thereafter until five years (or such shorter period as the parties may agree upon) after either party shall have notified the other that the right-of-way is no longer required for its purposes for the said highways, whereupon this Agreement shall cease to have force or effect,

(b) Not impose any highway toll, or permit any such toll to be charged for the use of such highways by vehicles or persons.

(c) Not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of such highways by vehicles or persons from the United States that does not apply equally to vehicles or persons of Canada.

(d) Continue to grant reciprocal recognition of vehicle registrations and drivers' license in accordance with agreements between responsible authorities in each country,

(c) Maintain such highways after reconstruction while this Agreement remains in force and effect,

(f) Permit those performing the reconstruction to obtain natural construction materials, such as gravel, rock and earth fill, without cost to be used in the reconstruction, provided that the materials required shall be obtained in accordance with the directions and regulations of the appropriate Department of the Government of Canada,

(g) Perform all reconstruction engineering, including preparation of Environmental Assessments and Statements, all necessary surveys, and preparation of reconstruction plans, specifications and estimates,

(h) Commence the reconstruction only after receiving advice from the United States that the Environmental Impact Statement has been satisfactorily processed in accordance with the laws of the United States,

(i) Arrange for the reconstruction to be performed under contracts awarded by competitive bidding insofar as possible and without regard as to whether the contractors are American or Canadian,

(j) Supervise the reconstruction,

(k) Obtain interim and final concurrence of the United States in the following:

(1) Programing and scheduling of work.

(2) Scope, terms of reference and provisions of the Environmental Assessment and Statement.

(3) Alignment of the highways.

(4) Contract plans, specifications and estimates.

(5) Award of contracts.

(6) Acceptance of projects for final payment.

(l) Permit the reasonable access of authorized representatives of the United States to the site of reconstruction and will make available the accounts and records relating to the reconstruction contracts, at all reasonable times, for purposes of inspection, verification and general monitoring of the reconstruction.

4. (1) The United States and Canada will jointly consider the settlement of claims by contractors or other persons arising out of reconstruction contracts and the reconstruction or either of them, and if any such claim cannot be resolved by agreement, the same shall be determined by the Federal Court of Canada in an action by or against Her Majesty the Queen in right of Canada,

(2) All legal costs, and other monies, paid out by Canada to settle any such claim whether pursuant to a final judgment of the Federal Court of Canada, or otherwise, shall be one of the costs of reconstruction for the purposes of this Agreement.

(3) The United States shall not be liable for the payment of such claims or judgments to the extent that they are held by the Federal Court of Canada to be the result of negligence on the part of Canada or its employees during the administration of the reconstruction.

5. The United States and Canada jointly will develop operating procedures consistent with this Agreement, including procedures for resolving disputes between the parties.

ARTICLE III

This Agreement shall not be construed so as to vest in the United States any proprietary interest in the highways, and upon completion of the project, or any part thereof, the highways shall remain, in all respects, an integral part of the Canadian Highway System.

Mr. MURKOWSKI. The U.S. commitment to reconstruct the Alcan is only logical. The Alcan is an international highway from one part of the United States to another. It is considered as a national defense highway, and it is of direct benefit not only to Alaska, but to the United States as a whole.

This is not an Alaska issue, Madam President. This is a project undertaken by the United States Government—a project that benefits the country as a whole and which protects our strategic interests. More importantly, it is one which we should now complete.

Mr. CHAFEE. Madam President, this amendment gives the Secretary of Transportation the authority to fulfill our international treaty obligations. It deals with the so-called highway between Canada and Alaska. It has been cleared by both sides.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1979) was agreed to.

Mr. FORD. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 1716 TO AMENDMENT NO. 1676

(Purpose: To provide for the preservation of historic covered bridges in the United States)

Mr. JEFFORDS. Madam President, I have an amendment at the desk, No. 1716.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for himself, Mr. SPECTER, Mr. MOYNIHAN, Mr. LEAHY, Ms. SNOWE, Mr. GREGG, Mr. SARBANES, Mr. D'AMATO, Mr. SANTORUM, Mr. GRASSLEY, and Ms. COLLINS, proposes an amendment numbered 1716 to amendment No. 1676.

Mr. JEFFORDS. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is located in the March 6, 1998, edition of the RECORD.)

AMENDMENT NO. 1716, AS MODIFIED

Mr. JEFFORDS. Madam President, I have a modification to the amendment at the desk, and I ask that it be accepted.

The PRESIDING OFFICER. Is there objection? Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

At the end of subtitle A of title I, add the following:

SEC. 11__. NATIONAL HISTORIC COVERED BRIDGE PRESERVATION.

(a) DEFINITIONS.—In this section:

(1) COVERED BRIDGE.—The term "covered bridge"—

(A) means a roofed bridge that is made primarily of wood; and

(B) includes the roof, flooring, trusses, joints, walls, piers, footings, walkways, support structures, arch systems, and underlying land.

(2) HISTORIC COVERED BRIDGE.—The term "historic covered bridge" means a covered bridge that—

(A) is at least 50 years old; or

(B) is listed on the National Register of Historic Places.

(b) HISTORIC COVERED BRIDGE PRESERVATION.—The Secretary shall—

(1) develop and maintain a list of historic covered bridges;

(2) collect and disseminate information concerning historic covered bridges;

(3) foster educational programs relating to the history, construction techniques, and contribution to society of historic covered bridges;

(4) sponsor or conduct research on the history of covered bridges; and

(5) sponsor or conduct research, and study techniques, on protecting covered bridges from rot, fire, natural disasters, or weight-related damage.

(c) DIRECT FEDERAL ASSISTANCE.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall make a grant to a State that submits an application to the Secretary that demonstrates a need for assistance in carrying out 1 or more historic covered bridge projects described in paragraph (2).

(2) TYPES OF PROJECT.—A grant under paragraph (1) may be made for a project—

(A) to rehabilitate or repair a historic covered bridge;

(B) to preserve a historic covered bridge, including through—

(i) installation of a fire protection system, including a fireproofing or fire detection system and sprinklers;

(ii) installation of a system to prevent vandalism and arson; or

(iii) relocation of a bridge to a preservation site; and

(C) to conduct a field test on a historic covered bridge or evaluate a component of a historic covered bridge, including through destructive testing of the component.

(3) AUTHENTICITY.—A grant under paragraph (1) may be made for a project only if—

(A) to the maximum extent practicable, the project—

(i) is carried out in the most historically appropriate manner, and

(ii) preserves the existing structure of the historic covered bridge; and

(B) the project provides for the replacement of wooden components with wooden components, unless the use of wood is impracticable for safety reasons.

(d) FUNDING.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 1999 through 2003, to remain available until expended.

Mr. JEFFORDS. Madam President, this amendment gives the States the tools necessary to preserve our Nation's historic covered bridges. These picturesque relics of past industrial genius continue to serve many important functions. However, covered bridges are quickly disappearing due to arson, floods, decay and simple neglect. Without proper and consistent maintenance, these engineering masterpieces will slowly fade into history.

Today I am proposing that the Federal Government assist towns and counties across the Nation in restoring and protecting historic covered bridges. Together with States, local communities and committed preservationists, we can curb the decay of these treasures and protect them for generations to come.

This country once boasted 12,000 covered bridges. Today, less than 800 remain. Not too long ago transportation officials started tearing down these old landmarks by the bunches in favor of more modern and accessible bridges. Arsonists have been a highly visible threat. Weather has taken its toll. Many old bridges have been carried off by floods or collapsed under the weight of heavy snows.

Of course, weather would not be so destructive if it were not for the most dangerous and imminent risk—neglect. Without proper and consistent maintenance, covered bridges slowly decay and eventually fall to harsh weather or flooding.

Behind me are two pictures of covered bridges in Vermont. Many of our Nation's historic wooden bridges are in this shape. Others are suffering, but some are being preserved as this picture shows. With proper care and maintenance, covered bridges can be preserved, as this one is, so they might be enjoyed throughout the years.

A majority of these wooden structures still perform their original duties but still carry more traffic and weight than their designers anticipated, often leading to weight-related collapse.

The cost to properly rehabilitate a working covered bridge comes close to $500,000. Some bridges are far more expensive. Many of these bridges are on town roads, off the National Highway System, and tend not to be a priority. But these bridges must not be lost.

This amendment will direct the Secretary of Transportation to fund the efforts to inventory, repair and maintain our Nation's covered bridges. Moneys provided by the measure give the States the ability to fully restore their covered bridges ensuring the safety of travelers without compromising the bridges' historical integrity.

This amendment calls for proper research, construction and maintenance techniques. The proposal will provide funds for fire, arson and vandalism prevention. These grants to States will prove vital to ensuring the covered bridges survive into the next century, into the next millennium.

These covered bridges stand as a reminder of our heritage and contribute immensely to making our Nation the beautiful place it is today. I urge my colleagues to adopt this amendment.

I commend the authors of this legislation, Senators CHAFEE, WARNER, and BAUCUS, for completing action on this measure.

Mr. GRASSLEY. Madam President, I am pleased to join with my friend and colleague Senator JEFFORDS, to help spotlight and preserve an important part of America's and Iowa's heritage—covered bridges. This amendment will help our states to do the rehabilitation and preservation work necessary to maintain these icons of the open road. I urge the adoption of this amendment.

There is a romance concerning our Nation's covered bridges. They bring forth pictures of a different time in American history. It was a time when life moved more slowly, both on and off the road. It was time when travelers could take the time to enjoy the scenery as they unhurriedly passed by. Now it seems that most of us are in a hurry to get to our next destination, with little or no time to observe and enjoy the passing scene.

Today, I am happy to say, these bridges are drawing tourists. In Iowa this is in no small part due to a very popular book which was made into a movie. "The Bridges of Madison County" has greatly helped to focus attention on covered bridges. For Iowa, the book and movie have helped to increase our tourism industry. For our Nation, the book and movie have helped to bring into full view of the public a unique part of our transportation and cultural heritage. This attention for the covered bridges is well deserved.

Maintenace and protection of these bridges is expensive. It is well that we take steps at the federal level to help the states preserve and protect these structures of beauty and grace. They are truly a national enhancement, a vital part of our history, and deserving of our special attention.

Mr. SPECTER. Madam President, I have sought recognition to speak in support of the Jeffords-Specter amendment, which establishes a federal grant program to preserve our Nation's historic wood-covered bridges for future generations.

There are 526 covered bridges nationwide, and almost 90 percent are in a critical state of disrepair. Pennsylvania enjoys the most covered bridges of any state, with 167. Unfortunately, the vast majority are either closed, or have weight limitations placed upon them to forestall further deterioration. Aside from the aesthetic reasons for repairing these bridges, there are safety implications as well for those who travel across them each day.

The wood-covered bridges which dot the landscape across rural America serve as more than simply a tourist attraction. They are in essence a bridge to our past which allows us to better understand how previous generations worked to expand this Nation's transportation infrastructure and link communities together. It would indeed be a tragedy to allow them to simply waste away.

It is estimated that approximately $344 million will be needed to bring all of our Nation's covered bridges up to standard. Our amendment would authorize $25 million each year over a period of seven years to restore and maintain these bridges, which are over 50 years of age. This would provide states with a much-needed dedicated source of funding to be used strictly for covered bridge preservation.

As a member of the Senate Transportation Appropriations Subcommittee, I will work with my colleagues to ensure a steady funding stream once this program is authorized by passage of this amendment.

If we do not act now, these national treasures will be lost forever. I urge my colleagues to adopt this amendment and thank Senator JEFFORDS for his leadership on this issue.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Madam President, I commend the Senator from Vermont for his amendment. I think he is dealing with a very, very important subject. Having traveled a good deal in Vermont, I am familiar with these lovely covered bridges, but his amendment does not restrict the protection for the covered bridges to only his State. I think some 16 different States are involved with this amendment, and others beyond that, perhaps.

As the pictures show, these are magnificent structures and really very unique engineering feats. We want to do everything we can to preserve them, and this is a modest step in that direction. I think it is a very worthwhile amendment to take.

Mr. FORD. Madam President, Senator BAUCUS, who is the floor manager from our side, was called away from the floor, and I am attempting to assist his staff and to help our distinguished chairman. I am advised this side has no objection to the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1716), as modified, was agreed to.

Mr. FORD. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS CONSENT AGREEMENT—COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Madam President, I ask unanimous consent that the statements of Senators BINGAMAN, HUTCHINSON, MURRAY, COLLINS, REED and WARNER be considered as a part of the proceedings in this morning's executive session of the Committee on Labor and Human Resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. I yield the floor.

Mr. FORD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAFEE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. CHAFEE. Madam President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

A BRIGHT FUTURE FOR SOCIAL SECURITY

Mr. ROTH. Madam President, we live in an era of great events—a moment when opportunity seized in a thoughtful and timely manner will allow us to make history. Today I want to show how conditions that have been created by our efforts to strengthen the economy and bring down the deficit can not only save Social Security in the short term, but begin today to strengthen it for our children and for generations yet to come.

Saving Social Security is a promise we have made to Americans—both young and old. It's a promise that President Clinton reiterated in his most recent State of the Union Address. And it's a promise that we can keep, despite the challenging demographics and declining trend lines that currently point to a bleak future for a program that many would say is the most important contract our government has ever entered into with the American people.

Social Security has saved countless men, women and children from poverty. It protects our elderly, our disabled, their families, and dependents of workers who have died. In its 63-year history—and despite pressing challenges—Social Security has been a success. More than 40 percent of our seniors are kept out of poverty because of Social Security. In fact, our seniors today have the lowest rate of poverty among all age groups. Forty years ago, more than one of every three elderly Americans lived in poverty. Today it's one in ten.

But Social Security is much more than protection in retirement. Because of congressional efforts to expand the program, one out of every six Americans—or some 44 million people—receive a monthly Social Security check.

But today, Social Security faces insolvency. It is a pay-as-you-go, intergenerational transfer of money. Money received by Social Security beneficiaries is paid by taxes coming from today's workers. And the benefits today's workers will receive will be paid by their children. And this, Madam President, is the root of the problem, because those who are supporting the system are declining in relation to those who depend on Social Security. In the early days of the program, there were as many as 42 workers per beneficiary. Today, there are 3.2. And in 2030, just 2 workers will support each individual receiving Social Security.

Given current trends, tax revenues to the Social Security trust funds will no longer cover benefit payments beginning in 2012. Social Security will need to call upon assets that are just now accumulating in the trust funds and invested in U.S. Treasury bonds. Cashing in those bonds will put major pressure on the Federal budget—crowding out other important spending. Even so, by 2029 the bonds will be gone. Social Security will then be able to cover only 75 percent of benefit payments directly from revenues.

This, Madam President, does not need to happen. We can save Social Security, and we can strengthen it well into the future. A part of the solution is as simple as it is powerful.

Dr. Martin Feldstein, a professor of economics at Harvard University and the President of the prestigious National Economic Research Bureau, has proposed using budget surpluses to fund personal retirement accounts for working Americans. In November of 1997, and then again last month, Dr. Feldstein published two op-eds outlining his proposal in the Wall Street Journal. I ask unanimous consent that the February op-ed be entered into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LET'S REALLY SAVE SOCIAL SECURITY

(By Martin Feldstein)

"Despite Mr. Clinton's rhetoric, all his budget 'reserves' for Social Security is what's left after other spending and tax cuts chew up the projected budget surpluses."

President Clinton highlighted Social Security in the resounding rhetoric of his State of the Union address—and again in a speech yesterday—but completely ignored it in the budget proposals he then presented to Congress. Despite the president's calls to use the projected budget surpluses to "save Social Security first", there is nothing in his budget to improve Social Security's finances or to enhance future retirement incomes.

Mr. Clinton's inaction notwithstanding, the projected budget surpluses do provide an unprecedented opportunity to improve the financial outlook for Social Security and, at the same time, to supplement future Social Security benefits with investment-based pension income. Before I describe that possibility in more detail, let's look more closely at what Mr. Clinton said and what his words might have meant.

CAREFUL WORDS

In the State of the Union address; the president said: "If we balance the budget for next year, it is projected that we will have a sizable surplus in the years immediately afterward. I propose that we reserve 100% of the surplus—that's every penny of any surplus—until we have taken all the measures necessary to strengthen the Social Security system for the 21st century." What does that mean? Mr. Clinton often chooses his words very carefully, so we must read those words with equal care.

Lets begin with the "surplus" itself. The Congressional Budget Office now projects that the overall federal budget will be essentially in balance for the next two years (annual budget deficits of $2 billion and $3 billion) and will then shift to a decade of surpluses that by 2006 will exceed $100 billion a year, equal to more than 1% of projected gross domestic product.

Contrary to the impression of his language, Mr. Clinton does not propose to devote these projected surpluses to Social Security. He only suggests that "any surplus" that remains after whatever new spending and tax cutting occurs should be "reserved". In short, he makes no commitment to do anything for Social Security. Despite his rhetoric, all that Social Security gets is what's left after other spending and tax cuts chew up the projected budget surpluses. In reality, saving Social Security comes last.

The president's budget calls for a wide range of new spending programs in health, education, child care, the environment and transportation that would cause total spending to exceed, by $40 billion over the next four years, the budget caps that were the essence of the 1990 budget agreement and that are the basis of the CBO's forecast of the future budget surpluses. That $40 billion would be half of the CBO's total projected surplus for the next four years. In addition to these explicit new spending plans, the president has several spending initiatives dressed up as targeted tax reductions (e.g., "a school construction tax cut to help communities").

By an amazing feat of inside-the-Beltway logic, Mr. Clinton claims that this jump in spending would be consistent with his proposal to "reserve 100% of the surplus" for Social Security. The trick is his plan to introduce new taxes on cigarette smokers, high-income individuals and corporations. Since those taxes have not yet been enacted, they are not reflected in the projected budget surpluses. Mr. Clinton can therefore propose to spend those future tax dollars while technically claiming that he is not spending any of "the surplus"! Of course, those who are as concerned about the future of Social Security as Mr. Clinton claims to be might wonder why he wouldn't "reserve" the additional tax revenues as well as the existing projected surpluses.

It also takes a highly nuanced construction of language to reconcile Mr. Clinton's big new spending plans with his call in the State of the Union to "approve only those priorities that can actually be accomplished without adding a dime to the deficit". In truth, every one of his new spending proposals would add to the deficit. But combined with enough new taxes, there need be no increase in the deficit. That is the nature of tax-and-spending budgeting. But if the Republican-controlled Congress rejects Mr. Clinton's tax increases, the popular spending plans that he proposes would cut into the projected surpluses.

Yet if there are some surpluses left, what might Mr. Clinton mean by his proposal to "reserve 100% of the surplus"? The word "reserve" has no particular meaning in the budget process. Money can be appropriated, spent or added to trust funds, but it cannot be "reserved". And Mr. Clinton doesn't even say that it should be reserved "for Social Security" or for anything else in particular. Just "reserved". Senior administration officials have subsequently testified that it doesn't mean putting the money in the Social Security Trust Fund. It turns out that "reserving" this money has nothing at all to do with Social Security.

In short, Mr. Clinton talked eloquently about the Social Security problem but offered no proposal to do anything about it. The projected budget surpluses are clearly vulnerable to a combination of special-interest spending programs and populist tax cuts. And the Social Security program continues to head toward a deficit that will require a massive tax increase or drastic cuts in benefits.

There is a simple and direct solution: a legislated commitment now to use the projected surpluses to finance Personal Retirement Accounts for every working person. The projected surpluses are large enough to permit the government to put 2% of each individual's wages (on earnings up to the $68,400 Social Security maximum) each year in such an account to be invested in stocks and bonds. There are a variety of ways in which such accounts could be established and financed; I offered one way, based on personal income-tax credits, on this page in November.

If the budget surpluses projected for the next decade are used in this way, funding such accounts would not reduce the money going into the Social Security Trust Fund and would not cause a budget deficit. Committing future budget surpluses now to individual investments in stocks and bonds would guarantee that they add to national saving instead of being dissipated in new government spending.

A system of accounts based on 2% of earnings would accumulate some very significant totals, providing the only way in which many low- and middle-income households might ever accumulate some personal wealth. Based on the historical average return on a portfolio of stocks and bonds (5.5% a year before personal taxes), a couple that earns $60,000 a year (in 1998 dollars) and contributes 2% of that each year from age 30 to 65 would accumulate $125,000 at age 65, enough to finance a $10,000-a-year annuity for 20 years. In the aggregate, such annuity payments would equal 17% of the Social Security benefits implied for the year 2030 in current law and 40% of the benefits implied for 2050.

That has important implications for the long-term solvency of the Social Security system. Following a suggestion of Sen. Phil Gramm (R., Texas), the Personal Retirement Account-funded annuities could be "integrated" explicitly with Social Security benefits so that traditional Social Security benefits are reduced by a dollar for every two dollars that individuals receive from their Personal Retirement Accounts. That would leave individuals with more retirement income while reducing the payroll-tax increases that would otherwise be needed to finance future benefits.

CLEAR OPPORTUNITY

There are many changes that can be made to help Social Security weather the surge in benefit outlays when the baby boomers begin to retire, about a decade from now. The four regional forums on overhauling Social Security that Mr. Clinton announced yesterday, as well as the bipartisan summit he says he plans to call a year from now, can grapple with those tough choices.

But the projected budget surpluses now provide the clear opportunity for a simple legislative action that would help all working people, raise national saving and contain the rise in future payroll taxes. With the president's support, this can be done quickly, before the opportunity to do so is destroyed by the pressures that will otherwise dissipate the projected surpluses. A bipartisan effort could actually turn Mr. Clinton's rhetoric into a serious plan to save Social Security and protect future retirement incomes.

Mr. ROTH. In his State of the Union Address, President Clinton promised to "Save Social Security First" with the budget surpluses. At the time, he said that the surpluses were at least 2 years off. The good news—what makes now such a timely moment in history—is that the surpluses are not two years off, but will begin this year, according to the Congressional Budget Office.

In other words, we have the opportunity to begin almost immediately to use budget surplus to fund personal retirement accounts for Americans. How far will this go? CBO estimates that the cumulative budget surplus over the next eleven years—from 1998 though 2008—will be $679 billion. That equals about 1.4 percent of the taxable payroll that would be collected over this same period.

Now, 1.4 percent of a person's wages might not sound like much. But look at what happens if we follow Dr. Feldstein's recommendation and use the budget surpluses to create retirement accounts for Americans. According to a report published by the Congressional Research Service on March 4, for an average wage worker—someone who is 40 today and making about $27,000 in 1998—just 1 percent put annually into a stock account based on the historical return of the S&P 500 could equal 10 percent of that individual's projected Social Security benefit over the next 25 years.

Let me repeat that. Investing just 1 percent of a 40-year-old worker's income in a retirement account will grow to equal a full 109 percent of his or her Social Security benefit! For someone younger—say 25 and who has even more time to earn interest—1 percent could equal almost 27 percent of their future Social Security benefit.

Indeed, all Americans can figure out what 1.4 percent of their wages will be over the next 10 years, and then ask themselves how that might grow in 10 or 20 years.

Using budget surpluses to create retirement accounts represents an excellent first step toward shoring up Social Security for the long run. This would be a new program in addition to the current Social Security program. By establishing these accounts this year, it will allow us to demonstrate their value—their potential—in providing retirement benefits for working Americans in the years to come.

Creating these accounts will give the majority of Americans who do not own any investment assets a new stake in America's economic growth—because that growth will be returned directly to their benefit. More Americans will be the owners of capital—not just workers.

Creating these accounts will demonstrate to all Americans the power of saving—even small amounts—and how savings may grow over time. Americans today save less than people in almost every other country. And even this low private savings rate has declined from 4.3 in 1996 (as a share of after-tax income) to 3.8 percent in 1997.

And creating these accounts will help Americans to better prepare for retirement generally. According to the Congressional Research Service, 60 percent of Americans are not actively participating in a retirement program other than Social Security. A recent survey by the Employee Benefits Research Institute found that only 27 percent of working Americans have any idea of what they will need to save in order to retire when and how they want. Personal retirement accounts will help Americans better understand retirement planning.

Lastly, these accounts may point the way to a permanent solution to Social Security's problems. We do not need fixes for a few years or a few decades—but solutions that have more permanent promise. It was just 15 years ago—in 1983—that we fixed Social Security for 75 years—to about 2058. But again Social Security is in trouble.

Madam President, let me also note that other choices will be far less attractive to keep the promise of Social Security, for example, we cannot count on tax hikes. To fix Social Security would require a huge, 50-percent increase in the payroll tax over the next 75 years. And today's tax is already a burden for many families. Forty-one percent of families pay more in Social Security taxes than income taxes, and if you factor in employer Social Security taxes—which economists tell us are really forgone wages—80 percent of Americans pay more in Social Security than income taxes. And let us remember Social Security taxes are on the first dollar of income—no deductions, no exemptions.

Indeed, in a speech last month at Georgetown University on Social Security, the President promised not to unfairly burden the next generation—who will be supporting tomorrow's Social Security beneficiaries. Tax hikes would do that.

One way to establish and manage these new personal retirement accounts is to follow a proven model—the Federal Thrift Savings Plan. Back in 1983, when I was then chairman of the Committee on Governmental Affairs, the retirement program for Federal employees needed to be revamped.

One of the new elements we added was the Federal Thrift Savings Plan (TSP), managed by a Board of Trustees. TSP is a unique institution. Each Federal employee has an account, and can allocate their investments among three options—a stock index fund that mirrors the S&P 500; a bond fund, largely invested in corporate bonds; and a Government bond fund that invests in T-bills. The Thrift Board is now planning to add two other funds.

Last year, we looked closely at the Federal Employees Health Benefit Plan (FEHBP) as a model to reform Medicare by providing more private choices in health insurance. The lessons of FEHBP were invaluable. So, too, I believe we can adapt the Federal Thrift Savings Plan as a model for Social Security personal investment accounts.

Mr. President, I want to respond to two specific concerns I have heard raised about personal investment accounts. First, that some people will have great investment performance, others miserable. We can surely avoid that. The funds of the Federal Thrift Savings plan have had excellent performance, while remaining conservative investments. Indeed, I am very sensitive to the issue that investments should be handled in a responsible fashion—and I think we do that with even more choices than offered by the Federal plan.

The second concern is that the progressive nature of Social Security benefits will be lost with personal investment accounts. I believe we can construct a system that benefits low-wage workers, and I am committed to that. The bottom line is that by using the budget surplus to create personal investment accounts, we will go a long way toward providing a workable and very attractive solution to the challenges facing Social Security. We will do it without compromising the current system. And we will do it in a way that places us square on the course to long-term opportunity for all Americans.

Promises made are promises that should be kept. As chairman of the Senate Finance Committee, I feel the responsibility of making sure Social Security remains strong and viable in the lives of those who depend on it. Today, we have an irreplaceable opportunity to do this.

Personal retirement accounts—funded by budget surpluses—can both return real benefits to working Americans and demonstrate how to fix the problems of Social Security. There are still a number of technical questions we need to answer in developing personal retirement accounts legislation that can pass Congress this year. Toward this end, I will continue to work with my staff, and I welcome the views and advice of colleagues on both sides of the aisle.

NATO

Mr. ROTH. Madam President, I rise today to respond to the charge that has been made in a number of newspapers over the last week—and particularly by the New York Times—that the public, Congress, and the Senate, in particular, has paid inadequate attention to the policy of NATO enlargement.

Few issues of national security have been as extensively examined as NATO enlargement. It has been the topic of countless editorials and opinion pieces in national and local papers. Over the last two years some fifteen states, including the First State, Delaware, have passed resolutions endorsing NATO enlargement. This policy has been formally endorsed by countless civic, public policy, political, business, labor, and veterans organizations.

I ask unanimous consent that a list of these organizations be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

POPULAR SUPPORT FOR NATO ENLARGEMENT

MILITARY/VETERANS ORGANIZATIONS

AMVETS
The American G.I. Forum
The American Legion
Association of the U.S. Army (AUSA)
Jewish War Veterans of the United States of America
Marine Corps League
National Guard Association of the United States
Polish Legion of American Veterans, USA
Reserve Officers Association of the United States (ROA)
Veterans of Foreign Wars of the United States (VFW)

CIVIC, POLICY AND POLITICAL ORGANIZATIONS

Council of State Governments
National Governors' Association
New Atlantic Initiative
U.S. Committee to Expand NATO
U.S. Conference of Mayors

RELIGIOUS/HUMAN RIGHTS ORGANIZATIONS

American Jewish Committee
Anti-Defamation League of B'nai B'rith
Hungarian Human Rights Foundation
Jewish Institute for National Security Affairs

ETHNIC-AMERICAN ORGANIZATIONS

Central and East European Coalition
American Latvian Association
Armenian Assembly of America
Belarussian Congress Committee of America
Bulgarian Institute for Research and Analysis
Congress of Romanian Americans, Inc.
Czechoslovak National Council of America
Federation of Polish Americans
Estonian National Council of America
Estonian World Council, Inc.
Georgian Association in the U.S.A., Inc.
Hungarian American Coalition
Joint Baltic American National Committee
Lithuanian American Community, Inc.
National Federation of American Hungarians
Polish American Congress
Slovak League of America
Ukrainian Congress Committee of America, Inc.
Ukrainian National Association, Inc.
U.S.-Baltic Foundation

BUSINESS-LABOR ORGANIZATIONS

AFL-CIO
United States-European Union-Poland Action Commission
International Union of Bricklayers and Allied Craftworkers

STATE SENATES

California
Connecticut
Delaware
Georgia
Illinois
Massachusetts
Michigan
New Jersey
Pennsylvania
Rhode Island
South Carolina

STATE HOUSE OF REPRESENTATIVES

Colorado
Illinois
Michigan
New Jersey

GOVERNOR'S OFFICES

Florida
Illinois
Michigan
New Mexico
Ohio
Puerto Rico

Mr. ROTH. Congress, in particular, has led the charge for NATO enlargement. Its committees have examined in detail the military, intelligence, foreign policy, and budgetary implications of this long overdue initiative. Since last July alone, twelve hearings have been conducted on NATO enlargement by the Senate committees on Foreign Relations, Armed Services Appropriations, and Budget. The Senate NATO Observer Group, which I chair with Senator JOSEPH R. BIDEN, has convened 17 times with, among others, the President, the Secretaries of State and Defense, NATO's Secretary General, and the leaders of the three invitee countries.

Madam President, allow me to single out Senator HELMS, the chairman of the Committee on Foreign Relations, for his outstanding set of eight hearings on this initiative. He and his colleagues on the Committee have produced a hearing report of some 600 pages addressing all the pro and con argument over NATO enlargement. And, I urge my colleagues to take time to examine the committee report released last week.

This examination, in my view, has yielded unambiguous conclusions: The extension of NATO membership to Poland, the Czech Republic, and Hungary will make the Alliance stronger. It will eliminate immoral and destabilizing dividing lines in Europe—divisions imposed by Stalin and perpetuated by the cold war. And, it will expand an inclusive zone of peace, democracy and stability in Europe to the benefit of the United States and to all countries of Europe, including Russia.

It is no surprise—indeed a matter of pride—that the Senate has legislatively recommended NATO enlargement some fourteen times over the last 4 years. Perhaps, we should be asking ourselves how can we ensure that all dimensions of U.S. national security policy receive this much public attention and endorsement?

Before I yield the floor, I want to echo these conclusions on NATO enlargement by sharing with my colleagues a letter I recently received from Dr. Zbigniew Brzezinski, a former National Security Advisor. In part, Dr. Brzezinski wrote:

> Without the security that the Euro-Atlantic Alliance has provided, the Franco-German reconciliation—so central to Europe's peace—would never have taken place. Without NATO, the ongoing German-Polish Reconciliation would not be happening. With NATO enlarged, a genuine reconciliation between the former Soviet satellites and Russia will be both truly possible and likely.
>
> The fact is that a larger NATO—by resolving the fateful European dilemma posed by the disproportionate power of Germany and of Russia, a dilemma the Europeans have not been able to resolve on their own—will create a secure framework for a more comprehensive reconciliation in Europe.
>
> Denmark, Norway and Canada have already ratified NATO enlargement. Germany is poised to do so very soon. Hesitation or delay by America, not to speak of rejection, would gravely undermine confidence in U.S. Leadership while strengthening those who want to cut down U.S. Influence in Europe. . . .

And Dr. Brzezinski added,

> I hate to think what message it would send to the 100 million Central Europeans who only recently recovered their freedom.

Dr. Brzezinski's letter—which I will submit for the RECORD—not only encapsulates the need for an enlarged NATO, it also reminds us how that this chamber's impending debate and vote on NATO enlargement will reverberate throughout the transatlantic region.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CENTER FOR STRATEGIC AND
INTERNATIONAL STUDIES,
Washington, DC, March 4, 1998.

Hon. WILLIAM ROTH,
U.S. Senate, Washington, DC.

DEAR BILL: Let me share two thoughts regarding the forthcoming vote on NATO enlargement:

1. Without the security that the Euro-Atlantic alliance has provided, the Franco-German reconciliation—so central to Europe's peace—would never have taken place. Without NATO, the ongoing German-Polish reconciliation would not be happening. With NATO enlarged, a genuine reconciliation between the former Soviet satellites and Russia will be both truly possible and likely. The fact is that a larger NATO—by resolving the fateful European dilemma posed by the disproportionate power of Germany and of Russia, a dilemma the Europeans have not been able to resolve on their own—will create a secure framework for a more comprehensive reconciliation in Europe.

2. Denmark, Norway, and Canada have already ratified NATO enlargement. Germany is poised to do so very soon. Hesitation or delay by America, not to speak of rejection, would gravely undermine confidence in U.S. leadership while strengthening those who want to cut down U.S. influence in Europe. I can just hear the crowing that would follow in Moscow, and maybe even also in Paris! And I hate to think what message it would send to the 100 million Central Europeans who only recently recovered their freedom.

With best regards,

Sincerely,

ZBIGNIEW BRZEZINSKI.

UNIVERSITY OF DELAWARE "FIGHTING BLUE HENS"

Mr. ROTH. Madam President, the NCAA tournament is called by some the 'Big Dance' because only 64 teams are invited each year. This year, I am proud to say one of those teams is the

Fighting Blue Hens from the University of Delaware—the 1998 champions of the America East Conference. The Blue Hens put together a remarkable 20 win season culminating last Saturday in a win over Boston University to clinch a spot in the tournament.

Coach Mike Brey and his team should be proud of their excellent season.

Now some will say that the odds are long because the Blue Hens are seeded 15th and their opponent is seeded 2nd. But I remind you, more than 200 years ago, another group of men from Delaware faced some steep odds themselves. Back then, the number one seed was the Red Coats.

Facing off against the Red Coats was a company of men from Delaware recruited by Captain Jonathan Caldwell. They quickly became known as the Blue Hens because their fighting ability was said to rival that of a famous fighting blue hen. They fought well and hard in battles from Long Island and White Plains to Trenton and Princeton.

Two hundred years ago somebody picked a fight with the Blue Hens and they were sent home packing. Don't be surprised if it happens again.

U.S. FOREIGN OIL CONSUMPTION FOR WEEK ENDING MARCH 6TH

Mr. HELMS. Madam President, the American Petroleum Institute reports that for the week ending March 6, the U.S. imported 7,700,000 barrels of oil each day, 190,000 barrels more than the 7,510,000 imported each day during the same week a year ago.

Americans relied on foreign oil for 54.9 percent of their needs last week, and there are no signs that the upward spiral will abate. Before the Persian Gulf War, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970s, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil? By U.S. producers using American workers?

Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the U.S.—now 7,700,000 barrels a day.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, at the close of business yesterday, Tuesday, March 10, 1998, the federal debt stood at $5,525,631,040,092.91 (Five trillion, five hundred twenty-five billion, six hundred thirty-one million, forty thousand, ninety-two dollars and ninety-one cents).

One year ago, March 10, 1997, the federal debt stood at $5,354,330,000,000 (Five trillion, three hundred fifty-four billion, three hundred thirty million).

Five years ago, March 10, 1993, the federal debt stood at $4,208,636,000,000 (Four trillion, two hundred eight billion, six hundred thirty-six million).

Ten years ago, March 10, 1988, the federal debt stood at $2,481,157,000,000 (Two trillion, four hundred eighty-one billion, one hundred fifty-seven million).

Fifteen years ago, March 10, 1983, the federal debt stood at $1,224,513,000,000 (One trillion, two hundred twenty-four billion, five hundred thirteen million) which reflects a debt increase of more than $4 trillion—$4,301,118,040,092.91 (Four trillion, three hundred one billion, one hundred eighteen million, forty thousand, ninety-two dollars and ninety-one cents) during the past 15 years.

TRIBUTE TO LOUISE CHASE, COMMANDER OF THE AMERICAN LEGION, DEPARTMENT OF PENNSYLVANIA

Mr. SPECTER. Madam President, on April 18, 1998, the Pennsylvania American Legion will honor its State Commander, Louise Chase, a World War II Navy veteran, who was elected Commander at the conclusion of the 79th convention on July 20, 1997. She is the first woman commander of the Department of Pennsylvania in its 80 year history.

In 1979, Commander Louise Chase was elected as the Department of Pennsylvania's first woman vice commander. She has served twice as District Commander. Her Legion service also includes terms as Adjutant of Philadelphia County and the Eastern Judicial Section, two terms as Post Commander and 12 years as Adjutant of Tioga Post 319. She has also served as the organization's state legislative chairman and twice as chairman of the Select Committee on Economics and Benefits, as well as chairman of several other committees.

She is one of only two Pennsylvania Legionnaires to have served on committees of the two National Conventions held in Pennsylvania. She served for 16 years as the Eastern Regional Vice Chairman of the United States Service Academies Selection Committee for Senators John Heinz and Harris Wofford.

Commander Chase served in the U.S. Navy, with duty posting in Washington, D.C. during World War II.

Her family has a long tradition of service to America dating from the Civil War, including her brother Tom who saw sea duty with the U.S. Navy off Cuban waters during the Cuban Missile Crisis. Her late father personally worked with the original astronauts while they were in training at the Johnsville Naval Air Development Center in Warminster, Bucks County, Pennsylvania.

Her business career includes serving as controller and office manager of Philadelphia's prestigious Germantown Cricket Club for 13 years; controller of a construction company, plus manager of two of its high rise apartment buildings for 10 years; and manufacturers' representative for paper container companies for five years. She recently retired as an international marketing representative of a major computer manufacturer.

Her husband, Joseph, was Pennsylvania American Legion Commander in 1991–1992. The two live in Horsham, Montgomery County, Pennsylvania.

Madam President, I congratulate Commander Louise Chase for her service to the veterans of Pennsylvania. I am certain that the Testimonial Dinner being held in her honor on April 18, 1998 will be a fitting tribute to her years of service to The American Legion, veterans, and to her country.

ADVOCACY OF THE DIGITAL COPYRIGHT CLARIFICATION AND TECHNOLOGY EDUCATION ACT OF 1997

Mr. ASHCROFT. Madam President, I rise today to talk about the role of government in the technology sector. Two things can be predicted with confidence about congressional meddling in this sector of the economy. First, legislation will be obsolete on the day it is passed. Second, it will hurt consumers, students, teachers, workers, shareholders, and the economy. If Congress had helped set up the automobile industry, there still might be a livery stable in every town, and buggy whip factories in large cities. America's dynamic, world-leading computer industry must be kept free of regulation by slow-moving federal bureaucrats who cannot possibly understand or keep pace with the most dynamic sector of the economy.

Taken together, these developments highlight the need for Congress to step back and draft with care the necessary legislation to extend copyright protections to those who develop content for the digital age, instead of blindly racing ahead to enact a Clinton Administration proposal supported by major Hollywood interests.

Consider the consequences. Last year, Americans purchased 11 million PCs and 16.8 million VCRs. This year, another 12.6 million PCs and 16.6 million VCRs are expected to be purchased in the United States. These devices enjoy great popularity. At least one VCR is found in 90 million homes and at least one PC is found in 42 million homes, specifically because of the convenience, entertainment and efficiency they bring. They are popular precisely because they are useful and technologically advanced. Nonetheless, a House subcommittee specifically rejected an amendment that would have assured consumers access to the next generation of these products.

This isn't the first time someone has tried to stop the advance of new technology. In the mid 1970s, for example, a lawsuit was filed in an effort to block the introduction of the Betamax video recorder. At that time, representatives of Hollywood declared that the VCR would destroy their business. They could not have been more wrong. Last year video tape rentals accounted for a $16 billion portion of the entertainment market. Indeed, people in the movie industry have stated that video sales often make a movie profitable, and some movies are produced exclusively for the home rental market. The movie industry has not learned from history. The same doomsayers are at it again, decrying the lawful use of products by consumers. Their rhetoric has been updated for the digital age, but their message remains the same.

This is an important debate that is currently taking place in the Congress and that is the discussion regarding how best to update the copyright laws for the digital age. In particular, I want to bring to the attention of my colleagues two significant developments that occurred in the last weeks, and to urge you to join as cosponsors of S. 1146, the Digital Copyright Clarification and Technology Education Act of 1997.

In order to help focus the debate on the best way to update the copyright laws for the digital era, I introduced S. 1146 in September. This legislation is a comprehensive effort to address three broad areas of critical importance to the future of the Internet: (1) the scope of copyright liability for on-line and Internet service providers; (2) the use of computers by teachers, librarians, and students to foster distance learning opportunities and to promote the preservation of important historical works and resources; and (3) the proper implementation of two international copyright treaties. Subsequently, Representatives RICK BOUCHER and TOM CAMPBELL introduced a similar comprehensive bill in the House (H.R. 3048) to foster the growth of the Internet for the benefit of everyone in society.

Two important developments took place in the past two weeks that underscore the importance of a comprehensive approach to updating the copyright laws. First, on February 25th, 40 distinguished professors of intellectual property law and technology law said in a letter to the Chairmen of the Senate and House Judiciary Committees that they believe these two bills, S. 1146 and H.R. 3048, "taken together, would bring U.S. law into compliance with the WIPO treaties while preserving the principle of balance which is at the heart of the American copyright tradition." They went on to say: "At this crucial moment in the history of American intellectual property law, it is important that Congress do neither too much nor too little to bring copyright law into the digital era. In our view, the Ashcroft-Boucher-Campbell bills get the balance right."

Second, just one day later, in a major blow to consumers and the high-tech community, a House subcommittee voted out legislation that would make it illegal to produce or even possess future generations of VCRs and personal computers. Faced squarely with the question of whether the next generation of products found in virtually every home in America should be deemed unlawful "circumvention" devices, a majority of the subcommittee voted for the interests of copyright owners over the interests of consumers and the computer companies that have done so much to make our country the technology leader of the world.

The Subcommittee vote endangers both the liberties that consumers now enjoy and the vitality of the technology industry, which has been the premiere engine for growth in the United States. This approach also suggests the tendency of Congress to "fix first, ask questions later." The bill demonstrates the dangers of fixing what we do not understand. Now is the time to draw a bright line against federal regulation of the computer industry. Washington must not start down the road of dreaming up regulations to fix problems that may or may not exist.

I think it useful to recall what the Supreme Court had to say in ruling for consumers and against two movie studios in that case:

"One may search the Copyright Act in vain for any sign that the elected representatives of the millions of people who watch television every day have made it unlawful to copy a program for later viewing at home, or have enacted a flat prohibition against the sale of machines that make such copying possible."

As someone who filed an independent brief in the Supreme Court as the Missouri Attorney General in support of the right of consumers to buy that first generation of VCRs, I want to reassure consumers across the country that I will fight against legislation that would ban the next, exciting generation of technology.

What kind of a bill should we consider? One that looks to the future. Above all, one that maintains the balance the professors of intellectual property and technology law have reminded us is at the core of our great copyright tradition and protection of property. The House subcommittee bill would make it all but impossible for someone to make a fair use of a copyrighted work, even though a fair use exception has been a fixture of copyright law from the beginning. What is more, the bill would actually make it illegal to make a copy of a portion of a protected work for fair use in certain circumstances. This is not balance. This is a blank check payable to Hollywood.

Unlike the bill starting to move through the House, S. 1146 will spur technological innovation in small entrepreneur workshops and clean-room factories; it will create new educational opportunities in brick schoolhouses and family living rooms; and it will help preserve deteriorating manuscripts in your local library and the nation's largest universities.

The Digital Copyright Clarification and Technology Education Act will encourage the use of computers and other new high-tech products to foster educational opportunities for everyone from children to senior citizens. Twenty-two years ago, Congress recognized that television could connect teachers in one part of town to students in another part of town. Today, technology has moved forward and has provided this country with fantastic new opportunities. We need to update the law so that schools may use computers to bring the world into the classroom and the classroom into the home.

This legislation will ensure librarians and archivists may use the latest high-tech equipment to preserve deteriorating books, manuscripts, and works of art for future genrations to enjoy. New digital technology can enhance the educational experience and preserve our shared culture and history far into the future. Library patrons and students shouldn't be consigned to outmoded equipment when exciting new digital products are on the horizon.

S. 1146 will guarantee that the centuries-old "fair use" rights of students, library patrons, scholars, and consumers will continue to be recognized in the new digital era of the Internet.

In addition the legislation will encourage personal computer manufacturers and software developers to create new products which promote the productivity of Americans across the country. Innovators shouldn't be threatened with criminal penalties for bringing exciting new products to market. Instead, they should be encouraged to develop new products that will add enjoyment and convenience to our lives, while creating good new jobs for American workers.

Finally, we will encourage the growth of the Internet by eliminating the threat of certain copyright infringement lawsuits that telephone companies, service providers, and others face in helping consumers connect to the World Wide Web.

Technology won't stand still. We need to move forward with the consideration of copyright legislation that promotes new technology, while protecting intellectual property rights. In doing so we must be diligent in looking to the future, not to the past, or to interests that would halt innovation to serve their own parochial concerns.

At this critical juncture in history, we need to be sure we get it right. We can only do so by maintaining the balance that has served our country so well and for so long.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a withdrawal and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF A PRESIDENTIAL DETERMINATION (98-17) RELATIVE TO VIETNAM—MESSAGE FROM THE PRESIDENT—PM 110

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

Pursuant to section 402(c)(2)(A) of the Trade Act of 1974, as amended (the "Act"), I have determined that a waiver of the application of subsections 402 (a) and (b) with respect to Vietnam will substantially promote the objectives of section 402. A copy of that determination is attached. I also have received assurances with respect to the emigration practices of Vietnam required by section 402(c)(2)(B) of the Act. This message constitutes the report to the Congress required by section 402(c)(2).

Pursuant to subsection 402(c)(2) of the Act, I shall issue an Executive order waiving the application of subsections (a) and (b) of section 402 of the Act with respect to Vietnam.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 9, 1998.*

MESSAGES FROM THE HOUSE

At 11:16 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 419. An act to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes.

The message also announced that pursuant to clause 6(f) of rule X, the Chair removes the gentleman from Iowa, Mr. LEACH, as a conferee on H.R. 1757 and appoints the gentleman from Indiana, Mr. BURTON, to fill the vacancy.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrent resolution:

H. Con. Res. 206. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 187. A resolution expressing the sense of the Senate regarding the human rights situation in the People's Republic of China.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted.

By Mr. JEFFORDS, from the Committee on Labor and Human Resources:

Richard M. McGahey, of New York, to be an Assistant Secretary of Labor.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DEWINE:

S. 1741. A bill to provide for teacher training facilities; to the Committee on Labor and Human Resources.

By Mr. DEWINE (for himself, Mr. COATS, Mrs. HUTCHISON, Mr. SMITH of Oregon, and Ms. COLLINS):

S. 1742. A bill to improve the quality of individuals becoming teachers in elementary and secondary schools, to make the teaching profession more accessible to individuals who wish to start a second career, to encourage adults to share their knowledge and experience with children in the classroom, to give officials the flexibility the officials need to hire whom the officials think can do the best job, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. SPECTER (by request):

S. 1743. A bill to amend title 38, United States Code, to authorize memorialization of deceased spouses and surviving spouses of veterans and deceased members of the Armed Forces whose remains are not available for interment; to the Committee on Veterans Affairs.

S. 1744. A bill to redesignate the title of the National Cemetery System and the position of the Director of the National Cemetery System; to the Committee on Veterans Affairs.

S. 1745. A bill to amend title 38, United States Code, to provide flexibility in the order in which the Board of Veterans' Appeals hears and considers appeals; to the Committee on Veterans affairs.

S. 1746. A bill to amend title 38, United States Code, to remove a statutory provision requiring a specified number of full-time equivalent positions in the VA's Office of Inspector General; to the Committee on Veterans Affairs.

By Mr. GRASSLEY (for himself, Mr. REID, and Mr. KERREY):

S. 1747. A bill to amend the Internal Revenue Code of 1986 to provide for additional taxpayer rights and taxpayer education, notice, and resources, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DEWINE:

S. 1741. A bill to provide for teacher training facilities; to the Committee on Labor and Human Resources.

THE TEACHER QUALITY ACT OF 1998

Mr. DEWINE. Mr. President, I rise today to express some serious concerns about what I believe amounts to a crisis in teacher education in the United States. This year, we will consider the reauthorization of the Higher Education Act of 1965. Therefore, it is appropriate that we not focus on the issue of improving teacher training in the United States.

We have to look to new ideas and programs—programs that will help restore America as an academic power. I believe that we must act immediately to find solutions for this crisis, because our children are suffering very serious consequences. Today, I will be offering two pieces of legislation that will serve as the first steps in addressing the future of teacher training and teacher certification.

Before I offer a description of the new legislation, Mr. President, I call my colleagues attention to these alarming statistics: 36% of those now teaching core subjects (English, math, science, social studies, foreign languages) neither majored nor minored in those subjects. A study conducted by the National Commission on Teaching and America's Future revealed, and I'm quoting from a summary of the report:

> More than one-quarter of newly hired public school teachers in 1991 lacked the qualifications for their jobs, and nearly one-fourth of all secondary teachers did not even have a minor in their main teaching field.

The Commission also found that, quote:

> 56% percent of high school students taking physical science were being taught by out-of-field teachers, as were 27% of those taking mathematics and 21% of those taking English. The least qualified teachers were most likely to be found in high-poverty and predominantly minority schools and in lower-track classes. In fact, in schools with the highest minority enrollments, students had less than a 50% chance of getting a science or mathematics teacher who held a license and a degree in the field he or she taught.

Mr. President, this is a travesty—on a truly national scale. No wonder students are doing so poorly on standardized tests. If the teacher does not understand the subject he or she is teaching, then certainly the students will not learn what they need to know. It is inexcusable that in a country as powerful and wealthy as the United States, that we do not give our children the best academic resources available. The United States will not remain a world leader unless we turn this around, and start preparing our children for the future.

The process by which we train our teachers needs to be reformed—and I believe that there is a strong bipartisan consensus to support an effort for reform. Recently, I received a memorandum that was signed by members of the Center for Education Reform, Empower America, the Education Leaders Council, Hudson Institute, Progressive Policy Institute, Brookings Institution, and Heritage Foundation that expressed bipartisan interest in strengthening the Federal role in teacher recruitment and preparation. I was impressed that members of each of these diverse groups can all agree that there must be some serious change in the current teacher education system.

The Progressive Policy Institute has urged:

> * * * that the President and his advisors remain faithful to the most important achievement in education policy: redefining the goal of school reform as results, not regulation. The Progressive Policy Institute also wrote that instead of spending federal dollars to hire more teachers and support schools of education under the existing system, the Administration should encourage states to open up the teaching profession to talented individuals who can demonstrate mastery of the subject that they intend to teach; implement innovative means of recruiting and training teachers; provide incentives to teach in high-poverty schools; and ensure that institutions, administrators, and teachers are rewarded for high performance and held responsible for failure.

Mr. President, I could not agree more. Clearly, we must have more accountability and autonomy in the education system. We can no longer tolerate a system that allows unqualified teachers in the classroom. As schools are held more accountable for their results, the schools must have the autonomy to hire and fire whomever they want, and decide how best to compensate their faculty. Unquestionably, we must support all of the hard-working, dedicated teachers we now have in our classrooms. they deserve our utmost support and respect.

Mr. President, I am encouraged that President Clinton has taken an interest in reforming the education system. I do not, however, believe that merely reducing class size and hiring 100,000 new teachers would be a solution for our academic problems.

The answer is to only certify quality teachers—and to get quality teachers to teach our neediest kids. All children deserve well-educated teachers, and we need to make that proposition a reality.

Now you might ask what the Federal role should be in teacher training. Unquestionably, states are, and should remain, the primary actors in public education. Any new Federal programs should be voluntary for states, which should not be burdened by new Federal mandates. However, the Federal government can have a role—by helping the states focus on hiring quality teachers.

The Federal government needs to break the education school monopoly on teacher preparation. Too often, these education schools have weak academic standards—and focus on teaching methods over knowledge of subject matter. The students who enroll in teacher education programs in U.S. colleges tend to have lower scores on SAT and ACT exams than those in virtually all other programs of study.

Federal funds that are set aside for teacher training should be made available to any program that trains teachers—as long as the program is held accountable for producing students that can demonstrate subject matter competence in the classes that they plan to teach. All teacher-training programs should be held accountable for results: producing teachers who know their subject well and know how to teach it. Their results are what matter, not their intentions or their resources or their requirements, or their accreditation.

The Federal government can assist the states by forgiving student loans or offering other financial incentives for well-educated people who teach in hard-to staff schools.

For example, I introduced legislation last year that would provide loan forgiveness to individuals who obtain a college degree in early childhood education who then go on to teach in accredited child-care centers. The Quality Child Care Loan Forgiveness Act is a great example of how the Federal government can provide incentives to students to become teachers. All children, from pre-K to 12th grade, deserve the chance to have a qualified teacher that will help them reach their academic potential.

Today, Mr. President, I am proposing legislation that addresses the need for better teacher training programs. While it is important to stem the tide of unqualified teachers reaching the classroom, we must also focus on helping teachers that are already in the classroom and need assistance in becoming the best teachers that they can be. Today, therefore, I am introducing the Teacher Quality Act of 1998.

This legislation calls for the creation of teacher training programs across the United States that will help train teachers that are already in the classroom or about to enter the teaching profession.

This bill is common-sense legislation that will assist school districts in their struggle to maintain the highest possible academic standards for their children. My idea for this legislation developed out of my admiration for the Mayerson Academy in Cincinnati, Ohio. The Mayerson Academy was established in 1992 as a partnership between the Cincinnati business community and its schools. The mission of the Mayerson Academy is to provide the highest quality training and professional development opportunities to the men and women responsible for educating the children of Cincinnati. Its motto is "All Children Can Learn."

The doors of the academy are open for business from 8:00 am to 9:00 pm, Monday through Saturday, fifty weeks per year. The non-profit Mayerson Academy has a 10-year contract with Cincinnati Public Schools and also has training agreements with Princeton City Schools, Lakota Local School District, and the Oak Hills School District. The Mayerson Academy has advanced labs on how to learn math. Classes on how to use computers. Socratic discussions on how to organize and manage. Teachers can take advantage of core courses, through which they can earn graduate-level equivalency credits, or take one-time special-topic "action labs." The Mayerson Academy also utilizes all the latest breakthroughs in technology to get their message out across the country through the use of distance learning instruction. Teachers in Cincinnati Public Schools are eligible for a $750 raise after 100 hours of training—and it counts toward Ohio's mandatory continuing education requirement for a teaching license.

The Mayerson Academy raised its start-up funds from generous private contributions from local banks, private foundations, and businesses such as Federated Department Stores, General Electric, and Procter and Gamble. Cincinnati's school district pays $1.6 million a year to purchase 66,000 hours of training from Mayerson—and the teachers attend for free. However, the program is such a great success that this school year, the Academy will provide 160,000 hours of staff training, far exceeding the 66,000 hours of annual staff training time called for by the academy's agreement with the district. The Mayerson Academy is separate from the school system, in order to ensure independent evaluation of its results and a consistent base of support. This status also allows it to benefit from the perspectives and experience of the business leadership.

My legislation will establish a competitive grant program that will ask school districts to form public-private partnerships to establish teacher training programs. I believe that this legislation will assist in establishing teacher training centers like Mayerson—facilities that will help teachers gain subject matter mastery and give our children the best training teachers in the world.

The second piece of legislation that I am introducing today will expand and improve the supply of well-qualified elementary and secondary school teachers. This goal can be accomplished by encouraging and assisting States to develop and implement programs for alternative routes toward alternative certification or licensure. The Alternative Certification and Licensure of Teachers Act will give individuals who would like to teach the chance to do so. We're talking about teachers who can serve not just as mentors to these children, but also as role models to show them how a good education can make a huge positive difference in their future.

Through these programs, individuals who have a sense of what goals they wish to accomplish can bring their knowledge and experience into the classroom—and make a difference in children's lives.

There are many talented professionals with a high level of subject area competence outside the education profession who may wish to pursue careers in education, but could not meet the current requirements to be certified or licensed as teachers. For example, a former engineer could explain to his students the importance of geometry, algebra, and calculus. A doctor can show his students how hard courses in biology can put young people on the path to saving lives. If students can see that what they are learning in school really does prepare them for the future, they will be more willing to learn and grasp new concepts.

Mr. President, individuals on both sides of the aisle realize that alternative certification is an effective method to attract more qualified teachers into the classroom. The Progressive Policy Institute has written that "states should be eligible to use federal funds to establish meaningful alternative certification programs that have more than a marginal effect on teacher supply." There is also a study that shows that individuals who become certified through alternative certification programs are more likely to be minorities, specialize in science and mathematics, and teach in hard-to-staff inner-city districts than traditionally certified teachers.

Mr. President, both pieces of legislation that I am introducing today are targeted on improving American teaching. The Teacher Quality Act is solid legislation that answers the question, "How do we train teachers that are already in the field?" The Alternative Certification and Licensure of Teachers Act answers the question, "How are we going to attract qualified individuals into the teaching field?" I strongly believe that both of these initiatives can serve as the bedrock on which to enact real reforms in the teacher education system in America.

To conclude, Mr. President, I believe that improving educational opportunities for children has to be a top priority for this Congress. I ask my colleagues in the House and Senate to work together to forge a bipartisan approach that will ensure that our children are being taught by the most qualified teachers in the world. There is no question that we must develop a system that will draw students into the teaching profession. The Federal government and the States need to work together to provide incentives for people to become teachers, and build a sense of pride to this profession. We can no longer tolerate failure if we wish to keep America strong. Now is the time to address this issue—and I ask that members of the House Education and the Workforce Committee, and the Senate Labor Committee, work diligently to come up with the best answer for our children.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1741

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Teacher Quality Act of 1998".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) there is a teacher quality crisis, not a teacher quantity crisis, in the United States;

(2) individuals entering a classroom should have a sound grasp of the subject the individuals intend to teach, and the individuals should know how to teach;

(3) the quality of teachers impacts student achievement;

(4) people who enter the teaching profession through alternative certification programs can benefit from having the opportunity to attend a teacher training facility;

(5) teachers need to increase their subject matter knowledge;

(6) less than 40 percent of the individuals teaching the core subjects (English, mathematics, science, social studies, and foreign languages) majored or minored in the core subjects; and

(7) according to the Third International Mathematics and Science Study, American high school seniors finished near the bottom of the study in both science and mathematics.

(b) PURPOSE.—The purpose of this Act is to strengthen teacher training programs by establishing a private and public partnership to create the best teacher training facilities in the world to ensure that teachers receive unlimited access to the most updated technology and skills training in education, so that students can benefit from the teachers' knowledge and experience.

SEC. 3. DEFINITIONS.

In this Act:

(1) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) SECRETARY.—The term "Secretary" means the Secretary of Education.

SEC. 4. GRANTS.

(a) IN GENERAL.—From amounts appropriated under section 5 for a fiscal year the Secretary shall award grants to local educational agencies to enable the local educational agencies to establish teacher training facilities for elementary and secondary school teachers.

(b) COMPETITIVE BASIS.—The Secretary shall award grants under this Act on a competitive basis.

(c) PARTNERSHIP CONTRACT REQUIRED.—In order to receive a grant under this Act, a local educational agency shall enter into a contract with a nongovernmental organization to establish a teacher training facility.

(d) APPLICATIONS.—Each local educational agency desiring a grant under this Act shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall contain an assurance that the local educational agency—

(1) has raised $4,000,000 in matching funds, from public or private sources, for the support of the teacher training facility;

(2) will train the teachers employed by the local educational agency at the teacher training facility for a period of 10 years after the date the agency enters into the contract described in subsection (c); and

(3) will spend 0.5 percent of the local educational agency's total school budget for each fiscal year to support the teacher training facility.

(e) AMOUNT.—The Secretary shall award each grant under this section in the amount of $4,000,000.

(f) NUMBER.—The Secretary shall award 2 grants under this title for fiscal year 1999, 3 such grants for fiscal year 2000, 3 such grants for fiscal year 2001, and 4 such grants for fiscal year 2002.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $8,000,000 for fiscal year 1999, $12,000,000 for fiscal year 2000, $12,000,000 for fiscal year 2001, and $16,000,000 for fiscal year 2002.

By Mr. DEWINE (for himself, Mr. COATS, Mrs. HUTCHISON, Mr. SMITH of Oregon, and Ms. COLLINS):

S. 1742. A bill to improve the quality of individuals becoming teachers in elementary and secondary schools, to make the teaching profession more accessible to individuals who wish to start a second career, to encourage adults to share their knowledge and experience with children in the classroom, to give officials the flexibility the officials need to hire whom the officials think can do the best job, and for other purposes; to the Committee on Labor and Human Resources.

THE ALTERNATIVE CERTIFICATION AND LICENSURE OF TEACHERS ACT OF 1998

Mr. DEWINE. Mr. President, today I am introducing the Alternative Certification and Licensure of Teachers Act of 1998. I am very pleased to be joined by Senators COATS, COLLINS, HUTCHISON, and GORDON SMITH.

The purpose of this legislation is to expand and improve the supply of well-qualified elementary and secondary school teachers. We would accomplish this goal by encouraging and assisting States to develop and implement programs for alternative routes toward teacher certification or licensure.

There are many talented professionals with a high level of subject area competence outside the education profession who may wish to pursue careers in education, but could not meet the current requirements to be certified or licensed as teachers. For example, all of us here in Congress attain a unique knowledge of how our government works. Alternative certification and licensure could provide an opportunity for some of us to become teachers so we could share our knowledge and experiences of how government works with young people. The measure of a good teacher after all is how much and how well their students could learn.

Knowledgeable and eager individuals should be helped—not discouraged—to enter the K-12 classroom as teachers.

We can achieve this goal by giving States the maximum flexibility and incentives to create alternative certification programs. That's what my bill would do—it would enable the Federal Government to assist States by offering incentives to recruit well-educated people into the teaching profession. This program would be voluntary for the States. States do not need to be burdened by new Federal mandates.

This bill would allow qualified individuals to fullfil State certification or licensure requirements, giving school systems the chance to take advantage of the expertise of such professionals and improve the pool of qualified individuals available to local educational agencies. These measures would do a great deal to expand and improve the supply of well-qualified teachers.

The bill would provide $15 million each year to be divided among the States based on a student population formula. States would have to apply to the Secretary in order to be considered for funds. The money could be used to either create new alternative certification programs or to fund pre-existing programs. If a State does not apply for funds, then that money is reallocated to those States that most demonstrate the need for the money based on the Secretary of Education's discretion.

Alternative certification is nothing new. A study by C. Emily Feistritzer entitled "Alternative Teacher Certification: a State-by-State Analysis 1997" reports the following facts:

41 States and the District of Columbia are now implementing alternative routes for certifying teachers. However, virtually all of the States now offer some type of program other than the traditional approved college teacher education program route for initially licensing teachers.

23 States and the District of Columbia have designed alternative licensure programs for the explicit purpose of bringing talented individuals who already have at least a bachelor's degree in a field other than education into teaching—up from just 11 such programs in 1991.

117 programs in the 50 States and the District of Columbia are now available for people who already have a bachelor's degree and want to become licensed to teach. This compares with 91 programs in 1991.

Interest in alternative teacher certification continues to escalate. 35 states reported that interest from "people wanting to get licensed to teach" has increased in the last five years.

Mr. President, it's clear that interest in the alternative certification route is on the increase. Among the talented people we can attract into the teaching profession by this means are military personnel who are nearing retirement, people who have been down-sized and are looking for a second career, business leaders who want to share their knowledge with a new generation of children, housewives who are looking for a new career after their children have moved out of the family home, and people who want to leave the private sector so they can use their college major to make a difference in children's lives.

Teacher training has become a very important issue to this Congress and to the Administration. As of today, there have been no fewer than seven teacher training bills introduced in the House and Senate. In fact, President Clinton has requested $1.1 billion in his latest budget to pay for 37,000 new teachers. It is clear that members on both sides of the aisle understand the importance of having quality teachers in the classroom.

Therefore, there's clear bipartisan support for programs that encourage and recruit the most knowledgeable individuals to teach our children. It is my hope that we can see bipartisan support for programs that give talented individuals an alternative route into the teaching profession.

In order to find the best possible teachers for our children, we need to support programs that are flexible and creative. We need to encourage the brightest minds in our communities to consider teaching as a career. Teachers who have had a previous career can explain to children the importance of a good education. For example, a former engineer could explain to his students the importance of geometry, algebra, and calculus. A doctor can show his students how hard courses in biology can put young people on the path to saving lives. If students can see that what they are learning in school really does prepare them for the future, they will be more willing to learn and grasp new concepts.

In this bill, States would be given the flexibility to reach out for new teaching talent and fill specifically hard-to-staff teacher positions.

Alternative certification and licensure programs give the best and brightest individuals who would like to teach the chance to do so. We're talking about teachers who can serve not just as mentors to these children, but also as role models to show them how a good education is crucial to their futures. Through these programs, individuals who have a sense of what goals they wish to accomplish can bring their knowledge and experience into the classroom.

Mr. President, Federal support for alternative certification and licensure would help ensure that schools continue to attract quality teachers to the classroom. We owe it to all school children to give them the best resources available. That is why we must encourage all States to hire the most capable, knowledgeable, and experienced teachers that are available.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection the bill was ordered to be printed in the RECORD, as follows:

S. 1742

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Alternative Certification and Licensure of Teachers Act of 1998".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the measure of a good teacher is how much and how well the teacher's students learn;

(2) the main teacher quality problem in 1998 is the lack of subject matter knowledge;

(3) knowledgeable and eager individuals of sound character and various professional backgrounds should be encouraged to enter the kindergarten through grade 12 classrooms as teachers;

(4) many talented professionals who have demonstrated a high level of subject area competence outside the education profession may wish to pursue careers in education, but have not fulfilled the traditional requirements to be certified or licensed as teachers;

(5) States should have maximum flexibility and incentives to create alternative teacher certification and licensure programs in order to recruit well-educated people into the teaching profession; and

(6) alternative routes can enable qualified individuals to fulfill State teacher certification or licensure requirements and will allow school systems to utilize the expertise of professionals and improve the pool of qualified individuals available to local educational agencies as teachers.

(b) PURPOSE.—It is the purpose of this Act to improve the supply of well-qualified elementary school and secondary school teachers by encouraging and assisting States to develop and implement programs for alternative routes to teacher certification or licensure requirements.

SEC. 3. ALLOTMENTS.

(a) ALLOTMENTS TO STATES.—

(1) IN GENERAL.—From the amount appropriated to carry out this Act for each fiscal year, the Secretary shall allot to each State the lesser of—

(A) the amount the State applies for under section 4; or

(B) an amount that bears the same relation to the amount so appropriated as the total population of children ages 5 through 17 in the State bears to the total population of such children in all the States (based on the most recent data available that is satisfactory to the Secretary).

(2) REALLOCATION.—If a State does not apply for the State's allotment, or the full amount of the State's allotment, under paragraph (1), the Secretary may reallocate the excess funds to 1 or more other States that demonstrate, to the satisfaction of the Secretary, a current need for the funds.

(b) SPECIAL RULE.—Notwithstanding section 421(b) of the General Education Provisions Act (20 U.S.C. 1225(b)), funds awarded under this Act shall remain available for obligation by a recipient for a period of 2 calendar years from the date of the grant.

SEC. 4. STATE APPLICATIONS.

(a) IN GENERAL.—Any State desiring to receive an allotment under this Act shall, through the State educational agency, submit an application at such time, in such manner, and containing such information, as the Secretary may reasonably require.

(b) REQUIREMENTS.—Each application shall—

(1) describe the programs, projects, and activities to be undertaken with assistance provided under this Act; and

(2) contain such assurances as the Secretary considers necessary, including assurances that—

(A) assistance provided to the State educational agency under this Act will be used to supplement, and not to supplant, any State or local funds available for the development and implementation of programs to provide alternative routes to fulfilling teacher certification or licensure requirements;

(B) the State educational agency has, in developing and designing the application, consulted with—

(i) representatives of local educational agencies, including superintendents and school board members (including representatives of their professional organizations if appropriate);

(ii) elementary school and secondary school teachers, including representatives of their professional organizations;

(iii) schools or departments of education within institutions of higher education;

(iv) parents; and

(v) other interested individuals and organizations; and

(C) the State educational agency will submit to the Secretary, at such time as the Secretary may specify, a final report describing the activities carried out with assistance provided under this Act and the results achieved with respect to such activities.

(c) GEPA PROVISIONS INAPPLICABLE.—Sections 441 and 442 of the General Education Provisions Act (20 U.S.C. 1232d and 1232e), except to the extent that such sections relate to fiscal control and fund accounting procedures, shall not apply to this Act.

SEC. 5. USE OF FUNDS.

(a) USE OF FUNDS.—

(1) IN GENERAL.—A State educational agency shall use funds provided under this Act to support programs, projects, or activities that develop and implement new, or expand and improve existing, programs that enable individuals to move to a teaching career in elementary or secondary education from another occupation through an alternative route to teacher certification or licensure.

(2) TYPES OF ASSISTANCE.—A State educational agency may carry out such programs, projects, or activities directly, through contracts, or through grants to local educational agencies, intermediate educational agencies, institutions of higher education, or consortia of such agencies or institutions.

(b) USES.—Funds received under this Act may be used for—

(1) the design, development, implementation, and evaluation of programs that enable qualified professionals who have demonstrated a high level of subject area competence outside the education profession and are interested in entering the education profession to fulfill State teacher certification or licensure requirements;

(2) the establishment of administrative structures necessary for the development and implementation of programs to provide alternative routes to fulfilling State teacher certification or licensure requirements;

(3) training of staff, including the development of appropriate support programs, such as mentor programs, for teachers entering the school system through alternative routes to teacher certification or licensure;

(4) the development of recruitment strategies;

(5) the development of reciprocity agreements between or among States for the certification or licensure of teachers; or

(6) other programs, projects, and activities that—

(A) are designed to meet the purpose of this Act; and

(B) the Secretary determines appropriate.

SEC. 6. DEFINITIONS.

In this Act:

(1) ELEMENTARY SCHOOL; LOCAL EDUCATIONAL AGENCY; SECONDARY SCHOOL; SECRETARY; AND STATE EDUCATIONAL AGENCY.—The terms "elementary school", "local educational agency", "secondary school", "Secretary", and "State educational agency" have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 1201 of the Higher Education Act of 1965 (20 U.S.C. 1141).

(3) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $15,000,000 for fiscal year 1999 and each of the 4 succeeding fiscal years.

By Mr. SPECTER (by request):

S. 1743. A bill to amend title 38, United States Code, to authorize memorialization of deceased spouses and surviving spouses of veterans and deceased members of the Armed Forces whose remains are not available for interment; to the Committee on Veterans' Affairs.

ARMED FORCES LEGISLATION

Mr. SPECTER. Mr. President, as Chairman of the Committee on Veterans' Affairs, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 1743, a proposed bill to authorize memorialization of deceased spouses and surviving spouses of veterans and deceased members of the Armed Forces whose remains are not available for interment. The Secretary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated June 24, 1997.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all Administration-proposed draft legislation referred to the Committee on Veterans' Affairs. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

S. 1743

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION TO FURNISH MEMORIAL HEADSTONES AND MARKERS FOR SPOUSES AND SURVIVING SPOUSES OF VETERANS AND DECEASED SERVICE MEMBERS.

Section 2306(b) of title 38, United States Code, is amended—

(a) by adding "(which for purposes of this subsection includes a person who died in the active military, naval, or air service) or any spouse or surviving spouse (which for purposes of this section includes an unremarried surviving spouse who had a subsequent remarriage which was terminated by death or divorce) of a veteran" following "any veteran";

(b) by striking out "veteran's" in paragraph (2) and inserting in lieu thereof "individual's"; and

(c) by adding at the end thereof "Where the Secretary has furnished a memorial headstone or market under this subsection for the purpose of commemorating a veteran, or has furnished a headstone or marker for the unmarked grave of a veteran under subsection (a) of this section, the Secretary shall, where feasible, add a memorial inscription to the existing headstone or marker under this subsection for the veteran's surviving spouse.".

SEC. 2. AMENDMENTS TO PROVISIONS GOVERNING MEMORIAL AREAS.

Section 2403(b) of title 38, United States Code, is amended by striking all after "appropriate" and inserting in lieu thereof "group memorials shall be erected to honor the memory of groups of individuals referred to in subsection (a) of this section, and appropriate memorial headstones and markers shall be erected to honor the memory of individuals referred to in subsection (a) of this section or subsection (b) of section 2306 of this title.

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall be effective with respect to deaths occurring after the date of its enactment.

THE SECRETARY OF VETERANS AFFAIRS,
Washington, DC, June 24, 1997.
Hon. ALBERT GORE, Jr.,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Transmitted herewith is a draft bill to amend sections 2306 and 2403 of title 38, United States Code, to authorize memorialization of deceased spouses and surviving spouses of veterans and deceased members of the Armed Forces whose remains are not available for interment.

The law currently authorizes the Secretary of Veterans Affairs to furnish and to erect in national cemeteries appropriate memorial headstones or markers for veterans and members of the Armed Forces whose remains are not available for interment because they have not been recovered or identified, were buried at sea, were donated to science, or were cremated and the ashes scattered. However, there is no authorization for memorialization of the deceased spouses of such persons where remains are not available for interment. Since spouses are currently eligible for other burial benefits such as Government-furnished headstones or markers for unmarked graves and interment in a national cemetery, if their remains are available, we believe it is inequitable to deny the comparable benefit of memorialization when remains are unavailable. This benefit would be particularly meaningful when a spouse predeceases a veteran by providing the veteran with a suitable remembrance of the deceased loved one which can be appreciated by the veteran during his or her lifetime.

Where a veteran predeceases his or her spouse and the veteran's grave is marked with an upright headstone, a memorial inscription for the spouse may be placed on the back of the same headstone, and a separate marker for the spouse would not generally be required. If the veteran's grave is marked with a flat stone marker, an inscription can usually be added for the spouse, space permitting. Accordingly, the draft bill provides that, where feasible, a memorial inscription shall be placed on an existing headstone or marker in lieu of furnishing a new memorial headstone or marker.

The addition of an inscription to an existing marker will not be feasible in some situations. When an existing marker or headstone cannot be modified, we contemplate replacing the existing marker with a new marker or headstone bearing inscriptions for both the veteran and the spouse. For example, where a veteran has predeceased his or her spouse, it would not be feasible to add a memorial inscription for the spouse to an existing bronze marker or to a niche marker for cremated remains. A new headstone or marker will also be necessary where a spouse predeceases a veteran. Upon the veteran's subsequent death, the veteran may be buried under circumstances requiring use of a different style of marker than was supplied for memorialization of the spouse, e.g., a niche marker for cremated remains, as opposed to a full-sized flat marker or headstone. Further, since the Department of Veterans Affairs places the veteran's name in a preeminent position on a marker or headstone, the spouse's marker would be replaced with a new marker or headstone bearing inscriptions for both the veteran and the spouse, with the veteran's inscription being preeminent.

Because it is likely that relatively few spouses will require memorialization, we anticipate that the costs associated with this proposal would be insignificant. This proposal would affect direct spending; therefore, it is subject to pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990. The Office of Management and Budget (OMB) estimates that the pay-as-you-go effect of this proposal would be less than $500,000.

The OMB advises that there is no objection from the standpoint of the Administration's program to the submission of this proposal to the Congress.

Sincerely yours,

JESSE BROWN.

By Mr. SPECTER (by request):

S. 1744. A bill to redesignate the title of the National Cemetery System and the position of the Director of the National Cemetery System; to the Committee on Veterans' Affairs.

THE NATIONAL CEMETERY ADMINISTRATION REDESIGNATION ACT OF 1998

Mr. SPECTER. Mr. President, as chairman of the Committee on Veterans' Affairs, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 1744, a proposed bill to redesignate the National Cemetery System of the Department of Veterans Affairs as the "National Cemetery Administration" and the Director of the National Cemetery System as the "Assistant Secretary for Memorial Affairs." The Acting Secretary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated September 17, 1997.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all Administration-proposed draft legislation referred to the Committee on Veterans' Affairs. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1744

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION OF TITLE OF NATIONAL CEMETERY SYSTEM.

The title of the National Cemetery System of the Department of Veterans Affairs is hereby redesignated as the National Cemetery Administration.

SEC. 2. REDESIGNATION OF POSITION OF DIRECTOR OF THE NATIONAL CEMETERY SYSTEM.

The position of Director of the National Cemetery System of the Department of Veterans Affairs is hereby redesignated as Assistant Secretary for Memorial Affairs.

SEC. 3. ASSISTANT SECRETARIES.

Section 308(a) of title 38, United States Code, is amended by—

(a) in subsection (a) thereof, changing the period at the end of the first sentence of that subsection to a comma and adding the following at the end of that sentence: "in addition to the Assistant Secretary for Memorial Affairs";

(b) in subsection (b) thereof, by inserting "other than the Assistant Secretary for Memorial Affairs" after "Assistant Secretaries"; and

(c) in subsection (c) thereof, by inserting "pursuant to subsection (b)" after "Assistant Secretary".

SEC. 4. TITLE 38 CONFORMING AMENDMENTS.

(a) Title 38, United States Code, is amended by striking out "Director of the National Cemetery System" each place it appears (including in headings and tables) and inserting in lieu thereof "Assistant Secretary for Memorial Affairs".

(b) Section 301(c) of title 38, United States Code, is amended by striking out "System" in subsection (c)(4) and inserting in lieu thereof "Administration".

(c) Section 307 of title 38, United States Code, is amended—

(1) by striking out "a" in the first sentence and inserting in lieu thereof "an";

(2) by striking out "Director" in the second sentence and inserting in lieu thereof "Assistant Secretary for Memorial Affairs"; and

(3) by striking out "System" in the second sentence and inserting in lieu thereof "Administration".

(d)(1) Section 2306(d) of title 38, United States Code, is amended by striking out "within the National Cemetery System" in the first sentence of subsection (d)(1) and inserting in lieu thereof "under the control of the National Cemetery Administration".

(2) Section 2306(d) of title 38, United States Code, is amended by striking out "within the National Cemetery System" in subsection (d)(2) and inserting in lieu thereof "under the control of the National Cemetery Administration".

(e)(1) The table of sections at the beginning of chapter 24 of title 38, United States Code, is amended by striking out "Establishment of National Cemetery System; composition of such system; appointment of director." and inserting in lieu thereof "Establishment of National Cemetery Administration; authority of such administration; appointment of Assistant Secretary.".

(2) The heading of section 2400 of title 38, United States Code, is amended by striking out "Establishment of National Cemetery System; composition of such system; appointment of director" and inserting in lieu thereof "Establishment of National Cemetery Administration; authority of such administration; appointment of Assistant Secretary".

(3) Section 2400(a) of title 38, United States Code, is amended by striking out "shall be within the Department a National Cemetery System" in the first sentence and inserting in lieu thereof "is within the Department a National Cemetery Administration responsible" in the first sentence and by striking out "Such system" in the second sentence and inserting in lieu thereof "The National Cemetery Administration".

(4) Section 2400(b) of title 38, United States Code, is amended by striking out "The National Cemetery System" and inserting "National cemeteries and other facilities under the control of the National Cemetery Administration" in lieu thereof.

(5) Section 2402 of title 38, United States Code, is amended by striking out "in the National Cemetery System" and inserting "under the control of the National Cemetery Administration" in lieu thereof.

(6) Section 2403(c) of title 38, United States Code, is amended by striking out "in the National Cemetery System created by this

chapter" and inserting "under the control of the National Cemetery Administration" in lieu thereof.

(7) Section 2405(c) of title 38, United States Code, is amended by striking out "within the National Cemetery System" and inserting in lieu thereof "under the control of the National Cemetery Administration" and by striking out "within such System" and inserting in lieu thereof "under the control such Administration".

(8) Section 2408(c) of title 38, United States Code, is amended by striking out "in the National Cemetery System" in subsection (c)(1) and inserting "under the control of the National Cemetery Administration" in lieu thereof.

SEC. 5. EXECUTIVE SCHEDULE CONFORMING AMENDMENT.

Section 5315 of title 5, United States Code, is amended by striking out "(6)" following "Assistant Secretaries, Department of Veterans Affairs" and inserting in lieu thereof "(7)" and by striking out "Director of the National Cemetery System."

SEC. 6. REFERENCES IN OTHER LAWS.

(a) Any reference to the National Cemetery System in any Federal law, Executive order, rule, regulation, delegation of authority, or document of or pertaining to the Department of Veterans Affairs, which reference pertains to the organization within that Department which controls the Department's national cemeteries shall be deemed to refer to the National Cemetery Administration.

(b) Any reference to the Director of the National Cemetery System in any Federal law, Executive order, rule, regulation, delegation of authority, or document of or pertaining to the Department of Veterans Affairs shall be deemed to refer to the Assistant Secretary for Memorial Affairs.

THE SECRETARY OF VETERANS AFFAIRS,
Washington, September 17, 1997.

HON. ALBERT GORE, JR.,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: Transmitted herewith is a draft bill to redesignate the National Cemetery System (NCS) as the "National Cemetery Administration" and the Director of the National Cemetery System as the "Assistant Secretary for Memorial Affairs." The legislation would elevate the NCS to the same organizational status within the Department of Veterans Affairs (VA) as the Veterans Health Administration (VHA) and the Veterans Benefits Administration (VBA). I request that this draft bill be referred to the appropriate committee for prompt consideration and enactment.

On March 15, 1989, the Veterans' Administration was redesignated as the Department of Veterans Affairs and elevated to cabinet-level status as an executive department. At that time, two of the three VA components that administer veterans' programs were also redesignated. The Department of Medicine and Surgery was redesignated as the Veterans Health Services and Research Administration (now the Veterans Health Administration) and the Department of Veterans' Benefits was redesignated as the Veterans Benefits Administration. The designation of the third program component, the National Cemetery System, was not changed.

On October 9, 1992, the title of the Chief Medical Director, the head of the Veterans Health Administration, was redesignated as the Under Secretary for Health and the title of the Chief Benefits Director was redesignated as the Under Secretary for Benefits. The title of the Director of the National Cemetery System was not changed.

The NCS was established on June 18, 1973, in accordance with the National Cemeteries Act of 1973, Pub. L. No. 93-43, §2(a), 87 Stat. 75. The fourfold mission of the NCS is: (1) to provide for the interment in national cemeteries of the remains of deceased veterans, their spouses, and certain other dependents and to permanently maintain their graves; (2) to mark the graves of eligible persons buried in national, state, and private cemeteries; (3) to administer the State Cemetery Grants Program to aid states in establishing, expanding, or improving state veterans' cemeteries; and, (4) to administer the Presidential Memorial Certificate Program.

NCS is the only one of the three VA components responsible for delivering benefits to veterans and their dependents that is referred to as a "System" rather than an "Administration." The proposed redesignation "National Cemetery Administration" would more accurately recognize NCS' status as a benefit-delivery administration.

Section 307 of title 38, United States Code, establishes the position of Director of the National Cemetery System. The present position title implies that the Director's responsibility is limited to management of the system of national cemeteries and does not adequately reflect tie responsibilities associated with the fourfold mission of the NCS. The proposed redesignation "Assistant Secretary for Memorial Affairs" would assure that the position receives the status commensurate with its responsibilities. The redesignation would not affect the duties and responsibilities of the position, which would remain the same.

Section 308(a) of title 38, United States Code, provides that VA shall have no more than six Assistant Secretaries. Under the draft bill, the position of Assistant Secretary for Memorial Affairs, so designated in section 307, would not be counted as one of the six Assistant Secretary positions referred to in section 308(a).

Currently, the salary level for the NCS Director is set by statute at Executive Level IV. The salary level for the other VA Assistant Secretary positions is also set at Executive Level IV. The proposed redesignation of the NCS Director as the Assistant Secretary for Memorial Affairs would not affect the salary level of the position, which would remain at Executive Level IV.

Although the proposed redesignation would require changes in some forms and publications, we contemplate making these changes as the documents are reordered or revised. For this reason, and because the Director's salary level would not change, no costs or savings are associated with this proposal.

The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to the submission of this legislative proposal to the Congress.

Sincerely yours,

HERSHEL W. GOBER,
Secretary-Designate.

By Mr. SPECTER (by request):

S. 1745. A bill to amend title 38, United States Code, to provide flexibility in the order in which the Board of Veterans' Appeals hears and considers appeals; to the Committee on Veteran's Affairs.

VETERANS' APPEALS BOARD LEGISLATION

Mr. SPECTER. Mr. President, as chairman of the Committee on Veterans' Affairs, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 1745, a proposed bill to provide flexibility in the order in which the Board of Veterans' Appeals of the Department of Veterans Affairs hears and considers appeals. The Acting Secretary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated August 7, 1997.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all Administration-proposed draft legislation referred to the Committee on Veterans' Affairs. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1745

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCEPTION TO DOCKET ORDER CONSIDERATION

Section 7107(a) of title 38, United States Code, is amended—

(1) in paragraph (1), by striking "Except as provided in subsection (f)" and inserting "Except as provided in paragraph (2) and subsection (f)";

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting the following:

"(2) The Board may consider and decide an appeal later than its place on the docket would normally require if such delay is necessary to provide the appellant a hearing.".

SEC. 2. SCHEDULING OF FIELD HEARINGS.

(a) Section 7107(d) of title 38, United States Code, is amended by striking paragraph (2) and inserting the following:

"(2) A hearing to be held within an area served by a regional office of the Department shall (except as provided in paragraph (3)) be scheduled to be held in accordance with that case's place on the docket referred to in subsection (a) relative to the other cases for which a hearing is scheduled to be held in that area.".

(b) The amendment made by subsection (a) applies to requests for a hearing received by the Department on or after the date of enactment.

SEC. 3. ADVANCEMENT ON THE HEARING DOCKET.

Section 7107(d) of title 38, United States Code, is amended by striking paragraph (3) and inserting the following:

"(3) A hearing to be held within an area served by a regional office of the Department may, for cause shown, be advanced on motion for an earlier hearing. Any such motion shall set forth succinctly the grounds upon which it is based and may not be granted unless the case involves interpretation of law of general application affecting other claims or for other sufficient cause shown.".

THE SECRETARY OF VETERANS AFFAIRS,
Washington, August 7, 1997.

HON. ALBERT GORE, JR.,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: Transmitted herewith is a draft bill to amend title 38, United

States Code, to provide flexibility in the order in which the Board of Veterans' Appeals (Board) hears and considers appeals. This proposed legislation would reduce delays in the issuance of Board decisions caused by late requests for field hearings. I request that this draft bill be referred to the appropriate committee for prompt consideration and enactment.

Current 38 U.S.C. §7107(a) requires the Board to consider and decide each appeal in regular order according to its place upon the docket. Furthermore, 38 U.S.C. §7107(b) requires the Board to afford an appellant an opportunity for a hearing before deciding his or her appeal. An appellant may request that a hearing before the Board be held at the Board's principal location in Washington, D.C., or at a Department of Veterans Affairs (VA) facility within the area served by a VA regional office. 38 U.S.C. §7107(d)(1). A hearing to be held within an area served by a regional office must be scheduled to be held in the order in which requests for hearings within that area are received by VA. 38 U.S.C. §7107(d)(2).

The order in which appeals must be scheduled for hearing in a given area and the order in which they must be considered and decided sometimes conflict. Such conflict arises when VA receives appellants' requests for hearings in an area in an order different from the order in which those appeals were docketed for consideration. (An appeal is docketed when the Board receives from the agency of original jurisdiction a copy of the substantive appeal.) For example, appellant A, whose appeal is high on the consideration docket, may request a field hearing in a given area long after many other appellants, whose appeals rank lower on the consideration docket, have already requested a hearing in that area. Not only must hearings for the lower ranking appeals be scheduled to be held before appellant A's hearing, but consideration and decision on every appeal ranking lower than appellant A's appeal must await consideration and decision on appellant A's appeal. The result is delay for all.

Aggravating this situation are two facts: First, limits on Board resources often constrain the Board to hold hearings at a given field facility infrequently, sometimes as seldom as once a year. Thus, a long time may pass before a requested hearing is actually held. Second, the long time elapsing between the initiation of and decision on an appeal, caused by a large appeal backlog, gives ample opportunity for appellants ranking high on the consideration docket to request a field hearing after lower ranking appellants have already requested one.

Our draft bill would alleviate the delays caused by this situation. Section 1 would create an exception to the docket-order consideration requirement for certain cases in which a hearing is requested. Section 1 would permit the Board to consider cases lower on the consideration docket before a case in which the appellant has requested a hearing that, due to resource shortfalls or the lateness of the request, cannot be held promptly. Section 2 would provide that a field hearing be scheduled to be held in accordance with that case's place on the consideration docket relative to other cases for which a hearing is requested within that area. Under that provision, field hearings would be scheduled to be held in the same order in which the cases will be considered and decided. This change would apply to hearing requests received by VA on or after the date of enactment.

Section 3 would permit the Board to advance a case on the hearing docket upon motion for cause shown, the same standard for which a case may be advanced on the consideration docket under 38 U.S.C. §7107(a)(2). Although current section 7107(d)(3) permits the Secretary to advance a case on the hearing docket if the Secretary knows that the appellant is seriously ill or under severe financial hardship, advancement on the hearing docket on that basis does not necessarily result in advancement of the case on the consideration docket. By making the standard for advancement on either docket the same, advancement on either docket would result in advancement on the other docket.

Enactment of this proposed legislation would result in no significant costs or savings.

The Office of Management and Budget advises that there is no objection to the submission of this proposal from the standpoint of the Administration's program.

Sincerely yours,

HERSHEL W. GOBER
Acting Secretary.

Enclosure.

By Mr. SPECTER (by request):

S. 1746. A bill to amend title 38, United States Code, to remove a statutory provision requiring a specified number of full-time equivalent positions in the VA's Office of Inspector General; to the Committee on Veterans' Affairs.

DEPARTMENT OF VETERANS AFFAIRS LEGISLATION

Mr. SPECTER. Mr. President, as chairman of the Committee on Veterans' Affairs, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 1746, a proposed bill to remove a statutory provision requiring a specified number of full-time equivalent positions in the Office of the Inspector General, Department of Veterans Affairs. The Acting Secretary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated August 7, 1997.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all Administration-proposed draft legislation referred to the Committee on Veterans' Affairs. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that additional material be pritned in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1746

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 312 of title 38, United States Code, is amended—

(1) by striking out "(a)" in subsection (a); and

(2) by striking out subsection (b).

THE SECRETARY OF VETERANS AFFAIRS,
Washington, August 7, 1997.

Hon. AL GORE,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: There is transmitted herewith, a draft bill, "To amend title 38, United States Code, to remove a statutory provision requiring a specified number of full-time equivalent positions in the VA's Office of Inspector General." We request that it be referred to the appropriate committees for prompt consideration and enactment.

This draft bill would eliminate the requirement that the Secretary provide a set level of staffing of 417 full-time equivalent positions for the Office of Inspector General. VA has been unable to meet the statutory employment floor since 1993. The Department's full-time equivalent employment level is determined by appropriations, and moreover, the statutory floor limits VA's ability to operate in the most efficient manner. Accordingly, it is appropriate to delete the statutory requirement.

The draft bill would also eliminate the requirement that the President include in the budget transmitted to Congress an estimate of an amount sufficient for the level of staffing established for the Inspector General. Elimination of the floor renders the report unnecessary.

The Office of Management and Budget advises that there is no objection to the submission of this proposal, and that enactment of this proposal would be in accord with the program of the President.

Sincerely yours,

HERSHEL W. GOBER,
Acting Secretary.

SECTION-BY-SECTION ANALYSIS

The draft bill would amend 38 U.S.C. §312 by deleting subsection (b), thus eliminating the requirement that the Secretary shall provide a set level of staffing of 417 full time equivalent positions ("FTE") for the Inspector General. It would also eliminate the requirement that the President include in the budget transmitted to Congress an estimate of an amount sufficient for the level of staffing established for the Inspector General.

There are two reasons why the statutory Inspector General FTE level should be eliminated. First, funding restraints since 1993 have prevented VA from meeting the statutory FTE requirement. Second, the statutory FTE level limits VA's ability to operate in the most efficient manner. The proposal also does away with the related reporting requirements because elimination of the statutory FTE level renders the reporting requirement unnecessary.

There are no costs associated with this proposal.

By Mr. GRASSLEY (for himself, Mr. REID, and Mr. KERREY):

S. 1747. A bill to amend the Internal Revenue Code of 1986 to provide for additional taxpayer rights and taxpayer education, notice, and resources, and for other purposes.

TAXPAYER BILL OF RIGHTS 3

Mr. GRASSLEY. Mr. President, I rise today to introduce legislation to further protect taxpayer rights.

Mr. President, I have long championed taxpayer rights. In 1989, I co-authored the first ever taxpayer bill of rights with Senator David Pryor of Arkansas. We joined forces again in 1996 to pass the sequel known as T2, the

Taxpayer Bill of Rights 2. Yet, my work as a member of the National Commission on the Restructuring of the IRS and as a senior member of the Senate Finance Committee led me to believe that we need even more taxpayer protections. In addition, we need to make a concerted effort to educate taxpayers of their rights and the IRS tax procedures.

The findings of the National Commission on Restructuring the Internal Revenue Service, of which I was a member, recommended increasing taxpayer rights. The Senate Finance Committee recently concluded months of hearings that demonstrated to us, and to the public, that American taxpayers are being treated unfairly by the IRS. I cannot sit idly by and let this happen to the American people.

For a start, last year Senator KERREY and I introduced legislation that would implement the Restructuring Commission's proposals, including the taxpayer rights recommendations. The House of Representatives, when considering identical legislation, weakened some of the provisions. To its credit, the House also added some strong, imaginative protections in return. I applaud everyone who works to increase taxpayer rights, and to give the unrepresented taxpayer a louder voice against the IRS.

With introduction of this legislation, the Taxpayer Bill of Rights 3, or T3, I am saying that I want to see the strongest taxpayer protections possible in any Senate-passed IRS restructuring legislation. The bill I am introducing today, the Taxpayer Bill of Rights 3, contains the strongest provisions from both the Kerrey-Grassley bill and from the House-passed bill, and also some additional protections.

This bill takes a two-pronged approach to assure taxpayer rights. First, it increases basic taxpayer rights. It helps place a check on IRS collection actions. It gets the IRS off the back of delinquent taxpayers who are making good faith efforts to resolve disputes, and it prohibits the IRS from harassing and abusing taxpayers. Specifically, it requires the IRS to obtain court approval before seizing taxpayer property or belongings. Further, it requires that the levy is reasonable. If the IRS is levying a principal residence or business, then the IRS must have exhausted all other payment options, including the use of installment agreements. It also increases taxpayer rights by allowing honest citizens to sue the IRS when its employees negligently disregard provisions of the code or regulations.

It also requires the IRS to enter into installment agreements for tax liability that is less than $10,000, if the taxpayer has not failed to file or pay taxes in the last 5 years, and has no prior installment agreements. It also requires the Commissioner to catalog and review taxpayer complaints of misconduct by IRS employees, and develop procedures for review and discipline. It expands the grounds on which taxpayers can sue the IRS for civil damages to include negligent actions. These are only a few of this bill's provisions.

Another inequity that is solved is the difference between interest on tax overpayments and underpayments. Currently, the IRS charges you more in interest on money you owe to it, than it gives you on money that it owes you. This is simply not fair.

Another unfairness that occurs is that the IRS does not have to live by the same collection rules that creditors live by. My bill prohibits the IRS from communicating with a delinquent taxpayer at any unusual time or place, generally prohibiting telephone calls other than between 8:00 a.m. and 9:00 p.m. It also prohibits the IRS from harassing or abusing delinquent taxpayers.

The second prong of my bill increases taxpayer education, notice and resources. Taxpayers must be aware of their rights in order to take advantage of them. Recent hearings have exposed IRS strategies that target the little guy by using his lack of knowledge about the process and about his rights against him. I intend to bring this unjust practice to an end. My bill establishes a 24-hour a day, toll-free taxpayer help line. This help line must be staffed at all times by a person trained in helping individual taxpayers, and during regular business hours by a person trained to help small businesses. All paper communications received from the IRS must prominently display this phone number, as well as the number of the local taxpayer advocate, low-income taxpayer clinics and the toll-free number for taxpayers to register complaints of misconduct by IRS employees.

In addition, the IRS must inform taxpayers of their rights and IRS processes. This includes notice at the time of an interview, in a first notice of appeal, and in other contacts with the IRS. Taxpayers also must be notified of their right to refuse to extend the statute of limitations when the IRS asks the taxpayer to extend this time.

Mr. President, this bill sends a clear signal to the IRS: put the customer first. Blame only those who are guilty. To this end, my bill is missing one provision that is vital to taxpayer rights reform. Today, in addition to introducing my own freestanding legislation, I am adding myself as a cosponsor to Senator D'AMATO's innocent spouse reform bill. Innocent spouses are caught in the trap of joint and several liability and are unfairly saddled with another's tax debt. If we are truly trying to bring fairness and equity to the American tax system, then strong, and retroactive innocent spouse reform must be a part of any IRS reform bill.

Finally, I'll be working during Finance Committee and Senate consideration of IRS reform legislation to give taxpayers the rights they deserve. This bill, the Taxpayer Bill of Rights 3, is the first step in this direction. Let the word ring clear: The era of IRS bullying is over.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Taxpayer Bill of Rights 3".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; amendment of 1986 Code; table of contents.
Sec. 2. Findings.

TITLE I—TAXPAYER RIGHTS

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TITLE II—TAXPAYER EDUCATION, NOTICE, AND RESOURCES

Sec. 201. Explanation of taxpayers' rights.

Sec. 202. Toll-free customer help line.
Sec. 203. Notice of various telephone numbers.
Sec. 204. Procedures involving taxpayer interviews.
Sec. 205. Explanation of joint and several liability.
Sec. 206. Procedures relating to extensions of statute of limitations by agreement.
Sec. 207. Explanations of appeals and collection process.
Sec. 208. Independent operation of local taxpayer advocates.

SEC. 2. FINDINGS.

The Senate finds that—

(1) the National Commission on Restructuring the Internal Revenue Service has found the urgent need for significant Internal Revenue Service reform;

(2) the ongoing hearings of the Committee on Finance of the Senate have uncovered consistent abuse of taxpayers by the Internal Revenue Service;

(3) the Internal Revenue Service should be responsible and held accountable for its treatment of taxpayers;

(4) the American public expects and deserves timely and accurate service from the Internal Revenue Service; and

(5) additional taxpayer protections are necessary to ensure that taxpayers receive fair, impartial, and courteous assistance from the Internal Revenue Service.

TITLE I—TAXPAYER RIGHTS

SEC. 101. DISCLOSURE OF CRITERIA FOR EXAMINATION SELECTION.

(a) IN GENERAL.—The Secretary of the Treasury or the Secretary's delegate shall, as soon as practicable, but not later than 180 days after the date of the enactment of this Act, incorporate into the statement required by section 6227 of the Omnibus Taxpayer Bill of Rights (Internal Revenue Service Publication No. 1) a statement which sets forth in simple and nontechnical terms the criteria and procedures for selecting taxpayers for examination. Such statement shall not include any information the disclosure of which would be detrimental to law enforcement, but shall specify the general procedures used by the Internal Revenue Service, including the extent to which taxpayers are selected for examination on the basis of information available in the media or on the basis of information provided to the Internal Revenue Service by informants.

(b) TRANSMISSION TO COMMITTEES OF CONGRESS.—Such Secretary shall transmit drafts of the statement required under subsection (a) (or proposed revisions to any such statement) to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and the Joint Committee on Taxation on the same day.

SEC. 102. CIVIL DAMAGES FOR NEGLIGENCE IN COLLECTION ACTIONS.

(a) IN GENERAL.—Section 7433 (relating to civil damages for certain unauthorized collection actions) is amended—

(1) in subsection (a), by inserting ", or by reason of negligence," after "recklessly or intentionally", and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting "($100,000, in the case of negligence)" after "$1,000,000", and

(B) in paragraph (1), by inserting "or negligent" after "reckless or intentional".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to actions of officers or employees of the Internal Revenue Service after the date of the enactment of this Act.

SEC. 104. FREEDOM OF INFORMATION.

(a) IN GENERAL.—The Secretary of the Treasury or the Secretary's delegate shall, as soon as practicable, but not later than 180 days after the date of the enactment of this Act, develop procedures under which expedited access will be granted to requests under section 551 of title 5, United States Code, when—

(1) there exists widespread and exceptional media interest in the requested information, and

(2) expedited processing is warranted because the information sought involves possible questions about the government's integrity which affect public confidence.

In addition, such procedures shall require the Internal Revenue Service to provide an explanation to the person making the request if the request is not satisfied within 30 days, including a summary of actions taken to date and the expected completion date. Finally, to the extent that any such request is not satisfied in full within 60 days, such person may seek a determination of whether such request should be granted by the appropriate Federal district court.

(b) TRANSMISSION TO COMMITTEES OF CONGRESS.—Such Secretary shall transmit drafts of the procedures required under subsection (a) (or proposed revisions to any such procedures) to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and the Joint Committee on Taxation on the same day.

SEC. 105. ELIMINATION OF APPLICATION OF FAILURE TO PAY PENALTY DURING PERIOD OF INSTALLMENT AGREEMENT.

(a) IN GENERAL.—Subsection (c) of section 6651 (relating to the penalty for failure to file tax return or to pay tax) is amended by adding at the end the following:

"(3) TOLLING DURING PERIOD OF INSTALLMENT AGREEMENT.—If the amount required to be paid is the subject of an agreement for payment of tax liability in installments made pursuant to section 6159, the additions imposed under subsection (a) shall not apply so long as such agreement remains in effect."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to agreements entered into after the date of the enactment of this Act.

SEC. 106. SAFE HARBOR FOR QUALIFICATION FOR INSTALLMENT AGREEMENTS.

(a) IN GENERAL.—Subsection (a) of section 6159 (relating to agreements for payment of tax liability in installments) is amended—

(1) by striking "The Secretary is" and inserting the following:

"(1) IN GENERAL.—The Secretary is",

(2) by moving the text 2 ems to the right, and

(3) by adding at the end the following:

"(2) SAFE HARBOR.—The Secretary shall enter into an agreement to accept the payment of a tax liability in installments if—

"(A) the amount of such liability does not exceed $10,000,

"(B) the taxpayer has not failed to file any tax return or pay any tax required to be shown thereon during the immediately preceding 5 years, and

"(C) the taxpayer has not entered into any prior installment agreement under this paragraph."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to agreements entered into after the date of the enactment of this Act.

SEC. 107. CATALOGING COMPLAINTS.

(a) IN GENERAL.—The Commissioner of Internal Revenue shall, as soon as practicable, but not later than 180 days after the date of the enactment of this Act, develop procedures to catalog and review taxpayer complaints of misconduct by Internal Revenue Service employees. Such procedures should include guidelines for internal review and discipline of employees, as warranted by the scope of such complaints.

(b) HOTLINE.— The Commissioner of Internal Revenue shall, as soon as practicable, but not later than 180 days after the date of the enactment of this Act, establish a toll-free telephone number for taxpayers to register complaints of misconduct by Internal Revenue Service employees, and shall publish such number in Publication 1.

SEC. 108. SUSPENSION OF STATUTE OF LIMITATIONS ON FILING REFUND CLAIMS DURING PERIODS OF DISABILITY.

(a) IN GENERAL.—Section 6511 (relating to limitations on credit or refund) is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following:

"(h) RUNNING OF PERIODS OF LIMITATION SUSPENDED WHILE TAXPAYER IS UNABLE TO MANAGE FINANCIAL AFFAIRS DUE TO DISABILITY.—

"(1) IN GENERAL.—In the case of an individual, the running of the periods specified in subsections (a), (b), and (c) shall be suspended during any period of such individual's life that such individual is financially disabled.

"(2) FINANCIALLY DISABLED.—

"(A) IN GENERAL.—For purposes of paragraph (1), an individual is financially disabled if such individual is unable to manage his financial affairs by reason of his medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months. An individual shall not be considered to have such an impairment unless proof of the existence thereof is furnished in such form and manner as the Secretary may require.

"(B) EXCEPTION WHERE INDIVIDUAL HAS GUARDIAN, ETC.—An individual shall not be treated as financially disabled during any period that such individual's spouse or any other person is authorized to act on behalf of such individual in financial matters."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to periods of disability before, on, or after the date of the enactment of this Act but shall not apply to any claim for credit or refund which (without regard to such amendment) is barred by the operation of any law or rule of law (including res judicata) as of January 1, 1998.

SEC. 109. LIMITATION ON FINANCIAL STATUS AUDIT TECHNIQUES.

Section 7602 is amended by adding at the end the following:

"(e) LIMITATION ON EXAMINATION ON UNREPORTED INCOME.—The Secretary shall not use financial status or economic reality examination techniques to determine the existence of unreported income of any taxpayer unless the Secretary has a reasonable indication that there is a likelihood of such unreported income."

SEC. 110. NOTICE OF DEFICIENCY TO SPECIFY DEADLINES FOR FILING TAX COURT PETITION.

(a) IN GENERAL.—The Secretary of the Treasury or the Secretary's delegate shall include on each notice of deficiency under section 6212 of the Internal Revenue Code of 1986 the date determined by such Secretary (or delegate) as the last day on which the taxpayer may file a petition with the Tax Court.

(b) LATER FILING DEADLINES SPECIFIED ON NOTICE OF DEFICIENCY TO BE BINDING.—Subsection (a) of section 6213 (relating to restrictions applicable to deficiencies; petition to Tax Court) is amended by adding at the end the following: "Any petition filed with the Tax Court on or before the last date specified for filing such petition by the Secretary in the notice of deficiency shall be treated as timely filed."

(c) EFFECTIVE DATE.—Subsection (a) and the amendment made by subsection (b) shall apply to notices mailed after December 31, 1998.

SEC. 111. REFUND OR CREDIT OF OVERPAYMENTS BEFORE FINAL DETERMINATION.

(a) TAX COURT PROCEEDINGS.—Subsection (a) of section 6213 is amended—

(1) by striking ", including the Tax Court." and inserting ", including the Tax Court, and a refund may be ordered by such court of any amount collected within the period during which the Secretary is prohibited from collecting by levy or through a proceeding in court under the provisions of this subsection.", and

(2) by striking "to enjoin any action or proceeding" and inserting "to enjoin any action or proceeding or order any refund".

(b) OTHER PROCEEDINGS.—Subsection (a) of section 6512 is amended by striking the period at the end of paragraph (4) and inserting ", and", and by inserting after paragraph (4) the following:

"(5) As to any amount collected within the period during which the Secretary is prohibited from making the assessment or from collecting by levy or through a proceeding in court under the provisions of section 6213(a), and

"(6) As to overpayments the Secretary is authorized to refund or credit pending appeal as provided in subsection (b)."

(c) REFUND OR CREDIT PENDING APPEAL.—Paragraph (1) of section 6512(b) is amended by adding at the end the following: "If a notice of appeal in respect of the decision of the Tax Court is filed under section 7483, the Secretary is authorized to refund or credit the overpayment determined by the Tax Court to the extent the overpayment is not contested on appeal."

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 112. THREAT OF AUDIT PROHIBITED TO COERCE TIP REPORTING ALTERNATIVE COMMITMENT AGREEMENTS.

The Secretary of the Treasury or the Secretary's delegate shall instruct employees of the Internal Revenue Service that they may not threaten to audit any taxpayer in an attempt to coerce the taxpayer into entering into a Tip Reporting Alternative Commitment Agreement.

SEC. 113. COURT APPROVAL FOR SEIZURE OF TAXPAYER'S PROPERTY.

(a) IN GENERAL.—Section 6331(a) (relating to levy and distraint) is amended by adding at the end the following:

"(2) LIMITATION ON AUTHORITY OF SECRETARY.—Notwithstanding paragraph (1), the Secretary shall not levy upon any property or rights to property until a court of competent jurisdiction—

"(A) has determined that—

"(i) such levy is reasonable under the circumstances, and

"(ii) in the case of a levy upon the principal residence or business establishment of the taxpayer, the Secretary has exhausted all other payment options, and

"(B) issues a writ of execution."

(b) CONFORMING AMENDMENT.—Section 6331(a) is amended by striking "If any person" and inserting:

"(1) IN GENERAL.—If any person".

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective for seizures occurring on or after the date of the enactment of this Act.

SEC. 114. EXPANSION OF AUTHORITY TO ISSUE TAXPAYER ASSISTANCE ORDERS.

(a) IN GENERAL.—Section 7811(a) (relating to taxpayer assistance orders) is amended—

(1) by striking "Upon application" and inserting the following:

"(1) IN GENERAL.—Upon application",

(2) by moving the text 2 ems to the right, and

(3) by adding at the end the following:

"(2) DETERMINATION OF HARDSHIP.—For purposes of determining whether a taxpayer is suffering or about to suffer a significant hardship, the Taxpayer Advocate should consider—

"(A) whether the Internal Revenue Service employee to which such order would issue is following applicable published administrative guidance, including the Internal Revenue Manual,

"(B) whether there is an immediate threat of adverse action,

"(C) whether there has been a delay of more than 30 days in resolving taxpayer account problems,

"(D) the prospect that the taxpayer will have to pay significant professional fees for representation,

"(E) whether the taxpayer will suffer irreparable injury, or a long-term adverse impact, if relief is not granted, and

"(F) any other factor the Taxpayer Advocate deems appropriate."

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 115. MODIFICATIONS TO CERTAIN LEVY EXEMPTION AMOUNTS.

(a) FUEL, ETC.—Section 6334(a)(2) (relating to fuel, provisions, furniture, and personal effects) is amended by striking "$2,500" and inserting "$5,000".

(b) BOOKS, ETC.—Section 6334(a)(3) (relating to books and tools of a trade, business, or profession) is amended by striking "$1,250" and inserting "$10,000".

(c) CONFORMING AMENDMENT .—Section 6334(f)(1) (relating to inflation adjustment) is amended—

(1) by striking "1997" and inserting "1999", and

(2) by striking "1996" in subparagraph (B) and inserting "1998".

(d) EFFECTIVE DATE.—The amendments made by this section shall tale effect with respect to levies issued after December 31, 1998.

SEC. 116. OFFERS-IN-COMPROMISE.

(a) IN GENERAL.—Section 7122 (relating to offers-in-compromise) is amended by adding at the end the following:

"(c) ALLOWANCES.—The Secretary shall develop and publish guidelines for national and local allowances to ensure that taxpayers entering into a compromise have an adequate means to provide for basic living expenses."

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 117. INCREASE IN OVERPAYMENT RATE PAYABLE TO TAXPAYERS OTHER THAN CORPORATIONS.

(a) IN GENERAL.—Subparagraph (B) of section 6621(a)(1) (defining overpayment rate) is amended to read as follows:

"(B) 3 percentage points (2 percentage points in the case of a corporation)."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to interest for calendar quarters beginning after the date of the enactment of this Act.

SEC. 118. LEVY PROHIBITED DURING CERTAIN NEGOTIATIONS.

(a) IN GENERAL.—Section 6331 (relating to levy and distraint) is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following:

"(j) NO LEVY DURING CERTAIN NEGOTIATIONS.—

"(1) IN GENERAL.—No levy may be made under subsection (a) on the salary or wages or other property of any person with respect to any unpaid tax in a case, and during the period, to which paragraph (2) or (3) applies.

"(2) OFFERS IN COMPROMISE; INSTALLMENT AGREEMENTS.—This paragraph applies to any unpaid tax of such person—

"(A) during the period that an offer by such person in compromise under section 7122, or for an installment agreement under section 6159, of such unpaid tax is pending with the Secretary, and

"(B) if such offer is rejected by the Secretary, during the 30 days thereafter (and, if an appeal of such rejection is filed within such 30 days, during the period that such appeal is pending).

"(3) CERTAIN ASSESSMENTS OF INDIVIDUAL INCOME TAX.—This paragraph applies to any unpaid tax of an individual which is imposed by subtitle A during the 60-day period beginning on the date such individual requests that this paragraph apply to such tax if—

"(A) such tax was included in a notice of deficiency under section 6212 mailed to the last known address of such individual, and

"(B) the assessment of such tax was not prevented at any prior time by reason of any action taken by such individual.

"(4) EXCEPTION.—Paragraph (1) shall not apply if the Secretary finds that—

"(A) the collection of the tax is in jeopardy, or

"(B) the offer or request is made solely to delay collection.

"(5) SUSPENSION OF STATUTE OF LIMITATIONS ON COLLECTION.—Subsection (i)(4) shall apply for purposes of this subsection."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxes assessed on or after the 60th day after the date of the enactment of this Act.

SEC. 119. APPLICATION OF CERTAIN FAIR DEBT COLLECTION PROCEDURES.

(a) IN GENERAL.—Subchapter A of chapter 64 (relating to collection) is amended by inserting after section 6303 the following:

"SEC. 6304. FAIR TAX COLLECTION PRACTICES.

"(a) COMMUNICATION WITH THE TAXPAYER.—Without the prior consent of the taxpayer given directly to the Secretary or the express permission of a court of competent jurisdiction, the Secretary may not communicate with a taxpayer in connection with the collection of any unpaid tax—

"(1) at any unusual time or place or a time or place known or which should be known to be inconvenient to the taxpayer;

"(2) if the Secretary knows the taxpayer is represented by an attorney with respect to such unpaid tax and has knowledge of, or can readily ascertain, such attorney's name and address, unless the attorney fails to respond within a reasonable period of time to a communication from the Secretary or unless the attorney consents to direct communication with the taxpayer; or

"(3) at the taxpayer's place of employment if the Secretary knows or has reason to know that the taxpayer's employer prohibits the taxpayer from receiving such communication.

In the absence of knowledge of circumstances to the contrary, the Secretary shall assume that the convenient time for communicating with a taxpayer is after 8 a.m. and before 9 p.m., local time at the taxpayer's location.

"(b) PROHIBITION OF HARASSMENT AND ABUSE.—The Secretary may not engage in any conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with any unpaid tax. Without limiting the general application of the foregoing, the following conduct is a violation of this subsection:

"(1) The use or threat of use of violence or other criminal means to harm the physical person, reputation, or property of any person.

"(2) The use of obscene or profane language or language the natural consequence of which is to abuse the hearer or reader.

"(3) The publication of a list of taxpayers who allegedly refuse to pay taxes, except to a consumer reporting agency or to persons meeting the requirements of section 603(f) or 604(a)(3) of the Fair Credit Reporting Act.

"(4) Causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number.

"(5) Except as provided under rules similar to the rules in section 804 of the Fair Debt Collection Practices Act (15 U.S.C. 1692b), the placement of telephone calls without meaningful disclosure of the caller's identity.

"(c) CIVIL ACTION FOR VIOLATIONS OF SECTION.—

"For civil action for violations of this section, see section 7433."

(b) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 64 is amended by inserting after the item relating to section 6303 the following:

"Sec. 6304. Fair tax collection practices."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 120. ALLOWANCE OF CIVIL DAMAGE SUITS BY PERSONS OTHER THAN TAXPAYERS FOR IRS UNAUTHORIZED COLLECTION ACTIONS.

(a) IN GENERAL.—Section 7433(a) (relating to civil damages for certain unauthorized collection damages) is amended—

(1) by striking "a taxpayer" and inserting "any person", and

(2) by striking "such taxpayer" and inserting "such person".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to actions by officers or employees of the Internal Revenue Service after the date of the enactment of this Act.

SEC. 121. COOPERATIVE AGREEMENTS WITH STATE TAX AUTHORITIES.

(a) IN GENERAL.—Chapter 77 (relating to miscellaneous provisions) is amended by adding after section 7524 the following:

"SEC. 7525. TAX ADMINISTRATION AGREEMENTS.

"(a) IN GENERAL.—To the extent provided in regulations, the Secretary is authorized to enter into tax administration agreements with any State agency, body, or commission described in section 6103(d)(1). Under such agreements, the Secretary may delegate powers relating to the administration of this title to officers and employees of such State agency, body, or commission, only if such officers and employees in exercising such powers are under the supervision of the Secretary.

"(b) TAX ADMINISTRATION AGREEMENT DEFINED.—A tax administration agreement is a written agreement entered into by the Secretary and a State agency, body, or commission described in section 6103(d)(1) that provides for a delegation of tax administration powers or a payment of reasonable compensation for activities conducted by either party to the agreement. Each Federal or State tax administration power to be exercised pursuant to a tax administration agreement shall be performed in accordance with the terms of the agreement to the extent such terms do not conflict with the Federal or State laws that otherwise authorize the respective tax administration function.

"(c) JUDICIAL PROCEEDINGS.—

"(1) REVIEW BY THE UNITED STATES COURTS.—Nothing in this subchapter shall give any court of the United States any additional jurisdiction nor diminish its jurisdiction.

"(2) PROHIBITION OF REVIEW BY THE STATE COURTS.—No court or other tribunal of any State shall have jurisdiction to adjudicate in any action, legal or equitable, the validity or scope of an assessment of an internal revenue tax that is the subject of a tax administration agreement.

"(3) LIMITATION ON PERSONAL JURISDICTION.—No court or other tribunal of any State shall have jurisdiction over an individual who exercises Federal tax administration powers pursuant to a tax administration agreement for actions relating to the exercise of those powers.

"(d) PAYMENT FOR SERVICES.—The Secretary is authorized to pay reasonable compensation for activities conducted by a State pursuant to a tax administration agreement. The Secretary is authorized to collect reasonable compensation for activities conducted by the United States pursuant to a tax administration agreement.

"(e) AVAILABILITY OF FUNDS.—Any funds appropriated for purposes of the administration of this title shall be available for purposes of carrying out the Secretary's responsibilities under a tax administration agreement. Any reasonable compensation received pursuant to a tax administration agreement shall be credited to the amounts so appropriated and shall remain available to the Internal Revenue Service until expended to supplement appropriations made available to the appropriations accounts in the fiscal year during which this provision is enacted and all fiscal years thereafter.

"(f) TAX TREATIES AND OTHER INTERNATIONAL AGREEMENTS.—To the extent the provisions of this subchapter or a tax administration agreement may conflict with the terms of any tax treaty, or other international agreement of the United States containing provisions relating to taxation or the administration of tax laws, the terms of the treaty or international agreement shall control.

"(g) EMPLOYEE STATUS.—Any officer or employee of the United States acting pursuant to a tax administration agreement shall be deemed to remain a Federal employee. Except as otherwise expressly provided by the laws of the United States, any officer or employee of a State acting pursuant to a tax administration agreement shall be deemed to remain a State employee."

(b) CONFORMING AMENDMENTS.—

(1) Section 6103(d) is amended—

(A) by amending paragraph (1) to read as follows:

"(1)(A) IN GENERAL.—Returns and return information with respect to taxes imposed by chapters 1, 2, 6, 11, 12, 21, 23, 24, 31, 32, 44, 51, and 52 and subchapter D of chapter 36 shall be open to inspection by, or disclosure to, any State agency, body, or commission, or its legal representative, which is charged under the laws of such State with the responsibility for the administration of State tax laws for the purpose of, and only to the extent necessary in—

"(i) the administration of such laws, including any procedures with respect to locating any person who may be entitled to a refund; or

"(ii) the administration of Federal tax laws pursuant to a tax administration agreement entered into between such agency, body or commission and the Secretary under section 7525.

"(B) WRITTEN REQUEST BY AGENCY HEAD REQUIRED FOR DISCLOSURE.—The inspection of returns and return information under this paragraph shall be permitted, or disclosure of such returns and return information made, only upon written request by the head of such agency, body, or commission, and only to the representatives of such agency, body, or commission designated in such written request as the individuals who are to inspect or receive the returns or return information on behalf of such agency, body, or commission.

"(C) PERMISSIBLE RECIPIENTS.—The representatives of such agency, body, or commission to whom disclosure is permitted under this paragraph shall include only employees or legal representatives of such agency, body, or commission, or a person described in subsection (n) of this section. However, notwithstanding the foregoing, disclosure shall not be permitted to any individual who is the chief executive officer of such State.

"(D) CONFIDENTIAL INFORMANTS; IMPAIRMENT OF INVESTIGATIONS.—Return information shall not be disclosed under this paragraph to the extent that the Secretary determines that such disclosure would identify a confidential informant or seriously impair any civil or criminal tax investigation."; and

(B) by adding at the end the following:

"(5) JOINT RETURN FILING PROGRAMS.—

"(A) IN GENERAL.—Upon written request by the head of any agency, body, or commission described in paragraph (1), the Secretary may disclose common data to such agency, body or commission for the purpose of carrying out a joint return filing program entered into under section 7525.

"(B) COMMON DATA DEFINED.—For purposes of this paragraph, 'common data' means any item of information that is required by both Federal and State law to be attached to or included on the respective Federal and State returns.

"(C) PROCEDURES FOR STATE AGENCIES.—Subsections (a)(2) and (p)(4) of this section shall not apply with respect to any disclosures made pursuant to this paragraph. However, common data disclosed pursuant to this paragraph is subject to subsection (p)(8) of this section."

(2) Section 6103(p)(3) is amended—

(A) in subparagraph (A) by inserting "(d)," after "subsections (c),"; and

(B) in subparagraph (C)(i) by striking "(d),".

(3) Section 7212(a) is amended by inserting "or any State officer or employee who is authorized to administer Federal tax laws pursuant to an agreement authorized by section 7525" after "any officer or employee of the United States" in both places it appears.

(4) Section 7213(a)(2) is amended by deleting "(d)," and inserting instead "(d)(1), (2), (3), or (4),".

(5) Section 7214 is amended—

(A) in subsection (a), by inserting "or any State officer or employee who is authorized to administer Federal tax laws pursuant to an agreement authorized by section 7525" after "Any officer or employee of the United States"; and

(B) in subsection (b), by inserting "or any State employee who is authorized to administer Federal tax laws pursuant to an agreement authorized by section 7525" after "Any internal revenue officer or employee".

(6) Section 7431(a)(1) is amended by inserting "or any State employee who is authorized to administer Federal tax laws pursuant to an agreement authorized by section 7525" after "If any officer or employee of the United States".

(7) Section 7432(a) is amended by inserting "or any State employee who is authorized to release liens under section 6325 pursuant to an agreement authorized by section 7525" after "If any officer or employee of the Internal Revenue Service".

(8) Section 7433(a), as amended by this Act, is amended by inserting "or any State employee who is authorized to collect Federal taxes pursuant to an agreement authorized by section 7525" after "If, in connection with any collection of Federal tax with respect to any person, any officer or employee of the Internal Revenue Service".

(c) Clerical Amendment.—The table of sections for chapter 77 is amended by adding at the end the following:

"Sec. 7525. Tax administration agreements."

TITLE II—TAXPAYER EDUCATION, NOTICE, AND RESOURCES

SEC. 201. EXPLANATION OF TAXPAYERS' RIGHTS.

The Secretary of the Treasury or the Secretary's delegate shall, as soon as practicable, but not later than 180 days after the date of the enactment of this Act, revise the statement required by section 6227 of the Omnibus Taxpayer Bill of Rights (Internal Revenue Service Publication No. 1) to more clearly inform taxpayers of their rights.

SEC. 202. TOLL-FREE CUSTOMER HELP LINE.

The Secretary of the Treasury or the Secretary's delegate shall, as soon as practicable, but not later than 180 days after the date of the enactment of this Act, establish a 24-hour-a-day toll-free telephone customer help line, staffed at all times by a person trained in helping individual taxpayers and staffed during regular business hours (for all time zones in the United States) by a person trained in helping small business taxpayers.

SEC. 203. NOTICE OF VARIOUS TELEPHONE NUMBERS.

The Secretary of the Treasury or the Secretary's delegate shall, as soon as practicable, but not later than 180 days after the date of the enactment of this Act, provide that all paper communications received by a taxpayer from the Internal Revenue Service shall include in a prominent manner the telephone number and purpose of the nearest local office of the taxpayer advocate and the low income taxpayer clinic and the toll-free telephone number for taxpayers to register complaints of misconduct by Internal Revenue Service employees established under section 107(b).

SEC. 204. PROCEDURES INVOLVING TAXPAYER INTERVIEWS.

(a) In General.—Paragraph (1) of section 7521(b) (relating to procedures involving taxpayer interviews) is amended to read as follows:

"(1) Explanations of processes.—An officer or employee of the Internal Revenue Service shall—

"(A) before or at an initial interview, provide to the taxpayer—

"(i) in the case of an in-person interview with the taxpayer relating to the determination of any tax, an explanation of the audit process and the taxpayer's rights under such process, or

"(ii) in the case of an in-person interview with the taxpayer relating to the collection of any tax, an explanation of the collection process and the taxpayer's rights under such process, and

"(B) before an in-person initial interview with the taxpayer relating to the determination of any tax—

"(i) inquire whether the taxpayer is represented by an individual described in subsection (c),

"(ii) explain that the taxpayer has the right to have the interview take place in a reasonable place and that such place does not have to be the taxpayer's home,

"(iii) explain the reasons for the selection of the taxpayer's return for examination, and

"(iv) provide the taxpayer with a written explanation of the applicable burdens of proof on taxpayers and the Internal Revenue Service.

If the taxpayer is represented by an individual described in subsection (c), the interview may not proceed without the presence of such individual unless the taxpayer consents."

(b) Effective Date.—The amendments made by this section shall apply to interviews and examinations taking place after the date of the enactment of this Act.

SEC. 205. EXPLANATION OF JOINT AND SEVERAL LIABILITY.

(a) In General.—The Secretary of the Treasury or the Secretary's delegate shall, as soon as practicable, but not later than 180 days after the date of the enactment of this Act, establish procedures to clearly alert taxpayers of their joint and several liabilities on all tax forms, publications, and instructions issued during the period joint and several liability remains a standard of liability. Such procedures shall include explanations of the possible consequences of joint and several liability.

(b) Transmission to Committees of Congress.—Such Secretary shall transmit drafts of the procedures required under subsection (a) (or proposed revisions to any such procedures) to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and the Joint Committee on Taxation on the same day.

SEC. 206. PROCEDURES RELATING TO EXTENSIONS OF STATUTE OF LIMITATIONS BY AGREEMENT.

(a) In General.—Paragraph (4) of section 6501(c) (relating to the period for limitations on assessment and collection) is amended—

(1) by striking "Where" and inserting the following:

"(A) In general.—Where",

(2) by moving the text 2 ems to the right, and

(3) by adding at the end the following:

"(B) Notice to taxpayer of right to refuse or limit extension.—The Secretary shall notify the taxpayer of the taxpayer's right to refuse to extend the period of limitations, or to limit such extension to particular issues, on each occasion when the taxpayer is requested to provide such consent."

(b) Effective Date.—The amendments made by this section shall apply to requests to extend the period of limitations made after the date of the enactment of this Act.

SEC. 207. EXPLANATIONS OF APPEALS AND COLLECTION PROCESS.

(a) Taxpayer Specific Explanation.—The Secretary of the Treasury or the Secretary's delegate shall, as soon as practicable but not later than 180 days after the date of the enactment of this Act, include with any 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals an explanation of the appeals process and the collection process with respect to such proposed deficiency.

(b) General Explanation.—The Secretary of the Treasury or the Secretary's delegate shall, as soon as practicable but not later than 180 days after the date of the enactment of this Act, make available to the general public, a booklet which in simple language provides an explanation of the appeals process and the collection process and the rights of taxpayers at each step of such process.

SEC. 208. INDEPENDENT OPERATION OF LOCAL TAXPAYER ADVOCATES.

(a) Independent Operation of Local Offices.—Section 7802(d) (relating to Office of Taxpayer Advocate) is amended by adding at the end the following:

"(4) Operation of local offices.—

"(A) Independent operation.—Each local taxpayer advocate shall, at the taxpayer advocate's discretion, not disclose to the Internal Revenue Service contact with, or information provided by, a taxpayer.

"(B) Maintenance of independent communications.—Each local office of the taxpayer advocate shall maintain separate phone, facsimile, and other electronic communication access, and a separate post office address from the Internal Revenue Service district office or service center which it serves."

(b) Effective Date.—The amendment made by this section shall take effect on the date of the enactment of this Act.

ADDITIONAL COSPONSORS

S. 153

At the request of Mr. Moynihan, the name of the Senator from Tennessee [Mr. Frist] was added as a cosponsor of S. 153, a bill to amend the Age Discrimination in Employment Act of 1967 to allow institutions of higher education to offer faculty members who are serving under an arrangement providing for unlimited tenure, benefits on voluntary retirement that are reduced or eliminated on the basis of age, and for other purposes.

S. 623

At the request of Mr. Inouye, the name of the Senator from Maryland [Mr. Sarbanes] was added as a cosponsor of S. 623, a bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philipines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

S. 625

At the request of Mr. MCCONNELL, the name of the Senator from Alabama [Mr. SESSIONS] was added as a cosponsor of S. 625, a bill to provide for competition between forms of motor vehicle insurance, to permit an owner of a motor vehicle to choose the most appropriate form of insurance for that person, to guarantee affordable premiums, to provide for more adequate and timely compensation for accident victims, and for other purposes.

S. 887

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 887, a bill to establish in the National Service the National Underground Railroad Network to Freedom program, and for other purposes.

S. 1194

At the request of Mr. KYL, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 1194, a bill to amend title XVIII of the Social Security Act to clarify the right of medicare beneficiaries to enter into private contracts with physicians and other health care professionals for the provision of health services for which no payment is sought under the medicare program.

S. 1286

At the request of Mr. JEFFORDS, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 1286, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain amounts received as scholarships by an individual under the National Health Corps Scholarship Program.

S. 1334

At the request of Mr. BOND, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 1334, a bill to amend title 10 United States Code, to establish a demonstration project to evaluate the feasibility of using the Federal Employees Health Benefits program to ensure the availablity of adequate health care for Medicare-eligible beneficiaries under the military health care system.

S. 1422

At the request of Mr. MCCAIN, the name of the Senator from Wyoming [Mr. ENZI] was added as a cosponsor of S. 1422, a bill to amend the Communications Act of 1934 to promote competition in the market for delivery of multichannel video programming and for other purposes.

S. 1461

At the request of Mr. LAUTENBERG, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 1461, a bill to establish a youth mentoring program.

S. 1473

At the request of Mr. GRAHAM, the name of the Senator from Ohio [Mr. DEWINE] was added as a cosponsor of S. 1473, a bill to encourage the development of a commercial space industry in the United States, and for other purposes.

S. 1490

At the request of Mr. JEFFORDS, the name of the Senator from Louisiana [Ms. LANDRIEU] was added as a cosponsor of S. 1490, a bill to improve the quality of child care provided through Federal facilities and programs, and for other purposes.

S. 1578

At the request of Mr. MCCAIN, the name of the Senator from Wyoming [Mr. ENZI] was added as a cosponsor of S. 1578, a bill to make available on the Internet, for purposes of access and retrieval by the public, certain information available through the Congressional Research Service web site.

S. 1594

At the request of Mr. BENNETT, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 1594, a bill to amend the Bank Protection Act of 1968 for purposes of facilitating the use of electronic authentication techniques by financial institutions, and for other purposes.

S. 1618

At the request of Mr. MCCAIN, the names of the Senator from Michigan [Mr. ABRAHAM] and the Senator from Montana [Mr. BAUCUS] were added as cosponsors of S. 1618, a bill to amend the Communications Act of 1934 to improve the protection of consumers against "slamming" by telecommunications carriers, and for other purposes.

S. 1648

At the request of Mr. JEFFORDS, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 1648, a bill to amend the Public Health Service Act and the Food, Drug and Cosmetic Act to provide for reductions in youth smoking, for advancements in tobacco-related research, and the development of safer tobacco products, and for other purposes.

S. 1649

At the request of Mr. FORD, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 1649, a bill to exempt disabled individuals from being required to enroll with a managed care entity under the medicaid program.

S. 1723

At the request of Mr. ABRAHAM, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 1723, a bill to amend the Immigration and Nationality Act to assist the United States to remain competitive by increasing the access of the United States firms and institutions of higher education to skilled personnel and by expanding educational and training opportunities for American students and workers.

SENATE CONCURRENT RESOLUTION 30

At the request of Mr. HELMS, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of Senate Concurrent Resolution 30, a concurrent resolution expressing the sense of the Congress that the Republic of China should be admitted to multilateral economic institutions, including the International Monetary Fund and the International Bank for Reconstruction and Development.

SENATE CONCURRENT RESOLUTION 77

At the request of Mr. SESSIONS, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of Senate Concurrent Resolution 77, a concurrent resolution expressing the sense of the Congress that the Federal government should acknowledge the importance of at-home parents and should not discriminate against families who forego a second income in order for a mother or father to be at home with their children.

SENATE CONCURRENT RESOLUTION 78

At the request of Mr. DORGAN, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of Senate Concurrent Resolution 78, a concurrent resolution relating to the indictment and prosecution of Saddam Hussein for war crimes and other crimes against humanity.

At the request of Mr. SPECTER, the names of the Senator from Connecticut [Mr. DODD] and the Senator from Arizona [Mr. KYL] were added as cosponsors of Senate Concurrent Resolution 78, supra.

SENATE RESOLUTION 176

At the request of Mr. DOMENICI, the names of the Senator from Louisiana [Mr. BREAUX], the Senator from Alaska [Mr. STEVENS], and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of Senate Resolution 176, a resolution proclaiming the week of October 18 through October 24, 1998, as "National Character Counts Week."

SENATE RESOLUTION 193

At the request of Mr. REID, the name of the Senator from Louisiana [Ms. LANDRIEU] was added as a cosponsor of Senate Resolution 193, a resolution designating December 13, 1998, as "National Children's Memorial Day."

AMENDMENT NO. 1716

At the request of Mr. JEFFORDS, the names of the Senator from New Hampshire [Mr. SMITH], the Senator from Indiana [Mr. LUGAR], the Senator from Oregon [Mr. SMITH], the Senator from Ohio [Mr. GLENN], and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of amendment No. 1716 proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

AMENDMENT NO. 1726

At the request of Mr. MCCAIN, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of amendment No. 1726 proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

AMENDMENT NO. 1734

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 1734 intended to be proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

AMENDMENT NO. 1735

At the request of Mr. CLELAND, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of amendment No. 1735 intended to be proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

AMENDMENT NO. 1766

At the request of Mr. MURKOWSKI, the names of the Senator from Rhode Island [Mr. REED] and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of amendment No. 1766 intended to be proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

AMENDMENT NO. 1768

At the request of Mr. MURKOWSKI, the names of the Senator from Massachusetts [Mr. KENNEDY], the Senator from Hawaii [Mr. AKAKA], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Maine [Ms. SNOWE], the Senator from Maine [Ms. COLLINS], the Senator from Washington [Mrs. MURRAY], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from New York [Mr. MOYNIHAN], the Senator from Massachusetts [Mr. KERRY], the Senator from North Carolina [Mr. HELMS], the Senator from Louisiana [Mr. BREAUX], and the Senator from Rhode Island [Mr. REED] were added as cosponsors of amendment No. 1768 intended to be proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

AMENDMENT NO. 1838

At the request of Mr. SPECTER, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of amendment No. 1838 proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

AMENDMENT NO. 1906

At the request of Mr. NICKLES, his name was added as a cosponsor of amendment No. 1906 proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

AMENDMENT NO. 1911

At the request of Mr. ABRAHAM, the names of the Senator from Connecticut [Mr. DODD] and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of amendment No. 1911 proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

AMENDMENTS SUBMITTED

THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

BREAUX AMENDMENT NO. 1950

(Ordered to lie on the table.)

Mr. BREAUX submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill (S. 1173) to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes; as follows:

At the appropriate place insert:

SECTION 1010. GRADE CROSSING ELIMINATION PROGRAM

SEC. 1402. RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.

Section 104(d) of title 23, United States Code, is amended by striking paragraphs (2) and (3) and inserting the following:

"(2) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—

"(A) IN GENERAL.—Before making an apportionment of funds under subsection (b)(3) for a fiscal year, the Secretary shall set aside $50,000,000 of the funds authorized to be appropriated for the surface transportation program for fiscal year 1999, $100,000,000 of the funds authorized to be appropriated for the surface transportation program for the fiscal year 2000, $150,000,000 of the funds authorized to be appropriated for the surface transportation program for fiscal year 2001, $150,000,000 of the funds authorized to be appropriated for the surface transportation program for fiscal year 2003, to be used for elimination of hazards of railway-highway crossings, and $150,000,000 of the funds authorized to be appropriated for the surface transportation program for fiscal year 2002, to be used for elimination of hazards of railway-highway crossings.

"(B) ELIGIBLE CORRIDORS.—Funds made available under subparagraph (A) shall be expended for projects in—

"(i) 5 railway corridors selected by the Secretary in accordance with this subsection (as in effect on the day before the date of enactment of this clause); and

"(ii) 3 railway corridors selected by the Secretary in accordance with subparagraphs (C) and (D).

"(C) REQUIRED INCLUSION OF HIGH SPEED RAIL LINES.—A corridor selected by the Secretary under subparagraph (B) shall include rail lines where railroad speeds of 90 miles or more per hour are occurring or can reasonably be expected to occur in the future.

"(D) CONSIDERATIONS IN CORRIDOR SELECTION.—In selecting corridors under subparagraph (B), the Secretary shall consider—

"(i) projected rail ridership volume in each corridor;

"(ii) the percentage of each corridor over which a train will be capable of operating at its maximum cruise speed taking into account such factors as topography and other traffic on the line;

"(iii) projected benefits to nonriders such as congestion relief on other modes of transportation serving each corridor (including congestion in heavily traveled air passenger corridors);

"(iv) the amount of State and local financial support that can reasonably be anticipated for the improvement of the line and related facilities; and

"(v) the cooperation of the owners of the right-of-way that can reasonably be expected in the operation of high speed rail passenger service in each corridor.".

SWIFT RAIL DEVELOPMENT ACT REAUTHORIZATION

SEC. . HIGH SPEED RAIL PLANNING AND DEVELOPMENT.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 26104 of title 49, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (h); and

(2) by inserting after subsection (c) the following new subsections:

"(d) FISCAL YEAR 1999.—(1) There are authorized to be appropriated to the Secretary $40,000,000 for fiscal year 1999, for carrying out section 26101 (including payment of administrative expenses related thereto).

"(2) There are authorized to be appropriated to the Secretary $30,000,000 for fiscal year 1999, for carrying out section 26102 (including payment of administrative expenses related thereto).

"(e) FISCAL YEAR 2000.—(1) There are authorized to be appropriated to the Secretary $40,000,000 for fiscal year 2000, for carrying out section 26101 (including payment of administrative expenses related thereto).

"(2) There are authorized to be appropriated to the Secretary $30,000,000 for fiscal year 2000, for carrying out section 26102 (including payment of administrative expenses related thereto).

"(f) FISCAL YEAR 2001.—(1) There are authorized to be appropriated to the Secretary $40,000,000 for fiscal year 2001, for carrying out section 26101 (including payment of administrative expenses related thereto).

"(2) There are authorized to be appropriated to the Secretary $30,000,000 for fiscal year 2001, for carrying out section 26102 (including payment of administrative expenses related thereto).

"(g) FISCAL YEAR 2002.—(1) There are authorized to be appropriated to the Secretary $40,000,000 for fiscal year 2002, for carrying out section 26101 (including payment of administrative expenses related thereto).

"(2) There are authorized to be appropriated to the Secretary $30,000,000 for fiscal year 2002, for carrying out section 26102 (including payment of administrative expenses related thereto).".

(b) DEFINITION.—Section 26105(2) of title 49, United States Code, is amended to read as follows:

"(2) the term 'high-speed rail' means all forms of nonhighway ground transportation that run on rails or electromagnetic guideways providing transportation service which is—

"(A) reasonably expected to reach sustained speeds of more than 125 miles per hour; and

"(B) made available to members of the general public as passengers, but does not include rapid transit operations within an urban area that are not connected to the general rail system of transportation;".

CHAFEE AMENDMENT NO. 1951

Mr. CHAFEE proposed an amendment to amendment No. 1676 proposed by him to the bill, S. 1173, supra; as follows:

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 18, between lines 19 and 20, insert the following:

(g) ADDITIONAL ALLOCATIONS.—

(1) IN GENERAL.—For each of fiscal years 1999 through 2003, after making apportionments and allocations under sections 104 and 105(a) of title 23, United States Code, and section 1102(c) of this Act, the Secretary shall allocate to each of the following States the following amount specified for the State:

(A) Arizona: $7,016,000.
(B) Indiana: $9,290,000.
(C) Michigan: $11,158,000.
(D) Oklahoma: $6,924,000.
(E) South Carolina: $7,109,000.
(F) Texas: $20,804,000.
(G) Wisconsin: $7,699,000.

(2) ELIGIBLE PURPOSES.—Amounts allocated under paragraph (1) shall be available for any purpose eligible for funding under title 23, United States Code, or this Act.

(3) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this subsection.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(4) LIMITATIONS.—

(A) APPLICABILITY OF OBLIGATION LIMITATIONS.—Funds made available under this subsection shall be subject to subparagraphs (A) and (B) of section 118(e)(1) of that title.

(B) LIMITATION ON AVAILABILITY.—No obligation authority shall be made available for any amounts authorized under this subsection for any fiscal year for which any obligation limitation established for Federal-aid highways is less than the obligation limitation established for fiscal year 1998.

On page 415, strike lines 10 through 15 and insert the following:

(other than the Mass Transit Account) to carry out sections 502, 507, 509, and 511 $98,000,000 for fiscal year 1998, $31,000,000 for fiscal year 1999, $34,000,000 for fiscal year 2000, $37,000,000 for fiscal year 2001, $40,000,000 for fiscal year 2002, and $44,000,000 for fiscal year 2003.

BOND (AND OTHERS) AMENDMENT NO. 1952

Mr. BOND (for himself, Mr. REID, and Mr. CHAFEE) proposed an amendment to amendment No. 1676 proposed by Mr CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place in subtitle H of title I, insert the following:

SEC. 18__. SENSE OF SENATE CONCERNING THE OPERATION OF LONGER COMBINATION VEHICLES.

(a) FINDINGS.—Congress finds that—

(1) section 127(d) of title 23, United States Code, contains a prohibition that took effect on June 1, 1991, concerning the operation of certain longer combination vehicles, including certain double-trailer and triple-trailer trucks;

(2) reports on the results of recent studies conducted by the Federal Government describe, with respect to longer combination vehicles—

(A) problems with the adequacy of rearward amplification braking;

(B) the difficulty in making lane changes; and

(C) speed differentials that occur while climbing or accelerating; and

(3) surveys of individuals in the United States demonstrate that an overwhelming majority of residents of the United States oppose the expanded use of longer combination vehicles.

(b) LONGER COMBINATION VEHICLE DEFINED.—In this section, the term "longer combination vehicle" has the meaning given that term in section 127(d)(4) of title 23, United States Code.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that the prohibitions and restrictions under section 127(d) of title 23, United States Code, as in effect on the date of enactment of this Act, should not be amended so as to result in any less restrictive prohibition or restriction.

McCAIN (AND HOLLINGS) AMENDMENT NO. 1953

Mr. McCAIN (for himself and Mr. HOLLINGS) proposed an amendment to amendment No. 1680 submitted by Mr. McCAIN to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 50, beginning with line 18, strike through line 14 on page 51 and insert the following:

SEC. 3208. SPECIAL PERMITS, PILOT PROGRAMS, AND EXCLUSIONS.

(a) Section 5117 is amended—

(1) by striking the section heading and inserting the following:

"§ 5117. Special permits, pilot programs, exemptions, and exclusions";

(2) by striking "2 years" in subsection (a)(2) and inserting "4 years";

(3) by redesignating subsection (e) as subsection (f); and

(4) by inserting after subsection (d) the following:

"(e) AUTHORITY TO CARRY OUT PILOT PROGRAMS.—

"(1) IN GENERAL.—The Secretary is authorized to carry out pilot programs to examine innovative approaches or alternatives to regulations issued under this chapter for private motor carriage in intrastate transportation of an agricultural production material from—

"(A) a source of supply to a farm;

"(B) a farm to another farm;

"(C) a field to another field on a farm; or

"(D) a farm back to the source of supply.

"(2) LIMITATION.—The Secretary may not carry out a pilot program under paragraph (1) if the Secretary determines that the program would pose an undue risk to public health and safety.

"(3) SAFETY LEVELS.—In carrying out a pilot project under this subsection, the Secretary shall require, as a condition of approval of the project, that the safety measures in the project are designed to achieve a level of safety that is equivalent to, or greater than, the level of safety that would otherwise be achieved through compliance with the standards prescribed under this chapter.

"(4) TERMINATION OF PROJECT.—The Secretary shall immediately terminate any project entered into under this subsection if the motor carrier or other entity to which it applies fails to comply with the terms and conditions of the pilot project or the Secretary determines that the project has resulted in a lower level of safety than was maintained before the project was initiated.

"(5) NONAPPLICATION.—This subsection does not apply to the application of regulations issued under this chapter to vessels or aircraft.".

(b) Section 5119(c) is amended by adding at the end the following:

"(4) Pending promulgation of regulations under this subsection, States may participate in a program of uniform forms and procedures recommended by the working group under subsection (b).".

(c) The chapter analysis for chapter 51 is amended by striking the item related to section 5117 and inserting the following:

"5117. Special permits, pilot programs, exemptions, and exclusions.".

On page 129, beginning with line 1, strike through line 23 on page 133 and insert the following: shall not apply to any driver of a utility service vehicle during an emergency period of not more than 30 days declared by an elected State or local government official under paragraph (2) in the area covered by the declaration.

"(2) DECLARATION OF EMERGENCY.—The regulations described in subparagraphs (A), (B), and (C) of paragraph (1) do not apply to the driver of a utility service vehicle operated—

"(A) in the area covered by an emergency declaration under this paragraph; and

"(B) for a period of not more than 30 days designated in that declaration.

issued by an elected State or local government official (or jointly by elected officials of more than one State or local government), after notice to the Regional Director of the Federal Highway Administration with jurisdiction over the area covered by the declaration.

"(3) INCIDENT REPORT.—Within 30 days after the end of the declared emergency period the official who issued the emergency declaration shall file with the Regional Director a report of each safety-related incident or accident that occurred during the emergency period involving—

"(A) a utility service vehicle driver to which the declaration applied; or

"(B) a utility service vehicle to the driver of which the declaration applied.

"(4) DEFINITIONS.—For purposes of this subsection—

"(A) DRIVER OF A UTILITY SERVICE VEHICLE.—The term 'driver of a utility service vehicle' means any driver who is considered to be a driver of a utility service vehicle for purposes of section 345(a)(4) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note).

"(B) UTILITY SERVICE VEHICLE.—The term 'utility service vehicle' has the meaning given that term in section 345(e)(6) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note).".

(b) CONTINUED APPLICATION OF SAFETY AND MAINTENANCE REQUIREMENTS.—

(1) IN GENERAL.—The amendment made by subsection (a) may not be construed—

(A) to exempt any utility service vehicle from compliance with any applicable provision of law relating to vehicle mechanical safety, maintenance requirements, or inspections; or

(B) to exempt any driver of a utility service vehicle from any applicable provision of law (including any regulation) established for the issuance, maintenance, or periodic renewal of a commercial driver's license for that driver.

(2) DEFINITIONS.—For purposes of this subsection—

(A) COMMERCIAL DRIVER'S LICENSE.—The term "commercial driver's license" has the meaning given that term in section 31301(3) of title 49, United States Code.

(B) DRIVER OF A UTILITY SERVICE VEHICLE.—The term "driver of a utility service vehicle" has the meaning given that term in section 31502(e)(2)(A) of title 49, United States Code, as added by subsection (a).

(C) REGULATION.—The term "regulation" has the meaning given that term in section 31132(6) of title 49, United States Code.

(D) UTILITY SERVICE VEHICLE.—The term "utility service vehicle" has the meaning given that term in section 345(e)(6) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note).

BOXER AMENDMENT NO. 1954

(Ordered to lie on the table.)

Mrs. BOXER submitted an amendment intended to be proposed by her to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the end of subtitle A of title I, add the following:

SEC. 11 . HOLD HARMLESS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall allocate among the States amounts sufficient to ensure that no State (except the State of Massachusetts and a State that receives an allocation of funds under section 105 of title 23, United States Code, or under section 1102(c)) receives a share of the total apportionments for any fiscal year for all Federal-aid highway programs that is less than the average of the total apportionments to the State during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs.

(b) ELIGIBLE PURPOSES.—Amounts allocated under subsection (a) shall be available for any purpose eligible for funding under title 23, United States Code, or this Act.

(c) CONTRACT AUTHORITY.—

(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this section.

(2) CONTRACT AUTHORITY.—Funds authorized under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(d) REDUCTION OF AMOUNTS.—

(1) IN GENERAL.—For each fiscal year, the amounts described in paragraph (2) shall be reduced by such amount as is necessary to offset the budgetary impact resulting from subsection (a).

(2) AMOUNTS TO BE REDUCED.—The amounts referred to in paragraph (1) are—

(A) amounts available for obligation at the discretion of the Secretary under—

(i) the Interstate maintenance and other National Highway System components of the Interstate and National Highway System program under title 23, United States Code; and

(ii) the surface transportation program under section 133 of that title; and

(B) amounts that the Secretary may deduct for administrative expenses under section 104(a) of title 23, United States Code.

ABRAHAM (AND LEVIN) AMENDMENT NO. 1955

Mr. ABRAHAM (for himself and Mr. LEVIN) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 139, strike lines 22 through 24 and insert the following:

"(A) is obtained by the State or a unit of local government in the State, without violation of Federal law;

"(B) is incorporated into the project;

"(C) is not land described in section 138; and

"(D) does not influence the environmental assessment of the project, including—

"(i) the decision as to the need to construct the project;

"(ii) the consideration of alternatives; and

"(iii) the selection of a specific location.

On page 140, strike line 15 and insert the following:

(3) in paragraph (3), by striking "agency of a Federal, State, or local government" and inserting "agency of the Federal Government";

On page 140, strike line 20 and all that follows and insert the following:

(c) CREDITING OF CONTRIBUTIONS BY UNITS OF LOCAL GOVERNMENT TOWARD THE STATE SHARE.—Section 323 of title 23, United States Code, is amended by adding at the end the following:

"(e) CREDITING OF CONTRIBUTIONS BY UNITS OF LOCAL GOVERNMENT TOWARD THE STATE SHARE.—A contribution by a unit of local government of real property, funds, material, or a service in connection with a project eligible for assistance under this title shall be credited against the State share of the project at the fair market value of the real property, funds, material, or service.".

(d) CONFORMING AMENDMENTS.—

(1) Section 323 of title 23, United States Code, is amended by striking the section heading and inserting the following:

"§ 323. Donations and credits.".

(2) The analysis for chapter 1 of title 23, United States Code, is amended—

(A) by striking the item relating to section 108 and inserting the following:

"108. Advance acquisition of real property."; and

(B) by striking the item relating to section 323 and inserting the following:

"323. Donations and credits.".

BROWNBACK (AND OTHERS) AMENDMENT NO. 1956

Mr. BROWNBACK (for himself, Mr. MOYNIHAN, and Mr. COVERDELL) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

on page 309, between lines 3 and 4, insert the following:

Section 8(d) of the National Trails System Act (43 U.S.C. 1247(d)) is amended by—

(1) Striking "The" and inserting in lieu thereof, "(1) The";

(2) By adding at the end thereof the following new paragraphs;

"(2) Consistent with the terms and conditions imposed under paragraph (1), the Surface Transportation Board shall approve a proposal for interim trail use of a railroad right-of-way unless—

"(A) at least half of the units of local government located within the rail corridor for which the interim trail use is proposed pass a resolution opposing the proposed trail use; and

"(B) the resolution is transmitted to the Surface Transportation Board within the applicable time requirements for rail line abandonment proceedings.

"(3) The limitation in paragraph (2) shall not apply if a State has assumed responsibility for the management of such right-of-way."

HUTCHISON AMENDMENT NO. 1957

Mr. WARNER (for Mrs. HUTCHISON) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 73, between line 18 and insert the following:

nance of the system.

"(8) In addition to funds allocated under this section, a state may, at its discretion, expend up to one-fourth of one percent of its annual federal-aid apportionments under 104(b)(3) on initiatives to halt the evasion of payment of motor fuel taxes."

WARNER AMENDMENT NO. 1958

Mr. WARNER (for Mr. STEVENS) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

Insert at the appropriate place:

23 U.S.C. Section 144 is amended—

(1) in each of subsections (d) and (g)(3) by inserting after "magnesium acetate" the following: "or agriculturally derived, environmentally acceptable, minimally corrosive anti-icing and de-icing compositions"; and

(2) in subsection (d) by inserting "or such anti-icing or de-icing composition" after "such acetate".

23 U.S.C. Section 133(b)(1) is amended by inserting after "magnesium acetate" the following: "or agriculturally derived, environmentally acceptable, minimally corrosive anti-icing and de-icing compositions".

CAMPBELL (AND OTHERS) AMENDMENT NO. 1959

Mr. CAMPBELL (for himself, Mr. GRAMM, and Ms. MOSELEY-BRAUN) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . LIMITATIONS.

(a) PROHIBITION ON LOBBYING ACTIVITIES.—(1) No funds authorized in this title shall be available for any activity to build support for or against, or to influence the formulation, or adoption of State or local legislation, unless such activity is consistent with previously-existing Federal mandates or incentive programs.

(b) Nothing in this section shall prohibit officers or employees of the United States or its departments or agencies from testifying before any State or local legislative body upon the invitation of such legislative body.

WARNER (AND OTHERS) AMENDMENT NO. 1960

Mr. WARNER (for himself, Mr. CHAFEE, and Mr. BAUCUS) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 18—

(1) line 14, strike “(1)” and insert “(1)(A)”;

(2) line 17, strike “(2)” and insert “(B)”;

(3) line 19, strike the period and insert “; or”; and

(4) between lines 19 and 20, insert the following:

(2) that are bordered by 2 navigable rivers listed under 33 USC 1804 that each comprise at least 10 percent of the boundary of the State.

Beginning on page 107, strike line 15 and all that follows through page 108, line 6, and insert the following:

“(A) IN GENERAL.—Subject to subparagraph (B), for each of fiscal years 1998 through 2003, the Secretary shall allocate on October 1, for use for highway bridge projects—

“(i) at least $20,000,000 of the amounts set aside under paragraph (1) to any State that—

“(I) is apportioned for fiscal year 1998 under paragraphs (1)(B), (1)(C)(i)(III), and (3)(A)(iii) of subsection (b) an amount that is less than the amount apportioned to the State for the highway bridge replacement and rehabilitation program under section 144 for fiscal year 1997; and

“(II) was apportioned for that program for fiscal year 1997 an amount greater than $125,000,000; and

“(ii) at least $15,000,000 of the amounts set aside under paragraph (1) to any State with respect to which the average service life of the bridges in the State exceeds 46 years as of the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1998.

On page 110, strike lines 22 and 23 and insert the following:

“(5) REQUIRED ALLOCATION FOR CERTAIN STATES.—

“(A) ALLOCATION.—For each of fiscal years 1998 through 2003, the Secretary shall allocate on October 1, to States eligible under subparagraph (B), for use for projects described in paragraph (1), $10,000,000 of the amounts set aside under paragraph (1) from amounts to be apportioned under subsection (b)(1)(A).

“(B) ELIGIBLE STATES.—A State shall be eligible for an allocation under subparagraph (A) for a fiscal year if—

“(i) the State ranks among the lowest 10 percent of States in a ranking of States by per capita personal income;

“(ii) for the State, the ratio that—

“(I) the State's estimated percentage of total Federal-aid highway program apportionments for the period of fiscal years 1998 through 2003 under this title; bears to

“(II) the percentage of estimated total tax receipts attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) for the period of fiscal years 1998 through 2003;

is less than 1.00, as of the date of enactment of this subsection; and

“(iii)(I) the State's estimated percentage of total Federal-aid highway program apportionments for the period of fiscal years 1998 through 2003 under this title, as of the date of enactment of this subsection; is less than

“(II) the State's percentage of total Federal-aid highway program apportionments and Federal lands highways program: allocations under the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914), and allocations under sections 1103 through 1108 of that Act, for the period of fiscal years 1992 through 1997.

“(C) ADDITIONAL ALLOCATION.—An allocation to a State under subparagraph (A) shall be in addition to any allocation to the State under paragraph (1).

“(6) PERIOD OF AVAILABILITY OF DISCRETIONARY FUNDS.—Amounts made available under”.

On page 236, between lines 16 and 17, insert the following:

SEC. 14___. REPORT ON EFFECTS OF ALLOWING HEAVIER WEIGHT VEHICLES ON CERTAIN HIGHWAYS.

(a) DEFINITION OF HEAVIER WEIGHT VEHICLE.—In this section, the term “heavier weight vehicle” means a vehicle the operation of which on the Interstate System is prohibited under section 127 of title 23, United States Code.

(b) REPORT.—Not later than December 31, 2000, the Secretary shall submit to Congress a report on the effects of allowing operation of heavier weight vehicles on Interstate Route 95 in the States of Maine and New Hampshire.

(c) CONTENTS.—The report shall contain an analysis of the safety, infrastructure, cost recovery, environmental, and economic implications of that operation.

(d) CONSULTATION.—In preparing the report, the Secretary shall consult with the safety and modal administrations of the Department of Transportation, and the States of Maine and New Hampshire.

(e) MORATORIUM ON WITHHOLDING OF FUNDS.—Notwithstanding section 127 of title 23, United States Code, during the period beginning on the date of enactment of this Act and ending on the earlier of the end of fiscal year 2002 or the date that is 1 year after the date of submission of the report under subsection (b), the Secretary shall not withhold, under that section, funds from apportionment to the States of Maine and New Hampshire.

On page 337, after the item relating to section 512, insert the following:

“513. Recycled materials resource center.”

On page 381, strike line 7 and insert the following:

SEC. 2018. RECYCLED MATERIALS RESOURCE CENTER.

Subchapter I of chapter 5 of title 23, United States Code (as amended by section 2017), is amended by adding at the end the following:

“§ 513. Recycled materials resource center

“(a) ESTABLISHMENT.—The Secretary shall establish at the University of New Hampshire a research program to be known as the ‘Recycled Materials Resource Center’ (referred to in this section as the ‘Center’).

“(b) ACTIVITIES.—

“(1) IN GENERAL.—The Center shall—

“(A) systematically test, evaluate, develop appropriate guidelines for, and demonstrate environmentally acceptable and occupationally safe technologies and techniques for the increased use of traditional and nontraditional recycled and secondary materials in transportation infrastructure construction and maintenance;

“(B) make information available to State transportation departments, the Federal Highway Administration, the construction industry, and other interested parties to assist in evaluating proposals to use traditional and nontraditional recycled and secondary materials in transportation infrastructure construction;

“(C) encourage the increased use of traditional and nontraditional recycled and secondary materials by using sound science to analyze thoroughly all potential long-term considerations that affect the physical and environmental performance of the materials; and

“(D) work cooperatively with Federal and State officials to reduce the institutional barriers that limit widespread use of traditional and nontraditional recycled and secondary materials and to ensure that such increased use is consistent with the sustained environmental and physical integrity of the infrastructure in which the materials are used.

“(2) SITES AND PROJECTS UNDER ACTUAL FIELD CONDITIONS.—In carrying out paragraph (1)(C), the Secretary may authorize the Center to—

“(A) use test sites and demonstration projects under actual field conditions to develop appropriate performance data; and

“(B) develop appropriate tests and guidelines to ensure correct use of recycled and secondary materials in transportation infrastructure construction.

“(c) REVIEW AND EVALUATION.—

“(1) IN GENERAL.—Not less often than every 2 years, the Secretary shall review and evaluate the program carried out by the Center.

“(2) NOTIFICATION OF DEFICIENCIES.—In carrying out paragraph (1), if the Secretary determines that the Center is deficient in carrying out subsection (b), the Secretary shall notify the Center of each deficiency and recommend specific measures to address the deficiency.

“(3) DISQUALIFICATION.—If, after the end of the 180-day period that begins on the date of notification to the Center under paragraph (2), the Secretary determines that the Center has not corrected each deficiency identified under paragraph (2), the Secretary may, after notifying the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of the determination, disqualify the Center from further participation under this section.

“(d) FUNDING.—Of amounts made available under section 541, $2,000,000 shall be made available for each fiscal year to carry out this section.

SEC. 2019. CONFORMING AMENDMENTS.

On page 415, strike “and 511” and insert “511, and 513”.

On page 220, line 14, strike “and”.

On page 220, line 17, strike the period and insert “; and”.

On page 220, between lines 17 and 18, insert the following:

“(iii) a high speed railway corridor through at least 3 Gulf Coast States (as designated by the Secretary).

At the end of subtitle A of title I, add the following:

SEC. 11___. TRANSPORTATION ASSISTANCE FOR OLYMPIC CITIES.

(a) PURPOSE.—The purpose of this section is to authorize the provision of assistance for, and support of, State and local efforts concerning surface transportation issues necessary to obtain the national recognition and economic benefits of participation in the International Olympic movement and the International Paralympic movement by hosting international quadrennial Olympic and Paralympic events in the United States.

(b) PRIORITY FOR TRANSPORTATION PROJECTS RELATING TO OLYMPIC AND PARALYMPIC EVENTS.—Notwithstanding any other provision of law, from funds available to carry out section 104(k) of title 23, United States Code, the Secretary may give priority to funding for a transportation project relating to an international quadrennial Olympic or Paralympic event if—

(1) the project meets the extraordinary needs associated with an international quadrennial Olympic or Paralympic event; and

(2) the project is otherwise eligible for assistance under section 104(k) of that title.

(c) Transportation Planning Activities.—The Secretary may participate in—

(1) planning activities of States and metropolitan planning organizations and transportation projects relating to an international quadrennial Olympic or Paralympic event under sections 134 and 135 of title 23, United States Code; and

(2) developing intermodal transportation plans necessary for the projects in coordination with State and local transportation agencies.

(d) Funding.—Notwithstanding section 541(a) of title 23, United States Code, from funds made available under that section, the Secretary may provide assistance for the development of an Olympic and a Paralympic transportation management plan in cooperation with an Olympic Organizing Committee responsible for hosting, and State and local communities affected by, an international quadrennial Olympic or Paralympic event.

(e) Transportation Projects Relating to Olympic and Paralympic Events.—

(1) In general.—The Secretary may provide assistance, including planning, capital, and operating assistance, to States and local governments in carrying out transportation projects relating to an international quadrennial Olympic or Paralympic event.

(2) Federal share.—The Federal share of the cost of a project assisted under this subsection shall not exceed 80 percent.

(f) Eligible Governments.—A State or local government shall be eligible to receive assistance under this section only if the government is hosting a venue that is part of an international quadrennial Olympics that is officially selected by the International Olympic Committee.

(g) Authorization of Appropriations.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section such sums as are necessary for each of fiscal years 1998 through 2003.

On page 8, line 4, insert "and section 207(f)" after "(f)".

On page 87, line 11, insert "under subsection (e)" after "program".

On page 89, line 16, insert "under subsection (e)" before "for".

On page 90, line 7, strike "Notwithstanding" and insert "Subject to subsection (f), notwithstanding".

On page 90, line 21, insert "under subsection (e)" after "program".

On page 91, line 10, add "(other than subsection (f))" at the end.

On page 91, line 16, strike the quotation marks and the following period.

On page 91, between lines 16 and 17, insert the following:

"(f) Additional Authorization of Contract Authority for States With Indian Reservations.—

"(1) Availability to states.—Not later than October 1 of each fiscal year, funds made available under paragraph (5) for the fiscal year shall be made available by the Secretary, in equal amounts, to each State that has within the boundaries of the State all or part of an Indian reservation having a land area of 10,000,000 acres or more.

"(2) Availability to eligible counties.—

"(A) In general.—Each fiscal year, each county that is located in a State to which funds are made available under paragraph (1), and that has in the county a public road described in subparagraph (B), shall be eligible to apply to the State for all or a portion of the funds made available to the State under this subsection to be used by the county to maintain such roads.

"(B) Roads.—A public road referred to in subparagraph (A) is a public road that—

"(i) is within, adjacent to, or provides access to an Indian reservation described in paragraph (1);

"(ii) is used by a school bus to transport children to or from a school or Headstart program carried out under the Head Start Act (42 U.S.C. 9831 et seq.); and

"(iii) is maintained by the county in which the public road is located.

"(C) Allocation among eligible counties.—

"(i) In general.—Except as provided in clause (ii), each State that receives funds under paragraph (1) shall provide directly to each county that applies for funds the amount that the county requests in the application.

"(ii) Allocation among eligible counties.—If the total amount of funds applied for under this subsection by eligible counties in a State exceeds the amount of funds available to the State, the State shall equitably allocate the funds among the eligible counties that apply for funds.

"(3) Supplementary funding.—For each fiscal year, the Secretary shall ensure that funding made available under this subsection supplements (and does not supplant)—

"(A) any obligation of funds by the Bureau of Indian Affairs for road maintenance programs on Indian reservations; and

"(B) any funding provided by a State to a county for road maintenance programs in the county.

"(4) Use of unallocated funds.—Any portion of the funds made available to a State under this subsection that is not made available to counties within 1 year after the funds are made available to the State shall be apportioned among the States in accordance with section 104(b).

"(5) Set-aside.—For each of fiscal years 1998 through 2003, the Secretary shall set aside $1,500,000 from amounts made available under section 541(a) of title 23 United States Code."

LEVIN (AND ABRAHAM) AMENDMENT NO. 1961

Mr. WARNER (for Mr. Levin, for himself and Mr. Abraham) proposed an amendment to amendment No. 1676 proposed by Mr. Chafee to the bill, S. 1173, supra; as follows:

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 13, between lines 9 and 10, insert the following:

(6) Additional eligible states.—In addition to States that meet the eligibility criteria under paragraph (3), a State with respect to which the following conditions are met shall also be eligible for the funds made available to carry out the program that remain after each State that meets the eligibility criteria under paragraph (3) has received the minimum amount of funds specified in paragraph (4)(A)(i):

(A) Population density.—The population density of the State is greater than 161 individuals per square mile.

(B) Vehicle miles traveled.—The amount determined for the State under paragraph (2)(A) with respect to the factor described in paragraph (2)(A)(ii) is greater than the national average with respect to the factor determined under paragraph (2)(B).

(C) Urban federal-aid lane miles.—The ratio that—

(i) the total lane miles on Federal-aid highways in urban areas in the State; bears to

(ii) the total lane miles on all Federal-aid highways in the State;

is greater than or equal to 0.26.

(D) Apportionments per capita.—The amount determined for the State with respect to the factor described in paragraph (2)(A)(iv) is less than 85 percent of the national average with respect to the factor determined under paragraph (2)(B).

On page 136, after line 22, in the section added by Chafee Amendment No. 1684—

(1) on page 13, line 10, strike "(6)" and insert "(7)";

(2) on page 13, line 14, strike "(7)" and insert "(8)"; and

(3) on page 14, line 1, strike "(8)" and insert "(9)".

DASCHLE (AND OTHERS) AMENDMENT NO. 1962

Mr. BAUCUS (for Mr. Daschle, for himself, Mr. Thomas, and Mr. Enzi) proposed an amendment to amendment No. 1676 proposed by Mr. Chafee to the bill, S. 1173, supra; as follows:

At the end of the title entitled "Revenue", add the following:

SEC. . ADDITIONAL QUALIFIED EXPENSES AVAILABLE TO NONAMTRAK STATES.

(a) In General.—Section 977(e)(1)(B) of the Taxpayer Relief Act of 1997 (defining qualified expenses) is amended—

(1) by striking "and" at the end of clause (iii) and all that follows through "clauses (i) and (iv).", and

(2) by adding after clause (iii) the following:

"(iv) capital expenditures related to State-owned rail operations in the State,

"(v) any project that is eligible to receive funding under section 5309, 5310, or 5311 of title 49, United States Code,

"(vi) any project that is eligible to receive funding under section 130 or 152 of title 23, United States Code,

"(vii) the upgrading and maintenance of intercity primary and rural air service facilities, and the purchase of intercity air service between primary and rural airports and regional hubs,

"(viii) the provision of passenger ferryboat service within the State, and

"(ix) the payment of interest and principal on obligations incurred for such acquisition, upgrading, maintenance, purchase, expenditures, provision, and projects."

(b) Effective Date.—The amendments made by this section shall take effect as if included in the enactment of section 977 of the Taxpayer Relief Act of 1997.

ROTH AMENDMENT NO. 1963

Mr. ROTH proposed an amendment to amendment No. 1676 proposed by Mr. Chafee to the bill, S. 1173, supra; as follows:

At the end of the bill add the following:

TITLE ___—REVENUE

SEC. _001. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) Short Title.—This title may be cited as the "Intermodal Surface Transportation Revenue Act of 1998".

(b) Amendment of 1986 Code.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. _002. EXTENSION AND MODIFICATION OF HIGHWAY-RELATED TAXES AND TRUST FUND.

(a) Extension of Taxes and Exemptions.—

(1) The following provisions are each amended by striking "1999" each place it appears and inserting "2005":

(A) Section 4041(a)(1)(C)(iii)(I) (relating to rate of tax on certain buses).

(B) Section 4041(a)(2)(B) (relating to rate of tax on special motor fuels), as amended by section 907(a)(1) of the Taxpayer Relief Act of 1997.

(C) Section 4041(m)(1)(A) (relating to certain alcohol fuels), as amended by section 907(b) of the Taxpayer Relief Act of 1997.

(D) Section 4051(c) (relating to termination).

(E) Section 4071(d) (relating to termination).

(F) Section 4081(d)(1) (relating to termination).

(G) Section 4221(a) (relating to certain tax-free sales).

(H) Section 4481(e) (relating to period tax in effect).

(I) Section 4482(c)(4) (relating to taxable period).

(J) Section 4482(d) (relating to special rule for taxable period in which termination date occurs).

(K) Section 4483(g) (relating to termination of exemptions).

(L) Section 6156(e)(2) (relating to section inapplicable to certain liabilities).

(M) Section 6412(a) (relating to floor stocks refunds).

(2) The following provisions are each amended by striking "2000" each place it appears and inserting "2007":

(A) Section 4041(b)(2)(C) (relating to termination).

(B) Section 4041(k)(3) (relating to termination).

(C) Section 4081(c)(8) (relating to termination).

(D) Section 4091(c)(5) (relating to termination).

(3) Section 6412(a) (relating to floor stocks refunds) is amended by striking "2000" each place it appears and inserting "2006".

(4) Section 6427(f)(4) (relating to termination) is amended by striking "1999" and inserting "2007".

(5) Section 40(e)(1) (relating to termination) is amended—

(A) by striking "December 31, 2000" and inserting "December 31, 2007", and

(B) by striking subparagraph (B) and inserting the following:

"(B) of any fuel for any period before January 1, 2008, during which the rate of tax under section 4081(a)(2)(A) is 4.3 cents per gallon.".

(6) Headings 9901.00.50 and 9901.00.52 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007) are amended in the effective period column by striking "10/1/2000" each place it appears and inserting "10/1/2007".

(b) Extension and Modification of Highway Trust Fund.—

(1) Extension.—Section 9503 (relating to Highway Trust Fund) is amended—

(A) in subsection (b)—

(i) in paragraph (1), as amended by section 1032(e)(13) of the Taxpayer Relief Act of 1997—

(I) by striking "1999" and inserting "2005",

(II) by striking subparagraph (C),

(III) in subparagraph (D), by striking "and tread rubber", and

(IV) by redesignating subparagraphs (D), (E), and (F) as subparagraphs (C), (D), and (E), respectively,

(ii) in paragraph (2), by striking "1999" each place it appears and inserting "2005" and by striking "2000" and inserting "2006",

(iii) in the heading of paragraph (2), by striking "OCTOBER 1, 1999" and inserting "OCTOBER 1, 2005", and

(iv) in subparagraphs (E) and (F) of paragraph (4), as amended by section 901(a) of the Taxpayer Relief Act of 1997, by striking "1999" and inserting "2005", and

(B) in subsection (c), as amended by section 9(a)(1) of the Surface Transportation Extension Act of 1997—

(i) in paragraph (1)—

(I) by striking "1998" and inserting "2003",

(II) in subparagraph (C), by striking "or" at the end,

(III) in subparagraph (D), by striking "1991." and inserting "1991, or",

(IV) by inserting after subparagraph (D) the following:

"(E) authorized to be paid out of the Highway Trust Fund under the Intermodal Surface Transportation Efficiency Act of 1998.", and

(V) by striking the last sentence and inserting the following:

"In determining the authorizations under the Acts referred to in the preceding subparagraphs, such Acts shall be applied as in effect on the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1998.",

(ii) in paragraph (2)(A)(i)—

(I) by striking "2000" and inserting "2006",

(II) in subclause (II), by adding "and" at the end,

(III) in subclause (IV), by striking "1999" and inserting "2005", and

(IV) by striking subclause (III) and redesignating subclause (IV) as subclause (III),

(iii) in paragraph (2)(A), by striking clause (ii) and inserting the following:

"(ii) the credits allowed under section 34 (relating to credit for certain uses of fuel) with respect to fuel used before October 1, 2005.",

(iv) in paragraph (3)—

(I) by striking "July 1, 2000" and inserting "July 1, 2006", and

(II) by striking the heading and inserting "Floor stocks refunds",

(v) in paragraph (4)(A)—

(I) in clause (i), by striking "1998" and inserting "2003", and

(II) in clause (ii), by adding at the end the following new flush sentence:

"In making the determination under subclause (II) for any fiscal year, the Secretary shall not take into account any amount appropriated from the Boat Safety Account in any preceding fiscal year but not distributed.", and

(vi) in paragraph (5)(A), by striking "1998" and inserting "2003".

(2) Limitation on expenditures.—

(A) In general.—Section 9503(c) (relating to expenditures from Highway Trust Fund), as amended by subsection (d)(2)(A), is amended by inserting after paragraph (5) the following:

"(6) Limitation on expenditures from highway trust fund.—

"(A) In general.—Except as provided in subparagraph (B), no expenditure shall be made from the Highway Trust Fund unless such expenditure is permitted under a provision of this title. The determination of whether an expenditure is so permitted shall be made without regard to—

"(i) any provision of law which is not contained or referenced in this title and which is not contained or referenced in a revenue Act, and

"(ii) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this paragraph.

"(B) Exception for prior obligations.—Subparagraph (A) shall not apply to any expenditure to liquidate any contract entered into, or for any amount otherwise obligated, in accordance with the provisions of this section before October 1, 2003.".

(B) Transfer of taxes to trust fund terminated if expenditure limitation violated.—Section 9503(b)(4) (relating to certain taxes not transferred to Highway Trust Fund), as amended by subsection (b)(1)(A)(iv), is amended—

(i) in subparagraph (E), by striking "or" at the end,

(ii) in subparagraph (F), by striking the period at the end and inserting ", or", and

(iii) by adding at the end the following:

"(G) any provision described in paragraph (1) on and after the date of any expenditure not permitted by subsection (c)(6).".

(c) Modification of Subsidies for Alcohol Fuels.—

(1) In general.—Subsection (h) of section 40 (relating to alcohol used as fuel) is amended to read as follows:

"(h) Reduced Credit for Ethanol Blenders.—

"(1) In general.—In the case of any alcohol mixture credit or alcohol credit with respect to any sale or use of alcohol which is ethanol during calendar years 2001 through 2007—

"(A) subsections (b)(1)(A) and (b)(2)(A) shall be applied by substituting 'the blender amount' for '60 cents',

"(B) subsection (b)(3) shall be applied by substituting 'the low-proof blender amount' for '45 cents' and 'the blender amount' for '60 cents', and

"(C) subparagraphs (A) and (B) of subsection (d)(3) shall be applied by substituting 'the blender amount' for '60 cents' and 'the low-proof blender amount' for '45 cents'.

"(2) Amounts.—For purposes of paragraph (1), the blender amount and the low-proof blender amount shall be determined in accordance with the following table:

In the case of any sale or use during calendar year:	The blender amount is:	The low-proof blender amount is:
2001 or 2002	53 cents	39.26 cents
2003 or 2004	52 cents	38.52 cents
2005, 2006, or 2007	51 cents	37.78 cents.".

(2) Conforming amendments.—

(A) Section 4041(b)(2) is amended—

(i) in subparagraph (A)(i), by striking "5.4 cents" and inserting "the applicable blender rate", and

(ii) by redesignating subparagraph (C), as amended by subsection (a)(2)(A), as subparagraph (D) and by inserting after subparagraph (B) the following:

"(C) APPLICABLE BLENDER RATE.—For purposes of subparagraph (A)(i), the applicable blender rate is—

"(i) except as provided in clause (ii), 5.4 cents, and

"(ii) for sales or uses during calendar years 2001 through 2007, $\frac{1}{10}$ of the blender amount applicable under section 40(h)(2) for the calendar year in which the sale or use occurs.".

(B) Subparagraph (A) of section 4081(c)(4) is amended to read as follows:

"(A) GENERAL RULES.—

"(i) MIXTURES CONTAINING ETHANOL.—Except as provided in clause (ii), in the case of a qualified alcohol mixture which contains gasoline, the alcohol mixture rate is the excess of the rate which would (but for this paragraph) be determined under subsection (a) over—

"(I) in the case of 10 percent gasohol, the applicable blender rate (as defined in section 4041(b)(2)(A)) per gallon,

"(II) in the case of 7.7 percent gasohol, the number of cents per gallon equal to 77 percent of such applicable blender rate, and

"(III) in the case of 5.7 percent gasohol, the number of cents per gallon equal to 57 percent of such applicable blender rate.

"(ii) MIXTURES NOT CONTAINING ETHANOL.—In the case of a qualified alcohol mixture which contains gasoline and none of the alcohol in which consists of ethanol, the alcohol mixture rate is the excess of the rate which would (but for this paragraph) be determined under subsection (a) over—

"(I) in the case of 10 percent gasohol, 6 cents per gallon,

"(II) in the case of 7.7 percent gasohol, 4.62 cents per gallon, and

"(III) in the case of 5.7 percent gasohol, 3.42 cents per gallon.".

(C) Section 4081(c)(5) is amended by striking "5.4 cents" and inserting "the applicable blender rate (as defined in section 4041(b)(2)(C))".

(D) Section 4091(c)(1) is amended by striking "13.4 cents" each place it appears and inserting "the applicable blender amount" and by adding at the end the following: "For purposes of this paragraph, the term 'applicable blender amount' means 13.3 cents in the case of any sale or use during 2001 or 2002, 13.2 cents in the case of any sale or use during 2003 or 2004, 13.1 cents in the case of any sale or use during 2005, 2006, or 2007, and 13.4 cents in the case of any sale or use during 2008 or thereafter.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2001.

(d) ELIMINATION OF NATIONAL RECREATIONAL TRAILS TRUST FUND.—

(1) IN GENERAL.—Section 9511 (relating to National Recreational Trails Trust Fund) is repealed.

(2) CONFORMING AMENDMENTS.—

(A) Section 9503(c) is amended by striking paragraph (6).

(B) The table of sections for subchapter A of chapter 98 is amended by striking the item relating to section 9511.

(e) AQUATIC RESOURCES TRUST FUND.—

(1) EXTENSION.—Section 9504(c) (relating to expenditures from Boat Safety Account), as amended by section 9(b) of the Surface Transportation Extension Act of 1997, is amended—

(A) by striking "1998" and inserting "2004", and

(B) by striking "1988" and inserting "the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1998".

(2) LIMITATION ON EXPENDITURES.—Section 9504 (relating to Aquatic Resources Trust Fund) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following:

"(d) LIMITATION ON EXPENDITURES FROM TRUST FUND.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no expenditure shall be made from the Aquatics Resources Trust Fund unless such expenditure is permitted under a provision of this title. The determination of whether an expenditure is so permitted shall be made without regard to—

"(A) any provision of law which is not contained or referenced in this title and which is not contained or referenced in a revenue Act, and

"(B) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this subsection.

"(2) EXCEPTION FOR PRIOR OBLIGATIONS FROM THE BOAT SAFETY ACCOUNT.—Paragraph (1) shall not apply to any expenditure to liquidate any contract entered into, or for any amount otherwise obligated, in accordance with the provisions of subsection (c) before April 1, 2004.

"(3) TRANSFER OF TAXES TO TRUST FUND TERMINATED IF EXPENDITURE LIMITATION VIOLATED.—For purposes of the second sentence of subsection (a)(2), there shall not be taken into account any amount described in subsection (b)(1), section 9503(c)(4), or section 9503(c)(5)(A) on and after the date of any expenditure not permitted by paragraph (1).".

(3) CONFORMING AMENDMENTS.—Section 9504(b)(2) is amended—

(A) in subparagraph (A), by striking "October 1, 1988" and inserting "the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1998", and

(B) in subparagraph (B), by striking "November 29, 1990" and inserting "the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1998".

SEC. 003. MASS TRANSIT ACCOUNT.

(a) IN GENERAL.—Section 9503(e)(3) (relating to expenditures from Account), as amended by section 9(a)(2) of the Surface Transportation Extension Act of 1997, is amended—

(1) by striking "1998" and inserting "2003",

(2) in subparagraph (A), by striking "or" at the end,

(3) in subparagraph (B), by adding "or" at the end, and

(4) by striking all that follows subparagraph (B) and inserting:

"(C) the Intermodal Surface Transportation Efficiency Act of 1998,

as such sections and Acts are in effect on the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1998.".

(b) CONFORMING AMENDMENT.—Paragraph (4) of section 9503(e) is amended to read as follows:

"(4) LIMITATION.—Rules similar to the rules of subsection (d) shall apply to the Mass Transit Account.".

(c) TECHNICAL CORRECTION.—

(1) IN GENERAL.—Section 9503(e)(2) is amended by striking the last sentence and inserting the following: "For purposes of the preceding sentence, the term 'mass transit portion' means, for any fuel with respect to which tax was imposed under section 4041 or 4081 and otherwise deposited into the Highway Trust Fund, the amount determined at the rate of—

"(A) except as otherwise provided in this sentence, 2.86 cents per gallon,

"(B) 1.43 cents per gallon in the case of any partially exempt methanol or ethanol fuel (as defined in section 4041(m)) none of the alcohol in which consists of ethanol,

"(C) 1.86 cents per gallon in the case of liquefied natural gas,

"(D) 2.13 cents per gallon in the case of liquefied petroleum gas, and

"(E) 9.71 cents per MCF (determined at standard temperature and pressure) in the case of compressed natural gas.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in the amendment made by section 901(b) of the Taxpayer Relief Act of 1997.

SEC. 004. TAX-EXEMPT FINANCING OF QUALIFIED HIGHWAY INFRASTRUCTURE CONSTRUCTION.

(a) TREATMENT AS EXEMPT FACILITY BOND.—A bond described in subsection (b) shall be treated as described in section 141(e)(1)(A) of the Internal Revenue Code of 1986, except that—

(1) section 146 of such Code shall not apply to such bond, and

(2) section 147(c)(1) of such Code shall be applied by substituting "any portion of" for "25 percent or more".

(b) BOND DESCRIBED.—

(1) IN GENERAL.—A bond is described in this subsection if such bond is issued after the date of the enactment of this Act as part of an issue—

(A) 95 percent or more of the net proceeds of which are to be used to provide a qualified highway infrastructure project, and

(B) to which there has been allocated a portion of the allocation to the project under paragraph (2)(C)(ii) which is equal to the aggregate face amount of bonds to be issued as part of such issue.

(2) QUALIFIED HIGHWAY INFRASTRUCTURE PROJECTS.—

(A) IN GENERAL.—For purposes of paragraph (1), the term "qualified highway infrastructure project" means a project—

(i) for the construction or reconstruction of a highway, and

(ii) designated under subparagraph (B) as an eligible pilot project.

(B) ELIGIBLE PILOT PROJECT.—

(i) IN GENERAL.—The Secretary of Transportation, in consultation with the Secretary of the Treasury, shall select not more than 15 highway infrastructure projects to be pilot projects eligible for tax-exempt financing.

(ii) ELIGIBILITY CRITERIA.—In determining the criteria necessary for the eligibility of pilot projects, the Secretary of Transportation shall include the following:

(I) The project must serve the general public.

(II) The project is necessary to evaluate the potential of the private sector's participation in the provision of the highway infrastructure of the United States.

(III) The project must be located on publicly-owned rights-of-way.

(IV) The project must be publicly owned or the ownership of the highway constructed or reconstructed under the project must revert to the public.

(V) The project must be consistent with a transportation plan developed pursuant to section 134(g) or 135(e) of title 23, United States Code.

(C) AGGREGATE FACE AMOUNT OF TAX-EXEMPT FINANCING.—

(i) IN GENERAL.—The aggregate face amount of bonds issued pursuant to this section shall not exceed $15,000,000,000, determined without regard to any bond the proceeds of which are used exclusively to refund (other than to advance refund) a bond issued pursuant to this section (or a bond which is a part of a series of refundings of a bond so issued) if the amount of the refunding bond does not exceed the outstanding amount of the refunded bond.

(ii) ALLOCATION.—The Secretary of Transportation, in consultation with the Secretary of the Treasury, shall allocate the amount described in clause (i) among the eligible pilot projects designated under subparagraph (B).

(iii) REALLOCATION.—If any portion of an allocation under clause (ii) is unused on the date which is 3 years after such allocation, the Secretary of Transportation, in consultation with the Secretary of the Treasury, may reallocate such portion among the remaining eligible pilot projects.

(c) REPORT.—

(1) IN GENERAL.—Not later than the earlier of—

(A) 1 year after either ½ of the projects authorized under this section have been identified or ½ of the total bonds allowable for the projects under this section have been issued, or

(B) 7 years after the date of the enactment of this Act,

the Secretary of Transportation, in consultation with the Secretary of the Treasury, shall submit the report described in paragraph (2) to the Committees on Finance and on Environment and Public Works of the Senate and the Committees on Ways and Means and on Transportation and Infrastructure of the House of Representatives.

(2) CONTENTS.—The report under paragraph (1) shall evaluate the overall success of the program conducted pursuant to this section, including—

(A) a description of each project under the program,

(B) the extent to which the projects used new technologies, construction techniques, or innovative cost controls that resulted in savings in building the project, and

(C) the use and efficiency of the Federal tax subsidy provided by the bond financing.

SEC. ___005. REPEAL OF 1.25 CENT TAX RATE ON RAIL DIESEL FUEL.

(a) IN GENERAL.—Section 4041(a)(1)(C)(ii) (relating to rate of tax on trains) is amended—

(1) in subclause (II), by striking "October 1, 1999" and inserting "March 1, 1999", and

(2) in subclause (III), by striking "September 30, 1999" and inserting "February 28, 1999".

(b) CONFORMING AMENDMENTS.—

(1) Section 6421(f)(3)(B) is amended—

(A) in clause (ii), by striking "October 1, 1999" and inserting "March 1, 1999", and

(B) in clause (iii), by striking "September 30, 1999" and inserting "February 28, 1999".

(2) Section 6427(l)(3)(B) is amended—

(A) in clause (ii), by striking "October 1, 1999" and inserting "March 1, 1999", and

(B) in clause (iii), by striking "September 30, 1999" and inserting "February 28, 1999".

SEC. ___006. ELECTION TO RECEIVE TAXABLE CASH COMPENSATION IN LIEU OF NONTAXABLE QUALIFIED TRANSPORTATION FRINGE BENEFITS.

(a) NO CONSTRUCTIVE RECEIPT.—

(1) IN GENERAL.— Paragraph (4) of section 132(f) (relating to qualified transportation fringe) is amended to read as follows:

"(4) NO CONSTRUCTIVE RECEIPT.—No amount shall be included in the gross income of an employee solely because the employee may choose between any qualified transportation fringe and compensation which would otherwise be includible in gross income of such employee.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years beginning after December 31, 1997.

(b) INCREASE IN MAXIMUM EXCLUSION FOR EMPLOYER-PROVIDED TRANSIT PASSES.—

(1) IN GENERAL.—Subparagraph (A) of section 132(f)(2) (relating to limitation on exclusion) is amended by striking "$60" and inserting "$100".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years beginning after December 31, 2001.

(c) NO INFLATION ADJUSTMENT FOR 1999.—

(1) IN GENERAL.—Paragraph (6) of section 132(f) (relating to qualified transportation fringe) is amended to read as follows:

"(6) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 1999, the dollar amounts contained in subparagraphs (A) and (B) of paragraph (2) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 1998' for 'calendar year 1992'.

If any increase determined under the preceding sentence is not a multiple of $5, such increase shall be rounded to the next lowest multiple of $5.".

(2) CONFORMING AMENDMENT.—Section 132(f)(2)(B) is amended by striking "$155" and inserting "$175".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 1998.

(d) CONFORMING INFLATION ADJUSTMENT.—

(1) IN GENERAL.—Paragraph (6) of section 132(f) (relating to qualified transportation fringe) is amended to read as follows:

"(6) INFLATION ADJUSTMENT.—

"(A) ADJUSTMENT TO QUALIFIED PARKING LIMITATION.—In the case of any taxable year beginning in a calendar year after 1999, the dollar amount contained in paragraph (2)(B) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 1998' for 'calendar year 1992'.

"(B) ADJUSTMENT TO OTHER QUALIFIED TRANSPORTATION FRINGES LIMITATION.—In the case of any taxable year beginning in a calendar year after 2002, the dollar amount contained in paragraph (2)(A) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2001' for 'calendar year 1992'.

"(c) ROUNDING.—If any increase determined under subparagraph (A) or (B) is not a multiple of $5, such increase shall be rounded to the next lowest multiple of $5.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years beginning after December 31, 2002.

SEC. ___007. TAX TREATMENT OF CERTAIN FEDERAL PARTICIPATION PAYMENTS.

For purposes of the Internal Revenue Code of 1986, with respect to any Federal participation payment to a taxpayer in any taxable year made under section 149(e) of title 23, United States Code, as added by section 1502, to the extent such payment is not subject to tax under such Code for the taxable year—

(1) no credit or deduction (other than a deduction with respect to any interest on a loan) shall be allowed to the taxpayer with respect to any property placed in service or other expenditure that is directly or indirectly attributable to the payment, and

(2) the basis of any such property shall be reduced by the portion of the cost of the property that is attributable to the payment.

SEC. ___008. DELAY IN EFFECTIVE DATE OF NEW REQUIREMENT FOR APPROVED DIESEL OR KEROSENE TERMINALS.

Subsection (f) of section 1032 of the Taxpayer Relief Act of 1997 is amended to read as follows:

"(f) EFFECTIVE DATES.—

"(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on July 1, 1998.

"(2) The amendment made by subsection (d) shall take effect on July 1, 2000.".

SEC. ___009. REPEAL OF CERTAIN LIMITATION ON EXPENDITURES.

(a) IN GENERAL.—Section 9503(c) of the Internal Revenue Code of 1986 (relating to expenditures from Highway Trust Fund) is amended by striking paragraph (7).

(b) EFFECTIVE DATE.—The amendment made by this section takes effect as if included in the enactment of section 901 of the Taxpayer Relief Act of 1997.

McCAIN AMENDMENT NO. 1964

(Ordered to lie on the table.)

Mr. McCAIN submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 91, line 23, strike "$12,000,000" and insert "$9,620,000".

On page 91, line 24, strike "$12,000,000" and insert "$9,620,000".

On page 91, line 25, strike "$12,000,000" and insert "$9,620,000".

On page 92, line 1, strike "$10,000,000" and insert "$9,320,000".

On page 92, line 2, strike "$10,000,000" and insert "$9,320,000".

KERREY (AND JEFFORDS) AMENDMENT NO. 1965

(Ordered to lie on the table.)

Mr. KERREY for himself and Mr. JEFFORDS) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 236, between lines 16 and 17, and insert the following:

SEC. 14___. RURAL 2-LANE HIGHWAY SAFETY PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code (as amended by section 1501(a)), is amended by adding at the end the following:

"§ 166. Rural 2-lane highway safety program

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary shall establish a 2-lane rural highway safety program (referred to in this section as the 'program') to ensure the systematic improvement of rural 2-lane arterial and collector highways of substantial length that are not on the National Highway System.

"(2) PRINCIPLES.—Reconstruction under the program shall be carried out in accordance with State standards and policies and shall incorporate, in any combination, the principles of—

"(A) safe alignment and cross-section design;

"(B) safe roadside conditions;

"(C) safety appurtenances;

"(D) durable and safe pavement design (especially long-term skid resistance);

"(E) grade crossing safety;

"(F) traffic engineering;

"(G) traffic calming;

"(H) access management;

"(I) bicycle and pedestrian features;

"(J) landscape design; or

"(K) historic preservation.

"(3) COOPERATION WITH STATES AND PRIVATE SECTOR.—The Secretary shall carry out the program in cooperation with State transportation departments and private sector experts in highway safety design and landscape design, including experts in transportation policy.

"(b) APPORTIONMENT.—For each fiscal year, the Secretary shall apportion—

"(1) 50 percent of the amount made available under subsection (e) to the States in the ratio that—

"(A) the number of miles in the State of rural 2-lane arterial and collector surface roads that are not on the National Highway System; bears to

"(B) the number of miles in all States of rural 2-lane arterial and collector surface roads that are not on the National Highway System; and

"(2) 50 percent of the amount made available under subsection (e) to the States in the ratio that—

"(A) the percentage of the population of the State that resides in rural areas; bears to

"(B) the percentage of the population of all States that resides in rural areas.

"(c) SELECTION OF PROJECTS.—

"(1) IN GENERAL.—Each State shall select projects to receive funding under the program in a manner based on the statewide transportation planning process of the State under section 135.

"(2) COMPATIBILITY WITH MANAGEMENT SYSTEMS.—To the extent that a State selects projects in accordance with a functioning safety, pavement, bridge, or work zone management system, projects selected under the program shall be compatible with each management system.

"(d) REPORT TO CONGRESS.—

"(1) IN GENERAL.—Not later than December 31, 2003, the Secretary shall submit a report to Congress on the results of the program.

"(2) CONTENTS.—The report shall include—

"(A) detailed travel and accident data by class of vehicle and roadway; and

"(B) an evaluation of the extent to which specific safety design features and accident countermeasures have resulted in lower accident rates, including reduced severity of injuries.

"(e) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $150,000,000 for fiscal year 1998, $125,000,000 for fiscal year 1999, $125,000,000 for fiscal year 2000, $100,000,000 for fiscal year 2001, $100,000,000 for fiscal year 2002, and $100,000,000 for fiscal year 2003.

"(2) AVAILABILITY.—Notwithstanding section 118(a), funds made available under paragraph (1) shall not be available in advance of an annual appropriation.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code (as amended by section 1501(b)), is amended by adding at the end the following:

"166. Rural 2-lane highway safety program.".

ABRAHAM AMENDMENT NO. 1966

(Ordered to lie on the table.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place in subtitle G of title III, insert the following:

SEC. 37 . AUTOMOBILE TRANSPORTERS.

(a) IN GENERAL.—Section 127 of title 23, United States Code, is amended—

(1) in subsection (a), by striking "No funds shall" and inserting "Subject to subsection (i), no funds shall"; and

(2) by adding at the end the following:

"(i) CERTAIN AUTOMOBILE TRANSPORTERS.—

"(1) AUTOMOBILE TRANSPORTER DEFINED.—For purposes of this subsection, the term 'automobile transporter' means any vehicle combination designed and used specifically for the transport of assembled highway vehicles.

"(2) SPECIAL RULE.—

"(A) IN GENERAL.—Notwithstanding any other provision of this section, each axle of an automobile transporter described in subparagraph (B) shall be subject to an enforcement tolerance of an amount not to exceed 10 percent of the gross weight of the automobile transporter.

"(B) AUTOMOBILE TRANSPORTERS DESCRIBED.—An automobile transporter is described in this paragraph if the automobile transporter—

"(i) is manufactured after March 1, 1988;

"(ii) has a gross weight of not more than 88,000 pounds; and

"(iii) is certified in accordance with the applicable requirements for certification under part 567 of title 49, Code of Federal Regulations, or any subsequent similar regulations.".

(b) REMOVAL OF CAP ON HEAVY USE VEHICLE EXCISE TAX.—

(1) IN GENERAL.—Section 4481(a) of the Internal Revenue Code of 1986 (relating to imposition of tax) is amended—

(A) by striking "A tax" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (2), a tax";

(B) by moving the text 2 ems to the right; and

(C) by adding at the end the following new paragraph:

"(2) SPECIAL RULE FOR AUTOMOBILE TRANSPORTERS.—In the case of an automobile transporter (as defined in section 127(i) of title 23, United States Code) which has a taxable gross weight over 80,000 pounds, the tax imposed under paragraph (1) shall be, in lieu of the rate specified in the table contained in paragraph (1), at the rate of $550 per year plus $22 for each 1,000 pounds (or fraction thereof) in excess of 80,000 pounds.".

(2) EFFECTIVE DATE.—The amendments made by this subsection take effect on July 1, 1998.

BROWNBACK AMENDMENT NO. 1967

(Ordered to lie on the table.)

Mr. BROWNBACK submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 369, line 14, (of the reported bill), following "lithium salts" insert: "and other economically viable methods".

MCCAIN AMENDMENT NO. 1968

Mr. MCCAIN proposed an amendment to amendment No. 1963 proposed by Mr. ROTH to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the end of the amendment, add the following new section:

"SEC. X008. Notwithstanding any other provision of law, existing provisions in the Internal Revenue Code of 1986 relating to ethanol fuels may not be extended beyond the periods specified in the Code, as in effect prior to the date of enactment of this Act."

MCCONNELL AMENDMENT NO. 1969

Mr. MCCONNELL proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 79, between lines 13 and 14, insert the following:

(e) COMPLIANCE WITH COURT ORDERS.—Nothing in this section limits the eligibility of an entity or person to receive funds made available under titles I and II of this Act, if the entity or person is prevented, in whole or in part, from complying with subsection (a) because a Federal court issues a final order in which the court finds that the requirement of subsection (a), or the program established under subsection (a), is unconstitutional.

(f) REVIEW BY COMPTROLLER GENERAL.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct a review of, and publish and report to Congress findings and conclusions on, the impact throughout the United States of administering the requirement of subsection (a), including an analysis of—

(1) in the case of small business concerns certified in each State under subsection (d) as owned and controlled by socially and economically disadvantaged individuals—

(A) the number of the small business concerns; and

(B) the participation rates of the small business concerns in prime contracts and subcontracts funded under titles I and II of this Act;

(2) in the case of small business concerns described in paragraph (1) that receive prime contracts and subcontracts funded under titles I and II of this Act—

(A) the number of the small business concerns;

(B) the annual gross receipts of the small business concerns; and

(C) the net worth of socially and economically disadvantaged individuals that own and control the small business concerns;

(3) in the case of small business concerns described in paragraph (1) that do not receive prime contracts and subcontracts funded under titles I and II of this Act—

(A) the annual gross receipts of the small business concerns; and

(B) the net worth of socially and economically disadvantaged individuals that own and control the small business concerns;

(4) in the case of business concerns that receive prime contracts and subcontracts funded under titles I and II of this Act, other than small business concerns described in paragraph (2)—

(A) the annual gross receipts of the business concerns; and

(B) the net worth of individuals that own and control the business concerns;

(5) the rate of graduation from any programs carried out to comply with the requirement of subsection (a) for small business concerns owned and controlled by socially and economically disadvantaged individuals;

(6) the overall cost of administering the requirement of subsection (a), including administrative costs, certification costs, additional construction costs, and litigation costs;

(7) any discrimination, on the basis of race, color, national origin, or sex, against small business concerns owned and controlled by socially and economically disadvantaged individuals;

(8)(A) any other factors limiting the ability of small business concerns owned and controlled by socially and economically disadvantaged individuals to compete for prime contracts and subcontracts funded under titles I and II of this Act; and

(B) the extent to which any of those factors are caused, in whole or in part, by discrimination based on race, color, national origin, or sex;

(9) any discrimination, on the basis of race, color, national origin, or sex, against construction companies owned and controlled by socially and economically disadvantaged individuals in public and private transportation contracting and the financial, credit, insurance, and bond markets;

(10) the impact on small business concerns owned and controlled by socially and economically disadvantaged individuals of—

(A) the issuance of a final order described in subsection (e) by a Federal court that suspends a program established under subsection (a); or

(B) the repeal or suspension of State or local disadvantaged business enterprise programs; and

(11) the impact of the requirement of subsection (a), and any program carried out to comply with subsection (a), on competition and the creation of jobs, including the creation of jobs for socially and economically disadvantaged individuals.

BYRD AMENDMENT NO. 1970

Mr. CHAFEE (for Mr. BYRD) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

Beginning on page 369, strike line 22 and all that follows through page 370, line 4, and insert the following:

"§ 509. Infrastructure investment needs report

"(a) IN GENERAL.—Not later than January 31, 1999, and January 31 of every second year thereafter, the Secretary shall report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on—

"(1) estimates of the future highway and bridge needs of the United States; and

"(2) the backlog of current highway and bridge needs.

"(b) FORMAT.—

"(1) IN GENERAL.—Each report under subsection (a) shall, at a minimum, include explanatory materials, data, and tables comparable in format to the report submitted in 1995 under section 307(h) (as in effect on the day before the date of enactment of this section)."

MOSELEY-BRAUN AMENDMENT NO. 1971

Mr. CHAFEE (for Ms. MOSELEY-BRAUN) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place, insert the following:

SEC. . ROADSIDE SAFETY TECHNOLOGIES.

(a) CRASH CUSHIONS.—

(1) GUIDANCE.—The Secretary shall initiate and issue a guidance regarding the benefits and safety performance of redirective and nonredirective crash cushions in different road applications, taking into consideration roadway conditions, operating speed limits, the location of the crash cushion in the right-of-way, and any other relevant factors. The guidance shall include recommendations on the most appropriate circumstances for utilization of redirective and nonredirective crash cushions.

(2) USE OF GUIDANCE.—States shall use the guidance issued under this subsection in evaluating the safety and cost-effectiveness of utilizing different crash designs and determining whether directive and nonredirective crash cushions or other safety appurtenances should be installed at specific highway locations.

SARBANES AMENDMENT NO. 1972

Mr. CHAFEE (for Mr. SARBANES) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the end of subtitle H of title I, add the following:

SEC. 18 . CONTINUANCE OF COMMERCIAL OPERATIONS AT CERTAIN SERVICE PLAZAS IN THE STATE OF MARYLAND.

(a) WAIVER.—Notwithstanding section 111 of title 23, United States Code, and the agreements described in subsection (b), at the request of the Maryland Transportation Authority, the Secretary shall allow the continuance of commercial operations at the service plazas on the John F. Kennedy Memorial Highway on Interstate Route 95.

(b) AGREEMENTS.—The agreements referred to in subsection (a) are agreements between the Department of Transportation of the State of Maryland and the Federal Highway Administration concerning the highway described in subsection (a).

MOYNIHAN (AND HOLLINGS) AMENDMENT NO. 1973

Mr. CHAFEE (for Mr. MOYNIHAN for himself and Mr. HOLLINGS) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the end of the bill add the following:

SEC. PENNSYLVANIA STATION REDEVELOPMENT CORPORATION BOARD OF DIRECTORS.

Section 1069(gg) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2011) is amended by adding at the end the following: "(3) In furtherance of the redevelopment of this James A. Farley Post Office Building in the city of New York, New York, into an intermodal transportation facility and commercial center, the Secretary of Transportation, the Federal Railroad Administrator, and their designees are authorized to serve as ex officio members of the Board of Directors of the Pennsylvania Station Redevelopment Corporation.".

SEC. UNION STATION REDEVELOPMENT CORPORATION BOARD OF DIRECTORS.

Subchapter I of chapter 18 of title 40 of the United States Code is amended by adding a new section at the end thereof as follows:

"Section 820. Union Station Redevelopment Corporation

"To further the rehabilitation, redevelopment and operation of the Union Station complex, the Secretary of Transportation, the Federal Railroad Administrator, and their designees are authorized to serve as ex officio members of the Board of Directors of the Union Station Redevelopment Corporation.".

McCAIN AMENDMENT NO. 1974

Mr. CHAFEE (for Mr. MCCAIN) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 91, line 23, strike "$12,000,000" and insert "$9,620,000".

On page 91, line 24, strike "$12,000,000" and insert "$9,620,000".

On page 91, line 25, strike "$12,000,000" and insert "$9,620,000".

On page 92, line 1, strike "$10,000,000" and insert "$9,320,000".

On page 92, line 2, strike "$10,000,000" and insert "$9,320,000".

CHAFEE AMENDMENT NO. 1975

Mr. CHAFEE proposed an amendment to amendment No. 1676 proposed by him to the bill, S. 1173, supra; as follows:

On page 108, line 14, strike "(A)" and insert "(A)(i)".

STEVENS (AND MURKOWSKI) AMENDMENT NO. 1976

Mr. CHAFEE (for Mr. STEVENS for himself and Mr. MURKOWSKI) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place, insert the following:

SEC. . REAUTHORIZATION OF FERRY AND FERRY TERMINAL PROGRAM.

(a) Section 1064(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note) is amended by striking "$14,000,000" and all that follows through "this section" and inserting in lieu thereof "$30,000,000 for fiscal year 1998, $25,000,000 for fiscal year 1999, $25,000,000 for fiscal year 2000, $30,000,000 for fiscal year 2001, $35,000,000 for fiscal year 2002, and $35,000,000 for fiscal year 2003 in carrying out this section, at least $12,000,000 of which in each such fiscal year shall be obligated for the construction of ferry boats, terminal facilities and approaches to such facilities within marine highway systems that are part of the National Highway System".

(b) In addition to the obligation authority provided in subsection (a), there are authorized to be appropriated $20,000,000 in each of fiscal years 1999, 2000, 2001, 2002, and 2003 for the ferry boat and ferry terminal facility program under section 1064 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note).

SEC. . REPORT ON UTILIZATION POTENTIAL.

(a) STUDY.—The Secretary of Transportation shall conduct a study of ferry transportation in the United States and its possessions—

(1) to identify existing ferry operations, including—

(A) the locations and routes served;

(B) the name, United States official number, and a description of each vessel operated as a ferry;

(C) the source and amount, if any, of funds derived from Federal, State, or local government sources supporting ferry construction or operations;

(D) the impact of ferry transportation on local and regional economies; and

(E) the potential for use of high-speed ferry services.

(2) identify potential domestic ferry routes in the United States and its possessions and to develop information on those routes, including—

(A) locations and routes that might be served;

(B) estimates of capacity required;

(C) estimates of capital costs of developing these routes;

(D) estimates of annual operating costs for these routes;

(E) estimates of the economic impact of these routes on local and regional economies; and

(F) the potential for use of high-speed ferry services.

(b) REPORT.—The Secretary shall report the results of the study under subsection (a) within 1 year after the date of enactment of this Act to the Committee on Commerce, Science, and Transportation of the United States Senate and the Committee on Transportation and Infrastructure of the United States House of Representatives.

(c) After reporting the results of the study required by paragraph (b), the Secretary of Transportation shall meet with the relevant state and municipal planning organizations to discuss the results of the study and the availability of resources, both federal and state, for providing marine ferry service.

CLELAND AMENDMENT NO. 1977

Mr. WARNER (for Mr. CLELAND) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the end of subtitle H of title I, add the following:

SEC. 18 . ADDITIONS TO APPALACHIAN REGION.

Section 403 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) in the undesignated paragraph relating to Alabama, by inserting "Hale," after "Franklin,";

(2) in the undesignated paragraph relating to Georgia—

(A) by inserting "Elbert," after "Douglas,"; and

(B) by inserting "Hart," after "Haralson,";

(3) in the undesignated paragraph relating to Mississippi, by striking "and Winston" and inserting "Winston, and Yalobusha"; and

(4) in the undesignated paragraph relating to Virginia—

(A) by inserting "Montgomery," after "Lee,"; and

(B) by inserting "Rockbridge," after "Pulaski,".

LIEBERMAN AMENDMENT NO. 1978

(Ordered to lie on the table)

Mr. LIEBERMAN submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 152, strike lines 9 through 12 and insert the following:

(2) by redesignating subsection (f) as subsection (h);

(3) by striking subsections (a) through (e) and inserting the following:

On page 155, strike line 5 and insert the following:

estimated total cost of $1,000,000,000 or more.

"(g) ANALYSIS OF LIFE-CYCLE COSTS.—

"(1) PROGRAM.—The Secretary shall establish a program with recommendations to guide States in conducting, to the extent appropriate, an analysis of the life-cycle costs of each usable project segment on the National Highway System.

"(2) BASIS.—The recommendations shall be based on the principles contained in Executive Order No. 12893 (59 Fed. Reg. 4233).

"(3) ANALYSIS.—An analysis of life-cycle costs under paragraph (1) shall consist of a process for evaluating the total economic worth of a usable project segment by analyzing the initial costs and discounted future costs of the project segment, such as maintenance, reconstruction, rehabilitation, restoration, and resurfacing costs, over the life of the project segment.

"(4) USER COSTS.—As part of the recommendations under paragraph (1), the Secretary shall make recommendations on the appropriate use of user costs as a factor in the analysis of life-cycle costs.".

MURKOWSKI (AND STEVENS) AMENDMENT NO. 1979

Mr. CHAFEE (for Mr. MURKOWSKI, for himself and Mr. STEVENS) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, as follows:

On page 43, between lines 15 and 16, insert the following:

"(xiii) amounts set aside under section 11 .

On page 136, after line 22, add the following:

SEC. 11 . NATIONAL DEFENSE HIGHWAYS OUTSIDE THE UNITED STATES.

(a) RECONSTRUCTION PROJECTS.—If the Secretary determines, after consultation with the Secretary of Defense, that a highway, or a portion of a highway, located outside the United States is important to the national defense, the Secretary may carry out a project for reconstruction of the highway or portion of highway.

(b) FUNDING.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary may set aside not to exceed $16,000,000 from amounts to be apportioned under section 104(b)(1)(A) of title 23, United States Code, to carry out this section.

(2) AVAILABILITY.—Funds made available under paragraph (1) shall remain available until expended.

RESOLUTION RELATIVE TO THAILAND AND THE INTERNATIONAL MONETARY FUND

ROTH AMENDMENT NOS. 1980–1981

Mr. CHAFEE (for Mr. ROTH) proposed two amendments to the resolution (S. Res. 174) to state the sense of the Senate that Thailand is a key partner friend of the United States, has committed itself to executing its responsibilities under its arrangements with the International Monetary Fund, and that the United States should be prepared to take appropriate steps to ensure continued close bilateral relations; as follows:

AMENDMENT NO. 1980

On page 2, strike lines 2 through 7 and insert the following:

"(1) the United States should enhance the close political and security relationship between Thailand and the United States and strengthen economic ties and cooperation with Thailand to ensure that Thailand's economic recovery continues uninterrupted; and".

AMENDMENT NO. 1981

In the preamble, strike "and" at the end of the sixth "Whereas" clause.

In the preamble, strike the colon at the end of the seventh "Whereas" clause and insert "; and".

In the preamble, insert after the seventh "Whereas" clause the following:

"Whereas Thailand's democratic reforms have advanced with that country's economic growth and development:".

THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

TORRICELLI AMENDMENT NO. 1982

(Ordered to lie on the table.)

Mr. TORRICELLI submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173 supra; as follows:

In title III, strike section 3215 and insert the following:

SEC. 3215. HAZARDOUS MATERIAL TRANSPORTATION REAUTHORIZATION.

(a) IN GENERAL.—Chapter 51, as amended by section 3214 of this Act, is amended by redesignating section 5128 as section 5129 and by inserting after section 5127 the following:

"§5128. High risk hazardous material and hazardous waste; motor carrier safety study

"(a) STUDY.—The Secretary of Transportation shall conduct a study—

"(1) to determine the safety benefits and administrative efficiency of implementing a Federal permit program for high risk hazardous material and hazardous waste carriers;

"(2) to identify and evaluate alternative regulatory methods and procedures that may improve the safety of high risk hazardous material and hazardous waste carriers and shippers, including evaluating whether an annual safety fitness determination that is linked to permit renewals for hazardous material and hazardous waste carriers is warranted;

"(3) to examine the safety benefits of increased monitoring of high risk hazardous material and hazardous waste carriers, and the costs, benefits, and procedures of existing State permit programs;

"(4) to make such recommendations as may be appropriate for the improvement of uniformity among existing State permit programs; and

"(5) to assess the potential of advanced technologies for improving the assessment of high risk hazardous material and hazardous waste carriers' compliance with motor carrier safety regulations.

"(b) TIMEFRAME.—The Secretary shall begin the study required by subsection (a) within 6 months after the date of enactment of the Intermodal Transportation Safety Act of 1998 and complete it within 30 months after the date of enactment of that Act.

"(c) REPORT.—The Secretary shall report the findings of the study required by subsection (a), together with such recommendations as may be appropriate, within 36 months after the date of enactment of the Intermodal Transportation Safety Act of 1998.".

(b) SECTION 5109 REGULATIONS TO REFLECT STUDY FINDINGS.—Section 5109(h) is amended by striking "not later than November 16, 1991." and inserting "based upon the findings of the study required by section 5128(a).".

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 51, as amended by section 3214, is amended by striking the item relating to section 5128 and inserting the following:

"5128. High risk hazardous material and hazardous waste; motor carrier safety study.
"5129. Authorization of appropriations.".

Mr. TORRICELLI. Mr. President, I thank Senators MCCAIN, CHAFEE, BAUCUS, and HOLLINGS for their support for my efforts to have the Department of Transportation investigate how to improve the safety of transporting high-risk hazardous waste material on our Nation's highways. This issue is of great concern to me and to the people of New Jersey.

On October 20, 1997, a truck carrying hazardous materials caught fire while traveling on Interstate-80 in Paterson, New Jersey causing nearby residents and businesses to be evacuated. Two Paterson police officers had to be hospitalized and treated for chemical inhalation as a result of the accident. According to the police, the fire started when two chemicals inside the truck spilled over and mixed together.

Though the accident was not severe, it certainly would have been much worse had a passing motorists not noticed the fire and forced the driver to pull over. We were also fortunate that the public safety officials were well-trained and acted as quickly as they did.

What truly concerns me about this accident is the revelation that the company that was transporting the waste had been involved in 46 spill incidents at a cost of more than $100,000 since their inception. Despite this record, their last safety inspection by the Department of Transportation was conducted in 1994, almost four years ago. When I, along with Representative BILL PASCRELL investigated how this could possibly be the case, we were stunned to learn that there is nothing in current law which requires an annual safety examination of hazardous waste haulers. Under existing law, in order for a company to be a hauler-for-hire of hazardous material they must possess a permit from the Department of Transportation's Federal Highway Safety Administration. Once a hauler obtains a permit, they basically have it in perpetuity—regardless of their safety record. All they must do is reapply every year for a new safety permit and pay an application fee. While the Federal Highway Safety Administration maintains safety records and conducts safety reviews they do not do annual reviews or require safety inspections as a part of the certification process.

This is wrong. In my view, this process is too lax and although I would prefer to require this safety inspection outright, I will withdraw my amendment to S1173, the Intermodal Surface Transportation Efficiency Act Reauthorization to require this and instead submit this amendment to require the Department of Transportation to study how we may best implement a system of linking the renewal of a company's Federal permit to its ability to meet certain safety standards. This approach is fair and is in line with the spirit of the Hazardous Materials Transportation law.

Once again, I want to thank my colleagues and the Surface Transportation Subcommittee staff for their assistance with this amendment. I look forward to its inclusion in the final highway bill.

KERRY (AND HAGEL) AMENDMENT NO. 1983

(Ordered to lie on the table.)

Mr. KERRY (for himself and Mr. HAGEL) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place in subtitle D of title III, insert the following:

SEC. 34 . NEBRASKA SUGAR BEET TRANSPORTATION.

Section 31112(d) of title 49, United States Code, is amended by striking paragraph (4) and inserting the following:

"(4) Notwithstanding the limitation under paragraph (1), the State of Nebraska may allow to be operated commercial motor vehicle combinations that are within the limitations under subsection (b) to transport, for a distance not to exceed 120 miles, sugar beets from—

"(A) the field where those sugar beets are harvested to storage, market, factory, or stockpile; or

"(B) stockpile to storage, market, or factory.".

HUTCHINSON AMENDMENT NO. 1984

(Ordered to lie on the table.)

Mr. HUTCHINSON submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 110, strike lines 22 and 23 and insert the following:

"(5) REQUIRED ALLOCATION FOR CERTAIN STATES.—

"(A) ALLOCATION.—For each of fiscal years 1998 through 2003, the Secretary shall allocate on October 1, to States eligible under subparagraph (B), for use for projects described in paragraph (1), $10,000,000 of the amounts set aside under paragraph (1) from amounts to be apportioned under subsection (b)(1)(A).

"(B) ELIGIBLE STATES.—A State shall be eligible for an allocation under subparagraph (A) for a fiscal year if—

"(i) the State ranks among the lowest 10 percent of States in a ranking of States by per capita personal income;

"(ii) for the State, the ratio that—

"(I) the State's estimated percentage of total Federal-aid highway program apportionments for the period of fiscal years 1998 through 2003 under this title; bears to

"(II) the percentage of estimated total tax receipts attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) for the period of fiscal years 1998 through 2003;

is less than 1.00, as of the date of enactment of this subsection; and

"(iii)(I) the State's estimated percentage of total Federal-aid highway program apportionments for the period of fiscal years 1998 through 2003 under this title, as of the date of enactment of this subsection; is less than

"(II) the State's percentage of total Federal-aid highway program apportionments and Federal lands highways program allocations under the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914), and allocations under sections 1103 through 1108 of that Act, for the period of fiscal years 1992 through 1997.

"(C) ADDITIONAL ALLOCATION.—An allocation to a State under subparagraph (A) shall be in addition to any allocation to the State under paragraph (1).

"(6) PERIOD OF AVAILABILITY OF DISCRETIONARY FUNDS.—Amounts made available under".

GREGG AMENDMENT NO. 1985

(Ordered to lie on the table.)

Mr. GREGG submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page , after line , insert the following:

SEC. . REQUIREMENT OF OFFSETS FOR ADDITIONAL ISTEA II SPENDING BEYOND LEVELS IN 1997 BUDGET AGREEMENT.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider a bill or resolution (or amendment, motion, or conference report on such bill or resolution) that provides spending for the programs funded under the Intermodal Surface Transportation Efficiency Act II in excess of the levels provided in the concurrent resolution on the budget for fiscal year 1998 if that spending would—

(1) exceed the discretionary budget caps;

(2) cause a reduction in the surpluses projected by CBO; or

(3) adversely effect the actuarial balances of the social security trust funds.

(b) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the concurrent resolution, bill, or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, new entitlement authority, revenues, and deficits for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

DOMENICI AMENDMENT NO. 1986

(Ordered to lie on the table.)

Mr. DOMENICI submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place, insert the following:

SEC. . DESIGNATION OF NEW MEXICO COMMERCIAL ZONE.

(a) COMMERCIAL ZONE DEFINED.—Notwithstanding the provisions of 49 U.S.C. Section 13902(c)(4)(A), in this section, for the transportation of property only, the term "commercial zone" means a zone containing lands adjacent to, and commercially a part of, 1 or more municipalities with respect to which the exception described in section 13506(b)(1) of title 49, United States Code, applies.

(b) DESIGNATION OF ZONE.—

(1) IN GENERAL.—The area described in paragraph (2) is designated as a commercial zone, to be known as the "New Mexico Commercial Zone."

(2) DESCRIPTION OF AREA.—The area described in this paragraph is the area that is comprised of Dona Ana County and Luna County in New Mexico.

(c) SAVINGS PROVISION.—Nothing in this section shall affect any action commenced or pending before the Secretary of Transportation or Surface Transportation Board before the date of enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, March 11, 1998, at 9:30 a.m. on the tobacco settlement legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, March 11, for purposes of conducting a Full Committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this business meeting is to consider pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 11, 1998, at 11:00 a.m. to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, March 11th, at 9:30 a.m. in room 216 of the Hart Senate Building to conduct a markup on the Committee's Budget Views & Estimates letter regarding the President's FY '99 Request for Indian programs. To be followed immediately by a hearing on Tribal Sovereign Immunity.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, March 11, 1998 at 10:00 a.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on "nomination of Frederica A. Massiah-Jackson, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, March 11, 1998 at 2:30 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Administrative Oversight and the Courts, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Wednesday, March 11, 1997 at 2:00 p.m. to hold a hearing in room 226, Senate Dirksen Building, on: "S. 1301, the Consumer Bankruptcy Reform Act: seeking fair and practical solutions to the consumer bankruptcy crisis".

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND FORCES

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Airland Forces of the Committee on Armed Services be authorized to meet on Wednesday, March 11, 1998, at 10:00 a.m. in open session, to receive testimony on land force modernization.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FINANCIAL SERVICES AND TECHNOLOGY

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Financial Services and Technology of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, March 11, 1998, to conduct a hearing on S. 1594 "Digital Signature and Electronic Authentication Law (SEAL) of 1998".

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Near Eastern and South Asian Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 11, 1998 at 2:00 p.m to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet on Wednesday, March 11, 1998, at 2:00 p.m. in open session, to receive testimony on the Defense Health Program in review of the Defense authorization request for fiscal year 1999 and the future years Defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Readiness of the Committee on Armed Services be authorized to meet on Wednesday, March 11, at 9:00 a.m. in open session, to receive testimony on environmental and military construction issues in review of the National Defense Authorization Act for fiscal year 1999.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet on Wednesday, March 11, 1998, at 2:30 p.m. in open session, to receive testimony on U.S. national security space programs and policies and the Department of Defense budget request for fiscal year 1999 and the future years Defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

IRA ROLLOVER TO CHARITY ACT

• Mrs. HUTCHISON. Mr. President, yesterday, I introduced, on behalf of our Nation's charitable organizations, the IRA Rollover to Charity Act. It will allow donors to roll assets in an IRA to a charity or a deferred charitable gift plan. The effect would be to unlock certain taxable income and allow individuals to choose to direct personal resources to charitable causes penalty-free.

Under my proposal, a person who has reached age 59½ will be allowed to move assets penalty-free from an IRA directly to charity or into a qualifying deferred charitable gift plan—e.g. charitable remainder trust, pooled income funds and gift annuities. In the latter case the donor would be able to receive an income stream from the retirement plan assets that would be taxed according to normal rules for those giving methods. Upon the death of the individual or the individual's spouse, the remainder would be transferred to charity.

Recent studies show that assets of qualified retirement plans comprise a substantial part of the net worth of many professionals. The IRA Rollover to Charity Act lifts current law disincentives to this important source of charitable giving. IRA assets represent untaxed income and cannot be withdrawn without being subject to taxation in full at the time of withdrawal. As a result, if an IRA is transferred into a charitable remainder trust, donors are required to recognize all such income. Therefore, absent the changes called for in the legislation, the donor will have taxable income in the year the gift is funded.

Mr. President, this bill will unleash an enormous resource for charities servicing cultural, educational, environmental, health-related, religious and humanitarian purposes. If passed, the bill could be a huge asset for charitable organizations and I urge my colleagues to cosponsor this bill.●

ROBERT B. SLOANE

● Mr. MOYNIHAN. Mr. President, January 4 of this year marked the eightieth birthday of a constituent, Robert B. Sloane. This Friday, March 13, Bob Sloane's friends and family will gather to celebrate his entry into his ninth decade. Having recently earned the title of septuagenarian, I wish him hearty congratulations on this senescent achievement.

Bob Sloane was born in Brooklyn, NY and has always been a resident of our fair state. He was graduated from New York University's School of Dentistry at the age of 21 and spent the next two years living on Roosevelt Island as a resident.

And then began World War II. Bob Sloane entered what was then the United States Army Air Force serving for four years both at home and in the South Pacific. While stationed on the island of Guam, he received orders to construct a fence around the periphery of the camp. In charge of a number of young men he instructed them to build the fence in the hard, coral ground of the island. The fence was a disaster, toppled by a tap from his commanding officer. And down came the single line order signed by the commanding general: Captain Robert B. Sloane is hereby immediately relieved of his duty as utility officer for this command. Bob Sloane's skills were clearly that of an oral surgeon and not a constructor of embattlements.

He left the U.S. Army Air Force in 1945 having attained the rank of captain and returned to civilian life. He spent the next four decades ministering to the oral health of the residents of the State of New York and raising his four children.

Bob Sloane is now well into his second career as a painter. He has been the subject of a number of shows and wields his brush at classes at the National Academy of Design, School of Fine Art as well at his studios in New York City and Warwick, NY.

I would like to take this opportunity, Mr. President, to join with Bob Sloane's family and friends in wishing him a very happy eightieth birthday.●

THE 8TH ANNIVERSARY OF THE CHALDEAN-DETROIT TIMES

● Mr. ABRAHAM. Mr. President, I rise today to recognize an important event which is taking place in the State of Michigan. The Chaldean-Detroit Times is celebrating eight years of service and dedication to the Detroit Arab community. At this time, this publication should be recognized for its commitment to strengthening the Chaldean community and cultural understanding.

Friends and readers of the Chaldean-Detroit Times will gather for a banquet in celebration of its eight years of commitment to the community. This event will take place on the evening of Friday, March 20, 1998 at the Southfield Manor in Southfield, Michigan. Each of the individuals in attendance deserve special recognition for their support of the Chaldean-Detroit Times and the Chaldean community.

I commend the Chaldean-Detroit Times on its 8th Anniversary and send my best wishes to Amir Denha and to the entire Chaldean community of Detroit.●

THE 39TH ANNIVERSARY OF THE TIBETAN PEOPLE'S UPRISING

● Mr. DURBIN. Mr. President, I rise today to honor the concerned citizens in Chicago and around the world who have taken part in activities to commemorate the 39th Anniversary of the Tibetan People's Uprising of 1959.

Since China's brutal invasion of Tibet in 1949, Chinese rule has brought oppression and misery to a proud people whose national history extends back 2,000 years. Tibet functioned fully as an independent nation-state from 1911 until 1951, when China imposed its notorious so-called "17-Point Agreement on the Peaceful Liberation of Tibet," forcing the Tibetan government to acknowledge Chinese sovereignty.

As China consolidated its power during the 1950s, refusing to permit even the regional autonomy permitted under the treaty, Tibetan resistance grew. It came to a head in the People's Uprising, which was suppressed by the Red Army at the cost of thousands of civilian lives. The Dalai Lama, Tibet's head of state and the spiritual leader of Tibetan Buddhists, was forced into exile in India, where he has been campaigning for the freedom of Tibet ever since.

The International Campaign for Tibet estimates that, during the 20 years following the uprising, some 1.2 million Tibetans, about one fifth of the country's population, perished due to China's policies. Many more were imprisoned, went into exile, or disappeared. More than 6,000 monasteries, temples and other cultural and historic buildings were destroyed. The Chinese occupation of Tibet stands as a monument to the worst excesses of Communist tyranny.

The U.S. Department of State and international human rights organizations continue to document acts of repression by Chinese authorities in Tibet even today. According to reports cited in the State Department's Human Rights Report for 1997, "Chinese government authorities continued to commit serious human rights abuses in Tibet, including instances of torture, arbitrary arrest, detention without public trial, and long detention of Tibetan nationalists for peacefully expressing their political views. Tight controls on religion and on other fundamental freedoms continued and in some cases intensified."

Amnesty International cited "grossly unfair trials, widespread torture and ill-treatment in police cells, prisons and labor camps," and concluded that "despite some legal changes, Chinese legislation still allowed more than 200,000 to be detained in 1997 without charge or trial for 're-education through labor.'"

The Chinese government's claims of success in its recent economic development policies in Tibet are also misleading: the favorable economic and tax policies have disproportionately benefitted ethnic Chinese residents rather than native Tibetans. Consequently, these policies "have attracted growing numbers of ethnic Han and Hui immigrants from other parts of China, that are competing with—and in some cases displacing—Tibetan enterprises and labor," according to the U.S. State Department.

The United States must not allow China to use Tibet's geographic and political isolation to obscure our view of the situation. The fate of Tibet and its people also must not be sacrificed to diplomatic expediency in a short-sighted effort to improve U.S. relations with China. If the Chinese government wishes to join the community of responsible nations, it must act responsibly. It must improve its human rights performance and resume negotiations on Tibet's future. We in Congress should call upon the Administration to introduce a resolution dealing with the serious human rights abuses in China and Tibet at the March 16 meeting of the United Nations Commission on Human Rights in Geneva.

As the Dalai Lama has said, "Brute force, no matter how strongly applied, can never subdue the basic human desire for freedom and dignity. It is not enough, as communist systems have assumed, merely to provide people with food, shelter and clothing. The deeper human nature needs to breathe the precious air of liberty." It is time the government of China paid heed to his wise words.•

CLAWSON CHAMBER OF COMMERCE "BUSINESS PERSON OF THE YEAR"

• Mr. ABRAHAM. Mr. President, I rise today to acknowledge Tamara Van Wormer Tazzia, winner of the Clawson, Michigan Chamber of Commerce "Business Person of the Year" Award. Ms. Tazzia is the owner and manager of the Tri-Centre Business Complex in Clawson and has been very active in the Clawson Chamber of Commerce, serving as a board member, for the past five years. This month she will take over as president of the Chamber.

In addition to her involvement in the Chamber of Commerce, Ms. Tazzia has an impressive list of accomplishments. Ms. Tazzia has over ten years experience in property management and eighteen years of entrepreneurial business experience. She is a past vice-president of the National Association of Women Business Owners and past president of both the Troy Toastmasters and Bloomfield Hills Optimist Club.

Ms. Tazzia will be honored at the Clawson Chamber of Commerce Annual Awards Dinner Saturday, March 21, 1998. I congratulate Ms. Tazzia on her award and commend her for her involvement in her community.•

TRIBUTE TO WAYNE NEWTON

• Mr. REID. Mr. President, I rise today to pay tribute to a dear friend and perhaps the most recognizable Nevadan the world-over, Wayne Newton, for reaching his incredible fiftieth year in show business.

Wayne Newton has reached amazing goals in an industry in which success can be short lived. Before most Americans had heard of Elvis Presley or the Beatles, Wayne Newton released a best-selling record, sung for the President of the United States, and toured with the Grand Old Opry road show.

In a half-century, Wayne Newton has performed live for an astonishing fifteen million people and that number continues to grow each year. Tens of millions around the world have also enjoyed his talents through the radio, television, and movies.

Wayne's musical genius was recognized early in life. At the age of six, the precocious youngster was already dazzling audiences as the star of a radio show, which aired before he went to school each morning. During his adolescent years, he entertained us through the new medium of television, performing regularly on our favorite variety shows. Americans quickly discovered Wayne's irresistible stage presence, enchanting voice, and charming smile.

While still a teenager, he headlined a Las Vegas show and became one of the area's most popular attractions. Indeed, over the years, millions of tourists flocked to the Silver State to enjoy the sunny climate, scrumptious buffets, spectacular lights, magnificent resorts, and, to be sure, the singular magic of Wayne Newton. Wayne's nickname, Mr. Las Vegas, is richly deserved, and, as his career has grown and met with amazing success, so has that great city.

At the age of 21, his single "Danke Schoen" made music history. Many of his songs have topped the charts, and there are too many to mention here, but some of my favorites include "Heart," "Summer Wind," and "Red Roses for a Blue Lady."

Wayne Newton's gifts extend well beyond his extraordinary showmanship and musical talent. For example, he has distinguished himself as a skilled actor, having been featured in ten films, and countless television and cable programs.

Many Americans are aware that Wayne Newton has earned a star on the Hollywood Walk of Fame, but how many know that he has been awarded the Medal for Distinguished Public Service, Founder's Award of St Jude's hospital, the VFW's Hall of Fame Award, the American Legion's Exceptional Citizen Award and the Humanitarian Award of the American Cancer Society's Research Center—just to name a few? After fifty years before the public eye, Wayne Newton has become one of the world's most prolific entertainers, but he has always found time and energy to devote to scores of worthy causes.

Wayne Newton's career is the stuff of legend. I am confident there will be many more years in which visitors to Las Vegas will be mesmerized by this amazing performer. It is hard to imagine anyone reaching greater heights of success, but certainly, if anyone could, it's Mr. Las Vegas. However, to me the greatest attribute of Wayne Newton is the quality of his friendship. He is above all my good friend.•

MICHIGAN COUNCIL OF DELIBERATION SCHOLARSHIP FOUNDATION HONOREE

• Mr. ABRAHAM. Mr. President, I rise before you today to recognize Wesley A. Jones, of Grand Rapids, Michigan. Mr. Jones, has been honored by the Michigan Council of Deliberation Scholarship Foundation, an organization of which he is a member.

Mr. Jones is being honored as an outstanding individual for his many business and civic contributions. Currently, Mr. Jones serves as Deputy for the Orient for Michigan. In addition, he serves as Deputy for Michigan for the United Supreme Council and is active in the Ancient and Accepted Scottish Rite of Freemasonry, Prince Hall Affiliation, Northern Jurisdiction and USA Inc. Mr. Jones should be commended for his community activism as well. He serves as an active member of his church, treasurer of the Grand Rapids Urban League Board of Directors and Chair of the Minority Business Committee of the Grand Rapids Chamber of Commerce. His activity extends even beyond these organizations. Mr. Jones, an engineer and businessman is a father of six and grandfather of eight. It is quite apparent that Mr. Jones selflessly and freely gives of his time.

I am pleased to recognize the good work of Wesley A. Jones. He has been rightfully honored by the Michigan Council of Deliberation Scholarship Foundation.•

RESTORING DIPLOMATIC READINESS

• Mr. BIDEN. Mr. President, in the coming weeks, the Committee on the Budget will begin consideration of the concurrent budget resolution for Fiscal Year 1999. I would like to take a few minutes today to discuss the continuing need for our government to provide sufficient resources for international affairs. Since becoming the ranking Democrat on the Committee on Foreign Relations, I have focused special attention on this question, because I believe that adequate funding for these programs is essential to our national interest.

With the collapse of communism and the dissolution of the Soviet empire, the United States has emerged as the world's sole remaining superpower. With that position comes a responsibility to take a leading role in international affairs. Around the globe, American leadership is essential to preserving stability and security, and advancing prosperity and economic opportunity.

The United States cannot remain an effective world leader without devoting sufficient resources to diplomatic readiness. Just as we need to maintain and train robust military forces in order to protect our security, we need a well-trained and well-equipped diplomatic corps to advance our nation's numerous international interests. Indeed, with the reductions in our military presence overseas in the last decade, it is all the more important that we maintain a robust diplomatic presence around the globe, and that our diplomats, who work on the front line of our national defense, have the resources necessary to do their jobs.

It is sometimes said that, in the modern information age, embassies and the diplomats who staff them are no longer relevant. The assertion is, in my view, absurd. While modern technology has eased communications and travel across the miles, there is no substitute for being physically present in a foreign country. No one can fully comprehend all the intricacies of a nation's politics and government without living in that country. Equally important, diplomacy is about building trust; trust between governments cannot be secured over the phone and fax, but comes, ultimately, from personal relationships that are built over a period of time. In short, the telephone and the facsimile machine cannot replace the on-site presence of well-trained diplomats.

Unfortunately, in recent years we have short-changed our diplomats, and ultimately our nation's interests, by reducing funding for international affairs. Indeed, by almost every measure, the budget for international affairs has declined precipitously over the past decade. Importantly, Congress is waking up to this problem. In Fiscal 1998, Congress increased funding for the Function 150 account—which encompasses foreign affairs funding—for the first time in eight years. But measured against historical averages, funding for international affairs remains low.

According to a recent study by the Congressional Research Service (CRS) prepared at my request, the discretionary budget authority for Function 150 in Fiscal 1998—$19.05 billion in Fiscal 1998 dollars—is 22.9 percent below the average of the past two decades ($24.69 billion). Using constant FY 1998 dollars, in only two years in the last two decades (Fiscal Years 1996 and 1997) was foreign affairs funding at lower levels than the current fiscal year. Similarly, as a percentage of total budget authority, Function 150 funding in FY 1998 is 1.129 percent, nearly one-third below the annual average (1.653 percent) for the past two decades.

An examination of the subfunctions of the foreign affairs budget tells a similar story. Funding for international development activities is 14.7 percent below the average of the last twenty years. Security assistance in Fiscal 1998 is 46.4 percent less, in real terms, than the average of the past two decades. Foreign information and exchanges—this is, the broadcasting, public diplomacy and exchange programs carried out by the Broadcasting Board of Governors and the U.S. Information Agency—are at a level 13.3 percent below the average of the period covered by the CRS study.

Only the "Conduct of Foreign Affairs" subfunction, which includes State Department operational costs, as well as contributions to international organizations and peacekeeping, is above the twenty-year average. But it should be emphasized that the budget for this category in Fiscal 1998 is the smallest, in real terms, since Fiscal 1990. Moreover, the relative size of this category, as compared to the 1970s and 1980s, can be explained by significant increases in the international peacekeeping account, an account which was small during the Cold War, but has increased substantially since the late-1980s.

Ethnic conflicts and regional rivalries—long submerged during the Cold War—have led to the creation of more U.N. peacekeeping missions in the last decade than there were in the previous three decades of the United Nations. In Fiscal 1990, for example, U.S. contributions to peacekeeping was $81 million. By Fiscal 1994, largely because of the U.N. operations in Bosnia and Somalia, this account totaled $1.07 billion. The United States bears 25 percent of the cost of these missions, and paid 31 percent prior to 1994.

I am pleased that the President has recognized the importance of assuring enhanced funding for foreign affairs by requesting $20.15 billion in Fiscal 1999, roughly one billion dollars over Fiscal 1998. I would like to briefly discuss the highlights of this request, and the notable increases within it.

First, the budget for State Department operations contains two important initiatives. First, the Department seeks authority to construct a new embassy in Beijing, China, and to begin construction on a new embassy in Berlin, Germany. Both projects are essential. Our embassy in Beijing is in deplorable condition, and is barely sufficient given our important interests there. The decision of the German government to move its capital from Bonn to Berlin necessitates the construction of the new embassy there. Several years ago, Congress urged the State Department to fund capital projects of this sort from proceeds derived from sales of existing assets. Because of uncertainties in several foreign real estate markets, however, several anticipated sales have not been realized, thus requiring the Department to seek funding for these construction projects, which I support.

Second, the State Department seeks an increase in its Capital Investment Fund, which provides resources for modernizing its aging information technology infrastructure. The Department is significantly behind the times technologically. In many important posts and offices, it remains reliant on obsolete and obsolescent computer and telecommunications technology. To give just one example, the Department still has an ample supply of Wang computers; several generations of computer technology have emerged since the Wangs were installed, and it is long past time for the Department to replace these antiquated systems. Information is central to the task of diplomacy; modernizing these systems is essential to enable our diplomats to perform their jobs.

The foreign assistance budget contains three increases which are critical to American interests. First, the Administration seeks an increase in the assistance for the Newly Independent States (NIS) of the Former Soviet Union, from $770 million to $925 million. These programs are designed to assist the nations of the region, including Russia, to make the transition from communism to democratic capitalism. A similar U.S. effort in Eastern Europe has already resulted in the "graduation" of several nations from U.S. aid programs, demonstrating that American assistance to this region need not be permanent.

Second, the Administration requests $216 million for the Non-Proliferation, Antiterrorism, Demining and Related Programs account, an increase over the $133 million appropriated in Fiscal 1998. This funds a number of key programs, including the effort to keep former Soviet scientists employed on useful projects—a program designed to prevent them from selling their knowledge and skills to rogue regimes. Like the Nunn-Lugar program, which is funded in the 050 account, the Science Center program is a critical element in a strategy of containment—a strategy directed not at a nation or ideology, but at controlling the threat posed by the proliferation of dangerous technologies.

Third, the Administration seeks a significant increase in the budget for international narcotics and law enforcement at the State Department. Specifically, it requested $275 million, a $44 million increase. These resources are required to continue the ongoing struggle against the narcotics cartels in this hemisphere and elsewhere.

I commend the President for seeking a 20 percent increase in the budget for the Peace Corps, an increase designed to put the Corps on a path to 10,000 volunteers by the year 2000, well above the current number of 6,500 volunteers. The Peace Corps represents the best of American values and ideals, and advances American interests overseas immeasurably.

Finally, the Administration has requested a supplemental appropriations legislation for Fiscal 1998 for the International Monetary Fund (IMF), and urge passage of legislation to pay off our arrears to the United Nations (UN) and other international organizations. Last year's budget agreement allows for an adjustment in the discretionary spending caps for these important priorities. I hope we will act on this legislation soon—and without linking it to unrelated issues.

Mr. President, in closing, let me emphasize this: funding for foreign affairs is but one percent of the total federal budget. But as is reflected in the daily headlines and our own priorities here in the Senate, foreign policy comprises far more than one percent of our nation's interests. As our Secretary of State likes to say, it may account for fifty percent of the history that is written about our era.

This is not to suggest that the foreign policy budget should constitute half of our federal budget; it is to remind us, however, that any reduction in that budget would be symbolic in its effect on the federal fisc, but would be significant in its effect on our national interests. I hope my colleagues will bear that in mind as we begin debate on the budget for the coming fiscal year.•

20TH ANNUAL RESPECT LIFE BENEFIT

• Mr. ABRAHAM. Mr. President, I rise today to acknowledge the 20th Annual "Respect Life" Benefit presented by the Knights to Columbus, Michigan State Council and the Right to Life of Michigan Educational Fund.

The benefit is a very important pro-life event for Michigan. It will take place on the evening of Thursday, March 26, 1998 at the Burton Manor in Livonia, Michigan and is expected to attract over one thousand people. When a large group like this gathers to celebrate the gift of life it sends a great message. In light of the current struggle in our nation regarding partial birth abortion there could not be a more urgent time for a gathering like this one.

Another way in which those of us who respect the sanctity of life can send a message is through media channels. Michigan will lead the way in the pro-life movement through a major media campaign. The 1998 Media Campaign, of which the proceeds will go, will be showcased at the event. In addition, Dr. Alan Keyes will be the featured speaker for the evening.

The efforts of Richard F. McCloy, State Deputy of the Knights of Columbus, Michigan State Council, and Barbara Listing, President, Right to Life of Michigan Educational Fund are truly commendable. They have generously devoted their time and efforts, not only to this event but to a very worthy cause. I extend my best wishes for both a very successful event and Media Campaign.•

CURBING TOBACCO USE IN THE THIRD WORLD

• Mr. LEAHY. Mr. President, public and private institutions all across the United States have invested enormous amounts of time and money to educate Americans about the dangers from smoking, and to curb tobacco advertising especially that targets minors. Nationwide campaigns have raised awareness about the health and economic costs of cigarettes. Lawmakers have focused on holding the tobacco companies responsible for the incalculable harm their products, and their decades of lies, have done to our society. Parents, schools and local governments have joined together to keep children from starting to use tobacco.

The attention has paid off, although their is much more that needs to be done. Laws that seek to protect children from tobacco advertising have become stricter, warning labels on cigarette packaging contain stronger language, the price of cigarettes has gone up, and regulations on second-hand smoke have become broader and more inclusive. The number of stories in the media about the tobacco industry and the horrors of lung cancer and emphysema are an indication of how far we have come.

What has been sorely lacking, however, is the same kind of attention on the effects of tobacco use in developing nations where an estimated 800 million people smoke and the consumption of cigarettes is rising steadily. As the market for tobacco products in the US declines, tobacco companies are aggressively pursuing these lucrative foreign markets. It is projected that adult consumption of cigarettes in the developing countries will exceed that in the industrialized countries within the next decade. These figures do not even take into account that in many developing countries the number of people under eighteen—those most susceptible to tobacco advertising and most inclined to start smoking—is more than fifty percent of the population. In a matter of years, tobacco will be a leading cause of death in countries whose poor healthcare systems cannot possibly care for them.

Why should this matter to us? Each year, we provide billions of dollars in foreign aid to improve the lives of people overseas. We spend tens of millions of dollars to support foreign health programs. It is absurd that in the same countries where we are spending precious American tax dollars to try to save lives, American tobacco companies are pushing their deadly products.

Until recently, it was even worse than that. According to a February 16, 1998 "New York Times" article, there has been a long history of collaboration between the US Government and tobacco companies to introduce American cigarettes into foreign markets and to fight anti-smoking regulations overseas. It is reported that in 1992 the US Government and the tobacco companies worked hand-in-hand against an effort by Thai authorities to require tobacco companies to disclose the ingredients in their cigarettes.

Fortunately, the US Government is finally catching up with the times. In February, the State Department directed our embassies and foreign commercial offices to stop promoting the sale or export of American tobacco products. They were also told to stop trying to block restrictions from being placed on these products.

Mr. President, the dangers of smoking have been established and Americans are responding by taking steps to curb their tobacco consumption. As our efforts against tobacco in the US pay off, we must also help the developing countries curb their own consumption. One step in the right direction is the Healthy Kids Act, of which I am a cosponsor. Introduced by Senator CONRAD on February 12, 1998, the Act contains a provision to establish the "American Center on Global Health and Tobacco" to assist other countries curb tobacco use.

In addition, on July 23, 1997 Senator LAUTENBERG introduced the Worldwide Tobacco Disclosure Act. It would subject exported cigarettes to the same restrictions on labeling that apply to the sale and distribution of cigarettes in the United States and prevent U.S. Government officials from working against other countries' restrictions on tobacco. We should do everything we can to try to protect the people in those countries from the dangers of tobacco, as we are protecting ourselves. Hundreds of millions of lives, and billions of dollars that could otherwise be used to educate, house and employ people, are at stake.•

COMMEMORATING THE RESTORATION OF LITHUANIA'S INDEPENDENCE

• Mr. ABRAHAM. Mr. President, on this day, the eighth anniversary of the restoration of Lithuania's independence, I would like to pay tribute to the perserverence and sacrifices of the Lithuanian people which enable them to achieve the freedom which they now enjoy.

On March 11, 1990, the newly elected Lithuanian Parliament, fulfilling its election mandate from the people of Lithuania, declared the restoration of Lithuania's independence and the establishment of a democratic state.

The people of Lithuania endured a 51-year foreign occupation which began as a result of the infamous Nazi-Soviet Pact of 1939. During that time the people of Lithuania courageously resisted the imposed communist dictatorship and cultural genocide of this foreign occupation.

During this time, the people of Lithuania were able to mobilize and sustain a non-violent movement for social and political change which came to be known as Sajudis.

On February 24, 1990 Sajudis, the people's movement, through citizen action guaranteed a peaceful transition to independence and democracy by fully participating in the first democratic elections in Lithuania in more than half a century.

In January 1991, ten months after this restoration of independence, the people and government of Lithuania withstood a bloody and lethal assault against their democratic institutions by foreign troops. Lithuania's successful restoration of democracy and independence is remarkable for its use of non-violent resistance to an oppressive regime.

On September 17, 1991, Lithuania became a member of the United Nations and is a signatory to a number of its organizations and other international agreements. It also is a member of the Organization and Security and Cooperation in Europe, the North Atlantic Cooperation Council and the Council of Europe. Lithuania is an associate member of the EU and has applied for NATO membership and is currently negotiating for membership in the WTO, OECD and other Western organizations.

The United States established diplomatic relations with Lithuania on July 28, 1992. U.S. representation accredited to Lithuania served from the legation in Riga, Latvia, until May 31, 1930, when a legation in Kaunas was established. The Soviet invasion forced the clousure of Legation uninterrupted for over 50 years. The U.S. never recognied the forcible incorporation of Lithuania into the U.S.S.R., and views the present Government of Lithuania as a legal continuation of the interwar republic. Lithuania has enjoyed Most-Favored-Nation (MFN) treatment with the U.S. since December, 1991. Through 1996, the U.S. has committed over $100 million to Lithuania's economic and political transformation and to address humanitarian needs. In 1994, the U.S. and Lithuania signed an agreement of bilateral trade and intellectual property protection, and in 1997 a bilateral investment treaty.

For over fifty years, there was a bipartisan consensus on maintaining a strong policy of non-recognition of the forcible incorporation of Lithuania into the former Soviet Union.

Since Lithuania regained their independence on March 11, 1990, the United States has played a critical role in helping these states implement democratic and free market reforms strengthening their security and sovereignty.

The 1998 U.S. and Lithuania signed The Baltic Charter Partnership which recalls the history, and underscores that the United States has a "real, profound, and enduring" interest in the security and independence of the three Baltic states. This is because, as the Charter also notes, our interest in a Europe whole and free will not be ensured until Estonia, Latvia, and Lithuania are secure.

Mr. President, I commend the people of Lithuania for their courage and perseverance in using peaceful means to regain their independence. I join with the people of Lithuania as they celebrate their independence day.●

RAISE THE MINIMUM WAGE—CUT BACK ON HUNGER

● Mr. KENNEDY. Mr. President, the nation's economy is the best it's been in decades. Under the leadership of President Clinton, business productivity has reached historic highs. Enterprise and entrepreneurship are flourishing, generating an extraordinary expansion, with remarkable efficiencies and job creation. Inflation and unemployment are at record lows.

In the midst of this extraordinary prosperity, however, millions of Americans go to bed hungry each night. A report yesterday by Second Harvest, the network of food banks, documents that 26 million Americans received food and grocery products through Second Harvest in 1997.

The report contains conclusions that should shock the conscience of us all. Children and the elderly are over-represented at emergency food outlets. Over a third of the beneficiaries are children, and 16% are senior citizens age 65 and older. Women make up 62% of those served at soup kitchens and food pantries. 47% are white, 32% are African-American, 15% are Latino and 3% are Native American.

Even more disturbing, the report finds that 39% of all emergency client households have at least one member who is working. Nearly half the employees in those households are working full-time. It is shocking that in America today, so many households with full-time workers are forced to rely on emergency food aid. 86% of households receiving emergency food aid earn less than $15,500 a year. 67% earn less than $10,000 a year. Kim, a single mother who works as a nurse, said "I never thought I'd be in this situation. People think of the single mother and immediately stereotype her. Requiring emergency food assistance in today's blossoming environment is one thing that the public doesn't understand."

The reason why so many Americans need emergency food aid is obvious—the current prosperity has passed them by. Their earnings are too low. Wanda, an emergency food client and mother of two, put it this way: "My husband works, but at the end of the month we just run out of money. I wouldn't know what to do if it weren't for the food pantry."

Raising the minimum wage is an important step toward solving this problem. Today, full-time minimum wage workers earn $10,712 a year—$2,600 below the poverty level for a family of three. According to the Department of Labor, 60% of minimum wage earners are women; nearly three-fourths are adults; over half work full time. Their families need the money, and they deserve an increase in the minimum wage. If we believe in rewarding work, we have to be willing to pay working families more than a sub-poverty minimum wage.

The American people understand that you can't raise a family on $5.15 an hour. The 26 million Americans receiving food aid last year understand this fact of life all too well. We must raise the minimum wage, and raise it now. No one who works for a living should have to live in poverty.

I ask that the first chapter of the Second Harvest report "Hunger 1997: The Faces and Facts," be printed in the RECORD.

The material follows:

THE FACES & FACTS OF THE PEOPLE WHO ARE HUNGRY

A *kaleidoscope* of faces that makeup the hungry in America can be found behind the charts and graphs of this report. Young and old. *Employed* and looking for work. Living in suburbs, cities and rural areas. Many of them never anticipated that they would ever need this type of support. The *reasons and circumstances* are varied. The hidden face of hunger in America is often missed. To reveal the faces behind the facts, interviews were conducted at food pantries, food shelves, soup kitchens, and emergency shelters—nearly 28,000 clients in all have provided their personal stories to this research study. They have made an invaluable contribution to this research effort.

Their plight is the reason for this study. "Hunger 1997: The Faces & Facts" describes the *health and social consequences* of hunger. Second Harvest can use the understanding of their situation to be able to serve them more efficiently and effectively.

This first part profiles the recipients of emergency food. According to "Hunger 1997: The Faces & Facts," 26 million people in 1997 received food and grocery products through the Second Harvest network of food banks.

EDUCATION

According to labor statistics, educational attainment is perhaps the greatest indicator of job and income mobility. Thirty six percent have a high school diploma or equivalent. Forty percent have not completed high school. Only five percent of all emergency clients have attended college or received a college degree.

GEOGRAPHY

US Census Bureau statistics show that 90 percent of all low-income people live outside urban ghettos. Census figures indicate that the low-income population of suburbs is growing at a faster rate than that of central cities or rural areas. Agency service areas reflect the changing demography of the people they serve with nearly one-third of agencies serving suburban areas.

EMPLOYMENT

More than one-third (38.6 percent) of all emergency client households have at least one member who is working. Of those households, 49 percent contain someone who is working full-time, 47.8 percent include someone who is working part-time or has seasonal work. Two percent of all households include someone who is enrolled in JOBS or other government sponsored job-training program. Twelve percent of all emergency client households include someone who is retired. Twenty one percent of all emergency client households include someone who is disabled. Thirty-five percent of all emergency client households include someone who is unemployed.

Eighty six percent of emergency client households earn less than $15,500 annually. Ninety percent of emergency client households served by the network have incomes at or below 150 percent of poverty.

"Nearly everyone of us is just two paychecks away from financial crisis," says Richard Goebel, executive director of the St. Paul Food Bank and a member of the Second Harvest Board of Directors.

Despite the strong economy and a low unemployment, many emergency food recipients have limited incomes and job security. As someone who has utilized emergency feeding programs, Kim, an employed nurse and single mother, can strongly relate to Goebel's words. "I never thought I'd be in this situation. People think of the single mother and immediately stereotype her. Requiring emergency food assistance in today's blossoming environment is one thing that the public doesn't understand."

*Note—households may represent more than one family member so numbers total more than 100%.

REASONS AND CIRCUMSTANCES

For many who have never had to deal with the problem of hunger, it is beyond comprehension the reasons. Why do people depend on emergency food? How Long have people depended on emergency food programs? What about government resources?

WHY?

Despite the strong economy, the percentage of people living in poverty has hardly changed in the past year. The poverty level for a family of three is currently $13,330 annually. Sixty-seven percent of emergency client households have a yearly income of $10,000 or less. Wanda, an emergency food client and mother of two, says, "My husband works but at the end of the month we just run out of money. I wouldn't know what to do if it weren't for the food pantry." For millions of American families, low wage jobs or inadequate government assistance are not sufficient to provide a family's basic nutritional needs.

HOW LONG HAVE PEOPLE DEPENDED ON EMERGENCY FOOD ASSISTANCE?

The study shows that most people seeking assistance are in a temporary hunger crisis and are not long-term dependents. Forty-four percent of Second Harvest clients have received food and grocery products for six months or less; eighteen percent for less than a month.

WHAT ABOUT GOVERNMENT RESOURCES?

Food stamps. Forty-one percent of emergency food clients receive food stamps, 79 percent of those receiving food stamps say that they do not last through the end of the month. Eleven percent of food-stamp clients polled say their benefits have been discontinued, and 20 percent have seen a decrease in benefits. Of the clients not currently receiving food stamps, 40 percent have applied and are awaiting approval for benefits.

Sixty-four percent of client households with children participate in School Breakfast and Lunch programs, 31 percent of emergency clients with children participate in the Special Supplement Nutrition Program for Women, Infants and Children (WIC). Twenty one percent of emergency clients with children participate in the Child- and Adult-Care Food Programs, and/or Summer Food Program.

Ninety-two percent of Second Harvest families with children receive no government assistance for daycare.

HEALTH AND SOCIAL CONSEQUENCES

Twenty-eight percent of adults seeking food assistance have missed meals in the last month because there wasn't enough food, and (call out) 9% of clients' children have missed meals in the past month.*

"It's criminal that we live in a country that will allow a child to go hungry," says Rick Ellenberger, an elementary school teacher in Orlando. "Studies show that if children are not ready to learn by the time they are five or six years old, we've lost them.

The growing body of medical evidence shows that even short periods of under-nutrition can affect a child's behavior, cognitive development, and future productivity. "Children make up about one-third of our population, but they make up 100 percent of our future as a nation," states Dr. Joseph Zanga, President, American Academy of Pediatrics. "What opportunities have we lost because a child was not nourished properly? A scientist who discovers a cure for cancer? A politician or statesman who brings lasting peace to the world?"

HEALTH

Twenty-eight percent of emergency clients have had to choose between medical care or filling prescriptions and buying food. Thirty-seven percent have delayed medical care because they couldn't afford it. Thirty-six percent of emergency clients report that members of their household are in poor health, and 41 percent of the clients have unpaid medical or hospital bills. "My husband is so frail that I must stay home and take care of him and the children," says Martina, whose husband is disabled due to being robbed and shot while leaving his job. Although the family receives Supplemental Security Income (SSI) and food stamps, it is not enough to support a family of four.

HOUSING

Thirty-five percent of people seeking assistance have had to choose between buying food and paying their rent or mortgage. And, 15.8 percent of emergency food clients are homeless, another 5 percent are living in marginal housing, such as living with friends. Stanley, a disabled caretaker whose partner works at a motel, says, "If it wasn't for the food pantry, we would starve at the end of the month. We pay the rent and utilities first and from then on it's a day-to-day existence."

America is the richest country in the world. And, yet tonight thousands of your neighbors will go to bed hungry. It may be your child's schoolmate who is under-nourished and has difficulty learning on an empty stomach. Or, it could be a co-worker, a working mother whose low-wage job doesn't make ends meet. Perhaps it's an elderly neighbor who has to make a decision whether to delay filling a prescription or buying groceries. "The faces of hunger are as broad and diverse as the faces of America," explained David Nasby, Director, Community Affairs, General Mills, Inc., and chair of the Second Harvest Board of Directors. "It may be the neighbor down the street who has encountered a tough situation or the child who is estranged from a parent. It's everybody. People you know and would never think hunger would touch. These personal low points have an impact on every single community."

Despite an economy that is thriving, unemployment is at a 30 year low, and a stock market that continues to reach historic highs, more than 21 million people in this country seek emergency food assistance through Second Harvest network at least part of the year. These startling statistics include eight million children, and more than three-and-a-half million elderly.

"Hunger 1997: The Faces & Facts" does not attempt to simplify a complex social issue. Instead, it is Second Harvest's hope that this research study will establish a clearer picture of hunger in America and its effects on all of us. No single strategy, tactic or program can solve the problem. It takes a combined effort of community involvement, government action, and charitable service to effect a solution.

Second Harvest's research shows the need is urgent. With its network of certified affiliate food banks comprising the largest domestic hunger-relief system in the country, the data collected for "Hunger 1997: The Faces & Facts" has contributed to the most comprehensive analysis of charitable hunger-relief efforts ever conducted on a broad, national scale.

"Hunger 1997: The Faces & Facts" research study was funded with generous grants from: The Aspen Institute Nonprofit Sector Research Fund; Chicago Tribune Holiday Fund; J. Willard Marriott Foundation; Mazon: A Jewish Response to Hunger; Nabisco Foundation; Sara Lee Foundation; Share Our Strength; and W.K. Kellogg Foundation. •

NATIONAL BREAST CANCER SURVIVOR'S DAY

• Mr. ABRAHAM. Mr. President, I rise in support of the resolution designating April 1, 1998 as "National Breast Cancer Survivor's Day."

It is only proper, Mr. President, that we should set aside a day to honor the brave women and men who have survived this dread disease, which causes pain, suffering and even death for so many Americans.

Every year, Mr. President, 178,700 women and 1,600 men in the United States are stricken with breast cancer. Each of us must live with the knowledge that 1 in 9 American women will suffer from breast cancer in her lifetime. That means that virtually all of us will either be stricken by breast cancer or know someone who is.

I know in my case, Mr. President, I lost my mother to breast cancer some years ago. It was a painful experience for all of our friends and family as well as my mother herself. The pain caused by this dread disease is intense for everyone involved, and we must do everything in our power to eradicate this scourge.

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*The United States Current Population Survey (CPS) defines this situation as "food insecure with severe hunger."

Thankfully, Mr. President, we have made some progress in our battle with breast cancer. The 5 year survival rate for breast cancer victims has risen to 97 percent in cases of early detection.

Medical advances have helped more women are surviving breast cancer. Just as important, however, has been the fact that we as a nation are doing a better job of telling women about their options, and of emphasizing the importance of self-examination and regular visits to the doctor.

This is one reason, Mr. President, why I believe it is important that we honor breast cancer survivors in the manner called for by this resolution. By bringing breast cancer survivors together here in Washington, DC and elsewhere around the country, we can celebrate survivorship and publicize, not just the tragedy of breast cancer, but also the hope that is provided by research and early detection.

We need to get the message out that there are things women can do for themselves in the fight against breast cancer. We need to highlight the effectiveness of early detection and show our respect for the courage of women who have faced this disease and lived.

We have a long way to go, Mr. President, before we win our battle with breast cancer. But research, early detection and programs to make Americans aware of their options in dealing with the possibility of breast cancer all can help.

I salute the women of American who have faced breast cancer, along with the families and friends who have supported them during their time of trial, and I hope that all of us can join together, not only to mourn those who lost their battle with breast cancer, but also to honor those who have fought that battle and survived.●

BULLETPROOF VEST PARTNERSHIP ACT OF 1998

Mr. CHAFEE. Madam President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 315, S. 1605.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1605) to establish a matching grant program to help States, units of local government, and Indian tribes to purchase armor vests for use by law enforcement officers.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment, as follows:

(The part of the bill intended to be stricken is shown in boldface brackets, and the part of the bill intended to be inserted is shown in italic.)

S. 1605

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bulletproof Vest Partnership Act of 1998".

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the number of law enforcement officers who are killed in the line of duty would significantly decrease if every law enforcement officer in the United States had the protection of an armor vest while performing their hazardous duties;

(2) the Federal Bureau of Investigation estimates that more than 30 percent of the almost 1,182 law enforcement officers killed by a firearm in the line of duty could have been saved if they had been wearing body armor;

(3) the Federal Bureau of Investigation estimates that the risk of fatality to law enforcement officers while not wearing an armor vest is 14 times higher than for officers wearing an armor vest;

(4) the Department of Justice estimates that approximately 150,000 State, local, and tribal law enforcement officers, nearly 25 percent, are not issued body armor;

(5) the Executive Committee for Indian Country Law Enforcement Improvements reports that violent crime in Indian country has risen sharply, despite decreases in the national crime rate, and has concluded that there is a "public safety crisis in Indian country"; and

(6) many State, local, and tribal law enforcement agencies, especially those in smaller communities and rural jurisdictions, need assistance in order to provide body armor for their officers.

(b) PURPOSE.—The purpose of this Act is to save lives of law enforcement officers by helping State, local, and tribal law enforcement agencies provide those officers with armor vests.

SEC. 3. DEFINITIONS.

In this Act:

(1) ARMOR VEST.—The term "armor vest" means body armor that has been tested through the voluntary compliance testing program operated by the National Law Enforcement and Corrections Technology Center of the National Institute of Justice (NIJ), and found to comply with the requirements of NIJ Standard 0101.03, or any subsequent revision of that standard.

(2) BODY ARMOR.—The term "body armor" means any product sold or offered for sale as personal protective body covering intended to protect against gunfire, stabbing, or other physical harm.

(3) DIRECTOR.—The term "Director" means the Director of the Bureau of Justice Assistance of the Department of Justice.

(4) INDIAN TRIBE.—The term "Indian tribe" has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(5) LAW ENFORCEMENT OFFICER.—The term "law enforcement officer" means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders.

(6) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(7) UNIT OF LOCAL GOVERNMENT.—The term "unit of local government" means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level.

SEC. 4. PROGRAM AUTHORIZED.

(a) GRANT AUTHORIZATION.—The Director may make grants to States, units of local government, and Indian tribes in accordance with this Act to purchase armor vests for use by State, local, and tribal law enforcement officers.

(b) APPLICATIONS.—Each State, unit of local government, or Indian tribe seeking to receive a grant under this section shall submit to the Director an application, in such form and containing such information as the Director may reasonably require.

(c) USES OF FUNDS.—Grant awards under this section shall be—

(1) distributed directly to the State, unit of local government, or Indian tribe; and

(2) used for the purchase of armor vests for law enforcement officers in the jurisdiction of the grantee.

(d) PREFERENTIAL CONSIDERATION.—In awarding grants under this section, the Director may give preferential consideration, where feasible, to applications from jurisdictions that—

(1) have a violent crime rate at or above the national average, as determined by the Federal Bureau of Investigation; and

(2) have not been providing each law enforcement officer assigned to patrol or other hazardous duties with body armor.

(e) MINIMUM AMOUNT.—Unless all applications submitted by any State, unit of local government, or Indian tribe for a grant under this section have been funded, each State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.75 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.25 percent.

[(f) MAXIMUM AMOUNT.—A State, together with grantees within the State (other than Indian tribes), may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section.**]**

(f) MAXIMUM AMOUNT.—A qualifying State, unit of local government, or Indian tribe may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that a State, together with the grantees within the State may not receive more than 20 percent of the total amount appropriated in each fiscal year for grants under this section.

(g) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under this section may not exceed 50 percent, unless the Director determines a case of fiscal hardship and waives, wholly or in part, the requirement under this subsection of a non-Federal contribution to the costs of a program.

(h) ALLOCATION OF FUNDS.—Not less than 50 percent of the funds awarded under this section in each fiscal year shall be allocated to units of local government, or Indian tribes, having jurisdiction over areas with populations of 100,000 or less.

(i) Reimbursement.—Grants under this section may be used to reimburse law enforcement officers who have previously purchased body armor with personal funds during a period in which body armor was not provided by the State, unit of local government, or Indian tribe.

SEC. 5. APPLICATIONS.

Not later than 90 days after the date of enactment of this Act, the Director shall promulgate regulations to carry out this Act, which shall set forth the information that must be included in each application under section 4(b) and the requirements that States, units of local government, and Indian tribes must meet in order to receive a grant under section 4.

SEC. 6. PROHIBITION OF PRISON INMATE LABOR.

Any State, unit of local government, or Indian tribe that receives financial assistance provided using funds appropriated or otherwise made available by this Act may not purchase equipment or products manufactured using prison inmate labor.

SEC. 7. SENSE OF CONGRESS.

In the case of any equipment or product authorized to be purchased with financial assistance provided using funds appropriated or otherwise made available under this Act, it is the sense of Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

SEC. 8. AUTHORIZATION FOR APPROPRIATIONS.

There is authorized to be appropriated $25,000,000 for each of fiscal years 1999 through 2003 to carry out this Act.

Mr. CHAFEE. Madam President, I ask unanimous consent that the committee amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

Mr. CHAFEE. Madam President, I ask unanimous consent that the bill be considered read a third time and passed, as amended; that the motion to reconsider be laid upon the table; and that any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1605) was considered read the third time and passed, as amended, as follows:

S. 1605

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bulletproof Vest Partnership Act of 1998".

SEC. 2. FINDINGS; PURPOSE.

(a) Findings.—Congress finds that—

(1) the number of law enforcement officers who are killed in the line of duty would significantly decrease if every law enforcement officer in the United States had the protection of an armor vest while performing their hazardous duties;

(2) the Federal Bureau of Investigation estimates that more than 30 percent of the almost 1,182 law enforcement officers killed by a firearm in the line of duty could have been saved if they had been wearing body armor;

(3) the Federal Bureau of Investigation estimates that the risk of fatality to law enforcement officers while not wearing an armor vest is 14 times higher than for officers wearing an armor vest;

(4) the Department of Justice estimates that approximately 150,000 State, local, and tribal law enforcement officers, nearly 25 percent, are not issued body armor;

(5) the Executive Committee for Indian Country Law Enforcement Improvements reports that violent crime in Indian country has risen sharply, despite decreases in the national crime rate, and has concluded that there is a "public safety crisis in Indian country"; and

(6) many State, local, and tribal law enforcement agencies, especially those in smaller communities and rural jurisdictions, need assistance in order to provide body armor for their officers.

(b) Purpose.—The purpose of this Act is to save lives of law enforcement officers by helping State, local, and tribal law enforcement agencies provide those officers with armor vests.

SEC. 3. DEFINITIONS.

In this Act:

(1) Armor vest.—The term "armor vest" means body armor that has been tested through the voluntary compliance testing program operated by the National Law Enforcement and Corrections Technology Center of the National Institute of Justice (NIJ), and found to comply with the requirements of NIJ Standard 0101.03, or any subsequent revision of that standard.

(2) Body armor.—The term "body armor" means any product sold or offered for sale as personal protective body covering intended to protect against gunfire, stabbing, or other physical harm.

(3) Director.—The term "Director" means the Director of the Bureau of Justice Assistance of the Department of Justice.

(4) Indian tribe.—The term "Indian tribe" has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(5) Law enforcement officer.—The term "law enforcement officer" means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders.

(6) State.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(7) Unit of local government.—The term "unit of local government" means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level.

SEC. 4. PROGRAM AUTHORIZED.

(a) Grant Authorization.—The Director may make grants to States, units of local government, and Indian tribes in accordance with this Act to purchase armor vests for use by State, local, and tribal law enforcement officers.

(b) Applications.—Each State, unit of local government, or Indian tribe seeking to receive a grant under this section shall submit to the Director an application, in such form and containing such information as the Director may reasonably require.

(c) Uses of Funds.—Grant awards under this section shall be—

(1) distributed directly to the State, unit of local government, or Indian tribe; and

(2) used for the purchase of armor vests for law enforcement officers in the jurisdiction of the grantee.

(d) Preferential Consideration.—In awarding grants under this section, the Director may give preferential consideration, where feasible, to applications from jurisdictions that—

(1) have a violent crime rate at or above the national average, as determined by the Federal Bureau of Investigation; and

(2) have not been providing each law enforcement officer assigned to patrol or other hazardous duties with body armor.

(e) Minimum Amount.—Unless all applications submitted by any State, unit of local government, or Indian tribe for a grant under this section have been funded, each State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.75 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.25 percent.

(f) Maximum Amount.—A qualifying State, unit of local government, or Indian tribe may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that a State, together with the grantees within the State may not receive more than 20 percent of the total amount appropriated in each fiscal year for grants under this section.

(g) Matching Funds.—The portion of the costs of a program provided by a grant under this section may not exceed 50 percent, unless the Director determines a case of fiscal hardship and waives, wholly or in part, the requirement under this subsection of a non-Federal contribution to the costs of a program.

(h) Allocation of Funds.—Not less than 50 percent of the funds awarded under this section in each fiscal year shall be allocated to units of local government, or Indian tribes, having jurisdiction over areas with populations of 100,000 or less.

(i) Reimbursement.—Grants under this section may be used to reimburse law enforcement officers who have previously purchased body armor with personal funds during a period in which body armor was not provided by the State, unit of local government, or Indian tribe.

SEC. 5. APPLICATIONS.

Not later than 90 days after the date of enactment of this Act, the Director shall promulgate regulations to carry out this Act, which shall set forth the information that must be included in each application under section 4(b) and the requirements that States, units of local government, and Indian tribes must meet in order to receive a grant under section 4.

SEC. 6. PROHIBITION OF PRISON INMATE LABOR.

Any State, unit of local government, or Indian tribe that receives financial assistance provided using funds appropriated or otherwise made available by this Act may not purchase equipment or products manufactured using prison inmate labor.

SEC. 7. SENSE OF CONGRESS.

In the case of any equipment or product authorized to be purchased with financial assistance provided using funds appropriated or otherwise made available under this Act, it is the sense of Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

SEC. 8. AUTHORIZATION FOR APPROPRIATIONS.

There is authorized to be appropriated $25,000,000 for each of fiscal years 1999 through 2003 to carry out this Act.

Mr. LEAHY. Madam President, I am delighted that the Senate has passed the Bulletproof Vest Partnership Act of 1998, S. 1605. I thank Senator CAMPBELL for his leadership on our bipartisan legislation which is intended to save the lives of law enforcement officers across the country by helping state and local law enforcement agencies provide their officers with body armor, this issue. It has been a pleasure working with the senior Senator from Colorado to pass this vital legislation in the Senate. I also want to thank the Chairman of the Senate Judiciary Committee, Senator HATCH, for his strong support of S. 1605.

Far too many police officers are needlessly killed each year while serving to protect our citizens. According to the Federal Bureau of Investigation, more than 30 percent of the 1,182 officers killed by a firearm in the line of duty since 1980 could have been saved if they had been wearing body armor. Indeed, the FBI estimates that the risk of fatality to officers while not wearing body armor is 14 times higher than for officers wearing it.

Unfortunately, far too many state and local law enforcement agencies cannot afford to provide every officer in their jurisdictions with the protection of body armor. In fact, the Department of Justice estimates that approximately 150,000 State and local law enforcement officers, nearly 25 percent, are not issued body armor.

In countless incidents across the country everyday officers sworn to protect the public and enforce the law are in danger. Last year, an horrific incident along the Vermont and New Hampshire border underscores the need for the quick passage of this legislation to provide maximum protection to those who protect us. On August 12, 1997, Federal, State and local law enforcement authorities in Vermont and New Hampshire had cornered Carl Drega, after hours of hot pursuit. He had shot to death two New Hampshire state troopers and two other victims earlier in the day. In a massive exchange of gunfire with the authorities, Drega was killed.

During that shootout, all federal law enforcement officers wore bulletproof vests, while some state and local officers did not. For example, Federal Border Patrol Officer John Pfeifer, a Vermonter, was seriously wounded in the incident. I am glad that Officer Pfeifer is back on the job after being hospitalized in serious condition. Had it not been for his bulletproof vest, I fear that he and his family might well have paid the ultimate price.

The two New Hampshire state troopers who were killed by Carl Drega were not so lucky. We all grieve for them and our hearts go out to their families. They were not wearing bulletproof vests. Protective vests might not have been able to save the lives of those courageous officers because of the high-powered assault weapons, but the tragedy underscores the point that all of our law enforcement officers, whether federal, state or local, deserve the best protection we can provide, including bulletproof vests.

With that and lesser-known incidents as constant reminders, I will continue to do all I can to help prevent loss of life among our law enforcement officers.

The Bulletproof Vest Partnership Act of 1998 will help by creating a new partnership between the federal government and state and local law enforcement agencies to help save the lives of police officers by providing the resources for each and every law enforcement officer in harm's way to have a bulletproof vest. Our bipartisan bill would create a $25 million matching grant program within the Department of Justice dedicated to helping State and local law enforcement agencies purchase body armor.

In my home State of Vermont, our bill enjoys the strong support of the Vermont State Police, the Vermont Police Chiefs Association and many Vermont sheriffs, troopers, game wardens and other local and state law enforcement officials. In January, I was honored to be joined by Vermont Attorney General William Sorrell, Vermont Commissioner of Public Safety James Walton, Vermont State Police Director John Sinclair, Vermont Fish and Wildlife Lieutenant Robert Rooks, South Burlington Police Chief Lee Graham, South Burlington Vermont Officer Diane Reynolds as we spoke about state and local law enforcement officers' need for body armor.

Since my time as a State prosecutor, I have always taken a keen interest in law enforcement in Vermont and around the country. Vermont has the reputation of being one of the safest states in which to live, work and visit, and rightly so. In no small part, this is due to the hard work of those who have sworn to serve and protect us. And we should do what we can to protect them, when a need like this one comes to our attention.

Our Nation's law enforcement officers put their lives at risk in the line of duty everyday. No one knows when danger will appear. Unfortunately, in today's violent world, even a traffic stop may not necessarily be "routine." In fact, the National Association of Chiefs of Police just reported that 21 police officers were killed in the line of duty last month, nearly double the toll for the month of January in both 1997 and 1996. More than ever, each and every law enforcement officer across the nation deserves the protection of a bulletproof vest.

Our bipartisan legislation enjoys the strong support of numerous nation law enforcement organizations including the Fraternal Order of Police, Police Executive Research Forum, International Union of Police Associations, National Association of Police Organizations and International Brotherhood of Police Officers. The bill also enjoys the support of 38 attorneys general from across the country. Mr. President, I ask for unaminous consent to have printed in the RECORD letters of support for S. 1605 from all these national law enforcement organizations and the attorneys general.

FRATERNAL ORDER OF POLICE,
NATIONAL LEGISLATIVE PROGRAM,
Washington, DC, January 14, 1998.

Hon. PATRICK J. LEAHY,
Ranking Member, Senate Committee on the Judiciary, Washington, DC.

DEAR SENATOR LEAHY, I am writing to you on behalf of the more than 270,000 members of the Fraternal Order of Police to offer our strong support of legislation you plan to introduce in order to establish a grant program to assist local law enforcement agencies in purchasing body armor for their officers.

This legislation will greatly increase the number of officers wearing body armor—and it will save more lives. At the May 15, 1997 Peace Officers' Memorial Day, the F.O.P. honored the memories of one hundred and seventeen officers who were killed in the line of duty in 1996. This year we have already lost one hundred and sixty from our ranks.

While we know that there is no way to end the deadly risks inherent to a career in law enforcement, we must do everything possible to ensure that officers who put their lives on the line every day also put on a vest. Body armor is one of the most important pieces of equipment an officer can have and often means the difference between life and death. Hopefully, the bill you plan to introduce will increase the quality and number of armored vests available to America's law enforcement officers.

On behalf of the Fraternal Officer of Police, I commend you for your leadership on this important issue and forward to working with you once it has been introduced. If I can be of assistance, please contact me or Executive Director Jim Pasco in my Washington office, (202) 547-8189.

Sincerely,

GILBERT G. GALLEGOS,
National President.

INTERNATIONAL UNION OF
POLICE ASSOCIATIONS,
February 13, 1998.

Hon. PATRICK J. LEAHY,
Russell Building, Washington, DC.

DEAR SENATOR LEAHY: On behalf of the Executive Committee and the 80,000 rank and file law enforcement officers of the International Union of Police Associations, AFL–CIO, we are proud to endorse and support the "Bulletproof Vest Partnership Grant Act of 1998" as introduced in the Senate by yourself and Senator Campbell.

Law enforcement officers who put their lives on the line everyday deserve state of the art body armor and because of your commitment to law enforcement, officers will have the protection that could mean the difference between life and death.

We commend you for your support and legislation and we pledge our continued assistance toward the enactment of the "Bulletproof Vest Partnership Act of 1998." Thank you.

Sincerely,

Arthur J. Reddy,
Legislative Liaison,
International Vice President.

National Association of Police Organizations, Inc.,
Washington, DC, February 25, 1998.

Hon. Patrick J. Leahy,
Ranking Minority Member, Senate Judiciary Committee, Washington, DC.

Dear Senator Leahy: Please be advised that the National Association of Police Organizations (NAPO), representing more than 4,000 police unions and associations and more than 220,000 rank and file law enforcement officers enthusiastically and wholeheartedly supports S. 1605, the "Bulletproof Vest Partnership Act of 1998." I would like to take this opportunity to thank you for your efforts in scheduling the markup of S. 1605, for Thursday, February 26, 1998 at 10:30 am.

As you know, far too many law enforcement officers patrol our streets and neighborhoods without proper protective gear against violent criminals. Today, more than ever, violent criminals have bulletproof vests and deadly weapons at their disposal. We cannot allow criminals to have the upper hand. This legislation is a necessary step in adequately protecting law enforcement officers, who put their lives on the line every day to serve our communities. This is why NAPO supports your effort to help state and local law enforcement departments provide officers with bulletproof vests.

Again, thank you for addressing S. 1605, which is a legislative priority for NAPO. I appreciate your hard work and commitment to the law enforcement community and if we can be of any assistance please contact my office at (202) 842-4420.

Sincerely,

Robert Scully,
Executive Director.

Police Executive Research Forum,
Washington, DC, February 20, 1998.

Hon. Patrick Leahy,
Senate Committee on the Judiciary, Washington, DC.

Dear Senator Leahy: I am writing to you on behalf of the Police Executive Research Forum (PERF) to offer our strong support for S. 1605, the Bulletproof Vest Partnership Grant Act of 1997. This important piece of legislation would establish a grant program to assist local law enforcement agencies in purchasing body armor for their officers.

PERF, a nonprofit organization of progressive police professionals who serve more than 40 percent of the nation's population, is firmly committed to helping police obtain equipment necessary to ensure their safety as they protect the community. Between 1985 and 1994, more than 2000 police officers had their lives saved by bulletproof vests. This bill would greatly increase the numbers of officers wearing bulletproof vests and will ultimately save more lives.

PERF commends you for your commitment to officer safety and your leadership on this important issue. If we can be of any assistance in the future, please feel free to contact me or Martha Plotkin at (202) 466-7820.

Sincerely,

Chuck Wexler,
Executive Director.

International Brotherhood of Police Officers,
Alexandria, VA, February 10, 1998.

Hon. Patrick Leahy,
United States Senate, Washington, DC.

Dear Senator Leahy: The International Brotherhood of Police Officers (IBPO) is an affiliate of the Service Employees International Union. The IBPO represents over 50,000 police officers at the federal, state, and local level, including IBPO Local 506, Brattleboro, Vermont.

On behalf of the entire membership of the IBPO I wish to thank you for your sponsorship of S. 1605, "The Bulletproof Vest Partnership Act of 1998." This life saving legislation will provide protection to police officers across the country.

In the past few months alone, the IBPO family has dealt with the tragic deaths of police officers in Boise, Idaho and Atlanta, who lost their lives in the line of duty. Every police officer who takes a call knows the dangers facing them. That is why this legislation is so crucial.

The number of police officers who do not have access to bulletproof vests is astounding. Almost 150,000 law enforcement officers do not have the ability to fully protect themselves. Simply put, passage of this legislation will save lives.

The entire membership of the IBPO looks forward to working with you on this important issue. If you have any questions, please feel free to contact me.

Sincerely,

Kenneth T. Lyons,
National President.

State of Vermont Office of the Attorney General,
February 26, 1998.

Hon. Orrin G. Hatch,
Hon. Patrick J. Leahy,
Senate Committee on the Judiciary.
Hon. Ben Nighthorse Campbell,
U.S. Senate, Washington, DC.

Re: Bulletproof Vest Partnership Act of 1998 (S. 1605)

Dear Senators Campbell, Hatch and Leahy: As state attorneys general, we are writing to express our wholehearted support for Senate Bill No. 1605, the Bulletproof Vest Partnership Act of 1998. In our view, this bill will be an invaluable tool in helping to protect law enforcement officers throughout the country who risk their lives daily while serving their communities. This bill would provide much needed matching grants to state, local and tribal law enforcement agencies to be used to purchase armor vests for their officers. We were particularly pleased to note the provision for waivers of the grantee's matching contribution in the event of a fiscal hardship by a particular law enforcement agency.

As you are all too aware, state, local and tribal law enforcement officers often find themselves in deadly confrontations with highly armed and dangerous criminals. The statistics cited in your bill make it imperative that every officer in the country have ready access to body armor when it is needed. Your bill will assure that all police departments will have the resources to equip officers with body armor as standard equipment. The bill will also allow reimbursement to those officers who have had to purchase body armor at their own personal expense.

This bill will enable more officers to wear armor when they need it. It will definitely save lives. We appreciate your support for this bill and urge passage of this important legislation.

Sincerely,

William H. Sorrell, Attorney General of Vermont; Gale Norton, Attorney General of Colorado; Bill Pryor, Attorney General of Alabama; Bruce M. Botelho, Attorney General of Alaska; Grant Woods, Attorney General of Arizona; Daniel E. Lungren, Attorney General of California; M. Jane Brady, Attorney General of Delaware; Robert A. Butterworth, Attorney General of Florida; Gus S. Diaz, Attorney General of Guam; Margery S. Bronster, Attorney General of Hawaii; Alan G. Lance, Attorney General of Idaho; James E. Ryan, Attorney General of Illinois; Jeffrey A. Modisett, Attorney General of Indiana; Albert B. Chandler III, Attorney General of Kentucky; Richard P. Ieyoub, Attorney General of Louisiana; Andrew Ketterer, Attorney General of Maine; J. Joseph Curran, Jr., Attorney General of Maryland; Scott Harshbarger, Attorney General of Massachusetts. Hubert H. Humphrey III, Attorney General of Minnesota; Mike Moore, Attorney General of Mississippi; Joseph P. Mazurek, Attorney General of Montana; Frankie Sue Del Papa, Attorney General of Nevada; Philip McLaughlin, Attorney General of New Hampshire; Peter Verniero, Attorney General of New Jersey; Dennis C. Vacco, Attorney General of New York; Heidi Heitkamp, Attorney General of North Dakota; Betty D. Montgomery, Attorney General of Ohio; Drew Edmondson, Attorney General of Oklahoma; Hardy Myers, Attorney General of Oregon; Mike Fisher, Attorney General of Pennsylvania; Jose A. Fuentes, Attorney General of Puerto Rico; Jeffrey B. Pine, Attorney General of Rhode Island; Charles Molony Condon, Attorney General of South Carolina; Mark Barnett, Attorney General of South Dakota; Jan Graham, Attorney General of Utah; Mark L. Earley, Attorney General of Virginia; Christine O. Gregoire, Attorney General of Washington; Darrell V. McGraw, Jr., Attorney General of West Virginia.

There being no objection, the material was ordered to be printed in the Record, as follows:

Mr. LEAHY. I urge the House of Representatives to support this bipartisan legislation and urge its quick passage into law.

RELATING TO THE RELATIONSHIP BETWEEN THE UNITED STATES AND THAILAND

Mr. CHAFEE. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 319, S. Res. 174.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 174) to state the sense of the Senate that Thailand is a key partner and friend of the United States, has committed itself to executing its responsibilities under its arrangements with the International Monetary Fund, and that the United States should be prepared to take appropriate steps to ensure continued close bilateral relations.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

AMENDMENT NO. 1980

(Purpose: Relating to the relationship between the United States and Thailand)

Mr. CHAFEE. Madam President, Senator ROTH has an amendment to the resolution at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. ROTH, proposes an amendment numbered 1980.

Mr. CHAFEE. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, strike lines 2 through 7 and insert the following:

"(1) the United States should enhance the close political and security relationship between Thailand and the United States and strengthen economic ties and cooperation with Thailand to ensure that Thailand's economic recovery continues uninterrupted; and".

Mr. CHAFEE. Madam President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1980) was agreed to.

Mr. CHAFEE. I ask unanimous consent that the resolution be agreed to, as amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 174), as amended, was agreed to.

AMENDMENT NO. 1981

(Purpose: To amend the preamble)

Mr. CHAFEE. Madam President, I understand there is an amendment at the desk to the preamble.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. ROTH, proposes an amendment numbered 1981 to the preamble to S. Res. 174.

Mr. CHAFEE. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the preamble, strike "and" at the end of the sixth "Whereas" clause.

In the preamble, strike the colon at the end of the seventh "Whereas" clause and insert "; and".

In the preamble, insert after the seventh "Whereas" clause the following:

"Whereas Thailand's democratic reforms have advanced with that country's economic growth and development:".

Mr. CHAFEE. I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1981) was agreed to.

Mr. CHAFEE. Madam President, I ask unanimous consent that the preamble, as amended, be agreed to; that the motions to reconsider the above actions be laid upon the table; and, finally, that any statements regarding this legislation appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The preamble, as amended, was agreed to.

The resolution, as amended, with its preamble, as amended, was agreed to, as follows:

[The resolution was not available for printing. It will appear in a future edition of the RECORD.]

Mr. ROTH. Madam President, I thank my colleagues for unanimously adopting this resolution. I believe this vote of 100 to 0 lets Thailand and the Thai people know the heartfelt sentiments of the Senate and the American people toward bilateral friendship and partnership. It also makes clear our recognition of the strides Bangkok has been making in executing its responsibilities under its arrangements with the International Monetary Fund. Only last week, for example, Thailand deepened its commitment to economic reform by pledging to speed up privatizations and the reorganization of its banking system.

This week the new Prime Minister of Thailand, Chuan Leekpai, will visit the United States. Many of us will have the chance to meet him when he comes to visit Capitol Hill. While Prime Minister Chuan faces many challenges in the coming months and years, I hope and trust the support for Thailand that he will find in this country will help him in overcoming those challenges.

As I have said before, I believe that all of us in this Chamber—and Americans all across this land—are great admirers of Thailand and Thai culture. I remain optimistic about Thailand's future. Given the Thai people's energy and initiative, the country's remarkable history, and its record of economic success, I look forward to seeing Thailand's return to prosperity in the not-too-distant future.

Mr. CHAFEE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAFEE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. CHAFEE. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 528, 531, 532 and 533.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

Hilda G. Tagle, of Texas, to be United States District Judge for the Southern District of Texas.

Sam A. Lindsay, of Texas, to be United States District Judge for the Northern District of Texas.

Judith M. Barzilay, of New Jersey, to be a Judge of the United States Court of International Trade.

Delissa A. Ridgway, of the District of Columbia, to be a Judge of the United States Court of International Trade.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR THURSDAY, MARCH 12, 1998

Mr. CHAFEE. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, March 12, 1998, and that immediately following the prayer, the routine requests through the morning hour be granted and the Senate begin a period for the transaction of morning business until the hour of 10:30 a.m. with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator DORGAN, 15 minutes; Senator LEAHY, 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Madam President, I also ask unanimous consent that at 10:30 a.m. the Senate resume consideration of S. 1173, the highway bill, and immediately proceed to a vote on or in relation to the McCain amendment No. 1726 regarding demonstration projects.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Madam President, I further ask unanimous consent that Members have until the hour of 10 a.m. to file first-degree amendments to S. 1173.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. CHAFEE. Tomorrow, the Senate, Madam President, will be in a period of morning business from 9:30 a.m. to 10:30 a.m. At 10:30 a.m., by a previous order, the Senate will proceed to a rollcall vote on the McCain amendment to S. 1173, the so-called ISTEA II legislation. Following that vote, the Senate will attempt to complete action on the bill.

In addition, the Senate may begin the consideration of S. 414, the international shipping bill, and H.R. 2646, the A-plus education bill. Therefore, Members should anticipate a busy voting day with votes occurring into the early evening.

Mr. FORD. Madam President, would the distinguished Senator yield for a question?

Mr. CHAFEE. Yes.

Mr. FORD. Members have until the hour of 10 a.m. to file first-agree amendments to S. 1173. Is that in addition to the amendments that are already filed correctly, and this gets around the hour in advance?

The PRESIDING OFFICER. The Senator's understanding is correct.

Mr. FORD. So the second-degree amendments can still be offered?

The PRESIDING OFFICER. By previous agreement, second-degree amendments are allowed for 24 hours.

Mr. FORD. I wanted to be sure about that so there would not be any confusion. I thank the leadership for accommodating those so we would not have to file those tonight and sȯ we could prepare those overnight and file them at 10 o'clock in the morning. I am grateful for that accommodation.

I thank the chairman and I thank the Chair.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. I hope everybody does not feel——

Mr. FORD. Compelled.

Mr. CHAFEE. The requirement that they file an amendment. We have dealt with some 200 amendments. That, it seems to me, pretty well covers the field. So I would not have hurt feelings if there were no amendments filed by 10 a.m. tomorrow.

Mr. FORD. Well, the Senator knows that, given overnight, there is a lot of thought going into what they might file tomorrow, and to accommodate your colleagues, it may have gotten you in a little more trouble than you wanted. So I throw that in. I believe the Senator will be surprised at the small number of amendments that are filed by 10 o'clock tomorrow.

Mr. CHAFEE. I will be happy to be surprised.

So that completes our business. I do want to say to those who will be listening, I really believe we can finish this bill rather quickly tomorrow, if people restrain themselves on further amendments. We have some here, and we worked out some. It seems to me we have had a pretty good—we have been on this bill now I think for something close to 2½ weeks, and everything is pretty well taken care of. I hope Members will show great restraint.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. CHAFEE. Madam President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:48 p.m., adjourned until Thursday, March 12, 1998, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 11, 1998:

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

THOMAS EHRLICH, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM OF FIVE YEARS. (REAPPOINTMENT)

DOROTHY A. JOHNSON, OF MICHIGAN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM OF FIVE YEARS, VICE WALTER H. SHORENSTEIN, TERM EXPIRED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

ALICE RAE YELEN, OF LOUISIANA, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2001, VICE FAY S. HOWELL, TERM EXPIRED.

DEPARTMENT OF JUSTICE

STEPHEN C. ROBINSON, OF CONNECTICUT, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF CONNECTICUT FOR THE TERM OF FOUR YEARS, VICE CHRISTOPHER DRONEY, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 11, 1998:

THE JUDICIARY

HILDA G. TAGLE, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS.

SAM A. LINDSAY, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF TEXAS.

JUDITH M. BARZILAY, OF NEW JERSEY, TO BE A JUDGE OF THE UNITED STATES COURT OF INTERNATIONAL TRADE.

DELISSA A. RIDGWAY, OF THE DISTRICT OF COLUMBIA, TO BE A JUDGE OF THE UNITED STATES COURT OF INTERNATIONAL TRADE.

WITHDRAWAL

Executive message transmitted by the President to the Senate on March 11, 1998, withdrawing from further Senate consideration the following nomination:

DEPARTMENT OF LABOR

IDA L. CASTRO, OF NEW YORK, TO BE DIRECTOR OF THE WOMEN'S BUREAU, DEPARTMENT OF LABOR, WHICH WAS SENT TO THE SENATE ON OCTOBER 9, 1997.

HOUSE OF REPRESENTATIVES—*Wednesday, March 11, 1998*

The House met at 10 a.m.

The Chaplain, Reverend James David Ford, D.D., offered the following prayer: Grant us, O God, the vision to see not only what is before us, but to lift our eyes to those things eternal and lasting. May the verities of faith and hope and love ennoble our souls and give solace and grace to us at every hour. With the cluttered and crowded days of work and the endless demands on time and attention, may we seek Your still small voice that pardons and forgives, that enables great acts of justice, that grants peace and serenity, that strengthens and makes whole. O gracious God from whom all blessings flow, bless our lives this day and every day, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Florida (Mr. STEARNS) come forward and lead the House in the Pledge of Allegiance.

Mr. STEARNS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize 15 Members on each side for one-minute speeches.

D.C. SCHOOL CHOICE

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, I think we all in this Congress have a unique moral burden for the children of Washington, D.C. We can talk about education in America, but education in most of America is the legitimate responsibility of the States, of the local school boards and of folks back home.

The District of Columbia is a Federal burden and a Federal responsibility. The tragedy is that the children of our national capital have been failed by a system which spends over $10,000 per student. This is a system which traps children in schools that fail. It traps them in a system where they are not learning. It has a very high dropout rate.

Recently, several very patriotic Americans gave of their own money to establish a scholarship program. Over 7,500 children applied for those scholarships. It is clear that the parents of Washington, D.C., want a choice, and as William Raspberry said in a recent column, even if you disagree that this will save the entire system, if it is only a lifeboat to save a few thousand, should we not at least try to save some children, to give them a chance to go to college instead of prison, to give them a chance to learn instead of drop out, to give them a chance to be in a safe, disciplined education environment rather than in a dangerous, undisciplined place where no education occurs?

I commend the majority leader, the gentleman from Texas (Mr. ARMEY) for the passion and the effort he has put into an unending effort to make sure that every child in our national capital has a choice and that we have a scholarship program that will give every child a better future. The D.C. Opportunity Scholarship program, I think, is vital, and I hope every Member will decide to vote for the children when the time comes.

ISTEA

(Mr. ROTHMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTHMAN. Mr. Speaker, as of March 31, just a few weeks away, there will be no more Federal dollars going for highway or mass transit funding going to our States. No more money, period.

This is the construction season and businesses and builders are making their decisions now. If we miss this building season because the House is unable to get its act together about the refunding of highway and mass transit infrastructure money in the United States, then we are going to lose out in New Jersey where I am from and we are going to lose out all across America. A delay will cost our States more money because they will have to close down their projects and then reopen them.

For every billion dollars that we do not send to the States to rebuild our highways, roads and mass transit, 1,400 projects nationwide will be stalled, 42,000 men and women will be out of work.

And what are we talking about? We are talking about jobs, businesses being able to compete in the global economy; and we are talking about the quality of life for ourselves and our children. I call upon the leaders in the House of Representatives to get their act together, to pass the reauthorization of highway, road and mass transit funding so we can get our country moving again.

SCHOOL OPTIONS FOR SCHOOL CHILDREN IN THE DISTRICT OF COLUMBIA

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, tomorrow the Committee on Education and the Workforce subcommittee under the direction of the gentleman from California (Mr. RIGGS) is going to hold a special hearing on the question of school choice options for the children of D.C.

As we know, Washington, D.C., has some very, very good schools and schools that we can be proud of. But unfortunately, it has some very tragic failures of schools. And in these hearings tomorrow, the gentleman from California (Mr. RIGGS) and his committee are going to focus on this number, 7,573, one out of every 10 families in the city who qualified for low-income scholarships to take their children from a school that was failing the children to a school where they would have new opportunity, who are left disappointed because we have not yet been able to convince the President to sign a simple bill that takes $7 million of additional money and allocates it to scholarships for these children.

I would like to talk for a moment about just one of these children, little David, nine years old, finally got from a school where he was frightened, where he was intimidated, where he felt himself to be a failure, to a school where the other students respected him, appreciated him, the teachers nurtured him.

He was liked and popular because he got good grades in math and science. Because he got good grades in math and science, he was popular with the other students, he was popular with the teachers, and he had a new self-esteem.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

David's mother unhappily does not do well in her personal life. She is not often there for David. His father, unfortunately, is even more rarely there for David and uses him as a lookout for illegal transactions when he does pay any attention to him.

But David has found a joy in his life. Because somebody thought enough of this child to give him a helping hand, David gets himself up every morning, gets himself on the bus, gets himself to school where he will make of himself a successful and happy man in his adulthood, caring more than he was ever cared, for his own children.

These are the things we can do if we just care enough to reach out to these children, one child at a time.

HELP FOR D.C. SCHOOLS

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, I just want to correct the record. The District is nobody's burden and no one's responsibility except the responsibility of the residents of the District. I correct what the Speaker said in that regard.

The majority claims it wants to help, it wants a D.C. voucher bill to help D.C. youngsters. How can such a claim be credible when a veto of vouchers has been promised and a lawsuit would be inevitable?

Do Members want to help? Our youngsters need help now. Twenty-five percent of our students will be attending a newly established summer program to keep them from failing, to quickly improve their performance and even to offer advanced work and enrichment as the city pressures themselves to new and more vigorous standards.

Do my colleagues want to help? Help these 25 percent who need our help now. Vouchers for 7,000 kids will not do it.

BOUNTY HUNTERS

(Mr. HUTCHINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTCHINSON. Mr. Speaker, in July of 1994, Jrae Mason, a grandmother, was sitting on the front porch of her house in Manhattan when she was approached by two strangers, bounty hunters who believed her to be a woman who had skipped bail in Tuscaloosa, Alabama. Despite Ms. Mason's protests to the contrary, these strangers handcuffed her and forcibly took her to the police station. Despite police verification that she was who she said she was, the bounty hunters forcibly took her from New York to Alabama in handcuffs, in essence, kidnapped her.

In Alabama, Ms. Mason finally convinced authorities that she was the wrong person. It was not hard to do since she looked nothing like the bail jumper.

Three-and-a-half days and 910 miles later the bounty hunters finally acknowledged their error. Did they send her back to New York on an airplane? Of course not. They paid for a bus ticket to send Ms. Mason home.

Is it not time for a little accountability in the bounty hunter profession? Skilled professional bounty hunters want it. Our law enforcement community wants it. And certainly innocent Americans want it.

This will be the subject of a hearing in the Committee on the Judiciary tomorrow. I urge my colleagues to support the Citizens Protection Act.

PASS SCHOOL CONSTRUCTION LEGISLATION

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, this Congress must take action to address the serious need for school construction in this country for our children.

Across this country at this very moment more than 52 million school children are attending class. Unfortunately, far too many of these children are not being educated in modern, well-equipped facilities where discipline and order foster academic achievement. Unfortunately for many of our Nation's school children, class is being taught in a trailer, in a closet, in an overstuffed or run-down classroom.

Mr. Speaker, the General Accounting Office has identified more than $112 billion in school construction needs in America. As a former State superintendent of our State's schools, I know that North Carolina needs more than $6 billion to build new school facilities for our children.

For example, there are as many as 13,000 children in Wake County, North Carolina, alone right now being educated in trailers. Experts at the Department of Education project that my State's high school enrollment will grow by more than 27 percent in the next decade.

Mr. Speaker, no student in America should be forced to attend class in substandard facilities. No teacher in America should be required to struggle in overcrowded classrooms, and no child in America should be condemned to school in a trailer. We need to fix it now.

UNFAIRNESS IN TAX CODE: MARRIAGE TAX PENALTY

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, why is enactment of the Marriage Tax Elimination Act so important? Do Americans feel that it is fair that our tax code imposes a higher tax penalty on marriage? Do Americans feel that it is fair that 21 million American married working couples pay $1,400 more in taxes than an identical couple with identical incomes living together outside a marriage? Do Americans feel that it is right that our tax code actually provides an incentive to get divorced? Of course not.

The marriage tax penalty is unfair and it is wrong. The marriage tax penalty results when you have two individuals who choose to marry and their combined income, when they file jointly, pushes them into a higher tax bracket.

☐ 1015

Twenty-one million married working couples pay this tax penalty, on average $1,400 a year. And on the south side of Chicago and the south suburbs I represent, that is 1 year's tuition at a local community college; that is 3 months' worth of day care at a local child care center.

The Marriage Tax Elimination Act now has 238 bipartisan sponsors and would immediately eliminate the marriage tax penalty. The marriage tax penalty is unfair, it is wrong. Let us eliminate it and let us eliminate it now.

CONGRESS MUST STEP IN AND SOLVE IRS ABUSE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Imagine this, Mr. Speaker. The IRS kicks down your door without a warrant and takes everything. Then the IRS, without a warrant, raids your partner's home. They arrest him at gunpoint in front of his small children and take everything. Then the IRS goes to your business, they question your customers, they threaten your employees, they take everything that is not nailed down.

Sound incredible? Not for the IRS. It was later ruled that the IRS was guilty, guilty, guilty. Guilty of assault, guilty of illegal search and seizure and guilty of false imprisonment.

Beam me up, Congress. When the IRS starts acting like Nazis, that is right, listen to the word, Nazis, Congress must step in and Congress must solve this dilemma for the American people.

I am asking you to cosponsor H.R. 3277, my bill that will stop illegal searches and illegal seizures.

100TH ANNIVERSARY OF MONROE REGIONAL MEDICAL CENTER

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I had the privilege of serving on the board of trustees for the Monroe Regional Medical Center in my hometown of Ocala, Florida. It is an honor for me this morning to take the floor to recognize the 100th anniversary of this wonderful hospital.

In 1898, the Marion Surgical Hospital was organized into two rooms on the third floor of an office building in Ocala, Florida. Since then, the hospital has been in different locations under different names but its mission has remained constant, serving the medical needs of those within the community.

We are proud that our hospital provides care for patients without regard to race, religion, national origin or financial status. The Monroe Regional Medical Center has changed dramatically from its modest beginnings. It is now a modern 323-bed, acute-care facility. This is a not-for-profit hospital. It is owned and supported by our community.

I appreciate this opportunity to pay tribute to the fourth oldest hospital in the State of Florida for 100 years of service. Congratulations.

CONGRESS MUST ENSURE THAT MANAGED CARE IS QUALITY CARE

(Mr. ALLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLEN. Mr. Speaker, health care is in transition. Private and public purchasers of health care are turning to managed care. Today, more than 160 million Americans are in managed care plans.

The shift to managed care has implications for health care quality. Managed care must be more than managed cost.

On the cover of today's Washington Post is a story about a woman who fell from a cliff while hiking. She had fractures to her skull, arm and pelvis. Her HMO refused to pay her hospital bills, saying she had failed to obtain preauthorization. Only after several court battles did the HMO pay anything for this woman's care.

This is unacceptable. Individuals must have access to and payment for emergency care in any situation that a prudent layperson would regard as an emergency. Every American deserves quality care. Managed care reforms are necessary to ensure that managed care is quality care.

AMERICANS DEMAND COMPLETE OVERHAUL OF IRS AND REFORM OF TAX CODE

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, yesterday the Associated Press released its results on the latest survey conducted on how much Americans trust their government. Well, not surprisingly, it found that out of every 10 Americans only three or four believe their government will do the right thing most or all the time. Mr. Speaker, more than 60 percent of Americans do not trust their government.

This survey also asked people what they felt about various government agencies in Washington that increasingly intrude into their daily lives. Well, not surprisingly, the numbers showed that the IRS has dropped significantly. Of all the government agencies, the IRS has the lowest approval rating of all. Truly shocking? Not really.

Now, even though there is a strong message here, I have absolute total confidence that my liberal colleagues and defenders of big government will ignore it. However, the message is clear: The people demand a complete overhaul of the IRS and real reform of our Tax Code and now is the time to act.

REPUBLICAN INACTION ON TOBACCO

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, this year Congress has been the do-nothing Congress. The Republican leadership sits idle while each day 3,000 children get hooked on tobacco products. Of those, 1,000 who start today will die early because of tobacco-related diseases. This is an epidemic that deserves congressional action now.

While the Republican leadership continues to cash in on big tobacco campaign contributions, Democrats today will roll out legislation that stops tobacco companies dead in their tracks from peddling their poison to children.

So far in this Congress we have managed to rename airports, post offices and public buildings. Congress needs to step up to the plate and pass tobacco legislation for America's children. The evidence is clear: Big tobacco has pushed their product onto children.

Democrats are fighting to prevent tobacco companies from this nasty habit. The Republican leadership would rather protect their special interest friends than protect the Nation's children from joining the tobacco ranks. The American people will not stand for this inaction.

CONGRESS MUST TAKE ACTION NOW TO STOP IRS ABUSE

(Mrs. CHENOWETH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHENOWETH. Mr. Speaker, I learned as a child from reading the Bible that tax collectors have never been popular, and that, I suspect, will never change. But I do not think that that can explain the growing hostility of more and more taxpayers towards the IRS.

Now, I know that our liberal friends will dismiss that out of hand, saying how easy it is to bash the IRS. But they demonstrate in doing this that once again they simply do not care how good decent American taxpayers are treated by the IRS. We were elected to care and to do something about this runaway agency.

The fact is people are unhappy with the IRS for a very good reason. There is clearly an abuse of power. I am talking about honest, average Americans facing an audit, who make an honest mistake and then are treated as criminals by the IRS, while the courts turn their back on the fact that these people deserve due process. Mr. Speaker, we must, in the Congress, do something about this abuse.

LOIS CAPPS WINS 22ND CONGRESSIONAL DISTRICT ELECTION IN CALIFORNIA

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, I rise to congratulate my soon-to-be colleague, Lois Capps. Lois won an impressive victory in yesterday's special election in California's 22nd Congressional District. She won the election 53 percent to 45 percent with a margin of more than 12,000 votes.

The message from this special election is clear: The Democratic agenda, providing education opportunities, putting 100,000 new teachers in our classrooms, providing affordable and safe child care, access to health care and livable wages, is striking a responsive note with American voters.

Lois, we look forward to having you here in Congress working on the issues that people in your district and across the Nation really care about. Congratulations, Lois. We will see you soon.

PRESIDENT'S BUDGET DOES NOT AGREE WITH DECLARATION THAT ERA OF BIG GOVERNMENT IS OVER

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, I often go home to my district and I ask my constituents: Is there any message for Washington? I would like to pass on some of the responses that I have been getting.

They say: Do not spend the surplus; do not bust the budget deal that you agreed to last summer; do not start any new government programs; do not create new entitlement programs; and do not add more people to Medicare until we first figure out how we are going to save Medicare from going bankrupt. Oh, yes, the big one is, do not raise taxes.

In fact, Mr. Speaker, I hear over and over again that the President's budget is going in the wrong direction because it does all those things that most people are opposed to: Taxes are raised by billions and billions of dollars, spending is increased by hundreds of billions of dollars, entitlements are expanded, and new spending programs are created. It simply does not agree with the President's declaration to the American people 2 years ago that the era of big government is over.

Mr. Speaker, the American people tell me that words mean something and that it is time that here in Washington we start honoring the pledges we make.

CONGRESS FACES HISTORIC OPPORTUNITY TO ACT ON TOBACCO-RELATED DISEASES AND CHILD CARE ISSUES

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, yesterday the President came to Connecticut and talked about the many challenges facing American parents as they try to raise happy and healthy children. On one hand there is an epidemic of teen smoking. Three thousand kids start smoking every day, a thousand of whom will die from tobacco-related illnesses.

On the other hand, there is an appalling lack of affordable and quality child care for working parents in this country. Multi-State studies have proven that nearly half of the care in this country for very young children is of such poor quality that it threatens their health and their safety.

Luckily, as the President said yesterday, we have a historic opportunity to act on both of these issues. By supporting tobacco legislation that stops this billion dollar special interest from killing our kids, we can make a difference.

We can save our children. We can save their lives and provide them with quality, affordable, accessible child care. I urge my colleagues to support our children and stop supporting the special interests.

PHONY SURPLUS WILL NOT END RAID ON GOVERNMENT TRUST FUNDS

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, just an aside. I understand that when the President was in Connecticut, that he was at a fundraiser at a tobacco lawyer's house.

Mr. Speaker, this is a riddle: If you are in debt but you balance your budget and have surpluses for 5 years in a row, at the end of that time will you owe more or less money? If you are an individual, you will owe less money. But if you are the Federal Government, you will owe more money, almost $1 trillion more between now and 2002.

How can this be? Here is the ugly truth. There is no budget surplus. The so-called budget surplus is a figment of clever Federal Government accounting. In 1988, the Congressional Budget Office, CBO, projects there will be a surplus of $8 billion and the national debt will be $5.5 trillion this year. In 2002, after 5 years of balanced budgets and surpluses, the national debt will be $6.4 trillion, almost $1 trillion more.

The national debt will grow because the Federal Government does not count the billions spent each year from government trust funds like Social Security. Clearly, there is no surplus and the budget, obviously, is not balanced.

ABUSES BY IRS REVEALED TO BE EVEN WORSE THAN FIRST THOUGHT

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, it is amazing what a little sunshine will do.

Political corruption, fraud, criminal activity and wrongdoing cannot operate in the light of day. When corrupt practices are opened up to public scrutiny, wrongdoers are held accountable for their actions.

The White House Travel Office abuse of power; the 900 FBI files of Republicans that were discovered; the entertaining of drug dealers and arms smugglers in the White House; the use of the Lincoln bedroom for fund-raising; dialing for dollars from the White House; the selling of trade missions to raise money; the laundering of money at a Buddhist temple; putting $25,000 price tags on White House coffees; returning over $2 million in campaign contributions because they came from illegal sources. All these were activities that were not conducted in the light of day and had to be exposed by journalists and congressional investigators.

And now we have the IRS. The abusive practices of the IRS, known to millions of individual Americans, began to be open to public scrutiny last year as a result of the Senate hearings. The first rays of sunshine are starting to come through, and the IRS looks even worse than we thought.

Free people cannot tolerate any of these abuses, at the White House or at the IRS.

□ 1030

THREE STRIKES AND YOU ARE OUT

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, we need a three-strikes-and-you-are-out law in Washington, and we can change this administration real quickly. And here is what I mean: Strike number one: 1990, the Congressional Bipartisan Budget deal broken by President Clinton; 1993, the President sets his own budget deal, broken in 1994 and 1995; now 1997, there was yet another deal, and Clinton is out to break it by $56 billion. Three strikes; you are out. That should be what we can do to turn the budget around and turn around our fiscal picture.

Our spending right now is $268 billion higher than during the Carter administration after you adjust it for inflation. Reagan cut the budget by 15 percent, and I am talking about domestic discretionary spending, but now it is up 23 percent over that. We are very proud that the budget is about to be balanced, but that is no excuse for continuing to spend. And that is what is going on.

Three strikes and you are out. Stick with your word, Mr. President. Let us surprise everybody.

DEVELOPMENT OF CRITICAL TELEVISION VIEWING SKILLS IN ELEMENTARY SCHOOL STUDENTS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I rise to bring another example of wasted Federal education tax dollars to your attention. Through the Department of Education, we funded an education study entitled, "The Development of Critical Television Viewing Skills in Elementary School Students."

Our kids do not need Federal assistance to watch television to develop, "television viewing skills." Rather, they should be learning to read and write, finding solutions to math problems and perform science experiments. While American schoolchildren lag behind the rest of the developed world in basic academic skills, our Federal education dollars are paying for our children to watch television effectively.

If my colleagues believe that Federal education dollars should be made available to kids in classrooms instead of funding studies like this one, I urge them to cosponsor the dollars to the

Classroom Act, which will require 95 cents of every Federal dollar to be used in the classroom where learning basic skills occur.

LOIS CAPPS ELECTED TO HOUSE OF REPRESENTATIVES

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, yesterday was a very important day. I suppose that gets said a lot of times here in the well. But yesterday, the American people, in the form of the California delegation, elected Lois Capps to the House of Representatives. It was a campaign filled with millions of dollars of advertisement about abortion and about term limits and about a lot of other irrelevant issues.

But the American people voted for a candidate who said she wanted to come back here and work on education, who wanted to come back here and work on a patients' bill of rights, who wanted to come back here and do the things that affect the American people.

People of her district listened to all these television ads. I mean, they cannot get away from it. The air was filled with it. She spent $1,600,000. And this House has never yet brought out on this floor for debate a campaign finance reform bill. The people said we want somebody who is going to work on our problems.

D.C. SCHOOL CHOICE

(Mrs. NORTHUP asked and was given permission to address the House for 1 minute.)

Mrs. NORTHUP. Mr. Speaker, I know what it is like to worry every day about how your child is doing in school. It must be terrible if your child is trapped in a school that is unsafe and unworkable; your daughter's sleepless nights become your own sleepless nights.

Most parents with children in the D.C. public schools live under these intolerable conditions. D.C. Schools have received national attention. In spite of funding per student that ranks among one of the highest districts in the Nation, education in this district has reached crisis proportions. Decrepid school buildings are literally falling part.

Just this year, a high school student interned in my office because opening day was delayed 3 weeks. The local news here is filled with stories of fire code violations, violence in schools, and failing test scores.

The problem with D.C. schools is that the entire system is broken. It is not just a bad teacher or disorganized principal or leaking roof or unrestrained bully in fourth grade; it is all of these and more. Parents cannot just change their child's class or even their child's school. They simply cannot escape. And so, their children are trapped.

Hopefully, the District will begin the long process of improvement. But, in the meantime, we need to give children a choice.

CONGRATULATIONS TO LOIS CAPPS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, the people of the 22nd District of California have spoken. Congratulations, Lois Capps, newly elected Democrat to the United States Congress, someone who stood for education, patients' rights, the preservation of social security, understanding the needs of the people, and, yes, understanding the rights of women. Lois Capps will come and take her place. We salute her because this is a place where we need to stand by those who need us most.

I would like to encourage my colleagues this morning, as we proceed historically to support the first African trade bill that this United States Congress has ever debated, give Africa a chance and equal partnership, a chance to do trade, a chance to improve their economic standing, a chance to create jobs, a chance to work with Americans. We can do great things together. I know that Lois Capps will help us do it. Today let us pass the African trade bill.

TRIBUTE TO NEW HAMPSHIRE OLYMPIANS

(Mr. BASS asked and was given permission to address the House for 1 minute.)

Mr. BASS. Mr. Speaker, I know that my colleagues will join me in paying tribute to several New Hampshire Olympians who skated their way into America's heart last month. Their dazzling talent and can-do spirit and proud patriotism gave the world a glimpse of what makes our Nation so special.

As an American, I can think of few prouder moments in our history than when the U.S. women's hockey team claimed the Gold Medal for our country. As a Nation, we felt the magic of this newest miracle on ice as our heroes collected their hard-earned prize and secured their place in Olympic history.

Like all great champions, Team USA gave us something greater than a victory; they inspired girls all over the world to dream new Olympic dreams and strive to achieve their goals with grace and class. As a father of such a little girl, I thank them for being such wonderful world models.

Today, as New Hampshire pays tribute to Team USA, I congratulate the New Hampshire natives and Dartmouth and UNH grads who represented our State so proudly: Tricia Dunn, Katie King, Tara Mounsey, Colleen Coyne, Sue Merze, Kayrn Bye, Gretchen Ulion, Sarah Tueting. May your spirits always shine as brightly as the gold that you have won.

SCHOOL CHOICE WORKS

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, school choice works. Consider the recent example of Albany, New York. Philanthropist Virginia Gilder identified one of the worst schools in the entire city and offered every student a scholarship of $2,000. One-sixth of the children at that school took her up on the offer and transferred to private schools.

What was the result? Here is what the Washington Post reports: "It worked. The school board ousted the principal, brought in nine new teachers, added two assistant principals and invested in books, equipment and teacher training after years of neglect."

Faced with the prospect of losing its students to the competition, Albany's school system reformed itself. Albany's example shows that school choice helps not only the students who receive scholarships, it also helps the children who remain in public schools.

Mr. Speaker, if it worked in Albany, it can work in Anacostia. Next month, the House will consider school choice legislation for the children of the District. I urge my colleagues to support it.

AFRICA GROWTH AND OPPORTUNITY ACT

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 383 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 383

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1432) to authorize a new trade and investment policy for sub-Saharan Africa. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed two hours, with one hour equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations and one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill, modified by the amendments printed in part 1 of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. Points of order against that amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part 2 of the report of the Committee on Rules. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H.R. 383 is a structured rule providing for consideration of H.R. 1432, the Africa Growth and Opportunity Act, a bill designed to usher in a new era in U.S. African relations by stimulating market incentives and increasing trade.

H. Res. 383 provides for 2 hours of general debate with 1 hour divided equally between the chairman and ranking minority member of the Committee on International Relations, and 1 hour divided equally between the chairman and ranking minority member of the Committee on Ways and Means.

The rule provides for the consideration of the Committee on Ways and Means' amendment in the nature of a substitute now printed in the bill as modified by the amendments printed in Part I of the report of the Committee on Rules as an original bill for the purpose of amendment and considered as read.

H. Res. 383 also waives points of orders against the committee amendment for failure to comply with clause 7 of rule XVI, that is, the rule on germaneness.

The resolution also makes in order six amendments printed in Part II of the Committee on Rules' report. The amendments shall be considered only in the order specified in the report, may be offered only by the Member designated by the report, and shall be considered as read, shall be debatable for the time specified in the report, equally divided between a proponent and opponent, and the amendments are not subject to amendment.

This rule also allows the Chairman of the Committee of the Whole to postpone recorded votes and reduce to 5 minutes the voting time after the first of the series of votes provided that the first vote is not less than 15 minutes. This provision will facilitate consideration of amendments.

House Resolution 338 also provides for one motion to recommit with or without instructions as is the right of the minority.

Mr. Speaker, this legislation is designed to reinforce the positive developments taking place in the sub-Saharan African region by promoting a United States trade policy with those countries that are committed to market incentives, human rights reforms, and private sector growth.

The countries affected by this legislation are moving toward democracy and opening their economies. This legislation will help expand this move by encouraging sub-Saharan countries that are truly reform minded to expand their trade and investment ties with the United States.

I think it is important to note that this bill requires the President to identify those countries that are moving toward the establishment of a market-based economy and that there is a strong eligibility criteria to ensure human rights and penalize those caught engaging in illegal behavior.

These conditions will continue to be helpful in terms of reforms that might otherwise not be made because these nations view this as a partnership and an opportunity to improve relations with the United States.

The United States has proven adept at providing developmental aid and humanitarian relief to this region in the past. However, as we move into the 21st Century, this legislation is part of a new strategy designed to stimulate growth by promoting free trade and market economies. If we do not open these new markets, I fear that we will lose valuable economic activities and thwart job creation for American business and workers.

The Committee on International Relations informs us that trade between the United States and Africa can be greatly expanded with over 11 million United States jobs, including one in five manufacturing jobs being supported by our exports. The potential for job creation is high.

□ 1045

Over the last 4 years alone U.S. exports have created 1.4 million new American jobs. However, if the United States continues to opt not to participate, we all know that other nations will move forward in our place, forge free trade agreements with those countries and leave us behind.

With regard to the consideration of amendments, the Committee on Rules has done its best to permit the consideration of amendments to this legislation that do not touch upon the Committee on Ways and Means' portions of H.R. 1432. In testimony yesterday, the gentleman from Illinois (Mr. CRANE), the chairman of the Subcommittee on Trade, and the gentleman from New York (Mr. RANGEL), the ranking minority member of the House Committee on Ways and Means, argued for the traditional protections for tax and trade provisions under the jurisdiction of the Committee on Ways and Means. In permitting only these amendments, the committee has followed precedent during the consideration of Ways and Means bills in an effort to preserve the integrity of the trade laws.

H.R. 1432 was ordered reported unanimously from both the Committee on International Relations' Subcommittee on Africa and the full Committee on International Relations. In addition, H.R. 1432 was ordered reported out of the Committee on Ways and Means unanimously with only a single amendment offered and considered.

I urge my colleagues to support this rule so that we may proceed with general debate and consideration of the amendments and the merits of this important bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER) for yielding me the customary half-hour, and I yield myself such time as I may consume.

Mr. Speaker, over the last month I have been very impressed by the gentleman from New York (Mr. SOLOMON), my chairman, who has made in order open rule after open rule. Unfortunately, today, Mr. Speaker, it appears that that open rule streak has come to an end.

The rule we are considering today is a modified closed rule for a very, very important bill to which Members really have a lot of amendments. But this closed rule, Mr. Speaker, will prohibit all but a very few amendments. For that reason, I urge my colleagues to oppose the rule.

This African trade bill is designed to stimulate growth and reduce poverty in eligible sub-Saharan countries. It encourages investment in some African countries which are already turning out to be rich markets for American technologies and exports. It also enables African countries to have the kind of trade consideration that countries in Europe, Asia, Mexico and Canada have enjoyed for years. Mr. Speaker, that is to say, it is about time.

But unfortunately, Mr. Speaker, unless we can make some major changes in this bill, any help this bill gives African countries will be at the expense of American workers, particularly American textile workers. Unless we change this bill, huge Asian textile corporations will be able to transship their products through Africa and will avoid an 18 percent import duty. Mr. Speaker, that does not help African workers and it sure does not help American workers.

They can make the clothes in Asia, in Chinese sweatshops if they want. They can ship them to Africa to be packaged and avoid all kinds of quotas, all kinds of tariffs. Meanwhile, slave trade in China continues to flourish, African workers do not get much of anything to do, and American workers are laid off left, right and center.

But since my Republican colleagues have closed the rule to keep us from improving this bill, we cannot require progress on workers' rights, on child labor. We cannot prevent transshipping, we cannot require African countries to open markets for American goods like clothing, footwear and yarn.

Mr. Speaker, if my colleagues thought NAFTA was bad for American workers' rights, if they thought NAFTA would cause irreparable environmental damage, wait until they get a load of this African trade bill. It looks like we have not learned anything from NAFTA's mistakes.

This bill helps powerful Asian manufacturers at the expense of both African workers and American workers. It turns a blind eye to child labor, to basic workers' rights, and it will hurt the American textile business.

This bill purports to help Africans, which it may not, and it does so at the expense of African Americans who make up one-third to one-half of all textile and apparel workers here in the United States.

In the past few years, there has been a remarkable economic and political transformation in sub-Saharan Africa. President Clinton is going to Africa in less than 2 weeks. He would like to open up more trade. But right now, Mr. Speaker, he can do that only at a very high price to American taxpayers and to American workers.

So in the interest of all working people, I urge my colleagues to oppose this closed rule. We can send the bill back to the Committee on Rules, we can make these improving amendments in order, and this would vastly improve the bill. Mr. Speaker, I think we should.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. SOLOMON), the chairman of the Committee on Rules.

Mr. SOLOMON. I thank the gentleman for yielding me this time.

Mr. Speaker, I am shocked to hear the words coming out of the gentleman from Massachusetts (Mr. MOAKLEY), the former chairman of the Committee on Rules, criticizing this rule as a closed rule. I just have to remind the membership, Mr. Speaker, that I labored for 6 years under the tutelage and the leadership of the gentleman from Massachusetts (Mr. MOAKLEY), and time after time after time he took to this floor and said we must not, under any circumstances, open up a Ways and Means section of any bill to amendment, because the Tax Code in this country is so complicated that we must make sure that hearings have been held before we ever, ever allow amendments on the floor.

Mr. Speaker, I have simply followed the leadership of my chairman, which means so much.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Speaker, I am afraid the gentleman has watched too closely. But also he may remember the most-favored-nation status China trade bill that I opened the rule because there were some very-much-needed amendments, and it is very reminiscent of what we are doing today.

Mr. SOLOMON. I do not recall that, and I will discuss it with the gentleman later. But, Mr. Speaker, the truth is that this is a controversial bill. I have a lot of concerns about it myself. I am concerned with the people that used to work in the trade, of making the shirts that we are wearing on our backs today. I was in several department stores and several discount stores like Kmart and Wal-Mart not too long ago, looking at all the shirts, the dress shirts like these that they had on display, and there were nine different countries that have brought these shirts into this country. I could not find one American shirt being manufactured here.

The gentleman from New York (Mr. RANGEL) used to represent a lot of those people in New York City, I represented them in the Hudson Valley. There are practically none left.

But notwithstanding that, Mr. Speaker, this is a fair rule. What we have done is to make every amendment in order, every single amendment coming out of the Committee on International Relations, the committee of jurisdiction. We have made amendments for the gentlewoman from Washington (Mrs. LINDA SMITH), the gentlewoman from California (Ms. WATERS) we made 3 amendments in order, the gentleman from Illinois (Mr. DAVIS), all Democrats. Every single amendment that was filed with the Committee on Rules was made in order except those that would interfere with the U.S. Tax Code.

The gentleman from Ohio (Mr. TRAFICANT), sitting over there, had several amendments that were good amendments and that I would support, but we just cannot bring those amendments to the floor under these circumstances because it would open up the U.S. Tax Code. Therefore, I would ask the gentlewoman from California (Ms. WATERS), I know she is chairman of the Black Caucus, I would ask her when she comes over here to urge support of this rule because it is a fair rule.

We need to at least debate this issue on the floor and then let the chips fall where they may. But please come over and support the rule. It is a very fair rule.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means.

Mr. RANGEL. Mr. Speaker, I rise in support of the rule.

One of the reasons why certain amendments were not allowed under the rule is because it would preclude the African people from exporting their goods to the United States. It would seem to me that if we are going to have a trade bill, then certainly removing the ability of people that are really trying to build up some industry in these poor, impoverished countries, that we should not deny them the opportunity to develop their own fabrics, sew them together and send them to the United States.

Under the amendment that was not accepted by the Committee on Rules, the African workers in these countries would not be able to manufacture their own goods. They would have to accept American-manufactured goods, cut in America, sent across the Atlantic, sewed together and sent back over. They say, "Well, it's been done in Mexico."

There is a big difference between the line on the map between Mexico and the United States and the Atlantic Ocean, and it is just not feasible. The amendment would have precluded all of the GSP provisions in the trade bill. And so let us not hear that if we had had a better rule, we would have voted for the African trade bill. What would be better to say is that if you want to kill the African Growth and Economic Opportunity bill, if you want to deny the people in this part of the world participation in world trade, then you deny us the opportunity to bring it on the floor. And if you do not want the bill on the floor, then you have to vote against the rule.

The rule gives us an opportunity to vote up or down. It denies us the opportunity to take a lot of amendments and to change what the bill was.

And about transshipment. Transshipment is an international problem. Let me make it abundantly clear that transshipment is a problem for the United States and that is the reason why special consideration was given in this bill where the offending countries are not only penalized, but it is governed by the International Trade Commission, the World Trade Organization, and if these countries in the sub-Saharan can manage to export and reimport the type of goods that the supporters of the amendments are talking about, we would know it in a hurry. Believe me, these countries are in such despair economically that they are only trying to participate.

I ask Members to support the rule, give these African countries a chance. We promised it to them. Let us not deny it through a parliamentary procedure.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. BALLENGER).

Mr. BALLENGER. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today in opposition to the rule on H.R. 1432, the Africa Growth and Opportunity Act. Unfortunately, the rule does not permit a perfecting amendment which would require that apparel receiving duty-free and quota-free treatment be constructed of U.S.-manufactured yarn and fabric, as is the law today on imports from the Caribbean basin, another group of impoverished people.

In its current form, H.R. 1432 poses a serious risk to our domestic textile industry and its employees. The bill does not prevent the illegal transshipment of apparel from other countries, particularly China that has avoided quotas in the past. In actuality, the bill could throw thousands of U.S. workers out of their jobs.

Over my years in Congress, I have supported many trade agreements that have produced positive results. However, I believe trade agreements should give American workers a fair shake, not hurt them. As it stands, the Africa Growth and Opportunity Act will only produce negative results.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. MILLER).

□ 1100

Mr. MILLER of California. Mr. Speaker and members of the committee, I rise in strong opposition to the rule and H.R. 1432, the African Growth and Opportunity Act. This restrictive rule prevents most Members of Congress from offering any amendments to perfect this bill and to ensure that it is the people of Africa who will benefit from this legislation.

This rule makes it impossible to require that the benefits provided by the United States under this legislation be granted only if the countries of Sub-Saharan Africa employ African workers in the production of goods granted preferential market access to the United States.

I favor the goals of this bill to provide a foundation for strong democracy and a sustainable social and economic development in Africa. However, I cannot sanction legislation that, in its current form, promotes these goals at the expense of African workers, the very sector of society upon which future economic development relies. At the very least, we must promote an economic foundation for Africa which has as its cornerstone the provision of the ample employment opportunities for the indigenous citizens and permanent residents.

Were this a fair rule, I would have been allowed to offer a simple but vital amendment. My amendment would have required that the benefits provided in this legislation, including duty-free and quota-free access to U.S. markets, only be afforded to those African countries if the goods produced were created by a work force that is composed of at least 80 percent permanent resident workers. In addition, my amendment would have required that these countries avoid the use of indentured, bonded, forced, convict or exploited child labor in the manufacture of these goods.

My colleagues say that this is not going to happen, that this is not possible, that the ocean is too far. Well, let me explain to my colleagues that the Chinese garment makers send to the northern Mariana Islands goods woven in China, cut in China, and assembled in the northern Marianas by the Chinese workers, a totally controlled work force that is indentured, that is bonded, where the young people are forced into forced abortions and into prostitution. It is a simple matter for the Chinese to do the same thing in Africa, because it is very clear why they are there. They can get there under the U.S. quota.

This is just legalizing transshipment, and what happens is that those workers can be imported from China, from India, from Bangladesh, as they are in the Northern Marianas, and they will be there to do the work, to create the goods that my colleague held up here; they will not be created by African workers because those workers will work for far less than any of the wages that are offered to them in Africa.

This is a fact of life. We deal with it now. Almost a billion and a half dollars worth of garments comes in quota-free, duty-free from the Marianas. We should not set up a parallel system. We should not set up a parallel system in Africa.

This legislation should bestow the benefits of this bill on the African people, not on the corporations that will set up in these zones and then import their workers, workers who will have paid large amounts of money, who in fact become indentured and work for pennies a day in violation of all, all working conditions that we would consider acceptable. This bill should be sent back to the Committee on Rules.

Mr. LINDER. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. DREIER), a member of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule. This is actually a very great day for this institution. I believe that the American people would be very proud of the process that went into fashioning this measure. It is clearly bipartisan; it crosses ideological lines. We have some of the most conservative Members of this institution strongly supportive of the measure, and some of the most liberal.

On the Committee on Ways and Means we have the leadership, including the gentleman from California (Mr. THOMAS) who is here on the floor, along with the gentleman from Texas (Mr. ARCHER), chairman of the Committee on Ways and Means, the gentleman from Illinois (Mr. CRANE), the gentleman from New York (Mr. RANGEL), the gentleman from California (Mr. MATSUI), the gentleman from Washington (Mr. MCDERMOTT) and others who have played a role in looking at this issue.

And quite frankly, while we hear about this question of whether or not we are allowing for the free flow of ideas here on the floor, the opportunity existed there in the Committee on Ways and Means. And frankly, as this measure moved, there was very little debate, but opportunity for it, and we also saw that there were no amendments when this measure moved out on a voice vote.

Mr. Speaker, I would also say that there is a complete open process with every germane amendment that is considered under the international relations portion, and I should praise my colleague, the gentleman from California (Mr. ROYCE), chairman of the Subcommittee on Africa, who has also worked long and hard on this.

So what we have here, Mr. Speaker, is I believe a measure which is really based on goals that we as Americans and as Democrats and Republicans share. Every one of us clearly wants to help the poorest and most disadvantaged among us. Every one of us wants to encourage individuals to help themselves, and so this measure is really based on the proverb, "Give a man a fish and he will eat for a day. Teach him to fish and he will eat for a lifetime."

As we look at the problems that my friend Mr. RANGEL mentioned of Sub-Saharan Africa, it is a very tragic history that I am very pleased to say is beginning to turn around. Sub-Saharan Africa is the only place on the face of the Earth where actually the children are doing worse than their grandparents.

As we look at the last 2 decades, what has existed in the United States? We have continued to funnel more and more U.S. taxpayer assistance to Africa. We, in fact, have followed the policy of aid, not trade. Well, with this measure we are by 180 degrees, I am happy to say, reversing that pattern, and we know that it is going to create the kind of opportunity that is necessary there, not only for people who are recognizing free markets and political pluralism in Sub-Saharan Africa, but also for the people of the United States of America who are going to also be beneficiaries.

The gentleman from New York (Mr. RANGEL), was also right as he in the Committee on Rules yesterday talked about how we have spent years focusing on Asia and Latin America, and unfortunately, we have not put enough attention on that very, very important and most impoverished spot on the face of the Earth, Sub-Saharan Africa.

So this measure, Mr. Speaker, is going to be beneficial. We are not going to be seeing countries using Sub-Saharan Africa as a launching pad to export into the United States, because again, as Mr. RANGEL said, we clearly will be able to differentiate between those goods that are coming from Sub-Saharan Africa and those that might come from other parts of the world, and we know that there is a 35 percent value-added content that is required, so we will have U.S. customs and, as the gentleman from New York (Mr. RANGEL) said, the World Trade Organization and other entities very closely monitoring that.

Mr. Speaker, this is a very good measure. I am very pleased that it has come out under Republican leadership here in the House of Representatives, and I urge my colleagues to support this rule and support the measure as we move forward.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, every Member in this body wants to help Africa and African workers. So do I. But I do not want to help Africa and African workers at the expense of America and American workers.

Now, I support the gentleman from New York (Mr. RANGEL), his philosophy and ideology all the way through, and I believe him when he says that we will minimize that transshipment opportunity that exists in the bill. But quite frankly, I believe the gentleman, but the law says something else.

I say to my colleagues, this is not the African Growth and Opportunity Act, this is the Chinese-Japanese Growth and Opportunity Act for the following reason. I would like to explain it.

The bill defines an African product as one that contains at least 35 percent local value, African local value. Now, that is the standard minimum for the GSP program, which is the Generalized System of Preference. And understand that this bill does not specifically address that, but by God, we should, with record trade deficits year in and year out. And the silence is deafening.

I have not opposed the rule because quite frankly, I think the Republicans have had some fair and generous open rules, and Mr. LINDER and Mr. SOLOMON have done a great job, but let me tell my colleagues something. I believe this rule should be defeated because I believe we open up a window of opportunity for Japan and China and other competitors who have great access, who deny American access, and they will use that window of opportunity to continue to penetrate our markets.

How many more record trade deficits will we experience? How many more jobs do we send overseas? Our biggest export is American jobs. In addition, this bill authorizes the program for 10 years. I believe Congress should limit that so that we can actually find out, not guesstimate, what the impact will be on our jobs and our economy, and then we could have revisited this in Congress with statistics. But I understand the program, and this is a political good one because everybody does want to help Africa, and Africa deserves our help.

Mr. Speaker, let me just say this to my colleagues on the Democrat side. We have been talking about trade for years. We have done nothing about trade, except open up our markets and allow us to get the shaft. If Congress embraces and challenges any stupid policy, it will be our trade policy, and we are failing to do that. So I cannot support this rule.

I will support Chairman MOAKLEY, and I will say this. I would like to see it go back to the Committee on Rules so we could put these protections in, and mine says it shall be at least 50 percent local value. That will help Africa, that will help African workers, and that will protect the American economy and American workers. We do not have to kill the bill. Send it back for another rule.

Mr. LINDER. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. THOMAS), a member of the Committee on Ways and Means.

Mr. THOMAS. Mr. Speaker, I had the privilege of hearing my colleague, the gentleman from California (Mr. MILLER) and my colleague, the gentleman from Ohio (Mr. TRAFICANT) and rarely do they wind up on the same side. My hope would have been that they wound up on the same side that was right. Unfortunately, I believe they wound up on the side that was wrong, because when we analyze this legislation, it will do none of what they claim, quite frankly.

Just as my colleague, the gentleman from California (Mr. DREIER), indicated that we want to exchange aid for trade, it makes sense to do it with Sub-Saharan Africa, it makes sense to do it with Israel. We created a free trade agreement with Israel which allowed them to earn rather than to receive the aid that we provided. There should be no one who would fear a textile import flood from Sub-Saharan Africa. It just is not going to happen. The two countries that do have a bit of a textile production, Mauritius and Kenya, are less than 1 percent of United States imports.

The thing I think everyone has to realize is that because the United States signed the World Trade Organization, quotas will be phased out beginning in 2005. All this does is give those Sub-Saharan African nations a few years' head start before we phase out the quotas. That is entirely appropriate and fair to allow them to begin to earn their way instead of welfare.

Mr. Speaker, in addition to that, if my colleagues are concerned about point of origin or transshipment, and we certainly are, there are many parts of the world that utilize their locations as a drop stop, repackage and send-on. That is not what we intend and that this bill does not allow. The country of origin rules are as stringent as we have in place anywhere for any country.

The gentleman from Ohio (Mr. TRAFICANT) was concerned about the 35 percent domestic content. It requires a 35 percent domestic content and substantial transformation. That is, one has to do things to the product. One cannot just pass it through.

The gentleman from Texas (Mr. ARCHER), the chairman of the Committee on Ways and Means, placed an amendment in the bill denying the opportunity to be involved in this trade for 2 years if one is found guilty of transshipment, a very rigid penalty that had not been included before. I think it is appropriate. We need to make sure that people do not violate the rules.

Mr. Speaker, my colleagues need to understand that all of the other trade rules that we have in place are not suspended. The arguments that were made for the textile concerns in the Caribbean I think carried great weight. Given the proximity of the Caribbean, given the ability to move product through the Caribbean, there was some concern.

No one can present a credible economic argument for the utilization of Sub-Saharan Africa the way that the Caribbean could have been used because it is simply not economic, dealing with textiles, to make the same argument. One cannot pencil out a cost-effective argument the way one could this in the Caribbean.

Besides all of that, the Generalized System of Preference, which protects sensitive industries in the United States, is completely available to that textile industry or any other industry if they have import-sensitive products and make their point. The full weight of the Federal Government in denying the importation of products is available under the Generalized System of Preferences.

So this bill is not, unfortunately, all that its strongest proponents claim it to be; it is a modest, modest, long overdue, self-help structure. And it is nowhere near its strongest proponents' arguments because it simply is not going to open the flood gates the way my colleagues have intimated.

□ 1115

It is a well-crafted bill. The thing I could say most about it is that it is probably long overdue. It is entirely appropriate.

The United States has nothing to fear from sub-Sahara Africa, and if we do, we have in place a number of protections that are automatic and they trigger severe penalties. This is a reasonable rule. More importantly, it is a modest and reasonable proposal. We should vote yes on the rule; we should vote yes on this long overdue opportunity to allow people to earn their own way with a free trade zone between the United States and sub-Sahara Africa.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. MATSUI).

Mr. LINDER. Mr. Speaker, I yield 1 minute to the gentleman from California.

The SPEAKER pro tempore (Mr. SUNUNU). The gentleman from California (Mr. MATSUI) is recognized for 2 minutes.

Mr. MATSUI. Mr. Speaker, I thank the gentleman from Massachusetts and the gentleman from Georgia for yielding the time to me.

Mr. Speaker, I urge very strong support of the rule. A vote against this rule will really be a vote against this bill. This bill will not come back up if this rule fails today. If in fact we lose this rule, we are not going to be able to bring this bill because the whole essence of this bill is the whole issue of trade and textiles.

I will tell the Members, there is a lot of misleading information that has been passed around over the last few months. This bill will not do any damage to the U.S. textile industry. The fact of the matter is that right now, Africa gives about two-thirds of 1 percent of all U.S. textiles to the United States. In 10 years under this legislation, it will only go up to about 1½ percent. That is not going to do any damage.

In fact the reality is it probably will not result in any more textiles coming to the United States than currently, mainly because we will see a displacement. Other countries in Asia will probably have less shipments of textiles as a result of this. This will only create, according to the International Trade Commission, which has done an objective study, about 600 jobs lost in the United States.

The job gain will be phenomenal over the next 10 or 20 years. Africa has 680 million people. There are 48 nations in this region that we are talking about. Thirty of them right now are moving to a market system of government and a market system of the economy, just like the United States. Twenty-five of them have fledgling democracies. Are we going to turn our backs on this great region of the world that over the next 20, 30, 50 years will be one of the regions of which all of us are going to want to be part?

Because for national security purposes, for obvious purposes of making sure that the Asian nations remain stable and the Middle East remains stable, Africa will be essential to the security of the free world and certainly of the United States.

A vote against this bill will break up the partnership between the United States and the African nations. The fact is that the President, in the next 3 weeks, will be going to Africa. If we turn this bill down, it will be a disgrace to this country.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. Mr. Speaker, I rise in opposition to this rule. I find it unfortunate that those of us who are not members of the Committee on Ways and Means are unable to offer amendments to this bill. As someone who is a member of the Committee on Appropriations, we have 13 bills a year. Each one is brought here under an open rule. So we have open opportunity in our bills for people to offer amendments, and it is unfortunate we are not allowed to on this bill.

I went to the Committee on Rules yesterday with an amendment that I thought was a very fair amendment, that was going to be good to help improve the bill, which was basically to take unused sugar quota and give it to the countries of sub-Saharan Africa. It was going to help those countries. But just because of a blanket opposition to all amendments, it was unfortunate, but it was turned down.

What my amendment was proposing was to take these unused quotas. We have this program called the Sugar Program, one of the last of its type in this country, thank goodness. It is a command and control type system where we control the supply of sugar in America, and force the price of sugar at twice the world price in this country, so we pay twice the world price. When we buy sugar from around the world, and we have to buy sugar because we cannot grow enough in this country, we pay places like Australia twice the world price. Some countries cannot fill their quotas.

All we want to do is say if you cannot fill your quota, let us give it to the 10 countries of sub-Saharan Africa that need to have this economic growth. They would love to sell us more sugar because we will pay them twice as much as anywhere else around the world.

We have this crazy program that makes no economic sense. It costs jobs already in this country. It is bad for the environment, it is bad for the economy, it is just big government at its worst. All we are saying is let this program exist. We have these quotas, but some of them are not filled. Why not give them to the 10 countries of sub-Sahara Africa, rather than leave them unused and no one else can use them?

I am disappointed that the Committee on Rules has a blanket opposition to all amendments without considering the merits. I rise in opposition to the rule and urge its defeat.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, this bill embodies a very, very important ideal, which I have long supported; namely, that the countries of sub-Saharan Africa should improve their economic lot through development and trade. This bill would begin the process of leading these countries from our traditional direct aid relationship.

However, Mr. Speaker, charity begins at home. I and other bipartisan Members with legitimate concerns for the health of the already suffering textile and apparel industries that we represent feel that we have not been allowed an adequate voice in this process. For this reason, my colleagues and I proposed a bipartisan substitute that we hoped that the Committee on Rules would have ruled in order.

I firmly believe that our substitute, if it were ruled in order, would result in a healthier U.S. textile and cotton industry, and sorely needed economic development and employment for the peoples of sub-Saharan Africa. The sponsors of this substitute only ask for the chance to vote for a good bill on the floor.

We ask this, despite assurances from some of our colleagues, that the bill will be fixed in the Senate. But as I have reminded those Members, those of us who occupy the seats in this House only have a vote in this House, and trusting the Senate to fix what we do not do properly in the House is not a good idea.

Mr. Speaker, I urge my colleagues to vote no on this rule, send it back, allow us to adopt the substitute, which is a win-win for American textiles as well as for sub-Saharan Africa. Help us defeat this rule, vote no on the rule, and then let us put a good bill on the floor so we can help Africa and help American workers.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. COLLINS).

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. COLLINS) is recognized for 3 minutes.

Mr. COLLINS of Georgia. Mr. Speaker, I will talk slowly, because I want him to understand what I have to say. Mr. Speaker, I have been asked: What has been the most difficult vote for you to cast in Congress? The most difficult votes for me are those on trade issues.

I fully understand the importance of expanding trade legislation, and the American worker understands its importance, also. There is not an American worker who does not take pride in manufacturing a product and having it sold worldwide. But that same worker knows that while the U.S. has aggressively lowered or eliminated many of its barriers to foreign products, most countries are still closed to U.S. products. These workers believe that trade bills export jobs and not products. Time after time they have seen the trade agreements we have enacted result in a few hundred jobs lost here, a few hundred jobs lost there, and Mr. Speaker, those numbers add up.

More importantly, those numbers represent families in communities losing income and economic strength. Those are the same workers that used to walk in a store and see the "Made in the U.S.A." label sewn in the garment. Today, that same worker sees the same label "Made Anywhere But the U.S.A." That is salt in the wound to those who have seen their jobs exported and the products they used to make imported.

Yesterday, a Member of this body, as well as a member of the Committee on Ways and Means, made a powerful statement before the Committee on Rules. He said, it is time that we give up on textile jobs. He added, we need to recognize, too, that it is too late to save these industries.

Mr. Speaker, that kind of a statement is exactly what the people of this country are angry about. They know that there are Members of Congress who have forgotten that the U.S. textile industry employs some 2 million people in this country, and most of those workers do not have the security of a higher education or the security of a trade or profession, as does a lawyer or a college professor.

Mr. Speaker, just this past week the Bibb Company textile mill located in Columbus, Georgia, announced that it would close its door March 20. That means that of thousands of textile jobs in Georgia, we lose some 250 more. Mr. Speaker, textile workers in this country deserve to know that legislators have not given up on their jobs.

The amendment I would have offered today, if the Committee on Rules had made it in order, would have provided that American workers receive some benefits from this trade bill. It would have guaranteed that the demand for U.S. products is as important to this body as creating jobs in Africa. Mr. Speaker, if the rules of origin and the GSP product exemptions were good enough to put in NAFTA, then they are good enough to put in this sub-Saharan Africa trade bill.

Mr. Speaker, I have tremendous respect for my colleagues in this Chamber, particularly the chairman of the Committee on Ways and Means, but Mr. Speaker, I must represent the people of the Third District of Georgia. I strongly urge defeat of this rule, defeat of this bill. I will not give up on American textile jobs, which represent the livelihoods of families in Georgia and the economic strength of communities all across this country.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, this is not a textile bill. This is a bill that gives Africa the same opportunities to enter the world economy that Asia had. We gave it to them 35 or 40 years ago.

When I was in Africa in 1961 in Ghana, Ghana and Korea were exactly in the same place. Today, Korea has risen to the 11th largest economy in the world, and Ghana is down from where they were in 1961.

This bill has been endorsed by the President and Prime Minister of every Asian and African country. Andrew Young, a former United Nations Ambassador, C. Payne Lewis of Africare, the Urban Institute, the National Conference of Mayors, Mayor Dinkins of New York, and the Constituency for Africa, all these groups have looked at this and said this gives Africa an opportunity to play the game.

The amendment that was being discussed here could have been offered in the Committee on Ways and Means. It was not. We went out of there without that being discussed, because people knew that it was not, in the long run, a good amendment. It is not a textile amendment. It sets the bar so high that no one could start a textile industry in Africa.

If we say that every piece of cloth that is going to be worked in Africa has to be shipped from the United States, cut, and only can be sold in Africa, and then shipped back, it would not work fiscally, even. It is not a good amendment. I support the rule.

Mr. Speaker, I include for the RECORD a letter from the President and Secretary of State to the gentleman from New York (Mr. RANGEL), as well as an editorial from the Washington Post.

The material referred to is as follows:

[From the Washington Post, Mar. 7, 1998]

HOW TO HELP AFRICA

The House is scheduled to vote next week on an African trade bill. In the past, that would have been an oxymoron. The United States traded with Asia and Europe but sent aid to sub-Saharan Africa. This new approach, which treats African nations more as partners than as charities, is welcome—though not sufficient.

Many of the world's poorest people inhabit Africa, their economies in danger of being left behind altogether as trade and investment unite the rest of the world. But in recent years, the true picture has not been quite as gloomy as news reports on civil wars and coups d'etat might suggest. Many African countries have moved toward democracy and free-market reforms. Many are trying to spend more on basic health and primary education. Many want to help themselves and not depend forever on foreign aid.

This bill is aimed at those nations. It was put together by Republican Rep. Philip Crane and Democrats Charles Rangel, Jim McDermott and William Jefferson, and embraced by the Clinton administration. It would seek to encourage trade between Africa and the United States by removing quotas and many tariffs from the kinds of products these poor nations could most plausibly export: textiles, clothing, footwear. It would stimulate and insure private U.S. investment in Africa, and create forums for African and American businessmen to cooperate.

The legislation carries a tiny price tag, but some in the House and Senate oppose it for protectionist reasons. Yet African textiles now account for only two-thirds of one percent of total U.S. textile imports and are unlikely to rise above 2 percent even in the most optimistic (by African lights) scenarios. Africa's industry is not a threat to the U.S. economy.

A more serious objection—though not a disqualifying one—is that this bill will accomplish less than some rhetoric suggests. For countries as poor as those in sub-Saharan Africa, where average annual per capita income hovers below $500, trade and investment alone can't do the job. Aid remains essential, as the bill's authors acknowledge, and yet U.S. assistance to Africa declined by 25 percent during the past two years. This trade bill can help, but only in combination with effective aid and substantial debt relief.

THE SECRETARY OF STATE,
Washington.

DEAR MR. RANGEL: The African Growth and Opportunity Act, H.R. 1432, is scheduled for a floor vote today. Passage of this landmark legislation is one of our highest legislative priorities. As you know, President Clinton made a strong statement in support of the bill during the State of the Union speech.

Passage of the African Growth and Opportunity Act will send an important signal to Africa that we will help those countries which help themselves by pursuing sound economic and political reform policies. The Act will provide substantial trade and debt relief benefits to those African countries which are undertaking significant economic reforms. The African Growth and Opportunity Act will help African countries improve their own business climates so that

U.S. companies can better compete in the important emerging markets of Africa.

We believe the legislation contains adequate provisions to prevent injury to U.S. industries and jobs. The impact on U.S. consumers, workers and industries must be assessed by the International Trade Commission (ITC) before the President is authorized to grant the additional duty-free preferential market access provided by the Bill. A recent ITC study of the textile provisions in the Act concluded that duty-free, quota-free entry of textile and apparel products from Africa would have a negligible impact on U.S. industries and workers.

This critical legislation will advance one of our most important foreign policy goals in Africa—integration of African countries into the global economy. The approximately 600 million consumers in Africa deserve a better future. The African Growth and Opportunity Act is an important first step in that direction, and I strongly urge you to support it.

Sincerely,

MADELEINE K. ALBRIGHT.

THE WHITE HOUSE,
Washington, March 11, 1998.

Hon. CHARLES B. RANGEL,
House of Representatives,
Washington, DC.

DEAR CHARLIE: I strongly support passage of H.R. 1432, the African Growth and Opportunity Act, which would provide enhanced trade benefits for sub-Saharan countries engaged in meaningful reform efforts.

The United States strongly supports a stable, prosperous Africa. Africa is a continent on the doorstep of a new era of democracy and prosperity, and many countries have adopted market-oriented economic and political reforms in the past seven years. A stronger, stable, prosperous Africa will be a better economic partner, a better partner for security and peace, and a better partner in the fight against drug trafficking, international crime, terrorism, the spread of disease and environmental degradation. Africa is already an important trading partner for the United States. Our exports to Africa are over $6 billion annually.

In addition, America has its own special reasons to contribute to Africa's economic development. Over thirty million Americans have ancestral origins in Africa. We should work to help African nations achieve greater prosperity and stronger democracies, which will improve the lives of the African people. This bill helps us do that.

This bill is supported by a bipartisan and diverse cross-section of Americans and concerned groups—including Jack Kemp, David Dinkins, Andrew Young, the United States Conference of Mayors and the National Urban League. They know this bill is good for both Africa and America.

We face a historic opportunity to assist the renaissance in Africa. Congress has the chance to help this transformation by enacting the African Growth and Opportunity Act. When it comes time to cast your vote, I urge you to support this legislation.

Sincerely,

BILL.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. JEFFERSON).

Mr. JEFFERSON. Mr. Speaker, I must urge my colleagues to vote in favor of this rule. I do it, raising the question as to why this Congress ought to treat Africa any differently than it treats any other continent in the world.

Why would we say to the African nations that we must send all of our cloth to them and have them work on it, when we do not say it to other countries in the world? Why do we say to Africa, we cannot trust you to work with our customs people, with our government, on the transshipments issue, when we do not say it to every other country in the world?

Transshipment is not an issue, it is an issue as old as time. Every time we had to do a trading arrangement, we worried about transshipment, and every time we do that, we deal with the transshipment question as best we can. The African nations, to me, ought to be insulted by the way we are approaching this bill, because what we are saying is we trust them less than we trust the rest of the world to cooperate with us on transshipment questions. What is the basis for that?

We have the facts in front of us. The facts say that the entry of textiles in our marketplace will have little to no effect. We disregard that and argue, as I have heard some argue, that it is going to have a tremendously deleterious effect on the jobs in our country.

It is not true at all. What it will do is have almost no effect here and a huge effect there. We ought to treat Africa the way we treat the rest of the world. There is no reason to discriminate against that continent. I hope we vote for the rule.

□ 1130

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentlewoman from the Virgin Islands (Ms. CHRISTIAN-GREEN).

Ms. CHRISTIAN-GREEN. Mr. Speaker, I thank my colleague, the gentleman from Georgia (Mr. LINDER) for yielding me this time.

As one of the 30 million proud Americans of African descent, I rise today in support of the rule on H.R. 1432, the African Growth and Opportunity Act, a bill which would provide significant economic opportunities and incentives, fueling economic growth in that region of the continent of Africa known as sub-Saharan Africa.

Mr. Speaker, H.R. 1432 is a good bill for both Africa and the United States, for Africa because this bill, which was drafted with the full input of African governments, will position Africa to favorably compete with other countries that have well-established industries and global market shares.

It is our duty and responsibility to see to it that Africa is not left behind. In addition and importantly, H.R. 1432 represents a shift from dependence on foreign assistance to a private sector and market incentives approach which will create a sustainable development strategy for the region.

This bill is important to us because it will strengthen an already important trading partner; a stronger, more stable Africa will be a better partner for us in the fight against drug trafficking, international crime, terrorism, the spread of disease and environmental degradation.

Mr. Speaker, H.R. 1432 represents, I think, a fair compromise of all of the differing concerns that were raised about it. My colleagues and I intend to do all that we can to make sure that if this bill becomes law we continue to reinforce the positive developments taking place in Africa and see to it that it benefits, rather than harms, our American work force. I would vote for it if I could and I urge my colleagues to vote in favor of the passage of both the rule and the bill.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am delighted to be able to follow my colleague, the gentlewoman from the Virgin Islands (Ms. CHRISTIAN-GREEN) for her very able remarks and simply to say that I disdain a closed rule. I believe in an open rule. But, frankly, if we vote against this rule, we defeat the bill.

I think it is extremely important that we get the basic facts. This is a real opportunity for the first time in the history of this Nation to promote opportunities between the United States business community, small and medium, and the continent of Africa, 48 sub-Saharan states.

I believe in the sensitivities and the needs of my friends in the textile industry. I believe in workers' rights. I believe in helping Africa cure its HIV problem. But I think that as we move toward trade and creating opportunities, we can work on these concerns, insist upon working and resolving these concerns, not only in conference committee but in the Senate.

If Members take the opportunity away to move this bill forward, they take the opportunity away for us to get legislation passed that does several things: $500 million in infrastructure that American businesses can engage with Africa and help them to produce the infrastructure system that they need, $150 million in joint venturing. When I had a conference in my district, many, many people came to that conference, small- and medium-sized businesses, the backbone of America, because they want a joint venture with Africans creating jobs in the respective districts and communities around this Nation.

We have a real opportunity, Mr. Speaker, to do something good to establish a relationship with a continent that has been colonized by our brothers and sisters in Europe. We have not had that kind of baggage. Americans can create the kind of economic security for its citizens by supporting this bill, supporting this rule, working with us in conference, working with us in the United States Senate and helping our friends in the textile community, as well as encouraging them to work in combination with Africa.

The transshipment question has been answered. Diplomats have told me, we are strengthening our Customs laws. Diplomats have told me, we will be watching for dumping and we have a monitoring system. This bill takes care of human rights. This bill allows these countries to move their economic standards up.

Mr. Speaker, this is a new day for Africa. This is not an exclusion of aid, for aid is needed. My personal commitment is to work on the question of HIV infection. But this does create a partnership for aid and trade and opportunities for Americans in inner city communities all over this country.

Vote for the rule and let us move to a new level with the continent of Africa.

Mr. MOAKLEY. Mr. Speaker, could the Chair inform my colleague and me of the remaining time?

The SPEAKER pro tempore (Mr. SNOWBARGER). The gentleman from Massachusetts (Mr. MOAKLEY) has 9 minutes remaining, and the gentleman from Georgia (Mr. LINDER) has 5 minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentleman for yielding me the time.

I rise in opposition to the rule. There has been a lot of discussion this morning about the merits or lack of merits of particular amendments. Unfortunately, a number of those amendments will never get to be debated on the floor, and that is why we should be opposing the rule.

If the Committee on Rules had made various amendments in order for debate, we could have debated and understood the pros and cons of those amendments and the body could have worked its will. That is what democracy is all about. We could have tried to improve this bill. And if the majority had voted against our improvements, then at least the opportunity would have been provided. That is what democracy is all about.

Instead, the Committee on Rules decided that it was going to enact its own fast track legislation. Basically what it said was, we are not going to give you an opportunity to allow democracy to work. We are going to bring this bill to the floor, not give you an opportunity to offer amendments, not give you an opportunity for debate, not give the body the opportunity to work its will on a majority basis. We are going to deprive you of your rights as Members of this body. That, in and of itself, regardless of the merits of the amendments, is enough to justify a vote against the rule.

I urge my colleagues to oppose this rule, send it back, send out these amendments and let us debate them on the floor.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I rise in opposition to this rule. This is a modified closed rule and it does not permit the consideration of vital elements that are missing from H.R. 1432, the African Growth and Opportunity Act, which should indeed be an historical beginning. The act is well-meaning legislation, a purpose and concept which I support, and in fact I am an original cosponsor of this bill. If perfected by the proposed substitute, it could help facilitate the economic growth, opportunity and self-reliance in Africa that each of us supports.

First, while it intends to provide jobs for Africa in its current form, it will take jobs from America. It takes jobs from America because it allows yarn to be imported to Africa from other countries, countries whose labor standards are lower, and would give them an unfair advantage over American workers.

Second, the act proposes to encourage the building of a textile industry in Africa, but instead it discourages and destroys because only as little as 35 percent of the textile or apparel must be manufactured in Africa. Under the act in its current form, nations such as China and other Asian nations with cheaper labor could benefit, leaving Africa as a nation to benefit very little.

Third, the act makes a weak and feeble attempt at preventing the illegal shipping of apparel by an unintended beneficiary nation and would again leave Africa in a deficit position.

Finally, the act does not effectively address human and workers' rights and does not effectively address child labor restrictions.

For these and many other reasons, I urge my colleagues to defeat the rule and make sure we have a historical, meaningful bill.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I rise to oppose this closed rule. Several of us have tried in the Committee on Rules to offer amendments to attach labor, environmental, and human rights standards to this measure. We were denied that by the Committee on Rules and by the closed rule.

The Africa Growth and Opportunity Act, so-called, is just like fast track. There are no environmental, there are no human rights, there are no labor rights safeguards. It is just like CBI, the Caribbean Basin Initiative. There are no labor standards, there are no environmental standards, there are no human rights standards. And it is just like the North American Free Trade Agreement. Again, there are no environmental standards, there are no worker safety standards.

There are no labor standards of any kind, or human rights standards, in this bill. In fact, Mr. Speaker, this bill is misnamed. The Africa Growth and Opportunity Act should be known as the "NAFTA Expansion to Africa Act."

We should have learned something from the North American Free Trade Agreement. When we pass these trade agreements and we do not put environmental standards in, we do not put labor standards in, we do not protect workers in both, in all the countries involved, ours and theirs, we end up costing American jobs. We end up exploiting workers in those countries, whether it is Mexico, whether it is in the Caribbean, whether it is in Africa, whether it is in China, however we write these trade agreements.

And we ultimately hurt people in both countries. We hurt workers in the United States. We hurt workers in Africa. You lock in the exploitative conditions of those workers in those countries so their standards of living never improve.

Go to the Mexican border, go into homes in Mexico where two people, a home I visited, two people, both working for a major American auto company, do not make enough money, husband and wife, to have electricity in their home, to have running water in the home. That is what we are doing when we lock in these kinds of trade agreements without human rights, without worker safety standards, without labor rights, without environmental standards.

Mr. Speaker, I ask for defeat of the closed rule.

Mr. LINDER. Mr. Speaker, that last speaker has just energized my chairman, and I yield 1 minute to the gentleman from New York (Mr. SOLOMON).

Mr. SOLOMON. Mr. Speaker, I have said enough on the bill and the rule itself, but I have to take exception with my good friend, the gentleman from Ohio (Mr. BROWN).

The gentleman appeared before the Committee on Rules. He had a very complex amendment. It dealt with both the Ways and Means aspects and the International Relations aspects. We explained to him that if he could remove the Ways and Means implication from his amendment, we would certainly make it in order. I know that he attempted to do that, but nevertheless the Parliamentarian still ruled that his amendment dealt with the Ways and Means implications and, therefore, could not be made in order.

The gentleman should not take the well and talk about a closed rule when it is not a closed rule. It is a modified open rule, and it would behoove him to state the explanation of the rule correctly, especially if he wants to come up to the Committee on Rules and have us treat him fairly, as we usually do.

Mr. MOAKLEY. Mr. Speaker, my last speaker on this modified closed rule is the gentleman from South Carolina.

Mr. Speaker, I yield the balance of my time to the gentleman from South Carolina (Mr. SPRATT).

The SPEAKER pro tempore. The gentleman from South Carolina (Mr. SPRATT) is recognized for 3 minutes.

Mr. SPRATT. Mr. Speaker, let us be clear what this bill is about. This bill will allow 42 African countries to ship textile and apparel products, clothing, to this country free of any duties, that run as high as 30 percent and average 18 percent, and free of any quotas now and forever more.

How good a deal is this? This is a better deal than Mexico gets under NAFTA. It is a better deal than any of 26 Caribbean countries get under the Caribbean Basin Initiative. It is unprecedented. It is unilateral. We get nothing in return. There is no reciprocity for our textile and apparel products entering these 42 countries. It is wide-open access.

Let us be clear about this. When we open our ports wide open to exports from these 42 African countries, we will not see African goods coming through our ports. We are going to see goods made in Asia. They may make the labels in Africa, but they will be transshipped through Africa from countries like China and Hong Kong and Pakistan and Macao, who already are notorious for transshipping. The volumes run into the billions and the problems that are sweeping Asia now are only going to make them more prone to transshipment. And the prospect of Africa as a duty-free, quota-free transit point will be too much for them to resist and too much for our Customs Service to police.

□ 1145

And who will bear the brunt of all these imports? Sixty percent of all apparel workers, 60 to 70 percent in this country, are women. More than half of them are minorities. Most of them are African-Americans.

This bill not only affects textiles and apparel, it also affects carbon and stainless steel, ferroalloys, footwear, leather products and wine. That is because these products now enjoy an exemption from the Generalized System of Preferences, GSP, and this bill removes that full or limited exemption.

Now, everybody knows where I am coming from. I have a constituency with a lot of good, hard-working textile workers who simply want the right to earn their way in our economy, nothing more. So my colleagues know what my interest in it is.

But do not take my word for it. Listen to what Randall Robinson said in a scathing critique of this bill. Everybody knows he is an eloquent, outspoken advocate for Africa, and has been for many years. He calls this bill, his words, "an Africa de facto re-colonization act." At the end of his scathing analysis he says, "Absent significant changes, this bill combines the worst of NAFTA and the harsh IMF structural adjustment program."

Well, we have significant changes. We have an amendment offered by two Republicans and three Democrats, offered yesterday in the Committee on Rules, which would give Africa special access, give them basically the same kind of access that the Caribbean countries and Mexico enjoy today, gives them substantial privileges and, furthermore, imposes some realistic, tough transshipment remedies here, if indeed the transshipment problem does occur after these special access benefits kick in.

Mr. Speaker, all we wanted was a chance to argue the merits of our amendment. It is a sad day in the House when we cannot come here and argue on behalf of our constituents. I urge a "no" vote against this rule so we can have that opportunity.

Mr. Speaker, "The Africa Growth and Opportunity Act" will allow textile and apparel imports to come from Africa to our country duty free and quota free. Neither Mexico under NAFTA nor the Caribbean countries under the Caribbean Basin Initiative (CBI) enjoy such wide-open access to our markets. Most of the imports will not be made in Africa. They will be made in Asia and transshipped through Africa to avoid quotas and tariffs. Countries like China and Pakistan and Hong Kong are notorious for transshipping now; the financial problems sweeping Asia will make them only more prone to transship; and the prospect of Africa as a duty-free, quota-free transit will be too much to resist.

Who will bear the brunt of all these imports? Sixty percent of all U.S. apparel workers are women, 35% are minorities, mostly African-American. U.S. apparel workers earn better wages than ever and many enjoy health benefits. The local apparel plant is often the anchor business in a small town or one of the few job sources in the inner city. These are the workers this bill will hurt.

Eight countries in Africa have been identified by the U.S. Customs Service as transit points for illegal shipments of Chinese textile and apparel goods. This transshipment is occurring now just to evade China's quotas. The Africa Free Trade Bill will increase the rewards of quota evasion by eliminating all tariffs. Profits from transshipment will increase by the amount of the tariffs evaded, which average 18% on apparel and run as high as 30%. The result will be an explosion of transshipment through Africa, which will be all but impossible for customs to police. Another result: rampant transshipment will remove the incentive for investment in African apparel production.

This bill not only affects textiles and apparel; it also affects carbon and stainless steel, ferroalloys, footwear, leather, and wine. These products now enjoy either an exemption from the Generalized System of Preferences (GSP) or limited application of GSP. The Africa Free Trade bill removes all such exemptions, and subjects these products to competition with duty-free imports from sub-Saharan Africa. Included among these countries is South Africa, an industrially developed country which recently completed the world's largest, most modern steel plant.

Yesterday, Randall Robinson of TransAfrica blasted this bill as "an Africa de facto re-colonization act." The bill adds a long list of mandates that Africa countries must meet to obtain GSP benefits which no countries anywhere else are required to satisfy. The receive aid and trade benefits under this bill, African countries are required to lower corporate taxes, to sell off government-owned industries, and to give national treatment to foreign capital (aka MAI). But they are not required to protect human rights or religious freedom or the environment.

Randall Robinson has written members of the House a letter saying, "Under the cover of an appealing name and non-binding preamble, this bill contains numerous provisions aimed at benefiting large foreign private investors and multi-national corporations at the expense of true and equitable African development. The bill assaults the sovereignty of African countries in ways not present in our dealings with other countries . . . Absent significant changes, this bill combines the worse of the North American Free Trade Agreement (NAFTA) and the harsh International Monetary Fund structural adjustment program."

Our amendment proposes "significant changes" to the bill to protect African workers and American workers alike. Our amendment:

Protects U.S. textile workers by limiting duty-free, quota-free access to apparel that is made in Africa out of fabric made and cut in the United States. What we propose is very similar to the "special access" benefits enjoyed by Mexico in NAFTA and by Caribbean countries in CBI.

Protects U.S. cotton growers and synthetic fiber producers by requiring use of their yarn in apparel that is eligible for duty-free, quota-free access.

Protects other industries hurt by changes to GSP made in H.R. 1432, such as ferroalloys, footwear, stainless steel, and wine.

Adds accountability to the bill. Every African garment sold in the U.S. can be traced to U.S. fabric pieces shipped to Africa, which greatly reduces the opportunity for transshipment.

Adds tough enforcement measures to punish transshipment, including higher penalties for fraud and gross negligence. It limits the mitigation process, which allows Customs to forgive up to 100% of transshipment fines, and restores Customs' authority to seize transshipped goods.

Requires African countries to cooperate with U.S. Customs and allow full access in its investigations of transshipment.

De-links textile and apparel benefits from GSP benefits, maintaining the textile and apparel exemption from GSP.

In summary, our amendment raises the benefits of the bill to Africa by ensuring that apparel imports coming from Africa will be produced in Africa by Africans.

Some $43 billion in clothing and apparel were imported into this country last year. This industry has surrendered well over half the domestic market to developing countries. Before we decimate what is left of our domestic market with a new barrage of low-wage imports, or open the door to even more transshipment and evasion, let us have a chance to make the case for our amendment. It allows sub-Saharan Africa special access that is as good in most respects as NAFTA and CBI, and that in some respects is better because it levies no duties at all on eligible textiles and apparel. Our amendment is well conceived and carefully crafted; it deserves to be part of this debate; and members deserve the chance to vote on it. Since the rule denies us this chance, we should vote it down.

Mr. LINDER. Mr. Speaker, I yield myself the balance of my time to urge everyone in the Chamber and everyone listening and watching to vote for this rule.

There is no question on the resolution that some of the amendments others had wished to be debated were not put in order and will not be debated, under a longstanding practice in this House of not opening up the Ways and Means jurisdictional areas with respect to taxes. Anyone can imagine the kinds of mischief that could be created on this floor if people could openly amend any portion of the Ways and Means jurisdiction in respect to taxes.

So to the extent it is a closed rule, it is a modified closed rule. There will be several amendments offered, longstanding opportunity for debate on this bill, and I urge all my colleagues to support the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. SNOWBARGER). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 227, nays 190, not voting 14, as follows:

[Roll No. 43]

YEAS—227

Ackerman
Allen
Archer
Armey
Baker
Barrett (NE)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Brown (FL)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Campbell
Cannon
Cardin
Castle
Chabot
Chenoweth
Christensen
Cook
Cox
Coyne
Crane
Crapo
Cubin
Davis (FL)
Davis (VA)
DeGette
DeLay
Diaz-Balart
Dickey
Dicks
Doggett
Dooley
Doolittle
Dreier
Dunn
Ehlers
Engel
English
Ensign
Eshoo
Ewing
Farr
Fawell
Fazio
Foley
Forbes
Ford
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gibbons
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Granger
Greenwood
Hall (OH)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hobson
Hoekstra
Horn
Houghton
Hulshof
Hutchinson
Hyde
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Kasich
Kelly
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Linder
Livingston
Lofgren
Lowey
Lucas
Manzullo
Markey
Martinez
Matsui
McCarthy (NY)
McCrery
McDade
McDermott
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Moran (VA)
Morella
Nethercutt
Neumann
Northup
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Payne
Pease
Peterson (PA)
Petri
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Regula
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Rush
Ryun
Salmon
Sánchez
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Stearns
Stump
Sununu
Talent
Tauscher
Tauzin
Thomas
Thune
Tiahrt
Towns
Upton
Vento
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wolf
Woolsey
Wynn

NAYS—190

Abercrombie
Aderholt
Andrews
Bachus
Baesler
Baldacci
Ballenger
Barcia
Barr
Barrett (WI)
Berry
Bishop
Blagojevich
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (OH)
Bunning
Callahan
Canady
Carson
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cramer
Cummings
Cunningham
Danner
Davis (IL)
Deal
DeFazio
Delahunt
DeLauro
Deutsch
Dingell
Dixon
Doyle
Duncan
Edwards
Ehrlich
Emerson
Etheridge
Evans
Everett
Filner
Frank (MA)
Frost
Gejdenson
Gephardt
Gilman
Goode
Gordon
Graham
Green
Gutierrez
Gutknecht
Hall (TX)
Hefner
Hilleary
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hostettler
Hoyer
Hunter
Inglis
Istook
Jackson (IL)
John
Johnson (WI)
Jones
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Luther
Maloney (CT)
Maloney (NY)
Manton
Mascara
McCarthy (MO)
McCollum
McGovern
McHale
McIntyre
Meehan
Metcalf
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Murtha
Myrick
Nadler
Neal
Ney
Norwood
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Pelosi
Peterson (MN)
Pickering
Pickett
Price (NC)
Rahall
Reyes
Riley
Rivers
Rogers
Rothman
Roybal-Allard
Sabo
Sanders
Sandlin
Sanford
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Slaughter
Snyder
Spence
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Taylor (MS)
Taylor (NC)
Thompson
Thornberry
Thurman
Tierney
Torres
Traficant
Turner
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wicker
Wise
Yates
Young (AK)
Young (FL)

NOT VOTING—14

Barton
Brady
Fattah
Furse
Gekas
Gonzalez
Harman
Pascrell
Poshard
Redmond
Riggs
Rodriguez
Schiff
Weldon (PA)

☐ 1211

Ms. STABENOW, Ms. MILLENDER-McDONALD, and Messrs. NEY, YOUNG of Alaska, LAMPSON, CUNNINGHAM, WISE, HALL of Texas, RAHALL, DIXON, OWENS, SERRANO, and SCHUMER changed their vote from "yea" to "nay."

Mr. LEWIS of Georgia and Mr. ENGEL changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. BARRETT). Pursuant to House Resolution 383 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1432.

☐ 1213

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1432) to authorize a new trade and investment policy for sub-Saharan Africa, with Mr. SNOWBARGER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New York (Mr. GILMAN), the gentleman from New Jersey (Mr. MENENDEZ), the gentleman from Illinois, (Mr. CRANE), and the gentleman from New York (Mr. RANGEL) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

☐ 1215

Mr. GILMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, while I have some reservations concerning the textile provisions in this bill, I do rise in strong support of the Africa Growth and Opportunity Act, H.R. 1432.

This legislation is a result of years of bipartisan congressional efforts to develop a comprehensive trade and development policy toward the countries of sub-Saharan Africa. On May 22 and June 25 of last year, the Subcommittee on Africa and the full Committee on International Relations held markups on this important legislation. On both dates, it was approved by voice with strong backing on both sides of the aisle.

This legislation promotes economic reform through free trade initiatives, creation of equity and infrastructure funds, the refocusing of development assistance, and the creation of special advisory committees on sub-Saharan Africa for the Export-Import Bank and the Overseas Private Investment Corporation. Under its provisions, the President is directed to determine eligibility for benefits under this bill based on a sub-Saharan country's adherence to human rights norms and a demonstrated commitment to economic policy reforms.

Africa, as we all know, is comprised of some 48 nations. It includes over 500 million people and supplies many important natural resources to our Nation, from petroleum to uranium to timber. Trade between our Nation and Africa is greater than that between the United States and the former Soviet Union and Eastern Europe combined. Yet there exist great possibilities for this trade to be expanded.

With the end of the Cold War and the demise of the apartheid regime in South Africa, sub-Saharan Africa is opening up to the world as never before. Many nations in that region are moving toward democracy, liberalizing their economies and seeking a better standard of living for their people. For the first time in almost a generation, most African countries are participating in a marked economic upturn. Often perceived as a continent of failed or declining states, Africa is now in the midst of an economic and political rebound with overall growth rates of nearly 5 percent.

As African entrepreneurs are working to convince their own governments to reduce state regulations and constraints on domestic and foreign investment, so too should we be providing the trade and investment opportunities for these emerging-market-oriented economies.

The bill before us today provides a framework and a structure to accomplish those goals. Up to the present, our development assistance programs have been at the center of our relationship with many of the countries of sub-Saharan Africa. There is little doubt that these development programs, including the Development Fund for Africa, will continue to play an important role in bilateral relations with the countries of that continent. But for aid to achieve its real objectives, to be no longer necessary, it must be accompanied by the right trade and investment policies. Under this bill, we can help African governments strengthen their capacity to make good policy choices and to carry through on their effective implementation.

In 1996, trade between our Nation and sub-Saharan Africa grew at an impressive 18 percent rate. This growth rate shows no signs of declining as our trade with this emerging region continues to outpace the growth in United States global trade. Several African countries, including Senegal, Ghana, Ethiopia and Cote d'Ivoire are among the fastest growing economies in the world. The United States is the largest recipient of African exports, at nearly 20 percent, but we are only the fifth largest exporter to Africa. In short, we have ample opportunity to increase our export and investment opportunities in the region.

One of the provisions in this bill creating a U.S.-Africa Trade and Economic Cooperation will help to accomplish this objective. This forum will provide a focal point for Africa policy efforts in the U.S. Government in the same way that APEC annual meetings do for our overall economic policy toward Asia. It will also help promote the policy reform process in Africa, particularly in the trade and investment area.

Mr. Speaker, the Africa Growth and Opportunity Act, with its bipartisan backing from Speaker GINGRICH to the gentleman from New York (Mr. RANGEL), support our interests in Africa and the aspirations of African entrepreneurs across the continent. The lowering of tariffs, the expansion of trade, the encouragement of free markets over the past decade has benefited American companies and workers alike and has served our overall foreign policy interests.

Now I urge my colleagues to let us include Africa in our trade policy for the next century. I urge adoption of the African Growth and Opportunity Act.

Mr. Chairman, I yield the balance of my time to the distinguished gentleman from California (Mr. ROYCE), the chairman of our Subcommittee on Africa, who has ably managed this important measure through the committee. We look forward to his continued strong leadership today.

Mr. Chairman, I ask unanimous consent that the gentleman from California (Mr. ROYCE), the distinguished chairman of the Subcommittee on Africa, control the balance of my time in general debate.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MENENDEZ. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, the winds of change are blowing in Africa. From the end of apartheid in South Africa to the successful democratic transition of power in Botswana, tremendous economic growth in Uganda, infrastructure improvements in Ghana, the privatization of formerly state-owned industries in Mozambique, and growing stock markets in Zimbabwe and Ghana, African nations are taking the requisite steps to shed Africa's media image of poverty and conflict and recast Africa as a new frontier for investors. Today, a majority of sub-Saharan Africa's 48 countries have adopted market-oriented economic and political reforms, including open markets, privatizing industries, stabilizing their currencies, and simply making their countries more investor friendly.

As President Clinton noted, there really is a dynamic new Africa out there. African nations are looking to enhance trade, not aid, to foster their economic development and political stability. While trade cannot supplant aid entirely, at least not yet, trade is a missing link in the final leg of U.S. policy towards the continent.

The Africa Growth and Opportunity Act is America's response to positive changes in Africa, and it seeks to harness Africa's potential in a manner which benefits Africans and Americans.

Africa is already an important trading partner for the United States. Our exports to Africa have grown 14 percent over the last 2 years and are now more than $6 billion annually. Exports from my own home State of New Jersey to sub-Saharan Africa are more than $200 million. In fact, exports to Africa are 27 percent greater than our exports to all of the former Soviet Union combined. When former Secretary Ron Brown traveled to Africa, he pointed out that while investment in Africa was sometimes more difficult than your average foreign investment, it also yields a greater than average return on direct investment, about 25 percent, compared with 8.5 percent for direct investment worldwide.

In 1995, the World Bank estimates that sub-Saharan Africa's GDP grew by 4 percent. Thirty countries reported growth over 3 percent, and four countries, Uganda, Angola, Malawi and Lesotho, grew by more than 10 percent. Many countries have embraced political and economic reforms which are encouraging foreign investors to look at new investment in the continent.

This legislation provides opportunities both for Africans and for Americans. The bill is a comprehensive program. Not only will it facilitate trade and investment, but it is a landmark piece of legislation because it places new emphasis on the importance of Africa to America, and as a result, it will engage Americans and American businesses in Africa.

Before the 1990s, Africa was an ideological Cold War battleground where U.S. policy focused largely on promoting Cold War interests and responding to imminent humanitarian concerns. Africa's tremendous economic potential was ignored. This legislation says, no more. More economic opportunity means less poverty, less emergency humanitarian relief, more peace. Less likely to have U.S. troops deployed to end mass slaughters, we can save money and we can make money as trading partners; we can limit the risk to American lives and also, ultimately, we can encourage greater stability and peace within Africa itself. And that is good for Africans. That is a win-win situation.

We are ready for a new era in America's policy toward Africa. With the passage of this legislation, we will launch that era, an era where America wholeheartedly embraces Africa, its people and its enormous wealth of opportunity, an era in which we pursue policies that seek to improve the lives of Africans as part of our policy, not just as an afterthought.

I urge my colleagues to support this historic opportunity for America and Africa by supporting this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. ROYCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this legislation is long overdue. This African Growth and Opportunity Act is long overdue. For too many years, we have thought of Africa in terms of aid only. All of our attempts to promote economic development in Africa have been a matter of sending aid and more aid. Yet many African countries are poorer today than they were at the time of their independence in the early 1960s.

There are many reasons for this. Some African countries have been crippled by civil wars, some which were fueled by the Cold War. Some African countries have been hit by natural disasters, including droughts. Downward changes in the world prices of some African commodities have hurt.

But our aid has been part of the problem, too, part of the problem because it has often sustained what have proven to be unsustainable economic policies in Africa. Like other areas of the world, Africa went the route of socialism in the 1960s and 1970s. It was fashionable then for African governments to nationalize industries, to close economies to imports, to try to manage commerce down to setting the price on a bag of corn and otherwise kill the entrepreneurial spirit in Africans that is common to people all over the world. Africa's poverty today has much to do with these disastrous policies.

Like other regions of the world, though, Africa has been changing. Over the last 10 years, many African countries have been reforming their economies, allowing everyday Africans to seize their own economic destinies. State-controlled companies have been sold, commerce-crippling red tape has been cut, and partnerships with foreign investors have been permitted. In short, African nations have begun to give themselves a chance to develop just like other countries in the world.

There have been impressive results. Many of my colleagues today will tell the story of what some are calling the African Renaissance. Many African countries are having real economic growth of up to 10 percent for the first time in years.

□ 1230

One country, Uganda, probably the most aggressive economic reformer in Africa, has been growing at 10 percent for several years running. Uganda is now being called the African lion.

This growing economy means that the development, better health, nutrition, education, the things that everyone in this House wants to see for Africa, is beginning to happen. And it does not take too many years of 10 percent economic growth to make some real progress. That is why Americans are thinking about Africa in new terms. All this is a new beginning for Africa. Though we should not ignore the real challenges these countries face, more reforms are needed, and economic reform can be trying, but if African countries meet this challenge, then the Africa of the 21st century will be a far different Africa than the Africa of the recent past.

The African Growth and Opportunity Act is all about helping these countries along with this reform plan. It does this by identifying those countries that are committed to reform as the countries the United States wants to develop a special economic relationship with. These countries, those that are giving themselves the best chance to develop, that are giving U.S. businesses the chance to take part in their development through American exports and investment, will take part in annual trade forums with the United States. They will also have greater opportunities to sell some of their goods to American consumers. These are real benefits, benefits that should be incentives to African countries to continue their reform path, allowing their citizens to reach their potential, and helping American businesses too.

Now, this bill will not cure all of Africa's ills, but it helps in a big way. It also puts Africa on the map for America, not as a place of famine and poverty and of endless aid spending, but as a place where growth is offering American businesses new opportunities. Africa is changing. It is time for U.S. policy to change too. This is what this bipartisan act is about. For the sake of a brighter future for Americans and a brighter future for Africans, let us pass this very significant legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. MENENDEZ. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Chairman, I thank the gentleman from New Jersey for yielding me this time.

I rise today in strong support of the African Growth and Opportunity Act, a bill which I am pleased to be a cosponsor of.

Now I realize this is not a perfect bill and that there are concerns, and I hope those concerns can be worked out, but let me emphasize today in dealing with the continent of Africa we should not let the perfect be the enemy of the good. In the past we have had a very limited trade relationship with Africa, based primarily on Cold War objectives. I am pleased to say that with this bill we are moving forward into the new millennium to develop and cultivate new trade relationships. I think that is good for America.

Currently, Europe has 30 percent of the African market. By comparison, we only have about 6 to 7 percent. It is in our national interests to support better trade relationships with Africa. It is in our interests to develop new markets. It is in our interests to avoid costly conflicts where trade replaces warfare. It is in our interests to address these global problems.

Africa does have unique problems and progress is fragile, but progress has been made. Numerous countries have moved to democratic systems and those countries are now prepared to receive our assistance in cultivating trade relationships.

It is important that we offer important reforms, such as eliminating trade barriers, such as encouraging improved fiscal policies, promoting private sector development, fostering good government and fighting corruption, debt forgiveness. All of these are objectives that can be accomplished if we pass this bill.

Let me hasten to point out, however, that this bill will not benefit countries that continue to engage in human rights violations. They will not be eligible for those benefits. But for those countries that are truly moving toward democracy, those countries that are truly eliminating human rights violations, those countries will be able to benefit.

But, more importantly, we in the United States will be able to benefit because a stronger Africa represents new markets for our goods, and to the extent that we can take advantage of these new markets, we can have a more prosperous economy here in the United States.

Mr. Chairman, I strongly urge support for this very excellent bill.

Mr. ROYCE. Mr. Chairman, I yield 4 minutes to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Chairman, I thank my colleague from California for yielding me this time.

I rise in very strong support for H.R. 1432, a bill to authorize new trade and investment policy for Sub-Saharan Africa.

First, let me commend the distinguished gentleman from Illinois (Mr. CRANE) and many distinguished, informed and thoughtful colleagues on both sides of the aisle for sponsoring this bipartisan initiative. This act is a much-welcome initiative for a continent in need of our focused attention, and I am very proud and pleased to be an original cosponsor.

We hear a lot of hyperbole and exaggeration around here, but I tell my colleagues, in my judgment, without fear of responsible contradiction, this is the most important foreign policy initiative of this Congress. Beyond that, this is the most important thing that we have done potentially for Africa in post-colonial times, and I believe that the potential will be shown to be a reality.

Why do I say that? Well, first of all, we know, of course, that the United States has been committed to Africa in terms of foreign assistance for many years now, but our commitment to Africa in terms of trade has been less steadfast. In fact, our trade policy at times discourages private sector enterprises in Africa. These trade barriers can negate the benefits of U.S. foreign assistance to some of the same African countries that we are trying to help.

Oftentimes, we hear from these countries, "We want trade," and they even go on to say, "We do not need aid if you give us adequate trade opportunities." This is a win/win situation for the United States and these African countries.

As a strong supporter of the aid to Africa through the Development Fund for africa, in fact, Mr. Wolpe I think was the original initiator, and other mechanisms, I believe this legislation finally coordinates and sufficiently focuses America's resources on both trade and aid in Africa, and there are a number of amendments made in order that will improve this legislation.

By requiring African countries to show their commitment to market reform, this bill lays the proper foundation for a very positive, cooperative relationship between the United States and these many countries of Africa. By proposing a framework for investment assistance, export promotion, free trade arrangements, and the abolition of trade barriers, this legislation creates a reward system that ensures those market reforms in Africa are more likely to continue.

Finally, by maintaining our foreign assistance program for sustainable development and humanitarian purposes, this legislation commits us not only to economic liberalization in Africa, but also to equitable and efficient development that does not overlook the poor or those most in need.

Mr. Chairman, I find it very hard to imagine how someone could oppose this legislation once they have examined it. This legislation has received widespread attention both inside the United States and outside this country from our allies and friends. Ask the African countries and their leaders and their people how they feel about it. If they know about it, they are in favor of it. It has been received well as a coordinated, thoughtful component to our foreign policy toward the individual countries of Africa.

I say to my colleagues who know about my involvement in Africa and foreign affairs issues for some time, I say to them, this legislation is a very positive contribution to Africa and to the United States. I strongly urge that my colleagues support the most important foreign policy initiative of this Congress, one that has bipartisan support.

Mr. MENENDEZ. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Illinois (Mr. JACKSON), in recognition of the gentleman's strong concerns about this issue and that it is his birthday, even though he is going to speak in opposition.

Mr. JACKSON of Illinois. Mr. Chairman, I thank the gentleman for yielding me this time.

Let me first thank the gentleman from California (Mr. ROYCE) and the gentleman from New Jersey (Mr. MENENDEZ) for this opportunity. I want to thank all of my colleagues for their participation in this discussion which I suspect will be a fruitful debate.

This is an historic day as this Congress discusses and debates U.S. trade with Africa on the House floor. As my colleague noted, I was born on March 11, 1965, and on December 12, 1995, I was elected to Congress as the 91st African-American to serve in this House. There have only been 102 African-Americans elected to Congress out of a total of 11,541 Americans. Ninety-eight have been in the House, 4 elected to the Senate and 2 this last century, including 2 this century, CAROL MOSELEY-BRAUN, the only African-American woman to ever serve in the Senate.

This occasion to debate a respectful and reciprocal trade relation with Africa is a test of fate for the 60 million Africans taken from their native shores and forced to make the transatlantic voyage. It is because of that history that we are compelled to strenuously critique and analyze this bill. So I am periodically, Mr. Speaker, going to raise questions of some of my colleagues on the other side and this side that I hope will be taken in the spirit within which we have engaged in this discourse.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

The SPEAKER pro tempore (Mr. BEREUTER) assumed the chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

AFRICAN GROWTH AND OPPORTUNITY ACT

The Committee resumed its sitting.

Mr. ROYCE. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Chairman, Africa is a continent on the move and it is time we recognized that fact. We have neglected the people of Africa and ceded many export opportunities to their former European colonial powers.

This legislation will for the first time focus the attention of the U.S. Government on a comprehensive trade strategy towards Africa. This legislation reinforces the positive developments taking place in that continent. Since 1990, more than 25 African countries have held democratic elections and more than 30 countries have embarked on free-market economic reforms.

Let me give my colleagues a taste of what can happen. Last year I held a hearing before the Subcommittee on Small Business Exports, which I chair, on the subject of the Overseas Private Investment Corporation, OPIC. A wonderful lady born in Africa and now residing in Massachusetts, Monique Maddy, testified how her small telecommunications firm was able to contribute both to economic development in Africa and increased U.S. exports to Africa.

She won a deal, thanks to a political risk insurance package from OPIC, to build wireless public telephones which operate on debit cards instead of coins for Tanzania. This contract resulted in the export of $4.5 million worth of goods and services from 8 supplier companies in 7 States: Texas, New Jersey, Washington, Georgia, Missouri, and North Carolina. In addition, 60 jobs were created in Tanzania.

Because the Africa Communications Group did so well with the Tanzania sale, Ms. Maddy subsequently won a larger sale to Ghana with OPIC's help. This will result in the export of approximately $65 million worth of goods and services from the United States and create 500 jobs in Ghana. Without OPIC, most likely these deals would have gone to our European competitors.

My home State of Illinois is another example of the phenomenal growth of exports to Africa. South Africa alone is Illinois's 20th largest export destination, totaling $389 million for 1996. The leading exports to South Africa are industries where Illinois excells: chemical, earth-moving equipment, agricultural machinery, and aviation parts.

From the Chicago-land area, exports to South Africa grew 148 percent between 1993 and 1996, starting at $74 million and increasing to $184 million. In Rockford, Illinois, exports to South Africa grew 29 percent, jumping from $2 million in 1994 to $2.6 million in 1995, the latest date for which we have export statistics.

South Africa is the locomotive that drives much of Sub-Saharan Africa, and it is critically important we help this big emerging market on the path of democratic and free-market reform.

Mr. MENENDEZ. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California (Mr. BERMAN).

□ 1245

Mr. BERMAN. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I join the gentleman in support of H.R. 1432, the African Growth and Opportunity Act. This bill will help sub-Saharan countries build economic self-sufficiency and reduce their isolation in an increasingly interdependent world. The bill supports U.S. aid programs that are vital in the near term, but focus on sustainable development as the only way to substantially boost living standards in some of the world's poorest countries. It promotes trade, foreign investment, debt relief, and private enterprise, including businesses run by women.

At the same time, the bill requires that beneficiary countries have or must be moving towards market-based economies. It requires they be committed to accountable government, the eradication of poverty, observance of human rights: these criteria offer the best chance for prosperity and stability in the region.

The debate today will go into great details on many of the provisions. There will be some amendments which make the bill even better, and others which will be designed to fundamentally gut the key provisions of this bill, but I urge support for the bill and opposition to those amendments, in the context of trying to help H.R. 1432.

Mr. Chairman, opponents of H.R. 1432 say that the United States should not help Sub-Saharan Africa by dropping quotas and tariffs on textiles and apparel, even though these are the goods countries in the region can most readily produce. Opponents argue that reducing trade barriers will make U.S. imports of such goods soar, threatening U.S. textile and apparel manufacturers and workers. They vastly overstate the case.

To address this concern, the Committee on Ways and Means asked the International Trade Commission to assess potential textile and apparel imports from Sub-Saharan Africa under the terms of the bill. The ITC estimated that even with duty- and quota-free treatment, textile and apparel imports from the region will not exceed three percent of total U.S. imports of such goods over the next 10 years. Sub-Saharan African imports currently account for less than one percent of total U.S. textile and apparel imports. Such modest growth, while important to Africa, clearly would pose no threat to U.S. manufacturers or workers.

The bill provides for a review of the no-tariff, no-quota policy by requiring the President to report annually to Congress on the growth of textile and apparel imports from Sub-Saharan Africa. Even if imports unexpectedly rise dramatically, we can revise the policy before U.S. textile interests suffer substantial harm.

Opponents also warn that the no-tariff, no-quota policy will spark a massive increase in illegal transshipments of goods from Asia. While illegal transshipment is always a concern, they again overstate the case.

The bill contains strong provisions to prevent illegal transshipment. Sub-Saharan African countries will enjoy duty- and quota-free treatment only after they demonstrate that they have effective visa systems in place to guard against transshipments and counterfeit documents. The bill directs the U.S. Customs Service to monitor and report annually to Congress on the operation of those systems.

It also penalizes those who circumvent the visa systems. Exporters who illegaly transship goods will lose duty-free benefits for two years.

H.R. 1432 is a welcome change in U.S. policy that views Sub-Saharan countries as potential partners and not simply aid recipients. Africa's economic progress ultimately will depend on the policies that states in the region adopt. This bill guides them in the right direction. I strongly support H.R. 1432, and I urge my colleagues to do the same.

Mr. MENENDEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Chairman, I rise in support of H.R. 1432, the African Growth and Opportunity Act. As our Nation enjoys a booming economy, lower unemployment and lower inflation, many countries in sub-Saharan Africa cannot afford medicine to treat their own children or buy nourishing food to satisfy their hunger.

Today, by voting for this bill, the United States Congress and America will give sub-Sahara Africa a chance to prosper. This bill is not perfect. However, I believe it is a positive start to increasing investment in sub-Sahara Africa.

Mr. Chairman, when I visited the countries of Ghana and Zambia in December, I saw firsthand the existing economic crisis. Infrastructure is extremely limited, health care facilities cannot keep up with the cases of chronic illnesses. In Zambia, we have 3.5 million children with no free public education. In Zambia, nearly 650,000 children are orphaned because their parents have died from AIDS. It is because of increased commerce and economic opportunity that sub-Saharan countries can begin to address these concerns.

In 1996, U.S. imports from the 48 countries in sub-Saharan Africa totaled $15.2 billion. However, U.S. trade with the Nation of Japan alone totaled just above $200 billion. We see the inequity and we see the devastation of the absence of economic opportunity.

Mr. Chairman, I urge every Member of this Congress to support this legislation.

Mr. ROYCE. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. FOX).

Mr. FOX of Pennsylvania. I thank the gentleman for yielding me the time, Mr. Chairman.

Mr. Chairman, I rise in support of the African Growth and Opportunity Act, H.R. 1432. This legislation embodies our philosophy that the United States, as the world's largest and most technologically advanced economy, can and should do more to contribute to Africa's economic development.

This bill could provide a positive framework for the competitive U.S. private sector, in concert with the ingenuity of the sub-Sahara Africa private sector, to help stimulate growth in Africa while increasing economic opportunities and jobs here at home. It encourages closer economic cooperation with the region and supports debt reduction for the poorest countries in Africa. It recognizes that U.S. trade, aid, and investment are all important pillars of the U.S. post-Cold War policy with Africa.

It will enhance market access for African goods and services and promote multilateral debt relief for the poorest African countries. The bill will increase U.S.-Africa economic cooperation, and will help pave the way for the President in his trip to those countries in the latter part of this month. Most importantly, Mr. Chairman, this bill will continue the role of the United States as the catalyst for democracy and the engineer of economic growth around the world.

Mr. MENENDEZ. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New Jersey (Mr. PAYNE), a member of the subcommittee who has traveled quite extensively in Africa, and spent a lot of time and effort in his dedication to the continent and to bringing all of our countries together.

Mr. PAYNE. Mr. Chairman, I rise in support of H.R. 1432, the African Growth and Opportunity Act. I join the rest of my colleagues who are original cosponsors of this bill. We have been talking about this issue for some time now. I am finally pleased that this initiative is happening. The Subcommittee on Africa, of which I am a member, proudly marked up this legislation last year.

I would like to thank the gentleman from Illinois (Mr. CRANE), the gentleman from New York (Mr. RANGEL), the gentleman from Washington (Mr. MCDERMOTT) and the gentleman from Louisiana (Mr. JEFFERSON) of the Committee on Ways and Means, who worked so hard with their vision to bring this particular bill to the floor.

I would also like to commend my chairman of the Subcommittee on Africa, the gentleman from California (Mr. ROYCE), and the ranking member, who we have heard from also, the gentleman from New Jersey (Mr. MENENDEZ) for the time, effort, and energy they have spent in trying to perfect this bill. It is still not a perfect bill, but it would not be in the shape that it is in now had it not been for the work of the gentleman from California (Mr. ROYCE) and the gentleman from New Jersey (Mr. MENENDEZ) and the other Members that I mentioned.

This is a historic and exciting occasion. Today I stand before you to say that the Africa trade bill will improve the lives of many African-Americans on the continent. Imagine, as we approach the new millennium, a new partnership has been forged, a partnership that is not based on dependency on aid. People want to earn their way. They want to earn their keep.

This is an opportunity for people to show that it is trade, not aid. If we give a person a fish, they eat for a day. If we teach a person to fish, they eat for a lifetime. This bill will finally bring Africa into the new millennium.

I must also applaud the Africa diplomatic corps for their constant and unwavering faith that they would one day be active participants in the global economy. They are very supportive of this bill.

What would this bill do? It would enhance market access for African goods and services; it would promote multilateral debt relief for the poorest of the poor; it would open free markets which otherwise would be closed to Africa. It directs OPEC to create a $150 million equity fund and a $500 million infrastructure fund to begin this year. It will increase authority and flexibility to provide assistance under the Development Fund for Africa.

This bill will also establish a U.S. economic forum to facilitate annual high-level discussions of bilateral and multilateral trade and investment. Also, for the first time in over 20 years, a U.S. President will travel to Africa, and President Clinton will be armed with this legislation to talk about his partnership for growth and opportunity in Africa. I commend the President for his trip, going to Africa.

Let me just say that I become disturbed when people say there is no national interest in Africa. We had an interest during the Cold War where we propped up illegal governments, like the Mobutu regime and some of the activities in Angola and other places, Mozambique and around the continent.

Finally, we are able to say, let us forget the Cold War. That time has past. Let us look to the sub-Sahara African countries, and let us have a bill that recognizes that U.S. trade, aid, and investment are all important policy goals.

Mr. Chairman, a foreign trade policy that ignores some 32 Sub-Saharan African nations is a distorted policy. This bill recognizes that U.S. trade, aid and investment are all important foreign policy goals. 32 countries have joined the new World Trade Organization, and we are helping them to share its benefits and to meet its requirements.

In conclusion, liberalization will not be beneficial without a transformation in the thoughts and attitudes toward Africa. It must no longer be thought of as a region devoid of hope, but a region which the hope of civil society, popular struggle can be fostered to bring Africa to the "center."

I support this bill and urge my colleagues on both sides of the aisle to do the same.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. PAYNE. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, I thank the gentleman for yielding.

I would ask the gentleman, is he aware in the bill of any African countries losing foreign aid they are now receiving unless they adopt the economic reforms dictated in this bill?

Mr. PAYNE. Mr. Chairman, I am glad the gentleman brought that question up. This bill is separate from aid. The Development Fund for Africa was an earmarked area that this year is funded for about $700 billion, and $30 million has been allocated or recommended by the administration to go into the aid. Therefore, the answer is, no. This is a separate entity, and it will not take aid from any country that does not conform to the bill.

Secondly, I might say that a country that does not comply with governance and human rights, with transparency and basic human rights, will not be invited to be in the rounds, just as NATO expansion has been done.

Mr. JACKSON of Illinois. Mr. Chairman, if the gentleman will continue to yield, is the gentleman aware of any African countries being forced to cut corporate taxes, privatize, and shrink their government services, or grant expanded rights to foreign investors under the bill?

Mr. PAYNE. To my knowledge, I know of none. If the gentleman knows of any information that I am not privy to, I would certainly appreciate it, but to my knowledge it does not negatively impact on what is going on in those countries. There will be IMF requirements which already are in in many countries. What we are talking about is a new trade and investment opportunity for the various countries.

Mr. JACKSON of Illinois. I thank the gentleman.

Mr. ROYCE. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from Ohio (Mr. CHABOT), on the Subcommittee on Africa.

Mr. CHABOT. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in strong support of H.R. 1342, the African Growth and Opportunity Act. As the gentleman from New York (Chairman GILMAN) and the gentleman from California (Chairman ROYCE) have pointed out, this legislation creates a transition path from developmental assistance to economic self-reliance for those countries in sub-Saharan Africa committed to economic and political reform, market incentives, and private sector growth.

Mr. Chairman, while we have seen much turmoil and tragedy in Africa in recent years, we have also witnessed a number of positive developments on the continent. Since 1990, for example, more than 25 African countries have held democratic elections. More than 30 nations have taken steps to institute market-oriented economic reforms. Many of us who have worked regularly on African issues are hopeful and confident that those numbers will continue to increase.

I have talked with a number of African leaders, having had the opportunity to travel to Africa recently on a CODEL headed by the distinguished gentleman from Arizona (Mr. KOLBE) and many of the leaders who would greatly like to move away from dependency on foreign assistance and move towards economic self-reliance. The adoption of the African Growth and Opportunity Act will help to move that process forward.

On an editorial which appeared this morning in the Washington Times, after being generally supportive, they stated, "The problems faced by Africa are not going to be solved by a single piece of U.S. legislation. But too often, our Africa policy has been an ad hoc response to crises. If Congress passes this bill, there is a chance to get the policy on a firm footing at last." I agree with the Washington Times editorial this morning.

I want to thank particularly the gentleman from California (Mr. ROYCE), the distinguished chairman of the Subcommittee on Africa, and also the gentleman from New York (Mr. GILMAN), the distinguished chairman of the Committee on International Relations itself, for crafting this legislation and bringing this bill forward. It is a balanced bill and it makes a lot of sense. I strongly encourage my colleagues to support this bill.

Mr. MENENDEZ. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York (Mr. RANGEL), the ranking Democrat on the committee and a strong proponent of the bill.

Mr. RANGEL. Mr. Chairman, I have never felt more proud as an American, but more so in being a Member of this Congress during this historic time, where we have dealt with the problems in Europe, we have dealt with the problems of Asia and Central and South America, and now this beautiful, rich continent that tries so desperately hard to struggle out of poverty has now started moving toward a fair market economy, democracy, and all of the things that we said were necessary in order to be trading partners with the United States.

Now that she has done those things, and we see the progress that has been made in the sub-Saharan countries, I think that we are just about to give her a chance to prove that she can compete with the best of the countries, given the opportunity.

For those who fear transshipment, there have been laws put right into the bill to increase the penalty for those who are guilty, but the people who do not want transshipment are the African people, because they want their people to work and improve the quality of life.

But look at it as Americans. Once we develop this market, once we give disposable income for people in Africa, and once they start rebuilding their economies and the infrastructure, who will be providing the technology, the services, and the jobs? With our help, we will be able to beat out the colonial powers and America, once again, will be first, and our friends will be our friends in Africa.

□ 1300

I hope that Members are able to support the bill, because I think, throughout the world, we will be able to see that we were not there as fast as we should have been in apartheid; but once we got there, America has demonstrated to the world, including our friends in Africa, that we will be fair, we will be equitable, and we will make certain that they will be able to play in this market as a free economy.

Mr. MENENDEZ. Mr. Chairman, I yield 6 minutes and 30 seconds to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE), whom I traveled with to Africa.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from New Jersey for yielding me this time.

I thank the gentleman from Illinois (Mr. CRANE) and the gentleman from New York (Mr. RANGEL). And the gentleman from California (Mr. ROYCE), we have spent some time together in Africa. I thank him for his leadership.

This past Sunday, a group of us, Members of the United States Congress, traveled to Selma, Alabama, to reenact the march in 1965 of those brave souls who walked across the Edmond Pettus Bridge in Selma, Alabama.

There was a great deal of trepidation and wonderment as to whether or not this approach was right. The reason they were doing it was because there were people in the United States who were disenfranchised from their rights under the Constitution of the United States of America.

The gentleman from Georgia (Mr. LEWIS), my colleague, was in the forefront. And as they proceeded over the bridge, they saw danger ahead. But rather than retreat, they went forward in order to create more opportunity for African Americans, people of color, women in the United States political process. They literally unshackled the very destructive laws by being the true result, or the true basis upon which the Voting Rights Act of 1965 was passed.

Albeit some may argue and say we are not on the precipice of a Civil Rights Act today, I still take the words of Dr. Martin Luther King and say, If not now, then when; for, for the first time in the history of this Nation, I do believe we have elevated the discussion of the continent of Africa, sub-Saharan Africa, 48 countries, to a level of equality and equal partnership in business.

So I would simply like to say that we are on a journey. Danger is ahead. There are many concerns that my good friends have. I am concerned about work safety conditions, the environment. I have, particularly in the last mission that I was honored to be on, the presidential mission headed by the gentleman from New York (Mr. RANGEL), particularly focused and asked to lead out on the question of HIV infection in sub-Saharan Africa. I take that as a special commitment, the ravaging of HIV and AIDs. This bill does not necessarily address it, but it opens the doors of opportunity so that the pharmaceutical industry in this country can itself be involved in trade to provide the much-needed medicine for that devastating disease. That is important to me.

My support of this bill does not in any way cause me to stand aside from my longstanding commitment to safety in the workplace, working conditions respective or responsive to the workers who will work there. Likewise, this bill emphasizes something very near and dear to me, and that is that the continent and sub-Saharan Africa must accord the human rights and dignity that is befitting of an international arena and trade.

I am sorry to say that we have not done that for China in our most-favored-nation debate we debate constantly. But here in this legislation there is a direct provision for making sure that the African countries who will participate adhere to the dignity and the responsibility of human rights. This is key.

In addition, this bill has a provision for my friends from the agricultural belt. In the agricultural belt, $15 million is remaining that allows our agricultural expertise to interact with Africa to develop products and expertise and to open up that market of 800 million citizens who want to be included.

Lastly, let me say that this question of dumping is extremely important. It bothers me, coming through Africa and relabeling it. Diplomats and presidents alike, when spoken to directly, have said, we will enforce our customs laws. We will be the kind of watchdog that refuses to allow Africa and this trade bill to be abused. Can we not give them respect as heads of state? Would we not ask this of China when we vote year after year for most favored nation? Why should not the continent have the same dignity and respect?

We did not enslave Africans, those colonies, colonization; European colonizers did. Why can we not have the same opportunity now to come back and say, we do not have the baggage of Europe. We are ready to do trade and to develop economic opportunities. Do we not realize how important it is to make this continent, this relationship, to put ourselves in front of the colonizers of Europe?

Lastly, let me say for inner-city America, for African Americans, for those who think their jobs will be taken, quite the contrary. Many of those in my district, the 18th congressional district, have said, I can work with this bill, small- and medium-size businesses, which are the backbone of America, creating jobs for people in the inner city because the trade barriers and tariffs are down for the little person to be able to be up.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, two questions for the gentlewoman.

I am wondering, does the bill require American businesses to invest in the education and training of Africans and to hire and value African employees? And what knowledge, if any, does the gentlewoman have about multinational corporations here in America who stand to benefit from the bill, as to whether or not they have been supportive of affirmative action at home, so that African Americans can also be the beneficiaries of such a trade policy?

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me say, two very good questions. This bill gives us the opportunity with that kind of leverage and, yes, this bill opens the doors for small and minority businesses to be engaged. In fact, as we went through Africa with the African presidents, they pointedly said, we want a joint venture, and there is $150 million in this bill just for joint ventures.

And as well on the multinationals, what kind of leverage will we have on the multinationals with 800 million black people in Africa saying, you will not do business with us if you do not support affirmative action. What kind of business will they get? None.

Support this bill.

Mr. ROYCE. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, I thank the gentleman for yielding. I want to congratulate the gentleman from California (Mr. ROYCE) and thank him for the leadership he has given the body, bringing to our attention the issues surrounding Africa, and for making it a high-profile issue for all of us.

Mr. Chairman, I rise in strong support of this bipartisan legislation. It is heartening for me to see many of my colleagues who oppose granting fast track negotiating authority to the President stand here today and declare their support for expanding trade with sub-Saharan Africa.

As my friend, the gentleman from Ohio (Mr. CHABOT) said, last August I had an opportunity to lead an eight-member bipartisan delegation to Africa to view firsthand many of the issues that surround our relations with this important region. During my short time there, I was very impressed with the spirit, the ingenuity and the initiative of the African people. My visit left me with little doubt that the Africa we see today is vastly different than the Africa of yesterday. It is truly remarkable that a continent once racked by the insidious evils of apartheid, civil strife, dependence and economic stagnation is today in the dawn of a new renaissance. The engineers of this renaissance are not the Americans, nor the Europeans, who colonized the continent, nor the Japanese or the Chinese or the Asians who followed them. The engineers of this renaissance are the Africans themselves.

Today there is a new generation of leadership in sub-Saharan Africa, leadership dedicated not to the failed status development models of the past, but to market-based reforms and private sector growth.

This new generation does not ask America for help, but for hope. They do not ask America for food, but for the tools to make their own crops grow. They do not ask America for schools or hospitals or dams, but for capital incentives to build their own. That is precisely what this bill would do.

H.R. 1432 extends and expands the generalized system of preferences program for sub-Saharan Africa. It provides duty-free access to U.S. markets for eligible items, thereby creating incentives for private capital investment. The bill establishes for the first time a U.S.-Africa Trade and Economic Cooperation Forum to facilitate annual high-level meetings to discuss trade and economic issues.

Mr. Chairman, through their actions, the African people have asked us to hear their call for hope, opportunity and self-sufficiency and sustainable economic growth. We should give them that. We should support H.R. 1432.

Mr. MENENDEZ. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. JACKSON).

Mr. JACKSON of Illinois. Mr. Chairman, this debate is in serious need of a historical perspective. The earliest trade policy of the United States, even before the Declaration of Independence, in 1619, involved African kings and potentates selling other common Africans to shipping companies owned by whites to be sold as exploited slaves and slave masters in the new territory.

I have been to West Africa. I have seen the infrastructure of West African participation in the transatlantic slave trade. I have been to Jamestown and Charleston and seen the historic sites of events which precipitated the Civil War, the bloodiest war in American history. The agricultural, shipping and plantation companies and communities served primarily as the infrastructure for American complicity in this trade policy.

The question before this Congress today of who benefited then and who benefits now is really the gravamen of this debate. As we seek to establish a new trading paradigm between African nations and America, it is critically important that the new trading arrangement create a mutually beneficial partnership between black people in Africa and African Americans in the United States, which I believe will benefit all Americans.

It is the only way that historical boats stuck at the bottom will become participants in a new trading relationship.

Mr. MENENDEZ. Mr. Chairman, could the Chair advise what time remains on both sides?

The CHAIRMAN. The gentleman from New Jersey (Mr. MENENDEZ) has 5 minutes remaining, and the gentleman from California (Mr. ROYCE) has 6½ minutes remaining.

Mr. ROYCE. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CAMPBELL), who also serves on the Subcommittee on Africa.

Mr. CAMPBELL. Mr. Chairman, I thank the gentleman for his leadership in bringing this bill to the floor. I am strongly in favor of this resolution. I emphasize the importance of allowing free market economics to provide the means of economic development and freedom for the people of Africa.

One of the most striking things that I have studied over the last couple of years (and I want to particularly single out the good friendship and support of my colleague, the gentleman from New Jersey (Mr. PAYNE), who sits across from me today in doing so) is that the horrors that have occasionally surfaced, such as in Rwanda, such as in Burundi, are in countries that are internally focused, that do not have large links of trade with the world, that are not largely export-oriented, that are at best self-sufficient in a good year. The key to diminishing the likelihood of such occurrences is to give Africa the opportunity to be looking to the world, and not just internally where the strife has arisen.

I wish to emphasize a second point also—that those of our colleagues who mistrust American aid to African governments sometimes are right, and sometimes they are wrong, but they ought to be supportive of this bill in that it does not give money to a government. It rather empowers the individual to build his or her own economic future.

Mr. Chairman, I strongly support this bill and urge all of my colleagues to do so.

Mr. ROYCE. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding me the time.

I am in favor of free trade around the world and free trade with Africa, I think, is extremely important. But there are provisions in this law that really concern me. For instance, only 35 percent of the product that is produced has to be completed or made in Africa. That means 65 percent of it can be transshipped from another country.

Right now, Communist China, one of the worst violators of human rights in the world, is violating people's human rights with impunity. We have not done anything in this body, and many of our friends, other countries around the world, have done virtually nothing to put pressure on the Chinese Government to bring about changes in their human rights activities.

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Just last week two people were arrested in New York from China who were selling body parts, if my colleagues can believe that. They sell retinas for $5,000 a pair; they will sell a kidney for $10,000 or $20,000. What they do is go to these concentration camps, these gulags, and they shoot these people and then take orders for their livers or kidneys and hearts and sell them in the United States and around the world.

This country, China, is going to transship through Africa billions of dollars of products because of the provision in this law that allows 65 percent of the product to be manufactured outside of Africa and then the remaining 35 percent can be completed in Africa and then sold to the United States or wherever. We are already buying billions of dollars in products from China today.

I can remember when Wal-Mart said only buy American. They had "Buy America" advertisements all over the place. If we go into Wal-Mart today, probably 75 percent of the products we see are made in China by slave labor, by women and children, people whose human rights are being violated. And now we are going to expand their ability to garner a large part of the world market by saying that two-thirds of the product that is made in Africa can be made in China and transshipped through Africa to the United States and elsewhere.

We need to be concerned about human rights throughout the world, and that provision in this law does concern me. We should have a different percentage in the bill.

Mr. MENENDEZ. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Chairman, I thank the gentleman for yielding me this time.

For many years we have tried to dictate policies for other countries and tell them what they ought to do. We have had a year-long meeting with the African diplomatic corps, and many of them are offended by the statements that we hear that we are going to transship through them. They say they have been dealing with other countries before.

There is the ECOWAS community of 16 West African countries; we have SADC, made up of the 12 southern; we have the east and southern countries. And the African diplomatic corps indicate that they want this bill to come through. They think it is best for them.

It is racism when we try to apply our views on other people, whether they are countries in Africa or whether they are minorities in this country. And if African diplomats and African presidents feel that this bill is at least a step up in the right direction, then who are we to tell them that it is wrong for them?

Mr. MENENDEZ. Mr. Chairman, I yield myself the balance of my time, and would like to say to the gentleman from California, the chairman, that I have enjoyed very much working with him as the ranking Democrat on the subcommittee and thank him for all his courtesies during the process of this markup.

Mr. Chairman, a stronger, stable, prosperous Africa will be a better partner for security and peace in the fight against drug trafficking, international crime, terrorism, the spread of disease and environmental degradation.

The philosophy of this bill is simple: America stands ready to help those African countries that help themselves. The bill gives greater trade benefits to those countries that undertake sustained reform. Those efforts should include, for example, eliminating trade barriers, improving fiscal policies, promoting private sector development, fostering good governance, fighting corruption, and investment and social development. And countries engaging in gross violations of human rights would not be eligible.

Increased trade and investment would be good for Africa and good for American workers. Africa constitutes a market of over 660 million people, potentially one of the largest markets in the world. More people than Japan and all of the Asian nations combined. If reform spurs growth, it will create new and bigger markets for U.S. exports.

Our exports to Africa already are intensive in high-wage industries such as machinery, transportation equipment, electronics and services. Exports to Africa are already much greater, 27 percent greater than our exports to all the former Soviet Union combined.

Mr. Chairman, this bill can also bolster nascent African democracies, which can decrease the need for U.S. military, humanitarian and disaster relief. Let us consider the example of Mozambique.

After 16 years of civil war, democratic elections were held in Mozambique in 1994 and economic stability has been restored. Inflation has been reduced from a high of 70 percent to approximately 5 percent in just 3 years. Over 780 State-owned industries have been privatized, some purchased by U.S. companies. The economic recovery has helped provide jobs for demobilized fighters and made it possible for the government to boost investment in education and health, the building blocks for the future of that nation.

Mozambique's dramatic turnaround underscores what investment and trade can do, how they can help economies, governments and people recover from the trauma of war and build successful, stable, democratic societies. Increased trade and investment complements continuing assistance, and we cannot afford to let Africa fail. We must seize upon the opportunity to help Africa help itself.

We have policy interests that are clear and compelling. Let us not lose, let us not lose this historic opportunity to make a difference in the annals of history. Let us not lose this opportunity now at the turn of the century. It is time for a new paradigm as it relates to Africa, and we should be taking advantage of that opportunity by the adoption of this legislation.

Mr. Chairman, I yield back the balance of my time.

Mr. ROYCE. Mr. Chairman, I yield myself the balance of my time, and I want to commend the gentleman from New Jersey (Mr. MENENDEZ), who I have enjoyed working with on shaping this bill and on other legislation that has come before our committee.

Let me respond quickly to some of the discussions on the criteria in the bill. The criteria call for such participation requirements as protection of property rights, reduction of high import taxes, elimination of corruption, observance of the rule of law. These and other criteria are minimal reasonable standards for nations doing business with one another.

The criteria in this bill represent international standards. They are not U.S.-imposed standards that are unworkable in the African context. Ugandan Ambassador Edith Ssempala has said they are necessary to encourage African nations to address issues they might choose to ignore otherwise.

Human rights, the importation, the development of a court system, the rule of law, these are important policies. And, frankly, these are policies, these are criteria that have brought economic progress worldwide, and they are supported by the African ambassadors. They have embraced this bill.

As chairman of the Africa subcommittee, I have had the chance to speak with many Africans, both at home and in their own countries, about this bill. I will be traveling with President Clinton and a few of my House colleagues in 2 weeks. For my colleagues, I cannot overestimate this bill's importance to Africa. It is so well received because Africans desperately want to be part of the world economy and they realize that a special economic relationship with the United States, not a perpetual aid relationship, is a big step in that direction.

Now, this body should not pass this bill because of that alone. It should pass this bill because it helps Americans. We have heard of the growing American business interests in Africa, brought about by the reforms this bill encourages. We have heard about why a prosperous Africa matters to the United States.

Africans can reach their limitless potential, or Africa's many social and environmental problems, problems that increasingly impact Americans, can overwhelm the continent. So the stakes are high, but I believe the future of many African countries is bright. This bill will help make it brighter, and I urge my colleagues to support this landmark piece of legislation.

Mr. Chairman, I yield back the balance of my time.

Mr. CRANE. Mr. Chairman, I yield myself such time as I may consume, and I rise in support of H.R. 1432, the African Growth and Opportunity Act, which represents the culmination of 3 years of bipartisan work to develop a trade and investment policy toward the 48 countries in sub-Saharan Africa. I am pleased that the bill will take this important step forward today.

I believe that this legislation comes at a time of great hope and opportunity for sub-Saharan Africa. In recent years the region has undergone a quiet but persistent evolution toward democratic transformation as well as free market reforms. Indeed, 25 of the

48 countries in sub-Saharan Africa have held democratic elections and 30 have embarked on significant economic reforms, including tightening their fiscal discipline, the privatization of state enterprises, and the liberalization of trade and investment regimes.

Due in no small part to these reform efforts, African economic growth is picking up, and U.S.-Africa trade has grown at nearly 20 percent a year for the past 2 years. Perhaps nothing describes the changes underway better than an African diplomat's statement at the Committee on Ways and Means markup of this bill that "Africa is open for business."

In recognition of the progress sub-Saharan Africa has made, H.R. 1432 moves our African policy away from its historical focus on aid towards a focus on trade. In particular, the bill promotes mutually beneficial trade relationships and partnerships with those countries in the region committed to economic and political reform.

First, to facilitate trade and investment policy discussions, the bill creates a U.S.-Africa Trade and Economic Cooperation Forum similar to the successful APEC model in the Asia-Pacific region.

Second, to provide enhanced export opportunities for nonimport-sensitive products from Africa, the bill provides a 10-year extension of the Generalized System of Preferences program for sub-Saharan African countries committed to economic and political reform.

Third, to promote trade liberalization in the region, the bill requires the President to formulate a plan to enter into free trade agreements with countries meeting the bill's economic criteria.

And just as a side comment, I would like to reassure colleagues present, because this issue has arisen already, that the bill in no way, in no way cuts back or eliminates the aid programs that are currently in place.

While this legislation offers many important benefits for sub-Saharan Africa, the bill also furthers important policy goals of the United States. Clearly, it is in our interest to support the democratic and free market trends in Africa, because a stronger, more stable and prosperous Africa will be a greater and better partner for security and peace in the region and a better ally in our mutual fight against narcotics trafficking, international crime, terrorism, the spread of disease and environmental degradation.

At the same time, a strong and stable sub-Saharan Africa constitutes a combined market of nearly 700 million people, more than Japan and all of the ASEAN nations combined. Already U.S. exports to sub-Saharan Africa are 27 percent greater than our exports to all of the former Soviet Union, and yet our exports, which were valued at $6.2 billion in 1997, have just begun to tap into the rapidly growing markets in the region. At present, our exports are intensive in high-wage industries, such as machinery, transportation equipment, electronics and services.

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As sub-Saharan Africa benefits from its own decision to embrace free market principles, U.S. firms and workers will benefit in terms of higher levels of U.S. exports. I also believe that it is important that we hear the voices of Africans themselves in our debate today about what they believe H.R. 1432 means to their future.

As the sponsor of this legislation, I believe that it will establish sub-Saharan Africa as a priority in U.S. trade policy and will encourage countries in the region to continue and perhaps redouble their economic and political reform efforts.

In addition, H.R. 1432 is important to the advancement of the wide range of U.S. policy and security interests in the region and to codify many significant initiatives already underway by this administration. I urge its favorable consideration by the House today.

Mr. Chairman, I include for the RECORD the following:

EMBASSY OF THE REPUBLIC OF DJIBOUTI,
Washington, DC, July 8, 1997.

Re passage of the African Growth and Opportunity Act.

Hon. PHILLIP CRANE,
Member of Congress, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN CRANE: As outlined in our statement sent to you on May 15, 1997, we would like to express our strong support for the passage of H.R. 1432, African Growth and Opportunity Act, this year. We urge Congress to pass this legislation based on its merits.

This legislation presents a unique opportunity to build a new relationship between the United States and Africa. It also serves to reinforce the very positive changes that are taking place throughout the continent of Africa.

Please accept the assurances of our highest consideration.

Sincerely,

H.E. Amos Bernard M. Midzi, Ambassador, Zimbabwe; H.E. Gaetan R. Ouedraogo, Ambassador, Burkina Faso; H.E. Willie Chokani, Ambassador, Malawi; H.E. Chitmansing Jesseramsing, Ambassador, Mauritius; H.E. Azouz Ennifar, Ambassador, Tunisia; H.E. Mary M. Kanya, Ambassador, Swaziland; H.E. Archibald M. Mogwe, Ambassador, Botswana; H.E. Paul Boundoukou-Latha, Ambassador, Gabon; Mr. Nana Effah-Apenteng, Charge D'Affaires, Ghana; Mr. John Mathew Mwendwa, Charge D'Affaires, Tanzania; H.E. Berhane Gebre-Christos, Ambassador, Ethiopia; H.E. Dieudonne Antoine Ganga, Ambassador, Congo; Mr. Malamin K. Juwara, Charge D'Affaires, Gambia; H.E. Eunice M. Bulane, Ambassador, Lesotho; H.E. Ahmat Mahamat Saleh, Ambassador, Chad; H.E. Benjamin Edgar Kipkorir, Ambassador, Kenya; H.E. Edith Grace Ssempala, Ambassador, Uganda; H.E. Ramtane Lamamra, Ambassador, Algeria. H.E. Mamadou Mansour Seck, Ambassador, Senegal; H.E. Ahmed Ould Sid Ahmed, Ambassador, Mauritania; H.E. Jerome Mendouga, Ambassador, Cameroon; Mr. Biclair Andrianantoandro, Charge D'Affaires, Madagascar; Mr. Mustapha Cherkaoui, Charge D'Affaires, Morocco; Rufino Jose Mendes, Ambassador, Guinea Bissau; Mirghani Mohamed Salih, Charge D'Affaires, Sudan; H.E. Kofi Moise Koumoue, Ambassador, Cote D'Ivoire; H.E. Lucien Tonoukouin, Ambassador, Benin; Mr. Manuel De Matos, Charge D'Affaires, Cape Verde; H.E. Joseph Diatta Ambassador, Niger; H.E. Pastor M.O. Bile, Ambassador, Equitorial Guinea; Mr. Fungbe Ralf Aderele, Minister, Nigeria; H.E. Marcos G. Namashulua, Ambassador, Mozambique; H.E. Veiccoh K. Nghiwete, Ambassador, Namibia; Mr. George Rowe Nzala, Charge D'Affaires, Zambia; H.E. Roble Olhaye, Ambassador, Djibouti.

EMBASSY OF THE REPUBLIC OF ZIMBABWE,
Washington, DC, 15 May 1997.

Re: statement by African Ambassadors to the United States on the US economic agenda toward Africa

Congressman PHILLIP CRANE,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN CRANE: In my capacity as Chairman of the Economic Committee of the African Ambassadors Group, I have the pleasure to forward for your attention, a statement from the African Ambassadors in response to the Partnership for Economic Growth and Opportunity in Africa document and the Bill H.R. 1432. Africa Growth and Opportunity Act.

Please accept the assurances of my highest consideration.

AMOS B.M. MIDZI,
Ambassador.

STATEMENT BY AFRICAN AMBASSADORS TO THE UNITED STATES ON THE US ECONOMIC AGENDA TOWARD AFRICA

We, the African Ambassadors to the United States of America, appreciate the continued efforts by the United States Congress to promote trade and investment ties with Africa, in the spirit of interdependence, as detailed in the Bill H.R. 1432 "African Growth and Opportunity Act" (Hereinafter called the Bill).

We further appreciate the United States Administration's continuing efforts and initiatives in this area as espoused in the "Partnership for Economic Growth and Opportunity in Africa" document (Hereinafter called the initiative) and the President's second report to Congress entitled "A Comprehensive Trade and Development Policy For the Countries of Africa."

As regards the need for eligibility requirements, we trust that there will be bilateral consultations with all countries concerned in order to achieve transparency.

We are pleased to note that the Bill/Initiative emphasize(s) the need to strengthen the various US agencies which facilitate foreign investment enabling them to respond more effectively to the investment needs of Sub-Saharan African countries. We urge the United States to continue to support bilateral and multilateral programs that enhance capacity building, technical assistance and transfer of technology to Africa.

We welcome the recognition of the importance and crucial role the US companies that are already doing business in Sub-Saharan Africa should play in the Inter-agency Credit Risk Assessment System (ICRAS) to render the process of assessment more transparent and objective.

We equally welcome the intention of the Bill/Initiative to support the development and growth of the private sector in particular the Small and Medium scale Enterprises (SMEs), especially women-owned businesses in Africa as a way of achieving self-reliance. In this regard, we hope the Equity Fund that is being proposed will be used for investment in enterprises which add value to our raw materials.

We welcome the proposal in the Bill/Initiative to establish an annual United States-Sub-Saharan Africa Trade and Economic Forum which will facilitate discussions, at Cabinet/Ministerial level, of economic issues.

The proposal for summit meetings between the President of the United States and African Heads of State and Government, at least once every two years is commendable.

The establishment of a Free Trade Area between the United States and Sub-Saharan Africa, is a good long term objective taking into account the differences in the levels of economic development between the United States and Sub-Saharan Africa.

We particularly welcome the provision in the Bill/Initiative to admit Sub-Saharan Africa's textiles and apparel into the United States free of quotas and urge that duty free access be incorporated in the new Bill. We also urge that this provision be extended to other manufactured products. That measure would have a significant and immediate positive impact on the economies of Sub-Saharan African countries.

The expansion and revamping of the GSP program is a welcome development as are the proposed rules of origin. We however urge that since GSP for Sub-Saharan Africa represents only 3.4 percent of total U.S. imports under the GSP program, it be re-authorized for a ten year period to facilitate planning by both importers and exporters.

The indebtedness of African countries is a major obstacle to their economic development. The leadership of the United States in debt reduction with respect to both bilateral and multilateral debt is therefore required, particularly in the G-7 forum.

As a complement to our national efforts, we welcome the initiative that recognizes that education, health, the eradication of poverty and the enhancement of human life are necessary for sustainable economic development. We support the United States initiatives to financially strengthen the agencies dealing with these matters.

As is well known, good infrastructure is a prerequisite for investment and economic development. We therefore appreciate the efforts being made to stimulate infrastructure development in Sub-Saharan Africa by creating an Infrastructure Fund.

We welcome the proposal to establish a position of Assistant United States Trade Representative to deal exclusively with issues relating to Africa. We hope this initiative will be replicated in all the agencies of the Administration.

We express our appreciation to the people, the Administration and the Congress of the United States for their long-standing economic and financial assistance to our continent. We reiterate that economic assistance remains an indispensable and crucial complement to the development efforts of African countries to enable them to become more viable economic partners.

As always, we express our readiness to work with Congress, the Administration and other interested parties to enhance the position of Sub-Saharan Africa as a meaningful player in the international marketplace in view of the globalization of the world economy.

Mr. Chairman, I reserve the balance of my time.

Mr. RANGEL. Mr. Chairman, I yield myself such time as I may consume.

I rise with great pride in support of this legislation. How many bills can come before this House supported by the President of the United States, the Speaker of the House, the minority leader of the House, and the support of the leadership in the Senate? It has been long overdue that we recognize the potential in trading with Africa.

And it is not just helping a people that have been excised from economic development because of colonialism, but it is certainly in our best interest to develop those markets and to be able to see, as countries rebuild themselves, that these European countries not having the priority, but the friendship would be with those that were there when they needed them. That is why it amazes me how some of the so-called friends of Africa have now found out what they think is best for Africans, when we have been working with their leadership here.

African economists, African leaders have come and they have said that they want to be able to work in that same atmosphere as other countries in terms of encouraging investment and allowing the free marketplace to work for them, to support their ever-growing democracies. And yet, we have people that say, oh, no, that is not good enough for Africa.

I do not know where they were with the Europeans, where they were with Asia, where they were in South America. But Africa does not need those kinds of friends now. What they need are people to support the beginning. And that is all this is, the beginning.

There are no provisions in this bill that mandates that any African nation succumbs to it. They decide, based on the rules, whether they want to participate. All of the suggestions that are in the bill, the President of the United States does not have to have all of those requirements. This weak continent, and certainly the few countries that are the beneficiary, now has become a threat to the powerful industrial United States of America.

We are now importing 1 percent, the International Trade Commission said that it could be 2 percent, of textiles. And now the industry is shaking at its foundation, and we are going to lose African-American jobs. Well, I represent the Harlem community, which is the African-American capital of the world, and if we lose one job as a result of some African working in the sub-Saharan, I would like to see it. It just does not make any sense at all to believe that with these low-skilled jobs, anyone in this continent, much less in this country, would be adversely affected.

But the arrogance of saying that we want to trade with Africa, knowing that the low-skilled jobs are in textiles, and what would we say to them; we will trade with you if you only use American fabrics. That is to say that, we will manufacture the fabrics, we will send it to you, you can put a couple of stitchings on the label on it, and send it back to us.

When the Africans say it does not make sense, when we supporters say it does not make sense, they say, well, we do it for Mexico. I would suggest to those people taking that position that in terms of transportation costs, it is a heck of a lot different bringing goods from Mexico to Texas than it is to take it from New York to Africa.

In any event, we do have an opportunity for an historic vote here. I want to thank the gentleman from Illinois (Mr. CRANE), because without his help, the input of the gentleman from Washington (Mr. MCDERMOTT), the gentleman from Louisiana (Mr. JEFFERSON), and the gentleman from New Jersey (Mr. PAYNE), and so many others on the Committee on Ways and Means, the leadership of both sides of the House. And we should not go to bed when this becomes law thinking that we have done it all, because it has been too long that Africa has been shut out from international trade. But one thing that we will know is that we were a part of the beginning.

And just as many of my colleagues remember the conditions that existed in Korea 10 years ago, for those who would be around to be able to hopefully see an Africa that is thriving in economy, thriving in democracy, and competing with the best of the world, that is what makes us feel so good to be a part of the Congress and to be able to say we made a difference.

Mr. Chairman, I reserve the balance of my time.

Mr. CRANE. Mr. Chairman, I yield 2½ minutes to our distinguished colleague, the gentleman from Pennsylvania (Mr. ENGLISH), who has been conscientious and worked strenuously on behalf of the advancement of this bill.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I thank the gentleman for that acknowledgment.

I would like to associate myself with the gentleman from New York, as a friend of Africa, who supports this legislation that establishes a transitional path from development assistance to economic reliance for sub-Saharan African countries committed to economic and political reform.

Sadly, the story of sub-Saharan Africa in the past few decades has too often been one of economic decline and stagnation, fostered by statist economic policies too often imbedded by the perverse design of well-intentioned international aid programs.

In recent years, this grim vista has given way to mild regional economic growth. This legislation would promote further growth by creating new incentives for economic reform and by bolstering free economies and free institutions.

H.R. 1432 develops a partnership between the competitive U.S. private sector and the creative sub-Saharan African private sector to help stimulate growth in Africa, while increasing economic opportunities and jobs back home. This legislation establishes a cooperative forum between our countries to facilitate high-level discussions of bilateral and multilateral trade and investment policy initiatives.

The bill extends GSP benefits to those countries eligible to participate in the bill for the next 10 years. On top of that, quotas on textile and apparel projects from Kenya and Mauritius are eliminated after these countries adopt a visa system to guard against transshipment.

There is very strong language in this bill to protect the American economy against transshipment. These provisions will not, as has been argued on the floor of this House, lead to a surge of apparel and textile imports into the U.S. that damages American workers.

In fact, given that these imports account for less than 1 percent of total imports of such goods, removing the tariffs and quotas would only increase these imports by less than another 1 percent. The import-sensitive products, as determined by the ITC, would be excluded from duty-free treatment altogether.

This legislation would create 200,000 new jobs in Africa, without significant job loss to the U.S. economy. It would reduce the dependence of this poverty-wracked region on direct U.S. financial assistance.

I urge its passage.

Mr. RANGEL. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. MATSUI).

Mr. MATSUI. Mr. Chairman, I would like to thank the gentleman from New York (Mr. RANGEL), obviously the gentleman from Illinois (Mr. CRANE), the gentleman from Washington (Mr. MCDERMOTT), the gentleman from Louisiana (Mr. JEFFERSON), and many others who have been really pushing this very historic piece of legislation.

I really urge strong support of this African trade act. It will go a long ways in showing our relationship and our involvement with the African nations. What we really have here are 48 nations in the lower sub-Saharan area, 680 million people. The average per capita income of all the 48 nations is $500 per individual.

Anybody in this country who thinks that we cannot compete with these 48 nations who think that, with their $500 per capita income, with our education levels, with our universities, with our research and development, with our infrastructure, I just cannot believe that anyone would think that those 48 nations are a threat to us. They are not a threat to us in textiles. They are not a threat to us in any way.

What we would be doing with these nations, by joining them in an African trade agreement, is to bring these 48 nations into the cooperative trading world of the nations that we have with us.

Essentially, what we are talking about is providing a democratic foundation for these countries. Right now, of the 48, 30 of them are democracies. In addition, as you know, another 30 or so are market-oriented countries.

What we want to do is establish a relationship that will go well into the 21st Century, because this continent, this region will be one of the great regions over the next 20, 30, and 50 years.

That is why this legislation, it is a small start, but it is so very important in terms of the free world and in terms of working together in a cooperative fashion.

Mr. CRANE. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from North Carolina (Mr. COBLE), who unfortunately is on the wrong side of this issue, to represent his point of view.

Mr. COBLE. Mr. Chairman, I thank the gentleman from Illinois for yielding me this time.

Mr. Chairman, I do not come to the floor wrapped in the cloak of protectionism today. Many people vote on trade issues very rigidly and very inflexibly. I try to examine each trade issue separately as to how it affects our country.

For example, if the gentleman from Illinois will remember, I voted for MFN for China, thanks in no small part for his having twisted my arm; and, finally, he did convert me on that. I voted for NAFTA. But this is a matter, Mr. Chairman, that I cannot support.

This House just rejected fast track several weeks ago. As I interpret this bill before us, it would allow the President to negotiate a free trade agreement with Africa. What is this, fast track light? I think we are going down the wrong road.

While attempting to help the people of sub-Saharan Africa, the proposal would do so at a cost of numerous jobs in the U.S. fiber, textile and, apparel industries, rich in my district, by the way, very prominent. Thirty-five thousand textile workers probably live in my district. Nearly 2 million Americans are employed by this industry. Approximately one-quarter of those are African-Americans.

In reality, this legislation before us, it seems to me, would not help the people of sub-Saharan Africa; rather, the bill would benefit the countries of the Far East and the Indian subcontinent, nations that already have viable textile industries and stand ready to exploit the opportunities presented by this proposal.

I believe we can do better. I urge my colleagues to vote against this bill.

Mr. RANGEL. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. MCDERMOTT), the person that initiated the concept of working with the gentleman from Illinois (Mr. CRANE).

Mr. MCDERMOTT. Mr. Chairman, we are seeing today the end of a process that began 4 years ago. When I came to the Congress, I had just been working for the State Department and traveled all over Africa. I had been in 21 of the countries of Africa. I knew what the conditions were there.

When I saw the GATT legislation, I asked my staff, what does this do for Africa? They said nothing. We have no policy toward Africa. So we put an amendment in the GATT legislation in 1994 saying that the United States should have a policy toward Africa.

That is really where this started. It would not have happened just with me. Without the gentleman from Illinois (Mr. CRANE), who took the idea and embellished it, and the gentleman from New York (Mr. RANGEL), and the gentleman from Louisiana (Mr. JEFFERSON), and the gentleman from New York (Mr. HOUGHTON), and the gentleman from California (Mr. ROYCE), a whole group of people, including the Speaker, have played an important role in putting this policy together.

I saw Africa in 1961 for the first time when everybody was excited about how it was going to go. Africa, Ghana where I was, and Korea were exactly in the same place. Thirty years later, the 11th largest economy in the world is Korea, and Ghana is right where it was then. That, to me, said it was American policy about what we were going to do for Asia that we could do for Africa. That is really what this bill does.

Everyone says there is a free trade agreement in this. There is no free trade agreement. There is no free trade with Asia. We have no free trade agreement negotiated with Asia. We are working toward that. This bill sets us on a transitional path to work toward that with Africa. But it is not something that is going to happen within 1 year.

□ 1345

There are other things in this bill that people do not talk about. The United States Government, when they put their stamp of approval on something, all kinds of good things start to happen.

For instance, we have the Eximbank. The Eximbank loans 99.8 percent of its money somewhere else in the world, two-tenths percent for Africa. This bill changes things like that. It changes our government toward Africa and says we want to be trading partners with you. It is a good bill.

Mr. CRANE. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Florida (Mr. SHAW), a member of the committee.

Mr. SHAW. I thank the gentleman for yielding me this time.

Mr. Chairman, I want to speak just briefly about what is happening in Africa. We have heard other speakers talk about the emerging democracies and free market systems that are coming around, but I think also it is important to realize that the colonial powers, the old colonial powers still exist. Even though it is not by law, it is custom on the continent of Africa.

There are a lot of things going on in Africa that really demand an American presence. The natural resources are really unsurpassed in the world as the potential for oil and other minerals.

Also, of course, the environment of Africa is something we have to be very concerned about. The clear-cutting that is going on in those forests is something that should concern us here in the United States not only because of the preservation of the environment in Africa, but the effect that that has upon our own environment. The hurricanes are formed just off the coast of Africa that affect the East Coast of the United States. If the clear-cutting of the forests is to continue, this is going to have a drastic effect on weather here in the United States.

I saw firsthand in the Republic of the Congo some of the problems that they are having with the clear-cutting in that area and the use of the animals as camp meat, everything from the gorillas to the other types of animals that exist in that part of the world. Also, that the Asians are moving into the Africa, and they are doing the clear-cutting; just as happened in Indonesia, it is now continuing on the continent of Africa.

I think it is time for us to have the responsible presence of the United States and the United States businesspeople, who have the highest standards of any in the world, to have a continuing presence or a growing presence in Africa. Of course, we know from experience that, and the prior speaker spoke of this, all of the aid that we have thrown into that continent really has not done that much; but I think trade certainly will. We have seen this in other parts of the world. If we adopt a policy of trade, not aid, I think that we are going to see a lot of wonderful things happen on that continent.

The future of the world is going to be shared very greatly by the continent of Africa, and I think it is extremely important that we have a United States presence on that continent.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. SHAW. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. I would like to ask the gentleman a question, and I hope he can give me an answer to it.

The current language of H.R. 1432 suggests absolutely no relationship between the development of businesses in Africa and the participation of African-American entrepreneurs, negotiators, lawyers, accountants, brokers to facilitate that business.

I am interested, on either side, of those who are proponents of the bill whether or not they can name just a company, one African-American shipping company that will be the beneficiary under this bill.

The CHAIRMAN. The time of the gentleman from Florida (Mr. SHAW) has expired.

Mr. RANGEL. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. JEFFERSON), a long-time friend of Africa, one of the greatest supporters of the bill.

Mr. JEFFERSON. I thank the gentleman for yielding the time to me.

Mr. Chairman, I want to tell Members about an exciting mission that we took to Africa on behalf of the President of the United States, a mission that was led by the gentleman from New York (Mr. RANGEL) that involved some 42 individuals, some six or so Congresspeople, people who represented the business sector and others who represented the administration.

What we found was an Africa that was ready to deal with trading and investing with the United States in a true partnership, an Africa that had felt neglected over the years, that was cheered on by the policy we were discussing, that had had a great hand in redacting the policy.

This is not a bill that has come out of nowhere. It has been 2½ years in the making, ever since we were dealing with GATT and found out, to our surprise and to the surprise of many on our committee, that we addressed every continent in the world with respect to our trading and investing relationship, but we did not address Africa.

We thought it was important to turn the attention of the administration toward that. We got African nations involved in it. We are now seeing the benefit of their input into this bill. They are hugely behind it; they are ready to work with us, and Africa is ready.

This is not an Africa that it was 15 years ago. This is an Africa under great new leadership that has turned toward market-oriented economies, that is trying very hard to budget its affairs appropriately, and that is ready to do business with the United States. It would be to our detriment if we do not take advantage of it now.

This bill is not perfect, as no bill is perfect, but it does take a huge step in the right direction of putting us on the map of dealing with a continent that has been neglected as a true and important trade and investment destination. It also does some important things here that will help the African nations manage their own investments in education and health much better than they have invested and managed them now.

About a quarter of the African nations' budgets are taken up by debt. This bill purports to take care of debt relief.

Another good part of the bill deals with an issue that the gentleman from Illinois (Mr. JACKSON) raised a minute ago, that deals with equity investing in small business opportunities there that helps to put together chances for people to gain wealth in Africa. And also microenterprises. It addresses the issue of poor women in Africa, the most repressed population in the world.

This is a great bill, it is mutually beneficial to our country and to Africa, and I hope this Congress will pass it.

Mr. CRANE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York (Mr. HOUGHTON).

Mr. HOUGHTON. Mr. Chairman, I do not have any great words of wisdom on this that have not already been expressed. I just can talk from my own experience.

On the negative side, there is always the worry that this will put some of our textile people out of business. There is always the worry of transshipment. There is always the worry that people who already have been hit very hard and have a minority of the share of our business in this country are going to be further hurt; and they can say, If you do this to textiles, why do you not do it to the plastics industry? Why do you not do it to some other industry? I understand that.

But it just seems to me in terms of the magnitude of the economic impact and also the fact that, in effect, this will be so dispersed that there will not be this transshipment issue to quite the degree that people think. So that is a negative side, but I think there is an answer such as I have just tried to explain.

The other side, which I think is even more important, is this: Many times Africans, ambassadors, delegations from countries, come into our offices and say, please invest in our country. What they are really doing is thinking of foreign aid, and we do not have very much foreign aid. I have been around for a long time. It has slowly decreased bit by bit by bit. But even if it were at the old-time levels, it would not do what those nations need to have done in order to jump-start their economies. This does a very, very important, subtle thing. What it does is, it creates the atmosphere for individual and private investment. That is a multiplication investment which really is going to have the most impact on those countries.

Therefore, recognizing the potential issue on the other side, but being offset by other considerations, I am strongly in favor of this bill.

Mr. RANGEL. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. HEFNER).

Mr. HEFNER. Mr. Chairman, I rise in opposition to the bill. I think it is unfortunate that we were not able to offer an amendment that would have corrected this bill. I rise in opposition to the bill and urge my colleagues to vote against it.

Mr. RANGEL. Mr. Chairman, I yield 2 minutes to the gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK. Mr. Chairman, I thank the gentleman from New York (Mr. RANGEL) for his leadership and for this opportunity to speak. I think today is a great day for our country as well as for the hundreds of millions of people who live on the continent of Africa, the largest continent in the world; the richest continent in the world, with its minerals, its gold, its silver, its ivory.

I think this is a good opportunity, and I commend the Committee on Ways and Means and all those who have worked on this bill over these years to begin the partnerships that Africa wants, that our country needs, to stimulate both growth and development here in this country and on the continent of Africa.

Is it a perfect bill? No, it is not. But as we worked through the process, it is very much a beginning, a beginning where our American businesses can partner with African businesses to employ hundreds of thousands of people, to increase tax revenues on this side of the Atlantic, as well as improve our schools and offer more revenues for our national treasury.

I participated in the most recent presidential mission to Africa last December. It was a fine mission. We visited six different African countries. It was my fifth visit to Africa. All six of those prime ministers, heads of state that we met with want this bill. All of the ambassador corps who work with us in Washington want this bill.

They know it is not perfect. But what it will do is begin to allow American businesses and African countries to partner in such a way that we stimulate employment on the continent and revenue-generating, enterprising government, American businesses growth on this side of the Atlantic.

I commend the Committee on Ways and Means, the gentleman from Washington (Mr. MCDERMOTT), the gentleman from Illinois (Mr. CRANE) and the gentleman from New York (Mr. RANGEL) for their leadership. We have a long way to go. This is a first step to that.

I believe that as we move to the 21st century, the wellness of Africa and the wellness of America are inextricably tied together. This legislation begins to operate what I see and what I view as a real win for both countries.

Mr. CRANE. Mr. Chairman, I yield myself such time as I may consume.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. CRANE. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, I am very concerned about majority participation, i.e. African Americans, in the African trade bill. If the gentleman would indicate any provision of the bill for the general audience about how African-American shipping companies and businesses are participants in this bill, I would be grateful for an answer.

I thank the gentleman for yielding.

Mr. CRANE. All I can say is any American business can be a participant in the bill. They are all welcomed. We do not discriminate. We are not really concerned about whether they are white, whether they are black, whether they are Hispanic, whether they are Asian.

We want to encourage business across the board, one and all. That specific kind of provision is not incorporated in the language of the bill.

Mr. JACKSON of Illinois. If those businesses are found to be discriminatory at home, not hiring African Americans, then it is problematic for the bill; is it not?

Mr. CRANE. I do not know of any business that is guilty of that and that would violate our guidelines, anyway.

Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. PORTMAN), our distinguished colleague on the Committee on Ways and Means.

Mr. PORTMAN. Mr. Chairman, I will not take 2 minutes, but I do want to stand here to support the legislation and what the gentleman from Illinois (Mr. CRANE), the gentleman from New York (Mr. RANGEL) and others have put together.

It is a good bill. It is exactly the right approach to take in terms of trade because it is going to benefit the United States and sub-Saharan Africa.

Many nations in sub-Saharan Africa are beginning to implement democratic reforms, Mr. Chairman, expand economic growth in ways that they can to try to bring greater prosperity and stabilize the region. For too long, in my view, we have relied simply on foreign assistance, and frankly, that is drying up as well, to help facilitate these changes. This is a much better approach.

Through this legislation today we have got an opportunity to assist this changing region in a much better way, and that is through commerce. The legislation allows the U.S. to take a very positive role in encouraging an economic and political renaissance really throughout sub-Saharan Africa, it establishes a free trade area to serve as a catalyst for increasing trade and for increasing private-sector development in the region. It also helps the U.S. facilitate these market-led economic reforms in 48 countries in this region.

The bottom line for me, really the big picture here, is that the United States, by passing this legislation, is supporting economic self-reliance for sub-Saharan African countries, particularly those who are committed to the kind of economic and political reform that many countries in the region are going toward anyway, and market incentives, private-sector growth, eradication of poverty. I urge my colleagues to support it as an important trade initiative, but also something that is good for the United States and good for the African continent as a whole.

□ 1400

Mr. RANGEL. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Chairman, I thank my colleague from New York for yielding me this time.

Let me make two points. First of all, I am a strong supporter of African development. Second of all, I have the greatest respect for the sponsors of this bill, as well as people who are opposed to the bill. Having said that, I want to rise in opposition to this bill.

When I was growing up, there was a saying that if it looks like a duck and quacks like a duck, it probably is a duck. But every once in a while, what looks like a duck and quacks like a duck is a decoy, and this bill, it seems to me, is a decoy at this point. It falls short of being a true development bill for Africa in several respects.

There were opportunities to improve this bill and actually make it a duck if the Committee on Rules had allowed amendments to be offered on the floor of the House. They would have addressed worker rights and human rights. They would have addressed the control of the African countries over development. They would have addressed the textile and apparel concerns of people in this country.

Unfortunately, the Committee on Rules saw fit not to make those proposed amendments in order on this bill. Therefore, the bill must be considered as it is currently written. Right now, the bill falls short of being a bill that I believe merits support, and I encourage my colleagues to vote against the bill.

Mr. CRANE. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. BALLENGER), our distinguished colleague.

Mr. BALLENGER. Mr. Chairman, I rise today in opposition to H.R. 1432. How can we call this bill the African Growth and Opportunity Act when there is a question about growth and opportunity for anyone in this bill, except for Asians. Only 35 percent of a product must be produced in Africa, and the rest can be produced in China or Bangladesh.

In its current form, H.R. 1432 poses a serious risk to our domestic textile industry and its employees. Thousands of

American workers and many in my district could be without jobs because this bill does not stop the illegal transshipment of apparel from other countries, particularly China.

We need to add safeguard provisions that would ensure that U.S. textile workers, not Asian textile workers, manufacturers, get to produce the fabric that the African workers turn into clothes. This would not only help American workers but would provide more jobs to Africans. Without these provisions, we are looking at a lose/lose scenario for Africans and American workers.

Unfortunately, the Committee on Rules denied the opportunity to vote on an amendment to require that the apparel receiving duty-free and quota-free treatment be constructed of U.S.-manufactured yarn and fabric, so I ask for a vote against the bill.

Mr. RANGEL. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I am strongly in favor of this bill. It is about time we had a bill that actually respected the people of Africa, that was not based upon colluding with their corrupt leaders or exploiting them but finally treats the people of Africa with respect. It will empower the laborers of Africa, particularly the women, to get microenterprise loans, and to have a competitive market in this country to sell their handmade apparel and other handicraft products.

This is the least we can do. There is not another continent in the world that this country has exploited more than Africa. The African people were the underpinnings of our slave agricultural economy for our first two centuries of growth. It is about time we turned American policy toward Africa around and showed some recognition of the inherent value of the people of Africa.

Africa is the only continent in the world whose poverty is expected to increase over the next decade. Given our history of exploitation and enslavement of African men and women is it not now at least partly our responsibility to turn that around, to see to it that they progress with the rest of the world into the 21st century and enjoy some respect and dignity. We should all be voting "aye" on this bill.

Mr. CRANE. Mr. Chairman, I reserve the balance of my time.

Mr. RANGEL. Mr. Chairman, I yield 1 minute to the gentlewoman from the Virgin Islands (Ms. CHRISTIAN-GREEN).

Ms. CHRISTIAN-GREEN. Mr. Chairman, I thank my colleague for yielding me this time.

The time has come for our Nation to give the continent of Africa the same opportunities for economic growth that we have given to virtually every other region of the world. When all is said and done, my colleagues, that is what H.R. 1432 is all about and seeks to do.

Many of the 48 countries that make up Sub-Saharan Africa have undergone remarkable changes in recent years. More than 30 of them have begun programs to replace outdated and corrupt centralized economies with freer markets. If we pass this bill we will be saying to those countries that we support their efforts and want to join them in going even further.

This is an historic moment, Mr. Chairman. It is an opportunity to give Sub-Saharan Africa the same incentives to address their problems of chronic poverty, poor infrastructure and limited economic opportunity that we have given to other nations.

The concerns of some of our colleagues can be addressed, so let us not derail this opportunity which will be beneficial to both us and Africa. It is not a perfect bill, but it is a good beginning.

My colleagues, the continent of Africa deserves our support. We should give it to her. Pass H.R. 1432.

Mr. RANGEL. Mr. Chairman, I yield myself such time as I may consume to take the opportunity to speak to some of the concerns that some of my colleagues have had as relates to transshipment, which is always an issue when we are dealing with any type of a trade bill. Because of this concern, the Committee on Ways and Means had put in specific language to increase the penalties for any country that is found guilty of transshipment. But the interesting thing is that these African countries, more than any other countries that we are dealing with in trade, are so sorely in need of jobs that they would be the ones that are looking forward to getting assistance and having their people trained and having the ability to participate in international trade.

The World Trade Organization has rules against violations of transshipment, and certainly we will have the resources as well as the customs agencies to see what is coming into the United States. We certainly can determine whether it came from the continent of Africa, and since they only penetrate our market 1 percent, and it is believed that they do not have the ability or the capability to penetrate it more than 2 percent, if there was a question of transshipment, it should be something that would be easily found.

I also would like to deal with the question of human rights and the question of workers' rights. As most people know, these are included in the GSP, and the President of the United States has responsibility before he signs off on any agreement to make certain that that agreement is in the international interests as well as the interests of the people of the United States of America.

So whether we are talking about environment or human rights or workers' rights incorporated in the concept, the language in the bill would certainly take care of that.

I am particularly concerned that the people in these developing African countries have not only looked forward to the United States executive branch for leadership, but have worked very closely with the members of the committee and their staff to make certain that the relationship was one of mutual respect. I think those are the magic words when we are dealing with any country: mutual respect. Whatever guidelines and conditions are necessary in order to give assurances to investors, it is not the United States who sets the guidelines, it is the international community that does that.

So the bill was drafted not only with the concerns of the Africans, but something that could get the support of liberals and conservatives, Republicans and Democrats, because even though some people may think this is a decoy and not a duck, the President of the United States believes it is a trade bill, the Secretary of State believes it is a trade bill, the members of the committee believe it is a trade bill, but most importantly, our African friends who are dependent on this, who are looking forward to this and having hope for the future, believe it gives them an opportunity as a trade bill.

So I do hope that those that have reservations would understand that this is far from a perfect document. How could it be, with so many people coming from so many directions? And the fact that these are countries in Africa does not mean that they do not have differences among themselves in terms of what should be in the bill.

Mr. Chairman, this is something to work toward. This is something to give opportunities to people in the United States to look forward to having a better working relationship with our friends in Africa, but just as important, to develop markets in Africa.

So it is hoped, as when we went and traveled throughout the Sub-Sahara, that African Americans with talent, many of whom were on the trip with us, would get the opportunity to show to our African brothers and sisters what we will be able to contribute, not mandate relationships but to contribute through joint ventures in working with them. Indeed, on the trip some of these concepts became deals, and we were able to work out arrangements, working with the Department of Commerce, working with the Eximbank, working with OPIC.

All of this is a part of it, and of course this is not a substitute for assistance in terms of education and health and economic development, but it is also an opportunity for us to continue to give assistance and at the same time be able to make certain that one day this type of assistance would not be necessary.

So I think that all of us who would want to be able to say that we played some very small part in bringing the countries of Africa into international trade will be proud of the opportunities that have been given to us, and we look forward to this bill not only becoming law, but when our President of the United States visits Africa, he will be armed with a document of friendship, a document, a working document that can improve the quality of life not only for the Africans, but to give opportunity to those people in these great United States.

Mr. Chairman, I reserve the balance of my time.

Mr. CRANE. Mr. Chairman, I yield myself such time as I may consume to commend our distinguished ranking minority member for his comments, his insights and his explanation as to why this legislation is in the mutual interests of the countries affected in Sub-Saharan Africa, as well as in our own national interests. I think that is why it has attracted the kind of bipartisan support that we have enjoyed.

I want to pay tribute to the gentleman from Washington (Mr. McDERMOTT), the gentleman from New York (Mr. RANGEL), the gentleman from Louisiana (Mr. JEFFERSON), the gentleman from California (Mr. MATSUI) over there, all the people that were there from the beginning and fighting the good fight.

Mr. Chairman, on this question of transshipment, because it has come up and it does excite a degree of paranoia, and I think a legitimate paranoia on the part of those who could be adversely affected, I think that in this legislation we have gone further than any legislation heretofore in trying to cope with the situation. To that end, our bill directs the President to require the exporting countries in Africa to adopt effective visa systems to guard against transshipments and the use of counterfeit documents. In order to receive benefits under the bill, African countries are required to cooperate fully with customs in combating transshipments. This means enforcement of domestic laws and procedures, and assisting customs in efforts to verify manufacturing operations through visits of so-called jump teams and other measures.

Finally, H.R. 1432 provides that exporters who engage in illegal transshipments and their successors would lose trade benefits under the bill for two years. With no market for their product, this sanction will have the effect of putting the bad actors out of business.

We have in this bill, Mr. Chairman, the strongest language dealing with transshipment that we have ever legislated.

□ 1415

That is not to say that crime still cannot exist, but what I am saying is that we have gone further than we have ever gone before. I think we have a stronger position on this legislation than anything heretofore, and I think it will address the problem more effectively than it has ever been addressed before.

Let me make one other observation, too. We have the understandable concern of our textile and apparel manufacturers in this country, and one of our colleagues today showed me an article of a plant in his district that is closing. I think it employed like 350 people. That is sad. That has been going on for some time.

But his plant in his district is not closing because of our bill that is under consideration on the floor today. His plant is closing because of inefficiencies, and the inability of most of our production here in the United States to keep pace with competition. It is not competition coming from Africa.

Our textile and apparel imports in the year 1996 totaled $46 billion, billion. Of that $46 billion, the portion that came from sub-Saharan Africa totaled roughly $380 million, out of $46 billion. The ITC, International Trade Commission, has estimated that with the passage of this bill, our imports from sub-Saharan Africa will increase from $100 to $170 million. It will be less than 2 percent of our total imports, out of that $46 to $50 billion in imports from around the world.

In addition to that, ITC has projected out that at the end of 10 years, it will be 3 percent of our imports. So when we read these articles about plant closings, do not point the accusing finger at sub-Saharan Africa. That is not what is causing the problem. It is a worldwide development, and it is one that has adversely impacted us, to be sure, because we do have more efficient competition to face worldwide. But do not make it look like that is coming from sub-Saharan Africa, and do not make it look like the passage of 1432 is going to have any significant impact on it.

I urge all of our colleagues to wholeheartedly support this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. RANGEL. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Florida (Mrs. MEEK), who recently returned from Africa to Florida.

Mrs. MEEK of Florida. Mr. Chairman, I am pleased and privileged to stand on the floor and support H.R. 1432, the African Growth and Opportunity Act. If we all understand what this act is supposed to do, it is supposed to provide opportunity for trade with sub-Saharan Africa. It is supposed to bring growth as to the African countries.

Two things that are outstanding to me in this bill are political growth and certainly economic growth. That is a two-way street. It is political growth for us in the United States, it is political growth for sub-Saharan Africa, and it is also economic growth for both of us.

I do not think that the Africans, as I talked to them, as we visited these African countries, they are not looking for a handout from the United States. They are very proud people. They have a history that goes all the way back to the Tigris and Euphrates Rivers. They understand what makes political and educational and economic reform. They are very, very pleased with this bill.

I traveled with the gentleman from New York (Mr. RANGEL) to Africa, and day-to-day and word-for-word, the African leaders want this bill. I do not think this bill is going to threaten in any way what we are already doing with Africa and with other countries. This is the beginning of a very, very good start to develop trade with Africa, and bring the respect and some of the economies of our economy to sub-Saharan Africa.

I beg my colleagues to vote, yes, on the African Growth and Opportunity Act, because it will help the world understand that we want to develop trade with this country. They strongly deserve the same opportunities that we are giving other countries, and now it is our time to step up to the plate and say, yes. Let us vote yes on 1432, and give growth and give opportunity, both economic and political, to sub-Saharan African countries.

Mr. RANGEL. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for yielding time to me, and I thank him and the gentleman from Illinois (Mr. CRANE) for the bill.

Mr. Chairman, I want to emphasize the good news of this legislation, for as the legislation was initially offered, there were op eds popping up around the country saying, "Trade, Not Aid." For those of us who understand the vast needs of the continent, and particularly sub-Saharan Africa, our ears perked and our hearts hurt, because we recognized that the two are not mutually exclusive.

We have now come full circle to have a bill that really confronts the hard core issues of the continent, particularly the fact of giving them dignity and respect on the equal playing field of trade throughout the world, but as well, emphasizing that there is a value to the humanitarian aid that this country provides. And in fact, it is not enough. So this bill is not trade and not aid, it is trade and aid.

Specifically, in the bill we have $150 million for joint venturing and $500 million for infrastructure. I agree with my colleague, the gentlewoman from Florida (Mrs. MEEK), that two for one, the Heads of State said, we are ready, and we will not engage in abuse, and we are likewise sensitive to the issue of human rights.

I hope nothing we do today diminishes section 4(a), that has to do with the responsibility of our African countries to maintain the human rights of its citizens. I cannot talk about the Most Favored Nation status. I do not like it continuously going back and forth again, with China's human rights abuses growing and growing and growing. We should contend with that. But I do think the Heads of State in Africa are concerned enough that they want to work on the question of human rights and the responsibility to all of their citizens.

Lastly, let me say, Mr. Chairman, this is an ideal opportunity for a continent which saw so many of its own shipped as slaves to this continent, a devastating time in our history, a tragic time. Here we now have an opportunity to change those chains of slavery into the uplifting of all of the boats of economic opportunity, providing 800 million Africans, with African Americans and others in this country, and challenging our multinational companies once and for all to open the doors of opportunity.

I ask my colleagues to vote for the bill and lift all the boats at sea at this time.

Mr. CRANE. Mr. Chairman, I yield 3 minutes to our distinguished colleague, the gentleman from Minnesota (Mr. RAMSTAD).

Mr. RAMSTAD. Mr. Chairman, I thank the distinguished gentleman for yielding time to me.

Mr. Chairman, I rise today in support of the African Growth and Opportunity Act, and in strong support of this legislation. As I said during our Subcommittee on Trade hearing on this bill, Mr. Chairman, it sets up a win-win situation for both the United States and countries in sub-Saharan Africa. This bill will mean a tax cut for consumers here at home, who depend on reasonably priced clothing, and it will promote continued political and market liberalization in sub-Saharan Africa.

As a strong supporter generally of free trade and liberalization, I know the trade elements of this bill are extremely important. Inexpensive imports are good for consumers here in America, and increased exports are good for U.S. workers and employers.

I want to focus on the significant goals of this legislation, because this legislation before us today, Mr. Chairman, sends a strong signal of encouragement to the peoples of the sub-Saharan nations.

Just since 1990, more than 25 African nations have held democratic elections. Over 30, 30 of these nations have instituted programs to replace their centralized economies with free markets, a very, very significant fact. We all know stronger economies contribute to social and political stability, and we must, we must, Mr. Chairman, take steps to help secure that stability.

Increased investment and trade activity with the United States will help improve the economic conditions of all the sub-Saharan nations, and as our Committee on Ways and Means has heard from many African officials, they want the opportunity to industrialize their economies and to facilitate technology transfers. They support the bill's efforts to encourage foreign investment and direct private sector involvement in further economic development in the region.

The Ambassador of Tanzania, Mr. Chairman, has made one simple yet a very crucial request of us. He said at the hearing, and I am quoting now, "Please, please give Africa a chance to prove that she can become a valuable and viable trading partner with the United States."

Mr. Ambassador, we want to give you that chance. We have the opportunity to give you that chance today by passing this legislation, and I urge all Members to vote for H.R. 1432 and give Africa this chance.

Mr. RANGEL. Mr. Chairman, I yield myself such time as I may consume.

As we close this debate, Mr. Chairman, I would like to submit for the RECORD letters that have been sent to me by the President and the Secretary of State, and with the consent of this body, just to read the last paragraph of each.

From Madeleine Albright, our Secretary of State, she says, "This critical legislation will advance one of our most important foreign policy goals in Africa: Integration of African countries into the global economy. The approximately 600 million consumers in Africa deserve a better future. The African Growth and Opportunity Act is an important first step in that direction, and I strongly urge you to support it."

Mr. Chairman, I include this letter for the RECORD.

The letter referred to is as follows:

THE SECRETARY OF STATE,
Washington.

Hon. CHARLES RANGEL,
Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR MR. RANGEL: The African Growth and Opportunity Act, H.R. 1432, is scheduled for a floor vote today. Passage of this landmark legislation is one of our highest legislative priorities. As you know, President Clinton made a strong statement in support of the bill during the State of the Union speech.

Passage of the African Growth and Opportunity Act will send an important signal to Africa that we will help those countries which help themselves by pursuing sound economic and political reform policies. The Act will provide substantial trade and debt relief benefits to those African countries which are undertaking significant economic reforms. The African Growth and Opportunity Act will help African countries improve their own business climates so that U.S. companies can better compete in the important emerging markets of Africa.

We believe the legislation contains adequate provisions to prevent injury to U.S. industries and jobs. The impact on U.S. consumers, workers and industries must be assessed by the International Trade Commission (ITC) before the President is authorized to grant the additional duty-free preferential market access provided by the Bill. A recent ITC study of the textile provisions in the Act concluded that duty-free, quota-free entry of textile and apparel products from Africa would have a negligible impact on U.S. industries and workers.

This critical legislation will advance one of our most important foreign policy goals in Africa—integration of African countries into the global economy. The approximately 600 million consumers in Africa deserve a better future. The African Growth and Opportunity Act is an important first step in that direction, and I strongly urge you to support it.

Sincerely,

MADELEINE K. ALBRIGHT.'

Mr. Chairman, I also would like to read from a letter from the President, who says, "We face a historic opportunity to assist the renaissance in Africa. Congress has the chance to help this transformation by enacting the African Growth and Opportunity Act. When it comes time to cast your vote, I urge you to support this legislation."

Mr. Chairman, I include for the RECORD the entire letter from the President.

The letter referred to is as follows:

THE WHITE HOUSE,
Washington, DC, March 11, 1998.

Hon. CHARLES B. RANGEL,
House of Representatives,
Washington, DC.

DEAR CHARLIE: I strongly support passage of H.R. 1432, the African Growth and Opportunity Act, which would provide enhanced trade benefits for sub-Saharan countries engaged in meaningful reform efforts.

The United States strongly supports a stable, prosperous Africa. Africa is a continent on the doorstep of a new era of democracy and prosperity, and many countries have adopted market-oriented economic and political reforms in the past seven years. A stronger, stable, prosperous Africa will be a better economic partner, a better partner for security and peace, and a better partner in the fight against drug trafficking, international crime, terrorism, and the spread of disease and environmental degradation. Africa is already an important trading partner for the United States. Our exports to Africa are over $6 billion annually.

In addition, America has its own special reasons to contribute to Africa's economic development. Over thirty million Americans have ancestral origins in Africa. We should work to help African nations achieve greater prosperity and stronger democracies, which will improve the lives of the African people. The bill helps us do that.

This bill is supported by a bipartisan and diverse cross-section of Americans and concerned groups—including Jack Kemp, David Dinkins, Andrew Young, the United States Conference of Mayors and the National Urban League. They know this bill is good for both Africa and America.

We face a historic opportunity to assist the renaissance in Africa. Congress has the chance to help this transformation by enacting the African Growth and Opportunity Act. When it comes time to cast your vote, I urge you to support this legislation.

Sincerely,

BILL.

Mr. CRANE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman from New York for his remarks.

Mr. Chairman, I would like to conclude with a letter that was sent to all of our colleagues by a former colleague, Jack Kemp.

He wrote,

> I am writing to ask you to support important legislation that is expected to come to the House floor for a vote on the African Growth and Opportunity Act. Much of Africa is growing dynamically. Political and market liberalization are revitalizing and energizing the continent.
>
> There is a new generation of leaders implementing democratic reforms, expanding economic growth, and unleashing the human spirit that will help bring greater stability, prosperity and democracy to African nations.
>
> African leaders would like some help building this hopeful start on a full-scale boom, yet they aren't for the most part asking for more development assistance. They would like expanded trade, not aid. They would like an opportunity for their people to become self-reliant.
>
> To that end, the African Growth and Opportunity Act would create a trade component of U.S. policy towards sub-Saharan Africa. In particular, it would establish a goal of achieving a free trade area with countries that meet the economic criteria of the bill.
>
> In addition, H.R. 1432 calls for a trade and economic cooperation forum between the United States and economic reformers in sub-Saharan Africa to facilitate discussion on the elimination of trade and investment barriers.
>
> In the near term, the bill offers countries in the region enhanced opportunities for duty-free trade with the U.S. under the Generalized System of Preferences program. I firmly believe that we have an historic opportunity to open a new era in our relations with this region. This bill will foster a brighter future for sub-Saharan Africa based on free market reforms, expanded economic activity, and enhanced self-reliance. I urge you to vote yes on H.R. 1432.
>
> Sincerely,
>
> JACK KEMP.

Mr. HASTINGS of Florida. Mr. Chairman, I would like to express my strong support for H.R. 1432, "the African Growth and Opportunity Act," a primary tool for expanding trade and investment with Africa.

Mr. Speaker, I believe that this bill is a major milestone in U.S.-Africa relations as it brings focus on Africa in a positive manner. This bipartisan legislation will not only provide new jobs for African workers, and greater opportunities for the American business community to invest in Africa, it will contribute to peace, stability and democracy throughout that continent.

For the past several years the United States has always traded with Asia and Europe. Today, the wind of change is finally blowing in Africa which will create U.S. investment and forums for African and American businessmen to cooperate.

Africa remains a vital place with abundant natural resources. As the world's largest and most technologically advanced economy, the U.S. can and must continue to do more to contribute to Africa's economic development, if not for any other reason than the mere fact that if we don't help them someone else will.

I am excited about the prospect for this legislation and the enormous benefits it will bring to both the United States and the countries of sub-Saharan Africa.

However, there are some legislators who oppose the bill. Some would have us believe that the bill would lead to a surge of apparel and textile imports into the U.S. and damage U.S. workers. This is a myth! U.S. imports of textiles and apparel from sub-Saharan Africa account for less than 1 percent of total U.S. imports of such goods. Others will have us further believe that the bill will encourage illegal transshipments from other countries under quota. That, too, is a myth. There are current U.S. customs laws to prevent transshipments and would apply. Moreover, the bill requires exporting countries in sub-Saharan Africa to adopt a visa system to guard against transshipments, and to cooperate fully with the United States in preventing transshipments as required by the WTO.

Among other provisions in the bill are the equity and infrastructure funds to be supported by the Overseas Private Investment Corporation (OPIC). OPIC would establish a $150 million equity fund and a $500 million infrastructure fund to support African entrepreneurs in developing private sector enterprises. This will create new jobs for Africans and new export opportunities for U.S. companies and American workers.

Finally, Mr. Chairman, this bill enables the U.S. to play a positive role in Africa's future. We have now entered into a "new and promising phase" in Africa, and while I applaud the previous efforts of the administration and the United Nations, as well as other organizations, I believe that we must now step up our efforts and rise to this occasion.

Mr. FAZIO of California. Mr. Chairman, I rise in support of the African Growth and Opportunity Act. This legislation promises to diverge from the United States historical role of provider to Africa and establish instead a bilateral agreement for trade. Trade promises growth in our country's economy and in the nations of Sub-Sahara Africa. However, I would also like to take the opportunity to raise concerns that industries in my district have voiced. The African Growth and Opportunity Act provides opportunity for free trade but doesn't protect some of our product-sensitive industries quite enough.

The Generalized System of Preferences (GSP) and free trade area preference provisions of the Sub-Sahara African trade bill pose special concerns for the California cling peach industry because of the possibility that under those provisions, duty-free access might be extended to South Africa and other competitive African producers of cling peach products.

Even with existing U.S. tariff rates, South Africa is already a low-cost, choice quality supplier of canned peaches, fruit mixtures and other cling peach products to U.S. markets. We must ensure that South Africa will not sell their products at a significantly lower price than U.S. products at the expense of our farmers and processors.

The California cling peach industry's product sensitivity is undisputed. The industry has long suffered the adverse effects of canned fruit subsidies provided by the European Union. Our government has recognized the unfairness of these EU practices and has sought to correct that unfairness through GATT dispute settlement, a bilateral agreement, numerous consultations, and most recently multilateral pressure through the WTO Committee on Agriculture.

I urge our government to take all necessary steps to preserve the current U.S. tariffs on canned peaches, canned fruit mixtures, and other cling peach products. This valuable sector of U.S. agriculture, which for too long has been denied relief from EU subsidies, deserves no less than this from the U.S. government.

Ms. KILPATRICK. Mr. Chairman, if you support self sufficiency for Africa, you must support the African Growth and Opportunity Act. Once you separate fact from fiction, the African Growth and Opportunity Act deserves your support by removing many of the hurdles impeding free-market reform.

Myth: The African Growth and Opportunity Act Does Not Have Labor Protections

Fact: The bill requires the President, as a condition for eligibility for benefits, to determine that African countries do not engage in gross violations of internationally-recognized human rights including core labor standards. Also, African nations must observe existing statutory criteria on internationally-recognized worker rights as a condition for duty-free benefits under the Generalized System of Preferences (GSP).

Myth: The African Growth and Opportunity Act Does Not Help African Self-Sufficiency

Fact: The bill was developed with the full input of African governments and represents a shift from dependence on foreign assistance to a private sector, market oriented incentive approach.

Myth: The African Growth and Opportunity Act Hurts U.S. Textile Imports

Fact: U.S. imports of textiles and apparel from Africa accounts for less than one percent of total U.S. imports of textiles and apparel. The impact on the U.S. textile industry would be negligible.

We have a unique opportunity, and a window of opportunity, for self-determination—kujichagulia—for the countries of sub-Saharan Africa. According to the Congressional Research Service:

> Most of U.S. trade with sub-Saharan Africa is with only a few countries. In 1997, three-quarters of U.S. exports to the region went to five countries: South Africa (49% of U.S. exports to the region), Nigeria (13%), Ghana (5%), Angola (5%), and Kenya (4%). The other 43 countries accounted for the remaining one-quarter of U.S. exports to the region. In 1997, 84% of U.S. imports from the region came from four countries: Nigeria (37% of U.S. imports from the region), Angola (17%), South Africa (15%) and Gabon (13%). The other 44 countries accounted for only 16% of U.S. imports from the region. (CRS Issue Brief for Congress, Number 98015, March 5, 1998, page 3.)

We need to expand trade and development with the continent that is the cradle of civilization—Africa. In combination with continued effective aid, this bill will expand trade beyond these four nations. This legislation is but a start in the right direction toward encouraging private investment and development in sub-Saharan Africa. I have attached an editorial article in the Washington Post in support of this bill on final passage, and encourage the support of all of my colleagues on this great opportunity and fantastic initiative toward empowerment for Africa. I thank the Speaker and my colleagues for this time.

[From the Washington Post, Mar. 7, 1998]

HOW TO HELP AFRICA

The House is scheduled to vote next week on an African trade bill. In the past, that would have been an oxymoron. The United States traded with Asia and Europe but sent aid to sub-Saharan Africa. This new approach, which treats African nations more as partners than as charities, is welcome—though not sufficient.

Many of the world's poorest people inhabit Africa, their economies are in danger of being left behind altogether as trade and investment unite the rest of the world. But in recent years, the true picture has not been quite as gloomy as news reports on civil wars and coups d'etat might suggest. Many African countries have moved toward democracy and free-market reforms. Many are trying to spend more on basic health and primary education. Many want to help themselves and not depend forever on foreign aid.

This bill is aimed at those nations. It was put together by Republican Rep. Philip Crane and Democrats Charles Rangel, Jim McDermott and William Jefferson, and embraced by the Clinton administration. It would seek to encourage trade between Africa and the United States by removing quotas and many tariffs from the kinds of products these poor nations could most plausibly export: textiles, clothing, footwear. It would stimulate and insure private U.S. investment in Africa, and create forums for African and American businessmen to cooperate.

The legislation carries a tiny price tag, but some in the House and Senate oppose it for protectionist reasons. Yet African textiles now account for only two-thirds of one percent of total U.S. textile imports and are unlikely to rise above 2 percent even in the most optimistic (by African lights) scenarios. Africa's industry is not a threat to the U.S. economy.

A more serious objection—though not a disqualifying one—is that this bill will accomplish less than some rhetoric suggests. For countries as poor as those in sub-Saharan Africa, where average annual per capita income hovers below $500, trade and investment alone can't do the job. Aid remains essential, as the bill's authors acknowledge, and yet U.S. assistance to Africa declined by 25 percent during the past two years. This trade bill can help, but only in combination with effective aid and substantial debt relief.

Mr. WOLF. Mr. Chairman, I rise in strong support of the amendment offered by Representative LINDA SMITH to the African Growth and Opportunity Act (H.R. 1432). The amendment would require the President to consider, when deciding whether a country is eligible to participate in the trade benefits provided in the bill, whether that country is cooperating with the United States to eliminate slavery in Africa.

Real life chattel slavery is not a thing of the past, Mr. Chairman. It exists today in the Sudan—a country I have visited three times. Today, any member here could board a plane, fly to Kenya and get on a transport plane in Lokichokio air base in Northern Kenya. Several hours later, you would land at a remote air strip in Southern Sudan. You would walk several hours through tough, dry and desolate terrain, where you could then visit a slave market where women and children are sold for money. Some for as little as $15 apiece.

Slavery in Sudan has been well documented. The State Department has known about it since 1993. I submit for the record a State Department cable which I had declassified in 1993, which states "credible sources say Government of Sudan forces, especially in the PDF [People's Defense Forces], routinely steal women and children in the Bahr El Ghazal. Some women and girls are kept as wives; the others are shipped north where they perform labor on Kordofan farms or are exported, notably to Libya. Many Dinka are reported to be performing forced labor in the areas of Meiram and Abyei."

In 1996, two Baltimore Sun reporters visited Sudan, bought back children who had been enslaved and returned them to their families. They interviewed former slaves and published a provocative series of articles about their experience.

There is no doubt. Slavery is taking place in the Sudan. We must encourage governments to end it.

The amendment offered by Representative SMITH sends an important message. No trade benefits with the United States until you eliminate this brutal human rights abuse. I urge my colleagues to support it.

U.S. DEPARTMENT OF STATE,
Washington, DC.

Hon. FRANK R. WOLF,
House of Representatives.

DEAR MR. WOLF: Thank you for your letter of May 5, regarding human rights abuses in Sudan. The Embassy in Khartoum provided the information you requested, which is enclosed. Assistant Secretary Moose provided much of this information in his testimony on May 4 to the Senate Foreign Relations Subcommittee on Africa.

Sincerely,

ROBERT A. BRADTKE,
Acting Assistant Secretary for Legislative Affairs.

Sudanese Government personnel appear to be perpetrating widespread human rights abuses in parts of the Bahr El Ghazal and the Nuba Mountains. There are recent, credible reports of massacres, kidnapping and forced labor, conscription of children, forced displacement and Arabization, and other abuses in these regions. There is evidence that some abuses, notably kidnapping, may be carried out by poorly-controlled militias without the approval and perhaps against the wishes of the authorities. Other abuses, however, are occurring with a frequency and on a scale that make it difficult to think that they are happening without the knowledge of the authorities.

Reliable information on the western "transition zone"—south Kordofan, including the Nuba Mountains, and Bahr El Ghazal—is hard to obtain. Access to the area is restricted. Recently, however, there has been evidence from credible, well-informed sources of widespread GOS abuses in this zone.

According to several sources, forces of the Government of Sudan regard the entire Bahr El Ghazal south of Babanusa, outside of government-held towns, as an "operational area." Anyone found there is considered a SPLA member or supporter and killed or captured. For example:

In late 1992 and in February–March 1993 two military trains, each with about 3,000 troops aboard, proceeded from Babanusa to Wau. Some of the troops were from the army, but most were members of former Arab tribal militias, which the Government of Sudan/National Islamic Front (GOS/NIF) has incorporated into the Popular Defense Forces (PDF).

The first train advanced preceded by foot soldiers who killed or captured the civilians on their path. They burned houses, fields, and granaries, and stole thousands of cattle. Hundreds are estimated to have died.

The March 1993 train carried horses that extended the soldiers' range. In five days, they reportedly killed almost a thousand persons between Manwal Station and Aweil and captured 300 women and children. The burning of granaries and fields and theft of cattle caused many who escaped the troops to die later of starvation.

The sources state that when military convoys moving in the Bahr El Ghazal lose vehicles to SPLA mines, the troops typically burn the first village they find and kill its inhabitants.

Credible sources report heavy fighting from December 1992 to March 1993 in the Nuba Mountains, particularly in the Tulisci Range. Fleeing Nubans speak of widespread destruction of villages and killings near Dilling and Kadugli—including a massacre at Belenya, which reportedly was razed.

Credible sources say GOS forces, especially the PDF, routinely steal women and children in the Bahr El Ghazal. Some women and girls are kept as wives; the others are shipped north where they perform forced labor on Kordofan farms or are exported, notably to Libya. Many Dinka are reported to be performing forced labor in the areas of Meiram and Abyei. Others are said to be on farms throughout Kordofan.

There are also credible reports of kidnappings in Kordofan. In March 1993 hundreds of Nuer displaced reached northern Kordofan, saying that Arab militias between Abyei and Muglad had taken children by force, killing the adults who resisted. The town of Hamarat el Sheikh, northwest of Sodiri in north Kordofan, is reported to be a transit point for Dinka and Nuba children who are then trucked to Libya.

While PDF kidnapping of women and children seems recurrent, it is not, however, condoned by all GOS authorities. When the March train from Babanusa arrived in Wau, authorities forced the PDF to release the 300 women and children they had captured. Later that month, army forces at Aweil searched a train of PDF returning from Wau. They found and freed women and children who were being held in boxcars. In early 1993 the PDF captured near Meiram five children between 7 and 12. When a relative learned of their whereabouts and contacted the police, the children were released.

Credible sources say that when the March military train to Wau reached Meiram, soldiers raped scores of displaced women. Thousands of displaced are currently reaching northern Kordofan from Bentiu and the Nuba Mountains. Medical workers note an unusually high rate of pregnancies among the women, who say the PDF raped them.

There are credible reports of widespread conscription into government militias of children 10 or 11 and above from "peace camps" (resettlement camps) in the Nuba Mountains. In late January, 1993, soldiers in El Obeid impressed into the PDF scores of boys 13 and above. (The families, however, later secured the release of the children who could prove they were enrolled in school.)

Credible sources state that since November 1992, thousands of displaced Nubans, particularly from the Tulisci, Habila, Koalib, Mendi, Tima, Lagawa, Sellara, Dilling, Kadugli, and Miri areas have been passing through El Obeid. Some are fleeing on their own, but others are being moved by the authorities. The governor of Kordofan has publicly said that the Government has moved many civilians from "unsafe to secure areas." Some 2000 Nubans from En Nahud were left in rags last November outside El Obeid, without money, food, or shelter.

Credible sources describe different forms of forced Arabization. Under a policy sometimes known as "the marriage of fifty," Arab soldiers are encouraged to wed southern women they capture. Soldiers who have children from these marriages get special premiums. In displaced camps in Meiram and Abyei, some Islamic charities reportedly offer to feed, clothe, and educate destitute Dinka children—but in return, parents may not have contact with their offspring. Some areas are closed to Christian charities, even indigenous ones, while Muslim charities operate freely.

There are reports that thousands died of starvation in Meiram displaced camp last year, while local authorities would not release donated relief food stored in Babanusa. There are consistent, credible reports that the PDF routinely steals large amounts of relief food donated for the displaced. Credible sources state that if the populations in the displaced camps at Meiram, Abyei, and Daeim do not receive food urgently, thousands more will die this year.

Some casualty figures and other details may have been exaggerated by frightened and shocked witnesses, but the general tenor of the above reports appears credible. It tracks with fragmentary reports of abuses in the Nuba Mountains and Bahr El Ghazal that have become available from other sources over a period of months.

To be fair, it must be said that many of these abuses, including the massacres, kidnapping and forced Arabization, have occurred time and again in these areas for years. Moreover, the reaction of the authorities in specific cases of kidnapping and enslavement suggest that the latter may be the fact of poorly-controlled militias acting without official approval—although, if this is the case, the authorities are derelict for not energetically curbing PDF excess. Other abuses, however, are occurring with a frequency, and, in the case of the massacres in particular, on a scale that make it difficult to think that they are happening without the knowledge of the Government of Sudan.

Mr. KLINK. Mr. Chairman, I am opposed to this legislation for both process and policy reasons.

On process, the rule for this bill has shut out those who will be most affected by the bill: those Members who represent American textile workers.

We have denied the textile caucus the ability and the opportunity to fix this bill and protect those jobs, and for that reason alone, we should oppose this bill.

However, my opposition to this legislation goes beyond process. This bill will create a "free trade" area in Africa.

Mr. Speaker, I don't care if it is Africa or Pluto, we don't need any more "free trade" areas like those created by NAFTA because NAFTA is a job losing failure.

In 1993, before NAFTA, the U.S. ran a trade surplus with Mexico of $1.7 billion. In 1996, the U.S. trade deficit with Mexico was more than $16 billion.

By my calculations, we are already running a trade deficit of $9 billion with sub-Saharan Africa. This legislation will only make that worse.

Officially, Pennsylvania has lost more than 13,000 jobs because of NAFTA, and those are Labor Department NAFTA-TAA numbers. Actual losses are probably higher, and the economic policy institute estimates that Pennsylvania has lost almost 20,000 jobs due to increased trade deficits with NAFTA countries.

Nationwide, the official NAFTA-TAA job losses are almost 141,000. Other estimates are much higher than that: some say 625,000.

Another "free trade" area, in Africa or anywhere else, will only mean most lost jobs, and this particular "free trade" bill will mean lost jobs for textile workers.

Another "free trade" area will only give big multinational corporations another platform from which to use lower cost labor, weaker environmental regulations and minimal protections for worker or human rights, to ship cheaper goods to the United States, just like they are using Mexico as a platform. That will only mean more jobs lost.

Mr. Speaker, we have tried the "free trade" model and it has failed. We need to look for a new trade model that recognizes human rights, democracy, worker safety and health. That trade model would benefit all the people of the world, Americans, Mexicans, and Africans, not just big corporations.

I urge my colleagues to oppose this job loss legislation.

Mr. HAMILTON. Mr. Chairman, I rise in support of H.R. 1432.

This bill is an innovative measure that holds considerable promise for Africa and for U.S. relations with African nations.

Several of our colleagues deserve credit for bringing this important measure before us today. I would like to commend the principal authors of this bill—Congressmen CRANE, MCDERMOTT, and RANGEL. Other members of the African Trade and Investment Caucus and of the Ways and Means Committee also made important contributions to this bill. I would also like to commend several members of the International Relations Committee—Congressmen ROYCE and MENENDEZ, and our Chairman, Mr. GILMAN—for starting this bill on its way last June.

WHAT THE BILL DOES

H.R. 1432 will alter the U.S. economic relationship with Africa.

To African countries that are prepared for it, the bill offers a new economic compact: In exchange for economic reforms necessary to benefit from expanded commercial ties, H.R. 1432 would offer increased U.S. trade and investment.

This compact will not only reward reforms that have already been implemented: It will serve as an incentive for reforms elsewhere. And by strengthening commercial ties between the United States and Africa, this bill will not only benefit Africans: It will also help build new U.S. export markets, boosting our own economy.

The bill has several key components:

First, the bill restricts eligibility to African countries that are not committing human rights abuses and are progressing toward market-based economies.

Second, eligible countries would be invited to participate in a U.S.-sponsored annual meeting aimed at promoting trade and investment. The United States would be represented at these meetings by the Secretaries of Commerce and Treasury and by the U.S. Trade Representative. The President would also be required to convene a summit meeting of African heads of state every two years.

Third, the bill would require the President to develop a strategy for negotiating free trade agreements between the United States and African countries.

Fourth, the bill will eliminate U.S. quotas on imports of textiles—an important industry in the developing world—from each African country that the President determines has in place an effective system for preventing the violation of U.S. import laws.

Fifth, the bill gives the President authority to extend tariff-free treatment under the Generalized System of Preferences program to additional imports from Africa, as long as those imports pose no threat to domestic industries.

Sixth, the bill directs the U.S. Oversees Private Investment Corporation to establish two new investment-promotion funds for Africa, and to expand its regular programs in Africa. The bill also directs the Export-Import Bank to expand its export-promotion programs in Africa, and it requires both OPIC and the Eximbank to establish new advisory committees on Africa.

Finally, the bill creates a new Assistant U.S. Trade Representative for Africa, and it urges an increase in the number of U.S. Commercial officers stationed there.

Taken together, these measures will create a more intensive and mutually beneficial economic relationship between the United States and Africa.

A stronger economic relationship will serve other U.S. interests in Africa.

By helping move African nations and the United States away from donor-recipient relationships, and toward economic partnership, the bill will strengthen bilateral political ties.

By promoting growth, the bill will bolster political stability and give African nations the wherewithal to address environmental crime, health, and other problems of mutual concern.

AID VS. TRADE

Mr. Chairman, the premise of this bill—which I support—is that increased trade and investment can promote economic growth in Africa in ways that aid alone cannot.

We need to do more to promote trade and investment in Africa because foreign assistance budgets are declining worldwide, and because a number of African countries have taken the tough steps necessary to benefit from expanding commercial ties.

But many other African countries are not yet ready to graduate from aid recipient to trading partner. The poorest countries in Africa still need substantial foreign assistance and debt relief to accomplish things that increased trade and investment will not address: Relieving hunger and satisfying other basic needs; developing the human and physical capital necessary for an industrial economy; building democratic political institutions; and strengthening indigenous conflict-resolution capabilities.

H.R. 1432 does not diminish U.S. foreign assistance programs. In fact, two of the bill's provisions strengthen our programs:

Our provision gives the President additional flexibility to shift funds among different African aid priorities.

Another provision urges the President to push for "deep debt reduction" for the poorest countries.

But, regrettably, Congress has already diminished the effectiveness of our foreign assistance program in Africa by cutting spending too far. Appropriations for the Development Fund for Africa were cut from $802 million in fiscal year 1995 to roughly $665 million in fiscal year 1996. The 1998 figure is $700 million, still $100 million below where we were in 1995.

As we begin with H.R. 1432 to build new commercial relationships with African countries, I hope we will not lose sight of the continuing, critical importance of aid in Africa. As we seek to expand trade and investment with some African nations, we should rededicate ourselves to strengthening aid programs that can help all Africans participate more fully in the world economy.

Mr. HALL of Ohio. Mr. Chairman, I am proud to be an original co-sponsor of this bill, and I want to extend a hearty congratulation to my colleagues Mr. CRANE, Mr. RANGEL, and Mr. McDERMOTT in particular for their tremendous achievement in bringing this landmark piece of legislation to fruition. It could not have happened without their vision and tireless leadership in championing a new era in U.S.-Africa relations.

The bill establishes a new U.S. trade and investment policy toward Africa. While I am a strong believer in the potential benefits of free trade and open markets, I was initially skeptical that this bill sought to prematurely substitute such reforms for direct human and social development and poverty alleviation goals on the continent.

The fact is, Africa sorely needs both. Increased trade and investment are critically important to the successful integration of African countries into the global economy, and this bill takes us in the right direction in that regard. If carefully implemented, it may help reduce poverty in Africa in the long run. But it is not an overnight fix for Africa's formidable human development challenges and pressing humanitarian needs.

That reality is recognized in the bill's policy language recognizing the vital supporting role of sustainable development, grassroots initiatives, conflict resolution, and debt relief in helping trade an investment initiatives to succeed. We ignore Africa's massive food security concerns, in particular, at our own peril; trade and investment cannot thrive in a region where USDA predicts that left unaddressed, two-thirds of Africa's people will be malnourished by the year 2010. In that light, I would have liked to see the bill call for an increased investment of foreign assistance funds in such programs, to reverse steep cuts of recent years.

As it is, I am pleased that my proposed language is retained in the bill, which protects and exempts essential humanitarian and development programs from being shifted to other purposes. I supported the bill on the condition that child survival activities, immunization programs, health and nutrition programs, HIV/AIDS funding, basic education, and support for UNICEF would be expressly protected from the bill's waiver authority. Those programs that are directly saving and improving lives every day should not be sacrificed to other goals, however important, in fact such funding should be increased.

This bill, and the policy direction it sets, would be strongly enhanced and complemented by a future Africa assistance package that more directly targets African farmers and struggling rural communities, and provides more adequate levels of support for investments in basic health, nutrition, and education programs. Those investments will vastly increase this bill's prospects for making a real dent in poverty and hunger in Africa. I urge my colleagues to support the bill, and to lend similar support in the future to enhanced development and humanitarian assistance funding for Africa when this year's foreign aid bill is formulated.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill, modified by the amendments printed in Part I of House Report 105–431, is considered as an original bill for the purpose of amendment and is considered as read.

The text of the committee amendment in the nature of a substitute, as modified, is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "African Growth and Opportunity Act".

SEC. 2. FINDINGS.

The Congress finds that it is in the mutual economic interest of the United States and sub-Saharan Africa to promote stable and sustainable economic growth and development in sub-Saharan Africa. To that end, the United States seeks to facilitate market-led economic growth in, and thereby the social and economic development of, the countries of sub-Saharan Africa. In particular, the United States seeks to assist sub-Saharan African countries, and the private sector in those countries, to achieve economic self-reliance by—

(1) strengthening and expanding the private sector in sub-Saharan Africa, especially women-owned businesses;

(2) encouraging increased trade and investment between the United States and sub-Saharan Africa;

(3) reducing tariff and nontariff barriers and other trade obstacles;

(4) expanding United States assistance to sub-Saharan Africa's regional integration efforts;

(5) negotiating free trade areas;

(6) establishing a United States-Sub-Saharan Africa Trade and Investment Partnership;

(7) focusing on countries committed to accountable government, economic reform, and the eradication of poverty;

(8) establishing a United States-Sub-Saharan Africa Economic Cooperation Forum; and

(9) continuing to support development assistance for those countries in sub-Saharan Africa attempting to build civil societies.

SEC. 3. STATEMENT OF POLICY.

The Congress supports economic self-reliance for sub-Saharan African countries, particularly those committed to—

(1) economic and political reform;

(2) market incentives and private sector growth;

(3) the eradication of poverty; and

(4) the importance of women to economic growth and development.

SEC. 4. ELIGIBILITY REQUIREMENTS.

(a) IN GENERAL.—A sub-Saharan African country shall be eligible to participate in programs, projects, or activities, or receive assistance or other benefits under this Act if the President determines that the country does not engage in gross violations of internationally recognized human rights and has established, or is making continual progress toward establishing, a market-based economy, such as the establishment and enforcement of appropriate policies relating to—

(1) promoting free movement of goods and services between the United States and sub-Saharan Africa and among countries in sub-Saharan Africa;

(2) promoting the expansion of the production base and the transformation of commodities and nontraditional products for exports through joint venture projects between African and foreign investors;

(3) trade issues, such as protection of intellectual property rights, improvements in standards, testing, labeling and certification, and government procurement;

(4) the protection of property rights, such as protection against expropriation and a functioning and fair judicial system;

(5) appropriate fiscal systems, such as reducing high import and corporate taxes, controlling government consumption, participation in bilateral investment treaties, and the harmonization of such treaties to avoid double taxation;

(6) foreign investment issues, such as the provision of national treatment for foreign investors and other measures to create an environment conducive to domestic and foreign investment;

(7) supporting the growth of regional markets within a free trade area framework;

(8) governance issues, such as eliminating government corruption, minimizing government intervention in the market such as price controls and subsidies, and streamlining the business license process;

(9) supporting the growth of the private sector, in particular by promoting the emergence of a new generation of African entrepreneurs;

(10) encouraging the private ownership of government-controlled economic enterprises through divestiture programs;

(11) removing restrictions on investment; and

(12) observing the rule of law, including equal protection under the law and the right to due process and a fair trial.

(b) ADDITIONAL FACTORS.—In determining whether a sub-Saharan African country is eligible under subsection (a), the President shall take into account the following factors:

(1) An expression by such country of its desire to be an eligible country under subsection (a).

(2) The extent to which such country has made substantial progress toward—

(A) reducing tariff levels;

(B) binding its tariffs in the World Trade Organization and assuming meaningful binding obligations in other sectors of trade; and

(C) eliminating nontariff barriers to trade.

(3) Whether such country, if not already a member of the World Trade Organization, is actively pursuing membership in that Organization.

(4) Where applicable, the extent to which such country is in material compliance with its obligations to the International Monetary Fund and other international financial institutions.

(5) The extent to which such country has a recognizable commitment to reducing poverty, providing basic health and education for poor

citizens, the expansion of physical infrastructure in a manner designed to maximize accessibility, increased access to market and credit facilities for small farmers and producers, and improved economic opportunities for women as entrepreneurs and employees.

(6) Whether or not such country engages in activities that undermine United States national security or foreign policy interests.

(c) Continuing Compliance.—

(1) Monitoring and review of certain countries.—The President shall monitor and review the progress of sub-Saharan African countries in order to determine their current or potential eligibility under subsection (a). Such determinations shall be based on quantitative factors to the fullest extent possible and shall be included in the annual report required by section 15.

(2) Ineligibility of certain countries.—A sub-Saharan African country described in paragraph (1) that has not made continual progress in meeting the requirements with which it is not in compliance shall be ineligible to participate in programs, projects, or activities, or receive assistance or other benefits, under this Act.

(d) Violations of Human Rights and Ineligible Countries.—It is the sense of the Congress that a sub-Saharan African country should not be eligible to participate in programs, projects, or activities, or receive assistance or other benefits under this Act if the government of that country is determined by the President to engage in a consistent pattern of gross violations of internationally recognized human rights.

SEC. 5. ADDITIONAL AUTHORITIES AND INCREASED FLEXIBILITY TO PROVIDE ASSISTANCE UNDER THE DEVELOPMENT FUND FOR AFRICA.

(a) Use of Sustainable Development Assistance To Support Further Economic Growth.—It is the sense of the Congress that sustained economic growth in sub-Saharan Africa depends in large measure upon the development of a receptive environment for trade and investment, and that to achieve this objective the United States Agency for International Development should continue to support programs which help to create this environment. Investments in human resources, development, and implementation of free market policies, including policies to liberalize agricultural markets and improve food security, and the support for the rule of law and democratic governance should continue to be encouraged and enhanced on a bilateral and regional basis.

(b) Declarations of Policy.—The Congress makes the following declarations:

(1) The Development Fund for Africa established under chapter 10 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2293 et seq.) has been an effective tool in providing development assistance to sub-Saharan Africa since 1988.

(2) The Development Fund for Africa will complement the other provisions of this Act and lay a foundation for increased trade and investment opportunities between the United States and sub-Saharan Africa.

(3) Assistance provided through the Development Fund for Africa will continue to support programs and activities that promote the long term economic development of sub-Saharan Africa, such as programs and activities relating to the following:

(A) Strengthening primary and vocational education systems, especially the acquisition of middle-level technical skills for operating modern private businesses and the introduction of college level business education, including the study of international business, finance, and stock exchanges.

(B) Strengthening health care systems.

(C) Strengthening family planning service delivery systems.

(D) Supporting democratization, good governance and civil society and conflict resolution efforts.

(E) Increasing food security by promoting the expansion of agricultural and agriculture-based industrial production and productivity and increasing real incomes for poor individuals.

(F) Promoting an enabling environment for private sector-led growth through sustained economic reform, privatization programs, and market-led economic activities.

(G) Promoting decentralization and local participation in the development process, especially linking the rural production sectors and the industrial and market centers throughout Africa.

(H) Increasing the technical and managerial capacity of sub-Saharan African individuals to manage the economy of sub-Saharan Africa.

(I) Ensuring sustainable economic growth through environmental protection.

(4) The African Development Foundation has a unique congressional mandate to empower the poor to participate fully in development and to increase opportunities for gainful employment, poverty alleviation, and more equitable income distribution in sub-Saharan Africa. The African Development Foundation has worked successfully to enhance the role of women as agents of change, strengthen the informal sector with an emphasis on supporting micro and small sized enterprises, indigenous technologies, and mobilizing local financing. The African Development Foundation should develop and implement strategies for promoting participation in the socioeconomic development process of grassroots and informal sector groups such as nongovernmental organizations, cooperatives, artisans, and traders into the programs and initiatives established under this Act.

(c) Additional Authorities.—

(1) In general.—Section 496(h) of the Foreign Assistance Act of 1961 (22 U.S.C. 2293(h)) is amended—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following:

"(3) Democratization and conflict resolution capabilities.—Assistance under this section may also include program assistance—

"(A) to promote democratization, good governance, and strong civil societies in sub-Saharan Africa; and

"(B) to strengthen conflict resolution capabilities of governmental, intergovernmental, and nongovernmental entities in sub-Saharan Africa.".

(2) Conforming amendment.—Section 496(h)(4) of such Act, as amended by paragraph (1), is further amended by striking "paragraphs (1) and (2)" in the first sentence and inserting "paragraphs (1), (2), and (3)".

(d) Waiver Authority.—Section 496 of the Foreign Assistance Act of 1961 (22 U.S.C. 2293) is amended by adding at the end the following:

"(p) Waiver Authority.—

"(1) In general.—Except as provided in paragraph (2), the President may waive any provision of law that earmarks, for a specified country, organization, or purpose, funds made available to carry out this chapter if the President determines, subject to the notification procedures under section 634A, that the waiver of such provision of law would provide improved conditions for the people of Africa. The President shall notify the appropriate congressional committees, in accordance with the procedures applicable to reprogramming notifications under section 634A of this Act, at least 15 days before any determination under this paragraph takes effect.

"(2) Exceptions.—

"(A) Child survival activities.—The authority contained in paragraph (1) may not be used to waive a provision of law that earmarks funds made available to carry out this chapter for the following purposes:

"(i) Immunization programs.

"(ii) Oral rehydration programs.

"(iii) Health and nutrition programs, and related education programs, which address the needs of mothers and children.

"(iv) Water and sanitation programs.

"(v) Assistance for displaced and orphaned children.

"(vi) Programs for the prevention, treatment, and control of, and research on, tuberculosis, HIV/AIDS, polio, malaria, and other diseases.

"(vii) Basic education programs for children.

"(viii) Contribution on a grant basis to the United Nations Children's Fund (UNICEF) pursuant to section 301 of this Act.

"(B) Requirement to supersede waiver authority.—The provisions of this subsection shall not be superseded except by a provision of law enacted after the date of the enactment of the African Growth and Opportunity Act which specifically repeals, modifies, or supersedes such provisions.".

SEC. 6. UNITED STATES–SUB-SAHARAN AFRICA TRADE AND ECONOMIC COOPERATION FORUM.

(a) Declaration of Policy.—The President shall convene annual high-level meetings between appropriate officials of the United States Government and officials of the governments of sub-Saharan African countries in order to foster close economic ties between the United States and sub-Saharan Africa.

(b) Establishment.—Not later than 12 months after the date of the enactment of this Act, the President, after consulting with the governments concerned, shall establish a United States–Sub-Saharan Africa Trade and Economic Cooperation Forum (hereafter in this section referred to as the "Forum").

(c) Requirements.—In creating the Forum, the President shall meet the following requirements:

(1) The President shall direct the Secretary of Commerce, the Secretary of the Treasury, the Secretary of State, and the United States Trade Representative to host the first annual meeting with the counterparts of such Secretaries from the governments of sub-Saharan African countries eligible under section 4, the Secretary General of the Organization of African Unity, and government officials from other appropriate countries in Africa, to discuss expanding trade and investment relations between the United States and sub-Saharan Africa and the implementation of this Act.

(2)(A) The President, in consultation with the Congress, shall encourage United States nongovernmental organizations to host annual meetings with nongovernmental organizations from sub-Saharan Africa in conjunction with the annual meetings of the Forum for the purpose of discussing the issues described in paragraph (1).

(B) The President, in consultation with the Congress, shall encourage United States representatives of the private sector to host annual meetings with representatives of the private sector from sub-Saharan Africa in conjunction with the annual meetings of the Forum for the purpose of discussing the issues described in paragraph (1).

(3) The President shall, to the extent practicable, meet with the heads of governments of sub-Saharan African countries eligible under section 4 not less than once every two years for the purpose of discussing the issues described in paragraph (1). The first such meeting should take place not later than twelve months after the date of the enactment of this Act.

(d) Dissemination of Information by USIA.—In order to assist in carrying out the

purposes of the Forum, the United States Information Agency shall disseminate regularly, through multiple media, economic information in support of the free market economic reforms described in this Act.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 7. UNITED STATES-SUB-SAHARAN AFRICA FREE TRADE AREA.

(a) DECLARATION OF POLICY.—The Congress declares that a United States-Sub-Saharan Africa Free Trade Area should be established, or free trade agreements should be entered into, in order to serve as the catalyst for increasing trade between the United States and sub-Saharan Africa and increasing private sector development in sub-Saharan Africa.

(b) PLAN REQUIREMENT.—

(1) IN GENERAL.—The President, taking into account the provisions of the treaty establishing the African Economic Community and the willingness of the governments of Sub-Saharan African countries to engage in negotiations to enter into free trade agreements, shall develop a plan for the purpose of entering into one or more trade agreements with sub-Saharan African countries eligible under section 4 in order to establish a United States-Sub-Saharan Africa Free Trade Area (hereafter in this section referred to as the "Free Trade Area").

(2) ELEMENTS OF PLAN.—The plan shall include the following:

(A) The specific objectives of the United States with respect to the establishment of the Free Trade Area and a suggested timetable for achieving those objectives.

(B) The benefits to both the United States and sub-Saharan Africa with respect to the Free Trade Area.

(C) A mutually agreed-upon timetable for establishing the Free Trade Area.

(D) The implications for and the role of regional and sub-regional organizations in sub-Saharan Africa with respect to the Free Trade Area.

(E) Subject matter anticipated to be covered by the agreement for establishing the Free Trade Area and United States laws, programs, and policies, as well as the laws of participating eligible African countries and existing bilateral and multilateral and economic cooperation and trade agreements, that may be affected by the agreement or agreements.

(F) Procedures to ensure the following:

(i) Adequate consultation with the Congress and the private sector during the negotiation of the agreement or agreements for establishing the Free Trade Area.

(ii) Consultation with the Congress regarding all matters relating to implementation of the agreement or agreements.

(iii) Approval by the Congress of the agreement or agreements.

(iv) Adequate consultations with the relevant African governments and African regional and subregional intergovernmental organizations during the negotiations of the agreement or agreements.

(c) REPORTING REQUIREMENT.—Not later than 12 months after the date of the enactment of this Act, the President shall prepare and transmit to the Congress a report containing the plan developed pursuant to subsection (b).

SEC. 8. ELIMINATING TRADE BARRIERS AND ENCOURAGING EXPORTS.

(a) FINDINGS.—The Congress makes the following findings:

(1) The lack of competitiveness of sub-Saharan Africa in the global market, especially in the manufacturing sector, make it a limited threat to market disruption and no threat to United States jobs.

(2) Annual textile and apparel exports to the United States from sub-Saharan Africa represent less than 1 percent of all textile and apparel exports to the United States, which totaled $45,932,000,000 in 1996.

(3) Sub-Saharan Africa has limited textile manufacturing capacity. During 1998 and the succeeding 4 years, this limited capacity to manufacture textiles and apparel is projected to grow at a modest rate. Given this limited capacity to export textiles and apparel, it will be very difficult for these exports from sub-Saharan Africa, during 1998 and the succeeding 9 years, to exceed 3 percent annually of total imports of textile and apparel to the United States. If these exports from sub-Saharan Africa remain around 3 percent of total imports, they will not represent a threat to United States workers, consumers, or manufacturers.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) it would be to the mutual benefit of the countries in sub-Saharan Africa and the United States to ensure that the commitments of the World Trade Organization and associated agreements are faithfully implemented in each of the member countries, so as to lay the groundwork for sustained growth in textile and apparel exports and trade under agreed rules and disciplines;

(2) reform of trade policies in sub-Saharan Africa with the objective of removing structural impediments to trade, consistent with obligations under the World Trade Organization, can assist the countries of the region in achieving greater and greater diversification of textile and apparel export commodities and products and export markets; and

(3) the President should support textile and apparel trade reform in sub-Saharan Africa by, among other measures, providing technical assistance, sharing of information to expand basic knowledge of how to trade with the United States, and encouraging business-to-business contacts with the region.

(c) TREATMENT OF QUOTAS.—

(1) KENYA AND MAURITIUS.—Pursuant to the Agreement on Textiles and Clothing, the United States shall eliminate the existing quotas on textile and apparel exports to the United States—

(A) from Kenya within 30 days after that country adopts a cost-effective and efficient visa system to guard against unlawful transshipment of textile and apparel goods; and

(B) from Mauritius within 30 days after that country adopts such a visa system.

The Customs Service shall provide the necessary assistance to Kenya and Mauritius in the development and implementation of those visa systems. The Customs Service shall monitor and the Commissioner of Customs shall submit to the Congress, not later than March 31 of each year, a report on the effectiveness of those visa systems during the preceding calendar year.

(2) OTHER SUB-SAHARAN COUNTRIES.—The President shall continue the existing no quota policy for countries in sub-Saharan Africa. The President shall submit to the Congress, not later than March 31 of each year, a report on the growth in textiles and apparel exports to the United States from countries in sub-Saharan Africa in order to protect United States consumers, workers, and textile manufacturers from economic injury on account of the no quota policy. The President should ensure that any country in sub-Saharan Africa that intends to export substantial textile and apparel goods to the United States has in place a functioning and efficient visa system to guard against unlawful transshipment of textile and apparel goods.

(d) DEFINITION.—For purposes of this section, the term "Agreement on Textiles and Clothing" means the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

SEC. 9. GENERALIZED SYSTEM OF PREFERENCES.

(a) PREFERENTIAL TARIFF TREATMENT FOR CERTAIN ARTICLES.—Section 503(a)(1) of the Trade Act of 1974 (19 U.S.C. 2463(a)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following:

"(C) ELIGIBLE COUNTRIES IN SUB-SAHARAN AFRICA.—The President may provide duty-free treatment for any article set forth in paragraph (1) of subsection (b) that is the growth, product, or manufacture of an eligible country in sub-Saharan Africa that is a beneficiary developing country, if, after receiving the advice of the International Trade Commission in accordance with subsection (e), the President determines that such article is not import-sensitive in the context of imports from eligible countries in sub-Saharan Africa. This subparagraph shall not affect the designation of eligible articles under subparagraph (B).".

(b) RULES OF ORIGIN.—Section 503(a)(2) of the Trade Act of 1974 (19 U.S.C. 2463(a)(2)) is amended by adding at the end the following:

"(C) ELIGIBLE COUNTRIES IN SUB-SAHARAN AFRICA.—For purposes of determining the percentage referred to in subparagraph (A) in the case of an article of an eligible country in sub-Saharan Africa that is a beneficiary developing country—

"(i) if the cost or value of materials produced in the customs territory of the United States is included with respect to that article, an amount not to exceed 15 percent of the appraised value of the article at the time it is entered that is attributed to such United States cost or value may be applied toward determining the percentage referred to in subparagraph (A); and

"(ii) the cost or value of the materials included with respect to that article that are produced in any beneficiary developing country that is an eligible country in sub-Saharan Africa shall be applied in determining such percentage.".

(c) WAIVER OF COMPETITIVE NEED LIMITATION.—Section 503(c)(2)(D) of the Trade Act of 1974 (19 U.S.C. 2463(c)(2)(D)) is amended to read as follows:

"(D) LEAST-DEVELOPED BENEFICIARY DEVELOPING COUNTRIES AND ELIGIBLE COUNTRIES IN SUB-SAHARAN AFRICA.—Subparagraph (A) shall not apply to any least-developed beneficiary developing country or any eligible country in sub-Saharan Africa.".

(d) EXTENSION OF PROGRAM.—Section 505 of the Trade Act of 1974 (19 U.S.C. 2465) is amended to read as follows:

"SEC. 505. DATE OF TERMINATION.

"(a) COUNTRIES IN SUB-SAHARAN AFRICA.—No duty-free treatment provided under this title shall remain in effect after May 31, 2007, with respect to beneficiary developing countries that are eligible countries in sub-Saharan Africa.

"(b) OTHER COUNTRIES.—No duty-free treatment provided under this title shall remain in effect after May 31, 1997, with respect to beneficiary developing countries other than those provided for in subsection (a).".

(e) DEFINITION.—Section 507 of the Trade Act of 1974 (19 U.S.C. 2467) is amended by adding at the end the following:

"(6) ELIGIBLE COUNTRY IN SUB-SAHARAN AFRICA.—The terms 'eligible country in sub-Saharan Africa' and 'eligible countries in sub-Saharan Africa' means a country or countries that the President has determined to be eligible under section 4 of the African Growth and Opportunity Act.".

SEC. 10. INTERNATIONAL FINANCIAL INSTITUTIONS AND DEBT REDUCTION.

(a) BETTER MECHANISMS TO FURTHER GOALS FOR SUB-SAHARAN AFRICA.—It is the sense of the Congress that the Secretary of the Treasury should instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Monetary Fund, and the African Development Bank to use the voice and votes of the Executive Directors to encourage vigorously their respective institutions to develop enhanced mechanisms which further the following goals in eligible countries in sub-Saharan Africa:

(1) Strengthening and expanding the private sector, especially among women-owned businesses.

(2) Reducing tariffs, nontariff barriers, and other trade obstacles, and increasing economic integration.

(3) Supporting countries committed to accountable government, economic reform, the eradication of poverty, and the building of civil societies.

(4) Supporting deep debt reduction at the earliest possible date with the greatest amount of relief for eligible poorest countries under the "Heavily Indebted Poor Countries" (HIPC) debt initiative.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that relief provided to countries in sub-Saharan Africa which qualify for the Heavily Indebted Poor Countries debt initiative should primarily be made through grants rather than through extended-term debt, and that interim relief or interim financing should be provided for eligible countries that establish a strong record of macroeconomic reform.

(c) EXECUTIVE BRANCH INITIATIVES.—The Congress supports and encourages the implementation of the following initiatives of the executive branch:

(1) AMERICAN-AFRICAN BUSINESS PARTNERSHIP.—The Agency for International Development devoting up to $1,000,000 annually to help catalyze relationships between United States firms and firms in sub-Saharan Africa through a variety of business associations and networks.

(2) TECHNICAL ASSISTANCE TO PROMOTE REFORMS.—The Agency for International Development providing up to $5,000,000 annually in short-term technical assistance programs to help the governments of sub-Saharan African countries to—

(A) liberalize trade and promote exports;

(B) bring their legal regimes into compliance with the standards of the World Trade Organization in conjunction with membership in that Organization; and

(C) make financial and fiscal reforms, as well as the United States Department of Agriculture providing support to promote greater agribusiness linkages.

(3) AGRICULTURAL MARKET LIBERALIZATION.—The Agency for International Development devoting up to $15,000,000 annually as part of the multi-year Africa Food Security Initiative to help address such critical agricultural policy issues as market liberalization, agricultural export development, and agribusiness investment in processing and transporting agricultural commodities.

(4) TRADE PROMOTION.—The Trade Development Agency increasing the number of reverse trade missions to growth-oriented countries in sub-Saharan Africa.

(5) TRADE IN SERVICES.—Efforts by United States embassies in the countries in sub-Saharan Africa to encourage their host governments—

(A) to participate in the ongoing negotiations on financial services in the World Trade Organization;

(B) to revise their existing schedules to the General Agreement on Trade in Services of the World Trade Organization in light of the successful conclusion of negotiations on basic telecommunications services; and

(C) to make further commitments in their schedules to the General Agreement on Trade in Services in order to encourage the removal of tariff and nontariff barriers and to foster competition in the services sector in those countries.

SEC. 11. SUB-SAHARAN AFRICA EQUITY AND INFRASTRUCTURE FUNDS.

(a) INITIATION OF FUNDS.—It is the sense of the Congress that the Overseas Private Investment Corporation should, within 12 months after the date of the enactment of this Act, exercise the authorities it has to initiate 2 or more equity funds in support of projects in the countries in sub-Saharan Africa.

(b) STRUCTURE AND TYPES OF FUNDS.—

(1) STRUCTURE.—Each fund initiated under subsection (a) should be structured as a partnership managed by professional private sector fund managers and monitored on a continuing basis by the Corporation.

(2) CAPITALIZATION.—Each fund should be capitalized with a combination of private equity capital, which is not guaranteed by the Corporation, and debt for which the Corporation provides guaranties.

(3) TYPES OF FUNDS.—

(A) EQUITY FUND FOR SUB-SAHARAN AFRICA.—One of the funds should be an equity fund, with assets of up to $150,000,000, the primary purpose of which is to achieve long-term capital appreciation through equity investments in support of projects in countries in sub-Saharan Africa.

(B) INFRASTRUCTURE FUND.—One or more of the funds, with combined assets of up to $500,000,000, should be used in support of infrastructure projects in countries of sub-Saharan Africa. The primary purpose of any such fund would be to achieve long-term capital appreciation through investing in financing for infrastructure projects in sub-Saharan Africa, including for the expansion of businesses in sub-Saharan Africa, restructurings, management buyouts and buyins, businesses with local ownership, and privatizations.

(4) EMPHASIS.—The Corporation shall ensure that the funds are used to provide support in particular to women entrepreneurs and to innovative investments that expand opportunities for women and maximize employment opportunities for poor individuals.

SEC. 12. OVERSEAS PRIVATE INVESTMENT CORPORATION AND EXPORT-IMPORT BANK INITIATIVES.

(a) OVERSEAS PRIVATE INVESTMENT CORPORATION.—

(1) ADVISORY COMMITTEE.—Section 233 of the Foreign Assistance Act of 1961 is amended by adding at the end the following:

"(e) ADVISORY COMMITTEE.—The Board shall take prompt measures to increase the loan, guarantee, and insurance programs, and financial commitments, of the Corporation in sub-Saharan Africa, including through the establishment and use of an advisory committee to assist the Board in developing and implementing policies, programs, and financial instruments with respect to sub-Saharan Africa. In addition, the advisory committee shall make recommendations to the Board on how the Corporation can facilitate greater support by the United States for trade and investment with and in sub-Saharan Africa. The advisory committee shall terminate 4 years after the date of the enactment of this subsection.".

(2) REPORTS TO THE CONGRESS.—Within 6 months after the date of the enactment of this Act, and annually for each of the 4 years thereafter, the Board of Directors of the Overseas Private Investment Corporation shall submit to the Congress a report on the steps that the Board has taken to implement section 233(e) of the Foreign Assistance Act of 1961 and any recommendations of the advisory board established pursuant to such section.

(b) EXPORT-IMPORT BANK.—

(1) ADVISORY COMMITTEE FOR SUB-SAHARAN AFRICA.—Section 2(b) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)) is amended by inserting after paragraph (8) the following:

"(9)(A) The Board of Directors of the Bank shall take prompt measures, consistent with the credit standards otherwise required by law, to promote the expansion of the Bank's financial commitments in sub-Saharan Africa under the loan, guarantee, and insurance programs of the Bank.

"(B)(i) The Board of Directors shall establish and use an advisory committee to advise the Board of Directors on the development and implementation of policies and programs designed to support the expansion described in subparagraph (A).

"(ii) The advisory committee shall make recommendations to the Board of Directors on how the Bank can facilitate greater support by United States commercial banks for trade with sub-Saharan Africa.

"(iii) The advisory committee shall terminate 4 years after the date of the enactment of this subparagraph.".

(2) REPORTS TO THE CONGRESS.—Within 6 months after the date of the enactment of this Act, and annually for each of the 4 years thereafter, the Board of Directors of the Export-Import Bank of the United States shall submit to the Congress a report on the steps that the Board has taken to implement section 2(b)(9)(B) of the Export-Import Bank Act of 1945 and any recommendations of the advisory committee established pursuant to such section.

SEC. 13. ESTABLISHMENT OF ASSISTANT UNITED STATES TRADE REPRESENTATIVE FOR SUB-SAHARAN AFRICA.

(a) ESTABLISHMENT.—The President shall establish a position of Assistant United States Trade Representative within the Office of the United States Trade Representative to focus on trade issues relating to sub-Saharan Africa.

(b) FUNDING AND STAFF.—The President shall ensure that the Assistant United States Trade Representative appointed pursuant to paragraph (1) has adequate funding and staff to carry out the duties described in paragraph (1) subject to the availability of appropriations.

SEC. 14. EXPANSION OF THE UNITED STATES AND FOREIGN COMMERCIAL SERVICE IN SUB-SAHARAN AFRICA.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that the United States and Foreign Commercial Service should expand its presence in sub-Saharan Africa by increasing the number of posts and the number of personnel it allocates to sub-Saharan Africa.

(b) REPORTING REQUIREMENT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the Secretary of State, should report to the Congress on the feasibility of expanding the presence in sub-Saharan Africa of the United States and Foreign Commercial Service.

SEC. 15. REPORTING REQUIREMENT.

The President shall submit to the Congress, not later than 1 year after the date of the enactment of this Act, and not later than the end of each of the next 4 1-year periods thereafter, a report on the implementation of this Act.

SEC. 16. SUB-SAHARAN AFRICA DEFINED.

For purposes of this Act, the terms "sub-Saharan Africa", "sub-Saharan African country", "country in sub-Saharan Africa", and "countries in sub-Saharan Africa" refer to the following:

Republic of Angola (Angola)
Republic of Botswana (Botswana)
Republic of Burundi (Burundi)
Republic of Cape Verde (Cape Verde)
Republic of Chad (Chad)
Democratic Republic of Congo

Republic of the Congo (Congo)
Republic of Djibouti (Djibouti)
State of Eritrea (Eritrea)
Gabonese Republic (Gabon)
Republic of Ghana (Ghana)
Republic of Guinea-Bissau (Guinea-Bissau)
Kingdom of Lesotho (Lesotho)
Republic of Madagascar (Madagascar)
Republic of Mali (Mali)
Republic of Mauritius (Mauritius)
Republic of Namibia (Namibia)
Federal Republic of Nigeria (Nigeria)
Democratic Republic of Sao Tomé and Principe (Sao Tomé and Principe)
Republic of Sierra Leone (Sierra Leone)
Somalia
Kingdom of Swaziland (Swaziland)
Republic of Togo (Togo)
Republic of Zimbabwe (Zimbabwe)
Republic of Benin (Benin)
Burkina Faso (Burkina)
Republic of Cameroon (Cameroon)
Central African Republic
Federal Islamic Republic of the Comoros (Comoros)
Republic of Côte d'Ivoire (Côte d'Ivoire)
Republic of Equatorial Guinea (Equatorial Guinea)
Ethiopia
Republic of the Gambia (Gambia)
Republic of Guinea (Guinea)
Republic of Kenya (Kenya)
Republic of Liberia (Liberia)
Republic of Malawi (Malawi)
Islamic Republic of Mauritania (Mauritania)
Republic of Mozambique (Mozambique)
Republic of Niger (Niger)
Republic of Rwanda (Rwanda)
Republic of Senegal (Senegal)
Republic of Seychelles (Seychelles)
Republic of South Africa (South Africa)
Republic of Sudan (Sudan)
United Republic of Tanzania (Tanzania)
Republic of Uganda (Uganda)
Republic of Zambia (Zambia)

SECTION 1. SHORT TITLE.

This Act may be cited as the "African Growth and Opportunity Act".

SEC. 2. FINDINGS.

The Congress finds that it is in the mutual economic interest of the United States and sub-Saharan Africa to promote stable and sustainable economic growth and development in sub-Saharan Africa. To that end, the United States seeks to facilitate market-led economic growth in, and thereby the social and economic development of, the countries of sub-Saharan Africa. In particular, the United States seeks to assist sub-Saharan African countries, and the private sector in those countries, to achieve economic self-reliance by—

(1) strengthening and expanding the private sector in sub-Saharan Africa, especially women-owned businesses;

(2) encouraging increased trade and investment between the United States and sub-Saharan Africa;

(3) reducing tariff and nontariff barriers and other trade obstacles;

(4) expanding United States assistance to sub-Saharan Africa's regional integration efforts;

(5) negotiating free trade areas;

(6) establishing a United States-Sub-Saharan Africa Trade and Investment Partnership;

(7) focusing on countries committed to accountable government, economic reform, and the eradication of poverty;

(8) establishing a United States-Sub-Saharan Africa Economic Cooperation Forum; and

(9) continuing to support development assistance for those countries in sub-Saharan Africa attempting to build civil societies.

SEC. 3. STATEMENT OF POLICY.

The Congress supports economic self-reliance for sub-Saharan African countries, particularly those committed to—

(1) economic and political reform;

(2) market incentives and private sector growth;

(3) the eradication of poverty; and

(4) the importance of women to economic growth and development.

SEC. 4. ELIGIBILITY REQUIREMENTS.

(a) In General.—A sub-Saharan African country shall be eligible to participate in programs, projects, or activities, or receive assistance or other benefits under this Act if the President determines that the country does not engage in gross violations of internationally recognized human rights and has established, or is making continual progress toward establishing, a market-based economy, such as the establishment and enforcement of appropriate policies relating to—

(1) promoting free movement of goods and services between the United States and sub-Saharan Africa and among countries in sub-Saharan Africa;

(2) promoting the expansion of the production base and the transformation of commodities and nontraditional products for exports through joint venture projects between African and foreign investors;

(3) trade issues, such as protection of intellectual property rights, improvements in standards, testing, labeling and certification, and government procurement;

(4) the protection of property rights, such as protection against expropriation and a functioning and fair judicial system;

(5) appropriate fiscal systems, such as reducing high import and corporate taxes, controlling government consumption, participation in bilateral investment treaties, and the harmonization of such treaties to avoid double taxation;

(6) foreign investment issues, such as the provision of national treatment for foreign investors and other measures to create an environment conducive to domestic and foreign investment;

(7) supporting the growth of regional markets within a free trade area framework;

(8) governance issues, such as eliminating government corruption, minimizing government intervention in the market such as price controls and subsidies, and streamlining the business license process;

(9) supporting the growth of the private sector, in particular by promoting the emergence of a new generation of African entrepreneurs;

(10) encouraging the private ownership of government-controlled economic enterprises through divestiture programs;

(11) removing restrictions on investment; and

(12) observing the rule of law, including equal protection under the law and the right to due process and a fair trial.

(b) Additional Factors.—In determining whether a sub-Saharan African country is eligible under subsection (a), the President shall take into account the following factors:

(1) An expression by such country of its desire to be an eligible country under subsection (a).

(2) The extent to which such country has made substantial progress toward—

(A) reducing tariff levels;

(B) binding its tariffs in the World Trade Organization and assuming meaningful binding obligations in other sectors of trade; and

(C) eliminating nontariff barriers to trade.

(3) Whether such country, if not already a member of the World Trade Organization, is actively pursuing membership in that Organization.

(4) Where applicable, the extent to which such country is in material compliance with its obligations to the International Monetary Fund and other international financial institutions.

(5) The extent to which such country has a recognizable commitment to reducing poverty, increasing the availability of health care and educational opportunities, the expansion of physical infrastructure in a manner designed to maximize accessibility, increased access to market and credit facilities for small farmers and producers, and improved economic opportunities for women as entrepreneurs and employees, and promoting and enabling the formation of capital to support the establishment and operation of micro-enterprises.

(6) Whether or not such country engages in activities that undermine United States national security or foreign policy interests.

(c) Continuing Compliance.—

(1) Monitoring and review of certain countries.—The President shall monitor and review the progress of sub-Saharan African countries in order to determine their current or potential eligibility under subsection (a). Such determinations shall be based on quantitative factors to the fullest extent possible and shall be included in the annual report required by section 15.

(2) Ineligibility of certain countries.—A sub-Saharan African country described in paragraph (1) that has not made continual progress in meeting the requirements with which it is not in compliance shall be ineligible to participate in programs, projects, or activities, or receive assistance or other benefits, under this Act.

(d) Violations of Human Rights and Ineligible Countries.—It is the sense of the Congress that a sub-Saharan African country should not be eligible to participate in programs, projects, or activities, or receive assistance or other benefits under this Act if the government of that country is determined by the President to engage in a consistent pattern of gross violations of internationally recognized human rights.

SEC. 5. ADDITIONAL AUTHORITIES AND INCREASED FLEXIBILITY TO PROVIDE ASSISTANCE UNDER THE DEVELOPMENT FUND FOR AFRICA.

(a) Use of Sustainable Development Assistance To Support Further Economic Growth.—It is the sense of the Congress that sustained economic growth in sub-Saharan Africa depends in large measure upon the development of a receptive environment for trade and investment, and that to achieve this objective the United States Agency for International Development should continue to support programs which help to create this environment. Investments in human resources, development, and implementation of free market policies, including policies to liberalize agricultural markets and improve food security, and the support for the rule of law and democratic governance should continue to be encouraged and enhanced on a bilateral and regional basis.

(b) Declarations of Policy.—The Congress makes the following declarations:

(1) The Development Fund for Africa established under chapter 10 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2293 et seq.) has been an effective tool in providing development assistance to sub-Saharan Africa since 1988.

(2) The Development Fund for Africa will complement the other provisions of this Act and lay a foundation for increased trade and

investment opportunities between the United States and sub-Saharan Africa.

(3) Assistance provided through the Development Fund for Africa will continue to support programs and activities that promote the long term economic development of sub-Saharan Africa, such as programs and activities relating to the following:

(A) Strengthening primary and vocational education systems, especially the acquisition of middle-level technical skills for operating modern private businesses and the introduction of college level business education, including the study of international business, finance, and stock exchanges.

(B) Strengthening health care systems.

(C) Strengthening family planning service delivery systems.

(D) Supporting democratization, good governance and civil society and conflict resolution efforts.

(E) Increasing food security by promoting the expansion of agricultural and agriculture-based industrial production and productivity and increasing real incomes for poor individuals.

(F) Promoting an enabling environment for private sector-led growth through sustained economic reform, privatization programs, and market-led economic activities.

(G) Promoting decentralization and local participation in the development process, especially linking the rural production sectors and the industrial and market centers throughout Africa.

(H) Increasing the technical and managerial capacity of sub-Saharan African individuals to manage the economy of sub-Saharan Africa.

(I) Ensuring sustainable economic growth through environmental protection.

(4) The African Development Foundation has a unique congressional mandate to empower the poor to participate fully in development and to increase opportunities for gainful employment, poverty alleviation, and more equitable income distribution in sub-Saharan Africa. The African Development Foundation has worked successfully to enhance the role of women as agents of change, strengthen the informal sector with an emphasis on supporting micro and small sized enterprises, indigenous technologies, and mobilizing local financing. The African Development Foundation should develop and implement strategies for promoting participation in the socioeconomic development process of grassroots and informal sector groups such as nongovernmental organizations, cooperatives, artisans, and traders into the programs and initiatives established under this Act.

(c) Additional Authorities.—

(1) In general.—Section 496(h) of the Foreign Assistance Act of 1961 (22 U.S.C. 2293(h)) is amended—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following:

"(3) Democratization and conflict resolution capabilities.—Assistance under this section may also include program assistance—

"(A) to promote democratization, good governance, and strong civil societies in sub-Saharan Africa; and

"(B) to strengthen conflict resolution capabilities of governmental, intergovernmental, and nongovernmental entities in sub-Saharan Africa.".

(2) Conforming amendment.—Section 496(h)(4) of such Act, as amended by paragraph (1), is further amended by striking "paragraphs (1) and (2)" in the first sentence and inserting "paragraphs (1), (2), and (3)".

SEC. 6. UNITED STATES–SUB-SAHARAN AFRICA TRADE AND ECONOMIC COOPERATION FORUM.

(a) Declaration of Policy.—The President shall convene annual high-level meetings between appropriate officials of the United States Government and officials of the governments of sub-Saharan African countries in order to foster close economic ties between the United States and sub-Saharan Africa.

(b) Establishment.—Not later than 12 months after the date of the enactment of this Act, the President, after consulting with the governments concerned, shall establish a United States–Sub-Saharan Africa Trade and Economic Cooperation Forum (hereafter in this section referred to as the "Forum").

(c) Requirements.—In creating the Forum, the President shall meet the following requirements:

(1) The President shall direct the Secretary of Commerce, the Secretary of the Treasury, the Secretary of State, and the United States Trade Representative to host the first annual meeting with the counterparts of such Secretaries from the governments of sub-Saharan African countries eligible under section 4, the Secretary General of the Organization of African Unity, and government officials from other appropriate countries in Africa, to discuss expanding trade and investment relations between the United States and sub-Saharan Africa and the implementation of this Act.

(2)(A) The President, in consultation with the Congress, shall encourage United States nongovernmental organizations to host annual meetings with nongovernmental organizations from sub-Saharan Africa in conjunction with the annual meetings of the Forum for the purpose of discussing the issues described in paragraph (1).

(B) The President, in consultation with the Congress, shall encourage United States representatives of the private sector to host annual meetings with representatives of the private sector from sub-Saharan Africa in conjunction with the annual meetings of the Forum for the purpose of discussing the issues described in paragraph (1).

(3) The President shall, to the extent practicable, meet with the heads of governments of sub-Saharan African countries eligible under section 4 not less than once every two years for the purpose of discussing the issues described in paragraph (1). The first such meeting should take place not later than twelve months after the date of the enactment of this Act.

(d) Dissemination of Information by USIA.—In order to assist in carrying out the purposes of the Forum, the United States Information Agency shall disseminate regularly, through multiple media, economic information in support of the free market economic reforms described in this Act.

(e) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(f) Limitation on Use of Funds.—None of the funds authorized under this section may be used to create or support any nongovernmental organization for the purpose of expanding or facilitating trade between the United States and sub-Saharan Africa.

SEC. 7. UNITED STATES–SUB-SAHARAN AFRICA FREE TRADE AREA.

(a) Declaration of Policy.—The Congress declares that a United States–Sub-Saharan Africa Free Trade Area should be established, or free trade agreements should be entered into, in order to serve as the catalyst for increasing trade between the United States and sub-Saharan Africa and increasing private sector development in sub-Saharan Africa.

(b) Plan Requirement.—

(1) In general.—The President, taking into account the provisions of the treaty establishing the African Economic Community and the willingness of the governments of sub-Saharan African countries to engage in negotiations to enter into free trade agreements, shall develop a plan for the purpose of entering into one or more trade agreements with sub-Saharan African countries eligible under section 4 in order to establish a United States–Sub-Saharan Africa Free Trade Area (hereafter in this section referred to as the "Free Trade Area").

(2) Elements of plan.—The plan shall include the following:

(A) The specific objectives of the United States with respect to the establishment of the Free Trade Area and a suggested timetable for achieving those objectives.

(B) The benefits to both the United States and sub-Saharan Africa with respect to the Free Trade Area.

(C) A mutually agreed-upon timetable for establishing the Free Trade Area.

(D) The implications for and the role of regional and sub-regional organizations in sub-Saharan Africa with respect to the Free Trade Area.

(E) Subject matter anticipated to be covered by the agreement for establishing the Free Trade Area and United States laws, programs, and policies, as well as the laws of participating eligible African countries and existing bilateral and multilateral and economic cooperation and trade agreements, that may be affected by the agreement or agreements.

(F) Procedures to ensure the following:

(i) Adequate consultation with the Congress and the private sector during the negotiation of the agreement or agreements for establishing the Free Trade Area.

(ii) Consultation with the Congress regarding all matters relating to implementation of the agreement or agreements.

(iii) Approval by the Congress of the agreement or agreements.

(iv) Adequate consultations with the relevant African governments and African regional and subregional intergovernmental organizations during the negotiations of the agreement or agreements.

(c) Reporting Requirement.—Not later than 12 months after the date of the enactment of this Act, the President shall prepare and transmit to the Congress a report containing the plan developed pursuant to subsection (b).

SEC. 8. ELIMINATING TRADE BARRIERS AND ENCOURAGING EXPORTS.

(a) Findings.—The Congress makes the following findings:

(1) The lack of competitiveness of sub-Saharan Africa in the global market, especially in the manufacturing sector, make it a limited threat to market disruption and no threat to United States jobs.

(2) Annual textile and apparel exports to the United States from sub-Saharan Africa represent less than 1 percent of all textile and apparel exports to the United States, which totaled $45,932,000,000 in 1996.

(3) Sub-Saharan Africa has limited textile manufacturing capacity. During 1998 and the succeeding 4 years, this limited capacity to manufacture textiles and apparel is projected to grow at a modest rate. Given this

limited capacity to export textiles and apparel, it will be very difficult for these exports from sub-Saharan Africa, during 1998 and the succeeding 9 years, to exceed 3 percent annually of total imports of textile and apparel to the United States. If these exports from sub-Saharan Africa remain around 3 percent of total imports, they will not represent a threat to United States workers, consumers, or manufacturers.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) it would be to the mutual benefit of the countries in sub-Saharan Africa and the United States to ensure that the commitments of the World Trade Organization and associated agreements are faithfully implemented in each of the member countries, so as to lay the groundwork for sustained growth in textile and apparel exports and trade under agreed rules and disciplines;

(2) reform of trade policies in sub-Saharan Africa with the objective of removing structural impediments to trade, consistent with obligations under the World Trade Organization, can assist the countries of the region in achieving greater and greater diversification of textile and apparel export commodities and products and export markets; and

(3) the President should support textile and apparel trade reform in sub-Saharan Africa by, among other measures, providing technical assistance, sharing of information to expand basic knowledge of how to trade with the United States, and encouraging business-to-business contacts with the region.

(c) TREATMENT OF QUOTAS.—

(1) KENYA AND MAURITIUS.—Pursuant to the Agreement on Textiles and Clothing, the United States shall eliminate the existing quotas on textile and apparel exports to the United States—

(A) from Kenya within 30 days after that country adopts an efficient visa system to guard against unlawful transshipment of textile and apparel goods and the use of counterfeit documents; and

(B) from Mauritius within 30 days after that country adopts such a visa system.

The Customs Service shall provide the necessary technical assistance to Kenya and Mauritius in the development and implementation of those visa systems.

(2) OTHER SUB-SAHARAN COUNTRIES.—The President shall continue the existing no quota policy for countries in sub-Saharan Africa. The President shall submit to the Congress, not later than March 31 of each year, a report on the growth in textiles and apparel exports to the United States from countries in sub-Saharan Africa in order to protect United States consumers, workers, and textile manufacturers from economic injury on account of the no quota policy.

(d) CUSTOMS PROCEDURES AND ENFORCEMENT.—

(1) ACTIONS BY COUNTRIES AGAINST TRANSSHIPMENT AND CIRCUMVENTION.—The President should ensure that any country in sub-Saharan Africa that intends to export textile and apparel goods to the United States—

(A) has in place a functioning and effective visa system and domestic laws and enforcement procedures to guard against unlawful transshipment of textile and apparel goods and the use of counterfeit documents; and

(B) will cooperate fully with the United States to address and take action necessary to prevent circumvention, as provided in Article 5 of the Agreement on Textiles and Clothing.

(2) PENALTIES AGAINST EXPORTERS.—If the President determines, based on sufficient evidence, that an exporter has willfully falsified information regarding the country of origin, manufacture, processing, or assembly of a textile or apparel article for which duty-free treatment under section 503(a)(1)(C) of the Trade Act of 1974 is claimed, then the President shall deny to such exporter, and any successors of such exporter, for a period of 2 years, duty-free treatment under such section for textile and apparel articles.

(3) APPLICABILITY OF UNITED STATES LAWS AND PROCEDURES.—All provisions of the laws, regulations, and procedures of the United States relating to the denial of entry of articles or penalties against individuals or entities for engaging in illegal transshipment, fraud, or other violations of the customs laws shall apply to imports from Sub-Saharan countries.

(4) MONITORING AND REPORTS TO CONGRESS.—The Customs Service shall monitor and the Commissioner of Customs shall submit to the Congress, not later than March 31 of each year, a report on the effectiveness of the visa systems described in subsection (c)(1) and paragraph (1) of this subsection and on measures taken by countries in Sub-Saharan Africa which export textiles or apparel to the United States to prevent circumvention as described in Article 5 of the Agreement on Textiles and Clothing.

(e) DEFINITION.—For purposes of this section, the term "Agreement on Textiles and Clothing" means the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

SEC. 9. GENERALIZED SYSTEM OF PREFERENCES.

(a) PREFERENTIAL TARIFF TREATMENT FOR CERTAIN ARTICLES.—Section 503(a)(1) of the Trade Act of 1974 (19 U.S.C. 2463(a)(1)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following:

"(C) ELIGIBLE COUNTRIES IN SUB-SAHARAN AFRICA.—The President may provide duty-free treatment for any article set forth in paragraph (1) of subsection (b) that is the growth, product, or manufacture of an eligible country in sub-Saharan Africa that is a beneficiary developing country, if, after receiving the advice of the International Trade Commission in accordance with subsection (e), the President determines that such article is not import-sensitive in the context of imports from eligible countries in sub-Saharan Africa. This subparagraph shall not affect the designation of eligible articles under subparagraph (B).".

(b) RULES OF ORIGIN.—Section 503(a)(2) of the Trade Act of 1974 (19 U.S.C. 2463(a)(2)) is amended by adding at the end the following:

"(C) ELIGIBLE COUNTRIES IN SUB-SAHARAN AFRICA.—For purposes of determining the percentage referred to in subparagraph (A) in the case of an article of an eligible country in sub-Saharan Africa that is a beneficiary developing country—

"(i) if the cost or value of materials produced in the customs territory of the United States is included with respect to that article, an amount not to exceed 15 percent of the appraised value of the article at the time it is entered that is attributed to such United States cost or value may be applied toward determining the percentage referred to in subparagraph (A); and

"(ii) the cost or value of the materials included with respect to that article that are produced in any beneficiary developing country that is an eligible country in sub-Saharan Africa shall be applied in determining such percentage.".

(c) WAIVER OF COMPETITIVE NEED LIMITATION.—Section 503(c)(2)(D) of the Trade Act of 1974 (19 U.S.C. 2463(c)(2)(D)) is amended to read as follows:

"(D) LEAST-DEVELOPED BENEFICIARY DEVELOPING COUNTRIES AND ELIGIBLE COUNTRIES IN SUB-SAHARAN AFRICA.—Subparagraph (A) shall not apply to any least-developed beneficiary developing country or any eligible country in sub-Saharan Africa.".

(d) EXTENSION OF PROGRAM.—Section 505 of the Trade Act of 1974 (19 U.S.C. 2465) is amended to read as follows:

"SEC. 505. DATE OF TERMINATION.

"(a) COUNTRIES IN SUB-SAHARAN AFRICA.—No duty-free treatment provided under this title shall remain in effect after June 30, 2008, with respect to beneficiary developing countries that are eligible countries in sub-Saharan Africa.

"(b) OTHER COUNTRIES.—No duty-free treatment provided under this title shall remain in effect after June 30, 1998, with respect to beneficiary developing countries other than those provided for in subsection (a).".

(e) DEFINITION.—Section 507 of the Trade Act of 1974 (19 U.S.C. 2467) is amended by adding at the end the following:

"(6) ELIGIBLE COUNTRY IN SUB-SAHARAN AFRICA.—The terms 'eligible country in sub-Saharan Africa' and 'eligible countries in sub-Saharan Africa' mean a country or countries that the President has determined to be eligible under section 4 of the African Growth and Opportunity Act.".

(f) EFFECTIVE DATE.—The amendments made by this section take effect on July 1, 1998.

SEC. 10. INTERNATIONAL FINANCIAL INSTITUTIONS AND DEBT REDUCTION.

(a) BETTER MECHANISMS TO FURTHER GOALS FOR SUB-SAHARAN AFRICA.—It is the sense of the Congress that the Secretary of the Treasury should instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Monetary Fund, and the African Development Bank to use the voice and votes of the Executive Directors to encourage vigorously their respective institutions to develop enhanced mechanisms which further the following goals in eligible countries in sub-Saharan Africa:

(1) Strengthening and expanding the private sector, especially among women-owned businesses.

(2) Reducing tariffs, nontariff barriers, and other trade obstacles, and increasing economic integration.

(3) Supporting countries committed to accountable government, economic reform, the eradication of poverty, and the building of civil societies.

(4) Supporting deep debt reduction at the earliest possible date with the greatest amount of relief for eligible poorest countries under the "Heavily Indebted Poor Countries" (HIPC) debt initiative.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that relief provided to countries in sub-Saharan Africa which qualify for the Heavily Indebted Poor Countries debt initiative should primarily be made through grants rather than through extended-term debt, and that interim relief or interim financing should be provided for eligible countries that establish a strong record of macroeconomic reform.

(c) EXECUTIVE BRANCH INITIATIVES.—The Congress supports and encourages the implementation of the following initiatives of the executive branch:

(1) AMERICAN-AFRICAN BUSINESS PARTNERSHIP.—The Agency for International Development devoting up to $1,000,000 annually to

help catalyze relationships between United States firms and firms in sub-Saharan Africa through a variety of business associations and networks.

(2) TECHNICAL ASSISTANCE TO PROMOTE REFORMS.—The Agency for International Development providing up to $5,000,000 annually in short-term technical assistance programs to help the governments of sub-Saharan African countries to—

(A) liberalize trade and promote exports;

(B) bring their legal regimes into compliance with the standards of the World Trade Organization in conjunction with membership in that Organization; and

(C) make financial and fiscal reforms, as well as the United States Department of Agriculture providing support to promote greater agribusiness linkages.

(3) AGRICULTURAL MARKET LIBERALIZATION.—The Agency for International Development devoting up to $15,000,000 annually as part of the multi-year Africa Food Security Initiative to help address such critical agricultural policy issues as market liberalization, agricultural export development, and agribusiness investment in processing and transporting agricultural commodities.

(4) TRADE PROMOTION.—The Trade Development Agency increasing the number of reverse trade missions to growth-oriented countries in sub-Saharan Africa.

(5) TRADE IN SERVICES.—Efforts by United States embassies in the countries in sub-Saharan Africa to encourage their host governments—

(A) to participate in the ongoing negotiations on financial services in the World Trade Organization;

(B) to revise their existing schedules to the General Agreement on Trade in Services of the World Trade Organization in light of the successful conclusion of negotiations on basic telecommunications services; and

(C) to make further commitments in their schedules to the General Agreement on Trade in Services in order to encourage the removal of tariff and nontariff barriers and to foster competition in the services sector in those countries.

SEC. 11. SUB-SAHARAN AFRICA EQUITY AND INFRASTRUCTURE FUNDS.

(a) INITIATION OF FUNDS.—It is the sense of the Congress that the Overseas Private Investment Corporation should, within 12 months after the date of the enactment of this Act, exercise the authorities it has to initiate 2 or more equity funds in support of projects in the countries in sub-Saharan Africa.

(b) STRUCTURE AND TYPES OF FUNDS.—

(1) STRUCTURE.—Each fund initiated under subsection (a) should be structured as a partnership managed by professional private sector fund managers and monitored on a continuing basis by the Corporation.

(2) CAPITALIZATION.—Each fund should be capitalized with a combination of private equity capital, which is not guaranteed by the Corporation, and debt for which the Corporation provides guaranties.

(3) TYPES OF FUNDS.—

(A) EQUITY FUND FOR SUB-SAHARAN AFRICA.—One of the funds should be an equity fund, with assets of up to $150,000,000, the primary purpose of which is to achieve long-term capital appreciation through equity investments in support of projects in countries in sub-Saharan Africa.

(B) INFRASTRUCTURE FUND.—One or more of the funds, with combined assets of up to $500,000,000, should be used in support of infrastructure projects in countries of sub-Saharan Africa. The primary purpose of any such fund would be to achieve long-term capital appreciation through investing in financing for infrastructure projects in sub-Saharan Africa, including for the expansion of businesses in sub-Saharan Africa, restructurings, management buyouts and buyins, businesses with local ownership, and privatizations.

(4) EMPHASIS.—The Corporation shall ensure that the funds are used to provide support in particular to women entrepreneurs and to innovative investments that expand opportunities for women and maximize employment opportunities for poor individuals.

SEC. 12. OVERSEAS PRIVATE INVESTMENT CORPORATION AND EXPORT-IMPORT BANK INITIATIVES.

(a) OVERSEAS PRIVATE INVESTMENT CORPORATION.—

(1) ADVISORY COMMITTEE.—Section 233 of the Foreign Assistance Act of 1961 is amended by adding at the end the following:

"(e) ADVISORY COMMITTEE.—The Board shall take prompt measures to increase the loan, guarantee, and insurance programs, and financial commitments, of the Corporation in sub-Saharan Africa, including through the establishment and use of an advisory committee to assist the Board in developing and implementing policies, programs, and financial instruments with respect to sub-Saharan Africa. In addition, the advisory committee shall make recommendations to the Board on how the Corporation can facilitate greater support by the United States for trade and investment with and in sub-Saharan Africa. The advisory committee shall terminate 4 years after the date of the enactment of this subsection.".

(2) REPORTS TO THE CONGRESS.—Within 6 months after the date of the enactment of this Act, and annually for each of the 4 years thereafter, the Board of Directors of the Overseas Private Investment Corporation shall submit to the Congress a report on the steps that the Board has taken to implement section 233(e) of the Foreign Assistance Act of 1961 (as added by paragraph (1)) and any recommendations of the advisory board established pursuant to such section.

(b) EXPORT-IMPORT BANK.—

(1) ADVISORY COMMITTEE FOR SUB-SAHARAN AFRICA.—Section 2(b) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)) is amended by inserting after paragraph (12) the following:

"(13)(A) The Board of Directors of the Bank shall take prompt measures, consistent with the credit standards otherwise required by law, to promote the expansion of the Bank's financial commitments in sub-Saharan Africa under the loan, guarantee, and insurance programs of the Bank.

"(B)(i) The Board of Directors shall establish and use an advisory committee to advise the Board of Directors on the development and implementation of policies and programs designed to support the expansion described in subparagraph (A).

"(ii) The advisory committee shall make recommendations to the Board of Directors on how the Bank can facilitate greater support by United States commercial banks for trade with sub-Saharan Africa.

"(iii) The advisory committee shall terminate 4 years after the date of the enactment of this subparagraph.".

(2) REPORTS TO THE CONGRESS.—Within 6 months after the date of the enactment of this Act, and annually for each of the 4 years thereafter, the Board of Directors of the Export-Import Bank of the United States shall submit to the Congress a report on the steps that the Board has taken to implement section 2(b)(13)(B) of the Export-Import Bank Act of 1945 (as added by paragraph (1)) and any recommendations of the advisory committee established pursuant to such section.

SEC. 13. ESTABLISHMENT OF ASSISTANT UNITED STATES TRADE REPRESENTATIVE FOR SUB-SAHARAN AFRICA.

(a) ESTABLISHMENT.—The President shall establish a position of Assistant United States Trade Representative within the Office of the United States Trade Representative to focus on trade issues relating to sub-Saharan Africa.

(b) FUNDING AND STAFF.—The President shall ensure that the Assistant United States Trade Representative appointed pursuant to subsection (a) has adequate funding and staff to carry out the duties described in subsection (a).

SEC. 14. EXPANSION OF THE UNITED STATES AND FOREIGN COMMERCIAL SERVICE IN SUB-SAHARAN AFRICA.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that the United States and Foreign Commercial Service should expand its presence in sub-Saharan Africa by increasing the number of posts and the number of personnel it allocates to sub-Saharan Africa.

(b) REPORTING REQUIREMENT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the Secretary of State, should report to the Congress on the feasibility of expanding the presence in sub-Saharan Africa of the United States and Foreign Commercial Service.

SEC. 15. REPORTING REQUIREMENT.

The President shall submit to the Congress, not later than 1 year after the date of the enactment of this Act, and not later than the end of each of the next 4 1-year periods thereafter, a report on the implementation of this Act.

SEC. 16. SUB-SAHARAN AFRICA DEFINED.

For purposes of this Act, the terms "sub-Saharan Africa", "sub-Saharan African country", "country in sub-Saharan Africa", and "countries in sub-Saharan Africa" refer to the following:

Republic of Angola (Angola)
Republic of Botswana (Botswana)
Republic of Burundi (Burundi)
Republic of Cape Verde (Cape Verde)
Republic of Chad (Chad)
Democratic Republic of Congo
Republic of the Congo (Congo)
Republic of Djibouti (Djibouti)
State of Eritrea (Eritrea)
Gabonese Republic (Gabon)
Republic of Ghana (Ghana)
Republic of Guinea-Bissau (Guinea-Bissau)
Kingdom of Lesotho (Lesotho)
Republic of Madagascar (Madagascar)
Republic of Mali (Mali)
Republic of Mauritius (Mauritius)
Republic of Namibia (Namibia)
Federal Republic of Nigeria (Nigeria)
Democratic Republic of Sao Tomé and Principe (Sao Tomé and Principe)
Republic of Sierra Leone (Sierra Leone)
Somalia
Kingdom of Swaziland (Swaziland)
Republic of Togo (Togo)
Republic of Zimbabwe (Zimbabwe)
Republic of Benin (Benin)
Burkina Faso (Burkina)
Republic of Cameroon (Cameroon)
Central African Republic
Federal Islamic Republic of the Comoros (Comoros)
Republic of Côte d'Ivoire (Côte d'Ivoire)
Republic of Equatorial Guinea (Equatorial Guinea)

Ethiopia
Republic of the Gambia (Gambia)
Republic of Guinea (Guinea)
Republic of Kenya (Kenya)
Republic of Liberia (Liberia)
Republic of Malawi (Malawi)
Islamic Republic of Mauritania (Mauritania)
Republic of Mozambique (Mozambique)
Republic of Niger (Niger)
Republic of Rwanda (Rwanda)
Republic of Senegal (Senegal)
Republic of Seychelles (Seychelles)
Republic of South Africa (South Africa)
Republic of Sudan (Sudan)
United Republic of Tanzania (Tanzania)
Republic of Uganda (Uganda)
Republic of Zambia (Zambia)

SEC. 17. CLARIFICATION OF DEDUCTION FOR SEVERANCE PAY.

(a) IN GENERAL.—Section 404(a) of the Internal Revenue Code of 1986 (relating to deduction for contributions of an employer to an employee's trust or annuity plan and compensation under a deferred-payment plan) is amended by adding at the end the following new paragraph:

"(11) DETERMINATIONS RELATING TO SEVERANCE PAY.—For purposes of determining under this section—

"(A) whether severance pay is deferred compensation, and

"(B) when severance pay is paid,

no amount shall be treated as received by the employee, or paid, until it is actually received by the employee."

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to taxable years ending after October 8, 1997.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by the amendment made by subsection (a) to change its method of accounting for its first taxable year ending after October 8, 1997—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account in such first taxable year.

The CHAIRMAN. No amendment to the committee amendment in the nature of a substitute will be in order except those printed in Part II of House Report 105–431. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

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It is now in order to consider amendment No. 1 printed in Part II of House Report 105–431.

AMENDMENT NO. 1 OFFERED BY MRS. LINDA SMITH OF WASHINGTON

Mrs. LINDA SMITH of Washington. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mrs. LINDA SMITH of Washington:

In subsection (b) of section 4 (Eligibility Requirements), redesignate paragraph (6) as paragraph (7) and insert after paragraph (5) the following:

(6) Whether or not such country is cooperating with the United States in efforts to eliminate slavery in Africa.

The CHAIRMAN. Pursuant to House Resolution 383, the gentlewoman from Washington (Mrs. LINDA SMITH) and a Member opposed, each will control 5 minutes.

The Chair recognizes the gentlewoman from Washington (Mrs. LINDA SMITH).

Mrs. LINDA SMITH of Washington. Mr. Chairman, I yield myself such time as I may consume.

I would first like to thank the gentleman from Illinois (Mr. CRANE) for his consideration of this amendment which is also cosponsored by the gentleman from New Jersey (Mr. PAYNE) and the gentleman from Virginia (Mr. WOLF).

The Africa Growth and Opportunity Act already has in place specific eligibility requirements, and I am encouraged that certain protections for human rights are involved and in place in the bill. However, one condition is missing: ensuring the freedom of African people who are daily threatened by slavery.

Today is March 11, 1998. Today, in America, we breathe freedom, but today, right now today in Africa, innocent men, women and children are violently pulled from their families by Arab slave raiders. One Sudanese woman witnessed all five of her children, late last year, tied to horses and screaming as they were taken away.

Today, this amendment sends a strong message from this Congress that we will not turn a blind eye to this grieving mother or to these people. The value and dignity of all people in all nations will be honored and protected.

Trade recognizes the value and worth of another nation's economy, an economy built and sustained by the sweat and toil of its citizens. To advance trade without advancing the rights of a nation's citizens rejects the principles of liberty and justice.

Let us resolve today, by passing this amendment, that human rights and trade are bound together and can advance the global cause of freedom. We must not veil freedom's light with the shadow of slavery.

Mr. Chairman, I reserve the balance of my time.

Mr. ROYCE. Mr. Chairman, I am not opposed to the amendment, and I do not see any Member seeking to oppose the amendment. I ask unanimous consent to control the time.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The gentleman from California (Mr. ROYCE) is recognized for 5 minutes.

Mr. ROYCE. Mr. Chairman, I support this amendment, and I yield to the gentlewoman from Washington (Mrs. LINDA SMITH).

Mrs. LINDA SMITH of Washington. Mr. Chairman, there seems to be no problem with this amendment. Our State Department has said that there is a problem with slavery, and they have also stated we cannot allow countries to continue this practice.

I would also like to submit for the RECORD an article from the Chicago Tribune which illustrates how important this amendment is.

[From the Chicago Tribune, Feb. 22, 1998]

TRAFFICKING IN HUMANS; FED BY A 14-YEAR-OLD CIVIL WAR, SLAVE TRADE THRIVES IN SUDAN

(By Karin Davies)

MADHOL, SUDAN.—Stacks of money pass from the Christian foreigner to the Muslim trader, an exchange anxiously watched by a 13-year-old girl with diamonds of sweat on her brow.

The Sudanese trader, his lap buried by currency worth $13,200, waves carelessly to free his merchandise—132 slaves.

Akuac Malong, the young Dinka girl, is among them. She has spent seven years—more than half her life—enslaved by an Arab in northern Sudan.

Her brilliant smile belies the beatings, near-starvation, mutilation and attempted brainwashing she endured. "I thought it would be better to die than to remain a slave," Akuac says.

Trafficking in humans has resurged with civil war in Africa's largest and poorest country, said John Eibner of Christian Solidarity International, a humanitarian group that brought Akuac's freedom.

For all but a decade since Sudan's independence in 1956, southern rebels, mainly black Christians and followers of tribal religions, have fought for autonomy from the national government in Khartoum, which is dominated by northern Arabs. The southerners believe the north is trying to impose Islam and the Arabic language and to monopolize Sudan's wealth.

Since the rebellion resumed 14 years ago, fighting, famine and disease have killed an estimated 1.5 million Sudanese—more than died in the genocides and civil wars in Rwanda or Bosnia. More than 3 million people have fled or been forced from their homes.

Much of the fighting on the government side is done by local militias. Unpaid, their bounty is as old as war itself—slaves. Sudan's radical Islamic leaders encourage soldiers to take slaves as their compensation, according to United Nations investigators and the U.S. State Department.

Young women and children are the most valuable war booty. Eibner said old people are beaten and robbed while young men are killed because they cannot be trained into useful, harmless slaves.

"According to the Khartoum's regime ideology of jihad, members of this resistant black African community—be they men, women or children—are infidels, and may be arbitrarily killed, enslaved, looted or otherwise abused," Eibner said.

The Sudanese government denies condoning slavery, insisting the practice persists because holding prisoners for ransom is a tradition rooted in tribal disputes.

No side has a claim on morality in this war. The rebel Sudan People's Liberation Army has been accused of forcibly inducting teenage boys into its ragtag army. But the southern blacks do not take Arab prisoners for slaves.

Paul Malong Awan, a regional rebel commander, said enslavement is a government tactic to weaken the morale and military might of the south.

Many of the blacks taken away are Dinkas, a million-member tribe that is the biggest ethnic group in southern Sudan. Dinkas are vulnerable because they predominate in northern Bahr el Ghazal, a region that is close to the front between north and south.

Christian Solidarity International estimates tens of thousands of black slaves are owned by Arabs in northern Sudan. The Swiss-based charity has made more than a dozen risky, clandestine bush flights to southern Sudan to redeem 800 slaves since 1995, most recently in Madhol, 720 miles southwest of Khartoum.

Some criticize its work.

Alex de Waal, of the London-based group African Rights, said that by paying large sums to free slaves, the Swiss charity undercuts Dinkas living in the north who do the same secretive work for a fraction of the cost.

Eibner countered: "There is no evidence to suggest that our work has undermined efforts to redeem abducted women and children. In fact, Dinka elders encourage us to press ahead with our activities."

Gaspar Biro, a researcher for the UN Commission on Human Rights for Sudan, has cited "an alarming increase" in "cases of slavery, servitude, slave trade and forced labor" since February 1994.

"The total passivity of the government can only be regarded as tacit political approval and support of the institution of slavery," he said.

A U.S. State Department report said accounts it received on the taking of slaves in the south "indicates the direct and general involvement" of Sudan's army and militias "backed by the government."

The centuries-old tensions between Arabs and blacks in Sudan are linked to slaving expeditions by Arabs to the upper Nile, a trade that the 19th Century explorer David Livingstone called "an open sore on the world."

Akuac's mother, Abuong Malong, sobs when she sees her daughter for the first time in seven years. "It's like she's been born again."

She recognizes her only from her straight, square teeth. "She was very small when she was taken, her features have changed, but she came back with the same spirit."

Recalling that traumatic day, Abuong Malong says they were fetching water when Arab militiamen on camels and horses thundered into their village, Rumalong. The raiders began shooting at the clusters of mud and wattle huts and rounding up cows and goats.

"I was running with Akuac for the trees when a horseman grabbed her," Abuong Malong says. "I was afraid that if I chased the horseman, he would kill me."

Akuac and her older brother were tied to horsebacks and taken north with more than a dozen others from their village, a short walk southeast of Madhol. The women and older children had to carry the booty of their captors.

In Kordofan, Akuac was sold to an Arab who made her wash clothes, haul water, gather firewood and help with cooking.

She survived on table scraps, and slept in the kitchen.

"I was badly treated," Akuac says.

Her master also tried to make her a Muslim—taking her to mosque and giving her the Arabic name of Fatima.

But Akuac says she maintained her Christian faith, praying and singing hymns in secret and never forgetting her true name. "My name is my name and nobody can change that."

She does bear scars—in the local Muslim tradition, she was forcibly circumcised with her master's daughters when she was 11.

"It was very brutal. It is strange to our culture," Akuac says. "The master told me, 'If I don't circumcise you, I will have to kill you because you will still hold the ideas of your people, and you will try to escape.'"

Her heart is scarred, too. Her older brother, Makol, was killed two years ago at age 13 while trying to escape.

Another returnee, Akec Kwol Kiir, who is in her 40s, says she was repeatedly raped by four soldiers who took her north. She ended up in a camp where slaves were bought and sold. "They treated us like cattle," she says.

Her Arab master insisted that she, too, be circumcised. She refused, and was brutally slashed. Her ear is notched and her chin and neck scarred.

Kwol finally submitted. "Otherwise, they would have killed me. Because I was a slave, they had the right to do whatever they wanted to me," she says.

Akuac and Kwol have been brought back to Madhol along with 130 other former slaves by a trader who calls himself Ahmed el-Noor Bashir.

Slipping into a cowhide-strung chair beneath a shade tree, the 27-year-old dressed in a fine white cotton robe and a close-fitting embroidered cap denies he rescues slaves for the money.

"To others it may seem 6.6 million Sudanese pounds ($13,200) is a lot of money. But how can you put a price on human life? I do it for humanitarian reasons, not for the money," he says.

"My father is Arab but my mother is Dinka. When I see my mother's people are suffering, I must do something."

But many families among the Dinka, particularly those who also lose cattle and crops to raiders, cannot afford Bashir's price—five cows or the equivalent of $100 in cash for each slave returned.

He says he rescues slaves by buying some from owners, takes others from wives jealous of their husbands' concubines, and protects escapees who seek him out.

Though Bashir insists he loses money, he flaunts the Sudanese signs of wealth—on his feet are tasseled, leather loafers, on his wrist a Casio watch, in his hand a shortwave radio.

Eibner says he doesn't begrudge the trader his money. "If this man is caught, he's a dead man."

For that reason, the slave caravan traveled only by the light of a melon slice of moon to reach Madhol.

The three-night walk wearied the 132 freed women and children. Infants of Arab fathers were carried on their raped mother's backs.

Years of abuse are written in bruises and scars on their long, dust-caked limbs. Some wear tattered rags; others are naked.

Yet Akuac's joy at freedom beams from her animated face and chocolately eyes. She sings a song of praise for the Sudan People's Liberation Army and dances with family and friends to the twangs of a homemade, stringed rababa.

The first Sunday after her release, Akuac worships beneath a tree with a crucifix nailed to the trunk. Roman Catholic hymns are sung to the beat of drums and the mewling of infants.

On Monday, she goes to school—but is clearly bewildered as other children practice writing letters in the dirt with sticks and add up four-digit figures.

"I'll have to catch up," she says.

Mr. ROYCE. Mr. Chairman, I yield back the balance of my time.

Mrs. LINDA SMITH of Washington. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Washington (Mrs. LINDA SMITH).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in part II of House Report 105–431.

AMENDMENT NO. 2 OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. WATERS:

In subsection (a) of section 4 (Eligibility Requirements), insert after paragraph (12) the following:

A country need not meet all the requirements set forth in paragraphs (1) through (12) in order to be eligible under this subsection.

The CHAIRMAN. Pursuant to House Resolution 383, the gentlewoman from California (Ms. WATERS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

I rise today to present several amendments. This is one of three amendments. I rise today to present these amendments in an attempt to answer some of the concerns that have been raised about this bill.

I take this opportunity to say that I am deeply respectful of all who have spoken on the bill. I am deeply respectful of the proponents and the opponents of the Africa Growth and Opportunity Act. It is incumbent upon those of us who have identified concerns with this bill to not only try to make it a better bill, but to acknowledge that none of us are right on this bill.

Some of us have advanced this bill as the best thing that could ever happen for Africa. While I wish that was true, it is not necessarily true. And for others, who have condemned this as the worst thing that could have ever happened, that is not true either.

What we have, I think, is an attempt by those of us who care about Africa to try to advance something that will lead us to a trade agreement.

I think all of the Members of this House who are involved in this legislation would like to get to the point where we can do a good trade bill. We differ on what the guiding policy should be to get to that point. Some Members think that everything in this bill is good and should be embraced. I am one who believes that there are some things in the bill that are unnecessary, that may be harmful and need to be dealt with. I take this opportunity to try to deal with some of this in amendments.

My first amendment is a very simple amendment that says, no country would be forced to have to comply with all of the requirements of this bill. This underscores the flexibility of the President to take a look at countries and make some determination about whether or not they are in compliance with some things, whether or not they are working toward compliance, whether or not they are making progress, whether or not they are, in fact, acting in good faith despite the fact they do not meet all of the strict requirements. When I talked with the proponents of this bill, they said to me, that was the intent of the bill. I said to them, that was not clear. As I looked at the laundry list, I became concerned. I pointed out some of my concerns.

For example, if we take a look at page 40 of the legislation, line 20, item 5, it says, appropriate fiscal systems such as reducing high import and corporate taxes, controlling government consumption, participation in bilateral investment treaties and the harmonization of such treaties to avoid double taxation.

I would have struck that from the bill if I had had my way. I attempted to do that. That amendment was not accepted. However, this amendment would at least give the President the opportunity to evaluate whether or not a country is moving in that direction, whether or not they should move in that direction in a strict way or whether or not there is some flexibility, as we look as things such as controlling government consumption.

What does that mean? For some Members, they would spend less money on education and health. For some Members, that would mean we would spend less money on the infrastructure. For some Members, that would mean something quite different than what I would be concerned about.

I think that we need some flexibility to review these kinds of things, and for the President, who will be making some determination about these things, to determine exactly what is meant in this policy direction and to have the ability not to force anyone to have to be in strict compliance with every aspect of this bill as it tries to give us some direction for public policy.

I do not think there should be any opposition to that. That, I am told, is the intent anyway. I said to those who told me that that was the intent that then they should have no problems with me just restating it in ways that are understood.

I have talked with many of those who represent nongovernment organizations. I have talked with some of the proponents of the bill. I have talked with Members on the opposite side of the aisle; to date and since this amendment was placed in order in the Committee on Rules, I have not heard any objections. Certainly, I would ask that my colleagues would support me, given this kind of flexibility and documenting it as it was intended when the bill was constructed.

Again, let me bring to the attention of the Members that this is not a bill that is perfect. As a matter of fact, there are many things that I would strike in the bill if I had an opportunity to. I think that if we have enough flexibility to at least act in good faith by supporting this kind of amendment, it may go a long way to getting Members who have some trouble with the bill to support this legislation.

In the final analysis, I think what we all want is, we want to develop guiding policies. We want to give the direction. We want to make the flame work by which to have a treaty, by which to have an agreement, by which to work out with Africa ways by which we can do trade that respects Africa and respects the guiding principles of this country.

Mr. Chairman, I reserve the balance of my time.

Mr. ROYCE. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from California (Mr. ROYCE) is recognized for 10 minutes.

Mr. ROYCE. Mr. Chairman, before I speak in opposition to the amendment, I yield 3 minutes to the gentleman from New Jersey (Mr. PAYNE), my colleague on the Subcommittee on Africa, who wished to speak on the last amendment.

Mr. PAYNE. Mr. Chairman, let me thank the chairman of our subcommittee for yielding me this time.

I arrived on the floor just as the vote was called, but as the Members know, the Smith-Payne amendment is the amendment that said that we cannot condone slavery and that anywhere this is practiced should certainly not be considered for this bill. I thank the House for the endorsement of our amendment.

I have personally continued to address the issue of slavery throughout the world. I have introduced H. Con. Res. 234 which calls on both Sudan and Mauritania to stop all overt and covert practices of chattel slavery and all other forms of booty. While acknowledging the prolonged campaign of human rights abuses and discrimination, especially on women and children, the bill commends the Clinton administration for sanctioning Sudan and monitoring acts of Mauritania.

Similar proof of the existence of slavery in Mauritania has been provided by a variety of sources, yet at our hearing in March of last year, Assistant Secretary Shattuck reported in the Country Report on Human Rights that no vestiges of slavery existed in Mauritania, even though 3 years prior to the report it stated that 90,000 slaves were repressed at the hands of the government. I just wonder how such a transformation could have taken place without significant reporting and international coverage.

I contend that the successful abolition of slavery has not taken place in Mauritania and additional steps must be taken to completely eradicate the practice from the country. I am pleased, though, that this year Ambassador Shattuck testified that in its latest annual human rights report a system of officially sanctioned slavery in which government and society join to force individuals to serve masters is not the case; however, slavery in the form of unofficial voluntary or forced and involuntary servitude persists.

Let me just move quickly to the Sudan. Sudan has been a problem for a long time, and I want to submit for the record these three copies of the Baltimore Sun report where two reporters went to Sudan and purchased two slaves several years ago.

The Sudanese Government Popular Defense Force enslaved 18 women and children during the slave raid on four villages.

☐ 1445

There is continued support from the NIF as they continue to get predominantly Christians and animists who live in the south and in the Nuba Mountains.

I say that the fact that slavery is still existing in these countries is an abomination today. The ongoing abduction in northern Uganda, where young people are taken into armies to fight for the Liberation Army in the north of Uganda, the LRA, should end. And so I am glad that this issue has been raised in this very important bill.

I think as this bill moves forward, as we say it, it is not a perfect instrument, but it is certainly giving us an opportunity to highlight some of the problems that occur there on the continent, and gives us an opportunity to work towards the elimination of some of the atrocities that still exist. I know this bill will go a long way into making the continent move, and I certainly wholeheartedly support the bill.

Ms. WATERS. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from California (Ms. WATERS).

Historically, small businesses, especially those owned by people of color and women, have not fully enjoyed the benefits of uniform trade agreements negotiated by the United States. I believe that the Waters amendment will allow small businesses, especially those found within inner-city communities, to gain access to the opportunities of uniform trade agreements.

Mr. Chairman, I support the gentlewoman's second amendment, which ensures that the Development Fund of Africa will not be reduced below $700 million.

Finally, I support the gentlewoman's third amendment, which will limit the mandate for each participating country to comply with all stated requirements of section 4(a).

Ms. WATERS. Mr. Chairman, may I inquire how much time is remaining on this amendment?

The CHAIRMAN. The gentlewoman from California (Ms. WATERS) has 2 minutes remaining, and the gentleman from California (Mr. ROYCE) has 7 minutes remaining.

Ms. WATERS. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentlewoman for yielding me this time, and I thank her for her leadership.

This is an excellent amendment. I think that this helps to make this bill realistic in that it allows the 12 items that are being required to have some flexibility, while still leaving intact the very important requirement of human rights. This is absolutely making this bill work. Without it, this would be an onerous piece of legislation that might make it very difficult for the countries to even participate.

Let me also add my support for her amendment dealing with the African Development Fund, certainly creating greater opportunities for small and medium-sized businesses to be engaged in this trade bill, making it work for inner-city America and for minority businesses throughout this Nation.

Ms. WATERS. Mr. Chairman, I yield myself the balance of my time.

I believe all that has been said is all that can be said. This is not a complicated amendment. What we do is simply codify the intent of the bill to allow for flexibility; to say that no country would have to be in absolute strict compliance with every item that is required in the bill; that there could be some recognition of countries that are making every effort, of countries that are working in ways that are acceptable in forging a trade agreement with that country.

So I would ask that my colleagues support the idea that this bill that we have before us today is the framework, it is the guidepost, it is the direction leading toward an agreement with Africa on trade. We want to be as fair as we can possibly be. We do not want to be overly harsh. We do not want to be overly punitive. We do not want to do anything that will interfere with their ability to really get involved with trade in ways that will benefit them and their people.

I think that we do not know everything and we are not always as wise as we would like to be. We come up with the best ideas that we can when we try and forge these agreements. And recognizing that, let us allow for this flexibility so we do not make the kinds of mistakes that are not easily corrected.

Mr. ROYCE. Mr. Chairman, I yield myself such time as I may consume.

We have put a lot of time in in crafting this bill, and I understand what the gentlewoman is trying to accomplish here, but I want to make a couple of points.

The bill does not now require compliance with each criteria, which represent at any rate general guidelines and are not specific in the sense of quantifiable percentages or levels of compliance. The criteria call for countries to make, as we say, and let me quote, "continual progress toward establishing a market-based economy" relative to the 12 items listed in the bill.

The application of the criteria have been left somewhat vague, even though the parameters are specific. The intention is to reward nations that are making progress without requiring they meet a specific target. However, it is expected that nations will make a good-faith effort to address all the concerns expressed as participation criteria.

To delete the need to address them all says that they can do well in some areas and absolutely ignore others. This would be our concern. Would we be satisfied in seeing nations participate in this process if they made reforms in governance but failed to reform human rights? Would we find it acceptable to accept a nation that made changes in tax laws but refused to honor the rule of law?

So let me explain our concerns, and that is, by waiving the need to deal with all the criteria, we would encourage African nations to pick and choose what reforms they will address, which could result in their failing to take advantage of potentially valuable opportunity. That is why I speak in opposition, Mr. Chairman.

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. ROYCE. I yield to the gentlewoman from California.

Ms. WATERS. One of the criticisms of the NGOs about this bill is precisely what we are trying to cure. This amendment in no way allows anybody to pick and choose anything. As a matter of fact, the flexibility that is codified in this kind of amendment speaks to the responsibility of the President in negotiating the agreement, not to countries to pick and choose. And this bill in no way allows that to happen.

The intent that the gentleman described is the intent that I have captured in language to satisfy the criticisms and the objections of some who do not wish to vote for this bill because they do not understand that implicit in the bill is that kind of flexibility.

I would suggest to the gentleman that we are basically saying the same thing, and that if we are interested in not only helping to communicate this to those who have some concerns but ensuring that we do not have the kind of legislation that would be misread or be misimplemented in ways that will take all of the requirements and strictly review them and strictly hold them to a certain kind of standard, then I think there is no need to oppose this simple amendment.

As a matter of fact, I really do believe that the gentleman would gain friends and votes by simply codifying the intent that the gentleman described.

Mr. ROYCE. Mr. Chairman, reclaiming my time, I will close and respond by saying that I guess partly it is a question of perspective. From the perspective that many of us who have worked on the bill have, the bill itself gives that flexibility. The bill itself says, as I said, "continual progress towards establishing a market-based economy" relative to 12 different items.

So in our view it is general guidelines that are in the bill itself at this time. We have a difference of perspective, but let me just close at this time and thank the gentlewoman from California for bringing her concerns to us.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. WATERS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. WATERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 383, further proceedings on the amendment offered by the gentlewoman from California (Ms. WATERS) will be postponed.

It is now in order to consider amendment No. 3 printed in part II of House Report 105-431.

AMENDMENT NO. 3 OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Ms. WATERS:

In section 5 (Additional Authorities and Increased Flexibility to Provide Assistance under the Development Fund For Africa), add the following at the end:

(e) FUNDING LEVELS.—Section 497 of the Foreign Assistance Act of 1961 (22 U.S.C. 2294) is amended by adding at the end the following: "Amounts to carry this chapter for each of fiscal years 1999 through 2007 shall be made available at not less than the amount made available for such purpose for fiscal year 1998.".

The CHAIRMAN. Pursuant to House Resolution 383, the gentlewoman from California (Ms. WATERS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment achieves an important goal of supporters of development assistance for Africa. This amendment sets a floor for appropriations of not less than the funding year levels for the crucial monies that have historically made up the Development Fund for Africa. The amount appropriated for these purposes for funding year 1998 is $700 million.

This amendment achieves this goal by amending section 497 of the Foreign Assistance Act to specify that the amounts to carry this chapter for each fiscal year from 1999 to 2007 shall be at least the amount funded for fiscal year 1998.

As I attempted to describe in the last amendment, we have criticisms that have come from many nongovernmental organizations who have spent years working on the question of Africa. I recognize that some of the work that is being done today by opponents and proponents of this bill is work that is new to them, and that they do not bring with them the same kind of historical background and perspective on Africa as some of the nongovernmental organizations who have spent years working on these kinds of questions.

And so when I advance this amendment, I advance it because of concerns about what are we doing. Are we simply trying to undermine the support that we give to Africa with trade that will take some time to realize? Are we committed to the proposition that they deserve to have assistance and that that assistance should not in any way be eliminated or diminished or reduced; that we should be going forward, not only from the base that was established last year, but we should increase it? As a matter of fact, the President has an increase in his budget for it.

Mr. Chairman, I would ask my colleagues for an "aye" vote.

Mr. Chairman, I reserve the balance of my time.

Mr. ROYCE. Mr. Chairman, I yield myself such time as I may consume, and I rise in opposition to this amendment.

Mr. Chairman, I yield 3 minutes to the gentleman from Washington State (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Chairman, I must say that I rise with mixed feelings about this, because when I started in this process some years ago, it was with a concern for the fact that many people were talking about we had to end aid toward Africa, and I strongly oppose ending aid for Africa. There are many countries for whom it is an integral part of their ability to respond and grow and become democracies and participate in the other provisions of this bill. So in no way do I want aid to Africa to be cut at this point.

It was really with that in mind I started to talking to the gentleman from Illinois (Mr. CRANE). This amendment does something I think which is, while laudable in intent, I think not good public policy, and that is it sets in law an entitlement for Africa which I do not think makes good sense.

□ 1500

We meet here every 2 years. We vote on budgets. We go over these issues. And the appropriation or the authorization committee, which is the Committee on International Relations, sets a level for foreign aid and then the Committee on Appropriations considers that authorization and decides what is an appropriate amount. I think that that is the appropriate way that we ought to do that.

I think that to say to put a number amount in here and say that that is how much ought to go to Africa, putting it out for 9 years into the future, is a little bit more crystal-balling than I think makes sense. I really think that the gentleman from California (Mr. ROYCE) has been a very good supporter of this bill and of this whole process of aid for Africa. And I do not think there is any reason to put this kind of thing in this bill.

I think, if anything, it makes people unwilling to vote for it. I do not want to lose the support of many who are supporting aid and trade. I do not want to split them off and say they just want to go for trade, and they want to get rid of aid. I want to keep them in the tent. And I think that the important thing, then, is not to take this particular issue, and put it in this bill at this time. For that reason, I would have to oppose this amendment.

Ms. WATERS. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Chairman, I rise in strong support of the amendment and in support of passage of this bill. This Africa Growth and Opportunity Act is not a fast track trade bill. It does not hand out great advantages to competing economies. It does not hand out advantages to nations that prosper by ruthlessly exploiting their own people. This is a slow track bill that is long overdue. This is a bill which places Africa on the playing field of world trade.

Africa has not only been left behind, Africa has been left out. This is a comprehensive bill with many positive components, and this amendment suggests one of those positive components. It is not perfect and there are pitfalls. We must not fall into the trap of throwing away programs that work as we move to initiate new components. The development needs our continued support. Instead of allowing any decrease in our commitment, we should work towards expansions and increases.

I cannot emphasize too much the fact that Africa has not only been left behind by the U.S. trade and assistance programs, it has been left out of any significant involvement. Africa has not enjoyed the kind of general recognition that we have shown to Mexico or China or Indonesia. No country in Africa has its hands out for a 40 to $50 billion bailout from the United States and International Monetary Fund. Do not cut off one hand to Africa while we offer it another hand.

Levels of this kind as proposed by this amendment are often set in legislation without being accused of seeking entitlement status. We should understand the difference between principles and dogma. There are certain kinds of principles we want to continue to support. I certainly wholeheartedly support the principles established by the informal caucus against the fast track caucus last November. But the principles there need to be looked at as principle and not as dogma. Let us not get into the ceremony of opposing all trade bills just because they are trade bills.

Africa needs to have a chance; it needs to be put on the playing field. If we look at the statistics, we will find that Africa, as opposed to China or Mexico or South Korea or Hong Kong, in a very sensitive area like textiles, it is way, way behind.

Less than .6 percent allowed textiles came from Africa last year, while China is way up there with Mexico and they have all the advantages. China, which, of course, has no organized labor laws, and China is quite ruthless in the way they handle their trade. They have 8.6 percent of our textile imports. Mexico has 11.5 percent. Mexico is right across the border. How can we compare competition between Mexico and the textile industries in this country versus Africa, which has whole oceans between us and the continents.

Let me just point out that in sub-Saharan Africa, all the countries of sub-Sahara Africa and together, as I said before, have less than .6 percent of our textile trade. The per capita income of these countries is way down, around $400 a year, $400 a year; while per capita income of Taiwan, which has 8.6 percent of the trade, is way up at $12,000 a year.

If there are going to be any offsets, if Africa is going to take away any of the textile business from anybody, it is going to be in these countries that are already outside the United States and already have taken jobs from our textile workers. They are going to underbid these countries because their labor costs will be lower. They are lower than anybody else, and they will be competing with these countries that have taken trade away already.

If we are not going to try to balance out things and take some trade back from Mexico and China, then at least let Africa into the game. And right across the board, we have a great deal to gain because Africa is one of the last great markets in the world. We have a billion dollars in exports to Africa right now. We can greatly increase that. Let us not be dogmatic. Let us vote for a bill which opens up the playing field for Africa.

Mr. Chairman, I rise in strong support of H.R. 1432, the "Africa Growth and Opportunity Act." H.R. 1432 would authorize a new trade and investment policy toward the countries of sub-Saharan Africa. It is not a perfect bill; however, it represents a positive, historic, comprehensive effort to reach out to the continent of Africa and enhance and share in its vast economic possibilities. Africa, the mother of civilization, the victim of imperialism, and the beholder of natural riches, is the last region virtually ignored by U.S. trade policy. Its acceptance into the world trade arena, spearheaded by the United States, is long overdue. The arguments against opening up U.S. trade policy to Africa pale in comparison to the economic, social, moral and historic reasons for supporting the bill. Unequivocally, we must admit Africa to the world trade playing field.

Contrary to the argument made by opponents of the bill, H.R. 1432 will not harm the domestic textile industry. Research has shown that workers in the U.S. textile industry will not be displaced by workers in the African textile industry. In fact, should there be any loss of jobs, it will occur in those countries that have already suffered a loss of jobs because of an expansion of trade opportunities to those areas. The countries most likely to be hurt by Africa's imminent trading status with the U.S. are those which already export the largest percentage of textiles to the U.S.: Mexico, China, Taiwan, and Hong Kong. In 1996, Mexican textile imports represented 11.57% of total textile imports. In addition, textile imports from China represented 8.63% of total imports. Moreover, imports from Taiwan represented 6.31% of total U.S. textile imports. On the other hand, imports from sub-Saharan Africa represent a paltry 0.67%. The point is clear: The fear that the African textile industry will benefit economically at the expense of the U.S. textile industry is unfounded. Mexico is more to blame for a loss of U.S. jobs in the textile industry. And no matter how sweet the trade deal with Africa is, the continent will not be able to compete fairly with our bordering neighbor, Mexico.

Again, it must be reiterated that Sub-Saharan Africa does not have the capacity to compete with any industries in the U.S. No American workers will lose jobs as a result of this bill. In the area of textiles, Africa's lower wages may take business away from China or Mexico or Hong Kong, but not from the United States.

H.R. 1432 deserves the support of all members and components of the Caring Majority. The labor community should lend their support to this unique piece of legislation. Expanding trade in any area, including Africa, has been opposed by this community because of a fear that countries with weaker labor and environmental laws than the U.S. will undermine the availability of jobs here in the America. I want to make a special appeal to those who stood in solidarity with me against the "fast track" trade legislative process last fall: Africa must be given a chance to demonstrate its commitments to fair labor laws and to the development of internationally accepted environmental standards. China has no organized labor laws, and it is quite ruthless in its treatment of Chinese citizens. Yet, it is the country that is able to secure regularly Most-Favored-Nation trading status.

The principles we all enunciated against "fast track" trade legislation remain sound and necessary; however, we must not allow our principles to degenerate into the dogma of a religion. We must not begin to oppose all trade opportunities blindly and ceremoniously. This is true especially of those trade bills applied to desperately poor countries in Africa and the Caribbean. Our goal is justice and a decent standard of living for workers and common people all over the world. At the hands of European and American powers, Africa has been made to suffer for centuries. It is important now to support opportunity in Africa.

H.R. 1432 helps correct a situation where trade and assistance to Africa has been MIA—missing in action. I cannot emphasize too much the fact that Africa has not only been left behind by the U.S. trade and assistance programs, it has been left out of any significant involvement. Africa has not enjoyed the generosity we have shown to Mexico, China and Indonesia. No country in Africa has its hands out for a $40 to $50 billion bailout from the U.S. and the International Monetary Fund.

It is high time for alarmists to put H.R. 1432 in its proper perspective. It is not a fast track trade bill which hands out great advantages to competing economies or to nations that prosper by ruthlessly exploiting their own people. It is not the billion dollar budget buster or bailout swindle for Africa. It is not a fat check from the U.S. Treasury to underwrite Africa's economic policies that will injure working people in America. Those benefits have already accrued to other countries. H.R. 1432 is a slow track bill that deserves our enthusiastic support. I urge my colleagues to say "YES" to "growth" and "opportunity" for Africa.

Mr. ROYCE. Mr. Chairman, I yield 4 minutes to the gentleman from Alabama (Mr. CALLAHAN), the chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs.

Mr. CALLAHAN. Mr. Chairman, I thank the gentleman for yielding time to me.

I rise in opposition to the amendment of the gentlelady from California (Ms. WATERS), and rise in support of the statement made by the gentleman from Washington. Never, to my recollection, can I ever find that this Congress or any other Congress in the history of this country has ever mandated with a floor of foreign appropriations to a foreign country. I think this is a very dangerous precedence to begin to obligate future Congresses. I think possibly it might not even pass the constitutional test.

But regardless of that, we are facing this issue here today; and for the first time in history, what we are saying is that we are going to give one country, one area of the world, a floor as to the amount of money any Congress in the future can appropriate. And that, my colleagues, is absolutely wrong and certainly a precedent we do not want to set.

At the request of the gentlewoman from California, among others, last year, they came to me, as did the President, and said, we would like to have $700 million for sub-Saharan Africa. We did that. We complied with your request then. But to obligate me or this Congress for 9 years into the future is something that is very, very rare and unique and unprecedented, as I have said.

Let me give an example. Latin America, which is our closest neighbor and our greatest trade potential and ally, only gets $293 million; and there are efforts being made to even reduce that. So what we are saying, if we impose this $700 million floor on the amount of money we can give to any country or any nation, regardless of what activities are taking place at that time in the future, we are going to have to take money away from Latin America to do it.

All countries of the world recognize that we have limited resources for foreign policy. Even the State of Israel has come to us and said, we recognize your problems; we recognize your limitation, and they have made a bold initiative to come to us and tell us they recognize our plight and that they are requesting that we begin to downsize our economic support for them.

So in the middle of our session here, second session of this Congress, we are going to say to the next Congress, you guys have to do this. We do not care what is taking place there now. We do not care what the governments are doing there now. We do not care what insurrection is taking place. No matter what you do, here is a check for $700 million.

Go back to your district, and ask your constituents if they believe we ought to do that. We can go back and we can justify today the $700 million we appropriated this year because progress is being made, and we are assisting that nation.

But to obligate in this forum is not only unconstitutional, as far as I am concerned, it certainly is unprecedented in the history of the country to do such a thing for this period of time, for such an extended period of time.

Mr. OWENS. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. I yield briefly to the gentleman from New York.

Mr. OWENS. Mr. Chairman, I would like the gentleman to enlighten me. When he said that if we have a floor like this for one country or one set of countries, we would have to take it from South America or somewhere else, do we have the same situation with respect to the International Monetary Fund. We are about to be asked to vote $18 billion more into the fund. We have a lot of money in there already. There is a limitation on the amount of money we put in this.

Mr. CALLAHAN. Reclaiming my time, this Congress has the ability to make this decision on the International Monetary Fund, but we do not commit to future Congresses. I mean, what if we came to the Congress, we said we need $3 billion for the International Monetary Fund and said, we are going to do it for the next 10 years.

Mr. OWENS. Is there a ceiling on the amount we put into the International Monetary Fund? Do we stop somewhere?

Mr. CALLAHAN. We are talking about floors, an unprecedented amendment being introduced in this House.

I urge my colleagues to vote against it.

Mr. OWENS. I thank the gentleman.

Ms. WATERS. Mr. Chairman, how much time is remaining on both sides?

The CHAIRMAN. The gentlewoman from California (Ms. WATERS) has 4 minutes remaining, and the gentleman from California (Mr. ROYCE) has 3½ minutes remaining.

Ms. WATERS. Mr. Chairman, I yield to myself such time as I may consume.

Mr. Chairman, this is a very important and enlightening debate, and this is precisely what I wanted to happen. I wanted to hear arguments against a kind of real commitment to ongoing funding for Africa and sub-Saharan Africa. Of course, it is easy to talk about other countries who may be indicating that somehow they are sensitive to the problems of our country and they would like to do something to be helpful.

Sub-Saharan Africa has been the stepchild of appropriations from this country in relationship to their needs and their numbers. While I appreciate what the gentleman did last year, and I hope the gentleman will do even better this year. I want this debate to go forward.

I want the debate to go forward because the NGOs who have been pointing to the problems of this bill, pointing to the problems that we have, as we try to be good advocates for Africa, I wanted them to know that there is some of us who are committed to this fight and committed to this struggle, even in light of tough opposition and the kind of arguments that have been raised by the chairman.

I will not yield because this is the only time that I am going to get to tell the Members publicly what I think about the way that Africa has been treated.

Those of us who have spent years, not only trying to dismantle, get rid of apartheid in South Africa, but those of us who have tried to give support to places like Angola, where people on the other side of the aisle were supporting Savimbi, and a country whose resources have been drained because we were on the wrong side of history, just as we were on the wrong side of history with Mobuto, countries that have been in desperate need of our help, yes, I want to send a signal that we are going to give ongoing support for them.

So, yes, I created this debate about it. I am glad that the chairman rose to the challenge. I am glad that the chairman described it in some of the ways that he did. I think the chairman is interested in giving ongoing support to Africa.

I am going to be asking him again, as many of us will be asking him again, to do even better, to meet the President's mark with an increase for Africa.

Yes, I know this sets out and identifies an amount for a period of time because it puts the light on the need. It sheds the light on a section of this world that we have not really paid attention to.

We can travel on all the CODELs we want to, and we can go over and speak to all the heads of government, and tell them how much we love them. But if you do not bring the resources, and you do not bring the money, and you do not treat them the way you treat other countries, your words are shallow, and they mean nothing.

So, yes, I dare to come to this floor and challenge my colleagues to make a strong commitment to Africa, put it in the legislation, where we dare put do you not have too much government consumption, where you tell them to privatize, where you tell them what they will do with their land reforms.

If you are bold enough to dictate to sub-Saharan Africa, how they should control their country and take away from them the right to guarantee the things that protect and secure their countries by not allowing investment in some sectors, then I have the audacity to tell you to come and put the money in the bill and guarantee it.

Mr. Chairman, I reserve the balance of my time..

The CHAIRMAN. The time of the gentlewoman from California (Ms. WATERS) has expired.

Mr. ROYCE. Mr. Chairman, I yield 1½ minutes to the gentleman from Alabama (Mr. CALLAHAN) from the Subcommittee on Foreign Operations, Export Financing, and Related Programs.

Mr. CALLAHAN. Mr. Chairman, I want to say that I have great respect for the gentlewoman of California (Ms. WATERS). But I recall about a year ago next month when I was trying to handle the foreign operations bill giving sub-Saharan Africa $700 million that I mentioned that the limited $293 million we sent in Latin America created a peace; that there was no country in this hemisphere at war.

As I recall, the gentlewoman from California jumped my case and chastised me for not giving that money to Watts and not giving that money to poverty areas who have drug problems.

So I just want to remind the gentlewoman from California that, while we gave the $700 million when we attempted to do something for our neighbors just to the south of us who do have the same similar problems of sub-Saharan Africa, she really jumped my case to the point that I had really no available response to what she said.

□ 1515

She also has some problems in southern California that she ought to be addressing. While she is addressing all of this $700 million for the next 9 years to Africa, why is she not protecting her own district and saying that we are going to have drug programs for the next 9 years? That, Mr. Chairman, is the response to what I have to say about this, to remind the gentlewoman that I cannot do one thing one year and another thing the next year.

I am trying to comply with her wishes, trying to grant her the audience and an appearance before our committee and trying to do everything we can to give assistance to sub-Saharan Africa. At the same time, she must be fair in her debate.

Mr. ROYCE. Mr. Chairman, I yield myself such time as I may consume.

Let me close by noting that by earmarking a set level of spending for Africa aid, we would take away the ability of Congress to discuss and debate for the next decade what the level of aid spending should be. Earmarking a specific level of aid to Africa for 9 years also locks up dollars that requires the administration to go forward with a level of spending on Africa that might be contrary to U.S. policy at some point during the next 9 years.

The administration has consistently opposed setting minimum levels for regional accounts, including Asia, Africa and Latin America.

Mr. Chairman, I will conclude by making a couple of points that I think need to be made. It makes no sense to authorize 9 years down the line.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. ROYCE. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. I appreciate the gentleman's perspective. Let me just add one point as he finishes his remarks.

I think the distinction that we may be trying to make here is the fact that this has been done in a budget year, a balanced budget year, and the $700 million is within a balanced budget, and sub-Saharan Africa has been light-years behind other continents in getting funding for economic development. I thank the gentleman for yielding.

Mr. ROYCE. But let me make the point, since this bill does not require a cutoff of aid to Africa, the aid floor is unnecessary in the bill.

I will close by saying that the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations, opposes this amendment to the bill as well. I close, in opposition, with that argument.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. WATERS).

The amendment was rejected.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in Part II of House Report 105-431.

AMENDMENT NO. 4 OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Ms. WATERS:

In subsection (c) of section 6 (United States-Sub-Saharan Africa Trade and Economic Cooperation Forum), insert before the period at the end of paragraph (1) the following: ", including encouraging joint ventures between small and large businesses".

The CHAIRMAN. Pursuant to House Resolution 383, the gentlewoman from California (Ms. WATERS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume. I continue with discussion on this legislation by way of amendment.

Mr. Chairman, I proudly stand before this House as an advocate for Africa, but I proudly stand before this House as an advocate for my district and for my people. I do not take a back seat to anybody when it comes to taking this floor or taking my place in committee to talk about the needs of people in this country or people in other places in the world.

As a matter of fact, not only do I ask for money for Africa, I ask for money for south central Los Angeles, I ask for money for Harlem, I ask for money for Philadelphia, I ask for money for St. Louis, I ask for money for communities in this Nation and sections of this world where I think resources should be directed. I do it without taking a back seat to anybody.

Do not forget, those of us who do this are oftentimes referred to as those who wish to tax and spend, as we would say. And so anybody who has any mistakes about what my priorities are, let me set them straight right now. I ask for money for Africa and I ask for money for Los Angeles and I ask for money for other communities that I think are in need.

Having said that, let me also talk about what I have gone to the Committee on Appropriations for. There seems to be some belated debate about drugs. In the Congressional Black Caucus agenda that is published, the number one priority is the eradication of drugs in this society. I, as Chair of the Congressional Black Caucus, have gone to every appropriate Appropriations subcommittee to support an increase in the Drug Czar's budget to make sure we have money for prevention and education and outreach and all of those things.

There is this funny little game that is going on now where some of the people on the other side of the aisle would like to pretend that somehow they are more for the eradication of drugs in our society than people on this side of the aisle, and some attempts to undermine the Drug Czar.

That little game will not work. Everybody knows that those on the other side of the aisle, who have been with the Just Say No policy for years, have done nothing, have accomplished nothing and have done nothing for the children of this society, nor have they been about the business of prevention and education.

Having said that, with this bill and with this amendment, in an effort to try and make it a better bill, given all that I have said and my concerns about the fact that there are requirements in this legislation that you will see in no other trade agreement, and I have looked at them all, including the Caribbean Basin Initiative; and you have gone overboard in trying to dictate what the trade relationship will be with Africa in ways that it has not been done before, but I recognize many of you who have worked on the bill really do believe that you are doing the right thing when you try to dictate land reform policies, and when you try to dictate how much money will be spent by government on its own needs, when you try to dictate that there will be no exclusion of any industries to invest in. I understand that.

But the amendment that I have brought before you today that would allow some flexibility in the review when these countries are being looked at was a simple amendment that simply codified what you said your intent was. This amendment that I have before you at this moment goes beyond simply allowing major corporations to swoop into Africa with all of its money and do the kind of investments that others will not have an opportunity to compete with.

This amendment that I have before you will continue the debate, will force more conversation about what are the best ways by which to have trade agreements. In addition to that, it will encourage cooperation for joint ventures between large businesses and small businesses.

We hear a lot in this Congress all the time about how much we care about small business. You ask any person on the other side of the aisle on any given day of the week, and you will hear them talk about being advocates for small business, we want to reduce the taxes, do not want to support an increase in the minimum wage, would like to do something with one-stop shopping to make it possible for small businesses to get their licenses and other kinds of things without having to go through bureaucracies, want to do more in having subsidies and loans available to small businesses.

Let me tell you how you can help small businesses with this legislation. You can encourage in the conferences that are dictated, the meetings, the advisory boards, all of those things where you identify encouraging in this bill, you can encourage joint ventures between large businesses, corporations, and small businesses. That is essentially what this is all about.

In the final analysis, these amendments are not tough amendments. They are not complicated amendments. They are not amendments that would undo the bill. These amendments for the most part are clarifying amendments. These amendments for the most part are good-faith amendments. These amendments for the most part are amendments that will show that those of you who have little experience in Africa are willing to at least listen to some of the information and advice that is coming from NGOs and those who have worked in Africa for many, many years.

I would commend to you not only this amendment. Even though the other amendment that I advanced was just voted down and one is waiting for a vote when the votes will be taken up, and even if this work does not get done while this bill is going through the House, there will be attempts, if this bill passes, to continue to work to make it a better bill. There will be attempts to continue to work on the Senate side to make this a better bill.

And then there are other opportunities where attempts will be made. Those opportunities lie with trying to influence the President of the United States when these kinds of agreements are forged. I say to you, in ways that you perhaps do not understand when you talk about Africa, Africa is not simply another place in the world for many of us. Whether you know it or not, it is from whence we come. It is the land of my ancestors. It is a place that is as dear to me as Ireland is to the Irish, as Israel is to the Jewish community, as other places in the country are to those whose families, whose histories emanate from those countries.

And so I do not speak about this simply in an intellectual way and not simply in a policy way in the tradition that you understand. Yes, this is an emotional issue with me, and even though we have members of the Congressional Black Caucus who will stand here in the finest tradition and try to promote and be advocates on behalf of Africa in ways that make you all comfortable, I really do not care if you get uncomfortable with my advocacy for Africa. It is a place that I hold dear. It is part of my legislative agenda. It is a place that I care about in ways that perhaps you will never understand.

I do not think that you understand that what I do for Africa, what I advocate for Africa comes from deep within my heart. It is not a political game. It is not about trying to send the message that perhaps "I'm okay, you're okay." This is serious business about saving a continent. This is serious business about being concerned about the resources of Africa and what happens to them.

This is serious business about not having the United States or any other country do what we have done in too many places in Africa. This is about never ever having another Mobuto; this is about never ever having another Savimbi; this is about never ever seeing another catastrophe in Rwanda like we saw.

This is about trying to get ahold of a direction for this country as it relates to Africa. This is about trying to be fair in the dissemination of resources. This is about respect. It is about saying to those heads of Africa, you have a voice, and while we want to help you, we are not going to run roughshod over you.

This is not about trying to open up opportunities to go in and drill oil without compensating. This is not about trying to take out the diamonds and the gold without compensating. This is about creating that debate at this moment, this time in history, that will give a direction to Africa that will never have us go back again, but move forward with good will and with a conscience and get rid of the kind of policies we have had in the past on this continent.

The CHAIRMAN. The time of the gentlewoman from California (Ms. WATERS) has expired.

Does any Member rise in opposition to the amendment?

Mr. ROYCE. Mr. Chairman, I am not opposed to the amendment, but I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROYCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have spoken previously about my perception that this bill does allow flexibility. We do have concerns about equal access to U.S. firms. And, yes, there are guidelines in the bill regarding equal access to U.S. firms. But let us go to the subject of this amendment.

□ 1530

I applaud the gentlewoman from California (Ms. WATERS) for this good amendment to the bill.

Many Members have visited Africa and have spoken with African and American businesses, both large and small, on the issue of U.S.-Africa trade. Indeed, the gentlewoman and myself were on a CODEL where we met with business interests across the continent in Africa. It is entirely appropriate that language be included to support joint ventures between large and small businesses. So this is a good amendment and I support this amendment.

Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. HASTINGS) for a statement that he would like to make on the bill at this time.

Mr. HASTINGS of Washington. Mr. Chairman, I thank the gentleman for yielding.

I rise to express my concern over certain provisions in this bill. While we certainly support all of the efforts to expand trade between our Nation and the rest of the world, we also must take action to ensure that the trade is not a one-way trade.

This bill outlines several criteria that the President must consider before granting preferential trade status to any Sub-Saharan African nation. Specifically, the President must consider a country's progress in reducing tariffs on American products, eliminating other nontariff barriers to American imports, and abiding by internationally accepted trading practices.

Mr. Chairman, this bill is very clear that free and open trade ought to be the goal of the administration in this country. Prohibitive actions against U.S. products run counter to the intent of this bill and, by definition, would preclude those countries from being granted preferential treatment under this bill.

A number of my constituents have already attempted to pry open the doors of African nations. In particular, our domestic apple, pear and peach producers and processors have on a number of occasions attempted to export their products to South Africa. On each occasion they have been rejected. Potential recipients should therefore be put on notice: Any effort to continue to block access to U.S. products violates the provisions of this bill and would preclude receiving the benefits of this proposal.

I and my colleagues from the Northwest will certainly be monitoring the administration's implementation of this bill. We expect the administration to abide by the eligibility factors contained in this bill, and we will continue to work closely with the U.S. Trade Representative to ensure that all trade with Sub-Saharan Africa is both free and fair for U.S. producers, processors and consumers.

Mr. ROYCE. Mr. Chairman, I support this amendment, and I yield back the balance of my time

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. WATERS).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in Part II of House Report 105–431.

AMENDMENT NO.5 OFFERED BY MR. DAVIS OF ILLINOIS

Mr. DAVIS of Illinois. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. DAVIS of Illinois:

At the end add the following:

SEC. 18. DONATION OF OBSOLETE AIR TRAFFIC CONTROL EQUIPMENT TO ELIGIBLE SUB-SAHARAN AFRICAN COUNTRIES.

It is the sense of the Congress that, to the extent appropriate, the United States Government should make every effort to donate to governments of sub-Saharan African countries (determined to be eligible under section 4 of this Act) obsolete air traffic control equipment, including appropriate related reimbursable technical assistance for such equipment.

The CHAIRMAN. Pursuant to House Resolution 383, the gentleman from Illinois (Mr. DAVIS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, the amendment which I offer today does not change the intent of this bill in any way. Rather, it seeks to ensure that as we increase trade with Sub-Saharan African countries, we do so knowing that the infrastructure for air traffic is sound and safe. Therefore, this amendment expresses the sense of Congress that the United States should make every effort to donate surplus traffic control equipment, including related reimbursable technical equipment, to eligible Sub-Saharan countries.

This amendment primarily does three things. First, it reaffirms our commitment as the leader in technology to bridge the gap in technology that currently exists in Sub-Saharan African countries with regard to air traffic control equipment. Secondly, we seek to ensure that our planes and personnel traveling in African airspace will be safe. Essentially, we are investing in the infrastructure of our trading partner. Finally, this amendment increases the communication between our two nations.

Currently, the International Federation of Airline Pilots Association and others have declared that the majority of airspace over Africa is critically deficient in air traffic control. Moreover, pilots have stated that the deficiencies such as lack of radars, no VHF radio coverage, inconsistencies in air traffic control, and sparse meteorological information, have contributed to Africa's poor safety record. In fact, according to recent articles, in much of the uncontrolled airspace pilots generally provide their own form of air traffic control from the cockpit by broadcasting their next position in hopes that crews from other aircraft will be listening.

In 1996, the International Airline Pilots Association reported that there were 77 near-midair collisions in the African airspace. Thirty of the 77 near-midair collisions occurred over the following Sub-Saharan countries: Cameroon, Chad, Congo, Madagascar, Mauritania, Niger and Senegal. Most of the airspace north of Zimbabwe is uncontrolled, with little radar and no VHF radio coverage.

As trade has increased in Africa with the lifting of apartheid sanctions in South Africa, air traffic has increased 120 percent in some parts of Africa. However, during this period of growth the aviation infrastructure has remained the same or deteriorated. This has led to a situation where the safety of aircraft flying in the region may be seriously compromised.

Clearly, the need for better air traffic control equipment and communications systems exists in Africa. We stand in a unique position as a world leader in technology, and I believe that we have an obligation to help bridge the technology gap that exists between our country and Africa.

This amendment would be beneficial to both of our countries, and I, therefore, urge its immediate adoption.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. WICKER). Does any Member rise in opposition to the amendment?

Mr. ROYCE. Mr. Chairman, I ask unanimous consent to claim the time in opposition to speak in favor of the amendment.

The CHAIRMAN pro tempore (Mr. WICKER). Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN pro tempore (Mr. WICKER). The gentleman from California (Mr. ROYCE) is recognized for 10 minutes.

Mr. ROYCE. Mr. Chairman, I yield myself such time as I may consume to make the point, cash-poor African governments must balance many needs for expenditures, and new air traffic control equipment is not at the top of their list. U.S. obsolete equipment is not obsolete for smaller, less busy African airports, and therefore this is a good amendment to the bill. We support this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Chairman, I want to say that I am a strong supporter of the African Growth and Opportunity Act. For many years we have worked to bring Africa to the world table with trade and economic development, and today will be an historical day for our country. I also want to commend President Clinton for his upcoming trip to Africa, where he will be the first sitting United States President to visit Africa to promote relations and trade.

Many Americans are descendents of slaves brought here from Africa. In fact, it is estimated that 400 million Africans died in the slave trade process. This bill is just a first step in reworking our relationship with Africa. I think it makes an incredible statement to finally establish a positive economic cooperation between this country and Africa, and we must take this opportunity to do it.

Infrastructure is a key component of economic growth and development, and it is the country's vision for economic success. As a member of the Committee on Transportation and Infrastructure, I have seen this in our own country.

I support the Davis amendment because it is critical that these countries have the proper equipment with which to grow. Our excess air traffic control equipment and technical assistance in this area could be very beneficial to these countries.

This bill and this amendment is the first of what I hope are many steps toward developing economic and political relationships with Africa. It will give these African countries an opportunity to expand their economic and political potential through a strong link with the United States.

Mr. DAVIS of Illinois. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Chairman, let me commend the gentleman from Illinois (Mr. DAVIS) for his amendment. I have traveled extensively in Africa by land, by rail, by air, and by sea. As we are developing infrastructure in Africa, I think that it is essential and important that as we move towards Africa into the area of trade and development and growth, that we need to take a look at the infrastructure.

In the bill there are dollars that are set aside through OPIC to deal with the infrastructure, to improve the roads and the ports. But I do not think anything could be more important than to shore up the air traffic control.

We have members of our FAA that travel around the world to certify airports. Several airports in Africa are not certified, in particular the airport in Lagos, Nigeria.

We are here saying that there should be standards so that air safety is secure. There should be standards so that air transport can be moved. I have traveled on charter planes and other kinds of aircraft, and I would like to say that the Davis amendment will go far to shore up and improve the air transportation in these countries which is so essential for communications.

So I once again commend the gentleman from Illinois for his amendment and urge support for the Davis amendment.

Mr. DAVIS of Illinois. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time, and urge adoption of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. DAVIS).

The amendment was agreed to.

The CHAIRMAN pro tempore (Mr. WICKER). It is now in order to consider amendment No. 6 printed in Part II of House Report 105-31.

AMENDMENT NO.6 OFFERED BY MR. BEREUTER

Mr. BEREUTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. WICKER). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. BEREUTER:

Add at the end of section 4 the following:

(e) DESIGNATION OF ADDITIONAL COUNTRIES AND A REGION IN AFRICA.—

(1) AUTHORITY OF THE PRESIDENT.—The President may designate any of the countries or the region listed in paragraph (2) as eligible to participate in programs, projects, or activities, or receive assistance or other benefits under this Act if the President determines that the country or region otherwise meets the requirements of this section and that the designation is in the national interest of the United States. Any country or region so designated shall be deemed to be an eligible country in Sub-Saharan Africa under subsection (a) for purposes of this Act if within 1 year after such designation, a law is enacted approving the designation.

(2) COUNTRIES.—The countries referred to in paragraph (1) and Mauritania, Morocco, Algeria, Egypt, and Tunisia, and the region referred to is the Western Sahara region of northwest Africa.

The CHAIRMAN pro tempore (Mr. WICKER). Pursuant to House Resolution 383, the gentleman from Nebraska (Mr. BEREUTER) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

MODIFICATION TO AMENDMENT OFFERED BY MR. BEREUTER

Mr. BEREUTER. Mr. Chairman, I have a modification, and I ask unanimous consent that the Clerk be permitted to read the modification to the amendment and that the amendment be so modified.

The CHAIRMAN pro tempore (Mr. WICKER). The Clerk will report the modification to the amendment offered by the gentleman from Nebraska (Mr. BEREUTER).

The Clerk read as follows:

Amendment offered by Mr. Bereuter, as modified:

Add at the end of section 4 the following:

(e) DESIGNATION OF MOROCCO.—The President may designate Morocco as eligible to participate in programs, projects, or activities, or receive assistance or other benefits under this Act if the President determines that Morocco otherwise meets the requirements of this section and that the designation is in the national interest of the United States. If so designated, Morocco shall be deemed to be an eligible country in sub-Saharan Africa under subsection (a) for purposes of this Act, if, within 1 year after such designation, a law is enacted approving the designation.

The CHAIRMAN pro tempore (Mr. WICKER). Is there objection to the modification to the amendment offered by the gentleman from Nebraska (Mr. BEREUTER)?

There was no objection.

Mr. BEREUTER. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, this simply narrows the scope of the original amendment to include Morocco. I would like to take this opportunity to thank the distinguished gentleman from Illinois and all of his leading cosponsors for introducing this important legislation.

There is not a better time than on the eve of the President's visit to Africa to send an important message to many countries of Africa that we want them as trade partners, and that we are going to be assisting them in that respect.

□ 1545

The message this legislation sends to governments of the country of Africa is clear: Undertake sustained economic reform and trade liberalization policies, and we will trade with you, and you will benefit.

In fact, Mr. Chairman, this message is so important I think it should not be lost on the countries of North Africa. That is why this Member, along with the distinguished gentleman from New York (Mr. SOLOMON), have proposed this amendment covering Morocco. It still, of course, would permit the President to make a determination that this is in our national interests, that they meet the criteria, it would still come to Congress for approval. Our amendment simply permits that.

Mr. Chairman, it is clear to this Member that there is really no valid reason to exclude Morocco from the scope of this act. For example, there are many sub-Saharan countries with per capita incomes higher than that of Morocco, which desperately needs the direction provided by this act.

Secondly, since the 1990s, the Moroccan government has pursued economic reform programs supported by the IMF and the World Bank. It has restrained spending, revised the tax system, reformed the banking system, lifted import restrictions and lowered tariffs.

Also, Mr. Chairman, let me say that the Congressional Budget Office has determined that our amendment has no direct effect on revenues because any future eligibility designation would require implementing legislation.

Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. SOLOMON).

Mr. SOLOMON. Mr. Chairman, I thank the gentleman for yielding to me.

I will not take the committee's time, since we are under time constraints now to get out at a reasonable hour tonight. Let me just concur with the remarks of the gentleman from Nebraska (Mr. BEREUTER). Morocco has been such a strong ally and such a stabilizing force in that part of the world that we wanted to make sure they were included in this legislation.

I commend the gentleman and I thank the very distinguished chairman of the Committee on International Relations for his support, as well as the gentleman from New Jersey.

Mr. BEREUTER. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Chairman, I rise in strong support of the Bereuter and Solomon amendment to provide for the possibility of including Morocco in the African Growth and Opportunity Act, and I want to commend the distinguished chairman of our Subcommittee on Asia and the Pacific, the gentleman from Nebraska (Mr. BEREUTER), and our distinguished chairman of the Committee on Rules, the gentleman from New York (Mr. SOLOMON), for their work on this measure.

As currently written, the bill includes only sub-Saharan African nations, but there is no reason why Morocco in North Africa should not be part of the legislation. Morocco has been a strong ally to our Nation for many years, and under the leadership of King Hassan, Morocco has played a constructive role in the Arab-Israeli peace process and numerous other foreign policy priorities of our Nation.

In addition, Morocco has taken significant steps towards democracy, toward market economics, and respect for human rights. Indeed, it is a model Nation for the entire African region. Accordingly, I fully support the amendment, and I urge my colleagues to do the same.

Mr. BEREUTER. I thank the distinguished chairman, and I reserve the balance of my time, Mr. Chairman.

The CHAIRMAN pro tempore. Does the gentleman from New Jersey (Mr. PAYNE) claim the time in opposition?

Mr. PAYNE. Yes, I do, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from New Jersey (Mr. PAYNE) is recognized for 10 minutes.

Mr. PAYNE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to this amendment. I think it is utterly preposterous that we have before us the African Growth and Opportunity Act bill with the specific intent of helping countries in sub-Saharan Africa, and there are certain eligibility requirements that are outlined in the bill, which many of the countries in North Africa do not fit in.

The fact that North Africa was separated from Africa was not done by African-Americans, but it was done by the West. During World War II we talked about North Africa, and post-World War II it was referred to as North Africa. At one time we had Asia Minor. It became the Middle East.

How all of a sudden do we now determine that North Africa should be a part of sub-Saharan Africa, when throughout our modern history North Africa was North Africa; not that they wanted it, but that was what the West said it was, and therefore they accepted it? Now, finally, something to help sub-Saharan Africa, 700 million people, 50 countries. We have always heard sub-Saharan Africa referred to as sub-Saharan Africa.

We know that if you take aid to Africa, if you add the Middle East, then Africa would have the greatest amount of aid, because $3 billion goes to Israel, $2 billion goes to Egypt, and if you add that to the $600 million that sub-Saharan Africa gets, you would have $5.6 billion. But we do not do that. We separate sub-Saharan Africa, where you have $1 a person when you take the 600 or $700 million for the 700 million sub-Saharan Africans, the poorest region in the world.

So all of a sudden along comes something positive, and we are saying that Egypt now, that gets $2 billion, that should be accorded the something, when finally sub-Saharan Africa has a bill that might start to have some trading benefit.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. PAYNE. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, I thank the gentleman for yielding for a clarification.

I wanted the gentleman to know that the modification that I made restricted the amendment to Morocco. It does not include Egypt or other North African countries.

Mr. PAYNE. That certainly eases it a bit. I think also in this bill, we are talking about governance; that the countries, the five or six that will be selected have to go through elections. We are saying that there cannot be human rights abuses. We are saying that there has to be transparency in government. We are saying that there must be elections that are going on in these countries, or they do not fit into the first round.

It is simply like NATO expansion. There are three countries that are going to be selected in NATO expansion. You have the Czech Republic, you have Poland, you have the third country in the NATO expansion, Hungary. It is those countries, because they have proven that they are moving in the right direction.

There are still allegations of people being tortured, and the abuses of detainees, and prison conditions, even in Morocco. The government's use of force to dispel student protesters in Casablanca in January and February resulted in many human rights violations. There have been continued delays in elections, and at the time when the United Nations is finally attempting to broker an agreement between Morocco and western Sahara, the report that came back this week by former Secretary James Baker and Representative Dunbar states that Morocco has stalled the process again just last week. So I say, in conclusion, that we are sending the wrong message if we start to alter sub-Saharan Africa.

If this occurred a decade ago, that would be fine, because then sub-Saharan Africa could have been brought into the benefits that Northern Africa has. But I think it is wrong that we all of a sudden start this. That is simply like calling a new government, Benin, Liberia and Togo, part of the Newly Independent States of central Europe. They are not. They are newly independent States, but they do not qualify for funds of the Newly Independent States in the former Soviet countries.

So I think when we do revisionary government, when we redefine, when we define for the convenience of what we want, I think we move in a wrong direction.

Mr. Chairman, I reserve the balance of my time.

Mr. BEREUTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would say to my distinguished colleague with whom I serve with on the Committee on International Relations, he is at a bit of a disadvantage. We had modified this, and he was not aware of it, earlier.

I would also say that we do not want to change the criteria for Morocco. They have to meet the same qualifications. The President must actually make a certification that they meet them, and then it must come to the Congress, unlike all of the other sub-Saharan African countries that are named in the bill. There is another step we have added.

I would also say to the gentleman this: This legislation, which is, I think, the outstanding foreign policy legislation this Congress will see, is not a zero sum game. If, in fact, Morocco is deemed eligible by the President and the Congress then agrees, it is not at the loss of sub-Saharan countries. It should be open to all who meet the qualifications, because we benefit from it, and it is not a zero sum game for African countries.

Beyond that, it is important to consider this. It is a delicate matter, but I think it is important that we not give the impression that race or religion has anything to do with respect to this legislation.

Many of the border nations have people of several races, ethnic groups, and religions, so they are already incorporated. I understand that this legislation was careful and sensitive in that respect. But I did want the gentleman to know that all of these protections are there. In fact, there is an additional set of protections before Morocco could come in, but to close off that part of Africa, I think, is the wrong message.

So I hope the gentleman might reconsider when he understands the additional steps we have taken to make sure it is not overextended or there is no free ride. I thank the gentleman for listening.

Mr. Chairman, I reserve the balance of my time.

Mr. PAYNE. Mr. Chairman, I yield myself such time as I may consume.

Let me just reiterate, Mr. Chairman, I appreciate the clarification, the fact that the $2 billion that Egypt is getting, that it will not be part of this bill.

I still contend that if we are going to deal with sub-Saharan Africa, that has been the forgotten area. The only time we dealt with sub-Saharan Africa was in the cold war when we dealt with Mobutu, who now has left that country in such bad straits that even a new government, a fledgling government, I question whether the Kabila government will actually make it. And the fact that we have still a civil war in Angola between Savimbi holding out, and the dos Santos government, we still have remnants of the cold war, where we used Africa as a vehicle in that war.

I simply say it is time we try to correct those cold war problems that we created. I think this is a vehicle that we could do it with. I think it is too little. All of these fears that I hear of organized labor, hundreds of thousands of textile jobs being lost, I just cannot believe that people would believe that this first step would create that. I do not believe it will do that. I think it will really just be a little drop in the bucket and a step in the right direction.

I still say, there are no kings in sub-Saharan Africa. If we are going to have elections, how can, therefore, governance be declared in Morocco when they do not elect their head of State? Right there it would seem to me to eliminate that country from this bill, because how do they have governance at that time?

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. PAYNE. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, in constitutional monarchies the monarchs are never elected, but Morocco has an important, improving elected legislative body. Just last year they added a second Chamber, which is directly elected. So like Britain, like Denmark, like Norway, they are a constitutional monarchy, but of course those bodies and Morocco has an elected legislative body.

Mr. PAYNE. The difference, if I may reclaim my time, Mr. Chairman, the difference is in the countries that the gentleman has explained where the legislature has some authority. They are able, then, to have the will of the people move forward.

In the so-called constitutional monarchies that we find in other areas in the Middle East and in the Far East, we do not find the legislature, as the gentleman mentioned, they are moving into the tier. In Europe they have been into that tier for decades, for centuries.

I have nothing against Morocco, but I simply think there is too little already going into the bill, and I just think to bring in all of North Africa to the bill, when we are talking about three or four initial countries to be included, I think it dilutes the bill.

Mr. BEREUTER. If the gentleman will continue to yield once more, so our colleagues' are not confused, this relates to one country only, not all of North Africa. I thank the gentleman for yielding.

Mr. PAYNE. They say, "Start me with 10 who are stout-hearted men, and I'll soon give you 10,000 more." We start one, and then we might find it is good for one and good for another.

I think we should do something in North Africa. I think Tunisia's government is working in the right direction. They are also certainly good. I think this new fledgling western Sahara, once the determination has been made there, should be assisted.

Why not have a North African growth and development bill? That would make a lot of sense. I would just ask the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from New York (Mr. SOLOMON), that might be what they want to introduce, a North African growth and development bill. I would be as supportive of that bill as I know the gentlemen are of this. That might be the solution.

Mr. BEREUTER. Mr. Chairman, if the gentleman will continue to yield, I cannot be any more supportive of this legislation. I am an original cosponsor. I think it is the most important foreign policy initiative the United States has even ever taken in post-colonial days with respect to Africa. It deserves to be broadened. If the gentleman would like to add Tunisia by unanimous consent, I would be happy to receive it.

Mr. PAYNE. If the gentleman is willing to introduce his legislation, I would be more than happy to at that time identify Tunisia as one of those that should have the opportunity.

But once again, I just hope that my statement is clearly understood. It is that it is pro sub-Saharan Africa. There is too little, too late at this point. I just fear a dilution of this first step that we are attempting to move forward.

Mr. Chairman, I yield back the balance of my time.

□ 1600

Mr. BEREUTER. Mr. Chairman, I yield myself such time as I may consume.

Just to reiterate, this legislation is not a zero sum game. Adding Morocco as a country, the President may consider to meet all of the criteria, including human rights and everything else that is in the bill; to make a recommendation that it is in our national interest to ask the Congress to approve it is all this legislation does. It sets in place a requirement that Congress take action.

It should not be closed. We should not send that message to North Africa.

This is an excellent bill. The amendments that have been adopted and this amendment will make it an even better one. I urge my colleagues to support the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. WICKER). The question is on the amendment, as modified, offered by the gentleman from Nebraska (Mr. BEREUTER).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. PAYNE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 383, further proceedings on the amendment, as modified, offered by gentleman from Nebraska (Mr. BEREUTER) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 383, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 2 offered by the gentlewoman from California (Ms. WATERS); modified form of amendment No. 6 offered by the gentleman from Nebraska (Mr. BEREUTER).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MS. WATERS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. WATERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to House Resolution 383, the Chair announces he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the additional amendment on which the Chair has postponed further proceedings.

The vote was taken by electronic device, and there were—ayes 81, noes 334, not voting 15, as follows:

[Roll No. 44]

AYES—81

Abercrombie
Barrett (WI)
Berman
Bishop
Bonior
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Carson
Clay
Clayton
Clyburn
Conyers
Crane
Cummings
Davis (IL)
Davis (VA)
DeFazio
Delahunt
DeLauro
Dixon
Dooley
Engel
Farr
Fattah
Filner
Ford
Frank (MA)
Gejdenson
Gephardt
Gutierrez
Hastings (FL)
Hefner
Hilliard
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kucinich
Lewis (GA)
Maloney (CT)
Markey
Martinez
Matsui
McKinney
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller (CA)
Mink
Moran (VA)
Nadler
Olver
Owens
Pastor
Payne
Pelosi
Rangel
Rivers
Roybal-Allard
Rush
Sanders
Scott
Serrano
Stark
Stokes
Thompson
Thurman
Towns
Velázquez
Waters
Watt (NC)
Wynn

NOES—334

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Borski
Boswell
Boucher
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Deal
DeGette
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Fawell
Fazio
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennelly
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (NY)
Manzullo
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Menendez
Metcalf
Mica
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Regula
Reyes
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Sabo
Salmon
Sánchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Tierney
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Yates
Young (AK)
Young (FL)

NOT VOTING—15

Chenoweth
Deutsch
Furse
Gonzalez
Harman
John
Manton
Poshard
Radanovich
Redmond
Rodriguez
Schiff
Spence
Torres
Waxman

□ 1623

Mr. SAM JOHNSON of Texas and Mr. BILBRAY changed their vote from "aye" to "no."

Messrs. FARR of California, GEJDENSON, MILLER of California, FRANK of Massachusetts, Ms. DELAURO, Ms. PELOSI, and Messrs. MARKEY, MATSUI and KENNEDY of Massachusetts changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6, AS MODIFIED, OFFERED BY MR. BEREUTER

The CHAIRMAN pro tempore (Mr. WICKER). The pending business is the demand for a recorded vote on the amendment No. 6, as modified, offered by the gentleman from Nebraska (Mr. BEREUTER), on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 156, noes 258, not voting 16, as follows:

[Roll No. 45]

AYES—156

Armey
Barr
Barrett (NE)
Bass
Bateman
Bereuter
Berman
Bilbray
Bilirakis
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Brown (CA)
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Christensen
Clement
Coburn
Cooksey
Cox
Crane
Davis (VA)
DeLay
Diaz-Balart
Doggett
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
English
Eshoo
Ewing
Fawell
Foley
Forbes
Fossella
Fox
Franks (NJ)
Frelinghuysen
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goss
Graham
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hastert
Hastings (WA)
Hayworth
Hill
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hoyer
Hyde
Johnson (CT)
Kasich
Kelly
Kim
Kind (WI)
Kingston
Klug
Knollenberg
LaFalce
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lucas
Luther
Manzullo
McCollum
McDade
McHugh
McInnis
McIntosh
Mica
Miller (FL)
Minge,
Moran (KS)
Moran (VA)
Morella
Nethercutt
Neumann
Northup
Owens
Oxley
Pappas
Paxon
Pease
Peterson (PA)
Petri
Pickett
Pitts
Pomeroy
Portman
Pryce (OH)
Quinn
Ramstad
Rivers
Rogan
Ros-Lehtinen
Roukema
Ryun
Salmon
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shays
Sherman
Shimkus
Shuster
Skaggs
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowbarger
Snyder
Solomon
Sununu
Thune
Tiahrt
Walsh
Watkins
Wexler
White
Whitfield
Wicker
Young (AK)
Young (FL)

NOES—258

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (WI)
Bartlett
Barton
Becerra
Bentsen
Berry
Bishop
Blunt
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Costello
Coyne
Cramer
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Dickey
Dicks
Dingell
Dixon
Dooley
Doyle
Duncan
Edwards
Emerson
Engel
Ensign
Etheridge
Evans
Everett
Farr
Fattah
Fazio
Filner
Ford
Fowler
Frank (MA)
Frost
Gallegly
Ganske
Gephardt
Goode
Goodling
Gordon
Granger
Green
Hall (TX)
Hansen
Hastings (FL)
Hefley
Hefner
Herger
Hilleary
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hulshof
Hunter
Hutchinson
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
King (NY)
Kleczka
Klink
Kolbe
Kucinich
Lampson
Lantos
Largent
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHale
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Murtha
Myrick
Nadler
Neal
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Packard
Pallone
Parker
Pascrell
Pastor
Paul
Payne
Pelosi
Pickering
Pombo
Porter
Price (NC)
Rahall
Rangel
Regula
Reyes
Riggs
Riley
Roemer
Rogers
Rohrabacher
Rothman
Roybal-Allard
Royce
Rush
Sabo
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Schumer
Scott
Serrano
Shaw
Sisisky
Skelton
Slaughter
Smith, Adam
Smith, Linda
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Wamp
Waters
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Wise
Wolf
Woolsey
Wynn
Yates

NOT VOTING—16

Chenoweth
Deutsch
Furse
Gonzalez
Harman
John
Manton
Meek (FL)
Peterson (MN)
Poshard
Radanovich
Redmond
Rodriguez
Schiff
Stark
Waxman

□ 1631

Mr. PASTOR changed his vote from "aye" to "no."

Messrs. DELAY, BERMAN and COX of California changed their vote from "no" to "aye."

So the amendment, as modified, was rejected.

The result of the vote was announced as above recorded.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask unanimous consent to strike the last word to enter in a colloquy with the gentleman from Illinois (Mr. CRANE).

The CHAIRMAN pro tempore (Mr. WICKER). Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I would like to thank the gentleman from Illinois (Mr. CRANE), first of all, for his graciousness and the gentleman from New York (Mr. RANGEL), as well. I know we will have to deliberate further on these very important issues and take the time to go through conference and the Senate and have deliberation and further thought on these issues.

Mr. Chairman, I will mention these collectively and acknowledge the need for further thought and deliberation, but these are very important points. One is the devastation of HIV, AIDS, on the continent and the ability of this bill to help with pharmaceuticals getting over to the continent to be able to help with this devastation.

The other issue, of course, is the GSP program, which already helps in workers' safety rights and workers' rights, that certainly under that we would see that applying on the continent or aiding in making sure that we have good conditions for workers.

Lastly, let me say I think it is very important that once this important bill passes, if our colleagues join us in passing it, that it not drop off the deep end and it may be helpful to consider a working committee that in 6 months would look at where we are on the question of how this bill is being implemented.

I would like to bring to both the Chair of the International Relations Committee and the Trade Subcommittee on Ways and Means of my concern of the overwhelming HIV/AIDS epidemic that is currently plaguing Africa and the world. According to the World Health Organization, over 550,000 cases have been reported in Africa alone. The Aids epidemic is affecting the young work force between the ages of 18–55, and if the work force keeps dying, how can they benefit from this bill?

I would like to see, Mr. Chairman, that through this improved trade legislation we can encourage the expeditious exporting of much needed pharmaceuticals to the continent in order to combat the AIDS epidemic ravaging Africa. Upon that effort we can build further on solving the AIDS problems in Africa by encouraging more research by various world health agencies on this problem.

I am concerned, Mr. Chairman, that the Africa Growth and Opportunity Act can protect the rights of African workers. I understand and want to make sure that through the GSP (General System of Preferences) program protection for good work place conditions and more importantly worker safety issues will be in place under this legislation. Therefore, I raise with the Chairman of the Trade Subcommittee on Ways and Means the question as to whether this legislation would preclude the putting in place good work place conditions and safe work places in Africa.

I am also concerned that this bill which will allow for increased trade and investment in Africa will ultimately benefit American workers. Africa constitutes a market of 800 million people, potentially one of the largest markets in the world—more people than Japan and all of the Asian nations combined. If this bill works, and I think it will, spur growth and create bigger markets for U.S. exports. Our exports to Africa already are intensive in high-wage industries, such as machinery, transportation equipment, electronics and services.

Exports to Africa are 27% greater than our exports to all of the former Soviet Union combined. By aggressively following the path of reform, African countries can provide prosperity for their people and create robust markets that will help working Americans and small businesses. It is also important that the protection of these workers is inherent in this bill and that this bill will seek to protect the safety of these workers.

As someone who deeply cares about Africa and our American workers, I just want to ensure this bill helps our nation's workers, African workers and creates jobs for us all.

I am concerned, Mr. Chairman, that once the Africa Growth and Opportunity Act passes that its provisions are implemented. I am fully aware that Section 12 of the bill calls for a private advisory committee to assist the Board of Directors of the Overseas Private Investment Corporation in developing policies and programs. I am interested in soliciting the consideration of the Trade Subcommittee Chairman on Ways and Means in including in the report language of this bill a working advisory group established with both Members of the House and Senate, and the administration that would meet within six months of passage to monitor the implementation of the bill.

I thank the Chair of the Trade Subcommittee for his support of the bill language which seeks to bring Members of Congress and the Administration together 6 months after the bill is enacted to monitor the implementation of the bill, see how it can be improved, and to continue to work towards creating more jobs in America and Africa.

Mr. Chairman, I yield to the gentleman from Illinois (Mr. CRANE) to be able to respond to these important points that I think will make this bill better and help the people of Africa.

Mr. CRANE. Mr. Chairman, I think the points that my colleague has just made are valid and will be under consideration.

Under the GSP program and under the bill, the President must consider whether a country is taking steps to afford its workers internationally recognized workers' rights when determining whether to designate a country as eligible for trade benefits.

So I think it addresses the concerns that the gentlewoman raises and raises properly. We appreciate the support that the gentlewoman has given and look forward to working with her in the future, too.

Ms. JACKSON-LEE of Texas. I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the committee amendment in the nature of a substitute, as modified, as amended.

The committee amendment in the nature of a substitute, as modified, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. EWING) having assumed the chair, Mr. WICKER, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that committee, having had under consideration the bill (H.R. 1432), to authorize a new trade and investment policy for sub-Saharan Africa, pursuant to House Resolution 383, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BISHOP

Mr. BISHOP. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill.

Mr. BISHOP. Yes. In its current form, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BISHOP moves to recommit the bill H.R. 1432 to the Committee on Ways and Means with instructions to report the same to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "African Growth and Opportunity Act".

SEC. 2. FINDINGS.

The Congress finds that it is in the mutual economic interest of the United States and sub-Saharan Africa to promote stable and sustainable economic growth and development in sub-Saharan Africa. To that end, the United States seeks to facilitate market-led economic growth in, and thereby the social and economic development of, the countries of sub-Saharan Africa. In particular, the United States seeks to assist sub-Saharan African countries, and the private sector in those countries, to achieve economic self-reliance by—

(1) strengthening and expanding the private sector in sub-Saharan Africa, especially women-owned businesses;

(2) encouraging increased trade and investment between the United States and sub-Saharan Africa;

(3) reducing tariff and nontariff barriers and other trade obstacles;

(4) expanding United States assistance to sub-Saharan Africa's regional integration efforts;

(5) establishing a United States-Sub-Saharan Africa Trade and Investment Partnership;

(6) focusing on countries committed to accountable government, economic reform, and the eradication of poverty;

(7) establishing a United States-Sub-Saharan Africa Economic Cooperation Forum; and

(8) continuing to support development assistance for those countries in sub-Saharan Africa attempting to build civil societies.

SEC. 3. STATEMENT OF POLICY.

The Congress supports economic self-reliance for sub-Saharan African countries, particularly those committed to—

(1) economic and political reform;

(2) market incentives and private sector growth;

(3) the eradication of poverty; and

(4) the importance of women to economic growth and development.

SEC. 4. ELIGIBILITY REQUIREMENTS.

(a) IN GENERAL.—For each fiscal year, the President shall determine, on a case-by-case basis after providing an opportunity for public comment, whether each sub-Saharan African country is eligible to participate in programs, projects, or activities, or receive assistance or other benefits under this Act. The President's determination shall be based on the establishment and enforcement of appropriate policies relating to—

(1) promoting free movement of goods and services between the United States and sub-Saharan Africa and among countries in sub-Saharan Africa;

(2) promoting the expansion of the production base and the transformation of commodities and nontraditional products for exports through joint venture projects between African and foreign investors;

(3) trade issues, such as protection of intellectual property rights, particularly intellectual property rights with respect to textile and apparel goods, improvements in standards, testing, labeling, and certification;

(4) the protection of property rights, such as protection against expropriation and a functioning and fair judicial system;

(5) participation in bilateral investment treaties and the harmonization of such treaties to avoid double taxation;

(6) supporting the growth of regional markets within a free trade area framework;

(7) governance issues, such as eliminating government corruption, minimizing government intervention in the market such as price controls and subsidies, and streamlining the business license process;

(8) encouraging private ownership of government-controlled economic enterprises;

(9) removing restrictions on investment;

(10) engaging in a cooperative effort with the United States Customs Service to monitor and enforce policies necessary to implement the special access program authorized by section 8, including penalties for transshipment of textile and apparel goods in contravention of United States law, and providing to the Customs Service entry into that country, and access to accurate information in that country, in order to monitor and enforce such policies;

(11) progress on human and worker rights, such as the protection of internationally recognized worker rights as defined in section 507(4) of the Trade Act of 1974, especially restrictions on child labor; and

(12) reducing tariffs and eliminating nontariff barriers to United States textile and apparel goods.

(b) ADDITIONAL FACTORS.—In determining whether a sub-Saharan African country is eligible under subsection (a), the President shall take into account the following factors:

(1) An expression by such country of its desire to be an eligible country under subsection (a).

(2) The extent to which such country has made substantial progress toward—

(A) reducing tariff levels;

(B) binding its tariffs in the World Trade Organization and assuming meaningful binding obligations in other sectors of trade; and

(C) eliminating nontariff barriers to trade.

(3) Whether such country, if not already a member of the World Trade Organization, is actively pursuing membership in that Organization.

(4) The extent to which such country has a recognizable commitment to reducing poverty, increasing the availability of health care and educational opportunities, the expansion of physical infrastructure in a manner designed to maximize accessibility, increased access to market and credit facilities for small farmers and producers, and improved economic opportunities for women as entrepreneurs and employees, and promoting and enabling the formation of capital to support the establishment and operation of micro-enterprises.

(5) Whether or not such country engages in activities that undermine United States national security or foreign policy interests.

(c) CONTINUING COMPLIANCE.—

(1) MONITORING AND REVIEW OF CERTAIN COUNTRIES.—The President shall monitor and review the progress of sub-Saharan African countries in order to determine their current or potential eligibility under subsection (a). Such determinations shall be based on quantitative factors to the fullest extent possible and shall be included in the annual report required by section 16.

(2) INELIGIBILITY OF CERTAIN COUNTRIES.—A sub-Saharan African country described in paragraph (1) that has not made continual progress in meeting the requirements with which it is not in compliance shall be ineligible to participate in programs, projects, or activities, or receive assistance or other benefits, under this Act.

(3) INELIGIBILITY OF COUNTRIES NOT COOPERATING WITH UNITED STATES CUSTOMS.—The President shall not renew the eligibility of a sub-Saharan African country which does not fully cooperate with the United States Customs Service in the enforcement of laws against transshipment of textile and apparel goods as set forth in subsection (a)(10).

(d) VIOLATIONS OF HUMAN RIGHTS AND INELIGIBLE COUNTRIES.—It is the sense of the Congress that a sub-Saharan African country should not be eligible to participate in programs, projects, or activities, or receive assistance or other benefits under this Act if the government of that country is determined by the President to engage in a consistent pattern of gross violations of internationally recognized human rights.

(e) EXCEPTION.—This section does not apply with respect to the amendments made by section 10 of this Act.

SEC. 5. ADDITIONAL AUTHORITIES AND INCREASED FLEXIBILITY TO PROVIDE ASSISTANCE UNDER THE DEVELOPMENT FUND FOR AFRICA.

(a) USE OF SUSTAINABLE DEVELOPMENT ASSISTANCE TO SUPPORT FURTHER ECONOMIC GROWTH.—It is the sense of the Congress that sustained economic growth in sub-Saharan Africa depends in large measure upon the development of a receptive environment for trade and investment, and that to achieve this objective the United States Agency for International Development should continue to support programs which help to create this environment. Investments in human resources, development, and implementation of free market policies, including policies to liberalize agricultural markets and improve food security, and the support for the rule of law and democratic governance should continue to be encouraged and enhanced on a bilateral and regional basis.

(b) DECLARATIONS OF POLICY.—The Congress makes the following declarations:

(1) The Development Fund for Africa established under chapter 10 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2293 et seq.) has been an effective tool in providing development assistance to sub-Saharan Africa since 1988.

(2) The Development Fund for Africa will complement the other provisions of this Act and lay a foundation for increased trade and investment opportunities between the United States and sub-Saharan Africa.

(3) Assistance provided through the Development Fund for Africa will continue to support programs and activities that promote the long term economic development of sub-Saharan Africa, such as programs and activities relating to the following:

(A) Strengthening primary and vocational education systems, especially the acquisition of middle-level technical skills for operating modern private businesses and the introduction of college level business education, including the study of international business, finance, and stock exchanges.

(B) Strengthening health care systems.

(C) Strengthening family planning service delivery systems.

(D) Supporting democratization, good governance and civil society and conflict resolution efforts.

(E) Increasing food security by promoting the expansion of agricultural and agriculture-based industrial production and productivity and increasing real incomes for poor individuals.

(F) Promoting an enabling environment for private sector-led growth through sustained economic reform, privatization programs, and market-led economic activities.

(G) Promoting decentralization and local participation in the development process, especially linking the rural production sectors and the industrial and market centers throughout Africa.

(H) Increasing the technical and managerial capacity of sub-Saharan African individuals to manage the economy of sub-Saharan Africa.

(I) Ensuring sustainable economic growth through environmental protection.

(4) The African Development Foundation has a unique congressional mandate to empower the poor to participate fully in development and to increase opportunities for gainful employment, poverty alleviation, and more equitable income distribution in sub-Saharan Africa. The African Development Foundation has worked successfully to enhance the role of women as agents of change, strengthen the informal sector with an emphasis on supporting micro and small sized enterprises, indigenous technologies, and mobilizing local financing. The African Development Foundation should develop and implement strategies for promoting participation in the socioeconomic development process of grassroots and informal sector groups such as nongovernmental organizations, cooperatives, artisans, and traders into the programs and initiatives established under this Act.

(c) ADDITIONAL AUTHORITIES.—

(1) IN GENERAL.—Section 496(h) of the Foreign Assistance Act of 1961 (22 U.S.C. 2293(h)) is amended—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following:

"(3) DEMOCRATIZATION AND CONFLICT RESOLUTION CAPABILITIES.—Assistance under this section may also include program assistance—

"(A) to promote democratization, good governance, and strong civil societies in sub-Saharan Africa; and

"(B) to strengthen conflict resolution capabilities of governmental, intergovernmental, and nongovernmental entities in sub-Saharan
Africa.".

(2) CONFORMING AMENDMENT.—Section 496(h)(4) of such Act, as amended by paragraph (1), is further amended by striking "paragraphs (1) and (2)" in the first sentence and inserting "paragraphs (1), (2), and (3)".

SEC. 6. UNITED STATES-SUB-SAHARAN AFRICA TRADE AND ECONOMIC COOPERATION FORUM.

(a) DECLARATION OF POLICY.—The President shall convene annual high-level meetings between appropriate officials of the United States Government and officials of the governments of sub-Saharan African countries in order to foster close economic ties between the United States and sub-Saharan Africa.

(b) ESTABLISHMENT.—Not later than 12 months after the date of the enactment of this Act, the President, after consulting with the governments concerned, shall establish a United States-Sub-Saharan Africa Trade and Economic Cooperation Forum (hereafter in this section referred to as the "Forum").

(c) REQUIREMENTS.—In creating the Forum, the President shall meet the following requirements:

(1) The President shall direct the Secretary of Commerce, the Secretary of the Treasury, the Secretary of State, and the United States Trade Representative to host the first annual meeting with the counterparts of such Secretaries from the governments of sub-Saharan African countries eligible under section 4, the Secretary General of the Organization of African Unity, and government officials from other appropriate countries in Africa, to discuss expanding trade and investment relations between the United States and sub-Saharan Africa and the implementation of this Act.

(2)(A) The President, in consultation with the Congress, shall encourage United States nongovernmental organizations to host annual meetings with nongovernmental organizations from sub-Saharan Africa in conjunction with the annual meetings of the Forum for the purpose of discussing the issues described in paragraph (1).

(B) The President, in consultation with the Congress, shall encourage United States representatives of the private sector to host annual meetings with representatives of the private sector from sub-Saharan Africa in conjunction with the annual meetings of the Forum for the purpose of discussing the issues described in paragraph (1).

(3) The President shall, to the extent practicable, meet with the heads of governments of sub-Saharan African countries eligible under section 4 not less than once every two years for the purpose of discussing the issues described in paragraph (1). The first such meeting should take place not later than twelve months after the date of the enactment of this Act.

(d) DISSEMINATION OF INFORMATION BY USIA.—In order to assist in carrying out the purposes of the Forum, the United States Information Agency shall disseminate regularly, through multiple media, economic information in support of the free market economic reforms described in this Act.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(f) LIMITATION ON USE OF FUNDS.—None of the funds authorized under this section may be used to create or support any nongovernmental organization for the purpose of expanding or facilitating trade between the United States and sub-Saharan Africa.

SEC. 7. UNITED STATES-SUB-SAHARAN AFRICA FREE TRADE AREA.

(a) DECLARATION OF POLICY.—The Congress declares that the President should investigate the establishment of a United States–Sub-Saharan Africa Free Trade Area as a result of a fully reciprocal free trade agreement, if the President determines that increased trade and private sector development have led to open market economies in the countries of sub-Saharan Africa.

(b) PLAN REQUIREMENT.—

(1) IN GENERAL.—The President, taking into account the provisions of the treaty establishing the African Economic Community and the willingness of the governments of sub-Saharan African countries to engage in negotiations to enter into free trade agreements, may develop a plan for the purpose of entering into one or more trade agreements with sub-Saharan African countries eligible under section 4 in order to establish a United States–Sub-Saharan Africa Free Trade Area (hereafter in this section referred to as the "Free Trade Area").

(2) ELEMENTS OF PLAN.—The plan may include the following:

(A) The specific objectives of the United States with respect to the establishment of the Free Trade Area and a suggested timetable for achieving those objectives.

(B) The benefits to both the United States and sub-Saharan Africa with respect to the Free Trade Area.

(C) A mutually agreed-upon timetable for establishing the Free Trade Area.

(D) The implications for and the role of regional and sub-regional organizations in sub-Saharan Africa with respect to the Free Trade Area.

(E) Subject matter anticipated to be covered by the agreement for establishing the Free Trade Area and United States laws, programs, and policies, as well as the laws of participating eligible African countries and existing bilateral and multilateral and economic cooperation and trade agreements, that may be affected by the agreement or agreements.

(F) Procedures to ensure the following:

(i) Adequate consultation with the Congress and the private sector during the negotiation of the agreement or agreements for establishing the Free Trade Area.

(ii) Consultation with the Congress regarding all matters relating to implementation of the agreement or agreements.

(iii) Approval by the Congress of the agreement or agreements.

(iv) Adequate consultations with the relevant African governments and African regional and subregional intergovernmental organizations during the negotiations of the agreement or agreements.

(c) REPORTING REQUIREMENT.—The President shall prepare and transmit to the Congress a report containing the results of his investigation under subsection (a).

SEC. 8. SPECIAL ACCESS PROGRAM FOR TEXTILE AND APPAREL ARTICLES FROM ELIGIBLE COUNTRIES.

(a) SPECIAL ACCESS PROGRAM.—

(1) ESTABLISHMENT.—The President, in consultation with representatives of the domestic textile and apparel industry and with representatives of countries in sub-Saharan Africa that are eligible under section 4 and after providing an opportunity for public comment, shall establish a special access program for imports of textile and apparel articles from such eligible countries in sub-Saharan Africa under which specified levels of imports of eligible textile and apparel articles would not be subject to duties or quotas.

(2) PROGRAM MODELED ON EXISTING PROGRAMS.—The program under paragraph (1) should be modeled on existing programs providing for similar preferential tariff and quota treatment, such as the program in effect for countries in the Caribbean Basin, consistent with the international obligations of the United States under the Agreement on Textiles and Clothing and other trade agreements.

(b) ELIGIBLE GOODS.—

(1) IN GENERAL.—Textile and apparel articles are eligible for the special access program established under subsection (a) only if the articles are—

(A) textile or apparel articles assembled in an eligible sub-Saharan African country from fabrics wholly formed and cut in the United States, from yarns wholly formed in the United States, that are—

(i) entered under subheading 9802.00.80 of the Harmonized Tariff Schedule of the United States; or

(ii) entered under chapter 61 or 62 of the Harmonized Tariff Schedule of the United States, if, after such assembly, the articles would have qualified for entry under subheading 9802.00.80 of such Schedule but for the fact that the articles were subjected to stone-washing, enzyme-washing, acid-washing, perma-pressing, oven-baking, bleaching, garment-dyeing, embroidery, or other similar processes; or

(B) handloomed, handmade, or folklore articles of an eligible sub-Saharan African country identified under paragraph (2) that are certified as such by the competent authority of such country.

(2) DETERMINATION OF HANDLOOMED, HANDMADE, OR FOLKLORE GOODS.—For purposes of paragraph (1)(B), the President, after consultation with the eligible sub-Saharan African country concerned, shall determine which, if any, particular textile and apparel goods of the country shall be treated as being handloomed, handmade, or folklore goods of a kind described in section 2.3(a), (b), or (c) or Appendix 3.1.B.11 of Annex 300–B of the North American Free Trade Agreement.

(3) ACTIONS BY PRESIDENT TO PREVENT MARKET DISRUPTION.—The President may impose the prevailing general column I rates of duty, restrict the quantity of imports, or both, with respect to imports of eligible goods under this subsection from any eligible sub-Saharan African country if such action is necessary to prevent market disruption or the threat thereof.

(c) REPORT.—The President shall include as part of the first annual report under section 16 a report on the establishment of the special access program under subsection (a) and shall report to the Congress annually thereafter on the implementation of the program and its effect on the textile and apparel industry in the United States.

(d) DEFINITION.—For purposes of this section, the term "Agreement on Textiles and Clothing" means the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

SEC. 9. PENALTIES FOR VIOLATIONS OF CUSTOMS LAWS INVOLVING TEXTILE AND APPAREL GOODS.

(a) PENALTIES.—Section 592 of the Tariff Act of 1930 (19 U.S.C. 1592) is amended by adding at the end the following:

"(g) PENALTIES INVOLVING TEXTILE AND APPAREL GOODS.—

"(1) FRAUD.—Notwithstanding subsection (c), the civil penalty for a fraudulent violation of subsection (a) based on a claim that textile and apparel goods are products of countries in sub-Saharan Africa—

"(A) shall, subject to subparagraph (B), be double the amount that would otherwise apply under subsection (c)(1); and

"(B) shall be an amount not to exceed 300 percent of the declared value in the United States of the merchandise if the violation has the effect of circumventing any quota on textile and apparel goods.

"(2) GROSS NEGLIGENCE.—Notwithstanding subsection (c), the civil penalty for a grossly negligent violation of subsection (a) based on a claim that textile and apparel goods are products of countries in sub-Saharan Africa—

"(A) shall, subject to subparagraphs (B) and (C), be double the amount that would otherwise apply under subsection (c)(2);

"(B) shall, if the violation has the effect of circumventing any quota of the United States on textile and apparel goods, and subject to subparagraph (C), be 200 percent of the declared value of the merchandise; and

"(C) shall, if the violation is a third or subsequent offense occurring within 3 years, be the penalty for a fraudulent violation under paragraph (1) (A) or (B), whichever is applicable.

"(3) NEGLIGENCE.—Notwithstanding subsection (c), the civil penalty for a negligent violation of subsection (a) based on a claim that textile and apparel goods are products of countries in sub-Saharan Africa—

"(A) shall, subject to subparagraphs (B) and (C), be double the amount that would otherwise apply under subsection (a)(3);

"(B) shall, if the violation has the effect of circumventing any quota of the United States on textile and apparel goods, and subject to subparagraph (C), be 100 percent of the declared value of the merchandise; and

"(C) shall, if the violation is a third or subsequent offense occurring within 3 years, be the penalty for a grossly negligent violation under paragraph (2) (A) or (B), whichever is applicable.".

(b) MITIGATION.—Section 618 of the Tariff Act of 1930 (19 U.S.C. 1618) is amended—

(1) by striking "Whenever" and inserting "(a) IN GENERAL.—Whenever", and

(2) by adding at the end the following new subsection:

"(b) MITIGATION RULES RELATING TO TEXTILE AND APPAREL GOODS.—

"(1) GENERAL RULE.—Notwithstanding any other provision of law, the Secretary of the Treasury may remit or mitigate any fine or penalty imposed pursuant to section 592 based on a claim that textile and apparel goods are products of countries in sub-Saharan Africa only if—

"(A) in the case of a first offense, the violation is due to either negligence or gross negligence; and

"(B) in the case of a second or subsequent offense, prior disclosure (as defined in section 592(c)(4)) is made within 180 days after the entry of the goods.

"(2) SPECIAL RULE FOR PRIOR DISCLOSURES AFTER 180 DAYS.—In the case of a second or subsequent offense where prior disclosure (as defined in section 592(c)(4)) is made after 180 days after the entry of the goods, the Secretary of the Treasury may remit or mitigate not more than 50 percent of such fines or penalties.".

(c) SEIZURE AND FORFEITURE.—Section 596(c)(2) of the Tariff Act of 1930 (19 U.S.C. 1595a(c)(2)) is amended—

(1) in subparagraph (E), by striking "or" after the semicolon;

(2) in subparagraph (F), by striking the period and inserting "; or"; and

(3) by inserting after subparagraph (F) the following:

"(G) it consists of textile or apparel goods that are claimed to be products of countries in sub-Saharan Africa introduced into the United States for entry, transit, or exportation, and

"(i) the merchandise or its container bears false or fraudulent markings with respect to the country of origin, unless the importer of the merchandise demonstrates that the markings were made in order to comply with the rules of origin of the country that is the final destination of the merchandise, or

"(ii) the merchandise or its container is introduced or attempted to be introduced into the United States by means of, or such introduction or attempt is aided or facilitated by means of, a material false statement, act, or omission with the intention or effect of—

"(I) circumventing any quota that applies to the merchandise, or

"(II) undervaluing the merchandise.".

(d) CERTIFICATES OF ORIGIN.—Notwithstanding any other provision of law, all importations of textile and apparel goods that are claimed to be products of countries in sub-Saharan Africa shall be accompanied by—

(1)(A) the name and address of the manufacturer or producer of the goods, and any other information with respect to the manufacturer or producer that the Customs Service may require; and

(B) if there is more than one manufacturer or producer, or there is a contractor or subcontractor of the manufacturer or producer with respect to the manufacture or production of the goods, the information required under subparagraph (A) with respect to each such manufacturer, producer, contractor, or subcontractor, including a description of the process performed by each such entity;

(2) a certification by the importer that the importer has exercised reasonable care to ascertain the true country of origin of the textile and apparel goods and the accuracy of all other information provided on the documentation accompanying the imported goods, as well as a certification of the specific action taken by the importer to ensure reasonable care for purposes of this paragraph; and

(3) a certification by the importer that the goods being entered do not violate applicable trademark, copyright, and patent laws.

Information provided under this subsection shall be sufficient to demonstrate compliance with the United States rules of origin for textile and apparel goods.

SEC. 10. GENERALIZED SYSTEM OF PREFERENCES.

(a) EXTENSION OF PROGRAM.—Section 505 of the Trade Act of 1974 (19 U.S.C. 2465) is amended to read as follows:

"SEC. 505. DATE OF TERMINATION.

"(a) COUNTRIES IN SUB-SAHARAN AFRICA.—No duty-free treatment provided under this title shall remain in effect after June 30, 2008, with respect to beneficiary developing countries that are countries in sub-Saharan Africa.

"(b) OTHER COUNTRIES.—No duty-free treatment provided under this title shall remain in effect after June 30, 1998, with respect to beneficiary developing countries other than those provided for in subsection (a).".

(b) DEFINITION.—Section 507 of the Trade Act of 1974 (19 U.S.C. 2467) is amended by adding at the end the following:

"(6) COUNTRIES IN SUB-SAHARAN AFRICA.—The term 'countries in sub-Saharan Africa' has the meaning given that term in section 17 of the African Growth and Opportunity Act.".

(c) EFFECTIVE DATE.—The amendments made by this section take effect on July 1, 1998.

SEC. 11. INTERNATIONAL FINANCIAL INSTITUTIONS AND DEBT REDUCTION.

(a) BETTER MECHANISMS TO FURTHER GOALS FOR SUB-SAHARAN AFRICA.—It is the sense of the Congress that the Secretary of the Treasury should instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Monetary Fund, and the African Development Bank to use the voice and votes of the Executive Directors to encourage vigorously their respective institutions to develop enhanced mechanisms which further the following goals in eligible countries in sub-Saharan Africa:

(1) Strengthening and expanding the private sector, especially among women-owned businesses.

(2) Reducing tariffs, nontariff barriers, and other trade obstacles, and increasing economic integration.

(3) Supporting countries committed to accountable government, economic reform, the eradication of poverty, and the building of civil societies.

(4) Supporting deep debt reduction at the earliest possible date with the greatest amount of relief for eligible poorest countries under the "Heavily Indebted Poor Countries" (HIPC) debt initiative.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that relief provided to countries in sub-Saharan Africa which qualify for the Heavily Indebted Poor Countries debt initiative should primarily be made through grants rather than through extended-term debt, and that interim relief or interim financing should be provided for eligible countries that establish a strong record of macroeconomic reform.

(c) EXECUTIVE BRANCH INITIATIVES.—The Congress supports and encourages the implementation of the following initiatives of the executive branch:

(1) AMERICAN-AFRICAN BUSINESS PARTNERSHIP.—The Agency for International Development devoting up to $1,000,000 annually to help catalyze relationships between United States firms and firms in sub-Saharan Africa through a variety of business associations and networks.

(2) TECHNICAL ASSISTANCE TO PROMOTE REFORMS.—The Agency for International Development providing up to $5,000,000 annually in short-term technical assistance programs to help the governments of sub-Saharan African countries to—

(A) liberalize trade and promote exports;

(B) bring their legal regimes into compliance with the standards of the World Trade Organization in conjunction with membership in that Organization; and

(C) make financial and fiscal reforms, as well as the United States Department of Agriculture providing support to promote greater agribusiness linkages.

(3) AGRICULTURAL MARKET LIBERALIZATION.—The Agency for International Development devoting up to $15,000,000 annually as part of the multi-year Africa Food Security Initiative to help address such critical agricultural policy issues as market liberalization, agricultural export development, and agribusiness investment in processing and transporting agricultural commodities.

(4) TRADE PROMOTION.—The Trade Development Agency increasing the number of reverse trade missions to growth-oriented countries in sub-Saharan Africa.

(5) TRADE IN SERVICES.—Efforts by United States embassies in the countries in sub-Saharan Africa to encourage their host governments—

(A) to participate in the ongoing negotiations on financial services in the World Trade Organization;

(B) to revise their existing schedules to the General Agreement on Trade in Services of the World Trade Organization in light of the successful conclusion of negotiations on basic telecommunications services; and

(C) to make further commitments in their schedules to the General Agreement on Trade in Services in order to encourage the removal of tariff and nontariff barriers and to foster competition in the services sector in those countries.

SEC. 12. SUB-SAHARAN AFRICA EQUITY AND INFRASTRUCTURE FUNDS.

(a) INITIATION OF FUNDS.—It is the sense of the Congress that the Overseas Private Investment Corporation should, within 12 months after the date of the enactment of this Act, exercise the authorities it has to initiate 2 or more equity funds in support of projects in the countries in sub-Saharan Africa.

(b) STRUCTURE AND TYPES OF FUNDS.—

(1) STRUCTURE.—Each fund initiated under subsection (a) should be structured as a partnership managed by professional private sector fund managers and monitored on a continuing basis by the Corporation.

(2) CAPITALIZATION.—Each fund should be capitalized with a combination of private equity capital, which is not guaranteed by the Corporation, and debt for which the Corporation provides guaranties.

(3) TYPES OF FUNDS.—

(A) EQUITY FUND FOR SUB-SAHARAN AFRICA.—One of the funds should be an equity fund, with assets of up to $150,000,000, the primary purpose of which is to achieve long-term capital appreciation through equity investments in support of projects in countries in sub-Saharan Africa.

(B) INFRASTRUCTURE FUND.—One or more of the funds, with combined assets of up to $500,000,000, should be used in support of infrastructure projects in countries of sub-Saharan Africa. The primary purpose of any such fund would be to achieve long-term capital appreciation through investing in financing for infrastructure projects in sub-Saharan Africa, including for the expansion of businesses in sub-Saharan Africa, restructurings, management buyouts and buyins, businesses with local ownership, and privatizations.

(4) EMPHASIS.—The Corporation shall ensure that the funds are used to provide support in particular to women entrepreneurs and to innovative investments that expand opportunities for women and maximize employment opportunities for poor individuals.

SEC. 13. OVERSEAS PRIVATE INVESTMENT CORPORATION AND EXPORT-IMPORT BANK INITIATIVES.

(a) OVERSEAS PRIVATE INVESTMENT CORPORATION.—

(1) ADVISORY COMMITTEE.—Section 233 of the Foreign Assistance Act of 1961 is amended by adding at the end the following:

"(e) ADVISORY COMMITTEE.—The Board shall take prompt measures to increase the loan, guarantee, and insurance programs, and financial commitments, of the Corporation in sub-Saharan Africa, including through the establishment and use of an advisory committee to assist the Board in developing and implementing policies, programs, and financial instruments with respect to sub-Saharan Africa. In addition, the advisory committee shall make recommendations to the Board on how the Corporation can facilitate greater support by the United States for trade and investment with and in sub-Saharan Africa. The advisory committee shall terminate 4 years after the date of the enactment of this subsection.".

(2) REPORTS TO THE CONGRESS.—Within 6 months after the date of the enactment of this Act, and annually for each of the 4 years thereafter, the Board of Directors of the Overseas Private Investment Corporation shall submit to the Congress a report on the steps that the Board has taken to implement section 233(e) of the Foreign Assistance Act of 1961 (as added by paragraph (1)) and any recommendations of the advisory board established pursuant to such section.

(b) EXPORT-IMPORT BANK.—

(1) ADVISORY COMMITTEE FOR SUB-SAHARAN AFRICA.—Section 2(b) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)) is amended by inserting after paragraph (12) the following:

"(13)(A) The Board of Directors of the Bank shall take prompt measures, consistent with the credit standards otherwise required by law, to promote the expansion of the Bank's financial commitments in sub-Saharan Africa under the loan, guarantee, and insurance programs of the Bank.

"(B)(i) The Board of Directors shall establish and use an advisory committee to advise the Board of Directors on the development and implementation of policies and programs designed to support the expansion described in subparagraph (A).

"(ii) The advisory committee shall make recommendations to the Board of Directors on how the Bank can facilitate greater support by United States commercial banks for trade with sub-Saharan Africa.

"(iii) The advisory committee shall terminate 4 years after the date of the enactment of this subparagraph.".

(2) REPORTS TO THE CONGRESS.—Within 6 months after the date of the enactment of this Act, and annually for each of the 4 years thereafter, the Board of Directors of the Export-Import Bank of the United States shall submit to the Congress a report on the steps that the Board has taken to implement section 2(b)(13)(B) of the Export-Import Bank Act of 1945 (as added by paragraph (1)) and any recommendations of the advisory committee established pursuant to such section.

SEC. 14. ESTABLISHMENT OF ASSISTANT UNITED STATES TRADE REPRESENTATIVE FOR SUB-SAHARAN AFRICA.

(a) ESTABLISHMENT.—The President shall establish a position of Assistant United States Trade Representative within the Office of the United States Trade Representative to focus on trade issues relating to sub-Saharan Africa.

(b) FUNDING AND STAFF.—The President shall ensure that the Assistant United States Trade Representative appointed pursuant to subsection (a) has adequate funding and staff to carry out the duties described in subsection (a), subject to the availability of appropriations.

SEC. 15. EXPANSION OF THE UNITED STATES AND FOREIGN COMMERCIAL SERVICE IN SUB-SAHARAN AFRICA.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that the United States and Foreign Commercial Service should expand its presence in sub-Saharan Africa by increasing the number of posts and the number of personnel it allocates to sub-Saharan Africa.

(b) REPORTING REQUIREMENT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the Secretary of State, should report to the Congress on the feasibility of expanding the presence in sub-Saharan Africa of the United States and Foreign Commercial Service.

SEC. 16. REPORTING REQUIREMENT.

The President shall submit to the Congress, not later than 1 year after the date of the enactment of this Act, and not later than the end of each of the next 4 1-year periods thereafter, a report on the implementation of this Act.

SEC. 17. SUB-SAHARAN AFRICA DEFINED.

For purposes of this Act, the terms "sub-Saharan Africa", "sub-Saharan African country", "country in sub-Saharan Africa", and "countries in sub-Saharan Africa" refer to the following:

Republic of Angola (Angola)
Republic of Botswana (Botswana)
Republic of Burundi (Burundi)
Republic of Cape Verde (Cape Verde)
Republic of Chad (Chad)
Democratic Republic of Congo
Republic of the Congo (Congo)
Republic of Djibouti (Djibouti)
State of Eritrea (Eritrea)
Gabonese Republic (Gabon)
Republic of Ghana (Ghana)
Republic of Guinea-Bissau (Guinea-Bissau)
Kingdom of Lesotho (Lesotho)
Republic of Madagascar (Madagascar)
Republic of Mali (Mali)
Republic of Mauritius (Mauritius)
Republic of Namibia (Namibia)
Federal Republic of Nigeria (Nigeria)
Democratic Republic of Sao Tomé and Principe (Sao Tomé and Principe)
Republic of Sierra Leone (Sierra Leone)
Somalia
Kingdom of Swaziland (Swaziland)
Republic of Togo (Togo)
Republic of Zimbabwe (Zimbabwe)
Republic of Benin (Benin)
Burkina Faso (Burkina)
Republic of Cameroon (Cameroon)
Central African Republic
Federal Islamic Republic of the Comoros (Comoros)
Republic of Côte d'Ivoire (Côte d'Ivoire)
Republic of Equatorial Guinea (Equatorial Guinea)
Ethiopia
Republic of the Gambia (Gambia)
Republic of Guinea (Guinea)
Republic of Kenya (Kenya)
Republic of Liberia (Liberia)
Republic of Malawi (Malawi)
Islamic Republic of Mauritania (Mauritania)
Republic of Mozambique (Mozambique)
Republic of Niger (Niger)
Republic of Rwanda (Rwanda)
Republic of Senegal (Senegal)
Republic of Seychelles (Seychelles)
Republic of South Africa (South Africa)
Republic of Sudan (Sudan)
United Republic of Tanzania (Tanzania)
Republic of Uganda (Uganda)
Republic of Zambia (Zambia)

SEC. 18. CLARIFICATION OF DEDUCTION FOR SEVERANCE PAY.

(a) IN GENERAL.—Section 404(a) of the Internal Revenue Code of 1986 (relating to deduction for contributions of an employer to an employee's trust or annuity plan and compensation under a deferred-payment plan) is amended by adding at the end the following new paragraph:

"(11) DETERMINATIONS RELATING TO SEVERANCE PAY.—For purposes of determining under this section—

"(A) whether severance pay is deferred compensation, and

"(B) when severance pay is paid,

no amount shall be treated as received by the employee, or paid, until it is actually received by the employee."

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to taxable years ending after October 8, 1997.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by the amendment made by subsection (a) to change its method of accounting for its first taxable year ending after October 8, 1997—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account in such first taxable year.

Mr. BISHOP (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection the request of the gentleman from Georgia?

There was no objection.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. BISHOP) is recognized for 5 minutes.

Mr. BISHOP. Mr. Speaker, we do have a motion to recommit H.R. 1432. The African Growth and Opportunity Act embodies an important ideal for which I have long been in support; namely, that the countries of sub-Saharan Africa should improve their economic lot through development and trade.

This bill would begin the process, Mr. Speaker, of weaning these countries from our traditional direct aid relationship.

I became an original cosponsor of this bill for several reasons, and I still believe that this ideal can be obtained. However, Mr. Speaker, charity begins at home.

It was brought to my attention soon after the bill's introduction that the bill's textile and apparel provisions could cause harm to these U.S. industries as well as cause harm to the U.S. market for cotton.

Instead of going to the well and removing my name from the bill, I decided that I should work as an agent of change to convince the bill's sponsors to have these troublesome sections modified.

Indeed, the changes that we push for would have resulted in the textile and cotton industries embracing the bill and working for its passage for the betterment of the economies of the United States and sub-Saharan Africa. The changes that we advocated would be of great mutual benefit.

In April of last year, nearly a year ago, I secured assurances from the ranking member of the Committee on Ways and Means that these concerns would be addressed. Not long after this, the ranking member arranged a meeting between our staff, representatives of the textile and cotton industries, and the Committee on Ways and Means' staff.

We also continued to dialogue with the administration officials and had the issue of illegal textile and apparel transshipment put to the U.S. trade representatives in the course of the Subcommittee on Trade hearing on the bill.

It is worth noting, Mr. Speaker, that throughout the process, the administration has agreed that illegal transshipments and protection of domestic industries remains a concern.

While the full committee made a late attempt to address the illegal transshipment concerns in its markup of the bill, the remedies provided are widely believed not to be adequately protective of American jobs, while still benefiting a well-developed Asian textile market.

☐ 1645

For instance, the bill as offered today would disallow benefits for 2 years to any importer found to be engaged in illegal transshipment. However, I myself have seen at the border that inadequate Customs resources do not allow tracking of successor companies which can be back in business in a few days nor does it allow monitoring of the rules of origin. Furthermore, once the illegal goods flow into the U.S. stream of commerce, the damage is already done.

To address this reality, we offered a bipartisan substitute before the Committee on Rules. Our substitute would have incorporated substantial penalties on the transshipping companies, allow for seizure and forfeiture of textile and apparel goods and reform U.S. Customs mitigation procedures.

Those procedures allow bad actors to escape meaningful fines and penalties and to avoid punitive sanctions. Our substitute would provide that the special access program established by the President should be modeled on the program already in effect for the countries of the Caribbean. This would include only those articles of textile and apparel which have been assembled from fabric formed from the yarn-stage forward in the U.S. and cut in the U.S. The thread used in sewing also must be spun in the U.S.

What I have described is commonly referred to as an 807A-type program. It is in this program where the win-win for the countries of sub-Saharan Africa and the U.S. textile and cotton industries lies.

In short, Mr. Speaker, I urge that this bill be sent back to committee and that it be perfected so that we can do something for sub-Saharan African countries, as well as the U.S. domestic industries.

Mr. Speaker, I yield to the gentleman from Georgia (Mr. COLLINS).

Mr. COLLINS. Mr. Speaker, I thank the gentleman for yielding. He has graciously advised the House on the importance of this committee and the importance of his motion to recommit, which contains substitute language.

Mr. Speaker, on behalf of the textile workers, agriculture workers, their families and the communities which depend on those jobs as their economic base, I rise in support of the motion to recommit with instructions to insert into this bill the same provisions we have in other trade agreements pertaining to textiles, and also language that will address the transshipment problem.

Mr. CRANE. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore (Mr. EWING). The gentleman from Illinois (Mr. CRANE) is recognized for 5 minutes.

Mr. CRANE. Mr. Speaker, I want to say a few words about the proposal to require that any apparel products receiving benefits under this bill be sewn in Africa only from U.S.-formed and -cut component parts. That would add, 17 percent are the estimates, to the cost of the product and negate any possibility of any textile and apparel coming from the sub-Saharan continent.

What we are attempting to do here is to provide an opportunity for a section of the world that numbers almost 700 million in population and which, in terms of a component of our textile and apparel imports, which in 1996 totaled $46 billion, their component was $380 million; and ITC says, "Wow, that could almost double with this bill," add another $100 to $170 million.

Be realistic, folks. We are not looking at the kinds of threats that have been raised by some that have spoken in opposition to the legislation. I understand they have constituencies that have concerns. They have had concerns for years, long before this bill came down the pike, and they will have continued concerns.

Mr. Speaker, when all the fine words about encouraging economic development in Africa are set aside, the trade measures in H.R. 1432 stand out as concrete attempts to offer real opportunities and a solid transition path. We are moving from the old ways of transferring billions of dollars in foreign aid and towards the goal that Africans have for themselves, economic health and self-reliance.

I urge my colleagues to defeat the motion to recommit.

Mr. Speaker, I yield to the gentleman from New York (Mr. RANGEL), the distinguished ranking minority member.

Mr. RANGEL. I thank the distinguished gentleman for yielding. Mr. Speaker, I oppose the motion to recommit, but I would like to tell the gentleman from Georgia (Mr. BISHOP) that there are things in this bill that can be perfected.

The question of transshipment is always a serious problem with any trade bill. We have tried to tighten it up. The bill has not passed the Senate. It will go to conference. We hope to be working with the President, the WTO and Customs to make certain that we do not lose jobs, that we do not adversely affect the industries here. Of course, to say that Africans cannot manufacture any African fabric does not make a heck of a lot of sense, but I am certain, working together, we can find some compromise to improve the legislation.

Mr. CRANE. Mr. Speaker, I yield to our distinguished Speaker to make concluding remarks.

Mr. GINGRICH. I thank the gentleman for yielding.

Mr. Speaker, let me say first of all that the Africa Growth and Opportunity Act has taken 3 years of dedicated bipartisan work, led by the gentleman from Illinois (Mr. CRANE), by the gentleman from New York (Mr. RANGEL), by the gentleman from Texas (Mr. ARCHER), by the gentleman from Washington (Mr. MCDERMOTT), by the gentleman from New York (Mr. HOUGHTON), by the gentleman from California (Mr. ROYCE), by the gentleman from California (Mr. MATSUI). A lot of people worked on this bill.

Let me say to my friends, this is a very important bill. It is important, first, because it says to the countries of sub-Saharan Africa that if you meet the test of the rule of law, if you meet the test of private property, if you meet the test of moving towards a market economy, the United States wants to be your trading partner. This bill sets the right standard.

In conversations that I have had with the presidents of Uganda and Ghana, with the vice president of South Africa, all of them regard this as a significant step towards moving away from an aid-based system towards a trade-based system and helping develop real jobs in the world market.

Second, this bill is an important bill because it communicates our commitment to being in the world market where we create American jobs competing successfully with everyone. I would say to any of my friends who are worried about protectionism, look at the European experience where they have 12, 13 and 14 percent unemployment. And then look at the American experience where in November and December alone we created more jobs than Western Europe has created in the last decade. The fact is, being in the world market helps us create jobs because it forces us to be competitive.

Finally, I would say to my good friends from Georgia, both the gentlemen from the Republican side and the Democratic side in their bipartisan effort, if they will read pages 62 to 64 of the bill, they will see that transshipments are specifically blocked, that the President, in fact, certifies that countries have met our standards for transshipment, and that any parent company, if an Asian company, for example, were to attempt to ship goods inappropriately through an African country, we could level triple damages against the quota of the Asian country. So there is in fact a strong, legitimate antitransshipment provision.

This is a good bill. It is an important bill for our relationship with Africa. I urge every Member to vote no on the motion to recommit and then to vote yes on final passage.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BISHOP. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 5(b) of rule XV, the Chair will reduce to a minimum of 5 minutes the period of time time within which a vote by electronic device, if ordered, will be taken on the question of passage of the bill.

The vote was taken by electronic device, and there were—ayes 193, noes 224, not voting 13, as follows:

[Roll No. 46]

AYES—193

Abercrombie
Ackerman
Aderholt
Andrews
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (WI)
Bass
Becerra
Berry
Bishop
Blagojevich
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (OH)
Bryant
Bunning
Burr
Burton
Callahan
Canady
Cardin
Carson
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Cunningham
Danner
Deal
DeFazio
Delahunt
DeLauro
Dickey
Dingell
Doyle
Duncan
Emerson
Engel
Etheridge
Evans
Everett
Farr
Filner
Forbes
Fowler
Frank (MA)
Ganske
Gejdenson
Gephardt
Gibbons
Goode
Goodlatte
Goodling
Gordon
Graham
Green
Gutierrez
Hall (TX)
Hayworth
Hefner
Hilleary
Hinchey
Holden
Hunter
Inglis
Jenkins
Johnson (WI)
Jones
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kingston
Kleczka
Klink
Kucinich
LaFalce
Lantos
Largent
Lewis (GA)
Lewis (KY)
Lucas
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
McCarthy (MO)
McDade
McGovern
McHale
McHugh
McIntosh
McIntyre
McNulty
Meehan
Miller (CA)
Mink
Moakley
Mollohan
Moran (KS)
Murtha
Myrick
Nadler
Neal
Ney
Norwood
Oberstar
Obey
Olver
Ortiz
Pallone
Pappas
Pascrell
Pastor
Pelosi
Peterson (MN)
Pickering
Pickett
Pomeroy
Price (NC)
Rahall
Reyes
Riley
Rivers
Rogers
Rohrabacher
Ros-Lehtinen
Roybal-Allard
Rush
Sánchez
Sanders
Sanford
Sawyer
Serrano
Sherman
Sisisky
Skelton
Slaughter
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Talent
Tanner
Tauzin
Taylor (MS)
Thompson
Thornberry
Tierney
Torres
Traficant
Velázquez
Vento
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weygand
Wicker
Woolsey
Yates

NOES—224

Allen
Archer
Armey
Barrett (NE)
Bartlett
Barton
Bateman
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Brady
Brown (FL)
Buyer
Calvert
Camp
Campbell
Cannon
Castle
Chabot
Chenoweth
Christensen
Cook
Cox
Crane
Crapo
Cubin
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeGette
DeLay
Diaz-Balart
Dicks
Dixon
Doggett
Dooley
Doolittle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
English
Ensign
Eshoo
Ewing
Fattah
Fawell
Fazio
Foley
Ford
Fossella
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gekas
Gilchrest
Gillmor
Gilman
Goss
Granger
Greenwood
Gutknecht
Hall (OH)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hefley
Herger
Hill
Hilliard
Hinojosa
Hobson
Hoekstra
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Kasich
Kelly
Kilpatrick
Kim
Kind (WI)
King (NY)
Klug
Knollenberg
Kolbe
LaHood
Lampson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Manzullo
Matsui
McCarthy (NY)
McCollum
McCrery
McDermott
McInnis
McKeon
McKinney
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Moran (VA)
Morella
Nethercutt
Neumann
Northup
Nussle
Owens
Oxley
Packard
Parker
Paul
Paxon
Payne
Pease
Peterson (PA)
Petri
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Regula
Riggs
Roemer
Rogan
Rothman
Roukema
Royce
Ryun
Sabo
Salmon
Sandlin
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skaggs
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Souder
Sununu
Tauscher
Taylor (NC)
Thomas
Thune
Thurman
Tiahrt
Towns
Turner
Upton
Visclosky
Walsh
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
White
Whitfield
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Deutsch
Furse
Gonzalez
Harman
John
Manton
Poshard
Redmond
Rodriguez
Schiff
Schumer
Solomon
Stabenow

□ 1711

Messrs. CUNNINGHAM, KENNEDY of Rhode Island, CALLAHAN, DICKEY and MORAN of Kansas changed their vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. STABENOW. Mr. Speaker, I missed the vote on rollcall no. 46. On the motion to recommit with instructions for H.R. 1432, the African Growth and Opportunity Act; has I been present, I would have voted yes.

(Mr. ARMEY asked and was given permission to speak out of order.)

LEGISLATIVE PROGRAM

Mr. ARMEY. Mr. Speaker, I thank the Members for their attention.

Mr. Speaker, we have been working with the gentleman from Texas (Mr. SMITH) and the gentleman from North Carolina (Mr. WATT) about the Tucker Act, the bill to be taken up tonight, and we reached an arrangement that allows us to inform the Members that we will, on the next vote, have the last vote of the evening. There will be general debate and some work on the Tucker Act, for those who are interested in that, but any votes on the Tucker Act will be postponed until tomorrow.

So following the next vote, the Members will have had their last vote for the evening, and I want to thank the gentleman from Texas (Mr. SMITH) and the gentleman from North Carolina (Mr. WATT) for their cooperation.

□ 1715

The SPEAKER pro tempore (Mr. EWING). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DICKS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 233, noes 186, not voting 12, as follows:

[Roll No. 47]

AYES—233

Ackerman
Allen
Archer
Armey
Baker
Barrett (NE)
Barrett (WI)
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Bilbray
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Boswell
Brady
Brown (FL)
Calvert
Camp
Campbell
Cannon
Cardin
Castle
Chabot
Christensen
Cook
Cox
Coyne
Crane
Cubin
Cummings
Davis (FL)
Davis (VA)
DeGette
DeLay
Dicks
Dixon
Doggett
Dooley
Doolittle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Ewing
Fattah
Fawell
Fazio
Foley
Ford
Fossella
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goss
Granger
Gutknecht
Hall (OH)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Istook
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Kasich
Kelly
Kennedy (MA)
Kennelly
Kilpatrick
Kim
Kind (WI)
King (NY)
Klug
Knollenberg
Kolbe
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Livingston
Lofgren
Lowey
Luther
Maloney (NY)
Manzullo
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Minge
Moran (VA)
Morella
Neal
Nethercutt
Northup
Nussle
Owens
Oxley
Packard
Parker
Paxon
Payne
Pease
Pelosi
Peterson (PA)
Petri
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Rangel
Regula
Riggs
Rivers
Roemer
Rogan
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Sabo
Salmon
Sandlin
Sawyer
Scarborough
Scott
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skaggs
Skeen
Smith (MI)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Stabenow
Sununu
Tauscher
Tauzin
Thomas
Thune
Thurman
Tiahrt
Towns
Turner
Upton
Vento
Waters
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weller
Wexler
White
Wise
Wolf
Wynn
Yates
Young (FL)

NOES—186

Abercrombie
Aderholt
Andrews
Bachus
Baesler
Baldacci
Ballenger
Barcia
Barr
Bartlett
Berry
Bilirakis
Bishop
Blunt
Bonilla
Bonior
Borski
Boucher
Boyd
Brown (CA)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Canady
Carson
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cramer
Crapo
Cunningham
Danner
Davis (IL)
Deal
DeFazio
Delahunt
DeLauro
Diaz-Balart
Dickey
Dingell
Doyle
Duncan
Emerson
Ensign
Etheridge
Evans
Everett
Farr
Filner
Forbes
Fowler
Frank (MA)
Gejdenson
Gibbons
Goode
Goodling
Gordon
Graham
Green
Greenwood
Gutierrez
Hall (TX)
Hefley
Hefner
Hilleary
Holden
Hostettler
Hunter
Inglis
Jackson (IL)
Jenkins
Johnson (WI)
Jones
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kingston
Kleczka
Klink
Kucinich
LaFalce
Lantos
Lewis (KY)
Lipinski
LoBiondo
Lucas
Maloney (CT)
Mascara
McGovern
McHale
McHugh
McIntyre
Metcalf
Mica
Miller (CA)
Mink
Moakley
Mollohan
Moran (KS)
Murtha
Myrick
Nadler
Neumann
Ney
Norwood
Oberstar
Obey
Olver
Ortiz
Pallone
Pappas
Pascrell
Pastor
Paul
Peterson (MN)
Pickering
Pickett
Price (NC)
Quinn
Rahall
Reyes
Riley
Rogers
Rohrabacher
Roybal-Allard
Rush
Sanders
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Serrano
Sherman
Sisisky
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Talent
Tanner
Taylor (MS)
Taylor (NC)
Thompson
Thornberry
Tierney
Torres
Traficant
Velázquez
Visclosky
Walsh
Wamp
Watt (NC)
Weldon (PA)
Weygand
Whitfield
Wicker
Woolsey
Young (AK)

NOT VOTING—12

Deutsch
Furse
Gonzalez
Harman
John
Manton
Poshard
Redmond
Rodriguez
Sánchez
Schiff
Schumer

□ 1721

Mr. MARKEY and Mr. BARRETT of Wisconsin changed their vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. DEUTSCH. Mr. Speaker, I was unavoidably absent from the Chamber on Rollcall vote Numbers 44, 45, 46, and 47. Had I been present, I would have voted nay on Rollcall vote 44, nay on Rollcall vote 45, aye on Rollcall vote 46 and aye on Rollcall vote 47.

GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 1432, the African Growth and Opportunity Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2495

Mr. FORD. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 2495.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1670

Mr. FROST. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1670.

The SPEAKER pro tempore (Mr. EWING). Is there objection to the request of the gentleman from Texas?

There was no objection.

PERSONAL EXPLANATION

Mr. LUTHER. Mr. Speaker, during the past few weeks I have missed some votes due to an illness in my family.

On January 28, 1998, House Vote 2, Robert K. Doman Election Challenge—Motion To Table, by Mr. SOLOMON, R-N.Y., I would have voted nay.

On February 4, 1998, House Vote 3, H.R. 2625. Ronald Reagan National Airport—Previous Question, by Mr. SOLOMON, R-N.Y., I would have voted nay.

On February 25, 1998 House Vote 19, H.R. 1544. Federal Agency Compliance—Internal Revenue Service, by Mr. NADLER, D-N.Y., amendment, I would have voted nay.

On House Vote 20, H.R. 2181. Witness Protection—Death Penalty, by Mr. CONYERS, D-Mich., amendment, I would have voted aye.

On House Vote 21, H.R. 2181. Witness Protection—Passage, I would have voted aye.

On House Vote 22, H.R. 1544. Federal Agency Compliance—Civil Rights, by Ms. JACKSON-LEE, D-Texas, amendment, I would have voted nay.

On House Vote 23, H.R. 1544. Federal Agency Compliance—Foreign Entities, by Ms. JACKSON-LEE, D-Texas, amendment, I would have voted nay.

On House Vote 24, H.R. 1544. Federal Agency Compliance—Passage, I would have voted aye.

On House Vote 25, H.R. 2460. Wireless Telephone Protection—Passage, I would have voted aye.

On March 3, 1998, House Vote 26, H.R. 217. Homeless Housing Programs Consolidation—Passage, by Mr. LAZIO, R-N.Y., I would have voted aye.

On March 4, 1998, House Vote 27, H.R. 856. Puerto Rico Political Status—Rule, I would have voted aye.

On House Vote 28, H.R. 856. Puerto Rico Political Status—Spanish Language, by Mr. GUTIERREZ, D-Ill., amendment to the Solomon amendment, I would have voted nay.

On House Vote 29, H.R. 856. Puerto Rico Political Status—Languages, by Mr. BURTON, R-Ind., amendment to the Solomon, R-N.Y., amendment, I would have voted aye.

On House Vote 30, H.R. 856. Puerto Rico Political Status—English Language, by Mr. SOLOMON, R-N.Y., amendment, I would have voted aye.

On House Vote 31, Quorum Call. 405 Responded, I would have voted present.

On House Vote 32, H.R. 856. Puerto Rico Political Status—Voter Eligibility, by Mr. SERRANO, D-N.Y., amendment, I would have voted nay.

On House Vote 33, H.R. 856. Puerto Rico Political Status—Second Referendum, by Mr. STEARNS, R-Fla., amendment, I would have voted nay.

On House Vote 34, H.R. 856. Puerto Rico Political Status—Supermajority, by Mr. BARR, R-Ga., amendment, I would have voted nay.

On House Vote 35, H.R. 856. Puerto Rico Political Status—Olympics, by Mr. GUTIERREZ, D-Ill., amendment, I would have voted nay.

On House Vote 36, H.R. 856. Puerto Rico Political Status—Languages, by Mr. SOLOMON, R-N.Y., amendment, I would have voted aye.

On House Vote 37, H.R. 856. Puerto Rico Political Status—Passage, I would have voted aye.

On March 5, 1998, House Vote 38, H.R. 2369 Wireless Privacy Enhancement Act (Tauzin)—Passage, I would have voted aye.

On House Vote 39, H.R. 3130 Child Support Performance and Incentive Act—Passage, I would have voted aye.

On March 10, 1998, House Vote 40, On approving the Journal, I would have voted aye.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3086

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to remove the name of the gentleman from North Carolina (Mr. BALLENGER) as a cosponsor of H.R. 3086, my bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2883, GOVERNMENT PERFORMANCE AND RESULTS ACT TECHNICAL AMENDMENTS OF 1998

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 105–433) on the resolution (H. Res. 384) providing for consideration of the bill (H.R. 2883) to amend provisions of law enacted by the Government Performance and Results Act of 1993 to improve Federal agency strategic plans and performance reports, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 1757, FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT OF 1998

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 105–434) on the resolution (H. Res. 385) waiving points of order against the conference report to accompany the bill (H.R. 1757) to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and to ensure that the enlargement of the North Atlantic Treaty Organization (NATO) proceeds in a manner consistent with United States interests, to strengthen relations between the United States and Russia, to preserve the prerogatives of the Congress with respect to certain arms control agreements, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF H.R. 992, TUCKER ACT SHUFFLE RELIEF ACT OF 1997

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 382 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 382

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 992) to end the Tucker Act shuffle. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, House Resolution 382 is an open rule consideration of H.R. 992, the Tucker Act Shuffle Relief Act. The rule provides 1 hour of general debate, equally divided between the chairman and the ranking minority member of the Committee on the Judiciary.

The rule makes in order as an original bill for the purpose of amendment the Committee on the Judiciary amendment in the nature of a substitute, which shall be considered as read. The rule further provides that Members who have preprinted their amendments in the CONGRESSIONAL RECORD prior to their consideration will be given priority in recognition to offer their amendments if otherwise consistent with the House rules.

The rule also allows the chairman of the Committee of the Whole to postpone votes during consideration of the bill; and to reduce the voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

□ 1730

Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, the purpose of H.R. 992 is to end the so-called Tucker Act Shuffle that can bounce private property owners between the U.S. district courts and the court of Federal claims when seeking redress against the government for the taking of their property.

The fifth amendment to the Constitution provides in part, and I quote, "nor shall private property be taken for public use without just compensation."

Based on the legal doctrine of sovereign immunity, the Federal Government can only be sued with its consent. In 1887, Congress passed the Tucker Act permitting money claims based on the U.S. Constitution to be brought in the court of claims. However, if a property owner would prefer not to receive compensation for the Federal Government's confiscation of property, but to challenge the government's right to confiscate the property, the owner should go to the U.S. district court.

If a property owner wishes to both challenge the appropriateness of a taking of property and pursue monetary damages arising from the taking, the owner must choose to pursue one claim before the other. Both claims, in other words, may not be pursued at the same time.

To make matters worse, the owner cannot go to the court of Federal claims until a final decision, including appeals, has been reached in the district court.

The court of Federal claims statute of limitations prevents the owner from bringing suit for more than 6 years after a claim first accrues. Thus, incredibly and through no fault of his own, under current law the property owner may be left with no legal remedy.

This problem and property rights in general are of special concern throughout the West, and in central Washington which I represent. Far too often landowners facing the prospect of long and costly litigation against the Federal Government feel they have no choice but to accept a settlement that they believe is unfair. This is wrong and it must stop; that is the goal of H.R. 992.

Mr. Speaker, the Tucker Act Shuffle Relief Act seeks to correct this injustice by granting the U.S. district courts and the court of Federal claims the power to determine all claims arising out of Federal agency actions alleged to constitute takings in violation of the fifth amendment. The property owner then would choose which court would hear his case.

Mr. Speaker, the Committee on Rules has reported an open rule in order to permit Members seeking to amend H.R. 992 the fullest possible opportunity to offer any germane amendment during floor consideration of the bill.

Accordingly, I urge my colleagues to pass not only the rule, but H.R. 992 as well.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

House Resolution 382 is an open rule providing for the consideration of H.R. 992, the Tucker Act Shuffle Relief Act. The rule allows for the consideration of all germane amendments and accords priority recognition to those Members who have preprinted their amendments in the Congressional RECORD.

Mr. Speaker, it is especially important that H.R. 992 be considered under an open rule because it was a matter of some controversy during its consideration in the Committee on the Judiciary. It was reported on a vote of 17 to 13, and eight Democratic members signed dissenting views in the committee report.

H.R. 992 seeks to simplify the resolution of disputes between landowners whose property has been subject to a government taking and the Federal Government by allowing such suits to be heard in either the U.S. district court or the U.S. court of Federal claims.

Under current law, the 1887 Tucker Act, a landowner must go to the court of Federal claims in order to sue for financial award or to a U.S. district court to challenge the validity of the agency action that resulted in the taking. Opponents of this bill make the claim that this legislation simplifies and expedites the process for landowners who seek to challenge the takings of their property. However, the legislation is opposed by the United States Judicial Conference, as well as a wide array of environmental groups, because of the controversy.

I support the open rule.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BONILLA).

Mr. BONILLA. Mr. Speaker, I rise today in support of the rule and in support of the Tucker Act Shuffle Relief Act. It is a mouthful, and to some it might sound like some popular dance step that today's young people are doing. But, in fact, it is a very old dance step that is practiced by the court system all too often.

Private property owners are forced to choose between filing a takings claim in either the U.S. court of Federal claims or Federal district court. The Tucker Act splits jurisdiction between these two courts so no one court can provide full relief to a property owner. Then what happens is, the courts wind up shuffling the property owners back and forth, bouncing them back and forth like ping pong balls between the two court systems, literally dancing around the problem and avoid ruling in the case.

This bill will stop the old song-and-dance routine by giving both courts jurisdiction over all claims relating to property rights. It would not change any current takings law. Property owners who feel they have had their property taken unfairly should be allowed to have their day in court and not spend years waiting while two courts argue over who should hear their case. I believe this will eliminate unnecessary delays and reduce court costs as well.

It is absurd for a landowner's problems to be tied up in court for sometimes up to 10 years or more, Mr. Speaker, waiting on the courts to figure out jurisdiction has forced landowners to watch their time and money waltz away. The time has come to give priority to citizens' constitutional rights over jurisdictional disputes between judges.

The right to private property is one of our most fundamental and sacred constitutional rights. That right should be respected by the Federal court system.

I encourage Members to vote for the rule and for the bill and for the right of every American to have their day in court. I would also like to commend my colleague and friend, the gentleman from Texas (Mr. SMITH) for taking a leadership role in this effort.

Mr. FROST. Mr. Speaker, I urge adoption of the rule, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I also urge adoption of the rule. I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

LIMITATION ON FURTHER AMENDMENTS AND DEBATE ON H.R. 992, TUCKER ACT SHUFFLE RELIEF ACT OF 1997, ON THURSDAY, MARCH 12, 1998

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 992 in the Committee of the Whole, pursuant to House Resolution 382, after the legislative day of today, no further debate or amendments to the committee amendment in the nature of a substitute shall be in order except as stated below.

On the legislative day of Thursday, March 12, the amendment by Representative WATT of North Carolina, if offered today, shall be further debatable for 20 minutes equally divided and controlled by Representative WATT and an opponent.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. WATT of North Carolina. Mr. Speaker, reserving the right to object. I missed that.

Mr. SMITH of Texas. Mr. Speaker, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Texas.

Mr. SMITH of Texas. Mr. Speaker, I will be happy to respond to the gentleman's question.

Mr. WATT of North Carolina. Mr. Speaker, I just wanted to make sure what it was the gentleman just did.

Mr. SMITH of Texas. Mr. Speaker, if the gentleman will continue to yield, to summarize, what this says is that tomorrow we will still be able to have 20 minutes' debate on the amendment that the gentleman is expected to offer tonight. That 20 minutes will be divided equally between the gentleman and an opponent.

Mr. WATT of North Carolina. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. HASTINGS). Is there objection to the request of the gentleman from Texas?

There was no objection.

TUCKER ACT SHUFFLE RELIEF ACT of 1997

The SPEAKER pro tempore. Pursuant to House Resolution 328 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the bill, H.R. 992.

☐ 1738

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 992) to end the Tucker Act shuffle, with Mr. EWING in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from North Carolina (Mr. WATT), each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

The issues we discuss today are those of equity and fairness. Every homeowner and every property owner across America deserves to have their day in court, and not just in court but in the right court. Many legislative initiatives are identified with an individual. We have Megan's Law, the Ryan White Act and the Ricky Ray bill.

Today we consider H.R. 992, the Tucker Act Shuffle Relief Act. Maybe we should call it the Narromore Act or the Presault Act or any of the other names of the property owners whose cases demonstrate the real need for this legislation.

W.O. and Eliza Narromore's property was flooded as a result of the government's operation of the Painted Rock Dam in Arizona. They first filed suit in 1980 in an attempt to force the United States to stop flooding their land. In 1988, their case had gone to the appeals court, and then had been sent back to the lower court for retrial. At that trial, the United States moved for dismissal of the case, saying the Narromores' claim should have been for compensation to the court of Federal claims. The Federal circuit agreed with the government and transferred the case to the court of Federal claims in 1992, sending the Narromores back to square one again. Today, 17 years later, their case is still pending.

In 1981, Paul Presault sued the State of Vermont to reclaim a strip of land that had been used by the State to run a government-operated railroad through his front yard. In 1989, the Supreme Court sent Mr. Presault back to square one because of the Tucker Act. Sixteen years later, after again going all the way to the Supreme Court, Mr. Presault is back in the court of Federal claims awaiting yet another hearing.

These are just a couple of the horror stories that demand equity and fairness. Property owners across America should not be tossed back and forth by the courts when they are simply trying to assert their fifth amendment property rights.

H.R. 992 seeks to provide a solution to an unfair judicial maze that often prevents private property owners from having their day in court. An individual who seeks to contest a government taking or an infringement of his or her property rights currently must deal with unreasonable obstacles and costs in negotiating his or her way through the legal maze built by the Tucker Act.

Current law denies the court of Federal claims authority to hear a claim for injunctive relief and denies the U.S. district courts the authority to hear claims for monetary relief over $10,000. Because of this split jurisdiction, no one court can provide complete relief to a property owner whose property has been taken. An owner can choose to seek only one kind of relief or must go to the expense of seeking relief from both courts. In addition, the Federal Government often claims that property owners have sued in the wrong court, bouncing private property owners back and forth yet once again between the two courts.

We may hear some argue that we should end the Tucker Act Shuffle by giving only U.S. district courts the ability to grant complete relief in takings cases. This is the wrong approach. We should not discard the valuable resource of the court of Federal claims's expertise or its large body of case law, compiled over time, by denying the court the ability to hear takings claims for both monetary and equitable relief.

Why not give property owners the option of going to the court that they think is best? Why should the government tell private property owners where to go?

This legislation provides no new cause of action. Instead, it merely creates an option to go either to the court of Federal claims or to the U.S. district courts for all the plaintiff's remedies concerning only fifth amendment private property takings cases.

We do not change the substantive law that defines a taking. We leave to it current law to determine whether there is in fact a legal claim.

There have been concerns voiced about giving an Article III court's power to an Article I court, that it would somehow be unconstitutional. The answer is, both courts are constitutional. Article III powers have been given to Article I courts many times without a detrimental result to the court system or to the Constitution; and H.R. 992 extends injunctive relief powers to the court of Federal claims only in private property takings litigation.

Furthermore, the bill directs that all appeals, whether from the U.S. district court or the court of Federal claims, will go to the same U.S. court of appeals for the Federal circuit which is in an Article III court.

I understand that some Members have concerns that H.R. 992 would override so-called preclusive review provisions of some environmental statutes. In order to reassure my colleagues that this bill will not modify any environmental statutes, I will be offering an amendment stating that H.R. 992 does not override any preclusive review provision in Federal law. This legislation simply allows private property owners to go to either court for a complete remedy of a takings claim.

H.R. 992 does not allow litigants to challenge agency action in several different courts. Should the plaintiff choose to proceed with their case under this act, once the plaintiff chooses one of the two courts, the case remains in that court only. Private property owners should be given the option and the opportunity to assert their constitutional rights in the court of their choice without being treated like a ping pong ball.

☐ 1745

Every property owner in America has the right to obtain a timely resolution one way or the other of their takings claims. They deserve to have their day in court and in the right court, which is the court of their own choosing.

Among many organizations, the Chamber of Commerce, the realtors and the home builders support this legislation. I encourage my colleagues on both sides of the aisle to vote for this bill and support the right of every property owner in America to have their claim heard in either court.

Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. SOLOMON), chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Chairman, I thank the gentleman for yielding this time, and today I rise in the strongest possible support for this bill that is introduced by my good friend, the gentleman from Texas (Mr. SMITH), and I sing his praises. This is a bill that I came here 20 years ago to see enacted into law and finally we are going to have that opportunity.

This legislation represents a very significant step forward in relieving the burdens facing Americans who own property and seek compensation for a taking by the Federal Government. We are all familiar with stories of private property owners whose land values have been disastrously affected by unbridled government regulation. Certainly up in the Adirondack Mountains, where I live, that is so.

Using wetlands restrictions or scenic easements, the government leaves landowners as custodians of their unused land and robs them of their livelihood in too many cases. To find relief from these takings, property land owners such as farmers, small businessmen and homeowners put their trust in the courts to sort out the mess that environmental regulation has made of their lives. But as we all know too well, going to court merely complicates their problems and costs money that they cannot actually afford.

Currently, private property owners have two options to litigate their takings cases. They can seek monetary relief in the U.S. Court of Federal Claims, very expensive; or injunctive relief in a Federal District Court, and that is very expensive, especially for a farmer that might have total income of only $10,000 or $12,000 a year. A property owner must choose between those two courts because of the Tucker Act. This act splits the jurisdiction of takings cases between the Claims and District Courts, requiring a landowner to shuffle back and forth to find relief.

On top of this restriction, section 1500 of the Tucker Act prohibits the Claims Court from even considering a suit that is pending in another court. In many cases, as these property owners find out, the government often claims that they have sued in the wrong court, bouncing the landowners between the two courts, again costing money that these people cannot afford.

For small property owners with limited financial means and time constraints, this shuffle makes it impossible for them to even hope to get some kind of relief. By failing to resolve this situation, we deny the constitutional rights of these property owners.

As my colleague from Texas has ably explained, this bill would put an end to some of this confusion. The bill gives both the District Courts and the Court of Federal Claims concurrent jurisdiction to hear all claims relating to property rights. And through this bill, our constituents can achieve complete relief of their takings cases in just one court and stop this endless game of judicial ping-pong.

To further resolve the difficulties caused by section 1500, this bill would repeal that section. This bill is an efficient and an effective solution to a difficult problem. Without some sort of relief, landowners throughout the country will continue to languish in court for years and years and years as they are shuffled back and forth between District to Claims Courts by government attorneys.

Mr. Chairman, private property takings cases have become the normal way of business for Federal Government agencies in all too many cases. Without the just compensation that the Fifth Amendment requires, private property rights are continually being violated by executive branch agencies that have run amuck throughout this country.

By abusing the Fifth Amendment and chipping away at these rights, we assault the very fabric of our society. H.R. 992 will begin to restore the Fifth Amendment and guarantee the private property rights of all American citizens. By supporting this bill, we can put an end to the Tucker Act shuffle and help private property owners resolve their litigation in a timely manner and, more than that, in a manner that they can afford.

Mr. Chairman, I would again sing the praises of the gentleman from Texas for bringing this legislation to the floor. Let us hope and pray it goes through the Senate and is signed into law. I urge support of the bill.

Mr. WATT of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

I want to join with the gentleman from New York (Mr. SOLOMON) in paying a tribute to my colleague, the gentleman from Texas (Mr. SMITH), for bringing a bill to the floor designed to address a serious issue. The difference between that gentleman's part of this debate and my part of the debate is not in the issue of whether a problem exists. We both agree that citizens of our country should not be shuffled back and forth from one court to another. That is not an area of disagreement that we have. The area of disagreement is how we solve that shuffle and eliminate the necessity of having to shuffle back and forth.

Our position on this side is that the problem needs to be solved, deserves to be solved, but must be solved in a constitutional way. And our position is that the bill of the gentleman from Texas does not resolve this issue in a constitutional way, and I will elaborate on that some more later in this debate.

Second, our position is that the solution that is proposed under this bill, in addition to being an unconstitutional solution, is a solution that would encourage forum shopping, and that is something that we should not be encouraging as a Congress.

Third, the solution that has been offered under this bill, and I believe the gentleman from Texas is going to correct this by offering an amendment which we will support, but as the bill is currently structured, the solution that is currently proposed would eliminate some expedited review under the law and delay disposition of cases that now get expedited review and consideration, and we think that is a real problem.

The fourth problem that we have with this proposed solution is that, as the gentleman from Texas has asserted, we want to speed up the process of getting justice and decisions in these cases. We do not want to slow down the process. And we believe this solution will simply slow down the process. Because if there is a question on the resolution, about the constitutionality of it, nothing is going to happen in this area until at least one or more cases moves through the process and moves on up to the Supreme Court and the Supreme Court decides this issue, which is going to, for a period of time, put us all on hold in these cases. And we think that is not justified.

The final argument we will make, and I want to flesh all of these out later in the discussion, is that if we are looking for a solution to this problem, we ought to find one that the administration will support. The administration does not believe that the solution that is offered under this bill is a constitutional solution or a reasonable way to address what they agree is a problem, and they have indicated that the President will veto this bill.

So we can either have a bill which solves the problem or we can create an atmosphere that preserves the issue for continuing debate, and I thought our objective here was to solve the problem, not just preserve the issue.

Those are the five points that I want to try to develop this evening.

Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from New Mexico (Mr. SKEEN).

Mr. SKEEN. Mr. Chairman, I thank the gentleman for yielding me this time and I rise in strong support of ending the Tucker shuffle.

I do so based on a simple and a powerful premise, the Fifth Amendment to the Constitution of the United States, which currently states that no person shall, quote, be deprived of life, liberty or property without due process of law; nor shall private property be taken for public use without just compensation.

I strongly contend that our Founding Fathers' intent was crystal clear and that the catalyst for much of the Declaration of Independence and the Constitution was based on a tyrannical government's overzealous abuse of power and constant infringements on individual freedom, including property ownership.

Unfortunately, the courts have found numerous ways to circumvent a constitutional right that is no less important than the right to free speech. They have done so under the guise of due process, which in actuality is being used to retard the process and prevent citizens' constitutionally guaranteed right to seek compensation and relief from a Federal Government that increasingly seems to disregard the most important document in world history.

In essence, this legislation will facilitate a return of constitutional principle by allowing property owners who have been subjected to a taking the opportunity for real redress without fear of the court's ability to do the Tucker shuffle.

Remember, we all took oaths to uphold the Constitution, and I believe my vote for this legislation will uphold that oath. I can only hope that my colleagues, the Senate and the President, remember their oaths of office.

Mr. WATT of North Carolina. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, I rise in opposition to H.R. 992. While this bill appears to be an innocuous bill dealing with court jurisdiction, its actual effect would be to unsettle many areas of environmental law, and that concerns me.

Now, the gentleman from Texas (Mr. SMITH) will offer an amendment that will take care of one of the threats this bill poses to environmental law. His amendment will ensure that this bill does not override existing statutes. I appreciate his willingness to do that and I will support his amendment. But his amendment still leaves another problem with the bill, the enormous expansion of the jurisdiction of the Court of Federal Claims.

Now, that sounds like an arcane issue. Why should we care? The reason is that the Court of Federal Claims has no experience in handling these issues. It operates under different procedures than other courts that hear environmental cases and is not bound by all the precedents that bind those other courts. In other words, we will be sending environmental cases into a new, inexperienced, very different venue than we have dealt with for the last several decades. That creates unnecessary uncertainty not just for environmental advocates but for the regulated landowners and companies.

I should point out that the League of Conservation Voters strongly opposes the bill because environmental law cases simply do not belong in the Court of Claims. Moreover, the expansion may well prove to be unconstitutional.

□ 1800

The judicial conference of the United States, chaired by Chief Justice Rehnquist opposes the provisions of this bill because the bill, and I quote, "represents a major expansion of the jurisdiction and remedial powers of the Court of Claims." Continuing the quote, "These provisions may raise constitutional issues about the appropriate jurisdiction of an Article I court." That is, as my colleague, the gentleman from North Carolina (Mr. WATT), has indicated previously, it may have the unintended consequence, if the bill should pass, of actually delaying action rather than expediting action.

Why would we risk venturing into this uncertain territory? Frankly, the committee gives us no real reason at all. There is no evidence whatsoever that the so-called Tucker Shuffle is a real-world problem affecting real people. We are threatening environmental law for the sake of a theory.

I am, frankly, mystified as to why there is a determined effort to open the doors of the Federal Court of Claims. I do not hear any clamor for that. But I do hear genuine opposition to opening up the court for specific real-world reasons. Let us not unsettle environmental law for the sake of a symbolic bill that will help no one and is most certain to be vetoed. Let us defeat H.R. 992 and get back to the legislation that helps real people without threatening the legal safeguards that protect our air, our land, and our water. H.R. 992 does not spell relief. It spells trouble.

Mr. SMITH of Texas. Mr. Chairman, I yield myself as much time as I may consume to respond very briefly to a couple points that my friend, the gentleman from New York (Mr. BOEHLERT) made.

The first point is that he may have unintentionally misstated, because the Claims Court has plenty of experience handling these types of cases. In fact, it handles all the substantial monetary damage for these Fifth Amendment takings. The other is the gentleman said that he did not know that this is of concern to real people.

In my opening statement, I pointed out two horror cases that concerned very real people; and I would say just the opposite. I think the opposition to what I am trying to do is engendered by theory and idealism, not by concern for the real people who have real problems.

Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. SMITH), chairman of the Committee on Agriculture.

Mr. SMITH of Oregon. I thank the gentleman for yielding.

Mr. Chairman, I rise today in strong support of H.R. 992, the so-called Tucker Act Shuffle Relief Act. I would like to thank my friend from Texas (Mr. SMITH), who has a great name, for his work on this issue affecting America's private property owners. The takings clause of the Fifth Amendment, as my colleagues have heard, allows the Federal Government to acquire private property as long as the Government provides "just compensation," quote, end quote, to the owner.

But, as many of us know, the Federal Government sometimes does not abide by what we think our constitutional rights really are. In such cases, property owners now have two choices; they can sue for monetary relief, or they can sue for injunctive relief. Because the U.S. Court of Federal Claims lacks the authority to hear cases for injunctive relief and the Federal District Court lacks jurisdiction to hear claims for monetary relief, no one court can provide full relief to an aggrieved property opener.

Land owners filing suit today may, therefore, be shuffled between the courts, resulting in delays, increasing costs of litigation, of course. The Tucker Act Shuffle Relief Act would correct this process and provide full relief to property owners who have suffered by these problems of courts shuffling their concerns back and forth.

Is there no support for this kind of legislation? I am so frustrated with this system and with what is happening to private property rights around the country. As the gentleman knows, I am sure, the courts have been holding lately that if you have 50 percent aggrievement, you might have a standing in court. It costs roughly $250,000 to go to court for a takings issue. This eliminates the man or the woman whose property is taken by the Federal Government under that value, so they just merely give up.

All right, is that a private property right? Should we not be protecting every dollar of every private property owner's rights everywhere we go? Well, part of the frustration is the creation of this kind of legislation. It is essential that we do this to restore the confidence of America to its government again.

Mr. WATT of North Carolina. Mr. Chairman, I yield myself 30 seconds to respond to some of the gentleman's rhetorical questions.

I share the gentleman's objective. He should be aware that there is a solution, there is a constitutional solution that would eliminate the shuffle. We are not opposed to eliminating the shuffle. Our solution would be to give jurisdiction over the monetary relief and the legal issues to the U.S. District Court, which is an Article III court that has the constitutional authority to accept all of that jurisdiction. That will eliminate the shuffle completely.

So I hope the gentleman will support my amendment when it is offered, my amendment with the gentleman from New Jersey (Mr. ROTHMAN).

Mr. Chairman, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from North Carolina (Mr. WATT) for yielding, and I cannot disagree with him at all. We are clearly in support of protecting property rights and recognizing the constitutional privilege that governs property rights and the need to protect such rights.

But, with all due respect to my good friend from Texas, this bill may appropriately be named the Tucker Shuffle Act because it seems to shuffle, in fact, people away from justice. I say that because this bill would be far better if we were to utilize the Article III courts and to support the Watt-Rothman amendment that will allow these particular challenges by property owners to be in the United States District Court.

Let me tell my colleagues what happens or share. The Court of Federal Claims does have the ability to roll, if you will, but most times we would see constituents in Texas and Iowa, Idaho, going all the way from those faraway locations all the way to Washington D.C. to get justice.

So what we are suggesting here is shuffle justice away from the local community, when in fact the United States District Courts placed in those local communities, which are, in fact, Article III courts, have the local flavor. They understand Mrs. Jones' concern about her property rights and the infringement on those property rights. She is amongst those judges appointed from that community, Federal judges though they may be, appointed from that community sensitive to the value of the relevance of the emotion, the importance of that property issue.

When we start shuffling constituents, mostly partitioners, small land owners, all the way to the big city here in Washington, D.C., it is intimidation, it is a question whether there is any sensitivity and whether or not there is justice.

So I would simply say that we have a real way of dealing with this concern, and that is, in place of the Court of Federal Claims, which may have limited exposure and experience to environmental concerns, for example, you would have the United States District Courts in place in your communities that could fully take advantage of the needs of the particular constituents on very important issues like property rights. The property rights are protected by the Constitution and protected by the Fifth Amendment.

I do not know about my colleagues, but I have seen most of the constituents I represent feel far more comfortable to be able to go into courthouses in their community than to travel all the way to Washington, D.C. and subject themselves, their property, and the meager means that they may have in order to be subjected under the Federal Court of Claims.

I think we are going in the wrong direction. It is wrong headed. If we truly want to shuffle justice back to the people, then let them have their day in court in the United States District Courts in their neighborhoods and in their communities.

This is not a good bill unless amended by the Watt/Rothman bill amendment.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to clarify a point, and that is that this bill does not force anybody to go to Washington. In fact, it does just the opposite. It gives property owners the option of either going to a local Federal district court or going to Washington. The point is they should have the choice. That is why we need to support this bill.

Mr. Chairman, I yield 1 minute to my good friend, the gentlewoman from Texas (Ms. GRANGER).

Ms. GRANGER. Mr. Chairman, I rise in strong support of the Tucker Act Shuffle Relief Act. This important legislation will ensure equal justice under the law for America's property owners.

The Fifth Amendment to the United States Constitution is very clear. It says that private property will not be taken for public use without just compensation. This guarantees essential freedom and fairness.

The legislation offered by the gentleman from Texas (Mr. SMITH) will make sure that this guarantee of just compensation applies to all Americans. It says that each and every American, whether rich or poor, old or young, lawyer or layman will have their day in court to vindicate their rights. It gives each and every American access to justice.

Without this legislation, the right to protect constitutionally guaranteed Fifth Amendment rights is only as broad as your legal brief and as wide as your wallet.

Too many Americans have been unable to have their day in court because the courtroom door is barred with procedural hurdles and technical barriers. These Americans lack the legal fire power or financial wherewithal to surmount these barricades.

The Tucker Act Shuffle Relief Act removes those barriers to justice. It opens up the doors to relief for all of our people.

Support fairness, stand up for equal access to the courts, vote for the Constitution, support the Tucker Act Shuffle Relief Act.

Mr. SMITH of Texas. Mr. Chairman, I yield 3 minutes to my friend, the gentleman from Georgia (Mr. COLLINS).

Mr. COLLINS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, the foundation of our American republic is built upon the idea that citizens have the inherent right to life, liberty, and property. In fact, throughout the writings of our Founding Fathers, the right to property is viewed as fundamental to economic and political liberty.

In the Declaration of Independence, Jefferson cited as a central reason for seeking independence was the King imposing taxes without our consent, the illegal taking of citizens' personal property.

Then, arguing in support of the proposed Constitution, James Madison suggested that government is instituted no less for the protection of the property than of the persons or individuals.

Fortunately for all of us, these views prevailed in the Constitution, and the Fifth Amendment ensures that, in the United States, no one will be deprived of personal property without due process of law and just compensation.

Unfortunately, however, there is currently no single court in which a property owner can seek full relief for a Federal taking. The Tucker Act, which splits jurisdiction on property rights issues between Federal district courts and the Court of Federal Claims, allows the government to argue that property owners are suing in the wrong court. This results in bouncing citizens between two courts, often preventing or significantly delaying a final decision on the underlying issue of an illegal taking.

Today, each of us have the opportunity and the responsibility to protect the constitutional rights of our constituents. The legislation before us today will ensure that Federal agencies and courts cannot sidestep the Constitution through procedural games and delay tactics.

I urge my colleagues to support the Tucker Act Shuffle Relief Act.

Mr. SMITH of Texas. Mr. Chairman, I yield 2 minutes to a special friend, my colleague, the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Chairman, I rise in favor of H.R. 992, the Tucker Act Shuffle Relief Act. This bill brings power back to its rightful place, the taxpayer or the property owner.

For too long, our constituents had been denied a quick and painless pursuit of their Fifth Amendment freedom. Our Constitution clearly recognizes that the right to own and manage one's property is essential to protect the other rights delineated in the Constitution.

We must ensure that property owners have the same access to Federal courts as any other individual who claims his constitutional rights had been violated. This bill simply streamlines the process to allow private property owners full recovery for a taking in one court. It does this by granting both Federal district courts and the Court of Federal Claims concurrent jurisdiction to hear all claims related to property rights.

This procedural fix will end the delays and increasing cost of litigation inherent in the Tucker Act as well as provide swift justice for property owners seeking to enforce their constitutional rights under the Fifth Amendment.

I want to thank my good friend, the gentleman from Texas (Mr. SMITH) for offering this very important piece of legislation. His tireless work on this issue will ensure that private property owners across America will receive the protection they deserve under our United States Constitution.

□ 1815

Mr. WATT of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me start by addressing the last two speakers, the gentleman from Georgia and the gentleman from Texas. First of all, I want to say once again and make it absolutely clear that the problem that this bill addresses, the shuffle back and forth between the U.S. court of claims and the U.S. district court, is one that should be done away with. No citizen should be required to go to two separate courts to deal with the same issue.

This bill gives a person whose property has been taken or who claims to have had their property taken or the value diminished in some way the right to take that claim either to the U.S. Federal court of claims or to take it to the U.S. district court. Those are two entirely different courts.

The U.S. district court, under the Constitution, is what is called an Article III court. An Article III court is one in which the judges are given, once they are appointed to the bench, lifetime tenure. The reason that they are given lifetime tenure is that we want them to be completely independent of the executive branch of the government, and we want them to be completely independent of the legislative branch of the government. We do not want politics or favoritism or any threat to intervene in their decisionmaking, so we give them lifetime tenure. That is an Article III judge.

The U.S. Federal court of claims, or the court of Federal claims, as it is now called, the judges are appointed for a 15-year term. They do not have the level of independence that an Article III judge has because their tenure is shorter. So you have Article III judges with lifetime tenure; you have Article I judges with a 15-year term.

Now, most folks, when I come to this body and take up for the Constitution, say, that MEL WATT just gets overly worried about the Constitution. So I want to put this in context.

In the drafting of the Declaration of Independence, the Founding Fathers complained that "King George has made judges dependent on his will alone for the tenure of their offices and the amount and payment of their salaries." It was for that reason that we wrote into our Constitution the provision for Article III judges. There is an historical basis. We were trying to remove those Article III judges from any influence that the executive branch of the government could exercise over them, and we did it by giving them lifetime tenure so that the executive branch or the legislative branch could not go over and interfere with those folks. They are supposed to be independent.

Now, when you then turn around and say, "Okay, we're going to give an Article I judge the authority to declare a statute unconstitutional," you have stepped over the line. That is what this bill does. It says we are going to give the court of Federal claims judges the authority to declare acts of Congress unconstitutional. The Constitution will not allow that; plain and simple, it will not allow it.

I am not only expressing my opinion on this, I am expressing the administration's opinion on it. They have researched it and written us and said, we will not sign this bill for that reason, among others. I am expressing the opinion of 40 attorneys general whose letter I am holding in my hand, not only Democrats but conservative Republican attorneys general who expressed the exact same opinion.

Mr. SMITH of Texas. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Texas.

Mr. SMITH of Texas. I just want to reassure the gentleman that in subcommittee we passed an amendment that took care of the concerns of the State attorneys general. They were concerned about the local issues and what impact it might have on that, and we took that out of the bill. So I hope that that concern is addressed.

Mr. WATT of North Carolina. I do not think that concern has been addressed at all. I assume the attorneys general are still concerned about the constitutional ramifications of this bill. I have not seen anything that eliminates that concern.

Let me tell my colleagues how strongly our Founding Fathers felt about this. Our Founding Fathers actually were of the opinion that even Article III judges could not overrule a statute that was passed by Congress. That is how far away they wanted to put them.

Invalidation of Federal statutes is a very, very serious thing. Our Founding Fathers were so convinced of that that Article III judges who serve in the independent judicial branch of our government were not given that authority. It was not until the landmark case of Marbury v. Madison that even Article III judges were given the authority to invalidate a legislative enactment. Now we are going another step and giving that authority, under this bill, to judges who are appointed for 15 years. They do not have lifetime appointment. They are not independent.

Now you have got to wonder why that is happening. That brings me to my second point; that is, that this bill will encourage forum shopping. You should say, as an initial proposition, "Well, it should not matter whether a judge is a court of Federal claims judge or a U.S. district court judge, the result ought to be the same." It should be. But it should not matter to my colleagues over here, either. That is why I am offering the amendment to make all of these claims come to the United States district court, an Article III court that has the constitutional authority to dispose of both the compensation issue and the constitutionality, the legal substantive issue.

But why do my colleagues want court of Federal claims judges to hear this? Let me tell Members my speculation about it. There are 14 judges on the court of Federal claims. Nine of the eleven active judges on the court of Federal claims were appointed by Presidents Reagan or Bush. Is that accidental, or are we looking to encourage people to go to a court that has a judge in it that was appointed by Republicans?

That ought not to be our objective here. If that is what we are trying to achieve, we ought to pack up and go home if we are willing to sacrifice constitutionality for partisanship. If that is the reason we are doing this, that is absolutely unforgivable.

Now, my colleague is going to offer an amendment that addresses the third concern I have. The bill, as it is now postured, would delay expedited consideration of a lot of these new takings laws, the environmental rules, so that under the bill as it is currently written, last fall when the Environmental Protection Agency issued new air quality and ozone standards, you could get an immediate decision with expedited review within 60 to 90 days; this bill as it is currently written would wipe out that expedited review. A number of other examples that I could give you, I will not go into that, because fortunately my colleague has seen the light on that issue and is going to offer an amendment to correct that problem. I am going to support that amendment.

I want to move on to the fourth point, my fourth concern about this bill. That is, this whole notion that we are trying to speed up the process and get people justice quickly. How long is it going to take for this new system, that I have already told you is unconstitutional, to work its way through the system and up to the Supreme Court, and the Supreme Court to hear arguments and come back down, and somebody to take it back up? We will be here 5 years from now trying to decide whether this is constitutional or not, and I just told you it was unconstitutional. It should not be what we are doing. Because there are going to be some real live litigants involved in that, and the cost to them of going all the way to the Supreme Court to have the court say that this is an unconstitutional statute should not have to be borne by individual citizens in this country.

If we value getting to an expedited result, as my colleague says, and with which I agree, we should correct this problem in a constitutional way. Put all of the jurisdiction in the United States district court. I do not know what impact that will have on the outcome of cases. That depends on individual cases.

I do not care what outcome it has on individual cases. What I do care about is that we do this in a way that is constitutional.

The final thing I care about is that we solve this problem, because fairness and equity, as my colleague from Texas has indicated, ought to always be the hallmark of our judicial system. The Narromores that he talked so much about ought not to be subjected to the shuffle back and forth. The Joneses, the Smiths, no citizen ought to be subjected to that kind of shuffle.

□ 1830

But guess what? In an effort to maintain this as an issue, my colleagues are willing to pass a bill which the President has already indicated is going to be vetoed.

Let me reaffirm, I have the letter right here in my hand. It says, "The administration is fully committed to the protection of private property, including the payment of just compensation under the Fifth Amendment when private property is taken for public use. The administration is also committed to streamlining and expediting Federal court litigation. However, H.R. 992 presents constitutional concerns, would waste valuable judicial resources, and would lead to significant instability in the law."

And then it goes on to say, "The Attorney General, the Secretary of the Interior, the Administrator of the Environmental Protection Agency, and the Chair of the Council on Environmental Quality would recommend that the President veto H.R. 992, as reported by the House Committee on the Judiciary."

Now, we can either pass a bill and get it vetoed and preserve the debate, or we can pass a bill that is constitutional and solve this problem. We have the choice right here in this body, and I hope that my colleagues here will exercise that choice in a responsible way. I tried to convince my colleague to do that, but he thinks for some reason, the Court of Federal Claims, there is something sacrosanct about it.

Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume just to point out that in the statement that my colleague from North Carolina just read, it is abundantly clear that the President himself has not said he is going to veto it or has threatened to veto, it is just a few members of his administration that have recommended to veto, and as he knows, there is a great chasm between recommending and threatening, and I am not aware of any controlling authority that any member of the administration has to actually veto anything.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN. Mr. Chairman, I would like to thank my colleague from Texas for allowing me to rise in support of H.R. 992. Right now, property owners who have suffered a "taking" must elect between suing for monetary relief in the U.S. Court of Federal Claims or injunctive relief from Federal district courts.

Currently, this split jurisdiction hurts property owners. The Tucker Act makes the property owner choose between the two courts. By doing so, an individual can never receive full relief from an uncompensated Fifth Amendment taking.

H.R. 992 would permit private property owners to fully recover from a taking in either court by amending the Tucker Act. H.R. 992 gives both the district courts and the Court of Federal Claims concurrent jurisdiction to hear all of the claims relating to a Fifth Amendment taking. In essence, we have stripped away the confusion, delays and the procedural issues that may make it difficult for a property owner to have their case heard.

H.R. 992 also addresses the issues revolving around section 1500 of the Tucker Act. Section 1500 denies the Federal Court of Claims jurisdiction to entertain a suit pending in another court brought by the same plaintiff. This makes the filing of the Fifth Amendment takings case more complex and costly.

The Tucker Shuffle Relief Act clarifies the law to state that either the district court or the Federal claims court can have jurisdiction, ending this ambiguity in the law, and that is why, Mr. Chairman, I support H.R. 992 and urge its passage.

Mr. SMITH of Texas. Mr. Chairman, I would say to my colleague from North Carolina that I do not have any other speakers, but I intend to close.

Mr. Chairman, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Chairman, I yield myself such time as I may consume to respond to the gentleman from Texas (Mr. GREEN). We solved the problem in a constitutional way by the Watt-Rothman amendment. I hope the gentleman will support my amendment. I hope the House will support my amendment and we can solve this shuffle in a constitutional way. That is all we are trying to do. I hope my colleagues will join us and help us do it.

Mr. Chairman, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

A previous speaker mentioned that the Justice Department had some concern that this bill would encourage forum shopping. However, I want to point out that this is the same Justice Department in 1995 that admitted that under current law, "The government presumably would have the right to transfer the cases and consolidate them in one forum."

Also, all appeals in "takings" cases will be heard by the Court of Appeals for the Federal circuit, so a court precedent in takings cases will remain uniform regardless of what trial court a citizen initially chooses. The citizen will not be able to avoid unfavorable precedent by going to one court or the other.

Another point is that today a citizen has a choice of three courts to go to in a tax case. If the citizen does not pay the tax owed, he or she can go to a tax court. If the citizen pays the tax, the citizen can choose to go to the district court nearest to where they reside, or they can go to the Court of Federal Claims. As Chief Justice Lawrence Smith has stated, "All 3 courts have developed their own particular abilities, and this system has provided, in the view of really all the tax bar, even the IRS and the Justice Department, a better system for the United States."

We should provide U.S. citizens the same flexibility in takings cases that they now enjoy in tax disputes. We should allow them to choose a U.S. district court or the Court of Federal Claims, depending on their needs. Just as detrimental forum shopping has not developed in tax cases, it will not develop in takings cases either.

Mr. Chairman, the gentleman from North Carolina (Mr. WATT) mentioned a while ago his constitutional concerns and I want to lay them to rest. The Constitution clearly allows Congress to provide the Court of Federal Claims with the power providing equitable and declaratory relief in takings cases.

First, each Federal court, whether an Article I court or an Article III court, has the inherent authority and duty to disregard unconstitutional statutes and regulations. So in IBM Corporation v. U.S., the Federal circuit recently affirmed a ruling by the Court of Federal

Claims declaring the Federal tax statute to be unconstitutional.

Second, the Court of Federal Claims already can provide the declaratory and equitable relief in various areas which now encompass about 40 percent of its docket.

Third, recent Supreme Court cases of Northern Pipeline Construction Company v. Marathon Pipeline Company and Commodity Futures Trading Commission v. Shore both signal Congress's ability to give the Court of Federal Claims the power to grant total relief in takings cases.

Mr. Chairman, in closing, let me reiterate that this legislation is based on equity and fairness. Every homeowner and every property owner across America deserves to have their day in court and in the right court and the court of their choosing. Property owners in America should not be shuffled back and forth between courts by the Federal Government when they are simply trying to assert their Fifth Amendment property rights.

H.R. 992 provides a solution to the unreasonable obstacles and costs property owners face today because of the Tucker Act. This bill would simplify the process for private property owners by giving them an option to go either to the Court of Federal Claims or the U.S. district courts for remedies concerning only Fifth Amendment private property takings cases. We do not change the substantive law that defines a taking; we leave it to current law to determine whether there is a legal claim.

My amendment on preclusive review assures that this bill will not modify environmental statutes, so the main objection of the League of Conservation Voters and a few of my colleagues has been addressed.

H.R. 992 simplifies the ability of every property owner in America to obtain a timely resolution one way or the other of their takings claim. If one supports giving private property owners their day in court, if one believes property owners, not big government, should choose the court that hears their case, if one believes that property owners do not deserve to be treated like a ping-pong ball by the Federal Government, if one believes in fairness and equity, then I encourage my colleagues on both sides of the aisle to vote for this simple, straightforward, common sense bill and support the right of every property owner across America to have their day in court.

Mr. Chairman, the Chamber of Commerce, the Realtors, and the Home Builders hope my colleagues will vote for this bill, too, and oppose the Watt amendment tomorrow.

Mr. CONYERS. Mr. Chairman, I rise today to urge you to oppose H.R. 992, the so-called "Tucker Act Shuffle Relief Act of 1997."

While I support the protection of private property rights and the payment of just compensation under the Fifth Amendment, I must oppose H.R. 992 because it is unconstitutional, overrides valuable "preclusive review" provisions in Federal statutes, and will lead to duplicative litigation and forum shopping. The bill is strongly opposed by the administration and is likely to be vetoed.

H.R. 992 is unconstitutional because it blurs the important distinction between Article III and Article I judges by allowing Article I, Court of Federal Claims judges to invalidate Federal regulations. Only Article III courts have the power of judicial review and the power to enjoin agency actions. The Supreme Court has clearly ruled that Congress cannot grant an Article I court the remedial powers of an Article III court.

Second, H.R. 992 overrides the "preclusive review" provisions that are an integral part of many Federal statutes. Preclusive review provisions ensure prompt and definitive resolution of legal challenges to agency decisions by providing that challenges to the validity of a particular statute must be brought in a particular court within 60 to 90 days. Businesses and investors rely on "preclusive review" provisions in order to make long-term business and investment decisions with certainty.

The bill would override these "preclusive review" provisions and allow challenges to be brought in a variety of different Federal courts at any time. A number of major Federal statutes would be affected, including the Safe Drinking Water Act, the Resource Conservation and Recovery Act, the Consumer Product Safety Act, and the Occupational Safety and Health Act. This result would be harmful to the public and the regulated community.

Finally, H.R. 992 will lead to duplicative litigation and forum shopping. By repealing 28 U.S.C. 1500, H.R. 992 eliminates provisions in current law that prevent duplicative litigation when a similar claim has been filed or is pending in another court. This will lead to a rash of wasteful litigation and forum shopping which would unnecessarily expend limited judicial resources.

I urge a "no" vote on H.R. 992.

The CHAIRMAN pro tempore (Mr. LAHOOD). All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment, and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tucker Act Shuffle Relief Act of 1997".

SEC. 2. TUCKER ACT SHUFFLE RELIEF.

(a) IN GENERAL.—

(1) GRANT OF CONCURRENT JURISDICTION.—Except as provided in paragraph (3), the United States district courts and the United States Court of Federal Claims shall each have original jurisdiction to hear and determine all claims (whether for monetary or other relief) arising out of agency action alleged—

(A) to constitute a taking in violation of the fifth article of amendment to the Constitution of the United States; or

(B) not to constitute such a taking only because the action was not in accordance with lawful authority.

(2) ELECTION BY PLAINTIFF.—The plaintiff, by commencing an action under this section, elects which court shall hear and determine those claims as to that plaintiff.

(3) PARTIES INVOLUNTARILY JOINED.—No third party may be involuntarily joined to a case, within the jurisdiction of the Court of Federal Claims by reason of this section, if that party would be entitled to a determination of the claim with respect to which that party is joined by a court established by or under article III of the Constitution of the United States.

(b) EQUITABLE AND DECLARATORY REMEDIES.—With respect to any claim within its jurisdiction by reason of this section, the Court of Federal Claims shall have the power to grant equitable and declaratory relief when appropriate.

(c) APPEALS.—Any appeal from any action commenced under this section shall be to the United States Court of Appeals for the Federal Circuit.

(d) DEFINITIONS.—As used in this Act, the term—

(1) "agency" means a department, agency, independent agency, or instrumentality of the United States, including any military department, Government corporation, Government-controlled corporation, or other establishment in the executive branch of the United States Government; and

(2) "agency action" means any action or decision taken by an agency.

(e) CONFORMING AMENDMENT TO TITLE 28, UNITED STATES CODE, RELATING TO JURISDICTION OVER TORT CLAIMS.—Section 1346(b) of title 28, United States Code, is amended by inserting "and the Tucker Act Shuffle Relief Act of 1997" after "chapter 171 of this title".

SEC. 3. REPEAL OF LIMITATION ON FEDERAL CLAIMS COURT JURISDICTION BECAUSE OF PENDENCY OF CLAIMS IN OTHER COURTS.

(a) IN GENERAL.—Section 1500 of title 28, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 91 of title 28, United States Code, is amended by striking out the item relating to section 1500.

The CHAIRMAN. During consideration of the bill for amendment, the Chairman may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Texas:

Page 3, after line 12, insert the following:

(4) PRECLUSIVE REVIEW.—The grant of jurisdiction made by this subsection does not extend to matters over which other Federal

law has granted exclusive jurisdiction to one or more United States courts of appeals or district courts.

Mr. SMITH of Texas. Mr. Chairman, my colleague, the gentleman from North Carolina (Mr. WATT), has raised a concern that this bill might change the preclusive review provisions that are contained in some Federal environmental statutes. Such provisions specify that the review of the particular statutes must be handled by specified Federal courts.

The preclusive review issue is not one about substantive law, only about which Federal courts get to adjudicate a dispute regarding a particular statute. In any event, I want to reassure my colleagues that the Tucker Act Shuffle Relief Act will not modify any Federal environmental laws, so I am offering this amendment to make sure that the bill does not override preclusive review provisions.

My amendment simply states that the grant of jurisdiction made by the Tucker Act Shuffle Relief Act does not extend to matters over which other Federal law has granted exclusive jurisdiction to one or more United States courts of appeals or district courts. This shows the preclusive provisions will not be touched by this bill.

While the concern raised about preclusive review is unfounded, in my opinion, I do want to make a good faith effort to address it, so I encourage Members to support this amendment.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would inquire of my friend from Texas whether he is intending to amend, is asking unanimous consent to amend his amendment? I thought we had talked about that.

Mr. SMITH of Texas. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Texas.

Mr. SMITH of Texas. Mr. Chairman, the amendment that I am offering now has language that has been added that the gentleman from North Carolina and I talked about earlier today, and I want to reassure him that that language has been inserted.

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentleman for answering that question.

Mr. Chairman, this certainly improves the gentleman's bill, this amendment. I support his amendment fully. It does not go all the way to address the constitutional issue, unfortunately, but it addresses the issue of expedited review of cases, and that needed to be addressed, and I am glad he is doing it. I encourage my colleagues to support the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. SMITH).

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there further amendments?

AMENDMENT OFFERED BY MR. WATT OF NORTH CAROLINA.

Mr. WATT of North Carolina. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. WATT of North Carolina:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tucker Act Shuffle Relief Act of 1998".

SEC. 2. TUCKER ACT SHUFFLE RELIEF.

(a) IN GENERAL.—

(1) GRANT OF JURISDICTION TO UNITED STATES DISTRICT COURTS.—The United States district courts shall have original jurisdiction to hear and determine all claims, notwithstanding the dollar amount, arising out of an agency action alleged to constitute a taking without just compensation under the fifth article of amendment to the Constitution of the United States.

(2) ELECTION BY PLAINTIFF.—The plaintiff may elect to file separate actions relating to such claims in the United States district court and the Court of Federal Claims, or may consolidate all such claims in the United States district court.

(3) PRECLUSIVE OR EXCLUSIVE REVIEW.—Nothing in this section shall be construed to affect any provision of a Federal statute which gives preclusive or exclusive jurisdiction of a specific cause of action to the United States court of appeals or to specific United States district courts.

(4) APPEALS.—Any appeal to a ruling by the United States district court shall be heard in accordance with section 1291 of title 28, United States Code.

(b) DEFINITIONS.—As used in this Act, the term—

(1) "agency" means a department, agency, independent agency, or instrumentality of the United States, including any military department, Government corporation, Government-controlled corporation, or other establishment in the executive branch of the United States Government; and

(2) "agency action" means any action or decision taken by an agency.

SEC. 3. CLARIFICATION OF LIMITATION ON FEDERAL CLAIMS COURT JURISDICTION BECAUSE OF PENDING CLAIMS IN OTHER COURTS.

Section 1500 of title 28, United States Code, is amended by inserting ", arising from the same operative facts and seeking the same relief," after "any suit or process".

Amend the title so as to read: "A bill to end the Tucker Act shuffle, and for other purposes.".

Mr. WATT of North Carolina. Mr. Chairman, this amendment, now that the chairman of our subcommittee has made his amendment, the primary purpose would be to remove the discretion for a litigant to go to the Court of Federal Claims or to the U.S. district court, which I think is an unconstitutional discretion, and still give to a litigant the right to take their claim to the U.S. district court, an Article III court, and have their claim determined in its entirety.

□ 1845

They could litigate the constitutionality of the taking; they can litigate the amount of compensation they are due as a result of the taking. All of that can be addressed in the United States District Court.

In our opinion, to give a litigant the option of going to the U.S. Court of Claims, the Federal Court of Claims, is an unconstitutional act, because those judges are not Article III judges. I have already summarized that. I will not belabor that point anymore.

I do have a severe concern that the reason that this option is being offered under the bill is for political purposes. I misstated in my earlier statement, all of the 14 active judges of the Court of Federal Claims and 9 of the 11 active judges on the Court of Appeals from that court are either Reagan or Bush appointees. I think that is really what is giving this option for people to go to the Court of Federal Claims is all about.

We ought not to worry about political objective, we ought to be worrying about getting a bill that solves the problem in a constitutional way. I hope that my colleagues will support my amendment.

Mr. Chairman, Assistant Attorney General Eleanor Acheson stated precisely why, in her recent testimony before the Subcommittee on Immigration and Claims, we should oppose this amendment.

She said,

> The Court of Federal Claims has developed expertise in resolving and streamlining takings litigation, and in the other complex cases within its specialized docket.

She also stated that,

> Takings claims may involve extensive discovery and trial on significant issues with which a Federal District Court has little experience.

We should not discard the valuable resource of the Court of Federal Claims' expertise or its large body of case law, which has been compiled over many years. Property owners across America have the right to be heard in either the Claims Court or the Federal District Court.

Why not give property owners the option of bringing a takings claim in a U.S. District Court or the Court of Federal Claims? If the owner wants to pursue his or her claim in a court close to home, the individual can choose a Federal District Court. If the owner wants to utilize the expertise of a specialized court, the owner can choose the Court of Federal Claims. We should make it as easy as possible for property owners to have their claims heard.

My colleague is concerned that Congress cannot constitutionally give the Claims Court the authority to grant injunctive relief, but the Court of Federal Claims already has the power to grant injunctive relief in various areas, totaling about 40 percent of its docket, as I noted a minute ago.

Further, the Supreme Court has provided us with a test to judge whether Congress can give the Court of Federal Claims the power of injunctive relief in different circumstances. If we apply these tests found in the cases of Northern Pipeline and Commodity Futures, the result is very clear. Congress can grant the Claims Court the powers of injunctive relief in Fifth Amendment takings cases.

There are some, and I certainly do not put my friend, the gentleman from North Carolina (Mr. WATT) in this category, but there are some who say they are for property rights. What they mean is that they are for property rights in the abstract, for property rights theoretically, for property rights idealistically, but when it comes to helping real people with real problems, somehow they can never be found.

This bill is a fair, straightforward, commonsense way to give every property owner across America their right to choose the court that they think is best for their claim, either the Claims Court or the Federal District Court.

This amendment would destroy that option for every property owner in America. The underlying bill is supported by such organizations as the National Association of Realtors, the National Association of Home Builders, and the U.S. Chamber of Commerce. These groups also oppose the weakening amendments, such as this one. So I hope tomorrow, when we ultimately vote on this amendment, there will be strong bipartisan opposition to it.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. EWING) having assumed the chair, Mr. SUNUNU, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 992) to end the Tucker Act shuffle, had come to no resolution thereon.

WAIVER OF APPLICATION OF SUBSECTIONS 402 (a) AND (b) OF TRADE ACT OF 1974 WITH RESPECT TO VIETNAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–227)

The SPEAKER pro tempore. laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

Pursuant to section 402(c)(2)(A) of the Trade Act of 1974, as amended (the "Act"), I have determined that a waiver of the application of subsections 402 (a) and (b) with respect to Vietnam will substantially promote the objectives of section 402. A copy of that determination is attached. I also have received assurances with respect to the emigration practices of Vietnam required by section 402(c)(2)(B) of the Act. This message constitutes the report to the Congress required by section 402(c)(2).

Pursuant to subsection 402(c)(2) of the Act, I shall issue an Executive order waiving the application of subsections (a) and (b) of section 402 of the Act with respect to Vietnam.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 9, 1998.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

JUSTICE FOR THE FLATOW FAMILY AND A TOOL AGAINST TERRORIST ATTACKS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. SAXTON] is recognized for 5 minutes.

Mr. SAXTON. Mr. Speaker, today was a momentous day for many of us who have worked for over a year to accomplish what I guess I would describe as a very, very important and worthwhile goal.

On April 9, 1995, a young lady by the name of Alicia Flatow was the victim of a terrorist attack as a college student while riding in a bus in the Gaza strip. Soon after the terrorist attack, the Islamic Jihad claimed responsibility.

Then about a year and a half ago, Alicia's father, who was a resident of New Jersey, Steven Flatow, came to visit me in my office with his attorney, Steve Perles, from Washington, DC. It seems that they had filed suit against the Islamic Republic of Iran for the part they played in this terrorist attack, and for allegedly supporting the terrorist attack.

I was informed by Mr. Flatow and his attorney that in filing and successfully pursuing such a court case, that momentous expenses are incurred, and at the most, under then current law, that law that existed at that time, a year and a half ago, the most that could be recovered would be something slightly over $1 million, and that in order to pursue a proper remedy, that Federal law would have to be changed to permit recovery for punitive damages.

I went to see the gentleman from Illinois [Mr. HENRY HYDE], explained the situation to him, and he agreed that if the chairman of the Committee on International Relations also agreed, that we would make the appropriate change in the law. We did, and in the Senate, Senator LAUTENBERG lent his hand, and the change in the law was made.

Today, at a little after 10 o'clock this morning, Federal District Judge Royce Lambeth issued the statement in which was embodied his decision. The State of Iran this morning was entered against a judgment for $247 million for the part they played in the killing of young Alicia Flatow. This is justice for the Flatow family. It sadly does little to remedy the damage that was done to the young lady, but it is some form of justice to the family.

But just as importantly, perhaps more importantly, we have established through law and through now judicial process that there is yet another tool that the citizens of the United States of America have available to use against terrorist attacks like the one that occurred on April 9, 1995, in the Gaza strip.

I hope that the message goes out loud and clear to terrorists around the world, wherever they may be, and would-be terrorists, and, importantly, very importantly, today's governments around the world that are known to be supporters of terrorism, that the United States and the citizens of the United States and the Congress of United States and the court system in the United States, that none of us are going to rest easy until every act of terrorism is stopped.

Today was a good day in our fight against terrorism, but we must be determined to carry this battle further in the days ahead. So today I thank all of those who were involved in this process. I thank the gentleman from Illinois [Mr. HENRY HYDE] for the part he played, the gentleman from New York [Mr. BEN GILMAN] for the part he played, and the court system and Judge Royce Lambeth for the part he played.

□ 1900

EVERY AMERICAN MUST COUNT

The SPEAKER pro tempore (Mr. EWING). Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, today I rise to discuss an issue that is critical to democracy, fairness and representation in this country. The issue to which I am referring is the year 2000 census.

As a newly appointed member to the Subcommittee on the Census, I look forward to working closely with other members to make sure that every citizen in America is indeed counted. Since 1790, during the first census, there was a significant undercount, especially among the poor and disenfranchised. Two hundred years later, in 1990, it is estimated that the census missed 10 percent of the population or 26 million people. Most of those who were not counted were poor people living in cities and rural communities throughout America, African Americans, Latinos, immigrants and children.

The City of Chicago's undercount was about 2.4 percent and the African American undercount was about 5.6 percent. We can ill afford to have a count in the year 2000 that does not include every American citizen. Too much is at stake.

The census count determines who receives billions of dollars in Federal aid. Every year census information directs an estimated $170 billion in Federal spending. Census data helps to determine where the money goes for better roads, highways and transit systems, schools, senior citizen centers, health care facilities and programs for Head Start and school lunches. In addition to money, representation is at stake. Congress, State legislatures, city councils, county boards and other political subdivisions are redrawn as a result of the census count.

There are some in this body who would deny representation and resources to millions of citizens in the name of maintaining the status quo. Under the Census Bureau's plan, everybody counts. All Americans will be included in the census. But if we keep taking the census the old way, we will continue to miss millions of people, and one might wonder if we have learned anything since 1790.

I was always taught that those who failed to remember the mistakes of the past are doomed to repeat them. I have learned from the past, and the past dictates that the old way of trying to count every citizen will not work. Therefore, business as usual is unacceptable, and we must begin to do things a new way.

In addition to making sure that every American counts, the Census Bureau's plan of sampling will save the taxpayers hundreds of millions of dollars. Let us put politics aside and use a method that the experts agree will yield the most accurate count. The experts have stated that if statistical sampling is not used to conduct the 2000 census, then the question we will ask is not whether the census was accurate, but how many people did we miss.

I urge grassroots organizations all over America, as well as the more traditional ones like the NAACP, Urban League, fraternities, sororities, churches and other groups to become actively involved in trying to make sure that all of our citizens are counted. Let us remember, if you are not counted, then in reality you do not count. Census-taking must be a high priority and sampling is the most professional way to make sure that there is no significant undercount.

THE PLIGHT OF SMALL FARMERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, I rise this evening to urge my colleagues to be a part of legislation that will help many farmers and ranchers who are struggling to survive. There are two initiatives that I and others will introduce to respond to serious problems confronting this Nation's farmers and ranchers, particularly small farmers and ranchers.

First, the onerous provisions of the 1996 farm bill that ban family farmers and ranchers from receiving a loan from the United States Department of Agriculture if a previous loan had been written down are causing many farmers and ranchers to go out of business. We must correct the credit barriers created by the 1996 farm bill.

Farmers who have had credit problems under that bill are treated worse than persons who are declared in bankruptcy. Work is in progress for the legislation to fix this problem.

Another damaging problem is the continuing and very real threat by the Department of Justice to issue an opinion stating that the complainants in discrimination cases that did not file a lawsuit within 2 years cannot get money damages even if they show discrimination. The Department has taken that position because of its interpretation of the law regarding the statute of limitations.

When that decision is issued, and if it holds, complainants in many of the pending cases are at risk of getting nothing for a lifetime of suffering. Again, without relief in cases where relief is merited, small farmers and ranchers who have been discriminated against will be driven out of business. We cannot tolerate that result.

Farmers have been important to this Nation's past and farmers are vital to this Nation's future, especially the small family farmers and ranchers.

American producers, who represent less than 3 percent of the population, provide more than enough food and fiber to meet the needs of our Nation as well as many nations overseas. Our Nation's farms have changed greatly since the late 1950s. In 1959, there were more than 2.4 million small farms, those less than 180 acres in the United States, and over 172,000 farms in North Carolina, representing 6.9 percent. By 1978, the Nation's number of small farms had declined to a little over 1.3, a loss of 1.1 million small farms. In that same period, North Carolina lost 106,262 small farms, bringing its total to 66,091 small farms.

It is important to note that by 1990, almost a quarter of all small farmers had income below the poverty line, more than twice the Nation's average. And by 1992, there were only 1.1 million small farms left in the United States, a 45 percent decline from 1959. North Carolina had only a little over 39,000 farms left in 1992, a decline of 23 percent.

Several factors have accelerated the demise of small producers: globalization of commerce, economies of scale, limited access to capital and technological advances. The existence of worldwide markets for all commodities, not just agriculture commodities, have created unique market forces and pressures that producers of the past did not have to compete with. But now American producers have to cope with the substantially larger and less accommodating world markets in which to vend their merchandise with competitors who play by sometimes significantly different rules.

With regard to technology, inventions have paved the way for substantial high-level mechanization and modern agriculture, but the technological advances usually come at a very high price and one that most often small farmers are unable to afford. Often small producers are also limited-resource producers. These disadvantaged farmers many times have severe constraints in access to capital for various reasons, including the sheer lack of collateral, the inability to demonstrate the wherewithal to repay a loan and the paucity of funds made available by such lending institutions.

However, all these have had an even sharper influence on minority farmers and ranchers. Indeed, we know that we must correct this issue, Mr. Speaker.

I urge my colleagues, as they will consider this legislation as it comes before them, that we cannot allow small farmers and small ranchers not to have this legislation.

Economies of scale are factors as many small producers do not have the tools necessary to achieve the most efficient methods of production as they frequently are priced out of the market for implements, land and other inputs. Also one must be cognizant of the impact of vertical integration, concentration and contract farming on the role of the twentieth-century producer.

However, the aforementioned factors have had an even sharper influence on minority farmers and ranchers. In 1920, there were over 6 million farms in the United States and close to one-sixth—926,000 were operated by African-Americans. In 1992, the landscape was very, very different. Only 1% of the 1.9 million farms in the United States are operated by African-Americans.

One-percent—18,816, is a paltry sum when African-Americans comprise 13% of the total American population. In my home state of North Carolina, there has been a 64% decline in minority farmers, just over the last 15 years, from 6,996 farms in 1978 to 2,498 farms in 1992.

There are several reasons why the number of minority and limited resource farmers are declining so rapidly, but the one that has been documented time and time again is the discrimination in the credit extended from the Department of Agriculture, the very agency established by the U.S. government to accommodate and assist the special needs of all farmers and ranchers.

Mr. Speaker, at the end of each day, those of us in government must be honest and answer the question, by our policies, who have we helped and who have we hurt?

The priorities of the United States, make a statement about who we are and where we stand. It signals to our citizens and to the world the principles by which our lives are governed.

I urge each of my colleagues to be continually dedicated to the small farmers and ranchers of our great nation by becoming an original co-sponsor of legislation that will soon be introduced to fix the credit and statute of limitations problems.

ENACT H.R. 3411, THE COMMISSION ON AMERICAN MATHEMATICS LEADERSHIP ACT, TO REFORM MATH EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland (Mrs. MORELLA) is recognized for 5 minutes.

Mrs. MORELLA. Yesterday I introduced a bill, H.R. 3411, establishing the Commission on American Mathematics Leadership to improve the way mathematics is taught in our Nation's schools.

The need for this bill is clear. Just 2 weeks ago the most comprehensive and rigorous international comparison of mathematics education ever undertaken revealed American high school seniors, even our Nation's best students in advanced classes, to be among the world's least prepared. The results of this study, the Third International Mathematics and Science Study, called TIMS, cry out for comprehensive reexamination of our current approach to mathematics education in the United States.

As part of the study, in the spring of 1995, fourth, eighth and twelfth graders from more than 40 countries, including the United States, were tested. Asian countries did not participate. The twelfth grade examination was comprised of four separate parts, testing general mathematics, including fractions and percentages, graphics and algebra, as well as advanced mathematics including calculus, geometry and equations.

In the general knowledge of mathematics, American twelfth graders did better than students in only Cyprus and South Africa. Students in four countries, Italy, Russia, Lithuania and the Czech Republic, performed at the same level as those in the United States. Meanwhile, 14 countries, led by the Netherlands and Sweden, outperformed the United States.

In the category of advanced mathematics, tests given to students who had taken or were taking precalculus, calculus or advanced placement calculus, 11 countries outperformed the United States and no country performed worse.

The study indicates that our Nation's mathematics deficiency lies with the systematic instruction of mathematics and not in the abilities of our students. This is made clear by the fact that fourth graders do well, while eighth and twelfth graders struggle. In fact, the work of American fourth graders is quite strong in math when compared to similar students in other countries.

Equally upsetting is the fact that American students fared poorly in math even though they expressed more enthusiasm for learning the subjects than their peers in other nations. The results of this review are disappointing and unacceptable.

As the chair of the Subcommittee on Technology of the House Committee on Science with jurisdiction over our Nation's technology and competitiveness policy, I find that there is a direct correlation between the ability of the United States to compete internationally and mathematics skills. The requisite expertise needed for technology jobs, in this ever more technologically advanced world marketplace, runs the spectrum from programming, designing systems, trouble shooting and serving clients, among others. All of these talents are reliant upon the concepts of basic and advanced math.

Without these skills, our Nation's technology work force will soon fall far behind our global competitors, further behind, I should say. Exacerbating the international competitiveness concerns is the technology work force shortage facing our Nation. The Department of Labor projects the doubling of the demands for computer scientists, engineers and systems analysts over the next 10 years, an increase of more than 1 million high-skilled high-wage jobs. Yet today many employers report difficulty in recruiting enough workers with these skills despite aggressive retraining and hiring programs.

There is no time to lose, especially for many young Americans. Students must simply become better educated about basic math and their own economic future. Since 1976, workers with wages in the 50th percentile have lost about 15 percent of their earning power while the lowest tenth have lost 25 percent in real wages.

So as we approach the new millennium students' underprepared for the workplace are likely to see their wages decline further.

Mr. Speaker, at the start of this decade our Nation's governors set the goal of making American students first in the world in mathematics. The results of the TIMS study demonstrate how far we have to go to reach that goal. So today I urge my colleagues to join with me to renew that lofty goal. We must use the TIMS study as a wake-up call to revamp the culture of math instruction from top to bottom.

I believe the first step necessary to reverse our Nation's declining math proficiency is enactment of the bill that I introduced, the Commission on American Mathematics Leadership Act.

□ 1915

The duties of the blue-ribbon commission will be to review the existing research base on mathematics education leadership, including the status of math education in the United States relative to international competitors, proposed professional development priorities to assure that the teaching of math at all educational levels in the United States is strengthened, and to propose a new direction and new ideas to assure our students are world class achievers in mathematics.

The bill I have introduced is also introduced in the Senate, a companion bill, by my distinguished colleague, Senator FRIST of Tennessee. It has been referred to both the Committee on Science and the Committee on Education and the Workforce. I look forward to working closely with my good friends, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Pennsylvania (Mr. GOODLING), to enact this important bill.

CONGRESS MUST PASS LEGISLATION REFORMING THE IRS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, today we are 35 days away from April the 15th, a dreaded day for every American taxpayer. As we all struggle through this burdensome time of year, please allow me to share with my colleagues some facts.

The average American family today pays more in taxes than it spends on food, clothing and shelter combined. Mr. Speaker, I want to repeat that. The average working family in America today pays more in taxes than it spends on food, clothing and shelter combined.

The Gettysburg address is only 269 words, the Declaration of Independence is only 1,337 words, and the Holy Bible is only 773,000 words. However, the tax law has grown from 11,400 words in 1913, to 7 million words today. I want to repeat that. The tax law has grown from 11,400 words in 1913 to 7 million words today.

There are at least 480 different tax forms. The easiest form, the 1040 EZ, has 33 pages of instructions, all in fine print. As a result, Americans devote 5.4 billion hours, 5.4 billion hours, to complying with the Tax Code each year, which is more time than it takes to produce every car, truck and van made in the United States. I think that is worthy to be repeated also, Mr. Speaker. Americans devote 5.4 billion hours to complying with the Tax Code each year, which is more time than it takes to produce every car, truck and van made in the United States.

Americans also spend $200 billion each year on tax lawyers, accountants and other costs associated with tax law compliance. The IRS sends out 8 billion pages of forms and instructions each year, which, if laid end to end, would stretch 28 times around the earth. I want to repeat that. The Internal Revenue Service sends out 8 billion pages of forms and instructions each year which, if laid end to end, would stretch 28 times around the earth.

The IRS, the Internal Revenue Service, employs 114,000 people. That is twice as many as the CIA and five times more than the FBI.

Unfortunately, I could go on and on with equally horrifying facts. The American tax system is simply out of control. Our families and businesses are facing a burden that is far too high and this Congress must do something to help them.

Last year we provided the first tax relief in 16 years, and that is a good start, but, Mr. Speaker, it is not enough. The American tax burden is much more than the size of the check we write to the Internal Revenue Service each year. It is also the difficulty in cost of complying with a lengthy and complicated Tax Code.

The best thing that we can do to help families and businesses nationwide is to give them a simpler, fairer tax system. This will give families more time to spend together, it will give businesses more time to do their business, and it will allow everyone to keep more of their hard-earned dollars.

I know that a reduced tax burden is appealing to people in my district, the third district of eastern North Carolina. Somehow I imagine that people throughout this Nation think it is a pretty good idea also.

Mr. Speaker, I urge my colleagues to join those of us in this Congress, bipartisan, to reduce the tremendous burden American taxpayers currently face. Bills have been introduced to sunset the Tax Code and to replace it with a fairer and simpler tax system. It is critical that we pass this legislation and start the debate about how exactly to give the taxpayers the relief they deserve. Whether it be a flat tax or a national sales tax, or another modification of the tax system, the American people need this and deserve this.

This debate will separate those of us on both sides of the aisle who are serious about tax reform from those who simply talk about it. Talk is cheap. Actions speak louder than words. Mr. Speaker, we have an opportunity in this Congress, the 105th Congress, to bring relief to the American taxpayers and it is something we need to do.

I urge my colleagues to pass this legislation for the sake of the American people. Let us eliminate the Internal Revenue Code and replace it with a fairer and simpler tax system.

NATIONAL SECURITY AND MILITARY READINESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from California (Mr. HUNTER) is recognized for 60 minutes as the designee of the majority leader.

Mr. HUNTER. While the Speaker is there in the Speaker's chair, I want to thank the gentleman for what he has done to help bring our military forces at least to the state of readiness they are at today. As a friend on the Committee on National Security, the gentleman has worked long and hard to see to it that we have sufficient airlift to move our forces around the world.

I am here, Mr. Speaker, to speak about national security. We are in this great Chamber, the Chamber where, according to Alexander Hamilton, the people rule, and our first constitutional duty to our people, to our country, is to defend them. And yet, Mr. Speaker, over the last several years, under the leadership, if we can call it that, of the Clinton Administration, we have been abandoning our first duty to the people of the United States in that our military forces are much smaller than they were 6 years ago, and they are not ready, Mr. Speaker, to fight and win two regional conflicts. And that is the standard that we set for our armed forces.

Now 5 years ago when we fought Desert Storm we had 18 army divisions. Today we only have 10. We had 24 fighter air wings. Today we only have 13. The Clinton Administration has cut our air power almost in half. And in those days we had 546 naval ships. Today we only have about 333 ships in the U.S. Navy, so they have cut the Navy by about 40 percent.

Now, Mr. Speaker, we in the Congress obviously produce the defense authorization bill, and if we do not produce a bill that is signed by the President this year, that puts enough money in spare parts, ammunition, fuel, training and other aspects of readiness, as well as in modernization, and that means buying new equipment to replace the old equipment, then we are doing a great disservice to every young man and young woman who goes down to a recruiter and signs up to be in the U.S. military.

We have been having hearings around the country. The other day my great colleague, the gentleman from California (Mr. DUKE CUNNINGHAM), who has also a seat made in San Diego, and I and a number of other Members, the gentleman from Pennsylvania (Mr. MCHALE), and of course the gentleman from Virginia (Mr. HERB BATEMAN), who is the chairman of the Subcommittee on Military Readiness, the gentleman from Texas (Mr. SOLOMON ORTIZ), the gentleman from Guam (Mr. ROBERT UNDERWOOD), and the gentleman from Utah (Mr. JIM HANSEN) all participated in a readiness hearing. We had that hearing on the Constellation, the United States aircraft carrier stationed in San Diego.

The testimony that came back from not only the leadership in the Navy, the people that wear the stars on their shoulders, the admirals, but also the enlisted people, was very disturbing, and I want to give my colleagues some of that testimony today, Mr. Speaker.

First, let us hear from Archie Clemmins, Admiral Archie Clemmins, who is the Commander-in-Chief of the United States Pacific Fleet. And he said this: After decades of requirement driven operations, we are now asset limited. In the past, decisions to commit forces were guided by requirements. Now we determine the level of peacetime commitment based upon forces available. Instead of meeting all requirements, we must prioritize missions and then assign increasingly scarce resources. This is becoming more difficult as U.S. leadership and interests dictate an increase rather than a decrease in forward deployed naval forces.

And he closed with these words in his statement: The net effect is that we are stretching our forces to the limit. He said further: In the past 4 years, we have reduced our personnel force size by over 22 percent while maintaining recruiting standards and keeping faith with the career force. Although we have been manning our deploying ships at adequate level, we are experiencing manning shortfalls that have grown into readiness concerns.

Now that means, Mr. Speaker, that these 333 ships in a Navy that used to be 546 ships are having to operate at an increased OPTEMPO. That means that they are on deployment more often than they were 5 or 10 or 15 years ago, even during the Cold War. And that means that a young sailor who goes off on a 6-month cruise, or a young marine who goes off on a long deployment to Bosnia, or in days past Somalia or Haiti, now comes home and before he can spend time with his family, he is told that he has to leave again on another deployment; or he has to go with his ship while it is being repaired, given an emergency overhaul at some other port, and he is home just in time, has just enough time basically to hug his family, kiss his wife good-bye and leave.

After a period of time, Mr. Speaker, the American personnel who are serving in the uniform say, that is it, I have had it and I am leaving the service. Even today, and this was testimony throughout our hearings, pilots, who are a very, very critical component of our military forces, are in declining number. It is tougher to retain them. They are leaving and going other places.

Now, there are a lot of reasons given for that. Some of the reasons, theoretically, are monetary reasons. They can fly for airlines. It is a little easier job than being deployed for 6 months at a time on an aircraft carrier. But morale is low. And morale is low partly because of that OPTEMPO, because we have this fleet with decreasing resources.

And this budget that President Clinton has given to us is $100 billion less than the budget that Ronald Reagan gave to us in the mid-1980s, using real dollars. So it could be dollar driven, but it is also morale driven in the sense that these people are seeing that we do not have the spare parts that we need. And that means that when a petty officer, and this was testified to us, when a petty officer goes to a shelf and reaches for a component now for a part, he cannot find that part. It is not there because we did not buy it for him.

So now he has to go to one of the airplanes that we have in the fleet that is stationed on deck and he has to take that part out of the airplane. That is called cannibalization. Eating your own. It is like a farmer who has two hay balers and he robs parts off one hay baler so he can make the other one work. The problem with that, of course, is that you get to the point of no return with the first airplane just like you get to the point of no return with the first hay baler and it becomes just a parts machine. All it is good for now is taking parts off of it. And if we do try to restore it, now we have to spend the manpower getting the extra part that was robbed off it to make the other plane work and you have to spend a lot of time putting that part back into the plane that was robbed.

So we are taking readiness dollars in several ways. We are taking a lot of manpower dollars.

Now, let me go to a statement by General David A. Bramlett, commander of the United States Army Forces Command. He said: Today our biggest concern is resource. The bottom line is that for fiscal year 1998, FORCECOM has fewer dollars than last year in operation and maintenance funding, roughly a 9 percent decrease in constant dollars. In sum, it is and will continue to be increasingly difficult to balance the requirements of go-to-war readiness, infrastructure and quality of life at current and anticipated levels of funding.

What that means is they leave old barracks and old houses for our military families. A corporal and his wife and couple of kids may be asked to live in a home that he can be absolutely ashamed of because Uncle Sam does not have the dollars to fix that home or to give him a better one because of the fact he has had to take that money and use it for fuel or spare parts to keep part of our military operating.

□ 1730

Now, let me refer to another gentleman who testified. This is commander Terry Kraft, United States Navy, Commanding Officer Tactical Electronic Warfare, Squadron 131. Commander Kraft said, "Another example of one of the frustrations present in our current situation is part support. Available parts go first to deployed squadrons, as they should. The challenge lies in obtaining parts for the jets needed to train when not deployed. Cannibalization has become routine for my squadron."

Mr. Speaker, we live in a time when our economy is extremely robust. We have lots of money circulating in this economy, lots of government revenue. We are supposed not to have any deficit this year. And yet, we have a military that has to cannibalize some of its airplanes so that the other airplanes can fly.

One other important area, Mr. Speaker, is ammunition. I asked the Marine Corps and the Army and the Navy to tell me if they had enough ammo, and if they did not, how short they were. The Marine Corps is $193 million short of the basic ammunition supply that it needs under its definition of a two MRC. That means two-conflict scenario. Incidentally, a two MRC scenario presumes that we might have to fight Desert Storm again in the Middle East, and we might have to fight almost at the same time a conflict in Korea.

Well, the United States Marine Corps, which is our 911 force, those are the guys that go in first and sometimes they take enormous casualties. They are $193 million short of their basic ammo supply. We ought to be ashamed of that, Mr. Speaker. The Army is $1.7 billion short of its basic ammunition supply. And the Navy is over $300 million short of its basic ammunition supply.

So Mr. Speaker, we are disserving the American people. And the American people may not think a lot about national defense right now, now that the crises with Saddam Hussein seems to be momentarily past us. But there is going to be a time when we have another conflict, another war, and the American people are going to turn to us and say, "Why did you follow the Clinton administration when it slashed national defense?"

Mr. Speaker, I hope that in this cycle, in this funding cycle, we restore the massive cuts that have been made in our readiness so that we do not have to stand there before the American people after a lot of casualties have been taken on the Korean Peninsula or in the Middle East with no answers for the American people who are asking that question after their sons and daughters have gone off to fight a war that we did not have them prepared for.

So Mr. Speaker, I see over here I have my good friend, the gentleman from North Carolina (Mr. JONES), who is an outstanding member of the Committee on National Security, along with you, Mr. Speaker; and I would like to yield to my colleague.

Mr. JONES. Mr. Speaker, I thank the gentleman from California very much for yielding.

I really wanted to make a brief statement. Then I have got a couple questions I would like to ask him. I first want to thank him for the leadership he, as well as the Speaker and other Members, provide on the Committee on National Security. It is because of his experience and his knowledge, he is a former veteran himself, that he is able to help those of us who are new on the committee understand the threat and importance of trying to rebuild our military, which I think has taken unbelievable cuts over the last several years. And before I ask the question, I wanted to make the statement, because I know of also his interest in our retirees, those who have served this Nation both in wartime and peacetime.

I believe I read recently, and correct me if I am wrong, that the President has recommended approximately a $300 million cut in veterans health care benefits and at the same time asking for a 38 percent increase in funding for the National Endowment for the Arts and some of his other social programs. To me, that is a tragedy when we turn our back on those who have served our Nation again, whether it be peacetime or wartime.

My colleague touched on deployments earlier. Would the gentleman please verify for me and expand if he can. Is it true that since President Clinton has been our President that we have been on 25 deployments? And if that is true, could you approximate the cost of that and where those monies come from.

Mr. HUNTER. Mr. Speaker, reclaiming my time, yes. In fact, our good colleague, the gentleman from Pennsylvania (Mr. WELDON), who is chairman of the Subcommittee on Research and Development, has developed these facts. In the last 5 years or so, we have deployed over 25 times. And that corresponds or can be compared to about 10 deployments, major deployments, in the previous 10 years.

So the ironic facts are that, while Ronald Reagan and George Bush stood up to the Soviet Union and brought down the Soviet Union with the policy of peace through strength, this President has cut defense almost in half and yet, with a series of operations, so-called peacekeeping operations, in Somalia and Haiti and Bosnia and other places, has stretched our forces to the limit. And the price tag that I have seen on the total of all these deployments is in excess of $13 billion. That is the information that I have on it. And, yes, there have been 25 major deployments.

The other thing that the gentleman needs to know is this: We put together a defense budget that was based on what it would take for us to maintain our Armed Forces and we did not count the deployments. So it is like having a family put together their yearly budget and they say, okay, we are going to spend so much for our house mortgage, so much for our car payments, so much for gas, and we are going to eat at home, so, so much for groceries each month; and then they have a death in the family or sickness in the family and they have to travel halfway across the country and they have got to stay at grandma's, and they have got to help somebody out on a trip that takes 5 weeks or 2 months. They will notice that their family budget goes far beyond what they had programmed it for because they have an emergency or a contingency they did not plan for.

All of those 25 deployments that the gentleman from Pennsylvania (Mr. WELDON) talks about and that the chairman of the Committee on Armed Services, Committee on National Security Committee, the gentleman from South Carolina (Mr. SPENCE), our great chairman, talks about, all of those deployments were taken out of our budget. We were not given any extra money to do that.

So what happened? We said, okay, the President says we are going to go to Bosnia. He says, "You go find the money," to the military leadership. So they go to the aircraft repair commands. "You guys cannot repair as many aircraft as you thought you were going to have to repair." And the gentlewoman from Florida (Mrs. FOWLER) brought this up today. We have over 100 aircraft awaiting repair. We have over 100 engines that are in repair that are backlogged on depot level maintenance.

So the President's military leadership goes and says stop repairing those planes. We need the money to pay for fuel and to pay for the other necessities to take our forces halfway around the world to Bosnia, and we are going to take it out of your repair budget.

Then they go to the Marines, perhaps; and they say, hold up. Do not buy that ammunition you were going to buy with the money that Congress gave you. We are going to use that money to fly you across the world to Somalia. You are going to run an operation there or to Bosnia. So what happens is, that money is taken out of our hide. It is taken out of the military forces accounts that they were going to use to modernize.

So we now have what is known as a supplemental coming up. That means, when you have an emergency, you try to pay for it. We cannot afford to take that out of the military's own hide right now, because they already have a shortage of spare parts. They have got a shortage of ammunition. They have got a shortage of personnel incentives to keep those pilots in the service.

If we rob them of this money to pay for this commitment in Bosnia that they did not ask for, but we placed on them, then we are disservicing those people.

Mr. JONES. Mr. Speaker, let me tell the gentleman as chairman of the Subcommittee on Military Procurement, I say that respectfully for those who might be watching, the gentleman from Texas does such an outstanding job.

I have three bases in my district. I have Seymour Johnson Air Force Base, I have Camp Lejeune Marine Base in Jacksonville, North Carolina, and I have Cherry Point Marine Air Station in Havelock, North Carolina.

During the Christmas break, I had the occasion to meet with two pilots from Cherry Point off base, out of uniform. I was distressd with what they told me. These are young men in their early thirties, mid thirties and wanting to make a career out of the Marine Corps.

Again, they are telling me how they are being restricted as it relates to their flying time, to their combat practices. When you are making all these comments, I want the people that might be watching tonight, the American people, to know that we are talking about readiness.

We are telling our pilots, as you were saying, we do not have enough money for you to get up there and do what you need to do to be at a razor sharp edge so that you can defend this Nation. You can take care of yourself. You can take care of that plane.

I get a little frustrated, and I guess that is why I am kind of fumbling, to see, as the gentleman made mention in his comments, these fine young men and women that are dedicated to this Nation.

I am afraid that, too many times, all of us as American citizens take our military for granted. We do not think about what they need, what we need to do to have a strong military until they are called upon.

I want to thank the gentleman from California (Mr. HUNTER) and the gentleman from New Jersey (Mr. SAXTON) who is now on the floor. I am sure he wants to engage in some discussion in just a moment.

But I think that the gentleman from California talks about the deployment and what it has cost, and I want to ask him a question because of his experience and expertise being in the position he is in. We talk about China. We talk about Iran. We talk about Iraq. Can you tell me how, let us take China for an example, how they are building their military. Are they somewhat stagnated, or are they spending money to build a strong military?

Mr. HUNTER. I thank my good friend, the gentleman from North Carolina for the question. I want to say, also, that the gentleman from South Carolina is one of the finest members of our committee. We really appreciate him and all the hard work that he does on the subcommittee. He is always there and stays late. He is usually there with the other gentleman who is here right now, the gentleman from New Jersey (Mr. SAXTON).

Mr. JONES. I must tell the gentleman, he said South Carolina. I know he meant North Carolina.

Mr. HUNTER. I meant North Carolina.

Mr. JONES. You have been in that campaign. I want you to come back.

Mr. HUNTER. I am from southern California, so I think everything is the south. But I thank my friend for correcting me.

With respect to China, China is trying to step into the superpower shoes that were left by the Soviet Union, and I think their intent toward the United States is best manifested by the fact that their most recent purchases from Russia have been antiship missile cruisers. Now, those are ships that were built by Russia with one goal in mind, and that is of destroying American aircraft carriers.

You may recall that we embarrassed China with respect to the Taiwan crisis. We moved the fleet in, and we backed them down. They were throwing missiles over the bow as the Taiwanese were trying to hold their elections. They were embarrassed by that, and I am sure their military vowed to never have it happen again.

So they have been going about the task of acquiring a lot of missile capability, some of it supersonic, some of it with the ability to zig and zag so that our antimissile shipboard defense systems will not be able to hit them. They are doing that for one reason. They want to be able to sink our ships and destroy the young men and women that operate those ships.

China is becoming very aggressive. They have made very aggressive statements about us. During the Taiwan crisis, one of the diplomats said we hope the people of America care more about Los Angeles than they do about Taiwan. That is a very naked threat to use nuclear weapons on an American city, something you would never get from the Soviet Union.

We thought the Soviet Union was bellicose and threatening, but the Chinese have been building a lot of military capability. They are buying a lot of high-tech capability from the Russians and from other countries that have technology, some of them western countries, unfortunately.

They have got about 42 supercomputers that they bootlegged out of the United States and that they got past an acquiescent Clinton administration review. The Clinton administration has not done a good job of keeping the supercomputers out of the hands of the people that are now using them, some of them in their military nuclear complex, building nuclear systems that are to be targeted at American cities.

But you mentioned one thing I want to bring back to your district in North Carolina. You mentioned sitting down with your pilots and talking with them and their concern about lack of spare parts. Let me give you the mirror of that discussion that you have had in informal discussions.

We had this hearing on the carrier, the USS *Constellation*, in San Diego last week. This is what one of our people said, Commander John Hults, Commanding Officer of the Strike Fighter Squadron 113. This is what Commander Hults said.

□ 1945

He said, "Very simply stated, my job is to get all of my pilots into the cockpit enough to make them proficient in all of our primary mission areas." That sounds logical. "In order to achieve that, the training and readiness matrix that we use to report our level of readiness requires that each Hornet pilot," that is an F-18, "fly 32.8 flight hours per month."

Here he says it. "The reality is that we don't have the necessary resources available to us to attain or maintain that level of readiness." That means that those young pilots in Commander Hults's squadron, if they have to enter into a combat situation in the Middle East or in Korea in the near future, will not have the training that we said they needed to have to make them proficient. The reason they did not have the training is because this government in Washington, D.C., while they felt we had plenty of money to spend on the National Endowment for the Arts and a lot of other things that have at least what I would call marginal value added to this country, we did not see clear, our government, to give the resources to our pilots and to pilot training.

He goes on and he says this. "The number one resource challenge that we face is low aircraft availability. The primary reason is that we don't have enough spare parts in the F/A-18 community. This lack of spare parts is the cause of a snowball effect that can be felt throughout the squadron. The fewer parts we have, the more cannibalization we have to do."

He brings up that word again, robbing one airplane so that another one can fly, "The more cannibalization we have to do, the more maintenance man-hours required; the more man-hours required, the longer the workday, which affects morale and leads to retention problems."

So he has brought this back to why people are leaving these critical positions in the armed forces right now. Low morale.

One thing Ronald Reagan did when he came in in 1980 was put in enough increases in our military budget to put those spare parts on the shelf and to pay our people adequate pay, and to carry that flag high, to establish a policy in this country that we would achieve peace with our allies and our adversaries through American strength.

Commander Hults goes on. He says, "Our noncombat expenditure allowance, which is the ordnance we are given for training, doesn't allow us to practice with the weapons we will realistically use in combat. Among our modern-day weapons of choice for combat are the various laser-guided bombs that provide pinpoint delivery accuracy and, therefore, minimum collateral damage and minimum numbers of aircraft required to send into harm's way." We all remember that.

Americans who watched CNN and watched the war in the Gulf remember perhaps the world's luckiest taxicab driver; it was that taxicab that was going across the Iraqi bridge. The American airplane came in and instead of delivering as we did in the old days in World War II, in Vietnam and Korea literally a blanket of hundreds and hundreds of bombs, hoping that one of them or two of them would hit the bridge at a key point and knock it out, we delivered one bomb into that bridge and we set it right into a strategically placed strut on that bridge and just as the taxicab driver got to the end of the bridge and got safely off of it, that bomb hit. One single bomb, that is the precision-guided munition that Commander Hults is talking about. But he says we need to train with those bombs.

Then he goes on to say this. He says, "Unfortunately, we don't get any of those in our noncombat expenditure allowance, and I currently have only one pilot in my squadron that has ever carried and delivered one." That means that if Commander Hults is in a combat situation over Iraq in the next several months and he says, "I have two bridges I have to knock out. Has anybody ever dropped one of these laser-guided bombs?" he will have one man who says, "I've used them before, Commander," but he will not have anybody else. So he will have to either take a chance that a brand-new rookie with that piece of equipment can learn enough to do the job, or he is going to have to send that same pilot that knocks out the first bridge, the only guy he has got in the squadron who is qualified, to do the second bridge.

It is just one of thousands of examples, but it is an example of how the policies that we set here and the inadequacy of military spending that we have established as a policy here have a harmful effect on two things, our ability to defeat the enemy in combat, and secondly, the disservice that we do to our young men and women who put on the uniform expecting to get the very best in equipment and training, who are shortchanged as a result of that.

I thank the gentleman for letting me give that lengthy explanation, and I yield to him for any other questions.

Mr. JONES. I just want to thank the gentleman for being on the floor tonight. I know the gentleman from New Jersey (Mr. SAXTON) is going to join him. I thank the gentleman for letting me be a small part of this tonight.

I want to thank the gentleman from California and the gentleman from New Jersey because they are the leaders in the Republican Party; in the House, they are the people that many of us look to for guidance as it relates to helping our military remain the power that it needs to be to protect the freedoms of this country.

I must say to the gentleman from California and to the gentleman from New Jersey that what they are doing tonight is extremely helpful, because every civic club I speak to back in my district, I always close with comments about the needs of our military to protect the freedoms of this country. That is really what it comes down to.

I always close by telling the people that if you have not read the book by Caspar Weinberger called The Next War, you need to read it, because there is a lot of good information as to what is out there that threatens our security and our freedoms.

Again, I thank the gentleman for letting me be a small part of this.

Mr. HUNTER. I thank the gentleman. He has done a lot to help this committee.

I want to recognize the gentleman from New Jersey (Mr. SAXTON), an expert in lots of military areas who really has great expertise, especially in airlift.

Mr. SAXTON. I thank the gentleman for yielding. Before the gentleman from North Carolina leaves the floor, I just want to thank him for being here tonight and making the contribution that he did. I know how deeply and earnestly he feels about the issues that he was talking about relative to our national defense. We value the leadership of the gentleman from North Carolina (Mr. JONES) on these issues. We were delighted he was able to be here with us tonight.

First, let me say how much I enjoy serving on the gentleman's subcommittee, the Procurement Subcommittee. There are darned few things that we have to be thankful for, that is, those of us who disagree with the Clinton administration on our level of military commitment in these days, but one of the things that we do have to be thankful for is that the gentleman is where he is. I watched, actually I helped, I was there by his side last year on the Procurement Subcommittee as we tried to sort out and make those difficult decisions about how to best allocate the very limited resources, relatively limited resources that we have to make use of relative to our national security. It always made me feel good at the end of the day that the gentleman was there holding the reins to make sure that we were guided correctly through that maze of decisions that we had to make.

Mr. HUNTER. If the gentleman will hold on for just a second, I appreciate his kind words. I just wanted to remind him and remind my colleagues that the reason I am the chairman of that Procurement Subcommittee is because one of my dearest friends in the world that I know, the gentleman thinks highly of him too, the gentleman from South Carolina (Mr. SPENCE), the chairman of the Committee on National Security, appointed me and appointed the other members who are chairmen of the subcommittees.

He basically gave us the ball in all of our respective areas. I have Military Procurement, the gentleman from Pennsylvania (Mr. WELDON) has Research and Development, the gentleman from Virginia (Mr. BATEMAN) has Readiness, the gentleman from Colorado (Mr. HEFLEY) has Military Construction and on down the line. The gentleman from Indiana (Mr. BUYER) has Personnel. He has let us run with the ball.

When we have had a fight with the Clinton administration, he has always stood behind us.

I accept the gentleman's thanks. It is a two-way street because the gentleman from New Jersey is a real hero in my book. But I want to let him know, too, that it is our leader, the gentleman from South Carolina (Mr. SPENCE) who has really bucked this administration and bucked the numbers that we are forced to live with.

Mr. SAXTON. I could not agree more with regard to the gentleman from South Carolina (Mr. SPENCE), as well. One of the really productive things I believe about the style of leadership that the gentleman from South Carolina provides is that he recognizes that in each committee member there is a little bit different area of expertise, whether it happens to be shipbuilding, and I think of the gentleman from Virginia (Mr. BATEMAN), or whether it happens to be munitions and I think of the gentleman from California (Mr. HUNTER), or whether it happens to be some other area, there are many members of our committee, and I might say on both sides of the aisle, to which the gentleman from South Carolina (Mr. SPENCE) is willing to hand the ball at any given time to carry it through his or her area of expertise. I think that is the mark of a real leader, to be able to dispense the job the way the gentleman from South Carolina has been able to.

I wanted to bring up a bit of history, and fairly recent history, actually when I heard the gentleman's opening statement at the beginning of this hour about how we had built down for the last number of years, I believe since 1985 actually was when the builddown in defense spending started. I think back to those days, I think of the speeches that Ronald Reagan gave about how we would make our country proud again and how we would make our country, the country's national security worthy of the respect of the American people again, and how in 1980 and 1981 he began that buildup.

But I also remember another person who served at the end of the decade of the 1980s and the beginning of the decade of the 1990s, the Secretary of Defense, our friend Dick Cheney, who at the time was Secretary Cheney. I remember one speech that he gave in particular which is most, I believe, noteworthy today in the context of where we find ourselves. That occurred over in the then-Armed Services Committee room.

I believe it was in September of 1990. Saddam had invaded Kuwait. Secretary Cheney came before the Armed Services Committee and he said words that were almost identical to this, one of those phrases or one of those few sentences that I will always remember. He said, "The Cold War is over, and I am here on the brink of our going to war with Iraq to explain to you why I think we need a smaller defense." He was very determined to make sure he got the right message across.

He continued, "But," he said, "I want to make sure everyone understands that unlike after every other conflict," he was saying every other conflict prior to the end of the Cold War, "unlike at the end of every other conflict, this time," he said, "we're going to do it smart."

Well, I wish he were still in that chair, because we probably would have done it smart. But I am afraid in the meantime perhaps we have not been so smart. Maybe the builddown has gone too fast.

I do not think he had in mind the speeches we have to give like the one we are giving tonight about cannibalization, OPTEMPO, lack of readiness, modernization problems that we have, making decisions about how we are going to best use the limited resources. That is not what Dick Cheney had in mind, I am sure.

Then after he fully discussed that with us, he said, "And remember something else, too." He said, "The Soviet threat has diminished. The Soviet Union is on the verge of breaking up." He said, "But remember this. The threat will not go away. It will only change." Words to remember.

Earlier I heard the gentleman discussing the situation relative to China. We know the situation relative to South Korea and North Korea. We know that we were on the brink of another conflict in the Middle East just a few weeks ago.

We have got, what is it, 25,000 troops ongoing in Bosnia, give or take a platoon or two? And so the threat has changed. As the gentleman knows, it is not just a conventional threat that we face today, it is new threats that perhaps existed in the past but are even more prevalent today than they were during the Cold War.

The acronym WMD is spoken in these halls quite frequently, particularly in our committee, weapons of mass destruction, WMD, and the technology that we are in the process of developing to deal with the problems involved in weapons of mass destruction. That is what this entire flap over Iraq was about, how to deal with this issue and all of these kinds of threats, I am afraid, are what Dick Cheney was talking about when he said, "And don't ever forget, the threat may change, but there will be a threat."

□ 2000

And so today, more than ever, I think it is important that Members of this House and Members of the other House and Members of the American public and people that work over in the Pentagon recognize the need to face today's threat, because it is different, but it has not gone away.

Mr. HUNTER. Mr. Speaker, the gentleman has made a great and eloquent statement, as usual.

Let me ask the gentleman, who specializes, and incidentally, we really value the gentleman's membership on the Committee on National Security, and especially the work that he has done in terms of the task force on terrorism and the fact that the gentleman recognizes, perhaps more than any other Members, although Sonny Bono, our good buddy, was one of the people that recognized that we were entering this era of terrorists with high technology.

Let me ask the gentleman, though, about airlift capability. Where are we going with airlift, and what kind of job is the C–17 doing, for example, the newest addition to our airlift fleet, and how much more work do we have to do?

Mr. SAXTON. Mr. Speaker, we have a ways to go. Our strategic airlift, that is the lift that we use to get to far places around the world, over the last several decades has been carried out in basically 3 fashions. We have the C–141s that started to come on line in 1962; we have C–5s, a great fleet of C–5s, although they are old too. They also came on line in the 1960s. We also have a fleet of aircraft which we in effect rent from the airlines which are called the craft fleet, and they are pressed into service in time of surge when we need to get someplace in a hurry. They are regular commercial aircraft, freight carriers that we use, for the most part, and also passenger carriers, but freight carriers for the most part that we use in conjunction with the C–141s and C–5s.

The C–141s are worn out and absolutely will be out of service, for the most part, with the exception of one wing, that I am aware of, that will be flying out of McGuire Air Force base up in New Jersey, and a few C–141s by aught 3 that will be used by the Reserves. Other than that, the C–141s are going away.

The C–17 buy that we have put in place to replace in effect the worn out C–141s are in the process of coming on line. We are ramping up so that we can produce and bring on line 15 a year. We are currently, I believe, at 10 a year, and we currently have a wing of them down in Charleston, another wing going out at McChord Air Force base on the West Coast, and so between now and aught 3, aught 4, aught 5, that buy will be completed.

In talking with the Air Force leadership just the other day, we have the need, they believe, for about 15 or 20 additional, in addition to the 120 that we have already committed to buy, and that request will be formally made in the 5-year plan as it begins to unfold.

The C–5 fleet is also worn out, and this is a big problem, because there is a debate currently going on in the Air Force. In fact, I am going out to Travis Air Force base in the next few weeks to look at the possibility, a proposal that the Air Force is making on modernization of the C–5 fleet. They need new hydraulics, new engines and new aeronautical devices to bring them up to speed so that they can fly in today's modern world. The problem with the C–5 is that today, because they are old and worn out, they have the ability to take off, on average, only 7 out of 8 times they try.

Mr. HUNTER. Mr. Speaker, if the gentleman will yield, I hope that that same average does not apply to landings.

Mr. SAXTON. Mr. Speaker, I hope not, too. Obviously it does not, but for one reason or another, one time out of every 8 they take off, they cannot take off, so this creates a very big problem if one flies from this country overseas and makes a few landings there, by the time you get back around the loop, if you have landed 6 or 7 or 8 times, and you figure you are not going to take off one of those times, which is very bad. So this modernization proposal that they have is a very good proposal. Actually, the airframe has 80 percent of its life left in it, but the hydraulics and engines and aeronautics all have to be replaced.

So, Mr. Speaker, that is essentially where we are. The craft fleet will remain very important, but basically, our military airlifters are either in need of replacement or very extensive modernization programs.

Mr. HUNTER. Mr. Speaker, I thank the gentleman. Once again, I thank him for his great expertise on the Committee on National Security, and we have a bunch of great Members who have really contributed in these very difficult times. Our motto is that we are going to keep working and we are going to try to build that budget back up to where it should be so that we do a service rather than a disservice to the folks in uniform.

OMISSION FROM THE CONGRESSIONAL RECORD

The following was omitted from the CONGRESSIONAL RECORD of March 10, 1998 at page 3041 following the one-minute speech of the gentleman from Ohio (Mr. TRAFICANT).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds all persons in the gallery that they are here as guests of the House, and that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

OMISSION FROM THE CONGRESSIONAL RECORD OF TUESDAY, MARCH 10, 1998

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 595. An act to designate the Federal building and United States courthouse located at 475 Mulberry Street in Macon, Georgia, as the "William Augustus Bootle Federal Building and United States Courthouse".

H.R. 3116. An act to address the Year 2000 computer problems with regard to financial institutions, to extend examination parity to the Director of the Office of Thrift Supervision and the National Credit Union Administration, and for other purposes.

OMISSION FROM THE CONGRESSIONAL RECORD OF TUESDAY, MARCH 10, 1998

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 347. An act to designate the Federal building located at 61 Forsyth Street SW., in Atlanta, Georgia, as the "Sam Nunn Atlanta Federal Center".

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PASCRELL (at the request of Mr. GEPHARDT) for today until 2:00 p.m. on account of attending a funeral.

Mr. TANNER (at the request of Mr. GEPHARDT) for after 5:00 p.m. today and Thursday, March 12th on account of serving as pallbearer at former law partner's funeral.

Mr. DEUTSCH (at the request of Mr. GEPHARDT) for after 3:30 p.m. today and Thursday, March 12th on account of personal reasons.

Mr. MANTON (at the request of Mr. GEPHARDT) for after 3:00 p.m. today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. WATT of North Carolina) to revise and extend their remarks and include extraneous material:

Mr. DAVIS of Illinois for 5 minutes.
Mr. FILNER for 5 minutes.
Ms. NORTON for 5 minutes.
Ms. WOOLSEY for 5 minutes.
Mr. KLINK for 5 minutes.
Ms. MALONEY of New York for 5 minutes.
Mrs. CLAYTON for 5 minutes.

The following Members (at the request of Mr. SAXTON) to revise and extend their remarks and include extraneous material:

Mrs. MORELLA, today and March 12 for 5 minutes.
Ms. ROS-LEHTINEN, March 17 for 5 minutes.
Mr. SAXTON, today for 5 minutes.
Mr. WELDON of Florida, March 14 for 5 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks were granted to:

The following Members (at the request of Mr. WATT of North Carolina) and to include extraneous matter:

Mr. KIND.
Mr. MASCARA.
Mr. BLUMENAUER.
Mr. HAMILTON.
Mr. VENTO.
Mrs. MCCARTHY of New York.
Mr. CARDIN.
Ms. SÁNCHEZ.
Mr. SKELTON.
Mr. HASTINGS of Florida.
Ms. STABENOW.
Mr. FARR of California.

The following Members (at the request of Mr. SAXTON) and to include extraneous matter:

Mr. CALVERT.
Mr. FRELINGHUYSEN.
Mrs. KELLY.
Mr. YOUNG of Florida.
Mrs. CHENOWETH.
Mr. RADANOVICH.
Mr. MICA.
Mr. COBLE.
Mr. KNOLLENBERG.
Mr. GEKAS.
Mr. SHIMKUS.

The following Members (at the request of Mr. HUNTER) and to include extraneous matter:

Mr. EVERETT.
Mr. BUNNING.
Mrs. KENNELLY of Connecticut.
Mr. SHERMAN.
Mr. COSTELLO.
Mr. PACKARD.
Mr. BRADY.
Mr. GINGRICH.
Mr. HAMILTON.
Mr. TORRES.

ADJOURNMENT

Mr. HUNTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Thursday, March 12, 1998, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and amended reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the third and fourth quarters of 1997 by various Committees of the U.S. House of Representatives, pursuant to Public Law 95–384, as well as a consolidated report of foreign currencies and U.S. dollars utilized for Speaker-authorized official travel in the first quarter of 1997 and the first quarter of 1998 are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 1997 AND DEC. 31, 1997

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Patricia Paoletta	11/18	11/22	Switzerland		984.00		986.20				1,970.20
Committee total					984.00		986.20				1,970.20

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

TOM BLILEY, Chairman, Mar. 2, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1, 1997 AND DEC. 31, 1997

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Carol Murphy	10/10	10/14	Germany		940.00						940
	10/13	10/13	Bosnia								
	10/14	10/18	France		1,087.00						1,087.00
Commercial airfare							4,450.89				4,450.89
Timothy Sanders	10/10	10/14	Germany		940.00						940.00
	10/13	10/13	Bosnia								
	10/14	10/18	France		1,087.00						1,087.00
Commercial airfare							4,057.01				4,057.01
John Ziolkowski	10/10	10/14	Germany		940.00						940.00
	10/13	10/13	Bosnia								
	10/14	10/18	France		1,087.00						1,087.00
Commercial airfare							4,068.33				4,068.33
Hon. C.W. Bill Young	10/13	10/14	Egypt		226.00		(3)				226.00
	10/14	10/14	Baharain				(3)				
	10/14	10/15	Kuwait		387.00		(3)				387.00
	10/15	10/16	Saudi Arabia				(3)				
	10/16	10/16	Bosnia				(3)				
	10/16	10/17	Belgium		275.00		(3)				275.00
Douglas Gregory	10/13	10/14	Egypt		226.00		(3)				226.00
	10/14	10/14	Baharain				(3)				
	10/14	10/15	Kuwait		387.00		(3)				387.00
	10/15	10/16	Saudi Arabia				(3)				
	10/16	10/16	Bosnia				(3)				
	10/16	10/17	Belgium		275.00		(3)				275.00
Kevin Roper	10/13	10/14	Egypt		226.00		(3)				226.00
	10/14	10/14	Baharain				(3)				
	10/14	10/15	Kuwait		387.00		(3)				387.00
	10/15	10/16	Saudi Arabia				(3)				
	10/16	10/16	Bosnia				(3)				
	10/16	10/17	Belgium		275.00		(3)				275.00
Gregory Dahlbert	10/13	10/15	Czech Republic		464.00.00						464.00
	10/15	10/19	France		1,156.00.00						1,156.00
Commercial airfare							4,160.00				4,160.00
James Dyer	10/13	10/15	Czech Republic		464.00						464.00
	10/15	10/19	France		1,156.00						1,156.00
Commercial airfare							4,160.00				4,160.00
John Plashal	10/13	10/15	Czech Republic		464.00						464.00
	10/15	10/19	France		1,156.00						1,156.00
Commercial airfare							4,160.00				4,160.00
Juliet Pacquing	11/1	11/12	China		3,350.00						3,350.00
Commercial airfare (filed in separate report).											
Delacroix	12/9	12/11	Chile		647.00						647.00
	12/11	12/13	Argentina		641.50						641.50
Commercial airfare							3,696.39				3,696.39
James Dyer	12/9	12/11	Chile		647.00						647.00
	12/11	12/13	Argentina		641.50						641.50
Commercial airfare							3,637.00				3,637.00
Timothy Peterson	12/9	12/11	Chile		647.00						647.00
	12/11	12/13	Argentina		641.50						641.50
Commecial airfare							3,637.00				3,637.00
William Inglee	12/7	12/10	Germany		669.00						669.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1, 1997 AND DEC. 31, 1997—Continued

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	12/10	12/12	Belgium		568.00						568.00
Commercial airfare							1,335.70				1,335.70
Hon. Joseph McDade	12/10	12/16	Argentina		1,233.00						1,233.00
Commercial airfare							6,220.00				6,220.00
Hon. Frank Wolf	12/15	12/17	Bosnia		200.00						200.00
Commercial airfare							863.60				863.60
Frank Cushing	11/30	11/2	Belgium		550.00						550.00
	12/2	12/4	Luxembourg		512.00						512.00
	12/4	12/7	Italy		808.00						808.00
	12/7	12/8	Tunisia		172.00						172.00
	12/8	12/11	France		897.00						897.00
Commercial airfare							4,533.90				4,533.90
Paul Thomson	11/30	12/2	Belgium		550.00						550.00
	12/2	12/4	Luxembourg		512.00						512.00
	12/4	12/7	Italy		808.00						808.00
	12/7	12/8	Tunisia		172.00						172.00
	12/8	12/11	France		897.00						897.00
Commercial airfare							4,533.90				4,533.90
Deborah Weatherly	12/2	12/4	Luxembourg		512.00						512.00
	12/4	12/7	Italy		808.00						808.00
	12/7	12/8	Tunisia		172.00						172.00
	12/8	12/11	France		897.00						897.00
Commercial airfare							4,533.90				4,533.90
John Mikel	11/30	12/2	Belgium		550.00						550.00
	12/2	12/4	Luxembourg		512.00						512.00
	12/4	12/7	Italy		808.00						808.00
	12/7	12/8	Tunisia		172.00						172.00
	12/8	12/11	France		897.00						897.00
Commercial airfare							4,533.90				4,533.90
Elizabeth Dawson	11/30	12/2	Belgium		550.00						550.00
	12/2	12/7	Italy		1,237.00						1,237.00
	12/7	12/8	Tunisia		172.00						172.00
	12/8	12/11	France		897.00						897.00
Commercial airfare							4,522.90				4,522.90
Total					37,552.50		67,104.42				104,656.92
Committee on Appropriations, surveys and investigations staff:											
Frederick A. Bigden	10/18	10/25	Germany		1,082.00		5,211.30		29.80		6,323.10
	10/25	10/29	Italy		466.50						466.50
	10/29	10/31	England		719.00						719.00
Frederick A. Brugger	10/15	10/18	Japan		747.00		5,165.88		42.51		5,955.39
Gail O. Burton	10/15	10/18	Japan		747.00		5,165.88		54.34		5,967.22
Norman H. Gardner	10/31	11/12	China		2,967.75		5,049.00		35.79		8,052.54
Robert D. Green	10/18	10/23	Germany		706.25		5,687.03		26.40		6,419.68
	10/23	10/24	Bosnia		376.25						376.25
	10/24	10/25	Hungary		197.00						197.00
	10/25	10/28	Italy		466.50						466.50
	10/28	10/31	England		702.00						702.00
Walter C. Hersman	10/18	10/23	Germany		706.25		4,677.20		36.00		5,419.45
	10/23	10/24	Bosnia		376.25						376.25
	10/24	10/25	Hungary		246.25						246.25
	10/25	10/26	Macedonia		136.00						136.00
	10/26	10/31	Germany		755.00						755.00
Susan G. Joseph	10/16	10/20	China		1,290.00		4,428.61		33.00		5,751.61
Dennis K. Lutz	10/18	10/23	Germany		730.00		5,703.28		50.40		6,483.68
	10/23	10/24	Bosnia		376.25						376.25
	10/24	10/25	Hungary		197.00						197.00
	10/25	10/28	Italy		466.50						466.50
	10/28	10/31	England		702.00						702.00
Patricia M. Murphy	10/18	10/25	Germany		1,082.00		5,211.30		160.00		6,453.30
	10/25	10/28	Italy		466.50						466.50
	10/28	10/31	England		719.00						719.00
Robert H. Pearre, Jr.	10/18	10/25	Germany		1,082.00		4,677.20		76.55		5,835.75
Robert J. Reitwiesner	10/21	10/23	Germany		242.00		4,194.85		109.14		4,545.99
	10/23	10/24	Bosnia		376.25						376.25
	10/24	10/25	Hungary		197.00						197.00
	10/25	10/27	Italy		346.50						346.50
	10/27	10/28	The Netherlands		147.75						147.75
	11/6	11/12	China		1,475.75		4,471.00		146.71		6,093.46
Robert R. Stevens	10/18	10/23	Germany		706.25		4,677.20		161.50		5,544.95
	10/23	10/24	Bosnia		376.25						376.25
	10/24	10/25	Hungary		246.25						246.25
	10/25	10/26	Macedonia		136.00						136.00
	10/26	10/31	Germany		755.00						755.00
R.W. Vandergrift, Jr.	10/31	11/12	China		2,984.25		5,049.00		434.10		8,467.35
Frank J. Waldburger	10/16	10/20	China		1,290.00		4,431.61		111.62		5,833.23
T. Peter Wyman	10/31	11/12	China		2,967.75		5,049.00		533.89		8,550.64
Committee totals					30,755.25		78,849.34		2,041.75		111,646.34

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

BOB LIVINGSTON, Chairman, Mar. 3, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1, 1997 AND DEC. 31, 1997

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Henry J. Hyde	10/2	10/4	Spain		350.00		(3)				350.00
	10/4	10/6	Italy		650.00						650.00
Hon. Melvin L. Watt	10/2	10/4	Spain		350.00		(3)				350.00
	10/4	10/6	Italy		650.00						650.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1, 1997 AND DEC. 31, 1997—Continued

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Sheila Jackson Lee	10/2	10/4	Spain		350.00		(3)				350.00
	10/4	10/6	Italy		650.00						650.00
Thomas Mooney	10/2	10/4	Spain		350.00		(3)				350.00
	10/4	10/6	Italy		650.00						650.00
Mitch Glazier	10/2	10/4	Spain		350.00		(3)				350.00
	10/4	10/6	Italy		650.00						650.00
Julian Epstein	10/2	10/4	Spain		350.00		(3)				350.00
	10/4	10/6	Italy		650.00						650.00
Sheila Klein	10/2	10/4	Spain		350.00		(3)				350.00
	10/4	10/6	Italy		650.00						650.00
Robert Jones	10/2	10/4	Spain		350.00		(3)				350.00
	10/4	10/6	Italy		650.00						650.00
James Farr	10/2	10/4	Spain		350.00		(3)				350.00
	10/4	10/6	Italy		650.00						650.00
Delegation expenses	10/2	10/4	Spain				7,717.44		1,388.14		9,105.58
	10/4	10/6	Italy				6,077.28		693.33		6,770.61
Hon. Bill McCollum	12/1	12/3	Colombia		579.00		(4)				579.00
	12/3	12/5	Bolivia		348.00						348.00
	12/5	12/6	Peru								
Commercial airfare							95.00				95.00
Hon. Asa Hutchinson	12/1	12/3	Colombia		579.00		(4)				348.00
	12/3	12/5	Bolivia		348.00						348.00
	12/5	12/6	Peru								
Commercial airfare							522.00				522.00
Daniel Bryant	12/1	12/3	Colombia		579.00		(4)				579.00
	12/3	12/5	Bolivia		348.00						348.00
	12/5	12/6	Peru								
Commercial airfare							353.00				353.00
Committee total					11,781.00		14,764.72		2,081.47		28,627.19

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Air transportation was provided by the Drug Enforcement Administration.

HENRY J. HYDE, Chairman, Mar. 2, 1998

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1997

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. John Conyers, Jr	6/29	7/2	Haiti		631.76		(3)				631.76
Hon. William D. Delahunt	6/29	7/2	Haiti		631.76		(3)				631.76
Hon. Robert C. Scott	6/29	7/2	Haiti		631.76		(3)				631.76
Julian Epstein	6/29	7/2	Haiti		631.76		(3)				631.76
Stephanie Peters	6/29	7/2	Haiti		631.76		(3)				631.76
Delegation expenses	6/29	7/2	Haiti						4,277.67		4,277.67
Martina Hone	8/9	8/15	Kenya		1,091.00						1,091.00
	8/15	8/19	Tanzania		727.00						727.00
	8/19	8/20	Kenya		182.00						182.00
Commercial airfare							3,693.45				3,693.45
Stephanie Peters	8/9	8/14	Kenya		909.00						909.00
	8/14	8/20	Ethiopia		1,091.00						1,091.00
Commercial airfare							4,209.85				4,209.85
Hon. John Conyers, Jr.	9/5	9/8	Haiti		711.73		(3)				711.73
Hon. William D. Delahunt	9/5	9/8	Haiti		711.73		(3)				711.73
Julian Epstein	9/5	9/8	Haiti		711.73		(3)				711.73
Stephanie Peters	9/5	9/8	Haiti		711.73		(3)				711.73
Carl LeVan	9/5	9/8	Haiti		711.73		(3)				711.73
Delegation expenses	9/5	9/8	Haiti						2,053.18		2,053.18
Committee total					10,717.45		7,903.30		6,330.85		24,951.60

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HENRY J. HYDE, Chairman, Feb. 24, 1998

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1997

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Carolyn Maloney	10/1	10/5	Equador		752.00		1,629.65		240.00		
Alys Campaigne	10/25	10/31	Germany		1,115.00		1,038.10				
	12/1	12/12	Japan		1,794.00		5,396.00		190.00		
Daniel Moll	12/6	12/10	UK		1,416.00		4,437.90				
Kevin Long	10/12	10/15	Colombia		772.00		1,707.20				
	10/16	10/18	Mexico		482.50						
Michael Yeager	10/12	10/15	Colombia		772.00		1,707.20				
	10/16	10/18	Mexico		482.50						
Michael Delph	10/12	10/16	Colombia		559.00		1,751.00				
Gilbert Macklin	10/12	10/16	Colombia		772.00		1,751.00				
Sean Littlefield	10/12	10/16	Colombia		772.00		1,751.00				
Joseph Harrison	12/4	12/9	Thailand		1,440.00		6,231.76		380.34		
	12/10	12/17	Indonesia		1,976.00						
	12/18	12/19	Singapore		212.94						
Harold Gossett	12/4	12/9	Thailand		1,440.00		6,231.76		380.34		

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1997—Continued

Name of member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	12/10	12/17	Indonesia		1,976.00						
	12/18	12/19	Singapore		212.94						
Carl Brizzi	12/4	12/13	Thailand		2,440.00		6,231.76		380.34		
	12/14	12/17	Indonesia		988.00						
	12/18	12/19	Singapore		212.94						
Joseph Jakub	12/4	12/13	Thailand		2,440.00		6,231.76		380.34		
	12/14	12/17	Indonesia		988.00						
	12/18	12/19	Singapore		212.94						
Kevin Long	11/17	11/18	Israel		624.00				19.71		
	11/18		Jordan				8.00				
	11/19		Kuwait		231.00		56.07		87.57		
	11/20		Bahrain		369.00						
	11/21		Saudi Arabia		143.00				467.44		
	11/22	11/23	Turkey		516.00		66.71		156.58		
	11/24	11/25	Greece		215.00				135.71		
Robert Charles	11/17	11/18	Israel		624.00				19.71		
	11/18		Jordan				8.00				
	11/19		Kuwait		231.00		56.07		87.57		
	11/20		Bahrain		369.00						
	11/21		Saudi Arabia		143.00				467.44		
	11/22	11/23	Turkey		516.00		66.71		156.58		
	11/24	11/25	Greece		215.00				135.71		
Michelle Lang	11/17	11/18	Israel		624.00				19.71		
	11/18		Jordan				8.00				
	11/19		Kuwait		231.00		56.07		87.57		
	11/20		Bahrain		369.00						
	11/21		Saudi Arabia		143.00				467.44		
	11/22	11/23	Turkey		516.00		66.71		156.58		
	11/24	11/25	Greece		215.00				135.71		
Sean Littlefield	11/17	11/18	Israel		624.00				19.71		
	11/18		Jordan				8.00				
	11/19		Kuwait		231.00		56.07		87.57		
	11/20		Bahrain		369.00						
	11/21		Saudi Arabia		143.00				467.44		
	11/22	11/23	Turkey		516.00		66.71		156.58		
	11/24	11/25	Greece		215.00				135.71		
Andrew Richardson	11/17	11/18	Israel		624.00				19.71		
	11/18		Jordan				8.00				
	11/19		Kuwait		231.00		56.07		87.57		
	11/20		Bahrain		369.00						
	11/21		Saudi Arabia		143.00				467.44		
	11/22	11/23	Turkey		516.00		66.71		156.58		
	11/24	11/25	Greece		215.00				135.71		
Dale Anderson	11/17	11/18	Israel		624.00				19.71		
	11/18		Jordan				8.00				
	11/19		Kuwait		231.00		56.07		87.57		
	11/20		Bahrain		369.00						
	11/21		Saudi Arabia		143.00				467.44		
	11/22	11/23	Turkey		516.00		66.71		156.58		
	11/24	11/25	Greece		215.00				135.71		
Hon. Dennis Hastert	11/17	11/18	Israel		624.00				19.71		
	11/18		Jordan				8.00				
	11/19		Kuwait		231.00		56.07		87.57		
	11/20		Bahrain		369.00						
	11/21		Saudi Arabia		246.00				467.44		
	11/22	11/23	Turkey		516.00		66.71		156.58		
	11/24	11/25	Greece		215.00				135.71		
Hon. Mark Souder	11/17	11/18	Israel		624.00				19.71		
	11/18		Jordan				8.00				
	11/19		Kuwait		231.00		56.07		87.57		
	11/20		Bahrain		369.00						
	11/21		Saudi Arabia		246.00				467.44		
	11/22	11/23	Turkey		516.00		66.71		156.58		
	11/24	11/25	Greece		215.00				135.71		
Hon. John Mica	11/17	11/18	Israel		624.00				19.71		
	11/18		Jordan				8.00				
	11/19		Kuwait		231.00		56.07		87.57		
	11/20		Bahrain		369.00						
	11/21		Saudi Arabia		246.00				467.44		
	11/22	11/23	Turkey		516.00		66.71		156.58		
	11/24	11/25	Greece		215.00				135.71		
Hon. Tom Davis	11/17	11/18	Israel		624.00				19.71		
	11/18		Jordan				8.00				
	11/19		Kuwait		231.00		56.07		87.57		
	11/20		Bahrain		369.00						
	11/21		Saudi Arabia		246.00				467.44		
	11/22	11/23	Turkey		516.00		66.71		156.58		
	11/24	11/25	Greece		215.00				135.71		
Hon. John Shadegg	11/17	11/18	Israel		624.00				19.71		
	11/18		Jordan				8.00				
	11/19		Kuwait		231.00		56.07		87.57		
	11/20		Bahrain		369.00						
	11/21		Saudi Arabia		246.00				467.44		
	11/22	11/23	Turkey		516.00		66.71		156.58		
	11/24	11/25	Greece		215.00				135.71		
Hon. Mark Sanford	11/17	11/18	Israel		624.00				19.71		
	11/18		Jordan				8.00				
	11/19		Kuwait		231.00		56.07		87.57		
	11/20		Bahrain		369.00						
	11/21		Saudi Arabia		246.00				467.44		
	11/22	11/23	Turkey		516.00		66.71		156.58		
	11/24	11/25	Greece		215.00				135.71		
Committee totals					50,022.76		46,904.39		12,355.48		109,282.63

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN BURTON, Chairman, Jan. 30, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1997

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
David Adams	10/12	10/16	Colombia		772.00						772.00
Commerical airfare							1,751.00				1,751.00
	11/17	11/19	Panama		258.00				128.10		386.10
	11/19	11/22	Haiti		552.50				15.00		567.50
Commerical airfare							878.00				878.00
Hon. Cass Ballenger	12/1	12/2	Mexico		[3] 188.99						188.99
	12/2	12/4	El Salvador		[3] 30.00						30.00
	12/4	12/6	Nicaragua		[3] 176.25						176.25
Paul Berkowitz	12/3	12/4	India		365.25						365.25
	12/4	12/7	Nepal		712.00						712.00
	12/8	12/10	Bhutan		312.00						312.00
	12/11	12/13	India		385.00						385.00
Commercial airfare							7,408.70				7,408.70
Deborah Bodlander	11/15	11/19	Qatar		900.00						900.00
Commerical airfare							5,697.90				5,697.90
	12/2	12/6	England		1,416.00						1,416.00
Commercial airfare							4,501.90				4,501.90
Elana Broitman	10/10	10/12	Belarus		392.00						392.00
	10/12	10/18	Russia		2,108.00						2,108.00
Commercial airfare							4,281.00				4,281.00
Peter Brookes	12/13	12/19	China		2,086.00						2,086.00
Commercial airfare							3,702.00				3,702.00
Hon. Tom Campbell	11/24	11/24	Ethiopia		188.00						188.00
	11/25	12/1	Eritrea		258.00						258.00
	12/2	12/5	Ethiopia		[3] 790.00						790.00
	12/6	12/8	Djibouti		[3] 216.00						216.00
	12/8	12/9	Yemen		251.00						251.00
	12/9	12/12	Kenya		[3] 555.00						555.00
	12/13	12/16	Tanzania		[3] 663.25				621.00		1,284.25
	12/17	12/18	Egypt		352.00						352.00
Commercial airfare							7,198.37				7,198.37
Theodore Dagne	11/29	12/2	Eritrea		324.00						324.00
	12/2	12/6	Ethiopia		618.00						618.00
	12/6	12/8	Djibouti		[3] 216.00						216.00
	12/8	12/9	Yemen		251.00						251.00
Commercial airfare							5,980.80				5,980.80
Hon. Eni F.H. Faleomavaega	11/18	11/19	Israel		624.00						624.00
	11/19	11/20	Kuwait		435.00						435.00
	11/20	11/21	Bahrain		369.00						369.00
	11/21	11/22	Saudi Arabia		246.00						246.00
	11/22	11/24	Turkey		323.00						323.00
	11/24	11/25	Greece		215.00						215.00
Martin Gage	11/15	11/17	Turkey		[3] 416.00						416.00
	11/17	11/19	Azerbaijan		[3] 585.00						585.00
	11/19	11/21	Kazakhstan		[3] 526.00						526.00
	11/21	11/23	Uzbekistan		[3] 618.00						618.00
	11/23	14/24	Turkmenistan		[3] 166.00						166.00
	11/24	11/25	Norway		[3] 214.00						214.00
Richard Garon	11/22	11/24	Greece		500.00						500.00
	11/24	11/24	Syria		267.00						267.00
	11/25	11/25	Israel		139.00						139.00
Commercial airfare							4,354.40				4,354.40
Kristen Gilley	10/10	10/12	Belarus		392.00						392.00
	10/12	10/18	Russia		[3] 1,808.00						1,808.00
Commercial airfare							4,446.60				4,446.60
Hon. Benjamin Gilman	11/24	11/25	Syria		267.00				136.67		403.67
	11/25	11/25	Israel		139.00						139.00
Commercial airfare							1,516.00				1,516.00
Hon. Alcee Hastings	11/15	11/17	Turkey		516.00						516.00
	11/17	11/19	Azerbaijan		645.00						645.00
	11/19	11/21	Kazakhstan		606.00						606.00
	11/21	11/23	Uzbekistan		688.00						688.00
	11/23	11/24	Turkmenistan		241.00						241.00
	11/24	11/25	Norway		304.00						304.00
John Herzberg	10/10	10/17	Bosnia		[3] 2,361.00						2,361.00
Commercial airfare							3,850.10				3,850.10
Amos Hochstein	12/6	12/8	Djibouti		[3] 216.00						216.00
	12/8	12/9	Yemen		251.00						251.00
	12/9	12/12	Kenya		[3] 555.00						555.00
	12/12	12/16	Tanzania		[3] 774.00				621.00		1,395.00
	12/17	12/19	Egypt		528.00						528.00
Commercial airfare							6,299.50				6,299.50
Mark Kirk	10/10	10/17	Bosnia		[3] 2,361.00						2,361.00
Commercial airfare							3,850.10				3,850.10
	12/2	12/10	Japan		3,249.00						3,249.00
Commercial airfare							5,294.00				5,294.00
Christopher Kojm	10/12	10/14	Austria		350.00						350.00
	10/14	10/16	Belgium		[3] 442						442
Commercial airfare							3,689.80				3,689.80
John Mackey	10/12	10/16	Colombia		772.00						772.00
	10/16	10/18	Mexico		482.50						482.50
Commercial airfare							1,707.20				1,707.20
	11/13	11/16	Ireland		822.00						822.00
Commercial airfare							787.00				787.00
Caleb McCarry	10/12	10/16	Colombia		[3] 612.00						612.00
Commercial airfare							1,751.00				1,751.00
	11/17	11/19	Panama		258.00				128.10		386.10
	11/19	11/22	Haiti		[3] 545.42				15.00		560.42
Commercial airfare							878.00				878.00
Denis McDonough	10/12	10/16	Colombia		772.00						772.00
	10/16	10/18	Mexico		482.50						482.50
Commercial airfare							1,094.00				1,094.00
	11/17	11/19	Panama		258.00				128.10		386.10
	11/19	11/22	Haiti		552.50				15.00		567.50
Commercial airfare							878.00				878.00
Hon. Cynthia McKinney	10/15	10/17	Uganda		[3] 340.80						340.80
	10/17	10/17	Rwanda		[3] 373.00						373.00
Commercial airfare							7,550.00				7,550.00
Lester Munson	11/29	12/2	Eritrea		258.00						258.00
	12/2	12/6	Ethiopia		509.00						509.00
	12/6	12/8	Djibouti		[3] 216.00						216.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1997—Continued

Name of member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	12/8	12/9	Yemen		251.00						251.00
Commercial airfare							5,830.80				5,830.80
Hon. Donald Payne	11/29	12/2	Eritrea		268.00						268.00
	12/2	12/6	Ethiopia		[3] 518.00						518.00
	12/6	12/8	Djibouti		[3] 216.00						216.00
	12/8	12/9	Yemen		251.00						251.00
	12/9	12/12	Kenya		[3] 555.00						555.00
	12/12	12/16	Tanzania		[3] 774.00				621.00		1,395.00
	12/17	12/18	Egypt		352.00						352.00
Commercial airfare							7,753.00				7,753.00
Stephen Rademaker	10/12	10/14	Austria		342.00						342.00
	10/14	10/17	Belgium		675.00						675.00
	10/17	10/18	Hungary		[3] 186.00						186.00
Commercial airfare							4,279.40				4,279.40
	11/17	11/19	Panama		258.00				128.10		386.10
Commercial airfare							608.00				608.00
Francis Record	12/4	12/17	Belgium		[3] 752.00						752.00
	12/7	[illegible]	England		[3] 558.00						558.00
Commercial airfare							4,144.70				4,144.70
Grover Joseph Rees	10/20	10/22	Switzerland		[3] 194.00						194.00
Commercial airfare							2,595.40				2,595.40
	11/30	[illegible]	Indonesia		741.00						741.00
	12/3	12/11	Vietnam		[3] 2,028.00						2,028.00
	12/11	12/15	Philippines		[3] 868.00						868.00
Commercial airfare							5,045.00				5,045.00
John Walker Roberts	10/13	10/14	Austria		171.00						171.00
	10/14	10/16	Belgium		450.00						450.00
Commercial airfare							2,146.80				2,146.80
Hon. Dana Rohrabacher	11/15	11/17	Turkey		516.00						516.00
	11/17	11/19	Azerbaijan		645.00						645.00
	11/19	11/21	Kazakstan		606.00						606.00
	11/21	11/23	Uzbekistan		688.00						688.00
	11/23	11/24	Turkmenistan		241.00						241.00
	11/24	11/25	Norway		304.00						304.00
Thomas Sheehy	12/5	12/6	Cote d'Ivoire		[3] 75.00						75.00
	12/6	12/9	Liberia		[3] 225.00						225.00
	12/9	12/10	Cote d'Ivoire		[3] 75.00						75.00
	12/10	12/14	Ghana		873.00						873.00
Commercial airfare							4,387.90				4,387.90
Gregory Simpkins	12/5	12/6	Cote d'Ivoire		[3] 75.00						75.00
	12/6	12/9	Liberia		[3] 225.00						225.00
	12/9	12/10	Conte d'Ivoire		[3] 75.00						75.00
	12/10	12/14	Ghana		[3] 864.00						864.00
Commercial airfare							4,387.90				4,387.90
Hillel Weinberg	12/14	12/17	Belgium		[3] 752.00						752.00
	12/17	12/21	England		[3] 657.00						657.00
Commercial airfare							4,147.70				4,147.70
Hon. Robert Wexler	11/14	11/15	England						137.25		137.25
Commercial airfare							2,129.20				2,129.20
Committee total					62,229.96		136,801.17		2,694.32		201,725.45

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Represents refund of unused per diem.

BEN GILMAN, Chairman, Mar. 6, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON VETERANS AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1997

Name of member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Thomas A. O'Donnell	8/12	8/12	Korea								
	8/12	8/18	Vietnam		1,470.00		5,101.30				6,571.30
Committee total					1,470		5,101.30				6,571.30

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BOB STUMP, Chairman; Oct. 26, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1997

Name of member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Catherine Eberwein	10/12	10/16	Asia		1,050.00						1,050.00
Commercial airfare							2,391.00				2,391.00
Patrick Murray	10/23	10/26	Europe		959.00						959.00
Commercial airfare							4,194.00				4,194.00
Susan Ouelette	10/23	10/26	Europe		959.00						959.00
Commercial airfare							4,194.70				4,194.70
Merrell Moorhead	10/23	10/26	Europe		959.00						959.00
Commercial airfare							4,194.70				4,194.70
Christopher Barton	12/1	12/6	South America		927.00						927.00
Hon. Porter Goss	12/1	12/8	Europe		2,206.00						2,206.00
Hon. Michael Castle	12/1	12/8	Europe		2,206.00						2,206.00
Hon. Sherwood Boehlert	12/1	12/8	Europe		2,206.00						2,206.00
Hon. Norm Dicks	12/1	12/8	Europe		2,206.00						2,206.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1997—Continued

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. David Skaggs	12/1	12/8	Europe		1,876.00						1,876.00
Commercial airfare							2,272.90				2,272.90
Hon. Nancy Pelosi	12/1	12/6	Europe		1,646.00						1,646.00
Commercial airfare							2,208.90				2,208.90
Hon. Jane Harman	12/4	12/5	Europe		708.00						708.00
Commercial airfare							2,350.90				2,350.90
John Mills	12/1	12/8	Europe		2,206.00						2,206.00
Michael Sheehy	12/1	12/8	Europe		1646.00						1,646.00
Commercial airfare							2,208.90				2,208.90
Timothy Sample	12/1	12/8	Europe		2,206.00						2,206.00
Tom Newcomb	12/1	12/8	Europe		2,206.00						2,206.00
Merrell Moorhead	12/1	12/8	Europe		2,206.00						2,206.00
Susan Ouellette	12/1	12/8	Europe		2,206.00						2,206.00
Michael Meermans	12/1	12/8	Europe		2,206.00						2,206.00
Diane Roark	12/1	12/8	Europe		2,034.00						2,034.00
Mary Engebreth	12/1	12/8	Europe		2,034.00						2,034.00
Beth Larson	12/1	12/8	Europe		2,206.00						2,206.00
Lydia Olson	12/1	12/8	Europe		2,206.00						2,206.00
Committee total					41,270.00		24,016.70				65,286.70

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PORTER GOSS, Chairman, Jan. 28, 1998

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ISRAEL, JORDAN AND SPAIN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 10 AND JAN. 19, 1998

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. John Boehner	1/11	1/16	Israel		1,410.00		(3)				1,410.00
	1/16	1/18	Jordan		590.00		(3)				590.00
	1/18	1/19	Spain		235.00		(3)				235.00
Hon. Paul Kanjorski	1/11	1/16	Israel		1,410.00		(3)				1,410.00
	1/16	1/18	Jordan		590.00		(3)				590.00
	1/18	1/19	Spain		235.00		(3)				235.00
Hon. Chris Shays	1/11	1/16	Israel		1,410.00		(3)				1,410.00
	1/16	1/18	Jordan		590.00		(3)				590.00
	1/18	1/19	Spain		235.00		(3)				235.00
Hon. Deborah Pryce	1/11	1/16	Israel		1,410.00		[4] 2,500				3,910.00
	1/16	1/16	Jordan		145.00		(3)				145.00
Hon. Rob Portman	1/11	1/16	Israel		1,410.00		(3)				1,410.00
	1/16	1/18	Jordan		590.00		(3)				590.00
	1/18	1/19	Spain		235.00		(3)				235.00
Hon. Steve LaTourette	1/11	1/16	Israel		1,410.00		(3)				1,410.00
	1/16	1/18	Jordan		590.00		(3)				590.00
	1/18	1/19	Spain		235.00		(3)				235.00
Hon. Bob Ney	1/11	1/16	Israel		1,410.00		(3)				1,410.00
	1/16	1/18	Jordan		590.00		(3)				590.00
	1/18	1/19	Spain		235.00		(3)				235.00
Hon. Jim Maloney	1/11	1/16	Israel		1,410.00		(3)				1,410.00
	1/16	1/18	Jordan		590.00		(3)				590.00
	1/18	1/19	Spain		235.00		(3)				235.00
Barry Jackson	1/11	1/16	Israel		1,410.00		(3)				1,410.00
	1/16	1/18	Jordan		590.00		(3)				590.00
	1/18	1/19	Spain		235.00		(3)				235.00
Brian Gaston	1/11	1/16	Israel		1,410.00		(3)				1,410.00
	1/16	1/18	Jordan		590.00		(3)				590.00
	1/18	1/19	Spain		235.00		(3)				235.00
Karen Feather	1/11	1/16	Israel		1,410.00		(3)				1,410.00
	1/16	1/18	Jordan		590.00		(3)				590.00
	1/18	1/19	Spain		235.00		(3)				235.00
Tim Day	1/11	1/16	Israel		1,410.00		[4] 2,500				3,910.00
	1/16	1/16	Jordan		145.00		(3)				145.00
Brian Durdle	1/11	1/16	Israel		1,410.00		(3)				1,410.00
	1/16	1/18	Jordan		590.00		(3)				590.00
	1/18	1/19	Spain		235.00		(3)				235.00
Dave DiStefano	1/11	1/16	Israel		1,410.00		(3)				1,410.00
	1/16	1/18	Jordan		590.00		(3)				590.00
	1/18	1/19	Spain		235.00		(3)				235.00
Committee total					29,930.00		5,000.00				34,930.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military.
[4] Military one way; return commercial.

JOHN BOEHNER, Feb. 19, 1998

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO ISRAEL, JORDAN, EGYPT, MOROCCO, AND IRELAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 11 AND JAN. 19, 1997

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Mac Collins	1/11	1/13	Israel		417.00		(3)				417.00
	1/13	1/14	Jordan		251.00		(3)				251.00
	1/14	1/17	Egypt		701.00		(3)				701.00
	1/17	1/18	Morocco		195.00		(3)				195.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO ISRAEL, JORDAN, EGYPT, MOROCCO, AND IRELAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 11 AND JAN. 19, 1997—Continued

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	1/19	1/[illegible]	Ireland		352.00		(3)				352.00
Total					1,916.00		(3)				1,916.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

MAC COLLINS, Feb. 13, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO ENGLAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 16 AND FEB. 19, 1998

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Charles W. Johnson	12/16	2/19	England		900.00		581.00				1,481.00
Total					900.00		581.00				1,481.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHARLES W. JOHNSON, Feb. 20, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO BELGIUM, FRANCE AND POLAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 15 AND JAN. 22, 1998

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Chaplain James Ford	1/15	1/18	Belgium		852.00						852.00
	1/18	1/20	France		598.00						598.00
	1/20	1/22	Poland		556.00						556.00
Committee total					2,006.00						2,006.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES FORD, Feb. 27, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO BELGIUM, FRANCE AND POLAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 15 AND JAN. 22, 1998

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Peter Davidson	1/15	1/18	Belgium		852.00						852.00
	1/18	1/20	France		598.00						598.00
	1/20	1/22	Poland		556.00						556.00
Committee total					2,006.00						2,006.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PETER DAVIDSON, Feb. 25, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO SWITZERLAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 30 AND FEB. 3, 1998

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Gardner G. Peckham	1/30	2/3	Switzerland		1,000.00		3,124.49				4,124.4
Committee total					1,000.00		3,124.49				4,124.49

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

GARDNER G. PECKHAM, Mar. 2, 1998.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

7913. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Patterson, Iowa) [MM Docket No. 97-187, RM-9149] received March 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7914. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Adequate and Well-Controlled Studies for Investigational Use and Approval of New Animal Drugs [Docket No. 97N-0141] received March 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7915. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with the United Kingdom (Transmittal No. DTC-43-98), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

7916. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with France and the United Kingdom (Transmittal No. DTC-35-98), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

7917. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Canada (Transmittal No. DTC-37-98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7918. A letter from the Vice President, Government Affairs, National Railroad Passenger Corporation, transmitting a report of activities under the Freedom of Information Act for the calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

7919. A letter from the Administrator, Panama Canal Commission, transmitting a report of activities under the Freedom of Information Act for the calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

7920. A letter from the Chairman, United States International Trade Commission, transmitting a report of activities under the Freedom of Information Act for the calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

7921. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Israel Aircraft Industries (IAI), Ltd., Model 1121, 1121A, 1121B, 1123, 1124, 1124A Series Airplanes [Docket No. 97-NM-166-AD; Amendment 39-10370; AD 98-05-09] (RIN: 2120-AA64) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7922. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aeromot-Industrial Mecanico Metalurgica Ltda. Model AMT-200 Powered Sailplanes [Docket No. 97-CE-66-AD; Amendment 39-10098; AD 97-15-07] (RIN: 2120-AA64) received March 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 384. Resolution providing for consideration of the bill (H.R. 2883) to amend provisions of law enacted by the Government Performance and Results Act of 1993 to improve Federal agency strategic plans and performance reports (Rept. 105-433). Referred to the House Calendar.

Mr. SOLOMON: Committee on Rules. House Resolution 385. Resolution waiving points of order against the conference report to accompany the bill (H.R. 1757) to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and to ensure that the enlargement of the North Atlantic Treaty Organization (NATO) proceeds in a manner consistent with United States interests, to strengthen relations between the United States and Russia, to preserve the prerogatives of the Congress with respect to certain arms control agreements, and for other purposes (Rept. 105-434). Referred to the House Calendar.

Mr. HYDE: Committee on the Judiciary. H.R. 118. Bill to provide for the collection of data on traffic stops; with an amendment (Rept. 105-435). Referred to the Committee of the Whole House on the State of the Union.

Mr. COBLE: Committee on the Judiciary. House Resolution 2696. Bill to amend title 17, United States Code, to provide for protection of certain original designs; with an amendment (Rept. 105-436). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BUNNING of Kentucky (for himself and Mrs. Kennelly of Connecticut):

H.R. 3433. A bill to amend the Social Security Act to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide beneficiaries with disabilities meaningful opportunities to return to work and to extend Medicare coverage for such beneficiaries, and to amend the Internal Revenue Code of 1986 to provide a tax credit for impairment-related work expenses; to the Committee on Ways and Means.

By Mr. EVANS (for himself and Mr. Bilirakis):

H.R. 3434. A bill to amend title 10, United States Code, to provide limited authority for concurrent receipt of military retired pay and veterans' disability compensation in the case of certain disabled military retirees who are over the age of 65; to the Committee on National Security.

By Mr. CAMPBELL (for himself, Mr. Metcalf, Mr. Torres, Mr. Jackson, Mr. Talent, Mr. McIntyre, and Mr. Fox of Pennsylvania):

H.R. 3435. A bill to remove barriers to the provision of affordable housing for all Americans; to the Committee on Banking and Financial Services.

By Mr. FRANK of Massachusetts:

H.R. 3436. A bill to amend Public Law 96-87 to authorize the Secretary of the Interior to acquire certain lands for inclusion in the Frederick Law Olmstead National Historic Site; to the Committee on Resources.

By Mr. GOODE (for himself, Mr. Boucher, and Mr. Sisisky):

H.R. 3437. A bill to provide market transition assistance for quota holders, active tobacco producers, and tobacco-growing counties, to authorize a private Tobacco Production Control Corporation and tobacco loan associations to control the production and marketing and ensure the quality of tobacco in the United States, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. KELLY (for herself, Mr. Frost, and Mr. Traficant):

H.R. 3438. A bill to amend title 18, United States Code, to prohibit taking a child hostage in order to evade arrest; to the Committee on the Judiciary.

By Mr. KENNEDY of Massachusetts:

H.R. 3439. A bill to amend the Community Reinvestment Act of 1977 to require insured credit unions to meet the credit needs of the community served by the credit union; to the Committee on Banking and Financial Services.

By Mr. ROEMER (for himself, Ms. Eshoo, Mr. Kind of Wisconsin, Mr. Moran of Virginia, and Mr. Dooley of California):

H.R. 3440. A bill to improve the supply of well-qualified elementary school and secondary school teachers; to the Committee on Education and the Workforce.

By Mr. KLUG (for himself, Mr. Castle, Mr. Greenwood, Mr. Kildee, Mr. Andrews, Mr. Barton of Texas, Mr. Ensign, and Mr. Walsh):

H.R. 3441. A bill to amend the National Environmental Education Act to extend the programs under the Act, and for other purposes; to the Committee on Education and the Workforce.

By Mr. MARKEY (for himself and Mr. Manton):

H.R. 3442. A bill to amend the Communications Act of 1934 to require schools and libraries that receive universal service support for discounted telecommunications services to establish policies governing access to material that is inappropriate for children; to the Committee on Commerce.

By Mr. STUPAK:

H.R. 3443. A bill to amend the Internal Revenue Code of 1986 to repeal the requirement for computation of tax on the aggregate income of husband and wife and to repeal joint and several liability of husband and wife; to the Committee on Ways and Means.

By Mr. REYES:

H. Con. Res. 240. Concurrent resolution expressing the sense of the Congress that postage stamps should be issued by the United States to honor and recognize the first permanent settlement of the western United States by the Spanish explorer Don Juan de Onate; to the Committee on Government Reform and Oversight.

By Mr. VENTO:

H. Con. Res. 241. Concurrent resolution expressing the sense of the Congress regarding tax simplification and the adoption in 1998 of 10 tax changes to reduce individual tax preparation time by 60 minutes; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. Brady and Mrs. Chenoweth.

H.R. 94: Mr. Gillmor, Mr. Hinojosa, Mr. Shays, Mr. Delahunt, and Mr. Archer.

H.R. 108: Mr. Gutierrez.

H.R. 139: Mr. Largent.

H.R. 198: Mr. Linder.

H.R. 306: Mr. Doyle and Mr. Stupak.

H.R. 350: Mr. THOMPSON, Mr. BLUMENAUER, Mr. CALVERT, and Mrs. KELLY.

H.R. 371: Mr. RADANOVICH.

H.R. 372: Mr. HINCHEY.

H.R. 676: Mr. HINCHEY.

H.R. 766: Mr. CLYBURN.

H.R. 859: Mr. COBURN.

H.R. 934: Mr. SMITH of Michigan.

H.R. 959: Mr. BLUMENAUER and Mr. CALVERT.

H.R. 971: Mrs. ROUKEMA.

H.R. 979: Mr. BOB SCHAFFER, Mrs. EMERSON, Mr. MASCARA, Mr. McINNIS, Mr. RUSH, and Mr. MOAKLEY.

H.R. 981. Mr. WOLF, Ms. VELÁZQUEZ, Mr. MORAN of Virginia, Ms. JACKSON-LEE, Mr. McDERMOTT, Mr. LEWIS of Georgia, and Mr. PRICE of North Carolina.

H.R. 995: Mr. COX of California.

H.R. 1009: Mr. RIGGS.

H.R. 1121: Mr. BACHUS, Mr. COOK and Mr. BARR of Georgia.

H.R. 1126: Mr. RIGGS.

H.R. 1134: Mrs. MEEK of Florida.

H.R. 1131: Ms. BROWN of Florida and Mr. HOLDEN.

H.R. 1241: Ms. SÁNCHEZ and Mr. LANTOS.

H.R. 1376: Mr. MARTINEZ.

H.R. 1401: Ms. FURSE.

H.R. 1518: Mr. EVANS.

H.R. 1524: Mr. HAMILTON.

H.R. 1670: Mr. LAMPSON, Mrs. MINK of Hawaii, and Ms. PELOSI.

H.R. 1704: Mrs. MALONEY of New York, Mr. McINTOSH, Mr. HERGER, and Mr. BARR of Georgia.

H.R. 1715: Mr. KLUG and Mr. NETHERCUTT.

H.R. 1766: Mr. ACKERMAN, Mr. ALLEN, Mr. BARTLETT of Maryland, Mr. BEREUTER, Mr. BONIOR, Mr. CANADY of Florida, Mr. DAVIS of Illinois, Mr. DICKS, Mr. DIXON, Mr. DOGGETT, Ms. GRANGER, Mr. SAM JOHNSON, Mr. LoBIONDO, Mr. McCOLLUM, Mr. PAPPAS, Mr. PASCRELL, Mrs. ROUKEMA, Mr. PASTOR, Mr. RYUN, Mr. SANFORD, Mrs. LINDA SMITH of Washington, Mr. WEXLER, and Mr. FRANKS of New Jersey.

H.R. 1773: Mr. GALLEGLY.

H.R. 1788: Mr. FILNER.

H.R. 1813: Mr. TIERNEY and Mr. WEXLER.

H.R. 1891: Mr. THOMAS.

H.R. 1995: Mr. KENNEDY of Massachusetts, Mr. YATES, Mr. STOKES, Mr. WEXLER, Mrs. MEEK of Florida, and Mr. KENNEDY of Rhode Island.

H.R. 2001: Mr. HUNTER.

H.R. 2050: Mr. CRAMER.

H.R. 2070: Mr. CALVERT, Mr. ENGLISH of Pennsylvania, and Mr. LoBIONDO.

H.R. 2250: Mr. BOB SCHAFFER.

H.R. 2284: Mr. SNYDER.

H.R. 2305: Mr. BURR of North Carolina, Mr. McINTYRE, and Mr. ENGLISH of Pennsylvania.

H.R. 2409: Mrs. THURMAN and Mr. HASTINGS of Florida.

H.R. 2497: Mr. FORBES, Mr. NEY, Mr. KIM, Mr. EVERETT, and Mr. WAMP.

H.R. 2567: Mrs. FOWLER.

H.R. 2698: Mr. ETHERIDGE and Mr. TOWNS.

H.R. 2708: Mr. ENGLISH of Pennsylvania, Mr. PORTMAN, Mr. HALL of Texas, Mr. LAHOOD, Mr. DOOLEY of California, Mr. MATSUI, Mr. CHRISTENSEN, Mr. KLECZKA, Mr. HASTINGS of Florida, Mr. CLEMENT, Mr. KIM, and Ms. LOFGREN.

H.R. 2714: Mr. EVANS.

H.R. 2723: Mr. STEARNS.

H.R. 2748: Mr. METCALF and Mr. COSTELLO.

H.R. 2755: Ms. ROYBAL-ALLARD, Mr. TIAHRT, Mr. McNULTY, Mr. GUTIERREZ, Mr. SHERMAN, and Mr. CALVERT.

H.R. 2775: Mr. GREENWOOD and Mr. SHUSTER.

H.R. 2792: Mr. BACHUS.

H.R. 2807: Ms. WOOLSEY, Mr. MARKEY, Mr. OLVER, Ms. NORTON, Mr. SAWYER, Mr. LANTOS, Mr. NEAL of Massachusetts, Ms. LOFGREN, Mr. DUNCAN, and Mr. SANDERS.

H.R. 2821: Mr. MANZULLO and Ms. FURSE.

H.R. 2829: Mr. BACHUS, Mr. BARTON of Texas, Mr. BEREUTER, Mr. CAMPBELL, Mr. CHAMBLISS, Mrs. CHENOWETH, Mr. CLAY, Mr. COBLE, Mrs. CUBIN, Mr. DEAL of Georgia, Mr. DREIER, Mr. FOLEY, Mr. FOSSELLA, Mrs. FOWLER, Mr. GEKAS, Mr. GIBBONS, Mr. GILCHREST, Mr. JONES, Mrs. KELLY, Mr. KNOLLENBERG, Mr. LAHOOD, Mr. LEACH, Mr. LINDER, Mr. MANZULLO, Mr. MILLER of Florida, Mrs. MYRICK, Mr. PAXON, Mr. PITTS, Mr. SPENCE, Mr. THOMAS, and Mr. THORNBERRY.

H.R. 2870: Mr. ENGLISH of Pennsylvania, Mr. BEREUTER, and Mr. MANZULLO.

H.R. 2898: Mr. LoBIONDO, Mr. UPTON, Mr. FARR of California, Mr. McGOVERN, Mr. SHAYS, Mr. BARRETT of Wisconsin, Mr. MINGE, Mr. OLVER, Mr. BROWN of Ohio, Mr. MARKEY, Mr. FRANK of Massachusetts, Mr. CONYERS, Mr. GANSKE, Mr. STARK, Ms. WOOLSEY, Mr. MENENDEZ, Ms. LOFGREN, Mr. KUCINICH, Mr. VENTO, Ms. RIVERS, Mr. OWENS, and Ms. FURSE.

H.R. 2905: Mr. FORD.

H.R. 2910: Mr. BALDACCI.

H.R. 2931: Mr. HALL of Texas, Mr. FOX of Pennsylvania, Mr. HASTINGS of Florida, Mr. TOWNS, and Mr. ENGEL.

H.R. 2936: Mr. DAN SCHAEFER of Colorado, Mr. BONILLA, Mr. PAUL, and Mr. SANDLIN.

H.R. 2955: Mr. KLUG.

H.R. 2973: Mr. DEAL of Georgia and Mr. SHAW.

H.R. 3007: Mr. GUTIERREZ, Mr. EHLERS, and Ms. STABENOW.

H.R. 3039: Ms. WATERS and Mr. LAHOOD.

H.R. 3050: Ms. ESHOO, Mr. RUSH, and Mr. STRICKLAND.

H.R. 3086: Mr. MALONEY of Connecticut, Mr. DEFAZIO, Mrs. MEEK of Florida, Mr. NEAL of Massachusetts, and Mr. SCOTT.

H.R. 3103: Mr. PAPPAS.

H.R. 3107: Mr. WATTS of Oklahoma.

H.R. 3128: Mr. TRAFICANT, Ms. KAPTUR, Mr. KUCINICH, and Ms. PELOSI.

H.R. 3131: Mr. BARRETT of Wisconsin and Mr. TOWNS.

H.R. 3139: Ms. BROWN of Florida amd Mr. McGOVERN.

H.R. 3149: Mr. ENGLISH of Pennsylvania.

H.R. 3151: Mr. ENGLISH of Pennsylvania.

H.R. 3153: Ms. FURSE.

H.R. 3155: Mr. OWENS.

H.R. 3166: Mr. COBURN.

H.R. 3175: Mr. ENGLISH of Pennsylvania.

H.R. 3181: Mr. CRAMER.

H.R. 3185: Mr. CRANE, Mr. BATEMAN, Mr. ENGLISH of Pennsylvania, Mr. McHUGH, Mr. NEY, Mr. SALMON, Mr. HUNTER, and Mr. TALENT.

H.R. 3189: Mr. SNOWBARGER, Mr. SENSENBRENNER, Mr. HYDE, Mr. BRYANT, Mr. LINDER, Mr. COMBEST, Mr. HASTERT, Mr. BUNNING of Kentucky, Mr. BARR of Georgia, Mr. LIVINGSTON, Mr. SALMON, and Mr. WELDON of Florida.

H.R. 3205: Mr. DOOLEY of California.

H.R. 3206: Mr. BLILEY and Mr. STUMP.

H.R. 3211: Ms. DANNER, Mr. SMITH of New Jersey, Mr. WHITFIELD, Mr. BUYER, Mr. FOX of Pennsylvania, Mr. McCOLLUM, Mrs. LINDA SMITH of Washington, Mr. DAVIS of Florida, Mr. CALVERT, Mr. SPENCE, Mr. REDMOND, and Mr. PORTER.

H.R. 3213: Mr. LAHOOD.

H.R. 3242: Mr. ROHRABACHER.

H.R. 3259: Ms. DELAURO.

H.R. 3260: Mr. JONES and Mr. SHIMKUS.

H.R. 3262: Mr. TOWNS.

H.R. 3267: Mr. GINGRICH, Mr. DREIER, Mr. RIGGS, Mr. NETHERCUTT, Mr. BILBRAY, Mr. McKEON, Mr. FRANK of Massachusetts, Mrs. TAUSCHER, Mr. CUNNINGHAM, and Mr. PACKARD.

H.R. 3269: Mrs. LOWEY and Ms. CARSON.

H.R. 3279: Mr. JACKSON.

H.R. 3284: Mr. KLECZKA, Mr. ANDREWS, Mr. LAFALCE, and Mr. POMEROY.

H.R. 3295: Mr. BOYD, Mr. HOBSON, Ms. DELAURO, Mr. WELDON of Pennsylvania, Mr. BALDACCI, Mr. UNDERWOOD, Mr. BLAGOJEVICH, Mr. PORTMAN, and Mr. FROST.

H.R. 3331: Mr. ENGLISH of Pennsylvania, Mr. GANSKE, Mr. TIAHRT, and Mr. HALL of Texas.

H.R. 3336: Mr. STEARNS, Ms. BROWN of Florida, and Mr. BOYD.

H.R. 3351: Mr. KLECZKA.

H.R. 3353: Mr. BOSWELL and Mr. HUTCHINSON.

H.R. 3400: Mr. HINCHEY.

H.J. Res. 102: Mr. BILBRAY, Mr. BOEHNER, Mr. BOEHLERT, Mr. COYNE, Mr. KIND of Wisconsin, Mr. LUTHER, Mr. OBERSTAR, Mr. RADANOVICH, Mr. SANDLIN, Mr. SPENCE, Mr. TALENT, Mr. TIAHRT, Mr. TOWNS, Mr. UNDERWOOD, and Mr. BASS.

H. Con. Res. 183: Mr. CALVERT.

H. Con. Res. 184: Ms. WOOLSEY.

H. Con. Res. 203: Mr. BROWN of California, Mr. WELDON of Pennsylvania, Ms. LOFGREN and Mr. JENKINS.

H. Con. Res. 212: Mr. DOOLITTLE, Mr. HASTINGS of Washington, Mr. ETHERIDGE, Mr. HULSHOF, and Mr. SKEEN.

H. Con. Res. 224: Mr. PETERSON of Minnesota and Ms. DELAURO.

H. Res. 37: Mr. PASTOR.

H. Res. 267: Mr. TOWNS and Mr. BLILEY.

H. Res. 364: Mr. SNOWBARGER.

H. Res. 375: Mr. FAZIO of California, Mr. PORTER, Mr. FROST, and Mr. HALL of Ohio.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1670: Mr. FROST.

H.R. 2495: Mr. FORD.

H.R. 3086: Mr. BALLENGER.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2883

OFFERED BY: MR. HORN

AMENDMENT NO. 1.: Page 9, after line 15, add the following:

SEC. . FINDINGS AND SENSE OF CONGRESS REGARDING THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

(a) FINDINGS.—Congress finds the following:

(1) Certain provisions enacted by the Government Performance and Results Act of 1993 (Public Law 103–62) are inconsistent with the Federal Reserve Act (12 U.S.C. 221 et seq.).

(2) The Board of Governors of the Federal Reserve System has indicated that while the Government Performance and Results Act of 1993 is inconsistent with the Federal Reserve Act, the Board of Governors intends to comply voluntarily with the substance of the provisions enacted by the Government Performance and Results Act of 1993.

(3) The Board of Governors of the Federal Reserve System is accountable to Congress

and is required to make annually a full report of its operation to the Speaker of the House of Representatives.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Statutory independence of the Board of Governors of the Federal Reserve System should be maintained, and the Board of Governors should be commended for its commitment to comply voluntarily with the substance of the provisions enacted by the Government Performance and Results Act of 1993; and

(2) the Board of Governors of the Federal Reserve System should include in its annual reports to Congress information pertaining to strategic planning and performance measurement for operations of the Board of Governors, with the exception of such information as pertains to the area of monetary policy.

EXTENSIONS OF REMARKS

THE TICKET TO WORK AND SELF-SUFFICIENCY ACT OF 1998

HON. JIM BUNNING

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Mr. BUNNING. Mr. Speaker, today, on behalf of myself and BARBARA KENNELLY, I am introducing the Ticket to Work and Self-Sufficiency Act of 1998. This legislation helps Social Security and Supplemental Security Income disability recipients return to a life of economic security and self-sufficiency.

Social Security programs are vital to all Americans. The disability program is particularly important because it protects workers and their families against severe financial hardship that occurs when workers sustain severe illnesses or disabling conditions that prevent them from working.

Due to advances in medicine, technology, and the field of rehabilitation, there are people who, despite serious disabilities, want to work and who could work if they were provided the kind of rehabilitation services they need. The disability program is like a big black hole—once people fall into the program they never seem to make their way out. In fact, less than 1 percent of disabled recipients ever leave the rolls because of work.

Our legislation is very simple. We remove many of the barriers that prevent individuals with disabilities from climbing out of that hole.

The consumer—the recipient with a disability—is number one. They choose the services they want from the providers they want. Generally, the provider of those services is paid for outcomes and long-term results. The payment process is designed to ensure that as many providers as possible are available to serve the consumer.

One of the primary obstacles facing disabled recipients who attempt to leave the Social Security rolls to work is the fear of losing health care. To help alleviate that fear, our bill will extend Medicare coverage for 2 additional years. This means that recipients would have Medicare coverage for a total of 6 years from the time they first make an attempt to work.

Due to the nature of their disability, many individuals incur extraordinary costs in trying to get a job and maintaining that Job. This legislation creates a tax credit of 50 percent of impairment-related work expenses up to $10,000 per year.

To better help consumers transition into work, the bill includes a requirement that SSA test a gradual offset of SSDI cash benefits by reducing monthly benefits $1 for every $2 in earnings over a determined level.

Through this legislation we are asking the Social Security Administration to become more than just a disability program administrator, we want them to be an ability program administrator. The Commissioner benefits from the counsel of an advisory panel, made up of consumers, providers, and employer representatives. And the program will be gradually phased in, closely monitored, and thoroughly evaluated over time.

I am excited about the possibilities this bill creates for individuals with disabilities. I urge my colleagues on both sides of the aisle to join me in suporting this effort.

SOCIAL SECURITY DISABILITY: THE TICKET TO WORK AND SELF-SUFFICIENCY ACT OF 1998

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Mrs. KENNELLY of Connecticut. Mr. Speaker, I am today introducing, along with Rep. JIM BUNNING, bipartisan legislation to assist people with disabilities in returning to work. The Ticket to Work and Self-Sufficiency Act will help to open the door to employment for Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) beneficiaries.

Many of these beneficiaries would like to return to employment but find too many obstacles standing between them and a job. These obstacles often include the need for vocational rehabilitation, job training, and other assistance in finding and retaining a job. In addition, beneficiaries face the disincentives to work brought on by the loss of disability benefits and health care coverage. All of these stand in the way of a person who wants to leave the Social Security disability system for work.

Rep. BUNNING and I have worked on a bipartisan approach to reducing these disincentives. The legislation would afford beneficiaries three important bridges to employment. First, the legislation would provide SSDI and SSI beneficiaries a much greater choice of vocational rehabilitation providers, who help train and find jobs for individuals with disabilities. The bill would offer to disabled beneficiaries a ticket to work which could be presented to either a private vocational rehabilitation provider of the beneficiary's choice or a State vocational rehabilitation agency.

The bill would allow a beneficiary to choose the provider which best suits his or her needs and is most likely to assist that individual effectively in returning to work. Providers would be paid under an incentive system that would permit them to share in the savings to the government when the individual returns to work and is no longer receiving disability benefits.

Second, the bill addresses the principle fear facing disabled beneficiaries—the loss of health insurance coverage. The bill would offer Medicare coverage for at least 6 years for those individuals who leave the rolls to return to work. This is a 2-year extension over current law.

Finally, the legislation would make work pay. It would convert the current income tax deduction for the cost of work expenses related to one's impairment into a credit. The credit would be 50 percent of impairment-related expenses up to $10,000 in expenses. This would have the effect of permitting those who do not itemize to take into account the extraordinary work expenses, such as specialized computers or personal assistants, resulting from their disability. This is intended to cushion the blow of lost disability benefits and level the employment playing field between those people with disabilities and those without.

Leaving the disability rolls is no easy task.. It is my hope that this bill will help to build a bridge to employment for people with disabilities. Every person who returns to work means one more person with a brighter future, and it means lower cost to the government. I hope our colleagues will join us in the bipartisan effort.

FCC'S ROLE IN IMPLEMENTATION OF THE TELECOMMUNICATIONS ACT OF 1996

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Mr. MICA. Mr. Speaker, one of the intended outcomes of the Telecommunications Act of 1996 was that telecommunications services would be universally available at reasonable and affordable prices. To ensure that would happen, the Act provided for all telecommunications carriers to contribute to a universal fund subsidy. The FCC's attempts to implement this portion of the bill have been at best ineffective. Until the FCC begins to seriously take steps to ensure support of rural and residential service, we cannot consider this part of the job finished.

Another responsibility of the FCC, as set forth in the Telecommunications Act, was to implement a program assisting schools, libraries and health care facilities in entering the information age. However, Congress did not intend for this to be a tax and grant program. The entire issue of how the FCC is implementing this program is now being considered by Congressional committees. I am concerned that the FCC did not adequately consider the negative impact on the consumer or Congressional intent before implementing this program.

The FCC must understand that their role is not to rewrite the Act, but to implement the Act as it was written.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HONORING MATT CONWAY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Mr. FRELINGHUYSEN. Mr. Speaker, I would like to bring a remarkable young man to your attention and to the attention of my colleagues in the House of Representatives.

Matt Conway is a constituent from Florham Park, New Jersey and is a person affected by a developmental disability. I have had the opportunity to meet with him on several occasions and learn from him about some of the obstacles facing individuals with developmental disabilities. He has demonstrated to me how some of these difficulties can be overcome and I am proud to say that he has educated me on what can be done to help more individuals do the same. Matt is certainly a worthy advocate for himself and others.

On April 17, 1998, Matt will be one of 35 persons to be honored by the Foundation for Exceptional Children's Yes I Can! Program. The program honors outstanding achievements of children and youth with disabilities. Matt will receive his award in the area of employment.

Matt was nominated for this award by his teachers, friends and relatives and was selected out of hundreds of qualified nominees. I would like to join his group of supporters in congratulating him for what he has already accomplished and encouraging him on to even greater heights.

I hope that all of my colleagues will join me in congratulating Matt and wishing him future successes.

CONGRATULATIONS TO LA SIERRA UNIVERSITY ON THEIR 75TH ANNIVERSARY

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Mr. CALVERT. Mr. Speaker, I rise today to pay tribute to an institution in California's 43rd Congressional District that is celebrating a milestone this week. La Sierra University is celebrating 75 years of service to students in the Riverside area, as well as students worldwide. La Sierra University has shown a strong commitment to the education of our community and I would like to especially recognize Lawrence T. Geraty, the university's current president. Mr. Geraty's leadership and dedication will prepare La Sierra University for the transition into the next millennium.

La Sierra first opened in 1922 as La Sierra Academy with 84 students. In 1927, the school became Southern California Junior College, and, in 1939, the school was renamed La Sierra College with the addition of a variety of four-year programs. After merging with Loma Linda University in 1967, La Sierra College became the La Sierra campus of Loma Linda University. La Sierra once again became an independent institution in February 1990, assuming its current title as La Sierra University. In the meantime, the professional Schools of Education, Business and Management, and Religion were added.

The campus is currently expanding by developing an additional 350 acres of land. La Sierra University has also added a variety of new programs, including offering a Masters degree in Business Administration and a minor in gender studies, with their curriculum continuing to grow. They were recently chosen by the John Templeton Foundation for its 1997–1998 Honor Roll of Character-Building Colleges. They also recently received an accreditation from the National Association of Schools of Music for their music department, as well as certification from the Western Association of Colleges and Schools. La Sierra University is also home to the four-time international championship team of students competing in the Students in Free Enterprise (SIFE). SIFE is a national organization which is supported by the Walton family, founders of Wal-Mart, that encourages entrepreneurship and community service by students interested in business. SIFE is an instrumental organization on campus, organizing tutoring, recycling and other service programs. In addition to these activities, SIFE has also been involved in several business ventures. As a result, La Sierra University gives students the atmosphere, guidance, and moral foundation needed to succeed in today's competitive job market.

I would like to commend La Sierra University for their commitment to the worldwide scholastic community. Over 1,500 students are currently enrolled, representing more than 60 countries. I encourage and support La Sierra University in continuing to set and meet its outstanding goals in the area of education for decades to come. On behalf of the residents of the 43rd Congressional District, I would like to thank La Sierra University for its contributions and dedicated service to the community, and wish them great success with their 75th anniversary celebration.

TRIBUTE TO GRANT R. BRIMHALL

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Grant Brimhall, who is retiring after over three decades of public service.

Marian Wright Edelman once said that "We must not, in trying to think about how we can make a big difference, ignore the small daily differences we can make which, over time, add up to big differences that we often cannot foresee." I can think of no better tribute to Grant. Everyday for the past 20 years, he has come into work with the purpose of improving our community. Prior to his position as City Manager of Thousand Oaks, Grant served as City Manager of Glendora and as Deputy City Manager of Claremont.

There is not a single aspect of life in Thousand Oaks that has not been enhanced under Grant's innovative leadership. Community services orchestrated by Grant include the development of the Main Library on Janss Road and Newbury Park Branch, two of the busiest libraries in the nation. His involvement was instrumental in the establishment of the Teen and Senior Center, which provides programs for youth and seniors of the community. Grant's efforts have positively affected our economy as several companies have expanded, along with the upscale commercial revitalization of several shopping centers. Perhaps most impressive among Grant's accomplishments is the fact that Thousand Oaks ranks among the top three cities with the lowest crime rate in the nation on an annual basis.

Grant has worked to improve the aesthetics of our community as well, with a comprehensive pavement management program to prioritize street maintenance programs. Other priorities included extensive undergrounding of utilities and landscaped medians and parkways.

Taken individually, it is easy to appreciate the work Grant has done for our community, and the programs already mentioned do not begin to scratch the surface of his accomplishments. But as we look back over his twenty years of service to our community, we realize the overwhelming impact Grant has had on our daily lives. Thanks to his leadership, courage and dedication, our community is an ideal place to raise a family, start a business or become involved in community activities.

Mr. Speaker, distinguished colleagues, please join me in honoring retiring City Manager of Thousand Oaks, Grant Brimhall. He will be long remembered for the outstanding services he has provided for the citizens of Los Angeles.

PERSONAL EXPLANATION

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Mr. BRADY Mr. Speaker, on rollcall votes 40, 41, 42 and 43 had I been present I would have voted yes. I was unavoidably detained in Texas as a result of my primary election on Tuesday, March 10th.

TRIBUTE TO DANIEL J. WALL

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Daniel J. Wall of Sacramento, California, one of California's most effective advocates in the State Capitol. Dan will be leaving the California State Association of Counties (CSAC). On March 16, 1998 after serving that organization for 13 years.

Dan is CSAC's deputy director for Revenue and Taxation and Federal Affairs. He is responsible for advocacy on revenue and taxation issues and for coordinating the Sacramento end of the association's federal efforts. Dan will be leaving CSAC to become the chief advocate for Los Angeles County in Sacramento.

As a former California county supervisor, I had the pleasure of working with Dan on a variety of public finance issues. He displays a level of determination and commitment to county government that few can match. Individuals who work with Dan are impressed with his breadth of knowledge on complex revenue and tax legislation, his cheerful demeanor, his keen intellect, and his dancing prowess. Viewed as a real champion of county government, Dan is widely admired and respected by members of both political parties.

Although Dan was born in Texas, he was raised and educated in northern California. He received his bachelor of arts degree in economics from St. Mary's College and a master of arts degree in economics from San Francisco State University. His particular focus was in the areas of public finance, international trade, and statistics.

On a personal level, a distinguishing attribute of Dan's is his appreciation of fine cuisine and superior fine wines from California. As a winemaker, his recognition and enjoyment of quality wines is particularly close to my heart. Dan also is regarded by many as a real connoisseur of oriental food, especially the increasingly popular Japanese dish, sushi. His ability to locate some of the most interesting sushi establishments in virtually any community is well-documented. He was always able to direct visiting elected officials to the best of Sacramento.

Mr. Speaker, it is with great honor that I congratulate Dan Wall for his tireless efforts on behalf of California's 58 counties. It is his unique and special qualities as a person and professional advocate that warrants his recognition. I ask my colleagues to join me in wishing Dan many more years of success in representing and protecting the interests of county government.

PROTECTING CHILDREN FROM HOSTAGE TAKING

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Mrs. KELLY. Mr. Speaker, I rise today to introduce legislation to address a problem that is plaguing our Nation—children being taken hostages. Far too many scenarios have been documented in which children are exposed to violence, emotional trauma or physical harm at the hands of adults.

For example, in New York, a woman's estranged husband took her and their three children hostage at the point of a loaded shotgun. He held them for nearly four hours, and at one point, he even allegedly traded his seven-year-old son for a pack of cigarettes.

In Texas, a man took 80 children hostage at an area day care facility, including two of his children. They were held at gunpoint and released over a 30-hour period before the standoff was brought to a non-violent conclusion.

In Florida, a suspected drug addict and murderer held two children, ages two and four, hostage for two-and-a-half days. An entire Orlando neighborhood was evacuated during the standoff. Only when he threatened to use the children as human shields did a SWAT team rescue the children in a raid that resulted in the death of the suspect.

In Baltimore, a man broke into a second-floor apartment, stabbing a young mother and holding her nine-month-old child hostage for two hours before a Quick Response Team could rescue the baby and apprehend the suspect.

Situations like these are "unacceptable", and should not be tolerated by anyone. All over the country, children are being used as pawns in actions played by violent adults. We in Congress must do our part to help prevent these scenarios from developing in the first place.

My legislation will give new protections to children—our Nation's most precious resource. I have joined forces with Senators OLYMPIA SNOWE to establish the strictest punishments for those who would evade arrest or obstruct justice by using children as hostages. This bill will toughen penalties against any person who takes a child, 18 years or age or younger, hostage in order to resist any officer or court of the United States, or to compel the Federal Government to do or to abstain from any act. Such a person would serve a minimum of ten years to a maximum of death, depending on the extent of injury to the child.

Please join me in this important effort to protect the lives and well-being of our Nation's young. I hope that together we can make our Nation a safer place for everyone, especially those in our society least able to protect themselves.

MR. ADD PENFIELD'S EULOGY TO LEE JAY STONE

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Mr. COBLE. Mr. Speaker, a legendary broadcaster from the Sixth District of North Carolina, recently eulogized another legend from our district. His words were so moving, I wanted to share them with my colleagues.

The broadcaster, Mr. Add Penfield, spoke so eloquently about Lee Jay Stone, a man who was more than just a football coach. Stone, the longtime head coach at Asheboro High School, was a football institution. Lee died on January 27, 1998, at the age of 91. Add Penfield spoke so movingly at Stone's funeral on January 29.

His eulogy appeared in the February 4 edition of the Randolph Guide. I commend to my colleagues the words of one legend who spoke so glowingly about another legend.

[From the Randolph Guide, Feb. 4, 1998]

LEE JAY STONE, NOT ONLY A MAN OF FOOTBALL

(By Add Penfield)

Lee Jay Stone.

How to eulogize him . . . how best to celebrate the life of a man whose stature among his fellow human beings literally defies eulogy.

I have been asked to try. I respond in all humility.

I think maybe one of the Good Ole Boys with whom he often met in downtown Asheboro had it about right not long ago.

"Lee Stone," this Good Ole Boy said, "was something else, he was one of a kind."

Tired, well-worn, hackneyed language, this. Some might say so.

But those of us here . . . those of us whose lives Lee touched and made better . . . I think would agree that these everyday words hardly tarnish the image of Lee Jay Stone. You bet Lee was something else. Indeed, he was one of a kind.

Lee Stone was something else as a football coach . . . nary a losing season in a career that became legend. It may have taken one of a kind to persuade Charlie Justice to go out for the team at Lee Edwards High School in Asheville those many years ago and to inspire Choo Choo to become arguably the best and most famous of all North Carolina-bred football players.

He . . . Lee Stone . . . was something else, one of a kind, when he coached players like Strawberry Wheless, bless his soul, and Mark Leggett, and Dave Dalton, Bobby Burrows, Neal Hughes, Carrell Moody, Sparky Johnson and Jimmy Dollyhigh.

Because of Lee Stone, these men came to know what it meant to win a football championship at Asheboro High.

If you will, just ask the fine men who coached with and for him . . . people like Max Morgan and Russ Murphy and Tony Simeon . . . if Lee Stone was something else. They'll tell you to the man . . . he was one of a kind.

Lee Stone was a Hall of Famer as a football coach. And, I submit, if there were Halls of Fame for classroom teachers and school administrators, as there really ought to be, Lee Stone would have been a shoo-in for induction. As he did on the sidelines with his football teams, somehow he always got the best from those students who encountered his considerable skills in math and economics classes.

For Lee Stone, you see, was first, last and always an educator . . . in all departments. He was one who could share, with great good humor and accompanying discipline the infinite wisdom with which he was blessed. He shared with the entire community; witness, his long and distinguished service as a member of the Asheboro City Board of Education.

Oh, my yes! Lee Stone was something else in his chosen profession . . . educator and coach, coach and educator. He was one of a kind as a molder of men and women.

Just as an aside . . . Lee Stone was something else the night he was inducted into the N.C. Sports Hall of Fame. The induction took place fittingly . . . and at the instigation of David Stedman . . . in the Asheboro High School gymnasium.

It fell my lot to serve as Lee's presenter at the big banquet which taxed the capacity of the old gym. Hall of Fame officials organizing the event were quite specific and most emphatic in telling the Coach and me just how much time we were to have at the podium . . . after all, others besides Lee were being inducted.

I think I was allotted four or five minutes for the presentation. As I remember it, Lee was allotted something like seven or eight minutes for his response.

Some of you were there. You know what happened. My broadcast training enabled me to meet the time requirement, right on the money. Then, Lee . . . one of a kind, God bless him . . . got up without a note and spoke for the better part of half an hour.

You be the judges. Only a man who was something else could have gotten away with it. For the record, I know of no complaint that was registered that memorable night.

Lee Stone was something else when it came to family and friends . . . devoted husband to the good wife who went on ahead, loving father and father-in-law, doting grandfather. With Lee, the family came first.

Also, with Lee, friendships were treasures to be enhanced with fierce loyalty . . .

I am proud to have benefited from one of Lee's countless friendships, to have known how fierce his loyalty to a friend could be. Lee Stone and I traveled many miles together, climbed in and out of a lot of broadcast booths and press boxes in stadiums across this state and across this country. We tooled down a lot of highways, often with Lee at the wheel, to some memorable assignments where usually he'd run into a friend or perhaps an unknown admirer. One or the other nearly always surfaced.

I suppose we had quite a bit in common, the Coach and I. In many respects, football was the centerpiece of our respective careers. We both believed mightily in a man named Wallace Wade. We could both sing the praises of Wade's renowned single wing and the wide-tackle Six. And it might be of some small significance to note that we were both transplanted Yankees who fell in love with and found a home in North Carolina. Down at Clemson, where Randleman-born Bob Bradley was ever the thoughtful host . . . they even taught us to eat catfish.

I suppose all of you, each in his or her own private moment, will eulogize Lee Jay Stone far better than I . . . in ways more meaningful to you. Perhaps you will come up with something better to say that he was "something else" or "one of a kind." You must certainly know of Lee's love for God and Country.

Whatever the words you choose, whatever the memories you have of Lee Stone, you are likely to conclude that this man of monumental stature has had a profound influence on this community and every player, coach, student, educator, fellow citizen, friend . . . on anybody who enjoyed even the most casual relationship with him. Those who were closest to him . . . his beloved daughters, Frances and Susan, his son-in-law Joe, his wonderful grandchildren . . . only they can calculate fully the tremendous void left by his passing.

We all know Lee Stone ran the race well . . . maybe beginning in the Yale Bowl where he set prep school records in track. We know Lee fought the good fight right down to the end Tuesday morning.

As for me . . . of all the moments I was privileged to share with Lee, the one that lingers is that which occurred the night he presented me for membership in a local civic club.

Coach Stone put his arm around me and told the Kiwanians: "I love him like a brother!!" The feeling, Coach, was mutual; the compliment, immeasurable.

I know full well I was scarcely alone in this world as somebody Lee Stone loved. I had plenty of company. Brotherly love was something he bestowed generously.

We all are richer for it.

Again, in the words of his admiring friend . . . one of the Good Ole Boys who went on ahead . . . Lee Jay Stone was "something else." The man was one of a kind.

And, oh, yes . . .

I shall not soon forget the last real conversation I had with Coach Stone in the final phases of his gallant fight.

It was at Clapp's . . . where the attendants came to love the Coach and gave him such compassionate care.

I had started away from his chair, heading for the parking lot, when he sort of barked at me as only he could.

"Hey", he said, with his best practice field emphasis.

"When I get out of here in a few days, we'll have to make another of our trips."

This trip is one the Coach makes pretty much on his own.

But I am convinced that there awaits a glorious journey's end where, whenever legendary coaches gather in the larger life, Lee Jay Stone will be joining the likes of Wade and Neyland and Lee's fellow Hall of Famer, Bob Jamieson, in extolling the virtues of the single wing and the wide tackle Six. Their praises will be sung into eternity.

Safe journey, Lee. Catch up with you later.

HONORING LITHUANIA'S INDEPENDENCE DAY

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Mr. KNOLLENBERG. Mr. Speaker, I rise today to honor the people of Lithuania as they celebrate their independence day.

Lithuania has known a long history both brave and tragic. Despite a proud past, the people of Lithuania endured the forcible incorporation of the homeland into the former Soviet Union. After fifty one years of Soviet domination, Lithuania successfully overcame these oppressive efforts, and declared its independence on March 11, 1990.

Independence did not come easily. Ten months after this restoration of independence, the newly free Lithuania withstood a bloody and lethal assault from a stronger Soviet Union, an end to its supply of Soviet oil and gas, and 15 protesters killed in Vilnius by Soviet troops. These acts, however, were not enough to subdue the spirit of the Lithuanian people. The fire of freedom was fueled by the will of the people, and by the brave leaders of the region.

Since Lithuania regained its independence on March 11, 1990, the United States has played a critical role in helping it implement democratic and free market reforms and solidify its position as a European democracy. Together, the United States and Lithuania have worked to maintain strength and security throughout Europe.

Earlier this year, the United States and Lithuania signed the Baltic Charter. The Charter recalls this region's tragic history, and underscores that the U.S. has a "real, profound, and enduring" interest in the security and independence of all three Baltic countries. In hope it is sign of the deepening of mutual cooperation and shared interests between our two countries for years to come.

Mr. Speaker, the people of Lithuania committed themselves to take a stand against repression and communism. And today, they celebrate the fruits of that commitment on their independence day. I commend the people of Lithuania for their courage and perseverance in using peaceful means to regain their independence, and I hope you will join me in wishing them the best on this historic day.

CELEBRATING LITHUANIA'S INDEPENDENCE DAY

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Mr. SHIMKUS. Mr. Speaker, as a proud descendant of Lithuanian immigrants, it is my honor to pay tribute to this day in Lithuanian history. On this day eight years ago, a 51-year foreign occupation of the country as a result of the Nazi-Soviet Pact ended, allowing for the establishment of a new democratic state.

The people of Lithuania endured many years of imposed communist dictatorship and cultural genocide while trying to accomplish their strive to independence. During this time, they engaged in non-violent movement in support of their cause for change politically and socially. Working faithfully towards democracy through protest and perseverance, the people of Lithuania held their first democratic elections in Lithuania in more than half a century in 1990—restoring their independence on this day eight years ago.

Less than a year later, in January, 1991, foreign troops launched a bloody and virulent assault on the people and government of Lithuania. Again, the Lithuanians had to defend themselves against this oppressive regime and were able to once again bring about democratic reforms.

Nine months later, Lithuania became a member of the United Nations. Additionally, Lithuania participates in other international organizations such as the Organization on Security and Cooperation in Europe, the North Atlantic Cooperation Council, and the Council of Europe. It has applied to join NATO and is an associate member of the EU, waiting for negotiations for future membership.

As a man who nobly represents the United States and strongly supports Lithuania, I commend the people of Lithuania for their courage and tenacity in their use of peaceful means to regain their independence. I unite with the Lithuanian people in celebrating their independence day and look forward to the day when we can all celebrate their entrance into NATO.

NATIONAL ARTS ADVOCACY DAY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Mr. FARR of California. Mr. Speaker, today is National Arts Advocacy Day, a time to focus on the fact that American creativity is driven by the arts. The most creative aspect of American art springs from our diversity. The history of the United States is depicted by the arts—paintings, photography, dancing, music, poetry, theater, literature, architecture.

National Arts Advocacy Day is a day in which we can realize the importance of the arts to our culture and economy. It is a day to remember that the arts are an integral part of our lives in both rural and urban communities. San Francisco, Los Angeles, New York City all revolve around the arts. Where would those cities be without such enthusiasm for the world of art and the revenue derived from public support of the arts?

We are working in the U.S. Capitol, a living museum of art and history that tells the story of democracy in the United States. Yet today, more than ever, what this building demonstrates is the creative talent of this country displayed in priceless paintings, photographs, works of sculpture in Statuary Hall, and in the very architecture of the building which is the symbol of the greatest democracy in the world.

We must invest more money in the arts to perpetuate creativity in future generations. The return on every federal dollar invested in the arts is phenomenal. Every $1 of federal support for the arts—local ballets, music concerts, theater—generates an average of $12 in matching funds. For the past two years the National Endowment for the Arts has requested $136 million dollars from Congress to fund their organization. For fiscal year 1998, Congress budgeted only $98.5 million. The arts are not a frivolous, disposable commodity. They represent a significant part of our economy.

On National Arts Advocacy Day, let us remember the importance of intellectual development that the arts foster. Let us remember how it not only enhances the beauty of our country, but the economy as well. I support all Americans involved in arts from children doing finger paintings, to the design of new monuments in Washington, D.C. that will remind all Americans of their history. Let us celebrate together the importance of arts by supporting a strong Federal role in their promotion.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Mr. KIND. Mr. Speaker, we are now less than two weeks away from your promised date for a vote on campaign finance reform, yet we have no direction from you about what will or will not be considered.

There are plenty of bills that have been drafted that begin to address the overwhelming amount of money being spent on our elections. I have been active with my freshman colleagues in drafting the Bipartisan Campaign Integrity Act, I think it is a good bill, but there are others. The question Mr. Speaker is, what kind of vote will we be allowed to take. Will the vote be a clean vote which clearly shows who supports campaign finance reform and who doesn't or will the vote contain poison pills that will cloud the issue. It is incumbent upon us as Members of Congress to make clear our position on this important issue.

We are counting on you, Mr. Speaker, to allow a fair, clean vote on campaign finance reform so the people of this nation know where we stand, once and for all. The people of my district will not accept "no" for an answer.

SHIFT IN INS'S BORDER FOCUS

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Mr. PACKARD. Mr. Speaker, the U.S./Mexico border in San Diego County, California is the nation's busiest corridor for illegal immigration activity. However, yesterday, Immigration and Naturalization Service Commissioner Doris Meissner declared that this entry is under control. While the INS decided to deploy 1,000 new border patrol agents, not one of them is headed to San Diego.

The 48th District of California lies just north of this high-traffic passage, and, Mr. Speaker, neither my constituents nor I would tell you that illegal immigration in this area is under control. Mrs. Meissner cites a 40% drop in border apprehensions in San Diego as proof that no additional agents are needed at this border. It is important to note that this figure does not take into account remote areas that are currently experiencing added strain as a result of the greater presence of agents and the San Diego entry point.

While increasing the number of border patrol agents at the San Diego County borders might decrease movement at these sites, it only intensifies the influx at the neighboring border in Imperial County. The Border Patrol Chief at the Imperial County gateway noted that daily apprehensions have risen dramatically since 1996, from 150 to the current rate of over 900. Neglecting this corridor, while adding agents in Texas and New Mexico and maintaining the number of agents in San Diego, will only intensify this already acute problem.

Southern California suffers from the increasing flood of illegal aliens. Mrs. Meissner's denial to provide us with an adequate number of border patrol agents to handle this dilemma is detrimental to our state and to our nation.

Mr. Speaker, as we continue the battle against individuals who opt to enter the United States illegally, I commend our border patrol agents for their hard work and dedication. No matter how hard they work, though, we need more of these committed men and women at our high-traffic borders if we are to have any hope of curtailing illegal immigration. I support efforts to strengthen our border in states like Texas; however, we must not pursue that goal at California's expense. The INS should take a closer look at the continuing penetration of our borders in Southern California and reconsider its strategy.

RECOGNIZING HARRY STATHAM

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Mr. COSTELLO. Mr. Speaker, I rise today to recognize a great basketball coach and a great man.

Harry Statham, the athletic director of McKendree College in Lebanon, Illinois, is the NAIA's winningest active basketball coach. On Saturday, January 10, 1998, the McKendree Bearcats defeated Barat College. That game marked the 700th win of Coach Statham's long and successful career at the college.

Statham began his coaching career while he was still an undergraduate as the boys basketball coach at O'Fallon Junior High. After graduating from McKendree College in 1960, he enrolled at the University of Illinois at Champaign. While earning a master of science degree in physical education at U of I, Statham served as a graduate assistant for the men's basketball and track teams. He coached at two high schools in Southern Illinois before returning to McKendree College in 1968 as the athletic director and men's basketball head coach.

Coach Statham has lead the Bearcats to 27 post-season appearances, including five trips to the NAIA National Championships. Last season the Bearcats finished in the NAIA's "Elite Eight," the best tournament finish in the school's history. In 1988 the Bearcats established an NAIA record for most points scored by two teams when they prevailed over Huron College 124–107. This record of 231 total points scored still stands today. McKendree also holds the record for successful free throws in one game when they shot 39 of 39 in 1979. In the 1986–87 season, McKendree led the nation in scoring with a 105-point per game average.

Forty-one of the men who have played under Coach Statham have received post-season honors, including four All-American athletes. Two of Coach Statham's players have been drafted into the professional ranks. Dale Haverman was drafted by the Seattle Sonics in 1977 and Paul Funkhouser was drafted by the Chicago Bulls and the Carolina Cougars of the American Basketball Association in 1970.

Coach Statham, who lives in Belleville, Illinois with his wife, Rose, was inducted into the Illinois Basketball Coaches Association Hall of Fame in 1987. He has been named the NAIA-IBCA Coach of the Year six times and the NAIA District 20 Coach of the Year six times. Mr. Speaker, I am pleased to announce that this month Coach Statham will be inducted into the NAIA Hall of Fame. I ask my colleagues to join me in congratulating Coach Harry Statham for an impressive career.

TRIBUTE TO ARTHUR V. HODGES, AN AMERICAN HERO

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Mr. EVERETT. Mr. Speaker, I am proud to inform this House of an Alabamian who personifies the best traditions of American military heroism, and whose proper recognition for meritorious service has finally been received after five decades of official oversight.

Late in World War II as this nation focused its military might on Japan, Private Arthur Hodges of Dothan, Alabama was a scout in a rifle squad with the U.S. Army's 306th Infantry Regiment in the Western Pacific. On April 20, 1945, the 306th was called to assault Legusugu on the Island of Ie Shima, just south of Okinawa.

The island was incredibly fortified and honeycombed with Japanese defenses. Enemy resistance to the landing American forces was severe. Hostile mortars, anti-tank guns, automatic weapons, and small arms covered the approaches with devastating fire delivered from concealed pill boxes and caves. Here's an excerpt from Private Hodges' war record:

> Private Hodges led his platoon's assault. When he discovered a small group of the enemy in foxholes, he disregarded the heavy fire which swept the area and worked his way forward to a position within a few yards of the Japanese position. Accurately throwing grenades into the foxholes, he killed all four of the enemy. As he started forward again he was fired upon by two enemy rifleman. He took cover behind a rock and killed both of them with rifle fire. When he arrived at the peak of the mountain, he located an enemy machine gun which was blocking the advance of his unit. He promptly attacked this position, destroyed the gun, and killed its crew of two. As he returned to the top of the mountain, he killed two more of the enemy attempting to flee. Private Hodges' fearless aggressiveness and courage were an inspiration to his comrades and were in keeping with the highest military traditions.

Private Hodges went on to become a Staff Sergeant and a squad leader in charge of 12 men. Among his many decorations, Sergeant Hodges received the Combat Infantry Badge, the World War II Victory Medal, the Asiatic Pacific Campaign Medal, and the Army Good Conduct Medal. Surprisingly, Sgt. Hodges, who was also awarded the Bronze and Silver Stars, never actually received those medals due to a paperwork glitch. After my office's personal inquiry on his behalf last September, I'm happy to report that Mr. Arthur Hodges will be presented his Bronze and Silver Stars by me on March 13—some 52 years after he earned them. I congratulate Mr. Hodges and am very proud to have played a part in seeing him finally receive the decorations which he has so long merited and deserved.

10 FOR 60 RESOLUTION REAL TAX REFORM IN 1998

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Mr. VENTO. Mr. Speaker, today I introduced the "10 for 60" Resolution. My resolution directs the Internal Revenue Service and Congress to begin this year the process of cutting in half the time that it takes the average taxpayer to file their tax returns. As the first step, the "10 for 60" Resolution calls for 10 changes in law or regulation this year to cut 60 minutes from tax preparation time. The "10 for 60" Resolution intends that these proposals should be revenue neutral and should focus on changes that benefit as large a group of taxpayers as possible.

Today, it takes too long for the average taxpayer to file their taxes. In fact, the American taxpayer is taxed twice. Not only do we pay our taxes, but our time is taxed as well. At this time of year, instead of spending time with our families, working around the home, or just taking a break, we spend hour after hour punching numbers into a calculator, trying to decipher IRS directions and tables, and searching through our financial records to find that last receipt for a charitable contribution that we made.

According to the IRS, this annual spring exercise will take the average taxpayer 15 hours and 47 minutes to prepare and file a typical tax return (Form 1040 and Schedules A and B). Add in other forms, such as Schedule C, the business profit and loss schedule, and the total time for tax compliance can be in excess of 30 hours.

There are plenty of examples of ways that we can simplify tax code now. The mileage deduction was intended to help not only those with business expenses, but individuals with medical, charitable and moving travel costs. However, the tax code contains three separate reimbursement rates for travel. Why should a taxpayer be required to keep three separate records for using the same car?

The Earned Income Tax Credit (EITC), designed to help low income families and reward work, is good policy. In fact, an analysis by the non-partisan Center on Budget and Policy Priorities, reveals that the EITC "lifts more children out of poverty than any other government program." Yet, this single credit has been changed twelve times in the past 20 years. The credit contains nine eligibility standards and could require one checklist, two worksheets, one schedule and a normal 1040 to complete.

Congress has many ideas on tax reform or changes. At last count, over 600 separate bills to amend the Internal Revenue Code have been introduced in this Congress. These proposals range from broad reform to very narrow modifications. The major proposals, a flat tax or a national sales tax, do have hidden repercussions. While some taxpayers may like the idea of simplifying the tax code, they do not support the elimination of crucial deductions, like the home mortgage interest deduction or the charitable contribution nor do they support the taxation of worker fringe benefits like health insurance coverage or taxing services like a free checking account. Furthermore, true simplification should make the tax law understandable and workable, deflecting wholesale, imprudent changes while retaining sound, proven tax policies.

Congress should focus on what the taxpayers really need—true tax simplification. Concrete proposals already exist to simplify the existing tax code with minimal revenue changes. The House included in the IRS Restructuring and Reform Act the requirement that any new tax legislation include a complexity analysis before enactment. Why not apply such an analysis to existing provisions of law?

Tax simplification this year is an achievable goal but not if Congress gets bogged down in debating unrealistic proposals to abolish the tax code or initiate other radical changes. These are Trojan horses being advanced as tax simplification. It is time to address real tax simplification as more than a rhetorical tool and to make it a policy priority. My "10 for 60" resolution places the American taxpayer, not politics, first by focusing on real, attainable tax simplification for this year. My resolution gives everyone something they need more of—time. I hope that my Colleagues will join with me in making tax simplification a reality in 1998.

CONGRATULATIONS TO MR. JASON BINKLEY FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Mr. GEKAS. Mr. Speaker, I would like to bring to the attention of my colleagues the name of Jason Binkley, of Ephrata, PA, in my congressional district. Jason is a member of Boy Scout Troop 38 in Ephrata. On Sunday, March 15, 1998, he will be receiving one of scouting's highest honors, the Eagle Scout Award. For this wonderful achievement we in the United States House of Representatives salute this fine young man.

To receive his Eagle Scout Award, Jason was required to complete a project that was of service to his community. Jason's project was renovating the amphitheater at the Ephrata Cloister. He was responsible for replacing the 400 bench seats, which had deteriorated from the years of being exposed to the elements, with new preserved wood tops. Jason accomplished this by raising funds locally and recruiting 20 other scouts who helped Jason with all of the cutting, bolting, and cleaning necessary to complete the project. Jason and his recruits donated over 120 hours of their time to complete the renovation of the Ephrata Cloister.

Again, I would like to congratulate Jason for achieving the rank of Eagle Scout. I know he worked hard and with great self-determination to earn this distinguished honor. I am honored to have such a fine young man in my district who is willing to donate himself to the community. I wish Jason the best of luck in all of his future endeavors and trust that he will continue to make his family, friends, and this Member of Congress proud of him.

HONORING THE HOPE EDUCATION AND LEADERSHIP FUND ON THE OCCASION OF ITS 7TH ANNUAL WOMEN'S HISTORY MONTH SYMPOSIUM

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Mr. TORRES. Mr. Speaker, I rise today to recognize HOPE Education and Leadership Fund on the occasion of its 7th Annual Symposium to be held on Friday, March 13, 1998 in Los Angeles, California.

For the past seven years, the HOPE Education Leadership Fund has provided a collective voice for Latinas by ensuring quality representation in the political process and in the public and private sectors. HOPE has encouraged political education of its members by conducting effective workshops, unique seminars and challenging training forums, informing the community on critical issues affecting Latinas.

At its annual symposium, HOPE and its members have the opportunity to analyze and talk about issues relevant to Latinas. HOPE's annual symposium is held every March, in honor of Women's History Month. The Symposium explores those issues facing Latinas. Among the issues HOPE explores range from health care and business development to domestic violence.

The annual symposium also recognizes Latina role models from throughout our history, highlighting those women who have excelled in their respective fields and serve as role models for younger Latinas. It is the tradition of the HOPE Education and Leadership Fund to present the Gift of HOPE Award to a Latina in recognition of her outstanding achievements and accomplishments in her field. This year's Gift of HOPE Award will be presented to Corina Alarcon, Executive Director of WAVE. By witnessing this form of recognition, younger generations become proud of their heritage and are encouraged to continue pursuing a professional career.

In 1994, the HOPE Education and Leadership Fund introduced the Ray HOPE Award. This award is given to individuals within our community who have demonstrated outstanding achievements as members of HOPE, either by giving back to the Latino community or in their professional achievements. This year, the Ray of HOPE Award will be presented to Maria Elena Salinas, Noticiero Univision anchor.

In 1993, the HOPE Education and Leadership Fund began the publication of its newsletter entitled *HOPE Agenda*. The printing of the publication coincides with the Annual Symposium and is used to relate news and information about HOPE activities to members and other interested persons. In addition to the newsletter, HOPE also announced the publication of the *Women of HOPE*, an education book featuring the biographies of historical Latina icons. The premiere limited edition features Queen Isabella of Spain, Sor Juana Ines de la Cruz, La Pola, Josefina Ortiz and Gabriela Mistral.

On Friday, March 13, 1998, members and leaders of our community will gather at HOPE's 7th Annual Women's History Month Symposium. I ask my collegues to join me in honoring HOPE Education and Leadership Fund for its contribution to the social, political and economic status of Latinas.

IN RECOGNITION OF THE LIFETIME COMMITMENT TO THE COMMUNITY AND ACHIEVEMENTS OF CLARENCE IWAO NISHIZU

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Ms. SANCHEZ. Mr. Speaker, I rise today to recognize and congratulate Clarence Iwao Nishizu for his dedicated service to the Japanese American community and Orange County. Clarence grew up in Orange County where his family owned a farm and he is a graduate of Anaheim High School and Fullerton Jr. College. During World War II, all Americans of Japanese ancestry were interned as a result of Executive Order 9066. Clarence and his family were uprooted and interned at Heart Mountain, Wyoming. After the war, he and his family returned to Orange County and continued to farm with his two brothers. Due to his experience in the internment camps, Clarence continued to be an active citizen in Orange County, particularly within the Japanese American community in the areas of civil and human rights.

Clarence Nishizu was Co-founder of the Orange County Chapter of the Japanese American Citizens' League (JACL), the oldest Asian American civil rights organization. He later founded four other chapters of JACL throughout Southern California, including the SELANOCO chapter where he was past president.

In 1966, Clarence was the first Japanese American selected as the Foreman of the Orange County Grand Jury. In 1975, he received a special "Resolution of Appreciation Award" for his meritorious service from the Orange County Criminal Justice Council. Clarence was also active in the Redress campaign by testifying before the Commission on Wartime Relocation and Internment of Civilians. His efforts, along with many other Japanese Americans eventually led to the passage of the Civil Liberties Act of 1988 in Congress. In 1991, the major highlights of his life were published in the Honorable Stephen K. Tamura Orange County Japanese American Oral History Project, a publication that chronicles the history of Japanese Americans in Orange County.

Now, at the age of 86, Clarence Nishizu continues to actively participate on the board of the SELANOCO Chapter of JACL. He actively fundraises to promote SELANOCO's civic responsibility program, the Presidential Classroom scholarships, which provide opportunities for high school students to go to Washington, D.C. for leadership training.

IN OPPOSITION TO H.R. 217

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Mr. BLUMENAUER. Mr. Speaker, last week I joined five of my colleagues in opposing HR 217, consolidation of McKinney Homeless Programs. While this legislation passed overwhelmingly, it has some clear ramifications for my district.

I support the block grant concept as well as the effort to provide local flexibility for homeless programs. However, this legislation institutes onerous matching requirements and caps on supportive services which would seriously jeopardize Portland, Oregon's existing network of services. HR 217 specifically provides funds for the construction, rehabilitation, and acquisition of permanent housing. While I realize these funds are needed in other communities, this allocation is troublesome for those communities, like Portland, where many of the necessary capital investments have already been made. In these communities, federal homeless funds are needed almost entirely for the maintenance of existing programs and facilities, not necessarily new construction. I am proud of the investment my community has made in permanent housing and would like to see flexibility in the block granting process which will allow us to maintain existing programs.

LARRY SEXTON RECOGNIZED AS A TOP NEW-CAR DEALER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Mr. SKELTON. Mr. Speaker, today I wish to congratulate Larry Sexton, a dedicated Missouri businessman, who has been named a finalist of the 1998 Time Magazine Quality Dealer Award (TMQDA).

Sexton, a native of Salem, Missouri, was selected as one of the top ten new-car dealers in the nation, from a field of more than 20,500 participants. Sponsored in association with Goodyear, and in cooperation with the National Association of Automobile Dealers, the TMQDA program recognizes outstanding new-car dealers for exceptional performance in their dealerships and distinguished community service. Finalist are selected by a panel of faculty members from the University of Michigan Graduate School of Business Administration.

Larry Sexton, a graduate of the University of Missouri, owns and operates Sellers-Sexton, Incorporated, one of South-Central Missouri's largest new-car dealers. In addition, Sexton is chairman of the Fort Leonard Wood Regional Commerce and Growth Association and vice president of the Fifth Regional Association of the United States Army. He also serves on the executive board of the Committee of Fifty and the Missouri Highway Corridor Coalition.

Mr. Speaker, Larry Sexton is an outstanding businessman and a good friend. His service to his business and his community is to be commended. I am certain that the Members of the House will join me in paying tribute to Larry for being named one of the top-ten new-car dealers in the United States.

TRIBUTE TO THE HAMMOND HIGH SCHOOL WRESTLING TEAM

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Mr. CARDIN. Mr. Speaker, it is with pleasure that I rise today to congratulate the Hammond High School wrestling team on their outstanding accomplishments during the 1997–1998 season. Having previously captured County, Regional and State Dual Meet championships, as well as team titles in the Howard County and South Region Tournaments, on March 6–7 the Golden Bears completed a sweep of all six championships by winning the Class 1A/2A Maryland Public High Schools State Wrestling Tournament team title for the first time.

Led by a core of experienced junior and senior wrestlers, the Hammond High School team sought out the highest level of competition, wrestling against teams from throughout Maryland, as well as Delaware, Pennsylvania, New Jersey, and as far away as California. Committed to both individual and team excellence, the Golden Bears achieved outstanding results in all weight classes. The team was undefeated in 18 dual meets and all 13 wrestlers finished in the top four places at the Howard County Tournament. Without a single returning County champion, this year's Hammond High team produced six County and two Regional champions. Two Hammond wrestlers, Scott Osborn and Matt Nelson, placed 2nd in the State, and one, Vaymond Dennis, finished the season as the 112 pound Maryland State Champion.

As noteworthy as the achievements of the team on the wrestling mat, Coach Bill Smith and his staff should be commended for their uncompromising attention to the personal development of these young men. From the first day of practice in November, team members were required to meet high standards—of academic performance and of personal behavior. I applaud Coach Smith, as an educator, for teaching lessons that will have value long into the future.

I offer my congratulations to Dr. Sylvia Patillo, Principal of Hammond High School, as well as to the parents and fans of the Golden Bear wrestling team. I am sure that they are proud, as I am, of the accomplishments of the student-athletes of the 1997–1998 team. I am pleased to note that the school's tradition of wrestling excellence now includes a Maryland State Tournament Championship title.

DISTRUST IN GOVERNMENT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, March 11, 1998 into the CONGRESSIONAL RECORD.

DISTRUST IN GOVERNMENT

One of the major changes in American politics over the years has been the erosion of public trust in government. In the mid-1960s, three-quarters of Americans said they trusted the federal government to do the right thing most of the time. In recent years, that number has generally been closer to one-fourth to one-third. Public trust in state and local governments is not much higher, and we have seen similar declines in confidence in other countries around the world.

This devaluation of government and politics is clearly worrisome, and it makes it all the more difficult for the federal government to carry out its important responsibilities as we enter the 21st century. Thus increased attention has been given lately to the question of why Americans have declining confidence in the federal government. The reasons for the decline are several.

Declining trust generally: Part of the decline reflects a broader drop in confidence in authority and institutions generally, as many see declining respect for authority a feature of current culture. Trust in all institutions took a big hit from Vietnam and Watergate, and the sharpest drops in public confidence in government occurred during that time.

Changing economy: Americans have less confidence in government as the U.S. economy has changed—as workers feel the threat of globalization and technology and as little progress is made on income inequality and wage growth for middle-class workers. People feel high anxiety and a loss of control over their own lives. To them government seems less relevant and not particularly helpful with their difficult work transitions and their burdensome education, health care, and retirement costs.

Too much corruption: People are concerned about corruption and low ethical standards among government officials. They believe that many are dishonest and controlled by special interests. In a recent poll, only 18% of Americans thought their own representative has not traded votes for campaign contributions. People will often say it takes new Members of Congress only a few months to become corrupted by the system.

Poor leadership: A common theme is that public officials are just looking out for themselves, pursuing their own agendas and advancing their own personal power rather than providing leadership and representing constituents. Americans think that one of the best ways to improve public confidence in government is to find more responsive political leaders.

Too political: There is widespread belief that the political system has become too political. By a sizeable margin people feel that politics prevents government from serving the people well.

Messy process: The public doesn't approve of the slow, often contentious nature of the legislative process. Studies have shown that public confidence in legislatures generally goes down after the proceedings are opened up through television and other means, even for legislatures that had greatly improved their operations and performance compared to when they operated behind closed doors. Institutions that are the most public are often the least liked.

Government waste: Another major complaint, and one that I hear all the time, is that the federal government has become too big, too wasteful, too inefficient. In recent polls, 80% of Americans stated they believe that government is inefficient and wastes tax dollars. Often in public meetings constituents will tell me that fifty cents of every dollar going to Washington is wasted.

Too intrusive: Many people believe that government tries to do too much and interferes with their lives. They often tell me to "Get government off my back." Almost half of Americans perceive government as an obstacle rather than a helping hand to achieving the American dream.

Weak performance: Large numbers of Americans don't think government has much of an impact on their daily lives. Recently when people were asked to name two or three of the most important successes of the federal government over the past thirty years, 42% of Americans couldn't volunteer even one.

Media: The more cynical, more adversarial approach of the media today is often cited as one of the biggest factors in the dramatic drop in Americans' trust in government. Since the 1960s, newspaper and television coverage has become much more negative and more focused on conflict than substance. That clearly has taken a toll.

Some of these factors can't be easily changed, such as the negative tone of the media or the broad decline in confidence in all institutions. Yet there is still reason for hope. The good news is that many of the factors that can be controlled by political leaders can go a long way toward helping to restore confidence in government. Most notably, as Congress in recent years has taken the tough steps to reduce the deficit in order to boost the U.S. economy and has balanced the federal budget—a problem that has plagued policymakers for decades—public confidence in the institution has risen significantly.

There are many things that politicians can do to bolster trust in government. Among them: First, we need to streamline the operations of government—making it more responsive, accessible, and workable. Second, we need to tackle the big issues and deal with things that really concern people, such as improving education and shoring up the long-term outlook for Social Security and Medicare. Third, we need to correct public misperceptions about government, explaining better how it works and what it does. For example, Americans frequently complain about the large amount of money going for foreign aid, which they think is around 20% of the total federal budget and say should be closer to 10%, but is actually only 1% of the federal budget. Fourth, we need to improve the public's understanding of the impact of government on their lives every day. Support for the federal government improves considerably when people are informed about the government's role in improving health care for seniors, ensuring food safety, discovering medical cures, and creating the Internet.

Despite their often low confidence in government, large numbers of Americans still say they want to see an effective government that helps them and their family, and they believe this is an achievable goal. And they want more information about how Congress works and how it connects to their lives. So the opportunity for improving the way Americans look at their government is clearly there.

GUS AND FRANCES STAVROS—GIVING BACK TO THEIR COMMUNITY

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Mr. YOUNG of Florida. Mr. Speaker, if any one knows that hard work leads to success it is Gus Stavros, my dear friend and constituent from St. Petersburg, Florida.

The son of an immigrant from Crete, his success is grounded in a strong set of values which have guided him throughout his life, as a parent, a businessman, and generous philanthropist.

Among the shared beliefs of Gus and Frances Stavros is a commitment to improving educational opportunities for the children of Pinellas County, Florida. With a $1 million gift in 1987, the couple spearheaded a county-wide effort to establish Enterprise Village, a state-of-the-art learning facility to teach fifth-graders about business and economics. Since its opening, more than 100,000 students have participated in programs at Enterprise Village. All fifth-graders in Pinellas County complete a business course that prepares them for spending a day at Enterprise Village, which is the key to their learning experience. There they have the opportunity to run one of a number of businesses such as a bank, drugstore, newspaper, fast-food establishment, hospital, or radio station. They are paid with special currency, with which they can open a checking account for the day, have lunch, and spend their money at businesses in the Village.

The experience has been such an unqualified success for students, parents, and teachers that the Stavros family recently announced a new campaign, spearheaded with another $1 million gift, to establish Enterprise Village II to allow eighth-graders to have a hands-on experience in business and economics.

This is just one of many charitable endeavors to which Gus and Frances Stavros have given so much. They have given to local theaters, orchestras, museums, and colleges.

Mr. Speaker, Gus Stavros has lived the American Dream. He is the son of an immigrant, a decorated veteran of World War II, he is a proud father and husband, he is a successful businessman, and he and his wife have given back many times over to our community. And in just a few days, on March 20th, he and Frances will celebrate their golden 50th wedding anniversary.

Following my remarks, I will include for the benefit of my colleagues a story by Lennie Bennett from Sunday's St. Petersburg Times which tells the remarkable story of this very special, and most generous, couple—Gus and Frances Stavros.

Their story is one that I hope inspires others throughout our nation to lead by example and give back to their communities to make them a better place to live.

[From the St. Petersburg Times, Mar. 8, 1998]

COUPLE RELISH GIVING AWAY MILLIONS

(By Lennie Bennett)

ST. PETERSBURG.—Gus and Frances Stavros went out to lunch for a celebration the day they pledged $1-million in matching funds to Enterprise Village II last month.

On the way home from Largo to their condominium in downtown St. Petersburg, they passed by a number of fine restaurants and private clubs.

Finally they found what they were looking for—hamburgers and french fries at Wendy's.

That lack of pretension is typical, friends and colleagues say of the couple, both 73, who made millions when he sold his company, Better Business Forms Inc., in 1984 and subsequently have given most of those millions away.

"I don't believe in saving it, and waiting to give it away after my demise," Stavros said recently at their downtown St. Petersburg business office.

The couple declined to estimate just how much they have given to the community, saying only that it was "a considerable sum," but there are few cultural institutions in Pinellas County that haven't benefited from their generosity.

He is considered a driving force behind the development of Ruth Eckerd Hall in Clearwater, where he lived for many years, spending a decade raising funds to build the performing arts center.

They are major donors of the Florida Orchestra, American Stage Theatre Company and the Museum of Fine Arts, where halls, courtyards and galleries bear the Stavros name.

But talk to Gus Stavros for just a few minutes, and it's clear that even though his motto for giving is "church, culture and education," his abiding passion is education.

"Of all the ills of the world, the only solution is education," Stavros said.

He would know.

Gus Stavros' father, Anthony, was born on the island of Crete in 1898. When Anthony Stavros was 9, his family "sold" him to a wealthy Athenian businessman who employed him as a gardener, sending his wages back to Crete. He ran away after a beating and worked odd jobs, saving enough to immigrate to the United States in 1912.

"My father came here because he was told—and really believed—that the streets were lined with gold. When he got here, he realized that they were lined with opportunity."

The young man, who spoke no English, worked as a dishwasher in Greek restaurants, and eventually was able to buy diners in Elizabeth, N.J., and prospered as a small businessman. He married another Greek emigre, Elizabeth Kourasmenos, who helped in the business. When Gus Anthony Stavros, their only child, was old enough, he worked, too.

But that was after he went to a public school from 8 a.m. to 3 p.m., then a Greek school from 4 to 7.

"My father taught himself to read and write in both languages. My mother never learned to read or write. But she knew how to count. She worked the cash register," Stavros recalled.

"My father had great marketing knowhow. He put a big sign on the highway that read 'Free Soup with Meals. All the coffee you can drink, five cents.' This was during the Depression. Truck drivers lined up for miles to get in."

A good student, Stavros received a scholarship to Columbia University in New York City, and he attended for a year before enlisting in the Army in 1942.

For three years, he served under Gen. George Patton. During the final march on Berlin, he was wounded in the head by artillery fire. He returned home with a Purple Heart, the Bronze Star and an injury that left him partly paralyzed in his left arm and hand.

The first call he made from the stateside hospital was to Frances Shaw, a young woman he had met only twice.

"In high school, a bunch of us formed the Condor Athletic Club. We'd play basketball, go bowling together. One night at the bowling alley, a friend came in with Frances. I asked for an introduction. Later, I said to my best friend, 'That's the girl I'm going to marry.'"

Gus Stavros and Frances Shaw didn't see each other again for two years. When he looked her up during one of his Army leaves, she didn't remember him.

They began corresponding although, as Mrs. Stavros said, "I wrote to a lot of boys overseas. We all did, so they wouldn't be so lonely."

In 1945, when Stavros was released from the hospital, he returned to Columbia University and graduated with a liberal arts degree in 1948.

Gus and Frances were married that same year.

Like her husband, Frances Stavros was a child of the Depression.

"My father worked for the railroad," she said, "and we never had a lot. But my family, like Gus', valued education."

"That is why we feel so strongly about the Pinellas County Education Foundation and Enterprise Village," Gus Stavros said.

MEANING BUSINESS

Stavros is chairman emeritus of the Pinellas County Education Foundation, which was formed 11 years ago by then-associate superintendent Dr. Howard Hinesley and members of the business community to develop enhancement programs that the school system could not pay for.

One of those programs is Enterprise Village. It is a testament to Stavros' unequivocal belief in the free enterprise system.

"I'm not an economist. I'm a businessman. Enterprise Village teaches students about our economic system, which is the greatest in the world."

He planned Enterprise Village with a businessman's savvy.

"In 1977, I was involved in an event called Expo '77 for 11th- and 12th-graders, with local business leaders at booths in the Bayfront Center to help students with career planning. It didn't work. We held it on a Friday, and the kids came in the front door and went right out the back, probably to the beach.

"Then we went into the schools with films to talk about the free enterprise system. It bored the kids, and they didn't pay any attention.

"So I sat down and thought, 'In the world of business, you do what the customer wants. Who's the customer here? The student.' That's how we started with Enterprise Village."

The facility was modeled after Hallmark Cards Learning City in Kansas City, Mo., which Hinesley visited in 1987. He called Stavros, excited.

"I asked him to spearhead it, and he said yes," recalled Hinesley, now superintendent of Pinellas County schools.

"He opened doors that we couldn't. He went with us on every call. Some people had said no to us, and he got them to change their minds. I, at first, was just thinking small, something for $5,000. Then it kept growing because Gus wanted to do it the right way. I never thought we could raise that kind of money."

By the time Stavros finished the campaign, $1-million had been raised to build the Largo facility.

Stavros secured commitments from local corporations to replicate smaller versions of their businesses in a mall-like building with a central meeting space, complete with gazebo, called Town Square.

Since opening in 1989, more than 100,000 students have participated.

All fifth-graders in Pinellas County complete a business course provided by Enterprise Village before their visit. Then they spend a day working at one of the businesses, supervised by staff and volunteers. A bank, drugstore, newspaper, fast-food restaurant and hospital "employ" them, pay them in pretend money and give them time to open checking accounts, go shopping, have lunch. They meet at the end of the day for a speech by an elected "mayor," one of the students.

Students, teachers and parents laud the experience.

"We receive comments from them, and from visitors from all over the world who want to copy the program, about the importance of it, and of the importance of continuing this kind of education," said Frances Neu, executive director of the foundation.

In fact, it has been so successful, it has spawned Enterprise Village II for eighth-graders.

"It's important that we go beyond an introduction to entrepreneurism. At Enterprise Village II, we're going to teach students fiscal responsibility, ethics and career planning. Ethics, most importantly. We've got to teach young people that to be truly successful, you must live an ethical life," Stavros said.

LIFE LESSONS

Even though he is a decorated war veteran and graduate of a prestigious university, Stavros could not get a job because of his partial paralysis. He was advised to stay home and collect his disability pension. He finally found a job with Simmons Mattress Co. in New Jersey and worked his way up through the management ranks, eventually transferring to Ohio.

But in his entrepreneurial heart, what he really wanted was his own business. With two partners he started a small company that printed business forms.

Better Business Forms began with three employees working out of a Quonset hut.

Stavros, who had moved his family to Pinellas County continued to work his day job, spending weekends and nights at Better Business Forms. When the company was sold in 1989, it employed 550 people and posted sales close to $90-million.

He managed the company's explosive growth with innovative business practices and a belief that no matter how big the business got, the individual employee always counted.

"It was the most satisfying thing I've done in my life, building a company with 550 employees, 550 families," he said.

He speaks of his own family with pride.

"I'm very proud that my son Paul has gotten involved with the Palladium project."

Palladium is a private effort to convert the First Church of Christ, Scientist, in downtown St. Petersburg into a mid-size preforming arts hall.

"Paul was also the one who got us involved with American Stage. Our other son, Mark, is a sportsman who races greyhounds. Our daughter, Ellen, got us involved with the Museum of Fine Arts when she was a docent. Now she is executive director of Florida House in Washington, D.C. It's like state embassy, the only one."

The Stavroses have attended St. Paul's Lutheran Church in Clearwater for 40 years, teaching Sunday School, and coaching basketball and softball.

MOVING ON

A self-described workaholic and a hands-on volunteer who rarely relaxed during his adult life, Stavros seems happy to slow down a little now, though he said he believes that "the condition of standing still is the beginning of the end."

Gus and Frances Stavros, who will celebrate their 50th wedding anniversary March 20, spend summers in North Carolina, and they have traveled a bit with family.

He claims to serve on fewer boards. Even so, his plate remains full of meaty fund-raising commitments such as the $500,000 still needed to pay for Enterprise Village II (he's already raised $3-million). He is chairman of the Florida State University Foundation, and co-chairman of the University of South Florida's capital campaign, with a goal of raising $220-million. Not surprisingly, he's met half of that goal.

He loves speaking to students. "I tell them the story of the Pilgrims and the Mayflower Compact, a great document, which had one defect, that everyone should work for the good of all and pool their work product. They were starving to death. Gov. (William) Bradford then gave each man his own parcel of land for a year. At the end of that year, we had two great institutions, Thanksgiving and free enterprise."

He leans forward in a chair in his modest office as he gives this history lesson.

Surrounding him are hundreds of plaques, resolutions, statuettes and photographs, tokens of his life in service to the community.

There on the walls are the Florida Chamber Economic Education Leadership Award, Commissioner's Award for Excellence, Liberty Bell Award, National Conference of Christians and Jews Silver Medallion Award, United Way Award for Leadership, Friends of the Arts Award, and on and on.

There he is as Mr. Sun, the most prestigious civic award in St. Petersburg, and as Mr. Clearwater; he is the only person ever awarded both honors. There he is at the dedication of the Gus A. Stavros Center for the Advancement of Free Enterprise and Economic Education at Florida State University in 1988, and a year later at USF to dedicate a second center.

But he doesn't want to talk about any of those on this day. He wants to return to the story of his lunch at Wendy's.

"We had the program for the Enterprise Village II ground-breaking in our hands as we pick up our food," he said. "And our server saw it and said, 'Do you know about Enterprise Village? I want you to know I took off work so I could volunteer there for both of my children. It's one of the most wonderful things that ever happened to my kids.'"

Gus and Frances Stavros turned to each other and smiled.

They can't remember having a better meal.

NOT ENOUGH LIFEBOATS

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Mr. GINGRICH. Mr. Speaker, I am pleased to submit into the CONGRESSIONAL RECORD this editorial by William Raspberry from the Washington Post of March 9, 1998. Parents should have the ability to rescue their children from the schools in which they are trapped when those schools fail to meet minimum standards of performance and safety. If you cannot save every child from these schools, should you refuse to save a few? I don't think so, and neither does Mr. Raspberry.

[From the Washington Post, March 9, 1998]

NOT ENOUGH LIFEBOATS

(By William Raspberry)

Before you dismiss his voucher proposal for D.C. schools as too conservative, too insensitive to the poor or too destructive of public education, House Majority Leader Dick Armey wants to remind you of this fact:

When Ted Forstmann and John Walton put up $6 million of their own money to provide 1,000 scholarships for low-income parents who wanted their children out of D.C. public schools, there were 7,573 applications—about a tenth of the total public school enrollment. These parents, Armey told me in a recent interview, constitute 7,573 rebuttals to whatever anti-voucher case you care to make. They believe that choice—represented in this case by privately funded vouchers—offers their children a better chance, and they want it.

The Texas Republican has been joined by Rep. William Lipinski (D–Ill.), Sen. Joe Lieberman (D–Conn.) and Sen. Dan Coats (R–Ind.) in introducing a bill to fund tuition scholarships for some 2,000 additional poor children here.

The D.C. Student Opportunity Scholarship Act would provide means-tested tuition supplements that could be used in public or private schools, either in the District or in neighboring counties in Maryland and Virginia. Students whose family incomes fall below the official poverty line would be eligible for the maximum yearly grant of $3,200. Those whose family incomes are above, but less than 185 percent of, the poverty line would get three-quarter scholarships of $2,400.

Question: Does the scheme represent a noble rescue effort, or does it amount to the abandonment of a sinking school system?

As far as Armey is concerned, it's like asking whether no one aboard the Titanic should have been permitted to use lifeboats because there weren't enough lifeboats for everybody.

Armey, who has been involved in a few local schools through a program he started called Tools for Tomorrow, says he has "seen the lights go on in their eyes" when children get additional tutorial help or scholarships to better schools. "They start telling you about how their favorite classes are math and science. And I wonder why we can't provide this sort of opportunity—in private or parochial schools or in public schools—for more children whose parents can't afford it."

The most frequently offered answer is that such schemes—almost always too limited to serve all the children who need help—amount to a turning away from public education. The parents most likely to seize the opportunities offered are those who have the means to supplement the vouchers and those who already take an active interest in their children's education. The result is a sort of skimming—of children and their parents—that can leave the public schools significantly worse off.

It's undeniable. But look at it from the viewpoint of parents who grab at the chance to get their children into better schools: Should they be required to keep their children in bad schools to keep those schools from growing worse? Should they be made to wait until we get around to improving *all* the public schools?

"The District of Columbia is interesting, in the sense that it has some really outstanding public schools, and one of the highest per-pupil outlays in the country," Armey said. "But, in candor, it also has some truly awful schools. How can this be? In our visits [with Tools for Tomorrow] the parents keep coming back to one word: discipline. They are talking about discipline in the sense of expecting a certain standard of behavior and discipline in the sense of the rigor with which [private and parochial schools] teach the curriculum.

"I don't know if you can make all the schools exercise that kind of discipline. But if it's possible, maybe the best way to make it happen is to put them on notice that they may be about to lose their children."

That notion that competition will force the worst schools to improve drives much of the advocacy for vouchers. Does it make sense? I don't know. When New York philanthropist Virginia Gilder offered $2,000 scholarships to every child in Albany's worst-performing school, a sixth of the parents grabbed the offer and took their kids elsewhere. The school board fired the principal brought in new teachers and undertook a range of improvements. But to expect most poor-performing schools to improve with the introduction of vouchers is to believe their poor performance is willful. I'm not sure even the voucher advocates believe that. But surely opponents cannot believe the logic of their counter-argument: that if you can't save everybody—whether from a burning apartment house, a sinking ship or a dreadful school system—it's better not to save anybody.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and in any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 12, 1998, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 16

1:00 p.m.

Special on Aging

To hold hearings to examine the lending practices of the subprime lending market, focusing on how senior citizens are targeted by unscrupulous lenders.

SD-628

MARCH 17

9:00 a.m.

Agriculture, Nutrition, and Forestry

To resume hearings on proposed legislation authorizing funds for child nutrition programs, focusing on the Women, Infants, and Children (WIC) program.

SR-332

9:30 a.m.

Appropriations

Business meeting, to mark up proposed legislation making supplemental appropriations for the fiscal year ending September 30, 1998.

SD-106

Commerce, Science, and Transportation

To resume hearings to examine the scope and depth of the proposed settlement between State Attorneys General and tobacco companies to mandate a total reformation and restructuring of how tobacco products are manufactured, marketed, and distributed in America.

SR-253

10:00 a.m.

Judiciary

Constitution, Federalism, and Property Rights Subcommittee

To hold hearings to examine privacy in the digital age, focusing on encryption and mandatory access issues.

SD-226

Labor and Human Resources

To hold hearings to examine retirement security issues.

SD-430

Veterans Affairs

To hold hearings on Persian Gulf War illnesses, focusing on the lessons learned from Desert Storm regarding chemical and biological weapons preparedness.

SH-216

10:30 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Food Safety and Inspection Service, Animal and Plant Health Inspection Service, Agriculture Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, all of the Department of Agriculture.

SD-138

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs, focusing on international narcotics control plans and policy.

SD-124

11:00 a.m.

Budget

Business meeting, to mark up a proposed concurrent resolution setting forth the fiscal year 1999 budget for the Federal Government.

SD-608

2:30 p.m.

Armed Services

SeaPower Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on ship acquisition.

SR-222

Judiciary

Technology, Terrorism, and Government Information Subcommittee

To hold hearings to review policy directives for protecting America's critical infrastructures.

SD-226

MARCH 18

9:30 a.m.

Armed Services

Acquisition and Technology Subcommittee

To hold hearings to review the status of acquisition reform in the Department of Defense.

SR-222

Labor and Human Resources

Business meeting, to resume markup of S. 1648, to provide for reductions in youth smoking, for advancements in tobacco-related research, and the development of safer tobacco products.

SD-106

Rules and Administration

To hold hearings on the proposed budget request for fiscal year 1999 for the Smithsonian Institution, the Kennedy Center, and the Wilson Center.

SR-301

Small Business

To hold hearings on the President's proposed budget request for fiscal year 1999 for the Small Business Administration.

SR-428A

Veterans Affairs

To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the Disabled American Veterans.

345 Cannon Building

Indian Affairs

Business meeting, to mark up proposed legislation with regard to Indians in the proposed tobacco settlement, and S. 1279, proposed Indian Employment Training and Related Services Demonstration Act; to be followed by an oversight hearing on the implementation of the Indian Arts and Crafts Act (P.L. 101-644), focusing on the Arts and Board activities, resource needs, and mission.

SR-485

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on National Guard programs.

SD-192

Appropriations

District of Columbia Subcommittee

To hold hearings on the implementation of provisions of the Management Reform Act of 1997 relating to the revitalization of the District of Columbia (P.L. 105-34).

SD-124

2:00 p.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Labor.

SD-138

Armed Services

Personnel Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on active and reserve military and civilian personnel programs and the Service safety programs.

SR-222

Governmental Affairs

International Security, Proliferation and Federal Services Subcommittee

To hold hearings to examine nuclear nonproliferation and the Comprehensive Nuclear Test Ban Treaty (Treaty Doc. 105-28).

SD-342

MARCH 19

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Veterans Affairs, and cemeterial expenses for the Army.

SD-138

Appropriations

Legislative Branch Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Architect of the Capitol, the General Accounting Office, and the Government Printing Office.

S-128, Capitol

Energy and Natural Resources

To hold hearings on S. 1488, to ratify an agreement between the Aleut Corporation and the United States to exchange

land rights received under the Alaska Native Claims Settlement Act for certain land interests on Adak Island, and S. 1670, to amend the Alaska Native Claims Settlement Act to provide for selection of lands by certain veterans of the Vietnam era.
SD-366

10:00 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for the Federal Communications Commission, and the Securities and Exchange Commission.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Transportation.
SD-124

Labor and Human Resources
To hold oversight hearings on the implementation of the Health Insurance Portability and Accountability Act of 1996 (P.L. 104-191).
SD-430

2:00 p.m.
Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings to examine international aviation agreements and antitrust immunity implications.
SD-226

2:30 p.m.
Armed Services
Strategic Forces Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on the Department of Energy's science-based stockpile stewardship and management program.
SR-232A

MARCH 24

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on issues with regard to Alzheimer's disease.
SH-216

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Farm Service Agency, Foreign Agricultural Service, and the Risk Management Agency, all of the Department of Agriculture.
SD-138

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for AMTRAK, focusing on the future of AMTRAK.
SD-192

Labor and Human Resources
To hold hearings to examine health care quality issues.
SD-430

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs, focusing on infectious diseases.
SD-124

Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on drug addiction and recovery issues.
SH-216

MARCH 25

9:30 a.m.
Commerce, Science, and Transportation
Business meeting, to mark up S. 1415, to reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, and to redress the adverse health effects of tobacco use, and to consider other pending calendar business.
SR-253

Veterans Affairs
To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of AMVETS, the American Ex-Prisoners of War, the Vietnam Veterans of America, and the Retired Officers Association.
345 Cannon Building

Indian Affairs
To hold hearings to examine Indian gaming issues.
SH-216

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on Army programs.
SD-192

MARCH 26

9:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Corp of Engineers, and the Bureau of Reclamation, Department of the Interior.
SD-138

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Office of National Drug Control Policy.
SD-192

Labor and Human Resources
Children and Families Subcommittee
To hold hearings on the Head Start education program.
SD-430

MARCH 31

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 1100, to amend the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, the legislation approving such covenant, and S. 1275, to implement further the Act (Public Law 94-241) approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America.
SD-366

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Commodity Futures Trading Commission and the Food and Drug Administration.
SD-138

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Justice's counterterrorism programs.
SD-192

Labor and Human Resources
To hold hearings to examine issues relating to charter schools.
SD-430

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs, focusing on the Caspian energy program.
SD-124

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 1515, to amend Public Law 89-108 to increase authorization levels for State and Indian tribal, municipal, rural, and industrial water supplies, to meet current and future water quantity and quality needs of the Red River Valley, to deauthorize certain project features and irrigation service areas, and to enhance natural resources and fish and wildlife habitat.
SD-366

APRIL 1

9:30 a.m.
Indian Affairs
To hold oversight hearings on barriers to credit and lending in Indian country.
SR-485

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for Department of Defense medical programs.
SD-192

Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings to examine competition and concentration in the cable and video markets.
SD-226

2:00 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the National Institutes of Health, Department of Health and Human Services.
SD-124

2:30 p.m.
Judiciary
Immigration Subcommittee
Business meeting, to consider pending calendar business.
SD-226

APRIL 2

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on S. 1323, to regulate concentrated animal feeding operations for the protection of the environment and public health.
SR–332

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings to examine airline ticketing practices.
SD–124

APRIL 21

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance, focusing on crime programs.
Room to be announced

APRIL 22

9:30 a.m.
Indian Affairs
To hold oversight hearings on Title V amendments to the Indian Self-Determination and Education Assistance Act of 1975.
SR–485

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on the Ballistic Missile Defense program.
SD–192

APRIL 23

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the National Aeronautics and Space Administration
SD–138

APRIL 28

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for foreign assistance programs, focusing on Bosnia.
Room to be announced

APRIL 29

9:30 a.m.
Indian Affairs
To resume hearings to examine Indian gaming issues.
Room to be announced

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on Bosnian assistance.
SD–192

APRIL 30

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Environmental Protection Agency, and the Council on Environmental Quality.
SD–138

MAY 5

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs.
Room to be announced

MAY 6

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on the U.S. Pacific Command.
SD–192

MAY 7

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the National Science Foundation, and the Office of Science and Technology.
SD–138

MAY 11

2:00 p.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense.
SD–192

MAY 13

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense.
SD–192

OCTOBER 6

9:30 a.m.
Veterans Affairs
To hold joint hearings with the House Committee on Veterans Affairs on the legislative recommendations of the American Legion.
345 Cannon Building

CANCELLATIONS

MARCH 12

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD–226

MARCH 17

9:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Energy's environmental management program.
SD–116

10:00 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the United Nations.
S–146, Capitol

POSTPONEMENTS

MARCH 12

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Energy.
SD–124

HOUSE OF REPRESENTATIVES—*Thursday, March 12, 1998*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. BRADY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 12, 1998.

I hereby designate the Honorable KEVIN BRADY to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

We know in our lives and in our world there are moments of diversity and times of unity. There are the issues that separate us and subjects on which we all agree. Teach us, O gracious God, to share together a unity of spirit by which we focus together on those values and traditions that express the high ideals of our Nation's history. While we are many people with many perspectives, yet we can be one in spirit and one in unity and thus demonstrate our respect and appreciation one for the other.

In Your name we pray, Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WELLER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WELLER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Iowa (Mr. BOSWELL) come forward and lead the House in the Pledge of Allegiance.

Mr. BOSWELL led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1605. An act to establish a matching grant program to help States, units of local government, and Indian tribes to purchase armor vests for use by law enforcement officers.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 5 one-minutes on each side.

UNFAITHFUL

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, the President has been unfaithful to the historic budget agreement that he signed only last year. According to the Congressional Budget Office, the President's newest budget plan will wipe out the surplus and create a $5 billion deficit by the year 2000. If we did nothing and kept the current plan, we would have a $38 billion surplus by the year 2000.

It is no secret that the President's budget plan busts the spending limits set in last year's budget agreement. In fact, he has close to $100 billion in new wasteful Washington spending. Some Democrats have called this a do-nothing Congress. But if the choice is between doing nothing and getting a surplus, or enacting the President's plan and getting higher taxes and more Washington spending, then I think most Americans would wish that we do nothing.

Mr. Speaker, we should not let the President cheat on the budget agreement he signed only last year.

INTRODUCTION OF BILL ON CONSERVATION RESERVE PROGRAM

(Mr. BOSWELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOSWELL. Mr. Speaker, it has come to my attention that volunteer nonprofit organizations that rent land from a State entity are precluded from entering land into the Conservation Reserve Program. I am introducing legislation today to allow nonprofit organizations who rent or lease land from a State or political subdivision to participate in the Conservation Reserve Program.

The 1996 farm bill established a new Conservation Reserve Program, and its purpose was to increase its emphasis on preserving and enhancing our natural resources, moving away from the old land idling purposes of the early 1980s.

My bill would further this effort by encouraging volunteer nonprofit organizations to use the tools of the Conservation Reserve Program to preserve and enhance the upkeep of environmentally sensitive lands in rural communities that might otherwise be neglected. Such organizations would be responsible for complying with all other aspects of the new Conservation Reserve Program and my proposed legislation makes no changes to the eligibility of land allowed to be entered into the CRP.

I am hopeful that my colleagues can join me in moving this legislation forward and allow rural communities to better preserve wildlife and water quality in rural areas.

THE IRS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, in April of 1996, a deadly tornado struck Fort Smith, Arkansas, causing widespread destruction, yet almost a full 2 years after this tragedy, the citizens of this town are yet again facing another terror. That is right, the IRS.

IRS agents are auditing these families for not correctly reporting their casualty losses that they incurred. These folks have not been targeted by the IRS because they bilked or cheated the U.S. Government out of money by claiming fraudulent tax deductions or utilizing illegal tax shelters. These people are being audited because the

IRS just does not agree with how they reported their houses were ripped from their foundations and their lives torn apart.

The reprehensible actions prompted a survivor whose house was destroyed to say that "While the death and destruction is behind us, the tornado, the IRS, is never going away." She said this, of course, under an agreement of anonymity, because she fears that her comments will spur further retaliation from the IRS.

Outrageous, Mr. Speaker. It is time to take the fear and the terror out of the hearts of Americans. The time to overhaul the IRS is long overdue.

PATIENT BILL OF RIGHTS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, I would like to share with my colleagues a disturbing story from yesterday's Washington Post. Jacqueline Lee of Bethesda fell off a 40-foot cliff in the Shenandoah Mountains while hiking in the summer of 1996, was taken by helicopter to a Virginia hospital with fractures of her skull, arm and pelvis. Her HMO refused to pay the hospital, saying it failed to obtain "preauthorization."

This decision by Jacqueline's HMO defies common sense, yet we all know that she is not alone. More and more Americans are finding themselves up against a wall that keeps them from getting the health care services that they need.

This is wrong. When you are suffering from an accident or illness, you need to focus and have all your energies involved in getting well. You should not have to battle with your insurance company for the coverage that you deserve.

This body needs to act on commonsense managed care reform. I urge the Republican leadership of this House to stop blocking reform, schedule a vote on managed care reform today.

THE TAX CODE

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, while Republicans are working to sunset the tax code and consign it to the ash heap of history, the President has announced that to do so would be irresponsible.

Leaving the President's relationship with young interns aside, I think it is time for the President to come clean about another very disturbing matter: Just what is the President's relationship with the IRS?

I am sure that the President would say that there is no improper relationship with the IRS, but the facts suggest otherwise. After all, why would the President defend the current tax code, all 7 million words of it? Why else would the President think that overhauling the tax code would be an irresponsible scheme? Does the President really believe that a flat tax would not be simpler, more fair, more transparent than the current tax code?

Mr. Speaker, it is time for the President to tell us the truth about his improper relationship to the agency that presides over the most corrupt, most unfair, most outrageous tax code in American history.

THE E-RATE

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUMENAUER. Mr. Speaker, Congress has agreed that it is imperative to allow our schools access to the Internet. That is why an E-Rate was established under the Telecommunications Act of 1996. This provided a discount between 20 to 90 percent, depending on the need of individual school districts and libraries, to purchase information services.

In my district, Portland schools alone would save $3 to $4 million a year in equipment and hundreds of thousands of dollars a year for operations. Across the country, schools and libraries can expect to save over $2 billion a year. Clearly, the E-Rate will make a difference in society's efforts to prepare our children for the future. Unfortunately, it is not clear that the FCC shares our commitment, having provided only one-third of what will be required by the FCC's own estimates.

The FCC will fortunately reconsider its position in 6 months. It is time for Members of Congress to show their support for this critical program. I urge my colleagues to join me in a letter to the FCC in support of the E-Rate.

MORE ON MANAGED CARE

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask those of you this morning how many of you felt pain, the pain of having a youngster break his leg, and your managed care insurance indicated that it does not meet the deductible; or the pain of having an older parent whose treatment is not able to be gotten in the jurisdiction in which you live, and you have to transport them across State lines, the United States of America, and being denied by your HMO that service for that elderly parent that you so care and love for.

I tell you it is interesting that in a House that should believe in the Bill of Rights, the Republican leadership does not want us to pass the Patient Bill of Rights, giving rights to those of you who pay every day for your health insurance, who time after time after time get denied by some bureaucrat when your doctor says you need the care.

Republicans, they say, wait a while, we will do it in increments, one by one by one. While you are staying there, not surviving, not getting the care you need and having the bureaucrat tell you what kind of hospitalization you need, what kinds of surgery you need, what kind of prescriptions you need.

It is time to pass the Patient Bill of Rights. I do not know what is wrong with the Republican leadership, but I would say to them that this body should support the Patient Bill of Rights.

ALBANIANS IN KOSOVA ARE TARGET OF GENOCIDE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, systematic, brutal genocide has once again reared its ugly head. Ethnic Albanians in Kosova are being slaughtered. And after all this, an official at the State Department referred to Albanian freedom fighters as terrorists. Shame, Mr. Speaker.

I hope I am wrong. I hope I am wrong. But it appears that the State Department is justifying the brutal killing behavior of a dictator called Milosevic and by doing so is legitimizing the slaughter of innocent men, women and children of Albanian descent.

Beware, Congress. This matter in Kosova can be the next Bosnia. I would also like to add that Albanian men, women and children are God's children as well.

One last reminder. England referred to George Washington years and years ago as a terrorist.

PROVIDING FOR CONSIDERATION OF H.R. 2883, GOVERNMENT PERFORMANCE AND RESULTS ACT TECHNICAL AMENDMENTS OF 1998

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 384 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 384

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2883) to amend provisions of law enacted by the Government

Performance and Results Act of 1993 to improve Federal agency strategic plans and performance reports. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform and Oversight. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Government Reform and Oversight now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. BRADY). The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 1 minute to my friend, the gentleman from the State of Florida (Mr. STEARNS) to speak out of order.

(Mr. STEARNS asked and was given permission to proceed out of order for 1 minute and to revise and extend his remarks.)

OLYMPIC COMMITTEE'S 5TH OLYMPIC DINNER

Mr. STEARNS. Mr. Speaker, I appreciate the consideration of the Members. I want to call the Members' attention to an upcoming event, the United States Olympic Committee's fifth Olympic dinner.

As co-chair of this dinner, I can assure the membership this will be a great event. The President and Vice President usually attend, along with Members of the House and Senate. Dozens and dozens of Olympic athletes, many making their first appearance since performing in Nagano, will be there so that we all can honor them.

The day of the dinner, many of the Olympians will visit areas schools as part of the Champions in Life program, as athletes get a firsthand opportunity to instill the values of the Olympic movement in the minds and hearts of young people in this community.

The United States is one of the few countries in the world whose government does not support its Olympic athletes financially. Our athletes are supported by the American people, volunteers and contributors. The least we can do is endorse their efforts.

Mr. Speaker, the dinner is April 29 and I hope all my colleagues will attend.

Ms. PRYCE of Ohio. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my good friend, the gentelwoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, I am pleased to announce that once again the Committee on Rules has reported a completely open rule. H. Res. 384 will provide for fair and thorough debate of House Resolution 2883, the Government Performance and Results Act Technical Amendments of 1997.

The rule provides for 1 hour of debate equally divided between the chairman and ranking minority member of the Committee on Government Reform and Oversight. For the purpose of amendment, the rule makes in order the Committee on Government Reform and Oversight amendment in the nature of a substitute as an original bill.

Under the rule, any germane amendment may be offered and any Member of this House who wishes to improve upon the bill may do so. However, priority recognition will be given to those Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

After the amendment process there will be another opportunity for those who oppose the bill to be heard through the motion to recommit with or without instructions. The rule provides only one waiver which pertains to a 3-day layover requirement for the committee reports.

Finally, to facilitate consideration of H.R. 2883, the rule allows the chairman of the Committee of the Whole to postpone votes and reduce voting time to 5 minutes as long as any postponed question follows a 15-minute vote.

Mr. Speaker, as the custodians of our Nation's purse strings, Congress has an incredible responsibility. We have been entrusted to safeguard the hard-earned money that the taxpayers send to Washington. It is our responsibility to see to it that those dollars are spent wisely and that the American people get the biggest bang for their buck, and that is what today's debate is all about.

With passage of the Government Performance and Results Act in 1993, we took an important first step toward fulfilling our responsibility. Very simply, the Results Act requires Federal departments and agencies to set measurable performance goals in an effort to improve the efficiency and effectiveness of the Federal Government, a common sense request to achieve a very important goal.

However, it appears that many Federal agencies do not feel quite the same sense of responsibility to the taxpayers that Congress does. Many agencies were reluctant to develop the strategic plans required by the act. And finally, when they did submit their initial drafts, the results were disappointing at best.

For example, very few agencies linked their mission statements to the actual statutory authority under which they operate. This suggests that agencies do not set their goals and priorities based on what the agency has been designed and mandated to do.

Another troubling pattern among the agencies was their insufficient attention to fundamental problems, such as management weaknesses, reliability of data, or duplicative functions. These are essential issues that must be examined by any organization that hopes to be even remotely effective.

But even though these agencies earned failing grades for their plans and appeared to be way off course in terms of fulfilling their primary functions, they were still unwilling to exert the extra effort required to make the grade. Congress asked the agencies to go back and improve upon their plans, but under existing law the agencies do not have to submit any additional information for three more years.

H.R. 2883 addresses this roadblock to progress by requiring the submission of revised agency reports by the end of this fiscal year. These reports must provide the fundamental information lacking in the previous reports to ensure that an accurate picture of the agencies' operations is painted.

Now, some oppose this bill, claiming it would be too burdensome for the agencies, but this is not about the bureaucracy's hardship, this is about the unjustifiable financial burden we place on American taxpayers. If Congress takes its responsibilities to the taxpayers seriously, we cannot just talk about a smaller, smarter, commonsense government, we must back that rhetoric with action. And it is not enough to simply pass a bill to require accountability among agencies if we do not enforce it. We must demand compliance, and if the law proves too weak it is incumbent upon Congress to strengthen it.

Mr. Speaker, we must be relentless in our pursuit for complete and honest information that will allow us to make wise decisions and prudent investments of taxpayers' dollars. H.R. 2883 takes us to the next step in our quest for efficient, effective government by requiring agencies to fill in the gaps and glaring omissions in their strategic plans sooner rather than later. The taxpayers deserve no less.

Mr. Speaker, in closing, I would remind my colleagues that this is a fair rule providing a wide open amendment process and thorough debate on the issue at hand. I urge my colleagues to vote "yes" on the rule and support all our Nation's taxpayers by voting "yes" on the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I rise to thank the gentlewoman from Ohio for yielding me this customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, the proposed rule would allow all germane amendments to be offered, and while I support the open rule, I am somewhat dismayed that the Committee on Rules chose not to allow a related amendment which would have implemented one of the first promises in the majority's Contract With America.

The gentleman from Ohio (Mr. DENNIS KUCINICH), the subcommittee ranking member, brought to the Committee on Rules an amendment he had offered at the full committee. The amendment would have fulfilled the Contract With America's pledge that Congress should abide by the mandates it places on others. His amendment would have applied the Government Performance and Results Act to the committees of the Congress.

It does seem inconsistent that the majority chose not to allow a vote on applying the act's requirements to Congress. If we are serious about holding government accountable and improving its efficiency and effectiveness, we should certainly start in our own back yard.

I also have concerns about the underlying bill. I strongly supported the Government Performance and Results Act when it became law in 1993. The goal of GPRA was to make agencies undertake strategic planning and performance evaluations to streamline their operations and to make them more efficient. And I am a firm believer that the government needs to be accountable and continually strive to improve its economy and efficiency.

However, H.R. 2883 contradicts this spirit. A central requirement of this bill is the resubmission of strategic plans by all covered agencies by September 30, 1998. The premise of this new requirement is that the plans submitted less than 6 months ago were all so unusable as to be worthless. This is simply not true. The General Accounting Office has concluded that the current strategic plans provide a workable foundation for Congress to use in helping to fulfill its appropriations, budget, authorization and oversight responsibilities.

Instead of starting over at square one, the GPRA process should continue under the oversight of the appropriate authorization and appropriations committees of jurisdiction.

□ 1030

It is inefficient and uneconomical to require all agencies to repeat work that they have just completed no matter whether their plan was prepared well or poorly. Let us move ahead with the Reinventing Government initiative rather than going backward.

Mr. Speaker, while I have reservations about the underlying bill, I do not oppose this open rule.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. LINDER), distinguished member of the Committee on Rules.

Mr. LINDER. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I rise to express strong support for this wide-open rule and for H.R. 2883, the Government Performance and Results Act Technical Amendments.

President Reagan used to say that the most frightening greeting was, "Hello, I'm with the Federal Government and I'm here to help you." I think a close second would be, "I'm with the Federal Government, and you can trust me to spend your money wisely."

Mr. Speaker, when it comes to common-sense decision making and spending money wisely, the grades on performance by Federal agencies are in. Unfortunately, the average score has risen only from 29.9 to 46.6. I think most American children could imagine the reaction of their parents if they brought home report cards that looked like these. This is, unbelievably, an improvement, but it is still obviously inadequate.

We must insist on a smaller, smarter, common-sense government. That is why this legislation sends a message to agencies to come up with a more solid strategic plan that allows us to monitor performance clearly and directly. Congress passed the Results Act to hold Federal agencies accountable for efficiency and achieving results. This bill can be a tremendous tool to eliminate waste and fraud in the government, and today's legislation is designed to maximize the use of this tool.

The Federal Government spends trillions of dollars of the American taxpayers' money, and it is very important for all of us to remember that it is not the Federal Government's money. On the first day, an American citizen pays a cent in taxes, that citizen becomes a shareholder in the Government and wants to see a healthy return on their investment.

I support reinforcing the Results Act, because I cannot believe that any shareholder in any company would ever tolerate mismanagement, waste, or illogical planning. In our commitment to hold the Government accountable to those who pay for it, this bill creates the framework for the American people to judge how their money is being spent.

Mr. LINDER. As for those who express concern that this bill does not include in it oversight of committees of Congress, let me remind them that this bill was passed in 1993, when the Democrats were in the majority, and they chose not to include oversight of the committees of Congress that they were at the time sharing. This is merely a technical amendment to that act, following their lines.

I strongly support enhancing this performance-based management system in order to ensure that this government achieves results-oriented goals and reacts to serious management problems. The American people expect smarter decisions based on common sense and they want to see results as soon as possible.

I urge my colleagues to support this rule and vote in favor of this very important legislation.

Ms. SLAUGHTER. Mr. Speaker, I yield 6 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, it is a pleasure to join in this debate as the ranking member of the committee. And I am pleased to be here with my good friend, the gentlewoman from New York (Ms. SLAUGHTER), to speak about our concerns about the bill.

But first of all, I want to say I support the rule, but I am disappointed that the Committee on Rules did not shield from a point of order an amendment that I think would be quite significant, which I want to speak about in a few seconds. But first of all, I am a little bit concerned at the outset, as we are starting this debate, about this persistent attack on government itself. I mean this is our government. This is the government of the people, by the people, and for the people; and I think that these attacks on government that are occurring here ought to be exposed for what they are. They are really attacks on the democratic process itself and on the people's right to self-determination, to have a government, administration, and the Congress have direct control over this government.

So I think that is going to be part of the issue that is going to be debated here today. And, also, we are going to debate whether or not we are truly accomplishing efficiency by asking 100 Federal agencies to have to do reports all over again, reports that took months and months to prepare, reports that we are now told all of them are trash, government agencies which are working for the people in this country, after they spent long hours being accountable proving what the performances were, proving what their plans are, and then having all those things thrown out on the basis of a grading system that no one has even explained. We need to debate that today, too, even as we can say well, we accept the rule.

Mr. Speaker, when I testified before the Committee on Rules yesterday, I asked the rule to protect an amendment from a parliamentary point of order. However, the honorable opposition apparently does not wish to have any debate about whether the committees of Congress ought to be subject to the same sound management practices which are required from Federal agencies. And that is a shame, because it is clear to me, after only a year in this Congress, that our congressional committees need greater accountability and efficiency. And I think it would be of great benefit to the congressional committees, which are operated honorably and with great skill by our friends on the other side of the aisle, I think this would be a great benefit to have those committees be accountable to the Government Performance and Results Act in the same way that the administration should be. If we are serious about holding governmental agencies accountable, I think we should show by example and start right here in the Congress.

When we passed GPRA, the Government Performance and Results Act, our goal was to make the government more accountable not only to the Congress, but to the American people. We wanted agencies to set out clear goals and to set a plan for reaching those goals. And that is important. That was the right thing to do. And by requiring agencies to know where they are going and how they are going to get there, we hope to make government more efficient and to eliminate waste and duplication and add something. That is something I think all of us can agree on; we all agree that Government should be more efficient and that we should eliminate waste and duplication.

In the beginning of the 104th Congress, Mr. Speaker, Congress passed the Congressional Accountability Act; and then, for the first time, Congress was asked to abide by the same laws everyone else has to abide by. And that is what my amendment would have done. And I said it then and it was said then and I agree that Congress writes better laws and it has to live by the laws that it imposes on the executive branch and the private sector.

The goal of a more efficient government is just as important for Congress as it is for the executive branch. Congressional committees, like executive agencies, should set out a clear plan on what they hope to accomplish and how they hope to accomplish it. We in Congress should be held accountable for eliminating waste and duplication.

So, Mr. Speaker, today I am hopeful that we will have an opportunity to apply GPRA to Congress, which would undoubtedly give Members of Congress better insight into strategic planning and performance-based management and would help us write better laws, which I know we are all here to do.

The bill came out of the Committee on Government Reform and Oversight. I think that, when we look at the campaign finance investigation, we could see that, if we had strategic planning concepts involved there, that would make for some better investigations and probably eliminated a lot of the duplication, and this would help the committees, the Congress and the country.

For example, the Commerce Department received 64 requests for documents in connection with campaign finance inquiries from nine different congressional committees. As of last September 1997, the Commerce Department submitted almost a million, 1 million pages of documents in response to these requests at a total cost of $2 million.

So in conclusion, Mr. Speaker, if we apply GPRA to Congress and committees, I think we could eliminate some waste and duplication that has characterized even the most sincere efforts to try to investigate things in this administration as well as across the country.

We would save the taxpayers millions and millions of dollars. Requiring Congress to comply with the Government Performance and Results Act is just common sense. I am hopeful that, when we get to that process, we will get that amendment approved.

Again, I am supporting the rule.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. BURTON) from the Committee on Government Reform and Oversight.

Mr. BURTON of Indiana. Let me say to my colleague who just spoke, the gentleman from Ohio, that I am sorry his amendment will not be made in order because of the Rules of the House. What I would like to do is inform the gentleman that we do have accountability in the Congress. It is not necessary to put it in this particular bill.

In every session, an oversight plan has to be filed with the Committee on House Oversight by February 15. Every committee in the House does that. So we already do that.

If the gentleman would refer to page 427 of the Rules of the House, and I would like to read it to him, he will find that not later than February 15 of the first session of the Congress, each standing committee of the House shall, and we do, in a meeting that is open to the public, and with a quorum present, adopt its oversight plans for that Congress.

Such plans shall be submitted simultaneously to the Committee on Government Reform and Oversight, our committee on which the gentleman and I serve, and to the Committee on House Oversight, the committee of the gentleman from California (Mr. THOMAS).

In developing such plans, each committee shall, to the maximum extent feasible, and then it goes on and lays out very clearly what we are supposed to do. That changes from time to time with each session of Congress.

Let me just say that we have oversight plans from each committee of Congress. All we want to do with the bill we have before us today is to apply businesslike standards and requirements for every agency of government so that the taxpayer who pays the bills for all this gets the bang for the buck that they want.

We get that in the Congress. The rules of the House spell it out very clearly. I would suggest to the gentleman from Ohio, the very distinguished former mayor of Cleveland, take a good look at the rules.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, with all due respect to my friend, the gentleman from Indiana (Mr. BURTON), who I am very honored to serve with in this Congress, I would say that, if there is a sense in which we are already doing it, then, perhaps, there should not be any objection to the amendment that I am offering, which simply asks that Congress has to respond in the same way that the executive agencies have to through the Government Performance and Results Act.

While I, too, agree with my good friend, the gentleman from Indiana (Mr. BURTON), that there ought to be businesslike standards involved, I do not know any business that could survive having to do the same plans over and over.

We have the largest business in America here. It is the United States of America. We have 100 different agencies that did strategic planning. We did the plans. The plans were complete. Now, we are told that every one of those plans, somehow every single one of them are not worth anything. They should be thrown out. We have to start all over again.

I would say that is not very businesslike and that is not very efficient. I say that with all due respect to my distinguished colleague, the gentleman from Indiana.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. HORN) a member of the Committee on Government Reform and Oversight.

Mr. HORN. Mr. Speaker, I thank the gentlewoman from Ohio for yielding me this time.

Mr. Speaker, I will save substantive remarks on the proposal as a whole for the debate. But I would like to say a few things in response to my fine colleague, the gentleman from Ohio (Mr. KUCINICH), the new ranking minority member on the Subcommittee on Government Management, Information, and Technology.

Number one, in 1993 the original Government Performance and Results Act of 1993 was bipartisan and overwhelmingly supported by this Chamber. One agency in the bill that was specifically exempt was the General Accounting Office. Why? Because it is part of the legislative branch. We do not have jurisdiction in the Committee on Government Reform and Oversight and its Subcommittee on Government Management, Information, and Technology, which I chair, on matters in the legislative branch or the judicial branch. We have jurisdiction over what happens in the executive branch.

We are coming here today to make sure that the plans that were passed on a bipartisan basis in the 103d Congress controlled by the Democrats will be brought up to date. It is not a case of dumping plans. It is getting them right in the first place. That is what we are talking about.

Since I am reminded of 1993, when the base legislation was passed on a bipartisan basis, I would merely like to observe that the House spent $1 million in that Congress on a reform group chaired by two of our most distinguished colleagues who are still in Congress, the gentleman from Indiana (Mr. HAMILTON), Democrat, and the gentleman from California (Mr. DREIER), Republican. They did an outstanding job.

Most of us wanted those reform proposals to come to the floor in the Democratic Congress. Yet, neither the Speaker at that time—the gentleman from Washington (Mr. FOLEY)—nor the Majority Leader at that time—the gentleman from Missouri (Mr. GEPHARDT)—would let that reform proposal come to the floor. That is what is wrong.

When we took over in the 104th Congress, we did the first audit since 1789. This place had never been audited. Every Member received a copy of that audit. So for the first time in the history of the Congress, Members knew where the money was going around here.

□ 1045

Number two, the Speaker substantially reorganized committees on our side. Hundreds of people that were not necessary were let go. We honed the subcommittees to get the job done.

We are still doing that. We are very conscious of it. As the chairman of the full committee said, we have our basic jurisdiction set out in the rules. We have looked at the Rules of the House. The Committee on Government Reform and Oversight receives the oversight plan from every other committee, and if they have a hole in their proposal, our committee can get into the issues involved with relation to the executive branch.

But that is the issue. It is not Congress. It is the executive branch.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I am going to speak more on this bill when we get into the general debate, but I did want to take this opportunity to clarify the record. The GPRA legislation, the underlying bill that we are considering today, did pass the House by a bipartisan majority. It was overwhelmingly approved. The gentleman from California (Mr. HORN) has made that statement. But he and the gentleman from Indiana (Mr. BURTON) have both told us that we cannot now apply the same standards to the Congress because, one, it is not within the jurisdiction, the House rules would prevent it, et cetera, et cetera, et cetera.

These are excuses. They are the kind of excuses that I am surprised to hear from the other side. Because one of the things the Republicans did, for which they deserve a great deal of credit, is when we organized the Congress in 1995, they said that the rules that are going to apply to everyone else should also apply to the Congress. It was a reform that was long overdue. We all supported it. I was even amazed why we had not thought of it earlier. But the fact of the matter is, it made sense.

But now we are hearing excuses about why we cannot have the same rules that this legislation sets up for the executive branch apply to the Congress. There is no reason for it. The House rules do not prevent it. It is not unprecedented.

Let me give my colleagues an example. Congress passed legislation dealing with unfunded mandates, requirements on other levels of government. We said, if the executive branch develops a proposal or regulation that is going to provide for an unfunded mandate, they are going to require special isolation of that issue so that it is clear that is what they are doing; and the same would apply to the Congress.

Both the Congress and the executive branch were covered in that legislation, appropriately. Why should we say that they cannot pass unfunded mandates, but we can; or we should not give any special consideration to unfunded mandates on either the executive branch or the legislative branch?

Let me give my colleagues a second example. Our very committee has a bill dealing with standards for child care. Very appropriate. In that legislation they talk about standards that would apply to child care that would be administered by the executive branch. But in that same bill, they require the same standards to apply to child care run by the legislative branch. It makes sense.

Let us not hear excuses why in the rule we are not going to permit an amendment that would apply the same standards to the Congress that we are asking of the administration, and that is that we develop a reasonable plan.

I will have more to say about this when we get into general debate, but I did not want anybody watching this debate to be fooled by all of these excuses.

Ms. PRYCE of Ohio. Mr. Speaker, to close, I yield 1 minute to the gentleman from California (Mr. HORN).

Mr. HORN. Mr. Speaker, I rise to support this rule. This is what I requested on behalf of the gentleman from Indiana (Mr. BURTON), the chairman of the Committee on Government Reform and Oversight.

It is an open rule. It provides opportunities for various Members of the House on both sides of the aisle to offer constructive amendments and suggestions.

We have had a lot of people on the staff of this committee and the subcommittee and the majority leader's office, who have done very helpful things. I will acknowledge them and their splendid work at the conclusion of the debate. But I want particularly to note at this time the work of the gentleman from Texas (Mr. SESSIONS) who chairs the Results Caucus. I hope he will have a lot to say on the substantive aspects once this rule is adopted.

I also particularly thank at this time the gentlewoman from New York (Mrs. MALONEY), the retiring minority ranking member who has had some very constructive amendments; and we have worked out most of those details, and we will deal with that in the substantive debate. She has been a constructive member of this subcommittee for the last three years, and we are sorry she is leaving to be the Ranking Minority Member on the Census Subcommittee.

Again, we have an excellent bill. It is a good rule. I urge our colleagues in both parties to support both.

Ms. SLAUGHTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I have no further requests for time. I remind this body that this is an open rule. I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. BRADY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. PRYCE of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Without objection, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on approving the Journal on which proceedings will resume immediately after this 15-minute vote on adopting the resolution.

There was no objection.

The vote was taken by electronic device, and there were—yeas 412, nays 0, not voting 18, as follows:

[Roll No. 48]

YEAS—412

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—18

Ackerman
Crane
Furse
Gonzalez
Harman
John
Johnson (CT)
Livingston
Lofgren
McHugh
Poshard
Redmond
Sánchez
Saxton
Schiff
Schumer
Souder
Tanner

□ 1111

Mrs. MINK of Hawaii and Mr. BARTON of Texas changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore (Mr. BRADY). Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ROGAN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 368, noes 43, answered "present" 1, not voting 18, as follows:

[Roll No. 49]

AYES—368

Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Boswell
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gilchrest
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefner
Herger
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)

Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Salmon
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schumer
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Sununu
Talent
Tauscher
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOES—43

Abercrombie
Becerra
Borski
Brown (CA)
Clay
Clyburn
Davis (IL)
DeFazio
English
Ensign
Fazio
Filner
Fox
Gephardt
Gibbons
Gillmor
Gutierrez
Hastings (FL)
Hefley
Hilleary
Hilliard
Hinchey
Kucinich
Lewis (GA)
LoBiondo
Manton
Miller (CA)
Moran (KS)
Nussle
Oberstar
Pascrell
Peterson (MN)
Pickett
Ramstad
Rogan
Sabo
Schaffer, Bob
Sessions
Stupak
Taylor (MS)
Thompson
Visclosky
Waters

ANSWERED "PRESENT"—1

Cummings

NOT VOTING—18

Ackerman
Davis (FL)
Furse
Gonzalez
Harman
John
Johnson (CT)
Livingston
Lofgren
McHugh
Murtha
Poshard
Redmond
Sánchez
Scarborough
Schiff
Tanner
Weller

□ 1121

So the Journal was approved.

The result of the vote was announced as above recorded.

GOVERNMENT PERFORMANCE AND RESULTS ACT TECHNICAL AMENDMENTS OF 1998

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to House Resolution 384 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2883.

1122

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2883) to amend provisions of law enacted by the Government Performance and Results Act of 1993 to improve Federal agency strategic plans and performance reports, with Mr. BRADY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California (Mr. HORN) and the gentleman from Ohio (Mr. KUCINICH) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. HORN).

Mr. HORN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are going to open on this bill, which has various technical corrections.

Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. BURTON), distinguished chairman of the Committee on Government Reform and Oversight.

Mr. BURTON of Indiana. Mr. Chairman, the traditional way of doing business in Washington is to create yet another program or spend more money whenever we want to solve a problem. It is just more programs and more money. The President's fiscal year 1999 budget reflects this reliance on expanding government whenever possible.

For example, the President wants to expand the Federal role in local schools. The President wants to expand job training, even though the Federal Government has 163 different job training programs. His budget contains 85 new spending programs, including 39 new entitlements. These entitlements add nearly $53 billion to Federal spending over the next 5 years.

In short, 1 year after declaring that the era of big government is over, President Clinton is busy reinventing the era of big government. We are being asked to spend all of this additional money without ever having decent answers to some very commonsense questions, like, what is the purpose of the new program? Are there similar programs already in existence? Is it appropriate that the Federal Government should even do it? Or should it be done at the State or local level, or even by the private sector?

In 1993, under a Democrat Congress, we passed the Results Act, a law to apply basic business principles to Federal bureaucracies. Last September, every Federal agency was required by this act to submit strategic plans which clearly outlined where the agency is going, how it will get there, and whether it is headed in the right direction.

But when congressional teams of Republican, General Accounting Office, and in many cases Democrat staff reviewed these plans, the majority of Federal agencies failed to make the grade. The average score was 46.6 percent, and that fails in any school.

Take a look at these statistics right here. Only two agencies of the Federal Government got above 70 percent. The reasons for low scores are obvious. The General Accounting Office best summed it up in testimony on February 12, and it is on this other poster.

They said, "The strategic plans often lacked clear articulations of agencies' strategic directions; in short, a sense of what the agencies were trying to achieve and how they proposed to do it. Many agency goals were not results-oriented. The plans often did not show clear linkages among planning elements, such as goals and strategies. And furthermore, the plans frequently had incomplete and underdeveloped strategies."

If the Results Act is going to work, the strategic plans must give us a solid foundation for an informed policy debate about funding programs based on results. If we do not pass this bill asking for better plans by September 30, 1998, we will have to wait until the year 2000 before we get updated strategic plans. I guarantee that no successful businessman or woman would sit around for 3 years before getting their strategic plan right. If they did, they would be out of business.

Before my committee considered this bill, we offered to OMB and the Democrats to sit down and work out any problems that they had. We offered flexibility on the September due date. We offered to narrow the bill's coverage to only the agencies with the worst scores. We asked if there was anything we could do to bring them to the table, and they rejected everything we offered outright. Their reaction seems to oppose the Results Act goal of changing the old ways of doing business here in Washington.

I believe opposition to this bill comes from its threat to the status quo, a threat to the belief that Federal government programs are the answer to all of our problems. There seems to be a lot of talk by this administration about wanting to change the way government works for people. But as we try to change how government is run, true colors begin to show.

Let me be clear. If Members vote against this bill and they vote to let agencies off the hook, they vote to continue to accept low quality as a government standard. Vote in favor of this bill, and we vote for accountability in the Federal Government, and vote against failure, inefficiency, ineffectiveness, waste, and mismanagement.

Mr. Chairman, this effort started out as a bipartisan effort 5 years ago. It should remain a bipartisan effort.

□ 1130

I urge all of my colleagues to vote yes on H.R. 2883.

Mr. KUCINICH. Mr. Chairman, I yield 10 minutes to the gentleman from California (Mr. WAXMAN), distinguished former chairman of the Committee on Government Reform and Oversight.

Mr. WAXMAN. Mr. Chairman, I thank the gentleman for yielding me the time.

I want to speak on this bill. In 1993, we adopted this law. It is called the Government Performance and Results Act. It was proposed by the administration, the Clinton administration, under the guidance of the Vice President, who was trying to figure out how to reform government, make it work more efficiently. It received bipartisan support in the Congress.

The law asked each agency to set up a plan, and that is what each agency has done. The General Accounting Office reviewed the plans, and they said they are workable, they are adequate, they are sufficient for the purposes intended.

The Office of Management and Budget reviewed the plans. They said that some plans in some agencies are better than others, but by and large, they are doing a pretty good job. So what do we have today? A bill to throw out all the plans that were done and require that they all be redone by October.

Now, the best thing it seems to me, if we want plans to be workable, is to work with the agencies to be sure their plans make sense, to work in partnership. Instead, what we have is a bill that is a partisan bill. It is going to be supported by Republicans and opposed by Democrats and opposed by this administration because the only reason this bill is on the floor is to try to say that every agency in the Clinton administration has failed.

Well, who fails them? The staff, the Republican staff of the Republican majority of the Committee on Government Reform and Oversight.

If we want to deal with the problem of government inefficiency, we ought to adopt the amendment that is going to be offered by my good friend and colleague, the gentleman from Ohio (Mr. KUCINICH). He is suggesting that we apply the same rules to the Congress that we apply to the executive branch agencies. That will be challenged, as we heard in the discussion on the rule, as something that is not germane or appropriate to this bill because it deals with the legislative branch.

Our committee has dealt with executive and legislative branch at the same time. There is no reason it could not consider the same rules to apply to the Congress in this kind of setting.

What we have is opposition from the Republicans who control the Congress. Nothing could be more hypocritical than our committee, the Committee on Government Reform and Oversight, coming to the floor and accusing other government offices of wasting money.

The House Committee on Government Reform and Oversight is the poster child for government waste. We burn money on that committee. And we ought to have the rules that apply to the executive branch apply to Congress because of the waste of this committee.

No private business would run its organization and spend money the way the Committee on Government Reform and Oversight has handled it. For the past year, the House and the Senate conducted identical and redundant campaign finance investigations. Democrats asked the Republicans to coordinate these efforts. They refused, so we had the Senate hiring staff, the House hiring staff. They have an army of staff on our committee.

We went out and our committee issued subpoenas. We issued subpoenas to the same people that had already been subpoenaed by the Senate committee. We deposed witnesses and we deposed the same witnesses that had already been deposed. We did it without any coordination. In just the House itself, we have two or three committees also doing the campaign finance investigation. So we are not only duplicating the efforts of what the Senate has done, but our committee is duplicating the work of other committees. These committees have hired staff. They have deposed the same people.

When I say "people," who are they deposing? They are often deposing government agencies. For example, the White House counsel's office is now under attack in a subcommittee somewhere, maybe it is an Appropriations subcommittee, because they are accused of hiring too many lawyers. This is an accusation from one of many House committees that is investigating them.

And they keep on sending subpoenas over to them, requests for information from them. They have to hire more people just to respond to the duplicative efforts of both the House and the Senate and all the subcommittees in the House. The money is taxpayers' money. It is paying for the Government Reform and Oversight staff; it is paying for the Senate Government Reform staff. It is paying for the Committee on Economic and Educational Opportunities staff that is doing investigations.

All these committees are having the taxpayers pay for staffs, and then we have to use taxpayer money for the White House counsel's office, the Department of Commerce, every government agency that has to respond to the out-of-control campaign finance investigation where there is no duplication or focus.

The Committee on Government Reform and Oversight alone is going to spend $10 million on this investigation, and we are wasting a scandalous amount of that money. We sent people on foreign trips that produced, despite their expense, very little. We are wasting it on a gold-plated investigation where, as my colleague, the gentleman from California (Mr. CONDIT), who is well known as a watchdog of government spending, said, we have a staff of 79 lawyers, investigators, support staff working on this investigation.

We have spent over $5 million to date. We are going to end up spending $10 million. And what have we produced? Only four campaign finance hearings over nine days. Let us compare that to the Senate. They held 32 days of hearings, and they have already filed an 1,100 page report with a budget of only $3 million. So we are very, very wasteful in spending taxpayers' dollars.

I think we ought to stop pointing fingers at the executive branch. Oh, the executive branch. They ought to redo all of their plans. We ought to throw them out and make them spend more taxpayers' money, redoing those plans, while at the same time the Republicans are going to urge that we now not allow the same rules to be applied to the Congress. It makes no sense. It is a blueprint for wastefulness, duplication and it is taxpayers' dollars that are being used.

I am going to urge that, when we get to it, that the Members support the Kucinich amendment. I hope that that amendment is not ruled out on a technicality. Members want to invoke these technicalities so they do not face the substance of what is involved. The substance is that the rules that apply to the executive branch apply to Congress.

We ought to coordinate our activities. We ought to develop a plan. And for the chairman of the committee earlier to have said to us that they have a plan makes no sense, if they do have one, when we see the amount of waste that has gone on in our committee.

It is scandalous. It should not be one that should be sanctioned. We have so much money that could be saved. If we want to use money that could be saved for tax cuts or for other needed efforts, that is where we ought to put that money, not on wasteful, redundant efforts by the Congress of the United States.

I urge a vote for the Kucinich amendment, if we can get a chance to vote on it, and to vote against this bill because the bill is only a partisan one. It is not worthy of the House to consider it, because we are not really trying to make the government more efficient. We are only trying to make political statements by the Republican majority.

Mr. HORN. Mr. Chairman, I yield myself such time as I may consume.

The bill before us today H.R. 2883, Government Performance and Results Act Technical Amendments of 1997 is critical to the successful implementation of the "results" act passed in 1993.

As I said earlier, we want the executive agencies to get it right. Many of those agencies did not even relate their goals to the statutory authorization. We need to develop the performance indicators. Only then, will the executive branch have a way to choose between programmatic options on the various programs that exist in the executive branch. Regardless of who is in control in the executive branch, Congress needs to give scrutiny to those data. The agencies need to give us programs that make some sense fiscally and that are achieving the goals that have often been approved in this Chamber on a bipartisan basis.

This bill essentially does three things. First, it asks the Federal agencies to add details to their strategic plan about overlapping programs and management problems. The agencies would submit the revised plans by the end of Fiscal Year 1998 [September 30, 1998]. If we do not do that, you are going to have three years where the executive branch does absolutely nothing, and that is the problem.

Second, it requires inspectors general to audit agency performance measures. The inspectors general are now celebrating their 20th year. That has been a bipartisan effort of this committee in the past. It is a worthy effort. But we need to tie down who does the audit of performance measures.

It certainly is appropriate within the executive branch to have an inspector general that reports directly to Congress and the President and to the Cabinet officer but is not under the control of the Cabinet officer in charge.

Third, it requires the Office of Management and Budget to submit government-wide performance reports on the same schedule as annual agency performance reports.

Amendments were added during the subcommittee-full committee markup to require that the Council on Environmental Quality be subject to the Results Act and to require that agencies provide a determination of full cost of each program activity for the performance indicators in the performance plans. That way, everybody will know what the ground rules are.

The core requirement of this bill to have agencies resubmit their strategic plans is essential because as I have noted twice already, the plans as they now stand are severely deficient. It does not mean every agency failed. It does not mean that they did not get some things right. They just did not get the things right that are required under the basic act that was adopted in the 103rd Congress.

Congressional teams graded the plans with the General Accounting Office staff, and in many cases Democratic staff were at the table as well. Democrats were invited to participate in every single team that went over these strategic plans. As was noted by the chairman (Mr. BURTON of Indiana), the average score of those plans is now 46.6 on an absolute scale, up from 29.9. That is progress.

We want more progress. We want them to answer about overlapping programs. We need their advice. They are the people who administer these programs. The President needs their advice. If there is something where there is a big gap and they do not seem to have statutory authority and they are doing it, we need to know that.

If they tell us the interrelations with comparable agencies where you find various job programs which are spread all over the Federal Government, we will perhaps change the law in the belief that maybe there ought to be a little more focus. Most of the plans scored low for failing to identify the results of their programs, failing to identify and address these overlapping and duplicative programs and failing to address the reliability of their data systems.

If the Results Act is going to work, the strategic plans must be able to lay a foundation for an informed policy debate in Congress about funding decisions based on results. Right now agency strategic plans are too deficient to serve as a sound foundation for agency or congressional decisionmaking. Without this legislation, we will have to sit around with poor strategic plans for three more years because the current law, which did not anticipate such low quality, does not call for updated plans until the end of the year 2000.

That is the basis for this legislation. Anyone that votes against this legislation, frankly, is showing that they do not care about the output and results of the executive branch of the government.

If they do not care, they ought to go to New Zealand or Australia, the two most reform-oriented governments in the world. They are making the system work, and certainly the United States of America can make the system work. That is the basis for the legislation. We need to require that the agencies get the fundamentals right so they can submit better quality strategic plans by September 30, 1998.

Again, it is time for us, Mr. Chairman, to do the right thing. We need to pass this important legislation without delay. It has been considered with great care. We have had excellent help at the staff level and some Members of the subcommittee on proposing worthwhile amendments. We have tried to accept those. It is exactly the kind of reform the taxpayers of this Nation expect and that they deserve from their representatives in Congress.

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I urge all of my colleagues to support H.R. 2883.

Mr. Chairman, I reserve the balance of my time.

Mr. KUCINICH. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Pennsylvania (Mr. KANJORSKI).

Mr. KANJORSKI. Mr. Chairman, I rise today to respond to some of the impassioned arguments on the other side. Listening to the other side, one would think that they have just discovered performance and results. The fact of the matter is, this administration came into office in 1993 and made a commitment to the American people to reform government and to correct government as best it could. The President assigned the Vice President, AL GORE, to head up that effort.

And what is the success of that effort? It is the most efficient Federal Government that we have had in place in more than 30 years. The accomplishments of this administration are evident across the board; 340,000 fewer Federal employees, a government that is more active and more responsive, with fewer people and less cost than any government we have known in the last 30 years.

The other side has wailed about the success of the Results Act. Let us be quite certain that the performance in the Results Act was the process required and requested by this administration and carried out by this administration. The other side has even recognized a 60 percent improvement in the reform of the Federal Government on their own scores.

What are they asking for now? They are only asking for political performance. They are asking for issues which may mislead the people and have them believe the scores are not high enough. But the American people are not stupid.

As my good friend, the gentleman from California (Mr. WAXMAN) indicated, the other side has had the chance to respond in every respect. Whether it was the 1993 Budget Act or the 1993 Results Act, the cries were, it will not work, it will not work, we will not attain it. If I remember the Budget Act of 1993, the sky was going to fall, depression was going to occur.

Why will our friends on the other side not admit that for the first time in 30 years this administration has balanced the budget in America? This administration presides over the strongest economy in the history of the United States. This administration has the lowest unemployment rate in the recent history of the United States. This administration has the lowest interest rates in the recent history of the United States.

And lo and behold, this Congress is probably spending more money than ever spent before to tie up the administration in court processes, and to investigate every department, agency and bureau of the government. For what purpose? For political advantage.

I suggest to my colleagues today that if we are really serious about the Performance and Results Act and finding out how government works, we should continue to support what the administration put in place in 1993; support the strategic plans of all these bureaus, departments and agencies and do not require them to go back and waste all that money and time rewriting these plans for political purposes. This is just another attempt to block the progress of a very useful, efficient and effective administration of government.

I urge my colleagues, if they support good performance in government, to vote "no" on H.R. 2883.

Mr. HORN. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. DELAY), our distinguished majority whip.

Mr. DELAY. Mr. Chairman, I thank the gentleman for yielding me this time. Before I start my prepared remarks, I just have to answer my good friend who just spoke, Mr. Chairman.

The President balanced the budget? The President lowered interest rates? The President has the lowest unemployment figures in history?

The President did nothing to accomplish any of those things. This Congress balanced the budget. I can remember the President fighting against the balanced budget amendment to the Constitution. I can remember the President laughing and vetoing our balanced budget the first time we took over in 1995. This President is taking a lot of credit for things he did not do, and the American people understand that.

But I will tell my colleagues what this President is doing. He has his agencies out there legislating like there is no tomorrow and promulgating all kinds of new rules and new regulations. Because he knows he cannot get legislation out of this Republican Congress, he is legislating by using his agencies and his executive orders to do things that the American people would reject if they were legislation on this floor.

So I rise in support of this very important piece of legislation and I urge my colleagues to vote for it.

The key question here today is very, very simple. Should the Federal bureaucracy become more accountable? It has nothing to do with the President balancing the budget, but should the Federal bureaucracy become more accountable?

Now, we believe that the administration should become more accountable to the taxpayers. We believe that the taxpayers deserve to know how their hard-earned money is being spent. It is not our money, it is their money.

We believe that the Federal agencies should develop very common sense plans, just little common sense plans to outline clear objectives so that we can track their performance goals. That just makes sense.

We believe that our Federal bureaucracy is too big and it spends too much. We believe that effective reforms can save taxpayers billions of dollars in wasted Washington spending.

Now, the opponents to this legislation, which I can not believe anyone would oppose this great piece of legislation, these opponents will come with all kinds of excuses why the government should be more careful with the taxpayers' dollars. But these excuses just cannot measure up to one simple fact: This legislation, in the end, will lead to a smaller and a smarter government. That is why my colleagues should support it.

Mr. KUCINICH. Mr. Chairman, I yield 5 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentleman from Ohio (Mr. KUCINICH) for yielding me this time. And I would likewise like to thank my colleague from the other side of the aisle, the gentleman from California (Mr. HORN), for working in a truly bipartisan fashion throughout this year on so many concerns, and for adopting and accepting several amendments put forward by the minority both in amendment form and in the underlying language of the bill, specifically changes in the roles of the IG, and broadening the bill's language to include legal authorities other than just statutory authorities.

It is, therefore, very unpleasant that I must oppose this bill, given the long history that we have had in this subcommittee of bipartisan cooperation and truly the long history that we have had of bipartisan support for the Government Performance and Results Act.

It began truly under the Bush Administration. The Office of Management and Budget began working on it. Vice President GORE's Task Force on Reinventing Government contributed substantially to the formation of this language, and it ended up being the Democratic Congress' and President Clinton's first major step to reinvent government when it was passed in 1993. And it truly was the first bill that I managed on the floor of the House of Representatives, being elected in that year.

GPRA was intended to improve government management by requiring the executive agencies to set measurable goals for themselves and then report annually on whether or not those goals were met. Federal managers are just beginning to set the program goals and performance measurements which GPRA requires. GPRA will provide new ways of getting things done. Implementing it will be difficult, but its benefits will be great.

Despite the difficulties of implementing GPRA, OMB reports that about 95 percent of covered agencies submitted timely and compliant strategic plans by September 30, as required by the act. This should be an "A" in anyone's book, not the "F" that my colleague and chairman of the committee, the gentleman from Indiana (Mr. BURTON), spoke about on the floor.

Both OMB and the General Accounting Office are on record as opposing statutory changes to the bill at this time. The General Accounting Office has further noted that the strategic plan provides, and I quote, a workable framework for the next step of GPRA. So the basic premise of the bill that is before us today, that the strategic plans were so universally poor in quality that they must be done all over, has yet to be demonstrated.

I would like to put into the RECORD a letter from the General Accounting Office really stating that; that it is working fine now, should not be redone, and has a workable framework. More in the "A" category than the "F" that the gentleman from Indiana mentioned. And also a letter from OMB really disputing the grading mechanism or so-called scores put forth by the Republican majority.

If the basic premise and approach of this legislation is doubtful, when one turns to the specifics of the legislation, even more questions arise. This bill requires the resubmission of strategic plans by September 30th of '98. Even if the Senate were to act with record speed, that would give the agencies only 4 to 5 months to redo plans that they have already done.

The bill provides no additional funding for this time-consuming and burdensome process which will take agencies away from other really needed work that they need to do. The resubmission of plans 6 months after they were originally done is not consistent with the goals of reducing duplication and waste.

Mr. Chairman, I would really urge my colleagues to vote against this bill. And I would like to say that I will be supporting the amendment of the gentleman from Ohio (Mr. KUCINICH) to apply GPRA to Congress. We can learn by doing, not just by reviewing others. And this committee's campaign finance investigation is a prime example of the waste and duplication in Congress that could be eliminated by the Results Act, which the gentleman from California (Mr. WAXMAN) spoke about.

So I hope my colleagues will support the Kucinich amendment, having GPRA apply likewise to Congress.

Mr. Chairman, I include the letters referred to for the RECORD:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, March 4, 1998.

Hon. HENRY A. WAXMAN,
Ranking Member, Committee on Government Reform, House of Representatives, Washington, DC.

DEAR RANKING MEMBER WAXMAN: I am writing to clarify what I understand may have been an inaccurate characterization of our position with respect to "scores" associated with agency strategic plans that are required under the Government Performance and Results Act (GPRA).

To be clear, the Office of Management and Budget believes strategic and annual plans need to be evaluated but we have never developed or endorsed a scorecard approach to that evaluation. In particular we have never endorsed specific scores, specific scoring techniques, or the weight given to different factors contained in the scorecard used by the House Majority leadership.

While I do believe the dialogue between agencies and Congress and other stakeholders is useful and will result in better, more usable plans, I do not believe the utility of a plan can be fairly captured using a scoring process similar to that used by the Majority leadership to grade the strategic plans.

I hope this clarification is helpful to you. Please let me know if you have further questions or concerns.

Sincerely,

G. EDWARD DESEVE,
Acting Deputy Director for Management.

U.S. GENERAL ACCOUNTING OFFICE,
GENERAL GOVERNMENT DIVISION,
Washington, DC, March 11, 1998.
Hon. DAN BURTON,
Chairman, Committee on Government Reform and Oversight, House of Representatives.

DEAR MR. CHAIRMAN: This letter responds to your request for our perspective on the primary provisions of H.R. 2883, the Government Performance and Results Act Technical Amendments of 1998. Among other things, the bill would require that executive agencies revise and resubmit strategic plans not later than September 30, 1998, to the Director, Office of Management and Budget, and Congress; that new elements be included in those and subsequent strategic plans; and that each agency develop separate strategic plans for each major mission-related component as well as for the agency as a whole.

Under the Government Performance and Results Act (Results Act), the strategic and annual plans and performance reports that agencies produce are intended to serve a wide range of stakeholders within the executive branch, Congress, and the public. In our assessment of major agencies' September 30, 1997, strategic plans—produced at the request of you, the Majority Leader, and other key Committee Chairmen in the House—we noted that each of the plans we reviewed contained at least some discussion of each strategic planning element required by the Results Act and that, on the whole, the plans appeared to provide a workable foundation for Congress to use.[1]

However, we also noted that agencies' strategic planning efforts were still very much a work in progress, and we identified critical challenges that had limited the success of agencies' planning efforts. In crafting the Results Act, Congress recognized that it may take several planning cycles to perfect the process and that strategic plans would be continually refined as various planning cycles occurred. We have urged agencies to recognize that strategic planning does not end with the submission of a plan to Congress and that a constant dialogue with Congress is part of a purposeful and well-defined strategic planning process.[2]

We have found that leading results-oriented organizations believe that strategic planning is a dynamic and inclusive process rather than a static or occasional event.[3] If done well, strategic planning is continuous and provides the basis for everything the organization does. Leaders in successful organizations seek to be continuously alert to the need to adjust their organizations' strategic directions to better reflect changes in the internal and external circumstances and the views and expectations of key stakeholders.

In that regard, we understand that a number of agencies have identified opportunities to improve their strategic plans based on input from congressional and other stakeholders or as a result of developing their first set of annual performance plans. Our reviews of agencies' plans, as well as the experiences of leading organizations, suggest that the opportunities to improve the plans that have been identified were to be expected.

The strategic plans developed under the Results Act are intended to be helpful to Congress in making policy, funding, and oversight decisions, and Congress needs plans of sufficient quality, detail, and scope to meet its decisionmaking responsibilities. Congress is in the best position to determine whether statutory change is necessary to achieve this objective.

We are sending a copy of this letter to the Ranking Minority Member, House Committee on Government Reform and Oversight. Please do not hesitate to contact me on (202) 512-8676 if you have any questions.

Sincerely yours,

J. CHRISTOPHER MIHM,
Associate Director, Federal Management and Workforce Issues.

FOOTNOTES

[1] *Managing for Results: Agencies Annual Performance Plans Can Help Address Strategic Planning Challenges* (GAO/GGD-98-44, Jan. 30, 1998).

[2] *Managing for Results: Critical Issues for Improving Federal Agencies' Strategic Plans* (GAO/GGD-97-180, Sept. 16, 1997).

[3] *Executive Guide: Effectively Implementing the Government Performance and Results Act* (GAO/GGD-96-118, June 1996).

Mr. HORN. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. Mr. Chairman, I have long been a supporter of the Government Performance and Results Act and I am pleased that Congress is strengthening the law today through H.R. 2883. In a nutshell, the Results Act holds Federal programs accountable for producing clear, tangible results in exchange for the money that they spend.

I can think of no better place to apply the common sense principles of the Results Act than in the environmental protection area. I, like most Americans, am unequivocally committed to achieving the highest standards of environmental protection in America. My experience in my district has taught they we cannot have a strong, prosperous America if we do not preservé our natural resources.

I have also learned that prosperity and a clean environment is not an either/or proposition but a both/and proposition. It is a balance the Federal Government must create in its own policies if we are to have the highest level of environmental protection. But we can only be prosperous and have a clean environment if we are true to a few simple principles Americans hold accountable; that is accountability for results, personal and community responsibility, and effective use of our entrepreneurial genius through sound science and technological advances.

The Results Act offers a chance to examine whether government programs are consistent with these values, especially whether they are focused on producing tangible environmental results through the most effective and efficient means possible.

Unfortunately, the Clinton Administration does not see things the same way I or most Americans do on this issue. Last year I was deeply troubled when the administration issued a waiver exempting the Council on Environmental Quality from the common sense requirements of the Results Act. Because this council is supposed to play a key role in setting policy and reviewing approaches and performances of all Federal environmental programs, the administration was, in essence, signaling that results do not matter.

This action occurs at the very same time when the council, along with a host of other Federal environmental programs, are coming under fire from reputable institutions such as the National Academy of Public Administration for lacking a clear picture of what environmental outcomes are sought and achieved by our government.

□ 1200

The Results Act provided the administration the perfect opportunity to address this imbalance and focus itself on producing the best environmental outcomes possible. Unfortunately, by exempting the Council on Environmental Quality, the administration has left Congress and the American people with no accounting of whether the Council is achieving its objectives through what means, at what cost, and at what time schedule, and so on.

It is time to get back to basics and focus on environmental programs, on producing tangible results rather than safeguarding their outdated command and control regulation-driven methods. H.R. 2883 gets us back on track by requiring the Council on Environmental Quality to comply with the Results Act, as well as outlining stronger provisions for the rest of our environmental programs to follow, as well.

I urge my colleagues to join me in supporting H.R. 2883 so that we can hold the Council on Environmental Quality and all Federal programs to these common-sense principles of accountability that the American people expect from their Government.

Mr. KUCINICH. Madam Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. I thank the gentleman from Ohio for yielding.

Madam Chairman, today I rise in opposition to this bill. The Government Performance and Results Act of 1993 sought to streamline Government and make it more efficient and effective in its delivery of services to the people. The Government Performance and Results Act, GPRA's, objectives are laudable goals on which all of us can agree.

However, these amendments at this time would undermine the original goals of the bill, which are to reduce waste and inefficiency in Government. In fact, this bill would require all 100 Federal agencies to resubmit their strategic plans less than 6 months after their original submission. To require agencies to redo their plans in just 6 months is untenable, unreasonable, costly to the taxpayers, and would be an administrative nightmare.

Moreover, at the subcommittee's recent hearing on this legislation, not a single witness testified in support of this universal resubmission requirement. The Government Accounting Office and the Office of Management and Budget both agree that the plan submitted by the agencies provide a workable foundation for Congress to use in helping to fulfill its appropriations, budget, authorization, oversight responsibilities, and for the continuing implementation of GPRA. Therefore, these amendments are premature, unwarranted; and I certainly would urge my colleagues to oppose the bill.

In addition, if we are serious, then we will support the Kucinich amendment, which suggests that Congress itself comply with the requirements of GPRA. I have always been told that "you cannot lead where you are unwilling to go." And if we are serious, then we would comply so that we do not continue to have unwarranted, unnecessary investigations where individuals come and testify and give the same information that they have already given. And we know that that is precisely what is going to happen. No, if we are serious, we will vote in favor of the Kucinich amendment and vote down this bill.

Mr. HORN. Madam Chairman, I yield myself such time as I may consume. I just want to set the record straight. Here is a letter to Chairman BURTON from the Acting Comptroller General of the United States, James F. Hinchman.

"Dear Mr. Chairman, I am writing to correct the misleading impression in the March 11, 1998, Statement of Administration Policy on H.R. 2883, the Government Performance and Results Act Technical Amendments of 1998, that we oppose the bill. This is not our position." I repeat to my friends across the aisle, the Acting Comptroller General, speaking for the General Accounting Office says that they do not oppose this bill.

"This is not our position," writes Mr. Hinchman, who adds: "As we noted in our letter March 11, 1998, sent to you, the strategic plans developed under the Results Act are intended to be helpful to Congress in making policy, funding, and oversight decisions, and Congress needs plans of sufficient quality, detail, and scope to meet its decisionmaking responsibilities. We therefore believe that Congress is in the best position to determine whether statutory change is necessary to achieve this objective and accordingly do not have a position on H.R. 2883." He closes with "I am sending a copy of this letter to the Ranking Minority Member, House Committee on Government Reform and Oversight." That is the gentleman from California (Mr. WAXMAN).

Madam Chairman, I yield 4 minutes to the gentleman from Texas (Mr. SESSIONS), who has had a leading role in this. He is the founder and chairman of the Results Caucus. He has done an outstanding job as a new Member to this House. He takes his assignments seriously, and we can always depend upon him to show up and to have constructive suggestions.

Mr. SESSIONS. Madam Chairman, the discussion that we are having today is about whether we will go back and look at those strategic plans that have been presented by agencies and whether they not only fit the criteria that they were supposed to and, also, whether we will go back now and ask them to revisit what they have done.

What I would like to point out to my friends on the other side of the aisle is that we have repeatedly attempted to work with agencies. This law was passed in 1993. When I came to Congress, I was very careful to work with not only Inspector Generals, but also each agency head, to let them know that we were serious about getting their strategic plans so that we could make determinations, including those that would be appropriations-related, about the business that they were doing.

As my colleagues can see from this chart, every single time we attempt to work with the administration, their plans get better. The fact of the matter is that some 19 out of 24 are still in an F-grade status. We are attempting to be honest and to accept the responsibility that is given to us through the American people when we ask the administration to please justify the work that they are doing to where we can make the appropriate decisions about money.

When I spent 16 years in the private sector, I had to fill out a strategic plan. Of course, I did not like it. But it was given to the people who appropriated money to me in my business and that they would know what I was doing; and what I expected to be done was on that sheet of paper.

I will politely tell my friends and remind them again that the plans that have been presented by these agencies will make it very difficult for us to appropriate money for all the things that need to be done. I am disappointed with what they are doing, and I am going to support this to ask that we get clear and better towards the people's business.

Mr. KUCINICH. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, the Government Performance and Results Act was strongly supported by Democrats when it became law in 1993. It was fully consistent with efforts by the administration to reinvent government.

Let us be fair about this. Spearheaded by Vice President GORE's National Performance Review, the administration has made great strides in bringing greater accountability, efficiency, and economy to the Federal Government. It is actually the longest running reform effort in U.S. history.

The policies have already saved American taxpayers over $130 billion. Now that is economy. The size of the Federal work force has been reduced through attritions and buyouts by over 300,000 employees. That is efficiency. We now have the smallest Federal work force since John F. Kennedy was President. That is economy and efficiency.

Federal agencies have eliminated more than 16,000 pages of regulations. That is efficiency. Agencies have been cutting red tape, empowering Federal employees, and putting the public first.

Government works. The American people know that government works. People know government can do better. They also know that government is doing its job. This is our government. We have a responsibility to make it work for us.

That is what the Government Performance and Results Act is intended to do, to make government work, to make it work better, to make it work more efficiently, working for the people.

We, the people of the United States, this is our government. Our government was required to do strategic plans by October 1, 1997. And each agency, Madam Chairman, has done the plans that they were required to do.

When we tell each agency that after they have already submitted plans, in this case 100 agencies each submitting a plan that they have spent a year working on, when we tell those agencies that they should throw all those plans out and start all over again, we need to look at that process.

I ask the Members of this House, is it possible that all the agencies submitted plans which should be failed? Let us say it is possible that one could have. One agency possibly may not have done the plans right. Do the plan again.

But I ask, is it possible that every single agency in the Federal Government, Labor, HHS, Treasury, the FTC, the SEC, and all of those other agencies which the American people are familiar with, is it possible that none of these agencies know what they are doing? That they all have to be failed? Is that possible?

Madam Chairman, I was a college associate professor for a while. I have had the opportunity to have classrooms full of students. I was in a role of a teacher. I had my objectives.

At the end of the period, at the end of the course, I gave a test. What would it say about me if everyone in the class failed? The administration of the college would come back to me, and they would not say, what is wrong with your class? They would say, what is wrong with you?

Think about that, all the people who have kids in school. If you had someone who failed every one of the kids in the class, would you say the kids were wrong, or would you say there is something wrong with the teacher?

Let us look at this legislation. This legislation says everybody in the Federal Government failed. That is not credible. That is not even possible. Telling the American people that the entire Federal Government is in a shambles at a time when there is a balanced budget, at a time when we are making government work, at a time when we have lowered interest rates, and I say "we" because it has been the Congress and the administration, at a time that unemployment is down, at a time that we are making government work, at a time that we are making government accountable, this legislation stands all that on its head.

If anyone believed that the entire government is a mess, then this Congress itself cannot escape the consequences of such logic. We smear ourselves by advancing such a proposition, ladies and gentlemen.

It has been my experience in my first year in Congress that there is a lot of good men and women on both sides of the aisle. I want the American people to know that this is a Congress that can work for the people; that there are good people on both sides of the aisle. Sure we could do better. We can make the government work better.

The executive branch has done a lot of good. Men and women who are in that branch ought not to be told that their work is worthless. They ought not to be told that they failed.

If all of the agencies failed, then perhaps it is not the agencies that have failed, but the law which holds them to criteria and performance standards which are unobtainable because they are unreasonable.

We all want government to work. We all want a results-oriented government. I believe that we can work with the administration to get them to do a better job. But let us not tell all these agencies their work is meaningless, because if that is what someone really believes, then what you are saying is you just do not believe in government. You do not like government.

We are the government. That is my point. We should not promote this hatred of government. Because in doing so, we inspire bad feelings about the Congress itself. As I said, there are a lot of good men and women in this House.

So do not tie up our government by telling 100 agencies they should do their work all over again. Do not create a paperwork mess by asking for another hundred plans. Do not tell the American taxpayers they should pay money and have those agencies do something again that they have already done once. Let the agencies do their jobs for the American people.

Mr. SESSIONS. Mr. Chairman, will the gentleman yield?

Mr. KUCINICH. I yield to the gentleman from Texas.

Mr. SESSIONS. Mr. Chairman, I have some questions. How many of these plans did the gentleman from Ohio look at?

Mr. KUCINICH. I would say I looked at a few of them. I think all the plans could be done better. But should they all be done over again? No.

Mr. SESSIONS. What we are trying to say is that we have looked at them. We have reviewed them. We have been in constant contact with agencies. We have given them specific feedback about the things that are lacking. It was not like an F grade with no comments.

□ 1215

They are specific comments directly to the agencies about how they can make that better to where we can have the language between that and appropriations.

Mr. KUCINICH. I would like to ask the gentleman who did the grading.

Mr. SESSIONS. The grading was done by the people who had been working directly with the agencies. That was done with consent of the staffs. The minority staff was there the entire time that this was done and given every opportunity to participate.

Mr. KUCINICH. I would like it stated for the record that we took issue with this whole process because it established criteria which were absolutely impossible. The fact of the matter is, it defies logic, it absolutely defies logic, that every agency in the Federal Government does not know what it is doing. I would be afraid to get on an airplane if that were the case.

I think that we need to understand that government can do better. I agree with the distinguished gentleman. We can do better. But to pass a law and as a consequence tell all 100 of those agencies that they do not know what they are doing and at the same time tell them that they failed.

Mr. SESSIONS. The assumption is that we were not forthright in what we did by asking them directly. If what they would do is to listen to what we were saying about these agencies, we had professionals who were involved. The bottom line is that the business we are involved in is serious and we are trying to get the agencies to come and be responsible.

Mr. KUCINICH. Reclaiming my time, I would respectfully suggest to the gentleman that we have professionals who are also running this government. This is not amateur night in the government. If we pass this bill, it implies that we have a bunch of amateurs running the government and that is not true.

People across this country are seeing ways in which government works. People across this country are finding that government can do things for them when they need the help of the government.

I know I am not here as an apologist for government. I know better. I know that government can do better. But I also know that it is wrong for us to start condemning the very institutions which we are here to represent and to try to make work by asking people to vote for legislation that would in effect say that nothing is working.

Mr. SESSIONS. There was a report that was issued in the 104th Congress that talked about $650 billion worth of waste, fraud and error in the Government of the United States. We are attempting to make sure that we spend every penny that we should but not a dollar more. What we are trying to do is to be responsible and do the responsible thing, and we are asking to be met halfway.

We have given a great deal of information back to every agency, we have been very specific in what we have talked about, and we think it is not only fair and right, but it is the proper thing to do for accountability.

Mr. KUCINICH. Madam Chairman, I would suggest that under existing law we already have laws to make the agencies do a better job, we do not need to pass another law that tells all 100 agencies to do their plans all over again. That is the point of my presentation here, that what we are asking the agencies to do is unfair. We are smearing the entire government by proposing this legislation be passed, and we are doing it in the name of efficiency.

Where is the efficiency in asking 100 agencies to do their plans all over again, plans that they just completed about 6 months ago? It just defies logic.

I would like to say that this is not a mystery process here in the House of Representatives. We just have to ask, does it make sense? That is what I ask. Does it make sense that 100 agencies all failed in providing their strategic plans? Does it make sense that we ask 100 agencies to do plans all over again?

Mr. SESSIONS. My point would be this. It should be done until it is done correctly. There are small businesses, large businesses that all operate off a strategic plan. If they do their strategic plans such that they are able to survive, then that will be the determination.

The CHAIRMAN pro tempore (Mrs. EMERSON). The time of the gentleman from Ohio (Mr. KUCINICH) has expired.

Mr. HORN. Madam Chairman, I yield myself such time as I may consume. It has been implied that nobody on the other side of the aisle was ever involved. All Democratic staff that were relevant were invited. I know that the following participated. It does not mean they were in every meeting, because staff members have a lot of things to do on the subcommittee staff.

I thank the Democratic minority staff: Mark Stephenson, a very valuable staff member that we all rely on is a staff member of the gentleman from California (Mr. WAXMAN), the Ranking Minority Member on the full committee was a participant. So was Howard Bauleke, Minority Counsel, Committee on Commerce, reporting to the gentleman from Michigan (Mr. DINGELL) who is the Ranking Minority Member. Also participating was Elana Broitman, professional staff member Committee on International Relations, reporting to the gentleman from Indiana (Mr. HAMILTON), the Ranking Minority Member. Mary Ellen McCarthy, Minority Counsel-Benefits, Committee on Veterans' Affairs, participated. She reports to the gentleman from Illinois (Mr. EVANS).

I simply want to clear the air since there have been a few false impressions left here. The Democratic staff was involved. They could have been involved in every meeting. That is their choice. They were notified by the majority staff. I cannot help it if they have a lot of other things to do. I hope that their Ranking Minority Members then do not come to the floor and say, "Gee, nobody ever consulted us." Baloney.

We have had the rule in my subcommittee that the staff director, Russell George, notifies the gentlewoman from New York (Mrs. MALONEY), who was the ranking member during most of this period, on everything that we are doing. That is why we have had very good cooperation on both sides of the aisle in that subcommittee.

Madam Chairman, I yield 3 minutes to the distinguished gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman for yielding me this time. Madam Chairman, I have been listening to this debate. It has been a good debate.

I want all Members to be reminded of something the gentleman from Ohio just said. He said that we are here to represent these agencies. I think that that is true, that that side is here to represent those agencies, the Washington bureaucracies. I think it is very important because it not only defines this debate, but a central difference between the Republicans and the Democrats. Because we are here to represent the taxpayers, the American people, we see this as a bureaucrat reality check. "Bureaucracies, you have a budget of $1.7 trillion. We want to know where you are going with the money, how you are getting there, is it being done properly or not?"

I was here when we started the Reinvent Government and served on a bipartisan panel. I found out that reinventing the government is more than a photo op or a PR tour. You cannot just talk the talk; you have to walk the walk. There comes times, yes, for some heavy lifting. What we are saying is, "Do what the private sector does."

"Isn't that horrible? The government bureaucracies whom we love on this side must do what the private sector has to do. This is horrible."

Can my colleagues imagine Coca-Cola working or operating without a mission statement? Can my colleagues imagine Mr. Ivester, the chairman of Coca-Cola, saying, "What we need to do is follow the Post Office example." Or could my colleagues imagine Gates at Microsoft saying, "I know. Let's follow the IRS when it comes to computer technology." The private sector is not going to do that.

All we are saying to government agencies is, do what the private sector does.

Let us put it in terms for the defenders of the status quo; let us put it in terms of the middle class. You are sitting around the kitchen table, you have finally paid off your credit card for one month, but you still have a debt, in this case it is $4.5 trillion. So you have to ask yourself, is it cheaper to buy eggs by the dozen or should we buy them individually? Should I wear the clothes and wash them or should I just discard them once they are dirty? When my car needs a tuneup, should I trade it in or should I tune it up and keep going with it?

This is what middle-class America has to do every single day, every single paycheck, every single month. They simply have to ask themselves the questions which we are saying to these high, exalted Washington bureaucrats: "Look, you've got to go through things because we're still $4.5 trillion in debt."

We are delighted that the United States Congress has played a role in balancing the budget, but it is not good enough. We still pay about $240 billion a year, almost more than we spend on the military, just in interest on the national debt. I think we owe it to the people.

I am on the Appropriations Committee. When a government bureaucracy comes to ask for their share of the $1.7 trillion, I want to know, are you doing it well? Are you doing it efficiently? Can you do it better? Can it be farmed out to a nonprofit organization or to a for-profit organization? Could it be done locally, could it be done on the State level? These are important questions. That is why we are here to represent the taxpayers, not the bureaucracies.

Mr. HORN. Madam Chairman, I am delighted to have the following speaker follow the gentleman from Georgia (Mr. KINGSTON) because if W.C. Fields were alive he would say, "Never follow Jack Kingston," but we have the talented majority leader, and I am delighted to yield such time as he may consume to the gentleman from Texas (Mr. ARMEY).

Mr. ARMEY. I thank the gentleman for yielding me this time.

Madam Chairman, I want to begin by commending the gentleman from Indiana (Mr. BURTON) and the gentleman from California (Mr. HORN) and the gentleman from Texas (Mr. SESSIONS) for bringing this bill to the floor. I want also to express my appreciation to the minority side of the committee.

GPRA, the Government Performance and Results Act, or as we know it, the Results Act, was passed into law in 1993. It was passed by a Democrat majority in Congress and signed by President Clinton.

The object of the legislation at the time was to acknowledge the fact that every agency of this government is a creature of the Congress of the United States working in conjunction with the executive branch of the United States, that every agency of this government is created, and has been in the past created, to serve a purpose on behalf of the American people; and that it is an ongoing responsibility of the Congress and the executive branch, and should be a responsibility fulfilled on both a bicameral and a bipartisan basis to provide oversight and encouragement to each of these agencies, to have a clearly defined set of objectives consistent with the law of the land from which they were created, and to have clearly and closely monitored courses of action for their performance with respect to the fulfillment of those objectives.

It is called oversight. It is not optional. It is a responsibility and a duty of the Congress to provide that.

That was recognized, on this floor, in those debates, by the majority as we passed this bill in 1993. It was recognized by the White House and the President as they signed the legislation in 1993, and it has been recognized by this Congress.

Now, I must say, to a large extent what we have been doing for the last couple of years under the Government Performance and Results Act is going to each and every agency of the United States Government and saying, you ought to be doing a service for the American people. You ought to be giving the American people some value for their tax dollar by doing something that is in fact meaningful in their lives and doing that on the most cost-effective basis possible. We ask you to plan, to create a plan, and to rigorously execute a plan that is consistent with those goals and objectives that you yourself define.

In a sense, we have been asking each and every agency of the government to learn a new rigor in how they conduct the people's business.

I know a lot of my colleagues will not believe this, but I am 58 years old. I can tell Members it is not always easy to learn new ways of doing things, especially if you happen to be an agency that is 58 years old or a 58-year-old person in that agency. But sometimes I think it becomes in fact just plain necessary.

The American people are not happy. The American people do not believe they are getting good value for their dollar. The American people do not believe that every agency knows what its mission is or has any idea whether or not they are accomplishing their mission.

I have to tell Members, I am proud of the way the responsibilities of GPRA have been picked up by both the Republicans and the Democrats in the House and the Senate, by the White House, as we worked with the office of OMB, and by the agencies themselves as they have struggled to get it right. It has taken time. It has been difficult. It certainly has not been a very happy experience, I am sure, in the lives of many, many people. But we have made great progress.

We have had a better understanding in Congress of what our responsibilities are, and we now see GPRA provisions being written into the law as we go into the process, and we have seen the agencies work and respond. And some have responded more effectively than others, but they have all made the effort.

What this bill says today is, "Let's update the 1993 act. Let's give ourselves the opportunity to take the time to really truly do it right. Get it done correctly."

□ 1230

We will discuss in this body among ourselves, and have done so, whether or not there ought to be this objective of Federal public policy, or that objective; should there be this kind of an agency, or that. But once that is settled and the agency is in place and money is appropriated for its operation, and people are employed to carry out the purposes of the agency on behalf of the American people, can they, in fact, do so as any other enterprise, whether it be a family or a business, after review, reconsideration of objectives, reaffirmation of purpose, and reconstruction of methodology, do that thing which they have set out to do in a more effective and complete way at less cost to the taxpayers.

We do these things as we conduct ourselves in the ordinary business of life in the private sector. The Federal Government should do that with the tax dollars it takes from people in the ordinary business of life from the private sector. And in the end, if we do it well, we will have a government that is, in its ordinary business of life, day in and day out, a service in the lives of our constituents.

Each and every one of us as a Member of Congress has two jobs. I have a job in Washington where I am involved in making the laws and creating the agencies and creating the programs, and I have a job in my district, working hand-in-hand with real people in their real lives as they struggle to live with those agencies and those programs. We call that back home in our district constituency service.

Is there any Member of Congress whose heart does not break every year when they look at the number of times constituents from their districts have come to them, troubled because the red tape, the procedures, the process by which an agency has related to their lives with respect to something that is important in their lives have been so cumbersome, so bothersome, so ineffective that they just feel a desperate frustration and come to you and say, "Now, beyond my case, can you not make it work?" That is really what we are about here.

The committee has done a great job of reviewing this act and reviewing the efforts that have been made, efforts that are commendable, and seeing where we might reconstruct the law and just that little bit of fine-tuning that allows our ability to achieve these real results, to proceed with even better results.

So again, let me encourage all Members of this body on both sides of the aisle, if in fact we want a government that is a real service in the lives of our constituents, and a government that does not result in us having beleaguered constituents flocking to our offices back in our districts saying, "Please help me with this frustrating experience of trying to work with this agency," and if we want to give the agency a word of encouragement and support for their magnificent efforts to in fact get it right.

The agencies are not complaining about this effort. The agencies are saying, we understand the need to perform better and we want to do so. We just need more time to learn some new tricks, and I can tell my colleagues, I understand that. This old dog always needs more time to learn new tricks, but I hope I learn, and I know the agencies will learn, and I know that Congress wants to give them that kind of encouragement.

Mr. BROWN of California. Madam Chairman, the bill before us today is characterized as merely offering technical amendments to the Government Performance and Results Act of 1993. If that were true, I could support the bill. However, the bill moves beyond technical amendments to include a requirement that every agency produce a new Strategic Plan to be submitted by September 30, 1998. This is probably the most anti-strategic planning requirement we could possibly conceive of.

The idea of entering into a strategic planning process is that Agencies will begin to clarify their priorities, develop solid measures of performance and begin to tie their priorities, performance and budgeting together in a thoughtful and coherent fashion.

While most agencies, at some level, have always engaged in planning and priority setting in budgeting; what is new about GPRA is the requirement that this be done agency-wide, by every agency and that these agencies develop credible measures of performance.

The process envisioned in the original act called upon agencies to produce a five year strategic plan that would lay out general goals. Then each year's budget submission would elaborate how the dollars being spent would be used to further the goals of those plans and propose measures for performance in achieving the goals.

After each fiscal year, each agency would be responsible for reporting back to Congress on how it performed as measured against its own goals. We haven't even been through one cycle of this process and already we are seeing technical amendments. Further, rather than let agencies see how the process works, look for ways to improve their processes and learn by doing, we are imposing on all of them that they go back to the drawing board and redo another round of strategic plans.

And how are they going to do that when we can't even predict when or if this bill will ever pass into law? By requiring that agencies redo their strategic plans you interfere in their ability to carry out their efforts to develop measures, tie budgets to priorities and learn how to do all of that better. Worse, we cannot tell agencies when this burden will be imposed on them or even if it will because there is no one in this body who can predict when or if this bill will become law. In short, this is an irresponsible provision.

The only folks who are going to benefit from the requirement are the beltway bandits who have been making millions of dollars advising agencies on how to be GPRA-compliant. This is a giveaway to contractors, nothing more nor less.

While I could support some of the technical amendments in this bill, I find the requirement that agencies redo their plans so pernicious and contrary to any honest spirit of improving the planning efforts of Federal agencies that I must oppose this leglislation.

The CHAIRMAN pro tempore (Mrs. EMERSON). All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment, and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2883

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Government Performance and Results Act Technical Amendments of 1998".

SEC. 2. AMENDMENTS RELATING TO STRATEGIC PLANS.

(a) CONTENT OF STRATEGIC PLANS.—Section 306(a) of title 5, United States Code, is amended—

(1) in paragraph (1), by inserting before the semicolon ", that is explicitly linked to the statutory or other legal authorities of the agency";

(2) in paragraph (2), by inserting before the semicolon ", that are explicitly linked to the statutory or other legal authorities of the agency"; and

(3) by striking "and" at the end of paragraph (5), by striking the period at the end of paragraph (6) and inserting a semicolon, and by adding at the end the following new paragraphs:

"(7) a specific identification of any agency functions and programs that are similar to those of more than one component of the agency or those of other agencies, and an explanation of coordination and other efforts the agency has undertaken within the agency or with other agencies to ensure that such similar functions and programs are subject to complementary goals, strategies, and performance measures;

"(8) a description of any major management problems (including but not limited to programs and activities at high risk for waste, abuse, or mismanagement) affecting the agency that have been documented by the inspector general of the agency (or a comparable official, if the agency has no inspector general), the General Accounting Office, and others, and specific goals, strategies, and performance measures to resolve those problems; and

"(9) an assessment by the head of the agency of the adequacy and reliability of the data sources and information and accounting systems of the agency to support its strategic plans under this section and performance plans and reports under sections 1115 and 1116 (respectively) of title 31, and, to the extent that material data or system inadequacies exist, an explanation by the head of the agency of how the agency will resolve them.".

(b) RESUBMISSION OF AGENCY STRATEGIC PLANS.—Section 306 of title 5, United States Code, is amended—

(1) in subsection (b), by striking "submitted," and all that follows through the end of the subsection and inserting the following: "submitted. The strategic plan shall be updated, revised, and resubmitted to the Director of the Office of Management and Budget and the Congress by not later than September 30 of 1998 and of every third year thereafter."; and

(2) in subsection (d), by inserting "and updating" after "developing", and by adding at the end thereof: "The agency head shall provide promptly to any committee or subcommittee of the Congress any draft versions of a plan or other information pertinent to a plan that the committee or subcommittee requests.".

(c) FORMAT FOR STRATEGIC PLANS.—Section 306 of title 5, United States Code, is amended by redesignating subsection (f) as subsection (g), and by inserting after subsection (e) the following new subsection:

"(f)(1) The strategic plan shall be a single document that covers the agency as a whole and addresses each of the elements required by this section on an agencywide basis. The head of an agency shall format the strategic plans of the agency in a manner that clearly demonstrates the linkages among the elements of the plan.

"(2)(A) The head of each executive department shall submit with the departmentwide strategic plan a separate component strategic plan for each of the major mission-related components of the department. Such a component strategic plan shall address each of the elements required by this section.

"(B) The head of an agency that is not an executive department shall submit separate component plans in accordance with subparagraph (A) to the extent that doing so would, in the judgment of the head of the agency, materially enhance the usefulness of the strategic plan of the agency.".

SEC. 3. AMENDMENTS RELATING TO PERFORMANCE PLANS AND PERFORMANCE REPORTS.

(a) GOVERNMENTWIDE PROGRAM PERFORMANCE REPORTS.—Section 1116 of title 31, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

"(f)(1) No later than March 31, 2000, and no later than March 31 of each year thereafter, the Director of the Office of Management and Budget shall prepare and submit to the Congress an integrated Federal Government performance report for the previous fiscal year.

"(2) In addition to such other content as the Director determines to be appropriate, each report shall include actual results and accomplishments under the Federal Government performance plan required by section 1105(a)(29) of this title for the fiscal year covered by the report.".

(b) INSPECTOR GENERAL REVIEW OF AGENCY PERFORMANCE PLANS AND PERFORMANCE REPORTS.—

(1) IN GENERAL.—Chapter 11 of title 31, United States Code, is amended by adding at the end the following:

"§1120. Inspector general review of agency performance plans and performance reports

"(a) The inspector general of each agency (or a comparable official designated by the head of the agency, if the agency has no inspector general) shall develop and implement a plan to review the implementation by the agency of the requirements of sections 1115 and 1116 of this title and section 306 of title 5. The plan shall include examination of the following:

"(1) Agency efforts to develop and use performance measures for determining progress toward achieving agency performance goals and program outcomes described in performance plans prepared under section 1115 of this title and performance reports submitted pursuant to section 1116 of this title.

"(2) Verification and validation of selected data sources and information collection and accounting systems that support agency performance plans and performance reports and agency strategic plans pursuant to section 306 of title 5.

"(b)(1) In developing the review plan and selecting specific performance indicators, supporting data sources, and information collection and accounting systems to be examined under subsection (a), each inspector general (or designated comparable official, as applicable) shall consult with appropriate congressional committees and the head of the agency, including in determining the scope and course of review pursuant to paragraph (2).

"(2) In determining the scope and course of review, consistent with available resources, each inspector general (or designated comparable official, as applicable) shall emphasize those performance measures associated with programs or activities for which—

"(A) there is reason to believe there exists a high risk of waste, fraud, or mismanagement; and

"(B) based on the assessment of the inspector general, review of the controls applied in developing the performance data is needed to ensure the accuracy of those data.

"(c) Each agency inspector general (or designated comparable official, as applicable) shall submit the review plan to the Congress and the agency head at least annually, beginning no later than October 31, 1998.

"(d) Each agency inspector general (or designated comparable official, as applicable) shall conduct reviews under the plan submitted under subsection (c), and submit findings, results, and recommendations based on those reviews to the head of the agency and the Congress, by not later than April 30 and October 31 of each year. In the case of reviews by an agency inspector general, such submission shall be made as part of the semiannual reports required under section 5 of the Inspector General Act of 1978.".

(2) CONFORMING AMENDMENT.—Section 1115(f) of title 31, United States Code, is amended in the matter preceding paragraph (1) by striking "1119" and inserting "1120".

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 11 of title 31, United States Code, is amended by adding at the end the following new item:

"1120. Inspector general review of agency performance plans and performance reports.".

(c) REQUIREMENT TO USE FULL COSTS AS PERFORMANCE INDICATOR.—Section 1115(a)(4) of title 31, United States Code, is amended by inserting before the semicolon at the end the following: ", which shall include determination of the full costs (as that term is used in the most recent Managerial Cost Accounting Standards of the Federal Financial Accounting Standards) of each program activity".

SEC. 4. LIMITATION ON AUTHORITY TO EXEMPT THE COUNCIL ON ENVIRONMENTAL QUALITY.

Section 1117 of title 31, United States Code, is amended by inserting before the period the following: ", except that the Director may not exempt the Council on Environmental Quality".

SEC. 5. SUBMISSION OF AGENCY FINANCIAL STATEMENTS.

Section 3515(a) of title 31, United States Code, is amended—

(1) by striking "1997" and inserting "1999"; and

(2) by inserting "the Congress and" after "and submit to".

The CHAIRMAN pro tempore. During consideration of the bill for amendment, the Chairman may accord priority in recognition to a Member offering an amendment that he or she has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. KUCINICH

Mr. KUCINICH. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KUCINICH:

Page 5, after line 8, insert the following:

(d) APPLICATION OF REQUIREMENTS TO CONGRESSIONAL COMMITTEES.—Section 306(g) of title 5, United States Code, as redesignated by subsection (c) of this section, is further amended by inserting after "section 105," the following: "and any committee of the House of Representatives or the Senate,".

POINT OF ORDER

Mr. SESSIONS. Madam Chairman, I have a point of order.

The CHAIRMAN pro tempore. The gentleman will state his point of order.

Mr. SESSIONS. Madam Chairman, the amendment offered by the gentleman from Ohio (Mr. KUCINICH) violates clause 7, House Rule 16, which states, in pertinent part, that no motion or proposition on a subject different from that under consideration shall be deemed admitted under the color of amendment.

The amendment before the committee is not germane to the subject matter under consideration. The amendment would apply the Government Performance and Results Act to the legislative branch. GPRA, the Results Act, is a provision of law that only applies to the executive branch. Neither the bill before us nor the public law which it seeks to amend applies to the legislative branch.

The precedents of the House suggest that amendments which bring the legislative branch within the ambient of bills with general accountability to the executive branch are not germane. Therefore, Madam Chairman, the amendment is not germane, and I insist on my point of order.

The CHAIRMAN pro tempore. Does the gentleman from Ohio wish to be heard on the point of order of the gentleman from Texas?

Mr. KUCINICH. Madam Chairman, yes, I do.

We had presented this amendment in hopes that a point of order would not be insisted on because we simply believe that Congress ought to be required to abide by the same laws which we would insist that the executive branch be required to abide by.

I thank the Chair.

The CHAIRMAN pro tempore. The Chair is prepared to rule.

The gentleman from Texas makes a point of order that the amendment offered by the gentleman from Ohio (Mr. KUCINICH) is not germane. The bill is considered as read and open to amendment at any point, so the test of germaneness is the relationship of the amendment to the bill as a whole.

The bill, H.R. 2883, seeks to alter what is required of Federal executive branch agencies in the area of strategic plans and performance reports. Specifically, the bill seeks to change agency responsibilities relating to content, submission and format of the strategic plan under the Government Performance and Results Act of 1993. The bill also prescribes additional responsibilities for the Inspector General of each agency and the Director of the Office of Management and Budget. In addition, the bill seeks to alter the submission requirements for certain agency financial statements.

The amendment offered by the gentleman from Ohio seeks to apply the requirements of the Government Performance and Results Act to entities in the legislative branch, specifically, the committees of the House and Senate.

Clause 7 of rule XVI of the rules of the House requires that an amendment be germane to the proposition to which offered. As recorded on page 611 of the House Rules and Manual, a general principle of the germaneness rule is that an amendment must relate to the subject matter under consideration. The Chair will note a relevant precedent. In the 100th Congress, the Committee of the Whole was considering legislation requiring a study of pay practices of the executive branch. The Chair ruled that an amendment which would have extended the study to the legislative branch was not germane. This precedent is cited on page 620 of the House Rules and Manual and codified in Deschler-Brown Precedents, Volume 10, Chapter 28, section 13.8.

An additional general principle of the germaneness rule is that an amendment should be within the jurisdiction of the committee reporting the bill. The present bill was reported by and is confined to the jurisdiction of the Committee on Government Reform and Oversight. The amendment offered by the gentleman from Ohio addresses the applicability of the Government Performance and Results Act to entities of the legislative branch. The internal operation of the Congress falls within the jurisdiction of other committees of the House.

Accordingly, the amendment is not germane and the point of order is sustained.

The CHAIRMAN pro tempore. Are there other amendments?

AMENDMENT OFFERED BY MRS. MALONEY OF NEW YORK

Mrs. MALONEY of New York. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. MALONEY of New York:

Page 5, after line 8, insert the following:

(d) LIMITED APPLICABILITY TO FEDERAL RESERVE BOARD AND BANKS.—(1) Section 306(g) of title 5, United States Code (as redesignated by subsection (c)), is amended by inserting "(including the Board of Governors of the Federal Reserve System and the Federal Reserve banks, but only with respect to operations and functions that are not directly related to the establishment and conduct of the monetary policy of the United States)" after "105".

(2) Such section is further amended by adding at the end the following new subsection:

"(h) Notwithstanding subsections (a) and (b), the Board of Governors of the Federal Reserve System and the Federal Reserve banks shall not be required to submit a strategic plan under this section to the Director of the Office of Management and Budget.".

Page 9, after line 2, insert the following:

(d) LIMITED APPLICABILITY TO FEDERAL RESERVE BOARD AND BANKS.—(1) Section 1115 of title 31, United States Code, is amended by adding at the end the following:

"(g) The Board of Governors of the Federal Reserve System and the Federal Reserve banks—

"(1) shall not be required to submit a performance plan to the Director of the Office of Management and the Budget under this section; and

"(2) shall submit to Congress, not later than March 1 of each year, a performance plan containing the information described in subsection (a), but only with respect to operations and functions that are not directly related to the establishment and conduct of the monetary policy of the United States.".

(2) Section 1116 of such title is amended by adding at the end the following new subsection:

"(h) Notwithstanding subsection (a), the Federal Reserve Board and the Federal Reserve banks shall not be required to submit a report on program performance to the President under this section.".

Mrs. MALONEY of New York (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. MALONEY of New York. Madam Chairman, our bipartisan amendment clarifies the intent of Congress that the Government Performance and Results Act should apply to the Federal Reserve System. The Federal Reserve has disputed this legal interpretation, but has so far agreed to voluntarily comply with all requirements of the Results Act. This amendment would simply make the congressional intent on coverage clearer.

This Congress, when they enacted this, intended it to cover all agencies. The Federal Reserve has claimed that they are unique because they are off-budget and so-called independent, yet all other independent agencies are covered, such as, to give two examples, FDIC and Social Security. The statutory language and history surrounding the Federal Reserve Act of 1913 makes it clear that the Federal Reserve is a creature of Congress and a Federal agency for all intents and purposes.

I believe, as well as the Office of Management and Budget and the General Accounting Office, that the Results Act does cover the Fed and, if fully implemented, would help improve Fed operations.

We have drafted our amendment to very carefully exclude monetary policy, yet a GAO report in 1996 said that approximately 90 percent of the Fed's activities and functions are not directly related to monetary policy. In fact, according to this report, 93 percent of the operating budget accounts for salaries and costs associated with supervision and regulation of banks and provision of payment services in the banking industry. That amounts to approximately $2 billion to $2.5 billion annually.

Earlier, the gentleman from Texas (Mr. SESSIONS) argued very eloquently that the Results Act should apply to all agencies, even if they were smaller than the threshold. I support him in that interpretation, and I appreciate his support in expanding this amendment to cover the Fed.

I would like to enter into the record this statement that clarifies our intent with the advice and consent of the chairman of the Committee on Banking and Financial Services, the gentleman from Iowa (Mr. LEACH); the gentleman from Texas (Mr. SESSIONS); the gentleman from Texas (Mr. BENTSEN); myself; and the gentleman from Ohio (Mr. NEY).

I want to make the intent of Congress completely clear. In no way should these reporting requirements be used to influence in any way monetary policy, and it expressly exempts monetary policy. OMB, with the language of this amendment, shall not dictate the way in which the Federal Reserve makes its report to Congress. And, thirdly, by this amendment we do not mean that each Federal Reserve Bank submit a separate report to Congress, but that the organizations submit unified reports, organization-wide reports.

Madam Chairman, I thank the chairman of the subcommittee, the gentleman from California (Mr. HORN) for his support, and the gentleman from Texas (Mr. SESSIONS) for his leadership and support, and the gentleman from Ohio (Mr. NEY) for cosponsoring this amendment with me.

Mr. KUCINICH. Madam Chairman, will the gentlewoman yield?

Mrs. MALONEY of New York. I yield to the gentleman from Ohio.

Mr. KUCINICH. Madam Chairman, I rise in strong support of the Maloney amendment and I commend the gentlewoman from New York for crafting a thoughtful and carefully considered change to this bill. This amendment clarifies that the Results Act applies to the Federal Reserve System, while preserving the traditional independence of the Fed from the executive branch.

When the Results Act first passed, the administration concluded that the Fed was a covered agency, and this was presumably the intent of Congress as well. The Fed has disputed this legal interpretation, but has agreed to voluntarily comply with the Act. The Maloney amendment would simply make this coverage clear, and I urge support.

Mr. NEY. Madam Chairman, I move to strike the last word.

Very briefly, Madam Chairman, I rise today in support of the amendment. The Government Performance and Results Act encourages greater efficiency and effectiveness. A lot of the points have been stressed. This is an amendment that accepts the Fed operations in regards to monetary policy. I just want to commend my colleague. This is a very good accountability amendment for the House. I want to praise her for her work on it and urge everyone to support it.

□ 1245

Mr. HORN. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I also commend the former ranking member (Mrs. MALONEY of New York) of the subcommittee. I think she, the gentleman from Ohio (Mr. NEY), the gentleman from Texas (Mr. SESSIONS), and all those who have been involved in this, including the chairman of the Committee on Banking and Financial Services (Mr. LEACH) have done commendable work here. This is long overdue.

As I told the gentlewoman from New York (Mrs. MALONEY) several days ago, I strongly support her effort. The majority is delighted to accept it and put it in the bill.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from New York (Mrs. MALONEY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KUCINICH

Mr. KUCINICH. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KUCINICH:

Beginning on page 3, strike line 21 and all that follows through page 4, line 11.

Page 4, line 12, strike "(c)" and insert "(b)".

Mr. KUCINICH (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. KUCINICH. Madam Chairman, the distinguished majority leader, the gentleman from Texas (Mr. ARMEY), in his eloquent presentation earlier, summed up his remarks by saying that you can teach an old dog new tricks. My response is, simply, do not beat that dog. Because what we are doing here is beating up on agencies which serve the people of this country, and when we ask them to do their plans all over again, we are wasting taxpayers' money.

This amendment, Madam Chairman, is simple and straightforward. It eliminates the bill's requirement that all Federal agencies' strategic plans should be resubmitted on September 30, 1998. The annual performance plans required by GPRA have only just begun arriving in Congress. Some will make changes to agencies' strategic plans.

It would be much better to absorb these annual plans fully before requiring the rewrite of all the strategic plans by this September. As a purely practical matter, it is now mid March. The best we can possibly expect from the Senate would be action toward the end of April. That would leave the agencies about 5 months to draft new plans, consult with Congress, and submit final strategic plans. That is simply not long enough.

Also, the submission of these plans this October, less than 6 weeks from election day, opens the door to a politicization of GPRA, which we have tried to avoid. At the Subcommittee on Government Management and Information Technology, on this legislation, not one of the witnesses testified in support of this universal resubmission requirement. It is my understanding, Madam Chairman, that in open committee we did not even take the opportunity to talk to each agency about their plans.

My amendment would save thousands of work hours and millions of dollars, millions of the taxpayers' dollars, in respect to the Federal agencies, time and money which would be better spent on productive activities, rather than repeating an exercise completed 6 months ago.

A more targeted approach would be much wiser. If some of the strategic plans were inadequate, then the appropriators and authorizers with direct jurisdiction can and they should request resubmission of those plans. That can happen under existing law. OMB testified that they would support such efforts.

Indeed, the existing OMB circular on GRPA states, "Significant changes to a strategic plan should be made through a revision of the strategic plan, even if this accelerates," even if this accelerates, "the required 3-year revision cycle. Minor adjustments to a strategic plan can be made in advance of a 3-year revision cycle by including these interim revisions in the annual performance plan."

Madam Chairman, this guidance is fully consistent with the Government Performance and Reform Act. This process is proceeding. The Labor Department is proceeding with a complete revision of their strategic plan, and at least four other agencies, Interior, HHS, NASA, and Education, have made minor revisions through their annual performance plans.

So if Congress wants revisions of specific plans, it can certainly get them. If the authorizing or appropriating committees of jurisdiction made a request to an agency for a revision of their strategic plan, ample authority already exists for that to happen. Given the power of the purse exercised by Congress, it certainly would happen.

I would like to comment briefly on the concurrence of the administration with the scorecard that has been displayed, which has been implied by some. In the letter to the gentleman from California (Mr. WAXMAN), OMB makes clear this is not the case.

"The Office of Management and Budget has never developed or endorsed a scorecard approach. In particular, we have never endorsed specific scores, specific scoring techniques, or the weight given to different factors contained in a scorecard used by the House majority leadership."

Even if we were to accept the scoring of these plans, which I certainly do not, it is important to note that they only examine 24 agencies out of the entire number. Yet under this bill, 76 agencies whose plans were not even looked at would have to completely redo them.

That is ridiculous. Again, it defies the test of logic. How can we reject something, sight unseen, unless we simply want to attack the entire Federal Government, without regard as to the proof which we would criticize, even not having seen it? In effect, this bill says to Federal agencies, we do not care how hard you may or may not have worked to develop sound strategic plans; everyone has to do them anyway. We penalize indiscriminately.

I would like to take this moment to thank the men and women of all the government agencies who are trying to do a job despite this kind of pressure, and ask them to continue to try to do better, and let them know that the American people do appreciate the service which they are rendering, and they do not deserve this kind of an attack with this legislation.

Mr. HORN. Madam Chairman, I move to strike the last word.

Madam Chairman, if adopted, this amendment essentially guts the bill. I ask every Member to disagree with this proposal. It makes absolutely no sense.

We are not saying every agency was wrong, but when we first reviewed the plans of 24 major agencies, there were very few that were above 50 out of a scale of 105. I am looking at the Social Security Administration. It moved from 62 to 68. That was a well-run organization 35 years ago when I was on the Senate staff. It still is.

Education moved from 60 to 73. In other words, they improved their plans. Some, however, will need to go over and look at practically every section. They have not answered basic questions that we asked or that are required under the 1993 law. We are trying to get them to face up to that.

Regrettably, when we tried to have a more targeted approach, we were told by a high official in the Office of Management and Budget that, "We are not interested in that." Are they reflecting the President's views? I doubt it. Or is it just the fact that maybe some in OMB are a little stressed down there?

As the gentleman from Texas (Mr. SESSIONS) eloquently noted, private sector companies constantly revamp their strategic mission, goals, and tactics. The gentleman from Georgia (Mr. KINGSTON) brought that up about Coca-Cola. The Federal Government is not Coca-Cola. On the other hand, the Federal Government is a large organization and it is only as effective as its component parts. That is what we are talking about here.

No organization that wants to be successful and that is successful would pass up three years and do nothing on their basic strategic plan when they did not get it right in the first place. We simply want the agencies to get it right. We want them to get it right by September so the President can use those goals in submitting the next budget. If we wait three years, everybody will have an excuse why they cannot give us the data. We want to require that they give us and the President those data that we need.

I, frankly, find it just very difficult to believe that the Office of Management and Budget would oppose this bill. With Vice President GORE's efforts to reinvent government and make agencies more businesslike, we wonder what he is doing about this. If I were he I would be begging to do this. I cannot imagine a high official in any administration letting a staff get away with not doing what the law requires—a law which was enacted on a bipartisan basis.

That is where we are. I ask that this amendment be defeated.

Mrs. MALONEY of New York. Madam Chairman, I move to strike the last word.

Madam Chairman, I rise in support of the Kucinich amendment resubmission requirement. The underlying bill, unfortunately, is the antithesis of the Results Act. Rather than streamlining government, it will require agencies to repeat the work they have just completed.

This bill will create the very waste and duplication in our government that the bill purports to eliminate.

In 1993, a Democratic Congress and a Democratic administration began an effort to reinvent our government—to make it more efficient and responsive to the American people. As a part of that effort, we passed the Government Performance and Results Act, or "GPRA." This legislation had overwhelming bipartisan support. We asked agencies to undertake strategic planning and timely performance evaluations so that we could streamline government and make it more efficient.

This bill, unfortunately, is the antithesis of GPRA. Rather than streamlining government, it will require agencies to repeat the work they've just completed.

Those agencies covered by GPRA—over 100 of them—have submitted their strategic plans to Congress and the Administration. According to the General Accounting Office, a non-partisan Congressional office, "On the whole, agencies' plans appear to provide a workable foundation for Congress to use in helping to fulfill its appropriations, budget, authorization, and oversight responsibilities and . . . for the continuing implementation of the [GPRA]." And the Office of Management and Budget testified before the Government Management, Information, and Technology subcommittee that they agreed with the GAO's assessment.

If the GAO and OMB believe that these are workable strategic plans, why are we considering a bill that would require these agencies to submit new plans just a few months after the original plans were submitted.

The Republicans claim that the agencies' plans are not sufficient. I have no doubt that some of the agency plans can be improved, but scrapping all of the plans is a blunderbuss that would waste taxpayer dollars. We should not "fail" these agencies just because we don't like what they have to say. If we have problems with these plans, then we should work with these agencies to bring their plans up to speed. We should not just tell them we don't like it and tell them to do it over. That will accomplish nothing: the majority is liable to not like the new plans, either. What are they going to do then?

This amendment addresses these problems. It strikes the bill's requirement that all federal agencies revise and resubmit their strategic plans to Congress by the end of FY 1998, thereby giving Congress and the agencies sufficient time to work on improvements before the next plan must be submitted in two more years.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

The amendment was rejected.

The CHAIRMAN pro tempore. Are there other amendments to the bill?

AMENDMENT OFFERED BY MR. HORN

Mr. HORN. Madam Chairman, I offer an amendment, which is a technical amendment.

The Clerk read as follows:

Amendment Offered by Mr. HORN:

Page 7, line 24, strike "to the Congress and".

Page 7, line 25, after the period insert the following new sentence:

In the case of reviews by an agency inspector general, such submission shall be made as part of the semiannual reports required under section 5 of the Inspector General Act of 1978. Not later than 30 days after the date of the submission of the review plan to the agency head under this subsection, the agency head shall submit the review plan to Congress.

Page 8, line 5, strike "and the Congress".

Page 8, line 10, after the period insert the following new sentence:

Not later than 30 days after the date of the submission of the findings, results, and recommendations to the head of the agency under this subsection, the agency head shall submit the findings, results, and recommendations to Congress.

Mr. HORN (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HORN. Madam Chairman, this is, I believe, unanimously supported by both majority and minority. It was brought to the attention of the Committee on Government Reform and Oversight after the legislation was reported to the House that the submission dates drafted in the section of the bill dealing with the role of the Inspectors General were incorrect and needed to be brought into conformance with the existing law.

When the Inspectors General discovered that, they contacted our staff, and this is the technical amendment. It is not a substantive change. I understand it has the support of leadership on the other side of the aisle. I ask that this be adopted without further debate.

Mr. KUCINICH. Madam Chairman, will the gentleman yield?

Mr. HORN. I yield to the gentleman from Ohio.

Mr. KUCINICH. Madam Chairman, I simply want to say that I want to thank the chairman. This is, indeed, a technical amendment made at the request of the Inspectors General.

I have had the opportunity to review it, and we have no objection to its adoption.

Mr. HORN. Madam Chairman, I thank the gentleman for that.

Before asking that we have a rollcall on the final vote, I will include in the RECORD our thanks to both majority staff and minority staff members who have worked on this legislation. I am sure my colleague will want to read the minority staff that were involved.

The majority staff who helped with the bill were, from the full committee on Government Reform and Oversight: Daniel Moll, the Deputy Staff Director; Jane Cobb, Professional Staff Member; William Moschella, the Deputy Counsel and Parliamentarian.

From the Office of the Majority Leader, the gentleman from Texas (Mr. ARMEY), we had Ginni Thomas and Jaylene Hobrecht.

From the Subcommittee on Government Management, Information and Technology which I chair: Staff Director and Chief Counsel J. Russell George; Dianne Guensberg, Professional Staff Member, on loan from the General Accounting Office; Robert Alloway, Professional Staff Member; Matthew Ebert, Clerk; and David Coher, a U.S.C. student working in Washington, D.C., for a semester, and doing very fine work with us.

From the Office of the Representative PETE SESSIONS, chairman of the Results caucus: Robert Shea, Legislative Director.

Madam Chairman, I yield to the gentleman from Ohio (Mr. KUCINICH), the ranking member of the subcommittee, for the listing of their staff.

Mr. KUCINICH. Madam Chairman, I appreciate the gentleman yielding, and his work on this, and I look forward to continuing work with him. We may have differences of opinion, but I have a great deal of respect for his approach to things. I am grateful to the ranking member of the committee on which he is the chair.

Madam Chairman, I would like to thank our Democratic staff, Phil Schiliro, Phil Barnett, Mark Stephenson, David Sadkin of the committee, and Julie Moses of my personal staff. As Members of Congress will understand, we are able to be present here engaged in this debate because of the remarkable work of individuals who pour their hearts and souls into providing us with this information, much the same way as the Federal employees in the agencies do.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California (Mr. HORN).

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there other amendments?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

□ 1300

Accordingly the Committee rose; and the Speaker pro tempore (Mr. PETRI) having assumed the chair, Mrs. EMERSON, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 2883) to amend provisions of law enacted by the Government Performance and Results Act of 1993 to improve Federal agency strategic plans and performance reports, pursuant to House Resolution 384, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. KUCINICH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 242, nays 168, not voting 20, as follows:

[Roll No. 50]

YEAS—242

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Brady
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doggett
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Luther
Maloney (CT)
Manzullo
McCarthy (MO)
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Riggs
Riley
Rivers
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stabenow
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—168

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gordon
Gutierrez
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E.B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lowey
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stark
Stokes
Strickland
Stupak
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—20

Berman
Brown (CA)
Bunning
Cummings
Doyle
Furse
Gephardt
Gonzalez
Goss
Harman
Hinojosa
Hutchinson
John
Lofgren
Nadler
Poshard
Redmond
Sánchez
Schiff
Tanner

☐ 1321

Mr. MOAKLEY and Mr. HEFNER changed their vote from "yea" to "nay."

Mr. LUTHER and Ms. RIVERS changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CUMMINGS. Mr. Speaker, on rollcall number 50, my vote on the bill, H.R. 2883, the Government Performance Results Act amendments was not recorded, as there was a computer malfunction in the recording device. Today, I was present for all recorded votes in the House.

Had the computer accurately recorded my vote, it would have been a "no" vote on final passage.

GENERAL LEAVE

Mr. SESSIONS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2883, the bill just passed.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from Texas?

There was no objection.

TUCKER ACT SHUFFLE RELIEF ACT OF 1997

The SPEAKER pro tempore (Mr. THOMAS). Pursuant to House Resolution 382 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 992.

☐ 1323

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 992) to end the Tucker Act shuffle, with Mrs. EMERSON (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, March 11, 1998, pending was the amendment by the gentleman from North Carolina (Mr. WATT).

Pursuant to the order of the House of that day, no further debate or amendment to the committee amendment in nature of a substitute shall be in order except for the pending amendment, which shall be debatable for 20 minutes.

The gentleman from North Carolina (Mr. WATT) and a Member opposed, the gentleman from Texas (Mr. SMITH) each will control 10 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Madam Chairman, I yield myself 30 seconds for the benefit of explaining to the Members where we are in the process so that people will know what we are doing.

We debated this bill yesterday and had part of the debate on the Watt-Rothman amendment yesterday. We now have 10 minutes on each side to further debate the Watt-Rothman amendment. Then there will be a vote on the Watt-Rothman amendment, and then a vote on final passage, for those who are trying to schedule their time at this point.

Madam Chairman, I reserve the balance of my time.

Mr. SMITH of Texas. Madam Chairman, I yield myself such time as I may consume, and I rise in opposition to this amendment.

The issues today are about equity and fairness. Every homeowner and property owner across America deserves to have their day in court and in the court that is best for them. An individual who seeks to contest a governmental taking must deal with unreasonable obstacles and costs in negotiating their way through the legal maze of the Tucker Act. Current law denies the Court of Federal Claims authority to hear claims for injunctive relief and denies the U.S. district courts the authority to hear claims for monetary relief over $10,000.

The Federal Government often says that property owners have sued in the wrong court, bouncing property owners back and forth between the two courts. Some argue we should end the Tucker Act shuffle by giving only U.S. district courts the ability to grant complete relief in takings cases. But why should we disregard the Court of Federal Claims' expertise or its large body of case law and deny the court the ability to hearing takings claims for both monetary and equitable relief?

Property owners have the right to be heard either in the Court of Claims or in the U.S. district court. Why not give property owners the option of going to the court that they think is best? If the property owner wants to pursue their claim in a court close to home, the property owner can choose a district court. If the owner wants to utilize the expertise of a specialized court, the owner can choose the Court of Federal Claims. We should make it as easy as possible for property owners to have their claims heard.

There has been a concern voiced about giving an Article III court's powers to an Article I court; that it would somehow be unconstitutional. But the answer is that both courts are clearly constitutional. Furthermore, the bill directs that all appeals, whether from the U.S. district court or the Court of Federal Claims, will go to the same Court of Appeals for the Federal Circuit, an Article III court. The Constitution clearly allows Congress to provide the Court of Federal Claims with the power of providing relief in takings cases.

☐ 1330

First, each Federal court, whether an Article I court or an Article III court, has the inherent authority and duty to disregard unconstitutional statutes and regulations. In IBM vs. U.S., the Federal Circuit recently affirmed a ruling by the Court of Federal Claims declaring a Federal tax statute to be unconstitutional.

Second, the Court of Federal Claims already has the power to grant injunctive relief in various areas, which today total 40 percent of its current docket load. And third, the recent Supreme Court cases of Northern Pipeline Construction Company vs. Marathon Pipeline Company, and Commodity Futures Trading Commission vs. Schor, both signal Congress' ability to give the Court of Federal Claims the power to grant total relief in takings cases.

Private property owners should have the option and the opportunity to assert their constitutional rights in the court of their choice without being treated like a Ping-Pong ball. Every property owner in America has the right to obtain a timely resolution, one way or the other, of their takings claims. They deserve to have their day in court and in the right court, the court of their choice.

There are some, and I certainly do not put my friend from North Carolina in this category, but there are some who say they are for property rights. What they mean is they are for property rights in the abstract; they are for property rights theoretically; and they are for property rights idealistically. But when it comes to relevant people with real problems, and we have abundant examples of horror stories, when it comes to real people with real problems, somehow these theoretical abstract property rights supporters can never be found.

H.R. 992 is a fair, straightforward, common-sense way to get every property owner across America their right to choose the court that they think is best for their claim, either the Claims Court or the Federal District Court; and this amendment would destroy that option that every property owner in America should have. Madam Chairman, I urge my colleagues to vote against this amendment.

Madam Chairman, I reserve the balance of my time.

Mr. WATT of North Carolina. Madam Chairman, I yield 30 seconds to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Madam Chairman, this could be a very good bill, but only if the Watt/Rothman amendment does pass. People who have had their land taken clearly should have it resolved in one court. But that court is not the Court of Federal Claims, it is the U.S. District Court.

The Watt/Rothman amendment sends it to the U.S. District Court, accomplishes the efficiency, the fairness that people are looking for. If Watt/Rothman passes, I would strongly support this bill. But a lot of people understand that if the only court you can go to is the Court of Federal Claims, this will not be a good bill and will have to vote against it.

Mr. SMITH of Texas. Madam Chairman, I reserve the balance of my time.

Mr. WATT of North Carolina. Madam Chairman, I yield 4 minutes to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Madam Chairman, I rise today in strong support of the Watt/Rothman amendment to H.R. 992. I want to begin by saying thank you and congratulations to my colleague, the gentleman from Texas (Mr. SMITH), for identifying this problem that has caused private property owners so much heartache and expense.

I do want to say also, though, with respect to my colleague from Texas, that the solution that he offers, in my judgment, is unconstitutional. The problem here we are talking about arises in Federal cases involving the taking of land without just compensation. The question is how do we solve the problem? Do we solve the problem in what might arguably be an unconstitutional way?

There are laypeople and experts who say that this solution, H.R. 992, is unconstitutional. Or do we solve the problem in an elegant, simple, and completely effective way that happens to be perfectly constitutional?

Last October, along with many of my colleagues from both parties, I voted in favor of H.R. 1534, the Private Property Rights Implementation Act. I did so proudly. H.R. 1534 was important because it cut years of delay from Federal takings proceedings that kept people from having their day in court.

However, notwithstanding H.R. 1534, there still remains an unjustifiable shuffle within the Federal court system that people must go through in order to get their Federal takings claims resolved. These property owners are being shuffled between the U.S. District Court and the Court of Federal Claims when they bring suit against the Federal Government after their property has been taken without just compensation.

But the problem with H.R. 992, with respect, is that the solution to this shuffling problem gives broad powers that are normally reserved for the judicial branch courts, Article III courts, and instead gives them to the Court of Federal Claims, an Article I court, whose judges happen to be appointed for a period of years as opposed to the lifetime appointments of the Federal District Court judges.

As you might imagine, these lifetime points of the Federal District Court judges allow the judges to have a much more impartial attitude regarding all cases, especially keeping them from the kind of political pressure that we all feel is inappropriate in Federal cases.

For those Members who want to get rid of the shuffle that private property owners seeking relief are now being required to go through, there is a perfectly complete and constitutional solution to that problem. That is the Watt/Rothman amendment to H.R. 992.

Our amendment is very simple. It says, if one is concerned about getting shuffled around the Federal court system in order to get their private property rights heard, their claims heard, they would now, under the Watt/Rothman amendment, be able to challenge the validity of the Federal statute authorizing the taking, have all other related claims heard, and receive compensation as well as any and all other remedies entirely with the one court, the Federal District Court. There would be no shuffling. The problem would be solved completely, elegantly, efficiently, and without any question, constitutionally.

So the question is, why do it any other way; why do it in a manner that is subject to constitutional attack? If we are really all about giving private property owners who have claims a clear and immediate chance to avoid the shuffling between courts, why would we vote for a bill, H.R. 992, that raises constitutional questions, is almost certainly to be challenged in court, and be defeated in court as unconstitutional, when there is available the Watt/Rothman amendment that is perfectly constitutional and eliminates the shuffling problem?

That is why I urge all my colleagues, if they really care about private property rights claims to help homeowners, to help business people and others who are making private property claims in Federal court, vote for the Watt/Rothman amendment. It is constitutional and it works.

Mr. SMITH of Texas. Madam Chairman, I yield myself 30 seconds.

Madam Chairman, let me respond very briefly to my friend from New Jersey and say that the constitutional problems that he raised are just in the eyes of the beholder, just himself and a few others. They are certainly not in the eyes of judges or other courts who have ruled on this issue.

I mentioned a while ago one case, the IBM versus United States case, where the Federal circuit recently affirmed a ruling by the Court of Federal Claims declaring a Federal tax statute to be unconstitutional. Clearly, the court is saying that the Court of Claims can so rule.

I have also mentioned the Northern Pipeline Construction Company, which is a recent Supreme Court case, as well as the Commodity Futures Trading Commission case, which was also a recent Supreme Court case.

Both of those cases put up tests that could be met by the Court of Claims, and any ruling that it would make in regard to the Fifth Amendment taking claims would clearly be constitutional.

If the plain language of the Supreme Court cases is not clear to my friends, I am happy for the judges to stand corrected, but that is a constitutional court, the Court of Claims.

Madam Chairman, I reserve the balance of my time.

Mr. WATT of North Carolina. Madam Chairman, might I inquire how much time remains on each side?

The CHAIRMAN pro tempore. The gentleman from Texas (Mr. SMITH) has 5 minutes remaining, and the gentleman from North Carolina (Mr. WATT) has 5 minutes remaining.

Mr. WATT of North Carolina. Madam Chairman, I yield myself as much time as I may consume.

Madam Chairman, let me first say to my colleagues what this dispute is not about. First of all, both sides of the aisle, the gentleman from Texas (Mr. SMITH) and I agree that shuffling private citizens back and forth between two courts is not acceptable.

I understand the historical reason that it was done. In fact, it was done because the Court of Federal Claims could have jurisdiction over the claims part of an issue, but they did not have the constitutional authority to declare statutes unconstitutional.

So the reason that we have this two-party arrangement now, where the Court of Federal Claims has part of the jurisdiction and the U.S. District Court has part of the jurisdiction, is for the very constitutional reason that I am offering this amendment. But both of us agree that that should be eliminated.

This is not about taking jurisdiction away from the U.S. Court of Federal Claims. I would love for them to have jurisdiction over this matter. If they had the constitutional authority to deal with it, it would not matter to me who had jurisdiction over the issue.

So why are we here? We are trying to fin which is a constitutional solution. Why is that important? Go back to the founding of our country when our Constitution was first written. The Founding Fathers wrote this: That King George has made judges dependent on his will alone for the tenure of their offices and the amount of payment of their salaries.

That was unacceptable to the Founding Fathers. That is why they set up an independent judiciary in our country, so that we would not have to address that issue.

They set up some other courts, like the Court of Federal Claims. Yes, it is a good court. No problem with the court. But they did not give the judges over there lifetime tenure and guaranteed salaries that separates them out and gives them independence on these issues. They just do not have that authority.

So we are trying to find a place that we can send private property takings and all of the issues related to those private property takings where they can get a constitutional hearing in one location. The only place to do that is the United States District Court, because it is an Article III court set up under the Constitution for that kind of purpose.

It makes you wonder why my colleagues on the other side might be favoring giving this responsibility to the Court of Federal Claims. There are two theories I have. Either they want the issue more than they want a solution; that is one possibility. The other possibility is that all 14 judges on the Court of Federal Claims are Reagan/Bush appointees. And 11 out of the 13 appeals judges are Reagan/Bush appointees. So all of a sudden, this becomes a political issue rather than a problem to be solved, which is what we should be about in this body.

The President has said, the administration has said that they are going to recommend aggressively that this bill be vetoed if it is passed in an unconstitutional form such as the one now. They have said we will sign this bill if the Watt/Rothman amendment is passed.

Environmental groups, others who have opposed this bill have said, we encourage people to vote for the bill if the Watt/Rothman amendment is passed. It will solve the problem. It will repose the responsibility in a constitutional court.

That is what we thought we were striving to do, to solve the problem. But there are some people in this body who would rather have the issue to complain about and raise it at that level than they would to solve the problem.

I ask my colleagues to support this amendment, make this bill vetoproof. Let us get it passed. Let us solve the problem and quit worrying about where the issue is.

Mr. SMITH of Texas. Madam Chairman, I yield myself 15 seconds.

Madam Chairman, I just simply want to urge my opponents to read the Supreme Court cases that I mentioned a minute ago. If they did, I am sure they would understand why this bill is absolutely constitutional.

Madam Chairman, I yield 1 minute to my friend, the gentleman from Ohio (Mr. CHABOT).

☐ 1345

Mr. CHABOT. Madam Chairman, I rise to oppose this amendment.

The main purpose of this legislation is to give those who feel that their property has been taken by an action of the Federal Government the ability to file a single suit in a single Federal court of their choice, either the court of claims or the Federal district court. This amendment would take that choice away and force them to file in a district court, requiring them to forgo the expertise of the court of claims.

Under current law, when a person believes that they have suffered a taking by the Federal Government, they face an unfair decision that makes them choose between compensation and putting a stop to the action. Although this amendment represents a step in the right direction when compared to the current law, it should be rejected in favor of the broader step taken in the underlying legislation.

Finally, Madam Chairman, I would like to thank the gentleman from Texas (Mr. SMITH) for his perseverance in pushing this legislation to help those who are already burdened by uncompensated takings to get their day in court. I am proud to have cosponsored this important legislation.

Mr. SMITH of Texas. Madam Chairman, I yield myself the balance of my time.

Once again, I want to say to my colleagues and reassure them that H.R. 992 is a fair, straightforward, commonsense way to give every property owner across America their right to choose the court that they think is best for their claim, either the claims court or the Federal district court. This amendment again would destroy that option.

If we support giving private property owners their day in court, if we believe property owners, not the Federal Government, should choose the court that hears their case, if we believe that property owners do not deserve to be treated like a ping-pong ball and shuffled back and forth between courts, if we believe in fairness and equity, then I encourage my colleagues on both sides of the aisle to vote for this fair, straightforward, common-sense bill and support the right of every property owner across America to have their day in court and in the court that is best for them.

Madam Chairman, I have made a good-faith effort over the last 2 days to address the concerns of my colleagues that we not affect in any way environmental laws. With the adoption of the amendment that I offered last night during our debate, this bill does not affect those laws or preempt them in any way. I urge my colleagues who had concerns to vote for H.R. 992 with my amendment to protect environmental laws and to vote no on the administration's amendment offered by the gentleman from North Carolina (Mr. WATT).

Among many organizations, the Chamber of Commerce, the realtors and the homebuilders support this legislation and oppose this amendment. I urge a strong bipartisan vote in opposition to this amendment and in favor of the underlying bill.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mrs. EMERSON). The question is on the amendment in the nature of a substitute offered by the gentleman from North Carolina (Mr. WATT).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. WATT of North Carolina. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 206, noes 206, not voting 19, as follows:

[Roll No. 51]

AYES—206

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Bass
Becerra
Bentsen
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boucher
Boyd
Brown (FL)
Brown (OH)
Campbell
Cardin
Carson
Castle
Clay
Clayton
Clyburn
Conyers
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Ehlers
Engel
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Forbes
Ford
Fox
Frank (MA)
Frelinghuysen
Frost
Gejdenson
Gilchrest
Gilman
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Klug
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Leach
Levin
Lewis (GA)
LoBiondo
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pappas
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Reyes
Rivers
Rodriguez
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schumer
Scott
Serrano
Shays
Sherman
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weldon (PA)
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—206

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Boswell
Brady
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Ensign
Everett
Foley
Fossella
Fowler
Franks (NJ)
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Gingrich
Goode
Goodlatte
Goodling
Graham
Granger
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kim
King (NY)
Kingston
Knollenberg
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Lucas
Manzullo
Matsui
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Royce
Ryun
Salmon
Scarborough
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Berman
Brown (CA)
Bunning
Furse
Gephardt
Gonzalez
Goss
Harman
Hastert
John
Lofgren
Nadler
Poshard
Rangel
Redmond
Sánchez
Schaefer, Dan
Schiff
Tanner

□ 1411

Messrs. TAYLOR of Mississippi, WHITE, and LIVINGSTON, and Ms. DANNER changed their vote from "aye" to "no."

Messrs. ORTIZ, FROST and JEFFERSON changed their vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mrs. EMERSON). The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

Mr. NETHERCUTT. Madam Chairman, I rise today in support of H.R. 992, the Tucker Act Shuffle Relief Act, introduced by my colleague from Texas, Mr. SMITH.

The Tucker Act Shuffle Relief Act would bring clarity to the legal process for landowners who make property rights claims under the Fifth Amendment to the Constitution. As we all know, the Fifth Amendment requires that no person be deprived of property without the due process of law, nor shall private property be taken for pubic use without just compensation.

As I have listened to the debate, I do not believe there is disagreement over the need for just or fair compensation. However, there is disagreement over the best way to ensure the rights of private property owners are protected.

Madam Chairman, I believe the Tucker Act is needed because of the procedural nightmares many private property owners face when seeking judicial relief from any outright taking of land or its restriction of use by a federal agency or regulation. Under current law, a claim must be made in two separate federal courts, U.S. Court of Federal Claims (CFC) and a federal district court. The CFC will hear the money claims against the U.S. government while district courts will address the legality of the federal action. This jurisdictional split has been called by many the "Tucker Act Shuffle."

Madam Chairman, H.R. 992 is not anti-environment, nor will it amend any environmental law, as many of my colleagues have said. H.R. 992 would simply allow private property owners to seek redress in only one court, either the CFC or a federal district court. I believe that streamlining the legal process will greatly reduce the length of time and cost of litigation, which is both good for the private property owner and the federal government.

I thank my colleague from Texas for introducing his bill at this time, and ask my colleagues to support H.R. 992.

Mr. BLUMENAUER. Madam Chairman, late last year we passed legislation that was an important landmark in the debate over the resolution of private property rights disputes.

In far too many parts of the country we have a patchwork system for resolving land use disputes that relies almost entirely upon legal maneuvering and political pressure. In many cases, this is because these areas lack comprehensive land use plans developed by local government with the help of their citizens and business interests.

This is an exceedingly inefficient and often unfair way to resolve the important public policy decisions attendant to development. There needs to be a way to provide incentives to State and local governments to carefully codify their planning objectives in terms of zoning and development requirements, along with cost and fee structures that require development to pay its own way. A combination of sound land use planning and appropriate user fee structures makes good development possible.

The legislation before us today is, in part, a logical addition to the steps we took in passing H.R. 1535. Members on both sides of the aisle see the wisdom of allowing both the claim suit and the compensation suit to be heard in one court opposed to two.

But unfortunately, in attempting to fix this problem, H.R. 992 creates a new one which is, for me, decisive. H.R. 922 would severely weaken a critical component of our environmental and labor laws, the so-called preclusive review. Under the bill, suits regarding the proper use of land or water as those uses related to the Clean Water Act and other critical environmental statutes could be heard in any of the district courts, as well as the Court of Federal Claims. Such a proposal opens the door to the possibility of courts establishing different water or air standards for different parts of the country. Without a uniform standard, as currently protected by preclusive review, we undermine the entire purpose of our environmental status. I don't believe a provision of this sort belongs in a bill specifically oriented toward eliminating the burden of separate court filings for takings claims. By supporting the Watt amendment, we can eliminate the Tucker Act Shuffle without undermining our environmental statutes.

Ms. PELOSI. Madam Chairman, I rise in support of the amendment to H.R. 992 offered by Representatives WATT and ROTHMAN.

H.R. 992 would weaken existing environmental laws and increase the number of court cases initiated to challenge longstanding environmental protections. It would leave to the courts the interpretation of environmental laws by expanding court jurisdiction and authority to challenge government regulations.

As the bill stands, it would allow developers to shop the courts until they located the most favorable venue for the most favorable treatment of their arguments and to be heard in either the U.S. District Court or the U.S. Court of Federal Claims. One court might rule in one way affecting the same law that another court might act on with an entirely different interpretation. Contradictory rulings would lead to widespread confusion of the intent of laws developed and approved by Congress. The Watt-Rothman amendment offers a more reasonable approach to the court shopping spree provided under the bill.

Under Article I of the Constitution, the Court of Federal Claims does not have the authority to revoke federal statutes or to provide relief other than monetary. The Watt-Rothman amendment addresses the question of constitutionality and effectively eliminates the current "shuffle" between courts by consolidating claims within a single court, the U.S. District Court. The Watt-Rothman amendment also preserves expedited review which is important to determine the validity of federal regulations in an expeditious manner.

I urge my colleagues to vote in favor of the Watt-Rothman amendment.

Mr. YOUNG of Alaska. Madam Chairman, I rise in support of H.R. 992, the Tucker Act Shuffle Relief Act. This bill would simplify the court procedures when a case is brought by a private property owner to protect their legal and civil rights as guaranteed in the 5th amendment of the United States Constitution. This is a bill that is sorely needed.

As chairman of the Committee on Resources, we have documented in our hearings the many cases where governments assert the right to set aside private lands for the protection of wildlife.

When a landowner wants to sell land and the government pays for the land, that is legal and an acceptable manner for the government to protect wildlife.

However, as is happening more frequently, the government sometimes finds it inconvenient to find the funds to buy the land, so they designate it as habitat for an endangered species.

When that happens, landowners find that they cannot use their land. In the last two years, under extreme pressure from the Republican Congress, the government is beginning a process to allow landowners to use land designated as habitat, but only at a very high cost to landowners.

When landowners cannot afford to go to court to protect their legal and civil rights, the government can use pressure to take the land from the landowner.

We need to give landowners a more level playing field. We need to insure that going to court is not so expensive that only the biggest and richest landowners can afford to protect their rights.

A case in point is the Headwaters Forest in California. For years the government tried to use various forestry laws and the ESA to force the landowner off a portion of its land.

The landowner filed a takings suit in the court of claims and now the government has come to the bargaining table and offering to pay for the property.

This would not have happened if this landowner had not been a large, wealthy corporation with the resources to fight a long and an expensive court battle.

Now some environmentalists are arguing that this bill would increase the number of Federal lawsuits.

Some environmentalists are now in the business of filing lawsuits. In the last ten years, environmentalists have received over ten million dollars in payments from the Federal Treasury for filing Endangered Species Act lawsuits.

I believe many of these lawsuits are frivolous and an abuse of the courts, and their numbers are increasing dramatically.

For environmentalists to argue against allowing average citizens to sue at the same time they are making a living off their lawsuits in hypocrisy of the highest order.

I have a list of environmentalists who have received payments for lawsuits and would ask that it be entered into the RECORD with my testimony.

Let's insure that the smallest and poorest landowner can have the same rights as the biggest corporation or well financed environmental groups.

Lets pass H.R. 992 and protect our constitutional rights.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. TIAHRT) having assumed the chair, Mrs. EMERSON, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 992) to end the Tucker Act shuffle, pursuant to House Resolution 382, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

☐ 1415

The SPEAKER pro tempore (Mr. TIAHRT). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WATT of North Carolina. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 230, noes 180, not voting 20, as follows:

[Roll No. 52]

AYES—230

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehner
Bonilla
Boswell
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fazio
Foley
Ford
Fossella
Fowler
Frost
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kim
Kind (WI)
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Lucas
Manzullo
Martinez
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Minge
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pryce (OH)
Radanovich
Reyes
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon

Sandlin
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weygand
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—180

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Bass
Becerra
Bentsen
Bilbray
Blumenauer
Boehlert
Bonior
Borski
Boucher
Brown (FL)
Brown (OH)
Cardin
Carson
Castle
Clay
Clayton
Clyburn
Conyers
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Ehlers
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fawell
Filner
Forbes
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Gejdenson
Gephardt
Gilchrest
Gilman
Greenwood
Gutierrez
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kleczka
Klink
Klug
Kucinich
LaFalce
Lampson
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (GA)
LoBiondo
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pappas
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Porter
Portman
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Regula
Rivers
Rodriguez
Rothman
Roukema
Rush
Sabo
Sanders
Sanford
Sawyer
Saxton
Schumer
Scott
Serrano
Shays
Sherman
Skaggs
Slaughter
Smith (NJ)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tauscher
Thompson
Tierney
Towns
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weldon (PA)
Wexler
Wise
Woolsey
Wynn
Yates

NOT VOTING—20

Berman
Brown (CA)
Cunningham
Furse
Gonzalez
Goss
Harman
John
Lofgren
Markey
Nadler
Parker
Poshard
Redmond
Roybal-Allard
Sánchez
Schiff
Tanner
Torres
Weller

□ 1436

So the bill was passed.

The result of vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to end the Tucker Act shuffle, and for other purposes.".

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GOSS. Mr. Speaker, I was not present for the following rollcall votes: 50, 51, & 52. Had I been present, I would have voted "yes" on: 50 & 52 and "no" on: 51.

GENERAL LEAVE

Mr. SMITH of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from Texas?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1415

Mr. SALMON. Madam Speaker, I request unanimous consent that my name be removed as a cosponsor of H.R. 1415.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. FAZIO of California asked and was given permission to address the House for 1 minute.)

Mr. FAZIO of California. Madam Speaker, I yield to the gentleman from Texas (Mr. ARMEY) for an explanation of the schedule for next week.

Mr. ARMEY. Madam Speaker, I am happy to announce that we have concluded the legislative business of the week. The House will next meet on Tuesday, March 17, at 12:30 p.m. for morning hour and at 2:00 p.m. for legislative business.

We will consider a number of bills under suspension of the rules, a list of which will be distributed to Members' offices. Any recorded votes on these suspensions will be postponed until 5:00 p.m. on Tuesday, March 17.

On Tuesday, March 17, the House will also swear in Mrs. Capps as the new Member from California. On Wednesday, March 18, and Thursday, March 19, the House will meet at 10:00 a.m. to consider the following legislation: H. Con. Res. 227, a resolution directing the President to remove U.S. armed forces from Bosnia-Herzegovina; H.R. 1757, the State Department conference report; H.R. 2870, the tropical forest conservation act; and H.R. 1704, a bill to establish a congressional office of regulatory analysis.

Mr. Speaker, we hope to conclude legislative business for the week by 6:00 p.m. on Thursday, March 19. There will be no legislative business and no votes on Friday, March 20.

I want to thank the gentleman for yielding to me.

Mr. FAZIO of California. Madam Speaker, if I could ask the gentleman to tell us whether the Capps swearing in would be at 5:00 or thereafter?

Mr. ARMEY. Madam Speaker, I thank the gentleman for asking. Obviously, this is a very important day in the life of Mrs. Capps, and we would be working with the minority to coordinate that. We would expect to do that in such a way as to honor also the commitment to Members regarding votes and their travel arrangements. I would anticipate that it would be after 5:00 that evening.

Mr. FAZIO of California. Madam Speaker, I thank the gentleman.

MAKING IN ORDER ON WEDNESDAY MARCH 18, 1998, CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 227, DIRECTING THE PRESIDENT TO REMOVE U.S. ARMED FORCES FROM BOSNIA-HERZEGOVINA

Mr. ARMEY. Madam Speaker, I ask unanimous consent that it not be in order prior to Wednesday, March 18, 1998 to consider House Concurrent Resolution 227; on Wednesday, March 18, it be in order in the House to consider House Concurrent Resolution 227 as modified by the amendment numbered 1 printed in the CONGRESSIONAL RECORD of today; and the previous question shall be considered as ordered on the concurrent resolution, as modified, to final adoption without intervening motion except two hours of debate, with one hour controlled by the gentleman from California (Mr. CAMPBELL), 30 minutes controlled by the gentleman from New York (Mr. GILMAN) or his designee, and 30 minutes controlled by the gentleman from Indiana (Mr. HAMILTON) or his designee.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR COMMITTEE ON INTERNATIONAL RELATIONS TO HAVE UNTIL MIDNIGHT, FRIDAY, MARCH 13, 1998, TO FILE REPORT ON H.R. 2870, TROPICAL FOREST CONSERVATION ACT OF 1998

Mr. CAMPBELL. Madam Speaker, I ask unanimous consent that the Committee on International Relations have until midnight, Friday, March 13, 1998, to file a report to accompany the bill (H.R. 2870) to amend the Foreign Assistance Act of 1961 to facilitate protection of tropical forests through debt reduction with developing countries with tropical forests.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO HAVE UNTIL MIDNIGHT FRIDAY, MARCH 13, 1998, TO FILE REPORT ON H.R. 1704, CONGRESSIONAL OFFICE OF REGULATORY ANALYSIS CREATION ACT

Mr. CAMPBELL. Madam Speaker, I ask unanimous consent that the Committee on the Judiciary have until midnight on Friday, March 13, 1998 to file a report on the bill (H.R. 1704) to establish a Congressional Office of Regulatory Analysis.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION TO ENTERTAIN MOTIONS TO SUSPEND THE RULES ON WEDNESDAY, MARCH 18, 1998

Mr. CAMPBELL. Madam Speaker, I ask unanimous consent that notwithstanding clause 1 of rule XXVII, it be in order at any time on Wednesday, March 18, 1998, for the Speaker to entertain motions to suspend the rules and pass the following bills: H.R. 2696, amending title 17 to provide for protection of certain original designs; S. 758, making technical corrections to the Lobbying Disclosure Act of 1995; H.R. 2294, Federal Courts Improvement Act of 1997; and H.R. 3117, the Civil Rights Commission Act of 1998.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ADJOURNMENT TO MONDAY, MARCH 16, 1998

Mr. CAMPBELL. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2:00 p.m. on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

HOUR OF MEETING ON TUESDAY, MARCH 17, 1998

Mr. CAMPBELL. Madam Speaker, I ask unanimous consent that when the House adjourns on Monday March 16, 1998, it adjourn to meet at 12:30 p.m. on Tuesday, March 17, 1998 for morning hour debates.

The SPEAKER pro tempore. Is there objecton to the request of the gentleman from California?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. CAMPBELL. Madam Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objecton to the request of the gentleman from California?

There was no objection.

INTRODUCTION OF LEGISLATION NAMING THE DICK CHENEY FEDERAL BUILDING

(Mrs. CUBIN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CUBIN. Mr. Speaker, it gives me great pleasure today to introduce legislation to rename the Federal building and post office in Casper, Wyoming, the Dick Cheney Federal Building. I know of no one more deserving of this honor than Dick Cheney.

Dick was one of my predecessors in the House. He served as Chief of Staff to former President Ford and he was Secretary of Defense under former President George Bush. During his tenure as Defense Secretary, Dick directed two of the largest military campaigns in recent history, Operation Just Cause in Panama and Operation Desert Storm in the Middle East. For his leadership in the Gulf War, Dick was awarded the Presidential Medal of Freedom by President Bush, one of the highest honors bestowed on any individual.

Although Dick is now serving as Chairman of the Board and Chief Executive Officer of the Halliburton Company and out of the political limelight, he remains extremely popular in Wyoming and his advice is still sought after by many of us, including myself, who currently serve in office. I hope my colleagues will join me in sponsoring this legislation in honor of one of our most cherished and highly respected former Members.

Mr. Speaker, it is my distinct honor and privilege to introduce today a bill to rename the Federal Building and Post Office in Casper, Wyoming, after a former member of this body, my predecessor, Dick Cheney. I cannot think of anyone more deserving of this recognition, and I know the residents of Casper and all of Wyoming will be proud to honor him in this manner.

As most of my colleagues are aware, Dick was first elected to serve in the House of Representatives in 1978 and was reelected five times. At the end of his first term, his Republican colleagues elected him to serve as Chairman of the Republican Policy Committee. I'm told that is the first time in this century a freshman member has been named to that position. Dick went on to become Chairman of the Republican Conference and House Minority Whip.

But Dick's political career really began years earlier when he first joined the Nixon Administration in 1969, where he served in a number of positions at the Cost of Living Council, the Office of Economic Opportunity and the White House staff. He left the government in 1973 to become Vice President of Bradley, Woods and Company, an investment advisory firm.

When Gerald Ford assumed the Presidency in August of 1974, Dick was invited to serve on the transition team and later as Deputy Assistant to the President. In November, 1975, he was named Assistant to the President and White House Chief of Staff, a position he held throughout the remainder of the Ford Administration. I might add that, at 34, Dick was the youngest Chief of Staff ever to serve a President.

For many of us in Wyoming who have known Dick for years, however, our greatest thrill was having him appointed as Secretary of Defense in the Bush Administration, a position he held from March of 1989 to January 1993. During his tenure at the Defense Department, Dick directed two of the largest military campaigns in recent history—Operation Just Cause in Panama and Operation Desert Storm in the Middle East. He was also responsible for shaping the future of the U.S. military in an age of profound and rapid change as the Cold War ended. For his leadership in the Gulf War, Dick was awarded the Presidential Medal of Freedom by President Bush on July 3, 1991, one of the highest honors bestowed on any individual.

Although Dick is now serving as Chairman of the Board and Chief Executive Officer of the Halliburton Company and out of the political limelight, he remains extremely popular in Wyoming and his advice is still sought after by many of us—including myself—who currently serve in office. Dick and his wife Lynne are among my closest friends and I cherish, love and admire them both. It is a great pleasure for me to seek to recognize him in this fashion, and I trust my colleagues will join me in sponsoring this bill and working towards its expeditious passage.

Thank you, Dick, for all you have done for this country. God bless you and your family.

MARRIAGE TAX PENALTY

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, why is enactment of the Marriage Tax Elimination Act so important? Do Americans feel that it is fair that our tax code imposes a higher tax on marriage?

Do Americans feel that it is fair that 21 million married working couples pay on the average of $1,400 more a year than an identical couple living together outside of marriage? Do Americans feel that it is fair that our Tax Code provides an incentive to get divorced? Of course not.

The marriage tax penalty is not only unfair, it is wrong that we punish marriage. The marriage tax penalty results when we have a couple with two incomes that are married and they file jointly and it pushes them into a higher tax bracket. Twenty-one million married couples pay on the average of $1,400 more.

In Chicago and the south suburbs that I have the privilege of representing, $1,400 is one year's tuition at a community college; that is three months' worth of day care at a local child care center.

The Marriage Tax Elimination Act now has 238 cosponsors, Republicans and Democrats. Our legislation would immediately eliminate the marriage tax penalty. Let us eliminate the marriage tax penalty and do it now.

Mr. Speaker, I rise today to highlight what is arguably the most unfair provision in the U.S. Tax code: the marriage penalty. I want to thank you for your long term interest in bringing parity to the tax burden impose on working married couples compared to a couple living together outside of marriage.

In January, President Clinton gave his State of the Union Address outlining many of things he wants to do with the budget surplus.

A surplus provided by the bipartisan budget agreement which: cut waste, put America's fiscal house in order, and held Washington's feet to the fire to balance the budget.

While President Clinton paraded a long list of new spending totaling at least $46—$48 billion in new programs—we believe that a top priority should be returning the budget surplus to America's families as additional middle-class tax relief.

This Congress has given more tax relief to the middle class and working poor than any Congress of the last half century.

I think the issue of the marriage penalty can best be framed by asking these questions : Do Americans feel its fair that our tax code imposes a higher tax penalty on marriage? Do Americans feel its fair that the average married working couple pays almost $1,400 more in taxes than a couple with almost identical income living together outside of marriage? Is it right that our tax code provides an incentive to get divorced?

In fact, today the only form one can file to avoid the marriage tax penalty is paperwork for divorce. And that is just wrong?

Since 1969, our tax laws have purnished married couples when both spouses work. For no other reason than the decision to be joined in holy matrimony, more than 21 million couples a year are penalized. They pay more in taxes than they would if they were single. Not only is the marriage penalty unfair, it's wrong that our tax code punishes society's most basic institution. The marriage tax penalty exacts a disproportionate toll on working women and lower income couples with children. In many cases it is a working women's issue.

Let me give you an example of how the marriage tax penalty unfairly affects middle class married working couples.

For example, a machinist, at a Caterpillar manufacturing plant in my home district of Joliet, makes $30,500 a year in salary. His wife is a tenured elementary school teacher, also bringing home $30,500 a year in salary. If they would both file their taxes as singles, as individuals, they would pay 15%.

MARRIAGE PENALTY EXAMPLE IN THE SOUTH SUBURBS

	Machinist	Schooo teacher	Couple
Adjusted Gross Income	$30,500	$30,500	$61,000
Less Personal Exemption and Standard Deduction	$6,550	6,550	11,800
Taxable Income	23,950	23,950	49,200
Tax Liability	3,592.5	3,592.5	8,563
Marriage Penalty			1,378

But if they chose to live their lives in holy matrimony, and now file jointly, their combined income of $61,000 pushes them into a higher tax bracket of 28 percent, producing a tax penalty of $1400 in higher taxes.

On average, America's married working couples pay $1,400 more a year in taxes than individuals with the same incomes. That's serious money. Everyday we get closer to April 15th more married couples will be realizing that they are suffering the marriage tax penalty.

Particularly if you think of it in terms of: a down payment on a house or a car, one years tuition at a local community college, or several months worth of quality child care at a local day care center.

To that end, Congressman DAVID MCINTOSH and I have authored the Marriage Tax Elimination Act.

It would allow married couples a choice in filing their income taxes, either jointly or as individuals—which ever way lets them keep more of their own money.

Our bill already has the bipartisan cosponsorship of 232 Members of the House and a similar bill in the Senate also enjoys widespread support.

It isn't enough for President Clinton to suggest tax breaks for child care. The President's child care proposal would help a working couple afford, on average, three weeks of day care. Elimination of the marriage tax penalty would give the same couple the choice of paying for three months of child care—or addressing other family priorities. After all, parents know better than Washington what their family needs.

We fondly remember the 1996 State of the Union address when the President declared emphatically that, quote "the era of big government is over."

We must stick to our guns, and stay the course. There never was an American appetite for big government. But there certainly is for reforming the existing way government does business. And what better way to show the American people that our government will continue along the path to reform and prosperity than by eliminating the marriage tax penalty.

Ladies and Gentlemen, we are on the verge of running a surplus. It's basic math. It means Americans are already paying more than is needed for government to do the job we expect of it. What better way to give back than to begin with mom and dad and the American family—the backbone of our society.

We ask that President Clinton join with Congress and make elimination of the marriage tax penalty . . . a bipartisan priority. Of all the challenges married couples face in providing home and hearth to America's children, the U.S. tax code should not be one of them.

Lets eliminate The Marriage Tax Penalty and do it now!

WHICH IS BETTER?

NOTE: The President's Proposal to expand the child care tax credit will pay for only 2 to 3 weeks of child care. The Weller-McIntosh Marriage Tax Elimination Act H.R. 2456, will allow married couples to pay for 3 months of child care.

WHICH IS BETTER, 3 WEEKS OR 3 MONTHS?

CHILD CARE OPTIONS UNDER THE MARRIAGE TAX ELIMINATION ACT

	Average tax relief	Average weekly day care cost	Weeks day care
Marriage Tax Elimination Act	$1,400	$127	11
President's Child Care Tax Credit	358	127	2.8

□ 1445

SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. EMERSON). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SAVE WORKING FAMILIES AND SENIORS TAX RELIEF PACKAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Madam Speaker, I rise today to introduce a tax relief package for middle class taxpayers. I collectively call them the "Save Our Working Families And Seniors" tax relief bills. The three bills, the Middle Income Senior Tax Relief Act, the Equal Indexing for Seniors Act, and the Middle Class Medical Tax Relief Act, would reduce the tax burden for middle class taxpayers.

These taxpayers see their paychecks and retirement income dwindle because of the unfair way the Tax Code treats Social Security income and health care costs. My bills would put some of their hard-earned money back into their pockets and into their savings accounts.

The Middle Class Medical Tax Relief Act would lower the exclusion percentage of medical deductions from 7½ percent to 5 percent for singles with incomes of less than $60,000 per year and couples with incomes of less than $75,000 per year. Thus, a family whose income was $50,000, would be allowed to deduct all medical expenses above $2,500 instead of those above $3,750, as is now the law. Surely, middle class taxpayers need this tax relief.

Almost every year government employees receive a cost of living increase to adjust their pay for inflation. But retirees' tax liability is not indexed for inflation, so those who work or are seeing a return on their investments they made for their retirement years must pay an ever-increasing percentage of their income on taxes. My bill, the

Equal Indexing for Seniors Act, would index for inflation the amount of income each year that a senior can earn before their Social Security can be taxed.

And middle income seniors, who earn just a bit more in a year, would not suddenly find their percentage of Social Security benefits taxed jump from 50 to 85 percent. My third bill, the Middle Income Senior Tax Relief Act, would increase the threshold for couples to $54,000 before 85 percent of their Social Security benefits are taxed. Taken together, these two bills ensure that taxable income thresholds will rise with inflation.

We, as a Congress, should not discourage seniors from working or earning a good return on their retirement investments, nor should we exclude people who have a modest amount of health care expenses from itemizing them.

Madam Speaker, that is why I encourage my colleagues' support of the three bills that form my "Save Our Middle Class Families And Seniors" tax relief package.

CONGRESS SHOULD ACT QUICKLY TO HELP TURN AROUND SCHOOLS IN THE DISTRICT OF COLUMBIA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Madam Speaker, I have just come from a hearing on school vouchers, and I appreciate that I was given the opportunity to participate in the hearing because the hearing involved only the District of Columbia. I am left to wonder why the majority does not bring a voucher bill forward for the people of the United States of America, but picks only on one jurisdiction, the one that has voted at the highest rate—89 percent—against vouchers.

I want to thank the Catholic Archdiocese as well as others who support charter schools for coming. The gentleman from California (Mr. RIGGS), chairman of the committee, is the major sponsor of the RIGGS-ROEMER bill which brought the House together on both sides on the notion of school choice involving public charter schools.

I am very appreciative of the Washington Scholarship Fund. It is a private group that has put its money where its mouth is. It has not walked up and down the halls of Congress lobbying to get Congress to spend money which it knows the Congress is not going to be able to spend, but has simply come forward with the money on its own and now has raised money for scholarships in the District, for kids who want to go.

I want to thank Arlene Ackerman, who is the new chief academic officer. She is a piece of work. She is already doing it, not just talking it. Our kids will be reading the equivalent of 25 books each next year.

I asked her what she could do with the $7 million in the so-called vouchers bill, and here is what she had to say. She would use that money this summer to send 20,000 kids to summer school so that we can end social promotion in the District of Columbia. She is going to do it one way or the other anyway. She does not have the money to do it now.

The credibility of those who are pressing vouchers is severely strained when, in fact, we can do something that will make a huge difference in the District of Columbia this very year with that $7 million. When that vote comes on the floor of the House, however, it comes with the certain knowledge of the leadership that the President has already announced that he would veto a voucher bill.

So why are they bringing it? The bill comes with the certain knowledge that such a bill would be met with a lawsuit and an immediate injunction, because there have been two or three vouchers passed in the States and each and every one of them has been enjoined by the courts. So what is the majority trying to do? They come crying crocodile tears for my kids. If they mean it, they should give us the $7 million so that we can end social promotion in the District of Columbia.

Instead, they have dangled free money before some poor kids in the District of Columbia. They are playing with my constituents because they know that this free money will not come out of here. They did the same thing with our ministers last year. They got them to sign on for some free money for scholarships for the District of Columbia.

But have they told my constituents there would be a veto and that the free money would never come out of the halls of this House? Have they told my constituents there will be a lawsuit, and that every such voucher bill that has been brought in the United States of America has been halted by an injunction?

Who are they playing with? Who are they fooling? Do they care about youngsters in the District of Columbia? They should prove it. They should put their money where their mouths are. It is time to stop talking about the schools of the District of Columbia. There is something they can do about it. Stop raising expectations among poor people in the District. The Congress is back again. The bill is fast becoming a cruel hoax.

I asked the two parents who testified before the committee this morning, whether they knew that they would not qualify for the vouchers if the vouchers were in fact passed by this House, because they are already in private schools? And they did not know that, my colleagues.

Please help me. The children of the District of Columbia are as desperately off as my colleagues claim. The schools are indeed as bad as the schools in all of the large cities of the United States. My colleagues can do something about it. We are not the Congress' burden, we are not the Congress' responsibility, but we seek a partnership to quickly bring these schools up and to give these kids what they deserve. They deserve much more than they have gotten from the District.

My colleagues' critique of the schools is well placed, but it will mean nothing unless they also step up and do something. And what my colleagues can do this summer is to begin quickly in the short-term to turn around a school system that has brought nothing but condemnation on this floor and in the District.

The difference between the District and my colleagues is that the Congress controls billions of dollars. With only $7 million, we can get a bill that would be signed by the President and would send 20,000 children to school and help them quickly improve their standards.

HONORING AMERICA'S WORD TO OUR VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

Mr. NORWOOD. Mr. Speaker, when millions of older Americans decided to begin their military careers, one of the primary selling points used by the recruiters back then was the Federal Government's promise of retirement benefits. Those benefits included free lifetime health care.

The sales pitch went sort of like this: "The pay is not very good, your family will have to move every couple of years, and there is a distinct possibility that you might be killed or crippled. But if you can live through it for the 20 years, you will have the satisfaction of having served your country along with a decent retirement. And you will not have to worry about health care costs eating up that retirement check because you will have free health care for life at military hospitals, as long as they have room for you."

Well, Mr. Speaker, today 400,000 American veterans are dying prematurely. Many of these veterans are military retirees and now have no medical care option left but Medicare. Some do not even have Medicare coverage. They counted on the lifetime military health care promise, the promise that they were given upon entering the military, and did not sign up for Medicare Part B, not ever considering that the Federal Government might go back on its word. Now these men and women do not even have health coverage this Congress provides for draft dodgers.

While numerous good bills have been introduced in the 105th Congress to address this problem, there is one that I believe deserves some special attention, H.R. 1356, introduced by my very good friend the gentleman from Oklahoma (Mr. J.C. WATTS, Jr.). H.R. 1356 offers the Federal Employees Health Benefits Program, or FEHBP, as an alternative for those beneficiaries who have lost access to the Department of Defense-sponsored health care.

This legislation has been cosponsored by 66 Members of this House. If it is modified with cost control caps, it would provide a cost-effective quick fix for those military folks and their families that are truly hurting today. It will go a long way towards solving the problems of all 8.2 million military retirees.

H.R. 1356 would require the Department of Defense to restore the current CHAMPUS/TRICARE Standard program to the quality benefit intended when the CHAMPUS program was enacted in 1966. It would allow Medicare-eligible retirees the option to enroll in the Federal Employees Health Benefits Program. Those under the age of 65 would be provided with the plan option if the restored benefit is not available.

This legislation is very similar to the Military Health Care Justice plan proposed by the National Association of the Uniformed Services to provide care to all military beneficiaries without harming readiness.

□ 1500

FEHBP, the Federal Employee Health Benefits Plan, is a wonderful example of the Federal Government providing great health care at a reasonable cost, a Federal program that has actually been working for the past 37 years. In fact, according to the Heritage Foundation, it is the most efficient health care system of its kind in the country. I, as well as my staff, know this because we are currently enrolled.

As a veteran, I feel it is essential that the Federal Government honor the commitment it made to provide quality health care to those veterans who have served a minimum of 20 years of active Federal service. These are the men and women who have defended our Nation and protected our freedom. If the military health care crisis is not corrected through legislation that provides a solution in the next couple of years, these men and women could be denied the promise, the promise, from the Federal Government of lifetime medical care that was made to them when they first enlisted.

Nine million Federal civilian employees, including DOD civilian personnel, and 1.6 million DOD and other Federal civilian retirees and their dependents have the Federal Employee Health Benefit Plan. Let us honor our promise to the men and women who have protected us and let us pass H.R. 1356.

LUNAR PROSPECTOR MISSION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, it is an honor for me to rise today and speak out in support of the men and women at NASA and at Spaceport Florida who are responsible for the recent very successful Lunar Prospector mission. And actually, this is an ongoing mission. The probe is still orbiting the Moon.

First of all, let me talk about Spaceport Florida. Spaceport Florida is a new entity. Some people may ask, "What is a spaceport?" Traditionally, most of the launches that have been done at Cape Canaveral have been done by the Federal Government, either the Air Force or NASA. Years ago, the State of Florida realized that, with the emerging commercial launch industry, that it would be very helpful to have a State agency that would actually launch rockets.

To my left on this easel is the first mission, the Lunar Prospector mission; and what we have here shown is the Lockheed Martin Athena II launch vehicle, which is this rocket right here. There are several State-sponsored spaceports, as we call them. They are like an airport or seaport, a place where you take off to another place. Instead of in an airplane, it is a rocket that is taking off.

Florida has the first successful launch of a rocket from its State-sponsored spaceport. And one of the big advantages of this is that it saves money. By having a spaceport handle it, we can cut back on a lot of bureaucracy and costs and be able to do things more efficiently. This whole mission, this Lunar Prospector mission, is part of what they call the faster, better, cheaper mode of doing things.

The reason this mission went off was because several years ago there was another mission. It was called Clementine. That was sponsored by both the Department of Defense and by NASA, which showed a suggestion that there might actually be ice on the Moon.

Now, on top of this rocket here, up there, was this probe called the Lunar Prospector, which is shown on this other visual that I have here. And the Prospector's mission was to map the surface of the Moon's crust and to search for conclusive evidence of water, or hydrogen. Water is made up of two parts hydrogen, one part oxygen. And the mission here was to look for that evidence of hydrogen on the surface of the Moon, which would be a sign that water is in the crust in a frozen form.

This was done through Prospector's neutron spectrometer, which can sense the hydrogen down to a depth of half a meter, and it measures the emanations of neutrons from the surface, which are considered by scientists to be the signature, the indicator that ice exists within the frozen soil on the poles of the Moon.

Well, lo and behold, what was discovered was very strong evidence. It is suspected that water exists on the lunar poles, possibly as much as one million tons of water, which is 30 billion gallons. It is enough water to equal a lake approximately 4 miles long, 4 miles wide, and one meter deep.

How did they get there? Well, nobody really knows. It may have been deposited there by comets. Now, what is the significance of this? Well, the significance of this is huge. Number one, it means that if we were to try to establish a colony on the Moon, that water would not have to be brought to the Moon. So we would have a ready source of water there for humans should they ever colonize the Moon to form, say, an observatory to study the universe on the surface of the Moon, the people would have access to water.

Importantly, though, they would also have access to oxygen. Because we can use the sun's solar rays to generate electricity to split water to form oxygen and hydrogen. Water, again, is H2O, two parts hydrogen, one part oxygen. So we could generate the oxygen needed for the people to breathe and we could create an atmosphere.

Another very important thing is we can take that oxygen and hydrogen and use it as rocket fuel. Indeed, hydrogen and oxygen is the primary fuel used on our Nation's Space Shuttle when it rockets off into space. So this is a tremendous breakthrough. And I applaud the team at Ames Research Center and Allen Bender and all of the researchers who were involved, especially the people at Spaceport Florida, in getting this probe into orbit.

HOME HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. BARCIA) is recognized for 5 minutes.

Mr. BARCIA. Mr. Speaker, I want to talk about an issue that I am very concerned about today and that affects the quality of health care throughout this great Nation.

A few years ago, back in about 1989, I was involved in an automobile collision in which two, my car and another car, collided. The other car crossed the center line, and we had a horrendous crash. And I ended up serving about 4 weeks, receiving acute care in my hometown of Bay City, Michigan.

After I was released from the hospital, I had the privilege of being able to be a recipient of home health care. During that time, I was in a wheelchair and also on crutches for about 12 weeks.

So I got a massive dose, I guess, of education in terms of what the patients of this country go through in terms of receiving that quality health care in an acute facility, but then also having the opportunity to be released from that facility to recuperate further in a home environment.

Mr. Speaker, anyone who has ever had the need for extended medical care, as I have, knows that the ability to recuperate in one's own home provides a reassurance that cannot be provided in any other medical facility.

The people in our Nation that provide home health care provide a vital and cost-effective form of health care and medical treatments. Certainly when we have this quality care, we need to do all that we can to preserve our current home health care system.

That home health care system is, in fact, threatened by part of the recent balanced budget agreement that we voted on here in this House. As part of the Balanced Budget Act of 1997, we required that home health care providers obtain surety bonds in order to be a Medicare or Medicaid-eligible provider. The intent was to be sure that we could guard against fraud in the program, and no one would certainly disagree with that very worthy goal.

However, obtaining bonds can work a financial hardship on providers who are faced with extremely tight cash flows, especially since the Health Care Financing Administration wants to treat the cost of obtaining a bond as a nonreimbursable expense.

Fortunately, there is an alternative available. There is a long-standing provision of the U.S. Code which allows for government obligations like savings bonds and Treasury bills to be used as a substitute for surety bonds when surety bonds are required.

HCFA, to its credit, has recognized this option, and just this week met with officials of the Treasury Department to determine if government obligations could substitute for surety bonds in this instance.

I am happy to report to our colleagues that officials of both the Treasury Department and HCFA have advised my office that this substitution should be an option in the case of Medicare providers, and that they are hopeful in making it applicable in the case of Medicaid providers as well.

There are some details that need to be resolved by HCFA's counsel prior to a final decision being made, but I am hopeful that, in the end, we will be able to achieve meaningful assurance for our Medicare and Medicaid programs, not unfairly limit people's choices of care providers, and minimize any cost consequences to care providers.

I am hopeful that in HCFA's final determination that the agency will accept the face value of the government obligation as the par value, and not require an absolute current dollar-to-dollar match. The obligations, in my view, are sufficient to protect the government's interest and the integrity of the program.

Mr. Speaker, I urge all of our colleagues and home health care providers across the country to join me in urging HCFA to, as soon as possible, approve the use of government obligations in lieu of surety bonds, using the face balance as par value in this very important program.

ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I am joined tonight by my colleague and friend the gentleman from California (Mr. SHERMAN). Both of us are members of the Armenia Caucus in the House of Representatives and also the India Caucus.

We have been active in dealing with some of the issues that would bring Armenia and the United States closer together as well as India and the United States.

There are a number of issues that we wanted to discuss this afternoon. I wanted to start out by talking about a recent development related to the Turkish Government, and what I consider a serious threat to academic integrity at two great American universities.

Negotiations are now under way between the Republic of Turkey and the University of California at Berkeley to establish a Turkish studies program at that university. In addition, Portland State University in Oregon has signed a contract with the government of Turkey to establish a similar program, although Portland State is currently reviewing the conditions of the grant.

These efforts, I want to stress, are part of a pattern that set up Turkish studies programs at great American universities, all funded with strings attached, I should stress, by the government of Turkey.

A similar study program was, in fact, set up at Princeton University in my home State of New Jersey and at other schools, all with endowments from the Turkish Government.

Last year, yet another effort by the Turkish Government to set up a program at a major American university, I think it was the alma mater of the gentleman from California (Mr. SHERMAN), the University of California, Los Angeles, UCLA, was rejected by the school's history faculty. I know that the gentleman from California (Mr. SHERMAN) played a major role in that, and I also spoke out against UCLA setting up this type of chair or program with the funding from the Turkish Government.

I just wanted to say that I believe that everyone associated with UCLA should be proud of the stand taken by that university. UCLA is not only a university with a great academic reputation, it is also a school that receives public funds giving it an added responsibility to the community for maintaining standards of academic excellence and integrity. I hope that Berkeley and Portland State will also take this factor into consideration.

Mr. Speaker, I yield to my colleague from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, I am indeed an alumnus of UCLA. I was proud when we won the NCAA championship in basketball again and again and again. I was proud when we won the Rose Bowl, and proud when we beat our crosstown rivals, a school whose name I have forgotten. I have been proud to be a Bruin my entire adult life.

I am always aware of the fact that my alma mater needs funds, as every school does. $1.2 million and more was offered to UCLA by the Turkish Government which attached some strings to, in effect, require that whoever sat in that chair would be in favor of the Turkish interpretation of history and of the positions of the Turkish Government.

□ 1515

While I was proud of UCLA so many other times, I was never prouder than when the UCLA history faculty and the UCLA academic community said academic integrity is not for sale in Westwood. I hope that other universities will say the same thing.

The Turkish Government should, as this Congress has called upon it to do, admit the genocide that occurred in the beginning decades of this century and other atrocities.

The United States is the greatest country in the world. Our greatness relies in part on our honesty. Imagine the United States funding academic chairs to say, Native Americans just voluntarily deeded all their lands. Imagine the United States trying to put out propaganda saying slavery never existed. America's greatness is based on truth. The Turkish state should realize the same thing. The Turkish Government should simply recognize the genocide and the massacres at Smryna.

Instead, they are using dollars all around the United States, as the gentleman points out, to undermine academic integrity here in the United States, to go to cash-strapped universities and say, "Here's half a million dollars, here's a million dollars. You can use it for your history department. You can teach an important part of the history of the world. Just make sure you teach it from a particular angle."

I hope that Portland State University and the great University of California at Berkeley will follow the lead of UCLA and say, "Academic integrity is not for sale."

Mr. PALLONE. I just want to follow up on what my colleague from California said.

As the gentleman said, there are countries that have contributed funds to American universities for various history, language and cultural programs, and in many cases these programs have a high academic repute. The difference between these programs and what Turkey is trying to accomplish and has already accomplished because unlike UCLA, Princeton University in my State accepted these funds, and that is that the Turkish studies program stipulate that their money goes to hire only scholars with close and cordial relations with academic circles in Turkey and those with access to that country's libraries and historical archives.

The programs are not intended to encourage objective research into Turkish history, but rather to further the Turkish Government's goal of using a selective interpretation of history to advance official government propaganda. To that end, Turkey restricts access to its historical archives to those supportive of the official version of Ottoman and Turkish history.

The gentleman from California (Mr. SHERMAN) talked about the Armenian genocide, this terrible crime against humanity, the first example of genocide in the 20th century. Surely, Mr. Speaker, this historic tragedy should figure in any account of Ottoman and Turkish history. Yet that is not the intent.

The Turkish Government is not interested in presenting an accurate, complete or truthful overview of Turkish history, but rather uses cash payments to major universities as a way of manipulating the teaching of the history of the genocide. The consequences are severe, including the denial or whitewashing of historically verified genocide of the Armenian people, as well as other dark chapters in Turkish history, such as the ongoing oppression of the Turkish people, the massacres at Smyrna in the early part of this century and the invasion and occupation of Cyprus.

This is basically a continued suppression of democracy and free speech. That is why the gentleman from California (Mr. SHERMAN) and I are so much opposed to what the Turkish Government is trying to do when they donate and they give this money to major universities such as Princeton, UCLA and now Berkeley and Portland State.

I wanted to just say briefly, we had a very interesting Armenian Caucus reception a few weeks ago where we had Peter Balakian, a native of my State of New Jersey and a renowned poet and professor at Colgate University and the descendant of genocide survivors. Mr. Balakian consistently cautioned against the efforts of the Turkish Government to put its spin on Turkish history in major American universities.

I just wanted to take note where he said that the proposed chair, we are talking now about, I think at the time it was either UCLA or Berkeley, would be generated by a country with one of the worst and most violent and most repressive regimes in human rights on this planet.

And so this issue is not just about Turkey, but about academic freedom and academic integrity. So it really goes beyond the issue of even what Turkey is trying to do, but just the issue of academic freedom and integrity at these universities. If the Turkish chair were proposed at a university that included as part of its curriculum the work of scholars like Peter Balakian and others who documented the Armenian genocide, then I think they would have a credible academic program that we would support. But the effort by a foreign government in this way, to buy its way into our universities to rewrite history, should not be tolerated.

I know both the Armenian-American and the Greek-American communities have led the fight against this ongoing campaign. What is happening now at Berkeley and Portland State is just another manifestation. I just hope that these two universities will follow the example of UCLA and reject this effort by Turkey to buy its way into our country's higher learning institutions.

Mr. SHERMAN. I should point out that the Turkish studies proposal at the University of California at Berkeley has an element in it that goes even beyond the undermining of academic freedom. That would have been the case if UCLA had accepted the offer, which I am so proud that they chose not to accept.

The University of California at Berkeley, has proposed to establish an advisory committee which would control how the funds will be spent, the selection of visiting faculty and the establishment of an endowed chair. That advisory committee will have on it an official of the Turkish Government. This is an odd provision to have in a committee given authority over what is taught and how it is taught and who teaches at a great American university.

Mr. PALLONE. I was looking at what the gentleman said about this advisory committee and its makeup. They are actually in charge of providing advice on the disposition of the proceeds of the endowment, the choice of teaching personnel, visiting faculty, the planning of lectures and cultural events, fund-raising. They basically are going to have input into the whole process.

Mr. SHERMAN. I think it is unprecedented and particularly unprecedented to give that kind of power to a country and a government which, unfortunately, is bent on a process of genocide denial.

My own background is that I am a Jewish American. We have said time and again, "Never forget, never again," when it comes to the Holocaust that destroyed over a third of the Jewish people in the world.

It has been recognized by scholars of genocide that the last step in a genocide is genocide denial. First is the actual murder and then the cover-up. Because what that does is it does not only kill as the genocide kills, but it kills the memory of those who perpetrated the crime and those who were victims of it.

We must prevent this last step of the Armenian genocide. We must say, as to that genocide and as to all genocides, never forget, and never again.

Another concern we should have is that genocide denial is not only the last step in the last genocide, it is the first step of the next genocide. That genocide may not be against the same victims, that genocide may be not committed by the same perpetrators, but when genocide is denied in one place in the world, it sets the stage for genocide to be committed somewhere else in the world.

We have all heard the words of Adolf Hitler when he explained to his minions his plan for the destruction of the Jewish people and why he thought they would get away with it. He said, "Who remembers the Armenians?" Well, over some 70 years later, here in the House of Representatives, we do remember those who were victims of the Armenian genocide, and we will never forget. And we should never countenance the academic integrity of our great universities being used to try to wash away the blood. That blood should be acknowledged, it should be apologized for, and we should look forward to the day when some new Turkish Government takes a new tack, a tack of recognizing the mistakes of the past, rather than using funds to try to erase them.

Mr. PALLONE. I was listening to what my colleague from California said.

One of the things that Peter Balakian mentioned to me, and I think that he is actually going to be writing a book on this subject, is that at the time when the Armenian genocide was taking place in the early part of this century, there was a tremendous amount of documentation; it was written up rather frequently in just normal daily newspapers in the United States and throughout Western Europe. It was a major topic. People were concerned about it. Help was sent over to the survivors.

Efforts were made on a diplomatic level by the United States and other

Western countries to prevent it. And all of a sudden, by the time, I guess, sometime in the mid-1920s when it was over, all that disappeared. In other words, the emphasis that existed at the time, the public concern and fury just simply died out. At that point and ever since then, either the Ottoman and then finally the Turkish Government began this process of trying to deny that it ever occurred.

One of the things that he said that he was going to do was to bring out some of those old accounts at the time. I was surprised to hear that, because I figured that there was not a great deal of attention devoted to it at the time, but in fact the opposite was true.

It is kind of scary to think that something that was so much the focus of attention at the time it occurred, in a matter of 10 or 20 or 30 years could sort of be buried in the fashion that it was.

As the gentleman said, what we have seen in the last few years, really in the last 5 years, is sort of a flowering of research and books and renewed interest in the genocide. I think that is all very valuable, because that is the only way we could ever get to the point where it is recognized here in the United States and other countries.

One of the things that I know you and I are very concerned about is that we still do not recognize here in our Government of the United States, we still do not have an official recognition of the genocide. That is very disturbing and something that hopefully we will be able to correct at some point in the future.

If the gentleman will allow me, I want to talk about two other issues that are of concern with regard to U.S.-Armenian relations. Both the gentleman from California (Mr. SHERMAN) and I have been very concerned about the fact that Armenia continues to be blockaded by two of its most significant neighbors, both Turkey and Azerbaijan. Of course, we are very supportive of section 907 of the Freedom Support Act, which denies any assistance to Azerbaijan until they lift the blockade of Armenia and Nagorno-Karabagh. We have also played a role in trying to get assistance to Armenia and Nagorno-Karabagh, humanitarian assistance, which is necessitated by the fact that they do continue to be blockaded, and they have difficulty receiving certain supplies and humanitarian assistance.

I just want to mention very briefly that it is very unfortunate, and I know, as a member of the Committee on International Relations, that the gentleman from California (Mr. SHERMAN) has addressed this, that this year once again our Secretary of State, Madeleine Albright, again essentially articulating the administration's policy, came before his committee and suggested very strongly once again that section 907 be repealed.

□ 1530

We are very much opposed to that. We think that it is totally inappropriate, given that the blockade continues to do anything to water down section 907. We have also been concerned that even though this House in this Congress and the President signed a bill last year that appropriated $12.5 million in humanitarian assistance to Nagorno-Karabakh, that it has not been forthcoming. I do not believe any of that money has actually gone to Nagorno-Karabakh, and the need is there.

I would ask my colleague to comment on it, that there has been some suggestion by the State Department that some of that money will be forthcoming soon, but I am still very concerned that Karabakh will not receive the full $12.5 million and that the State Department is not doing enough to make sure that that money gets there. I yield to my colleague.

Mr. SHERMAN. Mr. Speaker, I thank the gentleman. Recently, before our committee, representatives of the State Department claimed that the first aid program within the borders of Nagorno-Karabakh would be established within the next few weeks. We appropriated that money for a fiscal year that began October 1, and I wish that they had acted more expeditiously. I share in my colleague's concern to ensure that the $12.5 million goes to where it is supposed to go, where we appropriated it; that is to the victims of the war who are currently within the borders of Nagorno-Karabakh.

Unfortunately, as the gentleman knows, our government chooses not to recognize the independence of Nagorno-Karabakh. We joined the foreign minister of Nagorno-Karabakh just a few days ago in recognizing the tenth anniversary of the independence of that nation, a nation that fought for its independence just as we in the United States did; a nation whose government reflects the desire for independence that the vast majority of its people share, and a government that I hope will be recognized by the United States.

I know that American oil companies are very anxious to see peace in that part of the world, to make sure that oil can be drilled for and obtained and that pipelines can be built. But the best route for those pipelines is through a peaceful Caucasus, and peace will arrive in the Caucasus when the rights of the people of Nagorno-Karabakh are recognized. I yield back to the gentleman.

Mr. PALLONE. Mr. Speaker, we of course are going to make a major effort over the next few months to monitor this assistance going to Karabakh and to make sure that it does get to those who need it, and also to make sure that section 907 is not repealed. Obviously, we are going to have the battle over the next few months also to make sure that over the next fiscal year this humanitarian assistance gets to both Armenia and Nagorno-Karabakh.

I wanted to move on, if I could, to our other area of concern and that is India, because India in fact just went through a very successful election. Once again, India of course is the largest democracy in the world, and it amazes me every time they have an election that so many hundreds of millions of people are able to vote in an election and that it is essentially a fair election and that people vote and take part in a very orderly process.

One of the things that I know that the gentleman from California (Mr. SHERMAN) and I have been concerned about is that we want to make sure that India continues to rise in importance, if you will, and be a priority of American foreign policy. I think that we have seen that happen over the last few years. We have seen that the amount of trade that takes place between the United States and India continues to grow. The United States is India's largest trading partner right now, and in addition, at the presidential level, at the cabinet level, we have seen many of the cabinet members visit India to show that India continues to be more and more important as part of the United States' foreign policy, and the President, President Clinton is again committed to going to India sometime in 1998, which again shows the significance of India.

One of the things that we have been working on, though, in the same vein, we had the opportunity earlier this week on Tuesday at our India Caucus meeting to hear from Bill Richardson, who is the United States Ambassador to the U.N., one of our former colleagues here from the House of Representatives, and we discussed a number of issues that pertain to current U.S.-India relations at the United Nations. However, I just wanted to talk briefly about the topic of India's permanent membership to the U.N. Security Council.

I introduced a House Resolution, along with the gentleman from California (Mr. SHERMAN) and other Members of our India Caucus last year, that calls upon this body to express our support for India becoming a permanent member to the U.N. Security Council. Last year the president of the U.N. General Assembly, Mr. Razali Ismail, introduced a plan to expand the U.N. Security Council permanent membership, and although this plan has not moved forward, I believe that expansion of the Security Council is extremely important. It is the only organization within the U.N. that can apply economic sanctions and military force to carry out its decisions. I also believe that membership to the Security Council should better reflect developing countries, and India in particular qualifies for membership because of its size and crucial role in South Asia.

I wanted to talk about this a little more, but I would like to yield to my colleague on the same subject.

Mr. SHERMAN. Mr. Speaker, I want to thank the gentleman for putting together that meeting with our former colleague, Bill Richardson, who represents us so well at the United Nations.

As Mr. Richardson pointed out, it is the policy of the United States to see an expansion by five seats of the Security Council. There are issues of regionalism as to where those seats should be allocated. There is a belief that Germany and Japan, being such powerful nations and such large contributors to the United Nations, should be represented.

But aside from issues of regionalism, if India were its own region it would be larger than Sub-Saharan Africa, larger than Latin America. We are talking about a population of virtually 1 billion individuals. For a nation that size not to have a seat as a permanent member of the Security Council flies in the face of its importance. One-fifth of humanity lives in India, and at no time should that one-fifth of humanity be excluded from the Security Council.

We do not have to change our position with regard to Latin America, we do not have to change our position with regard to the other countries of Asia or the countries of Africa, but if there are going to be 5 new seats on the Security Council, it should be the position of the United States that one should be reserved for the one-fifth of humanity that lives in India. I yield back.

Mr. PALLONE. Mr. Speaker, I agree with the gentleman.

My understanding is that the Clinton Administration, as the gentleman said, supports expansion to five seats: one for Germany, one for Japan, and then one each for Asia, Africa and Latin America. The Clinton Administration is not saying that the Asian seat should be India at this point, but we believe that it should be, and we are hoping that at some point we can get this administration and the State Department to agree that that Asian seat should belong to India.

Mr. Speaker, I just wanted to say that we understand that this process of expanding the Security Council and gaining India access to one of the seats may take some time. It seems like to some extent it has been somewhat slowed down in 1998, but if it does not come up this year, it probably will come up again, and we are going to continue to make the fight that the United States should take the position that India be included as one of the permanent members; again, part of the process of stressing the importance of India not only in terms of the world but also in terms of our foreign policy, and I think that our caucus members have played a major role in trying to make that point.

So at this point I would like to yield to my colleague from California and thank him for participating with me in this Special Order where we talk about these issues relating to Armenia and India, and thank him for all of his support with the caucus.

FOREIGN POLICY AND DOMESTIC CONCERNS

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from California is recognized for the balance of the hour as the designee of the minority leader.

Mr. SHERMAN. Mr. Speaker, I would like to thank the gentleman from New Jersey (Mr. PALLONE) for creating, founding, heading, and organizing both the Armenian Caucus and the Indian Caucus long before I got to Washington, and to thank him for the leadership that he shows in building a relationship between the United States and the first full-fledged democracy in the Caucasus, namely Armenia, and his leadership in cementing a strong relationship between the United States and the world's largest democracy, namely India.

I became aware that I would be speaking before this House just a few minutes ago, and accordingly, I have sought to put together my notes as quickly as possible. I am going to be dealing with a number of subjects, several involving foreign policy, since Mr. Pallone and I have just discussed elements of foreign policy, and then focusing on some domestic concerns.

The first foreign policy issue that I would like to focus on is the need to establish an American embassy in the eternal, indivisible capital of Israel, Jerusalem. In 1995 this House and the other House passed, and it was enacted into law, a statute, the Jerusalem Embassy Relocation Act, which calls upon the United States to establish its embassy in Jerusalem rather than in Tel Aviv.

That act states that the new embassy should be built and completed and opened by May of 1999. In a simple phrase, it says, as to the American embassy, "next year in Jerusalem." Unfortunately, the State Department has not even begun the logistical work to move the American embassy to Jerusalem. Its failure to do so shows not only a lack of respect for the statutes passed by the House and the Senate, but also a missed opportunity.

We have an opportunity to show that we stand with Israel on one of the most contentious issues in the Middle East; that we recognize that since 1950 Jerusalem has been the capital of Israel; and that we recognize that since 1967 Jerusalem has been the united and indivisible capital of Israel. Instead, we continue to maintain our embassy in Tel Aviv. This is clearly a mistake.

There are several other similar mistakes committed by the State Department. For example, when an American traveling in Jerusalem gives birth, the passport of that newborn American indicates that that person, that new American baby was born in Jerusalem, which seems logical, except when one realizes that if that same baby had been born in Rome, the passport would say, place of birth, Rome, Italy. Place of birth, Paris, France. Certainly if an American child is born in Jerusalem, the passport should indicate that the place of birth was Jerusalem, Israel.

We make a number of other mistakes. We maintain a consulate in the eastern section of the unified city of Jerusalem, but we treat that consulate as somehow independent of the American embassy to Israel. Certainly, that consulate should report to the Ambassador, just as every other consulate reports to the embassy in the relevant country.

This year, the State Department is asking our committee, the Committee on International Relations, to authorize hundreds of millions of dollars for the construction of new embassies, and in particular for a new embassy in Berlin. The poetry is not lost on this Member.

□ 1545

Here we have the State Department wanting to spend hundreds of millions of dollars, of our tax dollars, building a new edifice glorifying the union of Germany and the unification of Berlin. That is a fine thing, but not if it precedes the construction of a new embassy in Jerusalem.

That is why I hope that my colleagues will join me in the enactment of appropriate legislation to say that no American Embassy should be built in Berlin until we move the American Embassy to Jerusalem.

At the end of World War II both Berlin and Jerusalem were divided. Jerusalem was reunified in 1967, yet the American Embassy was not moved there. Berlin was reunified decades later, and yet the State Department wants to build a large, new edifice in Berlin before moving the U.S. Embassy to Jerusalem.

The best way we can ensure that we have not dishonored the victims of the Holocaust is to ensure that before a gleaming new building is built in Berlin with the American flag, symbolizing our relationship with a new and rebuilt Germany, that we build an Embassy in Jerusalem indicating our steadfast relationship with a reborn Israel.

DOMESTIC POLICY

Mr. Speaker, I have concluded my remarks on international policy, except for those dealing with international trade, which I would like to address in a few minutes. Before I do that I would like to focus a little bit on domestic policy.

First, I would like to thank President Clinton for declaring first, Ventura County, and then Los Angeles County, to be disaster areas eligible for Federal relief. The President went even further. Just 10 days ago, he visited the disaster scene and conferred with many of the disaster victims from both Los Angeles and Ventura Counties.

The President's responsiveness is something that those who suffered from the El Nino rains and floods will always remember. Now, I call upon the Army Corps of Engineers to work with officials in the City of Thousand Oaks to make sure that on an expedited basis, the sewer system of that city and its other waste treatment facilities are rehabilitated.

All we are asking is that the Army Corps of Engineers expedite its permitting process to make sure that that facility is fixed before this coming fall and winter, when we need to make sure that those facilities are operational.

I would like to address a bit the budget agreement that we crafted in this House last year, and point out that the new revenues coming in, the new so-called surplus, is beginning to fray some of the discipline we exercised last year.

I turn to many of my colleagues who, along with me, care so much about helping the poor, and point out that while we could all think of new programs to help the poor, nothing has done as much for the poor and unemployed in America than the rebound of the American economy, the foundation of which is fiscal responsibility here in Washington.

That is why I think we must continue to exercise restraint, continue to say that new programs must be paid for by cutting old programs, and make sure that we not only balance the budget, but try to begin to build up a surplus, a surplus available to protect the Social Security system.

Likewise, many friends of mine on the other side of the aisle and on both sides of the aisle are anxious to see the Federal Government do as much as possible to help business. We have many fine programs to help business, whether they be tax credits, whether they be the programs of the Small Business Administration, or the Department of Commerce. But none of those programs is as important for business expansion as maintaining fiscal discipline here in Washington.

There is the fact that while countries in Asia are suffering mightily, while Japan is in the doldrums, while unemployment is in the double digits in most countries of Europe, during all of that, America's economy is on the rebound, and thankfully, now, California's economy is on the rebound. That is due in large part to fiscal discipline here in Washington, discipline that we must, must retain.

Within the context of that fiscal discipline, last year we were able to provide money from the Land and Water Conservation Fund, some $699 million of additional funds, to acquire environmentally sensitive lands around the United States. This year there is no request for the administration to spend any additional and extraordinary amount.

Yet, as we approach the end of the millennia, it is critical that we look around this country, find the environmentally sensitive lands, prioritize them, and acquire those lands that we can afford. Nowhere is that more important than in the Santa Monica Mountains National Recreation Area.

My colleagues have heard me talk about the Santa Monica Mountains, to where they are beginning to call me Santa Monica Mountains. But this is a national park visited by over 30 million people every year. Over 30 million people visit the beaches and the mountains within the Santa Monica Mountains National Recreation Area. Over 1 in 17 Americans live within a 100-miles drive of the Santa Monica Mountains, one out of every 17 Americans.

It is important that we continue the process of saving those mountains from development, of expanding the Federal ownership, along with the State and county ownership, to look for the day that we will complete the land acquisition plan. I will be asking the Committee on Appropriations this year for $8 million to acquire some critical land in the Santa Monica mountains, lands that will expand the Backbone Trail and widen it so it is large enough not only for hikers, but that the trail is wide enough so that animal populations in one part of the park can move to another part of the park.

I am told by biologists that this is critical to maintain healthy animal populations, so that our furry friends are not forced to date their cousins, but rather, can move from one part of the park to another to establish healthy and viable animal populations.

I want to talk a little bit about the tax cuts that this House and the Congress adopted last year. One element of those tax cuts was the child tax credit, $400 per child in 1998, growing to $500 in 1999. Unfortunately, neither the IRS nor the press has done a very good job of telling parents how they can take advantage of this credit.

For most Americans, the child credit is something their accountants are saying, well, that is for next year. There is no line for it on the 1997 tax returns that Americans are completing this month and next month.

The fact is that our constituents can get the benefit of the child credit now, simply by going to their employer and filling out a new W–4 form, which will reduce their withholding, which will increase their take-home pay, and accomplish the goal of this Congress, which was not to make people wait until April 15, 1999, but to provide working families with tax credits today.

I would urge the press, I would urge the IRS, to do a better job of telling those who are eligible for the child credit and those that are eligible for the HOPE scholarship and the other tuition tax credits to go to their employer, fill out another W–4 form, and take advantage of this congressionally mandated tax relief today.

While I am focused on fiscal issues, I would like to turn the House's attention to our international trade deficit. For all too long our foreign policy seemed to be marked, and may still be marked, by the following plea, where America goes to other countries and says, we would like the honor of defending your country for free. In return for that great honor, we would like to make trade concessions.

America needs to move forward, both on the burden-sharing fronts, so our richer allies assume a more full and fair share of the costs of defending the world from rogue States, from terrorists, et cetera, but also we must move forward to a more aggressive trade negotiation regime.

We had representatives of the State Department come before the Subcommittee on International Economic Policy and Trade of the Committee on International Relations just last week. They spoke with pride about how the United States had never been cited for a foul, had never been criticized officially by any of the referees of international trade. They said it with pride.

Earlier today I spoke with pride of the UCLA basketball team of today and of former years. Trust me, that team would not have been successful if they could proudly state that in every game they never committed a foul. If you want to win the game, you have to get in the paint, you have to throw some elbows, you may be called for a foul, you have to dive for the loose balls, you have to dive for the rebounds, jump for the rebounds as well, if they happen to be higher than you are, and that is not what our foreign policy establishment is doing. They are losing every game in the realm of international trade, and taking pride that they have never been called for a foul.

Instead, we have to focus on the one great deficit that we have not been able to cure; that is, the trade deficit. For decades, as we ran a larger and larger trade deficit, we were told by international economists, that is not the other country's fault, that is the fault of the United States Congress, because the trade deficit will always follow if you have a fiscal budget deficit.

An economist presented very clear arguments as to why a Federal deficit meant that we had to borrow from abroad. By borrowing from abroad, we increased the value of the dollar in international trade, and by doing that, we made our goods more expensive, imports cheaper, and that resulted in a trade deficit.

It was all very logical, except for one thing; we have eliminated the Federal budget deficit, for all intents and purposes, and yet, the trade deficit does not just remain, it continues to grow. The international economists and the establishment, the foreign policy establishment, has simply shelved its old arguments and continues to say, well, do not do anything about our trade deficit.

I think it is time that America must do something about its trade deficit, and it is not by adopting one-way trade agreements in which we open our doors to imports from abroad and do not insist that other countries allow American goods to be sold there.

We must insist upon transparency. We must insist that other governments do not discriminate against our goods and services underneath the table, and where that insistence is unsuccessful, we must look at goal-oriented and result-oriented trade regimes.

I would prefer a process-oriented regime, but where a country corrupts its own processes, where it has hidden tariffs and secret rules, where a Communist government controls its own economic enterprises and tells them orally and secretly not to buy American goods, then a process-oriented trade regime is not going to work. We may have to look at a result-oriented regime.

Moving from the fiscal issues, I would like to bring to the attention of my colleagues two bills that I have introduced, or in one case will introduce later this month, designed to protect our children. The first of these bills bans packs of cigarettes that contain just one or two or three cigarettes.

When I first saw such marketing plans, I wondered what the tobacco companies had in mind, until an expert told me, those are called kiddy packs. They sell for 25 cents, and they are sold chiefly to those who are 11 or 12 or 13 years old, young kids that do not need a whole pack of cigarettes because they are not addicted yet; young kids that could not necessarily afford a full pack of cigarettes, but for their candy bar money, they can buy just a couple to start.

□ 1600

We should insist that cigarettes are sold in packs of 20. I know the FDA is trying to accomplish this through regulations, but the legality of those regulations is subject to challenge. We can eliminate any challenge bypassing a statute in the United States Congress to say no to kiddy packs.

I want to point out that we in California achieved this same goal through a unique device. Until I was elected to Congress, I served on the State Board of Equalization, California's revenue commission. And the tobacco companies came to us and they said, we would like to start selling packages of cigarettes with only one or two cigarettes in the package; and we would like you to give us a different revenue stamp so that we do not have to pay the revenue for an entire package of cigarettes if we are only going to put one or two in the package.

It seemed like a reasonable request from an industry that pays a lot in taxes, until we analyzed what they were aiming for. They were aiming for an opportunity to sell kiddy packs, packages that are chiefly purchased by young teenagers. We at the State Board of Equalization in California said no to kiddy packs.

We said no, we will not issue a different denomination revenue stamp; and by insisting that the full tax for a package of cigarettes be paid whether the package contains 20 cigarettes or two cigarettes, we made sure that kiddy packs were not sold in California.

It is now time for Congress to act, and not act through the back door, not hope that some tax device will not be evaded, but instead, have a simple, direct, absolute ban from coast to coast against these pernicious cigarette packages.

A second bill that I would like to commend to my colleagues is the Child Protection Act. This act is designed to make national something that has worked very well in California.

Last year there were over 425,000 children who were sexually abused. It is time for the Federal Government to do all it can to empower parents to be able to protect their own children. In California, working pursuant to Megan's Law, we have established a single telephone line that people from all over the State can call. If they identify a particular adult, identify how that adult comes into contact with their children, whether it be as a babysitter or a Scout leader or whatever, and ask whether that individual has been convicted, not merely accused, not merely rumored, but convicted of a sexual predatory offense, these parents will be given that information.

There have been over 11,000 inquiries to this line that is maintained by the Justice Department of the State of California, and of those 11,000 inquiries, on over 1,000 occasions parents were advised that the individual about whom they sought information had indeed been convicted of a sexual predatory offense.

For example, there was an amusement park that noticed that an individual would show up every day by himself and would often talk to children, strike up friendships there at the amusement park, that this individual had purchased a year-long pass but he never came to the amusement park with his own children. They checked on that individual, who had purchased a year-long pass, and determined that he had been convicted of a sexual offense involving a child under age 14.

There were several other circumstances that are just as poignant. Already more than 30 of my colleagues have joined me in cosponsoring the Child Protection Act. I urge the rest of the Members of this House to do so as well.

What this act would accomplish is to take national that information line that is operating in California. First, we would work from a national database so that instead of being able to report on whether the individual had been convicted in California, we would be able to report to parents whether that individual had been convicted anywhere in the United States. In this way, we would provide better information to the parents of California.

Just as important, we would be able to provide information to parents in all 50 States and to provide the same kind of protection that has protected over 1,000 children in California, provide that same kind of protection to children from coast to coast.

Mr. Speaker, there are many more issues that I could review, but I think I am approaching the end of my time.

GLOBAL CLIMATE CHANGE

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Under a previous order of the House, the gentleman from Pennsylvania (Mr. PETERSON) is recognized for 5 minutes.

Mr. PETERSON of Pennsylvania. Mr. Speaker, we are hearing increased rhetoric, some of it bordering on fantasy and hysteria, concerning global climate change. What is lacking and desperately needed is a full and open and robust debate. Is our climate changing?

One temperature measuring system suggests that since 1900 there has been less than 1 degree of warming. Two other systems point to a slight cooling trend. While treaty supporters assert that the science of issues of global climate change are settled, the evidence clearly and loudly says that the debate should just be beginning.

Here are some of the risks not mentioned by treaty supporters: the risk that energy suppression mandates will devastate employment in major U.S. industries; that rising fuel and electricity prices will depress the living standards of American families; that new tax and regulatory policies will handicap employers, enrich special interests and expand bureaucracy and risk the surrendering of more U.S. sovereignty to the U.N.

Now, some people think that the Kyoto Protocol is the flawed execution of a bad idea, based on the conceit that government planners can know today what will be the worst calamity facing mankind 50 or even 100 years from now.

Mobilizing the nations of the world and spending vast sums to fend off one possible threat that may prove to be nonexistent or trivial compared to the age-old scourges of poverty, hunger, disease and oppression is not a prudent insurance policy.

The resources available to protect human health and safety are limited, especially in the Third World. Any policy that diverts trillions of dollars from real problems and real science to speculative and imaginary ones, or that locks mankind into politically correct and industrial policy schemes can only make societies less resilient, less able to meet the challenge of an unknown future.

Mr. Speaker, should we risk the American economy and way of life before the evidence is conclusive? Let us have the debate first. Let us not approve the many billions of dollars that the President has requested to start implementing in this year's budget. The President has not submitted a treaty to the Senate. No debate has been held in the Senate. No ratification of a treaty has taken place.

Let us tell the President, no, no, no, on funding until we have the debate first and until the evidence is conclusive. I have no doubt that if the evidence is conclusive, if we do come to that conclusion, this Congress will do whatever is necessary to resolve the problem.

But until we have that debate, until the evidence is in, until we have absolute proof, let us say no to the President to spending billions of our tax dollars, starting this year, on a treaty that has not been approved by the Senate.

REPUBLICAN AGENDA

The **SPEAKER** pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from California (Mr. RIGGS) is recognized for 60 minutes as the designee of the majority leader.

Mr. **RIGGS**. Mr. Speaker, I want to thank our leadership for designating me as the person representing our leadership and House Republicans during this special order. The very first thing I want to do is compliment the gentleman from Pennsylvania, Mr. PETERSON, who preceded me to the well for his very, very incisive remarks on the global warming theory, particularly when we get so much "chicken little" hysteria on environmental issues back here in Washington that are not always supported by very sound science. I thank him for his comments today. I join with him in his efforts.

I also wanted to take the floor to address the House during this special order because just a couple of days ago the President accused congressional Republicans, since we are the majority party and we do have a responsibility for governing the legislative branch of government and the country, to accuse us of being a do-nothing Congress, specifically with respect to his proposals.

So I would like to challenge his comments, I do not think they should go unchallenged or that we should allow them to stand without a rebuttal, and try to put things in context for my colleagues; and to, and for, frankly, our fellow Americans who might be viewing or listening to this debate.

First of all, with respect to the President's new education proposals, let me assure my colleagues that we Republicans in the Congress have our own agenda. It focuses on common-sense reform, not creating more bureaucracy back here in Washington, not funding a host of new Federal programs and regulations with your hard-earned tax dollars.

We would prefer, we Republicans would prefer to focus on parental involvement and parental choice in education. We understand that the key to improving education in America today is to empower parents to choose the education and the schooling that is most appropriate, that they deem most appropriate for their child. We understand that empowering parents through greater choice in education is the only way really to make our education system more competitive and, therefore, more accountable. It is called "bootstrap improvement" because empowering parents, giving parents more choice, and I favor giving parents the full range of choice among all competing institutions, public, private or parochial, that has been my position even before I was elected to Congress and certainly before last year when I assumed the chairmanship of the education subcommittee in the House.

I personally believe that empowering parents to choose the school and education that is appropriate for their child is the only way to make schools more accountable. However, that involves what we would call a paradigm shift. That involves shifting the focus in education from the providers of education, the whole education establishment, including the very powerful teachers' unions, shifting the focus from them, the providers of education, to parents, the consumers of education.

We are working hard to do that here in Washington. We are working hard to help working families and stay-at-home mothers.

With respect to the President's child care proposal, he wants to put more and more emphasis on institutionalized, that is to say "outside the home," child care, especially for families where both parents work. We Republicans believe that as a matter of government policy and in terms of spending again your hard-earned tax dollars, we should not favor institutionalized day care. We should not, as a matter of policy, almost discriminate against families where one parent chooses to stay at home in order to be there for the children, in order to provide the children with the additional care and nurturing that they need during their early or all-important formative years. In fact, we think that, again with respect to child care, the President's emphasis is in the wrong place, that we ought to reverse his emphasis and put more emphasis on helping families keep more of what they earn so that both parents do not necessarily feel compelled to work outside the home in order to be able to meet the needs, the financial needs of that family.

With respect to education, we also want to drive more money down to the local level. We would prefer that at least, at least 90 cents of every Federal taxpayer dollar for education, every dollar that you send to Washington that is earmarked for Federal education purposes and programs, we would like to ensure that at least 90 cents of every dollar go back down to the local level, ideally to the classroom to pay someone who actually knows that child's name, who works with that child on a daily basis, rather than continue to use it to build more bureaucracy back here in Washington.

□ 1615

That only leads to concentrating more power, more money, more decision-making in Washington as we Federalize education and move further and further away from the long-standing American tradition in public education of local control and local decision-making.

Now, I specifically want to challenge the President's assertion the other day that this has been a do-nothing Congress, or that we are at risk of falling into that mode. Nothing could be further from the truth.

It would be wonderful to have the opportunity to actually debate the President or some high-ranking official in his administration, because the truth of the matter is that last year we passed more than a dozen common sense education proposals either through the Congress, through the House, which are now pending in the Senate; or through the Congress which were vetoed by the President; or, in a few cases, legislation that we were actually able to pass through the Congress and convince the President to sign into law.

But we now have proposals pending in a number of areas. We have a reading excellence bill that was passed by the House of Representatives and is now pending in the other body, which is how we are supposed to refer to the Senate, that provides literacy grants for parents.

We have a job training bill and a vocational education and technical training bill for young people that focuses on young people who are not college-bound or who, if they go to college, will not complete college, so that those young people can hopefully get the education and job skills that they need to take advantage of this knowledge-based economy and all of the unfilled information technology jobs in this economy that pay a living wage. I will have more to say on that in just a moment.

We did pass a bill improving educational opportunities for children with special educational needs, learning disabled children, and that was passed through the Congress on a bipartisan basis and signed into law by the President.

We also have a bill that I authored that addresses juvenile crime, since juveniles, young people, account for the fastest growing segment of the criminal population. And it is a bill that I believe is tough on punishment but also smart on prevention. That legislation has passed the House and is pending in the Senate.

So I would like to know from the President what he proposes to do about the fact that so many of our bills that have emanated here, originated in the House of Representatives, actually originated in my subcommittee, passed through our full committee, passed through the House and are now languishing in the other body, the Senate, which all too often becomes the graveyard for well-intentioned legislation. I would like him to work with us to convince the members of his party in the other body to allow our legislative agenda to go forward. Because otherwise his comments about this being a, quote-unquote, do-nothing Congress are a little bit disingenuous.

We also want to provide more Federal taxpayer assistance in the form of scholarships or, as some prefer to call them, vouchers to needy inner-city children, beginning here in the District of Columbia. The District of Columbia public schools have the highest dropout rates and the lowest test scores of any large school district in the country. And again I want to emphasize, Mr. Speaker, that the President should support these education initiatives before creating a host of new programs that would compete with these programs for the same limited, in fact, precious Federal taxpayer dollars.

So I guess my first message to the President is first things first. Let us support the programs that we have already passed through the House of Representatives, not new ones that happen to sell well in an election year because they make for a catchy sound bite or because it is a proposal that is based on some poll or on some focus group. That is not the way to make good policy.

And I am very disturbed that the administration is also proposing now to cut, to cut, everyone heard me right, the President in his budget proposal to the Congress is now proposing to cut some very important education programs, while on the other hand talking about creating a bunch of new education programs. That does not make a lot of sense.

In fact, one of the programs that the President and his administration are talking about cutting is the Even Start Family Literacy Program. That is a program that is focused on very young children. It is an expansion of the Head Start program because it also works with the parents of those young children who come from disadvantaged backgrounds when the parents themselves have reading problems or lack fluency in the English language, which is, after all, the commercial language of our country. And in my view we should designate the English language the official and common language of our country as well.

So the President is proposing, or at least his administration is proposing to cut the Even Start Family Literacy Program, and he is proposing to cut funding for the Individuals with Disabilities Education Act. It is called IDEA, and that acronym, since there is an acronym in Washington for every program, that acronym stands for the Federal special education program. In fact, it is a civil rights and special education program because it is designed to ensure that every child with a learning disability receives a free and appropriate education under our civil rights statutes.

Now, we know this program works. We made modifications and improvements to it last year on a bipartisan basis and the President signed that legislation into law. And no sooner do we get it signed into law than the President turns around and is proposing to cut funding for that program.

Now, consider this. When I talk about him proposing to cut funding in his budget proposal, this program, IDEA, the Federal special education program is the only curriculum mandate imposed on State and local school districts by Washington. There is no other curriculum mandate in Federal law, yet we continue to underfund this mandate.

In fact, I think the best way to think of it is probably the mother of all unfunded Federal mandates because we require that local school districts comply with this law. Like I said, it is a curriculum and legal mandate, yet we have never fully funded compliance with that mandate by State and local school districts.

We personally believe, we Republicans, that that should be one of our country's top priorities. That should be the number one education priority in this country. Because when Congress first passed this law way back in 1975, we promised to pay 40 percent of the additional cost of special education created or incurred as a result of the Federal legislation.

However, today, even with the historic funding increases that we have given this program in recent years since Republicans became the majority party in the Congress, Federal taxpayers are only covering 9 percent of the total cost of special education in America today. Nine percent versus the original promise back in 1975 of 40 percent.

And even though we are at 9 percent, a record high, the President wants to reduce that next year in his budget proposal. We believe that a promise made should be a promise kept, and that we ought to live up to the promise made 23 years ago, especially to those families who have children with learning disabilities and special needs.

We also know that there is plenty of room to cut the Federal education bureaucracy here in Washington. The Federal Government today has roughly 788 education programs at a cost of $97 billion. My colleagues heard me right; 788 programs on the books, administered by the Department of Education and dozens of other Federal agencies and commissions spread across the whole Federal government's bureaucracy.

We believe that there ought to be a bipartisan effort in the Congress to focus on reforming existing programs before creating expensive new and potentially duplicative Federal programs. We have certainly had ample debate here in the Congress, and we have heard from the Secretary of Education and others in the Clinton Administration who claim that somewhere between 100 to 200 of these 788 programs are actually not real education programs because they have never been funded.

But our response to that is, if that is the case, if these programs have been created by an act of Congress but never funded, then they should be taken off the books. It is time to completely sunset them, get rid of them. If we did that, it would just narrow us down to or it would reduce us down to somewhere in the neighborhood of 500 to 600 programs that we already have for education in America today, even before we begin discussing the new ones that the President proposes.

Secondly, I want to make the point that the money is really not there for a host of new Federal education programs. The President's spending proposals would return us to the era of big government. And it was just a few years ago that he stood right here behind me at this podium at the microphone to address the Nation and the Congress during his State of the Union address and declared that the era of big government was over.

Well, one could not tell that from looking at his budget proposal this year. His new proposals would cost American taxpayers $10 billion, that is capital B-I-L-L-I-O-N, $10 billion more in new spending over the next 5 years.

And it is a phony proposal. Why do I say phony? Because it assumes that the Federal Government is going to get a windfall from this settlement of the large class action tobacco lawsuit brought by the State governments against the tobacco companies. Well, anyone who has followed those discussions or those negotiations having to do with the tobacco settlement knows that the outcome of those negotiations is very problematical.

I think it is very doubtful whether we will see any money from the tobacco companies in the next Federal fiscal year, yet the President is proposing to use that money to help fund $10 billion in new spending over 5 years. We think it is wrong to mislead American families into thinking that they will have new programs funded by a tobacco settlement that may never come to pass, number one; and, number two, if we do get a settlement of the tobacco lawsuit, the proceeds of that settlement ought to be used for anti-tobacco initiatives aimed at our young people.

The proceeds from that lawsuit ought to be used to discourage and prevent tobacco addiction on the part of our young people. They ought to be used also for more medical research into the causes of cancer in the hopes we can find a cure to cancer, because that would have a tremendous effect of reducing public health costs in our big Federal programs, Medicare and Medicaid.

So I do not think we can make a just argument that the tobacco settlement proceeds should be used to pay for a host of new programs. And by the way, it appears that the American people are very leery of new Washington spending. According to a recent Louis Harris poll, 45 percent of all Americans said we should use the budget surplus to reduce the debt. That was their top priority in terms of spending any actual Federal budget surplus, and we still have a ways to go before we run a surplus back here in Washington. Forty-one percent said they wanted to reduce taxes by the amount of any surplus. And only 13 percent of the public said that they would increase spending on, quote, valuable government programs, with a Federal Government surplus.

I also am concerned that the President is putting Washington in charge of our schools. It is clear when we look at his proposals that he wants to nationalize education by federalizing initiatives and solutions to our educational concerns and problems back here in Washington. It is almost as if he wants the United States Congress to become the de facto national school board, and we do not think that is the way to go. No matter how these programs are designed and funded, they will ultimately come with Federal regulations attached. That is the one absolute given. That is what happens here in Washington.

Now, President Clinton would rather fund programs that support the Washington education bureaucracy than programs that send funds directly to teachers in classrooms. That is the philosophical conflict between the Democratic party and the Republican Party, and it is a conflict that plays itself out in debate in this House and in the committees of this House on a daily basis.

In fact, the President wants to cut funding, and here is another area where he proposes to cut education funding, something that we do not hear from the administration and we do not hear often from the news media. The President wants to cut $476 million in Federal education aid that goes directly to communities. He wants to cut $476 million in Federal education aid that goes directly to communities in the form of a block grant while increasing, while increasing the U.S. Department of Education activities by $143 million.

His budget proposal flies in the face of the priorities of local control in education and empowering parents to choose the schooling and the education that is right for their children. The President wants to completely eliminate the Title VI State block grant which provides funds for teacher training, technology and education reform. This is a program that is used by school districts around the country to buy much-needed computers, to develop school technology, and to implement parental involvement activities.

□ 1630

In fact, last year 191 Members of this body, the House of Representatives, voted for my legislation, the HELP scholarships legislation, that would have allowed States and local communities to use funding under this Title VI State block grant, to also provide scholarships, tuition scholarships or vouchers, to low-income families. And now we learn, perhaps as a result of that proposal, that the President wants to eliminate the program altogether.

So here we have the President talking about reducing funding for special education, eliminating the State block grants for education, and cutting money for the Even Start Family Literacy Program. He wants to cut two of the most effective programs that drive money to the local level, the Even Start Family Literacy Program and the Block Grant Program, as well.

Now, the President's new spending proposals also duplicate existing Federal programs. The President has proposed, like I said earlier, a host of new or expanded teacher training initiatives in technology, in urban areas, and in bilingual education. We do not understand why these priorities cannot be funded by existing programs, programs that we already have on the books, programs that we are already funding, like the Eisenhower Professional Development Program or those Title VI block grants that I just mentioned.

He is also proposing a new program called the Educational Opportunity Zones Initiative that looks an awful lot like the existing Title 1 program, which is a 30-year program that provides remedial education to our disadvantaged children. So it is hard not to be a little skeptical, even cynical, about the President's proposal because it seems to us, again, to be largely a poll-driven proposal full of catchy sound bites in an election year, and an attempt to use this particular issue, education, which is so important to our country and so near and dear to the heart of American parents, to use that issue for partisan political advantage during an election year. And I would have sworn I heard the President say in his State of the Union that we ought to make sure that partisan politics stop at the schoolhouse door.

We recognize that teaching is important, and that is why in the coming weeks, House Republicans, we will be putting forward our own proposal in the area of teacher training and classroom size reduction. But we are not going to be creating new programs as we do it, we are going to do it in the context of the higher education bill that is now pending in the Committee on Education and the Workforce; and we are going to make sure that it is fully paid for.

By that, I mean we are going to make sure that the cost of creating this new teacher training and classroom size reduction initiative is offset by cutting spending somewhere else in the Federal budget. We are very committed to improving the quality of teaching in America. Let me stipulate that I believe that teaching is a missionary calling. I believe the old saying that a teacher can affect eternity because he or she never knows where their influence might end.

But the point with respect to teaching is very simple; we want quality, not necessarily quantity. The administration takes the opposite approach; it is quantity not quality, they say. That is why they are talking about 100,000 new teachers, when in reality we do not believe that there is a teacher shortage on a national basis in America, that the teacher shortage, where it exists, exists in just a few areas of our Nation and then it is a shortage in getting good quality teachers.

We also believe that we have to focus on more effective ways to improve student learning, and the best way to do that is to improve in traditional teacher training at colleges and universities. We focus a lot on how to teach, but not enough on what to teach in American education today.

So we are going to see our proposal coming forward in the next few weeks.

We hope it can be bipartisan. But we will have more of an emphasis on quality rather than quantity when it comes to improving teacher preparation and teacher training in America today.

I also want to touch one of the President's other initiatives, and that is school construction. Now, we Republicans recognize the concerns of parents who live in those communities that have overcrowded and/or crumbling schools or schools that are deteriorating because of a lack of maintenance. They already have a lot of deferred maintenance, a lack of funding to keep abreast of maintenance needs and certainly a lack of funding to help expand schools in those communities that have a growing school-age population.

However, asking the Federal Government, Federal taxpayers to become involved in what is traditionally a State and local responsibility, that is to say, the funding of school facilities, raises a host of new concerns. And rather than ram something through the Congress, we want a careful, deliberate, thorough debate about school construction and the role of the Federal Government and Federal taxpayers in addressing that concern.

We believe that the President's proposal could erode local support for public schools because, once again, it would place Washington in the driver's seat with Congress as a national school board determining which communities would qualify for school construction assistance from Federal taxpayers and which would not, conversely.

A lot of States, including my own State of California, have already passed new construction initiatives. And I worry that this new Federal Construction Program for local schools would, in essence, punish States and communities that support their schools and reward those that do not. So we want to have a very careful, thorough discussion of the school construction needs of American communities and a debate about the legitimate Federal interest and role in addressing that need before we even consider creating yet again another Federal Education Program at considerable expense to Federal taxpayers.

I wish we could focus more when we talk about education on local control and more accountability, as I said in my opening comments, through competition and choice. I am very proud of the work that we have done in this Congress on charter schools. Charter schools are independent public schools that are free of a lot of the usual red tape and regulations that all too often strangle innovation and flexibility and site-based decision-making in education.

We were able to pass a bill through the House of Representatives. Once again, it is now like so many of our other initiatives pending in the other body, the Senate, that would help States and local communities create more charter schools, which is the first step on the road to full parental choice in education today.

I cannot think of a better way, though, to empower parents and teachers than through the idea of independent public choice schools, like charter schools, where more decisions can be made, not just at the local level, but actually at the site level on that school campus. That is one reason why I like the idea of charter schools.

I also favor the idea of tuition tax credits and opportunity scholarships. I think it is, perhaps, time that we built on the centerpiece of last year's tax relief legislation and the centerpiece of the Contract with America, I might add, which, despite the opposition of so many of our Democratic colleagues in the Congress, is slowly but surely becoming law.

I think it is time that perhaps we built on the centerpiece of the tax relief legislation and the Contract with America, the $500 per child tax credit for families with dependent children, and credit a new $500 per child tax credit, but this one specifically and solely for education purposes. It would be a $500 per child tax credit that any family could use to meet the educational needs and expenses of their children.

They could use it at a public school, or they could use it at a private or parochial school. They could use it for any legitimate education purpose as they see fit and as they deem appropriate for their child, because that is very much in keeping with the idea of parental choice.

It respects the idea of the fundamental truism that it is their money, and it is their child. It is their future that we are talking about when we discuss parental choice in education.

I mentioned our literacy grants for parents that are already in our reading excellence bill. That has passed the House once again; now pending in the other body. I believe that we ought to go one step further and reform our Federal bilingual education programs this year in this Congress, with a goal of every child being able to read and write by the end of first grade in English, the official, the common and commercial language of our country.

My pending legislation to reform Federal bilingual education programs would give parents the right to decide whether their child participates in a bilingual education class. It would require that local school districts and local schools obtain the written consent, the permission of the parent before their child could be enrolled in a bilingual education program.

Lastly, I want to say on education that I am concerned that so many of our young people are losing out in today's economy. Mr. Speaker, we have somewhere in the neighborhood of 350,000 to 400,000 unfilled good paying jobs in our economy today, with our economy creating more jobs, more jobs because the economy is prosperous, creating more such jobs with every passing day.

What are these jobs, and where are these jobs you might ask? These are information technology jobs. They are relatively high skill. They pay a high entry-level wage, a living wage, I guess you could say, a living wage in the range of $40,000 to $60,000, with generous benefits at the companies that have these unfilled positions, with the opportunity for rapid advancement and a promotion to salary in the range of $80,000 to $100,000 a year.

Yet, all around us, we have young people who lack the education and job skills necessary to take advantage of these kind of jobs. These are jobs that require that a young person, young person graduating high school today, or if they go on to college, a young person who, after their 13th or 14th year of education, be technologically capable and computer-literate.

These are jobs that are all over the country, but they appear to be especially concentrated in my home State of California, many of the jobs, of course, in the Silicon Valley, which, in many respects, started our whole electronics revolution and helped create the information and knowledge-based economy of today and of the 21st Century, which is right around the corner.

But there are jobs that are also found in Austin, Texas. There are jobs that can be found in the research triangle of North Carolina. There are jobs that can be found in just about any metropolitan community in the country today. There are jobs that can be found within a few miles of the United States Capitol, just across the Potomac River in Northern Virginia, or just around the corner in Suburban Maryland.

Yet, think about all the young people in the District of Columbia, which has a, like I said earlier, a very dismal graduation rate, a very high dropout rate. About 50 percent of the kids who enter the District of Columbia public schools in the ninth grade, their freshman year, actually graduate 4 years later.

Think about those young people trapped and failing in underperforming schools and relegated to a life of poverty, all too often anyway, poverty, joblessness, hopelessness. Why can they not take advantage of those jobs that are just literally, 15, 20, 30 miles away? It is an absolute tragedy.

Why should they be sentenced to living an adult life of dependency or worse? Why should society, taxpayers as a whole, bear the cost for the failure of the school system to prepare those young people for the jobs of tomorrow? They are really not the jobs of tomorrow because, like I said, they are here and now, 350,000 to 400,000 such jobs over the country, with the economy creating more of these types of jobs, these living-wage jobs with every passing day.

Why are not our schools preparing our young people to compete and succeed in a knowledge-based economy? Well, we are struggling with the answers to that, but it all comes back down to a lack of academic preparedness for our young people.

I personally despair a great deal because I know in my heart of hearts that we, as a country, cannot afford to lose another generation of urban school children. I only see change coming about when we shift the focus in education, as I said earlier, to parents and students.

For those of us who believe that we will only get reform and real improvement when we embrace the idea of school choice, I would cite these statistics. This is a recent Gallup poll that was done for a group called Phi Delta Kappa International. In the poll, 72 percent of black parents, 72 percent of African Americans favored parental choice, including taxpayer-paid vouchers for private school.

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Sixty-three percent of Hispanic American parents favored the idea.

Mr. Speaker, I want to submit that we cannot leave those young people behind. We cannot relegate them to failing or underperforming schools. We have to give them a way out. We have to ensure that they have the knowledge and the education and the job skills to take advantage of this economy and these kind of jobs, and that our failure to do so will be nothing less than a national disgrace. But for those young people, the have-nots of tomorrow, the future have-nots of the 21st century, for those young people, it is a personal tragedy.

I submit that we have to have more choice in education in order to empower parents. Ultimately, we have to recognize that parents are responsible as the first and best teacher of their children, and responsible for the education that their children receive. I guess it is almost as simple as really, if we are going to give students a chance, we have to give parents a choice.

The other thing I want to do, Mr. Speaker, in closing out my comments under this special order, is to talk about an even more fundamental lesson in education, and that is the moral lessons that we teach our kids. I personally believe that there is nothing more important than personal morality. I am concerned that our young people today, in part because of events here in Washington, D.C., may not be receiving that message.

I am here today to stand and say unequivocally to our young people, and I can say this as the father and parent of three children myself, that the truth matters and that character counts. There is nothing more important, nothing more important in your life than your personal morality and your ability to influence other people around you by your own moral example.

The problems that plague our Nation today, aside from the education problems that I have talked about for most of the past hour, the problems that plague our Nation today arise primarily from bad moral decisions made by adults, illegitimacy, crime, drugs, divorce, drug abuse, child abuse and child neglect, even pornography, abortion. All those problems reflect poor moral decisions, poor choices made by adults.

I also submit that the most pressing issue affecting child welfare in America today is the breakdown in the family. If the family breaks down, of course, whole societies or whole communities are going to begin to disintegrate. You do not have to walk very far from where we are gathered now, the Nation's Capital, the shrine of democracy, to see evidence of that kind of family breakdown and social disintegration.

We need good role models probably more than ever before. Given again recent events here in Washington, we need good role models in American society.

Let me stipulate that politicians, those of us who hold elective office, should be role models. We should be held to higher standards because, whether we like it or not, we are role models for our constituents and for our children. Our children represent our common hopes, our common dreams and our common mission as a country.

I want to talk a little bit about the importance of morality. I want to note that less than a month ago, we celebrated President's Day, which was created to celebrate the birthdays of Presidents George Washington and Abraham Lincoln. That is the day recently when we honored, as a country, two great men who led this country at very unique times. I would not say that any of us who serve in the Congress today could put ourselves in the same category as a Washington or a Lincoln, but I would say it is their qualities of leadership and strength of character that every person running for or serving in elective office should try to emulate.

First and foremost, both were men of great integrity and fortitude. Secondly, both were men who were willing to do the right thing for their country, regardless of the political consequences. George Washington said, "Let prejudices and local interests yield to reason. Let us look to our national character into things beyond the present period."

Abraham Lincoln said in his last public address, "Important principles may and must be inflexible."

Both men believed in being patriotic citizens first and politicians second. That is a goal or a vision that I think is too often lost in modern American politics. Both men believed in putting principle over politics. They triumphed over adversity and numerous setbacks. The value of courage, persistence and perseverance has rarely been illustrated more convincingly than in the life story of these two men that we revere, and both of those men, when you read their writings, recognized that their perseverance was a gift of God.

I want to stress again the importance of setting the right example, teaching our young people the right lessons. It is in that context that I would hope that some of the recent actions by the administration could be viewed. I took great exception the other day when the White House press secretary, a man by the name of Michael McCurry, actually compared Ken Starr, the independent counsel, to Saddam Hussein, if you can imagine. In fact the exchange was, a reporter asked him, does the White House have any delight in or feel responsibility for a CBS News poll that shows Ken Starr with an approval ratings of 12 percent. And Mr. McCurry responded by saying, "Where was Saddam?"

I am sure he thought he was being cute, even funny, when he made those comments, but I do not think those are responsible comments. I think he should be rebuked for making those kinds of comments.

I would remind Mr. McCurry and the other people who are participating in what seems to be an orchestrated or concerted strategy by this administration with respect to the truth to first deny it and then stonewall and then attack, it is the old shoot-the-messenger theory, that the best defense is a good offense.

I would remind Mr. McCurry and his ilk that Mr. Starr has a very important job to do, that he has obtained a number of indictments and guilty convictions, that with respect to his mandate to investigate the so-called Whitewater real estate matter that he has already obtained convictions of two of the individuals directly involved in that particular venture, the two people who were business partners of the President and the First Lady. He has also obtained a conviction of the President's immediate successor as the governor of Arkansas, a gentleman who from all appearances is now cooperating with the investigation.

So I think Mr. McCurry ought to think twice before making those kinds of comments, even if he does want to appear to be very witty and clever as he banters with the media.

I also want to go on record as saying once again, and our rules here in the

House are structured so as to preserve comity—c-o-m-i-t-y, not comedy, c-o-m-e-d-y—but I do want to say that I personally believe, since it has now been well over 40 days since the President promised to clear the air and tell the American people the full truth, in fact I think he promised more rather than less, sooner rather than later, I want to say that I do believe that the President owes us all as fellow Americans, since we are all his constituents, he is the only elected official who represents every American, that he owes us all a complete explanation.

I also want to tell my colleagues that it is my interpretation of the law that it is simply not true, as the President claims, as the gentleman from Georgia (Mr. BARR) said the other day, that the rules of law or the rules of any court prohibit him, the President, from commenting, or from clearing the air and telling the truth.

I do not believe that the law or any court order constrains the President from following through on his promise to the American people to tell more rather than less and sooner rather than later. I believe that it is his choice, his decision alone, that keeps the President from commenting on the matters that swirl around him and keep the President from telling the American people the whole truth.

By the way, I personally believe that you can trust the American people with the truth, even when it is bad news. All I can say is that I would hope that the President will come forward soon and speak to the American people.

I also again just want to tell our young people that there is nothing more important than your personal morality, your word. There is nothing more important than the character you are developing now as you go through school and the character you will display as a young person. I want to say that character does count.

I salute those who are coming forward now, such as the American women who had a rally last week here in Washington on March 5, a week ago today, in John Marshall Park. The theme of their rally was very simple; it was, Character Does Count, exclamation point.

These women, I think, are really to be commended, because they came forward. They are asking their fellow Americans to add their voices to those who believe that the American people deserve leaders of honesty, faithfulness and integrity, leaders who respect rather than dishonor and undermine marriage and the family. I want to tell those ladies that I admire them; I think that they are sending a very important message to our young people.

I personally believe that Americans do care. I know that I care personally, and that together, if enough of us care, we can demand leaders who will tell the truth, obey the law and who are worthy role models for our children.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GOSS (at the request of Mr. ARMEY) for March 10, 11 and 12, on account of personal reasons.

Mr. REDMOND (at the request of Mr. ARMEY) for March 10, 11 and 12, on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:

Mr. FILNER, for 5 minutes, today.
Ms. NORTON, for 5 minutes, today.
Ms. MILLENDER-MCDONALD, for 5 minutes, today.
Mrs. MALONEY of New York, for 5 minutes, today.
Mr. LANTOS, for 5 minutes, today.
Mr. RANGEL, for 5 minutes, today.
Mr. ALLEN, for 5 minutes, today.
Mr. BARCIA, for 5 minutes, today.

The following Members (at the request of Mr. WELDON of Florida) and to include extraneous matter:

Mr. PETERSON, for 5 minutes, today.
Mr. WELDON of Florida, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

The following Members (at the request of Mr. PALLONE) and to include extraneous matter:

Mr. KIND.
Mr. MARKEY.
Mr. EVANS.
Mr. TOWNS.
Mr. ROEMER.
Mr. SHERMAN.
Mr. BERRY.
Mr. MASCARA.
Mr. MENENDEZ.
Mr. SCHUMER.
Mr. BORSKI.
Mr. KUCINICH.

The following Members (at the request of Mr. WELDON of Florida) and to include extraneous matter:

Mr. DIAZ-BALART.
Mr. OXLEY.
Mr. BOB SCHAFFER of Colorado.

The following Members (at the request of Mr. RIGGS) and to include extraneous matter:

Mr. GINGRICH.
Mr. WEYGAND.
Ms. HOOLEY of Oregon.
Mr. STARK.
Mr. PASCRELL.
Mr. EVANS.
Mr. RUSH.
Ms. ROYBAL-ALLARD.
Mr. RADANOVICH.
Mr. FORBES.
Mr. KANJORSKI.
Mrs. MORELLA.
Mr. PACKARD.
Mr. LOBIONDO.

SENATE BILLS REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1605. An act to establish a matching grant program to help States, units of local government, and Indian tribes to purchase armor vests for use by law enforcement officers; to the Committee on the Judiciary

ADJOURNMENT

Mr. RIGGS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 58 minutes p.m.), under its previous order, the House adjourned until Monday, March 16, 1998, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

7923. A letter from the Assistant Secretary for Reserve Affairs, Department of Defense, transmitting a report entitled "Reserve Component Update, FY 1999 Budget"; to the Committee on Appropriations.

7924. A letter from the Under Secretary, Aquisition and Technology, Department of Defense, transmitting a copy of the Department's determination that it is in the public interest to use other than competitive procedures for the procurement of the supplies described therein, pursuant to 10 U.S.C. 2304(c)(7); to the Committee on National Security.

7925. A letter from the Under Secretary for Acquisition and Technology, Department of Defense, transmitting a report entitled "Restructuring Costs Associated With Business Combinations," pursuant to Public Law 105—85; to the Committee on National Security.

7926. A letter from the Secretary of Defense, transmitting a report on the number of military technician positions that were held by non-dual status military technicians on September 30, 1997, pursuant to Public Law 105—85; to the Committee on National Security.

7927. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Loans to Executive Officers, Directors, and Principal Shareholders of Member Banks; Loans to Holding Companies and Affiliates [Docket Number R-0940] received March 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7928. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's reports entitled "1998 TF Salary Structure" and the "1998 TS/TM Salary Structure"; to the Committee on Banking and Financial Services.

7929. A letter from the Federal Register Liaison Officer, Office of Thrift Supervision, transmitting the Office's final rule—Mutual Holding Companies [98–23] (RIN: 1550–AB04) March 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7930. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule—Notice of Final Funding Priorities for Fiscal Years 1998–1999 for Rehabilitation Engineering Research Centers received March 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7931. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule—Notice of final priority and selection criteria—received March 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7932. A letter from the Secretary of Health and Human Services, transmitting a report on progess in achieving the performance goals referenced in the Prescription Drug User Fee Act of 1992 (PDUFA), pursuant to 21 U.S.C. 379g nt.; to the Committee on Commerce.

7933. A letter from the Secretary of Transportation, transmitting a review of average fuel economy standards under part A of title V of the Motor Vehicle Information and Cost Savings Act, pursuant to 49 U.S.C. 32916; to the Committee on Commerce.

7934. A letter from the Director, Office of Rulemaking Coordination, Department of Energy, transmitting the Department's final rule—Personal Property Letter [Issue Number 970–3, Revision 1] received February 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7935. A letter from the Director, Office of Rulemaking Coordination, Department of Energy, transmitting the Department's final rule—Open Access Transmission Service Tariff [FR Doc. 98–230] received February 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7936. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—OMB Approval Numbers Under the Paperwork Reduction Act [FRL–5670–1] received March 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7937. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—OMB Approval Numbers Under the Paperwork Reduction Act [FRL–5807–2] received March 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7938. A letter from the Director, Office of Regulatory Information and Management, Environmental Protection Agency, transmitting the Agency's final rule—Final Determination to Extend Deadline for Promulgation of Action on Section 126 Petitions [FRL–5925–4] received March 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7939. A letter from the Director, Office of Regulatory Information and Management, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to OMB Approval Numbers [FRL 5379–8] received March 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7940. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule— Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Eureka, Montana) [MM Docket No. 97–232 RM -9191] received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7941. A letter from the Chairman, Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, transmitting a study of reactor safety research, pursuant to 42 U.S.C. 2039; to the Committee on Commerce.

7942. A letter from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule—Foreign Assets Control Regulations; Regulations Prohibiting Transactions Involving the Shipment of Certain Merchandise Between Foreign Countries; Cuban Assets Control Regulations: Civil Penalty Administrative Hearings [31 CFR Parts 500, 505 and 515] received February 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

7943. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Ambassador Frank Wisner's report on the transfer of missile technology to Iran; to the Committee on International Relations.

7944. A letter from the Administrator, Office of Management and Budget, transmitting a report entitled "Electronic Commerce for Buyers and Sellers, A Strategic Plan for Electronic Federal Purchasing and Payment" and "An Assessment of Current Electric Commerce Activity in Procurement, pursuant to Public Law 105—85; to the Committee on Government Reform and Oversight.

7945. A letter from the Commissioner, Bureau of Reclamation, transmitting the status of the revenues from and the cost of constructing, operating and maintaining each lower basin unit of the Colorado River Basin project for the preceding fiscal year, pursuant to 43 U.S.C. 1544; to the Committee on Resources.

7946. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft of proposed legislation to revise the boundary of Fort Matanzas National Monument, and for other purposes; to the Committee on Resources.

7947. A letter from the Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft of proposed legislation to amend the Act which established the Saint-Gaudens National Historic Site, in the State of New Hampshire, by modifying the boundary and for other purposes; to the Committee on Resources.

7948. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft of proposed legislation to amend the boundaries of Grant-Kohrs Ranch National Historic Site in the State of Montana; to the Committee on Resources.

7949. A letter from the Marshall of the Court, Supreme Court of the United States, transmitting a report on administrative costs of protecting Supreme Court Officials, pursuant to 40 U.S.C. 13n(c); to the Committee on the Judiciary.

7950. A letter from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting a draft of proposed legislation entitled "Money Laundering Act of 1998"; to the Committee on the Judiciary.

7951. A letter from the Chairman of the Board, United States Naval Sea Cadet Corps, transmitting a report entitled "Naval Sea Cadet Corps (NSCC)"; to the Committee on the Judiciary.

7952. A letter from the President, John F. KENNEDY Center for the Performing Arts, transmitting a draft of proposed legislation to authorize appropriations to The John F. KENNEDY Center for the Arts and to further define the criteria for capital repair and operation and maintenance, pursuant to 31 U.S.C. 1110; to the Committee on Transportation and Infrastructure.

7953. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Rewrite of the NASA FAR Supplement (NFS) [48 CFR Parts 1815, 1816, 1852, and 1870] received March 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7954. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Rewrite of the NASA FAR Supplement (NFS) [48 CFR Parts 1817, 1822, 1823, 1824, 1852, and 1871] received March 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7955. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Rewrite of the NASA FAR Supplement (NFS) [48 CFR Parts 1828, 1829, 1830, 1831, 1832, 1833 and 1852] received March 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7956. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Addition of Coverage to NASA FAR Supplement (NFS) on NASA Shared Savings Clause [48 CFR Parts 1843 and 1852] received March 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7957. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Rewrite of the NASA FAR Supplement (NFS) [48 CFR Parts 1815, 1816, 1852, and 1870] received March 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7958. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Rewrite of the NASA FAR Supplement (NFS) [48 CFR Parts 1805, 1815, 1831, 1834, 1835, 1836, 1837, 1839, 1841, 1852, 1870, 1871, and 1872] received March 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7959. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—NASA FAR Supplement; Protests to the agency [48 CFR Part 1833 and 1852] received March 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7960. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Rewrite of the NASA FAR Supplement (NFS) [48 CFR Parts 1803, 1805, 1812, 1815, 1835, 1842, 1843, 1844, 1846, 1847, 1848, 1849, 1850, 1851, and 1852] received March 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7961. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Revision to the NASA FAR Supplement to Eliminate Non-Statutory Certification Requirements [48 CFR Parts 1819 and 1845] received March 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7962. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Revision to the NASA FAR Supplement To Delete Class Deviation [48 CFR Part 1831] received March 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7963. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Quick-Closeout Procedures [48 CFR Part 1842] received March 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7964. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—National Aeronautics and Space Administration [48 CFR Parts 1803, 1804, 1807, 1809, 1813, 1815, 1816, 1819, 1822, 1824, 1825, 1827, 1832, 1836, 1837, 1839, 1842, 1844, 1845, 1852, 1853, and 1870] received March 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7965. A letter from the Acting Deputy Director, National Institute of Standards and Technology, transmitting the Institute's final rule— Continuation of Fire Research Grants Program—Availability of Funds [Docket No: 971222307-7307-01] (RIN: 0693-ZA20) received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7966. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Empowerment Zones: Rule Modifications for First Round Designations [24 CFR Part 597] received March 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7967. A letter from the Secretary of Energy, transmitting a report on the Formerly Utilized Sites Remedial Action Program (FUSRAP); jointly to the Committees on Commerce and Transportation and Infrastructure.

7968. A letter from the Administrator, General Services Administration, transmitting the annual report regarding the accessibility standards issued, revised, amended, or repealed under the Architectural Barriers Act of 1968, as amended, pursuant to 42 U.S.C. 4151; jointly to the Committees on Transportation and Infrastructure and Education and the Workforce.

7969. A letter from the Secretary of Health and Human Services, Health Care Financing Administration, transmitting the Administration's final rule— Medicare and Medicaid Programs; Surety BOND Requirements for Home Health Agencies [HCFA-1152-F] (RIN: 0938-AI31) received March 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

7970. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation entitled the "Medicare Administrative Improvement Amendments of 1998"; jointly to the Committees on Ways and Means and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. COBLE: Committee on the Judiciary. H.R. 2294. A bill to make improvements in the operation and administration of the Federal courts, and for other purposes; with an amendment (Rept. 105-437). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. House Concurrent Resolution 238. Resolution authorizing the use of the Capitol Grounds for a breast cancer survivors event sponsored by the National Race for the Cure; with an amendment (Rept. 105-438). Referred to the House Calendar.

Mr. CANADY: Committee on the Judiciary. H.R. 3117. A bill to reauthorize the United States Commission on Civil Rights, and for other purposes; with an amendment (Rept. 105-439). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of Oregon: Committee on Agriculture. H.R. 2515. A bill to address the declining health of forests on Federal lands in the United States through a program of recovery and protection consistent with the requirements of existing public land management and environmental laws, to establish a program to inventory, monitor, and analyze public and private forests and their resources, and for other purposes; with amendments (Rept. 104-440 Pt. 1).

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on Resources discharged from further consideration. H.R. 2515 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 2515. Referral to the Committee on Resources extended for a period ending not later than March 12, 1998.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. EVANS (for himself, Mr. KENNEDY of Massachusetts, Mr. FILNER, Ms. BROWN of Florida, Mr. MASCARA, Mr. PETERSON of Minnesota, Ms. CARSON, Mr. REYES, and Mr. RODRIGUEZ):

H.R. 3444. A bill to amend title 38, United States Code, to provide that in the case of past-due benefits awarded an individual pursuant to a proceeding before the Secretary of Veterans Affairs, any payment of attorneys fees allowed with respect to such award shall be paid directly to the attorney by the Secretary; to the Committee on Veterans' Affairs.

By Mr. SAXTON (for himself, Mr. GILCHREST, and Mr. BILBRAY):

H.R. 3445. A bill to establish the Commission on Ocean Policy, and for other purposes; to the Committee on Resources.

By Mr. BUNNING of Kentucky (by request):

H.R. 3446. A bill to provide for the elimination of duty on Ziram; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 3447. A bill to amend the Internal Revenue Code of 1986 to increase the income threshold amounts for determining the inclusion in gross income of Social Security benefits; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 3448. A bill to amend the Internal Revenue Code of 1986 to provide an inflation adjustment of the income threshold amounts at which 85 percent of Social Security benefits become includible in gross income; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 3449. A bill to amend the Internal Revenue Code of 1986 to reduce the adjusted gross income threshold applicable in determining the deduction for medical care and to increase the mileage deduction for transportation for medical care; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 3450. A bill to protect the retirement security of Americans; to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, Transportation and Infrastructure, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOSWELL:

H.R. 3451. A bill to amend the conservation reserve program to treat a non-profit organization that rents land from a State (or a political subdivision or agency thereof) as a separate person for purposes of applying the limitation on payments under conservation reserve contracts; to the Committee on Agriculture.

By Mr. CAMP:

H.R. 3452. A bill to amend the Tariff Act of 1930 to allow the sale of certain gasoline, alternative motor fuels, and motor oil at duty-free sales enterprises; to the Committee on Ways and Means.

By Mrs. CUBIN:

H.R. 3453. A bill to designate the Federal Building and Post Office located at 100 East B Street, Casper, Wyoming, as the "Dick Cheney Federal Building"; to the Committee on Transportation and Infrastructure.

By Mr. EHRLICH:

H.R. 3454. A bill to amend the Federal Credit Union Act to modify the common bond requirements for members of Federal credit unions; to the Committee on Banking and Financial Services.

By Mr. HILL:

H.R. 3455. A bill to amend the Agricultural Market Transition Act to authorize the Secretary of Agriculture to extend the term of marketing assistance loans; to the Committee on Agriculture.

By Mr. KASICH (for himself and Mr. SHAYS):

H.R. 3456. A bill to provide for personal Social Security plus accounts funded by surpluses in the total budget of the United States Government and available for private investment in indexed funds; to the Committee on Ways and Means.

By Mr. LUTHER:

H.R. 3457. A bill to prohibit movies in which a tobacco company has paid to have its tobacco product featured; to the Committee on Commerce.

By Mr. OBERSTAR:

H.R. 3458. A bill to amend Public Law 90–419 to repeal a condition imposed in granting the consent of Congress to the Great Lakes Basin Compact; to the Committee on International Relations.

By Mr. RUSH (for himself, Mr. Waxman, and Mr. Martinez):

H.R. 3459. A bill to amend title XVI of the Social Security Act to require the medical improvement standard to be used in redetermining the eligibility of 18-year-olds for supplemental security income benefits by reason of disability, and to allow funds in dedicated savings accounts to be used for food, clothing, shelter, utility, and personal items of a child; to the Committee on Ways and Means.

By Mr. SAXTON (by request):

H.R. 3460. A bill to approve a governing international fishery agreement between the United States and the Republic of Latvia, and for other purposes; to the Committee on Resources.

By Mr. SAXTON (by request):

H.R. 3461. A bill to approve a governing international fishery agreement between the United States and the Republic of Poland; to the Committee on Resources.

By Mr. SHAYS (for himself and Mr. Kucinich):

H.R. 3462. A bill to amend the Federal Food, Drug, and Cosmetic Act to require notification of recalls of drugs and devices, and for other purposes; to the Committee on Commerce.

By Mr. TRAFICANT:

H.R. 3463. A bill to provide for the installation of enhanced vision technologies to replace and enhance conventional lighting systems with respect to airport improvement projects; to the Committee on Transportation and Infrastructure.

By Mr. WEXLER (for himself, Mrs. Clayton, Mr. Yates, and Mr. Thompson):

H.R. 3464. A bill to amend title 28 of the United States Code to revise the authority of the independent counsel, and for other purposes; to the Committee on the Judiciary.

By Mr. MCGOVERN:

H. Con. Res. 242. Concurrent resolution expressing the sense of the Congress favoring the authorization, in the manner provided by law, of the establishment of a commemorative work in the District of Columbia to honor the veterans of the Persian Gulf War; to the Committee on Resources.

By Mr. ROGAN:

H. Con. Res. 243. Concurrent resolution expressing the sense of the Congress that the Federal Government should increase its support for basic and applied scientific research, and for other purposes; to the Committee on Science.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 44: Mr. Lantos and Mrs. Morella.

H.R. 65: Mr. Lantos.

H.R. 96: Mr. Hall of Texas and Mr. Kennedy of Rhode Island.

H.R. 107: Mr. Shaw.

H.R. 146: Mr. Spence and Mr. Aderholt.

H.R. 218: Mr. Mascara and Mr. Thompson.

H.R. 303: Mr. Lantos.

H.R. 612: Mr. Diaz-Balart, Mr. Dickey, Mr. Stokes, Mr. Horn, Mr. Clay, and Mr. Cardin.

H.R. 777: Mr. Roemer.

H.R. 880: Mr. Coburn, Mr. Klug, and Mr. Redmond.

H.R. 900: Ms. Kilpatrick.

H.R. 981: Mr. Forbes, Mr. Pickett, Mr. Skelton, Mr. Dicks, Mr. Ballenger, Mr. Meehan, Mrs. Myrick, Mr. Scott, Mr. Meeks of New York, and Mr. Towns.

H.R. 1121: Mr. Norwood.

H.R. 1126: Mr. Meeks of New York.

H.R. 1151: Mr. Goodling and Mr. Coble.

H.R. 1415: Mr. Thompson.

H.R. 1425: Mr. Kennedy of Massachusetts and Mr. Jackson.

H.R. 1636: Ms. Norton, Mr. Faleomavaega, Mr. Rangel, Ms. Stabenow, Mr. Tierney, Mr. McNulty, Mr. Maloney of Connecticut, Mr. Frank of Massachusetts, Mr. McHale, and Ms. Waters.

H.R. 1706: Mr. Faleomavaega and Mr. Lewis of Georgia.

H.R. 1712: Mr. Watts of Oklahoma.

H.R. 1766: Mr. Linder.

H.R. 1895: Mr. Underwood, Mr. Evans, Ms. Woolsey, Ms. Pelosi, Mr. Hinojosa, Mr. Torres, and Mr. Nadler.

H.R. 1915: Ms. Pelosi.

H.R. 2145: Mr. LaHood.

H.R. 2224: Mr. Romero-Barceló, Mr. Kind of Wisconsin, Mr. Payne, Mr. Frank of Massachusetts, and Mr. Meeks of New York.

H.R. 2377: Mr. Gilman, Mr. Shadegg, and Mr. Hall of Texas.

H.R. 2489: Mr. Strickland, Mr. Hefner, Mr. Vento, Mr. Talent, Mr. Watkins, Mr. Skeen, Mr. Underwood, Mr. Fawell, and Mr. Walsh.

H.R. 2515: Ms. Dunn of Washington and Ms. Danner.

H.R. 2538: Mr. Knollenberg, Mr. Thune, Mr. Hunter, Ms. Ros-Lehtinen, and Mr. Torres.

H.R. 2568: Mr. Jones, Mr. Smith of Michigan, and Mr. Camp.

H.R. 2593: Mr. Torres and Mr. Towns.

H.R. 2665: Mr. Hinchey, Mr. Hastings of Florida, Mr. Pallone, Mr. Faleomavaega, and Ms. Furse.

H.R. 2670: Mr. Filner.

H.R. 2760: Mr. Pappas.

H.R. 2807: Mr. Traficant.

H.R. 2820: Mr. Lantos.

H.R. 2850: Mr. Martinez, Mr. Bonior, Mr. Faleomavaega, and Mrs. McCarthy of New York.

H.R. 2864: Mr. Hefley, Mr. Deal of Georgia, Mr. Doolittle, Mr. Miller of Florida, Mr. Roemer, and Mr. Wicker.

H.R. 2869: Mr. Hefley, Mr. Deal of Georgia. Mr. Doolittle, and Mr. Wicker.

H.R. 2870: Ms. Kaptur and Mr. Porter.

H.R. 2871: Mr. Hefley, Mr. Deal of Georgia, Mr. Doolittle, and Mr. Wicker.

H.R. 2873: Mr. Hefley, Mr. Deal of Georgia, Mr. Doolittle, and Mr. Wicker.

H.R. 2875: Mr. Hefley, Mr. Deal of Georgia, Mr. Doolittle, and Mr. Wicker.

H.R. 2877: Mr. Hefley, Mr. Deal of Georgia, Mr. Doolittle, Mr. Miller of Florida, Mr. Roemer, and Mr. Wicker.

H.R. 2879: Mr. Hefley, Mr. Deal of Georgia, Mr. Doolittle, and Mr. Wicker.

H.R. 2881: Mr. Hefley, Mr. Deal of Georgia, Mr. Doolittle and, Mr. Wicker.

H.R. 2914: Mr. Luther.

H.R. 2923: Mr. Bonior, Mr. Cooksey, Mr. Davis of Virginia, and Mr. Upton.

H.R. 2968: Mr. Burton of Indiana and Mr. Hoekstra.

H.R. 2992: Mr. Burton of Indiana and Mr. Metcalf.

H.R. 3125: Mr. Hastings of Florida.

H.R. 3131: Ms. Furse.

H.R. 3156: Mr. McGovern, Ms. Kilpatrick, Mr. Waxman, Mr. Sabo, Mrs. Northup, Mr. Hoyer, Ms. Furse, Mr. Deutsch, Mr. Towns, Mr. Abercrombie, Mr. English of Pennsylvania, Mr. Portman, Mr. Bass, Mr. Frost, and Mr. Ford.

H.R. 3157: Mr. Jones and Mr. Bachus.

H.R. 3161: Mr. Price of North Carolina and Mr. Berman.

H.R. 3177: Mr. Pallone and Mr. Ensign.

H.R. 3206: Mr. Rohrabacher.

H.R. 3216: Mr. Faleomavaega and Mr. Hoyer.

H.R. 3217: Mr. Rangel and Mrs. Johnson of Connecticut.

H.R. 3235: Mr. Hayworth.

H.R. 3243: Mr. McCollum and Mr. Shaw.

H.R. 3248: Mr. Inglis of South Carolina, Mr. Neumann, and Mr. Cannon.

H.R. 3254: Mr. Gallegly.

H.R. 3256: Mr. Miller of Florida.

H.R. 3265: Mr. Davis of Florida, Ms. Rivers, Mr. Boucher, Mr. Nethercutt, Mr. Hill, Mr. Doolittle, Mr. Coble, Mr. Gutknecht, and Mr. Boyd.

H.R. 3270: Mr. Wolf.

H.R. 3271: Mr. Wolf.

H.R. 3274: Mr. Wolf.

H.R. 3288: Mr. Wicker.

H.R. 3300: Mr. Gejdenson, Mr. Frost, Mr. Strickland, Mr. Faleomavaega, Mr. Filner, and Ms. Lofgren.

H.R. 3331: Mr. Weldon of Florida.

H.R. 3335: Mr. Foley.

H.R. 3336: Mr. Mica.

H.R. 3338: Mr. Clement, Mr. Underwood, Mr. Ackerman, and Mr. Wynn.

H.R. 3340: Mr. Ramstad and Mr. McNulty.

H.R. 3342: Mr. Abercrombie, Ms. Velázquez, Mr. Sherman, Ms. Roybal-Allard, Ms. Norton, Mr. Vento, Mrs. Kennelly of Connecticut, Mr. Lewis of Georgia, Mrs. Maloney of New York, Mr. Davis of Illinois, and Mr. Baldacci.

H.R. 3396: Mr. King of New York, Mr. English of Pennsylvania, Mr. Miller of Florida, Mr. Parker, Mr. Hunter, Mr. Duncan, Mr. Dan Schaefer of Colorado, Mr. Traficant, Mr. Quinn, Mr. Saxton, Mr. Boehlert, Mr. Smith of Oregon, Mr. Lewis of California, and Mr. Hefner.

H.R. 3438: Mr. Ney.

H. Con. Res. 65: Mr. Bentsen.

H. Con. Res. 126: Mr. Forbes, Mr. Bonior, and Mr. Young of Alaska.

H. Con. Res. 152: Mr. Maloney of Connecticut and Mr. Fossella.

H. Con. Res. 203: Ms. Carson and Mr. Cunningham.

H. Con. Res. 208: Mr. Diaz-Balart, Mr. LaHood, Mr. Callahan, Mr. Calvert, Mr. Chambliss, Mr. Rangel, Mrs. Tauscher, Mr. Watkins, Ms. Danner, Mr. Riley, Mr. Crapo, Mr. Skelton, Mrs. Morella, Mr. Bereuter, Mr. Metcalf, Mr. Hill, Mr. Boyd, Mr. English of Pennsylvania, Mr. Fox of Pennsylvania, Mr. Cook, Mrs. Kelly, and Mr. Barrett of Wisconsin.

H. Con. Res. 212: Mr. Ganske, Mr. Smith of Michigan, Mr. Moran of Kansas, Mr. Bunning of Kentucky, Mr. Bereuter, and Mr. Bob Schaffer.

H. Con. Res. 227: Mr. Peterson of Pennsylvania and Mr. Frank of Massachusetts.

H. Con. Res. 229: Mr. Calvert, Mr. Christensen, Mr. Franks of New Jersey, and Mr. Pickett.

H. Res. 151: Mr. Bunning of Kentucky.

H. Res. 218: Mr. Watt of North Carolina.

H. Res. 380: Mr. Pombo.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1415: Mr. SALMON.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R.

OFFERED BY: MR. SANDERS

(IMF Supplemental Appropriations, FY98)

AMENDMENT NO. 1: At the appropriate place in the bill, insert the following:

SEC. . PROHIBITION OF FUNDING OF THE INTERNATIONAL MONETARY FUND UNLESS ITS BY-LAWS REQUIRE THAT PRIVATE CREDITORS PROVIDE CRISIS RESOLUTION ASSISTANCE BEFORE THE INTERNATIONAL MONETARY FUND DOES.

Title XV of the International Financial Institutions Act (22 U.S.C. 262o-262o-1) is amended by adding at the end following:

"SEC. 1503. PROHIBITION ON FUNDING OF THE INTERNATIONAL MONETARY FUND UNLESS ITS BY-LAWS REQUIRE THAT PRIVATE CREDITORS PROVIDE CRISIS RESOLUTION ASSISTANCE BEFORE THE INTERNATIONAL MONETARY FUND DOES.

"An officer, employee, or agent of the United States may not, directly or indirectly, provide Federal funds to, or for the benefit of, the International Monetary Fund unless the Secretary of the Treasury certifies that the bylaws of the International Monetary Fund provide that the International Monetary Fund shall not provide funds to any country experiencing a financial crisis resulting from excessive and imprudent borrowing by government or private borrowers, unless the private creditors, investors, and banking institutions which had extended such credit make a significant prior contribution by means of debt relief, rollovers of existing credit, or the provision of new credit, as part of an overall program approved by the International Monetary Fund for resolution of the crisis.".

H. CON. RES. 227

OFFERED BY: MR. CAMPBELL

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 1: Strike all after the resovling clause and insert the following:

SECTION 1. REMOVAL OF UNITED STATES ARMED FORCES FROM THE REPUBLIC OF BOSNIA AND HERZEGOVINA.

(a) FINDINGS.—The Congress finds the following:

(1) The Congress has the sole power to declare war under article I, section 8, of the Constitution.

(2) A state of war has not been declared to exist with respect to the situation in the Republic of Bosnia and Herzegovina.

(3) A specific authorization for the use of United States Armed Forces with respect to the situation in the Republic of Bosnia and Herzegovina has not been enacted.

(4) The situation in the Republic of Bosnia and Herzegovina constitutes, within the meaning of section 4(a)(1) of the War Powers Resolution (50 U.S.C. 1543(a)(1)), either hostilities or a situation where imminent involvement in hostilities is clearly indicated by the circumstances into which United States Armed Forces have been introduced.

(b) REMOVAL OF ARMED FORCES.—

(1) IN GENERAL.—Pursuant to section 5(c) of the War Powers Resolution (50 U.S.C. 1544(c)), the Congress hereby directs the President to remove United States Armed Forces from the Republic of Bosnia and Herzegovina not later than 60 days after the date on which a final judgment is entered by a court of competent jurisdiction determining the constitutional validity of this concurrent resolution, unless a declaration of war or specific authorization for such use of United States Armed Forces has been enacted.

(2) EXCEPTION.—The requirement to remove United States Armed Forces from the Republic of Bosnia and Herzegovina under paragraph (1) shall not apply with respect to—

(A) a limited number of members of the Armed Forces sufficient only to protect United States diplomatic facilities and citizens; or

(B) noncombatant personnel to advise the North Atlantic Treaty Organization (NATO) Commander in the Republic of Bosnia and Herzegovina.

(c) DECLARATION OF POLICY.—The requirement to remove United States Armed Forces from the Republic of Bosnia and Herzegovina under subsection (b) does not necessarily reflect any disagreement with the purposes or accomplishments of such Armed Forces, nor does it constitute any judgment of how the Congress would vote, if given the opportunity to do so, on either a declaration of war or a specific authorization for the use of such Armed Forces.

SENATE—*Thursday, March 12, 1998*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Rev. Anthony Johnson, from Mount Hebron Baptist Church, in Baltimore, MD. He once lived in South Carolina.

PRAYER

The guest Chaplain, Rev. Anthony Johnson, of Mount Hebron Baptist Church, Baltimore, MD, offered the following prayer:

God of all our comfort and Father of Mercy, we acknowledge that You are the Sovereign God of this great Nation. We thank You for the freedom that You have provided us. We pray that You will direct us as we help the less fortunate and those in need. Give us, O God, a heart of compassion and understanding. Bless this great body of men and women from across this country, as they come together to be the voice of this Nation. May they speak for the child who cannot speak. May they stand for the mother who cannot stand. May they walk for the ones who cannot walk. And in all that they do, may it be done to Your glory and honor. We acknowledge our weakness and realize that we cannot do anything without You. Allow Your light to continue to shine on us and in us each and every day, we pray. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. BROWNBACK. On behalf of the majority leader, I announce that this morning the Senate will be in a period of morning business until 10:30 a.m. At 10:30 a.m, as previously agreed to, the Senate will proceed to a rollcall vote on or in relation to the McCain amendment regarding demonstration projects to S. 1173, the highway bill. Following that vote, the Senate will attempt to complete action on the remaining amendments to the bill, including final passage. Following disposition of S. 1173, the Senate may begin consideration of S. 414, the international shipping bill, under a short-time agreement. In addition, the Senate may also begin consideration of H.R. 2646, the A+ education bill. Therefore, Members should anticipate a busy voting day with votes occurring into the early evening.

I yield the floor.

The PRESIDENT pro tempore. The able Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, is there time reserved for the Senator from Vermont?

The PRESIDENT pro tempore. Fifteen minutes is reserved.

THE PRESIDENT PRO TEMPORE

Mr. LEAHY. I note that it is not the "Acting" President pro tempore here today. It is the President pro tempore. I note that the President pro tempore has probably opened the Senate in his capacity as President pro tempore more than any President pro tempore I have served with in almost 24 years. I commend him for his dedication to opening the Senate.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. BROWNBACK). Under the previous order, the Senate will now be in a period of morning business until the hour of 10:30 a.m.

IN MEMORY OF CECILE POMERLEAU

Mr. LEAHY. February might be seen as a month when our family would end the customary mourning period following the death of Cecile Pomerleau.

However, for our family this has been a time of remembering more than mourning, and that is the way she would have wanted it.

Cecile was a beloved mother to my wife, Marcelle, and her brothers, Rene and Claude, a loving and loved grandmother to Kevin, Mark, and Alicia Leahy, and Mark and Paul Pomerleau, to the spouses of her grandchildren, to nephews and nieces, and adopted daughter Sister Consolata—and without a doubt, the best mother-in-law I could have.

For Cecile, family, above all else, was her world. Even in her final illness, her ailments seemed to melt away when Marcelle was there to care for her or when she knew her sons were arriving to be with her, when Kevin and Christianna visited and brought her home, when Mark and Kristine sat with her as they planned their new life together. A very special visitor was her "favorite" and only granddaughter, Alicia. Trips from Chicago by Mark and Paul Pomerleau meant so much to her.

I so greatly benefited from her love and our daily talks and visits—and had in her the most loyal and accepting of any constituent! Even when I thought I did poorly in a Senate debate, she was there to tell me I really won.

At her funeral, our son, Mark, talked of living with his grandmother while going to school. Here was a strong willed, young teenager living with a grandmother who was comfortable in a different language and different customs from his own.

As he told us his story, with humor and love, we saw a grandmother wanting to move across generations to help her grandson—and a grandson meeting her at the generational chasm to accept her love. When he walked past the casket bidding farewell in French to his grandmother, all of us, through our tears, knew the bond.

Cecile nearly left us a decade earlier. The love, sacrifice and nursing skill of her daughter, brought her back to life and gave her those extra years of fulfillment.

I have often said that Marcelle's vocation as a registered nurse is aided by a God-given gift of healing. And no place was it more evident than when caring for her mother—indeed as she became her mother's mother.

Marcelle brought us the essence of her mother when she said the following in a memorial service for Cecile at the Goodwin House.

I was struck by one part of the history of her mother who had a professorship in music at the age of 17 but was told, of course, because of that generation, and especially being a woman, she would have to wait a year before she was old enough to go out into the world. Even though she had demonstrated the talent, genius, and everything necessary to get the professorship, she would have to wait 1 more year.

Knowing my mother-in-law, knowing her genius for music, I suspect that was a somewhat frustrating year and she probably watched the pages coming off the calendar.

I ask unanimous consent Marcelle Leahy's comments be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A TRIBUTE TO OUR MOTHER

When I think of Mom, these words come to mind first: Family, Faith, Music, Friends and French (Canadian). All of these required loyalty and honesty, and then the strength she had to follow her convictions and the promises she had made.

As children my brothers Rene, Claude and I grew up in a home where all of these things became almost as one. Mom set high standards for herself as well as others.

As a very young woman in Coaticook, Canada she earned her professors degree in music when she was only 17. Even though she was qualified to teach they wouldn't let her begin to teach for a year when she would be that much older and more mature.

Music was also to be the thing that brought Mom and Dad together. Dad sang a concert in Sherbrooke, Canada and didn't have an accompanist, so Mom was asked to accompany him on the piano which she agreed to do. When she walked up to him that evening wearing a long red taffeta dress he burst into song and serenaded her (and everyone within hearing distance) with "Lady Lady in Red I adore you." I believe they were married within the year.

Music was always a very large part of our lives. Mom taught us all to play the piano as she did a countless number of students over the next 70 years.

Do you have any idea what it is like to have the piano teacher monitoring your practice sessions? Her voice would come out of the kitchen as she prepared dinner. "Claude you aren't counting! Rene why can't you remember the key? and Marcelle I told you not to practice that until you did 10 minutes of the exercises!" I would seek my revenge by playing Chopsticks! which was absolutely forbidden as that was never considered classical music. The memories are endless with all the novenas, Masses, weddings and, yes, funerals she played for. She used to like to count the black dresses at weddings and the red hats at funerals back in the days when these weren't considered proper. Then all the concerts we went to and, at the recitals where we had to participate, always a nightmare for this participant, and Saturday afternoon with the metropolitan opera blaring from the radio throughout the house.

Some of my fondest memories are of the times we had all of these things combined. Christmas was something else with midnight Mass, Mom playing the organ, her two feet on the pedals, one hand on the keys and the other in the air directing the choir with a few head movements thrown in as she sang as well. Dad would sing at least one solo and we three kids would be singing in the choir too. For me this was all great and exciting as it meant when it was all over there would be our Réveillion at home.

Of course it was the family, the choir who were all our friends but then more friends came and the priests too. There would be singing, laughing, gifts, and food. Mom was known for her tourtière, tartelette, fruit cake and nut goodies, to mention only a few things. She would have been preparing for weeks and what a feast it would be, our beds wouldn't see us until daylight!

There it was, Church, family, friends, music and French Canadian heritage all wrapped into one glorious celebration.

I really need to talk more about the French, as it was a large part of our lives from both of our parents. Our names are French as though no one noticed!

Rene, Claude, Marcelle, they chose those for many reasons but also because they don't change in the translation and we were always going to go back and forth from French to English. Mom never stopped thinking, speaking and counting in French. She even preserved her accent all of these years.

She also never stopped trying to change things "to the way we did it in the Province of Quebec." You can just imagine how that caused some fireworks between a mother and a daughter when Patrick and I were planning our wedding.

Then it was the pronunciation of English words—why did they (as in English speakers) have to do it that way? It just didn't make sense. So, we had a phrase we liked to repeat with her pronunciation. We're going to the Potomac eating a banana from Panama.

Then there was the issue of Thanksgiving "Why can't the Americans celebrate it the same day as Canada?" Oh well I guess that was never a matter of discussion when our two countries were deep into negotiations.

Mom taught my brothers and me many many things for which we will always be grateful. I want to share with you one of the things that she often said to me as I was growing up and she taught me so well because she also lived her life this way. "Always treat people the way you would like to be treated and you will never go wrong." Sounds easy and it isn't.

She was generosity, gentleness, loyalty, honesty and strength in all that she did, teaching us well with her words and her actions. All of this was intertwined with her love for her family, faith and music her adopted country, not to mention her great pride for son-in-law Patrick, Le Senateur, and her grandchildren.

We have a lot to celebrate when our sadness diminishes and we can dwell on her beautiful life and her strength in dying. Mom's health problems started in 1989. It's been a long long road to arrive to this day. She never lost her patience, always kept smiling, never neglected to express her appreciation, saying goodbye to her last piano student only about a year ago and always with rosary in her hand.

Mom, your whole life was quite a concert. It was harmony with your music, your family and friends and your God. We will continue to sing your praises. Au revoir.

Mr. LEAHY. Cecile's son, Rene, spoke for himself and his children, Mark and Paul Pomerleau, and Mark's wife, Alison Paul. I ask unanimous consent that Rene's comments be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS BY RENE POMERLEAU

Mon's death was blessed relief. The going was long and hard and she wanted to go. And it was hard for Marcelle and Pat, who were there and supported her in her need. And it was hard for those of us who loved her and the care givers, and couldn't be there to help.

And it was the same way with Dad.

But I'm going to miss her very much. I miss them both very much.

Mom was a friend. Both Mom and Dad were friends. More and more I realize what a good fortune that was, one that a surprising number of the people I know, and know of, can't claim.

I think I speak for Claude and Marcelle as well when I say that we've always thought of our parents as friends. Maybe we didn't use that word, always, but when I analyze my feelings and our actions, that's the word that describes it.

In Richmond, the home I remember best—because I left home for school when we lived there, and Vermont was more a place to visit—I don't remember an environment of intrigue and competition and distrust. I remember friends—the Carles; the neighbors on the right, Mr. and Mrs. Smallwood; Mrs. Reynolds on the left; Hay, who cleaned house for us once a week; Father Hodges, Father Perreira.

We were surrounded with their friends. They chose their friends carefully, and they tried to teach us to do the same.

Our parents left us a legacy of friendship. If we've made great friendships in life, if we're surrounded today by good friends, if we think of our relatives as friends first, it's thanks to them—and to people like them.

Mom may be joining Dad in a better place, but the place they've left is the better for their having been here.

And we're going to miss them.

Mr. LEAHY. Mr. President, her rich Roman Catholic faith was enhanced by her son, Claude, a priest with the Holy Cross Order. Claude visited his mother, both as son and as a pastoral friend. Together they talked as only they could, of the day when she would leave us. After her death we were reminded of her faith and love of family when we found a note she had written to herself to ask Claude if she could still pray for all of us after she went on to the next life.

Claude said her funeral Mass, and spoke with love, humor, and compassion. His words were such a comfort that I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Greeting]

May the God of all mercy and consolation be with you all.

[Sprinkling with water]

In the waters of baptism Cecile died with Christ and rose with Him into new life. May she now share with Him eternal glory.

[Opening prayer]

O God, source of all mercy and forgiveness, hear our prayer for Cecile whom You have called to the fullness of life.

Because she put her hope in you, may she be carried safely home, to enjoy her eternal reward.

We ask this through God, the source of all being, eternal word, and Holy Spirit, one God, forever and ever.

[Final commendation (after mass)]

Trusting in God, we have prayed together for Cecile. And now, we share a final prayer. There is sadness, but there is also joy of knowing that one day we shall all gather with her and sing to her accompaniment.

We may disperse in sorrow, but the mercy of God will gather us together again in the joy of the Kingdom.

We pray for this to God, the source of all being, eternal word, and Holy Spirit. God, forever and ever. Amen.

[Song of farewell]

[Prayer of commendation]

Into Your hands, O God of mercy, we commend our sister Cecile in the sure hope that together, with all who have died in Christ she will rise with Him.

Merciful Creator, turn toward us and listen to our prayers: open the gates of paradise to your servant and help us who remain to comfort one another with assurances of faith, until we all meet in God's Kingdom, with great rejoicing.

Amen.

HOMILY

(To Gary Moreau, musician, with whom Cecile collaborated for many years)

Gary, I begin by telling you that Mom asked me to play my clarinet with you at her funeral. When we talked about her death and the funeral, Cecile considered cremation. But then, she quickly realized that if I played my clarinet in front of the urn with her ashes, I would look like an Indian snake charmer trying to tame a cobra inside a basket. So, in order to leave me that musical option, she decided to be buried in a more conventional manner.

Recalling Cecile's sense of humor, we are gathered here in sorrow. Still, she has also left us a rich legacy, filled with joy and gratitude. These two virtues were an important part of her life.

Our sorrow accompanies the joy. It is precisely that which causes us sorrow that also becomes the fertile ground for our gladness. In her memory, we all become close friends, giving each other strength, and consolation, and expressing our gratitude. Thanks to Cecile's death, we become angels to each other.

"Nothing can make up for the absence of someone whom we love, and it would be wrong to try to find a substitute; we must simply hold out and see it through.

"That sounds very hard at first, but at the same time it is a great consolation, for the gap, as long as it remains unfilled, preserves the bonds between us, it is nonsense to say that God fills the gap; God does not fill it, but on the contrary, keeps it empty and so helps us to keep alive our former communion with each other, even at the cost of pain."—Dietrich Bonhoeffer.

With Bonhoeffer's words, we also recall our communion with family and friends who give meaning to our present lives, Philippe (Cecile's husband, my dad), Howard and Alba (Patrick's parents), Ellen Pomerleau, Ida and Eli Bushnell, Henri Nouwen, Cecile's sister and brothers, Don and Kay McNeill, and Jean Paul Gaudette.

"Dying can become our greatest gift if we prepare ourselves to die well."—Rev. Henri J.M. Nouwen.

I recall these recent words of Henri Nouwen. We don't all have such a gift. Cecile had it in abundance. She not only prepared herself, but she helped me, and all those who spent time with her in these last years to appreciate this gift. The preparation for death was consistent and definite, religious and secular; sometimes she was subtle, sometimes she was not. Even today, in this sacrament, she helps us to understand her death, and appreciate her life.

In a personal way, I thank you, Mom, for arranging this particular day. The sun is shining through the cold and bouncing off the snow. And, it may not be appropriate for all, but you called me away from one of the busiest weekends imaginable. And, everyone graciously agreed to replace me. And they all said, of course, take the time off, all the time that you need. So, for calling us all together, thanks Mom!

In this spirit, I'd like to talk about the gift that Cecile left us, the gift of preparing well for death, by turning life and its ending into a gift. This became especially obvious during her sickness, as she learned to cope with her physical limitations. This was not easy, and it challenged her, at times, a lot.

This gift of preparing well for death can be seen in three areas: In her family, in her music, and in her faith in God.

In her family

When Cecile became sick, some 6 years ago, she was gradually disabled, becoming increasingly dependent on her daughter and son-in-law, Marcelle and Patrick. She had to adjust, and so did they. It was difficult, it went against her independent nature. But, she did it by keeping in touch with all the family and many of her friends.

She continued to be a communications center for the family, linking cities by letters and phone calls. Washington, DC, Burlington, Montreal, Chicago, Portland, Mexico, Chile, France. Friends that she had made during her visits to Europe, to Mexico and to Chile from 1986 to 1989. Her dear friends in Santiago, especially Walter and Bernardita, Juan-Pablo, Berni and Teresita, and the Navarretes in Mexico City, especially Tomas and all the brothers and sisters; Ellen Marie and all the children of Tony and Rita.

As sickness closed in, Cecile's world should have too. Instead she continued to force open the door. Friends in Chile, politics and family in Canada, and the past became present. Stories about her childhood and grandparents and aunts and uncles were repeated and some stories were told with much laughter and others with tears. Joseph Robert, an uncle of her great grandmother's was hung by the British in the Riel Rebellion in 1837. She translated most of the book on this rebellion by Jules Verne's (*Famille sans nom*). Last year, she also finished translating into English the history of the Bouchards as told by her father, Arthur Bouchard.

As for her new living arrangement in Goodwin House, her circle of friends was large—all the better to publicize the talents and exploits of her children. And, of course, to campaign for her favorite "Senateur Leahy", and the Democratic Party. I'm not aware that she made any illegal contributions to the campaign, but other dubious events were noticed. To grumpy Republicans, especially those who treated their wives with less than respect at games of bridge or during physical therapy, she was known to have run over their toes with her walker. Patrick and I took to calling her the Dennis Rodman of the walker set.

In her music

Soon after receiving her music diploma at 17, she began teaching, and remained a music teacher to the end. During that long and colorful career, she played the organ, the piano, she sang, she directed choirs at church, at school and for anyone who asked. She was president of the Athena Club, representative in Vt. of the National Association of Piano Teachers, a judge for piano auditions throughout the Northeast, and travelled to workshops at Priinceton and yale. Music was a remarkable area of gifts and generosity for Cecile.

In Chile, she gave lessons to students and friends; at Goodwin House, she continued to teach piano to the children of her nurses and maids who came from Central America, Africa, Vietnam. She sang in the house choir, and went to operas and concerts until last year. For Cecile, music was her first language, her contact with the divine, her discipline for ecstasy. Beethoven was the expression of the divine that she most enjoyed. She transcribed a Beethoven sonata for piano and clarinet, and we played it at every opportunity. While her own appreciation was specific (some might even say narrow—I never heard her play jazz, much less "grunge," nor put "rap" to music), she still enjoyed anyone who was sincere and knew music. She once played for a wedding with a young rock guitarist. She improvished while he played. Afterwards, she told us that she was a bit surprised and annoyed by his lack of appreciation, because he had commented to her: "Lady, you play a mean organ." Marcelle explained to her that this was really meant as a compliement.

In her faith in God

The center of Cecile's spirituality consisted in making her family and friends present through her rosary. When I said mass in her room, she would insert a litany of intentions that included all persons from the present to the 19th century! But the rosary was her constant companion and her favorite way of making her loved ones present to her, and available to God. God was not a complicated and unknowable source of transcending bliss and light, nor was God a complicated web of metaphysical abstractions. God was someone you spoke to, to whom you gave thanks for family and the gift of friends, two-legged or four-legged ones.

After listening to the news and weather, she located every religious program on the tube, including "that Mother Angelica" (when she could remember her name). "That nun" she would say "is racist, sexist and narrowminded. And, those priests who say mass often don't know how to preach. So, I turn down the volume and say my rosary for them." The rosary, again. It was her instrument of theological reform and renewal!

And she talked a lot about life after death, with longing (especially last year), but also with curiosity. She often asked me what heaven might be like after death. "What new things are they saying about death," she would ask. She would laugh (at my sputtering), and then we'd have a cup of tea.

Conclusion

There's much to include in these three categories, but it is clear that for her, they were sacramental categories, that she came in contact with God in family, in music, and in prayer, especially with the prayer of her rosary.

So, today, we too stay in communion with her, and with God, through the sacrament we are celebrating. Even though it is the middle of winter, cold with snow (not weather that Cecile appreciated), we bless, and offer up this bread and wine in memory of God's love and compassion for us, and in memory of Cecile's presence, that of death as well as life eternal.

We celebrate the death and resurrection of Jesus, knowing that this gives special meaning to all our family reunions and human relationships. God's presence is everywhere, giving meaning to the presence of Cecile's absence. "The presence of that absence is everywhere," in the words of Edna St. Vincent Millay.

We don't just use these humble gifts of bread and wine. Rather we let them speak to us of joy and sorrow, of presence and absence, of faithfulness and sacrifice. The Eucharist reminds us that it is God's gift to us to be fruitful. It is a human activity to be productive, a divine gift to be fruitful. In this Eucharist/sacrament, we receive that gift from God. For that gift, and for peace, we now give thanks.

In the words of the Kaddish, "May God who establishes peace in the heavens, grant peace unto us and unto all Israel. And say yes, Amen."

Mr. LEAHY. Mr. President, Marcelle and I loved our parents and we were loved by them. During the past decade and a half, we have seen them all leave—Howard, Phil, Alba, and Cecile. Such good friends and such good parents are in our memories today.

It is strange, but I still find myself stopping momentarily now and then as if to call each of them, perhaps to say thank you for all each gave, to tell them their love will live on in their children and their grandchildren, but I think they knew that. They knew how much their children loved them. They knew how much their grandchildren loved them. And at a time when it becomes almost a cliche to talk about family values, our parents gave such great family values to us. The love of all the children for them has been so strong, and the grandchildren, especially, were fortunate to have grandparents that they could know and love.

We lost Cecile last February, but this February, a year later, her first great grandchild, Roan Seamus Nichols Leahy, joined the family. Knowing Cecile, she would consider this timing quite fitting, and her wonderful heart, if she were still alive, would expand to include him in her love with all the rest of us.

I say au revoir, Maman.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent that I be allocated the time that has been assigned to Senator DORGAN as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Thank you.

TOBACCO LEGISLATION

Mr. DURBIN. Mr. President, at the outset I would like to say to my colleagues in the Senate and those who are witnessing this Chamber this morning that we have a unique opportunity this year to do something of value not only for the children of this country but for many others. It relates to an issue that I have been involved in for over 10 years. It started a little over 10 years ago when as a Congressman from Illinois I was about to catch an airplane in Phoenix, AZ, to Chicago, but, as usual, I was late. I came rushing into the airport in Phoenix, AZ, put my ticket on the counter of United Airlines, and said to the flight attendant, "Can I make this plane?" She punched it into the computer and said, "You can if you hurry." I said, "Can you get me a seat in the nonsmoking section?" She punched it into the computer, and said, "No. I am sorry. It is too late. The only seat we have is a middle seat in the smoking section." I looked at her, and I said, "I know I am in a hurry, but isn't there something you can do?" She looked at my ticket, and she looked at my title, and she looked me in the eye, and said, "No; but, Congressman, there is something you can do."

So I got on that airplane and flew from Phoenix to Chicago seated between two sumo wrestlers chain smoking the whole way. I turned my air vents on, one and then the other, and realized when I got off that plane that my clothes were stinking, my sinuses were clogged, and I was grumpy. But I still would be alive. I looked a couple of rows away and saw a woman with a tiny baby and, on the other side of the plane, an elderly person. I thought to myself, this doesn't make any sense at all. Why do we let people smoke away in the cabin of an airplane and endanger the health and lives of other people?

So I came to Washington and in 1987 introduced legislation to ban smoking on airplanes. I never dreamed that it would be successful. In fact, it was the first time in its history that the tobacco lobby had lost a major vote on the regulation of their product on the floor of the House of Representatives. It was a bipartisan effort. I never would have succeeded without the intervention of Senator Claude Pepper, who was chairman of the House Rules Committee, my friend; and Mike Synar, the late Congressman from Oklahoma; HENRY WAXMAN of California, and some others.

It really started in my political career an effort to take a close look at tobacco. Now, almost 11 years later, that wave that was just starting to rise in 1987 is about to crest in 1998. We have a chance now to not just deal with the annoyance and danger of secondhand smoke but something much, much bigger. We have a chance to enact legislation in 1998 that will dramatically change, in America, our view of tobacco as a product for sale. If we are successful, if we do our job, we will finally say that the law in every State in the Nation which bans the sale of tobacco products to children will be enforced. What a breakthrough that would be for us to finally come to grips with the fact that these tobacco companies with their insidious strategy and their advertising have been going after our kids. That is it.

They lose 2 million of their best smokers each year; 400,000 die from tobacco-related diseases, and 1.5 million or so quit. Well, if you are in the corporate board room of RJR or Philip Morris, you say, "I have a problem. Two million customers gone. We have to replace these customers. Where are we going to go?"

Well, we found out as we have surveyed that when a person reaches the age of 18 and beyond, they are less likely to decide for the first time to smoke. They are a little more mature. They know the danger, and they stay away from it. But these corporate leaders in the tobacco companies know that if they can get kids to start smoking, they might have customers for life, albeit an abbreviated life for many smokers.

So we see Joe Camel, we see Marlboro's cancer cowboy, and we see all these efforts to glamorize tobacco. For what purpose? Ultimately so the children will try to smoke. Oh, these tobacco companies do a great job. You know what happens? Every single day in America 3,000 kids start smoking for the first time. A third of them, 1,000 of them, will find their lives shortened because of that experience. Kids who become addicted to nicotine become smokers for life. The tobacco companies win. The kids lose. Their parents lose. America loses.

We have a chance this year to change it. But we may blow that opportunity because, unfortunately, this Senate, and the House for that matter, have become tangled up in the politics of this issue and can't see the forest for the trees. If we miss this chance this year to do something about this effort to addict our children, we may never have it again.

The President and Vice President have been leaders on this issue. We would not be here today discussing it were it not for President Clinton's leadership. And we have seen many others, 42 States' attorneys general, who brought lawsuits against the tobacco companies and said, now it is time for you to pay for the damage you have caused to America by tobacco products; now it is time for you to be held accountable for your lies, your fraud, your deception, your advertising directly at children.

So we are here today and the ball is in our court. Will we do something about it? Take a look at this. This is the situation. Here is the 1998 teen smoking report. How many kids will be hooked today? Three thousand. How many kids have been hooked so far this year? Mr. President, 213,000. How many kids will die too young because Congress has failed to act this year? Mr. President, 71,000. How many days are left for Congress to act? Sixty-seven days. And the count goes up every single day—more kids addicted to nicotine, addicted to tobacco; more kids who will die.

We are told repeatedly this is a short session; we do not have a lot of time here. We have just 67 days and then we have to get back to other things. What is more important? What could be more important than the lives of our children? What could be more important than this opportunity in history for the first time—the very first time—that we can do something? Think about it. If we said, as part of our legislation, legislation I support, that the tobacco companies have to show reductions in kids smoking or they are going to pay more, guess what will happen. They will reduce the number of sales to kids. They will watch it more carefully. If we say to these tobacco companies that we are sick and tired of your insidious advertising at sporting events and all sorts of billboards near schools—we know what is going on here—it is coming to an end, we can do it; we can do it this year.

There is more. We also have to take the money that will come from this effort—from additional fees, for example, on tobacco products—and make sure that it is well spent on antitobacco advertising, on medical research, and on so many other things the President has suggested.

The President wants to take these funds and put them into the basics, make sure there is money for education, make sure there is money for child care, make sure there is money at the NIH for medical research. This is money that is well spent and well invested. But we can miss this opportunity. We can find ourselves twisted in knots. Unfortunately, we may find, if that occurs, we may never have this chance again.

Today is March 12; there are 67 days left on Capitol Hill to take action on an antitobacco bill. If we are going to do this, the Senate needs to finish up its work on this bill by Memorial Day and no later. There are 3,000 reasons each day to pass this legislation—the 3,000 kids who start smoking for the first time. There are no good reasons not to. When you count the days and you count the kids and you count the cost, I think you understand the gravity of this situation. We have offered comprehensive legislation. I hope we can count on our friends on the other side of the aisle to join us.

Yesterday the committee hearings focused on details of tobacco legislation—immunity, liability, committee jurisdiction—but it is time to bring the focus back where it belongs. This is not about the details of the legislative process, it is about our children. Let's send a bill to President Clinton that he can sign. We certainly owe it to America's kids to stop stalling and start saving lives.

JUDICIAL NOMINEES FOR THE FEDERAL DISTRICT COURTS OF ILLINOIS

Mr. DURBIN. Mr. President, while on the subject of the calendar, let me tell you I have waited patiently now—as has the Senator from Illinois, Senator CAROL MOSELEY-BRAUN—I have waited since November 1997 for the Senate to take up consideration of two Federal District Court Judges of Illinois. Patrick Murphy of Marion, IL, is a nominee for the southern district; Michael McCuskey, now an appellate court judge at the State level, is our nominee for the central district. We have waited patiently for over 100 days while these names languished on the Senate Executive Calendar. During that period of time, other judges' names have come and gone, been approved by the Senate, but the two nominees from Illinois sit and languish.

It is bad enough that these two gentlemen, for whom there has been no negative comment, no suggestion that they are not qualified—it is bad enough that their lives have been interrupted because of the Senate's failure to act. What is even worse is that for the people they would serve in southern and central Illinois, there are vacancies on the Federal bench. The southern district of Illinois has the third oldest judicial vacancy in the Nation. We have seen over 1,900 days have passed since there was a judge in this seat, more than 1,000 days in the central district. These high vacancy rates for the Southern and Central Districts of Illinois are causing a great hardship, not only on the judges who are sitting and trying to meet their responsibilities but on those who come to the courthouse and expect, as every American citizen, every American family, and every American business should, that they will be handled fairly and in an expedited fashion.

I think it is time for us to act as a Senate on these two nominees. I will stand on this floor and gladly defend each of these nominees because I know the stellar qualities that they bring to this appointment. But the Senate has to meet its responsibility. It has to call these names for consideration.

We have seen, unfortunately, over the last year or so, a pattern in the Senate which is distressing. Last year, President Clinton had only 45 percent of the nominees for the Federal bench that he sent to the Senate who were actually confirmed. You may say that probably is what the average is, is it not? In fact, it is not. Under Presidents Reagan and Bush, the confirmation rate of their nominees, by a Democratic Senate, was substantially higher—70 and 80 percent.

Some of the Republicans say, "I wish the President would send us more qualified people." Yet when you take a look at the ratings of the President's nominees by the American Bar Association compared to the nominees sent by President Reagan and President Bush, these are actually better nominees. They rate higher by the American Bar Association, one of the few standards that we use to grade men and women who are being appointed to the bench. So, clearly, we are being sent qualified people in a timely fashion to fill needs in Federal judicial courts across America. Yet the Senate acts too slowly or refuses to act.

I stand here today and appeal to my colleagues, Democrats and Republicans, to consider seriously these two nominees and bring them up for consideration this week. Under the rules of the Senate, I can put a hold, incidentally, on people and a hold on bills. I can even do that in secret. That is what the Senate lets me do. In other words, they cannot move the person, they cannot move the bill, if this one Senator decides he does not want them to move it. I have not done that. I have never done that to an individual, and I don't want to start. I don't think it's fair. I hope I never reach the point where I have to use that strategy. I would much rather see us vote on these men and women on their merits. If they are worthy of appointment to the Federal bench, let us take the action and make sure it happens.

I hope my colleagues in the Senate will join me and this week we can finally see the logjam broken, not only on these judicial appointments, but also on this critical legislation. With only 67 days left for us to go to work, let's make sure we do not miss the most important issues and challenges facing us.

I yield the remainder of our time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I wish to address the amendment to be voted on in 4 minutes.

Mr. KERREY. Will the Senator yield?

Mr. WARNER. How much time does my colleague need?

Mr. KERREY. Three minutes?

Mr. WARNER. Then we will accommodate the Senator. Take 4.

THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT

Mr. KERREY. Mr. President, I would like to commend my Democrat and Republican colleagues for their hard work in creating a transportation bill that will reduce traffic congestion, make our roads safer, and protect the U.S. environment. ISTEA, the Intermodal Surface Transportation Efficiency Act, is one of the most important items on the legislative agenda of the 105th Congress.

The American people deserve nothing less than a world-class transportation system that will facilitate economic growth and improve transportation safety. This bill achieves that goal in a fair manner and guarantees that America's transportation infrastructure will be vital well into the next century.

ISTEA is an investment in people and in communities. The Nation's transportation systems move $6 trillion worth of goods every year. Behind every one of the products that makes up that $6 trillion stands a hard-working person pursuing the American dream. ISTEA will create jobs and add to the productive capacity of our workers and the economy by enabling businesses to market their products quickly and efficiently. The American people have challenged us to provide infrastructure that can meet the transportation needs of one of the strongest economies of the world. With this bill, we are meeting their challenge by providing them the sources necessary to create and maintain the transportation infrastructure that will keep America strong.

One of my top transportation priorities has been improving safety on America's roads and highways. Mr. President, 41,000 Americans are killed every year in traffic accidents. We can reduce this horrifying number by concentrating our resources on high-risk roads and dangerous intersections. We know, for example, that rural two-lane roads account for more than half of all traffic and nearly three-quarters of traffic fatalities. Better engineering and planning can reduce the accidents that repeatedly occur on these dangerous roads.

I introduced several amendments to address this very serious problem. The first amendment systematically makes safety a priority consideration in highway construction and maintenance programs. This language sends a strong message to Federal, State, and local transportation planners that they need to focus on enhancing safety. The second amendment establishes a two-lane highway safety program to begin systematic reconstruction of rural two-lane arterial highways that are not a part of the National Highway System.

Mr. President, I intend to speak at greater length on this when the opportunity comes to offer this amendment. It has not yet been accepted. I understand that it can be controversial because of the need to shift money from one area to another. Given the numbers of traffic fatalities on these roads, there are literally lives hanging in the balance. We have created a strong Interstate and National Highway System. It is now time to take the next step in completing this by improving the dangerous two-lane arterial roads that carry traffic to the National Highways and Interstate Highway Systems.

In addition, I authored two amendments to address the very serious problem of accidents at railway crossings. I am pleased to report the Senate accepted both of these amendments. These provisions focus attention on reducing accidents by making highway rail-crossing improvement projects eligible for funds through the Intelligent Transportation Systems Program and the Innovative Bridge Research Program.

In 1996 alone, there were 4,257 highway-rail crossing collisions that resulted in 488 deaths and over 1,600 injuries. These incidents are mostly preventable if adequate safety precautions are taken. As the volume of rail traffic continues to increase, dedicating funds to these dangerous crossings will help ensure the number of accidents is reduced. The Senate took a strong step towards reducing these collisions by accepting these amendments, and I strongly encourage the House to place a similar emphasis on highway-rail crossing safety when they consider ISTEA in the coming weeks.

Mr. President, I also appreciate very much the strong vote given on this floor to extending the ethanol credit. But mostly I applaud the leadership of Republicans and Democrats who understand the importance of ISTEA to the American economy and the American environment and to those hard-working Americans who are pursuing the American dream.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from the Omaha World-Herald dated February 26, 1998.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Omaha World-Herald, Feb. 26, 1998]

CONGRESS MUST UNLOCK ROADS FUNDS

[By Rose White]

Have you ever been in a financial situation in which "robbing Peter to pay Paul" was the only way to get through the crisis? One of Nebraska's largest agencies is currently in this situation, and it's an agency from which we all benefit—the State Department of Roads.

As a result of Congress' failure to reauthorize a multi-year federal highway bill known as the Intermodal Surface Transportation Efficiency Act, repairs on dilapidated bridges, safety improvements on high-risk roads and major construction projects are being forced to wait in limbo. The Nebraska Department of Roads has had to borrow from the state reserve fund to provide temporary relief.

What's truly unfortunate about this situation is that the money we need for this year's construction season is sitting in an account waiting for congressional leaders to approve reauthorization of the ISTEA. Without its passage, the Nebraska Department of Roads will be powerless in executing many of its long-range plans for roadway improvements.

The temporary extension of the highway funding bill is due to expire on March 31, leaving little time for legislators to agree on a spending formula which will ensure its passage.

How will failure to pass this legislation affect motorists in Nebraska? It already has disrupted Nebraska's ability to plan, solicit project bids and approve contracts. Uncertainties about funding may cost hundreds of Nebraska workers their jobs.

With Nebraska's short road construction season, it's imperative that funding be designated now or projects will have to wait until next year where they will overlap with 1999's plans. Such overlapping will likely increase traffic congestion, put motorists at a greater safety risk and create shortages in manpower for construction crews.

Failure to pass this bill has also placed many safety programs in jeopardy. Programs benefiting infants through senior adults will be lost because Nebraska will lose $600,000 in grant funds tied to this bill. Law enforcement agencies will not receive 150 in-car video cameras and will lose funding for 4,200 man-hours of traffic enforcement in hazardous locations. Child safety seat loaner programs will have 400 fewer units to lend.

* * * * *

AAA Nebraska is urging Congress to act quickly on the reauthorization of the Intermodal Surface Transportation Efficiency Act, including the passage of the Byrd-Gramm Amendment which will increase roadway investments about 2 percent if budget surpluses are realized this year.

A Senate speech by Nebraska Sen. Bob Kerrey is quoted in the Feb. 5 Congressional Record: "For me, ISTEA legislation is one of the most important things with which this Congress deals. It creates immediate jobs, employs people in my state, but much more importantly, it adds to the productive capacity out in the future."

AAA encourages Senator Kerrey to continue to fight for passage of this important legislation and urges our other congressional leaders representing us in Washington to do the same. Nebraska is counting on it.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, parliamentary inquiry as to the next order of business. My understanding is we go to the bill at 10:30, at which time the McCain amendment is the pending business without debate?

The PRESIDING OFFICER. The Senator is correct.

EXTENSION OF MORNING BUSINESS

Mr. WARNER. I have been informed by the majority leader's office that there is a necessity to delay the vote by, say, 15 minutes. Therefore, I ask now that the hour of 10:45 be established as the time at which the bill will be brought up, and then the pending UC will take effect at that point.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1726

Mr. WARNER. Mr. President, we will, therefore, continue in morning business. I would like at this time to address the McCain amendment, which will be brought up shortly after the hour of 10:45, when the Senate goes to the bill. It is my intention to be a supporter. I ask unanimous consent I may be made a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, the senior Senator from Arizona has established himself many times in terms of his desire to have fiscal responsibility on a series of legislative proposals as they come before this body.

I wish to commend him. This one I feel very strongly should receive the support of all 100 Members of the Senate. I say that because the highway bill has been given careful consideration by the Senate for almost 2 weeks. Hopefully, we can vote final passage in a matter of hours. Of course, we understand it will then go to conference.

I did a little research about demonstration projects. That is the subject of the McCain amendment. The first paragraph of the McCain amendment says:

> Notwithstanding any other provision of law, a demonstration project shall be subject

to any limitation on obligations established by law that applies to the Federal-aid highways and highway safety construction programs.

In essence, if a State wants a demonstration project and a Member of either body gets that on to the bill, then it counts toward their quota. I think it is very sensible because, historically, here is what has happened.

The surface transportation bill in 1987 was, Mr. President, the first time demonstration projects were authorized on that bill, approximately $1 billion to $2 billion. During ISTEA 1991, I was a member not only of the committee but a conferee. I was in about the second or third row, and I watched what took place. The demonstration projects flowed in the course of the bill being developed in the House and then in the conference. The result: The grand total was $6 billion of demonstration projects.

When the Environment and Public Works Committee started work on this legislation, it was in my subcommittee which I chair, and with the distinguished ranking member, Mr. BAUCUS, the committee decided that we would not put in demonstration projects. That philosophical decision has carried through to this moment. In this bill, as amended, to the best of my knowledge, there are no demonstration projects, and we have achieved our goal so that we will go to conference with zero, with an allocation of the money to the several States, hopefully in the range of 91 percent return on that dollar paid by citizens of that State or visitors at the gas pump. That was a goal I charted in the subcommittee work. It had solid support in the subcommittee, we had solid support in the full committee, and I am proud to say we have achieved that equity in this bill.

If we begin to put in, in conference, the magnitude of demonstration projects approximating what was done in 1991, watch out; that 91 percent is going to disappear. Therefore, I think it is important that we will carry this bill through today without demonstration projects.

There is another reason. I went back and looked at the 1991 bill. About half of those projects under that legislation have never been completed to this date, 6 years later, and the reason is that a Member of the U.S. Congress, if he or she is successful in getting a demonstration project, gets $2 million or $3 million authorized, goes out with a press release, gains all the notoriety for bringing home something, and then what happens? The State, which has overall authority over what is really going to be built in that State, decides, one, it is not a priority item for the State and, two, they are not going to put up the matching funds to develop the project. As a consequence, we now have, of the 1991 bill, half the funds languishing when they could have been spent elsewhere, perhaps within that State, or for other really high-priority projects. The result has been a large percentage of these funds have not been spent because they are not priority projects in that State.

Further, setting aside funds for these projects grossly distorts our objective to achieve equity and fairness in the distribution formulas. Historically, project funds are not calculated in each State's return in their contributions to the highway trust fund.

The amendment by Senator MCCAIN is an important statement for the Senate to take to the conference. I thank the Chair. I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, since the vote is now set at 10:45, I ask unanimous consent to proceed in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPANSION OF THE KEN STARR INVESTIGATION

Mr. SPECTER. Mr. President, I have sought recognition to comment on the calls for Mr. Ken Starr to end his investigation and to urge the public and the media to give Mr. Starr an opportunity to finish his work, to put the issue on the back burner, to accord the President the presumption of innocence, to accord the same presumption to Mr. Starr—put the matter on the back burner so that we can focus on the pressing problems of Iraq, the budget, the highway bill and the other important matters to come before the Government.

There has been much questioning of why Ken Starr has taken so long on the investigation of the Whitewater matter and how he has jurisdiction over the incident involving Ms. Monica Lewinsky. There has not been an explanation, to the best of my knowledge, as to the activities of Mr. Starr which have been expanded so substantially and the kind of delays which have necessarily been involved in the work of independent counsel, something that I understand, having been district attorney of Philadelphia and having run a number of grand jury investigations.

People wonder why Mr. Starr has moved from Whitewater to Ms. Lewinsky. The fact of the matter is that he has done so at the specific request of Attorney General Reno. We know how circumspect Attorney General Reno has been with the appointment of independent counsel. But he was asked to do so because matters came to light which suggested a connection with the way that Mr. Webster Hubble was offered employment outside of the District of Columbia, arranged by a certain individual with a certain firm outside of Washington, DC, and then the same offer was made to Ms. Lewinsky. When these matters were called to the attention of Attorney General Reno, she asked Mr. Starr to expand his jurisdiction.

But that was not the first call for the expansion of Ken Starr's jurisdiction. He was appointed as independent counsel on August 5, 1994, to take over the investigation which had been conducted by independent counsel Robert Fiske which involved the Madison Guaranty Savings & Loan matter which resulted in the conviction of three individuals, including the former Governor of Arkansas, Governor Tucker, and all aspects, including the alleged multimillion dollar fraudulent bankruptcy engaged in, again, by former Governor Tucker and two other individuals.

Mr. Starr's jurisdiction was then expanded on May 22 of 1996 to investigate possible violations of Federal criminal law concerning the firing of White House Travel Office employees, a major investigation.

Then another expansion of Mr. Starr's jurisdiction occurred on June 21, 1996, when he was asked to take over the investigation relating to matters of the Federal Bureau of Investigation reports for background investigations being turned over to the White House between December 1993 and February 1994, another highly controversial and complex matter.

A third occasion was brought about where, again, Mr. Starr was asked to expand his jurisdiction on October 25, 1996, to determine whether White House counsel Bernard Nussbaum had violated Federal law before the U.S. House of Representatives Committee on Government Reform and Oversight.

A fourth expansion of Mr. Starr's jurisdiction occurred on January 29 when he was asked to take a look at the issue as to whether Ms. Monica Lewinsky had suborned perjury, obstructed justice, intimidated witnesses or otherwise violated Federal law.

If you take a look at just one item on the agenda of what Mr. Starr has had, and that is the investigation of former Governor Jim Guy Tucker, that matter occurred on his jurisdiction on September 2, 1994, when the Department of Justice confirmed Mr. Starr's jurisdiction.

On June 7, 1995, the Little Rock grand jury returned a three-count indictment against Governor Tucker.

On September 5, 1995, the district court dismissed the indictment.

Then it was not until December 12, 1995, that Mr. Starr argued the matter before the eighth circuit asking that the indictment be reinstated and that the judge be removed.

On March 5, 1996, the Eighth Circuit reinstated the indictment and dismissed the judge.

Between March and October of 1996, Governor Tucker and two other defendants took appeals to the Supreme

Court of the United States, which were not denied until October 7, 1996.

On October 22, the case was assigned to another judge. The trial date was set on October 21 and an application for continuance was filed by Governor Tucker on October 31, and it was granted until March 17.

Because of the limitation of time, I ask unanimous consent that the full chronology be printed in the RECORD.

There being no objection, the chronology was ordered to be printed in the RECORD, as follows:

TUCKER I CHRONOLOGY

August 31, 1994—Judge Starr writes letter of referral to Attorney General Reno seeking confirmation of jurisdiction over the Tucker I investigation.

September 2, 1994—Acting Assistant Attorney General John C. Keeney writes Judge Starr confirming jurisdiction.

June 7, 1995—Little Rock grand jury returns a 3-count indictment against Governor Tucker.

September 5, 1995—District Judge Henry Woods dismisses the 30-count indictment on grounds of lack of jurisdiction.

December 12, 1995—Judge Starr argues before Eighth Circuit Court of Appeals seeking reversal of the dismissal and recusal of Judge Woods for bias.

March 15, 1996—Eighth Circuit panel unanimously reverses Judge Woods' dismissal, orders reinstatement of indictment, and removes Judge Woods from the case.

March-October 1996—Governor Tucker and the two co-defendants file petitions for rehearing (unsuccessfully) and then petitions for *certiorari* in the United States Supreme Court.

October 7, 1996—Supreme Court denies *certiorari*, and remands the case to the District Court in Little Rock for trial.

October 22, 1996—Case reassigned to Chief U.S. District Judge Stephen M. Reasoner.

October 24, 1996—Trial is set for December 2, 1996.

October 31, 1996—Governor Tucker files a Motion for Continuance of December 2, 1996 Trial on health grounds.

November 14, 1996—District Court enters order postponing Governor Tucker's trial and setting new trial date of March 17, 1997.

December 25, 1996—Governor Tucker gets liver transplant.

January 31, 1997—Governor Tucker files a second Motion for Continuance of trial.

February 11, 1997—District Court enters Order continuing trial date to September 22, 1997.

June 4, 1997—Governor Tucker files third Motion for Continuance of trial date.

July 22, 1997—District Court enters order granting Governor Tucker's further continuance, continuing trial date yet again.

August 15, 1997—Court denies Haley severance motion to grant Marks' continuance. Trial for all three defendants is set for March 9, 1998.

August 26, 1997—William Marks pleads guilty, signs cooperating agreement, begins cooperation with the United States.

November 6, 1997—Anticipating a *fourth* Motion for Continuance by Governor Tucker, OIC files a Motion to Retain or Advance Trial Date.

December 6, 1997—District Court enters Order setting firm trial date of February 23, 1998, and suggesting no further continuances will be granted.

February 20, 1998—Governor Tucker and co-defendant Haley plead guilty, sign cooperative agreements.

Mr. SPECTER. The long and short of this, Mr. President, is that from September 2, 1994, until February 20, 1998, the case involving former Gov. Jim Guy Tucker was pending with a whole series of complex legal maneuvers, until on February 20 of this year, former Governor Tucker entered a guilty plea and signed cooperative agreements.

Without taking a look at the specifics, it is hard to see why Mr. Starr has taken so long. But this is just one item on the agenda, and the chronology shows why so much of the delay has occurred.

I ask unanimous consent, Mr. President, that the chronology as to Ms. Susan McDougal be printed in the RECORD showing exhaustive applications from August 17, 1995, until March 9, 1998, involving the immunity grant and the refusal of that witness to testify.

There being no objection, the chronology was ordered to be printed in the RECORD, as follows:

SUSAN McDOUGAL CHRONOLOGY

August 17, 1995—A federal grand jury in Little Rock returns a 21-count indictment charging Susan McDougal, James McDougal and Governor Jim Guy Tucker with fraud-related charges.

March 4, 1996—The trial of Susan McDougal, James McDougal and Governor Tucker begins before U.S. District Judge George Howard, Jr.

May 28, 1996—The trial jury finds Susan McDougal guilty of three counts: (1) Mail Fraud; Aiding & Abetting Misapplication of SBIC Funds; (2) Aiding & Abetting False Entry in SBIC Records; (3) Aiding & Abetting False Statement on an SBIC Loan Application.

August 20, 1996—Judge Howard sentences Ms. McDougal to: 24 months BOP; $5,000 fine, $300,000 restitution, community service, and $200 special assessment.

September 3, 1996—United States District Judge Susan Webber Wright, who handles Grand Jury matters in the district, enters an order granting Ms. McDougal immunity and ordering her to testify before the Grand Jury.

September 4, 1996—Ms. Dougal appears before a Federal Grand Jury in Little Rock, Arkansas, and refuses to testify.

September 6, 1996—Judge Wright orders Ms. McDougal held in contempt for her refusal to testify before a Grand Jury. Judge Wright orders Ms. McDougal to be detained until she agrees to testify or until eighteen months has passed.

September 9, 1996—By arrangement with Judge Wright, Ms. McDougal surrenders to the U.S. Marshal to begin her civil incarceration.

September 19, 1996—Judge Wright denies Ms. McDougal's Motion to Vacate Civil Contempt.

September 23, 1996—President Clinton interviewed on PBS-TV's "News Hour" by Jim Lehrer about possible pardon for Susan McDougal. (See page 8 of "News Hour" transcript)

October 3, 1996—Susan McDougal waives her right to oral argument in the matter of Judge Wright's contempt Order.

October 9, 1996—The United States Court of Appeals for the Eighth Circuit (Bowman, Loken, and Hansen) affirms Judge Wright's contempt Order.

November 14, 1996—Judge Wright denies Ms. McDougal's second Motion to Vacate Civil Contempt.

February 14, 1997—OIC writes Counsel to the President Charles Ruff, requesting that the President publicly urge Susan McDougal to testify before the grand jury in Little Rock. (See Chronology of Correspondence with White House on Susan McDougal's Refusal to Testify Before the Grand Jury)

June 30, 1997—Judge Wright denies Ms. McDougal's third Motion to Vacate Civil Contempt.

July 18, 1997—Judge Wright denies Ms. McDougal's motion for reconsideration of the Court's June 30, 1997 Order.

February 23, 1998—The United States Court of Appeals for the Eighth Circuit (McMillian, Gibson, and Beam) affirms Ms. McDougal's May 28, 1996 conviction.

March 9, 1998—Ms. McDougal's confinement for civil contempt expires, and she begins serving the 24-month fraud sentence previously imposed by Judge Howard on August 20, 1996.

Mr. SPECTER. Mr. President, there have been frequent misunderstandings, as matters have been reported, one as recently as Senator LOTT's—our distinguished majority leader—comments over the weekend talk shows with his statement about Mr. Starr ending his investigation being taken entirely out of context, something that Senator LOTT has explained.

Several weeks ago, I made a comment that I thought Attorney General Reno erred in appointing Mr. Starr to the Lewinsky matter because the American public would not understand why he was on the President's personal affairs after having started on Whitewater. No criticism at all of Mr. Starr, but it was my view that Mr. Starr would become a lightning rod for the investigation, taking focus away from the real subjects of the investigations. My comments were interpreted to be critical of Mr. Starr, which they, in fact, were not.

I think it is true that Mr. Starr has not run a perfect investigation, and I commented publicly that it is not easy in the course of one of these complex matters, again relating to my own experience in operating grand juries as district attorney, when he brought before the grand jury certain witnesses on obstruction-of-justice charges, which seemed to me to be a misreading of the statute.

But one thing that must be remembered is that the Attorney General of the United States, Janet Reno, has full authority to remove Mr. Starr or to limit his activities if she chooses to do so. In fact, her superior, the President of the United States, has the authority to order the removal of Mr. Starr, not saying he would do so in the light of our experience with the "Saturday Night Massacre." But the Attorney General of the United States does supervise what is going on here and so does the three-judge court.

Taken in its entirety, there is ample justification for the length of time which has been taken, and that if anybody other than Mr. Starr had been asked to take over the investigation relating to Ms. Monica Lewinsky on January 29, 1998, it would be hard to understand how anybody less than 2 months after that fact would be calling for him to terminate his investigation.

So it is my hope that we will all take a deep breath, let Mr. Starr continue his investigation, put it on the back burner, take the pressure off the President, give him the presumption of innocence until the investigation is completed, and give Mr. Starr the similar presumption of propriety as to what he is doing so we can move forward to the very important business at hand in this country, including the ISTEA legislation.

I note the hour of 10:45 has come. And ISTEA is the pending business which will occupy the country, much to the benefit of the country, contrasted with the matters relating to Mr. Starr and the President on that pending investigation.

I thank the Chair and yield the floor.

THE BULLETPROOF VEST PARTNERSHIP ACT

Mr. REID. Mr. President, during a much earlier stage in my life, I was a police officer. It was a different time. Police officers were treated much differently then than now. One of the things I did not have to worry about was wearing any type of bulletproof vest or body armor. That is not the case today. Things are much different than when I was a police officer.

Now all law enforcement officers in the United States, sadly, must be concerned about being shot or in some way harmed as a result of their being a police officer. Because of that, Mr. President, I am very happy to commend this body for the passage of the Bulletproof Vest Partnership Act, which was passed last night by unanimous consent in this body. I commend Senators LEAHY, CAMPBELL and HATCH for working on this legislation with this Senator and others. We ask that this matter be acted on very quickly by the House and sent to the President as soon as possible.

This bipartisan legislation creates a $25 million fund and a 50 percent matching grant program within the Department of Justice to help State and local law enforcement agencies purchase body armor and bulletproof vests. The State of Nevada will receive at least $200,000 each year for this.

According to the Federal Bureau of Investigation, more than 30 percent of the approximately 1,200 police officers who have been killed by firearms since 1980—30 percent, I repeat—would have had their lives saved if they had been wearing bulletproof vests or body armor of some kind.

The FBI estimates that the risk of fatality to officers while not wearing these body protectors is almost 14 times higher than those wearing such body protection. We hear all the time about police officers who do not have the same protection that criminals have. And that is the truth. It is a sad state of affairs when criminals many times are better protected on our streets than our law enforcement officials are.

We cannot allow the criminal element to have the upper hand. One thing we can do is what we are doing in this legislation to protect law enforcement officers all over the country, including the State of Nevada, who put their lives on the line every day to protect us—our property and our person.

Boulder City Police Officer David Mullin, who acts as the chief of police of Boulder City said:

> These vests are real life savers. They not only help protect officers from attacks involving guns and knives, they have [even] saved many officers from major injuries or death in traffic accidents. Unfortunately, [he goes on to say] there is a real difficulty in meeting purchasing and replacement [costs of these instruments].

These body-protection elements will go a long way in helping law enforcement in Nevada. Bulletproof vests can cost $1,000. They cost that much money. Nevada Highway Patrol Col. Michael E. Hood recently recounted a story about Maj. Dan Hammack, of the Nevada Highway Patrol. He stopped someone. The person immediately got out of the car—this is a routine traffic stop —and shot Major Hammack in the stomach. Had he been wearing this armor, he would not have been injured at all.

Unfortunately, the accounts of Chief David Mullin and Highway Patrol Col. Michael Hood are stories that are heard all over the country on a daily basis. The Bulletproof Vest Partnership Act will ensure that all our law enforcement officials will have the ability to be equipped and protected for their jobs. I think this legislation should move as quickly as possible in the House so we can save the lives of police officers on a daily basis in this country.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I say to the Senator, I would very much like to be a cosponsor with the Senator. I find, Mr. President, in my work in the Senate that when Senator REID speaks, I listen. He has made a very valuable contribution to the highway bill as a member of our committee. I have followed this same subject for some time. I know that law enforcement across the land would be heartened by this initiative. It is long overdue, Senator.

Mr. REID. I say to my friend from Virginia, the law enforcement officials in Virginia have the same difficulty as the law enforcement officials in Nevada and the rest of the country. As we come home late at night, I see, along the parkway going to my home in Virginia, police officers have pulled somebody over. It is dark at night and they are out there alone. That is a frightening thing. Think of how that man or woman who has to do that feels in the dead of night, pulling over somebody, and they don't know for sure who is in the car. They know something is wrong or they wouldn't pull the car over.

What this legislation does is give them an even break. They have some protection if this person, in their cowardly manner, gets out and shoots them. These body protectors will stop a bullet from killing them. It will still hurt, but it will stop the bullet from killing them.

I express my appreciation to the senior Senator from Virginia for his kind comments and his usually fine advocacy on behalf of the people of Virginia and this country.

Mr. WARNER. I thank the Senator, and I ask unanimous consent I be made a cosponsor of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO MR. GEORGE T. SINGLEY, III

Mr. LOTT. Mr. President, I would like to recognize the professional dedication, vision, and public service of Mr. George T. Singley, III. He is retiring after 33 years of military and civilian service in the Department of Defense, most recently, as Acting Director of Defense Research and Engineering [DDR&E]. A native of Delaware, and a long time Virginia resident, Mr. Singley is a nationally and internationally renowned technology leader. As both Deputy and Acting Director of Defense Research and Engineering, he has guided our nation's Science and Technology (S&T) defense effort for several years.

His extraordinary vision and strong leadership have dramatically enhanced the defense S&T program. This contribution significantly improved our efforts to field a force whose technological superiority remains unchallenged, now, and well into the next century. He has focused the defense S&T program on developing capabilities necessary to achieve the goals of future joint warfighting, as expressed in the Chairman's Joint Vision 2010.

Before coming to DDR&E, Mr. Singley served as the Deputy Assistant Secretary of the Army for Research and Technology. He was responsible for the Army's entire S&T program. This program, spanning 21 laboratories and centers with approximately 10,000 scientists/engineers had an annual budget of $1.4 billion. Mr. Singley also was the chief scientist to both the Secretary of the Army and the Assistant Secretary of the Army for Research, Development and Acquisition. As a Program Execution Officer in the Army, he led five helicopter program offices. He pioneered the Light Helicopter Experimental (LHX) program, better known as Comanche, which became the Army's first stealth helicopter program. A truly remarkable career.

Mr. Singley is Chairman of the Executive Board of the American Helicopter Society. He served as their President from May 1996 through April 1997. He is a past Vice President of the Army Aviation Association of America, and a member of the Association of the United States Army. His numerous awards include:

Meritorious Executive Presidential Rank Award (twice);

Secretary of Defense Meritorious Civilian Service Awards;

Secretary of Defense Award for Excellence;

Distinguished Executive Presidential Rank Award;

American Defense Preparedness Association Firepower Award;

University of Delaware College Distinguished Engineering Alumnus;

Exceptional Civilian Service Award;

Meritorious Civilian Service (twice);

Department of Army Staff Badge; and

American Helicopter Society Grover S. Bell Award for Rotorcraft Research;

He has more than 20 technical publications and numerous technical articles to credit.

I know that Mr. Singley's wife Maxine, and his children, George, Kristine, and Dean, and the Department of Defense are proud of his accomplishments. My colleagues join me in wishing George 'fair winds and following seas' as he pursues many new and exciting challenges in the private sector. The Nation and our military are indebted to you for your many years of distinguished service.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, March 11, 1998, the federal debt stood at $5,528,971,446,018.69 (Five trillion, five hundred twenty-eight billion, nine hundred seventy-one million, four hundred forty-six thousand, eighteen dollars and sixty-nine cents).

One year ago, March 11, 1997, the federal debt stood at $5,357,359,000,000 (Five trillion, three hundred fifty-seven billion, three hundred fifty-nine million).

Five years ago, March 11, 1993, the federal debt stood at $4,211,257,000,000 (Four trillion, two hundred eleven billion, two hundred fifty-seven million).

Ten years ago, March 11, 1988, the federal debt stood at $2,482,356,000,000 (Two trillion, four hundred eighty-two billion, three hundred fifty-six million).

Fifteen years ago, March 11, 1983, the federal debt stood at $1,225,057,000,000 (One trillion, two hundred twenty-five billion, fifty-seven million) which reflects a debt increase of more than $4 trillion—$4,303,914,446,018.69 (Four trillion, three hundred three billion, nine hundred fourteen million, four hundred forty-six thousand, eighteen dollars and sixty-nine cents) during the past 15 years.

THE CASE FOR INCREASED ACCESS TO SKILLED PERSONNEL

MR. ABRAHAM. Mr. President, I rise today to share with my colleagues an important article on the severe problems U.S. companies, particularly in the high technology sector, are facing with regards to skilled workers. In the March 9, 1998 edition of the Wall Street Journal, Dr. T.J. Rodgers the President and Chief Executive Officer of Cypress Semiconductor Corporation, clearly articulated why this country needs increased access to skilled professionals. The author is widely considered to be a leading authority on high-tech issues and recently offered his expertise on the H1-B visa issue in a Senate Judiciary Committee hearing on the shortage of high-tech workers in America. I urge my colleagues to read Dr. Rodger's educated summary of this serious problem and consider a bill I introduced last week with Senators HATCH, McCAIN, DEWINE, SPECTER and GRAMS, S. 1723, the "American Competitiveness Act," which seeks to address the serious issues raised in Dr. Rodger's article.

Mr. President, I ask unanimous consent that Dr. Rodger's article be inserted into the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GIVE US YOUR TIRED, YOUR POOR—AND YOUR ENGINEERS

Last year, the U.S. Labor Department interrupted four key projects at my company, Cypress Semiconductor: a memory chip for Internet applications, a microcontroller chip for personal computers, our chip-manufacturing control system and our most advanced CMOS process technology, which permits the design of very low-power integrated circuits.

The reason? U.S. high-tech companies had hit the annual cap of 65,000 H1-B visas, which allow highly skilled foreigners to work in the U.S. As a result, we had to lay off highly skilled technology workers who were waiting for their visas, delaying the sale of millions of new chips and the creation of hundreds of manufacturing jobs.

We have 16 other projects backlogged due to engineering shortages—and that's not surprising when the unemployment rate in electrical engineering is a rock-bottom 0.4%. Although we recruit on 27 college campuses and hire all the immigrants we're allowed, Cypress cannot find enough engineers to grow at its full potential. So it goes across Silicon Valley: The information Technology Association of America says there are $346,000 unfilled skilled positions nationwide. In a survey, the association's members say this engineering crunch is the No. 1 factor inhibiting the growth of their companies.

And yet Washington is sending immigrants home, including many new graduates of American colleges. Half of technology doctorates awarded by U.S. universities go to foreign nationals. The president of Taiwan's Winbond Semiconductor, just penalized by the International Trade Commission for dumping in the U.S., has a doctorate from Princeton.

The labor shortage is getting worse. Last year Washington cut off H1-B immigration for one month. This year it will be four months, unless Congress increases the H1-B quota. The administration has opted for the immigration shutdown because it wants to "protect" American workers from "cheap" immigrant labor, a doubly incorrect position. In fact, skilled immigrants create new jobs for native-born Americans, and a Cato Institute study shows that long-term unemployment is lower and wages higher in cities and states with higher immigrant concentrations.

Yet the Clinton-Gore administration, an off-and-on friend of Silicon Valley, has turned its back on high-tech again, as I recently told the Senate Judiciary Committee, where I was joined by representatives of Intel, Microsoft, Sun Microsystems and Texas Instruments. Commerce Secretary William Daley has said that an increase in H1-B immigration is "not feasible"—Washington-speak for "drop dead." But Sen. Spencer Abraham (R., Mich.), for one, is listening. He introduced legislation last week that would raise the H1-B cap by a modest 25,000.

The claim that skilled HI-B immigrants take jobs from Americana is preposterous. Did Hungarian immigrant and Intel CEO Andy Grove take some "real" American's job, or did he help to create 50,000 high-quality jobs?

Engineers create jobs. Cypress employs 470 engineers our of 2,771 employees. Each engineer thus creates five additional jobs to make, administer and sell the products he develops. A disproportionate number of our research-and-development engineers-37%-are immigrants, typical for Silicon Valley. Had we been prevented from hiring those 172 immigrant engineers, we couldn't have created about 860 other jobs, 70% of which are in the U.S.

Cypress now employs 2,011 U.S. citizens, an accomplishment unachievable without immigrants. Four of our 10 vice presidents are immigrants. Lothar Maler, our vice president of manufacturing, emigrated from Germany as a child. He joined us with an engineering degree and a stint at Intel under his belt, and now manages 1,067 workers in six plants. John Torode, our chief technology officer, came to the U.S. after World War II with his father, a British sailor. After obtaining his doctorate and a computer science professorship at the University of California, Berkeley, John started our computer products division, which makes the clock chips used to synchronize 20 million personal computers a year.

Emmanuel Hernandez, our chief financial officer, was an all-star employee at National Semiconductor, Silicon Valley's second-largest chip company, which transferred him to the U.S. from the Philippines. Tony Alvarez, our vice president of R&D, fled Castro-controlled Cuba, in 1961 and now directs the 113 engineers who develop our most advanced technologies. Tony's chief scientist, Jose Arreola, emigrated from Mexico to get his doctorate and now manages an elite group of 30 engineers, 24 of whom have postgraduate degrees and 20 of whom are legal immigrants. Pat Buchanan derided immigrants during his 1996 presidential campaign, calling them "Jose." Our Jose his made Cypress's 2,011 American employees better off.

Pierre Lamond, our chairman, received an advanced degree in France, and was then recruited to work at Fairchild Semiconductor, which he left to become a founder of National Semiconductor. Today Pierre's venture-capital fund, Sequoia Partners, has provided capital to 200 Silicon Valley companies (including Apple and Genentech) with a total market value of $175 billion and more than 150,000 employees. Eric Benhamou, another Cypress director, fled with his parents to France during the 1960 Algerian civil war. After his Stanford education, he became CEO of 3Com Corp., the leading Internet infrastructure supplier with 100 million customers and 13,200 employees.

The conclusion is clear: Our immigrant executives, directors and engineers have created thousands of new American jobs. The competition for workers is so intense in Silicon Valley that cypress's average San Jose employee—excluding the executive staff and me—now earns $81,860 annually, including benefits. The immigrant executives I have cited all earn six-figure incomes. Whose pay are they holding down? With 0.4% unemployment in this field, and record-low unemployment in the broader U.S. economy, where are the out-of-work Americans displaced by foreign talent?

America's loss is our foreign competition's gain. Our need for engineers has driven us to start R&D centers anywhere we can find engineers—currently, in England, Ireland and India. We're forced offshore to fill the jobs that we cannot fill here—a fine way to "protect" American jobs.

Legal immigrants currently constitute 8.5% of the U.S. population, well below the 13%-plus levels maintained from 1860 to 1939. Immigrants add less than 0.4% to the population yearly. If this administration ignores Silicon Valley's need for 25,000 to 35,000 more immigrant engineers—a mere 3% or so of the million-plus yearly legal immigrants—the only result will be to drive high-tech hiring offshore. And it will have added the H1-B visa issue—along with litigation reform, encryption export and Internet regulation—to its list of Silicon Valley snubs.

Raising quotas by only 3%, specifically to bring in critical engineers and scientists, would be an obvious benefit to all Americans. Why are we sending the first-round draft choices of the high-tech world to play on other country's teams?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The PRESIDING OFFICER. Under the previous order, the Senate will now return to the consideration of S. 1173, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1173) to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

The Senate resumed consideration of the bill, with a modified committee amendment in the nature of a substitute (Amendment No. 1676).

Pending:

McCain Amendment No. 1726 (to Amendment No. 1676), to provide that demonstration projects shall be subject to any limitation on obligations established by law that applies in Federal-aid highways and highway safety construction programs.

AMENDMENT 1726

Mr. MACK. Mr. President, it is time we end the practice of earmarking highway projects. This practice continues to disadvantage my state, and most others. Commonly referred to as demonstration projects, these earmarked dollars literally come off the top of the transportation funding available under this legislation.

The rationale behind apportionment formulas and funding allocations is that these transportation funds are distributed according to state's needs. Notwithstanding disagreements over whether these distributions accurately reflect a state's transportation needs, the practice of authorizing demonstration projects undermines the rationale supporting the use of these formulas. Moreover, this practice literally deprives states of the funding which would otherwise be available for states' highway priorities as established by state and local transportation planners.

While I believe this is a wasteful practice, history has shown there is little chance of its outright elimination. Beginning in 1982 when $362 million was set-aside for 10 such earmarks, the inclusion of such earmarks has continued to grow as illustrated in the 1991 transportation bill, ISTEA, where over $6 billion was provided for 538 location specific projects.

While the Senate's Environment and Public Works Committee has shown great restraint in this area, it is well understood that the House of Representatives has been unable to curtail this practice. In fact, the House is fully expected to come forward this year with billions of dollars in transportation earmarks.

Accordingly, the amendment offered by Senator McCain does the next best thing. It requires that any highway demonstration projects come from within a state's total funding and not at the expense of funding otherwise available to all other states.

For all my colleagues who have argued in favor of the formulas contained in the bill and the rationale behind them, support of this provision remains consistent with that position. And, for those of my colleagues who are not as enthusiastic over the distribution of highway dollars in the underlying legislation, this provision will ensure that your states prospective return on their transportation dollar will not be eroded any further.

I look forward to the overwhelming support of my colleagues on this common sense amendment, and I thank Senator McCain for his excellent work in crafting this provision.

Mr. BROWNBACK. Mr. President, I rise today in strong support of the McCain amendment to require that demonstration projects be funded from each state's allocation and be subject to annual limitation.

The current system for designating large construction projects advantages a few states over the majority. It prioritizes construction needs based more on political seniority that it does an impartial evaluation of transportation needs. It creates pressure for Members of Congress to engage in porkbarrel spending rather than to concentrate on prudent national policy. I believe the McCain amendment would help move us away from this system because it would not give states or members an incentive to seek out demonstration or critical needs projects, as securing these projects would not increase the amount of federal funds flowing to a state.

I further support the McCain amendment because it gives states greater say in determining what projects have the highest priority for their locality. It should be up to cities, counties, and the state Departments of Transportation to prioritize what projects need immediate attention in their state—not the federal government. Too often under the current system, a state has to put aside its own priorities because it must use its own limited funds to provide matching funds for the large federally designated construction projects, or risk losing federal funding. This "Washington knows best" approach to transportation planning needs to end.

Finally, I support this amendment because it would end a system that disadvantages the infrastructure needs of a majority of states to the benefit of a few. In order to maintain a strong, truly national infrastructure system, we must give every state the tools and funding its needs to maintain its share of the system. Ending a system that gives a few states an inordinate amount of construction dollars is one step in the right direction toward that goal.

I applaud the Senator from Arizona for proposing this approach to increase fiscal responsibility in transportation spending and to empower the communities in which the infrastructure lies. I urge my colleagues to support its passage.

The PRESIDING OFFICER. The question now is on agreeing to amendment No. 1726 offered by Senator McCain. The yeas and nays have been offered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 78, nays 22, as follows:

[Rollcall Vote No. 29 Leg.]

YEAS—78

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bumpers
Burns
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Enzi
Faircloth
Feingold
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Inouye
Johnson
Kempthorne
Kerrey
Kohl
Kyl
Landrieu
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Robb
Roberts
Rockefeller
Roth
Sessions
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Warner
Wyden

NAYS—22

Boxer
Bryan
Byrd
Campbell
Durbin
Feinstein
Ford
Harkin
Hollings
Jeffords
Kennedy
Kerry
Lautenberg
Leahy
Mikulski
Reid
Santorum
Sarbanes
Shelby
Specter
Torricelli
Wellstone

The amendment (No. 1726) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay it on the table.

The motion to lay the amendment on the table was agreed to.

AMENDMENT NO. 1998 TO AMENDMENT NO. 1676

Mr. CHAFEE. Mr. President, on behalf of Senator D'AMATO and Senator SARBANES, I send to the desk an amendment to the transit title.

The PRESIDING OFFICER (Mr. ROBERTS). The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. D'AMATO and Mr. SARBANES, proposes an amendment numbered 1998 to No. 1676.

Mr. CHAFEE. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 55, all after line 11, insert the following

(A) ESTABLISHMENT OF CENTER—(1) Section 5317(b) of title 49, United States Code, is amended by adding the following new paragraph:

"(6) The Secretary shall make grants to the University of Alabama Transportation Research Center to establish a university Transportation Center.

Mr. CHAFEE. Mr. President, inadvertently the managers of the bill omitted important language from the transit title. I am grateful to the chairman and ranking member of the Banking Committee for bringing that to our attention. This amendment has approval of this side.

Mr. BAUCUS. This amendment has been cleared, and I urge its approval.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1998) was agreed to.

AMENDMENT NO. 1999 TO AMENDMENT NO. 1676

(Purpose: To require the Comptroller General to conduct a study to assess the impact that a utility company's failure to relocate its facilities in a timely manner has on the delivery and cost of Federal-aid highway and bridge projects)

Mr. CHAFEE. Mr. President, on behalf of Senator TORRICELLI, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. TORRICELLI, proposes an amendment numbered 1999 to amendment No. 1676.

The amendment is as follows:

On page 85, between lines 18 and 19, insert the following:

(d) EVALUATION OF PROCUREMENT PRACTICES AND PROJECT DELIVERY.—

(1) STUDY.—The Comptroller General shall conduct a study to assess—

(A) the impact that a utility company's failure to relocate its facilities in a timely manner has on the delivery and cost of Federal-aid highway and bridge projects;

(B) methods States use to mitigate delays described in subparagraph (A), including the use of the courts to compel utility cooperation;

(C) the prevalence and use of—

(i) incentives to utility companies for early completion of utility relocations on Federal-aid transportation project sites; and

(ii) penalties assessed on utility companies for utility relocation delays on such projects;

(D) the extent to which States have used available technologies, such as subsurface utility engineering, early in the design of Federal-aid highway and bridge projects so as to eliminate or reduce the need for or delays due to utility relocations; and

(E)(i) whether individual States compensate transportation contractors for business costs incurred by the contractors when Federal-aid highway and bridge projects under contract to the contractors are delayed by delays caused by utility companies in utility relocations; and

(ii) methods used by States in making any such compensation.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study, including any recommendations that the Comptroller General determines to be appropriate as a result of the study.

Mr. CHAFEE. Mr. President, this amendment provides for a GAO study on facilitating the relocation of utilities that occur as part of highway construction projects.

Mr. BAUCUS. Mr. President, it is fine.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1999) was agreed to.

Mr. GRAMM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2000 TO AMENDMENT NO. 1676

(Purpose: To provide for high risk hazardous material and hazardous waste transportation safety)

Mr. BAUCUS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows.

The Senator from Montana [Mr. BAUCUS], for Mr. TORRICELLI, proposes an amendment numbered 2000 to amendment No. 1676.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In title III, strike section 3215 and insert the following:

SEC. 3215. HAZARDOUS MATERIAL TRANSPORTATION REAUTHORIZATION.

(a) IN GENERAL.—Chapter 51, as amended by section 3214 of this Act, is amended by redesignating section 5128 as section 5129 and by inserting after section 5127 the following:

"§ 5128. High risk hazardous material and hazardous waste; motor carrier safety study

"(a) STUDY.—The Secretary of Transportation shall conduct a study—

"(1) to determine the safety benefits and administrative efficiency of implementing a Federal permit program for high risk hazardous material and hazardous waste carriers;

"(2) to identify and evaluate alternative regulatory methods and procedures that may improve the safety of high risk hazardous material and hazardous waste carriers and shippers, including evaluating whether an annual safety fitness determination that is linked to permit renewals for hazardous material and hazardous waste carriers is warranted;

"(3) to examine the safety benefits of increased monitoring of high risk hazardous material and hazardous waste carriers, and the costs, benefits, and procedures of existing State permit programs;

"(4) to make such recommendations as may be appropriate for the improvement of uniformity among existing State permit programs; and

"(5) to assess the potential of advanced technologies for improving the assessment of high risk hazardous material and hazardous waste carriers' compliance with motor carrier safety regulations.

"(b) TIMEFRAME.—The Secretary shall begin the study required by subsection (a) within 6 months after the date of enactment of the Intermodal Transportation Safety Act of 1998 and complete it within 30 months after the date of enactment of that Act.

"(c) REPORT.—The Secretary shall report the findings of the study required by subsection (a), together with such recommendations as may be appropriate, within 36 months after the date of enactment of the

Intermodal Transportation Safety Act of 1998.".

(b) SECTION 5109 REGULATIONS TO REFLECT STUDY FINDINGS.—Section 5109(h) is amended by striking "not later than November 16, 1991." and inserting "based upon the findings of the study required by section 5128(a).".

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 51, as amended by section 3214, is amended by striking the item relating to section 5128 and inserting the following:

"5128. High risk hazardous material and hazardous waste; motor carrier safety study.

"5129. Authorization of appropriations.".

Mr. BAUCUS. Mr. President, this amendment is in the jurisdiction of the Commerce Committee. It is cleared by the committee. It will authorize a study to investigate the best methods of improving safety procedures that govern the transportation of hazardous materials, including linking the renewal of a hauler's Federal permit to an annual safety review.

As I said, the Commerce Committee has cleared this. I urge its adoption.

Mr. CHAFEE. Mr. President, this amendment is agreeable to this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2000) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2001 TO AMENDMENT NO. 1676

(Purpose: To make minor and technical corrections in subtitle F of title III (relating to sport fishing and boating safety))

Mr. CHAFEE. Mr. President. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island (Mr. CHAFEE) proposes an amendment numbered 2001 to amendment No. 1676.

The amendment is follows:

On page 154, line 6, strike "1998;" and insert "1999;".

On page 154, line 7, strike "1999;" and insert "2000;".

On page 154, line 8, strike "2000;" and insert "2001;".

On page 154, line 9, strike "2001;" and insert "2002; and".

On page 154, line 10, strike "2002;" and insert "2003;".

On page 154, strike line 11.

On page 158, strike lines 1 through 19, and insert the following:

"(1) FISCAL YEAR 1998.—In fiscal year 1998, an amount equal to $20,000,000 of the balance remaining after the distribution under subsection (a) shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106(a)(1) of title 46, United States Code.

On page 162, line 7, strike "(1)(c)" and insert "(2)(B)".

On page 162, line 11, strike "(1)(c)" and insert "(2)(B)".

On page 163, strike lines 24 and 25.

On page 164, line 24, strike "4(b)" and insert "4(b)(2)".

Mr. CHAFEE. Mr. President, this amendment makes a series of technical date changes in the Wallop-Breaux provisions of the Commerce Committee title. These are entirely technical modifications. They have the approval of this side.

Mr. BAUCUS. Mr. President, these are technical corrections that are necessary because of an earlier action that we took. It is clearly minor and technical and should be approved.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Rhode Island.

The amendment (No. 2001) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2002 TO AMENDMENT NO. 1676

(Purpose: To provide for a school transportation safety study)

Mr. CHAFEE. Mr. President, on behalf of Senator DEWINE, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island (Mr. CHAFEE), for Mr. DEWINE, proposes an amendment numbered 2002 to amendment No. 1676.

Mr. CHAFEE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in subtitle D of title III, insert the following:

SEC. 34__. SCHOOL TRANSPORTATION SAFETY.

(a) STUDY.—Not later than 3 months after the date of enactment of this Act, the Secretary shall offer to enter into an agreement with the Transportation Research Board of the National Academy of Sciences to conduct, subject to the availability of appropriations, a study of the safety issues attendant to the transportation of school children to and from school and school-related activities by various transportation modes.

(b) TERMS OF AGREEMENT.—The agreement under subsection (a) shall provide that—

(1) the Transportation Research Board, in conducting the study, shall consider—

(A) in consultation with the National Transportation Safety Board, the Bureau of Transportation Statistics, and other relevant entities, available crash injury data;

(B) vehicle design and driver training requirements, routing, and operational factors that affect safety; and

(C) other factors that the Secretary considers to be appropriate;

(2) if the data referred to in paragraph (1)(A) is unavailable or insufficient, the Transportation Research Board shall recommend a new data collection regimen and implementation guidelines; and

(3) a panel shall conduct the study and shall include—

(A) representatives of—

(i) highway safety organizations;

(ii) school transportation; and

(iii) mass transportation operators;

(B) academic and policy analysts; and

(C) other interested parties.

(c) REPORT.—Not later than 12 months after the Secretary enters into an agreement under subsection (a), the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that contains the results of the study.

(d) AUTHORIZATION.—There are authorized to be appropriated to the Department of Transportation to carry out this section—

(1) $200,000 for fiscal year 1999; and

(2) $200,000 for fiscal year 2000.

Mr. DEWINE. Mr. President, approximately 25 million students are transported to and from school and school-related activities on buses. The National Highway Traffic Safety Administration (NHTSA) has established a series of federal motor vehicle safety standards to assist those responsible for transporting our school children on school buses.

These features include: clearly distinguishable vehicles with built-in passenger restraint systems; flashing red lights that are activated as students enter and leave the school bus; specially trained drivers; and specially designed routes and schedules to minimize the distance that students need to walk to the bus stop.

Unfortunately, despite all of these safety features on school buses, more student fatalities and serious injuries occur during the loading and unloading process than occur while students are being transported.

As my colleagues know, there are mandates relating to school facilities, teacher salaries, computers, and books. However, in most states, there is no mandate that school districts must provide pupils with transportation to and from school. Because of this, many school systems are being forced to seek alternative, cost-effective means of providing transportation services for students, and a growing number of schools are turning to public transit. In 1994 alone, transit buses provided more than 800 million student-related passenger trips and approximately 2 million students rode transit buses to school.

Mr. President, I do not believe that sending children to school on transit buses is necessarily a bad thing. The fact is that I don't know what this trend means in terms of a child's safety. I do know, however, that students are injured or killed most often when entering or exiting school buses—buses with special safety features designed to prevent such tragedies. Moreover, I know that the US Department of Transportation has conflicting requirements with respect to school transportation. On the one hand, NHTSA requires school buses to meet stringent safety standards and has issued guidelines for covering the operational aspects of pupil transportation safety. On the other hand, the Federal Transit Administration provides funding for transit companies that provide transportation to and from school for students each day on vehicles that do not meet NHTSA's school bus safety standards.

As more and more schools are forced to decide on cost-saving ways to transport children, schools are forced to make these decisions in a vacuum. We do not know how safe our children are when they board and ride the transit bus to school. After all, we need to know that information when we decide ways for children to get to and from school safely. I've been greatly involved in efforts to improve the safety of school buses—and that effort began with seeking information. I'm proposing that we seek similar information on public transit buses.

This amendment, would authorize $400,000 for the Secretary of Transportation to study safety issues related to the transportation of school children by various different modes of transportation. I have worked on this amendment with the chairman of the Commerce Committee, and it meets with his approval. I appreciate the assistance of the Senator from Arizona and his staff in this effort.

Mr. President, it is my understanding that this amendment has been cleared on both sides and I move for its adoption.

Mr. CHAFEE. Mr. President, this amendment provides for a study of transportation of school children on transit buses. The Secretary of Transportation will study safety issues relating to the transportation of school children by various and different modes of transportation.

Mr. BAUCUS. Mr. President, this is an amendment not in our committee jurisdiction. It is a Commerce Committee amendment. It has been cleared by that committee. We, therefore, feel it should be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio.

The amendment (No. 2002) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1986 TO AMENDMENT NO. 1676

(Purpose: To designate a commercial zone within which the transportation of certain property in commerce is exempt from certain provisions of Chapter 135 of title 49, United States Code)

Mr. CHAFEE. Mr. President, on behalf of Senator DOMENICI, I send an amendment to the desk

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island (Mr. CHAFEE), for Mr. DOMENICI, proposes an amendment numbered 1986 to amendment No. 1676.

Mr. CHAFEE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . DESIGNATION OF NEW MEXICO COMMERCIAL ZONE.

(a) COMMERCIAL ZONE DEFINED.—Notwithstanding the provisions of 49 U.S.C. Section 13902(c)(4)(A), in this section, for the transportation of property only, the term "commercial zone" means a zone containing lands adjacent to, and commercially a part of, 1 or more municipalities with respect to which the exception described in section 13506(b)(1) of title 49, United States Code, applies.

(b) DESIGNATION OF ZONE.—

(1) IN GENERAL.—The area described in paragraph (2) is designated as a commercial zone, to be known as the "New Mexico Commercial Zone."

(2) DESCRIPTION OF AREA.—The area described in this paragraph is the area that is comprised of Dona Ana County and Luna County in New Mexico.

(c) SAVINGS PROVISION.—Nothing in this section shall affect any action commenced or pending before the Secretary of Transportation or Surface Transportation Board before the date of enactment of this Act.

Mr. DOMENICI. Mr. President, I want to thank the distinguished manager of the bill for accepting my amendment to establish a much-needed commercial zone in my home state to facilitate trade and transportation of raw materials and goods across our border with Mexico. I agree with him that we need to take a comprehensive approach to opening the entire border with Mexico.

In the past, commercial zones were established by the Interstate Commerce Commission in numerous states to improve local border trade activities, as well as to control movement and uphold American safety requirements for foreign vehicles operating within the United States.

Within these zones, commercial vehicles of Canadian and Mexican registry are authorized to deliver products from their country of origin to United States' distribution points or warehouses without extended delays at the border or the need for unloading the cargo for reloading and shipment by American vehicles. These same vehicles also are authorized to pick up products in the United States for export to their respective countries.

Since the passage of NAFTA, New Mexico has witnessed its exports to Mexico increase by over 1,000 percent. Unfortunately, New Mexico still lags behind 35 other states in the amount of exports it sends to Mexico, and it has become increasingly clear that establishing a commercial zone is a necessary step in improving New Mexico's economic relationship with our neighbor to the south.

The need for a commercial zone in New Mexico is most critical to the continued viability of several food processing plants which employ thousands of New Mexicans in the southern part of the state. Later this year, Mexican farmers will harvest their chili crops and sell them to the plants in New Mexico for processing. Right now, without a designated commercial zone, Mexican farmers must transport the chili crop to the border, unload the cargo at an off-loading site, and reload it onto an American carrier to travel the remaining 30 miles to the processing plant. Clearly, without a commercial zone, there is large economic disincentive for Mexican farmers to do business with New Mexico food processors.

This amendment should be non-controversial. It allows New Mexico to compete for NAFTA-related business on the same level playing field as our neighboring border states—California, Arizona and Texas—all of which already have established commercial zones.

This amendment is supported by New Mexico's Governor Gary Johnson, the State Economic Development Department, the New Mexico Border Authority, the U.S.-Mexico Chamber of Commerce, the New Mexico food processing industry and the New Mexico Motor Carriers Association and the cities Las Cruces and Deming. Again, I thank the manager of the bill and the Ranking Minority Member for accepting this amendment and I yield the floor.

Mr. MCCAIN. Mr. President, the Senate will soon adopt an amendment offered by Senator DOMENICI to establish a new commercial zone in New Mexico. As a representative from a neighboring border state, I understand the importance of this commercial zone to New Mexico. However, I also know that this new zone is only a temporary solution to a much bigger issue, that is, the implementation of the NAFTA cross-border trucking provisions.

I want my colleagues to recognize the critical importance of fulfilling our obligations under NAFTA. The NAFTA agreement authorized access for U.S. trucking companies to Mexico's northern provinces, with reciprocal rights for Mexican trucks to enter the four Southwest border states. Under the NAFTA agreement, the U.S.-Mexico border was to open December 18, 1995. Two years later, we have heard little from the Administration on its efforts to meet our nation's obligations.

Mr. DOMENICI. I agree implementation of the cross-trucking border provisions of NAFTA has been delayed far too long. Our states were prepared to go forward in 1995. Had that occurred, my amendment today would not be necessary.

The state of New Mexico has been seeking to establish a new commercial zone since 1992, prior to passage of NAFTA. In 1995, the Interstate Commerce Commission, which had jurisdiction over commercial zones, essentially announced the State's effort was moot since the border was to open shortly. Yet here we are, more than two years later, and nothing has changed. New Mexico's economy has been held stagnant because not only did the border not open, but we are precluded from any trade benefits associated with a commercial zone—benefits enjoyed by the other border states.

Mr. McCAIN. The Department of Transportation did not oppose the establishment of the new commercial zone. I know the Senator from New Mexico shares my concerns that we do nothing to impede the on-going NAFTA harmonization negotiations. And, when the NAFTA provisions are implemented, the zones in our border states will essentially be irrelevant. In the meantime, I will continue to do all I can to encourage the President to move forward on implementation of this important agreement. The continued delay robs the entire region of the full economic benefits that NAFTA promises.

Mr. CHAFEE. Mr. President, this amendment relates to the Commerce Committee's amendment. It is under the jurisdiction of the Commerce Committee, and has been approved by the chairman and ranking member of that committee. It establishes a commercial zone designation for two counties in New Mexico.

Mr. BAUCUS. Mr. President, it is a good amendment. I urge its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from New Mexico.

The amendment (No. 1986) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 2003 AND 2004, EN BLOC TO AMENDMENT NO. 1676

Mr. CHAFEE. Mr. President, I send an amendment to the desk, and then a further amendment.

The PRESIDING OFFICER. Without objection, both amendments will be considered en bloc. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. Chafee] proposes amendments Nos. 2003 and 2004 to amendment No. 1676.

Mr. CHAFEE. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 2003

(Purpose: To provide for the continuation of the Disadvantaged Business Enterprise program in the mass transportation programs of the Federal government)

On page 77, line 20, strike "and II" and insert ", II, and V".

AMENDMENT NO. 2004 TO AMENDMENT NO. 1969

(Purpose: To allow entities and persons to comply with court orders relating to disadvantaged business enterprises and to require the Comptroller General to carry out a review of the disadvantaged business enterprises program and discrimination in general)

On page 79, between lines 13 and 14, insert the following:

(e) Compliance With Court Orders.—Nothing in this section limits the eligibility of an entity or person to receive funds made available under titles I, II, and V of this Act, if the entity or person is prevented, in whole or in part, from complying with subsection (a) because a Federal court issues a final order in which the court finds that the requirement of subsection (a), or the program established under subsection (a), is unconstitutional.

(f) Review by Comptroller General.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct a review of, and publish and report to Congress findings and conclusions on, the impact throughout the United States of administering the requirement of subsection (a), including an analysis of—

(1) in the case of small business concerns certified in each State under subsection (d) as owned and controlled by socially and economically disadvantaged individuals—

(A) the number of the small business concerns; and

(B) the participation rates of the small business concerns in prime contracts and subcontracts funded under titles I, II, and V of this Act;

(2) in the case of small business concerns described in paragraph (1) that receive prime contracts and subcontracts funded under titles I, II, and V of this Act—

(A) the number of the small business concerns;

(B) the annual gross receipts of the small business concerns; and

(C) the net worth of socially and economically disadvantaged individuals that own and control the small business concerns;

(3) in the case of small business concerns described in paragraph (1) that do not receive prime contracts and subcontracts funded under titles I, II, and V of this Act—

(A) the annual gross receipts of the small business concerns; and

(B) the net worth of socially and economically disadvantaged individuals that own and control the small business concerns;

(4) in the case of business concerns that receive prime contracts and subcontracts funded under titles I, II, and V of this Act, other than small business concerns described in paragraph (2)—

(A) the annual gross receipts of the business concerns; and

(B) the net worth of individuals that own and control the business concerns;

(5) the rate of graduation from any programs carried out to comply with the requirement of subsection (a) for small business concerns owned and controlled by socially and economically disadvantaged individuals;

(6) the overall cost of administering the requirement of subsection (a), including administrative costs, certification costs, additional construction costs, and litigation costs;

(7) any discrimination, on the basis of race, color, national origin, or sex, against small business concerns owned and controlled by socially and economically disadvantaged individuals;

(8)(A) any other factors limiting the ability of small business concerns owned and controlled by socially and economically disadvantaged individuals to compete for prime contracts and subcontracts funded under titles I, II, and V of this Act; and

(B) the extent to which any of those factors are caused, in whole or in part, by discrimination based on race, color, national origin, or sex;

(9) any discrimination, on the basis of race, color, national origin, or sex, against construction companies owned and controlled by socially and economically disadvantaged individuals in public and private transportation contracting and the financial, credit, insurance, and bond markets;

(10) the impact on small business concerns owned and controlled by socially and economically disadvantaged individuals of—

(A) the issuance of a final order described in subsection (e) by a Federal court that suspends a program established under subsection (a); or

(B) the repeal or suspension of State or local disadvantaged business enterprise programs; and

(11) the impact of the requirement of subsection (a), and any program carried out to comply with subsection (a), on competition and the creation of jobs, including the creation of jobs for socially and economically disadvantaged individuals.

Mr. CHAFEE. Mr. President, if I can briefly explain. These amendments deal with the application of the DBE Program to the transit title. Inadvertently, these provisions were left out when the original transit title was adopted. These amendments provide for the DBE portion of the transit title, and the second provision deals with the McConnell modifications to that. The McConnell modifications were the ones we adopted to the DBE in the highway program yesterday.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, the amendment here will extend current law so there will be no change in current law. The DBE Program now does apply to the mass transit title of the bill; that is, the mass transit portion of the law. The point of this amendment is to continue that program so it also applies to the mass transit title in the bill once the bill is finally passed.

Mr. CHAFEE. With one addition, the application of the McConnell amendment to that title.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendments.

(The amendments Nos. 2003 and 2004 to amendment No. 1676, en bloc, were agreed to.)

Mr. CHAFEE. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING CFFICER (Mr. THOMAS). Without objection, it is so ordered.

Mr. GRAMM. Mr. President, I want to make some comments about the bill. I then want to talk about a remaining problem that I hope we can work out.

Mr. President, today we are going to pass the highway bill. This is really the result, for some of us, of a 2-year effort. It is the culmination of 2 years of hard work in trying to achieve two things. No. 1 is trying to force the Federal Government to live up to the commitments that it makes to Americans when they go to the filling station and fill up their car with gas, and pay a third of the cost of a gallon of gasoline in gasoline taxes. They are told right on the tank that every penny they pay in gasoline taxes goes to build roads, and yet last year almost 30 cents out of every $1 of gasoline taxes went to fund everything except roads.

We have had a 2-year effort to change that, and the passage of this bill today will guarantee that every penny we collect in gasoline taxes will be spent for the purpose for which that tax is collected, and that is to build roads. That is a major victory for the driving public. It is a major victory for taxpayers. It is a major victory for those who depend on good roads and highways and interstates to earn a living, to get back and forth to work, and to enjoy the fruits of their labor in terms of using their automobiles for pleasure travel. I think we can all rejoice in that victory.

I would like to also note that it is a bipartisan victory. The success we celebrate today is the first real bipartisan effort of this Congress. I hope it is an omen of things to come. I thank Senator BAUCUS and Senator WARNER for their leadership on this bill, and Senator CHAFEE and Senator DOMENICI for working to reach a consensus which, quite frankly, in many ways is better than the position that either party started with. I think those who wonder how the legislative process actually works could be satisfied in looking at how we have reached a consensus on this bill.

I would also like to say I have appreciated having the opportunity to work with the sage of the U.S. Senate. I have been greatly honored to have the opportunity to work as a partner with Senator BYRD in putting together an effort that today is succeeding in guaranteeing that the gasoline tax is spent for the purpose of building roads. I thank Senator BYRD for his leadership and say it has been a great pleasure to work with him and to watch him work. I think this is a very important bill, and I am pleased about it.

The second thing that we have done, principally as a result of Senator WARNER's leadership, is we have moved to a greater position of equity with regard to donor States. This is a very difficult issue for many Members of the Senate to understand, and, frankly, on occasion it is very difficult for me to understand. But the plain truth is we have a National Highway System. In building a National Highway System, there are always phases where the construction projects in some States are bigger, in terms of cost, than the amount of money that they are paying into the highway trust fund. If you did not have a National Highway System, what would happen, especially in the western part of the country, is you would build big interstate highways that would get to Western States with very low population bases, States where people who live in the State pay relatively little gasoline tax, and you would end up with the interstate ending at their State border. So we can never expect in any one year for there to be a perfect fit between the amount of money a State is paying in and how much they are getting in Federal highway construction funds in that year.

But the disparity had gotten so large that it had become a source of friction in the Senate. It had become a source of Members feeling that their States were being cheated, not just in an interim period but permanently. I thank Senator WARNER for working to guarantee in this bill that no State will ever again get less than 91 cents out of every dollar that it sends to Washington in gasoline taxes, no matter how we might be spending money in constructing a National Highway System. That is an absolute minimum set by this bill.

We have not reached this point easily. It has taken a tremendous amount of work. Senator WARNER has been a leader in that effort. And this was a very big deal for many States, 29 States to be specific, and my State in particular. As a result of spending the gasoline tax for the purpose that it is collected and guaranteeing that no State will get back less than 91 cents out of every $1 that it sends to Washington in gasoline taxes in the future, the allocation for my State, which is typical of the 29 donor States, has risen from $7 billion in the last highway bill to $10.9 billion in this bill.

What that will mean is that for the 31 million miles—the 31,000 miles—Texans think big—the 31,000 miles of substandard highways that we have in Texas, we will now have the resources to allow us to move ahead and catch up with some of the modernization and maintenance that we need, the tens of thousands of bridges that are substandard, the north-south Interstate Highway System that we need to build—all of those things will be made possible, or at least substantial progress toward achieving them will be made possible, by this bill.

There is one remaining issue outstanding in the bill, and it has to do with NAFTA highways and international trade corridors.

I remind my colleagues that when we passed the North American Free Trade Agreement, part of the deal was an agreement by the Federal Government to take into account the infrastructure needs with regard to transportation, the fact that opening up free trade north-south, involving Canada, the United States and Mexico, would create a tremendous increase in the demand for north-south traffic.

The result of NAFTA has been that I-35 in my State, currently, and certainly, the most important international trade corridor in the country, the only interstate that runs north-south throughout the length of the whole country through the industrial heartland of the Americas, is the most congested interstate highway in America.

We know that over the next 7 years, the level of truck traffic related to Canadian, United States, and Mexican trade on that road will double over a 7-

year period and, obviously, we need to build a north-south interstate highway system in America. If you look at a map of the country and you highlight interstate highways, while there are few exceptions, basically we have an east-west interstate highway system in America.

One of the things that the demands of NAFTA trade will produce is a requirement to build a north-south interstate highway system to go with the east-west highway system that we currently have.

We have in the bill $450 million provided for the purpose of beginning to allow us to focus on NAFTA trade and international trade corridors. That money is vitally important for doing the engineering work and beginning construction on major projects related to north-south trade. I–35 is a big project in my State, as is I–69 and the potential for other major highways or interstate highways through El Paso and in west Texas.

Here is the remaining problem in the bill, so far as I am concerned. Under the old bill, there was discussion of a NAFTA provision. Money was mentioned as potentially being provided, but as often happens in these bills, there was no money provided, but we had a list of criteria that were set out to direct the Secretary as to how money should be provided if money ever were provided.

In the Byrd-Gramm-Baucus-Warner amendment, one of our provisions was actually providing money for NAFTA, $450 million. We subsequently have tried to go back and set out objective criteria to guarantee that every State that has international trade flowing from NAFTA—basically north-south trade—could be a beneficiary. We have tried to set out a rational list of items that should be looked at in determining where the highest and best use of this money would be, guaranteeing that not just border States would benefit, but also States in the interior of the country that would find themselves as part of the roadway for a major north-south international trade corridor.

I had thought last night that we had reached a consensus. I spent much of yesterday talking to every Member of Congress who had a concern about this area. We have come up with a consensus amendment now that will set out objective criteria for international trade, for growth in commercial traffic since the passage of NAFTA. We have gotten input from Democrats and Republicans, and yet this amendment continues to be delayed.

I just want to put my colleagues on notice that one of the things I have discovered around here is that if you wait until the end of the bill to get your item fixed, you often end up not having it fixed. I assure my colleagues, having done all this work on this provision, I want to be sure we have a rational set of criteria for allocating the money. When there was no money, nobody cared what these criteria were. But, obviously, now that funds are provided, I want to ensure that States that are impacted by NAFTA trade, whether they be Michigan or Arizona or New Mexico or Texas or California or Washington or Oregon and all the States in between, have a fair chance of competing for these funds and that these funds, provided specifically for this purpose, do not turn into a grab bag where people simply make up provisions that would qualify a particular project in their State, even though it might have absolutely nothing to do with international trade and might have absolutely nothing to do with NAFTA.

I believe we have a consensus amendment. It is my understanding that someone somewhere still has objections. I will say, at some point, regrettably, I am going to have to object to amendments coming up until we have made a decision about this amendment. I do not want it to be the last amendment of the day. As a result, I simply urge anyone who has a concern about this—and we have had the involvement of roughly a half dozen Republicans and Democrats. Everyone has signed off on the amendment who has been involved in any way in it. If someone has an objection, I urge them to come to the floor or at least send a staff person to the floor so we can try to work this out.

Barring the ability to do that, we are getting ready to stop the train from moving, because this was an issue which I thought was agreed to last night, but I find it is not agreed to this morning. I am eager to get on with it and finish this last piece, which represents for me the last piece in getting the puzzle together.

I thank the Chair for recognition and yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, first, I thank the Senator from Texas. He was very modest in his remarks recounting the history of how we got from the very beginning to where we are today.

Yes, he did refer to the sage in the Senate, Senator ROBERT BYRD. I, like the Senator from Texas, am privileged to be part of that team. I had an opportunity to work many times with Senator BYRD, and there is not one of us in the Senate of the United States who cannot learn and benefit from his wisdom.

Indeed, the Senator from West Virginia and the Senator from Texas took on a battle that the Senator from Montana and I started and lost by one vote. The rest is history.

As I talk to so many Senators—and will continue to do so for the next hour about this bill—I think there is a feeling in the Senate that we have really done a very significant piece of legislation and we have corrected the inequities of the past.

All of us know that fighting for our individual States is that responsibility which is foremost, but there comes a time when we have to reconcile our differences and recognize that each of the 50 States has its own particular problems as they relate to transportation, whether it is in the far reaches of Alaska, the northern tier, or down on the border where the distinguished Senator from Texas works so hard on behalf of his constituents.

We are there and we have tried and will continue to try through conference to keep that 91 percent as the target goal for all States. The donor States have now been recognized through the efforts of many. I was privileged to be a part of it. They have at long last pulled alongside so that they are getting an equitable and fair distribution with the other States. I thank the Senator from Texas. He is a bulldog to work with. I tell you, I would rather be on his side than opposing him.

This is the last amendment that we are working on. I have a few small items which I will move to momentarily. Then, in conjunction with the distinguished floor manager on the other side, I will ask unanimous consent that there be no further amendments and we begin to vote on final passage about the hour of 2:15. That is just preliminary for Senators who might have an interest so they can attend to those interests between now and the hour of 2:15.

I see my good friend and colleague in so many joint ventures—a travel partner recently to the gulf States and Russia—on the floor. Therefore, I yield the floor.

Mr. LEVIN. Mr. President, I thank my good friend from Virginia. Indeed, we have worked long and hard on a number of issues, including the donor State issue. The amendment that I am going to call up in a minute is not a donor State amendment. We have had many of those, some of which we have had some success on, some of which we have not.

Since the question of donor States has been raised, let me say for those 15 to 20 of our States that contribute historically much more than we get back in terms of Federal gas tax dollars, the bill that is before us now does take some small steps on a long road to fairness for those donor States.

We hope that we can improve this bill further in conference from where it is now. There have been some small steps taken through the efforts of many. We are grateful for all of those efforts.

AMENDMENT NO. 1375 TO AMENDMENT NO. 1676

(Purpose: To provide for greater local input in transportation planning and programming)

Mr. LEVIN. Mr. President, I call up amendment No. 1375.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 1375 to amendment No. 1676.

Mr. LEVIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 125, lines 5 and 6, strike "not less than 15 percent" and insert "not less than 25 percent, nor more than 35 percent,".

On page 156, strike lines 21 through 23 and insert the following:

(B) in paragraph (3)—

(i) in the first sentence of subparagraph (A), by striking "80" and inserting "82"; and

(ii) in subparagraph (B)—

(I) by striking "tobe" and inserting "to be"; and

(II) by adding at the end the following: "A project under this subparagraph shall be undertaken on a road that is classified as below a principal arterial."; and

On page 274, strike lines 3 through 7 and insert the following:

"(ii) NONMETROPOLITAN AREAS.—

"(I) IN GENERAL.—With respect to each nonmetropolitan area in the State, the program shall be developed jointly by the State, elected officials of affected local governments, and elected officials of subdivisions of affected local governments that have jurisdiction over transportation planning, through a process developed by the State that ensures participation by the elected officials.

"(II) REVIEW.—Not less than once every 2 years, the Secretary shall review the planning process through which the program was developed under subclause (I).

"(III) APPROVAL.—The Secretary shall approve the planning process if the Secretary finds that the planning process is consistent with this section and section 134.

On page 286, between lines 10 and 11, insert the following:

SEC. 1605. STUDY OF PARTICIPATION OF LOCAL ELECTED OFFICIALS IN TRANSPORTATION PLANNING AND PROGRAMMING.

(a) STUDY.—The Secretary shall conduct a study on the effectiveness of the participation of local elected officials in transportation planning and programming.

(b) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the results of the study required under subsection (a).

Mr. LEVIN. Mr. President, this amendment will be modified in a moment. We have worked with the floor managers and their staffs to modify this amendment so it will be acceptable. What this does is improve the bill's focus on the transportation needs of small metropolitan and rural areas by involving them in a greater way in the planning process.

It is important that a State transportation improvement program be developed with the cooperation of our nonmetropolitan planning organizations, as well as the metropolitan planning organizations.

The bill, unless we adopt this modified amendment, will simply continue the ISTEA I structure, which only requires that nonmetropolitan area planning organizations be consulted in the planning process. We raise that one level to require that there be cooperation with those smaller units of government. That has a significance to our Department of Transportation and to the States and greater significance to the smaller units of government and their planning organizations so that they will be involved in a greater way in the planning process.

AMENDMENT NO. 1375, AS MODIFIED

Mr. LEVIN. Mr. President, in order to accomplish what I just stated, with the support, I understand, now of the managers, I send a modification to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 274, strike lines 3 through 7 and insert the following:

"(ii) NONMETROPOLITAN AREAS.—

"(I) IN GENERAL.—With respect to each nonmetropolitan area in the State, the program shall be developed in cooperation with the State, elected officials of affected local governments, and elected officials of subdivisions of affected local governments that have jurisdiction over transportation planning, through a process developed by the State that ensures participation by the elected officials.

"(II) REVIEW.—Not less than once every 2 years, the Secretary shall review the planning process through which the program was developed under subclause (I)

"(III) APPROVAL.—The Secretary shall approve the planning process if the Secretary finds that the planning process is consistent with this section and section 134.

Mr. LEVIN. I yield the floor.

Mr. WARNER. Mr. President, this amendment has been carefully considered on this side. For purposes of proceeding, we are going to adopt it. However, I have to say that we will have to readdress the amendment in the conference—I think my distinguished colleague understands that—because it affects the plan process and relationship between the States and local governments.

From the very inception of this legislation, in the subcommittee of which I am privileged to be the chairman, we have been very careful to maintain the balance that was developed in ISTEA I. That has worked, we believe, quite well over this period of 6 years. We will make certain in the conference structure to maintain this balance, and we will look at the amendment in that context.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I thank the Senator for that. In fact, I look forward to the conferees looking at this balance. Right now, the metropolitan areas of our country have planning organizations, and the States are required to coordinate the plan with those metropolitan areas. But when it comes to the smaller areas, planning units, there is no such requirement. There is a "consultation" requirement, which is two notches below coordination.

What we are simply doing here is having a little fairer balance with the smaller units. By the way, this concept has been approved by the National League of Cities. What we simply do here is say that the States will cooperate with these nonmetropolitan planning organizations so that we get a little greater input. But I would welcome, as a matter of fact, the conferees looking very closely at this concept. And I understand what the Senator said. It is with that understanding that we welcome the manager's support.

Mr. WARNER. Mr. President, I urge that the Senator, between now and the conference period, allow the various representatives of AASHTO to discuss it. I have found through many years of working on legislation for our highways, AASHTO is an organization that has a lot of credibility and lot of knowledge. It is composed of the various highway officials of our 50 States. They have given effective and balanced and credible advice to the Senate on many, many occasions. For the moment, they express some discomfort with this. And we want to make sure that the Senator has that opportunity.

Is the Senator ready to adopt the amendment?

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Could we get this passed? If it is not——

Mr. GRAMM. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 2005 TO AMENDMENT NO. 1375, AS MODIFIED

(Purpose: To modify the factors that the Secretary is required to consider in selecting States, metropolitan planning organizations, and projects to receive grants under the program to provide Federal assistance for trade corridors and border infrastructure safety and congestion relief)

Mr. GRAMM. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM], for himself, Mrs. HUTCHISON and Mr. ABRAHAM, proposes an amendment numbered 2005 to amendment No. 1375, as modified.

Mr. GRAMM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

Mr. LEVIN. Reserving the right to object, Mr. President.

Mr. GRAMM. Mr. President, go ahead and read the amendment.

Mr. LEVIN. I would just like to make an inquiry of my friend from Texas as to whether or not he is offering a second-degree amendment to my pending amendment? Is that what the Senator is doing?

Mr. GRAMM. Yes. It does not change the underlying amendment. It simply adds my amendment to it.

Mr. LEVIN. It simply adds it on to it. May I ask one other question to my friend from Texas. Does his amendment now have the support of the managers?

Mr. GRAMM. As far as I know, it has been signed off on by everybody.

Mr. LEVIN. I thank the Senator.

Mr. GRAMM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

(2) SELECTION OF STATES, METROPOLITAN PLANNING ORGANIZATIONS, AND PROJECTS TO RECEIVE GRANTS.—Notwithstanding any other provision of this Act, in selecting States, metropolitan planning organizations, and projects to receive grants under subsection 1116(d), the Secretary shall consider—

(A) the extent to which the annual volume of commercial vehicle traffic at the border stations or ports of entry of each State—

(i) has increased since the date of enactment of the North American Free Trade Agreement Implementation Act (Public Law 103-182); and

(ii) is projected to increase in the future;

(B) the extent to which commercial vehicle traffic in each State—

(i) has increased since the date of enactment of the North American Free Trade Agreement Implementation Act (Public Law 103-182); and

(ii) is projected to increase in the future;

(C) the extent of border transportation improvements carried out by each State since the date of enactment of that Act;

(D) the extent to which international truck-borne commodities move through each State;

(E) the reduction in commercial and other travel time through a major international gateway expected as a result of the proposed project; including the level of traffic delays at at-grade highway crossings of major rail lines in trade corridors.

(F) the extent of leveraging of Federal funds provided under this subsection, including—

(i) use of innovative financing;

(ii) combination with funding provided under other sections of this Act and title 23, United States Code; and

(iii) combination with other sources of Federal, State, local, or private funding; including State, local and private matching fund.

(G) improvements in vehicle and highway safety and cargo security in and through the gateway concerned;

(H) the degree of demonstrated coordination with Federal inspection agencies;

(I) the extent to which the innovative and problem solving techniques of the proposed project would be applicable to other border stations or ports of entry;

(J) demonstrated local commitment to implement and sustain continuing comprehensive border planning processes and improvement programs; and

(K) the value of the cargo carried by commercial vehicle traffic, to the extent that the value of the cargo and congestion impose economic costs on the nation's economy.

Mr. GRAMM. Mr. President, this amendment simply makes the technical changes to go with the NAFTA highway provision in the bill. It has been worked on by over a dozen Members. It has cosponsors. We have had no objection from any Member that we know of. I thank my colleagues.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I am informed it is a matter that has been cleared on both sides and, therefore, I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the second-degree amendment.

The amendment (No. 2005) was agreed to.

Mr. WARNER. I move to reconsider the vote and lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question arises——

Mr. WARNER. Mr. President, the underlying amendment was part of the package that just passed the Senate?

The PRESIDING OFFICER. No, it was not.

The question is on agreeing to the underlying amendment.

The amendment (No. 1375), as modified, as amended, was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I thank the Senator from Texas and others. That was a contentious matter. We were able to resolve it.

Mr. REID. Mr. President, I wish to ask a question of the manager of the bill. Does the Senator from Virginia have more business now?

Mr. WARNER. Yes. I say to the Senator, I have some business related to the bill. But I want to accommodate my good friend. Does he have another matter?

Mr. REID. I have something in morning business that will take about 3 minutes. We will do that when you finish.

Mr. WARNER. If the Senator will forbear for a few minutes.

AMENDMENT NO. 2006 TO AMENDMENT NO. 1676

(Purpose: To change the date of a letter referred to in a provision relating to obligation limitations)

Mr. WARNER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

Mr. WARNER. It has been cleared on both sides. It is on behalf of Senator CHAFEE and myself.

The assistant legislative clerk read as follows:

The Senator from Virginia (Mr. WARNER), for Mr. CHAFEE, for himself and Mr. WARNER, proposes an amendment numbered 2006 to amendment No. 1676.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The amendment is as follows:

On page 39, line 15, in the matter added by Chafee Amendment No. 1311, strike "October 6, 1997" and insert "March 12, 1998".

Mr. WARNER. Mr. President, this amendment, as I said, has been accepted on both sides. It changes a date in the letter of the bill relating to obligation limitations.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2006) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2007 TO AMENDMENT NO. 1676

(Purpose: To provide assistance to seaports and airports affected by the increase in trade with Canada and Mexico resulting from the enactment of the North American Free Trade Agreement Implementation Act)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of Senator LAUTENBERG from New Jersey and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia (Mr. WARNER), for Mr. LAUTENBERG, proposes an amendment numbered 2007 to amendment No. 1676.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 91, between lines 23 and 24, insert the following:

(1) AFFECTED PORT OF ENTRY.—The term "affected port of entry" means a seaport or airport in any State that demonstrates that the transportation of cargo by rail or motor carrier through the seaport or airport has increased significantly since the date of enactment of the North American Free Trade Agreement Implementation Act (Public Law 103-182).

On page 91, line 24, strike "(1)" and insert "(2)".

On page 92, line 5, strike "(2)" and insert "(3)".

On page 92, line 11, strike "(3)" and insert "(4)".

On page 92, line 17, strike "(4)" and insert "(5)".

On page 93, line 3, strike "(5)" and insert "(6)".

On page 93, line 6, strike "(6)" and insert "(7)".

On page 95, line 10, before the period, insert the following: "and through affected ports of entry".

On page 95, line 12, insert "and affected port of entry" after "corridor".

On page 95, line 14, before the period, insert the following: "or by the State in which the affected port of entry is located".

On page 95, strike lines 16 through 23 and insert the following:

(A) IN GENERAL.—As a condition of receiving a grant under paragraph (1), a State shall enter into an agreement with the Secretary that specifies that, not later than 2 years after receipt of the grant—

(i) in cooperation with the other States along the corridor, the State will submit a plan for corridor improvements to the Secretary; or

(ii) the State will submit a plan for affected port of entry improvements to the Secretary.

On page 98, line 19, insert "and affected port of entry" after "border".

On page 98, line 24, insert "or affected port of entry" before "expected".

On page 99, line 12, insert "or affected port of entry" after "gateway".

On page 99, line 21, insert "or affected port of entry" after "border".

Mr. LAUTENBERG. Mr. President, I join with the cosponsors of this amendment, Senators WARNER, MOYNIHAN and CHAFEE in offering this amendment. This amendment will make so-called "ports of entry" eligible for the planning and infrastructure funding authorized for this new trade corridor program. To qualify for funding, a port would have to show that there had been a significant increase in the transportation of cargo by rail and motor carrier through that facility since the enactment of NAFTA.

The trade corridor and border crossing program is intended to address the strain on the U.S. transportation system caused by the increase in international trade following enactment of NAFTA. However, in addition to the increase in commercial traffic at border crossings and along highways, other areas, such as ports of entry, are significant trade corridors for the movement of cargo, either by ship, rail or air, since NAFTA. These ports of entry, including the Port of New York and New Jersey, and the Port of Philadelphia/Camden, bears significant infrastructure costs from the increase of this cargo. This amendment would enable ports of entry to compete for funds in the Trade Corridor program.

In a State-by-State comparison of the total value of international truck shipments through each State, New Jersey ranks third, trailing only New York and Pennsylvania, for total value of international shipments moving through the State. Thus, New Jersey's ports are supporting a significant portion of the Nation's international trade activities and are contributing a great deal to the sound economic status we are now enjoying. However, this increase in trade and traffic is taking its toll on the infrastructure of ports in States like New Jersey. With this amendment, these ports, that are working so hard to support international trade and the U.S. economy as a whole, will be able to apply for assistance. This amendment is a significant step toward addressing the burden of increased international trade on States with very active ports, like New Jersey.

With this amendment, the trade corridor program will be balanced so that those areas and facilities that have indeed seen increases in cargo shipments will be eligible to compete for these scarce funds.

Mr. WARNER. Mr. President, I have sent this amendment to the desk on behalf of the distinguished Senator from New Jersey. It concerns ports of entry. This amendment clarifies that the ports of entry are eligible to participate in the trade corridor program. As I say, it has been accepted on both sides. I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2007) was agreed to.

Mr. WARNER. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2008 TO AMENDMENT NO. 1676

(Purpose: To provide a program for remote sensing and spatial information technologies)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the distinguished majority leader, Mr. LOTT of Mississippi.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. LOTT, proposes an amendment numbered 2008 to amendment No. 1676.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . REMOTE SENSING AND SPATIAL INFORMATION TECHNOLOGIES.

(a) IN GENERAL.—The Secretary shall establish and carry out a program to validate remote sensing and spatial information technologies for application to national transportation infrastructure development and construction.

(b) PROGRAM STAGES.—

(1) FIRST STAGE.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall establish a national policy for the use of remote sensing and spatial information technologies in national transportation infrastructure development and construction.

(2) SECOND STAGE.—After establishment of the national policy under paragraph (1), the Secretary shall develop new applications of remote sensing and spatial information technologies for the implementation of such policy.

(c) COOPERATION.—The Secretary shall carry out this section in cooperation with the National Aeronautics and Space Administration and a consortium of university research centers.

(d) FUNDING.—There is authorized to be appropriated to carry out this section $10,000,000 for fiscal year 1999 and $10,000,000 for each of fiscal years 2000 through 2004.

Mr. WARNER. Mr. President, this amendment establishes a program for remote sensing and spatial information technologies. It has been accepted on both sides. I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2008) was agreed to.

Mr. WARNER. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I appreciate the managers of the bill letting me proceed at this time.

Mr. President, I ask unanimous consent that I may proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Before the distinguished Senator speaks, do you wish to address the matter we discussed by phone at all at this point in time? Or do you feel we have covered that?

Mr. REID. Yes.

Mr. WARNER. I thank the Senator.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator may proceed.

(The remarks of Senator REID are printed in today's RECORD under "Morning Business.")

Mr. WARNER. I want to continue to finish the bill here.

MODIFICATION TO AMENDMENT NO. 2005

Mr. WARNER. I ask unanimous consent a modification to the Gramm amendment No. 2005, which clarifies that "ports of entry" are eligible under the "border infrastructure and trade crossings," section of the bill be accepted.

The modification is as follows:

On page 2, in insert (c), after "border", insert: "or ports of entry".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2005), as modified, was agreed to.

AMENDMENT NO. 2009 TO AMENDMENT NO. 1676

Mr. WARNER. I send to the desk an amendment on behalf of Senator DOMENICI.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. DOMENICI, proposes an amendment numbered 2009 to amendment No. 1676.

Mr. WARNER. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 100 at the end of line 14, insert: "including the deployment of technologies to detect and deter illegal narcotic smuggling."

Mr. WARNER. The amendment makes clear that the deployment of technologies to delete and detect illegal narcotic drug smuggling is eligible activity under the Trade Corridor and Border Crossing Program.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2009) was agreed to.

Mr. WARNER. I move to reconsider the vote, and I move to lay it on the table.

The motion to lay the amendment on the table was agreed to.

AMENDMENT NO. 2010 TO AMENDMENT NO. 1676

(Purpose: To require the Secretary to conduct a comprehensive assessment of the state of the transportation infrastructure on the southwest border between the United States and Mexico)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of Senator FEINSTEIN of California which authorizes the Secretary of Transportation to conduct a study in border infrastructure at the Southwest border.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mrs. FEINSTEIN, proposes an amendment numbered 2010 to amendment No. 1676.

Mr. WARNER. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 309, between lines 3 and 4, insert the following:

SEC. 18__. SOUTHWEST BORDER TRANSPORTATION INFRASTRUCTURE ASSESSMENT.

(a) IN GENERAL.—The Secretary shall conduct a comprehensive assessment of the state of the transportation infrastructure on the southwest border between the United States and Mexico (referred to in this section as the "border").

(b) CONSULTATION.—In carrying out subsection (a), the Secretary shall consult with—

(1) the Secretary of State;

(2) the Attorney General;

(3) the Secretary of the Treasury;

(5) the Commandant of the Coast Guard;

(6) the Administrator of General Services;

(7) the American Commissioner on the International Boundary Commission, United States and Mexico;

(8) State agencies responsible for transportation and law enforcement in border States; and

(9) municipal governments and transportation authorities in sister cities in the border area.

(c) REQUIREMENTS.—In carrying out the assessment, the Secretary shall—

(1) assess—

(A) the flow of commercial and private traffic through designated ports of entry on the border;

(B) the adequacy of transportation infrastructure in the border area, including highways, bridges, railway lines, and border inspection facilities;

(C) the adequacy of law enforcement and narcotics abatement activities in the border area, as the activities relate to commercial and private traffic; and

(D) future demands on transportation infrastructure in the border area; and

(2) make recommendations to facilitate legitimate cross-border traffic in the border area, while maintaining the integrity of the border.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the assessment conducted under this section, including any related legislative and administrative recommendations.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2010) was agreed to.

Mr. WARNER. I move to reconsider the vote, and I move to lay it on the table.

The motion to lay the amendment on the table was agreed to.

Mr. WARNER. I ask unanimous consent to add Senators CHAFEE, WARNER, and MOYNIHAN to the Lautenberg amendment adopted earlier this morning concerning ports of entry.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2011 TO AMENDMENT NO. 1676

(Purpose: To identify certain routes in Louisiana as part of the North-South Corridor, a high priority corridor on the National Highway System)

Mr. WARNER. I send to the desk an amendment on behalf of two distinguished Senators from Louisiana, Mr. BREAUX and Ms. LANDRIEU and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. BREAUX and Ms. LANDRIEU, proposes an amendment No. 2011 to amendment No. 1676.

Mr. WARNER. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 309, strike line 3 and insert the following:

designated Route.

SEC. 18__. IDENTIFICATION OF HIGH PRIORITY CORRIDOR ROUTES IN LOUISIANA.

Section 1105 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2031) is amended—

(1) in subsection (c)(1)—

(A) by striking "Corridor from Kansas" and inserting the following: "Corridor—

"(A) from Kansas";

(B) in subparagraph (A) (as so designated), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(B) from Shreveport, Louisiana, along Interstate Route 49 to Lafayette, Louisiana, and along United States Route 90 to the junction with Interstate Route 10 in New Orleans, Louisiana."; and

(2) in subsection (e)(5)(A), by inserting "in subsection (c)(1)(B)," after "routes referred to".

Mr. WARNER. The amendment is self-explanatory.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2011) was agreed to.

Mr. WARNER. I move to reconsider the vote, and I move to lay it on the table.

The motion to lay the amendment on the table was agreed to.

ADVANCED COMPOSITE BRIDGE RESEARCH

Mr. DASCHLE. Mr. President, the Senate owes a great debt of gratitude to the Committee on Environment and Public Works, its Chairman (Mr. CHAFEE) and Ranking Member (Mr. BAUCUS) for developing an excellent legislative package to reauthorize the Federal surface transportation programs. Among the many visionary provisions in this bill, the Committee included a provision in S. 1173 that requires the United States Department of Transportation to carry out a bridge research grant program to demonstrate the application of innovative materials in the construction of bridges.

The State of South Dakota is on the cutting edge of efforts to develop innovative materials for use in bridge construction. Polymer Bridge Systems, Inc., of Mitchell, South Dakota, has developed a very impressive technology that makes it possible to construct items like bridges and utility poles out of composite plastics. Its products use a relatively inexpensive bamboo core for strength. Advanced composites show great promise in reducing costs of bridges and speeding their construction, particularly in rural areas such as those found in our states.

This Senator has seen samples of this innovative product. It has won wide national recognition ahead of others developed by large corporations we are all familiar with. In fact, the South Dakota Department of Transportation is installing a model bridge developed by Polymer Bridge Systems, Inc., at a weigh station in the state. This product shows great economic development potential, as they intend to manufacture it in the State.

Mr. President, I would inquire of the distinguished ranking member (Mr. BAUCUS), if advanced composites are the type of material the Committee on Environment and Public Works intended to be researched under this new grant program?

Mr. BAUCUS. Mr. President, the Senator from South Dakota (Mr. DASCHLE) is entirely correct. Advanced composites are one of many types of innovative materials this bridge research program was created to deal with. Would my distinguished colleague, the Chairman of the Committee (Mr. CHAFEE), agree with our assessment?

Mr. CHAFEE. Mr. President, I share the Senators' view that advanced composites deserve further investigation for their applications to bridge construction, and are certainly innovative materials that fall under the purview of the bridge research program.

Mr. DASCHLE. I thank my colleagues, and look forward to working with them on this and other important initiatives to improve our nation's transportation system.

Mr. WELLSTONE. Mr. President, I come to the floor today to add my voice to those of my colleagues in support of S. 1173, the Intermodal Surface Transportation Efficiency Act (ISTEA) II. This bill is tremendously important to the residents of the state of Minnesota. I want to thank the Manager of the bill for his excellent work in bringing this important legislation to the floor.

ISTEA represented a comprehensive package to address all transportation needs. I am proud to be able to say that I will support S. 1173 the ISTEA reauthorization bill. This is a good piece of legislation. It continues the fundamental goal of the original ISTEA, which is to afford state and local governments greater flexibility in allocating transportation dollars. Investing in our transportation infrastructure is essential if we are to remain economically competitive. Today, our highways and transit systems need continued support in order to meet our commercial and personal transportation requirements.

In addition to the "traditional highway advocates"—the city, county and state officials, engineers and contractors—I have been working closely with community organizers, architects, preservationists, bicyclers and community activists. All of these people support ISTEA. I want to thank all of the county commissioners, city and state officials, as well as transit advocates, community organizers and others who have educated me along the way on transportation issues.

I am pleased to say that the Senate will be passing a very good bill today that will provide a much higher level of funding for the transportation infrastructure and investment in Minnesota. This bill will make over $2 billion available to the state of Minnesota over six years.

With this funding a continued federal investment will be made in maintaining and expanding Minnesota's highways, transit and other transportation related programs. Not only was the Senate able to increase funding for the traditional highway programs, including bridges, but this bill will also authorize additional funding for transit programs. I am pleased that several transit projects have been proposed in Minnesota including the Twin Cities Transitway. Improving existing transit and building new transit will be crucial as we see our population in the state continue to grow. It is clear that as our region continues to grow we will need alternatives to the traditional car and driver commuting.

I am also pleased that this bill continues the Disadvantaged Business Enterprise (DBE) program. The DBE program, which was first authorized in 1982, has been very successful in my home state of Minnesota. Through the DBE program minority and women owned businesses have grown. Businesses that in the past had been cut out from important highway construction dollars have been able to compete and get contracts to build and maintain our nation's interstate highway system.

Transportation is critical to our daily lives. We cannot separate how people and goods are transported from the many other parts of their social and economic lives. It is important to work together to ensure that we have a fully integrated, safe and environmentally sound intermodal transportation system in the state of Minnesota and the country. ISTEA does this through the MPO, ATP and STIP process. The planning provisions of the bill put the decision making back at the local level. I am pleased that the Senate bill includes language that I authored to require MPO's to provide meaningful public participation in the MPO process. While the MPO process has worked well, this new language will make the process that much more responsive to the communities that are most impacted by their decisions.

Again, I am pleased to add my support to this important bill.

Mr. WARNER. Momentarily, I will seek unanimous consent regarding the bill, but I will take this opportunity to express my profound appreciation to so many persons who were instrumental in achieving this landmark piece of legislation, which originated in the subcommittee on which I am privileged to chair, and with the help of the distinguished ranking member of the subcommittee and ranking member of the full committee, Mr. BAUCUS. I think we can say with some immodesty that we achieved the goals we set out to establish months and months ago when we started hearings.

Indeed, we held hearings in many places in the United States to get the input of various Governors and other State officials and people across our country as we were putting together this legislation, which I am confident will enable not only the lifestyle of individuals to improve, to eliminate hours, endless hours on the highways in traffic congestion, but to improve safety.

I see the distinguished ranking member has just arrived. I was about to extol the Senator during his absence, but I will continue. Those goals—we sat down in the subcommittee and in the hearings that we had—we had a hearing in Montana, as well as Idaho, and produced the various principles we have incorporated in this bill. There came a time when Senator BAUCUS and I believed we needed added dollars. We made that effort. We lost by a single vote on the floor.

But I think we understood at that time that the leadership, both Republican and Democrat, needed more time. I say throughout this bill we have received the strongest support from the majority leader and the distinguished minority leader, Mr. DASCHLE. As a matter of fact, the majority leader presided over a series of meetings we had in connection with the Byrd-Gramm-Baucus-Warner amendment. I can see Senator LOTT in his private office now patiently listening as we advocated the need for additional funding and the chairman of the Budget Committee, Mr. DOMENICI, in a very pragmatic and straightforward way, explaining the various priorities of many programs, but the willingness on behalf of the majority leader to listen and the chairman of the Budget Committee to finally accept the consensus of that.

Mr. CHAFEE worked with us throughout. There was a time when he was not entirely in favor of what Mr. BAUCUS and I were trying to do, then a little less disfavor with the Byrd-Gramm-Baucus-Warner amendment. I remember him walking out of here at one point late in the afternoon and he said he was going to put a shield on and take out a sword and this measure would not pass. He, too, came to recognize the need for additional funding.

I think, indeed, the consensus of the Senate as a body—both sides realized, fully bipartisan—was that additional highway funding was needed. Senator CHAFEE, together with Senator BAUCUS, in markup in the full committee, got the unanimous adoption of the subcommittee bill. Then when there was reconciliation on the Byrd amendment, again, Mr. CHAFEE took the leadership in our committee and received unanimous support from all Members and eventually brought to the floor the Chafee amendment which added those funds.

Mr. President, we have come a long way. We are here, and within a short period I hope this measure is voted on final passage.

I want to thank Ann Loomis of my staff. I have never in my 19 years in the Senate witnessed a higher dedication and commitment by any person serving in the capacity of the staff than this fine person, together with her assistant, Ellen Stein, in helping me. We were joined by Dan Corbett, Kathy Ruffalo of Senator BAUCUS' staff, Jimmie Powell, the staff director, Thomas Sliter, the minority staff director, as well as Cheryl Tucker, Abigail Kinnison, and Linda Jordan. What a marvelous group. We have worked together in a bipartisan way to achieve this legislation. I hope other members of the staff and the Senate recognize how their peer group throughout the Senate worked—those assigned to the highway responsibilities and the legislative offices of every Senator—to bring about this bill. We thank all of you. We really got a remarkable piece of legislation and here we are.

I think there is one matter still remaining. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

AMENDMENT NO. 2012 TO AMENDMENT NO. 1676

(Purpose: To expand the scope of the hazard elimination program)

Mr. WARNER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. TORRICELLI, proposes an amendment numbered 2012.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 223, strike lines 4 and 5 and insert the following:

(1) in subsection (a)—

(A) by striking "(a) Each" and inserting the following:

"(a) IN GENERAL.—

"(1) PROGRAM.—Each";

(B) by inserting ", bicyclists," after "motorists"; and

(C) by adding at the end the following:

"(2) HAZARDS.—In carrying out paragraph (1), a State may, at its discretion,

"(A) identify through a survey hazards to motorists, users of public transportation, bicyclists, pedestrians, and individuals who live or work near transportation facilities; and

"(B) develop and implement projects and programs to address the hazards.";

Mr. WARNER. Mr. President, this is cleared on both sides.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 2012) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2013 TO AMENDMENT NO. 1676

(Purpose: To modify a high priority corridor on the National Highway System)

Mr. WARNER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. ABRAHAM and Mr. LEVIN, proposes an amendment numbered 2013 to Amendment No. 1676.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 309, between lines 3 and 4, insert the following:

SEC. 1802. MODIFICATION OF HIGH PRIORITY CORRIDOR.

Section 1105(c)(18) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032) is amended—

(1) by striking "(18) Corridor from Indianapolis," and inserting the following:

"(18)(A) Corridor from Sarnia, Ontario, Canada, through Port Huron, Michigan, southwesterly along Interstate Route 69 through Indianapolis,"; and

(2) by adding at the end the following:

"(B) Corridor from Sarnia, Ontario, Canada, southwesterly along Interstate Route 94 to the Ambassador Bridge interchange in Detroit, Michigan.

"(C) Corridor from Windsor, Ontario, Canada, through Detroit, Michigan, westerly along Interstate Route 94 to Chicago, Illinois.".

Mr. WARNER. This amendment is cleared on both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2013) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, on behalf of the majority leader and the distinguished minority leader, I make the following unanimous consent request:

I ask unanimous consent that no further amendments—with the exception of one to be offered by the Senator from Alabama, Mr. SESSIONS, which is still under consideration as to whether or not we will accept it—be in order to the committee substitute, and that the vote occur on the substitute beginning at 2:15 today.

I further ask unanimous consent that immediately following the adoption of Senate amendment No. 1676, S. 1173 be read the third time and the bill be set aside upon receipt of the House companion. I further ask consent that at that time the Senate proceed to the House companion and all after the enacting clause be stricken, the text of S. 1173, as amended, be inserted in lieu thereof, the bill be considered read the third time, and passed, and the Senate insist on its amendment and request a conference with the House. Finally, I ask consent that S. 1173 then be indefinitely postponed and the foregoing occur without any intervening action.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, reserving the right to object, I have now been informed that Senator MOSELEY-BRAUN is on her way with an amendment, too. I have no idea what it is.

Mr. WARNER. I simply amend the UC to reflect two pending amendments, one from the Senator from Alabama and one from the Senator from Illinois.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND addressed the Chair.

Mr. WARNER. Will the Senator yield briefly?

Mr. BOND. Yes.

AMENDMENT NO. 2014 TO AMENDMENT NO. 1676

(Purpose: To designate certain segments of corridors of the Appalachian development highway system in Mississippi and Alabama as routes on the Interstate System)

Mr. WARNER. Mr. President, I send to the desk, as stipulated in the unanimous consent request just adopted, an amendment by the Senator from Alabama, Mr. SESSIONS, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SESSIONS, proposes an amendment numbered 2014 to Amendment No. 1676.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of subtitle H of title I, add the following:

SEC. 18__. DESIGNATION OF CORRIDORS IN MISSISSIPPI AND ALABAMA AS ROUTES ON THE INTERSTATE SYSTEM.

(a) IN GENERAL.—

(1) Designation.—Subject to subsection (b)(2), notwithstanding section 103(c) of title 23, United States Code, the segments described in paragraph (2) are designated as routes on the Interstate System.

(2) Segments.—The segments referred to in paragraph (1) are—

(A) the portion of Corridor V of the Appalachian development highway system from Interstate Route 55 near Batesville, Mississippi, to the intersection with Corridor X of the Appalachian development highway system near Fulton, Mississippi; and

(B) the portion of Corridor X of the Appalachian development highway system from near Fulton, Mississippi, to the intersection with Interstate Route 65 near Birmingham, Alabama.

(b) Substandard Features.—

(1) Upgrading.—Each portion of the segments described in subsection (a)(2) that does not substantially meet the Interstate System design standards under section 109(b) of title 23, United States Code, in effect on the date of enactment of this Act shall be upgraded in accordance with plans and schedules developed by the applicable State.

(2) Designation.—Each portion of the segments described in subsection (a)(2) that on the date of enactment of this Act does not meet the Interstate System design standards under section 109(b) of that title and does not connect to a segment of the Interstate System shall—

(A) be designated as a future Interstate System route; and

(B) become part of the Interstate System at such time as the Secretary determines that the portion of the segment—

(i) meets the Interstate System design standards; and

(ii) connects to another segment of the Interstate System.

(c) Treatment of Routes.—

(1) Mileage limitation.—The mileage of the routes on the Interstate System designated under subsection (a) shall not be charged against the limitation established by section 103(c)(2) of title 23, United States Code.

(2) Federal financial responsibility.—

(A) In general.—Subject to subparagraph (B), the designation of the routes on the Interstate System under subsection (a) shall not create increased Federal financial responsibility with respect to the designated segments.

(B) Use of certain funds.—A State may use funds available to the State under paragraphs (1)(C) and (3) of section 104(b) of title 23, United States Code, to eliminate substandard features of, and to resurface, restore, rehabilitate, or reconstruct, any portion of the designated segments.

(3) Eligibility for other funding.—(A) This section shall not affect the amount of funding that a State shall be entitled to receive under any other section of this Act or under any other law.

"(B) Effect of provision.—Nothing in this section shall result in an increase in a State's estimated cost to complete the Appalachian development highway system or in the amount of assistance that the State shall be entitled to receive from the Appalachian Development Highway System under this Act or any other Act.".

Mr. WARNER. Mr. President, Senator Sessions is a member of the committee. He has worked very hard on this bill, and the citizens of his State should be aware of how hard he has worked on this bill, particularly this amendment, which has taken 3 days of negotiation to clear.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2014) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS. Mr. President, we are close to wrapping up this bill. I would like to just inform the Senate of the very, very hard work that a lot of my staff have performed, as well as the staff of many others. It is worth repeating every time we manage a bill or are involved with a bill. Each of us knows how very hard and how diligent each of our staffs is. They don't sleep nights. They stay here all night long, and they work very aggressively and diligently, and they struggle home to sleep a little, and they get up in the morning, without complaint, and come back to work. They also work over weekends. It is just incredible.

I wish the American public could see just how hard our staffs work for the public good. I take my hat off to them. I believe, frankly, Mr. President, that a most noble human endeavor is public service, whether it is service to church, family, friends, whatever capacity each person might feel most comfortable with. But our staffs' dedication to the public service is above and beyond the call of duty by far, and they don't even get any recognition for it. Senators like to get headlines, like to be on TV; they like to get credit for what they do for the people in their home States and to the country. But the staff, I say, work harder and get no headlines, no recognition, no credit. Why are they doing it? They are doing it because they believe in service to our States and service to our Nation. They are just tremendous.

I would like to highlight my staff, because I know each Senator will do his own.

Tom Sliter is the minority staff director. Anybody that knows Tom Sliter knows there is none better. There are some as good, but there is none better than Tom Sliter for his dedication. And the same goes for everybody else on the minority side.

Kathy Ruffalo. Those who work with Kathy, try to clear amendments with Kathy, and go to Kathy for advice on how to work out this or that amendment, also know there is nobody more of an expert on the transportation bill or the highway bill or who finds solutions to problems more than Kathy.

Mr. WARNER. Mr. President, I must ask to join the Senator. Indeed, Kathy Ruffalo and Ann Loomis were at the very inception on the subcommittee, before it got up to the staff director level. They have really worked together as a team throughout. I certainly join in that. She is a distinguished citizen of the State of Montana, and she has weathered many storms to be able to join in working late at night on this bill.

Mr. BAUCUS. That is true about the cooperation among our staffs. It is incredible. It is a joy to behold, frankly, to see Ann Loomis and Kathy and Tom and Dan and Jimmie. We have a real family here, I might say. As closely as we have worked together, it has been done without rancor, without anger, without any testy feelings. It has been a tremendous, seamless web of teamwork, and it has been wonderful. I mean that; I am not just saying it.

In addition, Mike Evans and Jo-Ellen Darcy, Barbara Roberts, and John Hemphill have all worked just as hard. We may not see them much on the floor here, but behind the scenes they have worked extremely hard and intelligently. I have not worked that much with Ann Loomis until recently. She is a wonderful woman, a very talented young lady. When Senator Warner got up to speak on behalf of Ann, I thought, that's right, she is really good. The same is true with her counterpart, Kathy Ruffalo. They are a dynamo team. If you want to get two people working on a project and you want to win, get the two of them working together.

In addition, Dan Corbett of Senator Chafee's staff is an expert. Also, there is Cheryl Tucker, Linda Jordan, and Amy Dunathan. I don't know her, but I have heard of her, and she is good. Also, Abigail Kinnison of Senator Chafee's staff. Jimmie Powell did a terrific job as majority staff director. Secretary Slater has been helpful, along with Jack Basso, who has been here to answer questions relating to the Department of Transportation. He is always available and helpful.

In my State of Montana, Sandy Straehl, who is with the Montana Department of Transportation, has been terrific in working up data, amendments, and ways to help improve this bill. They worked very hard on this bill. I thank them very much.

In addition, Janine Johnson, with the Senate legislative counsel. It is pretty hard, when you are working for the legislative counsel and putting up with urgent, immediate requests of Senators and staffs, to try to write legislation, write amendments in a way that makes sense, to advance the issues we are trying to proceed with. Janine Johnson has been terrific.

There is also Ellen Stein with Senator Warner's office. Ellen has been working as hard as Ann and the rest of them. I could go on forever, but I see Senators who wish to speak. I can't speak enough about the staff. They have been first-rate.

Mr. WARNER. Janine Johnson worked tirelessly, hour after hour, to see that our hand-scribbled notes were transitioned into legislative language.

Mr. BAUCUS. Mr. President, I yield the floor.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I rise today to say what the distinguished bill managers have already said, and that is a sincere thank you to the many people who made this bill possible. But I want to say it again. It is appropriate that Chairman WARNER and Senator BAUCUS express their appreciation, but I want to do so as well.

Mr. President, highways and ISTEA debates are not an academic debate from Missourians; they are more life and death matters. The State of Missouri has always been a leader in the area of transportation. One example is that the first construction contract awarded under the Interstate Highway System some 40 years ago was for part of I-70 near St. Charles, MO. But the problem is that Missouri has been shortchanged in the past. Missouri has been a donor State putting in more than a dollar for every dollar they get back.

This final bill that has been crafted through a great deal of work is "rough justice" and demonstrates that reasonable people with passionate differences can reach compromise. My State of Missouri stands to gain $1.2 billion—that is not "million"; that is "billion" dollars—more over the next 6 years than during the last 6 years to improve highway safety and infrastructure. That amounts to a 50-percent increase to Missouri for Missouri's essential transportation infrastructure.

I have worked long and hard on this bill with my distinguished friends and colleagues on the Environment and Public Works Committee. The underlying bill that the committee reported addresses the priorities I have had all along—increased funding overall, increased funding for the State of Missouri, fairness, and flexibility.

I express my sincerest thanks to Chairman CHAFEE, Chairman WARNER, Senator BAUCUS, and to all members of the committee for their assistance on things like my wetlands mitigation amendment, the triple-trailer amendment, and especially the amendments that we put in with respect to bridges, which are vitally important to my State. I look forward to the House passing the bill so we can get to conference and send to the President a transportation bill that will take us into the 21st century.

I would like to offer my own special thanks, among others, to the fine people who were mentioned. I need to mention my assistant, Tracy Henke, who worked I don't know how many hundreds of hours per week and over the weeks on this bill, and prior to that time. I express my thanks to Jimmie Powell, to Dan Corbett, to Ann Loomis, Cathy Ruffalo, Ellen Stein, Tom Sliter, and Abigail Kinnison. As has already been said, these people put in untold hours, and they did what I think is a good job. It is a job that makes nobody perfectly happy. But it is a job that lays the foundation for the kind of transportation system that we need to have in this Nation for the 21st century.

I am proud to have worked on this measure, and I thank my colleagues, and particularly their staffs who worked so hard to bring us to this point.

I thank the Chair. I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Virginia.

Mr. WARNER. Mr. President, before the distinguished Senator from Missouri departs the floor, I certainly want to refer to the early days in the consideration of this bill, and to the tenacious manner in which he fought on behalf of not only his State but other States that found themselves in similar disparity in terms of the allocation of funds under the 1991 act. It is through his leadership that much of the achievement of equity in this bill has been reached. And I just want to personally thank him.

Mr. BOND. Mr. President, I say that the leadership of the chairman of the subcommittee is something for which we are all grateful. He helped donor States that were being shortchanged to come up to a much fairer level. It really makes a difference when you have a leader like Senator WARNER, who is working to assure fairness to assure the goals that we all seek, and I am deeply indebted to my good friend for the work that he has done not just for Virginia, but for many States and for everybody in America.

I thank my distinguished colleague.

Mr. WARNER. Mr. President, I thank my colleague.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 2015 TO AMENDMENT NO. 1676

(Purpose: To increase funding for the Railway-Highway Crossing Hazard Elimination Program)

Ms. MOSELEY-BRAUN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois (Ms. MOSELEY-BRAUN) proposes an amendment numbered 2015.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 220, after line 23, insert the following:

"(E) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $45,000,000 in each of fiscal years 1998 through 2003 to carry out this subsection."

Ms. MOSELEY-BRAUN. Mr. President, this is an amendment authorizing $45 million annually across the country for railway crossing improvements that are necessary in high-speed rail corridors across the country. High-speed rail, of course, is the future of passenger rail in America, and it holds great promise for our country.

One high-speed rail network is under development right now in the Midwest that will connect Chicago with St. Louis, Milwaukee, Detroit, and possibly even Minneapolis and Cincinnati. There are a number of corridors under development throughout the country—in Florida, in California, the Pacific Northwest, North Carolina, and in New York. There are proposed high-speed rail corridors in Ohio, Georgia, and other States as well.

Perhaps the greatest challenge impeding the development of high-speed rail are problems and issues at rail crossings. When trains begin to exceed speeds of 110 or 125 miles an hour, grade crossings that might otherwise be safe are made unsafe. The possibility for a tragedy increases incrementally.

We had a terrible tragedy a couple of years ago outside of Chicago. A school bus was struck by a train in Fox River Grove, Illinois, and seven children died. It was a terrible tragedy. That is the type of accident that we ought to do everything we possibly can do to prevent. It should never have happened. Again, with trains going at speeds of 110 and 125 miles an hour, the likelihood of a tragedy like this happening, unfortunately, increases incrementally.

This amendment will authorize an additional $45 million annually for the improvement of railroad highway crossings on high-speed rail corridors. The funds will not come out of any other program. They will not come out of any one's highway or transit program. It is simply an authorization of additional funds for improving safety at rail crossings.

I urge my colleagues to support this amendment.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, we know this amendment has just come to us, and the distinguished ranking member, Mr. BAUCUS, is now in consultation with the proponent. It seems to me that the amendment is acceptable and that this is a matter that deserves the meritorious consideration of the committee now and eventually in conference.

Ms. MOSELEY-BRAUN. I thank my colleague, and I am grateful for his consideration of this safety matter. I know it is a matter of great concern to him, and the ranking member as well. I thank them both very much for considering this issue.

Mr. BAUCUS. Mr. President, I appreciate what the Senator said, but with the understanding that it is amended down at the lower amounts.

Ms. MOSELEY-BRAUN. Of course. I do understand that.

Mr. BAUCUS. It is a needed program, particularly for high-speed rail crossings.

I must say to the Senator that it is very important to address hazardous high-speed rail problems. It is also a problem, because tragically 2 days ago there was a bus accident at a rail crossing in my State of Montana where two schoolchildren were killed. It is devastating, as you might guess, to the families and to the school. It is a small school in central Montana. When we write this bill, we need to make sure that we address hazardous rail crossings across the country, as well as high-speed also.

Ms. MOSELEY-BRAUN. I think that is right.

Again, as the ranking member is aware, I talked about how Illinois is a hub State for transportation generally. We are a hub State for rail have among the highest numbers of rail crossings in the country. So we have so much more of this. We have so many more rail crossings that in the development of the high-speed rail—which everyone wants to see because it is the future of rail transportation and rail transit in the country—I think we need not be unmindful. We need to be mindful, and focus in on safety.

I am grateful to the leaders on this legislation for their consideration of this matter.

Mr. WARNER. Mr. President, if I might say, another Senator, I have just been informed, had a similar amendment. We are now checking with his office to determine whether or not he desires to go on, given that we were not able to accept his amendment in the form that it was presented to the committee.

Ms. MOSELEY-BRAUN. If I may, I hope that Member can be added as a cosponsor. I don't know who it is. If he is so willing, we would be happy to have the support.

I thank the Senator. I thank the Chair.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I simply want to rise to join in the congratulation of the leadership of this bill. It has been a pleasure for me to serve on this committee and on this subcommittee, and to see us coming finally to closure on a bill that I suspect is one of the most important that we will deal with in the next several years. It is certainly one of the most contentious, because it is one in which each of us seeks to satisfy our own needs, one in which we finally have to come to some accommodation for the different kinds of needs we have, and certainly no one is ever going to be perfectly satisfied. But I think we have come to a very successful conclusion in this bill.

I hope that we can maintain basically the formulas that we struck. Obviously, the total spending is one of the issues. Obviously, the formula for distribution is one of the issues. Each of us have differences. Some of us have lots of miles and not many people; some of us have lots of public lands, and so on. So it is most difficult.

I simply want to congratulate the chairman of the subcommittee and the ranking member, as well as the chairman and ranking member of the committee, and urge that we get on with it. Our States are waiting to be assured of the funds they will have, particularly in our northern States where the contracting season and the construction season is relatively short.

All of us have properly given some credit to our staff. Each of us had a staff person. I had a young man named Chris Jahn, who did an excellent job not only working with the committee but with our State transportation department, and I am proud of what he did.

So, Mr. President, I certainly add my congratulations and urge that we get this bill out of the Congress to the President as soon as we possibly can.

I yield the floor.

Mr. WARNER. Mr. President, I wish to thank the Senator for his comments, but more importantly his participation. He is a member of the Environment and Public Works Committee, and has played a very active role throughout the formulation of this legislation, and always with a very gentle but firm hand saying, "I am watching for Wyoming." And that he did. We are very proud of that. I do hope this bill is received in his State as it will be, I hope, in other States, as truly an accomplishment.

I thank the Senator.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, the chairman, Mr. CHAFEE, when the time came to develop this legislation, reposed his full trust and confidence in the subcommittee to draw up a bill. And that we did. And, indeed, that bill, with the exception of the additional money, remained intact throughout this deliberation.

I want to pay special tribute to the members of that subcommittee who worked with me and Senator BAUCUS, the ranking member, through the period of a year's time. Many of them traveled with us when we went to various places in the United States. That is Mr. SMITH; Mr. KEMPTHORNE; Mr. BOND; Mr. INHOFE; and Mr. THOMAS, who just spoke; Mr. MOYNIHAN; Mr. REID; Mr. GRAHAM; and Mrs. BOXER.

As I said earlier, Mr. GRAHAM of Florida worked with me on STEP 21, which was the foundation group that we eventually went into partnership with on Stars 2000, under the leadership of Mr. BAUCUS. So I want to pay special tribute to each of these individuals who worked so hard on this bill. I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I want to pay a special tribute to the Senator who just spoke, Senator WARNER of Virginia. This is the first opportunity I have had to work closely with the Senator from Virginia. When you work on a major bill like this, you get to learn a lot about the person you are working with. I want to just tell the Senator how much I appreciate his grace, style, honesty, dedication, efficiency in getting the job done, cooperation, making sure we touch all the bases, making sure we talk to the leader about this, better talk to the chairman about this and the ranking member of the Appropriations Committee, too; making sure all the bases are touched so we get a balanced, fair bill, one that is fair to everybody not only in the letter of the law but the spirit of it.

Senator, you have done a great job and I want to thank you for that.

Mr. WARNER. Mr. President, I thank my colleague, but I also thank him for the opportunity to learn. I remember one time we were in a hearing, I believe it was in Idaho, if I am correct in my recollection. You and I were chairing it with Senator KEMPTHORNE. You pointed out the technical problems in many of the roads in the West, where they have to traverse such long distances and it is very expensive, given the weather; therefore, through the years they have shortchanged the sides of the road, the unpaved portions, and how that has contributed to a number of accidents.

I just point out that one technical thing because throughout this bill it has been a great learning process on the particular needs of the individual States as they relate to their geographical locations, temperatures and weather conditions that they have. The Senator fought tenaciously for the West. Now he goes in to meet his greatest challenge in the House where there are far fewer Members of the House of Representatives representing the West. I know that the West can count on the Senator for upholding their position in this bill, which he has fought for and achieved, together with Senator KEMPTHORNE, who I think was a partner in this endeavor. I thank the Senator for his kind comments but also for a learning curve that taught me a lot about things, like the shoulders of the road. Now this bears on your shoulders, to protect them in the West.

Mr. BAUCUS. It is also true you learn what a mosaic this country is and how each State's needs are unique. The New England States, for example, the Northeast States, have definite needs, obviously, with relation to the population density; relative donor States. Then, obviously, some of the Western States with public lands, some of the Indian roads. I compliment the Senators who worked very hard for their own States and who worked with the Senate to get a balance. One who comes to mind is Senator LEVIN, and Senator ABRAHAM from Michigan.

Mr. WARNER. Tell us.

Mr. BAUCUS. They are very tenacious in pressing for their States' best interests.

Mr. WARNER. Bulldogs.

Mr. BAUCUS. My colleague says "bulldogs." They are bulldogs. But they are, if possible—I am sure bulldog owners will think it's possible—fair bulldogs, once they charge ahead.

Mr. WARNER. Let's add the Governor from that State.

Mr. BAUCUS. The Governor of Michigan, to say nothing of the Governors from some other States—Massachusetts, for example. I thank Senators KENNEDY and KERRY for their hard work for their State, along with Senator LAUTENBERG from New Jersey and the Connecticut Senators. Senator MOYNIHAN, who in many ways is the father of this bill, helped make sure there was a Northeast balance to the bill. And many other western Senators came to me and said, let's make sure this is fair to the West. I mentioned the donor States.

On our committee, I would like also to thank Senator BOXER—she has pressed California's interests very ably—Senator REID from Nevada; Senator LIEBERMAN; Senator LAUTENBERG, who I also mentioned; Senator GRAHAM from Florida—he is tenacious in fighting for Florida's interests, making sure, as a donor State it is not taken advantage of. But, again, it all came together in a very fair way.

It sounds kind of platitudinous, but it is true. These Senators worked extremely hard for their States and at the same time, in the end, they worked together to make sure we would get a very strong bill. That is quite an achievement, frankly, as we move on to the next century, the next millennium. We are passing a major infrastructure bill—major. Every $1 billion of highway spending accounts for about 42,000 jobs. This bill is about $171 billion, roughly, over 6 years. When we finish with the House, it perhaps could be a few more dollars.

Also, just in terms of making sure our highways are as up-to-date as possible, as any businessman knows, the better the condition of our roads and highways, the less congestion there is, the more money he is going to make, the more that helps his bottom line. This is going to help us be competitive in the next century.

Again, I thank Senators for their great work.

AMENDMENT NO. 2015, AS MODIFIED

Mr. BAUCUS. Mr. President, I am advised we need to make a technical adjustment to an amendment just offered, which has been agreed to, an amendment offered by Senator MOSELEY-BRAUN. I also understand that Senator FAIRCLOTH would like to be added as a cosponsor.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. WARNER. The Senator is correct. Senator FAIRCLOTH had a very similar amendment, which at that time we felt we could not accept. In every respect he is a full cosponsor of the efforts reflected in the amendment of the Senator from Illinois. It has now been amended to be an amount not to exceed $15 million.

Mr. BAUCUS. That is correct. But there is another exception making sure it's not contract authority but authorizing language.

Mr. WARNER. That is correct.

Mr. BAUCUS. Mr. President, I have the changes in the amendment. I send them to the desk.

The PRESIDING OFFICER. Without objection, the amendment will be so modified.

The amendment (No. 2015), as modified, is as follows:

On page 220, after line 23, insert the following:

"(E)(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $15,000,000 in each of fiscal years 1998 through 2003 to carry out this subsection.

"(2) AVAILABILITY.—Notwithstanding section 118(a), funds made available under paragraph (1) shall not be available in advance of an annual appropriation."

Mr. BAUCUS. This is the amendment that makes sure the $15 billion is not contract authority but is authorization. I urge its adoption.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment, as modified.

The amendment (No. 2015), as modified, was agreed to.

Mr. WARNER. I move to reconsider and move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2005, AS FURTHER MODIFIED

Mr. WARNER. Mr. President, I ask unanimous consent the Gramm amendment No. 2005 be modified to be a first-degree amendment with the changes that are now with the clerk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2005), as further modified, is as follows:

Strike pages 98 and 99 and insert the following:

(2) SELECTION OF STATES, METROPOLITAN PLANNING ORGANIZATIONS, AND PROJECTS TO RECEIVE GRANTS.—Notwithstanding any other provision of this Act, in selecting States, metropolitan planning organizations, and projects to receive grants under subsection 1116(d), the Secretary shall consider—

(A) the extent to which the annual volume of commercial vehicle traffic at the border stations or ports of entry of each State—

(i) has increased since the date of enactment of the North American Free Trade Agreement Implementation Act (Public Law 103–182); and

(ii) is projected to increase in the future;

(B) the extent to which commercial vehicle traffic in each State—

(i) has increased since the date of enactment of the North American Free Trade Agreement Implementation Act (Public Law 103–182); and

(ii) is projected to increase in the future;

(C) the extent of border or ports of entry transportation improvements carried out by each State since the date of enactment of that Act;

(D) the extent to which international truck-borne commodities move through each State;

(E) the reduction in commercial and other travel time through a major international gateway expected as a result of the proposed project; including the level of traffic delays at at-grade highway crossings of major rail lines in trade corridors;

(F) the extent of leveraging of Federal funds provided under this subsection, including—

(i) use of innovative financing;

(ii) combination with funding provided under other sections of this Act and title 23, United States Code; and

(iii) combination with other sources of Federal, State, local, or private funding; including State, local and private matching fund;

(G) improvements in vehicle and highway safety and cargo security in and through the gateway concerned;

(H) the degree of demonstrated coordination with Federal inspection agencies;

(I) the extent to which the innovative and problem solving techniques of the proposed project would be applicable to other border stations or ports of entry;

(J) demonstrated local commitment to implement and sustain continuing comprehensive border planning processes and improvement programs; and

(K) the value of the cargo carried by commercial vehicle traffic, to the extent that the value of the cargo and congestion impose economic costs on the nation's economy.

Mr. DOMENICI. Mr. President, I would like to take this opportunity to commend the many Senators whose cooperative efforts have brought this vital legislation to the Senate floor. I personally wish to thank the distinguished Environment and Public Works Committee Chairman JOHN CHAFEE of Rhode Island for his work in helping negotiate the deal to increase highway funding while maintaining the balanced budget agreement reached last year. When I entered the Senate in 1973 until 1987, I served on the Environment and Public Works Committee. I know the history and evolution of highway programs in this country. We are, Mr. President, a country on wheels.

I know the importance of highways to our economy. Every dollar invested in the highway system yields $2.60 in economic benefits to the nation. A transportation system that works without traffic jams, and efficiently moves goods across town or across the state, is an important asset for economic development. Good roads lower the price consumers pay for food, clothing and other goods. Lower prices can increase disposable income, attract new business and new jobs to an area.

The highway system is the economic lifeblood of our nation, and of my home state of New Mexico. Good roads get us where we need to go, on time and safely. President Eisenhower recognized that roadways are the arteries of American body politic when he created the Interstate system following World War II.

My constituents in New Mexico have indicated their biggest concern is roads.

Bad roads constitute 43% of the New Mexico road system, placing us, Mr. Chairman, behind only Rhode Island in the highest percentage of bad roads in the Country. Driving on roads riddled with potholes, bumps, buckles and cracks costs New Mexico motorists $281 million a year just in additional mechanic's repair bills and operating costs.

Highway improvements are urgently needed in New Mexico, and this agreement will assure us of substantial increases for that work over next 6 years. Should the current version of this bill pass, New Mexico would receive more than $1.5 billion for road construction and maintenance funds over the next six years—a 48% increase.

Financing highway construction and related activities creates jobs. Almost 10 million workers, a full seven percent of the civilian workforce, are employed in transportation and related industries. Each $1 billion in new federal highway investment nationwide generates an additional 439 full-time jobs in my state of New Mexico.

Repairing the national transportation system will increase productivity in all sectors of the economy. The goal of this legislation is the efficient and safe transportation of goods and people. We have agreed to spend all incoming gas taxes on highways, so New Mexicans can be sure they are getting their money's worth at the pump. We have encountered some potholes on this road of reaching an agreement consistent with the balanced budget agreement. But make no mistake, throughout negotiations, PETE DOMENICI has been for building roads in New Mexico.

The New Mexico Legislature recently approved, and Governor Johnson signed, a $1.1 billion highway funding package that depends on federal dollars from this legislation to complete projects in the state. For the first time in history, every community in New Mexico with a population over 15,000 will be served by a four lane highway connected to the interstate highway system. For example, Highway 44 between Bernalillo and Bloomfield, one of the most dangerous stretches of road in the country, will be widened to 4 lanes with the arrival of these additional federal dollars.

After waiting for more than 25 years, New Mexico will finally be able to complete improvements to highway 70; a vital link on the Eastern side of the state connecting the mountainous community of Ruidoso to Roswell and Portales.

What we in New Mexico affectionately refer to as "the Big I"—the intersection of Interstates 25 and 40 which bisects the state in Albuquerque—is in desperate need of improvement. Too often this area resembles a parking lot rather than a main thoroughfare. Traffic is so bad that normally courteous drivers often become frustrated and succumb to "road rage;" jockeying for position, cutting each other off, and making single-finger salutes.

A recent Albuquerque Journal article suggests that motorists in New Mexico's largest city may begin to refer to 1998 as the year of the orange barrel. However, the city of Albuquerque, as well as the nation, will benefit from the long-awaited improvements to this vital crossroad.

Congestion and traffic have contributed to the "brown cloud" in Albuquerque from carbon monoxide. The $6.6 million provided to New Mexico annually in the Congestion Mitigation Air Quality portion of this bill will continue the programs which have allowed Albuquerque to become the first U.S. city to emerge from non-compliance with air quality standards.

It may seem unusual to some that a Senator from New Mexico helped protect mass transit dollars in this road bill. However, New Mexico will benefit from these funds in the development of transit systems in, as well as between, her larger cities. Even the smaller city of Roswell as contributed to mass transit technology. The NovaBus Corporation has designed efficient busses which have been utilized in metropolitan areas like New York City. New Mexico has lots to offer our nation's transportation needs.

New Mexico is the fifth largest state, comprising nearly 3.5% of the land area of the United States, yet it ranks only 36th in population. However, New Mexico is also one of the fastest growing states in the Union, and its traffic volume has tripled in the last ten years. Heavy 18 wheelers moving goods pass through New Mexico, between manufacturing and population centers in Texas and California. We don't directly benefit from the majority of this traffic, but it does tear up our roads.

As I have been recently reminded, almost 27 million acres of my fair state, approximately ⅓ of its land area, is owned by the federal government, with more held in trust for the many native Americans within its borders. As this nation's Interstate highway ages, repaving and maintenance is endless. Major reconstruction is necessary, which is the state's responsibility. New Mexico maintains highway systems through those lands, while having no tax base to recover any costs.

I am pleased this bill includes an additional $250 million for roadway improvements on public lands throughout the nation. Perhaps the National Park Service will improve the roads within the Chaco Culture National Historic Park so that visitors from around the country will be able to share in its splendor.

New Mexico also shares 175 miles of its border with Mexico. Our state has welcomed the increased economic activity associated with the passage of NAFTA, but the nation must also realize the increased traffic and cost to road infrastructure which has followed. I am pleased that this bill includes $450 million for states to meet NAFTA-related road needs. I am also pleased my amendment which amends the Trade corridor and Border Crossing planning program was approved.

This amendment allows the Secretary of Transportation to consider the projected increase in commercial traffic when selecting recipients of border grants. The current provisions direct the Secretary of Transportation to only consider current and past traffic when allocating funds under this program. Many border facilities, including Santa Teresa in New Mexico, have opened since the passage of NAFTA. This amendment will enable the Secretary to consider the future growth of commercial traffic at ports when awarding grant requests.

I, along with the other Senator from New Mexico, also offered amendments which enable the Department of Transportation to benefit from the expertise of our nation's federal laboratories in solving transportation needs. In utilizing existing laboratory capability where appropriate, we can ensure past taxpayer investment will earn dividends long into the future. Our amendments encourage cooperation and information exchange within the federal system in development of transportation technology. We should, where we can, avail ourselves of the exceptional talent already available in our federal laboratories.

I encourage the prompt passage of ISTEA II in the Senate, so that the House of Representatives will quickly address the country's transportation needs and construction can continue without delay. New Mexico is a large state with a small population, many citizens are isolated without adequate roads. Contract authority provided by this legislation is needed to continue federal road and transit construction and maintenance throughout the country. Major construction season is about to commence; states need their highway funds.

I urge prompt passage of this important bill.

Mr. President, again, let me thank all the Senators who have worked together to get this bill moving on the Senate floor. In addition to the distinguished chairman CHAFEE, I thank Senator BYRD and Senator PHIL GRAMM, who originally brought up the idea trying to spend as much of the 4.3 cents as had been transferred to the trust fund as possible, consistent with the caps we have heretofore agreed upon in the balanced budget.

During the 14 years I served on the Environment and Public Works Committee I learned that there is nothing more important to the American people and the people of my State than the roads they drive every day of their lives. Many Americans work miles from where they live. Freedom to many is to get where you want to go as easily as possible, and in your own car.

Frankly, I believe that is as much a part of the good life in America as anything else.

But while we have been taking highway money and spending it on other projects, congestion grows. While we are all interested in mass transit and transportation technology, it is obvious that you have to spend money on bricks, mortar, cement, and the like, to improve the roadway system.

New Mexicans are going to be very pleased when this bill clears the House and goes to the President, because our State is going to be able to take care of many projects that have been long delayed. We will try to make improvements to the interstate in our largest city to relieve congestion. A city of 750,000 should not be so congested.

There are many aspects of this bill that are going to help New Mexico. Many of roads on Indian lands are impassable in winter months. Only in the last 16 years have we been allocating federal funds to improve these roads, and this bill increases that funding by $50 million to $250 million annually.

Our legislature has cooperated with our Governor, and they have a series of major projects that are going to be funded out of the highway program in, indeed, new and innovative ways, with long-term bonds and financing, if and when this bill becomes law. I look forward to that.

I have already commented how this highway money is needed in the State of New Mexico. I will conclude by saying that when we have an economy as robust as ours is today, it is not time to let up on road building. Our economy lives on the highways and byways of America. The more congestion, the less efficient, the less effective we are. Moving business efficiently and effectively the length and breadth of this nation, will ensure the American economy continuing its rather tremendous competitive advantage in the world.

From the smallest town that needs its roads improved to the very big issue of how this Nation remains competitive—I feel that passage of this bill is as important as anything else we do in the next 4 or 5 years.

INCREASING THE ALLOCATIONS TO INDIAN RESERVATION ROADS

Most Indians today still live in poverty. This is reflected in a per capita income figure that is one-sixth to one-fifth the national average for the 10 largest Indian reservations. In simplest terms, most reservation Indians have one dollar of income for every five dollars of income available to average Americans.

On the Papago reservation in Arizona, the per capita income is $3,113 compared to $18,325 for all Americans (1990 Census). At Zuni Pueblo, the per capita income is $3,904 and at that Navajo reservation it is $3,735. These figures have changed only slightly since the 1990 Census.

Fifty-one percent of American Indians residing on reservations live below the poverty line; and unemployment averages 37%.

ISTEA has already helped tremendously to increase the accessibility of Indian people, but much remains to be done.

We can help accelerate the movement of Indian people into mainstream economic activities by improving their accessibility to better markets and better tourism opportunities.

ISTEA II, S. 1173, now authorizes a grand total of $173 billion for all programs over the six year life of the bill. This is a nominal increase of about 43 percent.

As passed by the Senate, S. 1173 funds the Indian Reservations Roads Program at $200 million for 1998 and $250 million per year for each of the following five years of the bill, from 1999 through 2003.

I am pleased that the Committee on Environment and Public Works has included $9 million annually (within the total $250 million) to allot to the repair and construction of Indian bridges.

The Domenici-Inouye-Bingaman amendment, as accepted by the Committee will add a total of $250 million over five years.

Our amendment brings the six year total IRR funds up to $1.450 billion from the current $1.200 billion prior to the Domenici amendment.

While our original IRR bill, S. 437, included road maintenance as an eligible activity, this amendment does not include road maintenance. We expect the BIA to continue to fund its road maintenance program, hopefully at higher levels than $25 million per year.

The Indian Reservation Road Program is directed to about 22,000 miles of BIA roads serving Indian lands. There is a total road mileage, counting BIA, state, federal, tribal, and county roads, of about 50,000 miles on our nation's Indian lands. The BIA is directly responsible for about 44% of this total road system serving Indian tribes. About 5% are tribal roads and the other half are other federal roads and state and county roads.

Within the BIA road system, 22,000 miles of roads, only 11% of the paved roads are rated as being in good condition. Of the unpaved roads, 90% are known to be in poor condition. None of the BIA unpaved roads are rated as being in good condition.

Since 1982, the Highway Trust Fund has been the primary source of funds for the design and construction of BIA roads serving Indian tribes. In the mid-1980's this funding was about $100 million per year; it fell to about $80 million per year in the late-1980's; and with the advent of ISTEA I, Indian Reservation Roads have been funded at $191 million per year.

Now that Welfare Reform is a reality, it is more imperative than ever to help create Indian reservation-based employment opportunities. ISTEA funding has become the primary source of road planning and construction in Indian Country.

In addition to direct employment opportunities, ISTEA funds provide an essential component of community infrastructure development. As observed in the Committee Report on S. 1173,

> Transportation provides the links between businesses, industries and consumers. The national economic benefits of a healthy and reliable Federal investment in transportation infrastructure are well documented.

The ability of new businesses to arise in Indian Country is seriously hindered by the current state of their road system. Health and education indicators are also well below national averages.

Today's Senate action to increase the Indian Reservation Road program by $50 million per year will add significantly to improving the accessibility of Indian reservations to the benefits of our national economy.

On the Navajo reservation, annual funding is likely to increase from about $55 million to over $65 million. On Pueblo lands in New Mexico, funding will increase from about $12 million to $15 million.

I am pleased that the full Senate preserved this important funding increase for Indian reservation roads to $250 million per year, from $200 million per year, as originally proposed by the Environment and Public Works Committee, and from $191 million per year under current law.

Another significant change in this legislation is the national priority system for Indian reservation bridges. Rather than allocate a small percentage of bridge funds from each of the fifty states for use within those states, we now have a single national Indian bridge program that will target the most deficient bridges for early repair or replacement.

I thank Chairman CHAFEE and Ranking Member BAUCUS for their assistance in adding significant funding for the Indian Reservation Road Program and creating a simpler Indian bridge program.

NHTSA FUNDING

Mr. McCAIN. Mr. President, I would like to take a moment to recognize the very important role of the National Highway Transportation Safety Administration (NHTSA) and its immense contributions to promoting transportation safety throughout our nation. I would particularly like to commend Dr. Ricardo Martinez, Administrator of NHTSA, for his strong leadership in highway safety over these past several years.

Since 1992, seat belts, child safety seats, motorcycle helmets, and the age 21 minimum drinking age laws have saved over 40,000 lives. Thanks in large part to NHTSA, the nation also has made great progress in reducing the motor vehicle fatality rate. In 1966, when the highway safety statute NHTSA administers was enacted, the nation's motor vehicle fatality rate stood at 5.5 deaths per hundred million vehicle miles traveled. Today it stands at 1.7, the lowest rate recorded.

The keystone of NHTSA's efforts in highway safety, jointly administered with the Federal Highway Administration (FHWA), is the State and community highway safety grant program, commonly referred to by its US Code provision as the "Section 402" program. The major goal of the Section 402 Program is to provide Federal leadership, encouragement and technical assistance to States and communities in their effort to develop and implement the most effective highway safety programs to reduce traffic crashes and resulting deaths, injuries, and property damage. Section 402 funds are provided to all States, territories, the District of Columbia, and the Secretary of the Interior on behalf of Indian Reservations. At least 40 percent of these funds are used for local and community projects with the remainder going to the State.

Last week, the Commerce Committee's safety amendment to S. 1173 was adopted by unanimous consent. That amendment acknowledges the important functions of NHTSA and authorizes funding for the agency's many programs for six years. Unfortunately, due to budget considerations, the authorization levels included in the Commerce Committee's amendments for NHTSA's highway safety programs, as well as programs under the Office of Motor Carriers, fall short of meeting agency needs forecast for the next six years.

Mr. President, I want to ensure there is no question about the Committee's commitment to transportation safety. While many of us wish we could have authorized funding at the levels requested by the Administration, the Committee had to also acknowledge the budget agreement entered into last year. Accordingly, the levels authorized for NHTSA and all of the other safety programs authorized under our amendment reflect that budget agreement.

I am well aware additional funds are needed to meet NHTSA's goals on such vital programs as safety belt use and drunk driving prevention. As Chairman of the authorizing committee, I stand ready to increase the funding levels should an agreement be reached with the Budget Committee and other pertinent Committees to enable a higher authorization level for NHTSA, as well as other agencies' safety programs.

While we have not found a way to increase the funding at this time, I will continue working on this during conference consideration. I will do all I can during conference deliberations to seek higher authorizing levels for transportation safety.

AMENDMENT NO. 1977

Mr. CLELAND. Mr. President, I would like to take a minute to address a Senate action which took place yesterday on March 11, 1998, specifically the passage of my amendment number 1977 to the bill S. 1173 which involves the addition of Elbert and Hart Counties, Georgia to the Appalachian Regional Commission.

First, I would like to thank my distinguished colleagues, the Chairman Senator CHAFFEE and Ranking Member Senator BAUCUS for their superb leadership on this bill as well as Senators WARNER and BYRD for their input and guidance to insure that my efforts on behalf of Elbert and Hart Counties in Georgia were able to come to fruition. I also wish to commend Georgia Governor Zell Miller for his role in bringing this matter to my attention.

As you know, my amendment will allow Elbert and Hart Counties to gain membership in the Appalachian Regional Commission (ARC). I am extremely proud to be able to help the fine Georgians who reside in Elbert and Hart Counties to join the region served by the ARC. Back when the Appalachian Regional Commission was established in 1965, these two counties were geographically eligible to be included, but the local leadership at the time declined to do so.

Well, here we are, over 30 years later, and the people of Elbert and Hart Counties have been given what we all need in life, "a second chance." The economic and educational assistance provided by the valuable programs of the Appalachian Regional Commission will be extremely valuable for the forty thousand or so people who reside in Elbert and Hart Counties in their efforts to better their economies and their communities.

I, along with those Georgians of Elbert and Hart Counties, would like to thank my Senate colleagues for their wisdom and generosity in providing for successful passage of this amendment.

ALAMEDA CORRIDOR-EAST PROJECT IN THE SAN GABRIEL VALLEY OF CALIFORNIA

Mrs. BOXER. Mr. President, before we bring to a close this reauthorization of the Intermodal Surface Transportation Act, I'm pleased to draw the attention of the Senate to an outstanding trade corridor project in my home state of California.

The Senate may remember that, in 1996, I worked with the state of California and the California delegation to achieve funding for the Alameda Corridor, a major trade corridor to move the thousands of boxcars a day unloaded at the Ports of Long Beach and Los Angeles through southern Los Angeles County to Redondo Junction. From there, the railroads move the cargo east to virtually every state in the Union. While I'm very pleased that we were able to arrange a private-public partnership to fund the Alameda Corridor, I must point out that further work must be done to relieve the congestion east of the Alameda Corridor.

As the trains are loaded at Redondo Junction, they head east, going through a very heavily populated area known as the San Gabriel Valley. In this 35-mile corridor, there are 79 highway rail grade crossings located along the Union Pacific and former Southern Pacific main lines between downtown Los Angeles and the City of Pomona. The train traffic through this Valley is currently 67 trains per day and is projected to increase about 60% to as high as 109 trains per day by the year 2020. This will result in a doubling of the amount of time a grade crossing will be closed, to as high as 140 minutes a day. This obviously has adverse effects on mobility, both for the local citizen and freight movement. More important, however, it has a terrible impact on safety and I believe it is our responsibility to address this situation.

I am pleased to report that the San Gabriel Valley Council of Governments, working in concert with the Southern California Association of

Governments and the California Department of Transportation, has developed a plan to improve safety and mobility in the San Gabriel Valley. It is a very aggressive 8-year, $950 million program which calls for an initial investment of $220 million from the Federal government over the next 6 years. The program is ready to begin immediately with a jump-start program of $60 million, which would address the most critical bottlenecks and improve safety through a series of grade crossing improvements and traffic signalization. In addition to the safety and mobility aspects, if fully implemented, the Alameda Corridor East Gateway to America Project would annually take 128 tons of air pollutants out of the worst air basin in the nation.

This is a very important project, Mr. President, and I ask that when you go to conference with the House you give this project every consideration in urging the Secretary of Transportation to support this project out of the discretionary monies in the high priority trade corridor program of this legislation.

Mr. CHAFEE. Mr. President, from my visits to California, I have learned first hand how the traffic coming through the Ports of Long Beach and Los Angeles are expected to more than double by the year 2020 with 25% of all U.S. imports coming through these two ports. If we are to realize the benefits of this increased trade, we must improve the efficient movement of the cargo throughout this nation while at the same time taking every step to enhance the safety of the residents of the area and to improve the environment.

The Senator should be assured that I will give this project every consideration as we move to final enactment of this bill.

Mr. HATCH. Mr. President, I just want to take a moment to express appreciation to the Environment and Public Works Committee members, particularly Senators CHAFEE, BAUCUS, and WARNER, for the yeoman's effort they have made to get this bill to the floor and ultimately passed by the United States Senate.

Developing a measure this complex, with so many competing interests, isn't easy. Believe me, I've been there, done that. My hat is off to my colleagues who have succeeded in guiding this well-balanced package this far through the legislative process.

My colleagues on the Environment and Public Works Committee have had a difficult row to hoe in even bringing this measure to the floor a few weeks ago. In fact, I seem to recall hearing that the joke around the EPW Committee was that ISTEA was a six year reauthorization, not a six year reauthorization process.

Additionally, I commend our determined and highly effective Majority Leader. Without the direct influence of Senator LOTT, we would not have gotten a bipartisan agreement on the committee's amendment to ISTEA which provides for additional funding for highway projects. And without his statesmanlike intervention last fall, we would not have had the six-month extension that was so critical to Utah and, I'm sure, to other states as well.

Along with my junior colleague from Utah, Senator BENNETT, I communicated my concerns about the effect that a delay on the ISTEA reauthorization would have on my state of Utah to the Majority Leader, and I appreciate the fact that he moved quickly on this legislation once the Senate returned from the recent recess.

I commend as well, Senators DOMENICI, BYRD and GRAMM for their efforts in ensuring that our nation's vital transportation infrastructure needs are met in a responsible manner which does not violate the balanced budget agreement.

I enthusiastically support final passage of ISTEA. Here's why.

Utah faces a number of transportation challenges. The most critical is the reconstruction of the I–15 corridor. Designed in the 1960s, with a life span of 20 years, the seventeen mile I–15 corridor enters its third decade with certain areas close to collapse.

In photos I have observed which detail the level of disintegration to the highway and bridge structure along I–15, I could actually see the sky breaking through holes in the infrastructure.

It has also been reported that employees who park underneath some of the I–15 bridge structures had to sign safety waivers! Before construction began, a dozen of the bridges along I–15 posed direct safety threats.

Additionally, despite an earthquake fault line along the Wasatch front, none of I–15's bridges met modern earthquake standards.

The I–15 corridor reconstruction project is vital to the economic growth of our nation, the safety of the traveling public, and presents a unique opportunity to study the effects of an innovative "Design/Build" approach to highway construction.

The I–15 project is the largest "Design/Build" project ever undertaken in the United States. As my colleagues know, the "Design/Build" process is the cost and time savings process of having the same contracting team that designs the project actually build the project.

In Utah, it is estimated that this approach will save half a billion dollars and cut construction time in half. The I–15 project will provide vital data to transportation policy makers, engineers, and state and federal departments of transportation as more states opt to use the "Design/Build" approach.

In addition to the challenges associated with the I–15 corridor project, Utah is a fast growing state that must make substantial improvements to accommodate not only its own rapid growth but also interstate commerce.

And, although some colleagues may think of Utah as being an essentially rural state with wide open spaces, Utahns face rush hour traffic gridlock that rivals the Washington Beltway.

The rate of population growth in Utah currently exceeds the national average by two to three times. Over the next two decades, the population in the Salt Lake Valley alone is expected to escalate to 1.3 million people, a 66% increase.

The area south of Salt Lake is becoming known as the new "Silicon Valley," home to Novell and other high tech employers. North of Salt Lake, the population of Davis and Weber Counties are expected to grow 55% and 37%, respectively. All together, the 100-mile corridor along the Wasatch Front will exceed 2 million by 2015.

Travel in the Salt Lake Area is projected to grow significantly over the next 20 years. Total trips will grow by 57%, from 7.25 million trip-ends per day to 11.4 million in 2015.

Vehicle-Miles Traveled (VMT) will grow even faster, from current level of 21 million to 34 million in 2015 or 62%.

Our dependence on mass transit is also increasing. Total daily transit ridership will be 128,000 by 2010—an increase of 103% over 1993.

All of this would be enough for Utahns to support prompt passage of the ISTEA reauthorization. But, in addition, Utah faces an important deadline for completion of key transportation projects. That deadline, of course, is the 2002 Winter Olympics, which Salt Lake City will host on behalf of all Americans.

During the 2002 Olympic Winter Games, more than 2 million tickets will be issued to 179 events, which will be spread over five city and five mountain venues, each within a 55 minute drive of the Olympic Village.

It goes without saying that the efficient—not to mention safe—transportation of athletes, their families and coaches, American and foreign press, volunteers and visitors from one place to another is crucial. And, we can't postpone critical construction and improvements. In Utah's climate, we have basically four construction seasons remaining to meet this deadline, and some of our road projects are necessarily going to have to be front-loaded into this time frame.

I know that I felt a sense of pride when the Olympic flag passed from Japan to the United States at the closing ceremonies in Nagano. Perhaps my colleagues noticed the banner carried by our U.S. athletes into the arena that said: "Thank you, Nagano! See you in Salt Lake!" You don't have to be a Utahan to want to show off our country.

I am confident that the bill before us provides the funding and the mechanism for Utah to meet its own transportation needs as well as to fulfill its obligation to our country as host of this prestigious international event.

Again, I want to commend and thank my colleagues for their fine work on this legislation. I am pleased to vote for final passage of S. 1173.

Mr. HOLLINGS. Mr. President, we come again to the highway bill and the question of fairness. Seven years ago I voted against passage of the highway bill, called "ISTEA," because it did not provide a fair share of funding to South Carolina. We were told we had a so-called "90% minimum allocation," but hindsight now shows that we received only 71 cents on the dollar.

I think we are on a better track today. The latest chart shows South Carolina getting 90 cents on the dollar for apportioned funds. I still do not believe that amount is fair, but it represents progress and I will keep working to improve on this amount. Also, "donor" states like South Carolina were told last week that the bill would provide a floor of 91 cents on the dollar, and we clearly do not have that guarantee in the bill yet. However, I appreciate the difficult job the managers of the bill have in balancing the many needs under this bill, and have tried to help them pass a fair bill in accords with the needs of my state.

Particularly, I have strongly supported putting increased gas tax funds into the Highway Trust Fund, and spending those funds on highways rather than non-transportation purposes. This is the right thing to do, it is good budget policy, and of course, it helps the managers of this bill provide an increased share of funding for "donor" states like South Carolina.

Again, I remain concerned that, while there was an indication last week that donor states would receive 91 cents back for each dollar contributed, donor states have not in reality been given this amount. And I stand by my support for legislation giving donor states a guarantee of 95 cents or higher. But I am pleased to see some progress on the issue of fairness and hope we can continue to work together to improve the bill.

Mr. SMITH of New Hampshire. Mr. President, I join the majority of my colleagues today in expressing strong support for the reauthorization of the Intermodal Surface Transportation Efficiency Act, otherwise known as "ISTEA." I was a proud supporter of this legislation in 1991 and continue to support its goals today.

While the acronym "ISTEA" is often joked about, it does share at least one quality of the popular summer drink—It is refreshing. ISTEA also represents a revolutionary change from past transportation legislation and a shift toward an integrated, intermodal transportation system to promote efficiency and economic growth. Some of its major provisions include: assurance that gas tax dollars are used for transportation purposes, greater planning authority for state and local governments, increased research for innovative technologies such as intelligent vehicle highway systems, and funding for environmental protection activities.

A reauthorized ISTEA should continue to recognize regional differences, but at the same time, recognize that our transportation system is a national system. Certainly, every state wants to get its "fair share," and we will need to balance each state's needs with the needs of the nation as a whole.

While there is some merit to having various funding programs to serve specific needs, it is important to me in the development of this legislation that we refrain from creating new funding categories or set-asides, and allow for maximum flexibility between the various programs. I also believe we should not be adding onerous mandates or sanctions on the states. I firmly believe that state governments are capable of protecting the health and safety of their citizens.

From New Hampshire's perspective, it is important to ensure that small states continue to receive adequate funding for their infrastructure needs. New Hampshire strongly supports certain programs, such as the Bridge Rehabilitation, Scenic Byway and Recreational Trail programs, that other states may not need as much. The strength of ISTEA is that it recognizes these varying needs and provides states with the flexibility to direct funding as they see appropriate.

There are many challenges before us as we operate in a balanced budget environment—something for which I have fought long and hard. Our needs will always outweigh our resources. But, we also have to recognize how critical our transportation system is to our economy and social well-being. While it is difficult to balance these frequently competing goals, I believe this bill strikes the right balance in providing an adequate amount of resources within the context of the balanced budget agreement reached last year.

There is one other subject that I want to touch on briefly, and that is the environmental review and permitting process. I believe S. 1173 makes good progress toward streamlining the environmental review process. However, I do not believe we have gone far enough in resolving this problem.

As it stands now, it takes as long as eight years to complete the planning and permitting phase of a highway project. This is simply too long and too wasteful of taxpayer dollars. We must take steps to shorten this process while still maintaining high environmental standards.

There are numerous examples from all regions of the country that show why the current system is broken. One of these examples is from my home state of New Hampshire. The Nashua Circumferential Highway project was in the planning and environmental review phase for more than 10 years and had received the necessary permits from the Corps of Engineers when, at the eleventh hour, EPA stepped in and exercised its veto authority. EPA vetoed the project even though a $31 million environmental mitigation package was committed by the state. A scaled back version of this project is finally back on the table. However, many years and a significant amount of resources were unnecessarily wasted. This is just one of many fiascoes that have occurred all over the country.

We need to bring some common sense and reason to the environmental permitting process. Unfortunately, there are certain groups who consider the National Environmental Policy Act, NEPA, to be sacred and untouchable. But, I am pleased to say that we have at least begun a debate on this issue and that a bipartisan effort to improve the environmental review process has taken place. While I think the language in S. 1173 represents a good first step, I still believe we could do more to streamline and improve the review process without circumventing protections for the environment.

In addition, I am pleased that the bill managers agreed to include my amendment to authorize a recycled materials research program at the University of New Hampshire, UNH. UNH has already begun extensive research into the use of secondary or recycled materials in transportation infrastructure. The data developed through the university's testing and demonstration of the feasibility of certain recycled materials in road building will be extremely valuable to state departments of transportation, the Federal Highway Administration, and the construction industry.

On balance I believe this is a good bill and deserves Senate approval. I look forward to swift action by the House on its ISTEA reauthorization bill, so we can get to conference and reach final agreement by the May 1 expiration date. Thank you, Mr. President, and I yield the floor.

AIR QUALITY STANDARDS

Mr. LOTT. Mr. President, I would like to commend my friend from Oklahoma for his leadership in educating me and my colleagues about the new air quality standards. Before we wrap up action on ISTEA, I would ask that he clarify a few issues regarding his amendment that was adopted earlier by the Senate.

Mr. INHOFE. I would be pleased to respond to the Majority Leader, and I would like to thank him for his assistance in getting this amendment adopted.

Mr. LOTT. I thank my friend from Oklahoma. It is my understanding that the amendment you offered would not affect any pending litigation, nor would it ratify the new standards. Is that a correct assessment of the savings clause?

Mr. INHOFE. That is correct, nothing in the amendment will affect pending lawsuits and nothing will affirm or ratify EPA's standards.

Mr. LOTT. On the day that the amendment was offered, the Senator from Oklahoma discussed a conversation he had with the EPA Administrator. I would appreciate a clarification of that conversation.

Mr. INHOFE. Mr. President, I am pleased that the Majority Leader raised this issue. I have seen press reports that have not accurately represented my conversation with Administrator Browner. During that conversation, I indicated that I had no plans to offer any additional clean air NAAQS legislation this year should the amendment be signed into law, barring any unforeseen circumstances. I did not indicate, however, that I would not offer clean air standards legislation after this year. I would not want to give up my right to legislate in the future and I did not do that.

Mr. LOTT. Thank you for that clarification. I appreciate the Senator's willingness to work with the EPA and other federal agencies, and agree that it is the prerogative of the Senate to decide how and when to legislate.

Mr. President, I appreciate the Senator's efforts and commend his success on this amendment. He has dedicated countless hours to this issue, both personally and in his subcommittee, and I thank him. I fully expect to see his clean air standards amendment—if not a stronger one—in the final bill reported from Conference.

GRAMM-GORTON AMENDMENT ON SECTION 1116(d)

Mr. GORTON. Mr. President, I rise today in support of the Gramm-Gorton amendment which modifies Section 1116(d), the Trade Corridor and Border Crossing Planning provision. This amendment will improve the criteria for receiving funds under this section and ensure that these funds are best utilized.

The U.S. economy depends on the efficient flow of goods, and the federal government has realized that bottle necks at U.S. ports are a national concern. The Ports of Seattle and Tacoma are the second largest load center in the United States, with more than 70 percent of their cargo traveling to or from points outside the Puget Sound region. Congestion around these ports can cause significant delays which are not acceptable in today's just-in time high-technology economy.

As a major gateway to Asia, Washington state serves as a major export and import hub for trans-Pacific trade. By 2015 Asia is expected to comprise 45% of the world population, and a significant amount of the goods traveling to and from this region will pass through Washington state ports, both land and sea. As the volume of trade grows, rail, truck, and air traffic will increase proportionally.

Mr. President, as anyone who has driven in the Puget Sound region will attest, it is no joy to travel the I-5 or I-405 during rush hour. While the Sound and Lake Washington add so much of the beauty to this unique region, they also form geographical barriers that limit transportation options. These two bodies of water necessitate narrow transportation corridors, much like a funnel, that create massive congestion problems. When you add in freight traffic of trucks and trains, you have a serious situation that requires a serious solution.

Local officials have recognized the severity of the transportation problems of the region and have developed the Freight Action Strategy for the Seattle-Tacoma Corridor (FAST Corridor) to address these needs. The FAST Corridor project identifies choke points from Everett to Tacoma that both hinder freight mobility and increase traffic congestion. Solutions to these problems will take a comprehensive effort encompassing federal, state, local, and private interests.

The region is prepared to address these problems, and is awaiting assistance at the federal level to meet the daunting challenge of improving freight mobility and automobile traffic. The explosive projected growth in the Northwest, coupled with pressing infrastructure needs can only be mitigated by this cooperative effort which I look forward to facilitating.

Mr. DEWINE. Mr. President, I would like to take a moment to commend the Chairman of the Environment and Public Works Committee, Senator CHAFEE, and Senators WARNER and BAUCUS for their work on this transportation reauthorization bill. It is not easy to balance the competing interests in this bill, but I believe the managers of this reauthorization bill have been fair and very accommodating. In short, they have done an excellent job in shepherding this bill through the Senate.

I would like to bring an issue that is very important to my fellow Ohioans who reside and work in Cuyahoga County to the attention of my friend from Rhode Island.

In late 1996, the Ohio Department of Transportation submitted a request to the Federal Highway Administration requesting funding approval for the Cuyahoga River Bridge project in Cleveland through the Congestion Mitigation/Air Quality (CMAQ) program. The project would reduce the volume of heavy industrial traffic in Cuyahoga County by nearly one million miles each year, reducing vehicle emissions and removing thousands of vehicles from crowded city streets. Consequently, construction of this bridge is very important to Northeast Ohio's efforts to remain in compliance with air quality standards. By removing large volumes of industrial traffic from city streets, construction of the bridge would also enhance safety and would save significant sums of money by reducing road maintenance costs to municipalities and the State of Ohio.

Unfortunately, FHWA was not able to approve CMAQ funding for construction of this bridge due to statutory restrictions. In a letter dated February 26, 1997, Jane Garvey, then Acting Administrator of FHWA, stated that, "Because the Cuyahoga River Bridge project involves the construction of a new two-lane bridge that, as proposed, will add capacity for single-occupant vehicles, it does not meet CMAQ criteria for eligibility." In other words, despite the obvious environmental benefits of having this bridge, CMAQ funds could not be used because it would add capacity for single-occupant vehicles.

Mr. President, this project is very important to Cleveland, Northeast Ohio, and the State of Ohio. I do not believe that, because it does not fall under a set of strict statutory restrictions, it should be abandoned. Last year, when the House Committee on Transportation and Infrastructure marked up its ISTEA reauthorization bill, the Committee included language that would allow the Cuyahoga River Bridge to be built using CMAQ funds. This project has broad support and FHWA does not object to the language.

I see my friend from Rhode Island on the floor and urge my colleague to accept the House language on this issue when this bill goes to Conference.

Mr. CHAFEE. I thank the Senator from Ohio for his statement. If this issue is in the House bill it will be before the conference committee.

METROPOLITAN PLANNING ORGANIZATION STATUS FOR THE LAKE TAHOE BASIN

Mr. REID. My colleague, Senator BRYAN, and I rise today to describe and elaborate on language that was accepted as an amendment to the Senate's reauthorization of the Intermodal Surface Transportation Efficiency Act.

Last week, our colleagues agreed to create a Metropolitan Planning Organization for the Lake Tahoe Basin between Nevada and California. In addition to being one of the most beautiful places on Earth, the Lake Tahoe Basin is also one of the most environmentally sensitive. Locals within the Basin, the Washoe Indian Tribe, and the State Governments of Nevada and California have long recognized the unique status of Lake Tahoe.

The Lake is the 3rd deepest in North America and the 10th deepest in the World. At its deepest point the Lake is 1,645 feet deep and averages about 1000 feet. Stretching 22 miles in length by 12 miles in width, the Lake has 72 miles of beautiful shore line that has beckoned millions of visitors over the years.

For years, the many competing interests in the Basin have found ways to work together to protect the famed water quality of the Lake. Environmentalists, small businessmen, resorts and gaming interests, and private property owners have all long recognized that Lake Tahoe is a national treasure and must be preserved.

The partnerships they have developed are unique and have proved the notion that it is not necessary to harm the economy to improve the environment. This has not been easy. The basin consists of 4 different counties and one city located in two different states. There are portions of three separate national forests in the basin. The largest property owner, by far, is the U.S. Forest Service, which owns over 70 percent of the land. With so many competing stakeholders, it is amazing that so much has been accomplished.

To assist in their efforts, Congress passed Public Law 96-551, the Lake Tahoe Bi-State Compact, which established a locally-based planning process for Nevada and California. This compact recognized the unique nature of Tahoe and requires the region to meet or exceed a multitude of stringent State and Federal transportation and air quality requirements.

Last summer, President Clinton hosted an environmental forum at Lake Tahoe to address the interrelated transportation, forest health, and water quality concerns that face the Basin. Transportation was identified as one of the key areas where improvements to infrastructure could also yield key environmental benefits.

To enhance the ability of the residents of the Tahoe Basin to solve these transportation problems, my colleagues Senator BRYAN, Senator BOXER and Senator FEINSTEIN and I have asked the other Members of the Senate to confer Metropolitan Planning Organization status on the basin. Our colleagues have graciously granted our request, so Senator BRYAN and I wanted to take several minutes to discuss what this status does (and does not mean) to Lake Tahoe.

Is it not true that Metropolitan Planning Organization status for Lake Tahoe is merely designed to enhance the ability of the community's within the basin to compete for Federal transportation planning funds?

Mr. BRYAN. The Senator is correct. As you have mentioned, the Lake Tahoe Basin consists of parts of two States, 4 counties, 3 national forests, and one city. However, as the Bi-State Compact recognizes, the basin has unique environmental needs that require the cooperation of all people and groups that own or manage property within the basin.

The ability to compete for and utilize federal transportation planning dollars will allow the basin to fulfill many of the goals identified in the basin's environmental improvement program.

Mr. REID. The Forest Service owns over 70 percent of the land within the basin. Doesn't it seem reasonable that the Federal land management agencies of the basin have a role in this new process?

Mr. BRYAN. I agree with the Senator. Our legislation addresses the fact that the Federal Government is the biggest property owner in the basin. As such, there is a need for Federal involvement in both the planning and program implementation of transportation projects at Lake Tahoe. Our amendment gives the basin access to both planning and program implementation funds for programs of federal land management agencies, such as the U.S. Forest Service.

President Clinton made it clear last summer that the U.S. Federal Government must fulfill its obligations within the Tahoe basin. Although this amendment does not include a seat on the MPO for the U.S. Department of Transportation, this provision would provide a role for U.S. DOT to assist in fulfilling these obligations by assisting the Federal land management agencies in preparation of transportation plans.

Mr. REID. What will be the Federal role on the MPO itself?

Mr. BRYAN. Our legislation makes it clear that there will be a representative of a Federal land management agency on the Lake Tahoe MPO. This is only reasonable.

Mr. REID. Our Nation's transportation laws and regulations and programs can be a bit complicated. What changes does this make to existing law or programs?

Mr. BRYAN. There should not be an impact. This MPO should not affect other program aspects under Title 23. The section we have written is designed to allow Tahoe to organize for transportation. There is no intent to change other policies of the Federal transportation program.

Mr. REID. I thank my colleague.

NATIONAL INTERMODAL SET-ASIDE PROGRAM

Mr. BREAUX. Thank you, Mr. President, for this opportunity to discuss with you and my distinguished colleague from Louisiana, Senator LANDRIEU, our proposal to establish a nationally-level set-aside program from the Federal highway trust fund to help states to finance certain types of nationally-significant intermodal projects, of which Louisiana has several.

We appreciate your consideration of our proposal, Mr. President, to set aside $100 million for the fiscal years 1998–2003 for obligation by the Secretary for intermodal projects. We want to continue working closely with you and other members on its behalf when the Senate and House go to conference on the surface transportation bill.

Congress acted wisely in the 1991 ISTEA by creating the National Highway System, NHS, which brought focus to intermodalism as part of the nation's surface transportation policy. In addition to the NHS account, funds from the Surface Transportation Program [STP] may be used by the States for intermodal projects. The use of NHS and STP funds for intermodal projects are left to the discretion of the States and intermodal projects are but one option available to them.

I also hope that funds authorized for the Trade Corridor and Border Crossing Planning and Infrastructure Program in S. 1173 will be available for use on intermodal projects in port areas and for transportation systems which connect to ports. Equal emphasis needs to be given in this program to intermodal projects in states such as Louisiana, where the combination of ports, waterways, roads, rail and airports constitute some of the finest examples of intermodalism on a national and international scale.

As helpful as these three programs have the potential to be under ISTEA II for nationally-significant intermodal projects, more funding is needed to help the states build them.

For example, the New Orleans Regional Intermodal Project brings together in a matter of a few square miles major rail, water, air and highway transportation centers. This project is designed to increase the transportation efficiency of the entire metropolitan area, including the Parishes of Orleans, Jefferson, St. Tammany, St. Bernard, and St. Charles.

The New Orleans Regional Intermodal Project represents a unique implementation program focused on closer integration of several highway, port, rail, and air facilities in the Earhart corridor, from the Tchoupitoulas port complex on the Mississippi River to the new air/cargo facilities at New Orleans International Airport.

This initiative is as important to the nation as it is to the New Orleans metropolitan area. Because of its geographic location, the area is the hub for several national cargo transportation systems. This relatively small area is the juncture point between several major north/south and east/west railroad lines; two major north/south and east/west interstate highways; a major international cargo and passenger airport; and two of the most significant waterway systems in the country, the Mississippi River and the Intracoastal Waterway.

When one combines the services and impact of the intermodal complexes at Baton Rouge and the Port of South of Louisiana at LaPlace, each of which should be considered for this type of funding, with those of the New Orleans regional complex, then the order of magnitude and impact truly is one of international as well as national significance.

In a similar manner, other Louisiana intermodal projects with national significance should be considered. These include: Much-needed improvements to Louisiana Highway 1, from the mammoth Port Fourchon area on the Gulf of Mexico to U.S. Highway 90, because of the major contribution this route is playing in the development of oil and gas fields in the Gulf; this intermodal complex is increasing the delivery of domestic energy supplies and strengthening national security by limiting national dependency on fuel imports; highways, waterways and pipelines make Port Fourchon one of the most important intermodal complexes in the nation today and Louisiana Highway 1 a major roadway which connects the Gulf of Mexico to other major intermodal systems via U.S. Highway 90; developments in the central and northwest Louisiana regions, which include the growing highway, port, rail, water and air complexes along the Red River, starting at the Caddo-Bossier Port, continuing to the Ports of Natchitoches and Alexandria, and finally linking with the Mississippi River; this link brings together goods and services from the Central and Midwestern United States to the water, rail, air and highway systems leading to and from the Mississippi River and its internationally-significant intermodal systems; Barksdale Air Force Base, located at the juncture of two major interstate systems in the Shreveport-Bossier City area of Louisiana, and home of the 8th Air Force, together with Ft. Polk, home of the Army's Joint Readiness Training Center, located at Leesville, Louisiana, are major military installations in the State. It is critical that strategic national defense installations such as these have the proper access and connections to transportation systems, including roads, rail and waterways, to respond effectively in time of need. An intermodal set-aside at the national level would be another means to help the States address the transportation system needs for these military installations.

It is hoped, Mr. President, that the type of fund we envision could also be used to provide additional funding for critical projects such as extending Interstate 49 in Louisiana, from its current southern terminus at Lafayette to New Orleans.

An extension of I–49 from Lafayette to New Orleans is much-needed from a national perspective because of the benefits it would bring by linking goods and services from the Central and Midwestern United States to the New Orleans region's intermodal complexes.

As important, the extension of I–49 from Lafayette to New Orleans would link the expanding energy industry at Port Fourchon and the trade from other ports along that route, such as the Ports of Iberia, West St. Mary, and Morgan City, to the New Orleans region's intermodal systems. Tying into that system, too, could be trade from the port at Abbeville, just south of Lafayette.

I–49 also connects with Interstate 10, a major interstate corridor which runs from Florida to California. In Louisiana, I–10 westbound from Lafayette has ports which connect directly or indirectly to it, such as the major Port of Lake Charles, and those at Cameron and Mermentau.

The full benefits of these surface transportation systems cannot be fully realized without an investment in the roadways and connectors that will allow true intermodalism. The Louisiana intermodal complexes and systems represent the best opportunity for this nation to leverage a small investment in infrastructure to gain major dividends in efficiency that will benefit our entire national economy.

Ms. LANDRIEU. Mr. President, by implementing such a program we will enhance our region's national economic competitiveness, especially in our natural resource sector which has been the backbone of our economy; contribute to the revitalization and growth of both suburban and central city business engaged in global trade; provide new opportunities for job creation throughout metropolitan and rural areas; and promote national efficiency. With hundreds of major navigable waterways, ports and rail systems throughout Louisiana, we are favored by many in the Midwest and Eastern United States as the gateway to the Southern Hemisphere. Louisiana is of vital importance to the United States as such a gateway and very supportive of additional federal funding to better connect their water, rail and transportation systems that are vital to enhancing international trading opportunities for our nation.

While I understand that the managers of S. 1173 will not include additional funding amendments in this bill, such as the one Senator BREAUX and I propose, I hope to work on this proposal with Senate leaders during conference with the House to promote intermodalism in those places where we can gain the greatest national benefit.

Mr. CHAFEE. Thank you Senator BREAUX and Senator LANDRIEU for bringing this proposal to our attention. Although we continue to face a significant challenge in providing funding for the complete range of national transportation needs, I will work with you and other Senators as this bill progresses to provide funding for those critical areas in which we can gain the greatest value for our public investment.

MARINE FERRY TRANSPORTATION

Mr. INOUYE. Mr. President, I would like to express my support for the amendment offered by Senator STEVENS to promote the use of marine ferry and high-speed marine ferry services. This amendment will help promote marine ferry transportation, a widely overlooked, but incredibly efficient sector of our public transportation system.

The marine ferry system of the United States is invaluable in meeting the transportation needs of our nation. As a Senator from an island state, I appreciate the need for passenger/vehicle ferry services. In general, marine ferries require minimal costs as compared to the costs of new infrastructure such as highways, bridges and tunnels.

In coastal urban centers, marine ferry service can provide low-cost, environmentally friendly transportation to areas suffering from congestion. For instance, the cost of additional roadways and bridges in the New York/New Jersey metropolitan area could be astronomical compared to the minimal costs of helping to establish a regular ferry route. In addition, in coastal urban centers the reduction of automobile use mitigates environmental air quality problems.

In rural coastal areas, such as the barrier islands of Maine, North Carolina, and Florida, marine ferries have been utilized as the sole source of transportation to connect coastal communities to the mainland. States like North Carolina utilize their state ferry system as an integral part of their hurricane disaster planning, when traffic can be congested during an evacuation. Ferries were used in the aftermath of the earthquakes in northern California to provide transportation across San Francisco Bay.

Marine ferry transportation can also provide benefits to inland states with marine barriers such as rivers or lakes. Many States have utilized marine ferries as low-cost alternatives to highway bridges or to circumvent large inland lakes. Again, this provides the lowest cost transportation alternative to the taxpayer.

In States such as Washington and Alaska, ferry transportation is vital and crucial to the population. These States have invested, with great success, in state-run marine ferry services, and have far-flung populations where highway road service is inefficient or in some cases impossible. Other States such as New York, New Jersey, and my own State of Hawaii, are exploring incentives to induce private ferry operations in order to fulfill certain transportation objectives.

This year I introduced S. 961, the Marine Ferry and High-Speed Marine Ferry Act. Senator STEVENS' amendment includes many of the provisions that were included in S. 941, and they will help us to fulfill our Nation's potential for both the continued use of traditional ferry services and to help develop potential use of high-speed marine technology.

In the early 1970s, Boeing Marine pioneered the development and construction of commercial passenger hydrofoils capable of operating at 45 knots. Boeing built 25 hydrofoils for high-speed use on the Hong Kong-Macau route before licensing production to Kawasaki Heavy Industries of Japan in the early 1980s, and by 1989, only one high-speed marine passenger/vehicle ferry of significant size was in operation.

The international and domestic high-speed marine passenger vessel market has recently seen a dramatic expansion, and currently over 60 high-speed marine passenger/vehicle ferries are in service or under construction. Fast ferries, until recently, have been primarily used in short sea services on protected routes, but recent advances in design and materials have allowed for the construction of larger vessels capable of being operated on longer open sea routes. These technologies are integral to the development of ferry service in the Hawaiian Islands, where we have rougher and more exposed sea routes. New technologies have also opened possibilities for high-speed cargo-carrying operations.

The United States has benefitted from a number of recent high-speed projects, and from the establishment of a shipyard specifically designed for high-speed marine passenger vessel construction. The Maritime Administration's 1996 Outlook for the U.S. Shipbuilding and Repair Industry indicates:

> New orders for ferries should also continue to provide work for the second-tier shipyards. The enactment of ISTEA continues to provide a significant boost to new ferry projects. In addition, MARAD has a Title XI application pending for the construction of two passenger/vehicle ferries for a foreign owner, valued at more than $171 million. Demand will come from continued promotion of states of ferries for use in their tourist industries, as well as in transportation/commuting, as an alternative to building infrastructure projects such as highways and bridges. The recent award of a $181 million contract to Todd Seattle for three 2,500-passenger ferries and the solicitation for proposals for two additional 350-passenger ferries by the State of Washington, is an added sign that the ferry industry is strong. On the private sector side, there is a demand for the deployment of high-speed, high-tech ferries in the passenger excursion industry.

The Stevens amendment will build on previous enactments aimed at promoting marine ferry operations. The bill would reauthorize section 1064 of ISTEA, at levels consistent with past years, to allow state-run ferry programs to apply for federal grants for the construction of ferries, and/or related ferry infrastructure.

The Stevens amendment would also require DOT to report on existing marine ferry operations and to make recommendations on areas that could benefit from future marine ferry operations, and directs DOT to meet with relevant state and local municipal planning agencies to discuss the marine ferry option to transportation planning. I think that municipal planners will be convinced that marine ferries can be the lowest cost alternatives available.

I am happy the amendment has been incorporated in the bill, and thank my colleagues for their support of marine ferry operations. For a relatively small investment, we can encourage state and private operations to address our pressing infrastructure demands.

RED RIVER TRADE CORRIDOR

Mr. CONRAD. Mr. President, my fellow senator from the State of North Dakota and I would like to engage the Ranking Member of the Committee on Environment and Public Works in a colloquy regarding the importance of the transportation infrastructure of our region and our states to inter-regional, national, and international trade.

Mr. President, we have followed with interest the development of S. 1173, the ISTEA II legislation. We have been especially interested in Section 1116, which provides planning and border project implementation grants to improve the movement of products and at international border crossings with Mexico and Canada, and along significant transportation trade corridors.

As you will recall, in 1994, Congress established the Northern Great Plains Rural Development Commission to develop a ten-year plan for the economic future of our region. One of the priorities of the Commission is developing a transportation strategy for the region. One important aspect of that strategy is the proposal to designate the Red River Trade Corridor—a multi-state corridor that includes Interstate 29 and Interstate 35—as an official national trade corridor under Section 1116.

We think it is wise to discuss our objective with the Committee so that our region is not overlooked when these corridors are selected—or in the event that the Committee makes recommendations for recognizing specific corridors.

Our objective is clear: if we in North Dakota and the rest of the Northern Great Plains are going to keep our rural communities and businesses thriving, we must have the transportation infrastructure necessary to reach local, regional, and international markets. We are at an important stage in our economic development. We are poised to take advantage of the new trade created by NAFTA, which places our region of the country within a new era as a geographical crossroads for international trade. The importance to the economy of our states cannot be overlooked. To take advantage of the benefits that can be derived from the changing global economy, our highway transportation infrastructure must be capable of serving those international trade and transportation needs.

Mr. BAUCUS. I appreciate the gentleman's comments and understand his concerns. The Committee is aware of the importance of the Northern Great Plains states, including North Dakota, in moving traffic from north to south, as well as from east to west. The cooperation among the states in the region and the work being done with the government of the neighboring province of Manitoba will be important in applying for grants in the trade corridor program in the bill.

Mr. DORGAN. Mr. President, I very much appreciate the Chairman's interest in the Red River Trade Corridor. As you know, I have long supported efforts to add value to the agricultural products produced by the farmers in my state and within the entire region. However, adding value is only one part of the picture. We must also ensure that the products can get to market, especially in light of the current era of international trade and consumer demand for fresher and higher-quality products. Giving our region the ability to develop a transportation infrastructure to improve the movement of products to market in a timely fashion, and to link infrastructure investment to international trade, is essential in order for our region to bring new opportunities to our farmers and rural communities.

If North Dakota and the region are to continue to benefit from new export opportunities, such as those offered by NAFTA, we must have the transportation infrastructure to deliver perishable, high-quality products.

Simply put, our goal is to make truck transportation across the United States faster, easier, and more cost-effective. But federal support for states and communities along the Red River Trade Corridor is essential to improve the infrastructure of the corridor and to streamline traffic across the United States and from the Canadian and Mexican borders.

Mr. BAUCUS. The Senator from North Dakota accurately notes the important link between export opportunities and an adequate transportation infrastructure. The development of the transportation infrastructure is crucial to ensure that export products from not only the Northern Great Plains region but also the nation—and our neighboring countries—are able to reach their destinations in an efficient manner.

Mr. CONRAD. We appreciate the interest of the Ranking Member in our request to provide an official designation to the Red River Trade Corridor. We look forward to working with them on this designation, which is critical to the future of our state and the Northern Great Plains region.

Mr. LEAHY. Mr. President, we have before the Senate one of the most important pieces of legislation that the Senate will consider this year, the

Intermodal Surface Transportation Efficiency Act of 1998, the so-called ISTEA II bill. The bill touches every American, from Vermont to Florida, from Washington State to Washington D.C. ISTEA II, with its transit and safety subtitles, will spend more than $215 billion over six years on our nation's highways, transit systems, and safety programs.

That is a lot of money, but it is sorely needed. The United States has the largest transportation system in the world—170,000 miles of National Highway System routes, 900,000 miles of other Federal-aid roads, and 3.7 million miles of public roads. Prior to 1991, our national priority had been on building the national Interstate system which had been under construction since 1957. Six years ago, thanks to the leadership of Senators MOYNIHAN and CHAFEE, this nation made a fundamental change in the way that it allocates its public investment in transportation. That change was based on the premises that local people understand local needs, that funding should be flexible, and that transportation should contribute to meeting national environmental and public health goals. In my estimation, ISTEA has been a resounding success.

The bill before the Senate will come to be known as ISTEA II. I want to commend the managers of the bill, Senators CHAFEE and BAUCUS, for crafting a landmark piece of legislation. This bill is good for the nation and good for my state of Vermont. It maintains and enhances our transportation commitments in ways that Vermonters will be proud of.

First of all, the bill maintains its flexibility. Vermont will retain full authority, in partnership with local governments, to decide an appropriate level of investment in roads, bridges, bicycle paths, and transit. One of the most important additions to this bill is a provision that will allow Vermont to spend its highway money on Amtrak capital improvements. Our small state has two successful Amtrak trains, both of which operate with assistance from the state. If this provision survives the conference committee with the House of Representatives, Vermont Amtrak service can be expanded to include even more communities. In western Vermont, our Ethan Allen train could be expanded to serve Bennington, Rutland, Middlebury, and Burlington.

The second goal that this bill will accomplish is that it strengthens ISTEA's commitment to the environment. There is increased funding for congestion mitigation, a new wetlands restoration pilot program, continued funding for recreational trails, and a greater than 25% increase in funds for bicycle transportation and pedestrian walkways.

Finally, this bill will bring more resources to Vermont. It will give Vermont a major boost in highway and transit funding, so we can better maintain our existing roads. We need the funds. For example 41% of Vermont's bridges are structurally deficient, the 11th worst rate in the nation. Today we get about $78 million in federal highway funds. Under the bill which we will pass today, Vermont will annually receive $118 million on average for the next six years.

Operating assistance for transit will increase from about $1.5 million annually to $1.8 million annually. A new $750 million trade corridor and border infrastructure program will result in enhancements at Vermont's border with Canada. A big reason for the increase for Vermont's funds is because, for the first time since 1993, every cent of the gasoline tax will be spent on roads. For the last six years, 4.3 cents of the gas tax have been dedicated to reduce the federal deficit. But with the federal budget in balance for the first time in 30 years, we can now spend those funds on badly needed transportation infrastructure.

We live in a competitive world, Mr. President. Many of our economic competitors pay their workforce much less than comparable workers here in the United States. Yet we often not only compete with the world, but we lead it in many industries. One of the big reasons why we compete and win is because we have a superior transportation infrastructure. Mr. President, this bill will modernize our infrastructure, while protecting the environment and giving Vermonters unprecedented choice in how to spend federal funds. I am proud to vote for the bill, and I hope that the Senate preserves as much of it as possible in conference.

MON VALLEY-FAYETTE EXPRESSWAY/SOUTHERN BELTWAY

Mr. SPECTER. Since the mid-1980's, I have worked with elected officials from Allegheny, Washington, and Fayette Counties, the Pennsylvania Turnpike Commission, and the Mon Valley Progress Council to obtain funds for the Mon Valley-Fayette Expressway and Southern Beltway project, which has tremendous economic development potential from West Virginia into Pittsburgh and to the Pittsburgh International Airport. The seven segments of the Expressway and the Beltway will cost $2.5 billion to complete ($1.8 billion Mon Valley-Fayette, $700 million Southern Beltway) and will include 92.5 miles of new toll road in the Pittsburgh region.

One of the more notable aspects of this project is that the Commonwealth of Pennsylvania has committed to providing $2 billion, or 80 percent, of the $2.5 billion, which is highly commendable and unusual.

While I recognize that you do not wish to earmark projects in the pending bill, or I would have proposed such an amendment, Mr. Chairman, I would welcome your assurance that in conference you will keep this project in mind as an example of a project that merits consideration.

Mr. CHAFEE. I want to assure the Senator from Pennsylvania that I am well aware of this project and his support for it. It certainly is commendable when a State will put up 80 percent of any highway project and I thank the Senator for his input, which will be helpful as we proceed to a conference with the House.

INCREASING THE ALLOCATIONS TO INDIAN RESERVATION ROADS

Mr. DOMENICI. Mr. President, most Indians today still live in poverty. This is reflected in a per capita income figure that is one-sixth to one-fifth the national average for the 10 largest Indian reservations. In simplest terms, most reservation Indians have one dollar of income for every five dollars of income available to average Americans.

On the Papago reservation in Arizona, the per capita income is $3,113 compared to $18,325 for all Americans (1990 Census). At Zuni Pueblo, the per capita income is $3,904 and at that Navajo reservation it is $3,735. These figures have changed only slightly since the 1990 Census.

Fifty-one percent of American Indians residing on reservations live below the poverty line; and unemployment averages 37%.

ISTEA has already helped tremendously to increase the accessibility of Indian people, but much remains to be done.

We can help accelerate the movement of Indian people into mainstream economic activities by improving their accessibility to better markets and better tourism opportunities.

ISTEA II, S. 1173, now authorizes a grand total of $173 billion for all programs over the six year life of the bill. This is a nominal increase of about 43 percent.

As passed by the Senate, S. 1173 funds the Indian Reservations Roads Program at $200 million for 1998 and $250 million per year for each of the following five years of the bill, from 1999 through 2003.

I am pleased that the Committee on Environment and Public Works has included $9 million annually (within the total $250 million) to allot to the repair and construction of Indian bridges.

The Domenici-Inouye-Bingaman amendment, as accepted by the Committee will add a total of $250 million over five years.

Our amendment brings the six year total IRR funds up to $1.450 billion from the current $1.200 billion prior to the Domenici amendment.

While our original IRR bill, S. 437, included road maintenance as an eligible activity, this amendment does not include road maintenance. We expect the BIA to continue to fund its road maintenance program, hopefully at higher levels than $25 million per year.

The Indian Reservation Road Program is directed to about 22,000 miles of BIA roads serving Indian lands. There is a total road mileage, counting BIA, state, federal, tribal, and county roads, of about 50,000 miles on our nation's Indian lands. The BIA is directly responsible for about 44% of this total road system serving Indian tribes. About 5% are tribal roads and the other half are other federal roads and state and county roads.

Within the BIA road system, 22,000 miles of roads, only 11% of the paved roads are rated as being in good condition. Of the unpaved roads, 90% are known to be in poor condition. None of the BIA unpaved roads are rated as being in good condition.

Since 1982, the Highway Trust Fund has been the primary source of funds for the design and construction of BIA roads serving Indian tribes. In the mid-1980's this funding was about $100 million per year; it fell to about $80 million per year in the late-1980's; and with the advent of ISTEA I, Indian Reservation Roads have been funded at $191 million per year.

Now that Welfare Reform is a reality, it is more imperative than ever to help create Indian reservation-based employment opportunities. ISTEA funding has become the primary source of road planning and construction in Indian Country.

In addition to direct employment opportunities, ISTEA funds provide an essential component of community infrastructure development. As observed in the Committee Report on S. 1173:

> Transportation provides the links between businesses, industries and consumers. The national economic benefits of a healthy and reliable Federal investment in transportation infrastructure are well documented.

The ability of new businesses to arise in Indian Country is seriously hindered by the current state of their road system. Health and education indicators are also well below national averages.

Today's Senate action to increase the Indian Reservation Road program by $50 million per year will add significantly to improving the accessibility of Indian reservations to the benefits of our national economy.

On the Navajo reservation, annual funding is likely to increase from about $55 million to over $65 million. On Pueblo lands in New Mexico, funding will increase from about $12 million to $15 million.

I am pleased that the full Senate preserved this important funding increase for Indian reservation roads to $250 million per year, from $200 million per year, as originally proposed by the Environment and Public Works Committee, and from $191 million per year under current law.

Another significant change in this legislation is the national priority system for Indian reservation bridges. Rather than allocate a small percentage of bridge funds from each of the fifty states for use within those states, we now have a single national Indian bridge program that will target the most deficient bridges for early repair or replacement.

I thank Chairman CHAFEE and Ranking Member BAUCUS for their assistance in adding significant funding for the Indian Reservation Road Program and creating a simpler Indian bridge program.

Mr. MOYNIHAN. Mr. President, I wish to salute my distinguished colleagues on the Environment and Public Works Committee, Chairman CHAFEE of Rhode Island, Senator BAUCUS of Montana, and Senator WARNER of Virginia, for their leadership and vision in crafting ISTEA II. I also wish to salute my fellow New Yorker, Senator D'AMATO and Senator SARBANES of Maryland, for their outstanding work on the transit title of this bill and the careful compromise they were able to fashion. Finally, I congratulate Senator ROTH of Delaware, for all his skill on crafting the tax title to ISTEA II.

In 1991, Congress developed the principles for the first highway bill to mark the post-Interstate era. That previous era had seen development of a nationwide, multi-lane, limited access highway system, as first envisioned at the General Motors Futurama exhibit at the 1939 World's Fair, and then funded by a dedicated tax proposed by President Eisenhower and approved by Congress in 1956.

Those principles were designed to address the fundamental imbalance in national transportation investment, and in so doing, promote intermodalism, improve mobility and access to jobs, protect the environment, increase participation by local communities, and enhance transportation safety.

ISTEA spurred the Federal government and the States to invest their transportation dollars in whatever modes were most efficient for moving people and goods and to solicit the input of local communities in planning those investments. The result was a dramatic increase in investment in maintenance and rehabilitation of existing roads and bridges, in mass transit, and in creative approaches to our transportation needs, from bicycle and pedestrian paths to ferry boats.

I am proud to see that the bill we will pass today is true to those principles, retaining ISTEA I's major environmental programs such as the Congestion Mitigation and Air Quality Program and the Transportation Enhancements Program, as well as creating a new innovative finance program that will help fund projects across the nation. This bill is good for New York, providing the State with over $14 billion in highway and transit funds over the next six years.

I also salute the EPW Committee for including a program to develop magnetic levitation projects in this country. Maglev was first conceived in 1960 by a young Brookhaven scientist, James Powell, as he sat mired in traffic on the Bronx-Whitestone Bridge. But it is the Germans and Japanese who are building it. It promises to be the most important development in transportation technology since the airplane and we must not be left behind.

I want to close with a word about mass transit. One of the most important things that ISTEA I accomplished was to begin the work of repairing the damage done to our cities by the Interstate Highway System. American cities were cruelly split, their character and geography changed forever, with interstate highways running through once-thriving working class neighborhoods from Newark to Detroit to Miami. Homes and jobs were dispersed to the outlying suburbs and beyond. The physical and economic damage is still with us today.

But our cities have used ISTEA funds to repair the damage where they could, using funds for transit—even bike and pedestrian paths—instead of more road building. Under the flexibility granted to them under ISTEA I, States transferred $3.6 billion from highways to transit, spurring improvements in transit systems all across the country.

This bill will continue a strong investment in transit, and improve and expand transit commuting benefits for employees. Mass transit is vital to the economic health of our cities, which remain the primary generators of wealth in the United States. Mass transit enables our cities to thrive by retaining their physical density, richness, and character. Without mass transit, urban life and culture disperse and eventually disappear, leaving all Americans poorer indeed.

Ms. MIKULSKI. Mr. President, I rise in support of final passage of S. 1173, the Intermodal Surface Transportation Efficiency Act. I support this bill because of its strategic importance to Maryland's eoonomy and the national economy.

To put it simply Mr. President, Maryland will receive more dollars for highways under this bill than it does now. Under this legislation, Maryland can expect to receive almost $400 million per year for its highway system and roughly $100 million for its transit needs.

That means better highways, byways, trains and buses for Marylanders

Maryland's interstate highways are among the busiest in the nation. Funding under this bill will help maintain our highways and help relieve the congestion that so many of our commuters face each day.

Highways and transit systems are the arteries for our economy. This legislation will help increase the capacity of our highways and transit systems, and will promote economic growth and job creation.

This bill also means more money for transit, to keep our buses, trains and subways in top form.

For Maryland, this means that our MARC trains, the Baltimore Metro, as well as our rural and suburban bus systems such as Montgomery County's Ride-On system will continue to receive the help they need to buy new equipment and expand capacity.

The ISTEA bill also maintains the important programs for our environment to reduce congestion and improve air quality.

It funds the development and construction of a state of the art Maglev system. Maryland is one of the states that has a Maglev project on the drawing board and could receive federal assistance to build the nation's first Maglev system. A Maglev line between Baltimore and Washington would reduce commuting time to less than 20 minutes between the two cities.

While I am pleased at the funding for highways, transit, environmental programs and Maglev, I am disappointed that this bill does not provide full federal funding for the replacement of the Woodrow Wilson Bridge.

The bill provides $900 million to replace the Wilson Bridge. This is substantially higher than the $400 million that was proposed by the U.S. Department of Transportation.

In my opinion, $900 million is a down payment. I am hopeful that funding and additional financing measures can be included as the legislation proceeds.

Maryland and Virginia cannot shoulder a majority of the cost for replacement of the Wilson Bridge. It is the responsibility of the federal government, not the states, to construct a suitable alternative to the current bridge. It is my hope that this will be resolved in conference with the House.

Despite my concerns over the Wilson Bridge, I believe this legislation will make major improvements to our nation's infrastructure, and Maryland's economy. That is why I support this legislation.

Mr. THURMOND. Mr. President, I rise to commend the Chairman of the Environment and Public Works Committee, Mr. CHAFEE, the ranking member, Mr. BAUCUS, and the Chairman of the Transportation Subcommittee, Mr. WARNER, for their skill and their hard work in moving this important legislation through the Senate.

Senator CHAFEE has been most courteous in his willingness to listen to the concerns of the donor states during the course of this debate. His efforts to assist us are sincerely appreciated. Mr. WARNER introduced the original bill that would ensure that donor states are protected from the devastating rates of return on their allocations that some of us have seen in the past. His determination and his diligence in this have also been noticed and are appreciated.

I will vote for this measure, but I do so reluctantly. The reason for my dissatisfaction is that under it, South Carolina remains a donor State and would receive only about 90% of its share of contributions back from the program. Many of my colleagues may wonder at the intensity with which we who represent so-called "donor states" approach this issue. South Carolina has sent, every year since the program began in 1956, more money to fund the highway needs of other states than have been sent back to us. The total loss, in the case of South Carolina, now stands at over $1 billion and will continue to rise. At first, this disparity was justifiable to build the Interstate Highway System across the nation, and our constituents accepted this willingly. There was always the expectation that when this good purpose was achieved, we would then be assisted with our own road needs. After all, we had to postpone tending to our own infrastructure while the Federal Government used the gasoline tax for priorities elsewhere.

However, every six years, with each subsequent highway bill, new justifications are brought forth as to why the needs of other states are greater than ours. Those justifications range from air pollution and aged infrastructure in the Northeast to the completion of the Appalachian Highway System. South Carolina has some roads in the Appalachian Highway System, but we do not consider those roads to be any more or less a priority over needs of others in the rest of our State simply because of that status. We never seem to receive the consideration we deserve.

All that we ask is that the system be fair. As it happens, not only is fairness in returning to States the same percent as they put into the fund the right thing to do, it is the most efficient system for financing our infrastructure. My colleagues may remember that in the ISTEA bill of 1991, we requested a study by the General Accounting Office on how we should distribute highway funds. The GAO issued that report in November 1995. Its major conclusion was that the amount of gas taxes paid locally is one of the most accurate indicators of where transportation is needed. This makes sense, of course. People should be able to expect the tax they pay to go to maintain the roads they are driving on. Unfortunately, this sensible proposal has been ignored and funds under this bill would be distributed for various political reasons and, apparently, for the main reason that this is the way we have always done it.

I support this bill as a first step in finally achieving fairness. It is my hope that our colleagues in the House and our colleagues who will sit on the Conference Committee can achieve greater equity.

Mr. GLENN. Mr. President, I rise today to express my strong support for the legislation to reauthorize the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991. In 1991, the Congress passed the first ISTEA bill. Upon its enactment, ISTEA revolutionized transportation funding in the United States. Prior to ISTEA, states like Ohio gave substantially more in support of the national highway system than we received in return. While we understood that the completion of the national highway system was a goal worthy of support, in 1991 that system was 95% complete. It was time to shift our priorities and our resources accordingly. As one of the largest of these so-called "donor states," I worked with my colleagues to enact a law that provided a better return on our transportation dollars, allowed flexibility for states and localities in determining transportation spending priorities, and that provided a record amount of funding for alternatives to highway transportation like transit, light rail, and pedestrian walkways.

The second step in this new transportation journey, ISTEA II reduces further the inequitable relationship between donor and donee states, streamlines programs to improve their efficiency, and increases the flexibility of states and localities in spending highway funds for alternate modes of transportation. Mr. President, the bill provides a record return for donor states, ensuring that Ohio and all donor states realize returns of 91 cents on every transportation dollar contributed to the Highway Trust Fund. For Ohio, that translates to $5.2 billion over six years, an average of $868.9 million a year. Nationally, ISTEA II authorizes the spending of $151.4 billion over six years, averaging $25.2 billion a year.

In addition to these formula funds, Ohio will receive $65 million per year over five years for the High Density Transportation Program, the Appalachian Development Highway System Program, and other programs important to our state.

The bill provides $41.3 billion for transit over five years, including $500 million for rural transit, $100 million for welfare to work funding and other programs essential to the efficient operation of urban and rural transit systems. In total, ISTEA II provides an increase in transit funding of $9.8 billion.

During ISTEA II's consideration, I cosponsored amendments that reduce the legal level of intoxication to .08 blood alcohol content (BAC) and that prohibit open containers of alcoholic beverages in automobiles. Their successful passage and implementation will assist law enforcement officials in reducing the all too real threat that drunk drivers pose to our families and friends. Mr. President, if one tragedy like those that have affected so many of us can be avoided, I believe these laws will have served their purpose.

In addition, I maintained my strong support for the enhancements provisions of this law. These enhancements provide states with much needed funds for historic preservation, bicycle trails, and pedestrian walkways. I cosponsored an amendment to provide $25 million a year for six years in annual appropriations for the preservation of historic covered bridges. Ohio has the second highest number of covered bridges in the United States. Of the 144 covered bridges in Ohio, 126 of these will be eligible for this funding.

ISTEA II continues other important programs like the Disadvantaged Business Enterprise (DBE) program, which provides opportunities for women and minority owned businesses to participate in the highway construction industry. In 1996, businesses owned by non-minority women in Ohio received $79.5 million and minority-owned Ohio firms received $74.4 million, representing 22.7% of the total contracting dollars awarded in Ohio. The DBE program enhances opportunities for all Ohioans and I am proud to lend my strong support.

Mr. President, an ancient Chinese proverb states that a journey of a thousand miles must begin with a single step. In the case of ISTEA II, the second step is just as important. ISTEA II is the logical next step in furthering our nation's transportation interests and priorities.

Mr. LEVIN. Mr. President, this bill is going to help the State of Michigan address crucial transportation needs. Our highway infrastructure and our transit systems desperately require the increased funding that this bill promises to deliver. We should celebrate that Congress is finally spending all or nearly all the gas tax money put into the Highway Trust Fund on transportation. This means somewhere between $250 million to $300 million more for Michigan.

However, this bill is a complex tangle of programs and funding. When the bill's managers sought to summarily add roughly $26 billion in new funding to the reported bill without sharing much information about how this would impact Michigan or the other donor states (states which pay more into the Highway Trust Fund than they receive out of it), I objected. As a Senator from a historical donor state, I saw no reason to rush to send more of Michigan's gas taxes out to other states. Then, when the Federal Highway Administration provided a chart showing Michigan's share of this new money was actually lower than our share in the reported bill, my objection was justified.

I and other donor state Senators met with the bill managers to encourage them to accept changes to the bill that would improve our return on taxes sent to the Trust Fund. We argued for equity and fairness. But, because of the way these bills are constructed, it is hard for any state to improve its standing without other states losing.

Then, the Majority Leader, as is his right and responsibility, sought unanimous consent to override germaneness requirements in order to adopt the tax and transit titles to the bill. I objected because I did not feel that Michigan had yet been adequately treated. We were certainly not at or above the so-called "91% guaranteed" return level, according to Federal Highway Administration charts. My objection slowed the bill down a little, but it gave me and other Senators, including Senator ABRAHAM, the time to work with the bill managers to fashion a more equitable bill.

The bill managers agreed to some further assistance for seven donor states, including Michigan, which we accepted and appreciated. And, I pushed a little more to get Michigan eligible for the new pot of money made available for the "high-density transportation program." These two efforts now should add about $20 million annually to our average annual expected allocation to about $842 million over the next six years.

That is the good news. More of the gas tax money being collected will be returning to the states for transportation purposes. Unfortunately, though more is being distributed, Michigan's return is not likely to improve by more than a few pennies on the gas tax dollar. In the last year of ISTEA, Michigan sent $631 million to the Highway Trust Fund account and got back $605 million. Under ISTEA II (average), Michigan will send $932 million to the Highway Trust Fund and receive back $842 million. So, although the overall pie has been increased by 39%, Michigan's slice has only increased by about 34%.

Mr. President, I am voting for this bill because it takes a few small steps on the long road toward fairness for Michigan. We fought hard for those steps. But, while Michigan is getting considerably more money, it will contribute more still into the Highway Trust Fund, leaving Michigan in a significant "donor state" status. I hope my colleagues in the House will be successful in their upcoming battle.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, at the outset, I congratulate my distinguished colleagues who have managed this bill, with special appreciation to Senator CHAFEE, Senator BAUCUS, Senator WARNER, Senator D'AMATO, and others. But in the final analysis, I feel constrained to vote against the bill because it reduces the share of federal highway funds for my State, the Commonwealth of Pennsylvania, under the formula. I will vote against the bill with reluctance, but I feel it important to register my disagreement, as will my distinguished colleague, Senator SANTORUM, with the hope that these disparities will be improved in conference.

While opposing the bill for specific reasons, which I shall enumerate, there are many portions of the bill which I believe are very sound indeed as I will describe shortly.

When one thinks of roads, highways, and bridges, one thinks of Pennsylvania. There are records of a public road in Philadelphia County dating back to 1696. Inspired by George Washington's own surveys as a means for western movement, one of the oldest highways in the nation is now U.S. Route 40 (the National Road), which passes through Somerset, Fayette, and Washington counties and was built between 1811 and 1818. And, the first privately built toll road, the Lancaster Pike, was constructed from 1792 to 1794.

Now, as Pennsylvania prepares to enter the 21st Century, this legislation is of critical importance to the Commonwealth because it now has nearly 119,000 miles of public highways, with 27,183 miles eligible for federal highway funding and over 23,000 bridges over 20 feet in length which are eligible for federal rehabilitation and replacement funds (and of which 40 percent are classified as structurally deficient or functionally obsolete based on federal bridge criteria).

There is much that is worthwhile in the ISTEA bill being considered by the Senate, including record levels of spending on highways and mass transit. Further, the bill contains funding for programs I support, such as the development of magnetic levitation transportation systems, innovative bridge research and development, and intelligent transportation systems.

Nonetheless, I am greatly troubled that the pending bill would reduce Pennsylvania's share of the total highway formula from the 4.32 percent share under the original ISTEA law (FY92–97) to 3.79 percent. In actual dollars, Pennsylvania averaged $890 million annually through the original ISTEA law (including earmarked projects), whereas the Environment and Public Works Committee reported bill only provided Pennsylvania with an annual average from FY98–2003 of $836 million, an average reduction of federal spending of $53 million, making my State one of only two States to lose funds under the bill's new formula (Massachusetts being the other). Further, according to the Pennsylvania Department of Transportation, and Secretary Brad Mallory, with whom I have discussed the pending legislation, S. 1173 puts Pennsylvania at a disadvantage because it folds the federal bridge program into a larger funding scheme and will result in less funding for rehabilitating our more than 23,000 bridges.

At a time when my travels throughout the Commonwealth suggest that there has never been a greater need to invest in Pennsylvania's roads, highways, and bridges this bill would undermine our ability to meet pressing needs in the 67 counties which comprise the Keystone State.

During the last few months, as the ISTEA bill was drafted, considered in Committee, and brought to the floor, much has been made about "donor" States, "donee" States, and concepts such as "minimum allocation." Senators from States which have felt aggrieved under previous formula allocations have instituted regional warfare and sought to prevent States such as Pennsylvania from retaining their share of spending from the Highway Trust Fund.

While I am sympathetic to any Senator's wish to maximize federal spending in his or her State, it is not logical to presume that there must be percentage equities involved in our nation's infrastructure spending. In our federal system, and with such a diverse nation, there will always be differences in how much the government provides. In Pennsylvania, we are fortunate not to have the kind of earthquakes which rock California and necessitate billions in Federal disaster assistance. Similarly, we do not begrudge the millions spent by the Federal government on Florida's efforts to restore the Everglades, or the federal tax credits which are designed to stimulate oil and gas production in Oklahoma and Texas.

As I noted in my letters with Senator SANTORUM to Chairman CHAFEE, Chairman WARNER, and Senator BAUCUS dated September 12, 1997, Pennsylvania's contribution to the Nation is often through its roads and highways, which serve a vital role in interstate commerce, connecting East and West, as well as North and South. For economic, environmental, and safety reasons, there is a tremendous need to rehabilitate Pennsylvania's highway system, and I am deeply concerned that the funding level envisioned in this bill is not adequate to the task.

Since the bill has been pending, it has been improved to some degree by the adoption of provisions designed to increase spending from the Highway Trust Fund. Initiated by the Byrd-Gramm amendment, which I cosponsored last Fall, this bipartisan effort to raise the highway funding levels in this bill met with some success. Particularly helpful was that the Byrd-Gramm amendment sought to increase funding for continued work on the Appalachian Regional Highway System, where Pennsylvania has the most miles of unfinished roads of any State included in the 13-State Appalachian region.

On paper, the pending bill as amended by Senator CHAFEE's amendment suggests that Pennsylvania would receive an average of $955 million annually in highway apportionments, up from the $836 million figure in the version of the ISTEA bill reported out of the Environment and Public Works Committee. However, the funds added by the Chafee amendment (based on the Byrd-Gramm amendment) are all dependent on how high an obligation ceiling is set each year by the Appropriations Committee. If the obligation ceiling on spending is not set high enough in the annual Transportation Appropriations bill, the figures anticipated by the Chafee bill will not materialize and Pennsylvania will be hardpressed to match the annual receipts from the original ISTEA formula.

I am hopeful that in conference, where we have Chairman BUD SHUSTER from Pennsylvania, the chair of the House authorizing committee, the formula allocation will be made more equitable for Pennsylvania. But in the interim, I believe that my vote necessarily should be cast against this bill.

Mr. President, while I have specified portions of the legislation that I am opposed to, I do want to acknowledge the significant increases for mass transportation where, through the leadership of Chairman D'AMATO of the Banking, Housing, and Urban Affairs Committee, some $5 billion has been added to the $36 billion already in the bill, which will facilitate to a number of very, very important mass transit projects.

Because this is a significant bill with many aspects worth commenting on, I wish to note a few of its highlights. First, I am very pleased that Chairman D'AMATO has shown such leadership in crafting a $41 billion reauthorization of federal transit programs, including $17 billion for discretionary grants overall of which nearly $8 billion will be for New Starts such as the Schuylkill Valley Metro from Philadelphia to Reading, the rehabilitation of the light rail system in Allegheny County, and possibly a light rail system in the Harrisburg-Carlisle area.

As a member of the Transportation Appropriations Subcommittee, and as the co-chair of the Senate Transit Coalition, I have worked hard for several years to increase funding on mass transit. Last July, I introduced my own transit reauthorization bill (S. 764), the Mass Transit Amendments Act of 1997, with Senators SANTORUM and LAUTENBERG to give the Banking Committee some idea of the bipartisan consensus for increased transit spending. Accordingly, I am very pleased that the Banking Committee title represents real increases in transit spending, particularly now that a bipartisan group of Senators succeeded in obtaining the additional $5 billion in negotiations with the Leadership and Budget Committee Chairman DOMENICI. Once the $24 billion was added for highways, it was imperative to increase transit's share as well, and I was pleased to join Senator D'AMATO, Senator SANTORUM, and 21 other Senators in a letter dated February 24 to the Republican and Democratic Leaders in which we called for the historic balance between highway and transit spending to be observed.

I am pleased that the Senate accepted by voice vote 2 days ago my amendment to establish a Reverse Commute Program as a discretionary grant administered by the Federal Transit Administration. Recently, I visited the Bala Cynwyd station, which would serve a proposed 62-mile light rail system running from the center of Philadelphia to Reading, PA, known as the Schuylkill Valley Metro. This project exemplifies the type of reverse commute system that is very important because it can take people who need jobs from the inner city to the suburbs where employers are in need of employees.

I had first proposed a Reverse Commute Program in S. 764 and believed that it was a worthwhile addition to the Banking Committee bill. My amendment, offered with Senators SANTORUM, MOSELEY-BRAUN and D'AMATO, authorized this new $100 million/year program and increased from $100 million to $150 million the authorization for the new access to jobs/welfare to work program in the bill. The Reverse Commute Program is designed to facilitate access to suburban job opportunities for residents of cities, small towns, and rural areas. That is where mass transit can be most effective and where there is a great need for the federal government to stimulate the transportation marketplace. I am hopeful that this program will be preserved in conference and look forward to working with my colleagues to ensure that the House accepts it.

The transit provisions also include a fix in the formula by which the fixed guideway modernization funds are allocated, so that Pittsburgh's system gets an incremental adjustment it has sought since the 1991 ISTEA law was enacted.

I am also pleased to note that this bill contains the text of legislation which Senator MOYNIHAN and I have cosponsored which will provide funding for the development of magnetic levitation, maglev, which has enormous potential to benefit the United States.

Recently, I visited a maglev trial run in Germany on a train which traveled about 250 miles an hour, a really exhilarating experience. Maglev could provide transportation, nonstop, from Philadelphia to Pittsburgh in 1 hour 30 minutes. In 2 hours 7 minutes, the train could go from Philadelphia to Pittsburgh and could make intermediate stops at Lancaster, Harrisburg, Altoona, Johnstown, Greensburg, and then a final destination in Pittsburgh, with enormous economic development for those communities. With a slightly increased timespan, it could go to the State College and Lewistown as well.

The cost of maglev, as represented to me, is about $20 million a mile, so a 300-mile run, approximately, from Philadelphia to Pittsburgh could be constructed at a cost of some $6 billion, which is not out of line when you consider the Los Angeles subway system is receiving a Federal allocation of some $3.1 billion of its $6 billion total cost. If we are to have economic expansion in the future, we do need to take care of the infrastructure. It ought to be noted that there are adequate funds to provide for this kind of funding in the highway trust fund, which has as its purpose highways, bridges and mass transit, to be used for that instead of being integrated into the overall budget to make the deficit look less problemsome.

I have worked with MAGLEV, Inc. in Pittsburgh since the mid-1980's to obtain federal support for that company's effort to research and develop a maglev system in Pennsylvania. Now, we are at the brink of a maglev age, I believe, with MAGLEV, Inc. looking into a 60-mile route from Greensburg, Pennsylvania through Pittsburgh to the International Airport as its first segment at an estimated cost of $1.3 billion.

Not only does maglev have the chance to revolutionize travel', it would mean billions of dollars in steel and construction materials and thousands of jobs for America's steelworkers and others who would fabricate the steel and concrete guideways.

This bill provides a total of $30 million in contract authority in FY99 and FY2000 for capital assistance for development of a maglev system selected after a careful review by the Transportation Secretary, and more than $900 million in authorizations of appropriations in the outyears. While I would have preferred more contract authority, given the difficulties of obtaining substantial appropriations, it is important that this transportation bill recognize that the future of transportation may well be maglev and it merits an investment at this time. This bill, therefore, represents a real breakthrough for the efforts of MAGLEV, Inc. in Pittsburgh and others who support this new technology.

I am pleased to note that the Senate accepted by voice vote my amendment, cosponsored by Senators MOYNIHAN and SANTORUM, to extend eligibility for federal funding assistance to the pre-construction planning activities associated with maglev projects in Pennsylvania and elsewhere. I intend to fight to retain this amendment in conference with the House of Representatives and to work with the Secretary of Transportation to ensure that these funds are made available expeditiously to qualified entities, such as Pittsburgh's MAGLEV, Inc., which are well on their way to bringing this technology from the drawing boards to reality.

It is also significant that the ISTEA bill includes a $100 million program for innovative bridge research and construction, which I sought with my colleagues on the Senate Steel Caucus in a letter to Chairman CHAFEE dated July 25, 1997. Our nation's bridges are rapidly deteriorating, presenting serious safety concerns to the traveling public and forcing restrictions on bridges unable to accommodate heavy vehicles. The need to invest more heavily in bridge infrastructure is clear, and this program will fund basic and applied research designed to develop innovative, cost-effective steel bridge applications to improve lifespan and performance, as well as fund field testing of this research.

As we consider the ISTEA II bill, I remain convinced that Congress needs to do more to spend the funds which have accumulated and will continue to accumulate in the Highway Trust Fund and the Mass Transit Account. In 1991, during consideration of the original ISTEA bill, I offered an amendment to take the transportation trust funds off-budget for the purpose of ensuring that all federal gas tax receipts are spent on transportation infrastructure and not used to mask the true size of the deficit. In June, 1991, my amendment was defeated by a 29–69 vote, failing to obtain the 60 votes needed to waive the limitations of the Budget Act. Perhaps that amendment was ahead of its time, given the more recent success of Congressman SHUSTER in lining up support for his off-budget proposal. I believe that when Americans pay at the pump, either as individuals or on behalf of businesses, there is an understanding that their fuel taxes will be spent on improving the roads and bridges on which they are driving and improving mass transit. Accordingly, I am hopeful that my colleagues will soon entertain a proposal to take the transportation trust funds off budget or, at the very least, ensure that prospectively every dollar which comes in is spent on improving our transportation infrastructure.

Among the positive elements of this bill which deserve commendation are the increases in funding for the Congestion Mitigation and Air Quality (CMAQ) improvement program by an average of 18 percent over current levels. These funds are available with substantial flexibility to the State to provide to communities for projects reducing traffic congestion, such as the Pittsburgh Airport Busway, a significant mass transit project undertaken by the Port Authority of Allegheny County which will have a positive impact on air pollution in that region.

I was pleased to cosponsor an amendment by Senator JEFFORDS which will establish a new grant program to preserve and rehabilitate our nation's historic covered bridges. In many parts of Pennsylvania, such as Berks County, covered bridges are tourist attractions which generate economic growth and necessary means of transportation for residents. Many are in substandard condition and these funds are intended to preserve this important element of our culture.

Mr. President, reauthorizing the 1991 ISTEA law also provides Congress an opportunity to single out vital highway and transit projects throughout the nation for special funding. There are many, many projects which deserve such consideration, and, as I did in my Senate Floor statement of June 18, 1991, I think it worthwhile to comment on a few in my State of Pennsylvania. I cannot cover them all, of course, in these remarks, but the following highway and transit projects are indicative of the needs we have across the Commonwealth for improved, safer roads and for new public transportation facilities.

EXAMPLES OF KEY PENNSYLVANIA HIGHWAY AND TRANSIT PROJECTS

Schuylkill Valley Metro—At a time when we need to do more to facilitate travel from downtown metropolitan areas to suburban job centers, I am pleased that the Southeastern Pennsylvania Transportation Authority (SEPTA) is working with the Berks Area Reading Transportation Authority (BARTA) to develop light rail or commuter rail service between Philadelphia and the Reading area. This project involves the construction of a 62-mile corridor between Philadelphia and Wyomissing, via Norristown, Phoenixville, Pottstown, and Reading. The new rail line would stop at 28 stations and serve an estimated 30,500 passengers/day if light rail, or 20,800 if commuter rail. I visited one of the proposed stations in Bala Cynwyd on March 2, 1998, and believe that the Schuylkill Valley Metro exemplifies the type of transit project for which the New Starts account was developed. Total project cost estimates are $720 million for light rail ($576 million federal share) and $403 million for commuter rail ($322.4 million federal share).

Frankford Transportation Center—On May 12, 1997, I joined Congressman ROBERT BORSKI at the site of the proposed Frankford Transportation Center, which is the final piece of SEPTA's Frankford Elevated Reconstruction project, the largest capital project in SEPTA's history. SEPTA seeks $112 million in federal funds for this $140 million project, which would include construction of a new transit center and parking facilities at the Bridge-Pratt Terminal and the realignment and rehabilitation of the elevated guideway between Dyre Avenue and Bridge Street. A new terminal will serve elevated, bus, and trackless trolley passengers, taking thousands of cars off Philadelphia's streets each day.

Route 309 Improvements/Montgomery County—For many years, there have been far too many accidents along Route 309 in suburban Montgomery County, particularly in the vicinity of the Fort Washington Interchange. Based on my recent visit in February, 1998, where Congressman JON FOX and I were briefed by the Pennsylvania Department of Transportation, I believe that we are now in a position to initiate and complete substantial improvements to 10.2 miles of Route 309 from Greenwood Avenue to Welsh Road during the five years covered by the ISTEA bill. PennDOT has already undertaken some preliminary engineering work and this $188 million project ($97 million federal share) would include pavement reconstruction, lengthening of acceleration and deceleration lanes, widened shoulders, replacement of signs and guide rails, and drainage improvements. As someone who travels regularly on Route 309, I urge my colleagues to designate this highway as a high priority for federal construction funds in this bill.

Interstate 95/Pennsylvania Turnpike Interchange—For those of us who live and travel extensively in the Philadelphia area, it is still hard to believe that there is no connection between Interstate 95 and the Pennsylvania Turnpike, two of the most significant highways in the Northeast. At long last, this legislation offers us the chance to construct an interchange, which will reduce congestion on local roadways, facilitate the movement of goods through Pennsylvania and New Jersey, and reduce motorist confusion when traveling from one of these roadways to the other. This $572 million project ($337 million federal share) would entail construction of a high-speed interchange, widening sections of the Turnpike and I-95 near the interchange from four to six lanes, modification of toll facilities, and increasing the capacity of the Delaware River Bridge through construction of a new parallel structure. On February 18, 1998, I joined Congressman JIM GREENWOOD in visiting the site of the proposed interchange and came away even more impressed than before by the need for funding this vital project in Bucks County.

Philadelphia International Airport—There are plans to construct a new $300 million international terminal at the Airport, which is expected to generate 3,000 jobs and more than $3 billion in economic activity. This project is critical to the Airport's emergence as a major international gateway, and I am hopeful that the final bill will include funds for roadway and ramp improvements involving Interstate 95 and local roads, which will cost an estimated $90 million.

Mon Valley-Fayette Expressway/Southern Beltway—Since the mid-1980's, I have worked with elected officials from Allegheny, Washington, and Fayette Counties, the Pennsylvania Turnpike Commission, and the Mon Valley Progress Council to obtain funds for this very important project, which has tremendous economic development potential from West Virginia into Pittsburgh and to the Pittsburgh International Airport. The seven segments of the Expressway and the Beltway will cost $2.5 billion to complete ($1.8 billion Mon Valley-Fayette, $700 million Southern Beltway) and will include 92.5 miles of new toll road in the Pittsburgh region. To date, $24 million in federal funds have been allocated for the entire project. Some of the segments have recently entered the initial construction phase, while others must still undergo environmental studies. In the economically depressed areas of Southwestern Pennsylvania, a highway project of this magnitude, linking Interstate highways in the region for commerce and tourism, will bring new opportunities for growth and economic expansion. Now, more than ever, Congress needs to recognize the potential of this project and provide the funding necessary to complete construction once and for all.

Allegheny County—Stage II Light Rail Transit—Allegheny County has made a real investment in mass transit in recent years, particularly on the Airport Busway/Wabash HOV project, which I have been pleased to support as a member of the Transportation Appropriations Subcommittee. The next significant undertaking by the Port Authority of Allegheny County is a project to reconstruct 12 miles of its 25 mile light rail system, including upgrading the Overbrook, Library, and Drake trolley lines to light rail standards, as well as the addition of 2,500 park and ride spaces and the acquisition of 27 new light rail vehicles. I met with local officials and the leadership of the Port Authority on February 20, 1998 at South Hills Junction and believe that this $493 million project ($394 million federal share) deserves full consideration for funding within the transit New Starts account. This is especially true when one notes that the Stage II project is expected to carry 25,000 riders daily by 2015 and thus remove 2,000 daily automobile trips from local roads.

North Shore Central Business District—City and regional planners in Pittsburgh have proposed the development of a complete transportation improvement package, including transit, roadway, pedestrian and parking that accommodates both the access and connectivity needs of existing activities in the district and the needs of several proposed development projects. Working with the Port Authority of Allegheny County, local economic development leaders believe that a fixed guideway transit system and intermodal facility is an essential part of any plan for this part of Pittsburgh. Initial estimates are that $190 million are needed for this project.

U.S. Route 219—"Continental One"—Another matter of great importance, from a safety and economic development perspective, is the effort to upgrade the U.S. Route 219 corridor throughout Pennsylvania as part of a long-term project to create the Continental One superhighway and NAFTA trade corridor from Canada to Mexico. Route 219 stretches 199 miles through Pennsylvania from Maryland to New York via Somerset, Cambria, Clearfield, Jefferson, Elk, and McKean Counties. The 1991 ISTEA law provided $89 million in federal funds for Route 219 projects, as I had urged in my Senate floor speech of June 18, 1991. Since then, I have met with the U.S. Route 219 International Trade and Travel Corridor Coalition in Washington and have spoken to local officials and countless Pennsylvanians who support improvements to Route 219 which are necessary to establishing a major trade corridor and generating substantial economic development in the region. Although the total price tag for upgrading the entire Route 219 corridor of $3.4 billion is too much to obtain in this one piece of legislation, I believe Congress should provide substantial funds for engineering and construction of high priority segments within the Route 219 corridor.

Wilkes-Barre Intermodal Transportation Center—I have been pleased to work for more than one year with Wilkes-Barre Mayor Tom McGroarty, who first proposed this to me and Congressman PAUL KANJORSKI in February, 1997. This $17.3 million transportation center ($13.8 million federal share) would coordinate multiple modes of transportation by combining a bus terminal for Luzerne County Transportation buses and inter-city buses, as well as a taxi loading area and a park-and-ride lot. Having visited the site in April, 1997 and in February, 1998, I am confident that the Center will increase downtown economic development by providing additional parking, improve safety by loading and unloading passengers in a designated area, and reduce traffic congestion by encouraging the use of mass transit. I was pleased to obtain $1.5 million for this project in the FY98 Transportation Appropriations Act for initial engineering and design work and believe that it merits designated funds in this ISTEA legislation.

Erie East Side Connector—In 1991, I was pleased to join with then-Congressman Tom Ridge in support of $7.5 million specifically included in the original ISTEA law for preliminary engineering and environmental impact statement for the Erie East Side Connector project. Construction of this project will cost $94 million and involves a new 4-lane highway to connect the Bayfront Parkway in the City of Erie to I-90 at Exit 9. This project has the support of Congressman PHIL ENGLISH and local officials because it will help stimulate economic growth on Erie's East side and represents a missing link in the region's transportation infrastructure.

Allentown American Parkway—This $35 million project involves a 1.6 miles controlled access, four-lane highway and new bridge connecting both the Allentown central business district and the riverfront area of the city to U.S. Route 22 and the Lehigh Valley International Airport. The goal would be to relieve congestion on the three existing river crossings and spur economic development in the area.

Pittston Airport Access Road—In August, 1997, I toured the site of this proposed $8.3 million project ($6.6 million federal share), which would create a new 1.6 mile access road connecting the main entrance of the Wilkes-Barre/Scranton International Airport to several commercial and industrial sites on airport land and on two industrial tracts southeast of the Airport. Both Congressman PAUL KANJORSKI and I agree that this project merits ISTEA funding because the benefits of building this road include reduced traffic congestion and improved public safety and the prevention of traffic accidents such as those that have occurred along several narrow and winding roads near the industrial development.

Lackawanna Valley Industrial Highway—Congressman MCDADE has been active in the House of Representatives in support of a $2.2 million project to construct a new ramp between Exits 56 and 57 on Interstate 81 in Lackawanna County as an extension of the $360 million Lackawanna Valley Industrial Highway project. The proposed on-off ramp will improve traffic conditions on I-81 and provide more direct access to the 180-acre Viewmont Mall/Viewmont Commerce Center and Dickson City Crossings. In addition, it will provide access to 450 acres of adjacent property. Local officials support the project because it will reduce traffic congestion and facilitate development at these commercial facilities, creating an estimated additional 1,700 full-time and part-time jobs in the area.

U.S. Route 222 (Berks County)—Throughout parts of Berks County, it is well-recognized that there is a need for improvements to U.S. Route 222, which are estimated to cost $195 million. In the 1991 ISTEA law, we were able to obtain $6.6 million for the Warren Street Bypass Extension North project, which is being used at present for construction that should be completed in November, 2000. Three other segments of U.S. Route 222 deserve consideration for special priority in this bill, including the Warren Street Bypass Extension South, Lancaster Pike Reconstruction (widening and reconstructing four miles of Route 222 from Grings Hill Road to the Berks/Lancaster County Line), and construction of a new interchange between Route 222 and State Route 183 in the City of Reading.

U.S. Route 30—Lancaster County is one of the fastest growing counties in population and economic growth throughout Pennsylvania and its infrastructure needs to keep up with increased demands. For several years, there has been an effort to improve Route 30, particularly for safety concerns. Specifically, the $86 million Route 30 Bypass multi-lane highway project will be the final connecting link across Southeastern and South Central Pennsylvania, with the "East" Section stretching from U.S. Route 222 to PA Route 340 in Manheim and East Lampeter Townships and the City of Lancaster, and the "West" Section stretching from PA Route 741 to PA Route 72 in East Hempfield and Manheim Townships and the City of Lancaster.

Williamsport-Lycoming County Airport Access Road—I have met regularly with representatives from Lycoming County and the City of Williamsport on their transportation needs, particularly for improvements in the vicinity of the Williamsport-Lycoming County Airport. In the House, Congressman MCDADE has sought an earmark for $12 million in federal funds toward the $15 million project cost to construct a new access road from Interstate-180 to the Airport. The primary objective is to improve access to the Airport (which is essential to its ability to grow as a regional transportation hub), provide development opportunities on lands adjacent to the Airport, and to coordinate these improvements with a levee system around the Borough of Montoursville to provide flood protection.

Mr. BYRD. Mr. President, passage of the Intermodal Surface Transportation Efficiency Act of 1997, signals a significant accomplishment for this session of the 105th Congress. In passing this comprehensive six-year surface transportation bill, the Senate makes two profoundly important statements to the American traveling public. First, we are telling the American public that we are intent on using the revenues that we collect at the gas pump, from the American highway user, on the purposes for which they were collected; namely, the maintenance, upkeep, and expansion of our national highway and transit systems. Second, we are telling the traveling public that we intend to reverse the federal government's chronic underinvestment in our national highway needs.

I want to take this opportunity to recount the major milestones of a multi-step process that brought us to this point where we will pass a highway bill calling for a full $173 billion of investment over the six years, 1998 through 2003. I also want to thank the many persons and organizations that have brought us to this point in time.

The Omnibus Budget Reconciliation Act of 1993 assessed a new 4.3 cents gas tax solely for the purposes of deficit reduction. This was the first time since the Highway Trust Fund had been established in 1956, that a permanent gas tax was put on the books for a purpose other than highway investment. In May of 1996, our former colleague, Senator Dole of Kansas, rekindled the debate on the appropriate use of the 4.3 cents-per-gallon gas tax. At that time, I signaled to my colleagues my intent to offer an amendment to transfer the 4.3 cent gas tax to the Highway Trust Fund so that it could be used for our ever-growing unmet needs in the area of highway construction and the maintenance of our nation's bridges. During the summer of 1996, at the behest of both the majority and the minority leaders, I deferred offering my amendment to transfer this tax into the Highway Trust Fund on two separate tax bills. Unfortunately, another opportunity to offer my amendment did not arise during the 104th Congress.

Last year, at the beginning of the 105th Congress, I found a strong ally for my efforts in my colleague, Senator GRAMM of Texas. During debate on the budget resolution last year, Senator GRAMM offered a sense of the Senate resolution supporting the transfer of the 4.3 cents-per-gallon gas tax from deficit reduction to the Highway Trust Fund, and the spending of that revenue on our highway construction needs. Senator GRAMM was joined by 81 of our colleagues in support of this resolution. Later that year, when the Finance Committee marked up the Taxpayer Relief Act of 1997, Senator GRAMM, a member of that committee, successfully included a provision transferring the 4.3 cents to the Highway Trust Fund. That provision became law with the enactment of the Taxpayer Relief Act in August of 1997.

In transferring this new revenue to the Highway Trust Fund, the Congress was presented with an opportunity to authorize and spend dramatically increased resources on our highway needs. There is no question that these funds are sorely needed. I have taken to the Floor numerous times over the past three years to remind my colleagues of the hundreds of thousands of miles of highways in the nation that are rated in poor or fair condition, and the thousands of bridges across our nation that are rated as structurally deficient or functionally obsolete. Unfortunately, the highway bill, as originally reported by the Environment and Public Works Committee, did not authorize one penny of this new revenue to be spent on our nation's highways and bridges. Indeed, under the funding levels reported by the Environment and Public Works Committee for the highway program, the unspent balance in the Highway Trust Fund (including both the highway and transit accounts), was expected to grow from $22.9 billion at the beginning of 1998 to more than $55 billion at the end of 2003, the end of the ISTEA II authorization period. Upon learning of this situation, I held several discussions on the subject with members of the Environment and Public Works Committee, including Chairman CHAFEE, and the Ranking Member, Senator BAUCUS. Following these discussions, I decided to prepare an amendment which would authorize the full amount of revenues going into the highway account of the Highway Trust Fund. Given the continuing deterioration of our nation's highways in all 50 states, and the growing volume of concern on the part of the nation's governors and state legislators, on the federal government's underinvestment in our infrastructure, I felt that it was essential that the Senate have an opportunity to vote on whether or not we mean what we say when we place highway tax revenues into the Highway Trust Fund.

I was first joined in the amendment by my colleague, Senator GRAMM. Shortly thereafter, our efforts were given a great boost when we were joined by Senator BAUCUS, the Ranking Member of the Surface Transportation Subcommittee, and Senator WARNER, the subcommittee's chairman. Despite substantial early opposition from certain Senators, including the Chairman of the full Environment and Public Works and Budget Committees, Senators GRAMM, BAUCUS, WARNER, and I diligently sought to obtain co-sponsors for our amendment. In total, we were able to secure an additional 50 co-sponsors, making a total of 54 co-sponsors for the Byrd/Gramm/Baucus/Warner amendment.

Our amendment authorized additional contract authority for highways over the period Fiscal Year 1999 through 2003, totaling $30.971 billion. That amount was the Congressional Budget Office's estimate of the revenue from this portion of the 4.3 cents gas tax that would be deposited into the highway account of the Highway Trust Fund over that five-year period. In January of this year, the Congressional Budget Office reestimated that five-year figure to a level of $27.41 billion, or a reduction of $3.561 billion from their earlier forecast.

At the end of last month, Mr. President, it appeared that a true battle was brewing. The Senate was divided into two camps—the camp of those that had joined with Senators BYRD, GRAMM, BAUCUS, and WARNER in support of authorizing the spending of the additional revenue to the Highway Trust Fund, and the opposition, led by Senators DOMINICI and CHAFEE, who opposed this approach. This division was causing a delay in Senate consideration of the ISTEA bill, a delay that made all Senators uncomfortable since we continue to face the May 1 deadline beyond which most states cannot obligate any federal aid highway funds absent a new authorization bill. At the end of last month, the Majority Leader, Senator LOTT, asked that all parties join him in his office for negotiations on this issue. While I must admit I was not inclined to negotiate in a manner that would cause us to abandon our principle of authorizing the spending of the Highway Trust Fund revenue, I, along with Senator GRAMM, Senator BAUCUS, and Senator WARNER, did join with the Majority Leader, and Senator CHAFEE, Senator DOMENICI and, at times, Senator D'AMATO to discuss the situation. After many days of back and forth, and the very adept moderating style of the Majority Leader, I was pleased that an agreement emerged that enabled us to add an amendment totaling 25.920 billion dollars to the highway bill. This amount represents 94 percent of CBO's most recent estimate of the revenue to the highway account, stemming from the 4.3 cents gas tax. I was especially pleased that, as part of these negotiations, Senator DOMENICI, Chairman of the Budget Committee, committed himself to finding the outlays through the budget resolution process to see to it that these funds will not just be authorized, but will also be spent through the annual appropriations process. Further, I appreciate the support of the agreement by the Distinguished Chairman of the Environment and Public Works Committee, Senator CHAFEE, as well as for his outstanding work in managing this complex bill over the several weeks that it has been before the Senate. I also wish to recognize the cooperation and support that I have received for many months on my amendment to this important legislation by our Distinguished Minority Leader Mr. DASCHLE. He joined as a cosponsor of the Byrd/Gramm/Baucus/Warner amendment early on and was a staunch advocate and supporter throughout.

On a matter that is of critical importance to this Senator, this amendment included $1.89 billion for the Appalachian Development Highway System. Coupled with the $300 million already in the committee bill for this system, total funding over the six-year ISTEA bill, for the Appalachian Highway System, will equal $2.19 billion, the full amount requested by the Administration in their ISTEA proposal.

I ask unanimous consent that Senator JEFFORDS be added as a cosponsor to amendment number 1397, the so-called Byrd/Gramm/Baucus/Warner amendment, to S. 1173.

The PRESIDING OFFICER. Without objection.

Mr. BYRD. That brings the total number of cosponsors to 54. Mr. President, I thank all cosponsors of our amendment who, in effect, were trying to force the government to live up to the commitment it made to the American people and require that money collected in gasoline taxes for the purpose of building roads actually be spent for that purpose. At various times over the course of the last several months, many of these cosponsors spoke on the Floor in an attempt to bring to the attention of the leadership the importance of bringing up the ISTEA II bill as expeditiously as possible, and I thank those members for their efforts.

In addition to the support of these cosponsors, we had outstanding support from a large number of outside organizations ranging from the American Automobile Association to the U.S. Chamber of Commerce. I wish to thank all of these organizations, without whose support it would have been impossible to have been successful in our efforts to not only bring the bill up as quickly as we were able to, but to have adopted the Environmental and Public Works Committee amendment, which provides some 94 percent of the contract authority proposed in the original Byrd/Gramm/Baucus/Warner amendment. Indicative of the support received by these organizations was a very strong statement given before the National Governors Association by the President and CEO of the American Automobile Association, Robert L. Darbelnet, in which he expressed strong support for the Byrd/Gramm/Baucus/Warner amendment.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of the 54 co-sponsors of the Byrd/Gramm/Baucus/Warner amendment, a list of the organizations which assisted in our efforts to bring the highway bill to the Floor in an expeditious manner, and the aforementioned statement by Mr. Darbelnet, President and CEO of the American Automobile Association.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CO-SPONSORS OF THE BYRD/GRAMM/BAUCUS/WARNER AMENDMENT

Senator Akaka, Senator Ashcroft, Senator Baucus, Senator Bingaman, Senator Breaux, Senator Brownback, Senator Bryan, Senator Bumpers, Senator Burns, Senator Byrd, Senator Campbell, Senator Cleland, Senator Conrad, Senator Coverdell, Senator Craig, Senator Daschle, Senator DeWine, Senator Dodd, Senator Dorgan, Senator Faircloth, Senator Feinstein, Senator Ford, Senator Glenn, Senator Gramm, Senator Grams, Senator Harkin, Senator Helms, Senator Hollings, Senator Hutchinson, Senator Hutchison, Senator Inhofe, Senator Inouye, Senator Jeffords, Senator Johnson, Senator Kempthorne, Senator Kennedy, Senator Kerrey, Senator Kerry, Senator Landrieu, Senator Leahy, Senator Levin, Senator Lieberman, Senator McCain, Senator McConnell, Senator Mikulski, Senator Nickles, Senator Reid, Senator Rockefeller, Senator Santorum, Senator Sessions, Senator

Shelby, Senator Specter, Senator Thomas, and Senator Warner.

Byrd/Gramm/Baucus/Warner Amendment Support Group Participants

American Automobile Association.

American Automobile Manufacturers Association.

American Consulting Engineers Council.

American Highway Users Alliance.

American Iron and Steel Institute.

American Petroleum Institute.

American Portland Cement Alliance.

American Road and Transportation Builders Association.

American Traffic Safety Services Association.

American Trucking Association.

Associated Builders and Contractors.

Associated Equipment Distributors.

Associated General Contractors.

Ashland Oil, Inc.

Carpenters Union.

Construction Industry Manufacturers Association.

Contech Construction Products Inc.

Donor State Industry Coalition.

Energy Absorption Systems Inc.

Equipment Manufacturers Institute.

International Union of Operating Engineers.

Keep America Moving.

Laborers' International Union of North America, AFL-CIO.

Motor Freight Carriers Association.

National Asphalt Pavement Association.

National Association of Home Builders.

National Association of Manufacturers.

National Association of Truck Stop Operators.

National Governors Association.

National Private Truck Council.

National Stone Association.

Recreation Vehicle Industry Association.

Service Station Dealers of America.

The Road Information Program.

Transportation Construction Coalition.

Transportation Intermediaries Association.

United Parcel Service.

U.S. Chamber of Commerce.

Vulcan Materials.

Robert L. Darbelnet, AAA President & CEO, National Governors Association, Committee on Economic Development and Commerce, Sunday, February 22, 1998—Washington, DC.

Governors, distinguished guests.

It is a pleasure to be here. And a privilege to address you on behalf of AAA's 40 million members.

American motorists depend on their cars to get them to and from work, the Little League game, the grocery store. Safe and efficient roads and bridges are high priorities to them. And they have been paying $30 billion a year in federal gasoline taxes to keep their roads in good repair.

The problem is that the government has been siphoning off $10 billion a year to create the illusion of a smaller deficit. AAA strongly supports a balanced budget, but not at the expense of essential public services.

Last year, AAA supported efforts to redirect 4.3 cents per gallon of the gasoline tax from deficit reduction to the Highway Trust Fund. While those efforts were successful, there is still no authority to invest that money in transportation.

That's why AAA is urging passage of the Byrd-Gramm-Warner-Baucus Amendment to the highway bill. We want that 4.3 cents per gallon invested in properly maintained roads and bridges that improve traffic safety and reduce congestion.

In June 1996, AAA launched a national campaign called "Crisis Ahead" to alert the country about the rapid deterioration of our highway and bridges. We said at that time that unless our citizens and government policymakers were moved to action, a national crisis would be inevitable.

Here we are nearly two years later and, unfortunately, the policy makers have not acted effectively. As a result, the crisis AAA predicted . . . may no longer be ahead. It may already be here.

The numbers tell a tragic story:

1. Almost 30% of all motor vehicle crashes are caused, at least in part, by poorly designed or maintained roads.

2. The number of people killed on our highways is rising—from 39,000 to 42,000 annually.

3. In fact, according to the Department of Transportation, someone in the United States dies in a motor vehicle crash every 13 minutes.

To understand why things are deteriorating, consider this gap:

Since 1960, vehicle miles traveled in this country jumped 234%.

The taxes motorists paid to fix highways shot up 155%.

But investment in our highway system plummeted 50%.

To sum the situation up: Motorists are paying more taxes to drive more vehicles more miles, over roads maintained with less money.

As a result: More than one-third of major U.S. roads are in poor to mediocre condition.

Almost a third of the nation's bridges are dilapidated, too narrow or too weak to safely carry traffic across them for much longer. The Woodrow Wilson Bridge here in Washington is a prime example.

Other consequences are more difficult to measure but are nonetheless real. Such as:

The downturn in a region's economy, as its businesses and jobs relocate to communities with better roads and less congestion.

Road rage and aggressive driving.

Deaths and injuries that might have been prevented by guard rails, wider lanes or better lighting.

A study by the AAA Foundation for Traffic Safety—a copy of which you should have in front of you—outlines the safety benefits we can achieve if we invest our transportation resources wisely.

For example:

By increasing lane width one foot, we can reduce crashes by 12%.

Removing hazards within 10 feet of a road would reduce these types of crashes by 25%.

Removing hazards that are within 20 feet would reduce crashes by 44%.

Every dollar we spend making these improvements on lower-grade roads actually produces a savings of nearly $3. In my view, that's a wise investment.

Allowing federal gas tax dollars to accumulate in the Highway Trust Fund is NOT a wise investment. It may look like a savings on paper but, in reality, it merely shifts expenses to other areas of the economy:

It pushes up the cost of insurance.

It pushes up the cost of health care.

It pushes up the cost of doing business.

And it delays the inevitable time when road and bridge work—not done today—will HAVE to be done anyway. But at that point, the work will not only be more urgent, it will be much more costly.

Fortunately, there are obvious solutions

First, we must get the ISTEA bill on the floor for debate and action—now. Further delay will only make matters worse.

And second, we should invest every penny in the Highway Trust Fund the way American motorists intended when they passed the gasoline tax—to keep our transportation system running safely and efficiently.

We're not talking about paving over the nation with new roads. We're talking about maintaining and improving the ones we've got. Preventing further deterioration. Making roads safer.

AAA is proud to lend the voices of its 40 million members in support of the governors and the Coalition for TRUST in their mission to increase the transportation investment.

Our goal is to ensure safety and freedom of mobility for this generation and generations to come.

In addition to improving roads and saving lives . . .

Spending the trust fund as it was intended will produce two beneficial side effects:

1. American motorists will get what they're paying for. That's all they want. And . . .

2. Congress and the Administration will protect one of their greatest assets. I'm not referring to the transportation infrastructure. I'm referring to the trust of the American people.

The money has been collected for transportation.

It shouldn't be highjacked.

Mr. BYRD. Mr. President, in addition to thanking these many groups, I also deeply appreciate the efforts of the staffs of the principal co-sponsors of our amendment. They include Steve McMillin of Senator GRAMM's staff, Tom Sliter and Kathy Ruffalo of Senator BAUCUS' staff, Ann Loomis and Ellen Stein of Senator WARNER's staff, and Jim English and Peter Rogoff of my own staff. Also, the majority leader's staff, namely Keith Hennessey and Carl Biersack, deserve great credit for their efforts toward reaching a consensus on the critical funding agreement to this bill. Finally, I also thank the individuals at the Federal Highway Administration, who have toiled diligently outside of the limelight, in bringing this bill to closure. They include Jack Basso in Secretary Slater's office, as well as Bud Wright, Patty Doersch, and Bruce Swindford, at the Federal Highway Administration. Their assistance was instrumental in providing data and technical assistance in development of the Byrd/Gramm/Baucus/Warner Amendment, as well as for the underlying committee bill.

This is a bill, of which I am proud, and of which all Senators should be proud, and for which I urge all Senators to vote aye.

Mr. WARNER. Mr. President, I think the silence indicates assent that will soon be given, in perhaps three-quarters of an hour's time, to this momentous piece of legislation. My rough calculations are that over the next 5 years it will be in the area of $215 billion, well spent—well spent—on America's transportation infrastructure. I thank, again, my distinguished colleague from Montana, who has been a partner throughout this effort.

I think this silence reflects the credit we may be owed for working on this bill together with Senator CHAFEE, who will be back momentarily.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I am pleased that the Senate will soon favorably conclude action on S. 1173, the Intermodal Surface Transportation Efficiency Act of 1998, or ISTEA II.

ISTEA II is a 6-year bill that reauthorizes our nation's highway construction, highway safety and research programs. As reported from the Committee on Environment and Public Works, it provides $171.3 billion over 6 years.

Our funding level of $171.3 billion is 36 percent greater than the $120 billion funding level provided in ISTEA I.

Our funding level of $171.3 billion exceeds the funding level of $135 billion proposed in the Administration's NEXTEA bill.

Mr. President, along with my strong working partner, Senator BAUCUS, I have worked for higher funding levels for our nation's surface transportation programs. Last year, I joined the efforts of Senators BYRD and GRAMM to increase the spending for highway programs.

I am pleased that our final bill invests some $214 billion in our nation's transportation infrastructure.

I am grateful to the Majority Leader who gave great assistance in our efforts to include more money for our surface transportation needs. Clearly, the additional funds allowed us to get to this point today. This increase in funding moved us one step closer to completion of this matter prior to our May 1 deadline.

Our state and local transportation partners deserve nothing less. Due to the significant length of time required to plan and design any transportation project—an average of 7 years—our states must be able to efficiently respond to transportation demands.

Mr. President, this bill is one that the full Senate can be proud to support as balanced and fair.

Those are the two principles that guided my efforts in the drafting of this bill.

I am well aware that every Senator may not be entirely pleased with this bill. I am convinced, however, that overall we bring to the Senate a bill—that addresses the mobility demands of the American people and the growing freight movements of American goods; that will continue to ensure America's competitiveness in a "one-world" market; and, that, for the first time, provides a fair and equitable return to every state based on the amount of funds we spend.

Every state will be guaranteed 91 percent of the funds we spend based on each state's contributions to the Highway Trust Fund.

This legislation represents the results of hard fought negotiations between Chairman CHAFEE, Senator BAUCUS and myself.

I want to thank both Senators for their leadership, and all the members of the Committee for their contributions, in developing a compromise that represents a balance among the 50 states.

This legislation is the product of months of spirited discussions.

It is a compromise that addresses the unique transportation needs in the different regions of the country—the congestion demands of the growing South and Southwest, the aging infrastructure needs of the Northeast, and the national transportation needs of the rural West.

In putting together this bipartisan and comprehensive measure, great care was taken to preserve fundamental principles of ISTEA I that worked well.

ISTEA II upholds and strengthens ISTEA'S laudable goals of mobility, intermodalism, efficiency and program flexibility.

We were committed to continuing those hallmarks of ISTEA which have proven to be successful and are strongly supported by our state and local transportation partners, including—ensuring that our transportation programs contribute to and are compatible with our national commitment to protect our environment; building upon the shared decision-making between the Federal state and local governments; and ensuring that the public continues to participate fully in the transportation planning process.

Mr. President, perhaps the most critical issue that the Committee addressed in this legislation is the development of equitable funding formulas.

ISTEA I failed to distribute funding to our states based on current data that measures the extent, use and condition of our transportation system. ISTEA I apportioned funds to the States based on each State's historical share of funds received in 1987.

As we prepare for the transportation challenges of the 21st century, reforms to the funding formulas were long overdue.

This legislation uses indicators that measure the current needs of our transportation system. Many of the factors used to distribute funds are consistent with the alternatives identified in GAO's 1995 report entitled, "Highway Funding, Alternatives for Distributing Federal Funds."

These indicators are standard measurements of lane miles which represent the extent of the system in a state, vehicle miles traveled which represent the extent of congestion, and structural and capacity deficiencies of our nation's bridges.

Using current measurements of our transportation system were called for in every major reauthorization bill introduced this session—including the Administration's NEXTEA bill, STEP-21, STARS 2000, and ISTEA Works.

In revising these funding formulas, I believe we have made significant progress in addressing one of the major shortfalls of ISTEA—namely, providing every state a fair return based on their contributions to the Highway Trust Fund.

Our bill today ensures fairness. Every state will receive a minimum guarantee of 91 percent of the funds apportioned to the states.

This guarantee is very different from the so-called 90 percent Minimum Allocation in ISTEA I.

The Minimum Guarantee is applied to 100 percent of apportioned funds—those funds sent to the states.

Second, the Minimum Guarantee calculation is reformed so that the percent guarantee is actually achieved. We all know that ISTEA I gave many states less than 90 percent because it did not include all the funds that were distributed to states.

I am also pleased to report that ISTEA makes great progress in consolidating and streamlining the program.

Under ISTEA I there are 5 major program categories. Under ISTEA II, those program categories have been consolidated into 3 major programs—the Interstate and National Highway System program, the Surface Transportation Program, and the Congestion Mitigation and Air Quality program.

Under ISTEA I there are 5 apportionment adjustments—most of them designed to address concerns of donor states—that have not worked. ISTEA II provides for two simple adjustments. One, for donor states and small states to provide them a minimum share of funding. The second, to provide a transition for states based on part of their ISTEA funding.

The Committee bill also includes many revisions to Federal highway procedures to streamline the complex process of Federal reviews of state projects.

It is my very strong hope that these provisions will enable our states to improve project delivery—the time it takes for a project to move from design to construction to completion.

Today, it takes on average 7 years to complete a project. We must provide our states with the tools to do better. I believe many provisions in this bill will free them from Federal redtape which has delayed many projects.

Mr. President, those are some of the important highlights of the Committee bill.

Before concluding my remarks, I must also recognize the significant contributions of the Secretary of Transportation, Rodney Slater. As the former Administrator of the Federal Highway Administration, Secretary Slater brought a great deal of personal knowledge and expertise to our efforts. Throughout our efforts to draft this legislation and to devise the funding formulas, we were highly dependent on the expertise of the many dedicated professionals at the Federal Highway Administration. I want to particularly recognize Jack Basso, Patty Doersch, Bud Wright, Tom Weeks, Roger Mingo and Bruce Swinford.

Again, I want to commend Chairman CHAFEE and Senator BAUCUS for their leadership bridging the many different views on this bill. I believe this is a good bill that deserves the strong support of the Senate.

Mr. President, I have just had the unique opportunity here on the floor to recognize the presence of the chairman of the House Committee on Transportation, Mr. SHUSTER, who came over to consult with me and indicate that the Speaker of the House has established a task force of the leadership of the House and the task force has been moving; that he anticipates that he will have a bill ready, hopefully passed April 1, first recognizing that during the course of the month of May, we can complete a conference and send a bill to the President, perhaps complete it before the 1st of May. That is a key deadline for so many States.

I certainly thank the many Governors throughout the United States who have come in individually in their own quiet way to consult with the leadership of the Senate and the leadership of the Transportation Committee on an absolute, imperative need that legislation be in place in that May timeframe to enable them to do this important work.

Mr. President, I am happy to yield the floor, and I note on the floor the distinguished chairman, Mr. CHAFEE. I again thank him for all his leadership and work. He was not on the floor when so many Senators came to compliment him in his capacity as chairman of the committee. We just wish to thank him. He is a very humble man in many respects, but his firm leadership will enable us to, in a few moments, pass this piece of legislation.

Mr. CHAFEE. Mr. President, I shall enthusiastically read the RECORD tomorrow to find out about all these fine comments. I want to take this opportunity before he leaves the floor to thank my good friend, the chairman of the subcommittee that dealt with this legislation. He gave us such a hand on the floor. We had a few problems to start with, but they were soon eliminated, and we charged on.

Mr. WARNER. Mr. President, those were a few funding problems, goals for funding.

Mr. CHAFEE. Those were taken care of, and we were able to charge on to this successful conclusion.

Mr. WARNER. I am sure the chairman shares the views about Senator BAUCUS.

Mr. CHAFEE. I was just about to say, Senator BAUCUS is not here, but I thank Senator BAUCUS for the wonderful work he did. We worked as a team. We went over the amendments we were going to accept. If there was a problem, he cleared them rapidly with those on his side of the aisle so we could ascertain where the problems were and attempt to work them out. It has been a splendid relationship.

I will say, that applies to every member of our committee. It is a committee that, indeed, does work together. It is a committee that reported this bill out not once, but twice, 18–0. Every single member of the committee voted for it. I thank every member of the committee, whether they are Democrat or Republican, for the wonderful cooperation they have given.

Mr. WARNER. Mr. President, I am sure the Senator shares the view on the leadership given by Senator LOTT and also Senator DASCHLE. There were many times for their decisive hands and decisions, which only they could make.

Mr. CHAFEE. That is correct, Mr. President. The majority leader sat in with us when we were negotiating a resolution to some of the problems. The leader of the minority, Senator DASCHLE, has been extremely cooperative. I salute both of them.

Also, Mr. President, like all cases, we could not ever have done this bill with all its complexities without the splendid staff—Jimmy Powell and Dan Corbett and Ann and everyone else who worked so hard in connection with resolving this. The same goes for Tom Sliter and others on the Democratic side. I thank the staff. They should feel very, very proud of what they have accomplished.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Chair notes the leadership of two distinguished former Secretaries of the Navy.

Mr. WARNER. Mr. President, we thank the Presiding Officer for that.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I am delighted and, indeed, grateful that the Senate is about to conclude action on ISTEA II. I congratulate my colleagues for wrapping up this effort with such alacrity, rescuing us from a Saturday or even Sunday session, as the majority leader pointed out. He—and I agreed with him—was determined we were going to finish this bill, and we are finishing it way ahead of the outlying time.

We have before us a very fine piece of legislation of which we can all be proud. It will truly bring our Nation's transportation system into the 21st century. It will do so with an unprecedented increase in funding, $214 billion over 6 years, for all surface transportation programs. That is the highway plus the transit money.

That includes $171 billion for highways. This increase represents the Senate's understanding of the breadth of the needs of our infrastructure and our commitment to meeting these needs.

One year ago, the Senate was very divided on the issue of how ISTEA II should look. Within the Committee on Environment and Public Works, of which I have the privilege of being chairman, we had not one, not two, but three very different proposals on what to do with this legislation, how to proceed, how to make the allotments amongst the various States. All of these proposals had merit, and the duty was to try to coalesce them into one unified plan. And we did so.

Once ISTEA II reached the Senate floor, we had to address even more complex issues, such as funding, affirmative action, penalties on drunk driving, not to mention the countless highway- and transportation-related concerns which are inherent in this legislation.

When it was enacted in 1991, ISTEA I transformed transportation policy in this Nation, what was once simply a highway program—if you had more requirements, you built more roads; needed more lanes, go ahead and build them. But the purpose of this national transportation program is not simply to build more roads; it is to move people and goods as efficiently, swiftly and safely as possible.

I pay tribute to the splendid leadership that was given to us on that splendid legislation when it came out of the Environment Committee, on the floor and in the conference. Senator PATRICK MOYNIHAN from New York gave us that leadership. I am pleased that ISTEA II perpetuates the critical central ideals of ISTEA I passed in 1991—flexibility and efficiency and intermodalism.

We ironed out in ISTEA II some of the problems that were apparent under ISTEA I. With the passage of ISTEA II, transportation policy will be even more responsive to the challenges of the new century.

It contains provisions that address the infrastructure challenges of the new millennium, the new period we are going into. This legislation will endure into the first several years of that new millennium.

There are exciting technological advances that are made in this legislation and innovative financing mechanisms. It redoubles our Nation's already strong commitment to the environmental health of our people and their safety. There are important measures that strengthen each of these areas.

In the bill before us, we recognize we must reach out and be creative. First of all, ISTEA includes a number of innovative ways to finance transportation projects. It establishes a Federal credit assistance program for surface transportation. This new program leverages limited Federal funds by allowing up to a $10.6 billion Federal line of credit for transportation projects, at a cost to the Federal budget of just over half a billion dollars—$500 million.

The bill expands and simplifies the State Infrastructure Bank Program to enable States to make the most of their transportation dollars. It includes a new program that will make it easier for the private sector to participate in financing transportation infrastructure. So that is the first big step—innovative financing.

The second step recognizes the important role technology plays in an efficient transportation system. Transportation technologies offer a wide array of benefits. They relieve traffic congestion if you can spend money on coordinating your traffic lights, for example, not just building more lanes, but move the same amount of traffic or increase the amount of traffic in the same lanes in a swifter and safer fashion. That is what the technology innovations do. We strengthen the intelligent transportation systems, so-called ITS programs, which were established in the original ISTEA. We provide technologies that have new options to address safety and capacity concerns.

Third, the bill before us significantly reforms ISTEA funding formulas. Now we are into the formula business. To balance the diverse regional needs of the Nation, we address the inequities that came about under ISTEA I. The bill before us addresses the tremendous infrastructure needs and terrible congestion problems of densely populated States such as California, New Jersey, and Illinois. And it strengthens the programs tailored to rural expanses in Federal lands in the West.

Fourth, we provide real flexibility to localities and States and make the program easier to administer. In ISTEA I, there were five program categories. We reduce that to three, and that includes more than 20 improvements to reduce red tape. As valuable as transportation is to society, there is no question but these new roads and the automobiles and trucks that are on them have taken a tremendous toll on our Nation's air, land, and water. I am proud that ISTEA II builds on the original ISTEA efforts to preserve and protect the environment.

In addition, what we do is to concentrate on the safety of drivers and passengers. In the United States, these figures are really shocking. More than 40,000 highway deaths occur every year. And just as troublesome and worrisome as that is, there are 3.5 million automobile crashes that occur each year. These do not—these do not—every one result in fatalities, obviously, but from these crashes come people who are terribly injured. And these injuries, in frequent cases, are detrimental to these individuals throughout the rest of their lives.

ISTEA II provides several provisions to reverse this trend of 40,000 deaths a year. We increase the funds devoted to highway safety, and we include incentives for States to increase safety belt use in their States. We encourage the States to pass legislation dealing with seatbelts and to police that requirement, and we do this by not a stick, not by punishing them if they fail to do it, but by a carrot, in giving them increased moneys if they pass such legislation and enforce it.

I am pleased that during floor consideration of the bill the Senate increased its commitment to safety by adopting tougher drunk driving standards.

I want to extend my heartfelt thanks to Senators WARNER and BAUCUS. I previously mentioned both of them, but I want to repeat that. They are my distinguished comanagers of floor action on ISTEA II. Always, it is a pleasure to work with each of them. My gratitude goes as well to Senators MCCAIN and HOLLINGS, chairman and ranking member of the Commerce Committee; Senators D'AMATO and SARBANES, chairman and ranking member of the Banking Committee; Senators ROTH and MOYNIHAN, chairman and ranking member of the Finance Committee, for their efforts on the portions of ISTEA which were within their jurisdiction.

Finally, I want to thank the majority and minority leaders, Senators LOTT and DASCHLE, for their skillful work in bringing this bill to such a fine conclusion.

I also thank the staff for their hard work and diligence. From my staff, I wish to thank Dan Corbett, Jimmie Powell, Linda Jordan, Abigail Kinnison, Cheryle Tucker, Bob Greenawalt, and Amy Dunathan.

Mr. President, this legislation is very complicated. Nearly every Senator here has an amendment. And they bring them up to us, as is proper, for consideration. And they want an answer: "Are you going to accept this amendment? If you are not willing to accept it, can we make changes to make it palatable to all concerned? Are you going to reject it so we have to go to a vote?" It puts a tremendous burden on the staff, and they try—and in this case have succeeded—to give swift answers to the proponents of each amendment. We had some 500-plus amendments that were submitted in connection with this legislation. All of them had to be looked at.

I want to recognize the tireless efforts of Ann Loomis and Ellen Stein from Senator WARNER's staff, and Kathy Ruffalo and Tom Sliter from Senator BAUCUS' office, and Janine Johnson from the Senate legislative counsel's office.

Last but not least, Mr. President, I extend my appreciation to a number of individuals from the Federal Highway Administration who have been with our staff on the weekends and well past midnight working on this legislation—Patty Doersch, Tom Weeks, Roger Mingo, Deidra Goodman, Bud Wright and his staff. Also, I want to thank the Secretary of Transportation, Secretary Rodney Slater, for his cooperation. And we have had the assistance of the head of the Federal Highway Administration, Gen. Kenneth Wykle, whom we consulted with several times in connection with this legislation. They are always within a phone's reach, both he and the Secretary. And they have been very valuable.

So, in conclusion, Mr. President, I urge all my colleagues to cast a resounding "yea" vote in favor of S. 1173.

I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Are we under an order whereby I cannot speak at this point, or may I speak before the vote?

The PRESIDING OFFICER. The Senator may speak.

Mr. DOMENICI. I don't want to use the rest of the time. Are we scheduled to vote at 2:15?

The PRESIDING OFFICER. At 2:15.

Mr. DOMENICI. I note the presence on the floor of a number of Senators with whom I have worked diligently to try to get this bill accomplished. I am very proud of the result.

Let me suggest, however, that I now hear rumors coming from, it seems, the direction of the House, that we have not done enough. Well, that may be one thing in terms of how many demonstration projects we have to do. I assume we will go through that general ritual, and who knows where the wheel of fortune—we see that every night at 6:30 or 7 o'clock—will land, who will win, and who gets all the goodies. Somebody, obviously.

I hear, in addition to that, that there is some thought we ought to go further, that we ought to take the entire trust fund off budget. Let me suggest to my friends in the Senate, obviously, I have little or no impact, I assume, on the House at this point on that issue. Frankly, I thought we engaged in good faith in a way to get us through this transition of 4 or 5 years when we have caps we have to comply with. I have committed to try to do that in a way that doesn't decimate domestic programs that are within that cap.

Frankly, if somebody wants to go much further and take the entire program off budget, then I don't know how we will meet those caps, for they take with it the few billion dollars in reserves that have accumulated, that are in the unified budget. They are mostly interest payments that have accrued over time. I thought we made a very, very, honest effort to find a way to get through. Those caps are applicable for only 3 more years—after the one that is the prime year in this bill, only 3 years after that—and then they are not there anymore and we all have some work to do. It is not just highways. We have to pay for the National Institutes of Health. We have to pay for education. These programs compete with them. I have said let's compete with them and let's try to find offsets. I submit, to make that job almost impossible would be the result if you took this in conference and took it all off budget.

Frankly, I don't know that I can do any more than say that and say I hope the Senators won't, in conference, agree to any such thing. I hope that it is left as it is and you make whatever accommodations you have to make and this program will live to be seen and heard from another day, as will the trust fund. I don't believe we can spend much more than we are planning here. I think we ought to leave it alone.

I urge my fellow Senators, with whom I have worked very hard, try to see that is the result coming out of conference.

I yield the floor.

Mr. CHAFEE. Mr. President, as the chairman of the Budget Committee well knows, I am always opposed to taking these programs off budget. That is my position, and that is the position we will take going into conference. We have been treated very well by the Budget Committee in connection with this legislation. The Budget chairman has assumed some very onerous burdens to find the money for us to come up with this program. Certainly I don't think the answer is to take this trust fund off budget.

Mr. DOMENICI. I thank the Senators for listening.

Mr. CHAFEE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, the yeas and nays have not been ordered on the committee amendment, have they?

The PRESIDING OFFICER. That's correct.

Mr. CHAFEE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the modified committee amendment in the nature of a substitute (amendment No. 1676), as amended. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 96, nays 4, as follows:

The result was announced—yeas 96, nays 4, as follows:

[Rollcall Vote No. 30 Leg.]

YEAS—96

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—4

Feingold
Kohl
Santorum
Specter

The amendment (No. 1676), as amended, was agreed to.

The PRESIDING OFFICER. The bill will be read a third time and returned to the calendar.

The bill (S. 1173), as amended, was read the third time.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, I know that congratulations have already been extended to the managers of this very important ISTEA bill. But I want to join again in expressing my appreciation for the leadership of the Senator from Rhode Island.

Mr. BYRD. Mr. President, could we have order in the Chamber?

The PRESIDING OFFICER. The Senate will be in order.

The distinguished majority leader.

Mr. LOTT. Mr. President, thank you.

Mr. President, the Senator from Rhode Island, Mr. CHAFEE, did an outstanding job in managing this legislation. I think it is quite an achievement that actually in about 9 days we were able to get this bill through the Senate. There were some bumps along the way, but we were able to work them out without acrimony or regional bias. I think really they did a magnificent job. The Senator from Montana, Senator BAUCUS, worked very closely with the chairman of the committee, but it took cooperation with Senator WARNER of the subcommittee, and Senator GRAMM was involved in some key negotiations, and obviously Senator BYRD, who always provides direction and leadership that is very important.

To all the members of the committee, I thank you for this. I think the Senate has really provided leadership and given a marker to our colleagues on the other side of the Capitol to take up this important legislation, get it to conference, and get it agreed to by May 1, when the extension will expire.

So I think this was certainly a good couple of weeks' work, and I thank the Senate for its cooperation. This can be an example, I hope, of what we can do on other bills, how we can work together and work out problems that appear to be insurmountable. If we had taken this legislation up the first week we were back, it would probably have been a lot messier and we might not have come to the good result that we have fashioned here in this bill. So thanks to one and all. I appreciate it very much.

I mentioned Senator BAUCUS. He has certainly been a very important part of this.

Would the distinguished Democratic leader like to comment at this point?

Mr. DASCHLE. Mr. President, I share the view expressed just now by the majority leader. Certainly, our chairs and ranking members have done an outstanding job. I especially want to commend the dean of the Senate, our former majority leader, ROBERT BYRD, and his colleague, PHIL GRAMM, and others who had so much to do with making this possible.

This has been an effort that will have extraordinary consequences for years to come, both in terms of infrastructure and an array of different questions that we have to address. This has been an issue that Senator BYRD has instructed and educated the Senate about for many, many months. It was his leadership and diligence, along with Senator CHAFEE and BAUCUS and Senator WARNER and so many others, that brought us to the successful conclusion that we have now achieved.

I commend them. I thank them. And I hope we can use this as a real model for other pieces of legislation that may come before the Senate this year.

I yield the floor.

Several Senators addressed the Chair.

Mr. LOTT. Mr. President, I am prepared now to move to a unanimous consent request with regard to the China human rights issue. I will yield to the Senator from Montana if he would like to make some further comment on the highway surface transportation bill.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I would like to thank a group that has not been thanked yet. That is the Department of Transportation—Secretary Slater, Mort Downey, Kenneth Wykle, and others at DOT who I note are in the gallery. They are watching these proceedings. They have been a very integral part of the passage of this bill. We have gone to the Department of Transportation many times to get data, to get their assistance. I want to thank not only Senators and staff but also the Department of Transportation for their assistance.

Mr. WARNER. Mr. President, I have paid compliments to some who have worked on this bill. I want to add the name of Lee Brown.

Lee Brown has the current title of assistant editor of morning business, and he is soon to be, I am told, elevated to the position of editor. Now, those who watch the floor proceedings of the Senate on occasion see Mr. Brown, in his usual quiet manner, come up and take from a Senator a document which he has asked unanimous consent to have placed in the RECORD. Lee Brown and his associates in this Institution somehow find where to put it in the RECORD, match it up with the statement, and get it correct. That is not an easy job.

So I want to express my appreciation to Mr. Brown for his effective work and efforts on this bill, which has had a very significant amount of inserts.

RESOLUTION ON THE PEOPLE'S REPUBLIC OF CHINA

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of calendar No. 325, S. Res. 187, and that the resolution be considered under the following limitations: That there be 1 hour for debate on the resolution and preamble, with no amendments or motions in order thereto, with the time divided as follows: Senator GRAMS controlling 20 minutes and Senator MACK controlling 10 minutes, Senator WELLSTONE controlling 30 minutes, or their designees; and, upon the use or yielding back of time, the Senate proceed to a vote on the adoption of the resolution, and, if the resolution is adopted, the preamble be agreed to, with the above occurring without intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I yield the floor. Senators then can proceed under the time agreement that we have entered into.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 187) expressing the sense of the Senate regarding the human rights situation in the People's Republic of China.

The Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Mr. President, before I begin my remarks, I want to thank the Members of the Senate for their cooperation in this effort. Senator WELLSTONE and I have been attempting to get this resolution to the floor for some time now, but because of the cooperation of Chairman HELMS and many others, we have now worked our way through to the point where we, in fact, could bring this resolution to the floor and, hopefully, within not too long a period of time have agreement on this resolution.

My resolution, introduced with Senator WELLSTONE and 11 other Senators, urges the President to take all action necessary to introduce and pass a resolution at the annual meeting of the U.N. Human Rights Commission critical of the human rights abuses in China and Tibet. I hope the President will take note and take action. This resolution passed out of the Foreign Relations Committee yesterday by a vote of 16 to 1. Again, I express my appreciation to Senators WELLSTONE, HELMS, THOMAS, LUGAR, COVERDELL, FEINGOLD, HAGEL, BIDEN, and a number of others. With this action, the committee voiced its strong support for the passage of this resolution unamended.

Now I would like to state five points as to why we should pass the resolution now.

First, we know that offering and debating this resolution at the annual U.N. Human Rights Commission in Geneva advances human rights in China and Tibet. We know that in past years the Government in Beijing has made gestures towards improving human rights just prior to the annual Human Rights Commission consideration of a China resolution.

We know from testimony by Wei Jingsheng, Harry Wu, and many other political prisoners, that conditions for political prisoners improve when the resolution is being debated and they deteriorate when the resolve of the United States weakens. Again, I learned this not just from testimony before committees but I learned it from personal experiences and discussion with both Mr. Wei Jingsheng and Mr. Harry Wu, who actually told us they could tell the rhythm, if you will, of what was going on in the world by the way they were treated in prison in China. They knew, when things were slackened, that there was resolve in the world to take China to task over its human rights violations. And they knew as well, when they were in difficult times and experiencing tremendous abuse, that the world had turned its back on those who found themselves in prison in China.

Mr. President, we know our approach to China must include public and private actions and must encompass trade, national security, and human rights. This Commission is uniquely suited to be the forum for the world to express disapproval of human rights violations in China and in Tibet.

Finally, we know the United States assessment of human rights in China and Tibet, according to the State Department, is abysmal by any standard. The United States must state plainly and clearly our objection to Beijing's denial of basic freedoms to the people of China and to Tibet.

Mr. President, at this point I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I know the Chair, Senator HUTCHINSON of Arkansas, wishes to speak. I will be brief. I am anxious to hear from him.

Let me, first of all, thank Senator MACK. I have really enjoyed working with him on this. I think it is extremely important.

Sometimes when you speak on the floor of the Senate, you do not know whether or not what you are doing is going to crucially affect the lives of people. You hope it will. This resolution does.

I had a chance to meet with Wei Jingsheng last week, and I have met with a number of other courageous men and women from China, and they all have said the same thing.

Mr. President, could I have order in the Chamber?

The PRESIDING OFFICER (Mr. MACK). We are debating a very important resolution. The Senate will be in order.

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, if the Senator from Arkansas is ready, I am pleased to yield time to the Senator from Arkansas. I ask my colleague, will 10 minutes be all right?

Mr. HUTCHINSON. Ten minutes will be sufficient.

The PRESIDING OFFICER. The Senator from Arkansas

Mr. HUTCHINSON. I thank the Senator from Minnesota for yielding time.

Mr. President, for the last 4 years this Congress has been engaged in an intense debate on this country's trade relationship with the People's Republic of China. On the one side of this debate are those who view the abhorrent and declining human rights conditions in China as a cause for revoking the special trade treatment currently given to Chinese-produced goods. On the other side of this debate are those who view free trade as a paramount virtue and believe linking trade with human rights is an inappropriate foundation on which to build our national trade policy. Last month, the two sides of this debate came colliding together in one chilling event, the indictment and arrest of two Chinese "businessmen" for trade in human body parts harvested from executed prisoners in the People's Republic of China.

Trade and human rights, delinked by our Government, were unalterably linked together by this tragic event last month. This arrest, more than any other event, brings the human rights crisis in China to the feet of those kneeling at the altar of free trade. No longer can free traders, the Chinese Government, or this administration turn a blind eye to the gruesome conditions now prevalent in the People's Republic of China. In matters related to trade with China, we must now move beyond the issue of trade deficits and move on to the issue of moral deficits. In particular, this country and this Congress must strongly reconsider the moral basis of our special trade relationship with this repressive regime.

The history leading up to last month's arrest is telling. For years, human rights organizations charged that the Chinese Government was at the center of an international market in human organs harvested from Chinese prisoners. The Chinese Government denied these reports, charging that these accusations were malicious and conspiratorial and outrageous. They totally rejected the charges.

Then, in 1994, the British Broadcasting Company, the BBC, aired a documentary detailing its evidence concerning China's trade in body parts. Again China issued a strong denial. Representative CHRIS SMITH held a hearing on this issue in 1996. The Chinese Government again stood firm in its denials.

Then, last year, confronted with hidden video captured by ABC's "Prime Time Live" documenting an actual transaction of a kidney, complete with footage of the military hospital in China used to harvest the organs and of a U.S. business which operated a kidney dialysis unit in China to facilitate the transaction, even in spite of this, China stood ever stronger in its adamant denial.

When I visited China in January of this year, when I raised this issue, once again it was dismissed out of hand as being a fabrication of the opponents of China.

The Chinese policy of lies and denials and distortions relating to its involvement in the marketing of human body parts may work well in the court of public opinion, but it will fail, I believe, in the court of law. With the arrest of Wang Cheng Yong and Fu Xingqi, the Chinese Government and its sympathizers will have to rethink their party line. More important, this Government will have to rethink the credence it gives to the word of the Chinese Government and its spokesmen. It is now certain that, in China, the judge, the executioner, and the profiteer are all wrapped in one.

As the Washington Post editorialized in the wake of these arrests, "the Clinton administration long ago abandoned human rights as a primary consideration dealing with China. . . ." But even Stanley O. Roth, the Assistant Secretary of State for East Asian Affairs, had to admit that if prisoners were being killed in China in order to provide organs, "it would be among the grossest violations of human rights imaginable."

This indictment right here provides clear and convincing evidence that China now ranks as one of the worst human rights violators in history. I encourage my fellow Senators and the President to read carefully the chilling facts detailed in this document and to watch closely as the case is brought to trial. I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Southern District of New York, Complaint: Violation of 18 U.S.C. §371; County of Offense: New York]

UNITED STATES OF AMERICA v. CHENG YONG WANG, XINGQI FU, a/k/a "FRANK FU," DEFENDANTS

Jill A. Marangoni, being duly sworn, deposes and says that she is an agent with the Federal Bureau of Investigation, and charges as follows:

Count One

1. In or about February 1998, in the Southern District of New York and elsewhere, Cheng Yong Wang and Xingqi Fu, a/k/a "Frank Fu," the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, to violate Section 274e of Title 42, United States Code.

2. It was a part and object of the conspiracy that Cheng Yong Wang and Xingqi Fu, a/k/a "Frank Fu," the defendants, and others known and unknown, unlawfully, willfully and knowingly would acquire, receive and otherwise transfer human organs, to wit, kidneys and corneas, for valuable consideration for use in human transplantation, which transfer would affect commerce and the movement of articles and commodities in commerce.

Overt Acts

3. In furtherance of the conspiracy and to effect the objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about February 13, 1998, Cheng Yong Wang the defendant, attended a meeting in New York, New York.

b. On or about February 20, 1998, Cheng Yong Wang and Xingqi Fu, a/k/a "Frank Fu," the defendants, attended a meeting in New York, New York, where they both discussed the sale of organs to a person purporting to be a member of the board of directors of a dialysis center.

(Title 18, United States Code, Section 371)

The basis for deponent's knowledge and for the foregoing charges are, in part, as follows:

1. On or about February 1998, I received information from a person ("Person A") that Cheng Yong Wang, the defendant, had represented to Person A that, prior to coming to the United States, he was a Procurator in the Hainan Province in China and, in that capacity, had participated in the execution of Chinese prisoners. Person A provided me with a copy of employment papers that Cheng Yong Wang, the defendant, had provided to him. A Mandarin interpreter informed me that these papers, which contain the photograph of Cheng Yong Wang, identify Cheng Yong Wang, the defendant, as a procurator in Hainan Province, China. A person familiar with the Chinese legal system told me that the job of a Procurator in China is similar to the job of a prosecutor in the United States.

2. I have spoken to an agent of the Immigration and Naturalization Service ("INS") who told me that Cheng Yong Wang, the defendant, entered the United States from China on May 8, 1997 on a B-1 (work) visa.

3. Person A further informed me that on or about February 13, 1998, he met with Cheng Yong Wang, the defendant, in a hotel room in New York, New York. Person A stated that at this meeting, Cheng Yong Wang, the defendant, told him that he was interested in selling organs, specifically kidneys, from executed Chinese prisoners to Person A. In addition, Person A told me that he and Cheng Yong Wang had signed two contracts at this meeting, the second contract being a revised copy of the first contract. Person A provided me with copies of these contracts, both of which purport to carry the signature of Cheng Yong Wang.

4. I have reviewed a translation of the contracts referenced in the preceding paragraph. In substance and in part they provide that the purpose of the contract is to provide organ transplant services in China for people who live outside of China. Under the contract, Cheng Yong Wang, the defendant, is responsible for coordinating with the relevant Chines government agencies and hospitals in providing and securing organs for transplant. The contract further provides that Person A, who represents a dialysis center, will pay for the entire cost for each kidney transplant, not including the patient's travel expenses. In addition, under the contract, Person A agrees to pay Cheng Yong Wang, the defendant, a commission of 25% of the total costs for each transplant case.

5. On or about February 17, 1998, I participated in tape recording a telephone conversation between Cheng Yong Wang, the defendant, and another person ("Person B.") This conversation was in Mandarin. Based on conversations that I have had with a Mandarin translator and a partial draft transcript that I have read, it is my understanding that during this telephone conservation, Cheng Yong Wang, the defendant, told Person B, in substance and in part, that

he recently had met with Person A in a hotel room and signed a contract.

6. Also during the telephone conversation referenced in the preceding paragraph, Cheng Yong Wang, the defendant, told Person B, in substance and in part, that he planned to enter into an agreement with XINGQI Fu, a/k/a "Frank Fu," the defendant, relating to the sale of organs. Cheng Yong Wang also told Person B that Xingqi Fu, a/k/a "Frank Fu," had not participated in the meeting between Cheng Yong Wang and Person A, but that Xingqi Fu had been present in the lobby of the hotel where the meeting had taken place. Cheng Yong Wang explained to Person B that Xingqi Fu had decidedly that his services were not necessary in relation to the kidneys but that Xingqi Fu planned to sell corneas in the United States. Cheng Yong Wang further states that Xingqi Fu planned to smuggle the corneas into the United States and that Xingqi Fu had spoken to doctors about his selling them corneas.

7. Also during the telephone conversation between Person B and Cheng Yong Wang, the defendant, told Person B that he believed that the profit on the sale of corneas would be approximately 1000%.

8. On or about February 20, 1998, an agent of the Federal Bureau of Investigation, posing as a member of the board of directors of a dialysis center ("FBI agent"), met with Person B, Cheng Yong Wang and Xingqi Fu, a/k/a "Frank Fu," the defendants, in New York, New York. From my conversations with the FBI agent, I have learned that during this meeting Cheng Yong Wang discussed the methods by which Chinese prisoners are executed and indicated that the organs he proposed to sell to the FBI agent would come from executed Chinese prisoners. In addition, Cheng Yong Wang and Xingqi Fu specifically agreed that they would sell the FBI agent two corneas for $5,000 and indicated that this price included a profit for them, Cheng Yong Wang and Xingqui Fu, the defendants, also discussed selling the FBI agent other organs, including kidneys, skin, lungs, pancreas and livers and agreed on the prices for these organs. Among other things, Xingqi Fu inquired about any maximum age for sources of skin and stated that lungs would come from non-smokers. In addition, both defendants acknowledged that although the contract referenced in Paragraph 5 above discussed that Cheng Yong Wang would provide transportation services, the true purpose of the agreement was to provide organs.

Wherefore, deponent prays that the above-named individuals be arrested and imprisoned or bailed as the case may be.

JILL A. MARANGONI,
Special Agent, FBI.

Sworn to me this of February 1998.

Mr. HUTCHINSON. This case only builds upon the repeated efforts from Chinese dissidents, Amnesty International, and the U.S. Department of State concerning the declining human rights conditions in China.

Again, as the Washington Post reported last month, these human rights abuses include "torture, extrajudicial killings, arbitrary arrest and detention, forced abortion and sterilization, crackdowns on independent Catholic and Protestant bishops and believers, brutal oppression of ethnic minorities and religions in Tibet and Xinjiang and, of course, absolute intolerance of free political speech or free press."

Mr. President, how long must this list of oppression get before this Government acts?

The increased arrogance of China's leadership in the face of the world's silence is evident in President Jiang's statement late last year that "both democracy and human rights are relative concepts and not absolute and general."

Accepted absolutes are now considered relative by China's leadership. This brutal Communist regime has now decided to determine the moral parameters within which civilized countries can stand within its judgment. In short, religious persecution, organ harvesting, and torture are now within the bounds of moral behavior in China. The unacceptable is now acceptable and the inhuman is now humane. While the world stands silent, China has managed to redefine the very nature of what is right and what is wrong.

Last week, I and 11 of my Senate colleagues sent a letter to President Clinton to remind him of his promise to the American people to "step up efforts, in cooperation with other states, to insist that the United Nations Human Rights Commission pass a resolution dealing with the serious human rights abuses in China."

On Wednesday, under the able leadership of Chairman HELMS, the Senate Foreign Relations Committee adopted a resolution submitted by Senators MACK and WELLSTONE expressing the sense of the Senate denouncing the human rights conditions in China. This resolution, which we now debate and which we will soon vote upon, and which I believe this body will adopt overwhelmingly, as did the committee, criticizes the People's Republic of China and asks for the U.N. Commission on Human Rights to pass a resolution acknowledging what is going on in China today, and for this Government to make that request of the United Nations.

While it is far short of the effort I believe should be made, it is a welcome first step in the right direction. I commend Senator WELLSTONE and Senator MACK for their outstanding leadership on this, and Senator HELMS and all of those on the committee who voted 16 to 1 in favor of the resolution.

If I might just close with this—and I know I have taken longer than I had requested—when I visited China in January—and I can spend an hour or much longer talking about those 10 days in China—the most moving moment was on a Sunday morning at 7:30 a.m. when I went to Tiananmen Square where, all of us remember so vividly almost 9 years ago, the images came across our TV sets through CNN cameras, and we saw those tens of thousands of students who stayed there for months peacefully asking their government to improve human rights conditions and to democratize the largest nation in the world.

While I was in China, I had a chance not only to visit Tiananmen Square and see that red banner that still flies, but to visit Ray Burghardt who was charged to be in Beijing at the time of the massacre when the Chinese Government, the hardliners, won out and the troops and the tanks moved in. He spent 3 hours over dinner telling us about the events leading up to the massacre.

He said on the night that the tanks moved in, the Chinese Communist Government waited until 2 in the morning. They did not want the world to see what was about to happen. The floodlights that showered over the many, many acres of Tiananmen Square were turned off. They did not want to see any cameras rolling.

As the troops moved in and the tanks moved in, he said from the Beijing Hotel, watching through binoculars, that he could see, as the troops came out, as the weapons were fired, the profiles of the students as they fell. The silence continued, broken a few moments later by more gunfire, more students falling. Through those morning hours, the massacre continued.

By the time the Sun came up the next morning, the tanks had cleared the mall. They had cleared Tiananmen Square so that no one was to know, so that no one would have a hint of the massacre, of the thousands who died in the surrounding blocks, or of the tens of thousands who lost their lives.

Those students looked to the United States as the emblem of freedom, as the shining city on a hill. They built a 30-foot model of our Statue of Liberty and it, too, went under the tanks as they rolled in.

I just ask my colleagues, as they vote for this resolution, to remember what those students were fighting for, what they were standing for and to whom they looked as the symbol of freedom. I ask for a good vote, a solid vote, and a message to the world that we still stand for freedom.

I thank the Senator from Minnesota for his indulgence.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, let me just say to my colleagues, Senator HUTCHINSON and Senator MACK, it is a labor of love working with them. We do not always agree on all issues. That might be the understatement of the year. But I think we are doing the right thing, and I certainly hope we get a huge vote as well.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. WELLSTONE. Let me also thank Charlotte Oldhom-Moore who works for me and has been doing just a tremendous amount of work on this piece of legislation. I also thank Ellen Bork who works with Senator HELMS, chairman of the Senate Foreign Relations Committee, for all of her fine work.

Let me list Human Rights Watch, RFK Center for Human Rights, Lawyers Committee for Human Rights, Minnesota Advocates, International Campaign for Tibet, and Amnesty International for all of their fine work. Their organizing work has been terribly important, and it is an honor for me as a U.S. Senator from Minnesota—and we have a very strong human rights community—to be working with these organizations.

Mr. President, I will be brief. There may be debate on the other side, and I want to reserve some time to respond and I know there are others who will want to speak. I know Senator FEINGOLD is anxious to get to the floor. If he does not, let me just say that Senator FEINGOLD has been very, very vocal about this and has been a very strong supporter.

The 16-to-1 vote that Senator MACK spoke about in the Foreign Relations Committee represented full enclosure because several months ago, the Senate Foreign Relations Committee hosted a coffee and Wei Jingsheng came. He came up to several of us. I was one of the Senators who he approached. He asked us to please try and adopt a resolution on the floor of the Senate that will call on the administration and our Government at the U.N. Commission on Human Rights to please move forward with a resolution condemning the human rights violations in China.

What Wei and others said to me and Senator MACK was, "Look, you may not always understand, but what you do on the floor of the Senate is watched, especially internationally. If the Senate doesn't speak on this and if the United States Government remains silent, it would be devastating to so many people in China who have had the courage to stand up for human rights, people who face persecution for their religious and political beliefs."

I felt then, and I feel even more so now, when someone like Wei is speaking to you, someone who spent 18 years in prison—I read his book, "The Courage to Stand Alone," someone whom I hope will get the Nobel Peace Prize—and makes such a request, it really feels good to be able to honor that request.

We have worked hard on this. We wanted to get this on the floor. I thank the majority leader, Senator LOTT, for absolutely living up to his personal commitment to us that we would get this on the floor before the U.N. Commission on Human Rights meets.

I will just say to colleagues that I think Senator BIDEN in the Senate Foreign Relations Committee said it best the other day. He said, "Look, we have disagreement about whether or not you link human rights concerns and issues to trade policy, but that is not what this is about. If there ever was a place and there ever was a time for our Government to speak up for human rights, and ever since Tiananmen Square a large part of the focus has been about China, it is at this United Nations Commission on Human Rights that convenes in Geneva March 16."

We are now on the floor of the Senate—what is today's date?—March 12. We may not be back in session until Monday or Tuesday. It is terribly important that this vote takes place.

I say to the Chair and I say to all colleagues, Democrats and Republicans alike, I hope we can get a vote that mirrors the vote in the Senate Foreign Relations Committee. The stronger the vote, the stronger the message.

I say to my colleague from Florida, since we have worked so closely on this, it is interesting that today the State Department announced that China has agreed to an international covenant on civil and political rights. I say great.

When I mentioned this to Senator MACK earlier, he said, "That's tremendous, let's just make sure now we have a good strong vote to make it crystal clear that we intend to keep pushing forward with the pressure and with a voice in behalf of those women and men who have the courage to speak up in China for what they believe in."

I spoke with Sandy Berger last night. I know he is working very hard on this. This is not a bashing amendment, but this is an amendment that says to our Government that to go to Geneva and to not make the effort to push forward this resolution which speaks to the violations of human rights in China, we think it would be silence, we think it would go against the very best of what our country stands for.

So, I hope there will be a very, very strong vote for this resolution.

Mr. President, I ask how much time I have.

The PRESIDING OFFICER. The Senator has 12 minutes 15 seconds.

Mr. WELLSTONE. I thank the Chair. I would like to reserve some time. I ask the Senator from Delaware whether he wants to speak on this resolution and, if he does—I just quoted him—I would love to yield some time to him.

Mr. BIDEN. I ask the Senator for 2 minutes.

Mr. WELLSTONE. Mr. President, I have never heard the Senator from Delaware speak for only 2 minutes. But if that is all he desires, if this will be a miracle, I might just be able to see it.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 2 minutes.

Mr. BIDEN. Mr. President, I assume the reason why the Senator thinks that is because what I say is such content that he thinks I have spoken longer.

Let me be very brief and blunt. The fact is that we have several schools of thought about China on this floor and what our future relations will be. We constantly hear that those of us who are critical of China's human rights policy and proliferation policy should not tie our opposition to their point of view to trade. They say let's keep things in their proper perspective.

Well, if this is not the place to go, if to go to an organization that is an international organization constituted for the express purpose of discussing and identifying those nations that do not engage in practices consistent with what civilized countries should be doing relative to human rights, then there is no circumstance in which we can criticize China.

They say we should not criticize China and tie it to trade, and they say we should not criticize China here, we should do it privately. Privately malarkey. We should do it privately; we should also do it publicly.

We are not treating China any other way than we treat any other civilized nation in the world. As a member of the largest country in the world, they have to grow up and understand that if they take affront at us raising their human rights record in a forum, an international forum, that is constituted for that express purpose, then they have a great deal of political maturation they have to go through in order to be a world power that will gain respect from the rest of the world.

I will conclude, Mr. President, by saying, I think this is one of those cases where our silence would be deafening. I yield the floor.

Mr. WELLSTONE. Mr. President, I reserve the remainder of my time.

Mr. MACK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MACK. Mr. President, I ask unanimous consent that the time under the previous quorum call not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MACK. Mr. President, I also inquire at this time as to how much time we each have.

The PRESIDING OFFICER. The Senator from Florida has 6 minutes 13 seconds; the Senator from Minnesota, Senator WELLSTONE, has 10 minutes 10 seconds; and the Senator from Minnesota, Senator GRAMS, has 20 minutes.

Mr. MACK. Mr. President, I suggest the absence of a quorum and, again, ask unanimous consent that it not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Mr. President, may I inquire on the time remaining?

The PRESIDING OFFICER. The Senator from Minnesota, Senator GRAMS, has 20 minutes; the Senator form Minnesota, Senator WELLSTONE, has 10 minutes 10 seconds; and the Senator from Florida has 6 minutes 13 seconds.

Mr. GRAMS. Thank you very much, Mr. President.

Mr. President, I rise in opposition to Senate resolution 187. That is the resolution sponsored by Senator MACK directing the administration to pursue a resolution criticizing China's—only China's—human rights record at the U.N. Commission on Human Rights in Geneva.

As you may know, I earlier objected to an attempt to UC this resolution on the floor, without benefit of committee consideration. I understand that many Senators do not believe a resolution is controversial, but, when it comes to China, I do believe it can be controversial—very controversial. You should too, because quite clearly China legislation, whether it be resolutions or sanctions, is, simply stated, I believe, to be counterproductive.

Yesterday, this resolution was considered in a business meeting of the Foreign Relations Committee. At that time I offered an amendment which would expand the resolution to include other countries listed in the State Department's annual human rights report. In my judgment, it is incredible that we would pick just one country to criticize when there are even more egregious offenders out there.

I did not object to having China on that list. We can put China at the head of the list, in the middle of the list, or at the bottom of the list. It should be on the list, but I do not think it should be on a list of only one country, and that is just China when, again, the State Department report on human rights violations has a long list of other countries. And if we are serious about looking at human rights violations around the world, we should also call those into question.

My problem with this resolution is, again, that it is one of many, many legislative attempts, I believe, to just single out China. They are clearly counterproductive, in my judgment. China certainly does—it does have to make more progress on human rights, but it also has made significant progress as well. I also supported an amendment in our business committee yesterday in the Foreign Relations Committee by Senator FEINSTEIN that would have balanced this resolution with language citing some of the improvements that were listed in the Human Rights Report.

The right thing to do—and I repeat, the right thing to do—is oppose these kinds of public attacks and join me in efforts to pursue human rights violations in China through quiet diplomacy—through personal visits, including those I have had with President Jiang. These high-level contacts between the United States and Chinese officials, I believe, can be far more productive.

Yesterday, a comment was made that we have to make this kind of public statement to the whole world to better focus attention on human rights concerns.

I believe we do have maybe a responsibility to hold these human rights violations up for world scrutiny. But, again, shouldn't they include all countries that are guilty of human rights violations?

Why do we think that standing up and publicly criticising China, and only China, following repeated efforts in the past, does any good? Do our words effect changes? No—I believe our efforts to build relationships with the Chinese, to talk to them privately about the need to improve and to see that changes are in their best interest are what make a difference. Resolutions make strong statements but I believe they do not accomplish the goals that we intend.

China has become the whipping boy.

A continued strong relationship with China will in fact enable us to have a much stronger impact on their reforms than any strong-arm tactics. I agree such tactics can get the world's attention, but do they actually help those who are in prison or face other forms of repression inside China? There is a growing middle class in China. As they are more exposed to the West through our products and our people, the Chinese people themselves are going to be placing more demands on their leaders for change.

And that is already happening. The growing middle class in China, with their exposure to the West, is putting more demands on the Chinese leaders for change than we will ever accomplish from outside of their borders with these types of resolutions.

My State has also been long involved in various people to people programs with China, programs which have pursued better relationships between our countries. We value those relationships. They have helped us improve relations with China, and they have helped China achieve the progress it has made economically and politically. I believe threats and censure may only close the door on our relationship with China. And if that happens we will then lose any opportunity that we will have to effect change.

If we are not there, if we are not involved, if we do not have relationships with China, and if they in fact close the door to us, then what kind of an effect or influence are we going to have on change inside of China? I think it is a lot easier to change their mind if we are there than if we are not.

As I said previously, it is the volume of efforts—the legislation, the resolutions and the sanctions—and constant criticism that has been the focus of my opposition. Many believe they can change China through public humiliation.

Each new effort to bash China makes it more difficult, I believe, for our Government to formally address concerns of human rights and religious persecution.

My point here is just to try to educate America, the Senate, Christians and all people who are concerned about human rights and religious freedom that this is not a "free vote"; it is something we should think about before we vote for it, because, in my view, again, just singling out China is very counterproductive.

Mr. President, now I want to get back to the language of this amendment itself—since I have been criticizing China resolutions generally. The wording of this resolution is even more disturbing. I am told the purpose, again, is to force the administration to introduce and to pursue a resolution at the U.N. Human Rights Commission condemning China for human rights violations. However, what you are not told is that there is no support for this resolution at all. The European Union has even passed its own resolution indicating human rights violations are better addressed bilaterally with China. Again, the EU has already passed its own resolution indicating that human rights violations are better addressed bilaterally with China, not in this venue. Nearly all of our fellow U.N. members feel the same. So how do we expect the administration to go to the U.N. Human Rights Commission and garner support for this resolution? They would have the same result whether they pursued one now or 6 months ago. This has been tried before with no success. What leverage do we have to do this? We couldn't even get our U.N. allies, except one, to support us on Iraq. We still haven't settled the arrears question. How much weight will an attempt to pass a U.N. resolution—with no support—have in our quest to improve human rights in China? I believe none. A resolution supported by one country does not send a strong message. What it does is send the message that all other countries support what China is doing on human rights in China and that they need make no further progress because of that.

I also have heard the administration has not yet determined whether it should pursue a resolution even though they know they will fail if they do so. If they agree to pursue one, they do it knowing that it is going to fail.

If I were one of our allies, I would be sitting back and watching this and I would relish U.S. efforts to publicly condemn and sanction China, thereby impeding U.S. efforts to improve relations with China. That will give them many more opportunities to gain a firm foothold in what will be enormous trade and investment opportunities. If the U.S. gains the reputation of being an unreliable supplier, well, so much the better for them. They have seen us attempt to impose our laws and values extraterritorially on other countries over and over again. This has all accomplished nothing for us and much for them. For example, Airbus recently won a lucrative contract with China when China has long exhibited a preference for Boeing planes.

It was a strong message from China and its relationship with the United States.

This resolution, following all of the other attempts to rein in China, will not allow us to improve our relationship with China, but I believe it will slow that process. This will harm us in the eyes of the world community, it will impact U.S. jobs, it will raise concerns about the U.S. security and leadership role in East Asia and the Pacific, and, most importantly, I believe that it is going to hurt the Chinese people themselves that we are trying to help. It will get us nothing—no progress on human rights, no progress on religious persecution—nothing at all. Many have said it is American involvement inside of China, including American investments, that have helped to improve the lives of many Chinese people and helped to foster more interest in human rights progress. More pressure for improvement comes from the inside out rather than the outside in. The Chinese government will listen more to the Chinese people than it will to threats from outside its borders.

Let us look at the issue of religious persecution, since I know there is still legislation percolating on that issue as well. Religious leaders, including one from my own State, Reverend Don Argue, president of the National Association of Evangelicals and former president of North Central College in Minneapolis, just returned from a visit with President Jiang himself. Now, President Jiang invited them to China—the first time that has ever happened. The leaders noted that with their visit with the President of China, they gained valuable access that they feel will help to open the door to better contacts with the Chinese leadership on religious issues. They felt President Jiang heard their message, and they believe that President Jiang does realize that religious persecution is a major stumbling block to improve Chinese-United States relations, as well as a stumbling block to the lives of its citizens.

I have also addressed this issue in my visits to China, and I have visited churches there, as well. China does need to make more progress; there is no doubt about it. But Ned Graham, the son of the Reverend Billy Graham, and others tell me they have been working in China now for many, many years, and there has been progress, they tell me, and they are working quietly and effectively, quietly and effectively inside China to further that progress. These religious leaders need to assure China that their goals are to provide religious freedom, not to violate Chinese laws by pursuing separate political goals. That process, Mr. President, is ongoing and it is working.

Mr. President, I realize that this resolution has broad support. However, I feel it was important to come to the floor to remind my colleagues that we should think about what we are doing because it is clearly, again in my view, not productive but, in fact, could be counterproductive. Further, if we pass a resolution at all, at the very least it should include many of the countries listed in the human rights report as well as China, not just one.

Again I say, China needs to make improvements in the areas of human rights and religious persecution. It should be on the list that we condemn and hold up for the rest of the world to see. It could be first on the list, it could be last on the list, but it should be on the list. Again, it shouldn't be the only country on the list. I'm concerned about human rights in all countries, not just one. My substitute resolution would have just enabled us to go on record supporting human rights in many countries. It could have been a separate list, it could have included China. China could have been alone. But only to have one resolution on the floor today condemning one country, I think is going to do more harm for the people inside of China than it is going to do good. That was my main concern.

I yield the remainder of my time and I yield the floor.

Mr. FEINGOLD. I yield such time as I require.

I rise today in strong support of S. Res. 187, a resolution introduced by the Senator from Florida and the Senator from Minnesota. I am grateful for their leadership on this and feel they have done a real service by bringing this issue forward to the floor with regard to human rights in China.

The resolution states that it is a sense of the Senate that the United States initiate active lobbying at the U.N. Commission on Human Rights for a resolution condemning human rights abuses in China. It calls specifically for the United States to introduce and make all efforts necessary to pass a resolution on China and Tibet at the upcoming 54th session of the Commission, which is due to begin very soon in Geneva.

It is a nonbinding resolution, but it makes a simple, clear statement of principle: The Senate believes that there should be a China resolution in Geneva, period.

As we all know, for the past few years, China's leaders have aggressively lobbied against such efforts earlier and more actively than the countries that support a resolution. Last year, they actually threatened the country of Denmark, which had made a difficult decision to sponsor a resolution. This year, Chinese officials have deftly played a diplomatic game with various European governments and basically succeeded in getting the European Union Foreign Ministers to drop, at least temporarily, any European cosponsorship of a resolution.

In the past, China's vigorous efforts have resulted in a "no action" motion at the Commission. With events proceeding the way they are now, I fear we will have the same result again at the upcoming meeting.

This would be unfortunate because it is essential to have a resolution on China under the auspices of the Commission on Human Rights. The multilateral nature of the Commission makes it a very appropriate forum to debate and discuss the human rights situation in China. By adopting international human rights treaties, China has made a commitment to international human rights law, and one of the basic purposes of the Commission is to specifically evaluate China's performance with respect to these commitments. The Commission's review has led to proven and concrete progress on human rights in other countries, and the expectation is that such scrutiny would lead to progress in human rights in China.

Mr. President, here is where I don't understand the argument of the junior Senator from Minnesota. He is suggesting you can only go forward if you list all the countries in the world that have human rights violations. That doesn't make any sense with regard to the way we have to do business in this body. Sometimes we have to identify a particular country—whether it be Russia or Nigeria or Indonesia—and say in this particular instance there is a problem. To be required to make a statement about all countries in the world where there is a problem at one time, reduces what we are doing to a meaningless exercise and a general statement.

Some observers want to question the viability of the human rights resolution at this time. Despite China's announcement last year that it would sign the U.N. Covenant on Economic, Social and Cultural Rights, I don't see real evidence of real human rights improvements in China. That human rights conditions in China are growing worse, not better, indicates that human rights continue to demand top priority.

Nearly 4 years after the President's decision, which I regretted, to delink most-favored-nation status from human rights, we cannot forget that human rights in China and Tibet remain abysmal. Hundreds, if not thousands, of individuals are detained or imprisoned for their political and religious beliefs. Monks in Tibet are harassed for showing reverence to the Dalai Lama. And the press is subject to tight restrictions. The most recent State Department human rights report notes that "the Government of China continued to commit widespread and well-documented human rights abuses in violation of internationally accepted norms, including extrajudicial killings, the use of torture, arbitrary arrest and detention, forced abortion and sterilization, the sale of organs from executed prisoners, and tight control over the exercise of the rights of freedom of speech, press, and religion."

Mr. President, the situation is just as bad in Tibet.

I am going to make sure my remarks are brief so the Senator from Minnesota can speak some more.

Let me just say last month the Assistant Secretary of State for Democracy, Human Rights and Labor, John Shattuck, testified, "We did not see major changes. We have not characterized China as having demonstrated major changes."

Mr. President, these reports are indeed troubling. The United States has a moral responsibility to take the lead in sponsoring and pushing for a resolution at the United Nations Commission on Human Rights. I was delighted yesterday with such an overwhelming vote under the leadership of Senator WELLSTONE from Minnesota and the Senate Foreign Relations Committee, a 16-1 bipartisan vote, that indicated there is a strong bipartisan consensus in the Foreign Relations Committee—and I predict on the floor—that we must send a message to China and that this is the appropriate forum in time to do it.

I strongly commend my friends, the Senator from Minnesota and the Senator from Florida, for their leadership on this terribly important issue.

I yield back the remainder of my time.

Mr. WELLSTONE. How much time remains?

The PRESIDING OFFICER. The Senator from Minnesota has 4 minutes 45 seconds.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. I want to thank Debra Ladner, and I ask unanimous consent she be allowed on the floor for the remainder of the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, let me say to Senator FEINGOLD that I appreciate his remarks. I also love working with him on a lot of issues. I hope we can do a lot of human rights work together. He has been such a very strong voice on human rights in the Senate.

Mr. President, one more time, this is an important statement by the Senate. Sometimes these kinds of votes really matter. I think this is one of those times. I hope the President and the administration will pay attention to what I hope will be a very strong vote. I believe they will. I certainly hope so. I hope that our Government will move on a resolution condemning human rights violations in China. I hope that the administration will do everything possible to exact concession here on behalf of human rights for people in China.

I think it is also very important to a whole lot of people in China who are involved in this struggle and a whole lot of people in Tibet. Sometimes I look at things differently and sometimes what I worry the most about is the effect of inaction over action, noncommitment over commitment on such a question for people who are imprisoned. I have heard stories from my friends in a lot of the human rights organizations, men and women, who have said that the only thing that kept them going while they were in prison was resolutions of this kind. The only thing that kept them going was when our country, our Government, under a President like President Jimmy Carter, who was so focused on human rights, it meant so much to these people. I think this is a terribly important resolution.

I have often thought to myself when I finish on this, whether it be China or whether it be other countries—and the focus can be and should be and must be on China—I have often wondered and I think I might have the courage to challenge a repressive government if I thought that at worst I could be imprisoned. I don't even know if I would have that courage. But I don't know what I would do if I thought maybe my child could be rounded up and my child could be hurt or my wife could be hurt. There are people throughout the world who stand up to these governments. They stand up to these governments even when they know that this might happen. I marvel at their courage. They inspire me as a U.S. Senator.

China is a very large country and a very big country. But that does not mean that China should not be held accountable. This is a very important vote we are about to have.

I will yield back the rest of my time. I thank my colleague from Florida for his leadership and tell him it has been an honor to work with him on this.

Mr. MACK. Mr. President, does Senator ABRAHAM wish to make a statement? I say to the Senator I have slightly over 6 minutes remaining. How much time does the Senator desire?

Mr. ABRAHAM. That is a good question. It will take close to 5 minutes.

Mr. MACK. I ask unanimous consent the Senator be yielded 5 minutes, not off my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM. I thank the Senator from Florida. I will try to speak as quickly as possible. It is an important topic. I don't want to in any way have the length of my speech in any sense suggest a lack of interest in this or in any way suggest a diminished interest by this Senator.

Mr. President, I rise to urge my colleagues to support the sense of the Senate resolution, sending a strong message to the Chinese communist government regarding its human rights abuses. As American representatives participate in the annual meeting of the United Nations Commission on Human Rights I believe it is crucial that they state, in the strongest terms possible, the determination of the United States to uphold and defend fundamental human rights. This means, in my view, that our representatives must issue a strong statement criticizing the Chinese government's treatment of minorities and dissidents.

Mr. President, U.S.-China relations are of crucial importance for both countries. But for that very reason I believe it is crucial that we make clear our determination that the rulers in Beijing show greater respect for their people.

Mr. President, China's record of human rights abuses and repression of religious faith is long and disturbing. Peaceful advocates of democracy and political reforms have been sentenced to long terms in prisons where they have been beaten, tortured and denied needed medical care. Women pregnant with their second or third child have been coerced into abortions. Religious meeting places have been forcibly closed. Tibetan monks refusing to condemn their religious leader, the Dalai Lama, have been forced from their monasteries; some of their leaders have disappeared.

And 8 million Catholics loyal to the Pope continue to be harassed, as their non-official churches are closed down and their religious leaders are arrested and taken to prison camps where they suffer torture and deprivation.

I ask unanimous consent to have a list of findings by the State Department with respect to human rights and the People's Republic of China be printed in the RECORD, outlining the extent to which the problems exist.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TITLE II—HUMAN RIGHTS, RELIGIOUS FREEDOM, AND DEMOCRACY IN CHINA

SEC. 201. FINDINGS ON HUMAN RIGHTS ABUSES IN THE PEOPLE'S REPUBLIC OF CHINA

(1) Congress concurs in the following conclusions of the Department of State regarding human rights in the People's Republic of China in 1996:

(A) The People's Republic of China is 'an authoritarian state' in which 'citizens lack the freedom to peacefully express opposition to the party-led political system and the right to change their national leaders or form of government.'

(B) The Government of the People's Republic of China has 'continued to commit widespread and well documented human rights abuses, in violation of internationally accepted norms, stemming from the authorities' intolerance of dissent, fear of unrest, and the absence or inadequacy of laws protecting basic freedoms'.

(C) 'Abuses include torture and mistreatment of prisoners, forced confessions, and arbitrary and incommunicado detention'.

(D) 'Prison conditions remained harsh [and] [t]he Government continued severe restrictions on freedom of speech, the press, assembly, association, religion, privacy, and worker rights'.

(E) 'Although the Government denies that it holds political prisoners, the number of persons detained or serving sentences for 'counterrevolutionary crimes' or 'crimes against the state' and for peaceful political or religious activities are believed to number in the thousands'.

(F) 'Non-approved religious groups, including Protestant and Catholic groups . . . experienced intensified repression'.

(G) 'Serious human rights abuses persist in minority areas, including Tibet, Xinjiang, and Inner Mongolia [, and [c]ontrols on religion and other fundamental freedoms in these areas have also intensified'.

(H) 'Overall in 1996, the authorities stepped up efforts to cut off expressions of protest or criticism. All public dissent against the party and government was effectively silenced by intimidation, exile, the imposition of prison terms, administrative detention, or house arrest. No dissidents were known to be active at year's end'.

Mr. ABRAHAM. These findings make clear, Mr. President, that the government of China has been and continues to intentionally oppress its people. I do not believe that we can stand idly by, without so much as a complaint, as this continues.

I firmly believe that it is America's duty as well as our interest to make the extra effort required to improve overall human rights conditions in China and to integrate her into the community of nations. I urge my colleagues to support this resolution and I call on the President to demand that the Chinese government being itself into compliance with international standards of human rights and decency.

I thank the Senator from Florida. I yield the floor.

Mr. BAUCUS. Mr. President, I rise, with some reservations, in support of the resolution offered by Senator WELLSTONE and Senator MACK.

I have been visiting, debating and studying China for some years. And it is quite clear that human rights conditions in China can and should be far better.

China admits to holding about 3,000 people in prison for "counter-revolutionary" offenses. We don't know the exact figure, but Amnesty International's estimate is similar. And political repression, over the past four or five years, has in some ways become more rather than less severe for the nation's most prominent dissidents. Treatment of religious leaders and labor organizers may be even worse. And repression seems to be at its harshest in some minority areas.

Independent reports show that rates of imprisonment are higher in Tibet and Xinjiang, and violent response by the authorities is more common. Having visited Lhasa myself, albeit on a highly controlled visit, my personal impression backs up these reports of very severe policies.

Those things are real. And the UN Human Rights Commission in Geneva is the appropriate place for us, for China, and for the other nations of the world to discuss them.

But we must also recognize something very important. That is, most long-term human rights trends in China are good. The number of people tried for political offenses is down from 350 a year in the mid-1980s to about 200 a year now. If you look further back, you see that during the so-called "Anti-Rightist" campaign in 1957, China arrested 500,000 people. The 1960s—the years of the "Great Leap Forward" and "Cultural Revolution"—were even worse.

Other indices also show an improving situation. The number of citizen lawsuits against the government is up from 4,600 in 1987 to approach 100,000 last year, showing that more people feel free to challenge the state. Uncensored news is available on the radio, satellite TV or the Internet. Local elections are becoming more democratic, and the National People's Congress is taking up a more confident role in making law and overseeing ministries.

Likewise, China's economic reforms have created an entirely new world for tens or hundreds of millions of ordinary people. With open trade, they can find their own jobs, choose their own careers, rent their own apartments and listen to foreign news. And if you ask ordinary Chinese, most say without any hesitation that life is better and freer than ever before.

So I think it is appropriate for the Administration to raise human rights, particularly the question of political prisoners, in Geneva. The Human Rights Commission in Geneva is the place to discuss, debate and if necessary, condemn violations of human rights abroad. But it is also the place to note and approve improvements of human rights abroad. And while I will support this resolution, I believe it is imperfect, because it does not call on the Administration to do both.

The most effective approach to human rights will be to tell the truth—to point out areas where the government of China, or any other country, needs reform; but also to draw attention to the areas where life is getting better. We should do that in Geneva, and we should do it when we have occasion to debate human rights on the Senate floor.

Mr. MACK. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 5 minutes 40 seconds.

Mr. MACK. Mr. President, many times in the past, as I have talked about foreign policy and national defense issues, I have gone back to what I believe is the fundamental principle that has served as the foundation of our Nation, and that is the discussion about freedom. I have said over and over again that I believe freedom is the core of all human progress, that the message of freedom is the message of hope.

Again, thinking of individuals who would find themselves imprisoned in China today, I, too, have heard them say that the knowledge that there are people around the world—particularly people in the United States—who will say it's important enough to confront the leadership in China on the issue of human rights gives them hope that there are people in the world who care about them. So the message of freedom is a message of hope.

I want to quote a comment that was made by Mr. Wei in November of last year when he came to the United States. This is what he had to say:

> Democracy and freedom are among the loftiest ideals of humanity, and they are the most sacred rights of mankind. Those who already enjoy democracy, liberty, and human rights in particular, should not allow their own personal happiness to numb them into forgetting the many others who are still struggling against tyranny, slavery, and poverty, and all of those who are suffering from unimaginable forms of oppression, exploitation, and massacre.

What would it be like to be imprisoned? I have also read some of the writings, such as the book of Harry Wu, for example. I have heard the stories of the conditions in which other human beings have found themselves and I wonder myself, could I survive that? Would I have the human drive, the human will to survive? Probably, if I felt that I was alone, with no concern for me whatsoever, maybe the will would disappear. Maybe the will for Mr. Wu would have disappeared. Maybe the will for Mr. Wei would have disappeared. But there was a belief that there were those out there who cared for them.

Now, the point has been raised several times: Why China? Why only China? I think the Senator from Minnesota will agree with me that there is a condition that exists now as a result of a decision made by President Clinton not long ago to delink the issue of trade and human rights. Now, there are rational points on both sides of that debate. But the point is, that decision was made. So then the question then comes, if we are not going to engage in a debate over human rights with the issue of trade, where are we going to do it?

It seems to me it is a reasonable, rational position to take that the debate ought to take place in the United Nations about violations of human rights. So we are very simply saying to our colleagues in the U.S. Senate, and to the President of the United States, we believe now is the time to move forward to condemn China for its human rights violations and to make it a cause. I am not shy about saying that. I believe we should do it. I don't think that, in any way, we are going to make things tougher for the people of China as a result of it. In fact, everyone we have had the opportunity to talk with has indicated to us that their treatment improves when the United States raises these concerns. So, Mr. President, I hope we do have a strong vote for this resolution, and I believe we will.

I yield back the remainder of my time.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. I ask unanimous consent that I may speak for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I was remiss in not mentioning earlier that Senator HELMS absolutely lived up to his commitment to make sure that the Senate Foreign Relations Committee took up this matter. I thank him for that.

Finally, I just want to say to my colleague from Florida that I very much appreciate his eloquence. I think he really feels these issues. I think it was more than a scripted speech. I think what he said was powerful, and I hope, too, that we will get a very, very strong, resounding vote.

I yield my time.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mr. BROWNBACK). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 5, as follows:

[Rollcall Vote No. 31 Leg.]

YEAS—95

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Gorton
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Thomas
Thompson
Torricelli
Warner
Wellstone
Wyden

NAYS—5

Chafee
Glenn
Grams
Stevens
Thurmond

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 187), with its preamble, was agreed to, as follows:

S. RES. 187

Whereas the annual meeting of the United Nations Commission on Human Rights in Geneva, Switzerland, provides a forum for discussing human rights and expressing international support for improved human rights performance;

Whereas according to the United States Department of State and international human rights organizations, the Government of the People's Republic of China engages in widespread human rights violations; and

Whereas President Clinton pledged that the United States would step up its efforts in cooperation with other states to insist that the United Nations Commission on Human Rights pass a resolution dealing with the serious human rights abuses in the People's Republic of China: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States should introduce and make all efforts necessary to pass a resolution criticizing the People's Republic of China for its human rights abuses in China and Tibet at the annual meeting of the United Nations Commission on Human Rights.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Pennsylvania.

INDICTMENT AND PROSECUTION OF SADDAM HUSSEIN

Mr. SPECTER. Mr. President, I have been asked by our distinguished majority leader to request that we now proceed to Calendar No. 322, relative to the war crimes, under the provisions of the consent agreement entered into on March 9, 1998.

The PRESIDING OFFICER. The clerk will state the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 78) relating to the indictment and prosecution of Saddam Hussein for war crimes and other crimes against humanity.

The Senate proceeded to consider the concurrent resolution.

Mr. SPECTER. Mr. President, the majority leader has asked me to express his intention to have a vote on this resolution occur tomorrow at around 9:30 a.m. and the majority leader notes that he will inform all Members as to when that vote is set by unanimous consent.

The majority leader has also asked me to announce—if I may have the attention of the majority leader on this part—the majority leader has asked me to announce that there will be no further rollcall votes this afternoon. I hesitate to do that on my own, but, with Senator LOTT here—and he says, now, the vote will be fixed with precision at 9:30 in the morning.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, this resolution has been offered by Senator DORGAN and myself. The most expeditious way to move to the import of the resolution is to read the "resolved" clause. It is as follows:

> That the President should:
>
> (1) call for the creation of a commission under the auspices of the United Nations to establish an international record of the criminal culpability of Saddam Hussein, and other Iraqi officials;
>
> (2) call for the United Nations to form an international criminal tribunal for the purpose of indicting, prosecuting, and imprisoning Saddam Hussein and other Iraqi officials who are responsible for crimes against humanity, genocide, and other violations of international law; and
>
> (3) upon the creation of such an international criminal tribunal, take steps necessary, including the reprogramming of funds, to ensure United States support for efforts to bring Saddam Hussein and other Iraqi officials to justice.

This move to try Saddam Hussein as a war criminal is the most recent in a series of moves to establish the international rule of law with an international criminal court. The antecedent for this activity lay in the international military tribunal at Nuremberg, which was convened to try individuals for crimes against international law committed during World War II. The Nuremberg tribunal provisions stated that:

> Crimes against international law are committed by men, not abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced.

That statement is as valid today as it was in 1946. For more than a decade, many of us in the Congress of the United States have sought to create an international criminal court to deal with crimes against humanity and other international crimes. Senator DODD and I have authored a series of resolutions in the U.S. Senate. In the House of Representatives, under the leadership of Congressman JIM LEACH, a number of resolutions have been offered. The international criminal court is moving forward, with a realistic likelihood of the establishment of such an international criminal court in the not too far distant future. And, in the interim, the War Crimes Tribunal has been established by the United Nations to try crimes against humanity from the former Yugoslavia, the offenses committed in Bosnia and related territories, and for crimes against humanity committed in Rwanda.

The War Crimes Tribunal is in existence. I have had the opportunity to visit it on three occasions to see the operation of the Tribunal. It would be merely an extension of the War Crimes Tribunal to include the import of the current resolution so that Saddam Hussein could be tried as a war criminal.

The specifics are that in 1988 the Iraqi Government, under the direction of Saddam Hussein, carried out a systematic campaign to destroy the Kurdish population in Iraq. Kurdish leaders estimated the death toll of this campaign at between 50,000 and 182,000.

On March 16, 1988, Iraqi aircraft bombed the city of Halabja, then in the hands of Iranian-supported Kurdish rebels. That bombing was with chemical weapons, and more than 5,000 women and children died in that attack.

Iraqi chemical weapons were used in 1982 to 1984 in the Iran-Iraq war. The Iraqis developed their proficiency in chemical weapons gradually during the war with Iran. The Iraqis initially used chemical weapons against the Iranians in 1982, and the next recorded deployment was in July 1983, when the Iraqis used mustard gas against an Iranian force. Large quantities of mustard gas were used in November 1983 and February 1984. They may also have used a nerve agent in the February 1984 attack.

With respect to the Iraq-Kuwait crisis, from January 18, 1991, to February 25, 1991, Iraq fired 39 Scud conventional warhead missiles at Israel in 18 separate attacks, killing 2 persons directly, killing 12 people indirectly, and injuring more than 200 persons.

On December 18, 1990, Amnesty International issued a report that stated Iraq tortured or executed hundreds of Kuwaitis suspected of conducting guerrilla warfare against Iraqi forces. Thousands of Kuwaitis were arrested for resisting Iraqi orders. Amnesty International also reported that some 312 premature babies died after the Iraqi troops stole their incubators.

Iraq committed deliberate and calculated crimes of environmental terrorism in the region by its willful ignition of more than 700 Kuwaiti oil wells in February 1991.

In the spring of 1993, the Government of Kuwait informed the U.S. administration that it had discovered evidence that Iraq sponsored an attempt to assassinate former President Bush and destabilize Kuwait during his April 14, 15, and 16 visit to Kuwait. The Federal Bureau of Investigation and other U.S. intelligence agencies were sent to Kuwait to conduct their own investigation and reported back to the President on June 24, 1993, that their findings confirmed the view that Iraq was behind the plot.

Iraq denied that it attempted to assassinate the President. But the proof, being overwhelming, led the United States, on June 26, 1993, to launch 23 Tomahawk missiles at Iraqi intelligence headquarters.

On June 28, 1993, President Clinton sent the Congress a letter describing the missile attack on Iraq being "consistent with the War Powers Resolution."

This is a very brief summary of the war crimes committed by Saddam Hussein and others. We have found on the international scene the conduct of Saddam Hussein to be reprehensible in many other respects. Saddam Hussein has flagrantly violated the U.N. resolutions, carrying the world to the brink of conflict and then backing down at the last minute. It would be a very salutary matter to have Saddam Hussein indicted and tried as a war criminal. It is obvious that taking Saddam Hussein into custody is a very complex matter and perhaps impossible without an enormous military force. By 20/20 hindsight, Saddam Hussein should have been taken into custody in the 1991 Persian Gulf war, but that is 20/20 hindsight.

There have been a number of calls to have Saddam Hussein toppled. It is not beyond the realm of possibility that insurgent forces within Iraq could lead a revolution. The United States could lend the Voice of America to those efforts. The United States could, consistent with international practices, support those who would move against Saddam Hussein, and in the context where action is contemplated against Saddam Hussein, a resolution for the trial of Saddam Hussein as a war criminal, the indictment itself, the trial, even if in absentia, could give the United States a high moral ground and warrant our action in toppling Saddam Hussein.

I am joined at this time by my distinguished colleague, Senator DORGAN, who is a cosponsor of the resolution. I yield the floor to Senator DORGAN.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from North Dakota.

Mr. DORGAN. Mr. President, first, I compliment Senator SPECTER from Pennsylvania, since he is the original author of this resolution on an international criminal tribunal for Iraq. I very much appreciate his leadership, and I know the Senate appreciates that leadership as well.

This is the right subject. It is something the Senate needs to be discussing. I hope very much that tomorrow, when we vote on this resolution, the Senate will overwhelmingly approve it.

Recently, in the country of Iraq, a state-controlled newspaper proposed that Saddam Hussein be given the Nobel Peace Prize. I doubt whether many Americans would believe that Saddam Hussein would qualify for the Nobel Peace Prize. The only ceremony I believe Saddam Hussein ought to attend in the near future is a war crimes trial. And I expect, in the future, if there were a war crimes trial to be held—and I hope this legislation will be the catalyst to make that happen—I expect in the future no one will again suggest a Nobel Peace Prize for a convicted war criminal.

Why do we say there should be an international tribunal to try Saddam Hussein and other leaders of Iraq for war crimes?

First of all, there is precedent for it, as Senator SPECTER indicated. In Nuremberg, at the end of World War II, over 200 Nazi leaders were tried between 1945 and 1949. Thirty-seven of them were sentenced to death, 23 to life in prison, and 101 to shorter prison terms.

There is an international tribunal for Rwanda at work right now. Three trials are underway. Thirty-one suspects have been indicted, and nearly all of them are in custody.

The international tribunal for the former Yugoslavia has indicted 79 suspects, of whom 24 are now in custody.

I believe that an international tribunal to try Saddam Hussein and other Iraqi leaders for war crimes should follow on these models. A tribunal for Iraq should be constituted by the United Nations, and war crimes trials should begin.

Iraq's crimes against peace include two wars of aggression: the Iran-Iraq war in which Iraq invaded Iran, and the Persian Gulf war, in which Iraq invaded its southern neighbor, Kuwait.

War crimes committed by Iraqi forces against civilians in Kuwait include extrajudicial and political killings, acts of torture, rapes of civilian women, pillage and looting—all crimes under the Fourth Geneva Convention, which requires wartime protections for civilians.

Iraqi troops committed crimes against third country nationals. They prevented Western and Arab refugees from leaving Iraq and Kuwait. They carried out arbitrary arrests and detentions. Iraq even resorted to hostage taking and use of hostages as human shields.

The Iraqi government committed crimes against prisoners of war. It used physical and mental torture to coerce POWs to reveal information. It used prisoners of war as human shields, and it displayed injured prisoners of war on Iraqi TV.

Iraq committed crimes against diplomats and embassies: it abducted people with diplomatic immunity, and it seized and blockaded embassies in Kuwait.

So Mr. President, the list of war crimes during the Persian Gulf War is a lengthy one. However, Iraq's criminal record goes back further than that.

Human Rights Watch has written extensively about the Anfal campaign against the Kurds living in northern Iraq. This campaign was a policy of systematic and deliberate murder. Human Rights Watch concluded that the Iraqi government killed at least 50,000 and perhaps as many as 100,000 Kurds.

The Anfal campaign involved the destruction of thousands of Kurdish villages and the murder, disappearance, and extermination by chemical weapons or the forcible resettlement of hundreds of thousands of Kurds. This was ethnic cleansing before the term was invented.

Even worse, the Anfal campaign included chemical weapons. A U.S. Government white paper says there were "numerous Iraqi chemical attacks against civilian villages in 1987 and 1988." The white paper lists 10 instances of Iraqi chemical attacks and says that Iraq "delivered. . .Mustard 5 agent and the nerve gases Sarin and Tabun in aerial bombs, spray dispensers, 120-mm rockets and several types of artillery."

Iraq possesses a chemical weapons program and a biological weapons program. Its chemical stockpile contained 40,000 chemical weapons munitions; 480,000 liters of chemical weapons agents; and 8 delivery systems.

Iraq's biological weapons arsenal included 8,500 liters of anthrax; 19,000 liters of botulinum toxin; and 2,200 liters of alfatoxin. This program was in violation of the Biological Weapons Convention, to which Iraq is a party.

And the list of Iraqi crimes and treaty violations goes on at some length. I ask unanimous consent to have the list printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. DORGAN. Mr. President, let us look at the behavior and the actions of Saddam Hussein and the regime in Iraq through the horror of what happened to a young boy, now dead, named Dejwar, 5 years of age. In reading Dejwar's story, I am relying on the wonderful reporting work done by Middle East Watch and the Physicians for Human Rights. Human Rights Watch has published this work in a book called, "The Anfal Campaign in Iraqi Kurdistan."

This book tells a terrible story about what happened to Dejwar.

On August 25, 1988, at dawn, this 5-year-old boy, with his father, a farmer, was awake inside their house in Birjinni. Hassan, the boy's father, lived there with his father and mother, his four brothers, his wife and four children, of whom Dejwar was one.

Hassan, Dejwar's father, was preparing to go to the orchards that morning. Then the bombs began to drop. The father said that the explosions that morning were not as strong as other bombs that had been dropped on their village by the Government of Iraq.

The surviving villagers described the smoke that morning rising from the bombs as "white, black and then yellow" smoke. Those columns of smoke from the bombs rose 50 to 60 meters in the air.

The smell of gas was "pleasant, at first" that morning. "It smelled of apples," they said, smelled of "something sweet." Several men said it smelled like "pesticides in the fields." Shortly after that, they said "it became bitter. It affected our eyes, and our mouths, and our skin. All of a sudden," they said, "it was hard to breathe. Your breath wouldn't come. You couldn't breathe" at all.

The people of that village—and this is one study of one village, one attack on one morning by the Iraqi Government—did not know what to do when those bombs fell. They began to understand these were not usual bombs, these were chemical bombs.

As the smoke from the chemical bombs settled into the lower land, they said "it drifted down the valley toward the fields and the orchards." The father said, "I took my family, three of my children and my wife, and we ran to higher ground. We went the other direction from the smoke." There was complete panic; people ran in all directions. Families were separated, children lost from their parents. Everyone "was trying to save themselves, each one himself, even the mothers of children, because they couldn't breathe."

But Hassan's father and other family members at first stayed in the house because "they didn't know what the smoke could do." When they realized they were under gas attack, many of them ran down from the village to an orchard in a ravine. The smoke followed them into the ravine.

Hassan and his wife realized that one of their four children was also separated from them, and that was the 5-year-old boy I mentioned, Dejwar. He was missing. He had gone with his grandfather to the orchard in the ravine and stayed there.

When some of the smoke lifted, after about a half an hour, Hassan and other survivors thought it was safe to come to the village. He found his mother and sister "lying on the ground, overcome by the gas." Symptoms: Hands, legs paralyzed, trembling, shaking. They tried to swallow water and couldn't. Their throats were burning. They were vomiting. Hassan later said, "My mother whispered, 'I think there's a hole in my head.'" Within several hours after exposure to the smoke, both mother and sister went blind, according to family members.

Hassan went down from the village and found his father and his son Dejwar lying dead outside the orchard. There were no marks on them. "It was like they were sleeping," he said, "except their faces were blue." Then he found his two brothers dead in a small cave where they had taken refuge.

Mr. President, these are just a few paragraphs in a book describing the experience of one village under attack with chemical weapons by the country of Iraq.

Name another leader on the face of this Earth who has decided, not once but on numerous occasions, to use weapons of mass destruction against his own people and his neighbors. Name one other country. Only Iraq, only Saddam Hussein.

The Senator from Pennsylvania and I and others say it is time, long past the time, when there should be constituted an international tribunal to try these people, who have committed such atrocities, for war crimes. That tribunal will give a much longer presentation of evidence than the Senator from Pennsylvania or I will give today. Maybe then, maybe all of the world will see the systematic presentation of evidence, and hear of the unspeakable horrors that have been visited upon innocent men, women and children. Not just tens of thousands, but hundreds of thousands of people, who have disappeared and been killed and murdered. Some of them were killed by poison gas.

Maybe then the rest of the people in the world will understand this is not just a foreign leader, this is not just the leader of Iraq, this is a convicted war criminal.

A war crimes trial should have happened after the Gulf War. Whether Saddam Hussein is tried in absentia or not is irrelevant to me. The fact that he is tried is very important. We must, as a world, come together and judge actions of this type.

The unspeakable horrors that have been visited upon so many innocent people by this government must not go unnoticed and must not remain unprosecuted. We can, we should, and we will convene an international tribunal. We have done that in the past, and there are two such tribunals ongoing right now.

With the leadership of the Senator from Pennsylvania, we can and will and should convene that international tribunal for Iraq and do the right thing.

This resolution may be controversial for some, who say that the foggy world of diplomacy does not accommodate this kind of decisive and important action. I think the foggy world of diplomacy demands this kind of action.

When diplomatic initiatives occur in the Persian Gulf in the future, it ought not occur between respectable diplomats on one side and Saddam Hussein as a national leader on the other side. It ought to be Saddam Hussein, a convicted war criminal, on the other side, a war criminal convicted by evidence all the world will have seen. That is the purpose of this resolution.

Mr. President, I yield the floor.

EXHIBIT 1

CRIMES OF SADDAM HUSSEIN AND IRAQI LEADERS

The first category of crimes is crimes against peace. It has been said that to wage a war of aggression is the worst of all war crimes, because from it other war crimes flow. In fact, the Nuremberg and Tokyo war crimes tribunals both said that to unleash a war of aggression "is the supreme international crime." In international legal terms, a war of aggression is a crime against peace, and the leaders of a government that wages an aggressive war are culpable for their country's aggression.

The regime of Saddam Hussein is guilty of perpetrating this crime not once but twice. Often overlooked is the fact that Saddam Hussein invaded Iran in September of 1980, thinking that a weakened and isolated Iran would not be able to fend off what was essentially an Iraqi land grab. The Iran-Iraq War lasted until a cease-fire in 1988. It is estimated that the war left 1 million dead and 1.7 million wounded. Iraq repeatedly resorted to using chemical weapons during this war.

Iraq's second war of aggression was the attempted annexation of Kuwait, which began with an unprovoked Iraqi invasion on August 2, 1990. This was an attempt by Iraq to annex Kuwait, to obliterate Kuwait as an independent state, which is a violation of Chapter I, Article 2, sections (1) and (4) of the United Nations Charter, of which Iraq is a signatory. In addition, it was a violation of Article 25 of the UN Charter for Iraq to refuse to accept and carry out 12 specific UN resolutions ordering Iraq to withdraw from Kuwait and to permit the restoration of Kuwait's lawful government.

During their illegal occupation of Kuwait, Iraqi forces occupying Kuwait committed many war crimes. The scope of Iraq's guilt is suggested by a Defense Department report that states that Iraq's war crimes included:

Taking hostages, torture and murder of civilians, looting civilian property, looting cultural property, indiscriminate attacks on noncombatants by the launching of Scud missiles against cities rather than specific military objectives, illegal employment of sea mines, mistreatment of prisoners of war, and unnecessary destruction of property, as evidenced by the release of oil into the Persian Gulf and the destruction of hundreds of Kuwaiti oil wells.

Iraq's crimes against the people of Kuwait included extrajudicial and political killings of hundreds of Kuwaiti civilians, rapes of civilian women, collective punishment of neighborhoods where resistance was strong, and pillage and looting of nearly everything of value.

According to an article in the Denver Journal of International Law and Policy, the acts of torture committed by Iraqi troops in Kuwait included:

Beatings, the use of fists, belts, hot metal rods and hot skewers, kicking, burning of the skin with fire and acid, sexual torture, mock execution, electric shocks, shootings, knife slashes, exposure to extreme heat and cold for long periods of time, pulling out fingernails and forcing victims to watch relatives being tortured.

All of these actions against the population of Kuwait were war crimes under relevant international law, especially the Fourth Geneva Convention, which describes obligations to protect civilians in time of war. Both Iraq and Kuwait are parties to this convention.

International law also protects citizens of other countries in Iraq or Kuwait. However, despite being a party to the Fourth Geneva Convention and to the International Covenant on Civil and Political Rights, Iraq committed many crimes against third country nationals. These crimes included preventing Western and Arab refugees from leaving Iraq and Kuwait, subjecting third country nationals to arbitrary arrest and detention, taking some of them hostage and using them as human shields, and murdering Egyptians, Iranians, Pakistanis and others in Kuwait.

Iraq is also a party to the Geneva Convention Relative to the Treatment of Prisoners of War, which requires good treatment and protection of POWs. However, during the occupation of Kuwait, Iraqi forces committed war crimes against POWs, including physical and mental torture to coerce POWs to reveal information, using POWs as human shields, and displaying injured POWs on Iraqi television.

One of the oldest obligations in international law requires that countries immunity to diplomats and respect the integrity of embassies and their archives and documents. Iraq and Kuwait are parties to 2 conventions on this subject, the Vienna Conventions on Diplomatic and Consular Relations. Nevertheless, Iraqi troops violated these conventions by denying diplomatic immunity to those diplomats whose nations refused to shut down their embassies (as demanded by Iraq), seizing and blockading embassies in Kuwait, and abducting people with diplomatic immunity.

During the Persian Gulf War, Iraq launched surface-to-surface missiles at populated cities in Israel and Saudi Arabia. These were among Iraq's more blatant and dramatic crimes. Who can forget the TV footage of Scud missile fragments falling on Tel Aviv? In the case of Israel, these were attacks upon a neutral state. In the case of Saudi Arabia, the attacks served no military purpose. In both cases, missile bombardments were willful and wanton attacks on civilian populations, in violation of the 1907 Hague Convention respecting the Laws and Customs of War on Land.

During and after its occupation of Kuwait, Iraq took extreme steps to destroy Kuwaiti property—steps that were well beyond what military necessity required. Iraq released millions of gallons of crude oil into the Persian Gulf to gain military advantage, at great environmental cost. Retreating Iraqi forces also set fire to over 700 Kuwaiti oil wells. International law has a convention against such environmental crimes: the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques. Iraq signed this Convention on August 15, 1977 and violated it less than 15 years later.

Perhaps Iraq's most fundamental war crime was its refusal to honor its Charter commitment, as a member of the United Nations, to "accept and carry out the decisions of the Security Council." The Security Council adopted 12 resolutions after Iraq's invasion of Kuwait. They called on Iraq to cease its war crimes and to withdraw from Kuwait. We all know that Iraq refused to comply, and had to be routed from Kuwait by force.

GENOCIDE AND CRIMES AGAINST HUMANITY

The violations of international law in Kuwait were systematic and widespread. But the international tribunal should not confine itself simply to the Persian Gulf War—to do so would be to ignore the larger pattern of Saddam Hussein's crimes, of which the invasion of Kuwait was only a part. Criminals, after all, have records—and the criminal record of Saddam Hussein is a long one. It goes back to before the Persian Gulf War, and it continued after the war.

The most enormous crime that Iraqi leaders have committed was the genocidal Anfal campaign against Kurds in rural areas of northern Iraq. Relying on over 300 interviews, field work in Iraqi Kurdistan, and forensic material, and using a captured cache of official Iraqi documents, Human Rights Watch has concluded that the Anfal campaign against Iraqi Kurds involved the "systematic, deliberate murder of at least 50,000, and possibly as many as 100,000, Kurds." The campaign involved the destruction of thousands of Kurdish villages, and the murder, disappearance, extermination by chemical weapons, or forcible resettlement of hundreds of thousands of Kurds.

A Human Rights Watch report describes how this campaign of genocide worked, village by village. "A village was often first shelled or bombed, sometimes with chemical weapons, evidently of the type used in the Iran-Iraq war. The inhabitants, attempting to flee, were trapped by troops enveloping the village." Iraqi security forces would cull out the men and the boys, who disappeared. Eyewitness reports suggest that they were taken south by truck, killed, and buried in mass graves.

These acts against its own Kurdish population make the Iraqi government guilty of genocide, as that crime is defined by the Genocide Convention, to which Iraq became a party in 1959. The Convention prohibits the mass murder of people based on their ethnicity. It is clear from Iraq's own documents that on a mass scale, the Government of Iraq attempted to eliminate Kurds simply because they were Kurds. This is the definition of genocide.

In its campaign against its own Kurdish population, the Iraqi government used chemical weapons left over from its wartime stockpile. A U.S. government white paper on Iraqi weapons of mass destruction says that there were "numerous Iraqi chemical attacks against civilian villages in the 1987 and 1988 time frames . . . in areas close to both the Iranian and Turkish borders." That same white paper also lists 10 instances of Iraqi chemical attacks against Iranian troops or Kurdish civilians. To quote the report:

"Iraq had an advanced chemical warfare capability that it used extensively against Iran and against its own Kurdish population during the 1980s. Iraqi forces delivered chemical agents (including Mustard 5 agent and the nerve agents Sarin and Tabun 6) in aerial bombs, aerial spray dispensers, 120-mm rockets, and several types of artillery both for tactical military purposes and to terrorize rebellious segments of the population."

IRAQI VIOLATIONS OF TREATIES AND UN RESOLUTIONS

These chemical weapons attacks, both in the war against Iran and internally against the people of Kurdistan, raise the issue of Iraq's entire program to develop weapons of mass destruction—chemical, biological and nuclear weapons—and the means to deliver them. These weapons programs were not war crimes that an international tribunal could prosecute, but they are further evidence by which to judge Saddam Hussein. Most importantly, they show a continuing pattern of treaty violations and disregard for Security Council resolutions.

For example, Iraq's use of chemical weapons against Iranian troops was a violation of the Geneva Protocol of 1925, to which Iraq is a party. While most of Iraq's chemical attacks were in the 1980s, it is only since the Persian Gulf War that the full extent of Iraq's chemical arsenal has become apparent. UN inspectors have supervised the destruction of 40,000 chemical weapons munitions (of which 12,000 were filled), 480,000 liters of chemical weapons agents, and 8 types of chemical weapons delivery systems, including ballistic missile warheads.

Despite Iraq's commitment to the UN to destroy its chemical weapons and production facilities, Iraq is poised to resume its production. According to the white paper, "UNSCOM believes Iraq continues to conceal a small stockpile of chemical weapons agents, munitions and production equipment." If this is the case, it is a direct violation of the United Nations cease-fire resolutions, which, under the UN Charter, Iraq has an obligation to obey. Ominously, the white paper notes that "Since the Gulf War, Iraq has rebuilt two facilities it once used to produce chemical agents and has the capability to shift smaller civilian facilities to chemical weapons production."

Iraq's record is even worse with respect to biological weapons. Despite Iraq's commitment to reveal all of its weapons of mass destruction programs, and despite the demands of the UN that it do so, it was only after the defection in August 1995 of Saddam Hussein's son-in-law Husayn Kamil, the former head of Iraqi military industries, that Iraq owned up to its biological weapons program.

According to the Administration white paper, Iraq's biological weapons activities included producing 8,500 liters of anthrax, 19,000 liters of botulinum toxin and 2,200 liters of alfatoxin. Iraq also prepared biological weapons munitions, including 25 Scud missile warheads (5 anthrax, 16 botulinum toxin, 4 alfatoxin), 157 aerial bombs, and aerial dispensers. Iraq researched other ways of using biological weapons, including 155mm artillery shells, artillery rockets, a MiG–21 drone, and aerosol generators.

The Iraqi biological weapons program was a clear violation of the Biological Weapons Convention, which Iraq signed, incredibly enough, in 1991. Is there any greater indication of Saddam Hussein's criminality than his legal commitment in that year to destroy his stockpile of biological weapons—a pledge that he clearly never intended to fulfill?

Lastly, Iraq has confessed to a nuclear weapons development program, but again only after Husayn Kamil's defection in 1995. According to the white paper, "Iraq has admitted experimenting with 7 uranium enrichment techniques. . . . Iraq planned to build a nuclear device in 1991."

Since the Gulf War, Iraq has violated the safeguards and inspection agreement that it signed with the International Atomic Energy Agency, which is attempting to monitor Iraq's nuclear program. The United Nations Security Council, in several resolutions, has denounced Iraq's failure to comply with the cease-fire resolution (#687) and with Iraq's obligations under international law, including treaties—the Nonproliferation Treaty, the Geneva Protocol of 1925 and the Biological Weapons Convention. The Security Council has concluded that:

Iraq is "in flagrant violation of [the cease-fire] resolution";

Iraq's weapons development activities are "material breaches of its obligations" under the cease-fire resolution; and

Iraq's failure to comply with the safeguards agreement "constitutes a breach of its international obligations" under the Nonproliferation Treaty.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. How much time remains under the agreement?

The PRESIDING OFFICER. The Senator from Pennsylvania holds 49 minutes 7 seconds; the other side holds 47 minutes 37 seconds.

Mr. SPECTER. Mr. President, I urge any of my colleagues who wish to speak on this resolution to come forth at this time.

In the absence of any Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1933

Mr. MURKOWSKI. Mr. President, on behalf of the leader and on behalf of Senator SPECTER, I call up amendment numbered 1933 to the pending resolution

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI], for Mr. SPECTER and Mr. DORGAN, proposes an amendment numbered 1933.

Mr. MURKOWSKI. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the resolving clause and insert the following:

That the President should—

(1) call for the creation of a commission under the auspices of the United Nations to establish an international record of the criminal culpability of Saddam Hussein and other Iraqi officials;

(2) call for the United Nations to form an international criminal tribunal for the purpose of indicting, prosecuting, and imprisoning Saddam Hussein and any other Iraqi officials who may be found responsible for crimes against humanity, genocide, and other violations of international humanitarian law; and

(3) upon the creation of a commission and international criminal tribunal, take steps necessary, including the reprogramming of funds, to ensure United States support for efforts to bring Saddam Hussein and other Iraqi officials to justice.

Mr. MURKOWSKI. I ask unanimous consent the amendment be considered as read and agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1933) was agreed to.

Mr. MURKOWSKI. I rise in support of Senator SPECTER's resolution which calls for the establishment of a war crimes tribunal to bring Saddam Hussein to justice. I agree that it is justifiable that Saddam Hussein be prosecuted as an international war criminal, thereby removing him from power. Such an action would eliminate the problem facing the United States and a good part of the free world today.

Certainly with his systematic action to destroy the population of the civilian Kurds in Iraq through the use of chemical weapons in 1988, his war of aggression against Kuwait in 1990, his missile attacks on Israel in 1991, and his involvement in the attempt to assassinate former President Bush in 1993, there is no doubt in my mind that there is sufficient evidence to pursue him as a war criminal.

Mr. President, I think this resolution is only one of the policies that this administration should pursue to shut down Iraq's terrorist regime. I propose one more, one that I raised earlier in this body this week. I think we must go back to the original purpose of the economic sanctions against Iraq and shut down Saddam Hussein's ability to fund his programs for weapons of mass destruction.

In other words, Mr. President, cut off his cash flow, which comes from illegal oil sales. Mr. President, this is the only way we can bring Saddam to his knees. We must effectively cut off the flow of oil from Iraq.

I would like to share a few facts that my colleagues may not be aware of but that are critical to the issue of how Saddam Hussein maintains his current grip on power.

Revenue from oil exports have historically represented nearly all of Iraq's foreign exchange earnings. In the year preceding Operation Desert Storm, Iraq's export earnings totaled $10.4 billion, with 95 percent of that attributed to petroleum exports. So make no mistake about where the revenue comes from. It comes from his oil. Iraq's imports during the same year, 1990, totaled only $6.6 billion.

U.N. Security Council Resolution 687, passed in 1991 at the end of the Gulf war, requires that international economic sanctions, including an embargo on the sale of oil from Iraq, remain in place until—I emphasize "until"—Iraq discloses and destroys its weapons of mass destruction programs and capabilities and undertakes unconditionally never to resume such activities.

Well, where are we? The teeth in Resolution 687 have effectively been removed with the expansion of the so-called oil-for-food exception to the sanctions. The first loosening of the sanctions occurred in 1995 when Security Council Resolution 986 allowed Iraq to export $1 billion in oil every 90 days, which is $4 billion over a year.

Most recently, during the period when Saddam was again violating Security Council resolutions by refusing to allow international inspectors to conduct their work, the United Nations voted to more than double the amount of oil Iraq can export next year.

On February 20, the U.N. Security Council, with the Clinton administration's support, adopted Resolution 1153, which will allow Iraq to export $10.52 billion in oil sales per year. That is $5.256 billion every 6 months. In other words, Iraq is now authorized to export nearly as much oil, in today's dollars, as it did before it invaded Kuwait.

So what are we doing, Mr. President? We are obviously increasing Saddam Hussein's ability to generate a greater cash flow to fund his purposes, that are certainly suspect, to say the least.

The question is, Will the United States force Iraq to wait to rebuild its oil production capability until it meets the conditions imposed at the end of the Gulf war? We clearly have that answer: It is quite the contrary. In fact, paragraph 12 of Resolution 1153 directs the Secretary General to establish a group of experts to determine whether Iraq has the production and transportation capacity to export the full amount allowed. Well, the resolution goes on to say that the Security Council "expresses its readiness" to authorize "the export of necessary equipment to enable Iraq to increase the export of petroleum or petroleum products."

Clearly, we are giving him the green light to increase his production capabilities.

Nowhere does the resolution mention the potential arms control problems presented by allowing Iraq to resume the import of petroleum equipment, some of which is dual-use and some of which can easily be disguised.

We witnessed his efforts in the early 1980s to disguise shipments into Iraq that, at that time, were explained to the United States as "parts for his refineries," when in fact they turned out to be parts for his huge cannon or pipe gun.

Even as President Clinton vowed to "keep the sanctions on" Iraq until the regime lives up to most of its commitments, we are obviously creating a giant loophole for Iraq's most important commodity—and that is oil—to find its way out into the markets of the world.

Mr. President, I recommend to my colleagues an excellent analysis of the problems with the expansion of the oil program by Patrick Clawson, which came out of the Washington Institute for Near East Policy, entitled "Oil for Food Or the End of Sanctions." I ask unanimous consent that the text of this article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. MURKOWSKI. Further, it should be noted that using this program to feed his people and to provide medicine frees up other resources that can be used to finance his factories of death.

Moreover, the increase in illegal sales of petroleum products coincided with implementation of the oil-for-food program in 1995. Part of this oil is moving via truck across the Turkey-Iraq border. A more significant amount is moving by sea vessel through the Persian Gulf. Exports of contraband Iraqi oil through the Gulf have jumped seven-fold in the past year, from $10 million in diesel fuel sales in 1996 to $75 million in 1997. Furthermore, Iraq has been steadily increasing exports of oil to Jordan, from 60,000 barrels per day at the end of Operation Desert Storm to an expected 96,000 barrels per day this year. An ABC News report in December of 1997 cited the Center for Global Energy Studies' estimate that Saddam Hussein was generating $300 million to $400 million a year from contraband oil sales.

Mr. President, I have absolutely no doubt that allowing Saddam to increase his oil production under the new resolution means that contraband oil exports will increase proportionately. It is this illegal flow of oil that is the lifeline that keeps his Republican Guards well fed and his weapons of mass destruction program on track.

Finally, Mr. President, Resolution 1153 does more than address humanitarian imports; it finances almost the full range of imports that Iraq would make were it not under the sanctions. The resolution provides for infrastructure improvements, such as sewers and electricity—all activities that would normally be undertaken by the Iraqi Government.

I have a few theories about the motivation of the interested parties. From the standpoint of the Clinton administration, this may have been viewed as a counterbalance to the call for military action. I think it was certainly counterproductive. But in any event, that was their decision.

But for the other members of the Security Council, particularly those who oppose the use of military force—Russia, France, and China—the motivation is clear. The motivation is economic. As a recent Wall Street Journal article observed:

> For Kremlin envoys, more than $10 billion in contracts and debt is at stake in bringing an end to the United Nations economic sanctions against one of Russia's biggest trading partners.
>
> Indeed, even under the U.N. embargo, Russian oil companies have been the prime beneficiaries of the oil-for-food program. It is reported that Russia signed and delivered 36 contracts to supply pharmaceuticals worth $100 million to Iraqi hospitals under the U.N. deal.

Russia's heavy industry would also benefit by supplying oil equipment, such as platforms and rigs, to Iraq, as would Russian arms makers. Of course, some Russian companies have not waited for the end of the sanctions. Iraq obtained several Russian gyroscopes used for aiming Scuds back in 1995. We know that. And just last week, U.N. inspectors accused Russia of selling Iraq huge steel drums that can be used to produce biological warfare agents.

I should note that both China and France have similar conflicts of interest in that their close economic ties to Iraq and their desire for Iraqi oil have made them hard set against any military action.

With the United Nations having now negotiated a deal with Saddam Hussein that appears, in the short term at least, to have sidetracked military options, and with members of the Security Council actively working to let Saddam off the hook, what can the United States do unilaterally to advance our national security interests?

I am pleased to announce that Senator HELMS and the Foreign Relations Committee and, in my capacity as chairman of the Energy and Natural Resources Committee, will be holding hearings on this matter in the very near future. Our Committees will look specifically at enforcement and monitoring of the oil-for-food program, the flow of contraband oil out of Iraq, the effect of the lifting of the sanctions on Iraq by the United Nations, and the beneficiaries of that change of policy.

I believe Congress should instruct the administration to pursue means to tighten the oil-for-food monitoring program so that we are assured that we have the accountability—and the United Nations has never been particularly adept at accountability—and to develop measures that will prevent the illegal leakage of oil into the world marketplace.

I introduced a resolution 2 weeks ago—Senate Concurrent Resolution No. 76—which would send that message to this administration. I plan to amend the resolution to reflect what is learned in the congressional hearings, and will ask the Senate to take action on it in the near future.

My resolution will call on the administration to consider a few options. The first would be expanding the Multinational Interdiction Force, MIF, in the Gulf of Arabia and ensuring that the rules of engagement allow MIF forces to effectively interdict vessels containing contraband oil.

Second, using all diplomatic means available to ensure that other countries in the region are not aiding illegal oil exports in violation of the U.N. resolution.

Third, inspecting all vessels leaving the Iraqi Port of Basra to ensure that the economic sanctions are not being circumvented. This type of blockade is justified under existing U.N. resolutions implementing economic sanctions. We maintain in the skies, in effect, what amounts to a blockade, and we certainly have the right to enforce the movement of illegal oil that is coming out of Iraq.

And, fourth, entering into negotiations with oil-producing nations to encourage them to make subsidized sales of oil to Jordan so that Iraqi-Jordanian oil-flows can simply be shut off.

Mr. President, oil is the key to controlling the future of the military capacity of Iraq. We have to control it if we are ever going to control Saddam Hussein.

This concludes my remarks. Mr. President, I thank the Chair. I thank the Senator from Pennsylvania for yielding me time to talk on this Iraqi issue.

Exhibit 1

[From Policywatch, Feb. 26, 1998]

'OIL FOR FOOD' OR THE END OF SANCTIONS?

(By Patrick Clawson)

While Kofi Annan's diplomacy has received headlines, another Security Council action last week—approval of United Nations Security Council Resolution (UNSCR) 1153 on February 20—was subject to remarkably little scrutiny. This resolution, designed to expand the existing oil-for-food program with Iraq, was intended to blunt criticism from Arab and others as the way was prepared for a military option. However, in vastly expanding the amount of oil Iraq can export and loosening the restrictions on what it can import, this U.S.-backed measure went a long way towards undermining the existing sanctions regime and removing much of the incentive for Iraq to fulfill its arms inspection obligations.

No Effective Limits on Iraqi Oil Exports: UNSCR 1153 authorizes oil exports of $10.66 billion per year ($5.256 billion per 180 days). By contrast, Iraqi oil exports in 1981–89 averaged $9.54 billion per annum; adjusting for inflation, that would be the equivalent of about $11.5 billion now. In other words, Iraq is now authorized to export nearly as much oil as it did before it invaded Kuwait. Indeed, the Iraqi government actually complained to the UN that the oil export level authorized by UNSCR 1153 is too high. In his letter, Tariq Aziz said Iraq's operational capacity was limited to $8 billion a year in exports and that any higher target was "unrealistic and unfeasible" (Security Council Press Release 6478). The UN-authorized limit translates into 2.25 million barrels per day (MBD), if the price averages $13 per barrel. In addition, Iraq produces .4 mbd for domestic use and .2 mbd for export to Jordan and smuggling out the Gulf or to Turkey. That means Iraq would have to produce 2.85 mbd to make use of the full UN quota. In fact, it is unlikely that Iraq could produce more than 2.5 mbd today and it may take Iraq until the end of 1999 before it could reach a production level that takes full advantage of the UN-authorized exports. In short, Iraq faces no effective limit on its oil exports, because it is now permitted to export all the oil it is now capable of pumping.

To assist Iraq in expanding its oil production, the Security Council (in UNSCR 1153 para. 12) "expresses its readiness [to] authoriz[e] the export of the necessary equipment to enable to increase the export of petroleum" if the Secretary-General reports this is necessary after consulting experts. Were Iraq to resume large-scale imports of oil-field equipment, that would pose serious arms control problems. Not only is some equipment dual-use (e.g., heavy trucks), but it is important to remember that Iraq disguised its "super gun" barrel as an oil pipeline, convincingly enough to mislead some of the "pipe" producers.

Imports at Half of Pre-War Level: UNSCR 1153 does more than provide humanitarian imports: it finances almost the full range of imports that Iraq would make were it not under sanctions. (One remaining exception are consumer durables, like automobiles.) In fact, UNSCR 1153 provides imports at about half the pre-war level, putting the lie to the idea that Saddam is stuck in an ever-constricting "box."

Here, the numbers are instructive. Of the $10.66 billion a year in UN-authorized exports, $3.20 billion (30 percent) will be withheld as compensation payment for war losses, to be distributed by the Geneva-based UN committee handling such claims. After deducting for UN operations in Iraq, about $7.1 billion will remain for imports ($3.5 billion each 180 days). Iraq will also have about $.5 billion a year from its non-1153 oil sales, mostly to Jordan. In total, then, Iraq will have about $7.6 billion a year for imports. By contrast, Iraqi non-arms imports in 1981–89 averaged $12.1 billion per year; adjusting for inflation, that would be about $14.5 billion per year now. In other words, Iraq will be authorized to import goods at about half the pre-war level.

Another wrinkle in UNSCR 1153 is that it allocates large sums to items other than food, the main focus of the original oil-for-food resolution (UNSCR 986). Of the initial 180-day imports of $3.5 billion, the plan includes $1.1 billion for investment (non-recurrent costs). That includes $449 million for the rehabilitation of hospitals and clinics, $305 million in water sanitation, $143 million in agriculture, $77 million in electricity, $30 million in resettlement, and $92 million in education. This is far more than humanitarian relief; it is a significant investment program. Furthermore, the large authorized imports of agricultural and sanitation chemicals, including dual-use precursors for chemical weapons, will provide Iraq many opportunities to divert part of this incoming stream. (And it will not be practical to post UN monitors at every Iraqi farm, barn or field to ensure that all the agricultural chemicals are being used as claimed.) Another component of UNSCR is its authorization for the import of medicine and other recurrent health costs. In fact, this resolution permits Iraq to import $117 million of such goods, an amount that exceeds the health-related imports its neighbors Iran or Turkey, each with populations three times Iraq's.

More than Sufficient Food: If the principal international concern is to alleviate malnutrition, the food imports under the original oil-for-food program were already sufficient. UNSCR 1153 will take the average Iraqi's intake to levels far beyond which the U.S. government recommends for the average America.

While the food distribution program under the original oil-for-food resolution began, the situation improved markedly after the arrival in Baghdad last September of Dennis Halliday, an Irish public administration expert. Three million tons of food has arrived in country, more than 90 percent of which has been distributed. This has amounted to regular distribution of a ration of 2,030 calories per Iraqi day from flours, rice, legumes, sugar, cooking oil, and baby milk. In addition, tea, salt, soap, and detergent are also distributed. UNSCR 1153's new distribution plan envisages increasing Iraqi rations to 2,463 calories a day. In addition, Iraq produces fruits, vegetables, and lamb—none of which are in the rations—sufficient to provide on average an extra 500 calories per day. That means the Iraqi diet will rise to an average 2,950 calories per day, a level that equals almost 95 percent of the Iraqis' pre-1990 intake of 3,100 calories per day. To put this in context, the U.S. Department of Agriculture recommends that a healthy diet for an adult American is 2,200–2,400 calories per day.

Furthermore, the money authorized for food imports is well above that needed to produce this diet. The UNSCR 1153 plan allocates $1.4 billion for food imports for 180 days. That works out to $129 per person per year, which is way out of line with the cost of other international relief efforts. Perhaps the UN plan is to provide Iraqis with a more tasty and varied diet. But the possibility remains that Iraqis will find ways to divert funds, for instance, by over-invoicing (claiming goods cost more than they actually do).

Humanitarian Crisis? The Iraqi government makes lurid claims about hundreds of thousands of infants dying because of the sanctions. These claims are parroted by international organizations, like UNICEF, which release reports based entirely on Iraqi-provided data. However, there is no reason to expect Iraqi data about malnutrition to be any more accurate than Iraqi data about weapons of mass destruction. Yet even if one were to take Iraqi data at face value, without the international inspection of Saddam's humanitarian situation that Baghdad prevents, then some Iraqi statistics suggest there may not be as acute a humanitarian problem as Iraq contends. Iraq's 1997 census showed a population increase of 3.5 million since 1990's 18.5 million. As even the official newspaper Al-Jumhurriyah admitted (October 18, 1997), "This is an unusual increase for a people who have been exposed to embargo, starvation, and disease and who have consistently lost 20,000 persons per month."

To have the increase shown in the census (500,000 a year) and allowing for deaths, there must have been each year 700,000 infants who survived. Iraqi pre-war data on births show that 700,000 births a year is about what could have been expected in Iraq in the mid-1990s, given the past pattern. That does not leave room for the claimed 100,000-plus deaths a year of infants due to sanctions. In other words, unless there was some unusual increase in the birth rate, the Iraqi census data are consistent with a normal level of births and a normal level of infant mortality and inconsistent with Iraq's claim of a high infant mortality rate.

Implications: UNSCR 1153 is a big victory for Saddam. He has come a long way towards his goal of the lifting of sanctions. He is now authorized to export oil effectively without limit and to import nearly all types of civilian goods at about half the pre-war level, which is about all his war-ravaged country could absorb in any case. This effectively eviscerates one of the main incentives for Iraqi cooperation with UNSCOM—i.e., the prospect that sanctions would be lifted once UNSCOM certifies Iraqi compliance on weapons of mass destruction, as outlined in UNSCR 678 paragraph 22. By going much of the way towards lifting sanctions, UNSCR 1153 gives Saddam less reason to cooperate with UNSCOM than ever before.

Mr. HELMS. Mr. President, I confess a measure of regret that it has taken the Congress this long to state the obvious in a clear and formal way that Saddam Hussein is a murderer, and should be brought to justice. I recall the occasion almost 10 years ago, when I stood on this Senate floor and condemned Saddam Hussein's crimes against his own people. Senator Pell, then the distinguished chairman of the Foreign Relations Committee, and I joined in offering amendment after amendment on various bills then being considered by the Senate. Senator Pell and I were dismayed that there seemed so little interest in calling the world's attention to the sadistic tyranny of Saddam Hussein.

Mr. President, anyone who believes that Saddam is a man who "can be trusted", a man with whom we can "do business" and have a "human relationship" (I am quoting the Secretary General of the United Nations on these points), needs to be reminded not only of the 148 lives lost in combat in Desert Storm or of the 37 lives lost on the U.S.S. Stark, but also of those pitiful women and children of Iraqi Kurdistan who were deliberately burned beyond recognition by Saddam's chemical weapons. I remind them of the Anfal campaign and the city of Halabja, and the hideous deaths of tens of thousands of innocent people.

Let's face it, Mr. President, Saddam Hussein is the world's worst and most treacherous nightmare. He is a brutal and totally unremorseful killer with weapons of mass destruction and he is willing to use them at the slightest provocation.

Mr. President, we must not be deceived. Should Saddam Hussein escape the yoke of sanctions, he once again will begin to amass weapons. He will be a threat to the United States and the American people, and to our allies in the Middle East, and the people of Iraq. The Clinton Administration pretense that all that is needed are sanctions in order to face up to Saddam's threat is dangerous nonsense. Sanctions deal with weapons—but the question is, who is going to deal with Saddam—and how?

It is past time to set in motion a process of gathering evidence, forming a tribunal, indicting and prosecuting Saddam Hussein. He is a war criminal. He is a murderer. Let there be an end to the pretense that installing cameras and finding biological weapons toxins will end our problems with Iraq.

We need to get the weapons, yes. We also need, one way or another, to get Saddam.

VISIT TO THE SENATE BY THE PRIME MINISTER OF THAILAND, CHUAN LEEKPAI

RECESS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Senate stand in recess for 5 minutes for the purpose of receiving the Prime Minister of Thailand.

There being no objection, the Senate, at 5:22 p.m., recessed until 5:27 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

MORNING BUSINESS

Mr. MURKOWSKI. Mr. President, on behalf of the majority leader, I ask unanimous consent that there now be a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADMINISTRATION'S RECORD ALLOWS CHINA TO GET BY WITH WHOLESALE MURDER

Mr. HELMS. Mr. President, the Foreign Relations Committee recently received an alarming letter—which the State Department was required to send pursuant to Title IV of public law 105–118—explaining that the United Nations Population Fund (known as UNFPA) is renewing its highly controversial population control program in communist China.

Surely, the most inhumane human rights abuses in China occur in the name of reducing its birth rate. Under Red China's population control regime, women who already have one child are forced to abort their babies, and forced to undergo sterilization procedures. Nazi Germany could not have designed a system more brutally efficient than China's—which systematically kills all but firstborn babies. And from the beginning, UNFPA has worked hand-inglove with communist Chinese authorities.

In fact, Presidents Reagan and Bush suspended funding for UNFPA precisely because of its activities in China, and it was not until President Clinton was sworn in (promising to keep abortions "safe, legal and rare") that UNFPA begin receiving U.S. taxpayer funds again. President Clinton's support for UNFPA has never wavered, even though China never backed off its forced abortion policy.

So now you know, Mr. President, why the Administration occasionally gives lip service to the critics of China's brutal population control program, and why it occasionally assures Congress that it really does not want UNFPA in China. In fact, the Administration went so far as to put this in writing.

I have at hand a letter from AID's Administrator, Brian Atwood, dated September 10, 1993, promising that, ". . . if there are not significant improvements in China's population program, the United States will not support continued UNFPA assistance to China beyond 1995 when the current program ends." The same promise was made to other members of Congress

Mr. President, this promise is significant because decisions about UNFPA's programs are made by consensus by its Executive Board. In other words, as a leading contributor to UNFPA, and a member of its Executive Board, the United States had the opportunity and the wherewithal to veto a renewal of China's program. But the Clinton Administration refused to do so, despite promises made to Congress, and despite their own admission that China's population program has not made "significant improvements".

Consider the U.S. statement at UNFPA's Board meeting: "We believe that this program may have the potential to demonstrate clearly the efficacy and sustainability of volunteer, non-coercive family planning." Mr. President, this is cheerleading. It is an endorsement rather than opposition, as promised.

It is curious, Mr. President, that UNFPA's previous 15 year program in China failed to "demonstrate clearly the efficacy and sustainability of volunteer, non-coercive family planning". Clearly, communist China sees nothing wrong with its policy of forced abortion. UNFPA's Executive Director actually praised communist China for "achievements" in controlling its population growth. For the State Department to pretend that UNFPA now cares whether China's program is coercive or not is dishonest.

Mr. President, apparently the Administration cannot or will not keep its word when it comes to this issue. Therefore, I intend to make every effort to see that Congress cuts off funding for UNFPA once and for all. I therefore ask unanimous consent that the following letters be printed in the RECORD at the conclusion of my remarks: (1) a February 13, 1997, letter to me from Barbara Larkin, Assistant Secretary of State for Legislative Affairs; (2) a September 10, 1993, letter to me from AID Administrator Brian Atwood; and (3) a May 18, 1994, letter to Rep. SMITH from AID Administrator Brian Atwood.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF STATE,
Washington, DC, February 13, 1998.

Hon. JESSE HELMS,
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: Pursuant to Title IV (Multilateral Economic Assistance) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998, (H.R. 2159), as enacted by P.L. 105–118, we are writing to inform you that the United Nations Population Fund (UNFPA) will begin a new program in the People's Republic of China this year. UNFPA has budgeted $5 million for the China program in 1998, out of a total four-year program budget of $20 million. UNFPA's previous program in China ended in 1995. UNFPA reported to the Department of State, as we in turn reported to you, that no funds were spent in China in 1996 or 1997.

As you know, the U.S. has long opposed plans for a new China program. While we continue to have concerns regarding renewed UNFPA assistance to China, support for a new program has been strong among every other member country represented on the UNFPA Executive Board. Consequently, on January 19, 1998, the Executive Board approved a new program for China. This new four-year program is the result of more than two years of extensive negotiations between UNFPA and Chinese government officials. It involves activities in 32 counties designed to improve the delivery of voluntary family planning and related health services. The program is an attempt to demonstrate that couples, given the family planning and related health services they need, will freely and responsibly plan their families and help the Chinese fulfill their stated intention of eliminating incentives and disincentives from their nation's family planning program. A key element of this new program is a commitment by the Chinese to suspend or remove birth quotas and targets in project counties. As such, the program reflects the principles of voluntarism and non-coercion which we and the international community have been asking China to adopt and begins to address many of the concerns we have about China's family planning policy. We will be monitoring this new program closely.

As Title IV requires, the $5 million that UNFPA plans to spend in China in 1998 will be deducted from the $25 million appropriated in the law for the U.S. contribution to UNFPA.

If you would like further information on the UNFPA program in China, we would be pleased to arrange a briefing.

Sincerely,

BARBARA LARKIN,
Assistant Secretary,
Legislative Affairs.

THE ADMINISTRATOR, AGENCY FOR
INTERNATIONAL DEVELOPMENT,
Washington, DC, September 10, 1993.

Hon. JESSE HELMS,
Committee on Foreign Relations, Washington, DC.

DEAR SENATOR HELMS: Thank you for your letter of August 16, 1993, requesting additional information about the Administration's decision to provide assistance to the United Nations Population Fund (UNFPA) and the Human Reproduction Program of the World Health Organization (WHO/HRP).

UNFPA POLICY DETERMINATION

Rapid population growth presents enormous problems for developing and developed countries in the immediate future. This Administration is acting to establish a role for the United States as a world leader to meet this challenge. President Clinton invited the Executive Director of UNFPA to a White House ceremony on January 22, 1993, when he ordered A.I.D. to stop implementing the Mexico City Policy; he has directed a reorganization of the State Department to reflect the greater priority placed on population as a global issue; and in May, State Department Counselor Wirth reconfirmed the Clinton Administration's intention to resume funding for UNFPA during his remarks to the Second Preparatory Committee for the International Conference on Population and Development.

The United States strongly opposes coercion in family planning programs, and State Department representatives to the UNFPA Governing Council meeting in June expressed our dismay about reported continued abuses in China. In deciding to resume assistance for UNFPA, this Administration did not determine that China's population control program is not coercive, but rather that UNFPA does not support or participate in the management of a program of coercive abortion or involuntary sterilization.

This Administration does not believe it should attribute to UNFPA human rights violations in a government's population program unless there is clear evidence that UNFPA knowingly and intentionally provides direct funding or other support for those abuses. The Kemp-Kasten amendment is an ambiguous provision, and Congress did not indicate an intention to apply this restriction automatically and more broadly to an organization which provides assistance to a country that has a program of coercive abortion or involuntary sterilization. We also do not consider it appropriate to withhold funding when UNFPA is not directly involved with these abuses because the nation-members of the Governing Council, rather than UNFPA, decide whether UNFPA will assist a country that requests it.

During the June Governing Council meeting, the Executive Director of UNFPA likewise condemned coercion in family planning programs. She explained that UNFPA has had a constant dialogue with Chinese officials about reproductive freedom and monitors its projects carefully to ensure adherence to universally accepted standards of human rights. Several other country members of the Governing Council repeated their longstanding belief that UNFPA's presence in China is a moderating influence and a catalyst for change there. More recently, UNFPA reported that the Government of China has agreed to keep UNFPA informed about the action it takes to correct abuses identified in the China population program.

UNFPA also has ceased providing computer equipment for China. UNFPA's current program focuses primarily on improving the quality and safety of contraceptives and providing assistance for safe motherhood, infant care, nutrition, breastfeeding and family planning. It supports efforts to raise the status of women and enhance reproductive choice through improved literacy, skills training and income generation.

Nevertheless, we remain concerned about coercion in China, and UNFPA has agreed to the following conditions: United States funds must be kept in a separate, segregated account; No United States funds may be used in China; and UNFPA will report about where United States funds are used and provide adequate documentation to describe and support the stated expenditures.

The United States will ensure that UNFPA reviews, during each annual Governing Council meeting, progress made toward improving reproductive freedom in China. In addition, if there are not significant improvements in China's population program, the United States will not support continued UNFPA assistance to China beyond 1995 when the current program ends.

WHO/HRP LEGAL ANALYSIS

This letter describes the reasons for A.I.D.'s decision that Sections 104(f) (1) and (3) of the Foreign Assistance Act of 1961, as amended (the FAA), do not bar support for WHO/HRP. There is no separate legal memorandum on this subject.

These sections state: "(f) PROHIBITION ON USE OF FUNDS FOR ABORTIONS AND INVOLUNTARY STERILIZATIONS.—(1) None of the funds made available to carry out this part may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions.

* * * * *

"(3) None of the funds made available to carry out this part may be used for any biomedical research which relates, in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning."

It is clear from the words of this statute that Congress intended to prevent the use of appropriated dollars to pay for the abortion activity described in these sections. The restriction does not make an organization ineligible for assistance, however, if it uses its own money, or funds from other sources, to finance abortions or research about abortion as a method of family planning as long as it agrees not to use United States funds for those purposes.

Since Sections 104(f) (1) and (3) were enacted in 1973 and 1981, respectively, A.I.D. has implemented these limitations by a provision in its population assistance agreements in which the recipient agrees not to use grant funds for the proscribed actions. As indicated in my letter of August 6, 1993, the arrangement with WHO/HRP goes further than is standard practice and requires WHO/HRP to maintain the A.I.D. contribution in a separate suballotment to ensure that no United States funds are used for the purposes prohibited by Sections 104(f) (1) and (3) of the FAA, including tests of RU-486. In addition WHO/HRP will report to A.I.D. about where United States funds are used and provide adequate documentation to describe and support the stated expenditures. Under these circumstances, Sections 104(f) (1) and (3) do not bar United States support for WHO/HRP.

I hope this information answers your questions about assistance for UNFPA and WHO/HRP.

Sincerely,

J. BRIAN ATWOOD.

U.S. AGENCY FOR
INTERNATIONAL DEVELOPMENT,
Washington, DC, May 18, 1994.

Hon. CHRISTOPHER H. SMITH,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN SMITH: Thank you for your letter of April 26, 1994, concerning the United Nations Population Fund (UNFPA) and China's population program.

Among the issues raised in your letter are those related to the conclusion of UNFPA's current five-year program in China and the expenditure of funds pursuant to this program. The UNFPA has an agreement with China to provide $57 million in assistance for voluntary family planning programs from 1990–1994. Our understanding is that UNFPA will not have completed $57 million worth of projects before the end of 1994 and will, therefore, carry over unexpended funds into the 1995 calendar year. UNFPA has assured us that they will not spend more than $10 million during 1994 and not more than $57 million for the currently approved program in China. Of course, it will not be possible to confirm actual 1994 expenditures until the end of this year.

In my letter to Chairman Obey dated August 6, 1993, I stated that "... if there are not significant improvements in China's population program, the United States will not support continued UNFPA assistance to China beyond 1995 when the current program ends." Our position has not changed.

The United States, pursuant to law and Administration policy, insists that no U.S. funds be used by UNFPA in China and we have established mechanisms to ensure that UNFPA abides by its commitment not to use U.S. funds in China or to free up resources for use in that country.

Beyond the question of U.S. funds, as a member of UNFPA's Executive Board, the United States will not support a renewal of UNFPA's program in China unless there are significant improvements in reproductive freedom there. We take this position not because UNFPA condones or supports programs in China to which we object; UNFPA emphatically rejects such strategies and has stated its policy of not participating in such efforts. Our objection is with Chinese practices, and the U.S. will review conditions in China carefully if it requests another new UNFPA assistance program. It is important to note, however, that the ultimate decision about whether to renew UNFPA's program will be made by UNFPA's Executive Board, comprised of donors, of which the U.S. represents only one vote, albeit an important one.

Finally, with respect to the fiscal year 1995 budget request, the Executive Branch routinely has included funding for UNFPA in the foreign assistance budget every year, even during the period 1986-1992 when USAID did not make a contribution to UNFPA.

If I can provide you with further information, please let me know.

Sincerely,

J. BRIAN ATWOOD,
Administrator.

FIRST MEETING OF THE NATIONAL BIPARTISAN COMMISSION ON THE FUTURE OF MEDICARE

Mr. BREAUX. Mr. President, last Friday, March 6, the newly appointed National Bipartisan Commission on the Future of Medicare held its first meeting. Chaired by myself and Congressman BILL THOMAS, Administrative Chairman, the commission was established by last year's balanced budget agreement to thoroughly study and assess the entire program—top to bottom—and make specific recommendations to Congress and the Administration for fundamental Medicare reform. Our target deadline for getting these bipartisan, consensus recommendations in your hands is March 1, 1999.

When I say consensus here, I mean that any recommendation we put forward will have received 11 votes—a super majority of the 17 commission members. I remain optimistic that our recommendations will receive an even higher level of support than that required under the statute. Every member of the commission recognizes how very important it is for us to succeed in coming up with something that can be passed by Congress and signed into law.

I think we got the commission's work off to a very good start. We are just beginning what promises to be an exciting year as we come together to protect and preserve a program that we all agree has served us well over the last 33 years. But we also have to face the reality that if Medicare is to be there for another 33 years and beyond, we must look beyond the program's financial solvency and address issues like quality, equity, and efficiency as well.

I ask unanimous consent that the text of my opening statement from the first commission meeting on March 6 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OPENING STATEMENT BY SENATOR BREAUX, MEDICARE COMMISSION MEETING, MARCH 6, 1998

I am very pleased to bring to order the first meeting of the National Bipartisan Commission on the Future of Medicare. I am honored to be chairing a group of such knowledgeable and well-respected people for the important task of making recommendations to preserve and improve the Medicare program. That doesn't mean looking at the program only in economic terms or in terms of solvency. It also means looking at the fundamental question of what we want Medicare to do and what kind of health care system we want for our elderly while addressing issues such as quality, equity, and efficiency.

I was appointed chairman of this commission 7 weeks ago today and in that time I have worked closely with Congressman Bill Thomas to establish an operational framework for the commission. I am pleased to be working with Congressman Thomas and I think that our working together testifies to the bipartisan nature of this commission. Let me say from the outset that I am firmly committed to having this whole group work together in a bipartisan, inclusive fashion. That is the only way we are going to have an end-product that enjoys widespread support in the Congress, in the Administration and across this nation.

I am also very pleased that one of the first orders of business was asking Bobby Jindal to serve as our Executive Director. He was an asset to Louisiana as Secretary of the Department of Health and Hospitals and I know he will be an asset to this Commission. Congressman Thomas will be introducing Bobby shortly.

I have said before that everything will be on the table. We shouldn't begin our work by excluding or endorsing any options. Every member of this commission should know that his or her views are going to be considered. The statute creating the commission requires 11 of 17 votes in order to issue a report so this is not going to be a report that is supported only by Democrats or Republicans. In fact, I don't think we will be truly successful unless we have agreement among an overwhelming majority of the commission members. As President Clinton said to the commission members yesterday, if there is not a consensus—don't let it be your fault.

The process we are suggesting for the work of the commission is designed to be inclusive and to build the consensus we need to be successful. The suggested task forces are designed to help gather information and develop a range of options for consideration by the full commission. Congressman Thomas and I sent out a survey to the membership about how to structure this process, including the task forces, and many of the comments and suggestions we received are reflected in the documents you have in front of you. You should look at these documents as a conceptual outline of the Commission's goals throughout the year. As we have stated—the timeline we have presented to you is designed to be a tool, not a work plan or a final product, to help focus the Commission's decision-making and to measure its progress. We may find that it is necessary to change the agenda and have more meetings as we go through the year. We may also expand or delete topics depending on the Commission's interest.

No one would dispute that we have a very difficult task ahead of us. We have been charged by the Congress and the Administration with making recommendations on ways to preserve and improve the Medicare program. In order to do that, we must first come to an agreement on the scope of the problem facing Medicare. There will be some disagreement on this issue as there probably will be on most issues presented to the commission. But I am convinced that if we work together in a bipartisan way and lay all the facts and suggestions on the table, we can have a constructive debate on this issue.

We can't afford to let these issues be politicized any longer. There is just too much at stake for the health security of our senior citizens and the fiscal well-being of this country. We must put aside the old ways of dealing with Medicare—do away with "Medagoguery"—do away with the blame game where everyone scrambles to pin the blame for failure on the other party—do away with the shortsighted SOS approach which is woefully inadequate when you look at the demographic realities facing this program.

I believe that there is no greater challenge facing this country right now than how to preserve Medicare for future generations. While we added a few years to the life of the trust fund in last year's balanced budget agreement, we did nothing to prepare for the 77 million baby boomers who will depend upon Medicare for their health care beginning in 2010.

In the context of overall entitlement reform, how to go about fixing Medicare is very complex. Unlike Social Security, which promises specific levels of income, Medicare promises specific health benefits which are susceptible to volatile increases in medical inflation and the high cost of advances in medical technology. Part of the problem with getting a handle on the scope of the problem is the unpredictability in estimates regarding such things as health spending and economic growth. But the demographic realities will not change.

We all know how politically sensitive the issue of Medicare is. That is why the Congress and the Administration created this Commission—to make the tough recommendations for fixing the program and to make it easier for elected officials to take the tough political step of enacting these recommendations into law.

For most of the things we do in Congress, the most important objective is to craft legislation that can pass. There are some people who would rather stand for what they believe is the ideal solution and never compromise, even if that means nothing gets done. The primary objective of this Commission should be to come up with the best proposal possible and then worry about how we're going to get it passed by the Congress and signed into law by the President.

Let me assure my fellow commission members that my previous positions and efforts on Medicare are not going to dictate this Commission's agenda. I hope you all make the same commitment.

I know there has been a lot of attention given recently to the issue of expanding Medicare and allowing certain groups to "buy in" early. First, let me reiterate that this commission has been specifically charged by statute with making "recommendations on modifying age-based eligibility to correspond to changes in age-based eligibility under the OASDI (Social Security) program and on the feasibility of allowing individuals between the age of 62 and the Medicare eligibility age to buy into the Medicare program." This language is explicit and this Commission will be thoroughly exploring this idea. As I've said several times in the past few months, I think that Congress will let the Commission do its work and study the impact of this policy on the Medicare program before moving ahead in Congress. However, having said that, I certainly wouldn't oppose legislation if it is offered and if it is the will of this Congress to move forward with legislation of this nature. There are an estimated 41 million uninsured people in this country and that is a serious problem that affects everyone—not just those who don't have insurance. Any efforts to decrease the number of uninsured people in this country (such as the children's health bill last year) should be given careful consideration.

We have a huge challenge of trying to help educate the American people about the seriousness of the problems facing Medicare but we must realize that nothing is going to pass the Congress and signed into law that doesn't enjoy their support.

I am hopeful that the Congress and the Administration will act on whatever recommendations this commission puts forward. We as elected officials have a responsibility to future generations to fix this program so that our children and grandchildren can enjoy the same guarantee of health insurance that their parents did. I don't want the report of this Commission to simply gather dust on a library shelf.

Let me close by saying that I am optimistic. I know there are a lot of people "inside the Beltway" who think that this issue is too politically sensitive to inspire meaningful debate. That it is unrealistic to think that such a diverse group of people representing such a wide range of opinion can reach a consensus. But I believe that this Commission faces a unique and critical opportunity that cannot be squandered. Medicare has been a success for 33 years and is a vital part of our national fabric. We have an obligation to ensure that the success of this program continues for the next 33 years and beyond. Our parents and grandparents have reaped the benefits of health security afforded by Medicare since 1965—our children and grandchildren deserve no less. If we make this a truly bipartisan process, hear from everyone who has a stake in preserving this program for future generations, and focus on our similarities and not our differences, we will succeed.

RUSSIAN BW PROGRAM

Mr. KYL. Mr President, I call to the attention of my colleagues an article appearing in the March 9 edition of The New Yorker magazine that offers a chilling account of Russia's offensive biological weapons program. This article is based on an extensive interview with Mr. Ken Alibek, a Russian defector who was once second in command of the Russian offensive biological weapons program. Alibek's description of the Russian BW program is generally considered authoritative by a wide range of U.S. experts.

The article provides a number of startling details about the Russian offensive BW program, also known as Biopreparat. Most startling of all is just how little we in the United States knew about this program. Despite the fact that Biopreparat was established in 1973—the year after the Soviet Union signed the 1972 Biological Weapons Convention and pledged to forego an offensive BW program—and despite intelligence to the contrary, some in the U.S. scientific and arms control communities continued to maintain that Russia was not violating the treaty up to the moment that President Yeltsin admitted otherwise in 1992.

Mr. President, what the Russians had accomplished by 1991 is frightening. According to Alibek, the Soviet Union had warheads for carrying biological weapons on intercontinental missiles that were aimed at the United States. These warheads could carry smallpox, plague and anthrax. The Soviets had apparently weaponized the Marburg virus—a hemorrhagic virus as gruesome as the Ebola virus—and were ready to begin large scale manufacture of the weapon as the Soviet Union was crumbling apart. Alibek is concerned that scientists may have left Russia with samples of this virus and other deadly bacteria. The possibility that Russian scientists, know-how and biological materials are available to rogue states and terrorists underscores the critical importance of improving our domestic preparedness to respond to BW attacks against the United States.

We do not know the extent of the Russian biological weapons program today. There is evidence to suggest that a clandestine program continues, hidden away in military facilities run by the Ministry of Defense, which are off-limits to the West. The trilateral process, which was set up by the United States, United Kingdom, and Russia in 1992 and calls for inspections of Russian biological-related facilities, has broken down. It has been years since an inspection took place. The Russians have objected to visits to military facilities. And where inspections occurred, the inspectors faced the same obstacles as U.N. inspectors face in Iraq.

Mr. President, The New Yorker article should be required reading for all Senators. I ask unanimous consent that this article be printed in the RECORD. I understand from the Government Printing Office that it will cost approximately $2504 to include this article in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New Yorker, Mar. 9, 1998]

ANNALS OF WARFARE—THE BIOWEAPONEERS

IN THE LAST FEW YEARS, RUSSIAN SCIENTISTS HAVE INVENTED THE WORLD'S DEADLIEST PLAGUES. HAVE WE LEARNED ABOUT THIS TOO LATE TO STOP IT?

(By Richard Preston)

Ken Alibek is a quiet man, forty-seven years old, with youthful looks and an attractive, open face. He lives in a rented condominium in Arlington, Virginia, a five-minute walk from his office at a private consulting firm. Alibek has dark hair and Asian features, and a dimpled scar on his nose, which he got in an accident that was "not heroic," he says, involving a machine in a biowarfare plant.

Before he arrived in the United States, in 1992, Ken Alibek was Dr. Kanatjan Alibekov, the first deputy chief of research and production for the Soviet biological-weapons program. He was the top scientist in the program, a sprawling, clandestine enterprise known as Biopreparat, or The System, by the scientists who worked in it. Biopreparat research-and-production facilities were flung all across the Soviet Union. As Dr. Alibekov, Ken Alibek had thirty-two thousand scientists and staff people working under him.

Alibek has a Doctor of Sciences degree in anthrax. It is a kind of super-degree, which he received in 1988, at the age of thirty-seven, for directing the research team that developed the Soviet Union's most powerful weapons-grade anthrax. He did this research as head of the Stepnagorsk bioweapons facility, in what is now Kazakhstan, which was once the largest biowarfare production facility in the world. The Alibekov anthrax became fully operational in 1989. It is an amber-gray powder, finer than bath talc, with smooth, creamy particles that tend to fly apart and vanish in the air, becoming invisible and drifting for miles. The Alibekov anthrax is four times more efficient than the standard product.

Ken Alibek is part of a diaspora of biologists who came out of Russia following the breakup of the Soviet Union. Government funding for research decreased dramatically, and scientists who were working in the biowarfare program found themselves without jobs. Some of them went looking abroad. A few have come to the United States or Great Britain, but most went elsewhere. "No one knows where they are," Alibek says. One can guess that they've ended up in Iraq, Syria, Libya, China, Iran, perhaps Israel, perhaps India—but no one really knows, probably not even the Russian government. No doubt some of these biologists have carried the Alibekov formula in their heads, if not master seed strains of the anthrax and samples of the finished product in containers. The Alibekov anthrax may be one of the more common bioweapons in the world today. It seems plausible that Iraqi biologists, for instance, know the Alibekov formula by now.

One day, Ken Alibek and I were sitting in a conference room near his office talking about the anthrax he and his research team had developed. "It's very difficult to say if I felt a sense of excitement over this. It's very difficult to say what I felt like," he said. "It wouldn't be true to say that I thought I was doing something wrong. I thought I had done something very important. The anthrax was one of my scientific results—my personal result."

I asked him if he'd tell me the formula for his anthrax.

"I can't say this," he answered.

"I won't publish it. I'm just curious," I said.

"Look, you must understand, this is unbelievably serious. You can't publish this formula," he said. When I assured him I wouldn't, he told me the formula for the Alibekov anthrax. He uttered just one sentence. The Alibekov anthrax is simple, and the formula is somewhat surprising, not quite what you'd expect. Two unrelated materials are mixed with pure powdered anthrax spores. It took a lot of research and testing to get the trick right, and Alibek must have driven his research group hard and skillfully to arrive at it. "There are many countries that would like to know how to do this," he said.

Until last week, when Ken Alibek was interviewed on "PrimeTime Live," he was known in this country only to a few government officials and intelligence experts and defense-industry figures. What he told the C.I.A. and other people with national-security clearances was usually classified. Sometimes the information was so secret that even he couldn't look at his reports once they were issued. "The first report I wrote, I only saw it once from across a room. It was sitting on a table. They wouldn't let me go any closer to it," Alibek says, with a tiny smile.

What Alibek describes is shocking, even to those who thought they had a pretty good idea of what bioweapons are out there and who has them. But it is particularly timely now that the public's attention has suddenly focussed on the possibility of biological terrorism, which gained a peculiar intensity in late February, when Larry Wayne Harris and William Leavitt, Jr., were arrested by the F.B.I. outside Las Vegas with what was thought to be weapons-grade anthrax in the trunk of a car. The repeated news reports—which turned out to be a false alarm—that they were planning a terrorist attack on the New York City subway system clarified what had seemed to be a vague threat hidden in Iraq. Bioterror had come home.

I first heard about Ken Alibek in 1995, although at that time none of my contacts would tell me his name. He was referred to only as No. 2. (Biodefector No. 1 had come out in 1989.) Last fall, when I finally figured out that No. 2 was Alibekov, I called up a source who has connections to British intelligence and told him I thought I knew who No. 2 was. He cut me off. "Don't say a name," he said. "I can't confirm anything. Have you forgotten that we are talking on a open telephone line?" That source went nowhere, but then I had an idea. For several years, I have known a man named William C. Patrick III, who in certain important respects is the leading American expert on biological weapons. Before 1969, when President Richard Nixon shut down the American biowarfare program, Bill Patrick was the chief of product development for the United States Army's biological-warfare laboratories at Fort Detrick, Maryland. The "products" that Patrick and his research group developed were powdered spores and viruses that were loaded into bombs and sophisticated delivery systems. Patrick was arguably the top bioweaponeer in the United States. He and several hundred other scientists and research-staff members lost their jobs when the biowarfare facilities at Fort Detrick were closed down. (Today, to the best of my knowledge, the scientists at the United States Army Medical Research Institute of Infectious Diseases, or USAMRIID, at Fort Detrick don't make offensive bioweapons. They develop vaccines and treatments to defend against them. As far as I can tell, the United States has no bioweapons, and one piece of evidence for this is that government officials today are remarkably ignorant of them.)

Bill Patrick, who is now seventy-one years old, is one of only two or three scientists still alive and active in the United States who have a hands-on technical understanding of bioweapons. As he explained to me, "There's a hell of a disconnect between us fossils who know about biological weapons and the younger generation." In 1991, on the eve of the Gulf War, he was summoned to the Pentagon to take part in a discussion of anthrax. Patrick sat in silence while a group of intelligence analysts, young men and women dressed in suits, discussed anthrax in knowledgeable-sounding voices. "I reached the conclusion that these people didn't know what the hell they were talking about," Patrick recalls. He said, "Have any of you fellows actually seen anthrax?" and he reached into his pocket and pulled out a small jar of amber-brown powder, and hucked it across the table. It rattled and bounced toward the analysts. They jerked away, some leaping to their feet. The jar contained anthrax simulant, a biopowder that is essentially identical to anthrax except that it doesn't kill. It is used for experiments in which properties other than infectivity are being tested. "I got that through security, by the way," Patrick observed.

Later, Bill Patrick was the oldest United Nations weapons inspector in Iraq. The Iraqis knew exactly who he was—the former top scientist in the former American bioweapons program. Iraqi intelligence people started calling his hotel room in Baghdad at night, hissing, "You son of bitch, Patrick," and then hanging up. "It was kind of an honor, but it kept me awake," he says.

Today, Bill Patrick is a consultant to many government agencies—the C.I.A., the F.B.I., the Defense Intelligence Agency, the City of New York—on the use of biological weapons in a terrorist attack. Jerome Hauer, who is the head of Mayor Rudolph Giuliani's Office of Emergency Management—the group that would handle a bioterror event in New York, should one ever happen—said to me once, "Bill Patrick is one of the only guys who can tell us about some of these biological agents. We all wonder what we're going to do when he decides to light up a cigar and go sailing." Patrick is able to tell emergency planners what will happen if a biological weapon is released in an American city—how many people will die, where they'll die, what the deaths will look like. His reports are classified.

Bill Patrick and Ken Alibek were counterparts. They had been two of the top scientists in what had been the best biowarfare programs on the planet. I speculated that Patrick might know Alibek.

"Do I know Ken?" Patrick boomed over the telephone. "We're close friends! My wife and I had Ken over for Christmas this year with our family, because we think he's kind of lonely."

Then I thought I understood: Patrick must have participated in the long government discussions with Alibek—the debriefing—that would have taken place after his arrival in the United States. No one else in the U.S. government, not a single soul, would have understood so clearly what Alibek was talking about. The two scientists had become friends during the process.

I drove down to Bill Patrick's house in Maryland, on a misty day in winter, when leafless white-oak trees and poplars lay in a haze across the slopes of Catoctin Mountain. The clouds pulled apart and the sun appeared, gleaming through cirrus like a nickel. Patrick's house is a modern version of a Swiss chalet, with a view of Fort Detrick and rolling countryside.

"Come in, young man," Patrick said genially. A small dog was yapping around his feet. Patrick has a gentlemanly manner, a rather blocky face, with hair combed over a bald head, and penetrating greenish eyes. He glanced at the sky and seemed to sniff the air before ushering me into the house. He is exquisitely sensitive to weather.

Alibek arrived a short while later, driving a silver BMW. After lunch, we settled down around the kitchen table. Patrick brought out a bottle of Glenmorangie Scotch whiskey, and we poured ourselves a round. It seemed a very Russian thing to do. The whiskey was smoky and golden, and it moved the talk forward.

"You know, I'm disappointed the agency didn't do better by you, Ken," Patrick remarked. He turned to me. "They let him sign up for all these credit cards."

Alibek smiled wryly. "This was a problem." The C.I.A. had introduced him to Visa. "I could buy things with the cards, but it didn't seem like money. Then I found out you have to pay for it later."

Alibek speaks English with a mild Russian accent that makes his serious manner seem almost gloomy. He often has a cigarette smoldering between is fingertips, but he works out at a health club, and he has broad, firm shoulders. His brown eyes seem sombre, and he wears black wire-rimmed eyeglasses. He favors linen shirts with band collars, and soft wool-piqué jackets in dark, muted colors. He has a calm expression, with a downward-glancing gaze, and he looks vaguely Chinese. Ethnically, he is a Kazakh. He was born and raised in Kazakhstan. In Russia, he was twenty-five pounds heavier, really quite stout, but he says that he is a different person now, even physically.

I asked Alibek how he feels about living here. "I'm happy I'm not doing the work," he said. He paused. "I'm not one hundred per cent happy. I know how people feel about me in Russia. Some of my scientific colleagues feel I am a betrayer." Alibek keeps his emotions well hidden, perhaps even from himself. He does not laugh easily. When he does laugh, he is clearly enjoying himself, but his body is slightly rigid. He quit Biopreparat in 1991, left Russia with his family, and abruptly ended up in the United States. According to Alibek, some of his former colleagues at Biopreparat—which was privatized—sent word through intermediaries that "if you ever come to Russia you can expect some problems."

"I've got no desire to go to Russia," Alibek said, shrugging. He recently separated from his wife, although they enjoy a cordial relationship. She lives near him with their two boys, whom he sees almost every day. His oldest child, a daughter, is studying architecture at an Ivy League university. At times, Alibek has suffered from loneliness and a sense of dislocation, and he has had some concerns about how he will support his wife and children in the United States. The Alibeks had a privileged life in Russia, with drivers to take them everywhere and all the money they could use. The United States Government paid him consulting fees while he was briefing scientists and officials, but now he is on his own.

Ken Alibek was raised in Alma-Ata, then the capital of Kazakhstan. Alma-Ata is in central Asia, not far from the Chinese border, on the medieval silk route. His first language was Kazakh, and he learned Russian at school. He got a medical degree at the military medical institute at Tomsk. His special interest was infectious-disease epidemiology. At some point while he was still in medical school, he was chosen to work for Biopreparat. Since it was a secret system, you didn't really apply; you were approached and brought in. He rose fast. In 1982, at the age of thirty-one, he became the acting director of the Omutninsk bioweapons-production plant, a major facility in the Kirov region of Russia. Eventually, he ended up working in Biopreparat's headquarters, a large building in Moscow—the same building where Biopreparat is situated today.

In early April of 1988, Ken Alibek received a telephone call in his office in Moscow. It came from his friend and colleague Lev Sandakhchiev, the director of a Biopreparat facility called Vector, a huge, isolated virology-research campus in the larch forests outside Novosibirsk, a city in western Siberia. In the late nineteen-eighties, Vector was devoted largely to the development and production of virus weapons (Dr. Sandakhchiev denies this.) Dr. Sandakhchiev reported that there had been an accident. He was reluctant to discuss it on the telephone.

"Send me the details in a cryptogram," Alibek said. Once a day for the next fourteen days, Alibek received a new cryptogram about the victim of the accident, Dr. Nikolai Ustinov.

Dr. Ustinov was forty-four years old. Alibek recalls him as a fair-skinned man with light-brown hair, ethnically a Russian. He had a wife and children. Alibek thought of him as a good guy and a talented scientist, easy to talk with, receptive to new ideas. Ustinov had been doing basic military research on the Marburg virus, studying its potential as a weapon. The long-term goal was to see if it could be loaded into special biological warheads on the MIRV missiles that were aimed at the United States. (A MIRV has multiple warheads, which are directed at different targets.) At the time, the Soviet biological missile warheads were designed to be loaded with strategic/operational smallpox virus, Black Death, and anthrax. The Marburg virus had potential for weaponization, too. Marburg is a close cousin to the Ebola virus, and is extremely lethal. Dr. Ustinov had been wearing a spacesuit in a Level 4 hot lab, injecting guinea pigs with Marburg virus. He pricked himself in the finger with a needle, and it penetrated two layers of rubber globes.

Nikolai Ustinov exited through an air lock and a chemical decon shower to Level 3, and used an emergency telephone to call his supervisor. The supervisor decided to put Ustinov into a biocontainment hospital, a twenty-bed unit with steel air-lock doors, like the doors of a submarine, where nurses and doctors wearing spacesuits could monitor him. He was not allowed to speak with his wife and children. Ustinov did not seem to be afraid of dying, but, separated from his family, he became deeply depressed.

On about the fourth day, Ustinov developed a headache, and his eyes turned red. Tiny hemorrhages were occurring in them. He requested a laboratory notebook, and he began writing a diary in it, every day. He was a scientist, and he was determined to explain how he was dying. What does it feel like to die of Marburg virus? What are the psychological effects? For a while, he maintained a small hope that he wouldn't die, but when his skin developed spontaneous bruises he understood what the future held. Dr. Sandakhchiev's cryptograms to Alibek were dry and factual, and didn't include the human details. Alibek would later learn that perhaps twice Ustinov had broken down and wept.

Alibek was frantic to get help to Ustinov. He begged the Ministry of Defense for a special immune serum, but bureaucratic delays prevented its arrival in Siberia until it was too late. When Ustinov began to vomit blood and pass bloody black diarrhea, the doctor gave him transfusions, but as they put the blood into him it came out of his mouth and rectum. Ustinov was in prostration. They debated replacing all the blood in his body with fresh new blood—a so-called whole-body transfusion. They were afraid that that might trigger a total flooding hemorrhage, which would kill him, so they didn't do it.

Alibek did not know exactly which strain of Marburg had infected his colleague. It had been obtained by Soviet intelligence somewhere, but the scientists were never told where strains came from. The Marburg virus seems to live in an unknown animal host in East Africa. It has been associated with Kitum Cave, near Mt. Elgon, so the Soviet strain could have been obtained around there, but Alibek suspected that it came from Germany. In 1967, the virus had broken out at a vaccine factory in Marburg, a small city in central Germany, and had killed a number of people who were working with monkeys that were being used to produce vaccine. One of the survivors was a man named Popp, and Alibek thought that Ustinov was probably dying of the strain that had come from him.

I have seen a photograph of a Marburg monkey worker taken shortly before his death, in late summer, 1967. He is a stout man, lying on a hospital bed without a shirt. His mouth is slack, his teeth are covered with blood. He is hemorrhaging from the mouth and nose. The blood has run down his neck and pooled in the hollow of his throat. It looks spidery, because it's unable to clot. He also seems to be leaking blood from his nipples.

The final pages of Dr. Nikolai Ustinov's scientific journal are smeared with unclotted blood. His skin developed starlike hemorrhages in the underlayer. Incredibly—the Vector scientists had never seen this—he sweated blood directly from the pores of his skin, and left bloody fingerprints on the pages of his diary. He wept again before he died.

Ken Alibek is nearly hypnotic when he speaks of these things in his flat voice. We sat around the kitchen table as if we were old friends sharing a story. A gray light shone through the kitchen window, and I saw the red flash of a cardinal near the Patricks' bird feeder, almost a flicker of blood. The dog noticed a squirrel, and started barking. "Go get him, Billy," Patrick said, rising to let the dog out.

Dr. Ustinov died on April 30, 1988. An autopsy was performed in the spacesuit morgue of the biocontainment hospital. If this was indeed the Popp strain of Marburg virus—and who could say?—it was incredibly lethal. It produced effects in the human body that were stunning, terrifying. Alibek says that a pathology team removed Ustinov's liver and his spleen. They sucked a quantity of his destroyed blood out of a leg vein using large syringes.

They froze the blood and the body parts. They kept the Ustinov strain alive and continually replicating in the laboratories at Vector. They named the strain Variant U, after Ustinov, and they learned how to mass-produce it in simple bioreactors, flasks used for growing viruses. They dried Variant U, and processed it into an inhalable dust. The particles of Variant U were coated to protect them in the air so that they would drift for many miles.

In late 1990, Biopreparat researchers tested airborne Variant U on monkeys and other small animals in special explosion-test chambers at the Stepnagorsk plant. Marburg Variant U proved to be extremely potent in airborne form. They found that just one to five microscopic particles of Variant U lodged in the lungs of a monkey were almost guaranteed to make the animal crash, bleed, and die. With normal weapons-grade anthrax, in comparison, it takes about eight thousand spores lodged in the lungs to pretty much guarantee infection and death.

Alibek said that by the fall of 1991, just before Boris Yeltsin came to power, Marburg Variant U was on the verge of becoming a strategic/operational biological weapon, ready to be manufactured in large quantities and loaded into warheads on MIRVs. These warheads are sinister things. Ten separate cone-shaped warheads, each targeted on a different location, sit atop a missile. Special cooling systems inside each warhead keep the virus alive during the heat of reentry through the earth's atmosphere. "If we can land a cosmonaut to earth alive, we can do the same with a virus," Alibek explained. "We use parachutes." The biowarheads are parachuted over a city, and at a certain altitude they break apart. Out of each warhead bursts a spray of more than a hundred oval bomblets the size of small cantaloupes. The cantaloupes fly out a distance and then split in overlapping patterns, releasing a haze of bioparticles that quickly becomes invisible.

Variant U never became part of the Soviets' strategic arsenal, which was stocked with Black Death, Alibekov anthrax, and powdered smallpox. (Never less than twenty tons of weapons-grade dry smallpox was stockpiled in bunkers.) But it seems quite possible that when the Russian biowarfare facilities fell on hard times and biologists began leaving Russia to work in other countries, some of them carried freeze-dried Variant U with them, ready for further experimentation. Variant U started, perhaps, with a monkey worker named Popp, but its end in the human species is yet to be seen.

A generation ago, biological weapons were called germ-warfare weapons. Biological weapons are very different from chemical weapons. A chemical weapon is a poison that kills upon contact with the skin. Bioweapons are microorganisms, bacteria or viruses, that invade the body, multiply inside it, and destroy it. Bioweapons can be used as strategic weapons. That is, they are incredibly powerful and dangerous. They can kill huge numbers of people if they are used properly, and their effects are not limited to one place or a small target. Chemical weapons, on the other hand, can be used only tactically. It is virtually impossible to put enough of a chemical in the air in a high enough concentration to wipe out a large number of people over a large territory. And chemicals aren't alive and can't spread through an infectious process.

There are two basic types of biological weapons, those that are contagious and those that are not. Anthrax is not contagious: people don't spread it among themselves; you can't catch anthrax from someone who is dying of it. Smallpox is contagious. It spreads rapidly, magnifying itself, causing mortality and chaos on a large scale.

Like any weapon, a biological weapon can be released accidentally, but when a biological accident happens, the consequences can be particularly insidious. I talked about this with Ken Alibek that day in Bill Patrick's kitchen, while we drank whiskey in the soft light of a winter afternoon. Alibek spoke about how bioweapons have a disturbing tendency to invade nonhuman populations of living creatures—thus finding a new niche in the ecosystems of the earth, apart from the human species. When he was the acting director of the biowarfare facility at Omutninsk, his safety officers discovered that wild rodents living in the woods outside the factory had become chronically infected with the Schu-4 military strain of tularemia—a bacterium that causes a type of pneumonia—which was being made in the plant. It was a hot, lethal strain that came from the United States: an American biological weapon that the Soviets had managed to obtain during the nineteen-fifties. Now, unexpectedly, the wild rodents were spreading Schu-4 among themselves in the forests around Omutninsk. The rodents were not the natural host of tularemia, but it had apparently established itself in them as new hosts. People catch tularemia easily from rodents, and it can be fatal. Alibek mounted an investigation and found that a pipe running through a basement area had a small leak and was dripping a suspension of tularemia cells into the ground. The rodents may have come in contact with the contaminated soil in that one spot.

The staff tried to sterilize the frost of rodents near the plant. That didn't work, because rodents are impossible to eradicate. "We could not get rid of the rodents. We tried everything," Alibek said. "Nobody knows today, but we can assume that the tularemia is still there in the rodents." Nobody knows if anyone has died of the American-Russian tularemia around the Kirov region.

"Could it have spread across Russia in rodents?" I asked.

"This I don't know."

Biopreparat, or The System, was set up in 1973, just a year after the Soviet Union signed the Biological and Toxin Weapons Convention, an agreement banning the development, use, and stockpiling of biological weapons. The United States, which had ended its offensive-bioweapons program in 1969, also signed the treaty, as did Great Britain. (Some hundred and forty nations have signed the convention by now.) The Soviets continued to believe, however, that the United States had not ended its bioweapons program but simply hidden it away, turning it into a "black"weapons program. "The notion that the Americans had given up their biological weapons was thought of as the great American lie," a British intelligence officer recalls. "In fact, most of the Biopreparat scientists had never even heard of the Biological Weapons Convention."

Biopreparat consisted of some forty research-and-production facilities. About a dozen of them were enormous. Perhaps half of the employees developed weapons and the other half made medicines. Biopreparat worked both sides of the street: it cured diseases and invented new ones. An island in the Aral Sea, curiously named Rebirth Island, was used for open-air weapons testing. Large numbers of animals, and perhaps some humans, died there. Biopreparat was modelled to some extent on the Manhattan Project, the program that led to the first atomic bomb. Military people administered the program and scientists did the research-and-development work.

Somehow, Biopreparat's weapons program remained invisible to the American scientific community. There was a commonly held belief among many American scientists, supported by the strong, even passionate views of a handful of experts in biological weapons, that the Soviet Union was not violating the treaty. This view persisted, despite reports to the contrary from intelligence agencies, which were often viewed as being driven by right-wing ideology.

One of the side effects of the closing of the American bioweapons program was that the United States lost its technical understanding of biological weapons. There has long been a general feeling among American scientists—it's hard to say just how widespread it is, but it is definitely there—that biological weapons don't work. They are said to be uncontrollable, liable to infect their users, or unworkable in any practical sense. A generation ago, leading physicists in this country understood nuclear weapons because they had built them, and they had observed their effects in field tests and in war. The current generation of American molecular biologists has been spared the agony of having created weapons of mass destruction, but, since these biologists haven't built them, or tested them, they don't know much about their real performance characteristics.

Sitting in Bill Patrick's kitchen, I said to Alibek, "There seems to be a common belief among American scientists that biological weapons aren't effective as weapons. You see these views quoted occasionally in newspapers and magazines."

Alibek looked disturbed, then annoyed. "You test them to find out. You learn how to make them work," he said to me. "I had a meeting yesterday at a defense agency. They knew absolutely nothing about biological weapons. They want to develop protection against them, but all their expertise is in nuclear weapons. I can say I don't believe that nuclear weapons work. Nuclear weapons destroy everthing. Biological weapons are more . . . beneficial. They don't destroy buildings, they only destroy vital activity."

"Vital activity?"

"People," he said.

The first defector to emerge from Biopreparat was Vladimir Pasechnik, a microbiologist, who arrived in Great Britain in 1989, just as the Soviet Union was beginning to crumble. (He was No. 1 to Alibek's No. 2.) Pasechnik frightened British intelligence, and later the C.I.A., when he told them that his work as director of the Institute of Ultra-pure Biopreparations, in Leningrad, had involved offensive-biowarfare research into Yersinia pestis, a pestilential microbe that causes plague, or Black Death—an airborne contagious bacterial organism that wiped out a third of the population of Europe around the year 1348. Natural plague is curable with antibiotics. After listening to Dr. Pasechnik, the British concluded that the Soviet Union had developed a genetically engineered strain of plague that was resistant to antibiotics. Because the Black Death can travel through the air in a cough from person to person, a strain of multi-drug-resistant Black Death might be able to amplify itself through a human population in ever-widening chains of infection, culminating in a biological crown fire in the human species. No nuclear weapon could do that. What was the Soviet Union doing developing strategic contagious biological weapons? "I couldn't sleep at night, thinking about what we were doing," Pasechnik told his British handlers. Even though Western intelligence agencies had known that the Russians had a bioweapons program, they had not known what was being developed, and that the United States was a so-called deep target, far enough away so that the Soviet Union wouldn't be contaminated.

President George Bush and Prime Minister Margaret Thatcher were briefed on Pasechnik's revelations, and they put direct personal pressure on Mikhail Gorbachev to open up the biowarfare facilities in the U.S.S.R. to a team of outside inspectors. Eventually, he agreed, and a joint British-American weapons-inspection team toured four of the main Biopreparat facilities in January, 1991. The inspectors visited Vector (the virology complex outside Novosibirsk, where Ustinov died) and a giant, high-security facility south of Moscow called the State Research Center for Applied Microbiology at Obolensk, where they found fermenter tanks—forty of them, each two stories tall. They were maintained at Biosafety Level 4, inside huge ring-shaped biocontainment zones, in a building called Corpus One. The facility was dedicated to research on a variety of bacterial microbes, especially Yersinia pestis. The Level 4 production tanks were obviously intended for making enormous quantities of something deadly, but when the inspectors arrived the tanks were sparkling clean and sterile.

As the British and American weapons inspectors toured the Biopreparat facilities, they ran into the same problems that recently faced the United Nations Special Commission inspectors in Iraq. They were met with denials, evasions, and large rooms that had been stripped of equipment and cleaned up. A British inspector said to me, "This was clearly the most successful biological-weapons program on earth. These people just sat there and lied to us, and lied, and lied."

The deal was that after the Americans and the British had peeked at Biopreparat a team of Soviet inspectors was to visit the United States. In December, 1991, Ken Alibek and a number of leading Biopreparat scientists and military people visited USAMRIID, at Fort Detrick, the Army's Dugway Proving Ground, in Utah, and the Army's old bioweapons-production facility in Pine Bluff, Arkansas, which had been abandoned and partly dismantled in 1969. The Russians stumbled around the weeds in Pine Bluff and saw rusting railroad tracks, buildings with their roofs falling in, and nothing that worked. Alibek was pretty well convinced by the time he got home that the United States did not have a bioweapons program. But when the final report was issued by the inspectors to the government of Boris Yeltsin it stated that they had found plenty of evidence for a program. Alibek refused to participate in the writing of that report, and he decided to quit Biopreparat.

"It was a confused situation," he said. "It was at the exact time when the Soviet Union collapsed. I told all these people I didn't agree with their politics." For a few months, he hung on in Moscow, supporting his family by trading—"It was easy to make money in those days, you could trade anything"—but he found that his telephone was tapped, and that the K.G.B. had set up a so-called gray unit to watch him, a surveillance team stationed near his apartment. He decided to move his family to Alma-Ata in Kazakhstan. What happened next Alibek refuses to talk about. He will not tell me how he got his family to the United States. Once here, he dropped completely out of sight. It is pretty obvious that he was holed up with American intelligence people, discussing his scientific and technical knowledge with them. Several years went by and Dr. Alibekov morphed into Ken Alibek.

The most powerful bioweapons are dry powders formed of tiny particles that are designed to lodge in the human lung. The particles are amber or pink. They have a strong tendency to fly apart from one another, so that if you throw them in the air they disperse like a crowd leaving Yankee Stadium. As they disperse, they become invisible to the human eye, normally within five seconds after the release. You can't see a bioweapon, you can't smell it, you can't taste it, and you don't know it was there until days later, when you start to cough and bleed, and by that time you may be spreading it around. Bill Patrick holds five patents on special processes for making biodusts that will disperse rapidly in the air and form an invisible sea of particles. His patents are classified. The U.S. government does not want anyone to obtain Patrick's research.

The particles of a bioweapon are exceedingly small, about one to five microns in diameter. You could imagine the size this way: around fifty to a hundred bioparticles lined up in a row would span the thickness of a human hair. The particles are light and fluffy, and don't fall to earth. You can imagine motes of dust dancing in a shaft of sunlight. Dust motes are mostly bits of hair and fuzz. They are much larger than weaponized bioparticles. If a dust mote were as thick as a log, then a weaponized bioparticle would resemble a child's marble. The tiny size of a weaponized bioparticle allows it to be sucked into the deepest sacs of the lung, where it sticks to the membrane, and enters the bloodstream, and begins to replicate. A bioweapon can kill you with just one particle in the lung. If the weapon is contagious in human-to-human transmission, you will kill a lot of other people, too. So much death emergent from one particle. Given the right weather conditions, a bioweapon will drift in the air for up to a hundred miles.

Sunlight kills a bioweapon. That is, a bioweapon biodegrades in sunlight. It has a "half-life," like nuclear radiation. This is known as the decay time of the bioweapon. Anthrax has a long decay time—it has a tough spore. Tularemia has a decay time of only a few minutes in sunlight. Therefore, tularemia should always be released at night.

For many years during the nineteen-fifties and sixties, Bill Patrick had his doubts that bioweapons work. Those doubts were removed decisively during the summer of 1968, when one of the biggest of a long series of open-air biological tests was conducted over the Pacific Ocean downwind of Johnston Atoll, a thousand miles southwest of Hawaii. There, in reaches of open sea, American strategic tests of bioweapons had been conducted secretly for four years. Until very recently, these tests remained unknown to people without security clearances.

"We tested certain real agents, and some of them were lethal," Patrick said. The American strategic tests of bioweapons were as expensive and elaborate as the tests of the first hydrogen bombs at Eniwetok Atoll. They involved enough ships to have made the world's fifth-largest independent navy. The ships were positioned around Johnston Atoll, upwind from a number of barges loaded with hundreds of rhesus monkeys.

Late one afternoon, Bill Patrick went out to Johnston Atoll and stood on the beach to watch a test. At sunset, just as the sun touched the horizon, a Marine Phantom jet flew in low, heading on a straight line parallel to the beach, and then continued over the horizon. Meanwhile, a single pod under is wings released a weaponized powder. The powder trailed into the air like a whiff of smoke and disappeared completely. This was visual evidence that the particles were flying away from one another. Patrick's patents worked.

The scientists call this a line-source laydown. The jet was disseminating a small amount of biopowder for every mile of flight (the exact amount is still classified). One can imagine a jet doing a line-source laydown over Los Angeles, flying from the San Fernando Valley to Long Beach, releasing dust from a single pod under the wing. It would take a few minutes. The jet would appear on radar, but the trail of bioweapon would be invisible. In Iraq, United Nations inspectors found a videotape of an Iraqi Phantom jet doing a line-source laydown over the desert. The techniques looked precisely like the American laydowns, even to the Iraqis' use of a Phantom jet. The one difference was that the Iraqi Phantom had no pilot: it was a remote-controlled drone.

At Johnston Atoll, the line of particles moved with the wind over the sea, somewhat like a windshield wiper sweeping over glass. Stationed in the path of the particles, at intervals extending many miles away, were the barges full of monkeys, manned by nervous Navy crews wearing biohazard spacesuits. The line of bioparticles passed over the barges one by one. Then the monkeys were taken back to Johnston Atoll, and over the next few days half of the died. Half of the monkeys survived, and were fine. Patrick could see, clearly enough, that a jet that did a laydown of a modest amount of military bioweapon over Los Angeles could kill half the city. It would probably be more efficient at causing human deaths than a ten-megaton hydrogen bomb.

"What was the agent you used?" I asked Patrick.

"I don't want to tell you. It may still be classified. The real reason is that a lot of countries would like to know what we used, and not just the Iraqis. When we saw those test results, we knew beyond a doubt that biological weapons are strategic weapons. We were surprised. Even we didn't think they would work that well."

"But the agent you used was curable with antibiotics, right?" I said.

"Sure."

"So people could be cured—"

"Well, think about it. Let's say you hit the city of Frederick, right here. That's a small city, with a population of about fifty thousand. You could cause thirty thousand infections. To treat the infections, you'd need—let me see." He calculated quickly: "Eighty-four grams of antibiotic per person . . . that's . . . oh, my heavens, you'd need more than two tons of antibiotic, delivered overnight! There isn't that much antibiotic stored anywhere in the United States. Now think about New York City. It doesn't take a mathematician to see that if you hit New York with a biological weapon you are gonna tie things up for a while."

Today, Biopreparat is a much smaller organization than it was during the Soviet years, and it is ostensibly dedicated entirely to peaceful research and production. You can buy face cream and vodka made by Biopreparat. Vector, where Variant U was developed, is no longer part of Biopreparat. The Vector laboratories are undergoing an extremely painful and perhaps incomplete conversion to peaceful use, and the Vector scientists are secretive about some of their work. Dr. Frank Malinoski, who was a member of the British-American team that inspected Vector in the early nineteen-nineties, told me that it is now generally believed that the weapons program has been taken over by the Russian Ministry of Defense. "If Biopreparat was once an egg, then the weapons program was the yolk of the egg," he said. "They've hard-boiled the egg, and taken out the yolk and hidden it."

If, in fact, the yolk exists, what can Western governments do about it? After years of avoiding confrontation with the Russians over bioweapons, American officials are still uncertain how to proceed. Twenty million dollars or so—no one seems sure of the amount—has been budgeted by a hodgepodge of agencies to offer financial support to Russian biologists for peaceful research (so they won't go abroad). The National Academy of Sciences, for example, spent a million and a half dollars on research funding for the Russians this past year. But the agencies are in a quandary, and fear the scandal that would ensue if it turned out that their funds had been diverted for weapons research.

The yolk of the bioweapons program may now be hidden away in military facilities run by the Russian Ministry of Defense, which are off limits to Americans. The largest of these is a complex near Sergiyev Posad, and old town about thirty miles northeast of Moscow. It's not clear how much real control Boris Yeltsin has over the Russian military. If the Ministry of Defense wanted to have a bioweapons program, could anyone tell it to stop? One prominent American scientist said to me, "All of our efforts in touchy-feely relationships have certainly engaged the former Biopreparat people, but we've been turned down flat by the military people. No doubt they're hiding something at Sergiyev Posad, but what are they hiding? Is it a weapons program? Or is it a shadow that doesn't mean anything, like the shadow on the shade in 'Home Alone'? We just don't know."

Meanwhile, there is strong suspicion that at some of the more visible laboratories weapons-related genetic engineering is being conducted. Genetic engineering, in military terms, is the creation of genetically altered viruses and bacteria in order to enhance their power as weapons. This work can be done by altering an organism's DNA, which is the ribbon-like molecule that contains the organism's genetic code and is found in every cell and in every virus particle. Three months ago, researchers at the Center for Applied Microbiology at Obolensk—the place south of Moscow where Biopreparat once developed and mass-produced hot strains of Black Death for Soviet missiles and weapons systems—published a paper in the British medical journal *Vaccine* describing how they'd created a genetically engineered anthrax. The Obolensk anthrax, they reported, was resistant to the standard anthrax vaccine.

Ken Alibek thinks that the Russians published information about their research because "they are trying to get some kind of 'legalization' of military genetic engineering," and because they are proud of their work. The Biological Weapons Convention is vague on exactly what constitutes research into an offensive weapon. Alibek said that the Russian biologists are trying to push the envelope of what is permissible. Then, "if someone other than Boris Yeltsin was in power, they could re-create their entire biological-weapons program quickly."

Western biowarfare experts don't know if the new engineered anthrax is as deadly as normal anthrax, but it my be, and it could fall into the wrong hands, such as Iraq or Iran. The real problem may lie in those countries. Genetic-engineering work can be done in a small building by a few Ph.D. researchers, using tabletop machines that are available anywhere in the world at no great cost. In high schools in the United States today, students are taught how to do genetic engineering. The learn how to create new variants of (safe) bacteria which are resistant to antibiotics. One genetic-engineering kit for high-school students costs forty-two dollars and is sold through the mail.

A virus that seems particularly amendable to engineering is smallpox. According to Alibek and others, it is possible that smallpox has left Russia for parts unknown, travelling in the pockets of mercenary biologist. "Iran, Iraq, probably Libya, probably Syria, and North Korea could have smallpox," Alibek said. He bases his list partly on what Russian intelligence told him while he was in the program, for the Russians were very sensitive to other countries' bioweapons programs, and watched carefully. Bioweapons programs may exist in Israel (which has never signed the bioweapons treaty) and Pakistan. Alibek is convinced that India has a program. He says that when he was in Biopreparat, Russian intelligence showed him evidence that China has a large bioweapons program.

The deadliest natural smallpox virus is known as *Variola major*. Natural smallpox was eradicated from the earth in 1997, when the last human case of it appeared, in Somalia. Since then, the virus has lived only in laboratories. Smallpox is an extremely lethal virus, and it is highly contagious in the air. When a child with chicken pox appears in a school classroom, many or most of the children in the class may go on to catch chicken pox. Smallpox is as contagious as chicken pox. One case of smallpox can give rise to twenty new cases. Each of those cases can start twenty more. In 1970, when a man infected with smallpox appeared in an emergency room in Germany, seventeen cases of smallpox appeared in the hospital on the floors above. Ultimately, the German government vaccinated a hundred thousand people to stop the outbreak. Two years later in Yugoslavia, a man with a severe case of smallpox visited several hospitals before dying in an intensive-case unit. To stop the resulting outbreak, which forced twenty thousand people into isolation. Yugoslav health authorities had to vaccinate virtually the entire population of the country within three weeks. Smallpox can start the biological equivalent of a runaway chain reaction. About a third of the people who get a hot strain of smallpox die of it. The skin puffs up with blisters the size of hazelnuts, especially over the face. A severe case of small pox can essentially burn the skin off one's body.

The smallpox vaccine wears off after ten to twenty years. None of us are immune any longer, unless we've had a recent shot. There are currently seven million usable does of smallpox vaccine stored in the United States, in one location in Pennsylvania. If an outbreak occurred here, it might be necessary to vaccinate all two hundred and seventy million people in the United States in a matter of weeks. There would be not way to meet such a demand.

"Russia has researched the genetic alternation of smallpox," Alibek told me. "In 1990 and 1991, we engineered a smallpox at Vector. It was found that several areas the smallpox genome"—the DNA—"can be used for the introduction of some foreign genetic material. The first development was smallpox, and VEE." VEE, or Venezuelan equine encephalitis, is brain virus. It causes a severe headache and near-coma, but it is generally not lethal. Alibek said that the researchers spliced VEE into smallpox. The result was a recombinant chimera virus. In ancient Greek myth, the chimera was a monster made from parts of different animals. Recombination means the mixing of genes from different organisms. "It is called smallpox-VEE chimera," Alibek said. It could also be called Vee-pox. Under a microscope, Alibek said, the Veepox looks like smallpox, but it isn't.

According to Alibek, there was one major technical hurdle to clear in the creation of a workable Veepox chimera, and he says that it took the Vector researchers years to solve the problem. They solved it by finding more than one place in the smallpox DNA where you could insert new genes without decreasing smallpox's ability to cause disease. Many researchers feel that the smallpox virus doesn't cause disease in animals in any way that is useful for understanding its effects on humans. Alibek says that the Russians tested Veepox in monkeys, but he says that he doesn't know the results.

More recently, Alibek claims, the Vector researchers may have created a recombinant Ebola-smallpox chimera. One could call it Ebolapox. Ebola virus uses the molecule RNA for its genetic code, whereas smallpox uses DNA. Alibek believes that the Russian researchers made a DNA copy of the disease-causing parts of Ebola, then grafted them into smallpox. Alibek said he thinks that the Ebolapox virus is stable—that is, that it will replicate successfully in a test tube or in animals—which means that, once created, Ebolapox will live forever in a laboratory, and will not uncreate itself. Thus a new form of life may have been brought into the world.

"The Ebolapox could produce the form of smallpox called blackpox," Alibek says. Blackpox, sometimes known as hemorrhagic smallpox, is the most severe type of smallpox disease. In a blackpox infection, the skin does not develop blisters. Instead, the skin becomes dark all over. Blood vessels leak, resulting in severe internal hemorrhaging. Blackpox is invariably fatal. "As a weapon, the Ebolapox would give the hemorrhages and high mortality rate of Ebola virus, which would give you a blackpox, plus the very high contagiousness of smallpox," Alibek said.

Bill Patrick became exasperated. "Ken! Ken! I think you've got overkill here. What is the point of creating an Ebola smallpox? I mean, it would be nice to do this from a scientific point of view, sure. But with old-fashioned natural smallpox you can bring a society to its knees. You don't need any Ebolapox, Ken. Why, you're just gonna kill everybody."

"I suspect that this research has been done," Alibek said calmly.

Lev Sandakhchiev, the head of Vector, strongly denies this. "In our center we developed vaccinia-virus recombinants with VEE viruses and some others," he says. Vaccinia is a harmless virus related to smallpox. It is used for making vaccines.

"How much do you think it would cost to create genetically engineered smallpox?" I asked Alibek.

"This is not expensive." He paused, thinking. "A few million dollars. This is what it cost us for making the smallpox-VEE chimera at Vector in 1990 and 1991.

Ken Alibek's statements about the genetic engineering of smallpox are disturbing. I felt a need to hear some perspective from senior scientists who are close to the situation. Dr. Peter Jahrling is the chief scientist at USAMRIID, and he has visited Russia four times in recent months. ("It seems as if all I do these days is visit Russia," he said to me.) He knows the scientists at Vector pretty well. He has listened to Alibek and questioned him carefully, and he doesn't believe him about the Ebola-smallpox chimera. "His talk about chimeras of Ebola is sheer fantasy, in my opinion," Jahrling said. "This would be technically formidable. We have seen zero evidence of the Vector scientists doing that. But a smallpox chimera—is it plausible? Yes, it is, and I think that's scary. The truth is, I'm not so worried about governments anymore. I think genetic engineering has been reduced to simple enough principles so that any reasonably equipped group of reasonably good scientists would be able to construct a credible threat using genetic engineering. I don't think anyone could knock out New York City with a genetically engineered bug, but someone might be able to knock out a few people and thereby make an incredible panic."

Joshua Lederberg is a member of a working group of scientists at the National Academy of Sciences who advice the government on biological weapons and the potential for bioterrorism. He is a professor at Rockefeller University, in Manhattan, and is considered to be one of the founders of the biotechnology revolution. He received the Nobel Prize for discovering—in 1946, when he was a young man—that bacteria can swap genes with each other. It was apparent to him even back then that people would soon be moving genes around, for evil as well as good.

I found Lederberg in his office, in a modest building covered with vines, in a green island of grass and trees on Manhattan's East Side. He is in his seventies, a man of modest size and modest girth, with a trim white beard, glasses, intelligent hazel eyes, and careful sentences. Lederberg knows Alibek and Pasechnik. He said to me, "They are offering very important evidence. You have to look carefully at what they're saying, but I offer high credibility to their remarks in general." He seemed to be choosing his words. As far as what was going on at Vector, he says that "with smallpox, anything could have happened. Lev Sandakhchiev is one of the world's authorities on the smallpox genome. But there are all kinds of reasons you'd want to introduce modifications into smallpox." He said that you might, for example, alter smallpox in order to make a vaccine. "You have to prove intent to make a weapon," he said.

Researchers normally introduce new genes into the vaccinia virus. Vaccinia doesn't cause major illness in humans, but if you're infected with it you become immune to smallpox. When the new genes are introduced into vaccinia, they tend to make the virus even weaker, even less able to trigger disease. Putting new genes into smallpox presumably might make it weaker, too. Alibek insisted that the Russians have found places in the genome of smallpox where you can insert new genes, yet the virus remains deadly.

I said to Lederberg, "If someone is adding genes from Ebola to smallpox virus, and it's making the smallpox more deadly, as Alibek says is happening in Russia, isn't that evidence of intent to make a weapon?"

"No," he said firmly. "You can't prove intent by the experiment itself. It's not even clear to me that adding Ebola genes to smallpox would make it more deadly. What troubles me is that this kind of work is being done in a clandestine way. They are not telling us what is going on. To be doing such potentially evil research without telling us what they are doing is a provocation. To do an experiment of this kind in the United States would be almost impossible. There would be an extensive review, and it might well not be allowed for safety reasons. The experiment is extremely dangerous, because things could get out of hand."

Lederberg agreed that Russia does have a clandestine biological-weapons program today, though it's not at all clear how much Vector and Biopreparat have to do with it, since they are independent entities. As for the biological missiles once aimed at the U.S., it doesn't surprise him: "You can put anything in a ballistic missile."

Lederberg seems to be a man who has looked into the face of evil for a long time and hasn't blinked. He is part of a group of scientists and government officials who are trying to maintain a dialogue with Russian biologists and bring them into the international community of science. "Our best hope is to have a dialogue with Sandakhchiev," he said quietly. "There is no technical solution to the problem of biological weapons. It needs an ethical, human, and moral solution if it's going to happen at all. Don't ask me what the odds are for an ethical solution, but there is no other solution." He paused, considering his words. "But would an ethical solution appeal to a sociopath?"

Terrorism is the uncontrolled part of the equation. A while ago, Richard Butler, who is the head of the United Nations Special Commission weapons-inspection teams in Iraq, remarked to me, "Everyone wonders what kinds of delivery systems Iraq may have for biological weapons, but it seems to me that the best delivery system would be a suitcase left in the Washington subway."

Could something like that happen? What would it be like? The truth is that no one really knows, because lethal bioterror on a major scale has not occurred. At one point in my talk with Ken Alibek in Bill Patrick's kitchen that winter afternoon, we took a break, and the former master bioweaponeers stood on the lawn outside the house, looking down on the city of Frederick. The view reaches to the Mt. Airy Ridge, a blue line in the distance. Clouds had covered the sun again.

Patrick was squinting east, with a professional need to understand the nuances of wind and cloud. "The wind is ten to twelve miles an hour, gusting a bit." He pointed to smoke coming from a building in the valley. "See the smoke there? It's drifting up a little, but see how it hangs? We have sort of an inversion today, not a good one. I'd say it's a good day for anthrax or Q fever."

Alibek lit a cigarette and watched the sky. He appraises weather the same way Patrick does.

Suddenly Patrick turned on his heel and went into his garage. He returned in a few moments carrying a large mayonnaise jar. He unscrewed the cap. The jar contained a fine, creamy, fluffy powder, with a mottled pink tinge. The pink was the dried blood of chicken embryos, he explained. "This is a simulant for VEE." It was a fake version of the weaponized brain virus. It was sterile, and had no living organisms in it. It was harmless.

The VEE virus can be grown in weapons-grade concentration in live chicken embryos. When the embryos are swimming with virus particles, you break open the eggs (you had better be wearing a spacesuit), and you harvest the sick embryos. You freeze-dry them and process them into a powder using one of Patrick's secret methods.

He shook the jar under my face. The blood-tinged powder climbed the sides of the jar. A tendril of simulated bioweapon reached for my nose.

Instinctively, I jerked my head back.

Patrick walked across the lawn and stood by an oak tree. Suddenly he extended his arm and heaved the contents of the jar into the air. His simulated brain-virus weapon blasted through the branches of a dogwood tree and took off in the wind heading straight down a meadow and across the street, booming with celerity toward Frederick. Within seconds, the aerosol cloud had become invisible. But the particles were there, moving with the breeze at a steady ten to twelve miles an hour.

Alibek watched, tugging at his cigarette, nonchalant, mildly amused. "Yeah. You won't see the cloud now."

"Some of those particles'll go eighteen to twenty miles, maybe to the Mt. Airy Ridge," Patrick remarked. The simulated brain virus would arrive in Mt. Airy in less than two hours. He walked back and put his hand on Alibek's shoulder, and smiled.

Alibek nodded.

"What are you thinking?" I asked Alibek.

He pursed his lips and shrugged. "This is not exciting for me."

Patrick went on, "Say you wanted to hit Frederick today, Ken, what would you use?"

Alibek glanced at the sky, weighing the weather and his options. "I'd use anthrax mixed with smallpox."

SENATE RESOLUTION 174

The text of the resolution (S. Res. 174) as agreed to by the Senate on March 11, 1998, is as follows:

S. RES. 174

Whereas the United States maintains a close bilateral partnership with Thailand and has a profound interest in furthering that relationship;

Whereas the friendship between our two countries goes back farther than that with any other Asian nation dating back to the Treaty of Amity and Commerce and Navigation of 1833;

Whereas the bilateral trade relationship is robust and promises to grow even more so in time;

Whereas the United States security relationship with Thailand is one of our most critical, and it is in both countries' interest to maintain and strengthen that relationship;

Whereas the new Government in Thailand has committed itself to making significant structural reforms to its economy in line with the conditions placed upon it by the International Monetary Fund, including improving financial and economic transparency and cutting its budget;

Whereas the conditions imposed on Thailand by the International Monetary Fund were developed in August of 1997, when the economic environment in Asia was vastly different from that existing today;

Whereas an example of those changed circumstances is the fact that both Korea and Indonesia provided second line of defense contingency loans to Thailand in August 1997, amounting to US$500 million each; and

Whereas Thailand's democratic reforms have advanced with that country's economic growth and development: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States should enhance the close political and security relationship between Thailand and the United States and strengthen economic ties and cooperation with Thailand to ensure that Thailand's economic recovery continues uninterrupted; and

(2) Thailand deserves praise and commendation from the United States for the measures it has implemented to resolve its financial problems.

CORRECTION TO THE RECORD

Rollcall Vote No. 26 on page 3205 of the March 11, 1998, edition of the RECORD has been corrected to reflect the following:

The result was announced—yeas 18, nays 80, as follows:

[Rollcall Vote No. 26 Leg.]

YEAS—18

Abraham
Ashcroft
Brownback
Coats
Coverdell
Graham
Hutchinson
Hutchison
Inhofe
Kyl
Levin
Lugar
Mack
McCain
Nickles
Smith (NH)
Thompson
Thurmond

NAYS—80

Akaka
Allard
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Lieberman
Lott
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Smith (OR)
Snowe
Specter
Stevens
Thomas
Torricelli
Warner
Wellstone
Wyden

NOT VOTING—2

Sessions
Shelby

MESSAGES FROM THE HOUSE

At 4:15 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 992. An act to end the Tucker Act shuffle, and for other purposes.

H.R. 1432. An act to authorize a new trade and invest policy for sub-Saharan Africa.

H.R. 2883. An act to amend provisions of law enacted by the Government Performance and Results Act of 1993 to improve Federal agency strategic plans and performance reports.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 992. An act to end the Tucker Act shuffle, and for other purposes; to the Committee on the Judiciary.

H.R. 2883. An act to amend provisions of law enacted by the Government Performance and Results Act of 1993 to improve Federal agency strategic plans and performance reports; to the Committee on Governmental Affairs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation:

Robert J. Shapiro, of the District of Columbia, to be Under Secretary of Commerce for Economic Affairs.

John Charles Horsley, of Washington, to be Associate Deputy Secretary of Transportation.

James E. Hall, of Tennessee, to be Chairman of the National Transportation Safety Board for a term of two years. (Reappointment)

Orson Swindle, of Hawaii, to be a Federal Trade Commissioner for the term of seven years from September 26, 1997, term expired, to which position he was appointed during the last recess of the Senate.

Mozelle Willmont Thompson, of New York, to be a Federal Trade Commissioner for the term of seven years from September 26, 1996, to which position he was appointed during the last recess of the Senate.

Winter D. Horton, Jr., of Utah, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2002, term expired.

Christy Carpenter, of California, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2002, term expired.

The following-named officers for appointment in the U.S. Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral

Rear Adm. (lh) Joseph J. McClelland, Jr., 1599
Rear Adm. (lh) John L. Parker, 7443
Rear Adm. (lh) Paul J. Pluta, 4222
Rear Adm. (lh) Thad W. Allen, 3199

The following-named officers for appointment in the U.S. Coast Guard to the grade indicated under title 14 U.S.C., section 271:

To be rear admiral (lower half)

Capt. David S. Belz, 7006
Capt. James S. Carmichael, 7926
Capt. Roy J. Casto, 8656
Capt. James A. Kinghorn, 8699
Capt. Erroll M. Brown, 1778

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. McCAIN. Mr. President, for the Committee on Commerce, Science, and Transportation, I report favorably seven nominations lists in the Coast Guard and National Oceanic and Atmospheric Administration, which were printed in full in the CONGRESSIONAL RECORD on November 6, 1997, January 29, 1998 and March 3, 1998, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of November 6, 1997, January 29, 1998 and March 3, 1998, at the end of the Senate proceedings.)

In the Coast Guard nominations beginning Cdr. Claudio R. Azzaro, and ending Cdr. Jerry J. Saulter, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of November 6, 1997.

In the Coast Guard nominations beginning Stephen W. Rochon, and ending Louis M. Farrell, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 29, 1998.

In the Coast Guard nomination of Robert L. Clarke, Jr., which was received by the Senate and appeared in the CONGRESSIONAL RECORD of January 29, 1998.

In the Coast Guard nomination of Kerstin B. Rhinehart, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of January 29, 1998.

In the Coast Guard nomination of Maury M. Mcfadden, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of January 29, 1998.

In the National Oceanic and Atmospheric Administration nominations beginning James A. Illg, and ending Jennifer D. Garte, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 29, 1998.

In the Coast Guard nominations beginning William J. Shelton, and ending Keith O. Pelletier, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 3, 1998.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MACK (for himself, Mr. BREAUX, Mr. TORRICELLI, Mr. LOTT, Mr. HATCH, Mr. MURKOWSKI, Mr. DEWINE, Mr. HAGEL, Mr. KYL, Mr. ABRAHAM, Mr. ASHCROFT, Mr. COCHRAN, and Mr. HELMS):

S. 1748. A bill to amend the Internal Revenue Code of 1986 to provide that the reduced capital gains tax rates apply to long-term capital gain from property with at least a 1-year holding period; to the Committee on Finance.

By Mr. ALLARD (by request):

S. 1749. A bill to authorize the Secretary of the Interior to provide funding for the implementation of the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins; to the Committee on Environment and Public Works.

By Mrs. HUTCHISON (for herself and Mr. DOMENICI):

S. 1750. A bill to amend section 490 of the Foreign Assistance Act of 1961 to establish an additional certification with respect to major drug-producing and drug-transit countries, and for other purposes; to the Committee on Foreign Relations.

By Mr. SPECTER:

S. 1751. A bill to extend the deadline for submission of a report by the Commission to Assess the Organization of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction; to the Select Committee on Intelligence.

By Mr. KYL:

S. 1752. A bill to authorize the Secretary of Agriculture to convey certain administrative sites and use the proceeds for the acquisition of office sites and the acquisition, construction, or improvement of offices and support buildings for the Coconino National Forest, Kaibab National Forest, Prescott National Forest, and Tonto National Forest in the State of Arizona; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN:

S. 1753. A bill to amend the Internal Revenue Code of 1986 to encourage school construction and rehabilitation through the creation of a new class of bond, and for other purposes; to the Committee on Finance.

By Mr. FRIST (for himself, Mr. KENNEDY, Mr. JEFFORDS, Mr. BINGAMAN, Mr. COCHRAN, and Mr. INOUYE):

S. 1754. A bill to amend the Public Health Service Act to consolidate and reauthorize health professions and minority and disadvantaged health professions and disadvantaged health education programs, and for other purposes; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MACK (for himself, Mr. BREAUX, Mr. TORRICELLI, Mr. LOTT, Mr. HATCH, Mr. MURKOWSKI, Mr. DEWINE, Mr. HAGEL, Mr. KYL, Mr. ABRAHAM, Mr. ASHCROFT, Mr. COCHRAN, and Mr. HELMS):

S. 1748. A bill to amend the Internal Revenue Code of 1986 to provide that the reduced capital gains tax rates apply to long-term capital gain from property with at least a 1-year holding period; to the Committee on Finance.

THE CAPITAL GAINS SIMPLIFICATION ACT OF 1998

Mr. MACK. Mr. President, today I am introducing the Capital Gains Simplification Act of 1998. This legislation will significantly improve the tax treatment of capital gains and would benefit all Americans. It would restore the one-year holding period (from the current 18 month requirement) to qualify for the lower capital gains tax rates the Republican Congress enacted last year. This simple change would dramatically reduce tax compliance costs, lessen the punitive lock-in effect on capital, and yield additional federal revenue in the first two years.

Capital investment is the key to economic growth and our future standard of living. That's why we successfully fought to give the American people significant tax relief on their savings and investments last year. We reduced the top rate on capital gains from 28 percent to 20 percent. Typical taxpayers in the 15 percent tax bracket had their capital gains tax rate lowered even more—to 10 percent.

Unfortunately, in order for taxpayers to qualify for lower capital gains tax rates, the Clinton Administration dictated an increase in the holding period from one year to 18 months when the Taxpayer Relief Act of 1997 was in conference. This arbitrary new holding period creates an awkward rate structure in which gains held between 12 and 18 months are taxed at higher rates. This dramatically and unnecessarily complicates tax calculations and compliance costs for taxpayers, investment firms, and the IRS.

For most Americans, their tax accounting and investment changes are timed on a one year basis, thus making the new 18-month holding period out of sync with investment and tax filing standards. This longer holding period also reduces economic efficiency and the flow of capital by artificially locking-in investments for longer durations. Additionally, Americans who may need to sell an investment before holding it 18 months—for instance, to pay a tuition bill or medial expense—are punished with higher tax rates under current law. This makes little sense and must be corrected.

My bill would restore a straightforward one-year holding period for capital gains. It would greatly simplify the tax compliance burden, reduce punitive taxation, and improve economic efficiency. Simply stated, it would make it easier and more rewarding for Americans to save and invest for their futures.

New entrepreneurial activity that boosts economic growth takes money, and the demands for capital are the greatest they have been in decades. New technologies are opening the door to greater productivity gains and new products. We must ensure that the adequate savings and investment needed to fuel new technologies and productivity gains are available.

Any tax on capital gains represents punitive double taxation, and often taxes illusory gains due simply to inflation. And capital gains are not just for the "rich." According to IRS tax return data, 54 percent of taxpayers reporting capital gains have incomes below $50,000—meaning more than 8 million households earning less than $50,000 can benefit from the capital gains tax relief Congress provided last year. Many senior citizens depend on cashing in their capital gains as their major source of income during retirement. More than 80 percent of capital gains are reported by households with less than $100,000 in income.

It's no secret that a large and growing number of ordinary middle-income Americans are directly or indirectly invested in the stock market. They invest directly by buying shares themselves or indirectly through savings in mutual funds, IRA accounts, or pension plans at work. The proportion of families who own stocks has increased dramatically. By simplifying the tax treatment of capital gains, this legislation would encourage families to save even more and would make it easier for them to buy a home, prepare for retirement, or pay for their children's education.

Let's not forget that capital gains taxes are largely a voluntary tax, since investors decide when they sell their assets. Investors should be allowed to freely move their money into new investments without paying punitive tax rates due to arbitrary holding periods. Locking up capital with longer holding periods can only diminish our chances of achieving our greatest growth potential.

By returning the capital gains holding period to one year, the Capital Gains Simplification Act would cut tax compliance costs, but more importantly, it would help unleash greater investment opportunities, create jobs, and boost growth to the benefit of all Americans.

Mr. President, I ask unanimous consent that this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1748

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Capital Gains Simplification Act of 1998".

SEC. 2. 1-YEAR HOLDING PERIOD FOR ANY LONG-TERM CAPITAL GAIN.

(a) IN GENERAL.—Section 1(h)(4) of the Internal Revenue Code of 1986 (defining adjusted net capital gain) is amended by adding "and" at the end of subparagraph (B), by striking ", and" at the end of subparagraph (C) and inserting a period, and by striking subparagraph (D).

(b) CONFORMING AMENDMENTS.—Section 1(h) of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (6), by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—The term 'unrecaptured section 1250 gain' means the amount of long-term capital gain which would be treated as ordinary income if section 1250(b)(1) included all depreciation and the applicable percentage under section 1250(a) were 100 percent.",

(2) by striking paragraphs (8), (10), and (11),

(3) in paragraph (9), by striking "section 1202 gain, or mid-term gain" and inserting "or section 1202 gain",

(4) by redesignating paragraph (9) as paragraph (8), and

(5) by adding at the end the following:

"(8) TREATMENT OF PASS-THRU ENTITIES.—

"(A) IN GENERAL.—The Secretary may prescribe such regulations as are appropriate (including regulations requiring reporting) to apply this subsection in the case of sales and exchanges by pass-thru entities and of interests in such entities.

"(B) PASS-THRU ENTITY DEFINED.—For purposes of subparagraph (A), the term 'pass-thru entity' means—

"(i) a regulated investment company,

"(ii) a real estate investment trust,

"(iii) an S corporation,

"(iv) a partnership,

"(v) an estate or trust, and

"(vi) a common trust fund.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1997.

By Mr. ALLARD (by request):

S. 1749. A bill to authorize the Secretary of the Interior to provide funding for the implementation of the endangered fist recovery implementation programs for the Upper Colorado and San Juan River Basins; to the Committee on Environment and Public Works.

THE UPPER COLORADO RIVER AND SAN JUAN RIVER ENDANGERED FISH RECOVERY ACT OF 1998

Mr. ALLARD. Mr. President, today I am introducing the Upper Colorado River and San Juan River Endangered Fish Recovery Act of 1998, legislation that is designed to authorize activities taking place on the Upper Colorado River Basin and the San Juan River Basins to protect various endangered fish species.

The legislation is the product of meetings between water districts, power users, state and federal governments, and environmental groups and by no means reflects consensus. What it does reflect is a bargaining point that all agree is the proper place to begin. At the request of these groups I am introducing this legislation. I would also like to include in the RECORD letters requesting that I introduce this legislation.

I want my position to be clear, it is my view that authorizing legislation should provide certainty to water users in Colorado under the Endangered Species Act and should also allow Coloradans a greater ability to develop their full allotment of the Colorado River. It's also my view that the Fish & Wildlife Service, who are preparing a biological opinion on the program, should reach the conclusion that the program meets the criteria necessary to reach that goal.

So while at this point I am only introducing this legislation upon request, I hope that after further negotiations among all parties and the biological opinion issued by the FWS all parties involved will support this, or subsequent, legislation.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SOUTHEASTERN COLORADO
WATER CONSERVANCY DISTRICT,
Pueblo, CO, February 24, 1998.

Re Upper Colorado River Endangered Fish Recovery Program—Authorizing Legislation.

Hon. WAYNE ALLARD,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR ALLARD: As we discussed during your visit to Pueblo last week (February 19th), the Southeastern District did not join other water users in signing the Upper Colorado River Basin Water Users February 13th letter supporting the introduction of authorizing legislation for the long-term funding of the Colorado River Endangered Fish Recovery Program. We now wish to voice our support for introduction of the proposed legislation, but ask that you consider the Southeastern District's concerns while moving the bill through the process.

While we are supporting introduction at this time, we do so with some measure of concern. Prior to our February 19th meeting, the Board of the District has held the position that before authorizing legislation is introduced the Fish and Wildlife Service should first issue a favorable biological opinion (BO) stating that the Recovery Program does indeed serve as the reasonable and prudent alternative for all water projects diverting above the upper Colorado River 15-mile reach. That BO is not yet complete, so uncertainty still exists. In addition, the District has been cautious in our support for the Recovery Program because one of the key elements of the Program requires a commitment of water from Ruedi Reservoir, which is a component of the Fryingpan-Arkansas Project.

The commitment of water from Ruedi Reservoir to augment flows in the 15-mile reach for endangered fish has not yet been positively resolved, which is the major reason why the Southeastern District has resisted the introduction of Recovery Program legislation. The Fish & Wildlife Service has made it clear that they want a permanent allocation of Ruedi water, or water from another source, to meet the objectives under the Recovery Program. Such a re-allocation of water may mean that the original authorizing legislation from the Fry-Ark Project (Public Law 87-590, August 16, 1962) would need to be reopened in order to forgive the costs of construction associated with the Ruedi water, and possibly to authorize the transfer of the water from the intended irrigation and M&I use to endangered fish use.

As you will understand, the Southeastern District is concerned with re-opening our Fry-Ark Project authorizing legislation without some guarantee that our full entitlements for irrigation and M&I water deliveries, and other benefits under the Project, will be protected.

Given these concerns, the District had heretofore withheld our support for the introduction of Recovery Program long-term funding authorization legislation. We now ask that the legislation move forward under your leadership. However, our continued support for the legislation in the months to come will in part be contingent upon the positive resolution of the Ruedi Reservoir water commitment element of the Recovery Program, and the issuance of a favorable programmatic biological opinion.

Thank you for considering our concerns as a part of your work on this important piece of legislation.

Sincerely,

STEVEN ARYESCHOUG,
General Manager.

STATE OF COLORADO,
OFFICE OF THE EXECUTIVE DIRECTOR,
DEPARTMENT OF NATURAL RESOURCES,
Denver, CO, February 25, 1998.

Hon. WAYNE ALLARD,
Hart Building, Washington, DC.

DEAR SEN. ALLARD: I am writing to ask you to introduce legislation to statutorily authorize the federal government's participation in the Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin and the San Juan River Recovery Implementation Program (Recovery Programs).

These programs allow water development to proceed while states, water users, environmental groups and Indian tribes work with federal agencies to recover four endangered fish species. However, if the recovery programs are really to achieve their intended purposes, clear statutory authority is needed to help ensure that funds will continue to be requested by the Department of the Interior and appropriated by Congress.

Water users have assisted officials from Colorado, New Mexico, Utah and Wyoming to draft legislation that will provide the needed authority.

However, Colorado water users recognize that statutory authority alone will not make the programs successful. As a result, they have been working with me to clarify how the Upper Colorado River program and the U.S. Fish and Wildlife Service will address future depletions in the 15-mile reach of the Colorado River near Grand Junction.

It is my understanding that water users support the introduction of legislation while these negotiations continue and may withdraw their support at any time. Introducing legislation now would also allow Congress to exercise some programmatic oversight and tailor the legislation to reflect agreements reached through the 15-mile reach discussions.

I hope that you will introduce this legislation and continue to support the efforts of water users to ensure the recovery program continues to offer the best opportunity to address water needs and environmental obligations to the arid West.

Very truly yours,

JAMES. S. LOCHHEAD,
Executive Director.

UPPER COLORADO RIVER
BASIN WATER USERS,
Loveland, CO, February 13, 1998.

Hon. WAYNE ALLARD,
U.S. Senate, Washington, DC.

DEAR SENATOR ALLARD: Thank you for circulating a draft legislation that would authorize long-term funding for the Colorado River Endangered Fish Recovery Program. We have reviewed the draft that was attached to your letter of November 14, 1997, and believe that this legislation should receive further consideration by all interested parties. As is often the case with legislation, of this nature, none of the organizations that we represent are prepared to endorse this particular draft, and all of the interested parties have reserved their right to suggest amendments to or withdraw support for legislation. However, we support the introduction of this legislation at this time, as we believe that the hearing and markup process will provide the best way to resolve the remaining issues.

Thank you for taking the time to work on this important issue.

Sincerely,

H.J. Barry, Denver Water Department; Eric W. Wilkinson, Northern Colorado Water Conservancy, Resources District; Larry W. Clever, Ute Water Conservancy District; Cliff Inbau, City of Aurora Utilities; Gregory Trainor, Utility Manager, City of Grand Junction; Dale Tooker, Manager, Clifton Water District; Richard E. Kuhn, Colorado River Conservation District; Philip Saletta, Colorado Springs Utilities, Water Department; Richard Proctor, Manager, Grand Valley Water Users' Association; James D. Rooks, Orchard Mesa Irrigation District; John R. Fetcher, Upper Yampa Water Conservation District; and Alan C. Hamel, Board of Water Works of Pueblo.

By Mrs. HUTCHISON (for herself and Mr. DOMENICI):

S. 1750. A bill to amend section 490 of the Foreign Assistance Act of 1961 to establish an additional certification with respect to major drug-producing and drug-transit countries, and for other purposes; to the Committee on Foreign Relations.

MEXICO AND THE DRUG CERTIFICATION PROCESS LEGISLATION

Mr. DOMENICI. Mr. President, I am pleased to rise today with the distinguished junior Senator from Texas (Mrs. HUTCHISON) to introduce a bill to bring some much needed credibility and flexibility to the drug certification process.

As my colleagues are aware, the President recently announced his annual decision regarding which countries would be certified as "fully cooperating" with the United States in the drug war. Once again, in the face of overwhelming evidence that full certification was unwarranted, the President found that Mexico has fully cooperated. This decision essentially means that the President has announced to the American people and the world that Mexico is a full partner in our anti-narcotics efforts.

Mr. President, I understand that Mexico has made some progress in recent years in combating the drug cartels. And for that, the Mexican government deserves some credit. But, I simply cannot accept the Administration's flawed decision that Mexico has fully cooperated with the United States. There were too many instances of drug-related corruption and violence in the past year which support the opposite conclusion—that Mexico deserves something less than full certification.

Mr. President, I could take all day to explain to my colleagues in the Senate why I believe that Mexico does not deserve full certification this year. Instead, I would like to point out a just few facts which lead me to that conclusion.

First, I would direct my colleagues to a Washington Post article dated March 9th—just this week—entitled "2,000 Miles of Disarray in the Drug War—U.S./Mexico Border Effort 'A Shambles.'" The article points out what I think everyone, including the President of the United States, knows about our border drug effort with Mexico: it simply has been a failure.

The article notes that despite the official rhetoric from Washington praising Mexico's cooperation, U.S. law enforcement officials on the ground are saying that the joint U.S.-Mexico effort to establish Bilateral Border Task Forces to combat the drug cartels has been a disaster. I think the time has come for Congress and the President to pay more attention to what our law enforcement officials at the front lines of the drug war are saying about Mexico and its level of cooperation. It's clear the views of law enforcement are far different than those of the diplomats at the State Department and the embassies.

According to the news article, for the past 14 months, DEA, FBI and Customs agents have refused to cross the border into Mexico because Mexico will not allow them to carry weapons to protect themselves. These agents were supposed to be the front line in the U.S. contribution to the joint border effort, but Mexico's unwillingness to allow them even the most basic protections has rendered our agreement to work together meaningless.

The news story also states that corruption has almost completely eroded the trust and confidence of U.S. officials in the integrity of Mexican law enforcement. The report notes that at least five senior Mexican officers involved in the Border Task Force program have been arrested on suspicion of taking bribes from the drug cartels, participating in the kidnaping of key witnesses or stealing confiscated cocaine.

One former Mexican federal police commander in charge of intelligence gathering for the Border Task Forces was fired last year for taking bribes from the cartels. U.S. and Mexican law enforcement officials now have identified this individual as a suspected drug trafficker in Arizona, but U.S. requests for information from Mexico about his activities have gone unanswered. How is that "full cooperation?" I can tell you that U.S. law enforcement officials do not think this is full cooperation—Tom Constantine, the head of the DEA said as much in a recent Senate hearing.

Mexico also has failed to cooperate in another key area: extradition. Once again, the Administration claims that Mexico has increased its willingness to cooperate with the United States on extradition. Yet, once again, there is no evidence that Mexico has made efforts to capture and extradite to the U.S. for trial any high-ranking Mexican national drug lords. Our law enforcement officials risk their lives gathering information to obtain indictments against Mexican drug traffickers, yet very few are ever captured and sent here for trial. In fact, the President's own 1998 International Narcotics Control Strategy Report, which is full of information which is supposed to justify the President's decision, states that "to date, no major Mexican drug traffickers have been extradited to the United States." To this Senator, that is unacceptable.

Mr. President, I realize that drug related violence has become an epidemic in Mexico. The recent death of Amado Carillo Fuentes, the cartel kingpin known as "the Lord of the Skies," has lead to increased violence as the other cartels work to realign themselves in an attempt to take over Carillo's turf. In fact, recent reports are that two of the largest remaining Mexican cartels (the Caro Quintero and Arellano Felix organizations) have joined together to form "The Federation"—the largest drug cartel in Mexico. This presents new and more difficult law enforcement questions for the United States and Mexico.

But until recently, I did not realize how deeply the drug cartels have become embedded in Mexican and even parts of U.S. popular culture. Then I read a March story in the Washington Post about "narcocorridos," Mexican folk ballads which tell stories about the violent exploits of drug smugglers. Narcocorridos glamorize drug-related shootouts with the police, betrayals, paid executions and the wealth associated with narcotics trafficking. There apparently are hundreds of music groups recording and singing these songs, which are wildly popular in Mexico and parts of southern California. That is a disturbing comment on the power the drug cartels possess.

Mr. President, I have not sought recognition today simply to talk about Mexico's shortcomings and what I believe are the flaws in the President's certification decision. I realize that the certification statute itself is flawed. It's too inflexible and is written in a way which leads to the absurd results we have seen with respect to Mexico in the last several years. We in Congress have a duty to take a look at this law and figure out a way to fix it.

So today with my colleagues from other border states, we have introduced a bill which I believe is a good starting point in the debate about the certification process. Our bill would take what I think are two important steps in improving the certification statute. The bill: (1) provides the President with a new option, called "qualified certification"; and (2) emphasizes the important contribution our drug-fighting U.S. law enforcement agencies make by giving them a greater role in the certification process.

Under our bill, the President would no longer be forced to make the decision between "full certification" or decertification, as is the case under current law. The fatal flaw of the certification statute is that it rigidly requires the President to make a choice between "full cooperation" and "no cooperation", when in reality many countries fall somewhere in between.

Our bill allows the President to make a "qualified certification" of countries which have cooperated with the United States, but have failed to make adequate progress in certain areas. Countries which receive a designation of qualified certification would continue to be eligible for the full spectrum of multilateral and bilateral assistance—they would not be penalized as they are if they are de-certified.

Instead, qualified certification would trigger the creation of a high-level contact group headed by the Attorney General and consisting of the Secretary of State, the heads of the DEA and FBI, the Drug Czar and others. The members of the contact group would be tasked with meeting with their high ranking counterparts in other countries to set measurable goals relating to law enforcement matters like extradition, eradication, money laundering or other appropriate counter-narcotics concerns.

The President then would consult with the Attorney General and issue a report to Congress setting forth the goals established by the high-level contact group and report back the following year on the progress made in meeting those goals. The President also would be required to take a country's progress into consideration when making the certification decision the following year.

Mr. President, I have long believed that law enforcement agencies are capable of providing the most accurate picture of whether a country has fully cooperated with our anti-drug efforts. I also have felt that the certification statute is too rigid, too punitive and fails to recognize the critical role U.S. law enforcement plays in our counter-narcotics strategy. I think this bill is a step in the right direction, a step towards fixing the certification process. I thank my colleague from Texas.

By Mr. KYL:

S. 1752. A bill to authorize the Secretary of Agriculture to convey certain administrative sites and use the proceeds for the acquisition of office sites and the acquisition, construction, or improvement of offices and support buildings for the Coconino National Forest, Kaibab National Forest, Prescott National Forest, and Tonto National Forest in the State of Arizona; to the Committee on Energy and Natural Resources.

FOREST SERVICES LEGISLATION

Mr. KYL. Mr. President, the U.S. Forest Service is interested in exchanging or selling six unmanageable, undesirable and/or excess parcels of land in the Prescott, Tonto, Kaibab and Coconino National Forests. If the parcels are sold, the Forest Service wants to use the proceeds from five of these sales to either fund new construction or upgrade current administrative facilities at these national forests. Funds generated from the sale of the sixth parcel could be used to fund acquisition of sites, or construction of administrative facilities at any national forest in Arizona. Transfers of land completed under this bill will be done in accordance with all other applicable laws, including environmental laws.

Mr. President, this bill will enhance customer and administrative services by allowing the Forest Service to consolidate and update facilities and/or relocate facilities to more convenient locations. It offers a simple and commonsense way to enhance services for national forest users in Arizona, and to facilitate the disposal of unmanageable, undesirable and/or excess parcels of national forest lands.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1752

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

In this Act, the term "Secretary" means the Secretary of Agriculture.

SEC. 2. SALE OR EXCHANGE OF ADMINISTRATIVE SITES.

(a) In General.—The Secretary, under such terms and conditions as the Secretary may prescribe, may sell or exchange any or all right, title, and interest of the United States in and to the following National Forest System administrative sites:

(1) The Camp Verde Administrative Site, comprising approximately 213.60 acres, as depicted on the map entitled "Camp Verde Administrative Site", dated April 12, 1997.

(2) A portion of the Cave Creek Administrative Site, comprising approximately 16 acres, as depicted on the map entitled "Cave Creek Administrative Site", dated May 1, 1997.

(3) The Fredonia Duplex Housing Site, comprising approximately 1.40 acres and the Fredonia Dwelling Site, comprising approximately 1.58 acres, as depicted on the map entitled "Fredonia Duplex Dwelling, Fredonia Ranger Dwelling", dated August 28, 1997.

(4) The Groom Creek Administrative Site, comprising approximately 7.88 acres, as depicted on the map entitled "Groom Creek Administrative Site", dated April 29, 1997.

(5) The Payson Administrative Site, comprising approximately 296.43 acres, as depicted on the map entitled "Payson Ranger Station Administrative Site", dated May 1, 1997.

(6) The Sedona Administrative Site, comprising approximately 21.41 acres, as depicted on the map entitled "Sedona Ranger Station Administrative Site", dated April 12, 1997.

(b) Exchange Acquisitions.—The Secretary may acquire land and existing or future administrative improvements in exchange for a conveyance of an administrative site under subsection (a).

(c) Applicable Authorities.—A sale or exchange of an administrative site shall be subject to the laws (including regulations) applicable to the conveyance and acquisition of land for National Forest System purposes.

(d) Cash Equalization.—Notwithstanding any other provision of law, the Secretary may accept a cash equalization payment in excess of 25 percent of the value of an administrative site in an exchange under subsection (a).

(e) Solicitations of Offers.—In carrying out this Act, the Secretary may—

(1) use public or private solicitations of offers for sale or exchange on such terms and conditions as the Secretary may prescribe; and

(2) reject any offer if the Secretary determines that the offer is not adequate or not in the public interest.

SEC. 3. DISPOSITION OF FUNDS.

The proceeds of a sale or exchange under section 2 shall be deposited in the fund established under Public Law 90–171 (16 U.S.C. 484a) (commonly known as the "Sisk Act") and shall be available for expenditure, until expended, for—

(1) the acquisition of land and interests in land for administrative sites; and

(2) the acquisition, construction, or improvement of offices and support buildings for the Coconino National Forest, Kaibab National Forest, Prescott National Forest, and Tonto National Forest.

SEC. 4. REVOCATIONS.

(a) Public Land Orders.—Notwithstanding any other provision of law, to facilitate the sale or exchange of the administrative sites, public land orders withdrawing the administrative sites from all forms of appropriation under the public land laws (including the mining laws but not the mineral leasing laws) are revoked for any portion of the administrative sites conveyed by the Secretary.

(b) Effective Date.—The effective date of a revocation made by this section shall be the date of the patent or deed conveying the administrative site.

By Mrs. FEINSTEIN:

S. 1753. A bill to amend the Internal Revenue Code of 1986 to encourage school construction and rehabilitation through the creation of a new class of bond, and for other purposes; to the Committee on Finance.

THE EXPAND AND REBUILD AMERICA'S SCHOOLS ACT OF 1998

Mrs. FEINSTEIN. Mr. President, today I am introducing a bill to help our public schools reduce overcrowding. The bill is the companion of H.R. 2695, a bill introduced by my California colleague, Representative Loretta Sánchez, a member of the House Education and Workforce Committee.

THE LEGISLATION

This legislation has several major provisions:

It provides a tax credit for the bond holders of school construction bonds. Under the 1997 Taxpayer Relief Act, schools which meet specific criteria can issue "qualified zone academy bonds." The bonds generate a tax credit, rather than interest, for the bond holder, but can only be used to rehabilitate existing schools, not construct new facilities. Our bill allows the credit for school construction, as well.

It revises the criteria to address high growth areas and increase the number of schools who qualify. Under current law, only school districts with a poverty rate of 35 percent or more (as measured by participation in the school lunch program) and can demonstrate public support by raising at least 10 percent of the bond amount from private individuals or companies could take advantage of the credit. State education officials indicate schools, particularly small districts who need federal assistance, have difficulty reaching the private support requirement. This bill deletes the private support requirement of current law.

To qualify to use the bonds, the bill requires schools to meet state academic achievement standards and to have an average student-teacher ratio of 28 to one. Clear student achievement standards are essential to make schools accountable for learning and many states are developing those standards. California, for example, has adopted math and language content standards. Research shows that smaller classes improve learning and teaching and California is now implementing a class size reduction program in grades K–3.

Under the bill, bonds may be used if school districts meet one of three criteria:

The school is over 30 years old or the bonds will be used to install advanced or improved telecommunications equipment;

The student growth rate will be at least 10 percent over the next 5 years; and

The construction or rehabilitation is needed to meet natural disaster requirements.

The legislation focuses the tax credit assistance on our most serious construction needs. In my State, for example, 60 percent of our schools are over 30 years old and our schools must be built to withstand earthquakes, floods, El Niño and other natural disasters. California's State earthquake building standards can add 3 to 4 percent to construction costs.

The bond program will provide important assistance for school districts across America. Because the bonds provide a tax credit to the bond holder, the bond is supported by the Federal treasury, not the local school district. This helps small and low-income area school districts, because low-income communities with the highest school rehabilitation/construction needs may have to pay the highest interest rates in order to issue the bonds, if they can be issued at all.

SCHOOL ENROLLMENT IS SOARING

Our public schools face a daunting challenge for the 21st century. This year, a record 52.2 million children will attend America's schools, a growth trend that will continue, reaching more than 54 million by 2007.

Growth over the next decade will be most severe at the secondary school level, with enrollment growth expected to grow by 1.7 million or more than 13 percent.

Nearly one-half of all states will experience a 15 percent growth in the number of public high school graduates by 2007.

More than one-third of the nation's existing schools are currently over 50 or more years old and need to be repaired or replaced.

Unlike the previous baby boom, there will be no sharp decline in enrollment after 2007; enrollment will maintain a stable level afterwards. Thus, school districts face escalating long-term needs.

Schools are costly. Modern schools are a significant investment for even the wealthiest of communities. Average elementary school construction costs are $6.3 million, while average high school construction costs exceed $15 million. School facilities can be well beyond the reach of many local communities. The federal government should become a partner by providing targeted assistance for high growth areas.

THE CALIFORNIA CHALLENGE

In California, construction needs are soaring. My state will have the nation's largest enrollment increases of all states during the next ten years.

California's 18.3 percent school enrollment rate will triple the U.S. rate of 5.7 percent between 1996 and 2006.

Each year between 160,000 and 190,000 new students enter California classrooms.

California's high school enrollment is projected to increase by 35.3 percent by 2007. Approximately 920,000 students are expected to be admitted to schools in the State during that period, boosting total enrollment from 5.6 million to 6.8 million.

California needs to build 12 new classrooms a day until 2001 just to keep up with the growth in student population.

The California Department of Finance forecasts that the State must spend $22 billion on schools during the next decade to keep pace with growth and to modernize and repair schools that have been allowed to deteriorate.

Based on growth forecasts, California would need to add about 327 schools over the next three years just to keep pace with the projected growth. Yet these phenomenal construction rates would only maintain current use and would not even begin to relieve current overcrowding.

In addition to new facilities, existing education facilities need to be renovated to meet today's learning needs. Today's schools require a modern infrastructure, with wiring capable of meeting today's computer needs. However, more than 60 percent of California's schools were built over 30 years ago. According to the General Accounting Office, 87 percent of the public schools in California indicate they need to upgrade and repair buildings.

The burden on local school districts is overwhelming school districts and local taxpayers. As an example, in order to build it's way out of overcrowding, Oceanside School District in San Diego, would need to build four elementary schools, two middle schools, and a high school at an estimated cost of $110 to $140 million.

In addition to these pressures, our state, commendably, is reducing class sizes in grades K through 3 because smaller classes improve teaching and learning. We have the largest pupil-teacher ratios in the country and fortunately, are beginning to address what is a most serious education problem. But smaller classes mean more classrooms.

In short, California's needs are immense and States and local communities need the federal partner.

IMPORTANT TO EDUCATION

School overcrowding places a heavy burden on teachers and students. Studies show that the test scores of students in schools in poor condition can fall as much as 11 percentage points behind scores of students in good buildings. Other studies show improvements of up to 20 percent in test scores when students move to a new facility.

Here are several examples of the toll that crowding is taking in my State.

At Horace Mann Year-round School in Oakland, increasing enrollment and class size reductions require some teachers and students to pack up and move to a new classroom every month.

At John Muir Elementary School in San Bruno, one class spent much of the year on the stage of the school's multipurpose room as it waited for portables to arrive.

Anaheim City School District has a 6% enrollment growth rate, double the state average and recently approved the purchase of 10 portable buildings, at a cost of $235,000 to relieve overcrowding.

This bill will concentrate tax benefits on high growth areas across the country and improve education. Teachers and students must be free to concentrate on learning, yet school overcrowding undermines the health and morale of students and teachers, disrupting the education process. Overcrowded schools prevent both teachers and students from reaching their full potential.

DIFFERENCES FROM THE SANCHEZ BILL

This legislation builds upon existing law, as well as H.R. 2695, legislation proposed by Representative LORETTA SÁNCHEZ in the House. The legislation differs from H.R. 2695 in the following respects:

(1) It expands the type of school construction for which the bonds can be used. In addition to construction to relieve overcrowding in the Sánchez bill, under this bill bonds may be used to rehabilitate schools over 30 years old, improve the communications infrastructure, make repairs following a natural disaster and retrofit to meet potential disasters.

(2) This bill does not include the requirement of the Sánchez bill that at least 10 percent of the bond proceeds be raised from the private sector. I believe this would be a burdensome hurdle for most school districts.

(3) Under H.R. 2695, bonds could be used only by school districts with 35 percent or more of their students eligible for food stamps. Under this bill, bonds would be available to any district meeting the high growth, aging facilities, telecommunications or disaster criteria.

(4) Representative SÁNCHEZ's bill allows only financial institutions to claim the tax benefit. Under this bill, any taxpayer as a bond holder could claim the credit.

I believe these changes strengthen the bill and create more financing options for school districts.

CONCLUSION

Our Nation's school districts face huge challenges as we move toward the 21st century, with a record 52.2 million children this year and a growing school population forecast well into the next century. The legislation proposes modest, targeted Federal support for school bonds in growth areas, offering important assistance to school districts, teachers, parents and students. I ask unanimous consent to place the legislation and a legislative summary in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1753

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Expand and Rebuild America's Schools Act of 1998".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Many States and school districts will need to build new schools to accommodate increasing student enrollments; the Department of Education has predicted that the Nation will need 6,000 more schools by the year 2006.

(2) In response to reduced class mandates enforced by State governments and increased enrollment, many school districts have been forced to utilize temporary classrooms and other structures to accommodate increased school populations, along with resorting to year-round schedules for students.

(3) Research has proven a direct correlation between the condition of school facilities and student achievement. Recently, researchers found that the test scores of students assigned to schools in poor condition can be expected to fall 10.9 percentage points behind the test scores of students in buildings in excellent condition. Similar studies have demonstrated up to a 20 percent improvement in test scores when students were moved from a school with poor facilities to a new facility.

(4) While school construction and maintenance are primarily a State and local concern, States and communities have not, on their own, met the increasing burden of providing acceptable school facilities, and the poorest communities have had the greatest difficulty meeting this need.

(5) Many local educational agencies have difficulties securing financing for school facility construction and renovation, especially in States that require a ⅔ majority of voter approval for the passage of local bond initiatives.

(6) The Federal Government, by providing interest subsidies and similar types of support, can lower the costs of State and local school infrastructure investment, creating

an incentive for businesses to support local school infrastructure improvement efforts.

(7) The United States competitive position within the world economy is vulnerable if America's future workforce continues to be educated in schools not equipped for the 21st century. America must do everything in its power to properly educate its people to compete in the global marketplace.

SEC. 3. PURPOSE.

The purpose of this Act is to help local educational agencies bring all public school facilities up to an acceptable standard and build the additional classrooms needed to educate the growing number of students who will enroll in the next decade.

SEC. 4. CREDIT TO HOLDERS OF SCHOOL CONSTRUCTION BONDS.

(a) In General.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by adding at the end the following new section:

"SEC. 45D. CREDIT TO HOLDERS OF SCHOOL CONSTRUCTION BONDS.

"(a) Allowance of Credit.—In the case of a taxpayer who holds a school construction bond on the credit allowance date of such bond which occurs during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year the amount determined under subsection (b).

"(b) Amount of Credit.—The amount of the credit determined under this subsection with respect to any school construction bond is the amount equal to the product of—

"(1) the credit rate determined by the Secretary under section 1397E(b)(2) for the month in which such bond was issued, multiplied by

"(2) the face amount of the bond held by the taxpayer on the credit allowance date.

"(c) Limitation Based on Amount of Tax.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

"(1) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(2) the sum of the credits allowable under this part (other than under this section and subpart C thereof, relating to refundable credits) and section 1397E.

"(d) School Construction Bond.—For purposes of this section—

"(1) In general.—The term 'school construction bond' means any bond issued as part of an issue if—

"(A) 95 percent or more of the proceeds of such issue are to be used for a qualified purpose with respect to a qualified school established by an eligible local education agency,

"(B) the bond is issued by a State or local government within the jurisdiction of which such school is located,

"(C) the issuer—

"(i) designates such bond for purposes of this section, and

"(ii) certifies that it has the written approval of the eligible local education agency for such bond issuance, and

"(D) the term of each bond which is part of such issue does not exceed the maximum term permitted under section 1397E(d)(3).

"(3) Qualified school.—

"(A) In general.—The term 'qualified school' means any public school which is established by and operated under the supervision of an eligible local education agency to provide education or training below the postsecondary level if—

"(i) such public school is designed to enhance the academic curriculum, increase graduation and employment rates, and better prepare students for postsecondary education and the workforce,

"(ii) students in such public school will be subject to the academic achievement standards and assessments established by the State,

"(iii) a program to alleviate overcrowding and to improve students' education has been constructed,

"(iv) the average student-teacher ratio for the school district in which such school is located as of the date of the issuance of the bonds is at least 28 to 1, and

"(v) at least 1 of the following requirements is met:

"(I) The proceeds from the issuance of the bonds will be used for new school construction, the rehabilitation of school facilities which are more than 30 years old as of the date of such issuance, or the provision of advanced or improved communications infrastructure.

"(II) There is a reasonable expectation (as of the date of issuance of the bonds) that the student growth rate over the next 5 years for the school district in which such public school is to be located will be at least 10 percent.

"(III) Construction or rehabilitation activities are needed as the result of natural disasters or to mitigate the cost of potential disasters.

"(B) Eligible local education agency.—The term 'eligible local education agency' means any local educational agency as defined in section 14101 of the Elementary and Secondary Education Act of 1965.

"(4) Qualified purpose.—

"(A) In general.—The term 'qualified purpose' means, with respect to any qualified school, constructing or rehabilitating a school facility.

"(B) School facility.—The term 'school facility' means a public structure suitable for use as a classroom, laboratory, library, media center, or related facility whose primary purpose is the instruction of public elementary or secondary students. Such term does not include an athletic stadium, or any other structure or facility intended primarily for athletic exhibitions, contests, games, or events for which admission is charged to the general public.

"(e) Limitation on Amount of Bonds Designated.—

"(1) National limitation.—There is a national school construction bond limitation for each calendar year. Such limitation is $1,400,000,000 for 1999 and 2000, and, except for carryovers as provided under the rules applicable under paragraph (2), zero thereafter.

"(2) Allocation of limitation.—

"(A) State allocation.—The national school construction bond limitation for a calendar year shall be allocated by the Secretary among the States on the combined basis of the following factors:

"(i) The respective populations of individuals below the poverty line (as defined by the Office of Management and Budget).

"(ii) The respective projected growth rates in the number of students over the next 5 years and 10 years (as determined by the Secretary of Education).

"(B) School allocation.—The limitation amount allocated to a State under the subparagraph (A) shall be allocated by the Secretary of Education to qualified schools within such State.

"(3) Designation subject to limitation amount.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (d)(1) with respect to any qualified school shall not exceed the limitation amount allocated to such school under paragraph (2)(B) for such calendar year.

"(4) Carryover of unused limitation.—If for any calendar year—

"(A) the limitation amount for any State, exceeds

"(B) the amount of bonds issued during such year which are designated under subsection (d)(1) with respect to qualified schools within such State,

the limitation amount for such State for the following calendar year shall be increased by the amount of such excess.

"(f) Other Definitions.—The definitions in subsections (d)(6) and (f) of section 1397E shall apply for purposes of this section.

"(g) Credit Included in Gross Income.—Gross income includes the amount of the credit allowed to the taxpayer under this section."

(b) Conforming Amendment.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

"Sec. 45D. Credit to holders of school construction bonds."

(c) Effective Date.—The amendments made by this section shall apply to obligations issued after December 31, 1998.

Feinstein Legislation to Provide Tax Credits for School Construction Bonds

PROPOSED LEGISLATION

Provides a tax credit for school construction and rehabilitation bonds. Similar to the "Qualified Zone Academy Bonds" created by the 1997 Taxpayer Relief Act, bondholders would receive a tax credit, rather than interest.

To qualify to use the bonds, schools must meet state academic achievement standards and have an average student-teacher ratio of 28 to 1.

Bonds may be used if school districts meet one of three criteria:

(1) The school is over 30 years old or the bonds are used to provide advanced or improved telecommunications infrastructure;

(2) Student growth rate will be at least 10 percent over the next 5 years;

(3) School construction or rehabilitation is needed to meet natural disaster requirements.

Bond proceeds could be used for both new construction and rehabilitation of existing school facilities, unlike the QZAB law, which could be used only to rehabilitate existing schools.

Bonds could be used to rebuild following a natural disaster or mitigate the potential cost of future natural disasters. The school bonds can help communities rebuild following a tornado or earthquake, as well as retrofit buildings to reduce the potentially devastating cost of future disasters.

Any bond holder is eligible to claim the credit. While only banks could claim the QZAB bond tax credit, the new bond credit would be available to any purchaser, including other businesses or private citizens.

EDUCATION BACKGROUND

School overcrowding, the challenge for the 21st century: This year, a record 52.2 million children will attend America's schools, rising to more than 54 million by 2007. Secondary school enrollment is expected to grow by 1.7 million, or 13%.

A National Problem: Nearly one-half of all states will experience a 15% growth in the number of public high school graduates by 2007.

Facilities for Today's Needs: More than ⅓ of the nation's existing schools are at least 50 years old and need to be repaired or replaced. The GAO reports fewer than half of the public schools have sufficient technology infrastructure, including phone lines, and wiring for networks.

Addressing a Long Term Need: Unlike the previous "baby boom," school enrollment is not expected to decline after 2007. Communities will face a long-term funding challenge for school construction and rehabilitation.

By Mr. FRIST (for himself, Mr. KENNEDY, Mr. JEFFORDS, Mr. BINGAMAN, Mr. COCHRAN, and Mr. INOUYE):

S. 1754. A bill to amend the Public Health Service Act to consolidate and reauthorize health professions and minority and disadvantaged health professions and disadvantaged health education programs, and for other purposes; to the Committee on Labor and Human Resources.

HEALTH PROFESSIONS EDUCATION PARTNERSHIPS ACT OF 1998

Mr. FRIST. Mr. President, I rise to introduce the Health Professions Reauthorization Act. First, I would like to tell you a story illustrating the importance of this legislation, which strives to increase the numbers of health practitioners in rural, underserved areas, to increase the number of underrepresented minorities and focus on primary care. My story is about a young man who dreamed of a career in medicine. Keith Junior, grew up in Nashville. During his high school years, he often visited the Meharry Medical College campus where he was warmly received and encouraged by the health care professionals and staff. Meharry's Health Careers Opportunity Program, (HCOP) helped him develop his academic skills and supplement his undergraduate experiences, in a supportive environment with a rich history and caring spirit.

After completing college, Mr. Junior pursued an application to medical school. However, his undergraduate grades and MCAT scores were considered low. The HCOP program helped him to improve those scores. Because Meharry has a commitment to students who demonstrate a potential for success which might be otherwise overlooked by other institutions he applied there, was accepted and graduated.

Dr. Junior recalls his experiences in the Meharry HCOP as invaluable in helping him to realize his dream of a career in medicine. He is now an internist and Interim Director of the Matthew Walker Health Center in Nashville, Tennessee. More important, he serves as a role model of success for younger generations to emulate.

Mr. President, this story illustrates the many real life successes for individuals who benefit from the Title VII and Title VIII programs, of the Public Health Service Act. I rise today to introduce the Health Professions Reauthorization Act of 1998 which funds those programs. For many years this legislation has helped our nation's schools of health to serve the health needs of their communities better and to prepare the practitioners of the future.

A critical component of the Title VII and VIII programs has been the goal to help students in need. These programs have often represented the assistance of last resort for many disadvantaged students seeking careers in health. I believe several schools in Tennessee tell this story well: in the East Tennessee State University Schools of Medicine, Nursing, Public and Allied Health approximately 89% of their students are deemed disadvantaged by the Free Application for Federal Student Aid. Both East Tennessee State University's College of Nursing and the James Quillen College of Medicine are featured in the "1998 Best Graduate Schools," published by U.S. News and World Report. These schools were praised for their programs in rural medicine. I am extremely proud of these programs because they have been given national recognition for their mission which is to train primary health care professionals and to encourage an interest in serving rural areas.

Equally important is this legislation's goal to fill the health care needs of many underserved communities, often in rural or inner city areas. With the assistance of Title VIII programs, the Vanderbilt School of Nursing reports that 72 percent of its 1997 graduating class is working in medically underserved areas. East Tennessee State University was also able to open the first nurse-managed primary care clinic in rural Appalachia with pretty impressive results: 7,663 primary care visits, 25% of which were preventive services; 51% of the patients were covered by Tennessee's Medicaid Program (TennCare) and 16% of the patients were uninsured; 54% of the visits were care for children under the age of 18.

The examples from my medical colleagues in Tennessee are representative of the needs and results elsewhere in the nation due to the Health Professions Act, and I believe the revisions made in this bill continue to strengthen these programs and prepare us for the next century.

This bill reauthorizes the programs funded through Titles VII and VIII of the Public Health Service Act. They are intended: to improve the distribution of health professions workers to underserved areas; to strengthen the infrastructures of organizations which facilitate their training and performance; to improve accountability for federal dollars used in these processes; and to improve the representation of minorities and disadvantaged individuals in the health professions, better reflecting the communities which they serve.

However, more importantly, this bill represents an opportunity to improve the quality of, and access to, health care for millions of Americans. Why?

It is the only measure to counter the maldistributions caused by current Graduate Medical Education programs and market forces. Patients in underserved areas depend on programs funded by this bill in order to receive their health care. Training providers in these areas greatly increases the likelihood they will work in these areas when they complete their education.

It is an example of our government's ability to act as a catalyst. Too often we, as legislators, are forced to step in and micro manage such health care issues as hospital lengths of stay in order to preserve quality of care.

I believe we are far better served to develop programs that stimulate the types of efforts which create innovative solutions for these problems, and give practitioners/clinicians the tools necessary to make needed changes.

It fosters collaboration. Although foundations are still being laid, the many interest groups involved in this bill are learning to work together. They have discovered that they do have areas of common interest and they are learning to build on those incentives. Within many institutions new interdisciplinary programs are being developed and this legislation further stimulates those activities.

Finally, over time, this bill will streamline care and improve cost-effectiveness.

Although its costs are quite small when compared to other health care measures, we still see it as an opportunity to set an example of efficient, high quality care.

Over the years, there have been many successes among the more than 300 programs funded through this legislation. Thus, clarification of the goals and objectives of these programs is a priority. We had to find ways to function within our budgetary constraints as well.

In 1995, Senators KASSEBAUM, KENNEDY and I attempted to take the 44 programs involved and consolidate them into 6 groups or clusters. Performance outcomes were added. This approach was used to streamline the granting process, and to allow HHS to use budgetary factors: to leverage areas of development; and to align with community workforce needs.

It also provided flexibility for strategic planning of the workforce supply, and insured a greater percentage of program dollars would go directly to grantees versus federal administration. Further, the FY98 Appropriations bill passed by the Senate, also clustered these programs.

After the Act passed in the Senate in 1996 but failed to pass in the House, I re-examined it to identify areas of disagreement. Over the past year, I made a concerted effort to overcome those obstacles. Another hearing was held on April 25, 1997 because I wanted to be sure that I listened to all parties and that all possibilities for compromise were addressed. My staff has worked very hard to maintain that level of input. We sought to involve the many constituency groups in the preparation of this legislation. The 1998 Health Professions Reauthorization Act accomplishes the goals passed by the Senate last year in several ways:

It still uses only 7 clusters, but has 15 lines of authority as well. This approach, while more complex is also more reflective of both existing and potential alliances. It gives security about funding to groups within these clusters, and in turn, allows them to plan longer range.

Flexibility is built into the bill over time. As funding lines change, the Secretary's authority to move funds across program lines increases. Thus, programs can grow into the cluster concept. This revision will better reflect the constantly changing healthcare needs of communities and more rapidly changing health care delivery system.

Since so much of the Act's flexibility is based on the discretion of the Secretary, we have added advisory councils to insure that the view points of those on the front lines are heard. This will restore confidence among the grantees and encourage positive collaboration between agency officers and the programs they manage. In addition, these councils will report back to Congress to assure oversight of these programs.

To encourage independence from federal funding, matching requirements for non-federal funds are required wherever appropriate. Federal dollars provide the seed money necessary for many health clinics to get on their feet, and in turn secure other financing mechanisms.

Programs which attempt to resolve cultural barriers, especially those related to language, are restored.

Community-based organizations are empowered so that the patient's voice can be heard.

Geriatric initiatives have been strengthened and expanded to train health care personnel as we promote and integrate geriatrics into American medicine. Today there are 33 million older Americans, and by 2030 it is expected that the elderly population will reach 66 million strong, when 1 of every 5 Americans will be 65 years of age or older.

Mr. President, I am proud of our work. In fact, I would like to take this opportunity to specifically thank, Senators KENNEDY, JEFFORDS, BINGAMAN, Representative BECERRA, the Hispanic Caucus and all their staffs for their efforts to work with us on this bill. I would also like to thank the interest groups which gave so generously of their time and support to help us address the issues involved. In particular, I would like to mention several organizations which have sent me letters of support. I have heard from the Area Health Education Centers, American Psychological Association, American Mental Health Counselors, The Association of Minority Health Profession Schools, The Working Group on Hispanic Health-Education, American Nurse Association, American Organization of Nurse Executives, The American Geriatric Society, National Association of Geriatric Education Centers, and the National Association of Social Workers. Mr. President, I ask unanimous consent that a list of organizations supporting this legislation and their comments, be included in the RECORD. Mr. President, I especially thank Dr. Debra Nichols and Dr. Mary Moseley of my staff for their dedication and hard work toward the reauthorization of these programs.

Mr. President, this bill encourages collaboration without forcing it. It creates new partnerships while supporting existing ones. It fosters new opportunities for change. It represents the best example of team work among interest groups, agencies and legislators. The 1998 Health Professions Reauthorization Act will prepare underserved areas to meet the future.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

(The bill was not available at time of printing.)

LETTERS OF SUPPORT

"We are especially appreciative of having had the opportunity in April 1997 to testify before your subcommittee. Thus seeing the nation's 43 Geriatric Education Centers (GECs) in this bill (as Sec. 753 within a grouping of "interdisciplinary, Community Based Linkages") is indeed gratifying, as this signifies your commitment to better health care for older Americans."—National Association of Geriatric Education Centers.

"It is our pleasure to write in support of your legislation reauthorizing federal health professions training programs. We believe that our institutions, and our students who become health professionals, will be able to help solve the national crisis of disproportionately low health status among minorities."—The Association of Minority Health Professions Schools.

". . . the Working Group on Hispanic Health Education has worked in partnership with your office on this Health Professions Bill. Moreover, we have worked with the Congressional Hispanic Caucus, the Association of Minority Health Professions Schools, the Office of Minority Health, and HRSA Bureau of Health Professions in development of the Bill to amend the Public Health Service Act to consolidate and reauthorize health professions and minority and disadvantaged health education programs."—Working Group on Hispanic Health—Education.

"I certainly want to thank you for the careful work and the relevant content of your draft Bill. Your staff carefully considered each of the issues of importance to the Area Health Education Centers across the nation, the 36 programs supporting 157 community based centers."—Kentucky Area Health Education Center (AHEC) Program.

"Your bill, which proposes to continue support for HRSA's health professions education and training programs, was drafted in consultation with all concerned parties, and that, Mr. Chairman, is appreciated."—Association Of Schools Of Public Health.

"We are pleased that Congress has continued to appropriate adequate levels of funding for Title VII programs, but we know that these programs are particularly vulnerable as long as the health professions training programs remain unauthorized. NASW believes the proposed legislation will help increase access by minorities and disadvantaged people to graduate programs in behavioral and mental health practice, including social work."—National Association Of Social Workers.

"This legislation would make graduate students in mental health counseling programs eligible to receive National Institute of Mental Health (NIMH) training grants. The bill allows for mental health counselors to serve in designated underserved health professional areas."—American Mental Health Counselors Association.

"Your legislation will accomplish a much needed streamlining and updating of current federal programs in this area. Its enactment will reaffirm the importance of federal health professional education and training support programs in the effort to make sure that all Americans have access to the health care services."—American Counseling Association.

"The bill provides for a structure that will permit a comprehensive, flexible, and effective approach to federal support for nursing workforce development. It is a pleasure to endorse this bill."—American Nurses Association.

"This legislation is of critical importance in ensuring a federal role in nursing education and this bill will foster programs to prepare nurses to meet the healthcare system's need for nursing professionals to: address sicker patients in tertiary care sites; deal with life expectancy for people with chronic conditions; and care for the complex health care needs of an increasingly elderly population."—American Organization of Nurse Executives.

Mr. KENNEDY. Mr. President, I commend Senator FRIST, Senator BINGAMAN, and Senator JEFFORDS for their leadership on the bill we are introducing today to reauthorize the health professions and nursing training and education programs—Titles VII and VIII of the Public Health Service Act. This bill is a bipartisan effort to revise and strengthen these education and training programs and achieve a more effective workforce to meet the health needs of the nation.

The ongoing national debate on health care has focused largely on the problems of access, cost and quality. These issues, however, cannot be addressed without also dealing with the need to train qualified health providers. No insurance policy can assure good health care without good doctors, nurses and other health professionals.

No system of quality improvement, no matter how sophisticated, can assure good care for hospital patients if there are not good doctors and nurses at the bedside. Too often, inadequate priority is given to the workforce which staffs our health care system.

As we know, that system is undergoing rapid and dramatic change. Today, nearly 60 percent of Americans receive their care through managed care arrangements. More and more, health care is moving out of hospitals and into out-patient or community-based settings. Fewer people are being admitted to hospitals and hospital stays are becoming shorter. It is essential for the health workforce to adapt to these changes. New graduates of health professions schools and practicing health providers need the right skills to provide effective patient care.

In addition to these issues, the health care system continues to face by nationwide shortages of certain health personnel, serious georgraphical imbalances in the types of health professionals, and under-representation of providers from minority and disadvantaged backgrounds.

Many types of health professionals are in short supply, including geriatricians, pediatric dentists, and allied health, public health, and behavioral and mental health professionals. Shortages of physicians persist in inner-city and rural areas, leaving many Americans unserved or underserved.

Since 1986, the number of federally designated shortage areas for primary care health professionals has climbed by 40 percent—from 1,944 to 2,597. The Health Resources and Services Administration estimates that over 26 million underserved persons live in these areas and that, at a minimum, 5,200 additional general practitioners are needed to eliminate these shortage areas.

In addition, most experts agree that there is an imbalance between primary care physicians and specialists. In 1931, about 87 percent of U.S. physicians were practicing primary care, compared to 33 percent in 1996. The Council on Graduate Medical Education recommends that the physician workforce should consist of 50 percent generalists and 50 percent specialists. The persistent current imbalance contributes to problems of access and cost in our health care system. Primary care practitioners are more likely to locate in underserved areas and help underserved populations, and they tend to provide care in a more comprehensive, appropriate, and cost-effective manner than specialists.

Across the nation, African Americans, Hispanic Americans, and Native Americans are seriously underrepresented in the health professions workforce. Their underrepresentation has reduced access to care among many of the nation's neediest citizens. African Americans represent approximately 12 percent of the U.S. population, but only 2–3 percent of the nation's health professions workforce. Hispanics make up nine percent of the population but represent only 5 percent of physicians, and 3 percent of dentists and pharmacists. This underrepresentation is of particular concern because studies show that minority health care providers are more likely to locate in underserved communities and provide health services to needy populations.

The health professions and nursing training and education programs we seek to reauthorize in this legislation are designed to respond to each of these concerns.

The bill reauthorizes programs which provide educational opportunities in the health professions for individuals from minority and disadvantaged backgrounds. This strategy has been effective in increasing the availability and accessibility of health care providers to populations who have difficulty obtaining adeaquate health care, especially those from low-income and minority populations. Historically black colleges and universities have been particularly successful in this effort, training more than 50 percent of the nation's African American physicians, dentists, and pharmacists. Our bill will continue to support these basic efforts. It will also strengthen opportunities for Hispanic-serving institutions and institutions with high rates of enrollment of Native Americans.

In addition, the bill will provide continued support for primary care practice through ambulatory care training, curriculum improvement, faculty development, data analysis and quality assurance. Among physicians, this support will address the continued imbalance between primary care physicians and specialists. It recognizes the unique gaps general internists, general pediatricians, and family physicians fill in meeting the needs of the underserved. In other instances, funding will be used to improve the supply of other disciplines suffering shortages, such as pediatric dentists.

The bill reauthorizes model community-based, interdisciplinary programs to train individuals for practice in underserved settings, including remote and border areas. These programs encourage active partnerships between community-based programs and medical schools, nursing schools, and other health profession schools in their effort to provide greater educational opportunities to students, faculty, and practitioners in community-based settings to improve the delivery of health care.

Doctors, nurses, and other health professionals can be trained together in teams in the community to address the needs of the medically underserved. In this way, their training is more in step with what they will encounter in the practice world while meeting critical needs in the community. These programs include the area health education centers, geriatric education centers, the rural interdisciplinary training, and allied health training.

The bill also recognizes the increase in the elderly population and establishes a new junior geriatric faculty fellowship program. This program will help to address the large shortage in geriatric faculty members. Without an appropriate supply of teachers in geriatrics, we cannot seriously address the issue of the geriatrician shortage. I want to commend Senator FRIST and the Administration for working closely with us and with the academic community on this issue.

Finally, the legislation will provide new flexibility in targeting resources to meet the current and emerging needs of the nursing workforce. The emphasis is on meeting the needs of the underserved. Nurse anesthetists, clinical nurse specialists, nurse practitioners, and certified nurse midwives play a vital role in providing quality care to medically underserved and rural communities, and they deserve our support.

As the health care system continues to change, so too must the federal programs intended to assure that America has an appropriate health care workforce to staff the health care delivery system. These programs are overdue for consolidation and better targeting. The bill we are introducing will consolidate more than 40 health professions programs into 7 broader authorities more directly focused on key goals. This greater flexibility will enable programs to respond more quickly to emerging workforce issues in our changing health care system. Specific workforce goals will be established and outcomes measured, in order to achieve accountability for the funds invested in these programs.

The health professions and nursing education programs under the Public Health Service Act are the key mechanisms of the federal government has to meet national priorities for the nation's health care workforce. The bipartisan sponsors of this bill have worked closely with the Administration, the health professions education and practice community, and other groups to achieve these goals responsibly and to maintain adequate resources. We have worked to advance the central goal of these two important titles of the Public Health Service Act—to train a health care workforce that can meet the needs of the American people, and I look forward to the enactment of this necessary legislation.

Mr. JEFFORDS. Mr. President, today, I am pleased to announce my cosponsorship of "The Health Professions Education Partnerships Act of 1998." My colleague Senator FRIST, the Chair of the Labor and Human Resources Committee's Subcommittee on Public

Health and Safety, has drafted this legislation reauthorizing the important programs contained in Titles VII and VIII of the Public Health Service Act. This legislation provides comprehensive, flexible, and effective authority for the support of health professions training programs and the related community-based educational partnerships. The enactment of this Act will improve health workforce quality, diversity, and the distribution of funds while requiring greater accountability of both the grant recipients of federal funds and the agency that administers them.

Titles VII and VIII of the Public Health Service Act have provided programs of support to health professions schools and their students, for the past thirty-five years. As these programs have evolved, there has been a continuing need to address the specific concerns of rural and inner-city communities that experience shortages of health professionals and a lack of primary care providers. This reauthorization will allow the Title VII and VIII programs to set improved goals and outcomes measures and it also provides them with greater flexibility in establishing priorities to target emerging workforce issues.

In my own State of Vermont, the students of the University of Vermont's College of Medicine have benefited from a number of these programs and scholarships, including those relating to family medicine, professional nurse and nurse practitioner training.

The newest Title VII program in Vermont is the Area Health Education Center (AHEC) which opened its first site in April 1997 in the Northeast Kingdom of Vermont. The AHEC will decentralize health professions education by having portions of the training provided in primary medical personnel shortage areas and by improving the coordination and use of existing health resources. Over the next two years, two additional sites are planned in other underserved areas of the state. These efforts have contributed to making Vermont a better place to obtain health care services and improved the quality of life for its residents.

Again, I want to thank Senator FRIST and his excellent staff for their dedication and hard work in drafting the "Health Professions Education Partnership Act of 1998." Enactment of this legislation will improve health professions training programs across America and, as the Chair of the Labor and Human Resources Committee, I intend to make its passage one of our highest priorities.

Mr. BINGAMAN. Mr. President, I rise today to join Senators FRIST and KENNEDY and JEFFORDS in the introduction of legislation to reauthorize Titles VII and VIII of the Public Health Service Act. I am pleased to be part of this bipartisan effort to reauthorize the programs that help shape the pool of qualified health care professionals for the United States.

Titles VII and VIII were originally enacted to address a critical health manpower shortage and successfully served to increase the overall supply of providers. The mission of Title VII and VIII has evolved as the delivery system and needs of the population have shifted. Today, the focus of the various programs rests within three main areas. The programs are aimed to solve the shortages in rural and inner city communities. They strive to address the shortage of primary care providers and finally must correct the disparity in minority representation in the health professions. Indeed, the various programs in this legislation serve to provide a base for strengthening the health resources for this country.

In my home state of New Mexico, 28 out of 33 counties are designated as health professional shortage areas by the federal government. I am acutely aware of how a maldistribution of health care providers can impact our citizens. Geographic access to the appropriate health care provider is an important factor in our debates on the health care system. Titles VII and VIII are noteworthy avenues to address the needs in this area. Studies have shown that if we recruit individuals from the shortage area, the likelihood is much greater that they will return to practice in the area. Additionally, if clinical training is community based in rural and underserved areas, the likelihood is also increased that upon graduation, the provider will serve in the locality in which they trained.

Equally important for a state such as mine is the commitment to address the persistent and unmet health care need along the border between the United States and Mexico. The health education and training centers in the legislation address the community health needs and the training and educational needs of health professionals serving in these areas. The legislation also has the capacity to expand and improve the public health workforce which is a major component of addressing border health concerns.

Mr. President, this legislation restructures the act to address the health workforce needs of our nation in a flexible, but more accountable manner. We have provided for data collection and analysis of the health workforce so that decision making for the future can be well founded and be an accurate reflection of societal needs. Additionally, this legislation affords us the opportunity to provide education and training that reflect changes in an evolving health care system. As managed care and other forces shift the delivery system from inpatient hospital care to outpatient facilities, it is necessary to respond to the shifts that this causes in the workforce. To this end, the legislation addresses the curriculum development in the areas of health promotion and disease prevention as well as long term care, home health and hospice.

As the demographics of our population shift to an older population, we must ensure we have qualified individuals to treat the specific nature of chronic diseases associated with geriatrics. As we deal with an aging population, establishing interdisciplinary training programs that promote the role of nutritionists, physical therapists, occupational therapists and speech therapists in geriatrics are critical. The legislation provides an avenue to address these necessary components.

Finally, the reauthorization provides a framework to better monitor the outcomes of our efforts. It continues to afford us the opportunity to assure an appropriate number and mix of health professionals for the health needs of the country. It strengthens our commitment to address the supply, distribution, and minority representation of health professionals through both Native American and Hispanic centers of excellence. I have been committed to seeing the needs of these two populations addressed. I commend Senators FRIST and KENNEDY for their hard work and the work of their staff to address the various concerns raised during our hearings on this important issue. I appreciate the work done by the Hispanic caucus in the House and by the minority health profession schools as well.

Mr. President, in closing I want to thank Senators FRIST and KENNEDY and JEFFORDS for their determination to address the need to reauthorize Title VII and VIII of the Public Health Service Act. I appreciate that they have worked closely with our colleagues in the House to develop companion legislation. I am committed to working with my colleagues toward expeditious consideration and passage of this bill.

ADDITIONAL COSPONSORS

S. 10

At the request of Mr. THOMAS, his name was withdrawn as a cosponsor of S. 10, a bill to reduce violent juvenile crime, promote accountability by juvenile criminals, punish and deter violent gang crime, and for other purposes.

S. 230

At the request of Mr. THURMOND, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. 230, a bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), and for other purposes.

S. 1194

At the request of Mr. HATCH, his name was withdrawn as a cosponsor of S. 1194, a bill to amend title XVIII of the Social Security Act to clarify the right of medicare beneficiaries to enter into private contracts with physicians and other health care professionals for the provision of health services for which no payment is sought under the medicare program.

S. 1215

At the request of Mr. ASHCROFT, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1215, a bill to prohibit spending Federal education funds on national testing.

S. 1325

At the request of Mr. FRIST, the names of the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Michigan (Mr. LEVIN), and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1325, a bill to authorize appropriations for the Technology Administration of the Department of Commerce for fiscal years 1998 and 1999, and for other purposes.

S. 1421

At the request of Mr. KENNEDY, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 1421, a bill to amend the Public Health Service Act to provide additional support for and to expand clinical research programs, and for other purposes.

S. 1464

At the request of Mr. HATCH, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1464, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, and for other purposes.

S. 1504

At the request of Mr. GRAHAM, the names of the Senator from Massachusetts (Mr. KERRY), and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1504, a bill to adjust the immigration status of certain Haitian nationals who were provided refuge in the United States.

S. 1563

At the request of Mr. SMITH, the name of the Senator from Idaho (Mr. KEMPTHORNE) was added as a cosponsor of S. 1563, a bill to amend the Immigration and Nationality Act to establish a 24-month pilot program permitting certain aliens to be admitted into the United States to provide temporary or seasonal agricultural services pursuant to a labor condition attestation.

S. 1605

At the request of Mr. WARNER, his name was added as a cosponsor of S. 1605, a bill to establish a matching grant program to help States, units of local government, and Indian tribes to purchase armor vests for use by law enforcement officers.

S. 1621

At the request of Mr. GRAMS, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1621, a bill to provide that certain Federal property shall be made available to States for State use before being made available to other entities, and for other purposes.

S. 1673

At the request of Mr. HUTCHINSON, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from Washington (Mr. GORTON), and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1673, a bill to terminate the Internal Revenue Code of 1986.

S. 1682

At the request of Mr. D'AMATO, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Arizona (Mr. KYL), and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 1682, a bill to amend the Internal Revenue Code of 1986 to repeal joint and several liability of spouses on joint returns of Federal income tax, and for other purposes.

S. 1692

At the request of Mr. NICKLES, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1692, a bill to amend the Internal Revenue Code of 1986 to provide software trade secrets protection.

S. 1723

At the request of Mr. ABRAHAM, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1723, a bill to amend the Immigration and Nationality Act to assist the United States to remain competitive by increasing the access of the United States firms and institutions of higher education to skilled personnel and by expanding educational and training opportunities for American students and workers.

S. 1737

At the request of Mr. MACK, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 1737, a bill to amend the Internal Revenue Code of 1986 to provide a uniform application of the confidentiality privilege to taxpayer communications with federally authorized practitioners.

SENATE JOINT RESOLUTION 3

At the request of Mr. THURMOND, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of Senate Joint Resolution 3, a joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer.

SENATE CONCURRENT RESOLUTION 73

At the request of Mr. GRASSLEY, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of Senate Concurrent Resolution 73, a concurrent resolution expressing the sense of Congress that the European Union is unfairly restricting the importation of United States agriculture products and the elimination of such restrictions should be a top priority in trade negotiations with the European Union.

SENATE CONCURRENT RESOLUTION 78

At the request of Mr. DASCHLE, his name was added as a cosponsor of Senate Concurrent Resolution 78, a concurrent resolution relating to the indictment and prosecution of Saddam Hussein for war crimes and other crimes against humanity.

At the request of Mr. KERRY, his name was added as a cosponsor of Senate Concurrent Resolution 78, supra.

At the request of Mr. MOYNIHAN, his name was added as a cosponsor of Senate Concurrent Resolution 78, supra.

SENATE RESOLUTION 99

At the request of Mr. DASCHLE, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of Senate Resolution 99, a resolution to encourage consumers to consult with their pharmacists in connection with the purchase and use of over-the-counter drug products.

SENATE RESOLUTION 187

At the request of Mr. MACK, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Illinois (Ms. MOSELEY-BRAUN) were added as cosponsors of Senate Resolution 187, a resolution expressing the sense of the Senate regarding the human rights situation in the People's Republic of China.

SENATE RESOLUTION 189

At the request of Mr. TORRICELLI, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of Senate Resolution 189, a resolution honoring the 150th anniversary of the United States Women's Rights Movement that was initiated by the 1848 Women's Rights Convention held in Seneca Falls, New York, and calling for a national celebration of women's rights in 1998.

AMENDMENT NO. 1375

At the request of Mr. LEVIN the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of amendment No. 1375 proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

AMENDMENT NO. 1726

At the request of Mr. WARNER his name was added as a cosponsor of amendment No. 1726 proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

AMENDMENT NO. 1906

At the request of Mr. MACK the names of the Senator from Florida (Mr. GRAHAM) and the Senator from Arizona (Mr. KYL) were added as cosponsors of amendment No. 1906 proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

AMENDMENTS SUBMITTED

THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

THURMOND (AND OTHERS) AMENDMENT NO. 1987

(Ordered to lie on the table.)

Mr. THURMOND (for himself, Mr. Graham, Mr. Mack, and Mr. Bumpers) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. Chafee to the bill (S. 1173) to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes; as follows:

At the appropriate place, add the following:

(d) Continuation of Operating Assistance to Certain Larger Urbanized Areas.—

(1) Provision of assistance.—Notwithstanding any other provision of law, during the period described in paragraph (2), the Secretary of Transportation may continue to provide assistance under section 5307 of title 49, United States Code, to finance the operating costs of equipment and facilities for use in mass transportation in any urbanized area (as that term is defined in section 5302 of title 49, United States Code) with a population of not fewer than 200,000, if the Secretary determines that—

(A) the number of the total bus revenue vehicle-miles operated in or directly serving the area is less than 600,000; and

(B) the number of buses operated in or directly serving the area does not exceed 15.

(2) Period described.—For purposes of paragraph (1), the period described in this paragraph is the period beginning on the date of enactment of this Act and ending on the earlier of—

(A) 3 years after the date of enactment of this Act; and

(B) the date on which the Secretary determines that—

(i) the number of the total bus revenue vehicle-miles operated in or directly serving the area is greater than or equal to 600,000; and

(ii) the number of buses operated in or directly serving the area exceeds 15.

BAUCUS (AND CHAFEE) AMENDMENT NO. 1988

(Ordered to lie on the table.)

Mr. BAUCUS (for himself and Mr. Chafee) submitted an amendment intended to be proposed by them to amendment No. 1676 by Mr. Chafee to the bill, S. 1173, supra; as follows:

On page 77, line 20, strike "and II" and insert ", II, and V".

McCAIN AMENDMENTS NOS. 1989–1990

(Ordered to lie on the table.)

Mr. McCAIN submitted two amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. Chafee to the bill, S. 1173, supra; as follows:

Amendment No. 1989

On page 154, line 6, strike "1998;" and insert "1999;".

On page 154, line 7, strike "1999;" and insert "2000;".

On page 154, line 8, strike "2000;" and insert "2001;".

On page 154, line 9, strike "2001;" and insert "2002; and".

On page 154, line 10, strike "2002; and" and insert "2003;".

On page 154, strike line 11.

On page 158, strike lines 1 through 19.

On page 158, line 20, strike "(2)" and insert "(1)".

On page 159, line 21, strike "(3)" and insert "(2)".

On page 159, line 23, strike "graphs (1) and (2)" and insert "graph (1)".

On page 162, line 7, strike "(C)" and insert "(B)".

On page 162, line 11, strike "(C))" and insert "(B))".

On page 163, strike lines 24 and 25.

Amendment No. 1990

On page 154, line 6, strike "1998;" and insert "1999;".

On page 154, line 7, strike "1999;" and insert "2000;".

On page 154, line 8, strike "2000;" and insert "2001;".

On page 154, line 9, strike "2001;" and insert "2002; and".

On page 154, line 10, strike "2002; and" and insert "2003;".

On page 154, strike line 11.

On page 158, strike lines 1 through 19, and insert the following:

"(1) Fiscal year 1998.—In fiscal year 1998, an amount equal to $20,000,000 of the balance remaining after the distribution under subsection (a) shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106(a)(1) of title 46, United States Code.

On page 162, line 7, strike "(C)" and insert "(B)".

On page 162, line 11, strike "(C))" and insert "(B))".

On page 163, strike lines 24 and 25.

On page 164, line 24, strike "4(b)" and insert "4(b)(2)".

SMITH AMENDMENT NO. 1991

(Ordered to lie on the table.)

Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. Chafee to the bill, S. 1173, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . ACCESS OF MOTORCYCLES.

"(a) Access of Motorcycles.—No State or political subdivision of a State may restrict the access of motorcycles to any highway or portion of a highway for which Federal-aid highway funds have been utilized for planning, design, construction, or maintenance.

LEVIN (AND WELLSTONE) AMENDMENT NO. 1992

(Ordered to lie on the table.)

Mr. LEVIN (for himself and Mr. Wellstone) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. Chafee to the bill, S. 1173, supra; as follows:

Amendment No. 1992

On page 125, lines 5 and 6, strike "not less than 15 percent" and insert "not less than 25 percent, nor more than 35 percent,".

On page 156, strike lines 21 through 23 and insert the following:

(B) in paragraph (3)—

(i) in the first sentence of subparagraph (A), by striking "80" and inserting "82"; and

(ii) in subparagraph (B)—

(I) by striking "tobe" and inserting "to be"; and

(II) by adding at the end the following: "A project under this subparagraph shall be undertaken on a road that is classified as below a principal arterial."; and

On page 274, strike lines 3 through 7 and insert the following:

"(ii) Nonmetropolitan areas.—

"(I) In general.—With respect to each nonmetropolitan area in the State, the program shall be developed in coordination with the State, elected officials of affected local governments, and elected officials of subdivisions of affected local governments that have jurisdiction over transportation planning, through a process developed by the State that ensures participation by the elected officials.

"(II) Review.—Not less than once every 2 years, the Secretary shall review the planning process through which the program was developed under subclause (I).

"(III) Approval.—The Secretary shall approve the planning process if the Secretary finds that the planning process is consistent with this section and section 134.

On page 286, between lines 10 and 11, insert the following:

SEC. 1605. STUDY OF PARTICIPATION OF LOCAL ELECTED OFFICIALS IN TRANSPORTATION PLANNING AND PROGRAMMING.

(a) Study.—The Secretary shall conduct a study on the effectiveness of the participation of local elected officials in transportation planning and programming.

(b) Report.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the results of the study required under subsection (a).

GRAMM (AND OTHERS) AMENDMENT NO. 1993

(Ordered to lie on the table.)

Mr. GRAMM (for himself, Mrs. Hutchison, and Mr. Abraham) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. Chafee to the bill, S. 1173 supra; as follows:

Amendment No. 1993

Strike pages 98 and 99 and insert the following:

(2) Selection of States, metropolitan planning organizations, and projects to receive grants.—In selecting States, metropolitan planning organizations, and projects to receive grants under this subsection, the Secretary shall consider—

(A) the extent to which the annual volume of commercial vehicle traffic at the border stations or ports of entry of each State—

(i) has increased since the date of enactment of the North American Free Trade Agreement Implementation Act (Public Law 103–182); and

(ii) is projected to increase in the future;

(B) the extent to which commercial vehicle traffic in each State—

(i) has increased since the date of enactment of the North American Free Trade Agreement Implementation Act (Public Law 103-182); and

(ii) is projected to increase in the future;

(C) the extent of border transportation improvements carried out by each State since the date of enactment of that Act;

(D) the extent to which international truck-borne commodities move through each State;

(E) the reduction in commercial and other travel time through a major international gateway expected as a result of the proposed project; including the level of traffic delays at at-grade highway crossings of major rail lines in trade corridors;

(F) the extent of leveraging of Federal funds provided under this subsection, including—

(i) use of innovative financing;

(ii) combination with funding provided under other sections of this Act and title 23, United States Code; and

(iii) combination with other sources of Federal, State, local, or private funding; including state, local and private matching fund;

(G) improvements in vehicle and highway safety and cargo security in and through the gateway concerned;

(H) the degree of demonstrated coordination with Federal inspection agencies;

(I) the extent to which the innovative and problem solving techniques of the proposed project would be applicable to other border stations or ports of entry;

(J) demonstrated local commitment to implement and sustain continuing comprehensive border planning processes and improvement programs; and

(K) the value of the cargo carried by commercial vehicle traffic, to the extent that the value of the cargo and congestion impose economic costs on the nation's economy.

TORRICELLI AMENDMENTS NOS. 1994–1995

(Ordered to lie on the table.)

Mr. TORRICELLI submitted two amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1994

On page 223, strike lines 4 and 5 and insert the following:

(1) in subsection (a)—

(A) by striking "(a) Each" and inserting the following:

"(a) IN GENERAL.—

"(1) PROGRAM.—Each";

(B) by inserting ", bicyclists," after "motorists"; and

(C) by adding at the end the following:

"(2) HAZARDS.—In carrying out paragraph (1), a State may—

"(A) identify through a survey hazards to motorists, users of public transportation, bicyclists, pedestrians, and individuals who live or work near transportation facilities; and

"(B) develop and implement projects and programs to address the hazards."

AMENDMENT NO. 1995

On page 85, between lines 18 and 19, insert the following:

(d) EVALUATION OF PROCUREMENT PRACTICES AND PROJECT DELIVERY.—

(1) STUDY.—The Comptroller General shall conduct a study to assess—

(A) the impact that a utility company's failure to relocate its facilities in a timely manner has on the delivery and cost of Federal-aid highway and bridge projects;

(B) methods States use to mitigate delays described in subparagraph (A), including the use of the courts to compel utility cooperation;

(C) the prevalence and use of—

(i) incentives to utility companies for early completion of utility relocations on Federal-aid transportation project sites; and

(ii) penalties assessed on utility companies for utility relocation delays on such projects;

(D) the extent to which States have used available technologies, such as subsurface utility engineering, early in the design of Federal-aid highway and bridge projects so as to eliminate or reduce the need for or delays due to utility relocations; and

(E)(i) whether individual States compensate transportation contractors for business costs incurred by the contractors when Federal-aid highway and bridge projects under contract to the contractors are delayed by delays caused by utility companies in utility relocations; and

(ii) methods used by States in making any such compensation.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study, including any recommendations that the Comptroller General determines to be appropriate as a result of the study.

McCAIN AMENDMENT NO. 1996

(Ordered to lie on the table.)

Mr. McCAIN submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 154, line 6, strike "1998;" and insert "1999;".

On page 154, line 7, strike "1999;" and insert "2000;".

On page 154, line 8, strike "2000;" and insert "2001;".

On page 154, line 9, strike "2001;" and insert "2002; and".

On page 154, line 10, strike "2002; and" and insert "2003,".

On page 154, strike line 11.

On page 158, strike lines 1 through 19, and insert the following:

"(1) FISCAL YEAR 1998.—In fiscal year 1998, an amount equal to $20,000,000 of the balance remaining after the distribution under subsection (a) shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106(a)(1) of title 46, United States Code.

On page 162, line 7, strike "(1)(C)" and insert "(2)(B)".

On page 162, line 11, strike "(1)(C)" and insert "(2)(B)".

On page 163, strike lines 24 and 25.

On page 164, line 24, strike "4(b)" and insert "4(b)(2)".

MOSELEY-BRAUN AMENDMENT NO. 1997

(Ordered to lie on the table.)

Ms. MOSELEY-BRAUN submitted an amendment intended to be proposed by her to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 220, after line 23, insert the following:

"(E) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $45,000,000 in each of fiscal years 1998 through 2003 to carry out this subsection."

D'AMATO (AND SARBANES) AMENDMENT NO. 1998

Mr. CHAFEE (for Mr. D'AMATO, for himself and Mr. SARBANES) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill S. 1173, supra; as follows:

On page 55, all after line 11, insert the following:

(A) Establishment of center—(1) Section 5317(b) of title 49, United States Code, is amended by adding the following new paragraph:

"(6) The Secretary shall make grants to the University of Alabama to Transportation Research Center to establish a university Transportation Center."

TORRICELLI AMENDMENT NO. 1999

Mr. CHAFEE (for Mr. TORRICELLI) proposed an amendment to amendment No. 1676 propsoed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 85, between lines 18 and 19, insert the following:

(d) EVALUATION OF PROCUREMENT PRACTICES AND PROJECT DELIVERY.—

(1) STUDY.—The Comptroller General shall conduct a study to assess—

(A) the impact that a utility company's failure to relocate its facilities in a timely manner has on the delivery and cost of Federal-aid highway and bridge projects;

(B) methods States use to mitigate delays described in subparagraph (A), including the use of the courts to compel utility cooperation;

(C) the prevalence and use of—

(i) incentives to utility companies for early completion of utility relocations on Federal-aid transportation project sites; and

(ii) penalties assessed on utility companies for utility relocation delays on such projects;

(D) the extent to which States have used available technologies, such as subsurface utility engineering, early in the design of Federal-aid highway and bridge projects so as to eliminate or reduce the need for or delays due to utility relocations; and

(E)(i) whether individual States compensate transportation contractors for business costs incurred by the contractors when Federal-aid highway and bridge projects under contract to the contractors are delayed by delays caused by utility companies in utility relocations; and

(ii) methods used by States in making any such compensation.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study, including any recommendations that the Comptroller General determines to be appropriate as a result of the study.

TORRICELLI AMENDMENT NO. 2000

Mr. BAUCUS (for Mr. TORRICELLI) proposed an amendment to amendment

No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

In title III, strike section 3215 and insert the following:

SEC. 3215. HAZARDOUS MATERIAL TRANSPORTATION REAUTHORIZATION.

(a) IN GENERAL.—Chapter 51, as amended by section 3214 of this Act, is amended by redesignating section 5128 as section 5129 and by inserting after section 5127 the following:

"§ 5128. High risk hazardous material and hazardous waste; motor carrier safety study

"(a) STUDY.—The Secretary of Transportation shall conduct a study—

"(1) to determine the safety benefits and administrative efficiency of implementing a Federal permit program for high risk hazardous material and hazardous waste carriers;

"(2) to identify and evaluate alternative regulatory methods and procedures that may improve the safety of high risk hazardous material and hazardous waste carriers and shippers, including evaluating whether an annual safety fitness determination that is linked to permit renewals for hazardous material and hazardous waste carriers is warranted;

"(3) to examine the safety benefits of increased monitoring of high risk hazardous material and hazardous waste carriers, and the costs, benefits, and procedures of existing State permit programs;

"(4) to make such recommendations as may be appropriate for the improvement of uniformity among existing State permit programs; and

"(5) to assess the potential of advanced technologies for improving the assessment of high risk hazardous material and hazardous waste carriers' compliance with motor carrier safety regulations.

"(b) TIMEFRAME.—The Secretary shall begin the study required by subsection (a) within 6 months after the date of enactment of the Intermodal Transportation Safety Act of 1998 and complete it within 30 months after the date of enactment of that Act.

"(c) REPORT.—The Secretary shall report the findings of the study required by subsection (a), together with such recommendations as may be appropriate, within 36 months after the date of enactment of the Intermodal Transportation Safety Act of 1998.".

(b) SECTION 5109 REGULATIONS TO REFLECT STUDY FINDINGS.—Section 5109(h) is amended by striking "not later than November 16, 1991." and inserting "based upon the findings of the study required by section 5128(a).".

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 51, as amended by section 3214, is amended by striking the item relating to section 5128 and inserting the following:

"5128. High risk hazardous material and hazardous waste; motor carrier safety study.

"5129. Authorization of appropriations.".

CHAFEE AMENDMENT NO. 2001

Mr. CHAFEE proposed an amendment to amendment No. 1676 proposed by him to the bill, S. 1173, supra; as follows:

On page 154, line 6, strike "1998;" and insert "1999;".

On page 154, line 7, strike "1999;" and insert "2000;".

On page 154, line 8, strike "2000;" and insert "2001;".

On page 154, line 9, strike "2001;" and insert "2002; and".

On page 154, line 10, strike "2002; and" and insert "2003,".

On page 154, strike line 11.

On pae 158, strike lines 1 through 19, and insert the following:

"(1) FISCAL YEAR 1998.—In fiscal year 1998, an amount equal to $20,000,000 of the balance remaining after the distribution under subsection (a) shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106(a)(1) of title 46, United States Code.

On page 162, line 7, strike "(1)(C)" and insert "(2)(B)".

On page 162, line 11, strike "(1)(C)" and insert "(2)(B)".

On page 163, strike lines 24 and 25.

On page 164, line 24, strike "4(b)" and insert "4(b)(2)".

DEWINE AMENDMENT No. 2002

Mr. CHAFEE (for Mr. DEWINE) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place in subtitle D of title III, insert the following:

SEC. 34 . SCHOOL TRANSPORTATION SAFETY.

(a) STUDY.—Not later than 3 months after the date of enactment of this Act, the Secretary shall offer to enter into an agreement with the Transportation Research Board of the National Academy of Sciences to conduct, subject to the availability of appropriations, a study of the safety issues attendant to the transportation of school children to and from school and school-related activities by various transportation modes.

(b) TERMS OF AGREEMENT.—The agreement under subsection (a) shall provide that—

(1) the Transportation Research Board, in conducting the study, shall consider—

(A) in consultation with the National Transportation Safety Board, the Bureau of Transportation Statistics, and other relevant entities, available crash injury data;

(B) vehicle design and driver training requirements, routing, and operational factors that affect safety; and

(C) other factors that the Secretary considers to be appropriate;

(2) if the data referred to in paragraph (1)(A) is unavailable or insufficient, the Transportation Research Board shall recommend a new data collection regimen and implementation guidelines; and

(3) a panel shall conduct the study and shall include—

(A) representatives of—

(i) highway safety organizations;

(ii) school transportation; and

(iii) mass transportation operators;

(B) academic and policy analysts; and

(C) other interested parties.

(c) REPORT.—Not later than 12 months after the Secretary enters into an agreement under subsection (a), the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that contains the results of the study.

(d) AUTHORIZATION.—There are authorized to be appropriated to the Department of Transportation to carry out this section—

(1) $200,000 for fiscal year 1999; and

(2) $200,000 for fiscal year 2000.

CHAFEE AMENDMENTS NOS. 2003-2004

Mr CHAFEE proposed two amendments to amendment No. 1676 proposed by him to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 2003

On page 77, line 20, strike "and II" and insert ", II, and V".

AMENDMENT NO. 2004

On page 79, between lines 13 and 14, insert the following:

(e) COMPLIANCE WITH COURT ORDERS.—Nothing in this section limits the eligibility of an entity or person to receive funds made available under titles I, II, and V of this Act, if the entity or person is prevented, in whole or in part, from complying with subsection (a) because a Federal court issues a final order in which the court finds that the requirement of subsection (a), or the program established under subsection (a), is unconstitutional.

(f) REVIEW BY COMPTROLLER GENERAL.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct a review of, and publish and report to Congress findings and conclusions on, the impact throughout the United States of administering the requirement of subsection (a), including an analysis of—

(1) in the case of small business concerns certified in each State under subsection (d) as owned and controlled by socially and economically disadvantaged individuals—

(A) the number of the small business concerns; and

(B) the participation rates of the small business concerns in prime contracts and subcontracts funded under titles I, II, and V of this Act;

(2) in the case of small business concerns described in paragraph (1) that receive prime contracts and subcontracts funded under titles I, II, and V of this Act—

(A) the number of the small business concerns;

(B) the annual gross receipts of the small business concerns; and

(C) the net worth of socially and economically disadvantaged individuals that own and control the small business concerns;

(3) in the case of small business concerns described in paragraph (1) that do not receive prime contracts and subcontracts funded under titles I, II, and V of this Act—

(A) the annual gross receipts of the small business concerns; and

(B) the net worth of socially and economically disadvantaged individuals that own and control the small business concerns;

(4) in the case of business concerns that receive prime contracts and subcontracts funded under titles I, II, and V of this Act, other than small business concerns described in paragraph (2)—

(A) the annual gross receipts of the business concerns; and

(B) the net worth of individuals that own and control the business concerns;

(5) the rate of graduation from any programs carried out to comply with the requirement of subsection (a) for small business concerns owned and controlled by socially and economically disadvantaged individuals;

(6) the overall cost of administering the requirement of subsection (a), including administrative costs, certification costs, additional construction costs, and litigation costs;

(7) any discrimination, on the basis of race, color, national origin, or sex, against small business concerns owned and controlled by socially and economically disadvantaged individuals;

(8)(A) any other factors limiting the ability of small business concerns owned and controlled by socially and economically disadvantaged individuals to compete for prime contracts and subcontracts funded under titles I, II, and V of this Act; and

(B) the extent to which any of those factors are caused, in whole or in part, by discrimination based on race, color, national origin, or sex;

(9) any discrimination, on the basis of race, color, national origin, or sex, against construction companies owned and controlled by socially and economically disadvantaged individuals in public and private transportation contracting and the financial, credit, insurance, and bond markets;

(10) the impact on small business concerns owned and controlled by socially and economically disadvantaged individuals of—

(A) the issuance of a final order described in subsection (e) by a Federal court that suspends a program established under subsection (a); or

(B) the repeal or suspension of State or local disadvantaged business enterprise programs; and

(11) the impact of the requirement of subsection (a), and any program carried out to comply with subsection (a), on competition and the creation of jobs, including the creation of jobs for socially and economically disadvantaged individuals.

GRAMM (AND OTHERS) AMENDMENT NO. 2005

Mr. GRAMM (for himself, Mrs. Hutchison, and Mr. Abraham) proposed an amendment to amendment No. 1676 proposed by Mr. Chafee to the bill, S. 1173, supra; as follows:

At the appropriate place, insert the following:

(2) Selection of states, metropolitan planning organizations, and projects to receive grants.—Notwithstanding any other provision of this Act, in selecting States, metropolitan planning organizations, and projects to receive grants under subsection 1116(d), the Secretary shall consider—

(A) the extent to which the annual volume of commercial vehicle traffic at the border stations or ports of entry of each State—

(i) has increased since the date of enactment of the North American Free Trade Agreement Implementation Act (Public Law 103-182); and

(ii) is projected to increase in the future;

(B) the extent to which commercial vehicle traffic in each State—

(i) has increased since the date of enactment of the North American Free Trade Agreement Implementation Act (Public Law 103-182); and

(ii) is projected to increase in the future;

(C) the extent of border transportation improvements carried out by each State since the date of enactment of that Act;

(D) the extent to which international truck-borne commodities move through each State;

(E) the reduction in commercial and other travel time through a major international gateway expected as a result of the proposed project, including the level of traffic delays at at-grade highway crossings of major rail lines in trade corridors;

(F) the extent of leveraging of Federal funds provided under this subsection, including—

(i) use of innovative financing;

(ii) combination with funding provided under other sections of this Act and title 23, United States Code; and

(iii) combination with other sources of Federal, State, local, or private funding, including State, local and private matching funds;

(G) improvements in vehicle and highway safety and cargo security in and through the gateway concerned;

(H) the degree of demonstrated coordination with Federal inspection agencies;

(I) the extent to which the innovative and problem solving techniques of the proposed project would be applicable to other border stations or ports of entry;

(J) demonstrated local commitment to implement and sustain continuing comprehensive border planning processes and improvement programs; and

(K) the value of the cargo carried by commercial vehicle traffic, to the extent that the value of the cargo and congestion impose economic costs on the nation's economy.

CHAFEE AMENDMENTS NO. 2006

Mr WARNER (for Mr. Chafee) proposed an amendment to amendment No. 1676 proposed by him to the bill, S. 1173, supra; as follows:

On page 39, line 15, in the matter added by Chafee Amendment No. 1311, strike "October 6, 1997" and insert "March 12, 1998".

LAUTENBERG (AND OTHERS) AMENDMENT NO. 2007

Mr. WARNER (for Mr. Lautenberg, for himself, Mr. Chafee, Mr. Warner, Mr. Moynihan, and Mr. Smith of Oregon) proposed an amendment to amendment No. 1676 proposed by Mr. Chafee to the bill, S. 1173, supra; as follows:

On page 91, between lines 23 and 24, insert the following:

(1) Affected port of entry.—The term "affected port of entry" means a seaport or airport in any State that demonstrates that the transportation of cargo by rail or motor carrier through the seaport or airport has increased significantly since the date of enactment of the North American Free Trade Agreement Implementation Act (Public Law 103-182).

On page 91, line 24, strike "(1)" and insert "(2)".

On page 92, line 5, strike "(2)" and insert "(3)".

On page 92, line 11, strike "(3)" and insert "(4)".

On page 92, line 17, strike "(4)" and insert "(5)".

On page 93, line 3, strike "(5)" and insert "(6)".

On page 93, line 6, strike "(6)" and insert "(7)".

On page 95, line 10, before the period, insert the following: "and through affected ports of entry".

On page 95, line 12, insert "and affected port of entry" after "corridor".

On page 95, line 14, before the period, insert the following: "or by the State in which the affected port of entry is located".

On page 95, strike lines 16 through 23 and insert the following:

(A) In general.—As a condition of receiving a grant under paragraph (1), a State shall enter into an agreement with the Secretary that specifies that, not later than 2 years after receipt of the grant—

(i) in cooperation with the other States along the corridor, the State will submit a plan for corridor improvements to the Secretary; or

(ii) the State will submit a plan for affected port of entry improvements to the Secretary.

On page 98, line 19, insert "and affected port of entry" after "border".

On page 98, line 24, insert "or affected port of entry" before "expected".

On page 99, line 12, insert "or affected port of entry" after "gateway".

On page 99, line 21, insert "or affected port of entry" after "border".

LOTT AMENDMENT NO. 2008

Mr. WARNER. (for Mr. Lott) proposed an amendment to amendment No. 1676 proposed by Mr. Chafee to the bill, S. 1173, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . REMOTE SENSING AND SPATIAL INFORMATION TECHNOLOGIES.

(A) In General.—The Secretary shall establish and carry out a program to validate remote sensing and spatial information technologies for application to national transportation infrastructure development and construction.

(b) Program Stages.—

(1) First stage.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall establish a national policy for the use of remote sensing and spatial information technologies in national transportation infrastructure development and construction.

(2) Second stage.—After establishment of the national policy under paragraph (1), the Secretary shall develop new applications of remote sensing and spatial information technologies for the implementation of such policy.

(c) Cooperation.—The Secretary shall carry out this section in cooperation with the National Aeronautics and Space Administration and a consortium of university research centers.

(d) Funding.—There is authorized to be appropriated to carry out this section $10,000,000 for fiscal year 1999 and $10,000,000 for each of fiscal years 2000 through 2004.

AMENDMENT NO. 2009

Mr. WARNER (for Mr. Domenici) proposed an amendment to amendment No. 1676 proposed by Mr. Chafee to the bill, S. 1173, supra; as follows:

On page 100 at the end of line 14, insert: "including the deployment of technologies to detect and deter illegal narcotic smuggling."

FEINSTEIN AMENDMENT NO. 2010

Mr. WARNER (for Mrs. Feinstein) proposed an amendment to amendment No. 1676 proposed by Mr. Chafee to the bill, S. 1173, supra; as follows:

On page 309, between lines 3 and 4, insert the following:

SEC. 18___. SOUTHWEST BORDER TRANSPORTATION INFRASTRUCTURE ASSESSMENT.

(a) In General.—The Secretary shall conduct a comprehensive assessment of the state of the transportation infrastructure on the southwest border between the United States and Mexico (referred to in this section as the "border").

(b) CONSULTATION.—In carrying out subsection (a), the Secretary shall consult with—

(1) the Secretary of State;

(2) the Attorney General;

(3) the Secretary of the Treasury;

(5) the Commandant of the Coast Guard;

(6) the Administrator of General Services;

(7) the American Commissioner on the International Boundary Commission, United States and Mexico;

(8) State agencies responsible for transportation and law enforcement in border States; and

(9) municipal governments and transportation authorities in sister cities in the border area.

(c) REQUIREMENTS.—In carrying out the assessment, the Secretary shall—

(1) assess—

(A) the flow of commercial and private traffic through designated ports of entry on the border;

(B) the adequacy of transportation infrastructure in the border area, including highways, bridges, railway lines, and border inspection facilities;

(C) the adequacy of law enforcement and narcotics abatement activities in the border area, as the activities relate to commercial and private traffic; and

(D) future demands on transportation infrastructure in the border area; and

(2) make recommendations to facilitate legitimate cross-border traffic in the border area, while maintaining the integrity of the border.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the assessment conducted under this section, including any related legislative and administrative recommendations.

BREAUX (AND LANDRIEU) AMENDMENT NO. 2011

Mr. WARNER (for Mr. BREAUX for himself and Ms. LANDRIEU) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 309, strike line 3 and insert the following:

designated Route.

SEC. 18 . IDENTIFICATION OF HIGH PRIORITY CORRIDOR ROUTES IN LOUISIANA.

Section 1105 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2031) is amended—

(1) in subsection (c)(1)—

(A) by striking "Corridor from Kansas" and inserting the following: "Corridor—

"(A) from Kansas";

(B) in subparagraph (A) (as so designated), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(B) from Shreveport, Louisiana, along Interstate Route 49 to Lafayette, Louisiana, and along United States Route 90 to the junction with Interstate Route 10 in New Orleans, Louisiana."; and

(2) in subsection (e)(5)(A), by inserting "in subsection (c)(1)(B)," after "routes referred to".

TORRICELLI AMENDMENT NO. 2012

Mr. WARNER (for Mr. TORRICELLI) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 223, strike lines 4 and 5 and insert the following:

(1) in subsection (a)—

(A) by striking "(a) Each" and inserting the following:

"(a) IN GENERAL.—

"(1) PROGRAM.—Each";

(B) by inserting ", bicyclists," after "motorists"; and

(C) by adding at the end the following:

"(2) HAZARDS.—In carrying out paragraph (1), a State may, at its discretion—

"(A) identify through a survey hazards to motorists, bicyclists, pedestrians, and users of highway facilities; and

"(B) develop and implement projects and programs to address the hazards.".

ABRAHAM (AND LEVIN) AMENDMENT NO. 2013

Mr. WARNER (for Mr. ABRAHAM, for himself and Mr. LEVIN) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 309, between lines 3 and 4, insert the following:

SEC. 1802. MODIFICATION OF HIGH PRIORITY CORRIDOR.

Section 1105(c)(18) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032) is amended—

(1) by striking "(18) Corridor from Indianapolis," and inserting the following:

"(18)(A) Corridor from Sarnia, Ontario, Canada, through Port Huron, Michigan, southwesterly along Interstate Route 69 through Indianapolis,"; and

(2) by adding at the end the following:

"(B) Corridor from Sarnia, Ontario, Canada, southwesterly along Interstate Route 94 to the Ambassador Bridge interchange in Detroit, Michigan.

"(C) Corridor from Windsor, Ontario, Canada, through Detroit, Michigan, westerly along Interstate Route 94 to Chicago, Illinois.".

SESSIONS AMENDMENT NO. 2014

Mr. WARNER (for Mr. SESSIONS) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the end of subtitle H of title I, add the following:

SEC. 18 . DESIGNATION OF CORRIDORS IN MISSISSIPPI AND ALABAMA AS ROUTES ON THE INTERSTATE SYSTEM.

(a) IN GENERAL.—

(1) DESIGNATION.—Subject to subsection (b)(2), notwithstanding section 103(c) of title 23, United States Code, the segments described in paragraph (2) are designated as routes on the Interstate System.

(2) SEGMENTS.—The segments referred to in paragraph (1) are—

(A) the portion of Corridor V of the Appalachian development highway system from Interstate Route 55 near Batesville, Mississippi, to the intersection with Corridor X of the Appalachian development highway system near Fulton, Mississippi; and

(B) the portion of Corridor X of the Appalachian development highway system from near Fulton, Mississippi, to the intersection with Interstate Route 65 near Birmingham, Alabama.

(b) SUBSTANDARD FEATURES.—

(1) UPGRADING.—Each portion of the segments described in subsection (a)(2) that does not substantially meet the Interstate System design standards under section 109(b) of title 23, United States Code, in effect on the date of enactment of this Act shall be upgraded in accordance with plans and schedules developed by the applicable State.

(2) DESIGNATION.—Each portion of the segments described in subsection (a)(2) that on the date of enactment of this Act does not meet the Interstate System design standards under section 109(b) of that title and does not connect to a segment of the Interstate System shall—

(A) be designated as a future Interstate System route; and

(B) become part of the Interstate System at such time as the Secretary determines that the portion of the segment—

(i) meets the Interstate System design standards; and

(ii) connects to another segment of the Interstate System.

(c) TREATMENT OF ROUTES.—

(1) MILEAGE LIMITATION.—The mileage of the routes on the Interstate System designated under subsection (a) shall not be charged against the limitation established by section 103(c)(2) of title 23, United States Code.

(2) FEDERAL FINANCIAL RESPONSIBILITY.—

(A) IN GENERAL.—Subject to subparagraph (B), the designation of the routes on the Interstate System under subsection (a) shall not create increased Federal financial responsibility with respect to the designated segments.

(B) USE OF CERTAIN FUNDS.—A State may use funds available to the State under paragraphs (1)(C) and (3) of section 104(b) of title 23, United States Code, to eliminate substandard features of, and to resurface, restore, rehabilitate, or reconstruct, any portion of the designated segments.

(3) ELIGIBILITY FOR OTHER FUNDING.—(A) This section shall not affect the amount of funding that a State shall be entitled to receive under any other section of this Act or under any other law.

(B) EFFECT OF PROVISION.—Nothing in this section shall result in an increase in a State's estimated cost to complete the Appalachian development highway system or in the amount of assistance that the State shall be entitled to receive from the Appalachian Development Highway System under this Act or any other Act.

MOSELEY-BRAUN (AND FAIRCLOTH) AMENDMENT NO. 2015

Mr. WARNER (for Ms. MOSELEY-BRAUN, for herself and Mr. FAIRCLOTH) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 220, after line 23, insert the following:

"(E) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $45,000,000 in each of fiscal years 1998 through 2003 to carry out this subsection."

NOTICE OF HEARING

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR–301, Russell Senate Office Building, on Wednesday, March 18, 1998 at 9:30

a.m. to conduct an oversight hearing on the FY'99 budget and operations of the Smithsonian Institution, the Kennedy Center, and the Woodrow Wilson International Center for Scholars.

For further information concerning this hearing, please contact Ed Edens of the Rules Committee staff at 224–6678.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Thursday, March 12, 1998, at 9 a.m. in SR–328A. The purpose of this meeting will be to examine the reauthorization of expiring child nutrition programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, March 12, 1998, to conduct a hearing on S. 1423, the "Federal Home Loan Bank System Modernization Act of 1997."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, March 12, 1998, at 9:30 a.m. on pending committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 12, 1998, at 10 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. CHAFEE. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, March 12, 1998, at 10:30 a.m. for a hearing on the topic of "Reforming the IRS: Managerial Flexibility and Accountability."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources, Subcommittee on Public Health and Safety, be authorized to meet for a hearing on Assessment of New Health Care Technologies Role of AHCPR during the session of the Senate on Thursday, March 12, 1998, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, March 12, 1998, at 2 p.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on "S. 1530, the Protect Act and Children's Health: Can We Stop Kids From Smoking?"

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ACQUISITION AND TECHNOLOGY

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Acquisition and Technology of the Committee on Armed Services be authorized to meet at 9:30 a.m. on Thursday, March 12, 1998, in open session, to receive testimony on the Department of Defense, Science, and Technology programs in review of the Defense authorization request for fiscal year 1999 and the future years Defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on African Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 12, 1998, at 2 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OCEANS AND FISHERIES

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Oceans and Fisheries of the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, March 12, 1998, at 2:30 p.m. on the fiscal year 1999 Coast Guard budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITEE ON STRATEGIC FORCES

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet on Thursday, March 12, 1998, at 2 p.m. in open session, to receive testimony on the Department of Energy's fiscal year 1999 authorization request for environmental management, non-proliferation, and fissile materials disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO PROJECT PPEP FOR 30 YEARS OF DEDICATED COMMUNITY SERVICE

• Mr. McCAIN. Mr. President, I rise today to extend my sincere gratitude and commendations to Portable Practical Educational Preparation, Inc. (PPEP) for their tireless efforts to improve the lives of needy citizens in the Southwest.

Last October, PPEP, which operates out of Tucson, Arizona, celebrated 30 years of service to this community. At that time, in recognition of the success of their small business loan program, PPEP and Pima County were selected to receive an "Award of Excellence for Economic Development" by the National Association for County Community and Economic Development.

Thirty years ago, a man named John Arnold converted his 1957 Chevrolet schoolbus into a traveling classroom for rural Arizonans. He spent his time teaching migrant workers English as a second language and the value of learning vocational and technical skills. This was the beginning of what is now known as PPEP.

Today, PPEP is a non-profit organization with an annual operating budget of $11 million. It employs more than 300 people and has developed numerous programs that have become national self-help models.

PPEP provides a multitude of social services for disadvantaged Americans. Some examples of these vital services include: affordable housing for migrant workers, necessary sewer and street enhancements, day care sites, senior nutrition and recreation centers, and public charter schools. The list of good works accomplished by PPEP on a daily basis is lengthy and impressive. Most important, PPEP has made it possible for rural families to experience the dignity they deserve.

As we continue to reform federal assistance programs to encourage self-sufficiency, we must recognize the importance of organizations such as PPEP in providing voluntary community support to needy Americans. The committed staff and volunteers of PPEP have encouraged and enabled many disadvantaged citizens to gain the technical skills and computer literacy which will allow them to move from welfare to more productive lives in the job market. PPEP's services are needed now more than ever, as they provide a bridge for farmworkers, rural poor, and other disadvantaged individuals.

After 30 years of outstanding and enduring accomplishments, I anticipate an even more aggressive and productive effort by PPEP to assist our communities and our country as we enter the 21st century. I extend my best wishes to John Arnold and his colleagues at PPEP and my thanks for their continuing endeavors.•

THE 86TH ANNIVERSARY OF THE FOUNDING OF THE GIRL SCOUTS OF THE UNITED STATES OF AMERICA

• Ms. MOSELEY-BRAUN. Mr. President, it is my honor today to recognize and celebrate the 86th anniversary of the birth of the Girl Scouts of the United States of America (Girl Scouts of the USA).

Eighty six years ago, Juliette Gordon Low founded Girl Scouts of the USA with 18 members in her Savannah, Georgia living room. Today, there are over 2.6 million girl members, and a loyal corps of over 800,000 adult volunteers. This is Girl Scouting's third highest membership in 20 years. In my home state of Illinois, there are almost 200,000 Girl Scouts and volunteers. These numbers serve as strong evidence that the principles of honesty, service, community and self development upon which Ms. Low founded Girl Scouts of the USA 86 years ago are still relevant and meaningful to girls of all ages across our nation.

Girl Scouts still sell cookies, earn merit badges and go camping, but they also participate in sports, learn science and computer technology, and engage in activities that promote lasting friendships, diversity, cultural appreciation, personal improvement, and career development. Additionally, Girl Scouts participate in many meaningful community service projects that teach participants about the society in which they live, and address challenging issues such as illiteracy and school violence.

Most important, over the last 86 years, Girl Scouts of the USA has provided girls with the skills, understanding, and confidence to become successful women and citizens of our nation and the world. It is my distinct pleasure to acknowledge the incredible success that Girl Scouts of the USA has enjoyed over the last 86 years, and to wish them the best of luck as they prepare for the future.•

JEAN A. GORSKI: NEW HAMPSHIRE AMERICAN BUSINESS WOMEN'S ASSOCIATION 1998 BUSINESS-WOMAN OF THE YEAR

• Mr. SMITH of New Hampshire. Mr. President, I rise today to congratulate Jean Gorski for being named the 1998 Business Woman of the Year on February 5, 1998, by the New Hampshire American Business Women's Association. I commend her consistent drive and aggressive encouragement to improve the lives and opportunities of others.

Jean is the Director of Development for the Northern New England Agency of Northwestern Mutual Life Insurance Company where she has held this position for seven years. She is also a member of the Small Business Association of New England, General Agent's Management Association and Women's Business Forum Steering Committee. She has also held many officer roles as well as been a member of many organizations. To name a few, she served as the sales manager for BankEast and New Hampshire Savings Bank. These are just a few organizations with which she has spent countless hours and dedicated service. This impressive list is something of which Jean should be very proud.

Jean has enthusiastically worked with many organizations, countless residents and employees and developed a considerable portfolio of professionalism. Four words come to mind that best represent what Jean is trying to strengthen: leadership, community, teamwork and development. These are terms that bind all Americans together and strengthen the unity of this great country.

These words best exhibit the tools she employs to bring about positive change and as a leader, encouraging others to rise to the call of self improvement. Jean's commitment to each organization she represents is extremely solid and substantial. She gives it her all and inspires others to follow her lead. Her actions and beliefs have become a catalyst for significant change resulting in profound achievements. Mr. President, I want to congratulate Jean Gorski for her outstanding work and I am proud to represent her in the U.S. Senate.•

ERIC BREINDEL

Mr. MOYNIHAN. Mr. President, I rise to pay tribute to Eric Breindel, a proud son of New York who was taken from us all too suddenly and all too soon this past Saturday. Eric lived life at a hectic pace, almost as if he knew that his years would be so painfully limited that he would do well to fill as much meaning and involvement as he could into every single day. The Talmud teaches that fools measure their lives in years, while wise people measure them in days. Eric was wise in this respect as he was in so many others.

As I noted in his funeral on Monday, "I taught him for two years at Harvard and learned from him for the next twenty." His passion for the truth, for justice, for democracy, were all well reflected in the editorial pages of the New York Post, where he presided for eleven madcap years as the editorial page editor. I ask unanimous consent to place in the CONGRESSIONAL RECORD his obituary from The New York Times and the Post's tribute to this brilliant journalist and passionate American.

The obituaries follow:

[From the New York Post, March 8, 1998]

ERIC BREINDEL, 1955–1998

Eric Breindel once said that life granted few gifts greater than the ability to influence the political debate in the greatest city in the world. He exercised that, influence for 10 years as the editor of this column, and his horribly untimely death yesterday at the age of 42 robs this city and this nation of one of its wisest young men.

He was, first and forever, a patriot.

He fiercely contested the claims of those who blamed America for all of the planet's woes. And he was particularly unforgiving of those Americans who served foreign ideologies and interests during times of grave crisis—and who lied about it all after the emergencies had passed.

As might be expected of the son of Holocaust survivors, he had a profound understanding of the importance of a strong state of Israel—not only for Jews, and not only as an abiding symbol of enlightenment in a section of the world often sorely in need of such guidance, but also for the furtherance of American political, economic and military global interests.

His patience with those who failed to view issues in wide—indeed, often global—terms was slight. He knew that what might happen in Tokyo today could have an impact in Times Square tomorrow and it was with such understanding that he crafted the content of these pages.

Readers need not agree with his views—indeed, often it seemed that many did not—to concede that they were strongly held, lucidly and respectfully presented and not at all given to equivocation.

It is true that Eric Briendel was very much out of step with conventional political and social wisdom. He understood this; indeed, he was quietly proud of it.

In an age given to the promotion of self-esteem—at the expense of actual accomplishment—he championed hard work and individual enterprise.

He knew that, these days, equality of outcome is meant to trump equality of opportunity—but he wouldn't accept it.

He was equally unforgiving of double standards when it came to public conduct--even when race, ethnicity and gender were at issue.

And while he never ducked controversy, he understood that public affairs are conducted by people who had feelings—and families. He tried not to wound, and in this he succeeded more often than not.

The decade-plus during which he edited these pages were among the most tumultuous in New York's history.

It was the time of Howard Beach and Tawana Brawley, of Crown Heights and Yusuf Hawkins. There were three mayors and two governors and no end of governmental crises and political scandal and strife.

Through it all, New Yorkers knew where to turn for finely crafted, literate and insightful commentary.

Eric Breindel is gone now, at much too young an age. New York is the poorer for it. And for us at The Post, who had the honor and the pleasure of knowing him, enjoying his company, learning from him, gossiping with him—we share the sorrow of his family and will always treasure the memory of our dear friend.

[From the New York Times, March 8, 1998]

ERIC BREINDEL, 42, COMMENTATOR AND NEW YORK POST COLUMNIST

(By Charlie LeDuff)

Eric M. Breindel, the former editorial page editor for the New York Post and the conservative moderator of a weekly news show on public affairs on the Fox News Channel, died yesterday afternoon. He was 42.

Mr. Breindel, a lifelong resident of New York City, died at New York Hospital-Cornell Medical Center. He was undergoing treatment for a liver ailment and suffered a massive hemorrhage, said Lally Weymouth, a longtime friend and columnist for The Washington Post.

Mr. Breindel, a senior vice president of the News Corporation, which owns The Post, was best known for his years as the leader of the Post's lively opinion pages, which hold a decidedly conservative edge.

He was hired as the editorial page editor of The Post in 1986 and in January 1997, he left that position to develop strategic policy for the News Corporation. He continued to write a weekly column in The Post and was seen by some as a tormentor of liberal politicians.

"Whether he agreed with you or not, you always knew he listened to you and understood your point of view," said the City Council Speaker, Peter F. Vallone, a Democrat.

More recently, Mr. Breindel was the host of a weekly television show that aired on Saturdays on the Fox News Channel, "Fox News Watch."

Mr. Breindel was a friend of New York City police officers and during last year's mayoral election, he branded the Democratic challenger to Mayor Rudolph W. Giuliani, the Manhattan Borough President, Ruth W. Messinger, as a "cop-basher."

"Eric was a very close friend," Mr. Giuliani said. "He had a unique understanding of all that makes up the City of New York. He had a particular insight into the challenges faced by New York City police officers, and even when there might be a media frenzy seeking to unfairly accuse police officers, Eric was often one of the few who courageously stood up for them."

Rupert Murdoch, chairman of the News Corporation, said of him, "He was a brilliant leader of the editorial page and one of the most influential people in New York."

While Mr. Breindel's ideas carried influence, said Martin Peretz, editor-in-chief of The New Republic, he is perhaps known best in New York City for his coverage of the 1991 racial unrest in Crown Heights.

Charlie Rose, the talk-show host, called his death shocking and said, "His capacity to influence world affairs was growing."

Born in New York City in 1955, Mr. Breindel graduated magna cum laude from Harvard College in 1977, where he was editorial chairman of The Harvard Crimson. He received a law degree from Harvard in 1982 and served as a legislative assistant to United States Senator Daniel Patrick Moynihan, a correspondent for the Public Broadcasting System and an editorial page editor with The Daily News before joining The Post.

Mr. Breindel is survived by his parents, Dr. Joseph H. and Sonia Breindel of New York City, and a sister, Dr. Monique Breindel.

Funeral services will be held tomorrow at 11 A.M. at the Park Avenue Synagogue.•

TRIBUTE TO THE GIRL SCOUTS OF THE U.S.A. ON THE OCCASION OF THE 86TH ANNIVERSARY OF ITS FOUNDING

• Mr. GRAMS. Mr. President, I rise today to pay tribute to the Girl Scouts of the U.S.A. on the occasion of the 86th anniversary of its founding.

The Girl Scouts have come a long way since founder Juliette Gordon Low made a phone call to her cousin in 1912, proclaiming that she had something for all the girls of Savannah, Georgia, and all the girls of America. The phone call led to the gathering of 18 girls in Juliette's backyard to study nature and learn to play basketball. This was the start of the Girl Scouts of the U.S.A.

The Girl Scouts spread quickly across the United States, reaching my home state of Minnesota in July 1918, only six short years after its inception. Since then, the Girl Scouts have evolved into the largest voluntary organization for girls in the world. The Girl Scouts membership nationwide consists of over 2.5 million girls between the ages of five and seventeen and more than 800,000 volunteers who give their time and talents to ensure these young women are instilled with the knowledge that they can do anything they set their minds to. As for Minnesota, there are approximately 61,000 girls and 19,000 volunteers associated with the Girl Scouts. The Girl Scouts of the U.S.A joins a worldwide family of 9 million girls and adults in 136 countries as a member of the World Association of Girl Guides and Girl Scouts.

The Girl Scouts offer, for girls of every background, activities that enhance the development of confidence, determination, and the skills needed to succeed in today's world. One activity rich in Girl Scout tradition is the selling of Girl Scout cookies. This tradition, which began in Philadelphia, has been around since 1934. Many successful businesswomen today say they got their start selling Girl Scout cookies. Girl Scouts develop many skills during the annual cookie sales, such as establishing goals, handling money, and the satisfaction of finishing a job.

By cooperating with peers to achieve a common end, Girl Scouts learn valuable lessons in leadership. Countless civic, professional, and community leaders throughout our nation were involved in the Girl Scouts of the U.S.A. Six of my Senate colleagues here in the 105th Congress—BARBARA MIKULSKI, KAY BAILEY HUTCHISON, CAROL MOSELEY-BRAUN, PATTY MURRAY, SUSAN COLLINS, and MARY LANDRIEU—were all Girl Scouts.

Mr. President, for eighty-six years the Girl Scouts of the U.S.A. have instilled in American youth the qualities of the Girl Scout Law and Promise, which focus on serving God and country, helping people at all times, being honest and fair, friendly and helpful, considerate and caring, courageous and strong, responsible and respectful, and making the world a better place. These are truly honorable qualities to live by and I am proud to pay tribute to the young women who honor them daily and the volunteers who make the Girl Scout program a reality.•

CHILDREN'S HEALTH PRESERVATION AND TOBACCO ADVERTISING COMPLIANCE ACT

• Mr. REED. Mr. President, I rise today to announce legislation that would amend the Internal Revenue Code to deny tobacco companies any tax deduction for their advertising and promotional expenses, when those ads are aimed at America's most impressionable group, children.

This bill addresses a key element in our ongoing public debate on tobacco: industry's ceaseless efforts to market to children. My legislation can stand on its own, or can easily be incorporated into a comprehensive tobacco bill. With or without Congressional action on the state attorney generals' tobacco settlement, it is time for Congress to put a stop to the tobacco industry's practice of luring children into untimely disease and death.

I am pleased to be joined today in introducing this legislation with Senators BOXER and CHAFEE, and I would also like to recognize the leadership of my colleagues on this issue. Senator HARKIN, along with former Senator Bradley and others, has made continuous efforts over the years to completely eliminate the tax deduction for tobacco advertising. And while I concur with Senator HARKIN that the deduction is a questionable use of our tax dollars, I would like to emphasize to my colleagues that this bill does not eliminate the deduction for tobacco manufacturers, as long as they do not advertise to children.

Limiting the promotion of tobacco products to children is a necessary part of any comprehensive effort to prevent tobacco use by minors. My legislation offers a constitutionally sound way to enforce strong tobacco advertising restrictions, with or without federal tobacco legislation on the proposed tobacco settlement.

The advertising restrictions contained in our bill are included in S.1638, legislation introduced by Senator CONRAD, cosponsored by myself and 29 other Senators. S. 1638 establishes strong restrictions regarding the promotion of tobacco products to minors.

Under my bill, if tobacco manufacturers do not comply with the proposed advertising restrictions, the manufacturer's ability to deduct the cost of tobacco advertising and promotion expenses would be disallowed.

These advertising restrictions are appropriately tailored to prevent the advertising and marketing of tobacco to minors. The restrictions contained in this legislation are similar to those contained in the FDA rule and the June 20 proposed settlement. Key components of these restrictions include: a prohibition on point of sale advertising except in adult only stores and tobacco outlets; a ban on outdoor advertising within 1000 feet of schools and publicly-owned playgrounds, and outdoor advertising beyond those areas restricted to black-and-white text only; and, a prohibition on brand-name sponsorship of sporting or entertainment events.

On numerous occasions, tobacco industry executives have indicated that unless they receive liability protections, they will continue to advertise as they do now. Today I am offering an alternative enforcement mechanism because failure to act on this issue is a failure to meet the needs of our children.

YOUTH SMOKING

Mr. President, the importance of this issue is enormous. The facts speak for themselves. Today, some 50 million Americans are addicted to tobacco. One of every three long-term users of tobacco will die from a disease related to their tobacco use. About 3/4ths (70 percent) of smokers want to quit, but less than one-quarter are successful in doing so.

Tobacco addiction is clearly a problem that starts with children: almost 90 percent of adult smokers started using tobacco at or before age 18. The average youth smoker begins at age 13 and becomes a daily smoker by age 14½.

Each year, one million children become regular smokers—and one-third of them will die prematurely of lung cancer, emphysema, and similar tobacco caused diseases. Unless current trends are reversed, five million kids under 18 currently alive today will die from tobacco related disease.

In my home state of Rhode Island, while overall cigarette use is declining slightly, it has increased by more than 25 percent among high-schoolers.

It is far too easy for children to buy cigarettes and chewing tobacco through vending machines and at retail outlets. Despite the fact that it is against the law in all 50 states to sell cigarettes and smokeless tobacco to minors, children purchase an estimated $1.26 billion worth of tobacco products each year.

THE INDUSTRY'S TRACK RECORD

As we look to a bright future for our children, Congress must learn from the lessons of the past. Those lessons teach us that the tobacco industry made its money by marketing cigarettes to children, knowing full well that cigarettes are addictive products with severe health consequences. The proposed settlement reached last June is based on the presumption that this industry can and wants to change its corporate culture—a culture that has yielded incredible revenue by capitalizing on the vulnerabilities of our children.

The story of the tobacco industry and youth smoking in the United States is the story of the advertising industry. In the 1920s, cigarette manufacturers solicited doctors to try their products, later advertising "20,679 Physicians Say Luckies are Less Irritating" and "For Digestion's sake, smoke Camels." In a case against Reynolds Tobacco, decided in March 1950, the FTC found that Camel advertisements had been worded in such a way as to declare that the brand was harmless, and, as such, were false and deceptive.

An advertisement in 1953 read: "This is it. L&M filters are just what the doctor ordered." Another advertisement from that time period claimed: "More Doctors smoke Camels than any other cigarette."

And today, we have Winston ads that attempt to sound like a health food promotion, proclaiming "no additives." The new Camel ad—"Live Out Loud"—is a not so subtle stand in for the "cool" Joe Camel.

From recently released documents, we know that the tobacco industry has sought to market its tobacco products to children for decades. News reports disclosed that an RJR researcher named Claude Teague had written a 1973 memo that stated "if our Company is to survive and prosper, over the long-term we must get our share of the youth market."

Documents obtained through the Mangini litigation further document these efforts. A Presentation from CA Tucker, Vice President of Marketing, to the Board of Directors of RJR Industries (Sept. 30, 1974) concluded: "this young adult market, the 14-24 age group. . .represent(s) tomorrow's cigarette business." That same presentation said: "For Salem, significant improvements have been made in the advertising, designed for more youth adult appeal under its greenery/refreshment theme. These include: more true-to-life young adult situations. More dominant visuals. A greater spirit of fun. . .For Camel Filter, we. . .will have pinpointed efforts against young adults through its sponsorship of sports car racing and motorcycling." The Mangini documents also demonstrate that RJR has been secretly conducting extensive surveys of the smoking habits of teenagers for decades.

Given this track record, I am deeply skeptical of the tobacco industry and its willingness to change its behavior. Yet they say they are willing—my bill will put them to the test.

BILLIONS SPENT EACH YEAR ON TOBACCO ADVERTISING

At every turn, the tobacco industry has come up with a slick new way to hook kids on tobacco. And we know from research that advertising targeted to children can play a pivotal role in an adolescent's decision to smoke.

Through the years, the tobacco companies have designed a way to attract generation after generation to smoking. Examples of industry practices are endless. Eighty-six percent of underage smokers prefer one of the three most heavily advertised brands—Marlboro, Newport or Camel.

One of the advertising campaigns most markedly aimed at young people is the Joe Camel campaign. After RJ Reynolds introduced this campaign, Camel's market share among underage smokers jumped from 3 percent to over 13 percent in 3 years.

Although Congress banned cigarette advertising on television in 1970, tobacco companies routinely circumvent this restriction through the sponsorship of sporting events that gives their products exposure through television.

Data from the Federal Trade Commission indicates how much the industry spends on these activities. Advertising and promotion expenditures have increased tenfold since 1975. In 1975, the industry spent $491 million. In 1995 alone, tobacco manufacturers spent $4.9 billion on advertising and promotional expenditures.

The federal government subsidizes tobacco advertising through a tax deduction (generally a 35% deduction) for advertising expenses. In 1995, this subsidy cost the American taxpayers approximately $1.6 billion. In terms of lost revenues to the Federal Treasury, it is certainly not an insignificant amount of money.

In effect, the federal government is subsidizing the industry's advertising costs. For example, in 1995, the cost of the cigarette advertising deduction covered the total amount spent by the industry on coupons, multi-pak promotions, and retail value added items, such as key chains, and point of sale advertising—the kind of items that are most attractive to our children.

CONSTITUTIONAL ISSUES

The First Amendment does not entitle tobacco companies to target children. The Supreme Court has said that commercial speech enjoys only limited protection. It is interesting to note that tobacco companies have not challenged the right of the government to restrict their advertising in other ways, such as the 1971 ban on broadcast advertising for tobacco products.

The industry has said that it must be offered liability limits for them to "consent" to advertising restrictions. In effect, the industry is saying, if Congress wants the companies to stop illegal efforts to induce children to smoke, then Congress should protect the industry from legal action. And the hypocrisy of the industry's position is that they would like the immunity protections in statute but say that the advertising restrictions "cannot be imposed by statute or by rule."

Some in the industry have suggested that without liability protections, the tobacco industry will continue to market to children. A USA Today article on February 19, 1998 stated that industry spokesman Meyer Koplow "warned that the industry might return to practices such as cartoon advertising if Congress fails to grant protection from lawsuits."

The tobacco industry, the advertising industry, and others have said that they would challenge statutory restrictions on advertising. While I believe that S. 1368 and other proposals do not violate the constitution, I recognize the uncertainty surrounding the provisions in this and other bills.

What is certain is that Congress has the authority over the tax code. This legislation uses that authority to put an end to the tobacco industry's practice of targeting children.

Mr. President, I urge my colleagues to join me in this effort to protect America's children.●

CAMPAIGN FINANCE REFORM

● Mr. ABRAHAM. Mr. President, I rise today to express my opposition to the McCain-Feingold Campaign Finance Reform amendment.

First, I would like to point out that I consider myself, like many members of this Chamber, on the side of election reform. But, in my view, that reform must be crafted in such a way as to bring representatives closer to their constituents, not further open what is in many cases an excessively wide gap.

It was because of my commitment to effective electoral reform that I voted against this package the last time it reached the floor. Further, Mr. President, none of the changes this package has undergone lead me to believe that I should change that vote. On more than one occasion I have come to the floor to outline the standards which I believe any campaign finance reform legislation must meet if it is to be in the public interest, and if it is to gain my vote. McCain-Feingold continues to violate these standards, so I have no choice but to oppose it.

The standards I believe crucial in this area, and which this legislation violates, are straightforward and relate to the right of Americans to express their political beliefs and have those beliefs count in federal elections.

The first principle in this regard provides that reform legislation must be consistent with the First Amendment to the Constitution of the United States. I will not support any legislation establishing prior restraint on political speech or empowering any federal bureaucracy to constrain first amendment rights. Our Constitution's first amendment, and the guarantees it provides for political speech, are fundamental to our system of liberty and republican government. Because McCain-Feingold allows them to be circumvented, I cannot support this amendment.

The second standard I believe crucial in this area is the protection of state and local units of government. I cannot support campaign finance legislation if it impedes or intrudes on the prerogatives of the States and localities with respect to how they conduct political campaigns. Because McCain-Feingold continues to impose rules on state and local governments, I cannot support it.

The third standard for electoral reform is maintenance of a proper balance between the first amendment rights of actual candidates and their political parties, and the rights of those who are not directly in the political arena. McCain-Feingold violates this standard as well, by tilting the balance strongly in the direction of special interest groups.

Increasingly, Mr. President, political candidates and their parties are being pushed aside by special interest groups in the very process of campaigning, a process intended to bring candidates in close touch with their constituents. By encouraging this process, McCain-Feingold actually exacerbates a problem that is threatening the very functioning of our republican form of government.

As an example of this phenomenon, I would like to mention certain political advertisements taken out recently by campaign reform groups in my own state of Michigan. These advertisements singled out this Senator for criticism because of my opposition to this particular amendment. Ironically, had McCain-Feingold been in effect at this time, it is likely that the Michigan Republican party would have been incapable of answering these misleading advertisements. I would have been forced to look to other outside sources to mount a response, diluting the proper influence of the state party.

Fourth, Mr. President, campaign finance reform must be balanced, not favoring or punishing any one particular party. In violation of this standard, McCain-Feingold would enhance the ability of the Democratic Party to raise funds from its traditional sources, while disproportionately limiting the Republican Party's ability to do the same.

Finally, Mr. President, I strongly believe that any campaign finance reform must address the increasing reliance of candidates on contributions from people who are not their constituents. This practice, which McCain-Feingold does nothing to stop or curtail, separates candidates from their proper loyalty to their constituents and dilutes the voice of the people—a voice that must be heard for our system of government to function as it was intended.

This last standard is crucial, in my view, and I have joined with Senator HAGEL in drafting an amendment to address it. When I travel around my State, conducting town meetings, the issue of campaign finance reform is often raised. And, when I ask people what disturbs them the most in this area, on almost every occasion I hear the same answer, that individuals, political action committees, and special interest groups not even based in Michigan are bank-rolling Michigan Congressional campaigns.

Mr. President, I have not conducted a thorough study of the particulars of outside contributions, but I do know that a significant proportion of the money flowing into almost every federal campaign comes from individuals who are not the constituents of the particular elected officials who benefit. In fact, a number of members of the House and Senate actually receive the majority of their funding from people they do not even represent.

I am convinced, Mr. President, that this reliance on non-constituent funding for federal campaigns is at the root of current public dissatisfaction with our electoral system. Certainly, people are concerned regarding large contributions to the national parties, be they from individuals, corporations or labor unions. But more distressing, in my view, is the financing of elections by people and organizations from outside states.

Clearly, the first amendment places constraints on any attempt to address this glaring problem. But I believe it is possible to craft legislation protecting the rights of political speech while also limiting the influence of non-constituent campaign money. That is why I have joined with Senator HAGEL to file an amendment to the pending bill, limiting the amount of non-constituent money a candidate for federal office may receive.

Rather than limiting the ability of individuals or organizations to have their voices heard, this amendment would limit a candidate's ability to depend on non-constituent sources for campaign financing. Specifically, it would cap at 40 percent the total amount of money a candidate's campaign can accept from individuals or political action committees from outside the state. In addition, donations from political action committees, be they in-state or out-of-state, would be capped at 20 percent of the campaign total.

In addition, Mr. President, this amendment would provide for full and immediate disclosure, within 48 hours, of all expenditures and contributions by campaigns, national party committees, state parties and groups or individuals paying for independent expenditures. Like the amendment's other provisions, this aims to empower voters by keeping them fully informed as to the sources of candidates' contributions and support. The amendment's provision increasing the amount an individual may contribute to a federal candidate to $5,000 per election also would level the playing field between individuals and special interests. To level the playing field between incumbents and challengers, without interfering with representatives' duties, the amendment also would limit Congressional use of the franking privilege.

Finally, this amendment would establish once and for all that accepting any contribution in a federal building is illegal.

This amendment, in my view, would help rebuild the necessary connection between political candidates and their constituencies—the tie on which our freedom relies, and which the bulk of McCain-Feingold would only weaken further.

Let me comment briefly now, Mr. President, on the legislation the McCain-Feingold amendment seeks to replace. I understand that the Majority Leader's bill provides paycheck protection for workers, thereby protecting American workers' first amendment right to support the candidates of their own choosing, as well as redressing some of the current imbalance in campaign financing. But, while supporting the idea of paycheck protection as a matter of fundamental fairness, I do not believe that it provides sufficient protection for the interests of in-state constituents. The bill, while it aims at a worthy goal, is not in my view sufficiently broad to constitute full and satisfactory campaign finance reform.

I look forward to working with the Majority Leader and my colleagues in crafting comprehensive campaign finance reform, in keeping with the principles I have laid out today.

But I would urge my colleagues not to wait for Congressional action to change their own campaign finance practices.

I for one do not for a moment believe that members of the body would change their votes or their fundamental political beliefs in pursuit of campaign dollars. Nonetheless, public confidence in our electoral system demands that we eliminate any appearance of impropriety in campaigning. This requires, in my view, that members of this body reject the argument that they cannot "unilaterally disarm" by voluntarily reforming their own conduct.

Instead of focusing exclusively on passing legislation that will supposedly save us from ourselves, I believe it is incumbent upon each of us to undertake those actions we determine to be most appropriate in addressing current perception problems. Each of us should strive to set an example of good conduct, regardless of what the campaign finance laws might permit.

If, for example, we think it is wrong to receive a disproportionate amount of our campaign contributions from outside our States, we should simply stop doing so. Similarly, if we believe that independent committees operating on our behalf, or in support of our efforts, are acting inappropriately, we should say so, clearly, publicly and without hesitation.

The real test of our convictions regarding campaign finance reform will not take place on this floor, Mr. President, but in our home states. Each of us must take action, independent of federal legislation, to mold our actions in accordance with our fundamental principles. That means, for example, that, should I decide to seek re-election, I will continue the practice I established during my first Senate campaign: I will unilaterally limit the flow of PAC and out-of-state dollars to my campaign. Should this practice put me at an electoral disadvantage, so be it. Reliance on my constituents for the bulk of my campaign financing is a principle too important to me to let go of under any circumstances.

I hope my colleagues will join me, not only in pursuing fundamental electoral reform that maintains respect for first amendment rights and strong relations between representatives and their constituents, but also in acting on these principles themselves in the immediate future.●

TROPICAL FOREST CONSERVATION ACT OF 1998

● Mr. MOYNIHAN. Mr. President, I rise today to join my colleagues in support of the Tropical Forest Conservation Act of 1998. This important legislation addresses the perils of environmental degradation and, to a limited extent, the pressures of third world debt.

As some of the other co-sponsors of this legislation have noted, tropical forests around the globe are disappearing at an alarming rate. Economic pressures are nearly always the underlying cause. Rural populations constrained by poverty engage in destructive short-term exploitation of timber. Growing populations result in growing land use pressures, often causing large tracts of forested land to be clear cut and converted to agricultural uses. Yet in most cases, there are opportunities to redirect development toward a sustainable course.

The legislation we are introducing today responds to some of these opportunities, by establishing a new program for debt-for-nature swaps between the United States and the tropical developing countries of Africa and Asia.

The Tropical Forest Conservation Act of 1998 builds upon the Enterprise for the Americas Initiative (EAI) first established under the Bush Administration. The EAI created a system by which Latin American and Caribbean governments could restructure some of their official debt to the United States, on the condition that funds be established in local currency to support environmental conservation.

The idea of linking debt to conservation, often referred to as "debt-for-nature swaps," was first articulated in 1984 by Dr. Thomas Lovejoy, then a vice president of the World Wildlife Fund. In early 1986, Costa Rica announced the first transaction based on this premise. The Costa Rican plan involved a debt-for-equity swap in which the Northeast Bank of Minnesota was allowed to exchange $10 million in Costa Rican debt titles for an equity position in Portico, a local door manufacturing industry with considerable export potential. Local currency bonds provided by the central bank of Costa Rica were used to purchase nearly 5,000 hectares of forest, which was held in trust by the government to ensure sustainable forest management practices.

Since the 1986 Costa Rica transaction, the idea of converting commercial debt into local currency instruments for conservation projects has gained momentum, and more than a dozen countries in Latin America have approved similar projects. Costa Rica has gone on to negotiate other debt-for-nature swaps with the governments of Sweden and the Netherlands. The success of these projects in Costa Rica, and elsewhere in Latin America, make them models for potential projects elsewhere on the globe.

The Tropical Forest Conservation Act is designed to spur new debt-for-nature exchanges in areas outside of Latin America—namely, in the tropics of Asia and Africa. The new conservation projects which are established as a result of this legislation will benefit from the lessons learned through the earlier Latin American projects. Two important lessons are illustrated by the Costa Rican experience.

First, experience has taught us the importance of the local organization administering the conservation program. Non-governmental organizations sometimes lack the technical and administrative expertise necessary for effective management of a large conservation effort. In Costa Rica, the debt-for-nature program has been carried out through the National Park Foundation. The respectability of this foundation, and its commitment to environmental education, ecological tourism and scientific research largely contributed to its successful administration of the conservation projects in its charge. We must ensure that the organizations administering the conservation efforts established through this legislation have the requisite knowledge and technical expertise to manage their charges effectively.

Second, a cautionary note is in order regarding limitations on the magnitude of these projects. Ultimately, debt-for-nature exchanges imply that the local government must print local currency bonds, and eventually these will increase a country's money supply—thus creating inflationary pressures. At the request of the Costa Rican government, the Nature Conservancy commissioned a study to assess the potential inflationary impact of debt-for-nature swaps. This study concluded that if Costa Rica were to spend $50 million in local currency generated by debt-for-nature exchanges each year, the inflationary impact would be less than 0.5 percent. Although this figure may appear negligible, inflationary pressures may become significant if a large fraction of a nation's debt is involved in a debt-for-nature exchange.

By incorporating the lessons we have learned through earlier debt-for-nature projects in Latin America, I am confident that we will ensure the success of such exchanges in tropical developing countries of Asia and Africa.

Mr. President, I am pleased to be a co-sponsor of this important legislation, which will help third world nations to develop in a sustainable, environmentally-minded fashion. I encourage my colleagues in the Senate to lend their support to this effort.•

AMERICAN STUDENT ASSOCIATION OF COMMUNITY COLLEGES

• Mr. WELLSTONE. Mr. President, it was my pleasure this week to address the 15th annual Washington conference of the American Student Association of Community Colleges. I ask to have printed in the RECORD the students' statement of priorities for the reauthorization of the Higher Education Act.

The statement follows:

STATEMENT OF ASAAC

As a voice of the nation's largest post-secondary student body, the American Student Association of Community Colleges thanks the Congress for last year's 12 percent increase in the Pell Grant, and for extending employee educational assistance (tax code section 127) into the new century. Both programs are proven cornerstones of advanced work force training, which grows steadily in importance to American economic competitiveness. To ensure a high standard of living, a work force with cutting-edge skills will always be essential.

More and more Americans look to their community colleges for such skills. Employers who offer tuition assistance report that community colleges are the most frequent choice of employees using this training incentive. With this in mind, ASACC urges the House and Senate to enact these priorities in the reauthorization of the Higher Education Act:

—The $5,000 Pell Grant maximum advocated by Senator PAUL WELLSTONE and Congressman JAMES P. MCGOVERN. More than ever, the Pell Grant is the backbone of post-secondary access for low-income students. Because community colleges serve the highest low-income enrollment, their students benefit least from Hope scholarships and the other educational tax incentives enacted last year.

—The 5,500 Income Protection Allowance for independent students, as provided in the House subcommittee draft of the HEA, giving the independent students equal footing with dependent students in award computation.

—The promise of Pell Grants as early as the sixth grade to students in impoverished communities who finish high school, as proposed by Congressman CHAKA FATTAH in H.R. 777.

—The provision of child-care assistance to colleges serving the larger Pell Grant enrollments, as proposed by Senators CHRISTOPHER DODD, EDWARD KENNEDY, and OLYMPIA SNOWE in S. 1151. The bill recognizes that "students who are parents and receive campus-based child care are more likely to remain in school, and to graduate more rapidly . . . than students who are parents (without) campus based child care. For parents juggling family, school and employment, the convenience of child care is crucial. A college could become eligible for successive three-year grants under the bill, if Pell Grants totaled $1 million or more in the preceding fiscal year. ASACC urges that small colleges whose yearly Pell total is under $1 million also be made eligible for such grant, provided half or more of their eligible students are receiving Pell Grants. We do not want to see small rural colleges arbitrarily excluded from the program.

Mr. WELLSTONE. It is refreshing to meet a student group with its legislative message so clearly focused. As the consumer voice of higher education's largest sector, the community college students, nearly 12 million strong in annualized enrollment, represent, in a very large degree, the economic future of our nation and our workforce. I urge my colleagues to heed their message.•

UNANIMOUS-CONSENT AGREEMENT—NOMINATION OF FREDERICA MASSIAH-JACKSON

Mr. MURKOWSKI. Mr. President, on behalf of the majority leader, as in executive session, I ask unanimous consent that at 12 noon on Monday, March 16, the Senate proceed to executive session to consider the nomination of Frederica Massiah-Jackson to be a U.S. district judge, and it be considered under the following agreement:

There be 6 hours of debate on the nomination on Monday, March 16, to be equally divided in the usual form, with a vote to occur on or in relation to the nomination at 10 a.m. on Tuesday, March 17.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, MARCH 13, 1998

Mr. MURKOWSKI. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 9:30 a.m. on Friday, March 13, and immediately following the prayer the routine requests through the morning hour be granted and the Senate immediately proceed to a vote on S. Con. Res. 78, a resolution regarding Saddam Hussein, as under the previous order at the hour of 9:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I ask unanimous consent that following the 9:30 a.m. vote, the Senate proceed to a period of morning business with Senator BENNETT immediately being recognized for up to 45 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MURKOWSKI. Mr. President, on behalf of the majority leader, tomorrow the Senate will resume consideration of S. Con. Res. 78, a resolution regarding Saddam Hussein, with a vote occurring on the resolution to begin at 9:30 a.m. Following the vote, the Senate will be in a period of morning business with Senator BENNETT being recognized for 45 minutes. During Friday's session, the Senate may also begin consideration of S. 270, the Texas low-level radioactive waste, Senate bill 414, the international shipping bill; and/or H.R. 2646, the A+ education bill.

For the information of all Members, one or two votes can be expected to occur during Monday's session of the Senate beginning at approximately 5:30 p.m.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MURKOWSKI. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:37 p.m., adjourned until Friday, March 13, 1998, at 9:30 a.m.

EXTENSIONS OF REMARKS

MAKING A REAL DIFFERENCE

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1998

Mr. GINGRICH. Mr. Speaker, I want to encourage my colleagues to read the following article about a woman in my district who is making a real difference in our community. Deborah Wolf, an attorney and the president of a personnel placement firm, founded a non-profit organization called "Working Wardrobe." Working Wardrobe provides professional apparel for women facing domestic violence or victims of other economic hardships, thus enabling these women to feel confident and look their best for interviews which hopefully lead to fulfilling career opportunities. As we look for ways to shrink the size and scope of government, Working Wardrobe is a shining example of how individuals and community can effectively and more efficiently help those in need. By emphasizing work, personal responsibility and a helping hand, welfare caseloads will continue to plummet, thus strengthening families and children and enabling even the neediest to participate in the American dream.

HELPING NEEDY WOMEN DRESS FOR WORK SUCCESS

(By Ernest Holsendolph)

Dressing for success is no frivolous matter in the business world, and it remains a critical factor for many job applicants. It can be the difference between getting a job or not. Just ask Deborah L. Wolf.

Wolf, a lawyer turned medical personnel placement specialist, said that more frequently than she cares to recall, many qualified, typically female, job seekers fail to get a job simply because they do not have appropriate clothing to wear.

"It is absolutely heartbreaking to see that happen," she said.

An article in Good Housekeeping magazine recently told about organizations around the country that gather clothing for people who want to work but can't afford the proper attire. Wolf, a person of action, has launched Working Wardrobe Inc. in the greater Atlanta area, just in time to help state agencies and others seal the final preparation for female newcomers to the work force.

What Wolf is doing, with the assistance of a growing number of volunteers, is an encouraging sign that private efforts will certainly buttress other work to help people by the thousands move from welfare and other forms of dependency to the workplace.

Working Wardrobe formally will open its doors during the last week of this month, and here is what it will do:

Receive and sort donated clothing from various sources that range from individual donors such as local television personalities and others, to donors like Macy's department store.

Interview and consult with women as they are referred by the state Department of Family and Children's Services or the Labor Department, having been trained and cleared for work.

Get them attired for their initial job interviews and for the first weeks of the job.

Wolf, who has operated her own business, All Medical Personnel, for six years, said she believes this kind of assistance will boost the confidence level of the inexperienced job seekers.

The idea has gotten quick positive response from people who can help. Noteworthy is the offer of 2,500 square feet of space by the Apparel Mart in downtown Atlanta where Wolf and her helpers can launch May 27 or thereabouts.

"This has been a marvelous donation, and just what we needed," Wolf said. The offices will be right there within eyesight of many top apparel makers and distributors. And the downtown location will be reachable by a maximum number of people who need the service because of the proximity to bus lines and the MARTA rail system.

"We want shelters and other organizations whose clients may need this service to be aware of us," Wolf said.

As the volunteer effort grows, Working Wardrobe will need ever larger sources of garments and other apparel, as well as volunteers to process clothing. The items they seek include skirt and pants suits; skirts, blouses, jackets and dresses; as well as overcoats, shoes, pocketbooks, scarfs, belts, jewelry and new pantyhose and cosmetics. No used undergarments, cosmetics or pantyhose will be accepted, nor will men's clothing be accepted.

Wolf said she will also need more volunteers to step forward as consultants to work with the women.

The effort will also need some expertise, including speakers and fund-raisers, as well as people with sewing and tailoring skills to make some items for size 16 and larger, and also mend items needing small repairs.

Wolf, a trained commercial real estate attorney, who found herself beached during a business downturn in the late 1980s, turned entrepreneur in 1991 by launching her medical placement service.

She admits she knows nothing special about business attire, but then she knew nothing about medical careers until she launched her business and learned by doing.

"I'm must grateful for my own opportunity to succeed," Wolf said. "And my effort here to start Working Wardrobe is something I hope can partially pay back our community for the good fortune I have had."

Anyone who can help Working Wardrobe should call 404-320-9125, which currently is located in the offices of All Medical Personnel at 1961 North Druid Hills Rd. Suite 201-A.

BIRTH DEFECTS PREVENTION ACT OF 1997

SPEECH OF

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. ROEMER. Mr. Speaker, I rise in strong support of the "Birth Defects Prevention Act of 1997" (S. 419). I strongly support this legislation, which responds to a very serious health care problem in the United States today.

Current medical research indicates that birth defects are the leading cause of infant deaths in the United States. It is estimated that 150,000 babies will be born with a serious birth defect in 1998, and that one out of every five of these babies will die. In the United States, birth defects affect three percent of all births, and among the babies who survive, birth defects are a significant cause of lifelong challenges.

Depending on the particular type of problem and its severity, special medical treatment, education, rehabilitation and other services are usually required into adulthood, costing billions of dollars each year. A recent Centers for Disease Control and Prevention report indicated that the lifetime cost for just 18 common birth defects occurring in a single year is $8 billion. However, only about 22 percent of those born with birth defects are included in these figures.

Birth defects can be reduced with a national strategy to direct the Centers for Disease Control to collect the information on birth defects, to provide funding and support in research at the State level and to set up regional centers to deal with birth defects as this legislation provides. We should strongly support the efforts of the Easter Seals Society, the American Hospital Association, and other organizations in developing and directing the Centers for Disease Control to work with States and local governments to survey birth defects and to bring together the information so that researchers can work to educate families about the challenges that are ahead for them. I know local groups, such as families with a child who has spina bifida can meet with other families and be a great source of strength and experience.

Mr. Speaker, S. 419 is good public policy and I encourage my colleagues to support the bill.

INTRODUCTION OF DISABLED CHILDREN'S FAIRNESS ACT OF 1998

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1998

Mr. RUSH. Mr. Speaker, today I am introducing the Disabled Children's Fairness Act of

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

1998. My bill will offer technical amendments to Title XVI of the Social Security Act to lessen the adverse impact of provisions in the federal welfare reform law that affect low income disabled children receiving Supplemental Security Income (SSI) benefits. The SSI Coalition for a Responsible Safety Net, a national advocacy organization, has endorsed the bill. I also want to thank Representatives WAXMAN and MARTINEZ for their support as original cosponsors.

My bill will reinstate the medical improvement test protection for low-income disabled children turning 18 who are subject to mandatory review of eligibility for SSI benefits under the federal welfare reform law. The amendment would require that before the Social Security Administration (SSA) could terminate benefits for this group of children, SSA would have to show evidence that the child's condition no longer existed, or that it had significantly improved and no longer impaired the ability to function. An estimated 30,000 children turning 18 have already been cut off all SSI benefits because of this loophole. The amendment leaves intact the new law's provision of a mandated review of all children turning 18.

The bill also proposes to expand allowable expenditures from Dedicated Savings Accounts (DSAs). Dedicated Savings Accounts are funds that are set up by parents or representative payees for disabled children who are eligible to receive past-due monthly SSI benefits (if the payment is six times or more the monthly benefit). Current law restricts the use of these funds for certain items. Consequently, many disabled children have gone without basic needs (e.g., food, shelter, clothing) while their SSI applications were pending. My bill expands the list to include items essential to maintaining a child at home with parents or guardians.

I hope that my introduction of the Disabled Children's Fairness Act of 1998 will call attention to the responsibility of this Congress to revisit the impact of federal welfare reform on low-income disabled children and their families.

CONGRATULATIONS TO JEFF GOLIMOWSKI

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1998

Ms. HOOLEY of Oregon. Mr. Speaker, I would like to extend my congratulations and recognize the stellar achievement of Jeff Golimowski, a senior at Newport High School in Newport, Oregon. Jeff has been named the first place National winner of the Veterans of Foreign Wars "Voice of Democracy" essay competition.

In his winning essay he gave ample proof of his good citizenship, and he showed his concern for making his voice heard in our democracy. Out of over 100,000 students participating in this, the 51st year of the competition, his essay was singled out. I can see why.

Jeff embodies the ideals that we as a society try to teach our young. As a product of our public school system, he represents a commitment to patriotism and high-minded idealism. As an American, he displays a respect for our collective past and a shining enthusiasm for our future.

Jeff, if you ever want a job as a speech-writer, give me a call. Congratulations and good luck in all your future endeavors.

INTRODUCTION OF THE E-RATE POLICY AND CHILD PROTECTION ACT OF 1998

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1998

Mr. MARKEY. Mr. Speaker, I rise to introduce the E-Rate Policy and Child Protection Act of 1998. Mr. Speaker, the Telecommunications Act of 1996 contained a provision that I had battled for and advocated for many years. The concept was straightforward: make America's schools and libraries eligible for universal service funding so that these educational entities could receive discounted rates for telecommunications services. During FCC implementation of this provision, I coined the term "E-Rate"—for "education rate"—to describe a system of discounts for telecommunications services that would allow schools and libraries to enter the digital age and better prepare our citizens for the knowledge-based economy of the future.

As a nation, we did the job of preparing previous generations to compete in the Industrial Era. From the founding of our republic, the common school movement and leaders such as Horace Mann provided the impetus for the ideal that each and every American should be entitled to an education, regardless of economic status.

America cannot leave kids from middle class working families out of the knowledge-based economy and still hope to retain its economic standing in a fiercely competitive global environment. At the turn of the 20th Century, 10 of the 12 largest companies in America were natural resource companies. As we enter the 21st Century, the 10 largest and most rapidly expanding industries in the world are brainpower industries; telecommunications, computer software, microelectronics, biotech, material-science, among others. The E-Rate is an essential program for our country's economic future.

Now that the E-Rate program is being implemented, some concerns have been raised about access to material on the World Wide Web that is inappropriate or unsuitable for children. I have long believed that technology can often offer a solution to some of the problems that technology creates. Software filtering technology and other-blocking technology can help to provide some protection in schools to shield children from inappropriate online fare. Other solutions may also mitigate against minors gaining access to Web sites that parents and educators feel are indecent and want to shield from young children.

I believe that the digital age will present both promise and problems. I also believe that we can embrace technological change, use it to empower our citizens and also face the challenges that technology poses for us. The purpose of the legislation that I am offering today is to ensure that local school and library officials think through the many issues of online access, and implement a policy for addressing access by children. This legislation will ensure that before schools and libraries obtain E-Rate funding in the future that they establish some policy governing access by minors.

A TRIBUTE TO ALBERTO FIBLA

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1998

Mr. DIAZ-BALART. Mr. Speaker, I rise today to pay tribute to a great Cuban who is now, also, a great American and a constituent of mine, Dr. Alberto Fibla, who is a true inspiration to all of us.

Dr. Fibla survived over 20 brutal years in jail as a political prisoner under the Castro dictatorship.

When Dr. Fibla recently became a United States citizen, one of his first acts was to seek to register with the Army and Navy. Dr. Fibla wanted to volunteer as a physician to serve this country to assist in America's efforts in the Persian Gulf region. Unfortunately, Dr. Fibla was turned away because he exceeded the age requirement. However, I believe that Dr. Fibla's efforts to join the Armed Forces should be applauded.

It is easy to take the personal privileges and great freedoms we enjoy in this great country, the United States of America, for granted. Often it is the patriotism shown by new citizens, such as Dr. Alberto Fibla, that remind us of the importance of our liberty and freedoms.

Thank you, Dr. Fibla, for your commitment to the defense of the United States. You are truly a great American.

INTRODUCTION OF H.R. 3440

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1998

Mr. ROEMER. Mr. Speaker, I rise today to introduce H.R. 3440, the Alternative Routes to Teacher Certification Act of 1998 which will help our local school districts recruit and license highly-qualified professionals with significant work experience to teach in our nation's schools.

Congress will reauthorize the Higher Education Act this spring, and an important part of the reauthorization is teacher training. We have the opportunity to restructure how our nation recruits, trains, and supports teachers and we are not only faced with the challenge of maintaining the supply of teachers, but also with ensuring that our children have access to the highest quality teachers.

If current trends continue, American schools will need to hire more than two million teachers in the next decade to educate an increasing number of students and to replace teachers who retire or leave the profession.

In addition, there are too many teachers who do not know their subject matter well enough to teach it to our students. This is a real problem in our urban and rural areas, which face significant difficulties in recruiting qualified teachers. In high poverty schools, 40% of math teachers, 31% of English teachers, and 20% of science teachers are instructing in subjects in which they hold neither a college major or minor.

The recently released TIMMS scores in which our nation's 12th graders scored near the bottom internationally in math and science highlights the importance of having fully qualified teachers. We can and must do better.

There are highly qualified individuals who have already earned bachelor's degrees and serve in other occupations who are interested in pursuing a teaching career—in 1996, ten percent of all teachers at the elementary or secondary level worked in an occupation outside of education in the previous year.

I think that teaching is one of the most important professions in this country, and I support high standards for teachers, but I think that we should reduce barriers to getting these highly qualified individuals into the classroom.

My bill will award grants to local school districts and teacher training programs that develop alternative routes to certification programs that open the teaching profession to individuals with professional experience who have the desire to teach.

My bill will empower local school districts that are facing teacher shortages or subject-area shortages to develop bold and innovative programs that recruit and prepare these highly qualified individuals to teach in our elementary and secondary schools.

These individuals could include education paraprofessionals, former military personnel, mid-career professionals, or returned Peace Corps volunteers. It can also include recent college graduates who have a record of academic distinction and hold a BA in the academic subject area in which they plan to teach.

These individuals bring distinctive and diverse life experiences into the classroom, which can enrich the curriculum and school and enhance the quality of our educational system.

My bill will also encourage States to develop more rigorous assessments certification and teacher licensing exams based on subject-matter knowledge, teaching knowledge, teaching skills and other performance-based examinations.

I am joined by my colleagues JIM MORAN, CAL DOOLEY, RON KIND and ANNA ESHOO. I urge your support for this important bill.

DISMAY OVER OREGON'S DEATH WITH DIGNITY LAW

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today in dismay over the Oregon Health Service Commission's decision to use taxpayers' money to end the lives of Medicaid recipients. This decision, an inevitable outcome of the state's Death with Dignity law, devalues the lives of the poor and forces their neighbors to contribute to their demise. Our forefathers believed, as do I, that the value of human life is not found in circumstance, lest poverty or frailty diminish it, but from God who gives each of use the will to overcome the indignities of life. On this point, I want to share the thoughts of Krista Kafer of Colorado.

"The Oregon Health Services Commission's decision to spend taxpayers' money to finance the killing of terminally ill poor people will no doubt revive the debate over euthanasia. We will once again hear proponents talk about the need for 'death with dignity.'' If Oregonians are shocked that they may actually help kill the undignified dying poor, then they should call to memory the slippery slope argument they once ignored. They should have questioned the concept of 'death with dignity' a few months ago.

"That we should die to escape indignity or kill to alleviate it is a dangerous concept indeed. Of those who espouse such a morbid conviction, one might inquire further: When there is so much indignity in life, why prescribe death only to the dying? Indignities abound from morning to night, even in sleep, in spite of our constant, desperate efforts to sanitize, deodorize and conceal them. No better than our animal friends, we cannot escape certain realities of our existence from birth to decay. Indignity is inescapable.

"There are moments so undignified that no one dares peak of them in casual conversation or popular entertainment. Commercials show people with forks or beverages, but rarely eating or drinking, because chewing and swallowing are not pretty. Eating is not glamorous. Neither is sneezing, scratching, hiccuping, burping, nose blowing, acne, giving birth, and other acts that I cannot even mention. Beans anyone?

"Great figures in history, George Washington, Clara Barton, Mother Teresa, Martin Luther Kind, Jr., were men and women of dignity not because they did not do these things, but because they were courageous, benevolent, and honorable. They accomplished extraordinary things while remaining bound by their human imperfections. They were men and women of integrity and, therefore, of dignity. History judges the measure of men not by their physical being, but by the quality of their hearts.

"My uncle spent the last 3 months of his life in a hospice, dying of cancer. He told my parents that between visits with friends and family, he spent the hours praying for people that he loved. Bedridden, breathing oxygen through a tube, suffering with pain and discomfort, my uncle spent his last days thinking of others, doing what he could to serve them. People say they don't want to be remembered that way, but this is how I will remember my uncle, a selfless, kind man, whose dignity in death was far greater than many will possess in life."

Dignity is about character which is not diminished by frailty. The term "dignity in death" is simply a euphemism used to legitimatize the killing of the weak, the desperate, and now, the poor.

TRIBUTE TO SOUTHWESTERN MISSIONARY BAPTIST CHURCH OF CHICAGO, ILLINOIS

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1998

Mr. RUSH. Mr. Speaker, I rise today to pay tribute to and honor the Southwestern Missionary Baptist Church of Chicago, Illinois on the occasion of the celebration of their 70th year Church Anniversary.

On March 6, 1928, God called together eight individuals for the purpose of establishing a church to the glory of God. That church soon became known as the Southwestern Missionary Baptist Church. The Reverend B. H. January was called as the first pastor of Southwestern Church. Reverend January served faithfully and with distinction for over 27 years before his retirement. He was succeeded in leadership of Southwestern by the Reverend Eugene M. Dillard.

Under the ministry of Reverend Dillard, Southwestern moved to its present location at 8638 South Michigan Avenue. Reverend Dillard retired from the ministry in October, 1966. The Reverend William Conley served as the third pastor of Southwestern from 1966 until 1974 and initiated the church's first Building Fund. The Reverend Leon Edwards was called as the fourth pastor in July, 1974. Reverend Edwards served with much pride and commanded the respect of all. Under the leadership of Reverend Edwards, Southwestern was able to complete the construction of its new church facility. On January 27, 1997, God called Reverend Edwards home to rest.

The Reverend Dwight D. Craig, assistant Pastor under Reverend Edwards was installed as the fifth pastor of Southwestern on June 29, 1997. Reverend Craig has continued to build on the legacy of his predecessors. Souls have been saved and healed; they that were bound have been set free; the discouraged have gained courage; and the weak have been made strong.

Mr. Speaker, Southwestern has been an anchor in the First Congressional District, the State of Illinois and indeed the nation. I am honored to recognize the historic anniversary celebration of the Southwestern Missionary Baptist Church and am privileged to enter these words into the CONGRESSIONAL RECORD of the United States House of Representatives.

GOVERNOR WILSON ABOLISHES AFFIRMATIVE ACTION

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1998

Mr. PACKARD. Mr. Speaker, yesterday California Governor Pete Wilson issued an executive order that institutes a provision of State Proposition 209 which abolishes affirmative action. I commend Governor Wilson for his commitment to abolishing policies that favor any group for reasons other than merit.

This has been an uphill battle for Governor Wilson. California voters passed Proposition 209 in 1996, yet officials were unable to enforce the measure because of a clause in the State Constitution that requires agencies to continue to enforce affirmative action programs until they are negated by an appellate court decision.

Last fall, a federal court ruled that any law mandating that state contractors favor companies owned by minorities or women is unconstitutional. After contemplating a request to reconsider this decision, the U.S. 9th Circuit Court of Appeals upheld the federal court ruling earlier this week, giving Governor Wilson the go-ahead to issue his executive order.

Mr. Speaker, Governor Wilson's order paves the road for other states looking to abolish affirmative action programs and allows us to turn our attention to the federal level. Congressman CHARLES CANADY (R–FL) has introduced H.R. 1909, the Civil Rights Act of 1997. This bill provides equal protection of the law and prohibits discrimination and preferential treatment on the basis of race, color, national origin, or sex in federal actions.

I urge my colleagues to take a close look at this legislation. Mr. Speaker, it is time for us to follow California's lead and reward individual's based on their merit, not quotas.

RECOGNITION OF BARBARA SMITH

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1998

Mr. WEYGAND. Mr. Speaker, I rise today to recognize Barbara Smith of Providence, Rhode Island. Mrs. Smith is employed at the Rhode Island Meals on Wheels and has been awarded a Prime Time Award. Prime Time Award recipients are selected by Green Thumb, Inc to honor the important contributions of America's Oldest Workers. Green Thumb, Inc is the nation's oldest and largest nonprofit provider of job training and employment for older Americans.

Mrs. Smith was born and raised in Providence, Rhode Island. Throughout her marriage and raising her four children, she maintained a career outside of the home. At first she worked in a factory, then she attended college and completed an Advanced Clerical degree. Using her degree, Mrs. Smith worked for fifteen years at Prudential Insurance, and later at a bank. Eventually she made her way to Meals on Wheels and has been making a difference in the lives of the older members of her community ever since.

In addition to her time at Meals on Wheels, Mrs. Smith gives back to her neighborhood by donating her time to charity work. She is also involved in the Eastern Star and the Daughters of Isis. She has served in leadership positions in both of these worthwhile organizations.

Barbara Smith has been a spectacular role model to both those young and old in Warwick. I am proud to represent such as asset to our great nation. I ask that my colleagues join me in congratulating Mrs. Smith on her award and in thanking her for her many years of service and hard work.

U.S. SERVICE ACADEMY NOMINATIONS

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1998

Mr. LoBIONDO. Mr. Speaker, duty, honor, valor, these are principles that will take on a new meaning for many students in the Second Congressional District of New Jersey as they seek to attend one of our U.S. Service Academies. Every year, high school seniors work diligently on essays and applications in their effort to secure a bid to one of our nation's military academies. One of the prerequisites to attend a U.S. Service Academy is receiving a nomination from the student's Representative in Congress, U.S. Senator, or the Vice President. The process for this year has been completed, and I was very impressed with the caliber of candidates I had the privilege of nominating to the academies.

I would like to recognize all of the students who received nominations from my office. The list of nominated students includes: Liznelia Alicea of Woodbine, Rebecca Baldwin of Pittsgrove, Brion Bennett of Marmora, Andrew Berenato of Ocean City, Christopher Broome of Linwood, Charles Bylone of Vineland, John R. Clark III of Monroeville, Andrew Clemmensen of Mays Landing, Christy Cohen of Port Republic, Steven Datz of Pitman, Dana Andrew Denny of Pilesgrove, Geoffrey Dull of Marmora, Caroline Famoly of Vineland, George Eric Fleming of Egg Harbor Township, Tyler Forrest of Linwood, Brian Forster of Minotola, Colin Gold of Estell Manor, Heidi Gomeringer of Salem, Jennifer Janezic of Cape May, Jill Kozakowski of Ocean City, Matthew McCoach of Cape May Court House, George McConnell of Port Norris, Corey Meeks of Glassboro, Stacey Miller of Bridgeton, James Nicolosi of Pitman, Melanie Peter of Millville, Benjamin Pitts of Monroeville, Jonathan Pogranicy of Port Republic, Christopher Poponak of Cape May Court House, Melissa Reichenbach of Egg Harbor City, Dylan Rogers of Wildwood Crest, Edison C. Rush III of Pennsville, Christopher Ryckebusch of Mays Landing, Angelina Schulz of Fortescue, Michael Skey of Linwood, Larry Smashey of Monroeville, Joel Sofia of Pitman, Adam Sparks of Carneys Point, Juancarlos Villar of Vineland, Robert Ward of Cape May Court House, and Joseph Welsh of Northfield.

To demonstrate the dedication of students who received nominations, let me provide a synopsis of the application process. High school seniors mail personal information directly to the Military Academy, the Naval Academy, the Air Force Academy, and the Merchant Marine Academy once they become interested in attending. Information includes academic achievement, college entry test scores, and other activities. At this time, they also inform their Representative of their desire to be nominated. The academies then assess the applicants, rank them based on the data supplied, and furnish my office with their evaluations of each student.

Students are then interviewed by an Academy Screening Board made up of local citizens who volunteer their time to conduct interviews for my office. Given the caliber of each of this year's applicants, I know the Board's job was particularly difficult. I would like to recognize these men and women who served on the Academy Screening Board and to thank them for giving up their time and for all of their hard work. These individuals have contributed to their communities in a variety of ways and are characterized by a strong commitment to public service and their country.

The students who have made it through the nomination process are to be commended. They have worked hard and their families, schools and communities should be proud of their efforts. I wish all of them the best of luck in their quest to receive an invitation to one of our country's prestigious academies.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1998

Mr. KIND. Mr. Speaker, last week Senator FRED THOMPSON's committee which is investigating campaign finance abuses in the 1966 elections issued its final report. The news from the report was not new, or startling. The committee concluded that our political system has been undermined by the influence of big money, specifically soft money.

The current soft money loophole allows wealthy donors to donate unlimited amounts of money to influence federal elections. The threat of massive spending in a Congressional campaign forces special interest groups to weigh in with their own money, and candidates to raise increasingly large personal war chests. This cycle has to end. We need to bring the out-of-control spending in federal elections to an end.

In two weeks we will finally have our chance to do something about campaign finance reform. I hope we don't miss this golden opportunity to restore the public's faith in our democratic system. The people of my district will not accept "no" for an answer.

MILITARY RETIREES FAIRNESS ACT OF 1998, H.R. 3434

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1998

Mr. EVANS. Mr. Speaker, on March 11, 1998, I introduced H.R. 3434, the Military Retirees Fairness Act of 1998. I am very pleased my colleague from Florida, Mr. BILIRAKIS, a strong and committed advocate for veterans and military retirees, has joined me as an original sponsor of this legislation. We encourage Congress to enact legislation this year to resolve the long-standing problem addressed by H.R. 3434.

Under current law, men and women who served in our Nation's Armed Forces are barred from the concurrent receipt of full military retirement pay and the full amount of compensation granted for a service-connected disability incurred or aggravated during their military service. The Military Retiree Fairness Act will allow military retirees to concurrently receive military retirement pay and service-connected disability benefits.

Service-connected benefits are paid to compensate a veteran for disabilities incurred or aggravated during military service. In contrast, military retirement is paid to provide an income to military retirees who spent at least 20 years of their lives working for, and serving, our country as members of the Armed Forces. The purpose and intent of these two programs are distinctively different and should not be confused or considered duplicative. Retired military personnel who were fortunate enough to have emerged from military service unscathed receive the full amount of military retirement pay which they have earned by their military service and do not qualify for service-connected disability benefits. In many cases, these retirees are able to earn additional income through post-military employment and thereby accrue Social Security or other retirement income benefits.

Those military retirees who were not so fortunate, are required to forfeit all or a portion of their military retirement pay in order to receive service-connected compensation which has been granted as a result of disability or disease incurred or aggravated during their military careers. These veterans, as a result of their service-connected medical conditions, face diminished post-military service employment possibilities and, therefore, a reduced ability to earn additional income through nonmilitary employment, thereby losing the opportunity to accrue Social Security or other retirement income benefits.

While all veterans who are subject to the concurrent receipt offset are unfairly penalized, the Military Retiree Fairness Act would rectify the injustice which falls most heavily on our older veterans. Retirees who qualify for Social Security disability benefits have those benefits offset by monies received under State worker's compensation laws. However, the Social Security statute provides that this offset, which is similar to the military retirement offset, ends when the worker attains 65 years of age. Furthermore, while recipients of Social Security benefits who earn income have their Social Security benefits reduced as a result of their earnings, this offset is reduced at age 65 and eliminated entirely at age 70. The Military Retiree Fairness Act would promote fairness between military retirees and Social Security retirees by reducing the amount of the concurrent receipt offset by 50 percent at age 65 and eliminating it entirely at age 70.

Those military retirees who have given so much of their lives to the service of our country and suffered disease or disability as a direct result of their military service do not deserve to be impoverished in their older years by the current receipt offset penalty. I urge my colleagues to join this bipartisan effort to promote fairness for America's military retirees.

TRIBUTE TO PASTOR T.L. BARRETT, JR., PASTOR OF THE LIFE CENTER CHURCH OF GOD IN CHRIST OF CHICAGO, ILLINOIS

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1998

Mr. RUSH. Mr. Speaker, I rise today to pay tribute to Pastor T.L. Barrett, Jr. on the occasion of his celebration of his Thirtieth year in the Pastoral ministry. Pastor Barrett serves proudly and with distinction as the Pastor of the Life Center Church of God in Christ in Chicago.

Pastor Barrett has served in the Gospel Ministry for thirty-five years, accepting the call of the Lord at the age of nineteen. Pastor Barrett is the recipient of two honorary doctoral degrees. He holds the Doctorate of Divinity and Doctorate of Humane Letters from the University of Monrovia in Monrovia, Liberia, West Africa. Under the leadership of Bishop Ocie Booker, Prelate—First Ecclesiastical Jurisdiction of Illinois, Churches of God in Christ, Pastor Barrett serves as Superintendent of the E. Burns Memorial District.

In 1968, the Lord directed Pastor Barrett to organize the Mt. Zion Baptist Church. Pastor Barrett moved the church to its present location in 1983, where being led by Christ, the name was changed to Life Center. With the power of the Holy Spirit, Pastor Barrett has demonstrated an unwavering commitment to the foundation of the Christian mission, leading souls to repentance.

Building a ministry that focuses on the total man, Pastor Barrett is an outstanding motivational speaker and teacher. He is the author of many publications on the science of better living and positive thinking. He has organized numerous programs in the Robert Taylor Homes public housing complex, including the Big Brother and Sister program and the Life Enrichment program. Pastor Barrett is the proud father of 13 children and 12 grandchildren.

Mr. Speaker, I want to encourage Pastor T.L. Barrett, Jr., Pastor of the Life Center Church of God in Christ to continue to be steadfast and unmoveable, always abounding in the work of the Lord. I am truly honored to pay tribute to this outstanding Servant of God and am privileged to enter these words into the CONGRESSIONAL RECORD of the United States House of Representatives.

CELEBRATING WOMEN'S HISTORY MONTH

SPEECH OF

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mrs. MORELLA. Mr. Speaker, on Sunday, March 8, women around the world observed International Women's Day and paid tribute to the women around the world who are being denied basic human rights. Today, members of Women's Caucus, with the leadership of our co-chairs, are joining with them on the floor of the House in their struggle for justice and equal treatment.

In spite of our advances as we approach the 21st century, women around the world continue to be under attack. With increasing frequency, women are being used as tools of war, dehumanized not only for their gender, but also for their ethnicity and religious and cultural practices. In Algeria, women have been targeted for rape, they are raped and maimed and either casually killed, or kidnapped and forced into sexual servitude. The women of Afghanistan cannot work or go to school; they are not allowed out of their homes unescorted and must be covered from head to toe. In 1994 thousands of rapes, gang rapes, and rapes with objects such as sharpened sticks and gun barrels were carried out against Rwandan women by Hutu soldiers and members of the militia. Many Tutsi women were sexually mutilated or forced into sexual slavery, often after witnessing the torture and killing of their relatives and the destruction of their homes. Estimates from rape-related pregnancies range from 2,000–5,000. To date, the perpetrators of these acts of sexual violence have not been brought to justice for the crimes.

In too many countries, women either lack legal protection or the judicial system does not prosecute violations of those laws protecting their basic dignity. Female genital mutilation, one of the most horrific crimes inflicted upon women, has been performed on 85–114 million girls worldwide. In Sudan 82% of women have had the most extreme form of female genital mutilation performed. It is estimated that untrained birth attendants perform two-thirds of the procedures. They typically have limited knowledge of hygiene and often use inadequately cleaned traditional instruments. Side effects include trauma, bleeding and hemorrhaging; pain, stress and shock; infections (which can be fatal); painful and difficult sexual relations; obstructed labor and difficult childbirth; and psychological trauma. This procedure is contrary to basic human rights and any rational health care and must be stopped.

Women also continue to be subjected to the dehumanization of the sex industry. Each year in China, tens of thousands of mostly rural Chinese women are abducted or lured away from their homes by criminal networks promising work or travel. The women are then raped and beaten before being subjected to forced marriages to strangers or prostitution in Asia's sex industry centers, especially in Thailand or Taiwan. Approximately 10% of the female population of Thailand is in prostitution, although not enough to meet demand. Thai officials estimate that there are 20,000 women and girls trafficked from Burma to Thai brothels with 10,000 more imported each year, 10,000 women and girls from the Soviet Union and 5,000 from China.

Mr. Speaker, these are but a few of the issues concerning women's rights and dignity that we in Congress must be addressing. We have done much, but we must do more. The most positive step which we could take is to ratify the Convention on the Elimination of All Forms of Discrimination against women. This treaty, ratified by 161 countries, has been languishing before the Senate for 17 years.

CEDAW will give the force of international law to our efforts on behalf of women's rights, and also give us the credibility to be taken seriously on this issue when we advocate with foreign governments on behalf of human rights.

LATINA HISTORY DAY

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1998

Ms. ROYBAL-ALLARD. Mr. Speaker, on March 13, 1998, Hispanas Organized for Political Equity (HOPE) Education and Leadership Fund's Seventh Annual Symposium, entitled A Proud Past . . . A Powerful Tomorrow will take place in California's 33rd Congressional District. In honor of this important event, I am proclaiming March 13, 1998, as LATINA HISTORY DAY.

The Symposium serves to address a variety of issues important to Latinas of all ages. I am pleased that Latinas benefit from the workshops on science and technology, and corporate management. This year's Symposium also introduces TEEN TRACK, which will focus on providing young Latinas with information on higher education and the importance of leadership.

Since its founding in 1989, the HOPE Education and Leadership Fund has remained dedicated to furthering the educational, political and economic status of Latinas. HOPE has anchored itself to the principle that knowledge of the political process coupled with active participation will guarantee a more representative, democratic government.

The proclamation of Latinas History Day during "Women's History Month" memorializes the important role Latinas play in American society. It recognizes the work and sacrifices of prior generations, celebrates contemporary Latinas, and lays the foundation for future generations.

I commend the HOPE Education and Leadership Fund for their commitment to Latinas, and in their honor, proclaim March 13, 1998, as Latina History Day.

TRIBUTE TO BOB MATHIAS

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Bob Mathias. This year marks the 50th Anniversary of Bob Mathias' Olympic Decathlon Gold Medal victory. Mr. Mathias is recognized as both an exceptional athlete and dedicated American. He has certainly left his mark in many ways.

Bob Mathias had a historical career in athletics that has been matched by no other athlete of our time. In 1948, Bob shocked the world by winning the Olympic gold medal in the decathlon. Bob was seventeen years old at the time, becoming the youngest person ever to win an Olympic gold medal in track and field. This record still stand today. Mathias was recognized as the most outstanding amateur athlete in the United States when he received the Sullivan Award in 1949. He never lost a decathlon championship and retired undefeated after winning the gold medal again in the '52 Olympics. Bob was also an All-American running back for Stanford University, where he became the only athlete to play in the Rose Bowl and compete in the Olympics in the same year (1952). He was then drafted by the Washington Redskins in the 1952 NFL draft.

After his distinguished athletic career, Bob began to use his talents in many different fields. He served as an underwater demolition specialist in the US Marine Corps from 1954 to 1956. He also traveled extensively around the world for the U.S. State Department on good will missions, reporting to President Eisenhower. In 1954, Bob began his acting career when he starred in the movie "The Bob Mathias Story." John Wayne then signed him to be an actor in Hollywood where he worked in many films until 1960. In 1966, Bob Mathias was elected to the U.S. Congress where he served four terms as a distinguished Congressman from California.

Always a champion of youth, Bob became the director of the US Olympic Training Center in Colorado Springs. He worked there from 1977 through 1983 and built the center into a showcase for our athletes. Bob then served as the Executive Director of the National Fitness Foundation until 1987. He is currently the United States Goodwill Ambassador. Bob is married to Gwen and lives in Fresno.

Mr. Speaker, it is with great honor that I pay tribute to Bob Mathias. This year is the 50th Anniversary of his Olympic Decathlon Gold Medal victory. His dedication and exemplary efforts should serve as an inspiration to all. I ask my colleagues to join me in wishing Bob Mathias continued success for the future.

IN HONOR OF FATHER PETER METALLINOS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to honor Father Peter Metallinos on the occasion of his retirement. Father Metallinos has served his parish and his communities in multiple capacities for the last thirty-six years and his presence will surely be missed.

Born on the island of Tinos, Father Metallinos served God from the time he was a small boy. He decided to follow in the footsteps of his uncle after serving as an altar boy for him. Father Peter immigrated to the United States in 1952 and completed his pre-theological studies at the University of California. He entered the military, served as an MP, and assisted the U.S. Chaplain in conducting religious services.

Father Metallinos fulfilled his calling by studying at Holy Cross Theological Seminary in Brookline. His ordination took place on April 12, 1962 and later that year he was appointed as priest of the American-Hellenic Community of Greater Cleveland. This appointment marked the beginning of his thirty-six year tenure at the St. Demetrios Church.

As priest of St. Demetrios Church, Father Metallinos started several monetary campaigns to upgrade the parish. The new facilities allowed St. Demetrios to conduct new ministries to better serve the community. This tradition continues today. Sunday School and Greek School continues to flourish and instill in children the religious teachings necessary for life. Father Metallinos also helped patients from around the world come to Cleveland to be treated at the city's medical facilities. Father Metallinos maintained a radio program designed to introduce the word of God to people of all ethnic backgrounds. Father Metallinos represented his parish well as he served on several international committees and was recognized by the United Hellenic American Congress for his outstanding service to humanity.

Although Father Peter is retiring, he will always be remembered in the hearts of St. Demetrios' congregation as a compassionate and loving person. As Father Metallinos, his wife Presbytera, and his children move into this new stage of life, we thank him for his service to the community, to his parish, and to his Faith. My fellow colleagues, join me in saluting Father Peter Metallinos on his retirement from St. Demetrios Church.

IN RECOGNITION OF TOM TOHILL

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1998

Mr. FORBES. Mr. Speaker, I rise today in the House of Representatives to salute my friend Tom Tohill, as his 31 years of devoted and courageous service to the people of Long Island and to the Suffolk County Police Department draws to a close.

On February 6 of this year, this outstanding police officer also retired from his position as president of the Suffolk County Police Benevolent Association. This Friday, I will proudly join Tom's family, friends and colleagues as the Suffolk County Police Officer's Emerald Society honors him as the 1998 "Irishman of the Year."

The Tohill name comes from the Gaelic "O Tuathail," which itself is derived from the Gaelic phrase "mighty people." And the Tohills were a mighty people of the Irish County of Derry where their roots run as deep as the River Foyle that graces the banks of Derry City. Tom is certainly proud of his Irish heritage, and we are just as proud to say Tom Tohill is a son of Long Island. Born in the South Shore town of Copiague and raised in the Central Islip community, Tom is a graduate of the State University of New York in Farmingdale. He joined the Suffolk County Police Department on February 2, 1967 and served for more than 20 years in the Third Police Precinct in Bay Shore.

Tom began his service to the Police Benevolent Association in 1982, when his fellow police officers elected him the union trustee for the Third Precinct, a position he served in until 1988. He moved to become the PBA's Financial Secretary, and then in 1992 the PBA membership elected him President.

Tomorrow evening, Tom will be joined by his wife of 33 years, Diane, and surrounded by his children Brian, Jen, William, Melissa, Thomas, Michel-Lyn and Carolann, as his friends and colleagues honor him for his dedicated service to the Suffolk County Police Department, the PBA and the Emerald Society.

Mr. Speaker, I ask my colleagues in the U.S. House of Representatives to join me in praising Tom Tohill for his devoted and courageous service to our families, friends and neighbors in Suffolk County. Tom's integrity and dedication to the law during a 33-year law enforcement career serves as an honorable example to the police officers who carry on his work, and are an inspiration to all of us who value his devoted public service and selfless commitment to the residents of our county. Thank you Tom, and God bless you.

HONORING CHRISTOPHER BREISETH

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1998

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to a man who is not only a highly respected leader in my community and an excellent educator, but also a very close friend of mine. This past Sunday, Dr. Christopher Breiseth was honored by the highly-respected S.J. Strauss Lodge of the B'nai B'rith as the recipient of the 54th Annual Community Service Award, which is presented to an outstanding citizen who, by courageous leadership and dedication on behalf of humanity, has made a valuable contribution to the fabric of our community life. It is my great privilege to join the entire Northeastern Pennsylvania community in congratulating Dr. Breiseth for this well-deserved award.

Chris Breiseth became president of Wilkes College in Wilkes-Barre, Pennsylvania in 1984, and over the last fourteen years he has had a tremendous impact on the Wilkes-Barre community, as well as all of Northeastern Pennsylvania. He transformed the college into one of the region's finest universities, which has gained recognition as an increasingly-sophisticated regional center for teaching and research, as well as a rich source for cultural and public service programs. Under his leadership, Wilkes University established a six-year Doctor of Pharmacy degree program, the Allan P. Kirby Center for Free Enterprise and Entrepreneurship, a campus-wide computer network, and numerous new and refurbished facilities.

Dr. Breiseth has been a tireless leader in all aspects of our community, including leadership positions with the Osterhout Library, the Wilkes-Barre Chamber of Business and Industry, Leadership Wilkes-Barre, and the United Way of Wyoming Valley. He has also taken an active role on the Executive Committee of the Association of Independent Colleges and Universities and chairs its Pennsylvania Independent Colleges and Universities Research Center.

Although I appreciate everything Chris Breiseth has contributed to the community of Northeastern Pennsylvania, I am most personally gratified by the countless hours he has spent as the Chairman of the Board of the Earth Conservancy. In early 1991, we first began talking about the possibility of creating a unique organization which could purchase nearly 17,000 acres of land from a bankrupt coal mining company. Located in the heart of Wyoming Valley, this land held the key to our region's future, even as it bore the scars of the past. We shared the dream of reclaiming this land for the good of the community, and Chris Breiseth devoted a great deal of his life to achieving this dream. We endured skepticism, obstructionism, and downright hostility from nearly every quarter, but we persevered. The Earth Conservancy is now an important asset for Northeastern Pennsylvania, performing extremely valuable work. I am very proud of the work the Earth Conservancy is doing, and I am deeply grateful to Chris Breiseth for his leadership in this challenging endeavor.

Chris is blessed with a wonderful wife, Jane, and three exceptional daughters, Abigail, Erika, and Lydia. The entire Breiseth family has contributed greatly to the Northeastern Pennsylvania community, and I am pleased they have made Wilkes-Barre their home.

Mr. Speaker, every Member of Congress should be as fortunate as I am to have a friend and colleague like Chris Breiseth. It is a pleasure to bring his accomplishments to the attention of my colleagues in the House.

INTERNATIONAL WOMEN'S DAY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1998

Mrs. MALONEY of New York. Mr. Speaker, I've come to the floor on many occasions to talk about women's issues—most of the time it involves the women of this country.

I've often said that there is much work to do on behalf of the women of this country. However, we have made much progress, that we should not take for granted, especially today as we commemorate "International Women's Day".

Fifty years ago in Paris Eleanor Roosevelt—working as the US representative to the UN Commission on Human Rights joined her fellow delegates in crafting the language of the Universal Declaration of Human Rights. That document has set the standard for basic Human Rights for the last five decades. That declaration is what the world's courts and governments look to to set policy regarding the human condition.

Unfortunately, some nations' governments do not include women in their definition of "human" because they are denied the basic rights that should be afforded any individual. There are women in some countries who are routinely beaten. They are sold to men as sex slaves. They are made prisoners of war where rape becomes a weapon.

It is these women who cannot speak out, that my colleagues and I are remembering today.

We speak for the millions of women in Africa who are subject to genital mutilation. We speak for the women in Mexico who are forced to take pregnancy tests and answer questions about their sexual habits as part of their job interviews. We speak for the women of Afghanistan who are not permitted to go to school or to enter the work force. They cannot leave their homes without being covered from head to toe. They are denied care in hospitals simply because of their gender. We speak for the tens of thousands of women in China who have been abducted or lured with promises of work or travel, then raped and beaten and forced into slavery. We speak out for the women in Peru where three cases of sexual violence occur every hour. We speak for these women because their voices deserve to be heard.

One voice which is being heard is that of First Lady Hillary Rodham Clinton. She has met with women from every corner of the world and heard their horrific stories. Fifty years after First Lady Eleanor Roosevelt was crafting the language of the Universal Declaration for Human Rights, the First Lady is taking up her cause.

At the 1993 World Conference on Human Rights the United States made its position clear with these words: "Violence and discrimination against women don't just victimize individuals they hold back whole societies, guaranteeing human rights is a moral imperative with respect to both women and men. It is also an investment in making whole nations stronger, more fair, and better."

However, the Convention on the Elimination of All Forms of Discrimination Against Women has been bogged down in the Senate for 17 years. The United States must make its position on this issue clear.

Fifty years ago a first lady of the United States was able to help shape opinions about the rights of women in countries around the world. Now, the United States is obliged to do as much. It must join the other 161 nations in ratifying this convention, for the women of other countries and its own.

PORTUGUESE INSTRUCTIVE SOCIAL CLUB OF ELIZABETH 76TH ANNIVERSARY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1998

Mr. MENENDEZ. Mr. Speaker, I rise today to congratulate the Portuguese Instructive Social Club of Elizabeth as they celebrate their 76th anniversary.

The club has demonstrated, time and again, its willingness to assist Elizabeth residents. The Club has been a vital supporter of the Amadue Correia school which currently has 300 students learning the Portuguese language, history, and culture. The club also established and supports the Dancas e Cantares Portugal (a Portuguese folk dancing group) which performs at various events throughout New Jersey and the New England area.

The Portuguese Instructive Social Club will celebrate its accomplishments and anniversary with a dinner-dance at the Portuguese-American Hall on March 14.

TRIBUTE TO CESARINA EARL

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1998

Mr. PASCRELL. Mr. Speaker, I would like to introduce you to a remarkable individual, Ms. Cesarina Earl. On Saturday, March 14, Cesarina will be honored as a Woman of Distinction by the Girl Scouts of America. This award is presented to women who have provided a positive role model for young women.

I am proud to say that Cesarina was born and bred in the Eighth Congressional District of New Jersey. A graduate of Eastside High School in Paterson, New Jersey, she went on to graduate from Seton Hall University with a BA in History in August of 1965. Eager to pursue a career as a school librarian, Cesarina returned to school to earn her New Jersey State library science credentials, attending both Caldwell College and Rutgers University.

Cesarina has put her certification as a New Jersey Librarian/Education Media Specialist and a New Jersey Professional Librarian to excellent use. Possessing a keen interest in our United States, she has served as a school librarian from New York to California. Returning to Peterson, she was employed for twelve years in the Paterson Free Public Library System. From there, she moved on to serve as a school librarian/media specialist at North Arlington High School. Most recently, she has been hired by the Little Ferry Board of Education to work with children grades K–8.

In addition to her impressive professional career, Cesarina has been extremely active in the Italian-American community in the Greater New York Area. Accolades are nothing new to Cesarina. She has been honored by many Italian-American groups for her active role in that dynamic community. The proud mother of two grown children, she publishes a weekly newspaper, The Italian Voice, with her son Douglas. In addition to an impressive array of speaking engagements, she also travels extensively, speaking fluent Spanish and Italian.

Needless to say, Cesarina continues to enjoy her involvement with the Girl Scouts of America. Her leadership and dedication to this important young womens' association led to the receipt of this prestigious award.

Mr. Speaker, I would ask that you join me, our colleagues, Cesarina's family and friends, and the Girl Scouts of America as they honor her as a Distinguished Woman in the Girl Scout World of People.

TRIBUTE TO DIRK OWENS

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1998

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to one of my staff members who has denied to return to his family business.

Mr. Dirk Owens has served on my staff since the beginning—if not before—since he was a valued volunteer in my campaign for the House. Dirk has always displayed the qualities that are essential to have as a congressional employee: dedication, hard work, and a desire to serve the people of his community. It seems that in the short time that he has been with me Dirk has served in almost every capacity ranging from field representative to scheduler, caseworker to surrogate speaker, and the all-important position of Agricultural Liaison. It is in this capacity that he has done his best work.

Mr. Speaker, as I've told this body several times, the district that I represent is one of the largest agricultural districts in the nation. I myself am a farmer and thus know how important it is to stay in touch with and communicate to the agricultural community. It's not a job that everyone can do—but Dirk did. Because he is from farm country he understands the pressures facing the American farmer, he knows the frustration of paperwork and regulations, he knows the joy of bringing in a good crop. On several occasions Dirk has represented me to the farmers of the 1st District and done an outstanding job. Our agricultural community owes him a debt of gratitude.

In this business, staff members come and go, often stopping by to serve their communities before moving down the road to different careers. Dirk has come to that point and has made the decision to return to his family farm to continue the work of generations. He will be missed but his contribution will always be appreciated. Dirk I wish you Godspeed and good luck.

TRIBUTE TO UNIVERSITY SYNAGOGUE

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1998

Mr. SHERMAN. Mr. Speaker, I rise today to commemorate the 55th Anniversary of the University Synagogue. I would also like to take this opportunity to acknowledge Rabbi Allen Freehling, President Buddy Jolton and the other members of their dynamic staff.

The Talmud states that "He who does charity and justice is as if he had filled the whole world with kindness." In the spirit of such words, innovative volunteers actively participate in delivering tremendous support, selflessly dedicating their time and energy to enriching our community. In fact, as the synagogue celebrates its 55th Anniversary, we also celebrate the holiday of Purim. This holiday celebrates two import traditions of mishlo'ah manot, or sending portions of foods to friends, and matanot l'evyonim, or giving charity to the needy.

For many years, the University Synagogue has sponsored a carnival to mark this joyous occasion, fulfilling the Talmudic call to service.

Mr. Speaker, distinguished colleagues, please join me in honoring the University Synagogue for its outstanding accomplishments on this joyous occasion, with best wishes that the University Synagogue continue in the core purposes of serving and perpetuating the Jewish community, its values and traditions.

HONORING BONNIE LOWREY FOR HER MANY YEARS OF SERVICE

HON. FRANK MASCARA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1998

Mr. MASCARA. Mr. Speaker, I rise today to recognize a very dedicated loyal federal employee who will retire from public service on March 31, 1998. Bonnie Lowrey has served as my Legislative Director and Press Secretary for the past three years and made my transition from a "normal life" to the halls of Congress relatively painless.

Prior to working in my Congressional office, Bonnie served in Speaker Foley's office for seventeen years. Her knowledge of parliamentary procedures, legislative issues and how to just get things accomplished make her an irreplaceable asset. It is not surprising that Bonnie intends to spend much of her retirement time doing volunteer community work. After all, she treated my constituents like they were part of her family.

Bonnie's husband George and son John also consider her an irreplaceable asset and eagerly anticipate her retirement. My wife Doe and I extend Bonnie a hearty congratulation. We wish her good health and encourage her to maintain her wonderful spirit and zest for life. She has my heartfelt appreciation for all she has done for me.

BILLIONS OF DOLLARS: THE COST OF KYL-ARCHER TO MEDICARE BENEFICIARIES

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1998

Mr. STARK. Mr. Speaker, the Kyl-Archer Private Contracting legislation will cost the nation's seniors and disabled billions of dollars.

Kyl-Archer will let any doctor charge any Medicare patient any amount the doctor wants at any time. Medicare will pay no part of the bill—zero, zip, zilch.

How much will this cost Medicare beneficiaries?

It is hard to provide an exact estimate, but it will clearly be in the billions.

Some doctors do not accept Medicare's fee schedule and "balance bill" by increasing their charges to beneficiaries by 15% above 95% of the Medicare fee schedule. In 1995 the bills these doctors submitted amounted to $1.236 billion. I think it is safe to assume that this is the minimum number of doctors (and level of billings) who will use Kyl-Archer.

But balance billing is a virus. Once some doctors start charging more, you can bet it will spread. Over the past 12 years, one of Medicare's greatest success stories has been to encourage doctors to accept the Medicare fee-schedule and to discourage balance billing. Before we started encouraging doctors to accept "assignment" 34.5% of bills were submitted by nonparticipating doctors who charged extra. If Kyl-Archer passes, I believe it will be a major signal to doctors to return to the days of unassigned, balance-billed claims. If we were to return to the pattern of billings that existed before 1985, the cost to Medicare beneficiaries would be about $15.23 billion. I doubt that we will see a return to that level of extra charges: with 73% of seniors living on less than $25,000 a year, and with 4% actually trying to live on less than $5,000 a year, it would be nearly impossible for doctors to shift that much cost onto the backs of seniors and the disabled. But I predict there will be some increase in private contracting above the current level of doctors who balance bill. If one assumed that we returned just one-third of the way toward the pattern of practice in 1985, then the cost to Medicare beneficiaries would be about $5 billion per year.

Kyl-Archer gives doctors the freedom to charge more. For the rest of the nation, it will be one of the biggest consumer rip-offs in history. Don't worry about your cable tv rates, people, worry about being held hostage in your hour of sickness.

The following staff memo provides background on the estimates of the $1,000,000,000 plus cost of Kyl-Archer. I've also included a chart prepared from data provided by the Health Care Financing Administration estimating some of the impact of the Kyl-Archer amendment.

For the calendar year 1996 participation period, the physician participation rate (including limited licensed practitioners) had risen to 77.5 percent, accounting for 94.3 percent of allowed charges for physician services during that period. The physician participation rate rose to 80.2 percent in 1997. In contrast, 30.4 percent of physicians participated in FY 85, and they accounted for 36.0 percent of allowed charges.

BILLINGS BY NONPARTICIPATING PHYSICIANS

As the physician participation rate has increased over the years, total allowed charges billed by nonparticipating physicians have declined. For example, total allowed charges billed by nonparticipating physicians in FY 85 totaled 64.0 percent, as compared to 5.7 percent in 1996.

UNASSIGNED CLAIMS BY NONPARTICIPATING PHYSICIANS

In addition, the number of unassigned claims submitted by nonparticipating physicians has declined. Total covered charges represented by unassigned claims declined from 34.5 to 2.0 percent over the 1984–96 period.

PARTICIPATING PHYSICIANS' CLAIMS IN 1995

For the calendar year 1995 participation period, the physician participation rate (including limited licensed practitioners) was 72.3 percent, accounting for 92.6 percent of all covered charges for physician services during that period. 2.8 percent of allowed charges were unassigned claims submitted by nonparticipating physicians. In 1995, 76.7 percent of allowed charges under the fee schedule were for physicians' services, and another 3.2 percent were for the services of limited license practitioners. During that time period, the allowed amounts for claims by physicians totaled $42.369 billion, and for limited license practitioners the total allowed amounts were $1.784 billion. Allowed amounts for claims by both physicians and limited license practitioners totaled $44.153 billion. The 92.6 percent of covered charges for physician services submitted by participating physicians (and limited license practitioners) during 1995 totaled $40.886 billion.

UNASSIGNED CLAIMS BY NONPARTICIPATING PHYSICIANS

For the calendar year 1995 participation period, 2.8 percent of allowed charges represented unassigned claims, totaling $1.236 billion. This represents total Medicare billings by physicians who do not accept assignment, and could be assumed to be costs that would be directly shifted to seniors if private contracting is allowed. If one were to assume that physicians would revert to their practices and behavior in 1985 with respect to billings for unassigned claims, it is estimated that charges totaling $15.233 billion would be shifted to seniors. (2.8%: $1.236 billion=34.5%: $15.233 billion).

	1997	1996	1995	1985
Percent of physicians[1] participating.	80.2	77.5	72.3	30.4
Percent of physicians[1] not participating.	19.8	22.5	27.7	69.6
Allowed amounts for claims by physicians.[1]			[2]$44,153. billion	
Percent of allowed charges for physician services billed by participating physicians.[1]	n/a	94.3	92.6	36.0
Percent of unassigned claims by nonparticipating physicians.[1]	n/a	2.0	2.8	34.5
Total amount billed by nonparticipating physicians[1] on a non-assignment basis.			[3]$1,236. billion	
Estimated annual charges that would be shifted to seniors.			[4]$15,233. billion	

[1] Including limited licensed practitioners

[2] In 1995 a total of $55.217 billion in claims were allowed for all providers. This total included $42.369 billion for physicians and $1.784 for limited license practitioners, or $44.153 billion.

[3] This figure represents the 2.8 percent of allowed charges by physicians and limited license practitioners that represented unassigned claims in 1995, multiplied by the $44.153 billion in allowed amounts for claims by both physicians and limited license practitioners.

[4] Assumes that physicians would revert to practices and behavior in 1985 with respect to billings for unassigned claims—that the total amount of unassigned claims from nonparticipating physicians would increase from 2.8 percent to 34.5 percent. That factor (2.8 percent : 34.5 percent) is multiplied by the dollar value of allowed unassigned claims by nonparticipating physicians and limited license practitioners in 1995.

IMPACT OF KYL/ARCHER IN DOLLARS AND CENTS

PREPARED FROM DATA PROVIDED BY THE HEALTH CARE FINANCING ADMINISTRATION

The Kyl/Archer bill allows doctors to require private contracts for Medicare-covered benefits, service by service and patient by patient, effectively removing Medicare's cost protections. Doctors would be able to charge more, while seniors would be left with outrageous bills to pay totally out of pocket.

Here's what the Kyl/Archer bill means in dollars and cents.

Today, under Medicare's rules, doctors can charge between $2,514 and $2,747 for heart bypass surgery. The beneficiary pays between $503 and $736, and Medicare picks up the rest. For many seniors, that's already at lot of money.

Under the Kyl/Archer so called "freedom of choice," a doctor can charge more than $2,747 for a by-pass, *but it's the Medicare patient who picks up the full tab.*

Can seniors afford this? Almost 75% of Medicare beneficiaries have incomes less than $25,000, so extra bills can be a disaster. By contrast, the average MEDIAN NET income is $160,740.

Today, doctors can charge $711 for prostate surgery, $903 for cataract removal, $77 for an office visit, $32 for an electrocardiogram; and $30 for a chest x-ray. All these services are covered by Medicare.

Under Kyl/Archer there are no limits to what doctors can charge, and seniors will pay every penny even after paying into Medicare through their lives.

Procedure and Total Charge	Under Medicare		If Doctor Requires Private Contract Patient Pays
	Medicare fee schedule	Maximum Doctor can charge	
Cataract Removal, Total Charge	$827	$903	
Medicare Pays	$662	$662	Medicare Pays Nothing
Beneficiary Pays	$165	$241	Patients Pays Total Charge—At Least $903
By-Pass Surgery, Total Charge	$2,514	$2,747	
Medicare Pays	$2,011	$2,011	Medicare Pays Nothing
Beneficiary Pays	$503	$736	Patients Pays Total Charge—At Least $2,747
Prostate Surgery, Total Charge	$625	$711	
Medicare Pays	$522	$522	Medicare Pays Nothing
Beneficiary Pays	$130	$189	Patients Pays Total Charge—At Least $711
Office Visit, New Patient, Total Charge	$70	$77	
Medicare Pays	$46	$46	Medicare Pays Nothing
Beneficiary Pays	$14	$21	Patients Pays Total Charge—At Least $77
Office Visit, Established Patient, Total Charge	$40	$43	
Medicare Pays	$32	$32	Medicare Pays Nothing
Beneficiary Pays	$8	$11	Patients Pays Total Charge—At Least $43
Electrocardiogram, (EKG), Total Charge	$29	$32	
Medicare Pays	$23	$23	Medicare Pays Nothing
Beneficiary Pays	$6	$9	Patients Pays Total Charge—At Least $32
Chest X-Ray, Total Charge	$28	$30	
Medicare Pays	$22	$22	Medicare Pays Nothing
Beneficiary Pays	$6	$8	Patients Pays Total Charge—At Least $30

ST. MARTIN OF TOURS PARISH 75TH ANNIVERSARY

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1998

Mr. BORSKI. Mr. Speaker, I rise today to commemorate the 75th anniversary of the St. Martin of Tours Parish. The Parish has proven itself a great asset to the Catholic community, as well as to the surrounding Philadelphia area. St. Martin's prides itself in their dedication to their Roman Catholic heritage as suggested in their Diamond Jubilee motto: "Many People—One Family—Serving Christ."

St. Martin's first Mass was celebrated on June 17, 1923, in a two-story house with a mere 80 people in attendance. While the original two-story house still stands in Oxford Circle, the Parish has since grown in size to encompass two-and-one-half miles of Northeast Philadelphia. There are now two churches (upper and lower), two schools, a convent and a rectory that all stand on 4.3 acres. The lower church cost $600,000 to build and was first put to use in 1948 where the first Mass was celebrated. The upper church, which was completed in 1954, took six years to complete at a cost of $2 million. Its interior volume of some 500,000 cubic feet of space has a clear height of 50 feet from the floor to the ceiling. Nearly 400 tons of marble, having 21 varieties, were used in constructing the interior finish of the upper church. It was, at that time, the second largest shipment of marble received in the Port of Philadelphia.

The St. Martin of Tours School also started out as a small one-story building. The first school session began in September of 1925. Forty-three girls and twenty-eight boys were taught by three Sister Servants of the Immaculate Heart of Mary. A second school was needed shortly thereafter, and was completed in 1958. Today, the school consists of two three-story buildings, holding 1,500 students. The largest student enrollment occurred in 1963 with a total of 2,465 students.

The Parish membership has also risen to 5,573 families, or 16,663 parishioners, the largest enrollment in the City of Philadelphia. St. Martin's reached the height of its membership in 1963 when it had an estimated 10,000 attendees at 10 Sunday Masses. Today, six priests celebrate seven masses on Sunday. The parish has had only six pastoral leaders in its 75 years of existence, including Rev. Patrick Houston, Rev. John McHugh, Msgr. Walter Bowe, Msgr. Michael Marley, Rev. Leonard Furmanski and Rev. Thomas Murray, the current pastor. All of St. Martin's teachers, employees, volunteers, parishioners, and students make great efforts through prayers, talents, and dedication to strive to meet the challenges and the ever-changing needs of our diverse society. St. Martin's is a central presence to the Philadelphia area as it remains committed to living the daily example of "Many People—One Family—Serving Christ."

Mr. Speaker, I ask my colleagues to join me in applauding those associated with the St. Martin of Tours Parish. I pay tribute to this wonderful 75th anniversary celebration of Roman Catholic heritage, which has brought much pride to the Philadelphia community. I wish St. Martin's Parish great success in the coming years.

IN HONOR OF MONSIGNOR WILLIAM F. BURKE

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1998

Mr. SCHUMER. Mr. Speaker, I ask my colleagues to join me today as I commend Monsignor William F. Burke, Ph.D, on his fifty years of devoted service to the Knights of Columbus Rockaway Council.

A Bronx native, he is one of eight children born to Anthony B. Burke and Anna M. Wash. The product of a fine, traditional Catholic upbringing and education, Monsignor Burke attended such institutions as St. Joachim's School in Cedarhurst, Long Island, and St. Augustine's Diocesan High School in Brooklyn. He went on to study at St. John's College in Brooklyn, where he graduated Cum Laude, with a BA degree in June of 1939. Later, he received a M.A. from St. John's University in June 1948, and a Ph.D. from St. John's and Columbia Universities in 1959. He taught at St. John's University Graduate School from 1948-1952.

As a priest, he has had the chance to share his faith and spread the message to benefit a number of parishes throughout the years. He has had the opportunity to leave his mark on the parishes of St. Patrick's Church, in Huntington, Long Island (1943-1945) before going to St. Francis de Sales in Belle Harbor. In June 1951, he joined St. Camillus Parish in Rockaway Beach, where he was appointed to office of Director of Institutional Services in 1963. He retained this position until his retirement from the post in January 1995. Monsignor Burke is presently a Sunday assistant at that parish.

Among his many accomplishments at St. Camillus Parish, Msgr. Burke became Chaplain of Knights of Columbus in April 1948. He served on many Diocesan Committees as the Director of the Health Insurance and Employee Relations offices. Also during that time, he worked on a Papal committee for Pope Paul VI in 1965 and two for Pope John Paul II in 1979 and later again in 1995. In September of 1952, he established, organized, and directed the St. Camillus Band, which went on to win many competitions, medals and trophies. An octogenerian with a lot of spunk, he still manages to travel all over the United States as director of the band.

I would like to take this opportunity to salute Monsignor William Burke. He has made it his life's work to improve the human spirit and we thank you for your many years of service to the Catholic faith. Congratulations on fifty years of service to Knights of Columbus, Rockaway Council and to the citizens of New York, many more to come.

KENNETH STARR'S CREDIBILITY AND INTEGRITY

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1998

Mr. OXLEY. Mr. Speaker, for those who missed it, I would like to bring an opinion piece from the March 11th Wall Street Journal to the attention of my colleagues. As the piece makes clear, our sense of right and wrong and our commitment to the rule of law is being challenged by the attacks on Independent Counsel Kenneth Starr's credibility and integrity. We would be wise to allow the investigation to proceed in an environment free of partisan bickering to allow the truth to be found.

Mr. Speaker, I commend the following column to the attention of all interested parties.

[From the Wall Street Journal, Mar. 11, 1998]

THE BORKING OF STARR

We blink every time talking heads discuss Kenneth Starr's low approval ratings; we hope we aren't the only ones taken a bit aback by the very idea of conducting opinion polls about judicial officers. In the judicial branch, we thought, the game was about statutes and precedents and scholarly qualifications, not about popularity. But perhaps this useful distinction too is being obliterated in the current climate.

If so, the corner was turned with the campaign against Robert Bork's nomination to the Supreme Court. Precisely because his scholarly attainments and intellect were the cream of his generation, his opponents feared his views would dominate a new crop of jurists. So they mounted a campaign to drive down his poll ratings, and thereby frighten the Senators weighing his nomination. They succeeded, but the cost to American institutions becomes clearer and clearer with the passage of time.

We have arrived at a point where a James Carville goes on television to declare "war" on Kenneth Starr. Mr. Starr is an official of the U.S. government, duly appointed by a panel of three judges pursuant to laws passed by the U.S. Congress and signed by Bill Clinton. Presumably this means he is not the local football coach, removable by mob sentiment. If Mr. Starr is abusing his powers, that same law provides that the Attorney General can remove him, and she should do so.

Instead, Mr. Clinton's Attorney General has expanded the scope of Mr. Starr's investigation at least three known times. Four former attorney generals, including Griffin Bell of the Carter Administration, have testified to Mr. Starr's long-standing personal reputation for integrity and judicial temperament. (Since their statement has not been widely covered, we reprint it in its entirety nearby.)

None of this matters in Mr. Carville's war, and we're confident none of it is explained to people when the pollsters put their questions.

What we have here is a public relations offensive intended to turn the public against a court official going about his work and not in a position to reply to every criticism. In the March 2 New York Times an obviously confident White House aide casually describes "our continuing campaign to destroy Ken Starr."

This "continuing campaign" hasn't been restricted to Mr. Starr, himself a former appeals court judge. Judge David Sentelle of the three judge panel has been diminished by Clinton operatives as merely a tool of Senator Helms. Other troublesome judges can expect to be similarly targeted. This is, in effect, an attack on the judicial branch if not indeed the law itself.

In this campaign, the President of the United States avails himself of his own personal Praetorian Guard of dirt-diggers, personified by Terry Lenzner's Investigative Group Inc. Back in 1994, the President's private attorneys, Robert Bennett and David Kendall, retained IGI's services in the Paula Jones and Whitewater cases. Jack Palladino, hired in the first Clinton Presidential run to help with Betsey Wright's "bimbo eruptions," has also appeared on the scene, bragging about his success in avoiding subpoenas. Mike McCurry, spokesman for the Presidency who's doubling inappropriately as flack for Mr. Clinton's own lawyers, said the President was aware that his private lawyers had hired outside investigators but that the detectives weren't looking for "personal derogatory information."

Yet somehow derogatory information, some of it plainly false, keeps popping up. Former prosecutor Joseph diGenova said last month on "Meet the Press" that journalists told him that both he and his wife were being probed after they'd given interviews critical of Mr. Clinton in the Lewinsky scandal. Mr. Starr's private life has also been investigated, with all involved denying a White House connection. Mr. Starr's perhaps impolitic subpoena of White House spinner Sidney Blumenthal came after the IC's office started receiving reporters' calls asking for comment on destructive rumors about staff prosecutors. Wire stories, for example, suggested that prosecutor Bruce Udolf has been fined 10 years ago for violating a defendant's civil rights in Georgia. A former federal judge defended Mr. Udolf against the implication that he could be expected to abuse the law.

Richard Nixon's Watergate "plumbers" offended mainly because the President, who has authority over a powerful national security apparatus, had created a private posse to investigate his enemies, unchecked by professional pride and the mores of an ongoing institution. It's now evident that the Clintonities learned two things from Watergate: Burn the tapes, and put your plumbers in your personal law firm to acquire attorney-client privilege.

No doubt the White House is proud of its success in Borking Mr. Starr. Yet serious people would recognize the damage being wrought to institutions developed over centuries to uphold the idea that civilization means something more than the sentiment of the passing moment. If poll ratings are all that matter in the nation's capital, a President can perhaps sustain them with a prosperous economy and a winning television manner, or as the Romans said, bread and circuses. Mr. Carville's war and Mr. Starr's polls give us a glimpse of one possible evolution of our political system in an era of instant communications. The issue is whether we will be governed by men or by laws.

UNITED STATES-PUERTO RICO POLITICAL STATUS ACT

SPEECH OF

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 856) to provide a process leading to full self-government for Puerto Rico:

Mr. DEUTSCH. Mr. Chairman, recently, we have heard threats from the Popular Democratic Party of Puerto Rico (PDP) that it will boycott any referendum which does not include a definition of "commonwealth" that does not conform to PDP doctrine. It seems to me that this would be an ill-advised course for the PDP, because the elected constitutional legislature of Puerto Rico has adopted two resolutions formally requesting that Congress define the options it is willing to consider, and to authorize a status referendum on the basis of those definitions. When a political party places itself at odds with the will of the people acting through their constitutional process, and threatens to boycott the democratic constitutional process because it cannot dictate the terms of its participation, that political party is risking its credibility.

Deliberations regarding H.R. 856 have created an open marketplace of ideas on the Puerto Rico political status question, and I know the PDP is doing some serious soul searching because these are matters of such great concern to party leaders. However, the record of hearings and deliberations in the Resources Committee establishes clearly that the Ranking Minority Member, Mr. MILLER, did all that is humanly possible—and then some—to devise and win support for a definition of commonwealth that is both constitutional and acceptable to the PDP.

The record of Resource Committee hearings on H.R. 856 in Washington, San Juan and Mayaguez establish just as clearly that the PDP's "New Commonwealth" definition simply cannot be salvaged due to fatal constitutional flaws. In my own view, it is lamentable that the PDP leadership has not been more flexible, because that would have been more helpful to Mr. MILLER and others who wanted to be fair and find a definition with which the PDP could live.

When it became painfully obvious that the PDP would not adapt to the legal and political realities which govern any legitimate definition of commonwealth, Mr. MILLER, Mr. YOUNG, Mr. ROMERO and staff representing the Clinton Administration decided on a definition that was as fair as possible to the PDP. In the end, however, the definition had to be fair to the real other party in interest with which Congress is dealing in this matter—the people of Puerto Rico.

Indeed, the Young-Miller compromise definition goes much further to accommodate the PDP than Mr. YOUNG preferred. However, Mr. MILLER went the last mile to try to include a definition that with some creative interpretation can be reconciled with the Federal constitution, and at the same time embody a position that is as fair as possible to the PDP. I support this definition of commonwealth and commend the bipartisan process through which it was achieved.

Still, the PDP has rejected any definition it does not write. However, the PDP was allowed to write its own ballot definition of commonwealth in 1993, and even then its definition got less than a majority of the votes in a plebiscite held under local law. The failure of that local plebiscite to resolve the status issue is why H.R. 856 is needed, but the PDP apparently does not want Congress to have its say or work its will in defining the options in a Congressionally-recognized referendum. Since commonwealth is a relationship to which Congress is one of the two parties, this PDP inflexibility is untenable.

The real problem is that the PDP will not accept any definition of commonwealth that is compatible with the U.S. Constitution.

The PDP does not accept the Federal supremacy under Article VI of the Constitution because the PDP demands a veto power so it can nullify future acts of Congress it does not want applied to Puerto Rico.

PDP leaders reject application of the Territorial Clause in Art. IV, Sec. 3, Cl. 2 even though the U.S. Supreme Court has ruled in cases that include Harris v. Rosario (1980) that the Territorial Clause still governs Puerto Rico's status.

The PDP insists that Puerto Rico have separate sovereignty and nationality, while also enjoying constitutionally guaranteed U.S. nationality and citizenship and permanent membership in the Federal union alterable only with consent of Puerto Rico.

Since Congress can not bind future Congress to a statutory relationship of that kind, even if Congress wanted to do that it would require an amendment to the U.S. Constitution. Since that is, in addition to everything else, a really bad idea which would create a permanent colonial appendage, amendment to the constitution to accommodate the PDP's four decade effort to contrive a new category of statehood seems quite implausible.

Instead of trying to reach agreement on the best definition possible in order to sustain and improve the status quo, the PDP leadership has chosen to re-package the "unalterable bilateral pact" theory in the form of the "New Commonwealth" status definition presented to the Committee on Resources in the House on March 19, 1997. The "New Commonwealth" definition would give Puerto Rico functional separate national sovereignty, but seeks to have the benefits of statehood and dual Puerto Rican-U.S. citizenship permanently guaranteed by the federal constitution.

This status would be a vested right of Puerto Rico beyond the reach of Congressional legislative authority, protected for all time from amendment without Puerto Rico's "mutual consent." Puerto Rico would not be a state, nor would it be a territory. It would be in a category by itself, a political entity of separate national sovereignty but within the federal union forever. There would be exemptions from federal law applicable to the States, as well as foreign affairs authority sufficient to enter into international agreements. The specific scope of separate foreign affairs authority and exemptions from federal law would be based on defined spheres of "full self-government" (meaning separate national sovereign powers) as proposed by Puerto Rico.

At the same time, "New Commonwealth" would be a permanent form of political union equal to that which binds the States of the Union, and it would extend full U.S. citizenship to a population of 3.8 million people born and living outside the States of the Union. This citizenship would be protected by the 5th Amendment as if it were a fundamental constitutional right, and in addition it would be expressly denominated constitutionally as equal to the citizenship of persons born in the States of the Union. Residents of Puerto Rico would have identical "rights, privileges and immunities" as all U.S. citizens under the U.S. Constitution, including full parity in federal benefits and entitlements. However, instead of federal taxation on the same basis as the rest of the nation Puerto Rico would make an "equitable contribution" to the federal government in connection with such benefits "as provided by law."

This relationship would be binding on Congress in perpetuity—i.e. forever. In other words, it would be separate sovereignty and nationality like free association in the case of Micronesia—but with permanent union, full U.S. citizenship and a status equal to the 50 States. "New Commonwealth" would include special preferences not available to the states, including the "mutual consent" veto over federal law.

That there is nothing "new" about this proposal is clear from the letter of May 31, 1996, from the PDP President to Congressman YOUNG, stating that the "commonwealth" ballot definition in the 1993 plebiscite—which failed to receive a majority vote—was based on the definition of "New Commonwealth" which was allegedly "approved" by the House when it passed H.R. 4765 in 1990. Now, on March 19, 1997, the President of the PDP has presented to Congress the same 1990 definition of "New Commonwealth."

However, this "New Commonwealth" definition was not actually included in the bill approved by the House in 1990. Rather, H.R. 4765 simply included the general option of a "New Commonwealth Status" without stating what that might mean. Separately from the bill, House Report 101–790, Part 1, contained the "New Commonwealth" definition as proposed by the PDP itself back in 1990. So the PDP is merely playing back to the 105th Congress the same proposal it submitted to 101st Congress.

The assertion that this "New Commonwealth" proposal was approved by the House in 1990 is disingenuous. Indeed, the 1990 Committee Report stated that this PDP proposal would be considered, but that this did not "obligate this Committee or its counterpart Senate committee to necessarily incorporate the . . . description . . . in the legislation." Thus, in 1990 the House avoided any actual definition of commonwealth.

Instead, under the 1990 House bill continuation of the current status would have resulted from a majority vote for a "None of the above" option. This made the constitutional and political realities of the current status invisible, and made the status quo seem to be a default option in lieu of a "New Commonwealth Status" option which was not actually defined by Congress in the legislation.

Instead, the PDP was allowed to "fill in the blank" with its own definition in the Committee Report. While extremely prejudicial to informed self-determination and unfair to the statehood and independence parties, it is not hard to understand why the PDP would like to go back to the 1990 approach.

Since H.R. 4756 was never enacted by Congress the process for defining "New Commonwealth" in federal law ended there. However, the PDP was able to "fill in the blank" again in the 1993 plebiscite, and the result was a "have it both ways" definition that promised everything and cost nothing. Still, to vote for that option required devotion to the mythology of the unalterable bilateral pact rather than an understanding of the constitutional and political process for improving the current status.

By masquerading as a framework for full, legitimate and informed self-determination when it was non-substantive and non-committal on the true status options, and by linking its claim to be the vehicle for self-determination to the false promise that the U.S. will accept whatever the people of Puerto Rico choose in a referendum, H.R. 4756 was calculated to become the symbol but not the reality of a declonization policy. Its very terms assured that it would not be enacted into law. That is why passage on suspension without open debate was engineered by Congressional staff.

In contrast, H.R. 856 and S. 472 define what actually exists rather than what does not. Thus, instead of a non-committal "agreement to agree" on terms for a "New Commonwealth," the current House and Senate bills constitute informed self-determination. If the House passes H.R. 856, it will supplant the evasion of real self-determination under H.R. 4756 with a constitutionally sound process to present real choices to the people of Puerto Rico.

H.R. 856 is not being passed in silence, this is a real and open debate that in and of itself will educate Congress and the people of Puerto Rico on the real work of decolonization that lies before us. The choices aren't painless and sterile, they are difficult and H.R. 856 tells the truth about the choices for the first time.

The "New Commonwealth" definition remains a "have it both ways" option contrary to Supreme Court, Justice Department and CRS constitutional analysis. The veil of ambiguity has been pierced as a result of scrutiny focused on past Congressional measures and lower court rulings influenced by PDP efforts in the 70's and 80's to make the revisionist definition of a "new" or "enhanced" commonwealth a *fait accompli*. The true nature of the current status and real options are becoming clear after years of political experimentation.***HD***Constitutional Implications of "New Commonwealth" Proposal

From the standpoint of American constitutional federalism, the PDP proposal of March 19, 1997, is best understood as a proposal to end Puerto Rico's unincorporated territory status by creating a new political status with some of the attributes of statehood and some of the powers of separate nationhood. In essence, it is an attempt to convert local constitutional self-government under the current territorial status into separate national sovereignty and nationality with permanent union and common citizenship. Unable to make a choice between statehood and independence, Puerto Rico would have Congress convert the international treaty-based relationship of free association into a "nation-within-a-nation" status irrevocably guaranteed by the Congress within the framework of the U.S. Constitution.

COMPARISON TO HISTORICAL CONSTITUTIONAL PRACTICE REGARDING STATEHOOD

The primary differences between the "New Commonwealth" for Puerto Rico and the status of the rest of the states would be:

Permanent union and irrevocable citizenship would be created by federal statute defining the commonwealth status as non-territorial, rather than termination of territorial status through admission to the union under clause 1 of section 3 in article IV of the Constitution.

Puerto Rico would enjoy the essential rights of states (binding on Congress), but the commonwealth would enjoy "autonomy" (not be bound) with respect to critical burden-sharing elements of membership in the federal union. Thus, the benefits of statehood would be guaranteed, but Puerto Rico's reciprocal obligations to the nation would not be constitutionally defined. Puerto Rico's contribution to the nation would be the subject of on-going negotiation and ad hoc decision-making, the very conditions that led to undue influence by the Section 936 lobbyists and creation of the current status dilemma.

Congress could not change the initial negotiated terms of the relationship based on changing national priorities. Specifically, Congress would agree in the statute that in perpetuity every future Congress will be bound by this "New Commonwealth" status, which is "unalterable" without consent of Puerto Rico.

This really means that once Congress and the people of Puerto Rico have consented to the terms of the relationship the Supremacy Clause in article VI of the Constitution would be suspended to the extent required to enforce the rights, special preferences and exemptions from laws and responsibilities of the states which would be provided to the commonwealth ("associated free state" in Spanish).

COMPARISON TO HISTORICAL CONSTITUTIONAL PRACTICE REGARDING TERRITORIES

Since the period following the Northwest Ordinance of 1789 when the process for admission of new states to union began, the purpose of special measures to promote increased self-government in the U.S. territories historically has been to promote a smooth transition to full incorporation and statehood. Congress departed from this tradition when the U.S. acquired the Philippines, Cuba, Guam and Puerto Rico from Spain in 1899, and the U.S. Supreme Court defined them as "unincorporated" territories. Thus, in this century increased self-government for unincorporated territories has meant separate nationhood for Cuba and the Philippines, statehood for Hawaii and Alaska, and varying degrees of local self-government for other unincorporated territories.

As a result, instead of statehood like Hawaii or independence like the Philippines, Puerto Rico remains in an unincorporated territory status like Guam and the Northern Mariana Islands. Like the Northern Mariana Islands, Puerto Rico has a "commonwealth" structure for internal self-government under a local constitution adopted with the consent of the people—who enjoy statutory U.S. citizenship. The Philippines also had the "commonwealth" structure of internal self-government from 1935 to 1946, ending in separate nationhood.

In this context it becomes clear that the idea behind the PDP "New Commonwealth" proposal is to make a specific set of special rights for an unincorporated territory permanent, rather than resolving the status of the territory through independence or statehood. The essential transaction between Congress and Puerto Rico, as proposed by the PDP, is to mix-and-match the most beneficial features of statehood and separate nationality, make it binding on the U.S. forever, and label it as a non-territorial and therefore non-colonial status.

The primary differences between the "New Commonwealth" and the historical practice of the U.S. concerning Puerto Rico and other unincorporated territories would be:

Congress supposedly would no longer have the ability to exercise its express power to determine the status of Puerto Rico and its inhabitants under the Territorial Clause of the Constitution (Article IV, Section 3, Clause 2). This proposed elimination of a constitutional express power of Congress by statute supposedly would make the "New Commonwealth" status a non-territorial.

The nationality and citizenship of the residents of Puerto Rico would be guaranteed under the 5th and 14th Amendments on the same basis as it is for persons born in the states rather than being determined by Congress under statutory provisions enacted pursuant to the Territorial Clause and article I, section 8 of the Constitution. At present, statutory citizenship based on birth in Puerto Rico is subject to regulation and termination at the discretion of Congress in accordance with the U.S. constitutional process. See, Rogers v. Bellei 401 U.S. 815 (1971) U.S. Supreme Court and Department of Justice Positions.

On July 28, 1994, the U.S. Department of Justice stated in a legal opinion that Congress is not bound by the current relationship with Puerto Rico or the current status of the territory created under federal statute. With respect to the concept of a binding pact based on the "mutual consent" principle the DOJ memo addressed the Puerto Rico questions as follows: "The Department revisited this issue in the early 1990's in connection with the Puerto Rico Status Referendum Bill in light of Bowen v. Agencies Opposed to Social Security Entrapment, 477 U.S. 41 (1986), and concluded that there could not be an enforceable vested right in a political status; hence the mutual consent clauses were ineffective because they would not bind a future Congress."

In Puerto Rico, it is argued that P.L. 81–600 created an "unalterable bilateral pact" since the local constitution adopted pursuant to that law was approved with the consent of the people in the territory. The theory is that once the people consented to the form of local self-government it can not be altered by Congress. From that premise the leap is made that as a matter of federal law this constitutes a fully self-governing status and that Puerto Rico is no longer a U.S. territory. Consequently, the territorial clause no longer applies and Congress can not apply even federal laws to Puerto Rico without its consent.

The PDP definition of "New Commonwealth" is an attempt to "perfect" this "bilateral pact" relationship. The 1994 Department of Justice memorandum is ignored in the testimony of the PDP leaders which accompanied the new definition when proposed to the House Committee on Resources on March 19, 1997. Instead of addressing the constitutional issues, the PDP relies upon the following statement of Felix Frankfurter in 1914 when he was an official at the War Department in the days it administered Puerto Rican affairs: "The present day demand upon inventive statesmanship is to help evolve new kinds of relationships so as to combine the advantages of local self-government with those of a confederated union. Luckily, our Constitution has left this filed of invention open."

Of course, the field of invention Frankfurter was alluding to exists under the Territorial Clause of the Constitution. In contrast, the PDP proposes to convert the relationship created in 1952 by statute into a permanent form of union which exists outside the Territorial Clause authority of Congress.

In 1980 the U.S. Supreme Court ruled that Congress acts with respect to Puerto Rico under the Territorial Clause (Harris v. Rosario, 446 U.S. 651). In U.S. v. Sanchez, 992 F. 2d 1143 (1993) the court stated that Congress retains authority to determine the status of the territory in accordance with the Territorial Clause and the Treaty of Paris as it deems consistent with the national interest.

In Reid v. Covert, 354 U.S. 1 (1957), the U.S. Supreme Court described territorial clause status as a "temporary" condition regulated by Congress until institutions of self-government are established.

The response of the PDP to the Supreme Court ruling in Harris is to cite various 5th Amendment federal property rights cases involving commercial disputes and the enforceability of contract obligations, rather than political status questions. In addition, the PDP continues to rely on dictum from federal lower court decisions which actually went against the "unalterability" theory of commonwealth, but acknowledged the unique nature of the highly evolved federal-territorial relationship and the local self-governing status of Puerto Rico. See, for example, U.S. v. Quinoes, 758 F.2d 1143 (1993).

The cases cited by the PDP merely confirm the ambiguity and confusion in Congress and the courts due too much "inventive statesmanship" regarding the status of Puerto Rico over the years. It is time to sort it out through the deliberative process of our constitutional system.

The fact that Congress can be inventive does not necessarily mean that it serves the national interest or redeems the dignity of the concerned territorial population to do so. This is especially true when some in Puerto Rico and the federal government have attempted to convert temporary invention into a permanent extra-constitutional status. The "New Commonwealth" proposal is the last gasp of that doctrine.

The PDP also rejects the Young-Miller compromise definition because it tells the truth to the voters at the expense of certain long-held PDP positions. For example, it recognizes that the current statutory citizenship is statutory, and in the future Congress could change the current policy of conferring U.S. citizenship on persons born in Puerto Rico. This is not to undermine the PDP, but because it is the truth. If people in Puerto Rico are going to continue to have citizenship which is permissive under the discretion of Congress rather than of right by constitutional guaranty, they should know that is what they are voting to approve.

Thus, the current statutory citizenship is secured by the U.S. constitution only in the sense that Congress can not end the conferral of U.S. citizenship on persons born in Puerto Rico without due process law. An act to amend or repeal 8 U.S.C. 1402, in other words, must be a valid exercise of Federal authority, involving legitimate Federal interests and measures reasonably related thereto.

Just as Congress extended U.S. nationality but not citizenship to Puerto Rico and the Philippines under the same Treaty of Paris provisions that still govern the civil rights and political status of persons born in Puerto Rico, Congress could alter the status of the territory and its population in the future. Existing policy is not irrevocable. Those currently having U.S. citizenship by statutory policy must be treated in accordance with due process and equal protection, but those born in the future have no right that would prevent Congress from altering the future policy on the status of the territory or persons born there.

Similarly, the Young-Miller compromise definition of commonwealth in H.R. 856 as offered by Mr. YOUNG in the nature of a substitute for passage also recognizes that U.S. citizens in Puerto Rico enjoy the rights, privileges and immunities of citizens in the states except where limited by the U.S. Constitution to citizens in the states. In addition to voting rights in national elections for President and Vice President and voting representation in Congress, the limitation on the rights, privileges and immunities of U.S. citizens in Puerto Rico include the absence of any reservation to the people of Puerto Rico under the 10th Amendment to the Federal constitution.

For as the Supreme Court made clear in the 1980 case of Harris v. Rosario, as long as Puerto Rico is within U.S. sovereignty but is not a state of the union Congress will retain the authority and responsibility under the Territorial Clause to determine the civil rights and political status of persons born in the territory. The statutory arrangements and policies adopted by one Congress are not binding on a future Congress. Thus, the Foraker Act governed the status of Puerto Rico from 1900 to 1917, then Congress altered that policy and replaced it with the Jones Act.

P.L. 81–600 replaced the Jones Act in 1950 and led to establishment of internal self-government, but Congress could change that policy as well. Congress could decide that Puerto Rico will never be a state, as it did in the case of the Philippines in 1916. In that case it would be reasonable and rational if Congress decided to stop conferral of U.S. citizenship which has been creating a large population of disenfranchised citizens who have no right to equality or prospect of self-determination through which such disenfranchisement can be ended.

In this regard, the Young-Miller compromise definition of commonwealth also recognizes that the current commonwealth relationship is not a constitutionally guaranteed status, but implements current policy. It is policy not to dissolve the commonwealth without consent of the people, but commonwealth is not a permanent status like statehood under the federal structure of government.

Thus, a future Congress could determine that separate sovereignty is the only alternative to commonwealth, and that if commonwealth is to continue taxes must be imposed. That would alter the commonwealth relationship and current policy, and the Young-Miller compromise recognizes that this could happen. No one expects that to happen any time soon, but the voters need to know where they stand under commonwealth in order to make an informed choice in the exercise of the right of self-determination.

I want to applaud what Mr. YOUNG and Mr. MILLER have accomplished.

SENATE—*Friday, March 13, 1998*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

The Lord is my shepherd, I shall not want. . . . He restoreth my soul.—Psalm 23:1–3.

Dear Shepherd of our souls, we need the rejuvenation and the renewal of our souls. You have created them as the ports of entry for Your Spirit, the places of Your residence within us, the power-sources for our consciences. From within our souls, You shape our characters, mold our personalities, and govern our values. Nothing is more important than the care and cure of our souls.

Through Moses, You have taught us that, "You shall love the Lord your God with all your heart and with all your soul and with all your strength."—Deut. 6:5.

And Jesus stirs our confession: "For what will it profit a man if he gains the whole world, and loses his own soul? Or what will a man give in exchange for his soul?"—Matthew 16:26.

Dear Lord, take Your rightful residence as the Sovereign of our souls. Then: Lead us in the paths of righteousness for Your Name's sake. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the distinguished Senator from Kansas, is recognized.

SCHEDULE

Mr. ROBERTS. On behalf of the majority leader, I announce that in a moment the Senate will begin a rollcall vote on S. Con. Res. 78, a resolution regarding Saddam Hussein. Following the vote, the Senate will be in a period of morning business with Senator BENNETT being recognized for 45 minutes.

As announced last night, the Senate may also begin consideration of S. 270, the Texas low-level radioactive waste legislation; S. 414, the international shipping bill; or H.R. 2646, the A+ education bill.

Finally, as a reminder, the majority leader stated that all Senators should anticipate one or two rollcall votes during Monday's session of the Senate. Those would begin at approximately 5:30 p.m.

I thank all Senators for their attention, and I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ALLARD). Under the previous order, the leadership time is reserved.

INDICTMENT AND PROSECUTION OF SADDAM HUSSEIN

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to a vote on S. Con. Res. 78, as amended, which the clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 78) relating to the indictment and prosecution of Saddam Hussein for war crimes and other crimes against humanity.

The Senate resumed consideration of the concurrent resolution.

Mr. ROBERTS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution, S. Con. Res. 78, as amended. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Wyoming (Mr. ENZI), the Senator from North Carolina (Mr. FAIRCLOTH), the Senator from Oklahoma (Mr. INHOFE), the Senator from Vermont (Mr. JEFFORDS), the Senator from Arizona (Mr. KYL), and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 93, nays 0, as follows:

[Rollcall Vote No. 32 Leg.]

YEAS—93

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NOT VOTING—7

Enzi
Faircloth
Inhofe
Inouye
Jeffords
Kyl
McCain

The concurrent resolution (S. Con. Res. 78), as amended, was agreed to.

AMENDMENT NO. 1934 TO THE PREAMBLE

(Purpose: To provide substitute language)

The PRESIDING OFFICER. Under the previous order, amendment No. 1934, offered by the Senator from Pennsylvania, Mr. SPECTER, and the Senator from North Dakota, Mr. DORGAN is agreed to.

The amendment (No. 1934) was agreed to as follows:

Strike out the preamble and insert the following:

Whereas the International Military Tribunal at Nurenberg was convened to try individuals for crimes against international law committed during World War II;

Whereas the Nuremberg tribunal provision which stated that "crimes against international law are committed by men, not be abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced" is as valid today as it was in 1946;

Whereas, on August 2, 1990, without provocation, Iraq initiated a war of aggression against the sovereign state of Kuwait;

Whereas the Charter of the United Nations imposes on its members the obligations to "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state";

Whereas the leaders of the Government of Iraq, a country which is a member of the United Nations, did violate this provision of the United Nations Charter;

Whereas the Geneva Convention Relative to the Protection of Civilian Persons in Times of War (the Fourth Geneva Convention) imposes certain obligations upon a belligerent State, occupying another country by force of arms, in order to protect the civilian population of the occupied territory from some of the ravages of the conflict;

Whereas both Iraq and Kuwait are parties to the Fourth Geneva Convention;

Whereas the public testimony of witnesses and victims has indicated that Iraqi officials violated Article 27 of the Fourth Geneva Convention by their inhumane treatment and acts of violence against the Kuwaiti civilian population;

Whereas the public testimony of witnesses and victims has indicated that Iraqi officials

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

violated Articles 31 and 32 of the Fourth Geneva Convention by subjecting Kuwaiti civilians to physical coercion, suffering and extermination in order to obtain information;

Whereas in violation of the Fourth Geneva Convention, from January 18, 1991, to February 25, 1991, Iraq did fire 39 missiles on Israel in 18 separate attacks with the intent of making it a party to war and with the intent of killing or injuring innocent civilians, killing 2 persons directly, killing 12 people indirectly (through heart attacks, improper use of gas masks, choking), and injuring more than 200 persons;

Whereas Article 146 of the Fourth Geneva Convention states that persons committing "grave breaches" are to be apprehended and subjected to trial;

Whereas, on several occasions, the United Nations Security Council has found Iraq's treatment of Kuwaiti civilians to be in violation of international humanitarian law;

Whereas, in Resolution 665, adopted on August 25, 1990, the United Nations Security Council deplored "the loss of innocent life stemming from the Iraqi invasion of Kuwait";

Whereas, in Resolution 670, adopted by the United Nations Security Council on September 25, 1990, it condemned further "the treatment by Iraqi forces on Kuwait nationals and reaffirmed that the Fourth Geneva Convention applied to Kuwait";

Whereas, in Resolution 674, adopted by the United Nations Security Council on October 29, 1990, the Council demanded that Iraq cease mistreating and oppressing Kuwaiti nationals in violation of the Convention and reminded Iraq that it would be liable for any damage or injury suffered by Kuwaiti nationals due to Iraq's invasion and illegal occupation;

Whereas Iraq is a party to the Prisoners of War Convention and there is evidence and testimony that during the Persian Gulf War, Iraq violated articles of the Convention by its physical and psychological abuse of military and civilian POW's including members of the international press;

Whereas Iraq has committed deliberate and calculated crimes of environmental terrorism, inflicting grave risk to the health and well-being of innocent civilians in the region by its willful ignition of over 700 Kuwaiti oil wells in January and February, 1991;

Whereas President Clinton found "compelling evidence" that the Iraqi Intelligence Service directed and pursued an operation to assassinate former President George Bush in April 1993 when he visited Kuwait;

Whereas Saddam Hussein and other Iraqi officials have systematically attempted to destroy the Kurdish population in Iraq through the use of chemical weapons against civilian Kurds, campaigns in 1987–88 which resulted in the disappearance of more than 150,000 persons and the destruction of more than 4,000 villages, the placement of more than 10 million landmines in Iraqi Kurdistan, and ethnic cleansing in the city of Kirkuk;

Whereas the Republic of Iraq is a signatory to international agreements including the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, and the POW Convention, and is obligated to comply with these international agreements;

Whereas paragraph 8 of Resolution 687 of the United Nations Security Council, adopted on April 8, 1991, requires Iraq to "unconditionally accept the destruction, removal, or rendering harmless, under international supervision of all chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support, and manufacturing facilities;

Whereas Saddam Hussein and the Republic of Iraq have persistently and flagrantly violated the terms of Resolution 687 with respect to elimination of weapons of mass destruction and inspections by international supervisors;

Whereas there is good reason to believe that Iraq continues to have stockpiles of chemical and biological munitions, missiles capable of transporting such agents, and the capacity to produce such weapons of mass destruction, putting the international community at risk;

Whereas, on February 22, 1993, the United Nations Security Council adopted Resolution 808 establishing an international tribunal to try individuals accused of violations of international humanitarian law in the former Yugoslavia;

Whereas, on November 8, 1994, the United Nations Security Council adopted Resolution 955 establishing an international tribunal to try individuals accused of the commission of violations of international humanitarian law in Rwanda;

Whereas more than 70 individuals have been indicted by the International Criminal Tribunal for the former Yugoslavia in the Hague for war crimes and crimes against humanity in the former Yugoslavia, leading in the first trial to the sentencing of a Serb jailer to 20 years in prison;

Whereas the International Criminal Tribunal for Rwanda has indicted 31 individuals, with three trials occurring at present and 27 individuals in custody;

Whereas the United States has to date spent more than $24 million for the International Criminal Tribunal for the Former Yugoslavia and more than $20 million for the International Criminal Tribunal for Rwanda;

Whereas officials such as former President George Bush, Vice President Al Gore, General Norman Schwarzkopf and others have labeled Saddam Hussein a war criminal and called for his indictment; and

Whereas a failure to try and punish leaders and other persons for crimes against international humanitarian law establishes a dangerous precedent and negatively impacts the value of deterrence to future illegal acts: Now, therefore, be it

The preamble, as amended, was agreed to.

The concurrent resolution (S. Con. Res. 78), as amended, with its preamble, as amended, was agreed to, as follows:

S. CON. RES. 78

Whereas the International Military Tribunal at Nurenberg was convened to try individuals for crimes against international law committed during World War II;

Whereas the Nuremberg tribunal provision which stated that "crimes against international law are committed by men, not be abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced" is as valid today as it was in 1946;

Whereas, on August 2, 1990, without provocation, Iraq initiated a war of aggression against the sovereign state of Kuwait;

Whereas the Charter of the United Nations imposes on its members the obligations to "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state";

Whereas the leaders of the Government of Iraq, a country which is a member of the United Nations, did violate this provision of the United Nations Charter;

Whereas the Geneva Convention Relative to the Protection of Civilian Persons in Times of War (the Fourth Geneva Convention) imposes certain obligations upon a belligerent State, occupying another country by force of arms, in order to protect the civilian population of the occupied territory from some of the ravages of the conflict;

Whereas both Iraq and Kuwait are parties to the Fourth Geneva Convention;

Whereas the public testimony of witnesses and victims has indicated that Iraqi officials violated Article 27 of the Fourth Geneva Convention by their inhumane treatment and acts of violence against the Kuwaiti civilian population;

Whereas the public testimony of witnesses and victims has indicated that Iraqi officials violated Articles 31 and 32 of the Fourth Geneva Convention by subjecting Kuwaiti civilians to physical coercion, suffering and extermination in order to obtain information;

Whereas in violation of the Fourth Geneva Convention, from January 18, 1991, to February 25, 1991, Iraq did fire 39 missiles on Israel in 18 separate attacks with the intent of making it a party to war and with the intent of killing or injuring innocent civilians, killing 2 persons directly, killing 12 people indirectly (through heart attacks, improper use of gas masks, choking), and injuring more than 200 persons;

Whereas Article 146 of the Fourth Geneva Convention states that persons committing "grave breaches" are to be apprehended and subjected to trial;

Whereas, on several occasions, the United Nations Security Council has found Iraq's treatment of Kuwaiti civilians to be in violation of international humanitarian law;

Whereas, in Resolution 665, adopted on August 25, 1990, the United Nations Security Council deplored "the loss of innocent life stemming from the Iraqi invasion of Kuwait";

Whereas, in Resolution 670, adopted by the United Nations Security Council on September 25, 1990, it condemned further "the treatment by Iraqi forces on Kuwait nationals and reaffirmed that the Fourth Geneva Convention applied to Kuwait";

Whereas, in Resolution 674, adopted by the United Nations Security Council on October 29, 1990, the Council demanded that Iraq cease mistreating and oppressing Kuwaiti nationals in violation of the Convention and reminded Iraq that it would be liable for any damage or injury suffered by Kuwaiti nationals due to Iraq's invasion and illegal occupation;

Whereas Iraq is a party to the Prisoners of War Convention and there is evidence and testimony that during the Persian Gulf War, Iraq violated articles of the Convention by its physical and psychological abuse of military and civilian POW's including members of the international press;

Whereas Iraq has committed deliberate and calculated crimes of environmental terrorism, inflicting grave risk to the health and well-being of innocent civilians in the region by its willful ignition of over 700 Kuwaiti oil wells in January and February, 1991;

Whereas President Clinton found "compelling evidence" that the Iraqi Intelligence Service directed and pursued an operation to assassinate former President George Bush in April 1993 when he visited Kuwait;

Whereas Saddam Hussein and other Iraqi officials have systematically attempted to destroy the Kurdish population in Iraq through the use of chemical weapons against civilian Kurds, campaigns in 1987–88 which resulted in the disappearance of more than 150,000 persons and the destruction of more than 4,000 villages, the placement of more than 10 million landmines in Iraqi Kurdistan, and ethnic cleansing in the city of Kirkuk;

Whereas the Republic of Iraq is a signatory to international agreements including the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, and the POW Convention, and is obligated to comply with these international agreements;

Whereas paragraph 8 of Resolution 687 of the United Nations Security Council, adopted on April 8, 1991, requires Iraq to "unconditionally accept the destruction, removal, or rendering harmless, under international supervision of all chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support, and manufacturing facilities;

Whereas Saddam Hussein and the Republic of Iraq have persistently and flagrantly violated the terms of Resolution 687 with respect to elimination of weapons of mass destruction and inspections by international supervisors;

Whereas there is good reason to believe that Iraq continues to have stockpiles of chemical and biological munitions, missiles capable of transporting such agents, and the capacity to produce such weapons of mass destruction, putting the international community at risk;

Whereas, on February 22, 1993, the United Nations Security Council adopted Resolution 808 establishing an international tribunal to try individuals accused of violations of international humanitarian law in the former Yugoslavia;

Whereas, on November 8, 1994, the United Nations Security Council adopted Resolution 955 establishing an international tribunal to try individuals accused of the commission of violations of international humanitarian law in Rwanda;

Whereas more than 70 individuals have been indicted by the International Criminal Tribunal for the former Yugoslavia in the Hague for war crimes and crimes against humanity in the former Yugoslavia, leading in the first trial to the sentencing of a Serb jailer to 20 years in prison;

Whereas the International Criminal Tribunal for Rwanda has indicted 31 individuals, with three trials occurring at present and 27 individuals in custody;

Whereas the United States has to date spent more than $24,000,000 for the International Criminal Tribunal for the Former Yugoslavia and more than $20,000,000 for the International Criminal Tribunal for Rwanda;

Whereas officials such as former President George Bush, Vice President Al Gore, General Norman Schwarzkopf and others have labeled Saddam Hussein a war criminal and called for his indictment; and

Whereas a failure to try and punish leaders and other persons for crimes against international law establishes a dangerous precedent and negatively impacts the value of deterrence to future illegal acts: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the President should—

(1) call for the creation of a commission under the auspices of the United Nations to establish an international record of the criminal culpability of Saddam Hussein and other Iraqi officials;

(2) call for the United Nations to form an international criminal tribunal for the purpose of indicting, prosecuting, and imprisoning Saddam Hussein and any other Iraqi officials who may be found responsible for crimes against humanity, genocide, and other violations of international humanitarian law; and

(3) upon the creation of a commission and international criminal tribunal, take steps necessary, including the reprogramming of funds, to ensure United States support for efforts to bring Saddam Hussein and other Iraqi officials to justice.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote by which the resolution, as amended, was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BIDEN. Mr. President, I want to commend Senator SPECTER for his leadership in championing the resolution passed overwhelmingly by the Senate a short time ago.

Our action has put the Senate on record in support of establishing an international commission and criminal tribunal for the purpose of investigating, prosecuting, and ultimately punishing Saddam Hussein and other Iraqi officials for genocide and crimes against humanity.

Through his genocidal campaigns against the Kurds and the Shi'a, the brutal treatment of Kuwaiti civilians, and the repeated use of chemical weapons, Saddam Hussein has earned his place as one of this century's most odious tyrants.

Perhaps the best documented case of Saddam's genocidal policies is the infamous Anfal campaign launched in February 1988 against Iraqi Kurdistan. The purpose of Anfal was to break the back of the Kurdish resistance using whatever means necessary. Large tracts of rural Kurdistan were declared off-limits and forcibly depopulated. Those who remained were branded "traitors" and "saboteurs" and were systematically liquidated during a ruthless six and a half month campaign. Human Rights Watch estimates that, in all, between 50,000 and 100,000 innocent civilians were killed during Anfal.

On March 16, 1988—nearly ten years ago to the day—Saddam unleashed a deadly cocktail of chemical weapons against the Kurdish town of Halabja. Wednesday's Washington Post piece by Christine Gosden is a poignant reminder of the suffering that the innocent men, women, and children of Halabja endure to this day as a result of that cowardly attack ten years ago. I ask unanimous consent that Dr. Gosden's account be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. BIDEN. The weak international response that followed Halabja emboldened Saddam. In August 1988, he launched his final offensive against dozens of other villages, killing hundreds, and causing tens of thousands to flee to neighboring countries. A staff report prepared for the Senate Foreign Relations Committee, based on interviews with survivors, described the atrocities in vivid detail:

> The bombs . . . did not produce a large explosion. Only a weak sound could be heard and then a yellowish cloud spread out from the center of the explosion. . . . Those who were very close to the bombs died almost instantly. Those who did not die instantly found it difficult to breathe and began to vomit. The gas stung the eyes, skin and lungs of the villagers exposed to it. Many suffered temporary blindness.
>
> After the bombs exploded, many villagers ran and submerged themselves in nearby streams to escape the spreading gas. . . . Many of those who made it to streams survived. Those who could not run from the growing smell, mostly the very old and the very young, died. The survivors who saw the dead reported that blood could be seen trickling out of the mouths of some of the bodies. A yellowish fluid could also be seen oozing out of the noses and mouths of some of the dead. Some said the bodies appeared frozen. Many of the dead bodies turned blackish blue.

Saddam's outrageous act prompted only a muted response from the world community. One of the few sounds of protest came from this body, where Senators Pell and HELMS promptly introduced legislation to impose sanctions against Iraq.

The bill sailed through the Senate on a voice vote, a day after it was introduced. Unfortunately, the Reagan Administration, still under the delusion that it could deal with Saddam, denounced the bill as "premature," and later succeeded in blocking its enactment in the final days of the One Hundredth Congress.

The Kurds are not the only victims of Saddam's atrocities. The "Marsh Arabs" of Southern Iraq have seen hundreds of their villages destroyed. They have been subjected to arbitrary killings and forcibly relocated. The mainstay of their ancient culture—the marshes of Southern Iraq—have been drained so that military operations can be carried out against them and other rebels with greater ease.

In addition to terrorizing his own citizens, Saddam Hussein has unleashed his wrath against Iraq's neighbors on numerous occasions. He used chemical weapons repeatedly during the Iran-Iraq War in clear violation of the 1925 Geneva Convention. His troops raped and murdered with impunity during the occupation of Kuwait. And he has rained scud missiles on the civilian populations of Bahrain, Saudi Arabia, Iran, and Israel.

It is high time that the international community stop looking the other way when presented with these blatant crimes against humanity. It is time to systematically compile the evidence of Saddam Hussein's atrocities and undertake criminal proceedings to deliver the punishment that he so richly deserves.

Our action in passing this resolution presents a challenge to the international community to join the United States in putting the wheels of justice into motion.

We should not underestimate the difficulty of physically delivering Saddam Hussein to a tribunal, but it would be unconscionable to abandon the quest for justice. Silence and inaction would be a grave injustice to the hundreds upon thousands of his victims.

[From the Washington Post, Mar. 11, 1998]

WHY I WENT, WHAT I SAW

(By Christine Gosden)

We have all talked so long and so reflexively about "weapons of mass destruction" that the phrase has lost much of its immediacy and meaning. It has become, like "nuclear devastation" and "chemical and biological warfare," an abstract term of governmental memos, punditry and political debate. For many it calls forth neither visual imagery nor visceral revulsion.

Two Sundays ago, the TV program "60 Minutes" got a good start on changing that when it broadcast the story of the Iraqi city of Halabja 10 years after its civilian population had been the target of a chemical attack by Saddam Hussein. That population is mainly Kurdish and had sympathized with Iran during the Iran-Iraq war. The gassing of its people was in retaliation for that sympathizing.

"60 Minutes" has given us permission to make still pictures from the film, which was originally shot, both in 1988 and 1998, by the British film maker, Gwynne Roberts. The "60 Minutes" staff also helped us to get in touch with the remarkable Dr. Christine Gosden, a British medical specialist, whose efforts to help the people of Halabja is documented. Dr. Gosden, who went out to Halabja 10 years after the bombing, agreed to write a piece for us, expanding on what she saw in Iraq. People around the world have seen the evidence of deformity and mutation following from the nuclear bombing of Hiroshima and Nagasaki. It shaped their attitude toward the use of atomic weapons. Maybe if more evidence of the unimaginable, real-life effects of chemical warfare becomes available, a comparable attitude toward those weapons will develop.

On the 16th of March 1988, an Iraqi military strike subjected Halabja, a Kurdish town of 45,000 in northern Iraq, to bombardment with the greatest attack of chemical weapons ever used against a civilian population. The chemical agents used were a "cocktail" of mustard gas (which affects skin, eyes and the membranes of the nose, throat and lungs), and the nerve agents sarin, tabun and VX. The chemicals to which the people were exposed drenched their skin and clothes, affected their respiratory tracts and eyes and contaminated their water and food.

Many people simply fell dead where they were, immediate casualties of the attack. Estimates put these deaths at about 5,000. A few were given brief and immediate treatment, which involved taking them to the United States, Europe and Iran. The majority of them returned to Halabja. Since then, no medical team, either from Iraq, Europe or America or from any international agency has monitored either the short- or long-term consequences of this chemical attack. Gwynne Roberts, a film director, made the award-winning film "The Winds of Death" about the attack in 1988. I saw this film, and it had a tremendous effect on me. Gwynne revisited Halabja in 1997 and was concerned that many of the survivors seemed very ill. He could not understand why no one had tried to find out what was happening to them. He convinced me that this was something I had to do.

Why would a female professor of medical genetics want to make a trip like this? I went to learn and to help. This was the first time that a terrible mixture of chemical weapons had been used against a large civilian population. I wanted to see the nature and scale of the problems these people faced, and was concerned that in the 10 years since the attack no one, including the major aid agencies, had visited Halabja to determine exactly what the effects of these weapons had been.

My medical specialty was particularly apt. My principal field of research is directed toward trying to understand the major causes of human congenital malformations, infertility and cancers including breast, ovarian, prostate and colon cancers. I am carrying out studies on a group of about 15 genes called tumor suppressor genes, which include breast/ovarian cancer genes BRCA 1 and BRCA 2 colon cancer genes and the Retinoblastoma and Wilm's tumor genes associated with childhood cancers. When these genes are disrupted or mutate, they have a number of effects. Alterations lead to congenital abnormalities or pregnancy loss. Their role after birth is to try to prevent cancers from forming. Later in life, loss or mutation may lead to infertility and cancers.

I was particularly concerned about the effects on the women and children. Most of the previous reported exposures to chemical weapons and mustard gas had involved men involved in military service; chemical weapons had never been used on this scale on a civilian population before. I was worried about possible effects on congenital malformations, fertility and cancers, not just in women and children but in the whole population. I also feared that there might be other major long-term effects, such as blindness and neurological damage, for which there is no known treatment.

What I found was far worse than anything I had suspected, devastating problems occurring 10 years after the attack. These chemicals seriously affected people's eyes and respiratory and neurological systems. Many became blind. Skin disorders which involve severe scarring are frequent, and many progress to skin cancer. Working in conjunction with the doctors in the area, I compared the frequency of these conditions such as infertility, congenital malformations and cancers (including skin, head, neck, respiratory system, gastrointestinal tract, breast and childhood cancers) in those who were in Halabja at the time with an unexposed population from a city in the same region. We found the frequencies in Halabja are at least three to four times greater, even 10 years after the attack. An increasing number of children are dying each year of leukemias and lymphomas. The cancers tend to occur in much younger people in Halabja than elsewhere, and many people have aggressive tumors, so that mortality rates are high. No chemotherapy or radiotherapy is available in this region.

I found that there was also a total lack of access to pediatric surgery to repair the major heart defects, hare lip and cleft palate or other major malformations in the children. This meant that children in Halabja are dying of heart failure when children with the same heart defects could have had surgery and would probably have survived in Britain or the United States. It was agonizing for me to see beautiful children whose faces were disfigured by hare lip and cleft palate when I know that skilled and gifted surgeons correct these defects every day in North America and Europe.

The neuropsychiatric consequences are seen as human tragedy on every street, in almost every house and every ward of the hospital. People weep and are in great distress because of their severe depression, and suicidal tendencies are alarmingly evident. The surgeons often have to remove bullets from people who have failed in their suicide attempts. In collecting data from the Martyrs Hospital in Halabja, the doctors said that they are not able to see patients with psychiatric and neurological conditions because there is a lack of resources and there is no effective treatment. Many people have neurological impairment or long-term neuromuscular effects. Most people cannot afford even the cheapest treatment or drugs and so are reluctant to come to the hospital. At present, even for those with life-threatening conditions, there is no effective therapy for any of these conditions in Halabja.

On the first day of my visit to the labor and gynecological ward in the hospital, there were no women in normal labor and no one had recently delivered a normal baby. Three women had just miscarried. The staff in the labor ward told of the very large proportion of pregnancies in which there were major malformations. In addition to fetal losses and perinatal deaths, there is also a very large number of infant deaths. The frequencies of these in the Halabjan women is more than four times greater than that in the neighboring city of Soulemaneya. The findings of serious congenital malformations with genetic causes occurring in children born years after the chemical attack suggest that the effects from these chemical warfare agents are transmitted to succeeding generations.

Miscarriage, infant deaths and infertility mean that life isn't being replenished in this community, as one would expect if these weapons had no long-term effects. The people hoped that after the attack they could rebuild the families and communities that had been destroyed. The inability to do so has led to increasing despair. Their lives and hopes have been shattered. One survivor described being in a cellar with about a hundred other people, all of whom died during the attack. Not only do those who survived have to cope with memories of their relatives suddenly dying in their arms, they have to try to come to terms with their own painful diseases and those of their surviving friends and relatives.

For instance, many people have more than one major condition, including respiratory problems, eye conditions, neurological disorders, skin problems, cancers and children with congenital malformations and childhood handicaps such as mental handicap, cerebral palsy and Down's syndrome. The occurrences of genetic mutations and carcinogenesis in this population appear comparable with those who were one to two kilometers from the hypocenter of the Hiroshima and Nagasaki atomic bombs and show that the chemicals used in this attack, particularly mustard gas, have a general effect on the body similar to that of ionizing radiation.

Ten years after the attack, people are suffering a wide spectrum of effects, all of which are attributable to long-term damage to DNA. A radio broadcast was made the day before our arrival to ask people who were ill to come to the hospital to record their problems. On the first day, 700 people came; 495 of them had two or more major problems. The cases we encountered were extremely sad.

The people of Halabja need immediate help. There is a need for specialists (such as pediatric surgeons), equipment and drugs. Even more basic than this, though, is the need for heat, clean water and careful efforts to safeguard them against further attacks. We have to realize that there is very little medical or scientific knowledge about how to treat the victims of a chemical weapons attack like this effectively. We need to listen, think and evaluate with skill, since many of these people have had exposures to strange combinations of toxic gases. They have conditions that have not been seen or reported before. We may severely disadvantage a large group of vulnerable people and deny them effective diagnosis and treatment if we are intellectually arrogant and fail to admit that we have virtually no knowledge about how to treat the problems resulting from these terrible weapons, which have been used to more powerful and inhumane effect than ever before.

The pictures beamed around the world after the attack in 1988 in newspapers and on TV were horrifying. One picture was of a father who died trying to shield his twin sons from the attack. The statue in the road at the entrance to Halabja is based on that picture. This is not a traditional statue of someone standing proud and erect, captured in stone or bronze to represent man triumphant and successful, but of a man prostrate and agonized dying in the act of trying to protect his children. A deep and lasting chill went through me when I entered the town and saw the statue, and it settled like a toxic psychological cloud over me. This proved hard to dispel; it intensified as I met the people, heard their stories and saw the extent of the long-term illnesses caused by the attack. The terrible images of the people of Halabja and their situation persist and recur in my nightmares and disturb my waking thoughts. Perhaps these thoughts persist so vividly as a reminder to me that the major task is now to try and get help for these people.

Mr. THOMPSON. Mr. President, today's vote for prosecuting Saddam Hussein as a war criminal is important for at least two reasons. First, it highlights again the outrageous and murderous actions Saddam Hussein has taken over the past seven years. Second, it injects new thinking into the U.S. approach toward Iraq—something that has been sorely lacking.

Much commentary has been offered among the general public—and in this body—about the wisdom of the latest deal between U.N. Secretary General Kofi Annan and Saddam Hussein. Much of this commentary has focused on whether or not that agreement is a "good" one—one that will really curb Saddam. In my view, this question is misdirected. Almost certainly, the latest deal will do little but buy time. As long as Saddam possesses weapons of mass destruction, there's going to be another showdown somewhere down the road. So the real question becomes what we are going to do in the meantime to develop a comprehensive, long-term policy to protect our interests even as Saddam uses the time to further build up his arsenal and weaken international resolve. Trying Saddam for war crimes could be a step in that direction.

There is little doubt in most American's minds that Saddam Hussein negotiated the latest agreement to his own advantage. His standard M-O is to agree to some set of conditions, set himself up in the court of world opinion as some sort of victim, and then violate the agreements when it's advantageous for him to do so. He weakens the international coalition arrayed against him by creating, and then expanding, gray areas in the interpretation of international agreements in an effort to keep his most coveted weapons, while wiggling out of the economic sanctions imposed against his country—a strategy which, I am sorry to say, has worked pretty well for him so far.

So far, Saddam Hussein has been in control of the situation. He decides what disputes arise and when they come about. And because the United States has developed no creative alternatives to direct conflict, and because we have few international supporters, Saddam forces the U.S. to deploy large amounts of military forces to the Gulf—each time further eroding international cohesion, costing American taxpayers billions of dollars, and weakening our ability to defend other interests. Then, at the last moment, Saddam promises to behave within certain parameters which he negotiates. Later, at a time of his choosing, he tests those parameters and another round of military buildup and feverish hand-wringing among the world's diplomats begins.

Mr. President, Saddam is pretty much calling the shots. This is far too serious a business for us to settle for such little administration planning as we have seen. Iraqi weapons of mass destruction are quite real, and quite deadly, but our posture against this threat is almost entirely reactive. We engage in a loose strategy of containment, running pretty much on autopilot, until Saddam decides to challenge the status quo. Then we hear a lot of hot rhetoric about "a modern Hitler" and "grave consequences" accompanied by military deployments. But after a flurry of diplomatic activity, Americans are told there can be "peace in our time." Mr. President, I am reminded of the boy who cried wolf, and I would remind the Administration that they can only go to the well so many times before the American people—and the rest of the world—ceases to take them seriously on this matter.

Our credibility is one of our first lines of defense. We don't make idle threats or rattle sabers—or rather, we shouldn't make such threats. Otherwise, this roller coaster of international gamesmanship ends up putting dents in our credibility, and that's destructive to our security. And rather than advancing America's security and our interests in the Middle East, this cycle of military build-up and appeasement plays right into Saddam's hands.

Our foreign policy needs to be made firmly and unequivocally by the President with the discrete counsel of Congress. Instead of forceful leadership in this matter, we have seen the administration attempt to insulate itself from the consequences that might come from a conflict with Iraq by staging public relations opportunities. The fiasco at Ohio State University marked a new low. Mr. President, this nation's foreign policy should not be set on the basis of pep rallies. When Americans are sent to war, it must be done on the basis of sober and rational decisions. Sadly, it appears that for this administration, we've reached the point where stagecraft has replaced statecraft.

Americans are uneasy with the lack of a comprehensive plan for Iraq. Untended sanctions, followed by military build-ups, followed by a return to sanctions, do not constitute a serious foreign policy. The President needs to take action, and he needs to make the case for that action confidently and truthfully to the American people, and then he needs to carry out exactly what he says he'll do.

Mr. President, Saddam Hussein is a brutal authoritarian who oppresses the Iraqi people, menaces his neighbors, and threatens the international community by developing weapons of mass destruction and potentially interrupting oil trade. Sadly, the United States currently has only two options for confronting him, both of them poor choices: (1) maintaining sanctions and continuing diplomacy in an environment of eroding international support, and; (2) launching military strikes, which Saddam has thus far been able to withstand.

Obviously, Americans are always glad when loss of life can be avoided, and there's no question that military strikes would have cost lives. But if by putting off a confrontation with Saddam we have enabled him to grow stronger and perhaps emboldened him to use chemical or biological weapons somewhere in the world, then delaying strikes will have been short-sighted with tragic consequences for many, many innocent people. Given the lack of a comprehensive strategy for dealing with Iraq, however, the result of strikes would have been a collapse of any remaining international cooperation on Iraq, the end of weapons inspections, a politically strengthened Saddam Hussein, and the continuation of Iraq's WMD program. At least the current agreement buys time. It's now up to the Administration to use this window of opportunity to develop better options for the next time Saddam becomes belligerent.

Building an international record of war crimes against Iraqi leaders could be one way to expand options for dealing with Iraq. Members of this body have also suggested other ideas like supporting an Iraqi opposition; developing, in cooperation with our Middle Eastern allies, better chemical and biological defenses; working more closely with allies to develop sustainable sanctions targeted against the Iraqi Government and its WMD program; and, working to convince other Gulf countries that, if we strike, they will not be left to confront a wounded but still-in-power Saddam who will grow even stronger. These may provide kernels of alternative policies. But Mr. President, every plan that works begins with leadership, accountability, and a seriousness of purpose. So far, these qualities have largely been lacking in the Administration's Iraq policy. I hope they take to heart the ideas offered today by the Senate.

Whatever we do, the U.S. must have more options than sanctions and military strikes the next time Saddam flouts his agreements. If the Administration does not develop new alternatives, we will soon repeat the well-worn cycle of military build-up and stand-down, and the next time we're at these crossroads with Iraq, our options will be even fewer and support both at home and abroad will be even more scarce. Mr. President, we cannot afford to leave American interests open to that kind of risk. And we will have no excuse for our position if the administration comes to these crossroads again in six months or a year no better equipped—and with no better planning—than we have just seen.

We must stand up to Saddam with confidence, clear goals, and resolute purpose. And we have to do it soon, or the time bought by the latest agreement will be solely to Saddam's advantage.

Mr. KERRY. Mr. President, I congratulate the Senator from Pennsylvania for introducing this resolution, which I supported when it was considered by the Committee on Foreign Relations and again supported on the vote just taken.

Our world has come a long way since the dawn of civilization. As human beings have evolved biologically and eventually socially, we have come to realize that we can safely and happily live together on this globe only if we abide by certain rules of behavior. The course of civilization is, in large measure, the history of humankind's increasing and increasingly sophisticated efforts to define acceptable and unacceptable behavior—for individuals, groups, and nations, and our successes and failures to abide by those definitions and the consequences of those successes and failures.

Other Senators, Mr. President, particularly the resolution's principal sponsor and a key cosponsor, the Senator from North Dakota [Mr. DORGAN], have set forth in considerable detail the bill of particulars against the dictator of Iraq. Those include documented chemical weapons attacks against Iranian troops and civilians in the Iran-Iraq War. They include chemical weapons attacks against Kurds in Iraq—Iraqi citizens, keep in mind—leaving behind the most revolting human injuries imaginable. Men, women, children, infants—no one was spared. Many died immediately. Many who managed to survive wished they had died. Some of them died later with no interruption in their agony—blindness, peeling skin, gaping sores, asphyxiation. And others, even if they did not evince the same signs of injury, have transmitted the horror of those attacks across time and even generations. Terrible birth defects have afflicted the offspring of many who survived Saddam Hussein's attacks. The rate of miscarriages and stillbirths has soared for those survivors.

We do not know why Saddam Hussein chose not to use these weapons against the Coalition troops in the Gulf War that resulted from his invasion and occupation of Kuwait. We do know that he had them in his inventory, and the means of delivering them. We do know that his chemical, biological, and nuclear weapons development programs were proceeding with his active support.

We have evidence, collected by the United Nations's inspectors during those inspections that Saddam Hussein has permitted them to make, that despite his pledges at the conclusion of the war that no further work would be done in these weapons of mass destruction programs, and that all prior work and weapons that resulted from it would be destroyed, this work has continued illegally and covertly.

And, Mr. President, we have every reason to believe that Saddam Hussein will continue to do everything in his power to further develop weapons of mass destruction and the ability to deliver those weapons, and that he will use those weapons without concern or pangs of conscience if ever and whenever his own calculations persuade him it is in his interests to do so.

Saddam Hussein has not limited his unspeakable actions to use of weapons of mass destruction. He and his loyalists have proven themselves quite comfortable with old fashioned instruments and techniques of torture—both physical and psychological. During the Iraqi invasion of Kuwait, Kuwaiti women were systematically raped and otherwise assaulted. The accounts of the torture chambers in his permanent and makeshift prisons and detention facilities are gruesome by any measure.

Mr. President, Saddam Hussein's actions in terrorizing his own people and in using horrible weapons and means of torture against those who oppose him, be they his own countrymen and women or citizens of other nations, collectively comprise the definition of crimes against humanity.

I have spoken before this chamber on several occasions to state my belief that the United States must take every feasible step to lead the world to remove this unacceptable threat. He must be deprived of the ability to injure his own citizens without regard to internationally-recognized standards of behavior and law. He must be deprived of his ability to invade neighboring nations. He must be deprived of his ability to visit destruction on other nations in the Middle East region or beyond. If he does not live up fully to the new commitments that U.N. Secretary-General Annan recently obtained in order to end the weapons inspection standoff—and I will say clearly that I cannot conceive that he will not violate those commitments at some point—we must act decisively to end the threats that Saddam Hussein poses.

But the vote this morning was about a different albeit related matter today. It was about initiating a process of bringing the world's opprobrium to bear on this reprehensible criminal—to officially designate Saddam Hussein as that which we know him to be.

We are realists, Mr. President. Even if this process leads as we believe it will to the conviction of Saddam Hussein under international law, our ability to carry out any resulting sentence may be constrained as long as he remains in power in Baghdad. But Saddam Hussein will not remain in power in Baghdad forever. Eventually, if we persist out of dedication to the cause that we must never permit anyone one who treats other human beings the way he has treated tens of thousands of human beings to escape justice, we will bring Saddam Hussein to justice. And in the meantime, his conviction on these charges may prove of benefit to our efforts to isolate him and his government, and to rally the support of other nations around the world to the effort to remove him from power.

I am pleased, Mr. President, that this resolution was agreed to unanimously, and hopeful that soon the machinery of international law will be applied as it was designed to label Saddam Hussein as the horrific murderer and torturer he is, recognition he richly deserves.

Mr. McCAIN. Mr. President, I express my strong support of Senate Concurrent Resolution 78, which would call on the President of the United States to work toward the establishment of the legal mechanisms, under the aegis of the United Nations, necessary for the prosecution of Iraqi dictator Saddam Hussein for crimes against humanity, including the infliction upon the people of Kuwait and his own Kurdish population of genocidal policies. The resolution further encourages that the President seek the funding required to support this effort.

Senator SPECTER is to be commended for taking the lead in this morally and legally essential exercise in holding Saddam Hussein accountable for a long history of brutality that places him squarely among the worst human rights offenders of the post-World War II era. While none of us are under any illusions about the nature of this individual, I nevertheless urge my colleagues to read the text of this resolution carefully. It is a concise, comprehensive list of human rights abuses and war crimes committed by the Iraqi leader against the neighboring country of Kuwait, which he invaded and upon which imposed a brutal occupation, and against the Kurdish occupation of northern Iraq. It reiterates the degree to which Saddam Hussein has willfully and repeatedly failed to comply with United Nations and other legal mandates pertaining to his treatment of those who have suffered the misfortune of falling under his grip and to the international inspection regimes to which he is subject.

The text of the resolution is self-explanatory, but even that omits mention of the incalculable acts of wanton cruelty Saddam Hussein, and his sons, has committed against the Iraqi people, in addition to actions against the country's Kurdish population. Such a discussion is beyond the purview of a resolution oriented towards holding Saddam accountable for war crimes. I mention this only to ensure that the fate of the Iraqi people is not forgotten. The purpose of S. Con. Res. 78 is to establish the legal framework for further isolating Saddam Hussein diplomatically and for working toward his removal from power. This is a resolution that may seem obvious and elementary in some respects, yet which reflects my colleague from Pennsylvania's astute grasp of the legal imperatives involved in pursuing far-ranging policies designed to bring down a ruthless and belligerent dictator.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business.

Under the previous order, the Senator from Utah, Mr. BENNETT, is recognized to speak for up to 45 minutes.

ORDER OF PROCEDURE

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senator from Montana, Mr. BURNS, the Senator from California, Mrs. BOXER, and the Senator from Pennsylvania, Mr. SPECTER, each be recognized for up to 3 minutes apiece, and that the time not count against my 45 minutes; that following the presentations of each of these three Senators, I be allowed to proceed with the 45 minutes as called for in the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I note the Senator from California is on the floor, and I suggest she be recognized first.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank the Senator from Utah for his kindness and ask unanimous consent that I have 4 minutes.

Mr. BENNETT. I have no objection.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

Mrs. BOXER. Thank you very much.

NOMINATION OF JAMES C. HORMEL

Mrs. BOXER. Mr. President, I rise today to urge the majority leader to schedule a vote on the nomination of James C. Hormel to be U.S. Ambassador to Luxembourg. He has my strong support as well as the strong support of Senator FEINSTEIN, who has made an eloquent statement on the Senate floor on his behalf.

James Hormel is a successful businessman, a loving father, and a loving grandfather.

On October 29, 1997 before the Foreign Relations Committee, I introduced James Hormel for the position of Ambassador to Luxembourg. At that hearing, I spoke of his sharp mind, distinguished career and extensive knowledge of diplomacy, international relations and the business world. Like many of my colleagues, I believe that James Hormel was, and still is, clearly qualified for this position.

Almost five months later, this nomination still has not come to the Senate floor for a vote. The full Senate has not even had the opportunity to debate the merits of Mr. Hormel's nomination. This is because a hold has been placed on the nomination by certain Senators—apparently because of James Hormel's sexual orientation.

I say, "apparently" because the arguments some have used to oppose Mr. Hormel do not ring true.

The main argument is that Mr. Hormel, through his generous history of giving, has donated funds to certain projects—a library collection and an educational video—that contain controversial content. These are not valid arguments.

First, it is my understanding that many of the books in question, which are found in the San Francisco Public Library, are also in the Library of Congress. Neither Congress nor James Hormel should be responsible for screening the subjects of books found in their libraries.

And, second, James Hormel had absolutely no input into the content of the educational video. If the content of this video is a valid reason for the Senate to place a hold on this nominee, it sets a dangerous precedent.

For instance, what if the next nominee that comes before the Senate has given money to his or her child's high school newspaper. And, what if that newspaper ran a controversial article about a particular Senator. Would the Senate then place a hold on that nomination? I don't think so. The holds are in place because James Hormel is gay.

Mr. President, I believe that the Senate should consider nominees based on their qualifications. If the Senate agrees with me, there should be no controversy over James Hormel's nomination.

James Hormel, of San Francisco, California, graduated from Swarthmore College and shortly thereafter earned his Juris Doctorate at the University of Chicago Law School. Mr. Hormel served for several years as the Dean of Students and Assistant Dean at the University of Chicago Law School. Since 1984, he has presided as Chairman of EQUIDEX, Inc., an investment firm based in San Francisco.

For the past 30 years, Mr. Hormel has been a dedicated philanthropist, generously working to support a wide range of worthy causes. For his unselfish acts of giving, he has received several awards and honors. In 1996, he was named Philanthropist of the Year by the Golden Gate Chapter of the National Society of Fundraising Executives. Other honors include the Golden Gate Business Association's Outstanding Leadership Award, the Silver Spur Award from the San Francisco Planning and Urban Research Association, the Public Service Citation from the University of Chicago Alumni Association, and many, many others.

On the local level, Mr. Hormel is an active member of the San Francisco community working with several important civic organizations. His current projects include the San Francisco Chamber of Commerce, the Human Rights Campaign Foundation, the San Francisco Symphony and the American Foundation for AIDS Research.

Because of this impressive record, the Senate Foreign Relations Committee approved the nomination of James Hormel by voice vote. And, as a matter of fact, just months before, the full Senate unanimously confirmed James Hormel to serve as a delegate to the U.N. Human Rights Commission.

Mr. President, James Hormel meets all requirements needed to be the ambassador to Luxembourg. If there is any doubt about Mr. Hormel's qualifications, we should have an open debate on the floor so these questions can be answered.

In the end, I believe both this country and Luxembourg will benefit greatly from James Hormel as U.S. Ambassador.

Thank you very much, Mr. President. I yield back the time to Senator BENNETT.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. The Senator from Montana has informed me he does not intend to use the time reserved for him. Not seeing the Senator from Pennsylvania on the floor, I now claim my 45 minutes and will proceed.

The PRESIDING OFFICER. The Senator from Utah.

THE WHITEWATER AND 1996 PRESIDENTIAL CAMPAIGN INVESTIGATIONS

Mr. BENNETT. Mr. President, I am here for two reasons today. First, the Governmental Affairs Committee filed its report last week. I have individual views in that report regarding the scandals surrounding the 1996 Presidential campaign. I said in my individual views that I would focus, in a major floor speech, on what I consider to be the principal issue of that investigation. I am here today to fulfill that responsibility.

Secondly, today I have sent a letter to the Attorney General focusing on what I consider to be the principal problem connected with our investigation. I owe it to her to make a full explanation of why I have sent her that letter.

Now, Mr. President, I am a Member of the Senate who served on the first committee investigating Whitewater activities, chaired by Don Riegle, the Senator from Michigan. I call that Whitewater I.

I served on the second committee investigating the matters relating to Whitewater, chaired by Senator D'AMATO, which I call Whitewater II.

I served on the Governmental Affairs Committee investigating the excesses of the 1996 campaign, which I shall call Thompson.

From those three committees, I have some observations that I think I would like the Members of the Senate to be aware of. I am going to do two things in my presentation. First, I will outline the common threads that have run through all three of those investigations. They give us a pattern of how the Clinton administration reacts to scandal; and, second, I will, in response to the letter I have sent to the Attorney General, focus on the one specific situation that remains unresolved that in my opinion is the most important situation in this whole circumstance.

So let us go to my first task, the identification of the common threads. At the end of Whitewater I, I went back to the office and dictated a memo to myself for historical purposes to help me remember what I had learned out of that situation. I have gone back and reread that memo and share with you now the things I wrote down.

I came to the conclusion that the low-level people who testified before us—that is, people who are fairly far down in the bureaucracy—have good memories, gave us direct answers, and tell the truth as they see it. I found that pattern across the board. On the other hand, the higher level officials had bad memories, gave us evasive answers, and did their best, in my opinion, to shave the truth. As I say, I saw this pattern in the very first Whitewater committee. I saw it repeated again and again through all three experiences.

Let me give you some examples. In Whitewater I, the Resolution Trust Corporation employees, who were involved with investigating this matter, who first noticed the criminal referrals relating to President Clinton's—then Governor Clinton's—business partners, all had good memories, gave us direct answers and told us the truth.

But when we got to a higher level, we found a Treasury Department official who actually tried to convince the committee that he had lied to his own diary. That is, the notes he had taken contemporaneous to the events were wrong and the version he was now giving us before the committee was the correct one.

When we got to the highest level, members of the White House staff, we had the people who could not remember anything.

In Whitewater II, at the lowest level, the Secret Service people, the Park Police, the White House secretaries who worked in the office of the White House general counsel all had clear memories, all told us the truth, all were very direct in their responses.

When we got up to a slightly higher level, reminiscent of the man who lied to his diary, we had a political appointee who could not recognize her own voice when it was played back to her on a tape recording of a conversation she herself had had, saying, "I'm not sure that's me."

When we got to the highest level, White House intimates, we had a White House official who said she could not remember being in the White House even though the Secret Service showed she had been there and had been in the family residence portion of the White House for 2 hours on that particular day, and she had no recollection whatsoever of the incident. She did recall making calls of condolence to people with respect to Vince Foster's suicide, but she could not recall any conversations about any other subject during that time period.

Now, when we get to the Thompson committee, at the lowest level, we had briefers from the CIA, we had secretaries at the Department of Commerce, we had a bookkeeper from the Lippo Bank, all of whom had very clear memories—direct answers, believable.

Then we got up to the DNC staffer, he constantly had to have his deposition read back to him when he was in front of the television cameras to remind him that his version now was not the same as his version previously.

When we got to the highest level, the Deputy Chief of Staff to the President of the United States, he said he "could not recall" 299 times—one time short of a perfect bowling score.

So, I came to my first conclusion: If you want to know what happened, talk to the people at the lower level, talk to the people whose jobs are not dependent upon White House patronage.

The second common theme comes not from a detailed memo to myself but from an editorial that appeared in the New York Times. This editorial appeared January 22nd of this year. It was not talking about the three investigations that I have described, but it does analyze, better than anything I have seen, the patterns of this administration. It says, quoting from the New York Times:

> This Administration repeatedly forces its supporters to choose between loyalty and respect for the law. Those are Clinton . . . themes established long before the charges that Mr. Clinton had a sexual relationship with a White House intern. . . . In such circumstances in the past, the White House has relied on two principal weapons, stonewalling and attacking. . . .

I would like to take it through the same pattern as the first theme I discovered.

Let us go back to Whitewater I. Admittedly, there was a relatively small amount of stonewalling in Whitewater I. It was mainly memory loss. But there were attacks, attacks on the RTC employees, attacks on their veracity, attacks on their integrity, attacks on the way they did their jobs.

We really saw this pattern in stonewalling and attacking when we got to Whitewater II. Stonewall the subpoena. Insist that you cannot find the notes. Say that that is attorney-client privilege. Then we saw something new that entered in here which I call the "incompetence defense." Constantly we were told the reason they could not produce the information we wanted is that "a Secretary had misread the subpoena. . . . We didn't know that's what you wanted. . . . That was in the wrong file. . . . We looked in the wrong place. . . . We don't know where the notes came from." Part of the stonewalling pattern was the incompetence defense. "We are so incompetent down here we can't provide you with anything."

Attack? Oh, yes, we saw it in Whitewater II—attack witnesses, including, incidentally, Linda Tripp, who was one of the low-level people who appeared before us in Whitewater II and who, in response to the attack she received by virtue of her direct answers, decided she had better start tape recording all of her conversations in order to protect herself. Attack the witnesses, attack the committee staff, and most of all, attack the chairman.

All of us in this Chamber know the tremendous amount of abuse that was heaped upon the head of the committee, AL D'AMATO, by virtue of his chairmanship of that committee. I personally saw it in the following instance. I appeared on the News Hour with Jim Lehrer opposite Anne Lewis, Deputy Director of the Democratic National Committee. She said on that occasion, with great indignation, "It is no coincidence that AL D'AMATO, the chairman of Bob Dole's election effort, was appointed chairman of the committee to handle this investigation against President Clinton." I stepped in and corrected her. I said, "As a matter of fact, it is coincidence." It is the purest coincidence. The individual who made the decision that AL D'AMATO would be the chairman of that investigation was actually George Mitchell, the Democratic majority leader in this Senate, who in the 103d Congress determined it would be the Banking Committee that would handle the Whitewater investigation. George Mitchell didn't realize that the voters would put AL D'AMATO in that position in the 104th Congress. Pure coincidence. I saw Anne Lewis on television the next day after I had given her that additional information saying, "It is no coincidence" about AL D'AMATO, and she went on with her charge, her unrelenting attack.

In the Thompson committee, the same pattern. They attacked the witnesses, they attacked the staff, they attacked the chairman, and in this case, they attacked the committee members. I know that because they attacked me. Here was the circumstance. We had a description of Charlie Trie and how he was acting, and one of the members of the committee said he really couldn't understand that action, implying that Charlie Trie should be dismissed as nothing more than a buffoon. I stepped in and said, "No. I have owned a business in Asia. I have done business in Asia. Charlie Trie's actions are the typical actions of an Asian businessman." By that afternoon, the Democratic National Committee issued a press release attacking me as a racist, and within 3 or 4 days, par for the course with their efficiency, there were letters to the editor of my hometown newspaper repeating the charge that I was a racist.

I found it interesting that somewhat later when President Clinton was describing why Charlie Trie acted the way in which he did, he pointed out he was simply responding to the culture that he came out of, the business situation in which he found himself—in other words, a typical Asian businessman. I find it interesting that to the Democratic National Committee when I say it, it is racist; when President Clinton says it, it is exculpatory. In fact, of course, it is neither one.

Stonewall and attack, stonewall and attack, stonewall and attack. We saw it through all three of these investigations. If I may, we are seeing it again with respect to Kenneth Starr and what is going on in the investigation into the President's personal life. Those are the themes that I saw. The second conclusion I add to the first one: The White House will stonewall and attack at every turn. Those who speak up candidly do so at their peril.

Now, let me go to my second task, which is to focus on what I consider to be the most serious unresolved situation in all of this. For this we need to take a little history. We go back to 1977 and to the State of Arkansas. In 1977, Mochtar Riady decided it was time to come to the United States. He found a partner who would help him come into the United States, a man by the name of Jackson Stephens of Little Rock, AR. Now, Mochtar Riady is an ethnic Chinese who was born in Indonesia. He rose from running a bicycle shop to becoming a billionaire. We know on the basis of the IMF debate that is currently going on with respect to Indonesia how one becomes a billionaire in Indonesia. It is being called "crony capitalism." It is characterized by money laundering, insider trading, and a cozy relationship with the Government that usually involves substantial payments to officials of the Government. That is the culture in which Mochtar Riady became a billionaire. We will revisit that in a minute.

As I say, in 1977 Mochtar Riady wanted to come to the United States, and given the fact that his company, his group, called the Lippo Group, is primarily involved in banking, insurance, securities, and property development, it is natural that he should first look to acquire a bank. Jackson Stephens said to him, "We can help you acquire the National Bank of Georgia from Bert Lance." But Mochtar Riady did not move fast enough. There were some Middle East investors who moved in, acquired the National Bank of Georgia, renamed it the Bank of Commerce and Credit International, or BCCI, and it went on to its own history and its own story, and we will leave it at that.

Perhaps disappointed in his inability to acquire the National Bank of Georgia, Mochtar Riady looked elsewhere, and Jack Stephens had an alternative for him in the State of Arkansas. So Mochtar Riady sent his second son and heir, James Riady, to Little Rock, to intern at Stephens & Company where he became acquainted with the then Attorney General of the State of Arkansas, a rising young politician named Bill Clinton. Riady and Stephens went on to joint ventures in Hong Kong and in other deals.

But in 1984, Riady and Stephens jointly took control of the Worthen Bank in Little Rock. James Riady was installed to run the Worthen Bank, and he brought from Hong Kong an experienced international banker to help him, a man by the name of John Huang. Now, immediately the bank ran afoul of Federal regulators. The Comptroller of the Currency accused bank officials of breaking Federal laws that limit insider loans. One reporter put it, "The Feds imposed controls on insider lending and started to ease the Riadys out of the bank. The pipeline from Worthen to Jakarta would be cut off." Forced out of their control of the Worthen Bank, the Riadys moved their operations to California. They took over a small bank, renamed it the Lippo Bank of California, and James Riady and John Huang moved to California to head up the bank.

Now, as occurred in Arkansas, the stewardship of the Lippo Bank of California promptly drew the attention of the regulators. Twice within 4 years it was hit with cease and desist orders from the FDIC. The first one was issued for "unsafe or unsound banking practices." The second was issued for underreporting foreign currency transfers between California accounts and accounts in Hong Kong. The Los Angeles Times has noted, "Since 1990, Lippo Bank has spent most of its existence under the FDIC cease and desist orders which are uncommon and among the most severe actions an agency can take."

Now, the Riadys did not stop with banking in California. They branched out into other businesses. We found three of them in the Thompson committee, Hip Hing Holdings, San Jose Holdings, and Toy Center Holdings. There was one common thread of all three, they all lost money.

The most spectacular loser was Hip Hing Holdings. Here is a summary of its financial results. In 1992, it had total income of $38,400. It had expenses exceeding that income of $482,395. They donated, out of that $38,000 in total income, $55,400 to the Democratic National Committee. That has since been returned, having been determined to have been illegal. In 1993, it didn't do any better. Its income went down to $35,000, which brought losses, because their expenses were stable, brought their losses up to $493,000, and this time they donated $32,960 to the Democrats.

The committee determined this was a clear example of money laundering because the $55,400 that came in 1992 was all reimbursed from Jakarta. We asked the bookkeeper of the Hip Hing Holdings how this worked. She said, "Whenever I needed any money I contacted Jakarta and they sent it." Now, John Huang was the president of Hip Hing Holdings. He was also an officer in every other one of these Lippo corporations that I have described, including the Lippo Bank, the one for which he was qualified by virtue of his background. We asked the Lippo Bank president what John Huang did all day. The president and John Huang had adjoining offices and they shared a single secretary. You would think if anyone would know what John Huang's activities were, it would be the bank president of the Lippo Bank. He responded he had no idea what John Huang did all day. We asked the same question of the bookkeeper; we got the same answer. They didn't know what the president of this company, which was losing half a million a year, and no one seemed to care, was doing with his time.

Well, we know what he was doing with his time. John Huang traveled extensively as the Riadys' principal agent in the United States. Among other places, he went to Little Rock to keep up his contact with then Gov. Bill Clinton. He raised money for Governor Clinton's reelection and he raised money for the campaign for President. The committee determined that in 1992 the Riadys were the largest single contributor to the Democratic National Committee, larger than any union, larger than any Hollywood star, larger than any special interest group connected with the Democratic Party. The No. 1 contributor to the Democratic National Committee was the Riady family.

After the election, John Huang continued traveling the country as the Riadys principal agent in the United States, but he added a new wrinkle to his activities. He started hosting officials of the People's Republic of China, taking them wherever possible to introduce them to members of the Clinton administration.

In one case, he brought a Riady partner with connections to the Chinese intelligence apparatus to meet Vice President GORE. Now, why the People's Republic of China? Why would the Riadys be interested in courting favor with the Chinese? Public sources say the Riadys have more than $1 billion invested in China. We asked the CIA if there were other links between the Riadys and the Chinese. The answers are in S–407, the secret room here in the Capitol, and any Senator who wishes can repair there and see just how close the relationship is between the Riadys and the Chinese. I assure you it is very close.

This is what the committee says: "The committee has learned from recently acquired information that James and Mochtar Riady have had a long-term relationship with a Chinese intelligence agency. The relationship is based on mutual benefit, with the Riadys receiving assistance in finding business opportunities in exchange for large sums of money and other help"—I said we would revisit crony capitalism. "Although the relationship appears based on business interests, the committee understands that the Chinese intelligence agency seeks to locate and develop relationships with information collectors, particularly persons with close connections to the U.S. Government."

Let's go back to 1992. The Riadys, the largest single contributor, what did they want? The answer: they wanted a job in the Clinton administration for John Huang. Now, when his name went to the personnel processors, they assumed, we found out in the committee, that the primary reason for supporting John Huang was he was an Asian American and this was one of President Clinton's diversity appointments. Frankly, the appointment languished. It sat there for a year and a half and then two things happened:

No. 1, Webb Hubbell, Hillary Clinton's former law partner, and President Clinton's close friend, found himself out of a job, out of money, and on his way to jail. No. 2, James Riady went to the White House five times in 1 week. On his last day at the White House, which was June 25, he attended the President's radio address. The White House photographers turned on the videotape. I have seen the videotape of the radio address and of the people who were there. At the end of the radio address, each person there shook hands with the President, had his picture taken, and left. Hanging back until everyone was gone was James Riady and John Huang.

After the radio address was over and the people had cleared the Oval Office, James Riady, John Huang, and Bill Clinton were left alone. At that point, unfortunately, the White House photographer turned off the video camera, so we don't know what happened at that meeting. But this much we do know: On the next business day, Monday, June 27, Webb Hubbell was retained by the Lippo Group for $100,000, and John Huang got a memo from James Riady outlining his severance from Lippo in anticipation of his joining the administration in the Commerce Department. Ultimately, that severance came to nearly $900,000—over 4 years' pay—to an executive who had presided over nothing but losing operations.

Well, as we know, the amounts we have shown of these losses are chump change to a billionaire. The Riadys were not in America to make money. They came to America looking for something other than financial gain from their investments in the United States, and they seemed to have gotten it when John Huang went to the Commerce Department less than a month after that White House meeting. James Riady summarized it very well when he described John Huang as "my man in the American Government." John Huang didn't have just any job. He became the principal Deputy Assistant Secretary for International Economic Policy with access to critical economic information, including classified briefings from the CIA.

What did John Huang do at the Commerce Department? Well, we know from some of those lower level people that he attended a lot of meetings and that he was a very assiduous note taker. He was an information collector. But other than that, his superiors at Commerce said the same thing that his superiors at the Lippo Bank said: "We really don't know what John Huang did with his time. We really don't know what he did each day."

Well, we know at least some of the things he did. No. 1, we know he went to the White House 67 times while he was Deputy Assistant Secretary. I know Cabinet officers who would be jealous of the opportunity to go to the White House half that often. No. 2, we know that at least once or twice nearly every week in the entire time he was at the Commerce Department he walked out of his Commerce Department office, went across the street to Stephens Inc's Washington office where he received packages, FAXes, and phone calls; and then with the door closed in an office in that suite, he made phone calls and sent out FAXes. We do not know to whom. We do not know what was in those packages that he received there or why it was essential for him to go there at least once, and often twice, almost every single week for 18 months.

We also know that even though he had received close to $900,000 in severance from the Lippo Group, there was one tie with the Lippo Group that was not severed. They left him with a corporate telephone credit card, and he used that credit card to make over 400 telephone calls to Lippo officials—at least 232 of them to officials of the Lippo Bank. Many of these calls were made on his Commerce Department telephone, using the corporate credit card from the corporation from which, supposedly, he had been severed.

Now, here, therefore, is the structure: You have John Huang in the Commerce Department, in an area of great sensitivity, taking notes and getting briefed by the CIA, and in and out of the White House more often than a Cabinet officer. He is on the phone weekly, or more often, to Lippo executives who have very close ties to Chinese intelligence. If ever there was a conduit that could be used to pass intelligence information from inside the

Clinton administration to the Chinese intelligence apparatus, or Lippo, or both, that conduit was this: From the United States Government through the conduit created by John Huang to the Lippo Group or the Chinese Government. Was this what the Riadys hoped for when they paid for all those money-losing corporations? If it is, they certainly had it.

Of course, all of this would disappear if Bill Clinton failed to be reelected in 1996. So, in 1995, it was decided in another Oval Office meeting, attended by James Riady, John Huang, Bruce Lindsey, and President William Clinton, that John Huang would move from the Commerce Department to the Democratic National Committee. The same apparatus that could have been used to funnel intelligence information out could now be used to funnel dollars in. Now, there was objection in the Democratic National Committee to John Huang because they were afraid he would break the rules, break the law, and embarrass them in his fundraising activities. The President himself overcame those objections, making it clear that he wanted John Huang at the DNC. John Huang went there and he began to raise money. Indeed, did he raise money. Here is the list of John Huang's fundraising capabilities:

In November of 1995, he raised $30,000; in December, $100,000; in February of 1996, $1.1 million; in April of 1996, $140,000; in May of 1996, $600,000; in June of 1996, $90,000; in July of 1996, $700,000. In all, it was over $3 million. He created enormous cash flow for the Democratic National Committee. Unfortunately, it went both ways because almost half of the money that flowed in from John Huang's activities had to flow back out as it was determined to have come from illegal sources.

His most spectacular success was the dinner in February of 1996 when they raised $1.1 million. Here is what President Clinton had to say on that occasion:

> I am virtually overwhelmed by this event tonight. I have known John Huang a very long time. When he told me this event was going to unfold as it has tonight, I wasn't quite sure I believed him. But he has never told me anything that didn't come to pass, an all of you have made it possible.

Unfortunately, a substantial number of the people at the head table at that event could not participate in this tribute to John Huang because they didn't understand English. They were not citizens of the United States, and they weren't quite sure what was going on. But they were sure that money was going in the direction they wanted it to go.

Now, I want to focus on the most famous of John Huang's fundraising activities—the April 29, 1996, fundraiser at the Buddhist Temple that he ran along with Maria Hsia. The amount of money he raised was not the largest amount, but it was the most significant amount. He raised $140,000, most of which had to be returned because the alleged donors were, in fact, reimbursed, dollar for dollar, in a way that is classic money laundering and clearly illegal. I focus on this not because it is the most famous, but because it is the best symbol of what appears to have been going on here. It has the most complete cast of characters. Here we have one event, and representing the Clinton administration was the Vice President, AL GORE; representing the DNC, its chairman, Don Fowler; representing the Lippo Group, John Huang, still carrying a Lippo credit card; and representing Chinese intelligence, Maria Hsia and Ted Sioeng.

I need to talk a minute about Ted Sioeng. There were press reports that indicated he was, in fact, connected with Chinese intelligence. When we were in room 407 getting a confidential briefing in executive session from the Director of the FBI and the Director of the CIA, I asked the question, "Is there any connection between Ted Sioeng and the intelligence operation of the People's Republic of China?" The answer I got was, "We don't know." So I asked the question, "Aren't you interested?" "Well, yes." I then asked the question, "Will you find out?" "Yes." And then I asked the question, "When you find out, will you share that information with this committee?" "Yes."

The next time we gathered in executive session with the Director of the CIA and the Director of the FBI, this was their opening comment: "We need to make a correction of our previous statements. It turns out that in response to Senator BENNETT's questions, we went back and checked our files and discovered that we did indeed have information linking Ted Sioeng to the People's Republic of China."

This was discovered in the CIA files. When they went to find the source of that information in the CIA files, they discovered that their source was the FBI. In fact, it was in both agencies and neither agency Director had known about this. I won't go into that matter further, because Senator SPECTER made a speech about it on the floor castigating the Department of Justice for not doing the very fundamental kind of activities that would have discovered that and prevented their Directors from being so embarrassed before the members of the committee.

It is time to summarize. What do we have here? We have a conduit that runs from the inside of the Clinton administration to the inside of the Chinese intelligence apparatus. It is a conduit through which could flow from the United States to the Chinese classified information about U.S. trade policy and strategy. It is also a conduit through which could flow from the Chinese, or Lippo, to the Democratic National Committee funds to support the reelection of President Clinton. We do know that funds did flow through that conduit from Lippo to the DNC—those funds that I identified that came through Hip Hing Holdings that have had to be returned. We do not know whether funds have come from the Chinese Government, either down through Lippo or directly through the conduit to the Democratic National Committee.

So the key question that must be answered and, in my opinion, still is unresolved after all of these investigations, is: Was this conduit ever used either way for either purpose—the transmission of intelligence information, or the transmission of money?

When I tried to find out by asking direct questions in executive session on this issue, I always get the same answer: "Senator, we cannot give you that information because it is part of an ongoing criminal investigation." Now, on its face, that is an acceptable answer. That says that something is being done about this. Someone of importance in the justice apparatus of the United States is looking into this and pursuing a criminal investigation.

But I want to put that in context. Who should conduct that investigation, the Department of Justice or an independent counsel? When we had word of a scandal in Arkansas prior to Bill Clinton becoming President of the United States, Janet Reno, the Attorney General of the United States, said that is a matter that requires an independent counsel.

When we had a matter when one Indian tribe was accused of influencing a decision relating to the gambling license for a competing Indian tribe, Janet Reno, the Attorney General of the United States, said that is a matter for an independent counsel.

When we had accusations that Henry Cisneros lied to the FBI about the amount of money he paid his mistress prior to his confirmation hearings, Janet Reno, Attorney General of the United States, said that is a matter for an independent counsel.

When we had accusations that Secretary Espy, Secretary of the Agriculture, had taken favors improperly from certain lobbyists, Janet Reno, Attorney General of the United States, said that is a matter for an independent counsel.

When we had information that the President had behaved in an improper way in his personal life, Janet Reno, Attorney General of the United States, turned to Ken Starr and said, "That's a matter for an independent counsel." But on the question of whether or not this conduit was utilized for illegal transfers of money or intelligence information, either way, Janet Reno, Attorney General of the United States, says, "This one I will investigate myself." On this one she has staked the integrity and objectivity of the Department of Justice. If she has staked the integrity and objectivity of the Department of Justice, in my opinion, there must be an accounting of that integrity.

So I have today written the Attorney General a letter. I ask unanimous consent that it appear in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. BENNETT. Mr. President, I make three points in the letter.

First, I point out that it is still time for her to do in this instance what she has done five times before in instances that are, in my opinion, less serious than this one. There is still time to appoint an independent counsel. However, if she persists in refusing to do so, I think she has, at the very minimum, two responsibilities to this Congress.

First, if she uncovers any indication of the passing of improper information through this conduit from the U.S. Government to either Lippo or the Chinese, or both, she has the responsibility to share that information with the Senate Intelligence Committee, and to share it as soon as she finds it.

Second, if she comes across any indication that there was an illegal transfer of money from either the Lippo Group or the Chinese Government, or both, into the Democratic National Committee, she has the responsibility to share that information with the Governmental Affairs Committee immediately after she finds it. We can always reconvene in S. 407. We can always go into executive session. But she has a responsibility, by virtue of her determination to keep this matter to herself rather than giving it to an independent counsel, to be that responsive and that accountable to this Congress.

I say to her, "Madam Attorney General: By making the decision to keep this to yourself you have your work cut out for you. In addition to the pattern of poor memory at the highest level, you have a flock of witnesses who have fled the country. You have a flock of witnesses, including members of the White House staff, who have taken the fifth amendment. You have an intricate and almost massive task. And this Senator at least will be watching with great interest to see how you discharge it."

I yield the floor.

EXHIBIT 1

U.S. SENATE,
Washington, DC, March 13, 1998.

Hon. JANET RENO,
Attorney General of the United States, Department of Justice, Washington, DC.

DEAR MADAME ATTORNEY GENERAL: During its investigation of campaign finance irregularities, the Senate Governmental Affairs Committee uncovered a series of established contacts between the Chinese Government and the Clinton Administration. These contacts could have been used as conduits for the two-way passage of classified information and illegal campaign contributions.

For example, the American Intelligence Community has concluded that the Riady family of Indonesia has had "a long term relationship with a Chinese intelligence agency". The Community further concluded that the Chinese intelligence agency "seeks to locate and develop relationships with information collectors, particularly persons with close connections to the U.S. Government." The Committee determined that (1) the Riady family and its associates were the leading source of campaign funds for the Clinton-Gore ticket in 1992, and (2) the Riady family was able to place one of its top officials, John Huang, at the Commerce Department where he had access to sensitive intelligence information. The Committee also concluded that six individuals—John Huang, Charlie Trie, Maria Hsia, Mochtar and James Riady, and Ted Sioeng—have some affiliation to the Chinese Government.

In a number of circumstances, including allegations against Cabinet officers Henry Cisneros, Michael Espy and Bruce Babbitt, you have decided that potential conflicts of interests required the appointment of an Independent Counsel. The Chinese conduit issue raised by the Committee is far more significant to public confidence in the proper functioning of the American Government than any of these cases. Further, the six individuals named by the Committee all have strong links to "covered persons" under the Independent Counsel statute. Therefore, I believe that the appointment of such a Counsel is required. I urge you to reconsider your decision not to do so.

However, if you persist in your decision to retain jurisdiction within Justice over these cases, it is incumbent on you to agree to do two things as your investigation proceeds: (1) Inform the Senate Select Committee on Intelligence of possible classified information that may have flowed through the conduit from the Clinton Administration to the Chinese Government. (2) Inform the Governmental Affairs Committee of any illegal campaign funds which may have made its way through the conduit from Chinese sources to Clinton-Gore or the Democratic National Committee.

By refusing to turn this matter over to an Independent Counsel, you have taken upon yourself the responsibility to be thorough, vigorous and timely in your investigation. Given the high level of public and congressional interest in the serious circumstances involved, it is only appropriate that the Congress continue to be kept informed of your progress.

Sincerely,

ROBERT F. BENNETT,
U.S. Senator.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I want to say to my good friend from Utah—I think Members of the Senate already know this—no one, no one in the Senate, has more articulately and persuasively defended the right of American citizens to participate in the political process, which is a constitutional right in this country; no one has more articulately been involved and persuasively been involved in an effort to stop misguided efforts to put the Government in charge of the political speech of individuals and groups, candidates, and parties than has the Senator from Utah.

But what he has done today is provide for the Senate and for the public a clear summary of the illegal activities of the current administration. The Senator from Utah has reminded everyone that it is against the law now for foreigners to contribute to American elections, for money laundering to be engaged in, and for money to be raised on Federal property.

So the Senator from Utah has done far and away the best summary of the activities of this administration going back to 1992 which either crossed the line or skirted the edge and has been lost in the sort of numbers of different occurrences.

So what the Senator from Utah has done is cut through all of this, summarize it, and give the Senate and the American public a clear indication of the sleaze factor that has ranked so high in this administration from the beginning to the end.

So I thank the Senator from Utah. I think it is the most important speech that I have heard in the Senate in many, many years. He has made an important contribution in this area, and I appreciate the opportunity to be here on the Senate floor and to have an opportunity to hear this important speech.

I yield the floor.

Mr. BENNETT. Mr. President, I thank my friend from Kentucky.

Mr. THURMOND. Mr. President, I commend the able Senator from Utah for the valuable information he just provided to the Senate. I am amazed at what has taken place. This information is so valuable that it could be used, and should be used, in further inquiries into this matter.

Mr. BENNETT. I thank my friend from South Carolina. This is high praise coming from a man who served with my father and who has set an ethical standard of which the rest of the Senate can be proud.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Democratic leader.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CONGRESS BOWL

Mr. DASCHLE. Mr. President, lately we have watched, marveled at and cherished several monumental athletic achievements.

A young woman from Idaho, Picabo Street, abbreviates knee surgery recovery to win the gold medal in the Super-G at the Olympic Games in Nagano.

John Elway, a 14-year veteran and one of the NFL's premier quarterbacks, leads the underdog Denver Broncos to a victory in Super Bowl XXXII. And, just last weekend, "The Great One," Wayne Gretzky of the New York Rangers, makes history by becoming the first professional hockey player to score 1,000 goals.

Mr. President, in keeping with the competitive spirit and standard of excellence embodied in such athletic feats, I want to acknowledge another noteworthy sporting accomplishment.

A little more than a week ago, on March 1, the Senate pages trounced the House pages, 70 to 35, in the Congress Bowl—a knock-down, drag-out, 8 against 8 battle to the finish. Before a standing room only crowd, the competition was fierce and the play physical in the inaugural meeting of these arch rivals. And, like Picabo Street, John Elway and Wayne Gretsky before them, the Senate athletes demonstrated superior determination, teamwork and skill in cruising to victory.

Congratulations to all who participated in the Congress Bowl—especially the Senate page team of Colin Davis, Ben Dow, Dan Teague, Sina Nazemi, Bird Bourne, Sean Boyle, Mitch Witherspoon, Brad Wolters and Nick Messina who brought home the win in what promises to be a new and spirited long-term rivalry.

(The remarks of Mr. DASCHLE pertaining to the introduction of S. 1756 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DASCHLE. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

ILLINOIS NOMINEES: MIKE McCUSKEY AND PAT MURPHY

Mr. DURBIN. Mr. President, I seek recognition to speak to an issue which involves our Executive Calendar.

Since November of last year, there have been two names pending on this calendar of judicial appointees for my home State of Illinois. One is Patrick Murphy, of Marion, IL, to be U.S. District Court Judge for the Southern District. The other is Michael McCuskey, who is seeking the position of District Judge for the Central District of Illinois. It is unusual that these two nominees would have been on the calendar for such a long period of time, and the situation is aggravated by the fact that these vacancies are very serious, creating, in fact, what has been characterized as a judicial emergency.

The Southern District of Illinois has the second oldest judicial vacancy in the Nation. The Southern District, for which Mr. Murphy is seeking this confirmation, has been without this Federal judge for 1,952 days. In the Central District of Illinois, it has been more than 1,000 days since that judgeship has been filled. In fact, the exact number is 1,255 days.

There are four judgeships in the southern district, two vacant. Senator CAROL MOSELEY-BRAUN and I have proposed Mr. Murphy and Judge David Herndon, of Alton, to be named to fill those spots. Mr. Murphy is the only candidate who has reached the calendar to this point, but we are hopeful that Judge Herndon will as well. This 50 percent vacancy rate in one judicial district is much, much higher than the 10 percent vacancy rate which we have experienced around the Nation. In the Central District of Illinois, where I live, the numbers are exactly the same; half of the judges have not been appointed. Of course the obvious question is, What is wrong with these two nominees? Why would they sit on the calendar of the U.S. Senate for over 1,000 days? They clearly must have very serious problems. Exactly the opposite is the case.

These two gentlemen, Mr. Murphy and Judge McCuskey, were nominated by President Clinton on July 31, 1997. They were unanimously recommended by the Judiciary Committee on November 6 of the same year. They have been sitting on this calendar for 127 days with absolutely no one raising questions as to their qualifications for the job.

What happens to a person who finds himself in this predicament? I have talked to many of them. Their lives are changed. The prospect of being appointed to the Federal bench makes life difficult on a professional and personal basis.

Judge McCuskey has a family. He is trying to find a place for his family to live. Think about buying a home and not knowing when you can move into it, and then the fear that if you move too soon, you will disqualify yourself from your previous judgeship. That is what he is facing.

His family is going through a lot of turmoil this week because they had thought surely within 100 days the U.S. Senate would act on this nomination, but it has not happened.

Mr. Murphy is in the private practice of law. We have spoken from time to time. He has important cases representing people from his part of Illinois, and people are wondering: "Pat Murphy, are you going to be around? Can we count on you? Will you take this case to trial? Should we bring business to your office?"

All of these things weigh heavy on a person who has decided to make this commitment to move forward and ask to be appointed to the Federal bench.

I hope that Members of the Senate, those who will read my remarks and those who hear them, will understand that this type of thing is more than an inconvenience. It is a hardship that we should not impose on two people for whom there is no controversy.

Let's take a look at the Central District of Illinois. There are 162 cases in that district that have been pending for more than 2 years. Imagine if you were to say at some point, because of your business or family concerns or personal needs, that you had to go to court, and then you went into court with an attorney and said, "How soon will this be resolved?"

And they said, "At least 2 years."

"Two years?"

We can do better.

Fifty-five of the cases in the central district have been there for more than 3 years; 30 of the suits are related to civil rights cases, people who feel they have been discriminated against; 21 are civil rights suits; 15 are contract disputes; 9 are personal injury cases; 11 are product liability suits; and 2 are patent cases.

Let me tell you how this works, since I have practiced law in this district. When the day comes for you to go to trial after waiting 2 years, you better hope there isn't some intervening thing or event that ends up postponing it. A friend of mine took a case and, after waiting for 19 months, finally went to trial only to have a death in the family of one of the other attorneys, causing them to postpone the trial date. Then, of course, they were told they would have to wait for at least another year before the case could be tried.

When the Senate fails to do its work and confirm judges, the hardship is imposed on ordinary people in America and they are puzzled: "Well, why is this the case? Why does it take so long for me to get my day in court?" Is justice delayed truly justice denied? In many cases, it is. In this situation, unfortunately, the burden is on us, those men and women who sit in this Chamber and have the singular responsibility to confirm Federal judges.

The Southern District of Illinois is another sad story when it comes to the impact of the vacancies. Since 1992, case filings have increased 9 percent. People are still going to the courthouse; 58 cases there have been pending for more than 3 years; 7 have been pending for 10 years. Why is that the case? Because Judge Phil Gilbert, the active Federal judge in this district, with Judge Paul Riley, are working overtime to try to deal with a heavy criminal docket which must be dealt with first under the law and, of course, we want them to, and in trying to deal with that docket, they keep postponing the civil docket. So people wait.

In one of those 10-year-old cases in the southern district, a plaintiff sustained serious neck and back injuries that required him to pay out $15,000 in hospital bills. He was operating a mine shuttle cart that hit a small obstruction. The cart had no shock absorbers, and he suffered a serious injury, and now he waits for his day in court.

When you take a look at the statistics that have been compiled by the administrative office of the U.S. Court System as to the median amount of time that it takes a civil case to come to trial, it tells the story even more graphically.

The Southern District of Illinois has the longest waiting period, 23 months. There are 94 districts nationwide, and the southern district has the 54th longest median time from filing to trial; the central district, 33 months. These numbers are from early last fall. More recent numbers are not going to be encouraging or much different.

We have heard from the judges in both of the districts. Phil Gilbert of the southern district has written to Members of the Senate and said they are getting the job done—and I know he is working hard with Judge Riley—but they badly need additional judges. Those are his words.

Judge Michael Mihm of the central district said that they, too, are working to keep up with the caseload, but definitely feel the pinch. They have had to delay one major civil trial. They are only getting the job done by bringing in other judges from other districts, and, of course, causing problems in those districts in the meantime.

Let me tell you about these two individuals, because I think you will come to realize why they moved through the Judiciary Committee without any controversy and why their still sitting on the calendar is a travesty of justice.

Judge McCuskey was born in Peoria, IL. He is currently a State court judge and for the last 9 years has been serving in that capacity. Before that, for 2 years he was a circuit court judge. Since 1990, he has been a justice for the third district appellate court.

Before going to law school, he worked at a local high school as a history teacher and baseball coach. During law school, he helped pay his bills by working as a security guard. After graduating, he started his own law firm. Since becoming a judge, he has earned a reputation, deservedly, from Democrats, Republicans, as well as Independents, as an outstanding—firm, fair and thorough—jurist.

He is also involved in community work. Mike McCuskey is known throughout the Peoria area for going to local grade schools and reading to children. He emcees the senior citizen activities during the annual county fair.

Then there is Pat Murphy in the Southern District of Illinois. I never met Pat Murphy before he came to the interview process that CAROL MOSELEY-BRAUN and I held. I have to tell you, he just swept us off our feet. He is such an impressive individual.

Pat Murphy was born and raised in Marion, IL, from a very humble family. He served in the Marine Corps in Vietnam. At the age of 17, he enlisted. On almost exactly his 18th birthday, he arrived in Vietnam where he served a tour of duty as an enlisted man in K Company, 3rd Battalion, 1st Marine Corps weapons platoon.

After he got out of the Marine Corps, Pat Murphy decided to go on to get his college degree and law degree with the help of the GI bill.

His parents died, and some of his brothers and sisters were still very young. Pat took on the responsibility of raising his four younger brothers and sisters. As he said to us, "We ended up raising one another."

I met Pat's brother Kevin. He is the unit manager and a guard at the Marior Federal Penitentiary.

Pat's story shows extensive legal experience. Since beginning the practice of law, Pat Murphy has tried almost 100 cases. I will tell you, it is hard to find a trial attorney who can say that. He has tried almost 100 cases before a jury; 200 before a judge. He has represented banks, municipalities, school boards, insurers and individuals. He has tried several criminal cases, representing plaintiffs and defendants. In the first year he was eligible, he was elected to the prestigious American College of Trial Attorneys. He has built more than a solid reputation in southern Illinois. He has been building a national reputation.

Isn't this the kind of person we want to serve on the Federal bench? I think it is, and so does the Judiciary Committee in unanimously approving his nomination.

One thing I have to say, though, that shouldn't be left out of Pat Murphy's biography is that he is known throughout Marion and southern Illinois for his unstinting generosity to veterans. He himself served, as I said, in the Marine Corps during Vietnam, and ever since, he has given local veterans pro bono—that is free—representation whenever they walk through the door.

I have heard it said that in southern Illinois, when there is a funeral and burial of a veteran, many times they will see this lawyer come driving up, jump out of the car and stand in reverence at the grave site for his fellow veteran.

Pat Murphy has endeared himself to so many of the people in southern Illinois and would be an excellent choice for Federal judge.

So here we sit 127 days after these two men have their names brought before the Senate for confirmation. There is no objection in the Judiciary Committee, no objection to their qualifications and talents, and yet they wait. With personal hardship, they are waiting patiently for the opportunity to serve the United States of America as Federal district court judges.

They have accepted that responsibility pending our confirmation. Shouldn't the Senate accept its responsibility? Shouldn't we vote out today, or at the latest the first day we can next week, these two men so that they can serve their country as Federal district court judges, so that they can, in some way, address the backlog of cases in the southern and central districts and give people who have been waiting patiently for their day in court an opportunity for a trial?

I hope we respond to this. I say to my colleagues in the U.S. Senate, I am going to continue to raise this issue. I think it is unfair what we are doing to these two individuals. I hope the Senate can move very, very quickly to rectify this injustice.

I yield back the remainder of my time.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I rise to address a problem of significant magnitude. I ask unanimous consent to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHINA'S PROLIFERATION ACTIVITY

Mr. ASHCROFT. Mr. President, I rise today to address a rather disturbing article that appeared not only in the Washington Times but also in the Washington Post. The headline in the Times says: "China in New Nuclear Sales Effort." The headline in the Post: "U.S. Action Stymied China Sale to Iran."

These articles represent a concern of mine, because they detail China's continuing nuclear proliferation—and what is more troubling—proliferation to the nation of Iran.

According to these articles, U.S. intelligence discovered secret China-Iran negotiations concerning Chinese transfer of hundreds of tons of anhydrous hydrogen fluoride. Anhydrous hydrogen fluoride is a material used in enriching uranium to weapons grade.

This transfer was scheduled to go to Iran's Isfahan Nuclear Research Center. The Isfahan Center is the principal site of Iran's efforts to manufacture the explosive core of an atomic device, according to the articles.

So what we have here, both in the Washington Post and in the Washington Times, is the chronicling of China's effort to send these kinds of components and processes to Iran in order for Iran, a rogue nation, to enhance its capacity to use atomic weapons of mass destruction.

This revelation of new Chinese efforts to aid Iran's nuclear weapons program is deeply troubling, and it follows solemn commitments from Chinese leaders just last October that China would cut off nuclear assistance to Iran.

What is more troubling to me, however, is the fact that the Clinton administration has overlooked more than a decade of similar promises that have been broken just as quickly and routinely as last October's promise has now been broken.

The continued course by this administration to simply take at face value assurances consistent with other assurances and, unfortunately, consistent with the disregard for those assurances, should cause us to question whether or not we should be racing into a nuclear cooperation agreement with China.

It is pretty clear to me that, in spite of the fact that China assured us last October that they were going to be adopting a different posture in regard to nuclear proliferation, their policy and their practice was not altered. Their policy and practice of providing this kind of proliferation to rogue nations remains in place.

It is, unfortunately, not new that the Chinese have broken agreements. I will submit for the RECORD a list of events and times in which the Chinese have said one thing and done another in regard to nuclear proliferation—starting in 1981, 1983, 1984, 1985, 1986, 1987, 1989, 1990, 1991, another incident in 1991, 1994, 1995, 1996, and 1997.

Now, this list, which has been assembled by the Nuclear Control Institute, merely chronicles the habit, the practice, and the policy of China in saying one thing and doing another.

A number of us were stunned last year when the administration said it wanted to elevate the standing of China as it related to nuclear technology. We were stunned because we were aware of this list. We were stunned, thinking that if in the summer of 1997 the CIA labels China as the world's worst proliferater of weapons of mass destruction, why the administration 90 days later would want to constitute China as a nuclear cooperator and enter into a nuclear agreement with them that would entitle Beijing to higher levels of sensitive information, higher degrees of cooperation with the United States?

I will submit this list for the RECORD. I will not belabor the Senate with all of the documentation here, but I would like the list to be included in the RECORD and the documentation be available to the Senate and to the American people. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHINA'S NON-PROLIFERATION WORDS VS. CHINA'S NUCLEAR PROLIFERATION DEEDS*

[From the Nuclear Control Institute]

Date and what China said—	What China did—
1981—"Like many other peace-loving countries, China does not advocate or encourage nuclear proliferation, and we are emphatically opposed to any production of nuclear weapons by racists and expansionists such as South Africa and Israel."—*Yu Peiwen, head of Chinese delegation to Conference on Disarmament in Geneva, Xinhua, 8/4/81.*	In 1981, China supplies South Africa (at that time not a member of the NPT and pursuing a nuclear weapons program) with 60 tons of unsafeguarded enriched uranium. This enriched uranium may have enabled South Africa to triple weapons-grade uranium output at the Valindaba facility.[1] In 1981, other unsafeguarded Chinese exports include highly enriched uranium, uranium hexaflouride, and heavy water to Argentina, and heavy water to India. Both nations are non-NPT states with nuclear weapons programs at the time.[2]
1983—"China does not encourage or support nuclear proliferation."—*Vice Premier Li Peng, Xinhua, 10/18/83*	In 1983, China contracts with Algeria, then a non-NPT state, to construct a large, unsafeguarded plutonium-production reactor. Construction of the reactor complex began after November 1984—well after China's April 1984 pledge to subject all future nuclear exports to IAEA safeguards, and while China is negotiating a nuclear cooperation agreement with the United States.[3] China also supplies Algeria with large hot cells, which can be used to handle highly radioactive spent fuel to separate plutonium.[4]
1984—"We are critical of the discriminatory treaty on the nonproliferation of nuclear weapons, but we do not advocate or encourage nuclear proliferation. We do not engage in nuclear proliferation ourselves, nor do we help other countries develop nuclear weapons."—*Premier Zhao Ziyang, White House state dinner on 1/10/84, Xinhua, 1/11/84 (Note: A U.S. official later said that "These were solemn assurances with in fact the force of law," AP, 6/15/84).*	U.S. officials reveal that, in the early 1980s, China provided Pakistan with the design for a nuclear weapon, and probably enough highly enriched uranium (HEU) for one to two bombs.[5]
1985–86—"China has no intention, either at the present or in the future, to help non-nuclear countries develop nuclear weapons."—*Li Peng, Chinese Vice Premier, Xinhua, January 18, 1985.* "The Chinese made it clear to us that when they say they will not assist other countries to develop nuclear weapons, this also applies to all nuclear explosives . . . We are satisfied that the [nonproliferation] policies they have adopted are consistent with our own basic views."—*Ambassador Richard Kennedy, Department of State, Congressional testimony, 10/9/85.* "Discussions with China that have taken place since the initialling of the proposed [nuclear] Agreement have contributed significantly to a shared understanding with China on what it means not to assist other countries to acquire nuclear explosives, and in facilitating China's steps to put all these new policies into place. Thus, ACDA believes that the statements of policy by senior Chinese officials, as clarified by these discussions, represent a clear commitment not to assist a non-nuclear-weapon state in the acquisition of nuclear explosives."—*ACDA, "Nuclear Proliferation Assessment Statement," submitted to Congress on 7/24/85 with the U.S./China Agreement for Cooperation, 7/19/85.* "China is not a party to the NPT, but its stance on the question is clear-cut and above-board . . . it stands for nuclear disarmament and disapproves of nuclear proliferation . . . In recent years, the Chinese Government has more and more, time and again reiterated that China neither advocates nor encourages nuclear proliferation, and its cooperation with other countries in the nuclear field is only for peaceful purposes".—*Ambassador Ho Qian Jiadong, speech given at the Conference on Disarmament in Geneva, 6/27/85 (quoted by Amb. Richard Kennedy in congressional testimony, 7/31/85).*	In addition to covering up its export of the unsafeguarded reactor to Algeria, China secretly sells Pakistan tritium, an element used in the trigger of hydrogen bombs as well as to boost the yield of fission weapons.[6]
1987–89—"China does not advocate or encourage nuclear proliferation, nor does it help other countries develop nuclear weapons."—*Vice Foreign Minister Qian Qichen, Beijing Review, 3/30/87.* "As everyone knows, China does not advocate nor encourage nuclear proliferation. China does not engage in developing or assisting other countries to develop nuclear weapons."—*Foreign Ministry spokesman, Beijing radio, 5/4/89.*	In 1989, China agrees to build a light-water reactor for Pakistan, begins assisting Iran's development of indigenous manufacturing capability for medium-range ballistic missiles, and assists Iraq in the manufacture of samarium-cobalt ring magnets for uranium-enrichment centrifuges.[7]
1990—". . . the Chinese government has consistently supported and participated in the international community's efforts for preventing the proliferation of nuclear weapons."—*Ambassador Hou Zhitong, Xinhua, 4/1/91.*	In September 1990, after Iraq's invasion of Kuwait and the imposition of an international trade embargo, China provides Iraq with lithium hydride, a chemical compound useful in both boosted-fission and thermonuclear (hydrogen) bombs, as well as in ballistic missile fuel.[8]
1991—"The report claiming that China provides medium-range missiles for Pakistan is absolutely groundless. China does not stand for, encourage, or engage itself in nuclear proliferation and does not aid other countries in developing nuclear weapons."—*Foreign ministry spokesman Wu Janmin, Zhongguo Ximwen She, 4/25/91.*	Sometime around 1991, China provides ballistic missile technology to Syria, including the nuclear-capable M–9 missile. In 1993, a Chinese corporation exports ammonium perchlorate, a missile fuel precursor, to the Iraqi government via a Jordanian purchasing agent.[9] In August 1993, the United States imposes sanctions on China for exporting nuclear-capable M–11 ballistic missiles to Pakistan.
1991—"China has struck no nuclear deals with Iran . . . This inference is preposterous."—*Chinese embassy official Chen Guoqing, rebutting a claim that China had sold nuclear technology to Iran, letter to Washington Post, 7/2/91.*	In 1991, China supplies Iran with a research reactor capable of producing plutonium[10] and a calutron, a technology that can be used to enrich uranium to weapons-grade.[11] (Calutrons enriched the uranium in the "Little Boy" bomb that destroyed Hiroshima, and were at the center of Saddam Hussein's effort to develop an Iraqi nuclear bomb.)
1994—"China does not engage in proliferation of weapons of mass destruction . . ."—*Foreign Minister Qian Qichen, AP newswire, 10/4/94.*	China supplies a complete nuclear fusion research reactor facility to Iran, and provides technical assistance in making it operational.[12] China, with apparent U.S. acquiescence, agrees to replace France as supplier of low-enriched uranium fuel for India's U.S.-supplied Tarapur reactors. The U.S. cut off supply of LEU soon after India's nuclear explosion of 1974. This LEU supply makes it easier for India to concentrate other nuclear assets on its weapons program.[13]
1995—"China has never transferred or sold any nuclear technology or equipment to Pakistan . . . We therefore hope the U.S. Government will not base its policy-making on hearsay."—*Foreign Ministry Deputy Secretary Shen Guofang, Hong Kong, AFP, 3/26/96 (after discovery of the ring magnet sale to Pakistan).*	In 1995, China exports 5,000 ring magnets to Pakistan. Such magnets are integral components of high-speed gas centrifuges of the type used by Pakistan to enrich uranium to weapons-grade.[14]
1996—". . . We have absolutely binding assurances from the Chinese, which we consider a commitment on their part not to export ring magnets or any other technologies to unsafeguarded facilities . . . The negotiating record is made up primarily of conversations, which were detailed and recorded, between U.S. and Chinese officials."—*Under Secretary of State Peter Tarnoff, congressional testimony, 5/16/96.* "China's position on nuclear proliferation is very clear . . . It does not advocate, encourage, or engage in nuclear proliferation, nor does it assist other countries in developing nuclear weapons. It always undertakes its international legal obligations of preventing nuclear proliferation . . . China has always been cautious and responsible in handling its nuclear exports and exports of materials and facilities that might lead to nuclear proliferation."—*Statement by Foreign Ministry spokesman Cui Tiankai, Beijing, Xinhua, 9/15/97.*	In July 1997, a CIA report concludes that, in the second half of 1996, "China was the single most important supplier of equipment and technology for weapons of mass destruction" worldwide.[15] The report also states that, for the period July to December 1996—i.e. after China's May 11, 1996 pledge to the United States not to provide assistance to unsafeguarded nuclear facilities—China was Pakistan's "primary source of nuclear-related equipment and technology . . ."[16]

CHINA'S NON-PROLIFERATION WORDS VS. CHINA'S NUCLEAR PROLIFERATION DEEDS*—Continued

[From the Nuclear Control Institute]

Date and what China said—	What China did—
1997—"The question of assurance does not exist. China and Iran currently do not have any nuclear cooperation . . . We do not sell nuclear weapons to any country or transfer related technology. This is our long-standing position, this policy is targeted at all countries." Foreign Ministry spokesman Shen Guofang, Los Angeles, 11/2/97, Reuters, 11/3/97. "I wish to emphasize once again China has never transferred nuclear weapons or relevant technology to other countries, including Iran . . . China has never done it in the past, we do not do it now, nor will we do it in the future."—*Foreign Ministry spokesman Shen Guofang, Kyodo, 10/21/97.*	According to a CIA report, China is "a key supplier" of nuclear technology to Iran, exporting over $60 million worth annually. Fourteen Chinese nuclear experts are reportedly working at Iranian nuclear facilities.[17]

END NOTES

[*] China's non-proliferation statements are documented in Rep. Benjamin Gilman, "China's Nuclear Nonproliferation Promises: 1981–1997," *Congressional Record*, November 5, 1997, p. H10073. China's proliferation deeds are documented in Steven Dolley, "China's Record of Proliferation Misbehavior," Nuclear Control Institute, September 29, 1997.

[1] Leonard Spector, *Nuclear Ambitions*, 1990, p. 274; Michael Brenner, "People's Republic of China," in *International Nuclear Trade and Nonproliferation*, Ed. William Potter, 1990, p. 253.

[2] Judith Miller, "U.S. is Holding Up Peking Atom Talks," *New York Times*, September 19, 1982; Brenner, *ibid.*; Gary Milhollin and Gerard White, "A New China Syndrome: Beijing's Atomic Bazaar," *Washington Post*, May 12, 1991, p. C4.

[3] Vipin Gupta, "Algeria's Nuclear Ambitions," *International Defense Review*, #4, 1992, pp. 329–330.

[4] Mark Hibbs, "Move to Block China Certification Doesn't Concern Administration," *Nucleonics Week*, August 7, 1997, p. 11.

[5] Leslie Gelb, "Pakistan Link Perils U.S.-China Nuclear Pact," *New York Times*, June 22, 1984, p. A1; Leonard Spector et al., *Tracking Nuclear Proliferation*, Carnegie Endowment for International Peace, 1995, p. 49.

[6] Milhollin and White, "A New China Syndrome," *op cit.*, p. C4.

[7] "Iraq and the Bomb," *MidEast Markets*, December 1[illegible], 19[illegible], p. 130.

[8] Tim Kelsey, "Chinese Arms Dealers Flaunt U.N. Embargo—China Ships Vital Nuclear Cargo to Iraq," *London Sunday Independent*, September 30, 1990, reprinted in *Congressional Record*, October 18, 1990, p. H10531.

[9] *Export Control News*, December 30, 1994, p. 14.

[10] Kenneth Timmerman, "Tehran's A-Bomb Program Shows Startling Progress," *Washington Times*, May 8, 1995. According to Timmerman, China and Iran did not report the 1991 purchase of this reactor to the IAEA.

[11] Marie Colvin, "Secret Iranian Plans for a Nuclear Bomb," *Sunday Times (London)*, July 28, 1991; Russell Watson, "Merchants of Death," *Newsweek*, November 18, 1991, p. 38.

[12] Gary Milhollin, Wisconsin Project, Testimony before the Senate Select Committee on Intelligence, September 18, 1997, p. 8.

[13] Mark Hibbs, "Reported VVER-1000 Sale to India Raises NSG Concern on Safeguards," *Nucleonics Week*, January 12, 1995, p. 1.

[14] Tim Weiner, "Atom Arms Parts Sold to Pakistan by China, U.S. Says," *New York Times*, February 8, 1996, p. A1.

[15] U.S. Central Intelligence Agency, Nonproliferation Center, "The Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions," 1997, p. 5. See also Mark Hibbs, "DOD, ACDA Want China Accord Link to Other Weapons Export Limits," *Nucleonics Week*, August 21, 1997, p. 2; Tim Weiner, "China is Top Supplier to Nations Seeking Powerful, Banned Arms," *New York Times*, July 3, 1997, p. A10.

[16] CIA report, "The Acquisition of Technology Relating to Weapons of Mass Destruction," *op cit.*, p. 5.

[17] CIA report, *ibid.*; Con Coughlin, "U.S. Sounds Alarm Over Iran Nuclear Threat," *Sunday Telegraph (London)*, February 23, 1997, p. 24.

Mr. ASHCROFT. Now, this most recent set of incidents, of course, revealed in the Washington Times today, and in the Washington Post as well, and I am sure in other newspapers across the country, was the subject of a special briefing to Members of the U.S. Senate very recently. I was not a part of that briefing and I do not know what was said at the special briefing, but the information that I am including is information from these news sources. I want to make it clear that I would not be breaching any special information provided to the Senate. I was not a party to it. But the information is well known.

What is perhaps in some measure troubling is that the administration sought to portray this episode with China as a success. They say, "Look what we stopped. Look what we were able to do." They say that China responded more swiftly to our complaints this time, that when we caught them red-handed in the process of breaking their word, they were more ready to admit they were breaking their word. To hear administration officials talk, the swiftness of China's response to the exposure of their proliferation activity is grounds for disregarding that the administration was hoodwinked by the Chinese all along.

Well, the inventory since 1981 is a litany, if you will, of the insistent and nagging record of proliferation violation after proliferation violation after proliferation violation. These broken promises provided a basis for saying to the administration, we should not trust the Chinese, at least without some record, without some record that proliferation will stop. And yet, within days after our CIA labeled the Chinese as the world's worst proliferators, the administration seemed ready to believe their next assurance. And, of course, these newspapers indicate that our belief should have been in China's practice and policy of the past, which has been a policy of betrayal and a policy of disregard, not a policy of compliance with agreements relating to nonproliferation of nuclear weapons.

Who knows what other nuclear assistance projects China has in store with Iran or other rogue regimes. Who knows how many such projects we have not detected, have not called their hand on, have not asked them to stop because we did not know about them.

Given China's past proliferation record, and given that the 1997 CIA report identified China as, and I quote, "the most significant supplier of weapons of mass destruction-related goods and technology to foreign countries," it is pretty clear that people of good sense would say, maybe we ought to ask that China be compliant, maybe we ought to ask that they observe their agreements for at least a short interval before we endow them with our full trust and confidence.

I opposed President Clinton's decision to begin nuclear cooperation with China based on the CIA report, based on China's heritage of denying and breaking these nonproliferation promises. And now the newspapers of this morning, from both the right and the left, if you will, have said that China was in the process of breaking new promises made just last October.

In order for United States-China nuclear cooperation to proceed, the President certified to Congress that China—and this is what he certified—"is not assisting and will not assist any nonnuclear-weapon state, either directly or indirectly, in acquiring nuclear explosive devices or the material and components for such devices."

The President's haste to make this certification seriously undermined U.S. counterproliferation credibility, credibility that would be desperately needed just a few weeks later in a confrontation with Saddam Hussein over the same issue of the threat of weapons of mass destruction.

Mr. President, the startling inconsistencies in this administration's policy regarding the proliferation of weapons of mass destruction are putting the national security of our country at risk. Secretary of State Madeleine Albright talks about NATO's new central mission as combating the proliferation of weapons of mass destruction. The United States almost went to war last month in the Persian Gulf over the threat of weapons of mass destruction.

We still face the prospect of having to use military force to address the threat posed by Saddam Hussein's weapons of mass destruction. And yet, in spite of all this, the administration's rhetoric on counterproliferation—in spite of the continuing object lesson of Saddam Hussein and the threat posed by his terrorist government—the Clinton administration has entered into a nuclear cooperation agreement with China, the world's worst proliferator of weapons of mass destruction. And we know, as of this week, that China is repudiating the basis for implementing the nuclear cooperation agreement.

Just as Saddam Hussein has outmaneuvered this administration to keep his weapons of mass destruction in Iraq, China has outmaneuvered this administration to continue to proliferate weapons of mass destruction to Iran. Not only is Beijing continuing to pursue nuclear assistance to Iran, but, according to the CIA, China is a major supplier to Iran of chemical weapons and missiles technology as well.

I call on the President to put a halt to nuclear cooperation with China. The President, in my opinion, has pursued a policy of blind engagement with the Chinese. It is a policy which disregards the facts, the litany of broken promises on the part of the Chinese. In light of the reports on China's continuation of proliferation activity, the proposed United States-China summit meeting in June should be reconsidered.

Mr. President, the decision to begin nuclear cooperation with China was a political one. It was driven by the administration's desire to have a "meaningful" meeting, an event strategy. Well, "meaningful" events cannot replace substantive foreign policy. We cannot say in one part of the world to Saddam Hussein, "Well, we'll go to war with you over weapons of mass destruction," while we are winking at someone else, saying, "Well, it's OK if you continue to break your word and proliferate weapons of mass destruction" to equally dangerous rogue regimes. It undermines America's credibility in combating the proliferation of weapons of mass destruction. It is not worth a photo-op summit with the Chinese if we have to destroy our policy and threaten the security of this globe to do it.

I believe that it is time for us to have a policy, a policy that is unmistakable and clear and a policy that is respected: that the proliferation of weapons of mass destruction is not to be tolerated and that the United States will not extend privileges of nuclear cooperation to those who would take nuclear resources and make them available to rogue nations as weapons of mass destruction.

The PRESIDING OFFICER. The Senator's 10 minutes has expired.

Mr. ASHCROFT. Mr. President, I yield the floor and thank the Chair.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

CONGRATULATIONS, SENATOR FORD

Mr. GLENN. Mr. President, earlier today Senator DASCHLE, our minority leader, made some remarks in tribute to the longest-serving Senator from Kentucky to serve in the U.S. Senate, and that is WENDELL FORD, our minority whip.

I wanted to add my words of congratulations, in recognition of this person that I believe to be one of our most outstanding U.S. Senators. He is a very dedicated public servant. He is also a good personal friend. He is the senior Senator from Kentucky, WENDELL FORD. I don't think it is any accident that the people of Kentucky have returned WENDELL time after time, one election after another, to where he now has served here almost a quarter of a century.

WENDELL, of course, is a very personable person. He likes people. I think that was evidenced early in his career when I believe he was national president of the Jaycees. Later on, the people of Kentucky, after having elected him Governor for a term, then elected him to the U.S. Senate. He has served them well here over the last nearly quarter of a century. I had the honor and privilege to serve alongside him for all that time since he came to the Senate. He and I were sworn in at about the same time, and for the first few years we were here, by the luck of the draw, we sat side by side in the Senate Chamber. That was back in the time period when we had many all-night sessions, and you got to know a person pretty well when you sat and shared views with them during some of those extended debates and lengthy all-night sessions.

WENDELL is certainly known for his wit and humor. I remember once we were sitting here about 3:30 or 4 o'clock in the morning and a debate was going on. WENDELL nudged me and said, "You know, John, the people back home think we are the ones that won." I got a kick out of that. We were going through some very troubled times in the U.S. Senate at that time.

The Senate class of 1974 was one that I think was remarkable not only because I happened to be one of those people but because it came in on the tail-end of Watergate. Watergate played an issue in that year's election. But the people we elected that year included a number of outstanding public officials who would continue illustrious public careers, including John Culver, Robert Morgan, Paul Laxalt, James Jake Garn, Gary Hart, and four Senators still serving—myself and Senators FORD, BUMPERS, and LEAHY. With the announced retirements that we have already, Senator LEAHY will be the only representative out of that class of 1974 still remaining at the end of this year.

The distinguished Senator from Kentucky, Senator FORD, has served on the Senate Rules Committee for many years, been chairman and ranking member. He became an expert on disputed elections quite early on in his service, because one of the first issues that that class of 1974 faced in the Senate was the disputed election in New Hampshire between John Durkin and Louis Wyman. In that case, the Senate determined that a new election was necessary. So WENDELL got tossed into that maelstrom of disputed elections very early on. I say that hasn't ended through all these years either, because even during this last year he worked toward a successful solution in the Louisiana election dispute.

I can say without any contradiction that Senator FORD is truly a Senator's Senator. He is rarely on the floor making long speeches and posturing before the camera. That is rare. In fact, he never does that. But his voice is heard. His influence is heard on almost all issues, because the Senate, his fellow Senators on the Democratic side, sought at this time to elect him as our whip, our No. 2 person in the hierarchy of leadership in the Senate.

I think Senator FORD would appreciate the fact, coming from Kentucky—and I have heard him make comments about the horses, and all of his attention to the horses in Kentucky, and the big business that is in Kentucky, and his attention to things like the Kentucky Derby and so on. But he would appreciate it that we know him as a "workhorse," not just as a show horse, here in the U.S. Senate. He is always working behind the scenes for whatever the interests are of the party or his interests for Kentucky. And he has provided strong leadership in his ability as a negotiator and his talents for finding compromise that have served both parties and the Nation extraordinarily well.

He has been in the forefront of many issues during his career in the Senate, including such more recent things in just the last few years as motor-voter legislation, trying to make sure that every person in this country has a maximum opportunity to exercise the right to vote. Lobbying reform and campaign finance reform have been of particular interest in recent years.

Of course, Kentucky is first. I just wish I could say that I have been as tireless an advocate for Ohio as he has been for Kentucky, because even when we have disagreed on things, we find a way to work them out. WENDELL represents Kentucky and the interests of the people of Kentucky first. That comes out all the time. He and I have worked together on matters of mutual interest, including the regional airport in Cincinnati and Department of Energy facilities that are both in Kentucky and in Ohio.

As I mentioned earlier today, Senator FORD's service in the Senate will surpass the length of surface of Alben Barkley, who had previously been the longest-serving Senator from Kentucky. Senator FORD will have served longer than any other Kentuckian in the Senate, including such statesmen as Henry Clay, John Breckenridge, Happy Chandler, and John Sherman Cooper.

I think WENDELL FORD adds an illustrious career that matches any of those other people the great State of Kentucky has sent to the Senate through the years. With WENDELL, you always know where you stand, but he also knows how to disagree without being disagreeable at the same time.

He is known for his wit, humor, and intense discussions. He knows how to break the tension with a little humor, a joke, or something that applies.

I would be remiss if I didn't mention one other thing, and that is his dedication to his family—Jean, his wife, and his children and grandchildren. I remember last August, when other Senators were talking about what trips they were planning, and I asked WENDELL if he was planning to travel, he said, "Yep; I'm going to travel to Kentucky to go fishing with the grandchildren." That is exactly what he did, and I'm sure the grandchildren were the better off for it.

So I'm pleased to join my colleagues in recognition of the long service of Senator WENDELL FORD. He has been a very valued colleague and a personal friend to me in the Senate. His company will truly be one of the things I will miss next year, and I think, most of all, the people of Kentucky are going to miss the kind of leadership he has provided. We are here today not to talk about that, but to recognize that today marks the day when he becomes the longest-serving Senator to ever serve from the State of Kentucky. I want to recognize him for that.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—H.R. 2646

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to Calendar No. 227, H.R. 2646, the education individual retirement accounts bill, and it be considered under the following agreement.

Before I make this request, I do want to say again how much I appreciate all the cooperation we had on the ISTEA, bill. I think it is an example of what we can do when we work together on important legislation in a bipartisan way, and also across the aisle, the bipartisan support we had on the China human rights resolution, and on the resolution naming Saddam Hussein as a war criminal.

This has been a very productive week. I hope we can find a way to do the same thing again next week. I would like for us to find a way to consider in the fairest possible procedure this very important education bill, the Coverdell A+ bill which does include, in addition to the Coverdell A+ provisions with regard to saving for your children's education, a special provision for a prepaid tuition deduction, and for a deduction of graduate education expenses. Those last two items were requested by a bipartisan group. We have other important matters that I believe will be bipartisan, including dealing with NATO enlargement. So I hope we can find a way to come to an agreement on how to proceed on these bills.

So I would like to now go through the agreement that I have been seeking. I understand that Senator DURBIN will have some reaction once I get to the end of this.

Mr. President, I ask unanimous consent that immediately following the reporting of the bill by the clerk, the chairman of the Finance Committee be recognized to send an amendment to the desk reflecting the Finance Committee action on the Coverdell bill. I further ask unanimous consent that following the ascertaining of this consent, Senator DASCHLE be recognized to offer his alternative amendment—I understand he had been working on a substitute; and I thought it was a good way to start off the debate to have the minority offer their alternative amendment—and that no other amendments be in order prior to a vote on or in relation to the Daschle amendment.

I further ask unanimous consent that it be in order for me to send a cloture motion to the desk to the Finance Committee amendment and that the cloture vote occur on the committee amendment at a time to be determined by the majority leader, after notification and consultation with the minority leader, but not before the vote in relation to the Daschle amendment. So the cloture motion would not even be filed under this request until after the Daschle substitute had been considered and dealt with by a vote.

I further ask unanimous consent that the mandatory quorum under rule XXII be waived and that first-degree amendments be filed 1 hour after the cloture vote, with second-degree amendments to be filed within 24 hours of the cloture vote.

Before the Chair puts the question to the Senate, let me summarize this consent, which I believe is fair and provides for an orderly consideration of the education A+ bill.

The agreement, if agreed to, is that the Senate would now begin consideration of this bill. The chairman of the Finance Committee would immediately be recognized to offer the Finance Committee action. Then Senator DASCHLE would offer his substitute, whatever version that he would like to have, of the legislation. We would have an agreed-to period of debate. And then we would have a vote, without any encumbrance, on that amendment. Then following that vote, we would have a cloture vote, and then the time for that would be determined by mutual agreement. If cloture should be invoked, the remainder of the consideration of the bill would be governed under the provisions of Rule XXII. If cloture is not invoked, the bill would be open to further amendments, with no limitation as to time or subject matter.

If this agreement is agreed to by the Senate, I would, of course, give Members ample notification as to when the two votes would occur, those being a vote with respect to the Daschle amendment and the cloture vote.

So I will now yield the floor for the Chair to put the question on this. I urge all my colleagues to agree to this.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object, I say to the majority leader I thank him for the conversation we had over the last several days about a matter of concern to me and I hope to the Senate.

My objection to your unanimous consent request is not based on the belief we should be doing less business but in the hope we will be able to do a little more—specifically, that the two judges who are pending on the Executive Calendar since November of last year from the State of Illinois, judges I referred to earlier as coming from districts with extraordinary problems because of these vacancies, I hope these judges can be considered, and considered very soon.

I have tried to say to all of my colleagues, Democrats and Republicans, that I stand ready to work with you to move this calendar's agenda as quickly as possible. I hope they will empathize with the challenge that faces us in the Southern and Central Districts of Illinois and that we can call these judges for consideration as quickly as possible.

For that reason, for that reason alone, I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. I do want to say to the Senator from Illinois, I am very much aware of these two judicial nominations. As I promised I would do yesterday, I did talk to Senators from our side of the aisle that have some objections. It goes back to last year. The Senator knows all the details. I appreciate the fact that he did not object to judges that the administration sent here from Texas earlier this week, and I hope that we can continue to work to see if some agreement can be worked out as to how and when they might be considered.

And I know that the Senator, perhaps, has some objection to us proceeding with the ocean shipping legislation; we have worked out an agreement on how to proceed on that. This is a bill we have been working on for a couple of years, in a bipartisan way, again. Senator BREAUX from Louisiana has been involved; Senator SLADE GORTON of Washington, who has some objections and has an amendment on it; and also, of course, Senator KAY BAILEY HUTCHISON, who is the chairman of the subcommittee.

You have a bill that you have a hold on. Am I clear that you are objecting to proceeding with this agreement because of the hold on the two Illinois judges? Or are you objecting on behalf of the minority leader or the minority? I don't think you want to leave the impression that you are objecting to this bill because of a couple of judicial nominations that have not yet been moved. Is that accurate?

Mr. DURBIN. If the majority leader will yield, I am asking that we schedule as quickly as possible the confirmation of these two judges. I am trying to call the attention of the Senate to the fact that they have been on the calendar since last November. There are extraordinary hardships back in the State of Illinois. I know of no other way, and I have tried every way, to avoid this objection. I do not speak for the minority leader but only as one Senator from the State of Illinois.

Mr. LOTT. Mr. President, I regret the objection. I think this agreement is immensely fair and provides for an orderly process, again, for this very important legislation.

American people care about education in this country. When I go around this country and back to my own State, other than being worried about crime and being safe in their schools, having safety in their neighborhood, safety in the schools and education are right at the top. People are saying, Why is elementary and secondary education not working in America? We are spending more and more money, and the grades are going down. Why is higher education in America the best in the world and elementary and secondary ranks something like 19th in the world? They want better quality education, they want more choice in education, they want safer schools, and they want zero tolerance for drugs in schools.

This is the first opportunity this year where we have a chance to really begin to move toward that by allowing people—parents, and grandparents, and people that want to provide for scholarships to deserving children—to give an opportunity to choose a different school or get a computer for an eighth grader or tutoring for a fourth grader. I know it will have bipartisan support. I have to admit that Senator TORRICELLI has been very helpful to the Senator from Georgia in moving this legislation forward.

So as a result of the objection, then, I have no option but to go ahead and move toward the calling of the bill and then filing a cloture motion. I want the American people to know that the objection is to the motion to proceed, not even on the bill, to even proceed with this very, very important education legislation.

I am not sure, really, that I understand why there is this objection. I do think it is unfortunate. But at this point we will start the process, and I will file the cloture motion at this time. I must also note, though, that it does tend to delay legislation. There are those that are going to say, Why doesn't the Congress do more? Well, this is exhibit A, because it has gotten to where in the Senate we have to file cloture to stop a filibuster on almost every bill.

This month, we need to complete this education bill, take up the NATO enlargement legislation, take up a budget resolution so we can get it done before April 15—which is what the law requires, I might add—deal with the supplemental appropriations request for natural disasters in this country, the cost for our defense, and for Bosnia and Iraq, how do we deal with IMF; we have to have, under the law, a vote on the Mexican decertification issue, again with relation to drugs; and we want to get IRS reform done before we leave to go home for the Easter recess. Every time something happens that delays another day, it shoves all of this down the line.

I must add, I am being asked by Senators like MOYNIHAN of New York and SMITH of New Hampshire to delay the NATO enlargement until at least after the Easter recess or maybe even until June. Any time a Senator of either party makes that kind of request to the majority leader, you have to think about it, you have to take their request in consideration—have they had enough time? Will more time be helpful in the discourse? I personally think we should go forward with the debate. I will give the details why I think that later on, but this delay affects everything else down the line.

EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

Mr. LOTT. I now move to proceed to H.R. 2646, the Coverdell education bill, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provision of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to H.R. 2646, the A+Education Act:

Trent Lott, Paul Coverdell, Craig Thomas, Rod Grams, Chuck Hagel, Tim Hutchinson, Kay Bailey Hutchison, Mike DeWine, Bob Bennett, John McCain, Don Nickles, Chuck Grassley, Mitch McConnell, Wayne Allard, Phil Gramm, John Ashcroft.

Mr. LOTT. I ask unanimous consent that this cloture vote occur at 12:15 on Tuesday, March 17, and the mandatory quorum under Rule XII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I yield the floor for Members to begin the debate on a motion to proceed.

I thank Senator GLENN for allowing me to complete that action.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, it is a bit unexpected that the other side is continuing to filibuster a very common sense educational proposal.

We began this odyssey on June 27, 1997, when the Senate passed an amendment offered by myself to create educational savings accounts, and it passed 59-41. Subsequent to that, the President of the United States indicated that he would veto the entire tax relief package of last year if this amendment remained in the bill. We will come to that a bit later. It was then introduced as freestanding legislation, and the other side debated it, filibustered it, and indicated that the filibuster was based entirely on the fact that it had not gone through the committee appropriately. It was a procedural filibuster. So they denied the opportunity to develop the educational savings account at that time. We were unable to break their filibuster, though we received 56 votes, needing 60 to do it. I remember the other side saying it is really not a bad idea; it's just the process.

Well, in this setting of the Congress, this legislation has now gone through the Finance Committee and has been reported to the floor 11-8 on a bipartisan basis. The legislation has been expanded considerably—which I will address in a moment—to meet the thoughts of the other side. Eighty percent of the financial impact of the legislation now, in terms of tax relief, is based on ideas from the other side.

We come today, after finalizing the highway matter, to bring an educational proposal before the Senate, to move on with the work of the Senate, remembering that the House has already passed this. We are confronted with a filibuster. The emperor has no clothes—we have now removed everything that was brought forward by the other side and we are still in a filibuster.

Now, the good Senator from Illinois says that this filibuster deals with two nominees for the judiciary from his State. I take the Senator at his word. But my suspicions are great. I recognize that the other side, despite what was said last year, despite what was done in the Finance Committee, is filibustering these ideas. They are defending the status quo. It's mind-boggling to me, looking at the data that we read almost on a weekly basis here about what is happening, particularly in grades kindergarten through high school, that we would be so ardently defending the status quo and standing in front of and blocking every idea coming forward—even their own ideas.

This filibuster, in a word, is outrageous. It is prolonged far beyond process. It is nothing more than a defense of the status quo. I leave it with that word, Mr. President, "outrageous"; it is an outrageous attempt to thwart and block these new ideas that are designed to help parents and children and people trying to improve their education as we come into the new century.

Now, Mr. President, let me talk about this idea that the other side can't seem to embrace—at least a good number of them. I must say before I proceed, Mr. President, that Senator TORRICELLI of New Jersey, my principal cosponsor, has been tireless in his work on the other side to promote this commonsense idea of creating education savings accounts for American families. He has been a great ally, fearless in his work of trying to take the case to his colleagues. I just can't praise his work enough. There have been others, such as Senator BREAUX, in the Finance Committee, and Senator LIEBERMAN of Connecticut, and Senator GRAHAM of Florida who have brought meaningful ideas to the proposal that we are trying to bring to the floor to debate. If you listen to the unanimous consent proposal of the majority leader, it could not have been framed in a more balanced way to let the other side make its case and have its votes and then move on to the work of perfecting education savings accounts.

Filibuster is the only response we have gotten.

Filibuster.

Now, the threat of the idea, Mr. President, is last year in the tax bill passed by the Senate, passed by the House, signed by the President in a glorious celebration at the White House—they don't come with much more pomp than the celebration of signing the balanced budget agreement and the tax relief proposal—the first balanced budget in 30 years, the first tax relief in 16 years. Embraced in that tax relief was a proposal that said that a family can save $500 per year and the interest buildup would be protected from taxation, so long as the proceeds in the account are used for higher education costs. It was means tested, which I don't generally subscribe to. It was means tested for taxpayers, as an individual making $95,000 or less, or a couple making $150,000 or less. This IRA of $500 could be used by families that met that criteria.

So our proposal, which passed the Senate and the House and which the President could not accept and is now before us in this legislation, is quite simple. It took the $500 that the family could save every year for college, and we said that we are going to make that larger, we are going to increase it from $500 to $2,000. And, Mr. President, we said we are going to make it applicable to all education needs—not just college, but beginning in kindergarten, first, second, third, right on through high school. The account is made larger so that more money can be saved and more dollars can be made available for college and/or any educational need, kindergarten through high school. That is it. That is what is being filibustered.

This savings account, by moving it to kindergarten through high school, allows vast new resources to be used where we are having the most difficulty. There is no higher education system in the world that competes with ours. It's true that costs are a problem, and these accounts address that. But when you look at kindergarten through high school, we don't stand up all that well to the rest of the world. So this is an attempt to make us, the parents, more able to deal with problems associated in grades kindergarten through high school or, if they want, through college or, if needed, for a disabled student even after that. So we have taken an idea that has been passed by the Senate, passed by the House, signed by the President, and expanded it to do more. And the other side is filibustering that.

There is no difference in the criteria, the means testing, the function of the account. It is just made larger and adds more utility. It can be used in more places. Mr. President, the cost of this proposal, in the context of our budget, is pretty minuscule. Over 5 years, it allows families to save about $760 million across the Nation. But, Mr. President, it will involve, according to the Tax Committee, about 14 million families. That is almost half the families with children in elementary school years. I wish we could leverage everything like this. Because these families will be able to save this money from taxation, our estimates are that they will, on their own, save in the first 4 years nearly $5 billion for educational purposes at a minimum. Over the next 8 years, it will approach over $10 billion to $12 billion—not one of which is a tax dollar. No board of education had to raise the property tax. The Federal Government didn't have to raise new taxes. No State government did.

These are families coming forward with the incentive that the savings will not be taxed if they are used for the children's education. This massive resource of new money will be coming to help educate America, and we are leveraging this very small amount of tax relief by a multiple of about 15.

Again, Mr. President, you are bringing to the table billions of new dollars voluntarily. They are private dollars. They are very smart dollars. Why do I say "smart" dollars? Because these are dollars in parents' checking accounts—parents who understand the unique problem the child is having—if the child does not have a home computer, the account can be used to do that; if the child has a math deficiency, it buys a tutor; if the child cannot get to the after-school program; needs a band uniform, whatever. These accounts can go right to the targeted need. It is hard for public dollars to do that even though public dollars do good things. If the child has dyslexia and needs a special education tutor, these dollars can go right to the unique problem that the child is having.

Mr. President, everybody wins. Most proposals we have here—I know the Presiding Officer is aware of this—take something from over here, and puts it over there. There is a winner and a loser. There are no losers in this proposal. If the child is in public school, they can take advantage of the account. If they are in private schools or religious schools or if they are homeschooled, it does not matter. Every child, no matter where they are being educated, benefits from this account; every child.

As I said, Mr. President, it very quickly assembles billions of new, very intelligent dollars.

In the numbers I am quoting I am not including a unique feature of this account that we do not find in other IRA savings accounts. And it is most important. This legislation allows for there to be sponsors of the account. So Mr. and Mrs. Jones open an education account on the year of the birth of their first child. As they go along, they can put whatever they can afford to save in the account. But so can the grandparents. So can the child's grandparents. So can a next-door neighbor. So can a church. Mr. President, so can an employer, or a labor union, or a benevolent association. Anyone can contribute to these accounts.

So the numbers I have given, which are multibillions of nontax dollars being assembled to help educate America, don't even count what will happen when employers decide they are going to open up a savings account for every child of their employees, and they will match; or a situation where we have a fallen officer and the community is trying to understand what to do with the children who are left. They open a savings account. They built up that community. That community builds up savings for those children to be able to be properly educated. Or, instead of a toy that is going to be discarded after the first 24 hours of infatuation, the grandparent may make a contribution into the grandchild's education savings account.

The ideas are limitless. We can't even contemplate the magnitude of the resources ultimately drawn to this concept and targeted to the particular needs of children. But it will be massive.

Mr. President, one aspect of this concept for which no one can devalue is what happens when an account is opened for a specific child? A light goes on. There is a connection, almost like a massive PTA movement. From that point on, that family will be paying attention to that account. They will be setting aside resources that they otherwise would not have set aside to help their children's education, and they will because they will be thinking about it. They will be thinking about the needs of the child. They will get a regular statement from the financial institution that has the account reminding them constantly of the purpose of the education account, and the grandparent, as I said, or the extended family and neighbors, and community, the church. We have seen many stories of philanthropists trying to help children in inner-city schools. This will be a tool that they will use.

My point is, Mr. President, that every time one of these accounts gets opened there has been a focused decision made to help that child through their education, and the result, therefore, as I said a moment ago, will be 14 million families who use the accounts. But how many other millions of Americans—there is no way to know—will come to these accounts and be connected to them? So vast numbers of Americans will become involved almost like a Liberty bond. I know the Presiding Officer remembers Liberty bonds and the connection that was occurring. You got them at your birthday. It was a patriotic financial commitment. But it had a benefit. It made everybody connect to the cause of the Nation. The Nation has a cause here in education. We have a crisis in kindergarten through high school. We need to start generating many ideas. This is just one, although this is a multibillion-dollar one. But we need many new ideas to start focusing the Nation's attention on making sure that our children are ready to govern the next century.

Mr. President, I have often talked about the essence of American freedom and that it was American freedom that made us the people we are. One of the principal dynamics of American freedom is an educated population. An uneducated people cannot remain free. An uneducated mind cannot enjoy the benefits of American citizenship. Unfortunately, we are seeing too many of our young population whose futures and ability to participate in true American freedom are being stunted, and we as a Congress and people must be more focused on changing these circumstances and making sure that we leave no American child behind. This is an important tool for families. This is an important tool for corporations and other entities to help generate the resources that can be directed at the child's specific problems.

Mr. President, the Finance Committee took the education savings account, and, as I said earlier, expanded it to include other education initiatives that are equally important. They have added relief for qualified State tuition plans. Across the Nation in about 21 States, parents are allowed to purchase contracts that lock in tomorrow's tuition costs at today's prices.

This legislation will make savings in these plans completely tax free when they are drawn down when the child begins college. This is a very important provision, and that will not only help the 21 States who have generated these plans and allow people to decide how to prepare for college education, but the other States will join them, because once this is law more than 21 States will offer these types of plans. Plan holders will face no Federal tax on interest buildup.

The bill also includes employer-provided educational assistance. The legislation extends the inclusion for employers who pay for their employees' tuition through 2002 and expands it to include graduate students beginning in 1998. The inclusion allows employers to pay up to $5,250 per year for educational expenses.

The legislation will also allow school districts and other local government entities to issue up to $15 million in tax-exempt bonds for full construction. This increases the limit by 33 percent from the current $10 million. The legislation also revises the tax treatment of National Health Corps Scholarships so that these scholarships are excluded from gross income.

So, Mr. President, in addition to the education savings account, we are dealing with parents' ability to provide for college education through prepaid State tuition plans. We are helping employers and their employees deal with continuing education, and we are helping the construction of schools across the country, particularly in small school districts.

These ideas are representative of a very bipartisan effort on both sides of the aisle. I commend and thank each of the Senators on the Finance Committee who made these contributions, particularly Senator BREAUX and Senator GRAHAM.

I said a little earlier before my colleague from New Jersey arrived how much I praise his work and activity on behalf of this effort. I can't say enough about it. It has been tireless. I am prepared, if the Senator from New Jersey is ready, to yield to him at this time.

Mr. TORRICELLI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. TORRICELLI. Mr. President, I would like to first compliment the Senator from Georgia, Mr. COVERDELL, for his tireless work through these months to bring the Senate to the position of voting on the A+ savings account. I have been his partner in this effort, and something that has genuinely become bipartisan. I am very proud of our efforts.

Mr. President, I begin with a personal view on the debate about education in our country. People have different thoughts and very varied proposals. Many are the reasons, and I could accept much about the alternatives except one thing. I cannot accept, and I do not understand, those who would come to the Senate and argue the state of American education and defend the status quo. American education needs to be addressed, not in the margins but in every fundamental aspect of the delivery of education to our children. Indeed, at a time in American life when so much is working, the economy is performing, Americans feel good about our country and its future, faith on any analysis, the single most compelling problem, the most fundamental dilemma that threatens the American future, quality of life, our economic performance, even our political stability, is the quality of American education.

Recent reports are startling. Forty percent of our students are failing basic science. Forty percent of fourth graders are failing to test at the basic levels of reading comprehension. Of the 21 developed democracies in the world that have achieved an industrial status, America ranks 19th in the testing of our students.

The legislation before the Senate can accomplish many things, but if it only establishes some new funding, if it does no more than establish savings accounts, then it falls far short of my ambitions. My hope about the Coverdell-Torricelli legislation is that it will genuinely confront the entire status quo of how Americans regard education.

It does this in several ways. But, first, what is important to understand about it is that this is not a voucher. Senator COVERDELL and I come together on this legislation, but we come at it from different perspectives, perhaps. Senator COVERDELL supports a voucher on other days and other debates in the Senate. I do not. That may be the best indication for those Senators who are thinking about their positions and how they relate to the voucher issue. I have opposed it because, while I believe in private education and its critical role for America, I do not believe we can afford to divert a single dollar of public education funding to private schools, not because they don't need it, but because the public schools can't afford it. The Coverdell-Torricelli program for A+ savings accounts does not divert a penny of public money into private schools.

This is all new money. But, mostly, it is not government money. The money that would go into these savings accounts and allow people to either provide extra funding for public activities or for their private tuitions is entirely money that belongs to American families, their own money. That is a critical part of this debate. Whether you are an advocate of public education or private education or, as in my case, both, we are talking about new resources for education in America. How can anyone look at the status of American education today, with the failing grades of our students, and oppose a measure that at the end of the day means more funding for education, and not from government, but an avenue for families to contribute themselves? That is the question that every Senator should be asking themselves.

Ironically, some will come to this floor arguing against our proposal because of their concern about public education, not recognizing that not only do we not divert public funds from the public schools, but according to the Joint Committee on Taxation, 75 percent of all the parents who use these A+ savings accounts will be the parents of public school students. It may be the most exciting aspect of the entire program.

With 90 percent of all American students attending public schools, the reality is those schools are not providing many of the services that they provided 20 and 30 years ago. As a student of a public suburban school in northern New Jersey 25 and 30 years ago, our school provided extracurricular activities for athletics, transportation for after-school activities, club activities and access to the technology of the time. In many American suburban school districts those activities no longer exist. Under the A+ savings accounts, parents, from the birth of a child, will be able to put a little money aside every year so their students, in public school, can pay for those activities where local governments no longer provide them.

But one thing more. Public school students today who are struggling with new science and new math, learning a new language, testing the limits of their ability to learn, increasingly need tutors. Indeed, with advanced science today, how many public school high school students can learn some of the advanced sciences without the assistance after school of a tutor? Under our proposal, the money in these A+ savings accounts is available to hire a public schoolteacher or other instructor after school, so students can make up that work and excel in their chosen subject. So, much of this debate may be about private education, but, in a great irony, much of the benefit may be for public school students.

Then the question inevitably turns to private schools. For all of us who through the years have had doubts about vouchers, we are questioning whether this is the better idea. As I said earlier, first, there is no diversion of public funds so there is no argument about taking resources away from public schools that remain inadequately financed. But the question remains about the role of private education generally in American society. It is not some marginalized concern. We are not discussing a few private boarding schools for an elite American financial class. Mr. President, 15 percent of all American students attend a private or parochial school—a Yeshiva, a Catholic school, a private school on any other basis. If those schools did not exist, if we allowed these private schools simply, over time, to deteriorate and close—recognizing that every year 50 to 70 private schools in America close their doors never to open again—if that trend were to continue, it would cost the United States $16 billion a year to build and operate enough public schools to make up the difference. Where is it these students would go? How would we provide the opportunity, at a time when the public schools already face massive construction problems and are inadequately financed?

But, more compelling, maybe—who are these students going to most of these private schools? Are we, indeed, creating a means of families saving money to fund the education of an elite? Not in my State nor New York nor Illinois nor California nor any State where our great urban centers are located. Mr. President, 91 percent of all the students in parochial schools in Camden, NJ, are members of minority groups; 60 to 70 percent of all those who attend parochial schools in New York are Protestants. These schools are filling a role in our urban centers where parents feel they have no other choice. Working-class families in an urban environment who want a decent opportunity for their children look honestly at the public schools and may not feel that they can meet their responsibility to their own children without availing themselves of private schools. More than anything else, this legislation is about giving those middle-income families that chance—save $2,000 a year to have the option of sending their child to a private school.

Yet, the argument continues to be made every day, middle-income families will never be able to afford this opportunity; this will simply be another gift to the wealthy in America. Nothing could be further from the truth. The Joint Committee on Tax estimates that 70 percent of the families who will use a Coverdell-Torricelli A+ savings account, 70 percent, earn less than $75,000 a year. This is a direct benefit to families that are struggling to provide an educational option for their child.

One of the things that excites me the most about this plan is not just that middle-income families can save for their children's education, or the extra quality for the public school child. It is the ability to get families involved again in a child's education. It was not so long ago in America when people lined up to vote in school board elections and aunts and uncles would participate in helping to tutor a child; where grandparents would sit with a child; where a family participated in the educational experience. For a lot of reasons—people working and the demands on their day and their finances—we have lost that part of America. But think about this aspect of the Coverdell-Torricelli A+ savings account: That on a birthday, a holiday, an aunt, an uncle, a grandparent, can take a few dollars and put that money into this savings account to allow a child to continue with his or her education, whether to buy a computer for a public school student or tuition for a private school student. These accounts are a chance for a family to become involved in educating a child. And that is a part of the crisis in education in America—the family has removed itself.

Not so long ago I asked a major labor leader in America, if we pass the Coverdell-Torricelli A+ savings account, how would it impact your union, the members of your unions? He said, "Simple. The next time we go to contract negotiations I am putting on the table, along with pay increases and health benefits, I want $5 a week, $10 a week in the contract where an employer contributes to a savings account to help my members educate their children." Think of it, major corporations who can attract talent and workers by agreeing to put money in these savings accounts—and unions, and professional associations. Every dollar is new money to education in America. And not a dollar is coming from the Federal Treasury or from local governments or taxpayers. It is on a voluntary basis, getting people involved, at every level, back in education.

Yet, I come back to challenging Members of the Senate to think about this not simply in terms of the tuition of the private school student but to think in broader terms. Not so long ago I read in the Washington Post, a high school senior in Maryland was asked about the changing nature of school. Tiffany Johnson replied, "It is totally impossible to function without a computer now in school. It's a big handicap not to have one at home."

Most people who think about Coverdell-Torricelli are thinking about private school and tuition. They need to look at this issue again. They need to think about Tiffany Johnson, because 60 percent of all students in America do not have access to a home computer for calculations, research, or word processing. As Tiffany Johnson has attested, in the world in which we live, researching term papers, writing essays without a home computer is going to create two classes of students in America: The students of the families of the upper middle-class and wealthy and professional Americans, who can afford the software and the home computers, and the rest of America that cannot. Mr. President, 60 percent of Americans do not have those computers—except for minority parents.

Minority parents, 85 percent of African Americans and Hispanic Americans, do not have access to home computers. We are creating another dividing line in American education.

Under the Coverdell-Torricelli A+ savings accounts, that money is not only available for extracurricular activities of public school students, not only for tutoring public school students, transportation of public school students, tuition of private school students, uniforms for public or private school students, it is available for home computers for public and private school students.

What will we be doing, taxing the money of American families who are trying to buy a home computer for their child to be competitive in school? These savings accounts allow that money without the Federal Government taking its share of taxation.

Mr. President, I say to Members of the Senate, I have not been in this institution long, but in the time I have been here, I have heard compelling arguments based on realistic assessments of American life for different proposals. Rarely have I been more persuaded of a compelling need with an overwhelming argument to address a national problem. This is not the end of the education debate in America; it is the compelling issue of our time.

Education remains the great question about whether or not we preserve our standard of living and the America that we have known and come to value and cherish. This debate will have to be followed with the question of, How are we going to rebuild the two-thirds of American schools that are crumbling around us, raise the compensation of American teachers who can no longer afford to remain in the profession that they love and where they are needed? How will we continue to finance access to higher education for middle-income families who are being separated from their ambitions?

This is a debate that will consume not simply this Senate but the next Congress and Congresses to come, but this is a beginning and it is a valuable contribution. I want to see the Coverdell-Torricelli A+ savings accounts enacted, but I want something more; I want it to be bipartisan; I want the vote to be overwhelming.

My party has been privileged through most of the last 30 years, from the financing of higher education to support for public education, to have been in the leadership of every fight for quality education in America.

I say with all deference to my colleagues across the aisle, through much of that time, we were not often challenged for that leadership. Education has been the province of the Democratic Party for a long time. It is good for America that Democrats and Republicans will now compete for the leadership in education. But on this proposal, to finance savings accounts to bring American families back into the financing of their own education, to allow American families to participate in the tutoring, the technology, the uniforms, the extra school activities, and in the paying of private school tuitions, in this matter there should be no competition, because for this plan we can be arm in arm.

I am honored to have joined with Senator COVERDELL in offering this proposal, that it bears both of our names. I look forward to its enactment.

With this proposal, we can do something right about the problem of education in America. We have been discouraged; we have complained; we have agonized too long. Let us deal with this fundamental crisis in the quality of secondary education by enacting the Coverdell-Torricelli proposal.

Mr. President, I yield the floor.

Mr. COVERDELL. Mr. President, while Senator TORRICELLI is still here, I want to pose a couple questions.

Those who have objected to the proposal have essentially made two cases: One, that this would benefit upper-income individuals. While the Senator is here, I want to point out—I know he will agree—that the criteria for the education savings account are identical to the education savings account for higher education that we passed and that the President has signed—same means testing, the same concept of directing, as the Senator alluded to, 70 to 75 percent of the funds to those making $75,000 or less.

But the key point is we have already passed a savings account. It is just that it is only for $500 and only for college. We have taken the same account and expanded it to $2,000 and kindergarten through high school or disabled student after-college. I am perplexed that, having passed this and signed it and celebrated it, we are still hearing arguments that this would somehow enrich the rich. I wonder if the Senator might comment.

Mr. TORRICELLI. Mr. President, there is always a desire of a Member of the Senate to be philosophically consistent, so I think the question bears some scrutiny. Members of the Senate have previously voted for Hope scholarships and student loan programs in this country, which also have caps on who is eligible to participate. The caps the Senate has previously provided are identical to what is in the Coverdell-Torricelli proposal. There is a two-income, $60,000 cap.

So when the Joint Committee on Taxation tells us that 70 percent of all these benefits will go to families that earn $75,000 and less, the reason is that there is a cap in the provision that ensures the principal benefits are going to middle-income families, to working families. It was designed to accomplish that end.

But there is another philosophical consistency with people. I have people raise with me all the time a legitimate concern whether the Government is funding private education. As I pointed out, every dollar of this is the family's money, it is not Government's money. But Members of the Senate who voted previously for savings accounts for higher education have faced this question. I have never heard a Member of the Senate rise on this floor and say, "Well, I'm for savings accounts for colleges, but I don't want it for Notre Dame or Harvard."

Mr. COVERDELL. Georgetown.

Mr. TORRICELLI. Or Georgetown—whether a religious affiliated school or private education; that these should be for private education only. I have never heard a Member of the Senate say that. To my judgment, it has never happened. The reason is, it would be illogical, it would be foolish. And so it would here. This is being done on the same basis. This is available for public school students and private school students with people's own money. So I think there is a philosophical consistency with the college program.

Mr. COVERDELL. My last question—and the Senator has already hit on the point—and that is, if you will read some of the material from the opponents, you will think this is legislation exclusively designed to deal with private schools. As the Senator pointed out, 70 percent of the families using the accounts have children in public schools. Billions and billions of dollars will end up enriching students' ability to function in public schools. It is almost as if they would like to leave that part of the equation out.

Mr. TORRICELLI. Indeed, if I had to identify financially my own expectation about the largest single recipient of this funding, I suspect there is a chance it would be public schoolteachers who do the tutoring after school, who will be hired by families with money from these accounts to help students with math and science. They, dollar for dollar, may be the largest recipients.

One point I did not make, and the Senator from Georgia may have made earlier, is even if Members of the Senate do not agree with us about this need for funding secondary schools, they should recognize that every dollar in these accounts at the end of the 12th grade can be transferred into a college account. This allows families to get a head start in saving money for college.

So, if you voted last year for these accounts for college, this is a chance to expand them considerably to make that money available. On that basis alone, Members should feel comfortable in voting for the proposal.

Mr. COVERDELL. I thank the Senator from New Jersey, again, for his tireless work on behalf of this commonsense proposal.

PRIVILEGE OF THE FLOOR

Mr. COVERDELL. Mr. President, I ask unanimous consent that the following list of staff from the Joint Committee on Taxation be granted privileges of the floor during the pendency of H.R. 2646. I send the list to the desk.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, for the last hour we have heard from myself and others, Senator TORRICELLI, about the massive benefits that would come to American families if we enact and make possible the tool of an education savings account for families to use for their children, no matter where they go to school, public, private, home, whether it is kindergarten through college or after if the student is disabled. Anybody watching this just has to wonder, well, why in the world are we in a filibuster?

How can an idea like this be thwarted, tacks thrown on the road in front of it? Why are we in a filibuster? Who would oppose it? It has been described as a win-win situation. As I said, any child, in any condition, and any family dealing with those conditions can benefit.

So why the opposition? Well, they said, the money is going to get in somebody's hands who does not need it. They are too wealthy. We have heard that around here for the last quarter of a century. I just want to remind everybody that the criteria that governs this savings account is identical, the same, no deviation from the one the President signed at the White House last year.

Both sides of the aisle—Republicans, Democrats; House, Senate and President—have all sanctioned, certified, that we should have a savings account for college costs. We said the number will be $500 per year. Then we means tested it to make sure that it was pushed into middle income and down.

Well, we have taken that account and we have said, instead of $500, we will let them save up to $2,000. Instead, of just 4 years of college, they can use it kindergarten through college. After all, the problem we have is in kindergarten through high school. Everything else we left the same. It still pushes the resources to the utilization and benefit of the middle class or lower. We know that 75 percent of all these funds will go to help those families.

So it is a mischievous argument to divert attention. It is a misrepresentation. It is not so. It is identical to what we have already embraced as the appropriate governing criteria for an education savings account and celebrated with enormous glory at the White House last fall.

I also add, Mr. President, that all of this money is generated because we give minimal tax relief to anybody who puts it in a savings account. Over the next 5 years, it is $760 million—over 5 years—of tax relief. I wish we could do this in a lot of different areas. That $760 million causes American families, 14 million of them, to put about $5 billion in savings accounts. That is a 15-1 leverage. Don't we wish we could do that in many, many arenas?

By offering that limited incentive, Americans come forward and redirect their own money, put it into savings accounts to help educate their children—a massive amount of funds generated by this limited effort on our behalf. It is just incredible to see the resulting activity that occurs by creating this savings account.

So that argument gets buried pretty quickly. It is a little hard to argue that you thought that was just such a great idea and you had protected it for the middle class and less last year, and then take the same criteria and say, well, somehow it is different this year. It isn't.

Then, Mr. President, the other side would like everybody to think this is an instrument for people who are in a private school or a religious school, that the entire purpose of these savings accounts is for people outside the public school system.

The NEA has written a letter to everybody that says that. I would expect more of them, because it just isn't so. As we have said, 70 percent of the families using the accounts will be using them to help children in public schools. Only 30 percent will be helping children in private schools.

The grand aggregate of the money, if we only focus on kindergarten through high school, is about split, about half these resources—again private; these are private dollars, not tax dollars—will be going to help students do better in public schools, and about half of it will be helping students in private.

Why isn't it still divided 70-30? It is because they tend to consume, in the private school, most of the money for tuition. It is more expensive. So their savings accounts probably are larger and they have to spend it more quickly and in larger sums. But, still, about half about $2.5 billion, in 4 years, rushes to public schools and about $2.5 billion for private. At the end of the day who is the beneficiary? American children.

We are going to divert money from public schools, they say. No. These are private dollars. These are not tax dollars—after-tax savings, after-tax savings—all private dollars. Anybody who sends a child to private school is paying for public school through the property taxes. There is no money diverted.

Now, what is the real story? Because it isn't any of this other it cannot substantiate. The real opposition is that some families, in the big picture statistically insignificant, but some families will open a savings account and will make a decision to use the account to pay for tuition in a private school. Some parents will do that, and that is the rub.

That is the reason the President said last year, "I'll veto the tax bill if this idea is in it." That is the reason, when we brought this bill to the floor last year, the other side filibustered it. And that is the reason we cannot even get to this bill today, because the other side is filibustering it, because some handful of families, using their own money, would make a decision that they need to put their child in a different school.

And, Heaven forbid, Washington has to stand in their way with a roadblock, a filibuster. By trying to keep those few families, whoever they would be, from doing that, they would snatch $2.5 billion out of helping children in public schools, they would snatch $2.5 billion away from families trying to help their children in private or home schools.

They would cause 14 million savings accounts never to open. They would deny all those corporations that could contribute to the accounts, all those parents and grandparents, all the matching ideas that would participate in these accounts, they would disallow it, stop it.

Millions of families will be denied, 20 million-plus children will not have the benefit of this redirection of family resources, thousands of public school teachers will not become tutors, hundreds of thousands of home computers will not show up in the home, inner city schools where they only have 15 percent of the population with home computers will stay 15 percent instead of going up because we have generated a pool of money to buy those computers. And they will have done it in the name of keeping a handful of families from making a decision that they want to move from one school to another.

That, Mr. President, is what this filibuster is all about. It is outrageous. Unbelievably, unfortunately, if they are ultimately successful, the mountains of good where everybody succeeds and wins will be packed away in some closet on some shelf over that thread of concern. It shows you, Mr. President, the depth of despair of the status quo, that they would come to this point and deny all that good over that single point.

MOTION TO PROCEED WITHDRAWN

Mr. President, I now withdraw the motion to proceed to H.R. 2646.

MORNING BUSINESS

Mr. COVERDELL. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, March 12, 1998, the federal debt stood at $5,529,750,398,747.62 (Five trillion, five hundred twenty-nine billion, seven hundred fifty million, three hundred ninety-eight thousand, seven hundred forty-seven dollars and sixty-two cents).

One year ago, March 12, 1997, the federal debt stood at $5,361,483,000,000 (Five trillion, three hundred sixty-one billion, four hundred eighty-three million).

Five years ago, March 12, 1993, the federal debt stood at $4,211,673,000,000 (Four trillion, two hundred eleven billion, six hundred seventy-three million).

Twenty-five years ago, March 12, 1973, the federal debt stood at $455,864,000,000 (Four hundred fifty-five billion, eight hundred sixty-four million) which reflects a debt increase of more than $5 trillion—$5,073,886,398,747.62 (Five trillion, seventy-three billion, eight hundred eighty-six million, three hundred ninety-eight thousand, seven hundred forty-seven dollars and sixty-two cents) during the past 25 years.

THE HEALTH PROFESSIONS EDUCATION PARTNERSHIPS ACT OF 1998

S. 1754, the Health Professions Education Partnerships Act of 1998, was introduced on March 12, 1998, but was not available for printing. The text of the bill is as follows:

S. 1754

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Health Professions Education Partnerships Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—HEALTH PROFESSIONS EDUCATION AND FINANCIAL ASSISTANCE PROGRAMS

Subtitle A—Health Professions Education Programs

Sec. 101. Under-represented minority health professions grant program.
Sec. 102. Training in primary care medicine and dentistry.
Sec. 103. Interdisciplinary, community-based linkages.
Sec. 104. Health professions workforce information and analysis.
Sec. 105. Public health workforce development.
Sec. 106. General provisions.
Sec. 107. Preference in certain programs.
Sec. 108. Definitions.
Sec. 109. Technical amendment on National Health Service Corps.
Sec. 110. Savings provision.

Subtitle B—Nursing Workforce Development

Sec. 121. Short title.
Sec. 122. Purpose.
Sec. 123. Amendments to Public Health Service Act.
Sec. 124. Savings provision.

Subtitle C—Financial Assistance

CHAPTER 1—SCHOOL-BASED REVOLVING LOAN FUNDS

Sec. 131. Primary care loan program.
Sec. 132. Loans for disadvantaged students.
Sec. 133. Student loans regarding schools of nursing.
Sec. 134. General provisions.

CHAPTER 2—INSURED HEALTH EDUCATION ASSISTANCE LOANS TO GRADUATE STUDENTS

Sec. 141. Health Education Assistance Loan Program.
Sec. 142. Heal lender and holder performance standards.
Sec. 143. Reauthorization.
Sec. 144. HEAL bankruptcy.
Sec. 145. HEAL refinancing.

TITLE II—OFFICE OF MINORITY HEALTH

Sec. 201. Revision and extension of programs of Office of Minority Health.

TITLE III—SELECTED INITIATIVES

Sec. 301. State offices of rural health.
Sec. 302. Demonstration projects regarding Alzheimer's Disease.
Sec. 303. Project grants for immunization services.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Technical corrections regarding Public Law 103-183.
Sec. 402. Miscellaneous amendments regarding PHS commissioned officers.
Sec. 403. Clinical traineeships.
Sec. 404. Project grants for screenings, referrals, and education regarding lead poisoning.
Sec. 405. Project grants for preventive health services regarding tuberculosis.
Sec. 406. Certain authorities of Centers for Disease Control and Prevention.
Sec. 407. Community programs on domestic violence.
Sec. 408. State loan repayment program.
Sec. 409. Construction of regional centers for research on primates.
Sec. 410. Peer review.
Sec. 411. Funding for trauma care.
Sec. 412. Health information and health promotion.
Sec. 413. Emergency medical services for children.
Sec. 414. Administration of certain requirements.
Sec. 415. Aids drug assistance program.

TITLE I—HEALTH PROFESSIONS EDUCATION AND FINANCIAL ASSISTANCE PROGRAMS

Subtitle A—Health Professions Education Programs

SEC. 101. UNDER-REPRESENTED MINORITY HEALTH PROFESSIONS GRANT PROGRAM.

(a) IN GENERAL.—Part B of title VII of the Public Health Service Act (42 U.S.C. 293 et seq.) is amended to read as follows:

"PART B—HEALTH PROFESSIONS TRAINING FOR DIVERSITY

"SEC. 736. CENTERS OF EXCELLENCE.

"(a) IN GENERAL.—The Secretary shall make grants to designated health professions schools described in subsection (c) for the purpose of assisting the schools in supporting programs of excellence in health professions education for under-represented minority individuals.

"(b) REQUIRED USE OF FUNDS.—The Secretary may not make a grant under subsection (a) unless the designated health professions school involved agrees, subject to subsection (c)(1)(C), to expend the grant—

"(1) to develop a large competitive applicant pool through linkages with institutions of higher education, local school districts, and other community-based entities and establish an education pipeline for health professions careers;

"(2) to establish, strengthen, or expand programs to enhance the academic performance of under-represented minority students attending the school;

"(3) to improve the capacity of such school to train, recruit, and retain under-represented minority faculty including the payment of such stipends and fellowships as the Secretary may determine appropriate;

"(4) to carry out activities to improve the information resources, clinical education, curricula and cultural competence of the graduates of the school, as it relates to minority health issues;

"(5) to facilitate faculty and student research on health issues particularly affecting under-represented minority groups, including research on issues relating to the delivery of health care; and

"(6) to carry out a program to train students of the school in providing health services to a significant number of under-represented minority individuals through training provided to such students at community-based health facilities that—

"(A) provide such health services; and

"(B) are located at a site remote from the main site of the teaching facilities of the school.

"(c) CENTERS OF EXCELLENCE.—

"(1) DESIGNATED SCHOOLS.—

"(A) IN GENERAL.—The designated health professions schools referred to in subsection (a) are such schools that meet each of the conditions specified in subparagraphs (B) and (C), and that—

"(i) meet each of the conditions specified in paragraph (2)(A);

"(ii) meet each of the conditions specified in paragraph (3);

"(iii) meet each of the conditions specified in paragraph (4); or

"(iv) meet each of the conditions specified in paragraph (5).

"(B) GENERAL CONDITIONS.—The conditions specified in this subparagraph are that a designated health professions school—

"(i) has a significant number of under-represented minority individuals enrolled in the school, including individuals accepted for enrollment in the school;

"(ii) has been effective in assisting under-represented minority students of the school to complete the program of education and receive the degree involved;

"(iii) has been effective in recruiting under-represented minority individuals to enroll in and graduate from the school, including providing scholarships and other financial assistance to such individuals and encouraging under-represented minority students from all levels of the educational pipeline to pursue health professions careers; and

"(iv) has made significant recruitment efforts to increase the number of under-represented minority individuals serving in faculty or administrative positions at the school.

"(C) CONSORTIUM.—The condition specified in this subparagraph is that, in accordance with subsection (e)(1), the designated health profession school involved has with other health profession schools (designated or otherwise) formed a consortium to carry out the purposes described in subsection (b) at the schools of the consortium.

"(D) APPLICATION OF CRITERIA TO OTHER PROGRAMS.—In the case of any criteria established by the Secretary for purposes of determining whether schools meet the conditions described in subparagraph (B), this section may not, with respect to racial and ethnic minorities, be construed to authorize, require, or prohibit the use of such criteria in any program other than the program established in this section.

"(2) CENTERS OF EXCELLENCE AT CERTAIN HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—

"(A) CONDITIONS.—The conditions specified in this subparagraph are that a designated health professions school—

"(i) is a school described in section 799B(1); and

"(ii) received a contract under section 788B for fiscal year 1987, as such section was in effect for such fiscal year.

"(B) USE OF GRANT.—In addition to the purposes described in subsection (b), a grant under subsection (a) to a designated health professions school meeting the conditions described in subparagraph (A) may be expended—

"(i) to develop a plan to achieve institutional improvements, including financial independence, to enable the school to support programs of excellence in health professions education for under-represented minority individuals; and

"(ii) to provide improved access to the library and informational resources of the school.

"(C) EXCEPTION.—The requirements of paragraph (1)(C) shall not apply to a historically black college or university that receives funding under paragraphs (2) or (5).

"(3) HISPANIC CENTERS OF EXCELLENCE.—The conditions specified in this paragraph are that—

"(A) with respect to Hispanic individuals, each of clauses (i) through (iv) of paragraph (1)(B) applies to the designated health professions school involved;

"(B) the school agrees, as a condition of receiving a grant under subsection (a), that the school will, in carrying out the duties described in subsection (b), give priority to carrying out the duties with respect to Hispanic individuals; and

"(C) the school agrees, as a condition of receiving a grant under subsection (a), that—

"(i) the school will establish an arrangement with 1 or more public or nonprofit community based Hispanic serving organizations, or public or nonprofit private institutions of higher education, including schools of nursing, whose enrollment of students has traditionally included a significant number of Hispanic individuals, the purposes of which will be to carry out a program—

"(I) to identify Hispanic students who are interested in a career in the health profession involved; and

"(II) to facilitate the educational preparation of such students to enter the health professions school; and

"(ii) the school will make efforts to recruit Hispanic students, including students who have participated in the undergraduate or other matriculation program carried out under arrangements established by the school pursuant to clause (i)(II) and will assist Hispanic students regarding the completion of the educational requirements for a degree from the school.

"(4) NATIVE AMERICAN CENTERS OF EXCELLENCE.—Subject to subsection (e), the conditions specified in this paragraph are that—

"(A) with respect to Native Americans, each of clauses (i) through (iv) of paragraph (1)(B) applies to the designated health professions school involved;

"(B) the school agrees, as a condition of receiving a grant under subsection (a), that the school will, in carrying out the duties described in subsection (b), give priority to carrying out the duties with respect to Native Americans; and

"(C) the school agrees, as a condition of receiving a grant under subsection (a), that—

"(i) the school will establish an arrangement with 1 or more public or nonprofit private institutions of higher education, including schools of nursing, whose enrollment of students has traditionally included a significant number of Native Americans, the purpose of which arrangement will be to carry out a program—

"(I) to identify Native American students, from the institutions of higher education referred to in clause (i), who are interested in health professions careers; and

"(II) to facilitate the educational preparation of such students to enter the designated health professions school; and

"(ii) the designated health professions school will make efforts to recruit Native American students, including students who have participated in the undergraduate program carried out under arrangements established by the school pursuant to clause (i) and will assist Native American students regarding the completion of the educational requirements for a degree from the designated health professions school.

"(5) OTHER CENTERS OF EXCELLENCE.—The conditions specified in this paragraph are—

"(A) with respect to other centers of excellence, the conditions described in clauses (i) through (iv) of paragraph (1)(B); and

"(B) that the health professions school involved has an enrollment of under-represented minorities above the national average for such enrollments of health professions schools.

"(d) DESIGNATION AS CENTER OF EXCELLENCE.—

"(1) IN GENERAL.—Any designated health professions school receiving a grant under subsection (a) and meeting the conditions described in paragraph (2) or (5) of subsection (c) shall, for purposes of this section, be designated by the Secretary as a Center of Excellence in Under-Represented Minority Health Professions Education.

"(2) HISPANIC CENTERS OF EXCELLENCE.—Any designated health professions school receiving a grant under subsection (a) and meeting the conditions described in subsection (c)(3) shall, for purposes of this section, be designated by the Secretary as a Hispanic Center of Excellence in Health Professions Education.

"(3) NATIVE AMERICAN CENTERS OF EXCELLENCE.—Any designated health professions school receiving a grant under subsection (a) and meeting the conditions described in subsection (c)(4) shall, for purposes of this section, be designated by the Secretary as a Native American Center of Excellence in Health Professions Education. Any consortium receiving such a grant pursuant to subsection (e) shall, for purposes of this section, be so designated.

"(e) AUTHORITY REGARDING NATIVE AMERICAN CENTERS OF EXCELLENCE.—With respect to meeting the conditions specified in subsection (c)(4), the Secretary may make a grant under subsection (a) to a designated health professions school that does not meet such conditions if—

"(1) the school has formed a consortium in accordance with subsection (d)(1); and

"(2) the schools of the consortium collectively meet such conditions, without regard to whether the schools individually meet such conditions.

"(f) DURATION OF GRANT.—The period during which payments are made under a grant under subsection (a) may not exceed 5 years. Such payments shall be subject to annual approval by the Secretary and to the availability of appropriations for the fiscal year involved to make the payments.

"(g) DEFINITIONS.—In this section:

"(1) DESIGNATED HEALTH PROFESSIONS SCHOOL.—

"(A) IN GENERAL.—The term 'health professions school' means, except as provided in subparagraph (B), a school of medicine, a school of osteopathic medicine, a school of dentistry, a school of pharmacy, or a graduate program in behavioral or mental health.

"(B) EXCEPTION.—The definition established in subparagraph (A) shall not apply to the use of the term 'designated health professions school' for purposes of subsection (c)(2).

"(2) PROGRAM OF EXCELLENCE.—The term 'program of excellence' means any program carried out by a designated health professions school with a grant made under subsection (a), if the program is for purposes for which the school involved is authorized in subsection (b) or (c) to expend the grant.

"(3) NATIVE AMERICANS.—The term 'Native Americans' means American Indians, Alaskan Natives, Aleuts, and Native Hawaiians.

"(h) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants under subsection (a), there authorized to be appropriated $26,000,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002.

"(2) ALLOCATIONS.—Based on the amount appropriated under paragraph (1) for a fiscal year, one of the following subparagraphs shall apply:

"(A) IN GENERAL.—If the amounts appropriated under paragraph (1) for a fiscal year are less than $24,000,000—

"(i) the Secretary shall make available $12,000,000 for grants under subsection (a) to health professions schools that meet the conditions described in subsection (c)(2)(A); and

"(ii) and available after grants are made with funds under clause (i), the Secretary shall make available—

"(I) 60 percent of such amount for grants under subsection (a) to health professions schools that meet the conditions described in paragraph (3) or (4) of subsection (c) (including meeting the conditions under subsection (e)); and

"(II) 40 percent of such amount for grants under subsection (a) to health professions schools that meet the conditions described in subsection (c)(5).

"(B) FUNDING IN EXCESS OF $24,000,000.—If amounts appropriated under paragraph (1) for a fiscal year exceed $24,000,000 but are less than $30,000,000—

"(i) 80 percent of such excess amounts shall be made available for grants under subsection (a) to health professions schools that meet the requirements described in paragraph (3) or (4) of subsection (c) (including meeting conditions pursuant to subsection (e)); and

"(ii) 20 percent of such excess amount shall be made available for grants under subsection (a) to health professions schools that meet the conditions described in subsection (c)(5).

"(C) FUNDING IN EXCESS OF $30,000,000.—If amounts appropriated under paragraph (1) for a fiscal year exceed $30,000,000, the Secretary shall make available—

"(i) not less than $12,000,000 for grants under subsection (a) to health professions schools that meet the conditions described in subsection (c)(2)(A);

"(ii) not less than $12,000,000 for grants under subsection (a) to health professions schools that meet the conditions described in paragraph (3) or (4) of subsection (c) (including meeting conditions pursuant to subsection (e));

"(iii) not less than $6,000,000 for grants under subsection (a) to health professions schools that meet the conditions described in subsection (c)(5); and

"(iv) after grants are made with funds under clauses (i) through (iii), any remaining funds for grants under subsection (a) to health professions schools that meet the conditions described in paragraph (2)(A), (3), (4), or (5) of subsection (c).

"(3) NO LIMITATION.—Nothing in this subsection shall be construed as limiting the centers of excellence referred to in this section to the designated amount, or to preclude such entities from competing for other grants under this section.

"(4) MAINTENANCE OF EFFORT.—

"(A) IN GENERAL.—With respect to activities for which a grant made under this part are authorized to be expended, the Secretary may not make such a grant to a center of excellence for any fiscal year unless the center agrees to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the center for the fiscal year preceding the fiscal year for which the school receives such a grant.

"(B) USE OF FEDERAL FUNDS.—With respect to any Federal amounts received by a center of excellence and available for carrying out activities for which a grant under this part is authorized to be expended, the Secretary may not make such a grant to the center for any fiscal year unless the center agrees that the center will, before expending the grant, expend the Federal amounts obtained from sources other than the grant.

"SEC. 737. SCHOLARSHIPS FOR DISADVANTAGED STUDENTS.

"(a) IN GENERAL.—The Secretary may make a grant to an eligible entity (as defined in subsection (d)(1)) under this section for the awarding of scholarships by schools to any full-time student who is an eligible individual as defined in subsection (d). Such scholarships may be expended only for tuition expenses, other reasonable educational expenses, and reasonable living expenses incurred in the attendance of such school.

"(b) PREFERENCE IN PROVIDING SCHOLARSHIPS.—The Secretary may not make a grant to an entity under subsection (a) unless the health professions and nursing schools involved agree that, in providing scholarships pursuant to the grant, the schools will give preference to students for whom the costs of attending the schools would constitute a severe financial hardship and, notwithstanding other provisions of this section, to former recipients of scholarships under sections 736 and 740(d)(2)(B) (as such sections existed on the day before the date of enactment of this section).

"(c) AMOUNT OF AWARD.—In awarding grants to eligible entities that are health professions and nursing schools, the Secretary shall give priority to eligible entities based on the proportion of graduating students going into primary care, the proportion of underrepresented minority students, and the proportion of graduates working in medically underserved communities.

"(d) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITIES.—The term 'eligible entities' means an entity that—

"(A) is a school of medicine, osteopathic medicine, dentistry, nursing (as defined in section 801), pharmacy, podiatric medicine, optometry, veterinary medicine, public health, or allied health, a school offering a graduate program in behavioral and mental health practice, or an entity providing programs for the training of physician assistants; and

"(B) is carrying out a program for recruiting and retaining students from disadvantaged backgrounds, including students who are members of racial and ethnic minority groups.

"(2) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means an individual who—

"(A) is from a disadvantaged background;

"(B) has a financial need for a scholarship; and

"(C) is enrolled (or accepted for enrollment) at an eligible health professions or nursing school as a full-time student in a program leading to a degree in a health profession or nursing.

"SEC. 738. LOAN REPAYMENTS AND FELLOWSHIPS REGARDING FACULTY POSITIONS.

"(a) LOAN REPAYMENTS.—

"(1) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program of entering into contracts with individuals described in paragraph (2) under which the individuals agree to serve as members of the faculties of schools described in paragraph (3) in consideration of the Federal Government agreeing to pay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of such individuals.

"(2) ELIGIBLE INDIVIDUALS.—The individuals referred to in paragraph (1) are individuals from disadvantaged backgrounds who—

"(A) have a degree in medicine, osteopathic medicine, dentistry, nursing, or another health profession;

"(B) are enrolled in an approved graduate training program in medicine, osteopathic medicine, dentistry, nursing, or other health profession; or

"(C) are enrolled as full-time students—

"(i) in an accredited (as determined by the Secretary) school described in paragraph (3); and

"(ii) in the final year of a course of a study or program, offered by such institution and approved by the Secretary, leading to a degree from such a school.

"(3) ELIGIBLE HEALTH PROFESSIONS SCHOOLS.—The schools described in this paragraph are schools of medicine, nursing (as schools of nursing are defined in section 801), osteopathic medicine, dentistry, pharmacy, allied health, podiatric medicine, optometry, veterinary medicine, or public health, or schools offering graduate programs in behavioral and mental health.

"(4) REQUIREMENTS REGARDING FACULTY POSITIONS.—The Secretary may not enter into a contract under paragraph (1) unless—

"(A) the individual involved has entered into a contract with a school described in paragraph (3) to serve as a member of the faculty of the school for not less than 2 years; and

"(B) the contract referred to in subparagraph (A) provides that—

"(i) the school will, for each year for which the individual will serve as a member of the faculty under the contract with the school, make payments of the principal and interest due on the educational loans of the individual for such year in an amount equal to the amount of such payments made by the Secretary for the year;

"(ii) the payments made by the school pursuant to clause (i) on behalf of the individual will be in addition to the pay that the individual would otherwise receive for serving as a member of such faculty; and

"(iii) the school, in making a determination of the amount of compensation to be provided by the school to the individual for serving as a member of the faculty, will make the determination without regard to the amount of payments made (or to be made) to the individual by the Federal Government under paragraph (1).

"(5) APPLICABILITY OF CERTAIN PROVISIONS.—The provisions of sections 338C, 338G, and 338I shall apply to the program established in paragraph (1) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III, including the applicability of provisions regarding reimbursements for increased tax liability and regarding bankruptcy.

"(6) WAIVER REGARDING SCHOOL CONTRIBUTIONS.—The Secretary may waive the requirement established in paragraph (4)(B) if the Secretary determines that the requirement will impose an undue financial hardship on the school involved.

"(b) FELLOWSHIPS.—

"(1) IN GENERAL.—The Secretary may make grants to and enter into contracts with eligible entities to assist such entities in increasing the number of underrepresented minority individuals who are members of the faculty of such schools.

"(2) APPLICATIONS.—To be eligible to receive a grant or contract under this subsection, an entity shall provide an assurance, in the application submitted by the entity, that—

"(A) amounts received under such a grant or contract will be used to award a fellowship to an individual only if the individual meets the requirements of paragraphs (3) and (4); and

"(B) each fellowship awarded pursuant to the grant or contract will include—

"(i) a stipend in an amount not exceeding 50 percent of the regular salary of a similar faculty member for not to exceed 3 years of training; and

"(ii) an allowance for other expenses, such as travel to professional meetings and costs related to specialized training.

"(3) ELIGIBILITY.—To be eligible to receive a grant or contract under paragraph (1), an applicant shall demonstrate to the Secretary that such applicant has or will have the ability to—

"(A) identify, recruit and select underrepresented minority individuals who have the potential for teaching, administration, or conducting research at a health professions institution;

"(B) provide such individuals with the skills necessary to enable them to secure a tenured faculty position at such institution, which may include training with respect to pedagogical skills, program administration, the design and conduct of research, grants writing, and the preparation of articles suitable for publication in peer reviewed journals;

"(C) provide services designed to assist such individuals in their preparation for an academic career, including the provision of counselors; and

"(D) provide health services to rural or medically underserved populations.

"(4) Requirements.—To be eligible to receive a grant or contract under paragraph (1) an applicant shall—

"(A) provide an assurance that such applicant will make available (directly through cash donations) $1 for every $1 of Federal funds received under this section for the fellowship;

"(B) provide an assurance that institutional support will be provided for the individual for the second and third years at a level that is equal to the total amount of institutional funds provided in the year in which the grant or contract was awarded;

"(C) provide an assurance that the individual that will receive the fellowship will be a member of the faculty of the applicant school; and

"(D) provide an assurance that the individual that will receive the fellowship will have, at a minimum, appropriate advanced preparation (such as a master's or doctoral degree) and special skills necessary to enable such individual to teach and practice.

"(5) Definition.—For purposes of this subsection, the term 'underrepresented minority individuals' means individuals who are members of racial or ethnic minority groups that are underrepresented in the health professions including nursing.

"SEC. 739. EDUCATIONAL ASSISTANCE IN THE HEALTH PROFESSIONS REGARDING INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.

"(a) In General.—

"(1) Authority for grants.—For the purpose of assisting individuals from disadvantaged backgrounds, as determined in accordance with criteria prescribed by the Secretary, to undertake education to enter a health profession, the Secretary may make grants to and enter into contracts with schools of medicine, osteopathic medicine, public health, dentistry, veterinary medicine, optometry, pharmacy, allied health, chiropractic, and podiatric medicine, public and nonprofit private schools that offer graduate programs in behavioral and mental health, programs for the training of physician assistants, and other public or private nonprofit health or educational entities to assist in meeting the costs described in paragraph (2).

"(2) Authorized expenditures.—A grant or contract under paragraph (1) may be used by the entity to meet the cost of—

"(A) identifying, recruiting, and selecting individuals from disadvantaged backgrounds, as so determined, for education and training in a health profession;

"(B) facilitating the entry of such individuals into such a school;

"(C) providing counseling, mentoring, or other services designed to assist such individuals to complete successfully their education at such a school;

"(D) providing, for a period prior to the entry of such individuals into the regular course of education of such a school, preliminary education and health research training designed to assist them to complete successfully such regular course of education at such a school, or referring such individuals to institutions providing such preliminary education;

"(E) publicizing existing sources of financial aid available to students in the education program of such a school or who are undertaking training necessary to qualify them to enroll in such a program;

"(F) paying such scholarships as the Secretary may determine for such individuals for any period of health professions education at a health professions school;

"(G) paying such stipends as the Secretary may approve for such individuals for any period of education in student-enhancement programs (other than regular courses) at any health professions school, except that such a stipend may not be provided to an individual for more than 12 months, and such a stipend shall be in an amount determined appropriate by the Secretary (notwithstanding any other provision of law regarding the amount of stipends);

"(H) carrying out programs under which such individuals gain experience regarding a career in a field of primary health care through working at facilities of public or private nonprofit community-based providers of primary health services; and

"(I) conducting activities to develop a larger and more competitive applicant pool through partnerships with institutions of higher education, school districts, and other community-based entities.

"(3) Definition.—In this section, the term 'regular course of education of such a school' as used in subparagraph (D) includes a graduate program in behavioral or mental health.

"(b) Requirements for Awards.—In making awards to eligible entities under subsection (a)(1), the Secretary shall give preference to approved applications for programs that involve a comprehensive approach by several public or nonprofit private health or educational entities to establish, enhance and expand educational programs that will result in the development of a competitive applicant pool of individuals from disadvantaged backgrounds who desire to pursue health professions careers. In considering awards for such a comprehensive partnership approach, the following shall apply with respect to the entity involved:

"(1) The entity shall have a demonstrated commitment to such approach through formal agreements that have common objectives with institutions of higher education, school districts, and other community-based entities.

"(2) Such formal agreements shall reflect the coordination of educational activities and support services, increased linkages, and the consolidation of resources within a specific geographic area.

"(3) The design of the educational activities involved shall provide for the establishment of a competitive health professions applicant pool of individuals from disadvantaged backgrounds by enhancing the total preparation (academic and social) of such individuals to pursue a health professions career.

"(4) The programs or activities under the award shall focus on developing a culturally competent health care workforce that will serve the unserved and underserved populations within the geographic area.

"(c) Equitable Allocation of Financial Assistance.—The Secretary, to the extent practicable, shall ensure that services and activities under subsection (a) are adequately allocated among the various racial and ethnic populations who are from disadvantaged backgrounds.

"(d) Matching Requirements.—The Secretary may require that an entity that applies for a grant or contract under subsection (a), provide non-Federal matching funds, as appropriate, to ensure the institutional commitment of the entity to the projects funded under the grant or contract. As determined by the Secretary, such non-Federal matching funds may be provided directly or through donations from public or private entities and may be in cash or in-kind, fairly evaluated, including plant, equipment, or services.

"SEC. 740. AUTHORIZATION OF APPROPRIATION.

"(a) Scholarships.—There are authorized to be appropriated to carry out section 737, $37,000,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002. Of the amount appropriated in any fiscal year, the Secretary shall ensure that not less than 16 percent shall be distributed to schools of nursing.

"(b) Loan Repayments and Fellowships.—For the purpose of carrying out section 738, there is authorized to be appropriated $1,100,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002.

"(c) Undergraduate Assistance.—For the purpose of grants and contracts under section 739(a)(1), there is authorized to be appropriated $29,400,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002. The Secretary may use not to exceed 20 percent of the amount appropriated for a fiscal year under this subsection to provide scholarships under section 739(a)(2)(F).

"(d) Report.—Not later than 6 months after the date of enactment of this part, the Secretary shall prepare and submit to the appropriate committees of Congress a report concerning the efforts of the Secretary to address the need for a representative mix of individuals from historically minority health professions schools, or from institutions or other entities that historically or by geographic location have a demonstrated record of training or educating underrepresented minorities, within various health professions disciplines, on peer review councils.".

(b) Repeal.—

(1) In general.—Section 795 of the Public Health Service Act (42 U.S.C. 295n) is repealed.

(2) Nontermination of authority.—The amendments made by this section shall not be construed to terminate agreements that, on the day before the date of enactment of this Act, are in effect pursuant to section 795 of the Public Health Service Act (42 U.S.C. 795) as such section existed on such date. Such agreements shall continue in effect in accordance with the terms of the agreements. With respect to compliance with such agreements, any period of practice as a provider of primary health services shall be counted towards the satisfaction of the requirement of practice pursuant to such section 795.

(c) Conforming Amendments.—Section 481A(c)(3)(D)(i) of the Public Health Service Act (42 U.S.C. 287a-2(c)(3)(D)(i)) is amended by striking "section 739" and inserting "part B of title VII".

SEC. 102. TRAINING IN PRIMARY CARE MEDICINE AND DENTISTRY.

Part C of title VII of the Public Health Service Act (42 U.S.C. 293 et seq.) is amended—

(1) in the part heading by striking "**PRIMARY HEALTH CARE**" and inserting "**FAMILY MEDICINE, GENERAL INTERNAL MEDICINE, GENERAL PEDIATRICS, PHYSICIAN ASSISTANTS, GENERAL DENTISTRY, AND PEDIATRIC DENTISTRY**";

(2) by repealing section 746 (42 U.S.C. 293j);

(3) in section 747 (42 U.S.C. 293k)—

(A) by striking the section heading and inserting the following:

"SEC. 747. FAMILY MEDICINE, GENERAL INTERNAL MEDICINE, GENERAL PEDIATRICS, GENERAL DENTISTRY, PEDIATRIC DENTISTRY, AND PHYSICIAN ASSISTANTS.";

(B) in subsection (a)—

(i) in paragraph (1)—

(I) by inserting ", internal medicine, or pediatrics" after "family medicine"; and

(II) by inserting before the semicolon the following: "that emphasizes training for the practice of family medicine, general internal medicine, or general pediatrics (as defined by the Secretary)";

(ii) in paragraph (2), by inserting ", general internal medicine, or general pediatrics" before the semicolon;

(iii) in paragraphs (3) and (4), by inserting ", general internal medicine or general pediatrics" after "family medicine";

(iv) in paragraphs (3) and (4), by inserting "(including geriatrics) after "family medicine";

(v) in paragraph (3), by striking "and" at the end thereof;

(vi) in paragraph (4), by striking the period and inserting a semicolon; and

(vii) by adding at the end thereof the following new paragraphs:

"(5) to meet the costs of projects to plan, develop, and operate or maintain programs for the training of physician assistants (as defined in section 799B), and for the training of individuals who will teach in programs to provide such training; and

"(6) to meet the costs of planning, developing, or operating programs, and to provide financial assistance to residents in such programs, of general dentistry or pediatric dentistry.

For purposes of paragraph (6), entities eligible for such grants or contracts shall include entities that have programs in dental schools, approved residency programs in the general or pediatric practice of dentistry, approved advanced education programs in the general or pediatric practice of dentistry, or approved residency programs in pediatric dentistry.";

(C) in subsection (b)—

(i) in paragraphs (1) and (2)(A), by inserting ", general internal medicine, or general pediatrics" after "family medicine";

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking "or" at the end; and

(II) in subparagraph (B), by striking the period and inserting "; or"; and

(iii) by adding at the end the following:

"(3) PRIORITY IN MAKING AWARDS.—In making awards of grants and contracts under paragraph (1), the Secretary shall give priority to any qualified applicant for such an award that proposes a collaborative project between departments of primary care.";

(D) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(E) by inserting after subsection (b), the following new subsection:

"(c) PRIORITY.—

"(1) IN GENERAL.—With respect to programs for the training of interns or residents, the Secretary shall give priority in awarding grants under this section to qualified applicants that have a record of training the greatest percentage of providers, or that have demonstrated significant improvements in the percentage of providers, which enter and remain in primary care practice or general or pediatric dentistry.

"(2) DISADVANTAGED INDIVIDUALS.—With respect to programs for the training of interns, residents, or physician assistants, the Secretary shall give priority in awarding grants under this section to qualified applicants that have a record of training individuals who are from disadvantaged backgrounds (including racial and ethnic minorities underrepresented among primary care practice or general or pediatric dentistry).

"(3) SPECIAL CONSIDERATION.—In awarding grants under this section the Secretary shall give special consideration to projects which prepare practitioners to care for underserved populations and other high risk groups such as the elderly, individuals with HIV-AIDS, substance abusers, homeless, and victims of domestic violence."; and

(F) in subsection (e) (as so redesignated by subparagraph (D))—

(i) in paragraph (1), by striking "$54,000,000" and all that follows and inserting "$78,300,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002."; and

(ii) by striking paragraph (2) and inserting the following:

"(2) ALLOCATION.—

"(A) IN GENERAL.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary shall make available—

"(i) not less than $49,300,000 for awards of grants and contracts under subsection (a) to programs of family medicine, of which not less than $8,600,000 shall be made available for awards of grants and contracts under subsection (b) for family medicine academic administrative units;

"(ii) not less than $17,700,000 for awards of grants and contracts under subsection (a) to programs of general internal medicine and general pediatrics;

"(iii) not less than $6,800,000 for awards of grants and contracts under subsection (a) to programs relating to physician assistants; and

"(iv) not less than $4,500,000 for awards of grants and contracts under subsection (a) to programs of general or pediatric dentistry.

"(B) RATABLE REDUCTION.—If amounts appropriated under paragraph (1) for any fiscal year are less than the amount required to comply with subparagraph (A), the Secretary shall ratably reduce the amount to be made available under each of clauses (i) through (iv) of such subparagraph accordingly."; and

(4) by repealing sections 748 through 752 (42 U.S.C. 2931 through 293p) and inserting the following:

"SEC. 748. ADVISORY COMMITTEE ON TRAINING IN PRIMARY CARE MEDICINE AND DENTISTRY.

"(a) ESTABLISHMENT.—The Secretary shall establish an advisory committee to be known as the Advisory Committee on Training in Primary Care Medicine and Dentistry (in this section referred to as the 'Advisory Committee').

"(b) COMPOSITION.—

"(1) IN GENERAL.—The Secretary shall determine the appropriate number of individuals to serve on the Advisory Committee. Such individuals shall not be officers or employees of the Federal Government.

"(2) APPOINTMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall appoint the members of the Advisory Committee from among individuals who are health professionals. In making such appointments, the Secretary shall ensure a fair balance between the health professions, that at least 75 percent of the members of the Advisory Committee are health professionals, a broad geographic representation of members and a balance between urban and rural members. Members shall be appointed based on their competence, interest, and knowledge of the mission of the profession involved.

"(3) MINORITY REPRESENTATION.—In appointing the members of the Advisory Committee under paragraph (2), the Secretary shall ensure the adequate representation of women and minorities.

"(c) TERMS.—

"(1) IN GENERAL.—A member of the Advisory Committee shall be appointed for a term of 3 years, except that of the members first appointed—

"(A) ⅓ of such members shall serve for a term of 1 year;

"(B) ⅓ of such members shall serve for a term of 2 years; and

"(C) ⅓ of such members shall serve for a term of 3 years.

"(2) VACANCIES.—

"(A) IN GENERAL.—A vacancy on the Advisory Committee shall be filled in the manner in which the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

"(B) FILLING UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

"(d) DUTIES.—The Advisory Committee shall—

"(1) provide advice and recommendations to the Secretary concerning policy and program development and other matters of significance concerning the activities under section 747; and

"(2) not later than 3 years after the date of enactment of this section, and annually thereafter, prepare and submit to the Secretary, and the Committee on Labor and Human Resources of the Senate, and the Committee on Commerce of the House of Representatives, a report describing the activities of the Committee, including findings and recommendations made by the Committee concerning the activities under section 747.

"(e) MEETINGS AND DOCUMENTS.—

"(1) MEETINGS.—The Advisory Committee shall meet not less than 2 times each year. Such meetings shall be held jointly with other related entities established under this title where appropriate.

"(2) DOCUMENTS.—Not later than 14 days prior to the convening of a meeting under paragraph (1), the Advisory Committee shall prepare and make available an agenda of the matters to be considered by the Advisory Committee at such meeting. At any such meeting, the Advisory Council shall distribute materials with respect to the issues to be addressed at the meeting. Not later than 30 days after the adjourning of such a meeting, the Advisory Committee shall prepare and make available a summary of the meeting and any actions taken by the Committee based upon the meeting.

"(f) COMPENSATION AND EXPENSES.—

"(1) COMPENSATION.—Each member of the Advisory Committee shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Committee.

"(2) EXPENSES.—The members of the Advisory Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee.

"(g) FACA.—The Federal Advisory Committee Act shall apply to the Advisory Committee under this section only to the extent that the provisions of such Act do not conflict with the requirements of this section.".

SEC. 103. INTERDISCIPLINARY, COMMUNITY-BASED LINKAGES.

Part D of title VII of the Public Health Service Act (42 U.S.C. 294 et seq.) is amended to read as follows:

"PART D—INTERDISCIPLINARY, COMMUNITY-BASED LINKAGES

"SEC. 750. GENERAL PROVISIONS.

"(a) Collaboration.—To be eligible to receive assistance under this part, an academic institution shall use such assistance in collaboration with 2 or more disciplines.

"(b) Activities.—An entity shall use assistance under this part to carry out innovative demonstration projects for strategic workforce supplementation activities as needed to meet national goals for interdisciplinary, community-based linkages. Such assistance may be used consistent with this part—

"(1) to develop and support training programs;

"(2) for faculty development;

"(3) for model demonstration programs;

"(4) for the provision of stipends for fellowship trainees;

"(5) to provide technical assistance; and

"(6) for other activities that will produce outcomes consistent with the purposes of this part.

"SEC. 751. AREA HEALTH EDUCATION CENTERS.

"(a) Authority for Provision of Financial Assistance.—

"(1) Assistance for planning, development, and operation of programs.—

"(A) In general.—The Secretary shall award grants to and enter into contracts with schools of medicine and osteopathic medicine, and incorporated consortia made up of such schools, or the parent institutions of such schools, for projects for the planning, development and operation of area health education center programs that—

"(i) improve the recruitment, distribution, supply, quality and efficiency of personnel providing health services in underserved rural and urban areas and personnel providing health services to populations having demonstrated serious unmet health care needs;

"(ii) increase the number of primary care physicians and other primary care providers who provide services in underserved areas through the offering of an educational continuum of health career recruitment through clinical education concerning underserved areas in a comprehensive health workforce strategy;

"(iii) carry out recruitment and health career awareness programs to recruit individuals from underserved areas and under-represented populations, including minority and other elementary or secondary students, into the health professions;

"(iv) prepare individuals to more effectively provide health services to underserved areas or underserved populations through field placements, preceptorships, the conduct of or support of community-based primary care residency programs, and agreements with community-based organizations such as community health centers, migrant health centers, Indian health centers, public health departments and others;

"(v) conduct health professions education and training activities for students of health professions schools and medical residents;

"(vi) conduct at least 10 percent of medical student required clinical education at sites remote to the primary teaching facility of the contracting institution; and

"(vii) provide information dissemination and educational support to reduce professional isolation, increase retention, enhance the practice environment, and improve health care through the timely dissemination of research findings using relevant resources.

"(B) Other eligible entities.—With respect to a State in which no area health education center program is in operation, the Secretary may award a grant or contract under subparagraph (A) to a school of nursing.

"(C) Project terms.—

"(i) In general.—Except as provided in clause (ii), the period during which payments may be made under an award under subparagraph (A) may not exceed—

"(I) in the case of a project, 12 years or

"(II) in the case of a center within a project, 6 years.

"(ii) Exception.—The periods described in clause (i) shall not apply to projects that have completed the initial period of Federal funding under this section and that desire to compete for model awards under paragraph (2)(A).

"(2) Assistance for operation of model programs.—

"(A) In general.—In the case of any entity described in paragraph (1)(A) that—

"(i) has previously received funds under this section;

"(ii) is operating an area health education center program; and

"(iii) is no longer receiving financial assistance under paragraph (1);

the Secretary may provide financial assistance to such entity to pay the costs of operating and carrying out the requirements of the program as described in paragraph (1).

"(B) Matching requirement.—With respect to the costs of operating a model program under subparagraph (A), an entity, to be eligible for financial assistance under subparagraph (A), shall make available (directly or through contributions from State, county or municipal governments, or the private sector) recurring non-Federal contributions in cash toward such costs in an amount that is equal to not less than 50 percent of such costs.

"(C) Limitation.—The aggregate amount of awards provided under subparagraph (A) to entities in a State for a fiscal year may not exceed the lesser of—

"(i) $2,000,000; or

"(ii) an amount equal to the product of $250,000 and the aggregate number of area health education centers operated in the State by such entities.

"(b) Requirements for Centers.—

"(1) General requirement.—Each area health education center that receives funds under this section shall encourage the regionalization of health professions schools through the establishment of partnerships with community-based organizations.

"(2) Service area.—Each area health education center that receives funds under this section shall specifically designate a geographic area or medically underserved population to be served by the center. Such area or population shall be in a location removed from the main location of the teaching facilities of the schools participating in the program with such center.

"(3) Other requirements.—Each area health education center that receives funds under this section shall—

"(A) assess the health personnel needs of the area to be served by the center and assist in the planning and development of training programs to meet such needs;

"(B) arrange and support rotations for students and residents in family medicine, general internal medicine or general pediatrics, with at least one center in each program being affiliated with or conducting a rotating osteopathic internship or medical residency training program in family medicine (including geriatrics), general internal medicine (including geriatrics), or general pediatrics in which no fewer than 4 individuals are enrolled in first-year positions;

"(C) conduct and participate in interdisciplinary training that involves physicians and other health personnel including, where practicable, public health professionals, physician assistants, nurse practitioners, nurse midwives, and behavioral and mental health providers; and

"(D) have an advisory board, at least 75 percent of the members of which shall be individuals, including both health service providers and consumers, from the area served by the center.

"(c) Certain Provisions Regarding Funding.—

"(1) Allocation to center.—Not less than 75 percent of the total amount of Federal funds provided to an entity under this section shall be allocated by an area health education center program to the area health education center. Such entity shall enter into an agreement with each center for purposes of specifying the allocation of such 75 percent of funds.

"(2) Operating costs.—With respect to the operating costs of the area health education center program of an entity receiving funds under this section, the entity shall make available (directly or through contributions from State, county or municipal governments, or the private sector) non-Federal contributions in cash toward such costs in an amount that is equal to not less than 50 percent of such costs, except that the Secretary may grant a waiver for up to 75 percent of the amount of the required non-Federal match in the first 3 years in which an entity receives funds under this section.

"SEC. 752. HEALTH EDUCATION AND TRAINING CENTERS.

"(a) In General.—To be eligible for funds under this section, an health education training center shall be an entity otherwise eligible for funds under section 751 that—

"(1) addresses the persistent and severe unmet health care needs in States along the border between the United States and Mexico and in the State of Florida, and in other urban and rural areas with populations with serious unmet health care needs;

"(2) establishes an advisory board comprised of health service providers, educators and consumers from the service area;

"(3) conducts training and education programs for health professions students in these areas;

"(4) conducts training in health education services, including training to prepare community health workers; and

"(5) supports health professionals (including nursing) practicing in the area through educational and other services.

"(b) Allocation of Funds.—The Secretary shall make available 50 percent of the amounts appropriated for each fiscal year under section 752 for the establishment or operation of health education training centers through projects in States along the border between the United States and Mexico and in the State of Florida.

"SEC. 753. EDUCATION AND TRAINING RELATING TO GERIATRICS.

"(a) Geriatric Education Centers.—

"(1) In general.—The Secretary shall award grants or contracts under this section to entities described in paragraphs (1), (3), or (4) of section 799B, and section 853(2), for the establishment or operation of geriatric education centers.

“(2) REQUIREMENTS.—A geriatric education center is a program that—

“(A) improves the training of health professionals in geriatrics, including geriatric residencies, traineeships, or fellowships;

“(B) develops and disseminates curricula relating to the treatment of the health problems of elderly individuals;

“(C) supports the training and retraining of faculty to provide instruction in geriatrics;

“(D) supports continuing education of health professionals who provide geriatric care; and

“(E) provides students with clinical training in geriatrics in nursing homes, chronic and acute disease hospitals, ambulatory care centers, and senior centers.

“(b) GERIATRIC TRAINING REGARDING PHYSICIANS AND DENTISTS.—

“(1) IN GENERAL.—The Secretary may make grants to, and enter into contracts with, schools of medicine, schools of osteopathic medicine, teaching hospitals, and graduate medical education programs, for the purpose of providing support (including residencies, traineeships, and fellowships) for geriatric training projects to train physicians, dentists and behavioral and mental health professionals who plan to teach geriatric medicine, geriatric behavioral or mental health, or geriatric dentistry.

“(2) REQUIREMENTS.—Each project for which a grant or contract is made under this subsection shall—

“(A) be staffed by full-time teaching physicians who have experience or training in geriatric medicine or geriatric behavioral or mental health;

“(B) be staffed, or enter into an agreement with an institution staffed by full-time or part-time teaching dentists who have experience or training in geriatric dentistry;

“(C) be staffed, or enter into an agreement with an institution staffed by full-time or part-time teaching behavioral mental health professionals who have experience or training in geriatric behavioral or mental health;

“(D) be based in a graduate medical education program in internal medicine or family medicine or in a department of geriatrics or behavioral or mental health;

“(E) provide training in geriatrics and exposure to the physical and mental disabilities of elderly individuals through a variety of service rotations, such as geriatric consultation services, acute care services, dental services, geriatric behavioral or mental health units, day and home care programs, rehabilitation services, extended care facilities, geriatric ambulatory care and comprehensive evaluation units, and community care programs for elderly mentally retarded individuals; and

“(F) provide training in geriatrics through one or both of the training options described in subparagraphs (A) and (B) of paragraph (3).

“(3) TRAINING OPTIONS.—The training options referred to in subparagraph (F) of paragraph (2) shall be as follows:

“(A) A 1-year retraining program in geriatrics for—

“(i) physicians who are faculty members in departments of internal medicine, family medicine, gynecology, geriatrics, and behavioral or mental health at schools of medicine and osteopathic medicine;

“(ii) dentists who are faculty members at schools of dentistry or at hospital departments of dentistry; and

“(iii) behavioral or mental health professionals who are faculty members in departments of behavioral or mental health; and

“(B) A 2-year internal medicine or family medicine fellowship program providing emphasis in geriatrics, which shall be designed to provide training in clinical geriatrics and geriatrics research for—

“(i) physicians who have completed graduate medical education programs in internal medicine, family medicine, behavioral or mental health, neurology, gynecology, or rehabilitation medicine;

“(ii) dentists who have demonstrated a commitment to an academic career and who have completed postdoctoral dental training, including postdoctoral dental education programs or who have relevant advanced training or experience; and

“(iii) behavioral or mental health professionals who have completed graduate medical education programs in behavioral or mental health.

“(4) DEFINITIONS.—For purposes of this subsection:

“(A) The term ‘graduate medical education program’ means a program sponsored by a school of medicine, a school of osteopathic medicine, a hospital, or a public or private institution that—

“(i) offers postgraduate medical training in the specialties and subspecialties of medicine; and

“(ii) has been accredited by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association through its Committee on Postdoctoral Training.

“(B) The term ‘post-doctoral dental education program’ means a program sponsored by a school of dentistry, a hospital, or a public or private institution that—

“(i) offers post-doctoral training in the specialties of dentistry, advanced education in general dentistry, or a dental general practice residency; and

“(ii) has been accredited by the Commission on Dental Accreditation.

“(c) GERIATRIC FACULTY FELLOWSHIPS.—

“(1) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to provide Geriatric Academic Career Awards to eligible individuals to promote the career development of such individuals as academic geriatricians.

“(2) ELIGIBLE INDIVIDUALS.—To be eligible to receive an Award under paragraph (1), an individual shall—

“(A) have a degree in internal medicine, family practice, or behavioral or mental health science;

“(B) have completed an approved fellowship program in geriatrics; and

“(C) have a junior faculty appointment at an accredited (as determined by the Secretary) school of medicine or osteopathic medicine.

“(3) LIMITATIONS.—No Award under paragraph (1) may be made to an eligible individual unless the individual—

“(A) has submitted to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, and the Secretary has approved such application; and

“(B) provides, in such form and manner as the Secretary may require, assurances that the individual will meet the service requirement described in subsection (e).

“(4) AMOUNT AND TERM.—

“(A) AMOUNT.—The amount of an Award under this section shall equal $50,000 for fiscal year 1998, adjusted for subsequent fiscal years to reflect the increase in the Consumer Price Index.

“(B) TERM.—The term of any Award made under this subsection shall not exceed 5 years.

“(5) SERVICE REQUIREMENT.—An individual who receives an Award under this subsection shall provide training in clinical geriatrics, including the training of interdisciplinary teams of health care professionals. The provision of such training shall constitute at least 75 percent of the obligations of such individual under the Award.

“SEC. 754. RURAL INTERDISCIPLINARY TRAINING GRANTS.

“(a) GRANTS.—The Secretary may make grants or contracts under this section to help entities fund authorized activities under an application approved under subsection (c).

“(b) USE OF AMOUNTS.—

“(1) IN GENERAL.—Amounts provided under subsection (a) shall be used by the recipients to fund interdisciplinary training projects designed to—

“(A) use new and innovative methods to train health care practitioners to provide services in rural areas;

“(B) demonstrate and evaluate innovative interdisciplinary methods and models designed to provide access to cost-effective comprehensive health care;

“(C) deliver health care services to individuals residing in rural areas;

“(D) enhance the amount of relevant research conducted concerning health care issues in rural areas; and

“(E) increase the recruitment and retention of health care practitioners from rural areas and make rural practice a more attractive career choice for health care practitioners.

“(2) METHODS.—A recipient of funds under subsection (a) may use various methods in carrying out the projects described in paragraph (1), including—

“(A) the distribution of stipends to students of eligible applicants;

“(B) the establishment of a post-doctoral fellowship program;

“(C) the training of faculty in the economic and logistical problems confronting rural health care delivery systems; or

“(D) the purchase or rental of transportation and telecommunication equipment where the need for such equipment due to unique characteristics of the rural area is demonstrated by the recipient.

“(3) ADMINISTRATION.—

“(A) IN GENERAL.—An applicant shall not use more than 10 percent of the funds made available to such applicant under subsection (a) for administrative expenses.

“(B) TRAINING.—Not more than 10 percent of the individuals receiving training with funds made available to an applicant under subsection (a) shall be trained as doctors of medicine or doctors of osteopathy.

“(C) LIMITATION.—An institution that receives a grant under this section shall use amounts received under such grant to supplement, not supplant, amounts made available by such institution for activities of the type described in subsection (b)(1) in the fiscal year preceding the year for which the grant is received.

“(c) APPLICATIONS.—Applications submitted for assistance under this section shall—

“(1) be jointly submitted by at least two eligible applicants with the express purpose of assisting individuals in academic institutions in establishing long-term collaborative relationships with health care providers in rural areas; and

“(2) designate a rural health care agency or agencies for clinical treatment or training, including hospitals, community health centers, migrant health centers, rural health clinics, community behavioral and mental health centers, long-term care facilities, Native Hawaiian health centers, or facilities operated by the Indian Health Service or an Indian tribe or tribal organization or Indian organization under a contract with the Indian Health Service under the Indian Self-Determination Act.

"(d) DEFINITIONS.—For the purposes of this section, the term 'rural' means geographic areas that are located outside of standard metropolitan statistical areas.

"SEC. 755. ALLIED HEALTH AND OTHER DISCIPLINES.

"(a) IN GENERAL.—The Secretary may make grants or contracts under this section to help entities fund activities of the type described in subsection (b).

"(b) ACTIVITIES.—Activities of the type described in this subsection include the following:

"(1) Assisting entities in meeting the costs associated with expanding or establishing programs that will increase the number of individuals trained in allied health professions. Programs and activities funded under this paragraph may include—

"(A) those that expand enrollments in allied health professions with the greatest shortages or whose services are most needed by the elderly;

"(B) those that provide rapid transition training programs in allied health fields to individuals who have baccalaureate degrees in health-related sciences;

"(C) those that establish community-based allied health training programs that link academic centers to rural clinical settings;

"(D) those that provide career advancement training for practicing allied health professionals;

"(E) those that expand or establish clinical training sites for allied health professionals in medically underserved or rural communities in order to increase the number of individuals trained;

"(F) those that develop curriculum that will emphasize knowledge and practice in the areas of prevention and health promotion, geriatrics, long-term care, home health and hospice care, and ethics;

"(G) those that expand or establish interdisciplinary training programs that promote the effectiveness of allied health practitioners in geriatric assessment and the rehabilitation of the elderly;

"(H) those that expand or establish demonstration centers to emphasize innovative models to link allied health clinical practice, education, and research;

"(I) those that provide financial assistance (in the form of traineeships) to students who are participants in any such program; and

"(i) who plan to pursue a career in an allied health field that has a demonstrated personnel shortage; and

"(ii) who agree upon completion of the training program to practice in a medically underserved community;

that shall be utilized to assist in the payment of all or part of the costs associated with tuition, fees and such other stipends as the Secretary may consider necessary; and

"(J) those to meet the costs of projects to plan, develop, and operate or maintain graduate programs in behavioral and mental health practice.

"(2) Planning and implementing projects in preventive and primary care training for podiatric physicians in approved or provisionally approved residency programs that shall provide financial assistance in the form of traineeships to residents who participate in such projects and who plan to specialize in primary care.

"(3) Carrying out demonstration projects in which chiropractors and physicians collaborate to identify and provide effective treatment for spinal and lower-back conditions.

"SEC. 756. ADVISORY COMMITTEE ON INTERDISCIPLINARY, COMMUNITY-BASED LINKAGES.

"(a) ESTABLISHMENT.—The Secretary shall establish an advisory committee to be known as the Advisory Committee on Interdisciplinary, Community-Based Linkages (in this section referred to as the 'Advisory Committee').

"(b) COMPOSITION.—

"(1) IN GENERAL.—The Secretary shall determine the appropriate number of individuals to serve on the Advisory Committee. Such individuals shall not be officers or employees of the Federal Government.

"(2) APPOINTMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall appoint the members of the Advisory Committee from among individuals who are health professionals from schools of the types described in sections 751(a)(1)(A), 751(a)(1)(B), 753(b), 754(3)(A), and 755(b). In making such appointments, the Secretary shall ensure a fair balance between the health professions, that at least 75 percent of the members of the Advisory Committee are health professionals, a broad geographic representation of members and a balance between urban and rural members. Members shall be appointed based on their competence, interest, and knowledge of the mission of the profession involved.

"(3) MINORITY REPRESENTATION.—In appointing the members of the Advisory Committee under paragraph (2), the Secretary shall ensure the adequate representation of women and minorities.

"(c) TERMS.—

"(1) IN GENERAL.—A member of the Advisory Committee shall be appointed for a term of 3 years, except that of the members first appointed—

"(A) ⅓ of the members shall serve for a term of 1 year;

"(B) ⅓ of the members shall serve for a term of 2 years; and

"(C) ⅓ of the members shall serve for a term of 3 years.

"(2) VACANCIES.—

"(A) IN GENERAL.—A vacancy on the Advisory Committee shall be filled in the manner in which the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

"(B) FILLING UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

"(d) DUTIES.—The Advisory Committee shall—

"(1) provide advice and recommendations to the Secretary concerning policy and program development and other matters of significance concerning the activities under this part; and

"(2) not later than 3 years after the date of enactment of this section, and annually thereafter, prepare and submit to the Secretary, and the Committee on Labor and Human Resources of the Senate, and the Committee on Commerce of the House of Representatives, a report describing the activities of the Committee, including findings and recommendations made by the Committee concerning the activities under this part.

"(e) MEETINGS AND DOCUMENTS.—

"(1) MEETINGS.—The Advisory Committee shall meet not less than 3 times each year. Such meetings shall be held jointly with other related entities established under this title where appropriate.

"(2) DOCUMENTS.—Not later than 14 days prior to the convening of a meeting under paragraph (1), the Advisory Committee shall prepare and make available an agenda of the matters to be considered by the Advisory Committee at such meeting. At any such meeting, the Advisory Council shall distribute materials with respect to the issues to be addressed at the meeting. Not later than 30 days after the adjourning of such a meeting, the Advisory Committee shall prepare and make available a summary of the meeting and any actions taken by the Committee based upon the meeting.

"(f) COMPENSATION AND EXPENSES.—

"(1) COMPENSATION.—Each member of the Advisory Committee shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Committee.

"(2) EXPENSES.—The members of the Advisory Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee.

"(g) FACA.—The Federal Advisory Committee Act shall apply to the Advisory Committee under this section only to the extent that the provisions of such Act do not conflict with the requirements of this section.

"SEC. 757. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this part, $55,600,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002.

"(b) ALLOCATION.—

"(1) IN GENERAL.—Of the amounts appropriated under subsection (a) for a fiscal year, the Secretary shall make available—

"(A) not less than $28,587,000 for awards of grants and contracts under section 751;

"(B) not less than $3,765,000 for awards of grants and contracts under section 752, of which not less than 50 percent of such amount shall be made available for centers described in subsection (a)(1) of such section; and

"(C) not less than $22,631,000 for awards of grants and contracts under sections 753, 754, and 755.

"(2) RATABLE REDUCTION.—If amounts appropriated under subsection (a) for any fiscal year are less than the amount required to comply with paragraph (1), the Secretary shall ratably reduce the amount to be made available under each of subparagraphs (A) through (C) of such paragraph accordingly.

"(c) OBLIGATION OF CERTAIN AMOUNTS.—

"(1) AREA HEALTH EDUCATION CENTER PROGRAMS.—Of the amounts made available under subsection (b)(1)(A) for each fiscal year, the Secretary may obligate for awards under section 751(a)(2)—

"(A) not less than 23 percent of such amounts in fiscal year 1998;

"(B) not less than 30 percent of such amounts in fiscal year 1999;

"(C) not less than 35 percent of such amounts in fiscal year 2000;

"(D) not less than 40 percent of such amounts in fiscal year 2001; and

"(E) not less than 45 percent of such amounts in fiscal year 2002.

"(2) SENSE OF CONGRESS.—It is the sense of the Congress that—

"(A) every State have an area health education center program in effect under this section; and

"(B) the ratio of Federal funding for the model program under section 751(a)(2) should increase over time and that Federal funding for other awards under this section shall decrease so that the national program will become entirely comprised of programs that are funded at least 50 percent by State and local partners.".

SEC. 104. HEALTH PROFESSIONS WORKFORCE INFORMATION AND ANALYSIS.

(a) IN GENERAL.—Part E of title VII of the Public Health Service Act (42 U.S.C. 294n et seq.) is amended to read as follows:

"PART E—HEALTH PROFESSIONS AND PUBLIC HEALTH WORKFORCE

"Subpart 1—Health Professions Workforce Information and Analysis

"SEC. 761. HEALTH PROFESSIONS WORKFORCE INFORMATION AND ANALYSIS.

"(a) PURPOSE.—It is the purpose of this section to—

"(1) provide for the development of information describing the health professions workforce and the analysis of workforce related issues; and

"(2) provide necessary information for decision-making regarding future directions in health professions and nursing programs in response to societal and professional needs.

"(b) GRANTS OR CONTRACTS.—The Secretary may award grants or contracts to State or local governments, health professions schools, schools of nursing, academic health centers, community-based health facilities, and other appropriate public or private nonprofit entities to provide for—

"(1) targeted information collection and analysis activities related to the purposes described in subsection (a);

"(2) research on high priority workforce questions;

"(3) the development of a non-Federal analytic and research infrastructure related to the purposes described in subsection (a); and

"(4) the conduct of program evaluation and assessment.

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, $750,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002.

"(2) RESERVATION.—Of the amounts appropriated under subsection (a) for a fiscal year, the Secretary shall reserve not less than $600,000 for conducting health professions research and for carrying out data collection and analysis in accordance with section 792.

"(3) AVAILABILITY OF ADDITIONAL FUNDS.—Amounts otherwise appropriated for programs or activities under this title may be used for activities under subsection (b) with respect to the programs or activities from which such amounts were made available.".

(b) COUNCIL ON GRADUATE MEDICAL EDUCATION.—Section 301 of the Health Professions Education Extension Amendments of 1992 (Public Law 102-408) is amended—

(1) in subsection (j), by striking "1995" and inserting "2002";

(2) in subsection (k), by striking "1995" and inserting "2002";

(3) by adding at the end thereof the following new subsection:

"(l) FUNDING.—Amounts otherwise appropriated under this title may be utilized by the Secretary to support the activities of the Council.";

(4) by transferring such section to part E of title VII of the Public Health Service Act (as amended by subsection (a));

(5) by redesignating such section as section 763; and

(6) by inserting such section after section 762.

SEC. 105. PUBLIC HEALTH WORKFORCE DEVELOPMENT.

Part E of title VII of the Public Health Service Act (as amended by section 104) is further amended by adding at the end the following:

"Subpart 2—Public Health Workforce

"SEC. 765. GENERAL PROVISIONS.

"(a) IN GENERAL.—The Secretary may award grants or contracts to eligible entities to increase the number of individuals in the public health workforce, to enhance the quality of such workforce, and to enhance the ability of the workforce to meet national, State, and local health care needs.

"(b) ELIGIBILITY.—To be eligible to receive a grant or contract under subsection (a) an entity shall—

"(1) be—

"(A) a health professions school, including an accredited school or program of public health, health administration, preventive medicine, or dental public health or a school providing health management programs;

"(B) an academic health center;

"(C) a State or local government; or

"(D) any other appropriate public or private nonprofit entity; and

"(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(c) PREFERENCE.—In awarding grants or contracts under this section the Secretary may grant a preference to entities—

"(1) serving individuals who are from disadvantaged backgrounds (including underrepresented racial and ethnic minorities); and

"(2) graduating large proportions of individuals who serve in underserved communities.

"(d) ACTIVITIES.—Amounts provided under a grant or contract awarded under this section may be used for—

"(1) the costs of planning, developing, or operating demonstration training programs;

"(2) faculty development;

"(3) trainee support;

"(4) technical assistance;

"(5) to meet the costs of projects—

"(A) to plan and develop new residency training programs and to maintain or improve existing residency training programs in preventive medicine and dental public health, that have available full-time faculty members with training and experience in the fields of preventive medicine and dental public health; and

"(B) to provide financial assistance to residency trainees enrolled in such programs;

"(6) the retraining of existing public health workers as well as for increasing the supply of new practitioners to address priority public health, preventive medicine, public health dentistry, and health administration needs;

"(7) preparing public health professionals for employment at the State and community levels; or

"(8) other activities that may produce outcomes that are consistent with the purposes of this section

"(e) TRAINEESHIPS.—

"(1) IN GENERAL.—With respect to amounts used under this section for the training of health professionals, such training programs shall be designed to—

"(A) make public health education more accessible to the public and private health workforce;

"(B) increase the relevance of public health academic preparation to public health practice in the future;

"(C) provide education or training for students from traditional on-campus programs in practice-based sites; or

"(D) develop educational methods and distance-based approaches or technology that address adult learning requirements and increase knowledge and skills related to community-based cultural diversity in public health education.

"(2) SEVERE SHORTAGE DISCIPLINES.—Amounts provided under grants or contracts under this section may be used for the operation of programs designed to award traineeships to students in accredited schools of public health who enter educational programs in fields where there is a severe shortage of public health professionals, including epidemiology, biostatistics, environmental health, toxicology, public health nursing, nutrition, preventive medicine, maternal and child health, and behavioral and mental health professions.

"SEC. 766. PUBLIC HEALTH TRAINING CENTERS.

"(a) IN GENERAL.—The Secretary may make grants or contracts for the operation of public health training centers.

"(b) ELIGIBLE ENTITIES.—

"(1) IN GENERAL.—A public health training center shall be an accredited school of public health, or another public or nonprofit private institution accredited for the provision of graduate or specialized training in public health, that plans, develops, operates, and evaluates projects that are in furtherance of the goals established by the Secretary for the year 2000 in the areas of preventive medicine, health promotion and disease prevention, or improving access to and quality of health services in medically underserved communities.

"(2) PREFERENCE.—In awarding grants or contracts under this section the Secretary shall give preference to accredited schools of public health.

"(c) CERTAIN REQUIREMENTS.—With respect to a public health training center, an award may not be made under subsection (a) unless the program agrees that it—

"(1) will establish or strengthen field placements for students in public or nonprofit private health agencies or organizations;

"(2) will involve faculty members and students in collaborative projects to enhance public health services to medically underserved communities;

"(3) will specifically designate a geographic area or medically underserved population to be served by the center that shall be in a location removed from the main location of the teaching facility of the school that is participating in the program with such center; and

"(4) will assess the health personnel needs of the area to be served by the center and assist in the planning and development of training programs to meet such needs.

"SEC. 767. PUBLIC HEALTH TRAINEESHIPS.

"(a) IN GENERAL.—The Secretary may make grants to accredited schools of public health, and to other public or nonprofit private institutions accredited for the provision of graduate or specialized training in public health, for the purpose of assisting such schools and institutions in providing traineeships to individuals described in subsection (b)(3).

"(b) CERTAIN REQUIREMENTS.—

"(1) AMOUNT.—The amount of any grant under this section shall be determined by the Secretary.

"(2) USE OF GRANT.—Traineeships awarded under grants made under subsection (a) shall provide for tuition and fees and such stipends and allowances (including travel and subsistence expenses and dependency allowances) for the trainees as the Secretary may deem necessary.

"(3) ELIGIBLE INDIVIDUALS.—The individuals referred to in subsection (a) are individuals who are pursuing a course of study in a health professions field in which there is a severe shortage of health professionals (which fields include the fields of epidemiology, environmental health, biostatistics, toxicology, nutrition, and maternal and child health).

"SEC. 768. PREVENTIVE MEDICINE; DENTAL PUBLIC HEALTH.

"(a) IN GENERAL.—The Secretary may make grants to and enter into contracts with schools of medicine, osteopathic medicine, public health, and dentistry to meet the costs of projects—

"(1) to plan and develop new residency training programs and to maintain or improve existing residency training programs in preventive medicine and dental public health; and

"(2) to provide financial assistance to residency trainees enrolled in such programs.

"(b) ADMINISTRATION.—

"(1) AMOUNT.—The amount of any grant under subsection (a) shall be determined by the Secretary.

"(2) ELIGIBILITY.—To be eligible for a grant under subsection (a), the applicant must demonstrate to the Secretary that it has or will have available full-time faculty members with training and experience in the fields of preventive medicine or dental public health and support from other faculty members trained in public health and other relevant specialties and disciplines.

"(3) OTHER FUNDS.—Schools of medicine, osteopathic medicine, dentistry, and public health may use funds committed by State, local, or county public health officers as matching amounts for Federal grant funds for residency training programs in preventive medicine.

"SEC. 769. HEALTH ADMINISTRATION TRAINEESHIPS AND SPECIAL PROJECTS.

"(a) IN GENERAL.—The Secretary may make grants to State or local governments (that have in effect preventive medical and dental public health residency programs) or public or nonprofit private educational entities (including graduate schools of social work and business schools that have health management programs) that offer a program described in subsection (b)—

"(1) to provide traineeships for students enrolled in such a program; and

"(2) to assist accredited programs health administration in the development or improvement of programs to prepare students for employment with public or nonprofit private entities.

"(b) RELEVANT PROGRAMS.—The program referred to in subsection (a) is an accredited program in health administration, hospital administration, or health policy analysis and planning, which program is accredited by a body or bodies approved for such purpose by the Secretary of Education and which meets such other quality standards as the Secretary of Health and Human Services by regulation may prescribe.

"(c) PREFERENCE IN MAKING GRANTS.—In making grants under subsection (a), the Secretary shall give preference to qualified applicants that meet the following conditions:

"(1) Not less than 25 percent of the graduates of the applicant are engaged in full-time practice settings in medically underserved communities.

"(2) The applicant recruits and admits students from medically underserved communities.

"(3) For the purpose of training students, the applicant has established relationships with public and nonprofit providers of health care in the community involved.

"(4) In training students, the applicant emphasizes employment with public or nonprofit private entities.

"(d) CERTAIN PROVISIONS REGARDING TRAINEESHIPS.—

"(1) USE OF GRANT.—Traineeships awarded under grants made under subsection (a) shall provide for tuition and fees and such stipends and allowances (including travel and subsistence expenses and dependency allowances) for the trainees as the Secretary may deem necessary.

"(2) PREFERENCE FOR CERTAIN STUDENTS.—Each entity applying for a grant under subsection (a) for traineeships shall assure to the satisfaction of the Secretary that the entity will give priority to awarding the traineeships to students who demonstrate a commitment to employment with public or nonprofit private entities in the fields with respect to which the traineeships are awarded.

"SEC. 770. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—For the purpose of carrying out this subpart, there is authorized to be appropriated $9,100,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002.

"(b) LIMITATION REGARDING CERTAIN PROGRAM.—In obligating amounts appropriated under subsection (a), the Secretary may not obligate more than 30 percent for carrying out section 767.".

SEC. 106. GENERAL PROVISIONS.

(a) IN GENERAL.—

(1) Part F of title VII of the Public Health Service Act (42 U.S.C. 295 et seq.) is repealed.

(2) Part G of title VII of the Public Health Service Act (42 U.S.C. 295j et seq.) is amended—

(A) by redesignating such part as part F;

(B) in section 791 (42 U.S.C. 295j)—

(i) by striking subsection (b); and

(ii) redesignating subsection (c) as subsection (b);

(C) by repealing section 793 (42 U.S.C. 295l);

(D) by repealing section 798;

(E) by redesignating section 799 as section 799B; and

(F) by inserting after section 794, the following new sections:

"SEC. 796. APPLICATION.

"(a) IN GENERAL.—To be eligible to receive a grant or contract under this title, an eligible entity shall prepare and submit to the Secretary an application that meets the requirements of this section, at such time, in such manner, and containing such information as the Secretary may require.

"(b) PLAN.—An application submitted under this section shall contain the plan of the applicant for carrying out a project with amounts received under this title. Such plan shall be consistent with relevant Federal, State, or regional health professions program plans.

"(c) PERFORMANCE OUTCOME STANDARDS.—An application submitted under this section shall contain a specification by the applicant entity of performance outcome standards that the project to be funded under the grant or contract will be measured against. Such standards shall address relevant health workforce needs that the project will meet. The recipient of a grant or contract under this section shall meet the standards set forth in the grant or contract application.

"(d) LINKAGES.—An application submitted under this section shall contain a description of the linkages with relevant educational and health care entities, including training programs for other health professionals as appropriate, that the project to be funded under the grant or contract will establish. To the extent practicable, grantees under this section shall establish linkages with health care providers who provide care for underserved communities and populations.

"SEC. 797. USE OF FUNDS.

"(a) IN GENERAL.—Amounts provided under a grant or contract awarded under this title may be used for training program development and support, faculty development, model demonstrations, trainee support including tuition, books, program fees and reasonable living expenses during the period of training, technical assistance, workforce analysis, dissemination of information, and exploring new policy directions, as appropriate to meet recognized health workforce objectives, in accordance with this title.

"(b) MAINTENANCE OF EFFORT.—With respect to activities for which a grant awarded under this title is to be expended, the entity shall agree to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the entity for the fiscal year preceding the fiscal year for which the entity receives such a grant.

"SEC. 798. MATCHING REQUIREMENT.

"The Secretary may require that an entity that applies for a grant or contract under this title provide non-Federal matching funds, as appropriate, to ensure the institutional commitment of the entity to the projects funded under the grant. As determined by the Secretary, such non-Federal matching funds may be provided directly or through donations from public or private entities and may be in cash or in-kind, fairly evaluated, including plant, equipment, or services.

"SEC. 799. GENERALLY APPLICABLE PROVISIONS.

"(a) AWARDING OF GRANTS AND CONTRACTS.—The Secretary shall ensure that grants and contracts under this title are awarded on a competitive basis, as appropriate, to carry out innovative demonstration projects or provide for strategic workforce supplementation activities as needed to meet health workforce goals and in accordance with this title. Contracts may be entered into under this title with public or private entities as may be necessary.

"(b) ELIGIBLE ENTITIES.—Unless specifically required otherwise in this title, the Secretary shall accept applications for grants or contracts under this title from health professions schools, academic health centers, State or local governments, or other appropriate public or private nonprofit entities for funding and participation in health professions and nursing training activities. The Secretary may accept applications from for-profit private entities if determined appropriate by the Secretary.

"(c) INFORMATION REQUIREMENTS.—

"(1) IN GENERAL.—Recipients of grants and contracts under this title shall meet information requirements as specified by the Secretary.

"(2) DATA COLLECTION.—The Secretary shall establish procedures to ensure that, with respect to any data collection required under this title, such data is collected in manner that takes into account age, gender, race, and ethnicity.

"(3) USE OF FUNDS.—The Secretary shall establish procedures to permit the use of amounts appropriated under this title to be used for data collection purposes.

"(4) EVALUATIONS.—The Secretary shall establish procedures to ensure the annual evaluation of programs and projects operated by recipients of grants or contracts under this title. Such procedures shall ensure that continued funding for such programs and projects will be conditioned upon a demonstration that satisfactory progress has been made by the program or project in meeting the objectives of the program or project.

"(d) TRAINING PROGRAMS.—Training programs conducted with amounts received under this title shall meet applicable accreditation and quality standards.

"(e) DURATION OF ASSISTANCE.—

"(1) IN GENERAL.—Subject to paragraph (2), in the case of an award to an entity of a grant, cooperative agreement, or contract under this title, the period during which payments are made to the entity under the award may not exceed 5 years. The provision of payments under the award shall be subject to annual approval by the Secretary of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments. This paragraph may not be construed as limiting the number of awards under the program involved that may be made to the entity.

"(2) LIMITATION.—In the case of an award to an entity of a grant, cooperative agreement, or contract under this title, paragraph (1) shall apply only to the extent not inconsistent with any other provision of this title that relates to the period during which payments may be made under the award.

"(f) PEER REVIEW REGARDING CERTAIN PROGRAMS.—

"(1) IN GENERAL.—Each application for a grant under this title, except any scholarship or loan program, including those under sections 701, 721, or 723, shall be submitted to a peer review group for an evaluation of the merits of the proposals made in the application. The Secretary may not approve such an application unless a peer review group has recommended the application for approval.

"(2) COMPOSITION.—Each peer review group under this subsection shall be composed principally of individuals who are not officers or employees of the Federal Government. In providing for the establishment of peer review groups and procedures, the Secretary shall ensure gender, racial, ethnic, and geographic balance among the membership of such groups.

"(3) ADMINISTRATION.—This subsection shall be carried out by the Secretary acting through the Administrator of the Health Resources and Services Administration.

"(g) PREFERENCE OR PRIORITY CONSIDERATIONS.—In considering a preference or priority for funding which is based on outcome measures for an eligible entity under this title, the Secretary may also consider the future ability of the eligible entity to meet the outcome preference or priority through improvements in the eligible entity's program design.

"(h) ANALYTIC ACTIVITIES.—The Secretary shall ensure that—

"(1) cross-cutting workforce analytical activities are carried out as part of the workforce information and analysis activities under section 761; and

"(2) discipline-specific workforce information and analytical activities are carried out as part of—

"(A) the community-based linkage program under part D; and

"(B) the health workforce development program under subpart 2 of part E.

"(i) OSTEOPATHIC SCHOOLS.—For purposes of this title, any reference to—

"(1) medical schools shall include osteopathic medical schools; and

"(2) medical students shall include osteopathic medical students.

"SEC. 799A. TECHNICAL ASSISTANCE.

"Funds appropriated under this title may be used by the Secretary to provide technical assistance in relation to any of the authorities under this title.".

(b) PROFESSIONAL COUNSELORS AS MENTAL HEALTH PROFESSIONALS.—Section 792(a) of the Public Health Service Act (42 U.S.C. 295k(a)) is amended by inserting "professional counselors," after "clinical psychologists,".

SEC. 107. PREFERENCE IN CERTAIN PROGRAMS.

(a) IN GENERAL.—Section 791 of the Public Health Service Act (42 U.S.C. 295j), as amended by section 105(a)(2)(B), is further amended by adding at the end thereof the following subsection:

"(c) EXCEPTIONS FOR NEW PROGRAMS.—

"(1) IN GENERAL.—To permit new programs to compete equitably for funding under this section, those new programs that meet at least 4 of the criteria described in paragraph (3) shall qualify for a funding preference under this section.

"(2) DEFINITION.—As used in this subsection, the term 'new program' means any program that has graduated less than three classes. Upon graduating at least three classes, a program shall have the capability to provide the information necessary to qualify the program for the general funding preferences described in subsection (a).

"(3) CRITERIA.—The criteria referred to in paragraph (1) are the following:

"(A) The mission statement of the program identifies a specific purpose of the program as being the preparation of health professionals to serve underserved populations.

"(B) The curriculum of the program includes content which will help to prepare practitioners to serve underserved populations.

"(C) Substantial clinical training experience is required under the program in medically underserved communities.

"(D) A minimum of 20 percent of the clinical faculty of the program spend at least 50 percent of their time providing or supervising care in medically underserved communities.

"(E) The entire program or a substantial portion of the program is physically located in a medically underserved community.

"(F) Student assistance, which is linked to service in medically underserved communities following graduation, is available to the students in the program.

"(G) The program provides a placement mechanism for deploying graduates to medically underserved communities.".

(b) CONFORMING AMENDMENTS.—Section 791(a) of the Public Health Service Act (42 U.S.C. 295j(a)) is amended—

(1) in paragraph (1), by striking "sections 747" and all that follows through "767" and inserting "sections 747 and 750"; and

(2) in paragraph (2), by striking "under section 798(a)".

SEC. 108. DEFINITIONS.

(a) GRADUATE PROGRAM IN BEHAVIORAL AND MENTAL HEALTH PRACTICE.—Section 799B(1)(D) of the Public Health Service Act (42 U.S.C. 295p(1)(D)) (as so redesignated by section 106(a)(2)(E)) is amended—

(1) by inserting "behavioral health and" before "mental"; and

(2) by inserting "behavioral health and mental health practice," before "clinical".

(b) PROFESSIONAL COUNSELING AS A BEHAVIORAL AND MENTAL HEALTH PRACTICE.—Section 799B of the Public Health Service Act (42 U.S.C. 295p) (as so redesignated by section 106(a)(2)(E)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C)—

(i) by inserting "and 'graduate program in professional counseling' " after "graduate program in marriage and family therapy' "; and

(ii) by inserting before the period the following: "and a concentration leading to a graduate degree in counseling";

(B) in subparagraph (D), by inserting "professional counseling," after "social work,"; and

(C) in subparagraph (E), by inserting "professional counseling," after "social work,"; and

(2) in paragraph (5)(C), by inserting before the period the following: "or a degree in counseling or an equivalent degree".

(c) MEDICALLY UNDERSERVED COMMUNITY.—Section 799B(6) of the Public Health Service Act (42 U.S.C. 295p(6)) (as so redesignated by section 105(a)(2)(E)) is amended—

(1) in subparagraph (B), by striking "or" at the end thereof;

(2) in subparagraph (C), by striking the period and inserting "; or"; and

(3) by adding at the end the following.

"(D) is designated by a State Governor (in consultation with the medical community) as a shortage area or medically underserved community.".

(d) PROGRAMS FOR THE TRAINING OF PHYSICIAN ASSISTANTS.—Paragraph (3) of section 799B of the Public Health Service Act (42 U.S.C. 295p) (as so redesignated by section 105(a)(2)(E)) is amended to read as follows:

"(3) The term 'program for the training of physician assistants' means an educational program that—

"(A) has as its objective the education of individuals who will, upon completion of their studies in the program, be qualified to provide primary care under the supervision of a physician;

"(B) extends for at least one academic year and consists of—

"(i) supervised clinical practice; and

"(ii) at least four months (in the aggregate) of classroom instruction, directed toward preparing students to deliver health care;

"(C) has an enrollment of not less than eight students; and

"(D) trains students in primary care, disease prevention, health promotion, geriatric medicine, and home health care.".

SEC. 109. TECHNICAL AMENDMENT ON NATIONAL HEALTH SERVICE CORPS.

Section 338B(b)(1)(B) of the Public Health Service Act (42 U.S.C. 2541-1(b)(1)(B)) is amended by striking "or other health profession" and inserting "behavioral and mental health, or other health profession".

SEC. 110. SAVINGS PROVISION.

In the case of any authority for making awards of grants or contracts that is terminated by the amendments made by this subtitle, the Secretary of Health and Human Services may, notwithstanding the termination of the authority, continue in effect any grant or contract made under the authority that is in effect on the day before the date of the enactment of this Act, subject to the duration of any such grant or contract not exceeding the period determined by the Secretary in first approving such financial assistance, or in approving the most recent request made (before the date of such enactment) for continuation of such assistance, as the case may be.

Subtitle B—Nursing Workforce Development

SEC. 121. SHORT TITLE.

This title may be cited as the "Nursing Education and Practice Improvement Act of 1998".

SEC. 122. PURPOSE.

It is the purpose of this title to restructure the nurse education authorities of title VIII of the Public Health Service Act to permit a comprehensive, flexible, and effective approach to Federal support for nursing workforce development.

SEC. 123. AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.

Title VIII of the Public Health Service Act (42 U.S.C. 296k et seq.) is amended—

(1) by striking the title heading and all that follows except for subpart II of part B and sections 846 and 855; and inserting the following:

"TITLE VIII—NURSING WORKFORCE DEVELOPMENT";

(2) in subpart II of part B, by striking the subpart heading and inserting the following:

"PART E—STUDENT LOANS";

(3) by striking section 837;

(4) by inserting after the title heading the following new parts:

"PART A—GENERAL PROVISIONS

"SEC. 801. DEFINITIONS.

"As used in this title:

"(1) Eligible entities.—The term 'eligible entities' means schools of nursing, nursing centers, academic health centers, State or local governments, and other public or private nonprofit entities determined appropriate by the Secretary that submit to the Secretary an application in accordance with section 802.

"(2) School of nursing.—The term 'school of nursing' means a collegiate, associate degree, or diploma school of nursing in a State.

"(3) Collegiate school of nursing.—The term 'collegiate school of nursing' means a department, division, or other administrative unit in a college or university which provides primarily or exclusively a program of education in professional nursing and related subjects leading to the degree of bachelor of arts, bachelor of science, bachelor of nursing, or to an equivalent degree or to a graduate degree in nursing, or to an equivalent degree, and including advanced training related to such program of education provided by such school, but only if such program, or such unit, college or university is accredited.

"(4) Associate degree school of nursing.—The term 'associate degree school of nursing' means a department, division, or other administrative unit in a junior college, community college, college, or university which provides primarily or exclusively a two-year program of education in professional nursing and allied subjects leading to an associate degree in nursing or to an equivalent degree, but only if such program, or such unit, college, or university is accredited.

"(5) Diploma school of nursing.—The term 'diploma school of nursing' means a school affiliated with a hospital or university, or an independent school, which provides primarily or exclusively a program of education in professional nursing and allied subjects leading to a diploma or to equivalent indicia that such program has been satisfactorily completed, but only if such program, or such affiliated school or such hospital or university or such independent school is accredited.

"(6) Accredited.—

"(A) In general.—Except as provided in subparagraph (B), the term 'accredited' when applied to any program of nurse education means a program accredited by a recognized body or bodies, or by a State agency, approved for such purpose by the Secretary of Education and when applied to a hospital, school, college, or university (or a unit thereof) means a hospital, school, college, or university (or a unit thereof) which is accredited by a recognized body or bodies, or by a State agency, approved for such purpose by the Secretary of Education. For the purpose of this paragraph, the Secretary of Education shall publish a list of recognized accrediting bodies, and of State agencies, which the Secretary of Education determines to be reliable authority as to the quality of education offered.

"(B) New programs.—A new program of nursing that, by reason of an insufficient period of operation, is not, at the time of the submission of an application for a grant or contract under this title, eligible for accreditation by such a recognized body or bodies or State agency, shall be deemed accredited for purposes of this title if the Secretary of Education finds, after consultation with the appropriate accreditation body or bodies, that there is reasonable assurance that the program will meet the accreditation standards of such body or bodies prior to the beginning of the academic year following the normal graduation date of students of the first entering class in such a program.

"(7) Nonprofit.—The term 'nonprofit' as applied to any school, agency, organization, or institution means one which is a corporation or association, or is owned and operated by one or more corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"(8) State.—The term 'State' means a State, the Commonwealth of Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

"SEC. 802. APPLICATION.

"(a) In General.—To be eligible to receive a grant or contract under this title, an eligible entity shall prepare and submit to the Secretary an application that meets the requirements of this section, at such time, in such manner, and containing such information as the Secretary may require.

"(b) Plan.—An application submitted under this section shall contain the plan of the applicant for carrying out a project with amounts received under this title. Such plan shall be consistent with relevant Federal, State, or regional program plans.

"(c) Performance Outcome Standards.—An application submitted under this section shall contain a specification by the applicant entity of performance outcome standards that the project to be funded under the grant or contract will be measured against. Such standards shall address relevant national nursing needs that the project will meet. The recipient of a grant or contract under this section shall meet the standards set forth in the grant or contract application.

"(d) Linkages.—An application submitted under this section shall contain a description of the linkages with relevant educational and health care entities, including training programs for other health professionals as appropriate, that the project to be funded under the grant or contract will establish.

"SEC. 803. USE OF FUNDS.

"(a) In General.—Amounts provided under a grant or contract awarded under this title may be used for training program development and support, faculty development, model demonstrations, trainee support including tuition, books, program fees and reasonable living expenses during the period of training, technical assistance, workforce analysis, and dissemination of information, as appropriate to meet recognized nursing objectives, in accordance with this title.

"(b) Maintenance of Effort.—With respect to activities for which a grant awarded under this title is to be expended, the entity shall agree to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the entity for the fiscal year preceding the fiscal year for which the entity receives such a grant.

"SEC. 804. MATCHING REQUIREMENT.

"The Secretary may require that an entity that applies for a grant or contract under this title provide non-Federal matching funds, as appropriate, to ensure the institutional commitment of the entity to the projects funded under the grant. Such non-Federal matching funds may be provided directly or through donations from public or private entities and may be in cash or in-kind, fairly evaluated, including plant, equipment, or services.

"SEC. 805. PREFERENCE.

"In awarding grants or contracts under this title, the Secretary shall give preference to applicants with projects that will substantially benefit rural or underserved populations, or help meet public health nursing needs in State or local health departments.

"SEC. 806. GENERALLY APPLICABLE PROVISIONS.

"(a) Awarding of Grants and Contracts.—The Secretary shall ensure that grants and contracts under this title are awarded on a competitive basis, as appropriate, to carry out innovative demonstration projects or provide for strategic workforce supplementation activities as needed to meet national nursing service goals and in accordance with this title. Contracts may be entered into under this title with public or private entities as determined necessary by the Secretary.

"(b) Information Requirements.—

"(1) In general.—Recipients of grants and contracts under this title shall meet information requirements as specified by the Secretary.

"(2) Evaluations.—The Secretary shall establish procedures to ensure the annual evaluation of programs and projects operated by recipients of grants under this title. Such procedures shall ensure that continued funding for such programs and projects will be conditioned upon a demonstration that satisfactory progress has been made by the program or project in meeting the objectives of the program or project.

"(c) Training Programs.—Training programs conducted with amounts received under this title shall meet applicable accreditation and quality standards.

"(d) Duration of Assistance.—

"(1) In general.—Subject to paragraph (2), in the case of an award to an entity of a grant, cooperative agreement, or contract under this title, the period during which payments are made to the entity under the award may not exceed 5 years. The provision of payments under the award shall be subject to annual approval by the Secretary of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments. This paragraph may not be construed as limiting the number of awards under the program involved that may be made to the entity.

"(2) Limitation.—In the case of an award to an entity of a grant, cooperative agreement, or contract under this title, paragraph (1) shall apply only to the extent not inconsistent with any other provision of this title that relates to the period during which payments may be made under the award.

"(e) Peer Review Regarding Certain Programs.—

"(1) In general.—Each application for a grant under this title, except advanced nurse traineeship grants under section 811(a)(2), shall be submitted to a peer review group for an evaluation of the merits of the proposals made in the application. The Secretary may not approve such an application unless a peer review group has recommended the application for approval.

"(2) Composition.—Each peer review group under this subsection shall be composed principally of individuals who are not officers or employees of the Federal Government. In providing for the establishment of peer review groups and procedures, the Secretary shall, except as otherwise provided, ensure gender, racial, ethnic, and geographic balance among the membership of such groups.

"(3) Administration.—This subsection shall be carried out by the Secretary acting through the Administrator of the Health Resources and Services Administration.

"(f) Analytic Activities.—The Secretary shall ensure that—

"(1) cross-cutting workforce analytical activities are carried out as part of the workforce information and analysis activities under this title; and

"(2) discipline-specific workforce information is developed and analytical activities are carried out as part of—

"(A) the advanced practice nursing activities under part B;

"(B) the workforce diversity activities under part C; and

"(C) basic nursing education and practice activities under part D.

"(g) State and Regional Priorities.—Activities under grants or contracts under this title shall, to extent practicable, be consistent with related Federal, State, or regional nursing professions program plans and priorities.

"(h) Filing of Applications.—

"(1) In general.—Applications for grants or contracts under this title may be submitted by health professions schools, schools of nursing, academic health centers, State or local governments, or other appropriate public or private nonprofit entities as determined appropriate by the Secretary in accordance with this title.

"(2) For profit entities.—Notwithstanding paragraph (1), a for-profit entity may be eligible for a grant or contract under this title as determined appropriated by the Secretary.

"SEC. 807. TECHNICAL ASSISTANCE.

"Funds appropriated under this title may be used by the Secretary to provide technical assistance in relation to any of the authorities under this title.

"PART B—NURSE PRACTITIONERS, NURSE MIDWIVES, NURSE ANESTHETISTS, AND OTHER ADVANCED PRACTICE NURSES

"SEC. 811. ADVANCED PRACTICE NURSING GRANTS.

"(a) In General.—The Secretary may award grants to and enter into contracts with eligible entities to meet the costs of—

"(1) projects that support the enhancement of advanced practice nursing education and practice; and

"(2) traineeships for individuals in advanced practice nursing programs.

"(b) Definition of Advanced Practice Nurses.—For purposes of this section, the term 'advanced practice nurses' means individuals trained in advanced degree programs including individuals in combined R.N./Master's degree programs, post-nursing master's certificate programs, or, in the case of nurse midwives, in certificate programs in existence on the date that is one day prior to the date of enactment of this section, to serve as nurse practitioners, clinical nurse specialists, nurse midwives, nurse anesthetists, nurse educators, nurse administrators, or public health nurses, or in other nurse specialties determined by the Secretary to require advanced education.

"(c) Authorized Nurse Practitioner and Nurse-Midwifery Programs.—Nurse practitioner and nurse midwifery programs eligible for support under this section are educational programs for registered nurses (irrespective of the type of school of nursing in which the nurses received their training) that—

"(1) meet guidelines prescribed by the Secretary; and

"(2) have as their objective the education of nurses who will upon completion of their studies in such programs, be qualified to effectively provide primary health care, including primary health care in homes and in ambulatory care facilities, long-term care facilities, acute care, and other health care settings.

"(d) Authorized Nurse Anesthesia Programs.—Nurse anesthesia programs eligible for support under this section are education programs that—

"(1) provide registered nurses with full-time anesthetist education; and

"(2) are accredited by the Council on Accreditation of Nurse Anesthesia Educational Programs.

"(e) Other Authorized Educational Programs.—The Secretary shall prescribe guidelines as appropriate for other advanced practice nurse education programs eligible for support under this section.

"(f) Traineeships.—

"(1) In general.—The Secretary may not award a grant to an applicant under subsection (a) unless the applicant involved agrees that traineeships provided with the grant will only pay all or part of the costs of—

"(A) the tuition, books, and fees of the program of advanced nursing practice with respect to which the traineeship is provided; and

"(B) the reasonable living expenses of the individual during the period for which the traineeship is provided.

"(2) Doctoral programs.—The Secretary may not obligate more than 10 percent of the traineeships under subsection (a) for individuals in doctorate degree programs.

"(3) Special consideration.—In making awards of grants and contracts under subsection (a)(2), the Secretary shall give special consideration to an eligible entity that agrees to expend the award to train advanced practice nurses who will practice in health professional shortage areas designated under section 332.

"PART C—INCREASING NURSING WORKFORCE DIVERSITY

"SEC. 821. WORKFORCE DIVERSITY GRANTS.

"(a) In General.—The Secretary may award grants to and enter into contracts with eligible entities to meet the costs of special projects to increase nursing education opportunities for individuals who are from disadvantaged backgrounds (including racial and ethnic minorities underrepresented among registered nurses) by providing student scholarships or stipends, preentry preparation, and retention activities.

"(b) Guidance.—In carrying out subsection (a), the Secretary shall take into consideration the recommendations of the First, Second and Third Invitational Congresses for Minority Nurse Leaders on 'Caring for the Emerging Majority,' in 1992, 1993 and 1997, and consult with nursing associations including the American Nurses Association, the National League for Nursing, the American Association of Colleges of Nursing, the National Black Nurses Association, the National Association of Hispanic Nurses, the Association of Asian American and Pacific Islander Nurses, the Native American Indian and Alaskan Nurses Association, and the National Council of State Boards of Nursing.

"(c) Required Information and Conditions for Award Recipients.—

"(1) In general.—Recipients of awards under this section may be required, where requested, to report to the Secretary concerning the annual admission, retention, and graduation rates for individuals from disadvantaged backgrounds and ethnic and racial minorities in the school or schools involved in the projects.

"(2) Falling rates.—If any of the rates reported under paragraph (1) fall below the average of the two previous years, the grant or contract recipient shall provide the Secretary with plans for immediately improving such rates.

"(3) Ineligibility.—A recipient described in paragraph (2) shall be ineligible for continued funding under this section if the plan of the recipient fails to improve the rates within the 1-year period beginning on the date such plan is implemented.

"PART D—STRENGTHENING CAPACITY FOR BASIC NURSE EDUCATION AND PRACTICE

"SEC. 831. BASIC NURSE EDUCATION AND PRACTICE GRANTS.

"(a) In General.—The Secretary may award grants to and enter into contracts with eligible entities for projects to strengthen capacity for basic nurse education and practice.

"(b) Priority Areas.—In awarding grants or contracts under this section the Secretary shall give priority to entities that will use amounts provided under such a grant or contract to enhance the educational mix and utilization of the basic nursing workforce by strengthening programs that provide basic nurse education, such as through—

"(1) establishing or expanding nursing practice arrangements in noninstitutional settings to demonstrate methods to improve access to primary health care in medically underserved communities;

"(2) providing care for underserved populations and other high-risk groups such as the elderly, individuals with HIV-AIDS, substance abusers, the homeless, and victims of domestic violence;

"(3) providing managed care, quality improvement, and other skills needed to practice in existing and emerging organized health care systems;

"(4) developing cultural competencies among nurses;

"(5) expanding the enrollment in baccalaureate nursing programs;

"(6) promoting career mobility for nursing personnel in a variety of training settings and cross training or specialty training among diverse population groups;

"(7) providing education in informatics, including distance learning methodologies; or

"(8) other priority areas as determined by the Secretary.";

(5) by adding at the end the following:

"PART F—AUTHORIZATION OF APPROPRIATIONS

"SEC. 841. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out sections 811, 821, and 831, $65,000,000 for fiscal year 1998, and such sums as may be necessary in each of the fiscal years 1999 through 2002.

"PART G—NATIONAL ADVISORY COUNCIL ON NURSE EDUCATION AND PRACTICE

"SEC. 845. NATIONAL ADVISORY COUNCIL ON NURSE EDUCATION AND PRACTICE.

"(a) ESTABLISHMENT.—The Secretary shall establish an advisory council to be known as the National Advisory Council on Nurse Education and Practice (in this section referred to as the 'Advisory Council').

"(b) COMPOSITION.—

"(1) IN GENERAL.—The Advisory Council shall be composed of

"(A) not less than 21, nor more than 23 individuals, who are not officers or employees of the Federal Government, appointed by the Secretary without regard to the Federal civil service laws, of which—

"(i) 2 shall be selected from full-time students enrolled in schools of nursing;

"(ii) 2 shall be selected from the general public;

"(iii) 2 shall be selected from practicing professional nurses; and

"(iv) 9 shall be selected from among the leading authorities in the various fields of nursing, higher, and secondary education, and from representatives of advanced practice nursing groups (such as nurse practitioners, nurse midwives, and nurse anesthetists), hospitals, and other institutions and organizations which provide nursing services; and

"(B) the Secretary (or the delegate of the Secretary (who shall be an ex officio member and shall serve as the Chairperson)).

"(2) APPOINTMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall appoint the members of the Advisory Council and each such member shall serve a 4 year term. In making such appointments, the Secretary shall ensure a fair balance between the nursing professions, a broad geographic representation of members and a balance between urban and rural members. Members shall be appointed based on their competence, interest, and knowledge of the mission of the profession involved. A majority of the members shall be nurses.

"(3) MINORITY REPRESENTATION.—In appointing the members of the Advisory Council under paragraph (1), the Secretary shall ensure the adequate representation of minorities.

"(c) VACANCIES.—

"(1) IN GENERAL.—A vacancy on the Advisory Council shall be filled in the manner in which the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

"(2) FILLING UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

"(d) DUTIES.—The Advisory Council shall—

"(1) provide advice and recommendations to the Secretary and Congress concerning policy matters arising in the administration of this title, including the range of issues relating to the nurse workforce, education, and practice improvement;

"(2) provide advice to the Secretary and Congress in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including the range of issues relating to nurse supply, education and practice improvement; and

"(3) not later than 3 years after the date of enactment of this section, and annually thereafter, prepare and submit to the Secretary, the Committee on Labor and Human Resources of the Senate, and the Committee on Commerce of the House of Representatives, a report describing the activities of the Council, including findings and recommendations made by the Council concerning the activities under this title.

"(e) MEETINGS AND DOCUMENTS.—

"(1) MEETINGS.—The Advisory Council shall meet not less than 2 times each year. Such meetings shall be held jointly with other related entities established under this title where appropriate.

"(2) DOCUMENTS.—Not later than 14 days prior to the convening of a meeting under paragraph (1), the Advisory Council shall prepare and make available an agenda of the matters to be considered by the Advisory Council at such meeting. At any such meeting, the Advisory Council shall distribute materials with respect to the issues to be addressed at the meeting. Not later than 30 days after the adjourning of such a meeting, the Advisory Council shall prepare and make available a summary of the meeting and any actions taken by the Council based upon the meeting.

"(f) COMPENSATION AND EXPENSES.—

"(1) COMPENSATION.—Each member of the Advisory Council shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Council. All members of the Council who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

"(2) EXPENSES.—The members of the Advisory Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council.

"(g) FUNDING.—Amounts appropriated under this title may be utilized by the Secretary to support the nurse education and practice activities of the Council.

"(h) FACA.—The Federal Advisory Committee Act shall apply to the Advisory Committee under this section only to the extent that the provisions of such Act do not conflict with the requirements of this section."; and

(6) by redesignating section 855 as section 810, and transferring such section so as to appear after section 809 (as added by the amendment made by paragraph (5)).

SEC. 124. SAVINGS PROVISION.

In the case of any authority for making awards of grants or contracts that is terminated by the amendment made by section 123, the Secretary of Health and Human Services may, notwithstanding the termination of the authority, continue in effect any grant or contract made under the authority that is in effect on the day before the date of the enactment of this Act, subject to the duration of any such grant or contract not exceeding the period determined by the Secretary in first approving such financial assistance, or in approving the most recent request made (before the date of such enactment) for continuation of such assistance, as the case may be.

Subtitle C—Financial Assistance

CHAPTER 1—SCHOOL-BASED REVOLVING LOAN FUNDS

SEC. 131. PRIMARY CARE LOAN PROGRAM.

(a) REQUIREMENT FOR SCHOOLS.—Section 723(b)(1) of the Public Health Service Act (42 U.S.C. 292s(b)(1)), as amended by section 2014(c)(2)(A)(ii) of Public Law 103-43 (107 Stat. 216), is amended by striking "3 years before" and inserting "4 years before".

(b) NONCOMPLIANCE.—Section 723(a)(3) of the Public Health Service Act (42 U.S.C. 292s(a)(3)) is amended to read as follows:

"(3) NONCOMPLIANCE BY STUDENT.—Each agreement entered into with a student pursuant to paragraph (1) shall provide that, if the student fails to comply with such agreement, the loan involved will begin to accrue interest at a rate of 18 percent per year beginning on the date of such noncompliance.".

(c) REPORT REQUIREMENT.—Section 723 of the Public Health Service Act (42 U.S.C. 292s) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

SEC. 132. LOANS FOR DISADVANTAGED STUDENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 724(f)(1) of the Public Health Service Act (42 U.S.C. 292t(f)(1)) is amended by striking "$15,000,000 for fiscal year 1993" and inserting "$8,000,000 for each of the fiscal years 1998 through 2002".

(b) REPEAL.—Effective October 1, 2002, paragraph (1) of section 724(f) of the Public Health Service Act (42 U.S.C. 292t(f)(1)) is repealed.

SEC. 133. STUDENT LOANS REGARDING SCHOOLS OF NURSING.

(a) IN GENERAL.—Section 836(b) of the Public Health Service Act (42 U.S.C. 297b(b)) is amended—

(1) in paragraph (1), by striking the period at the end and inserting a semicolon;

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "and" at the end; and

(B) by inserting before the semicolon at the end the following: ", and (C) such additional periods under the terms of paragraph (8) of this subsection";

(3) in paragraph (7), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following paragraph:

"(8) pursuant to uniform criteria established by the Secretary, the repayment period established under paragraph (2) for any student borrower who during the repayment period failed to make consecutive payments and who, during the last 12 months of the repayment period, has made at least 12 consecutive payments may be extended for a period not to exceed 10 years.".

(b) Minimum Monthly Payments.—Section 836(g) of the Public Health Service Act (42 U.S.C. 297b(g)) is amended by striking “$15” and inserting “$40”.

(c) Elimination of Statute of Limitation for Loan Collections.—

(1) In general.—Section 836 of the Public Health Service Act (42 U.S.C. 297b) is amended by adding at the end the following new subsection:

“(l) Elimination of Statute of Limitation for Loan Collections.—

“(1) Purpose.—It is the purpose of this subsection to ensure that obligations to repay loans under this section are enforced without regard to any Federal or State statutory, regulatory, or administrative limitation on the period within which debts may be enforced.

“(2) Prohibition.—Notwithstanding any other provision of Federal or State law, no limitation shall terminate the period within which suit may be filed, a judgment may be enforced, or an offset, garnishment, or other action may be initiated or taken by a school of nursing that has an agreement with the Secretary pursuant to section 835 that is seeking the repayment of the amount due from a borrower on a loan made under this subpart after the default of the borrower on such loan.”.

(2) Effective date.—The amendment made by paragraph (1) shall be effective with respect to actions pending on or after the date of enactment of this Act.

(d) Breach of Agreements.—Section 338D of the Public Health Service Act is amended by adding at the end thereof the following new subsection:

“(g) Breach of Agreement.—

“(1) In general.—In the case of any program under this section under which an individual makes an agreement to provide health services for a period of time in accordance with such program in consideration of receiving an award of Federal funds regarding education as a nurse (including an award for the repayment of loans), the following applies if the agreement provides that this subsection is applicable:

“(A) In the case of a program under this section that makes an award of Federal funds for attending an accredited program of nursing (in this section referred to as a ‘nursing program’), the individual is liable to the Federal Government for the amount of such award (including amounts provided for expenses related to such attendance), and for interest on such amount at the maximum legal prevailing rate, if the individual—

“(i) fails to maintain an acceptable level of academic standing in the nursing program (as indicated by the program in accordance with requirements established by the Secretary);

“(ii) is dismissed from the nursing program for disciplinary reasons; or

“(iii) voluntarily terminates the nursing program.

“(B) The individual is liable to the Federal Government for the amount of such award (including amounts provided for expenses related to such attendance), and for interest on such amount at the maximum legal prevailing rate, if the individual fails to provide health services in accordance with the program under this section for the period of time applicable under the program.

“(2) Waiver or suspension of liability.—In the case of an individual or health facility making an agreement for purposes of paragraph (1), the Secretary shall provide for the waiver or suspension of liability under such subsection if compliance by the individual or the health facility, as the case may be, with the agreements involved is impossible, or would involve extreme hardship to the individual or facility, and if enforcement of the agreements with respect to the individual or facility would be unconscionable.

“(3) Date certain for recovery.—Subject to paragraph (2), any amount that the Federal Government is entitled to recover under paragraph (1) shall be paid to the United States not later than the expiration of the 3-year period beginning on the date the United States becomes so entitled.

“(4) Availability.—Amounts recovered under paragraph (1) with respect to a program under this section shall be available for the purposes of such program, and shall remain available for such purposes until expended.”.

(e) Technical Amendments.—Section 839 of the Public Health Service Act (42 U.S.C. 297e) is amended—

(1) in subsection (a)—

(A) by striking the matter preceding paragraph (1) and inserting the following:

“(a) If a school terminates a loan fund established under an agreement pursuant to section 835(b), or if the Secretary for good cause terminates the agreement with the school, there shall be a capital distribution as follows:”; and

(B) in paragraph (1), by striking “at the close of September 30, 1999,” and inserting “on the date of termination of the fund”; and

(2) in subsection (b), to read as follows:

“(b) If a capital distribution is made under subsection (a), the school involved shall, after such capital distribution, pay to the Secretary, not less often than quarterly, the same proportionate share of amounts received by the school in payment of principal or interest on loans made from the loan fund established under section 835(b) as determined by the Secretary under subsection (a).”.

SEC. 134. GENERAL PROVISIONS.

(a) Maximum Student Loan Provisions and Minimum Payments.—

(1) In general.—Section 722(a)(1) of the Public Health Service Act (42 U.S.C. 292r(a)(1)), as amended by section 2014(b)(1) of Public Law 103-43, is amended by striking “the sum of” and all that follows through the end thereof and inserting “the cost of attendance (including tuition, other reasonable educational expenses, and reasonable living costs) for that year at the educational institution attended by the student (as determined by such educational institution).”.

(2) Third and fourth years.—Section 722(a)(2) of the Public Health Service Act (42 U.S.C. 292r(a)(2)), as amended by section 2014(b)(1) of Public Law 103-43, is amended by striking “the amount $2,500” and all that follows through “including such $2,500” and inserting “the amount of the loan may, in the case of the third or fourth year of a student at a school of medicine or osteopathic medicine, be increased to the extent necessary”.

(3) Repayment period.—Section 722(c) of the Public Health Service Act (42 U.S.C. 292r(c)), as amended by section 2014(b)(1) of Public Law 103-43, is amended—

(A) in the subsection heading by striking “Ten-Year” and inserting “Repayment”;

(B) by striking “ten-year period which begins” and inserting “period of not less than 10 years nor more than 25 years, at the discretion of the institution, which begins”; and

(C) by striking “such ten-year period” and inserting “such period”.

(4) Minimum payments.—Section 722(j) of the Public Health Service Act (42 U.S.C. 292r(j)), as amended by section 2014(b)(1) of Public Law 103-43, is amended by striking “$15” and inserting $40”.

(b) Elimination of Statute of Limitation for Loan Collections.—

(1) In general.—Section 722 of the Public Health Service Act (42 U.S.C. 292r), as amended by section 2014(b)(1) of Public Law 103-43, is amended by adding at the end the following new subsection:

“(m) Elimination of Statute of Limitation for Loan Collections.—

“(1) Purpose.—It is the purpose of this subsection to ensure that obligations to repay loans under this section are enforced without regard to any Federal or State statutory, regulatory, or administrative limitation on the period within which debts may be enforced.

“(2) Prohibition.—Notwithstanding any other provision of Federal or State law, no limitation shall terminate the period within which suit may be filed, a judgment may be enforced, or an offset, garnishment, or other action may be initiated or taken by a school that has an agreement with the Secretary pursuant to section 721 that is seeking the repayment of the amount due from a borrower on a loan made under this subpart after the default of the borrower on such loan.”.

(2) Effective date.—The amendment made by paragraph (1) shall be effective with respect to actions pending on or after the date of enactment of this Act.

(c) Date Certain for Contributions.—Paragraph (2) of section 735(e) of the Public Health Service Act (42 U.S.C. 292y(e)(2)) is amended to read as follows:

“(2) Date certain for contributions.—Amounts described in paragraph (1) that are returned to the Secretary shall be obligated before the end of the succeeding fiscal year.”.

CHAPTER 2—INSURED HEALTH EDUCATION ASSISTANCE LOANS TO GRADUATE STUDENTS

SEC. 141. HEALTH EDUCATION ASSISTANCE LOAN PROGRAM.

(a) Health Education Assistance Loan Deferment for Borrowers Providing Health Services to Indians.—

(1) In general.—Section 705(a)(2)(C) of the Public Health Service Act (42 U.S.C. 292d(a)(2)(C)) is amended by striking “and (x)” and inserting “(x) not in excess of three years, during which the borrower is providing health care services to Indians through an Indian health program (as defined in section 108(a)(2)(A) of the Indian Health Care Improvement Act (25 U.S.C. 1616a(a)(2)(A)); and (xi)”.

(2) Conforming amendments.—Section 705(a)(2)(C) of the Public Health Service Act (42 U.S.C. 292d(a)(2)(C)) is further amended—

(A) in clause (xi) (as so redesignated) by striking “(ix)” and inserting “(x)”; and

(B) in the matter following such clause (xi), by striking “(x)” and inserting “(xi)”.

(3) Effective date.—The amendments made by this subsection shall apply with respect to services provided on or after the first day of the third month that begins after the date of the enactment of this Act.

(b) Report Requirement.—Section 709(b) of the Public Health Service Act (42 U.S.C. 292h(b)) is amended—

(1) in paragraph (4)(B), by adding “and” after the semicolon;

(2) in paragraph (5), by striking “; and” and inserting a period; and

(3) by striking paragraph (6).

(c) Collection From Estates.—Section 714 of the Public Health Service Act (42 U.S.C.

292m) is amended by adding at the end the following new sentence: “Notwithstanding the first sentence, the Secretary may, in the case of a borrower who dies, collect any remaining unpaid balance owed to the lender, the holder of the loan, or the Federal Government from the borrower's estate.”.

(d) Program Eligibility.—

(1) Limitations on loans.—Section 703(a) of the Public Health Service Act (42 U.S.C. 292b(a)) is amended by striking “or clinical psychology” and inserting “or behavioral and mental health practice, including clinical psychology”.

(2) Definition of eligible institution.—Section 719(1) of the Public Health Service Act (42 U.S.C. 292o(1)) is amended by striking “or clinical psychology” and inserting “or behavioral and mental health practice, including clinical psychology”.

SEC. 142. HEAL LENDER AND HOLDER PERFORMANCE STANDARDS.

(a) General Amendments.—Section 707(a) of the Public Health Service Act (42 U.S.C. 292f) is amended—

(1) by striking the last sentence;

(2) by striking “determined.” and inserting “determined, except that, if the insurance beneficiary including any servicer of the loan is not designated for ‘exceptional performance’, as set forth in paragraph (2), the Secretary shall pay to the beneficiary a sum equal to 98 percent of the amount of the loss sustained by the insured upon that loan.”;

(3) by striking “Upon” and inserting:

“(1) In general.—Upon”; and

(4) by adding at the end the following new paragraph:

“(2) Exceptional performance.—

“(A) Authority.—Where the Secretary determines that an eligible lender, holder, or servicer has a compliance performance rating that equals or exceeds 97 percent, the Secretary shall designate that eligible lender, holder, or servicer, as the case may be, for exceptional performance.

“(B) Compliance performance rating.—For purposes of subparagraph (A), a compliance performance rating is determined with respect to compliance with due diligence in the disbursement, servicing, and collection of loans under this subpart for each year for which the determination is made. Such rating shall be equal to the percentage of all due diligence requirements applicable to each loan, on average, as established by the Secretary, with respect to loans serviced during the period by the eligible lender, holder, or servicer.

“(C) Annual audits for lenders, holders, and servicers.—Each eligible lender, holder, or servicer desiring a designation under subparagraph (A) shall have an annual financial and compliance audit conducted with respect to the loan portfolio of such eligible lender, holder, or servicer, by a qualified independent organization from a list of qualified organizations identified by the Secretary and in accordance with standards established by the Secretary. The standards shall measure the lender's, holder's, or servicer's compliance with due diligence standards and shall include a defined statistical sampling technique designed to measure the performance rating of the eligible lender, holder, or servicer for the purpose of this section. Each eligible lender, holder, or servicer shall submit the audit required by this section to the Secretary.

“(D) Secretary's determinations.—The Secretary shall make the determination under subparagraph (A) based upon the audits submitted under this paragraph and any information in the possession of the Secretary or submitted by any other agency or office of the Federal Government.

“(E) Quarterly compliance audit.—To maintain its status as an exceptional performer, the lender, holder, or servicer shall undergo a quarterly compliance audit at the end of each quarter (other than the quarter in which status as an exceptional performer is established through a financial and compliance audit, as described in subparagraph (C)), and submit the results of such audit to the Secretary. The compliance audit shall review compliance with due diligence requirements for the period beginning on the day after the ending date of the previous audit, in accordance with standards determined by the Secretary.

“(F) Revocation authority.—The Secretary shall revoke the designation of a lender, holder, or servicer under subparagraph (A) if any quarterly audit required under subparagraph (E) is not received by the Secretary by the date established by the Secretary or if the audit indicates the lender, holder, or servicer has failed to meet the standards for designation as an exceptional performer under subparagraph (A). A lender, holder, or servicer receiving a compliance audit not meeting the standard for designation as an exceptional performer may reapply for designation under subparagraph (A) at any time.

“(G) Documentation.—Nothing in this section shall restrict or limit the authority of the Secretary to require the submission of claims documentation evidencing servicing performed on loans, except that the Secretary may not require exceptional performers to submit greater documentation than that required for lenders, holders, and servicers not designated under subparagraph (A).

“(H) Cost of audits.—Each eligible lender, holder, or servicer shall pay for all the costs associated with the audits required under this section.

“(I) Additional revocation authority.—Notwithstanding any other provision of this section, a designation under subparagraph (A) may be revoked at any time by the Secretary if the Secretary determines that the eligible lender, holder, or servicer has failed to maintain an overall level of compliance consistent with the audit submitted by the eligible lender, holder, or servicer under this paragraph or if the Secretary asserts that the lender, holder, or servicer may have engaged in fraud in securing designation under subparagraph (A) or is failing to service loans in accordance with program requirements.

“(J) Noncompliance.—A lender, holder, or servicer designated under subparagraph (A) that fails to service loans or otherwise comply with applicable program regulations shall be considered in violation of the Federal False Claims Act.”.

(b) Definition.—Section 707(e) of the Public Health Service Act (42 U.S.C. 292f(e)) is amended by adding at the end the following new paragraph:

“(4) The term ‘servicer’ means any agency acting on behalf of the insurance beneficiary.”.

(c) Effective Date.—The amendments made by subsections (a) and (b) shall apply with respect to loans submitted to the Secretary for payment on or after the first day of the sixth month that begins after the date of enactment of this Act.

SEC. 143. REAUTHORIZATION.

(a) Loan Program.—Section 702(a) of the Public Health Service Act (42 U.S.C. 292a(a)) is amended—

(1) by striking “$350,000,000” and all that follows through “1995” and inserting “$350,000,000 for fiscal year 1998, $375,000,000 for fiscal year 1999, and $425,000,000 for each of the fiscal years 2000 through 2002”;

(2) by striking “obtained prior loans insured under this subpart” and inserting “obtained loans insured under this subpart in fiscal year 2002 or in prior fiscal years”;

(3) by adding at the end thereof the following new sentence: “The Secretary may establish guidelines and procedures that lenders must follow in distributing funds under this subpart.”; and

(4) by striking “September 30, 1998” and inserting “September 30, 2005”.

(b) Insurance Program.—Section 710(a)(2)(B) of the Public Health Service Act (42 U.S.C. 292i(a)(2)(B)) is amended by striking “any of the fiscal years 1993 through 1996” and inserting “fiscal year 1993 and subsequent fiscal years”.

SEC. 144. HEAL BANKRUPTCY.

(a) In General.—Section 707(g) of the Public Health Service Act (42 U.S.C. 292f(g)) is amended in the first sentence by striking “A debt which is a loan insured” and inserting “Notwithstanding any other provision of Federal or State law, a debt that is a loan insured”.

(b) Application.—The amendment made by subsection (a) shall apply to any loan insured under the authority of subpart I of part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.) that is listed or scheduled by the debtor in a case under title XI, United States Code, filed—

(1) on or after the date of enactment of this Act; or

(2) prior to such date of enactment in which a discharge has not been granted.

SEC. 145. HEAL REFINANCING.

Section 706 of the Public Health Service Act (42 U.S.C. 292e) is amended—

(1) in subsection (d)—

(A) in the subsection heading, by striking “Consolidation” and inserting “Refinancing or Consolidation”; and

(B) in the first sentence, by striking “indebtedness” and inserting “indebtedness or the refinancing of a single loan”; and

(2) in subsection (e)—

(A) in the subsection heading, by striking “Debts” and inserting “Debts and Refinancing”;

(B) in the first sentence, by striking “all of the borrower's debts into a single instrument” and inserting “all of the borrower's loans insured under this subpart into a single instrument (or, if the borrower obtained only 1 loan insured under this subpart, refinancing the loan 1 time)”; and

(C) in the second sentence, by striking “consolidation” and inserting “consolidation or refinancing”.

TITLE II—OFFICE OF MINORITY HEALTH

SEC. 201. REVISION AND EXTENSION OF PROGRAMS OF OFFICE OF MINORITY HEALTH.

(a) Duties and Requirements.—Section 1707 of the Public Health Service Act (42 U.S.C. 300u–6) is amended by striking subsection (b) and all that follows and inserting the following:

“(b) Duties.—With respect to improving the health of racial and ethnic minority groups, the Secretary, acting through the Deputy Assistant Secretary for Minority Health (in this section referred to as the ‘Deputy Assistant Secretary’), shall carry out the following:

“(1) Establish short-range and long-range goals and objectives and coordinate all other activities within the Public Health Service that relate to disease prevention, health promotion, service delivery, and research concerning such individuals. The heads of each of the agencies of the Service shall consult with the Deputy Assistant Secretary to ensure the coordination of such activities.

"(2) Enter into interagency agreements with other agencies of the Public Health Service.

"(3) Support research, demonstrations and evaluations to test new and innovative models.

"(4) Increase knowledge and understanding of health risk factors.

"(5) Develop mechanisms that support better information dissemination, education, prevention, and service delivery to individuals from disadvantaged backgrounds, including individuals who are members of racial or ethnic minority groups.

"(6) Ensure that the National Center for Health Statistics collects data on the health status of each minority group.

"(7) With respect to individuals who lack proficiency in speaking the English language, enter into contracts with public and nonprofit private providers of primary health services for the purpose of increasing the access of the individuals to such services by developing and carrying out programs to provide bilingual or interpretive services.

"(8) Support a national minority health resource center to carry out the following:

"(A) Facilitate the exchange of information regarding matters relating to health information and health promotion, preventive health services, and education in the appropriate use of health care.

"(B) Facilitate access to such information.

"(C) Assist in the analysis of issues and problems relating to such matters.

"(D) Provide technical assistance with respect to the exchange of such information (including facilitating the development of materials for such technical assistance).

"(9) Carry out programs to improve access to health care services for individuals with limited proficiency in speaking the English language. Activities under the preceding sentence shall include developing and evaluating model projects.

"(c) Advisory Committee.—

"(1) In general.—The Secretary shall establish an advisory committee to be known as the Advisory Committee on Minority Health (in this subsection referred to as the 'Committee').

"(2) Duties.—The Committee shall provide advice to the Deputy Assistant Secretary carrying out this section, including advice on the development of goals and specific program activities under paragraphs (1) through (9) of subsection (b) for each racial and ethnic minority group.

"(3) Chair.—The chairperson of the Committee shall be selected by the Secretary from among the members of the voting members of the Committee. The term of office of the chairperson shall be 2 years.

"(4) Composition.—

"(A) The Committee shall be composed of 12 voting members appointed in accordance with subparagraph (B), and nonvoting, ex officio members designated in subparagraph (C).

"(B) The voting members of the Committee shall be appointed by the Secretary from among individuals who are not officers or employees of the Federal Government and who have expertise regarding issues of minority health. The racial and ethnic minority groups shall be equally represented among such members.

"(C) The nonvoting, ex officio members of the Committee shall be such officials of the Department of Health and Human Services as the Secretary determines to be appropriate.

"(5) Terms.—Each member of the Committee shall serve for a term of 4 years, except that the Secretary shall initially appoint a portion of the members to terms of 1 year, 2 years, and 3 years.

"(6) Vacancies.—If a vacancy occurs on the Committee, a new member shall be appointed by the Secretary within 90 days from the date that the vacancy occurs, and serve for the remainder of the term for which the predecessor of such member was appointed. The vacancy shall not affect the power of the remaining members to execute the duties of the Committee.

"(7) Compensation.—Members of the Committee who are officers or employees of the United States shall serve without compensation. Members of the Committee who are not officers or employees of the United States shall receive compensation, for each day (including travel time) they are engaged in the performance of the functions of the Committee. Such compensation may not be in an amount in excess of the daily equivalent of the annual maximum rate of basic pay payable under the General Schedule (under title 5, United States Code) for positions above GS–15.

"(d) Certain Requirements Regarding Duties.—

"(1) Recommendations regarding language as impediment to health care.—The Deputy Assistant Secretary for Minority Health shall consult with the Director of the Office of Refugee Health, the Director of the Office of Civil Rights, and the Directors of other appropriate Departmental entities regarding recommendations for carrying out activities under subsection (b)(9).

"(2) Equitable allocation regarding activities.—

"(A) In general.—In making awards of grants, cooperative agreements, or contracts under this section or section 338A, 338C, 340A, 404, or 724, or part B of title VII, the Secretary, acting as appropriate through the Deputy Assistant Secretary or the Administrator of the Health Resources and Services Administration, shall ensure that such awards are equitably allocated with respect to the various racial and minority populations.

"(B) Requirements.—With respect to grants, cooperative agreements, and contracts that are available under the sections specified in subparagraph (A), the Secretary shall—

"(i) carry out activities to inform entities, as appropriate, that the entities may be eligible for awards of such assistance;

"(ii) provide technical assistance to such entities in the process of preparing and submitting applications for the awards in accordance with the policies of the Secretary regarding such application; and

"(iii) inform populations, as appropriate, that members of the populations may be eligible to receive services or otherwise participate in the activities carried out with such awards.

"(3) Cultural competency of services.—The Secretary shall ensure that information and services provided pursuant to subsection (b) are provided in the language, educational, and cultural context that is most appropriate for the individuals for whom the information and services are intended.

"(e) Grants and Contracts Regarding Duties.—

"(1) In general.—In carrying out subsection (b), the Secretary acting through the Deputy Assistant Secretary may make awards of grants, cooperative agreements, and contracts to public and nonprofit private entities.

"(2) Process for making awards.—The Deputy Assistant Secretary shall ensure that awards under paragraph (1) are made only on a competitive basis, and that a grant is awarded for a proposal only if the proposal has been recommended for such an award through a process of peer review.

"(3) Evaluation and dissemination.—The Deputy Assistant Secretary, directly or through contracts with public and private entities, shall provide for evaluations of projects carried out with awards made under paragraph (1) during the preceding 2 fiscal years. The report shall be included in the report required under subsection (f) for the fiscal year involved.

"(f) Reports.—

"(1) In general.—Not later than February 1 of fiscal year 1999 and of each second year thereafter, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the activities carried out under this section during the preceding 2 fiscal years and evaluating the extent to which such activities have been effective in improving the health of racial and ethnic minority groups. Each such report shall include the biennial reports submitted under sections 201(e)(3) and 201(f)(2) for such years by the heads of the Public Health Service agencies.

"(2) Agency reports.—Not later than February 1, 1999, and biennially thereafter, the heads of the Public Health Service agencies shall submit to the Deputy Assistant Secretary a report summarizing the minority health activities of each of the respective agencies.

"(g) Definition.—For purposes of this section:

"(1) The term 'racial and ethnic minority group' means American Indians (including Alaska Natives, Eskimos, and Aleuts); Asian Americans and Pacific Islanders; Blacks; and Hispanics.

"(2) The term 'Hispanic' means individuals whose origin is Mexican, Puerto Rican, Cuban, Central or South American, or any other Spanish-speaking country.

"(h) Funding.—

"(1) Authorization of appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated $30,000,000 for fiscal year 1998, such sums as may be necessary for each of the fiscal years 1999 through 2002.

"(2) National center for health statistics.—For the purpose of enabling the National Center for Health Statistics to collect data on Hispanics and major Hispanic subpopulation groups, American Indians, and to develop special area population studies on major Asian American and Pacific Islander populations, there are authorized to be appropriated $1,000,000 for fiscal year 1998, such sums as may be necessary for each of the fiscal years 1999 through 2002.".

(b) Miscellaneous Amendments.—Section 1707 of the Public Health Service Act (42 U.S.C. 300u–6) is amended—

(1) in the heading for the section by striking "ESTABLISHMENT OF"; and

(2) in subsection (a), by striking "Office of the Assistant Secretary for Health" and inserting "Office of Public Health and Science".

TITLE III—SELECTED INITIATIVES

SEC. 301. STATE OFFICES OF RURAL HEALTH.

(a) IN GENERAL.—Section 338J of the Public Health Service Act (42 U.S.C. 254r) is amended—

(1) in subsection (b)(1), in the matter preceding subparagraph (A), by striking "in cash"; and

(2) in subsection (j)(1)—

(A) by striking "and" after "1992,"; and

(B) by inserting before the period the following: ", and such sums as may be necessary for each of the fiscal years 1998 through 2002"; and

(3) in subsection (k), by striking "$10,000,000" and inserting "$20,000,000".

(b) REPEAL.—Effective on October 1, 2002, section 338J of the Public Health Service Act is repealed.

SEC. 302. DEMONSTRATION PROJECTS REGARDING ALZHEIMER'S DISEASE.

(a) IN GENERAL.—Section 398(a) of the Public Health Service Act (42 U.S.C. 280c–3(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "not less than 5, and not more than 15,";

(2) in paragraph (2)—

(A) by inserting after "disorders" the following: "who are living in single family homes or in congregate settings"; and

(B) by striking "and" at the end;

(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following:

"(3) to improve the access of such individuals to home-based or community-based long-term care services (subject to the services being provided by entities that were providing such services in the State involved as of October 1, 1995), particularly such individuals who are members of racial or ethnic minority groups, who have limited proficiency in speaking the English language, or who live in rural areas; and".

(b) DURATION.—Section 398A of the Public Health Service Act (42 U.S.C. 280c–4) is amended—

(1) in the heading for the section, by striking "**LIMITATION**" and all that follows and inserting "**REQUIREMENT OF MATCHING FUNDS**";

(2) by striking subsection (a);

(3) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively;

(4) in subsection (a) (as so redesignated), in each of paragraphs (1)(C) and (2)(C), by striking "third year" and inserting "third or subsequent year".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 398B(e) of the Public Health Service Act (42 U.S.C. 280c–5(e)) is amended—

(1) by striking "and such sums" and inserting "such sums"; and

(2) by inserting before the period the following: ", $8,000,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002".

SEC. 303. PROJECT GRANTS FOR IMMUNIZATION SERVICES.

Section 317(j) of the Public Health Service Act (42 U.S.C. 247b(j)) is amended—

(1) in paragraph (1), by striking "individuals against vaccine-preventable diseases" and all that follows through the first period and inserting the following: "children, adolescents, and adults against vaccine-preventable diseases, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1998 through 2002."; and

(2) in paragraph (2), by striking "1990" and inserting "1997".

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. TECHNICAL CORRECTIONS REGARDING PUBLIC LAW 103–183.

(a) AMENDATORY INSTRUCTIONS.—Public Law 103–183 is amended—

(1) in section 601—

(A) in subsection (b), in the matter preceding paragraph (1), by striking "Section 1201 of the Public Health Service Act (42 U.S.C. 300d)" and inserting "Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.)"; and

(B) in subsection (f)(1), by striking "in section 1204(c)" and inserting "in section 1203(c) (as redesignated by subsection (b)(2) of this section)";

(2) in section 602, by striking "for the purpose" and inserting "For the purpose"; and

(3) in section 705(b), by striking "317D((l)(1)" and inserting "317D(l)(1)".

(b) PUBLIC HEALTH SERVICE ACT.—The Public Health Service Act, as amended by Public Law 103–183 and by subsection (a) of this section, is amended—

(1) in section 317E(g)(2), by striking "making grants under subsection (b)" and inserting "carrying out subsection (b)";

(2) in section 318, in subsection (e) as in effect on the day before the date of the enactment of Public Law 103–183, by redesignating the subsection as subsection (f);

(3) in subpart 6 of part C of title IV—

(A) by transferring the first section 447 (added by section 302 of Public Law 103–183) from the current placement of the section;

(B) by redesignating the section as section 447A; and

(C) by inserting the section after section 447;

(4) in section 1213(a)(8), by striking "provides for for" and inserting "provides for";

(5) in section 1501, by redesignating the second subsection (c) (added by section 101(f) of Public Law 103–183) as subsection (d); and

(6) in section 1505(3), by striking "nonprivate" and inserting "private".

(c) MISCELLANEOUS CORRECTION.—Section 401(c)(3) of Public Law 103–183 is amended in the matter preceding subparagraph (A) by striking "(d)(5)" and inserting "(e)(5)".

(d) EFFECTIVE DATE.—This section is deemed to have taken effect immediately after the enactment of Public Law 103–183.

SEC. 402. MISCELLANEOUS AMENDMENTS REGARDING PHS COMMISSIONED OFFICERS.

(a) ANTI-DISCRIMINATION LAWS.—Amend section 212 of the Public Health Service Act (42 U.S.C. 213) by adding the following new subsection at the end thereof:

"(f) Active service of commissioned officers of the Service shall be deemed to be active military service in the Armed Forces of the United States for purposes of all laws related to discrimination on the basis of race, color, gender, ethnicity, age, religion, and disability."

(b) TRAINING IN LEAVE WITHOUT PAY STATUS.—Section 218 of the Public Health Service Act (42 U.S.C. 218a) is amended by adding to the end the following:

"(c) A commissioned officer may be placed in leave without pay status while attending an educational institution or training program whenever the Secretary determines that such status is in the best interest of the Service. For purposes of computation of basic pay, promotion, retirement, compensation for injury or death, and the benefits provided by sections 212 and 224, an officer in such status pursuant to the preceding sentence shall be considered as performing service in the Service and shall have an active service obligation as set forth in subsection (b) of this section.".

(c) UTILIZATION OF ALCOHOL AND DRUG ABUSE RECORDS THAT APPLY TO THE ARMED FORCES.—Section 543(e) of the Public Health Service Act (42 U.S.C. 290dd–2(e)) is amended by striking "Armed Forces" each place that such term appears and inserting "Uniformed Services".

SEC. 403. CLINICAL TRAINEESHIPS.

Section 303(d)(1) of the Public Health Service Act (42 U.S.C. 242a(d)(1)) is amended by inserting "counseling," after "family therapy,".

SEC. 404. PROJECT GRANTS FOR SCREENINGS, REFERRALS, AND EDUCATION REGARDING LEAD POISONING.

Section 317A(l)(1) of the Public Health Service Act (42 U.S.C. 247b-1(l)(1)) is amended by striking "1998" and inserting "2004".

SEC. 405. PROJECT GRANTS FOR PREVENTIVE HEALTH SERVICES REGARDING TUBERCULOSIS.

Section 317E(g)(1) of the Public Health Service Act (42 U.S.C. 247b-6(g)(1)) is amended—

(1) in subparagraph (A), by striking "1998" and inserting "2004"; and

(2) in subparagraph (B), by striking "$50,000,000" and inserting "25 percent".

SEC. 406. CERTAIN AUTHORITIES OF CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) IN GENERAL.—Part B of title III of the Public Health Service Act is amended by inserting after section 317H the following section:

"MISCELLANEOUS AUTHORITIES REGARDING CENTERS FOR DISEASE CONTROL AND PREVENTION

"SEC. 317I. The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, establish such technical and scientific peer review groups and scientific program advisory committees as are needed to carry out the functions of such Centers and appoint and pay the members of such groups, except that officers and employees of the United States shall not receive additional compensation for service as members of such groups. The Federal Advisory Committee Act shall not apply to the duration of such peer review groups. Not more than one-fourth of the members of any such group shall be officers or employees of the United States.".

(b) EFFECTIVE DATE.—This section is deemed to have taken effect July 1, 1995.

SEC. 407. COMMUNITY PROGRAMS ON DOMESTIC VIOLENCE.

(a) IN GENERAL.—Section 318(h)(2) of the Family Violence Prevention and Services Act (42 U.S.C. 10418(h)(2)) is amended by striking "fiscal year 1997" and inserting "for each of the fiscal years 1997 through 2002".

(b) STUDY.—The Secretary of Health and Human Services shall request that the Institute of Medicine conduct a study concerning the training needs of health professionals with respect to the detection and referral of victims of family or acquaintance violence. Not later than 2 years after the date of enactment of this Act, the Institute of Medicine shall prepare and submit to Congress a report concerning the study conducted under this subsection.

SEC. 408. STATE LOAN REPAYMENT PROGRAM.

Section 338I(i)(1) of the Public Health Service Act (42 U.S.C. 254q-1(i)(1)) is amended by inserting before the period ", and such sums as may be necessary for each of the fiscal years 1998 through 2002".

SEC. 409. CONSTRUCTION OF REGIONAL CENTERS FOR RESEARCH ON PRIMATES.

Section 481B(a) of the Public Health Service Act (42 U.S.C. 287a-3(a)) is amended—

(1) by striking "shall" and inserting "may"; and

(2) by striking "$5,000,000" and inserting "up to $2,500,000".

SEC. 410. PEER REVIEW.

Section 504(d)(2) of the Public Health Service Act (42 U.S.C. 290aa-3(d)(2)) is amended by striking "cooperative agreement, or contract" each place that such appears and inserting "or cooperative agreement".

SEC. 411. FUNDING FOR TRAUMA CARE.

Section 1232(a) of the Public Health Service Act (42 U.S.C. 300d-32) is amended by striking "and 1996" and inserting "through 2002".

SEC. 412. HEALTH INFORMATION AND HEALTH PROMOTION.

Section 1701(b) of the Public Health Service Act (42 U.S.C. 300u(b)) is amended by striking "through 1996" and inserting "through 2002".

SEC. 413. EMERGENCY MEDICAL SERVICES FOR CHILDREN.

Section 1910 of the Public Health Service Act (42 U.S.C. 300w-9) is amended—

(1) in subsection (a)—

(A) by striking "two-year period" and inserting "3-year period (with an optional 4th year based on performance)"; and

(B) by striking "one grant" and inserting "3 grants"; and

(2) in subsection (d), by striking "1997" and inserting "2005".

SEC. 414. ADMINISTRATION OF CERTAIN REQUIREMENTS.

(a) In General.—Section 2004 of Public Law 103-43 (107 Stat. 209) is amended by striking subsection (a).

(b) Conforming Amendments.—Section 2004 of Public Law 103-43, as amended by subsection (a) of this section, is amended—

(1) by striking "(b) Sense" and all that follows through "In the case" and inserting the following:

"(a) Sense of Congress Regarding Purchase of American-Made Equipment and Products.—In the case";

(2) by striking "(2) Notice to recipients of assistance" and inserting the following:

"(b) Notice to Recipients of Assistance"; and

(3) in subsection (b), as redesignated by paragraph (2) of this subsection, by striking "paragraph (1)" and inserting "subsection (a)".

(c) Effective Date.—This section is deemed to have taken effect immediately after the enactment of Public Law 103-43.

SEC. 415. AIDS DRUG ASSISTANCE PROGRAM.

Section 2618(b)(3) of the Public Health Service Act (42 U.S.C. 300ff-28(b)(3)) is amended—

(1) in paragraph (1), by striking "and the Commonwealth of Puerto Rico" and inserting ", the Commonwealth of Puerto Rico, the Virgin Islands, and Guam"; and

(2) in paragraph (2), by striking "the Virgin Islands, Guam".

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a withdrawal and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. REED (for himself, Mrs. Boxer, and Mr. Chafee):

S. 1755. A bill to amend the Internal Revenue Code of 1986 to disallow tax deductions for advertising, promotional, and marketing expenses relating to tobacco product use unless certain advertising requirements are met; to the Committee on Finance.

By Mr. DASCHLE:

S. 1756. A bill to name the education center under construction at Fort Campbell, Kentucky, after Wendell H. Ford; to the Committee on Armed Services.

By Ms. SNOWE (for herself and Mr. D'Amato):

S. 1757. A bill to amend the Public Health Service Act to extend the program of research on breast cancer; to the Committee on Labor and Human Resources.

By Mr. LUGAR (for himself, Mr. Biden, Mr. Chafee, Mr. Leahy, Mr. Abraham, Mr. Akaka, Mr. Allard, Mr. Craig, Mr. Cochran, Mr. DeWine, Mr. Glenn, Mr. Harkin, Mr. Inhofe, Mr. Jeffords, Mr. Johnson, Mr. Kerrey, Mr. Kerry, Mr. Kempthorne, Mr. Levin, Mr. Moynihan, and Mr. Murkowski):

S. 1758. A bill to amend the Foreign Assistance Act of 1961 to facilitate protection of tropical forests through debt reduction with developing countries with tropical forests; to the Committee on Foreign Relations.

By Mr. HATCH (for himself, Mr. Campbell, Mr. McCain, Mr. Abraham, Mr. Domenici, Mr. Grassley, and Mrs. Hutchison):

S. 1759. A bill to grant a Federal charter to the American GI Forum of the United States; to the Committee on the Judiciary.

By Mr. LEVIN:

S. 1760. A bill to amend the National Sea Grant College Program Act to clarify the term Great Lakes; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REED (for himself, Mrs. Boxer, and Mr. Chafee):

S. 1755. A bill to amend the Internal Revenue Code of 1986 to disallow tax deductions for advertising, promotional, and marketing expenses relating to tobacco product use unless certain advertising requirements are met; to the Committee on Finance.

THE CHILDREN'S HEALTH PRESERVATION AND TOBACCO ADVERTISING COMPLIANCE ACT

Mr. REED. Mr. President, I rise today to formally introduce legislation that would amend the Internal Revenue Code to deny tobacco companies any tax deduction for their advertising and promotional expenses when those ads are aimed at America's most impressionable group, children.

This bill addresses a key element in our ongoing public debate on tobacco: the industry's ceaseless efforts to market to children. My legislation can stand on its own, or can easily be incorporated into a comprehensive tobacco bill. With or without congressional action on the state attorney generals' tobacco settlement, it is time for Congress to put a stop to the tobacco industry's practice of luring children into untimely disease and death.

I am pleased to be joined today in introducing this legislation with Senators Boxer and Chafee, and I urge the rest of my colleagues to join us in this effort to protect America's children.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1755

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children's Health Preservation and Tobacco Advertising Compliance Act".

SEC. 2. DISALLOWANCE OF TAX DEDUCTIONS FOR CERTAIN ADVERTISING, PROMOTION, AND MARKETING EXPENSES RELATING TO TOBACCO PRODUCT USE.

(a) In General.—Part IX of subchapter B of chapter 1 of subtitle A of the Internal Revenue Code of 1986 (relating to items not deductible) is amended by adding at the end the following:

"SEC. 280I. DISALLOWANCE OF DEDUCTION FOR CERTAIN TOBACCO ADVERTISING, PROMOTION, AND MARKETING EXPENSES.

"(a) In General.—No deduction shall be allowed under this chapter for any taxable year for any expenditure relating to advertising, promoting, or marketing tobacco products if such advertising, promoting, or marketing, or such expenditure is prohibited under the following subsections.

"(b) Prohibition of Certain Advertising.—

"(1) Prohibition on outdoor advertising.—

"(A) In general.—No manufacturer, distributor, or retailer may use any form of outdoor tobacco product advertising, including billboards, posters, or placards.

"(B) Stadia and arenas.—Except as otherwise provided in this section, a manufacturer, distributor, or retailer shall not advertise tobacco products in any arena or stadium where athletic, musical, artistic, or other social or cultural events or activities occur.

"(2) Prohibition on use of human images and cartoons.—No manufacturer, distributor, or retailer may use a human image or a cartoon character or cartoon-type character in its advertising, labeling, or promotional material with respect to a tobacco product.

"(3) PROHIBITION ON ADVERTISING ON THE INTERNET.—No manufacturer, distributor, or retailer may use the Internet to advertise tobacco products unless such an advertisement is inaccessible in or from the United States.

"(4) PROHIBITION ON POINT OF SALE ADVERTISING.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, no manufacturer, distributor, or retailer may use point of sale advertising of tobacco products.

"(B) ADULT ONLY STORES AND TOBACCO OUTLETS.—Subparagraph (A) shall not apply to point of sale advertising at adult only stores and tobacco outlets.

"(C) PERMISSIBLE ADVERTISING.—

"(i) IN GENERAL.—Each manufacturer of tobacco products may display not more than 2 separate point of sale advertisements in or at each location at which tobacco products are offered for sale.

"(ii) RETAILERS.—No manufacturer, distributor, or retailer may enter into any arrangement with a retailer to limit the ability of the retailer to display any form of permissible point of sale advertisement or promotional material originating with another manufacturer, distributor, or retailer.

"(D) LIMITATIONS.—

"(i) IN GENERAL.—A point of sale advertisement permitted under this paragraph shall be comprised of a display area that is not larger than 576 square inches (either individually or in the aggregate) and shall consist only of black letters on a white background or other recognized typographical marks. Such advertisement shall not be attached to nor located within 2 feet of any fixture on which candy is displayed for sale.

"(ii) AUDIO AND VIDEO FORMATS.—Audio and video advertisements otherwise permitted under this section may be distributed to individuals who are 18 years of age or older at point of sale but may not be played or viewed at such point of sale.

"(iii) DISPLAY FIXTURES.—Display fixtures in the form of signs consisting of brand name and price and not larger than 2 inches in height are permitted.

"(c) ADDITIONAL RESTRICTIONS.—

"(1) RESTRICTION ON PRODUCT NAMES.—A manufacturer shall not use a trade or brand name of a nontobacco product as the trade or brand name for a cigarette or smokeless tobacco product, except for a tobacco product whose trade or brand name was on both a tobacco product and a nontobacco product that were sold in the United States on January 1, 1998.

"(2) ADVERTISING LIMIT ACTIONS.—

"(A) IN GENERAL.—A manufacturer, distributor, or retailer may in accordance with this section, disseminate or cause to be disseminated advertising or labeling which bears a tobacco product brand name (alone or on conjunction with any other word) or any other indicia of tobacco product identification only in newspapers, in magazines, in periodicals or other publications (whether periodic or limited distribution), on billboards, posters and placards in accordance with subsection (b)(1), in nonpoint of sale promotional material (including direct mail), in point-of-sale promotional material, and in audio or video formats delivered at a point-of-sale.

"(B) LIMITATION.—A manufacturer, distributor, or retailer that intends to disseminate, or to cause to be disseminated, advertising or labeling for a tobacco product in a medium that is not described in subparagraph (A) shall notify the Secretary of Health and Human Services not less than 30 days prior to the date on which such medium is to be used. Such notice shall describe the medium and discuss the extent to which the advertising or labeling may be seen by individuals who are under 18 years of age.

"(C) ACTION BY SECRETARY.—Not later than 30 days after the date on which the Secretary receives a notice under subparagraph (B), the Secretary shall make a determination with respect to the action to be taken concerning such notice.

"(3) RESTRICTION ON PLACEMENT IN ENTERTAINMENT MEDIA.—No payment shall be made by any manufacturer, distributor, or retailer for the placement of any tobacco product or tobacco product package or advertisement—

"(A) as a prop in any television program or motion picture produced for viewing by the general public; or

"(B) in a video or on a video game machine.

"(4) RESTRICTIONS ON GLAMORIZATION OF TOBACCO PRODUCTS.—No direct or indirect payment shall be made, or consideration given, by any manufacturer, distributor, or retailer to any entity for the purpose of promoting the image or use of a tobacco product through print, film or broadcast media that appeals to individuals under 18 years of age or through a live performance by an entertainment artist that appeals to such individuals.

"(d) FORMAT AND CONTENT REQUIREMENTS FOR LABELING AND ADVERTISING.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), each manufacturer, distributor, or retailer advertising or causing to be advertised, disseminating or causing to be disseminated, any labeling or advertising for a tobacco product shall use only black text on a white background.

"(2) CERTAIN ADVERTISING EXCEPTED.—

"(A) IN GENERAL.—Paragraph (1) shall not apply to advertising—

"(i) in any facility where vending machines and self-service displays are located if the advertising involved—

"(I) is not visible from outside of the facility; and

"(II) is affixed to a wall or fixture in the facility;

"(ii) that appears in any publication (whether periodic or limited distribution) that is an adult publication.

"(B) ADULT PUBLICATION.—For purposes of subparagraph (A)(ii), the term 'adult publication' means a newspaper, magazine, periodical, or other publication—

"(i) whose readers under 18 years of age constitute 15 percent or less of the total readership as measured by competent and reliable survey evidence; and

"(ii) that is read by fewer than 2,000,000 individuals who are under 18 years of age as measured by competent and reliable survey evidence.

"(3) AUDIO OR VIDEO FORMATS.—Each manufacturer, distributor or retailer advertising or causing to be advertised any advertising for a tobacco product in an audio or video format shall comply with the following:

"(A) With respect to an audio format, the advertising shall be limited to words only with no music or sound effects.

"(B) With respect to a video format, the advertising shall be limited to static black text only on a white background. Any audio with the video advertising shall be limited to words only with no music or sound effects.

"(e) BAN ON NON-TOBACCO ITEMS AND SERVICES, CONTESTS AND GAMES OF CHANCE, AND SPONSORSHIP OF EVENTS.—

"(1) BAN ON ALL NON-TOBACCO MERCHANDISE.—No manufacturer, importer, distributor, or retailer shall market, license, distribute, sell or cause to be marketed, licensed, distributed or sold any item (other than tobacco products) or service, which bears the brand name (alone or in conjunction with any other word), logo, symbol, motto, selling message, recognizable color or pattern of colors, or any other indicia of product identification similar or identifiable to those used for any brand of tobacco products.

"(2) GIFTS, CONTESTS, AND LOTTERIES.—No manufacturer, distributor, or retailer shall offer or cause to be offered to any person purchasing tobacco products any gift or item (other than a tobacco product) in consideration of the purchase of such products, or to any person in consideration of furnishing evidence, such as credits, proofs-of-purchase, or coupons, of such a purchase.

"(3) SPONSORSHIP.—

"(A) IN GENERAL.—No manufacturer, distributor, or retailer shall sponsor or cause to be sponsored any athletic, musical, artistic or other social or cultural event, or any entry or team in any event, in which the brand name (alone or in conjunction with any other word), logo, motto, selling message, recognizable color or pattern of colors, or any other indicia of product identification similar or identical to those used for tobacco products is used.

"(B) USE OF CORPORATE NAME.—A manufacturer, distributor, or retailer may sponsor or cause to be sponsored any athletic, musical, artistic, or other social or cultural event in the name of the corporation which manufactures the tobacco product if—

"(i) both the corporate name and the corporation were registered and in use in the United States prior to January 1, 1995; and

"(ii) the corporate name does not include any brand name (alone or in conjunction with any other word), logo, symbol, motto, selling message, recognizable color or pattern of colors, or any other indicia or product identification identical or similar to, or identifiable with, those used for any brand of tobacco products.

"(f) DEFINITIONS.—For purposes of this section—

"(1) IN GENERAL.—Any term used in this section which is also used in section 5702 shall have the same meaning given such term by section 5702.

"(2) BRAND.—The term 'brand' means a variety of a tobacco product distinguished by the tobacco used, tar content, nicotine content, flavoring used, size, filtration, or packaging.

"(3) DISTRIBUTOR.—The term 'distributor' means any person who furthers the distribution of tobacco products, whether domestic or imported, at any point from the original place of manufacture to the person who sells or distributes the product to individuals for personal consumption. Such term shall not include common carriers.

"(4) PACKAGE.—The term 'package' means a pack, box, carton, or container of any kind in which tobacco products are offered for sale, sold, or otherwise distributed to consumers.

"(5) POINT OF SALE.—The term 'point of sale' means any location at which an individual can purchase or otherwise obtain tobacco products for personal consumption.

"(6) POINT OF SALE ADVERTISING.—The term 'point of sale advertising' means all printed or graphical materials bearing the brand name (alone or in conjunction with any other word), logo, motto, selling message, recognizable color or pattern of colors, or any other indicia of product identification similar or identical to those used for tobacco products, which, when used for its intended purpose, can reasonably be anticipated to be seen by customers at a location at which tobacco products are offered for sale.

"(7) RETAILER.—The term 'retailer' means any person who sells tobacco products to individuals for personal consumption, or who operates a facility where vending machines or self-service displays are located.

"(8) VIDEO.—The term 'video' means an audiovisual work produced for viewing by the general public, such as a television program, a motion picture, a music video, and the audiovisual display of a video game.

"(9) VIDEO GAME.—The term 'video game' means any electronic amusement device that utilizes a computer, microprocessor, or similar electronic circuitry and its own cathode ray tube, or is designed to be used with a television set or a monitor, that interacts with the user of the device.".

(b) CONFORMING AMENDMENT.—The table of sections for such part IX is amended by adding after the item relating to section 280H the following:

"Sec. 280I. Disallowance of deduction for certain tobacco advertising, promotion, and marketing expenses."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

By Mr. DASCHLE:

S. 1756. A bill to name the education center under construction at Fort Campbell, Kentucky, after WENDELL H. FORD; to the Committee on Armed Services.

THE WENDELL H. FORD EDUCATION CENTER DESIGNATION ACT OF 1998

Mr. DASCHLE. Mr. President, I would like to call to the Senate's attention an impressive milestone that a member of this body will reach this weekend. On Saturday the senior Senator from Kentucky, my friend and Democratic Whip, WENDELL FORD, will have served the state of Kentucky in the Senate for the 8,478th day. He will become the longest-serving Senator in Kentucky history.

While I suspect that Senator FORD might be more concerned this weekend about how his beloved Kentucky Wildcats will fare in the NCAA basketball tournament than about achieving any personal record, I hope he will allow me a few minutes to recognize this tremendous achievement.

It gives me great personal satisfaction to see Senator FORD cap his distinguished Senate career by reaching this milestone. It is also appropriate that Senator FORD does so by surpassing the length of service of another great Senator from Kentucky, the former Democratic Leader and then Vice President of the United States, Alben Barkley.

WENDELL FORD began his Senate service back in December 1974. In 23-plus years, he has made his mark in the Senate in an extraordinary number of ways: as a tenacious fighter for the people of Kentucky, as a skilled parliamentarian and orator, as a leader and faithful soldier of his party, and as a genuinely warm, funny, and down-to-earth human being.

Perhaps the Almanac of American Politics best described his political tenacity when it said that Senator FORD's "fierce determination to champion Kentuckians' interests seems rooted in a sense that they are little guys who are victims or targets of big selfish guys elsewhere—that they are as humble as FORD's own economic background." Indeed, anyone who has engaged Senator FORD in the legislative arena knows that he is deeply rooted in the Kentucky soil from which he sprang.

He has been a thoroughly tireless defender of Kentucky's working families, from 60,000 tobacco growers on small farms across the state to the coal miners in Appalachia's hills and hollows. WENDELL FORD surely deserves one of the highest compliments one can give a Senator: that he has never forgotten where he came from.

Though I can think of no one more tenacious in defense of his constituents, I can also think of no Senator more loyal to his party, 2 traits that are sometimes difficult to reconcile.

WENDELL FORD has served his party in a variety of ways: as chairman of the Democratic Senatorial Campaign Committee; as chairman and ranking member of the Senate Rules Committee; as chairman and ranking member of the Commerce Subcommittee on Aviation; and, since 1991, assistant Senate Democratic Leader and Whip.

His friendship and counsel to me during my tenure as Senate Democratic leader have been invaluable. I could not imagine learning the many facets of this job without Senator FORD at my side. WENDELL FORD represents the best of the Senate's old school. He is someone who reveres the traditions and rules that are the foundation of the Senate. He is also someone who values the courtesy, humor, and personal bonds that give the Senate its life and its sense of common purpose.

Mr. President, the state of Kentucky has sent a number of talented men to this chamber. Men like Albert "Happy" Chandler, Earle C. Clements, John Sherman Cooper, and certainly the legendary Henry Clay come to mind. It is a high honor that WENDELL FORD stands next to these great Kentuckians in service to their state. But it is perhaps most appropriate that Senator FORD surpassed the tenure of former Senator Alben Barkley. Like Senator FORD, Alben Barkley had roots in the soil, born on a small tobacco farm in Kentucky.

Like Senator FORD, Alben Barkley served his state and country in a range of positions, from county judge, to Congressman, Senator, then Vice President of the United States. And like Senator FORD, he was in the Senate leadership in both the Majority and Minority, serving as Leader in both capacities.

Tested by the loss of the Senate majority in the mid-1940s, Senator Barkley turned adversity to his advantage. In 1948, a poll of journalists in Colliers magazine recognized Minority Leader Barkley as the most effective member of the Senate. This was remarkable, since 10 years earlier, a similar poll had left him completely off the list of the 10 most effective members even though he was Majority Leader.

In recognition of his effectiveness, one journalist commented that "under conditions that would have caused a less determined man to walk out and rest, he continued to work for his country through his party." Another said that "by his wisdom, humor, and moderation, plus his devotion to the system, he has strengthened the concept of party responsibility." More appropriate words could not be spoken about Senator FORD, either.

We can only hope that Senator FORD may also look to one other example set by Alben Barkley. Senator Barkley became Vice President Barkley in 1948. He served in that capacity for 1 term. Not content to accept a permanent retirement after leaving the Vice Presidency, however, Barkley ran again for the Senate in 1954 and won, returning to his beloved Senate. Maybe Senator FORD will keep that in the back of his mind.

But taking Senator FORD at his word—that he will be leaving the Senate for good at the end of this year—his staff and I have tried to settle on a fitting tribute to the longest-serving Senator in Kentucky history. A tribute that will symbolize for every Kentuckian the enduring commitment to their well being that WENDELL FORD has shown.

Today I am introducing a bill to name the school under construction in Fort Campbell, Kentucky, the "Wendell H. Ford Education Center." The Wendell H. Ford Education Center will assume its name the day Senator FORD leaves the Senate. I hope the students who enter its halls will fully appreciate the contributions of WENDELL H. FORD and the remarkable way in which he has led his colleagues, his State, and his country in the difficult challenges we have faced in the past 25 years.

Like many in Kentucky, many in this chamber are familiar with one of Senator FORD's trademark greetings, "How are all you lucky people doing?" This is sometimes abbreviated to simply, "Hey, Lucky!" Truly, all of us who have served with Senator FORD have been extremely lucky. He will be missed by a lot of people around here when he retires at the end of this Congress.

But today, we all should all take a moment to congratulate and thank Senator WENDELL FORD on his record-breaking service to the people of Kentucky, the United States Senate, and the country.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1756

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NAMING OF EDUCATION CENTER AT FORT CAMPBELL, KENTUCKY.

(a) NAME.—The education center under construction at Fort Campbell, Kentucky, shall be known and designated as the "Wendell H. Ford Education Center". Any reference to such center in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Wendell H. Ford Education Center.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect on January 3, 1999, or the first day on which Wendell H. Ford ceases to be a Senator.

Mr. REID. Mr. President, WENDELL H. FORD tomorrow will surpass the tenure for all Senators from the State of Kentucky as having served the longest period of time. WENDELL FORD is Kentucky through and through—born in Daviess County, KY, went to the University of Kentucky, served in the U.S. Army during the Second World War. WENDELL FORD is someone who has contributed to this body second to none. I rise today to join with others in recognizing the contributions of one of the Senate's finest Members and someone I consider a friend.

As I have said, Mr. President, on March 14 Senator WENDELL FORD will become Kentucky's longest-serving Senator, surpassing the tenure of the legendary Alben Barkley. Senator FORD will have served 8,478 days in the Senate from the State of Kentucky.

In preparing these remarks, we were looking through the Courier-Journal, an editorial which said:

> Senator Wendell Ford likes to refer to himself as a dumb country boy with dirt between his toes.

Don't believe that for a second.

The newspaper goes on to say that it was a long road from our colleague's hometown of Yellow Creek, KY, to Capitol Hill and an even longer one from the job of Senator to the Senate's assistant leader to the Senate's whip.

It goes on:

> Only a smart, disciplined person could negotiate such passages without losing touch with who he really is.

The newspaper concludes by saying:

> Senator Ford has done that.

That is, he has negotiated these difficult passages and he has not lost touch with the people of the State of Kentucky.

Those of us who know WENDELL FORD can attest to his honor and to his sincerity. His rise from the Kentucky State Senate to Lieutenant Governor to the 49th Governor of the Commonwealth of Kentucky to now a U.S. Senator and the assistant leader of the Senate has never distracted the person WENDELL FORD from the man he is—his own man, someone who has never forgotten his roots.

In our Senate Democratic leadership meetings, Senator FORD is one who can always bring the discussion back to where we should be. His commonsense approach to legislation and politics is refreshing to me and should be reassuring not only to the people of Kentucky but to this country.

WENDELL FORD can be compassionate because, Mr. President, he is a compassionate man. He can be very tough because, Mr. President, he is a tough man. He can be very sincere because he is, Mr. President, a sincere man. WENDELL FORD has in his quiver many arrows. Yes, compassion, toughness, and sincerity, but I think the arrow that he carries around that we all rely on is the wisdom that has developed in the person of WENDELL FORD.

WENDELL FORD is truly one of the Senate's great talents, but one of his great talents is in the finest traditions of the Senate Chamber: his mastery of the negotiation of compromise. He is able to do this because he is respected, he is trusted, and, as I already indicated, he is honorable.

This Senate will be lesser when WENDELL FORD returns to his native Kentucky, but his quarter century of service to his State and to the Nation will stand as a legacy to be remembered and honored.

Mr. President, I am grateful to have served with WENDELL FORD. My wife Landra and I appreciate Jean, his lovely wife, and their—WENDELL's and Jean's—love of their family and their love of the Senate family. I personally honor his wisdom, his humor, and his compassion. In an age of cynicism, I really appreciate WENDELL FORD's down-home sincerity. It has inspired me. And it should inspire us all.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I have enjoyed the remarks by those on the other side of the aisle on behalf of Senator FORD of Kentucky. And indeed, he has been a very large figure here in the U.S. Senate for many, many years. It is very appropriate that he has been honored by his side of the aisle.

Mr. KENNEDY. Mr. President, it is a privilege to pay tribute today to our outstanding colleague from Kentucky, WENDELL FORD, as he reaches an historic milestone and becomes the longest serving Senator in the history of the Commonwealth of Kentucky.

Our colleague's service to Kentucky, to the Senate, and to the nation has been outstanding through all these years, and it continues to be outstanding today. As our Whip since 1990, he is an essential part of the Senate's leadership team and deserves a great deal of the credit for the legislative achievements of our Party and of the Senate as a whole.

As a legislator, our colleague has consistently earned high marks for his brilliant service to Kentucky and the country. He has earned the respect of all of us on both sides of the aisle for his skill and warm sense of humor in debate, and for his leadership on a wide range of issues, especially in areas such as aviation, education, telecommunications, the environment, election reform, and the many issues of vital importance to Kentucky and to all of rural America.

I recall that a Ford Fellow Scholarship Fund was established last year in Kentucky in his honor, and I am sure that in the years ahead, the Ford Fellows will carry on the high standards that our colleague has so consistently set for excellence in education.

All of us regret that our highly regarded colleague has chosen not to seek re-election to the Senate this fall. It is no accident that he is the longest-serving Senator in the history of his state. The stratospheric victory margins he has compiled in his many election successes during his brilliant career show that his seat in the Senate is secure against any challenge, and are the highest possible tribute to the respect and affection in which he is held in his state.

That long-standing success is no easy achievement. I'm reminded of the famous lines by Kentucky's Irish poet, James Mulligan:

> The moonlight falls the softest in Kentucky;
> The bluegrass waves the bluest;
> The songbirds are the sweetest;
> The thoroughbreds are the finest;
> The landscape is the grandest—
> And politics the damnedest in Kentucky.

I know that the people of Kentucky will miss Senator FORD in the Senate, and so will all of us in this body. We're proud of his leadership and honored by his statesmanship, but most of all, we're grateful for his friendship.

By Ms. SNOWE (for herself and Mr. D'AMATO):

S. 1757. A bill to amend the Public Health Service Act to extend the program of research on breast cancer; to the Committee on Labor and Human Resources.

THE BREAST CANCER RESEARCH EXTENSION ACT OF 1998

Ms. SNOWE. Mr. President, I rise today to introduce legislation which will authorize breast cancer research funding at a record level.

Over the past seven years, Congress has demonstrated an increased commitment to the fight against breast cancer. Back in 1991, less than $100 million dollars was spent on breast cancer research. Since then, Congress has steadily increased this allocation. These increases have stimulated new and exciting research that has begun to unravel the mysteries of this devastating disease and is moving us closer to a cure. Today, we must send a message through our authorization level to scientists and research policy makers that we are committed to continued funding for this important research.

This increase in funding is necessary because breast cancer has reached crisis levels in America. In 1998, it is estimated that 178,700 new cases of breast cancer will be diagnosed in this country, and 43,500 women will die from this disease. Breast cancer is the most common form of cancer and the second leading cause of cancer deaths among American women. Today, over 2.6 million American women are living with this disease. In my home state of Maine, it is the most commonly-diagnosed cancer among women, representing more than 30 percent of all new cancers in Maine women.

In addition to these enormous human costs, breast cancer also exacts a heavy financial toll—over $6 billion of our health care dollars are spent on breast cancer annually.

Today, however, there is cause for hope. Recent scientific progress made in the fight to conquer breast cancer is encouraging. Researchers have isolated the genes responsible for inherited breast cancer, and are beginning to understand the mechanism of the cancer cell itself. It is imperative that we capitalize upon these advances by continuing to support the scientists investigating this disease and their innovative research.

For this reason, my bill increases the FY99 funding authorization level for breast cancer research to $650 million. This level represents the funding level scientists believe is necessary to make progress against this disease. It also reflects the 11 percent increase that the Administration requested for NIH funding. This increased funding will contribute substantially toward solving the mysteries surrounding breast cancer. Our continued investment will save countless lives and health care dollars, and prevent undue suffering in millions of American women and families.

On behalf of the 2.6 million women living with breast cancer, I urge my colleagues to support this important bill.

By Mr. LUGAR (for himself, Mr. BIDEN, Mr. CHAFEE, Mr. LEAHY, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. CRAIG, Mr. COCHRAN, Mr. DEWINE, Mr. GLENN, Mr. HARKIN, Mr. INHOFE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KERREY, Mr. KERRY, Mr. KEMPTHORNE, Mr. LEVIN, Mr. MOYNIHAN, and Mr. MURKOWSKI):

S. 1758. A bill to amend the Foreign Assistance Act of 1961 to facilitate protection of tropical forests through debt reduction with developing countries with tropical forests; to the Committee on Foreign Relations.

THE TROPICAL FOREST CONSERVATION ACT OF 1998

Mr. LUGAR. Mr. President, along with Senators BIDEN, CHAFEE and LEAHY, I am today introducing the Tropical Forest Conservation Act of 1998, a bill to protect outstanding tropical forests in developing countries through Debt for Nature Swaps. We are joined in this effort by Senators ABRAHAM, AKAKA, ALLARD, COCHRAN, CRAIG, DEWINE, GLENN, HARKIN, INHOFE, JEFFORDS, JOHNSON, KEMPTHORNE, KERREY, KERRY, LEVIN, MOYNIHAN, and MURKOWSKI.

The Tropical Forest Conservation Act builds upon the success of President Bush's Enterprise for the Americas Initiative (EAI) and extends the debt reduction portion of that initiative to the protection of tropical forests in lower and middle income developing countries outside of Latin America and the Caribbean.

Under the EAI, $154 million has been devoted to environmental protection and child survival in Argentina, Bolivia, Chile, Colombia, El Salvador, Jamaica and Uruguay. One of the novel features of the EAI has been the linkage between debt reduction and the generation of local funds for the environmental protection and child survival. Whereas the U.S. receives dollar payments for the remaining principal payments after debt reduction, interest streams on the remaining debt are channeled into these local funds.

The first Debt for Nature bill enacted into law was the "Debt for Nature Exchange" provision of the International Finance and Development Act of 1989. Under the authority of the BIDEN LUGAR bill, the U.S. Agency for International Development has established environmental endowment funds in Costa Rica, Honduras, Indonesia, Jamaica, Madagascar, Mexico, Panama, and the Philippines. By committing $ 95 million of its own funds, US AID has leveraged an additional $51 million. This is an effective use of scarce federal conservation dollars.

The Tropical Forest Conservation Act of 1998 is a companion bill to H.R. 2870, coauthored by Representatives ROB PORTMAN (R.-Ohio), JOHN KASICH (R- Ohio) and LEE HAMILTON (R.-Indiana), which was recently ordered to be reported by the House International Relations Committee.

The Tropical Forest Conservation Act of 1998 would authorize the use of three "debt for nature" mechanisms to protect outstanding tropical forests in lower and middle income developing countries.

Under the Buy Back option, an eligible country would be able to buy back its debt at its asset value in exchange for its willingness to place an additional forty percent of this value in local currency in a tropical forest fund. Suppose, for example, that the asset value of the country's debt was fifty cents on the dollar. In return for being allowed to buy back its debt at its asset value, the developing country would have to agree to place forty percent of that value, or twenty cents, into a fund to protect its tropical forests.

Under this option, there would be no cost to the United States Government since the debt is being bought back at its value as determined under the Federal Credit Reform Act of 1990.

Second, the bill authorizes a Debt Swap option under which a nonfederal individual or organization would be able to engage in Debt for Nature Swaps with lower income developing nations. These purchasers would work with the United States government, but would use their own funds to assist these developing countries to reduce or buy back their bilateral debt owed to the United States Government in return for their placing local currencies in a tropical forest fund.

Under this second option, there would also be no cost to the United States Government because the financial assistance involved would come from nongovernmental or private entities.

Third, the bill authorizes a debt reduction mechanism based upon the Enterprise for the Americas Initiative. Under the EAI Model, the developing country is allowed to place the interest on the reduced debt instrument in a tropical forest fund to be administered by a tropical forest board within that country.

When the third option is exercised, the bill authorizes appropriations to compensate the United States Treasury for the reduction in the revenue stream which occurs. However, as in the case of the EAI, these funds would be effectively leveraged because the amounts placed by a eligible country in its tropical forest fund would exceed the amount of revenues foregone by the United States Treasury. For example, in the case of the EAI, $90 million in U.S. funds resulted in $154 million being placed by the Latin American and Caribbean countries in these local funds.

The Tropical Forest Conservation Act applies to concessional loans made under the Foreign Assistance Act of 1961 and credits granted under the Agricultural Trade and Assistance Act of 1954. It is consistent with established Treasury Department debt reduction practices as well as with the Federal Credit Reform Act of 1990.

The bill authorizes $50 million in FY 99, $125 million in FY 2000 and $225 million in FY 2001, subject to appropriations.

Within each developing country, the tropical forest fund would be administered by a commission representing a majority of local nongovernmental, community development and scientific and academic organizations, representatives of the host government and a representative of the United States Government.

The tropical forest fund could be used to provide grants for the following purposes:

(1) to preserve, maintain or restore the tropical forest of the beneficiary country through establishing parks and reserves;

(2) to develop and implement scientifically sound systems of natural resource management;

(3) to provide training programs to strengthen conservation institutions and the scientific, technical and managerial capacities of individuals and organizations involved in conservation;

(4) to provide for restoration, protection and sustainable use of diverse animal and plant species;

(5) to mitigate greenhouse gases in the atmosphere;

(6) to develop and support individuals living in or near a tropical forest, including the cultures of such individuals.

Oversight of this program would be accomplished through expanding the existing Enterprise for the Americas Board by two federal and two non-governmental representatives so that the Board would be composed of fifteen members, eight of whom would represent federal agencies involved in the protection, restoration and sustainable use of tropical forests and seven of whom would represent nongovernmental organizations and experts engaged in these activities.

This legislation provides an incentive for the lower income developing nations to repay their debt owed to the United States. Government. It protects outstanding tropical forests throughout the world. And it stretches the limited federal dollars which are available to assist in this effort, therefor making an effective use of international environmental assistance.

I ask unanimous consent that a copy of the bill be printed in the RECORD. I urge my colleagues to join in this effort.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1758

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEBT REDUCTION FOR DEVELOPING COUNTRIES WITH TROPICAL FORESTS.

The Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end the following:

"PART V—DEBT REDUCTION FOR DEVELOPING COUNTRIES WITH TROPICAL FORESTS

"SEC. 801. SHORT TITLE.

"This part may be cited as the 'Tropical Forest Conservation Act of 1998'.

"SEC. 802. FINDINGS AND PURPOSES.

"(a) FINDINGS.—The Congress finds the following:

"(1) It is the established policy of the United States to support and seek protection of tropical forests around the world.

"(2) Tropical forests provide a wide range of benefits to humankind by—

"(A) harboring a major share of the Earth's biological and terrestrial resources, which are the basis for developing pharmaceutical products and revitalizing agricultural crops;

"(B) playing a critical role as carbon sinks in reducing greenhouse gases in the atmosphere, thus moderating potential global climate change; and

"(C) regulating hydrological cycles on which far-flung agricultural and coastal resources depend.

"(3) International negotiations and assistance programs to conserve forest resources have proliferated over the past decade, but the rapid rate of tropical deforestation continues unabated.

"(4) Developing countries with urgent needs for investment and capital for development have allocated a significant amount of their forests to logging concessions.

"(5) Poverty and economic pressures on the populations of developing countries have, over time, resulted in clearing of vast areas of forest for conversion to agriculture, which is often unsustainable in the poor soils underlying tropical forests.

"(6) Debt reduction can reduce economic pressures on developing countries and result in increased protection for tropical forests.

"(b) PURPOSES.—The purposes of this part are—

"(1) to recognize the values received by United States citizens from protection of tropical forests;

"(2) to facilitate greater protection of tropical forests (and to give priority to protecting tropical forests with the highest levels of biodiversity and under the most severe threat) by providing for the alleviation of debt in countries where tropical forests are located, thus allowing the use of additional resources to protect these critical resources and reduce economic pressures that have led to deforestation;

"(3) to ensure that resources freed from debt in such countries are targeted to protection of tropical forests and their associated values; and

"(4) to rechannel existing resources to facilitate the protection of tropical forests.

"SEC. 803. DEFINITIONS.

"As used in this part:

"(1) ADMINISTERING BODY.—The term 'administering body' means the entity provided for in section 809(c).

"(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

"(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

"(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

"(3) BENEFICIARY COUNTRY.—The term 'beneficiary country' means an eligible country with respect to which the authority of section 806(a)(1), section 807(a)(1), or paragraph (1) or (2) of section 808(a) is exercised.

"(4) BOARD.—The term 'Board' means the board referred to in section 811.

"(5) DEVELOPING COUNTRY WITH A TROPICAL FOREST.—The term 'developing country with a tropical forest' means—

"(A)(i) a country that has a per capita income of $725 or less in 1994 United States dollars (commonly referred to as 'low-income country'), as determined and adjusted on an annual basis by the International Bank for Reconstruction and Development in its World Development Report; or

"(ii) a country that has a per capita income of more than $725 but less than $8,956 in 1994 United States dollars (commonly referred to as 'middle-income country'), as determined and adjusted on an annual basis by the International Bank for Reconstruction and Development in its World Development Report; and

"(B) a country that contains at least one tropical forest that is globally outstanding in terms of its biological diversity or represents one of the larger intact blocks of tropical forests left, on a continental or global scale.

"(6) ELIGIBLE COUNTRY.—The term 'eligible country' means a country designated by the President in accordance with section 805.

"(7) TROPICAL FOREST AGREEMENT.—The term 'Tropical Forest Agreement' or 'Agreement' means a Tropical Forest Agreement provided for in section 809.

"(8) TROPICAL FOREST FACILITY.—The term 'Tropical Forest Facility' or 'Facility' means the Tropical Forest Facility established in the Department of the Treasury by section 804.

"(9) TROPICAL FOREST FUND.—The term 'Tropical Forest Fund' or 'Fund' means a Tropical Forest Fund provided for in section 810.

"SEC. 804. ESTABLISHMENT OF THE FACILITY.

"There is established in the Department of the Treasury an entity to be known as the 'Tropical Forest Facility' for the purpose of providing for the administration of debt reduction in accordance with this part.

"SEC. 805. ELIGIBILITY FOR BENEFITS.

"(a) IN GENERAL.—To be eligible for benefits from the Facility under this part, a country shall be a developing country with a tropical forest—

"(1) whose government meets the requirements applicable to Latin American or Caribbean countries under paragraphs (1) through (5) and (7) of section 703(a) of this Act; and

"(2) that has put in place major investment reforms, as evidenced by the conclusion of a bilateral investment treaty with the United States, implementation of an investment sector loan with the Inter-American Development Bank, World Bank-supported investment reforms, or other measures, as appropriate.

"(b) ELIGIBILITY DETERMINATIONS.—

"(1) IN GENERAL.—Consistent with subsection (a), the President shall determine whether a country is eligible to receive benefits under this part.

"(2) CONGRESSIONAL NOTIFICATION.—The President shall notify the appropriate congressional committees of his intention to designate a country as an eligible country at least 15 days in advance of any formal determination.

"SEC. 806. REDUCTION OF DEBT OWED TO THE UNITED STATES AS A RESULT OF CONCESSIONAL LOANS UNDER THE FOREIGN ASSISTANCE ACT OF 1961.

"(a) AUTHORITY TO REDUCE DEBT.—

"(1) AUTHORITY.—The President may reduce the amount owed to the United States (or any agency of the United States) that is outstanding as of January 1, 1998, as a result of concessional loans made to an eligible country by the United States under part I of this Act, chapter 4 of part II of this Act, or predecessor foreign economic assistance legislation.

"(2) AUTHORIZATION OF APPROPRIATIONS.—For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) for the reduction of any debt pursuant to this section, there are authorized to be appropriated to the President—

"(A) $25,000,000 for fiscal year 1999;

"(B) $75,000,000 for fiscal year 2000; and

"(C) $100,000,000 for fiscal year 2001.

"(3) CERTAIN PROHIBITIONS INAPPLICABLE.—

"(A) IN GENERAL.—A reduction of debt pursuant to this section shall not be considered assistance for purposes of any provision of law limiting assistance to a country.

"(B) ADDITIONAL REQUIREMENT.—The authority of this section may be exercised notwithstanding section 620(r) of this Act or section 321 of the International Development and Food Assistance Act of 1975.

"(b) IMPLEMENTATION OF DEBT REDUCTION.—

"(1) IN GENERAL.—Any debt reduction pursuant to subsection (a) shall be accomplished at the direction of the Facility by the exchange of a new obligation for obligations of the type referred to in subsection (a) outstanding as of the date specified in subsection (a)(1).

"(2) EXCHANGE OF OBLIGATIONS.—

"(A) IN GENERAL.—The Facility shall notify the agency primarily responsible for administering part I of this Act of an agreement entered into under paragraph (1) with an eligible country to exchange a new obligation for outstanding obligations.

"(B) ADDITIONAL REQUIREMENT.—At the direction of the Facility, the old obligations that are the subject of the agreement shall be canceled and a new debt obligation for the country shall be established relating to the agreement, and the agency primarily responsible for administering part I of this Act shall make an adjustment in its accounts to reflect the debt reduction.

"(c) ADDITIONAL TERMS AND CONDITIONS.—The following additional terms and conditions shall apply to the reduction of debt under subsection (a)(1) in the same manner as such terms and conditions apply to the reduction of debt under section 704(a)(1) of this Act:

"(1) The provisions relating to repayment of principal under section 705 of this Act.

"(2) The provisions relating to interest on new obligations under section 706 of this Act.

"SEC. 807. REDUCTION OF DEBT OWED TO THE UNITED STATES AS A RESULT OF CREDITS EXTENDED UNDER TITLE I OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954.

"(a) AUTHORITY TO REDUCE DEBT.—

"(1) AUTHORITY.—Notwithstanding any other provision of law, the President may reduce the amount owed to the United States (or any agency of the United States) that is outstanding as of January 1, 1998, as a result of any credits extended under title I of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1701 et seq.) to a country eligible for benefits from the Facility.

"(2) AUTHORIZATION OF APPROPRIATIONS.—For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) for the reduction of any debt pursuant to this section, there are authorized to be appropriated to the President—

"(A) $25,000,000 for fiscal year 1999;

"(B) $50,000,000 for fiscal year 2000; and

"(C) $50,000,000 for fiscal year 2001.

"(b) IMPLEMENTATION OF DEBT REDUCTION.—

"(1) IN GENERAL.—Any debt reduction pursuant to subsection (a) shall be accomplished at the direction of the Facility by the exchange of a new obligation for obligations of the type referred to in subsection (a) outstanding as of the date specified in subsection (a)(1).

"(2) EXCHANGE OF OBLIGATIONS.—

"(A) IN GENERAL.—The Facility shall notify the Commodity Credit Corporation of an agreement entered into under paragraph (1) with an eligible country to exchange a new obligation for outstanding obligations.

"(B) ADDITIONAL REQUIREMENT.—At the direction of the Facility, the old obligations that are the subject of the agreement shall be canceled and a new debt obligation shall be established for the country relating to the agreement, and the Commodity Credit Corporation shall make an adjustment in its accounts to reflect the debt reduction.

"(c) ADDITIONAL TERMS AND CONDITIONS.—The following additional terms and conditions shall apply to the reduction of debt under subsection (a)(1) in the same manner as such terms and conditions apply to the reduction of debt under section 604(a)(1) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1738c):

"(1) The provisions relating to repayment of principal under section 605 of such Act.

"(2) The provisions relating to interest on new obligations under section 606 of such Act.

"SEC. 808. AUTHORITY TO ENGAGE IN DEBT-FOR-NATURE SWAPS AND DEBT BUYBACKS.

"(a) LOANS AND CREDITS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

"(1) DEBT-FOR-NATURE SWAPS.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser described in subparagraph (B) any concessional loans described in section 806(a)(1) or any credits described in section 807(a)(1), or on receipt of payment from an eligible purchaser described in subparagraph (B), reduce or cancel such loans (or credits) or portion thereof, only for the purpose of facilitating a debt-for-nature swap to support eligible activities described in section 809(d).

"(B) ELIGIBLE PURCHASER DESCRIBED.—A loan or credit may be sold, reduced, or canceled under subparagraph (A) only to a purchaser who presents plans satisfactory to the President for using the loan or credit for the purpose of engaging in debt-for-nature swaps to support eligible activities described in section 809(d).

"(C) CONSULTATION REQUIREMENT.—Before the sale under subparagraph (A) to any eligible purchaser described in subparagraph (B), or any reduction or cancellation under such subparagraph (A), of any loan or credit made to an eligible country, the President shall consult with the country concerning the amount of loans or credits to be sold, reduced, or canceled and their uses for debt-for-nature swaps to support eligible activities described in section 809(d).

"(D) AUTHORIZATION OF APPROPRIATIONS.—For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) for the reduction of any debt pursuant to subparagraph (A), amounts authorized to appropriated under sections 806(a)(2) and 807(a)(2) shall be made available for such reduction of debt pursuant to subparagraph (A).

"(2) DEBT BUYBACKS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible country any concessional loans described in section 806(a)(1) or any credits described in section 807(a)(1), or on receipt of payment from an eligible country, reduce or cancel such loans (or credits) or portion thereof, only for the purpose of facilitating a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support eligible activities described in section 809(d).

"(3) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans and credits may be sold, reduced, or canceled pursuant to this section.

"(4) ADMINISTRATION.—

"(A) IN GENERAL.—The Facility shall notify the administrator of the agency primarily responsible for administering part I of this Act or the Commodity Credit Corporation, as the case may be, of eligible purchasers described in paragraph (1)(B) that the President has determined to be eligible under paragraph (1), and shall direct such agency or Corporation, as the case may be, to carry out the sale, reduction, or cancellation of a loan pursuant to such paragraph.

"(B) ADDITIONAL REQUIREMENT.—Such agency or Corporation, as the case may be, shall make an adjustment in its accounts to reflect the sale, reduction, or cancellation.

"(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

"SEC. 809. TROPICAL FOREST AGREEMENT.

"(a) AUTHORITY.—

"(1) IN GENERAL.—The Secretary of State is authorized, in consultation with other appropriate officials of the Federal Government, to enter into a Tropical Forest Agreement with any eligible country concerning the operation and use of the Fund for that country.

"(2) CONSULTATION.—In the negotiation of such an Agreement, the Secretary shall consult with the Board in accordance with section 811.

"(b) CONTENTS OF AGREEMENT.—The requirements contained in section 708(b) of this Act (relating to contents of an agreement) shall apply to a Agreement in the same manner as such requirements apply to an Americas Framework Agreement.

"(c) ADMINISTERING BODY.—

"(1) IN GENERAL.—Amounts disbursed from the Fund in each beneficiary country shall be administered by a body constituted under the laws of that country.

"(2) COMPOSITION.—

"(A) IN GENERAL.—The administering body shall consist of—

"(i) one or more individuals appointed by the United States Government;

"(ii) one or more individuals appointed by the government of the beneficiary country; and

"(iii) individuals who represent a broad range of—

"(I) environmental nongovernmental organizations of, or active in, the beneficiary country;

"(II) local community development nongovernmental organizations of the beneficiary country; and

"(III) scientific or academic organizations or institutions of the beneficiary country.

"(B) ADDITIONAL REQUIREMENT.—A majority of the members of the administering body shall be individuals described in subparagraph (A)(iii).

"(3) Responsibilities.—The requirements contained in section 708(c)(3) of this Act (relating to responsibilities of the administering body) shall apply to an administering body described in paragraph (1) in the same manner as such requirements apply to an administering body described in section 708(c)(1) of this Act.

"(d) Eligible Activities.—Amounts deposited in a Fund shall be used to provide grants to preserve, maintain, and restore the tropical forests in the beneficiary country, including one or more of the following activities:

"(1) Establishment, restoration, protection, and maintenance of parks, protected areas, and reserves.

"(2) Development and implementation of scientifically sound systems of natural resource management, including land and ecosystem management practices.

"(3) Training programs to strengthen conservation institutions and increase scientific, technical, and managerial capacities of individuals and organizations involved in conservation efforts.

"(4) Restoration, protection, or sustainable use of diverse animal and plant species.

"(5) Mitigation of greenhouse gases in the atmosphere.

"(6) Development and support of the livelihoods of individuals living in or near a tropical forest, including the cultures of such individuals, in a manner consistent with protecting such tropical forest.

"(e) Grant Recipients.—

"(1) In general.—Grants made from a Fund shall be made to—

"(A) nongovernmental environmental, conservation, and indigenous peoples organizations of, or active in, the beneficiary country;

"(B) other appropriate local or regional entities of, or active in, the beneficiary country; and

"(C) in exceptional circumstances, the government of the beneficiary country.

"(2) Priority.—In providing grants under paragraph (1), priority shall be given to projects that are run by nongovernmental organizations and other private entities and that involve local communities in their planning and execution.

"(f) Review of Larger Grants.—Any grant of more than $100,000 from a Fund shall be subject to veto by the Government of the United States or the government of the beneficiary country.

"(g) Eligibility Criteria.—In the event that a country ceases to meet the eligibility requirements set forth in section 805(a), as determined by the President pursuant to section 805(b), then grants from the Fund for that country may only be made to nongovernmental organizations until such time as the President determines that such country meets the eligibility requirements set forth in section 805(a).

"SEC. 810. TROPICAL FOREST FUND.

"(a) Establishment.—Each beneficiary country that enters into a Tropical Forest Agreement under section 809 shall be required to establish a Tropical Forest Fund to receive payments of interest on new obligations undertaken by the beneficiary country under this part.

"(b) Requirements Relating to Operation of Fund.—The following terms and conditions shall apply to the Fund in the same manner as such terms as conditions apply to an Enterprise for the Americas Fund under section 707 of this Act:

"(1) The provision relating to deposits under subsection (b) of such section.

"(2) The provision relating to investments under subsection (c) of such section.

"(3) The provision relating to disbursements under subsection (d) of such section.

"SEC. 811. BOARD.

"(a) Enterprise for the Americas Board.—The Enterprise for the Americas Board established under section 610(a) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1738i(a)) shall, in addition to carrying out the responsibilities of the Board under section 610(c) of such Act, carry out the duties described in subsection (c) of this section for the purposes of this part.

"(b) Additional Membership.—

"(1) In general.—The Enterprise for the Americas Board shall be composed of an additional four members appointed by the President as follows:

"(A) Two representatives from the United States Government, including a representative of the International Forestry Division of the United States Forest Service.

"(B) Two representatives from private nongovernmental environmental, scientific, and academic organizations with experience and expertise in preservation, maintenance, and restoration of tropical forests.

"(2) Chairperson.—Notwithstanding section 610(b)(2) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1738i(b)(2)), the Enterprise for the Americas Board shall be headed by a chairperson who shall be appointed by the President from among the representatives appointed under section 610(b)(1)(A) of such Act or paragraph (1)(A) of this subsection.

"(c) Duties.—The duties described in this subsection are as follows:

"(1) Advise the Secretary of State on the negotiations of Tropical Forest Agreements.

"(2) Ensure, in consultation with—

"(A) the government of the beneficiary country,

"(B) nongovernmental organizations of the beneficiary country,

"(C) nongovernmental organizations of the region (if appropriate),

"(D) environmental, scientific, and academic leaders of the beneficiary country, and

"(E) environmental, scientific, and academic leaders of the region (as appropriate),

that a suitable administering body is identified for each Fund.

"(3) Review the programs, operations, and fiscal audits of each administering body.

"SEC. 812. CONSULTATIONS WITH THE CONGRESS.

"The President shall consult with the appropriate congressional committees on a periodic basis to review the operation of the Facility under this part and the eligibility of countries for benefits from the Facility under this part.

"SEC. 813. ANNUAL REPORTS TO THE CONGRESS.

"(a) In General.—Not later than December 31 of each fiscal year, the President shall prepare and transmit to the Congress an annual report concerning the operation of the Facility for the prior fiscal year. Such report shall include—

"(1) a description of the activities undertaken by the Facility during the previous fiscal year;

"(2) a description of any Agreement entered into under this part;

"(3) a report on any Funds that have been established under this part and on the operations of such Funds; and

"(4) a description of any grants that have been provided by administering bodies pursuant to Agreements under this part.

"(b) Supplemental Views in Annual Report.—Not later than December 15 of each fiscal year, each member of the Board shall be entitled to receive a copy of the report required under subsection (a). Each member of the Board may prepare and submit supplemental views to the President on the implementation of this part by December 31 for inclusion in the annual report when it is transmitted to Congress pursuant to this section.".

Mr. BIDEN. Mr. President, I am pleased to join today with my good friend, the distinguished senior Senator from Indiana, to introduce important legislation that will benefit all Americans by helping— in important ways—both our global environment and our global economy.

I first became interested in this issue almost ten years ago, when the world's attention was focused on an international debt crisis, much of it centered in Latin American countries. At that same time, we were beginning to understand the crucial role that tropical rainforests—all over the world—play in our own lives here in the United States.

Tropical rainforests are among the most complex and fundamental components of our planet's ecology. These natural wonders affect the global climate through their influence on rainfall patterns, which in turn makes them the sources of some of the world's greatest rivers, which in its turn affects farmlands and coastal fisheries all over the world.

Tropical rainforests are also the richest environments for all forms of life—they harbor the greatest biodiversity of any ecosystem. With increasing frequency, we find there the chemicals that go into new medicines, more robust food crops, and other direct economic applications of the rainforests' riches.

We may picture rainforests as among the most primitive environments—with climate and wildlife left over from the beginnings of time. But it is only now, with the accelerating integration of the global economy and the realization that burning fossil fuels can alter our planets weather, that we recognize that rainforests must be preserved if we want to protect our modern way of life.

The accumulation of over one hundred years of man-made greenhouse gases from the industrial world is now joined by the increasing emissions of industrializing nations, accelerating the threat of global climate change. Rainforests absorb the carbon dioxide that can change our climate, and that would change every assumption we have about what our future will be.

But these crucially important rainforests are under increasing threat from fundamental trends in our international economy. As the nations whose borders contain important rainforests take their place in the world market, they face increasing incentives to turn their rainforests into cash crops—cutting them for lumber, clearing them for croplands—trading the long-term global benefits of rainforests for short-term needs.

Not just the lumber and agricultural markets offer short-term local gains in exchange for long-term global costs. The explosion of international capital flows has brought the benefits and dangers of debt to many nations with rainforests. To manage debt owed to nations such as the United States, these nations turn to their rainforests for quick cash. However appropriate their borrowing may be—who among us here does not use debt to finance a house, a car, an education?—that choice has consequences for the whole planet.

So we have the convergence of two important global trends—the cutting of rainforests, and the spread of international debt.

Ten years ago, when these trends were at a much earlier stage, I brought the idea of debt-for-nature swaps to Senator LUGAR, who agreed that we faced a classic public policy problem: short-term, local incentives to engage in behavior that has long-term, global costs. That is why we introduced the first legislation that facilitated debt-for-nature swaps. That legislation was signed into law in 1989.

The following year, we made debt-for-nature swaps part of President Bush's Enterprise for the Americas Act. Since then, $154 million in developing country debt has been restructured into environmental protection programs in Latin America.

The legislation I am introducing here today, with Senator LUGAR, Senator CHAFEE, Senator LEAHY, and my other distinguished colleagues, will expand the techniques of debt-for-nature exchanges to meet a wider variety of financial situations, and will include qualified countries in every part of the world.

In essence, we arrange for the repayment of sovereign debt owed by qualfied countries to the United States, in exchange for their commitment to use the savings to establish local trust funds to protect their rainforests. We gain the environmental protection that would otherwise not occur, they reduce their foreign exchange and debt burdens. It's a classic win-win deal.

Two of the options allow us to transform debt owed to the United States into funds to protect the world's rainforests at no cost to the Treasury. The third option, for the poorest nations of the world, provides funds to subsidize the debt exchange—and the rainforest protection—that they could not otherwise afford.

As we watch with concern the developments in Asia, Mr. President, we see the importance of far-sighted, creative debt management programs for developing economies. The accumulation of unmanageable debt burdens threatens both the stability of the international economy and the health of our planet's ecology.

At the margin, but in important ways, the legislation we are introducing today addresses both of those concerns, and weakens the link between the burden of developing country debt and the wasting of our rainforests.

I am pleased to see that the House companion to this legislation is already moving in the International Relations Committee. I look forward to working with Senator LUGAR and all my colleagues on both sides of the aisle here in the Senate.

Mr. CHAFEE. Mr. President, I am pleased to be here today with my distinguished colleagues to introduce the Tropical Forest Conservation Act of 1998. This bipartisan legislation addresses one of the most important global environmental issues today—the protection and preservation of tropical rainforests.

Since 1950 the world has lost as much as half of its tropical forests, and the destruction is continuing unabated. The most comprehensive survey of global deforestation estimated that, last year alone, we lost more than 30 million acres of tropical rainforest—an area the size of the State of Washington. This is a devastating loss because of the potential biological impacts deforestation can have both regionally and globally.

Tropical forests contain the world's richest stores of biological diversity, and their health is essential for life on Earth. Scientists estimate that more than 50 percent of the Earth's terrestrial biological diversity is contained within these forests, which account for less than 2 percent of the planet's land surface. Almost 40 percent of all terrestrial plants and at least 25 percent of terrestrial vertebrate species are endemic to these areas. That is, they are found no where else on Earth. Consider that in the Tropical Andes region alone, there are 320 species of endemic birds, 558 species of endemic reptiles and amphibians, and 20,000 species of endemic plants. Moreover, many of these species are found only in a small area of the forests. And as the forests are destroyed, Mr. President, the species are permanently lost through extinction.

Tropical forests also function as carbon "sinks," storing greenhouse gasses that could otherwise contribute to global climate change. While there are still many scientific uncertainties related to climate change, it is undeniable that atmospheric carbon dioxide levels are rising rapidly. A significant number of scientists believe that humans have already influenced our global climate. In order to lessen the risks associated with this change, such as sea level rise, extreme weather conditions, and higher average temperatures, it is important that the United States join with other nations to take preventative action. Protecting our tropical rainforests, and thus preserving their vital function of reducing greenhouse gases in the atmosphere, is one such action.

These forests are important to human health in other ways. They harbor many of the biological resources that are used in life-saving medicines, and provide the genetic sources to revitalize agricultural crops that supply most of the world's food. They significantly affect rainfall, and therefore the health of crops and coastal resources worldwide.

Many of the world's tropical forests are located in developing countries that, since the international debt crisis of the 1970s, have been unable to repay loans to foreign lenders. These countries are in need of hard currency, and to come up with cash, they have resorted to exploiting their natural resources with little regard for environmental planning. Vast areas of tropical forests are destroyed each year for logging, agriculture and livestock operations. This trend will continue as debt continues to mount.

Mr. President, the Tropical Forest Conservation Act would help turn the tide against this deforestation. This legislation builds upon President Bush's Enterprise for the Americas Initiative, or EAI. EAI created a system by which Latin American and Carribean governments could restructure some of their official debt to the United States, while channeling local currency into funds to support environmental and child development programs.

Using so-called "debt-for-nature swaps," EAI restructured bilateral debt to provide $154 million to environmental trust funds in Latin America. Under these swaps, a nation's debt is modified, rescheduled, or written off, in return for the borrower nation's commitment of its own currency towards local conservation. The legislation before us today would utilize this same principle, but would focus exclusively on tropical forest conservation and extend eligibility to include countries in Africa and Asia.

The Tropical Forest Conservation Act would authorize $325 million over three years to be used for debt-for-nature swaps with developing countries that have forests with the greatest biodiversity and the highest risk of threat. The bill assists countries with tropical forests that are globally outstanding in terms of their biodiversity, and applies to any lesser developed country with tropical forests and qualified U.S. debt. The authorized amount would be used to compensate the Treasury Department for any revenues lost due to the restructuring of outstanding debt.

This legislation gives the President authority to reduce debt owed to the

United States as a result of any credit extended through specific loan programs. In exchange, the developing countries would establish funds in their local currency to preserve and restore tropical forests. To ensure accountability, funds shall be administered and overseen by U.S. Government officials, environmental nongovernmental organizations active in the beneficiary country, and scientific or academic organizations.

To qualify for assistance, countries must meet the criteria established by Congress under EAI, including that the government must be democratically elected, has not provided support for acts of international terrorism, is not failing to cooperate on international narcotics control matters, and does not participate in a consistent pattern of gross violations of internationally recognized human rights.

Mr. President, I believe this is an important bill that, if passed, will go a long way to helping protect some of the world's most ecologically sensitive and vital areas. The Tropical Forest Conservation Act promotes debt reduction, investment reforms, community based conservation, and sustainable use of the environment. It has the support of numerous environmental organizations, including Conservation International, the Nature Conservancy, and the World Wildlife Fund. I urge my colleagues here in the Senate to support the legislation as well.

Mr. LEAHY. Mr. President, I am pleased to join Senators LUGAR, BIDEN, and CHAFEE in introducing the "Tropical Forest Conservation Act of 1998." This legislation embodies a motto we take to heart in Vermont: "Act Locally, Think Globally." From our campaign to ban landmines, Vermonters again learned the power of this maxim.

Vermonters understand the social, economic and environmental impacts of deforestation. We started this century with 75 percent of Vermont forestland cleared for agriculture. Today, more than 80 percent of Vermont is forested. Rebuilding our forests and the Vermont tradition of living close to the land has helped Vermonters recognize that our healthy forests are a valued legacy which holds the key to achieving prosperity. This is the purpose of the Tropical Forest Conservation Act of 1998.

The Tropical Forest Conservation Act will authorize more than $350 million over three years to enable developing countries to restructure their debt and use the new resources to protect their tropical forests. The Tropical Forest Conservation Act of 1998 gives each country the power to protect its own resources without having to risk the health of its forests.

Many developing countries have resorted to rapid development, including clear-cutting and slash-and-burn stripping of tropical forests, as ways to try to escape their debts. These forests contain a majority of the Earth's biological resources which provide the ingredients for many lifesaving medicines as well as providing us with the genetic sources to maintain healthy agricultural crops.

Protection of these tropical forests also gives us with an opportunity to address one of the most critical global environmental issues facing us in the next century—global climate change. These forests serve important carbon sinks which store greenhouse gases and help regulate global temperatures.

If we are going to reap these benefits though, we have to let nature do its work. This requires creative approaches to offer incentives to these developing countries to conserve forest resources for theirs, and our, children and grandchildren. The Tropical Forest Conservation Act will help stem the rapid rate of deforestation and degradation of these sensitive ecosystems.

As a Vermonter, I respect the importance of forests and the tough decisions which often have to be made in order to preserve them. I believe that this bill will make those tough decisions easier for countries which possess some of our world's most precious resources—tropical forests.

By Mr. HATCH (for himself, Mr. CAMPBELL, Mr. MCCAIN, Mr. ABRAHAM, Mr. DOMENICI, Mr. GRASSLEY, and Mrs. HUTCHISON):

S. 1759. A bill to grant a Federal charter to the American GI Forum of the United States; to the Committee on the Judiciary.

THE AMERICAN G.I. FORUM FEDERAL CHARTER ACT OF 1998

Mr. HATCH. Mr. President, I rise today, on behalf of myself and a number of my colleagues—Senators CAMPBELL, MCCAIN, ABRAHAM, DOMENICI, GRASSLEY, and HUTCHISON—to introduce a bill to grant a federal charter to the American GI Forum a National Veterans Family Organization.

The American GI Forum, a nonprofit Section 501(c)(4) corporation, was founded on March 26, 1948, in Corpus Christi, Texas by the late Dr. Hector P. Garcia, a medical doctor who was an Army veteran of World War II, and other visionary Mexican American veterans. This year, 1998, the American GI Forum will celebrate its 50th Year of service to our Nation's veterans and their families. Then, as now, the American GI Forum is dedicated to addressing issues affecting Hispanic veterans and their families.

As the American GI Forum enters its 50th Year, we believe it is fitting to secure passage of this important legislation which would recognize and grant the American GI Forum a federal charter. A federal charter is an honorary recognition that does not convey any special status or authority. However, within the veterans community a federal charter is deemed to be recognition of a national veterans organization's commitment and service to our nation's veterans. Also, other entities sometimes distinguish between Veterans Service Organizations which are congressionally-chartered and those which are not. For example, the web page of the House Committee on Veterans' Affairs separately lists "Congressionally-Chartered Veterans Service Organizations" and "Other Veterans Service organizations and Military Associations" (http://www.house.gov/va/vetlinks.htm).

A congressional charter would prove an appropriate tribute to the selfless sacrifices and tireless work of their beloved Founder, Dr. Garcia, and the countless Hispanic Americans who have answered and continue to answer America's call to fight for and defend the freedom of all Americans. Having earned the highest number of medals of honor per capita, Hispanic Americans have a distinguished record of valor and patriotism.

Today, the American GI Forum has more than 500 chapters in the United States and Puerto Rico. Though predominately Hispanic, the AGIF is open to all veterans and their families. The organization is comprised of three elements—the Veterans Forum, the Women's Forum, and the Youth Forum. On a local level, American GI Forum chapters function under a regional and/or a state structure. The elected officers of each state organization serve as members of the National Board of Directors. The National Commander and other National officers are elected at our National Convention and are also members of the National Board of Directors.

The patriotism of this community, and their willingness to make daily sacrifices and even the ultimate sacrifice to preserve the freedoms we all enjoy is inspiring, and deserves our support, recognition and gratitude. On behalf of my colleagues and myself, I urge you to join us in sponsoring this legislation to grant a federal charter to this deserving organization.

By Mr. LEVIN:

S. 1760. A bill to amend the National Sea Grant College Program Act to clarify the term Great Lakes; to the Committee on Commerce, Science, and Transportation.

GREAT LAKES LEGISLATION

Mr. LEVIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1760

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

After every place in the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.) where the term Great Lakes appears insert: "and Lake Champlain."

Strike section 203(5) of the National Sea Grant College Program Act (33 U.S.C. 1122) and renumber the following paragraphs accordingly.

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. LOTT, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 411

At the request of Mrs. HUTCHISON, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 411, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for investment necessary to revitalize communities within the United States, and for other purposes.

S. 1194

At the request of Mr. KYL, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1194, a bill to amend title XVIII of the Social Security Act to clarify the right of medicare beneficiaries to enter into private contracts with physicians and other health care professionals for the provision of health services for which no payment is sought under the medicare program.

S. 1305

At the request of Mr. GRAMM, the name of the Senator from Illinois (Ms. MOSELEY-BRAUN) was added as a cosponsor of S. 1305, a bill to invest in the future of the United States by doubling the amount authorized for basic scientific, medical, and pre-competitive engineering research.

S. 1325

At the request of Mr. FRIST, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 1325, a bill to authorize appropriations for the Technology Administration of the Department of Commerce for fiscal years 1998 and 1999, and for other purposes.

S. 1391

At the request of Mrs. MURRAY, the name of the Senator from Illinois (Ms. MOSELEY-BRAUN) was added as a cosponsor of S. 1391, a bill to authorize the President to permit the sale and export of food, medicines, and medical equipment to Cuba.

At the request of Mr. DODD, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1391, supra.

S. 1605

At the request of Mr. CAMPBELL, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1605, a bill to establish a matching grant program to help States, units of local government, and Indian tribes to purchase armor vests for use by law enforcement officers.

S. 1621

At the request of Mr. GRAMS, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1621, a bill to provide that certain Federal property shall be made available to States for State use before being made available to other entities, and for other purposes.

S. 1711

At the request of Mrs. HUTCHISON, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1711, a bill to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty tax, to increase the income levels for the 15 and 28 percent tax brackets, to provide a 1-year holding period for long-term capital gains, to index capital assets for inflation, to reduce the highest estate tax rate to 28 percent, and for other purposes.

S. 1737

At the request of Mr. MACK, the names of the Senator from Colorado (Mr. ALLARD), and the Senator from New Hampshire (Mr. SMITH) were added as cosponsors of S. 1737, a bill to amend the Internal Revenue Code of 1986 to provide a uniform application of the confidentiality privilege to taxpayer communications with federally authorized practitioners.

SENATE CONCURRENT RESOLUTION 78

At the request of Mr. SPECTER, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of Senate Concurrent Resolution 78, a concurrent resolution relating to the indictment and prosecution of Saddam Hussein for war crimes and other crimes against humanity.

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of Senate Concurrent Resolution 78, supra.

AMENDMENT NO. 1397

At the request of Mr. BYRD, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of amendment No. 1397 intended to be proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

ADDITIONAL STATEMENTS

WOMEN'S HEALTH RESEARCH AND PREVENTION AMENDMENTS OF 1998

• Mr. DODD. Mr. President, I wish to express my support for S. 1722, "The Women's Health Research and Prevention Amendments of 1998." I commend Senator FRIST for his introduction of this legislation and am pleased to join him as a co-sponsor.

Women's health programs administered by the National Institutes of Health and the Centers for Disease Control and Prevention play a critical role in ensuring that the extraordinary scientific advances of our nation don't sit on the shelf, but are actually used to improve lives.

The last few years have brought astonishing new developments in women's health research. Medical researchers have now located the genetic mutations that predispose women to certain types of breast cancer—knowledge that may lead to more effective treatment of this devastating disease. And through the CDC, a recent initiative focused on the prevention and early detection of breast and cervical cancer is already saving lives. In just the year since this program was begun in Connecticut, over 19,000 women received free screening for breast cancer—and 15 cases were caught early while they were still treatable. Over 1,000 women were checked for cervical cancer—and 8 cases were detected.

We've taken a number of important steps toward improving women's health, but we must continue to support and sustain these programs if we are to truly reap the benefits of our initial investments. This bill clearly is a good start.

I am concerned that some critical areas of women's health have been omitted from the bill. We would be remiss if issues so important to women's health, such as sexually transmitted diseases and reproductive health were neglected. However, I know that Senator FRIST has indicated his willingness to continue the dialogue and to work with members of the Labor Committee to include these programs prior to markup.

This legislation is the continuation of a commitment that we have made to women and our nation and makes a sound and intelligent investment in the long term health of this country. I again offer my support and urge swift consideration of this bill.•

NATIONAL EYE DONOR MONTH

• Mr. DEWINE. Mr. President, this month—March 1998—is National Eye Donor Month. The purpose of National Eye Donor Month is simple: It is to alert each and every American family to the terrific opportunity each of us has to make a difference in someone else's life.

Many Americans don't realize that they have it in their power to give somebody else the ability to see. But it's true. If you declare now that after your passing, you want your eyes to be donated to an eye bank, your eyes can become someone else's gift of sight.

Mr. President, this is a great opportunity. Indeed, it is a great responsibility—one that all of us should take very, very seriously.

According to the most recent statistics, over 4,000 Americans are waiting for a corneal transplant—an operation that can restore the gift of sight. These Americans could have this operation today—if only there were enough donated eyes available.

The purpose of National Eye Donor Month is to remind Americans that we can make those corneas available. Every year, thousands of Americans donate their eyes to eye banks. In 1996, over 87,000 eyes were donated—and over 43,000 transplants were performed.

Now, these numbers need some explaining. That seems like a pretty substantial disparity. But there's a good reason for it—a very strict screening process that keeps out those who test positive with HIV, those who have hepatitis, and those with unhealthy cells on their corneas.

Those are just a few of the reasons why many corneas are unsuitable for transplantation. But the corneas from these donors are used. They are used in other very important ways. They are used for research and surgical training, and other medical education.

It's because of this screening process that I just described that eye transplant operations have such an incredible success rate—over 90 percent.

This screening process and this rate of success, however, require a greater number of donations. If we could increase the number of eyes donated to eye banks, we could take care of the 4,545 patients who are still waiting for corneal transplants today, as well as the 40,000 people who join their ranks every year.

Mr. President, as I said, this kind of surgery really works. In the 37 years since the founding of the Eye Bank Association of America, EBBA-member eye banks have made possible over half a million corneal transplants.

But there simply aren't enough eye donors. The only solution is public education—making the American people aware of what we can do to help out.

That's what National Eye Donor Month is all about. This month, let's recommit ourselves—as a nation—to giving the gift of sight to our fellow citizens.●

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT, S. 1173

● Mr. DURBIN. Mr. President, on Thursday the Senate overwhelmingly approved reauthorization of the Intermodal Surface Transportation Efficiency Act (ISTEA). I want to take this opportunity to explain the benefits of this legislation for the State of Illinois.

First, let me offer my congratulations and also say thank you to Senators CHAFEE and BAUCUS for their extraordinary work in bringing this bill to the floor and shepherding it through in record time. The final product, S. 1173, reflects their diligent work and profound understanding of our nation's diverse transportation needs.

Illinois is a vitally important link in our nation's transportation system. My colleague, Senator CAROL MOSELEY-BRAUN, who has helped lead an important effort to improve this bill to reflect Illinois' needs, has referred to the State as the "Transportation Hub of the Nation." I couldn't agree more.

Illinois has the third largest Interstate system in the nation. It is a critical freight transfer point. The Chicago area boasts of the nation's largest intermodal hub. Illinois is also a passenger and freight rail hub. The State's ports handle the third largest amount of domestic waterborne traffic. Illinois' rivers are the fourth busiest in the nation. The Chicago Transit Authority operates the nation's second largest public transportation system. And, of course, O'Hare International Airport is the busiest in the world.

Unfortunately, Illinois' urban roads have been rated as the second worst in the nation. And, the six-county Chicago region is considered the fifth most congested area in the U.S.

This ISTEA reauthorization is a good first step toward improving the conditions of Illinois' roads and bridges, properly funding mass transit in Chicago and downstate, alleviating congestion, and addressing highway safety and the environment.

The bill provides $173 billion over six years for highway, highway safety, and other surface transportation programs. Illinois can expect to receive more than $5.3 billion over six years from the highway formula, as well as from the high density and the bonus programs. That's a 29 percent increase or $1.2 billion more than the ISTEA of 1991. Major reconstruction and rehabilitation projects like Downtown Chicago's Wacker Drive and the Stevenson Expressway (I-55) will be able to move forward thanks, in large part, to this legislation.

Mass transit funding is vitally important to the Chicago area as well as to so many downstate communities. It helps alleviate congestion and provides access to thousands of Illinoisans everyday. Under the Banking Committee title, Illinois can expect to receive $2.1 billion over six years. A 40 percent increase or $600 million more than the 1991 ISTEA. These important transit dollars will help the Chicago Transit Authority rehabilitate several lines, the METRA and PACE systems in Northeastern Illinois expand and improve their service areas, the Metro Link light rail system in St. Clair County complete an Illinois extension, and transit authorities throughout the state purchase and upgrade bus and bus facilities.

The Senate bill also preserves and expands some important environmental and enhancement programs, for example the Congestion Mitigation and Air Quality (CMAQ) program and bicycle pedestrian facilities. CMAQ's goal is to help states meet their air quality conformity requirements as prescribed by the Clean Air Act. S. 1173 increases funding for CMAQ by 18 percent. Illinois can expect more than $1 billion over six years under the program. S. 1173 also provides for increases in funds for transportation enhancement activities, such as bicycle pedestrian facilities and historic preservation.

This bill also contains a number of highway safety provisions. One of the most notable is the .08 amendment. Thanks to the efforts of Senators LAUTENBERG and DEWINE, S. 1173 contains a provision that would lower the legal blood-alcohol concentration level for drivers to .08. It's a law that Illinois has had on the books since July 1997. The provision could save as many as 600 lives a year.

Finally, the Senate ISTEA bill extends the current excise tax exemption for an important Illinois product—corn-based, renewable ethanol fuel—to 2007. Farmers and the ethanol industry must be able to plan for the future. Extending the incentive will allow them to do so.

Mr. President, the Senate's action on ISTEA sets the stage for Congress to uphold its obligation to reauthorize these vitally important transportation programs before they expire again later this spring. I look forward to working with my colleagues to ensure that our nation's transportation needs are properly met.●

REMEMBERING SENATOR ABRAHAM RIBICOFF

● Mr. THOMPSON. Mr. President, I want to take this opportunity to talk about a man who served the people of Connecticut and America with dignity, honor and great style. Abraham Ribicoff spent most of his life in the public service. Before he became a Senator in 1962, he was a Congressman, the Governor of Connecticut, and the Secretary of Health, Education, and Welfare in the Kennedy administration. He was a true leader in the Senate on many issues and his style of leadership and public service will be greatly missed.

During his time in the Senate, Senator Ribicoff served on the Government Operations Committee, which was renamed the Governmental Affairs Committee during his tenure. He began his service on the committee on February 25, 1963 and served as Chairman from 1977 to 1980.

As Chairman, Senator Ribicoff oversaw the passage of many initiatives we now take for granted in the government. One such bill was the

Civil Service Reform Act of 1978, which was the first substantive reform of the Federal civil service in nearly 100 years. He also helped to enact the Ethics in Government Act, which mandates public disclosure for high-ranking officials in the three branches of the Federal Government. He navigated to passage legislation that created Inspectors General in each of the major federal agencies to serve as public watchdogs to combat waste, fraud and abuse in federal programs.

During his tenure as Chairman of the Committee, Senator Ribicoff also oversaw the implementation of legislation that established a permanent, Cabinet-level Department of Energy in the executive branch. By doing so, all of the federal government's major energy programs were brought together in one place, including those programs relating to economic regulation of energy supply systems. He also worked closely with Senator GLENN to help enact the Nuclear Non-Proliferation Act, which established a more effective framework for international cooperation to meet the energy needs of nations. It also ensured that the worldwide development of peaceful nuclear activities and the export by any nation of nuclear materials, equipment, and nuclear technology intended for the use in peaceful nuclear activities did not contribute to proliferation of weapons of mass destruction.

An area in which Senator Ribicoff and I shared a great interest is that of federal regulation and how to make it more effective, and at the same time, less burdensome. On July 26, 1975, Senate Resolution 71, introduced by Senator Ribicoff and Senator GLENN, was agreed to by the Committee. This resolution authorized a study of Federal regulatory agencies to be undertaken jointly by the Committee on Commerce and the Committee on Government Operations. The first two of these studies which the Committee on Government Operations compiled were entitled "Study on Federal Regulation: The Regulatory Appointment Process," and "Study on Federal Regulation: Congressional Oversight of Executive Agencies." These two studies set the groundwork for the regulatory reform work that the committee undertook at that time and which we continue to pursue today.

I want to acknowledge Senator Ribicoff for having the foresight, some twenty years ago, to examine the regulatory process. As I have found out this is not an easy task, but well worth the effort. While Senator Ribicoff's leadership and public service will be greatly missed, it is my hope that we can carry on his pioneering work and establish a better and smarter regulatory process.●

DOMESTIC PARTNERSHIP BENEFITS AND OBLIGATIONS ACT OF 1998

● Mr. WELLSTONE. Mr. President, I ask that the text of S. 1636, a bill to provide benefits to domestic partners of Federal employees, be printed in the RECORD.

The text of the bill follows:

S. 1636

SECTION 1. SHORT TITLE.

This Act may be cited as the "Domestic Partnership Benefits and Obligations Act of 1998".

SEC. 2. BENEFITS TO DOMESTIC PARTNERS OF FEDERAL EMPLOYEES.

(a) IN GENERAL.—A domestic partner of an employee shall be entitled to benefits available to and obligations imposed upon a spouse of an employee.

(b) CERTIFICATION OF ELIGIBILITY.—In order to obtain benefits under this Act, an employee shall file an affidavit of eligibility for benefits with the Office of Personnel Management certifying that the employee and the domestic partner of the employee—

(1) are each other's sole domestic partner and intend to remain so indefinitely;

(2) have a common residence, and intend to continue the arrangement;

(3) are at least 18 years of age and mentally competent to consent to contract;

(4) share responsibility for a significant measure of each other's common welfare and financial obligations;

(5) are not married to or domestic partners with anyone else;

(6) understand that willful falsification of information within the affidavit may lead to disciplinary action, including termination of employment, and the recovery of the cost of benefits received related to such falsification; and

(7) are same sex domestic partners, and not related in a way that, if the 2 were of opposite sex, would prohibit legal marriage in the State in which they reside.

(c) DISSOLUTION OF PARTNERSHIP.—

(1) IN GENERAL.—An employee or domestic partner of an employee who obtains benefits under this Act shall file a statement of dissolution of the domestic partnership with the Office of Personnel Management not later than 30 days after the death of the employee or the domestic partner or the date of dissolution of the domestic partnership.

(2) DEATH OF EMPLOYEE.—In a case in which an employee dies, the domestic partner of the employee at the time of death shall be deemed a spouse of the employee for the purpose of receiving benefits under this Act.

(3) OTHER DISSOLUTION OF PARTNERSHIP.—

(A) IN GENERAL.—In a case in which a domestic partnership dissolves by a method other than death of the employee or domestic partner of the employee, any benefits received by the domestic partner as a result of this Act shall terminate.

(B) EXCEPTION.—In a case in which a domestic partnership dissolves by a method other than death of the employee or domestic partner of the employee, any health benefits received by the domestic partner as a result of this Act shall continue for a period of 60 days after the date of the dissolution of the partnership. The domestic partner shall pay for such benefits in the same manner that a former spouse would pay for such benefits under section 8905a of title 5, United States Code.

(d) SUBSEQUENT PARTNERSHIPS.—If an employee files a statement of dissolution of partnership under subsection (c)(1), the employee may file a certification of eligibility under subsection (b) relating to another partner—

(1) not earlier than 180 days after the date of filing such statement of dissolution, if such dissolution did not result from the death of a partner; or

(2) on any date after the filing of such statement of dissolution, if such dissolution resulted from the death of a partner.

(e) CONFIDENTIALITY.—Any information submitted to the Office of Personnel Management under subsection (b) shall be used solely for the purpose of certifying an individual's eligibility for benefits under subsection (a).

(f) DEFINITIONS.—In this Act:

(1) DOMESTIC PARTNER.—The term "domestic partner" means an adult person living with, but not married to, another adult person in a committed, intimate relationship.

(2) BENEFITS.—The term "benefits" means—

(A) any benefit under the civil service retirement system under chapter 83 of title 5, United States Code, including any benefit from participation in the thrift savings plan under subchapter III of chapter 84 of such title;

(B) any benefit under the Federal employees' retirement system under chapter 84 of title 5, United States Code;

(C) life insurance benefits under chapter 87 of title 5, United States Code;

(D) health insurance benefits under chapter 89 of title 5, United States Code; and

(E) compensation for work injuries under chapter 81 of title 5, United States Code.

(3) EMPLOYEE.—

(A) With respect to Civil Service Retirement, the term "employee" shall have the meaning given such term in section 8331(1) of title 5, United States Code.

(B) With respect to Federal Employees' Retirement, the term "employee" shall have the meaning given such term in section 8401(11) of title 5, United States Code.

(C) With respect to life insurance, the term "employee" shall have the meaning given such term in section 8701(a) of title 5, United States Code.

(D) With respect to health insurance, the term "employee" shall have the meaning given such term in section 8901 of title 5, United States Code.

(E) With respect to compensation for work injuries, the term "employee" shall have the meaning given such term in section 8101(1) of title 5, United States Code.

(4) OBLIGATIONS.—The term "obligations" means any duties or responsibilities that would be incurred by the spouse of an employee.

SEC. 3. EXEMPTION FROM TAX FOR EMPLOYER-PROVIDED FRINGE BENEFITS TO DOMESTIC PARTNERS.

Section 106 of the Internal Revenue Code of 1986 (relating to contributions by employer to accident and health plans) is amended by adding at the end the following new subsection:

"(d) TREATMENT OF DOMESTIC PARTNERS.—The provisions of section 2 of the Domestic Partnership Benefits and Obligations Act of 1998 shall apply to employees and domestic partners of employees for purposes of this section and any other benefit which is not includible in the gross income of employees by reason of an express provision of this chapter.".

SEC. 4. FUNDING.

It is the sense of Congress that any funds necessary for the implementation of this Act should be funded from reductions in unnecessary tax benefits available only to large corporations and individuals who are in the maximum tax bracket.●

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT

● Mr. KOHL. Mr. President, I rise to discuss the Senate reauthorization of the Intermodal Surface Transportation Efficiency Act (ISTEA), the so-called "ISTEA II" bill that we've been debating for the past couple of weeks and that was approved yesterday. I thank the managers of the bill and their staff for the hard work and long hours they put in, as well as their attempts to face the very difficult task of balancing the transportation needs of the fifty states.

First, let me say that we all agree that maintaining, developing and improving our roads, bridges and transit systems is vital to our economy and our way of life. Transportation development has and will play a crucial role in the growth of this country. And the Senate reaffirmed that importance by approving significantly increased funding levels. That part of the equation, I strongly support. From the beginning, I believed we needed to do more and the Senate bill does do more, including an increase of approximately $130 million for Wisconsin highways and significant increases for transit systems as well.

That said, the other part of the equation, and the reason for which I ultimately opposed the legislation, is the issue of percentage share of total program dollars. My State of Wisconsin is one of the 20 or so donor states whose taxpayers pay more in gas tax revenues than they receive in Federal transportation funds. And one of the top issues that Wisconsinites from all across the state and from all walks of life stressed to me was the need to improve Wisconsin's share. That was certainly not the only issue, nonetheless, it is a very basic issue of fairness that we have faced every time we have sat down to write a highway bill.

And this year, perhaps more than any other, we had an historic chance to correct the donor state problem since the bill includes significant new resources. However, while this bill improves many states' shares, it actually decreases Wisconsin's share. Under the original ISTEA, my state realized an average return of 92 percent on our gas tax contributions over the life of bill. Under the Senate bill, Wisconsin would only be guaranteed a 91 percent return. Because this bill is more generous overall, Wisconsin's overall funding will go up, but on the share side, we are worse off under this bill than when we started.

Mr. President, I am pleased that additional transportation resources will be available to my state. I am also pleased that this bill maintains the principle of a strong Federal partnership, balances resources between the many different modes of transportation and continues important environmental programs. However, in the end, I felt that a vote in favor of this bill was a vote to continue an unfair system for another six years. The taxpayers of Wisconsin deserve better.●

TRIBUTE TO THE HINDU NEW YEAR

● Mr. LAUTENBERG. Mr. President, I rise to congratulate the New Jersey Arya Samaj Mandir as it celebrates the Hindu New Year. The New Jersey Arya Samaj Mandir was incorporated to serve the religious, educational, and cultural needs of the Arya and Hindu immigrant population in New Jersey, demonstrating my state's rich and diverse heritage.

My colleagues may know that the Hindu New Year, called Holi, occurs at the advent of spring and is a time when Hindus focus on the joys of the new season and the passing of the cold, harsh winter. The day also marks a time to emphasize reconciliation, forgiveness, unity, and tolerance. I am glad to be able to contribute to this celebration as New Jersey's Arya and Hindu population gathers with family and friends to mark the coming of spring and another New Year.

Hindus in our country have contributed a great deal to America's heritage. The strength of our country is built upon the melding of its many languages, customs, and traditions, including those of the Hindu community. Our diversity is a strength. It is important that we celebrate the contribution that Hindu Americans have made to American society.●

MICHIGAN'S NCAA TOURNAMENT BIDS

● Mr. LEVIN. Mr. President, I rise to acknowledge a great athletic achievement in the State of Michigan. On this past Sunday evening, the NCAA selection committee announced the 64 best college teams in America to go head-to-head in the NCAA Men's Basketball Tournament. Among this field of 64, five teams from the State of Michigan are included in the "March Madness" frenzy, making Michigan the most represented state in the tournament. These teams are Eastern Michigan University, Michigan State University, University of Detroit Mercy, University of Michigan and Western Michigan University. This is first time in Michigan history that five teams from the state have been in the NCAA tournament at the same time.

In their wisdom, the selection committee recognized that there are many excellent basketball programs and extraordinary talent within the State of Michigan. Not only have the two traditional Michigan powerhouse teams, Michigan State University and the University of Michigan, proven that they are among the nation's elite teams, but some smaller basketball programs have also made their mark on this season by winning some key games and finishing strong within their respective conferences.

Michigan State University ended an impressive season by tying with the University of Illinois for the Big Ten regular Season title, while the University of Michigan finished an equally impressive season by winning the first ever Big Ten Conference tournament. Both of these teams are highly seeded within their respective regions. Western Michigan finished tied for first place in the Mid-American Conference and received an at-large NCAA bid, which is their second ever NCAA berth. Eastern Michigan finished strong by winning the Mid-American Conference tournament and was pitted against Michigan State in the first round of the tournament. The University of Detroit Mercy was the Mid-Western Collegiate Conference regular season champion and also received an at-large bid to the tournament.

I am looking forward to the next few weeks to see who will be crowned NCAA National Champion. While these great teams from Michigan fight it out to see who will be crowned National Champion, one thing remains clear: this has been a great year for Michigan basketball and I dare to say, the best has yet to come. Go Michiganders!!!●

ORDER FOR RECORD TO REMAIN OPEN

Mr. COVERDELL. Mr. President, I ask unanimous consent that the RECORD remain open until 2 p.m. today for the introduction of bills and statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 541, 542, 543, 544, and all nominations on the Secretary's desk.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Is there objection? The chair hears none, and it is so ordered.

The nominations considered and confirmed en bloc are as follows:

CORPORATION FOR PUBLIC BROADCASTING

Winter D. Horton, Jr., of Utah, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2002.

Christy Carpenter, of California, to be a Member of the Board of Directors of the of the Corporation for Public Broadcasting for a term expiring January 31, 2002.

COAST GUARD

The following-named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral

Rear Adm. (lh) Joseph J. McClelland, Jr., 1599
Rear Adm. (Ih) John L. Parker, 7443
Rear Adm. (Ih) Paul J. Pluta, 4222
Rear Adm. (Ih) Thad W. Allen, 3199

The following-named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Capt. David S. Belz, 7006
Capt. James S. Carmichael, 7926
Capt. Roy J. Casto, 8656
Capt. James A. Kinghorn, 8699
Capt. Erroll M. Brown, 1778

IN THE COAST GUARD, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Coast Guard nominations beginning Cdr. Claudio R. Azzaro, and ending Cdr. Jerry J. Saulter, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of November 6, 1997.

Coast Guard nominations beginning Stephen W. Rochon, and ending Louis M. Farrell, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 29, 1998.

Coast Guard nomination of Robert L. Clarke, Jr., which was received by the Senate and appeared in the CONGRESSIONAL RECORD of January 29, 1998.

Coast Guard nomination of Kerstin B. Rhinehart, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of January 29, 1998.

Coast Guard nomination of Maury M. Mcfadden, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of January 29, 1998.

Coast Guard nominations beginning William J. Shelton, and ending Keith O. Pelletier, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 3, 1998.

National Oceanic and Atmospheric Administration nominations beginning James A. Illg, and ending Jennifer D. Garte which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 3, 1998.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

UNANIMOUS CONSENT AGREEMENT—NOMINATION OF FREDERICA A. MASSIAH-JACKSON

Mr. COVERDELL. Mr. President, as in executive session, I ask unanimous consent that following the tentatively scheduled 5:30 p.m. rollcall vote or votes on Monday, March 16, Senator SPECTER be recognized to speak in support of the Massiah-Jackson nomination. I further ask unanimous consent that at 9 a.m. on Tuesday, the Senate resume the nomination and there be 2 additional hours under the control of Senator SPECTER, with 1 hour 15 minutes under the control of Senator HATCH or his designee, and the vote occur on or in relation to the nomination at 2:15 p.m. on Tuesday, March 17, 1998, notwithstanding rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, MARCH 16, 1998

Mr. COVERDELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 11 a.m. on Monday, March 16, and immediately following the prayer, the routine requests through the morning hour be granted and the Senate begin a period for the transaction of morning business until 12 noon, with the time equally divided between the majority leader and Senator BAUCUS.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. COVERDELL. At the hour of 12 noon on Monday, the Senate will begin consideration of the nomination of Frederica Massiah-Jackson to be a U.S. district judge, under a previous order.

On Monday, during the day, there will be up to 6 hours for debate on her nomination, with additional time on Monday night and Tuesday morning. The vote in relation to her nomination will occur at 2:15 p.m. on Tuesday, March 17.

It is my hope that the Senate can clear for consideration on Monday a resolution relative to Kosovo, with a rollcall vote occurring at approximately 5:30 p.m. Also, the Senate could consider Executive Calendar nominations, resulting in an additional rollcall vote on Monday.

On Tuesday, March 17, the Senate will debate the Massiah-Jackson nomination in the morning and conduct a rollcall vote on the cloture motion relative to the motion to proceed on the education "A+" bill at 12:15 p.m. Following our traditional recess for the party caucuses on Tuesday at 2:15 p.m, the Senate will conduct a rollcall vote relative to the Massiah-Jackson nomination.

Therefore, one or more votes will occur on Monday at approximately 5:30 p.m, and during the day on Monday the Senate will debate the U.S. district judge nomination. On Tuesday morning, the Senate will continue the debate on the nomination and will suspend that debate at 12:15 p.m. to conduct a cloture vote on the motion to proceed to the education "A+" bill. The vote relative to the nomination will occur at 2:15 p.m. on Tuesday. Therefore, the Senate will begin voting approximately 5:30 p.m. on Monday and has two scheduled votes on Tuesday, one at 12:15 p.m. and one at 2:15 p.m.

ADJOURNMENT UNTIL 11 A.M, MONDAY, MARCH 16, 1998

Mr. COVERDELL. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 1:18 p.m., adjourned until Monday, March 16, 1998, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate March 13, 1998:

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

VIVIAN LOWERY DERRYCK, OF OHIO, TO BE AN ASSISTANT ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE JOHN F. HICKS, SR.

EXECUTIVE OFFICE OF THE PRESIDENT

G. EDWARD DESEVE, OF PENNSYLVANIA, TO BE DEPUTY DIRECTOR FOR MANAGEMENT, OFFICE OF MANAGEMENT AND BUDGET, VICE JOHN A. KOSKINEN.

DEPARTMENT OF JUSTICE

JAMES K. ROBINSON, OF MICHIGAN, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE JO ANN HARRIS, RESIGNED.

DEPARTMENT OF DEFENSE

MAHLON APGAR IV, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE ARMY, VICE ROBERT M. WALKER.

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. CARLTON W. FULFORD, JR., 5783.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED AND AS A PERMANENT PROFESSOR, UNITED STATES AIR FORCE ACADEMY, UNDER TITLE 10, U.S.C., SECTIONS 9333(B) AND 9336(A):

To be colonel

RITA A. CAMPBELL, 9398.

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

RONALD V. DUNCAN, 0409
CHARLES W. EDWDARDS, JR., 8543
RONALD R. KENYON, 8699
DOUGLAS E. LEE, 7195
DOUGLAS B. MCCULLOUGH, 5418
JAMES S. PARK, 3529
LYNN H. WITTERS, 3853

CONFIRMATIONS

Executive nominations confirmed by the Senate March 13, 1998:

CORPORATION FOR PUBLIC BROADCASTING

WINTER D. HORTON, JR., OF UTAH, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2002.

CHRISTY CARPENTER, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2002.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE COAST GUARD

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral

REAR ADM. (LH)JOSEPH J. MCCLELLAND, JR., 1599.
REAR ADM. (LH)JOHN L. PARKER, 7443.
REAR ADM. (LH)PAUL J. PLUTA, 4222.
REAR ADM. (LH)THAD W. ALLEN, 3199.

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPT. DAVID S. BELZ, 7006.
CAPT. JAMES S. CARMICHAEL, 7926.
CAPT. ROY J. CASTO, 8656.
CAPT. JAMES A. KINGHORN, 8699.
CAPT. ERROLL M. BROWN, 1778.

COAST GUARD NOMINATIONS BEGINNING CLAUDIO R. AZZARO, AND ENDING JERRY J. SAULTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 6, 1997.

COAST GUARD NOMINATIONS BEGINNING STEPHEN W. ROCHON, AND ENDING LOUIS M. FARRELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 29, 1998.

COAST GUARD NOMINATION OF ROBERT L. CLARKE, JR., WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 29, 1998.

COAST GUARD NOMINATION OF KERSTIN B. RHINEHART, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 29, 1998.

COAST GUARD NOMINATION OF MAURY M. MCFADDEN, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 29, 1998.

COAST GUARD NOMINATIONS BEGINNING WILLIAM J. SHELTON, AND ENDING KEITH O. PELLETIER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 3, 1998.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING JAMES A. ILLG, AND ENDING JENNIFER D. GARTE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 29, 1998.

WITHDRAWAL

Executive message transmitted by the President to the Senate on March 13, 1998, withdrawing from further Senate consideration the following nomination:

SOCIAL SECURITY ADMINISTRATION

JANE G. GOULD, OF NEW YORK, TO BE DEPUTY COMMISSIONER OF SOCIAL SECURITY FOR THE TERM EXPIRING JANUARY 19, 2001, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 2, 1997.

HOUSE OF REPRESENTATIVES—*Monday, March 16, 1998*

The House met at 2:00 p.m. and was called to order by the Speaker pro tempore (Mr. BARRETT of Nebraska).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 16, 1998.

I hereby designate the Honorable BILL BARRETT to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

Protect us, O gracious God, from our attempts to make You over in our image and our feeble efforts to take control of Your thought for our own purposes. At our best moments we know that we are created in Your image, that You are the sovereign God, our redeemer, our guiding spirit. We know too that we should wait patiently and humbly and look to You for guidance and judgment and it is to You that we should address our prayers and petitions. So we pray this day that You would offer Your blessing upon our lives and that we would hear Your voice and follow Your leading along life's way. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Guam (Mr. UNDERWOOD) come forward and lead the House in the Pledge of Allegiance.

Mr. UNDERWOOD led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Edwin Thomas, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 78. Concurrent resolution relating to the indictment and prosecution of Saddam Hussein for war crimes and other crimes against humanity.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ISSUES SURROUNDING GUAM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Guam (Mr. UNDERWOOD) is recognized for 60 minutes as the designee of the minority leader.

Mr. UNDERWOOD. Mr. Speaker, I take the opportunity today to discuss the matter of Federal policy towards insular areas.

H.R. 856, the Puerto Rico Status Bill, passed this House by the narrowest of margins almost 2 weeks ago. I supported that effort because the fulfillment of democratic principles that this country stands for and clarity in the relationship of people to people is not just better, it is the right thing to do.

Today, I want to draw attention to issues surrounding Guam, my home island, which was also taken during the course of the Spanish-American War in 1898, some 100 years ago.

In the course of the debate over Puerto Rico, a debate which touched on the meaning of, I think, our fundamental beliefs in the exercise and implementation of democratic principles, the fact of 100 years of American rule was raised repeatedly. There was much discussion about the meaning of the Spanish-American War, the commitments made under the Treaty of Paris which ended it and the subsequent rule of territories by this country.

We are the shapers of our destiny, the planners of our future. But we are also creatures of our own history and we must seek to understand the meaning of that conflict, as distant as it is in time, and its consequences today if we are to successfully resolve the issues pertaining to territories in this country.

We must recognize that the enduring legacy of the Spanish-American War are the challenges presented to us as a consequence of conquering distant islands thousands of miles from our shores and not knowing what to do with them politically after we have used them for strategic purposes which so animated American interests in the beginning.

In June of this year, we will commemorate the 100th anniversary of the raising of the American flag over Guam to which we pledged allegiance to, ironically held by myself just a few minutes ago. This began an unique relationship between the United States and Guam which continues today in a fashion which most can say is satisfactory but one in which disputes and disagreements get resolved in a characteristically un-American way, a way in which U.S. citizens do not elect voting representatives to represent them in this body and there is no representation in the other.

Nor do they assist in the selection of the occupant of the White House at the other end of Pennsylvania Avenue. Nor do they have a charter which governs the relationship which could conceivably function as a contract, as people do have with each other.

Nor do they have any "constitutional status" as do Native Americans or residents of the District of Columbia or native-born citizens. They simply exist at the pleasure of Congress under the territorial clause. This means that their issues and their dissatisfactions and their concerns are addressed in a framework in which Congress unilaterally decides. Congress can and usually is benign in this unique relationship, but I doubt if anyone can call it truly an American relationship. And I doubt that, as we go into the next century and into the next 100 years of American rule over Guam, that we think such a relationship truly reflects American principles of democracy.

How did my home island of Guam get to this point and what is its ultimate resolution? Well, these are issues which the people of Guam have dealt with since the arrival of the U.S.S. *Charleston* on June 20, 1898, and as a people in earnest since the 1930s when the people of Guam tried many different strategies to change their status under the United States flag.

Guam was taken as part of the Spanish-American War, as part of America's

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

effort to, on the one hand, free the Cubans from Spanish control but take over from Spanish from the Spaniards the reins of control over the Philippines, Puerto Rico and Guam, in contradistinction to the original purpose of that conflict.

The turn of the century saw America become a world power. It seemed a natural step as America emerged from its industrialization and there was an end to the frontier which always seemed to absorb American energies. But the frontier no longer existed as America reached the Pacific shores.

The Treaty of Paris, which ended that war, required the Congress to "determine the civil and political status of the native inhabitants of Guam and Puerto Rico." The war was fought over Cuba, but the United States ended up acquiring the Philippines and Puerto Rico and Guam insular areas, which were not only distant but populated with people speaking different languages and adhering to unique cultures.

Subduing the Philippines and defeating the Filipino revolutionaries took more than 4,000 lives, over 10 times the number of battle deaths during the actual Spanish-American War in which the United States acquired the Philippines. And the experience of the Spaniards in Cuba in the 1890s was now being experienced by the Americans in the boondocks of the Philippines in the early 1900s.

Also during the same time period, Wake Island and American Samoa and Hawaii were also taken under the American flag as America flexed its muscles and made its way across the Pacific ocean, guaranteeing coaling stations and naval bases as they moved across the Pacific towards a perceived importance of a China trade.

As a result of acquiring these new territories, the country came up with a new model of dealing with territories. This model posited that there were two kinds of territories the United States now had; there were incorporated and unincorporated.

The incorporated territory was the kind that always existed. In American history, whenever the United States expanded, the newly acquired territories were always seen as areas which would eventually become states. Such territories would eventually become states whenever a petition for statehood was accepted by Congress.

In the meantime, these areas, like the territory of Arizona or New Mexico or territory of Kansas, were organized by Congress through instrumentalities called organic acts; and the Constitution was fully applied to U.S. citizens in those territories. There were no provisions to keep people in those territories from becoming U.S. citizens unless treaty obligations made special conditions for the acquisition of the territories in question. The new territories at the turn of the century were unincorporated, meaning that they were owned by the United States but not part of the United States; and that is where we stand today.

Imagine, if you will, being the member of a body politic where the country and the courts rule that you are owned by that country but you are not part of that country. Now what does that mean? Well, that means that there is limited application of the U.S. Constitution. This body decides what parts of the Constitution apply to Guam and other insular areas, that your political status is yet to be determined, that there is no implied right to statehood.

The new territories which were acquired at the turn of the century were unincorporated, meaning that they were owned by the U.S. but not part of the U.S. What this means in actual application is that there is limited application of the U.S. Constitution, that a political status has yet to be determined, that there is no implied right to statehood.

Many feel that this new category of territories was based in large measure on the racial climate of the time at the turn of the century in which some people equate the Supreme Court cases which created unincorporated territories as the moral equivalent of "separate by equal," "Plessy vs. Ferguson."

Now the idea that the United States was going to take territories and not treat them the same as other people, the possibility of this phenomenon was clear to many, including the very strong and dynamic anti-imperialists movement at the turn of the century, amongst the leaders being Mark Twain, who argued long and hard that the United States should not take territories overseas that it was not going to accept as political equals. If you acquire territories overseas, you must be willing to accept them as equals. If the United States decides to take territories overseas from other countries through conquests and decides that they cannot be a full part of this country, then that says something about the United States as a country.

□ 1415

Of course, this is exactly what has happened. The case of Guam perhaps would be as compelling as the case of Puerto Rico to the Nation if its people were as numerous as those of Puerto Rico and perhaps if it were as close as Puerto Rico. But Guam indeed is a small area with only a limited population, 150,000 today, and only 10,000 at the time of the conquest. But the implementation of democratic principles should not be compromised, should not depend on the size or importance. Principles, after all, are supposed to be principles.

Guam was taken 100 years ago through the Treaty of Paris because it fit into the naval plans of the time. It became a coaling station, part of a larger access network across the Pacific, including Hawaii, Wake islands, Guam, the Philippines. Not needed were the other islands which also Spain had a claim to. The other islands, the Marianas and the Caroline Islands, the rest of the Marianas Islands and the Caroline Islands were sold by Spain to Germany. Germany in turn lost those islands to Japan for Japanese support of the Allies during World War I. It became a mandate under the League of Nations. Japan in turn lost those islands back to the United States during World War II, in which the names of Peleilu and Saipan and Truk and Ponape joined the lexicon of World War II discussions.

But what happened to Guam in the meantime? Well, Guam was given over to the Department of the Navy to administer. The people were held to be in complete political limbo. Unlike foreigners, unlike even foreigners who came to this country, the people of Guam could not petition to become citizens of the United States and many attempts were turned down by the courts. Naval Court Martial Order 1923 issued by the Navy about the status of the natives of Guam, quote, held, while a native of Guam owes perpetual allegiance to the United States, he is not a citizen thereof nor is there any mechanism through which he can become a citizen. You owe allegiance to the United States, but you cannot become a citizen of the United States. Thus, the complete colonialization by a handful of naval officers became truly cemented. Taken by the greatest democratic Nation on Earth, they were given over to naval officials to be governed as if their home island was little more than a battleship. The people were forbidden to become citizens, and the native Guamanians or the Chamorros settled down to nearly 5 decades of highly autocratic rule by naval officers who issued citations for not cutting the grass, whistling in the streets of Agana and who passed laws segregating the natives in their own home island.

In spite of this treatment, when Guam was occupied by Japanese forces during World War II, the people were exceptionally loyal, proud of their affiliation with America, even when it was not reciprocated and proved through forced marches and internment and injury and even brutal death through beheadings that the flag which was raised on June 20, 1898, was their flag as well, the flag that is draped behind me in this body, the cradle of democracy. The people of Guam suffered enormously as the only people of the only U.S. territory taken by an enemy Nation in this century.

World War II changed many other things. Guam became, in the words of the Victory At Sea documentary about

Guam and the battle for Guam, the supermarket of the Pacific for the military in winning the war against Japan. Much of its land was confiscated by U.S. military authorities from people who were not citizens and who had no civilian courts to adjudicate their claims. This, too, was clearly un-American. But even then, as long as people saw it as contributing to the victory over Japan, the people of Guam did not complain.

World War II also saw the world change in its attitudes toward colonial areas. In the completion of the United Nations Charter, the concept of trust territories and nonself-governing territories were fashioned right into the Charter of the United Nations at the behest, at the urging of the United States Government over the objections of its colonial minded allies like Great Britain. Trust territories were created from the dependencies of enemy states, including ironically the islands which were taken from Spain and sold to Germany at the turn of the century. What happened to areas like Guam? Well, they came under a system called nonself-governing territories, territories which were understood to be in a state of political development with obligations upon the administering power, in this case the United States. All those areas which belonged to the winning side of World War II were put into this nonself-governing territory system. Guam as an unincorporated territory was placed on that list by the United States, and there it sits to this day awaiting its final resolution for political status.

World War II also changed the people of Guam, who became more assertive and resisted the reintroduction of naval government. Naval government tried to be reintroduced even after all of this experience. An organic act was eventually passed which made possible the current civilian government of Guam and the people were declared citizens en masse. The people of Guam became what are known as statutory citizens. They had statutory citizenship; that is, citizenship by virtue of congressional action. There is dispute about what this means, whether there is a distinction between citizens who became citizens by virtue of the U.S. Constitution, meaning you are born in the United States or you were naturalized a citizen. Well, the people of Guam are clearly not that. Whatever the debate is, the people of Guam are clearly not like citizens, like most American citizens, and the United States could withdraw Guam as a place which makes United States citizens. It may not be likely, but it could technically happen.

The experience of the people of Guam since then has been good. The population has grown to 150,000, it has a very strong economy of over $3 billion annually. Most of it is fed by over a million tourists who come from Asian countries. The dependence on Federal expenditures on a per capita basis is lower than two-thirds of the States of the Union. The people of Guam are confident, are well-educated and eager to be full participants in the Asia-Pacific economy which surrounds them and to continue to be contributors to American influence, both strategically and politically in that, what I think is the most important part of the world economy today. The people of Guam have contributed enormously to the well-being of the United States. It has demonstrated its loyalty to this country in World War II through sacrifice and hardship not endured by very many as a civilian population during the war years. Its young people have joined the military service in large numbers and have fought with distinction in Korea and Vietnam and the Persian Gulf war. The 77 men who died in Vietnam was the highest per capita of any political jurisdiction in the United States.

The land of Guam has been used to extend American influence into Asia in countless other ways. Admiral Prueher, the current Commander in Chief Pacific, calls Guam America's bridge to Asia for logistics and the extension of military power in any future conflict. This has been the experience of the people of Guam in the course of these 100 years since the raising of the Stars and Stripes. No human experience of that nature that I am talking about can be one of unmitigated joy or unmitigated sorrow. It stands by itself. It is a proud experience and a proud history that is still filled with many unresolved political issues. Like any other group of people in the world, the people of Guam desire in their lives progress and plan for the perfection of their democratic experience.

But when the people of Guam today sit down to resolve problems with their Federal Government, they do not have the tools to do it. They are not part of any meaningful process of participation here in Washington. They must rely on the good will of some bureaucrat or the attention of some powerful person here in Washington. To some extent all of us share in that experience. But I hope that Members of this House will agree that unincorporated territories owned but not part of the United States, of the political status that I have described, are living in a decidedly unique political world, a very un-American world. It is in honor of this experience which I have described and in recognition of the American creed that I call on this House to join me in seeking ways to resolve the quandary of unincorporated territories.

This should not be interpreted as a plea for independence or statehood. It is a call to exercise our creativity to deal with Guam in other ways which recognize that full American political democracy does not yet exist there but that we will spare no effort to move in that direction. In the course of the debate over Puerto Rico, it struck me as odd that some individuals would raise their suitability for statehood in terms of language or welfare rates or Federal benefits as serious impediments to that legislation. To begin with, that legislation only set up a process for the selection of a political status and the result may not ultimately be statehood. But how curious and how demeaning to the principles of American democracy, to decide upon the right to participate from your fellow citizens on such hollow criteria. The inalienable rights to which we often pontificate are either inalienable and belong to American citizens or they do not. Our perfection of the ideas generated by the Founding Fathers tell me that inalienable political rights are not to be bounded by economic status, the inability to use English well or my cultural legacy. If we feel these elements to be above the democratic creed, then we have degraded all our country and all of our history.

Territories today do not have the most basic of all democratic rights. As stated by William Henry Harrison in a quote that is right off the Members' dining room, and I invite them to look at it and visit it every time they come out of the dining room, quote, "The only legitimate right to govern is an express grant of power from the governed." The territorial clause inherently denies this. It is up to us to make it work for Guam. One hundred years is a long time to work in this system. Let us work together in a framework that the people of Guam have provided and suggested in H.R. 100 in honor of the centennial, the Guam Commonwealth Act, to provide for a new framework, one commensurate with the American sense of fair play and one which does honor to this Nation.

DEVELOPMENTS CONCERNING NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–229)

The SPEAKER pro tempore (Mr. BARRETT of Nebraska) laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

I hereby report to the Congress on developments concerning the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995, and matters relating to the measures in that order and in Executive Order 12959 of May 6, 1995, and in Executive Order 13059 of August 19, 1997. This report is submitted pursuant to section 204(c) of the International Emergency Economic Powers

Act, 50 U.S.C. 1703(c) (IEEPA), section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa–9(c). This report discusses only matters concerning the national emergency with respect to Iran that was declared in Executive Order 12957 and does not deal with those relating to the emergency declared on November 14, 1979, in connection with the hostage crisis.

1. On March 15, 1995, I issued Executive Order 12957 (60 Fed. Reg. 14615, March 17, 1995) to declare a national emergency with respect to Iran pursuant to IEEPA, and to prohibit the financing, management, or supervision by United States persons of the development of Iranian petroleum resources. This action was in response to actions and policies of the Government of Iran, including support for international terrorism, efforts to undermine the Middle East peace process, and the acquisition of weapons of mass destruction and the means to deliver them. A copy of the Order was provided to the Speaker of the House and the President of the Senate by letter dated March 15, 1995.

Following the imposition of these restrictions with regard to the development of Iranian petroleum resources, Iran continued to engage in activities that represent a threat to the peace and security of all nations, including Iran's continuing support for international terrorism, its support for acts that undermine the Middle East peace process, and its intensified efforts to acquire weapons of mass destruction. On May 6, 1995, I issued Executive Order 12959 (60 Fed. Reg. 24757, May 9, 1995) to further respond to the Iranian threat to the national security, foreign policy, and economy of the United States. The terms of that order and an earlier order imposing an import ban on Iranian-origin goods and services (Executive Order 12613 of October 29, 1987) were consolidated and clarified in Executive Order 13059 of August 19, 1997.

At the time of signing Executive Order 12959, I directed the Secretary of the Treasury to authorize through specific licensing certain transactions, including transactions by United States persons related to the Iran-United States Claims Tribunal in The Hague, established pursuant to the Algiers Accords, and related to other international obligations and U.S. Government functions, and transactions related to the export of agricultural commodities pursuant to preexisting contracts consistent with section 5712(c) of title 7, United States Code. I also directed the Secretary of the Treasury, in consultation with the Secretary of State, to consider authorizing United States persons through specific licensing to participate in market-based swaps of crude oil from the Caspian Sea area for Iranian crude oil in support of energy projects in Azerbaijan, Kazakhstan, and Turkmenistan.

Executive Order 12959 revoked sections 1 and 2 of Executive Order 12613 of October 29, 1987, and sections 1 and 2 of Executive Order 12957 of March 15, 1995, to the extent they are inconsistent with it. A copy of Executive Order 12959 was transmitted to the Congressional leadership by letter dated May 6, 1995.

2. On August 19, 1997, I issued Executive Order 13059 in order to clarify the steps taken in Executive Order 12957 and Executive Order 12959, to confirm that the embargo on Iran prohibits all trade and investment activities by United States persons, wherever located, and to consolidate in one order the various prohibitions previously imposed to deal with the national emergency declared on March 15, 1995. A copy of the Order was transmitted to the Speaker of the House and the President of the Senate by letter dated August 19, 1997.

The Order prohibits (1) the importation into the United States of any goods or services of Iranian origin or owned or controlled by the Government of Iran except information or informational material; (2) the exportation, reexportation, sale, or supply from the United States or by a United States person, wherever located, of goods, technology, or services to Iran or the Government of Iran, including knowing transfers to a third country for direct or indirect supply, transshipment, or reexportation to Iran or the Government of Iran, or specifically for use in the production, commingling with, or incorporation into goods, technology, or services to be supplied, transshipped, or reexported exclusively or predominantly to Iran or the Government of Iran; (3) knowing reexportation from a third country to Iran or the Government of Iran of certain controlled U.S.-origin goods, technology, or services by a person other than a United States person; (4) the purchase, sale, transport, swap, brokerage, approval, financing, facilitation, guarantee, or other transactions or dealings by United States persons, wherever located, related to goods, technology, or services for exportation, reexportation, sale or supply, directly or indirectly, to Iran or the Government of Iran, or to goods or services of Iranian origin or owned or controlled by the Government of Iran; (5) new investment by United States persons in Iran or in property or entities owned or controlled by the Government of Iran; (6) approval, financing facilitation, or guarantee by a United States person of any transaction by a foreign person that a United States person would be prohibited from performing under the terms of the Order; and (7) any transaction that evades, avoids, or attempts to violate a prohibition under the Order.

Executive Order 13059 became effective at 12:01 a.m., eastern daylight time on August 20, 1997. Because the Order consolidated and clarified the provisions of prior orders, Executive Order 12613 and paragraphs (a), (b), (c), (d), and (f) of section 1 of Executive Order 12959 were revoked by Executive Order 13059. The revocation of corresponding provisions in the prior Executive orders did not affect the applicability of those provisions, or of regulations, licenses or other administrative actions taken pursuant to those provisions, with respect to any transaction or violation occurring before the effective date of Executive Order 13059. Specific licenses issued pursuant to prior Executive orders continue in effect, unless revoked or amended by the Secretary of the Treasury. General licenses, regulations, orders, and directives issued pursuant to prior orders continue in effect, except to the extent inconsistent with Executive Order 13059 or otherwise revoked or modified by the Secretary of the Treasury.

The declaration of national emergency made by Executive Order 12957, and renewed each year since, remains in effect and is not affected by the Order.

3. On March 4, 1998, I renewed for another year the national emergency with respect to Iran pursuant to IEEPA. This renewal extended the authority for the current comprehensive trade embargo against Iran in effect since May 1995. Under these sanctions, virtually all trade with Iran is prohibited except for trade in information and informational materials and certain other limited exceptions.

4. There have been no amendments to the Iranian Transactions Regulations, 31 C.F.R. Part 560 (the "ITR"), since my report of September 17, 1997.

5. During the current 6-month period, the Department of the Treasury's Office of Foreign Assets Control (OFAC) made numerous decisions with respect to applications for licenses to engage in transactions under the ITR, and issued seven licenses. The majority of denials were in response to requests to authorize commercial exports to Iran—particularly of machinery and equipment for various industries—and the importation of Iranian-origin goods. The licenses issued authorized certain financial transactions, transactions relating to air safety policy, and to disposal of U.S.-owned goods located in Iran. Pursuant to sections 3 and 4 of Executive Order 12959 and consistent with the Iran-Iraq Arms Non-Proliferation Act of 1992 and other statutory restrictions concerning certain goods and technology, including those involved in air-safety cases, the Department of the Treasury continues to consult with the Departments of State and Commerce on these matters.

The U.S. financial community continues to scrutinize transactions associated with Iran and to consult with

OFAC about their appropriate handling. Many of these inquiries have resulted in investigations into the activities of U.S. parties and, where appropriate, the initiation of enforcement action.

6. The U.S. Customs Service has continued to effect numerous seizures of Iranian-origin merchandise, primarily carpets, for violation of the import prohibitions of the ITR. Various enforcement actions carried over from previous reporting periods are continuing and new reports of violations are being aggressively pursued. Since my last report, OFAC has collected six civil monetary penalties totaling nearly $84,000 for violations of IEEPA and the ITR.

7. The expenses incurred by the Federal Government in the 6-month period from September 15, 1997, through March 14, 1998, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Iran are reported to be approximately $1.3 million, most of which represent wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel), the Department of State (particularly the Bureau of Economic and Business Affairs, the Bureau of Near Eastern Affairs, the Bureau of Intelligence and Research, and the Office of the Legal Adviser), and the Department of Commerce (the Bureau of Export Administration and the General Counsel's Office).

8. The situation reviewed above continues to present an extraordinary and unusual threat to the national security, foreign policy, and economy of the United States. The declaration of the national emergency with respect to Iran contained in Executive Order 12957 and the comprehensive economic sanctions imposed by Executive Order 12959 underscore the United States Government's opposition to the actions and policies of the Government of Iran, particularly its support of international terrorism and its efforts to acquire weapons of mass destruction and the means to deliver them. The Iranian Transactions Regulations issued pursuant to Executive Orders 12957, 12959, and 13059 continue to advance important objectives in promoting the nonproliferation and antiterrorism policies of the United States. I shall exercise the powers at my disposal to deal with these problems and will report periodically to the Congress on significant developments.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 16, 1998.*

☐ 1430

DISTRICT OF COLUMBIA COURT'S FISCAL YEAR 1999 BUDGET REQUEST—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105-230)

The SPEAKER pro tempore (Mr. BARRETT of Nebraska) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the District of Columbia Code, as amended, I am transmitting the District of Columbia Court's FY 1999 budget request.

The District of Columbia Courts has submitted a FY 1999 budget request for $133 million for its operating expenditures and authorization for multiyear capital funding totalling $58 million for courthouse renovation and improvements. My FY 1999 Budget includes recommended funding levels of $121 million for operations and $21 million for capital improvements for the District Courts. My transmittal of the District Court's budget request does not represent an endorsement of its contents.

I look forward to working with the Congress throughout the FY 1999 appropriation process.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 16, 1998.*

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Member (at the request of Mr. UNDERWOOD) to revise and extend her remarks and include extraneous material:

Ms. NORTON, for 5 minutes.

The following Members (at the request of Mr. UNDERWOOD) to revise and extend their remarks and include extraneous material:

Mr. JONES, for 5 minutes, on March 17.

Mrs. MORELLA, for 5 minutes, on March 17.

Mr. RIGGS, for 5 minutes each day, on March 17 and 18.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

The following Members (at the request of Mr. UNDERWOOD) and to include extraneous matter:

Mr. VISCLOSKY.
Ms. SÁNCHEZ.
Mr. KANJORSKI.
Mr. KIND.
Mr. UNDERWOOD.
Mr. MCKEON.

The following Members (at the request of Mr. UNDERWOOD) and to include extraneous matter:

Mr. LANTOS.
Mr. TOWNS.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 78. Concurrent resolution relating to the indictment and prosecution of Saddam Hussein for war crimes and other crimes against humanity; to the Committee on International Relations.

ADJOURNMENT

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 31 minutes p.m.), under its previous order, the House adjourned until Tuesday, March 17, 1998, at 12:30 p.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

7971. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Services's final rule—Importation of Fruits and Vegetables; Papayas from Brazil and Costa Rica [Docket No. 96-046-5] received March 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7972. A letter from the Manager, Federal Crop Insurance Corporation, Department of Agriculture, transmitting the Department's final rule—Macadamia Nut Crop Insurance Regulations [7 CFR Part 455] received March 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7973. A letter from the Manager, Federal Crop Insurance Corporation, Department of Agriculture, transmitting the Department's final rule—General Crop Insurance Regulations, Various Endorsements; Fresh Market Tomato (Guaranteed Production Plan) Crop Insurance Regulations; and Common Crop Insurance Regulations, Various Crop Insurance Provisions [7 CFR Parts 401, 454, and 457] received March 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7974. A letter from the Administrator for Food Safety and Inspection Service, Department of Agriculture, transmitting the Department's final rule—Use of Two Kinds of Poultry Without Label Change [Docket No. 96-007F] (RIN: 0583-AC17) received March 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7975. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clomazone; Extension of Tolerance for Emergency Exemptions [OPP-300616; FRL-5770-9] (RIN: 2070-

AB78) received March 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7976. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tebufenozide; Extension of Tolerance for Emergency Exemptions [OPP-300622; FRL-5773-1] (RIN: 2070-AB78) received March 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7977. A communication from the President of the United States, transmitting his requests for an FY 1998 supplemental appropriation for the Department of Agriculture and FY 1999 budget amendments for the Department of Housing and Urban Development and the Office of Management and Budget, pursuant to 31 U.S.C. 1107; (H. Doc. No. 105-228); to the Committee on Appropriations and ordered to be printed.

7978. A letter from the Under Secretary for Acquisition and Technology, Department of Defense, transmitting a report on the use of federally funded research and development centers, pursuant to 10 U.S.C. 2367(d)(1); to the Committee on National Security.

7979. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting the annual report to Congress on the operations of the Export-Import Bank of the United States for Fiscal Year 1997, pursuant to 12 U.S.C. 635g(a); to the Committee on Banking and Financial Services.

7980. A letter from the Assistant Secretary, Department of Education, transmitting notice of Final Funding Priorities for Fiscal Year 1998-1999 for Rehabilitation Engineering Research Centers, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

7981. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits [29 CFR Part 4044] received March 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7982. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Secondary Direct Food Additives Permitted in Food for Human Consumption [Docket No. 97F-0038] received March 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7983. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plan; Illinois Designation of Areas for Air Quality Planning Purposes; Illinois [IL145-2a, IL152-2a; FRL-5958-3] received March 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7984. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Control of Air Pollution From Motor Vehicles and New Motor Vehicle Engines; Increase of the Vehicle Mass for 3-wheeled Motorcycles [FRL-5975-9] (RIN: 2060-AH06) received March 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7985. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Virginia; Termination of Alternative Emission Reduction Plan for The Reynolds Metals Company, Bellwood Reclamation Plant [VA 082-5032; FRL-5975-5] received March 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7986. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans: Alaska [AK-20-1708a; FRL-5974-9] received March 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7987. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Fludioxonil Pesticide Tolerance; Deletion of Duplicate Tolerance, Technical Amendment [OPPTS-300601; FRL-5764-7] (RIN: 2070-AB78) received March 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7988. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Ethane, 1,1,1,2,2-pentafluoro-; Revocation of Significant New Use Rule [OPPTS-50601I; FRL-5775-2] (RIN: 2070-AB27) received March 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7989. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service [MM Docket No. 87-268] received March 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7990. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Federal Communications Bar Association's Petition for Forbearance from Section 310(d) of the Communications Act Regarding Non-Substantial Assignments of Wireless Licenses and Transfers of Control Involving Telecommunications Carriers—received March 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7991. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Units of Property Accounting Regulations [Docket No. RM97-6-000; Order No. 598] received March 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7992. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Norway (Transmittal No. DTC-36-98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7993. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

7994. A letter from the Secretary of Defense, transmitting a report entitled "Issues Regarding Payment of Taxes or Duties on Assistance Provided under the Cooperative Threat Reduction (CTR) Program"; to the Committee on International Relations.

7995. A letter from the Secretary of Health and Human Services, transmitting a report of surplus real property transferred or leased for public health purposes in fiscal year 1997, pursuant to 40 U.S.C. 484(o); to the Committee on Government Reform and Oversight.

7996. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-280, "Procurement Reform Amendment Act of 1998" received March 10, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

7997. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-283, "Dwight Anderson Mosley Athletic Field Designation Act of 1998" received March 10, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

7998. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-284, "Wastewater System Regulation Amendment Act of 1998" received March 10, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

7999. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-285, "Free Gospel Church Equitable Real Property Relief Act of 1998" received March 10, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

8000. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-287, "Brightwood Methodist Episcopal Church Equitable Real Property Tax Relief Act of 1998" received March 10, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

8001. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-279, "Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998" received March 10, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

8002. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-286, "Drug Abuse, Alcohol Abuse, and Mental Illness Insurance Coverage Temporary Amendment Act of 1998" received March 10, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

8003. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-301, "Reciprocal Insurance Company Conversion Act of 1998" received March 12, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

8004. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-300, "Check Cashers Act of 1998" received March 12, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

8005. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Deletions from the Procurement List [98-003] received March 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

8006. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting a report of activities under the Freedom of

Information Act for the calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

8007. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–288, "Celestial Church of Christ NW Parish Equitable Real Property Tax Relief Act of 1998" received March 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

8008. A letter from the Assistant Secretary for Human Resources and Administration, Department of Energy, transmitting a report of activities under the Freedom of Information Act for the calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

8009. A letter from the Chairman, District of Columbia Financial Responsibility and Management Assistance Authority, transmitting the Authority's report entitled "District of Columbia Financial Responsibility and Management Assistance Authority"; to the Committee on Government Reform and Oversight.

8010. A letter from the Executive Director, District of Columbia Financial Responsibility and Management Assistance Authority, transmitting the Authority's report entitled "Foreign Capital City Governance: Representation, Governmental Structure, Finances, and Intergovernmental Relations in Six Capital Cities; to the Committee on Government Reform and Oversight.

8011. A letter from the Chairman, Farm Credit System Insurance Corporation, transmitting a report of activities under the Freedom of Information Act for the calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

8012. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting a report of activities under the Freedom of Information Act for the calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

8013. A letter from the Chairman, Federal Maritime Commission, transmitting a report of activities under the Freedom of Information Act for the calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

8014. A letter from the Deputy Associate Administrator for Aquisition Policy, General Services Administration, transmitting the Administration's final rule—General Services Administration Acquisition Regulation; 10 Day Payment Clause For Certain Federal Supply Service Contracts [APD 2800.12A, CHGE 77] (RIN: 3090–AG30) received March 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

8015. A letter from the Administrator, General Services Administration, transmitting the Administration's report on the 1999 Annual Performance Plan of the General Sevices Administration covering the years 1998 through 2002; to the Committee on Government Reform and Oversight.

8016. A letter from the Director, Office of Government Ethics, transmitting a report of activities under the Freedom of Information Act for the calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

8017. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Louisiana Regulatory Program [SPATS No. LA–015–FOR] received March 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

8018. A letter from the Administrator, U.S. Small Business Administration, transmitting a report of activities under the Freedom of Information Act for the calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

8019. A letter from the Chairman, United States Consumer Product Safety Commission, transmitting a report of activities under the Freedom of Information Act for the calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

8020. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Sustained-Yield Forest Units [WO–130–1820–00241A (RIN: 1004–AC93) received March 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8021. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Endangered Status for the Peninsular Ranges Population Segment of the Desert Bighorn Sheep in Southern California (RIN: 1018–AB73) received March 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8022. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone off Alaska; Management Authority for Black and Blue Rockfish [Docket No. 971112269–8047–02; I.D. 102997A] (RIN: 0648–AK13) received March 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8023. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Western Regulatory Area of the Gulf of Alaska [Docket No. 971208295–7295–01; I.D. 030298C] received March 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8024. A letter from the Director, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Coastal Fisheries Cooperative Management Act Provisions; American Lobster Fishery; Interim Prohibition on Certain Vessels Landing Lobster in Excess of Specified Limits [Docket No. 980129023–8023–01; I.D. 121997B] (RIN: 0648–AJ74) received March 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8025. A letter from the Deputy Assistant Administrator For Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Halibut Fisheries in U.S. Convention Waters Off Alaska; Fisheries of the Exclusive Economic Zone Off Alaska; Management Measures to Reduce Seabird Bycatch in the Hook-and-Line Halibut and Groundfish Fisheries [Docket No. 971201282–8049–02; I.D. 102897B] (RIN: 0648–AK38) received March 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8026. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Indiana Abandoned Mine Land Reclamation Plan [SPATS No. IN–139–FOR] received March 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8027. A letter from the Chief Scout Executive and President, Boy Scouts of America, transmitting the Boy Scouts of America 1997 report to the Nation, pursuant to 36 U.S.C. 28; to the Committee on the Judiciary.

8028. A letter from the General Counsel, Department of Defense, transmitting a report for Congressional approval of the payment of the claim addressed therein, pursuant to 31 U.S.C. 3702(d)); to the Committee on the Judiciary.

8029. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Civil Penalties (RIN: 2105–AC63) received March 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8030. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Civil Monetary Penalty Inflation Adjustment [Docket No. RSEP–8, Notice 1] (RIN: 2105–AC63) received March 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8031. A letter from the Director, Federal Bureau of Prisons, transmitting the Bureau's final rule—Searching and Detaining or Arresting Persons Other Than Inmates [BOP–1066–F] (RIN: 1120–AA61) received March 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8032. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA) Model C–212 Series Airplanes [Docket No. 97–NM–277–AD; Amendment 39–10380; AD 98–06–02] (RIN: 2120–AA64) received March 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8033. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; EXTRA Flugzeugbau GmbH Model EA–300 Airplanes [Docket No. 97–CE–81–AD; Amendment 39–10381; AD 98–06–03] (RIN: 2120–AA64) received March 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8034. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dassault Model Mystere-Falcon 50 Series Airplanes [Docket No. 97–NM–190–AD; Amendment 39–10379; AD 98–06–01] (RIN: 2120–AA64) received March 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

803del Mystere-Falcon 50 Series Airplanes [Docket No. 97–NM–190–AD; Amendment 39–10379; AD 98–06–01] (RIN: 2120–AA64) received March 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.(A); to the Committee on Transportation and Infrastructure.

8036. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Owensboro, KY [Airspace Docket No. 97–ASO–25] received March 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8037. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Mason City, IA [Airspace Docket No. 97–ACE–31] received March 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8038. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Ravenswood, WV [Airspace Docket No. 97-AEA-44] received March 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8039. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29133; Amendment No. 1850] (RIN: 2120-AA65) received March 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8040. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Yuma, AZ [Airspace Docket No. 97-AWP-29] received March 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8041. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Stability and Control of Medium and Heavy Vehicles During Braking [Docket No. NHTSA-98-3387] (RIN: 2127-AF96) received March 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8042. A letter from the General Counsel Department of Transportation, transmitting the Department's final rule—Modification to Class D Airspace; Hayward, CA [Airspace Docket No. 97-AWP-31] received March 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8043. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Loan Guaranty: VA-Guaranteed Loans on the Automatic Basis, Withdrawal of Automatic Processing Authority, RECORD Retention Requirements, and Elimination of Late Reporting Waivers (RIN: 2900-AH23) received March 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8044. A letter from the Chief Counsel, Internal Revenue Service, transmitting the Service's final rule—Differential Earnings Rate for Mutual Life Insurance Companies [Notice 98-19] received March 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8045. A letter from the Assistant Secretary for Health Affairs, Department of Defense, transmitting an interim response to the reporting requirement prescribed in section 762 of the National Defense Authorization Act for Fiscal Year 1998, pursuant to Pub L. 105-85; jointly to the Committees on National Security and Veterans' Affairs.

8046. A letter from the Secretary of Defense, transmitting a report on the Effectiveness of Medical Research Initiatives Regarding Gulf War Illness; jointly to the Committees on National Security and Veterans' Affairs.

8047. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report regarding the economic policy and trade practices of countries with which the U.S. has significant economic or trade relations, pursuant to 15 U.S.C. 4711; jointly to the Committees on International Relations and Ways and Means.

8048. A letter from the Secretary of Energy, transmitting the Department's annual report on the Automotive Technology Development Program, Fiscal Year 1996, pursuant to 42 U.S.C. 5914; jointly to the Committees on Science and Commerce.

8049. A letter from the Secretary of Education, transmitting a summary of the Administration's proposals for the reauthorization of the Higher Education Act of 1965 (HEA); jointly to the Committees on Education and the Workforce, Ways and Means, and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on March 12, 1998 the following report was filed on March 13, 1998]

Mr. GEKAS: Committee on the Judiciary. H.R. 1704. A bill to establish a Congressional Office of Regulatory Analysis; with an amendment (Rept. 105-441 Pt. 1). Ordered to be printed.

[Submitted March 16, 1998]

Mr. GILMAN: Committee on International Relations. House Concurrent Resolution 227. Resolution directing the President pursuant to section 5(c) of the War Powers Resolution to remove United States Armed Forces from the Republic of Bosnia and Herzegovina (Rept. 105-442). Referred to the Committee of the Whole House on the State of the Union.

Mr. GILMAN: Committee on International Relations. H.R. 2870. A bill to amend the Foreign Assistance Act of 1961 to facilitate protection of tropical forests through debt reduction with developing countries with tropical forests; with an amendment (Rept. 105-443). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

[Submitted March 13, 1998]

H.R. 1704. Referral to the Committee on Government Reform and Oversight extended for a period ending not later than March 23, 1998.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MENENDEZ (for himself, Mr. MATSUI, and Mr. GEJDENSON):

H.R. 3465. A bill to provide an exemption from certain import prohibitions; to the Committee on Ways and Means.

By Mr. SERRANO:

H.R. 3466. A bill to amend the Internal Revenue Code of 1986 to provide additional incentives for the use of clean-fuel vehicles by enterprise zone businesses within empowerment zones; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 51: Mr. THUNE.

H.R. 859: Mr. EVERETT.

H.R. 1166: Mr. KIND of Wisconsin.

H.R. 1250: Mr. SHERMAN.

H.R. 1264: Mr. SHERMAN.

H.R. 2070: Mr. NEY.

H.R. 2864: Mr. JONES.

H.R. 2877: Mr. JONES.

H.R. 3099: Mr. RAHALL.

H.R. 3127: Mr. BAESLER, Mr. TORRES, Mr. BUYER, Mr. GALLEGLY, Ms. CARSON, Mr. MORAN of Kansas, Mrs. CLAYTON, and Mr. HAMILTON.

H.R. 3181: Ms. SLAUGHTER

H.R. 3216: Mr. BARRETT of Wisconsin and Mr. EHRLICH.

H.R. 3229: Mr. REDMOND, Mrs. MYRICK, Mr. TALENT, and Mr. HOSTETTLER.

H.R. 3230: Mr. REDMOND, Mrs. MYRICK, Mr. TALENT, and Mr. HOSTETTLER.

H.R. 3404: Mr. LIPINSKI.

H. Res. 340: Mr. ROTHMAN and Mr. BOSWELL.

H. Res. 363: Mr. KENNEDY of Massachusetts, Ms. ESHOO, Mr. BOEHLERT, Mr. MOAKLEY, Mr. PETERSON of Pennsylvania, Mr. GREEN, Mr. PALLONE, Mrs. KENNELLY of Connecticut, Ms. WOOLSEY, Mr. DAVIS of Illinois, Mrs. MINK of Hawaii, and Mr. FALEOMAVAEGA.

PETITIONS, ETC.

Under clause 1 of rule XXII,

53. The SPEAKER presented a petition of the City Council of Yonkers, New York, relative to Council Resolution 17-1998, the Danny THOMAS Chapter of the Irish American Conference in partnership with the American Irish Political Education Committee in supporting the Charter for Change as a democratic idea which points the way to peace, justice and reconciliation in Ireland; which was referred to the Committee on International Relations.

SENATE—*Monday, March 16, 1998*

The Senate met at 11 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Today we celebrate the birthday of James Madison, the fourth President of the United States, who was known as the "Father of the U.S. Constitution." He said, "We have staked the whole future of American civilization, not upon the power of government, far from it. We have staked the future of all our political institutions upon the capacity of mankind for self-government; upon the capacity of each and all of us to govern ourselves, to control ourselves, to sustain ourselves according to the Ten Commandments of God."

Let us pray. Almighty God, who "has not given us a spirit of fear but of power and of love and of a sound mind."—II Timothy 1:7—help us to get control of our lives by giving You control. Help the Senators and all of us who work with and for them to exemplify lives placed completely under Your control. We thank You for giving us the clear guidelines of Your control in the Ten Commandments, the irrevocable absolutes for life as individuals and as a nation. "We the people" reaffirm our commitment to Your truth as set forth in our Constitution. Guide the Senators in all they legislate to enable government to liberate the initiative of individuals to gain control of their destinies by living and working for Your glory. Through our Lord and Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

SCHEDULE

Mr. LOTT. Mr. President, this morning the Senate will be in a period for morning business until 12 noon. At noon, the Senate will proceed to executive session to begin up to 6 hours of debate on the nomination of Judge Frederica Massiah-Jackson to be a district judge for the Eastern District of Pennsylvania, with a vote occurring on or in relation to that nomination on Tuesday at approximately 2:15. As was announced on Friday, we do expect to have at least one rollcall vote today beginning at approximately 5:30. We will be voting on an Executive Calendar nomination or on a Kosovo resolution if language can be worked out. I understand the assistant majority leader, Senator NICKLES, is working on that with the Senator from Connecticut, Senator DODD. We hope they will get the language worked out so that we can have discussion and, hopefully, a vote on that important resolution. I think it is timely. As always, we will alert Members as to precisely when that vote is scheduled for and what it will be on.

Today, with regard to the Massiah-Jackson nomination, there are up to 6 hours of debate and 3 hours and 15 minutes on Tuesday. Following that debate, at 12:15, the Senate will proceed to a vote on invoking cloture on the motion to proceed to H.R. 2646, the Coverdell A+ education bill. Therefore, Senators can expect at least one vote today at approximately 5:30, as well as a vote on Tuesday, at 12:15 on cloture on the motion to proceed to Coverdell, and then the vote on the Massiah-Jackson nomination.

We are still hoping to clear for passage the Texas low-level waste legislation and the international shipping bill. Senators can therefore expect that to come up. Once we can get an agreement worked out, I think, on the low-level waste issue, hopefully the vote will not be a rollcall vote and it can be worked out and we can have a voice vote. Also, the shipping bill has been through a long process over the last 2 years. Senators on both sides of the aisle have worked on that important issue. Senator GORTON has indicated he would have just one amendment and he would agree to a 1-hour time agreement. But that bill is being held up now by, I believe, the Senator from Illinois because of some judicial nominations. Perhaps that can be worked out some way this week.

When you consider the nominations that will be voted on this week, the possibility of the low-level waste legislation and international shipping, as well as the Coverdell A+ education bill, we are going to have a busy week. If we can finish the Coverdell A+ issue without filibusters on the motion to proceed, as well as going to the substance of the bill, instead of just being able to get started on it Thursday, then we can go to NATO enlargement. If we don't get some cooperation on the education bill, which is very important for families and children in America and their education needs, then that will push off the NATO enlargement bill until sometime next week.

Now, the Appropriations Committee is scheduled to mark up the two supplemental appropriations bills beginning at 9:30 a.m. on Tuesday. So we will have one or both of those available as soon as the House acts, although that could still be a couple of weeks, as I understand it. We will be ready to go in the Senate. The Budget Committee is marking up the first concurrent budget resolution on Tuesday as well. So we can expect those two issues also to come up within the next 2 weeks, or certainly before we go out for the Easter recess.

Mr. President, I am looking forward to cooperation this week and a very productive week on behalf of the American people.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. HUTCHINSON). Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12 noon, with the time equally divided between the two leaders.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana, Mr. BAUCUS, is recognized.

RELATIONS WITH JAPAN AND TO HONOR MIKE MANSFIELD'S 95TH BIRTHDAY

Mr. BAUCUS. Mr. President, in a few days, Washington's cherry trees will come into bloom by the Tidal Basin. As you may know, the Empire of Japan gave us these trees in the year 1912, as a gesture of thanks for President Theodore Roosevelt's role in ending the Russo-Japanese War.

But with due regard for TR, no one in this century has done more for our relations with Japan than Montana's most accomplished and honored son, Mike Mansfield.

Today Mike celebrates his 95th birthday. To honor this occasion, and with thanks for all that Mike has taught me and all of us over the years, I would like to offer some thoughts on our relationship with Japan as we approach the next century.

THE UNITED STATES-JAPAN ALLIANCE

In the past fifty years, America and Japan built an enduring alliance. It is the work of statesmen like Douglas MacArthur and Yoshida Shigeru after the Second World War; Dwight Eisenhower and Kishi Nobusuke, who steered

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

the US-Japan Security Treaty through the Senate and the Diet in 1960; and Mansfield himself in his years of service as Ambassador to Japan.

It has weathered the Chinese Revolution and the Korean War. Crises in the Taiwan Strait. Vietnam and forty years of Cold War confrontation. Through it all, this alliance has helped prevent another broad Asian war. That in turn has helped all the nations of the Pacific—from the lonely islands in sight of the Antarctic coast across the equator to the snows of Manchuria—to grow, live peacefully with one another, and give their people better lives. And as we look to the new century, we must recognize that preserving and strengthening this alliance is our single most important foreign policy task in Asia.

THE CONVENTIONAL WISDOM

We must begin by understanding, to use Mansfield's famous phrase, that our relationship with Japan remains "the most important bilateral relationship in the world, bar none."

To many Americans today—and perhaps many Japanese—that may seem less than obvious. Many of us look at Japan as powerful but helpless and fading; much like the "things that have lost their power" Sei Shonagon describes in the "Makura no Soshi":

> A large boat high and dry in a creek at ebb-tide; a large tree blown down in a gale, lying on its side with its roots in the air; the retreating figure of a sumo wrestler who has been defeated in a match.

The perception is easy to understand. At home, since 1991 Japan's economy has grown by an average of just 1% a year. Japan's political system has responded only with a series of minor spending and regulatory shifts, punctuated by a massive error in nearly doubling the consumption tax on a nation that already consumes far too little.

The Nikkei Index is down 60% from its peak and shows no signs of recovery.

Japan's banks are adrift in a sea of bad debts, claimed by the Finance Ministry to be 79 trillion yen and by others three times that much. It has taken eight years to revise banking regulations in the "Big Bang," and serious action on failed banks is still entirely absent.

Abroad, Japan's Asian neighbors are enduring their worst crisis since the Vietnam War. Japan's government has responded with a—praiseworthy—willingness to contribute to the IMF's rescue packages for these countries. But its trade surplus with Thailand and Korea; its refusal to open its markets to imports; and its failure to improve its growth and consumption rates; helped create the crisis last year and now threaten to prolong it.

THE TRUTH

But as serious as this may be, we must not inflate it into something even worse. And some of us do just that. A Wall Street Journal column a couple months back—headlined "Japan's Model Has Failed"—is a typical piece of conventional wisdom. Typical and forgivable, but dead wrong.

As Maeda Katsunosuke, Vice Chairman of Keidanren, says: "Japan is not experiencing an 'economic crisis,' but a 'financial crisis.' "

I would add to that a crisis of governance, which I will discuss later. But otherwise Japan is strong and healthy.

This year, Japan's manufacturing industries will produce as much as ours, in a country with half our population. Japan's great companies—Sony, Toyota, Mitsubishi, NEC—are as dynamic and competitive as ever. Japan builds nearly half the ships in the world. It doubles our annual production of machine tools. Filed more patents here in America than ever before. And, in an economy three fifths our size, will invest as much money as we do in state-of-the-art research and development.

Japan's social indicators are even better. Its citizens have the world's longest average lifespan. Its unemployment rate is the lowest in the developed world. Its crime rate is trivial—so low that two violent incidents in Tokyo high schools this year appeared to Japan as a national epidemic. Its students rate at the top of international science and math surveys. And, not least, Japan's poor live much better lives than America's.

So to say that Japan's economy—much less its "model"—has "failed" is to say something foolish. Japan's problems are serious. But they are soluble. And there is no reason to conclude that in the first decades of the next century, we and Japan will be less than the world's two leading economies; its technological leaders; and, at least in potential, its strongest military powers.

And thus, as the 21st century opens, our relationship with Japan will remain the most important in the world. Nothing will do more to keep the peace in Asia; to build prosperity in every Pacific nation; and to make the world a better, cleaner, healthier place—than preserving our alliance.

SHARED VALUES

How do we do it? We need five things. And the first and most important of them is summed up in a comment Mansfield made to the Japan-America Society a few years ago:

> Remember that we are two of the world's greatest democracies, and that we share basic values—respect for political and economic freedom and a common desire for peace.

Some alliances are marriages of convenience against common threat, in which the partners have irreconcilable differences they can put aside but not solve. The classic case is our alliance with the Soviet Union in the Second World War. It did not survive the war; nor, probably, did its authors on either side intend that it should.

But alliances based on common values, with proper care, can outlive the threats they were created to address. And our alliance with Japan is one of those.

Our people share a reverence for democracy. We share the freedoms to travel and to speak our minds. And we share something that may appear superficial, but really is profound: an appreciation for one another's way of life.

You can see that on a walk down any big Tokyo street, as you pass the Body Shop, Condomania, McDonald's, Wendy's, and dozens of other commonplaces of modern life. And you can see it here in America with karaoke bars, teenagers wearing tamagotchi, sushi bars, Banana Yoshimoto in bookstores and the Teenage Mutant Ninja Turtles on Saturday morning TV.

These things may sound trivial—fads and consumerism at worst, a taste for one another's popular culture at best. But they are important. They show that ordinary people in both countries—salarymen, high school kids, soccer moms—understand that what is important in life is not national crusades, military glory and foreign wars, but the good life and the quest for peace.

SHARED VIEW OF SECURITY

That is a solid foundation for the second thing we need: a united policy to keep the peace in a world perhaps less dangerous, but more complex, than the world of the Cold War.

In the coming years, China will choose between the highly responsible and important role it has taken up in the Korean question and in the Asian financial crisis; and the belligerent approach it adopted in the Taiwan Strait crisis just two years ago.

We will see historic events across the Tsushima Strait, as North Korea's totalitarian system crumbles and the Korean nation moves towards unity.

Russia, already reviving economically, will regain its status as a great Pacific power.

And the financial crisis in Indonesia, whose waters carry most of Japan's energy supply and 40% of all the world's shipping may create an entirely new set of questions.

We cannot predict the future in any of these areas. But we can be certain of two things. We can address them more safely and peacefully if our own military is strong and our policy does not go out of its way to pick fights. And it will be close to impossible for these processes to lead to a major war as long as we remain allied with Japan—Asia's most advanced economy and, potentially, its strongest military power. Or, to use Mike Mansfield's words:

> Remember that we are allies, and that our security and foreign policy cooperation is essential for the peace and prosperity that the Pacific region enjoys today.

The new Defense Guidelines we signed last year; our cooperation on

Iraq; and our joint work for Japan's permanent seat on the UN Security Council show me that we are listening to that advice.

COMMON AGENDA

Third, the next century will present us with a new set of issues, arising from the extraordinary growth of industry, science, trade and migration. And as the world's two leading technological powers, we and Japan have special responsibilities to address them.

Mass trade and migration have enriched the world and made ordinary people freer than ever before. They also allow new diseases to spread faster than ever; put great strains on food safety; and eased life for international criminals.

The industrial expansion of Latin America, Southeast Asia and India has reduced poverty and allowed ordinary people to live longer lives. It has also reduced fishing stocks, sped global warming and accelerated the decline of the world's forests and wildlife. Crises like the fires in Borneo, or slowly developing problems like the accumulation of toxic materials in fish, can affect dozens of countries or even the whole world.

These things will challenge the wisdom and capacity of us all; but early signs are good.

Through the "Common Agenda," launched in 1993, American and Japanese doctors have eradicated poliomyelitis in the Western Pacific. We hope to wipe it out worldwide by the year 2000. Our environmental experts are developing ways to preserve coral reefs, a biodiversity resource the naturalist E.O. Wilson calls "the marine equivalent of the rainforest." Still others are creating new technologies to monitor the health of oceans and the pace of climate change; predict earthquakes and floods more efficiently, and slow the spread of AIDS in Cambodia and Vietnam.

THE ECONOMIC RELATIONSHIP

Fourth, we need a strong, fair and reciprocal relationship in economics and trade. And the structural imbalance of today's trade with Japan is, I believe, the greatest threat to our alliance.

Our trade with Japan is vast. In goods and services together, it likely topped $250 billion last year. To put this in context, our $14 billion worth of travel services exports to Japan was greater than the total of all our exports—cars, wheat, computers, insurance, everything—to China.

And most of this relationship is good for both of us. Japan is a crucial market for Montana's cattlemen and lumber mills. Japanese companies, like Advanced Silicon Materials with its plant in Butte, invest and create jobs here in America.

But depending on currency values, we run a structural deficit of $30 to $70 billion. And the reason is not, I believe, macroeconomic factors like budget surpluses, deficits, growth rates or savings. It is that Japan's market was rigged against imports in the 1950s and 1960s, and has not fundamentally changed since.

As farsighted as our policymakers were in other areas, they did not respond as Japan's ministries shut down American auto factories, closed out our textile markets and blocked our agricultural exports. And as the kendo master Miyamoto Musashi wrote in the "Book of Five Rings," the results were inevitable: "If you diverge only a little from the correct Way, you will later find this a large divergence."

So these methods spread throughout Japan's economy. To the great cost of American producers and Japanese consumers, they remain in force today.

The Health Ministry uses long reviews and irrelevant tests to block foreign pharmaceuticals. It takes an average of forty months, or three times as long as our FDA, to approve any foreign medicine; and it has taken thirty-eight years and counting in the extreme case of oral contraceptives. So Merck and Pfizer sell less than they should; and Japan's elderly are denied the most effective new medicines, like Eisei for Alzheimer's patients and Fosomax for osteoporosis—ironically, a drug developed by a Japanese pharmaceutical company and sold by an American firm, just as VCRs were invented in America and are sold by NEC and Sony.

Japanese citizens sign 99-year mortgages on houses because foreign construction firms remain locked out of the market. American auto companies can't find dealerships, whether steering wheels are on the right, the left, or the roof. And Japanese families pay $20 for a melon, $5 for an apple, and outrageous sums for a bag of rice.

Americans get angry about this. Rightly so. And the consequences can go beyond trade. While times are good in America, most people will live with the imbalance. But when our economy turns down, it will be right back above the fold in the daily paper. And we could return to the era of scare headlines about Japanese buying the Lincoln Center; movie theaters running films like "Rising Sun"; Members of Congress holding Toshiba-smashing parties on the Capitol steps; and Americans beginning to see Japan as less a partner than a rival or even a threat.

TRADE POLICY

I do not want to see that happen. The time to prevent it is now, and I do not think our policy is up to the job.

Today we are focused almost totally on macroeconomics: tax policy, fiscal stimulus and Japan's growth rate. That is not wrong in itself. Japan should be fixated less on its deficit, and more on its responsibility to grow faster and import more from its neighbors. In fact, faster growth will also help Japan with its budget deficits, as has happened here in America. So the Treasury is right to call for tax cuts and real stimulus.

But it is not enough. When we succeed in trade with Japan, it is through specific sectoral talks, using retaliation if necessary, to address the administrative guidance, informal cartels and discriminatory regulations found almost everywhere in Japan's economy. That is why the beef agreement Ambassador Mansfield and I pushed for nine years ago has made Japan our largest foreign beef market by far—regardless of what my old friend Hata Tsutomu thought about Japanese intestines. It is why the medical equipment agreement and the Semiconductor Agreements work. And it is why, let us hope, our recent agreements on air passenger service and port procedures will succeed.

True, this method is uncomfortable. It leads to disputes and "friction." But when we drift away from it, our exports stagnate and our public is rightly frustrated. We need to return to it; and the only alternative to that is a sweeping reform in Japan.

CRISIS OF GOVERNANCE

And that leads me to my earlier comment about a "crisis of governance," and along with it, the fifth and final part of a strong relationship with Japan in the next century.

A few years ago, a member of the Japanese Diet touched on this in a mostly wrong-headed book called "The Japan That Can Say No." He meant, of course, "no" to the United States in trade negotiations, feeling that in order to reform, Japan had to stop what he viewed as constant grovelling to the demands of the United States.

In the US, around the same time, I was the Trade Subcommittee Chairman. So I was making a lot of the demands. And I had the opposite complaint—I felt Japan only said "no."

But I have come to believe neither of us was quite right. Like the blind sages in the Japanese folk tale, we were trying to describe an elephant by examining bits of it. And the past ten years of Japanese history have revealed to us, if not the whole beast, then at least a more complete animal.

If we look at Japan's response to its bank failures; reform of the Finance Ministry; or the Asian financial crisis, we see a Japan that, to exaggerate only a little, cannot say "yes," cannot say "no," and simply waits for problems to go away. And the reason is obviously not that Japanese cannot understand issues or make decisions. It is the nature of governance in Japan.

Bureaucrats have too much power and too little accountability to politicians or courts. Ministers appoint virtually no senior ministry officials and have little power over their subordinates. Thus Prime Ministers have few means to make ministries work together. Governments have too little power to set policy. And citizens have too little control over the whole system.

As a result, regulatory, trade and financial policies set decades ago, for a nation recovering from war and only beginning to develop civilian industry, continue to guide Japan today. They no longer work and they will not work. And this is the root of all the problems I cited earlier, from failure to stimulate the economy, to the slow pace of banking reform and the lackluster response to the Asian financial crisis.

POLITICAL REFORM

And thus, Japan must go beyond deregulation and fiscal policy. It needs thorough political reform. A system that can make a decision and make it stick.

It must give more power to ministers at the expense of their bureaucrats; elected politicians at the expense of ministries; towns and prefectures at the expense of Tokyo; citizens at the expense of the state.

That will take enormous willpower and vision. But I am totally convinced that Japan can do it. Recall the explosive reforms and industrial growth of the Meiji era, and the rebuilding after World War II. Remember that in the right circumstances, Japan's people are among the most creative, energetic and hard-working in the world. And look ahead to a brilliant future.

If Japan can make this leap, our relationship will reach its full potential—as a creator of wealth for our countries and our neighbors, a source of ideas, invention and science that will astonish the world, and the world's strongest guarantee of peace.

And if that sounds like a daydream, remember how far we have come, from the end of the Second World War to this era of peace in the Pacific. Set aside Health Ministry regulations, fiscal policy, Defense Guidelines and every thing else, and reflect on the amazing fact that today, more than at any time in human history, ordinary people can live a decent, safe, secure life.

Our alliance for Japan helped make it happen. And Mike Mansfield, on his 95th birthday, deserves as much credit for this as anyone alive.

It is quite a legacy. The best possible tribute to it would be that, in the next century, we complete the work he has begun so well.

PRIVILEGE OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent to allow Angela Marshall of my staff to be on the Senate floor during the introduction of the Emergency Marketing Assistance Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BAUCUS pertaining to the introduction of S. 1762 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BAUCUS. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, what is the state of business at the moment?

The PRESIDING OFFICER. We are in morning business until 12 noon.

Mr. BYRD. Mr. President, I ask unanimous consent that I may speak for not to exceed 15 minutes and that the stated order for the Senate at 12 noon be delayed until I complete my remarks, which will not be longer than 15 minutes at most.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR MOYNIHAN'S BIRTHDAY

Mr. BYRD. Mr. President, today, March 16th, marks the birthday of a man whom Shakespeare could have been describing when he said in "Henry VII," "He was a scholar, and a ripe and good one, exceeding wise, fair-spoken, and persuading." The man whom that description fits like a glove is the respected senior Senator from New York, Senator DANIEL PATRICK MOYNIHAN, who today celebrates his seventy-first birthday. O, to be 71 again. O, to be 71 again. I have to rejoice in Senator MOYNIHAN being only 71 today. I am pleased to offer Senator MOYNIHAN my best wishes for a very happy birthday, and my thanks for the intellectual vigor, the stubborn veracity, the scrupulous accuracy and the wise counsel that Senator MOYNIHAN has brought to the Senate.

Senator MOYNIHAN's curriculum vitae is as widely known as it is broadly based—his humble beginnings, his climb up the academic ladder which, despite being interrupted by World War II, culminated in a doctorate from the Fletcher School of Law and Diplomacy; a period of teaching economics—wouldn't I like to have sat in his class—a period of teaching economics, sociology and urban studies at Harvard and at the Joint Center for Urban Studies; and a distinguished series of positions in the Kennedy, Johnson and Nixon administrations before winning election to the Senate for the first time in 1976. Few Senators come to this body with so much academic and practical experience. No one who observes Senator MOYNIHAN on the Senate floor would guess that as a young man, he once arrived at a test with a dockworker's loading hook tucked in his back pocket.

William Shakespeare has also said in "Twelfth Night," "But to be said an honest man . . . goes as fairly as to say a careful man and a great scholar." And that description also reflects the character of Senator MOYNIHAN, a lifelong scholar who has never shirked from the sometimes unpleasant duty of informing the Senate and the nation and Presidents of the hard facts of this or that issue. His carefully studied analysis and his insight into complex issues ranging from poverty in America to the future of social security keep Senators on the floor and staff glued to C–Span, because we have all come to rely on the fact that when Senator MOYNIHAN speaks, we all will learn something of importance, something that may fundamentally shift our thinking. His skill with words is equally finely honed, imbuing every thoughtfully parsed sentence with meaning and wit. He is, to hearken back to Shakespeare's description, "fair spoken, and persuading," in speech and in the many books he has authored.

In an age of ten second campaign slogans, bumper sticker rhetoric, and simplistic, feel-good legislation, Senator MOYNIHAN is an anachronism, a throwback to the days of thoughtful consideration of complex issues and reasoned debate on the merits of different possible solutions. He thinks on a grander, a grander scale than do most people and, as a consequence, he is able to foresee problems long before they become costly, messy, politically dangerous quagmires that few people have the courage to tackle, let alone solve. When I have doubts about some new program being proposed, or some radical change being suggested without the benefit of hearings or committee consideration, and Senator MOYNIHAN also voices concern, or briefly sketches possible unpredicted outcomes arising from the proposal, then I know that my hesitation is vindicated.

In another sense, too, Senator MOYNIHAN is a figure from a different, more polite age, for he is a gentleman. Edmund Burke has observed that "A king may make a nobleman, but he cannot make a gentleman." "A king may make a nobleman, but he cannot make a gentleman." The same can be said for politicians—elections can make a Senator—not always a good one—but they can never make a gentleman. In this age of negative campaigns, of road rage, of obscenities masquerading as popular music, and of television that makes one blush while changing channels, there are few gentlemen to point to, but Senator MOYNIHAN is surely one of those few. He listens carefully, respectful of the viewpoint of the speaker—which is in itself an increasingly lost art, it seems. I have never heard him raise his voice in anger, or comment rudely about another Member, and though his criticisms can be as witty and tart as an Empire apple—the Empire apple is something like the McIntosh apple, very flavorful, tart. I saw some up at Martin's store in Charlestown yesterday, some Empire apples. Despite the standing that he enjoys, he remains an approachable figure, unaffected by the grandeur of his surroundings in this majestic building. Were he to stop and look back at the Capitol, I suspect that he would be enjoying the simple pleasure of tulips and daffodils, nodding, tossing their heads in the sunshine, and not so much savoring the symbol of legislative power embodied in this marble and sandstone edifice.

In the twenty-two years that Senator MOYNIHAN has graced the Senate with his presence, he has brought to the Senate an intellectual puissance and an exalted level of scholarship that have raised the mental caliber of every one around him. He has been more than a Senator from New York, though he certainly has been a good representative of the people of that great State. He has also been an intellectual leader, a sage, and a prophet for the Senate and for the Nation. He has lifted us all up on his broad wings of scholarship.

He is the possessor, the last time I looked at the Congressional Directory some few months ago, he is the possessor of 60 honorary degrees—60. I don't think anyone else in this body, probably in the other body, can equal that achievement.

So he has lifted us all up on the broad wings of his scholarship, his experience and his wisdom, so painstakingly acquired only to be so freely and generously given away.

Herman Melville observed in Moby Dick that ". . . there is a Catskill eagle in some souls that can alike dive down into the blackest gorges, and soar out of them again and become invisible in the sunny spaces. And even if he for ever flies within the gorge, that gorge is in the mountains; so that even in his lowest swoop the mountain eagle is still higher than other birds upon the plain, even though they soar." The distinguished Senator from New York is just such a soul, a Catskill eagle, inspiring other birds of the sunlit Senate plain, including this BYRD.

Mr. President, Erma and I offer our best wishes to Senator DANIEL PATRICK MOYNIHAN as he celebrates his birthday with his lovely wife Liz and his family. May he enjoy many, many, many more happy birthdays, and may we, his colleagues, have the high privilege of sharing in those birthdays with him over a period of many, many years away.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROBERTS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—NOMINATION OF FREDERICA A. MASSIAH-JACKSON

Mr. GRAMS. Mr. President, as in executive session, I ask unanimous consent that the debate relative to the nomination of Frederica Massiah-Jackson be postponed to occur at a time to be determined by the majority leader. It is my understanding that the White House intends to withdraw this nomination by 1 p.m. today. If that does not occur, then it would be the majority leader's intention to begin the scheduled debate at 1 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Thank you very much, Mr. President.

EXTENSION OF MORNING BUSINESS

Mr. GRAMS. Mr. President, I also ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Thank you very much, Mr. President.

95TH BIRTHDAY TRIBUTE TO MIKE MANSFIELD

Mr. DASCHLE. Mr. President, I would like to join my colleague from Montana, Senator BAUCUS, in wishing a happy 95th birthday to former Senator and Ambassador Mike Mansfield. If historians were to accept nominations for individuals who are living embodiments of 20th century history, I would nominate Mike Mansfield to be our Democratic representative.

Ambassador Mansfield's life has framed some of the great events of this century, from his service as a 14-year-old sailor in the U.S. Navy in World War I, to his role as an architect of modern American policy toward Japan as long-time U.S. Ambassador. Along the way, Mike Mansfield shaped history in both ordinary and extraordinary ways: as a miner and mining engineer, as a professor of history and political science, and as a member of the U.S. House of Representatives and Senate from Montana, including a remarkable 16-year tenure as Senate Majority Leader.

As you know, Mr. President, Mike Mansfield's majestic portrait now presides over a room that bears his name just off the Senate floor. To Senators, staff, and visitors, it is a reminder of a Senate giant who was a quiet rock of integrity and perseverance. I am honored and grateful that we have the opportunity today to thank this living reminder of America's greatness and its goodness. Happy birthday, Ambassador Mansfield, and best wishes for many more years of good health and happiness.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KYL). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, for the information of all Senators, I would like to officially notify the Presiding Officer on a change in the status of the nomination that was to have been debated today, that being the nomination of Frederica Massiah-Jackson. The nominee has written the President of the United States asking her nomination be withdrawn.

It is my understanding the President has withdrawn her nomination and, therefore, the Senate will not be conducting a rollcall vote relative to her nomination tomorrow at 2:15 p.m.

Again, it is my hope the Senate can consider today the resolution relative to human rights in Kosovo and conduct a vote regarding that resolution at 5:30 p.m. I understand there may be some objection to bringing up that resolution, but I cannot understand why any Senator would object to a timely consideration of the human rights considerations with regard to what has been happening in Kosovo. At the appropriate time, when we can get an agreement on the wording of the resolution, it will be my intent to bring it to the floor. If some Senator objects, he or she will have to appear and do so.

If not, the Senate should be prepared to consider the nomination of Susan Graber to be a circuit judge, with that vote occurring at 5:30 p.m. today. Susan Graber is a nominee from the State of Oregon to be on the circuit court in that region.

WITHDRAWAL OF NOMINATION OF FREDERICA MASSIAH-JACKSON

Mr. LOTT. Mr. President, back to the withdrawal of the nomination of Frederica Massiah-Jackson, I note that this is at her request in writing, and the President has, therefore, officially withdrawn her nomination. I think it is the right decision on the part of the nominee, and I think certainly it is the right decision for the President to accept that withdrawal and notify the

Senate. This nominee had been given a considerable amount of time to clarify the record with regard to the objections that have been heard by the district attorney in the Philadelphia region in which this judge would have resided, and also from the Pennsylvania District Attorneys Association. Clearly, this nomination was in jeopardy. It probably would have been defeated. I think that would have been the right vote. All concerned have been spared further problems by this withdrawal. So, I am pleased that the nomination has been withdrawn.

EXTENSION OF MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that the period for the transaction of morning business be extended under the same terms as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—NOMINATION OF SUSAN GRABER

Mr. LOTT. Mr. President, as in executive session, I ask unanimous consent that at 5:20 p.m. today, the Senate proceed to executive session, with 10 minutes of time to be equally divided between the chairman and the ranking member of the Judiciary Committee, and an immediate vote then occur after that time on the confirmation of the nomination of Executive Calendar No. 530, which is Susan Graber, of Oregon, to be U.S. Circuit Judge for the Ninth Circuit. I further ask unanimous consent that following the vote, the President be immediately notified of the Senate's action and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I ask unanimous consent that it be in order at this time to ask for the yeas and nays on the nomination, and I therefore ask for the yeas and nays.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LOTT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

Mr. BYRD. Mr. President, is the Senate in morning business?

The PRESIDING OFFICER. The Senate is in morning business. Each Senator will be recognized for up to 10 minutes.

Mr. BYRD. I ask unanimous consent I may proceed in an uninterrupted manner through the completion of my remarks which will last no longer than 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the Chair.

SENATOR WENDELL FORD: THE LONGEST-SERVING KENTUCKIAN IN THE HISTORY OF THE SENATE

Mr. BYRD. Mr. President, the Commonwealth of Kentucky has provided the United States Senate with some of its finer members. Take John Breckinridge, who in the early 1800's became his party's most effective spokesman and legislative leader during his first term in the Senate, and who would doubtless have achieved further greatness had he not succumbed to typhus fever at the age of 46. Despite this early death, Breckinridge did achieve a form of posthumous success when his son, John C. Breckinridge was elected first Senator and then vice-President. (It was, incidentally, the younger Breckinridge who, in 1859, provided such a moving tribute to the "consecrated character" of the old Senate chamber, before leading the Senators in procession to their new, and current home.)

Or consider the great Henry Clay, who promoted the American system, whose powerful oratory and forceful personality made him one of the dominant figures during the Senate's golden age of the 1830's, 1840's and 1850's. And what of Alben Barkley, Majority Leader during the 1940's, whose booming baritone and vast repertoire of humorous anecdotes made him one of the more popular Senators of his time?

Not to mention John Sherman Cooper, who sat right here on the floor during the year that we served together. John Sherman Cooper was a former Ambassador to India. I first met him in 1955, at which time I was a Member of the House of Representatives and was traveling with a subcommittee of the House Foreign Affairs Committee to the Pacific and the Far East. On that occasion we traveled 68 days. We went around the world in an old constellation. That would have been called a "junket" in these times. John Sherman Cooper was Ambassador to India when I and my House colleagues stopped there for a short time. John Sherman Cooper also played an outspoken role in the debates on the war in Vietnam. The list of outstanding Senators from Kentucky is a long list indeed.

Mr. President, today Kentucky has another native son of whom it can be equally proud. That man is WENDELL FORD, who on Saturday last, March 14, became the longest serving Kentuckian in the history of the State.

It seems only fitting that Senator FORD should hold this record, for few other politicians have served the great Commonwealth of Kentucky as ably or as successfully as has WENDELL FORD. After service in World War II, Senator FORD returned to his home state and in short order became a state Senator, then a lieutenant governor, then Governor, before his election to the Senate in 1974.

When WENDELL FORD came to the U.S. Senate, I was the majority whip. Since that date in 1974, Senator FORD has earned acclaim as a smart and savvy legislator, particularly during his excellent chairmanship of the Rules Committee from 1986 to 1994. I count it a great privilege and honor and a pleasure to have served on the Rules Committee during those years of WENDELL FORD's chairmanship. He did well. He was a mighty protector of the rules of the Senate and is one of the best chairman of any committee on which I have served. Senator FORD has also been prominent in the party leadership. He chaired the democratic senatorial campaign committee from 1976 to 1982 and he has served with distinction as party whip since 1990.

As a Senator, WENDELL FORD has endeared himself to colleagues and staffers alike with his warm personality and his vibrant sense of humor. He has also distinguished himself as a devoted and vigilant defender of the interests of his native Kentuckians. I should say of all Kentuckians, native or otherwise. I have always felt a kinship with Kentucky, which borders my own mountain II state. I have felt a kinship with the people of eastern Kentucky, whose rugged, mountainous terrain resembles that of West Virginia. And, as a fellow United States Senator representing another less well-off state whose needs have often been overlooked for too long, I have the utmost respect and admiration for Senator WENDELL FORD's courageous and tenacious efforts to serve the interests of his state and its noble people. In this regard, Senator FORD may be seen as an heir to the legacy of Henry Clay, whose "American system" favored federal spending on communications, transportation and other internal improvements. As a matter of fact, the Old Cumberland Road, as it is sometimes referred to, the Old National Road, began at Cumberland, MD, and went westward to Wheeling, WV and on to Vandalia, IL. The work on that road began in 1811, and by the year 1838 the Federal Government had invested the astounding sum of $3 million in that highway. That was the highway which many settlers traveling from the east and going to the west, took, as they made their way to the Ohio River. I should say that Henry Clay was one of the foremost supporters of appropriations for the Old Cumberland Road, and we who live in the mountainous terrain of West Virginia, and particularly in the northern part of the State, have not forgotten that nor shall we forget it. Few Senators have been as dedicated to serving the needs of their constituents as the able senior Senator from Kentucky, and I salute him for that.

At the same time, Senator FORD has also done much good work on a national level. As a member of the Commerce Committee, Senator FORD has become a national leader on aviation issues, a leader who played key roles in shaping the 1994 Federal Aviation Administration Authorization Act and the 1987 Airport and Airways Capacity Expansion Act. On the Energy Committee, Senator WENDELL FORD has worked tirelessly to lessen our country's dependence on foreign oil and to support clean, environmentally friendly coal technologies. And whether fighting for campaign finance reform or sponsoring the motor voter bill, Senator FORD has been a valiant soldier in the ongoing struggle to make this country's political system as fair, as open, and as representative as possible.

Mr. President, the same words spoken by Senator Clay in his farewell address to the Senate 156 years ago could just as well be attributed to Senator FORD's career in the Senate. Senator Henry Clay declared in part:

> . . . that I have been actuated by no personal motives—that I have sought no personal aggrandizement—no promotion from the advocacy of those various measures on which I have been called to act—that I have had an eye, a single eye, a heart, a single heart, ever devoted to what appeared to be the best interests of the country.

Senator FORD's good work has not gone unappreciated by his constituents. The host of state records that he holds testifies to his popularity with Kentuckians. After all, Senator FORD was the first candidate to carry all 120 counties against opposition and, he did this in 1980. In 1992, he won the highest number of votes cast for any state candidate. And in 1996, he surpassed Alben Barkley's record of having the longest consecutive service of any Kentucky Senator. Now, with this latest accomplishment to his name, there can be no doubting that Senator FORD's position is as one of the most successful and popular politicians in the state's history.

Mr. President, although Senator FORD has announced that he will not stand for re-election this fall, he may rest assured as he prepares to leave this chamber that his contributions and accomplishments have earned him a place in the Senate's and Kentucky's honor rolls. I am sure that I can speak for all of my colleagues when I say that Senator FORD will be sorely missed. His combination of personal charm and legislative skill is a rare one, and whoever fills his seat will have much to live up to.

My wife, Erma, and I shall regret to see him and his lovely wife go.

WENDELL FORD in his service here and in his service to the people of Kentucky, reminds me of a bit of verse by John G. Holland, entitled "God Give Us Men":

> God give us men!
> A time like this demands strong minds,
> great hearts, true faith, and ready hands.
> Men whom the lust of office does not kill;
> Men whom the spoils of office cannot buy;
> Men who possess opinions and a will;
> Men who have honor; men who will not lie.
> Men who can stand before a demagogue
> And brave his treacherous flatteries without winking.
> Tall men, sun-crowned;
> Who live above the fog,
> In public duty and in private thinking.
> For while the rabble with its thumbworn creeds,
> It's large professions and its little deeds,
> mingles in selfish strife,
> Lo! Freedom weeps!
> Wrong rules the land and waiting justice sleeps.
> God give us men!
> Men who serve not for selfish booty;
> But real men, courageous, who flinch not at duty.
> Men of dependable character;
> Men of sterling worth;
> Then wrongs will be redressed, and right will rule the earth.
> God Give us Men!

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, as has been obvious last Friday and today, this Senator succeeded the service of the distinguished Kentucky statesman, Alben Barkley. It is an extraordinary gift that the people of my State have given to me, because it is a gift only they have to give; that is, through their votes. If there is any significance to this period of service, it is that I have served my people well, have voted the way they would have hoped I would vote, and they understand that I work hard even though I do not accomplish everything that I hope to.

Mr. President, on Friday, one of the finest young men that I have known in a long time, Senator DASCHLE, said some very kind words about me and our association. I am grateful to him. JOHN GLENN, whom everybody knows—and you want to stand close to him so you can get your picture made—JOHN and his wife Ann and Mrs. Ford and I have become very close personal friends. JOHN is going to do what he feels he can still make a contribution to, and that is how we can prevent aging. I wish him all the success in the world. After I leave here, I intend to form the Government Education Center in my hometown for high school students. The JOHN GLENNS of this world will do what they can do best. I hope that WENDELL FORD can do what he does best and try to encourage young people to take an interest in government, whether it is local, State, or Federal. Maybe we can find another Henry Clay, or Henrietta Clay, as the times would dictate, in the class of high school students. We will begin that in January of next year when I leave the Senate.

HARRY REID, who talked about Searchlight, NV, a very small community, reminds me of Yellow Creek, KY, where I came from; the little town of Thruston.

Senator KENNEDY, for the remarks he made on Friday, I am grateful to him.

We have just listened to some words from the distinguished Senator from West Virginia, ROBERT BYRD. As he said, he was the whip when I came to the Senate, and he was almost a "third Senator" for Kentucky, because we had so much in common between West Virginia and Kentucky, particularly in eastern Kentucky.

I thought I knew the love of this institution until I met Senator ROBERT BYRD and understood his love for this institution. I thought I understood "to defend and support the Constitution" of these United States until I met ROBERT C. BYRD and saw his tenacious support of the Constitution and how sometimes he would stand alone in his defense of it. So the years with Senator ROBERT BYRD have been very meaningful to me. We need people such as him to give us the legislative history not only of our beginning and prior to that but so that we understand why we are here and how we work.

Mr. President, I may have formal remarks later on in this session before we leave, but I could not let this time pass without thanking my friends for their kind words and hope that somehow I may be able to develop and encourage young people to come and be a future ROBERT C. BYRD or a TOM DASCHLE or a HARRY REID or a TED KENNEDY.

I thank all of them for their kind words, and particularly the people of my State who have been so kind to me in the years we have worked together for its betterment. Maybe I ought to apologize to some of my colleagues for being so tenacious at times in trying to serve the people in my State, whom I love so much. A lot of them I love I have never seen or met, but the relationship is still there. As we go through this trying time as it relates to support for the farmer in my State, I probably have been more tenacious than I have ever been because it is the largest political problem I have had since I have been in politics some 35 years.

Mr. President, I thank you for the opportunity to speak. There being no Senator wishing to be recognized, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Chair thanks the senior Senator from Kentucky, the longest serving Senator from the great State of Kentucky, and joins in the admiration of those who spoke of him.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, today marks another milestone in the extraordinarily successful tenure of my friend and colleague from Kentucky, WENDELL FORD. He becomes the longest serving Senator in Kentucky history. I remember well when Senator FORD got his start; I was in law school at the University of Kentucky. I remember reading a story about a State Senate primary in Owensboro, KY, in which the Senate majority leader of the Kentucky State Senate was upset in the primary by an impressive young man named WENDELL FORD, who had been involved in politics some time and had been in fact national president of the Jaycees.

Then in my senior year in law school, I remember this young State senator, who obviously didn't want to stay in the State senate too long, running for Lieutenant Governor and defeating the attorney general of Kentucky in that primary.

Then that November, an unusual thing happened in Kentucky—they elected a Republican Governor. It has not happened since. It is a fairly rare occurrence in our State. But State Senator Wendell Ford was elected Lieutenant Governor, so he beat one of those rare Republican tides in our State.

Then, as if that were not enough, 4 years later everybody in Kentucky thought that former Gov. Bert Combs, who subsequently had a distinguished career as a U.S. court of appeals judge, was a lead pipe cinch to be the next Governor of Kentucky and at the very least to win the Democratic primary. But Lt. Gov. Wendell Ford defeated, against everybody's expectations, former Governor Combs in the primary, and the rest is, as they say, history.

He came to the Senate, beating a Republican incumbent in 1974, and is into the final days of his fourth term. He has served Kentucky long and well, having had an extraordinarily successful public career. I join with all of my colleagues in congratulating him for his not only lengthy service but his excellent service on behalf of the Commonwealth of Kentucky and the people of the United States.

Mr. President, I suggest the absence of a quorum.

Mr. FORD. Will the Senator withhold?

Mr. MCCONNELL. I withhold.

Mr. FORD. Mr. President, it is hard to take all these kind words that are being said about me, and I think I will notify my grandchildren to listen in. But I do thank my colleague for a bit of history as it relates to my political career. His is somewhat akin to mine. When he ran for office, he was not expected to win, and he did. So I think we can relate to those periods in our lives and our political tenure. I do thank him for his kind words today, and I look forward to working with him to accomplish things for our Commonwealth and this country in the next few months we will serve together. I am grateful to him.

I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

UNANIMOUS-CONSENT AGREEMENT—NOMINATION OF JEREMY D. FOGEL

Mr. MCCONNELL. Mr. President, on behalf of the Republican leader, as in executive session, I ask unanimous consent that at 5:20 today the Senate proceed to executive session and there be 10 minutes of debate in the usual form on Executive Calendar No. 505, the nomination of Jeremy D. Fogel, of California, to be U.S. district judge.

I further ask unanimous consent that immediately following the debate, the Senate proceed to a vote on the confirmation of the nomination, and following the vote, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. I now ask unanimous consent that it be in order at this time to ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. I therefore ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. MCCONNELL. All Senators should now be aware that at 5:30 today there will be a rollcall vote on Jeremy Fogel to be U.S. district judge.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

NOMINATION OF JUDGE MASSIAH-JACKSON

Mr. HATCH. Madam President, Judge Massiah-Jackson has made the right decision in withdrawing her nomination to the Federal bench, given the strong bipartisan opposition from law enforcement groups, her demonstrated leniency in sentencing convicted criminals, and the Judiciary Committee's concerns about her lack of candor throughout the nomination process. I believe withdrawing the nomination was the right thing for her to do. Despite the fact that the committee afforded two hearings for this nominee, and gave her ample opportunity to answer criticisms of her record, her responses were found to be unconvincing. After having heard the nominee's testimony and having considered the information provided to the committee by law enforcement officials about her treatment of police officers in court and her flawed judicial rulings, I would not have voted to confirm this nominee to a lifetime appointment to the Federal bench.

The events surrounding Judge Massiah-Jackson's nomination demonstrate the need for the Senate to scrutinize the President's nominees carefully. That is what we have been doing. This is not a numbers game. We have to look at these people very carefully. They are nominated and, if confirmed, are confirmed for lifetime positions. Some people say the closest thing to God put in this life is being put on the Federal bench, because nobody can criticize you under those circumstances once you make it there. So this particular nomination does demonstrate the need for scrutiny of any President's nominees.

Unfortunately, I think many in the legal community do not understand the Senate's role in the confirmation process. The Constitution obligates the Senate to advise the President with respect to his choice in nominees and ultimately consent to their appointment. No one has the right to a Senate confirmation anymore than he or she has the right to be nominated by the President. Federal judges serve for what amounts to life terms. They wield enormous power in our society, power that must be exercised fairly and impartially. When the President sends us nominees who lack the necessary qualifications to be elevated to the Federal bench, the Senate's duty is to bring these deficiencies to light.

In this case, given the bipartisan opposition of law enforcement and the nominee's problematic record, I believe withdrawal of the nominee was appropriate. But let me add, had this nominee come to a vote today, she would have been overwhelmingly defeated by both sides of the aisle. There were many Democrats who were going to vote against Massiah-Jackson, and I think most all Republicans were going to vote against her as well. And there were reasons to do so with regard to this nomination.

Having said that, let me just say that I was impressed with Massiah-Jackson's family. It is clear that she is a nice woman. It is clear that her husband is a very nice man. Her two children whom she introduced to the committee looked as though they were just outstanding in every way. So I commend her for that, and I hope she has learned from this process that people in Philadelphia expect her to be tough on crime, to be tough on criminals, and to support the law enforcement people when they are right. When they are wrong, she should correct them and she should do so vociferously.

But some of the things that were done really cast such a cloud over this nomination that we just could not vote for her in the end, so I was pleased that she did the right thing by withdrawing her nomination. I feel badly about it, because I believe her to be a nice person. I believe that she intends to be a very fine judge, and I commend her to work very hard to be that. Being a tough trial judge in Pennsylvania is a very great honor. The fact that she has not received consent to this nomination and this opportunity should not deter her from proving that she could be one of the best trial judges in the State of Pennsylvania if she wants to be. I certainly believe she is intelligent enough to be. My own personal belief is that she is good enough to be. But because of these problems in the past, she is going to have to redeem herself in the eyes of the law enforcement community.

If Judge Massiah-Jackson takes out vengeance against the law enforcement community and those who have raised these issues, then she will have proven us even more right and she will have proven that the action of withdrawal here today was even more right than I believed it to have been. I hope she will treat all law enforcement officials with the respect that they are due when they appear before her court. I practiced law in Pennsylvania for a number of years and I tried a number of cases in front of the Common Pleas bench in Pittsburgh, and I have to say these are very important judgeships. She still has that judgeship. I wish her the best. I am counting on her doing the very best she can from here on in, and I have counted on her proving that those who have criticized her, though perhaps just at this time, it appears, can have faith in the future because of what she has tried to do.

FAIRNESS TO THE NOMINEE

Madam President, it has been claimed that the process by which the Judiciary Committee has considered this nomination has been in some way unfair. I think that assertion is incorrect. In fact, the Committee has bent over backwards to ensure that this nominee has been treated appropriately.

The Committee received this nomination on July 31st of last year. Senator SPECTER encouraged the Committee to hold a hearing on the nominee even before her paperwork or the background checks were completed. That background work was not finished until September 25. Shortly thereafter, at Senator SPECTER's request, a hearing on the nominee was scheduled for October 29th. Moreover, I did not object, nor did I attempt to intervene, in Senator SPECTER's decision to hold a field hearing in Philadelphia.

In any event, the Committee held a hearing on the nominee on October 29th. Although some on the Committee wanted to delay taking action on this nomination, at Senator SPECTER's insistence, we forged ahead. As a consequence, the nominee was reported out of Committee on November 6th of last year.

Then, in a rather extraordinary turn of events, a bipartisan coalition of law enforcement groups organized to oppose this nominee. The Pennsylvania District Attorneys' Association, the Commonwealth Attorney General, the Fraternal Order of Police, the National Association of Police Officers and the Law Enforcement Alliance of America all mobilized to defeat this nominee. Through their efforts, the Committee became aware of a number of instances in which the nominee demonstrated hostility towards police officers and prosecutors. Indeed, the Committee came further to learn that the nominee had not been entirely forthcoming with the Committee. The number, and nature, of these allegations made it impossible for the Committee to turn a blind eye towards them.

In an effort to be fair, however, the Committee took the unusual step of affording Judge Massiah-Jackson the opportunity to respond to these charges in a second hearing. Unfortunately, the nominee's testimony in that hearing was not particularly compelling—in fact was otherwise.

Some have complained that this latest hearing was tilted against the nominee because she was asked about so-called new cases that she had been informed of only the night before.

While I can understand those concerns, I would note that each of the cases reviewed were actually Judge Massiah-Jackson's. Indeed, many of the cases that were discussed should have been provided to the Committee by Judge Massiah-Jackson herself. Thus, I hardly think it fair to say that the Judiciary Committee was somehow disingenuous in asking the nominee about her own cases.

In addition, claims have been made that the manner in which the Committee has received critical documents has worked to the nominee's disadvantage. While it is true that we have received documents in a hodge-podge manner, efforts have been made to ensure that the nominee was advised of cases that would be addressed. Moreover, I would again like to emphasize, that these are the nominee's cases.

I would add that the Committee learned that Senator SPECTER was also conducting his own investigation into the nominee's record. According to the Philadelphia District Attorney's Association, Senator SPECTER, as is his right, requested numerous transcripts from their office. In an effort to keep the record straight and to provide all members access to the information, the Committee sent a bipartisan letter, signed by myself and Senator LEAHY, to Senators SPECTER and SANTORUM requesting that they provide the Committee copies of all material relevant to Judge Massiah-Jackson's nomination.

I think it is safe the say the new information that the Committee has received this past month has been troubling because of the concerns it raised about the nominee, but I think it is also fair to say that the documents have come to the Committee from a variety of sources, and in a confused manner. This allegedly new material includes not only follow-up information requested by the Committee in order to fulfill its ongoing duty to the Senate to evaluate the nominee, but also unsolicited material such as trial transcripts, statistical information from various entities including the Department of Justice, the Pennsylvania District Attorneys' Association, the Philadelphia Bar Association, the Philadelphia Bar Association Special Review Committee, and other individuals.

The Committee has had no control over the timing, or the manner in which it received these documents. I would just like to outline the process by which many of the more significant documents were received:

The January 30, 1998, Report from the Pennsylvania District Attorney's Association, with attached statistical and case analysis, which the Committee received the week of February 2, 1998. This was the first formal submission from District Attorney's Office concerning this nominee. It was promptly distributed to all Committee members.

A February 12, 1998, Report from the Special Review Committee of the Philadelphia Bar Association submission of in response to the District Attorney's document, which was received by the Committee February 13, 1998, was copied and distributed that same day.

The week of March 2, 1998, the Committee received word from Senator SPECTER's office that it had received material from Philadelphia District Attorney's Office. The Committee was unable to have immediate access to the materials because it was told that the materials were being analyzed by Senator SPECTER's staff. Only after the Committee insisted that it must have access to the material, and distribute it to the other members, including the Minority, did the Senator's staff provide access to a portion of the material. The Committee then had the portion—approximately ⅔ of the material—copied. Because the Committee was unable to have access to the remainder of the material immediately, it was forced to wait until several days, and only then was it able to have the rest of the material copied and distributed to the rest of the members of the committee.

The March 6, 1998, Pennsylvania District Attorney's Association submission in response to the Philadelphia Bar Association, was received by senior Committee staff on Monday March 9, 1998, and distributed to members on Tuesday, March 10, 1998.

On March 9, 1998, Committee received notice from Senator SPECTER's office that it had received more case material from Philadelphia District Attorney's Office. The Committee obtained copies of that material from Senator SPECTER's office, made copies and distributed it to the members. The Committee was later informed that this material was actually sent to Senator SPECTER's staff on Friday, March 6. The Committee as a whole received it some three days later.

A March 10, 1998, Report from Philadelphia Bar Association with attachments was received on March 10, 1998, and was immediately distributed to members.

On March 10, 1998, the Committee received a report from Department of Justice, which was immediately distributed to members.

A Report dated March 11, 1998, from the Pennsylvania District Attorney's Association was submitted in response to a Philadelphia Bar Association submission. The material was submitted to senior staff on March 11, 1998, and distributed to the Committee on March 12, 1998.

On March 12, 1998, copies of twenty new cases submitted by Philadelphia District Attorney's Office were received by the Committee. The Committee made arrangements to copy that material the same day, for distribution early the following day.

In short, the collection of relevant information concerning this nomination has been trying and ad hoc. We all share the frustration of having information presented to us at the last minute. Whether the information is exculpatory or further damaging, Senators have a right to be upset. However, it must be emphasized that, at least with respect to the cases, it is material within the nominee's control. After all, they are her cases we are discussing—many of which should have been provided to the Committee by the nominee herself. Indeed, concerned that Judge Massiah-Jackson had not been given the opportuntity to review adequately those cases presented during the second hearing, the final vote on the nomination was moved from last Thursday to this Tuesday, and the nominee was afforded the chance to respond, in writing, to any concerns expressed at the hearing. She availed herself of that opportunity, and provided the Committee with a written response to some of the allegations raised at the hearing. I find her responses wanting. In any event, while the process of receiving and distributing documents has certainly been aggravating at times, I do not think it has been particularly unfair to this nominee.

I ask unanimous consent to have printed in the RECORD the letter from Judge Frederica Massiah-Jackson, dated March 16, 1998, wherein she has withdrawn her nomination.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA, COURT OF COMMON PLEAS, JUDICIAL CHAMBERS,
Philadelphia, PA, March 16, 1998.

Hon. WILLIAM J. CLINTON,
President of the United States, Pennsylvania Avenue, Washington, DC.

DEAR MR. PRESIDENT. It is with great regret—and personal sadness—that I write to you today to ask that you withdraw my nomination as a judge to the U.S. District Court for the Eastern District of Pennsylvania.

You honored me and my family greatly by selecting me to be the first African American woman to sit on that court. I had looked forward to my service there as the next step of my public service to the city and citizens of Philadelphia, whom I care about so deeply.

After being found qualified to serve by the Specter-Santorum Judicial Selection Commission, the Department of Justice, the FBI, the American Bar Association and the Senate Judiciary Committee, I have recently been subject to an unrelenting campaign of vilification and distortion as I waited for a vote on my nomination by the full Senate.

All of these mischaracterizations occurred when I lacked a forum or platform from which to respond. Having finally been accorded a hearing to respond to these charges last week, I attempted to do so only to have hurled at me additional "new" charges. I have now responded to these new charges and believe the record has been set straight once again—at least the record to which I have been given full opportunity to respond.

Today, however, the Senate is set to debate my nomination for an unprecedented six hours—a process which will not accord me any role or opportunity to set the record straight yet one more time. I have been a fighter in what I believe all my life, but allowing still more and more selective, one-sided and unsubstantiated charges to go unanswered in this politicized environment is not acceptable to me after my long journey.

That journey has only reaffirmed for me the central belief that our system of justice and the independence of this third branch of government may be the most precious treasure bequeathed to us by the Founding Fathers. I hold it dear and will always try to do my part to ensure that the system works for all coming before the bar of justice.

Thank you again for standing by me and honoring me with your nomination, with your trust and with your confidence.

With sincere best wishes,

Very truly yours,

FREDERICA A. MASSIAH-JACKSON.

Mr. HATCH. Madam President, this is a letter written to the Honorable William J. Clinton. I am glad to have that in the RECORD.

Again, I express my sorrow that it had to end this way, and I wish the very best to Judge Frederica Massiah-Jackson. I hope she will take this in a way that will be instructive, informative and, hopefully, helpful to her if she continues to serve on the highest trial court in the State of Pennsylvania, the Court of Common Pleas. I hope she will benefit from this experience instead of it being a detriment to her. If she will treat law enforcement officials fairly, if she will be tough on crime when it is clearly shown, and if she will be totally honest in her dealings on that bench, I have great belief that she will yet serve in many, many good ways the people of Pennsylvania.

I wish her the best. I wish her family the best. And I, again, am sorry this has turned out this way, but I think it is the way it had to turn out under the circumstances.

Madam President, I ask unanimous consent to have printed in the RECORD the speech that I would have made had this nomination come to the floor and not been withdrawn. I feel it is incumbent upon me to do so because of Ms. Jackson's letter.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF ORRIN G. HATCH IN THE UNITED STATES SENATE ON THE NOMINATION OF JUDGE FREDERICA MASSIAH-JACKSON, FEBRUARY 10, 1998

Mr. President, I rise today to discuss the record of Judge Fredrica Massiah-Jackson, President Clinton's nominee to be a United States District Court Judge for the Eastern District of Pennsylvania.

Judge Massiah-Jackson, who currently serves as a Philadelphia Court of Common Pleas judge, was nominated by President Clinton on July 31, 1997. The Judiciary Committee initially held a hearing on Judge Massiah-Jackson's nomination on October 29th of last year. She was reported favorably out of the Committee on November 6th. I was one of those voting to report her favorably to the floor. Since the nominee was reported out of the Judiciary Committee, however, certain allegations have been made regarding her fitness to serve as a district court judge. In particular, questions have arisen regarding the nominee's ability to weigh cases impartially and to treat police officers and prosecutors fairly.

Before I turn to those criticisms, however, I would like to state that I understand the difficulty of Judge Massiah-Jackson's situation and appreciate her willingness to have appeared before the Judiciary Committee not just once, but twice.

I would further add that I am impressed with Judge Massiah-Jackson's numerous accomplishments. She appears to have a lovely family and has plainly demonstrated a commitment to the legal profession. For those accomplishments, I commend her. Her family should be proud of her.

Nevertheless, it is important to remember that fitness for the federal bench is measured not solely by one's hard work, or even by her facility with the law. After all, federal judges are nominated by the President and confirmed by the Senate for what amounts to life terms. They wield enormous power in our society, power that must be exercised fairly and impartially. The judicial role demands that a judge be willing to uphold the Constitution and abide by the rule of law. When an individual dons the judicial robes and ascends the dais to assume her seat on a federal court, she takes an oath to be impartial and to treat all individuals—regardless of social status—fairly.

As a consequence, no one has a right to Senate confirmation any more than she has the right to be nominated by the President. An important part of the Senate's responsibility is to advise the President with respect to his choice in nominees and ultimately to consent to their appointment. This is a function I take seriously. In fact, I believe that every member of this body takes his vote to confirm federal judges seriously. And it is with this measure of seriousness and deliberation that I approach the vote to confirm Judge Massiah-Jackson.

With that, I would like to address what I believe to be the three issues with which I have significant concerns regarding the nominee's record. First, I will discuss concerns about her candor with the Committee. Second, I will address allegations that she is particularly lenient in sentencing convicted criminals. And finally, I would like to speak to her animus towards prosecutors and police officers.

Candor: First, I would like to explore the nominee's candor before the Committee. During the Judiciary Committee's background investigation of Judge Massiah-Jackson, we called her attention to an article in the Philadelphia Daily News. In that article, it was reported that the nominee identified two undercover officers in open court and warned the spectators to watch out for them. The article generated considerable interest because the nominee had acquitted a man accused of possessing $400,000 worth of cocaine because she did not believe the testimony of the police officers. It was the second time Judge Massiah-Jackson had acquitted alleged drug dealers apprehended by the same officers.

In the earlier case, the undercover officers had testified that they found two bundles of heroin on a table next to the defendant. Judge Massiah-Jackson not only disbelieved the testifying officer's statement, but she went one step further. As the officers were leaving the courtroom, it was reported that the judge told the assembled spectators to "take a good look at these guys [the undercover officers] and be careful out there." [Philadelphia Daily News (May 21, 1988)].

Committee staff asked the nominee whether the circumstances described in that article were true. The nominee told staff that she simply did not recall the incident. Thereafter, she was faxed a copy of the article and asked to provide the Committee with a letter commenting on the article's allegations. Although the Committee received the nominee's letter, she utterly failed to address the incident with the undercover police officers. At that time, at least, she did not repeat her claim that she could not recall the incident. Instead, she avoided discussing the incident altogether.

At the nominee's initial confirmation hearing, she was again directly questioned about this incident. Instead of answering the question directly, she indicated merely that she respected the role of law enforcement officers. She neither claimed that she could not recall the incident, nor, as she did most recently, state that she was actually admonishing school children in the audience to be respectful of police officers.

Shortly after the hearing, the Committee again gave the nominee the opportunity to respond to the allegations made in the news article. In response to a written question, the nominee changed her earlier claim that she could not recall the incident. Instead, the nominee categorically denied ever having warned spectators to beware of the undercover officers. She stated—in writing—that:

"I have read the 1988 article and it is inaccurate. I would not and did not make any such statement to the spectators. I have great respect for law enforcement officers who have very difficult jobs and work in dangerous situations." [Follow-up questions p. 17].

Now, given the fact that the undercover officers had not previously come forward, I was unwilling to credit an uncorroborated newspaper story over the nominee's direct testimony. I did not believe it fair to derail a nomination on the basis of a single, uncorroborated newspaper account.

Following her initial hearing, however, the undercover officers discussed in the article came forward and provided written statements to the Committee refuting her representations and corroborating the newspaper article. Detective Sergeant Daniel Rodriguez, who actually testified before Judge Massiah-Jackson, confirmed that the nominee said to courtroom spectators: "take a good look at these guys, and be careful out there." Rodriguez further explained that "What the judge said jeopardized our ability to make buys. And it put us in physical danger." Detective Terence Jones, who also submitted a statement to the Committee, corroborated Rodriguez's statement.

Judge Massiah-Jackson, in her subsequent hearing, retreated from her earlier denial that the event ever occurred and instead claimed that in "reconstructing the incident," she now believes she was just talking to school children present in the courtroom and that the officers most likely misunderstood her comment. She further argued that she often talked in such a manner to visiting students, hoping that they would respect and acknowledge police officers.

Regardless of whether the officers should have felt concerned about their safety, I am troubled by two things: First, that the nominee denied that the event had ever occurred. If she had not remembered the event, she should have simply said that. I am concerned that, when it appeared to suit her, the nominee denied ever having made such a statement.

Second, I question her most recent assertion that she often lectured school children visiting her court room. In fact, Detective Rodriguez was to have appeared before Judge Massiah-Jackson in a subsequent narcotics in case. In that later case, the officer explained to the Assistant District Attorney that Judge Massiah-Jackson had recently placed him in danger by identifying him before a crowded courtroom. He further noted that she had also identified his partner, who was also in plain clothes and had not testified in the case. The Assistant DA was sufficiently concerned by Judge Massiah-Jackson's behavior that she sought to have the nominee recused. Although the nominee denied the Assistant DA's recusal motion, she admitted, on the record that she does tell criminal defendants to get a good look at undercover police officers. Her exact quote was: "I do say that to certain defendants." [*Commonwealth* v. *Ruiz*, p. 4]. In other words, the nominee did not claim then, as she does now, that she routinely talked to school children in this fashion. Rather, she explained on the record that she often told "certain defendants" to watch out for undercover police officers.

The Newspaper article appears consistent with the officers' understanding of the events that transpired in the nominee's courtroom and with the nominee's statement in the record. Indeed, the newspaper reported that the DA's office was so "concerned by some of the decisions made by the judge in drug cases" that it decided to "begin reviewing drug cases that come before Massiah-Jackson and decide, on a case by case basis, whether to ask her to disqualify herself" on the ground of her inability to preside fairly. [Judge Overrules Cops, Clears Suspect, Philadelphia Daily News (May 21, 1988)]. I thus find the nominee's explanation for her statements wanting. I doubt very much the DA's office was sufficiently concerned to urge the nominee to recuse herself in drug cases if all she was attempting to do was to connect with school children.

Unfortunately, this is not the only incident with which I am convinced that the nominee did not provide the Committee with complete information. As a routine matter, well before a hearing is scheduled, judicial nominees who are presently sitting judges are asked to provide the Committee with a list of all of the cases in which they have been reversed. Judge Massiah-Jackson, in response to that question, provided the Committee with a list of 14 cases in which she had been reversed. None of the cases she identified involved a sentencing issue.

At her hearing, concerned about her alleged leniency in sentencing, Judge Massiah-Jackson was expressly asked whether she had ever been reversed on a sentencing issue. She said no. I took her answer at face value.

After the hearing, the Committee again, in writing, whether there were any other cases in which the nominee had been reversed. In response, the nominee identified an additional reversal which, due to her oversight, she had failed to include in her original submission. Once again, however, the newly discovered reversal did not involve a sentencing issue.

Although the nominee brought no new reversals to the Committee's attention, the Committee was subsequently apprised of at least five additional cases in which the nominee was reversed. Now, it is certainly possible that a nominee could overlook a case or two. What is troubling to me, however, is that among those additional reversals brought to the Committee's attention were at least two reversals on sentencing issues, one of which, *Commonwealth* v.

Easterling, was a reported case. The other, *Commonwealth* v. *Williams*, presents a particularly troubling picture. There, the defendant, in attempting to take the victim's purse, viciously slashed the victim with a straight razor. He pleaded guilty to robbery and possession of an instrument of a crime. At sentencing, however, the nominee not only miscalculated, to the defendant's favor, the offense gravity score used to determine the sentence, but also refused to apply the deadly weapon enhancement provision of the Sentencing Guidelines. When the prosecutor tried to bring the nominee's error to her attention, she evidently accused him of being "vindictive." On appeal, the Superior Court found that she used the wrong offense gravity score and erred in not applying the deadly weapon enhancement.

Now, I understand that the nominee has presided over a good many trials, perhaps even thousands. But the nominee herself testified that she thought her decisions had been appealed only about 89 times, which is not unusual. The vast majority of the cases that come before a judge sitting on the Court of Common Pleas are not the sort that result in an appeal. Ordinarily, they are cases that result in guilty pleas or settlements. So when we talk about appeals, we are not talking about an overwhelming number of cases.

However, when asked specifically to provide the Committee with each case in which she was reversed, the nominee failed to inform the Committee of at least two sentencing cases—one of which was publicly reported—in which she was reversed for imposing too lenient a sentence. Her failure to report these cases is particularly troubling in light of the fact that she was asked on three separate occasions to report her reversals and, in her testimony before the Committee, specifically denied that she had ever been reversed on a sentencing issue.

Leniency: In addition to these reversals for illegal sentences, I would like to provide you with an example of why I am so concerned about Judge Massiah-Jackson's ability to weigh the facts fairly and her leniency in sentencing. Before I speak to those concerns, however, I would like to say a word about the claim that the nominee is in reality a tough sentencer. I have been quite interested in the statistical data presented in this case by both the Pennsylvania Bar Association and the Pennsylvania District Attorney's Association. Statistical duels must always be carefully scrutinized. Nevertheless, provided they are used correctly, statistics can be very revealing. I've taken a look at the Philadelphia Bar Association's assertion that Judge Massiah-Jackson's conviction rate is actually higher than that of the average Philadelphia Court of Common Pleas judge. I am unpersuaded.

The Bar Association's assertion is based on a basic error in statistical analysis. The Bar Association took the nominee's bench trial convictions as a percentage of her overall dispositions. It found that, on average for the years 1984 through 1991, her conviction rate was 24%. In contrast, it found the average conviction rate for Philadelphia Court of Common Pleas judges during that period to be only 18%. Under the Bar Association's analysis, Judge Massiah-Jackson seems very tough on criminals. The Bar Association has made a fundamental error, however.

Overall dispositions include guilty pleas, jury trials, bench trials, transfers, decisions not to prosecute and a variety of other things. The category is a real mix. That wouldn't present a problem if all judges had about the same ratio of bench trials to overall dispositions. But they don't. It was therefore an error to calculate bench trial convictions as a percentage of overall dispositions.

The bottom line is that Judge Massiah-Jackson has a high bench trial conviction rate, because she has had a lot of bench trials, not because she is tough on crime. For the same reason, her bench trial acquittal rate is far above average too.

The proper thing to do in Judge Massiah-Jackson's case is to compare bench trials to bench trials. A disposition as a result of a bench trial, where no jury was involved, is likely a more accurate measure of an individual judge's leniency. When you do that, the picture completely changes. During the relevant period, 64.6% of Judge Massiah-Jackson's bench trials resulted in convictions, while 70.1% of Philadelphia Court of Common Pleas bench trials did so. In other words, the average Philadelphia Court of Common Pleas judge convicts more often and acquits less often than Judge Massiah-Jackson. If you look at bench trials only, you'll see that her acquittal rate is really 18.4% higher than the average acquittal rate for the Philadelphia Court of Common Pleas. Her conviction rate is correspondingly lower.

As a consequence, when scrutinized carefully, the statistics show that Judge Massiah-Jackson is less inclined than other judges on her court to convict after a bench trial and more inclined to acquit. In reality, then, the nominee is significantly more lenient than other Philadelphia judges in her treatment of criminal defendants.

Regardless of the statistical claims that are made, I think it is important to note the bi-partisan opposition that the nominee has engendered among law enforcement personnel. I think the people who work in the trenches—the prosecutors and the police officers—have a better handle on this than we can ever hope to have.

In particular, a few cases serve well to illustrate this point. I certainly do not have time to cover all the cases in which the nominee is alleged to have been lenient in sentencing, but I would like to offer a few examples that I think illuminate her overall record.

At the outset, I would note the frustrations of using individual cases to characterize a nominee's record. It is always difficult to accurately consider a nominee's overall fitness for office when we are forced to rely on individual cases. Nevertheless, when a nominee has been a judge for as long as this nominee has, decided cases are important indicators of how the nominee is likely to perform on the federal bench. After a fairly exhaustive review of this nominee's record when she sat on the criminal bench, I do not believe that the case sampling we have analyzed distorts her record. In fact, the 50 troublesome cases originally identified by the District Attorneys' Association occurred during a one year period in which the nominee rendered only some 200 verdicts. Similarly, in a two-year period wherein the nominee heard a total of 66 aggravated assault bench trials, it was discovered that she convicted as charged only 15 times. She acquitted in 37 cases and found the defendant not guilty of the more serious charge in 14 cases. Thus, I think the several cases I will highlight today serve to represent the nominee's overall leniency towards criminals and her animosity towards law enforcement.

In *Commonwealth* v. *Johnson*, for example, the defendant brutally raped a ten year old girl. Following a jury trial, the defendant was convicted of rape. Because the victim was only ten years old, a mandatory minimum sentence of five years applied. The nominee, however, had the discretion to impose a minimum term of ten years. The prosecutor, planning to argue in favor of a higher sentence, asked Judge Massiah-Jackson to order a presentence report and victim impact statement. The nominee refused, however, stating "What would be the point of that?" [Tr. 631-32]. She subsequently sentenced the defendant to the mandatory minimum—only five to ten years for raping a ten year old girl. The nominee stated on the record that she would not have imposed the sentence if it were not mandatory "because I just don't think the five to ten years is appropriate in this case even assuming you were found guilty." [Tr. 9]. Perhaps the saddest part of this story is that it did not end with Judge Massiah-Jackson's exceptionally lenient sentence. Unfortunately, this defendant was arrested only last year for allegedly raping a nine year old boy.

Similarly, in *Commonwealth* v. *Freeman*, the nominee again demonstrated inappropriate leniency in sentencing. In that case, the defendant shot and wounded the victim in the chest, allegedly because the victim had laughed at him. Incredibly, the nominee convicted the defendant of a misdemeanor instead of felony aggravated assault. She sentenced the defendant to only two to twenty-three months' imprisonment and then immediately paroled him so that he did not have to serve prison time. The felony charge would have had a mandatory five to ten year prison term. Judge Massiah-Jackson explained her decision stating that "the victim had been drinking before being shot and that [the defendant] had not been involved in any other crime since the incident." How the unarmed victim's drunkenness could have possibly mitigated the defendant's sentence is beyond me.

Finally, I would like briefly to address the nominee's alleged bias against the state, and how that particularly affects crime victims. In *Commonwealth* v. *Hicks* [549 A. 2d 1339 (Pa. Sup. Ct. 1987)], for example, the defendant was charged with robbery, theft, and aggravated assault, among other things. At trial, the defense motioned for a continuance because one of its witnesses, a police officer, was not present. Defense counsel had asked the DA two days prior to subpoena the officer as a favor. The DA subpoenaed the officer, but he did not receive it. Judge Massiah-Jackson did not believe that the DA had subpoenaed the officer. She then recharacterized the officer as a State witness and demanded the State drop the case. When the State refused to do so, explaining that it was prepared to go to trial and that the officer was not its witness, Judge Massiah-Jackson dismissed the case purportedly because the State failed to subpoena a defense witness. She then inaccurately entered in the court record that the state was not ready to go to trial. The appeals court reversed the decision stating it was "unable to determine the basis for the trial court's decision," and that the trial court "was unable to justify its decision by citation to rule or law."

Her animus against police officers is similarly evident in *Commonwealth* v. *Nesmith*, [Opinion No. 2954 (June 26, 1995), *aff'd*, (Pa. Super. Ct. 1996)], where the defendant, while speeding in his car, hit a woman, stopped to observe that she was lying injured in the street, and then left the scene.

As the defendant fled the scene, one of the victim's relatives chased after him. After driving several blocks, the defendant stopped his car and attempted to flee on foot when the victim's relative confronted him. As the two men began to fight, the defendant's relatives jumped in the fight and beat the victim's relative unmercifully with fists and bottles. The victim's relative, whose head was split open, was taken to the hospital for his injuries.

The hit and run occurred shortly after the defendant had been released from prison on parole for an unrelated assault. In that case, the victim sustained severe injuries, including broken legs, back and pelvis. After a bench trial, Judge Massiah-Jackson convicted the defendant of aggravated assault, simple assault, reckless endangerment, criminal conspiracy, and leaving the scene of an accident. She advised the defendant that if he paid $3700 in restitution to the victims, the Court would find the restitution a "mitigating factor" at sentencing, even though the sentencing guidelines called for "a lengthy period of incarceration." (R. at 139–140a). The State objected to any leniency at sentencing, but Judge Massiah-Jackson, all but ignoring the victim's injuries, responded, "The only behavior here is this is a traffic accident case." (R. at 143a).

Despite the fact that the defendant had numerous prior convictions, including 8 adult convictions, and that the recommended guideline sentencing range was 38–54 months, the nominee sentenced the defendant to only two years probation for the aggravated assault. In justifying her excessive departure from the guideline range, the nominee cited the defendant's cooperation in making restitution over a three year period and the fact that the defendant was not a danger to the public. She claimed that the defendant's actions were "not really criminal. He had merely been involved in a car accident." She further opined that the defendant's prior arrests might have been due to police officers like Officer Houck [Huck] who unlawfully stopped the defendant. (R. at 216–220a).

It took the defendant three years to pay the restitution amount of $3,700. During this period, the defendant alleged to the Court that the arresting officer in his case, Officer Houck, had been "harassing" him and had stopped him on several occasions. Judge Massiah-Jackson was extremely concerned and asked if there was anything she could do for the defendant. She even offered to "write a letter to the commander of the 39th District." (R. at 161a). In contrast, the DA had no knowledge of any harassment and reminded the judge that she had not even heard from the police officer. Judge Massiah-Jackson asked the DA to speak with the officer to find out what had happened.

Without corroborating the allegations, the judge then directed her attention back to the convicted defendant, again expressing concern for his plight and distrust for law enforcement saying the following: "It won't be Houck next time, it will be someone else and they'll say, 'Oh, I didn't know anything about it.' And we'll find you on the streets somewhere and that's what will happen. That's what will happen." (R. at 162a). Judge Massiah-Jackson told the defendant he did not have to explain anything to her because she knew "what's going on" and understood it "very well." (R. at 166a).

At the next court appearance, the DA subpoenaed Officer Houck to explain the so-called harassing incidents to the Court. The officer explained that he had indeed stopped the defendant because the defendant was driving recklessly without a license. (R. at 174a). But the nominee refused to believe the officer. Judge Massiah-Jackson instead found the defendant's uncorroborated story to be credible, and warned Officer Houck that: "[i]f any harm comes to Mr. Nesmith or his family or his friends, then the commissioner will be sent a copy of this transcript and *I'll volunteer to be a fact witness against you*." (R. at 187a) (Emphasis added).

This statement is outrageous. The nominee appears to be suggesting that the officer might at some point harm the defendant or his family. Judge Massiah-Jackson then admonished the DA stating the DA would be an "accomplice in whatever may or may not happen to Mr. Nesmith" because the DA had subpoenaed Officer Houck. When the DA reminded the Court that she subpoenaed Officer Houck only because the Court had asked her to do so, Judge Massiah-Jackson said nothing.

At her second hearing, the nominee inexplicably said she volunteered to be a "fact witness" for the defendant because she could not be a character witness. She failed to explain her refusal to credit the officer's account over that of an oft-convicted defendant.

Finally, in a case that demonstrates troubling disregard for a crime victim, as well as the State, in *Commonwealth* v. *Lafferty*, Nos. 3883–3888 (Feb. Term 1988), the nominee was notified prior to trial that the defendant and victim in a rape case may have had AIDS. Judge Massiah-Jackson responded "Why are we having a trial? We are talking about life expectancy of three years for both of them. What difference? What kind of punishment can we give [the defendant]? * * * What's the purpose of the trial long range?" (R. 3–4). When the State suggested that it may as well tell everyone who is HIV positive that they can do whatever they want because they will not be prosecuted, Judge Massiah-Jackson responded, "It's just a thought."

Based on the Court's extended diatribe on why AIDS defendants cost the State too much money, the State motioned for the judge to recuse herself. (R. at 13). Judge Massiah-Jackson denied the motion stating the DA had not articulated any specific reason warranting recusal and initially denied that the State had a right to appeal the recusal. (R. at 16). Although the prosecution pleaded with the court to allow it to try the case before another judge that same day to avoid the lengthy delay of an appeal, Judge Massiah-Jackson refused to allow another judge to hear the case and forced the State to appeal her denial of recusal. (R. at 34). She then reduced the defendant's bail to assure his immediate release pending appeal.

The victim died while the appeal was pending. The appeal was withdrawn and it went to trial before Judge Massiah-Jackson. Despite the Commonwealth's evidence which include:

(1) the deceased victim's prior testimony that the defendant had broken into her house, awakened her, raped her, and beat her when she tried to escape;

(2) the victim's taped 911 call to police reporting the rape;

(3) police photographs of the victim's injuries after the rape; and

(4) the emergency room medical report.

Judge Massiah-Jackson found the defendant not guilty of rape, not guilty of involuntary deviate sexual intercourse, and not guilty of aggravated assault. She convicted him only of simple assault and sentenced him to 1 year probation. Although the victim is no longer with us, the defendant is still alive today.

Conclusion: I believe these cases represent a troubling pattern of undue leniency towards criminal defendants and hostility towards the state. The Pennsylvania District Attorney's Association presented the Committee with over 70 separate cases detailing the nominee's troubling record. In a submission to the Judiciary Committee, the Pennsylvania Bar Association noted that the nominee presided over "confused and tragic cases." Indeed, it was pointed out during our Committee hearings that North Philadelphia, where the nominee sits, is, sadly, plagued by crime, drugs, and the terrible human toll those tragic social ills take. Yet it is those citizens laboring in the shadow of rampant crime who would benefit most when our laws are applied and criminal conduct is appropriately dealt with.

I am disappointed to say that information that has emerged since the Judiciary Committee held its initial hearing on this nominee strongly suggests to me that she was somewhat less than candid with the Committee, is lenient in sentencing convicted offenders, and has demonstrated a certain degree of unfairness with respect to the police officers and prosecutors. Indeed, since the Committee's vote, it has been virtually deluged with letters from prosecutors and law enforcement agencies in Pennsylvania that document a disturbing pattern of open hostility toward the law enforcement community. These condemnations have been bi-partisan and overwhelming. In fact, I have never seen such widespread opposition to a nominee from the law enforcement community.

To date we have received letters from the Attorney General of Pennsylvania, the Philadelphia and the National Fraternal Orders of Police, the National Association of Police Organizations, the Law Enforcement Alliance of America, the Pennsylvania District Attorneys Association, and letters by numerous District Attorneys around the state including one from Lynn Abraham, District Attorney for Philadelphia. Each of these letters expresses opposition to this nominee's appointment because of her record of hostility to prosecutors, law enforcement and victims of crime. The Fraternal Order of Police, in an open letter to President Clinton and the Judiciary Committee declared that: "Judge Massiah-Jackson consistently parades her anti-police bias by using her power and authority as a judge to belittle, harass, and threaten law enforcement officers who appear in her court. Her contempt for prosecutors appearing before her is so rancorous that a broad grassroots effort has been led by members of her own political party to oppose her elevation to the federal judiciary." I cannot turn a blind eye to such allegations.

Some of the nominee's supporters have asserted that law enforcement has attempted to distort her record. But it seems to me that the most expedient path here was for law enforcement to speak out in support of the nominee. They are the ones who will have to continue to appear before Judge Massiah-Jackson if her nomination is defeated. Thus, they have a great deal to lose in this process. Recognizing the political risks law enforcement had to take to oppose this nominee, I commend them for their willingness to come forward and do what they believed to be the right thing.

While her candidacy was in Committee, I resolved my serious misgivings about Judge Massiah-Jackson's nomination in her favor. My decision in Committee, however, was based largely on the representations made by the nominee, both in answer to the written questions and at her initial hearing. In my opinion, these recent developments call the nominee's statements before the Committee into serious question and oblige me to change my vote. After having heard the nominee's testimony last week and having reviewed and considered the information that has been provided to the Committee by law enforcement officials about her conduct on the bench, her alleged bias against law enforcement, her flawed judicial rulings, and, above all, her apparent lack of candor with the Committee, I cannot in good conscience continue to give her the benefit of the doubt. I have the highest personal regard for Senator SPECTER, who has ably promoted her candidacy, but I now do not believe that Judge Massiah-Jackson should be confirmed to a position on the federal bench. I take no pleasure in voting against this nominee. She has obviously accomplished much in her life. Nevertheless, the Constitution obligates me to evaluate this nominee with an eye toward determining whether she will uphold the Constitution and whether she will abide by the judicial oath to "administer justice without respect to persons . . . And impartially discharge all the duties incumbent [upon a federal judge]." I am not now convinced that she can abide by that oath and thus I feel obligated to cast my vote against her.

Mr. HATCH. I yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Madam President, I thank the distinguished Senator from Utah, the chairman of the Senate Judiciary Committee, for his leadership in this matter and in so many other matters. He is an outstanding legal scholar, an outstanding lawyer, a man of integrity, ability, and fairness who works extraordinarily hard to make sure everyone who comes before the committee has a thorough opportunity to express themselves and to defend themselves, and that others who have information to share are allowed to do so.

I think it was an extraordinary event that he allowed a second hearing to be held for the Massiah-Jackson nomination. That was a very fair thing to do. I agree with the distinguished chairman that it is a good idea and a good thing that this nomination has been withdrawn.

Ms. Frederica Massiah-Jackson has a number of problems with her nomination. I would just like to make a few points about the process and about her nomination.

District Attorney Lynne Abraham, a Democrat in Philadelphia, who has served a number of years, and has also served on the judicial bench in Pennsylvania with Judge Massiah-Jackson, wrote us a letter saying that she had not opposed or commented on nominees of any kind before, but she wrote a letter stating she felt that she should do so on this occasion.

Among other things, she said:

> This nominee's judicial service is replete with instances of demonstrated leniency toward criminals, an adversarial attitude toward police and disrespect toward prosecutors unmatched by any other present or former jurist with whom I am familiar.

That was a letter written reluctantly and in sadness, but a letter I think she felt she had to share with us. Her opinion was shared by the District Attorneys Association in Pennsylvania, the Fraternal Order of Police, and the National Fraternal Order of Police.

We were also presented a list of 50 cases in which we were given detailed statements of sentences and judicial rulings by this judge, prepared by district attorneys who had no obligation to do that but did so because they were concerned about it. Those cases have been around here for well over a month and have never really been effectively rebutted. So I think to say the newly uncovered twenty cases were somehow critical in this matter is not really accurate. I think the new cases were additional troublesome matters, but the whole list of cases previously submitted were quite troubling also.

Just briefly, Madam President, while I am relieved that this nomination has been withdrawn, I think it shows fully why the Senate should carefully and thoroughly examine judicial nominees. Specifically, I thank Senator JOHN ASHCROFT, who is here today, and Senator STROM THURMOND for placing a temporary hold on this nomination after it was voted out of the Judiciary Committee by a 12-to-6 vote last fall.

At that time, this nomination was moving toward confirmation last fall. It is a classic example of why the Judiciary Committee and the Senate as a whole should deliberately screen judicial nominees. President Clinton has suggested that the Senate should speed up confirmation of Federal judges. With all due respect, the Massiah-Jackson nomination demonstrates why the Senate should confirm Federal judges at a fair but careful pace.

Judge Massiah-Jackson's nomination was reported out of the Judiciary Committee with approximately a dozen other judicial nominees at the end of last year. There was an effort to confirm these judges quickly before the year ended. Without Senator ASHCROFT's and Senator THURMOND's temporary holds, this nominee would have been confirmed, I have no doubt. If this had happened, it would have been unfortunate, because many of Judge Jackson's unacceptable decisions had not yet been uncovered.

In addition, as of last fall, the abovementioned law enforcement organizations had not studied this nominee's record in detail. In fact, when Judge Massiah-Jackson's nomination was reported out of committee, none of these groups formally opposed the nomination. In fact, Senator SPECTER held a hearing in Pennsylvania to allow people to state objections. He gave them an opportunity to do so, but none came forth at that time. Without Senator ASHCROFT's and Senator THURMOND's hold, this nominee would have been confirmed, in all probability, before her record had been adequately examined.

A Federal judgeship is a lifetime appointment. The confirmation process is the only chance to review a judicial nominee's qualifications. The confirmation process is literally the point of no return. Unlike State judges, Federal judges cannot be recalled or voted from office. This is why it is so vitally important for the Senate to carefully fulfill its constitutional duty to advise and consent to the President's nominees. Judge Learned Hand, referring to the lack of control over federal judges, once said, "They can't fired us. They can't even dock our pay."

A Federal judge has extraordinary power. Many of those powers involve decisionmaking authority that is absolutely unreviewable on appeal. For example, if a judge, at the conclusion of a prosecutor's case, dismisses the case and grants a judgment of acquittal to a defendant, that is the same as a jury verdict of acquittal, and the Government cannot appeal. Such directed verdicts simply cannot be appealed. So I think it is important that this process be allowed to work, and it did work. I believe that Judge Massiah-Jackson will have the opportunity as a State judge to demonstrate her abilities and skills there, to continue to serve the people of Pennsylvania.

I was impressed with her demeanor and courtesy and the way she handled herself at her hearing, but I do feel like the just conclusion was reached.

Madam President, that is the conclusion of my remarks. I yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. May I inquire as to the state of the proceedings.

The PRESIDING OFFICER. We are in a period for morning business, with statements limited to 10 minutes.

Mr. ASHCROFT. I ask unanimous consent that I be able to speak for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT. Thank you.

CRISIS AT THE WHITE HOUSE

Mr. ASHCROFT. Madam President, the events surrounding the President of the United States and the White House of the United States find us in a peculiar and uncomfortable situation. It is, however, more than peculiar, and it is more than discomforting. It may, in fact, be disabling. The President has sought to defend his conduct and to defend his circumstance by saying it's OK to be able to become compartmentalized or to segment his personal life from his public life. At least this is the spin which comes from the White House. I perhaps should not say that that comes from the President's own mouth.

I think the Congress has sort of bought into the compartmentalization of this crisis at the White House. We discuss it on the talk shows, we discuss it in the cloakrooms, but we don't discuss it on the Senate floor.

The new allegations against President Clinton are grave. They carry serious implications, not just for the President but for the Nation as a whole, and it is time for us to consider them in the U.S. Senate.

Kathleen Willey is a longtime friend of the President. She was a strong Clinton supporter. She was his employee in the White House. She accused this President of sexual assault just outside the Oval Office and of lying under oath. The President's response has been to tell us only that he is "mystified" and "disappointed."

Mystified and disappointed? My thoughts exactly. I am mystified that the President has refused to account fully for his actions and disappointed that President Clinton would sacrifice the Office of the Presidency in order to promote his own personal concerns or save himself.

Back in January when the Monica Lewinsky scandal erupted, I said if the allegations were true, the President had disgraced himself and his office and should resign. I stand here this afternoon to renew my call. If Mrs. Willey's charges are true, then the President should resign.

Permit me to make three observations about Mrs. Willey's accusations or charges.

First, the Willey allegations increase the likelihood that the House will be forced to open impeachment proceedings. The Clinton-Willey conflict brings the murky details of this sordid affair into the light of open day. The President is accused of committing sexual assault and lying under oath. Mrs. Willey and the President have sworn to irreconcilable versions of the facts. These charges are serious, and they must be resolved. They cannot both be telling the truth. And America cannot walk away.

The Congress, for our part, must have the courage to do what we know to be right. The alleged conduct, if true, I believe constitutes an impeachable offense. Congress should stop looking at the polls and start looking at the Constitution, stop thinking about self-preservation and start thinking about how justice can best be served. Madam President, justice should never be denied simply because it is uncomfortable.

Second, the White House must drop the myth that the President is not distracted by the maelstrom of allegations which are surrounding him. The President has lost control of his personal legal problems. Let us dispense with the fiction that the President is able to work in "compartments," all the while hacking and clubbing at Ken Starr and the officials charged with learning the truth. Instead, he has chosen to stonewall. He now stands accused of an impeachable offense by a person who was his friend, political supporter, and employee.

Here is the truth. It is not possible for the President to do his job while dealing with this tide of accusations and innuendo. No one could do the job well. And neither can he. Already, the Washington Post has reported that the President behaves like a person overtaken with anger at Kenneth Starr. Already, David Broder and other respected commentators have suggested that the growing scandal is damaging the President's ability to lead.

Finally, President Clinton's moral leadership has been destroyed. It can be regained only if he proves that these charges are false, if he clears the air here, if he makes a complete statement understanding to the American people, and assures them of his situation.

I had hoped that Bill Clinton would address these charges through a direct and candid accounting to his employers, the American people. But, yes, he did choose to stonewall. He cannot hope to regain his moral authority to lead unless he makes a full and candid accounting to the people, and he does so immediately. It is inevitable that the truth will prevail. And I would prevail on the President to account fully for his actions without further delay.

A final point. These allegations are serious. They deal with charges of perjury, obstruction of justice, and sexual assault. For Kathleen Willey's sake, conservatives ought not be rejoicing, and we ought not to be laughing. I deeply regret having joked about the Lewinsky affair in remarks that I made earlier. It was inappropriate, and I was wrong. There is nothing funny here. The allegations of Kathleen Willey make clear to all of us that there is nothing funny here. This is not comedy; this is tragedy.

Mrs. Willey's appearance last night on the CBS program "60 Minutes" I think exposed America to an individual who was vulnerable, who was in distress, who was in need, and trusted the President of the United States. And it is very clear that she thoroughly believes that her trust was betrayed in a substantial and significant way.

A betrayal of trust by the President of the United States is an important matter, particularly if it relates to the way in which his office is conducted, particularly if it relates to an individual who is particularly vulnerable, an employee, particularly if it relates to an incident that takes place in the context of the White House and the Oval Office. And I found her testimony to be compelling and convincing. I believe it makes, again, the clear case for the necessity of the President to explain fully his situation to the American people.

NOMINATION OF FREDERICA MASSIAH-JACKSON

Mr. ASHCROFT. Madam President, I want to take just a few minutes to speak about the nomination of Frederica Massiah-Jackson to be a U.S. district judge for the Eastern District of Pennsylvania, a nomination that was withdrawn earlier today. I think this is the right move at the wrong time. It should have been clear to the administration over a month ago when we debated this nomination on the floor that this individual was not fit to serve as a Federal judge appointed for life.

At that time, I called for the President to withdraw the nomination. And I am glad that he has finally seen fit to do so, or that the administration finally saw fit to follow that course, although the letter is really a withdrawal request from the nominee herself. I remain troubled that this individual was nominated for a lifetime appointment in the first place, and, once nominated, did not withdraw sooner.

One enduring lesson of this nomination is that it is critical for the Senate to take its constitutional advice and consent role seriously. We have heard much in recent weeks about the so-called "vacancy crisis" in the Federal courts and that the Senate needs to speed up its processes to give judicial nominees a quick up-or-down vote. Today's action by the administration agreeing to withdraw this nomination demonstrates the danger of worrying more about filling the courts than fulfilling our constitutional obligation to screen judicial nominees.

Last November, this nomination was on the verge of confirmation. At the end of the last session, there was a tremendous effort to rush a number of nominations, including this one, through the Senate along with others in a series of confirmations at the close of business. I resisted those efforts because I felt this nomination had serious defects that demanded complete examination in the light of day. Once this nominee's record was examined in the open, it became clear—including clear, I think, ultimately to the President—that this nominee was not fit. I also resisted those efforts because law enforcement officials in Philadelphia informed me that they were gathering additional information concerning the nominee. In the light of these concerns, I placed a hold on this nomination, and I refused to lift it despite the insistence of several.

Some would point to this as an unnecessary delay that has contributed to the so-called "vacancy crisis." But we would be creating an actual crisis, not solving an imagined one, by giving individuals confirmation when they do not deserve it. We would have been creating, in my judgment, a crisis by confirming Judge Frederica Massiah-Jackson with a lifetime appointment.

The Senate has a constitutional obligation to give its advice to the President with respect to judicial nominees and, in a case like this, to withhold our consent. I take this responsibility seriously, and we must all take this responsibility seriously, in the light of the nominees the President has sent to the Senate.

This nominee demonstrates the caliber of nominee the President has sent to the Senate. Notwithstanding his elaborate vetting process and the ABA screening, this is the nominee whom President Clinton chooses for a lifetime appointment. One has to wonder about any vetting process that raises no objections to a nominee like this one. And one has to wonder what kind of evaluation process the American Bar Association conducts that it deems Massiah-Jackson "qualified."

But the truth of the matter is this: The Constitution does not give the Justice Department, nor does it give the White House Counsel's Office nor the ABA, a formal screening role in judicial nominations. The Constitution entrusts that to the U.S. Senate. It is an important responsibility. And we would not be taking our constitutional responsibilities seriously if we did not scrutinize nominees, as we have done in this case ultimately.

The Senate Judiciary Committee has now had its second hearing, and in my judgment, that hearing shed little additional light on this nomination. The hearing did make it clear that Judge Massiah-Jackson was less than forthcoming in her first hearing. It is now clear—as it was last month—that her claim that she had never been reversed in a sentencing appeal is false. It also was evident that she had failed to apprise the committee of other cases in which she had been reversed on appeal.

Indeed, a number of new cases were raised at the hearing that make it even more obvious that this nomination should be rejected. Case in which child rapists were given light sentences, or where Judge Massiah-Jackson wondered aloud from the bench whether the Commonwealth should have been wasting time and prison space on a defendant who had AIDS.

But, in general, the nominee's inability to remember key details of cases that had been raised publicly over a month ago—let alone the new cases raised at the hearing—rendered the hearing pointless.

Judge Massiah-Jackson failed, in my view, to provide compelling answers to the questions raised about her record. As a consequence, it is clearly time for the Senate to stand up and be counted and reject this nomination.

Nomination fights are not pleasant, but there is a principle worth fighting for here: America deserves better than this.

This nominee is so far below the minimum quality we should expect from a Federal judge it is tragic.

The local law enforcement community is horrified that they are about to be saddled with this judge for life. They are concerned that many in Washington seem to be willing to rubber-stamp nominees, no matter how unqualified.

The thrust of the objections of local law enforcement officials—and the basis of my own opposition—are fourfold. This nominee: has shown disrespect for the court by using the English language's most offensive profanity in open court; has recklessly risked the lives of undercover police officers by disclosing their identity; demonstrated hostility to prosecutors by suppressing evidence and dismissing charges against criminals; and shown leniency to criminals in sentencing violent criminals to probation-only, and using lesser-included offenses to avoid mandatory minimum sentences.

Philadelphia District Attorney Lynne Abraham, Democrat, at great political cost, came out against the nomination in a letter to Senator ARLEN SPECTER on January 8. Her letter captures the nature of the local law enforcement community's concern. She wrote:

> This nominee's judicial service is replete with instances of demonstrated leniency towards criminals, an adversarial attitude towards police and disrespect toward prosecutors unmatched by any other present or former jurist with whom I am familiar.

The Senate cannot confirm this nominee in the face of the strong opposition of local law enforcement community. To do so would be the height of arrogance and another example of the "Washington knows best" mentality.

The American people deserve a better caliber of nominee. This nomination sends the wrong message to criminals, to law enforcement and to victims of crime. The Senate should vote to reject the nominee now.

CONTEMPT FOR PROSECUTORS AND POLICE OFFICERS

Example One—Commonwealth v. Ruiz.

In this case, Judge Massiah-Jackson acquitted a man accused of possessing $400,000 worth of cocaine because she did not believe testimony of two undercover police officers, Detective-Sergeant Daniel Rodriguez and Detective Terrance Jones. It was the second time she had acquitted alleged drug dealers nabbed by the same officers. The first time, the two undercover officers had testified that they found two bundles of heroin on a table right next to the defendant's hand. The judge not only refused to believe this testimony, she went one step further. As the officers were leaving the courtroom, the judge reportedly told spectators in the court: "take a good look at these guys [the undercover officers] and be careful out there."

Detective-Sergeant Daniel Rodriguez confirmed this outrageous courtroom incident in a signed letter to the Senate. The detective-sergeant had the following comments regarding this incident:

> I thought, "I hope I don't ever have to make buys from anyone in this courtroom." They would know me, but I wouldn't know them. What the judge said jeopardized our ability to make buys. And it put us in physical danger.

Detective Terrance Jones, the other undercover officer "outed" by Judge Massiah-Jackson in open court, also confirmed the facts in a signed statement to committee staff. He stated that the comments "jeopardized our lives." Detective Jones also notes:

> [A]s a law enforcement officer who happens to be African-American I am appalled that self interest groups and the media are trying to make the Massiah-Jackson controversy into a racial issue. This is not about race, this is about the best candidate for the position of federal judge.

Example Two: Commonwealth v. Hicks, (6/12/87.)

In this case, in an action that led to a reversal by the appellate court, Judge Massiah-Jackson dismissed charges against defendant on her own motion.

Although the prosecution was prepared to proceed, the defense was not ready because it was missing a witness—a police officer who was scheduled to testify for the defense apparently had not received the subpoena. The defense requested a continuance to clear up the mix-up concerning the subpoena. The Commonwealth stated that it had issued the subpoena. The defense did not allege any wrongdoing or failure to act on the part of the Commonwealth. Nonetheless, without any evidence or prompting from defense counsel, Judge Massiah-Jackson decided she simply did not believe that the Commonwealth's attorney subpoenaed the necessary witness.

Judge Massiah-Jackson held the Commonwealth liable for the defense's unpreparedness and, on its own motion, dismissed the case.

As it turned out, the subpoena had been issued but the officer was on vacation and had not received it.

Judge Massiah-Jackson's decision was reversed on appeal as an abuse of discretion. The appellate court concluded that:

> Having carefully reviewed the record, we are unable to determine the basis for the trial court's decision to discharge the defendant. Indeed the trial court was unable to justify its decision by citation to rule or law.

JUDICAL TEMPERAMENT

Example One: Commonwealth v. Hannibal, 6/25/85.

In court, in response to prosecutor's attempt to be afforded an opportunity to be heard, the following exchange took place on the record:

> The COURT: Please keep quiet, Ms. McDermott.
>
> Ms. McDERMOTT for the Commonwealth: Will I be afforded——

> The COURT: Ms. MCDERMOTT, will you shut your f***ing mouth.—Transcript of June 25, 1985 at 17.

Judge Massiah-Jackson was formally admonished by the Judicial Inquiry and Review Board for using intemperate language in the courtroom.

Example Two: Commonwealth v. Burgos & Commonwealth v. Rivera, 12/87.

During a sentencing proceeding the prosecutor told Judge Massiah-Jackson that she had forgotten to inform one of the defendants of the consequences of failing to file a timely appeal. Such a failure would prejudice the Commonwealth on appeal. Judge Massiah-Jackson responded to this legal argument with profanity, stating: "I don't give a s**t."

District Attorney Morganelli, of Northampton County, Pennsylvania, has suggested that the reason there are not more instances of foul language on the record is that Judge Massiah-Jackson's principal court reporter routinely "sanitized the record."

It does not appear to be a coincidence that both of these profane outbursts were directed at prosecutors. Instead, Judge Massiah-Jackson's foul language appears to be part and parcel of her hostility to law enforcement.

LENIENCY IN SENTENCING

Example one: Commonwealth v. Richard Johnson, 1988.

This case was one of the relatively few cases before Judge Massiah-Jackson where the defendant chose a jury trial over a bench trial. What transpired in this case will give you a sense of why defendants before Judge Massiah-Jackson would choose a bench trial.

In this case, the jury convicted the defendant of raping a ten-year-old boy. The verdict carried with it a minimum sentence of five years.

Judge Massiah-Jackson admitted in court to crying when she heard the verdict because she said she though that the resulting minimum sentence was too harsh. She said:

> In this case I'll be frank. If I had had the trial and if it was not a mandatory, I would not have imposed the five to ten year sentence because I just don't think the five to ten years is appropriate in this case even assuming that you were found guilty.

Judge Massiah-Jackson had discretion to impose a sentence at least twice the mandatory minimum for this heinous crime; instead, she cried at the thought of sending the child-rapist to jail at all.

Unfortunately, Judge Massiah's compassion did not extend to the young victim.

The judge refused to hear a victim impact statement. She asked the prosecutor, "What would be the purpose of that? . . . [W]e know what the sentence is . . ."

The prosecutor stated, "[U]pon reading about the impact on this victim, you may want to consider more than the five year mandatory minimum."

Judge Massiah-Jackson replied, "Why would it be important? There's a mandatory minimum of five years. Have a seat."

Having apparently decided already that she was not going to use her discretion to give the defendant more than the mandatory minimum, Judge Massiah-Jackson prevented evidence of the crime's impact on the young victim from being introduced.

Example two: Commonwealth v. Nesmith, 1994.

The defendant had a criminal history of 3 prior juvenile arrests and 1 adjudication and 19 prior adult arrests, 8 convictions, 3 commitments, 3 parole violations and 2 parole revocations. He was tried and convicted of striking a pedestrian with his car, leaving her seriously injured—broken legs, pelvis and 4 bones of the back—by the side of the road, fleeing the scene of the crime and then beating into unconsciousness one of the women's relatives who tried to thwart his escape.

The defendant committed these crimes while on parole, having just been released from prison for an assault conviction. Over the Commonwealth's strenuous objection, Judge Massiah-Jackson sentenced him to two year's probation—well below the bottom of even the mitigated sentencing range. Judge Massiah-Jackson, however, explained that the defendant's actions were "not really criminal. He had merely been involved in a car accident."

Example three: Commonwealth v. Freeman.

Defendant shot and wounded a Mr. Fuller in the chest because Mr. Fuller had laughed at him. Judge Massiah-Jackson convicted the defendant of misdemeanor instead of felony aggravated assault. She sentenced him to two to twenty-three months and then immediately paroled him so that he did not have to serve jail time. The felony charge would have had a mandatory five to ten year prison term. Judge Massiah-Jackson explained her decision, stating that "the victim had been drinking before being shot and that [defendant] had not been involved in any other crime since the incident."

Example four: Commonwealth v. Burgos.

During a raid on the defendant's house, police seized more than 2 pounds of cocaine along with evidence that the house was a distribution center. The defendant, Mouin Burgos, was convicted. Judge Massiah-Jackson sentenced defendant only to one year's probation.

Then-District Attorney Ronald Castille (R) criticized Judge Massiah-Jackson's sentence as "defying logic" and being "totally bizarre." He commented:

> This judge just sits in her ivory tower . . . She ought to walk along the streets some night and get a dose of what is really going on out there. She should have sentenced these people to what they deserve.

Example five: Commonwealth v. Williams.

I would like to provide just one more example of Judge Massiah-Jackson's leniency in sentencing—an example that I think is also relevant to whether we should have another hearing on this nominee.

In this case, Commonwealth v. Williams, the defendant robbed a 47-year old woman on the street at the point of a razor. The defendant used the razor to slash the woman's neck and arms, and then took her purse. The victim had to undergo surgery to repair the slashed tendons in her hand, and was forced to wear a splintering device that pulled her thumb back to her wrist. The defendant plead guilty to first-degree robbery. Under the Pennsylvania sentencing guidelines, that offense carries a range of 4 to 7 years, with a mitigated range of 3¼ to 5 years. Despite these sentencing ranges, Judge Massiah-Jackson sentenced defendant to a mere 11½ to 23 months. In order to do so, Judge Massiah-Jackson not only had to deviate substantially below the guidelines range, but also had to ignore a mandatory weapons enhancement that raises the minimum sentence 1 to 2 years.

The Commonwealth appealed this meager sentence and Judge Massiah-Jackson was reversed for her sentencing errors.

This decision is important not only because it demonstrates her leniency in sentencing, but also because of what it says about the equity of giving Ms. Massiah-Jackson an additional hearing. We have heard a lot about Judge Massiah-Jackson's right to be heard and have been given the impression that she has been the victim of sandbagging by her opponents. It is true that there is information that was not available at the time of the Committee's hearing. This sentencing case, for example, was not addressed at the hearing. But that is no one's fault but Judge Massiah-Jackson's. The committee's standard questionnaire asks every candidate to list any judicial decisions which were reversed on appeal. Judge Massiah-Jackson failed to list this case, and indeed testified that she had never been reversed on a sentencing appeal.

I point this out to make clear that this is not just a simple matter of giving someone a right to confront new allegations. It strikes me that we are creating a troubling precedent by affording nominees a second hearing, at least in part, to explain materials that were requested prior to the first hearing.

LENIENCY IN SUPPRESSING EVIDENCE

Commonwealth v. Smith.

Judge Massiah-Jackson has also demonstrated leniency in improperly suppressing evidence. The case that perhaps most dramatically illustrates this point is Commonwealth v. Smith, a case discussed by the Chairman of the Judiciary Committee on the floor yesterday.

In this tragic case, the victim, a 13-year-old boy, was raped at knife point in some bushes near a hospital. Eventually, the young boy managed to run away from his assailant, nude and bleeding. Two nurses at the hospital saw him, and he told them what had happened, pointing out the bushes where he was attacked. The two nurses called the hospital security guards. They saw the defendant emerge from the bushes with his clothing disheveled, and then saw him walk quickly away. The women yelled out for the man to stop, and the police arrived on the scene and apprehended the defendant. The defendant denied raping the boy, but the police searched him and found a knife matching the description of that used in the rape. At that point the police arrested the defendant. Shockingly, Judge Massiah-Jackson ruled that the police lacked probable cause to arrest the defendant, and suppressed all the evidence including the identification of the defendant by the two nurses.

Not surprisingly, the appellate court, when confronted with this dubious judgment, reversed Judge Massiah-Jackson.

It has been pointed out that, after remand to the trial court, the defendant was acquitted in a trial before a different judge. But what seems to have received less attention is that all this occurred after Judge Massiah-Jackson was reversed by the appellate court. Unlike the second judge, who conducted a full trial, Judge Massiah-Jackson threw out evidence on the ground that the police lacked even probable cause to arrest the defendant—despite his proximity to the crime scene and the victim. It is, of course one thing to acquit someone after a trial, but the notion that the police officers did not even have probable cause to arrest the defendant is just shocking. And the appellate court agreed.

OPPOSITION FROM POLICE ORGANIZATIONS

Philadelphia F.O.P.

The Philadelphia Lodge of the Fraternal Order of Police announced its opposition to the confirmation of Massiah-Jackson on January 13. And just yesterday I had the privilege of attending a press conference in which Philadelphia F.O.P. President Richard Costello made his opposition to this nominee unmistakably clear.

National F.O.P.

The national Fraternal Order of Police announced its opposition on January 20th. In coming out against this nominee, National F.O.P. President Gilbert Gallegos stated, "Judge Massiah-Jackson has no business sitting on any bench, let alone a Federal bench." After describing the incident in which Judge Massiah-Jackson pointed out undercover police officers in open court, Mr. Gallegos stated, "I cannot adequately express my outrage." The National F.O.P. President concluded that: "To confirm Judge Massiah-Jackson would be an affront to every law enforcement officer and prosecutor in the nation, all of whom have the herculean task of fighting crime. We shouldn't have to have [both] the judges and criminals against us."

National Association of Police Organizations.

The National Association of Police Organizations announced its opposition on January 22.

OPPOSITION FROM LOCAL LAW ENFORCEMENT

Lynne Abraham, D.A., Philadelphia.

Philadelphia District Attorney Lynne Abraham, a Democrat, at great political cost, came out against the nomination in a letter to Senator ARLEN SPECTER on January 8. She wrote:

> My position on this nominee goes well beyond mere differences of opinion, or judicial philosophy. Instead, this nominee's record presents multiple instances of deeply ingrained and pervasive bias against prosecutors and law enforcement officers—and, by extension, an insensitivity to victims of crime. Moreover, the nominee's judicial demeanor and courtroom conduct, in my judgment, undermines respect for the rule of law and, instead, tends to bring the law into disrepute.
>
> This nominee's judicial service is replete with instances of demonstrated leniency towards criminals, an adversarial attitude towards policy and disrespect toward prosecutors unmatched by any other present or former jurist with whom I am familiar.

John Morganelli, D.A., Northampton County.

Northampton County District Attorney John Morganelli, a Democrat announced his all-out opposition to the nomination on January 6, 1998.

Mr. Morganelli provided members of the Committee with a letter detailing the numerous incidents of unprofessional conduct that have marked Judge Massiah-Jackson's tenure on the state trial bench. The concluding paragraphs of that letter are worth quoting at length:

> [Judge Massiah-Jackson's] record is one of an unusually adversarial attitude towards the prosecution and police. Much [in her record indicates] personal animosity towards prosecutors and police in general. Other portions of her record indicate a tendency to be lenient with respect to criminal defendants.
>
> This judge sat as a fact finder in the vast majority of her cases because criminal defendants almost always felt it advantageous to waive their right to a jury trial in order to present their case directly to the judge. . . . In addition, she has shown a lack of judicial temperament with respect to vulgar language from the bench on the record and much of it off the record. Also, as indicated above, Judge Massiah-Jackson has attempted to meddle with the appellate process in Pennsylvania by contacting appellate courts and improperly attempting to influence appellate decisions. Her comments, conduct, record and lack of judicial temperament by itself should call into question her stature to serve as a Federal Judge.
>
> Numerous District Attorneys and police organizations in the Commonwealth of Pennsylvania oppose this nomination as a slap in the face to the law enforcement community.

Executive Committee, Pennsylvania District Attorneys' Association.

The Executive Committee of the Pennsylvania District Attorneys' Association, in a unanimous vote, officially opposed the nomination on January 8. The President of the Association wrote a letter on January 26th expressing the Association's opposition.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF JUDGE FREDERICA MASSIAH-JACKSON

Mr. SPECTER. Madam President, I have sought recognition to comment on the nomination of Judge Frederica Massiah-Jackson for the U.S. District Court for the Eastern District of Pennsylvania, and that nomination having been withdrawn this afternoon at the request of Judge Massiah-Jackson. I appreciate and understand the reasons leading to her withdrawal.

I commend Judge Massiah-Jackson for her tenacity and courage and for completing the record on all the new questions which were unexpectedly raised at last week's hearing, on Wednesday, March 11. At the outset, I want to thank our distinguished majority leader, Senator LOTT, for his courtesies on this matter and to thank my distinguished colleague, Senator SANTORUM, for his strenuous efforts in seeking the second hearing for Judge Massiah-Jackson in an effort to try to do the fair thing with Judge Massiah-Jackson.

I think it is important to future nominations to face up to exactly what happened in this matter to prevent a recurrence and to improve the system for the future. In my judgment, Judge Massiah-Jackson was unfairly treated by her opponents, and in my judgment, Judge Massiah-Jackson was unfairly treated by the Senate Judiciary Committee.

I believe it is important to find out about nominees who are submitted for the Federal bench because that is a very, very important appointment having lifetime tenure. I believe the law is the highest calling and that the courts have been established to adjudicate disputes between the government and the government's citizens and between people and among parties. I have spent my entire adult life as a lawyer, and I consider it a high calling. There are many of those attributes which are important in the course of working as a U.S. Senator, especially on the Judiciary Committee.

In my judgment, Judge Massiah-Jackson's opponents dealt with her unfairly at the outset by seeking to kill her nomination anonymously. If anyone had anything to say about Judge Massiah-Jackson, I believe they should have come forward and should have come forward at an early date. She was nominated for the judgeship on July 31, but it was not until almost 6 months later that her opponents came forward, after there had been two hearings and after the Senate Judiciary Committee had approved her nomination by a vote of 12-6.

When those anonymous complaints were filed—which led some people to say that she was soft on crime, and I thought without any basis to do so from those anonymous complaints—Senator SANTORUM and Senator BIDEN and I held an unusual field hearing in Philadelphia on October 3, and we invited people to come forward. We specifically invited some who later turned out to be among her most vocal critics. But no one came forward at that time. Instead, we had a group of judges who had served with her—I believe five in number—who said she was well within the mainstream. We had representatives of the distinguished mayor of Philadelphia, Edward Rendell, himself a former district attorney. Mayor Rendell said publicly and expressed to me privately, "Stick with the public record; Judge Massiah-Jackson was an excellent nominee for the district court." Mayor Rendell said she had been appealed very little with respect to sentencing, that she had a very, very good record. While Mayor Rendell could not be present at the October 3 hearing, his representative was, as were others.

Then the Judiciary Committee held a hearing in late October, and in early November voted Judge Massiah-Jackson out by a vote of 12-6. It was not until later—I believe in early January—that opponents began to surface. Some of those opponents had previously said directly to Judge Massiah-Jackson that her nomination was applauded, that the celebration on swearing-in was an event to be looked forward to. When these opponents came forward, Senator SANTORUM and I said that we ought to have a full inquiry into what the objections were. Toward that end, on January 23, we met with district attorneys in my office in Philadelphia and heard complaints of a very generalized nature; very few cases were mentioned, with the district attorneys saying that they would file their objections within a week so that we would know what was on the record and we could make a determination as to what to do, because a vote had been scheduled for Judge Massiah-Jackson for January 28.

The vote was put off to give the district attorneys an opportunity to present their objections. They filed them on February 2, which was a Monday, a little late, but OK. Then Judge Massiah-Jackson went to work to respond to quite a number of cases which the district attorneys had raised. It seemed to me that, notwithstanding the fact that the district attorneys were very late in presenting their objections, they ought to be heard, there ought not to be a time limit. If they had not come forward early, let them come forward later and let us find out what their objections were, let us give Judge Massiah-Jackson an opportunity to respond, and then let the Senate make a judgment.

Then the hearing for Judge Massiah-Jackson was set for last Wednesday, March 11. By this time, the district attorneys had created a considerable crescendo of public opposition. They had done that on a selective citation of cases, illustrative of which was a case involving undercover officers who, Judge Massiah-Jackson's critics said, had been exposed in open court. But when that matter was pursued, it was determined that those officers had testified in open court and their identities had been disclosed. So there was hardly anything to be disclosed since it had already occurred in open court.

Another case which was widely publicized was a case where Judge Massiah-Jackson had deferred the imposition of sentence on a case involving a defendant motorist who had struck a pedestrian. When those facts were looked into in some detail, it was determined that the victim had asked for the postponement in order that the defendant could make restitution, that, in fact, the defendant had made restitution. That case was appealed to the Pennsylvania higher courts as to the adequacy of Judge Massiah-Jackson's opinions, and the appellate court said Judge Massiah-Jackson had acted properly.

In the totality of cases, Judge Massiah-Jackson handled some 4,000 cases between 1984 when she was appointed to the bench and 1991 when she stopped sitting on criminal cases. There were only four appeals taken from her sentences. In one of those appeals she was reversed because she had given too long a sentence. The guidelines had been exceeded, so said the appellate court. She was too tough. She imposed too long a sentence. In the other three cases, she was reversed twice and upheld once. But three appeals by the Commonwealth involving many, many sentences coming out of some 4,000 cases which had been heard—not all resulted in sentences because some were acquittals—is not too bad a record, to say it very, very plainly.

When the district attorneys had submitted, I believe it was 39 cases on February 2, not 50 which they said they would submit, in an analysis of the representations by the district attorneys to what the transcripts showed, there was a wide variance. The district attorneys had taken the facts as they represented them in the light according to the Commonwealth's witnesses but did not take into account witnesses for the defense or the issues of credibility or the other matters in which a judge might make a different finding. In the hearing on March 11, I put a number of those matters into the RECORD.

The hearing of March 11 was really a very extraordinary one, in my opinion. By the time these selective cases had been disseminated to law enforcement agencies, quite understandably, quite a number of law enforcement agencies came forward to object to Judge Massiah-Jackson. That is not surprising because they did not know the entire record.

It ought to be pointed out that this confirmation process for Judge Massiah-Jackson has come on the heels of a very unusual case captioned Commonwealth v. Lambert, a murder case out of Lancaster County, PA, where a judge on the U.S. District Court for the Eastern District of Pennsylvania—the same court to which Judge Massiah-Jackson had been nominated—where a Federal district court judge in Philadelphia had found constitutional error, which is not surprising, but it was surprising that the judge had ordered that there be no retrial in that case involving a conviction for murder. That was an extraordinary ruling, and in my legal research, unprecedented. I joined with Congressman Pitts and others in introducing legislation to clarify that jurisdiction of a district court judge. The finding of constitutional error is well within the purview of the court, the suppression of that evidence is well within the purview of the court, but it is not within the purview of the court to say that the case could not be retried. That is a matter for the State court in Lancaster County and for the Lancaster County district attorney. The district attorneys who had opposed Judge Massiah-Jackson were very explicit in saying that they were not going to see another judge sent to the district court like the one who had ravaged, they said practically ruined, the district attorney of Lancaster County.

So against that recent backdrop, it was not surprising that when law enforcement agencies saw a limited part of the record without knowing all of the facts, that they would be opposed to Judge Massiah-Jackson.

It is not irrelevant to point out that I was district attorney in Philadelphia for 8 years, from 1966 to 1974, and before that an assistant district attorney for 4 years and, obviously, have had considerable experience in the criminal courts of Philadelphia. The decisions which Judge Massiah-Jackson made were well within the keeping of the Philadelphia criminal courts. I take second place to no one in battling with the judges on the issues of sentencing. When I was district attorney of Philadelphia, I made it a practice to petition for reconsideration of a sentence when I thought the sentence was inadequate. I went right before the court, and on one occasion was so tenacious that I was held in contempt of court when I protested a lenient sentence imposed on someone convicted of selling drugs, 6 ounces of pure, uncut heroin. I was so insistent on battling the judges on the issue of sentencing that procedure was taken away from the district attorneys by a superior court opinion, saying it was double jeopardy and the courts of Pennsylvania had noted my opposition to sentencing. So that was gone.

I also took a common law appeal to try to appeal sentences when I was district attorney from 1966 to 1974. The D.A. did not have a right of appeal, and I drafted legislation to give the district attorney the right of appeal, and ultimately that statute came into existence. But when I was district attorney, I found three very egregious cases and decided to take an appeal to the Pennsylvania Supreme Court to argue a common law right of appeal.

One of the cases, as I recollect, was a motorist who had been convicted of drunken driving and was driving on a revoked license and killed two people and had gotten probation. I thought that was horrendous and thought there ought to be a right of appeal. Another case involved, as I recollect it, the deputy commissioner of licensing inspections, convicted of 40 counts of corrupt practices, and got probation. Another case which I considered an outlandish sentence and thought there ought to be a right of the district attorney to appeal involved a defendant named Arnold Marks. I have referred to the 6 ounces of pure, uncut heroin worth $280,000, as I recollect it, and 6½ months in jail. The Supreme Court of Pennsylvania disagreed with me, fairly unceremoniously, and said I did not have a right of appeal and dismissed my effort. As I say, the district attorney's right to file an appeal was later upheld by statute, so if anybody today disagrees with the judge's sentence or anybody disagreed with Judge Massiah-Jackson's sentences, they could take it to appeal. As I say, it only happened three times by the district attorney's office in the handling of some 4,000 cases. There were occasions when I challenged the judges on the findings of the fact. In those days the Commonwealth district attorney had a right to demand a jury trial. We did not have a right of appeal, but we did have a right to demand a jury trial as party to the proceedings. And it was with some frequency that I exercised that right to demand a jury trial—so often that the supreme court changed the rule, and said the district attorney no longer had the right to demand a jury trial.

So I take second place to no one, Madam President, in terms of battling on findings of fact in criminal cases and battling on the issue of sentencing. And I take second place to no one since coming to the Senate, having been elected in 1980, and having authored the armed career criminal bill. This is a very strong statute dealing with 15-years-to-life sentences for career criminals who have three major convictions—not larceny of cookies, I might add, but robbery or burglary or sale of major drugs, and later found in possession of a firearm—to get a life sentence; 15 years to life—15 years is the equivalent of a life sentence in the Federal prisons.

There is legislation which I worked on for the better part of a decade, which abbreviates the amount of time there can be on appeal in the Federal courts from a State conviction with the death penalty from about 15 years, which the cases have taken 2½ years; I have also been in the lead on getting adequate funding for the Federal Bureau of Investigation for a variety of State action and as well as for Bureau of Alcohol, Tobacco, and Firearms.

The March 11 hearing, Madam President, I thought was atrocious, to use a fairly mild word, because Judge Massiah-Jackson was confronted on that morning at 9:30, when the hearing started, with new batches of cases which the district attorneys had submitted by letter dated March 6, which was the Friday before. However, my staff did not get these until 10:40 p.m. on March 10, long after I had retired. I saw these cases at 9 o'clock when I came to my office. I did not have any time to review them, and Judge Massiah-Jackson did not see them at all.

Now, the most fundamental aspect of due process is notice and an opportunity to be heard and then a hearing. But the quintessential point about due process is notice. How can Judge Massiah-Jackson be called upon to respond to cases which she has not seen for a decade, or for 15 years? One of the cases involved a 1994 trial. Other cases involved 1988 and 1989 trials. It was said—and I think appropriately—that for Judge Massiah-Jackson to salvage her nomination last Wednesday she would have to hit a home run and the bases would have to be loaded. She was facing a very steep, uphill climb. But the reality was that she had no chance to do that because she was confronted with cases which were a decade old, or more. And when she said, "I do not recall," it was taken that she should have recalled.

It may not be a matter that is realized by Senators who are used to attending hearings, but when a witness appears before a hearing in the U.S. Senate, there is a certain amount of trepidation, especially when a judicial nominee appears in a Judiciary Committee hearing. There is a substantial amount of trepidation because that person's appointment to the Federal bench is on the line.

I have seen many highly experienced trial lawyers with 30 years of practice at the bar, nominees who come from Pennsylvania whom I know very well, of great stature, of great aplomb, of great presence, come before the Judiciary Committee frightened like children in school, apprehensive, very, very nervous as to what is happening. And that is when they appeared before just a single Senator who is presiding at the hearing, or perhaps someone chairing the hearing and a ranking member from the minority party. Judge Massiah-Jackson walked into the hearing last Wednesday. The panel was loaded with people who were opposed to her, people who were asking her about cases which she had not had any notice of for a decade or for 15 years.

Then, in an even more astonishing development, some of the Senators had transcripts which had been provided, according to the fax notes—you could see it on the transcripts—the night before at 5 o'clock in the evening. One transcript bore the note of "Philadelphia District Attorney's Office," and another transcript bore the note "Philadelphia DA's Law Division." So they had at least two fax machines, and both were busy turning out these faxes going to selected members of the Judiciary Committee—not to ARLEN SPECTER, not to the chairman of the Judiciary Committee, but going to certain members, and not to Judge Massiah-Jackson, who was then asked questions about them.

It was true that the Senator said, "Well, now, you may not recollect this, and I know you have not seen these cases"—which were submitted with transmittal letters, as I said, on March 6, and as I previously said, which I had not seen until the morning of March 11 and Judge Massiah-Jackson had not seen at all—"but let's see if you could respond to the questions." Well, when she says she doesn't remember, it doesn't look too good for her. When she is confronted with transcripts where the Senator's then say, "Well, maybe this will refresh your recollection," and the transcript is read to her, and she does not remember, she doesn't look too good.

So when she walked out of the hearing and the comments were she didn't do very well, she didn't remember the cases—how could she remember the cases? How could she do very well? What the district attorneys had done was water torture—drip, drip, drip,

drip, drip. It started early on when the materials came in anonymously, drip, drip, drip, leading one member of the Judiciary Committee to say, without any foundation, "Looks like she is soft on crime"—drip, drip, drip. Then a hearing with Senator SANTORUM, Senator BIDEN, and myself in Philadelphia—nobody comes forward. Nobody has the courage to step forward and say, "I am opposed to this nominee," as she had every right to expect, put her on fair notice, and give the Judiciary Committee a chance to evaluate their testimony. Then more anonymous materials—drip, drip, drip. In late October the Judiciary Committee has its hearings; and then drip, drip, drip. And it is true, they alerted some Members, who by last-minute holds deprived the Senate of having a vote at a time when the Senators were absent. Last week the majority leader did not schedule any votes, but materials came in in this matter.

There is an inevitable chilling effect, Madam President, on what has happened, and its repercussions go far beyond Judge Massiah-Jackson.

I said at the hearings that I thought it very unfortunate that Judge Massiah-Jackson should be called upon to answer questions put to her by district attorneys because there are so many State court judges in America who would like to be Federal court judges. I hardly know of any in Pennsylvania who do not want to be Federal court judges. The distinguished Presiding Officer came to see me last week with a member of the Supreme Court of Maine who wanted to be a judge on the First Circuit. That is the aspiration of so many lawyers and so many judges. If trial judges know that when they displease the district attorney who is trying a case before them that their records are likely to be sent anonymously and surreptitiously to the Judiciary Committee, what kind of an effect does that have on the administration of justice? How does a State court judge feel about ruling against a district attorney, or an assistant district attorney, in the context where Judge Massiah-Jackson was the victim of this water torture with people proceeding anonymously and then poisoning the waters in a way in which it was realistically impossible for her to answer?

There was no way that Judge Massiah-Jackson could appear last Wednesday and talk about the cases which the district attorneys had submitted on February 2 when at every question she was confronted with cases, some 15 years old, where she had no notice. There is no way she could respond intelligently. And it was impossible for her to respond in a way which could convince fairminded people as to what the facts were.

I talked to Members of the Senate who saw only the headlines, who saw only the comments, who saw only two statements which she had made which she shouldn't have made. But if someone is to be disqualified for making two intemperate statements, I don't believe there would be anyone in the U.S. Senate—not just the 100 of us who are here now, but anybody. If somebody is disqualified for a job for two intemperate statements, nobody could hold a job anywhere.

So when you take a look at this record in its totality, what I have sought to do from the outset is to see that Judge Massiah-Jackson receives a fair hearing. It has been said that she is my nominee, which is not true. She is obviously the President's nominee. But she is not somebody who came from the Republican ranks. There is an arrangement which Pennsylvania has with the White House, with the President, that we will have the opportunity to name one Federal district court judge in Pennsylvania—Senator SANTORUM, and I—for every three nominees submitted from the Democratic Party. Pennsylvania is the only State, except for New York, which has had this arrangement, going back to the days of Senator Javits in the late 1970s. I am not obligated to back anybody whom the White House puts up. In fact, one of the nominees from Pittsburgh was rejected and withdrew earlier.

So when people say I have made a deal, it is not true. Judge Bruce Kauffman was sworn in on January 20. He was the nominee submitted by Senator SANTORUM and myself. I have not promoted the nomination of Judge Massiah-Jackson. I did not know her before she was nominated by the President to this position. But it seems to me, know her or not, she was entitled to fairness, and, if there were objections against her, I wanted to hear of them.

I have not begun to detail, Madam President, the lengths to which I went to find out what those objections were. When I heard comments through the grapevine, I called, or had my staff call, everybody who had a comment to make. When people wouldn't come forward, we asked them for the facts, and we proceeded with the objection. I personally made telephone calls to people and returned telephone calls to people to find out exactly what they had in mind, because if she was disqualified, let the chips fall where they may.

But the procedures which have occurred here and really culminated in the hearing on March 11, I think, represent an occurrence which is not the Judiciary Committee's finest hour. I believe that questions should not have been put to her. She should not have been called upon to answer questions on matters that she had not heard about until that morning, matters which are 10 or 15 years old.

There is ample precedent in the committees to exclude inappropriate lines of questions. One which received a great deal of notoriety was the Supreme Court nomination hearing for Justice Clarence Thomas. When someone had asked Justice Thomas about his video selections, the chairman of the Judiciary Committee, a Democrat, overruled his colleagues on that side of the aisle and said those questions were out of line. They may have had some relevancy, some tenuous relevancy. I don't think so, but some might have argued some attenuated relevancy to the issue before the Judiciary Committee at that time.

But certainly they were vastly prejudicial compared to any value which they may have had, and a courageous chairman of the Judiciary Committee excluded that line of questioning. At the hearing I did not mince any words, but the first time I had an opportunity to speak, I referred to these new cases which had just been dropped on me that morning, which Judge Massiah-Jackson had not seen, and made the point that they ought not to be the subject for questioning. And when others on the Judiciary Committee had those transcripts which bore the facts from the Philadelphia district attorney's office the night before, I strenuously questioned the propriety of that and interrupted the chairman to express my views in no uncertain terms.

Madam President, this case will not go away so easily. I agree with those who have said in the Chamber today that there has to be an adequate venting process and we have to find out about judicial nominees. I believe that the people who had objections to Judge Massiah-Jackson should have come forward many, many months ago. They had an opportunity to do so. There were inquiries by the FBI; there were inquiries by the American Bar Association; there were inquiries by the commission which Senator SANTORUM and I have established. They had an opportunity to raise those objections at a very early stage. But I do not deny them an opportunity to present adverse matters, however late they may come in, because a Federal judgeship is so important. But I do not believe that a nominee ought to be asked those questions without any notice and without any opportunity to review those cases. As we speak, there are units within the judicial conference and units within the bar association that are taking a very close look at what happened to Judge Massiah-Jackson.

In concluding, I compliment and congratulate Mark Aronchick and John Morris of the Philadelphia Bar Association for their pro bono work in analyzing the cases which were submitted by the district attorneys, the first batch submitted on February 2, and for their very strenuous efforts in an analysis to find out what the facts were. They supported Judge Massiah-Jackson because she had scored very well on the plebiscites where the members of the Philadelphia Bar Association had been questioned. I would also like to thank Charles Bowser, Esquire, who counseled Judge Massiah-Jackson.

I do appreciate and understand the reasons leading to Judge Massiah-Jackson's withdrawal. When she appeared in the hearings, she showed tenacity and courage, and she completed the record last week. But this is a time when the Senate Judiciary Committee has had better days, not a shining example for our Judiciary Committee, and the practices and procedures which were employed in this case need a thorough review so they will not be repeated.

In the presence of no other Senator, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from South Carolina is recognized.

Mr. THURMOND. I thank the Chair.

(The remarks of Mr. THURMOND pertaining to the introduction of S. 1764 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. THURMOND. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SANTORUM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF JUDGE MASSIAH-JACKSON

Mr. SANTORUM. Madam President, I rise today to talk about the issue that was going to be voted on tomorrow, the nomination of Judge Massiah-Jackson to the Eastern District Court of Pennsylvania. As you know, she withdrew her name today from consideration for that position. She did so, I believe, in light of the information that has come forward, the controversy surrounding her nomination, and what looked to be very little hope for that nomination to succeed here on the Senate floor. In fact, it has come to my attention that there would have been very strong bipartisan opposition to her nomination and the chances of it succeeding were not very good. So I think, under those circumstances, she decided to withdraw her name.

For her sake, I think she did the right thing. I think she has acquitted herself, as an individual, very well and was very restrained under this rather arduous process she has gone through. I know it has been a very difficult time for her and her family. For that she has my empathy and my sympathy, for the difficult time that she had in what turned out to be a very prolonged process that somehow looked more like a Supreme Court nomination as opposed to an eastern district court nomination. That being said, I think it was the right thing for her to withdraw. As I said publicly last week, I was not going to be supportive of her nomination.

All in all, what I tried to accomplish from the very beginning of this process was to give Judge Massiah-Jackson—as I would any person nominated from my State by President Clinton—the benefit of the doubt, No. 1, and, No. 2, a fair process—that she would have a fair process, or anybody would have a fair process, when it comes to the commission that I set up with Senator SPECTER to review judicial nominees or potential judicial nominees from all across Pennsylvania for the district courts. We have what I believe is a stellar commission that is made of terrific people who work very hard to review those nominees. They are, in fact, hamstrung, however, by the limited amount of information that they have.

In the case of Judge Massiah-Jackson and others, they are given information, frankly, provided by the candidate—by the person who is interviewing for the position. There is—at least has been—very little done in the way of background checks beyond what the candidate provides or references given. If I can be self-critical here of that process, our process, I would say that probably has to change in the future, that we have to do a little better job of delving deeper into the background of some of the potential nominees for the court. So, in that sense, the process maybe didn't work as well as it should have.

The second step in the process was the process of nomination by the President. Again, I suggest the President's process probably did not work as well as it should have, because a lot of information continues to come out. Even today more cases have come forward.

The commission, in part, can take blame, but, in part, the White House has to take a little of the blame for not doing a thorough check of the record and finding these problems so these issues would not be coming up so late in the game, that we would have had all these issues before us when we were making the initial decision. In fact, it wasn't done, or, if it was done, it certainly was kept from me and other Members of the Senate until a very late date. So, again, the process, in a sense, failed.

Having said all that, we had a nominee in the committee. The committee, I believe, gave Judge Massiah-Jackson a fair hearing at the time given the information that they had. Again, more information continued to come to light, some because, I suspect, it was difficult to ascertain; others, I don't know why. But information continued to come to light and information that, frankly, we had to look at. That was statistical evidence as to the judge's abilities in office, or potential abilities in office.

Again, what I was striving for, for this nominee, as I do for all, is to give her a fair hearing, a fair process. That is why Senator SPECTER and I fought and persuaded the chairman of the Judiciary Committee, as well as the majority leader, to withhold any vote on the Senate floor, to allow Judge Massiah-Jackson to go back to committee after these more recent allegations came forward, to be able to respond—in a sense, almost redoing the process again and, in a sense, starting de novo from the second hearing to begin to set the record straight, if you will.

In that regard, I thank Senator LOTT for his willingness to stand by both Senator SPECTER and me in support of that second hearing. I think it has to be said that Senator LOTT had the right—and, frankly, any other Member in this Chamber had the right—to come forward and ask to table her nomination. When the nomination was before the Senate, anyone could have come out here on the day when it was before the Senate and could have asked for that nomination to be tabled. We would have had a vote, and I think it would have been unfortunate and untimely at that point because she would not have been given an opportunity to respond, as many Members were passionate in opposition to her and felt there was no way by what she said or did at that hearing that she could redeem herself in their eyes. But they were willing to defer to both Senator SPECTER and myself and to the leader, and to Senator HATCH, to give her an opportunity to respond to her critics.

In the end, she did not do so adequately. There were many issues brought up, and, to some, she was able to shed some light on some of the disconcerting information. In the end, at that hearing, she decidedly did not address the grave concerns that had been brought forward on a variety of different subjects, on a variety of different cases, a variety of extrajudicial activities that she was involved with in her courtroom.

At that point, I think my sense was, while this process took longer than it should, and certainly the way in which this information came out and all the other oddities with respect to this nomination, I think, in the end, she was given the opportunity to address those issues. I do not believe she did so to the satisfaction—certainly she didn't to my satisfaction, and I don't think she did to a very strong bipartisan majority in the U.S. Senate to overcome the opposition of so many in my State.

I received over 500 letters, the vast majority of which were in opposition to her nomination. I received letters from a variety of law enforcement agencies, as well as prosecutors and others in opposition, which I take very seriously. These are officers of the court who do not normally speak out on such issues. I have to take that kind of correspondence and that kind of communication very seriously. I thought they brought out some very relevant and cogent issues with respect to her nomination. I considered those. I wanted to give Judge Massiah-Jackson an opportunity to shed some light on those and perhaps change my perception of those issues. She did not do so in that hearing, in the final analysis. So, as a result, I announced late last week that I would end up opposing her nomination. I did so.

It was a very difficult decision. It was very difficult for me to arrive at that decision, as I said earlier in my remarks. I wanted to give, as I do with all nominees of the President—they are not my nominees; they are not people I would have selected. I understand he is the President, opposite party, opposite philosophy. I don't expect him to appoint people I would appoint. So I provide a lot of latitude to his nominees, but within certain range, within certain bounds.

In this case, while I tried to give the benefit of the doubt throughout the process, in the end, she was outside the bounds of what I believe to be reasonable conduct and temperament. As a result, I thought it better to oppose her nomination to be promoted to the Federal bench.

I will say in closing, I wish Judge Massiah-Jackson well. I, again, have great sympathy for what she went through in the process. Even though Senator SPECTER and I tried to make it a fair process, it was, nonetheless, a difficult process, one that became somewhat national in scope. Certainly in the city of Philadelphia, it was a very contentious and, unfortunately, overpoliticized atmosphere surrounding this nomination. I understand the difficult time she went through. She, again, has my sympathy.

In the end, the withdrawal of her nomination was probably the best thing for all concerned.

Thank you, Madam President. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

WITHDRAWAL OF THE NOMINATION OF JUDGE FREDERICA MASSIAH-JACKSON

Mr. LEAHY. Mr. President, the President has withdrawn the nomination of Frederica Massiah-Jackson to be a United States District Judge for the Eastern District of Pennsylvania. Judge Massiah-Jackson continues as a respected Judge on the Philadelphia Court of Common Pleas and has reiterated her commitment to public service to the city and citizens of Philadelphia.

This nomination is a casualty of the confirmation process. As she described it: "After being found qualified to serve by the Specter-Santorum Judicial Selection Commission, the Department of Justice, the FBI, the American Bar Association and the Senate Judiciary Committee," she was subjected to "an unrelenting campaign of vilification and distortion as [she] waited for a vote on [her] nomination by the full Senate." She recognized that in the "politicized environment" in which this matter is being played out, she would have little opportunity to set the record straight once again. She has already devoted the better part of the last several days to that task, but the terrain keeps being shifted under her feet.

Last week the Judiciary Committee held a hearing, ostensibly to allow Judge Massiah-Jackson an opportunity to respond to charges leveled against her record as a Philadelphia Court of Common Pleas Judge. The hearing made a record that cleared up the most troubling allegation that had been made against her since her nomination was reported by the Judiciary Committee last November. No one who is familiar with the facts can continue to accuse her of having unmasked undercover narcotics officers sitting in her courtroom. That simply did not happen.

Unfortunately, the hearing veered off into characterizations about other cases than those the nominee had been notified raised concerns and there was no opportunity for her to prepare to respond to questions about those cases at the hearing. Late Friday evening Judge Massiah-Jackson sent a written response to the Committee on those additional matters. In fairness, I encourage anyone concerned about the Richard Johnson, Spagna, Kennedy, Nelson, Williams, Thomas, Walker, Parks, Hill, Kevin Johnson, Hairston, Evans and Gregory Johnson cases to consider her response and review the trial records before accepting second-hand characterizations by her critics.

Over the last several weeks a caricature of this nominee has emerged here in Washington rather than a true portrait of the woman who was elected to the bench in 1983 and retained by Philadelphia voters in 1993. No one should forget that the matters about which opponents are now complaining all took place before that 1993 retention election. Judge Massiah-Jackson's handling of important and complex civil matters over the last several years has been commended by the bar and not been criticized. The criminal cases from her earliest days on the court were concluded before the 1993 retention election and were not a source of controversy or criticism then.

Having been condemned by some on the Senate floor in early February, Judge Massiah-Jackson returned to appear before the Judiciary Committee last week to correct the record. I said at the outset of that hearing that it would be hard for anyone to counteract in a few minutes the weeks in which opponents engaged in a whispering campaign and then in a blitzkrieg public relations effort to kill her nomination without affording her a fair opportunity to be heard. Unfortunately, the tactics continued as she was surprised with questions about cases that had not been previously been raised.

I have searched my memory for any precedent for the way in which this nomination was attacked, but can think of none. It has too great an "Alice in Wonderland" quality to it. Senators were all too eager to accept any and every accusation without exploring its basis, allowing the nominee a fair opportunity to respond or reviewing the factual record. Like the King in Wonderland, on February 10 and 11, Senators had to be restrained from moving to a vote on the basis of accusations. The nominee was allowed a hearing on March 11 to respond, only to be met with new allegations.

The Senate was intent on voting down her nomination again last week without allowing an opportunity for the nominee to respond to the new allegations. I could almost hear the Queen of Hearts objecting that there need be no deliberation, just "Sentence first—verdict afterwards." I can understand why Judge Massiah-Jackson chose to forestall the "stuff and nonsense" that had come to characterize Senate treatment of her nomination. I regret the ordeal that she and her family were made to endure.

I have noted before the respect I have for our colleague from Philadelphia and for his experience and judgment both as a prosecutor and as a Senator. Senator SPECTER has been a steadfast supporter of Judge Massiah-Jackson. He has done the work to evaluate the criticism of her record. He has looked at the trial records and the Philadelphia Bar Association report and compared the criticism to the facts. He knows the circumstances in Philadelphia that form the backdrop for the criticism of this nominee's record from local prosecutors and police. My own review of the cases leads me to the same conclusions that he has drawn: Prosecutors were disappointed in a number of her rulings but she had a basis in the record for the great majority of her orders. She has admitted to mistakes and been reversed on occasion, but that handful of errors should not have disqualified her from this appointment.

This nominee has broad ranging support from both Democrats and Republicans in Philadelphia, a number of prosecutors and former prosecutors, distinguished representatives of the bar, and numerous State and local judges. Mayor Rendell, himself the District Attorney in Philadelphia for many years, is one of her strongest supporters. The Philadelphia Bar's review of the initial accusations about her record found many errors in the report of the district attorneys and concluded that her nomination continued to merit support.

The Philadelphia Bar Association's report challenges many of the inferences and conclusions draw by the earlier submission of local prosecutors provided by the Pennsylvania District Attorneys Association. Ironically, using the methodology of the Pennsylvania District Attorney's Association indicates that Judge Massiah-Jackson had a substantially higher conviction rate—a 25 percent higher conviction rate— than the overall conviction rate for the Philadelphia Court of Common Pleas. The Philadelphia Bar also reports that Judge Massiah-Jackson actually imposed sentences above the Pennsylvania sentencing guidelines more frequently than other Philadelphia judges. Indeed, for the more serious offenses—including robbery, aggravated assault, rape, and drug felony offenses—by her last year hearing criminal cases she was five times more likely than other Philadelphia judges to impose tougher sentences than the guidelines required.

For purposes of the record, let me briefly comment on the allegation that Judge Massiah-Jackson purportedly unmasked undercover narcotics officers in her courtroom. The story related to the Senate on February 10 was that Judge Massiah-Jackson "had ordered undercover policemen to stand up and be recognized in court so that any drug dealers that were there would recognize them if they saw them on the streets." On February 11 this alleged incident was recounted to the Senate as follows: "In open court she told these arresting officers, who were working undercover, to turn around and told the drug dealers and other spectators to 'take a good look at the undercover officers and watch yourselves.'" She has been condemned for "making undercover agents reveal who they are to the drug-running community."

These are serious but unfounded charges and an example of the misinformation that has plagued this nomination. Judge Massiah-Jackson has consistently denied that she would ever have done anything to put police officers in danger and that she would not have publicly identified undercover officers who were concealing their identities.

The Committee obtained brief written statements from the two Philadelphia police officers about which the allegations were made. It struck me that both officers' written statements noted that on the day of the alleged incident school children were brought to the courtroom to observe cases. One of the officer's written statements noted that during a break between cases the Judge addressed the children and that the alleged incident took place "after a short speech to the children." The officer wrote: "I understand what she may have been trying to achieve with the kids."

I can imagine the Judge making a crime prevention or crime deterrence statement to a group of school children. It is possible that she told the school children not to commit crime, not to do drugs and not to be involved with drugs and that if they did they would likely be caught, tried and sent to jail. To drive home the deterrence point that they should not think that they can get away with anything, I can imagine the Judge directing the children's attention toward the officers dressed in their street clothes to make the point that officers do not always wear their uniforms and badges and that they could be anyone. One of the officers had already testified and identified himself as a police officer in open court. He was called "Officer" by the prosecutor. The transcript of that case indicates that the other officer was there and had been named in the course of the proceedings. The Commonwealth rested its case without formally calling the second officer to the stand.

I also note that neither of the officers' written statements indicate that the Judge said anything disparaging. Nowhere is there any basis for the contention that she "ordered undercover police officers to stand up and be recognized in court" or "make undercover officers reveal who they are to the drug-running community." Neither of the officer's statements indicate that she referred to the men as "undercover narcotics officers" or "undercover officers." Those characterizations only surface later in assertions by a prosecutor who was seeking to have the Judge recuse herself the next year in a different case and in that prosecutor's later comments to a Philadelphia Daily News staff writer.

The officers' written statements indicate that they have little more in the way of specific personal recollection of these matters than Judge Massiah-Jackson does. The written statements conflict with each other and with the subsequent newspaper account. Many of the specifics about the proceedings are simply incorrect.

It seems to this Senator that some have been intent to make this alleged incident into something it was not. To the extent Judge Massiah-Jackson made any reference to the presence of officers dressed in street clothes in the courtroom, it appears to me that it was after the officers had identified themselves to those present as officers. They do not appear to have been acting as undercover officers in the courtroom and were not unmasked. From the testimony offered in the case they both had been in contact with both defendants. To the extent the Judge made any comments, they were most likely directed at a group of school children visiting the courtroom and were made in the course of a speech urging those children to stay away from crime and drugs.

The Judge has long been involved with young people, often spent time as a classroom speaker, visited a number of Philadelphia's public and parochial schools and invited classes to visit her courtroom. Indeed, she visited an impressive array of schools to make presentations every year since joining the bench.

I trust that we will hear no more about the allegation that she unmasked undercover officers in her courtroom. I regret that the reputation of this Judge has been clouded. I hope that those who want to know the truth will consult the record made in connection with the March 11 Judiciary Committee hearing and the court records in the cases at issue.

In her letter to the President, Judge Massiah-Jackson noted that "our system of justice and the independence of this third branch of our government may be the most precious treasure bequeathed to us by the Founding Fathers." I hope that in the future the Senate will show more respect for the independence of the judiciary and a more balanced approach in our review of judicial nominations.

EXECUTIVE SESSION

NOMINATION OF JEREMY D. FOGEL, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Jeremy D. Fogel, of California, to be United States District Judge for the Northern District of California.

Mr. LEAHY. What is the parliamentary situation?

The PRESIDING OFFICER. There will be 10 minutes of debate evenly divided.

Mr. LEAHY. Mr. President, today there are 82 vacancies among the Federal judiciary. We can see another 15 vacancies on the horizon. If we confirm Jeremy Fogel to the U.S. District Court for the Northern District of California in a vote this evening, then we will have confirmed 11 judges so far this year. That is less than four a month. When you know that you have close to 100 vacancies, 4 a month doesn't cut it. The President spoke to this issue; the Chief Justice spoke to it. The Senate can do a better job.

At the end of last year the Senate was confirming on average three judges a week. In response to the plea by the Chief Justice in the 1997 Year End Report, the Senate can and should do better this year.

Some still resist acknowledging the judicial vacancies crisis and contend that there are plenty of Federal Judges to handle the work of the courts and criticize the Judges for expanding their own jurisdiction. That is certainly not the case among the Federal Judges I know or the Federal Courts with which I am familiar.

We should not perpetuate circumstances that require Chief Judges to impose so heavily on senior judges and visiting judges. That is why I introduced the judgeship bill recommended by the Judicial Conference that calls for creating 55 additional judges. Moreover, it appears to me that it is the Congress of the United States that has been expanding Federal Court jurisdiction and role—and may do so again if the Republican leadership has its way and passes its version of the juvenile crime bill and its takings bill.

There is a need—in a growing number of cases, the desperate need—to fill the almost 100 vacancies that continue to plague the federal justice system. The President has spoken to the issue both last September and in his most recent State of the Union. The Chief Justice spoke to the matter again in the 1997 Year End Report. I have spoken until I am blue in the face. The Senate can do a better job to fulfill its constitutional responsibility and to support the third co-equal branch of our government.

As the Chief Justice has pointed out, confirmations are taking longer and longer to the detriment of greater numbers of Americans and the national cause of prompt justice. I fear that the current delays will persist until each of you, concerned judges from around the country, begins to express outrage at the slowdown on judicial confirmations. Rather than have the Senate persist in efforts to micro manage the judiciary and attack its independence and integrity, I am seeking to have the Senate get on about the business of confirming judges and provided the resources courts need.

Today 7 judicial nominees are listed on the Senate calendar. Unlike earlier days in the Senate when nominees were not made to wait for weeks and months on the Senate calendar before they could be considered, that is now becoming the rule.

I calculate that the average number of days for those few lucky nominees who are finally confirmed is continuing to escalate. In 1994 and 1995 judicial nominees took on average 86 or 87 days from nomination to confirmation. In 1996, that number rose to a record 183 days on average. Last year, that number rose dramatically yet again. From initial nomination to confirmation, the average time it took for Senate action on the 36 judges confirmed in 1997 was 206 days.

During the entire four years of the Bush Administration there were only three judicial nominations that were pending before the Senate for as long as 9 months before being confirmed and none took as long as a year. In 1997 alone there were 10 judicial nominations that took more than 9 months before a final favorably vote and 9 of those 10 extended over a year to a year and one-half. Of the 10 judges confirmed so far this year, Margaret Morrow took 21 months, Ann Aiken took 26 months, and Hilda Tagle took 31 months.

Last year the President sent us 79 judicial nominations but the Senate completed action on fewer than half of them. The percentage of judicial nominees confirmed over the course of last year was lower than for any Congress over the last three decades and, possibly, at any time in our history. Left pending were 42 judicial nominees, including 11 who were first nominated in 1995 and 1996, and 21 to fill judicial emergencies. Still pending before the Senate are 6 nominees first nominated in 1995 and 3 more first nominated in 1996.

Unfortunately, over the last three years, the Senate has barely matched the one-year total of judges confirmed in 1994 when we were on course to end the vacancy gap. We have less than 70 working days left in this Congress. The Senate has confirmed only 10 judges.

We should start by clearing the Senate calendar of judicial nominees this week. I would like to commend the Senator from Illinois, Senator DURBIN, for his action in strong support of the two outstanding judicial nominees from his home state who have been languishing on the Senate calendar for months. I know Senator DURBIN took action only after he had exhausted all his other options.

It is time for the Senate to consider the nominations of G. Patrick Murphy and Judge Michael McCuskey. The Senate Judiciary Committee unanimously reported these two nominations to the full Senate on November 6, 1997—more than 5 months ago. Their confirmations are desperately needed to end the vacancy crisis in the district courts of Illinois.

Pat Murphy is an outstanding judicial nominee. He has practiced law in the State of Illinois for 20 years as a trial lawyer. During his legal career, Mr. Murphy has made an extensive commitment to pro bono service—dedicating approximately 20% of his working time to representing disadvantaged clients in his community. The American Bar Association recognized this extensive legal experience when it rated him as qualified for this nomination.

Judge Michael McCuskey is an outstanding judicial nominee. Judge McCuskey served as a Public Defender for Marshall County in Lacon, IL from 1976 to 1988. In 1988, he left the Public Defender's office and the law firm of Pace, McCuskey and Galley to sit on the bench in the 10th Judicial Circuit in Peoria, IL.

The Chief Justice of the United States Supreme Court has called the rising number of vacancies "the most immediate problem we face in the federal judiciary." There is no excuse for the Senate's delay in considering these two fine nominees for Districts plagued with judicial emergency vacancies.

I have urged those who have been stalling the consideration of the President's judicial nominations to reconsider and to work with us to have the Judiciary Committee and the Senate fulfil its constitutional responsibility. Those who delay or prevent the filling of these vacancies must understand that they are delaying or preventing the administration of justice. Courts cannot try cases, incarcerate the guilty or resolve civil disputes without judges.

The mounting backlogs of civil and criminal cases in the dozens of emergency districts, in particular, are growing more critical by the day. This is particularly true in the Central and Southern District Courts of Illinois, where these outstanding nominees will serve once they are confirmed.

I hope that the Majority Leader will soon set a date certain to consider the nominations of G. Patrick Murphy and Judge Michael McCuskey and do so promptly.

I hope there will be a realization by those in this body who have started down this destructive path of attacking the judiciary and stalling the confirmation of qualified nominees to the federal bench that those efforts do not serve the national interest or the American people. I hope that we can once again remove these important matters from partisan and ideological politics.

Mrs. FEINSTEIN. Mr. President, it is with enthusiasm and pride that I ask my colleagues to confirm Judge Jeremy Fogel for appointment to the Northern District Court in California.

I recommended to President Clinton the appointment of Judge Fogel.

Judge Fogel has been unanimously approved by the Senate Judiciary Committee and I hope that he will receive the same type of support today.

Judge Fogel is extremely well qualified for this appointment. He is a highly respected judge in the San Jose area.

For the past three years, in fact, Judge Fogel was ranked as the best Superior Court Judge in the Santa Clara County according to a survey of both prosecutors and attorneys.

Judge Fogel has earned a reputation for fairness and sound reasoning over the course of his 17-year career on both the Municipal and Superior Courts in California.

Let me provide a few details about Judge Fogel:

He obtained his Bachelors degree from Stanford University, graduating with "great distinction," and went on to earn his Juris Doctorate from Harvard University, graduating cum laude.

Following law school, he served as a civil attorney at Smith, Johnson, Fogel & Ramo in San Jose and worked as executive director of the Santa Clara County Bar Association Law Foundation.

Appointed to the Municipal Court in 1981, he served as Presiding Judge of the Court's Felony Division and in 1984, Presiding Judge of the Municipal Court

Immediately after election to the Superior Court in 1986, he was assigned to be the Court's sole civil law and motion judge. Judge Fogel has also served as the civil team leader responsible for settlement and case management.

Judge Fogel is also a recognized expert in judicial ethics and discipline, having taught ethics to judges and lawyers since 1988.

He has served as an advisor on judicial ethics to the Judicial Council of California, the Commission on Judicial Performance and the California Judges Association.

His outstanding experience in the State Courts and his experience advocating for high judicial standards are just some of the reasons Judge Fogel is so well respected within the legal community and has such strong bipartisan support.

Judge Fogel's support—from Republicans and Democrats alike—includes many endorsements from law enforcement leaders, attorneys and Judges on the State Court who know him best.

In the law enforcement community, Judge Fogel has earned the strong support of Santa Clara County District Attorney George Kennedy and the California Narcotics Officers Association.

I'd like to quote from just some of the impressive letters of support we received on behalf of Judge Fogel:

State Court of Appeal Presiding Justice J. Clinton Peterson wrote:

> Judge Fogel is a highly disciplined jurist of exceptional intellect. . . . By reputation he has long been one of the leading members of the Santa Clara bench, noted particularly for his outstanding judicial demeanor and impartiality in applying the law.

Weldon Wood, principal of Robinson & Wood and officer of San Francisco Chapter of American Board of Trial Advocates said:

> My experience with Judge Fogel comes from several years of almost daily contact by me or members of law firm while he served as the Civil Law & Motion Judge. . . . In that position he was called upon to read, understand and rule on a huge volume of motions, many of which were quite complex. He was exceptionally impressive in his grasp of the facts and the law in ruling on those motions. His reputation for making the correct and legal ruling is excellent. He treats all who appear before him with courtesy, respect and proper judicial decorum.

Santa Clara County Bar Association President Richard Loftus wrote:

> The lawyers of this County believe him to be a bright, thoughtful person who is a leader of the local judiciary.

Retired California Court of Appeal Associate Justice Harry Brauer said:

> [Judge] Fogel is extraordinarily competent, and I am not given to hyperbole. He is conscientious and has good judgement. He works very hard . . . There is not a Superior Court judge in that District who is better qualified then he is. . . . You could not do better than to nominate Judge Fogel.

San Jose Attorney David Bennion wrote:

> He does not favor one side over another. He treats people and clients evenhandedly.

As these quotes indicate, Judge Fogel's sound judgement has earned him the highest respect of those in the legal community

Jeremy Fogel, quite simply, is one of the best and brightest Judges in California.

I urge my colleagues in the Senate to confirm his nomination to the Northern District Court.

Mr. LEAHY. Mr. President, I am advised that I can yield the time of the distinguished senior Senator from Utah. I yield all of his time and my time so we can go to a vote on the nomination.

The PRESIDING OFFICER. All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Jeremy D. Fogel, of California, to be United States District Judge for the Northern District of California? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. FAIRCLOTH), the Senator from Texas (Mr. GRAMM), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Oregon (Mr. SMITH) are necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KERRY), the Senator from Maryland (Ms. MIKULSKI), the Senator from Illinois (Ms. MOSELEY-BRAUN), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

The result was announced—yeas 90, nays 0, as follows:

[Rollcall Vote No. 33 Ex.]

YEAS—90

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NOT VOTING—10

Faircloth
Gramm
Inhofe
Inouye
Kerry
Mikulski
Moseley-Braun
Smith (OR)
Torricelli
Wyden

The nomination was confirmed.

Mr. BREAUX. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BROWNBACK). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

CLOTURE MOTION

Mr. ROTH. Mr. President, I now move to proceed to H.R. 2646 and send a second cloture motion to the desk to the motion to proceed.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to H.R. 2646, the A+ Education Act:

Trent Lott, Paul Coverdell, Craig Thomas, Rod Grams, Chuck Hagel, Tim Hutchinson, Kay Bailey Hutchison, Mike DeWine, Bob Bennett, John McCain, Don Nickles, Chuck Grassley, Mitch McConnell, Wayne Allard, Phil Gramm, John Ashcroft.

Mr. ROTH. Mr. President, the majority leader will notify the membership as to when this vote will occur if, in fact, the vote is necessary. In the meantime, I withdraw the motion.

The PRESIDING OFFICER. The motion is withdrawn.

MORNING BUSINESS

Mr. ROTH. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a withdrawal.

REPORT CONCERNING THE NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT—PM-111

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

I hereby report to the Congress on developments concerning the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995, and matters relating to the measures in that order and in Executive Order 12959 of May 6, 1995, and in Executive Order 13059 of August 19, 1997. This report is submitted pursuant to section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c) (IEEPA), section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c). This report discusses only matters concerning the national emergency with respect to Iran that was declared in Executive Order 12957 and does not deal with those relating to the emergency declared on November 14, 1979, in connection with the hostage crisis.

1. On March 15, 1995, I issued Executive Order 12957 (60 *Fed. Reg.* 14615, March 17, 1995) to declare a national emergency with respect to Iran pursuant to IEEPA, and to prohibit the financing, management, or supervision by United States persons of the development of Iranian petroleum resources. This action was in response to actions and policies of the Government of Iran, including support for international terrorism, efforts to undermine the Middle East peace process, and the acquisition of weapons of mass destruction and the means to deliver them. A copy of the Order was provided to the Speaker of the House and the President of the Senate by letter dated March 15, 1995.

Following the imposition of these restrictions with regard to the development of Iranian petroleum resources, Iran continued to engage in activities that represent a threat to the peace and security of all nations, including Iran's continuing support for international terrorism, its support for acts that undermine the Middle East peace process, and its intensified efforts to acquire weapons of mass destruction. On May 6, 1995, I issued Executive Order 12959 (60 *Fed. Reg.* 24757, May 9, 1995) to further respond to the Iranian threat to the national security, foreign policy, and economy of the United States. The terms of that order and an earlier order imposing an import ban on Iranian-origin goods and services (Executive Order 12613 of October 29, 1987) were consolidated and clarified in Executive Order 13059 of August 19, 1997.

At the time of signing Executive Order 12959, I directed the Secretary of the Treasury to authorize through specific licensing certain transactions, including transactions by United States persons related to the Iran-United States Claims Tribunal in The Hague, established pursuant to the Algiers Accords, and related to other international obligations and U.S. Government functions, and transactions related to the export of agricultural commodities pursuant to preexisting contracts consistent with section 5712(c) of title 7, United States Code. I also directed the Secretary of the Treasury, in consultation with the Secretary of State, to consider authorizing United States persons through specific licensing to participate in market-based swaps of crude oil from the Caspian Sea area for Iranian crude oil in support of energy projects in Azerbaijan, Kazakhstan, and Turkmenistan.

Executive Order 12959 revoked sections 1 and 2 of Executive Order 12613 of October 29, 1987, and sections 1 and 2 of Executive Order 12957 of March 15, 1995, to the extent they are inconsistent with it. A copy of Executive Order 12959 was transmitted to the Congressional leadership by letter dated May 6, 1995.

2. On August 19, 1997, I issued Executive Order 13059 in order to clarify the steps taken in Executive Order 12957 and Executive Order 12959, to confirm that the embargo on Iran prohibits all trade and investment activities by United States persons, wherever located, and to consolidate in one order the various prohibitions previously imposed to deal with the national emergency declared on March 15, 1995. A copy of the Order was transmitted to the Speaker of the House and the President of the Senate by letter dated August 19, 1997.

The Order prohibits (1) the importation into the United States of any goods or services of Iranian origin or owned or controlled by the Government of Iran except information or informational material; (2) the exportation, reexportation, sale, or supply from the United States or by a United States person, wherever located, of goods, technology, or services to Iran or the Government of Iran, including knowing transfers to a third country for direct or indirect supply, transshipment, or reexportation to Iran or the Government of Iran, or specifically for use in the production, commingling with, or incorporation into goods, technology, or services to be supplied, transshipped, or reexported exclusively or predominantly to Iran or the Government of Iran; (3) knowing reexportation from a third country to Iran or the Government of Iran of certain controlled U.S.-origin goods, technology, or services by a person other than a United States person; (4) the purchase, sale, transport, swap, brokerage, approval, financing, facilitation, guarantee, or other transactions or dealings by United States persons, wherever located, related to goods, technology, or services for exportation, reexportation, sale or supply, directly or indirectly, to Iran or the Government of Iran, or to goods or services of Iranian origin or owned or controlled by the Government of Iran; (5) new investment by United States persons in Iran or in property or entities owned or controlled by the Government of Iran; (6) approval, financing, facilitation, or guarantee by a United States person of any transaction by a foreign person that a United States person would be prohibited from performing under the terms of the Order; and (7) any transaction that evades, avoids, or attempts to violate a prohibition under the Order.

Executive Order 13059 became effective at 12:01 a.m., eastern daylight time on August 20, 1997. Because the Order consolidated and clarified the provisions of prior orders, Executive Order 12613 and paragraphs (a), (b), (c), (d), and (f) of section 1 of Executive Order 12959 were revoked by Executive Order 13059. The revocation of corresponding provisions in the prior Executive orders did not affect the applicability of those provisions, or of regulations, licenses or other administrative actions taken pursuant to those provisions, with respect to any transaction or violation occurring before the effective date of Executive Order 13059. Specific licenses issued pursuant to prior Executive orders continue in effect, unless revoked or amended by the Secretary of the Treasury. General licenses, regulations, orders, and directives issued pursuant to prior orders continue in effect, except to the extent inconsistent with Executive Order 13059 or otherwise revoked or modified by the Secretary of the Treasury.

The declaration of national emergency made by Executive Order 12957, and renewed each year since, remains in effect and is not affected by the Order.

3. On March 4, 1998, I renewed for another year the national emergency with respect to Iran pursuant to IEEPA. This renewal extended the authority for the current comprehensive trade embargo against Iran in effect since May 1995. Under these sanctions, virtually all trade with Iran is prohibited except for trade in information and informational materials and certain other limited exceptions.

4. There have been no amendments to the Iranian Transactions Regulations, 31 CFR Part 560 (the "ITR"), since my report of September 17, 1997.

5. During the current 6-month period, the Department of the Treasury's Office of Foreign Assets Control (OFAC) made numerous decisions with respect to applications for licenses to engage in transactions under the ITR, and issued seven licenses. The majority of denials were in response to requests to authorize commercial exports to Iran—particularly of machinery and equipment for various industries—and the importation of Iranian-origin goods. The licenses issued authorized certain financial transactions, transactions relating to air safety policy, and to disposal of U.S.-owned goods located in Iran. Pursuant to sections 3 and 4 of Executive Order 12959 and consistent with the Iran-Iraq Arms Non-Proliferation Act of 1992 and other statutory restrictions concerning certain goods and technology, including those involved in air-safety cases, the Department of the Treasury continues to consult with the Departments of State and Commerce on these matters.

The U.S. financial community continues to scrutinize transactions associated with Iran and to consult with OFAC about their appropriate handling. Many of these inquiries have resulted in investigations into the activities of U.S. parties and, where appropriate, the initiation of enforcement action.

6. The U.S. Customs Service has continued to effect numerous seizures of Iranian-origin merchandise, primarily carpets, for violation of the import prohibitions of the ITR. Various enforcement actions carried over from previous reporting periods are continuing and new reports of violations are being aggressively pursued. Since my last report, OFAC has collected six civil monetary penalties totaling nearly $84,000 for violations of IEEPA and the ITR.

7. The expenses incurred by the Federal Government in the 6-month period from September 15, 1997, through March 14, 1998, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Iran are reported to be approximately $1.3 million, most of which represent wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel), the Department of State (particularly the Bureau of Economic and Business Affairs, the Bureau of Near Eastern Affairs, the Bureau of Intelligence and Research, and the Office of the Legal Adviser), and the Department of Commerce (the Bureau of Export Administration and the General Counsel's Office).

8. The situation reviewed above continues to present an extraordinary and unusual threat to the national security, foreign policy, and economy of the United States. The declaration of the national emergency with respect to Iran contained in Executive Order 12957 and the comprehensive economic sanctions imposed by Executive Order 12959 underscore the United States Government's opposition to the actions and policies of the Government of Iran, particularly its support of international terrorism and its efforts to acquire weapons of mass destruction and the means to deliver them. The Iranian Transactions Regulations issued pursuant to Executive Orders 12957, 12959, and 13059 continue to advance important objectives in promoting the nonproliferation and anti-terrorism policies of the United States. I shall exercise the powers at my disposal to deal with these problems and will report periodically to the Congress on significant developments.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 16, 1998.*

REPORT OF THE FISCAL YEAR 1999 BUDGET REQUEST OF THE DISTRICT OF COLUMBIA COURTS—MESSAGE FROM THE PRESIDENT—PM-112

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs.

To the Congress of the United States:

In accordance with the District of Columbia Code, as amended, I am transmitting the District of Columbia Court's FY 1999 budget request.

The District of Columbia Courts has submitted a FY 1999 budget request for $133 million for its operating expenditures and authorization for multiyear capital funding totalling $58 million for courthouse renovation and improvements. My FY 1999 Budget includes recommended funding levels of $121 million for operations and $21 million for capital improvements for the District Courts. My transmittal of the District Court's budget request does not represent an endorsement of its contents.

I look forward to working with the Congress throughout the FY 1999 appropriation process.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 16, 1998.*

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BYRD:

S. 1761. A bill to provide that the performance of duties by Federal officers of certain vacant offices of the Federal Government shall comply with the requirements of sections 3345 through 3349 of title 5, United States Code (commonly referred to as the "Vacancies Act"), and for other purposes; to the Committee on Governmental Affairs.

By Mr. BAUCUS (for himself and Mr. BURNS):

S. 1762. A bill to amend the Agricultural Market Transition Act to authorize the Secretary of Agriculture to extend the term of marketing assistance loans; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. WELLSTONE:

S. 1763. A bill to restore food stamp benefits for aliens; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. THURMOND (for himself and Mr. LOTT):

S. 1764. A bill to amend sections 3345 through 3349 of title 5, United States Code (commonly referred to as the "Vacancies Act") to clarify statutory requirements relating to vacancies in certain Federal offices, and for other purposes; to the Committee on Governmental Affairs.

By Mr. THOMPSON:

S. 1765. A bill to suspend temporarily the duty on the chemical DEMT; to the Committee on Finance.

By Mr. McCAIN:

S. 1766. A bill to amend the Communications Act of 1934 to permit Bell operating companies to provide interstate and intrastate telecommunications services within one year after the date of enactment of this Act; to the Committee on Commerce, Science, and Transportation.

By Mr. DODD:

S. 1767. A bill to amend the Federal Food, Drug and Cosmetic Act to require notification of recalls of drugs and devices, and for other purposes; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAUCUS (for himself and Mr. BURNS):

S. 1762. A bill to amend the Agricultural Market Transition Act to authorize the Secretary of Agriculture to extend the term of marketing assistance loans; to the Committee on Agriculture, Nutrition, and Forestry.

THE EMERGENCY MARKETING ASSISTANCE ACT

Mr. BAUCUS. Mr. President, I rise today to introduce the Emergency Marketing Assistance Act of 1998. I am pleased to be joined in this effort by the rest of the Montana delegation—Senator BURNS and Congressman HILL. The Emergency Marketing Assistance Act is the product of cooperation between our Montana delegation, local communities, and agricultural producers in our state.

Farming is never easy. It is a challenge that requires work, knowledge, faith and courage. But this year has been a particularly difficult time for producers. A large number of wheat growers in our state and across America are facing a bleak market year.

Many have not even sold their 1997 crop. Instead, they have taken out nine-month USDA Marketing Assistance Loans which will soon come due. But unless there is a dramatic upsurge in our current prices, they will be forced to sell at a low price, inadequate to cover their debts.

Currently, the total volume of grain under loan in Montana is 43.5 million bushels. This is not an unusual figure during normal marketing years when farmers know they'll get a fair price for their product.

Two years ago we could get over five dollars a bushel for our wheat. But today the current price languishes under the three dollar mark. Couple that with our abnormally high shipping rates, and it is no wonder our farmers are reluctant to sell. They would a serious hit. And some might lose the farm.

However, it is important to remember, Mr. President, this difficult situation is temporary. In time, prices will rebound and wheat producers will be able to sell their grain at a fair price. That is why we are asking the Secretary of Agriculture to extend these loans for up to six months. Our producers would be able to weather the storm of these dreadful prices.

For many of our farmers, this is a make-it or break-it year. They have survived tough winters and dry summers. They compete with the monopolistic practices of the Canadian Wheat Board. They struggle to overcome the high cost of shipping. And they are completely shut out of China's market.

But we expect them to somehow go into the field day after day, season after season, to make certain that we have an abundant supply of food at a fair price. A six-month marketing assistance loan extension is a partial solution to the problems our farmers are facing. And that is why I am speaking here today.

We also need to take immediate action to ensure that this price depression does not happen again. As we give our producers this tool to stay on their farms, we must also work to improve markets and stimulate prices. I am constantly reminded that many of our producers got behind the Freedom to Farm bill with the express understanding that the U.S. Department of Agriculture would aggressively seek export markets.

Clearly, we need to do a better job of moving our products, especially wheat. I believe that by using a combination of the Export Enhancement Program, food aid and credit programs available through the USDA, we can assist our farmers during this difficult period. If we do not take action now, the results will be disastrous in farm country.

I would like to thank my Montana colleagues for their assistance in this endeavor. I also want to recognize the efforts of our producers back home who have worked hard to make ends meet this past winter and brought this idea forward. You do a good job, and we are pulling for you.

Mr. President, I strongly encourage my fellow senators to join me in supporting this important effort.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1762

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF MARKETING ASSISTANCE LOANS.

Section 133 of the Agricultural Market Transition Act (7 U.S.C. 7233) is amended by striking subsection (c) and inserting the following:

"(c) EXTENSION.—The Secretary may extend the term of a marketing assistance loan made to producers on a farm for any loan commodity for 1 6-month period.".

Mr. BURNS. Mr. President, I rise today and join with my colleague from Montana, Senator BAUCUS, to introduce an amendment to the current farm program. The amendment will assist our farmers in Montana. I think we have sort of an isolated circumstance in Montana. But I think it will also help others, too, because of the depressed price in wheat.

This bill is not a fix. It doesn't do everything maybe that we want to do. But it will assist many of our farmers in getting back in the fields this season, and it will also allow a little time to deal with some of the pressures that we are experiencing along the Canadian border.

As we enter a week commemorating agriculture and celebrate what agriculture provides for us, I am glad to come to the floor and help in the introduction of this bill.

America and the general public need to learn more about this great industry. It is the largest industry in our country—and again, with insight into the role that agriculture plays in our everyday lives—not only from an economic standpoint, but at least three times a day for most of us, and some of us more, for the role that it also plays.

Two years ago we passed the freedom-to-farm bill—the Federal Agricultural Improvement and Reform Act. We anticipated at that time that it would give us the flexibility on the farm to do some things that we want to do. That was only a year ago. Now, with that flexibility, of course, farmers operate on a big calendar called a year. Sometimes that flexibility takes a little bit longer than planned. We have some circumstances that are beyond the control of our grain farmers. Everything that we had hoped would occur has not happened. One is the Canadian situation. Prices have continued to drop, making it very difficult for our operators to meet their commitments on time.

So this amendment would not give them anything extra. It will just give them a chance to make those payments in a timely manner.

Today, Senator BAUCUS and I, with our colleague in the House, Representative HILL, are moving forward to correct a portion of that contract we made with our agricultural producers. We are seeking a minor adjustment in the law that passed Congress and was signed by this President. The portion that we seek to correct is the timeframe for repayment on marketing loans. We are not seeking a major change in that portion of the contract—just a minor adjustment. This adjustment will provide farmers with a slightly larger window in which to repay their marketing loans—an extension of only 6 months; nothing major; just enough for the producers to contract with purchasers to move their grain into the market.

A large number of our producers have not yet priced their 1997 wheat crop—the one harvested last fall. Many have taken out loans with the Commodity Credit Corporation and USDA-sponsored programs to assist farmers with marketing their wheat. A large number of these loans are coming due in May and June of this year. With the world wheat market already being depressed due to additional grain on the domestic market, it will do nothing but really compound the whole problem. The farmer deserves just this little bit of assistance. They will provide us with a reliable, safe, and inexpensive food supply all around this country, and now I think they need just a little relief.

This is a minor step that we are making today with the introduction of this bill. The legislation will help a little, but it will not solve the major problem that we face in agriculture. The plain and simple fact is we need to move our grain into world markets.

Unfortunately, the Department of Agriculture seems determined not to assist our producers in this endeavor. In 1996 Congress made a contract with the farmer in exchange for reducing the amount of money they receive from the Government for their crops. We contracted with them to move grain into the market—namely, the world market.

So the farmer in Montana and across the Nation accepted this contract. They have done their part. Now it is time for Congress and the Department of Agriculture and this administration to live up to their end of the deal.

As a member of the Subcommittee on Agriculture Appropriations, I have made my thoughts known to the committee and to the administration. However, this past week, while I visited with the wheatgrowers in Montana, I learned one thing that would ease the burden. Today, we stand before the Senate, and I call for the administration to move at least 100 million tons of grain as soon as possible. This will not solve the problem we face on the farm. But it will ease the pressure and allow farmers to think about the future. Today they think only about the future and about how it would be like without the farm.

So, I call on President Clinton, the Secretary of Agriculture Glickman, and the U.S. Trade Representative to make an effort to assist the man and woman on the ground, to do something to show that you are concerned about them.

We had a situation last fall that was not the making of our producers. In the railroad industry, Houston was tied up so badly that it left us without any way to ship grain. We still received tons and tons of grain from Canada in this country. We have to deal with these measures.

The legislation will allow us some time to do that and also will allow our farmers to get back in the fields. It is my hope that the legislation that we introduce today will assist in some little measure to give the farmer the hope to continue. I also hope that the administration will see their role in this and move forward in providing what they can to make life a little more bearable for our agricultural producers in our country.

There is also another situation that was not created by us or the farmers, that is, we are not allowed to access about 11 percent of the world market due to embargoes—by governments and countries that probably have some problems in the area which the State Department usually handles. And, denied that market, there are other producers in other nations taking advantage of that. They get a premium for their grain and then dump the rest of theirs onto the world market for which we have to compete at a lower price. We have to address that problem also.

Mr. President, I join with my colleague in introducing this legislation.

By Mr. WELLSTONE:

S. 1763. A bill to restore food stamp benefits for aliens; to the Committee on Agriculture, Nutrition, and Forestry.

THE FOOD STAMP BENEFITS FOR ALIENS RESTORATION ACT OF 1998

Mr. WELLSTONE. Mr. President, the bill I offer today will restore food stamps for all legal immigrants who lost eligibility under the 1996 welfare reform law. Representative GUITERREZ and I began developing this legislation last fall, and in the second week of March he introduced an identical bill in the House. Today I introduce our legislation in the Senate.

This bill is more comprehensive than the proposal included by the President in his budget request for FY 1999. I commend the President for making the effort to address this problem, but his proposal does not go far enough. It overlooks 100,000 immigrants who were formerly eligible. It seems to me wholly unreasonable to leave these people out, given their relatively small number.

I say we must go further. It was a mistake to deny food stamp eligibility in the first place, and now is the time to make amends. The legislation Congressman GUTIERREZ and I have developed will restore eligibility for all legal immigrants. While the President proposes spending $2.43 billion dollars over the next 5 years, the cost of our bill would be only marginally higher—closer to $3 billion.

The 1996 welfare bill denied legal immigrants the means to meet basic nutritional needs in order to save some money. But I believe that, in the end, this provision will not save us any money at all. In the long run, we as a society will have to pay this bill, and pay it in full. We will pay with more family conflict, more medical problems, and lower student achievement. The cost of this mistake will far outweigh the money saved. Indeed, I believe we are already paying the price.

In searching for ways to save money, Congress conveniently chose to target a group of people who do not vote. On one level, it is easy to understand the politics of this decision. But on another level, I find it incomprehensible. Consider how much these hard-working people contribute to our society and our economy. They pay taxes and often perform jobs that American citizens refuse to do. The fact that they have no right to vote should not mean that we single them out for this kind of treatment.

It was especially irresponsible to deny eligibility knowing that two thirds of those affected would be children. Denying basic nutrition to children is not what this country is about, nor should it be. But that is essentially what Congress did in 1996. An estimated 900,000 legal immigrants lost their eligibility with passage of welfare reform. Another 600,000 children—children who are American citizens but whose parents are legal immigrants—have seen their family's food stamps reduced. Denying nutrition to parents will affect these children. Nutrition is a basic need which, if denied or reduced, has enormous negative effects on a family. This is no way for a country with a proud history of compassion and community to go about reducing the deficit.

Today I offer legislation that would recognize this mistake and correct it. Ending hunger, whether among legal residents or anybody else, should remain a national responsibility. It cannot be done on a piecemeal basis. As of today, only three states have provided full eligibility for legal immigrants. A total of eleven states are providing coupons or the equivalent for some or all legal immigrants. Two states have set up independent programs to serve some of the legal immigrant population. But each of these thirteen states has the option and ability to change or terminate these commendable efforts at any time. That's not good enough.

In my own state of Minnesota, food stamp cuts have had a major impact on our immigrant communities. While the state has offered temporary and partial food assistance for legal immigrants to make up for the loss of federal benefits, it has not been enough. Food banks have experienced a noticeable increase in demand for their services, especially in the Hmong and Somali communities. In fact, all across this nation the need for food assistance is on the rise, especially among immigrants.

We can alleviate at least some of this problem by passing the bill I offer today. I believe we have a responsibility to both the children suffering under this new law who are American citizens, and to the legal immigrants who lost coverage. If we reinstate food stamp eligibility, these immigrants will once again be able to provide adequate nutrition for themselves and for their children. I believe this is what we must do to meet our responsibility, and it is the right thing to do.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1763

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Food Stamp Benefits for Aliens Restoration Act of 1997".

SEC. 2. LIMITED ELIGIBILITY OF QUALIFIED ALIENS FOR CERTAIN FEDERAL PROGRAMS.

(a) IN GENERAL.—Section 402(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)) (as amended by section 5301, 5302(a), 5303(a), and 5304 of the Balanced Budget Act of 1997

(Public Law 105-33; 111 Stat. 597, 598, 600)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking clause (ii);

(ii) by striking "ASYLEES.—" and all that follows through "paragraph (3)(A)" and inserting "ASYLEES.—With respect to the specified Federal program described in paragraph (3)"; and

(iii) by redesignating subclauses (I) through (IV) as clauses (i) through (iv) and indenting appropriately;

(B) in subparagraph (D)—

(i) by striking clause (ii); and

(ii) in clause (i)—

(I) by striking "(i) SSI.—" and all that follows through "paragraph (3)(A)" and inserting the following:

"(i) IN GENERAL.—With respect to the specified Federal program described in paragraph (3)";

(II) by redesignating subclauses (II) through (IV) as clauses (ii) through (iv) and indenting appropriately;

(III) by striking "subclause (I)" each place it appears and inserting "clause (i)"; and

(IV) in clause (iv) (as redesignated by subclause (II)), by striking "this clause" and inserting "this subparagraph"; and

(C) in subparagraphs (E) through (H), by striking "paragraph (3)(A)" each place it appears and inserting "paragraph (3)"; and

(2) in paragraph (3)—

(A) by striking "means any" and all that follows through "The supplemental" and inserting "means the supplemental"; and

(B) by striking subparagraph (B).

(b) CONFORMING AMENDMENTS.—

(1) Section 402(b)(2)(F) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(b)(2)(F)) (as added by section 5305(b) of the Balanced Budget Act of 1997 (Public Law 105-33; 111 Stat. 601)) is amended by striking "subsection (a)(3)(A)" and inserting "subsection (a)(3)".

(2) Section 403(d) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(d)) (as added by section 5303(c) of the Balanced Budget Act of 1997 (Public Law 105-33; 111 Stat. 600)) is amended by striking "subsections (a)(3)(A)" and inserting "subsections (a)(3)".

SEC. 3. FIVE-YEAR LIMITED ELIGIBILITY OF QUALIFIED ALIENS FOR FEDERAL MEANS-TESTED PUBLIC BENEFIT.

Section 403(c)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(c)(2)) is amended by adding at the end the following:

"(L) Assistance or benefits under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq).".

SEC. 4. AUTHORITY FOR STATES TO PROVIDE FOR ATTRIBUTION OF SPONSORS INCOME AND RESOURCES TO THE ALIEN WITH RESPECT TO STATE PROGRAMS.

Section 422(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1632(b)) is amended by adding at the end the following:

"(8) Programs comparable to assistance or benefits under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq).".

SEC. 5. DERIVATIVE ELIGIBILITY FOR BENEFITS.

Section 436 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1646) (as added by section 5305(a) of the Balanced Budget Act of 1997 (Public Law 105-33; 111 Stat. 601)) is repealed.

SEC. 6. REQUIREMENTS FOR SPONSOR'S AFFIDAVIT OF SUPPORT.

Section 213A of the Immigration and Nationality Act (8 U.S.C. 1183a) is amended—

(1) in subsection (a)(1)(B), by striking "(as defined in subsection (e) of this section)"; and

(2) by inserting after subsection (f) the following:

"(g) MEANS-TESTED PUBLIC BENEFIT DEFINED.—In this section, the term 'means-tested public benefit' does not include assistance or benefits provided under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq).".

SEC. 7. STATUS OF CUBAN AND HAITIAN ENTRANTS.

Section 6(f) of the Food Stamp Act of 1977 (7 U.S.C. 2015(f)) is amended in the first sentence by inserting before the period at the end the following: "; or (G) an alien who is a Cuban and Haitian entrant (as defined in section 501(e) of the Refugee Education Assistance Act of 1980 (Public Law 96-422; 8 U.S.C. 1522 note))".

SEC. 8. EFFECTIVE DATE.

This Act and the amendments made by this Act shall be effective as if included in the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193; 110 Stat. 2105).

By Mr. THURMOND (for himself and Mr. LOTT):

S. 1764. A bill to amend sections 3345 through 3349 of title 5, United States Code (commonly referred to as the "Vacancies Act") to clarify statutory requirements relating to vacancies in certain Federal offices, and for other purposes; to the Committee on Governmental Affairs.

THE VACANCIES CLARIFICATION ACT OF 1998

Mr. THURMOND. Madam President, I rise today to introduce legislation to address a serious, ongoing problem between the Executive and Legislative branches of our government. I am pleased to do so on behalf of myself and our distinguished majority leader, Senator LOTT.

The issue is the advice and consent role of the Senate under the Constitution, and the failure of the Administration to properly respect this authority in Presidential appointments. Too often, when an official holding an advice and consent position leaves the Administration, the President or lesser officials will appoint someone to serve in the vacancy on an acting basis for a long period of time without submitting a nomination to the Senate. The Administration routinely disregards the advice and consent role of the Senate in this manner.

The Framers of the Constitution surely would not be pleased. The Appointments Clause of Article II, Section 2, of the Constitution is one of the fundamental checks and balances included within our great system of government. As Justice Scalia stated for the Supreme Court last year, "[T]he Appointments Clause . . . is more than a matter of etiquette or protocol; it is among the significant structural safeguards of the constitutional scheme."

The Congress has long recognized the danger of the Executive Branch ignoring its role. The Vacancies Act was enacted to prevent this problem, and it has existed with few revisions since at least 1868. The Act sets forth limitations on acting appointments. It sets forth a logical procedure whereby the first assistant or another confirmed appointee takes over until a new nominee is confirmed. Importantly, it limits the time this acting person may serve to 120 days unless the President has submitted a nomination to the Senate.

There are two problems with the Vacancies Act today. The first is that it is being ignored. The second is that there is no enforcement mechanism to prevent the Administration from ignoring it.

Today, vacancies in advice and consent positions are a serious problem in this Administration, and many of the people who are serving in these positions in an acting capacity are doing so in violation of the Vacancies Act. Consider the Department of Justice. The President has just nominated someone to head the Criminal Division. That position has been vacant since August 31, 1995, which is for two and one-half years. Also, when the Solicitor General left in June 1996, Walter Dellinger was made Acting Solicitor General without any effort to seek Senate confirmation. He then served for an entire term of the Supreme Court before the President nominated the current Solicitor General.

The issue that has pushed the Vacancies Act into the headlines in recent months is the President's designation of Bill Lann Lee to serve as chief of the Civil Rights Division in an acting capacity. After allowing the position to remain vacant for six months, which itself violated the Act, the President nominated Mr. Lee. The Judiciary Committee could not support sending his nomination to the Senate floor. However, rather than sending a new, consensus candidate for confirmation, the President blatantly circumvented the confirmation process by appointing Mr. Lee in an acting capacity.

I believe it is essential that the Senate act to stop the ongoing abuse of its confirmation role. Today, I am introducing the Vacancies Clarification Act of 1998 to help preserve our role by addressing two primary problems with the Act today: its alleged coverage and its enforcement.

The Administration has an explanation for ignoring the Vacancies Act. The Department of Justice says the Act does not apply to it because of the administrative authorizing statutes that reorganized the Department in the 1950s. In my view, this argument has no merit. These statutes make no mention of vacancies and were certainly never intended to cover what the Vacancies Act already clearly covered. The most obvious flaw in Justice's argument is that all Executive departments have similar authorizing statutes. Therefore, if Justice is not bound by the Act, the other departments are equally free to ignore it, as many of them do. To address this, I propose that the Vacancies Act provide that it is applicable to all advise and consent appointments, unless a different statute provides that the Act is not applicable to a particular position.

The second problem is that the Vacancies Act has no enforcement mechanism. There is no way to force the Administration to comply except to retaliate against it or to sue in court. Thus, I propose that any person who serves in violation of the Vacancies Act may not be paid while they are in violation of the law. This would be a simple but effective way to bring the Administration into compliance.

My bill accomplishes these objectives by rewriting the Vacancies Act. The current language is somewhat intricate and dated. After all, the Act has existed with few revisions since 1868. Thus, I have attempted to rewrite the statute as it currently exists but in language that makes its requirements and exceptions as clear as possible. Hopefully, this will close any loopholes that lawyers have created in the words of the Act in its current form.

It is my hope that this bill can serve as a starting point for bipartisan discussions on reform in this area. It is possible that the Administration may raise legitimate concerns with some of the requirements in the current law, such as that the 120 day period to submit a nomination is not enough time. This is an issue that could be discussed in hearings.

Indeed, I am very pleased that the Governmental Affairs Committee has scheduled a hearing on the Vacancies Act this week. It is important that the Senate study this matter and address the flaws in the current process.

Madam President, this is a matter of great Constitutional significance. We cannot allow the Administration to continue to disregard the advise and consent role of the Senate. By revitalizing the Vacancies Act, we can require the Administration to respect the Senate's Constitutional duty.

At this time, I ask unanimous consent that the text of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1764

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Vacancies Clarification Act of 1998".

SEC. 2. FINDINGS.

Congress finds that—

(1) Congress enacted the Act entitled "An Act to authorize the temporary supplying of vacancies in the executive departments", approved July 23, 1868 (commonly referred to as the "Vacancies Act"), to—

(A) preclude the extended filling of a vacancy in an office of an executive or military department subject to Senate confirmation, without the submission of a Presidential nomination;

(B) provide an exclusive means to temporarily fill such a vacancy; and

(C) clarify the role of the Senate in the exercise of the Senate's constitutional advice and consent powers in the Presidential appointment of certain officers;

(2) subchapter III of chapter 33 of title 5, United States Code, includes a codification of the Vacancies Act, and (pursuant to an amendment on August 17, 1988, to section 3345 of such title) specifically applies such vacancy provisions to all Executive agencies, including the Department of Justice;

(3) the legislative history accompanying the 1988 amendment makes clear in the controlling committee report that the general administrative authorizing provisions for the Executive agencies, which include sections 509 and 510 of title 28, United States Code, regarding the Department of Justice, do not supersede the specific vacancy provisions in title 5, United States Code;

(4) there are statutory provisions of general administrative authority applicable to every Executive department and other Executive agencies that are similar to sections 509 and 510 of title 28, United States Code, relating to the Department of Justice;

(5) despite the clear intent of Congress, the Attorney General of the United States has continued to interpret the provisions granting general administrative authority to the Attorney General under sections 509 and 510 of title 28, United States Code, to supersede the specific vacancy provisions in title 5, United States Code;

(6) the interpretation of the Attorney General would—

(A) virtually nullify the vacancy provisions under subchapter III of chapter 33 of title 5, United States Code;

(B) circumvent the clear intention of Congress to preclude the extended filling of certain vacancies and provide for the temporary filling of such vacancies; and

(C) subvert the constitutional authority and responsibility of the Senate to advise and consent in certain appointments;

(7) it is necessary to further clarify the intention of Congress to reject the interpretation of the Attorney General by modernizing the intricate language of the long-standing Vacancies Act; and

(8) to ensure compliance by the executive branch with the Vacancies Act, the Act needs an express enforcement mechanism.

SEC. 3. FEDERAL VACANCIES.

(a) IN GENERAL.—Chapter 33 of title 5, United States Code, is amended by striking sections 3345 through 3349 and inserting the following:

"§ 3345. Acting officer

"(a)(1) If an officer of an Executive agency (other than the General Accounting Office) whose appointment to office is by the President, by and with the advice and consent of the Senate, dies, resigns, or is otherwise unable to perform the functions of the office, the President may direct a person described under paragraph (2) to perform the functions and duties of the office temporarily in an acting capacity, subject to the time limitations of section 3346.

"(2) The person referred to under paragraph (1) is any person who on the date of death, resignation, or the beginning of inability to perform serves—

"(A) in the position of first assistant to the officer who dies, resigns, or is otherwise unable to perform; or

"(B) in an office for which appointment by the President, by and with the advice and consent of the Senate is required.

"(b) With respect to the office of the Attorney General of the United States, the provisions of section 508 of title 28 shall be applicable.

"§ 3346. Time limitation

"(a) The person serving as an acting officer as described under section 3345 may serve in the office—

"(1) for no longer than 120 days; or

"(2) if any nomination for the office is submitted to the Senate within the 120-day period beginning on the date the vacancy occurs, for the period that the nomination is pending in the Senate.

"(b)(1) If the nomination for the office is rejected by the Senate or withdrawn, the person may continue to serve as the acting officer for no more than 120 days after the date of such rejection or withdrawal.

"(2) Notwithstanding paragraph (1), if a second nomination for the office is submitted to the Senate during the 120-day period after the rejection or withdrawal of the first nomination, the person serving as the acting officer may continue to serve—

"(A) until the second nomination is confirmed; or

"(B) for no more than 120 days after the second nomination is rejected or withdrawn.

"(c) If a person begins serving as an acting officer during an adjournment of the Congress sine die, the 120-day period under subsection (a) shall begin on the date that the Senate first reconvenes.

"§ 3347. Application

"Sections 3345 and 3346 are applicable to any office of an Executive agency (other than the General Accounting Office) for which appointment by the President, by and with the advice and consent of the Senate, is required, unless—

"(1) another statutory provision expressly provides that such provision supersedes sections 3345 and 3346; or

"(2) the President makes an appointment to fill a vacancy in such office during a recess of the Senate.

"§ 3348. Vacant office

"Subject to section 3347, if an office is not temporarily filled under sections 3345 and 3346 within 120 days after the date on which a vacancy occurs, the office shall remain vacant until a person is appointed by the President, by and with the advice and consent of the Senate.

"§ 3349. Enforcement

"(a)(1) An acting officer who serves in a position in violation of section 3345 or 3346 may not receive pay for any day of service in violation of section 3345 or 3346.

"(2) Pay not received under paragraph (1) shall be forfeited and may not be paid as backpay.

"(3) Notwithstanding section 1342 of title 31, paragraph (1) shall apply regardless of whether such acting officer is performing the duties of another office or position in addition to performing the duties of the vacant office.

"(b) The head of an affected Executive agency (other than the General Accounting Office) shall submit to the Comptroller General of the United States and to each House of Congress—

"(1) notification of a vacancy and the date such vacancy occurred immediately upon the occurrence of the vacancy;

"(2) the name of any person serving in an acting capacity and the date such service began immediately upon the designation;

"(3) the name of any person nominated to the Senate to fill the vacancy and the date such nomination is submitted immediately upon the submission of the nomination; and

"(4) the date of a rejection or withdrawal of any nomination immediately upon such rejection or withdrawal.

"(c) If the Comptroller General of the United States makes a determination that an officer is serving longer than the 120-day period including the applicable exceptions to such period as provided under section 3346, the Comptroller General shall report such determination to each House of Congress, the President, the Secretary of the Treasury, and the Office of Personnel Management.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 33 of title 5, United States Code, is amended by striking the items relating to sections 3345 through 3349 and inserting the following:

"3345. Acting officer.
"3346. Time limitation.
"3347. Application.
"3348. Vacant office.
"3349. Enforcement.".

SEC. 4. EFFECTIVE DATE AND APPLICATION.

This Act shall take effect on the date of enactment of this Act and shall apply to any office that—

(1) becomes vacant after such date; and

(2) is vacant on such date, except sections 3345 through 3349 of title 5, United States Code (as amended by this Act), shall apply as though such office first became vacant on such date.

By Mr. McCAIN:

S. 1766. A bill to amend the Communications Act of 1934 to permit Bell operating companies to provide interstate and intrastate telecommunications services within one year after the date of enactment of this Act; to the Committee on Commerce, Science, and Transportation.

THE TELECOMMUNICATIONS COMPETITION ACT OF 1998

Mr. McCAIN. Mr. President, today I am introducing the Telecommunications Competition Act of 1998. This legislation is aimed at encouraging the development of competition in telecommunications and thus allowing consumers to enjoy the benefits of competition including lower prices, universal availability, increased variety of new services.

The Telecommunications Act of 1996 was enacted two years ago with great promise that increased competition would rapidly emerge on both the local and long distance telecommunications markets. The last two years have instead brought forth rampant litigation challenging everything from the constitutionality of the Act itself to the legality of the Federal Communications Commission's implementation rules. Within that same time frame, consumers have seen prices rise instead of fall, carriers merging instead of competing, and more regulation rather than deregulation.

Mr. President, it is time to consider whether the Telecommunications Act of 1996, particularly section 271 of the Act that keeps Bell Operating Companies (BOCs) from competing in the interLATA telecommunications market prior to their fulfilling a set of market opening requirements, has been a success or failure.

Section 271 requires BOCs to satisfy a detailed fourteen point competitive checklist that claims to guarantee that competitors have access to a BOC's services and facilities at rates, terms, and conditions that are nondiscriminatory. Section 271 also requires that BOCs seek approval for their applications from the Department of Justice, the relevant state commission, and the Federal Communications Commission; each of which may have a different interpretation of the requirements. Finally, beyond all of the other requirements a BOC must satisfy to gain section 271 approval, the Act gives the FCC the ability to reject an application based on a vague and undefined public interest, convenience, or necessity requirement.

It is time to reevaluate whether the regulatory intensive approach to deregulation that was followed in section 271 is the best method for encouraging the development of competition. I realize that in 1996 Congress passed the Telecommunications Act while reacting to pressure from all sides of the telecommunications industry. I understand that any modifications to the Act will require that we seek compromise from those same industry forces. I am thus currently working to find such compromises and hope to introduce a different bill that will further the goal of competition through a framework that will focus on the truly pertinent factors while minimizing current incentives to game the process for anticompetitive ends.

The bill I introduce today is what I believe to be the most deregulatory approach to encouraging competition in telecommunications. This bill takes a straightforward approach to bringing the benefits of competition to consumers by permitting all carriers to enter each others' markets and compete to bring the best and lowest priced services to consumers.

The bill requires that all providers of telecommunications and information services be subject to equivalent regulation. The bill also states that if all providers of telecommunications services do not have the opportunity to provide all telecommunications and information services, it would be in the public interest to remove barriers to entry to intrastate telecommunications services such as telephone exchange service, intrastate intraLATA telecommunications services, and telephone exchange access services.

When barriers to entry to intrastate telecommunications services are removed, all lines of business restrictions should be eliminated for existing providers of these services. The elimination of such restrictions will result in the creation of substantial numbers of new jobs and the deployment of advanced telecommunications services. This will enhance the quality of life and promote economic development, job creation, and international competitiveness.

Advancements in the nation's telecommunications infrastructure will enhance the public welfare by helping to speed the delivery of services such as telemedicine, distance learning, remote medical services, and distribution of health information.

Rural and sparsely populated areas will not receive the benefits of advanced telecommunications services unless all providers of telecommunications services have eliminated the restrictions on the lines of business in which they may engage.

Existing regulatory devices no longer work, and the regulatory asymmetries that exist today are inconsistent with competitive marketplaces. Oversight of the telecommunications industry should be conducted from the perspective of the antitrust laws by the Department of Justice and from the regulatory perspective by the Commission for interstate telecommunications services and the states for intrastate telecommunications services.

Finally Mr. President, this bill removes the current perverse incentives that some parties have to use the regulatory process to delay BOC entry into long entrance. By permitting all competitors to compete one year from the date of enactment, all parties will have the incentive to bring the benefits of competition to consumers as soon as possible.

Mr. President, I ask unanimous consent that the text of the bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1766

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Telecommunications Competition Act of 1998".

SEC. 2 FINDINGS.

The Congress finds that—

(1) competition in telecommunications will encourage infrastructure development, have beneficial effects on the price, universal availability, variety and quality of telecommunications services, and improve our economy, our culture, and our political system;

(2) all telecommunications markets should be open to competition and all providers of telecommunications services should be able to provide such services and be subject to equivalent regulation when offering such services;

(3) all providers of telecommunications should be subject to equivalent regulation;

(5) the elimination of the restraints on the lines of business will result in the creation of a substantial number of new jobs;

(6) if the removal of the restrictions on the lines of business are delayed, the job creation resulting from the removal of these constraints will also be delayed;

(7) advanced telecommunications services can enhance the quality of life and promote economic developments, job creation, and international competitiveness;

(8) advancements in the nation's telecommunications infrastructure will enhance the public welfare by helping to speed the delivery of services such as telemedicine, distance learning, remote medical services, and distribution of health information;

(9) improvements in the telecommunications infrastructure will be greatly enhanced if all providers of telecommunications services are permitted to offer these services on the same basis and subject to equivalent regulatory requirements;

(10) rural and sparsely populated areas will not receive the benefits of advanced telecommunications services unless all providers of telecommunications services have eliminated the restrictions on the lines of business in which they may engage;

(11) existing regulatory devices no longer work, and the regulatory asymmetries that exist today are inconsistent with competitive marketplaces; and

(12) oversight of the telecommunications industry should be conducted from the perspective of the Antitrust Laws by the Department of Justice and from the regulatory perspective by the Commission for interstate telecommunications services and the States for intrastate telecommunications services.

SEC. 3. ONE-YEAR MAXIMUM START DATE FOR BOC INTERSTATE AND INTRASTATE SERVICES.

Part III of title II of the Communications Act of 1934 (47 U.S.C. 271 et seq.) is amended by inserting before section 271 the following:

"SEC. 270. DATE CERTAIN FOR START OF BELL OPERATING COMPANY SERVICES.

"(a) IN GENERAL.—Notwithstanding any provision of this Act to the contrary, on the date that is one year after the date of enactment of the Telecommunications Competition Act of 1998, a Bell operating company, and any affiliate of a Bell operating company, may provide interstate and intrastate telecommunications services.

"(b) STATE LAW SUPERSEDED.—No State or local law may prohibit or prevent a Bell operating company, or an affiliate of a Bell operating company, from providing interstate and intrastate telecommunications services after the date specified in subsection (a).

"(c) APPLICAITON WITH OTHER PROVISIONS.—Any prerequisite established by any other provision of this Act that conditions the right to provide services regulated under this Act in any area upon the satification by a Bell operating company of any requirement under this Act shall be for all purposes of this Act, deemed to have been met on the date specified in subsection (a).".

By Mr. DODD:

S. 1767. A bill to amend the Federal Food, Drug and Cosmetic Act to require notification of recalls of drugs and devices, and for other purposes; to the Committee on Labor and Human Resources.

THE DRUG AND DEVICE RECALL REPORTING ACT OF 1998

Mr. DODD. Mr. President, I rise today to introduce a critical measure that has the potential to save many lives—"Matthew's Law." This bill is named after a very lucky third-grader from Bridgeport, Connecticut, whose life was endangered by the failure of his pharmacy to notify his family that an unsafe medical device had been pulled from the market.

It is both unfortunate and remarkable that no Federal legislation currently exists that requires notification of consumers when unsafe drugs or devices are recalled. State laws also fail to guarantee consumers the right to know of recalls. Although 18 States recommend that pharmacists notify their patients of recalls, as part of professional standards of care, only one State (Vermont) explicitly requires that patients be contacted.

This bill will amend the Federal Food, Drug, and Cosmetic Act to impose the commonsense requirement that when pharmacies are notified of a class I or II recall of a drug or device dispensed by prescription, they must notify their patients that the product has been pulled from the market.

Class I recalls include those drugs and devices that could reasonably cause serious adverse effects on health or death. Class II recalls include drugs and devices that may cause temporary or medically reversible adverse effects on health.

For over the counter drugs and devices, the bill requires that a notice regarding the recall be displayed in the pharmacy. Pharmacies that fail to comply will be subjected to fines of up to $10,000.

Matthew McGarry, for whom this bill is named, has a life-threatening allergy to peanuts. In case he should accidentally eat one, he carries a device with him that injects a drug to counteract an allergic reaction, called an "EPI-E-Z" pen.

When it was found that a few of the devices in one batch were leaking the life saving drug, all pharmacies were notified that the product was being recalled. And almost all pharmacies, acting in the best interest of their patients, in turn notified consumers. The McGarry's pharmacy, however, did not contact its patients.

Thanks to the vigilance of his school's nurse, Betty Patterson, Matthew escaped unharmed—the defective device was replaced.

Under current law, consumers have the right to be notified their automobiles are defective or when the toys that their children play with are found to be unsafe. It is only logical that we should have the same peace of mind when it comes to products like drugs and medical devices that directly affect our health.

Most pharmacists do the right thing. Most pharmacists contact their customers when a drug or device is recalled. However, it takes just one incident, like that experienced by the McGarry family, to point out a dangerous loophole in the law.

With Matthew's law, we will close that loophole and protect all American families from the McGarry's frightening experience.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1767

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Drug and Device Recall Reporting Act of 1998".

SEC. 2. RECALLS.

Subchapter E of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb et seq.) is amended by adding at the end the following:

"SEC. 564. NOTIFICATION OF RECALLS.

"(a) NOTIFICATION TO CUSTOMERS.—A pharmacy that receives notice from a recalling firm regarding a Class I or Class II recall of a drug or device shall provide notification about the recall to customers that received the drug or device as follows:

"(1) In the case of a drug or device dispensed by the pharmacy to customers on the prescription of a licensed practitioner, by providing, at a minimum, written notification to each of the customers.

"(2) In the case of another drug or device, by public display in the pharmacy of a notice regarding the recall.

"(b) CIVIL PENALTY.—Any pharmacy that violates subsection (a) shall be liable to the United States for a civil penalty in an amount not to exceed $10,000 for each such violation.

"(c) DEFINITIONS.—In this section:

"(1) CLASS I OR CLASS II.—The term 'Class I' or 'Class II' refers to the corresponding designation given recalls in subpart A of part 7 of title 21, Code of Federal Regulations, or a successor regulation.

"(2) RECALL.—The term 'recall' means—

"(A) a recall, as defined in subpart A of part 7 of title 21, Code of Federal Regulations, or a successor regulation; and

"(B) a recall under section 518(e).

"(3) RECALLING FIRM.—The term 'recalling firm' means—

"(A) a recalling firm, as defined in subpart A of part 7 of title 21, Code of Federal Regulations, or a successor regulation; and

"(B) a person subject to an order issued under section 518(e)(1).".

ADDITIONAL COSPONSORS

S. 26

At the request of Mr. DASCHLE, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 26, a bill to provide a safety net for farmers and consumers and to promote the development of farmer-owned value added processing facilities, and for other purposes.

S. 61

At the request of Mr. LOTT, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 328

At the request of Mr. HUTCHINSON, the name of the Senator from Idaho

(Mr. KEMPTHORNE) was added as a cosponsor of S. 328, a bill to amend the National Labor Relations Act to protect employer rights, and for other purposes.

S. 472

At the request of Mr. THOMAS, his name was withdrawn as a cosponsor of S. 472, a bill to provide for referenda in which the residents of Puerto Rico may express democratically their preferences regarding the political status of the territory, and for other purposes.

S. 606

At the request of Mr. HUTCHINSON, the name of the Senator from Idaho (Mr. KEMPTHORNE) was added as a cosponsor of S. 606, a bill to prohibit discrimination in contracting on federally funded projects on the basis of certain labor policies of potential contractors.

S. 1151

At the request of Mr. DODD, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 1151, a bill to amend subpart 8 of part A of title IV of the Higher Education Act of 1965 to support the participation of low-income parents in postsecondary education through the provision of campus-based child care.

S. 1333

At the request of Mr. FRIST, the name of the Senator from Tennessee (Mr. THOMPSON) was added as a cosponsor of S. 1333, a bill to amend the Land and Water Conservation Fund Act of 1965 to allow national park units that cannot charge an entrance or admission fee to retain other fees and charges.

S. 1335

At the request of Ms. SNOWE, the name of the Senator from North Carolina (Mr. FAIRCLOTH) was added as a cosponsor of S. 1335, a bill to amend title 5, United States Code, to ensure that coverage of bone mass measurements is provided under the health benefits program for Federal employees.

S. 1406

At the request of Mr. SMITH, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Georgia (Mr. COVERDELL), and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1406, a bill to amend section 2301 of title 38, United States Code, to provide for the furnishing of burial flags on behalf of certain deceased members and former members of the Selected Reserve.

S. 1464

At the request of Mr. HATCH, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1464, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, and for other purposes.

S. 1534

At the request of Mr. TORRICELLI, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1534, a bill to amend the Higher Education Act of 1965 to delay the commencement of the student loan repayment period for certain students called to active duty in the Armed Forces.

S. 1621

At the request of Mr. GRAMS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1621, a bill to provide that certain Federal property shall be made available to States for State use before being made available to other entities, and for other purposes.

S. 1677

At the request of Mr. CHAFEE, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1677, a bill to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act.

S. 1702

At the request of Mr. ROCKEFELLER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1702, a bill to amend the Harmonized Tariff Schedule of the United States to change the special rate of duty on purified terephtalic acid imported from Mexico.

S. 1705

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1705, a bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools.

S. 1722

At the request of Mr. FRIST, the names of the Senator from Ohio (Mr. DEWINE), and the Senator from North Carolina (Mr. FAIRCLOTH) were added as cosponsors of S. 1722, a bill to amend the Public Health Service Act to revise and extend certain programs with respect to women's health research and prevention activities at the National Institutes of Health and the Centers for Disease Control and Prevention.

SENATE JOINT RESOLUTION 41

At the request of Mr. SARBANES, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of Senate Joint Resolution 41, a joint resolution approving the location of a Martin Luther King, Jr., Memorial in the Nation's Capital.

SENATE CONCURRENT RESOLUTION 30

At the request of Mr. HELMS, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of Senate Concurrent Resolution 30, a concurrent resolution expressing the sense of the Congress that the Republic of China should be admitted to multilateral economic institutions, including the International Monetary Fund and the International Bank for Reconstruction and Development.

SENATE CONCURRENT RESOLUTION 65

At the request of Ms. SNOWE, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of Senate Concurrent Resolution 65, a concurrent resolution calling for a United States effort to end restriction on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

SENATE RESOLUTION 155

At the request of Mr. LOTT, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of Senate Resolution 155, a resolution designating April 6 of each year as "National Tartan Day" to recognize the outstanding achievements and contributions made by Scottish Americans to the United States.

SENATE RESOLUTION 176

At the request of Mr. DOMENICI, the names of the Senator from Oklahoma (Mr. INHOFE), and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of Senate Resolution 176, a resolution proclaiming the week of October 18 through October 24, 1998, as "National Character Counts Week".

NOTICES OF HEARINGS

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources will be held on Tuesday, March 17, 1998, 10 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is retirement security. For further information, please call the committee, 202/224–5375.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that an Executive Session of the Senate Committee on Labor and Human Resources, will be held on Wednesday, March 18, 1998, 9:30 a.m., in SD–106 of the Senate Dirksen Building. The Committee will consider S. 1648, Preventing Addiction to Smoking among Teens (PAST) Act.

For further information, please call the committee, 202/224–5375.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that an Executive Session of the Senate Committee on Labor and Human Resources, will be held on Thursday, March 19, 1998, 10:00 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is Health Insurance Portability and Accountability Act of 1996: First Year Implementation Concerns. For further information, please call the committee, 202/224–5375.

SUBCOMMITTE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks, Historic

Preservation and Recreation of the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, March 24, 1998 at 2:00 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 887, a bill to establish in the National Park Service the National Underground Railroad Network to Freedom program, and for other purposes; S. 991, a bill to make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996, and for other purposes; S. 1695, a bill to establish the Sand Creek Massacre National Historic Site in the State of Colorado; and, Senate Joint Resolution 41, Approving the location of a Martin Luther King, Jr., Memorial in the Nation's Capital.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on National Parks, Historic Preservation and Recreation, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Jim O'Toole of the Subcommittee staff at (202) 224-5161.

AUTHORITY FOR COMMITTEES TO MEET

SPECIAL COMMITTEE ON AGING

Mr. GRAMS. Mr. President, I ask unanimous consent that the Special Committee on Aging be permitted to meet on March 16, 1998, at 1 p.m. for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CONFIRMATION OF JUDITH M. BARZILAY

• Mr. LAUTENBERG. Mr. President, I'm pleased that the Senate confirmed the nomination of Judith M. Barzilay to a seat on the Court of International Trade.

Over the past 16 years, Ms. Barzilay has had a unique mix of experiences that I believe will make her an excellent Judge on this most specialized court. I strongly supported her nomination.

Ms. Barzilay has worked as an attorney in the field of international law for both the government and the private sector. In the private sector, she also worked as a manager and business advisor.

Ms. Barzilay began her career in international trade law in 1983 as an attorney with the International Trade Field Office of the U.S. Justice Department in New York City. In that position it was her job to represent the U.S. Customs Service before the Court of International Trade on matters such as import classification and the valuation of imported goods. It was also her job to defend the legality of Customs' seizures and import prohibitions before the court.

She also represented United States manufacturing interests in fair trade cases.

In 1995, Ms. Barzilay was appointed by Secretary of the Treasury Robert Rubin to his advisory committee on Customs Service Operations and was recently reappointed for a second term.

Currently, Ms. Barzilay is the Vice President of Government Affairs with Sony Electronics, where she handles such cutting edge trade issues as world standards for High Definition Television and the Information Technology Agreement.

She also sits on the executive board of the American Association of Exporters and Importers and chairs its committee on trade policy.

Ms. Barzilay's expertise in international law is well known and she has lectured before groups such as The National Association of Manufacturers, The Council on Logistics Management and the World Trade Association of Southern California.

Although she has a busy professional life, Ms. Barzilay has always found time to do volunteer work in her community. She often speaks at local high schools, educating students on the importance of international trade. She also works as an advisor to the Bergen County, New Jersey, court system in an innovative program that tries to reduce repeat crime by putting juvenile offenders through mock trials.

When you put it all together, Judith Barzilay will be a welcome addition to the Court of International Trade and I again applaud her confirmation.●

INDICTMENT AND PROSECUTION OF SADDAM HUSSEIN (S. RES. 179)

• Mr. FAIRCLOTH. Mr. President, on Friday, March 13, the Senate considered a resolution calling for an international criminal tribunal to indict and prosecute Saddam Hussein for his crimes against humanity. Mr. President, I was unavoidably absent for the vote due to the passing of a dear friend in North Carolina, but I would like the record to reflect that I would have strongly supported this resolution.

I commend Senator LOTT for his efforts to bring this resolution before the Senate. It is needed. Saddam Hussein is a remorseless murderer with absolutely no regard for the well-being of his people, the welfare of his nation, and the value of world peace.

Seven years ago, Saddam Hussein recklessly sacrificed international stability with his invasion of Kuwait. Since then, he has continually threatened the security of the world's people. Time and again, he has demonstrated his willingness to build, store and possibly deploy chemical and biological weapons. His actions have led to two decades of suffering among his neighbors and his people, and for his crimes he should be tried and punished.

Mr. President, I am pleased that diplomatic resolution was brought to our most recent clash with Iraq, and I hope that it will last. But, in the end, this fragile agreement is nothing more than a renewal of broken accords from the past. It is by no means unreasonable to believe that Saddam Hussein will again return to his lying ways. We must remain vigilant and prepare for that time.●

REAUTHORIZATION OF ISTEA

• Mr. FEINGOLD. Mr. President, I come to the floor today to discuss my vote against the reauthorization of the Intermodal Surface Transportation Efficiency Act, also known as ISTEA.

As we all know, the ISTEA bill is vital to the transportation needs of each State in the Nation. Not only does the bill affect highway construction, but it supports mass transit, highway safety, and many other important programs.

The original ISTEA bill of 1991 was a landmark in transportation policy. In Wisconsin, it was a blighted landmark. That bill continued Wisconsin's historical standing as a State that contributed more in Federal gas taxes than it received in return. Unfortunately, this bill continues this sorry legacy.

With this bill, certain States continue and make out like bandits when we allocate transportation money. Other States continue to be denied a fair share. Wisconsin is one of the states getting an unfair shake.

The senior Senator from Wisconsin and I worked hard to improve this bill and get Wisconsin a fair share of Federal transportation money. We were successful in getting almost $130 million per year more than we received last year. That is certainly a great win for Wisconsin, but we must do more.

While greatly increasing the total dollars coming to Wisconsin, this bill actually decreases Wisconsin's share of Federal transportation money. We get a smaller piece of a bigger pie. That is unacceptable. As the House works on its bill, and the Senate and House work to reach a compromise, I will continue to work vigorously to get Wisconsin a fair shake.

Mr. President, there are other objectionable provisions in this bill as well. This bill creates more Federal mandates. I want to speak briefly to the amendment offered, and passed, by Senators LAUTENBERG and DEWINE.

I commend their desire to reduce the incidence of drunk driving and the tragedies it breeds. I disagree, however, with their methods. Establishing national blood alcohol content standards and blackmailing States into complying is simply not the method by which the Federal government should work. Wisconsin and the other States can make those decisions for themselves.

I agree that drunk driving must be eliminated and we must do everything in our power to increase highway safety. As a father of four, I shudder at the thought of any of my children being behind the wheel or a passenger in a car sharing the road with a drunk driver. I believe the Wisconsin Department of Transportation and the State and local police should be given full authority to get these thoughtless people off the roads. Let me repeat, the State and local authorities should get these drivers off the road, not the Federal Government.

Mr. President, under the proposed sanctions in this amendment, Wisconsin would have to give up almost $14 million in the year 2001 if it does not pass this Federally mandated law. In later years, Wisconsin would lose $29 million.

This blood alcohol content issue raises the fundamental question of the Federal government's appropriate role in policy areas traditionally reserved to the States. The relationship between the Federal Government and the States has required a delicate balance since the founding of this Nation. The practical and legal consequences of the Constitutional division of State and Federal powers continue to fuel debate. Having served in the state legislature for ten years, I know quite well the frustrations of State officials at the sometimes incomprehensible Federal bureaucracy. This much-debated relationship is frequently at issue in the discussion of Federal requirements on seatbelts, helmets, speed limits, and, now drunk driving.

Mr. President, I have opposed certain legislation mandating Federal transportation standards for the States, such as requiring a uniform national speed limit or drinking age, or the mandatory use of seatbelts and motorcycle helmets. I feel most strongly about that principle when States are, in effect, "blackmailed" with the threat of losing Federal transportation dollars if they don't bow to the Federal will. I believe this sort of decision-making is generally best made at the state and local level and therefore, oppose Federal legislation mandating a national blood alcohol standard. It is unfortunate that this important bill continues to compromise our Federal system with the BAC amendment and the ban on open containers.

Mr. President, there are numerous positive elements to the bill. The transit program is supported like never before. Safety programs are given the assistance they deserve. We take a small ax to some pork-barrel projects, known as demonstration projects. These projects disadvantage many States, including Wisconsin, because the projects are funded not on merit, but on which state is represented at the bargaining table. As a donor State that has historically done poorly with demonstration projects, this is a much-needed boost.

It is my hope that the House corrects many of the inequities and problems not addressed in our bill. I will continue to work for a fair national transportation policy that delivers back to Wisconsin taxpayers more than 90 cents on the dollar. I look forward to working with our State's delegation to get that fair shake and I hope to support the conference report that comes back to the Senate.●

TRIBUTE TO GOVERNOR JAMES S. GILMORE

● Mr. WARNER. Mr. President, on Saturday, January 17, 1998, I had the privilege of joining other members of the Virginia Congressional delegation in Richmond for the inauguration of James S. Gilmore III as the sixty-eighth Governor of the Commonwealth of Virginia.

In the weeks prior to his inauguration, Governor-elect Gilmore crisscrossed the state and captured the confidence of Virginians who embraced his initiatives to revamp education and roll back the car tax. He returned to the State Capitol to issue this challenge to every Virginian: "Now we stand at the end of one century, and the beginning of another, and—in the life of man—the end of one millennium and the beginning of another. Can we in Virginia, the home of the American idea of the rights of man—can we set the course for the future? If we do, we can make Virginia's future worthy of its great past."

I am convinced, and there should be no doubt, under Governor Gilmore's stewardship, the future of Virginia is as bright as ever. On a historic day last November, Jim Gilmore was overwhelmingly elected as Governor after proving to a vast majority of Virginians that he has the character and distinct qualities necessary to guide our state well into the 21st Century. In his inaugural address, which I will enter into the CONGRESSIONAL RECORD today, Jim Gilmore remarked, "I am a common man with an uncommon chance to serve the people as Governor." I rise today to pay tribute to this self-described 'common man' as he embarks on the most important endeavor of leading our great Commonwealth.

Over the years, I've had the great opportunity and privilege to work with many Governors of Virginia. I am extremely pleased with the decision the citizens of this Commonwealth have made in choosing Jim Gilmore to steer Virginia into the next millennium. Governor Gilmore will, undoubtably, prove a worthy resident of the Governor's mansion in Richmond and I look forward to working closely with my good friend in the coming years.

Mr. President, I ask that Governor Gilmore's inaugural address be printed at the appropriate place in today's CONGRESSIONAL RECORD.

The address follows.

INAUGURAL ADDRESS JAMES S. GILMORE, III, JANUARY 17, 1998

Mr. Speaker, Mr. President, Members of the General Assembly, My Fellow Virginians,

Virginia's march into the 21st century begins today. Virginians have energized me with a contagious spirit and common purpose. We again unite to make history.

It is incumbent upon us to pause and pay tribute to the great Virginians who nurtured our unique heritage. We recognize the awesome responsibility of our inheritance.

We can focus our vision on the next millennium because of the leadership provided by Governor Allen. Governor Allen, your leadership and reforms, have, as you said Wednesday evening, made this a great time to be a Virginian. Governor, Virginia thanks you and your family.

I am humbled to stand in the shadow of Virginia's great Governors. It seems appropriate that I begin my service as Governor by asking you to join me in prayer for wisdom and guidance.

Let us pray.

Almighty father, we thank you for the many blessings bestowed on us as individuals, families, and Virginians. As we move into a new millennium, we ask you most of all . . . to unite us as one Virginia. A Virginia where no one is left out. A Virginia where all families will experience renewal in values and commitment of service to our fellow man.

I ask for your guidance in leading the Commonwealth of Virginia over the next four years. We look to you for constant inspiration. May our debates be characterized by civility, fairness and justice. May we govern with long term vision.

Help me to be open to the ideas of others while adhering to the fundamental belief that your will is done when the people are free to achieve their hopes and to follow their faith and their dreams.

With your blessing, we devote ourselves to the goal of improving the lives of all Virginians. Amen.

I have been blessed by parents who instilled in me the values of hard work, honesty, and service. Together, with Roxane, we have done our best to pass these values onto our sons, Jay and Ashton. To my family, to Roxane, to Jay and to Ashton, you give me continued strength.

I am a son of Virginia. Born here in the Fan District of Richmond—attended William Fox Public Elementary School. I went to Public Schools in Henrico suburbs; I attended a great Public University of this state; as well as its law school. I have worked in grocery stores, I've been a bank teller, and I have practiced law. I served my country when it needed me in the U.S. Army.

My home has been Virginia all my life, and my life has been the same experience of my fellow Virginians, from all walks of life. Abraham Lincoln said, "God must love the common people because he made so many of them." Well, God has blessed this common man with a truly uncommon chance to serve the people as Governor.

Over the past week, we crisscrossed the state making this a time for all Virginians. We celebrated this inauguration in Abingdon in Western Virginia and in Northern Virginia with a technology showcase and in Hampton Roads home of our great Port.

And we have renewed our heritage of freedom at Gunston Hall, the home of George Mason, and Raleigh Tavern in Williamsburg, where the patriots met, and at Mr. Jefferson's Rotunda at the University of Virginia; and at the place of Patrick Henry's "Liberty or Death" speech at St. John's Church here in Richmond.

It is good to remember on this day these great Governors—Patrick Henry and Thomas Jefferson, and their historic leadership of our state and our nation.

Now we stand at the end of one century, and the beginning of another and—in the life of man—the end of one millennium and the beginning of another. Can we in Virginia, the home of the American idea of the rights of man—can we set the course for the future? If we do, we can make Virginia's future worthy of its great past.

We live in a day of great cynicism; which endangers the American spirit. Let us as Virginians reaffirm our commitment to live as a free people—empowered to do what is best for our families, committed to building a more perfect democracy where our votes and voices genuinely affect the course of our public affairs—that we not be frozen by our fears, but enabled to reach for our hopes and dreams.

Virginians from all walks of life have told me that they want their government to empower them to meet their needs. This should not be a request any citizen has to make. But too many citizens feel forgotten and isolated as they pay their income taxes, sales taxes, utility taxes, meals taxes, gas taxes and car taxes. Certainly the people responded to this concern when they voted—concern that their families were not being full considered in the halls of government.

Today we live within a political culture where people are expected to pay and pay taxes, yet feel detached from the expenditure of their money. Today some in government view citizens as nothing more than a source of revenue—some glory in the growth of government revenue because it means more and more can be spent, without considering the impact that taxation has on the lives of people.

Let us never allow the complexities of billion dollar budgets and highly technical new issues to cloud our minds and prevent us from remembering that it is the people who ultimately pay every dollar.

The young woman working the drive-through window at our local bank should be the light casting common sense on our decisions.

The grandmother whose fixed income doesn't allow her enough money to buy each grandchild a Christmas present sheds light on why we need to give her a tax cut.

The father commuting from Dale City to Dulles with despair in the little time he spends with his children is reason enough for us to make his commute as easy as we can.

Individual Virginians, their daily lives and problems are a light too often dimmed by the process of government. Let their lives guide us to a better Virginia.

Unlike the nation, Virginians have not been complacent in the face of tax increases. Through their votes, our citizens delivered a strong message, not of selfishness, but of an insistent demand that their ability to make decisions over their own lives must be just as important as someone else's decision to spend tax money for someone else's priority.

In the spirit of Patrick Henry, Virginians are saying we don't work for the purpose of funding government. We work to provide for ourselves and our family. We have the right to decide how we spend our own money.

Virginians are generous people, and over the next two years, 40 billions of dollars of the people's money will be spent for public purposes, and most often the spending is needed to lift up the quality of life for all Virginians—but the spending goals of the influential must not overbear the capacity of everyday Virginians to lift themselves up to independent lives. Who speaks for these Virginians? The Governor of all the people must—and I will!

Since the first Virginians settled at Jamestown, Virginia has been a shining example of the right way to govern. To be that beacon for our nation and the world is our aspiration and our fate. I believe at the end of this century and the beginning of another, history looks to us again. As with every generation we are challenged to prove that government can be the servant of the people and not their master.

Let there be no doubt, I am here because working Virginians embraced this very message. They delivered a clear mandate. Now we must deliver on our promise to the people.

The "No Car Tax" pledge grew from the understanding that working families would no longer allow themselves to be left out while watching government prosper.

We have a moral obligation to help families by eliminating this harsh tax on the mobility of people in a modern mobile world. I do not care how they spend their tax savings. It's not government's business how private citizens spend their earnings. My desire is to give them the opportunity to make that decision.

My determination to make government work for the people is just as intense as my determination to provide tax relief.

As we improve government services, I will have the honor and privilege of working with one of Virginia's most valuable assets. Our state employees need to know that they march by my side as we lead Virginia into the next century.

State employees must have the resources to perform their job. Experience in managing public servants has taught me many lessons. I know productivity requires an atmosphere of high morale. Ours is a united mission.

We have an ambitious agenda. On Monday night, I will outline that agenda before the Joint Session of the General Assembly. However, some key items deserve mention today.

Welfare reform is working. We will fully implement these reforms. I will veto legislation to weaken current reform in any way, shape or form.

Violent crime continues to decline but we will not stop strengthening criminal laws and punishment until it can be declared that the war has been won. Our administration commits to protect natural resources, build a better transportation system, and serve Virginians who use state health and long term care services.

I am passionate in my love for Virginia. With this passion, I will recruit new jobs to Virginia to give new opportunities for our young people, and to improve their quality of life.

We have exciting plans to bolster our growing information technology industries. The economic return these efforts generate will benefit every single Virginian. Virginia is the Information Technology state!

Education requires urgent attention.

I have yet to meet the first public official who is not sincere in support for public education. Virginians are united in support for public education. With all of us seeking the same goal, we can certainly do more for the children of Virginia.

My vision is to demand no less than excellence from our public schools.

No goal could be more noble as we advance into the 21st Century than making Virginia's system of public education, from Kindergarten to post graduate, the very best.

Virginians gave us their strong endorsement to move forward on two fronts that will have significant impact as we strive for excellence in education. Voters told us to implement the Standards of Learning and hire 4,000 additional teachers. We are well prepared to move forward.

While raising expectations for Virginia's public schools, more teachers must be hired. No student should be shortchanged in the instruction required to master the Standards of Learning.

Crowded classrooms test the limits of even our best teachers. We are going to reduce class size!

While higher education has become the topic of healthy public debate, global leaders recognize Virginia as home to some of the world's best colleges and universities.

Higher education faces new challenges in the 21st Century because Virginia lacks a formal policy or direction on higher education. We need to chart our course for the future and give direction to our Colleges and Universities. A Blue Ribbon Commission on Higher Education in Virginia will help us chart that course. I am going to sign an Executive Order creating such a commission right now!

Let us advance into the 21st Century united, leaving behind the 20th Century barrier of regionalism.

The success of Northern Virginia depends on the success of Southwest Virginia.

The prosperity of Hampton Roads depends on the prosperity of Southside.

The standard of living in Central Virginia depends on the standard of living in the Shenandoah Valley.

We are one Virginia. Let us forever be united in common purpose.

At every juncture in time, issues come and go. We must be ever mindful of our obligation to lead, fully focused on our vision for the 21st century.

Governors and legislators are citizens temporarily given power to perform the awesome requirements of self Government. Governors make mistakes and so will I, but be sure no mistake will be of intentional origin.

Democracy is a fragile institution. I am intent on strengthening that institution, so when it passes to Virginia's next Governor, it will be a little less fragile.

Let no person underestimate our commitment to the vision of a prosperous Virginia filled with strong families and optimism. We march united as one Virginia into the 21st Century. We go forward with the idealism that people can define and control their own lives, and live independent lives which is the essence of free men and women.

As we go forth, into this new century and millennium—we can have courage and confidence that we can fulfill our hopes and dash our fears, and we can control change, and make it our servant and that the ideals and lessons of our great past can light the way for the future in an even greater Virginia.

May God bless the Commonwealth of Virginia and the United States of America.●

INCONGRESS

● Mr. CLELAND. Mr. President, I would like to call my colleagues' attention to an article which appeared in the Washington Post on January 27, 1998 entitled "Web Venture Links Lobbies, Legislation." The article discusses INCONGRESS (www.incongress.com), an exciting new Web site that promises to open up our legislative process and make it possible for our constituents to have access to the same documents that we receive from lobbyists.

INCONGRESS enables interest groups that lobby the Congress to put their policy statements and press releases—on issues and legislation before the Congress—on one single Web site in an organized and targeted manner. This information is maintained in the INCONGRESS data base so that it can be retrieved at any time by our staffs or any other user of the site, including our constituents.

Personal subscriptions to INCONGRESS are free for Members of Congress and their staffs, as well as for all other government employees, the media and members of the general public. The INCONGRESS Web site is supported entirely by the private sector lobbyists who pay an annual fee to transmit their data from personal computers in their offices right into the site.

INCONGRESS enables all of us, both here in Washington as well as our constituents back home, to see the position papers of lobbyists and interest groups at the same time. The information is retrievable seven days a week, 24 hours a day to any subscriber. This is a major step toward our goal of making the legislative process a more open and informed one.

My reasons for calling this matter to the attention of my colleagues are twofold. First, INCONGRESS promises to make a great contribution in our access to information and differing viewpoints of pending legislation. It will enable all of us to see the same information at the same time—assuming the interest groups use it, and as the article mentions, several of them have apparently already begun to do so.

Secondly, I am proud to point out to my colleagues something which the Washington Post article did not mention. The INCONGRESS Web site was designed and constructed in my home state of Georgia by IBM Interactive Media in Atlanta. As many of you know, IBM is quickly emerging as the leader in electronic business—or e-business as some refer to it—and I am proud that the men and women at IBM Interactive Media in Atlanta are playing such a major role in this effort.

In addition, I want to observe that two great Georgia companies, AFLAC, Inc. of Columbus and Bell South of Atlanta, were among the first companies to sign up as INCONGRESS Advocates and agree to put their public policy positions on this Web site for all to see. I commend both of these fine companies for being good corporate citizens and for setting an example which I hope all interest groups—including corporations, trade associations, and unions—will soon follow.

The text of the article follows:

[From the Washington Post, Jan. 27, 1998]

WEB VENTURE LINKS LOBBIES, LEGISLATION

(By Bill McAllister)

Some of Washington's biggest lobbyists are betting that the future of lobbying may lie on the Internet. They have invested in InCongress, a new Web site that its creators say may presage the electronic way to lobbying Capitol Hill.

The new site www.incongress.com has been under development for two years, but it will be getting its first full-scale test this week as Congress reconvenes. The site brings together the texts of proposed legislation and the policy positions that various interests have issued on the proposals, as well as links to congressional and governmental sites.

Although Congress and other groups have their own Web sites with some of the same information, InCongress developers say their operation is the only one that brings all the information together at a single site.

"Congress couldn't have created this site and turned it over to Gucci Gulch lobbyists," said developer DeLancy W. Davis, a vice president of the lobby shop Jolly/Rissler Inc. Davis and lobbyist Thomas R. Jolly, who started InCongress as a separate venture from Jolly/Rissler, said they have gotten a highly favorable response from hundreds of congressional aides who want a quick way to tell the boss where all the players stand on legislation.

A number of other online information services provide updated copies of pending legislation, and other groups are attempting to cash in on the move toward feeding Washington's booming special interest business electronically.

Jolly and Davis's InForum Group, which owns the site, already has signed up several interest groups eager to post their policy papers on the site and pay the reduced introductory fee of $6,000 to be among InCongress's charter "advocates." Those charter advocates include lobbyists and other officials from Arco, AFLAC, BellSouth, IBM Corp., the Interstate Natural Gas Association, the Mortgage Bankers Association, the Career Colleges Association and the Reinsurance Association.

But perhaps as impressive as the first clients are the lobbyists who are financially backing the venture: William H. Cable, chairman of Timmons & Co.; Nicholas E. Calio of O'Brien Calio; Thomas J. Corcoran of O'Connor and Hannan; Patricia F. Rissler, president of Jolly/Rissler Inc.; Thomas M. Ryan of Oldaker, Ryan, Philips & Utrecht; and Craig G. Veith, managing director of American Strategies.

The public can get free access to the site by filling out a sign-up form, but lobbyists who wish to post their position papers have to pay. Jolly and Davis are betting that there are enough of them to make their site profitable, although perhaps not in the first year.

The site is run by a contractor based in Schaumburg, Ill. InCongress's meat and potatoes, such as new legislation, is pulled down from government-operated sites. Lobbyists can post their views using a simple transfer mechanism.

"It's a great way to level the playing field," said Jolly, previously an aide to former Rep. Bill Ford (D-Mich.), who predicts the site could have strong appeal to small groups who often feel undermanned on Capitol Hill.

The online venture, along with others, is another step toward moving many aspects of lobbying and government onto the Internet to meet the changing nature of the process of government, Jolly and Davis said.

"Our profession is fundamentally changing. We're moving toward a much more antiseptic, more fact-based type of lobbying," Davis said. "The days of going to a chairman and cutting a deal are over." ●

TRIBUTE TO THE CAMP FIRE BOYS AND GIRLS OF AMERICA

● Mr. GRAMS. Mr. President, I rise today to pay tribute to the Camp Fire Boys and Girls of America on the occasion of the 88th anniversary of its founding in March 1910.

The Camp Fire Girls, now the Camp Fire Boys and Girls since being incorporated in 1978 to include boys' programs, was started in 1910 by Dr. and Mrs. Luther Halsey Gulick of Sebago, Maine. The Gulicks founded this nonprofit organization to encourage girls to reach beyond traditional limitations. Across the country, Camp Fire was integral in developing America's view of children as an investment in the future of our Nation. Within two short years, the new organization of Camp Fire Girls, Inc. was organized in 42 States, one of which was my home State of Minnesota.

Camp Fire clubs grew quickly in Minnesota, making headlines when girls marched off to camp at Square Lake near Stillwater. With groups consisting primarily of high school and university students, nearly 400 girls were involved in Minneapolis Camp Fire. A 1912 article in the Ladies Home Journal inspired a group of girls from St. Paul to start their own chapter. Dr. F.S. Cone, pastor of the St. Anthony Park Methodist Church, agreed to sponsor this group of eight girls and their 21-year-old leader.

Currently serving approximately 670,000 participants annually, 45 percent of whom are male, Camp Fire Boys and Girls is organized in 42 States and the District of Columbia. In 1997, the Minnesota Lakes Council alone served 10,865 youth, aiming to provide them with the necessary tools to live their lives productively in an ever-changing environment.

The Camp Fire Boys and Girls is centered on three concepts: Work, Health and Love (WOHELO). The organization's objective is to provide opportunities for youth to realize their potential as caring, responsible and self-directed individuals. This objective is achieved by providing three main categories of youth development programs: club programs, outdoor programs and Self Reliance programs. Through these efforts, the Camp Fire Boys and Girls offer a variety of courses to provide youth with an opportunity to build their self-esteem, develop leadership skills, practice cooperation and conflict resolution skills and provide service to their community.

None of this would be possible were it not for the adult volunteers who are the foundation of the Camp Fire Boys and Girls. Currently there are more than 571 men and women in Minnesota who, in the spirit of Dr. and Mrs. Gulick, invest their time and talents to ensure that our youth are prepared for the challenges of tomorrow. Adult volunteers touch the lives of young people by serving as excellent role models and teachers, as well as caring friends.

Mr. President, for 88 years the Camp Fire Boys and Girls of America has been teaching our youth the skills they need to become effective leaders and responsible citizens. This is truly grounds for celebration.•

10TH MOUNTAIN DIVISION

• Mr. MOYNIHAN. Mr. President, I rise today to pay tribute to some very special members of our armed forces—the men and women of the 10th Mountain Division at Fort Drum, New York. Earlier this year, New York was hit with the worst ice storm in its history. Six counties in the North Country, including Jefferson County where Fort Drum is located, were devastated by this storm, which also caused tremendous damage in Northern New England and Southern Quebec.

Nine individuals lost their lives as a result of the storm which knocked out power to over 150,000 customers in New York alone. Some of these people were without power for over a month. The ice was so thick that not only were thousands of utility poles destroyed, but huge transformer towers were crushed under the tremendous weight. The loss of power was especially difficult for area dairy farmers, who could not milk their cows for several days.

As devastating as the storm was, it would have been much worse had it not been for the tremendous relief efforts of the thousands of New Yorkers who helped respond to this disaster. The State Emergency Management Office, the Federal Emergency Management Agency, the National Guard, the Red Cross, the volunteer firefighters from across the state, and countless other federal, state, and local government personnel and private individuals all chipped in to help the North Country respond.

One of the greatest contributions to this effort came from the people of Fort Drum. Army personnel not only made sure that everyone on the base was safe, they went out into the community to help the City of Watertown and Jefferson County respond. Fort Drum was also the central distribution point for supplies coming in from outside the region. I want to commend the Commanding General of the 10th Mountain Division, Major General Lawson MacGruder, for the fine work he and his troops did during the disaster.

General MacGruder, I salute and thank you for your efforts.•

CONGRATULATIONS TO LARRY DOBY ON HIS INTRODUCTION TO THE BASEBALL HALL OF FAME

• Mr. LAUTENBERG. Mr. President, I have risen on a few occasions before to pay tribute to a good friend and a man I much admire, Larry Doby. And I have excellent cause to do so again. Just last Tuesday, Larry Doby was elected to the Baseball Hall of Fame, not only for being a great baseball player, but also for being a person of outstanding character and drive.

On July 5, 1947, Larry Doby became the first African-American to play in the American League with the Cleveland Indians, only 11 weeks after the famed Jackie Robinson stepped onto the major league diamond with the Brooklyn Dodgers. Because Robinson was the first African American to play professional baseball, Larry has often been overlooked as a deserving player of Hall of Fame status. But he is worthy of that distinction beyond the shadow of a doubt.

I knew Larry when we were both students at Eastside High School in Paterson, N.J. He had already astounded all his observers by his exceptional skill in four sports—baseball, basketball, football and track. We would watch with envy and amazement as he won prize after prize in any of the sports in which he competed. All who knew him believed he would be successful. I was not surprised when he went to the Indians, only disappointed that it didn't happen sooner. He had to wait his turn, but then played with elegance and class. He waited his turn to enter the Hall of Fame, which he also did with same elegance and class.

Mr. President, Larry Doby did more than play a good game of baseball in the major leagues. Larry swung at racism with every crack of his bat, opening the doors of opportunity to future generations of Americans.

Larry weathered the racist insults and vicious invectives hurled at him both on and off the playing field as Jackie Robinson did. While traveling, he stayed alone in dingy hotels only for blacks, while the rest of his team stayed together across town. The color barrier had been broken when Larry started playing, but the blockades of prejudice in people's minds against blacks still stand.

Mr. President, each of us takes a great measure of satisfaction that Larry Doby, this great athlete and superb human being, survived all of the obstacles put in his way to be recognized as the champion that he is. In honor of Larry Doby and his election to the Baseball Hall of Fame, I would like to share some recent commentary on this milestone with my colleagues. I ask that the text of the articles be printed in the RECORD.

The articles follow:

[From the Star Ledger, Mar. 4, 1998]

HALL SELECTION CAPS DOBY'S HARD JOURNEY

(By Jerry Izenberg)

It was the punctuation mark that finally ended baseball's most shameful unfinished business.

Yesterday, down in Tampa, the Major League Baseball Veterans Committee voted Larry Doby into the Hall of Fame.

Fifty-one years after he integrated the American League by following an agonizing trail that left him alone and friendless through 90-mph beanball nights and lonely and segregated through separate and unequal days, baseball formally acknowledged the role Doby played in bringing its mores into the 20th century.

Along with Doby, the committee chose Lee MacPhail, former American League president; "Bullet" Joe Rogan, a Negro Leagues pitcher, and George Davis, a turn-of-the-century shortstop.

When a friend called Doby with the news out in California, where he was visiting former Dodgers pitcher Don Newcombe, he spoke, as you might expect, about his wife, Helen, and the bond they share that helped him endure what no man should have had to endure simply because he wanted to play professional baseball.

He spoke about his grandmother, Augusta, and his mother, Etta, and the quiet dignity they projected to him, starting through his early years in South Carolina and Paterson, and the way that dignity carried him on a journey through baseball's version of Hell.

And then he paused, because deep within the back roads of his mind there was yet another memory—one of people he never met and whose names he never knew but whose emotions were joined at the heart with the pain he felt as he ran his initiation miles in the kind of spiked shoes nobody else will ever have to fill.

They shaped his life and he promised he would never forget them.

He didn't.

Not after his bat helped win a World Series for Cleveland in 1948 . . . not after he won two American League home run titles . . . not when he couldn't get a job in baseball . . . not later when he wound up as a manager.

Not then.

And not yesterday, when the Hall of Fame doors finally swung open for him.

Not ever.

In his mind's eye he still sees them—an ocean of black faces in the left-field and center-field seats in St. Louis and Washington, bracketed by the grandstand and the box seats where they were not allowed and by faces that were always whiter than the baseball. And when he thinks of them, he can still hear the echoes of the Niagara roars they triggered that grew in a steady crescendo that seemed to say:

"We are here. You can seat us in the outfield and make us come in through the back door but we are not going to go away. Swing that bat, Larry, and remind them that this is our game, too, and we have come to claim a piece of it."

"I always hit well in those parks," Doby said. "I could see them out there in the Jim Crow seats. I felt like a high school quarterback with 5,000 cheerleaders of his own. I knew who was making the noise and I knew where it was coming from. And they made some noise. When I hit a home run, it was deafening.

"Most of them had never been in a major-league ballpark before except maybe for an occasional Negro Leagues game. They weren't comfortable. They were nervous and some of them couldn't afford it. But I knew why they came and I knew what they wanted. Part of this honor today belongs to them."

They needed each other. They leaned on Doby with the same intensity that a camel driver leans on the map that will point the way to the next oasis. He, in turn, leaned on them for strength in ballparks in towns like Boston and St. Louis and Washington and . . . well, no place was easy.

From the very beginning, he was virtually alone . . . alone the day that Lou Boudreau, the Indians manager who didn't want him, introduced him to a roster that felt the same way and, with three exceptions, wouldn't even shake his hand . . . alone that first day when he went out to warm up and nobody would throw him the ball until Joe Gordon, a class act, walked over and said, "Are you gonna pose or throw with me?"

"I feel relieved," he said over the phone yesterday, "that this is off my shoulders. I never really thought it would happen all these years, but then the last two or three, people started talking about it and I got to thinking about it. And now that it's happened, I thank God that I could make it through all those years without losing my self control, or who knows if Mr. Veeck (Bill, the Indians' owner) would have been allowed to hire other African-Americans?"

Bear in mind the way it was when Doby became the first African-American in the American League in 1947. That same year, Tom Yawkey, the owner of the Red Sox, had said, "Anyone who says I won't hire blacks is a liar. I have about 100 working on my farm down south."

Now, at 73, Doby would be less than human if he did not remember the worst of it as if it were yesterday . . . the Philadelphia shortstop who spit tobacco juice in his face . . . the knockdown pitches that were thrown behind him . . . the red-necked chain of segregated spring-training towns . . . the barrage of beer bottles aimed at the back of his head from the outfield seats in Texarkana . . . the exhibition game crowd that drowned out the announcer with its boos and curses down in Houston and the roar that shot back from the Jim Crow seats when Doby hit the longest homer in the history of the park . . . the times he put on his uniform in all-black boarding houses because he was forbidden to use the dressing rooms in Washington and St. Louis and the times, wearing that same Cleveland Indians uniform he had to enter the stadiums through a back door.

Small wonder there came a time when a heckler's comments about Doby's wife were so vicious and so salacious that Larry, who was in the on-deck circle, dropped his bat and headed into the stands.

"I would have been gone except for Bill McKechnie (a coach, who wrestled him to the ground)," he said. "He was one of the guys who cared . . . him and Gordon and Jim Hegan. And Mr. Veeck, who I believe did something courageous for America.

"I remember something else.

"After the World Series game against Boston that I had won with a home run, Steve Gromek (the winning pitcher) and I were photographed embracing. That picture made all the papers . . . a white man and a black man sharing a triumph.

"I believe America needed that picture and I'm proud I could help give it to them."

[From the Trenton Times, Mar. 5, 1998]

Honoring Larry Doby

The first person to achieve something great gets the fame. The second person to do it often is forgotten. Who was the second pilot to fly the Atlantic solo? The second athlete to run a sub-four-minute mile? The second surgeon to perform a successful heart transplant? Though they faced many of the same physical and psychological obstacles as their predecessors, their names are far less familiar.

One such "second" broke through this veil of obscurity this week. Larry Doby of Paterson, N.J., the second black man to play major league baseball in modern times, was voted into the Hall of Fame at Cooperstown, and no one deserved the honor more. Three months after Jackie Robinson took the field with the Brooklyn Dodgers to integrate the National League, Doby was hired by the Cleveland Indian's Bill Veeck to be the first of his race in the American League. Doby suffered the same kind of appalling treatment as the far more famous Robinson—beanball pitches at the plate and brutal tags on the basepaths from opponents, the silent treatment or worse from teammates, boos and insults from fans, segregated accommodations on the road—and he endured it with the same kind of quiet dignity and outstanding on-field performance that distinguished Robinson's career. These unbelievably courageous and self-disciplined men did much to change American attitudes and pave the way for the civil rights revolution of the 1960s.

Doby's baseball skills were impressive. His bat helped Cleveland win the 1948 World Series, he collected two league home run championships and an RBI title, and he made the all-star team seven times. But it was as a pioneer that his place in the history of baseball, and of American society, is permanent.

[From the Asbury Park Press, March 5, 1998]

Deserving Hall-of-Famer—New Jersey's Larry Doby Earned the Honor

New Jersey's Larry Doby, the second black man to play Major League Baseball, has always said Jackie Robinson deserves most of the attention for breaking the color barrier in 1947. Yet Doby, the first of his race to play in the American League, faced the same dangers, the same insults and the same pervasive discrimination when he began playing for the Cleveland Indians 11 weeks after Robinson's National League debut.

One Tuesday, Doby received some long overdue recognition, joining Robinson as a member of baseball's Hall of Fame. Doby helped Cleveland win pennants in 1948 and '54. He led the American League in home runs twice, with eight consecutive seasons of 20 or more. He was a six-time all-star.

Now 73 and battling cancer, Doby lives in Montclair, where he has made his home since his retirement as a player. But he grew up in Paterson, where he starred at Paterson High. In his honor, the Paterson Museum will keep an exhibit, "Larry Doby, Silk City Slugger: First in the American League" open through Oct. 31. Last week, Congress approved a bill to name a post office in Paterson for Doby.

At the Statehouse ceremony in his honor last year, Doby noted that baseball has "a ways to go" to eliminate all vestiges of racism, but that in 1947, the game showed America that people of different races "could get together and be successful."

Because he had to play in a different league with different cities and different players, Doby faced obstacles equal to those of Robinson. He did so with equal dignity and professionalism. It is fitting that he, like Robinson, has been recognized as one of the truly remarkable men who have played the game.

[From the Bergen Record, Mar. 6, 1998]

A Baseball Pioneer

Larry Doby's baseball statistics only tell half of his story.

Mr. Doby, elected into the Baseball Hall of Fame on Tuesday by its Veterans Committee, will be remembered by some as The Second. He became the second black player in the major leagues when he signed with the Cleveland Indians in 1947 and its second black manager when he took over the White Sox in the 1970's.

But Mr. Doby—who grew up in Paterson and starred in four sports at Eastside High School—was as much of a pioneer as Jackie Robinson, who made it to the big leagues 11 weeks before him.

Both endured hatred and scorn from fans, teammates, and coaches. They were allowed to shine on the field, but couldn't socalize with their teammates and were forced to stay in separate hotels on the road.

Despite those obstacles, Mr. Doby was a seven-time All-Star and won two American League home run titles. During his career with the Indians, White Sox, and Detroit Tigers, Mr. Doby had a career batting average of .283, knocked in 960 runs, and hit 253 home runs.

And he had some firsts of his own, including being the first black to play in and to hit a home run in the World Series. His election to the Hall of Fame was long overdue.

More important, by holding his head high and refusing to let racism stop him, Mr. Doby inspired millions and helped open the doors for other black players.

[From the New Jersey Herald and News, Mar. 6, 1998]

Larry Doby a Hall of Famer

Larry Doby, the former Paterson Eastside High School baseball star, should have been elected to the Hall of Fame years ago. But, characteristically, after years of patient waiting, Mr. Doby expressed only joy and excitement earlier in the week when he was finally selected for the honor he certainly earned.

In 1947, Mr. Doby became the second black to play in the Major Leagues and the first to play in the American League. Mr. Doby, 73, appeared in seven consecutive All-Star games with the Cleveland Indians, became the first black to compete on a World Series championship team, and twice led his league in home runs.

He was a pioneer, breaking the American League color barrier 11 weeks after Jackie Robinson played his first game for the Brooklyn Dodgers in the National League.

Mr. Doby persevered in a racist environment and he paved the way for other blacks to follow in his footsteps. He was a leader in fighting prejudice, although that meant he was often alone and friendless in his pursuit of equality.

Over the years, both Mr. Doby and Mr. Robinson have talked about the indignities, other players spitting in their faces and being told not to respond.

It is coincidental but fitting that Mr. Doby is being honored by a display in the Paterson Museum.

Mr. Doby did not need the Hall of Fame honor to validate either his life or career. However, he fought for this place in sports history, and he has now been formally recognized by the 13-member Veterans Committee for his vast contribution to both baseball and civil rights.●

ORDER FOR BILL TO BE PRINTED—S. 1173

Mr. ROTH. Mr. President, I ask unanimous consent that S. 1173, the ISTEA bill, be printed, as amended by the Senate on March 12, 1998; and I further ask unanimous consent that the text of the committee substitute, as amended and modified, be printed in the Congressional RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the Committee substitute, as amended, as modified, reads as follows:

S. 1173

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Intermodal Surface Transportation Efficiency Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definition.

TITLE I—SURFACE TRANSPORTATION

Sec. 1001. Short title.

Subtitle A—General Provisions

Sec. 1101. Authorizations.
Sec. 1102. Apportionments.
Sec. 1103. Obligation ceiling.
Sec. 1104. Obligation authority under surface transportation program.
Sec. 1105. Emergency relief.
Sec. 1106. Federal lands highways program.
Sec. 1107. Recreational trails program.
Sec. 1108. Value pricing pilot program.
Sec. 1109. Highway use tax evasion projects.
Sec. 1110. Bicycle transportation and pedestrian walkways.
Sec. 1111. Disadvantaged business enterprises.
Sec. 1112. Federal share payable.
Sec. 1113. Studies and reports.
Sec. 1114. Definitions.
Sec. 1115. Cooperative Federal Lands Transportation Program.
Sec. 1116. Trade corridor and border crossing planning and border infrastructure.
Sec. 1117. Appalachian development highway system.
Sec. 1118. Interstate 4R and bridge discretionary program.
Sec. 1119. Magnetic levitation transportation technology deployment program.
Sec. 1120. Woodrow Wilson Memorial Bridge.
Sec. 1121. National Highway System components.
Sec. 1122. Highway bridge replacement and rehabilitation.
Sec. 1123. Congestion mitigation and air quality improvement program.
Sec. 1124. Safety belt use law requirements.
Sec. 1125. Sense of the Senate concerning reliance on private enterprise.
Sec. 1126. Study of use of uniformed police officers on Federal-aid highway construction projects.
Sec. 1127. Contracting for engineering and design services.
Sec. 1128. Additional funding.
Sec. 1129. Ambassador Bridge access, Detroit, Michigan.
Sec. 1130. Transportation assistance for Olympic cities.
Sec. 1131. National defense highways outside the United States.
Sec. 1132. National historic covered bridge preservation.

Subtitle B—Program Streamlining and Flexibility

CHAPTER 1—GENERAL PROVISIONS

Sec. 1201. Administrative expenses.
Sec. 1202. Real property acquisition and corridor preservation.
Sec. 1203. Availability of funds.
Sec. 1204. Payments to States for construction.
Sec. 1205. Proceeds from the sale or lease of real property.
Sec. 1206. Metric conversion at State option.
Sec. 1207. Report on obligations.
Sec. 1208. Terminations.
Sec. 1209. Interstate maintenance.
Sec. 1210. Engineering cost reimbursement.

CHAPTER 2—PROJECT APPROVAL

Sec. 1221. Transfer of highway and transit funds.
Sec. 1222. Project approval and oversight.
Sec. 1223. Surface transportation program.
Sec. 1224. Design-build contracting.
Sec. 1225. Integrated decisionmaking process.

CHAPTER 3—ELIGIBILITY AND FLEXIBILITY

Sec. 1231. Definition of operational improvement.
Sec. 1232. Eligibility of ferry boats and ferry terminal facilities.
Sec. 1233. Flexibility of safety programs.
Sec. 1234. Eligibility of projects on the National Highway System.
Sec. 1235. Eligibility of projects under the surface transportation program.
Sec. 1236. Design flexibility.

Subtitle C—Finance

CHAPTER 1—GENERAL PROVISIONS

Sec. 1301. State infrastructure bank program.

CHAPTER 2—TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION

Sec. 1311. Short title.
Sec. 1312. Findings.
Sec. 1313. Establishment of program.
Sec. 1314. Office of Infrastructure Finance.

Subtitle D—Safety

Sec. 1401. Operation lifesaver.
Sec. 1402. Railway-highway crossing hazard elimination in high speed rail corridors.
Sec. 1403. Railway-highway crossings.
Sec. 1404. Hazard elimination program.
Sec. 1405. Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence.
Sec. 1406. Safety incentive grants for use of seat belts.
Sec. 1407. Automatic crash protection unbelted testing standard.
Sec. 1408. National standard to prohibit operation of motor vehicles by intoxicated individuals.
Sec. 1409. Open container laws.
Sec. 1410. Report on effects of allowing heavier weight vehicles on certain highways.

Subtitle E—Environment

Sec. 1501. National scenic byways program.
Sec. 1502. Public-private partnerships.
Sec. 1503. Wetland restoration pilot program.

Subtitle F—Planning

Sec. 1601. Metropolitan planning.
Sec. 1602. Statewide planning.
Sec. 1603. Advanced travel forecasting procedures program.
Sec. 1604. Transportation and community and system preservation pilot program.

Subtitle G—Technical Corrections

Sec. 1701. Federal-aid systems.
Sec. 1702. Miscellaneous technical corrections.
Sec. 1703. Nondiscrimination.
Sec. 1704. State transportation department.

Subtitle H—Miscellaneous Provisions

Sec. 1801. Designation of portion of State Route 17 in New York and Pennsylvania as Interstate Route 86.
Sec. 1802. Identification of high priority corridor routes in Louisiana.
Sec. 1803. Sense of Senate concerning the operation of longer combination vehicles.
Sec. 1804. International Bridge, Sault Ste. Marie, Michigan.
Sec. 1805. Amendment to National Trails System Act.
Sec. 1806. Amendments to title 23.
Sec. 1807. Limitations.
Sec. 1808. Additional qualified expenses available to nonamtrak States.
Sec. 1809. Continuance of commercial operations at certain service plazas in the State of Maryland.
Sec. 1810. Pennsylvania Station Redevelopment Corporation Board of Directors.
Sec. 1811. Union Station Redevelopment Corporation Board of Directors.
Sec. 1812. Additions to Appalachian region.
Sec. 1813. Southwest border transportation infrastructure assessment.
Sec. 1814. Modification of high priority coridor.
Sec. 1815. Designation of corridors in Mississippi and Alabama as routes on the interstate system.
Sec. 1816. Reauthorization of ferry and ferry terminal program.
Sec. 1817. Report on utilization potential.

TITLE II—RESEARCH AND TECHNOLOGY

Subtitle A—Research and Training

Sec. 2001. Strategic research plan.
Sec. 2002. Multimodal Transportation Research and Development Program.
Sec. 2003. National university transportation centers.
Sec. 2004. Bureau of Transportation Statistics.
Sec. 2005. Research and technology program.
Sec. 2006. Advanced research program.
Sec. 2007. Long-term pavement performance program.
Sec. 2008. State planning and research program.
Sec. 2009. Education and training.
Sec. 2010. International highway transportation outreach program.
Sec. 2011. National technology deployment initiatives and partnerships program.
Sec. 2012. Infrastructure investment needs report.
Sec. 2013. Innovative bridge research and construction program.
Sec. 2014. Use of Bureau of Indian Affairs administrative funds.
Sec. 2015. Study of future strategic highway research program.
Sec. 2016. Advanced vehicle technologies program.
Sec. 2017. Transportation and environment cooperative research program.

Sec. 2018. Recycled Materials Resource Center.
Sec. 2019. Conforming amendments.
Sec. 2020. Remote sensing and spatial information technologies.

Subtitle B—Intelligent Transportation Systems

Sec. 2101. Short title.
Sec. 2102. Findings.
Sec. 2103. Intelligent transportation systems.
Sec. 2104. Conforming amendment.

Subtitle C—Funding

Sec. 2201. Funding.

TITLE III—INTERMODAL TRANSPORTATION SAFETY AND RELATED MATTERS

Sec. 3001. Short title.
Sec. 3002. Amendment of title 49, United States Code.

Subtitle A—Highway Safety

Sec. 3101. Highway safety programs.
Sec. 3102. National driver register.
Sec. 3103. Authorizations of appropriations.
Sec. 3104. Motor vehicle pursuit program.
Sec. 3105. Enforcement of window glazing standards for light transmission.
Sec. 3106. Improving air bag safety.
Sec. 3107. Roadside safety technologies.

Subtitle B—Hazardous Materials Transportation Reauthorization

Sec. 3201. Findings and purposes; definitions.
Sec. 3202. Handling criteria repeal.
Sec. 3203. Hazmat employee training requirements.
Sec. 3204. Registration.
Sec. 3205. Shipping paper retention.
Sec. 3206. Public sector training curriculum.
Sec. 3207. Planning and training grants.
Sec. 3208. Special permits, pilot programs, and exclusions.
Sec. 3209. Administration.
Sec. 3210. Cooperative agreements.
Sec. 3211. Enforcement.
Sec. 3212. Penalties.
Sec. 3213. Preemption.
Sec. 3214. Judicial review.
Sec. 3215. Hazardous material transportation reauthorization.
Sec. 3216. Authorization of appropriations.

Subtitle C—Comprehensive One-Call Notification

Sec. 3301. Findings.
Sec. 3302. Establishment of one-call notification programs.

Subtitle D—Motor Carrier Safety

Sec. 3401. Statement of purposes.
Sec. 3402. Grants to States.
Sec. 3403. Federal share.
Sec. 3404. Authorization of appropriations.
Sec. 3405. Information systems and strategic safety initiatives.
Sec. 3406. Improved flow of driver history pilot program.
Sec. 3407. Motor carrier and driver safety research.
Sec. 3408. Authorization of appropriations.
Sec. 3409. Conforming amendments.
Sec. 3410. Automobile transporter defined.
Sec. 3411. Repeal of review panel; review procedure.
Sec. 3412. Commercial motor vehicle operators.
Sec. 3413. Penalties.
Sec. 3414. International registration plan and international fuel tax agreement.
Sec. 3415. Study of adequacy of parking facilities.
Sec. 3416. Application of regulations.
Sec. 3417. Authority over charter bus transportation.
Sec. 3418. Federal motor carrier safety investigations.
Sec. 3419. Foreign motor carrier safety fitness.
Sec. 3420. Commercial motor vehicle safety advisory committee.
Sec. 3421. Waivers; exemptions; pilot programs.
Sec. 3422. Commercial motor vehicle safety studies.
Sec. 3423. Increased MCSAP participation impact study.
Sec. 3424. Exemption from certain regulations for utility service commercial motor vehicle drivers.
Sec. 3425. School transportation safety.

Subtitle E—Rail and Mass Transportation Anti-Terrorism; Safety

Sec. 3501. Purpose.
Sec. 3502. Amendments to the "wrecking trains" statute.
Sec. 3503. Terrorist attacks against mass transportation.
Sec. 3504. Investigative jurisdiction.
Sec. 3505. Safety considerations in grants or loans to commuter railroads.
Sec. 3506. Railroad accident and incident reporting.
Sec. 3507. Mass transportation buses.

Subtitle F—Sportfishing and Boating Safety

Sec. 3601. Amendment of 1950 Act.
Sec. 3602. Outreach and communications programs.
Sec. 3603. Clean Vessel Act funding.
Sec. 3604. Boating infrastructure.
Sec. 3605. Boat safety funds.

Subtitle G—Miscellaneous

Sec. 3701. Light density rail line pilot projects.
Sec. 3702. Section 1407.
Sec. 3703. Designation of New Mexico commercial zone.

TITLE IV—OZONE AND PARTICULATE MATTER STANDARDS

Sec. 4101. Findings and purpose.
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TITLE VI—REVENUE

Sec. 6001. Short title; amendment of 1986 Code.
Sec. 6002. Extension and modification of highway-related taxes and trust fund.
Sec. 6003. Mass Transit Account.
Sec. 6004. Tax-exempt financing of qualified highway infrastructure construction.
Sec. 6005. Repeal of 1.25 cent tax rate on rail diesel fuel.
Sec. 6006. Election to receive taxable cash compensation in lieu of nontaxable qualified transportation fringe benefits.
Sec. 6007. Tax treatment of certain Federal participation payments.
Sec. 6008. Delay in effective date of new requirement for approved diesel or kerosene terminals.
Sec. 6009. Repeal of certain limitation on expenditures.

SEC. 2. DEFINITION.

In this Act, the term "Secretary" means the Secretary of Transportation.

TITLE I—SURFACE TRANSPORTATION

SEC. 1001. SHORT TITLE.

This title may be cited as the "Surface Transportation Act of 1998".

Subtitle A—General Provisions

SEC. 1101. AUTHORIZATIONS.

(a) IN GENERAL.—For the purpose of carrying out title 23, United States Code, the following sums shall be available from the Highway Trust Fund (other than the Mass Transit Account):

(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—For the Interstate and National Highway System program under section 103 of that title $11,977,000,000 for fiscal year 1998, $11,949,000,000 for fiscal year 1999, $11,922,000,000 for fiscal year 2000, $11,950,000,000 for fiscal year 2001, $12,242,000,000 for fiscal year 2002, and $12,659,000,000 for fiscal year 2003, of which—

(A) $4,600,000,000 for fiscal year 1998, $4,609,000,000 for fiscal year 1999, $4,637,000,000 for fiscal year 2000, $4,674,000,000 for fiscal year 2001, $4,773,000,000 for fiscal year 2002, and $4,918,000,000 for fiscal year 2003 shall be available for the Interstate maintenance component; and

(B) $1,400,000,000 for fiscal year 1998, $1,403,000,000 for fiscal year 1999, $1,411,000,000 for fiscal year 2000, $1,423,000,000 for fiscal year 2001, $1,453,000,000 for fiscal year 2002, and $1,497,000,000 for fiscal year 2003 shall be available for the Interstate bridge component.

(2) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title $7,000,000,000 for fiscal year 1998, $7,014,000,000 for fiscal year 1999, $7,056,000,000 for fiscal year 2000, $7,113,000,000 for fiscal year 2001, $7,263,000,000 for fiscal year 2002, and $7,484,000,000 for fiscal year 2003.

(3) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of that title $1,150,000,000 for fiscal year 1998, $1,152,000,000 for fiscal year 1999, $1,159,000,000 for fiscal year 2000, $1,169,000,000 for fiscal year 2001, $1,193,000,000 for fiscal year 2002, and $1,230,000,000 for fiscal year 2003.

(4) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of that title $200,000,000 for each of fiscal years 1998 through 2003.

(B) PARKWAYS AND PARK ROADS.—For parkways and park roads under section 204 of that title $90,000,000 for each of fiscal years 1998 through 2003.

(C) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of that title $172,000,000 for each of fiscal years 1998 through 2003.

(b) REDUCTION FOR AMOUNTS MADE AVAILABLE FOR FISCAL YEAR 1998 UNDER SURFACE TRANSPORTATION EXTENSION ACT OF 1997.—Notwithstanding any other provision of this Act, the Secretary shall reduce the amounts made available under this section, other provisions of *this Act, and the amendments made by this Act for fiscal year 1998 by the amounts made available under the Surface Transportation Extension Act of 1997 (Public Law 105–130) in the following manner:*

(1) INTERSTATE MAINTENANCE.—

(A) REDUCTION.—The amount made available to each State under the Interstate maintenance component of the Interstate and National Highway System program under section 104(b)(1)(A) of title 23, United States Code, shall be reduced by the amount made available to the State under section 2 of the Surface Transportation Extension Act of 1997 (23 U.S.C. 104 note; 111 Stat. 2552) (and the amendments made by that Act) (collectively referred to in this subsection as "STEA") for the Interstate maintenance program.

(B) INSUFFICIENT INTERSTATE MAINTENANCE FUNDS.—If—

(i) the amount made available to the State under section 2 of STEA for the Interstate maintenance program; exceeds

(ii) the amount made available to the State under the Interstate maintenance component under section 104(b)(1)(A) of title 23, United States Code;

then, after the reduction required by subparagraph (A) is made, the amount made available to the State under the Interstate bridge and other National Highway System components of the Interstate and National Highway System program under subparagraphs (B) and (C) of section 104(b)(1) of that title shall be reduced by the amount of the excess.

(2) BRIDGES.—The amount made available to each State under the Interstate bridge and other National Highway System components of the Interstate and National Highway System program under subparagraphs (B) and (C) of section 104(b)(1) of title 23, United States Code, shall be reduced by the amount made available to the State under section 2 of STEA for the bridge program.

(3) NATIONAL HIGHWAY SYSTEM.—The amount made available to each State under the Interstate bridge and other National Highway System components of the Interstate and National Highway System program under subparagraphs (B) and (C) of section 104(b)(1) of title 23, United States Code, shall be reduced by the amount made available to the State under section 2 of STEA for the National Highway System.

(4) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—The amount made available to each State for the congestion mitigation and air quality improvement program under section 104(b)(2) of title 23, United States Code, shall be reduced by the amount made available to the State under section 2 of STEA for the congestion mitigation and air quality improvement program.

(5) METROPOLITAN PLANNING.—The amount made available to each State for metropolitan planning under section 104(f) of title 23, United States Code, shall be reduced by the amount made available to the State under section 5 of STEA for metropolitan planning.

(6) SURFACE TRANSPORTATION PROGRAM.—

(A) SAFETY PROGRAMS.—

(i) REDUCTION.—The amount set aside for safety programs from the amount made available to each State for the surface transportation program under section 104(b)(3) of title 23, United States Code, shall be reduced by the amount set aside for safety programs from the amount made available to the State under section 2 of STEA for the surface transportation program, minimum allocation, Interstate reimbursement, the donor State bonus, hold harmless, and 90 percent of payments adjustments.

(ii) INSUFFICIENT SAFETY PROGRAM FUNDS.—If—

(I) the amount set aside for safety programs from the amount made available to the State under section 2 of STEA for the surface transportation program, minimum allocation, Interstate reimbursement, the donor State bonus, hold harmless, and 90 percent of payments adjustments; exceeds

(II) the amount set aside for safety programs from the amount made available to the State for the surface transportation program under section 104(b)(3) of title 23, United States Code;

then, after the reduction required by clause (i) is made, the amount made available to the State for the surface transportation program under section 104(b)(3), other than the amounts set aside or suballocated under section 133(d) or 505 of that title, shall be reduced by the amount of the excess.

(B) TRANSPORTATION ENHANCEMENT ACTIVITIES.—

(i) REDUCTION.—The amount set aside for transportation enhancement activities from the amount made available to each State for the surface transportation program under section 104(b)(3) of title 23, United States Code, shall be reduced by the amount set aside for transportation enhancement activities from the amount made available to the State under section 2 of STEA for the surface transportation program, minimum allocation, Interstate reimbursement, the donor State bonus, hold harmless, and 90 percent of payments adjustments.

(ii) INSUFFICIENT TRANSPORTATION ENHANCEMENT FUNDS.—If—

(I) the amount set aside for transportation enhancement activities from the amount made available to the State under section 2 of STEA for the surface transportation program, minimum allocation, Interstate reimbursement, the donor State bonus, hold harmless, and 90 percent of payments adjustments; exceeds

(II) the amount set aside for transportation enhancement activities from the amount made available to the State for the surface transportation program under section 104(b)(3) of title 23, United States Code;

then, after the reduction required by clause (i) is made, the amount made available to the State for the surface transportation program under section 104(b)(3), other than the amounts set aside or suballocated under section 133(d) or 505 of that title, shall be reduced by the amount of the excess.

(C) SUBALLOCATION BY POPULATION.—The total of—

(i) the amount suballocated by population from the amount made available to each State for the surface transportation program under section 104(b)(3) of title 23, United States Code;

(ii) the amount suballocated by population from the amount made available to the State for ISTEA transition under section 1102(c); and

(iii) the amount suballocated by population from the amount made available to the State for minimum guarantee under section 105 of that title;

shall be reduced by the amount suballocated by population from the amount made available to the State under section 2 of STEA for the surface transportation program, minimum allocation, Interstate reimbursement, the donor State bonus, hold harmless, and 90 percent of payments adjustments.

(D) SURFACE TRANSPORTATION PROGRAM FLEXIBLE FUNDS; INTERSTATE REIMBURSEMENT; EQUITY ADJUSTMENTS.—

(i) REDUCTION.—The total of—

(I) the amount made available to each State for the surface transportation program under section 104(b)(3) of title 23, United States Code, other than the amounts set aside or suballocated under section 133(d) or 505 of that title;

(II) the amount made available to the State for ISTEA transition under section 1102(c), other than the amounts subject to section 133(d)(3) or 505 of that title; and

(III) the amount made available to the State for minimum guarantee under section 105 of that title, other than the amount subject to section 133(d)(3) of that title;

shall be reduced by the amount made available to the State under section 2 of STEA for the surface transportation program, minimum allocation, Interstate reimbursement, the donor State bonus, hold harmless, and 90 percent of payments adjustments, other than the amounts set aside or suballocated under section 133(d) or 307(c) (as in effect on the day before the date of enactment of this Act) of that title.

(ii) INSUFFICIENT SURFACE TRANSPORTATION PROGRAM FLEXIBLE, ISTEA TRANSITION, AND MINIMUM GUARANTEE FUNDS.—If—

(I) the amount made available to the State under section 2 of STEA for the surface transportation program, minimum allocation, Interstate reimbursement, the donor State bonus, hold harmless, and 90 percent of payments adjustments, other than the amounts set aside or suballocated under section 133(d) or 307(c) (as in effect on the day before the date of enactment of this Act) of that title; exceeds

(II) the sum of the amounts described in subclauses (I) through (III) of clause (i), after application of the preceding provisions of this subsection;

then, after the reduction required by clause (i) is made, the amount made available under the Interstate bridge and other National Highway System components of the Interstate and National Highway System program under subparagraphs (B) and (C) of section 104(b)(1) of that title shall be reduced by the amount of the excess.

(7) FUNDING RESTORATION; ISTEA SECTIONS 1103–1108 FUNDS; STATE PLANNING AND RESEARCH.—

(A) REDUCTION.—The amount made available to each State for the surface transportation program under section 104(b)(3) of title 23, United States Code, other than the amounts set aside or suballocated under section 133(d) or 505 of that title, shall be reduced by the sum of—

(i) the amount made available to the State for funding restoration under section 2 of STEA;

(ii) the amount equal to the funds provided to the State under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027) under section 2 of STEA; and

(iii) the amount made available from the surface transportation program under section 104(b)(3) of that title for State planning and research under section 307(c) of that title (as in effect on the day before the date of enactment of this Act) for fiscal year 1998.

(B) INSUFFICIENT SURFACE TRANSPORTATION PROGRAM FLEXIBLE FUNDS.—If—

(i) the sum of the amounts described in clauses (i) through (iii) of subparagraph (A); exceeds

(ii) the amount made available to each State for the surface transportation program under section 104(b)(3) of title 23, United States Code, other than the amounts set aside or suballocated under section 133(d) or 505 of that title, after application of the preceding provisions of this subsection;

then, after the reduction required by subparagraph (A) is made, the amount made available under the Interstate bridge and other National Highway System components of the Interstate and National Highway System program under subparagraphs (B) and (C) of section 104(b)(1) of that title shall be reduced by the amount of the excess.

(8) ADDITIONAL ALLOCATION.—The amount made available to each State for the surface transportation program under section 104(b)(3) of title 23, United States Code, that remains

available after the set-asides required by section 133(d) of that title shall be reduced by the amount made available to the State under section 2 of STEA for section 1015(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1944).

(9) ADMINISTRATIVE EXPENSES.—

(A) FEDERAL HIGHWAY ADMINISTRATION.—The amount made available for administrative expenses under section 104(a) of title 23, United States Code, shall be reduced by the amount made available under section 4(a)(2) of STEA.

(B) WOODROW WILSON MEMORIAL BRIDGE.—The amount made available under section 412 of the Woodrow Wilson Memorial Bridge Authority Act of 1995 shall be reduced by the amount made available under section 4(a)(3) of STEA.

(C) BUREAU OF TRANSPORTATION STATISTICS.—The amount made available under section 111(m) of title 49, United States Code, shall be reduced by the amount made available under section 4(b) of STEA.

(10) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—The amount made available for Indian reservation roads under section 204 of title 23, United States Code, shall be reduced by the amount made available under section 5(a)(1) of STEA.

(B) PUBLIC LANDS HIGHWAYS.—The amount made available for public lands highways under section 204 of title 23, United States Code, shall be reduced by the amount made available under section 5(a)(2) of STEA.

(C) PARKWAYS AND PARK ROADS.—The amount made available for parkways and park roads under section 204 of title 23, United States Code, shall be reduced by the amount made available under section 5(a)(3) of STEA.

(11) RECREATIONAL TRAILS PROGRAM.—The amount made available for the recreational trails program under section 206 of title 23, United States Code, shall be reduced by the amount made available under section 5(b) of STEA.

(12) HIGHWAY USE TAX EVASION PROJECTS.—The amount made available for highway use tax evasion projects under section 143 of title 23, United States Code, shall be reduced by the amount made available under section 5(c)(1) of STEA.

(13) NATIONAL SCENIC BYWAYS PROGRAM.—The amount made available for the national scenic byways program under section 165 of title 23, United States Code, shall be reduced by the amount made available under section 5(c)(2) of STEA.

(14) INTELLIGENT TRANSPORTATION SYSTEMS.—The amount made available for intelligent transportation systems under subchapter II of chapter 5 of title 23, United States Code, shall be reduced by the amount made available under by section 5(d) of STEA.

(15) SURFACE TRANSPORTATION RESEARCH.—

(A) OPERATION LIFESAVER.—The amount made available for operation lifesaver under section 104(d)(1) of title 23, United States Code, shall be reduced by the amount made available under section 5(e)(1) of STEA.

(B) DWIGHT DAVID EISENHOWER TRANSPORTATION FELLOWSHIP PROGRAM.—The amount made available for the Dwight David Eisenhower Transportation Fellowship Program under section 506(c) of title 23, United States Code, shall be reduced by the amount made available under section 5(e)(2) of STEA.

(C) NATIONAL HIGHWAY INSTITUTE.—The amount made available for the National Highway Institute under section 506(b) of title 23, United States Code, shall be reduced by the amount made available under section 5(e)(3) of STEA.

(16) EDUCATION AND TRAINING.—The amount made available for education and training under section 506(a) of title 23, United States Code, shall be reduced by the amount made available under section 5(e)(4) of STEA.

(17) TERRITORIES.—The amount made available for the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands under section 104(b)(1)(C)(i) of title 23, United States Code, shall be reduced by the amount made available under section 5(g) of STEA.

SEC. 1102. APPORTIONMENTS.

(a) IN GENERAL.—Section 104 of title 23, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) APPORTIONMENTS.—On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) and the set-asides authorized by subsection (f) and section 207(f), shall apportion the remainder of the sums made available for expenditure on the Interstate and National Highway System program, the congestion mitigation and air quality improvement program, and the surface transportation program, for that fiscal year, among the States in the following manner:

"(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—

"(A) INTERSTATE MAINTENANCE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System—

"(i) 50 percent in the ratio that—

"(I) the total lane miles on Interstate System routes designated under—

"(aa) section 103;

"(bb) section 139(a) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1998) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

"(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1998); in each State; bears to

"(II) the total of all such lane miles in all States; and

"(ii) 50 percent in the ratio that—

"(I) the total vehicle miles traveled on lanes on Interstate System routes designated under—

"(aa) section 103;

"(bb) section 139(a) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1998) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

"(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1998); in each State; bears to

"(II) the total of all such vehicle miles traveled in all States.

"(B) INTERSTATE BRIDGE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing bridges on the Interstate System, and for the purposes specified in subparagraph (A), in the ratio that—

"(i) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in each State; bears to

"(ii) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in all States.

"(C) OTHER NATIONAL HIGHWAY SYSTEM COMPONENT.—

"(i) IN GENERAL.—For the National Highway System (excluding funds apportioned under subparagraph (A) or (B)), $36,400,000 for each fiscal year to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands and the remainder apportioned as follows:

"(I) 20 percent of the apportionments in the ratio that—

"(aa) the total lane miles of principal arterial routes (excluding Interstate System routes) in each State; bears to

"(bb) the total lane miles of principal arterial routes (excluding Interstate System routes) in all States.

"(II) 29 percent of the apportionments in the ratio that—

"(aa) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in each State; bears to

"(bb) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in all States.

"(III) 18 percent of the apportionments in the ratio that—

"(aa) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in each State; bears to

"(bb) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in all States.

"(IV) 24 percent of the apportionments in the ratio that—

"(aa) the total diesel fuel used on highways in each State; bears to

"(bb) the total diesel fuel used on highways in all States.

"(V) 9 percent of the apportionments in the ratio that—

"(aa) the quotient obtained by dividing the total lane miles on principal arterial highways in each State by the total population of the State; bears to

"(bb) the quotient obtained by dividing the total lane miles on principal arterial highways in all States by the total population of all States.

"(ii) DATA.—Each calculation under clause (i) shall be based on the latest available data.

"(D) MINIMUM APPORTIONMENT.—Notwithstanding subparagraphs (A) through (C), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

"(2) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—

"(A) IN GENERAL.—For the congestion mitigation and air quality improvement program, in the ratio that—

"(i) the total of all weighted nonattainment and maintenance area populations in each State; bears to

"(ii) the total of all weighted nonattainment and maintenance area populations in all States.

"(B) CALCULATION OF WEIGHTED NONATTAINMENT AND MAINTENANCE AREA POPULATION.—Subject to subparagraph (C), for the purpose of subparagraph (A), the weighted nonattainment and maintenance area population shall be calculated by multiplying the population of each area in a State that was a nonattainment area or maintenance area as described in section 149(b) for ozone or carbon monoxide by a factor of—

"(i) 0.8 if—

"(I) at the time of the apportionment, the area is a maintenance area; or

"(II) at the time of the apportionment, the area is classified as a submarginal ozone nonattainment area under the Clean Air Act (42 U.S.C. 7401 et seq.);

"(ii) 1.0 if, at the time of the apportionment, the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.);

"(iii) 1.1 if, at the time of the apportionment, the area is classified as a moderate ozone nonattainment area under that subpart;

"(iv) 1.2 if, at the time of the apportionment, the area is classified as a serious ozone nonattainment area under that subpart;

"(v) 1.3 if, at the time of the apportionment, the area is classified as a severe ozone nonattainment area under that subpart;

"(vi) 1.4 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under that subpart; or

"(vii) 1.0 if, at the time of the apportionment, the area is not a nonattainment or maintenance area as described in section 149(b) for ozone, but is classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide.

"(C) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—

"(i) CARBON MONOXIDE NONATTAINMENT AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.2.

"(ii) CARBON MONOXIDE MAINTENANCE AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was at one time also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide but has been redesignated as a maintenance area, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.1.

"(D) MINIMUM APPORTIONMENT.—Notwithstanding any other provision of this paragraph, each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

"(E) DETERMINATIONS OF POPULATION.—In determining population figures for the purposes of this paragraph, the Secretary shall use the latest available annual estimates prepared by the Secretary of Commerce.

"(3) SURFACE TRANSPORTATION PROGRAM.—

"(A) IN GENERAL.—For the surface transportation program, in accordance with the following formula:

"(i) 20 percent of the apportionments in the ratio that—

"(I) the total lane miles of Federal-aid highways in each State; bears to

"(II) the total lane miles of Federal-aid highways in all States.

"(ii) 30 percent of the apportionments in the ratio that—

"(I) the total vehicle miles traveled on lanes on Federal-aid highways in each State; bears to

"(II) the total vehicle miles traveled on lanes on Federal-aid highways in all States.

"(iii) 25 percent of the apportionments in the ratio that—

"(I) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in each State; bears to

"(II) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in all States.

"(iv) 25 percent of the apportionments in the ratio that—

"(I) the estimated tax payments attributable to highway users in each State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available; bears to

"(II) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available.

"(B) DATA.—Each calculation under subparagraph (A) shall be based on the latest available data.

"(C) MINIMUM APPORTIONMENT.—Notwithstanding subparagraph (A), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.".

(b) EFFECT OF CERTAIN DELAY IN DEPOSITS INTO HIGHWAY TRUST FUND.—Section 104 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

"(h) EFFECT OF CERTAIN DELAY IN DEPOSITS INTO HIGHWAY TRUST FUND.—Notwithstanding any other provision of law, deposits into the Highway Trust Fund resulting from the application of section 901(e) of the Taxpayer Relief Act of 1997 (111 Stat. 872) shall not be taken into account in determining the apportionments and allocations that any State shall be entitled to receive under the Intermodal Surface Transportation Efficiency Act of 1998 and this title.".

(c) ISTEA TRANSITION.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall determine, with respect to each State—

(A) the total apportionments for the fiscal year under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program;

(B) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding apportionments for the Federal lands highways program under section 204 of that title;

(C) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding—

(i) apportionments authorized under section 104 of that title for construction of the Interstate System;

(ii) apportionments for the Interstate substitute program under section 103(e)(4) of that title (as in effect on the day before the date of enactment of this Act);

(iii) apportionments for the Federal lands highways program under section 204 of that title; and

(iv) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943);

(D) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (B); by

(ii) the applicable percentage determined under paragraph (2); and

(E) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (C); by

(ii) the applicable percentage determined under paragraph (2).

(2) APPLICABLE PERCENTAGES.—

(A) FISCAL YEAR 1998.—For fiscal year 1998—

(i) the applicable percentage referred to in paragraph (1)(D)(ii) shall be 145 percent; and

(ii) the applicable percentage referred to in paragraph (1)(E)(ii) shall be 107 percent.

(B) FISCAL YEARS THEREAFTER.—For each of fiscal years 1999 through 2003, the applicable percentage referred to in paragraph (1)(D)(ii) or (1)(E)(ii), respectively, shall be a percentage equal to the product obtained by multiplying—

(i) the percentage specified in clause (i) or (ii), respectively, of subparagraph (A); by

(ii) the percentage that—

(I) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for the fiscal year; bears to

(II) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for fiscal year 1998.

(3) MAXIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, in the case of each State with respect to which the total apportionments determined under paragraph (1)(A) is greater than the product determined under paragraph (1)(D), the Secretary shall reduce proportionately the apportionments to the State under section 104 of title 23, United States Code, for the National Highway System component of the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program so that the total of the apportionments is equal to the product determined under paragraph (1)(D).

(B) REDISTRIBUTION OF FUNDS.—

(i) IN GENERAL.—Subject to clause (ii), funds made available under subparagraph (A) shall be redistributed proportionately under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program, to States not subject to a reduction under subparagraph (A).

(ii) LIMITATION.—The ratio that—

(I) the total apportionments to a State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of clause (i); bears to

(II) the annual average of the total apportionments determined under paragraph (1)(B) with respect to the State;

may not exceed, in the case of fiscal year 1998, 145 percent, and, in the case of each of fiscal years 1999 through 2003, 145 percent as adjusted in the manner described in paragraph (2)(B).

(4) MINIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall apportion to each State such additional amounts as are necessary to ensure that—

(i) the total apportionments to the State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of paragraph (3); is equal to

(ii) the greater of—

(I) the product determined with respect to the State under paragraph (1)(E); or

(II) the total apportionments to the State for fiscal year 1997 for all Federal-aid highway programs, excluding—

(aa) apportionments for the Federal lands highways program under section 204 of title 23, United States Code;

(bb) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943); and

(cc) demonstration projects under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240).

(B) OBLIGATION.—Amounts apportioned under subparagraph (A)—

(i) shall be considered to be sums made available for expenditure on the surface transportation program, except that—

(I) the amounts shall not be subject to paragraphs (1) and (2) of section 133(d) of title 23, United States Code; and

(II) 50 percent of the amounts shall be subject to section 133(d)(3) of that title;

(ii) shall be available for any purpose eligible for funding under section 133 of that title; and

(iii) shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are apportioned.

(C) AUTHORIZATION OF CONTRACT AUTHORITY.—

(i) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this paragraph.

(ii) CONTRACT AUTHORITY.—Funds authorized under this subparagraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(d) MINIMUM GUARANTEE.—

(1) IN GENERAL.—Section 105 of title 23, United States Code, is amended to read as follows:

"§ 105. Minimum guarantee

"(a) ADJUSTMENT.—

"(1) IN GENERAL.—In fiscal year 1998 and each fiscal year thereafter on October 1, or as soon as practicable thereafter, the Secretary shall allocate among the States amounts sufficient to ensure that—

"(A) the ratio that—

"(i) each State's percentage of the total apportionments for the fiscal year—

"(I) under section 104 for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program; and

"(II) under this section and section 1102(c) of the Intermodal Surface Transportation Efficiency Act of 1998 for ISTEA transition; bears to

"(ii) each State's percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available;

is not less than 0.90; and

"(B) in the case of a State specified in paragraph (2), the State's percentage of the total apportionments for the fiscal year described in subclauses (I) and (II) of subparagraph (A)(i) is—

"(i) not less than the percentage specified for the State in paragraph (2); but

"(ii) not greater than the product determined for the State under section 1102(c)(1)(D) of the Intermodal Surface Transportation Efficiency Act of 1998 for the fiscal year.

"(2) STATE PERCENTAGES.—The percentage referred to in paragraph (1)(B) for a specified State shall be determined in accordance with the following table:

"State	**Percentage**
Alaska	1.24
Arkansas	1.33
Delaware	0.47
Hawaii	0.55
Idaho	0.82
Montana	1.06
Nevada	0.73
New Hampshire	0.52
New Jersey	2.41
New Mexico	1.05
North Dakota	0.73
Rhode Island	0.58
South Dakota	0.78
Vermont	0.47
Wyoming	0.76.

"(b) TREATMENT OF ALLOCATIONS.—

"(1) OBLIGATION.—Amounts allocated under subsection (a)—

"(A) shall be available for obligation when allocated and shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are allocated; and

"(B) shall be available for any purpose eligible for funding under this title.

"(2) SET-ASIDE.—Fifty percent of the amounts allocated under subsection (a) shall be subject to section 133(d)(3).

"(c) TREATMENT OF WITHHELD APPORTIONMENTS.—For the purpose of subsection (a), any funds that, but for section 158(b) or any other provision of law under which Federal-aid highway funds are withheld from apportionment, would be apportioned to a State for a fiscal year under a section referred to in subsection (a) shall be treated as being apportioned in that fiscal year.

"(d) AUTHORIZATION OF CONTRACT AUTHORITY.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this section.".

(2) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 105 and inserting the following:

"105. Minimum guarantee.".

(e) AUDITS OF HIGHWAY TRUST FUND.—Section 104 of title 23, United States Code, is amended by striking subsection (i) and inserting the following:

"(i) AUDITS OF HIGHWAY TRUST FUND.—From available administrative funds deducted under subsection (a), the Secretary may reimburse the Office of Inspector General of the Department of Transportation for the conduct of annual audits of financial statements in accordance with section 3521 of title 31.".

(f) TECHNICAL AMENDMENTS.—Section 104 of title 23, United States Code, is amended—

(1) in subsection (e)—

(A) by inserting "NOTIFICATION TO STATES.—" after "(e)";

(B) in the first sentence—

(i) by striking "(other than under subsection (b)(5) of this section)"; and

(ii) by striking "and research";

(C) by striking the second sentence; and

(D) in the last sentence, by striking ", except that" and all that follows through "such funds"; and

(2) in subsection (f)—

(A) by striking "(f)(1) On" and inserting the following:

"(f) METROPOLITAN PLANNING.—

"(1) SET-ASIDE.—On";

(B) by striking "(2) These" and inserting the following:

"(2) APPORTIONMENT TO STATES OF SET-ASIDE FUNDS.—These";

(C) by striking "(3) The" and inserting the following:

"(3) USE OF FUNDS.—The"; and

(D) by striking "(4) The" and inserting the following:

"(4) DISTRIBUTION OF FUNDS WITHIN STATES.—The".

(g) CONFORMING AMENDMENTS.—

(1) Section 146(a) of title 23, United States Code, is amended in the first sentence by striking ", 104(b)(2), and 104(b)(6)" and inserting "and 104(b)(3)".

(2)(A) Section 150 of title 23, United States Code, is repealed.

(B) The analysis for chapter 1 of title 23 United States Code, is amended by striking the item relating to section 150.

(3) Section 158 of title 23, United States Code, is amended—

(A) in subsection (a)—

(i) by striking paragraph (1);

(ii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(iii) in paragraph (1) (as so redesignated)—

(I) by striking "AFTER THE FIRST YEAR" and inserting "IN GENERAL"; and

(II) by striking ", 104(b)(2), 104(b)(5), and 104(b)(6)" and inserting "and 104(b)(3)"; and

(iv) in paragraph (2) (as redesignated by clause (ii)), by striking "paragraphs (1) and (2) of this subsection" and inserting "paragraph (1)"; and

(B) by striking subsection (b) and inserting the following:

"(b) EFFECT OF WITHHOLDING OF FUNDS.—No funds withheld under this section from apportionment to any State after September 30, 1988, shall be available for apportionment to that State.".

(4)(A) Section 157 of title 23, United States Code, is repealed.

(B) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 157.

(5)(A) Section 115(b)(1) of title 23, United States Code, is amended by striking "or 104(b)(5), as the case may be,".

(B) Section 137(f)(1) of title 23, United States Code, is amended by striking "section 104(b)(5)(B) of this title" and inserting "section 104(b)(1)".

(C) Section 141(c) of title 23, United States Code, is amended by striking "section 104(b)(5) of this title" each place it appears and inserting "section 104(b)(1)(A)".

(D) Section 142(c) of title 23, United States Code, is amended by striking "(other than section 104(b)(5)(A))".

(E) Section 159 of title 23, United States Code, is amended—

(i) by striking "(5) of" each place it appears and inserting "(5) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1998) of"; and

(ii) in subsection (b)—

(I) in paragraphs (1)(A)(i) and (3)(A), by striking "section 104(b)(5)(A)" each place it appears and inserting "section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1998)";

(II) in paragraph (1)(A)(ii), by striking "section 104(b)(5)(B)" and inserting "section 104(b)(5)(B) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1998)";

(III) in paragraph (3)(B), by striking "(5)(B)" and inserting "(5)(B) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1998)"; and

(IV) in paragraphs (3) and (4), by striking "section 104(b)(5)" each place it appears and inserting "section 104(b)(5) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1998)".

(F) Section 161(a) of title 23, United States Code, is amended by striking "paragraphs (1), (3), and (5)(B) of section 104(b)" each place it appears and inserting "paragraphs (1) and (3) of section 104(b)".

(6)(A) Section 104(g) of title 23, United States Code, is amended—

(i) in the first sentence, by striking "sections 130, 144, and 152 of this title" and inserting "subsection (b)(1)(B) and sections 130 and 152";

(ii) in the first and second sentences—

(I) by striking "section" and inserting "provision"; and

(II) by striking "such sections" and inserting "those provisions"; and

(iii) in the third sentence—

(I) by striking "section 144" and inserting "subsection (b)(1)(B)"; and

(II) by striking "subsection (b)(1)" and inserting "subsection (b)(1)(C)".

(B) Section 115 of title 23, United States Code, is amended—

(i) in subsection (a)(1)(A)(i), by striking "104(b)(2), 104(b)(3), 104(f), 144," and inserting "104(b)(1)(B), 104(b)(2), 104(b)(3), 104(f),"; and

(ii) in subsection (c), by striking "144,,".

(C) Section 120(e) of title 23, United States Code, is amended in the last sentence by striking "and in section 144 of this title".

(D) Section 151(d) of title 23, United States Code, is amended by striking "section 104(a), section 307(a), and section 144 of this title" and inserting "subsections (a) and (b)(1)(B) of section 104 and section 307(a)".

(E) Section 204(c) of title 23, United States Code, is amended in the first sentence by striking "or section 144 of this title".

(F) Section 303(g) of title 23, United States Code, is amended by striking "section 144 of this title" and inserting "section 104(b)(1)(B)".

(7) Section 142(b) of title 23, United States Code, is amended by striking "paragraph (5) of subsection (b) of section 104 of this title" and inserting "section 104(b)(1)(A)".

(8) Section 152(e) of title 23, United States Code, is amended in the second sentence by striking "section 104(b)(1)" and inserting "section 104(b)".

SEC. 1103. OBLIGATION CEILING.

(a) GENERAL LIMITATIONS.—Subject to the other provisions of this section and notwithstanding any other provision of law, the total amount of all obligations for Federal-aid highways and highway safety construction programs shall not exceed—

(1) $21,500,000,000 for fiscal year 1998;

(2) $28,462,000,000 for fiscal year 1999;

(3) $28,894,000,000 for fiscal year 2000;

(4) $29,334,000,000 for fiscal year 2001;

(5) $29,800,000,000 for fiscal year 2002; and

(6) $30,319,000,000 for fiscal year 2003.

(b) EXCEPTIONS.—

(1) IN GENERAL.—The limitations under subsection (a) shall not apply to obligations of funds under—

(A) section 105(a) of title 23, United States Code (but, for each of fiscal years 1998 through 2007, only in an amount equal to the amount included for section 157 of title 23, United States Code, in the baseline determined by the Congressional Budget Office for the fiscal year 1998 budget (as specified in the letter from the Director of the Congressional Budget Office to the Chairman of the Senate Committee on Environment and Public Works, dated March 12, 1998)), excluding amounts allocated under section 105(a)(1)(B) of that title;

(B) section 125 of that title;

(C) section 157 of that title (as in effect on the day before the date of enactment of this Act);

(D) section 147 of the Surface Transportation Assistance Act of 1978 (23 U.S.C. 144 note; 92 Stat. 2714);

(E) section 9 of the Federal-Aid Highway Act of 1981 (95 Stat. 1701);

(F) subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982 (96 Stat. 2119);

(G) subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 198); and

(H) sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027).

(2) EFFECT OF OTHER LAW.—A provision of law establishing a limitation on obligations for Federal-aid highways and highway safety construction programs may not amend or limit the applicability of this subsection, unless the provision specifically amends or limits that applicability.

(c) APPLICABILITY TO TRANSPORTATION RESEARCH PROGRAMS.—Obligation limitations for Federal-aid highways and highway safety construction programs established by subsection (a) shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code.

(d) OBLIGATION AUTHORITY.—Section 118 of title 23, United States Code, is amended by adding at the end the following:

"(g) OBLIGATION AUTHORITY.—

"(1) DISTRIBUTION.—For each fiscal year, the Secretary shall—

"(A) distribute the total amount of obligation authority for Federal-aid highways and highway safety construction programs made available for the fiscal year by allocation in the ratio that—

"(i) the total of the sums made available for Federal-aid highways and highway safety construction programs (excluding demonstration projects) that are apportioned or allocated to each State for the fiscal year; bears to

"(ii) the total of the sums made available for Federal-aid highways and highway safety construction programs (excluding demonstration projects) that are apportioned or allocated to all States for the fiscal year;

"(B) provide all States with authority sufficient to prevent lapses of sums made available for Federal-aid highways that have been apportioned to a State; and

"(C) notwithstanding subparagraphs (A) and (B), not distribute—

"(i) amounts deducted under section 104(a) for administrative expenses;

"(ii) amounts set aside under section 104(k) for Interstate 4R and bridge projects;

"(iii) amounts made available under sections 143, 164, 165, 204, 206, 207, and 322;

"(iv) amounts made available under section 111 of title 49;

"(v) amounts made available under section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.);

"(vi) amounts made available under section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938);

"(vii) amounts made available under sections 1503, 1603, and 1604 of the Intermodal Surface Transportation Efficiency Act of 1998;

"(viii) amounts made available under section 149(d) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 201);

"(ix) amounts made available under section 105(a)(1)(A) to the extent that the amounts are subject to any obligation limitation under section 1103(a) of the Intermodal Surface Transportation Efficiency Act of 1998;

"(x) amounts made available for implementation of programs under chapter 5 of this title and sections 5222, 5232, and 5241 of title 49;

"(xi) amounts set aside under section 104(d) for operation lifesaver and railway-highway crossing hazard elimination in high speed rail corridors; and

"(xii) amounts made available under section 412 of the Woodrow Wilson Memorial Bridge Authority Act of 1995.

"(xiii) amounts set aside under section 1133.

"(2) REDISTRIBUTION.—Notwithstanding paragraph (1), the Secretary shall, after August 1 of each of fiscal years 1998 through 2003—

"(A) revise a distribution of the funds made available under paragraph (1) for the fiscal year if a State will not obligate the amount distributed during the fiscal year; and

"(B) redistribute sufficient amounts to those States able to obligate amounts in addition to the amounts previously distributed during the fiscal year, giving priority to those States that have large unobligated balances of funds apportioned under section 104 and under section 144 (as in effect on the day before the date of enactment of this subparagraph).

"(3) DEMONSTRATION PROJECTS.—

"(A) APPLICABILITY OF OBLIGATION LIMITATIONS.—Notwithstanding any other provision of law, a demonstration project shall be subject to any limitation on obligations established by law that applies to Federal-aid highways and highway safety construction programs.

"(B) MAXIMUM OBLIGATION LEVEL.—For each fiscal year, a State may obligate for demonstration projects an amount of the obligation authority for Federal-aid highways and highway safety construction programs made available to the State for the fiscal year that is not more than the product obtained by multiplying—

"(i) the total of the sums made available for demonstration projects in the State for the fiscal year; by

"(ii) the ratio that—

"(I) the total amount of the obligation authority for Federal-aid highways and highway safety construction programs (including demonstration projects) made available to the State for the fiscal year; bears to

"(II) the total of the sums made available for Federal-aid highways and highway safety construction programs (including demonstration projects) that are apportioned or allocated to the State for the fiscal year.

"(4) DEFINITION OF DEMONSTRATION PROJECT.—In this subsection, the term 'demonstration project' means a demonstration project or similar project (including any project similar to a project authorized under any of sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027)) that is funded from the Highway Trust Fund (other than the Mass Transit Account) and authorized under—

"(A) the Intermodal Surface Transportation Efficiency Act of 1998; or

"(B) any law enacted after the date of enactment of that Act.".

(e) LIMITATIONS ON OBLIGATIONS FOR ADMINISTRATIVE EXPENSES.—Notwithstanding any other provision of law, the total amount of all obligations under section 104(a) of title 23, United States Code, shall not exceed—

(1) $301,725,000 for fiscal year 1999;

(2) $302,055,000 for fiscal year 2000;

(3) $303,480,000 for fiscal year 2001;

(4) $310,470,000 for fiscal year 2002; and

(5) $320,595,000 for fiscal year 2003.

(f) APPLICABILITY OF OBLIGATION LIMITATIONS.—An obligation limitation established by a provision of any other Act shall not apply to obligations under a program funded under this Act or title 23, United States Code, unless—

(1) the provision specifically amends or limits the applicability of this subsection; or

(2) an obligation limitation is specified in this Act with respect to the program.

SEC. 1104. OBLIGATION AUTHORITY UNDER SURFACE TRANSPORTATION PROGRAM.

Section 133 of title 23, United States Code, is amended by striking subsection (f) and inserting the following:

"(f) OBLIGATION AUTHORITY.—

"(1) IN GENERAL.—A State that is required to obligate in an urbanized area with an urbanized area population of over 200,000 individuals under subsection (d) funds apportioned to the State under section 104(b)(3) shall make available during the 3-fiscal year period of 1998 through 2000, and the 3-fiscal year period of

2001 through 2003, an amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction programs for use in the area that is equal to the amount obtained by multiplying—

"(A) the aggregate amount of funds that the State is required to obligate in the area under subsection (d) during each such period; by

"(B) the ratio that—

"(i) the aggregate amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction programs during the period; bears to

"(ii) the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to an obligation limitation) during the period.

"(2) JOINT RESPONSIBILITY.—Each State, each affected metropolitan planning organization, and the Secretary shall jointly ensure compliance with paragraph (1).".

SEC. 1105. EMERGENCY RELIEF.

(a) FEDERAL SHARE.—Section 120(e) of title 23, United States Code, is amended in the first sentence by striking "highway system" and inserting "highway".

(b) ELIGIBILITY AND FUNDING.—Section 125 of title 23, United States Code, is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b), (c), and (d) as subsections (d), (e), and (f), respectively;

(3) by inserting after the section heading the following:

"(a) GENERAL ELIGIBILITY.—Subject to this section and section 120, an emergency fund is authorized for expenditure by the Secretary for the repair or reconstruction of highways, roads, and trails, in any part of the United States, including Indian reservations, that the Secretary finds have suffered serious damage as a result of—

"(1) natural disaster over a wide area, such as by a flood, hurricane, tidal wave, earthquake, severe storm, or landslide; or

"(2) catastrophic failure from any external cause.

"(b) RESTRICTION ON ELIGIBILITY.—In no event shall funds be used pursuant to this section for the repair or reconstruction of bridges that have been permanently closed to all vehicular traffic by the State or responsible local official because of imminent danger of collapse due to a structural deficiency or physical deterioration.

"(c) FUNDING.—Subject to the following limitations, there are hereby made available from the Highway Trust Fund (other than the Mass Transit Account) such sums as may be necessary to establish the fund authorized by this section and to replenish it on an annual basis:

"(1) Not more than $100,000,000 is authorized to be obligated in any 1 fiscal year commencing after September 30, 1980, to carry out the provisions of this section, except that, if in any fiscal year the total of all obligations under this section is less than the amount authorized to be obligated in such fiscal year, the unobligated balance of such amount shall remain available until expended and shall be in addition to amounts otherwise available to carry out this section each year.

"(2) Pending such appropriation or replenishment, the Secretary may obligate from any funds heretofore or hereafter appropriated for obligation in accordance with this title, including existing Federal-aid appropriations, such sums as may be necessary for the immediate prosecution of the work herein authorized, provided that such funds are reimbursed from the appropriations authorized in paragraph (1) of this subsection when such appropriations are made.";

(4) in subsection (d) (as so redesignated), by striking "subsection (c)" both places it appears and inserting "subsection (e)"; and

(5) in subsection (e) (as so redesignated), by striking "on any of the Federal-aid highway systems" and inserting "Federal-aid highways".

(c) SAN MATEO COUNTY, CALIFORNIA.—Notwithstanding any other provision of law, a project to repair or reconstruct any portion of a Federal-aid primary route in San Mateo County, California, that—

(1) was destroyed as a result of a combination of storms in the winter of 1982–1983 and a mountain slide; and

(2) until its destruction, served as the only reasonable access route between 2 cities and as the designated emergency evacuation route of 1 of the cities;

shall be eligible for assistance under section 125(a) of title 23, United States Code, if the project complies with the local coastal plan.

SEC. 1106. FEDERAL LANDS HIGHWAYS PROGRAM.

(a) FEDERAL SHARE PAYABLE.—Section 120 of title 23, United States Code, is amended by adding at the end the following:

"(j) USE OF FEDERAL LAND MANAGEMENT AGENCY FUNDS.—Notwithstanding any other provision of law, the funds appropriated to any Federal land management agency may be used to pay the non-Federal share of the cost of any Federal-aid highway project the Federal share of which is funded under section 104.

"(k) USE OF FEDERAL LANDS HIGHWAYS PROGRAM FUNDS.—Notwithstanding any other provision of law, the funds made available to carry out the Federal lands highways program under section 204 may be used to pay the non-Federal share of the cost of any project that is funded under section 104 and that provides access to or within Federal or Indian lands.".

(b) AVAILABILITY OF FUNDS.—Section 203 of title 23, United States Code, is amended by adding at the end the following: "Notwithstanding any other provision of law, the authorization by the Secretary of engineering and related work for a Federal lands highways program project, or the approval by the Secretary of plans, specifications, and estimates for construction of a Federal lands highways program project, shall be deemed to constitute a contractual obligation of the Federal Government to pay the Federal share of the cost of the project.".

(c) PLANNING AND AGENCY COORDINATION.—Section 204 of title 23, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—Recognizing the need for all Federal roads that are public roads to be treated under uniform policies similar to the policies that apply to Federal-aid highways, there is established a coordinated Federal lands highways program that shall apply to public lands highways, park roads and parkways, and Indian reservation roads and bridges.

"(2) TRANSPORTATION PLANNING PROCEDURES.—In consultation with the Secretary of each appropriate Federal land management agency, the Secretary shall develop, by rule, transportation planning procedures that are consistent with the metropolitan and statewide planning processes required under sections 134 and 135.

"(3) APPROVAL OF TRANSPORTATION IMPROVEMENT PROGRAM.—The transportation improvement program developed as a part of the transportation planning process under this section shall be approved by the Secretary.

"(4) INCLUSION IN OTHER PLANS.—All regionally significant Federal lands highways program projects—

"(A) shall be developed in cooperation with States and metropolitan planning organizations; and

"(B) shall be included in appropriate Federal lands highways program, State, and metropolitan plans and transportation improvement programs.

"(5) INCLUSION IN STATE PROGRAMS.—The approved Federal lands highways program transportation improvement program shall be included in appropriate State and metropolitan planning organization plans and programs without further action on the transportation improvement program.

"(6) DEVELOPMENT OF SYSTEMS.—The Secretary and the Secretary of each appropriate Federal land management agency shall, to the extent appropriate, develop by rule safety, bridge, pavement, and congestion management systems for roads funded under the Federal lands highways program.";

(2) in subsection (b), by striking the first 3 sentences and inserting the following: "Funds available for public lands highways, park roads and parkways, and Indian reservation roads shall be used by the Secretary and the Secretary of the appropriate Federal land management agency to pay for the cost of transportation planning, research, engineering, and construction of the highways, roads, and parkways, or of transit facilities within public lands, national parks, and Indian reservations. In connection with activities under the preceding sentence, the Secretary and the Secretary of the appropriate Federal land management agency may enter into construction contracts and other appropriate contracts with a State or civil subdivision of a State or Indian tribe.";

(3) in the first sentence of subsection (e), by striking "Secretary of the Interior" and inserting "Secretary of the appropriate Federal land management agency";

(4) in subsection (h), by adding at the end the following:

"(8) A project to build a replacement of the federally owned bridge over the Hoover Dam in the Lake Mead National Recreation Area between Nevada and Arizona.";

(5) by striking subsection (i) and inserting the following:

"(i) TRANSFERS OF COSTS TO SECRETARIES OF FEDERAL LAND MANAGEMENT AGENCIES.—

"(1) ADMINISTRATIVE COSTS.—The Secretary shall transfer to the appropriate Federal land management agency from amounts made available for public lands highways such amounts as are necessary to pay necessary administrative costs of the agency in connection with public lands highways.

"(2) TRANSPORTATION PLANNING COSTS.—The Secretary shall transfer to the appropriate Federal land management agency from amounts made available for public lands highways such amounts as are necessary to pay the cost to the agency to conduct necessary transportation planning for Federal lands, if funding for the planning is not otherwise provided under this section."; and

(6) in subsection (j), by striking the second sentence and inserting the following: "The Indian tribal government, in cooperation with the Secretary of the Interior, and as appropriate, with a State, local government, or metropolitan planning organization, shall carry out a transportation planning process in accordance with subsection (a).".

SEC. 1107. RECREATIONAL TRAILS PROGRAM.

(a) IN GENERAL.—Chapter 2 of title 23, United States Code, is amended by inserting after section 205 the following:

"§206. Recreational trails program

"(a) DEFINITIONS.—

"(1) MOTORIZED RECREATION.—The term 'motorized recreation' means off-road recreation using any motor-powered vehicle, except for a motorized wheelchair.

"(2) RECREATIONAL TRAIL; TRAIL.—The term 'recreational trail' or 'trail' means a thoroughfare or track across land or snow, used for recreational purposes such as—

"(A) pedestrian activities, including wheelchair use;

"(B) skating or skateboarding;

"(C) equestrian activities, including carriage driving;

"(D) nonmotorized snow trail activities, including skiing;

"(E) bicycling or use of other human-powered vehicles;

"(F) aquatic or water activities; and

"(G) motorized vehicular activities, including all-terrain vehicle riding, motorcycling, snowmobiling, use of off-road light trucks, or use of other off-road motorized vehicles.

"(b) PROGRAM.—In accordance with this section, the Secretary, in consultation with the Secretary of the Interior and the Secretary of Agriculture, shall carry out a program to provide and maintain recreational trails (referred to in this section as the 'program').

"(c) STATE RESPONSIBILITIES.—To be eligible for apportionments under this section—

"(1) a State may use apportionments received under this section for construction of new trails crossing Federal lands only if the construction is—

"(A) permissible under other law;

"(B) necessary and required by a statewide comprehensive outdoor recreation plan required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.);

"(C) approved by the administering agency of the State designated under paragraph (2); and

"(D) approved by each Federal agency charged with management of the affected lands, which approval shall be contingent on compliance by the Federal agency with all applicable laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.), and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

"(2) the Governor of a State shall designate the State agency or agencies that will be responsible for administering apportionments received under this section; and

"(3) the State shall establish within the State a State trail advisory committee that represents both motorized and nonmotorized trail users.

"(d) USE OF APPORTIONED FUNDS.—

"(1) IN GENERAL.—Funds made available under this section shall be obligated for trails and trail-related projects that—

"(A) have been planned and developed under the laws, policies, and administrative procedures of each State; and

"(B) are identified in, or further a specific goal of, a trail plan or trail plan element included or referenced in a metropolitan transportation plan required under section 134 or a statewide transportation plan required under section 135, consistent with the statewide comprehensive outdoor recreation plan required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.).

"(2) PERMISSIBLE USES.—Permissible uses of funds made available under this section include—

"(A) maintenance and restoration of existing trails;

"(B) development and rehabilitation of trailside and trailhead facilities and trail linkages;

"(C) purchase and lease of trail construction and maintenance equipment;

"(D) construction of new trails;

"(E) acquisition of easements and fee simple title to property for trails or trail corridors;

"(F) payment of costs to the State incurred in administering the program, but in an amount not to exceed 7 percent of the apportionment received by the State for a fiscal year; and

"(G) operation of educational programs to promote safety and environmental protection as these objectives relate to the use of trails.

"(3) USE OF APPORTIONMENTS.—

"(A) IN GENERAL.—Except as provided in subparagraphs (B), (C), and (D), of the apportionments received for a fiscal year by a State under this section—

"(i) 40 percent shall be used for trail or trail-related projects that facilitate diverse recreational trail use within a trail corridor, trailside, or trailhead, regardless of whether the project is for diverse motorized use, for diverse nonmotorized use, or to accommodate both motorized and nonmotorized recreational trail use;

"(ii) 30 percent shall be used for uses relating to motorized recreation; and

"(iii) 30 percent shall be used for uses relating to nonmotorized recreation.

"(B) SMALL STATE EXCLUSION.—Any State with a total land area of less than 3,500,000 acres, and in which nonhighway recreational fuel use accounts for less than 1 percent of all such fuel use in the United States, shall be exempted from the requirements of subparagraph (A) upon application to the Secretary by the State demonstrating that the State meets the conditions of this subparagraph.

"(C) WAIVER AUTHORITY.—Upon the request of a State trail advisory committee established under subsection (c)(3), the Secretary may waive, in whole or in part, the requirements of subparagraph (A) with respect to the State if the State certifies to the Secretary that the State does not have sufficient projects to meet the requirements of subparagraph (A).

"(D) STATE ADMINISTRATIVE COSTS.—State administrative costs eligible for funding under paragraph (2)(F) shall be exempt from the requirements of subparagraph (A).

"(e) ENVIRONMENTAL BENEFIT OR MITIGATION.—To the extent practicable and consistent with the other requirements of this section, a State should give consideration to project proposals that provide for the redesign, reconstruction, nonroutine maintenance, or relocation of trails to benefit the natural environment or to mitigate and minimize the impact to the natural environment.

"(f) FEDERAL SHARE.—

"(1) IN GENERAL.—Subject to the other provisions of this subsection, the Federal share of the cost of a project under this section shall not exceed 80 percent.

"(2) FEDERAL AGENCY PROJECT SPONSOR.—Notwithstanding any other provision of law, a Federal agency that sponsors a project under this section may contribute additional Federal funds toward the cost of a project, except that—

"(A) the share attributable to the Secretary of Transportation may not exceed 80 percent; and

"(B) the share attributable to the Secretary and the Federal agency jointly may not exceed 95 percent.

"(3) USE OF FUNDS FROM FEDERAL PROGRAMS TO PROVIDE NON-FEDERAL SHARE.—Notwithstanding any other provision of law, amounts made available by the Federal Government under any Federal program that are—

"(A) expended in accordance with the requirements of the Federal program relating to activities funded and populations served; and

"(B) expended on a project that is eligible for assistance under this section;

may be credited toward the non-Federal share of the cost of the project.

"(4) PROGRAMMATIC NON-FEDERAL SHARE.—A State may allow adjustments to the non-Federal share of an individual project under this section if the Federal share of the cost of all projects carried out by the State under the program (excluding projects funded under paragraph (2) or (3)) using funds apportioned to the State for a fiscal year does not exceed 80 percent.

"(5) STATE ADMINISTRATIVE COSTS.—The Federal share of the administrative costs of a State under this subsection shall be determined in accordance with section 120(b).

"(g) USES NOT PERMITTED.—A State may not obligate funds apportioned under this section for—

"(1) condemnation of any kind of interest in property;

"(2) construction of any recreational trail on National Forest System land for any motorized use unless—

"(A) the land has been apportioned for uses other than wilderness by an approved forest land and resource management plan or has been released to uses other than wilderness by an Act of Congress; and

"(B) the construction is otherwise consistent with the management direction in the approved forest land and resource management plan;

"(3) construction of any recreational trail on Bureau of Land Management land for any motorized use unless the land—

"(A) has been apportioned for uses other than wilderness by an approved Bureau of Land Management resource management plan or has been released to uses other than wilderness by an Act of Congress; and

"(B) the construction is otherwise consistent with the management direction in the approved management plan; or

"(4) upgrading, expanding, or otherwise facilitating motorized use or access to trails predominantly used by nonmotorized trail users and on which, as of May 1, 1991, motorized use is prohibited or has not occurred.

"(h) PROJECT ADMINISTRATION.—

"(1) CREDIT FOR DONATIONS OF FUNDS, MATERIALS, SERVICES, OR NEW RIGHT-OF-WAY.—

"(A) IN GENERAL.—Nothing in this title or other law shall prevent a project sponsor from offering to donate funds, materials, services, or a new right-of-way for the purposes of a project eligible for assistance under this section. Any funds, or the fair market value of any materials, services, or new right-of-way, may be donated by any project sponsor and shall be credited to the non-Federal share in accordance with subsection (f).

"(B) FEDERAL PROJECT SPONSORS.—Any funds or the fair market value of any materials or services may be provided by a Federal project sponsor and shall be credited to the Federal agency's share in accordance with subsection (f).

"(2) RECREATIONAL PURPOSE.—A project funded under this section is intended to enhance recreational opportunity and is not subject to section 138 of this title or section 303 of title 49.

"(3) CONTINUING RECREATIONAL USE.—At the option of each State, funds made available under this section may be treated as Land and Water Conservation Fund apportionments for the purposes of section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8(f)(3)).

"(4) COOPERATION BY PRIVATE PERSONS.—

"(A) WRITTEN ASSURANCES.—As a condition of making available apportionments for work on recreational trails that would affect privately owned land, a State shall obtain written assurances that the owner of the land will cooperate with the State and participate as necessary in the activities to be conducted.

"(B) PUBLIC ACCESS.—Any use of the apportionments to a State under this section on privately owned land must be accompanied by an easement or other legally binding agreement that ensures public access to the recreational trail improvements funded by the apportionments.

"(i) APPORTIONMENT.—

"(1) DEFINITION OF ELIGIBLE STATE.—In this subsection, the term 'eligible State' means a State that meets the requirements of subsection (c).

"(2) APPORTIONMENT.—Subject to subsection (j), for each fiscal year, the Secretary shall apportion—

"(A) 50 percent of the amounts made available to carry out this section equally among eligible States; and

"(B) 50 percent of the amounts made available to carry out this section among eligible States in proportion to the quantity of nonhighway recreational fuel used in each eligible State during the preceding year.

"(j) ADMINISTRATIVE COSTS.—

"(1) IN GENERAL.—Whenever an apportionment is made under subsection (i) of the amounts made available to carry out this section, the Secretary shall first deduct an amount, not to exceed 1 percent of the authorized amounts, to pay the costs to the Secretary for administration of, and research authorized under, the program.

"(2) USE OF CONTRACTS.—To carry out research funded under paragraph (1), the Secretary may—

"(A) enter into contracts with for-profit organizations; and

"(B) enter into contracts, partnerships, or cooperative agreements with other government agencies, institutions of higher learning, or nonprofit organizations.

"(k) AUTHORIZATION OF CONTRACT AUTHORITY.—

"(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $17,000,000 for fiscal year 1998, $20,000,000 for fiscal year 1999, $22,000,000 for fiscal year 2000, $23,000,000 for fiscal year 2001, $24,000,000 for fiscal year 2002, and $25,000,000 for fiscal year 2003.

"(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that the Federal share of the cost of a project under this section shall be determined in accordance with this section.".

(b) CONFORMING AMENDMENTS.—

(1) The Intermodal Surface Transportation Efficiency Act of 1991 is amended by striking part B of title I (16 U.S.C. 1261 et seq.).

(2) The analysis for chapter 2 of title 23, United States Code, is amended by striking the item relating to section 206 and inserting the following:

"206. Recreational trails program.".

SEC. 1108. VALUE PRICING PILOT PROGRAM.

(a) IN GENERAL.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended—

(1) in the subsection heading, by striking "CONGESTION" and inserting "VALUE"; and

(2) in paragraph (1), by striking "congestion" each place it appears and inserting "value".

(b) INCREASED NUMBER OF PROJECTS.—Section 1012(b)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended in the second sentence by striking "5" and inserting "15".

(c) ELIGIBILITY OF PREIMPLEMENTATION COSTS.— Section 1012(b)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended in the second sentence—

(1) by inserting after "Secretary shall fund" the following: "all preimplementation costs and project design, and"; and

(2) by inserting after "Secretary may not fund" the following: "the implementation costs of".

(d) TOLLING.—Section 1012(b)(4) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended by striking "a pilot program under this section, but not on more than 3 of such programs" and inserting "any value pricing pilot program under this subsection".

(e) HOV PASSENGER REQUIREMENTS.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended by striking paragraph (6) and inserting the following:

"(6) HOV PASSENGER REQUIREMENTS.—Notwithstanding section 146(c) of title 23, United States Code, a State may permit vehicles with fewer than 2 occupants to operate in high occupancy vehicle lanes if the vehicles are part of a value pricing pilot program under this subsection.".

(f) FUNDING.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended by adding at the end the following:

"(7) AUTHORIZATION OF CONTRACT AUTHORITY.—

"(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $8,000,000 for each of fiscal years 1998 through 2003.

"(B) AVAILABILITY.—

"(i) IN GENERAL.—Funds allocated by the Secretary to a State under this subsection shall remain available for obligation by the State for a period of 3 years after the last day of the fiscal year for which the funds are authorized.

"(ii) USE OF UNALLOCATED FUNDS.—If the total amount of funds made available from the Highway Trust Fund under this subsection but not allocated exceeds $8,000,000 as of September 30 of any year, the excess amount—

"(I) shall be apportioned in the following fiscal year by the Secretary to all States in accordance with section 104(b)(3) of title 23, United States Code;

"(II) shall be considered to be a sum made available for expenditure on the surface transportation program, except that the amount shall not be subject to section 133(d) of that title; and

"(III) shall be available for any purpose eligible for funding under section 133 of that title.

"(C) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this subsection and the availability of funds authorized by this paragraph shall be determined in accordance with this subsection.".

(g) CONFORMING AMENDMENTS.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended—

(1) in paragraph (1), by striking "projects" each place it appears and inserting "programs"; and

(2) in paragraph (5)—

(A) by striking "projects" and inserting "programs"; and

(B) by striking "traffic, volume" and inserting "traffic volume".

SEC. 1109. HIGHWAY USE TAX EVASION PROJECTS.

(a) IN GENERAL.—Section 143 of title 23, United States Code, is amended to read as follows:

"§ 143. Highway use tax evasion projects

"(a) DEFINITION OF STATE.—In this section, the term 'State' means the 50 States and the District of Columbia.

"(b) PROJECTS.—

"(1) IN GENERAL.—The Secretary shall use funds made available under paragraph (7) to carry out highway use tax evasion projects in accordance with this subsection.

"(2) ALLOCATION OF FUNDS.—The funds may be allocated to the Internal Revenue Service and the States at the discretion of the Secretary.

"(3) CONDITIONS ON FUNDS ALLOCATED TO INTERNAL REVENUE SERVICE.—The Secretary shall not impose any condition on the use of funds allocated to the Internal Revenue Service under this subsection.

"(4) LIMITATION ON USE OF FUNDS.—Funds made available under paragraph (7) shall be used only—

"(A) to expand efforts to enhance motor fuel tax enforcement;

"(B) to fund additional Internal Revenue Service staff, but only to carry out functions described in this paragraph;

"(C) to supplement motor fuel tax examinations and criminal investigations;

"(D) to develop automated data processing tools to monitor motor fuel production and sales;

"(E) to evaluate and implement registration and reporting requirements for motor fuel taxpayers;

"(F) to reimburse State expenses that supplement existing fuel tax compliance efforts; and

"(G) to analyze and implement programs to reduce tax evasion associated with other highway use taxes.

"(5) MAINTENANCE OF EFFORT.—The Secretary may not make an allocation to a State under this subsection for a fiscal year unless the State certifies that the aggregate expenditure of funds of the State, exclusive of Federal funds, for motor fuel tax enforcement activities will be maintained at a level that does not fall below the average level of such expenditure for the preceding 2 fiscal years of the State.

"(6) FEDERAL SHARE.—The Federal share of the cost of a project carried out under this subsection shall be 100 percent.

"(7) AUTHORIZATION OF CONTRACT AUTHORITY.—

"(A) IN GENERAL.—There shall be available to the Secretary from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $5,000,000 for each of fiscal years 1998 through 2003.

"(B) AVAILABILITY OF FUNDS.—Funds authorized under this paragraph shall remain available for obligation for a period of 1 year after the last day of the fiscal year for which the funds are authorized.

"(8) In addition to funds allocated under this section, a State may, at its discretion, expend up to one-fourth of one percent of its annual Federal-aid apportionments under 104(b)(3) on initiatives to halt the evasion of payment of motor fuel taxes.

"(c) EXCISE FUEL REPORTING SYSTEM.—

"(1) IN GENERAL.—Not later than April 1, 1998, the Secretary shall enter into a memorandum of understanding with the Commissioner of the Internal Revenue Service for the purposes of the development and maintenance by the Internal Revenue Service of an excise fuel reporting system (referred to in this subsection as the 'system').

"(2) ELEMENTS OF MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding shall provide that—

"(A) the Internal Revenue Service shall develop and maintain the system through contracts;

"(B) the system shall be under the control of the Internal Revenue Service; and

"(C) the system shall be made available for use by appropriate State and Federal revenue, tax, or law enforcement authorities, subject to section 6103 of the Internal Revenue Code of 1986.

"(3) AUTHORIZATION OF APPROPRIATIONS FROM HIGHWAY TRUST FUND.—

"(A) IN GENERAL.—There are authorized to be appropriated to the Secretary from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection—

"(i) $8,000,000 for development of the system; and

"(ii) $2,000,000 for each of fiscal years 1998 through 2003 for operation and maintenance of the system.

"(B) AVAILABILITY.—Notwithstanding section 118(a), funds made available under subparagraph (A) shall not be available in advance of an annual appropriation.".

(b) CONFORMING AMENDMENTS.—

(1) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 143 and inserting the following:

"143. Highway use tax evasion projects.".

(2) Section 1040 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 1992) is repealed.

(3) Section 8002 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 2203) is amended—

(A) in the first sentence of subsection (g), by striking "section 1040 of this Act" and inserting "section 143 of title 23, United States Code,"; and

(B) by striking subsection (h).

SEC. 1110. BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS.

Section 217 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) by inserting "pedestrian walkways and" after "construction of"; and

(B) by striking "(other than the Interstate System)";

(2) in subsection (e), by striking ", other than a highway access to which is fully controlled,";

(3) by striking subsection (g) and inserting the following:

"(g) PLANNING AND DESIGN.—

"(1) IN GENERAL.—Bicyclists and pedestrians shall be given consideration in the comprehensive transportation plans developed by each metropolitan planning organization and State in accordance with sections 134 and 135, respectively.

"(2) CONSTRUCTION.—Bicycle transportation facilities and pedestrian walkways shall be considered, where appropriate, in conjunction with all new construction and reconstruction of transportation facilities, except where bicycle and pedestrian use are not permitted.

"(3) SAFETY AND CONTIGUOUS ROUTES.—Transportation plans and projects shall provide consideration for safety and contiguous routes for bicyclists and pedestrians.";

(4) in subsection (h)—

(A) by striking "No motorized vehicles shall" and inserting "Motorized vehicles may not"; and

(B) by striking paragraph (3) and inserting the following:

"(3) wheelchairs that are powered; and"; and

(5) by striking subsection (j) and inserting the following:

"(j) DEFINITIONS.—In this section:

"(1) BICYCLE TRANSPORTATION FACILITY.—The term 'bicycle transportation facility' means a new or improved lane, path, or shoulder for use by bicyclists or a traffic control device, shelter, or parking facility for bicycles.

"(2) PEDESTRIAN.—The term 'pedestrian' means any person traveling by foot or any mobility impaired person using a wheelchair.

"(3) WHEELCHAIR.—The term 'wheelchair' means a mobility aid, usable indoors, and designed for and used by individuals with mobility impairments, whether operated manually or powered.".

SEC. 1111. DISADVANTAGED BUSINESS ENTERPRISES.

(a) GENERAL RULE.—Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts made available for any program under titles I, II, and V of this Act shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals.

(b) DEFINITIONS.—For purposes of this section, the following definitions apply:

(1) SMALL BUSINESS CONCERN.—The term "small business concern" has the meaning such term has under section 3 of the Small Business Act (15 U.S.C. 632); except that such term shall not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals which has average annual gross receipts over the preceding 3 fiscal years in excess of $16,600,000, as adjusted by the Secretary for inflation.

(2) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term "socially and economically disadvantaged individuals" has the meaning such term has under section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations promulgated pursuant thereto; except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this section.

(c) ANNUAL LISTING OF DISADVANTAGED BUSINESS ENTERPRISES.—Each State shall annually survey and compile a list of the small business concerns referred to in subsection (a) and the location of such concerns in the State and notify the Secretary, in writing, of the percentage of such concerns which are controlled by women, by socially and economically disadvantaged individuals (other than women), and by individuals who are women and are otherwise socially and economically disadvantaged individuals.

(d) UNIFORM CERTIFICATION.—The Secretary shall establish minimum uniform criteria for State governments to use in certifying whether a concern qualifies for purposes of this section. Such minimum uniform criteria shall include but not be limited to on-site visits, personal interviews, licenses, analysis of stock ownership, listing of equipment, analysis of bonding capacity, listing of work completed, résumé of principal owners, financial capacity, and type of work preferred.

(e) COMPLIANCE WITH COURT ORDERS.—Nothing in this section limits the eligibility of an entity or person to receive funds made available under titles I, II, and V of this Act, if the entity or person is prevented, in whole or in part, from complying with subsection (a) because a Federal court issues a final order in which the court finds that the requirement of subsection (a), or the program established under subsection (a), is unconstitutional.

(f) REVIEW BY COMPTROLLER GENERAL.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct a review of, and publish and report to Congress findings and conclusions on, the impact throughout the United States of administering the requirement of subsection (a), including an analysis of—

(1) in the case of small business concerns certified in each State under subsection (d) as owned and controlled by socially and economically disadvantaged individuals—

(A) the number of the small business concerns; and

(B) the participation rates of the small business concerns in prime contracts and subcontracts funded under titles I, II, and V of this Act;

(2) in the case of small business concerns described in paragraph (1) that receive prime contracts and subcontracts funded under titles I, II, and V of this Act—

(A) the number of the small business concerns;

(B) the annual gross receipts of the small business concerns; and

(C) the net worth of socially and economically disadvantaged individuals that own and control the small business concerns;

(3) in the case of small business concerns described in paragraph (1) that do not receive prime contracts and subcontracts funded under titles I, II, and V of this Act—

(A) the annual gross receipts of the small business concerns; and

(B) the net worth of socially and economically disadvantaged individuals that own and control the small business concerns;

(4) in the case of business concerns that receive prime contracts and subcontracts funded under titles I, II, and V of this Act, other than small business concerns described in paragraph (2)—

(A) the annual gross receipts of the business concerns; and

(B) the net worth of individuals that own and control the business concerns;

(5) the rate of graduation from any programs carried out to comply with the requirement of subsection (a) for small business concerns owned and controlled by socially and economically disadvantaged individuals;

(6) the overall cost of administering the requirement of subsection (a), including administrative costs, certification costs, additional construction costs, and litigation costs;

(7) any discrimination, on the basis of race, color, national origin, or sex, against small business concerns owned and controlled by socially and economically disadvantaged individuals;

(8)(A) any other factors limiting the ability of small business concerns owned and controlled by socially and economically disadvantaged individuals to compete for prime contracts and subcontracts funded under titles I, II, and V of this Act; and

(B) the extent to which any of those factors are caused, in whole or in part, by discrimination based on race, color, national origin, or sex;

(9) any discrimination, on the basis of race, color, national origin, or sex, against construction companies owned and controlled by socially and economically disadvantaged individuals in public and private transportation contracting and the financial, credit, insurance, and bond markets;

(10) the impact on small business concerns owned and controlled by socially and economically disadvantaged individuals of—

(A) the issuance of a final order described in subsection (e) by a Federal court that suspends a program established under subsection (a); or

(B) the repeal or suspension of State or local disadvantaged business enterprise programs; and

(11) the impact of the requirement of subsection (a), and any program carried out to comply with subsection (a), on competition and the creation of jobs, including the creation of jobs for socially and economically disadvantaged individuals.

SEC. 1112. FEDERAL SHARE PAYABLE.

(a) IN GENERAL.—Section 120 of title 23, United States Code (as amended by section 1106(a)), is amended—

(1) in each of subsections (a) and (b), by adding at the end the following: "In the case of any project subject to this subsection, a State may determine a lower Federal share than the Federal share determined under the preceding sentences of this subsection."; and

(2) by adding at the end the following:

"(l) CREDIT FOR NON-FEDERAL SHARE.—

"(1) ELIGIBILITY.—A State may use as a credit toward the non-Federal share requirement for any program under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240) or this title, other than the emergency relief program authorized by section 125, toll revenues that are generated and used by public, quasi-public, and private agencies to build, improve, or maintain, without the use of Federal funds, highways, bridges, or tunnels that serve the public purpose of interstate commerce.

"(2) MAINTENANCE OF EFFORT.—

"(A) IN GENERAL.—The credit toward any non-Federal share under paragraph (1) shall *not reduce nor replace State funds required to match Federal funds for any program under this title.*

"(B) CONDITIONS ON RECEIPT OF CREDIT.—

"(i) AGREEMENT WITH THE SECRETARY.—To receive a credit under paragraph (1) for a fiscal year, a State shall enter into such agreements as the Secretary may require to ensure that the State will maintain its non-Federal transportation capital expenditures at or above the average level of such expenditures for the preceding 3 fiscal years.

"(ii) EXCEPTION.—Notwithstanding clause (i), a State may receive a credit under paragraph (1) for a fiscal year if, for any 1 of the preceding 3 fiscal years, the non-Federal transportation capital expenditures of the State were at a level that was greater than 30 percent of the average level of such expenditures for the other 2 of the preceding 3 fiscal years.

"(3) TREATMENT.—

"(A) IN GENERAL.—Use of the credit toward a non-Federal share under paragraph (1) shall not expose the agencies from which the credit is received to additional liability, additional regulation, or additional administrative oversight.

"(B) CHARTERED MULTISTATE AGENCIES.—When credit is applied from a chartered multistate agency under paragraph (1), the credit shall be applied equally to all charter States.

"(C) NO ADDITIONAL STANDARDS.—A public, quasi-public, or private agency from which the credit for which the non-Federal share is calculated under paragraph (1) shall not be subject to any additional Federal design standards or laws (including regulations) as a result of providing the credit beyond the standards and laws to which the agency is already subject.".

(b) TECHNICAL AMENDMENTS.—

(1) Section 104(f)(3) of title 23, United States Code, is amended in the second sentence by striking "section 120(j) of this title" and inserting "section 120".

(2) Section 130(a) of title 23, United States Code, is amended—

(A) in the first sentence, by striking "Except as provided in subsection (d) of section 120 of this title" and inserting "Subject to section 120"; and

(B) in the second sentence, by striking "except as provided in subsection (d) of section 120 of this title" and inserting "subject to section 120".

SEC. 1113. STUDIES AND REPORTS.

(a) HIGHWAY ECONOMIC REQUIREMENT SYSTEM.—

(1) METHODOLOGY.—

(A) EVALUATION.—The Comptroller General of the United States shall conduct an evaluation of the methodology used by the Department of Transportation to determine highway needs using the highway economic requirement system (referred to in this subsection as the "model").

(B) REQUIRED ELEMENT.—The evaluation shall include an assessment of the extent to which the model estimates an optimal level of highway infrastructure investment, including an assessment as to when the model may be overestimating or underestimating investment requirements.

(C) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the evaluation.

(2) STATE INVESTMENT PLANS.—

(A) STUDY.—In consultation with State transportation departments and other appropriate State and local officials, the Comptroller General of the United States shall conduct a study on the extent to which the highway economic requirement system of the Federal Highway Administration can be used to provide States with useful information for developing State transportation investment plans and State infrastructure investment projections.

(B) REQUIRED ELEMENTS.—The study shall—

(i) identify any additional data that may need to be collected beyond the data submitted, prior to the date of enactment of this Act, to the Federal Highway Administration through the highway performance monitoring system; and

(ii) identify what additional work, if any, would be required of the Federal Highway Administration and the States to make the model useful at the State level.

(C) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the study.

(b) INTERNATIONAL ROUGHNESS INDEX.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study on the international roughness index that is used as an indicator of pavement quality on the Federal-aid highway system.

(2) REQUIRED ELEMENTS.—The study shall specify the extent of usage of the index and the extent to which the international roughness index measurement is reliable across different manufacturers and types of pavement.

(3) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the study.

(c) REPORTING OF RATES OF OBLIGATION.—Section 104 of title 23, United States Code, is amended—

(1) by redesignating subsection (j) as subsection (m); and

(2) by inserting after subsection (i) the following:

"(j) REPORTING OF RATES OF OBLIGATION.—On an annual basis, the Secretary shall publish or otherwise report rates of obligation of funds apportioned or set aside under this section and section 133 according to—

"(1) program;

"(2) funding category or subcategory;

"(3) type of improvement;

"(4) State; and

"(5) sub-State geographic area, including urbanized and rural areas, on the basis of the population of each such area.".

(d) EVALUATION OF PROCUREMENT PRACTICES AND PROJECT DELIVERY.—

(1) STUDY.—The Comptroller General shall conduct a study to assess—

(A) the impact that a utility company's failure to relocate its facilities in a timely manner has on the delivery and cost of Federal-aid highway and bridge projects;

(B) methods States use to mitigate delays described in subparagraph (A), including the use of the courts to compel utility cooperation;

(C) the prevalence and use of—

(i) incentives to utility companies for early completion of utility relocations on Federal-aid transportation project sites; and

(ii) penalties assessed on utility companies for utility relocation delays on such projects;

(D) the extent to which States have used available technologies, such as subsurface utility engineering, early in the design of Federal-aid highway and bridge projects so as to eliminate or reduce the need for or delays due to utility relocations; and

(E)(i) whether individual States compensate transportation contractors for business costs incurred by the contractors when Federal-aid highway and bridge projects under contract to the contractors are delayed by delays caused by utility companies in utility relocations; and

(ii) methods used by States in making any such compensation.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study, including any recommendations that the Comptroller General determines to be appropriate as a result of the study.

SEC. 1114. DEFINITIONS.

(a) FEDERAL-AID HIGHWAY FUNDS AND PROGRAM.—

(1) IN GENERAL.—Section 101(a) of title 23, United States Code, is amended by inserting before the undesignated paragraph defining "Federal-aid highways" the following:

"The term 'Federal-aid highway funds' means funds made available to carry out the Federal-aid highway program.

"The term 'Federal-aid highway program' means all programs authorized under chapters 1, 3, and 5.".

(2) CONFORMING AMENDMENTS.—

(A) Section 101(d) of title 23, United States Code, is amended by striking "the construction of Federal-aid highways or highway planning, research, or development" and inserting "the Federal-aid highway program".

(B) Section 104(m)(1) of title 23, United States Code (as redesignated by section 1113(c)(1)), is amended by striking "Federal-aid highways and the highway safety construction programs" and inserting "the Federal-aid highway program".

(C) Section 107(b) of title 23, United States Code, is amended in the second sentence by striking "Federal-aid highways" and inserting "the Federal-aid highway program".

(b) ALPHABETIZATION OF DEFINITIONS.—Section 101(a) of title 23, United States Code, is amended by reordering the undesignated paragraphs so that they are in alphabetical order.

SEC. 1115. COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM.

(a) IN GENERAL.—Chapter 2 of title 23, United States Code (as amended by section 1107(a)), is amended by inserting after section 206 the following:

"§207. Cooperative Federal Lands Transportation Program

"(a) IN GENERAL.—There is established the Cooperative Federal Lands Transportation Program (referred to in this section as the 'program'). Funds available for the program under subsection (e) may be used for projects, or portions of projects, on highways that are owned or maintained by States or political subdivisions of States and that cross, are adjacent to, or lead to federally owned land or Indian reservations (including Army Corps of Engineers reservoirs), as determined by the State. Such projects shall be proposed by a State and selected by the Secretary. A project proposed by a State under this section shall be on a highway or bridge owned or maintained by the State, or 1 or more political subdivisions of the State, and may be a highway or bridge construction or maintenance project eligible under this title or any project of a type described in section 204(h).

"(b) DISTRIBUTION OF FUNDS FOR PROJECTS.—

"(1) IN GENERAL.—

"(A) IN GENERAL.—The Secretary—

"(i) after consultation with the Administrator of General Services, the Secretary of the Interior, and other agencies as appropriate (including the Army Corps of Engineers), shall determine the percentage of the total land in each State that is owned by the Federal Government or that is held by the Federal Government in trust;

"(ii) shall determine the sum of the percentages determined under clause (i) for States with respect to which the percentage is 4.5 or greater, and

"(iii) shall determine for each State included in the determination under clause (ii) the percentage obtained by dividing—

"(I) the percentage for the State determined under clause (i); by

"(II) the sum determined under clause (ii).

"(B) ADJUSTMENT.—The Secretary shall—

"(i) reduce any percentage determined under subparagraph (A)(iii) that is greater than 7.5 percent to 7.5 percent; and

"(ii) redistribute the percentage points equal to any reduction under clause (i) among other States included in the determination under subparagraph (A)(ii) in proportion to the percentages for those States determined under subparagraph (A)(iii).

"(2) AVAILABILITY TO STATES.—Except as provided in paragraph (3), for each fiscal year, the Secretary shall make funds available to carry out eligible projects in a State in an amount equal to the amount obtained by multiplying—

"(A) the percentage for the State, if any, determined under paragraph (1); by

"(B) the funds made available for the program under subsection (e) for the fiscal year.

"(3) SELECTION OF PROJECTS.—The Secretary may establish deadlines for States to submit proposed projects for funding under this section, except that in the case of fiscal year 1998 the deadline may not be earlier than January 1, 1998. For each fiscal year, if a State does not have pending, by that deadline, applications for projects with an estimated cost equal to at least 3 times the amount for the State determined under paragraph (2), the Secretary may distribute, to 1 or more other States, at the Secretary's discretion, ⅓ of the amount by which the estimated cost of the State's applications is less than 3 times the amount for the State determined under paragraph (2).

"(c) TRANSFERS.—

"(1) IN GENERAL.—Subject to subsection (f), notwithstanding any other provision of law, a State and the Secretary may agree to transfer amounts made available to a State under this section to the allocations of the State under section 202 for use in carrying out projects on any Federal lands highway that is located in the State.

"(2) SPECIAL RULE.—This paragraph applies to a State that contains a national park that was visited by more than 2,500,000 people in 1996 and comprises more than 3,000 square miles of land area, including surface water, that is located in the State. For such a State, 50 percent of the amount that would otherwise be made available to the State for each fiscal year under the program under subsection (e) shall be made available only for eligible highway uses in the national park and within the borders of the State. For the purpose of making allocations under section 202(c), the Secretary may not take into account the past or future availability, for use on park roads and parkways in a national park, of funds made available for use in a national park by this paragraph.

"(d) RIGHTS-OF-WAY ACROSS FEDERAL LAND.—Nothing in this section affects any claim for a right-of-way across Federal land.

"(e) AUTHORIZATION OF CONTRACT AUTHORITY.—

"(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section (other than subsection (f)) $74,000,000 for each of fiscal years 1998 through 2003.

"(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1.

"(f) ADDITIONAL AUTHORIZATION OF CONTRACT AUTHORITY FOR STATES WITH INDIAN RESERVATIONS.—

"(1) AVAILABILITY TO STATES.—Not later than October 1 of each fiscal year, funds made available under paragraph (5) for the fiscal year shall be made available by the Secretary, in equal amounts, to each State that has within the boundaries of the State all or part of an Indian reservation having a land area of 10,000,000 acres or more.

"(2) AVAILABILITY TO ELIGIBLE COUNTIES.—

"(A) IN GENERAL.—Each fiscal year, each county that is located in a State to which funds are made available under paragraph (1), and that has in the county a public road described in subparagraph (B), shall be eligible to apply to the State for all or a portion of the funds made available to the State under this subsection to be used by the county to maintain such roads.

"(B) ROADS.—A public road referred to in subparagraph (A) is a public road that—

"(i) is within, adjacent to, or provides access to an Indian reservation described in paragraph (1);

"(ii) is used by a school bus to transport children to or from a school or Headstart program carried out under the Head Start Act (42 U.S.C. 9831 et seq.); and

"(iii) is maintained by the county in which the public road is located.

"(C) ALLOCATION AMONG ELIGIBLE COUNTIES.—

"(i) IN GENERAL.—Except as provided in clause (ii), each State that receives funds under paragraph (1) shall provide directly to each county that applies for funds the amount that the county requests in the application.

"(ii) ALLOCATION AMONG ELIGIBLE COUNTIES.—If the total amount of funds applied for under this subsection by eligible counties in a State exceeds the amount of funds available to the State, the State shall equitably allocate the funds among the eligible counties that apply for funds.

"(3) SUPPLEMENTARY FUNDING.—For each fiscal year, the Secretary shall ensure that funding made available under this subsection supplements (and does not supplant)—

"(A) any obligation of funds by the Bureau of Indian Affairs for road maintenance programs on Indian reservations; and

"(B) any funding provided by a State to a county for road maintenance programs in the county.

"(4) USE OF UNALLOCATED FUNDS.—Any portion of the funds made available to a State under this subsection that is not made available to counties within 1 year after the funds are made available to the State shall be apportioned among the States in accordance with section 104(b).

"(5) SET-ASIDE.—For each of fiscal years 1998 through 2003, the Secretary shall set aside $1,500,000 from amounts made available under section 541(a) of title 23, United States Code.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 2 of title 23, United States Code, is amended by striking the item relating to section 207 and inserting the following:

"207. Cooperative Federal Lands Transportation Program.".

SEC. 1116. TRADE CORRIDOR AND BORDER CROSSING PLANNING AND BORDER INFRASTRUCTURE.

(a) DEFINITIONS.—In this section:

(1) AFFECTED PORT OF ENTRY.—The term "affected port of entry" means a seaport or airport in any State that demonstrates that the transportation of cargo by rail or motor carrier through the seaport or airport has increased significantly since the date of enactment of the North American Free Trade Agreement Implementation Act (Public Law 103–182).

(2) BORDER STATE.—The term "border State" means a State of the United States that—

(A) is located along the border with Mexico; or

(B) is located along the border with Canada.

(3) BORDER STATION.—The term "border station" means a controlled port of entry into the United States located in the United States at the border with Mexico or Canada, consisting of land occupied by the station and the buildings, roadways, and parking lots on the land.

(4) FEDERAL INSPECTION AGENCY.—The term "Federal inspection agency" means a Federal agency responsible for the enforcement of immigration laws (including regulations), customs laws (including regulations), and agriculture import restrictions, including the United States Customs Service, the Immigration and Naturalization Service, the Animal and Plant Health Inspection Service, the Food and Drug Administration, the United States Fish and Wildlife Service, and the Department of State.

(5) GATEWAY.—The term "gateway" means a grouping of border stations defined by proximity and similarity of trade.

(6) NON-FEDERAL GOVERNMENTAL JURISDICTION.—The term "non-Federal governmental jurisdiction" means a regional, State, or local authority involved in the planning, development, provision, or funding of transportation infrastructure needs.

(b) BORDER CROSSING PLANNING INCENTIVE GRANTS.—

(1) IN GENERAL.—The Secretary shall make incentive grants to States and to metropolitan planning organizations designated under section 134 of title 23, United States Code.

(2) USE OF GRANTS.—The grants shall be used to encourage joint transportation planning activities and to improve people and vehicle movement into and through international gateways as a supplement to statewide and metropolitan transportation planning funding made available under other provisions of this Act and under title 23, United States Code.

(3) CONDITION OF GRANTS.—As a condition of receiving a grant under paragraph (1), a State transportation department or a metropolitan planning organization shall certify to the Secretary that it commits to be engaged in joint planning with its counterpart agency in Mexico or Canada.

(4) LIMITATION ON AMOUNT.—Each State transportation department or metropolitan planning organization may receive not more than $100,000 under this subsection for any fiscal year.

(5) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $1,400,000 for each of fiscal years 1998 through 2003.

(B) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of a project under this subsection shall be determined in accordance with subsection (f).

(c) TRADE CORRIDOR PLANNING INCENTIVE GRANTS.—

(1) GRANTS.—

(A) IN GENERAL.—The Secretary shall make grants to States to encourage, within the framework of the statewide transportation planning process of the State under section 135 of title 23, United States Code, cooperative multistate corridor analysis of, and planning for, the safe and efficient movement of goods along and within international or interstate trade corridors of national importance and through affected ports of entry.

(B) IDENTIFICATION OF CORRIDORS.—Each corridor and affected port of entry referred to in subparagraph (A) shall be cooperatively identified by the States along the corridor or by the State in which the affected port of entry is located.

(2) CORRIDOR PLANS.—

(A) IN GENERAL.—As a condition of receiving a grant under paragraph (1), a State shall enter into an agreement with the Secretary that specifies that, not later than 2 years after receipt of the grant—

(i) in cooperation with the other States along the corridor, the State will submit a plan for corridor improvements to the Secretary; or *(ii) the State will submit a plan for affected port of entry improvements to the Secretary.*

(B) Coordination of Planning.—Planning with respect to a corridor under this subsection shall be coordinated with transportation planning being carried out by the States and metropolitan planning organizations along the corridor and, to the extent appropriate, with transportation planning being carried out by Federal land management agencies, by tribal governments, or by government agencies in Mexico or Canada.

(3) Multistate Agreements for Trade Corridor Planning.—The consent of Congress is granted to any 2 or more States—

(A) to enter into multistate agreements, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of interstate trade corridor planning activities; and

(B) to establish such agencies, joint or otherwise, as the States may determine desirable to make the agreements effective.

(4) Authorization of Contract Authority.—

(A) In General.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $3,000,000 for each of fiscal years 1998 through 2003.

(B) Contract Authority.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of a project under this subsection shall be determined in accordance with subsection (f).

(d) Federal Assistance for Trade Corridors and Border Infrastructure Safety and Congestion Relief.—

(1) Applications for Grants.—The Secretary shall make grants to States or metropolitan planning organizations that submit an application that—

(A) demonstrates need for assistance in carrying out transportation projects that are necessary to relieve traffic congestion or improve enforcement of motor carrier safety laws;

(B) includes strategies to involve both the public and private sectors in the proposed project;

(C) provides for the safe and efficient movement of goods along and within international or interstate trade corridors; and

(D) provides for the continued planning and development of trade corridors.

(2) Selection of States, Metropolitan Planning Organizations, and Projects to Receive Grants.—Notwithstanding any other provision of this Act, in selecting States, metropolitan planning organizations, and projects to receive grants under this subsection, the Secretary shall consider—

(A) the extent to which the annual volume of commercial vehicle traffic at the border stations or ports of entry of each State—

(i) has increased since the date of enactment of the North American Free Trade Agreement Implementation Act (Public Law 103–182); and

(ii) is projected to increase in the future;

(B) the extent to which commercial vehicle traffic in each State—

(i) has increased since the date of enactment of the North American Free Trade Agreement Implementation Act (Public Law 103–182); and

(ii) is projected to increase in the future;

(C) the extent of border and affected port of entry or ports of entry transportation improvements carried out by each State since the date of enactment of the North American Free Trade Agreement Implementation Act (Public Law 103–182);

(D) the extent to which international truck-borne commodities move through each State;

(E) the reduction in commercial and other travel time through a major international gateway or affected port of entry expected as a result of the proposed project including the level of traffic delays at at-grade highway crossings of major rail lines in trade corridors;

(F) the extent of leveraging of Federal funds provided under this subsection, including—

(i) use of innovative financing;

(ii) combination with funding provided under other sections of this Act and title 23, United States Code; and

(iii) combination with other sources of Federal, State, local, or private funding including State, local, and private matching funds;

(G) improvements in vehicle and highway safety and cargo security in and through the gateway or affected port of entry concerned;

(H) the degree of demonstrated coordination with Federal inspection agencies;

(I) the extent to which the innovative and problem solving techniques of the proposed project would be applicable to other border stations or ports of entry;

(J) demonstrated local commitment to implement and sustain continuing comprehensive border or affected port of entry planning processes and improvement programs; and

(K) the value of the cargo carried by commercial vehicle traffic, to the extent that the value of the cargo and congestion impose economic costs on the Nation's economy.

(3) Use of Grants.—

(A) In General.—A grant under this subsection shall be used to develop project plans, and implement coordinated and comprehensive programs of projects, to improve efficiency and safety.

(B) Type of Plans and Programs.—The plans and programs may include—

(i) improvements to transport and supporting infrastructure;

(ii) improvements in operational strategies, including electronic data interchange and use of telecommunications to expedite vehicle and cargo movement including the deployment of technologies to detect and deter illegal narcotic smuggling;

(iii) modifications to regulatory procedures to expedite vehicle and cargo flow;

(iv) new infrastructure construction;

(v) purchase, installation, and maintenance of weigh-in-motion devices and associated electronic equipment in Mexico or Canada if real time data from the devices is provided to the nearest border station and to State commercial vehicle enforcement facilities that serve the border station; and

(vi) other institutional improvements, such as coordination of binational planning, programming, and border operation, with special emphasis on coordination with—

(I) Federal inspection agencies; and

(II) their counterpart agencies in Mexico and Canada.

(4) Construction of Transportation Infrastructure for Law Enforcement Purposes.—At the request of the Administrator of General Services, in consultation with the Attorney General, the Secretary may transfer, during the period of fiscal years 1998 through 2001, not more than $10,000,000 of the amounts made available under paragraph (5) to the Administrator of General Services for the construction of transportation infrastructure necessary for law enforcement in border States.

(5) Authorization of Appropriations.—There is authorized to be appropriated to carry out this subsection $125,000,000 for each of fiscal years 1998 through 2003.

(e) Coordination of Planning.—

(1) Planning and Development of Border Stations.—The General Services Administration shall be the coordinating Federal agency in the planning and development of new or expanded border stations.

(2) Cooperative Activities.—In carrying out paragraph (1), the Administrator of General Services shall cooperate with Federal inspection agencies and non-Federal governmental jurisdictions to ensure that—

(A) improvements to border station facilities take into account regional and local conditions, including the alignment of highway systems and connecting roadways; and

(B) all facility requirements, associated costs, and economic impacts are identified.

(f) Cost Sharing.—A grant under this section shall be used to pay the Federal share of the cost of a project. The Federal share shall not exceed 80 percent.

(g) Use of Unallocated Funds.—If the total amount of funds made available from the Highway Trust Fund under this section but not allocated exceeds $4,000,000 as of September 30 of any year, the excess amount—

(1) shall be apportioned in the following fiscal year by the Secretary to all States in accordance with section 104(b)(3) of title 23, United States Code;

(2) shall be considered to be a sum made available for expenditure on the surface transportation program, except that the amount shall not be subject to section 133(d) of that title; and

(3) shall be available for any purpose eligible for funding under section 133 of that title.

SEC. 1117. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.

(a) Availability, Release, and Reallocation of Funds.—Section 201(a) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) in the second sentence, by inserting before the period at the end the following: ", except that each allocation to a State shall remain available for expenditure in the State for the fiscal year in which the allocation is allocated and for the 3 following fiscal years"; and

(2) by inserting after the second sentence the following: "Funds authorized under this section for fiscal year 1998 or a fiscal year thereafter, and not expended by a State during the 4 fiscal years referred to in the preceding sentence, shall be released to the Commission for reallocation and shall remain available until expended.".

(b) Substitute Corridor.—Section 201(b) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively;

(2) by striking "(b) The Commission" and inserting the following:

"(b) Designations.—

"(1) In General.—The Commission"; and

(3) by adding at the end the following:

"(2) Substitute Corridor.—In lieu of Corridor H in Virginia, the Appalachian development highway system shall include the Virginia portion of the segment identified in section 1105(c)(29) of the Intermodal Surface Transportation Efficiency Act of 1991 (109 Stat. 597).".

(c) Federal Share for Prefinanced Projects.—Section 201(h)(1) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking "70 per centum" and inserting "80 percent".

(d) Authorization of Contract Authority.—Section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking subsection (g) and inserting the following:

"(g) Authorization of Contract Authority.—

"(1) In General.—

"(A) Fiscal Years 1998 Through 2003.—For the continued construction of the Appalachian development highway system approved as of September 30, 1996, in accordance with this section,

there shall be available from the Highway Trust Fund (other than the Mass Transit Account) $40,000,000 for each of fiscal years 1998 through 2000, $50,000,000 for fiscal year 2001, $60,000,000 for fiscal year 2002, and $70,000,000 for fiscal year 2003.

"(B) OBLIGATION AUTHORITY.—The Secretary shall provide equivalent amounts of obligation authority for the funds authorized under subparagraph (A).

"(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share shall be determined in accordance with this section and the funds shall remain available in accordance with subsection (a).".

SEC. 1118. INTERSTATE 4R AND BRIDGE DISCRETIONARY PROGRAM.

(a) IN GENERAL.—Section 104 of title 23, United States Code (as amended by section 1113(c)(1)), is amended by inserting after subsection (j) the following:

"(k) SET-ASIDE FOR INTERSTATE 4R AND BRIDGE PROJECTS.—

"(1) IN GENERAL.—For each of fiscal years 1998 through 2003, before any apportionment is made under subsection (b)(1), the Secretary shall set aside $70,000,000 from amounts to be apportioned under subsection (b)(1)(A), and $70,000,000 from amounts to be apportioned under subsection (b)(1)(B), for allocation by the Secretary—

"(A) for projects for resurfacing, restoring, rehabilitating, or reconstructing any route or portion of a route on the Interstate System (other than any highway designated as a part of the Interstate System under section 103(c)(4) and any toll road on the Interstate System that is not subject to an agreement under section 119(e) (as in effect on December 17, 1991) or an agreement under section 129(a));

"(B) for projects for a highway bridge the replacement, rehabilitation, or seismic retrofit cost of which is more than $10,000,000; and

"(C) for projects for a highway bridge the replacement, rehabilitation, or seismic retrofit cost of which is less than $10,000,000 if the cost is at least twice the amount reserved under section 144(c) by the State in which the bridge is located for the fiscal year in which application is made for an allocation for the bridge under this subsection.

"(2) REQUIRED ALLOCATION.—

"(A) IN GENERAL.—Subject to subparagraph (B), for each of fiscal years 1998 through 2003, the Secretary shall allocate on October 1, for use for highway bridge projects—

"(i) at least $20,000,000 of the amounts set aside under paragraph (1) to any State that—

"(I) is apportioned for fiscal year 1998 under paragraphs (1)(B), (1)(C)(i)(III), and (3)(A)(iii) of subsection (b) an amount that is less than the amount apportioned to the State for the highway bridge replacement and rehabilitation program under section 144 for fiscal year 1997; and

"(II) was apportioned for that program for fiscal year 1997 an amount greater than $125,000,000; and

"(ii) at least $15,000,000 of the amounts set aside under paragraph (1) to any State with respect to which the average service life of the bridges in the State exceeds 46 years as of the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1998.

"(B) EXCEPTION.—A State that transferred funds from the highway bridge replacement and rehabilitation program during any of fiscal years 1995 through 1997 in an amount greater than 10 percent of the apportionments for that program for the fiscal year shall not be eligible for an allocation under subparagraph (A)(i).

"(C) ADDITIONAL ALLOCATION.—An allocation to a State under subparagraph (A) shall be in addition to any allocation to the State under paragraph (1).

"(3) AVAILABILITY TO STATES OF INTERSTATE 4R FUNDS.—The Secretary may grant the application of a State for funds made available for a fiscal year for a project described in paragraph (1)(A) if the Secretary determines that—

"(A) the State has obligated or demonstrates that it will obligate for the fiscal year all of the apportionments to the State under subparagraphs (A) and (B) of subsection (b)(1) other than an amount that, by itself, is insufficient to pay the Federal share of the cost of a project described in paragraph (1)(A) that has been submitted by the State to the Secretary for approval; and

"(B) the State is willing and able to—

"(i) obligate the funds within 1 year after the date on which the funds are made available;

"(ii) apply the funds to a project that is ready to be commenced; and

"(iii) in the case of construction work, begin work within 90 days after the date of obligation of the funds.

"(4) ELIGIBILITY OF CERTAIN BRIDGES.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, any bridge that is owned and operated by an agency that does not have taxing powers and whose functions include operating a federally assisted public transit system subsidized by toll revenues shall be eligible for assistance under this subsection.

"(B) LIMITATION.—The amount of assistance under subparagraph (A) shall not exceed the cumulative amount that the agency has expended for capital and operating costs to subsidize the transit system.

"(C) DETERMINATION BY THE SECRETARY.—Before authorizing an expenditure of funds under this paragraph, the Secretary shall make a determination that the applicant agency has insufficient reserves, surpluses, and projected revenues (over and above those required for bridge and transit capital and operating costs) to fund the necessary bridge replacement, seismic retrofitting, or rehabilitation project.

"(D) CREDITING OF NON-FEDERAL FUNDS.—Any non-Federal funds expended for the seismic retrofit of the bridge may be credited toward the non-Federal share required as a condition of receipt of any Federal funds for seismic retrofit of the bridge made available after the date of expenditure.

"(5) REQUIRED ALLOCATION FOR CERTAIN STATES.—

"(A) ALLOCATION.—For each of fiscal years 1998 through 2003, the Secretary shall allocate on October 1, to States eligible under subparagraph (B), for use for projects described in paragraph (1), $10,000,000 of the amounts set aside under paragraph (1) from amounts to be apportioned under subsection (b)(1)(A).

"(B) ELIGIBLE STATES.—A State shall be eligible for an allocation under subparagraph (A) for a fiscal year if—

"(i) the State ranks among the lowest 10 percent of States in a ranking of States by per capita personal income;

"(ii) for the State, the ratio that—

"(I) the State's estimated percentage of total Federal-aid highway program apportionments for the period of fiscal years 1998 through 2003 under this title; bears to

"(II) the percentage of estimated total tax receipts attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) for the period of fiscal years 1998 through 2003;

is less than 1.00, as of the date of enactment of this subsection; and

"(iii)(I) the State's estimated percentage of total Federal-aid highway program apportionments for the period of fiscal years 1998 through 2003 under this title, as of the date of enactment of this subsection; is less than

"(II) the State's percentage of total Federal-aid highway program apportionments and Federal lands highways program allocations under the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914), and allocations under sections 1103 through 1108 of that Act, for the period of fiscal years 1992 through 1997.

"(C) ADDITIONAL ALLOCATION.—An allocation to a State under subparagraph (A) shall be in addition to any allocation to the State under paragraph (1).

"(6) PERIOD OF AVAILABILITY OF DISCRETIONARY FUNDS.—Amounts made available under this subsection shall remain available until expended.".

(b) CONFORMING AMENDMENT.—Section 118 of title 23, United States Code, is amended by striking subsection (c).

SEC. 1119. MAGNETIC LEVITATION TRANSPORTATION TECHNOLOGY DEPLOYMENT PROGRAM.

(a) IN GENERAL.—Chapter 3 of title 23, United States Code, is amended by inserting after section 321 the following:

"§322. Magnetic levitation transportation technology deployment program

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE PROJECT COSTS.—The term 'eligible project costs' means the capital cost of the fixed guideway infrastructure of a MAGLEV project, including land, piers, guideways, propulsion equipment and other components attached to guideways, power distribution facilities (including substations), control and communications facilities, access roads, and storage, repair, and maintenance facilities, but not including costs incurred for a new station.

"(2) FULL PROJECT COSTS.—The term 'full project costs' means the total capital costs of a MAGLEV project, including eligible project costs and the costs of stations, vehicles, and equipment.

"(3) MAGLEV.—The term 'MAGLEV' means transportation systems employing magnetic levitation that would be capable of safe use by the public at a speed in excess of 240 miles per hour.

"(4) PARTNERSHIP POTENTIAL.—The term 'partnership potential' has the meaning given the term in the commercial feasibility study of high-speed ground transportation conducted under section 1036 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 1978).

"(b) ASSISTANCE.—

"(1) IN GENERAL.—The Secretary shall make available financial assistance to provide the Federal share of full project costs of eligible projects selected under this section.

"(2) FEDERAL SHARE.—The Federal share of full project costs under paragraph (1) shall be not more than ⅔.

"(3) USE OF ASSISTANCE.—Financial assistance provided under paragraph (1) shall be used only to pay eligible project costs of projects selected under this section.

"(c) SOLICITATION OF APPLICATIONS FOR ASSISTANCE.—Not later than 180 days after the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1998, the Secretary shall solicit applications from States, or authorities designated by 1 or more States, for financial assistance authorized by subsection (b) for planning, design, and construction of eligible MAGLEV projects.

"(d) PROJECT ELIGIBILITY.—To be eligible to receive financial assistance under subsection (b), a project shall—

"(1) involve a segment or segments of a high-speed ground transportation corridor that exhibit partnership potential;

"(2) require an amount of Federal funds for project financing that will not exceed the sum of—

"(A) the amounts made available under subsection (h)(1)(A); and

"(B) the amounts made available by States under subsection (h)(4);

"(3) result in an operating transportation facility that provides a revenue producing service;

"(4) be undertaken through a public and private partnership, with at least ⅓ of full project costs paid using non-Federal funds;

"(5) satisfy applicable statewide and metropolitan planning requirements;

"(6) be approved by the Secretary based on an application submitted to the Secretary by a State or authority designated by 1 or more States;

"(7) to the extent that non-United States MAGLEV technology is used within the United States, be carried out as a technology transfer project; and

"(8) be carried out using materials at least 70 percent of which are manufactured in the United States.

"(e) PROJECT SELECTION CRITERIA.—Prior to soliciting applications, the Secretary shall establish criteria for selecting which eligible projects under subsection (d) will receive financial assistance under subsection (b). The criteria shall include the extent to which—

"(1) a project is nationally significant, including the extent to which the project will demonstrate the feasibility of deployment of MAGLEV technology throughout the United States;

"(2) timely implementation of the project will reduce congestion in other modes of transportation and reduce the need for additional highway or airport construction;

"(3) States, regions, and localities financially contribute to the project;

"(4) implementation of the project will create new jobs in traditional and emerging industries;

"(5) the project will augment MAGLEV networks identified as having partnership potential;

"(6) financial assistance would foster public and private partnerships for infrastructure development and attract private debt or equity investment;

"(7) financial assistance would foster the timely implementation of a project; and

"(8) life-cycle costs in design and engineering are considered and enhanced.

"(f) PROJECT SELECTION.—

"(1) PRE-CONSTRUCTION PLANNING ACTIVITIES.—

"(A) Not later than 90 days after a deadline established by the Secretary for the receipt of applications, the Secretary shall evaluate the eligible projects in accordance with the selection criteria and select one or more eligible projects to receive financial assistance for pre-construction planning activities, including—

"(i) preparation of feasibility studies, major investment studies, and environmental impact statements and assessments as are required under State law;

"(ii) pricing of the final design, engineering, and construction activities proposed to be assisted under paragraph (2); and

"(iii) such other activities as are necessary to provide the Secretary with sufficient information to evaluate whether a project should receive financial assistance for final design, engineering, and construction activities under paragraph (2).

"(B) Notwithstanding subsection (a)(1) of this section, eligible project costs shall include the cost of pre-construction planning activities.

"(2) FINAL DESIGN, ENGINEERING, AND CONSTRUCTION ACTIVITIES.—After completion of pre-construction planning activities for all projects assisted under paragraph (1), the Secretary shall select one of the projects to receive financial assistance for final design, engineering, and construction activities.

"(g) JOINT VENTURES.—A project undertaken by a joint venture of United States and non-United States persons (including a project involving the deployment of non-United States MAGLEV technology in the United States) shall be eligible for financial assistance under this section if the project is eligible under subsection (d) and selected under subsection (f).

"(h) FUNDING.—

"(1) IN GENERAL.—

"(A) AUTHORIZATION OF CONTRACT AUTHORITY.—

"(i) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $10,000,000 for fiscal year 1999 and $20,000,000 for fiscal year 2000.

"(ii) CONTRACT AUTHORITY.—Funds authorized under this subparagraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that—

"(I) the Federal share of the cost of a project carried out under this section shall be determined in accordance with subsection (b); and

"(II) the availability of the funds shall be determined in accordance with paragraph (2).

"(B) AUTHORIZATION OF APPROPRIATIONS.—

"(i) IN GENERAL.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $200,000,000 for each of fiscal years 2000 and 2001, $250,000,000 for fiscal year 2002, and $300,000,000 for fiscal year 2003.

"(ii) AVAILABILITY.—Notwithstanding section 118(a), funds made available under clause (i) shall not be available in advance of an annual appropriation.

"(2) AVAILABILITY OF FUNDS.—Funds made available under paragraph (1) shall remain available until expended.

"(3) OTHER FEDERAL FUNDS.—Notwithstanding any other provision of law, funds made available to a State to carry out the surface transportation program under section 133 and the congestion mitigation and air quality improvement program under section 149 may be used by the State to pay a portion of the full project costs of an eligible project selected under this section, without requirement for non-Federal funds.

"(4) OTHER ASSISTANCE.—Notwithstanding any other provision of law, an eligible project selected under this section shall be eligible for other forms of financial assistance provided under this title and the Transportation Infrastructure Finance and Innovation Act of 1998, including loans, loan guarantees, and lines of credit.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 3 of title 23, United States Code, is amended by inserting after the item relating to section 321 the following:

"322. Magnetic levitation transportation technology deployment program.".

SEC. 1120. WOODROW WILSON MEMORIAL BRIDGE.

(a) DEFINITIONS.—Section 404 of the Woodrow Wilson Memorial Bridge Authority Act of 1995 (109 Stat. 628) is amended—

(1) in paragraph (3), by striking ", including approaches thereto"; and

(2) in paragraph (5), by striking "to be determined under section 407. Such" and all that follows and inserting the following: "as described in the record of decision executed by the Secretary in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The term includes ongoing short-term rehabilitation and repairs to the Bridge.".

(b) OWNERSHIP OF BRIDGE.—

(1) CONVEYANCE BY THE SECRETARY.—Section 407(a)(1) of the Woodrow Wilson Memorial Bridge Authority Act of 1995 (109 Stat. 630) is amended by inserting "or any Capital Region jurisdiction" after "Authority" each place it appears.

(2) AGREEMENT.—Section 407 of the Woodrow Wilson Memorial Bridge Authority Act of 1995 (109 Stat. 630) is amended by striking subsection (c) and inserting the following:

"(c) AGREEMENT.—

"(1) IN GENERAL.—The agreement referred to in subsection (a) is an agreement concerning the Project that is executed by the Secretary and the Authority or any Capital Region jurisdiction that accepts ownership of the Bridge.

"(2) TERMS OF THE AGREEMENT.—The agreement shall—

"(A) identify whether the Authority or a Capital Region jurisdiction will accept ownership of the Bridge;

"(B) contain a financial plan satisfactory to the Secretary, which shall be prepared before the execution of the agreement, that specifies—

"(i) the total cost of the Project, including any cost-saving measures;

"(ii) a schedule for implementation of the Project, including whether any expedited design and construction techniques will be used; and

"(iii) the sources of funding that will be used to cover any costs of the Project not funded from funds made available under section 412;

"(C) require that—

"(i)(I) the Project include not more than 12 traffic lanes, of which 2 lanes shall be exclusively for use by high occupancy vehicles, express buses, or rail transit; and

"(II) the design, construction, and operation of the Project reflect the requirements of subclause (I);

"(ii) all provisions described in the environmental impact statement for the Project or the record of decision for the Project (including in the attachments to the statement and record) for mitigation of environmental and other impacts of the Project be implemented; and

"(iii) the Authority and the Capital Region jurisdictions develop a process to fully integrate affected local governments, on an ongoing basis, in the process of carrying out the engineering, design, and construction phases of the project, including planning for implementing the provisions described in clause (ii); and

"(D) contain such other terms and conditions as the Secretary determines to be appropriate.".

(c) FEDERAL CONTRIBUTION.—The Woodrow Wilson Memorial Bridge Authority Act of 1995 (109 Stat. 627) is amended by adding at the end the following:

"SEC. 412. FEDERAL CONTRIBUTION.

"(a) AUTHORIZATION OF CONTRACT AUTHORITY.—

"(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) $100,000,000 for fiscal year 1998, $100,000,000 for fiscal year 1999, $125,000,000 for fiscal year 2000, $175,000,000 for fiscal year 2001, $200,000,000 for fiscal year 2002, and $200,000,000 for fiscal year 2003, to pay the costs of planning, preliminary engineering and design, final engineering, acquisition of rights-of-way, and construction of the Project, except that the costs associated with the Bridge shall be given priority over other eligible costs, other than design costs, of the Project.

"(2) CONTRACT AUTHORITY.—Funds authorized under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that—

"(A) the funds shall remain available until expended;

"(B) the Federal share of the cost of the Bridge component of the Project shall not exceed 100 percent; and

"(C) the Federal share of the cost of any other component of the Project shall not exceed 80 percent.

"(b) USE OF APPORTIONED FUNDS.—Nothing in this title limits the authority of any Capital Region jurisdiction to use funds apportioned to the jurisdiction under paragraph (1) or (3) of section 104(b) of title 23, United States Code, in accordance with the requirements for such funds, to pay any costs of the Project.

"(c) AVAILABILITY OF APPORTIONED FUNDS.—None of the funds made available under this section shall be available before the execution of the agreement described in section 407(c), except that the Secretary may fund the maintenance and rehabilitation of the Bridge and the design of the Project.".

(d) CONFORMING AMENDMENT.—Section 405(b)(1) of the Woodrow Wilson Memorial Bridge Authority Act of 1995 (109 Stat. 629) is amended by striking "the Signatories as to the Federal share of the cost of the Project and the terms and conditions related to the timing of the transfer of the Bridge to".

SEC. 1121. NATIONAL HIGHWAY SYSTEM COMPONENTS.

The National Highway System consists of the routes and transportation facilities depicted on the map submitted by the Secretary to Congress with the report entitled "Pulling Together: The National Highway System and its Connections to Major Intermodal Terminals" and dated May 24, 1996.

SEC. 1122. HIGHWAY BRIDGE REPLACEMENT AND REHABILITATION.

(a) IN GENERAL.—Section 144 of title 23, United States Code, is amended—

(1) in the section heading, by striking "**program**";

(2) by striking subsections (a) through (n), (p), and (q);

(3) by inserting after the section heading the following:

"(a) DEFINITION OF REHABILITATE.—In this section, the term 'rehabilitate' (in any of its forms), with respect to a bridge, means to carry out major work necessary—

"(1) to address the structural deficiencies, functional obsolescence, or physical deterioration of the bridge; or

"(2) to correct a major safety defect of the bridge, including seismic retrofitting.

"(b) BRIDGE INVENTORY.—

"(1) IN GENERAL.—In consultation with the States, the Secretary shall—

"(A) annually inventory all highway bridges on public roads that cross waterways, other topographical barriers, other highways, and railroads;

"(B) classify each such bridge according to serviceability, safety, and essentiality for public use; and

"(C) assign each such bridge a priority for replacement or rehabilitation based on the classification under subparagraph (B).

"(2) CONSULTATION.—In preparing an inventory of highway bridges on Indian reservation roads and park roads under paragraph (1), the Secretary shall consult with the Secretary of the Interior and the States.

"(3) INVENTORY OF HISTORICAL BRIDGES.—At the request of a State, the Secretary may inventory highway bridges on public roads for historical significance.

"(c) CERTIFICATION BY THE STATE.—Not later than 180 days after the end of each fiscal year beginning with fiscal year 1998, each State shall certify to the Secretary, either that—

"(1) the State has reserved, from funds apportioned to the State for the preceding fiscal year, to carry out bridge projects eligible under sections 103(b)(5), 119, and 133(b), an amount that is not less than the amount apportioned to the State under this section for fiscal year 1997; or

"(2) the amount that the State will reserve, from funds apportioned to the State for the period consisting of fiscal years 1998 through 2001, to carry out bridge projects eligible under sections 103(b)(5), 119, and 133(b), will be not less than 4 times the amount apportioned to the State under this section for fiscal year 1997.

"(d) USE OF RESERVED FUNDS.—A State may use funds reserved under subsection (c) to replace, rehabilitate, reconstruct, seismically retrofit, paint, apply calcium magnesium acetate to, apply sodium acetate/formate deicer to, or install scour countermeasures on a highway bridge on a public road that crosses a waterway, other topographical barrier, other highway, or railroad.

"(e) OFF-SYSTEM BRIDGES.—

"(1) REQUIRED EXPENDITURE.—For each fiscal year, an amount equal to not less than 15 percent of the amount apportioned to a State under this section for fiscal year 1997 shall be expended by the State for projects to replace, rehabilitate, reconstruct, seismically retrofit, paint, apply calcium magnesium acetate to, apply sodium acetate/formate deicer to, or install scour countermeasures on highway bridges located on public roads that are functionally classified as local roads or rural minor collectors.

"(2) USE OF FUNDS TO MEET REQUIRED EXPENDITURE.—Funds reserved under subsection (c) and funds made available under section 104(b)(1) for the National Highway System or under section 104(b)(3) for the surface transportation program may be used to meet the requirement for expenditure under paragraph (1).

"(3) REDUCTION OF REQUIRED EXPENDITURE.—After consultation with local and State officials in a State, the Secretary may, with respect to the State, reduce the requirement for expenditure under paragraph (1) if the Secretary determines that the State has inadequate needs to justify the expenditure.

"(f) FEDERAL SHARE.—The Federal share of the cost of a project under this section shall be as determined under section 120(b).

"(g) BRIDGE PERMIT EXEMPTION.—

"(1) IN GENERAL.—Subject to paragraph (2), notwithstanding any other provision of law, the General Bridge Act of 1946 (33 U.S.C. 525 et seq.) shall apply to each bridge authorized to be replaced, in whole or in part, under this section.

"(2) EXCEPTION.—Section 502(b) of the General Bridge Act of 1946 (33 U.S.C. 525(b)) and section 9 of the Act of March 3, 1899 (30 Stat. 1151, chapter 425; 33 U.S.C. 401), shall not apply to any bridge constructed, reconstructed, rehabilitated, or replaced with assistance under this title if the bridge is over waters that are—

"(A) not used and not susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce; and

"(B)(i) not tidal; or

"(ii) tidal but used only by recreational boating, fishing, and other small vessels that are less than 21 feet in length.

"(h) INDIAN RESERVATION ROAD BRIDGES.—

"(1) NATIONWIDE PRIORITY PROGRAM.—The Secretary shall establish a nationwide priority program for improving deficient Indian reservation road bridges.

"(2) RESERVATION OF FUNDS.—

"(A) IN GENERAL.—Of the amounts authorized for Indian reservation roads for each fiscal year, the Secretary, in cooperation with the Secretary of the Interior, shall reserve not less than $9,000,000 for projects to replace, rehabilitate, seismically retrofit, paint, apply calcium magnesium acetate to, apply sodium acetate/formate deicer to, or install scour countermeasures for deficient Indian reservation road bridges, including multiple-pipe culverts.

"(B) ELIGIBLE BRIDGES.—To be eligible to receive funding under this subsection, a bridge described in subparagraph (A) must—

"(i) have an opening of 20 feet or more;

"(ii) be on an Indian reservation road;

"(iii) be unsafe because of structural deficiencies, physical deterioration, or functional obsolescence; and

"(iv) be recorded in the national bridge inventory administered by the Secretary under subsection (b).

"(3) APPROVAL REQUIREMENT.—Funds to carry out Indian reservation road bridge projects under this subsection shall be made available only on approval of plans, specifications, and estimates by the Secretary.";

(4) by redesignating subsection (o) as subsection (i); and

(5) in subsection (i) (as so redesignated)—

(A) in paragraph (1), by inserting "for alternative transportation purposes (including bikeway and walkway projects eligible for funding under this title)" after "adaptive reuse";

(B) in paragraph (3)—

(i) by inserting "(regardless of whether the intended use is for motorized vehicular traffic or for alternative public transportation purposes)" after "intended use"; and

(ii) by inserting "or for alternative public transportation purposes" after "no longer used for motorized vehicular traffic"; and

(C) in the second sentence of paragraph (4)—

(i) by inserting "for motorized vehicles, alternative vehicular traffic, or alternative public transportation" after "historic bridge"; and

(ii) by striking "up to an amount not to exceed the cost of demolition".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 144 and inserting the following:

"144. Highway bridge replacement and rehabilitation.".

SEC. 1123. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.

(a) ESTABLISHED PROGRAM.—Section 149(a) of title 23, United States Code, is amended by striking "ESTABLISHMENT.—The Secretary shall establish" and inserting "IN GENERAL.—The Secretary shall carry out".

(b) ELIGIBLE PROJECTS.—Section 149(b) of title 23, United States Code, is amended in the first sentence—

(1) by striking "that was designated as a nonattainment area under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)) during any part of fiscal year 1994" and inserting "that is designated as a nonattainment area under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)) and classified under section 181(a) or 186(a) of the Clean Air Act (42 U.S.C. 7511(a), 7512(a)) or classified as a submarginal ozone nonattainment area under that Act, or if the project or program is for a maintenance area,";

(2) in paragraph (1)—

(A) in subparagraph (A), by striking "clauses (xii) and" and inserting "clause"; and

(B) in subparagraph (B), by striking "such section" and inserting "section 108(f)(1)(A) (other than clause (xvi)) of the Clean Air Act (42 U.S.C. 7408(f)(1)(A))";

(3) in paragraph (2), by inserting "or maintenance" after "State implementation";

(4) in paragraph (3), by inserting "or maintenance of the standard" after "standard"; and

(5) in paragraph (4), by inserting "or maintenance" after "attainment".

(c) STATES RECEIVING MINIMUM APPORTIONMENT.—Section 149 of title 23, United States Code, is amended by striking subsection (c) and inserting the following:

"(c) STATES RECEIVING MINIMUM APPORTIONMENT.—

"(1) STATES WITHOUT A NONATTAINMENT AREA.—If a State does not have, and never has had, a nonattainment area designated under the Clean Air Act (42 U.S.C. 7401 et seq.), the State may use funds apportioned to the State *under section 104(b)(2) for any project eligible under the surface transportation program under section 133.*

"(2) STATES WITH A NONATTAINMENT AREA.—If a State has a nonattainment area or maintenance area and receives funds under section 104(b)(2)(D) above the amount of funds that the State would have received based on its nonattainment and maintenance area population under subparagraphs (B) and (C) of section 104(b)(2), the State may use that portion of the funds not based on its nonattainment and maintenance area population under subparagraphs (B) and (C) of section 104(b)(2) for any project in the State eligible under section 133.".

(d) FEDERAL SHARE.—Section 120(c) of title 23, United States Code, is amended in the first sentence by striking "The" and inserting "Except in the case of a project funded from sums apportioned under section 104(b)(2), the".

(e) CONFORMING AMENDMENTS.—

(1) Section 101(a) of title 23, United States Code, is amended by inserting after the undesignated paragraph defining "maintenance" the following:

"The term 'maintenance area' means an area that was designated as a nonattainment area, but was later redesignated by the Administrator of the Environmental Protection Agency as an attainment area, under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)).".

(2) Section 149(b)(1)(A)(ii) of title 23, United States Code, is amended by striking "an area" and all that follows and inserting "a maintenance area; or".

SEC. 1124. SAFETY BELT USE LAW REQUIREMENTS.

Section 355 of the National Highway System Designation Act of 1995 (109 Stat. 624) is amended—

*(1) in the section heading, by striking "**AND MAINE**";*

(2) in subsection (a)—

(A) by striking "States of New Hampshire and Maine shall each" and inserting "State of New Hampshire shall"; and

(B) in paragraph (1), by striking "and 1996" and inserting "through 2000"; and

(3) by striking "or Maine" each place it appears.

SEC. 1125. SENSE OF THE SENATE CONCERNING RELIANCE ON PRIVATE ENTERPRISE.

(a) IN GENERAL.—It is the sense of the Senate that each agency authorized to expend funds made available under this Act, or an amendment made by this Act, or a recipient of any form of a grant or other Federal assistance under this Act, or an amendment made by this Act—

(1) should, in expending the funds or assistance, rely on entities in the private enterprise system to provide such goods and services as are reasonably and expeditiously available through ordinary business channels; and

(2) shall not duplicate or compete with entities in the private enterprise system.

(b) PROCEDURES.—The Secretary should provide procedures to inform each agency that administers this Act and each recipient of a grant or other Federal assistance of the sense of the Senate expressed in subsection (a).

SEC. 1126. STUDY OF USE OF UNIFORMED POLICE OFFICERS ON FEDERAL-AID HIGHWAY CONSTRUCTION PROJECTS.

(a) IN GENERAL.—In consultation with the States and State transportation departments, the Secretary shall conduct a study on the extent and effectiveness of use by States of uniformed police officers on Federal-aid highway construction projects.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study conducted under subsection (a), including any legislative and administrative recommendations of the Secretary.

SEC. 1127. CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.

Section 112(b)(2) of title 23, United States Code, is amended—

(1) in subparagraph (B)(i), by striking ", except to" and all that follows through "services";

(2) by striking subparagraph (C) and inserting the following:

"(C) SELECTION, PERFORMANCE, AND AUDITS.—

"(i) IN GENERAL.—All requirements for architectural, engineering, and related services at any phase of a highway project funded in whole or in part with Federal-aid highway funds, or reasonably expected or intended to be part of 1 or more such projects, shall be performed under a contract awarded in accordance with subparagraph (A) unless the simplified acquisition procedures of the Federal Acquisition Regulations apply.

"(ii) PROHIBITION ON STATE RESTRICTION.—A State shall not impose any overhead restriction, or salary limitation inconsistent with the Federal Acquisition Regulations, that would preclude any qualified firm from being eligible to compete for contracts awarded in accordance with subparagraph (A).

"(iii) COMPLIANCE WITH FEDERAL ACQUISITION REGULATIONS.—The process for selection, award, performance, administration, and audit of the resulting contracts shall comply with the procedures, cost principles, and cost accounting principles of the Federal Acquisition Regulations, including parts 30, 31, and 36 of the Regulations."; and

(3) by adding at the end the following:

"(H) COMPLIANCE.—

"(i) IN GENERAL.—A State shall comply with the qualifications-based selection procedures of the Federal Acquisition Regulations, and the single audit procedures required under this paragraph, or with an existing State law or a statute enacted in accordance with the legislative session exemption under subparagraph (G), with respect to any architecture, engineering, or related service contract for any phase of a Federal-aid highway project.

"(ii) STATES WITH ALTERNATIVE PROCESS.—Any State that, after November 28, 1995, enacted legislation to establish an alternative State procedure as a substitute for the contract administration and audit procedures required under this paragraph or was granted a waiver under subparagraph (G) shall submit the legislation to the Secretary, not later than 60 days after the date of enactment of this subparagraph, for certification that the State legislation is in compliance with the statutory timetable and substantive criteria specified in subparagraph (G).".

SEC. 1128. ADDITIONAL FUNDING.

(a) IN GENERAL.—

(1) APPORTIONMENT.—On October 1, or as soon as practicable thereafter, of each fiscal year, after making apportionments and allocations under sections 104 and 105(a) of title 23, United States Code, and section 1102(c) of this Act, the Secretary shall apportion, in accordance with paragraph (2), the funds made available by paragraph (3) among the States in the ratio that—

(A) the total of the apportionments to each State under section 104 of title 23, United States Code, and section 1102(c) of this Act and the allocations to each State under section 105(a) of that title (excluding amounts made available under this section); bears to

(B) the total of all apportionments to all States under section 104 of that title and section 1102(c) of this Act and all allocations to all States under section 105(a) of that title (excluding amounts made available under this section).

(2) DISTRIBUTION AMONG CATEGORIES.—

(A) LIMITED FLEXIBLE FUNDING FOR CERTAIN STATES.—For each fiscal year, in the case of each State that does not receive funding under subsection (c) or an allocation under subsection (d), an amount equal to 22 percent of the funds apportioned to the State under paragraph (1) shall be set aside for use by the State for any purpose eligible for funding under title 23, United States Code, or this Act.

(B) DISTRIBUTION OF REMAINING FUNDS.—

(i) IN GENERAL.—For each fiscal year, after application of subparagraph (A), the remaining funds apportioned to each State under paragraph (1) shall be apportioned in accordance with clause (ii) among the following categories:

(I) The Interstate maintenance component of the Interstate and National Highway System program under section 104(b)(1)(A) of title 23, United States Code.

(II) The Interstate bridge component of the Interstate and National Highway System program under section 104(b)(1)(B) of that title.

(III) The National Highway System component of the Interstate and National Highway System program under section 104(b)(1)(C) of that title.

(IV) The congestion mitigation and air quality improvement program under section 104(b)(2) of that title.

(V) The surface transportation program under section 104(b)(3) of that title.

(VI) Metropolitan planning under section 104(f) of that title.

(VII) Minimum guarantee under section 105 of that title.

(VIII) ISTEA transition under section 1102(c) of this Act.

(ii) DISTRIBUTION FORMULA.—For each State and each fiscal year, the amount of funds apportioned for each category under clause (i) shall be equal to the product obtained by multiplying—

(I) the amount of funds apportioned to the State for the fiscal year under paragraph (1); by

(II) the ratio that—

(aa) the amount of funds apportioned to the State for the category for the fiscal year under the other sections of this Act and the amendments made by this Act; bears to

(bb) the total amount of funds apportioned to the State for all of the categories for the fiscal year under the other sections of this Act and the amendments made by this Act.

(3) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $640,000,000 for fiscal year 1998, $3,346,000,000 for fiscal year 1999, $3,634,000,000 for fiscal year 2000, $3,881,000,000 for fiscal year 2001, $3,831,000,000 for fiscal year 2002, and $3,603,000,000 for fiscal year 2003.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(b) OTHER ADJUSTMENTS.—

(1) IN GENERAL.—Notwithstanding sections 1116, 1117, and 1118, and the amendments made by those sections—

(A) in addition to the amounts authorized to be appropriated under section 1116(d)(5), there shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 1116(d) $90,000,000 for each of fiscal years 1999 through 2003; and

(B) in addition to the funds made available under the amendment made by section 1117(d), there shall be available from the Highway Trust Fund (other than the Mass Transit Account) in the manner described in, and to carry out the purposes specified in, that amendment $378,000,000 for each of fiscal years 1999 through 2003, except that the funds made available

under this subparagraph, notwithstanding section 118(e)(1)(C)(v) of title 23, United States Code, and section 201(g)(1)(B) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.), shall be subject to subparagraphs (A) and (B) of section 118(e)(1) of that title.

(2) CONTRACT AUTHORITY.—Funds authorized under subparagraphs (A) and (B) of paragraph (1) shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(3) LIMITATION.—No obligation authority shall be made available for any amounts authorized under this subsection for any fiscal year for which any obligation limitation established for Federal-aid highways is less than the obligation limitation established for fiscal year 1998.

(c) HIGH DENSITY TRANSPORTATION PROGRAM.—

(1) IN GENERAL.—There is established the high density transportation program (referred to in this subsection as the "program") to provide funding to States that have higher-than-average population density.

(2) DETERMINATIONS.—

(A) IN GENERAL.—On October 1, or as soon as practicable thereafter, of each of fiscal years 1999 through 2003, the Secretary shall determine for each State and the fiscal year—

(i) the population density of the State;

(ii) the total vehicle miles traveled on lanes on Federal-aid highways in the State during the latest year for which data are available;

(iii) the ratio that—

(I) the total lane miles on Federal-aid highways in urban areas in the State; bears to

(II) the total lane miles on all Federal-aid highways in the State; and

(iv) the quotient obtained by dividing—

(I) the sum of—

(aa) the amounts apportioned to the State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program;

(bb) the amounts allocated to the State under the minimum guarantee program under section 105 of that title; and

(cc) the amounts apportioned to the State under section 1102(c) of this Act for ISTEA transition; by

(II) the population of the State (as determined based on the latest available annual estimates prepared by the Secretary of Commerce).

(B) NATIONAL AVERAGE.—Using the data determined under subparagraph (A), the Secretary shall determine the national average with respect to each of the factors described in clauses (i) through (iv) of subparagraph (A).

(3) ELIGIBILITY CRITERIA.—A State shall be eligible to receive funding under the program if—

(A) the amount determined for the State under paragraph (2)(A) with respect to each factor described in clauses (i) through (iii) of paragraph (2)(A) is greater than the national average with respect to the factor determined under paragraph (2)(B); and

(B) the amount determined for the State with respect to the factor described in paragraph (2)(A)(iv) is less than 85 percent of the national average with respect to the factor determined under paragraph (2)(B).

(4) DISTRIBUTION OF FUNDS.—

(A) AVAILABILITY TO STATES.—For each fiscal year, except as provided in subparagraph (D), each State that meets the eligibility criteria under paragraph (3) shall receive a portion of the funds made available to carry out the program that is—

(i) not less than $36,000,000; but

(ii) not more than 15 percent of the funds.

(B) STATE NOTIFICATION.—On October 1, or as soon as practicable thereafter, of each fiscal year, the Secretary shall notify each State that meets the eligibility criteria under paragraph (3) that the State is eligible to apply for funding under the program.

(C) PROJECT PROPOSALS.—

(i) SUBMISSION.—

(I) IN GENERAL.—After receipt of a notification of eligibility under subparagraph (B), to receive funds under the program, a State, in consultation with the appropriate metropolitan planning organizations, shall submit to the Secretary proposals for projects aimed at improving mobility in densely populated areas where traffic loads and highway maintenance costs are high.

(II) TOTAL COST OF PROJECTS.—The estimated total cost of the projects proposed by each State shall be equal to at least 3 times the amount that the State is eligible to receive under subparagraph (A).

(ii) SELECTION.—The Secretary shall select projects for funding under the program based on factors determined by the Secretary to reflect the degree to which a project will improve mobility in densely populated areas where traffic loads and highway maintenance costs are high.

(iii) DEADLINES.—The Secretary may establish deadlines for States to submit project proposals, except that in the case of fiscal year 1998 the deadline may not be earlier than July 1, 1998.

(D) REDISTRIBUTION OF FUNDS.—For each fiscal year, if a State does not have pending, by the deadline established under subparagraph (C)(iii), applications for projects with an estimated total cost equal to at least 3 times the amount that the State is eligible to receive under subparagraph (A), the Secretary may redistribute, to 1 or more other States, at the Secretary's discretion, ⅓ of the amount by which the estimated cost of the State's applications is less than 3 times the amount that the State is eligible to receive.

(5) OTHER ELIGIBLE STATES.—In addition to States that meet the eligibility criteria under paragraph (3), a State with respect to which the following conditions are met shall also be eligible for the funds made available to carry out the program that remain after each State that meets the eligibility criteria under paragraph (3) has received the minimum amount of funds specified in paragraph (4)(A)(i):

(A) POPULATION DENSITY.—The population density of the State is at least 50 percent greater than the population density of the United States (as determined on the basis of the 1990 Federal census).

(B) THROUGH TRUCK TRAFFIC.—The quotient obtained by dividing—

(i) the annual quantity of through truck ton-miles in the State (as determined based on the latest available estimates published by the Secretary); by

(ii) the annual quantity of total truck ton-miles in the State (as determined based on the latest available estimates published by the Secretary);

is greater than 0.60.

(6) ADDITIONAL ELIGIBLE STATES.—In addition to States that meet the eligibility criteria under paragraph (3), a State with respect to which the following conditions are met shall also be eligible for the funds made available to carry out the program that remain after each State that meets the eligibility criteria under paragraph (3) has received the minimum amount of funds specified in paragraph (4)(A)(i):

(A) POPULATION DENSITY.—The population density of the State is greater than 161 individuals per square mile.

(B) VEHICLE MILES TRAVELED.—The amount determined for the State under paragraph (2)(A) with respect to the factor described in paragraph (2)(A)(ii) is greater than the national average with respect to the factor determined under paragraph (2)(B).

(C) URBAN FEDERAL-AID LANE MILES.—The ratio that—

(i) the total lane miles on Federal-aid highways in urban areas in the State; bears to

(ii) the total lane miles on all Federal-aid highways in the State;

is greater than or equal to 0.26.

(D) APPORTIONMENTS PER CAPITA.—The amount determined for the State with respect to the factor described in paragraph (2)(A)(iv) is less than 85 percent of the national average with respect to the factor determined under paragraph (2)(B).

(7) ELIGIBLE PROJECTS.—Funds made available to carry out the program may be used for any project eligible for funding under title 23, United States Code, or this Act.

(8) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $360,000,000 for each of fiscal years 1999 through 2003.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(9) LIMITATIONS.—

(A) APPLICABILITY OF OBLIGATION LIMITATIONS.—Funds made available under this subsection shall be subject to subparagraphs (A) and (B) of section 118(c)(1) of that title.

(B) LIMITATION ON AVAILABILITY.—No obligation authority shall be made available for any amounts authorized under this subsection for any fiscal year for which any obligation limitation established for Federal-aid highways is less than the obligation limitation established for fiscal year 1998.

(d) BONUS PROGRAM.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, after making apportionments and allocations under section 1102 and the amendments made by that section, the Secretary shall allocate to each of the States listed in the following table the amount specified for the State in the following table:

State	Fiscal Year (amounts in thousands of dollars)					
	1998	1999	2000	2001	2002	2003
Alabama	$4,969	$11,021	$11,093	$11,169	$11,253	$11,352
Arizona	$3,864	$14,418	$14,474	$14,533	$14,598	$14,676
California	$10,353	$47,050	$48,691	$48,094	$39,345	$35,119

State	Fiscal Year (amounts in thousands of dollars)					
	1998	1999	2000	2001	2002	2003
Florida	$11,457	$30,175	$30,342	$30,518	$30,710	$30,940
Georgia	$8,723	$19,347	$19,474	$19,608	$19,754	$19,930
Illinois	$8,277	$21,800	$21,921	$22,048	$22,187	$22,353
Indiana	$6,052	$22,580	$22,668	$22,761	$22,862	$22,984
Kentucky	$4,316	$9,573	$9,636	$9,703	$9,775	$9,862
Maryland	$3,749	$4,202	$4,257	$4,314	$4,377	$4,452
Michigan	$7,849	$29,286	$29,400	$29,521	$29,652	$29,810
North Carolina	$7,032	$15,597	$15,700	$15,808	$15,925	$16,067
Ohio	$8,567	$9,601	$9,726	$9,858	$10,001	$10,173
Pennsylvania	$5,409	$4,174	$60	$0	$0	$0
South Carolina	$3,953	$12,966	$13,023	$13,084	$13,150	$13,230
Tennessee	$5,631	$12,490	$12,572	$12,658	$12,752	$12,866
Texas	$17,129	$63,908	$64,157	$64,421	$64,707	$65,052
Virginia	$6,368	$14,124	$14,217	$14,315	$14,421	$14,549
Wisconsin	$4,520	$16,864	$16,929	$16,999	$17,075	$17,165

(2) ELIGIBLE PURPOSES.—Amounts allocated under paragraph (1) shall be available for any purpose eligible for funding under title 23, United States Code, or this Act.

(3) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this subsection.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(4) LIMITATIONS.—

(A) APPLICABILITY OF OBLIGATION LIMITATIONS.—Funds made available under this subsection shall be subject to subparagraphs (A) and (B) of section 118(e)(1) of that title.

(B) LIMITATION ON AVAILABILITY.—No obligation authority shall be made available for any amounts authorized under this subsection for any fiscal year for which any obligation limitation established for Federal-aid highways is less than the obligation limitation established for fiscal year 1998.

(e) FEDERAL LANDS HIGHWAYS PROGRAM.—

(1) IN GENERAL.—In addition to the amounts made available under section 1101(4), there shall be available from the Highway Trust Fund (other than the Mass Transit Account)—

(A) for Indian reservation roads under section 204 of title 23, United States Code, $50,000,000 for each of fiscal years 1999 through 2003;

(B) for parkways and park roads under section 204 of title 23, United States Code, $70,000,000 for each of fiscal years 1999 through 2003, of which $20,000,000 for each fiscal year shall be available to maintain and improve public roads that provide access to or within units of the National Wildlife Refuge System; and

(C) for public lands highways under section 204 of title 23, United States Code, $50,000,000 for each of fiscal years 1999 through 2003.

(2) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this subsection.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(3) LIMITATIONS.—

(A) APPLICABILITY OF OBLIGATION LIMITATIONS.—Funds made available under this subsection shall be subject to subparagraphs (A) and (B) of section 118(e)(1) of that title.

(B) LIMITATION ON AVAILABILITY.—No obligation authority shall be made available for any amounts authorized under this subsection for any fiscal year for which any obligation limitation established for Federal-aid highways is less than the obligation limitation established for fiscal year 1998.

(f) PREFERENCE IN INTERSTATE 4R AND BRIDGE DISCRETIONARY PROGRAM ALLOCATIONS.—In allocating funds under section 104(k) of title 23, United States Code, the Secretary shall give preference to States—

(1)(A) with respect to which at least 40 percent of the bridges in the State are functionally obsolete and structurally deficient; and

(B) that do not receive assistance made available under subsection (b)(1)(B) or funding under subsection (c); or

(2) that are bordered by 2 navigable rivers listed under section 1804 of title 33, United States Code, that each comprise at least 10 percent of the boundary of the State.

(g) ADDITIONAL ALLOCATIONS.—

(1) IN GENERAL.—For each of fiscal years 1999 through 2003, after making apportionments and allocations under sections 104 and 105(a) of title 23, United States Code, and section 1102(c) of this Act, the Secretary shall allocate to each of the following States the following amount specified for the State:

(A) Arizona: $7,016,000.

(B) Indiana: $9,290,000.

(C) Michigan: $11,158,000.

(D) Oklahoma: $6,924,000.

(E) South Carolina: $7,109,000.

(F) Texas: $20,804,000.

(G) Wisconsin: $7,699,000.

(2) ELIGIBLE PURPOSES.—Amounts allocated under paragraph (1) shall be available for any purpose eligible for funding under title 23, United States Code, or this Act.

(3) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this subsection.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(4) LIMITATIONS.—

(A) APPLICABILITY OF OBLIGATION LIMITATIONS.—Funds made available under this subsection shall be subject to subparagraphs (A) and (B) of section 118(e)(1) of that title.

(B) LIMITATION ON AVAILABILITY.—No obligation authority shall be made available for any amounts authorized under this subsection for any fiscal year for which any obligation limitation established for Federal-aid highways is less than the obligation limitation established for fiscal year 1998.

SEC. 1129. AMBASSADOR BRIDGE ACCESS, DETROIT, MICHIGAN.

(a) IN GENERAL.—Notwithstanding section 129 of title 23, United States Code, or any other provision of law, improvements to access roads and construction of access roads, approaches, and related facilities (such as signs, lights, and signals) necessary to connect the Ambassador Bridge in Detroit, Michigan, to the Interstate System shall be eligible for funds apportioned under paragraphs (1)(C) and (3) of section 104(b) of that title.

(b) USE OF FUNDS.—Funds described in subsection (a) shall not be used for any improvement to, or construction of, the bridge itself.

SEC. 1130. TRANSPORTATION ASSISTANCE FOR OLYMPIC CITIES.

(a) PURPOSE.—The purpose of this section is to authorize the provision of assistance for, and support of, State and local efforts concerning surface transportation issues necessary to obtain the national recognition and economic benefits of participation in the International Olympic movement and the International Paralympic movement by hosting international quadrennial Olympic and Paralympic events in the United States.

(b) PRIORITY FOR TRANSPORTATION PROJECTS RELATING TO OLYMPIC AND PARALYMPIC EVENTS.—Notwithstanding any other provision of law, from funds available to carry out section 104(k) of title 23, United States Code, the Secretary may give priority to funding for a transportation project relating to an international quadrennial Olympic or Paralympic event if—

(1) the project meets the extraordinary needs associated with an international quadrennial Olympic or Paralympic event; and

(2) the project is otherwise eligible for assistance under section 104(k) of that title.

(c) TRANSPORTATION PLANNING ACTIVITIES.—The Secretary may participate in—

(1) planning activities of States and metropolitan planning organizations and transportation projects relating to an international quadrennial Olympic or Paralympic event under sections 134 and 135 of title 23, United States Code; and

(2) developing intermodal transportation plans necessary for the projects in coordination with State and local transportation agencies.

(d) FUNDING.—Notwithstanding section 541(a) of title 23, United States Code, from funds made available under that section, the Secretary may provide assistance for the development of an Olympic and a Paralympic transportation management plan in cooperation with an Olympic Organizing Committee responsible for hosting, and State and local communities affected by, an international quadrennial Olympic or Paralympic event.

(e) TRANSPORTATION PROJECTS RELATING TO OLYMPIC AND PARALYMPIC EVENTS.—

(1) IN GENERAL.—The Secretary may provide assistance, including planning, capital, and operating assistance, to States and local governments in carrying out transportation projects relating to an international quadrennial Olympic or Paralympic event.

(2) FEDERAL SHARE.—The Federal share of the cost of a project assisted under this subsection shall not exceed 80 percent.

(f) ELIGIBLE GOVERNMENTS.—A State or local government shall be eligible to receive assistance under this section only if the government is hosting a venue that is part of an international quadrennial Olympics that is officially selected by the International Olympic Committee.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section such sums as are necessary for each of fiscal years 1998 through 2003.

SEC. 1131. NATIONAL DEFENSE HIGHWAYS OUTSIDE THE UNITED STATES.

(a) RECONSTRUCTION PROJECTS.—if the Secretary determines, after consultation with the Secretary of Defense, that a highway or a portion of a highway, located outside the United States is important to the national defense, the Secretary may carry out a project for reconstruction of the highway or portion of highway

(b) FUNDING.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary may set aside not to exceed $16,000,000 from amounts to be apportioned under section 104(b)(1)(A) of title 23, United States Code, to carry out this section.

(2) AVAILABILITY.—Funds made available under paragraph (1) shall remain available until expended.

SEC. 1132. NATIONAL HISTORIC COVERED BRIDGE PRESERVATION.

(a) DEFINITIONS.—In this section:

(1) COVERED BRIDGE.—The term "covered bridge"—

(A) means a roofed bridge that is made primarily of wood; and

(B) includes the roof, flooring, trusses, joints, walls, piers, footings, walkways, support structures, arch systems, and underlying land.

(2) HISTORIC COVERED BRIDGE.—The term "historic covered bridge" means a covered bridge that—

(A) is at least 50 years old; or

(B) is listed on the National Register of Historic Places.

(b) HISTORIC COVERED BRIDGE PRESERVATION.—The Secretary shall—

(1) develop and maintain a list of historic covered bridges;

(2) collect and disseminate information concerning historic covered bridges;

(3) foster educational programs relating to the history, construction techniques, and contribution to society of historic covered bridges;

(4) sponsor or conduct research on the history of covered bridges; and

(5) sponsor or conduct research, and study techniques, on protecting covered bridges from rot, fire, natural disasters, or weight-related damage.

(c) DIRECT FEDERAL ASSISTANCE.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall make a grant to a State that submits an application to the Secretary that demonstrates a need for assistance in carrying out 1 or more historic covered bridge projects described in paragraph (2).

(2) TYPES OF PROJECT.—A grant under paragraph (1) may be made for a project—

(A) to rehabilitate or repair a historic covered bridge;

(B) to preserve a historic covered bridge, including through—

(i) installation of a fire protection system, including a fireproofing or fire detection system and sprinklers;

(ii) installation of a system to prevent vandalism and arson; or

(iii) relocation of a bridge to a preservation site; and

(C) to conduct a field test on a historic covered bridge or evaluate a component of a historic covered bridge, including through destructive testing of the component.

(3) AUTHENTICITY.—A grant under paragraph (1) may be made for a project only if—

(A) to the maximum extent practicable, the project—

(i) is carried out in the most historically appropriate manner; and

(ii) preserves the existing structure of the historic covered bridge; and

(B) the project provides for the replacement of wooden components with wooden components, unless the use of wood is impracticable for safety reasons.

(d) FUNDING.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 1999 through 2003, to remain available until expended.

Subtitle B—Program Streamlining and Flexibility

CHAPTER 1—GENERAL PROVISIONS

SEC. 1201. ADMINISTRATIVE EXPENSES.

Section 104 of title 23, United States Code, is amended by striking subsection (a) and inserting the following:

"(a) ADMINISTRATIVE EXPENSES.—

"(1) IN GENERAL.—Whenever an apportionment is made of the sums made available for expenditure on the surface transportation program under section 133, the congestion mitigation and air quality improvement program under section 149 or the Interstate and National Highway System program under section 103, the Secretary shall deduct a sum, in an amount not to exceed 1½ percent of all sums so made available, as the Secretary determines necessary to administer the provisions of law to be financed from appropriations for the Federal-aid highway program and programs authorized under chapter 2.

"(2) CONSIDERATION OF UNOBLIGATED BALANCES.—In making the determination described in paragraph (1), the Secretary shall take into account the unobligated balance of any sums deducted under this subsection in prior fiscal years.

"(3) AVAILABILITY.—The sum deducted under paragraph (1) shall remain available until expended.".

SEC. 1202. REAL PROPERTY ACQUISITION AND CORRIDOR PRESERVATION.

(a) ADVANCE ACQUISITION OF REAL PROPERTY.—Section 108 of title 23, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§108. Advance acquisition of real property"; and

(2) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—

"(1) AVAILABILITY OF FUNDS.—For the purpose of facilitating the timely and economical acquisition of real property for a transportation improvement eligible for funding under this title, the Secretary, upon the request of a State, may make available, for the acquisition of real property, such funds apportioned to the State as may be expended on the transportation improvement, under such rules and regulations as the Secretary may issue.

"(2) CONSTRUCTION.—The agreement between the Secretary and the State for the reimbursement of the cost of the real property shall provide for the actual construction of the transportation improvement within a period not to exceed 20 years following the fiscal year for which the request is made, unless the Secretary determines that a longer period is reasonable.".

(b) CREDIT FOR ACQUIRED LANDS.—Section 323(b) of title 23, United States Code, is amended—

(1) in the subsection heading, by striking "DONATED" and inserting "ACQUIRED";

(2) by striking paragraphs (1) and (2) and inserting the following:

"(1) IN GENERAL.—Notwithstanding any other provision of this title, the State share of the cost of a project with respect to which Federal assistance is provided from the Highway Trust Fund (other than the Mass Transit Account) may be credited in an amount equal to the fair market value of any land that—

"(A) is obtained by the State or a unit of local government in the State, without violation of Federal law;

"(B) is incorporated into the project;

"(C) is not land described in section 138; and

"(D) does not influence the environmental assessment of the project, including—

"(i) the decision as to the need to construct the project;

"(ii) the consideration of alternatives; and

"(iii) the selection of a specific location.

"(2) ESTABLISHMENT OF FAIR MARKET VALUE.—The fair market value of land incorporated into a project and credited under paragraph (1) shall be established in the manner determined by the Secretary, except that—

"(A) the fair market value shall not include any increase or decrease in the value of donated property caused by the project; and

"(B) the fair market value of donated land shall be established as of the earlier of—

"(i) the date on which the donation becomes effective; or

"(ii) the date on which equitable title to the land vests in the State.";

(3) in paragraph (3), by striking "agency of a Federal, State, or local government" and inserting "agency of the Federal Government";

(4) in paragraph (4), by striking "to which the donation is applied"; and

(5) by redesignating paragraph (4) as paragraph (3).

(c) CREDITING OF CONTRIBUTIONS BY UNITS OF LOCAL GOVERNMENT TOWARD THE STATE

SHARE.—Section 323 of title 23, United States Code, is amended by adding at the end the following:

"(e) CREDITING OF CONTRIBUTIONS BY UNITS OF LOCAL GOVERNMENT TOWARD THE STATE SHARE.—A contribution by a unit of local government of real property, funds, material, or a service in connection with a project eligible for assistance under this title shall be credited against the State share of the project at the fair market value of the real property, funds, material, or service.".

(d) CONFORMING AMENDMENTS.—

(1) Section 323 of title 23, United States Code, is amended by striking the section heading and inserting the following:

"§323. Donations and credits".

(2) The analysis for chapter 1 of title 23, United States Code, is amended—

(A) by striking the item relating to section 108 and inserting the following:

"108. Advance acquisition of real property.";

and

(B) by striking the item relating to section 323 and inserting the following:

"323. Donations and credits.".

SEC. 1203. AVAILABILITY OF FUNDS.

Section 118 of title 23, United States Code, is amended by striking subsection (e) and inserting the following:

"(e) AVAILABILITY OF FUNDS.—

"(1) IN GENERAL.—Any Federal-aid highway funds released by the final payment on a project, or by the modification of a project agreement, shall be credited to the same program funding category for which the funds were previously apportioned and shall be immediately available for obligation.

"(2) TRANSFER OF INTERSTATE CONSTRUCTION FUNDS.—Any Federal-aid highway funds apportioned to a State under section 104(b)(5)(A) (as in effect on the day before the date of enactment of this paragraph) and credited under paragraph (1) may be transferred by the Secretary in accordance with section 103(d).".

SEC. 1204. PAYMENTS TO STATES FOR CONSTRUCTION.

Section 121 of title 23, United States Code, is amended—

(1) in subsection (a), by striking the second and third sentences and inserting the following: "The payments may also be made for the value of such materials as—

"(1) have been stockpiled in the vicinity of the construction in conformity to plans and specifications for the projects; and

"(2) are not in the vicinity of the construction if the Secretary determines that because of required fabrication at an off-site location the materials cannot be stockpiled in the vicinity.";

(2) by striking subsection (b) and inserting the following:

"(b) PROJECT AGREEMENTS.—

"(1) PAYMENTS.—A payment under this chapter may be made only for a project covered by a project agreement.

"(2) SOURCE OF PAYMENTS.—After completion of a project in accordance with the project agreement, a State shall be entitled to payment, out of the appropriate sums apportioned or allocated to the State, of the unpaid balance of the Federal share of the cost of the project.";

(3) by striking subsections (c) and (d); and

(4) by redesignating subsection (e) as subsection (c).

SEC. 1205. PROCEEDS FROM THE SALE OR LEASE OF REAL PROPERTY.

(a) IN GENERAL.—Section 156 of title 23, United States Code, is amended to read as follows:

"§156. Proceeds from the sale or lease of real property

"(a) MINIMUM CHARGE.—Subject to section 142(f), a State shall charge, at a minimum, fair market value for the sale, use, lease, or lease renewal (other than for utility use and occupancy or for a transportation project eligible for assistance under this title) of real property acquired with Federal assistance made available from the Highway Trust Fund (other than the Mass Transit Account).

"(b) EXCEPTIONS.—The Secretary may grant an exception to the requirement of subsection (a) for a social, environmental, or economic purpose.

"(c) USE OF FEDERAL SHARE OF INCOME.—The Federal share of net income from the revenues obtained by a State under subsection (a) shall be used by the State for projects eligible under this title.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 156 and inserting the following:

"156. Proceeds from the sale or lease of real property.".

SEC. 1206. METRIC CONVERSION AT STATE OPTION.

Section 205(c)(2) of the National Highway System Designation Act of 1995 (23 U.S.C. 109 note; 109 Stat. 577) is amended by striking "Before September 30, 2000, the" and inserting "The".

SEC. 1207. REPORT ON OBLIGATIONS.

Section 104(m) of title 23, United States Code (as redesignated by section 1113(c)(1)), is amended—

(1) by inserting "REPORT TO CONGRESS.—" before "The Secretary";

(2) by striking "not later than" and all that follows through "a report" and inserting "a report for each fiscal year";

(3) in paragraph (1), by striking "preceding calendar month" and inserting "preceding fiscal year";

(4) by striking paragraph (2);

(5) in paragraph (3), by striking "such preceding month" and inserting "that preceding fiscal year"; and

(6) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

SEC. 1208. TERMINATIONS.

(a) RIGHT-OF-WAY REVOLVING FUND.—Section 108 of title 23, United States Code, is amended by striking subsection (c) and inserting the following:

"(c) TERMINATION OF RIGHT-OF-WAY REVOLVING FUND.—

"(1) IN GENERAL.—Funds apportioned and advanced to a State by the Secretary from the right-of-way revolving fund established by this section prior to the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1998 shall remain available to the State for use on the projects for which the funds were advanced for a period of 20 years from the date on which the funds were advanced.

"(2) CREDIT TO HIGHWAY TRUST FUND.—With respect to a project for which funds have been advanced from the right-of-way revolving fund, upon the termination of the 20-year period referred to in paragraph (1), when actual construction is commenced, or upon approval by the Secretary of the plans, specifications, and estimates for the actual construction of the project on the right-of-way, whichever occurs first—

"(A) the Highway Trust Fund shall be credited with an amount equal to the Federal share of the funds advanced, as provided in section 120, out of any Federal-aid highway funds apportioned to the State in which the project is located and available for obligation for projects of the type funded; and

"(B) the State shall reimburse the Secretary in an amount equal to the non-Federal share of the funds advanced for deposit in, and credit to, the Highway Trust Fund.".

(b) PILOT TOLL COLLECTION PROGRAM.—Section 129 of title 23, United States Code, is amended by striking subsection (d).

(c) NATIONAL RECREATIONAL TRAILS ADVISORY COMMITTEE.—As soon as practicable after the date of enactment of this Act, the Secretary shall take such action as is necessary for the termination of the National Recreational Trails Advisory Committee established by section 1303 of the Intermodal Surface Transportation Efficiency Act of 1991 (16 U.S.C. 1262) (as in effect on the day before the date of enactment of this Act).

(d) CONGRESSIONAL BRIDGE COMMISSIONS.—Public Law 87–441 (76 Stat. 59) is repealed.

SEC. 1209. INTERSTATE MAINTENANCE.

(a) INTERSTATE FUNDS.—Section 119 of title 23, United States Code, is amended—

(1) in subsection (a), by striking the second sentence;

(2) by striking subsection (d); and

(3) by striking subsection (f) and inserting the following:

"(f) TRANSFERABILITY OF FUNDS.—

"(1) UNCONDITIONAL.—A State may transfer an amount not to exceed 30 percent of the sums apportioned to the State under subparagraphs (A) and (B) of section 104(b)(1) to the apportionment of the State under paragraphs (1)(C) and (3) of section 104(b).

"(2) UPON ACCEPTANCE OF CERTIFICATION.—If a State certifies to the Secretary that any part of the sums apportioned to the State under subparagraphs (A) and (B) of section 104(b)(1) is in excess of the needs of the State for resurfacing, restoring, rehabilitating, or reconstructing routes and bridges on the Interstate System in the State and that the State is adequately maintaining the routes and bridges, and the Secretary accepts the certification, the State may transfer, in addition to the amount authorized to be transferred under paragraph (1), an amount not to exceed 20 percent of the sums apportioned to the State under subparagraphs (A) and (B) of section 104(b)(1) to the apportionment of the State under paragraphs (1)(C) and (3) of section 104(b).".

(b) ELIGIBILITY.—Section 119 of title 23, United States Code, is amended—

(1) in the first sentence of subsection (a), by striking "and rehabilitating" and inserting ", rehabilitating, and reconstructing";

(2) by striking subsections (b), (c), (e), and (g);

(3) by inserting after subsection (a) the following:

"(b) ELIGIBLE ACTIVITIES.—

"(1) IN GENERAL.—A State—

"(A) may use funds apportioned under subparagraph (A) or (B) of section 104(b)(1) for resurfacing, restoring, rehabilitating, and reconstructing routes on the Interstate System, including—

"(i) resurfacing, restoring, rehabilitating, and reconstructing bridges, interchanges, and overcrossings;

"(ii) acquiring rights-of-way; and

"(iii) intelligent transportation system capital improvements that are infrastructure-based to the extent that they improve the performance of the Interstate System; but

"(B) may not use the funds for construction of new travel lanes other than high-occupancy vehicle lanes or auxiliary lanes.

"(2) EXPANSION OF CAPACITY.—

"(A) USING TRANSFERRED FUNDS.—Notwithstanding paragraph (1), funds transferred under subsection (c)(1) may be used for construction to provide for expansion of the capacity of an Interstate System highway (including a bridge).

"(B) USING FUNDS NOT TRANSFERRED.—

"(i) IN GENERAL.—In lieu of transferring funds under subsection (c)(1) and using the transferred funds for the purpose described in subparagraph (A), a State may use an amount of the sums apportioned to the State under subparagraph (A) or (B) of section 104(b)(1) for the purpose described in subparagraph (A).

"(ii) LIMITATION.—The sum of the amount used under clause (i) and any amount transferred under subsection (c)(1) by a State may not exceed 30 percent of the sums apportioned to the State under subparagraphs (A) and (B) of section 104(b)(1)."; and

(4) by redesignating subsection (f) as subsection (c).

(c) CONFORMING AMENDMENTS.—

(1) Section 119(a) of title 23, United States Code, is amended in the first sentence by striking "; except that the Secretary may only approve a project pursuant to this subsection on a toll road if such road is subject to a Secretarial agreement provided for in subsection (e)".

(2) Section 1009(c)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 119 note; 105 Stat. 1934) is amended by striking "section 119(f)(1)" and inserting "section 119(c)(1)".

SEC. 1210. ENGINEERING COST REIMBURSEMENT.

Section 102(b) of title 23, United States Code, is amended in the first sentence by inserting before the period at the end the following: "unless, before the end of the 10-year period, the State requests a longer period for commencement of the construction or acquisition and the Secretary determines that the request is reasonable".

CHAPTER 2—PROJECT APPROVAL

SEC. 1221. TRANSFER OF HIGHWAY AND TRANSIT FUNDS.

Section 104 of title 23, United States Code (as amended by section 1118), is amended by inserting after subsection (k) the following:

"(l) TRANSFER OF HIGHWAY AND TRANSIT FUNDS.—

"(1) TRANSFER OF HIGHWAY FUNDS.—Funds made available under this title and transferred for transit projects shall be administered by the Secretary in accordance with chapter 53 of title 49, except that the provisions of this title relating to the non-Federal share shall apply to the transferred funds.

"(2) TRANSFER OF TRANSIT FUNDS.—Funds made available under chapter 53 of title 49 and transferred for highway projects shall be administered by the Secretary in accordance with this title, except that the provisions of that chapter relating to the non-Federal share shall apply to the transferred funds.

"(3) TRANSFER TO AMTRAK AND PUBLICLY-OWNED PASSENGER RAIL LINES.—Funds made available under this title or chapter 53 of title 49 and transferred to the National Railroad Passenger Corporation or to any publicly-owned intercity or intracity passenger rail line shall be administered by the Secretary in accordance with subtitle V of title 49, except that the provisions of this title or chapter 53 of title 49, as applicable, relating to the non-Federal share shall apply to the transferred funds.

"(4) TRANSFER OF OBLIGATION AUTHORITY.—Obligation authority provided for projects described in paragraphs (1) through (3) shall be transferred in the same manner and amount as the funds for the projects are transferred.".

SEC. 1222. PROJECT APPROVAL AND OVERSIGHT.

(a) IN GENERAL.—Section 106 of title 23, United States Code, is amended—

(1) by striking the section heading and inserting the following:

***"§ 106. Project approval and oversight"**;*

(2) by redesignating subsections (e) and (f) as subsections (g) and (h), respectively;

(3) by striking subsections (a) through (d) and inserting the following:

"(a) IN GENERAL.—Except as otherwise provided in this section, the State transportation department shall submit to the Secretary for approval such plans, specifications, and estimates for each proposed project as the Secretary may require. The Secretary shall act upon such plans, specifications, and estimates as soon as practicable after they have been submitted, and shall enter into a formal project agreement with the State transportation department formalizing the conditions of the project approval. The execution of such project agreement shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto. In taking such action, the Secretary shall be guided by the provisions of section 109 of this title.

"(b) PROJECT AGREEMENT.—The project agreement shall make provision for State funds required for the State's pro rata share of the cost of construction of the project and for the maintenance of the project after completion of construction. The Secretary may rely upon representations made by the State transportation department with respect to the arrangements or agreements made by the State transportation department and appropriate local officials where a part of the project is to be constructed at the expense of, or in cooperation with, local subdivisions of the State.

"(c) SPECIAL RULES FOR PROJECT OVERSIGHT.—

"(1) NHS PROJECTS.—Except as otherwise provided in subsection (d) of this section, the Secretary may discharge to the State any of the Secretary's responsibilities for the design, plans, specifications, estimates, contract awards, and inspection of projects under this title on the National Highway System. Before discharging responsibilities to the State, the Secretary shall reach agreement with the State as to the extent to which the State may assume the responsibilities of the Secretary under this subsection. The Secretary may not assume any greater responsibility than the Secretary is permitted under this title as of September 30, 1997, except upon agreement by the Secretary and the State.

"(2) NON-NHS PROJECTS.—For all projects under this title that are off the National Highway System, the State may request that the Secretary no longer review and approve the design, plans, specifications, estimates, contract awards, and inspection of projects under this title. After receiving any such request, the Secretary shall undertake project review only as requested by the State.

"(d) RESPONSIBILITIES OF THE SECRETARY.—

"(1) IN GENERAL.—Subject to paragraph (2), nothing in this section, section 133, or section 149 shall affect or discharge any responsibility or obligation of the Secretary under any Federal law other than this title.

"(2) LIMITATION.—Any responsibility or obligation of the Secretary under sections 113 and 114 of this title shall not be affected and may not be discharged under this section, section 133, or section 149.

"(e) VALUE ENGINEERING ANALYSIS.—In such cases as the Secretary determines advisable, plans, specifications, and estimates for proposed projects on any Federal-aid highway shall be accompanied by a value engineering or other cost reduction analysis.

"(f) FINANCIAL PLAN.—The Secretary shall require a financial plan to be prepared for any project with an estimated total cost of $1,000,000,000 or more.".

(b) STANDARDS.—

(1) ELIMINATION OF GUIDELINES AND ANNUAL CERTIFICATION REQUIREMENTS.—Section 109 of title 23, United States Code, is amended—

(A) by striking subsection (m); and

(B) by redesignating subsections (n) through (q) as subsections (m) through (p), respectively.

(2) SAFETY STANDARDS.—Section 109 of title 23, United States Code (as amended by paragraph (1)), is amended by adding at the end the following:

"(q) PHASE CONSTRUCTION.—Safety considerations for a project under this title may be met by phase construction.".

(c) PROGRAMS; PROJECT AGREEMENTS; CERTIFICATION ACCEPTANCE.—Sections 110 and 117 of title 23, United States Code, are repealed.

(d) CONFORMING AMENDMENTS.—

(1) The analysis for chapter 1 of title 23 is amended—

(A) by striking the item relating to section 106 and inserting the following:

"106. Project approval and oversight.";

and

(B) by striking the items relating to sections 110 and 117.

(2) Section 101(a) of title 23, United States Code, is amended in the undesignated paragraph defining "project agreement" by striking "the provisions of subsection (a) of section 110 of this title" and inserting "section 106".

(3) Section 114(a) of title 23, United States Code, is amended in the second sentence by striking "section 117 of this title" and inserting "section 106".

SEC. 1223. SURFACE TRANSPORTATION PROGRAM.

(a) TRANSPORTATION ENHANCEMENT ACTIVITIES.—Section 133 of title 23, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (2), by striking "10" and inserting "8"; and

(B) in the first sentence of paragraph (3)(A), by striking "80" and inserting "82"; and

(2) in subsection (e)—

(A) in paragraph (3)(B)(i), by striking "if the Secretary" and all that follows through "activities"; and

(B) in paragraph (5), by adding at the end the following:

"(C) INNOVATIVE FINANCING.—

"(i) IN GENERAL.—For each fiscal year, the average annual non-Federal share of the total cost of all projects to carry out transportation enhancement activities in a State shall be not less than the non-Federal share authorized for the State under section 120(b).

"(ii) EXCEPTION.—Subject to clause (i), notwithstanding section 120, in the case of projects to carry out transportation enhancement activities—

"(I) funds from other Federal agencies, and other contributions that the Secretary determines are of value, may be credited toward the non-Federal share of project costs;

"(II) the non-Federal share may be calculated on a project, multiple-project, or program basis; and

"(III) the Federal share of the cost of an individual project subject to subclause (I) or (II) may be equal to 100 percent.".

(b) PROGRAM APPROVAL.—Section 133(e) of title 23, United States Code, is amended by striking paragraph (2) and inserting the following:

"(2) PROGRAM APPROVAL.—

"(A) SUBMISSION OF PROJECT AGREEMENT.—For each fiscal year, each State shall submit a project agreement that—

"(i) certifies that the State will meet all the requirements of this section; and

"(ii) notifies the Secretary of the amount of obligations needed to carry out the program under this section.

"(B) REQUEST FOR ADJUSTMENTS OF AMOUNTS.—As necessary, each State shall request from the Secretary adjustments to the amount of obligations referred to in subparagraph (A)(ii).

"(C) EFFECT OF APPROVAL BY THE SECRETARY.—Approval by the Secretary of a project agreement under subparagraph (A) shall be deemed a contractual obligation of the United States to pay surface transportation program funds made available under this title.".

(c) PAYMENTS.—Section 133(e)(3)(A) of title 23, United States Code, is amended by striking the second sentence.

(d) DEFINITION OF TRANSPORTATION ENHANCEMENT ACTIVITIES.—Section 101(a) of title 23, United States Code, is amended in the undesignated paragraph defining "transportation enhancement activities" by striking "scenic or historic highway programs," and inserting "scenic or historic highway programs (including the provision of tourist and welcome center facilities),".

SEC. 1224. DESIGN-BUILD CONTRACTING.

(a) AUTHORITY.—Section 112(b) of title 23, United States Code, is amended—

(1) in the first sentence of paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) and (3)";

(2) in paragraph (2)(A), by striking "Each" and inserting "Subject to paragraph (3), each"; and

(3) by adding at the end the following:

"(3) DESIGN-BUILD CONTRACTING.—

"(A) IN GENERAL.—A State transportation department may award a contract for the design and construction of a qualified project described in subparagraph (B) using competitive bidding procedures approved by the Secretary in accordance with subparagraph (C).

"(B) QUALIFIED PROJECTS.—A qualified project referred to in subparagraph (A) is a project under this chapter that involves installation of an intelligent transportation system or that consists of a usable project segment and for which—

"(i) the Secretary has approved the use of design-build contracting described in subparagraph (A) under criteria specified in regulations promulgated by the Secretary; and

"(ii) the total costs are estimated to exceed—

"(I) in the case of a project that involves installation of an intelligent transportation system, $5,000,000; and

"(II) in the case of a usable project segment, $50,000,000.

"(C) PROCEDURES THAT MAY BE APPROVED.—Under subparagraph (A), the Secretary may approve, for use by a State, only procedures that consist of—

"(i) formal design-build contracting procedures specified in a State statute; or

"(ii) in the case of a State that does not have a statute described in clause (i), the design-build selection procedures authorized under section 303M of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253m).".

(b) COMPETITIVE BIDDING DEFINED.—Section 112 of title 23, United States Code, is amended by striking subsection (f) and inserting the following:

"(f) COMPETITIVE BIDDING DEFINED.—In this section, the term 'competitive bidding' means the procedures used to award contracts for engineering and design services under subsection (b)(2) and design-build contracts under subsection (b)(3).".

(c) REGULATIONS.—

(1) IN GENERAL.—Not later than the effective date specified in subsection (e), the Secretary shall promulgate regulations to carry out the amendments made by this section.

(2) CONTENTS.—The regulations shall—

(A) identify the criteria to be used by the Secretary in approving the use by a State transportation department of design-build contracting; and

(B) establish the procedures to be followed by a State transportation department for obtaining the Secretary's approval of the use of design-build contracting by the department and the competitive bidding procedures used by the department.

(d) EFFECT ON EXPERIMENTAL PROGRAM.—Nothing in this section or the amendments made by this section affects the authority to carry out, or any project carried out under, any experimental program concerning design-build contracting that is being carried out by the Secretary as of the date of enactment of this Act.

(e) EFFECTIVE DATE FOR AMENDMENTS.—The amendments made by this section take effect 2 years after the date of enactment of this Act.

SEC. 1225. INTEGRATED DECISIONMAKING PROCESS.

(a) IN GENERAL.—Subchapter III of chapter 3 of title 49, United States Code, is amended by adding at the end the following:

"§354. Integrated decisionmaking process

"(a) DEFINITIONS.—In this section:

"(1) INTEGRATED DECISIONMAKING PROCESS.—The term 'integrated decisionmaking process' means the integrated decisionmaking process established with respect to a surface transportation project under subsection (b).

"(2) NEPA PROCESS.—The term 'NEPA process' means the process of complying with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to a surface transportation project.

"(3) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

"(4) SURFACE TRANSPORTATION PROJECT.—The term 'surface transportation project' means—

"(A) a highway construction project that is subject to the approval of the Secretary under title 23; and

"(B) a capital project (as defined in section 5302(a)(1)).

"(5) CONCURRENT PROCESSING.—The term 'concurrent processing' means to the fullest extent practicable, and to the extent otherwise required, agencies shall prepare environmental impact statements and environmental assessments concurrently with and integrated with environmental analyses and related surveys and studies required by the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and other environmental review laws and executive orders.

"(b) ESTABLISHMENT OF INTEGRATED DECISIONMAKING PROCESSES FOR SURFACE TRANSPORTATION PROJECTS.—The Secretary shall—

"(1) establish an integrated decisionmaking process for surface transportation projects that designates major decision points likely to have significant environmental effects and conflicts; and

"(2) integrate the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for surface transportation projects at the earliest possible time, including, to the extent appropriate, at the planning stage with the agreement of the State transportation agencies and the cooperating agencies.

"(c) INTEGRATED DECISIONMAKING GOALS.—The integrated decisionmaking process for surface transportation projects should, to the maximum extent practicable, accomplish the following major goals:

"(1) Integrate the NEPA process for surface transportation projects at the earliest possible time.

"(2) Integrate all applicable Federal, State, tribal, and local permitting requirements.

"(3) Integrate national transportation, social, safety, economic, and environmental goals with State, tribal, and local land use and growth management initiatives, economic development and transportation initiatives.

"(4) Consolidate Federal, State, tribal, and local decisionmaking to achieve the best overall public interest according to an agreed schedule.

"(d) STREAMLINING.—

"(1) AVOIDANCE OF DELAYS, PREVENTION OF CONFLICTS, AND ELIMINATION OF UNNECESSARY DUPLICATION.—The Secretary shall design the integrated decisionmaking process to avoid delays in decisionmaking, prevent conflicts between cooperating agencies and members of the public, and eliminate unnecessary duplication of review and decisionmaking relating to surface transportation projects.

"(2) INTEGRATION; COMPREHENSIVE PROCESS.—The NEPA process—

"(A) shall be integrated for surface transportation projects by Federal, State, tribal, and local transportation agencies; and

"(B) serve as a comprehensive decisionmaking process.

"(3) OTHER REQUIREMENTS.—

"(A) IN GENERAL.—The Secretary shall—

"(i) establish a concurrent transportation and environmental coordination process to reduce paperwork, combine review documents, and eliminate duplicative reviews;

"(ii) develop interagency agreements to streamline and improve interagency coordination and processing time;

"(iii) apply strategic and programmatic approaches to better integrate and expedite the NEPA process and transportation decisionmaking; and

"(iv) ensure, in appropriate cases, by conducting concurrent reviews whenever possible, that any analyses and reviews conducted by the Secretary consider the needs of other reviewing agencies.

"(B) TIME SCHEDULES.—To comply with subparagraph (A)(ii), time schedules shall be consistent with sections 1501.8 and 1506.10 of title 40, Code of Federal Regulations (or any successor regulations).

"(4) CONCURRENT PROCESSING.—

"(A) IN GENERAL.—The integrated decisionmaking process shall, to the extent practicable, include a procedure to provide for concurrent processing of all Federal, State, tribal, and local reviews and decisions emanating from those reviews.

"(B) INCONSISTENCY WITH OTHER REQUIREMENTS.—Subparagraph (A) does not require concurrent review if concurrent review would be inconsistent with other statutory or regulatory requirements.

"(e) INTERAGENCY COOPERATION.—

"(1) LEAD AND COOPERATING AGENCY CONCEPTS.—The lead and cooperating agency concepts of section 1501 of title 40, Code of Federal Regulations (or any successor regulation), shall be considered essential elements to ensure integration of transportation decisionmaking.

"(2) RESPONSIBILITIES.—The Secretary shall—

"(A) not later than 60 days after the date on which a surface transportation project is selected for study by a State, identify each Federal agency that may be required to participate in the integrated decisionmaking process relating to the surface transportation project and notify the agency of the surface transportation project;

"(B) afford State, regional, tribal, and local governments with decisionmaking authority on surface transportation projects the opportunity to serve as cooperating agencies;

"(C) provide cooperating agencies and the public on request the results of any analysis or other information related to a surface transportation project;

"(D) host an early scoping meeting for Federal agencies and, when appropriate, conduct field reviews, as soon as practicable in the environmental review process;

"(E) solicit from each cooperating agency as early as practicable the data and analyses necessary to facilitate execution of the duties of each cooperating agency;

"(F) use, to the maximum extent possible, scientific, technical, and environmental data and analyses previously prepared by or for other Federal, State, tribal, or local agencies, after an independent evaluation by the Secretary of the data and analyses;

"(G) jointly, with the cooperating agencies, host public meetings and other community participation processes; and

"(H) ensure that the NEPA process and documentation provide all necessary information for the cooperating agency to—

"(i) discharge the responsibilities of the cooperating agency under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other law; and

"(ii) take action on approvals, permits, licenses, and clearances.

"(f) Enhanced Scoping Process.—During the scoping process for a surface transportation project, in addition to other statutory and regulatory requirements, the Secretary shall, to the extent practicable—

"(1) provide the public with clearly understandable milestones that occur during an integrated decisionmaking process;

"(2) ensure that all agencies with jurisdiction by law or with special expertise have sufficient information and data to discharge their responsibilities;

"(3) ensure that all agencies with jurisdiction by law or with special expertise, and the public, are invited to participate in the initial scoping process;

"(4) coordinate with other agencies to ensure that the agencies provide to the Secretary, not later than 30 days after the first interagency scoping meeting, any preliminary concerns about how the proposed project may affect matters within their jurisdiction or special expertise based on information available at the time of the scoping meeting; and

"(5) in cooperation with all cooperating agencies, develop a schedule for conducting all necessary environmental and other review processes and assure early consideration of alternatives to a proposed project, including alternatives that address transportation demand consistent with section 134(i)(3) of title 23, United States Code.

"(g) Use of Title 23 Funds.—

"(1) Use by States.—A State may use funds made available under section 104(b) or 105 of title 23 or section 1102(c) of the Intermodal Surface Transportation Efficiency Act of 1998 to provide resources to Federal or State agencies involved in the review or permitting process for a surface transportation project in order to meet a time schedule established under this section.

"(2) Amount.—Funds may be provided under paragraph (1) in the amount by which the cost to complete a environmental review in accordance with a time schedule established under this section exceeds the cost that would be incurred if there were no such time schedule.

"(3) Not final agency action.—The provision of funds under paragraph (1) does not constitute a final agency action.

"(h) State Role.—

"(1) In general.—For any project eligible for assistance under chapter 1 of title 23, a State may require, by law or agreement that has been developed with public involvement coordinating with all related State agencies, that all State agencies that—

"(A) have jurisdiction by Federal or State law over environmental, growth management, or land-use related issues that may be affected by a surface transportation project; or

"(B) have responsibility for issuing any environment related reviews, analyses, opinions, or determinations;

be subject to the coordinated environmental review process provided under this section in issuing any analyses or approvals or taking any other action relating to the project.

"(2) All agencies.—If a State requires that any State agency participate in a coordinated environmental review process, the State shall require all affected State agencies to participate.

"(i) Early Action Regarding Potentially Insurmountable Obstacles.—If, at any time during the integrated decisionmaking process for a proposed surface transportation project, a cooperating agency determines that there is any potentially insurmountable obstacle associated with any of the alternative transportation projects that might be undertaken to address the obstacle, the Secretary shall—

"(1) convene a meeting among the cooperating agencies to address the obstacle;

"(2) initiate conflict resolution efforts under subsection (j); or

"(3) eliminate from consideration the alternative transportation project with which the obstacle is associated.

"(j) Conflict Resolution.—

"(1) Forum.—The NEPA process shall be used as a forum to coordinate the actions of Federal, State, regional, tribal, and local agencies, the private sector, and the public to develop and shape surface transportation projects.

"(2) Approaches.—In addition to existing formal public participation opportunities, collaborative, problem solving, and consensus building approaches shall be used, to the extent appropriate (and, when appropriate, mediation may be used) to implement the integrated decisionmaking process with a goal of appropriately considering factors relating to transportation development, economic prosperity, protection of public health and the environment, community and neighborhood preservation, and quality of life for present and future generations.

"(3) Unresolved issues.—

"(A) Notification.—If, before the final transportation NEPA document is approved—

"(i) an issue remains unresolved between the lead Federal agency and the cooperating agency; and

"(ii) efforts have been exhausted to resolve the issue at the field levels of each agency—

"(I) within the applicable timeframe of the interagency schedule established under subsection (f)(5); or

"(II) if no timeframe is established, within 90 days;

the field level officer of the lead agency shall notify the field level officer of the cooperating agency that the field level officer of the lead agency intends to bring the issue to the personal attention of the heads of the agencies.

"(B) Efforts by the agency heads.—The head of the lead agency shall contact the head of the cooperating agency and attempt to resolve the issue within 30 days after notification by the field level officer of the unresolved issue.

"(C) Consultation with CEQ.—The heads of the agencies are encouraged to consult with the Chair of the Council on Environmental Quality during the 30-day period under subparagraph (B).

"(D) Failure to resolve.—If the heads of the agencies do not resolve the issue within the time specified in subparagraph (B), the referral process under part 1504 of title 40, Code of Federal Regulations (or any successor regulation), shall be initiated with respect to the issue..

"(k) Judicial Review.—Nothing in this section affects the reviewability of any final agency action in a district court of the United States or any State court.

"(l) Statutory Construction.—Nothing in this section affects—

"(1) the applicability of the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or any other statute; or

"(2) the responsibility of any Federal, State, tribal, or local officer to comply with or enforce any statute or regulation.".

(b) Timetable; Report to Congress.—The Secretary, in consultation with the Chair of the Council on Environmental Quality and after notice and opportunity for public comment—

(1) not later than 180 days after the date of enactment of this Act, shall design the integrated decisionmaking process required by the amendment made by subsection (a) consistent with part 1501, et seq., of title 40 of the Code of Federal Regulations;

(2) not later than 1 year after the date of enactment of this Act, shall promulgate a regulation governing implementation of an integrated decisionmaking process in accordance with the amendment made by subsection (a); and

(3) not later than 2 years after the date of enactment of this Act, shall submit to Congress a report identifying any additional legislative or other solutions that would further enhance the integrated decisionmaking process.

(c) Section 112 of title 23, United States Code, is amended by adding at the end the following new subsection:

"(g) Selection Process.—It shall not be considered to be a conflict of interest, as defined under section 1.33 of title 23, Code of Federal Regulations, for a State to procure, under a single contract, the services of a consultant to prepare any environmental assessments or analyses required, including environmental impact statements, as well as subsequent engineering and design work on the same project: Provided, That the State has conducted an independent multidisciplined review that assesses the objectivity of any analysis, environmental assessment or environmental impact statement prior to its submission to the agency that approves the project.

(d) Conforming Amendment.—The analysis for subchapter III of chapter 3 of title 49, United States Code, is amended by adding at the end the following:

"354. Integrated decisionmaking process.".

CHAPTER 3—ELIGIBILITY AND FLEXIBILITY

SEC. 1231. DEFINITION OF OPERATIONAL IMPROVEMENT.

Section 101(a) of title 23, United States Code, is amended by striking the undesignated paragraph defining "operational improvement" and inserting the following:

"The term 'operational improvement' means the installation, operation, or maintenance, in accordance with subchapter II of chapter 5, of public infrastructure to support intelligent transportation systems and includes the installation or operation of any traffic management activity, communication system, or roadway weather information and prediction system, and any other improvement that the Secretary may designate that enhances roadway safety and mobility during adverse weather.".

SEC. 1232. ELIGIBILITY OF FERRY BOATS AND FERRY TERMINAL FACILITIES.

(a) In General.—Section 129(c) of title 23, United States Code, is amended by inserting "in accordance with sections 103, 133, and 149," after "toll or free,".

(b) National Highway System.—Section 103(b)(5) of title 23, United States Code (as amended by section 1234), is amended by adding at the end the following:

"(R) Construction of ferry boats and ferry terminal facilities, if the conditions described in section 129(c) are met.".

(c) Surface Transportation Program.—Section 133(b) of title 23, United States Code, is amended by adding at the end the following:

"(12) Construction of ferry boats and ferry terminal facilities, if the conditions described in section 129(c) are met.".

(d) Congestion Mitigation and Air Quality Improvement Program.—Section 149(b) of title 23, United States Code, is amended—

(1) in paragraph (3), by striking "or" at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; or"; and

(3) by inserting after paragraph (4) the following:

"(5) if the project or program is to construct a ferry boat or ferry terminal facility and if the conditions described in section 129(c) are met.".

SEC. 1233. FLEXIBILITY OF SAFETY PROGRAMS.

Section 133(d) of title 23, United States Code, is amended by striking paragraph (1) and inserting the following:

"(1) SAFETY PROGRAMS.—

"(A) IN GENERAL.—With respect to funds apportioned for each of fiscal years 1998 through 2003—

"(i) an amount equal to 2 percent of the amount apportioned to a State under section 104(b)(3) shall be available only to carry out activities eligible under section 130;

"(ii) an amount equal to 2 percent of the amount apportioned to a State under section 104(b)(3) shall be available only to carry out activities eligible under section 152; and

"(iii) an amount equal to 6 percent of the amount apportioned to a State under section 104(b)(3) shall be available only to carry out activities eligible under section 130 or 152.

"(B) TRANSFER OF FUNDS.—If a State certifies to the Secretary that any part of the amount set aside by the State under subparagraph (A)(i) is in excess of the needs of the State for activities under section 130 and the Secretary accepts the certification, the State may transfer that excess part to the set-aside of the State under subparagraph (A)(ii).

"(C) TRANSFERS TO OTHER SAFETY PROGRAMS.—A State may transfer funds set aside under subparagraph (A)(iii) to the apportionment of the State under section 402 or the allocation of the State under section 31104 of title 49.".

SEC. 1234. ELIGIBILITY OF PROJECTS ON THE NATIONAL HIGHWAY SYSTEM.

Section 103(b) of title 23, United States Code (as amended by section 1701(a)), is amended by adding at the end the following:

"(5) ELIGIBLE PROJECTS FOR NHS.—Subject to approval by the Secretary, funds apportioned to a State under section 104(b)(1)(C) for the National Highway System may be obligated for any of the following:

"(A) Construction, reconstruction, resurfacing, restoration, and rehabilitation of segments of the National Highway System.

"(B) Operational improvements for segments of the National Highway System.

"(C) Construction of, and operational improvements for, a Federal-aid highway not on the National Highway System, construction of a transit project eligible for assistance under chapter 53 of title 49, and capital improvements to any National Railroad Passenger Corporation passenger rail line or any publicly-owned intercity passenger rail line, if—

"(i) the highway, transit, or rail project is in the same corridor as, and in proximity to, a fully access-controlled highway designated as a part of the National Highway System;

"(ii) the construction or improvements will improve the level of service on the fully access-controlled highway described in clause (i) and improve regional traffic flow; and

"(iii) the construction or improvements are more cost-effective than an improvement to the fully access-controlled highway described in clause (i).

"(D) Highway safety improvements for segments of the National Highway System.

"(E) Transportation planning in accordance with sections 134 and 135.

"(F) Highway research and planning in accordance with chapter 5.

"(G) Highway-related technology transfer activities.

"(H) Capital and operating costs for traffic monitoring, management, and control facilities and programs.

"(I) Fringe and corridor parking facilities.

"(J) Carpool and vanpool projects.

"(K) Bicycle transportation and pedestrian walkways in accordance with section 217.

"(L) Development, establishment, and implementation of management systems under section 303.

"(M) In accordance with all applicable Federal law (including regulations), participation in natural habitat and wetland mitigation efforts related to projects funded under this title, which may include participation in natural habitat and wetland mitigation banks, contributions to statewide and regional efforts to conserve, restore, enhance, and create natural habitats and wetland, and development of statewide and regional natural habitat and wetland conservation and mitigation plans, including any such banks, efforts, and plans authorized under the Water Resources Development Act of 1990 (Public Law 101–640) (including crediting provisions). Contributions to the mitigation efforts described in the preceding sentence may take place concurrent with or in advance of project construction, except that contributions in advance of project construction may occur only if the efforts are consistent with all applicable requirements of Federal law (including regulations) and State transportation planning processes. With respect to participation in a natural habitat or wetland mitigation effort related to a project funded under this title that has an impact that occurs within the service area of a mitigation bank, preference shall be given, to the maximum extent practicable, to the use of the mitigation bank if the bank contains sufficient available credits to offset the impact and the bank is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605 (November 28, 1995)) or other applicable Federal law (including regulations).

"(N) Publicly-owned intracity or intercity passenger rail or bus terminals, including terminals of the National Railroad Passenger Corporation and publicly-owned intermodal surface freight transfer facilities, other than seaports and airports, if the terminals and facilities are located on or adjacent to National Highway System routes or connections to the National Highway System selected in accordance with paragraph (2).

"(O) Infrastructure-based intelligent transportation systems capital improvements.

"(P) In the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, any project eligible for funding under section 133, any airport, and any seaport.

"(Q) Publicly owned components of magnetic levitation transportation systems.".

SEC. 1235. ELIGIBILITY OF PROJECTS UNDER THE SURFACE TRANSPORTATION PROGRAM.

Section 133(b) of title 23, United States Code (as amended by section 1232(c)), is amended—

(1) in paragraph (2), by striking "and publicly owned intracity or intercity bus terminals and facilities" and inserting ", including vehicles and facilities, whether publicly or privately owned, that are used to provide intercity passenger service by bus or rail";

(2) in paragraph (3)—

(A) by striking "and bicycle" and inserting "bicycle"; and

(B) by inserting before the period at the end the following: ", and the modification of public sidewalks to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)";

(3) in paragraph (4)—

(A) by inserting ", publicly owned passenger rail," after "Highway";

(B) by inserting "infrastructure" after "safety"; and

(C) by inserting before the period at the end the following: ", and any other noninfrastructure highway safety improvements";

(4) in paragraph (11)—

(A) in the first sentence—

(i) by inserting "natural habitat and" after "participation in" each place it appears;

(ii) by striking "enhance and create" and inserting "enhance, and create natural habitats and"; and

(iii) by inserting "natural habitat and" before "wetlands conservation"; and

(B) by adding at the end the following: "With respect to participation in a natural habitat or wetland mitigation effort related to a project funded under this title that has an impact that occurs within the service area of a mitigation bank, preference shall be given, to the maximum extent practicable, to the use of the mitigation bank if the bank contains sufficient available credits to offset the impact and the bank is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605 (November 28, 1995)) or other applicable Federal law (including regulations)."; and

(5) in subsection (b)(9), by striking "section 108(f)(1)(A) (other than clauses (xii) and (xvi)) of the Clean Air Act" and inserting "section 108(f)(1)(A) (other than clause (xvi)) of the Clean Air Act (42 U.S.C. 7408(f)(1)(A))";

(6) by adding at the end the following:

"(13) Publicly owned intercity passenger rail infrastructure, including infrastructure owned by the National Railroad Passenger Corporation.

"(14) Publicly owned passenger rail vehicles, including vehicles owned by the National Railroad Passenger Corporation.

"(15) Infrastructure-based intelligent transportation systems capital improvements.

"(16) Publicly owned components of magnetic levitation transportation systems.

"(17) Environmental restoration and pollution abatement projects (including the retrofit or construction of storm water treatment systems) to address water pollution or environmental degradation caused or contributed to by transportation facilities, which projects shall be carried out when the transportation facilities are undergoing reconstruction, rehabilitation, resurfacing, or restoration; except that the expenditure of funds under this section for any such environmental restoration or pollution abatement project shall not exceed 20 percent of the total cost of the reconstruction, rehabilitation, resurfacing, or restoration project.".

SEC. 1236. DESIGN FLEXIBILITY.

Section 109 of title 23, United States Code, is amended by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—

"(1) REQUIREMENTS FOR FACILITIES.—The Secretary shall ensure that the plans and specifications for each proposed highway project under this chapter provide for a facility that will—

"(A) adequately serve the existing traffic of the highway in a manner that is conducive to safety, durability, and economy of maintenance; and

"(B) be designed and constructed in accordance with criteria best suited to accomplish the objectives described in subparagraph (A) and to conform to the particular needs of each locality.

"(2) CONSIDERATION OF PLANNED FUTURE TRAFFIC DEMANDS.—In carrying out paragraph (1), the Secretary shall ensure the consideration of the planned future traffic demands of the facility.".

Subtitle C—Finance

CHAPTER 1—GENERAL PROVISIONS

SEC. 1301. STATE INFRASTRUCTURE BANK PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"§ 162. State infrastructure bank program

"(a) DEFINITIONS.—In this section:

"(1) OTHER ASSISTANCE.—The term 'other assistance' includes any use of funds in an infrastructure bank—

"(A) to provide credit enhancements;

"(B) to serve as a capital reserve for bond or debt instrument financing;

"(C) to subsidize interest rates;

"(D) to ensure the issuance of letters of credit and credit instruments;

"(E) to finance purchase and lease agreements with respect to transit projects;

"(F) to provide bond or debt financing instrument security; and

"(G) to provide other forms of debt financing and methods of leveraging funds that are approved by the Secretary and that relate to the project with respect to which the assistance is being provided.

"(2) STATE.—The term 'State' has the meaning given the term under section 401.

"(b) COOPERATIVE AGREEMENTS.—

"(1) IN GENERAL.—

"(A) PURPOSE OF AGREEMENTS.—Subject to this section, the Secretary may enter into cooperative agreements with States for the establishment of State infrastructure banks and multistate infrastructure banks for making loans and providing other assistance to public and private entities carrying out or proposing to carry out projects eligible for assistance under this section.

"(B) CONTENTS OF AGREEMENTS.—Each cooperative agreement shall specify procedures and guidelines for establishing, operating, and providing assistance from the infrastructure bank.

"(2) INTERSTATE COMPACTS.—If 2 or more States enter into a cooperative agreement under paragraph (1) with the Secretary for the establishment of a multistate infrastructure bank, Congress grants consent to those States to enter into an interstate compact establishing the bank in accordance with this section.

"(c) FUNDING.—

"(1) CONTRIBUTION.—Notwithstanding any other provision of law, the Secretary may allow, subject to subsection (h)(1), a State that enters into a cooperative agreement under this section to contribute to the infrastructure bank established by the State not to exceed—

"(A)(i) the total amount of funds apportioned to the State under each of paragraphs (1) and (3) of section 104(b), excluding funds set aside under paragraphs (1) and (2) of section 133(d); and

"(ii) the total amount of funds allocated to the State under section 105 and under section 1102 of the Intermodal Surface Transportation Efficiency Act of 1998;

"(B) the total amount of funds made available to the State or other Federal transit grant recipient for capital projects (as defined in section 5302 of title 49) under sections 5307, 5309, and 5311 of title 49; and

"(C) the total amount of funds made available to the State under subtitle V of title 49.

"(2) CAPITALIZATION GRANT.—For the purposes of this section, Federal funds contributed to the infrastructure bank under this subsection shall constitute a capitalization grant for the infrastructure bank.

"(3) SPECIAL RULE FOR URBANIZED AREAS OF OVER 200,000.—Funds that are apportioned or allocated to a State under section 104(b)(3) and attributed to urbanized areas of a State with a population of over 200,000 individuals under section 133(d)(2) may be used to provide assistance from an infrastructure bank under this section with respect to a project only if the metropolitan planning organization designated for the area concurs, in writing, with the provision of the assistance.

"(d) FORMS OF ASSISTANCE FROM INFRASTRUCTURE BANKS.—

"(1) IN GENERAL.—An infrastructure bank established under this section may make loans or provide other assistance to a public or private entity in an amount equal to all or part of the cost of carrying out a project eligible for assistance under this section.

"(2) SUBORDINATION OF LOANS.—The amount of any loan or other assistance provided for the project may be subordinated to any other debt financing for the project.

"(3) INITIAL ASSISTANCE.—Initial assistance provided with respect to a project from Federal funds contributed to an infrastructure bank under this section shall not be made in the form of a grant.

"(e) QUALIFYING PROJECTS.—

"(1) IN GENERAL.—Subject to paragraph (2), funds in an infrastructure bank established under this section may be used only to provide assistance with respect to projects eligible for assistance under this title, for capital projects (as defined in section 5302 of title 49), or for any other project related to surface transportation that the Secretary determines to be appropriate.

"(2) INTERSTATE FUNDS.—Funds contributed to an infrastructure bank from funds apportioned to a State under subparagraph (A) or (B) of section 104(b)(1) may be used only to provide assistance with respect to projects eligible for assistance under those subparagraphs.

"(3) RAIL PROGRAM FUNDS.—Funds contributed to an infrastructure bank from funds made available to a State under subtitle V of title 49 shall be used in a manner consistent with any project description specified under the law making the funds available to the State.

"(f) INFRASTRUCTURE BANK REQUIREMENTS.—

"(1) IN GENERAL.—Subject to paragraph (2), in order to establish an infrastructure bank under this section, each State establishing such a bank shall—

"(A) contribute, at a minimum, to the bank from non-Federal sources an amount equal to 25 percent of the amount of each capitalization grant made to the State and contributed to the bank under subsection (c), except that if the State has a higher Federal share payable under section 120(b) of title 23, United States Code, the State shall be required to contribute only an amount commensurate with the higher Federal share;

"(B) ensure that the bank maintains on a continuing basis an investment grade rating on its debt issuances and its ability to pay claims under credit enhancement programs of the bank;

"(C) ensure that investment income generated by funds contributed to the bank will be—

"(i) credited to the bank;

"(ii) available for use in providing loans and other assistance to projects eligible for assistance from the bank; and

"(iii) invested in United States Treasury securities, bank deposits, or such other financing instruments as the Secretary may approve to earn interest to enhance the leveraging of projects assisted by the bank;

"(D) ensure that any loan from the bank will bear interest at or below market rates, as determined by the State, to make the project that is the subject of the loan feasible;

"(E) ensure that repayment of the loan from the bank will commence not later than 5 years after the project has been completed or, in the case of a highway project, the facility has opened to traffic, whichever is later;

"(F) ensure that the term for repaying any loan will not exceed the lesser of—

"(i) 35 years after the date of the first payment on the loan under subparagraph (E); or

"(ii) the useful life of the investment; and

"(G) require the bank to make a biennial report to the Secretary and to make such other reports as the Secretary may require in guidelines.

"(2) WAIVERS BY THE SECRETARY.—The Secretary may waive a requirement of any of subparagraphs (C) through (G) of paragraph (1) with respect to an infrastructure bank if the Secretary determines that the waiver is consistent with the objectives of this section.

"(g) LIMITATION ON REPAYMENTS.—Notwithstanding any other provision of law, the repayment of a loan or other assistance provided from an infrastructure bank under this section may not be credited toward the non-Federal share of the cost of any project.

"(h) SECRETARIAL REQUIREMENTS.—In administering this section, the Secretary shall—

"(1) ensure that Federal disbursements shall be at an annual rate of not more than 20 percent of the amount designated by the State for State infrastructure bank capitalization under subsection (c)(1), except that the Secretary may disburse funds to a State in an amount needed to finance a specific project; and

"(2) revise cooperative agreements entered into with States under section 350 of the National Highway System Designation Act of 1995 (Public Law 104–59) to comply with this section.

"(i) APPLICABILITY OF FEDERAL LAW.—

"(1) IN GENERAL.—The requirements of this title or title 49 that would otherwise apply to funds made available under that title and projects assisted with those funds shall apply to—

"(A) funds made available under that title and contributed to an infrastructure bank established under this section, including the non-Federal contribution required under section (f); and

"(B) projects assisted by the bank through the use of the funds;

except to the extent that the Secretary determines that any requirement of that title (other than sections 113 and 114 of this title and section 5333 of title 49) is not consistent with the objectives of this section.

"(2) REPAYMENTS.—The requirements of this title or title 49 shall not apply to repayments from non-Federal sources to an infrastructure bank from projects assisted by the bank. Such a repayment shall not be considered to be Federal funds.

"(j) UNITED STATES NOT OBLIGATED.—

"(1) IN GENERAL.—The contribution of Federal funds to an infrastructure bank established under this section shall not be construed as a commitment, guarantee, or obligation on the part of the United States to any third party. No third party shall have any right against the United States for payment solely by virtue of the contribution.

"(2) STATEMENT.—Any security or debt financing instrument issued by the infrastructure bank shall expressly state that the security or instrument does not constitute a commitment, guarantee, or obligation of the United States.

"(k) MANAGEMENT OF FEDERAL FUNDS.—Sections 3335 and 6503 of title 31, United States Code, shall not apply to funds contributed under this section.

"(l) PROGRAM ADMINISTRATION.—

"(1) IN GENERAL.—A State may expend not to exceed 2 percent of the Federal funds contributed to an infrastructure bank established by the State under this section to pay the reasonable costs of administering the bank.

"(2) NON-FEDERAL FUNDS.—The limitation described in paragraph (1) shall not apply to non-Federal funds.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"162. State infrastructure bank program.".

CHAPTER 2—TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION

SEC. 1311. SHORT TITLE.

This chapter may be cited as the "Transportation Infrastructure Finance and Innovation Act of 1998".

SEC. 1312. FINDINGS.

Congress finds that—

(1) a well-developed system of transportation infrastructure is critical to the economic well-being, health, and welfare of the people of the United States;

(2) traditional public funding techniques such as grant programs are unable to keep pace with the infrastructure investment needs of the United States because of budgetary constraints at the Federal, State, and local levels of government;

(3) major transportation infrastructure facilities that address critical national needs, such as intermodal facilities, border crossings, and multistate trade corridors, are of a scale that exceeds the capacity of Federal and State assistance programs in effect on the date of enactment of this Act;

(4) new investment capital can be attracted to infrastructure projects that are capable of generating their own revenue streams through user charges or other dedicated funding sources; and

(5) a Federal credit program for projects of national significance can complement existing funding resources by filling market gaps, thereby leveraging substantial private co-investment.

SEC. 1313. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"SUBCHAPTER II—INFRASTRUCTURE FINANCE

"§ 181. Definitions

"In this subchapter:

"(1) ELIGIBLE PROJECT COSTS.—The term 'eligible project costs' means amounts substantially all of which are paid by, or for the account of, an obligor in connection with a project, including the cost of—

"(A) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, permitting, preliminary engineering and design work, and other preconstruction activities;

"(B) construction, reconstruction, rehabilitation, replacement, and acquisition of real property (including land related to the project and improvements to land), environmental mitigation, construction contingencies, and acquisition of equipment; and

"(C) capitalized interest necessary to meet market requirements, reasonably required reserve funds, capital issuance expenses, and other carrying costs during construction.

"(2) FEDERAL CREDIT INSTRUMENT.—The term 'Federal credit instrument' means a secured loan, loan guarantee, or line of credit authorized to be made available under this subchapter with respect to a project.

"(3) LENDER.—The term 'lender' means any non-Federal qualified institutional buyer (as defined in section 230.144A(a) of title 17, Code of Federal Regulations (or any successor regulation), known as Rule 144A(a) of the Securities and Exchange Commission and issued under the Securities Act of 1933 (15 U.S.C. 77a et seq.)), including—

"(A) a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986) that is a qualified institutional buyer; and

"(B) a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986) that is a qualified institutional buyer.

"(4) LINE OF CREDIT.—The term 'line of credit' means an agreement entered into by the Secretary with an obligor under section 184 to provide a direct loan at a future date upon the occurrence of certain events.

"(5) LOAN GUARANTEE.—The term 'loan guarantee' means any guarantee or other pledge by the Secretary to pay all or part of the principal of and interest on a loan or other debt obligation issued by an obligor and funded by a lender.

"(6) LOCAL SERVICER.—The term 'local servicer' means—

"(A) a State infrastructure bank established under this title; or

"(B) a State or local government or any agency of a State or local government that is responsible for servicing a Federal credit instrument on behalf of the Secretary.

"(7) OBLIGOR.—The term 'obligor' means a party primarily liable for payment of the principal of or interest on a Federal credit instrument, which party may be a corporation, partnership, joint venture, trust, or governmental entity, agency, or instrumentality.

"(8) PROJECT.—The term 'project' means—

"(A) any surface transportation project eligible for Federal assistance under this title or chapter 53 of title 49; and

"(B) a project for an international bridge or tunnel for which an international entity authorized under State or Federal law is responsible.

"(9) PROJECT OBLIGATION.—The term 'project obligation' means any note, bond, debenture, or other debt obligation issued by an obligor in connection with the financing of a project, other than a Federal credit instrument.

"(10) SECURED LOAN.—The term 'secured loan' means a direct loan or other debt obligation issued by an obligor and funded by the Secretary in connection with the financing of a project under section 183.

"(11) STATE.—The term 'State' has the meaning given the term in section 101.

"(12) SUBSTANTIAL COMPLETION.—The term 'substantial completion' means the opening of a project to vehicular or passenger traffic.

"§ 182. Determination of eligibility and project selection

"(a) ELIGIBILITY.—To be eligible to receive financial assistance under this subchapter, a project shall meet the following criteria:

"(1) INCLUSION IN TRANSPORTATION PLANS AND PROGRAMS.—The project—

"(A) shall be included in the State transportation plan required under section 135; and

"(B) at such time as an agreement to make available a Federal credit instrument is entered into under this subchapter, shall be included in the approved State transportation improvement program required under section 134.

"(2) APPLICATION.—A State, a local servicer identified under section 185(a), or the entity undertaking the project shall submit a project application to the Secretary.

"(3) ELIGIBLE PROJECT COSTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), to be eligible for assistance under this subchapter, a project shall have eligible project costs that are reasonably anticipated to equal or exceed the lesser of—

"(i) $100,000,000; or

"(ii) 50 percent of the amount of Federal highway assistance funds apportioned for the most recently-completed fiscal year to the State in which the project is located.

"(B) INTELLIGENT TRANSPORTATION SYSTEM PROJECTS.—In the case of a project principally involving the installation of an intelligent transportation system, eligible project costs shall be reasonably anticipated to equal or exceed $30,000,000.

"(4) DEDICATED REVENUE SOURCES.—Project financing shall be repayable, in whole or in part, from tolls, user fees, or other dedicated revenue sources.

"(5) PUBLIC SPONSORSHIP OF PRIVATE ENTITIES.—In the case of a project that is undertaken by an entity that is not a State or local government or an agency or instrumentality of a State or local government, the project that the entity is undertaking shall be publicly sponsored as provided in paragraphs (1) and (2).

"(b) SELECTION AMONG ELIGIBLE PROJECTS.—

"(1) ESTABLISHMENT.—The Secretary shall establish criteria for selecting among projects that meet the eligibility criteria specified in subsection (a).

"(2) SELECTION CRITERIA.—The selection criteria shall include the following:

"(A) The extent to which the project is nationally or regionally significant, in terms of generating economic benefits, supporting international commerce, or otherwise enhancing the national transportation system.

"(B) The creditworthiness of the project, including a determination by the Secretary that any financing for the project has appropriate security features, such as a rate covenant, to ensure repayment. The Secretary shall require each project applicant to provide a preliminary rating opinion letter from a nationally recognized bond rating agency.

"(C) The extent to which assistance under this subchapter would foster innovative public-private partnerships and attract private debt or equity investment.

"(D) The likelihood that assistance under this subchapter would enable the project to proceed at an earlier date than the project would otherwise be able to proceed.

"(E) The extent to which the project uses new technologies, including intelligent transportation systems, that enhance the efficiency of the project.

"(F) The amount of budget authority required to fund the Federal credit instrument made available under this subchapter.

"(G) The extent to which the project helps maintain or protect the environment.

"(H) The extent to which assistance under this chapter would reduce the contribution of Federal grant assistance to the project.

"(c) FEDERAL REQUIREMENTS.—The following provisions of law shall apply to funds made available under this subchapter and projects assisted with the funds:

"(1) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

"(2) The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(3) The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

"§ 183. Secured loans

"(a) IN GENERAL.—

"(1) AGREEMENTS.—Subject to paragraph (2), the Secretary may enter into agreements with 1 or more obligors to make secured loans, the proceeds of which shall be used—

"(A) to finance eligible project costs; or

"(B) to refinance interim construction financing of eligible project costs;

of any project selected under section 182.

"(2) LIMITATION ON REFINANCING OF INTERIM CONSTRUCTION FINANCING.—A loan under paragraph (1) shall not refinance interim construction financing under paragraph (1)(B) later than 1 year after the date of substantial completion of the project.

"(b) TERMS AND LIMITATIONS.—

"(1) IN GENERAL.—A secured loan under this section with respect to a project shall be on such terms and conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

"(2) MAXIMUM AMOUNT.—The amount of the secured loan shall not exceed 33 percent of the reasonably anticipated eligible project costs.

"(3) PAYMENT.—The secured loan—

"(A) shall—

"(i) be payable, in whole or in part, from tolls, user fees, or other dedicated revenue sources; and

"(ii) include a rate covenant, coverage requirement, or similar security feature supporting the project obligations; and

"(B) may have a lien on revenues described in subparagraph (A) subject to any lien securing project obligations.

"(4) INTEREST RATE.—The interest rate on the secured loan shall be not less than the yield on marketable United States Treasury securities of a similar maturity to the maturity of the secured loan on the date of execution of the loan agreement.

"(5) MATURITY DATE.—The final maturity date of the secured loan shall be not later than 35 years after the date of substantial completion of the project.

"(6) NONSUBORDINATION.—The secured loan shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor.

"(7) FEES.—The Secretary may establish fees at a level sufficient to cover all or a portion of the costs to the Federal Government of making a secured loan under this section.

"(8) NON-FEDERAL SHARE.—The proceeds of a secured loan under this subchapter may be used for any non-Federal share of project costs required under this title or chapter 53 of title 49, if the loan is repayable from non-Federal funds.

"(c) REPAYMENT.—

"(1) SCHEDULE.—The Secretary shall establish a repayment schedule for each secured loan under this section based on the projected cash flow from project revenues and other repayment sources.

"(2) COMMENCEMENT.—Scheduled loan repayments of principal or interest on a secured loan under this section shall commence not later than 5 years after the date of substantial completion of the project.

"(3) SOURCES OF REPAYMENT FUNDS.—The sources of funds for scheduled loan repayments under this section shall include tolls, user fees, or other dedicated revenue sources.

"(4) DEFERRED PAYMENTS.—

"(A) AUTHORIZATION.—If, at any time during the 10 years after the date of substantial completion of the project, the project is unable to generate sufficient revenues to pay scheduled principal and interest on the secured loan, the Secretary may, pursuant to established criteria for the project agreed to by the entity undertaking the project and the Secretary, allow the obligor to add unpaid principal and interest to the outstanding balance of the secured loan.

"(B) INTEREST.—Any payment deferred under subparagraph (A) shall—

"(i) continue to accrue interest in accordance with subsection (b)(4) until fully repaid; and

"(ii) be scheduled to be amortized over the remaining term of the loan beginning not later than 10 years after the date of substantial completion of the project in accordance with paragraph (1).

"(5) PREPAYMENT.—

"(A) USE OF EXCESS REVENUES.—Any excess revenues that remain after satisfying scheduled debt service requirements on the project obligations and secured loan and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing project obligations may be applied annually to prepay the secured loan without penalty.

"(B) USE OF PROCEEDS OF REFINANCING.—The secured loan may be prepaid at any time without penalty from the proceeds of refinancing from non-Federal funding sources.

"(d) SALE OF SECURED LOANS.—

"(1) IN GENERAL.—Subject to paragraph (2), as soon as practicable after substantial completion of a project and after notifying the obligor, the Secretary may sell to another entity or reoffer into the capital markets a secured loan for the project if the Secretary determines that the sale or reoffering can be made on favorable terms.

"(2) CONSENT OF OBLIGOR.—In making a sale or reoffering under paragraph (1), the Secretary may not change the original terms and conditions of the secured loan without the written consent of the obligor.

"(e) LOAN GUARANTEES.—

"(1) IN GENERAL.—The Secretary may provide a loan guarantee to a lender in lieu of making a secured loan if the Secretary determines that the budgetary cost of the loan guarantee is substantially the same as that of a secured loan.

"(2) TERMS.—The terms of a guaranteed loan shall be consistent with the terms set forth in this section for a secured loan, except that the rate on the guaranteed loan and any prepayment features shall be negotiated between the obligor and the lender, with the consent of the Secretary.

"§184. Lines of credit

"(a) IN GENERAL.—

"(1) AGREEMENTS.—The Secretary may enter into agreements to make available lines of credit to 1 or more obligors in the form of direct loans to be made by the Secretary at future dates on the occurrence of certain events for any project selected under section 182.

"(2) USE OF PROCEEDS.—The proceeds of a line of credit made available under this section shall be available to pay debt service on project obligations issued to finance eligible project costs, extraordinary repair and replacement costs, operation and maintenance expenses, and costs associated with unexpected Federal or State environmental restrictions.

"(b) TERMS AND LIMITATIONS.—

"(1) IN GENERAL.—A line of credit under this section with respect to a project shall be on such terms and conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

"(2) MAXIMUM AMOUNTS.—

"(A) TOTAL AMOUNT.—The total amount of the line of credit shall not exceed 33 percent of the reasonably anticipated eligible project costs.

"(B) ONE-YEAR DRAWS.—The amount drawn in any 1 year shall not exceed 20 percent of the total amount of the line of credit.

"(3) DRAWS.—Any draw on the line of credit shall represent a direct loan and shall be made only if net revenues from the project (including capitalized interest, any debt service reserve fund, and any other available reserve) are insufficient to pay the costs specified in subsection (a)(2).

"(4) INTEREST RATE.—The interest rate on a direct loan resulting from a draw on the line of credit shall be not less than the yield on 30-year marketable United States Treasury securities as of the date on which the line of credit is obligated.

"(5) SECURITY.—The line of credit—

"(A) shall—

"(i) be payable, in whole or in part, from tolls, user fees, or other dedicated revenue sources; and

"(ii) include a rate covenant, coverage requirement, or similar security feature supporting the project obligations; and

"(B) may have a lien on revenues described in subparagraph (A) subject to any lien securing project obligations.

"(6) PERIOD OF AVAILABILITY.—The line of credit shall be available during the period beginning on the date of substantial completion of the project and ending not later than 10 years after that date.

"(7) RIGHTS OF THIRD PARTY CREDITORS.—

"(A) AGAINST FEDERAL GOVERNMENT.—A third party creditor of the obligor shall not have any right against the Federal Government with respect to any draw on the line of credit.

"(B) ASSIGNMENT.—An obligor may assign the line of credit to 1 or more lenders or to a trustee on the lenders' behalf.

"(8) NONSUBORDINATION.—A direct loan under this section shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor.

"(9) FEES.—The Secretary may establish fees at a level sufficient to cover all or a portion of the costs to the Federal Government of providing a line of credit under this section.

"(10) RELATIONSHIP TO OTHER CREDIT INSTRUMENTS.—A project that receives a line of credit under this section shall not also receive a secured loan or loan guarantee under section 183 of an amount that, combined with the amount of the line of credit, exceeds 33 percent of eligible project costs.

"(c) REPAYMENT.—

"(1) TERMS AND CONDITIONS.—The Secretary shall establish repayment terms and conditions for each direct loan under this section based on the projected cash flow from project revenues and other repayment sources.

"(2) TIMING.—All scheduled repayments of principal or interest on a direct loan under this section shall commence not later than 5 years after the end of the period of availability specified in subsection (b)(6) and be fully repaid, with interest, by the date that is 25 years after the end of the period of availability specified in subsection (b)(6).

"(3) SOURCES OF REPAYMENT FUNDS.—The sources of funds for scheduled loan repayments under this section shall include tolls, user fees, or other dedicated revenue sources.

"§185. Project servicing

"(a) REQUIREMENT.—The State in which a project that receives financial assistance under this subchapter is located may identify a local servicer to assist the Secretary in servicing the Federal credit instrument made available under this subchapter.

"(b) AGENCY; FEES.—If a State identifies a local servicer under subsection (a), the local servicer—

"(1) shall act as the agent for the Secretary; and

"(2) may receive a servicing fee, subject to approval by the Secretary.

"(c) LIABILITY.—A local servicer identified under subsection (a) shall not be liable for the obligations of the obligor to the Secretary or any lender.

"(d) ASSISTANCE FROM EXPERT FIRMS.—The Secretary may retain the services of expert firms in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments.

"§186. State and local permits

"The provision of financial assistance under this subchapter with respect to a project shall not—

"(1) relieve any recipient of the assistance of any obligation to obtain any required State or local permit or approval with respect to the project;

"(2) limit the right of any unit of State or local government to approve or regulate any rate of return on private equity invested in the project; or

"(3) otherwise supersede any State or local law (including any regulation) applicable to the construction or operation of the project.

"§187. Regulations

"The Secretary may issue such regulations as the Secretary determines appropriate to carry out this subchapter.

"§188. Funding

"(a) AUTHORIZATION OF CONTRACT AUTHORITY.—

"(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subchapter—

"(A) $60,000,000 for fiscal year 1998;

"(B) $60,000,000 for fiscal year 1999;

"(C) $90,000,000 for fiscal year 2000;

"(D) $90,000,000 for fiscal year 2001;

"(E) $115,000,000 for fiscal year 2002; and

"(F) $115,000,000 for fiscal year 2003.

"(2) ADMINISTRATIVE COSTS.—From funds made available under paragraph (1), the Secretary may use, for the administration of this subchapter, not more than $2,000,000 for each of fiscal years 1998 through 2003.

"(3) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available until expended.

"(b) CONTRACT AUTHORITY.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, approval by the Secretary of a Federal credit instrument that uses funds made available under this subchapter shall be deemed to be acceptance by the United States of a contractual obligation to fund the Federal credit instrument.

"(2) AVAILABILITY.—Amounts authorized under this section for a fiscal year shall be available for obligation on October 1 of the fiscal year.

"(c) LIMITATIONS ON CREDIT AMOUNTS.—For each of fiscal years 1998 through 2003, principal amounts of Federal credit instruments made available under this subchapter shall be limited to the amounts specified in the following table:

"Fiscal year:	**Maximum amount of credit:**
1998	$1,200,000,000
1999	$1,200,000,000
2000	$1,800,000,000
2001	$1,800,000,000
2002	$2,300,000,000
2003	$2,300,000,000.

"§ 189. Imposition of annual fee on recipients

"(a) IN GENERAL.—There is hereby imposed on any recipient of a Federal credit instrument an annual fee equal to the applicable percentage of the average outstanding Federal credit instrument amount made available to the recipient during the year under this subchapter.

"(b) TIME OF IMPOSITION.—The fee described in subsection (a) shall be imposed on the annual anniversary date of the receipt of the Federal credit instrument.

"(c) APPLICABLE PERCENTAGE.—For the purposes of subsection (a), the applicable percentage is, with respect to an annual anniversary date occurring in—

"(1) any of fiscal years 1999 through 2003, 1.9095 percent; and

"(2) any fiscal year after 2003, 0.5144 percent.

"(d) TERMINATION.—The fee imposed by this section shall not apply with respect to annual anniversary dates occurring after September 30, 2008.

"(e) DEPOSIT OF RECEIPTS.—The fees collected by the Secretary under this section shall be deposited in the general fund of the Treasury of the United States as miscellaneous receipts.

"§ 190. Report to Congress

"Not later than 4 years after the date of enactment of this subchapter, the Secretary shall submit to Congress a report summarizing the financial performance of the projects that are receiving, or have received, assistance under this subchapter, including a recommendation as to whether the objectives of this subchapter are best served—

"(1) by continuing the program under the authority of the Secretary;

"(2) by establishing a Government corporation or Government-sponsored enterprise to administer the program; or

"(3) by phasing out the program and relying on the capital markets to fund the types of infrastructure investments assisted by this subchapter without Federal participation.".

(b) CONFORMING AMENDMENTS.—Chapter 1 of title 23, United States Code, is amended—

(1) in the analysis—

(A) by inserting before "Sec." the following:

"SUBCHAPTER I—GENERAL PROVISIONS";

and

(B) by adding at the end the following:

"SUBCHAPTER II—INFRASTRUCTURE FINANCE

"181. Definitions.
"182. Determination of eligibility and project selection.
"183. Secured loans.
"184. Lines of credit.
"185. Project servicing.
"186. State and local permits.
"187. Regulations.
"188. Funding.
"189. Imposition of annual fee on recipients.
"190. Report to Congress.";

and

(2) by inserting before section 101 the following:

"SUBCHAPTER I—GENERAL PROVISIONS".

SEC. 1314. OFFICE OF INFRASTRUCTURE FINANCE.

(a) DUTIES OF THE SECRETARY.—Section 301 of title 49, United States Code, is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(9) develop and coordinate Federal policy on financing transportation infrastructure, including the provision of direct Federal credit assistance and other techniques used to leverage Federal transportation funds.".

(b) OFFICE OF INFRASTRUCTURE FINANCE.—

(1) IN GENERAL.—Chapter 1 of title 49, United States Code, is amended by adding at the end the following:

"§ 113. Office of Infrastructure Finance

"(a) ESTABLISHMENT.—The Secretary of Transportation shall establish within the Office of the Secretary an Office of Infrastructure Finance.

"(b) DIRECTOR.—The Office shall be headed by a Director who shall be appointed by the Secretary not later than 180 days after the date of enactment of this section.

"(c) FUNCTIONS.—The Director shall be responsible for—

"(1) carrying out the responsibilities of the Secretary described in section 301(9);

"(2) carrying out research on financing transportation infrastructure, including educational programs and other initiatives to support Federal, State, and local government efforts; and

"(3) providing technical assistance to Federal, State, and local government agencies and officials to facilitate the development and use of alternative techniques for financing transportation infrastructure.".

(2) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 49, United States Code, is amended by adding at the end the following:

"113. Office of Infrastructure Finance.".

Subtitle D—Safety

SEC. 1401. OPERATION LIFESAVER.

Section 104 of title 23, United States Code (as amended by section 1102(a)), is amended—

(1) in the matter preceding paragraph (1) of subsection (b), by striking "subsection (f)" and inserting "subsections (d) and (f)"; and

(2) in subsection (d), by striking paragraph (1) and inserting the following:

"(1) OPERATION LIFESAVER.—Before making an apportionment of funds under subsection (b)(3) for a fiscal year, the Secretary shall set aside $500,000 of the funds made available for the surface transportation program for the fiscal year to carry out a public information and education program to help prevent and reduce motor vehicle accidents, injuries, and fatalities and to improve driver performance at railway-highway crossings.".

SEC. 1402. RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.

Section 104(d) of title 23, United States Code, is amended by striking paragraphs (2) and (3) and inserting the following:

"(2) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—

"(A) IN GENERAL.—Before making an apportionment of funds under subsection (b)(3) for a fiscal year, the Secretary shall set aside $5,000,000 of the funds made available for the surface transportation program for the fiscal year for elimination of hazards of railway-highway crossings.

"(B) ELIGIBLE CORRIDORS.—Funds made available under subparagraph (A) shall be expended for projects in—

"(i) 5 railway corridors selected by the Secretary in accordance with this subsection (as in effect on the day before the date of enactment of this clause);

"(ii) 3 railway corridors selected by the Secretary in accordance with subparagraphs (C) and (D); and

"(iii) a Gulf Coast high speed railway corridor (as designated by the Secretary).

"(C) REQUIRED INCLUSION OF HIGH SPEED RAIL LINES.—A corridor selected by the Secretary under subparagraph (B) shall include rail lines where railroad speeds of 90 miles or more per hour are occurring or can reasonably be expected to occur in the future.

"(D) CONSIDERATIONS IN CORRIDOR SELECTION.—In selecting corridors under subparagraph (B), the Secretary shall consider—

"(i) projected rail ridership volume in each corridor;

"(ii) the percentage of each corridor over which a train will be capable of operating at its maximum cruise speed taking into account such factors as topography and other traffic on the line;

"(iii) projected benefits to nonriders such as congestion relief on other modes of transportation serving each corridor (including congestion in heavily traveled air passenger corridors);

"(iv) the amount of State and local financial support that can reasonably be anticipated for the improvement of the line and related facilities; and

"(v) the cooperation of the owner of the right-of-way that can reasonably be expected in the operation of high speed rail passenger service in each corridor.

"(E)(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $15,000,000 in each of fiscal years 1998 through 2003 to carry out this subsection.

"(ii) AVAILABILITY.—Notwithstanding section 118(a), funds made available under clause (i) shall not be available in advance of an annual appropriation.".

SEC. 1403. RAILWAY-HIGHWAY CROSSINGS.

Section 130 of title 23, United States Code, is amended—

(1) in the first sentence of subsection (a)—

(A) by striking "structures, and" and inserting "structures,"; and

(B) by inserting after "grade crossings," the following: "trespassing countermeasures in the immediate vicinity of a public railway-highway grade crossing, railway-highway crossing safety education, enforcement of traffic laws relating to railway-highway crossing safety, and projects at privately owned railway-highway crossings if each such project is publicly sponsored and the Secretary determines that the project would serve a public benefit,";

(2) in subsection (d), by adding at the end the following: "In a manner established by the Secretary, each State shall submit a report that describes completed railway-highway crossing

projects funded under this section to the Department of Transportation for inclusion in the National Grade Crossing Inventory prepared by the Department of Transportation and the Association of American Railroads."; and

(3) by striking subsection (e).

SEC. 1404. HAZARD ELIMINATION PROGRAM.

(a) IN GENERAL.—Section 152 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "(a) Each" and inserting the following:

"(a) IN GENERAL.—

"(1) PROGRAM.—Each";

(B) by inserting ", bicyclists," after "motorists"; and

(C) by adding at the end the following:

"(2) HAZARDS.—In carrying out paragraph (1), a State may, at its discretion—

"(A) identify through a survey hazards to motorists, bicyclists, pedestrians, and users of highway facilities; and

"(B) develop and implement projects and programs to address the hazards.";

(2) in subsection (b), by striking "highway safety improvement project" and inserting "safety improvement project, including a project described in subsection (a)"; and

(3) in subsection (c), by striking "on any public road (other than a highway on the Interstate System)." and inserting the following: "on—

"(1) any public road;

"(2) any public transportation vehicle or facility, any publicly owned bicycle or pedestrian pathway or trail, or any other facility that the Secretary determines to be appropriate; or

"(3) any traffic calming measure.".

(b) CONFORMING AMENDMENTS.—

(1) Section 101(a) of title 23, United States Code, is amended—

(A) in the undesignated paragraph defining "highway safety improvement project", by striking "highway safety" and inserting "safety"; and

(B) by moving that undesignated paragraph to appear before the undesignated paragraph defining "Secretary".

(2) Section 152 of title 23, United States Code, is amended in subsections (f) and (g) by striking "highway safety improvement projects" each place it appears and inserting "safety improvement projects".

SEC. 1405. MINIMUM PENALTIES FOR REPEAT OFFENDERS FOR DRIVING WHILE INTOXICATED OR DRIVING UNDER THE INFLUENCE.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code (as amended by section 1301(a)), is amended by adding at the end the following:

"§163. Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence

"(a) DEFINITIONS.—In this section:

"(1) ALCOHOL CONCENTRATION.—The term 'alcohol concentration' means grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

"(2) DRIVING WHILE INTOXICATED; DRIVING UNDER THE INFLUENCE.—The terms 'driving while intoxicated' and 'driving under the influence' mean driving or being in actual physical control of a motor vehicle while having an alcohol concentration above the permitted limit as established by each State.

"(3) LICENSE SUSPENSION.—The term 'license suspension' means the suspension of all driving privileges.

"(4) MOTOR VEHICLE.—The term 'motor vehicle' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways, but does not include a vehicle operated solely on a rail line or a commercial vehicle.

"(5) REPEAT INTOXICATED DRIVER LAW.—The term 'repeat intoxicated driver law' means a State law that provides, as a minimum penalty, that an individual convicted of a second or subsequent offense for driving while intoxicated or driving under the influence after a previous conviction for that offense shall—

"(A) receive a driver's license suspension for not less than 1 year;

"(B) be subject to the impoundment or immobilization of each of the individual's motor vehicles or the installation of an ignition interlock system on each of the motor vehicles;

"(C) receive an assessment of the individual's degree of abuse of alcohol and treatment as appropriate; and

"(D) receive—

"(i) in the case of the second offense—

"(I) an assignment of not less than 30 days of community service; or

"(II) not less than 5 days of imprisonment; and

"(ii) in the case of the third or subsequent offense—

"(I) an assignment of not less than 60 days of community service; or

"(II) not less than 10 days of imprisonment.

"(b) TRANSFER OF FUNDS.—

"(1) FISCAL YEARS 2001 AND 2002.—

"(A) IN GENERAL.—On October 1, 2000, and October 1, 2001, if a State has not enacted or is not enforcing a repeat intoxicated driver law, the Secretary shall transfer an amount equal to 1½ percent of the funds apportioned to the State on that date under paragraphs (1) and (3) of section 104(b) to the apportionment of the State under section 402—

"(i) to be used for alcohol-impaired driving countermeasures; or

"(ii) to be directed to State and local law enforcement agencies for enforcement of laws prohibiting driving while intoxicated or driving under the influence and other related laws (including regulations), including the purchase of equipment, the training of officers, and the use of additional personnel for specific alcohol-impaired driving countermeasures, dedicated to enforcement of the laws (including regulations).

"(B) DERIVATION OF AMOUNT TO BE TRANSFERRED.—An amount transferred under subparagraph (A) may be derived—

"(i) from the apportionment of the State under section 104(b)(1);

"(ii) from the apportionment of the State under section 104(b)(3); or

"(iii) partially from the apportionment of the State under section 104(b)(1) and partially from the apportionment of the State under section 104(b)(3).

"(2) FISCAL YEAR 2003 AND FISCAL YEARS THEREAFTER.—

"(A) IN GENERAL.—On October 1, 2002, and each October 1 thereafter, if a State has not enacted or is not enforcing a repeat intoxicated driver law, the Secretary shall transfer 3 percent of the funds apportioned to the State on that date under each of paragraphs (1) and (3) of section 104(b) to the apportionment of the State under section 402—

"(i) to be used for alcohol-impaired driving countermeasures; or

"(ii) to be directed to State and local law enforcement agencies for enforcement of laws prohibiting driving while intoxicated or driving under the influence and other related laws (including regulations), including the purchase of equipment, the training of officers, and the use of additional personnel for specific alcohol-impaired driving countermeasures, dedicated to enforcement of the laws (including regulations).

"(B) DERIVATION OF AMOUNT TO BE TRANSFERRED.—An amount transferred under subparagraph (A) may be derived—

"(i) from the apportionment of the State under section 104(b)(1);

"(ii) from the apportionment of the State under section 104(b)(3); or

"(iii) partially from the apportionment of the State under section 104(b)(1) and partially from the apportionment of the State under section 104(b)(3).

"(3) FEDERAL SHARE.—The Federal share of the cost of a project carried out under section 402 with funds transferred under paragraph (1) or (2) shall be 100 percent.

"(4) TRANSFER OF OBLIGATION AUTHORITY.—

"(A) IN GENERAL.—If the Secretary transfers under this subsection any funds to the apportionment of a State under section 402 for a fiscal year, the Secretary shall transfer an amount, determined under subparagraph (B), of obligation authority distributed for the fiscal year to the State for Federal-aid highways and highway safety construction programs for carrying out projects under section 402.

"(B) AMOUNT.—The amount of obligation authority referred to in subparagraph (A) shall be determined by multiplying—

"(i) the amount of funds transferred under subparagraph (A) to the apportionment of the State under section 402 for the fiscal year; by

"(ii) the ratio that—

"(I) the amount of obligation authority distributed for the fiscal year to the State for Federal-aid highways and highway safety construction programs; bears to

"(II) the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to any obligation limitation) for the fiscal year.

"(5) LIMITATION ON APPLICABILITY OF HIGHWAY SAFETY OBLIGATIONS.—Notwithstanding any other provision of law, no limitation on the total of obligations for highway safety programs under section 402 shall apply to funds transferred under this subsection to the apportionment of a State under that section.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code (as amended by section 1301(b)), is amended by adding at the end the following:

"163. Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence.".

SEC. 1406. SAFETY INCENTIVE GRANTS FOR USE OF SEAT BELTS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code (as amended by section 1405(a)), is amended by adding at the end the following:

"§164. Safety incentive grants for use of seat belts

"(a) DEFINITIONS.—In this section:

"(1) MOTOR VEHICLE.—The term 'motor vehicle' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways, but does not include a vehicle operated solely on a rail line.

"(2) MULTIPURPOSE PASSENGER MOTOR VEHICLE.—The term 'multipurpose passenger motor vehicle' means a motor vehicle with motive power (except a trailer), designed to carry not more than 10 individuals, that is constructed on a truck chassis or is constructed with special features for occasional off-road operation.

"(3) NATIONAL AVERAGE SEAT BELT USE RATE.—The term 'national average seat belt use rate' means, in the case of each of calendar years 1995 through 2001, the national average seat belt use rate for that year, as determined by the Secretary.

"(4) PASSENGER CAR.—The term 'passenger car' means a motor vehicle with motive power (except a multipurpose passenger motor vehicle, motorcycle, or trailer) designed to carry not more than 10 individuals.

"(5) PASSENGER MOTOR VEHICLE.—The term 'passenger motor vehicle' means a passenger car or a multipurpose passenger motor vehicle.

"(6) SAVINGS TO THE FEDERAL GOVERNMENT.—The term 'savings to the Federal Government' *means the amount of Federal budget savings relating to Federal medical costs (including savings under the medicare and medicaid programs under titles XVIII and XIX of the Social Security Act (42 U.S.C. 1395 et seq.)), as determined by the Secretary.*

"(7) SEAT BELT.—The term 'seat belt' means—

"(A) with respect to an open-body passenger motor vehicle, including a convertible, an occupant restraint system consisting of a lap belt or a lap belt and a detachable shoulder belt; and

"(B) with respect to any other passenger motor vehicle, an occupant restraint system consisting of integrated lap and shoulder belts.

"(8) STATE SEAT BELT USE RATE.—The term 'State seat belt use rate' means the rate of use of seat belts in passenger motor vehicles in a State, as measured and submitted to the Secretary—

"(A) for each of calendar years 1995 through 1997, by the State, as adjusted by the Secretary to ensure national consistency in methods of measurement (as determined by the Secretary); and

"(B) for each of calendar years 1998 through 2001, by the State in a manner consistent with the criteria established by the Secretary under subsection (e).

"(b) DETERMINATIONS BY THE SECRETARY.—Not later than 30 days after the date of enactment of this section, and not later than September 1 of each calendar year thereafter through September 1, 2002, the Secretary shall determine—

"(1)(A) which States had, for each of the previous calendar years (referred to in this subsection as the 'previous calendar year') and the year preceding the previous calendar year, a State seat belt use rate greater than the national average seat belt use rate for that year; and

"(B) in the case of each State described in subparagraph (A), the amount that is equal to the savings to the Federal Government due to the amount by which the State seat belt use rate for the previous calendar year exceeds the national average seat belt use rate for that year; and

"(2) in the case of each State that is not a State described in paragraph (1)(A)—

"(A) the base seat belt use rate of the State, which shall be equal to the highest State seat belt use rate for the State for any calendar year during the period of 1995 through the calendar year preceding the previous calendar year; and

"(B) the amount that is equal to the savings to the Federal Government due to any increase in the State seat belt use rate for the previous calendar year over the base seat belt use rate determined under subparagraph (A).

"(c) ALLOCATIONS.—

"(1) STATES WITH GREATER THAN THE NATIONAL AVERAGE SEAT BELT USE RATE.—Not later than 30 days after the date of enactment of this section, and not later than each October 1 thereafter through October 1, 2002, the Secretary shall allocate to each State described in subsection (b)(1)(A) an amount equal to the amount determined for the State under subsection (b)(1)(B).

"(2) OTHER STATES.—Not later than 30 days after the date of enactment of this section, and not later than each October 1 thereafter through October 1, 2002, the Secretary shall allocate to each State described in subsection (b)(2) an amount equal to the amount determined for the State under subsection (b)(2)(B).

"(d) USE OF FUNDS.—For each fiscal year, each State that is allocated an amount under this section shall use the amount for projects eligible for assistance under this title.

"(e) CRITERIA.—Not later than 180 days after the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1998, the Secretary shall establish criteria for the measurement of State seat belt use rates by States to ensure that the measurements are accurate and representative.

"(f) FUNDING.—

"(1) AUTHORIZATION OF CONTRACT AUTHORITY.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $60,000,000 for fiscal year 1998, $70,000,000 for fiscal year 1999, $80,000,000 for fiscal year 2000, $90,000,000 for fiscal year 2001, and $100,000,000 for each of fiscal years 2002 and 2003.

"(2) PROPORTIONATE ADJUSTMENT.—If the total amounts to be allocated under subsection (c) for any fiscal year would exceed the amounts authorized for the fiscal year under paragraph (1), the allocation to each State under subsection (c) shall be reduced proportionately.

"(3) USE OF UNALLOCATED FUNDS.—To the extent that the amounts made available for any fiscal year under paragraph (1) exceed the total amounts to be allocated under subsection (c) for the fiscal year, the excess amounts shall be allocated as follows:

"(A) 50 percent to be apportioned to the States in the same manner in which funds are apportioned under section 402(c).

"(B) 50 percent to be allocated by the Secretary under section 403 through cooperative agreements with States to carry out innovative programs to promote increased seat belt use rates.

"(4) ADMINISTRATIVE EXPENSES.—Not more than 2 percent of the funds made available to carry out this section may be used to pay the necessary administrative expenses incurred in carrying out this section.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code (as amended by section 1405(b)), is amended by adding at the end the following:

"164. Safety incentive grants for use of seat belts.".

SEC. 1407. AUTOMATIC CRASH PROTECTION UNBELTED TESTING STANDARD.

(a) IN GENERAL.—

(1) TESTING WITH SIMULTANEOUS USE.—Beginning on the date of enactment of this Act, for the purpose of certification under section 30115 of title 49, United States Code, of compliance with the motor vehicle safety standards under section 30111 of that title, a manufacturer or distributor of a motor vehicle shall be deemed to be in compliance with applicable performance standards for occupant crash protection if the motor vehicle meets the applicable requirements for testing with the simultaneous use of both an automatic restraint system and a manual seat belt.

(2) PROHIBITION.—In no case shall a manufacturer or distributor use, for the purpose of the certification referred to in paragraph (1), testing that provides for the use of an automatic restraint system without the use of a manual seat belt.

(b) REVISION OF STANDARDS.—The Secretary shall issue such revised standards under section 30111 of title 49, United States Code, as are necessary to conform to subsection (a).

SEC. 1408. NATIONAL STANDARD TO PROHIBIT OPERATION OF MOTOR VEHICLES BY INTOXICATED INDIVIDUALS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by inserting after section 153 the following:

"§ 154. National standard to prohibit operation of motor vehicles by intoxicated individuals

"(a) WITHHOLDING OF APPORTIONMENTS FOR NONCOMPLIANCE.—

"(1) FISCAL YEAR 2002.—The Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of paragraphs (1)(A), (1)(C), and (3) of section 104(b) on October 1, 2001, if the State does not meet the requirements of paragraph (3) on that date.

"(2) SUBSEQUENT FISCAL YEARS.—The Secretary shall withhold 10 percent (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of paragraphs (1)(A), (1)(C), and (3) of section 104(b) on October 1, 2002, and on October 1 of each fiscal year thereafter, if the State does not meet the requirements of paragraph (3) on that date.

"(3) REQUIREMENTS.—A State meets the requirements of this paragraph if the State has enacted and is enforcing a law providing that an individual who has an alcohol concentration of 0.08 percent or greater while operating a motor vehicle in the State is guilty of the offense of driving while intoxicated (or an equivalent offense that carries the greatest penalty under the law of the State for operating a motor vehicle after having consumed alcohol).

"(b) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE.—

"(1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—

"(A) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 2003.—Any funds withheld under subsection (a) from apportionment to any State on or before September 30, 2003, shall remain available until the end of the third fiscal year following the fiscal year for which the funds are authorized to be appropriated.

"(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 2003.—No funds withheld under this section from apportionment to any State after September 30, 2003, shall be available for apportionment to the State.

"(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld under subsection (a) from apportionment are to remain available for apportionment to a State under paragraph (1)(A), the State meets the requirements of subsection (a)(3), the Secretary shall, on the first day on which the State meets the requirements, apportion to the State the funds withheld under subsection (a) that remain available for apportionment to the State.

"(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—

"(A) IN GENERAL.—Any funds apportioned under paragraph (2) shall remain available for expenditure until the end of the third fiscal year following the fiscal year in which the funds are so apportioned.

"(B) TREATMENT OF CERTAIN FUNDS.—Sums not obligated at the end of the period referred to in subparagraph (A) shall—

"(i) lapse; or

"(ii) in the case of funds apportioned under section 104(b)(1)(A), lapse and be made available by the Secretary for projects in accordance with section 118.

"(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld under subsection (a) from apportionment are available for apportionment to a State under paragraph (1)(A), the State does not meet the requirements of subsection (a)(3), the funds shall—

"(A) lapse; or

"(B) in the case of funds withheld from apportionment under section 104(b)(1)(A), lapse and be made available by the Secretary for projects in accordance with section 118.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 153 the following:

"154. National standard to prohibit operation of motor vehicles by intoxicated individuals.".

SEC. 1409. OPEN CONTAINER LAWS.

(a) Establishment.—Chapter 1 of title 23, United States Code, is amended by inserting after section 153 the following:

“§154. Open container requirements

“(a) Definitions.—In this section:

“(1) Alcoholic beverage.—The term ‘alcoholic beverage’ has the meaning given the term in section 158(c).

“(2) Motor vehicle.—The term ‘motor vehicle’ means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways, but does not include a vehicle operated exclusively on a rail or rails.

“(3) Open alcoholic beverage container.—The term ‘open alcoholic beverage container’ has the meaning given the term in section 410(i).

“(4) Passenger area.—The term ‘passenger area’ shall have the meaning given the term by the Secretary by regulation.

“(b) Withholding of Apportionments for Noncompliance.—

“(1) Fiscal year 2002.—The Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of paragraphs (1)(A), (1)(C), and (3) of section 104(b) on October 1, 2001, if the State does not have in effect a law described in paragraph (3) on that date.

“(2) Subsequent fiscal years.—The Secretary shall withhold 10 percent (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of paragraphs (1)(A), (1)(C), and (3) of section 104(b) on October 1, 2002, and on October 1 of each fiscal year thereafter, if the State does not have in effect a law described in paragraph (3) on that date.

“(3) Open container laws.—

“(A) In general.—For the purposes of this section, each State shall have in effect a law that prohibits the possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle (including possession or consumption by the driver of the vehicle) located on a public highway, or the right-of-way of a public highway, in the State.

“(B) Motor vehicles designed to transport many passengers.—For the purposes of this section, if a State has in effect a law that makes unlawful the possession of any open alcoholic beverage container in the passenger area by the driver (but not by a passenger) of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation, or to the living quarters of a house coach or house trailer, the State shall be deemed to have in effect a law described in this subsection with respect to such a motor vehicle for each fiscal year during which the law is in effect.

“(c) Period of Availability; Effect of Compliance and Noncompliance.—

“(1) Period of availability of withheld funds.—

“(A) Funds withheld on or before September 30, 2003.—Any funds withheld under subsection (b) from apportionment to any State on or before September 30, 2003, shall remain available until the end of the third fiscal year following the fiscal year for which the funds are authorized to be appropriated.

“(B) Funds withheld after September 30, 2003.—No funds withheld under this section from apportionment to any State after September 30, 2003, shall be available for apportionment to the State.

“(2) Apportionment of withheld funds after compliance.—If, before the last day of the period for which funds withheld under subsection (b) from apportionment are to remain available for apportionment to a State under paragraph (1)(A), the State has in effect a law described in subsection (b)(3), the Secretary shall, on the first day on which the State has in effect such a law, apportion to the State the funds withheld under subsection (b) that remain available for apportionment to the State.

“(3) Period of availability of subsequently apportioned funds.—

“(A) In general.—Any funds apportioned under paragraph (2) shall remain available for expenditure until the end of the third fiscal year following the fiscal year in which the funds are so apportioned.

“(B) Treatment of certain funds.—Sums not obligated at the end of the period referred to in subparagraph (A) shall—

“(i) lapse; or

“(ii) in the case of funds apportioned under section 104(b)(1)(A), lapse and be made available by the Secretary for projects in accordance with section 118.

“(4) Effect of noncompliance.—If, at the end of the period for which funds withheld under subsection (b) from apportionment are available for apportionment to a State under paragraph (1)(A), the State does not have in effect a law described in subsection (b)(3), the funds shall—

“(A) lapse; or

“(B) in the case of funds withheld from apportionment under section 104(b)(1)(A), lapse and be made available by the Secretary for projects in accordance with section 118.”.

(b) Conforming Amendment.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 153 the following:

“154. Open container requirements.”.

SEC. 1410. REPORT ON EFFECTS OF ALLOWING HEAVIER WEIGHT VEHICLES ON CERTAIN HIGHWAYS.

(a) Definition of Heavier Weight Vehicle.—In this section, the term “heavier weight vehicle” means a vehicle the operation of which on the Interstate System is prohibited under section 127 of title 23, United States Code.

(b) Report.—Not later than December 31, 2000, the Secretary shall submit to Congress a report on the effects of allowing operation of heavier weight vehicles on Interstate Route 95 in the States of Maine and New Hampshire.

(c) Contents.—The report shall contain an analysis of the safety, infrastructure, cost recovery, environmental, and economic implications of that operation.

(d) Consultation.—In preparing the report, the Secretary shall consult with the safety and modal administrations of the Department of Transportation, and the States of Maine and New Hampshire.

(e) Moratorium on Withholding of Funds.—Notwithstanding section 127 of title 23, United States Code, during the period beginning on the date of enactment of this Act and ending on the earlier of the end of fiscal year 2002 or the date that is 1 year after the date of submission of the report under subsection (b), the Secretary shall not withhold, under that section, funds from apportionment to the States of Maine and New Hampshire.

Subtitle E—Environment

SEC. 1501. NATIONAL SCENIC BYWAYS PROGRAM.

(a) In General.—Chapter 1 of title 23, United States Code (as amended by section 1406(a)) is amended by adding at the end the following:

“§165. National scenic byways program

“(a) Designation of Roads.—

“(1) In general.—The Secretary shall carry out a national scenic byways program that recognizes roads having outstanding scenic, historic, cultural, natural, recreational, and archaeological qualities by designating the roads as National Scenic Byways or All-American Roads.

“(2) Criteria.—The Secretary shall designate roads to be recognized under the national scenic byways program in accordance with criteria developed by the Secretary.

“(3) Nomination.—To be considered for the designation, a road must be nominated by a State or a Federal land management agency and must first be designated as a State scenic byway or, in the case of a road on Federal land, as a Federal land management agency byway.

“(b) Grants and Technical Assistance.—

“(1) In general.—The Secretary shall make grants and provide technical assistance to States to—

“(A) implement projects on highways designated as National Scenic Byways or All-American Roads, or as State scenic byways; and

“(B) plan, design, and develop a State scenic byway program.

“(2) Priorities.—In making grants, the Secretary shall give priority to—

“(A) each eligible project that is associated with a highway that has been designated as a National Scenic Byway or All-American Road and that is consistent with the corridor management plan for the byway;

“(B) each eligible project along a State-designated scenic byway that is consistent with the corridor management plan for the byway, or is intended to foster the development of such a plan, and is carried out to make the byway eligible for designation as a National Scenic Byway or All-American Road; and

“(C) each eligible project that is associated with the development of a State scenic byway program.

“(c) Eligible Projects.—The following are projects that are eligible for Federal assistance under this section:

“(1) An activity related to the planning, design, or development of a State scenic byway program.

“(2) Development and implementation of a corridor management plan to maintain the scenic, historical, recreational, cultural, natural, and archaeological characteristics of a byway corridor while providing for accommodation of increased tourism and development of related amenities.

“(3) Safety improvements to a State scenic byway, National Scenic Byway, or All-American Road to the extent that the improvements are necessary to accommodate increased traffic and changes in the types of vehicles using the highway as a result of the designation as a State scenic byway, National Scenic Byway, or All-American Road.

“(4) Construction along a scenic byway of a facility for pedestrians and bicyclists, rest area, turnout, highway shoulder improvement, passing lane, overlook, or interpretive facility.

“(5) An improvement to a scenic byway that will enhance access to an area for the purpose of recreation, including water-related recreation.

“(6) Protection of scenic, historical, recreational, cultural, natural, and archaeological resources in an area adjacent to a scenic byway.

“(7) Development and provision of tourist information to the public, including interpretive information about a scenic byway.

“(8) Development and implementation of a scenic byways marketing program.

“(d) Limitation.—The Secretary shall not make a grant under this section for any project that would not protect the scenic, historical, recreational, cultural, natural, and archaeological integrity of a highway and adjacent areas.

“(e) Federal Share.—The Federal share of the cost of carrying out a project under this section shall be 80 percent, except that, in the case of any scenic byways project along a public road that provides access to or within Federal or Indian land, a Federal land management agency may use funds authorized for use by the agency as the non-Federal share.

"(f) AUTHORIZATION OF CONTRACT AUTHORITY.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $17,000,000 for fiscal year 1998, $17,000,000 for fiscal year 1999, $19,000,000 for fiscal year 2000, $19,000,000 for fiscal year 2001, $21,000,000 for fiscal year 2002, and $23,000,000 for fiscal year 2003.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code (as amended by section 1406(b)), is amended by adding at the end the following:

"165. National scenic byways program.".

SEC. 1502. PUBLIC-PRIVATE PARTNERSHIPS.

Section 149 of title 23, United States Code, is amended by adding at the end the following:

"(e) PARTNERSHIPS WITH NONGOVERNMENTAL ENTITIES.—

"(1) IN GENERAL.—Notwithstanding any other provision of this title and in accordance with this subsection, a metropolitan planning organization, State transportation department, or other project sponsor may enter into an agreement with any public, private, or nonprofit entity to cooperatively implement any project carried out under this section.

"(2) FORMS OF PARTICIPATION BY ENTITIES.—Participation by an entity under paragraph (1) may consist of—

"(A) ownership or operation of any land, facility, vehicle, or other physical asset associated with the project;

"(B) cost sharing of any project expense;

"(C) carrying out of administration, construction management, project management, project operation, or any other management or operational duty associated with the project; and

"(D) any other form of participation approved by the Secretary.

"(3) ALLOCATION TO ENTITIES.—A State may allocate funds apportioned under section 104(b)(2) to an entity described in paragraph (1).

"(4) ALTERNATIVE FUEL PROJECTS.—In the case of a project that will provide for the use of alternative fuels by privately owned vehicles or vehicle fleets, activities eligible for funding under this subsection—

"(A) may include the costs of vehicle refueling infrastructure and other capital investments associated with the project; and

"(B) shall—

"(i) include only the incremental cost of an alternative fueled vehicle compared to a conventionally fueled vehicle that would otherwise be borne by a private party; and

"(ii) apply other governmental financial purchase contributions in the calculation of net incremental cost.

"(5) PROHIBITION ON FEDERAL PARTICIPATION WITH RESPECT TO REQUIRED ACTIVITIES.—A Federal participation payment under this subsection may not be made to an entity to fund an obligation imposed under the Clean Air Act (42 U.S.C. 7401 et seq.) or any other Federal law.".

SEC. 1503. WETLAND RESTORATION PILOT PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) surface transportation has unintended but negative consequences for wetlands and other water resources;

(2) in almost every State, construction and other highway activities have reduced or eliminated wetland functions and values, such as wildlife habitat, ground water recharge, flood control, and water quality benefits;

(3) the United States has lost more than ½ of the estimated 220,000,000 acres of wetlands that existed during colonial times; and

(4) while the rate of human-induced destruction and conversion of wetlands has slowed in recent years, the United States has suffered unacceptable wetland losses as a result of highway projects.

(b) ESTABLISHMENT.—The Secretary shall establish a national wetland restoration pilot program (referred to in this section as the "program") to fund mitigation projects to offset the degradation of wetlands, or the loss of functions and values of the aquatic resource, resulting from projects carried out before December 27, 1977, under title 23, United States Code (or similar projects as determined by the Secretary), for which mitigation has not been performed.

(c) APPLICATIONS.—To be eligible for funding under the program, a State shall submit an application to the Secretary that includes—

(1) a description of the wetland proposed to be restored by a mitigation project described in subsection (b) (referred to in this section as a "wetland restoration project") under the program (including the size and quality of the wetland);

(2) such information as is necessary to establish a nexus between—

(A) a project carried out under title 23, United States Code (or a similar project as determined by the Secretary); and

(B) the wetland values and functions proposed to be restored by the wetland restoration project;

(3) a description of the benefits expected from the proposed wetland restoration project (including improvement of water quality, improvement of wildlife habitat, ground water recharge, and flood control);

(4) a description of the State's level of commitment to the proposed wetland restoration project (including the monetary commitment of the State and any development of a State or regional conservation plan that includes the proposed wetland restoration); and

(5) the estimated total cost of the wetland restoration project.

(d) SELECTION OF WETLAND RESTORATION PROJECTS.—

(1) INTERAGENCY COUNCIL.—In consultation with the Secretary of the Army, the Secretary of the Interior, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, the Secretary shall establish an interagency advisory council to—

(A) review the submitted applications that meet the requirements of subsection (c); and

(B) not later than 60 days after the application deadline, select wetland restoration projects for funding under the program.

(2) SELECTION CRITERIA FOR PRIORITY WETLAND RESTORATION PROJECTS.—In consultation with the Secretary of the Army, the Secretary of the Interior, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, the Secretary shall give priority in funding under this section to wetland restoration projects that—

(A) provide for long-term monitoring and maintenance of wetland resources;

(B) are managed by an entity, such as a State wildlife agency, wetland conservation group, land trust, or nature conservancy, with expertise in the long-term monitoring and protection of wetland resources; and

(C) have a high likelihood of success.

(e) REPORTS.—Not later than April 1, 2000, and April 1, 2003, the Secretary shall submit a report to Congress on the results of the program.

(f) AUTHORIZATION OF CONTRACT AUTHORITY.—

(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $12,000,000 for fiscal year 1998, $13,000,000 for fiscal year 1999, $14,000,000 for fiscal year 2000, $17,000,000 for fiscal year 2001, $20,000,000 for fiscal year 2002, and $24,000,000 for fiscal year 2003.

(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

Subtitle F—Planning

SEC. 1601. METROPOLITAN PLANNING.

(a) IN GENERAL.—Section 134 of title 23, United States Code, is amended to read as follows:

"§ 134. Metropolitan planning

"(a) GENERAL REQUIREMENTS.—

"(1) FINDINGS.—Congress finds that it is in the national interest to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight within and through urbanized areas, while minimizing transportation-related fuel consumption and air pollution.

"(2) DEVELOPMENT OF PLANS AND PROGRAMS.—To accomplish the objective stated in paragraph (1), metropolitan planning organizations designated under subsection (b), in cooperation with the State and public transit operators, shall develop transportation plans and programs for urbanized areas of the State.

"(3) CONTENTS.—The plans and programs for each metropolitan area shall provide for the development and integrated management and operation of transportation systems and facilities (including pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transportation system for the metropolitan area and as an integral part of an intermodal transportation system for the State and the United States.

"(4) PROCESS.—The process for developing the plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.

"(b) DESIGNATION OF METROPOLITAN PLANNING ORGANIZATIONS.—

"(1) IN GENERAL.—To carry out the transportation planning process required by this section, a metropolitan planning organization shall be designated for each urbanized area with a population of more than 50,000 individuals—

"(A) by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population (including the central city or cities as defined by the Bureau of the Census); or

"(B) in accordance with procedures established by applicable State or local law.

"(2) REDESIGNATION.—

"(A) PROCEDURES.—A metropolitan planning organization may be redesignated by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population (including the central city or cities as defined by the Bureau of the Census) as appropriate to carry out this section.

"(B) CERTAIN REQUESTS TO REDESIGNATE.—A metropolitan planning organization shall be redesignated upon request of a unit or units of general purpose local government representing at least 25 percent of the affected population (including the central city or cities as defined by the Bureau of the Census) in any urbanized area—

"(i) whose population is more than 5,000,000 but less than 10,000,000, or

"(ii) which is an extreme nonattainment area for ozone or carbon monoxide as defined under the Clean Air Act.

Such redesignation shall be accomplished using procedures established by subparagraph (A).

"(3) DESIGNATION OF MORE THAN 1 METROPOLITAN PLANNING ORGANIZATION.—More than 1 metropolitan planning organization may be designated within an existing metropolitan planning area only if the Governor and the existing metropolitan planning organization determine *that the size and complexity of the existing metropolitan planning area make designation of more than 1 metropolitan planning organization for the area appropriate.*

"(4) STRUCTURE.—Each policy board of a metropolitan planning organization that serves an area designated as a transportation management area, when designated or redesignated under this subsection, shall consist of—

"(A) local elected officials;

"(B) officials of public agencies that administer or operate major modes of transportation in the metropolitan area (including all transportation agencies included in the metropolitan planning organization as of June 1, 1991); and

"(C) appropriate State officials.

"(5) OTHER AUTHORITY.—Nothing in this subsection interferes with the authority, under any State law in effect on December 18, 1991, of a public agency with multimodal transportation responsibilities to—

"(A) develop plans and programs for adoption by a metropolitan planning organization; or

"(B) develop long-range capital plans, coordinate transit services and projects, and carry out other activities under State law.

"(6) CONTINUING DESIGNATION.—A designation of a metropolitan planning organization under this subsection or any other provision of law shall remain in effect until the metropolitan planning organization is redesignated under paragraph (2).

"(c) METROPOLITAN PLANNING AREA BOUNDARIES.—

"(1) IN GENERAL.—For the purposes of this section, the boundaries of a metropolitan planning area shall be determined by agreement between the metropolitan planning organization and the Governor.

"(2) INCLUDED AREA.—Each metropolitan planning area—

"(A) shall encompass at least the existing urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period; and

"(B) may encompass the entire metropolitan statistical area or consolidated metropolitan statistical area, as defined by the Bureau of the Census.

"(3) EXISTING METROPOLITAN PLANNING AREAS IN NONATTAINMENT.—Notwithstanding paragraph (2), in the case of an area designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), the boundaries of the metropolitan planning area in existence as of the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1998, shall be retained, except that the boundaries may be adjusted by agreement of the affected metropolitan planning organizations and Governors in the manner described in subsection (b)(2).

"(4) NEW METROPOLITAN PLANNING AREAS IN NONATTAINMENT.—In the case of an urbanized area designated after the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1998 as a nonattainment area for ozone or carbon monoxide, the boundaries of the metropolitan planning area—

"(A) shall be established by agreement between the appropriate units of general purpose local government (including the central city) and the Governor;

"(B) shall encompass at least the urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period;

"(C) may encompass the entire metropolitan statistical area or consolidated metropolitan statistical area, as defined by the Bureau of the Census; and

"(D) may address any nonattainment area identified under the Clean Air Act (42 U.S.C. 7401 et seq.) for ozone or carbon monoxide.

"(d) COORDINATION IN MULTISTATE AREAS.—

"(1) IN GENERAL.—The Secretary shall encourage each Governor with responsibility for a portion of a multistate metropolitan area and the appropriate metropolitan planning organizations to provide coordinated transportation planning for the entire metropolitan area.

"(2) INTERSTATE COMPACTS.—The consent of Congress is granted to any 2 or more States—

"(A) to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of activities authorized under this section as the activities pertain to interstate areas and localities within the States; and

"(B) to establish such agencies, joint or otherwise, as the States may determine desirable for making the agreements and compacts effective.

"(3) LAKE TAHOE REGION.—

"(A) IN GENERAL.—The Secretary shall—

"(i) establish with the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region (as defined in the Lake Tahoe Regional Planning Compact) a transportation planning process for the region; and

"(ii) coordinate the transportation planning process with the planning process required of State and local governments under this section, section 135, and chapter 53 of title 49.

"(B) INTERSTATE COMPACT.—

"(i) IN GENERAL.—Subject to clause (ii), notwithstanding subsection (b), to carry out the transportation planning process required by this section, the consent of Congress is granted to the States of California and Nevada to designate a metropolitan planning organization for the Lake Tahoe region, by agreement between the Governors of the States of California and Nevada and units of general purpose local government that together represent at least 75 percent of the affected population (including the central city or cities (as defined by the Bureau of the Census)), or in accordance with procedures established by applicable State or local law.

"(ii) INVOLVEMENT OF FEDERAL LAND MANAGEMENT AGENCIES.—

"(I) REPRESENTATION.—The policy board of a metropolitan planning organization designated under subparagraph (A) shall include a representative of each Federal land management agency that has jurisdiction over land in the Lake Tahoe region.

"(II) FUNDING.—In addition to funds made available to the metropolitan planning organization under other provisions of this title and under chapter 53 of title 49, not more than 1 percent of the funds allocated under section 202 may be used to carry out the transportation planning process for the Lake Tahoe region under this subparagraph.

"(C) ACTIVITIES.—

"(i) HIGHWAY PROJECTS.—Highway projects included in transportation plans developed under this paragraph—

"(I) shall be selected for funding in a manner that facilitates the participation of the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region; and

"(II) may, in accordance with chapter 2, be funded using funds allocated under section 202.

"(ii) TRANSIT PROJECTS.—Transit projects included in transportation plans developed under this paragraph may, in accordance with chapter 53 of title 49, be funded using amounts apportioned under that title for—

"(I) capital project funding, in order to accelerate completion of the transit projects; and

"(II) operating assistance, in order to pay the operating costs of the transit projects, including operating costs associated with unique circumstances in the Lake Tahoe region, such as seasonal fluctuations in passenger loadings, adverse weather conditions, and increasing intermodal needs.

"(e) COORDINATION OF METROPOLITAN PLANNING ORGANIZATIONS.—If more than 1 metropolitan planning organization has authority within a metropolitan planning area or an area that is designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), each such metropolitan planning organization shall consult with the other metropolitan planning organizations designated for the area and the State in the development of plans and programs required by this section.

"(f) SCOPE OF PLANNING PROCESS.—The metropolitan transportation planning process for a metropolitan area under this section shall consider the following:

"(1) Supporting the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency.

"(2) Increasing the safety and security of the transportation system for motorized and nonmotorized users.

"(3) Increasing the accessibility and mobility options available to people and for freight.

"(4) Protecting and enhancing the environment, promoting energy conservation, and improving quality of life through land use planning.

"(5) Enhancing the integration and connectivity of the transportation system, across and between modes, for people and freight.

"(6) Promoting efficient system management and operation.

"(7) Emphasizing the preservation of the existing transportation system.

"(g) DEVELOPMENT OF LONG-RANGE TRANSPORTATION PLAN.—

"(1) IN GENERAL.—

"(A) DEVELOPMENT.—In accordance with this subsection, each metropolitan planning organization shall develop, and update periodically, according to a schedule that the Secretary determines to be appropriate, a long-range transportation plan for its metropolitan area.

"(B) FORECAST PERIOD.—In developing long-range transportation plans, the metropolitan planning process shall address—

"(i) the considerations under subsection (f); and

"(ii) any State or local goals developed within the cooperative metropolitan planning process;

as they relate to a 20-year forecast period and to other forecast periods as determined by the participants in the planning process.

"(C) FUNDING ESTIMATES.—For the purpose of developing the long-range transportation plan, the State shall consult with the metropolitan planning organization and each public transit agency in developing estimates of funds that are reasonably expected to be available to support plan implementation.

"(2) LONG-RANGE TRANSPORTATION PLAN.—A long-range transportation plan under this subsection shall, at a minimum, contain—

"(A) an identification of transportation facilities (including major roadways and transit, multimodal, and intermodal facilities) that should function as a future integrated transportation system, giving emphasis to those facilities that serve important national, regional, and metropolitan transportation functions;

"(B) an identification of transportation strategies necessary to—

"(i) ensure preservation, including requirements for management, operation, modernization, and rehabilitation, of the existing and future transportation system; and

"(ii) make the most efficient use of existing transportation facilities to relieve congestion, to efficiently serve the mobility needs of people and goods, and to enhance access within the metropolitan planning area; and

"(C) a financial plan that demonstrates how the long-range transportation plan can be implemented, indicates total resources from public

and private sources that are reasonably expected to be available to carry out the plan (without any requirement for indicating project-specific funding sources), and recommends any additional financing strategies for needed projects and programs.

"(3) COORDINATION WITH CLEAN AIR ACT AGENCIES.—In metropolitan areas that are in nonattainment for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), the metropolitan planning organization shall coordinate the development of a long-range transportation plan with the process for development of the transportation control measures of the State implementation plan required by that Act.

"(4) PARTICIPATION BY INTERESTED PARTIES.—Before adopting a long-range transportation plan, each metropolitan planning organization shall provide citizens, affected public agencies, representatives of transportation agency employees, freight shippers, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the long-range transportation plan.

"(5) PUBLICATION OF LONG-RANGE TRANSPORTATION PLAN.—Each long-range transportation plan prepared by a metropolitan planning organization shall be—

"(A) published or otherwise made readily available for public review; and

"(B) submitted for information purposes to the Governor at such times and in such manner as the Secretary shall establish.

"(h) METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM.—

"(1) DEVELOPMENT.—

"(A) IN GENERAL.—In cooperation with the State and any affected public transit operator, the metropolitan planning organization designated for a metropolitan area shall develop a transportation improvement program for the area for which the organization is designated.

"(B) OPPORTUNITY FOR COMMENT.—In developing the program, the metropolitan planning organization, in cooperation with the State and any affected public transit operator, shall provide citizens, affected public agencies, representatives of transportation agency employees, other affected employee representatives, freight shippers, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the proposed program.

"(C) FUNDING ESTIMATES.—For the purpose of developing the transportation improvement program, the metropolitan planning organization, public transit agency, and State shall cooperatively develop estimates of funds that are reasonably expected to be available to support program implementation.

"(D) UPDATING AND APPROVAL.—The program shall be updated at least once every 2 years and shall be approved by the metropolitan planning organization and the Governor.

"(2) CONTENTS.—The transportation improvement program shall include—

"(A) a list, in order of priority, of proposed federally supported projects and strategies to be carried out within each 3-year-period after the initial adoption of the transportation improvement program; and

"(B) a financial plan that—

"(i) demonstrates how the transportation improvement program can be implemented;

"(ii) indicates resources from public and private sources that are reasonably expected to be available to carry out the program (without any requirement for indicating project-specific funding sources); and

"(iii) identifies innovative financing techniques to finance projects, programs, and strategies (without any requirement for indicating project-specific funding sources).

"(3) INCLUDED PROJECTS.—

"(A) CHAPTER 1 AND CHAPTER 53 PROJECTS.—A transportation improvement program developed under this subsection for a metropolitan area shall include the projects and strategies within the area that are proposed for funding under chapter 1 of this title and chapter 53 of title 49.

"(B) CHAPTER 2 PROJECTS.—

"(i) REGIONALLY SIGNIFICANT PROJECTS.—Regionally significant projects proposed for funding under chapter 2 of this title shall be identified individually in the transportation improvement program.

"(ii) OTHER PROJECTS.—Projects proposed for funding under chapter 2 of this title that are not determined to be regionally significant shall be grouped in 1 line item or identified individually in the transportation improvement program.

"(C) CONSISTENCY WITH LONG-RANGE TRANSPORTATION PLAN.—Each project shall be consistent with the long-range transportation plan developed under subsection (g) for the area.

"(D) REQUIREMENT OF ANTICIPATED FULL FUNDING.—The program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.

"(4) NOTICE AND COMMENT.—Before approving a transportation improvement program, a metropolitan planning organization shall, in cooperation with the State and any affected public transit operator, provide citizens, affected public agencies, representatives of transportation agency employees, private providers of transportation, and other interested parties with reasonable notice of and an opportunity to comment on the proposed program.

"(5) SELECTION OF PROJECTS.—

"(A) IN GENERAL.—Except as otherwise provided in subsection (i)(4) and in addition to the transportation improvement program development required under paragraph (1), the selection of federally funded projects for implementation in metropolitan areas shall be carried out, from the approved transportation improvement program—

"(i) by—

"(I) in the case of projects under chapter 1, the State; and

"(II) in the case of projects under chapter 53 of title 49, the designated transit funding recipients; and

"(ii) in cooperation with the metropolitan planning organization.

"(B) MODIFICATIONS TO PROJECT PRIORITY.—Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved transportation improvement program in place of another project of higher priority in the program.

"(i) TRANSPORTATION MANAGEMENT AREAS.—

"(1) DESIGNATION.—

"(A) REQUIRED DESIGNATIONS.—The Secretary shall designate as a transportation management area each urbanized area with a population of over 200,000 individuals.

"(B) DESIGNATIONS ON REQUEST.—The Secretary shall designate any additional area as a transportation management area on the request of the Governor and the metropolitan planning organization designated for the area.

"(2) TRANSPORTATION PLANS AND PROGRAMS.—Within a transportation management area, transportation plans and programs shall be based on a continuing and comprehensive transportation planning process carried out by the metropolitan planning organization in cooperation with the State and any affected public transit operator.

"(3) CONGESTION MANAGEMENT SYSTEM.—Within a transportation management area, the transportation planning process under this section shall include a congestion management system that provides for effective management of new and existing transportation facilities eligible for funding under this title and chapter 53 of title 49 through the use of travel demand reduction and operational management strategies.

"(4) SELECTION OF PROJECTS.—

"(A) IN GENERAL.—In addition to the transportation improvement program development required under subsection (h)(1), all federally funded projects carried out within the boundaries of a transportation management area under this title (excluding projects carried out on the National Highway System) or under chapter 53 of title 49 shall be selected for implementation from the approved transportation improvement program by the metropolitan planning organization designated for the area in consultation with the State and any affected public transit operator.

"(B) NATIONAL HIGHWAY SYSTEM PROJECTS.—Projects carried out within the boundaries of a transportation management area on the National Highway System shall be selected for implementation from the approved transportation improvement program by the State in cooperation with the metropolitan planning organization designated for the area.

"(5) CERTIFICATION.—

"(A) IN GENERAL.—The Secretary shall—

"(i) ensure that the metropolitan planning process in each transportation management area is being carried out in accordance with applicable provisions of Federal law; and

"(ii) subject to subparagraph (B), certify, not less often than once every 3 years, that the requirements of this paragraph are met with respect to the transportation management area.

"(B) REQUIREMENTS FOR CERTIFICATION.—The Secretary may make the certification under subparagraph (A) if—

"(i) the transportation planning process complies with the requirements of this section and other applicable requirements of Federal law;

"(ii) there is a transportation improvement program for the area that has been approved by the metropolitan planning organization and the Governor;

"(iii) the public has been given adequate opportunity during the certification process to comment on—

"(I) the public participation process conducted by the metropolitan planning organization; and

"(II) the extent to which the transportation improvement program for the metropolitan area takes into account the needs of the entire metropolitan area, including the needs of low and moderate income residents, and the requirement of title VI of the Civil Rights Act; and

"(iv) public comments are—

"(I) included in the documentation supporting the metropolitan planning organization's request for certification; and

"(II) made publicly available.

"(C) EFFECT OF FAILURE TO CERTIFY.—

"(i) WITHHOLDING OF FUNDS.—If a metropolitan planning process is not certified, the Secretary may withhold up to 20 percent of the apportioned funds attributable to the transportation management area under this title and chapter 53 of title 49.

"(ii) RESTORATION OF WITHHELD FUNDS.—The withheld apportionments shall be restored to the metropolitan area at such time as the metropolitan planning organization is certified by the Secretary.

"(iii) FEASIBILITY OF PRIVATE ENTERPRISE PARTICIPATION.—The Secretary shall not withhold certification under this paragraph based on the policies and criteria established by a metropolitan planning organization or transit grant recipient for determining the feasibility of private enterprise participation in accordance with section 5306(a) of title 49.

"(j) ABBREVIATED PLANS AND PROGRAMS FOR CERTAIN AREAS.—

"(1) IN GENERAL.—Subject to paragraph (2), in the case of a metropolitan area not designated as a transportation management area under this section, the Secretary may provide for the development of an abbreviated metropolitan transportation plan and program that the Secretary determines is appropriate to achieve the purposes of this section, taking into account the complexity of transportation problems in the area.

"(2) NONATTAINMENT AREAS.—The Secretary may not permit abbreviated plans or programs for a metropolitan area that is in nonattainment for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.).

"(k) ADDITIONAL REQUIREMENTS FOR CERTAIN NONATTAINMENT AREAS.—

"(1) IN GENERAL.—Notwithstanding any other provision of this title or chapter 53 of title 49, in the case of a transportation management area classified as nonattainment for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), Federal funds may not be programmed in the area for any highway project that will result in a significant increase in carrying capacity for single occupant vehicles unless the project results from an approved congestion management system.

"(2) APPLICABILITY.—This subsection applies to a nonattainment area within the metropolitan planning area boundaries determined under subsection (c).

"(l) LIMITATION.—Nothing in this section confers on a metropolitan planning organization the authority to impose any legal requirement on any transportation facility, provider, or project not eligible for assistance under this title or chapter 53 of title 49.

"(m) FUNDING.—

"(1) IN GENERAL.—Funds set aside under section 104(f) of this title and section 5303 of title 49 shall be available to carry out this section.

"(2) UNUSED FUNDS.—Any funds that are not used to carry out this section may be made available by the metropolitan planning organization to the State to fund activities under section 135.".

(b) TECHNICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 134 and inserting the following:

"134. Metropolitan planning.".

SEC. 1602. STATEWIDE PLANNING.

(a) IN GENERAL.—Section 135 of title 23, United States Code, is amended to read as follows:

"§ 135. Statewide planning

"(a) GENERAL REQUIREMENTS.—

"(1) FINDINGS.—It is in the national interest to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight throughout each State.

"(2) DEVELOPMENT OF PLANS AND PROGRAMS.—Subject to section 134 of this title and sections 5303 through 5305 of title 49, each State shall develop transportation plans and programs for all areas of the State.

"(3) CONTENTS.—The plans and programs for each State shall provide for the development and integrated management and operation of transportation systems (including pedestrian walkways and bicycle transportation facilities) that will function as an intermodal State transportation system and an integral part of the intermodal transportation system of the United States.

"(4) PROCESS OF DEVELOPMENT.—The process for developing the plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate based on the complexity of the transportation problems to be addressed.

"(b) SCOPE OF PLANNING PROCESS.—Each State shall carry out a transportation planning process that shall consider the following:

"(1) Supporting the economic vitality of the United States, the States, and metropolitan areas, especially by enabling global competitiveness, productivity, and efficiency.

"(2) Increasing the safety and security of the transportation system for motorized and nonmotorized users.

"(3) Increasing the accessibility and mobility options available to people and for freight.

"(4) Protecting and enhancing the environment, promoting energy conservation, and improving quality of life through land use planning.

"(5) Enhancing the integration and connectivity of the transportation system, across and between modes throughout the State, for people and freight.

"(6) Promoting efficient system management and operation.

"(7) Emphasizing the preservation of the existing transportation system.

"(c) COORDINATION WITH METROPOLITAN PLANNING; STATE IMPLEMENTATION PLAN.—In carrying out planning under this section, a State shall—

"(1) coordinate the planning with the transportation planning activities carried out under section 134 for metropolitan areas of the State; and

"(2) carry out the responsibilities of the State for the development of the transportation portion of the State air quality implementation plan to the extent required by the Clean Air Act (42 U.S.C. 7401 et seq.).

"(d) ADDITIONAL REQUIREMENTS.—In carrying out planning under this section, each State shall, at a minimum, consider—

"(1) with respect to nonmetropolitan areas, the concerns of local elected officials representing units of general purpose local government;

"(2) the concerns of Indian tribal governments and Federal land management agencies that have jurisdiction over land within the boundaries of the State; and

"(3) coordination of transportation plans, programs, and planning activities with related planning activities being carried out outside of metropolitan planning areas.

"(e) LONG-RANGE TRANSPORTATION PLAN.—

"(1) DEVELOPMENT.—Each State shall develop a long-range transportation plan, with a minimum 20-year forecast period, for all areas of the State, that provides for the development and implementation of the intermodal transportation system of the State.

"(2) CONSULTATION WITH GOVERNMENTS.—

"(A) METROPOLITAN AREAS.—With respect to each metropolitan area in the State, the plan shall be developed in cooperation with the metropolitan planning organization designated for the metropolitan area under section 134 of this title and section 5305 of title 49.

"(B) NONMETROPOLITAN AREAS.—With respect to each nonmetropolitan area, the plan shall be developed in consultation with local elected officials representing units of general purpose local government.

"(C) INDIAN TRIBAL AREAS.—With respect to each area of the State under the jurisdiction of an Indian tribal government, the plan shall be developed in consultation with the tribal government and the Secretary of the Interior.

"(3) PARTICIPATION BY INTERESTED PARTIES.—In developing the plan, the State shall—

"(A) provide citizens, affected public agencies, representatives of transportation agency employees, other affected employee representatives, freight shippers, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the proposed plan; and

"(B) identify transportation strategies necessary to efficiently serve the mobility needs of people.

"(f) STATE TRANSPORTATION IMPROVEMENT PROGRAM.—

"(1) DEVELOPMENT.—

"(A) IN GENERAL.—The State shall develop a transportation improvement program for all areas of the State.

"(B) CONSULTATION WITH GOVERNMENTS.—

"(i) METROPOLITAN AREAS.—With respect to each metropolitan area in the State, the program shall be developed in cooperation with the metropolitan planning organization designated for the metropolitan area under section 134 of this title and section 5305 of title 49.

"(ii) NONMETROPOLITAN AREAS.—

"(I) IN GENERAL.—With respect to each nonmetropolitan area in the State, the program shall be developed in cooperation with the State, elected officials of affected local governments, and elected officials of subdivisions of affected local governments that have jurisdiction over transportation planning, through a process developed by the State that ensures participation by the elected officials.

"(II) REVIEW.—Not less than once every 2 years, the Secretary shall review the planning process through which the program was developed under subclause (I).

"(III) APPROVAL.—The Secretary shall approve the planning process if the Secretary finds that the planning process is consistent with this section and section 134.

"(iii) INDIAN TRIBAL AREAS.—With respect to each area of the State under the jurisdiction of an Indian tribal government, the program shall be developed in consultation with the tribal government and the Secretary of the Interior.

"(C) PARTICIPATION BY INTERESTED PARTIES.—In developing the program, the Governor shall provide citizens, affected public agencies, representatives of transportation agency employees, other affected employee representatives, freight shippers, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the proposed program.

"(2) INCLUDED PROJECTS.—

"(A) IN GENERAL.—A transportation improvement program developed under this subsection for a State shall include federally supported surface transportation expenditures within the boundaries of the State.

"(B) CHAPTER 2 PROJECTS.—

"(i) REGIONALLY SIGNIFICANT PROJECTS.—Regionally significant projects proposed for funding under chapter 2 shall be identified individually.

"(ii) OTHER PROJECTS.—Projects proposed for funding under chapter 2 that are not determined to be regionally significant shall be grouped in 1 line item or identified individually.

"(C) CONSISTENCY WITH LONG-RANGE TRANSPORTATION PLAN.—Each project shall—

"(i) be consistent with the long-range transportation plan developed under this section for the State;

"(ii) be identical to the project as described in an approved metropolitan transportation improvement program; and

"(iii) be in conformance with the applicable State air quality implementation plan developed under the Clean Air Act (42 U.S.C. 7401 et seq.), if the project is carried out in an area designated as nonattainment for ozone or carbon monoxide under that Act.

"(D) REQUIREMENT OF ANTICIPATED FULL FUNDING.—

"(i) IN GENERAL.—The program shall include a project, or an identified phase of a project, *only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.*

"(ii) LIMITATION.—Clause (i) does not require the indication of project-specific funding sources.

"(E) PRIORITIES.—The program shall reflect the priorities for programming and expenditures of funds, including transportation enhancements, required by this title.

"(3) PROJECT SELECTION FOR AREAS OF LESS THAN 50,000 POPULATION.—

"(A) IN GENERAL.—Projects carried out in areas with populations of less than 50,000 individuals (excluding projects carried out on the National Highway System) shall be selected, from the approved statewide transportation improvement program, by the State in cooperation with the affected local officials.

"(B) NATIONAL HIGHWAY SYSTEM PROJECTS.—Projects carried out in areas described in subparagraph (A) on the National Highway System shall be selected, from the approved statewide transportation improvement program, by the State in consultation with the affected local officials.

"(4) BIENNIAL REVIEW AND APPROVAL.—A transportation improvement program developed under this subsection shall be reviewed and, on a finding that the planning process through which the program was developed is consistent with this section and section 134, approved not less frequently than biennially by the Secretary.

"(5) MODIFICATIONS TO PROJECT PRIORITY.—Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved statewide transportation improvement program in place of another project of higher priority in the program.

"(g) FUNDING.—Funds set aside under section 505 of this title and section 5313(b) of title 49 shall be available to carry out this section.

"(h) CONTINUATION OF CURRENT REVIEW PRACTICE.—Since plans and programs described in this section or section 134 are subject to a reasonable opportunity for public comment, since individual projects included in the plans and programs are subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and since decisions by the Secretary concerning plans and programs described in this section have not been reviewed under that Act as of January 1, 1997, any decision by the Secretary concerning a plan or program described in this section or section 134 shall not be considered to be a Federal action subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).".

(b) REDUNDANT METROPOLITAN TRANSPORTATION PLANNING REQUIREMENTS.—

(1) FINDING.—Congress finds that certain major investment study requirements under section 450.318 of title 23, Code of Federal Regulations, are redundant to the planning and project development processes required under other provisions in titles 23 and 49, United States Code.

(2) STREAMLINING.—

(A) IN GENERAL.—The Secretary shall streamline the Federal transportation planning and NEPA decision process requirements for all transportation improvements supported with Federal surface transportation funds or requiring Federal approvals, with the objective of reducing the number of documents required and better integrating required analyses and findings wherever possible.

(B) REQUIREMENTS.—The Secretary shall amend regulations as appropriate and develop procedures to—

(i) eliminate, within six months of the date of enactment of this section, the major investment study under section 450.318 of title 23, Code of Federal Regulations, as a stand-alone requirement independent of other transportation planning requirements, and integrate those components of the major investment study procedure which are not duplicated elsewhere with other transportation planning requirements, provided that in integrating such requirements, the Secretary shall not apply such requirements to any project which previously would not have been subject to section 450.318 of title 23, Code of Federal Regulations;

(ii) eliminate stand-alone report requirements wherever possible;

(iii) prevent duplication by drawing on the products of the planning process in the completion of all environmental and other project development analyses;

(iv) reduce project development time by achieving to the maximum extent practicable a single public interest decision process for Federal environmental analyses and clearances; and

(v) expedite and support all phases of decisionmaking by encouraging and facilitating the early involvement of metropolitan planning organizations, State departments of transportation, transit operators, and Federal and State environmental resource and permit agencies throughout the decisionmaking process.

(3) SAVINGS CLAUSE.—Nothing in this subsection shall affect the responsibility of the Secretary to conform review requirements for transit projects under the National Environmental Policy Act of 1969 to comparable requirements under such Act applicable to highway projects.

SEC. 1603. ADVANCED TRAVEL FORECASTING PROCEDURES PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish an advanced travel forecasting procedures program—

(1) to provide for completion of the advanced transportation model developed under the Transportation Analysis Simulation System (referred to in this section as "TRANSIMS"); and

(2) to provide support for early deployment of the advanced transportation modeling computer software and graphics package developed under TRANSIMS and the program established under this section to States, local governments, and metropolitan planning organizations with responsibility for travel modeling.

(b) ELIGIBLE ACTIVITIES.—The Secretary shall use funds made available under this section to—

(1) provide funding for completion of core development of the advanced transportation model;

(2) develop user-friendly advanced transportation modeling computer software and graphics packages;

(3) provide training and technical assistance with respect to the implementation and application of the advanced transportation model to States, local governments, and metropolitan planning organizations with responsibility for travel modeling; and

(4) allocate funds to not more than 12 entities described in paragraph (3), representing a diversity of populations and geographic regions, for a pilot program to enable transportation management areas designated under section 134(i) of title 23, United States Code, to convert from the use of travel forecasting procedures in use by the areas as of the date of enactment of this Act to the use of the advanced transportation model.

(c) AUTHORIZATION OF CONTRACT AUTHORITY.—

(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $4,000,000 for fiscal year 1998, $3,000,000 for fiscal year 1999, $6,500,000 for fiscal year 2000, $5,000,000 for fiscal year 2001, $4,000,000 for fiscal year 2002, and $2,500,000 for fiscal year 2003.

(2) ALLOCATION OF FUNDS.—

(A) FISCAL YEARS 1998 AND 1999.—For each of fiscal years 1998 and 1999, 100 percent of the funds made available under paragraph (1) shall be allocated to activities in described in paragraphs (1), (2), and (3) of subsection (b).

(B) FISCAL YEARS 2000 THROUGH 2003.—For each of fiscal years 2000 through 2003, not more than 50 percent of the funds made available under paragraph (1) may be allocated to activities described in subsection (b)(4).

(3) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of—

(A) any activity described in paragraph (1), (2), or (3) of subsection (b) shall not exceed 100 percent; and

(B) any activity described in subsection (b)(4) shall not exceed 80 percent.

SEC. 1604. TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PILOT PROGRAM.

(a) ESTABLISHMENT.—In cooperation with appropriate State, regional, and local governments, the Secretary shall establish a comprehensive initiative to investigate and address the relationships between transportation and community and system preservation.

(b) RESEARCH.—

(1) IN GENERAL.—In cooperation with appropriate Federal agencies, State, regional, and local governments, and other entities eligible for assistance under subsection (d), the Secretary shall carry out a comprehensive research program to investigate the relationships between transportation, community preservation, and the environment.

(2) REQUIRED ELEMENTS.—The program shall provide for monitoring and analysis of projects carried out with funds made available to carry out subsections (c) and (d).

(c) PLANNING.—

(1) IN GENERAL.—The Secretary shall allocate funds made available to carry out this subsection to States, metropolitan planning organizations, and local governments to plan, develop, and implement strategies to integrate transportation and community and system preservation plans and practices.

(2) PURPOSES.—The purposes of the allocations shall be—

(A) to improve the efficiency of the transportation system;

(B) to reduce the impacts of transportation on the environment;

(C) to reduce the need for costly future investments in public infrastructure; and

(D) to provide efficient access to jobs, services, and centers of trade.

(3) CRITERIA.—In allocating funds made available to carry out this subsection, the Secretary shall give priority to applicants that—

(A) propose projects for funding that address the purposes described in paragraph (2);

(B) demonstrate a commitment to public involvement, including involvement of nontraditional partners in the project team; and

(C) demonstrate a commitment of non-Federal resources to the proposed projects.

(d) ALLOCATION OF FUNDS FOR IMPLEMENTATION.—

(1) IN GENERAL.—The Secretary shall allocate funds made available to carry out this subsection to States, metropolitan planning organizations, and local governments to carry out projects to address transportation efficiency and community and system preservation.

(2) CRITERIA.—In allocating funds made available to carry out this subsection, the Secretary shall give priority to applicants that—

(A) have instituted preservation or development plans and programs that—

(i) meet the requirements of title 23 and chapter 53 of title 49, United States Code; and

(ii) are—

(I) coordinated with adopted preservation or development plans; or

(II) intended to promote cost-effective and strategic investments in transportation infrastructure that minimize adverse impacts on the environment;

(B) have instituted other policies to integrate transportation and community and system preservation practices, such as—

(i) spending policies that direct funds to high-growth areas;

(ii) urban growth boundaries to guide metropolitan expansion;

(iii) "green corridors" programs that provide access to major highway corridors for areas targeted for efficient and compact development; or

(iv) other similar programs or policies as determined by the Secretary;

(C) have preservation or development policies that include a mechanism for reducing potential impacts of transportation activities on the environment; and

(D) propose projects for funding that address the purposes described in subsection (c)(2).

(3) EQUITABLE DISTRIBUTION.—In allocating funds to carry out this subsection, the Secretary shall ensure the equitable distribution of funds to a diversity of populations and geographic regions.

(4) USE OF ALLOCATED FUNDS.—

(A) IN GENERAL.—An allocation of funds made available to carry out this subsection shall be used by the recipient to implement the projects proposed in the application to the Secretary.

(B) TYPES OF PROJECTS.—The allocation of funds shall be available for obligation for—

(i) any project eligible for funding under title 23 or chapter 53 of title 49, United States Code; or

(ii) any other activity relating to transportation and community and system preservation that the Secretary determines to be appropriate, including corridor preservation activities that are necessary to implement—

(I) transit-oriented development plans;

(II) traffic calming measures; or

(III) other coordinated transportation and community and system preservation practices.

(e) AUTHORIZATION OF CONTRACT AUTHORITY.—

(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $20,000,000 for each of fiscal years 1998 through 2003.

(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

Subtitle G—Technical Corrections

SEC. 1701. FEDERAL-AID SYSTEMS.

(a) IN GENERAL.—Section 103 of title 23, United States Code, is amended to read as follows:

"§ 103. Federal-aid systems

"(a) IN GENERAL.—For the purposes of this title, the Federal-aid systems are the Interstate System and the National Highway System.

"(b) NATIONAL HIGHWAY SYSTEM.—

"(1) DESCRIPTION.—The National Highway System consists of an interconnected system of major routes and connectors that—

"(A) serve major population centers, international border crossings, ports, airports, public transportation facilities, and other intermodal transportation facilities and other major travel destinations;

"(B) meet national defense requirements; and

"(C) serve interstate and interregional travel.

"(2) COMPONENTS.—The National Highway System consists of the following:

"(A) The Interstate System described in subsection (c).

"(B) Other urban and rural principal arterial routes.

"(C) Other connector highways (including toll facilities) that provide motor vehicle access between arterial routes on the National Highway System and a major intermodal transportation facility.

"(D) A strategic highway network consisting of a network of highways that are important to the United States strategic defense policy and that provide defense access, continuity, and emergency capabilities for the movement of personnel, materials, and equipment in both peacetime and wartime. The highways may be highways on or off the Interstate System and shall be designated by the Secretary in consultation with appropriate Federal agencies and the States.

"(E) Major strategic highway network connectors consisting of highways that provide motor vehicle access between major military installations and highways that are part of the strategic highway network. The highways shall be designated by the Secretary in consultation with appropriate Federal agencies and the States.

"(3) MAXIMUM MILEAGE.—The mileage of highways on the National Highway System shall not exceed 178,250 miles.

"(4) MODIFICATIONS TO NHS.—

"(A) IN GENERAL.—The Secretary may make any modification, including any modification consisting of a connector to a major intermodal terminal, to the National Highway System that is proposed by a State or that is proposed by a State and revised by the Secretary if the Secretary determines that the modification—

"(i) meets the criteria established for the National Highway System under this title; and

"(ii) enhances the national transportation characteristics of the National Highway System.

"(B) COOPERATION.—

"(i) IN GENERAL.—In proposing a modification under this paragraph, a State shall cooperate with local and regional officials.

"(ii) URBANIZED AREAS.—In an urbanized area, the local officials shall act through the metropolitan planning organization designated for the area under section 134.

"(c) INTERSTATE SYSTEM.—

"(1) DESCRIPTION.—

"(A) IN GENERAL.—The Dwight D. Eisenhower National System of Interstate and Defense Highways within the United States (including the District of Columbia and Puerto Rico), consists of highways—

"(i) designed—

"(I) in accordance with the standards of section 109(b); or

"(II) in the case of highways in Alaska and Puerto Rico, in accordance with such geometric and construction standards as are adequate for current and probable future traffic demands and the needs of the locality of the highway; and

"(ii) located so as—

"(I) to connect by routes, as direct as practicable, the principal metropolitan areas, cities, and industrial centers;

"(II) to serve the national defense; and

"(III) to the maximum extent practicable, to connect at suitable border points with routes of continental importance in Canada and Mexico.

"(B) SELECTION OF ROUTES.—To the maximum extent practicable, each route of the Interstate System shall be selected by joint action of the State transportation departments of the State in which the route is located and the adjoining States, in cooperation with local and regional officials, and subject to the approval of the Secretary.

"(2) MAXIMUM MILEAGE.—The mileage of highways on the Interstate System shall not exceed 43,000 miles, exclusive of designations under paragraph (4).

"(3) MODIFICATIONS.—The Secretary may approve or require modifications to the Interstate System in a manner consistent with the policies and procedures established under this subsection.

"(4) INTERSTATE SYSTEM DESIGNATIONS.—

"(A) ADDITIONS.—If the Secretary determines that a highway on the National Highway System meets all standards of a highway on the Interstate System and that the highway is a logical addition or connection to the Interstate System, the Secretary may, upon the affirmative recommendation of the State or States in which the highway is located, designate the highway as a route on the Interstate System.

"(B) DESIGNATIONS AS FUTURE INTERSTATE SYSTEM ROUTES.—

"(i) IN GENERAL.—If the Secretary determines that a highway on the National Highway System would be a logical addition or connection to the Interstate System and would qualify for designation as a route on the Interstate System under subparagraph (A), the Secretary may, upon the affirmative recommendation of the State or States in which the highway is located, designate the highway as a future Interstate System route.

"(ii) WRITTEN AGREEMENT OF STATES.—A designation under clause (i) shall be made only upon the written agreement of the State or States described in that clause that the highway will be constructed to meet all standards of a highway on the Interstate System by the date that is 12 years after the date of the agreement.

"(iii) REMOVAL OF DESIGNATION.—

"(I) IN GENERAL.—If the State or States described in clause (i) have not substantially completed the construction of a highway designated under this subparagraph within the time provided for in the agreement between the Secretary and the State or States under clause (ii), the Secretary shall remove the designation of the highway as a future Interstate System route.

"(II) EFFECT OF REMOVAL.—Removal of the designation of a highway under subclause (I) shall not preclude the Secretary from designating the highway as a route on the Interstate System under subparagraph (A) or under any other provision of law providing for addition to the Interstate System.

"(iv) PROHIBITION ON REFERRAL AS INTERSTATE SYSTEM ROUTE.—No law, rule, regulation, map, document, or other record of the United States, or of any State or political subdivision of a State, shall refer to any highway designated as a future Interstate System route under this subparagraph, nor shall any such highway be signed or marked, as a highway on the Interstate System until such time as the highway is constructed to the geometric and construction standards for the Interstate System and has been designated as a route on the Interstate System.

"(C) FINANCIAL RESPONSIBILITY.—

"(i) IN GENERAL.—Except as provided in clause (ii), the designation of a highway under this paragraph shall create no additional Federal financial responsibility with respect to the highway.

"(ii) CERTAIN HIGHWAYS.—Subject to section 119(b)(1)(B), a State may use funds available to the State under section 104(b)(1) for the resurfacing, restoration, rehabilitation, and reconstruction of a highway—

"(I) designated before March 9, 1984, as a route on the Interstate System under subparagraph (A) or as a future Interstate System route under subparagraph (B); or

"(II) designated under subparagraph (A) and located in Alaska or Puerto Rico.

"(d) TRANSFER OF INTERSTATE CONSTRUCTION FUNDS.—

"(1) INTERSTATE CONSTRUCTION FUNDS NOT IN SURPLUS.—

"(A) IN GENERAL.—Upon application by a State and approval by the Secretary, the Secretary may transfer to the apportionment of the State under section 104(b)(1) any amount of funds apportioned to the State under section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1998), if the amount does not exceed the Federal share of the costs of construction of segments of the Interstate System in the State included in the most recent Interstate System cost estimate.

"(B) EFFECT OF TRANSFER.—Upon transfer of an amount under subparagraph (A), the construction on which the amount is based, as included in the most recent Interstate System cost estimate, shall be ineligible for funding under section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1998) or 104(k).

"(2) SURPLUS INTERSTATE CONSTRUCTION FUNDS.—Upon application by a State and approval by the Secretary, the Secretary may transfer to the apportionment of the State under section 104(b)(1) any amount of surplus funds apportioned to the State under section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1998), if the State has fully financed all work eligible under the most recent Interstate System cost estimate.

"(3) APPLICABILITY OF CERTAIN LAWS.—Funds transferred under this subsection shall be subject to the laws (including regulations, policies, and procedures) relating to the apportionment to which the funds are transferred.

"(e) UNOBLIGATED BALANCES OF INTERSTATE SUBSTITUTE FUNDS.—Unobligated balances of funds apportioned to a State under section 103(e)(4)(H) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1998) shall be available for obligation by the State under the law (including regulations, policies, and procedures) relating to the obligation and expenditure of the funds in effect on that date.".

(b) CONFORMING AMENDMENTS.—

(1)(A) Section 101(a) of title 23, United States Code, is amended in the undesignated paragraph defining "Interstate System" by striking "subsection (e) of section 103 of this title" and inserting "section 103(c)".

(B) Section 104(f)(1) of title 23, United States Code, is amended by striking ", except that" and all that follows through "programs".

(C) Section 115(a) of title 23, United States Code, is amended—

(i) in the subsection heading, by striking "SUBSTITUTE,"; and

(ii) in paragraph (1)(A)(i), by striking "103(e)(4)(H),";

(D) Section 118 of title 23, United States Code (as amended by section 1118(b)), is amended—

(i) by striking subsection (d); and

(ii) by redesignating subsections (e), (f), and (g) (as added by section 1103(d)) as subsections (c), (d), and (e), respectively.

(E) Section 129(b) of title 23, United States Code, is amended in the first sentence by striking "which has been" and all that follows through "and has not" and inserting "which is a public road and has not".

(2)(A) Section 139 of title 23, United States Code, is repealed.

(B) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 139.

(C) Section 119(a) of title 23, United States Code, is amended in the first sentence—

(i) by striking "sections 103 and 139(c) of this title" and inserting "section 103(c)(1) and, in Alaska and Puerto Rico, under section 103(c)(4)(A)"; and

(ii) by striking "section 139 (a) and (b) of this title" and inserting "subparagraphs (A) and (B) of section 103(c)(4)".

(D) Section 127(f) of title 23, United States Code, is amended by striking "section 139(a)" and inserting "section 103(c)(4)(A)".

(E) Section 1105(e)(5) of the Intermodal Surface Transportation Efficiency Act of 1991 (109 Stat. 597) is amended by striking subparagraph (B) and inserting the following:

"(B) TREATMENT OF SEGMENTS.—Subject to subparagraph (C), segments designated as parts of the Interstate System under this paragraph shall be treated in the same manner as segments designated under section 103(c)(4)(A) of title 23, United States Code.".

SEC. 1702. MISCELLANEOUS TECHNICAL CORRECTIONS.

(a) DEFINITIONS AND DECLARATION OF POLICY.—

(1) CREATION OF POLICY SECTION.—Section 102 of title 23, United States Code, is amended—

(A) by striking the section heading and inserting the following:

"§ 102. Declaration of policy";

(B) by redesignating subsection (a) as subsection (c) and moving that subsection to the end of section 146; and

(C) by redesignating subsection (b) as subsection (f) and moving that subsection to the end of section 118 (as amended by section 1701(b)(1)(D)(ii)).

(2) TRANSFER OF POLICY PROVISIONS.—Section 101 of title 23, United States Code, is amended—

(A) by striking the section heading and inserting the following:

"§ 101. Definitions";

(B) in subsection (a), by striking "(a)";

(C) by striking subsection (b); and

(D) by redesignating subsections (c) through (e) as subsections (a) through (c), respectively, and moving those subsections to section 102 (as amended by paragraph (1)).

(3) CONFORMING AMENDMENTS.—

(A) The analysis for chapter 1 of title 23, United States Code, is amended by striking the items relating to sections 101 and 102 and inserting the following:

"101. Definitions.

"102. Declaration of policy.".

(B) Section 47107(j)(1)(B) of title 49, United States Code, is amended by striking "section 101(a)" and inserting "section 101".

(b) ADVANCE CONSTRUCTION.—Section 115 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) by striking "PROJECTS" and all that follows through "When a State" and inserting "PROJECTS.—When a State";

(B) by striking paragraphs (2) and (3); and

(C) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and indenting appropriately;

(2) by striking subsection (c);

(3) in subsection (d), by striking "section 135(f)" and inserting "section 135"; and

(4) by redesignating subsection (d) as subsection (c).

(c) MAINTENANCE.—Section 116 of title 23, United States Code, is amended—

(1) in subsection (a), by striking the second sentence;

(2) by striking subsection (b);

(3) in subsection (c)—

(A) in the first sentence, by striking "he" and inserting "the Secretary"; and

(B) in the second sentence, by striking "further projects" and inserting "further expenditure of Federal-aid highway funds"; and

(4) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(d) INTERSTATE MAINTENANCE PROGRAM.—Section 119(a) of title 23, United States Code, is amended in the first sentence by striking "the date of enactment of this sentence" and inserting "March 9, 1984".

(e) ADVANCES TO STATES.—Section 124 of title 23, United States Code, is amended—

(1) by striking "(a)"; and

(2) by striking subsection (b).

(f) DIVERSION.—

(1) IN GENERAL.—Section 126 of title 23, United States Code, is repealed.

(2) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 126.

(g) RAILWAY-HIGHWAY CROSSINGS.—Section 130(f) of title 23, United States Code, is amended by striking "APPORTIONMENT" and all that follows through the first sentence and inserting "FEDERAL SHARE.—".

(h) SURFACE TRANSPORTATION PROGRAM.—Section 133(a) of title 23, United States Code, is amended by striking "ESTABLISHMENT.—The Secretary shall establish" and inserting "IN GENERAL.—The Secretary shall carry out".

(i) CONTROL OF JUNKYARDS.—Section 136 of title 23, United States Code, is amended by striking subsection (m) and inserting the following:

"(m) PRIMARY SYSTEM DEFINED.—For purposes of this section, the term 'primary system' means the Federal-aid primary system in existence on June 1, 1991, and any highway which is not on such system but which is on the National Highway System.".

(j) FRINGE AND CORRIDOR PARKING FACILITIES.—Section 137(a) of title 23, United States Code, is amended in the first sentence by striking "on the Federal-aid urban system" and inserting "on a Federal-aid highway".

(k) NONDISCRIMINATION.—Section 140 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking "subsection (a) of section 105 of this title," and inserting "section 106(a),";

(B) by striking "he" each place it appears and inserting "the Secretary";

(C) in the second sentence, by striking "He" and inserting "The Secretary";

(D) in the third sentence, by striking "In approving programs for projects on any of the Federal-aid systems," and inserting "Before approving any project under section 106(a),"; and

(E) in the last sentence, by striking "him" and inserting "the Secretary";

(2) by striking subsection (b);

(3) in the subsection heading of subsection (d), by striking "AND CONTRACTING"; and

(4) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(l) PUBLIC TRANSPORTATION.—Section 142(a)(2) of title 23, United States Code, is amended by striking "the the" and inserting "the".

(m) PRIORITY PRIMARY ROUTES.—

(1) IN GENERAL.—Section 147 of title 23, United States Code, is repealed.

(2) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 147.

(n) DEVELOPMENT OF A NATIONAL SCENIC AND RECREATIONAL HIGHWAY.—

(1) IN GENERAL.—Section 148 of title 23, United States Code, is repealed.

(2) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 148.

(o) HAZARD ELIMINATION PROGRAM.—Section 152(e) of title 23, United States Code, is amended *by striking "apportioned to" in the first sentence and all that follows through "shall be" in the second sentence.*

(p) ACCESS HIGHWAYS TO PUBLIC RECREATION AREAS ON CERTAIN LAKES.—

(1) IN GENERAL.—Section 155 of title 23, United States Code, is repealed.

(2) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 155.

SEC. 1703. NONDISCRIMINATION.

(a) IN GENERAL.—Section 324 of title 23, United States Code, is amended—

(1) by inserting "(d) PROHIBITION OF DISCRIMINATION ON THE BASIS OF SEX.—" before "No person"; and

(2) by moving subsection (d) (as designated by paragraph (1)) to the end of section 140 (as amended by section 1702(k)).

(b) CONFORMING AMENDMENTS.—

(1) Section 324 of title 23, United States Code, is repealed.

(2) The analysis for chapter 3 of title 23, United States Code, is amended by striking the item relating to section 324.

SEC. 1704. STATE TRANSPORTATION DEPARTMENT.

(a) IN GENERAL.—Section 302 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "(a)";

(B) by striking the second sentence; and

(C) by adding at the end the following: "Compliance with this section shall have no effect on the eligibility of costs."; and

(2) by striking subsection (b).

(b) CONFORMING AMENDMENTS.—

(1) Title 23, United States Code, is amended—

(A) by striking "State highway department" each place it appears and inserting "State transportation department"; and

(B) by striking "State highway departments" each place it appears and inserting "State transportation departments".

(2) The analysis for chapter 3 of title 23, United States Code, is amended in the item relating to section 302 by striking "highway" and inserting "transportation".

*(3) Section 302 of title 23, United States Code, is amended in the section heading by striking "**highway**" and inserting "**transportation**".*

(4) Section 410(h)(5) of title 23, United States Code, is amended in the paragraph heading by striking "HIGHWAY" and inserting "TRANSPORTATION".

(5) Section 201(b) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended in the second sentence by striking "State highway department" and inserting "State transportation department".

(6) Section 138(c) of the Surface Transportation Assistance Act of 1978 (40 U.S.C. App. note to section 201 of the Appalachian Regional Development Act of 1965; Public Law 95-599) is amended in the first sentence by striking "State highway department" and inserting "State transportation department".

Subtitle H—Miscellaneous Provisions

SEC. 1801. DESIGNATION OF PORTION OF STATE ROUTE 17 IN NEW YORK AND PENNSYLVANIA AS INTERSTATE ROUTE 86.

(a) IN GENERAL.—Subject to subsection (b)(2), notwithstanding section 103(c), the portion of State Route 17 located between the junction of State Route 17 and Interstate Route 87 in Harriman, New York, and the junction of State Route 17 and Interstate Route 90 near Erie, Pennsylvania, is designated as Interstate Route 86.

(b) SUBSTANDARD FEATURES.—

(1) UPGRADING.—Each segment of State Route 17 described in subsection (a) that does not substantially meet the Interstate System design standards under section 109(b) of title 23, United States Code, in effect on the date of enactment of this Act shall be upgraded in accordance with plans and schedules developed by the applicable State.

(2) DESIGNATION.—Each segment of State Route 17 that on the date of enactment of this Act is not at least 4 lanes wide, separated by a median, access-controlled, and grade-separated shall—

(A) be designated as a future Interstate System route; and

(B) become part of Interstate Route 86 at such time as the Secretary determines that the segment substantially meets the Interstate System design standards described in paragraph (1).

(c) TREATMENT OF ROUTE.—

(1) MILEAGE LIMITATION.—The mileage of Interstate Route 86 designated under subsection (a) shall not be charged against the limitation established by section 103(c)(2) of title 23, United States Code.

(2) FEDERAL FINANCIAL RESPONSIBILITY.—

(A) IN GENERAL.—Subject to subparagraph (B), the designation of Interstate Route 86 under subsection (a) shall not create increased Federal financial responsibility with respect to the designated Route.

(B) USE OF CERTAIN FUNDS.—A State may use funds available to the State under paragraphs (1) and (3) of section 104(b) of title 23, United States Code, to eliminate substandard features of, and to resurface, restore, rehabilitate, or reconstruct, any portion of the designated Route.

SEC. 1802. IDENTIFICATION OF HIGH PRIORITY CORRIDOR ROUTES IN LOUISIANA.

Section 1105 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2031) is amended—

(1) in subsection (c)(1)—

(A) by striking "Corridor from Kansas" and inserting the following: "Corridor—

"(A) from Kansas";

(B) in subparagraph (A) (as so designated), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(B) from Shreveport, Louisiana, along Interstate Route 49 to Lafayette, Louisiana, and along United States Route 90 to the junction with Interstate Route 10 in New Orleans, Louisiana."; and

(2) in subsection (e)(5)(A), by inserting "in subsection (c)(1)(B)," after "routes referred to".

SEC. 1803. SENSE OF SENATE CONCERNING THE OPERATION OF LONGER COMBINATION VEHICLES.

(a) FINDINGS.—Congress finds that—

(1) section 127(d) of title 23, United States Code, contains a prohibition that took effect on June 1, 1991, concerning the operation of certain longer combination vehicles, including certain double-trailer and triple-trailer trucks;

(2) reports on the results of recent studies conducted by the Federal Government describe, with respect to longer combination vehicles—

(A) problems with the adequacy of rearward amplification braking;

(B) the difficulty in making lane changes; and

(C) speed differentials that occur while climbing or accelerating; and

(3) surveys of individuals in the United States demonstrate that an overwhelming majority of residents of the United States oppose the expanded use of longer combination vehicles.

(b) LONGER COMBINATION VEHICLE DEFINED.—In this section, the term "longer combination vehicle" has the meaning given that term in section 127(d)(4) of title 23, United States Code.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that the prohibitions and restrictions under section 127(d) of title 23, United States Code, as in effect on the date of enactment of this Act, should not be amended so as to result in any less restrictive prohibition or restriction.

SEC. 1804. INTERNATIONAL BRIDGE, SAULT STE. MARIE, MICHIGAN.

The International Bridge Authority, or its successor organization, shall be permitted to continue collecting tolls for maintenance of, operation of, capital improvements to, and future expansions to the International Bridge, Sault Ste. Marie, Michigan, and its approaches, plaza areas, and associated structures.

SEC. 1805. AMENDMENT TO NATIONAL TRAILS SYSTEM ACT.

Section 8(d) of the National Trails System Act (43 U.S.C. 1247(d)) is amended—

(1) by striking "The" and inserting in lieu thereof "(1) The";

(2) by adding at the end thereof the following new paragraphs:

"(2) Consistent with the terms and conditions imposed under paragraph (1), the Surface Transportation Board shall approve a proposal for interim trail use of a railroad right-of-way unless—

"(A) at least half of the units of local government located within the rail corridor for which the interim trail use is proposed pass a resolution opposing the proposed trail use; and

"(B) the resolution is transmitted to the Surface Transportation Board within the applicable time requirements for rail line abandonment proceedings.

"(3) The limitation in paragraph (2) shall not apply if a State has assumed responsibility for the management of such right-of-way.".

SEC. 1806. AMENDMENTS TO TITLE 23.

(a) Section 144 of title 23, United States Code, is amended—

(1) in each of subsections (d) and (g)(3) by inserting after "magnesium acetate" the following: "or agriculturally derived, environmentally acceptable, minimally corrosive anti-icing and de-icing compositions"; and

(2) in subsection (d) by inserting "or such anti-icing or de-icing composition" after "such acetate".

(b) Section 133(b)(1) of title 23, United States Code, is amended by inserting after "magnesium acetate" the following: "or agriculturally derived, environmentally acceptable, minimally corrosive anti-icing and de-icing compositions".

SEC. 1807. LIMITATIONS.

(a) PROHIBITION ON LOBBYING ACTIVITIES.—No funds authorized in this title shall be available for any activity to build support for or against, or to influence the formulation, or adoption of State or local legislation, unless such activity is consistent with previously-existing Federal mandates or incentive programs.

(b) TESTIFYING.—Nothing in this section shall prohibit officers or employees of the United States or its departments or agencies from testifying before any State or local legislative body upon the invitation of such legislative body.

SEC. 1808. ADDITIONAL QUALIFIED EXPENSES AVAILABLE TO NONAMTRAK STATES.

(a) IN GENERAL.—Section 977(e)(1)(B) of the Taxpayer Relief Act of 1997 (defining qualified expenses) is amended—

(1) by striking "and" at the end of clause (iii) and all that follows through "clauses (i) and (iv).", and

(2) by adding after clause (iii) the following:

"(iv) capital expenditures related to State-owned rail operations in the State,

"(v) any project that is eligible to receive funding under section 5309, 5310, or 5311 of title 49, United States Code,

"(vi) any project that is eligible to receive funding under section 130 or 152 of title 23, United States Code,

"(vii) the upgrading and maintenance of intercity primary and rural air service facilities, and the purchase of intercity air service between primary and rural airports and regional hubs,

"(viii) the provision of passenger ferryboat service within the State, and

"(ix) the payment of interest and principal on obligations incurred for such acquisition, upgrading, maintenance, purchase, expenditures, provision, and projects."

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 977 of the Taxpayer Relief Act of 1997.

SEC. 1809. CONTINUANCE OF COMMERCIAL OPERATIONS AT CERTAIN SERVICE PLAZAS IN THE STATE OF MARYLAND.

(a) WAIVER.—Notwithstanding section 111 of title 23, United States Code, and the agreements described in subsection (b), at the request of the Maryland Transportation Authority, the Secretary shall allow the continuance of commercial operations at the service plazas on the John F. Kennedy Memorial Highway on Interstate Route 95.

(b) AGREEMENTS.—The agreements referred to in subsection (a) are agreements between the Department of Transportation of the State of Maryland and the Federal Highway Administration concerning the highway described in subsection (a).

SEC. 1810. PENNSYLVANIA STATION REDEVELOPMENT CORPORATION BOARD OF DIRECTORS.

Section 1069(gg) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2011) is amended by adding at the end the following: "(3) In furtherance of the redevelopment of the James A. Farley Post Office Building in the city of New York, New York, into an intermodal transportation facility and commercial center, the Secretary of Transportation, the Federal Railroad Administrator, and their designees are authorized to serve as ex officio members of the Board of Directors of the Pennsylvania Station Redevelopment Corporation.

SEC. 1811. UNION STATION REDEVELOPMENT CORPORATION BOARD OF DIRECTORS.

Subchapter I of chapter 18 of title 40 of the United States Code is amended by adding a new section at the end thereof as follows:

"§820. Union Station Redevelopment Corporation

"To further the rehabilitation, redevelopment and operation of the Union Station complex, the Secretary of Transportation, the Federal Railroad Administrator, and their designees are authorized to serve as ex officio members of the Board of Directors of the Union Station Redevelopment Corporation.".

SEC. 1812. ADDITIONS TO APPALACHIAN REGION.

Section 403 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) in the undesignated paragraph relating to Alabama, by inserting "Hale," after "Franklin,";

(2) in the undesignated paragraph relating to Georgia—

(A) by inserting "Elbert," after "Douglas,"; and

(B) by inserting "Hart," after "Haralson,";

(3) in the undesignated paragraph relating to Mississippi, by striking "and Winston" and inserting "Winston, and Yalobusha"; and

(4) in the undesignated paragraph relating to Virginia—

(A) by inserting "Montgomery," after "Lee,"; and

(B) by inserting "Rockbridge," after "Pulaski,".

SEC. 1813. SOUTHWEST BORDER TRANSPORTATION INFRASTRUCTURE ASSESSMENT.

(a) IN GENERAL.—The Secretary shall conduct a comprehensive assessment of the state of the transportation infrastructure on the southwest border between the United States and Mexico (referred to in this section as the "border").

(b) CONSULTATION.—In carrying out subsection (a), the Secretary shall consult with—

(1) the Secretary of State;

(2) the Attorney General;

(3) the Secretary of the Treasury;

(4) the Commandant of the Coast Guard;

(5) the Administrator of General Services;

(6) the American Commissioner on the International Boundary Commission, United States and Mexico;

(7) State agencies responsible for transportation and law enforcement in border States; and

(8) municipal governments and transportation authorities in sister cities in the border area.

(c) REQUIREMENTS.—In carrying out the assessment, the Secretary shall—

(1) assess—

(A) the flow of commercial and private traffic through designated ports of entry on the border;

(B) the adequacy of transportation infrastructure in the border area, including highways, bridges, railway lines, and border inspection facilities;

(C) the adequacy of law enforcement and narcotics abatement activities in the border area, as the activities relate to commercial and private traffic; and

(D) future demands on transportation infrastructure in the border area; and

(2) make recommendations to facilitate legitimate cross-border traffic in the border area, while maintaining the integrity of the border.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the assessment conducted under this section, including any related legislative and administrative recommendations.

SEC. 1814. MODIFICATION OF HIGH PRIORITY CORRIDOR.

Section 1105(c)(18) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032) is amended—

(1) by striking "(18) Corridor from Indianapolis," and inserting the following:

"(18)(A) Corridor from Sarnia, Ontario, Canada, through Port Huron, Michigan, southwesterly along Interstate Route 69 through Indianapolis,"; and

(2) by adding at the end the following:

"(B) Corridor from Sarnia, Ontario, Canada, southwesterly along Interstate Route 94 to the Ambassador Bridge interchange in Detroit, Michigan.

"(C) Corridor from Windsor, Ontario, Canada, through Detroit, Michigan, westerly along Interstate Route 94 to Chicago, Illinois.".

SEC. 1815. DESIGNATION OF CORRIDORS IN MISSISSIPPI AND ALABAMA AS ROUTES ON THE INTERSTATE SYSTEM.

(a) IN GENERAL.—

(1) DESIGNATION.—Subject to subsection (b)(2), notwithstanding section 103(c) of title 23, United States Code, the segments described in paragraph (2) are designated as routes on the Interstate System.

(2) SEGMENTS.—The segments referred to in paragraph (1) are—

(A) the portion of Corridor V of the Appalachian development highway system from Interstate Route 55 near Batesville, Mississippi, to the intersection with Corridor X of the Appalachian development highway system near Fulton, Mississippi; and

(B) the portion of Corridor X of the Appalachian development highway system from near Fulton, Mississippi, to the intersection with Interstate Route 65 near Birmingham, Alabama.

(b) SUBSTANDARD FEATURES.—

(1) UPGRADING.—Each portion of the segments described in subsection (a)(2) that does not substantially meet the Interstate System design standards under section 109(b) of title 23, United States Code, in effect on the date of enactment of this Act shall be upgraded in accordance with plans and schedules developed by the applicable State.

(2) DESIGNATION.—Each portion of the segments described in subsection (a)(2) that on the date of enactment of this Act does not meet the Interstate System design standards under section 109(b) of that title and does not connect to a segment of the Interstate System shall—

(A) be designated as a future Interstate System route; and

(B) become part of the Interstate System at such time as the Secretary determines that the portion of the segment—

(i) meets the Interstate System design standards; and

(ii) connects to another segment of the Interstate System.

(c) TREATMENT OF ROUTES.—

(1) MILEAGE LIMITATION.—The mileage of the routes on the Interstate System designated under subsection (a) shall not be charged against the limitation established by section 103(c)(2) of title 23, United States Code.

(2) FEDERAL FINANCIAL RESPONSIBILITY.—

(A) IN GENERAL.—Subject to subparagraph (B), the designation of the routes on the Interstate System under subsection (a) shall not create increased Federal financial responsibility with respect to the designated segments.

(B) USE OF CERTAIN FUNDS.—A State may use funds available to the State under paragraphs (1)(C) and (3) of section 104(b) of title 23, United States Code, to eliminate substandard features of, and to resurface, restore, rehabilitate, or reconstruct, any portion of the designated segments.

(3) ELIGIBILITY FOR OTHER FUNDING.—(A) This section shall not affect the amount of funding that a State shall be entitled to receive under any other section of this Act or under any other law.

(B) EFFECT OF PROVISION.—Nothing in this section shall result in an increase in a State's estimated cost to complete the Appalachian development highway system or in the amount of assistance that the State shall be entitled to receive from the Appalachian Development Highway System under this Act or any other Act.

SEC. 1816. REAUTHORIZATION OF FERRY AND FERRY TERMINAL PROGRAM.

(a) Section 1064(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note) is amended by striking "$14,000,000" and all that follows through "this section" and inserting in lieu thereof "$30,000,000 for fiscal year 1998, $25,000,000 for fiscal year 1999, $25,000,000 for fiscal year 2000, $30,000,000 for fiscal year 2001, $35,000,000 for fiscal year 2002, and $35,000,000 for fiscal year 2003 in carrying out this section, at least $12,000,000 of which in each such fiscal year shall be obligated for the construction of ferry boats, terminal facilities and approaches to such facilities within marine highway systems that are part of the National Highway System".

(b) In addition to the obligation authority provided in subsection (a), there are authorized to be appropriated $20,000,000 in each of fiscal years 1999, 2000, 2001, 2002, and 2003 for the ferry boat and ferry terminal facility program under section 1064 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note).

SEC. 1817. REPORT ON UTILIZATION POTENTIAL.

(a) STUDY.—The Secretary of Transportation shall conduct a study of ferry transportation in the United States and its possessions—

(1) to identify existing ferry operations, including—

(A) the locations and routes served;

(B) the name, United States official number, and a description of each vessel operated as a ferry;

(C) the source and amount, if any, of funds derived from Federal, State, or local government sources supporting ferry construction or operations;

(D) the impact of ferry transportation on local and regional economies; and

(E) the potential for use of high-speed ferry services.

(2) identify potential domestic ferry routes in the United States and its possessions and to develop information on those routes, including—

(A) locations and routes that might be served;

(B) estimates of capacity required;

(C) estimates of capital costs of developing these routes;

(D) estimates of annual operating costs for these routes;

(E) estimates of the economic impact of these routes on local and regional economies; and

(F) the potential for use of high-speed ferry services.

(b) REPORT.—The Secretary shall report the results of the study under subsection (a) within one year after the date of enactment of this Act to the Committee on Commerce, Science, and Transportation of the United States Senate and the Committee on Transportation and Infrastructure of the United States House of Representatives.

(c) FINDINGS.—After reporting the results of the study required by paragraph (b), the Secretary of Transportation shall meet with the relevant State and municipal planning organizations to discuss the results of the study and the availability of resources, both Federal and State, for providing marine ferry service.

TITLE II—RESEARCH AND TECHNOLOGY

Subtitle A—Research and Training

SEC. 2001. STRATEGIC RESEARCH PLAN.

Subtitle III of title 49, United States Code, is amended—

(1) in the table of chapters, by inserting after the item relating to chapter 51 the following:

"52. RESEARCH AND DEVELOPMENT ...... 5201";
and

(2) by inserting after chapter 51 the following:

"CHAPTER 52—RESEARCH AND DEVELOPMENT

"Sec.
"5201. Definitions.

"SUBCHAPTER I—GENERAL AND ADMINISTRATIVE PROVISIONS

"5211. Transactional authority.

"SUBCHAPTER II—STRATEGIC PLANNING

"5221. Strategic planning.
"5222. Authorization of contract authority.

"SUBCHAPTER III—MULTIMODAL TRANSPORTATION RESEARCH AND DEVELOPMENT PROGRAM

"5231. Multimodal Transportation Research and Development Program.
"5232. Authorization of contract authority.

"SUBCHAPTER IV—NATIONAL UNIVERSITY TRANSPORTATION CENTERS

"5241. National university transportation centers.

"§5201. Definitions

"In this chapter:

"(1) DEPARTMENT.—The term 'Department' means the Department of Transportation.

"(2) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

"SUBCHAPTER I—GENERAL AND ADMINISTRATIVE PROVISIONS

"§5211. Transactional authority

"To further the objectives of this chapter, the Secretary may make grants to, and enter into contracts, cooperative agreements, and other transactions with—

"(1) any person or any agency or instrumentality of the United States;

"(2) any unit of State or local government;

"(3) any educational institution;

"(4) any Federal laboratory; and

"(5) any other entity.

"SUBCHAPTER II—STRATEGIC PLANNING

"§5221. Strategic planning

"(a) AUTHORITY.—The Secretary shall establish a strategic planning process to—

"(1) determine national transportation research, development, and technology deployment priorities, strategies, and milestones over the next 5 years;

"(2) coordinate Federal transportation research, development, and technology deployment activities; and

"(3) measure the impact of the research, development, and technology investments described in paragraph (2) on the performance of the transportation system of the United States.

"(b) CRITERIA.—In developing strategic plans for intermodal, multimodal, and mode-specific research, development, and technology deployment, the Secretary shall consider the need to—

"(1) coordinate and integrate Federal, regional, State, and metropolitan planning research, development, and technology activities in urban and rural areas;

"(2) promote standards that facilitate a seamless and interoperable transportation system;

"(3) encourage innovation;

"(4) identify and facilitate initiatives and partnerships to deploy technology with the potential for improving transportation systems during the next 5-year and 10-year periods;

"(5) identify core research to support the long-term transportation technology and system needs of urban and rural areas of the United States, including safety;

"(6) ensure the ability of the United States to compete on a global basis; and

"(7) provide a means of assessing the impact of Federal research and technology investments on the performance of the transportation system of the United States.

"(c) IMPLEMENTATION.—

"(1) IN GENERAL.—In carrying out subsection (a), the Secretary shall adopt such policies and procedures as are appropriate—

"(A) to provide for integrated planning, coordination, and consultation among the Administrators of the operating administrations of the Department and other Federal officials with responsibility for research, development, and technology transfer important to national transportation needs;

"(B) to promote the exchange of information on transportation-related research and development activities among the operating elements of the Department, other Federal departments and agencies, Federal laboratories, State and local governments, colleges and universities, industry, and other private and public sector organizations engaged in the activities;

"(C) to ensure that the research and development programs of the Department do not duplicate other Federal and, to the maximum extent practicable, private sector research and development programs; and

"(D) to ensure that the research and development activities of the Department—

"(i) make appropriate use of the talents, skills, and abilities at the Federal laboratories; and

"(ii) leverage, to the maximum extent practicable, the research, development, and technology transfer capabilities of institutions of higher education and private industry.

"(2) CONSULTATION.—The procedures and policies adopted under paragraph (1) shall include consultation with State officials and members of the private sector.

"(d) REPORTS.—

"(1) IN GENERAL.—Concurrent with the submission to Congress of the budget of the President for each fiscal year, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the strategic plans, goals, and milestones developed under subsections (a) and (b) to help guide research, development, and technology transfer activities during the 5-year period beginning on the date of the report.

"(2) COMPARISON TO PREVIOUS REPORT.—The report shall include a delineation of the progress made with respect to each of the plans, goals, and milestones specified in the previous report.

"(3) PROHIBITION ON OBLIGATION FOR FAILURE TO SUBMIT REPORT.—Beginning on the date of the submission to Congress of the budget of the President for fiscal year 2000, and on the date of the submission for each fiscal year thereafter, none of the funds made available under this chapter or chapter 5 of title 23 may be obligated until the report required under paragraph (1) for that fiscal year is submitted.

"§5222. Authorization of contract authority

"(a) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subchapter $1,500,000 for each of fiscal years 1998 through 2003.

"(b) CONTRACT AUTHORITY.—Funds authorized under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, except that—

"(1) any Federal share of the cost of an activity under this subchapter shall be determined in accordance with this subchapter; and

"(2) the funds shall remain available for obligation for a period of 2 years after the last day of the fiscal year for which the funds are authorized.

"(c) USE OF UNALLOCATED FUNDS.—To the extent that the amounts made available for any fiscal year under subsection (a) exceed the amounts used to carry out section 5221 for the fiscal year, the excess amounts—

"(1) shall be apportioned in accordance with section 104(b)(3) of title 23;

"(2) shall be considered to be sums made available for expenditure on the surface transportation program, except that the amounts shall not be subject to section 133(d) of that title; and

"(3) shall be available for any purpose eligible for funding under section 133 of that title.".

SEC. 2002. MULTIMODAL TRANSPORTATION RESEARCH AND DEVELOPMENT PROGRAM.

Chapter 52 of title 49, United States Code (as added by section 2001), is amended by adding at the end the following:

"SUBCHAPTER III—MULTIMODAL TRANSPORTATION RESEARCH AND DEVELOPMENT PROGRAM

"§5231. Multimodal Transportation Research and Development Program

"(a) ESTABLISHMENT.—The Secretary shall establish a program to be known as the 'Multimodal Transportation Research and Development Program'.

"(b) PURPOSES.—The purposes of the Multimodal Transportation Research and Development Program are to—

"(1) enhance the capabilities of Federal agencies to meet national transportation needs, as defined by the missions of the agencies, through support for long-term and applied research and development that would benefit the various modes of transportation, including research and development in safety, security, mobility, energy

and the environment, information and physical infrastructure, and industrial design;

"(2) identify and apply innovative research performed by the Federal Government, Federal laboratories, academia, and the private sector to the intermodal and multimodal transportation research, development, and deployment needs of the Department and the transportation enterprise of the United States;

"(3) identify and leverage research, technologies, and other information developed by the Federal Government for national defense and nondefense purposes for the benefit of the public, commercial, and defense transportation sectors; and

"(4) share information and analytical and research capabilities among the Federal Government, State and local governments, colleges and universities, and private organizations to advance their ability to meet their transportation research, development, and deployment needs.

"(c) Process for Consultation.—To advise the Secretary in establishing priorities within the Program, the Secretary shall establish a process for consultation among the Administrators of the operating administrations of the Department and other Federal officials with responsibility for research.

"§5232. Authorization of contract authority

"(a) In General.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subchapter $2,500,000 for each of fiscal years 1998 through 2003.

"(b) Contract Authority.—Funds authorized under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, except that—

"(1) any Federal share of the cost of an activity under this subchapter shall be determined in accordance with this subchapter; and

"(2) the funds shall remain available for obligation for a period of 2 years after the last day of the fiscal year for which the funds are authorized.".

SEC. 2003. NATIONAL UNIVERSITY TRANSPORTATION CENTERS.

(a) In General.—Chapter 52 of title 49, United States Code (as amended by section 2002), is amended by adding at the end the following:

"SUBCHAPTER IV—NATIONAL UNIVERSITY TRANSPORTATION CENTERS

"§5241. National university transportation centers

"(a) In General.—The Secretary shall make grants to, or enter into contracts with, the nonprofit institutions of higher learning selected under section 5317 (as in effect on the day before the date of enactment of this section)—

"(1) to operate 1 university transportation center in each of the 10 Federal administrative regions that comprise the Standard Federal Regional Boundary System; and

"(2) to continue operation of university transportation centers at the Mack-Blackwell National Rural Transportation Study Center, the National Center for Transportation and Industrial Productivity, the Institute for Surface Transportation Policy Studies, the Urban Transit Institute at the University of South Florida, the National Center for Advanced Transportation Technology, and the University of Alabama Transportation Research Center.

"(b) Additional Centers.—

"(1) In general.—The Secretary may make grants to nonprofit institutions of higher learning to establish and operate not more than 4 additional university transportation centers to address—

"(A) transportation management, research, and development, with special attention to increasing the number of highly skilled minority individuals and women entering the transportation workforce;

"(B) transportation and industrial productivity;

"(C) rural transportation;

"(D) advanced transportation technology;

"(E) international transportation policy studies;

"(F) transportation infrastructure technology;

"(G) urban transportation research;

"(H) transportation and the environment;

"(I) surface transportation safety; or

"(J) infrastructure finance studies.

"(2) Selection Criteria.—

"(A) Application.—A nonprofit institution of higher learning that desires to receive a grant under paragraph (1) shall submit an application to the Secretary in such manner and containing such information as the Secretary may require.

"(B) Selection of Recipients.—The Secretary shall select each grant recipient under paragraph (1) on the basis of—

"(i) the demonstrated research and extension resources available to the recipient to carry out this section;

"(ii) the capability of the recipient to provide leadership in making national and regional contributions to the solution of immediate and long-term transportation problems;

"(iii) the establishment by the recipient of a surface transportation program that encompasses several modes of transportation;

"(iv) the demonstrated ability of the recipient to disseminate results of transportation research and education programs through a statewide or regionwide continuing education program;

"(v) the strategic plan that the recipient proposes to carry out using the grant funds; and

"(vi) the extent to which private funds have been committed to a university and public-private partnerships established to fulfill the objectives specified in paragraph (1).

"(c) Objectives.—Each university transportation center shall use grant funds under subsection (a) or (b) to carry out—

"(1) multimodal basic and applied research, the products of which are judged by peers or other experts in the field to advance the body of knowledge in transportation;

"(2) an education program that includes multidisciplinary course work and participation in research; and

"(3) an ongoing program of technology transfer that makes research results available to potential users in a form that can be readily implemented, used, or otherwise applied.

"(d) Maintenance of Effort.—Before making a grant under subsection (a) or (b), the Secretary shall require the grant recipient to enter into an agreement with the Secretary to ensure that the recipient will maintain, during the period of the grant, a level of total expenditures from all other sources for establishing and operating a university transportation center and carrying out related research activities that is at least equal to the average level of those expenditures in the 2 fiscal years of the recipient prior to the award of a grant under subsection (a) or (b).

"(e) Additional Grants and Contracts.—

"(1) Grants or contracts.—In addition to grants under subsection (a) or (b), the Secretary may make grants to, or enter into contracts with, university transportation centers without the need for a competitive process.

"(2) Use of grants or contracts.—A noncompetitive grant or contract under paragraph (1) shall be used for transportation research, development, education, or training consistent with the strategic plan approved as part of the selection process for the center.

"(f) Federal Share.—The Federal share of the cost of establishing and operating a university transportation center and carrying out related research activities under this section shall be not more than 50 percent.

"(g) Program Coordination.—

"(1) In general.—The Secretary shall—

"(A) coordinate research, education, training, and technology transfer activities carried out by grant recipients under this section;

"(B) disseminate the results of the research; and

"(C) establish and operate a clearinghouse for disseminating the results of the research.

"(2) Review and evaluation.—

"(A) In general.—Not less often than annually, the Secretary shall review and evaluate programs carried out by grant recipients under this section.

"(B) Notification of deficiencies.—In carrying out subparagraph (A), if the Secretary determines that a university transportation center is deficient in meeting the objectives of this section, the Secretary shall notify the grant recipient operating the center of each deficiency and provide specific recommendations of measures that should be taken to address the deficiency.

"(C) Disqualification.—If, after the end of the 180-day period that begins on the date of notification to a grant recipient under subparagraph (B) with respect to a center, the Secretary determines that the recipient has not corrected each deficiency identified under subparagraph (B), the Secretary may, after notifying the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of the determination—

"(i) disqualify the university transportation center from further participation under this section; and

"(ii) make a grant for the establishment of a new university transportation center, in lieu of the disqualified center, under subsection (a) or (b), as applicable.

"(3) Funding.—The Secretary may use not more than 1 percent of Federal funds made available under this section to carry out this subsection.

"(h) Authorization of Contract Authority.—

"(1) In general.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $12,000,000 for each of fiscal years 1998 through 2003.

"(2) Contract authority.—Funds authorized under this subsection shall be made available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, except that the Federal share of the cost of a project under this section shall be determined in accordance with this section.

"(3) Technology transfer activities.—For each fiscal year, not less than 5 percent of the amounts made available to carry out this section shall be available to carry out technology transfer activities.

"(i) Limitation on Availability of Funds.—Funds authorized under this section shall remain available for obligation for a period of 2 years after the last day of the fiscal year for which the funds are authorized.".

(b) Conforming Amendments.—

(1) Sections 5316 and 5317 of title 49, United States Code, are repealed.

(2) The analysis for chapter 53 of title 49, United States Code, is amended by striking the items relating to sections 5316 and 5317.

SEC. 2004. BUREAU OF TRANSPORTATION STATISTICS.

(a) In General.—Section 111 of title 49, United States Code, is amended—

(1) in subsection (b)(4), by striking the second sentence;

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (J), by striking "and" at the end;

(ii) in subparagraph (K), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(L) transportation-related variables that influence global competitiveness.";

(B) in paragraph (2)—

(i) in the first sentence, by striking "national transportation system" and inserting "transportation systems of the United States";

(ii) by striking subparagraph (A) and inserting the following:

"(A) be coordinated with efforts to measure outputs and outcomes of the Department of Transportation and the transportation systems of the United States under the Government Performance and Results Act of 1993 (Public Law 103-62) and the amendments made by that Act;"; and

(iii) in subparagraph (C), by inserting ", made relevant to the States and metropolitan planning organizations," after "accuracy";

(C) in paragraph (3), by adding at the end the following: "The Bureau shall review and report to the Secretary of Transportation on the sources and reliability of the statistics proposed by the heads of the operating administrations of the Department to measure outputs and outcomes as required by the Government Performance and Results Act of 1993 (Public Law 103-62), and the amendments made by that Act, and shall carry out such other reviews of the sources and reliability of other data collected by the heads of the operating administrations of the Department as shall be requested by the Secretary."; and

(D) by adding at the end the following:

"(7) Supporting Transportation Decisionmaking.—Ensuring that the statistics compiled under paragraph (1) are relevant for transportation decisionmaking by the Federal Government, State and local governments, transportation-related associations, private businesses, and consumers.";

(3) by redesignating subsections (d), (e), and (f) as subsections (h), (i), and (j), respectively;

(4) by striking subsection (g);

(5) by inserting after subsection (c) the following:

"(d) Transportation Data Base.—

"(1) In general.—In consultation with the Associate Deputy Secretary, the Assistant Secretaries, and the heads of the operating administrations of the Department of Transportation, the Director shall establish and maintain a transportation data base for all modes of transportation.

"(2) Use.—The data base shall be suitable for analyses carried out by the Federal Government, the States, and metropolitan planning organizations.

"(3) Contents.—The data base shall include—

"(A) information on the volumes and patterns of movement of goods, including local, interregional, and international movement, by all modes of transportation and intermodal combinations, and by relevant classification;

"(B) information on the volumes and patterns of movement of people, including local, interregional, and international movements, by all modes of transportation (including bicycle and pedestrian modes) and intermodal combinations, and by relevant classification;

"(C) information on the location and connectivity of transportation facilities and services; and

"(D) a national accounting of expenditures and capital stocks on each mode of transportation and intermodal combination.

"(e) National Transportation Library.—

"(1) In general.—The Director shall establish and maintain a National Transportation Library, which shall contain a collection of statistical and other information needed for transportation decisionmaking at the Federal, State, and local levels.

"(2) Access.—The Bureau shall facilitate and promote access to the Library, with the goal of improving the ability of the transportation community to share information and the ability of the Bureau to make statistics readily accessible under subsection (c)(5).

"(3) Coordination.—The Bureau shall work with other transportation libraries and other transportation information providers, both public and private, to achieve the goal specified in paragraph (2).

"(f) National Transportation Atlas Data Base.—

"(1) In general.—The Director shall develop and maintain geospatial data bases that depict—

"(A) transportation networks;

"(B) flows of people, goods, vehicles, and craft over the networks; and

"(C) social, economic, and environmental conditions that affect or are affected by the networks.

"(2) Intermodal network analysis.—The data bases shall be able to support intermodal network analysis.

"(g) Research and Development Grants.—The Secretary may make grants to, or enter into cooperative agreements or contracts with, public and nonprofit private entities (including State departments of transportation, metropolitan planning organizations, and institutions of higher education) for—

"(1) investigation of the subjects specified in subsection (c)(1) and research and development of new methods of data collection, management, integration, dissemination, interpretation, and analysis;

"(2) development of electronic clearinghouses of transportation data and related information, as part of the National Transportation Library under subsection (e); and

"(3) development and improvement of methods for sharing geographic data, in support of the national transportation atlas data base under subsection (f) and the National Spatial Data Infrastructure developed under Executive Order No. 12906.";

(6) by striking subsection (i) (as redesignated by paragraph (3)) and inserting the following:

"(i) Prohibition on Certain Disclosures.—

"(1) In general.—An officer or employee of the Bureau may not—

"(A) make any disclosure in which the data provided by an individual or organization under subsection (c)(2) can be identified;

"(B) use the information provided under subsection (c)(2) for a nonstatistical purpose; or

"(C) permit anyone other than an individual authorized by the Director to examine any individual report provided under subsection (c)(2).

"(2) Prohibition on requests for certain data.—

"(A) Government agencies.—No department, bureau, agency, officer, or employee of the United States (except the Director in carrying out this section) may require, for any reason, a copy of any report that has been filed under subsection (c)(2) with the Bureau or retained by an individual respondent.

"(B) Courts.—Any copy of a report described in subparagraph (A) that has been retained by an individual respondent or filed with the Bureau or any of its employees, contractors, or agents—

"(i) shall be immune from legal process; and

"(ii) shall not, without the consent of the individual concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding.

"(C) Applicability.—This paragraph shall apply only to information that permits information concerning an individual or organization to be reasonably inferred by direct or indirect means.

"(3) Data collected for nonstatistical purposes.—In a case in which the Bureau is authorized by statute to collect data or information for a nonstatistical purpose, the Director shall clearly distinguish the collection of the data or information, by rule and on the collection instrument, so as to inform a respondent that is requested or required to supply the data or information of the nonstatistical purpose.";

(7) in subsection (j) (as redesignated by paragraph (3)), by striking "On or before January 1, 1994, and annually thereafter, the" and inserting "The"; and

(8) by adding at the end the following:

"(k) Study.—

"(1) In general.—The Director shall carry out a study—

"(A) to measure the ton-miles and value-miles of international trade traffic carried by highway for each State;

"(B) to evaluate the accuracy and reliability of such measures for use in the formula for highway apportionments;

"(C) to evaluate the accuracy and reliability of the use of diesel fuel data as a measure of international trade traffic by State; and

"(D) to identify needed improvements in long-term data collection programs to provide accurate and reliable measures of international traffic for use in the formula for highway apportionments.

"(2) Basis for evaluations.—The study shall evaluate the accuracy and reliability of measures for use as formula factors based on statistical quality standards developed by the Bureau in consultation with the Committee on National Statistics of the National Academy of Sciences.

"(3) Report.—Not later than 3 years after the date of enactment of this subsection, the Director shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study carried out under paragraph (1), including recommendations for changes in law necessary to implement the identified needs for improvements in long-term data collection programs.

"(l) Proceeds of Data Product Sales.—Notwithstanding section 3302 of title 31, United States Code, funds received by the Bureau from the sale of data products, for necessary expenses incurred, may be credited to the Highway Trust Fund (other than the Mass Transit Account) for the purpose of reimbursing the Bureau for the expenses.

"(m) Authorization of Contract Authority.—

"(1) In general.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $26,000,000 for fiscal year 1998, $27,000,000 for fiscal year 1999, $28,000,000 for fiscal year 2000, $29,000,000 for fiscal year 2001, $30,000,000 for fiscal year 2002, and $31,000,000 for fiscal year 2003, except that not more than $500,000 for each fiscal year may be made available to carry out subsection (g).

"(2) Availability.—Funds authorized under this subsection shall remain available for a period of 3 years after the last day of the fiscal year for which the funds are authorized.

"(3) Contract authority.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23.".

(b) Conforming Amendments.—Section 5503 of title 49, United States Code, is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

SEC. 2005. RESEARCH AND TECHNOLOGY PROGRAM.

Title 23, United States Code, is amended—

(1) in the table of chapters, by adding at the end the following:

"5. Research and Technology .... **501";** and

(2) by adding at the end the following:

"CHAPTER 5—RESEARCH AND TECHNOLOGY

"SUBCHAPTER I—RESEARCH AND TRAINING

"Sec.
"501. Definitions.
"502. Research and technology program.
"503. Advanced research program.
"504. Long-term pavement performance program.
"505. State planning and research program.
"506. Education and training.
"507. International highway transportation outreach program.
"508. National technology deployment initiatives and partnerships program.
"509. Infrastructure investment needs report.
"510. Innovative bridge research and construction program.
"511. Study of future strategic highway research program.
"512. Transportation and environment cooperative research program.
"513. Recycled materials resource center.

"SUBCHAPTER II—INTELLIGENT TRANSPORTATION SYSTEMS

"521. Purposes.
"522. Definitions.
"523. Cooperation, consultation, and analysis.
"524. Research, development, and training.
"525. Intelligent transportation system integration program.
"526. Integration program for rural areas.
"527. Commercial vehicle intelligent transportation system infrastructure.
"528. Corridor development and coordination.
"529. Standards.
"530. Funding limitations.
"531. Use of innovative financing.
"532. Advisory committees.

"SUBCHAPTER III—FUNDING

"541. Funding.

"SUBCHAPTER I—RESEARCH AND TRAINING

"§ 501. Definitions

"In this chapter:

"(1) SAFETY.—The term 'safety' includes highway and traffic safety systems, research, and development relating to vehicle, highway, driver, passenger, bicyclist, and pedestrian characteristics, accident investigations, communications, emergency medical care, and transportation of the injured.

"(2) FEDERAL LABORATORY.—The term 'Federal laboratory' includes a Government-owned, Government-operated laboratory and a Government-owned, contractor-operated laboratory.

"§ 502. Research and technology program

"(a) GENERAL AUTHORITY AND COLLABORATIVE AGREEMENTS.—

"(1) AUTHORITY OF THE SECRETARY.—

"(A) IN GENERAL.—The Secretary—

"(i) shall carry out research, development, and technology transfer activities with respect to—

"(I) motor carrier transportation;

"(II) all phases of transportation planning and development (including construction, operation, modernization, development, design, maintenance, safety, financing, and traffic conditions); and

"(III) the effect of State laws on the activities described in subclauses (I) and (II); and

"(ii) may test, develop, or assist in testing and developing any material, invention, patented article, or process.

"(B) COOPERATION, GRANTS, AND CONTRACTS.—The Secretary may carry out this section—

"(i) independently;

"(ii) in cooperation with other Federal departments, agencies, and instrumentalities and multipurpose Federal laboratories; or

"(iii) by making grants to, or entering into contracts, cooperative agreements, and other transactions with, the National Academy of Sciences, the American Association of State Highway and Transportation Officials, any Federal laboratory, any State agency, authority, association, institution, for-profit or nonprofit corporation, organization, foreign country, or person.

"(C) TECHNICAL INNOVATION.—The Secretary shall develop and carry out programs to facilitate the application of such products of research and technical innovations as will improve the safety, efficiency, and effectiveness of the transportation system.

"(D) FUNDS.—

"(i) IN GENERAL.—Except as otherwise specifically provided in other sections of this chapter—

"(I) to carry out this section, the Secretary shall use—

"(aa) funds made available under section 541 for research, technology, and training; and

"(bb) such funds as may be deposited by any cooperating organization or person in a special account of the Treasury established for this purpose; and

"(II) the funds described in item (aa) shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the funds are authorized.

"(ii) USE OF FUNDS.—The Secretary shall use funds described in clause (i) to develop, administer, communicate, and promote the use of products of research, development, and technology transfer programs under this section.

"(2) COLLABORATIVE RESEARCH AND DEVELOPMENT.—

"(A) IN GENERAL.—To encourage innovative solutions to surface transportation problems and stimulate the deployment of new technology, the Secretary may carry out, on a cost-shared basis, collaborative research and development with—

"(i) non-Federal entities, including State and local governments, foreign governments, colleges and universities, corporations, institutions, partnerships, sole proprietorships, and trade associations that are incorporated or established under the laws of any State; and

"(ii) multipurpose Federal laboratories.

"(B) AGREEMENTS.—In carrying out this paragraph, the Secretary may enter into cooperative research and development agreements (as defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a)).

"(C) FEDERAL SHARE.—

"(i) IN GENERAL.—The Federal share of the cost of activities carried out under a cooperative research and development agreement entered into under this paragraph shall not exceed 50 percent, except that if there is substantial public interest or benefit, the Secretary may approve a greater Federal share.

"(ii) NON-FEDERAL SHARE.—All costs directly incurred by the non-Federal partners, including personnel, travel, and hardware development costs, shall be credited toward the non-Federal share of the cost of the activities described in clause (i).

"(D) USE OF TECHNOLOGY.—The research, development, or use of a technology under a cooperative research and development agreement entered into under this paragraph, including the terms under which the technology may be licensed and the resulting royalties may be distributed, shall be subject to the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.).

"(3) WAIVER OF ADVERTISING REQUIREMENTS.—Section 3709 of the Revised Statutes (41 U.S.C. 5) shall not apply to a contract or agreement entered into under this chapter.

"(b) MANDATORY ELEMENTS OF PROGRAM.—The Secretary shall include in the surface transportation research, development, and technology transfer programs under this section and as specified elsewhere in this title—

"(1) a coordinated long-term program of research for the development, use, and dissemination of performance indicators to measure the performance of the surface transportation systems of the United States, including indicators for productivity, efficiency, energy use, air quality, congestion, safety, maintenance, and other factors that reflect the overall performance of the system; and

"(2) a program to strengthen and expand surface transportation infrastructure research, development, and technology transfer, which shall include, at a minimum—

"(A) methods and materials for improving the durability of surface transportation infrastructure facilities and extending the life of bridge structures, including new and innovative technologies to reduce corrosion;

"(B) a research and development program directed toward the reduction of costs, and the mitigation of impacts, associated with the construction of highways and mass transit systems;

"(C) a surface transportation research program to develop nondestructive evaluation equipment for use with existing infrastructure facilities and with next-generation infrastructure facilities that use advanced materials;

"(D)(i) information technology, including appropriate computer programs to collect and analyze data on the status of infrastructure facilities described in subparagraph (C) with respect to enhancing management, growth, and capacity; and

"(ii) dynamic simulation models of surface transportation systems for—

"(I) predicting capacity, safety, and infrastructure durability problems;

"(II) evaluating planned research projects; and

"(III) testing the strengths and weaknesses of proposed revisions to surface transportation operation programs;

"(E) new innovative technologies to enhance and facilitate field construction and rehabilitation techniques for minimizing disruption during repair and maintenance of structures;

"(F) initiatives to improve the ability of the United States to respond to emergencies and natural disasters and to enhance national defense mobility;

"(G) an evaluation of traffic calming measures that promote community preservation, transportation mode choice, and safety; and

"(H) research on telecommuting, research on the linkages between transportation, information technology, and community development, and research on the impacts of technological change and economic restructuring on travel demand.

"(c) REPORT ON GOALS, MILESTONES, AND ACCOMPLISHMENTS.—The goals, milestones, and accomplishments relevant to each of the mandatory program elements described in subsection (b) shall be specified in the report required under section 5221(d) of title 49.".

SEC. 2006. ADVANCED RESEARCH PROGRAM.

Subchapter I of chapter 5 of title 23, United States Code (as added by section 2005), is amended by adding at the end the following:

"§ 503. Advanced research program

"(a) ESTABLISHMENT.—

"(1) In General.—The Secretary shall establish an advanced research program within the Federal Highway Administration to address longer-term, higher-risk research that shows potential benefits for improving the durability, mobility, efficiency, environmental impact, productivity, and safety of transportation systems.

"(2) Development of Partnerships.—In carrying out the program, the Secretary shall attempt to develop partnerships with the public and private sectors.

"(b) Grants, Cooperative Agreements, and Contracts.—Under the program, the Secretary may make grants and enter into cooperative agreements and contracts for advanced research.

"(c) Authorization of Contract Authority.—

"(1) In General.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $5,000,000 for fiscal year 1998, $7,000,000 for fiscal year 1999, $9,000,000 for fiscal year 2000, and $10,000,000 for each of fiscal years 2001 through 2003.

"(2) Contract Authority.—Funds authorized under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that the Federal share of the cost of any activity funded under this subsection shall be determined by the Secretary.".

SEC. 2007. LONG-TERM PAVEMENT PERFORMANCE PROGRAM.

Subchapter I of chapter 5 of title 23, United States Code (as amended by section 2006), is amended by adding at the end the following:

"§504. Long-term pavement performance program

"(a) Authority.—The Secretary shall complete the long-term pavement performance program tests initiated under the strategic highway research program established under section 307(d) (as in effect on the day before the date of enactment of this section) and continued by the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240) through the midpoint of a planned 20-year life of the long-term pavement performance program (referred to in this section as the 'program').

"(b) Grants, Cooperative Agreements, and Contracts.—Under the program, the Secretary shall make grants and enter into cooperative agreements and contracts to—

"(1) monitor, material-test, and evaluate highway test sections in existence as of the date of the grant, agreement, or contract;

"(2) analyze the data obtained in carrying out paragraph (1); and

"(3) prepare products to fulfill program objectives and meet future pavement technology needs.

"(c) Authorization of Contract Authority.—

"(1) In General.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $15,000,000 for each of fiscal years 1998 through 2003.

"(2) Contract Authority.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that—

"(A) the Federal share of the cost of any activity funded under this section shall be determined by the Secretary; and

"(B) the funds shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the funds are authorized.".

SEC. 2008. STATE PLANNING AND RESEARCH PROGRAM.

Subchapter I of chapter 5 of title 23, United States Code (as amended by section 2007), is amended by adding at the end the following:

"§505. State planning and research program

"(a) In General.—

"(1) Availability of funds.—Two percent of the sums apportioned for fiscal year 1998 and each fiscal year thereafter to any State under section 104 (except section 104(f)) and any transfers or additions to the surface transportation program under section 133 shall be available for expenditure by the State transportation department, in consultation with the Secretary, in accordance with this section.

"(2) Use of funds.—The sums referred to in paragraph (1) shall be available only for—

"(A) intermodal metropolitan, statewide, and nonmetropolitan planning under sections 134 and 135;

"(B) development and implementation of management systems referred to in section 303;

"(C) studies, research, development, and technology transfer activities necessary for the planning, design, construction, management, operation, maintenance, regulation, and taxation of the use of surface transportation systems, including training and accreditation of inspection and testing on engineering standards and construction materials for the systems; and

"(D) studies of the economy, safety, and convenience of surface transportation usage and the desirable regulation and equitable taxation of surface transportation usage.

"(b) Minimum Expenditures on Studies, Research, Development, and Technology Transfer Activities.—

"(1) In general.—For each fiscal year, not less than 25 percent of the funds of a State that are subject to subsection (a) shall be expended by the State transportation department for studies, research, development, and technology transfer activities described in subparagraphs (C) and (D) of subsection (a)(2) unless the State certifies to the Secretary for the fiscal year that the total expenditures by the State transportation department for transportation planning under sections 134 and 135 will exceed 75 percent of the amount of the funds and the Secretary accepts the certification.

"(2) Exemption from small business assessment.—Funds expended under paragraph (1) shall not be considered to be part of the extramural budget of the agency for the purpose of section 9 of the Small Business Act (15 U.S.C. 638).

"(c) Federal Share.—The Federal share of the cost of a project financed with funds referred to in subsection (a) shall be 80 percent unless the Secretary determines that the interests of the Federal-aid highway program would be best served by decreasing or eliminating the non-Federal share.

"(d) Administration of Funds.—Funds referred to in subsection (a) shall be combined and administered by the Secretary as a single fund, which shall be available for obligation for the same period as funds apportioned under section 104(b)(1).".

SEC. 2009. EDUCATION AND TRAINING.

Subchapter I of chapter 5 of title 23, United States Code (as amended by section 2008), is amended by adding at the end the following:

"§506. Education and training

"(a) Local Technical Assistance Program.—

"(1) Authority.—The Secretary shall carry out a transportation assistance program that will provide access to modern highway technology to—

"(A) highway and transportation agencies in urbanized areas with populations of between 50,000 and 1,000,000 individuals;

"(B) highway and transportation agencies in rural areas; and

"(C) contractors that do work for the agencies.

"(2) Grants, cooperative agreements, and contracts.—The Secretary may make grants and enter into cooperative agreements and contracts to provide education and training, technical assistance, and related support services that will—

"(A) assist rural, local transportation agencies and tribal governments, and the consultants and construction personnel working for the agencies and governments, to—

"(i) develop and expand their expertise in road and transportation areas (including pavement, bridge, safety management systems, and traffic safety countermeasures);

"(ii) improve roads and bridges;

"(iii) enhance—

"(I) programs for the movement of passengers and freight; and

"(II) intergovernmental transportation planning and project selection; and

"(iv) deal effectively with special transportation-related problems by preparing and providing training packages, manuals, guidelines, and technical resource materials;

"(B) identify, package, and deliver transportation technology and traffic safety information to local jurisdictions to assist urban transportation agencies in developing and expanding their ability to deal effectively with transportation-related problems;

"(C) operate, in cooperation with State transportation departments and universities—

"(i) local technical assistance program centers to provide transportation technology transfer services to rural areas and to urbanized areas with populations of between 50,000 and 1,000,000 individuals; and

"(ii) local technical assistance program centers designated to provide transportation technical assistance to Indian tribal governments; and

"(D) allow local transportation agencies and tribal governments, in cooperation with the private sector, to enhance new technology implementation.

"(3) Authorization of contract authority.—

"(A) In general.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) $7,000,000 for fiscal year 1998, $7,000,000 for fiscal year 1999, $7,000,000 for fiscal year 2000, $8,000,000 for fiscal year 2001, $8,000,000 for fiscal year 2002, and $8,000,000 for fiscal year 2003 to be used to develop and administer the program established under this section and to provide technical and financial support for the centers operated under paragraph (2)(C).

"(B) Contract authority.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that—

"(i) the Federal share of the cost of any activity under this subsection shall be determined by the Secretary; and

"(ii) the funds shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the funds are authorized.

"(b) National Highway Institute.—

"(1) Establishment; duties; programs.—

"(A) Establishment.—The Secretary shall establish and operate in the Federal Highway Administration a National Highway Institute (referred to in this subsection as the 'Institute').

"(B) Duties.—

"(i) Institute.—In cooperation with State transportation departments, United States industry, and any national or international entity, the Institute shall develop and administer education and training programs of instruction for—

"(I) Federal Highway Administration, State, and local transportation agency employees;

"(II) regional, State, and metropolitan planning organizations;

"(III) State and local police, public safety, and motor vehicle employees; and

"(IV) United States citizens and foreign nationals engaged or to be engaged in surface transportation work of interest to the United States.

"(ii) SECRETARY.—The Secretary shall administer, through the Institute, the authority vested in the Secretary by this title or by any other law for the development and conduct of education and training programs relating to highways.

"(C) TYPES OF PROGRAMS.—Programs that the Institute may develop and administer may include courses in modern developments, techniques, methods, regulations, management, and procedures relating to—

"(i) surface transportation;

"(ii) environmental factors;

"(iii) acquisition of rights-of-way;

"(iv) relocation assistance;

"(v) engineering;

"(vi) safety;

"(vii) construction;

"(viii) maintenance;

"(ix) operations;

"(x) contract administration;

"(xi) motor carrier activities;

"(xii) inspection; and

"(xiii) highway finance.

"(2) SET-ASIDE; FEDERAL SHARE.—Not to exceed ¼ of 1 percent of the funds apportioned to a State under section 104(b)(3) for the surface transportation program shall be available for expenditure by the State transportation department for the payment of not to exceed 80 percent of the cost of tuition and direct educational expenses (excluding travel, subsistence, or salaries) in connection with the education and training of employees of State and local transportation agencies in accordance with this subsection.

"(3) FEDERAL RESPONSIBILITY.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), education and training of employees of Federal, State, and local transportation (including highway) agencies authorized under this subsection may be provided—

"(i) by the Secretary at no cost to the States and local governments if the Secretary determines that provision at no cost is in the public interest; or

"(ii) by the State through grants, cooperative agreements, and contracts with public and private agencies, institutions, individuals, and the Institute.

"(B) PAYMENT OF FULL COST BY PRIVATE PERSONS.—Private agencies, international or foreign entities, and individuals shall pay the full cost of any education and training received by them unless the Secretary determines that a lower cost is of critical importance to the public interest.

"(4) TRAINING FELLOWSHIPS; COOPERATION.—The Institute may—

"(A) engage in training activities authorized under this subsection, including the granting of training fellowships; and

"(B) carry out its authority independently or in cooperation with any other branch of the Federal Government or any State agency, authority, association, institution, for-profit or nonprofit corporation, other national or international entity, or other person.

"(5) COLLECTION OF FEES.—

"(A) GENERAL RULE.—In accordance with this subsection, the Institute may assess and collect fees solely to defray the costs of the Institute in developing or administering education and training programs under this subsection.

"(B) LIMITATION.—Fees may be assessed and collected under this subsection only in a manner that may reasonably be expected to result in the collection of fees during any fiscal year in an aggregate amount that does not exceed the aggregate amount of the costs referred to in subparagraph (A) for the fiscal year.

"(C) PERSONS SUBJECT TO FEES.—Fees may be assessed and collected under this subsection only with respect to—

"(i) persons and entities for whom education or training programs are developed or administered under this subsection; and

"(ii) persons and entities to whom education or training is provided under this subsection.

"(D) AMOUNT OF FEES.—The fees assessed and collected under this subsection shall be established in a manner that ensures that the liability of any person or entity for a fee is reasonably based on the proportion of the costs referred to in subparagraph (A) that relate to the person or entity.

"(E) USE.—All fees collected under this subsection shall be used to defray costs associated with the development or administration of education and training programs authorized under this subsection.

"(6) FUNDING.—

"(A) AUTHORIZATION OF CONTRACT AUTHORITY.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $5,000,000 for fiscal year 1998, $5,000,000 for fiscal year 1999, $5,000,000 for fiscal year 2000, $6,000,000 for fiscal year 2001, $6,000,000 for fiscal year 2002, and $6,000,000 for fiscal year 2003.

"(B) RELATION TO FEES.—The funds provided under this paragraph may be combined with or held separate from the fees collected under paragraph (5).

"(C) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that—

"(i) the Federal share of the cost of any activity under this subsection shall be determined by the Secretary; and

"(ii) the funds shall remain available for obligation for a period of 1 year after the last day of the fiscal year for which the funds are authorized.

"(7) CONTRACTS.—Section 3709 of the Revised Statutes (41 U.S.C. 5) shall not apply to a contract or agreement entered into under this subsection.

"(c) DWIGHT DAVID EISENHOWER TRANSPORTATION FELLOWSHIP PROGRAM.—

"(1) GENERAL AUTHORITY.—The Secretary, acting independently or in cooperation with other Federal departments, agencies, and instrumentalities, may make grants for fellowships for any purpose for which research, technology, or capacity building is authorized under this chapter.

"(2) DWIGHT DAVID EISENHOWER TRANSPORTATION FELLOWSHIP PROGRAM.—

"(A) IN GENERAL.—The Secretary shall carry out a transportation fellowship program, to be known as the 'Dwight David Eisenhower Transportation Fellowship Program', for the purpose of attracting qualified students to the field of transportation.

"(B) TYPES OF FELLOWSHIPS.—The program shall offer fellowships at the junior through postdoctoral levels of college education.

"(C) CITIZENSHIP.—Each recipient of a fellowship under the program shall be a United States citizen.

"(3) AUTHORIZATION OF CONTRACT AUTHORITY.—

"(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $2,000,000 for each of fiscal years 1998 through 2003.

"(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that—

"(i) the Federal share of the cost of any activity funded under this subsection shall be determined by the Secretary; and

"(ii) the funds shall remain available for obligation for a period of 1 year after the last day of the fiscal year for which the funds are authorized.

"(d) HIGHWAY CONSTRUCTION TRAINING PROGRAMS.—

"(1) USE OF FUNDS BY THE SECRETARY.—

"(A) IN GENERAL.—The Secretary, in cooperation with any other department or agency of the Federal Government, State agency, authority, association, institution, Indian tribal government, for-profit or nonprofit corporation, or other organization or person, may—

"(i) develop, conduct, and administer highway construction and technology training, including skill improvement, programs; and

"(ii) develop and fund Summer Transportation Institutes.

"(B) WAIVER OF ADVERTISING REQUIREMENTS.—Section 3709 of the Revised Statutes (41 U.S.C. 5) shall not apply to a contract or agreement entered into by the Secretary under this subsection.

"(C) FUNDING.—

"(i) IN GENERAL.—Before making apportionments under section 104(b) for a fiscal year, the Secretary shall deduct such sums as the Secretary determines are necessary, but not to exceed $10,000,000 for each fiscal year, to carry out this subsection.

"(ii) AVAILABILITY.—Sums deducted under clause (i) shall remain available until expended.

"(2) USE OF FUNDS APPORTIONED TO STATES.—Notwithstanding any other provision of law, upon request of a State transportation department to the Secretary, not to exceed ½ of 1 percent of the funds apportioned to the State for a fiscal year under paragraphs (1) and (3) of section 104(b) may be made available to carry out this subsection.

"(3) RESERVATION OF TRAINING POSITIONS FOR INDIVIDUALS RECEIVING WELFARE ASSISTANCE.—In carrying out this subsection, the Secretary and States may reserve training positions for individuals who receive welfare assistance from a State.".

SEC. 2010. INTERNATIONAL HIGHWAY TRANSPORTATION OUTREACH PROGRAM.

(a) IN GENERAL.—Title 23, United States Code, is amended—

(1) by redesignating section 325 as section 507;

(2) by moving that section to appear at the end of subchapter I of chapter 5 (as amended by section 2009);

(3) in subsection (a) of that section, by inserting ", goods, and services" after "expertise"; and

(4) by striking subsection (c) of that section and inserting the following:

"(c) USE OF FUNDS.—

"(1) FUNDS DEPOSITED IN SPECIAL ACCOUNT.—Funds available to carry out this section shall include funds deposited by any cooperating organization or person in a special account for the program established under this section with the Secretary of the Treasury.

"(2) USE OF FUNDS.—The funds deposited in the special account and other funds available to carry out this section shall be available to pay the cost of any activity eligible under this section, including the cost of promotional materials, travel, reception and representation expenses, and salaries and benefits of officers and employees of the Department of Transportation.

"(3) REIMBURSEMENTS.—Reimbursements for the salaries and benefits of Federal Highway Administration employees who provide services under this section shall be credited to the special account.

"(d) ELIGIBLE USE OF STATE PLANNING AND RESEARCH FUNDS.—A State, in coordination with the Secretary, may obligate funds made available to carry out section 505 for any activity authorized under subsection (a).".

(b) CONFORMING AMENDMENT.—The analysis for chapter 3 of title 23, United States Code, is amended by striking the item relating to section 325.

SEC. 2011. NATIONAL TECHNOLOGY DEPLOYMENT INITIATIVES AND PARTNERSHIPS PROGRAM.

Subchapter I of chapter 5 of title 23, United States Code (as amended by section 2010), is amended by adding at the end the following:

"§508. National technology deployment initiatives and partnerships program

"(a) ESTABLISHMENT.—The Secretary shall develop and administer a national technology deployment initiatives and partnerships program (referred to in this section as the 'program').

"(b) PURPOSE.—The purpose of the program is to significantly accelerate the adoption of innovative technologies by the surface transportation community.

"(c) DEPLOYMENT GOALS.—

"(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish not more than 5 deployment goals to carry out subsection (a).

"(2) DESIGN.—Each of the goals and the program developed to achieve the goals shall be designed to provide tangible benefits, with respect to transportation systems, in the areas of efficiency, safety, reliability, service life, environmental protection, or sustainability.

"(3) STRATEGIES FOR ACHIEVEMENT.—For each goal, the Secretary, in cooperation with representatives of the transportation community such as States, local governments, the private sector, and academia, shall use domestic and international technology to develop strategies and initiatives to achieve the goal, including technical assistance in deploying technology and mechanisms for sharing information among program participants.

"(d) CONTINUATION OF SHRP PARTNERSHIPS.—Under the program, the Secretary shall continue the partnerships established through the strategic highway research program established under section 307(d) (as in effect on the day before the date of enactment of this section).

"(e) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—Under the program, the Secretary may make grants and enter into cooperative agreements and contracts to foster alliances and support efforts to stimulate advances in transportation technology, including—

"(1) the testing and evaluation of products of the strategic highway research program;

"(2) the further development and implementation of technology in areas such as the Superpave system and the use of lithium salts to prevent and mitigate alkali silica reactivity; and

"(3) the provision of support for long-term pavement performance product implementation and technology access.

"(f) REPORTS.—Not later than 18 months after the date of enactment of this section, and biennially thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the progress and results of activities carried out under this section.

"(g) FUNDING.—

"(1) AUTHORIZATION OF CONTRACT AUTHORITY.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $50,000,000 for each of fiscal years 1998 through 2003, of which not less than $500,000 shall be made available to carry out the study under section 511.

"(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that—

"(A) the Federal share of the cost of any activity under this section shall be determined by the Secretary; and

"(B) the funds shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the funds are authorized.

"(3) ALLOCATION.—To the extent appropriate to achieve the goals established under subsection (c), the Secretary may further allocate funds made available under this subsection to States for their use.".

SEC. 2012. INFRASTRUCTURE INVESTMENT NEEDS REPORT.

Subchapter I of chapter 5 of title 23, United States Code (as amended by section 2011), is amended by adding at the end the following:

"§509. Infrastructure investment needs report

"(a) IN GENERAL.—Not later than January 31, 1999, and January 31 of every second year thereafter, the Secretary shall report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on—

"(1) estimates of the future highway and bridge needs of the United States; and

"(2) the backlog of current highway and bridge needs.

"(b) FORMAT.—Each report under subsection (a) shall, at a minimum, include explanatory materials, data, and tables comparable in format to the report submitted in 1995 under section 307(h) (as in effect on the day before the date of enactment of this section).".

SEC. 2013. INNOVATIVE BRIDGE RESEARCH AND CONSTRUCTION PROGRAM.

Subchapter I of chapter 5 of title 23, United States Code (as amended by section 2012), is amended by adding at the end the following:

"§510. Innovative bridge research and construction program

"(a) IN GENERAL.—The Secretary shall establish and carry out a program to demonstrate the application of innovative material technology in the construction of bridges and other structures.

"(b) GOALS.—The goals of the program shall include—

"(1) the development of new, cost-effective innovative material highway bridge applications;

"(2) the reduction of maintenance costs and life-cycle costs of bridges, including the costs of new construction, replacement, or rehabilitation of deficient bridges;

"(3) the development of construction techniques to increase safety and reduce construction time and traffic congestion;

"(4) the development of engineering design criteria for innovative products and materials for use in highway bridges and structures;

"(5) the development of cost-effective and innovative techniques to separate vehicle and pedestrian traffic from railroad traffic;

"(6) the development of highway bridges and structures that will withstand natural disasters, including alternative processes for the seismic retrofit of bridges; and

"(7) the development of new nondestructive bridge evaluation technologies and techniques.

"(c) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—

"(1) IN GENERAL.—Under the program, the Secretary shall make grants to, and enter into cooperative agreements and contracts with—

"(A) States, other Federal agencies, universities and colleges, private sector entities, and nonprofit organizations to pay the Federal share of the cost of research, development, and technology transfer concerning innovative materials; and

"(B) States to pay the Federal share of the cost of repair, rehabilitation, replacement, and new construction of bridges or structures that demonstrates the application of innovative materials.

"(2) GRANTS.—

"(A) APPLICATIONS.—

"(i) SUBMISSION.—To receive a grant under this section, an entity described in paragraph (1) shall submit an application to the Secretary.

"(ii) CONTENTS.—The application shall be in such form and contain such information as the Secretary may require.

"(B) APPROVAL CRITERIA.—The Secretary shall select and approve applications for grants under this section based on whether the project that is the subject of the grant meets the goals of the program described in subsection (b).

"(d) TECHNOLOGY AND INFORMATION TRANSFER.—The Secretary shall take such action as is necessary to ensure that the information and technology resulting from research conducted under subsection (c) is made available to State and local transportation departments and other interested parties as specified by the Secretary.

"(e) FEDERAL SHARE.—The Federal share of the cost of a project under this section shall be determined by the Secretary.

"(f) AUTHORIZATION OF CONTRACT AUTHORITY.—

"(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account)—

"(A) to carry out subsection (c)(1)(A) $1,000,000 for each of fiscal years 1998 through 2003; and

"(B) to carry out subsection (c)(1)(B)—

"(i) $10,000,000 for fiscal year 1998;

"(ii) $15,000,000 for fiscal year 1999;

"(iii) $17,000,000 for fiscal year 2000; and

"(iv) $20,000,000 for each of fiscal years 2001 through 2003.

"(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be made available for obligation in the same manner as if the funds were apportioned under chapter 1, except that the Federal share of the cost of a project under this section shall be determined in accordance with this section.".

SEC. 2014. USE OF BUREAU OF INDIAN AFFAIRS ADMINISTRATIVE FUNDS.

Section 204(b) of title 23, United States Code, is amended in the last sentence by striking "326" and inserting "506".

SEC. 2015. STUDY OF FUTURE STRATEGIC HIGHWAY RESEARCH PROGRAM.

Subchapter I of chapter 5 of title 23, United States Code (as amended by section 2013), is amended by adding at the end the following:

"§511. Study of future strategic highway research program

"(a) STUDY.—

"(1) IN GENERAL.—Not later than 120 days after the date of enactment of this section, the Secretary shall make a grant to, or enter into a cooperative agreement or contract with, the Transportation Research Board of the National Academy of Sciences (referred to in this section as the 'Board') to conduct a study to determine the goals, purposes, research agenda and projects, administrative structure, and fiscal needs for a new strategic highway research program to replace the program established under section 307(d) (as in effect on the day before the date of enactment of this section), or a similar effort.

"(2) CONSULTATION.—In conducting the study, the Board shall consult with the American Association of State Highway and Transportation Officials and such other entities as the Board determines to be necessary to the conduct of the study.

"(b) REPORT.—Not later than 5 years after making a grant or entering into a cooperative *agreement or contract under subsection (a), the Board shall submit a final report on the results of the study to the Secretary, the Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives.".*

SEC. 2016. ADVANCED VEHICLE TECHNOLOGIES PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 3 of subtitle I of title 49, United States Code, is amended by adding at the end the following:

"§310. Advanced vehicle technologies program

"(a) PURPOSES.—The Secretary of Transportation, in coordination with other government agencies and private consortia, shall encourage and promote the research, development, and deployment of transportation technologies that will use technological advances in multimodal vehicles, vehicle components, environmental technologies, and related infrastructure to remove impediments to an efficient and cost-effective national transportation system.

"(b) DEFINITION OF ELIGIBLE CONSORTIUM.—In this section, the term 'eligible consortium' means a consortium that receives funding under the Department of Defense Appropriations Act, 1993 (Public Law 102–396; 106 Stat. 1876), and that comprises 2 or more of the following entities:

"(1) Businesses incorporated in the United States.

"(2) Public or private educational or research organizations located in the United States.

"(3) Entities of State or local governments in the United States.

"(4) Federal laboratories.

"(c) PROGRAM.—The Secretary shall enter into contracts, cooperative agreements, and other transactions as authorized by section 2371 of title 10 with, and make grants to, eligible consortia to promote the development and deployment of innovation in transportation technology services, management, and operational practices.

"(d) ELIGIBILITY CRITERIA.—To be eligible to receive assistance under this section, an eligible consortium shall—

"(1) for a period of not less than the 3 years preceding the date of a contract, cooperative agreement, or other transaction, be organized on a statewide or multistate basis for the purpose of designing, developing, and deploying transportation technologies that address identified technological impediments in the transportation field;

"(2) facilitate the participation in the consortium of small- and medium-sized businesses, utilities, public laboratories and universities, and other relevant entities;

"(3) be actively engaged in transportation technology projects that address compliance in nonattainment areas under the Clean Air Act (42 U.S.C. 7401 et seq.);

"(4) be designed to use Federal and State funding to attract private capital in the form of grants or investments to carry out this section; and

"(5) ensure that at least 50 percent of the funding for the consortium project will be provided by non-Federal sources.

"(e) PROPOSALS.—The Secretary shall prescribe such terms and conditions as the Secretary determines to be appropriate for the content and structure of proposals submitted for assistance under this section.

"(f) REPORTING REQUIREMENTS.—At least once each year, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the projects undertaken by the eligible consortia and the progress made in advancing the purposes of this section.

"(g) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 1998 through 2003, to remain available until expended.

"(2) AVAILABILITY.—Notwithstanding section 118(a), funds made available under paragraph (1) shall not be available in advance of an annual appropriation.".

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 3 of subtitle I of title 49, United States Code, is amended by adding at the end the following:

"310. Advanced vehicle technologies program.".

SEC. 2017. TRANSPORTATION AND ENVIRONMENT COOPERATIVE RESEARCH PROGRAM.

Subchapter I of chapter 5 of title 23, United States Code (as amended by section 2015), is amended by adding at the end the following:

"§512. Transportation and environment cooperative research program

"(a) IN GENERAL.—The Secretary shall establish and carry out a transportation and environment cooperative research program.

"(b) ADVISORY BOARD.—

"(1) ESTABLISHMENT.—In consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, the Secretary shall establish an advisory board to recommend environmental and energy conservation research, technology, and technology transfer activities related to surface transportation.

"(2) MEMBERSHIP.—The advisory board shall include—

"(A) representatives of State transportation and environmental agencies;

"(B) transportation and environmental scientists and engineers; and

"(C) representatives of metropolitan planning organizations, transit operating agencies, and environmental organizations.

"(3) DEVELOPMENT OF RESEARCH PRIORITIES.—In developing recommendations for priorities for research described in paragraph (1), the advisory board shall consider the research recommendations of the National Research Council report entitled 'Environmental Research Needs in Transportation'.

"(4) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory board.

"(c) NATIONAL ACADEMY OF SCIENCES.—

"(1) IN GENERAL.—The Secretary may make grants to, and enter into cooperative agreements with, the National Academy of Sciences to carry out such activities related to the research, technology, and technology transfer activities described in subsection (b)(1) as the Secretary determines to be appropriate.

"(2) ECOSYSTEM INTEGRITY STUDY.—

"(A) IN GENERAL.—The Secretary shall give priority to conducting a study of, and preparing a report on, the relationship between highway density and ecosystem integrity, including an analysis of the habitat-level impacts of highway density on the overall health of ecosystems.

"(B) PROPOSAL OF RAPID ASSESSMENT METHODOLOGY.—To aid transportation and regulatory agencies, the report shall propose a rapid assessment methodology for determining the relationship between highway density and ecosystem integrity.

"(d) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 1998 through 2003.

"(2) AVAILABILITY.—Notwithstanding section 118(a), funds made available under paragraph (1) shall not be available in advance of an annual appropriation.".

SEC. 2018. RECYCLED MATERIALS RESOURCE CENTER.

Subchapter I of chapter 5 of title 23, United States Code (as amended by section 2017), is amended by adding at the end the following:

"§513. Recycled materials resource center

"(a) ESTABLISHMENT.—The Secretary shall establish at the University of New Hampshire a research program to be known as the 'Recycled Materials Resource Center' (referred to in this section as the 'Center').

"(b) ACTIVITIES.—

"(1) IN GENERAL.—The Center shall—

"(A) systematically test, evaluate, develop appropriate guidelines for, and demonstrate environmentally acceptable and occupationally safe technologies and techniques for the increased use of traditional and nontraditional recycled and secondary materials in transportation infrastructure construction and maintenance;

"(B) make information available to State transportation departments, the Federal Highway Administration, the construction industry, and other interested parties to assist in evaluating proposals to use traditional and nontraditional recycled and secondary materials in transportation infrastructure construction;

"(C) encourage the increased use of traditional and nontraditional recycled and secondary materials by using sound science to analyze thoroughly all potential long-term considerations that affect the physical and environmental performance of the materials; and

"(D) work cooperatively with Federal and State officials to reduce the institutional barriers that limit widespread use of traditional and nontraditional recycled and secondary materials and to ensure that such increased use is consistent with the sustained environmental and physical integrity of the infrastructure in which the materials are used.

"(2) SITES AND PROJECTS UNDER ACTUAL FIELD CONDITIONS.—In carrying out paragraph (1)(C), the Secretary may authorize the Center to—

"(A) use test sites and demonstration projects under actual field conditions to develop appropriate performance data; and

"(B) develop appropriate tests and guidelines to ensure correct use of recycled and secondary materials in transportation infrastructure construction.

"(c) REVIEW AND EVALUATION.—

"(1) IN GENERAL.—Not less often than every 2 years, the Secretary shall review and evaluate the program carried out by the Center.

"(2) NOTIFICATION OF DEFICIENCIES.—In carrying out paragraph (1), if the Secretary determines that the Center is deficient in carrying out subsection (b), the Secretary shall notify the Center of each deficiency and recommend specific measures to address the deficiency.

"(3) DISQUALIFICATION.—If, after the end of the 180-day period that begins on the date of notification to the Center under paragraph (2), the Secretary determines that the Center has not corrected each deficiency identified under paragraph (2), the Secretary may, after notifying the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of the determination, disqualify the Center from further participation under this section.

"(d) FUNDING.—Of amounts made available under section 541, $2,000,000 shall be made available for each fiscal year to carry out this section.".

SEC. 2019. CONFORMING AMENDMENTS.

(a) Sections 307, 321, and 326 of title 23, United States Code, are repealed.

(b) The analysis for chapter 3 of title 23, United States Code, is amended by striking the items relating to sections 307, 321, and 326.

(c) Section 115(a)(1)(A)(i) of title 23, United States Code, is amended by striking "or 307" and inserting "or 505".

(d) Section 151(d) of title 23, United States Code, is amended by striking "section 307(a)," and inserting "section 506,".

(e) Section 106 of Public Law 89–564 (23 U.S.C. 403 note) is amended in the third sentence by striking "sections 307 and 403 of title 23, United States Code," and inserting "section 403 and chapter 5 of title 23, United States Code,".

SEC. 2020. REMOTE SENSING AND SPATIAL INFORMATION TECHNOLOGIES.

(a) IN GENERAL.—The Secretary shall establish and carry out a program to validate remote sensing and spatial information technologies for application to national transportation infrastructure development and construction.

(b) PROGRAM STAGES.—

(1) FIRST STAGE.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall establish a national policy for the use of remote sensing and spatial information technologies in national transportation infrastructure development and construction.

(2) SECOND STAGE.—After establishment of the national policy under paragraph (1), the Secretary shall develop new applications of remote sensing and spatial information technologies for the implementation of such policy.

(c) COOPERATION.—The Secretary shall carry out this section in cooperation with the National Aeronautics and Space Administration and a consortium of university research centers.

(d) FUNDING.—There is authorized to be appropriated to carry out this section $10,000,000 for fiscal year 1999 and $10,000,000 for each of fiscal years 2000 through 2004.

Subtitle B—Intelligent Transportation Systems

SEC. 2101. SHORT TITLE.

This subtitle may be cited as the "Intelligent Transportation Systems Act of 1998".

SEC. 2102. FINDINGS.

Congress finds that—

(1) numerous studies conducted on behalf of the Department of Transportation document that investment in intelligent transportation systems offers substantial benefits in relationship to costs;

(2) as a result of the investment authorized by the Intelligent Transportation Systems Act of 1991 (23 U.S.C. 307 note; 105 Stat. 2189), progress has been made on each of the goals set forth for the national intelligent transportation system program in section 6052(b) of that Act; and

(3) continued investment by the Department of Transportation is needed to complete implementation of those goals.

SEC. 2103. INTELLIGENT TRANSPORTATION SYSTEMS.

Chapter 5 of title 23, United States Code (as added by section 2005), is amended by adding at the end the following:

"SUBCHAPTER II—INTELLIGENT TRANSPORTATION SYSTEMS

"§ 521. Purposes

"The purposes of this subchapter are—

"(1) to expedite deployment and integration of basic intelligent transportation system services for consumers of passenger and freight transportation across the United States;

"(2) to encourage the use of intelligent transportation systems to enhance international trade and domestic economic productivity;

"(3) to encourage the use of intelligent transportation systems to promote the achievement of national environmental goals;

"(4) to continue research, development, testing, and evaluation activities to continually expand the state-of-the-art in intelligent transportation systems;

"(5) to provide financial and technical assistance to State and local governments and metropolitan planning organizations to ensure the integration of interoperable, intermodal, and cost-effective intelligent transportation systems;

"(6) to foster regional cooperation, standards implementation, and operations planning to maximize the benefits of integrated and coordinated intelligent transportation systems;

"(7) to promote the consideration of intelligent transportation systems in mainstream transportation planning and investment decisionmaking by ensuring that Federal and State transportation officials have adequate, working knowledge of intelligent transportation system technologies and applications and by ensuring comprehensive funding eligibility for the technologies and applications;

"(8) to encourage intelligent transportation system training for, and technology transfer to, State and local agencies;

"(9) to promote the deployment of intelligent transportation system services in rural America so as to achieve safety benefits, promote tourism, and improve quality of life;

"(10) to promote the innovative use of private resources, such as through public-private partnerships or other uses of private sector investment, to support the development and integration of intelligent transportation systems throughout the United States;

"(11) to complete the Federal investment in the deployment of Commercial Vehicle Information Systems and Networks by September 30, 2003;

"(12) to facilitate intermodalism through deployment of intelligent transportation systems, including intelligent transportation system technologies for transit systems to improve safety, efficiency, capacity, and utility for the public;

"(13) to enhance the safe operation of motor vehicles, including motorcycles, and nonmotorized vehicles on the surface transportation systems of the United States, with a particular emphasis on decreasing the number and severity of collisions;

"(14) to encourage the use of intelligent transportation systems to promote the achievement of national transportation safety goals, including safety at at-grade railway-highway crossings; and

"(15) to accommodate the needs of all users of the surface transportation systems of the United States, including the operators of commercial vehicles, passenger vehicles, and motorcycles.

"§ 522. Definitions

"In this subchapter:

"(1) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS.—The term 'Commercial Vehicle Information Systems and Networks' means the information systems and communications networks that support commercial vehicle operations.

"(2) COMMERCIAL VEHICLE OPERATIONS.—The term 'commercial vehicle operations'—

"(A) means motor carrier operations and motor vehicle regulatory activities associated with the commercial movement of goods, including hazardous materials, and passengers; and

"(B) with respect to the public sector, includes the issuance of operating credentials, the administration of motor vehicle and fuel taxes, and roadside safety and border crossing inspection and regulatory compliance operations.

"(3) COMPLETED STANDARD.—The term 'completed standard' means a standard adopted and published by the appropriate standards-setting organization through a voluntary consensus standardmaking process.

"(4) CORRIDOR.—The term 'corridor' means any major transportation route that includes parallel limited access highways, major arterials, or transit lines.

"(5) INTELLIGENT TRANSPORTATION SYSTEM.—The term 'intelligent transportation system' means electronics, communications, or information processing used singly or in combination to improve the efficiency or safety of a surface transportation system.

"(6) NATIONAL ARCHITECTURE.—The term 'national architecture' means the common framework for interoperability adopted by the Secretary that defines—

"(A) the functions associated with intelligent transportation system user services;

"(B) the physical entities or subsystems within which the functions reside;

"(C) the data interfaces and information flows between physical subsystems; and

"(D) the communications requirements associated with the information flows.

"(7) PROVISIONAL STANDARD.—The term 'provisional standard' means a provisional standard established by the Secretary under section 529(c).

"(8) STANDARD.—The term 'standard' means a document that—

"(A) contains technical specifications or other precise criteria for intelligent transportation systems that are to be used consistently as rules, guidelines, or definitions of characteristics so as to ensure that materials, products, processes, and services are fit for their purposes; and

"(B) may support the national architecture and promote—

"(i) the widespread use and adoption of intelligent transportation system technology as a component of the surface transportation systems of the United States; and

"(ii) interoperability among intelligent transportation system technologies implemented throughout the States.

"§ 523. Cooperation, consultation, and analysis

"(a) COOPERATION.—In carrying out this subchapter, the Secretary shall—

"(1) foster enhanced operation and management of the surface transportation systems of the United States;

"(2) promote the widespread deployment of intelligent transportation systems; and

"(3) advance emerging technologies, in cooperation with State and local governments and the private sector.

"(b) CONSULTATION.—As appropriate, in carrying out this subchapter, the Secretary shall—

"(1) consult with the heads of other interested Federal departments and agencies; and

"(2) maximize the involvement of the United States private sector, colleges and universities, the Federal laboratories, and State and local governments in all aspects of carrying out this subchapter.

"(c) PROCUREMENT METHODS.—To meet the need for effective implementation of intelligent transportation system projects, the Secretary shall develop appropriate technical assistance and guidance to assist State and local agencies in evaluating and selecting appropriate methods of procurement for intelligent transportation system projects, including innovative and nontraditional methods of procurement.

"§ 524. Research, development, and training

"(a) IN GENERAL.—The Secretary shall carry out a comprehensive program of intelligent transportation system research, development, operational testing, technical assistance and training, national architecture activities, standards development and implementation, and other similar activities that are necessary to carry out the purposes of this subchapter.

"(b) INTELLIGENT VEHICLE AND INTELLIGENT INFRASTRUCTURE PROGRAMS.—

"(1) IN GENERAL.—

"(A) PROGRAM.—The Secretary shall carry out a program to conduct research, development, and engineering designed to stimulate and advance deployment of an integrated intelligent vehicle program and an integrated intelligent infrastructure program, consisting of—

"(i) projects such as crash avoidance, automated highway systems, advanced vehicle controls, and roadway safety and efficiency systems linked to intelligent vehicles; and *“(ii) projects that improve mobility and the quality of the environment, including projects for traffic management, incident management, transit management, toll collection, traveler information, and traffic control systems.*

“(B) CONSIDERATION OF VEHICLE AND INFRASTRUCTURE ELEMENTS.—In carrying out subparagraph (A), the Secretary may consider systems that include both vehicle and infrastructure elements and determine the most appropriate mix of those elements.

“(2) NATIONAL ARCHITECTURE.—The program carried out under paragraph (1) shall be consistent with the national architecture.

“(3) PRIORITIES.—In carrying out paragraph (1), the Secretary shall give higher priority to activities that—

“(A) assist motor vehicle drivers in avoiding motor vehicle crashes;

“(B) assist in the development of an automated highway system; or

“(C) improve the integration of air bag technology with other on-board safety systems and maximize the safety benefits of the simultaneous use of an automatic restraint system and seat belts.

“(4) COST SHARING.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of the cost of a research project carried out in cooperation with a non-Federal entity under a program carried out under paragraph (1) shall not exceed 80 percent.

“(B) INNOVATIVE OR HIGH-RISK RESEARCH PROJECTS.—The Federal share of the cost of an innovative or high-risk research project described in subparagraph (A) may, at the discretion of the Secretary, be 100 percent.

“(5) PLAN.—The Secretary shall—

“(A) not later than 1 year after the date of enactment of this subchapter, submit to Congress a 6-year plan specifying the goals, objectives, and milestones to be achieved by each program carried out under paragraph (1); and

“(B) report biennially to Congress on the progress in meeting the goals, objectives, and milestones.

“(c) EVALUATION.—

“(1) GUIDELINES AND REQUIREMENTS.—

“(A) IN GENERAL.—The Secretary shall establish guidelines and requirements for the independent evaluation of field and related operational tests, and, if necessary, deployment projects, carried out under this subchapter.

“(B) REQUIRED PROVISIONS.—The guidelines and requirements established under subparagraph (A) shall include provisions to ensure the objectivity and independence of the evaluator so as to avoid any real or apparent conflict of interest or potential influence on the outcome by parties to any such test or deployment project or by any other formal evaluation carried out under this subchapter.

“(2) FUNDING.—

“(A) SMALL PROJECTS.—In the case of a test or project with a cost of less than $5,000,000, the Secretary may allocate not more than 15 percent of the funds made available to carry out the test or project for an evaluation of the test or project.

“(B) MODERATE PROJECTS.—In the case of a test or project with a cost of $5,000,000 or more, but less than $10,000,000, the Secretary may allocate not more than 10 percent of the funds made available to carry out the test or project for an evaluation of the test or project.

“(C) LARGE PROJECTS.—In the case of a test or project with a cost of $10,000,000 or more, the Secretary may allocate not more than 5 percent of the funds made available to carry out the test or project for an evaluation of the test or project.

“(3) INAPPLICABILITY OF PAPERWORK REDUCTION ACT.—Any survey, questionnaire, or interview that the Secretary considers necessary to carry out the evaluation of any test or program assessment activity under this subchapter shall not be subject to chapter 35 of title 44.

“(d) INFORMATION CLEARINGHOUSE.—

“(1) IN GENERAL.—The Secretary shall—

“(A) maintain a repository for technical and safety data collected as a result of federally sponsored projects carried out under this subchapter; and

“(B) on request, make that information (except for proprietary information and data) readily available to all users of the repository at an appropriate cost.

“(2) DELEGATION OF AUTHORITY.—

“(A) IN GENERAL.—The Secretary may delegate the responsibility of the Secretary under this subsection, with continuing oversight by the Secretary, to an appropriate entity not within the Department of Transportation.

“(B) FEDERAL ASSISTANCE.—If the Secretary delegates the responsibility, the entity to which the responsibility is delegated shall be eligible for Federal assistance under this section.

“(e) TRAFFIC INCIDENT MANAGEMENT AND RESPONSE.—The Secretary shall carry out a program to advance traffic incident management and response technologies, strategies, and partnerships that are fully integrated with intelligent transportation systems.

“(f) AUTHORIZATION OF CONTRACT AUTHORITY.—

“(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $120,000,000 for fiscal year 1998, $125,000,000 for fiscal year 1999, $130,000,000 for fiscal year 2000, $135,000,000 for fiscal year 2001, $140,000,000 for fiscal year 2002, and $150,000,000 for fiscal year 2003, of which, for each fiscal year—

“(A) not less than $25,000,000 shall be available for activities that assist motor vehicle drivers in avoiding motor vehicle crashes, including activities that improve the integration of air bag technology with other on-board safety systems;

“(B) not less than $25,000,000 shall be available for activities that assist in the development of an automated highway system; and

“(C) not less than $3,000,000 shall be available for traffic incident management and response.

“(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1.

“§525. Intelligent transportation system integration program

“(a) IN GENERAL.—The Secretary shall conduct a comprehensive program (referred to in this section as the ‘program’) to accelerate the integration and interoperability of intelligent transportation systems.

“(b) SELECTION OF PROJECTS.—

“(1) IN GENERAL.—Under the program, the Secretary shall select for funding, through competitive solicitation, projects that will serve as models to improve transportation efficiency, promote safety, increase traffic flow, reduce emissions of air pollutants, improve traveler information, or enhance alternative transportation modes.

“(2) PRIORITIES.—Under the program, the Secretary shall give higher priority to funding projects that—

“(A) promote and foster integration strategies and written agreements among local governments, States, and other regional entities;

“(B) build on existing (as of the date of project selection) intelligent transportation system projects;

“(C) deploy integrated intelligent transportation system projects throughout metropolitan areas;

“(D) deploy integrated intelligent transportation system projects that enhance safe freight movement or coordinate intermodal travel, including intermodal travel at ports of entry into the United States; and

“(E) advance intelligent transportation system deployment projects that are consistent with the national architecture and, as appropriate, comply with required standards as described in section 529.

“(3) CONTINUATION OF PARTNERSHIP AGREEMENTS.—The Secretary shall continue through to completion public/private partnership agreements previously executed to promote the integration of surface transportation management systems, including the integration of highway, transit, railroad and emergency management systems.

“(c) PRIVATE SECTOR INVOLVEMENT.—In carrying out the program, the Secretary shall encourage private sector involvement and financial commitment, to the maximum extent practicable, through innovative financial arrangements, especially public-private partnerships.

“(d) FINANCING AND OPERATIONS PLANS.—As a condition of receipt of funds under the program, a recipient participating in a project shall submit to the Secretary a multiyear financing and operations plan that describes how the project can be cost-effectively operated and maintained.

“(e) AUTHORIZATION OF CONTRACT AUTHORITY.—

“(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $100,000,000 for fiscal year 1998, $110,000,000 for fiscal year 1999, $115,000,000 for fiscal year 2000, $130,000,000 for fiscal year 2001, $135,000,000 for fiscal year 2002, and $145,000,000 for fiscal year 2003.

“(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that, in the case of a project funded under paragraph (1)—

“(A) the Federal share of the cost of the project payable from funds made available under paragraph (1) shall not exceed 50 percent; and

“(B) the total Federal share of the cost of the project payable from all eligible sources (including paragraph (1)) shall not exceed 80 percent.

“§526. Integration program for rural areas

“(a) IN GENERAL.—The Secretary shall conduct a comprehensive program (referred to in this section as the ‘program’) to accelerate the integration or deployment of intelligent transportation systems in rural areas.

“(b) SELECTION OF PROJECTS.—Under the program, the Secretary shall—

“(1) select projects through competitive solicitation; and

“(2) give higher priority to funding projects that—

“(A) promote and foster integration strategies and agreements among local governments, States, and other regional entities;

“(B) deploy integrated intelligent transportation system projects that improve mobility, enhance the safety of the movement of passenger vehicles and freight, or promote tourism; and

“(C) advance intelligent transportation system deployment projects that are consistent with the national architecture and comply with required standards as described in section 529.

“(c) PRIVATE SECTOR INVOLVEMENT.—In carrying out the program, the Secretary shall encourage private sector involvement and financial commitment, to the maximum extent practicable, through innovative financial arrangements, especially public-private partnerships.

“(d) FINANCING AND OPERATIONS PLANS.—As a condition of receipt of funds under the program, a recipient participating in a project shall submit to the Secretary a multiyear financing and

operations plan that describes how the project can be cost-effectively operated and maintained

"(e) AUTHORIZATION OF CONTRACT AUTHORITY.—

"(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $10,000,000 for fiscal year 1998, $10,000,000 for fiscal year 1999, $15,000,000 for fiscal year 2000, $15,000,000 for fiscal year 2001, $20,000,000 for fiscal year 2002, and $20,000,000 for fiscal year 2003.

"(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that, in the case of a project funded under paragraph (1)—

"(A) the Federal share of the cost of the project payable from funds made available under paragraph (1) shall not exceed 50 percent; and

"(B) the total Federal share of the cost of the project payable from all eligible sources (including paragraph (1)) shall not exceed 80 percent.

"§527. Commercial vehicle intelligent transportation system infrastructure

"(a) IN GENERAL.—The Secretary shall carry out a comprehensive program—

"(1) to deploy intelligent transportation systems that will promote the safety and productivity of commercial vehicles and drivers; and

"(2) to reduce costs associated with commercial vehicle operations and State and Federal commercial vehicle regulatory requirements.

"(b) ELEMENTS OF PROGRAM.—

"(1) SAFETY INFORMATION SYSTEMS AND NETWORKS.—

"(A) IN GENERAL.—The program shall advance the technological capability and promote the deployment of commercial vehicle, commercial driver, and carrier-specific safety information systems and networks and other intelligent transportation system technologies used to assist States in identifying high-risk commercial operations and in conducting other innovative safety strategies, including the Commercial Vehicle Information Systems and Networks.

"(B) FOCUS OF PROJECTS.—Projects assisted under the program shall focus on—

"(i) identifying and eliminating unsafe and illegal carriers, vehicles, and drivers in a manner that does not unduly hinder the productivity and efficiency of safe and legal commercial operations;

"(ii) enhancing the safe passage of commercial vehicles across the United States and across international borders;

"(iii) reducing the numbers of violations of out-of-service orders;

"(iv) complying with directives to address other safety violations; and

"(v) developing and implementing unobtrusive eyetracking technology.

"(2) MONITORING SYSTEMS.—The program shall advance on-board driver and vehicle safety monitoring systems, including fitness-for-duty, brake, and other operational monitoring technologies, that will facilitate commercial vehicle safety, including inspection by motor carrier safety assistance program officers and employees under chapter 311 of title 49.

"(c) USE OF FEDERAL FUNDS.—

"(1) IN GENERAL.—Federal funds used to carry out the program shall be primarily used to improve—

"(A) commercial vehicle safety and the effectiveness and efficiency of enforcement efforts conducted under the motor carrier safety assistance program under chapter 311 of title 49;

"(B) electronic processing of registration information, driver licensing information, fuel tax information, inspection and crash data, and other safety information; and

"(C) communication of the information described in subparagraph (B) among the States.

"(2) LEVERAGING.—Federal funds used to carry out the program shall, to the maximum extent practicable—

"(A) be leveraged with non-Federal funds; and

"(B) be used for activities not carried out through the use of private funds.

"(d) FEDERAL SHARE.—The Federal share of the cost of a project assisted under the program shall be not more than 80 percent.

"(e) AUTHORIZATION OF CONTRACT AUTHORITY.—

"(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $25,000,000 for fiscal year 1998, $25,000,000 for fiscal year 1999, $25,000,000 for fiscal year 2000, $35,000,000 for fiscal year 2001, $35,000,000 for fiscal year 2002, and $40,000,000 for fiscal year 2003.

"(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that, in the case of a project funded under paragraph (1)—

"(A) the Federal share of the cost of the project payable from funds made available under paragraph (1) shall not exceed 50 percent; and

"(B) the total Federal share of the cost of the project payable from all eligible sources (including paragraph (1)) shall not exceed 80 percent.

"§528. Corridor development and coordination

"(a) IN GENERAL.—The Secretary shall encourage multistate cooperative agreements, coalitions, or other arrangements intended to promote regional cooperation, planning, and shared project implementation for intelligent transportation system projects.

"(b) FUNDING.—There shall be available to carry out this section for each fiscal year not more than—

"(1) $3,000,000 of the amounts made available under section 524(f); and

"(2) $7,000,000 of the amounts made available under section 525(e).

"§529. Standards

"(a) IN GENERAL.—

"(1) DEVELOPMENT, IMPLEMENTATION, AND MAINTENANCE.—The Secretary shall develop, implement, and maintain a national architecture and supporting standards to promote the widespread use and evaluation of intelligent transportation system technology as a component of the surface transportation systems of the United States.

"(2) INTEROPERABILITY AND EFFICIENCY.—To the maximum extent practicable, the standards shall promote interoperability among, and efficiency of, intelligent transportation system technologies implemented throughout the States.

"(3) USE OF STANDARDS-SETTING ORGANIZATIONS.—In carrying out this section, the Secretary may use the services of such standards-setting organizations as the Secretary determines appropriate.

"(b) REPORT.—

"(1) IN GENERAL.—Not later than January 1, 1999, the Secretary shall submit a report describing the status of all standards.

"(2) CONTENTS.—The report shall—

"(A) identify each standard that is needed for operation of intelligent transportation systems in the United States;

"(B) specify the status of the development of each standard;

"(C) provide a timetable for achieving agreement on each standard as described in this section; and

"(D) determine which standards are critical to ensuring national interoperability or critical to the development of other standards.

"(c) ESTABLISHMENT OF PROVISIONAL STANDARDS.—

"(1) ESTABLISHMENT.—Subject to subsection (d), if a standard determined to be critical under subsection (b)(2)(D) is not adopted and published by the appropriate standards-setting organization by January 1, 2001, the Secretary shall establish a provisional standard after consultation with affected parties.

"(2) PERIOD OF EFFECTIVENESS.—The provisional standard shall—

"(A) be published in the Federal Register;

"(B) take effect not later than May 1, 2001; and

"(C) remain in effect until the appropriate standards-setting organization adopts and publishes a standard.

"(d) WAIVER OF REQUIREMENT TO ESTABLISH PROVISIONAL STANDARDS.—

"(1) NOTICE.—The Secretary may waive the requirement to establish a provisional standard by submitting, not later than January 1, 2001, to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, a notice that—

"(A) specifies the provisional standard subject to the waiver;

"(B) describes the history of the development of the standard subject to the waiver;

"(C) specifies the reasons why the requirement for the establishment of the provisional standard is being waived;

"(D) describes the impacts of delaying the establishment of the standard subject to the waiver, especially the impacts on the purposes of this subchapter; and

"(E) provides specific estimates as to when the standard subject to the waiver is expected to be adopted and published by the appropriate standards-setting organization.

"(2) PROGRESS REPORTS.—

"(A) IN GENERAL.—In the case of each standard subject to a waiver by the Secretary under paragraph (1), the Secretary shall submit, in accordance with the schedule specified in subparagraph (B), a report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the progress of the adoption of a completed standard.

"(B) SCHEDULE OF REPORTS.—The Secretary shall submit a report under subparagraph (A) with respect to a standard—

"(i) not later than 180 days after the date of submission of the notice under paragraph (1) with respect to the standard; and

"(ii) at the end of each 180-day period thereafter until such time as a standard has been adopted and published by the appropriate standards-setting organization or the waiver is withdrawn under paragraph (3).

"(C) CONSULTATION.—In developing each progress report under subparagraph (A), the Secretary shall consult with the standards-setting organizations involved in the standardmaking process for the standard.

"(3) WITHDRAWAL OF WAIVER.—

"(A) IN GENERAL.—At any time, the Secretary may, through notification to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, withdraw a notice of a waiver of the requirement to establish a provisional standard.

"(B) IMPLEMENTATION.—If the Secretary submits notification under subparagraph (A) with respect to a provisional standard, not less than 30 days, but not more than 90 days, after the date of the notification, the Secretary shall implement the provisional standard, unless, by the end of the 90-day period beginning on the date of the notification, a standard has been adopted and published by the appropriate standards-setting organization.

"(e) REQUIREMENT FOR COMPLIANCE WITH STANDARD.—

"(1) IN GENERAL.—

"(A) STANDARD IN EXISTENCE.—Funds made available from the Highway Trust Fund shall not be used to deploy an intelligent transportation system technology if the technology does not comply with each applicable provisional standard or completed standard.

"(B) NO STANDARD IN EXISTENCE.—In the absence of a provisional standard or completed standard, Federal funds shall not be used to deploy an intelligent transportation system technology if the deployment is not consistent with the interfaces to ensure interoperability that are contained in the national architecture.

"(2) APPLICABILITY.—Paragraph (1) shall not apply to—

"(A) the operation or maintenance of an intelligent transportation system in existence on the date of enactment of this subchapter; or

"(B) the upgrade or expansion of an intelligent transportation system in existence on the date of enactment of this subchapter if the Secretary determines that the upgrade or expansion—

"(i) does not adversely affect the purposes of this subchapter, especially the goal of national or regional interoperability;

"(ii) is carried out before the end of the useful life of the system; and

"(iii) is cost effective as compared to alternatives that meet the compliance requirement of paragraph (1)(A) or the consistency requirement of paragraph (1)(B).

"(f) SPECTRUM.—

"(1) CONSULTATION.—The Secretary shall consult with the Secretary of Commerce, the Secretary of Defense, and the Chairman of the Federal Communications Commission to determine the best means for securing the necessary spectrum for the near-term establishment of a dedicated short-range vehicle-to-wayside wireless standard and any other spectrum that the Secretary determines to be critical to the implementation of this title.

"(2) PROGRESS REPORT.—After consultation under paragraph (1) and with other affected agencies, but not later than 1 year after the date of enactment of this subchapter, the Secretary shall submit a report to Congress on the progress made in securing the spectrum described in paragraph (1).

"(3) DEADLINE FOR SECURING SPECTRUM.—Notwithstanding any other provision of law, not later than 2 years after the date of enactment of this subchapter, the Secretary of Commerce shall release to the Federal Communications Commission, and the Federal Communications Commission shall allocate, the spectrum described in paragraph (1).

"(g) FUNDING.—The Secretary shall use funds made available under section 524 to carry out this section.

"§530. Funding limitations

"(a) CONSISTENCY WITH NATIONAL ARCHITECTURE.—The Secretary shall use funds made available under this subchapter to deploy intelligent transportation system technologies only if the technologies are consistent with the national architecture.

"(b) COMPETITION WITH PRIVATELY FUNDED PROJECTS.—To the maximum extent practicable, the Secretary shall not fund any intelligent transportation system operational test or deployment project that competes with a similar privately funded project.

"(c) INFRASTRUCTURE DEVELOPMENT.—Funds made available under this subchapter for operational tests and deployment projects—

"(1) shall be used primarily for the development of intelligent transportation system infrastructure; and

"(2) to the maximum extent practicable, shall not be used for the construction of physical highway and transit infrastructure unless the construction is incidental and critically necessary to the implementation of an intelligent transportation system project.

"(d) PUBLIC RELATIONS AND TRAINING.—For each fiscal year, not more than $15,000,000 of the funds made available under this subchapter shall be used for intelligent transportation system outreach, public relations, training, mainstreaming, shareholder relations, or related activities.

"§531. Use of innovative financing

"(a) IN GENERAL.—The Secretary may use up to 25 percent of the funds made available under this subchapter and section 541 to make available loans, lines of credit, and loan guarantees for projects that are eligible for assistance under this title and that have significant intelligent transportation system elements.

"(b) CONSISTENCY WITH OTHER LAW.—Credit assistance described in subsection (a) shall be made available in a manner consistent with the Transportation Infrastructure Finance and Innovation Act of 1998.

"§532. Advisory committees

"(a) IN GENERAL.—In carrying out this subchapter, the Secretary shall use 1 or more advisory committees.

"(b) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Any advisory committee so used shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).".

SEC. 2104. CONFORMING AMENDMENT.

The Intermodal Surface Transportation Efficiency Act of 1991 is amended by striking part B of title VI (23 U.S.C. 307 note; 105 Stat. 2189).

Subtitle C—Funding

SEC. 2201. FUNDING.

Chapter 5 of title 23, United States Code (as amended by section 2103), is amended by adding at the end the following:

"SUBCHAPTER III—FUNDING

"§541. Funding

"(a) RESEARCH, TECHNOLOGY, AND TRAINING.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out sections 502, 507, 509, and 511 $68,000,000 for fiscal year 1998, $1,500,000 for fiscal year 1999, $4,500,000 for fiscal year 2000, $2,500,000 for fiscal year 2001, $1,500,000 for fiscal year 2002, and $4,500,000 for fiscal year 2003.

"(b) CONTRACT AUTHORITY.—Funds authorized under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that—

"(1) any Federal share of the cost of an activity under this chapter shall be determined in accordance with this chapter; and

"(2) the funds shall remain available for obligation for a period of 4 years after the last day of the fiscal year for which the funds are authorized.

"(c) LIMITATIONS ON OBLIGATIONS.—Notwithstanding any other provision of law, the total amount of all obligations under subsection (a) shall not exceed—

"(1) $98,000,000 for fiscal year 1998;

"(2) $101,000,000 for fiscal year 1999;

"(3) $104,000,000 for fiscal year 2000;

"(4) $107,000,000 for fiscal year 2001;

"(5) $110,000,000 for fiscal year 2002; and

"(6) $114,000,000 for fiscal year 2003.".

TITLE III—INTERMODAL TRANSPORTATION SAFETY AND RELATED MATTERS

SEC. 3001. SHORT TITLE.

This title may be cited as the "Intermodal Transportation Safety Act of 1998".

SEC. 3002. AMENDMENT OF TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

Subtitle A—Highway Safety

SEC. 3101. HIGHWAY SAFETY PROGRAMS.

(a) UNIFORM GUIDELINES.—Section 402(a) of title 23, United States Code, is amended by striking "section 4007" and inserting "section 4004".

(b) ADMINISTRATIVE REQUIREMENTS.—Section 402(b) of such title is amended—

(1) by striking the period at the end of subparagraph (A) and subparagraph (B) of paragraph (1) and inserting a semicolon;

(2) in paragraph (1)(C), by inserting ", including Indian tribes," after "subdivisions of such State";

(3) in paragraph (1)(C), by striking the period at the end and inserting a semicolon and "and"; and

(4) by striking paragraphs (3) and (4) and redesignating paragraph (5) as paragraph (3).

(c) APPORTIONMENT OF FUNDS.—Section 402(c) of such title is amended—

(1) by inserting "the apportionment to the Secretary of the Interior shall not be less than ¾ of 1 percent of the total apportionment and" after "except that" in the sixth sentence; and

(2) by striking the seventh sentence.

(d) APPLICATION IN INDIAN COUNTRY.—Section 402(i) of title 23, United States Code, is amended to read as follows:

"(i) APPLICATION IN INDIAN COUNTRY.—

"(1) IN GENERAL.—For the purpose of application of this section in Indian country, the terms 'State' and 'Governor of a State' include the Secretary of the Interior and the term 'political subdivision of a State' includes an Indian tribe. Notwithstanding the provisions of subsection (b)(1)(C), 95 percent of the funds apportioned to the Secretary of the Interior under this section shall be expended by Indian tribes to carry out highway safety programs within their jurisdictions. The provisions of subparagraph (b)(1)(D) shall be applicable to Indian tribes, except to those tribes with respect to which the Secretary determines that application of such provisions would not be practicable.

"(2) INDIAN COUNTRY DEFINED.—For the purposes of this subsection, the term 'Indian country' means—

"(A) all land within the limits of any Indian reservation under the jurisdiction of the United States, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation;

"(B) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof and whether within or without the limits of a State; and

"(C) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through such allotments.".

(e) RULEMAKING PROCESS.—Section 402(j) of title 23, United States Code, is amended to read as follows:

"(j) RULEMAKING PROCESS.—The Secretary may from time to time conduct a rulemaking process to identify highway safety programs that are highly effective in reducing motor vehicle crashes, injuries, and deaths. Any such rulemaking shall take into account the major role of the States in implementing such programs. When a rule promulgated in accordance with this section takes effect, States shall consider these highly effective programs when developing their highway safety programs.".

(f) SAFETY INCENTIVE GRANTS.—Section 402 of title 23, United States Code, is amended by striking subsection (k) and inserting the following:

"(k) SAFETY INCENTIVE GRANTS.—

"(1) SAFETY INCENTIVE GRANTS: GENERAL AUTHORITY.—The Secretary shall make a grant to a State that takes specific actions to advance highway safety under subsection (l) or (m) or section 410. A State may qualify for more than 1 grant and shall receive a separate grant for each subsection for which it qualifies. Such grants may only be used by recipient States to implement and enforce, as appropriate, the programs for which the grants are awarded.

"(2) MAINTENANCE OF EFFORT.—No grant may be made to a State under subsection (l) or (m) in any fiscal year unless such State enters into such agreements with the Secretary as the Secretary may require to ensure that such State will maintain its aggregate expenditures from all other sources for the specific actions for which a grant is provided at or above the average level of such expenditures in its 2 fiscal years preceding the date of the enactment of this subsection.

"(3) MAXIMUM PERIOD OF ELIGIBILITY; FEDERAL SHARE FOR GRANTS.—Each grant under subsection (l) or (m) shall be available for not more than 6 fiscal years beginning in the fiscal year after September 30, 1997, in which the State becomes eligible for the grant. The Federal share payable for any grant under subsection (l) or (m) shall not exceed—

"(A) in the first and second fiscal years in which the State receives the grant, 75 percent of the cost of implementing and enforcing, as appropriate, in such fiscal year a program adopted by the State;

"(B) in the third and fourth fiscal years in which the State receives the grant, 50 percent of the cost of implementing and enforcing, as appropriate, in such fiscal year such program; and

"(C) in the fifth and sixth fiscal years in which the State receives the grant, 25 percent of the cost of implementing and enforcing, as appropriate, in such fiscal year such program.

"(l) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES: BASIC GRANT ELIGIBILITY.—The Secretary shall make grants to those States that adopt and implement effective programs to reduce traffic safety problems resulting from persons driving under the influence of alcohol. A State shall become eligible for 1 or more of 3 basic grants under this subsection by adopting or demonstrating the following to the satisfaction of the Secretary:

"(1) BASIC GRANT A.—At least 7 of the following:

"(A) .08 BAC PER SE LAW.—A law that provides that any individual with a blood alcohol concentration of 0.08 percent or greater while operating a motor vehicle shall be deemed to be driving while intoxicated.

"(B) ADMINISTRATIVE LICENSE REVOCATION.—An administrative driver's license suspension or revocation system for persons who operate motor vehicles while under the influence of alcohol that requires that—

"(i) in the case of a person who, in any 5-year period beginning after the date of enactment of this subsection, is determined on the basis of a chemical test to have been operating a motor vehicle under the influence of alcohol or is determined to have refused to submit to such a test as proposed by a law enforcement officer, the State agency responsible for administering drivers' licenses, upon receiving the report of the law enforcement officer—

"(I) shall suspend the driver's license of such person for a period of not less than 90 days if such person is a first offender in such 5-year period; and

"(II) shall suspend the driver's license of such person for a period of not less than 1 year, or revoke such license, if such person is a repeat offender in such 5-year period; and

"(ii) the suspension and revocation referred to under subparagraph (A)(i) shall take effect not later than 30 days after the date on which the person refused to submit to a chemical test or received notice of having been determined to be driving under the influence of alcohol, in accordance with the State's procedures.

"(C) UNDERAGE DRINKING PROGRAM.—An effective system, as determined by the Secretary, for preventing operators of motor vehicles under age 21 from obtaining alcoholic beverages. Such system shall include the issuance of drivers' licenses to individuals under age 21 that are easily distinguishable in appearance from drivers' licenses issued to individuals age 21 years of age or older.

"(D) STOPPING MOTOR VEHICLES.—Either—

"(i) a statewide program for stopping motor vehicles on a nondiscriminatory, lawful basis for the purpose of determining whether the operators of such motor vehicles are driving while under the influence of alcohol; or

"(ii) a statewide Special Traffic Enforcement Program for impaired driving that emphasizes publicity for the program.

"(E) REPEAT OFFENDERS.—Effective sanctions for repeat offenders convicted of driving under the influence of alcohol. Such sanctions, as determined by the Secretary, may include electronic monitoring; alcohol interlocks; intensive supervision of probation; vehicle impoundment, confiscation, or forfeiture; and dedicated detention facilities.

"(F) GRADUATED LICENSING SYSTEM.—A 3-stage graduated licensing system for young drivers that includes nighttime driving restrictions during the first 2 stages, requires all vehicle occupants to be properly restrained, and makes it unlawful for a person under age 21 to operate a motor vehicle with a blood alcohol concentration of .02 percent or greater.

"(G) DRIVERS WITH HIGH BAC's.—Programs to target individuals with high blood alcohol concentrations who operate a motor vehicle. Such programs may include implementation of a system of graduated penalties and assessment of individuals convicted of driving under the influence of alcohol.

"(H) YOUNG ADULT DRINKING PROGRAMS.—Programs to reduce driving while under the influence of alcohol by individuals age 21 through 34. Such programs may include awareness campaigns; traffic safety partnerships with employers, colleges, and the hospitality industry; assessment of first time offenders; and incorporation of treatment into judicial sentencing.

"(I) TESTING FOR BAC.—An effective system for increasing the rate of testing for blood alcohol concentration of motor vehicle drivers at fault in fatal accidents.

"(2) BASIC GRANT B.—Either of the following:

"(A) ADMINISTRATIVE LICENSE REVOCATION.—An administrative driver's license suspension or revocation system for persons who operate motor vehicles while under the influence of alcohol which requires that—

"(i) in the case of a person who, in any 5-year period beginning after the date of enactment of this subsection, is determined on the basis of a chemical test to have been operating a motor vehicle under the influence of alcohol or is determined to have refused to submit to such a test as requested by a law enforcement officer, the State agency responsible for administering drivers' licenses, upon receiving the report of the law enforcement officer—

"(I) shall suspend the driver's license of such person for a period of not less than 90 days if such person is a first offender in such 5-year period; and

"(II) shall suspend the driver's license of such person for a period of not less than 1 year, or revoke such license, if such person is a repeat offender in such 5-year period; and

"(ii) the suspension and revocation referred to under subparagraph (A)(i) shall take effect not later than 30 days after the day on which the person refused to submit to a chemical test or receives notice of having been determined to be driving under the influence of alcohol, in accordance with the State's procedures; or

"(B) .08 BAC PER SE LAW.—A law that provides that any person with a blood alcohol concentration of 0.08 percent or greater while operating a motor vehicle shall be deemed to be driving while intoxicated.

"(3) BASIC GRANT C.—Both of the following:

"(A) FATAL IMPAIRED DRIVER PERCENTAGE REDUCTION.—The percentage of fatally injured drivers with 0.10 percent or greater blood alcohol concentration in the State has decreased in each of the 3 most recent calendar years for which statistics for determining such percentages are available; and

"(B) FATAL IMPAIRED DRIVER PERCENTAGE COMPARISON.—The percentage of fatally injured drivers with 0.10 percent or greater blood alcohol concentration in the State has been lower than the average percentage for all States in each of such calendar years.

"(4) BASIC GRANT AMOUNT.—The amount of each basic grant under this subsection for any fiscal year shall be up to 15 percent of the amount apportioned to the State for fiscal year 1997 under section 402 of this title.

"(5) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES: SUPPLEMENTAL GRANTS.—During the period in which a State is eligible for a basic grant under this subsection, the State shall be eligible to receive a supplemental grant in no more than 2 fiscal years of up to 5 percent of the amount apportioned to the State in fiscal year 1997 under section 402. The State may receive a separate supplemental grant for meeting each of the following criteria:

"(A) OPEN CONTAINER LAWS.—The State makes unlawful the possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle located on a public highway or the right-of-way of a public highway, except—

"(i) as allowed in the passenger area, by a person (other than the driver), of any motor vehicle designed to transport more than 10 passengers (including the driver) while being used to provide charter transportation of passengers; or

"(ii) as otherwise specifically allowed by such State, with the approval of the Secretary, but in no event may the driver of such motor vehicle be allowed to possess or consume an alcoholic beverage in the passenger area.

"(B) MANDATORY BLOOD ALCOHOL CONCENTRATION TESTING PROGRAMS.—The State provides for mandatory blood alcohol concentration testing whenever a law enforcement officer has probable cause under State law to believe that a driver of a motor vehicle involved in a crash resulting in the loss of human life or, as determined by the Secretary, serious bodily injury, has committed an alcohol-related traffic offense.

"(C) VIDEO EQUIPMENT FOR DETECTION OF DRUNK DRIVERS.—The State provides for a program to acquire video equipment to be used in detecting persons who operate motor vehicles while under the influence of alcohol and in prosecuting those persons, and to train personnel in the use of that equipment.

"(D) BLOOD ALCOHOL CONCENTRATION FOR PERSONS UNDER AGE 21.—The State enacts and enforces a law providing that any person under age 21 with a blood alcohol concentration of 0.02 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated or driving under the influence of alcohol, and further provides for a minimum suspension of the person's driver's license for not less than 30 days.

"(E) SELF-SUSTAINING DRUNK DRIVING PREVENTION PROGRAM.—The State provides for a self-

sustaining drunk driving prevention program under which a significant portion of the fines or surcharges collected from individuals apprehended and fined for operating a motor vehicle while under the influence of alcohol are returned to those communities which have comprehensive programs for the prevention of such operations of motor vehicles.

"(F) REDUCING DRIVING WITH A SUSPENDED LICENSE.—The State enacts and enforces a law to reduce driving with a suspended license. Such law, as determined by the Secretary, may require a 'zebra' stripe that is clearly visible on the license plate of any motor vehicle owned and operated by a driver with a suspended license.

"(G) EFFECTIVE DWI TRACKING SYSTEM.—The State demonstrates an effective driving while intoxicated (DWI) tracking system. Such a system, as determined by the Secretary, may include data covering arrests, case prosecutions, court dispositions and sanctions, and provide for the linkage of such data and traffic records systems to appropriate jurisdictions and offices within the State.

"(H) ASSESSMENT OF PERSONS CONVICTED OF ABUSE OF CONTROLLED SUBSTANCES; ASSIGNMENT OF TREATMENT FOR ALL DWI/DUI OFFENDERS.—The State provides for assessment of individuals convicted of driving while intoxicated or driving under the influence of alcohol or controlled substances, and for the assignment of appropriate treatment.

"(I) USE OF PASSIVE ALCOHOL SENSORS.—The State provides for a program to acquire passive alcohol sensors to be used by police officers in detecting persons who operate motor vehicles while under the influence of alcohol, and to train police officers in the use of that equipment.

"(J) EFFECTIVE PENALTIES FOR PROVISION OR SALE OF ALCOHOL TO PERSONS UNDER 21.—The State enacts and enforces a law that provides for effective penalties or other consequences for the sale or provision of alcoholic beverages to any individual under 21 years of age. The Secretary shall determine what penalties are effective.

"(6) DEFINITIONS.—For the purposes of this subsection, the following definitions apply:

"(A) 'Alcoholic beverage' has the meaning such term has under section 158(c).

"(B) 'Controlled substances' has the meaning such term has under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

"(C) 'Motor vehicle' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways, but does not include a vehicle operated only on a rail line.

"(D) 'Open alcoholic beverage container' means any bottle, can, or other receptacle—

"(i) that contains any amount of an alcoholic beverage; and

"(ii)(I) that is open or has a broken seal, or

"(II) the contents of which are partially removed.

"(m) STATE HIGHWAY SAFETY DATA IMPROVEMENTS.—The Secretary shall make a grant to a State that takes effective actions to improve the timeliness, accuracy, completeness, uniformity, and accessibility of the State's data needed to identify priorities within State and local highway and traffic safety programs, to evaluate the effectiveness of such efforts, and to link these State data systems, including traffic records, together and with other data systems within the State, such as systems that contain medical and economic data:

"(1) FIRST-YEAR GRANT ELIGIBILITY.—A State is eligible for a first-year grant under this subsection in a fiscal year if such State either:

"(A) Demonstrates, to the satisfaction of the Secretary, that it has—

"(i) established a Highway Safety Data and Traffic Records Coordinating Committee with a multidisciplinary membership including the administrators, collectors, and users of such data (including the public health, injury control, and motor carrier communities) of highway safety and traffic records databases;

"(ii) completed within the preceding 5 years a highway safety data and traffic records assessment or audit of its highway safety data and traffic records system; and

"(iii) initiated the development of a multiyear highway safety data and traffic records strategic plan to be approved by the Highway Safety Data and Traffic Records Coordinating Committee that identifies and prioritizes its highway safety data and traffic records needs and goals, and that identifies performance-based measures by which progress toward those goals will be determined; or

"(B) provides, to the satisfaction of the Secretary—

"(i) certification that it has met the provisions outlined in clauses (i) and (ii) of subparagraph (A);

"(ii) a multiyear plan that identifies and prioritizes the State's highway safety data and traffic records needs and goals, that specifies how its incentive funds for the fiscal year will be used to address those needs and the goals of the plan, and that identifies performance-based measures by which progress toward those goals will be determined; and

"(iii) certification that the Highway Safety Data and Traffic Records Coordinating Committee continues to operate and supports the multiyear plan described in clause (ii).

"(2) FIRST-YEAR GRANT AMOUNT.—The amount of a first-year grant made for State highway safety data and traffic records improvements for any fiscal year to any State eligible for such a grant under paragraph (1)(A) shall equal $1,000,000, subject to the availability of appropriations, and for any State eligible for such a grant under paragraph (1)(B) of this subsection shall equal a proportional amount of the amount apportioned to the State for fiscal year 1997 under section 402, except that no State shall receive less than $250,000, subject to the availability of appropriations. The Secretary may award a grant of up to $25,000 for 1 year to any State that does not meet the criteria established in paragraph (1). The grant may only be used to conduct activities needed to enable that State to qualify for first-year funding to begin in the next fiscal year.

"(3) STATE HIGHWAY SAFETY DATA AND TRAFFIC RECORDS IMPROVEMENTS; SUCCEEDING-YEAR GRANTS.—A State shall be eligible for a grant in any fiscal year succeeding the first fiscal year in which the State receives a State highway safety data and traffic records grant if the State, to the satisfaction of the Secretary:

"(A) Submits or updates a multiyear plan that identifies and prioritizes the State's highway safety data and traffic records needs and goals, that specifies how its incentive funds for the fiscal year will be used to address those needs and the goals of the plan, and that identifies performance-based measures by which progress toward those goals will be determined.

"(B) Certifies that its Highway Safety Data and Traffic Records Coordinating Committee continues to support the multiyear plan.

"(C) Reports annually on its progress in implementing the multi-year plan.

"(4) SUCCEEDING-YEAR GRANT AMOUNTS.—The amount of a succeeding-year grant made for State highway safety data and traffic records improvements for any fiscal year to any State that is eligible for such a grant shall equal a proportional amount of the amount apportioned to the State for fiscal year 1997 under section 402, except that no State shall receive less than $225,000, subject to the availability of appropriations.".

(g) OCCUPANT PROTECTION PROGRAM.—

(1) IN GENERAL.—Section 410 of title 23, United States Code, is amended to read as follows:

"§410. Safety belts and occupant protection programs

"(a) IN GENERAL.—The Secretary shall make basic grants to those States that adopt and implement effective programs to reduce highway deaths and injuries resulting from persons riding unrestrained or improperly restrained in motor vehicles. A State may establish its eligibility for 1 or both of the grants by adopting or demonstrating the following to the satisfaction of the Secretary:

"(1) BASIC GRANT A.—At least 4 of the following:

"(A) SAFETY BELT USE LAW FOR ALL FRONT SEAT OCCUPANTS.—The State has in effect a safety belt use law that makes unlawful throughout the State the operation of a passenger motor vehicle whenever a person in the front seat of the vehicle (other than a child who is secured in a child restraint system) does not have a safety belt properly secured about the person's body.

"(B) PRIMARY SAFETY BELT USE LAW.—The State provides for primary enforcement of its safety belt use law.

"(C) CHILD PASSENGER PROTECTION LAW; PUBLIC AWARENESS PROGRAM.—The State has in effect—

"(i) a law that requires minors who are riding in a passenger motor vehicle to be properly secured in a child safety seat or other appropriate restraint system; and

"(ii) an effective public awareness program that advocates placing passengers under the age of 13 in the back seat of a motor vehicle equipped with a passenger-side air bag whenever possible.

"(D) CHILD OCCUPANT PROTECTION EDUCATION PROGRAM.—The State demonstrates implementation of a statewide comprehensive child occupant protection education program that includes education about proper seating positions for children in air bag equipped motor vehicles and instruction on how to reduce the improper use of child restraints systems. The States are to submit to the Secretary an evaluation or report on the effectiveness of the programs at least 3 years after receipt of the grant.

"(E) MINIMUM FINES.—The State requires a minimum fine of at least $25 for violations of its safety belt use law and a minimum fine of at least $25 for violations of its child passenger protection law.

"(F) SPECIAL TRAFFIC ENFORCEMENT PROGRAM.—The State demonstrates implementation of a statewide Special Traffic Enforcement Program for occupant protection that emphasizes publicity for the program.

"(2) BASIC GRANT B.—Both of the following:

"(A) STATE SAFETY BELT USE RATE.—The State demonstrates a statewide safety belt use rate in both front outboard seating positions in all passenger motor vehicles of 80 percent or higher in each of the first 3 years a grant under this paragraph is received, and of 85 percent or higher in each of the fourth, fifth, and sixth years a grant under this paragraph is received.

"(B) SURVEY METHOD.—The State follows safety belt use survey methods which conform to guidelines issued by the Secretary ensuring that such measurements are accurate and representative.

"(3) BASIC GRANT AMOUNT.—The amount of each basic grant for which a State qualifies under this subsection for any fiscal year shall equal up to 20 percent of the amount apportioned to the State for fiscal year 1997 under section 402.

"(4) OCCUPANT PROTECTION PROGRAM: SUPPLEMENTAL GRANTS.—During the period in which a

State is eligible for a basic grant under this subsection, the State shall be eligible to receive a supplemental grant in a fiscal year of up to 5 percent of the amount apportioned to the State in fiscal year 1997 under section 402. The State may receive a separate supplemental grant for meeting each of the following criteria:

"(A) PENALTY POINTS AGAINST A DRIVER'S LICENSE FOR VIOLATIONS OF CHILD PASSENGER PROTECTION REQUIREMENTS.—The State has in effect a law that requires the imposition of penalty points against a driver's license for violations of child passenger protection requirements.

"(B) ELIMINATION OF NONMEDICAL EXEMPTIONS TO SAFETY BELT AND CHILD PASSENGER PROTECTION LAWS.—The State has in effect safety belt and child passenger protection laws that contain no nonmedical exemptions.

"(C) SAFETY BELT USE IN REAR SEATS.—The State has in effect a law that requires safety belt use by all rear-seat passengers in all passenger motor vehicles with a rear seat.

"(5) DEFINITIONS.—As used in this subsection, the term—

"(A) 'child safety seat' means any device except safety belts, designed for use in a motor vehicle to restrain, seat, or position children who weigh 50 pounds or less;

"(B) 'motor vehicle' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways, but does not include a vehicle operated only on a rail line;

"(C) 'multipurpose passenger vehicle' means a motor vehicle with motive power (except a trailer), designed to carry not more than 10 individuals, that is constructed either on a truck chassis or with special features for occasional off-road operation;

"(D) 'passenger car' means a motor vehicle with motive power (except a multipurpose passenger vehicle, motorcycle, or trailer) designed to carry not more than 10 individuals.

"(E) 'passenger motor vehicle' means a passenger car or a multipurpose passenger motor vehicle; and

"(F) 'safety belt' means—

"(i) with respect to open-body passenger vehicles, including convertibles, an occupant restraint system consisting of a lap belt or a lap belt and a detachable shoulder belt; and

"(ii) with respect to other passenger vehicles, an occupant restraint system consisting of integrated lap and shoulder belts.

"(b) CHILD OCCUPANT PROTECTION EDUCATION GRANTS.—

"(1) DEFINITIONS.—In this subsection:

"(A) COVERED CHILD OCCUPANT PROTECTION EDUCATION PROGRAM.—The term 'covered child occupant protection education program' means a program described in subsection (a)(1)(D).

"(B) COVERED STATE.—The term 'covered State' means a State that demonstrates the implementation of a program described in subsection (a)(1)(D).

"(2) CHILD PASSENGER EDUCATION.—

"(A) GRANTS.—

"(i) IN GENERAL.—Subject to the availability of appropriations, the Secretary may make a grant to a covered State that submits an application, in such form and manner as the Secretary may prescribe, that is approved by the Secretary to carry out the activities specified in subparagraph (B) through—

"(I) the covered child occupant protection program of the State; and

"(II) at the option of the State, a grant program established by the State to provide for the carrying out of 1 or more of the activities specified in subparagraph (B) by a political subdivision of the State or an appropriate private entity.

"(ii) GRANT AWARDS.—The Secretary may make a grant under this subsection without regard to whether a covered State is eligible to receive, or has received, a grant under subsection (a).

"(B) USE OF FUNDS.—Funds provided to a State under a grant under this subsection shall be used to implement child restraint programs that—

"(i) are designed to prevent deaths and injuries to children under the age of 9; and

"(ii) educate the public concerning—

"(I) all aspects of the proper installation of child restraints using standard seatbelt hardware, supplemental hardware, and modification devices (if needed), including special installation techniques; and

"(II)(aa) appropriate child restraint design selection and placement and; and

"(bb) harness threading and harness adjustment; and

"(iii) train and retrain child passenger safety professionals, police officers, fire and emergency medical personnel, and other educators concerning all aspects of child restraint use.

"(C) REPORTS.—

"(i) IN GENERAL.—The appropriate official of each State that receives a grant under this subsection shall prepare, and submit to the Secretary, an annual report for the period covered by the grant.

"(ii) REQUIREMENTS FOR REPORTS.—A report described in clause (i) shall—

"(I) contain such information as the Secretary may require; and

"(II) at a minimum, describe the program activities undertaken with the funds made available under the grant.

"(D) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1998, and annually thereafter, the Secretary shall prepare, and submit to Congress, a report on the implementation of this subsection that includes a description of the programs undertaken and materials developed and distributed by the States that receive grants under this subsection.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Transportation to carry out this subsection, $7,500,000 for each of fiscal years 1999 and 2000.".

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 4 of that title is amended by striking the item relating to section 410 and inserting the following:

"410. Safety belts and occupant protection programs.".

(h) DRUGGED DRIVER RESEARCH AND DEMONSTRATION PROGRAM.—Section 403(b) of title 23, United States Code, is amended—

(1) by inserting "(1)" before "In addition";

(2) by striking "is authorized to" and inserting "shall";

(3) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B); and

(4) by inserting after subparagraph (B), as redesignated, the following:

"(C) Measures that may deter drugged driving.".

SEC. 3102. NATIONAL DRIVER REGISTER.

(a) TRANSFER OF SELECTED FUNCTIONS TO NON-FEDERAL MANAGEMENT.—Section 30302 is amended by adding at the end the following:

"(e) TRANSFER OF SELECTED FUNCTIONS TO NON-FEDERAL MANAGEMENT.—

"(1) The Secretary may enter into an agreement with an organization that represents the interests of the States to manage, administer, and operate the National Driver Register's computer timeshare and user assistance functions. If the Secretary decides to enter into such an agreement, the Secretary shall ensure that the management of these functions is compatible with this chapter and the regulations issued to implement this chapter.

"(2) Any transfer of the National Driver Register's computer timeshare and user assistance functions to an organization that represents the interests of the States shall begin only after a determination is made by the Secretary that all States are participating in the National Driver Register's 'Problem Driver Pointer System' (the system used by the Register to effect the exchange of motor vehicle driving records), and that the system is functioning properly.

"(3) The agreement entered into under this subsection shall include a provision for a transition period sufficient to allow the States to make the budgetary and legislative changes they may need to pay fees charged by the organization representing their interests for their use of the National Driver Register's computer timeshare and user assistance functions. During this transition period, the Secretary (through the National Highway Traffic Safety Administration) shall continue to fund these transferred functions.

"(4) The total of the fees charged by the organization representing the interests of the States in any fiscal year for the use of the National Driver Register's computer timeshare and user assistance functions shall not exceed the total cost to the organization for performing these functions in such fiscal year.

"(5) Nothing in this subsection shall be construed to diminish, limit, or otherwise affect the authority of the Secretary to carry out this chapter.".

(b) ACCESS TO REGISTER INFORMATION.—Section 30305(b) is amended by—

(1) by striking "request." in paragraph (2) and inserting the following: "request, unless the information is about a revocation or suspension still in effect on the date of the request";

(2) by inserting after paragraph (6) the following:

"(7) The head of a Federal department or agency that issues motor vehicle operator's licenses may request the chief driver licensing official of a State to obtain information under subsection (a) about an individual applicant for a motor vehicle operator's license from such department or agency. The department or agency may receive the information, provided it transmits to the Secretary a report regarding any individual who is denied a motor vehicle operator's license by that department or agency for cause; whose motor vehicle operator's license is revoked, suspended, or canceled by that department or agency for cause; or about whom the department or agency has been notified of a conviction of any of the motor vehicle-related offenses or comparable offenses listed in section 30304(a)(3) and over whom the department or agency has licensing authority. The report shall contain the information specified in section 30304(b).

"(8) The head of a Federal department or agency authorized to receive information regarding an individual from the Register under this section may request and receive such information from the Secretary.";

(3) by redesignating paragraphs (7) and (8) as paragraphs (9) and (10), respectively; and

(4) by striking "paragraph (2)" in paragraph (10), as redesignated, and inserting "subsection (a)".

SEC. 3103. AUTHORIZATIONS OF APPROPRIATIONS.

The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) CONSOLIDATED STATE HIGHWAY SAFETY PROGRAMS.—

(A) For carrying out the State and Community Highway Safety Program under section 402 of title 23, United States Code, by the National Highway Traffic Safety Administration, except for the incentive programs under subsections (l) and (m) of that section—

(i) $117,858,000 for fiscal year 1998;
(ii) $123,492,000 for fiscal year 1999;
(iii) $126,877,000 for fiscal year 2000;
(iv) $130,355,000 for fiscal year 2001;
(v) $133,759,000 for fiscal year 2002; and
(vi) $141,803,000 for fiscal year 2003.

(B) To carry out the alcohol-impaired driving countermeasures incentive grant provisions of section 402(l) of title 23, United States Code, by the National Highway Traffic Safety Administration—

(i) $30,570,000 for fiscal year 1998;
(ii) $28,500,000 for fiscal year 1999;
(iii) $29,273,000 for fiscal year 2000;
(iv) $30,065,000 for fiscal year 2001;
(v) $38,743,000 for fiscal year 2002; and
(vi) $39,815,000 for fiscal year 2003.

Amounts made available to carry out section 402(l) of title 23, United States Code, are authorized to remain available until expended, provided that, in each fiscal year the Secretary may reallocate any amounts remaining available under section 402(l) of section 402 of title 23, United States Code, as necessary to ensure, to the maximum extent possible, that States may receive the maximum incentive funding for which they are eligible under these programs.

(C) To carry out the occupant protection program incentive grant provisions of section 410 of title 23, United States Code, by the National Highway Traffic Safety Administration—

(i) $13,950,000 for fiscal year 1998;
(ii) $14,618,000 for fiscal year 1999;
(iii) $15,012,000 for fiscal year 2000;
(iv) $15,418,000 for fiscal year 2001;
(v) $17,640,000 for fiscal year 2002; and
(vi) $17,706,000 for fiscal year 2003.

Amounts made available to carry out section 410 of title 23, United States Code, are authorized to remain available until expended, provided that, in each fiscal year the Secretary may reallocate any amounts remaining available under section 410 of title 23, United States Code, to subsections (l) and (m) of section 402 of title 23, United States Code, as necessary to ensure, to the maximum extent possible, that States may receive the maximum incentive funding for which they are eligible under these programs.

(D) To carry out the State highway safety data improvements incentive grant provisions of section 402(m) of title 23, United States Code, by the National Highway Traffic Safety Administration—

(i) $8,370,000 for fiscal year 1998;
(ii) $8,770,000 for fiscal year 1999;
(iii) $9,007,000 for fiscal year 2000; and
(iv) $9,250,000 for fiscal year 2001.

Amounts made available to carry out section 402(m) of title 23, United States Code, are authorized to remain available until expended.

(E) To carry out the drugged driving research and demonstration programs of section 403(b)(1) of title 23, United States Code, by the National Highway Traffic Safety Administration, $2,000,000 for each of fiscal years 1999, 2000, 2001, 2002, and 2003.

(2) SECTION 403 HIGHWAY SAFETY AND RESEARCH.—For carrying out the functions of the Secretary, by the National Highway Traffic Safety Administration, for highway safety under section 403 of title 23, United States Code, there are authorized to be appropriated $60,100,000 for each of fiscal years 1998, 1999, 2000, 2001, and 2002, and $61,700,000 for fiscal year 2003.

(3) PUBLIC EDUCATION EFFORT.—Out of funds made available for carrying out programs under section 403 of title 23, United States Code, for each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003, the Secretary of Transportation shall obligate at least $500,000 to educate the motoring public on how to share the road safely with commercial motor vehicles.

(4) NATIONAL DRIVER REGISTER.—For carrying out chapter 303 (National Driver Register) of title 49, United States Code, by the National Highway Traffic Safety Administration—

(A) $1,605,000 for fiscal year 1998;
(B) $1,680,000 for fiscal year 1999;
(C) $1,726,000 for fiscal year 2000;
(D) $1,772,000 for fiscal year 2001;
(E) $1,817,000 for fiscal year 2002; and
(F) $1,872,000 for fiscal year 2003.

SEC. 3104. MOTOR VEHICLE PURSUIT PROGRAM.

(a) MOTOR VEHICLE PURSUIT PROGRAM.—

(1) TRAINING.—Section 403(b)(1) of title 23, United States Code, as amended by section 3101(h), is amended by adding at the end thereof the following:

"(D) Programs to train law enforcement officers on motor vehicle pursuits conducted by law enforcement officers.".

(2) FUNDING.—Out of amounts appropriated to carry out section 403 of title 23, United States Code, the Secretary of Transportation may use such amounts as may be necessary to carry out the motor vehicle pursuit training program of section 403(b)(1)(D) of title 23, United States Code, but not in excess of $1,000,000 for each of fiscal years 1999, 2000, 2001, 2002, and 2003.

(b) REPORT OF FEDERAL POLICIES AND PROCEDURES.—Not later than 180 days after the date of enactment of this Act, the Attorney General of the United States, the Secretary of Agriculture, the Secretary of the Interior, the Secretary of the Treasury, the Chief of Capitol Police, and the Administrator of General Services shall each transmit to Congress a report containing—

(1) the policy of the department or agency headed by that individual concerning motor vehicle pursuits by law enforcement officers of that department or agency; and

(2) a description of the procedures that the department or agency uses to train law enforcement officers in the implementation of the policy referred to in paragraph (1).

SEC. 3105. ENFORCEMENT OF WINDOW GLAZING STANDARDS FOR LIGHT TRANSMISSION.

Section 402(a) of title 23, United States Code, is amended by striking "post-accident procedures." and inserting "post-accident procedures, including the enforcement of light transmission standards of glazing for passenger motor vehicles and light trucks as necessary to improve highway safety.".

SEC. 3106. IMPROVING AIR BAG SAFETY.

(a) SUSPENSION OF UNBELTED BARRIER TESTING.—The provision in Federal Motor Vehicle Safety Standard No. 208, Occupant crash protection, 49 CFR 571.208, that requires air bag-equipped vehicles to be crashed into a barrier using unbelted 50th percentile adult male dummies is suspended until either the rule issued under subsection (b) goes into effect or, prior to the effective date of the rule, the Secretary of Transportation, after reporting to the Commerce Committee of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate, determines by rule that restoring the test is necessary to accomplish the purposes of subsection (b).

(b) RULEMAKING TO IMPROVE AIR BAGS.—

(1) NOTICE OF PROPOSED RULEMAKING.—Not later than June 1, 1998, the Secretary of Transportation shall issue a notice of proposed rulemaking to improve the occupant protection for all occupants provided by Federal Motor Vehicle Safety Standard No. 208, while minimizing the risk to infants, children, and other occupants from injuries and deaths caused by air bags, by means that include advanced air bags.

(2) FINAL RULE.—The Secretary shall complete the rulemaking required by this subsection by issuing, not later than June 1, 1999, a final rule consistent with paragraph (1). If the Secretary determines that the final rule cannot be completed by that date to meet the purposes of paragraph (1), and advises the Congress of the reasons for this determination, the Secretary may extend the date for issuing the final rule by not more than one year. The Congress may, by joint resolution, grant a further extension of the date for issuing a final rule.

(3) METHODS TO ENSURE PROTECTION.—Notwithstanding subsection (a) of this section, the rule required by paragraph (2) may include such tests, including tests with dummies of different sizes, as the Secretary determines to be reasonable, practicable, and appropriate to meet the purposes of paragraph (1).

(4) EFFECTIVE DATE.—The final rule issued under this subsection shall become effective in phases as rapidly as practicable, beginning not earlier than September 1, 2001, and not later than September 1, 2002, and shall become effective not later than September 1, 2005, for all motor vehicles in which air bags are required to be installed. If the Secretary determines that the September 1, 2005, effective date is not practicable to meet the purposes of paragraph (1), the Secretary may extend the effective date for not more than one year. The Congress may, by joint resolution, grant a further extension of the effective date.

(c) REPORT ON AIR BAG IMPROVEMENTS.—Not later than 6 months after the enactment of this section, the Secretary of Transportation shall report to Congress on the development of technology to improve the protection given by air bags and reduce the risks from air bags. To the extent possible, the report shall describe the performance characteristics of advanced air bag devices, their estimated cost, their estimated benefits, and the time within which they could be installed in production vehicles.

SEC. 3107. ROADSIDE SAFETY TECHNOLOGIES.

(a) CRASH CUSHIONS.—

(1) GUIDANCE.—The Secretary shall initiate and issue a guidance regarding the benefits and safety performance of redirective and nonredirective crash cushions in different road applications, taking into consideration roadway conditions, operating speed limits, the location of the crash cushion in the right-of-way, and any other relevant factors. The guidance shall include recommendations on the most appropriate circumstances for utilization of redirective and nonredirective crash cushions.

(2) USE OF GUIDANCE.—States shall use the guidance issued under this subsection in evaluating the safety and cost-effectiveness of utilizing different crash cushion designs and determining whether redirective or nonredirective crash cushions or other safety appurtenances should be installed at specific highway locations.

Subtitle B—Hazardous Materials Transportation Reauthorization

SEC. 3201. FINDINGS AND PURPOSES; DEFINITIONS.

(a) FINDINGS AND PURPOSES.—Section 5101 is amended to read as follows:

"§5101. Findings and purposes

"(a) FINDINGS.—Congress finds with respect to hazardous materials transportation that—

"(1) approximately 4,000,000,000 tons of regulated hazardous materials are transported each year and that approximately 1,000,000 movements of hazardous materials occur each day, according to Department of Transportation estimates;

"(2) accidents involving the release of hazardous materials are a serious threat to public health and safety;

"(3) many States and localities have enacted laws and regulations that vary from Federal laws and regulations pertaining to the transportation of hazardous materials, thereby creating the potential for unreasonable hazards in other jurisdictions and confounding shippers and carriers that attempt to comply with multiple and conflicting registration, permitting, routings, notification, loading, unloading, incidental storage, and other regulatory requirements;

"(4) because of the potential risks to life, property and the environment posed by unintentional releases of hazardous materials, consistency in laws and regulations governing the transportation of hazardous materials, including loading, unloading, and incidental storage, is necessary and desirable;

"(5) in order to achieve greater uniformity and to promote the public health, welfare, and safety at all levels, Federal standards for regulating the transportation of hazardous materials in intrastate, interstate, and foreign commerce are necessary and desirable;

"(6) in order to provide reasonable, adequate, and cost-effective protection from the risks posed by the transportation of hazardous materials, a network of adequately trained State and local emergency response personnel is required;

"(7) the movement of hazardous materials in commerce is necessary and desirable to maintain economic vitality and meet consumer demands, and shall be conducted in a safe and efficient manner;

"(8) primary authority for the regulation of such transportation should be consolidated in the Department of Transportation to ensure the safe and efficient movement of hazardous materials in commerce; and

"(9) emergency response personnel have a continuing need for training on responses to releases of hazardous materials in transportation and small businesses have a continuing need for training on compliance with hazardous materials regulations.

"(b) PURPOSES.—The purposes of this chapter are—

"(1) to ensure the safe and efficient transportation of hazardous materials in intrastate, interstate, and foreign commerce, including the loading, unloading, and incidental storage of hazardous material;

"(2) to provide the Secretary with preemption authority to achieve uniform regulation of hazardous material transportation, to eliminate inconsistent rules that apply differently from Federal rules, to ensure efficient movement of hazardous materials in commerce, and to promote the national health, welfare, and safety; and

"(3) to provide adequate training for public sector emergency response teams to ensure safe responses to hazardous material transportation accidents and incidents.".

(b) DEFINITIONS.—Section 5102 is amended by—

(1) by striking paragraph (1) and inserting the following:

"(1) 'commerce' means trade or transportation in the jurisdiction of the United States—

"(A) between a place in a State and a place outside of the State;

"(B) that affects trade or transportation between a place in a State and a place outside of the State; or

"(C) on a United States-registered aircraft.";

(2) by striking paragraphs (3) and (4) and inserting the following:

"(3) 'hazmat employee' means an individual who—

"(A) is—

"(i) employed by a hazmat employer,

"(ii) self-employed, or

"(iii) an owner-operator of a motor vehicle; and

"(B) during the course of employment—

"(i) loads, unloads, or handles hazardous material;

"(ii) manufactures, reconditions, or tests containers, drums, or other packagings represented as qualified for use in transporting hazardous material;

"(iii) performs any function pertaining to the offering of hazardous material for transportation;

"(iv) is responsible for the safety of transporting hazardous material; or

"(v) operates a vehicle used to transport hazardous material.

"(4) 'hazmat employer' means a person who—

"(A) either—

"(i) is self-employed,

"(ii) is an owner-operator of a motor vehicle, or

"(iii) has at least 1 employee; and

"(B) performs a function, or uses at least 1 employee, in connection with—

"(i) transporting hazardous material in commerce;

"(ii) causing hazardous material to be transported in commerce, or

"(iii) manufacturing, reconditioning, or testing containers, drums, or other packagings represented as qualified for use in transporting hazardous material.";

(3) by striking "title." in paragraph (7) and inserting "title, except that a freight forwarder is included only if performing a function related to highway transportation.";

(4) by redesignating paragraphs (9) through (13) as paragraphs (12) through (16), respectively;

(5) by inserting after paragraph (8) the following:

"(9) 'out-of-service order' means a mandate that an aircraft, vessel, motor vehicle, train, other vehicle, or a part of any of these, not be moved until specified conditions have been met.

"(10) 'package' or 'outside package' means a packaging plus its contents.

"(11) 'packaging' means a receptacle and any other components or materials necessary for the receptacle to perform its containment function in conformance with the minimum packaging requirements established by the Secretary of Transportation."; and

(6) by striking "or transporting hazardous material to further a commercial enterprise;" in paragraph (12)(A), as redesignated by paragraph (4) of this subsection, and inserting ", and transporting hazardous material to further a commercial enterprise, or manufacturing, reconditioning, or testing containers, drums, or other packagings represented as qualified for use in transporting hazardous material".

(c) CLERICAL AMENDMENT.—The chapter analysis of chapter 51 is amended by striking the item relating to section 5101 and inserting the following:

"5101. Findings and purposes.".

SEC. 3202. HANDLING CRITERIA REPEAL.

Section 5106 is repealed and the chapter analysis of chapter 51 is amended by striking the item relating to that section.

SEC. 3203. HAZMAT EMPLOYEE TRAINING REQUIREMENTS.

Section 5107(f)(2) is amended by striking "and section 5106, and subsections (a) through (g)(1) and (h) of section 5108(a), and 5109 of this title".

SEC. 3204. REGISTRATION.

Section 5108 is amended by—

(1) by striking subsection (b)(1)(C) and inserting the following:

"(C) each State in which the person carries out any of the activities.";

(2) by striking subsection (c) and inserting the following:

"(c) FILING SCHEDULE.—Each person required to file a registration statement under subsection (a) of this section shall file that statement annually in accordance with regulations issued by the Secretary.";

(3) by striking "552(f)" in subsection (f) and inserting "552(b)";

(4) by striking "may" in subsection (g)(1) and inserting "shall"; and

(5) by inserting "or an Indian tribe," in subsection (i)(2)(B) after "State,".

SEC. 3205. SHIPPING PAPER RETENTION.

Section 5110(e) is amended by striking the first sentence and inserting "After expiration of the requirement in subsection (c), the person who provided the shipping paper and the carrier required to maintain it under subsection (a) shall retain the paper or an electronic image thereof, for a period of 1 year after the shipping paper was provided to the carrier, to be accessible through their respective principal places of business.".

SEC. 3206. PUBLIC SECTOR TRAINING CURRICULUM.

Section 5115 is amended—

(1) in subsection (a), by striking "DEVELOPMENT AND UPDATING.—Not later than November 16, 1992, in" and inserting "UPDATING.—In";

(2) in the first sentence of subsection (a), by striking "develop and";

(3) in subsection (a), by striking the second sentence;

(4) in the first sentence of subsection (b), by striking "developed";

(5) in subparagraphs (A) and (B) of subsection (b)(1), by inserting "or involving an alternative fuel vehicle" after "material"; and

(6) by striking subsection (d) and inserting the following:

"(d) DISTRIBUTION AND PUBLICATION.—With the national response team, the Secretary of Transportation may publish a list of programs that use a course developed under this section for training public sector employees to respond to an accident or incident involving the transportation of hazardous material.".

SEC. 3207. PLANNING AND TRAINING GRANTS.

Section 5116 is amended by—

(1) by striking "of" in the second sentence of subsection (e) and inserting "received by";

(2) by striking subsection (f) and inserting the following:

"(f) MONITORING AND TECHNICAL ASSISTANCE.—The Secretary of Transportation shall monitor public sector emergency response planning and training for an accident or incident involving hazardous material. Considering the results of the monitoring, the Secretary shall provide technical assistance to a State, political subdivision of a State, or Indian tribe for carrying out emergency response training and planning for an accident or incident involving hazardous material and shall coordinate the assistance using the existing coordinating mechanisms of the national response team for oil and hazardous substances and, for radioactive material, the Federal Radiological Preparedness Coordinating Committee."; and

(3) by adding at the end thereof the following:

"(l) SMALL BUSINESSES.—The Secretary may authorize a State or Indian tribe receiving a grant under this section to use up to 25 percent of the amount of the grant to assist small businesses in complying with regulations issued under this chapter.".

SEC. 3208. SPECIAL PERMITS, PILOT PROGRAMS, AND EXCLUSIONS.

(a) Section 5117 is amended—

(1) by striking the section heading and inserting the following:

"§5117. Special permits, pilot programs, exemptions, and exclusions";

(2) by striking "2 years" in subsection (a)(2) and inserting "4 years";

(3) by redesignating subsection (e) as subsection (f); and

(4) by inserting after subsection (d) the following:

"(e) AUTHORITY TO CARRY OUT PILOT PROGRAMS.—

"(1) IN GENERAL.—The Secretary is authorized to carry out pilot programs to examine innovative approaches or alternatives to regulations issued under this chapter for private motor carriage in intrastate transportation of an agricultural production material from—

"(A) a source of supply to a farm;

"(B) a farm to another farm;

"(C) a field to another field on a farm; or

"(D) a farm back to the source of supply.

"(2) LIMITATION.—The Secretary may not carry out a pilot program under paragraph (1) if the Secretary determines that the program would pose an undue risk to public health and safety.

"(3) SAFETY LEVELS.—In carrying out a pilot project under this subsection, the Secretary shall require, as a condition of approval of the project, that the safety measures in the project are designed to achieve a level of safety that is equivalent to, or greater than, the level of safety that would otherwise be achieved through compliance with the standards prescribed under this chapter.

"(4) TERMINATION OF PROJECT.—The Secretary shall immediately terminate any project entered into under this subsection if the motor carrier or other entity to which it applies fails to comply with the terms and conditions of the pilot project or the Secretary determines that the project has resulted in a lower level of safety than was maintained before the project was initiated.

"(5) NONAPPLICATION.—This subsection does not apply to the application of regulations issued under this chapter to vessels or aircraft.".

(b) Section 5119(c) is amended by adding at the end the following:

"(4) Pending promulgation of regulations under this subsection, States may participate in a program of uniform forms and procedures recommended by the working group under subsection (b).".

(c) The chapter analysis for chapter 51 is amended by striking the item related to section 5117 and inserting the following:

"5117. Special permits, pilot programs, exemptions, and exclusions.".

SEC. 3209. ADMINISTRATION.

(a) Section 5121 is amended by striking subsections (a), (b), and (c) and redesignating subsections (d) and (e) as subsections (a) and (b), respectively.

(b) Section 5122 is amended by redesignating subsections (a), (b), and (c) as subsections (d), (e), and (f), and by inserting before subsection (d), as redesignated, the following:

"(a) GENERAL AUTHORITY.—To carry out this chapter, the Secretary of Transportation may investigate, make reports, issue subpoenas, conduct hearings, require the production of records and property, take depositions, and conduct research, development, demonstration, and training activities. After notice and an opportunity for a hearing, the Secretary may issue an order requiring compliance with this chapter or a regulation prescribed under this chapter.

"(b) RECORDS, REPORTS, AND INFORMATION.—A person subject to this chapter shall—

"(1) maintain records, make reports, and provide information the Secretary by regulation or order requires; and

"(2) make the records, reports, and information available when the Secretary requests.

"(c) INSPECTION.—

"(1) The Secretary may authorize an officer, employee, or agent to inspect, at a reasonable time and in a reasonable way, records and property related to—

"(A) manufacturing, fabricating, marking, maintaining, reconditioning, repairing, testing, or distributing a packaging or a container for use by a person in transporting hazardous material in commerce; or

"(B) the transportation of hazardous material in commerce.

"(2) An officer, employee, or agent under this subsection shall display proper credentials when requested.".

SEC. 3210. COOPERATIVE AGREEMENTS.

Section 5121, as amended by section 3209(a), is further amended by adding at the end thereof the following:

"(f) AUTHORITY FOR COOPERATIVE AGREEMENTS.—To carry out this chapter, the Secretary may enter into grants, cooperative agreements, and other transactions with a person, agency or instrumentality of the United States, a unit of State or local government, an Indian tribe, a foreign government (in coordination with the State Department), an educational institution, or other entity to further the objectives of this chapter. The objectives of this chapter include the conduct of research, development, demonstration, risk assessment, emergency response planning and training activities.".

SEC. 3211. ENFORCEMENT.

Section 5122, as amended by section 3209(b), is further amended—

(1) in the first sentence of subsection (a), by inserting "inspect," after "may";

(2) by striking the last sentence of subsection (a) and inserting: "Except as provided in subsection (e) of this section, the Secretary shall provide notice and an opportunity for a hearing prior to issuing an order requiring compliance with this chapter or a regulation, order, special permit, or approval issued under this chapter."; and

(3) by redesignating subsections (d), (e) and (f) as subsections (f), (g) and (h), and inserting after subsection (c) the following:

"(d) OTHER AUTHORITY.—

"(1) INSPECTION.—During inspections and investigations, officers, employees, or agents of the Secretary may—

"(A) open and examine the contents of a package offered for, or in, transportation when—

"(i) the package is marked, labeled, certified, placarded, or otherwise represented as containing a hazardous material, or

"(ii) there is an objectively reasonable and articulable belief that the package may contain a hazardous material;

"(B) take a sample, sufficient for analysis, of material marked or represented as a hazardous material or for which there is an objectively reasonable and articulable belief that the material may be a hazardous material, and analyze that material;

"(C) when there is an objectively reasonable and articulable belief that an imminent hazard may exist, prevent the further transportation of the material until the hazardous qualities of that material have been determined; and

"(D) when safety might otherwise be compromised, authorize properly qualified personnel to conduct the examination, sampling, or analysis of a material.

"(2) NOTIFICATION.—No package opened pursuant to this subsection shall continue its transportation until the officer, employee, or agent of the Secretary—

"(A) affixes a label to the package indicating that the package was inspected pursuant to this subsection; and

"(B) notifies the shipper that the package was opened for examination.

"(e) EMERGENCY ORDERS.—

"(1) If, through testing, inspection, investigation, or research carried out under this chapter, the Secretary decides that an unsafe condition or practice, or a combination of them, causes an emergency situation involving a hazard of death, personal injury, or significant harm to the environment, the Secretary may immediately issue or impose restrictions, prohibitions, recalls, or out-of-service orders, without notice or the opportunity for a hearing, that may be necessary to abate the situation.

"(2) The Secretary's action under this subsection must be in a written order describing the condition or practice, or combination of them, that causes the emergency situation; stating the restrictions, prohibitions, recalls, or out-of-service orders being issued or imposed; and prescribing standards and procedures for obtaining relief from the order.

"(3) After taking action under this subsection, the Secretary shall provide an opportunity for review of that action under section 554 of title 5.

"(4) If a petition for review is filed and the review is not completed by the end of the 30-day period beginning on the date the petition was filed, the action will cease to be effective at the end of that period unless the Secretary determines in writing that the emergency situation still exists.".

SEC. 3212. PENALTIES.

(a) IN GENERAL.—Section 5123(a)(1) is amended by striking the first sentence and inserting the following: "A person that knowingly violates this chapter or a regulation, order, special permit, or approval issued under this chapter is liable to the United States Government for a civil penalty of at least $250 but not more than $27,500 for each violation.".

(b) DEGREE OF CULPABILITY.—Section 5123(c)(2) is amended to read as follows:

"(2) with respect to the violator, the degree of culpability, any good-faith efforts to comply with the applicable requirements, any history of prior violations, any economic benefit resulting from the violation, the ability to pay, and any effect on the ability to continue to do business; and".

(c) CRIMINAL PENALTY.—Section 5124 is amended to read as follows:

"§ 5124. Criminal penalty

"(a) IN GENERAL.—A person knowingly violating section 5104(b) of this title or willfully violating this chapter or a regulation, order, special permit, or approval issued under this chapter, shall be fined under title 18, imprisoned for not more than 5 years, or both.

"(b) AGGRAVATED VIOLATIONS.—A person knowingly violating section 5104(b) of this title or willfully violating this chapter or a regulation, order, special permit, or approval issued under this chapter, and thereby causing the release of a hazardous material, shall be fined under title 18, imprisoned for not more than 20 years, or both.".

SEC. 3213. PREEMPTION.

(a) REQUIREMENTS CONTRARY TO PURPOSES OF CHAPTER.—Section 5125(a)(2) is amended by inserting ", the purposes of this chapter," after "this chapter" the first place it appears.

(b) DEADWOOD.—Section 5125(b)(2) is amended by striking "prescribes after November 16, 1990." and inserting "prescribes.".

(c) INDEPENDENT APPLICATION OF PREEMPTION STANDARDS.—Section 5125 is amended by adding at the end thereof the following:

"(h) INDEPENDENT APPLICATION OF EACH STANDARD.—Each preemption standard in subsections (a), (b)(1), (c), and (g) of this section and section 5119(c)(2) is independent in its application to a requirement of any State, political subdivision of a State, or Indian tribe.".

SEC. 3214. JUDICIAL REVIEW.

(a) IN GENERAL.—Chapter 51 is amended by redesignating section 5127 as section 5128, and by inserting after section 5126 the following new section:

"§ 5127. Judicial review

"(a) FILING AND VENUE.—Except as provided in section 20114(c), a person disclosing a substantial interest in a final order issued, under the authority of section 5122 or 5123, by the Secretary of Transportation, the Administrators of the Research and Special Programs Administration, the Federal Aviation Administration, or the Federal Highway Administration, or the Commandant of the United States Coast Guard ('modal Administrator'), with respect to the duties and powers designated to be carried out by the Secretary under this chapter, may apply for review in the United States Court of Appeals for the District of Columbia or in the court of appeals for the United States for the circuit in which the person resides or has its principal place of business. The petition must be filed not more than 60 days after the order is issued. The court may allow the petition to be filed after the 60th day only if there are reasonable grounds for not filing by the 60th day.

"(b) JUDICIAL PROCEDURES.—When a petition is filed under subsection (a) of this section, the clerk of the court immediately shall send a copy of the petition to the Secretary or the modal Administrator, as appropriate. The Secretary or the modal Administrator shall file with the court a record of any proceeding in which the order was issued, as provided in section 2112 of title 28.

"(c) AUTHORITY OF COURT.—When the petition is sent to the Secretary or the modal Administrator, the court has exclusive jurisdiction to affirm, amend, modify, or set aside any part of the order and may order the Secretary or the modal Administrator to conduct further proceedings. After reasonable notice to the Secretary or the modal Administrator, the court may grant interim relief by staying the order or taking other appropriate action when good cause for its action exists. Findings of fact by the Secretary or the modal Administrator, if supported by substantial evidence, are conclusive.

"(d) REQUIREMENT FOR PRIOR OBJECTION.—In reviewing a final order under this section, the court may consider an objection to a final order of the Secretary or the modal Administrator only if the objection was made in the course of a proceeding or review conducted by the Secretary, the modal Administrator, or an administrative law judge, or if there was a reasonable ground for not making the objection in the proceeding.

"(e) SUPREME COURT REVIEW.—A decision by a court under this section may be reviewed only by the Supreme Court under section 1254 of title 28, United States Code.".

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 51 is amended by striking the item related to section 5127 and inserting the following:

"5127. Judicial review.
"5128. Authorization of appropriations.".

SEC. 3215. HAZARDOUS MATERIAL TRANSPORTATION REAUTHORIZATION.

(a) IN GENERAL.—Chapter 51, as amended by section 3214 of this Act, is amended by redesignating section 5128 as section 5129 and by inserting after section 5127 the following:

"§5128. High risk hazardous material and hazardous waste; motor carrier safety study

"(a) STUDY.—The Secretary of Transportation shall conduct a study—

"(1) to determine the safety benefits and administrative efficiency of implementing a Federal permit program for high risk hazardous material and hazardous waste carriers;

"(2) to identify and evaluate alternative regulatory methods and procedures that may improve the safety of high risk hazardous material and hazardous waste carriers and shippers, including evaluating whether an annual safety fitness determination that is linked to permit renewals for hazardous material and hazardous waste carriers is warranted;

"(3) to examine the safety benefits of increased monitoring of high risk hazardous material and hazardous waste carriers, and the costs, benefits, and procedures of existing State permit programs;

"(4) to make such recommendations as may be appropriate for the improvement of uniformity among existing State permit programs; and

"(5) to assess the potential of advanced technologies for improving the assessment of high risk hazardous material and hazardous waste carriers' compliance with motor carrier safety regulations.

"(b) TIMEFRAME.—The Secretary shall begin the study required by subsection (a) within 6 months after the date of enactment of the Intermodal Transportation Safety Act of 1998 and complete it within 30 months after the date of enactment of that Act.

"(c) REPORT.—The Secretary shall report the findings of the study required by subsection (a), together with such recommendations as may be appropriate, within 36 months after the date of enactment of the Intermodal Transportation Safety Act of 1998.".

(b) SECTION 5109 REGULATIONS TO REFLECT STUDY FINDINGS.—Section 5109(h) is amended by striking "not later than November 16, 1991." and inserting "based upon the findings of the study required by section 5128(a).".

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 51, as amended by section 3214, is amended by striking the item relating to section 5128 and inserting the following:

"5128. High risk hazardous material and hazardous waste; motor carrier safety study.
"5129. Authorization of appropriations.".

SEC. 3216. AUTHORIZATION OF APPROPRIATIONS.

Section 5129, as redesignated, is amended—

(1) by striking subsection (a) and inserting the following:

"(a) GENERAL.—There are authorized to be appropriated to the Secretary of Transportation to carry out this chapter (except sections 5107(e), 5108(g)(2), 5113, 5115, and 5116) not more than—

"(1) $15,492,000 for fiscal year 1998;

"(2) $16,000,000 for fiscal year 1999;

"(3) $16,500,000 for fiscal year 2000;

"(4) $17,000,000 for fiscal year 2001;

"(5) $17,500,000 for fiscal year 2002; and

"(6) $18,000,000 for fiscal year 2003."; and

(2) by striking subsections (c) and (d) and inserting the following:

"(c) TRAINING CURRICULUM.—Not more than $200,000 is available to the Secretary of Transportation from the account established under section 5116(i) for each of the fiscal years ending September 30, 1999–2003, to carry out section 5115.

"(d) PLANNING AND TRAINING.—

(1) Not more than $2,444,000 is available to the Secretary of Transportation from the account established under section 5116(i) for the fiscal year ending September 30, 1998, and such sums as may be necessary for fiscal years 1999–2003, to carry out section 5116(a).

"(2) Not more than $3,666,000 is available to the Secretary of Transportation from the account established under section 5116(i) for the fiscal year ending September 30, 1998, and such sums as may be necessary for fiscal years 1999–2003, to carry out section 5116(b).

"(3) Not more than $600,000 is available to the Secretary of Transportation from the account established under section 5116(i) for the fiscal year ending September 30, 1998, and such sums as may be necessary for fiscal years 1999–2003, to carry out section 5116(f).".

Subtitle C—Comprehensive One-Call Notification

SEC. 3301. FINDINGS.

Congress finds that—

(1) unintentional damage to underground facilities during excavation is a significant cause of disruptions in telecommunications, water supply, electric power, and other vital public services, such as hospital and air traffic control operations, and is a leading cause of natural gas and hazardous liquid pipeline accidents;

(2) excavation that is performed without prior notification to an underground facility operator or with inaccurate marking of such a facility prior to excavation can cause damage that results in fatalities, serious injuries, harm to the environment and disruption of vital services to the public; and

(3) protection of the public and the environment from the consequences of underground facility damage caused by excavations will be enhanced by a coordinated national effort to improve one-call notification programs in each State and the effectiveness and efficiency of one-call notification systems that operate under such programs.

SEC. 3302. ESTABLISHMENT OF ONE-CALL NOTIFICATION PROGRAMS.

(a) IN GENERAL.—Subtitle III is amended by adding at the end thereof the following:

"CHAPTER 61—ONE-CALL NOTIFICATION PROGRAMS

"Sec.
"6101. Purposes.
"6102. Definitions.
"6103. Minimum standards for State one-call notification programs.
"6104. Compliance with minimum standards.
"6105. Review of one-call system best practices.
"6106. Grants to States.
"6107. Authorization of appropriations.

"§6101. Purposes

"The purposes of this chapter are—

"(1) to enhance public safety;

"(2) to protect the environment;

"(3) to minimize risks to excavators; and

"(4) to prevent disruption of vital public services,

by reducing the incidence of damage to underground facilities during excavation through the adoption and efficient implementation by all States of State one-call notification programs that meet the minimum standards set forth under section 6103.

"§6102. Definitions

"For purposes of this chapter:

"(1) ONE-CALL NOTIFICATION SYSTEM.—The term "one-call notification system" means a system operated by an organization that has as 1 of its purposes to receive notification from excavators of intended excavation in a specified area in order to disseminate such notification to underground facility operators that are members of the system so that such operators can locate and mark their facilities in order to prevent damage to underground facilities in the course of such excavation.

"(2) STATE ONE-CALL NOTIFICATION PROGRAM.—The term "State one-call notification program" means the State statutes, regulations, orders, judicial decisions, and other elements of law and policy in effect in a State that establish the requirements for the operation of one-call notification systems in such State.

"(3) STATE.—The term 'State' means a State, the District of Columbia, and Puerto Rico.

"(4) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

"§6103. Minimum standards for State one-call notification programs

"(a) MINIMUM STANDARDS.—A State one-call notification program shall, at a minimum, provide for—

"(1) appropriate participation by all underground facility operators;

"(2) appropriate participation by all excavators; and

"(3) flexible and effective enforcement under State law with respect to participation in, and use of, one-call notification systems.

"(b) APPROPRIATE PARTICIPATION.—In determining the appropriate extent of participation required for types of underground facilities or *excavators under subsection (a), a State shall assess, rank, and take into consideration the risks to the public safety, the environment, excavators, and vital public services associated with—*

"(1) damage to types of underground facilities; and

"(2) activities of types of excavators.

"(c) IMPLEMENTATION.—A State one-call notification program also shall, at a minimum, provide for—

"(1) consideration of the ranking of risks under subsection (b) in the enforcement of its provisions;

"(2) a reasonable relationship between the benefits of one-call notification and the cost of implementing and complying with the requirements of the State one-call notification program; and

"(3) voluntary participation where the State determines that a type of underground facility or an activity of a type of excavator poses a de minimis risk to public safety or the environment.

"(d) PENALTIES.—To the extent the State determines appropriate and necessary to achieve the purposes of this chapter, a State one-call notification program shall, at a minimum, provide for—

"(1) administrative or civil penalties commensurate with the seriousness of a violation by an excavator or facility owner of a State one-call notification program;

"(2) increased penalties for parties that repeatedly damage underground facilities because they fail to use one-call notification systems or for parties that repeatedly fail to provide timely and accurate marking after the required call has been made to a one-call notification system;

"(3) reduced or waived penalties for a violation of a requirement of a State one-call notification program that results in, or could result in, damage that is promptly reported by the violator;

"(4) equitable relief; and

"(5) citation of violations.

"§6104. Compliance with minimum standards

"(a) REQUIREMENT.—In order to qualify for a grant under section 6106, each State shall, within 2 years after the date of the enactment of the Intermodal Transportation Safety Act of 1998, submit to the Secretary a grant application under subsection (b).

"(b) APPLICATION.—

"(1) Upon application by a State, the Secretary shall review that State's one-call notification program, including the provisions for the implementation of the program and the record of compliance and enforcement under the program.

"(2) Based on the review under paragraph (1), the Secretary shall determine whether the State's one-call notification program meets the minimum standards for such a program set forth in section 6103 in order to qualify for a grant under section 6106.

"(3) In order to expedite compliance under this section, the Secretary may consult with the State as to whether an existing State one-call notification program, a specific modification thereof, or a proposed State program would result in a positive determination under paragraph (2).

"(4) The Secretary shall prescribe the form of, and manner of filing, an application under this section that shall provide sufficient information about a State's one-call notification program for the Secretary to evaluate its overall effectiveness. Such information may include the nature and reasons for exceptions from required participation, the types of enforcement available, and such other information as the Secretary deems necessary.

"(5) The application of a State under paragraph (1) and the record of actions of the Secretary under this section shall be available to the public.

"(c) ALTERNATIVE PROGRAM.—A State may maintain an alternative one-call notification program if that program provides protection for public safety, the environment, or excavators that is equivalent to, or greater than, protection under a program that meets the minimum standards set forth in section 6103.

"(d) REPORT.—Within 3 years after the date of the enactment of the Intermodal Transportation Safety Act of 1998, the Secretary shall begin to include the following information in reports submitted under section 60124 of this title—

"(1) a description of the extent to which each State has adopted and implemented the minimum Federal standards under section 6103 or maintains an alternative program under subsection (c);

"(2) an analysis by the Secretary of the overall effectiveness of the State's one-call notification program and the one-call notification systems operating under such program in achieving the purposes of this chapter;

"(3) the impact of the State's decisions on the extent of required participation in one-call notification systems on prevention of damage to underground facilities; and

"(4) areas where improvements are needed in one-call notification systems in operation in the State.

The report shall also include any recommendations the Secretary determines appropriate. If the Secretary determines that the purposes of this chapter have been substantially achieved, no further report under this section shall be required.

"§6105. Review of one-call system best practices

"(a) STUDY OF EXISTING ONE-CALL SYSTEMS.—Except as provided in subsection (d), the Secretary, in consultation with other appropriate Federal agencies, State agencies, one-call notification system operators, underground facility operators, excavators, and other interested parties, shall undertake a study of damage prevention practices associated with existing one-call notification systems.

"(b) PURPOSE OF STUDY OF DAMAGE PREVENTION PRACTICES.—The purpose of the study is to assemble information in order to determine which existing one-call notification systems practices appear to be the most effective in preventing damage to underground facilities and in protecting the public, the environment, excavators, and public service disruption. As part of the study, the Secretary shall at a minimum consider—

"(1) the methods used by one-call notification systems and others to encourage participation by excavators and owners of underground facilities;

"(2) the methods by which one-call notification systems promote awareness of their programs, including use of public service announcements and educational materials and programs;

"(3) the methods by which one-call notification systems receive and distribute information from excavators and underground facility owners;

"(4) the use of any performance and service standards to verify the effectiveness of a one-call notification system;

"(5) the effectiveness and accuracy of mapping used by one-call notification systems;

"(6) the relationship between one-call notification systems and preventing intentional damage to underground facilities;

"(7) how one-call notification systems address the need for rapid response to situations where the need to excavate is urgent;

"(8) the extent to which accidents occur due to errors in marking of underground facilities, untimely marking or errors in the excavation process after a one-call notification system has been notified of an excavation;

"(9) the extent to which personnel engaged in marking underground facilities may be endangered;

"(10) the characteristics of damage prevention programs the Secretary believes could be relevant to the effectiveness of State one-call notification programs; and

"(11) the effectiveness of penalties and enforcement activities under State one-call notification programs in obtaining compliance with program requirements.

"(c) REPORT.—Within 1 year after the date of the enactment of the Intermodal Transportation Safety Act of 1998, the Secretary shall publish a report identifying those practices of one-call notification systems that are the most and least successful in—

"(1) preventing damage to underground facilities; and

"(2) providing effective and efficient service to excavators and underground facility operators.

The Secretary shall encourage States and operators of one-call notification programs to adopt and implement the most successful practices identified in the report.

"(d) SECRETARIAL DISCRETION.—Prior to undertaking the study described in subsection (a), the Secretary shall determine whether timely information described in subsection (b) is readily available. If the Secretary determines that such information is readily available, the Secretary is not required to carry out the study.

"§6106. Grants to States

"(a) IN GENERAL.—The Secretary may make a grant of financial assistance to a State that qualifies under section 6104(b) to assist in improving—

"(1) the overall quality and effectiveness of one-call notification systems in the State;

"(2) communications systems linking one-call notification systems;

"(3) location capabilities, including training personnel and developing and using location technology;

"(4) record retention and recording capabilities for one-call notification systems;

"(5) public information and education;

"(6) participation in one-call notification systems; or

"(7) compliance and enforcement under the State one-call notification program.

"(b) STATE ACTION TAKEN INTO ACCOUNT.—In making grants under this section the Secretary shall take into consideration the commitment of each State to improving its State one-call notification program, including legislative and regulatory actions taken by the State after the date of enactment of the Intermodal Transportation Safety Act of 1998.

"(c) FUNDING FOR ONE-CALL NOTIFICATION SYSTEMS.—A State may provide funds received under this section directly to any one-call notification system in such State that substantially adopts the best practices identified under section 6105.

"§6107. Authorization of appropriations

"(a) FOR GRANTS TO STATES.—There are authorized to be appropriated to the Secretary in fiscal year 1999 no more than $1,000,000 and in fiscal year 2000 no more than $5,000,000, to be available until expended, to provide grants to States under section 6106.

"(b) FOR ADMINISTRATION.—There are authorized to be appropriated to the Secretary such sums as may be necessary during fiscal years 1998, 1999, and 2000 to carry out sections 6103, 6104, and 6105.

"(c) GENERAL REVENUE FUNDING.—Any sums appropriated under this section shall be derived from general revenues and may not be derived from amounts collected under section 60301 of this title.".

(b) CONFORMING AMENDMENTS.—

(1) The table of chapters for subtitle III is amended by adding at the end thereof the following:

"61. One-Call Notification Program ... 6101".

(2) Chapter 601 is amended—

(A) by striking "sections 60114 and" in section 60105(a) of that chapter and inserting "section";

(B) by striking section 60114 and the item relating to that section in the table of sections for that chapter;

(C) by striking "60114(c), 60118(a)," in section 60122(a)(1) of that chapter and inserting "60118(a),";

(D) by striking "60114(c) or" in section 60123(a) of that chapter;

(E) by striking "sections 60107 and 60114(b)" in subsections (a) and (b) of section 60125 and inserting "section 60107" in each such subsection; and

(F) by striking subsection (d) of section 60125, and redesignating subsections (e) and (f) of that section as subsections (d) and (e), respectively.

Subtitle D—Motor Carrier Safety

SEC. 3401. STATEMENT OF PURPOSES.

Chapter 311 is amended—

(1) by inserting before section 31101 the following:

"§31100. Purpose

"The purposes of this subchapter are—

"(1) to improve commercial motor vehicle and driver safety;

"(2) to facilitate efforts by the Secretary, States, and other political jurisdictions, working in partnership, to focus their resources on strategic safety investments;

"(3) to increase administrative flexibility;

"(4) to improve enforcement activities;

"(5) to invest in activities related to areas of the greatest crash reduction;

"(6) to identify high risk carriers and drivers; and

"(7) to improve information and analysis systems."; and

(2) by inserting before the item relating to section 31101 in the chapter analysis for chapter 311 the following:

"31100. Purposes.".

SEC. 3402. GRANTS TO STATES.

(a) Performance-Based Grants.—Section 31102 is amended—

(1) in subsection (a), by inserting "improving motor carrier safety and" after "programs for"; and

(2) in the first sentence of subsection (b)(1), by striking "adopt and assume responsibility for enforcing" and inserting "assume responsibility for improving motor carrier safety and to adopt and enforce".

(b) Hazardous Materials.—Section 31102 is amended—

(1) in subsection (a), by inserting a comma and "hazardous materials transportation safety," after "commercial motor vehicle safety"; and

(2) in the first sentence of subsection (b), by inserting ", hazardous materials transportation safety," after "commercial motor vehicle safety".

(c) Contents of State Plans.—Section 31102(b)(1) is amended—

(1) by redesignating subparagraphs (A) through (Q) as subparagraphs (B) through (R), respectively;

(2) by inserting before subparagraph (B), as redesignated, the following:

"(A) implements performance-based activities by fiscal year 2000;"

(3) by inserting "(1)" in subparagraph (K), as redesignated, after "(c)";

(4) by striking subparagraphs (L), (M), and (N) as redesignated, and inserting the following:

"(L) ensures consistent, effective, and reasonable sanctions;

"(M) ensures that the State agency will coordinate the plan, data collection, and information systems with the State highway safety programs under title 23;

"(N) ensures participation in SAFETYNET by all jurisdictions receiving funding;";

(5) in subparagraph (P), as redesignated, by striking "activities—" and inserting "activities in support of national priorities and performance goals including—";

(6) in clause (i) of subparagraph (P), as redesignated, by striking "to remove" and inserting "activities aimed at removing"; and

(7) in clause (ii) of subparagraph (P), as redesignated, by striking "to provide" and inserting "activities aimed at providing".

SEC. 3403. FEDERAL SHARE.

Section 31103 is amended—

(1) by inserting before "The Secretary of Transportation" the following:

"(a) Commercial Motor Vehicle Safety Programs and Enforcement.—";

(2) by inserting "improve commercial motor vehicle safety and" in the first sentence before "enforce"; and

(3) by adding at the end the following:

"(b) Other Activities.—The Secretary may reimburse State agencies, local governments, or other persons up to 100 percent for those activities identified in 31104(f)(2).".

SEC. 3404. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—Section 31104(a) is amended to read as follows:

"(a) In General.—Subject to section 9503(c)(1) of the Internal Revenue Code of 1986, there are available from the Highway Trust Fund (except the Mass Transit Account) for the Secretary of Transportation to incur obligations to carry out section 31102 of this title, not more than—

"(1) $80,000,000 for the fiscal year ending September 30, 1998;

"(2) $100,000,000 for the fiscal year ending September 30, 1999;

"(3) $97,000,000 for the fiscal year ending September 30, 2000;

"(4) $94,000,000 for the fiscal year ending September 30, 2001;

"(5) $90,500,000 for the fiscal year ending September 30, 2002; and

"(6) $90,500,000 for the fiscal year ending September 30, 2003.".

(b) Availability and Reallocation.—Section 31104(b)(2) is amended to read as follows:

"(2) Amounts made available under section 4002(e)(1) and (2) of the Intermodal Surface Transportation Efficiency Act of 1991 before October 1, 1996, that are not obligated on October 1, 1997, are available for obligation under paragraph (1).".

(c) Allocation Criteria.—Section 31104(f) is amended to read as follows:

"(f) Allocation Criteria and Eligibility.—

"(1) On October 1 of each fiscal year or as soon after that date as practicable, the Secretary, after making the deduction described in subsection (e) of this section, shall allocate, under criteria the Secretary prescribes through regulation, the amounts available for that fiscal year among the States with plans approved under section 31102 of this title.

"(2) The Secretary may designate—

"(A) not less than 5 percent of such amounts for activities and projects of national priority for the improvement of commercial motor vehicle safety; and

"(B) not less than 5 percent of such amounts to reimburse States for border commercial motor vehicle safety programs and enforcement activities and projects.

The amounts referred to in subparagraph (B) shall be allocated by the Secretary to State agencies and local governments that use trained and qualified officers and employees in coordination with State motor vehicle safety agencies.".

(d) Other Amendments.—

(1) Section 31104 is amended by striking subsection (g) and redesignating subsection (h) as subsection (g).

(2) Section 31104 is amended by striking subsection (i) and redesignating subsection (j) as subsection (h).

SEC. 3405. INFORMATION SYSTEMS AND STRATEGIC SAFETY INITIATIVES.

Section 31106 is amended to read as follows:

"§31106. Information systems and strategic safety initiatives

"(a) Information Systems.—

"(1) In general.—The Secretary is authorized to establish motor carrier information systems and data analysis programs to support motor carrier regulatory and enforcement activities required under this title. In cooperation with the States, the information systems shall be coordinated into a network providing accurate identification of motor carriers and drivers, registration and licensing tracking, and motor carrier and driver safety performance. The Secretary shall develop and maintain data analysis capacity and programs to provide the means to develop strategies to address safety problems and to use data analysis to measure the effectiveness of these strategies and related programs; to determine the cost effectiveness of Federal and State safety compliance, enforcement programs, and other countermeasures; to evaluate the safety fitness of motor carriers and drivers; to identify and collect necessary data; and to adapt, improve, and incorporate other information and information systems as deemed appropriate by the Secretary.

"(2) Performance and registration information systems management.—

"(A) The Secretary shall include, as part of the motor carrier safety information network system of the Department of Transportation, an information system, to be called the Performance and Registration Information Systems Management, to serve as a clearinghouse and repository of information related to State registration and licensing of commercial motor vehicles and the safety system of the commercial motor vehicle registrants or the motor carriers operating the vehicles. The Secretary may include in the system information on the safety fitness of each of the motor carriers and registrants and other information the Secretary considers appropriate, including information on vehicle, driver, and motor carrier safety performance.

"(B) The Secretary shall prescribe technical and operational standards to ensure—

"(i) uniform, timely and accurate information collection and reporting by the States necessary to carry out this system;

"(ii) uniform Federal and State procedures and policies necessary to operate the Commercial Vehicle Information System; and

"(iii) the availability and reliability of the information to the States and the Secretary from the information system.

"(C) The system shall link the Federal motor carrier safety systems with State driver and commercial vehicle registration and licensing systems, and shall be designed—

"(i) to enable a State, when issuing license plates or throughout the registration period for a commercial motor vehicle, to determine, through the use of the information system, the safety fitness of the registrant or motor carrier;

"(ii) to allow a State to decide, in cooperation with the Secretary, the types of sanctions that may be imposed on the registrant or motor carrier, or the types of conditions or limitations that may be imposed on the operations of the registrant or motor carrier that will ensure the safety fitness of the registrant or motor carrier;

"(iii) to monitor the safety fitness of the registrant or motor carrier during the registration period; and

"(iv) to require the State, as a condition of participation in the system, to implement uniform policies, procedures, and standards, and to possess or seek authority to impose commercial motor vehicle registration sanctions on the basis of a Federal safety fitness determination.

"(D) Of the amounts available for expenditure under this section, up to 50 percent in each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003 may be made available to carry out this paragraph. The Secretary may authorize the operation of the information system by contract, through an agreement with 1 or more States, or by designating, after consultation with the States, a third party that represents the interests of the States. Of the amounts made available to carry out this paragraph, the Secretary is encouraged to direct no less than 80 percent to States that have not previously received financial assistance to develop or implement the Performance and Registration Information Systems Management system.

"(b) Commercial Motor Vehicle Driver Safety Program.—The Secretary is authorized to establish a program focusing on improving commercial motor vehicle driver safety. The objectives of the program shall include—

"(1) enhancing the exchange of driver licensing information among employers, the States, the Federal Government, and foreign countries;

"(2) providing information to the judicial system on the commercial motor vehicle driver licensing program; and

"(3) evaluating any aspect of driver performance and safety that the Secretary deems appropriate.

"(c) Cooperative Agreements, Grants, and Contracts.—The Secretary may carry out this section either independently or in cooperation with other Federal departments, agencies, and instrumentalities, or by making grants to and entering into contracts and cooperative agreements with States, localities, associations, institutions, corporations (profit or nonprofit) or other persons.".

SEC. 3406. IMPROVED FLOW OF DRIVER HISTORY PILOT PROGRAM.

The Secretary of Transportation shall carry out a pilot program in cooperation with 1 or more States to improve upon the timely exchange of pertinent driver performance and safety records data to motor carriers. The program shall—

(1) determine to what extent driver performance records data, including relevant fines, penalties, and failures to appear for a hearing or trial, should be included as part of any information systems under the Department of Transportation's oversight;

(2) assess the feasibility, costs, safety impact, pricing impact, and benefits of record exchanges; and

(3) assess methods for the efficient exchange of driver safety data available from existing State information systems and sources.

SEC. 3407. MOTOR CARRIER AND DRIVER SAFETY RESEARCH.

Of the funds made available to carry out programs established by the amendments made by title II of the Intermodal Surface Transportation Efficiency Act of 1998, no less than $10,000,000 shall be made available for each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003 for activities designed to advance commercial motor vehicle and driver safety. Any obligation, contract, cooperative agreement, or support granted under this section in excess of $250,000 shall be awarded on a competitive basis. The Secretary shall submit annually a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the research activities carried out under this section, including the amount, purpose, recipient and nature of each contract, cooperative agreement or award and results of such research activities carried out under this section, including benefits to motor carrier safety.".

SEC. 3408. AUTHORIZATION OF APPROPRIATIONS.

Section 31107 is amended to read as follows:

"§31107. Authorization of appropriations for information systems and strategic safety initiatives

"(a) In General.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary to incur obligations to carry out section 31106—

"(1) $10,000,000 for fiscal year 1998;
"(2) $9,620,000 for fiscal year 1999;
"(3) $9,620,000 for fiscal year 2000;
"(4) $9,620,000 for fiscal year 2001;
"(5) $9,320,000 for fiscal year 2002; and
"(6) $9,320,000 for fiscal year 2003.

"(b) Availability.—The amounts made available under this subsection shall remain available until expended.".

SEC. 3409. CONFORMING AMENDMENTS.

The chapter analysis for chapter 311 is amended—

(1) by striking the heading for subchapter I and inserting the following:

"SUBCHAPTER I—STATE GRANTS AND OTHER COMMERCIAL MOTOR VEHICLE PROGRAMS";

and

(2) by striking the items relating to sections 31106 and 31107 and inserting the following:

"31106. Information systems and strategic safety initiatives.
"31107. Authorization of appropriations for information systems and strategic safety initiatives.".

SEC. 3410. AUTOMOBILE TRANSPORTER DEFINED.

Section 31111(a) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(2) by inserting before paragraph (2), as redesignated, the following:

"(1) 'automobile transporter' means any vehicle combination designed and used specifically for the transport of assembled highway vehicles, including truck camper units.".

SEC. 3411. REPEAL OF REVIEW PANEL; REVIEW PROCEDURE.

(a) Repeal.—Subchapter III of chapter 311 is amended—

(1) by striking sections 31134 and 31140; and

(2) by striking the items relating to sections 31134 and 31140 in the chapter analysis for that chapter.

(b) Review Procedure.—

(1) In general.—Section 31141 is amended—

(A) by striking subsection (b) and redesignating subsections (c), (d), (e), (f), (g), and (h) as subsections (b), (c), (d), (e), (f), and (g), respectively;

(B) by striking so much of subsection (b), as redesignated, as precedes paragraph (2) and inserting the following:

"(b) Review and Decisions by the Secretary.—

"(1) The Secretary shall review the laws and regulations on commercial motor vehicle safety in effect in each State, and decide—

"(A) whether the State law or regulation—

"(i) has the same effect as a regulation prescribed by the Secretary under section 31136 of this title;

"(ii) is less stringent than that regulation; or

"(iii) is additional to or more stringent than that regulation; and

"(B) for each State law or regulation which is additional to or more stringent than the regulation prescribed by the Secretary, whether—

"(i) the State law or regulation has no safety benefit;

"(ii) the State law or regulation is incompatible with the regulation prescribed by the Secretary under section 31136 of this title; or

"(iii) enforcement of the State law or regulation would cause an unreasonable burden on interstate commerce.";

(C) by striking paragraph (5) of subsection (b)(5), as redesignated, and inserting the following:

"(5) In deciding under paragraph (4) of this subsection whether a State law or regulation will cause an unreasonable burden on interstate commerce, the Secretary may consider the effect on interstate commerce of implementation of all similar laws and regulations of other States.";

(D) by striking subsections (d) and (e), as redesignated, and inserting the following:

"(d) Written Notice of Decisions.—The Secretary shall give written notice of the decision under subsection (b) of this section to the State concerned."; and

(E) by redesignating subsections (f) and (g), as redesignated, as subsections (e) and (f), respectively.

(2) Conforming changes.—

(A) The heading of section 31141 of such title is amended to read as follows:

"§31141. Preemption of State laws and regulations".

(B) The chapter analysis of chapter 311 of such title is amended by striking the item relating to section 31141 and inserting the following:

"31141. Preemption of State laws and regulations.".

(c) Inspection of Vehicles.—

(1) Section 31142 is amended—

(A) in subsection (a), by striking "part 393 of title 49, Code of Federal Regulations" and inserting "regulations issued pursuant to section 31135 of this title"; and

(B) by striking subsection (c)(1)(C) and inserting the following:

"(C) prevent a State from participating in the activities of a voluntary group of States enforcing a program for inspection of commercial motor vehicles; or".

(2) Subchapter IV of chapter 311 is amended—

(A) by striking sections 31161 and 31162; and

(B) by striking the items relating to sections 31161 and 31162 in the chapter analysis for that chapter.

(3) Section 31102(b)(1), as amended by section 3402(c)(1), is amended—

(A) by striking "and" at the end of subparagraph (Q);

(B) by striking "thereunder." in subparagraph (R) and inserting "thereunder; and"; and

(C) by adding at the end thereof the following:

"(S) provides that the State will establish a program (i) to ensure the proper and timely correction of commercial motor vehicle safety violations noted during an inspection carried out with funds authorized under section 31104 of this title; and (ii) to ensure that information is exchanged among the States in a timely manner.".

(d) Safety Fitness of Owners and Operators.—Section 31144 is amended to read as follows:

"§31144. Safety fitness of owners and operators

"(a) Procedure.—The Secretary of Transportation shall maintain in regulation a procedure for determining the safety fitness of owners and operators of commercial motor vehicles, including persons seeking new or additional operating authority as motor carriers under section 13902 of this title. The procedure shall include—

"(1) specific initial and continuing requirements to be met by the owners, operators, and other persons to demonstrate safety fitness;

"(2) a means of deciding whether the owners, operators, or other persons meet the safety requirements under paragraph (1); and

"(3) specific time deadlines for action by the Secretary in making fitness decisions.

"(b) PROHIBITED TRANSPORTATION.—Except as provided in sections 521(b)(5)(A) and 5113, a motor carrier that fails to meet the safety fitness requirements established under subsection (a) may not operate in interstate commerce beginning on the 61st day after the date of the determination by the Secretary that the motor carrier fails to meet the safety fitness requirements and until the motor carrier meets the safety fitness requirements. The Secretary may, for good cause shown, provide a carrier with up to an additional 60 days to meet the safety fitness requirements.

"(c) RATING REVIEW.—The Secretary shall review the factors that resulted in a motor carrier failing to meet the safety fitness requirements not later than 45 days after the motor carrier requests a review.

"(d) GOVERNMENT USE PROHIBITED.—A department, agency, or instrumentality of the United States Government may not use a motor carrier that does not meet the safety fitness requirements.

"(e) PUBLIC AVAILABILITY; UPDATING OF FITNESS DETERMINATIONS.—The Secretary shall amend the motor carrier safety regulations in subchapter B of chapter III of title 49, Code of Federal Regulations, to establish a system to make readily available to the public, and to update periodically, the final safety fitness determinations of motor carriers made by the Secretary.

"(f) PENALTIES.—The Secretary shall prescribe regulations setting penalties for violations of this section consistent with section 521 of this title.".

(e) SAFETY FITNESS OF PASSENGER AND HAZARDOUS MATERIAL CARRIERS.—

(1) IN GENERAL.—Section 5113 is amended—

(A) by striking subsection (a) and inserting the following:

"(a) PROHIBITED TRANSPORTATION.—

"(1) A motor carrier that fails to meet the safety fitness requirements established under subsection 31144(a) of this title may not operate a commercial motor vehicle (as defined in section 31132 of this title)—

"(A) to transport hazardous material for which placarding of a motor vehicle is required under regulations prescribed under this chapter; or

"(B) to transport more than 15 individuals.

"(2) The prohibition in paragraph (1) of this subsection applies beginning on the 46th day after the date on which the Secretary determines that a motor carrier fails to meet the safety fitness requirements and applies until the motor carrier meets the safety fitness requirements.";

(B) by striking "RATING" in the heading of subsection (b) and inserting "FITNESS";

(C) by striking "receiving an unsatisfactory rating" in subsection (b) and inserting "failing to meet the safety fitness requirements";

(D) by striking "has an unsatisfactory rating from the Secretary" in subsection (c) and inserting "failed to meet the safety fitness requirements"; and

(E) by striking "RATINGS" in the heading of subsection (d) and inserting "FITNESS DETERMINATIONS";

(F) by striking ", in consultation with the Interstate Commerce Commission," in subsection (d); and

(G) by striking "ratings of motor carriers that have unsatisfactory ratings from" in subsection (d) and inserting "fitness determinations of motor carriers made by".

(2) CONFORMING AMENDMENTS.—

(A) The heading of section 5113 of such chapter is amended to read as follows:

"§5113. Safety fitness of passenger and hazardous material carriers".

(B) The chapter analysis for chapter 51 is amended by striking the item relating to section 5113 and inserting the following:

"5113. Safety fitness of passenger and hazardous material carriers.".

(f) DEFINITIONS.—

(1) Section 31101(1) is amended—

(A) in subparagraph (A)—

(i) by inserting "or gross vehicle weight, whichever is greater," after "rating"; and

(ii) by striking "10,000" and inserting "10,001";

(B) in subparagraph (B), by striking "driver; or" and inserting "driver, or a smaller number of passengers including the driver as determined under regulations implementing sections 31132(1)(B) or 31301(4)(B)";

(C) in subparagraph (C), by inserting "and transported in a quantity requiring placarding under regulations prescribed by the Secretary under section 5103" after "title".

(2) Section 31132 is amended—

(A) in paragraph (1)(A), by inserting "or gross vehicle weight, whichever is greater," after "rating"; and

(B) by adding at the end of paragraph (3) the following:

"For purposes of this paragraph, the term 'business affecting interstate commerce' means a business predominantly engaged in employing commercial motor vehicles in interstate commerce and includes all operations of the business in intrastate commerce which use vehicles otherwise defined as commercial motor vehicles under paragraph (1) of this section.".

(g) EMPLOYEE PROTECTIONS.—Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation, in conjunction with the Secretary of Labor, shall report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the effectiveness of existing statutory employee protections provided for under section 31105 of title 49, United States Code. The report shall include recommendations to address any statutory changes as may be necessary to strengthen the enforcement of such employee protection provisions.

(h) INSPECTIONS AND REPORTS.—

(1) GENERAL POWERS OF THE SECRETARY.—Section 31133(a)(1) is amended by inserting "and make contracts for" after "conduct".

(2) REPORTS AND RECORDS.—Section 504(c) is amended by inserting "(and, in the case of a motor carrier, a contractor)" before the second comma.

SEC. 3412. COMMERCIAL MOTOR VEHICLE OPERATORS.

(a) REPEAL OF OBSOLETE GRANT PROGRAMS.—Chapter 313 is amended—

(1) by striking sections 31312 and 31313; and

(2) by striking the items relating to sections 31312 and 31313 in the chapter analysis for that chapter.

(b) COMMERCIAL DRIVER'S LICENSE REQUIREMENT.—

(1) IN GENERAL.—Section 31302 is amended to read as follows:

"§31302. Commercial driver's license requirement

"No individual shall operate a commercial motor vehicle without a commercial driver's license issued according to section 31308 of this title.".

(2) CONFORMING AMENDMENTS.—

(A) The chapter analysis for that chapter is amended by striking the item relating to section 31302 and inserting the following:

"31302. Commercial driver's license requirement.".

(B) Section 31305(a) is amended by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively, and by inserting after paragraph (1) the following:

"(2) may establish performance-based testing and licensing standards that more accurately measure and reflect an individual's knowledge and skills as an operator;".

(c) COMMERCIAL DRIVER'S LICENSE INFORMATION SYSTEM.—Section 31309 is amended—

(1) in subsection (a), by striking "make an agreement under subsection (b) of this section for the operation of, or establish under subsection (c) of this section," and inserting "maintain";

(2) by striking subsections (b) and (c) and redesignating subsections (d), (e), and (f) as subsections (b), (c), and (d), respectively;

(3) by striking "Not later than December 31, 1990, the" in paragraph (2) of subsection (b), as redesignated, and inserting "The"; and

(4) in subsection (c), as redesignated—

(A) by inserting after the heading the following: "Information about a driver in the information system may be made available under the following circumstances:"; and

(B) by starting a new paragraph with "(1) On request" and indenting the paragraph 2 ems from the lefthand margin.

(d) REQUIREMENTS FOR STATE PARTICIPATION.—Section 31311(a) is amended—

(1) by striking "31310(b)-(e)" in paragraph (15) and inserting "31310 (b)-(e), and (g)(1)(A) and (2)";

(2) by striking paragraph (17); and

(3) by redesignating paragraph (18) as paragraph (17).

(e) WITHHOLDING AMOUNTS FOR STATE NONCOMPLIANCE.—Section 31314 is amended—

(1) in subsection (a), by striking ", (2), (5), and (6)" and inserting "(3), and (5)";

(2) in subsections (a) and (b), by striking "1992" each place it appears and inserting "1995";

(3) in subsection (c), by striking paragraph (1);

(4) in subsection (c)(2), by striking "(2)";

(5) by striking subsection (d); and

(6) by redesignating subsection (e) as subsection (d).

(f) COMMERCIAL MOTOR VEHICLE DEFINED.—Section 31301 is amended—

(1) in paragraph (4)(A), by inserting "or gross vehicle weight, whichever is greater," after "rating" each place it appears; and

(2) in paragraph (4)(C)(ii), by inserting "is" before "transporting" each place it appears and before "not otherwise".

(g) SAFETY PERFORMANCE HISTORY OF NEW DRIVERS; LIMITATION ON LIABILITY.—

(1) IN GENERAL.—Chapter 5 is amended by adding at the end the following:

"§508. Safety performance history of new drivers; limitation on liability

"(a) LIMITATION ON LIABILITY.—No action or proceeding for defamation, invasion of privacy, or interference with a contract that is based on the furnishing or use of safety performance records in accordance with regulations issued by the Secretary may be brought against—

"(1) a motor carrier requesting the safety performance records of an individual under consideration for employment as a commercial motor vehicle driver as required by and in accordance with regulations issued by the Secretary;

"(2) a person who has complied with such a request; or

"(3) the agents or insurers of a person described in paragraph (1) or (2).

"(b) RESTRICTIONS.—

"(1) Subsection (a) does not apply unless—

"(A) the motor carrier requesting the safety performance records at issue, the person complying with such a request, and their agents *have taken all precautions reasonably necessary to ensure the accuracy of the records and have fully complied with the regulations issued by the Secretary in using and furnishing the records, including the requirement that the individual who is the subject of the records be afforded a reasonable opportunity to review and comment on the records;*

"(B) the motor carrier requesting the safety performance records, the person complying with such a request, their agents, and their insurers, have taken all precautions reasonably necessary to protect the records from disclosure to any person, except for their insurers, not directly involved in forwarding the records or deciding whether to hire that individual; and

"(C) the motor carrier requesting the safety performance records has used those records only to assess the safety performance of the individual who is the subject of those records in deciding whether to hire that individual.

"(2) Subsection (a) does not apply to persons who knowingly furnish false information.

"(c) Preemption of State and Local Law.—No State or political subdivision thereof may enact, prescribe, issue, continue in effect, or enforce any law (including any regulation, standard, or other provision having the force and effect of law) that prohibits, penalizes, or imposes liability for furnishing or using safety performance records in accordance with regulations issued by the Secretary. Notwithstanding any provision of law, written authorization shall not be required to obtain information on the motor vehicle driving record of an individual under consideration for employment with a motor carrier.".

(2) Conforming Amendment.—The chapter analysis for chapter 5 is amended by inserting after the item relating to section 507 the following:

"508. Safety performance history of new drivers; limitation on liability.".

SEC. 3413. PENALTIES.

(a) Notification of Violations and Enforcement Procedures.—Section 521(b)(1) is amended—

(1) by inserting: "with the exception of reporting and recordkeeping violations," in the first sentence of subparagraph (A) after "under any of those provisions,";

(2) by striking "fix a reasonable time for abatement of the violation," in the third sentence of subparagraph (A);

(3) by striking "(A)" in subparagraph (A); and

(4) by striking subparagraph (B).

(b) Civil Penalties.—Section 521(b)(2) is amended—

(1) by striking subparagraph (A) and inserting the following:

"(A) In general.—Except as otherwise provided in this subsection, any person who is determined by the Secretary, after notice and opportunity for a hearing, to have committed an act that is a violation of regulations issued by the Secretary under subchapter III of chapter 311 (except sections 31137 and 31138) or section 31502 of this title shall be liable to the United States for a civil penalty in an amount not to exceed $10,000 for each offense. Notwithstanding any other provision of this section (except subparagraph (C)), no civil penalty shall be assessed under this section against an employee for a violation in an amount exceeding $2,500.";

(2) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(3) by inserting after subparagraph (A) the following:

"(B) Recordkeeping and Reporting Violations.—

"(i) A person required to make a report to the Secretary, answer a question, or make, prepare, or preserve a record under section 504 of this title or under any regulation issued by the Secretary pursuant to subchapter III of chapter 311 (except sections 31137 and 31138) or section 31502 of this title about transportation by motor carrier, motor carrier of migrant workers, or motor private carrier, or an officer, agent, or employee of that person, who—

"(I) does not make that report;

"(II) does not specifically, completely, and truthfully answer that question in 30 days from the date the Secretary requires the question to be answered; or

"(III) does not make, prepare, or preserve that record in the form and manner prescribed by the Secretary,

shall be liable to the United States for a civil penalty in an amount not to exceed $500 for each offense, and each day of the violation shall constitute a separate offense, except that the total of all civil penalties assessed against any violator for all offenses related to any single violation shall not exceed $5,000.

"(ii) Any such person, or an officer, agent, or employee of that person, who—

"(I) knowingly falsifies, destroys, mutilates, or changes a required report or record;

"(II) knowingly files a false report with the Secretary;

"(III) knowingly makes or causes or permits to be made a false or incomplete entry in that record about an operation or business fact or transaction; or

"(IV) knowingly makes, prepares, or preserves a record in violation of a regulation or order of the Secretary,

shall be liable to the United States for a civil penalty in an amount not to exceed $5,000 for each violation, provided that any such action can be shown to have misrepresented a fact that constitutes a violation other than a reporting or recordkeeping violation.".

SEC. 3414. INTERNATIONAL REGISTRATION PLAN AND INTERNATIONAL FUEL TAX AGREEMENT.

Chapter 317 is amended—

(1) by striking sections 31702, 31703, and 31708; and

(2) by striking the items relating to sections 31702, 31703, and 31708 in the chapter analysis for that chapter.

SEC. 3415. STUDY OF ADEQUACY OF PARKING FACILITIES.

The Secretary shall conduct studies to determine the location and quantity of parking facilities at commercial truck stops and travel plazas and public rest areas that could be used by motor carriers to comply with Federal hours-of-service rules. Each study shall include an inventory of current facilities serving corridors of the National Highway System, analyze where specific shortages exist or are projected to exist, and propose a specific plan to reduce the shortages. The studies may be carried out in cooperation with research entities representing the motor carrier and travel plaza industry. The studies shall be completed not later than 36 months after the date of enactment of this Act.

SEC. 3416. APPLICATION OF REGULATIONS.

(a) Application of Regulations to Certain Commercial Motor Vehicles.—Section 31135 as redesignated, is amended by adding at the end the following:

"(g) Application to Certain Vehicles.—Effective 12 months after the date of enactment of the Intermodal Transportation Safety Act of 1998, regulations prescribed under this section shall apply to operators of commercial motor vehicles described in section 31132(1)(B) to the extent that those regulations did not apply to those operators before the day that is 12 months after such date of enactment, except to the extent that the Secretary determines, through a rulemaking proceeding, that it is appropriate to exempt such operations of commercial motor vehicles from the application of those regulations.".

(b) Definition.—Section 31301(4)(B) is amended to read as follows:

"(B) is designed or used to transport—

"(i) passengers for compensation, but does not include a vehicle providing taxicab service and having a capacity of not more than 6 passengers and not operated on a regular route or between specified places; or

"(ii) more than 15 passengers, including the driver, and not used to transport passengers for compensation; or".

(c) Application of Regulations to Certain Operators.—

(1) Chapter 313 is amended by adding at the end the following:

"§31318. Application of regulations to certain operators

"Effective 12 months after the date of enactment of the Intermodal Transportation Safety Act of 1998, regulations prescribed under this chapter shall apply to operators of commercial motor vehicles described in section 31301(4)(B) to the extent that those regulations did not apply to those operators before the day that is 1 year after such date of enactment, except to the extent that the Secretary determines, after notice and opportunity for public comment, that it is appropriate to exempt such operators of commercial motor vehicles from the application of those regulations.".

(2) The analysis for chapter 313 is amended by adding at the end the following:

"31318. Application of regulations to certain operators.".

(d) Deadline for Certain Definitional Regulations.—The Secretary shall issue regulations implementing the definition of commercial motor vehicles under section 31132(1)(B) and section 31301(4)(B) of title 49, United States Code, as amended by this Act within 12 months after the date of enactment of this Act.

SEC. 3417. AUTHORITY OVER CHARTER BUS TRANSPORTATION.

Section 14501(a) is amended—

(1) by striking "route or relating" and inserting "route;"; and

(2) by striking "required." and inserting "required; or to the authority to provide intrastate or interstate charter bus transportation.".

SEC. 3418. FEDERAL MOTOR CARRIER SAFETY INVESTIGATIONS.

The Department of Transportation shall maintain the level of Federal motor carrier safety investigators for international border commercial vehicle inspections as in effect on September 30, 1997, or provide for alternative resources and mechanisms to ensure an equivalent level of commercial motor vehicle safety inspections. Such funds as are necessary to carry out this section shall be made available within the limitation on general operating expenses of the Department of Transportation.

SEC. 3419. FOREIGN MOTOR CARRIER SAFETY FITNESS.

(a) In General.—No later than 90 days after enactment of this Act, the Secretary of Transportation shall make a determination regarding the willingness and ability of any foreign motor carrier, the application for which has not been processed due to the moratorium on the granting of authority to foreign carriers to operate in the United States, to meet the safety fitness and other regulatory requirements under this title.

(b) Report.—Not later than 120 days after the date of enactment this Act, the Secretary of Transportation shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the application of section

13902(c)(9) of title 49, United States Code. The report shall include—

(1) any findings made by the Secretary under subsection (a);

(2) information on which carriers have applied to the Department of Transportation under that section; and

(3) a description of the process utilized to respond to such applications and to certify the safety fitness of those carriers.

SEC. 3420. COMMERCIAL MOTOR VEHICLE SAFETY ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Secretary of Transportation may establish a Commercial Motor Vehicle Safety Advisory Committee to provide advice and recommendations on a range of regulatory issues. The members of the advisory committee shall be appointed by the Secretary from among individuals affected by rulemakings under consideration by the Department of Transportation.

(b) FUNCTION.—The Advisory Committee established under subsection (a) shall provide advice to the Secretary on commercial motor vehicle safety regulations and safety review procedures and findings, and may assist the Secretary in timely completion of ongoing rulemakings by utilizing negotiated rulemaking procedures.

SEC. 3421. WAIVERS; EXEMPTIONS; PILOT PROGRAMS.

(a) WAIVERS, EXEMPTIONS, AND PILOT PROGRAMS FOR CHAPTERS 311 AND 315.—Section 31136(e) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (5) and (6), respectively; and

(2) by striking the subsection heading and paragraph (1) and inserting the following:

"(e) WAIVERS, EXEMPTIONS, AND PILOT PROGRAMS.—

"(1) IN GENERAL.—The Secretary shall, by regulation promulgated after notice and an opportunity for public comment and within 180 days after the date of enactment of the Intermodal Transportation Safety Act of 1998, establish procedures by which waivers, exemptions, and pilot programs under this section may be initiated. The regulation shall provide—

"(A) a process for the issuance of waivers or exemptions from any part of a regulation prescribed under this subchapter or chapter 315; and

"(B) procedures for the conduct of pilot projects or demonstration programs to support the appropriateness of regulations, enforcement policies, waivers, or exemptions under this section.

"(2) WAIVERS.—The Secretary may grant a waiver that relieves a person from compliance in whole or in part with a regulation issued under this subchapter or chapter 315 if the Secretary determines that it is in the public interest to grant the waiver and that the waiver is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained in the absence of the waiver—

"(A) for a period not in excess of 3 months;

"(B) limited in scope and circumstances;

"(C) for nonemergency and unique events; and

"(D) subject to such conditions as the Secretary may impose.

"(3) EXEMPTIONS.—The Secretary may grant an exemption in whole or in part from a regulation issued under this subchapter or chapter 315 to a class of persons, vehicles, or circumstances if the Secretary determines, after notice and opportunity for public comment, that it is in the public interest to grant the exemption and that the exemption is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained in the absence of the exemption. An exemption granted under this paragraph shall be in effect for a period of not more than 2 years, but may be renewed by the Secretary after notice and opportunity for public comment if the Secretary determines, based on the safety impact and results of the first 2 years of an exemption, that the extension is in the public interest and that the extension of the exemption is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained in the absence of the extension.

"(4) PILOT PROGRAMS.—

"(A) IN GENERAL.—In carrying out this section, the Secretary is authorized to carry out pilot programs to examine innovative approaches or alternatives to regulations issued under this chapter or chapter 315.

"(B) REQUIREMENT FOR APPROVAL.—In carrying out a pilot project under this paragraph, the Secretary shall require, as a condition of approval of the project, that the safety measures in the project are designed to achieve a level of safety that is equivalent to, or greater than, the level of safety that would otherwise be achieved through compliance with the standards prescribed under this subchapter or chapter 315.

"(C) EXEMPTIONS.—A pilot project under this paragraph—

"(i) may exempt a motor carrier under the project from any requirement (or portion thereof) imposed under this subchapter or chapter 315; and

"(ii) shall preempt any State or local regulation that conflicts with the pilot project during the time the pilot project is in effect.

"(D) REVOCATION OF EXEMPTION.—The Secretary shall revoke an exemption granted under subparagraph (C) if—

"(i) the motor carrier to which it applies fails to comply with the terms and conditions of the exemption; or

"(ii) the Secretary determines that the exemption has resulted in a lower level of safety than was maintained before the exemption was granted.".

(b) WAIVERS, EXEMPTIONS, AND PILOT PROGRAMS FOR CHAPTER 313.—Section 31315 is amended—

(1) by inserting "(a) IN GENERAL.—" before "After notice"; and

(2) by adding at the end the following:

"(b) WAIVERS, EXEMPTIONS, AND PILOT PROGRAMS.—

"(1) IN GENERAL.—The Secretary shall, by regulation promulgated after notice and an opportunity for public comment and within 180 days after the date of enactment of the Intermodal Transportation Safety Act of 1998, establish procedures by which waivers, exemptions, and pilot programs under this section may be initiated. The regulation shall provide—

"(A) a process for the issuance of waivers or exemptions from any part of a regulation prescribed under this chapter; and

"(B) procedures for the conduct of pilot projects or demonstration programs to support the appropriateness of regulations, enforcement policies, or exemptions under this section.

"(2) WAIVERS.—The Secretary may grant a waiver that relieves a person from compliance in whole or in part with a regulation issued under this chapter if the Secretary determines that it is in the public interest to grant the waiver and that the waiver is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained in the absence of the waiver—

"(A) for a period not in excess of 3 months;

"(B) limited in scope and circumstances;

"(C) for nonemergency and unique events; and

"(D) subject to such conditions as the Secretary may impose.

"(3) EXEMPTIONS.—The Secretary may grant an exemption in whole or in part from a regulation issued under this chapter to a class of persons, vehicles, or circumstances if the Secretary determines, after notice and opportunity for public comment, that it is in the public interest to grant the exemption and that the exemption is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained in the absence of the exemption. An exemption granted under this paragraph shall be in effect for a period of not more than 2 years, but may be renewed by the Secretary after notice and opportunity for public comment if the Secretary determines, based on the safety impact and results of the first 2 years of an exemption, that the extension is in the public interest and that the extension of the exemption is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained in the absence of the extension.

"(4) PILOT PROGRAMS.—

"(A) IN GENERAL.—In carrying out this section, the Secretary is authorized to carry out pilot programs to examine innovative approaches or alternatives to regulations issued under this chapter.

"(B) REQUIREMENT FOR APPROVAL.—In carrying out a pilot project under this paragraph, the Secretary shall require, as a condition of approval of the project, that the safety measures in the project are designed to achieve a level of safety that is equivalent to, or greater than, the level of safety that would otherwise be achieved through compliance with the standards prescribed under this chapter.

"(C) EXEMPTIONS.—A pilot project under this paragraph—

"(i) may exempt a motor carrier under the project from any requirement (or portion thereof) imposed under this chapter; and

"(ii) shall preempt any State or local regulation that conflicts with the pilot project during the time the pilot project is in effect.

"(D) REVOCATION OF EXEMPTION.—The Secretary shall revoke an exemption granted under subparagraph (C) if—

"(i) the motor carrier to which it applies fails to comply with the terms and conditions of the exemption; or

"(ii) the Secretary determines that the exemption has resulted in a lower level of safety than was maintained before the exemption was granted.".

SEC. 3422. COMMERCIAL MOTOR VEHICLE SAFETY STUDIES.

(a) IN GENERAL.—The Secretary shall conduct a study of the impact on safety and infrastructure of tandem axle commercial motor vehicle operations in States that permit the operation of such vehicles in excess of the weight limits established by section 127 of title 23, United States Code.

(b) COOPERATIVE AGREEMENTS WITH STATES.—The Secretary shall enter into cooperative agreements with States described in subsection (a) under which the States participate in the collection of weight-in-motion data necessary to achieve the purpose of the study. If the Secretary determines that additional weight-in-motion sites, on or off the Dwight D. Eisenhower System of Interstate and Defense Highways, are necessary to carry out the study, and requests assistance from the States in choosing appropriate locations, the States shall identify the industries or transportation companies operating within their borders that regularly utilize the 35,000-pound tandem axle.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study, together with any related legislative or administrative recommendations. Until the Secretary transmits the report to Congress, the Secretary may not withhold funds *under section 104 of title 23, United States Code, from any State for violation of the grandfathered tandem axle weight limits under section 127 of that title.*

SEC. 3423. INCREASED MCSAP PARTICIPATION IMPACT STUDY.

(a) In General.—If a State that did not receive its full allocation of funding under the Motor Carrier Safety Assistance Program during fiscal years 1996 and 1997 agrees to enter into a cooperative agreement with the Secretary to evaluate the safety impact, costs, and benefits of allowing such State to continue to participate fully in the Motor Carrier Safety Assistance Program, then the Secretary of Transportation shall allocate to that State the full amount of funds to which it would otherwise be entitled for fiscal years 1998, 1999, 2000, 2001, 2002, and 2003. The Secretary may not add conditions to the cooperative agreement other than those directly relating to the accurate and timely collection of inspection and crash data sufficient to ascertain the safety and effectiveness of such State's program.

(b) Requirements.—

(1) Report.—The State shall submit to the Secretary each year the results of such safety evaluations.

(2) Termination by Secretary.—If the Secretary finds such an agreement not in the public interest based on the results of such evaluations after 2 years of full participation, the Secretary may terminate the agreement entered into under this section.

(c) Prohibition of Adoption of Lesser Standards.—No State may enact or implement motor carrier safety regulations that are determined by the Secretary to be less strict than those in effect as of September 30, 1997.

SEC. 3424. EXEMPTION FROM CERTAIN REGULATIONS FOR UTILITY SERVICE COMMERCIAL MOTOR VEHICLE DRIVERS.

(a) In General.—Section 31502 is amended by adding at the end the following new subsection:

"(e) Exception.—

"(1) In general.—Notwithstanding any other provision of law, regulations promulgated under this section or section 31136 regarding—

"(A) maximum driving and on-duty times applicable to operators of commercial motor vehicles;

"(B) physical testing, reporting, or recordkeeping; and

"(C) the installation of automatic recording devices associated with establishing the maximum driving and on-duty times referred to in subparagraph (A),

shall not apply to any driver of a utility service vehicle during an emergency period of not more than 30 days declared by an elected State or local government official under paragraph (2) in the area covered by the declaration.

"(2) Declaration of Emergency.—The regulations described in subparagraphs (A), (B), and (C) of paragraph (1) do not apply to the driver of a utility service vehicle operated—

"(A) in the area covered by an emergency declaration under this paragraph; and

"(B) for a period of not more than 30 days designated in that declaration,

issued by an elected State or local government official (or jointly by elected officials of more than one State or local government), after notice to the Regional Director of the Federal Highway Administration with jurisdiction over the area covered by the declaration.

"(3) Incident report.—Within 30 days after the end of the declared emergency period the official who issued the emergency declaration shall file with the Regional Director a report of each safety-related incident or accident that occurred during the emergency period involving—

"(A) a utility service vehicle driver to which the declaration applied; or

"(B) a utility service vehicle to the driver of which the declaration applied.

"(4) Definitions.—For purposes of this subsection—

"(A) Driver of a utility service vehicle.—The term 'driver of a utility service vehicle' means any driver who is considered to be a driver of a utility service vehicle for purposes of section 345(a)(4) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note).

"(B) Utility service vehicle.—The term 'utility service vehicle' has the meaning given that term in section 345(e)(6) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note).".

(b) Continued Application of Safety and Maintenance Requirements.—

(1) In general.—The amendment made by subsection (a) may not be construed—

(A) to exempt any utility service vehicle from compliance with any applicable provision of law relating to vehicle mechanical safety, maintenance requirements, or inspections; or

(B) to exempt any driver of a utility service vehicle from any applicable provision of law (including any regulation) established for the issuance, maintenance, or periodic renewal of a commercial driver's license for that driver.

(2) Definitions.—For purposes of this subsection—

(A) Commercial driver's license.—The term "commercial driver's license" has the meaning given that term in section 31301(3) of title 49, United States Code.

(B) Driver of a utility service vehicle.—The term "driver of a utility service vehicle" has the meaning given that term in section 31502(e)(2)(A) of title 49, United States Code, as added by subsection (a).

(C) Regulation.—The term "regulation" has the meaning given that term in section 31132(6) of title 49, United States Code.

(D) Utility service vehicle.—The term "utility service vehicle" has the meaning given that term in section 345(e)(6) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note).

SEC. 3425. SCHOOL TRANSPORTATION SAFETY.

(a) Study.—Not later than 3 months after the date of enactment of this Act, the Secretary shall offer to enter into an agreement with the Transportation Research Board of the National Academy of Sciences to conduct, subject to the availability of appropriations, a study of the safety issues attendant to the transportation of school children to and from school and school-related activities by various transportation modes.

(b) Terms of Agreement.—The agreement under subsection (a) shall provide that—

(1) the Transportation Research Board, in conducting the study, shall consider—

(A) in consultation with the National Transportation Safety Board, the Bureau of Transportation Statistics, and other relevant entities, available crash injury data;

(B) vehicle design and driver training requirements, routing, and operational factors that affect safety; and

(C) other factors that the Secretary considers to be appropriate;

(2) if the data referred to in paragraph (1)(A) is unavailable or insufficient, the Transportation Research Board shall recommend a new data collection regimen and implementation guidelines; and

(3) a panel shall conduct the study and shall include—

(A) representatives of—

(i) highway safety organizations;

(ii) school transportation; and

(iii) mass transportation operators;

(B) academic and policy analysts; and

(C) other interested parties.

(c) Report.—Not later than 12 months after the Secretary enters into an agreement under subsection (a), the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that contains the results of the study.

(d) Authorization.—There are authorized to be appropriated to the Department of Transportation to carry out this section—

(1) $200,000 for fiscal year 1999; and

(2) $200,000 for fiscal year 2000.

Subtitle E—Rail and Mass Transportation Anti-Terrorism; Safety

SEC. 3501. PURPOSE.

The purpose of this subtitle is to protect the passengers and employees of railroad carriers and mass transportation systems and the movement of freight by railroad from terrorist attacks.

SEC. 3502. AMENDMENTS TO THE "WRECKING TRAINS" STATUTE.

(a) Section 1992 of title 18, United States Code, is amended to read as follows:

"§ 1992. Terrorist attacks against railroads

"(a) General Prohibitions.—Whoever willfully—

"(1) wrecks, derails, sets fire to, or disables any train, locomotive, motor unit, or freight or passenger car used, operated, or employed by a railroad carrier;

"(2) brings, carries, possesses, places or causes to be placed any destructive substance, or destructive device in, upon, or near any train, locomotive, motor unit, or freight or passenger car used, operated, or employed by a railroad carrier, without previously obtaining the permission of the carrier, and with intent to endanger the safety of any passenger or employee of the carrier, or with a reckless disregard for the safety of human life;

"(3) sets fire to, or places any destructive substance, or destructive device in, upon or near, or undermines any tunnel, bridge, viaduct, trestle, track, signal, station, depot, warehouse, terminal, or any other way, structure, property, or appurtenance used in the operation of, or in support of the operation of, a railroad carrier, or otherwise makes any such tunnel, bridge, viaduct, trestle, track, station, depot, warehouse, terminal, or any other way, structure, property, or appurtenance unworkable or unusable or hazardous to work or use, knowing or having reason to know such activity would likely derail, disable, or wreck a train, locomotive, motor unit, or freight or passenger car used, operated, or employed by a railroad carrier;

"(4) removes appurtenances from, damages, or otherwise impairs the operation of any railroad signal system, including a train control system, centralized dispatching system, or highway-railroad grade crossing warning signal on a railroad line used, operated, or employed by a railroad carrier;

"(5) interferes with, disables, or incapacitates any locomotive engineer, conductor, or other person while they are operating or maintaining a train, locomotive, motor unit, or freight or passenger car used, operated, or employed by a railroad carrier, with intent to endanger the safety of any passenger or employee of the carrier, or with a reckless disregard for the safety of human life;

"(6) commits an act intended to cause death or serious bodily injury to an employee or passenger of a railroad carrier while on the property of the carrier;

"(7) causes the release of a hazardous material being transported by a rail freight car, with the intent to endanger the safety of any person, or with a reckless disregard for the safety of human life;

"(8) conveys or causes to be conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act that would be a crime prohibited by this subsection; or

"(9) attempts, threatens, or conspires to do any of the aforesaid acts,

shall be fined under this title or imprisoned not more than 20 years, or both, if such act is committed, or in the case of a threat or conspiracy such act would be committed, within the United States on, against, or affecting a railroad carrier engaged in or affecting interstate or foreign commerce, or if in the course of committing such acts, that person travels or communicates across a State line in order to commit such acts, or transports materials across a State line in aid of the commission of such acts; except that whoever is convicted of any crime prohibited by this subsection shall be—

"(A) imprisoned for not less than 30 years or for life if the railroad train involved carried high-level radioactive waste or spent nuclear fuel at the time of the offense;

"(B) imprisoned for life if the railroad train involved was carrying passengers at the time of the offense; and

"(C) imprisoned for life or sentenced to death if the offense has resulted in the death of any person.

"(b) PROHIBITIONS ON THE USE OF FIREARMS AND DANGEROUS WEAPONS.—

"(1) Except as provided in paragraph (4), whoever knowingly possesses or causes to be present any firearm or other dangerous weapon on board a passenger train of a railroad carrier, or attempts to do so, shall be fined under this title or imprisoned not more than 1 year, or both, if such act is committed on a railroad carrier that is engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a State line in order to commit such act, or transports materials across a State line in aid of the commission of such act.

"(2) Whoever, with intent that a firearm or other dangerous weapon be used in the commission of a crime, knowingly possesses or causes to be present such firearm or dangerous weapon on board a passenger train or in a passenger terminal facility of a railroad carrier, or attempts to do so, shall be fined under this title or imprisoned not more than 5 years, or both, if such act is committed on a railroad carrier that is engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a State line in order to commit such act, or transports materials across a State line in aid of the commission of such act.

"(3) A person who kills or attempts to kill a person in the course of a violation of paragraphs (1) or (2), or in the course of an attack on a passenger train or a passenger terminal facility of a railroad carrier involving the use of a firearm or other dangerous weapon, shall be punished as provided in sections 1111, 1112, and 1113.

"(4) Paragraph (1) shall not apply to—

"(A) the possession of a firearm or other dangerous weapon by an officer, agent, or employee of the United States, a State, or a political subdivision thereof, while engaged in the lawful performance of official duties, who is authorized by law to engage in the transportation of people accused or convicted of crimes, or supervise the prevention, detection, investigation, or prosecution of any violation of law;

"(B) the possession of a firearm or other dangerous weapon by an officer, agent, or employee of the United States, a State, or a political subdivision thereof, while off duty, if such possession is authorized by law;

"(C) the possession of a firearm or other dangerous weapon by a Federal official or a member of the Armed Forces if such possession is authorized by law;

"(D) the possession of a firearm or other dangerous weapon by a railroad police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State, whether on or off duty; or

"(E) an individual transporting a firearm on board a railroad passenger train (except a loaded firearm) in baggage not accessible to any passenger on board the train, if the railroad carrier was informed of the presence of the weapon prior to the firearm being placed on board the train.

"(c) PROHIBITION AGAINST PROPELLING OBJECTS.—Whoever willfully or recklessly throws, shoots, or propels a rock, stone, brick, or piece of iron, steel, or other metal or any deadly or dangerous object or destructive substance at any locomotive or car of a train, knowing or having reason to know such activity would likely cause personal injury, shall be fined under this title or imprisoned for not more than 5 years, or both, if such act is committed on or against a railroad carrier engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a State line in order to commit such act, or transports materials across a State line in aid of the commission of such act. Whoever is convicted of any crime prohibited by this subsection shall also be subject to imprisonment for not more than 20 years if the offense has resulted in the death of any person.

"(d) DEFINITIONS.—In this section—

"(1) 'dangerous device' has the meaning given that term in section 921(a)(4) of this title;

"(2) 'dangerous weapon'' has the meaning given that term in section 930 of this title;

"(3) 'destructive substance'' has the meaning given that term in section 31 of this title, except that (A) the term 'radioactive device' does not include any radioactive device or material used solely for medical, industrial, research, or other peaceful purposes, and (B) 'destructive substance' includes any radioactive device or material that can be used to cause a harm listed in subsection (a) and that is not in use solely for medical, industrial, research, or other peaceful purposes;

"(4) 'firearm' has the meaning given that term in section 921 of this title;

"(5) 'hazardous material' has the meaning given that term in section 5102(2) of title 49, United States Code;

"(6) 'high-level radioactive waste' has the meaning given that term in section 10101(12) of title 42, United States Code;

"(7) 'railroad' has the meaning given that term in section 20102(1) of title 49, United States Code;

"(8) 'railroad carrier' has the meaning given that term in section 20102(2) of title 49, United States Code;

"(9) 'serious bodily injury' has the meaning given that term in section 1365 of this title;

"(10) 'spent nuclear fuel' has the meaning given that term in section 10101(23) of title 42, United States Code; and

"(11) 'State' has the meaning given that term in section 2266 of this title.".

(b) In the analysis of chapter 97 of title 18, United States Code, item "1992" is amended to read as follows:

"1992. Terrorist attacks against railroads.".

SEC. 3503. TERRORIST ATTACKS AGAINST MASS TRANSPORTATION.

(a) Chapter 97 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§1994. Terrorist attacks against mass transportation

"(a) GENERAL PROHIBITIONS.—Whoever willfully—

"(1) wrecks, derails, sets fire to, or disables a mass transportation vehicle or vessel;

"(2) places or causes to be placed any destructive substance in, upon, or near a mass transportation vehicle or vessel, without previously obtaining the permission of the mass transportation provider, and with intent to endanger the safety of any passenger or employee of the mass transportation provider, or with a reckless disregard for the safety of human life;

"(3) sets fire to, or places any destructive substance in, upon, or near any garage, terminal, structure, supply, or facility used in the operation of, or in support of the operation of, a mass transportation vehicle, knowing or having reason to know such activity would likely derail, disable, or wreck a mass transportation vehicle used, operated, or employed by a mass transportation provider;

"(4) removes appurtenances from, damages, or otherwise impairs the operation of a mass transportation signal system, including a train control system, centralized dispatching system, or rail grade crossing warning signal;

"(5) interferes with, disables, or incapacitates any driver or person while that driver or person is employed in operating or maintaining a mass transportation vehicle or vessel, with intent to endanger the safety of any passenger or employee of the mass transportation provider, or with a reckless disregard for the safety of human life;

"(6) commits an act intended to cause death or serious bodily injury to an employee or passenger of a mass transportation provider on the property of a mass transportation provider;

"(7) conveys or causes to be conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by this subsection; or

"(8) attempts, threatens, or conspires to do any of the aforesaid acts, shall be fined under this title or imprisoned not more than 20 years, or both, if such act is committed, or in the case of a threat or conspiracy such act would be committed, within the United States on, against, or affecting a mass transportation provider engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a State line in order to commit such act, or transports materials across a State line in aid of the commission of such act. Whoever is convicted of a crime prohibited by this section shall also be subject to imprisonment for life if the mass transportation vehicle or vessel was carrying a passenger at the time of the offense, and imprisonment for life or sentenced to death if the offense has resulted in the death of any person.

"(b) PROHIBITIONS ON THE USE OF FIREARMS AND DANGEROUS WEAPONS.—

"(1) Except as provided in paragraph (4), whoever knowingly possesses or causes to be present any firearm or other dangerous weapon on board a mass transportation vehicle or vessel, or attempts to do so, shall be fined under this title or imprisoned not more than 1 year, or both, if such act is committed on a mass transportation provider engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a State line in order to commit such act, or transports materials across a State line in aid of the commission of such act.

"(2) Whoever, with intent that a firearm or other dangerous weapon be used in the commission of a crime, knowingly possesses or causes to be present such firearm or dangerous weapon on board a mass transportation vehicle or vessel, or in a mass transportation passenger terminal facility, or attempts to do so, shall be fined under this title, or imprisoned not more than 5 years, or both, if such act is committed on a mass transportation provider engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a State line in order to commit such act, or transports materials across a State line in aid of the commission of such act.

"(3) A person who kills or attempts to kill a person in the course of a violation of paragraphs (1) or (2), or in the course of an attack on a mass transportation vehicle or vessel, or a mass transportation passenger terminal facility involving the use of a firearm or other dangerous weapon, shall be punished as provided in sections 1111, 1112, and 1113 of this title.

"(4) Paragraph (1) shall not apply to—

"(A) the possession of a firearm or other dangerous weapon by an officer, agent, or employee of the United States, a State, or a political subdivision thereof, while engaged in the lawful performance of official duties, who is authorized by law to engage in the transportation of people accused or convicted of crimes, or supervise the prevention, detection, investigation, or prosecution of any violation of law;

"(B) the possession of a firearm or other dangerous weapon by an officer, agent, or employee of the United States, a State, or a political subdivision thereof, while off duty, if such possession is authorized by law;

"(C) the possession of a firearm or other dangerous weapon by a Federal official or a member of the Armed Forces if such possession is authorized by law;

"(D) the possession of a firearm or other dangerous weapon by a railroad police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State, whether on or off duty; or

"(E) an individual transporting a firearm on board a mass transportation vehicle or vessel (except a loaded firearm) in baggage not accessible to any passenger on board the vehicle or vessel, if the mass transportation provider was informed of the presence of the weapon prior to the firearm being placed on board the vehicle or vessel.

"(c) Prohibition Against Propelling Objects.—Whoever willfully or recklessly throws, shoots, or propels a rock, stone, brick, or piece of iron, steel, or other metal or any deadly or dangerous object or destructive substance at any mass transportation vehicle or vessel, knowing or having reason to know such activity would likely cause personal injury, shall be fined under this title or imprisoned for not more than 5 years, or both, if such act is committed on or against a mass transportation provider engaged in or substantially affecting interstate or foreign commerce, or if in the course of committing such acts, that person travels or communicates across a State line in order to commit such acts, or transports materials across a State line in aid of the commission of such acts. Whoever is convicted of any crime prohibited by this subsection shall also be subject to imprisonment for not more than 20 years if the offense has resulted in the death of any person.

"(d) Definitions.—In this section—

"(1) 'dangerous device' has the meaning given that term in section 921(a)(4) of this title;

"(2) 'dangerous weapon' has the meaning given that term in section 930 of this title;

"(3) 'destructive substance' has the meaning given that term in section 31 of this title, except that (A) the term 'radioactive device' does not include any radioactive device or material used solely for medical, industrial, research, or other peaceful purposes, and (B) 'destructive substance' includes any radioactive device or material that can be used to cause a harm listed in subsection (a) and that is not in use solely for medical, industrial, research, or other peaceful purposes;

"(4) 'firearm' has the meaning given that term in section 921 of this title;

"(5) 'mass transportation' has the meaning given that term in section 5302(a)(7) of title 49, United States Code, except that the term shall include schoolbus, charter, and sightseeing transportation;

"(6) 'serious bodily injury' has the meaning given that term in section 1365 of this title; and

"(7) 'State' has the meaning given that term in section 2266 of this title.".

(b) The analysis of chapter 97 of title 18, United States Code, is amended by adding at the end thereof:

"1994. Terrorist attacks against mass transportation.".

SEC. 3504. INVESTIGATIVE JURISDICTION.

The Federal Bureau of Investigation shall lead the investigation of all offenses under sections 1192 and 1994 of title 18, United States Code. The Federal Bureau of Investigation shall cooperate with the National Transportation Safety Board and with the Department of Transportation in safety investigations by these agencies, and with the Treasury Department's Bureau of Alcohol, Tobacco and Firearms concerning an investigation regarding the possession of firearms and explosives.

SEC. 3505. SAFETY CONSIDERATIONS IN GRANTS OR LOANS TO COMMUTER RAILROADS.

Section 5329 is amended by adding at the end the following:

"(c) Commuter Railroad Safety Considerations.—In making a grant or loan under this chapter that concerns a railroad subject to the Secretary's railroad safety jurisdiction under section 20102 of this title, the Federal Transit Administrator shall consult with the Federal Railroad Administrator concerning relevant safety issues. The Secretary may use appropriate authority under this chapter, including the authority to prescribe particular terms or covenants under section 5334 of this title, to address any safety issues identified in the project supported by the loan or grant.".

SEC. 3506. RAILROAD ACCIDENT AND INCIDENT REPORTING.

Section 20901(a) is amended to read as follows:

"(a) General Requirements.—On a periodic basis, not more frequently than monthly, as specified by the Secretary of Transportation, a railroad carrier shall file a report with the Secretary on all accidents and incidents resulting in injury or death to an individual, or damage to equipment or a roadbed arising from the carrier's operations during that period. The report shall state the nature, cause, and circumstances of each reported accident or incident. If a railroad carrier assigns human error as a cause, the report shall include, at the option of each employee whose error is alleged, a statement by the employee explaining any factors the employee alleges contributed to the accident or incident.".

SEC. 3507. MASS TRANSPORTATION BUSES.

Section 1023(h)(1) of the Intermodal Surface Transportation Efficiency Act of 1991, as amended (23 U.S.C. 127 note), is amended by striking "the date on which" and all that follows through "1995" and inserting "January 1, 2003".

Subtitle F—Sportfishing and Boating Safety

SEC. 3601. AMENDMENT OF 1950 ACT.

Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of the 1950 Act, the reference shall be considered to be made to a section or other provision of the Act entitled "An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes," approved August 9, 1950 (16 U.S.C. 777 et seq.).

SEC. 3602. OUTREACH AND COMMUNICATIONS PROGRAMS.

(a) Definitions.—Section 2 of the 1950 Act (16 U.S.C. 777a) is amended—

(1) by indenting the left margin of so much of the text as precedes "(a)" by 2 ems;

(2) by inserting "For purposes of this Act—" after the section heading;

(3) by striking "For the purpose of this Act the" in the first paragraph and inserting "(1) the";

(4) by indenting the left margin of so much of the text as follows "include—" by 4 ems;

(5) by striking "(a)", "(b)", "(c)", and "(d)" and inserting "(A)", "(B)", "(C)", and "(D)", respectively;

(6) by striking "department." and inserting "department;"; and

(7) by adding at the end the following:

"(2) the term 'outreach and communications program' means a program to improve communications with anglers, boaters, and the general public regarding angling and boating opportunities, to reduce barriers to participation in these activities, to advance adoption of sound fishing and boating practices, to promote conservation and the responsible use of the Nation's aquatic resources, and to further safety in fishing and boating; and

"(3) the term 'aquatic resource education program' means a program designed to enhance the public's understanding of aquatic resources and sportfishing, and to promote the development of responsible attitudes and ethics toward the aquatic environment.".

(b) Funding for Outreach and Communications Program.—Section 4 of the 1950 Act (16 U.S.C. 777c) is amended—

(1) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively;

(2) by inserting after subsection (b) the following:

"(c) National Outreach and Communications Program.—Of the balance of each such annual appropriation remaining after making the distribution under subsections (a) and (b), respectively, an amount equal to—

"(1) $5,000,000 for fiscal year 1999;

"(2) $6,000,000 for fiscal year 2000;

"(3) $7,000,000 for fiscal year 2001;

"(4) $8,000,000 for fiscal year 2002; and

"(5) $10,000,000 for fiscal year 2003;

shall be used for the National Outreach and Communications Program under section 8(d). Such amounts shall remain available for 3 fiscal years, after which any portion thereof that is unobligated by the Secretary of the Interior for that program may be expended by the Secretary under subsection (e).";

(3) in subsection (d), as redesignated, by inserting ", for an outreach and communications program" after "Act";

(4) in subsection (d), as redesignated, by striking "subsections (a) and (b)," and inserting "subsections (a), (b), and (c),";

(5) by adding at the end of subsection (d), as redesignated, the following: "Of the sum available to the Secretary of the Interior under this subsection for any fiscal year, up to $2,500,000 may be used for the National Outreach and Communications Program under section 8(d) in addition to the amount available for that program under subsection (c). No funds available to the Secretary under this subsection may be used to replace funding traditionally provided through general appropriations, nor for any purposes except those purposes authorized by this Act. The Secretary shall publish a detailed accounting of the projects, programs, and activities funded under this subsection annually in the Federal Register."; and

(6) in subsection (e), as redesignated, by striking "subsections (a), (b), and (c)," and inserting "subsections (a), (b), (c), and (d),".

(c) INCREASE IN STATE ALLOCATION.—Section 8 of the 1950 Act (16 U.S.C. 777g) is amended—

(1) by striking "12 1/2 percentum" each place it appears in subsection (b) and inserting "15 percent";

(2) by striking "10 percentum" in subsection (c) and inserting "15 percent";

(3) by inserting "and communications" in subsection (c) after "outreach"; and

(4) by redesignating subsection (d) as subsection (f); and by inserting after subsection (c) the following:

"(d) NATIONAL OUTREACH AND COMMUNICATIONS PROGRAM.—

"(1) IMPLEMENTATION.—Within 1 year after the date of enactment of the Intermodal Transportation Safety Act of 1998, the Secretary of the Interior shall develop and implement, in cooperation and consultation with the Sport Fishing and Boating Partnership Council, a national plan for outreach and communications.

"(2) CONTENT.—The plan shall provide—

"(A) guidance, including guidance on the development of an administrative process and funding priorities, for outreach and communications programs; and

"(B) for the establishment of a national program.

"(3) SECRETARY MAY MATCH OR FUND PROGRAMS.—Under the plan, the Secretary may obligate amounts available under subsection (c) or (d) of section 4 of this Act—

"(A) to make grants to any State or private entity to pay all or any portion of the cost of carrying out any outreach or communications program under the plan; or

"(B) to fund contracts with States or private entities to carry out such a program.

"(4) REVIEW.—The plan shall be reviewed periodically, but not less frequently than once every 3 years.

"(e) STATE OUTREACH AND COMMUNICATIONS PROGRAM.—Within 12 months after the completion of the national plan under subsection (d)(1), a State shall develop a plan for an outreach and communications program and submit it to the Secretary. In developing the plan, a State shall—

"(1) review the national plan developed under subsection (d);

"(2) consult with anglers, boaters, the sportfishing and boating industries, and the general public; and

"(3) establish priorities for the State outreach and communications program proposed for implementation.".

SEC. 3603. CLEAN VESSEL ACT FUNDING.

Section 4(b) of the 1950 Act (16 U.S.C. 777c(b)) is amended to read as follows:

"(b) USE OF BALANCE AFTER DISTRIBUTION.—

"(1) FISCAL YEAR 1998.—In fiscal year 1998, an amount equal to $20,000,000 of the balance remaining after the distribution under subsection (a) shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106(a)(1) of title 46, United States Code.

"(2) FISCAL YEARS 1999–2003.—For each of fiscal years 1999 through 2003, the balance of each annual appropriation remaining after making the distribution under subsection (a), an amount equal to $84,000,000, reduced by 82 percent of the amount appropriated for that fiscal year from the Boat Safety Account of the Aquatic Resources Trust Fund established by section 9504 of the Internal Revenue Code of 1986 to carry out the purposes of section 13106(a) of title 46, United States Code, shall be used as follows:

"(A) $10,000,000 shall be available for each fiscal year to the Secretary of the Interior for 3 years for obligation for qualified projects under section 5604(c) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note);

"(B) $10,000,000 shall be available for each fiscal year to the Secretary of the Interior for 3 years for obligation for qualified projects under section 3604(d) of the Intermodal Transportation Safety Act of 1998; and

"(C) the balance shall be transferred for each such fiscal year to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106 of title 46, United States Code.

"(3) TRANSFER OF CERTAIN FUNDS.—Amounts available under subparagraphs (A) and (B) of paragraphs (1) and (2) that are unobligated by the Secretary of the Interior after 3 years shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106(a) of title 46, United States Code.".

SEC. 3604. BOATING INFRASTRUCTURE.

(a) PURPOSE.—The purpose of this section is to provide funds to States for the development and maintenance of public facilities for transient nontrailerable recreational vessels.

(b) SURVEY.—Section 8 of the 1950 Act (16 U.S.C. 777g), as amended by section 3602, is amended by adding at the end thereof the following:

"(g) SURVEYS.—

"(1) NATIONAL FRAMEWORK.—Within 6 months after the date of enactment of the Intermodal Transportation Safety Act of 1998, the Secretary, in consultation with the States, shall adopt a national framework for a public boat access needs assessment which may be used by States to conduct surveys to determine the adequacy, number, location, and quality of facilities providing access to recreational waters for all sizes of recreational boats.

"(2) STATE SURVEYS.—Within 18 months after such date of enactment, each State that agrees to conduct a public boat access needs survey following the recommended national framework shall report its findings to the Secretary for use in the development of a comprehensive national assessment of recreational boat access needs and facilities.

"(3) EXCEPTION.—Paragraph (2) does not apply to a State if, within 18 months after such date of enactment, the Secretary certifies that the State has developed and is implementing a plan that ensures there are and will be public boat access adequate to meet the needs of recreational boaters on its waters.

"(4) FUNDING.—A State that conducts a public boat access needs survey under paragraph (2) may fund the costs of conducting that assessment out of amounts allocated to it as funding dedicated to motorboat access to recreational waters under subsection (b)(1) of this section.".

(c) PLAN.—Within 6 months after submitting a survey to the Secretary under section 8(g) of the Act entitled "An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes," approved August 9, 1950 (16 U.S.C. 777g(g)), as added by subsection (b) of this section, a State may develop and submit to the Secretary a plan for the construction, renovation, and maintenance of public facilities, and access to those facilities, for transient nontrailerable recreational vessels to meet the needs of nontrailerable recreational vessels operating on navigable waters in the State.

(d) GRANT PROGRAM.—

(1) MATCHING GRANTS.—The Secretary of the Interior shall obligate amounts made available under section 4(b)(2)(B) of the Act entitled "An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes," approved August 9, 1950 (16 U.S.C. 777c(b)(2)(B)) to make grants to any State to pay not more than 75 percent of the cost to a State of constructing, renovating, or maintaining public facilities for transient nontrailerable recreational vessels.

(2) PRIORITIES.—In awarding grants under paragraph (1), the Secretary shall give priority to projects that—

(A) consist of the construction, renovation, or maintenance of public facilities for transient nontrailerable recreational vessels in accordance with a plan submitted by a State under subsection (c);

(B) provide for public/private partnership efforts to develop, maintain, and operate facilities for transient nontrailerable recreational vessels; and

(C) propose innovative ways to increase the availability of facilities for transient nontrailerable recreational vessels.

(e) DEFINITIONS.—For purposes of this section, the term—

(1) "nontrailerable recreational vessel" means a recreational vessel 26 feet in length or longer—

(A) operated primarily for pleasure; or

(B) leased, rented, or chartered to another for the latter's pleasure;

(2) "public facilities for transient nontrailerable recreational vessels" includes mooring buoys, day-docks, navigational aids, seasonal slips, or similar structures located on navigable waters, that are available to the general public and designed for temporary use by nontrailerable recreational vessels; and

(3) "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

SEC. 3605. BOAT SAFETY FUNDS.

(a) AVAILABILITY OF ALLOCATIONS.—Section 13104(a) of title 46, United States Code, is amended—

(1) in paragraph (1), by striking "3 years" and inserting "2 years"; and

(2) in paragraph (2), by striking "3-year" and inserting "2-year".

(b) EXPENDITURES.—Section 13106 of title 46, United States Code, is amended—

(1) by striking the first sentence of subsection (a)(1) and inserting the following: "Subject to paragraph (2) and subsection (c), the Secretary shall expend in each fiscal year for State recreational boating safety programs, under contracts with States under this chapter, an amount equal to the sum of (A) the amount appropriated from the Boat Safety Account for that fiscal year and (B) the amount transferred to the Secretary under section 4(b) of the Act of August 9, 1950 (16 U.S.C. 777c(b)).''; and

(2) by striking subsection (c) and inserting the following:

"(c) Of the amount transferred for each fiscal year to the Secretary of Transportation under section 4(b)(2) of the Act of August 9, 1950 (16 U.S.C. 777c(b)), $5,000,000 is available to the Secretary for payment of expenses of the Coast Guard for personnel and activities directly related to coordinating and carrying out the national recreational boating safety program under this title. No funds available to the Secretary under this subsection may be used to replace funding traditionally provided through general appropriations, nor for any purposes except those purposes authorized by this section. Amounts made available by this subsection shall remain available until expended. The Secretary shall publish annually in the Federal Register a detailed accounting of the projects, programs, and activities funded under this subsection.".

(c) CONFORMING AMENDMENTS.—

(1) The heading for section 13106 of title 46, United States Code, is amended to read as follows:

"§ 13106. Authorization of appropriations".

(2) The chapter analysis for chapter 131 of title 46, United States Code, is amended by striking the item relating to section 13106 and inserting the following:

"13106. Authorization of appropriations.".

Subtitle G—Miscellaneous

SEC. 3701. LIGHT DENSITY RAIL LINE PILOT PROJECTS.

(a) IN GENERAL.—Part B of subtitle V is amended by adding at the end the following new chapter:

"CHAPTER 223—LIGHT DENSITY RAIL LINE PILOT PROJECTS

"Sec.
"22301. Light density rail line pilot projects.

"§22301. Light density rail line pilot projects

"(a) GRANTS.—The Secretary of Transportation may make grants to States that have State rail plans described in section 22102 (1) and (2) to fund pilot projects that demonstrate the relationship of light density railroad services to the statutory responsibilities of the Secretary, including those under title 23.

"(b) LIMITATIONS.—Grants under this section may be made only for pilot projects for making capital improvements to, and rehabilitating, publicly and privately owned rail line structures, and may not be used for providing operating assistance.

"(c) PRIVATE OWNER CONTRIBUTIONS.—Grants made under this section for projects on privately owned rail line structures shall include contributions by the owner of the rail line structures, based on the benefit to those structures, as determined by the Secretary.

"(d) STUDY.—The Secretary shall conduct a study of the pilot projects carried out with grant assistance under this section to determine the public interest benefits associated with the light density railroad networks in the States and their contribution to a multimodal transportation system. Not later than March 31, 2003, the Secretary shall report to Congress any recommendations the Secretary considers appropriate regarding the eligibility of light density rail networks for Federal infrastructure financing.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $10,000,000 for each of the fiscal years 1998, 1999, 2000, 2001, 2002, and 2003. Such funds shall remain available until expended.".

(b) CLERICAL AMENDMENT.—The table of chapters for subtitle V is amended by inserting after the item relating to chapter 221 the following new item:

"223. Light Density Rail Line Pilot Projects ....22301.".

SEC. 3702. SECTION 1407.

(a) Strike section 1407 of the bill.

(b) In the table of sections for the bill, strike the item relating to section 1407.

SEC. 3703. DESIGNATION OF NEW MEXICO COMMERCIAL ZONE.

(a) COMMERCIAL ZONE DEFINED.—Notwithstanding the provisions of section 13902(c)(4)(A) of title 49, United States Code, in this section, for the transportation of property only, the term "commercial zone" means a zone containing lands adjacent to, and commercially a part of, one or more municipalities with respect to which the exception described in section 13506(b)(1) of title 49, United States Code, applies.

(b) DESIGNATION OF ZONE.—

(1) IN GENERAL.—The area described in paragraph (2) is designated as a commercial zone, to be known as the "New Mexico Commercial Zone".

(2) DESCRIPTION OF AREA.—The area described in this paragraph is the area that is comprised of Dona Ana County and Luna County in New Mexico.

(c) SAVINGS PROVISION.—Nothing in this section shall affect any action commenced or pending before the Secretary of Transportation or Surface Transportation Board before the date of enactment of this Act.

TITLE IV—OZONE AND PARTICULATE MATTER STANDARDS

SEC. 4101. FINDINGS AND PURPOSE.

(a) The Congress finds that—

(1) there is a lack of air quality monitoring data for fine particle levels, measured as $PM_{2.5}$, in the United States and the States should receive full funding for the monitoring efforts;

(2) such data would provide a basis for designating areas as attainment or nonattainment for any $PM_{2.5}$ national ambient air quality standards pursuant to the standards promulgated in July 1997;

(3) the President of the United States directed the Administrator in a memorandum dated July 16, 1997, to complete the next periodic review of the particulate matter national ambient air quality standards by July 2002 in order to determine "whether to revise or maintain the standards";

(4) the Administrator has stated that 3 years of air quality monitoring data for fine particle levels, measured as $PM_{2.5}$ and performed in accordance with any applicable Federal reference methods, is appropriate for designating areas as attainment or nonattainment pursuant to the July 1997 promulgated standards; and

(5) the Administrator has acknowledged that in drawing boundaries for attainment and nonattainment areas for the July 1997 ozone national air quality standards, Governors would benefit from considering implementation guidance from EPA on drawing area boundaries.

(b) The purposes of this title are—

(1) to ensure that 3 years of air quality monitoring data regarding fine particle levels are gathered for use in the determination of area attainment or nonattainment designations respecting any $PM_{2.5}$ national ambient air quality standards;

(2) to ensure that the Governors have adequate time to consider implementation guidance from EPA on drawing area boundaries prior to submitting area designations respecting the July 1997 ozone national ambient air quality standards;

(3) to ensure that implementation of the July 1997 revisions of the ambient air quality standards are consistent with the purposes of the President's Implementation Memorandum dated July 16, 1997.

SEC. 4102. PARTICULATE MATTER MONITORING PROGRAM.

(a) Through grants under section 103 of the Clean Air Act the Administrator of the Environmental Protection Agency shall use appropriated funds no later than fiscal year 2000 to fund 100 percent of the cost of the establishment, purchase, operation and maintenance of a $PM_{2.5}$ monitoring network necessary to implement the national ambient air quality standards for $PM_{2.5}$ under section 109 of the Clean Air Act. This implementation shall not result in a diversion or reprogramming of funds from other Federal, State or local Clean Air Act activities. Any funds previously diverted or reprogrammed from section 105 Clean Air Act grants for $PM_{2.5}$ monitors must be restored to State or local air programs in fiscal year 1999.

(b) EPA and the States shall ensure that the national network (designated in subsection (a)) which consists of the $PM_{2.5}$ monitors necessary to implement the national ambient air quality standards is established by December 31, 1999.

(c) The Governors shall be required to submit designations for each area following promulgation of the July 1997 $PM_{2.5}$ national ambient air quality standard within 1 year after receipt of 3 years of air quality monitoring data performed in accordance with any applicable Federal reference methods for the relevant areas. Only data from the monitoring network designated in subsection (a) and other Federal reference method $PM_{2.5}$ monitors shall be considered for such designations. In reviewing the State Implementation Plans the Administrator shall consider all relevant monitoring data regarding transport of $PM_{2.5}$.

(d) The Administrator shall promulgate designations of nonattainment areas no later than 1 year after the initial designations required under subsection (c) are required to be submitted. Notwithstanding the previous sentence, the Administrator shall promulgate such designations not later than December 31, 2005.

(e) The Administrator shall conduct a field study of the ability of the $PM_{2.5}$ Federal Reference Method to differentiate those particles that are larger than 2.5 micrograms in diameter. This study shall be completed and provided to Congress no later than 2 years from the date of enactment of this legislation.

SEC. 4103. OZONE DESIGNATION REQUIREMENTS.

(a) The Governors shall be required to submit designations of nonattainment areas within 2 years following the promulgation of the July 1997 ozone national ambient air quality standards.

(b) The Administrator shall promulgate final designations no later than 1 year after the designations required under subsection (a) are required to be submitted.

SEC. 4104. ADDITIONAL PROVISIONS.

Nothing in sections 4101–4103 shall be construed by the Administrator of Environmental Protection Agency or any court, State, or person to affect any pending litigation or to be a ratification of the ozone or $PM_{2.5}$ standards.

TITLE V—MASS TRANSIT

SEC. 5001. SHORT TITLE.

This title may be cited as the "Federal Transit Act of 1998".

SEC. 5002. AUTHORIZATIONS.

(a) IN GENERAL.—Section 5338 of title 49, United States Code, is amended to read as follows:

"§5338. Authorizations

"(a) SECTIONS 5303–5308, 5310, 5311, 5313, 5314, 5317, 5320, 5320a, 5327, AND 5334 (a) AND (c).—

"(1) MASS TRANSIT ACCOUNT AMOUNTS.—Not more than the following amounts are available to the Secretary from the Account to carry out sections 5303 through 5308, 5310, 5311, 5313, 5314, 5317, 5320, 5320a, 5327, and subsections (a) and (c) of section 5334:

"(A) $2,698,790,000 for fiscal year 1998.
"(B) $2,773,934,000 for fiscal year 1999.
"(C) $2,849,079,000 for fiscal year 2000.
"(D) $2,925,965,000 for fiscal year 2001.
"(E) $3,004,667,000 for fiscal year 2002.
"(F) $3,085,725,000 for fiscal year 2003.

"(2) OTHER AMOUNTS.—In addition to amounts made available under paragraph (1), not more than the following amounts may be appropriated to the Secretary to carry out section 5303 through 5308, 5310, 5311, 5313, 5314, 5317, 5320, 5320a, 5327, and subsections (a) and (c) of section 5334:

"(A) $738,000,000 for fiscal year 1998.
"(B) $756,000,000 for fiscal year 1999.
"(C) $774,000,000 for fiscal year 2000.
"(D) $793,000,000 for fiscal year 2001.
"(E) $812,000,000 for fiscal year 2002.
"(F) $832,000,000 for fiscal year 2003.

"(b) SECTION 5309.—Not more than the following amounts are available to the Secretary from the Account to carry out section 5309:

"(1) $2,221,210,000 for fiscal year 1998.
"(2) $2,278,770,000 for fiscal year 1999.
"(3) $2,340,501,000 for fiscal year 2000.
"(4) $2,403,661,000 for fiscal year 2001.
"(5) $2,468,315,000 for fiscal year 2002.
"(6) $2,534,904,000 for fiscal year 2003.

"(c) SECTION 5315.—

"(1) IN GENERAL.—The Secretary shall make available in equal amounts from amounts provided under paragraphs (3) and (4) of subsection *(g) of this section, not more than $4,000,000 for each of fiscal years 1998 through 2003, to carry out section 5315.*

"(2) WORKPLACE SAFETY.—Not more than $1,000,000 shall be appropriated to the Secretary for each of fiscal years 1998 through 2003, to carry out section 5315(a)(15).

"(d) SECTION 5316.—Not more than the following amounts may be appropriated to the Secretary from the Fund (other than from the Account) for each of fiscal years 1998 through 2003:

"(1) $250,000 to carry out section 5316(a).

"(2) $3,000,000 to carry out section 5316(b).

"(3) $1,000,000 to carry out section 5316(c).

"(4) $1,000,000 to carry out section 5316(d).

"(5) $1,000,000 to carry out section 5316(e).

"(e) SECTION 5317.—Not more than $6,000,000 is available to the Secretary from the Fund (other than from the Account) for each of fiscal years 1998 through 2003, to carry out section 5317.

"(f) SECTION 5307.—Amounts remaining available for each fiscal year under subsection (a) of this section, after allocation under subsections (g), (h), and (i)(2) of this section, are available to carry out section 5307.

"(g) PLANNING, PROGRAMMING, AND RESEARCH.—In each fiscal year, before apportioning amounts made available or appropriated under subsection (a) of this section, an amount equal to 3 percent of amounts made available or appropriated under subsections (a) and (b), less the amounts authorized for purposes of section 5320a, of this section is available as follows:

"(1) 45 percent for metropolitan planning activities under section 5303(g).

"(2) 5 percent to carry out section 5311(b)(2).

"(3) 20 percent to carry out State programs under section 5313.

"(4) 30 percent to carry out the national program under section 5314.

"(h) OTHER SET-ASIDES.—In each fiscal year, before apportioning amounts made available or appropriated under subsection (a) of this section, of amounts made available or appropriated under subsections (a) and (b), less the amounts authorized for purposes of section 5320a, of this section—

"(1) not more than 0.96 percent is available for administrative expenses to carry out subsections (a) and (c) through (f) of section 5334;

"(2) not more than 1.34 percent is available for transportation services to elderly individuals and individuals with disabilities under the formula under section 5310(a); and

"(3) $6,000,000 is available to carry out section 5317 for each of fiscal years 1998 through 2003.

"(i) LIMITATIONS.—Of amounts made available—

"(1) under subsection (a)(2), less the amounts authorized for purposes of section 5320a, of this section—

"(A) 3.5 percent may be used to finance programs and activities, including administrative costs, under section 5310;

"(B) to finance research, development, and demonstration projects under section 5312(a), 1.5 percent may be used to increase the information and technology available to provide improved mass transportation service and facilities planned and designed to meet the special needs of elderly individuals and individuals with disabilities; and

"(C) not more than 12.5 percent may be used for grants to any 1 State under section 5312(c)(2);

"(2) under subsection (a) of this section, less the amounts authorized for purposes of section 5320a, 5.5 percent of the amount remaining available each year, after allocation under subsections (g) and (h) of this section, is available under the formula under section 5311; and

"(3) under section 5309(m)(1)(C), the lesser of $3,000,000 or an amount that the Secretary determines is necessary for each fiscal year is available to carry out section 5318 for each of fiscal years 1998 through 2003.

"(j) GRANTS AS CONTRACTUAL OBLIGATIONS.—

"(1) FEDERAL OBLIGATIONS.—A grant or contract approved by the Secretary that is financed with amounts made available under subsection (a)(1), (b), (c), (d), or (e) of this section, is a contractual obligation of the United States Government to pay the Government's share of the cost of the project.

"(2) APPROPRIATIONS LIMITATION.—A grant or contract approved by the Secretary that is financed with amounts made available under subsection (a)(2) of this section, is a contractual obligation of the United States Government to pay the Government's share of the cost of the project, only to the extent that amounts are provided in advance in an appropriations Act.

"(k) EARLY APPROPRIATIONS AND AVAILABILITY OF AMOUNTS.—

"(1) EARLY APPROPRIATION.—Amounts appropriated under subsection (a)(2) of this section to carry out section 5311 may be appropriated in the fiscal year before the fiscal year in which the appropriation is available for obligation.

"(2) AVAILABILITY OF AMOUNTS.—Amounts made available or appropriated under subsections (a), (b), and (g), paragraphs (1) and (2) of subsection (h), and subsection (i)(2) of this section shall remain available until expended.

"(l) SECTION 5308.—In each fiscal year, before apportioning or allocating amounts made available or appropriated under subsections (a) and (b), of amounts made available or appropriated under subsections (a) or (b) of this section, not more than $200,000,000 is available to carry out section 5308, with $100,000,000 made available from amounts made available from amounts provided under subsection (a)(2) of this section and $100,000,000 made available from amounts provided under subsection (b) of this section.

"(m) SECTION 5320a.—In each fiscal year, before apportioning amounts made available or appropriated under subsection (a), of amounts appropriated under subsection (a)(2) of this section, not more than $250,000,000 is available to carry out section 5320a.

"(n) TRANSIT EQUITY PROGRAM.—

"(1) IN GENERAL.—The purpose of this subsection is to further the national interest by providing proportional increases in funding for national mass transit programs, commensurate with increases in national highway programs, in order to ensure balanced improvement in the national intermodal transportation system.

"(2) FUNDING.—There are authorized to be appropriated to carry out this subsection, from the General Fund of the Treasury of the United States, the following amounts:

"(A) $1,000,000,000 for fiscal year 1999.

"(B) $1,000,000,000 for fiscal year 2000.

"(C) $1,000,000,000 for fiscal year 2001.

"(D) $1,000,000,000 for fiscal year 2002.

"(E) $1,000,000,000 for fiscal year 2003.

"(3) ELIGIBLE USES.—Amounts made available to carry out this subsection shall be available for capital projects eligible under sections 5307, 5309, 5310, and 5311, including meeting obligations of the United States associated with multiyear funding commitments, full funding grant agreements under section 5309, and innovative financing activities.

"(4) CONTINGENT COMMITMENT AUTHORITY.—Notwithstanding subsection (g)(4) of section 5309, the total estimated amount of future obligations of the Government and contingent commitments to incur obligations covered by all outstanding letters of intent and full financing grant agreements may be greater than the amounts authorized under subsection (b) of this section by an amount equal to not more than the amount authorized to be appropriated under paragraph (6) of this subsection as of the end of fiscal year 2003.

"(5) FIXED GUIDEWAY MODERNIZATION.—In addition to amounts authorized in section 5338(b), the following amounts are authorized to be appropriated to the Secretary, to be added to amounts allocated under section 5309(m)(1)(A) for fixed guideway modernization:

"(A) $100,000,000 for fiscal year 1999.

"(B) $100,000,000 for fiscal year 2000.

"(C) $100,000,000 for fiscal year 2001.

"(D) $100,000,000 for fiscal year 2002.

"(E) $100,000,000 for fiscal year 2003.

"(6) CAPITAL PROJECTS FOR FIXED GUIDEWAY SYSTEMS.—

"(A) IN GENERAL.—In addition to amounts authorized in under subsection (b) of this section, the following amounts are authorized to be appropriated to the Secretary, to be added to amounts allocated under section 5309(m)(1)(B) for capital projects for new fixed guideway systems and extensions to existing fixed guideway systems:

"(i) $470,000,000 for fiscal year 1999.

"(ii) $470,000,000 for fiscal year 2000.

"(iii) $470,000,000 for fiscal year 2001.

"(iv) $470,000,000 for fiscal year 2002.

"(v) $470,000,000 for fiscal year 2003.

"(B) FERRY BOAT SYSTEMS.—Not less than 2.8 percent of the amount made available under subparagraph (A) in any fiscal year shall be available for capital projects for existing and new fixed guideway systems that are ferry boats, ferry terminal facilities, that are approaches to ferry terminal facilities in the noncontiguous States.

"(7) BUSES AND RELATED EQUIPMENT.—In addition to amounts authorized in section 5338(b), the following amounts are authorized to be appropriated to the Secretary, to be added to amounts allocated under section 5309(m)(1)(C) to replace, rehabilitate, and purchase buses and related equipment and to construct bus-related facilities:

"(A) $80,000,000 for fiscal year 1999.

"(B) $80,000,000 for fiscal year 2000.

"(C) $80,000,000 for fiscal year 2001.

"(D) $80,000,000 for fiscal year 2002.

"(E) $80,000,000 for fiscal year 2003.

"(8) URBANIZED AREAS; ELDERLY INDIVIDUALS AND DISABLED INDIVIDUALS.—

"(A) IN GENERAL.—In addition to amounts authorized in section 5338(a) for activities under sections 5307 and 5310, the following amounts are authorized to be appropriated to the Secretary, to be added to amounts made available for activities under section 5307 for urbanized areas and for activities under section 5310 for elderly individuals and individuals with disabilities:

"(i) $250,000,000 for fiscal year 1999.

"(ii) $250,000,000 for fiscal year 2000.

"(iii) $250,000,000 for fiscal year 2001.

"(iv) $250,000,000 for fiscal year 2002.

"(v) $250,000,000 for fiscal year 2003.

"(B) ALLOCATION.—Of the amount appropriated under this paragraph for each fiscal year—

"(i) 97 percent is available for activities under section 5307; and

"(ii) 3 percent is available for activities under section 5310.

"(9) OTHER THAN URBANIZED AREAS.—In addition to amounts authorized in section 5338(a) for areas other than urbanized areas, the following amounts are authorized to be appropriated to the Secretary, to be added to amounts made available for assistance for areas other than urbanized areas under section 5311:

"(A) $100,000,000 for fiscal year 1999.

"(B) $100,000,000 for fiscal year 2000.

"(C) $100,000,000 for fiscal year 2001.

"(D) $100,000,000 for fiscal year 2002.

"(E) $100,000,000 for fiscal year 2003.

"(o) DEFINITIONS.—In this section—

"(1) the term 'Account' means the Mass Transit Account of the Highway Trust Fund;

"(2) the term 'Fund' means the Highway Trust Fund established under section 9503 of the Internal Revenue Code of 1986; and

"(3) the term 'Secretary' means the Secretary of Transportation.".

(b) Work Agreements as Obligations.—

Section 5309(g)(3)(B) of title 49, United States Code, is amended by adding at the end the following: "The work agreement shall state that the work agreement is not an obligation of the Government.".

(c) Technical and Conforming Amendments.—Chapter 53 of title 49, United States Code, is amended—

(1) in section 5318(d), by striking "5338(j)(5)" and inserting "5338(i)(3)"; and

(2) in section 5333(b)(1), by striking "5338(j)(5)" each place that term appears and inserting "5338(i)(3)".

SEC. 5003. CAPITAL PROJECTS AND SMALL AREA FLEXIBILITY.

(a) In General.—Section 5302 of title 49, United States Code, is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by inserting "intelligent transportation systems," after "rights agreements,";

(B) in subparagraph (C), by striking "or" at the end;

(C) in subparagraph (D), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

"(E) preventive maintenance;

"(F) the leasing of equipment and facilities for use in mass transportation;

"(G) the introduction of new technology, through innovative and improved products, into mass transportation; or

"(H) a mass transportation improvement that enhances economic development or incorporates private investment, including commercial and residential development, pedestrian and bicycle access to a mass transportation facility, and the renovation and improvement of historic transportation facilities, because the improvement—

"(i) enhances the effectiveness of a mass transportation project and is related physically or functionally to that mass transportation project or establishes new or enhanced coordination between mass transportation and other transportation;

"(ii) provides a fair share of revenue for mass transportation that will be used for mass transportation; and

"(iii) provides nonfixed route paratransit transportation services in accordance with section 223 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12143);"; and

(2) by adding at the end the following:

"(c) Eligible Costs of Projects That Enhance Urban Economic Development or Incorporate Private Investment.—Eligible costs for a capital project described in subsection (a)(1)(H)—

"(1) include property acquisition, demolition of existing structures, site preparation, utilities, building foundations, walkways, open space, safety elements (such as lighting, surveillance, and community police and security services) that protect a transit project eligible under this chapter, and a capital project for, and improving, equipment or a facility for an intermodal transfer facility or transportation mall; and

"(2) do not include construction of a commercial revenue-producing facility or a part of a public facility not related to mass transportation, except that, if such facilities incorporate community services such as daycare, health care, and public safety, the portion of the facilities related to such community services are eligible costs under this chapter.".

(b) Small Area Flexibility.—Section 5307(b)(1) of title 49, United States Code, is amended by adding at the end the following:

"The Secretary may also make grants under this section to finance the operating cost of equipment and facilities for use in mass transportation in an urbanized area with a population of less than 200,000.".

(c) Discretionary Grants and Loans.—Section 5309 of title 49, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking subparagraphs (D) and (E); and

(B) by redesignating subparagraphs (F) and (G) as subparagraphs (D) and (E), respectively; and

(2) in subsection (f)—

(A) by striking "(f)" and all that follows through "(1) Each" and inserting the following:

"(f) Required Payments.—Each"; and

(B) by striking paragraph (2).

SEC. 5004. METROPOLITAN PLANNING.

(a) In General.—Section 5303 of title 49, United States Code, is amended—

(1) by striking subsections (a) and (b) and inserting the following:

"(a) Development Requirements.—

"(1) In general.—To carry out section 5301(a), metropolitan planning organizations designated under subsection (c) of this section, in cooperation with the States and mass transportation operators, shall develop transportation plans and programs for urbanized areas of the State.

"(2) Plan contents.—The plans and programs developed under paragraph (1) for each metropolitan area shall provide for the development and integrated management and operation of transportation systems and facilities (including pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transportation system for the metropolitan area and as an integral part of an intermodal transportation system for the State and the United States.

"(3) Development process.—The development process for the plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.

"(b) Scope of Planning Process.—

"(1) In general.—The metropolitan transportation planning process for a metropolitan area under this section and sections 5304 through 5306 shall provide for consideration of—

"(A) supporting the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;

"(B) increasing the safety and security of the transportation system for motorized and nonmotorized users;

"(C) increasing the accessibility and mobility options available to people and for freight;

"(D) protecting and enhancing the environment, promoting energy conservation and improved quality of life, and coordinating land-use and transportation plans and programs;

"(E) enhancing the integration and connectivity of the transportation system, across and between modes, for people and freight;

"(F) promoting efficient system management and operation; and

"(G) emphasizing the preservation of the existing transportation system.

"(2) Goals.—In cooperation with the State and mass transportation operators, and with opportunity for public review and comment, the metropolitan planning organization shall establish goals that relate to the factors described in paragraph (1), and propose projects, programs, and strategies to achieve those goals.";

(2) in subsection (c)—

(A) in paragraph (1), by striking subparagraph (A) and inserting the following:

"(A) by agreement between the chief executive officer of the State and units of general purpose local government that together represent not less than 60 percent of the affected population (including the central city, as defined by the Bureau of the Census) and 60 percent of such units of government; or";

(B) in paragraph (2)—

(i) by striking "In a metropolitan area" and all that follows through "shall include" and inserting "Each policy board of a metropolitan planning organization that serves an area designated as a transportation management area when designated or redesignated under this subsection shall consist of"; and

(ii) by striking "officials of authorities" and inserting "officials of public agencies";

(C) in paragraph (3), by striking "in an urbanized area" and all that follows through "officer decides" and inserting "within an existing metropolitan planning area only if the chief executive officer of the State and the existing metropolitan organization determine"; and

(D) in paragraph (5)—

(i) in subparagraph (A)—

(I) by striking "75" and inserting "60"; and

(II) by striking "as defined by the Secretary of Commerce)" and inserting "or cities, as defined by the Bureau of the Census) and 60 percent of such units of government"; and

(ii) by adding at the end the following:

"(D) Designations of metropolitan planning organizations, whether made under this section or under any other provision of law, shall remain in effect until redesignation under this paragraph.";

(3) in subsection (d)—

(A) by inserting "(1)" before "To carry out this section";

(B) by striking "Secretary of Commerce" and inserting "Bureau of the Census";

(C) by inserting "in existence as of the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1998" after "at least the boundaries of the nonattainment area";

(D) by inserting ", in the manner described in subsection (c)(5)" before the period at the end; and

(E) by adding at the end the following:

"(2) In the case of an urbanized area classified as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.) after the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1998—

"(A) the boundaries of the metropolitan planning area shall be established by agreement between the appropriate units of general purpose local government (including the central city) and the chief executive officer of the State; and

"(B) the area shall include at least the urbanized area and the contiguous area expected to become urbanized within the 20-year forecast period, and may include the Metropolitan Statistical Area or Consolidated Metropolitan Statistical Area, as determined by the Bureau of the Census, and any area identified as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.).";

(4) in subsection (e)—

(A) in paragraph (2)—

(i) by inserting "or compact" after "agreement" the first place that term appears"; and

(ii) by striking "making the agreement effective" and inserting "making the agreements and compacts effective"; and

(B) by adding at the end the following:

"(4) To the maximum extent practicable, each metropolitan planning organization shall coordinate with governmental agencies and nonprofit organizations operating within an existing metropolitan planning area that receive assistance from governmental sources (other than

the Department of Transportation) to provide nonemergency transportation services. Such governmental agencies and nonprofit organizations shall participate and coordinate with recipients of assistance under this chapter in the design and delivery of transportation services. The purpose of such coordination is to maximize the efficient use of resources and to integrate all such services to ensure accessibility and mobility."; and

(5) in subsection (f)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "United States and regional functions" and inserting "national, regional, and metropolitan transportation functions";

(ii) in subparagraph (B), by striking clause (iii) and inserting the following:

"(iii) recommends any additional financing strategies for needed projects and programs;"; and

(iii) by striking subparagraph (C) and inserting the following:

"(C) identify transportation strategies necessary—

"(i) to ensure preservation, including requirements for management, operation, modernization, and rehabilitation, of the existing and future transportation system; and

"(ii) to use existing transportation facilities most efficiently to relieve congestion, to efficiently serve the mobility needs of people and goods, and to enhance access within the metropolitan planning area; and";

(B) in paragraph (2), by striking "as they are related to a 20-year forecast period" and inserting "and any State or local goals developed within the cooperative metropolitan planning process as they relate to a 20-year forecast period and to other forecast periods as determined by the participants in the planning process. In developing long-range plans, the metropolitan planning organization shall take into account the impact of all transportation projects and development plans that will affect the transportation system in the metropolitan area, without regard to whether such projects are financed with Federal funds";

(C) in paragraph (4), by inserting "freight shippers," after "employees,"; and

(D) in paragraph (5)(A), by inserting "published or otherwise" before "made readily available".

(b) METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM.—Section 5304 of title 49, United States Code, is amended—

(1) in subsection (a), in the second sentence, by striking "the organization" and inserting "the metropolitan planning organization, in cooperation with the chief executive officer of the State and any affected mass transportation operator,";

(2) in subsection (b)(2), by striking subparagraph (C) and inserting the following:

"(C) identifies innovative financing techniques to finance projects, programs, and strategies."; and

(3) in subsection (c)—

(A) in paragraph (1), by inserting "and the designated recipient under this chapter" after "metropolitan planning organization"; and

(B) by adding at the end the following:

"(3) Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved transportation improvement program in place of another project of higher priority in the program, except where the project is relevant to conformity with the Clean Air Act (42 U.S.C. 7401 et seq.).

"(4) A transportation improvement program and the annual selection of projects involving Government participation shall be published or otherwise made readily available for public review, identifying federally funded projects, and the estimated costs and locations of those projects.

"(5) Regionally significant projects proposed for funding under chapter 2 of title 23 shall be identified individually in the transportation improvement program. All other projects funded under chapter 2 of title 23 shall be grouped in 1 line item or identified individually in the transportation improvement program.".

(c) TRANSPORTATION MANAGEMENT AREAS.—Section 5305 of title 49, United States Code, is amended—

(1) in subsection (a), by striking paragraph (2) and inserting the following:

"(2) any other area, if requested by the chief executive officer and the metropolitan planning organization designated for the area.";

(2) in subsection (b), by inserting "affected" before "mass transportation operators";

(3) in subsection (c), by striking "The Secretary" and all that follows through the final period;

(4) in subsection (d)(1)(A)—

(A) by inserting "and any affected mass transportation operator" after "the State"; and

(B) by striking "or under the Bridge and Interstate Maintenance programs";

(5) in subsection (d)(1)(B), by striking "or under the Bridge and Interstate Maintenance programs"; and

(6) in subsection (e), by striking paragraph (2) and inserting the following:

"(2)(A) If a metropolitan planning process is not certified or is certified conditionally, the Secretary may withhold not more than 20 percent of the apportioned funds attributable to the transportation management area under this chapter and title 23, or may establish such other conditions as the Secretary determines to be appropriate.

"(B) Any apportionments withheld under subparagraph (A) shall be restored to the metropolitan area at such time as the metropolitan planning organization is certified by the Secretary.".

(d) STATEWIDE PLANNING.—

(1) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended by inserting after section 5305 the following:

"§5305a. Statewide planning

"(a) DEVELOPMENT REQUIREMENTS.—

"(1) IN GENERAL.—To carry out sections 5303 through 5305 of this chapter and section 134 of title 23, each State shall develop transportation plans and programs for all areas of the State, which shall provide for the development and integrated management and operation of transportation systems (including pedestrian walkways and bicycle transportation facilities) that will function as an intermodal State transportation system and an integral part of the intermodal transportation system of the United States.

"(2) SPECIFIC REQUIREMENTS.—The development of the plans and programs under paragraph (1) shall—

"(A) provide for consideration of all modes of transportation; and

"(B) be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.

"(b) SCOPE OF PLANNING PROCESS.—

"(1) IN GENERAL.—Each State shall carry out a transportation planning process under this section, which shall provide for consideration of—

"(A) supporting the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;

"(B) increasing the safety and security of the transportation system for motorized and nonmotorized users;

"(C) increasing the accessibility and mobility options available to people and for freight;

"(D) protecting and enhancing the environment, promoting energy conservation and improved quality of life, and coordinating land-use and transportation plans and programs;

"(E) enhancing the integration and connectivity of the transportation system, across and between modes, for people and freight;

"(F) promoting efficient system management and operation; and

"(G) emphasizing the preservation of the existing transportation system.

"(2) GOALS.—In cooperation with the metropolitan planning organization and mass transportation operators, and with opportunity for public review and comment, the State shall establish goals that relate to the factors described in paragraph (1), and propose projects, programs, and strategies to achieve those goals.

"(c) COORDINATION WITH METROPOLITAN PLANNING; STATE IMPLEMENTATION PLAN.—

"(1) IN GENERAL.—In carrying out the planning under this section, a State shall—

"(A) coordinate the planning with the transportation planning activities carried out under sections 5303 through 5305 of this chapter and section 134 of title 23, for metropolitan areas of the State;

"(B) carry out the responsibilities of the State for the development of the transportation portion of the State air quality implementation plan, to the extent required by the Clean Air Act (42 U.S.C. 7401 et seq.); and

"(C) to the maximum extent practicable, coordinate with all other governmental agencies and nonprofit organizations operating within the State planning area that receive assistance from governmental sources (other than the Department of Transportation) to provide nonemergency transportation services.

"(2) PARTICIPATION.—The governmental agencies and nonprofit organizations described in paragraph (1)(C) shall participate and coordinate with recipients of assistance under this chapter in the design and delivery of transportation services.

"(3) PURPOSE OF COORDINATION.—The purpose of coordination under this subsection is to maximize the efficient use of resources and to integrate all such services to ensure accessibility and mobility.

"(d) ADDITIONAL REQUIREMENTS.—In carrying out planning under this section, each State shall, at a minimum, consider—

"(1) with respect to nonmetropolitan areas, the concerns of local elected officials representing units of general purpose local government;

"(2) the concerns of Indian tribal governments and Federal land management agencies that have jurisdiction over land within the boundaries of the State; and

"(3) coordination of transportation plans, programs, and planning activities with related planning activities being carried out outside of metropolitan planning areas.

"(e) LONG-RANGE TRANSPORTATION PLAN.—

"(1) IN GENERAL.—Each State shall develop a long-range transportation plan, with a minimum 20-year forecast period, for all areas of the State, that provides for the development and implementation of the intermodal transportation system of the State.

"(2) COOPERATION.—With respect to each metropolitan area in the State, the long-range transportation plan referred to in paragraph (1) shall be developed in cooperation with the metropolitan planning organization designated for the metropolitan area under section 5303 and section 134 of title 23. With respect to each nonmetropolitan area, the long-range transportation plan shall be developed in consultation with local elected officials representing units of general purpose local government. With respect to each area of the State under the jurisdiction of an Indian tribal government, the long-range transportation plan shall be developed in consultation with the tribal government and the Secretary of the Interior.

"(3) OPPORTUNITY FOR COMMENT.—In developing the long-range transportation plan under this subsection, the State shall provide citizens, affected public agencies, representatives of transportation authority employees, other affected employee representatives, freight shippers, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the proposed plan.

"(4) TRANSPORTATION STRATEGIES.—The long-range transportation plan developed under this subsection shall identify transportation strategies necessary to efficiently serve the mobility needs of individuals.

"(f) STATE TRANSPORTATION IMPROVEMENT PROGRAM.—

"(1) IN GENERAL.—The State shall develop a transportation improvement program for all areas of the State.

"(2) COOPERATION.—With respect to each metropolitan area in the State, the transportation improvement program under this subsection shall be developed in cooperation with the metropolitan planning organization designated for the metropolitan area under section 5303 and section 134 of title 23. With respect to each nonmetropolitan area, the program shall be developed in consultation with local elected officials representing units of general purpose local government. With respect to each area of the State under the jurisdiction of an Indian tribal government, the program shall be developed in consultation with the tribal government and the Secretary of the Interior.

"(3) OPPORTUNITY FOR COMMENT.—In developing the transportation improvement program under this subsection, the State shall provide citizens, affected public agencies, representatives of transportation authority employees, other affected employee representatives, freight shippers, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the proposed program.

"(4) REQUIRED INFORMATION.—A transportation improvement program developed for a State under this subsection shall include federally supported surface transportation expenditures within the boundaries of the State. Regionally significant projects proposed for funding under chapter 2 of title 23 shall be identified individually. All other projects funded under chapter 2 of title 23 shall be grouped in 1 line item or identified individually in the transportation improvement program.

"(5) SPECIFIC REQUIREMENTS.—Each project shall—

"(A) be consistent with the long-range transportation plan developed under this section for the State;

"(B) be identical to the project described in an approved metropolitan transportation improvement program; and

"(C) be in conformance with the applicable State air quality implementation plan developed under the Clean Air Act (42 U.S.C. 7401 et seq.), if the project is carried out in an area designated as nonattainment for ozone or carbon monoxide under that Act.

"(6) PROJECTS.—The transportation improvement program developed under this subsection shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.

"(7) PRIORITIES.—The transportation improvement program developed under this subsection shall reflect the priorities for programming and expenditures of funds, including transportation enhancements, required by this chapter.

"(8) SMALL AREAS.—Projects carried out in areas with populations of less than 50,000—

"(A) excluding projects carried out on the National Highway System, shall be selected from the approved statewide transportation improvement program by the State in cooperation with the affected local officials; and

"(B) on the National Highway System, shall be selected from the approved statewide transportation improvement program by the State, in consultation with the affected local officials.

"(9) REVIEW.—A transportation improvement program developed under this subsection shall be reviewed and, on a finding that the planning process through which the program was developed is consistent with this section and section 5303, approved not less frequently than biennially by the Secretary. Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved statewide transportation improvement program in place of another project of higher priority in the program, except where the project is relevant to conformity with the Clean Air Act (42 U.S.C. 7401 et seq.).

"(g) AVAILABLE FUNDS.—Amounts set aside under section 5313(b) of this chapter and section 505 of title 23 shall be available to carry out this section.".

(2) CONFORMING AMENDMENT.—The analysis for chapter 53 of title 49, United States Code, is amended by inserting after the item relating to section 5305 the following:

"5305a. Statewide planning.".

SEC. 5005. METROPOLITAN PLANNING ORGANIZATIONS.

Section 5303(c)(2) of title 49, United States Code, is amended by striking "and appropriate State officials" and inserting "appropriate State officials, and a representative of the users of public transit".

SEC. 5006. FARE BOX REVENUES.

(a) BLOCK GRANTS.—Section 5307(e) of title 49, United States Code, is amended—

(1) in the first sentence, by striking "A grant of" and inserting the following:

"(1) IN GENERAL.—A grant of";

(2) in the fourth sentence, by striking "or revenues from" and all that follows through "1985)";

(3) in the last sentence, by inserting "proceeds from a local issuance of debt," after "cash fund or reserve,"; and

(4) by adding at the end the following:

"(2) MAINTENANCE OF EFFORT.—The credit given for the use of proceeds from a local issuance of debt in meeting the non-Federal share under paragraph (1) shall not reduce or replace State monies required to match Federal funds for any program pursuant to this chapter. In receiving a credit for non-Federal capital expenditures under this section, a State shall enter into such agreements as the Secretary may require to ensure that the State will maintain its non-Federal transportation capital expenditures at or above the average level of such expenditures for the preceding 3 fiscal years.".

(b) DISCRETIONARY GRANTS AND LOANS.—Section 5309(h) of title 49, United States Code, is amended in the fourth sentence, by inserting "proceeds from a local issuance of debt," after "cash fund or reserve,".

SEC. 5007. CLEAN FUELS FORMULA GRANT PROGRAM.

(a) IN GENERAL.—Section 5308 of title 49, United States Code, is amended to read as follows:

"§5308. Clean fuels formula grant program

"(a) DEFINITIONS.—In this section—

"(1) the term 'designated recipient' has the same meaning as in section 5307(a);

"(2) the term 'eligible project'—

"(A) means a project for the—

"(i) purchase or lease of clean fuel vehicles or hybrid transit vehicles, including clean fuel vehicles that employ a lightweight composite primary structure;

"(ii) construction or leasing of clean fuel vehicle fueling or electrical recharging facilities and related equipment;

"(iii) improvement of existing transit facilities to accommodate clean fuel vehicles; or

"(iv) incremental costs of biodiesel fuel; and

"(B) in the discretion of the Secretary, may include projects relating to clean fuel, biodiesel, hybrid electric, or zero emissions technology vehicles that exhibit equivalent or superior emissions reductions to existing clean fuel or hybrid electric technologies; and

"(3) the term 'Secretary' means the Secretary of Transportation.

"(b) AUTHORITY.—The Secretary shall make grants in accordance with this section to designated recipients to finance eligible projects.

"(c) APPLICATION.—Not later than January 1 of each year, any designated recipient seeking to apply for a grant under this section for an eligible project shall submit an application to the Secretary, in such form and in accordance with such requirements as the Secretary shall establish by regulation.

"(d) APPORTIONMENT OF FUNDS.—

"(1) FORMULA.—Not later than February 1 of each year, the Secretary shall apportion amounts made available under this section to designated recipients submitting applications under subsection (c) in accordance with the following:

"(A) Two-thirds of the amount made available under this section shall be apportioned to designated recipients with eligible projects in urban areas with a population of not less than 1,000,000 as follows:

"(i) 50 percent shall be apportioned, such that each such designated recipient receives a grant in an amount equal to the ratio between—

"(I) the number of vehicles in the bus fleet of the eligible project of the designated recipient, weighted by severity of nonattainment for the area in which the eligible project is located, as provided in paragraph (2); and

"(II) the total number of vehicles in the bus fleets of all eligible projects in areas with a population of not less than 1,000,000 funded under this section, weighted by severity of nonattainment for all areas in which those eligible projects are located, as provided in paragraph (2).

"(ii) 50 percent of the amount made available under this section shall be apportioned, such that each such designated recipient receives a grant in an amount equal to the ratio between—

"(I) the number of bus passenger miles (as that term is defined in section 5336(c)) of the eligible project of the designated recipient, weighted by severity of nonattainment of the area in which the eligible project is located, as provided in paragraph (2); and

"(II) the total number of bus passenger miles of all eligible projects in areas with a population of not less than 1,000,000 funded under this section, weighted by severity of nonattainment of all areas in which those eligible projects are located, as provided in paragraph (2).

"(B) One-third of the amount made available under this section shall be apportioned to designated recipients with eligible projects in urban areas with a population of less than 1,000,000 as follows:

"(i) 50 percent shall be apportioned, such that each such designated recipient receives a grant in an amount equal to the ratio between—

"(I) the number of vehicles in the bus fleet of the eligible project of the designated recipient, weighted by severity of nonattainment for the area in which the eligible project is located, as provided in paragraph (2); and

"(II) the total number of vehicles in the bus fleets of all eligible projects in areas with a population of less than 1,000,000 funded under this section, weighted by severity of nonattainment for all areas in which those eligible projects are located, as provided in paragraph (2).

"(ii) 50 percent of the amount made available under this section shall be apportioned, such that each such designated recipient receives a grant in an amount equal to the ratio between—

"(I) the number of bus passenger miles (as that term is defined in section 5336(c)) of the eligible project of the designated recipient, weighted by severity of nonattainment of the area in which the eligible project is located, as provided in paragraph (2); and

"(II) the total number of bus passenger miles of all eligible projects in areas with a population of less than 1,000,000 funded under this section, weighted by severity of nonattainment of all areas in which those eligible projects are located, as provided in paragraph (2).

"(2) WEIGHTING OF SEVERITY OF NONATTAINMENT.—

"(A) IN GENERAL.—For purposes of paragraph (1), subject to subparagraph (B) of this paragraph, the number of clean fuel vehicles in the fleet, or the number of passenger miles, shall be multiplied by a factor of—

"(i) 1.0 if, at the time of the apportionment, the area is a maintenance area (as that term is defined in section 101 of title 23) for ozone or carbon monoxide;

"(ii) 1.1 if, at the time of the apportionment, the area is classified as—

"(I) a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.); or

"(II) a marginal carbon monoxide nonattainment area under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.);

"(iii) 1.2 if, at the time of the apportionment, the area is classified as—

"(I) a moderate ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.); or

"(II) a moderate carbon monoxide nonattainment area under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.);

"(iv) 1.3 if, at the time of the apportionment, the area is classified as—

"(I) a serious ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.); or

"(II) a serious carbon monoxide nonattainment area under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.);

"(v) 1.4 if, at the time of the apportionment, the area is classified as—

"(I) a severe ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.); or

"(II) a severe carbon monoxide nonattainment area under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.); or

"(vi) 1.5 if, at the time of the apportionment, the area is classified as—

"(I) an extreme ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.); or

"(II) an extreme carbon monoxide nonattainment area under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.).

"(B) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—If, in addition to being classified as a nonattainment or maintenance area (as that term is defined in section 101 of title 23) for ozone under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.), the area was also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area for carbon monoxide, the weighted nonattainment or maintenance area fleet and passenger miles for the eligible project, as calculated under subparagraph (A), shall be further multiplied by a factor of 1.2.

"(3) MAXIMUM GRANT AMOUNT.—

"(A) IN GENERAL.—The amount of a grant made to a designated recipient under this section shall not exceed the lesser of—

"(i) for an eligible project in an area—

"(I) with a population of less than 1,000,000, $15,000,000; and

"(II) with a population of not less than 1,000,000, $25,000,000; or

"(ii) 80 percent of the total cost of the eligible project.

"(B) REAPPORTIONMENT.—Any amounts that would otherwise be apportioned to a designated recipient under this subsection that exceed the amount described in subparagraph (A) shall be reapportioned among other designated recipients in accordance with paragraph (1).

"(e) AUTHORIZATION.—

"(1) IN GENERAL.—Subject to paragraph (2), in each fiscal year, $200,000,000 shall be made available or appropriated under subsections (a) and (b) of section 5338 to carry out this section.

"(2) ADDITIONAL REQUIREMENT.—Notwithstanding any other provision of this section, not less than 5 percent of the amount apportioned under this section in each fiscal year shall be apportioned to fund any eligible projects, for which an application is received from a designated recipient in accordance with subsection (a), for—

"(A) the purchase or construction of hybrid electric or battery-powered buses; or

"(B) facilities specifically designed to service those buses.

"(f) AVAILABILITY OF FUNDS.—Any amount made available or appropriated under this section—

"(1) shall remain available for 1 year after the fiscal year for which the amount is made available or appropriated; and

"(2) that remains unobligated at the end of the period described in paragraph (1), shall be added to the amount made available in the following fiscal year.".

(b) DEFINITION OF CLEAN FUEL VEHICLE.—Section 5302(a) of title 49, United States Code, is amended—

(1) in each of paragraphs (2) through (12), by striking the period at the end and inserting a semicolon;

(2) in paragraph (13), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(14) 'clean fuel vehicle' means a vehicle powered by compressed natural gas, liquefied natural gas, biodiesel fuels, batteries, alcohol-based fuels, or hybrid electric, fuel cell, or other zero emissions technology.".

(c) CLERICAL AMENDMENT.—The analysis for chapter 53 of title 49, United States Code, is amended by striking the item relating to section 5308 and inserting the following:

"5308. Clean fuels formula grant program.".

SEC. 5008. CAPITAL INVESTMENT GRANTS AND LOANS.

*(a) IN GENERAL.—Section 5309 of title 49, United States Code, is amended in the section heading, by striking "**Discretionary**" and inserting "**Capital investment**".*

(b) ALLOCATING AMOUNTS.—Section 5309(m)(1) of title 49, United States Code, is amended by striking "Of the amounts available for grants and loans under this section for each of the fiscal years ending September 30, 1993–1997" and inserting "After apportioning amounts for the purposes of section 5308, of the amounts available for grants and loans under this section for each of fiscal years 1993 through 2003".

(c) CONFORMING AMENDMENT.—The analysis for chapter 53 of title 49, United States Code, is amended in the item relating to section 5309, by striking "Discretionary" and inserting "Capital investment".

SEC. 5009. TRANSIT SUPPORTIVE LAND USE.

Section 5309(e)(3)(B) of title 49, United States Code, is amended by inserting ", and recognize reductions in local infrastructure costs achieved through compact land use development" before the semicolon.

SEC. 5010. NEW STARTS.

Section 5309(m) of title 49, United States Code, is amended by adding at the end the following:

"(5) Not more than 8 percent of the amount made available under paragraph (1)(B) in any fiscal year shall be available for activities other than final design and construction.".

SEC. 5011. JOINT PARTNERSHIP FOR DEPLOYMENT OF INNOVATION.

Section 5312 of title 49, United States Code, is amended by adding at the end the following:

"(d) JOINT PARTNERSHIP PROGRAM FOR DEPLOYMENT OF INNOVATION.—

"(1) DEFINITION OF CONSORTIUM.—In this subsection, the term 'consortium'—

"(A) means—

"(i) 1 or more public or private organizations located in the United States, that provides mass transportation service to the public; and

"(ii) 1 or more businesses, including small- and medium-sized businesses, incorporated in a State, offering goods or services or willing to offer goods and services to mass transportation operators; and

"(B) may include, as additional members, public or private research organizations located in the United States, or State or local governmental authorities.

"(2) GENERAL AUTHORITY.—The Secretary may, under terms and conditions that the Secretary prescribes, enter into grants, contracts, cooperative agreements, and other agreements with consortia selected in accordance with paragraph (4), to promote the early deployment of innovation in mass transportation technology, services, management, or operational practices. This paragraph shall be carried out in consultation with the transit industry by competitively selected public/private partnerships that will share costs, risks, and rewards of early deployment of innovation with broad applicability.

"(3) CONSORTIUM CONTRIBUTION.—A consortium assisted under this subsection shall provide not less than 50 percent of the costs of any joint partnership project. Any business, organization, person, or governmental body may contribute funds to a joint partnership project.

"(4) NOTICE REQUIREMENT.—The Secretary shall periodically give public notice of the technical areas for which joint partnerships are solicited, required qualifications of consortia desiring to participate, the method of selection and evaluation criteria to be used in selecting participating consortia and projects, and the process by which innovation projects described in paragraph (1) will be awarded.

"(5) USE OF REVENUES.—The Secretary shall, to the maximum extent practicable, accept a portion of the revenues resulting from sales of an innovation project funded under this section, to be credited to the Mass Transit Account of the Highway Trust Fund and used for joint partnership projects in accordance with this subsection.".

SEC. 5012. WORKPLACE SAFETY.

Section 5315(a) of title 49, United States Code, is amended—

(1) in paragraph (13), by striking "and" at the end;

(2) in paragraph (14), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(15) workplace safety.".

SEC. 5013. UNIVERSITY TRANSPORTATION CENTERS.

(a) IN GENERAL.—Subchapter IV of chapter 52 of title 49, United States Code (as added by section 2003(a) of this Act), is repealed effective 1 day after the date of enactment of this Act.

(b) Repeal.—

(1) In general.—Section 2003(b) of this Act, and the amendments made by that section, are repealed effective 1 day after the date of enactment of this Act.

(2) Applicability.—Effective 1 day after the date of enactment of this Act, sections 5316 and 5317 of title 49, United States Code, and the items relating to sections 5316 and 5317 in the analysis for chapter 53 of title 49, United States Code, shall be applied and administered as if section 2003(b) of this Act had not been enacted.

(c) Establishment of Center.—Section 5317(b) of title 49, United States Code, is amended by adding the following new paragraph:

"(6) The Secretary shall make grants to the University of Alabama Transportation Research Center to establish a university Transportation Center.".

SEC. 5014. JOB ACCESS AND REVERSE COMMUTE GRANTS.

(a) Findings.—Congress finds that—

(1) two-thirds of all new jobs are in the suburbs, whereas three-quarters of welfare recipients live in rural areas or central cities;

(2) even in metropolitan areas with excellent public transit systems, less than half of the jobs are accessible by transit;

(3) in 1991, the median price of a new car was equivalent to 25 weeks of salary for the average worker, and considerably more for the low-income worker;

(4) not fewer than 9,000,000 households and 10,000,000 Americans of driving age, most of whom are low-income workers, do not own cars;

(5) 94 percent of welfare recipients do not own cars;

(6) nearly 40 percent of workers with annual incomes below $10,000 do not commute by car;

(7) many of the 2,000,000 Americans who will have their Temporary Assistance to Needy Families grants (under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.)) terminated by the year 2002 will be unable to get to jobs they could otherwise hold;

(8) increasing the transit options for low-income workers, especially those who are receiving or who have recently received welfare benefits, will increase the likelihood of those workers getting and keeping jobs; and

(9) many residents of cities and rural areas would like to take advantage of mass transit to gain access to suburban employment opportunities.

(b) Grant Authority.—

(1) In general.—Chapter 53 of title 49, United States Code, is amended by inserting after section 5320 the following:

"§5320a. Access to jobs

"(a) Definitions.—In this section:

"(1) Eligible low-income individual.—The term 'eligible low-income individual' means an individual whose family income is at or below 150 percent of the poverty line (as that term is defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by that section) for a family of the size involved.

"(2) Eligible project and related terms.—

"(A) In general.—The term 'eligible project' means an access to jobs project or a reverse commute project.

"(B) Access to jobs project.—The term 'access to jobs project' means a project relating to the development of transportation services designed to transport welfare recipients and eligible low-income individuals to and from jobs and activities related to their employment, including—

"(i) capital projects and to finance operating costs of equipment, facilities, and associated capital maintenance items related to providing access to jobs under this section;

"(ii) promoting the use of transit by workers with nontraditional work schedules;

"(iii) promoting the use by appropriate agencies of transit vouchers for welfare recipients and eligible low-income individuals under specific terms and conditions developed by the Secretary; and

"(iv) promoting the use of employer-provided transportation including the transit pass benefit program under subsections (a) and (f) of section 132 of title 26.

"(C) Reverse commute project.—The term 'reverse commute project' means a project related to the development of transportation services designed to transport residents of urban areas, urbanized areas, and areas other than urbanized areas to suburban employment opportunities, including any project to—

"(i) subsidize the costs associated with adding reverse commute bus, train, or van routes, or service from urban areas, urbanized areas, and areas other than urbanized areas, to suburban workplaces;

"(ii) subsidize the purchase or lease by a private employer, nonprofit organization, or public agency of a van or bus dedicated to shuttling employees from their residences to a suburban workplace;

"(iii) otherwise facilitate the provision of mass transportation services to suburban employment opportunities to residents of urban areas, urbanized areas, and areas other than urbanized areas.

"(3) Existing transportation service providers.—The term 'existing transportation service providers' means mass transportation operators and governmental agencies and nonprofit organizations that receive assistance from Federal, State, or local sources for nonemergency transportation services.

"(4) Secretary.—The term 'Secretary' means the Secretary of Transportation.

"(5) Qualified entity.—The term 'qualified entity' means—

"(A) with respect to any proposed eligible project in an urbanized area with a population of not less than 200,000, the entity or entities selected by the appropriate metropolitan planning organization, in coordination with affected transit grant recipients (as provided in subsection (g)(2)), from among local governmental authorities and nonprofit organizations; and

"(B) with respect to any proposed eligible project in an urbanized area with a population of less than 200,000, or an area other than an urbanized area, the entity or entities selected by the chief executive officer of the State in which the area is located, in coordination with affected transit grant recipients (as provided in subsection (g)(2)), from among local governmental authorities and nonprofit organizations.

"(6) Welfare recipient.—The term 'welfare recipient' means an individual who receives or received aid or assistance under a State program funded under part A of title IV of the Social Security Act (whether in effect before or after the effective date of the amendments made by title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2110)) at any time during the 3-year period before the date on which the applicant applies for a grant under this section.

"(b) General Authority.—

"(1) In general.—The Secretary may make access to jobs grants and reverse commute grants under this section to assist qualified entities in financing eligible projects.

"(2) Coordination.—The Secretary shall coordinate activities under this section with related activities under programs of other Federal departments and agencies.

"(c) Applications.—Each qualified entity seeking to receive a grant under this section for an eligible project shall submit to the Secretary an application in such form and in accordance with such requirements as the Secretary shall establish by regulation.

"(d) Prohibition.—Grants awarded under this section may not be used for planning or coordination activities.

"(e) Factors for Consideration.—In awarding grants under this section to applicants under subsection (c), the Secretary shall consider—

"(1) the percentage of the population in the area to be served by the applicant that are welfare recipients;

"(2) in the case of an applicant seeking assistance to finance an access to jobs project, the need for additional services in the area to be served by the applicant to transport welfare recipients and eligible low-income individuals to and from specified jobs, training, and other employment support services, and the extent to which the proposed services will address those needs;

"(3) the extent to which the applicant demonstrates coordination with, and the financial commitment of, existing transportation service providers;

"(4) the extent to which the applicant demonstrates maximum utilization of existing transportation service providers and expands transit networks or hours of service, or both;

"(5) the extent to which the applicant demonstrates an innovative approach that is responsive to identified service needs;

"(6) the extent to which the applicant—

"(A) in the case of an applicant seeking assistance to finance an access to jobs project, presents a regional transportation plan for addressing the transportation needs of welfare recipients and eligible low-income individuals; and

"(B) identifies long-term financing strategies to support the services under this section;

"(7) the extent to which the applicant demonstrates that the community to be served has been consulted in the planning process; and

"(8) in the case of an applicant seeking assistance to finance a reverse commute project, the need for additional services identified in a regional transportation plan to transport individuals to suburban employment opportunities, and the extent to which the proposed services will address those needs.

"(f) Federal Share of Costs.—

"(1) Maximum amount.—The amount of a grant under this section may not exceed 50 percent of the total project cost.

"(2) Nongovernmental share.—The portion of the total cost of an eligible project that is not funded under this section—

"(A) shall be provided in cash from sources other than revenues from providing mass transportation; and

"(B) may be derived from amounts made available to a department or agency of the Federal Government (other than the Department of Transportation) that are eligible to be expended for transportation.

"(g) Planning Requirements.—

"(1) In general.—The requirements of sections 5303 through 5306 apply to any grant made under this section.

"(2) Coordination.—Each application for a grant under this section shall reflect coordination with and the approval of affected transit grant recipients. The eligible access to jobs projects financed must be part of a coordinated public transit-human services transportation planning process.

"(h) Grant Requirements.—A grant under this section shall be subject to—

"(1) all of the terms and conditions to which a grant made under section 5307 is subject; and

"(2) such other terms and conditions as determined by the Secretary.

"(i) Program Evaluation.—

"(1) Comptroller General.—Beginning 6 months after the date of enactment of this section, and every 6 months thereafter, the Comptroller General of the United States shall—

"(A) conduct a study to evaluate the grant program authorized under this section; and

"(B) submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report describing the results of each study under subparagraph (A).

"(2) Department of Transportation.—Not later than 2 years after the date of enactment of this section, the Secretary shall—

"(A) conduct a study to evaluate the access to jobs grant program authorized under this section; and

"(B) submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report describing the results of the study under subparagraph (A).

"(j) Funding; Allocation.—

"(1) In General.—There is authorized to be appropriated to carry out this section, to remain available until expended, $250,000,000 for each of fiscal years 1998 through 2003, of which—

"(A) $150,000,000 in each fiscal year shall be used for grants for access to jobs projects; and

"(B) $100,000,000 in each fiscal year shall be used for grants for reverse commute projects.

"(2) Allocation.—The amount made available to carry out this section in each fiscal year shall be allocated as follows:

"(A) 60 percent shall be allocated for eligible projects in urbanized areas with populations of not less than 200,000.

"(B) 20 percent shall be allocated for eligible projects in urbanized areas with populations of less than 200,000.

"(C) 20 percent shall be allocated for eligible projects in areas other than urbanized areas.".

(2) Conforming Amendment.—The analysis for chapter 53 of title 49, United States Code, is amended by inserting after the item relating to section 5320 the following:

"5320a. Access to jobs.".

SEC. 5015. GRANT REQUIREMENTS.

Section 5323 of title 49, United States Code, is amended by adding at the end the following:

"(m) Grant Requirements.—The grant requirements under sections 5307 and 5309 apply to any project under this chapter that receives any assistance from an infrastructure bank or through other financing under subtitle C of title I of the Intermodal Surface Transportation Efficiency Act of 1998.".

SEC. 5016. HHS AND PUBLIC TRANSIT SERVICE.

Section 5323 of title 49, United States Code, is amended by adding at the end the following:

"(n) Participation of Governmental Agencies in Design and Delivery of Transportation Services.—To the extent feasible, governmental agencies and nonprofit organizations that receive assistance from Government sources (other than the Department of Transportation) for nonemergency transportation services—

"(1) shall participate and coordinate with recipients of assistance under this chapter in the design and delivery of transportation services; and

"(2) shall be included in the planning for those services.".

SEC. 5017. PROCEEDS FROM THE SALE OF TRANSIT ASSETS.

Section 5334(g) of title 49, United States Code, is amended by adding at the end the following:

"(4) Notwithstanding any other provision of law, if a recipient of assistance under this chapter determines that an asset (including real property) acquired with such assistance is no longer needed for the purpose for which it was acquired, the recipient may sell that asset with no further obligation to the Government, if the proceeds of the sale are used for the provision of mass transportation services in accordance with this chapter.".

SEC. 5018. OPERATING ASSISTANCE FOR SMALL TRANSIT AUTHORITIES IN LARGE URBANIZED AREAS.

Section 5336(d) of title 49, United States Code, is amended by adding at the end the following:

"(3) In distributing operating assistance under this subsection to urbanized areas with a population of 1,000,000 or more under the most recent census, the Secretary shall direct each such area to give priority consideration to the impact of reductions on operating assistance on smaller transit authorities operating within the area and to consider the needs and resources of such transit authorities.".

SEC. 5019. APPORTIONMENT OF APPROPRIATIONS FOR FIXED GUIDEWAY MODERNIZATION.

(a) Distribution.—Section 5337(a) of title 49, United States Code, is amended to read as follows:

"(a) Distribution.—The Secretary of Transportation shall apportion amounts made available for fixed guideway modernization under section 5309 for each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003 as follows:

"(1) The first $497,700,000 shall be apportioned in the following urbanized areas as follows:

"(A) Baltimore, $8,372,000.

"(B) Boston, $38,948,000.

"(C) Chicago/Northwestern Indiana, $78,169,000.

"(D) Cleveland, $9,509,500.

"(E) New Orleans, $1,730,588.

"(F) New York, $176,034,461.

"(G) Northeastern New Jersey, $50,604,653.

"(H) Philadelphia/Southern New Jersey, $58,924,764.

"(I) Pittsburgh, $13,662,463.

"(J) San Francisco, $33,989,571.

"(K) Southwestern Connecticut, $27,755,000.

"(2) The next $70,000,000 shall be apportioned as follows:

"(A) 50 percent in the urbanized areas listed in paragraph (1), as provided in section 5336(b)(2)(A).

"(B) 50 percent in other urbanized areas eligible for assistance under section 5336(b)(2)(A) to which amounts were apportioned under this section for fiscal year 1997, as provided in section 5336(b)(2)(A) and subsection (e) of this section.

"(3) The next $5,700,000 shall be apportioned in the following urbanized areas as follows:

"(A) Pittsburgh, 61.76 percent.

"(B) Cleveland, 10.73 percent.

"(C) New Orleans, 5.79 percent.

"(D) 21.72 percent in urbanized areas to which paragraph (2)(B) applies, as provided in section 5336(b)(2)(A) and subsection (e) of this section.

"(4) The next $186,600,000 shall be apportioned in each urbanized area to which paragraph (1) applies and in each urbanized area to which paragraph (2)(B) applies, as provided in section 5336(b)(2)(A) and subsection (e) of this section.

"(5) Remaining amounts shall be apportioned as follows:

"(A) 50 percent in the urbanized areas listed in paragraph (1) as provided in section 5336(b)(2)(A) and subsection (e) of this section.

"(B) 50 percent to urbanized areas to which paragraph (5)(B) applies, as provided in section 5336(b)(2)(A) and subsection (e) of this section.".

(b) Route Segments To Be Included in Apportionment Formulas.—Section 5337 of title 49, United States Code, is amended by adding at the end the following:

"(e) Route Segments To Be Included in Apportionment Formulas.—

"(1) Amounts apportioned under paragraphs (2)(B), (3), and (4) of subsection (a) shall have attributable to each urbanized area only the number of fixed guideway revenue miles of service and number of fixed guideway route miles for segments of fixed guideway systems used to determine apportionments for fiscal year 1997.

"(2) Amounts apportioned under paragraphs (5) through (7) of subsection (a) shall have attributable to each urbanized area only the number of fixed guideway revenue miles of service and number of fixed guideway route-miles for segments of fixed guideway systems placed in revenue service not less than 7 years before the fiscal year in which amounts are made available.".

SEC. 5020. URBANIZED AREA FORMULA STUDY.

(a) Study.—The Secretary of Transportation shall conduct a study to determine whether the formula for apportioning funds to urbanized areas under section 5336 of title 49, United States Code accurately reflects the transit needs of the urbanized areas and, if not, whether any changes should be made either to the formula or through some other mechanism to reflect the fact that some urbanized areas with a population between 50,000 and 200,000 have transit systems that carry more passengers per mile or hour than the average of those transit systems in urbanized areas with a population over 200,000.

(b) Report.—Not later than December 31, 1999, the Secretary of Transportation shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on the results of the study conducted under this section, together with any proposed changes to the method for apportioning funds to urbanized areas with a population over 50,000.

SEC. 5021. INTERCITY RAIL INFRASTRUCTURE INVESTMENT FROM MASS TRANSIT ACCOUNT OF HIGHWAY TRUST FUND.

Section 5323 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(o) Intercity Rail Infrastructure Investment.—Any assistance provided to a State that does not have Amtrak service as of the date of enactment of this subsection from the Mass Transit Account of the Highway Trust Fund may be used for capital improvements to, and operating support for, intercity passenger rail service.".

SEC. 5022. NEW START RATING AND EVALUATION.

(a) Criteria for Grants and Loans for Fixed Guideway Systems.—Section 5309(e) of title 49, United States Code, is amended to read as follows:

"(e) Criteria for Grants and Loans for Fixed Guideway Systems.—

"(1) The Secretary of Transportation may approve a grant or loan under this section for a capital project for a new fixed guideway system or extension of an existing fixed guideway system only if the Secretary decides that the proposed project is—

"(A) based on the results of an alternatives analysis and preliminary engineering;

"(B) justified based on a comprehensive review of its mobility improvements, environmental benefits, cost effectiveness, and operating efficiencies; and

"(C) supported by an acceptable degree of local financial commitment, including evidence of stable and dependable financing sources to construct, maintain, and operate the system or extension.

"(2) In evaluating a project under paragraph (1)(A), the Secretary shall analyze and consider the results of the alternatives analysis and preliminary engineering for the project.

"(3) In evaluating a project under paragraph (1)(B), the Secretary shall—

"(A) consider the direct and indirect costs of relevant alternatives;

"(B) account for costs and benefits related to factors such as congestion relief, improved mobility, air pollution, noise pollution, congestion, energy consumption, and all associated ancillary and mitigation costs necessary to carry out each alternative analyzed;

"(C) identify and consider mass transportation supportive existing land use policies and future patterns, and the cost of urban sprawl;

"(D) consider the degree to which the project increases the mobility of the mass transportation dependent population or promotes economic development;

"(E) consider population density, and current transit ridership in the corridor;

"(F) consider the technical capability of the grant recipient to construct the project;

"(G) adjust the project justification to reflect differences in local land, construction, and operating costs; and

"(H) consider other factors the Secretary considers appropriate to carry out this chapter.

"(3)(A) The Secretary of Transportation shall issue guidelines on the manner in which the Secretary will evaluate results of alternatives analysis, project justification, and the degree of local financial commitment.

"(B) The project justification under paragraph (1)(B) shall be adjusted to reflect differences in local land, construction, and operating costs.

"(4)(A) In evaluating a project under paragraph (1)(C), the Secretary shall require that—

"(i) the proposed project plan provides for the availability of contingency amounts the Secretary of Transportation determines to be reasonable to cover unanticipated cost overruns;

"(ii) each proposed local source of capital and operating financing is stable, reliable, and available within the proposed project timetable; and

"(iii) local resources are available to operate the overall proposed mass transportation system (including essential feeder bus and other services necessary to achieve the projected ridership levels) without requiring a reduction in existing mass transportation services to operate the proposed project.

"(B) In assessing the stability, reliability, and availability of proposed sources of local financing, the Secretary of Transportation shall consider—

"(i) existing grant commitments;

"(ii) the degree to which financing sources are dedicated to the purposes proposed;

"(iii) any debt obligation that exists or is proposed by the recipient for the proposed project or other mass transportation purpose; and

"(iv) the extent to which the project has a local financial commitment that exceeds the required non-Federal share of the cost of the project.

"(5)(A) Not later than 120 days after the date of enactment of the Federal Transit Act of 1998, the Secretary of Transportation shall issue guidelines on the manner in which the Secretary will evaluate and rate the projects based on the results of alternatives analysis, project justification, and the degree of local financial commitment.

"(B) The project justification under paragraph (1)(B) shall be adjusted to reflect differences in local land, construction, and operating costs as required under this subsection.

"(6)(A) A proposed project may advance from alternatives analysis to preliminary engineering, and may advance from preliminary engineering to final design and construction, only if the Secretary of Transportation finds that the project meets the requirements of this section and there is a reasonable likelihood that the project will continue to meet the requirements.

"(B) In making any findings under subparagraph (A), the Secretary shall evaluate and rate the project as either highly recommended, recommended, or not recommended, based on the results of alternatives analysis, the project justification criteria, and the degree of local financial commitment as required under this subsection.

"(C) In rating each project, the Secretary shall provide, in addition to the overall project rating, individual ratings for each criteria established under the guidelines issued under paragraph (5).

"(7)(A) Each project financed under this subsection shall be carried out through a full funding grant agreement.

"(B) The Secretary shall enter a full funding grant agreement based on evaluations and ratings required under this subsection.

"(C) The Secretary shall not enter into a full funding grant agreement for a project unless that project is authorized for final design and construction.

"(8)(A) A project for a fixed guideway system or extension of an existing fixed guideway system is not subject to the requirements of this subsection, and the simultaneous evaluation of similar projects in at least 2 corridors in a metropolitan area may not be limited, if the assistance provided under this section with respect to the project is less than $25,000,000.

"(B) The simultaneous evaluation of projects in at least 2 corridors in a metropolitan area may not be limited and the Secretary of Transportation shall make decisions under this subsection with expedited procedures that will promote carrying out an approved State Implementation Plan in a timely way if a project is—

"(i) located in a nonattainment area;

"(ii) a transportation control measure (as that term is defined in the Clean Air Act (42 U.S.C. 7401 et seq.)); and

"(iii) required to carry out the State Implementation Plan.

"(C) This subsection does not apply to a part of a project financed completely with amounts made available from the Highway Trust Fund (other than the Mass Transit Account).

"(D) This subsection does not apply to projects for which the Secretary has issued a letter of intent or entered into a full funding grant agreement before the date of enactment of the Federal Transit Act of 1998.".

(b) Letters of Intent, Full Financing Grant Agreements, and Early Systems Work Agreements.—Section 5309(g) of title 49, United States Code, is amended—

(1) in the subsection heading, by striking "Financing" and inserting "Funding";

(2) by striking "full financing" each place it appears and inserting "full funding"; and

(3) in paragraph (1)(B)—

(A) by striking "30 days" and inserting "60 days";

(B) by inserting "or entering into a full funding grant agreement" after "this paragraph"; and

(C) by striking "issuance of the letter" and inserting "letter or agreement. The Secretary shall include with the notification a copy of the proposed letter or agreement as well as evaluations and ratings for the project".

(c) Reports.—Section 5309 of title 49, United States Code, is amended by adding at the end the following:

"(p) Reports.—

"(1) Funding levels and allocations of funds for fixed guideway systems.—

"(A) Annual report.—Not later than the first Monday in February of each year, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report that includes a proposal on the allocation of amounts to be made available to finance grants and loans for capital projects for new fixed guideway systems and extensions to existing fixed guideway systems among applicants for those amounts.

"(B) Recommendations on funding.—Each report submitted under this paragraph shall include—

"(i) evaluations and ratings, as required under subsection (e), for each project that is authorized or has received funds under this section since the date of enactment of the Federal Transit Act of 1998 or October 1 of the preceding fiscal year, whichever date is earlier; and

"(ii) recommendations of projects for funding, based on the evaluations and ratings and on existing commitments and anticipated funding levels for the next 3 fiscal years and for the next 10 fiscal years, based on information available to the Secretary.

"(2) Supplemental report on new starts.—On August 30 of each year, the Secretary shall submit a report to Congress that describes the Secretary's evaluation and rating of each project that has completed alternatives analysis or preliminary engineering since the date of the last report. The report shall include all relevant information that supports the evaluation and rating of each project, including a summary of each project's financial plan.

"(3) Annual GAO review.—The Comptroller General of the United States shall—

"(A) conduct an annual review of—

"(i) the processes and procedures for evaluating and rating projects and recommending projects; and

"(ii) the Secretary's implementation of such processes and procedures; and

"(B) report to Congress on the results of such review not later than April 30 of each year.".

TITLE VI—REVENUE

SEC. 6001. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) Short Title.—This title may be cited as the "Intermodal Surface Transportation Revenue Act of 1998".

(b) Amendment of 1986 Code.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 6002. EXTENSION AND MODIFICATION OF HIGHWAY-RELATED TAXES AND TRUST FUND.

(a) Extension of Taxes and Exemptions.—

(1) The following provisions are each amended by striking "1999" each place it appears and inserting "2005":

(A) Section 4041(a)(1)(C)(iii)(I) (relating to rate of tax on certain buses).

(B) Section 4041(a)(2)(B) (relating to rate of tax on special motor fuels), as amended by section 907(a)(1) of the Taxpayer Relief Act of 1997.

(C) Section 4041(m)(1)(A) (relating to certain alcohol fuels), as amended by section 907(b) of the Taxpayer Relief Act of 1997.

(D) Section 4051(c) (relating to termination).

(E) Section 4071(d) (relating to termination).

(F) Section 4081(d)(1) (relating to termination).

(G) Section 4221(a) (relating to certain tax-free sales).

(H) Section 4481(e) (relating to period tax in effect).

(I) Section 4482(c)(4) (relating to taxable period).

(J) Section 4482(d) (relating to special rule for taxable period in which termination date occurs).

(K) Section 4483(g) (relating to termination of exemptions).

(L) Section 6156(e)(2) (relating to section inapplicable to certain liabilities).

(M) Section 6412(a) (relating to floor stocks refunds).

(2) The following provisions are each amended by striking "2000" each place it appears and inserting "2007":

(A) Section 4041(b)(2)(C) (relating to termination).

(B) Section 4041(k)(3) (relating to termination).

(C) Section 4081(c)(8) (relating to termination).

(D) Section 4091(c)(5) (relating to termination).

(3) Section 6412(a) (relating to floor stocks refunds) is amended by striking "2000" each place it appears and inserting "2006".

(4) Section 6427(f)(4) (relating to termination) is amended by striking "1999" and inserting "2007".

(5) Section 40(e)(1) (relating to termination) is amended—

(A) by striking "December 31, 2000" and inserting "December 31, 2007", and

(B) by striking subparagraph (B) and inserting the following:

"(B) of any fuel for any period before January 1, 2008, during which the rate of tax under section 4081(a)(2)(A) is 4.3 cents per gallon.".

(6) Headings 9901.00.50 and 9901.00.52 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007) are amended in the effective period column by striking "10/1/2000" each place it appears and inserting "10/1/2007".

(b) EXTENSION AND MODIFICATION OF HIGHWAY TRUST FUND.—

(1) EXTENSION.—Section 9503 (relating to Highway Trust Fund) is amended—

(A) in subsection (b)—

(i) in paragraph (1), as amended by section 1032(e)(13) of the Taxpayer Relief Act of 1997—

(I) by striking "1999" and inserting "2005",

(II) by striking subparagraph (C),

(III) in subparagraph (D), by striking "and tread rubber", and

(IV) by redesignating subparagraphs (D), (E), and (F) as subparagraphs (C), (D), and (E), respectively,

(ii) in paragraph (2), by striking "1999" each place it appears and inserting "2005" and by striking "2000" and inserting "2006",

(iii) in the heading of paragraph (2), by striking "OCTOBER 1, 1999" and inserting "OCTOBER 1, 2005", and

(iv) in subparagraphs (E) and (F) of paragraph (4), as amended by section 901(a) of the Taxpayer Relief Act of 1997, by striking "1999" and inserting "2005", and

(B) in subsection (c), as amended by section 9(a)(1) of the Surface Transportation Extension Act of 1997—

(i) in paragraph (1)—

(I) by striking "1998" and inserting "2003",

(II) in subparagraph (C), by striking 'or" at the end,

(III) in subparagraph (D), by striking "1991." and inserting "1991, or",

(IV) by inserting after subparagraph (D) the following:

"(E) authorized to be paid out of the Highway Trust Fund under the Intermodal Surface Transportation Efficiency Act of 1998.", and

(V) by striking the last sentence and inserting the following:

"In determining the authorizations under the Acts referred to in the preceding subparagraphs, such Acts shall be applied as in effect on the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1998.",

(ii) in paragraph (2)(A)(i)—

(I) by striking "2000" and inserting "2006",

(II) in subclause (II), by adding "and" at the end,

(III) in subclause (IV), by striking "1999" and inserting "2005", and

(IV) by striking subclause (III) and redesignating subclause (IV) as subclause (III),

(iii) in paragraph (2)(A), by striking clause (ii) and inserting the following:

"(ii) the credits allowed under section 34 (relating to credit for certain uses of fuel) with respect to fuel used before October 1, 2005.",

(iv) in paragraph (3)—

(I) by striking "July 1, 2000" and inserting "July 1, 2006", and

(II) by striking the heading and inserting "FLOOR STOCKS REFUNDS",

(v) in paragraph (4)(A)—

(I) in clause (i), by striking "1998" and inserting "2003", and

(II) in clause (ii), by adding at the end the following new flush sentence:

"In making the determination under subclause (II) for any fiscal year, the Secretary shall not take into account any amount appropriated from the Boat Safety Account in any preceding fiscal year but not distributed.", and

(vi) in paragraph (5)(A), by striking "1998" and inserting "2003".

(2) LIMITATION ON EXPENDITURES.—

(A) IN GENERAL.—Section 9503(c) (relating to expenditures from Highway Trust Fund), as amended by subsection (d)(2)(A), is amended by inserting after paragraph (5) the following:

"(6) LIMITATION ON EXPENDITURES FROM HIGHWAY TRUST FUND.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), no expenditure shall be made from the Highway Trust Fund unless such expenditure is permitted under a provision of this title. The determination of whether an expenditure is so permitted shall be made without regard to—

"(i) any provision of law which is not contained or referenced in this title and which is not contained or referenced in a revenue Act, and

"(ii) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this paragraph.

"(B) EXCEPTION FOR PRIOR OBLIGATIONS.—Subparagraph (A) shall not apply to any expenditure to liquidate any contract entered into, or for any amount otherwise obligated, in accordance with the provisions of this section before October 1, 2003.".

(B) TRANSFER OF TAXES TO TRUST FUND TERMINATED IF EXPENDITURE LIMITATION VIOLATED.—Section 9503(b)(4) (relating to certain taxes not transferred to Highway Trust Fund), as amended by subsection (b)(1)(A)(iv), is amended—

(i) in subparagraph (E), by striking "or" at the end,

(ii) in subparagraph (F), by striking the period at the end and inserting ", or", and

(iii) by adding at the end the following:

"(G) any provision described in paragraph (1) on and after the date of any expenditure not permitted by subsection (c)(6).".

(c) MODIFICATION OF SUBSIDIES FOR ALCOHOL FUELS.—

(1) IN GENERAL.—Subsection (h) of section 40 (relating to alcohol used as fuel) is amended to read as follows:

"(h) REDUCED CREDIT FOR ETHANOL BLENDERS.—

"(1) IN GENERAL.—In the case of any alcohol mixture credit or alcohol credit with respect to any sale or use of alcohol which is ethanol during calendar years 2001 through 2007—

"(A) subsections (b)(1)(A) and (b)(2)(A) shall be applied by substituting 'the blender amount' for '60 cents',

"(B) subsection (b)(3) shall be applied by substituting 'the low-proof blender amount' for '45 cents' and 'the blender amount' for '60 cents', and

"(C) subparagraphs (A) and (B) of subsection (d)(3) shall be applied by substituting 'the blender amount' for '60 cents' and 'the low-proof blender amount' for '45 cents'.

"(2) AMOUNTS.—For purposes of paragraph (1), the blender amount and the low-proof blender amount shall be determined in accordance with the following table:

In the case of any sale or use during calendar year:	***The blender amount is:***	***The low-proof blender amount is:***
2001 or 2002	*53 cents*	*39.26 cents*
2003 or 2004	*52 cents*	*38.52 cents*
2005, 2006, or 2007	*51 cents*	*37.78 cents.".*

(2) CONFORMING AMENDMENTS.—

(A) Section 4041(b)(2) is amended—

(i) in subparagraph (A)(i), by striking "5.4 cents" and inserting "the applicable blender rate", and

(ii) by redesignating subparagraph (C), as amended by subsection (a)(2)(A), as subparagraph (D) and by inserting after subparagraph (B) the following:

"(C) APPLICABLE BLENDER RATE.—For purposes of subparagraph (A)(i), the applicable blender rate is—

"(i) except as provided in clause (ii), 5.4 cents, and

"(ii) for sales or uses during calendar years 2001 through 2007, 1/10 of the blender amount applicable under section 40(h)(2) for the calendar year in which the sale or use occurs.".

(B) Subparagraph (A) of section 4081(c)(4) is amended to read as follows:

"(A) GENERAL RULES.—

"(i) MIXTURES CONTAINING ETHANOL.—Except as provided in clause (ii), in the case of a qualified alcohol mixture which contains gasoline, the alcohol mixture rate is the excess of the rate which would (but for this paragraph) be determined under subsection (a) over—

"(I) in the case of 10 percent gasohol, the applicable blender rate (as defined in section 4041(b)(2)(A)) per gallon,

"(II) in the case of 7.7 percent gasohol, the number of cents per gallon equal to 77 percent of such applicable blender rate, and

"(III) in the case of 5.7 percent gasohol, the number of cents per gallon equal to 57 percent of such applicable blender rate.

"(ii) MIXTURES NOT CONTAINING ETHANOL.—In the case of a qualified alcohol mixture which contains gasoline and none of the alcohol in which consists of ethanol, the alcohol mixture rate is the excess of the rate which would (but for this paragraph) be determined under subsection (a) over—

"(I) in the case of 10 percent gasohol, 6 cents per gallon,

"(II) in the case of 7.7 percent gasohol, 4.62 cents per gallon, and

"(III) in the case of 5.7 percent gasohol, 3.42 cents per gallon.".

(C) Section 4081(c)(5) is amended by striking "5.4 cents" and inserting "the applicable blender rate (as defined in section 4041(b)(2)(C))".

(D) Section 4091(c)(1) is amended by striking "13.4 cents" each place it appears and inserting "the applicable blender amount" and by adding at the end the following: "For purposes of this paragraph, the term 'applicable blender amount' means 13.3 cents in the case of any sale or use during 2001 or 2002, 13.2 cents in the case of any sale or use during 2003 or 2004, 13.1 cents in the case of any sale or use during 2005, 2006, or 2007, and 13.4 cents in the case of any sale or use during 2008 or thereafter.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2001.

(d) ELIMINATION OF NATIONAL RECREATIONAL TRAILS TRUST FUND.—

(1) IN GENERAL.—Section 9511 (relating to National Recreational Trails Trust Fund) is repealed.

(2) CONFORMING AMENDMENTS.—

(A) Section 9503(c) is amended by striking paragraph (6).

(B) The table of sections for subchapter A of chapter 98 is amended by striking the item relating to section 9511.

(e) AQUATIC RESOURCES TRUST FUND.—

(1) EXTENSION.—Section 9504(c) (relating to expenditures from Boat Safety Account), as amended by section 9(b) of the Surface Transportation Extension Act of 1997, is amended—

(A) by striking "1998" and inserting "2004", and

(B) by striking "1988" and inserting "the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1998".

(2) LIMITATION ON EXPENDITURES.—Section 9504 (relating to Aquatic Resources Trust Fund) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following:

"(d) LIMITATION ON EXPENDITURES FROM TRUST FUND.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no expenditure shall be made from the Aquatics Resources Trust Fund unless such expenditure is permitted under a provision of this title. The determination of whether an expenditure is so permitted shall be made without regard to—

"(A) any provision of law which is not contained or referenced in this title and which is not contained or referenced in a revenue Act, and

"(B) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this subsection.

"(2) EXCEPTION FOR PRIOR OBLIGATIONS FROM THE BOAT SAFETY ACCOUNT.—Paragraph (1) shall not apply to any expenditure to liquidate any contract entered into, or for any amount otherwise obligated, in accordance with the provisions of subsection (c) before April 1, 2004.

"(3) TRANSFER OF TAXES TO TRUST FUND TERMINATED IF EXPENDITURE LIMITATION VIOLATED.—For purposes of the second sentence of subsection (a)(2), there shall not be taken into account any amount described in subsection (b)(1), section 9503(c)(4), or section 9503(c)(5)(A) on and after the date of any expenditure not permitted by paragraph (1).".

(3) CONFORMING AMENDMENTS.—Section 9504(b)(2) is amended—

(A) in subparagraph (A), by striking "October 1, 1988" and inserting "the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1998", and

(B) in subparagraph (B), by striking "November 29, 1990" and inserting "the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1998".

SEC. 6003. MASS TRANSIT ACCOUNT.

(a) IN GENERAL.—Section 9503(e)(3) (relating to expenditures from Account), as amended by section 9(a)(2) of the Surface Transportation Extension Act of 1997, is amended—

(1) by striking "1998" and inserting "2003",

(2) in subparagraph (A), by striking "or" at the end,

(3) in subparagraph (B), by adding "or" at the end, and

(4) by striking all that follows subparagraph (B) and inserting:

"(C) the Intermodal Surface Transportation Efficiency Act of 1998,

as such sections and Acts are in effect on the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1998.".

(b) CONFORMING AMENDMENT.—Paragraph (4) of section 9503(e) is amended to read as follows:

"(4) LIMITATION.—Rules similar to the rules of subsection (d) shall apply to the Mass Transit Account.".

(c) TECHNICAL CORRECTION.—

(1) IN GENERAL.—Section 9503(e)(2) is amended by striking the last sentence and inserting the following: "For purposes of the preceding sentence, the term 'mass transit portion' means, for any fuel with respect to which tax was imposed under section 4041 or 4081 and otherwise deposited into the Highway Trust Fund, the amount determined at the rate of—

"(A) except as otherwise provided in this sentence, 2.86 cents per gallon,

"(B) 1.43 cents per gallon in the case of any partially exempt methanol or ethanol fuel (as defined in section 4041(m)) none of the alcohol in which consists of ethanol,

"(C) 1.86 cents per gallon in the case of liquefied natural gas,

"(D) 2.13 cents per gallon in the case of liquefied petroleum gas, and

"(E) 9.71 cents per MCF (determined at standard temperature and pressure) in the case of compressed natural gas.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in the amendment made by section 901(b) of the Taxpayer Relief Act of 1997.

SEC. 6004. TAX-EXEMPT FINANCING OF QUALIFIED HIGHWAY INFRASTRUCTURE CONSTRUCTION.

(a) TREATMENT AS EXEMPT FACILITY BOND.—A bond described in subsection (b) shall be treated as described in section 141(e)(1)(A) of the Internal Revenue Code of 1986, except that—

(1) section 146 of such Code shall not apply to such bond, and

(2) section 147(c)(1) of such Code shall be applied by substituting "any portion of" for "25 percent or more".

(b) BOND DESCRIBED.—

(1) IN GENERAL.—A bond is described in this subsection if such bond is issued after the date of the enactment of this Act as part of an issue—

(A) 95 percent or more of the net proceeds of which are to be used to provide a qualified highway infrastructure project, and

(B) to which there has been allocated a portion of the allocation to the project under paragraph (2)(C)(ii) which is equal to the aggregate face amount of bonds to be issued as part of such issue.

(2) QUALIFIED HIGHWAY INFRASTRUCTURE PROJECTS.—

(A) IN GENERAL.—For purposes of paragraph (1), the term "qualified highway infrastructure project" means a project—

(i) for the construction or reconstruction of a highway, and

(ii) designated under subparagraph (B) as an eligible pilot project.

(B) ELIGIBLE PILOT PROJECT.—

(i) IN GENERAL.—The Secretary of Transportation, in consultation with the Secretary of the Treasury, shall select not more than 15 highway infrastructure projects to be pilot projects eligible for tax-exempt financing.

(ii) ELIGIBILITY CRITERIA.—In determining the criteria necessary for the eligibility of pilot projects, the Secretary of Transportation shall include the following:

(I) The project must serve the general public.

(II) The project is necessary to evaluate the potential of the private sector's participation in the provision of the highway infrastructure of the United States.

(III) The project must be located on publicly-owned rights-of-way.

(IV) The project must be publicly owned or the ownership of the highway constructed or reconstructed under the project must revert to the public.

(V) The project must be consistent with a transportation plan developed pursuant to section 134(g) or 135(e) of title 23, United States Code.

(C) AGGREGATE FACE AMOUNT OF TAX-EXEMPT FINANCING.—

(i) IN GENERAL.—The aggregate face amount of bonds issued pursuant to this section shall not exceed $15,000,000,000, determined without regard to any bond the proceeds of which are used exclusively to refund (other than to advance refund) a bond issued pursuant to this section (or a bond which is a part of a series of refundings of a bond so issued) if the amount of the refunding bond does not exceed the outstanding amount of the refunded bond.

(ii) ALLOCATION.—The Secretary of Transportation, in consultation with the Secretary of the Treasury, shall allocate the amount described in clause (i) among the eligible pilot projects designated under subparagraph (B).

(iii) REALLOCATION.—If any portion of an allocation under clause (ii) is unused on the date which is 3 years after such allocation, the Secretary of Transportation, in consultation with the Secretary of the Treasury, may reallocate such portion among the remaining eligible pilot projects.

(c) REPORT.—

(1) IN GENERAL.—Not later than the earlier of—

(A) 1 year after either ½ of the projects authorized under this section have been identified or ½ of the total bonds allowable for the projects under this section have been issued, or

(B) 7 years after the date of the enactment of this Act,

the Secretary of Transportation, in consultation with the Secretary of the Treasury, shall submit the report described in paragraph (2) to the Committees on Finance and on Environment and Public Works of the Senate and the Committees on Ways and Means and on Transportation and Infrastructure of the House of Representatives.

(2) CONTENTS.—The report under paragraph (1) shall evaluate the overall success of the program conducted pursuant to this section, including—

(A) a description of each project under the program,

(B) the extent to which the projects used new technologies, construction techniques, or innovative cost controls that resulted in savings in building the project, and

(C) the use and efficiency of the Federal tax subsidy provided by the bond financing.

SEC. 6005. REPEAL OF 1.25 CENT TAX RATE ON RAIL DIESEL FUEL.

(a) IN GENERAL.—Section 4041(a)(1)(C)(ii) (relating to rate of tax on trains) is amended—

(1) in subclause (II), by striking "October 1, 1999" and inserting "March 1, 1999", and

(2) in subclause (III), by striking "September 30, 1999" and inserting "February 28, 1999".

(b) CONFORMING AMENDMENTS.—

(1) Section 6421(f)(3)(B) is amended—

(A) in clause (ii), by striking "October 1, 1999" and inserting "March 1, 1999", and

(B) in clause (iii), by striking "September 30, 1999" and inserting "February 28, 1999".

(2) Section 6427(l)(3)(B) is amended—

(A) in clause (ii), by striking "October 1, 1999" and inserting "March 1, 1999", and

(B) in clause (iii), by striking "September 30, 1999" and inserting "February 28, 1999".

SEC. 6006. ELECTION TO RECEIVE TAXABLE CASH COMPENSATION IN LIEU OF NONTAXABLE QUALIFIED TRANSPORTATION FRINGE BENEFITS.

(a) NO CONSTRUCTIVE RECEIPT.—

(1) IN GENERAL.— Paragraph (4) of section 132(f) (relating to qualified transportation fringe) is amended to read as follows:

"(4) NO CONSTRUCTIVE RECEIPT.—No amount shall be included in the gross income of an employee solely because the employee may choose between any qualified transportation fringe and compensation which would otherwise be includible in gross income of such employee.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years beginning after December 31, 1997.

(b) INCREASE IN MAXIMUM EXCLUSION FOR EMPLOYER-PROVIDED TRANSIT PASSES.—

(1) IN GENERAL.—Subparagraph (A) of section 132(f)(2) (relating to limitation on exclusion) is amended by striking "$60" and inserting "$100".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years beginning after December 31, 2001.

(c) NO INFLATION ADJUSTMENT FOR 1999.—

(1) IN GENERAL.—Paragraph (6) of section 132(f) (relating to qualified transportation fringe) is amended to read as follows:

"(6) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 1999, the dollar amounts contained in subparagraphs (A) and (B) of paragraph (2) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 1998' for 'calendar year 1992'.

If any increase determined under the preceding sentence is not a multiple of $5, such increase shall be rounded to the next lowest multiple of $5.".

(2) CONFORMING AMENDMENT.—Section 132(f)(2)(B) is amended by striking "$155" and inserting "$175".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 1998.

(d) CONFORMING INFLATION ADJUSTMENT.—

(1) IN GENERAL.—Paragraph (6) of section 132(f) (relating to qualified transportation fringe) is amended to read as follows:

"(6) INFLATION ADJUSTMENT.—

"(A) ADJUSTMENT TO QUALIFIED PARKING LIMITATION.—In the case of any taxable year beginning in a calendar year after 1999, the dollar amount contained in paragraph (2)(B) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 1998' for 'calendar year 1992'.

"(B) ADJUSTMENT TO OTHER QUALIFIED TRANSPORTATION FRINGES LIMITATION.—In the case of any taxable year beginning in a calendar year after 2002, the dollar amount contained in paragraph (2)(A) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2001' for 'calendar year 1992'.

"(c) ROUNDING.—If any increase determined under subparagraph (A) or (B) is not a multiple of $5, such increase shall be rounded to the next lowest multiple of $5.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years beginning after December 31, 2002.

SEC. 6007. TAX TREATMENT OF CERTAIN FEDERAL PARTICIPATION PAYMENTS.

For purposes of the Internal Revenue Code of 1986, with respect to any Federal participation payment to a taxpayer in any taxable year made under section 149(e) of title 23, United States Code, as added by section 1502, to the extent such payment is not subject to tax under such Code for the taxable year—

(1) no credit or deduction (other than a deduction with respect to any interest on a loan) shall be allowed to the taxpayer with respect to any property placed in service or other expenditure that is directly or indirectly attributable to the payment, and

(2) the basis of any such property shall be reduced by the portion of the cost of the property that is attributable to the payment.

SEC. 6008. DELAY IN EFFECTIVE DATE OF NEW REQUIREMENT FOR APPROVED DIESEL OR KEROSENE TERMINALS.

Subsection (f) of section 1032 of the Taxpayer Relief Act of 1997 is amended to read as follows:

"(f) EFFECTIVE DATES.—

"(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on July 1, 1998.

"(2) The amendment made by subsection (d) shall take effect on July 1, 2000.".

SEC. 6009. REPEAL OF CERTAIN LIMITATION ON EXPENDITURES.

(a) IN GENERAL.—Section 9503(c) of the Internal Revenue Code of 1986 (relating to expenditures from Highway Trust Fund) is amended by striking paragraph (7).

(b) EFFECTIVE DATE.—The amendment made by this section takes effect as if included in the enactment of section 901 of the Taxpayer Relief Act of 1997.

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, in consultation with the Democratic leader, pursuant to Public Law 102–246, appoints John W. Kluge, of New York, as a member of the Library of Congress Trust Fund Board, for a term of 5 years.

ORDERS FOR TUESDAY, MARCH 17, 1998

Mr. ROTH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. on Tuesday, March 17, and immediately following the prayer, the routine requests through the morning hour be granted, and the Senate begin a period for the transaction of morning business until the hour of 12:15 p.m., with the first hour under the control of Senator DASCHLE, or his designee, and the second hour under the control of Senator COVERDELL.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, I also ask unanimous consent that following the previously ordered 12:15 p.m. cloture vote on the motion to proceed to the A+ education bill, the Senate recess until 2:15 p.m. for the weekly policy luncheons to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. I further ask unanimous consent that at 2:15 p.m., the Senate proceed to executive session and an immediate vote on the confirmation of the nomination of Executive Calendar No. 530, Susan Graber to be a U.S. circuit judge.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROTH. Mr. President, in conjunction with the previous unanimous consent agreements, Tuesday morning the Senate will debate the cloture motion relative to the motion to proceed to H.R. 2646, the education A+ bill from 10 a.m. to 12:15 p.m. As previously ordered, at 12:15 p.m., the Senate will conduct a cloture vote on the motion to proceed to the A+ education bill. Following that vote, the Senate will recess for the party caucuses to meet until 2:15 p.m. When the Senate reconvenes, there will be an immediate vote on the confirmation of Susan Graber to be U.S. circuit judge in Oregon.

In addition, if cloture is invoked on the previously mentioned motion to proceed to H.R. 2646, the Senate will begin 30 hours of debate on the motion to proceed. The Senate may also consider S. 414, the international shipping bill, S. 270, the Texas low-level radioactive waste bill, and any other legislative or executive business cleared for Senate action. Therefore, Members can anticipate rollcall votes throughout Tuesday's session of the Senate.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. ROTH. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:20 p.m., adjourned until Tuesday, March 17, 1998, at 10 a.m.

CONFIRMATION

Executive Nomination Confirmed by the Senate March 16, 1998:

THE JUDICIARY

JEREMY D. FOGEL, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA.

WITHDRAWAL

Executive Message Transmitted by the President to the Senate on March 16, 1998, Withdrawing from further Senate consideration the following nomination:

THE JUDICIARY

FREDERICA MASSIAH-JACKSON, OF PENNSYLVANIA, TO BE U.S. DISTRICT COURT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA VICE THOMAS N. O'NEILL, JR., RETIRED, WHICH WAS SENT TO THE SENATE ON JULY 31, 1997.

EXTENSIONS OF REMARKS

DEMOCRACY IN CROATIA?

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1998

Mr. TOWNS. Mr. Speaker, I rise to share with my colleagues an informative newspaper article revealing the unfortunate lack of progress towards democratic and human rights in Croatia (documented recently in the State Department's Country Report). I also want to express my deep sympathy and support for the citizens of this Republic who voted for democracy nearly eight years ago. The people of Croatia were right in wanting to join other democratic nations by implementing democratic reforms that would bring them more freedom and better lives for their families. It is unfortunate, that the ruling party and its leader, President Tudjman, maintain an authoritarian grip that stifles these dreams. One has only to look at Croatia's neighbor, Slovenia, to see how different it could have been had Croatia's leaders embraced democracy instead of holding on to the past and their personal power at the expense of the people of Croatia.

At this point, I include the text of a bill I recently introduced on this matter, H. Res. 375.

[From the New York Times, Feb. 15, 1998]

THREATS WORRY 3 WHO TIED CROATIAN ARMY TO ATROCITIES

(By Chris Hedges)

ZAGREB, CROATIA, FEB. 14.—Three former Croatian soldiers who provided testimony and documents detailing the killing of scores of ethnic Serbs and Croats by the Croatian Army say they have been repeatedly beaten by unidentified assailants, their vehicles have been firebombed and they receive almost daily death threats.

The men, who gave their evidence to the war crimes tribunal at The Hague, say they witnessed scores of abductions and killings in and around the town of Gospic during Croatia's 1991 war of independence from Yugoslavia.

They say that hundreds of ethnic Serbs, as well as Croats who opposed the nationalist movement, were executed and buried in mass graves around Gospic by the Croatian Army, paramilitary groups and the police.

They also contend that documents they have turned over to The Hague implicate senior Croatian officials, including Defense Minister Gojko Susak, in the killings. The Croatian Government denies that its senior officials were involved in human rights abuses during the war.

The decision by Milan Levar, 43, the former commander of a reconnaissance intelligence unit; Zdenko Bando, 41, a former military police commander, and Zdenko Ropac, 45, a former secret intelligence police officer, to approach The Hague is one of the very rare cases in which senior officers have volunteered to describe abuses committed by their own soldiers to the tribunal.

But the men, two of whom have fled their native town of Gospic because of attacks, said in interviews recently that the tribunal took so long to investigate the reports of massacres that local authorities had time to destroy some of the evidence. They also assert that the tribunal has not provided them and their families with promised protection.

"We do not understand what is going on," said Mr. Levar, who first met with tribunal investigators last August in Gospic, 100 miles south of Zagreb. "We have been branded traitors. We live under constant pressure. The police chief in Gospic and the local army commander are war criminals. What kind of protection can we expect from these men?"

Christian Chartier, the spokesman for the tribunal, said in a telephone interview that it was not the tribunal's policy to comment on its investigations. But Mr. Chartier confirmed that investigators had met with the three men and twice offered them "proposals for protection" that he said the former soldiers had "turned down"

"We are still discussing this with them," he said, refusing to elaborate. "We are hopeful that a proposal may be accepted."

The men say that a few of the mass graves were cleared by the Croatian military shortly before tribunal investigators visited Gospic last summer, but that other sites remain untouched. The men, two of whom went to The Hague in December to meet again with investigators, also said they turned over videotapes showing Croatian forces killing civilians.

"I was in a position to see everything that was happening," Mr. Bando said. "The orders to carry out these killings came to us from the Ministry of Defense. Those who committed these crimes were never punished, in fact they were promoted within the military, the police and the political structure. They remain in power. We find this inexcusable."

Mr Bando, who is unemployed and facing an unexplained eviction notice from his small apartment in Zagreb, said that in October 1991 local police officials pulled up to his office with a truck piled with bodies, including those of women and children.

"Blood was dripping through the floor boards," he said. "These people had just been executed. The driver was looking for a place to bury them."

Mr. Levar said he witnessed the deaths of about 50 people. Mr. Ropac said that he knew of 127 ethnic Serbs who were killed in Gospic before he left the town and "that the figure grew later."

The allegations of widespread killings by nationalist Croats around Gospic were bolstered last September when one of the executioners Miro Bajramovic, confessed in The Feral Tribune, an independent weekly, to the murder of 72 civilians. Mr. Bajramovic was arrested after the publication of the confession and remains in prison.

The three former soldiers said that Mr. Bajramovic was being subjected to frequent beatings and intense "Psychological torture" by his Croatian jailers.

Their accusations have been impossible to substantiate, though.

Gospic, which had some 15,000 inhabitants before the war, is now a forlorn, heavily damaged town with just 3,000 people.

The former soldiers angrily assert that those who carried out the abductions and murders came from "the scum of the town" and were primarily interested in looting the homes and property of the Serbs and Croats they killed.

"These people killed my town—the town of my father and grandfather," Mr. Levar said. "I doubt it will ever revive. They killed it to get very rich. This dirty money keeps them in power. All we want is for them to pay for their crimes."

2 BOSNIAN SERBS SURRENDER TO U.N.

BOSANSKI SAMAC, BOSNIA AND HERZEGOVINA, FEB. 14—(AP).—Two Bosnian, Serbs surrendered today to the United Nations war crimes tribunal, the first Serbian suspects to do so voluntarily.

Driving their own cars, with officials from the United States Embassy as passengers, the suspects, Milan Silmic and Miroslav Tadic, left for Tuzia, where NATO-led troops will meet them for the journey to the court, in The Hague.

Indicted on war crimes charges in 1995, the two men say they are innocent.

They said they believed that conditions had been set for a fair trail.

H. RES. 375

Whereas Dobroslav Paraga, who has twice been adopted as a prisoner of conscience by Amnesty International, has endured hardship for openly calling on the Government of Croatia to honor its commitments under the Helsinki Accords to respect the fundamental human rights of all the citizens of Croatia;

Whereas Dobroslav Paraga had been tried on three occasions by the courts of the former Government of Yugoslavia, the initial charge being that, in 1980, he, along with a Jewish Croatian student, Ernest Brajder, authored a petition opposing torture in Yugoslavia and calling for the release of political prisoners;

Whereas, as a result, both men were arrested and, three days later Ernest Brajder died under what the Department of State calls "mysterious circumstances";

Whereas, in 1986, Mr. Paraga sued the Government of Yugoslavia for injuries, both physical and psychological, inflicted on him by prison authorities during his imprisonment;

Whereas the regime and court in Zagreb denied him a fair and just trial, an account of which was set forth in the Department of State's annual Country Report on Human Rights Practices for 1987;

Whereas the Government of Yugoslavia forbade Mr. Paraga in 1987 to speak out publicly in any way about his experiences as a political prisoner and the Government of Croatia has continued this prohibition against the fundamental political and human rights of Mr. Paraga;

Whereas the Government of Croatia persecuted Mr. Paraga for criticizing his country in the United States in 1993 and he was subsequently stripped of his post as Deputy Chairman of the Committee for Human Rights of the Croatian Parliament;

Whereas in August 1997 the Government of Croatia brought charges against Mr. Paraga

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

within days of his meeting with investigators from the Hague War Crimes Tribunal to which he turned over documentation involving allegations against several high officials of the Government of Croatia;

Whereas, in violation of this order of silence, Dobroslav Paraga has come to the West to speak out about human rights abuses in Croatia;

Whereas, upon his return to Croatia, Dobroslav Paraga risks imprisonment again because of his open criticism of the Government of Croatia's human rights abuses; and

Whereas in 1998 Dobroslav Paraga called on the Government of Croatia to take the following actions: (1) to establish independent television and radio stations in Croatia; (2) to allow full freedom of the media in Croatia; (3) to allow free and fair elections to take place in Croatia; (4) to establish a judiciary and lower court system that is independent from the ruling party or any other party in Croatia; (5) to re-establish the independence of the Croatian Party of Rights (CPR) that was illegally disbanded in 1993, including the reinstatement to the Croatian Parliament of the 5 seats of the Croatian Party of Rights; and (6) to end the terror and abuse of justice perpetrated by the Government of Croatia against Dobroslav Paraga and the Croatian Party of Rights: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the Government of Croatia—

(1) in recognition of the provisions of the Universal Declaration of Human Rights, should guarantee its citizens fundamental human rights and freedoms;

(2)(A) should establish independent television and radio stations in Croatia;

(B) should allow full freedom of the media in Croatia;

(C) should allow free and fair elections to take place in Croatia;

(D) should establish a judiciary and lower court system that is independent from the ruling party or any other party in Croatia;

(E) should re-establish the independence of the Croatian Party of Rights (CPR) that was illegally disbanded in 1993, including the reinstatement to the Croatian Parliament of the 5 seats of the Croatian Party of Rights; and

(F) should end the terror and abuse of justice perpetrated by the Government of Croatia against Dobroslav Paraga and the Croatian Party of Rights;

(3) should dismiss the charges currently pending against human rights activist Dobroslav Paraga and end all forms of harassment against him and his family; and

(4) should conduct an investigation into the death of Ernest Brajder, who, according to the Department of State, died under "mysterious circumstances", and should make its findings public.

MIKE BORDALLO'S APPOINTMENT TO THE SUPREME COURT OF GUAM

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1998

Mr. UNDERWOOD. Mr. Speaker, on Thursday, March 19, another native son of Guam will advance the course of Guam's judicial history when he is installed as a judge of the Superior Court of Guam. Although this history is relatively brief, the judicial branch of the Government of Guam coming into existence in 1950, the name of Michael J. Bordallo will join a distinguished list of Chamorro men and women who have sworn to interpret the law for the people of Guam from the bench of the Superior Court. Like his peers, Mike brings with him an inherent love and understanding of his native language and culture, as well as practical experience defending Chamorro rights, both as a practicing attorney and as a private citizen. Whether it is enjoining the desecration of ancient burial sites or encouraging the talents of local artists and musicians, Michael Bordallo is an active proponent of Guam's cultural identity and heritage.

Michael was born on July 14, 1961 to Attorney Fred E. Bordallo and my sister, Annie Underwood Bordallo, who instilled in him a love of justice and the law and a strong sense of identity. Mike graduated from Saint Anthony School in Tamuning in 1975 and from Father Duenas Memorial High School in 1979. He then went on to the University of Notre Dame in South Bend, Indiana, and earned a Bachelor's degree in Business Administration in 1983. After returning to Guam, Mike went to work in his father's law office. He also served as a legislative consultant to the Guam Legislature's Committee on Education. He later returned to Notre Dame University, attended law school, and received his Juris Doctor degree in 1987. After passing the California Bar Exam, Mike returned to Guam and went to work as an Assistant Attorney General representing Child Protective Services in the Family Court. He was sworn in as a member of the Guam Bar Association in 1988, then went into private practice with his father.

For the last six years, Mike practiced law alongside his first cousin, Michael F. Phillips, in the firm of Phillips & Bordallo, P.C. With much affection and admiration, many of the friends and family of the two attorneys often refer to them simply as "Mike and Mike." During his career, Mike Bordallo has represented and participated in numerous actions involving issues such as desecration of ancient Chamorro burial grounds, the military land takings following World War II, the implementation of the Chamorro Land Trust Act, and a Cost of Living Allowance for Government of Guam retirees. He also has represented several legislative committees since 1992, and has represented the Territorial Board of Education and the Guam Department of Education.

In 1989, when the House Interior and Insular Affairs Subcommittee Chairman Ron DeLugo conducted the first-ever hearing on the Guam Commonwealth Act in Honolulu, Hawaii, Mike Bordallo helped found the Guam Commonwealth Hearings Association, which raised funds to subsidize the travel costs of Guam residents who otherwise would not have been able to attend and submit testimonies at the hearing.

In view of his activities in a wide range of island issues, Michael J. Bordallo was appointed to the bench by the Government of Guam and unanimously confirmed by the 24th Guam Legislature earlier this year. I join his parents, Fred and Annie, his brothers and sisters, his wife Carla and their children, Joshua and Stephanie, in congratulating him and placing trust in his sense of justice to guide him on the bench.

A TRIBUTE TO JAMES A. ROONEY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1998

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Mr. James A. Rooney of Northeastern Pennsylvania. Mr. Rooney will be designated as the "Man of the Year" by the Greater Pittston Friendly Sons of St. Patrick at their 84th annual banquet. I am honored and pleased to have been asked to participate in this event.

The fifth of nine children of the late George J. and Catherine Horan Rooney, Jim was born in Pittston, Pennsylvania. He attended Jenkins Township High School and earned a Bachelor of Science degree from the University of Scranton.

A veteran of World War II, Jim was awarded two bronze stars for his service in Europe. He is a member of various veterans' organizations in Northeastern Pennsylvania.

During Jim's career, he served as a weighmaster/shipper for the Pennsylvania Coal Company, an accountant at the State Correctional Institute, and an accounting field supervisor in the Office of the Comptroller of the Pennsylvania Department of Public Welfare. At the time of his retirement, he was Chief Financial Officer at the White Haven Center.

Jim is active in his church and the community. He is a Grand Knight and the financial secretary of the Knights of Columbus.

Mr. Speaker, Jim Rooney has been a member of the Friendly Sons of St. Patrick for over 45 years. He is also a member of the Donegal Society and the Anciety Order of Hibernians. I join the Friendly Sons of St. Patrick in honoring Jim as "Man of the Year" and send my best wishes for a successful event.

IN HONOR OF DR. HECTOR GARCIA

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1998

Ms. SANCHEZ. Ms. Speaker, today I rise to honor the late Dr. Hector Garcia. It was on this day, March 26th, that Dr. Garcia was born. It is fitting that we should pay tribute to him on this special day of remembrance.

Born in Mexico, his family fled the country when he was only four years old. This was during the Mexican Revolution when so many sought refuge in the United States. The Garcia family settled in Texas where young Hector Garcia's life began its course. After his graduation from the University of Texas Medical School, Garcia joined the Army. He served his country overseas, in World War II, as an infantryman, combat engineer and medical corps officer. His distinguished service earned him the Bronze Star with six Battle Stars.

After the war, he began a medical practice in Corpus Christi, Texas. As a medical doctor for the Veterans Administration, he saw the need to assist the Latino veterans in their fight for benefits. There was a great deal of prejudice toward the Latinos who had fought for their country, yet were not afforded the same rights and privileges given to others. At this moment in history an occurrence took place that would forever change Dr. Garcia's life and thrust him into the national spotlight.

When a funeral home in Three Rivers, Texas, refused burial services for a Mexican-American Army Private Felix Longoria, who had died fighting for his country in the Philippines, Dr. Garcia organized the outraged Latino community in protest against this treatment of a fellow American and soldier. The protests were noticed by Senator Lyndon B. Johnson. The Senator's intervention brought an end to the travesty and the Army private was buried with full honors at Arlington National Cemetery.

The incident preceded the founding of the American GI Forum of the United States by Dr. Garcia. Created to assist individuals with their VA benefits, the organization soon took on a deeper meaning and a more vital cause. The American GI Forum became the rallying organization for equal rights in housing, jobs, education, and voting. It also sought to eradicate discrimination and to desegregate the schools, the churches, the theaters, and restaurants—any place that a human being should be allowed the dignity and freedom that he deserved.

Dr. Garcia's life was filled with so many noteworthy and honorable distinctions. In 1968, President Johnson made him the first Mexican American to serve on the U.S. Commission on Civil Rights. And, in 1984, President Ronald Reagan conferred upon him one of our country's highest and most prestigious honors—the Medal of Freedom. The Medal of Freedom is the highest civilian award given to those who have made humanitarian contributions to their fellow man and who have a deep belief in the traditional American ideals.

Today, Dr. Hector Garcia's vision lives on. The American GI Forum now has the veterans of the Vietnam War and the Gulf War carrying on the fight for human dignity. The traditions and the message that Garcia believed in are perhaps expressed best in the "Prayer of St. Francis of Assisi," the official prayer of the American GI Forum: "Lord, Make me an instrument of Thy Peace. Where there is hatred, let me sow love . . ." Dr. Garcia lived this prayer. Please join me today in paying tribute to this great humanitarian.

TRIBUTE TO CROATIAN HERITAGE

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1998

Mr. VISCLOSKY. Mr. Speaker, it is with great pride that I pay tribute to my Croatian heritage. On Sunday, March 15, 1998, the Duquense University Tamburitzans performed at Merrillville High School in Merillville, Indiana. Following this event, there was a reception at Croatian Fraternal Union Lodge #170 in Merrillville, Indiana hosted by Lodge President Mrs. Elizabeth Morgavan.

Croatian Americans have played an integral role in the development and continued success of the United States of America. Beginning in the early part of this century, thousands of Croatian people emigrated to the United States to seek a better and more prosperous life. Many Croatian immigrants came to major industrial centers such a Gary, East Chicago, Youngstown, Pittsburgh, and Detroit. The jobs that awaited them were not easy and the working conditions not always safe. Nonetheless, these brave people endured and succeeded to build better lives for themselves and their children.

I grew up in an ethnic neighborhood in Gary, Indiana. It was a neighborhood where names like Roganovich, Mudrovich, and Milosovich were more common that Smith, Baker, and Wilson. It was a well tended neighborhood where everyone knew the names of the people on their block. It was a neighborhood where hard work and mutual respect ruled the day.

On 38th and Madison, I learned the values which are so prominent in many of my Croatian brothers and sisters. I have seen first hand how faith, family, humility, determination, courage, concern, and appreciation of our shared heritage can build good character. Croatian immigrants did not have it easy in America. They had to fight to overcome language and cultural differences—but overcome they did. They made the steel that made the cars, machines, and engines that today has made America a beacon of hope to the rest of the world. For that, I am very proud. Croatian-Americans have played by the rules despite the heavy obstacles placed in front of them. For that, I am very proud. They have put God, family, and country at the top of the list. For that, I am very proud. Yes, I am proud to be a part of an ethnic group that has brought so much to the United States of America. Croatian Americans have truly lived the American dream. I will continue to fight to ensure that we continue to dream.

TRIBUTE TO MARY ESSIE UNDERWOOD

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1998

Mr. UNDERWOOD. Mr. Speaker, the community of Religious Sisters of Mercy, Catholic school system in Guam, and the people of Guam, particularly the Underwood and Martinez families are in mourning today over the passing of Sister Mary Inez at the age of 91. Though she was frail in her final days, she will always be remembered for her energy and vitality with which she undertook the establishment of both a Mercy convent and a Catholic school system in Guam in 1946 and 1947, respectively.

At the request of Guam's newly-appointed American Catholic bishop, Apollinaris William Baumgartner, Sister Inez returned home to her war-ravaged island to help rebuild not only the island but also the Catholic Church in Guam. In the years prior to World War II, the predominantly Catholic population of Guam was ministered to by American Catholic priests under the direction of Bishop Miguel Olano, a Spaniard who continued the centuries old traditions of Spanish Catholicism. In rebuilding the church after the war, Bishop Baumgartner brought in many new American traditions. The bishop also wanted to formalize religious instruction and education. For this task, he called in Sister Mary Inez.

Born Mary Essie Underwood on October 25, 1906, Sister Mary Inez was the first Chamorro woman to enter the Catholic religious life. She was accepted as a novice in Belmont, North Carolina in 1926, and until her death on March 9 of this year, she remained firmly committed to her vocation and dedicated to her calling. So much so that in 1946, she sought and secured permission to establish the Religious Sisters of Mercy Order in Guam. In addition to recruiting students for the Diocese of Agana's new Catholic elementary school, Sister Inez also encouraged and inspired other women to join the convent. Today, the Mercy Convent in Guam is a robust community of well respected teaching professionals, most of whom are Chamorro. In the years since the opening of the original convent in Agana, Mercy Convents are now established in Tai Mangilao, Oka Tamuning, Dedeo, and Inarajan.

Sister Inez founded the Catholic Grade School and the academy of Our Lady of Guam, an all-girls school which continues to produce many of the most successful and accomplished women in Guam today. From humble beginnings in the devastation of Guam in the aftermath of World War II, these two schools were the first of what has grown into a system of seven Catholic grade schools, four nursery/child care centers, an all-male high school and a co-ed high school, attesting to the growth and success of Sister Inez's early efforts.

As a Catholic nun, Sister Inez chose a life of celibacy, and though she had no children of her own, there are thousands of children and adults on Guam who are proud inheritors of her educational legacy. Sister Inez was the daughter of James Holland and Ana Martinez Underwood. She now joins them and her brothers and sisters, Eugenia Salvano, my father John Underwood, James, Raymond, Nancy Shoffner, Rosie Duenas, and Carmen Underwood. In addition to her many convent sisters, Sister Inez leaves behind many nieces, nephews, and grandnieces and nephews who have had the loving privilege of calling her Aunt Mary. I am among them and proud to say, "Adios, Aunt Mary. Si Yu'os un benendisi."

SWINGLE AWARD GIVEN TO BRIAN F. KELLY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1998

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Brian F. Kelly, a community leader from my district in Pennsylvania. The

Greater Pittston Friendly Sons of St. Patrick will bestow the W. Francis Swingle "Irishman of the Year" award on Brian F. Kelly at their 84th annual St. Patrick's Day Banquet. I am honored and pleased to have been asked to join this tribute.

Commander Brian F. Kelly, Chaplain, United States Navy is a priest of the Diocese of Scranton, Pennsylvania. Father Kelly attended St. Joseph's Oblate Seminary and St. Pius X Seminary. He is a 1973 graduate of the University of Scranton. In 1977, he earned his Masters in Pastoral Theology from St. John's in Boston. In 1990, the U.S. Navy assigned him to post-graduate study at the University of San Diego, where he earned a masters in Marriage, Family, and Child Counseling. In 1996, he earned his Ph.D in Pastoral Psychology.

Father Kelly was ordained to the priesthood in St. Peter's Cathedral on May 7, 1977. Father Kelly has served in the diocese as a Chaplain at Mercy Hospital, an Assistant Pastor at Williamsport's Annunciation Church, and a Chaplain in Williamsport's Divine Providence Hospital.

Father Kelly was commissioned a Lieutenant in the Chaplain Corps of the United States Navy on August 3, 1984.

Among other assignments, Father Kelly has been stationed at Parris Island, South Carolina; the U.S.S. *Midway* in Yokusuk, Japan; the Marine First Force Service Support Group at Camp Pendleton; the Marine Air Ground Task Force in Honduras; and the 22nd Marine Expeditionary Unit in the Mediterranean Theater. He is presently assigned to Headquarters and Support Battalion of the Marine Corps Base at Camp Pendleton in California.

Mr. Speaker, despite his travels, Father Kelly has always been rooted in Northeastern Pennsylvania. I join the Greater Pittston Friendly Sons of St. Patrick in honoring this distinguished and accomplished man and I send my best wishes for another successful St. Patrick's day event.

A TRIBUTE TO CLIFFIE STONE

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1998

Mr. McKEON. Mr. Speaker, in January of this year, Country music lost one of its greatest legends. Cliffie Stone, a larger than life individual, passed away earlier this year at the age of 84. He was one of those characters that you imagine riding off into the sunset, with a guitar slung over his shoulder and mounted on a white horse, singing a song that reminds us of who we are and want to be.

Starting in the 1940s, Cliffie Stone was a well-known bass player and singer. In the '50s, his Hometown Jamboree television show made him one of the largest personalities of the time. Many careers can trace their roots to this show, including Tennessee Ernie Ford and Molly Bee.

Cliffie was a lifelong music producer who also performed with the Sons of Pioneers. His mark in the industry includes a star at Hollywood and Vine, a Bronze Saddle on the Western Walk of Stars in Santa Clarita, and membership in the Country Music Hall-of-Fame.

Mr. Speaker, the members of our community in Santa Clarita remember a different Cliffie Stone. We knew Cliffie as a neighbor, constituent, and friend. Cliffie never forgot his roots and returned each year to give something back to the people that admired him so. For each of the last 40 years, Cliffie Stone would return to Santa Clarita to perform free benefit concerts for hundreds of charities within the Santa Clarita Valley.

Today I join the thousands of constituents of mine in the Santa Clarita Valley in saying goodbye to a wonderful musician, a good neighbor, but most importantly a friend. We, and I in particular, will miss Cliffie very much. Let me end by offering my condolences to the family of Cliffie Stone and with the wonderful lyrics of his music:

The arena is dark ... the bleachers are empty and the crowd noises are no more. The Cowboy has ridden off into the sunset ... as was always God's plan. The boots and the buckles are polished, the guitar is back in its case ... with the guitar picks in their place. The turbulence has subsided ... The dragons are all slain ... The arena, somehow, has lost its reason to be.

TRIBUTE TO DR. C.M. (NED) WHALEN

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1998

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Dr. E.M. (Ned) Whalen, who has been designated as the "Man of the Year" by the Greater Pittston Friendly Sons of St. Patrick in Wilkes-Barre, Pennsylvania. The Friendly Sons will honor Dr. Whalen at their annual St. Patrick's Day banquet on March 17, 1998. I am honored to have been asked to participate in this event.

Dr. Whalen, the son of the late Raymond and Kate McLaughlin Whalen, was born in 1916. A captain in the Army in World War II, Dr. Whalen received the Bronze Star and Bronze Medal Cluster for his service.

After graduating from Temple University Medical School in 1942, Dr. Whalen practiced general medicine in Wilkes-Barre, Pennsylvania from 1946 to 1954. He then did a residency in psychiatry at Danville State Hospital and practiced psychiatry until his retirement in 1989.

In 1968, he was made a fellow in the Pennsylvania Psychiatry Association and in 1973, he was made a fellow in the national association.

Mr. Speaker, Dr. Whalen devotes much of his time to community service. He is a member of the board of directors of the Glen Summit Association, the Georgetown Settlement House, the Council House, and the Luzerne/Wyoming Counties Mental Health/Mental Retardation Association.

I applaud the Friendly Sons choice of Dr. Ned Whalen as this year's honoree and I am pleased to have the chance to bring his accomplishments to the attention of my colleagues.

THE 150TH ANNIVERSARY OF THE HUNGARIAN REVOLUTION OF 1848

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1998

Mr. LANTOS. Mr. Speaker, the year 1848 was a time of great political and social upheaval in Europe, which led to significant changes throughout the continent, with major events taking place in Germany, Austria, France, and Hungary. This was the revolutionary year when Karl Marx and Friedrich Engels penned the Communist Manifesto. Nowhere in Europe were those transformations more dramatic and far-reaching than those that convulsed Hungary.

Exactly 150 years ago yesterday—on March 15, 1848—Hungarians in the city of Pest staged a massive peaceful demonstration demanding their independence from Austria. That demonstration marked the beginning of a brief but very significant period of independence and freedom for the people of Hungary. On March 15th in Vienna, the father of Hungarian democracy, Lajos Kossuth, and Hungarian parliamentary representatives presented demands to the Austrian Court for the severing of all ties between Austria and Hungary, except for the personal union of the Habsburg Emperor, who was also King of Hungary. The panic-sticken court accepted Kossuth's demands and a brief period of Hungarian independence began. In recognition of the importance of these events in the nation's history, March 15th has been the national day of Hungary.

Hungary's independence, however, was short-lived. Under the leadership of Kossuth, Hungary severed all ties with Austria and the Habsburgs in July. The Austrian government, however, mobilized an army of troops loyal to the emperor. Kossuth rallied the Hungarian nation, organized the military defense of the country, and continued the organization of the newly independent nation. Despite the overwhelming odds, he was making progress.

In June 1849, however, the Russian Tsar Nicholas I offered troops to the Austrian Emperor, and the Austrians accepted their offer. Against such an overwhelming force, however, the Hungarians could not prevail. Many of the Hungarian freedom fighters of 1848–1849 were killed in the military action that followed the Russian invasion. Kossuth, and many of his associates, were forced to flee Hungary. The leader of Hungarian independence came to the United States for over six months from December 1851 through July 1852. Here he was welcomed and honored for his inspired leadership in the struggle for the freedom of the Hungarian people.

Mr. Speaker, in March 1990, as the people of Hungary were celebrating their new birth of freedom as the old communist government was disintegrating, a bust of Lajos Kossuth was placed in the United States Capitol, and it is still there on display as a symbol of the great friendship between the people of Hungary and the United States. On Friday of last week, I joined a group of Hungarian Americans and representatives of the government of Hungary to place a wreath on this bust of

Kossuth to mark the 150th anniversary of that historic date of March 15, 1848.

Mr. Speaker, the event which catalyzed the revolution in Hungary on March 15, 1848, was the reading of a poem that expressed national sentiments of the Hungarian people. On that day Sandor Petofi, a twenty-five year old Hungarian romantic poet, read his poem "Rise Up, Magyar!" or "National Song" on the steps of the National Museum in Budapest. Petofi's recitation of "Rise Up, Magyar!" incited the crowd as they joined with him in chanting in unison the final line of each stanza of the poem—

"God of Hungarians, we swear unto Thee,
We swear unto Thee—that slaves we shall no longer be!"

Petofi was true to the high patriotic sentiments that he expressed in his magnificent poem. He was killed in 1849 in fighting to defend the independence and freedom of Hungary.

Poetry is always difficult to translate, Mr. Speaker, but Professor Adam Makkai has done an excellent job of rendering this poem into English. Professor Makkai, a poet who was born in Budapest, received a B.A. from Harvard University and an M.A. and Ph.D from Yale University. He is currently a professor of Linguistics at the University of Illinois at Chicago. This is his translation of Petofi's patriotic "National Song."

NATIONAL SONG

Rise up, Magyar, the country calls!
It's 'now or never' what fate befalls . . .
Shall we live as slaves or free men?
That's the question—choose your 'Amen'!
God of Hungarians, we swear unto Thee,
We swear unto Thee—that slaves we shall no longer be!

For up till now we lived like slaves,
Damned lie our forefathers in their graves—
They who lived and died in freedom
Cannot rest in dusts of thraldom.
God of Hungarians, we swear unto Thee,
We swear unto Thee—that slaves we shall no longer be!

A coward and a lowly bastard
Is he, who dares not raise the standard—
He, whose wretched life is dearer
Than the country's sacred honor.
God of Hungarians, we swear unto Thee,
We swear unto Thee—that slaves we shall no longer be!

Sabers outshine chains and fetters,
It's the sword that one's arm betters.
Yet we wear grim chains and shackles.
Swords, slash through the damned manacles!
God of Hungarians, we swear unto Thee,
We swear unto Thee—that slaves we shall no longer be!

Magyars' name will tell the story
Worthy of our erstwhile glory:
We must wash off—fiercely cleansing
Centuries of shame condensing.
God of Hungarians, we swear unto Thee,
We swear unto Thee—that slaves we shall no longer be!

Where our grave-mounds bulge and huddle
Our grandsons will knell and cuddle,
While in grateful prayer they mention
All our sainted names' ascension.
God of Hungarians, we swear unto Thee,
We swear unto Thee—that slaves we shall no longer be!

TRIBUTE TO THE CYC OF WILKES-BARRE, PENNSYLVANIA

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1998

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to the Catholic Youth Center (CYC) of Wilkes-Barre, Pennsylvania on its 50th Anniversary. I am pleased to have been asked to take part in a ceremony marking this important event on March 19, 1998.

In 1947, Bishop William Hafey envisioned a special place for the young people of Northeastern Pennsylvania to socialize, recreate, grow, and enjoy. The original building purchased in 1948 housed a small gym, bowling alley, and auditorium. In January, 1949, the CYC was officially dedicated with a membership of 1,000 young people from around the region. In the five decades that followed, the expansion and growth of the CYC would surpass even Bishop Hafey's dreams.

Over the next years, the CYC developed programs in archery, basketball, cheerleading and, with an addition of a pool, swimming. The swim team under the mentoring of Jim Higgins created a legacy in swimming competition in the Wyoming Valley.

A student council was established to form a link to nearby schools and new programs continued to be added, including the Junior Basketball Officials Club, initiated by then-Director of Athletics Anthony D. English, Jr.

In the 1970s Mr. English was promoted to Executive Director, He would serve with four priests over the next years: Father Francis Houston, father Paul Flynn, Father William Kearney, and Father John S. Terry who is the present priest-director.

Mr. Speaker, the Catholic Youth Center survived the devastation of a 1972 flood that was at the time the most expensive natural disaster in American history. The CYC survived a severe funding shortage in the 1980's. Each time it was faced with crisis, the community rallied to save the CYC. Corporate support and community fundraising have made this facility into an outstanding center for youth activity in the Wyoming Valley. From basketball to daycare, the CYC is considered a leader in youth recreation and community service. I am extremely proud to commend the staff, Mr. Anthony English, Father Terry, Mr. Mark Soprano, and the Board of Directors of the Catholic Youth Center for their dedication to the youth of the Wyoming Valley. I send my heartiest congratulations on this milestone event and best wishes for continued success and prosperity.

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SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 17, 1998, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 18

9:30 a.m.

Armed Services
Acquisition and Technology Subcommittee
To hold hearings to review the status of acquisition reform in the Department of Defense.
SR-222

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings to examine the Wall Street view on the Telecommunications Act (P.L. 104-104).
SR-253

Labor and Human Resources
Business meeting, to resume markup of S. 1648, to provide for reductions in youth smoking, for advancements in tobacco- related research, and the development of safer tobacco products.
SD-106

Small Business
To hold hearings on the President's proposed budget request for fiscal year 1999 for the Small Business Administration.
SR-428A

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the Disabled American Veterans.
345 Cannon Building

Indian Affairs
Business meeting, to mark up proposed legislation with regard to Indians in the proposed tobacco settlement, and S. 1279, proposed Indian Employment Training and Related Services Demonstration Act.
SR-485

10:00 a.m.

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on National Guard programs.
SD-192

Appropriations
District of Columbia Subcommittee
To hold hearings on the implementation of provisions of the Management Reform Act of 1997 relating to the revitalization of the District of Columbia (P.L. 105-34).
SD-124

Banking, Housing, and Urban Affairs
Financial Services and Technology Subcommittee
To hold hearings to examine the Office of Thrift Supervision's Year 2000 preparedness.
SD-538

Foreign Relations
International Economic Policy, Export and Trade Promotion Subcommittee
To hold hearings to examine the role of the International Monetary Fund in supporting United States agricultural exports to Asia.
SD–419

Governmental Affairs
To hold oversight hearings on the implementation of the Vacancies Act, a statute that supplies the exclusive means for temporarily filling advice and consent positions in all executive branch departments and agencies.
SD–342

Commission on Security and Cooperation in Europe
To hold hearings to examine the current situation in Kosovo, focusing on the appropriate international response to the recent violence.
SD–430

2:00 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Labor.
SD–138

Armed Services
Personnel Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on active and reserve military and civilian personnel programs and the Service safety programs.
SR–222

Governmental Affairs
International Security, Proliferation and Federal Services Subcommittee
To hold hearings to examine nuclear nonproliferation and the Comprehensive Nuclear Test Ban Treaty (Treaty Doc. 105-28).
SD–342

Judiciary
To hold hearings on pending nominations.
SD–226

MARCH 19

8:30 a.m.
Rules and Administration
To hold hearings on the proposed budget request for fiscal year 1999 for the Smithsonian Institution, the Kennedy Center for the Performing Arts, and the Woodrow Wilson International Center for Scholars.
SR–301

9:00 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Architect of the Capitol, the General Accounting Office, and the Government Printing Office.
SD–116

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Veterans Affairs, and cemeterial expenses for the Army.
SD–138

Commerce, Science, and Transportation
To resume hearings to examine the scope and depth of the proposed settlement between State Attorneys General and tobacco companies to mandate a total reformation and restructuring of how tobacco products are manufactured, marketed, and distributed in America.
SR–253

Energy and Natural Resources
To hold hearings on S. 1488, to ratify an agreement between the Aleut Corporation and the United States to exchange land rights received under the Alaska Native Claims Settlement Act for certain land interests on Adak Island, and S. 1670, to amend the Alaska Native Claims Settlement Act to provide for selection of lands by certain veterans of the Vietnam era.
SD–366

10:00 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for the Federal Communications Commission, and the Securities and Exchange Commission.
S–146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Transportation.
SD–124

Armed Services
To hold hearings to examine issues related to NATO enlargement.
SR–222

Judiciary
Business meeting, to consider pending calendar business.
SD–226

Labor and Human Resources
To hold oversight hearings on the implementation of the Health Insurance Portability and Accountability Act of 1996 (P.L. 104-191).
SD–430

2:00 p.m.
Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings to examine international aviation agreements and antitrust immunity implications.
SD–226

2:30 p.m.
Armed Services
Strategic Forces Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on the Department of Energy's science-based stockpile stewardship and management program.
SR–232A

3:30 p.m.
Appropriations
Defense Subcommittee
To hold closed hearings to examine intelligence issues.
S–407, Capitol

MARCH 24

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on issues with regard to Alzheimer's disease.
SH–216

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Farm Service Agency, Foreign Agricultural Service, and the Risk Management Agency, all of the Department of Agriculture.
SD–138

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for AMTRAK, focusing on the future of AMTRAK.
SD–192

Labor and Human Resources
To hold hearings to examine health care quality issues.
SD–430

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs, focusing on infectious diseases.
SD–124

Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on drug addiction and recovery issues.
SH–216

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on S. 887, to establish in the National Park Service the National Underground Railroad Network to Freedom program, S. 991, to make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996, S. 1695, to establish the Sand Creek Massacre National Historic Site in the State of Colorado, and S.J. Res. 41, approving the location of a Martin Luther King, Jr., Memorial in the Nation's Capital.
SD–366

Governmental Affairs
Oversight of Government Management, Restructuring and the District of Columbia Subcommittee
To hold joint hearings with the House Government Reform and Oversight Committee's Subcommittee on Government Management, Information, and Technology to examine the proposed "Fair Competition Act of 1998", focusing on a new free market approach to Federal contracting.
SD–342

2:15 p.m.
Veterans' Affairs
To hold hearings on S. 1021, to provide that consideration may not be denied to preference eligibles applying for certain positions in the competitive service.
SR–418

MARCH 25

9:30 a.m.
Commerce, Science, and Transportation
Business meeting, to mark up S. 1415, to reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, and to redress the adverse

health effects of tobacco use, and to consider other pending calendar business.
SR-253

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of AMVETS, the American Ex-Prisoners of War, the Vietnam Veterans of America, and the Retired Officers Association.
345 Cannon Building

Indian Affairs
To hold hearings to examine Indian gaming issues.
SH-216

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on Army programs.
SD-192

2:30 p.m.
Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

MARCH 26

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the National Endowment for the Arts, National Foundation on the Arts and the Humanities.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Corp of Engineers, and the Bureau of Reclamation, Department of the Interior.
SD-138

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Office of National Drug Control Policy.
SD-192

Labor and Human Resources
Children and Families Subcommittee
To hold hearings on the Head Start education program.
SD-430

10:00 a.m.
Armed Services
To resume hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on Department of Energy atomic energy defense activities.
SR-222

2:00 p.m.
Governmental Affairs
Oversight of Government Management, Restructuring and the District of Columbia Subcommittee
To hold hearings to examine the Government management of electromagnetic spectrum.
SD-342

2:30 p.m.
Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

MARCH 31

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 1100, to amend the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, the legislation approving such covenant, and S. 1275, to implement further the Act (Public Law 94-241) approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America.
SD-366

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Commodity Futures Trading Commission and the Food and Drug Administration.
SD-138

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Justice's counterterrorism programs.
SD-192

Labor and Human Resources
To hold hearings to examine issues relating to charter schools.
SD-430

Veterans' Affairs
To hold hearings to examine tobacco-related compensation and associated issues.
SD-106

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs, focusing on the Caspian energy program.
SD-124

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 1515, to amend Public Law 89-108 to increase authorization levels for State and Indian tribal, municipal, rural, and industrial water supplies, to meet current and future water quantity and quality needs of the Red River Valley, to deauthorize certain project features and irrigation service areas, and to enhance natural resources and fish and wildlife habitat.
SD-366

APRIL 1

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of the Interior.
SD-124

Indian Affairs
To hold oversight hearings on barriers to credit and lending in Indian country.
SR-485

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for Department of Defense medical programs.
SD-192

Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings to examine competition and concentration in the cable and video markets.
SD-226

2:00 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the National Institutes of Health, Department of Health and Human Services.
SD-124

2:30 p.m.
Judiciary
Immigration Subcommittee
Business meeting, to consider pending calendar business.
SD-226

APRIL 2

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on S. 1323, to regulate concentrated animal feeding operations for the protection of the environment and public health.
SR-332

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings to examine airline ticketing practices.
SD-124

APRIL 21

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance, focusing on crime programs.
Room to be announced

APRIL 22

9:30 a.m.
Indian Affairs
To hold oversight hearings on Title V amendments to the Indian Self-Determination and Education Assistance Act of 1975.
SR-485

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on the Ballistic Missile Defense program.
SD-192

APRIL 23

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the National Aeronautics and Space Administration.
SD-138

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Forest Service, Department of Agriculture.
SD-124

APRIL 28

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for foreign assistance programs, focusing on Bosnia.
Room to be announced

APRIL 29

9:30 a.m.
Indian Affairs
To resume hearings to examine Indian gaming issues.
Room to be announced

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on Bosnian assistance.
SD–192

APRIL 30

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Envrionmental Protection Agency, and the Council on Environmental Quality.
SD–138

MAY 5

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs.
Room to be announced

MAY 6

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on the U.S. Pacific Command.
SD–192

MAY 7

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the National Science Foundation, and the Office of Science and Technology.
SD–138

MAY 11

2:00 p.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense.
SD–192

MAY 13

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense.
SD–192

OCTOBER 6

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs on the legislative recommendations of the American Legion.
345 Cannon Building

CANCELLATIONS

MARCH 17

9:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Energy's enivronmental management program.
SD–116

10:00 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the United Nations.
S–146, Capitol

SENATE—*Tuesday, March 17, 1998*

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, I pray for Your supernatural strength for the women and men of this Senate, their families and their staffs. Bless them with a fresh flow of Your strength—strength to think clearly, serve creatively, and endure consistently; strength to fill up diminished human resources; silent strength that flows from Your limitless source, quietly filling them with artesian power. You never ask us to do more than You will provide the strength to accomplish. So make us river beds for the flow of Your creative Spirit. Fill this day with unexpected surprises of Your grace. Be Lord of every conversation, the unseen Guest at every meeting and the Guide of every decision.

Gracious Lord, on this Saint Patrick's Day, we remember the words with which he began his days. "I arise today, through God's might to uphold me, God's wisdom to guide me, God's eye to look before me, God's ear to hear me, God's hand to guard me, God's way to lie before me and God's shield to protect me." Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. HAGEL. Mr. President, this morning the Senate will debate the cloture motion relative to the motion to proceed to H.R. 2646, the A+ education bill, under Senator COVERDELL's amendment until 12:15 p.m., with the first hour under the control of Senator DASCHLE and the second hour under the control of Senator COVERDELL. As previously ordered, at 12:15 the Senate will conduct a cloture vote on the motion to proceed to the A+ education bill.

Following that vote, the Senate will recess for the weekly party caucuses to meet. When the Senate reconvenes at 2:15, there will be an immediate vote on the confirmation of Susan Graber to be U.S. circuit judge in Oregon. In addition, if cloture is invoked on the previously mentioned motion to proceed to H.R. 2646, the Senate will begin 30 hours of debate on the motion to proceed following the judicial vote. Also, the Senate may consider S. 414, the international shipping bill, S. 270, the Texas low-level radioactive waste bill and other legislative or executive business cleared for Senate action. Therefore, Members can anticipate rollcall votes throughout today's session of the Senate.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:15 p.m. with the first hour to be under the control of the Democratic leader or his designee and with the second hour to be under the control of the Senator from Georgia (Mr. COVERDELL), or his designee.

GRATITUDE TO SENATOR McCAIN

Mr. HAGEL. Mr. President, I wish to take a moment to call attention to a significant day in our Nation's history. Not only is this St. Patrick's Day, but it was 25 years ago today, St. Patrick's Day, March 17, 1973, that our friend and colleague, Senator JOHN McCAIN, was released from the Hanoi Hilton. Senator McCAIN was shot down over Vietnam on October 26, 1967, and spent almost 6 years in a North Vietnamese prison. Most of that time was in solitary confinement.

It is appropriate today that we not only recognize that 25-year anniversary of Senator McCAIN, but recognize the leadership, the inspiration and what he has meant to this country. In a day when I know many people sometimes question whether values do count and standards and expectations do count, our colleague, our friend, Senator McCAIN, is an embodiment to what is best in this country, what has always been best, and what always will be important—that is loyalty and commitment to your country, that is dedication, it is values and standards, it is having high expectations in oneself.

It is a rather unique example of how someone has been able to take the experience that he has had and harness that energy and focus that energy for something very positive for this country and to help make this world better. That is Senator JOHN McCAIN.

This morning, some of our colleagues—I see one on the floor, our friend, Senator CLELAND from Georgia, who, too, gave so much to his country in the Vietnam war—recognized JOHN McCAIN in a surprise visit to his office at 9:15. One of the things that we gave him was a United States Navy A-4 jet fighter ejection seat. I reminded him when he came to campaign for me in 1996, as we flew across Nebraska in a small plane, one of the copilots said, "Now, let me explain to you how you get out of this plane if you need to," and I interrupted this young pilot by saying, "Senator McCAIN never uses the door, he gets out another way." As that young pilot went up into the cockpit, the other pilot said, "You dummy, that is Senator McCAIN. Don't you know the story how he ejected and crash landed and did these incredible things?" We reminisced about that this morning and then presented Senator McCAIN an actual A-4 ejection seat. I don't know what he does with that, but a couple of old infantry men like Senator CLELAND and I were out of our league dealing with the ejection seats and we didn't go near that seat.

Suffice it to say that this Nation owes Senator McCAIN and all the POWs a great debt. We recognize their service, their commitment, their loyalty, but mostly we recognize their leadership and what they have meant to us when times are tough and when we dig down deep in our society and we look for standards and leadership and commitment and role models. Mr. President, that role model is JOHN McCAIN.

I yield the floor.

Mr. CLELAND. I associate myself, first of all, Mr. President, with the marvelous remarks from the Senator from Nebraska. He is a distinguished Vietnam veteran himself. It was a wonderful experience to be with Senator McCAIN, Senator HAGEL and Senator KERREY this morning—all of us Vietnam veterans.

It was a marvelous experience to be there with Senator JOHN McCAIN as he celebrated his 25th homecoming "back to the world" as we used to call this country, when we were in Southeast Asia. Senator HAGEL has spoken eloquently, and I associate my remarks with his. I hope that Senator McCAIN won't be ejected from the Senate for many, many years to come.

Mr. President, I ask unanimous consent for 15 minutes of the time allocated to Senator DASCHLE.

The PRESIDING OFFICER. The Senator has that right to be recognized for 15 minutes.

THE IRAQI CRISIS: WALKING SOFTLY AND CARRYING A BIG STICK

Mr. CLELAND. Mr. President, just a short time ago, the Senate was prepared to consider, and likely to adopt, a resolution granting the President

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

largely unlimited authority "to take all necessary and appropriate actions" to respond to the threat posed by Iraq's refusal to end its weapons of mass destruction programs. After some of us raised concerns about the echoes of Tonkin Gulf in that original wording, we were then prepared to endorse a measure which constrained that authority by requiring that it be "in consultation with Congress and consistent with the U.S. Constitution and laws."

Some of us were prepared to stand behind this language, and its endorsement of the President's policy determinations which we generally believed would culminate in air strikes by American forces against Iraq, though no one, including the President, believed that such strikes would necessarily accomplish our principle objective of removing Saddam Hussein's arsenal of biological, chemical and nuclear weapons.

We then were presented with a diplomatic solution of the crisis negotiated by U.N. Secretary-General Annan that offered the prospect of achieving our principle goal in a way which strikes from the air could not possibly have done. It empowered UN inspectors on the ground in Iraq to more fully investigate and destroy Iraq's weapons of mass destruction. The President has, in my view, taken the correct approach. He welcomes the agreement as representing a solution to the current problem, while immediately seeking to test and verify Iraqi compliance. He reserves our ability to take such other action as may be necessary if the agreement proves inadequate. Let me say clearly that this outcome is a good deal for the United States, the people of Iraq, the entire region and for international security. It is especially a good deal for the thousands of American families who have loved ones on guard right now for us in the Persian Gulf.

There is no more awesome responsibility facing us as members of the United States Senate than the decision to authorize the use of American military power. Such action puts America's finest, its servicemen and women, in harm's way. This basic fact was driven home to me as I reviewed the following press reports from my home state of Georgia over the past few weeks:

From the February 12 Valdosta Daily Times:

> Troops from south Georgia's Moody Air Force Base departed for the Persian Gulf today. Up to 3,000 soldiers from Ft. Stewart are expected to follow soon. About 80 Air Force rescue personnel from the base near Valdosta departed just after 7 AM along with two HC-130s, which refuel rescue helicopters, drop para-rescue jumpers to assist in operations and deploy equipment for rescue operations. . .

From the February 12 Augusta Chronicle:

> As tensions mount in Iraq, some Fort Gordon troops are preparing for possible deployment in the Middle East, and the 513th Military Intelligence Brigade is poised to provide intelligence support for military operations there. . .

From the February 13 Macon Telegraph:

> Base workers loaded a C-5 cargo plane with communications equipment Thursday afternoon as 30 members of the 5th Combat Communications Group prepared to fly to the Persian Gulf area about 6 a.m. today. The communications group, commonly known as the 5th MOB, primarily is responsible for establishing communications and air-traffic-control systems for military operations. . .

From the February 18 Savannah Morning News:

> 3rd Infantry Division (Mechanized) soldiers like Spc. Shane Rollins of the 3rd Battalion, 69th Armor Regiment, had little time to relax as they prepared for a deployment to the Middle East. In less than a week, Rollins and nearly 3,000 other Fort Stewart soldiers will be in Kuwait.

And from the February 22 Columbus Ledger-Enquirer:

> As about 200 Fort Benning troops left Saturday for a possible confrontation with Iraq, Acting Army Secretary Robert Walker said the decision to send more troops from the post hinges on what Iraqi leader Saddam Hussein does next.

Such scenes have been repeated all over America in recent weeks, and underscore the human consequences of our policy deliberations in this chamber. Before discussing those important questions with which this body must grapple in fulfilling its Constitutional role, we must always be mindful of the young men and women who will risk more than their reputations in carrying out the policies we approve.

A LITTLE HISTORY

Karl Von Clausewitz, the great German theoretician on war, once wrote,

> War is not merely a political act but a real political instrument, a continuation of political intercourse, carrying out of the same by other means.

In August of 1990, Saddam Hussein tried to accomplish by war what he could not achieve by other means. Iraqi forces invaded Kuwait. This came just two years after the conclusion of the eight-year Iran-Iraq War, a terrible conflict in which Saddam Hussein used chemical weapons. The war left 600,000 Iranians and 400,000 Iraqis dead.

After months of fruitless negotiations and after a huge U.S. and allied military build-up in the region, in January of 1991 President Bush was granted authority by Congress to use force to compel Iraqi withdrawal from Kuwait. The resulting Persian Gulf War lasted 44 days, and the U.S.-lead forces achieved the primary mission of evicting Iraqi forces from Kuwait. In the process, the United States crippled Iraqi defense forces, and in the words of Lt. General Tom Kelly, "Iraq went from the fourth-largest army in the world to the second-largest army in Iraq."

All along, the U.S. goal was to compel Iraqi compliance with U.N. Security Council resolutions calling for Iraqi withdrawal from Kuwait. Destruction of Iraq's weapons of mass destruction, and in particular its nuclear weapons program, was only a secondary goal. It was only discoveries made during and after the Gulf War of greater than anticipated Iraqi capability for deploying chemical and biological weapons, in addition to nuclear weapons, which elevated the destruction of these capabilities to a key aim of American policy.

After the cease fire which ended the 1991 war, the U.N. Security Council established the U.N. Special Commission, or UNSCOM, to investigate, monitor and destroy Iraq's weapons of mass destruction capability, including its delivery systems.

Over the past 6 years, UNSCOM has been doing yeoman's work in fulfilling this task by destroying more Iraqi chemical weaponry than was accomplished in the Gulf War itself. Late last year, Saddam Hussein began denying UNSCOM the ability to inspect key Iraqi facilities where production and processing of weapons of mass destruction materials was suspected to be taking place.

Since then, the United States, our allies and the U.N., have been working around the clock to win access to Iraqi sites in compliance with U.N. Resolution 687, which calls for the dismantling of Iraq's weapons of mass destruction capability.

PERMISSION CREEP

A few weeks ago, I raised concerns regarding the original version of the Senate resolution which, though not sought by President Clinton, would have given the President largely unlimited authority to use whatever force he deemed necessary to accomplish this objective. I was concerned that the original resolution was overly broad. I did not think it was appropriate to grant such authority on the monumental issue of war and peace without the Congress being thoroughly consulted about the President's plans and justifications.

I was concerned about "Permission Creep." Permission Creep is when Congress grants the President broad powers in the glow of victory without thinking about the long term consequences of granting such authority. Of course, the reverse is also true. Whenever the United States suffers a defeat, the Congress is swift to limit presidential authority.

Prior to the Vietnam War, President Johnson reported that as a result of military tensions in the Gulf of Tonkin he had ordered a strike against certain North Vietnamese naval targets and oil reserves. In the glow of the victory of this air strike, the Congress passed the infamous Gulf of Tonkin Resolution that approved the President's taking "all necessary measures" to repulse an armed attack against U.S. forces and to assist South Vietnam in the defense of its freedom. It is reported that President Johnson compared the resolution to "grandma's nightshirt—it covered everything."

Of course, we all know the history of Vietnam—a history we are so carefully trying to avoid repeating. We gave the U.S. military extremely difficult and complex missions. We asked it to prosecute a war against a seasoned and highly motivated opponent while simultaneously engaging in "nation building" in South Vietnam. At the same time, we did not give the military the latitude to win. Political leaders micro-managed the Vietnam War, and we did not use decisive force. Of course, in the aftermath, the Congress saw fit to reign in the President's authority to commit U.S. troops in harms way when it passed the War Powers Resolution in the early 1970s.

A more immediate example of "Permission Creep" is the 1991 Defense Authorization Act. Again, in the glow of victory in the Gulf War, the Congress expressed its approval for the "use of all necessary means" to achieve the goals of U.N. Resolution 687. That is where we stand today. This authority exists as a result of the initial joint resolution passed by Congress in January 1991 authorizing the use of force to compel Iraqi compliance with the relevant U.N. resolutions of the time, particularly with respect to the withdrawal of Iraqi forces from Kuwait. This authority was later extended to cover U.N. Security Council Resolution 687 which established the U.N. Special Commission whose function is to uncover and dismantle Iraq's weapons of mass destruction.

The Defense Authorization Act for Fiscal Year 1992 states specifically that it was the sense of Congress that:

"The Congress supports the use of all necessary means to achieve the goals of Security Council Resolution 687 as being consistent with the Authorization for Use of Military Force Against Iraq Resolution (Public Law 102–1)."

I appreciate the fact that some interpret this as being non-binding, even though it was passed by both houses of Congress and presented to the President as part of the Defense Authorization Act. And, though some contend that these expressions of Congressional will are no longer in effect, in the absence of formal action to rescind or terminate these non-time limited authorizations, I am led to the conclusion that the President continues to have all the authority he needs to use military force against Iraq pursuant to our laws and relevant U.N. Security Council resolutions. The real question is whether or not he should! I for one am glad that President Clinton showed restraint in the most recent confrontation with Iraq.

I see signs that some are already viewing the President's acceptance of the diplomatic agreement as somehow a defeat. I do not share that view! In the words of U.N. Secretary-General Annan, I think America showed, "resolve on substance and flexibility on form." To paraphrase President Teddy Roosevelt, in the recent Iraq crisis this nation, "walked softly and carried a big stick."

THE SENATE DEBATE

Whatever happens from this point, I am pleased that our deliberations on the details of the Senate resolution led to closer consultation between the Administration and the Congress, and to a more informed and thoughtful consideration of the policy choices before us. The current diplomatic solution offers us a great opportunity to debate our policy in the Persian Gulf. I welcome that opportunity.

I know some are concerned about whether this debate sends the wrong message to the world about American resolve. If I were able to address Saddam Hussein today, I would say the following words:

"The future is up to you. If there is to be light at the end of the tunnel for you and the Iraqi people, it is your decision. Because America walked softly during this crisis, consulted with our allies, and chose a diplomatic solution does not mean the willingness of the President and the Congress to use the big stick has gone away."

As for the U.S. troops stationed abroad listening to this debate, as I listened thirty years ago when the U.S. Senate debated the Tet Offensive, the Siege of Khe Sahn, and the future of the Vietnam War, I say this: "Your country is the oldest constitutional democracy in the world. As such, we all have a right to express our views openly and honestly about the most important act of that democracy—sending you into harm's way. You are America's finest. We are all proud of your service. If called upon to conduct military action, I know you will do your duty. We are with you all the way. You will be in our thoughts and prayers until you return safely home."

WHAT IS THE NATIONAL INTEREST?

My first question in the debate on Persian Gulf policy is: "What vital national interests do we have at stake?" In answering this question, the President and the Congress together must determine what responsibilities should be shared by other nations which also have vital interests involved. In some cases those interests are more vital than our own!

I believe that we do have a number of vital national interests in the Persian Gulf region, including:

Fighting the spread of chemical, biological and nuclear weapons around the world;

Promoting stability in an area where Iraq shares borders with: Saudi Arabia, Kuwait, Iran and Syria, all potential flashpoints on the world scene; Turkey, an important U.S. ally; and Jordan, historically a key moderating force in the region;

Securing access to the region's oil supplies, which account for 26 percent of world oil stocks, and 65 percent of global oil reserves; and

Building regional support for the Middle East peace process between Israel and its neighbors.

I would stress that these interests will remain regardless of whether or not Saddam Hussein is still in power. For example, Saddam is not the only problem with respect to weapons of mass destruction even in the Persian Gulf region itself. With respect to stability, it is very possible that if Saddam suddenly vanishes from the scene, the situation, at least in the short run, will worsen, with particular instability along the Turkey-Iraq and Iran-Iraq borders.

Along these same lines, I believe we must take a hard look at how containment of Iraq is related to the achievement of our vital national interests, which, as just noted, are basically regional in nature. On weapons of mass destruction, for example, the nation of Iran poses a similar challenge. In terms of access to oil supplies, while Saudi Arabia supplies over half of all Persian Gulf oil exports (and 85 percent of U.S. oil imports from the region), even before the Gulf War Iraq accounted for a much smaller portion of Persian Gulf oil production. With sanctions now in place, Iraq's contribution to global oil supplies is minimal. The point is, while we must not underestimate the threat posed by Saddam Hussein, and especially by his willingness to use weapons of mass destruction, we must be careful to not overestimate the role of Iraq and thereby get preoccupied with that nation to the detriment of focusing on our vital regional and global interests.

Another matter which begs an answer is the question of sustainability, of our capacity to maintain our policies, not only now but also well into the future. For example, on the military front, are we going to require deployments for months and years rather than just days and weeks?

There is also the question of consistency—the extent to which our policy choices in pursuit of one national interest objective do not hamper the achievement of other vital objectives. For example, we need to take into account what impact each of the diplomatic and military options designed to contain Saddam Hussein's chemical and biological weapons programs are likely to have on other vital American interests such as our encouragement of Russia to continue forward with ratification and implementation of START II, and other arms control agreements.

On a more specific matter of military policy, I feel we need to take a long, hard look at our current force deployment strategy. Before we get to the point of committing our servicemen and women, we must certainly determine if we have an appropriate military mission which can only be accomplished by military means. Once such a determination is made, we must provide our forces with sufficient resources, and clear and concise rules of engagement to get the job done.

The distinguished Senator from Kansas, Senator ROBERTS, made a very fine and thoughtful address to the Senate the other day. He cited the following quotation from one of my personal heroes, Senator Richard B. Russell, from thirty years ago during the War in Viet Nam. At that time I was serving in that war. Senator Russell said:

> While it is a sound policy to have limited objectives, we should not expose our men to unnecessary hazards to life and limb in pursuing them. As for me, my fellow Americans, I shall never knowingly support a policy of sending even a single American boy overseas to risk his life in combat unless the entire civilian population and wealth of our country—all that we have and all that we are—is to bear a commensurate responsibility in giving him the fullest support and protection of which we are capable.

As part of our effort to produce an effective long-term policy for dealing with Iraq and Saddam Hussein we must also ask the question about appropriate burden-sharing among all of the nations, including the United States, which have vital interests in the area. It should be the long-term aim of our policies that the American people should not be asked to alone shoulder the costs, whether in terms of financial expenses, potential military casualties or diplomatic fallout, of pursuing objectives whose benefits will not be realized exclusively, or in some cases, even primarily, by the United States. To cite but one example of the kind of calculations I have in mind here, while the Persian Gulf accounts for 19% of U.S. oil imports, that region provides 44% of Western Europe's oil imports and fully 70% of Japan's.

In posing these questions regarding our long-term policy toward Iraq, and arriving at my own answers to them, I am led to make the following conclusions.

First, the best, and perhaps the only, way to secure our vital interests of curbing the spread of weapons of mass destruction and preventing Saddam Hussein from developing the capacity to threaten neighboring countries is through a continuation of people on the ground. In this case right now, the people on the ground are the UNSCOM inspections. It is these inspections, and not any conceivable military option, short of an all out invasion and occupation of Iraq, which can locate, identify, and destroy, or at least impede Iraq's development of chemical, biological and nuclear weapons.

Second, in order to secure our national interests, we should place a priority on international coalition building for peace and security in the Persian Gulf. Not only is such an exercise called for in order to insure that American soldiers and American taxpayers are not asked to bear a disproportionate share of the burden in confronting the mainly regional threat posed by Saddam Hussein, but also it is essential to achieving our policy goals—anti-proliferation and regional stability.

Third, in order to aid both weapons inspection and coalition-building, we should be prepared to re-examine our approach to sanctions policy. We should not follow an approach which isolates us from our allies in the region or elsewhere, nor which makes us the villain in the minds of the Iraqi people and its future leaders. In other words, just as I don't want us to pay a disproportionate economic cost, neither should we have to alone bear the diplomatic costs of containing Saddam Hussein. While I certainly do not call for an end to economic sanctions against Iraq, and indeed I believe the international community will need to find a mechanism to secure long-term leverage to maintain adequate surveillance of Iraq's weapons-building programs, I believe that we should work with our allies to develop a comprehensive, long-term approach with respect to sanctions, with graduated modifications geared to concrete Iraqi actions.

Finally, consistent with my view that we are currently paying more than our share of the financial and political costs of dealing with Saddam Hussein, I believe that, in the long run, we should phase-down our military presence in the Persian Gulf. While we do have important national interests in the region, these interests are neither our's alone nor are they our only national interests. The over-extension of American troop and naval deployments in the Persian Gulf compromises our ability to sustain commitments in the Mediterranean, on the Korean Peninsula, in the Balkans and elsewhere.

In short, I don't want the United States to pursue policies which might win the battle against Saddam Hussein but lose the larger war of securing our vital interests throughout the Persian Gulf and around the globe, now and into the future. We should continue to carry the big stick, but build our coalition stronger to do it and not fail to walk softly as the situation requires.

Mr. President, I look forward to continuing this debate on these and related matters in the weeks and months ahead.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, it is my understanding that at 11 o'clock Members from the other side of the aisle will be coming in. I think the moment is close to that. I do not have that long a presentation, but I ask unanimous consent that I be permitted to proceed for such time as I need, which will not be very long.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

Mr. KERRY. I thank the Chair.

EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

Mr. KERRY. Mr. President, there is an enormous amount of rhetoric today at many different levels of Government about education. There is also a lot of good, genuine effort in many States, literally, as well as here at the national level, to try to address some of the very real questions about education.

What is clear to me, though, and I think to other Members, is that there is still an enormous gap between the reality of what is happening in many of our schools and those things we are choosing to do at the national level. It seems clear to almost everybody who talks about education that nothing is more important than providing the children of America a system with opportunity that is second to nobody in the world. But as the test scores and other aspects of our education system are indicating, we really lag way behind the full measure of the ability that we have as a country to do that. We are failing too many of our children today. We have too many crumbling schools. We have too many overcrowded classrooms. We have too many inadequately prepared teachers. And, regrettably, the bill on which we will be voting on a motion to proceed later this morning, while I think it has good intentions and even some good components that, if they were part of a larger effort, might make sense, simply does not do anything to address the fundamental problems that we have in the country. Perhaps I should amend that. I guess it is not fair to say it doesn't do anything. It certainly puts money in the hands of a certain group of people, and for them there is a benefit. So you cannot say it doesn't do anything. But the question you have to ask is, is that the first place we ought to begin with some kind of Band-Aid solution to a much larger problem? And is that the solution that the U.S. Senate ought to adopt in a free-standing effort?

I respectfully suggest to my colleagues that as legitimate as the fundamental concept of some kind of savings account might be, this particular bill, this particular set-aside, this particular savings account, does an injustice to the rest of the education needs of the country, and it also serves those people who are already doing pretty well and not those in need or for whom there is a much more serious set of remedies needed. In many ways what the Senator from Georgia is proposing could wind up inadvertently making things far worse for the overall educational system.

I want to make it clear, and I will be trying to do this more and more in the next weeks, that I think there are some enormous fundamental flaws in the educational system of the country. Notwithstanding 20 years of discussions in various national fora that have brought the governments together with Presidents and otherwise, and notwithstanding all of the outside reports that have been commissioned with respect to our education system, the truth is that today the system continues to implode, almost.

Also, notwithstanding the remarkable efforts of individual teachers and individual schools, the fact is there are more and more poor young people in America, there are more and more pressures on the education system, and there are more and more difficulties that teachers need to deal with and principals need to deal with, particularly in inner cities and also in some rural areas. Our schools are attempting to do what no other school system on the face of the planet attempts to do, which is to bring so many different people of different languages and different cultures and different races together under one roof, too often with total inadequacy of resources and structure.

I don't think it's that hard, frankly, to analyze what is wrong. What appears to be hard is the building of a consensus, a coalition that is willing to tackle the things that we know are wrong. I will also be saying a lot more about that in the days ahead.

But the problem with the Coverdell bill is what we really need is an overall approach that deals with the problems where 90 percent of our children are being educated. Mr. President, 90 percent of America's children are in the public school system. What we are witnessing in the Coverdell bill is an approach that drains away from that 90 percent a certain amount of the existing support and permits those people who get the benefit of the money that is drained away to be able to do what they want with it. That is a very nice idea. I do not object, as I say, in principle, to allowing people to have choice within the education system, and also to have some choices about the quality of where they are going to send their kids to school. But the Coverdell bill expands the tax-free education savings accounts to a level, $2,000 a year, replacing the current $500 cap, which would also expand the allowable use of those funds for education expenses for public, private, and religious schools, which obviously raises another subset of questions. But the great majority of families—and here is the most important point—the great majority of families would get little or no tax break from this legislation.

We have to ask ourselves some tough questions as we make some choices here in the Senate and in the budget process about where we spend our money. I do not think it's that tough a choice to ask what is the justification for providing 70 percent of the benefits of this effort to families in the top 20 percent of income in America? I do not understand that. We know we are creating more poor people. We know the public schools that are hurting the most are the public schools where there is the least amount of property tax base. We know the public schools that are hurting are schools where they do not have enough money to pay teachers enough or they do not have enough money to put the computers in or enough money to fix roofs that are leaking or to have air-conditioning so kids have a decent environment to learn in, or even to have some of the important programs that ought to be part of learning—whether it's sports or music or a new science laboratory or art. These are all things that have been cut in recent years, and predominantly cut in those school districts that cannot afford to keep them because they do not have the tax base.

So what are we doing? We are going to talk about turning around and giving 70 percent of revenue that we are going to give up, $1.6 billion we are going to give up, in order that people in the top 20 percent of income-earners in America can do better. When you are asking Americans to tighten their belts, and you are asking Americans to come together around notions of fundamental fairness, it is pretty hard to say to them that in the midst of some of the chaos that we see in the public education system, the first thing we are going to do is turn around and allow the people who are doing the best in America to take the most amount of money from our first effort.

The fact is people earning less than $50,000 would get an average tax cut of only $2.50 from this legislation. How do you justify that? There is not a Senator here who does not come to the floor at one time or another and talk about the problems of youth in America, the problems of illegitimacy, of births out of wedlock, the problems of kids who have no place to go after school, of kids who wind up smoking cigarettes or doing drugs and getting into trouble. We spend billions of dollars every year in order to address those after the fact, and here we are about to consider a piece of legislation that suggests that we ought to take the money out of the current expenditure that we put in the Federal level and give it to people who are earning the most money in America, a $1.6 billion price tag over the next 10 years.

The Joint Committee on Taxation has found that half of the benefits would go to the 7 percent of families with children in private schools—half of the benefits of the $1.6 billion will go to the children and their families who are already in private schools. You know, it's one thing to criticize our public schools; it's another to suggest that they are responsible for their own faults when they depend upon the public dollar. If we take the public dollar away from them and then we turn around and just criticize them, it seems to me we are building the capacity for failure into the system.

As I said before the Senator who proposed this came to the floor, I think there are merits in the concept of a savings program. I am perfectly happy to embrace a legitimate effort to create a private savings capacity to encourage people to be able to put money away to send their kids to school. That is a legitimate goal. But surely we have the ability to do it in a way that spreads the benefit more evenly across the need in this country. You simply cannot ignore as the country has been getting richer and richer in the last 10 or 15 years, we have more and more poor people, particularly poor children. The number of poor children in America is going up, as is the number of children in need within our inner cities who deserve equally as good an opportunity at a decent school as the kids of these other parents, and they ought to get one. So I am perfectly prepared to embrace the concept, but I want to do it in a way that is part of an overall effort that suggests that we understand the larger question of what our public education system needs.

We Democrats would like to be able to propose a substitute and some alternatives that would help the vast majority of working families. Our bill would provide tax credits to subsidize school modernization bonds to enable States and local public school districts to provide safe and modern schools that are well-equipped in order to provide students with educations for the 21st century. One-half of the funds in our bill would be targeted to schools with the greatest number of low-income children, and States would be permitted to decide where to distribute the remaining half of those funds. Our bill would help more than 5,000 schools modernize so we can reduce class size and provide a safer environment.

Let's be honest. It is not hard to figure out why so many parents are looking for an alternative to some of the public schools. I am a parent. I have two kids who we chose, ultimately, not to send to a public school because we did not have confidence, as a lot of parents do not, for one reason or another. I regret that. I actually moved where I moved with the hopes that we would send them to the public school system.

You know, all of us are faced with this choice. Probably too many of us in the U.S. Senate who have had kids have opted for something else, and we have been able to do that. That, frankly, increases the burden on us, not decreases it. It increases the burden on us to understand what most American parents are thinking as they make choices about their kids.

So, today, people are voting with their feet. They are voting with their feet. They want vouchers; they want charter schools; they are even opting for home teaching.

Mr. COVERDELL. Mr. President, will the Senator yield for a question? Just a logistical matter?

Mr. KERRY. Absolutely. I suggested I would wrap up quickly when Senators came to the floor, and I will do that right now.

What I am saying is it is obvious to me and many others that you cannot go on with the current model of what is happening in our public school system. It is absolutely clear to me that we need greater accountability. In many States people are working to do that through testing, through standards, through teacher standards, new qualifications—a whole set of things that I, again, will talk about at another time.

The bottom line is that you cannot come here and not recognize that there is no way, even if you embrace charter schools, that you could create enough charter schools fast enough to save a generation. The fact is that 90 percent of our kids are in a system that provided the generation that brought us through World War I and World War II, that created the greatness of this country during the course of this century. I can take Senators to any number of schools, as they could go to in their own States, that are wonderful public schools, that work. They work because they have great principals, great teachers, great resources, and a great commitment from parents. And they are accountable. Then we can go to pure disasters in other parts of all of our States.

What we ought to do is come to the floor with a responsible effort that tries to address how we are going to provide the structure and the resources to deal with the problem schools while not pulling the rug out from under those schools that work. That is why I think it is so important to look for an alternative, or at least work out some kind of compromise to what the Senator from Georgia is proposing.

I thank my colleague for his courtesy, and I yield the floor.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Georgia.

Let me say to the Senator, under the previous order the Senator now has 1 hour, even though it will extend beyond 12 o'clock.

Mr. COVERDELL. Thank you very much, Mr. President. I do want to point out with regard to the remarks made by the good Senator from Massachusetts, that what we are debating here theoretically is not even the merits of the legislation. The other side is filibustering. This is an outrageous filibuster that is designed to prohibit us from ever getting to the legislation. The other side has organized. The motion being debated is the motion made by the majority leader to bring the bill to the floor, and the other side is filibustering that. The comments that the Senator from Massachusetts made about their version and wanting to have an opportunity to discuss it and debate it is blocked, not by us, but by their filibuster. In fact, in the original unanimous consent request, the majority leader offered the other side an opportunity to bring their version to the floor as a substitute or as an amendment and we would have a full and open debate about the merits of these proposals. So it is important that everybody understand. This is a little bit disingenuous because the other side is trying to keep us from even getting to the legislation. It is the ultimate example of defense of the status quo.

The Senator from Massachusetts took issue with the status quo. But we cannot deal with the status quo, or improve it—whether it is their version or ours—if they will continue to disallow our ability to bring the legislation to the floor.

The Senator referred to one component of our proposal, an education savings account, for which any family is eligible, that somehow in their mind, or in his mind, was not attentive enough to the poor. I want to point out to the Senator and to the other side that the criterion by which our savings account is created is identical. I repeat: It is identical to the savings account that the President signed, with a great celebration and fanfare at the White House a year ago, or last fall, for a savings account for just higher education.

That savings account allowed a family to save $500 a year, just as ours, and it works identically to our account. So the criteria that was designed for the savings account that was signed into law last year is designed to push the vast resources of these savings accounts to people of middle income and lower.

Seventy percent of all the proceeds in all these savings accounts will go to families earning $75,000 or less. But the important point is that the governance rules of these savings accounts are the exact same rules that the other side embraced last fall in the tax relief proposal and that the President signed. There is no difference. That proposal was designed to make the account work toward middle class; this one is designed to accomplish the very same thing. So it is a smoke-screen issue to suggest that somehow the governance of this education savings account favors people of substantive means when the other one didn't and when they are identical, absolutely identical.

The only thing that is changed is that we have said that instead of $500 a year, you can save up to $2,000, and instead of it just applying to college needs, it should be eligible for kindergarten through high school. It seems pretty logical to just expand the usage of it. I will come back to what I consider deflecting arguments from what the real problem is on the other side a little bit later.

I yield up to 10 minutes to my good colleague from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Thank you, Mr. President. I rise in support of the cloture vote to proceed. The vote will take place in about an hour.

What is the answer to the basic question of why should we proceed? The answer is for our children. We can no longer defend the status quo. The Coverdell Parent and Student Savings Account Plus Act is our next step in improving education for our children for the next generation. I will just point out that it builds on the new education IRAs from the Taxpayer Relief Act, which were directed to higher education. Senator COVERDELL's proposal focuses on primary and secondary education.

Why is that important? The answer is that no longer is the status quo defensible in American education. I want to take a few minutes to share why I say that.

Over the last 6 months, I have had the opportunity to chair the Senate Budget Committee's Task Force on Education. In our hearings—a series of six hearings over the last 6 months—I have discovered several things: The current Federal establishment is so complex that it is difficult for even somebody from Government to come forward and say how many programs we have at the Federal level for education. I have learned that we have committed as a nation, as a people, as a U.S. Congress, substantial and growing resources to secondary and elementary education, but we have few proven good results to show for it. Our student performance is essentially flat over time. According to Secretary Riley, some of our schools "don't deserve to be called schools."

I have a few charts which depict why I say that we are not doing enough, and why we cannot defend the status quo.

The first question we might ask is, are we as a nation, as a society, spending enough money today, putting enough resources into primary and secondary education? That is a fairly subjective question to ask. What we can answer is, are we spending increasing amounts over time? And the answer to that is yes.

This first chart shows current expenditures per pupil in average daily attendance in public elementary and secondary schools. It goes from 1970 up to the current 1997 years. If you look at the green line in current dollars, it has gone from approximately $1,000 per pupil up to over $6,000 per pupil. If you apply that same curve to constant 1996–1997 dollars adjusting for inflation, we have gone from about $3,600 per pupil up to over $6,000, a 50-percent increase. Thus, over time, per pupil in today's dollars, we have increased spending about 50 percent per pupil.

That, I believe, reflects what actually is being discussed in the Budget Committee as we speak—where we are going to increase spending more per pupil, a willingness, a commitment on the part of the Congress and the American people to spend more, to put more resources in education.

I should point out that in 1997, we spent $36.6 billion on elementary and secondary education. It is important to note that the Federal spending of that amount is only about 7 percent. States and localities provide the rest.

A second question is, what is the Federal role in primary and secondary education? We asked that question. I will put up a fairly large chart that is very complicated. In our own office, we call this the "spider web" chart. This is the chart that was produced by the General Accounting Office (GAO). GAO brought this chart to us to explain to us the Federal role in primary and secondary education.

GAO basically took three areas—one is teachers, one is at-risk and delinquent youth and one is young children—to demonstrate the overlapping complexity. In fact, GAO's testimony that day was entitled "Multiple Programs and Lack of Data Raise Efficiency and Effectiveness Concerns." That title really describes this chart very well.

If we take one of these populations—the at-risk and delinquent youth, we can see, using this one example that there are 59 programs at the Department of Health and Human Services that are directed at this group; 7 are administered by the Department of Defense; 8 by the Department of Education; 4 by the Department of Housing and Urban Development; 9 by the Department of Labor; 22 by the Department of Justice; 3 by the Department of the Interior; 7 by the Department of Agriculture; 3 by the Department of Energy; 1 by the Department of Treasury; and 18 by various other agencies.

This chart around the border shows that there are 23 Federal departments and agencies administering these multiple Federal programs to just these three targeted groups. Again, it is unimportant to figure out right now for the purposes of our discussion today what each of these programs are doing. The point is, it is very complicated with a lot of overlap. Is there room for streamlining and simplification and innovation? I think yes.

Third question: With this bureaucracy and with this increased spending over time, how are we as a nation doing? What have our results been?

Just 3 weeks ago, on February 24, the last battery of TIMSS, which is the Third International Math and Science Study, was released. This test measures the achievement of students at the end of their last year in secondary school, that is the 12th grade in the United States. These latest trends reflect the downward trend in America vis-a-vis our international competition, our international counterparts.

I will go through several charts very quickly that summarize and demonstrate what Dr. Pat Forgione, the Commissioner of the National Center for Education Statistics, stated in his press release on the results. Let me quote him:

> Our most significant finding is that U.S. 12th grade students do not do well. When our graduating seniors are compared to the students graduating secondary school in other countries, our students rank near the bottom. This holds true in both science and math, and for both our typical and our top level students.

Secretary Riley said, "These results are entirely unacceptable."

This first chart shows in the field of general science knowledge where we as a nation stand. The scores are in the columns on the right. All of these countries on the left are nations with average scores significantly higher than the United States. The United States is in the second lower category. There were only two nations tested who did significantly worse than the United States in the general science knowledge.

You can see all the countries that did better: Sweden, the Netherlands, Iceland, Norway, Canada, New Zealand, Australia. This portion of the test measures skills "necessary for citizens in their daily life." We are right at the bottom.

Our next chart shows mathematics general knowledge achievement. The layout is the same. On the left are the countries which did better than the United States. We are at a level of 461. The average for all countries tested was 500. We are significantly below the average. Again, the Netherlands, Sweden, Denmark, Switzerland, Iceland, Norway, in terms of mathematics general knowledge do better than the United States. Again, this is measuring what citizens need to know in daily life. Only two countries did worse than us, Cypress and South Africa.

Some people say, "That may be true, but is it a dumbing down or does our lower level pull the median down?" To answer that question, unfortunately, I turn to the next chart. We look just at advanced science students, just our very best compared to the very best in other countries to answer that fundamental question of whether or not the bottom rung brings our median down.

For a long time, we thought our very best were better than the very best from other countries. Unfortunately, it is just not true. Again, the layout is just the same. These are nations with average scores higher than the United States. This is the average physics performance of the advanced science students. Again, you can see that we are at the bottom of the rung of the ladder. In fact, there are no nations—no nations—that did worse than our best students in this competition.

Clearly, we are doing poorly when we compare ourselves internationally. But then let's go back and say, "Well, are we doing better than we did 20 years ago?"

We see we are spending 50 percent more per pupil. Are we doing better? Is the payout for our investment real? What is the return?

Unfortunately, this next chart, again 1970 to 1996, shows the data. In spite of increased spending and lower class sizes, the trends are completely flat. The red is 9-year-olds, the blue is 13-year-olds, the green is 17-year-olds. These are the trends in reading on this first chart.

The bottom line is that we have seen no improvement whatsoever in the last 20 years. The next chart shows in the field of science, once again, the average science scale scores for our Nation over time in control testing is completely flat—flat line, very little return on our investment.

I think this argues that we can't defend the status quo. We can't have bills filibustered which are innovative, which are creative, which inject that creativity and innovation in our system today, because the status quo is simply unacceptable.

Access has improved over time. In 1900, only 6 percent of American students graduated from high school. In 1967, 50 percent of the population finished high school. Today, completing high school is nearly a universal phenomenon with 94 percent of America's youth completing high school, although many not on time. So access has greatly improved; quality has not improved.

The Coverdell Parent and Student Savings Account Plus Act is not the cure-all. We recognize it is not the cure-all, but it is our next step in improving education in this country. It empowers the parent-child team, it encourages savings for education, it recognizes that the status quo is not sufficient in preparing our children for the future, and it encourages innovation and new ideas.

In closing, I urge my colleagues to allow this bill to come to the floor to be debated and voted upon. I urge its support and look forward to defending this bill as our next best step in reforming education in our country.

Thank you, Mr. President. I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I commend the Senator from Tennessee. I think in a very brief period, he has demonstrated what all of us are so worried about; that we have been making greater and greater investments financially, particularly in grades kindergarten through high school, and we are not seeing the kind of results from it we need to see. We have all known that you have to have an educated society to maintain a free country.

On a personal basis, all those numbers on all of those charts of the Senator from Tennessee—which I would like a copy of—at the end of the tunnel what they point to, in all too many cases, is that a child can get out of our school system and not be ready to take care of themselves in society. They will have trouble getting a job, they will have trouble thinking through the kind of problems they have to solve, and they will be a diminished citizen. They are not going to be able to enjoy the opportunities and privileges that go with American citizenship. That is what all those numbers mean at the end. Thousands of people across our country are denied the benefits of American citizenship because they don't have the tools to engage our society.

I think I will take a moment, if I may, Mr. President, to remind everybody that we are in the midst of a debate over whether or not the other side will allow us to bring our proposal for improving families and their children's education, for improving education and grades kindergarten through high school and beyond. We are trying to get our proposal to the floor. That proposal is being filibustered on the other side. We are going to have a vote at 12:15 today to see if we can get 60 Senators who will agree that we need to get this legislation to the floor.

Let me take a moment, if I might, Mr. President, and describe the legislation that we want to bring to the floor today. The first provision is an education savings account. This is the provision that has caused the most discussion. Currently, last year in the Tax Relief Act, we adopted an education savings account. It was for $500. In other words, $500 per year can be put in the savings account and the interest buildup will be tax free if the proceeds are used for college expenses. It was designed by means testing to assure that the principal benefits went to middle income or lower.

Our proposal is to take the savings account that was passed overwhelmingly, that was signed by the President, and say you can invest more than $500; you can save up to $2,000 per year. So we have increased it by $1,500. Then we said, Why limit it to just financial needs that confront a family with a student in college? Why not make it possible for the family to use that savings account at any period in their education—kindergarten through college? And we applied the same constraints to that account. Everything about it is the same. So it is a pretty simple proposition. We took the savings account, you can put more in it, and you can use it kindergarten through college.

Interestingly enough, the amount of money that we will be leaving in family checking accounts through this instrument is not a lot of money in terms of a $1.6 trillion budget. It is about $750 million that would be left in these checking accounts over 5 years. What is interesting is, that small amount of relief, according to the Joint Tax Committee, multiplies itself by about 15 times—that families across the country, somewhere between 10 million and 14 million, who will use this opportunity, who will open this account, will save in the first 4 years about $5 billion. In over 8 years, they will save between $10 and $12 billion. So we are taking a very small amount of tax relief incentive and it causes American families to do something we all think they should do—save. And they are going to save billions of dollars.

What can they use the accounts for? They can use them for any educational need. I call these billions of dollars "smart dollars" because the guidance system is right in the household; it is the parent, who understands most what the child's needs are. They may decide this child has a math deficiency, so they would use the account to hire a tutor. Or they may be one of the 85 percent of the families in the inner city who don't have a home computer; they would use the account to help that child's education by acquiring a home computer. They may have a physical impairment or a special education need, and they could use the account to hire a special ed teacher to deal with whatever the problem would be.

There are no losers in this proposition. A lot of legislative proposals we see here, somebody gains and somebody loses. Not in the education savings account. Whether the child is in a rural school, an urban school, a fairly wealthy school district, or a very poor school district, everybody benefits. Whether the child is in public education, where 70 percent of the families who use these accounts will be supporting children in public schools, or 30 percent will be supporting children that are in private schools or home schools, there is no component of education that will not be the beneficiary of the savings account.

A little earlier, the Senator from Massachusetts was admonishing the fact that the Joint Tax Committee says about half the money that parents use—remember, it is their money—that these billions of dollars that are being saved are private dollars; they are not tax dollars. About half of that will go to support students in private schools, and about half will go to support children in public schools. I guess the Senator takes exception to that.

What that means at the end of the day is, in the first 4 years, $2.5 billion will be out there supporting children in private schools and about $2.5 billion will be out there supporting children in public schools. It will be families, but there will be a tendency to save a little less, because a family in a public school does not have to deal with tuition. I assume the Joint Tax Committee is acknowledging that families with children in private schools have bigger bills to pay because they have to pay the public school costs through their property tax, and they have to add the private school on top of it, so they will probably save a little more and they will spend it sooner.

The thing that the Joint Tax Committee does not do is estimate what happens if the families kept it through college. They have only estimated the division of money kindergarten through high school, and they also have not calculated a huge benefit that this savings account creates because it allows sponsors to contribute to the account. This makes it unique. What do you mean, "sponsors?" Well, an employer could help his or her employees by depositing funds in the employee's savings account for education. A church could. A grandparent could give a child a deposit in a savings account instead of a toy that will probably be ignored in 24 hours. This might change birthdays dramatically as parents, friends, uncles, and aunts try to figure out what kind of gift and find that a deposit in that child's savings account would be a great gift and have a lasting beneficial effect. That hasn't been indicated in the Joint Tax Committee's work. It will alter dramatically what the final outcome is of the distribution.

Say it all ended up exactly where they said. Why would anybody oppose infusing billions of new dollars behind children in private schools and billions of new dollars behind children in public schools? Why in the world would that be a reason to be upset about? It is mind boggling that a savings account that families open with their own money—not public money, their own money—from which some 10 to 14 million families will benefit, some 20 million children, and we would have this strident filibuster in opposition to it. Pretty mind boggling.

There are other provisions of the proposal. I will go over them briefly. It helps qualified State tuition provisions. In a number of States—21 of them, to be specific—States allow parents to purchase a contract that locks in their tuition costs for college in the future at today's prices. This proposal would allow those proceeds to come out tax free to the student. Twenty-one States would be immediate beneficiaries, or the citizens of those States. In fact, this is one of the most costly provisions of the proposal. There are other States that currently are considering this provision, but this would help parents and States who are trying to help parents set up these advance tuition payment systems.

The proposal would aid employer-provided educational assistance. This legislation extends the exclusion for employers who pay their employees' tuition through 2002 and expands it to include graduate students, beginning in 1998. This allows employers who pay up to $5,250 per year for educational expenses to benefit their employees, without the employee having to claim it as income and pay taxes on it. So every company across our land has an incentive to help their employees update and improve their education—once again, a very sound proposal that has a broad reach across our country.

Briefly, there are two other major provisions that deal with helping small school districts get revenue bonds to help build schools, and there is some defining language that helps make HEALTHY, the national health care scholarships—these five provisions are at the center of our proposal that we are trying to get to the floor for a debate.

I want to reiterate, relating to the comment from the Senator from Massachusetts, we have been agreeable to the other side bringing to the floor their provision and debating it. What we are trying to do is get the legislation on the floor. We have been joined by my cosponsor on the other side of the aisle, the distinguished Senator from New Jersey, who has been tireless in his effort to promote particularly the education savings account among the adversaries on the other side. I have been particularly appreciative of his work and courage in helping us with this educational innovation. He has been tireless. His intellect has been superior. I yield up to 10 minutes to the Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I thank my colleague from New Jersey for yielding me the time and, more than that, for his leadership, tirelessly, month after month, in bringing this issue of savings accounts to the Senate and now, I believe, to acceptance.

I have noted in the debate to date, Senators have offered a perspective that they have other ideas that would enhance educational quality in our country.

People believe they may have better ideas. People have other suggestions and approaches. In large measure, they all have merit. Neither Senator COVERDELL nor I argue that this is exclusively the only approach in improving educational quality in our country. But it is an idea and it is a worthwhile idea. Critics are right that the country also must, as the President has suggested, rebuild America's schools. We need additional teachers, we need to reduce class size, and I believe we need to do voluntary testing. The President's proposals and those of our Democratic and Republican colleagues all have merit. A+ savings accounts are not designed to replace those ideas, and they are not instead of other suggestions. But this is a beginning, and it is an important beginning.

A+ savings accounts, under Coverdell-Torricelli, will bring $12 billion of new educational resources for the classrooms of America, in public and private schools. It is not a diversion of current public resources, as might be the case with vouchers. These are new resources. It isn't Government money at all. These are the funds of private American families who are given a new avenue to use their own money to enhance the quality of public or private education. It is resources where we need them the most. It is estimated that 75 percent of all of these resources through educational savings accounts will go to families who earn $70,000 per year or less—families who are struggling the most to provide their children with quality education. Yet, Senators will come to the floor and argue that this money continues to go to a privileged few. What privileged few in America earn $50,000, $60,000 or $70,000 a year and pay the tuition or the ancillary cost of public education on one, two, or three children?

Other Senators will argue that the money should be going exclusively to public schools. Well, according to the Joint Committee on Taxation, it's estimated that 70 percent of the actual funds placed in these savings accounts will go to public school students because not only are these resources available for private tuition at parochial schools, yeshivas, and other private institutions, they are also available for the ancillary cost of public education. What parent in America today, recognizing how students are struggling with advanced science, new math, the more complexities of rising educational standards that we are trying to impose on America's schools from our school boards and local governments, does not recognize that this complexity requires additional instruction? Educational savings accounts are the only means that we are offering American families, through any program, to hire tutors, to get teachers after school, pay them additional resources to get their time to help American students compete and to learn.

It is the only program designed by anyone that I know to deal with the fact that even some of our best public schools are canceling after-school activities, after-school transportation, extracurricular activities, which are such a vital part of American education. These savings accounts will make this money available to pay for those activities.

I believe that A+ savings accounts can be the beginning of a revolution in American education, where Senators will succeed in coming to the floor, as the President has suggested, and offering legislation to rebuild our schools, where others will succeed in ensuring that there is voluntary testing that will renew the standards and quality of American instruction. A+ savings accounts could be the beginning of that revolution in American education.

We offer this to supplant no other idea, as a replacement for no other initiative, but that it stand on its own merits. At a time when American families are struggling to prepare their students for a new generation, the difference between success or failure, a quality of life or a struggle of life, can be simply defined by the quality of the access to an education. Who here can argue that parents should not be able to use their own resources, for which they work every day, to save funds to help in a private or a public education?

I believe, Mr. President, that in the final analysis, as the years pass and as we look back on this proposal, we will realize that we have awakened in America a tremendous resource—because A+ savings accounts would not only provide this opportunity to American families, but something much larger—to get the American family involved again in the process of education.

Imagine a system where on a child's birthday, or on Christmas, on Easter, on any anniversary in our religious or civic calendars, aunts, uncles, grandparents, would provide money as a gift to go into a savings account to help a child with their public or private education. We are inviting the extended American family back into the business of education when for so long people believed that education was a problem of the Government or, at best, a mother and father, but still believe that they cared about these children who were their nieces, nephews, or grandchildren. This is a vehicle to get involved. If that is true of the extended family, it's true of others as well.

I have noted in this debate before the potential where labor unions could go to the negotiating table and ask not just for health benefits, or retirement, or pay increases, but ask every month in every paycheck that $5, $10, or $50 be placed in a child's savings account as part of a labor agreement; where corporations compete for labor in America not just on wages but say to their employees, "if you work for our company, we will contribute to your savings account to help a child."

The potential here is enormous. But it begins with a single step, and that is to establish these accounts. I know many of my colleagues who are still wondering about their position on this legislation have many questions. I want you to consider this one, as well, because I recognize that this proposal is controversial. Many of my colleagues who have doubts about it stood on the Senate floor a year ago and enthusiastically supported educational savings accounts—accounts to help parents deal with the rising, and sometimes insurmountable, burden of college tuition. It is believed that under this savings account proposal we could quadruple the amount of money available for college tuitions, because every dollar placed in these savings accounts for public and private secondary education can be rolled into a college savings account if not used by the 12th grade. So if for no other reason you do not join us today in Coverdell-Torricelli, but you believed last year in educational savings accounts for college tuition, you should be joining with us today.

Finally, Mr. President, I offer this: Of all the divisions in American life, of race, or poverty, or opportunity, the one this country cannot afford in the next century is to create a caste system of knowledge. Yet, that threat is arising in America: two distinct classes of American citizens, one that enjoys unlimited opportunity and the other mired in the past, in poverty, without hope or opportunity. That division is knowledge. Where parents do not feel the public school can adequately prepare their child, they should have a private school option.

I agree that we cannot afford, at a time when our public schools are not adequately financed, to divert public resources. That is why I have opposed vouchers. But this is another opportunity to provide that private school option with a family's own money.

But ending this division of knowledge requires something else, too. The classroom experience will never be enough in the next century to prepare American students to compete in the world. It will never be sufficient. That is what's exciting about these savings accounts, where parents, after the regular school hours, can use tutors for extra instruction, paid for with their own resources through these savings accounts, and through the use of technology. Who in this Senate believes that in the 21st century a student can genuinely compete and prepare themselves in research, or computation, or writing, or word processing, without a home computer and access to the Internet as a research tool? I doubt that anybody here will make that case. Yet, 60 percent of American students will end the 20th century without a home computer. Most frightening, 85 percent of all minority students will never have that resource, under current financing. These home savings accounts in the Coverdell-Torricelli proposal make funds available for home use and the purchase of a computer. It is our greatest opportunity to assure that this new divide in American life never occurs, that access to knowledge will occur regardless of race or family income, that opportunity is afforded across these lines of American life.

Finally, Mr. President, I hope that we can proceed on a bipartisan basis. I regret that the judgment has been made that more amendments will not be made available by many of my Democratic colleagues. By the end of the day, we are still left with a proposal that stands on its own merits and deserves the support of Senators, Democratic and Republican.

Let us begin the great American initiative to confront the most pressing problem in contemporary American life, which is the crisis of quality in the American secondary schools. This is not an end to that debate. It is not a definitive solution. But it is a beginning, to be followed by many proposals of many Senators of both great political parties. I hope we receive overwhelming support.

Again, I congratulate the Senator from Georgia for bringing this before the Senate. I am very proud to offer it with him as his coauthor. I thank the Senator for yielding.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, I want to acknowledge one of the most eloquent statements we have heard about education savings accounts that has just been given to us by Senator TORRICELLI. I particularly applaud his reflection on the caste system that we are in danger of creating in this country. It has been rewarding to me, and I know to the Senator from New Jersey, that many of the leaders of these communities, from Alveda King to Congressman Flake, really want these savings accounts because they understand it could be a potential avenue and tool to alleviate that caste system. I appreciate those remarks.

I yield up to 5 minutes to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I am a strong supporter of public education. Increasingly, more education is key to the American dream. I would not support any legislation that I felt in any way undermines this country's commitment to public education.

There have been a lot of myths and misinformation circulated about the bill that the distinguished Senator from Georgia has taken such a leadership role in drafting and bringing to the floor. I would like to engage the Senator from Georgia in a colloquy in an attempt to put to rest some of the misinformation that has been circulated about his proposal.

First, I want to commend him for his leadership. I know that he is sincerely committed to improving the quality of education in this country. He has been a real leader on this issue, and it has been a pleasure and a privilege to work with him. The Senator from Georgia and I have had many conversations about this bill. I, too, had some misinformation about it in the beginning, and the Senator from Georgia was able to alleviate my concerns.

For the record, I would like to publicly ask some questions of the Senator from Georgia so that everyone may have the benefit of this information.

First, as the Senator from Georgia knows, I oppose vouchers because they would divert needed funds from our public schools. I would ask the Senator from Georgia, does this bill in any way divert money from local school districts that would otherwise be used for public education? Does this bill in any way authorize school vouchers?

Mr. COVERDELL. First of all, I thank the Senator from Maine for her courtesy and her remarks. But specifically to her question, the answer in both cases is no. Absolutely not. No local public school dollars are diverted. As a matter of fact, as the Senator knows, if a family today anywhere in America makes a decision to go to a private school, that is over and above the fact that they continue to pay their property taxes and their school taxes for the public education system. All of these dollars are private dollars.

Ms. COLLINS. I very much appreciate the Senator from Georgia clarifying that important point. Many of us may differ on the issue of vouchers, but the fact is that this bill is not a bill to authorize vouchers, despite some of the information circulated by the opponents of the bill.

Mr. COVERDELL. That is correct.

Ms. COLLINS. Similarly, I ask the Senator from Georgia to clarify that the money in these A+ accounts could be used in fact to assist children that are attending public schools. I believe that is one of the purposes of this bill. For example, am I correct in believing that parents whose children attend public schools could use the money set aside in these savings accounts to purchase a computer, for example, or to hire a tutor to help their children, or perhaps to pay for a school trip—again, all related to the public schools? Is my understanding correct?

Mr. COVERDELL. The Senator from Maine is correct. In fact, my assertion is that public school children attending public schools would be the principal beneficiaries. Seventy percent, according to the Joint Tax Committee, of families—that is about, incidentally, 7 to 10 million of them—will be families with children in public schools, and about 30 percent will be families with children in private schools. The division of the money is more equal. It is about 50-50, according to the latest results. But those are not complete, because they only apply to kindergarten through high school, and not through college. But, specifically, families with children in public schools can use them, and, in fact, more families with children in public schools will use these accounts.

Ms. COLLINS. If I could expand on the point of the Senator from Georgia, who has answered my final concern in this regard, approximately 70 percent of the parents who would benefit from this important legislation have children in public schools. Is that correct?

Mr. COVERDELL. That is correct, according to the Joint Tax Committee.

Ms. COLLINS. Finally, Mr. President, I want to clarify that it is my understanding that if the money in these accounts is not used while the child is in elementary school or secondary school, that it can in fact be used for the very important purpose of helping a family afford college costs or postsecondary costs. Am I correct in my understanding?

Mr. COVERDELL. The Senator is absolutely correct; it is eligible for use. My interest has been kindergarten through high school, as the Senator knows, but the family can make its own choice. The accounts can be used from kindergarten through college, and post college, if the student is suffering from a disability and has an ongoing educational requirement. So it is a full life of education as we know it in America.

Ms. COLLINS. Mr. President, contrary to the assertions of opponents to this legislation, the fact is that it will bring more money to our public schools, and it is a very pro-education pro-public-schools piece of legislation that the Senator from Georgia has brought forth.

I thank the Senator from Georgia for his reassurances in this very important matter. I yield the floor.

Mr. COVERDELL. I thank the Senator from Maine. Again, I appreciate the courtesy extended to those of us who have been framing the legislation. I understand her interest in clarifying these points, because there has been considerable misinformation. I will not go into it at this point. But it is disappointing, considering the source. These are sources involved with education, and you would think there would be a particular integrity, that I have found absent, and I am disappointed about it.

I thank the Senator.

Mr. President, I yield up to 5 minutes to the Senator from Wyoming.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Wyoming is recognized.

Mr. THOMAS. Thank you, Mr. President. I thank the Senator from Georgia for the opportunity to make a few comments, but more particularly for the efforts that he has put forth and the leadership that he has given in producing this bill to strengthen American education.

I say again, as has been said before, that we must remember what the purpose of this vote is, what the purpose of this effort is, and that is to get it on the floor. This, of course, will never be resolved until we come to some agreement as to how to get it on the floor and to in fact consider it along with other kinds of issues.

Everyone is for strengthening education. I don't know of anyone who would get up and say, "No, I certainly don't want to do that." Of course not. All of us want to do it. The question then is, How do we best do it? How do we really approach the idea of strengthening education and preserving those things that we think are fundamental to education in this country? One of the real questions, of course, is the degree and the extent of direct Federal involvement.

I was interested in the charts of the Senator from Tennessee this morning that showed all of the different kinds of approaches that have been taken at the Federal level—literally hundreds of programs that we have now, which still only represent less than 7 percent of the total expenditures in elementary and secondary education. Can you imagine the amount of bureaucracy? Can you imagine the amount of expense prior to that money getting to the ground?

So what we are really talking about here is a system to provide the opportunity for families to be able to put together some money to use as they choose and strengthen the local government.

The President, of course, has outlined the education issue largely because it is an issue that everyone cares about—I have to say largely because it is such a high winner in the polls. So the President, along with the environment and other things, continues to mention education but really doesn't have a plan for it. I guess that is part of the system: You talk about education, sit back, and somebody else puts it together. And then, of course, you claim victory because you have done something for education. That is OK. We have seen that before.

The point is, How do we best strengthen education for all Americans? How do we get better results? That is really what the bottom line is about here. How do we maintain local control? Those are the issues. How do we get more results for the expenditures that we put out? I am persuaded that the approach taken by the Senator from Georgia—the idea of keeping it at the local level, the idea of letting people be responsible for saving and investing as they choose—is the real way to do it.

The Senator from Massachusetts, of course, represents the legitimate point of view that bigger government ought to have enormous direct expenditures and, therefore, the controls that go with it in education. I think that is not the case.

Basic changes: I get a lot of input into elementary education, and secondary. My wife happens to be a high school teacher. One of the things that is troublesome is the amount of time she spends on paperwork. She is a special education teacher, and she spends half the time on paperwork. We need to try to eliminate some of that. We need to offer discipline; we need to raise expectations so that children are really expected to do more; we need to have more accountability in terms of production—much of this through management. Of course, we need to provide more resources.

So, let me say to the Senator that I appreciate very much and admire what he is doing and certainly hope we can get this bill on the floor. And we should immediately.

I thank the Senator.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, I thank the Senator from Wyoming for his support and comments on our education proposal. I appreciate it very much.

Mr. President, I thought in closing out this debate over whether or not we can get to this legislation, or whether we will continue to be filibustered, that it would be pretty interesting to compare two approaches about helping American families. One is ours, which will be in our budget, which we have just been talking about, which is an education savings account which allows a family to save up to $2,000 per year for use for an educational purpose kindergarten through college. It is pretty straightforward. We just expanded the education savings account that was passed and signed by the President last year.

In the President's budget, they are proposing a $2,000 solar tax credit for "photovoltaic systems".

What are the uses of our savings account? After-school care; tutoring for special needs kids; a computer for every schoolchild; and special education. We have been talking about it all morning.

What would you use the solar tax credit for? Heating jacuzzis, tanning beds, mood lighting, you name it.

Who are the beneficiaries of the education savings account? Middle- and lower-income families; phased out for those making more than $95,000 a year. As I said this morning in response to the Senator from Massachusetts, this account is pointed toward middle-income families. Seventy-percent-plus goes to families, $75,000 or less, just like the savings account the President signed into law last year.

How about their plan? Well, the beneficiaries are wealthy people from sunny States. There is no limitation on income levels. Every movie star and rock star in the country could get this $2,000 tax credit to put a solar panel on their roof.

The purpose of our account: Provide every child a better education; help over 10 million and 14 million middle- and lower-income families.

What is their purpose? To combat global warming. The goal is to get solar panels on 1 million rooftops by the year 2010.

As a matter of public policy, when we are having to make decisions and hard choices, what do you really think America feels we need? Education savings accounts for 10- to 15-million families and around 20 million children; that is, about half the school population? Or 1 million solar panels, which can only be used in sunny States, and with no income means testing at all? Like I said, every rock star in America can be a candidate for the administration's solar panel.

If that isn't a clear distinction of where we are setting our priorities, I don't know what it is. The fact that we have an administration that is arguing for 1 million solar panels and filibustering a savings account for everyday families—not rock stars, not wealthy folks—to set up a savings account to help their kids, kindergarten through high school, I don't know what better distinguishes our two objectives.

Mr. President, I have been very pleased with the bipartisan support of Senator TORRICELLI, Senator LIEBERMAN, Senator BREAUX, and others, and I hope we can end this filibuster and have a normal debate about our views on how to help education. But I find this to be a very telling comparison of our sets of priorities, with the filibustering of the savings account for average American families. We are proposing a $2,000 tax credit that anybody can take advantage of. And you know exactly who is going to use that, and it is not going to be middle America, is it?

Mr. President, I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provision of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to H.R. 2646, the A+ Education Act:

Trent Lott, Paul Coverdell, Craig Thomas, Rod Grams, Chuck Hagel, Tim Hutchinson, Kay Bailey Hutchison, Mike DeWine, Bob Bennett, John McCain, Don Nickles, Chuck Grassley, Mitch McConnell, Wayne Allard, Phil Gramm, John Ashcroft.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to the consideration of H.R. 2646, the Education Savings Act for Public and Private Schools, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from North Dakota (Mr. CONRAD) and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

The result was announced—yeas 74, nays 24, as follows:

[Rollcall Vote No. 34 Leg.]

YEAS—74

Abraham
Allard
Ashcroft
Bennett
Biden
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Enzi
Faircloth
Feinstein
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kempthorne
Kerry
Kyl
Leahy
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Moynihan
Murkowski
Nickles
Robb
Roberts
Rockefeller
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner

NAYS—24

Akaka
Baucus
Bingaman
Cleland
Durbin
Feingold
Ford
Glenn
Harkin
Hollings
Kennedy
Kerrey
Kohl
Landrieu
Lautenberg
Levin
Mikulski
Moseley-Braun
Murray
Reed
Reid
Sarbanes
Wellstone
Wyden

NOT VOTING—2

Conrad
Inouye

The PRESIDING OFFICER. On this vote, the yeas are 74, the nays are 24. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. KOHL. Mr. President, my vote in opposition to the motion to proceed to H.R. 2646 was unrelated to the merits of this education IRA proposal. I voted with Senator DURBIN on this procedural issue to protest the lack of floor action on two noncontroversial judicial nominees from Illinois.

While the Senate should consider how to make quality education more affordable, it also should not neglect its duty to fill judicial vacancies. The Senate's failure to act on these nominees is particularly egregious—one of these positions has been vacant for five years, and the other has been vacant for almost three and a half years. There are currently 82 judicial vacancies, and continued inaction and delay in the Senate is likely to compromise the quality of justice available to crime victims and other injured persons throughout the U.S.

NOMINATION OF JUSTICE SUSAN GRABER TO THE U.S. CIRCUIT COURT OF APPEALS FOR THE NINTH CIRCUIT

Mr. SMITH of Oregon. Mr. President, today we have an opportunity to confirm the nomination of an outstanding judicial nominee to the U.S. Circuit Court of Appeals for the Ninth Circuit. The fact that Susan Graber is scheduled today for a floor vote is a great honor, but one that does not surprise me. Justice Graber has earned an excellent reputation among her colleagues on the Oregon Supreme Court and throughout the Oregon Bar. She has earned this outstanding reputation not only because of her legal scholarship, but also because of the high professional standards she has consistently displayed in her advocacy in private practice and during the years she has served on the bench. I am confident that Justice Susan Graber will bring to the Ninth Circuit Court of Appeals the same dedication, professionalism, and integrity that has been the hallmark of her legal career.

Mr. President, I urge my colleagues to join me in support of this outstanding judicial nominee.

NOMINATION OF SUSAN GRABER

Mr. WYDEN. Mr. President, I rise today to speak in support of a friend and a constituent of mine who is a great legal thinker and writer, a pillar in her community, a respected and valuable Associate Justice on the Oregon Supreme Court, and someone who I believe will be an outstanding federal court of appeals judge—Justice Susan Graber.

Let me begin by expressing my thanks and gratitude to the Senate Judiciary Committee, and in particular the Chairman of that Committee, Senator HATCH of Utah for acting on the nomination of Justice Graber and holding a confirmation hearing earlier this year.

Mr. President, I rise today in strong support of Justice Susan Graber for appointment as a judge on the United States Court of Appeals for the Ninth Circuit. Justice Graber comes before the Senate today with the strong bipartisan support of the Oregon Congressional delegation, with broad support from Oregon's law enforcement community and with strong support from the bench and bar. From all across my home state, from both sides of the aisle in Oregon politics, from judges and litigants alike, I have heard the praise accorded to this dedicated jurist, who has just recently reached her 10th anniversary as an appellate judge —at the ripe old age of 48.

I will not dwell long on her outstanding qualifications for this position—a graduate of Wellesley College and Yale Law School, Susan Graber has excelled at every step of her fine legal career. From the moment she took the bench right up until the present day, Susan Graber remains the youngest—and I think most will agree, one of the most productive—justices of the Oregon Supreme Court.

Through her authorship of over 300 opinions in the past 10 years, Justice Graber has garnered praise from the bench and bar as being the epitome of a careful and non-ideological judge whose centrist approach has helped promote a consensus-building and collegial atmosphere on this important court. And Justice Graber's opinions point out another fact—this is an individual who respects and understands her role as a judge. She understands very clearly the difference between being a legislator and being a judge, and her opinions reflect a firm adherence to the law as written by the Oregon Legislature. She knows the role of a judge is to follow, not to make the law, and that is exactly what we need on the federal appellate bench.

I am certain that Justice Graber will bring to the U.S. Court of Appeals the same intelligence, thoroughness and integrity that she has brought to her work as a State Supreme Court judge and as a careful and thoughtful student of the law. I want to again thank Chairman HATCH and the Senate leadership for moving us to this point in the process, and I urge my colleagues to confirm this tremendous nominee.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, at 12:50 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SANTORUM).

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the hour of 2:15 having arrived, the Senate will now go into executive session.

NOMINATION OF SUSAN GRABER, OF OREGON, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT

The PRESIDING OFFICER. The Senate will now proceed to vote on the nomination of Susan Graber of Oregon, which the clerk will report.

The legislative clerk read the nomination of Susan Graber of Oregon to be United States circuit judge for the ninth circuit.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Susan Graber, of Oregon, to be a U.S. circuit judge for the second circuit? On this question, the yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I further announce that, if present and voting, the Senator from West Virginia (Mr. ROCKEFELLER) would vote "aye."

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 35 Ex.]

YEAS—98

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NOT VOTING—2

Inouye
Rockefeller

The nomination was confirmed.

Mr. WYDEN. Mr. President, I move to reconsider the vote.

Mr. SMITH of Oregon. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I am delighted that the Majority Leader has chosen to proceed to consideration of the nomination of Justice Susan Graber to the Ninth Circuit. Justice Graber currently serves on the Oregon Supreme Court. She was reported unanimously by the Judiciary Committee earlier this month. She has the support of both Oregon Senators and received the American Bar Association's highest rating.

At her confirmation hearing, she was interrogated about two briefs that she had filed a number of years ago, in 1982 and 1984, in connection with cases being pursued by the ACLU. She was asked whether she is now or ever has been a member of the ACLU. She was asked whether she personally agreed with a number of positions taken recently by the ACLU. I objected to this line of questioning at the hearing and caution the Senate that we are headed down a road toward an ideological litmus test that does not well serve the Senate, the courts or the American people.

I hope that Justice Graber's confirmation will signal a change of direction and a willingness of the Senate to confirm qualified judicial nominees. I was encouraged when Senator SESSIONS voted to report this nomination favorably and said: "I think she is a very talented nominee, has been an activist in some ways in her past, but has many good recommendations, and I think would have the capability of making an outstanding judge. I would support her nomination, although had I been making the nomination, I may not have nominated her." I trust that is the standard that will be applied to other qualified nominees, as well.

I remain concerned, as I look at the Senate Executive Calendar, that we are again passing over other highly-qualified nominees, nominees who will be confirmed by the Senate if they are ever allowed to be considered. In particular, I see G. Patrick Murphy, the nominee to the District Court for the Southern District of Illinois, and Judge Michael P. McCuskey, the nominee to the District Court for the Central District of Illinois. I spoke of these longstanding nominations yesterday, as well. I know that Senator DURBIN is doing everything he can to try to have them considered by the Senate because they have been on the Senate calendar since last November, over 5 months; they are desperately needed in their districts; and they are so well qualified.

I see Edward F. Shea, a nominee to the District Court for the Eastern District of Washington, and Margaret McKeown, the Washington State nominee to the Ninth Circuit. Mr. Shea was reported at the same time as two other District Court nominees who have been considered and confirmed and should likewise be considered and confirmed without further, unnecessary delay. Margaret McKeown was reported before the Justice Graber but has been skipped over, as well. Her nomination is fast approaching its two-year anniversary. She was reported by the Judiciary Committee on a vote of 16 to 2 and she has the support of Chairman HATCH and a number of Republican Senators. Why these outstanding nominees are being skipped is a mystery to me.

Finally, we have reported to the Senate the nomination of Judge Sotomayor to the United States Court of Appeals for the Second Circuit. Her nomination was received back in June 1997. She, too, was favorably reported by a Committee vote of 16 to 2, once we finally considered her nomination. She is strongly supported by both New York Senators, yet the nomination continues to languish without consideration. This would fill one of the four vacancies that currently plague that Court. A fifth vacancy on this 13-judge court will arise before the end of this month.

The confirmation of Susan Graber will mark the twelfth judge confirmed by the Senate this year. While we are still behind the pace the Senate established in the last nine weeks of last year, we can make a step in the right direction by proceeding to consider and confirm the five additional judicial nominees who remain on the Senate calendar and are ready for our consideration and favorable action.

When the Chief Justice of the United States Supreme Court wrote in his 1997 Year End Report that "some current nominees have been waiting a considerable time for a . . . final floor vote" he could have been referring to Patrick Murphy, Judge Michael McCuskey, Margaret McKeown and Judge Sonia Sotomayor.

Nine months should be more than a sufficient time for the Senate to complete its review of these nominees. During the four years of the Bush Administration, only three confirmations took as long as nine months. Last year, 10 of the 36 judges confirmed took nine months or more and many took as long as a year and one-half. So far this year, Judge Ann Aiken, Judge Margaret Morrow, and Judge Hilda Tagle have taken 21 months, 26 months and 31 months respectively. The average number of days to consider nominees used to be between 50 and 90, it rose last year to over 200 and this year stands at over 300 days from nomination to confirmation. That is too long and does a disservice to our Federal Courts. I urge the Republican leadership to proceed to consideration of each of the judicial nominees pending on the Senate calendar without further delay.

LEGISLATIVE SESSION

The PRESIDING OFFICER (Mr. ROBERTS). The Senate will now return to legislative session.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

CORRECTIONS TO THE CONGRESSIONAL RECORD

Mr. BYRD. Mr. President, on yesterday, I addressed the Senate concerning Senator MOYNIHAN's birthday. On page S1967, the first column, the last full paragraph on that page, the word "stoop" should be "swoop" in Herman Melville's eloquent quotation.

In the RECORD, during my remarks concerning WENDELL FORD being the longest serving Kentuckian in the history of the Senate, on page S1969, the first column, the last full paragraph, the word "countries" should be "counties."

I ask unanimous consent that these two items be corrected in the permanent version of the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein for up to 10 minutes each until 4 p.m. today, when we will go to the opening discussion on the NATO enlargement issue.

I yield the floor.

Mr. CAMPBELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. CAMPBELL. Mr. President, I yield to my colleague from Texas.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that I be allowed to follow Senator CAMPBELL in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FAIRCLOTH. Mr. President, I ask that I be able to follow the Senator from Texas.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask to permission to follow the Senator from Texas.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado is recognized.

Mr. CAMPBELL. I thank the Chair.

(The remarks of Mr. CAMPBELL and Mr. ALLARD pertaining to the introduction of S. 1771 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

MARRIAGE PENALTY TAX RELIEF

Mrs. HUTCHISON. Mr. President, I rise today to say that we have taken, or are in the process of taking, one major step toward more tax relief for the hard-working American family. The budget resolution, which is being marked up as we speak right now, will allow for $30 billion in tax relief for the hard-working Americans.

This $30 billion is not nearly enough. I hope that we will be able to expand the $30 billion. But, at least it recognizes that we need to keep on the same course that we started last year, and that is giving back to the American people more of the money they earn so they can decide how they want to spend it, rather than sending it to Washington and letting somebody here decide what is best for their families. That is what we are trying to do in this Congress. We are trying to give more of the money that people earn back to them. And $30 billion will not do it, but at least that is a beginning. It is a beginning for new tax cuts that we would propose over the next 5 years.

I am very pleased to say that both Congressman ARCHER, the chairman of the Ways and Means Committee, and Senator ROTH, the chairman of the Senate Finance Committee, both of whom will be responsible for setting the priorities in tax cuts, have said their first priority is the marriage penalty tax. I am very pleased that Senator FAIRCLOTH and I are working on a bill that will provide that relief. There is a Faircloth-Hutchison bill that allows people to put their money together and split it in half. There is a Hutchison-Faircloth bill that will allow people to file as single or married, whichever is best for them. We want the hard-working young couple that gets married not to have to pay a penalty.

Let me just give you an example that is a true one. A rookie policeman in the city of Houston, TX, makes around $30,000 a year. He marries a Pasadena School District schoolteacher who makes about $28,000 a year. When they get married, they will owe almost $1,000 in additional taxes. Mr. President, we think that is wrong. We do not think that Americans should have to choose between love and money. We do not think that young couples who are getting married, who want to have their first home, who want to buy that new car, should have to give more money to Uncle Sam because they decided to get married and start their family. That is not the American dream. So we are going to try to do something about it.

I want to commend Senator FAIRCLOTH from North Carolina, because he took the early lead on this. He and I have been working together to eliminate the marriage penalty tax once and for all. I am very pleased that Senator ROTH and BILL ARCHER, from Texas, who understands this issue—have said this is a first priority. If we can give this relief to that young couple that gets married, they will be able to perhaps put that money aside for a downpayment on their first home, or perhaps a downpayment on a new car. Rather than sending that money to Washington for the government to decide how they should spend it, we need to let couples keep that money they earn, which in many cases could equal a couple of car payments.

So, $30 billion is not quite enough. The Joint Tax Committee says that it would be roughly $110 billion over 5 years that would be taken out of the Government coffers to repeal the marriage penalty. We are going to have to keep working to look for either a budget surplus or more money that could be set aside, or we may have to phase that in. But the bottom line is this is one step toward the right thing to do. It is one step more in the direction of giving more tax relief to that young couple that decides to get married, who are in entry-level positions, just starting their lives together, and we are going to make that happen. If we have to do it by phasing it in, we will do it; if we have to do it by finding more money, we will do it, because we believe it is the right thing to do.

Thank you, Mr. President. I yield the floor to the Senator from North Carolina, who is a cosponsor with me of both of the bills that would give tax relief to that young couple who should not have to choose between love and money.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. FAIRCLOTH. Mr. President, thank you. I thank Senator HUTCHISON.

Mr. President, I want to join the Senator from Texas in thanking the chairman of the Budget Committee, Senator DOMENICI, for including a repeal of the marriage penalty tax in the budget resolution which was unveiled today.

Mr. President, Senator HUTCHISON, Senator CONNIE MACK, and I have sponsored legislation to remove this unfair tax. It penalizes couples simply because they get married. Because of the hard work of Chairman DOMENICI and the Budget Committee, we are making progress in getting rid of this tax. The majority leader, Senator LOTT, has also been tremendously supportive. Senator HUTCHISON, Senator LOTT, and I recently pledged on Valentine's Day that we would work to have this tax burden removed by Valentine's Day next year. I think it is a reasonable goal and a step closer with today's budget resolution. What better use of money could we have, what better use than to give tax relief to a young couple getting married? The Congressional Budget Office has determined that 21 million married couples pay an average of $1,400 in extra income tax each year because they chose to get married. The Tax Code in its simplest form should encourage people to get married and not leave them with a heavy tax bill because they did get married. I look forward to working with Senator HUTCHISON, from Texas, on eliminating this tax.

Mr. President, the Republican Congress needs to return to its core values. We need to reduce taxes and get on with the job of helping American families and especially young American families that are just starting out. The American families are working and saving to send their children to college. They are trying to save for their own retirement and, in many cases, to look after elderly parents. In spite of all this, today we have a higher tax burden on them than ever before. We are still taking 38 percent of a family's income. People have to work until May 7 of each year before they begin working for themselves. We need to reduce taxes. The Budget Committee has taken a step in the right direction by proposing $30 billion in tax cuts. As I repeat, what better way to spend the money? We need the marriage penalty relief and we need it before next year.

I thank the Chair. I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MOSELEY-BRAUN. I would like to take as much time as I may require in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

Ms. MOSELEY-BRAUN. Mr. President, tomorrow, I understand, the Senate will begin debate on S. 1133, probably one of the most important debates on education that this Senate will take up this year. This is a vitally important debate, so I want to take this along with other opportunities to talk about various aspects of the underlying legislation, that is, S. 1133, as well as amendments that I and others intend to offer which we believe represent a better approach to education policy at this time in our Nation's history.

At the outset, let me say that the underlying bill will allow families to put up to $2,000 a year into special education savings accounts and then allow those families to withdraw those funds to meet the costs of attending private or religious schools, middle schools and high schools. Contributions into these accounts would not be tax deductible, but interest on the accounts would be tax free.

There are several problems with this proposal, and I would like to discuss them. But I think the most important point was made this afternoon by the minority leader when he asked the question, is that all there is? Given the tremendous need for educational resources, for providing national support for our elementary and secondary schools in this country, given the results just last week of international tests that showed the United States coming in dead last in science and math, below even some Third World countries, given the need of our country to prepare this next generation of Americans for their role and leadership in this world economy, in this technological age, it seems to me we should be able to engage a more appropriate national response to the tremendous need for educational support than this proposal provides.

In the first instance, the changes made to the Education IRAs by S. 1133 will only give families an average annual benefit of $7. That is to say, the average annual benefit to a family with a child in the public schools will be $7 a year—$7. And that $7 will cost an estimated $1.6 billion over the next 10 years. Seven dollars a year. I think it is appropriate to ask, is that all there is? Is this the best we can come up with in response to the crisis in education our country is facing?

Mr. President, $7 a year is hardly a windfall for American families. It is not enough to cover the expense in a day, in most instances, of pencils or crayons or construction paper for that matter. But the point is that with $7 we will essentially be providing what some have referred to as leeches to cure a disease. That is to say, we will be draining away resources from our public school system in order to provide an average of $7 a year for parents. That is not good policy. That is not practical. And certainly that is an inadequate response to the challenges we face in education policy.

Some have argued that the bill is a good idea because it represents savings policy; we want to encourage Americans to save. And, of course, it is almost an article of faith that Americans do not save as much as citizens of other industrialized countries. We want to do everything we can to bolster the savings rate in this country.

Of course, I agree with that proposition; we do want to encourage people to save. But this is bad savings policy. The purpose of IRAs, individual retirement accounts, is to encourage long-term savings, again, by definition, for retirement. The proposal today makes a mockery of that concept, allowing withdrawals to begin only a few years after contributions have been made. It has nothing to do with retirement and has nothing to do with long-term savings. There is no benefit associated with contributions into these education IRAs. It is when the withdrawals are made that the benefit is realized. There are no taxes paid on withdrawals from the accounts, no matter how much the contributions have grown over time. So the benefits, therefore, are directly related to the length of time that the money remains in these accounts.

By allowing withdrawals only a few years after contributions have started, this bill ensures that the only people who will be able to see any noticeable benefit at all from those accounts will be those who can afford the maximum contribution every year. In other words, the only people who will really benefit from this legislation are the wealthiest eligible Americans. According to the Department of the Treasury, the bill does exactly that; it concentrates the benefits of the legislation into the hands of the wealthy.

The Treasury Department analyzed a slightly different version of this tax scheme and calculated what we refer to as its distributional effects, that is to say, who gets what from a given proposal. That analysis found that 70 percent of the benefits would go to those Americans in the top 20 percent of the income scale. That is to say, families with annual incomes of at least $93,000. Fully 84 percent of the benefits would go to families making more than $75,000. The poorest people, the poorest families in the country, those at the bottom percent of the income scale, would receive 0.4 percent of the benefits.

So here we are saying we are going to do something to help education, and we turn the benefit on its head so that those who have the least get the least, those who have the most get the most, not based on ability to support education, not based on children's needs.

I do want to make it clear that the proposal we will debate tomorrow is slightly different than the proposal on which the Treasury Department estimates are based and so you may hear other figures. But the point has to be made that the distributional effect, the benefit of the bill going to the wealthiest Americans still holds as a valid point of observation with regard to this legislation.

Another point that was made by the analysis of this bill, this time by the Joint Committee on Taxation, is that more than half of the benefits of the bill would flow to the 12 percent of families whose children are already in private schools. So that is to say, most of the money will go to families with children in private schools.

There are right now in our country about 46 million children in public schools and about 6 million children in private schools. This bill would direct more than half of its benefits to the families of those 6 million children—half to 6 million, the other half to 46 million children.

Federal education policy, I believe, should be designed to help to improve the quality of education available to all American children, not just a small group of them.

I mentioned that this was, in my opinion, bad savings policy, bad tax policy and bad fiscal policy, but I would point out that it is also bad education policy. The bill is a backdoor way of diverting resources from public schools to the private schools. It represents a ploy to dismantle the public schools that, frankly, have made our country what it is today. Public education is central to the American dream of opportunity, and the rungs of the ladder of opportunity have always been crafted in the classroom. The public schools provide an opportunity for every child, no matter how wealthy or how poor. By diverting resources away from the public schools, we diminish the opportunities available to the vast majority of students who will be left then in the public school system. We will be essentially, again using the analogy, using a leech to cure whatever ails the public school system. That is not good education policy, and I think this legislation should therefore be rejected.

We cannot afford to leave any child behind. This voucher proposal, or tax scheme, whatever you want to call it, in that regard, presumes that a market-based solution will solve such problems that exist within our public school system. The plan presumes that by giving parents money to send their children out of the public schools and into private schools will somehow improve the quality of education available to our children. But by definition markets have winners and losers, and we cannot afford to lose any child in a game of educational roulette, or, more to the point, a game of educational triage in which we spin off or assist people to spin off the better students and the more affluent students into private systems.

Supporters of similar voucher plans claim that they will help the neediest children the most. Research, experience, and common sense suggest otherwise. Researchers have concluded that academically and socially disadvantaged students are less likely to benefit from school voucher programs. Voucher programs in Britain, in France, the Netherlands and Chile confirm this research. They led to increased economic and social segregation of students. They widened the gap between students, instead of narrowing it. In Chile, performance actually declined for low-income students. Of course, that is not surprising, because any use of public funds of this magnitude for private schools will require that fewer resources will be available to be devoted to public schools. Since the vast majority of low-income students will remain in the public schools, and the worst of these schools are for the most part already sorely underfunded, it makes sense that private school vouchers would further weaken the public school system.

Supporters of using Federal funds to support private schools claim that those schools are better managed, that they perform better and they cost less than the public schools. Again, the facts show otherwise. While it is true that some public schools are inefficient, vouchers, again, do not solve that problem; they only drain resources. What will solve the problem and what does solve the problem and has been shown to solve the problem with public education is parental and community involvement and good management.

In Chicago, in my State of Illinois, innovative leadership and a "no excuses" attitude have reshaped the school system in only 2 years. Under the new leadership there, in a few years the Chicago public schools will be transformed into a first-rate school system across the board. The innovations, the reforms, the initiatives that are being undertaken there in Chicago will benefit all 425,000 students in the public system, not just a select few who might benefit from a voucher scheme or a tax plan such as this legislation suggests.

Every mismanaged school needs to have the kind of leadership that, as we have demonstrated in Chicago, can work; not a draining off of what limited resources it already has. As for cost, private schools can charge less because only 17 percent of them—and you know the argument has been made that private schools can do it cheaper. But, again, look at the facts. Only 17 percent of the private schools provide special education, for example, and it costs at least twice as much to educate a disabled child. Remember that we have compulsory education in this country, so our public schools accept every child no matter the situation. No matter whether the children are disadvantaged or disabled or disruptive, the public schools accept them. If private schools were required by law to accept everyone, then it is likely that their costs would be commensurate with the costs in the public system.

Many private schools also limit admission to students with good academic records, and they do not have to accept the disruptive students. These selective admissions policies mean that in practice what would really happen is that instead of parents choosing a school for their children, the school would choose the children that it is willing to accept. Again, this is turning things upside-down in terms of education policy, because for a school to be able to decide that some group of children or some children should not be admitted seems to me to set up the kind of dichotomy that I do not think, in this country, we want to see develop. Vouchers in this situation and the tax scheme that's suggested in S. 1133 would offer false hope to parents and children who could be denied admission to selective private schools.

The Federal Government currently meets only about 6 percent of the costs of public education nationally. We do not even cover the costs of our mandated programs. The Presiding Officer and I, when we first came to the Senate, worked on the issue of unfunded mandates and recognized that, in many instances, the Congress will tell local governments to do something, will give directions, but we do not pay the costs of those directives. Education is yet another example, and public education particularly is another example of unfunded mandates flowing to the schools that we do not pay for because, again, on average we pay about 6 percent of the costs of education.

For us now to further divert resources from an area where we are already not doing enough makes absolutely no sense, is counterproductive, and, it seems to me, flies in the face of our national obligation to see to it that no child is denied the opportunity to receive a quality education in America. But, transferring funds from public schools to private schools will not buy new textbooks for public school children nor will it encourage better teachers to go and work in the public schools. This tax scheme will not fix a single leaky roof or handle one set of management issues. It does nothing but, again, divert resources from a system already sorely in need and already grossly underfunded by our national contributions.

Here in the District of Columbia, and in all cities, many businesses and apartment buildings—and this is by way of an analogy—businesses and apartment buildings hire private security guards to supplement their security because they do not believe that the local police will do an adequate job in protecting them. Does that mean, then, that we should skim money off of what we give to the police departments so we can make it easier for businesses to hire private security guards? Or that those funds would be better spent improving the quality of law enforcement by draining money off to private security forces? I do not think so. If anything, we have a responsibility as a community to use our public resources toward the public welfare and the public good.

The reason we have compulsory education in this country is so that every child can receive a quality education. If our public schools are not all meeting that challenge, then it is our responsibility to fix them. It is our responsibility to engage in a partnership with the States and local governments, so that education can be the priority for our country that it must be. Spending taxpayers' dollars on private schools, again, is not going to fix a single public school.

One of the more troubling aspects of the legislation is the underlying premise that the public schools cannot succeed, that we just have to write them off. This bill says to America's public schoolteachers and principals and families with children in the schools, "You have failed." It starts a process of diverting resources from public schools to private schools, and it seems to me that is absolutely the wrong message.

There is, however, good news from public education. I think we need to talk about that a little bit. Again, relating to some of the innovations going on in Illinois, there is a consortium of some 20 school districts in the Chicago area. It is called the First in the World Consortium. They lived up to their name because in the international math and science tests of which I spoke earlier, this group of schools scored first in the world. They were all public school students and they scored first in math and science—the public school system, and they received the best results in the world in these areas.

The results of these tests prove that America's public schools can produce the best and the brightest students in the world if only they have the support, the resources and the tools with which to do the job. What does the First in the World Consortium have that too many of our schools lack? It is not the kids. It is not the makeup of the students. Our children are as capable of performance as children anywhere else in the world, whether they come from rich families or from poor families. We have some of the brightest students in the world, who only need the opportunity to learn. The difference, however, is what support we as a community provide for those children. The schools that comprise the First in the World Consortium have some of the best facilities in this country. They have small classes. They have modern technology. They have supportive communities. And they have engaged and involved parents and teachers.

We all, I think, have a responsibility to ensure that every American child will have access to the same kind of quality education that is made available in the public schools at the First in the World Consortium. The tax changes envisioned in this legislation will not accomplish that goal. The bill will not result, again, in the improvement of a single public school. The amendment which I hope to talk about suggests that we have to undertake a partnership between the State and local and National Governments to provide the kind of resources for public education that made our country the strongest in the world and will keep it the strongest in the world for the 21st Century.

This conversation is going to go on for a couple of days. I would like to leave you with an analogy which I think is absolutely appropriate when we talk about how we are going to address the challenge of education for the 21st Century.

There have been some arguments that it is not the Federal Government's job; that, indeed, it should be left to the locals to address education, and it is their job, it is their responsibility to see to it that the schools in a local community function well and provide quality education. I would point out to the Presiding Officer and to anyone else listening that that analogy fails altogether to recognize our national interest and our interest as a community of Americans in seeing to it that all children, whether they live in Chicago or California or Detroit or in Florida or in Georgia or in Alabama—that all children in this country receive the best possible education that we can give them. It is particularly important in this information age, given the technological revolution, because the command of and the ability to manipulate and use information will be more important in the workforce of the future than it is today. If we do not educate our children, we will, as a country, see a lessening in the ability of our national workforce to be productive in these global markets.

So, to use an analogy, when it comes to talking about what is our interest, why should the Senator from Illinois care about education for a child from North Dakota or why should the Senator from Illinois care about the education of a child in Alabama, the reason I care is I love my country and I care about the ability of my country to have a workforce that can function in this global economy. Just as in the 1950s it was seen as in our national interest to bring our country together, this debate holds the same promise. This debate will either turn on a vision of America that says we are all connected to each other, we all have a responsibility to each other, or it will turn on a vision of America that says, "I've got mine; you get yours. In your State, in your city, education is your problem."

I suggest the time for the fingerpointing on education has to stop. We have to form a partnership that will provide our schools with the resources that we will need to educate our children—all of them. Again, to use the analogy from the 1950s, President Eisenhower saw the value in providing our country with an interstate highway system. He brought America together by providing a system whereby the National Government would contribute to the construction and the development of roads all across this country. That interstate highway system brought us together as a nation and served our national interests in transportation.

The way that we are funding education currently would be the equivalent of saying to each and every community in America—which, of course, we are saying to each and every community in America—you go find the money from your local property tax base to provide for your schools. And if you don't have the money in your local property taxes for your schools, it will just be too bad. To use the road analogy again, it's like saying in those communities that have a limited property tax base and in poor communities, they will have shoddy roads if any roads at all. The middle-class communities with moderate means will have kind of a hodgepodge and a mix of decent roads and kind-of-decent roads; and the wealthy communities will have the greatest roads in the world. But when you put it all together, you have not served transportation from one end of this country to the other. You have left the issue of transportation up to the resources of the specific and discrete communities and, more to the point, the property tax base that that community can resort to. That is how we fund education in this country. By relying on the local property tax base, we depend entirely on the accident of geography and demographics whether or not a child's school will be adequate to provide a quality education.

So I say to my colleagues that, as we look at this issue, let's find common ground, let's stop pointing fingers, and, as much the point, let's not continue to allow the kind of savage inequalities that exist among communities based on wealth to determine the future of our country in this 21st century global economy. If a community does not have the property tax resources to provide for educational opportunity, then that community ought to be supported in its efforts to educate its children by the State and by the National Government. We all have a role to play. We all have a contribution to make.

Again, finger pointing only hurts the children. I am going to, at this point, thank the Chair and yield the floor. I just say I look forward very much to continuing this debate in the upcoming days. I think it is one of the most important debates that we can take up as a Senate. I think the future of our country, indeed our national security, hangs on our ability to address in a sensible and workable and comprehensive way, the challenge of public education for the 21st Century.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, the parliamentary situation is such that we are in morning business and Senators are permitted to speak for up to 10 minutes; is that correct?

The PRESIDING OFFICER. The Senator is correct.

NATO EXPANSION

Mr. ROBERTS. Mr. President, the letter got lost in the mail. It never made it to President Yeltsin. It never made it to the radar crews in Russia. As a result, within minutes, Russian President Boris Yeltsin was brought a black nuclear command suitcase and for several minutes, wild confusion reigned in Russia, as Russia's command and control system was operating in a combat mode.

The letter was from the Norwegian Foreign Ministry, and it was routine. It informed the Russians and other surrounding countries that a joint United States and Norwegian research rocket would be launched to study the northern lights. As I say, it was a foulup, a bureaucratic foulup, and it prompted a hair-trigger war scare, a nuclear war scare, only 3 years ago.

Mr. President, I rise today to focus on this incident, because I believe it is the kind of discussion that we should carefully consider as we move to the debate on NATO and NATO expansion and the kind of debate that has not received much, if any, public attention.

I encourage my colleagues to read two articles that appeared in the Washington Post, Sunday the 15th of March and Monday the 16th. Those two articles focus on areas that I feel the United States should be most concerned about: United States-Russia relations and the status and the direction of the Russian nuclear forces and their command and control. The two articles, entitled "Cold War Doctrines Refuse To Die" and "Downsizing a Mighty Arsenal," are a two-part series by David Hoffman and paint a very discouraging picture.

The first article describes the January 25, 1995, launch, as I have indicated, of a joint Norwegian-United States research rocket off of Norway's northwest coast. For a brief period of time, the Russians actually mistook this launch as one from a U.S. submarine and a possible threat to Russia. Some analysts say that day we came as close as we ever have come to a counterlaunch by the Russians. The article further discusses the deteriorating state of the Russian command and control systems and early warning systems.

The second article discusses the impact of the economic problems on the Russian strategic weapons system. The author outlines the sad material and operational shape of the nuclear armored submarine and rocket forces. He states that the economic weaknesses of Russia will, outside of any bilateral agreements, drive the number of operational warheads to below START II levels.

I suppose many could be saying, "So, what's the problem? That's what we want, fewer weapons systems and nuclear warheads, right?" Well, it's not that easy. Certainly, the wanted downsizing should be a controlled, systematic, consistent process and not one that is as chaotic as the article certainly portrays.

My purpose today is to highlight this problem and to urge that the administration be more concerned and that the Congress be more concerned about United States-Russia relations. Opponents of NATO enlargement say our actions have resulted in a delay in the Duma's ratification of START II. They further state that because of the increased military capability of an enlarged NATO, Russia must depend on nuclear weapons as a first-use capability since their conventional forces are so weakened. Proponents of enlargement pretty much scoff at these assertions and state that although Russia does not like NATO enlargement, they need to "get over it." My concern is not to guess which camp is right but to say in our relations with Russia, we need to go slow, we need to ensure we fully understand the long-term implications of our actions.

My bottom-line concern and fear is that this administration has no long-range, overarching strategy in our relations with Russia. Unfortunately, I believe this is a hallmark in the President's foreign policy, just as we have seen in his policy in Bosnia and just as we have seen in his policy in Iraq. Where is the end game?

Russia is a huge country that does exist and does still have tens of thousands of nuclear warheads. They will play a major role in the future of Europe. Our choice, Mr. President, is to continue to treat them as a defeated foe—and too many in the Congress certainly have that view—or to work with them to continue to develop their form of government and their military consistent with our common values.

Mr. President, I ask unanimous consent that these two articles be printed in the RECORD. I understand the Government Printing Office estimates it will cost $1,616 to have these two articles printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 15, 1998]

COLD-WAR DOCTRINES REFUSE TO DIE—FALSE ALERT AFTER '95 ROCKET LAUNCH SHOWS FRAGILITY OF AGING SAFEGUARDS

(By David Hoffman)

MOSCOW.—At dawn on the morning of Jan. 25, 1995, a four-stage Norwegian-U.S. joint research rocket, Black Brant XII, lifted off from an island off Norway's northwest coast. Ninety-three seconds after launch, the fourth stage burned out, hurling the rocket and its payload nearly straight up.

The rocket was designed to study the Northern Lights, but when it rose above the horizon, it turned into another kind of experiment—a test of the hair-trigger posture that still dominates the control of Russian and United States nuclear weapons.

The rocket was spotted by Russian early-warning radars. The radar operators sent an alert to Moscow. Within minutes, President Boris Yeltsin was brought his black nuclear-command suitcase. For several tense minutes, while Yeltsin spoke with his defense minister by telephone, confusion reigned.

Little is known about what Yeltsin said, but these may have been some of the most dangerous moments of the nuclear age. They offer a glimpse of how the high-alert nuclear-launch mechanism of the Cold War remains in place, and how it could go disastrously wrong, even though the great superpower rivalry has ended.

Russia and the United States still rely on a doctrine that calls for making rapid-fire decisions about a possible nuclear attack. If a Russian president wants to retaliate before enemy missiles reach his soil, he has about eight minutes to decide what to do.

Yet, in the Norway episode, the information needed for such a momentous decision was unclear. Although eventually the Norwegian rocket fell into the ocean, it triggered a heightened level of alert throughout the Russian strategic forces, according to testimony to the U.S. Congress, and other sources, and marked the first time a Russian leader had to use his nuclear briefcase in a real alert.

Now that the superpower tensions have eased, so have the chances of a misunderstanding leading to nuclear war. But some Western experts say the Norway rocket episode may not be the last.

The reason is that Russia's system of early warning of a possible attack, and command and control of nuclear forces, is suffering many of the same problems plaguing the entire military. Russia inherited from the Soviet Union a system of radars and satellites, but after the Soviet break-up, many are no longer on Russian soil. Russia's six-year economic depression has led to hardship for many officers, including many who work in nuclear command installations, who receive low pay and lack permanent housing. The radar-and-satellite system is vulnerable because there are gaps in the network, which will grow more serious this year as yet another Russian radar station is closed in Latvia.

The prospect of a mistake “has become particularly dangerous since the end of the Cold War,” Vladimir Belous, a retired general and leading Russian strategist, wrote recently. He added that “a fateful accident could plunge the world into the chaos of a thermonuclear catastrophe, contrary to political leaders' wishes.

The degradation of Russia's early-warning system comes as its strategic forces are also shrinking. The forces made up of nuclear-armed submarines, long-range bombers and intercontinental ballistic missiles built by the Soviets during the Cold War are declining dramatically in both numbers and quality. Within a decade, experts predict, Russia will have a nuclear arsenal just one-tenth the size of the Soviet Union's at the peak of the superpower rivalry, because of arms control treaties, looming obsolescence and Russia's economic depression.

The process is posing painful questions for Russia's political and military elite. They want to preserve Russia's place as a global power but cannot support the colossal forces and intricate systems that made up the Soviet nuclear deterrent.

What makes the radar and satellite gaps worrisome is that Russia still adheres to nuclear doctrines of the Soviet era. The overall deterrence concept is known as Mutual Assured Destruction, under which each side is held in check by the threat of annihilation by the other. One part of this cocked-pistols approach is “launch-on-warning,” in which both sides threaten that if attacked they will unleash massive retaliation, even before the enemy warheads arrive. The idea is that such a hair-trigger stance will discourage either from attempting to strike first.

Russia also inherited from the Soviet Union a second, related approach, which is to preserve the ability to launch a retaliatory strike even after the enemy's warheads have hit. This is called “launch-on-attack.” In Moscow, massive underground bunkers and a secret subway were built to protect the Soviet leadership so they could launch a retaliatory strike.

LOST IN THE BUREAUCRACY

The message from the Norwegian Foreign Ministry was routine. On Dec. 21, 1994, it sent out a letter to neighboring countries, including Russia, about the impending launch of the Black Brant XII, a four-stage research rocket, between Jan. 15 and Feb. 10, depending on weather conditions.

But the letter got lost in the Russian bureaucracy and never made it to the radar crews, as had past notifications. Norway had launched 607 scientific rockets since 1962. But the Black Brant XII was bigger than any of those. The rocket was a cooperative effort with the U.S. National Aeronautics and Space Administration, and was built with surplus U.S. rocket engines.

According to Peter Pry, a former CIA official who chronicles the episode in a coming book, “War Scare,” the rocket “resembled a U.S. submarine-launched, multiple-stage ballistic missile.” Theodore A. Postol, a professor at MIT, said that the Norwegian rocket may well have looked to the radar operators like a multistage missile launched from a Trident submarine. The launch occurred in a region considered, during the Cold War, to be a likely corridor for an incoming ballistic missile attack.

Anatoly Sokolov, the commander of the Russian radar forces, recalled shortly afterward that “what happened was an unscheduled training exercise. . . . We all found ourselves under stress.” He said, “An officer on duty reported detecting a ballistic missile which started from the Norwegian territory. What kind of missile is it? What is its target? We were not informed. . . . If it had been launched on an optimal trajectory, its range would have been extended to 3,500 kilometers [2,175 miles], which, in fact, is the distance to Moscow.”

“The thing is,” he added, “the start of a civilian missile and a nuclear missile, especially at the initial stage of the flight trajectory, look practically the same.”

The Black Brant XII triggered a tense chain reaction in Russia. According to Nikolai Devyanin, chief designer of the Russian nuclear “suitcase,” the radar operators were under crushing pressure. They remembered how Mathias Rust, a German youth, flew a small plane through Soviet air defenses in 1987 and landed it in Red Square, shaking the Soviet hierarchy to its foundations. Moreover, in five or six minutes, the Norwegian missile could hit the Kola Peninsula, where Russia's nuclear-armed submarines are based.

Devyanin has said the radar operators could be reprimanded for sending out a false, panicky signal. But they also feared it was a real threat. So they decided to issue an alert that it was an unidentified missile, with an unknown destination.

The alert went to a general on duty. He, too, decided that it was better to send on the alert to the highest levels, than to be blamed for a disaster. One factor, Western officials said later, might have been fear that the lone missile would release a huge, debilitating electromagnetic pulse explosion to disarm Russia's command-and-control system, as a prelude to a broader onslaught.

At that point, the Russian electronic command-and-control network known as Kazbek, had come to life.

The duty general received his information from the radar operator on a special notification terminal, Krokus. He then passed it to the Kavkaz, a complex network of cables, radio signals, satellites and relays that is at the heart of the Russian command and control. From there, it caused an alert to go off on each of the three nuclear “footballs” in the Russian system: one with Yeltsin one with then-Defense Minister Pavel Grachev and a third with the chief of the General Staff, then Mikhail Kolesnikov. The black suitcases were nicknamed Cheget.

The command-and-control system “was now operating in combat mode,” Devyanin said. Yeltsin immediately got on the telephone with the others holding the black suitcases, and they monitored the rocket's flight on their terminals. (The actual launch orders are not given from the suitcase, only the permission to fire. The launching process, including ciphers, is controlled by the military's General Staff, which, in some circumstances, is authorized to act on its own.)

Devyanin noted a strange irony. The Cheget suitcase was a product of the final phrase of the Cold War, during the tense early 1980s, when Soviet leaders feared a sudden attack launched from Europe or nearby oceans. They needed a remote command system to cut down reaction time.

The suitcases were put into service just as Mikhail Gorbachev took office. Gorbachev, however, never used them in a real-time alert, officials said. The first serious alert came only after the end of the Cold War, on Yeltsin's watch.

Devyanin said that at the time he was disturbed by the way a misplaced document led to such high-level confusion. “The safety of mankind should not depend on anyone's carelessness,” he said.

The day after the incident, Yeltsin announced that he had used the nuclear briefcase for the first time. Many in Russia dismissed his comment as a bit of bravado intended to divert attention from the debacle of the Chechen war, then just beginning to unfold.

Even today, Russian officials brush aside questions about the incident, saying it has been overblown in the West. Vladimir Dvorkin, director of the 4th Central Research Institute, a leading military think tank, said he saw no danger from the Norwegian alert, “none at all.”

He added, “It's very difficult to make a decision” to launch, “maybe even impossible for civilized leaders. Even when a warning system gives you a signal about a massive attack, no one is ever going to make a decision, even an irrational leader alarmed that one missile has been fired. I think this is an empty alarm.”

But the incident did set off alarms. Former CIA director R. James Woolsey told Congress in 1996 that the Russians went on “some sort of” alert, “not a full strategic alert, but, at least, a greater degree of strategic inquisitiveness.”

Bruce Blair, a senior fellow at the Brookings Institution in Washington who has written extensively on the Soviet and Russian command-and-control systems, said a signal was sent to the Russian strategic forces to increase their combat readiness, but the crisis then ended. Blair said the significance of the episode was the confusion that marked the period during which Yeltsin would have had to make a real “launch-on-warning” decision. Blair pointed out that the Soviet Union and Russia have been through coup, rebellion and collapse over the last decade, and a leader may well be called on to make crucial decisions at a time of enormous upheaval.

Postol said, "The Norwegian rocket launch is an important indicator of a serious underlying problem. It tells us something very important: People are on a high state of alert, when there is not a crisis. You can imagine what it would be like in a high state of tension."

Pry said that there have been other false alarms in the nuclear age, but none went as far as Jan. 25, 1995, which he described as "the single most dangerous moment of the nuclear missile age."

"PARTIALLY BLIND" RUSSIA

The first radar-blip warning of the Norwegian rocket came from the early-warning system built around the periphery of the Soviet Union. The concept of "launch-on-warning"—a quick-draw response to nuclear attack—depends on swift, reliable warning.

"Get it right, it makes no difference to us what kind of missile it is, meteorological, testing or combat," Sokolov, the Russian radar forces commander, said after the Norwegian episode. He said the radars are the "eyes and ears of the president."

But the Soviet collapse has muffled those sensors. The Soviet radar system was being modernized when the country fell apart. One of the new replacement radars, in Latvia, was torn down in May 1995. Russia won a temporary reprieve against closing two older radars in Latvia, but that agreement expires in August. Latvia recently announced it will not let Russia renew. The radar is one of those covering the critical northwestern direction.

Meanwhile, other radars used by Russia have been left in Ukraine, at Mykolayiv and Mukacheve; in Azerbaijan, at Mingacevir; and Kazakhstan, at Balqash. Some are functioning, but there have been disputes over finances and personnel. Russian authorities hope to complete an unfinished radar in Belarus to compensate for the loss in Latvia, but the prospects are uncertain.

Overall, only about half the original radars remain inside Russia. In addition, the system of satellites used for detecting missile launches is also depleted. There are two groups of satellites. One group in a high elliptical orbit monitors U.S. land-based missile fields, but cannot see missiles launched from the ocean. Russia has two other geostationary satellites but they do not provide complete coverage of the oceans, where U.S. Trident submarines patrol.

Postl has calculated that Russia has serious vulnerabilities in its early-warning network, especially given the highly accurate Trident II sea-launched ballistic missile system. For example, Russia could entirely miss a missile launched toward Moscow from the Pacific Ocean near Alaska because of radar gaps, he said.

"Russia is partially blind—that's absolutely correct," said a former air defense officer.

ADMONISHED BY YELTSIN

In January 1997, a group of workers at a small state-owned institute near St. Petersburg went on strike. The workers at the Scientific Production Corp. Impuls said they had not been paid for eight months.

The strike touched a nerve among those who knew about Impuls. Its founder, Taras Sokolov, pioneered the Russian nuclear command system, known as Signal. The workers at Impuls said they were fed up and would not go back to work until paid.

Within days, Defense Minister Igor Rodionov took an extraordinary step. He too was frustrated. He had devoted his career to the conventional army, but it was disintegrating before his eyes. Yeltsin was ill, and Rodionov could not reach him on the phone. Finally, he wrote an alarming letter to Yeltsin. He said the command-and-control systems for Russia's nuclear forces—including the deep underground bunkers and the early-warning system—were falling apart.

"No one today can guarantee the reliability of our control systems," Rodionov said. "Russia might soon reach the threshold beyond which its rockets and nuclear systems cannot be controlled."

A retired colonel, Robert Bykov, who had worked in some of the military's electronic command systems until 1991, echoed Rodionov's comments in an article he wrote for a mass-circulation newspaper, Komsomolskaya Pravda. Bykov said Rodionov was "absolutely correct." He added, "Even in my period of service, the equipment ceased functioning properly on more than one occasion, or certain parts of it spontaneously went into combat mode. You can imagine what is happening now."

In a lengthy interview, Bykov said he was the subject of an investigation by the Federal Security Service after the article appeared. Recalling his experiences, he said that periodically the central command system went into a "loss of regime" mode, which he described as a neutral position, where it could not send out commands. He said there were also a few incidents in which individual missile silos or regiments would report to the center that they were in "combat mode," but he said the main system could prevent any accidental launch.

Bykov's article had an impact outside Russia. It was picked up in a CIA report outlining Rodionov's concerns about nuclear command and control. The Washington Times disclosed the report on the day Rodionov arrived in Washington in May 1997 for a visit.

Rodionov recalled in an interview that he eventually had a meeting with Yeltsin. "You shouldn't have said that," Yeltsin admonished him, he said.

Rodionov said he drew up a plan for army reform that included drastic cuts in nuclear weapons, but never got a chance to take it out of his briefcase. He was dismissed and replaced by Igor Sergeyev, the head of the strategic rocket forces—a move crystallizing the new emphasis on nuclear deterrence.

Russian officials have repeatedly denied that the strategic forces command system is weakening. They say it has rigid controls against an accidental launch or theft. The U.S. strategic forces commander, Gen. Eugene Habiger, visited Russian command centers last fall and said they were "very much geared to a fail-safe mode" in which any command level "can inhibit a launch" of a missile.

But Sergeyev has acknowledged the system is growing old; most of the command posts were built more than 30 years ago. The rocket forces are also suffering shortages of trained personnel and severe social problems such as a lack of housing for 17,000 officers. A well-informed Russian expert on the command system said, "Today it's not dangerous but tomorrow it might be. It is going down. It has not reached the critical point. But the trends are down—days when designers are not paid, when money is not allocated for upkeep."

In the coming decade, Russia is to move toward a drastically curtailed nuclear force, one that will be just larger than those of China or of France and Britain combined. Some Russian strategists are already rethinking the Cold War doctrines that called for Moscow to deploy vast weapons systems carrying thousands of warheads for attack on the United States. With fewer weapons, limited finances, gaps in early warning, and the dissipation of Cold War rivalry, some analysts have urged Russia and the United States to take nuclear weapons off hair-trigger alert.

LOWERING THE RISK

Blair, the Brookings analyst, has been the chief proponent of "de-alerting," which he said "means we increase the time needed to launch forces from the current minutes to hours, days, weeks or longer, through a variety of measures like taking the warheads off the missiles." He added, "It would take them out of play, so there is a much lower risk of their mistaken use."

But in Russia, there is no clear sense of direction. If anything, analysts here said they think Russia may drift away from launch-on-warning. This is driven by necessity: The warning system is deteriorating. "Basically, the shift is being made already," said the Kremlin defense strategist.

However, others said the change is not certain. The Russian military elite was trained to think in global terms but now faces the reality of becoming a second-class power at a time of overwhelming American superiority. Russia may be reluctant to give up the threat of a launch-on-warning, at least formally.

"I think there will be some kind of transition period, 10 to 15 years," said Anatoly Diakov, director of the Center for Arms Control, Energy and Environmental Studies here. "Russia will save the opportunity to return to launch-on-warning, just in case. This is some kind of hedge against adverse developments. But the main priority will be a transition from launch-on-warning to a retaliatory" posture.

Asked whether Russia should give up launch-on-warning, Dvorkin said, "On even days, I think we should reject it. On odd days, I think we should keep it."

"Why?" he asked. "Because how is launch-on-warning dangerous? It's dangerous with a possible mistake in making the decision to launch." But, he added, "making this mistake in peacetime, a time like now, the likelihood is practically zero. Because the situation is quiet. Only if there is some increase in tension between countries, then the likelihood of a mistake increases."

Just the fact of having launch-on-warning, he said, would discourage both countries from returning to Cold War tensions. "We must sit quietly," he added, "like mice in our nook."

[From the Washington Post, Mar. 16, 1998]

DOWNSIZING A MIGHTY ARSENAL—MOSCOW RETHINKS ROLE AS ITS WEAPONS RUST

(By David Hoffman)

MOSCOW.—Russia's strategic forces, the vast phalanx of nuclear-armed submarines, bombers and intercontinental ballistic missiles built during the Cold War by the Soviet Union, are suffering a dramatic decline because of arms control treaties, the Soviet breakup, looming obsolescence and Russia's economic depression.

Regardless of whether the United States and Russia move ahead on bilateral arms-control treaties, a decade from now Russia's forces will be less than one-tenth the size they were at the peak of Soviet power, according to estimates prepared in Russia and in the West. Ten years from now, if current economic trends continue, Russia may have a strategic nuclear force just larger than that of China, and somewhat larger than Britain's and France's combined.

This slide has enormous implications for Russia and the West that are only now beginning to emerge. For Russia, the decline has raised painful dilemmas about its place in the world, underscoring yet again the erosion of its superpower status.

At the same time, while the nuclear shield is shrinking, Russian leaders have decided to rely on the deterrent power of the nuclear weapons more than ever—to compensate for their even weaker and more chaotic conventional forces. President Boris Yeltsin recently signed a new national security doctrine that enshrines this idea. Russia also has dropped its pledge not to be the first to use nuclear weapons.

"All we have is the nuclear stick," said Lev Tolkov, a prominent Russian military strategist. "Of course, we should all together decrease this nuclear danger. But right now, we have nothing else. We're naked. Can you imagine that?"

Some Russian strategists are beginning to look for an exit from the arms-race mentality of the Cold War, a way that would preserve Russia's membership in the nuclear club, perhaps even its Great Power status, but without the enormous drag on its resources. One recent proposal is for Russia simply to abandon the bilateral arms-control process with the United States and go its way with a small, independent nuclear force.

In Moscow, leading politicians and military experts are also looking, nervously, not at the West, but at Russia's long, sparsely populated southern and eastern borders, toward China and the Islamic world, where they see the real future threats to Russian interests.

In the West, too, the decline of Russia's strategic forces could have serious repercussions, raising questions about sizes and posture of U.S. forces. Some see it as a chance for the United States to pursue still-deeper cuts in nuclear weapons, including a new strategic arms agreement, that would keep Washington and Moscow at approximate balance, "locking in" the lower Russian levels with formal treaties. Also, some experts say both sides should remove the still-tense nuclear-alert posture of the Cold War.

But there is also resistance from those who urge caution. For example, in the 1994 nuclear posture review, the Clinton administration decided to create a "hedge" of warheads against the prospects of future uncertainty in Russia and to preserve the existing U.S. structure of land-sea-air forces. Some argue that, as the only global superpower, the United States does not need to match the steep Russian decline. And Russia's woes may embolden backers of building a ballistic missile defense system.

Only a decade ago, when the Soviet arsenal hit its peak, the Pentagon warned that a parade of new weapons systems was being deployed, including the SS–18 Satan missile, the supersonic Blackjack bomber, and the giant Typhoon ballistic-missile submarine. The Pentagon's annual "Soviet Military Power" tract declared that "the most striking feature of Soviet military power today is the extraordinary momentum of its offensive strategic nuclear force modernization."

Today, that momentum has stopped. The Typhoons, Satans and Blackjacks are doomed. Russia, the sole heir of the Soviet nuclear forces, still has thousands of warheads. But the mechanical leviathans needed to carry them are deteriorating.

The Russian landscape is littered with stark evidence of this decline. At Russia's Northern and Far Eastern ports, nuclear-powered submarines are piling up in watery junkyards. The largest group of Blackjack bombers is rusting away in Ukraine. Even the core of the Russian strategic deterrent, the missile force, is expected to shrink dramatically in the years ahead, although Russia is trying to deploy a new class of land-based intercontinental ballistic missiles. But so far, only two rockets have been put on duty, three years behind schedule.

SILENT FACTORIES AND SHIPYARDS

Moreover, most of the huge factories and shipyards that rolled out the giant Soviet arms buildup in the 1980s have fallen silent. In many cases the experts who built them have simply disappeared.

Like the United States, Russia has a three-legged structure of nuclear forces: a triad of land, sea and air weapons. But Russia's triad may cease to exist over the next decade. Most likely, experts say, the long-range bombers, which have always been the least significant leg of the Russian triad, will become obsolescent, leaving a diminished submarine fleet and land-based rocket forces to carry the nuclear deterrent.

How far and how fast the Russian forces decline depends on whether the now-moribund economy can recover. But independent estimates by authoritative Russian and Western experts show the same outcome in the next 10 to 15 years—movement toward a drastically reduced nuclear force. The result is being decided today; weapons take decades to design and build but almost none are in the works, and existing programs are starved for money.

According to the estimates, Russia's nuclear forces are shrinking even faster than the START II treaty will require. The treaty, which called for both sides to have between 3,500 and 3,000 warheads, was signed five years ago but has yet to be ratified by the lower house of the Russian parliament, the State Duma.

Even more striking, Russian and Western specialists now estimate that, if the economy remains flat, Russia probably cannot even sustain the level of nuclear weapons envisioned just a year ago for a follow-on treaty, START III. In a meeting at Helsinki last March, Clinton and Yeltsin set the target for this treaty as 2,000 to 2,500 warheads on each side. Both treaties would be implemented by 2007 but warheads would be deactivated by 2003.

More likely, Russian and Western specialists said, Russia will wind up with an arsenal of 1,000 to 1,500 warheads a decade from now. However, it could fall to half that if the economy does not recover. That would put Russia in a league with China, which is estimated to have 400 warheads today—or roughly equivalent to the total by Britain, with 260, and France, with 440.

Volkov, the Russian military analyst, recently estimated that even with robust economic growth, Russia will have only 700 warheads a decade from now. Sergei Kortunov, a top Kremlin defense aide, has written that "with a lot of effort" Russia might reach 1,000 warheads by 2015.

By contrast, according to the Natural Resources Defense Council in Washington, the Soviet Union in 1990 had 10,779 strategic nuclear warheads. (This does not include the estimated 6,000 to 13,000 nonstrategic, smaller nuclear charges Russia also still possesses, which have never been covered by arms control treaties.)

The U.S. strategic forces are relatively modern. The land-based Minuteman missiles, Trident submarines and B–52 bombers are expected to remain in service for a long-time. Gen. Eugene Habiger, commander of the U.S. strategic forces, said recently, "I do not see the United States even thinking about having to modernize any of our forces until the year 2020."

NUCLEAR-AGE "GRAVEYARDS"

Boris Yeltsin has always been unpredictable while abroad, and last Dec. 2 he popped another surprise. On a visit to Stockholm, he declared: "I am here making public for the first time that we, in a unilateral manner, are reducing by another third the number of nuclear warheads."

Yeltsin's press secretary, Sergei Yastrzhembsky, said he was referring to a future START III arms control treaty with the United States. But later back in Moscow, a senior Russian defense strategist shook his head at Yastrzhembsky's explanation.

"To tell you the truth, I was bewildered," he said. Yeltsin's comment captured perfectly what is happening to Russian strategic forces, he added.

The decline was set in motion by the START I treaty, now being implemented. Russia has made cuts mostly by eliminating missiles it inherited from Belarus, Ukraine and Kazakhstan. Looming are deeper cuts in the forces now inside Russia, mandated by START II. But even more important than the treaties, the ebb of Russia's strategic forces is being driven by a simple fact: They are running out of steam, out of money, and out of time.

For example, in its 1989 report on Soviet military power, the Pentagon warned about the deployment of the Blackjack bomber, the Russian supersonic Tu–160. With low-mounted, swept-back wings and a long pointed nose, the plane was the most powerful combat aircraft in the Soviet air force, and was deployed with nuclear-armed AS–15 cruise missiles. Although the Soviet Union had planned to build 100 Blackjacks, only 25 were deployed. They had many malfunctions, but the biggest problem came on the day the Soviet Union fell apart: Most of the Blackjacks were not in Russia.

Nineteen Blackjack bombers were parked in Ukraine, where they remain. Years of negotiation between Russia and Ukraine for repurchase of the bombers by Russia have gone nowhere. According to Jane's Intelligence Review, the planes have practically lost their combat value.

Russia has only six Blackjacks, built in 1991, currently deployed at the Engels air base in the Volga region, but a Russian military source said only four of them are combat-ready. There are a few more Blackjacks partially finished or being used as trainers. Russia also has a fleet of older Tu–95 Bear bombers.

Russia's submarine fleet is the least vulnerable leg of the strategic triad—while the submarines are hidden under the ocean. But the navy is also in trouble. A.D. Baker III, editor of Combat Fleets of the World, said that at the present rate of decline, Russia's strategic-missile submarine fleet "will be virtually extinct within a decade." At the end of 1997, he said, for the first time since the 1930s, the Russian navy had fewer operational submarines of all types than did the U.S. Navy.

Of 62 strategic submarines deployed by the Soviet Union in 1990, the Russian navy currently has only 28, and by some recent reports, as few as 23 are operational. Most of the rest have been junked or are waiting to be.

At a peak of the Cold War tensions, 20 to 22 submarines were at sea. Today, there are usually two, and they do not go far.

One of the fearsome symbols of Soviet power was the Typhoon, the largest submarine ever built—each accommodating 20 missiles with 10 warheads apiece. The six Typhoons completed between 1980 and 1989 could, in the event of a nuclear attack, send 1,200 nuclear warheads aloft.

But today only half the Typhoons are working. Three of the huge boats have been taken out of service. A new missile planned for them has yet to materialize, and it is unclear whether they will ever sail again.

Russia started construction in November 1996 on a new generation of strategic submarine, the Borey class, at the Severodvinsk shipyard in the north. But according to Baker, only 1 percent of the first submarine has been completed in 15 months of work, and the new missile planned for it has failed four times.

In addition to preserving its strategic submarine fleet, the navy is facing other pressing financial obligations. One of the most persistent headaches is that submarines have a service life of 25 to 30 years, but most undergo an interim overhaul every seven or eight years. For lack of financing for these repairs, many vessels are being retired early.

So far, 152 submarines have been retired officially and more are unofficially in line to be retired. A huge backlog of nuclear-powered vessels awaiting dismantling is building up in the Northern and Far Eastern ports, which environmentalists and others have warned has the potential for a naval disaster similar to that at the Chernobyl nuclear power plant in 1986.

"We have whole graveyards of nuclear weapons and we don't know what to do with them," Said Georgi Arbatov, a prominent strategist and adviser to Soviet leaders.

The core of Russian strategic forces is the land-based, continent-spanning missiles. But the clock is ticking for them, too.

Most of the missiles built in the 1970s and '80s are due to be retired or decommissioned if the START II treaty is ratified. This includes the 10-warhead "heavy" missile, the SS–18, which embodied the destabilizing threat of multiple-warhead missiles. Russia's force of SS–19 six-warhead missiles would also be reduced, and fixed with only one warhead each. The abolition of multiple warheads was the chief accomplishment of the START II treaty.

Some Russian politicians have threatened that Moscow could return to multiple-warhead missiles if it had to, but military experts pour cold water on the idea. It would be "senseless from the military point of view and impossible from the economic point of view," Said Vladimir Dvorkin, director of the 4th Central Research Institute, the once-secret think tank for the Russian rocket forces.

A BRICK WALL OF OBSOLESCENCE

If START II is not ratified, the Russian missile forces will nonetheless hit a brick wall of obsolescence in the next decade. Gen. Vladimir Yakovlev, chief of the strategic rocket forces, said recently that 62 percent of Russia's missiles are already beyond their guaranteed service life. For the Russian military, this is often flexible. But there are serious problems: As the factories that made the missiles grind to a halt, and the workers and designers leave for other jobs, the problem of maintenance becomes acute. Scavenging for spare parts is common.

"They have to decide," said a Western diplomat, "what is the risk? And, what choice do they have?"

The Russian military has repeatedly test-fired old rockets to see if they still work. They usually hit their targets. But last spring, according to one source, when a Typhoon attempted to fire 20 older rockets as part of a destruction routine, only 19 missiles came out. One failed to launch.

Volkov said: "Everything ends. In 22 or 23 years, a moment comes when everything starts to collapse or fall apart. Each piece of equipment has a moment when the construction simply get old. You can change the equipment, you can change small things. But when the silo, the container, the body of the missile, when they are corroded, fungus eats through the metal, things start to grow on it—God knows what."

Dvorkin said there is an expensive, labor-intensive drive to stretch out missile-service life. "But of course, we can't hope that we can do it endlessly," he said. "Not a single builder or scientist can tell you right now how long we can extend it. "He added that eventually it becomes more costly to fix the rockets than to buy new ones.

The Strategic Rocket Forces are already struggling to deploy a new missile, the three-stage Topol-M, to be the core of Russia's future deterrent. That missile, both road-mobile and silo-based, is built entirely within Russia and designers have said its payload contains still-secret means for slipping through antimissile defenses.

The main question about the Topol-M is not so much technology as money and time. In December, the first two rockets were installed in an old SS–19 silo near Saratov, on the Volga River. Yakovlev said Russia hopes to deploy 10 missiles this year, but needs another $600 million before production can start. In the Soviet era, the Votkinsk factory, which builds the missiles in the central Urals mountains, made about 80 rockets a year. But now there are doubts about whether Russia can afford just 10 a year.

LOOKING FOR AN EXIT

For Russian strategic planners, the choices are painful. The Cold War is over but its immense and destructive hardware remains in place. Russia hungers for global prestige; many see the nuclear arsenal as its last remaining calling card as a great power. But Russia can't afford to sustain it any longer.

Some prominent military and political analysts have begun to talk about finding a way out of the cocked-trigger nuclear embrace with the United States, if only because Russia's dwindling forces demand it.

"The model of nuclear deterrence that existed during the Cold War must of course be radically changed," Dvorkin said, "since it is senseless right now to deter the United States from an attack, nuclear or conventional, on Russia."

Sergei Rogov, director of the USA-Canada Institute and a leading strategic analyst, said Russia and the United States have settled their long ideological struggle, but not even begun to wind down the nuclear threat. The 1994 agreement by Clinton and Yeltsin that missiles will not be targeted at each other was "a step back from this trigger-happy situation," he said, but it was "a gimmick, because it's reversible in one or two minutes." In fact, according to a Russian specialist, the Russian missiles can be re-targeted in 10 to 15 seconds.

Rogov said both countries still preserve intact the doctrine of Mutual Assured Destruction, a Cold War legacy under which both sides threaten to respond to an attack by wreaking massive damage on the other. "You don't threaten your 'strategic partner' with assured destruction 24 hours a day," Rogov said, "We need to abandon the Mutual Assured Destruction conditions with the United States."

But the traditional arms control process is at an impasse. The Duma has refused to ratify the START II agreement. Without it, the United States has refused to begin formal negotiations on deeper cuts in a START III treaty. Many of Russia's top military strategists are eager to move ahead with deeper, joint reductions that would match the looming obsolescence of their forces.

At the same time, there is a new line of thinking that Russia should abandon bilateral negotiations with the United States and instead create a small and "sufficient" nuclear force, not unlike France's independent nuclear posture.

In an article just published in a Russian academic journal, Kremlin defense aide Kortunov and Vladimir Bogomolov, of the rocket forces, suggested Russia keep an independent force of 1,000 warheads. They argued that this would "allow Russia to choose and adopt her own nuclear strategy." They said Russia could do this unilaterally and "there will be no need for new talks" with the United States.

Among Russia's military and political elite there is also a strong consensus that the West is no longer Russia's strategic adversary—and that the nuclear face-off is burdensome, diverting resources from other real problems. Many have concluded that Russia, with a long, sparsely populated southern border, needs to deter potential threats from the south and east—from the Islamic world and China—over the coming decade.

"I don't think Russia will have to worry about its western borders," said a top Kremlin security specialist. "This will give us more time to pay attention to the southern borders."

RUSSIA'S DWINDLING ARSENAL—RUSSIAN STRATEGIC WEAPONS, 1990–2012

The level of Russia's forces could change depending on the country's economy and how Russia decides to structure its forces. These estimates for future years are based on interviews by The Washington Post with Russian and Western experts. Levels will be even lower if the Russian economy does not recover.

TOTAL WARHEADS

1990	10,779
1997	6,260
2007	1,200
2012	700
Start-2 level	3,500
Start-3 level	2,000–2,500

RUSSIAN OPERATIONAL STRATEGIC NUCLEAR FORCES, 1998

Type	NATO designation	No. deployed	Year	Range (miles)	Total warheads
Bombers:					
Tu–95M	Bear–H6	29	1984	7,953	174
Tu–95M	Bear H16	35	1984	7,953	560
Tu–160	Blackjack	6	1987	6,835	72
Intercontinental ballistic missiles:					
SS–18	Satan	180	1979	6,835	1,800
SS–19	Stiletto	165	1980	6,214	990
SS–24	M1/M2 Scalpel	36/10	1987	6,214	460
SS–25	Sickle	360	1985	6,524	360
Sea-launched ballistic missiles:					
SS–N–18	M1 Stingray	192	1978	4,039	576
SS–N–20	Sturgeon	80	1983	5,157	800
SS–N–23	Skiff	112	1986	5,592	448
Total		1,205			6,240

Source: "Taking Stock, Worldwide Nuclear Deployments, 1998," by William Arkin, Robert S. Norris and Joshua Handler, Natural Resources Defense Council, 1998.

RUSSIAN SUBMARINE PATROLS PER YEAR, 1991–96

1991	55
1992	37
1993	32
1994	33
1995	27
1996	26

Source: U.S. Office of Naval Intelligence, released under FOIA to Princeton Center for Energy and Environmental Studies.

Mr. ROBERTS. I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. I thank the Chair.

(The remarks of Mr. KENNEDY pertaining to the introduction of S. 1789 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

IMPLEMENTATION OF KASSEBAUM-KENNEDY HEALTH INSURANCE REFORM LEGISLATION

Mr. KENNEDY. Mr. President, a recent GAO report makes clear that significant insurance company abuses are undercutting the effectiveness of one of the key parts of the Kassebaum-Kennedy health insurance reforms enacted in 1996.

President Clinton announced today that he has called for vigorous enforcement against companies that are violating the law. But it is abundantly clear that additional action by Congress is needed to end the worst abuse—price-gouging by the insurance industry. I intend to introduce legislation this week to block that irresponsible practice.

Individuals who lose their group coverage and attempt to obtain individual coverage are being charged exorbitant premiums by insurance companies. We recognized that potential problem in 1996, but Republican opposition blocked any Federal role in preventing such abuse, on the ground that state regulation would be an adequate remedy. As the GAO report makes clear, state regulation is no match for insurance industry price-gouging.

The 1996 legislation was enacted in response to several serious problems. Large numbers of Americans felt locked into their jobs because of preexisting health conditions which would have subjected them to exclusions coverage if they changed jobs.

Many more who did change jobs found themselves and members of their families exposed to devastating financial risks because of exclusions for such conditions. Other families faced the same problems if their employers changed insurance plans. Still others were unable to buy individual coverage because of health problems if they left their job or lost their job and did not have access to employer-based coverage.

The legislation addressed each of these problems. It banned exclusions for pre-existing conditions for people who maintained coverage, even if they changed jobs or changed insurers. It required insurance companies to sell insurance policies to small businesses and individuals losing group coverage, regardless of their health status. It banned higher charges for those in poor health in employment-based groups.

A GAO study in 1995 had found that 25 million Americans faced one or more of these problems and would be helped by the Kassebaum-Kennedy proposal. For the vast majority of these Americans, the legislation is working well. They can change jobs without fear of new exclusions for pre-existing conditions, denial of coverage, or insurance company gouging.

But as the GAO study makes clear, many of the two million people a year who lose employer-based group coverage are vulnerable to flagrant industry price-gouging if they try to purchase individual coverage.

When the 1996 act was moving through Congress, Democrats sought to place clear federal limits on these premiums for individual coverage. The Republican majority in Congress and the insurance companies refused to compromise on this issue—and restrictions on price-gouging were largely left to state law. Many States have put limits on such premiums, or enacted special group coverage for high-risk persons.

But too many states have failed to act effectively to prevent abuse. In addition to price-gouging, some companies have encouraged insurance agents to refuse to sell policies to individuals and imposed long waiting periods for coverage of particular illnesses and other unacceptable practices.

The verdict of experience is in. The GAO report makes clear that insurance companies are guilty of abuse beyond a reasonable doubt, and Congress has to act.

COVERDELL TAX BILL

Mr. KENNEDY. Mr. President, on the issue that is before us, which is basically the Coverdell education proposal, I will take a few moments of the Senate's time to express my strong reservations in opposition to the proposal, and I will outline the reasons why.

Public schools need help—and this "do-nothing" bill doesn't even get us to the front door. In fact, it goes in the opposite direction, by earmarking most of its aid to go to private schools.

The nation's students deserve modern schools with world-class teachers. But too many students in too many schools in too many communities across the country fail to achieve that standard. The latest international survey of math and science achievement confirms the urgent need to raise standards of performance for schools, teachers, and students alike. It is shameful that America's twelfth graders rank among the lowest of the 22 nations participating in this international survey of math and science.

The nation's schools are facing enormous problems of physical decay. 14 million children in a third of the schools are learning in substandard school buildings. Half the schools have at least one unsatisfactory environmental condition.

Massachusetts is no exception. Mr. President, 41% of Massachusetts schools report that at least one building needs extensive repair or should be replaced; 75% report serious problems in their buildings, such as plumbing or heating defects; 80% have at least one unsatisfactory environmental factor.

The challenge is clear. We must do all we can to improve teaching and learning for all students across the nation. That means: We must continue to support efforts to raise academic standards; we must test students early, so that we know where they need help in time to make that help effective; we must provide better training for current and new teachers, so that they are well-prepared to teach to high standards; we must reduce class size, to help students obtain the individual attention they need and we must provide after-school programs to make constructive alternatives available to students and keep them off the streets, away from drugs, and out of trouble. We must provide greater resources to repay or modernize the Nation's school buildings in order to meet the urgent needs of schools for up-to-date facilities.

I oppose the Coverdell bill because it does nothing to improve the public schools. Instead, it uses regressive tax policy to subsidize vouchers for private schools. It does not give any real financial help to low-income working and middle-class families, and it does not help children in the Nation's classrooms. What it does is provide an unjustified tax giveaway to the wealthy and to private schools.

Public education is one of the great success stories of American democracy. It makes no sense for Congress to undermine it. This bill turns its back on the Nation's longstanding support of public schools and earmarks tax dollars for private schools. It is an unwarranted step in the wrong direction for education, for public schools, and for the Nation's children. Senator COVERDELL's proposal would spend $1.6 billion over the next 10 years on subsidies to help wealthy people pay the private school expenses they already pay and do nothing to help children in public schools get a better education.

This chart I have is based on the Joint Tax Committee memo, which is the committee designated by the Congress to review tax bills and provide analysis of various tax changes. The Joint Tax Committee memo demonstrates the distorted priorities of the

Coverdell bill. The bill has a $1.6 billion price tax over the next ten years—and half the benefits—$800 million—go to the 7 percent of families with children in private schools. That's an eight hundred million dollar tax bread for the tiny fraction of parents with children in private schools. That's unacceptable, when public schools are desperate for additional help.

We have nothing against the private schools. They are superb in many circumstances. But, scarce tax dollars should go to the public schools that have great needs.

We should invest scarce resources in ways that will help children raise academic performance and enhance their abilities? That is my test and the Coverdell bill fails it.

The Joint Tax Committee memo also estimates that while 83 percent of private school families will use this tax break, only 30 percent of public school families will use it.

The majority of the tax benefits will go to families in high income brackets, who can already afford to send their children to private school.

But working families and low-income families do not have enough assets and savings to participate in this IRA scheme. This regressive bill does not help working families struggling to pay day-to-day expenses during their children's school years.

The Joint Tax Committee memo says that the few public school families that do use the provision will get an average tax benefit of $7—$7! That means that a working family has to find $2,000 in extra resources in order to get back $7. This education bill does nothing for education. It simply provides a tax shelter for the rich.

The majority of families will get almost no tax break from this legislation. 70 percent of the benefit goes to families in the top 20 percent of the income bracket. Families earning less than $50,000 a year will get a tax cut of $2.50 from this legislation—$2.50! You can't even buy a good box of crayons for that amount. Families in the lowest income brackets—those making less than $17,000 a year—will get a tax cut of all of $1—$1! But, a family earning over $93,000 will get $97.

Even families who can save enough to be able to participate in this IRA scheme will receive little benefit. IRAs work best when the investment is long-term. But in this scheme, money will be taken out each year of a child's education. Only the wealthiest families will be able to take advantage of this tax-free savings account.

Proponents of this bill argue that assistance is available for families to send their children to any school, public or private. But that argument is false. The fact is, the public schools do not charge tuition. Therefore, the 90 percent of the children who attend the public schools do not need help in paying tuition. What they do need is the best possible education. We should be doing much more to support efforts to improve local schools. We should oppose any plan that would undermine those efforts.

On this next chart, it is clear that this bill disproportionately benefits families with children already in private school. Of the 35 million public school families, 30 percent could use the Coverdell IRA. But 83 percent of the 2.9 million private school families could use the IRA.

Again, the issue of fairness. The issue of the test should be what is going to benefit children and enhance their academic achievement. This particular proposal does not meet this test. The Coverdell bill is a back-door attack on public education, and it should be defeated.

Scarce tax dollars should be targeted to public schools. They don't have the luxury of closing their doors to students who pose special challenges, such as children with disabilities, limited-English-proficient children, or homeless students. This bill will not help children who need help the most.

Proponents say it will increase choice for parents, but the parental choice is a mirage. Private schools apply different rules than public schools. Public schools must accept all children. Private schools can decide whether to accept a child or not. The real choice goes to the schools, not the parents. The better the private school, the more parents and students are turned away. Public schools must accept all children and build programs to meet their needs. Private schools only accept children who fit the guidelines of their existing policy. We should not use public tax dollars to support schools that select some children and reject others. This bill is bad tax policy, bad education policy. It does not improve public education for the 90 percent of the children who go to public schools. Therefore, it is not an appropriate allocation of tax dollars.

This bill is simply private school vouchers under another name. It is wrong for Congress to subsidize private schools. Our goal is to improve public schools, not abandon them.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HUTCHINSON). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEMPTHORNE. Mr. President, I thank the Chair.

(The remarks of Mr. KEMPTHORNE pertaining to the submission of S. Con. Res. 84 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. KEMPTHORNE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VISIT TO THE SENATE BY KING HUSSEIN OF JORDAN

Mr. HELMS. Mr. President, it is my honor at this moment to present a distinguished guest to the U.S. Senate. His Majesty, the King of Jordan, King Hussein. I will suggest that we have a brief quorum call so that Senators can be notified to get here.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT

Mr. LOTT. Mr. President, as in executive session, I ask unanimous consent that at 4 p.m. today the Senate proceed to executive session to begin consideration of the NATO treaty, for opening statements only, and the time between 4 p.m. and 7 p.m. be equally divided between Senators HELMS or BIDEN or their designees.

I further ask that at 11:30 a.m. on Wednesday the Senate proceed to H.R. 2646 and that Senator ROTH be immediately recognized to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, we are encouraging all Senators to return to the floor at 5 p.m. this afternoon for the introduction of a resolution. We do have a briefing at this time in S-407 with Mr. Butler, who is the head of the UNSCOM group. As soon as that is completed at 5, we have a resolution that we think all Senators would be interested in supporting and commenting on. We will introduce that resolution at that time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

PROTOCOLS TO THE NORTH ATLANTIC TREATY OF 1949 ON ACCESSION OF POLAND, HUNGARY, AND THE CZECH REPUBLIC

The PRESIDING OFFICER. Under the previous order, the clerk will report Executive Calendar No. 16.

The legislative clerk read as follows:

Treaty Document 105-36. Protocols to the North Atlantic Treaty of 1949 on Accession of Poland, Hungary, and the Czech Republic.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, half of the 20th century ago, Poland, Hungary, and the Czech Republic were consigned to communist domination because of expedient and short-sighted policies of the West. Less than a decade ago, communism was overthrown and the desire for freedom in Eastern Europe prevailed over totalitarian government. Dictatorships fell to democracy like falling leaves in Autumn.

The new democracies in Eastern Europe, already nearing the state of permanent fixtures, have existed for less time than they did between World War I and World War II. Then, like now, their ultimate survival was taken for granted.

Yet, even now, in the late twentieth century, European nations are again torn asunder by ethnic hatreds and religious division. Reconstruction of the empires of the past century—a century as bloody as any known to man—still plays prominently in the minds of some nationalists and despots. Today, as in 1949, the defense of democracy will keep the United States out of European wars.

History may judge the collapse of communism in Europe to be largely a result of NATO's success in containing the massive, external threat posed by the Soviet Union. But the end of the Cold War does not mean the end of threats to freedom and liberty.

In the famous words of Thomas Jefferson: "The price of liberty is eternal vigilance". We must remain vigilant against the reemergence of old threats from the century past, even as we prepare for the new threats of the century to come. In the judgment of this Senator, an expanded NATO will do both.

Thus, we consider today one of the more important foreign policy matters to come before the Senate in some time; the protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary and the Czech Republic into NATO. In approving this resolution the Senate has the opportunity to remedy this historical injustice of Yalta, to secure democracy in Central Europe, and to advance the national security interests of the United States of America. I confess that because the extension of security guarantees is a very serious undertaking, and should be made only when it is in the national security interests of the United States.

Mr. President, the membership of Poland, Hungary, and the Czech Republic in the NATO alliance does serve the national security interests of the United States. I want to say why.

The Foreign Relations Committee, of which I am chairman, and honored to be so, has given its utmost attention to this question. The Committee's examination of NATO expansion has taken place over the course of four years, and has included a dozen hearings and nearly fifty witnesses representing the *full* spectrum of views on this issue. We have published a hearing record alone that is 552 pages long.

I extend my thanks to the many Foreign Relations Committee members who have taken this task so seriously, including Senator BIDEN, LUGAR, GORDON SMITH, and, of course, the distinguished Senator from Nebraska, Mr. HAGEL. I also commend Senator BILL ROTH for his leadership in the 28-member Senate NATO Observer Group. In Fact, through the combined efforts of the Foreign Relations Committee and the NATO Observer Group, 41 Senators have had the opportunity to engage closely in the review of NATO enlargement over the course of the past year.

The Resolution of Ratification was carefully written to address major areas of concern and to clarify issues that arose during the Committee's consideration. It is the product of a robust debate with the Administration—a debate that from the very start was premised upon my desire to be supportive of NATO expansion, but always guided by the necessity to achieve that goal in a manner that fully secures the interests of the United States.

I insisted upon that, and I insist upon that to this day. And we have done that with the resolution which is now the pending business.

That resolution, Mr. President, by the way, was approved by the Foreign Relations Committee 16 to 2, and it includes seven declarations and four conditions. In general, let me run down the list.

In general, the resolution reiterates the vital national security interest of NATO membership for the United States;

It lays out the strategic rationale for the inclusion of Poland, Hungary, and the Czech Republic in NATO;

It calls for continued U.S. leadership of NATO without interference from other institutions such as the United Nations;

It supports full and equal membership in NATO for the three new members;

It encourages the development of a constructive relationship between NATO and the Russian Federation if the Russian Federation remains committed to democratic reforms;

It emphasizes that Europeans also must work to advance political and economic stability in Europe;

It emphasizes that while NATO is open to new members, the United States has not invited any new members at this time;

It declares the Senate's understanding that NATO's central purpose remains the defense of its members and requires full consultation by the Executive Branch on any proposals to revise this mission;

It requires the President to certify the Senate's understandings on the cost, benefits, and military implications of NATO enlargement and requires annual reports, for five years, on several key elements of Alliance burdensharing;

It clearly defines the limits on the NATO-Russia relationship; and

It reiterates the constitutionally-based principles of treaty interpretation and appropriate role of the Senate in the consideration of treaties.

NATO expansion has been endorsed by a number of respected foreign policy leaders—past and present—e.g., former President George Bush, Jeanne Kirkpatrick, Casper Weinberger, Dick Cheney, Henry Kissinger, Zbigniew Brzezinski and Richard Perle. It has the strong backing of foreign leaders of known moral courage and principle, including Margaret Thatcher, Lech Walesa, and Vaclav Havel. We have received messages of endorsement from every living Secretary of State, numerous former secretaries of defense and national security advisors, and over sixty flag and general officers including five distinguished former Chairmen of the Joint Chiefs of Staff.

More important, we have heard from the American people. Organizations representing literally tens of millions of average Americans including the diverse ethnic community, religious groups, civic organizations, veterans organizations, and business groups support this measure.

In 1949, when the Alliance was founded, the decision entailed some risks. The same is true today. But we who support an expanded NATO are convinced that the collective defense of democratic nations in Europe and North America serves the interests of our nation.

A half century ago we found our allies in this cause among the ashes and ruin of World War II. Today, with the collapse of communism, we have found three new allies in the continued defense of democracy.

If Europe is indeed on the threshold of an era of peace, as some suggest, then the inclusion of Poland, Hungary and the Czech Republic in NATO will hardly merit a footnote in history. In fact, NATO will gradually fade from the scene as it relevance diminishes. But if the threat to liberty proves more resilient, how grateful we will be for these three allies.

With the expansion of the NATO alliance, we have the opportunity to right an historical injustice. By accepting Poland, Hungary and the Czech Republic into NATO, we reconnect them to the democratic West—a union that was severed by first Hitler, then Stalin. All Americans should welcome these nations as they finally become equal partners in the community of democratic nations, thereby ensuring that their new democracies shall never again fall victim to tyranny.

Mr. President, I believe this resolution will be approved with an overwhelmingly positive vote, an unmistakable vote of confidence for the democracies of Eastern Europe who, having been given a second chance at freedom this century, understand the price they must pay to preserve it.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. HELMS. Mr. President, I must leave the floor to take an important telephone call. Before I go, I see the distinguished Senator from New Hampshire, whom I respect highly, and I hope he will have a few words to say about this.

But I ask unanimous consent that the staff members of the Senate Foreign Relations Committee be granted floor privileges for the duration of the debate on this enlargement, and I ask unanimous consent that a list of the names of the staff members be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STAFF MEMBERS—FOREIGN RELATIONS COMMITTEE

Andrew Anderson, Christa Bailey, Steve Biegun, Marshall Billingslea, Beth Bonargo, Ellen Bork, Sherry Grandjean, Garrett Grigsby, Patti McNerney, Kirsten Madison, Roger Noriega, Bud Nance, Susan Oursler, Dany Pletka, Marc Thiessen, Chris Walker, Natasha Watson, Michael Westphal, Michael Wilner, Beth Wilson, Alex Rodriguez, Lauren Shedd, Gina Abercrombie-Winstanley, Martha Davis, Ed Hall, Mike Haltzel, Frank Jannuzi, Ed Levine, Erin Logan, Brian McKeon, Ursula McManus, Janice O'Connell, Diana Ohlbaum, Dawn Ratiff, Munro Richardson, Nancy Stetson, Puneet Talwar,

Mr. HELMS. I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. Mr. President, I assume the pending business is the NATO enlargement?

The PRESIDING OFFICER. The Senator is correct.

Mr. SMITH of New Hampshire. Mr. President, the Senate now is about to engage in a great debate, a debate that is very important to our country and, indeed, to the world. I had hoped that we could have postponed this debate somewhat, for a number of reasons. NATO itself is planning to put out a report on the requirements, costs and feasibility of enlargement sometime in May. Originally this debate was scheduled to come up in May, and now it has been moved up to mid-March. It is no secret that I am an opponent of enlargement, for reasons that I will go into somewhat today and, of course, later on as the debate continues. But I also feel very strongly—as some of my colleagues did who signed a letter to the leader, on both sides of the aisle—that we need more time to debate this, to understand fully what we are doing.

I think that, when you first look at this issue, you might come to the conclusion that after being subjected to the tyranny of communism for 45 years, somehow these nations have earned a place in the NATO alliance. I think the nations certainly have earned their freedom, without question. They paid a heavy price for it. But so did the United States of America. We spent about $6 trillion in the Cold War to defeat Soviet communism.

From the time I first came to the Congress, in 1985, I have been a strong supporter of our military and a strong supporter of the NATO alliance—which, by the way, is a military alliance, which sometimes I think people forget. It was a military alliance created to thwart the attempt of the Soviet Union to attack Western Europe and conquer it with its massive armies.

But today there is no massive Soviet Army. There is no Soviet Union. Is Russia unstable? Of course it is. But it is not the Soviet Union and it is not the same threat that NATO was designed to contain. As we begin this debate, so many of our colleagues on the other side have said expanding NATO is a great idea, and that we need to move forward as quickly as possible. I have been around a few years on this Earth, and I have generally found that if something is a good idea today, it will probably be a good idea tomorrow. If it is a good idea tomorrow, it will probably be a good idea next month or perhaps even a year from now.

So I wonder what the hurry is. I wonder why panic has set in among so many proponents of enlargement. It seems to me that, if it is a good idea, then a healthy debate ought not to ring the curtain down on it. But there appears to be some fear, I guess, that adding more time to the debate might change the outcome. I hope it does. I hope we have enough time to change the outcome, because I sincerely believe, after a lot of review on this issue, that we are making a serious mistake.

Let me offer some of the reasons for opposing NATO enlargement. Given the administration's support and that of a lot of very prominent people of both political parties—there has been a very impressive outside lobbying effort by a lot of people—the political pressure has been very strong for moving this forward. Again, the date has been moved forward, from May to March. But I believe the Senate should take its advice and consent role with treaties very, very seriously. This is a matter for advice and consent, and I have a hard time understanding how one can adequately advise and adequately consent if we are being told that the resolution of ratification has to be voted on now, with minimum debate.

The distinguished chairman of the Foreign Relations Committee is now on the floor. I know he had an extensive period of debate on this issue in his committee. Unfortunately, I am not a member of that committee. Sometimes I wish I were, because I admire the chairman greatly, but I am not. However, I am a member of the Armed Services Committee, and we are having a hearing this Thursday on NATO enlargement. I would like to be able to digest the information that we will receive there. Unfortunately, that hearing will now fall right in the middle of the debate, so it will be difficult to reflect on the hearing with the debate already underway.

As doubts have begun to appear, it has been somewhat disconcerting to see the proponents of NATO enlargement, the expansionists, so afraid that the Senate might carefully deliberate on this issue. As I said, if it is a good idea today, it ought to be a good idea a month from now or perhaps even a year from now. I might also add, only two countries in NATO have voted to broaden the alliance and bring in new members.

Some have suggested that those of us who are opposed to expansion are not committed to European security. If there is any Senator in the U.S. Senate who has a stronger record of support of the NATO alliance, or has a stronger anti-Communist record than I, I would like to know who that Senator is. Perhaps, Mr. President, they are really anxious for us to vote because they fear the case for enlargement might not bear the scrutiny that we are about to give it.

I have no plausible ulterior motive for opposing enlargement, and I am as anti-Communist and tough on the Russians as anybody alive. But this is not about communism anymore, although it appears some still think it is.

Since coming to Congress in 1985, I have enthusiastically supported spending billions of dollars for the defense of Europe. As a matter of fact, the United States spent roughly $6 trillion on defense during the Cold War, much of it directly for the defense of Europe. A lot of American lives were lost in wars against communists, and millions of Americans served in uniform at great sacrifice to their own families to contribute to the security of Europe. So, with the greatest respect for those countries that now seek membership in NATO, I do not think we owe anything to anybody. I have weighed all the alleged benefits, I have looked at the potential risks, and I have come to a number of conclusions which I would like to cite here.

First, if Europe or North America were truly threatened by Russia, the question of financial cost would be as irrelevant now as it was during the Cold War. Would we have gotten into a debate about how much it was going to cost if the Soviet Union had attacked North America? or attacked Europe? I don't think so. But for the foreseeable future—and I emphasize "foreseeable future"—Russia does not pose a conventional threat to any country in Europe.

What is the conventional threat from Russia? They do not have a capable army. They have removed most of the conventional weapons, the tanks, and other items of warfare that would be associated with a standing army. I am unaware of any credible analysis of their military that disagrees with that conclusion. So, cost is an issue today because, unlike during the Cold War, we are not sure what we are buying.

Second, I cannot imagine a worse long-term strategy for European security than jeopardizing United States-Russian relations. We have fought now for 50 years, first to defeat communism and to rid the world of the Soviet Union, and now to bring Russia and the Independent States back into the family of democratic nations. Russia is not there yet. We know that. Russia has many problems. But their once-mighty military is gone, for all intents and purposes.

Regardless of what experts and even United States Senators may say, Russia opposes NATO expansion. Of course, that does not mean that we should. Russia does not dictate our foreign policy. In fact, as chairman of the Subcommittee on Strategic Forces in the U.S. Armed Services Committee, I routinely confront Russia on matters of arms control, proliferation, and national missile defense. These are important things to confront them about. But extending an alliance that she considers hostile to the countries that she cannot threaten is basically kicking the Russians for no reason. History tells us that this is unwise.

You see, I think some are still in the Cold War looking at a 21st-century issue. I want to be talking to the Russians about national missile defense, about weapons proliferation, about arms control, about the ABM Treaty, and about how we can hopefully work together for the sake of keeping the peace in the world. This is far more important than picking 3 nations as winners—Hungary, the Czech Republic, and Poland—and ignoring 14 or 15 others who could also make a compelling case to come in. And we have now said: "You, you, and you, can come in." And to take this token step, we are putting at risk progress with Russia on arms control, proliferation, missile defense and the ABM Treaty.

I think we could be engaging the Russians to promote a world in the 21st century that has no dividing line between Western and Eastern Europe or dividing line between all of Europe and Russia. In the 21st century, I want this to be a world of peace. The 20th century was a world of war. I want to try to build something in the 21st century by looking ahead instead of thinking in the past. How do we do that? We engage the Russians on these issues, instead of antagonizing them or insulting them; we engage them. I think then, when the 21st century comes, we will see a Europe that is united with all nations in the European Union—united, friendly, cooperative in their economies, for the most part; perhaps even in their monetary system; and certainly acting as democratic nations with a common military bond.

But in addition, I hope to see a Russia that is a buffer between Islamic fundamentalism and China, a buffer between Europe and those two entities, Islamic fundamentalism and China, two very, very dangerous philosophies looming out there. One, China, has nuclear, biological, and chemical weapons of mass destruction and the means to deliver them. Fundamentalist Islamic countries are getting these weapons. We want a Russia that is going to be a buffer against these threats. We want a Russia that is a part of the West. For 50 years we have dreamed of the day that we could make this happen.

I am not some George McGovern liberal talking here. I am one who has been fighting the Soviet Union for 50 years, as many others have in both political parties. But we need to look ahead, think a little bit into the future about what we are doing. We are beginning to carve up Europe again, picking Hungary, the Czech Republic, and Poland and putting them on the right side of the line. But what is the threat to Hungary, the Czech Republic, and Poland today from Russia? I have not heard anybody tell me what it is.

If Russia decides to build its defenses back up—and it very well may happen—if they decide to turn to communism again, or some other brute-force-type government, if that even begins to happen, we can take the necessary steps, including the expansion of NATO. But why do it before we have to? Why pass up the greatest opportunity we have had in 75 years to bring the Russian people into the West? We have that opportunity. It would be a crime to pass it up. Declining to expand NATO now does not in any way prevent us from doing so in the future. There is absolutely no reason why we cannot do this in the future —no reason. If somebody can come on the floor and explain to me why we cannot do this a year from now, or 2 years from now, if the danger so exists, I would like to hear that argument.

It doesn't prevent us from doing it. Adding three insiders—Poland, the Czech Republic, and Hungary—creates a whole category of outsiders who say, "Well, why not us? We were dominated by the Soviet Union. Why are you picking them over us?"

So you are going to subject NATO almost annually to the perpetual anguish of, "Am I next?" Latvia, Estonia, Romania, on and on down the line. "When is it my turn to come into NATO?" And meanwhile, while focusing on a cold war alliance, we continue to ignore what we want to do, which is to bring Russia into the Western World.

With the end of the cold war, NATO now faces serious internal issues about its means and ends which should be aired and resolved before new countries are added. Enlargement is a token and, frankly, an unimaginative distraction from these real problems. We saw this in the debate in the Persian Gulf crisis last month. Many NATO countries weren't with us.

Mr. President, I hope that we will think very carefully about this. It is a hardnosed decision about extending a military guarantee to a precise piece of territory under a specific set of strategic circumstances; it should not be a sentimental decision about a moral commitment to Europe. We already have that.

What do we really want to accomplish? Do we really want to accomplish another line drawn through Europe this year, perhaps extending that line through another part of Europe next year and another line bringing in another nation the following year and continue this cold-war-era attitude? Or do we want to build a world where the United States and a strong Europe and a strong, democratic Russia can be a buffer, a source of power to confront Islamic fundamentalism and perhaps—perhaps—Communist China? I think we are being shortsighted, and I am going to get into more detail as to why later in the debate. Mr. President, I yield the floor.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Delaware.

Mr. ROTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll

The legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. ROTH. Mr. President, I ask unanimous consent that Kurt Volker, a legislative fellow in Senator McCAIN's office; Bob Nickle and Ian Brzezinski of my office; and Stan Sloan, who is a member of the CRS, be granted the privilege of the floor throughout the entire debate and any vote on the protocols to the North Atlantic Treaty on Hungary, Poland and the Czech Republic.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNIZING THE COURAGE AND SACRIFICE OF SENATOR JOHN McCAIN AND MEMBERS OF THE ARMED FORCES HELD AS PRISONERS OF WAR DURING THE VIETNAM CONFLICT

Mr. LOTT. Mr. President, as in legislative session, I ask unanimous consent that the Senate immediately proceed to the consideration of a resolution which I now send to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 196) recognizing and calling on all Americans to recognize the courage and sacrifice of Senator John McCain and the members of the Armed Forces held as prisoners of war during the Vietnam conflict and stating that the American people will not forget that more than 2,000 members of the Armed Forces remain unaccounted for from the Vietnam conflict and will continue to press for the fullest possible accounting for all such members whose whereabouts are unknown.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that there now be 20 minutes for debate on the resolution equally divided in the usual form and that, at the expiration of that time, the resolution be agreed to and the preamble be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I would like to read just some portions of this resolution and then comment briefly on why we are doing it today:

Whereas, JOHN McCAIN's A-4E Skyhawk was shot down over Hanoi, North Vietnam, on October 26, 1967, and he remained in captivity until March 14, 1973;

Whereas, JOHN McCAIN's aircraft was shorn of its right wing by a Surface to Air Missile and he plunged toward the ground at about 400 knots prior to ejecting;

Whereas, upon ejection, JOHN McCAIN's right knee and both arms were broken;

Whereas, JOHN McCAIN was surrounded by an angry mob who kicked him and spit on him, stabbed him with bayonets and smashed his shoulder with a rifle. . .;

Whereas, historians of the Vietnam war have recorded that "no American reached the prison camp of Hoa Lo in worse condition than JOHN McCAIN."

Whereas, his North Vietnamese captors recognized JOHN McCAIN came from a distinguished military family—

I might add, a family from my great State of Mississippi—

and caused him to suffer special beatings, special interrogations, and the cruel offer of a possible early release;

Whereas, JOHN McCAIN sat in prison in Hanoi for over 5 years, risking life from disease and medical complications resulting from his injuries, steadfastly refusing to cooperate with his enemy captors because his sense of honor and duty would not permit him to even consider an early release on special advantage;

Whereas, knowing his refusal to leave early may well result [or might have resulted] in his own death from his injuries, JOHN McCAIN told another prisoner, "I don't think that's the right thing to do. . ..They'll have to drag me out of here."

Whereas, following the Peace Accords [in Paris] in January 1973, 591 United States prisoners of war were released from captivity by North Vietnam. . .;

Whereas, Senator JOHN McCAIN of Arizona has continued to honor the Nation with devoted service; and

Whereas, the Nation owes a debt of gratitude to JOHN McCAIN and all of these patriots for their courage and exemplary service: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its gratitude for, and calls upon all Americans to reflect upon and show their gratitude for, the courage and sacrifice of JOHN McCAIN and the brave men who were held as prisoners of war during the Vietnam conflict, particularly on the occasion of the 25th anniversary of Operation Homecoming, and the return to the United States of Senator JOHN McCAIN.

Mr. President, in our daily duties, we quite often pass by men and women who have made a tremendous sacrifice in their lives or maybe have just done small things for individuals along the way. We begin to take them for granted. We begin to forget to say, "Thank you for what you have done for me or for your fellow man or woman or for your country."

Today at our policy luncheon, one of our members stood up and reminded us that it was 25 years ago today that John McCAIN came home. There was a spontaneous applause and standing ovation, and it extended for a long period of time and extended a real warmth.

While in the Senate sometimes we get after each other in debate and we don't approve of this or that, I really felt extremely emotional when I thought about the sacrifice that this man had made for his country and for his fellow men and women in the military and for his fellow prisoners of war. I realized that we had not said thank you to him, and that when we say thank you on behalf of a grateful country to John McCAIN, we are saying thank you also to all the men and women who served our country in uniform, who have been prisoners of war and, yes, those who are still missing in action to this very day.

So, I think it is appropriate that we in the Senate today adopt this resolution in recognition of the 25th anniversary of JOHN McCAIN, but also as an extended expression of our appreciation for all of those who served our country in such a magnanimous way. I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I join with the majority leader and with all of my colleagues in reflecting upon this moment and in joining with him in offering our gratitude and our congratulations to this American hero.

It may have been 25 years, and with years memories fade, but no one should ever forget the commitment made by JOHN McCAIN and people like him on behalf of their country. They and their families can never forget the pain, the sacrifice, the commitment.

Someone once said that democracy is something one either has to fight for or work at. JOHN McCAIN has done both—fighting for democracy, as none of us could ever appreciate, and working at democracy as he does with us each and every day.

There are thousands and thousands of people who have made a similar commitment, and were they here, I know that we would articulate in much the same sincere fashion our expression of gratitude to them.

So, in some ways, JOHN McCAIN not only represents his own experience, but that of all those he served with so valiantly during the Vietnam war.

I join with my colleague TRENT LOTT, the majority leader, in recognizing that there are things that never go away: the importance of commitment, the recognition of the need for sacrifice, the continued need to work at and fight for democracy in this and in other countries.

A resolution of this nature is certainly fitting, and on behalf of all of our colleagues, I hope we can say with unanimity, "Thank you, thank you, JOHN McCAIN."

Mr. FEINGOLD. Mr. President, I am proud to take this opportunity to honor my good friend and colleague from Arizona, Senator JOHN MCCAIN in the twenty-fifth anniversary of the homecoming of our American prisoners of war from Vietnam.

What a career our friend JOHN MCCAIN has had: A graduate of the Naval Academy, twenty-two years as a naval aviator, a prisoner of war for five years, a recipient of numerous awards including the Purple Heart and Silver Star and a member of this body since 1986. I am honored to have worked so closely with him in the past and look forward to joining forces with him again in the future. JOHN, I join with others in the Senate in celebrating the anniversary of your coming home and the coming home of those who served with you.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, as my colleagues well know, I am not often at a loss for words. I certainly am at this time.

I would like to, first of all, express my appreciation to Senator LOTT and Senator DASCHLE, two honorable adversaries who continue to struggle on the ideological playing field, but do so in the most honorable and dignified fashion that reflects credit on the U.S. Senate and on them.

I was very moved today at the luncheon when my colleagues applauded so warmly the commemoration of this date. I am also very deeply moved by this resolution. I accept with some humility the accolades and kind words that have been said about me and also that are in this resolution.

I know that all of my colleagues recognize that I accept these words not on my own behalf but on behalf of two groups of people—one is those that I had the privilege of serving with in Vietnam, many of whom suffered far more than I did and displayed much higher degrees of courage. They are the ones I knew best and loved most and whose companionship I will treasure for as long as I live. But I also accept these very kind words on behalf of the real heroes of that very unhappy and tragic chapter in American history, and those are the heroes whose names appear on the wall at the memorial not very far from this building. They were called and they served with honor. The honor was in their service in what was a very unpopular enterprise and one for which the American people took a long time before we adequately thanked them for their service. They were brave young people, most of them 18 or 19 years of age, who felt that answering the country's call was the most honorable of all professions. So on their behalf and that of their families who still mourn their loss, I accept for them with humility and with pride, because as we all know it is very easy to embark on a popular enterprise; it is much more difficult to serve in one which is fraught with controversy. And sometimes the young people who did return were not given the appreciation nor the accolades that they deserved for their service.

So on behalf of those who cannot speak here today, whose names appear on the wall, I say thank you, and we will renew our dedication to see that never again do we send our young people to fight and die in conflict unless the goal is victory and we are prepared to devote all the resources at our disposal to winning that victory as quickly as possible. Although that didn't happen in that case, we cherish their memory, and for as long as Americans celebrate the service and sacrifice of young men, we will honor their memory. I thank you.

The PRESIDING OFFICER. Under the previous order, Senate Resolution 196 is agreed to and the preamble is agreed to.

The resolution (S. Res. 196) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 196

Whereas participation by the United States Armed Forces in combat operations in Southeast Asia during the period from 1964 through 1972 resulted in several hundreds of members of the United States Armed Forces being taken prisoner by North Vietnamese, Pathet Lao, and Viet Cong enemy forces;

Whereas John McCain's A-4E Skyhawk was shot down over Hanoi, North Vietnam on October 26, 1967 and he remained in captivity until March 14, 1973.

Whereas John McCain's aircraft was shorn of it's right wing by a Surface to Air Missile and he plunged toward the ground at about 400 knots prior to ejecting;

Whereas upon ejection, John McCain's right knee and both arms were broken;

Whereas John McCain was surrounded by an angry mob who kicked him and spit on him, stabbed him with bayonets and smashed his shoulder with a rifle.

Whereas United States prisoners of war in Southeast Asia were held in a number of facilities, the most notorious of which was Hoa Lo Prison in downtown Hanoi, dubbed the 'Hanoi Hilton' by the prisoners held there;

Whereas historians of the Vietnam war have recorded that "no American reached the prison camp of Hoa Lo in worse condition than John McCain."

Whereas his North Vietnamese captors recognized that John McCain came from a distinguished military family and caused him to suffer special beatings, special interrogations, and the cruel offer of a possible early release;

Whereas John McCain sat in prison in Hanoi for over 5 years, risking death from disease and medical complications resulting from his injuries, steadfastly refusing to cooperate with his enemy captors because his sense of honor and duty would not permit him to even consider an early release based on special advantage;

Whereas knowing his refusal to leave early may well result in his own death from his injuries John McCain told another prisoner "I don't think that's the right thing to do—They'll have to drag me out of here"

Whereas, following the Paris Peace Accords of January 1973, 591 United States prisoners of war were released from captivity by North Vietnam;

Whereas the return of these prisoners of war to United States Control and to their families and comrades was designated Operation Homecoming;

Whereas many members of the United States Armed Forces who were taken prisoner as a result of ground or aerial combat in Southeast Asia have not returned to their loved ones and their whereabouts remain unknown;

Whereas United States prisoners of war in Southeast Asia were routinely subjected to brutal mistreatment, including beatings, torture, starvation, and denial of medical attention;

Whereas the hundreds of United States prisoners of war held in the Hanoi Hilton and other facilities persevered under terrible conditions;

Whereas the prisoners were frequently isolated from each other and prohibited from speaking to each other;

Whereas the prisoners nevertheless, at great personal risk, devised a means to communicate with each other through a code transmitted by tapping on cell walls;

Whereas then-Commander James B. Stockdale, United States Navy, who upon the capture on September 9, 1965, became the senior POW officer present in the Hanoi Hilton, delivered to his men a message that was to sustain them during their ordeal, as follows: Remember, you are Americans. With faith in God, trust in one another, and devotion to your country, you will overcome. You will triumph;

Whereas the men held as prisoners of war during the Vietnam conflict truly represent all that is best about America;

Whereas Senator John McCain of Arizona has continued to honor the Nation with devoted service; and

Whereas the Nation owes a debt of gratitude to John McCain and all of these patriots for their courage and exemplary service: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its gratitude for, and calls upon all Americans to reflect upon and show their gratitude for, the courage and sacrifice of John McCain and the brave men who were held as prisoners of war during the Vietnam conflict, particularly on the occasion of the 25th anniversary of Operation Homecoming, and the return to the United States of Senator John McCain,

(2) acting on behalf of all Americans—

(A) will not forget that more than 2,000 members of the United States Armed Forces remain unaccounted for from the Vietnam conflict; and

(B) will continue to press for the fullest possible accounting for such members.

Mr. WARNER. Parliamentary inquiry. Is it in order to ask to be an original cosponsor of the resolution?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I thank the Chair.

EXECUTIVE SESSION

PROTOCOLS TO THE NORTH ATLANTIC TREATY OF 1949 ON ACCESSION OF POLAND, HUNGARY, AND THE CZECH REPUBLIC

Mr. ROTH. Mr. President, peace and stability in Europe are among America's most vital security interests. In support of these interests, NATO has been the cornerstone of American leadership in Europe and the foundation for security and peace on that continent.

The Alliance serves the transatlantic community not only as a proven deterrent against aggression, but also as an unmatched instrument of integration and trust—two key pillars of peace and stability. Through NATO, old enemies have not only been reconciled, but now stand side by side as allies; national defense policies are coordinated between nations that half a century ago were at war; and, on a day to day basis, consultation, joint planning, joint training and cooperation between these countries reinforce the trust and commitment to the shared values that underpin this alliance of democracies.

Nearly a decade ago, "velvet revolutions" championed by the likes of Lech Walesa and Vaclav Havel renewed freedom in Central Europe. These remarkable and peaceful revolutions tore down the Iron Curtain that divided the continent and provided the basis upon which democracy is now flourishing.

Today, nearly a decade after the collapse of the Berlin Wall, we begin formal consideration of a resolution of ratification that would extend NATO membership to Poland, the Czech Republic, and Hungary. Few votes before the Senate have as much far-reaching significance as this.

This vote concerns not only the integration of these three democracies into the Alliance, it is also very much about the strategic relationship between the United States and Europe. It is about America's role in Europe and the ability of the transatlantic community to respond to challenges of the future—both of which hinge on whether the United States wishes to remain a European power and whether we desire a unified, democratic, and larger Europe to remain linked to America.

The case I would like to make today is that NATO enlargement is consistent with the moral and strategic imperatives of the Euro-Atlantic relationship. It is central to the vitality of the trans-atlantic community, to the future of a stable and peaceful Europe and, thus, to the ability of America and Europe to work together effectively in promoting common interests in the 21st century.

Inclusion of Poland, the Czech Republic, and Hungary into the Alliance will strengthen NATO. It will make NATO militarily more capable and Europe more secure. These three democracies have demonstrated their commitment to the values and interests shared by NATO members: human rights, equal justice under the law, and free markets. Each has a growing economy and a military under civilian control.

It is important to note that they also contributed forces to Operation Desert Storm, as well as to our peacekeeping missions in Haiti and Bosnia. They were among the first countries to commit forces to serve side by side with the United States in the stand-off against Saddam Hussein. The admission of these three democracies will add an additional 200,000 troops to the Alliance, thereby strengthening its ability to fulfill its core mission of collective defense.

NATO enlargement will eliminate immoral and destabilizing lines in Europe, a division established by Stalin and perpetuated by the Cold War. The extension of NATO membership to Poland, the Czech Republic, and Hungary is an imperative consistent with the moral underpinning of U.S. foreign policy and the North Atlantic Treaty that established the Alliance in 1949. Indeed, Article 10 of the Treaty states that membership is open to "any other European state in a position to further the principles of this treaty and to contribute to the security of the North Atlantic area."

Mr President, this powerful statement reflects the emphasis the Alliance places on democracy and inclusivity.

But NATO enlargement is not driven just by moral imperatives. It is also a policy rooted in strategic self-interest and driven by objective political, economic, and military criteria.

Indeed, for these reasons, NATO has expanded three times since its founding, and continued enlargement will expand the zone of peace, democracy, and stability in Europe. This benefits all countries in Europe, including a democratizing Russia.

Throughout its history, Europe has been a landscape of many insecure small powers, a few imperialistic great powers, and too many conflicting nationalist policies, each creating friction with the other. Twice in this century, these dynamics pulled America into wars on the European continent. They contributed directly to a prolonged Cold War. And the potential for them to create conflict in the future is all too real unless we seize opportunities like the one before us. As Vaclav Havel put it, "If the West does not stabilize the East, the East will destabilize the West." Every time America has withdrawn its influence from Europe, trouble has followed. This we cannot afford.

Mr. President, NATO enlargement is the surest means of doing for Central and Eastern Europe what American leadership, through the Alliance, has done so well for Western Europe. This includes promoting and institutionalizing trust, cooperation, coordination, and communication. In this way, NATO enlargement is not an act of altruism, but one of self-interest.

Allow me to reemphasize that NATO enlargement benefits all democracies in Europe, including Russia. I say this because there are still those who assert that NATO enlargement is a policy that mistreats Moscow, thereby repeating mistakes made in the Versailles Treaty. That argument is dead wrong. It ignores the hand of partnership and assistance that the West, including NATO, has extended Russia. Last May, the NATO-Russia Founding Act was signed, providing the foundation for not only enhanced consultation, but also unprecedented defense cooperation. Today, Russian troops serve with NATO forces in Bosnia. And, unlike the punishing economic retribution carried out under the Versailles regime, the West has extended some $100 billion since 1991 to help Russia's democratic and economic reforms, including over $2 billion in weapon dismantlement and security assistance.

Others suggest NATO enlargement endangers a positive relationship between Russia and the West. The United States and its NATO allies will not always share common interests with Russia, irrespective of NATO enlargement. Differences over Iraq, Iran, the Caucasus, arms sales, and religious freedom are not related to NATO enlargement. Moscow will always have its own independent motivations. Unfortunately, there are still those in Moscow who reject NATO enlargement out of a desire to preserve Russia's sphere of influence. Let us not give credibility to the likes of Vladimir Zhirinovsky by acceding to these demands.

As I have written with my colleague Senator LUGAR, the bottom line is that if Russia cannot accept the legitimate right of its neighbors to choose their own defensive security arrangements, then NATO's role in Central and Eastern Europe is even more important.

Keeping the above arguments in mind, it follows that the costs of enlargement are insignificant to the costs of rejecting NATO enlargement. I urge my colleagues to consider three severe costs that would be incurred should the Senate fail to ratify NATO membership for Poland, the Czech Republic and Hungary:

A rejection of NATO enlargement would prompt a massive crisis in America's role as the leader of the transatlantic community. NATO enlargement is a policy that has been championed by the United States, including the United States Senate. Rejection of the resolution before us would vindicate those in Europe who express doubt and who resent U.S. leadership.

Rejection of this resolution would spread massive disillusionment across

Central Europe. It would stimulate a pervasive feeling of abandonment and rekindle a sense of historic despair. This could prompt political crises. It would surely prompt a turn to more nationalist policies—including nationalist defense policies. A rejection of enlargement would reverse the remarkable development of European security around an Alliance-determined agenda—a development in no small way facilitated by the process of NATO enlargement.

Rejection of this resolution would undercut Russia's democratic evolution, stimulating Russian imperialist nostalgia. It would give great credibility to those in Russia who argue that Russia is entitled to a sphere of influence in Central Europe. That would be at the expense of those who desire Moscow to focus on the priorities of economic and political reform.

NATO enlargement is a critical, nonthreatening complement to the hand of partnership that the West and NATO have extended to Russia. It ensures the secure and stable regional context in which a democratic Russia will have the best prospects for a normal, cooperative relationship with its European neighbors.

Indeed, there would have been no German-French reconciliation without NATO. And, the ongoing German-Polish reconciliation would not be possible without NATO. In fact, as one thoughtful thinker on these matters, Dr. Zbigniew Brzezinski, has written "with NATO enlarged, a genuine reconciliation between former Soviet satellites and Russia will be both truly possible and likely."

Finally, Mr. President, NATO enlargement is fundamental to Europe's evolution into a partner that will more effectively meet global challenges before the transatlantic community. An undivided Europe at peace is a Europe that will be better able to look outward, a Europe better able to join with the United States to address necessary global security concerns. A partnership with an undivided Europe in the time- and stress-tested architecture of NATO will enable the United States to more effectively meet the global challenges to its vital interests at a time when defense resources are increasingly strained.

Mr. President, allow me to close by pointing out that NATO enlargement is a policy validated by unprecedented public and Congressional discourse on a matter of national security.

Over the last five years, NATO enlargement has been the topic of countless editorials and opinion pieces in national and local papers. Over the last two years some fourteen states, including the First State, Delaware, have passed resolutions endorsing NATO enlargement. This policy has been endorsed by countless civic, public policy, political, business, labor and veterans organizations.

NATO enlargement has also been repeatedly endorsed by the North Atlantic Assembly, an arm of the Alliance that convenes parliamentary representatives of NATO's sixteen countries. Congress has always been an active player in this organization and I have the honor today of serving as President of the NAA.

Congress, in particular, has led the charge for NATO enlargement. Its committees have examined in detail the military, intelligence, foreign policy, and budgetary implications of this long overdue initiative. Since last July alone, twelve hearings have been conducted on NATO enlargement by the Senate Committees on Foreign Relations, Armed Services, Appropriations, and Budget. The Senate NATO Observer Group, which I chair with Senator JOSEPH R. BIDEN, has convened seventeen times with, among others, the President, the Secretaries of State and Defense, NATO's Secretary General, and the leaders of the three invitee countries.

For me, it is no surprise—indeed a matter of pride—that Congress has legislatively promoted NATO enlargement every year since 1994. To be exact, this chamber has endorsed NATO enlargement some fourteen times through unanimous consent agreements, voice votes and roll call votes. I only wish all dimensions of U.S. national security policy would receive this much public attention and endorsement.

Mr. President, these arguments make it clear that America's best chance for enduring peace and stability in Europe—our best chance for staying out of war in Europe, our best chance for reinforcing what has been a strong, productive partnership with Europe—is to promote a Europe that is whole, free, and secure. What better organization to do this than the North Atlantic Alliance—an organization that has kept the peace for more than fifty years and remains unmatched in its potential to meet the security challenges of the future. The extension of NATO membership to Poland, the Czech Republic, and Hungary is a critical step to ensure that the Alliance remains true to the values of the Washington Treaty, to consolidate the gains in democracy, peace, and stability in post-Cold War Europe, and to ensure that the transatlantic community is fully prepared for the challenges and opportunities of the next century.

Mr. President, we should all commend the Chairman of the Senate Foreign Relations Committee, Senator JESSE HELMS, for producing an outstanding resolution and ratification. He has been a true leader in the effort behind NATO enlargement. He has ensured that all Members of the Senate have had ample opportunity to be fully engaged on this important matter. I applaud his leadership. Senator HELMS and his colleagues on the Foreign Relations Committee have produced, as I said, an outstanding resolution of ratification. I urge my colleagues to give it their unqualified support.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SANTORUM). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

MORNING BUSINESS

Mr. HELMS. Mr. President, I now ask unanimous consent there be a period of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, it was just over two years ago—on Friday, February 23, 1996—that the federal debt broke the five trillion dollar sound barrier for the first time in history. The records show that on that day, at the close of business, the debt stood at $5,017,056,630,040.53.

Just 22 years ago, in 1976, the federal debt stood at $629 billion,—and that was after the first 200 years of America's history had elapsed, including two world wars. Then the big spenders really went to work and the interest on the federal debt really began to take off—and, presto, during the past two decades the federal debt has soared into the stratosphere, increasing by more than $4 trillion in two decades (from 1976 to 1996).

So, Mr. President, as of the close of business Monday, March 16, 1998, the federal debt stood—down-to-the-penny—at $5,530,456,190,863.05.

This enormous debt is a festering, escalating burden on all citizens and especially it is jeopardizing the liberty of our children and grandchildren. As Jefferson once warned, "to preserve [our] independence, we must not let our leaders load us with perpetual debt. We must make our election between economy and liberty, or profusion and servitude."

Was Mr. Jefferson right, or what?

ST. PATRICK'S DAY STATEMENT BY THE FRIENDS OF IRELAND

Mr. KENNEDY. Mr. President, the Friends of Ireland is a bipartisan group of Senators and Representatives opposed to violence and terrorism in Northern Ireland and dedicated to maintaining a United States policy that promotes a just, lasting, and peaceful settlement of the conflict.

On behalf of Senator MOYNIHAN, Senator DODD and myself, we would like to welcome our colleague Senator MACK as a new Member of the Friends of Ireland Senate Executive Committee.

Each year, the Friends of Ireland issues an annual statement of the current situation in Northern Ireland. We believe our colleagues in Congress will find this year's statement of particular interest because of the events of the past year and potential for progress this year. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE FRIENDS OF IRELAND, ST. PATRICK'S DAY 1998

On this St. Patrick's Day the Friends of Ireland in the United States Congress join 44 million Irish-Americans, with ties to both traditions in Ireland, to celebrate our heritage and the unique bonds between our two lands. We send greetings to the President of Ireland, Mary McAleese, and wish her well in her new position. We warmly welcome the Taoiseach, Bertie Ahern, on this his first St. Patrick's Day visit to Washington since he became Ireland's Prime Minister in June.

We share the hopes of the Irish people and their friends throughout the world that, in the course of this year, the Northern Ireland peace process will be successful and establish an agreement which fully respects the rights of nationalists and unionists, and can win the support of both.

We congratulate the Irish and British governments under the determined leadership of the Taoiseach, Bertie Ahern, and Prime Minister Tony Blair, for their courage and ability in seeking to advance the historic goal of ending this tragic conflict. We welcome all the positive contributions which have been made by political leaders in Northern Ireland to the talks. We pay tribute in particular to the contribution of our former colleague Senator George Mitchell in his role as Chairman of the talks, and to both the Minister of Foreign Affairs David Andrews, and the Northern Ireland Secretary of State Marjorie Mowlam, for their tireless commitment to the advancement of peace.

We condemn in the strongest terms the cruel sectarian killings and other acts of violence which have recently brought renewed suffering to Northern Ireland. The clear purpose of these sinister attacks is to destroy the peace process. These enemies of peace must never be allowed to succeed. No effort should be spared to bring those responsible to justice. We urge in the strongest possible terms that the cease-fires be maintained.

The most effective response to those who would seek to destroy this historic opportunity for peace in Northern Ireland is for political leaders involved in the talks to expand their dialogue and to redouble their efforts to reach agreement.

We agree with the Governments that the status quo in Northern Ireland is not an option. It is for the Governments and parties engaged in the talks to decide upon the precise terms of new arrangements which will be fair to both traditions. It is clear that "the new beginning in relationships" which has been set as the goal for the talks requires major change. We pledge our support to the Governments and the talks participants who together must make the difficult decisions needed to bring about that necessary transformation.

The critical test of the viability of any new agreement will be whether it provides for just and equal treatment for both communities and full respect for their respective traditions. It should end forever the possibility that any individual or group should fear that their rights are not protected or that they are treated as second class citizens. Equality of treatment must be the organizing principle of the new political institutions which need to be developed in all three Strands of the talks. We stress the particular importance of meaningful North/South institutions in this regard. Measures to promote equality, respect for human rights, and fundamental freedoms are essential underpinnings of any settlement, and should not be seen as concessions to one side or the other. The enactment of a Bill of Rights, the early repeal of the extensive body of emergency legislation, and a commitment to the development of a police force acceptable to all would constitute important steps in this direction.

We welcome Secretary of State Mowlam's recent announcement of a new commitment to remedy the job imbalance in Northern Ireland, under which Catholics are still twice as likely to be unemployed as Protestants. It is our hope that concrete steps to achieve genuine equality of opportunity in employment will be rapidly implemented.

We also wish to emphasize the need to avoid any repetition this year of the appalling disturbances during last year's marching season. We share the concern that the composition of the Parades Commission is unbalanced. The Commission's preliminary report will be issued soon, and we urge that all decisions on parades be taken in a manner that is clearly seen to be fair.

We welcome the decision by the British Government to appoint a tribunal of inquiry to consider new material, including that presented by the Irish Government, regarding the events of Bloody Sunday. We hope that this inquiry leads to the truth and healing for the people of Derry, and in particular for the families and relatives of the victims. We are also conscious of the grief of many others who have lost loved ones in the conflict, many whose remains are still missing. We urge those in a position to do so to assist in identifying remains so that they can be returned to their families.

The Friends of Ireland welcome the continuing bipartisan commitment of President Clinton and the Congress to the achievement of a just and lasting peace in Ireland and, in particular, the support for the important work of the International Fund for Ireland. To those ready to take risks for peace, we pledge ourselves to support any agreement reached by the parties. We believe that all involved now have an historic opportunity to replace the politics of discrimination with the politics of equality and mutual respect. We urge all concerned to summon the political courage to seize the moment.

FRIENDS OF IRELAND EXECUTIVE COMMITTEE

Senate: Edward M. Kennedy, Daniel Patrick Moynihan, Christopher J. Dodd, Connie Mack.

House of Representatives: Newt Gingrich, Richard A. Gephardt, James T. Walsh.

MESSAGES FROM THE HOUSE

At 3:49 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has agreed to the following resolution:

H. Res. 386. Resolved that the Honorable Richard K. Armey, a Representative from the State of Texas, be, and he is hereby, elected Speaker pro tempore on this day.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations, without amendment:

S. 1768. An original bill making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, for the fiscal year ending September 30, 1998, and for other purposes (Rept. No. 105–168).

S. 1769. An original bill making supplemental appropriations for the International Monetary Fund for the fiscal year ending September 30, 1998, and for other purposes (Rept. No. 105–169).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. STEVENS:

S. 1768. An original bill making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, for the fiscal year ending September 30, 1998, and for other purposes; from the Committee on Appropriations; placed on the calendar.

S. 1769. An original bill making supplemental appropriations for the International Monetary Fund for the fiscal year ending September 30, 1998, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. MCCAIN (for himself, Mr. CAMPBELL, Mr. INOUYE, and Mr. CONRAD):

S. 1770. A bill to elevate the position of Director of the Indian Health Service to Assistant Secretary of Health and Human Services, to provide for the organizational independence of the Indian Health Service within the Department of Health and Human Services, and for other purposes; to the Committee on Indian Affairs.

By Mr. CAMPBELL (for himself and Mr. ALLARD):

S. 1771. A bill to amend the Colorado Ute Indian Water Rights Settlement Act to provide for a final settlement of the claims of the Colorado Ute Indian Tribes, and for other purposes; to the Committee on Indian Affairs.

By Mr. JEFFORDS (for himself and Mr. LEAHY):

S. 1772. A bill to suspend temporarily the duty on certain pile fabrics of man-made fibers; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 1773. A bill for the relief of Mrs. Ruth Hairston by the waiver of a filing deadline for appeal from a ruling relating to her application for a survivor annuity; to the Committee on Governmental Affairs.

By Mr. LOTT (for himself and Mr. COCHRAN):

S. 1774. A bill to amend the Consolidated Farm and Rural Development Act to authorize the Secretary of Agriculture to make guaranteed farm ownership loans and guaranteed farm operating loans of up to $600,000, and to increase the maximum loan amounts with inflation; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BOND:

S. 1775. A bill to suspend temporarily the duty on phosphonic acid, (nitrilotris (methylene))tris; to the Committee on Finance.

S. 1776. A bill to suspend temporarily the duty on phosphonic acid, (nitrilis(methylene))tris-, pentasodium salt; to the Committee on Finance.

S. 1777. A bill to suspend temporarily the duty on phosphonic acid, (1-hydroxyethylidene)bis; to the Committee on Finance.

S. 1778. A bill to suspend temporarily the duty on phosphonic acid, (1-hydroxyethylidene)bis-, tetrasodium salt; to the Committee on Finance.

S. 1779. A bill to suspend temporarily the duty on phosphonic acid, (1,6-hexanediylbis(nitrilobis(methylene)) tetrakis-potassium salt; to the Committee on Finance.

S. 1780. A bill to suspend temporarily the duty on phosphonic acid, (((phosphonomethyl)imino)bis(2,1-ethanediylnitrilobis- (methylene))tetrakis; to the Committee on Finance.

S. 1781. A bill to suspend temporarily the duty on phosphonic acid, (((phophonomethyl)imino)bis(2,1-ethanediylnitrilobis- (methylene)))tetrakis-, sodium salt; to the Committee on Finance.

S. 1782. A bill to suspend temporarily the duty on Polyvinyl Butyral; to the Committee on Finance.

S. 1783. A bill to suspend temporarily the duty on triethyleneglycol bis(2-ethyl hexanoate); to the Committee on Finance.

S. 1784. A bill to suspend temporarily the duty on Biphenyl flake; to the Committee on Finance.

S. 1785. A bill to suspend temporarily the duty on 2-Ethylhexanoic acid; to the Committee on Finance.

Mr. FAIRCLOTH:

S. 1786. A bill to provide for the conduct of a study and report concerning the ability of the Centers for Disease Control and Prevention to address the growing threat of viral epidemics and biological and chemical terrorism; to the Committee on Labor and Human Resources.

By Mr. GRAMM (for himself, Mrs. HUTCHISON, Mr. GRASSLEY, Mr. D'AMATO, Mr. KYL, Mr. GORTON, Mrs. FEINSTEIN, Mr. BINGAMAN, Mrs. BOXER, Mrs. MURRAY, Mr. McCAIN, and Mr. DOMENICI):

S. 1787. A bill to authorize additional appropriations for United States Customs Service personnel and technology in order to expedite the flow of legal commercial and passenger traffic at United States land borders; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 1788. A bill to amend titles XI and XVIII of the Social Security Act to combat waste, fraud, and abuse in the medicare program; to the Committee on Finance.

By Mr. MOYNIHAN (for himself, Mr. KENNEDY, Mr. DASCHLE, Mrs. BOXER, Mr. DODD, Mr. DURBIN, Mr. GLENN, Mr. HARKIN, Mr. KERRY, Mr. LAUTENBERG, Ms. MOSELEY-BRAUN, Mr. ROCKEFELLER, and Mr. TORRICELLI):

S. 1789. A bill to amend title XVIII of the Social Security Act and the Employee Retirement Income Security Act of 1974 to improve access to health insurance and medicare benefits for individuals ages 55 to 65 to be fully funded through premiums and antifraud provision, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself, Mr. DASCHLE, Mr. WARNER, Mr. KEMPTHORNE, Mr. HATCH, Mr. COATS, Mr. HAGEL, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. ASHCROFT, Mr. BAUCUS, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BRYAN, Mr. BUMPERS, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Mr. CHAFEE, Mr. CLELAND, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENZI, Mr. FAIRCLOTH, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FORD, Mr. FRIST, Mr. GLENN, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HARKIN, Mr. HELMS, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MACK, Mr. McCAIN, Mr. McCONNELL, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICELLI, Mr. WELLSTONE, and Mr. WYDEN):

S. Res. 196. A resolution recognizing, and calling on all Americans to recognize, the courage and sacrifice of Senator John McCain and the members of the Armed Forces held as prisoners of war during the Vietnam conflict and stating that the American people will not forget that more than 2,000 members of the Armed Forces remain unaccounted for from the Vietnam conflict and will continue to press for the fullest possible accounting for all such members whose whereabouts are unknown; considered and agreed to.

By Mr. REID:

S. Res. 197. A resolution designating May 6, 1998, as "National Eating Disorders Awareness Day" to heighten awareness and stress prevention of eating disorders; to the Committee on the Judiciary.

By Mr. KEMPTHORNE (for himself, Mr. HELMS, Mr. FAIRCLOTH, Mrs. FEINSTEIN, Mrs. BOXER, Mr. CHAFEE, Mrs. HUTCHISON, Mr. COVERDELL, Mr. GRAMM, Mr. SMITH of New Hampshire, Mr. LEAHY, Mr. DEWINE, Mr. WARNER, and Mr. CRAIG):

S. Con. Res. 84. A concurrent resolution expressing the sense of Congress that the Government of Costa Rica should take steps to protect the lives of property owners in Costa Rica, and for other purposes; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCAIN (for himself, Mr. CAMPBELL, Mr. INOUYE, and Mr. CONRAD):

S. 1770. A bill to elevate the position of Director of the Indian Health Service to Assistant Secretary of Health and Human Services, to provide for the organizational independence of the Indian Health Service within the Department of Health and Human Services, and for other purposes, to the Committee on Indian Affairs.

ASSISTANT SECRETARY FOR INDIAN HEALTH ACT OF 1998

Mr. McCAIN. Mr. President, I rise today to introduce legislation to redesignate the position of the Director of the Indian Health Service (IHS) to an Assistant Secretarial position within the Department of Health and Human Services. I am pleased that the Chairman and Vice-Chairman of the Committee on Indian Affairs, Senator CAMPBELL and Senator INOUYE, as well as my colleague, Senator CONRAD, are joining me as co-sponsors of this important legislation. The Senate previously approved this legislation in the 103rd session and again considered the bill in the 104th session, but we were unable to pass a bill before adjournment. We are again pursuing this legislation as the timing for enactment could not be more critical.

Some of my colleagues might be led to believe the standard of living for Indian people is improving due to the relatively small economic success enjoyed by a few Indian tribes in this country. Nothing could be further from reality as the health conditions facing Indian people are an endemic crisis.

Mr. President, Indian reservation areas are among the most impoverished areas in our nation, yet remain the least served and the most forgotten when it comes to improving health care delivery. American Indian and Alaska Native populations are affected by diabetes at a rate that overwhelmingly exceeds other national populations. Mortality rates for tuberculosis, alcoholism, accidents, homicide, pneumonia, influenza and suicides are far higher than all other segments of the national population. The number of HIV and AIDS cases affecting American Indian communities is increasing at an alarming rate.

The Indian Health Service (IHS) is the lead agency charged with providing health care to the more than 550 Indian tribes in this country. The IHS currently falls under the authority of the Public Health Service within the overall Department of Health and Human Services. The Indian Health Service consists of 143 service units composed of over 500 direct health care delivery facilities, including 49 hospitals, 176 health centers, 8 school centers and 277 health stations and satellite clinics and Alaska village clinics. This health network provides services ranging from facility construction to pediatrics, and serves approximately 1.3 million American Indians and Alaska Native individuals each year.

For the past couple of years, the Department has undergone reorganizational reforms and removed some of the administrative hurdles faced by the IHS Director. I applaud the Secretary and the Department for these efforts to prioritize Indian health issues. However, I am convinced that we must further institutionalize the future of the IHS by allowing the agency to operate at the highest levels and by its own authority.

Mr. President, this bill is more than a symbolic gesture. There are several other critical reasons which lead me to believe that this legislation is necessary. First, designating the IHS Director as an Assistant Secretary of Indian Health would provide the various branches and programs of the IHS with a stronger advocacy role within the Department and better representation during the budget process. As evidenced in the Agency's budget request for FY'99, which represents a minimal one percent increase over last year's budget, the ability of the IHS to affect budgetary policy is limited.

Second, I am a strong supporter of the success of tribal governments to contract and manage programs through Public Law 93-638, the Indian Self-Determination and Education Assistance Act. Through separate legislation, Senator CAMPBELL will propose to permanently extend this authority to the IHS. Our intent through the 638 law has been to devolve the paternalistic federal management of Indian programs and place responsibility at the local tribal level where tribes most benefit by direct services. This legislation we are introducing today is intended to compliment that effort.

I believe that the IHS would operate more efficiently as an independent agency. The IHS is charged with an enormous responsibility for Indian country and, therefore, should be afforded direct line authority and the ability to operate within its own unique mandates and rules. This legislation provides for the appropriate authority for this transition, particularly to ensure that the service delivery provided to the IHS by other PHS entities, such as the Commissioned Corps, would be appropriately addressed. I look forward to working with Secretary Shalala on these important matters.

I am convinced that if the current organizational structure of the IHS is maintained, the agency will not be positioned for the long term to address the day-to-day health care needs of American Indians. Therefore, I believe that the IHS is in dire need of a senior policy official who is knowledgeable about the programs administered by the IHS and who can provide the leadership for the health care needs of American Indians and Alaska Natives.

Mr. President, this legislation will ensure that health care issues facing Indian people are addressed on a par with the rest of this nation.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

SECTION 1. OFFICE OF ASSISTANT SECRETARY FOR INDIAN HEALTH

Subsection (a) establishes the Office of the Assistant Secretary for Indian Health within the Department of Health and Human Services.

Subsection (b) provides that the Assistant Secretary for Indian Health shall perform such functions as the Secretary of Health and Human Services may designate in addition to the functions performed by the Director of the Indian Health Service (IHS) on the date of the enactment of this Act.

Subsection (c) provides that references to the IHS Director in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document shall be deemed to refer to the Assistant Secretary for Indian Health.

Subsection (d) amends Title 5, Section 5315 of the U.S.C. by striking 'Assistant Secretaries of Health and Human Services (6)' and inserting 'Assistant Secretaries of Health and Human Services (7)'. Subsection (d) further amends section 5316 of Title 5 by striking 'Director, Indian Health Service, Department of Health and Human Services'.

Subsection (e) provides for conforming amendments in the Indian Health Care Improvement Act. Subsection (e) further amends the Indian Health Care Improvement Act, the Rehabilitation Act of 1973, the Federal Water Pollution Control Act, and the Native American Programs Act of 1974 by striking 'Director of the Indian Health Service' and inserting in lieu thereof 'the Assistant Secretary for Indian Health'.

SECTION 2. ORGANIZATION OF INDIAN HEALTH SERVICE WITHIN DEPARTMENT OF HEALTH AND HUMAN SERVICES

Subsection (a) amends section 601 of the Indian Health Care Improvement Act by striking 'within the Public Health Service of the Department of Health and Human Services' each place it appears and inserting 'within the Department of Health and Human Services', and striking 'report to the Secretary through the Assistant Secretary for Health of the Department of Health and Human Services' and inserting 'report to the Secretary'.

Subsection (b) amends the heading of section 601 of the Indian Health Care Improvement Act.

Subsection (c) provides that nothing in this section may be interpreted as terminating or otherwise modifying any authority providing for the IHS to use Public Health Service officers or employees to carrying out the purpose and responsibilities of the IHS. Subsection (c) further states that any officers or employees used by IHS shall be treated as officers or employees detailed to an executive department under section 214(a) of the Public Health Service.

By Mr. CAMPBELL (for himself and Mr. ALLARD):

S. 1771. A bill to amend the Colorado Ute Indian Water Rights Settlement Act to provide for a final settlement of the claims of the Colorado Ute Indian Tribes, and for other purposes; to the Committee on Indian Affairs.

THE COLORADO UTE SETTLEMENT ACT AMENDMENTS OF 1998

Mr. CAMPBELL. Mr. President, today I introduce a bill to amend the Colorado Ute Indian Water Rights Settlement Act of 1988. I am pleased to be joined in this effort by my colleague Senator ALLARD.

This bill represents our Nation's last opportunity to live up to an agreement we made with the two Indian Tribes in the State of Colorado.

In 1976, the United States filed a claim asserting the historic rights of these Tribes to much of the water in the rivers in Southwestern Colorado. Rather than continue this disruptive and divisive litigation, the two Ute Tribes were parties to a Settlement Agreement in 1986, which was enacted by Congress and signed into law by President Reagan in 1988.

So far, we have failed to construct any of the facilities promised in this agreement; even though Presidents Reagan, Bush, and Clinton have consistently supported full funding for this Project.

I was reluctant to introduce this measure because I still believe that this country, this Congress, and especially the United States Senate can be trusted to fulfill the solemn commitment that was made to these Tribes in 1988, when I was a member of the House of Representatives. Of course the United States Senate has consistently and without exception, voted to abide by every term of this agreement.

But the Ute Tribes point to the 472 treaties broken by the United States. Rather than allowing their 1988 Settlement to become the 473rd, they are willing to modify the terms of this agreement to move it forward. The original agreement called for construction to start in 1990. Here it is 8 years later and we have not even started.

These tribes have provided the United States with their last chance to honorably live up to the promises we have made to them.

If the United States fails to provide these tribes with a water supply through the Animas-La Plata Project, the tribes will have no choice but to go back to court. Millions of dollars will then have to be spent in needless, expensive, and divisive litigation.

One of our distinguished former colleagues, Arizona Senator Barry Goldwater, was fond of saying that in Arizona it is so dry that the trees chase the dogs. Mark Twain said that the West is so dry that we can't afford to drink water, we are too busy fighting over it. What he said was, "Whiskey is for drinking, water is for fighting."

Throughout the history of this region, the need for water has dominated and dictated our development. About

85% of the water used in the West is stored in mountain reservoirs during spring run-off so it can be used during the hot summers. For thousands of years this has been a fact of life for those who live in the arid West. We are following the example of the Anasazi Indians who also knew the need to collect and store water for dry spells 2,000 years ago in the same area proposed for the Animas-La Plata.

In fact, when the Animas-La Plata Project was authorized in 1968, a number of other projects were authorized along with it, including the Central Arizona Project in the Lower Colorado Basin and projects in the Upper Basin. These facilities have already been constructed. We constructed these projects to meet the pressing needs of people and development. Only the Animas-La Plata languishes.

The 1988 Colorado Ute Indian Water Rights Settlement Act was a fair and honest agreement with the two Indian tribes in my state. Furthermore, it was a compromise. The parties participating in these Settlement discussions and negotiations included a number of water conservancy districts, the states of Colorado and New Mexico, and numerous federal agencies. Congress and the President made this Agreement the law of the land.

The two Tribes have every legal and moral right to hold the United States to the terms of the 1988 Agreement we enacted. Like any party to a binding agreement, they have the right to continue to demand that the United States live up to its commitment to build the entire Animas-La Plata Project. But the Tribes have made what one of the largest newspapers in my state refers to as a "generous offer." This bill is that offer. If Congress passes these amendments, we will be paying for our obligations under the 1988 agreement with a few cents on the dollar. It was once estimated that it would cost almost $700 million to fulfill our obligations to these two tribes. Now we can do it for $257 million. These two tribes have provided us with the opportunity to fulfill our legal obligations to them under the 1988 Act at a bargain basement price.

Under the terms of the bill I introduce today, the legal claims raised by the Ute Mountain Ute and the Southern Ute tribes will be resolved once the Interior Department constructs the following facilities:

A pumping plant to divert no more than 57,100 acre-fee of water per year from the Animas River; a facility to convey this water to an off-river reservoir; and a reservoir to hold this water until it is needed for municipal, industrial, instream flow or other authorized and approved uses.

Mr. President, the quantity of water that will be diverted and used by this project was not set by the project's beneficiaries, it was not set by the Bureau of Reclamation, it was not set by me; rather, it was set by the United States Fish and Wildlife Service. I quote the Service's recent Biological Opinion:

> An initial depletion not to exceed 57,100 acre feet for the Project is not likely to jeopardize the continued existence of the Colorado squafish or razorback sucker nor adversely modify or destroy their critical habitat.

The Service then goes on to agree that this level of depletion is consistent with the construction of the facilities that I have just mentioned.

In addition: Two-thirds of water made available from these project components will be available to the two Ute tribes, with most of the balance available for municipal and industrial water, small irrigators in Colorado and New Mexico, and the Navajo Nation.

The facilities to be constructed have been on the drawing board for decades. I think I can safely say that no project components in the history of developing water projects have gone through more environmental changes and more environmental regulations than this. In fact, here on the desk, I brought just the final supplement that was done after 1986, and it stands about half a foot high. If we stacked all of the different regulations that we have compiled end on end, we would have a stack over 3 feet high. I did not even bother bringing all of it to the Floor. But we have done virtually everything required to get this project developed.

This represents only a portion of the environmental studies of this project conducted by just one of the Federal agencies involved.

Those who have opposed this project in the past have had their own agendas: None of these agendas was concerned with this Nation's obligations to these two Indian tribes.

Some complained about the price of the project while they conspired to inflate the cost by insisting upon wasteful study after study of this project.

I think the tribes feel that they know there are certain interests who oppose the project and that they are the same interest groups that have opposed every project. They know that by driving the price up too much, it makes it much more difficult to build. But I think the United States' claim on being a trustee for tribes can only be fulfilled when we realize that our obligations under this original Water Rights Settlement Act must be complied with.

The State of Colorado has done its part. It has expended $35 million to construct the pipeline needed to supply domestic water.

The tribes have received their development funded of $57 million and derailed their water rights lawsuit in anticipation of the United States fulfilling its obligations.

This Settlement proposal is the absolute minimum that we can ask these tribes to accept. More important, the most expensive part of this Project is the delay in constructing it. When I first became involved with the A-LP, about 15 years ago, the entire project could be built for around $315 million.

When I think of the promises that were made to the Ute Tribes in my State, I am reminded of the words of Chief Joseph, the great Indian leader of the Nez Perce Tribe. When Chief Joseph came here to Washington he had this to say about the promises and assurances he received:

> I have heard talk and talk, but nothing is done. Good words do not last long unless they amount to something. Good words will not give my people good health and stop them from dying. Good words will not give my people a home where they can take care of themselves. I am tired of talk that comes to nothing. It makes my heart sick when I remember all of the good words and broken promises.

As this bill is presently drafted, it enjoys widespread support among the people of Colorado, especially the people, local governments, and Indian tribes in Southwestern Colorado. State government, and literally all of our major newspapers. It is a significant attempt to compromise and make concessions by all parties involved. I believe we have come a long way.

This bill is the product of significant attempts at compromise and concessions by all of the parties involved. I am pleased that the bill begins its legislative journey this far along. I know that not all of the parties who are affected by this bill agree with every one of its terms. While I can not respond to all of the concerns that have been raised, I can assure everyone that we will continue to work to address any legitimate concern raised about this legislation through the committee process.

I urge my colleagues to support passage of this important legislation and meet the solemn commitments made to the Ute tribes in 1988.

Mr. President, several newspapers, public officials and water Development Boards, and both of the Indian tribes in my state have supported the idea of modifying the Settlement in this manner. Since My legislation incorporates this approach, I ask unanimous consent that these editorials and Resolutions be included in the RECORD.

Mr. ALLARD. Mr. President, will the Senator yield?

Mr. CAMPBELL. Mr. President, I yield any remaining time to Senator ALLARD, and I thank the Senator.

Mr. ALLARD. Mr. President, how much time remains?

The PRESIDING OFFICER. The Chair advises the Senator that he has 2 minutes.

Mr. ALLARD. Thank you very much.

Mr. President, I just wanted to briefly stand up in recognition of the hard work of my colleague from Colorado on this very, very important issue to Colorado. And I want to add my support to the Colorado Ute Indian Water Rights Settlement Act of 1988.

I have a number of comments that I would like to submit to the RECORD. But I just want to recognize in a public way that Senator CAMPBELL has worked very hard on this. Obviously, I think both of us would have preferred to have the full project. But in light of what has come to light, I think most of us agree that we need to keep our word with the Ute Indians in the area, and we need to proceed ahead. It is vital to the area. It is important. Even though it might not be ideal for what we would like to see happen, at least we need to move ahead.

I thank the senior Senator from Colorado for yielding to me and wish him the very best. I will be there supporting him all the way.

Mr. CAMPBELL. I thank my colleague from Colorado. We fought for fairness when it came to water legislation when we were in the House of Representatives together, and here in the Senate too, apparently our battles are not over. But I certainly do appreciate the support. I know we are on the right side of fairness for the people of our State.

Mr. President, I ask unanmous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1771

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the "Colorado Ute Settlement Act Amendments of 1998".

(b) FINDINGS.—Congress finds that in order to provide for a full and final settlement of the claims of the Colorado Ute Indian Tribes, the Tribes have agreed to reduced water supply facilities.

SEC. 2. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term "Agreement" has the meaning given that term in section 3(1) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585).

(2) ANIMAS-LA PLATA PROJECT.—The term "Animas-La Plata Project" has the meaning given that term in section 3(2) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585).

(3) DOLORES PROJECT.—The term "Dolores Project" has the meaning given that term in section 3(3) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585).

(4) TRIBE; TRIBES.—The term "Tribe" or "Tribes" has the meaning given that term in section 3(6) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585).

SEC. 3. AMENDMENTS TO THE COLORADO UTE INDIAN WATER RIGHTS SETTLEMENT ACT OF 1988.

(a) RESERVOIR; MUNICIPAL AND INDUSTRIAL WATER.—Section 6(a) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585) is amended to read as follows:

"(a) RESERVOIR; MUNICIPAL AND INDUSTRIAL WATER.—

"(1) IN GENERAL.—After the date of enactment of the Colorado Ute Settlement Act Amendments of 1998, the Secretary shall provide—

"(A) for the construction, as components of the Animas-La Plata Project, of—

"(i) a reservoir with a storage capacity of 260,000 acre-feet; and

"(ii) a pumping plant and a reservoir inlet conduit; and

"(B) through the use of the project components referred to in subparagraph (A), municipal and industrial water allocations in such manner as to result in allocations—

"(i) to the Southern Ute Tribe, with an average annual depletion of an amount not to exceed 16,525 acre-feet of water;

"(ii) to the Ute Mountain Ute Indian Tribe, with an average annual depletion of an amount not to exceed 16,525 acre-feet of water;

"(iii) to the Navajo Nation, with an average annual depletion of an amount not to exceed 2,340 acre-feet of water;

"(iv) to the San Juan Water Commission, with an average annual depletion of an amount not to exceed 10,400 acre-feet of water; and

"(v) to the Animas-La Plata Conservancy District, with an average annual depletion of an amount not to exceed 2,600 acre-feet of water.

"(2) TRIBAL CONSTRUCTION COSTS.—Construction costs allocable to the Navajo Nation and to each Tribe's municipal and industrial water allocation from the Animas-La Plata Project shall be nonreimbursable.

"(3) NONTRIBAL WATER CAPITAL OBLIGATIONS.—The nontribal municipal and industrial water capital repayment obligations for the Animas-La Plata Project shall be satisfied, upon the payment in full—

"(A) by the San Juan Water Commission, of an amount equal to $8,600,000;

"(B) by the Animas-La Plata Water Conservancy District, of an amount equal to $4,400,000; and

"(C) by the State of Colorado, of an amount equal to $16,000,000, as a portion of the cost-sharing obligation of the State of Colorado recognized in the Agreement in Principle Concerning the Colorado Ute Indian Water Rights Settlement and Animas-La Plata Cost Sharing that the State of Colorado entered into on June 30, 1986.

"(4) CERTAIN NONREIMBURSABLE COSTS.—Any cost of a component of the Animas-La Plata Project described in paragraph (1) that is attributed to and required for recreation, environmental compliance and mitigation, the protection of cultural resources, or fish and wildlife mitigation and enhancement shall be nonreimbursable.

"(5) TRIBAL WATER ALLOCATIONS.—

"(A) IN GENERAL.—With respect to municipal and industrial water allocated to a Tribe from the Animas-La Plata Project or the Dolores Project, until that water is first used by a Tribe or pursuant to a water use contract with the Tribe, the Secretary shall pay the annual operation, maintenance, and replacement costs allocable to that municipal and industrial water allocation of the Tribe.

"(B) TREATMENT OF COSTS.—A Tribe shall not be required to reimburse the Secretary for the payment of any cost referred to in subparagraph (A).

"(6) REPAYMENT OF PRO RATA SHARE.—As an increment of a municipal and industrial water allocation of a Tribe described in paragraph (5) is first used by a Tribe or is first used pursuant to the terms of a water use contract with the Tribe—

"(A) repayment of that increment's pro rata share of those allocable construction costs for the Dolores Project shall commence by the Tribe; and

"(B) the Tribe shall commence bearing that increment's pro rata share of the allocable annual operation, maintenance, and replacement costs referred to in paragraph (5)(A).".

(b) REMAINING WATER SUPPLIES.—Section 6(b) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585) is amended by adding at the end the following:

"(3) At the request of the Animas-La Plata Water Conservancy District of Colorado or the La Plata Conservancy District of New Mexico, the Secretary shall take such action as may be necessary to provide, after the date of enactment of the Colorado Ute Settlement Act Amendments of 1998, water allocations—

"(A) to the Animas-La Plata Water Conservancy District of Colorado, with an average annual depletion of an amount not to exceed 5,230 acre-feet of water; and

"(B) to the La Plata Conservancy District of New Mexico, with an average annual depletion of an amount not to exceed 780 acre-feet of water.

"(4) If depletions of water in addition to the depletions otherwise permitted under this subsection may be made in a manner consistent with the requirements of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the Secretary shall provide for those depletions by making allocations among the beneficiaries of the Animas-La Plata Project in accordance with an agreement among the beneficiaries relating to those allocations.".

(c) MISCELLANEOUS.—Section 6 of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585) is amended by adding at the end the following:

"(i) TRANSFER OF WATER RIGHTS.—Upon request of the State Engineer of the State of New Mexico, the Secretary shall, in a manner consistent with applicable State law, transfer, without consideration, to the New Mexico Animas-La Plata Project beneficiaries or the New Mexico Interstate Stream Commission all of the interests in water rights of the Department of the Interior under New Mexico Engineer permit number 2883, Book M–2, dated May 1, 1956, in order to fulfill the New Mexico purposes of the Animas-La Plata Project.

"(j) TREATMENT OF CERTAIN REPORTS.—

"(1) IN GENERAL.—The April 1996 Final Supplement to the Final Environmental Impact Statement, Animas-La Plata Project issued by the Department of the Interior and all documents incorporated therein and attachments thereto, and the February 19, 1996, Final Biological Opinion of the United States Fish and Wildlife Service, Animas-La Plata Project shall be considered to be adequate to satisfy any applicable requirement under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) with respect to—

"(A) the amendments made to this section by the Colorado Ute Settlement Act Amendments of 1998;

"(B) the initiation of, and completion of construction of the facilities described in this section; and

"(C) an aggregate depletion of 57,100 acre-feet of water (or any portion thereof) as described and approved in that biological opinion.

"(2) STATUTORY CONSTRUCTION.—Nothing in this subsection shall affect—

"(A) the construction of facilities that are not described in this section; or

"(B) any use of water that is not described and approved by the Director of the United States Fish and Wildlife Service in the final biological opinion described in paragraph (1).

"(k) FINAL SETTLEMENT.—

"(1) IN GENERAL.—The provision of water to the Tribes in accordance with this section shall constitute final settlement of the tribal claims to water rights on the Animas and La Plata Rivers.

"(2) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to affect the right of the Tribes to water rights on the streams and rivers described in the Agreement, other than the Animas and La Plata Rivers, to participate in the Animas-La Plata Project, to receive the amounts of water dedicated to tribal use under the Agreement, or to acquire water rights under the laws of the State of Colorado.

"(3) ACTION BY THE ATTORNEY GENERAL.—The Attorney General of the United States shall file with the District Court, Water Division Number 7, of the State of Colorado such instruments as may be necessary to request the court to amend the final consent decree to provide for the amendments made to this section under section 2 of the Colorado Ute Settlement Act Amendments of 1998.".

SEC. 4. STATUTORY CONSTRUCTION; TREATMENT OF CERTAIN FUNDS.

(a) IN GENERAL.—Nothing in the amendments made by this Act to section 6 of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585) shall affect—

(1) the applicability of any other provision of that Act;

(2) the obligation of the Secretary of the Interior to deliver water from the Dolores Project and to complete the construction of the facilities located on the Ute Mountain Ute Indian Reservation described in—

(A) the Department of the Interior and Related Agencies Appropriations Act, 1991 (Public Law 101–512);

(B) the Department of the Interior and Related Agencies Appropriations Act, 1992 (Public Law 102–154);

(C) the Department of the Interior and Related Agencies Appropriations Act, 1993 (Public Law 102–381);

(D) the Department of the Interior and Related Agencies Appropriations Act, 1994 (Public Law 103–138); and

(E) the Department of the Interior and Related Agencies Appropriations Act, 1995 (Public Law 103–332); or

(3) the treatment of the uncommitted portion of the cost-sharing obligation of the State of Colorado referred to in subsection (b).

(b) TREATMENT OF UNCOMMITTED PORTION OF COST-SHARING OBLIGATION.—The uncommitted portion of the cost-sharing obligation of the State of Colorado referred to in section 6(a)(3) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585), as added by section 3 of this Act, remains available after the date of payment of the amount specified in that section and may be used to assist in the funding of any component of the Animas-La Plata Project that is not described in such section 6(a)(3).

RESOLUTION

The Colorado Water Conservation Board in regular session meeting this 25th day of November 1997, is hereby resolved that:

Whereas, the Colorado Water Conservation Board is the state agency responsible for the conservation and development of the waters of the state apportioned to Colorado by interstate compact, and the encouragement of the development of those waters for the benefit of the citizens of the state of Colorado, all as more fully set forth in C.R.S. §37–60–106; and

Whereas, from 1968 to the present, the Colorado Water Conservation Board has been continually on record in support of the construction of the Animas-LaPlata Project, a Colorado River Storage Project Act participating project; and

Whereas, the Director of the Colorado Water Conservation Board and its members have regularly testified before Committees of the U.S. Congress in support of the construction of the Animas-LaPlata Project; and

Whereas, the Colorado Water Conservation Board, together with other agencies and instrumentalities of the state of Colorado, participated in the negotiation of the Colorado Ute Indian Water Rights Settlement of 1986 which served to resolve all of the reserved water rights claims of the two Colorado Ute Indian Tribes in a way that produced comity, cooperation and harmony in the allocation of the rivers of Colorado's Southwest; and

Whereas, a feature of that settlement was the agreement by the state of Colorado, the citizens of Southwestern Colorado, the federal government and the two Colorado Ute Indian Tribes that the construction of the Animas-LaPlata Project and the allocation of a portion of the water supply from that project to the two tribes would be a part of the resolution of the Colorado Ute Indian reserve water right claims and in particular, those claims associated with the Animas and the LaPlata Rivers; and

Whereas, the Congress of the United States adopted and ratified the 1986 Colorado Ute Indian Water Rights Settlement by the passage of the Colorado Ute Indian Water Rights Settlement Act of 1988; and

Whereas, Colorado, acting through the General Assembly, the Water Conservation Board and other state agencies, has fulfilled all of the responsibilities incumbent upon the state of Colorado and arising from the Colorado Ute Indian Water Rights Settlement and the Colorado Ute Indian Water Rights Settlement Act, including the construction of the Dolores Project with irrigation water being delivered to the Ute Mountain Ute Indian Tribe on its Reservation, the construction of a domestic pipeline to the Town of Towaoc, the successful adoption of Colorado water court decrees recognizing the Indian reserved water rights on various tributaries of the San Juan River and finally the appropriation of funds which now compromise $5.0 million to Tribal Development Funds, $5.6 million from the Colorado Water Conservation Board Construction Fund for construction of Ridges Basin and $42.4 million for the state's participation in the construction of the Animas-LaPlata Project, which funds are currently held by the Colorado Water Resources and Power Development Authority in trust for the eventual construction of the Animas-LaPlata Project; and

Whereas, the state of Colorado acting through the offices of Governor Roy Romer and Lieutenant Governor Gail Schoettler have sponsored a series of meetings in an effort to resolve objections to the construction of the Animas-LaPlata Project, to allow the fulfillment of the provisions of the Colorado Ute Indian Water Rights Settlement and to reach a consensus which would allow the project to be completed and;

Whereas, the process convened by Governor Romer and Lieutenant Governor Schoettler resulted in two proposals to comply with the terms of the Colorado Ute Indian Water Rights Settlement. The proposal from persons and entities opposing the construction of the Animas-LaPlata Project called for a cash settlement fund for the Tribes in lieu of Project construction. This proposal was rejected by both Tribes. On the other side of the process, the Colorado Ute Indian Tribes, the Animas-LaPlata Water Conservancy District Board of Directors, New Mexico water users and ultimately Governor Romer and Lieutenant Governor Schoettler have endorsed a proposal to construct a modified and downsized Animas-LaPlata Project; and

Whereas, the downsized Animas-LaPlata Project, often referred to as Animas-LaPlata Lite, contemplates the construction of the Ridge's Basin Reservoir and a pumping plant and pipeline from the Animas River, with the water stored in the Reservoir to be used to satisfy the two Ute Indian Tribes claims and for municipal and industrial purposes in the Animas River Basin; and

Whereas, the U.S. Fish and Wildlife Service has completed its Endangered Species Act Section 7 consultation on the project and has authorized the construction of the facilities which are described in the Animas-LaPlata Lite proposal together with an entitlement to make an annual depletion to the San Juan River system of 57,100 acre-feet; and

Whereas, the project participants have agreed on the allocation of the depletions and the necessity of constructing the authorized facilities; and

Whereas, the Bureau of Reclamation has completed a supplemental environmental impact statement at a cost of more than $10 million; and

Whereas, it appears that all environmental laws and regulations of the state of Colorado, the state of New Mexico, and the Federal Government have been addressed; and

Whereas, it is necessary to amend the Colorado Ute Indian Water Rights Settlement Act of 1988; and

Whereas, the Board wishes to lend its continued support the construction of the Animas-LaPlata Project and, in particular, to the full compliance by the state of Colorado with the terms of the Colorado Ute Indian Water Rights Settlement: Now therefore, be it

Resolved by the Colorado Water Conservation Board, That:

1. The Board endorses the modified Animas-LaPlata Project referred to a the Animas-LaPlata Lite.

2. The Board expresses its support for Governor Romer and Lieutenant Governor Schoettler and for their recognition and support for this compromise resolution between the two Colorado Ute Tribes and the Project proponents.

3. The Board expresses its appreciation to the two Colorado Ute Tribes for their continued efforts to work with the water users in Southwest Colorado to ensure that the tribal rights are resolved in a way that avoids taking water from other water users and recognizes that all of the water users in the area must work together to ensure reliable water supplies for all of the residents of the area.

4. The Board expresses its appreciation to the water users in Southwestern Colorado for their support for this resolution of the Indian reserved rights claims and the Board comments the non-Indian project supporters who sacrificed so much in order to achieve a

settlement acceptable to the Colorado Ute Indian Tribes.

5. The Board expresses its appreciation to the water users in the state of New Mexico and New Mexico's officials and Congressional delegation for their support of the negotiations leading to Animas-LaPlata Lite.

6. The Board expresses its appreciation to the U.S. Department of the Interior, Environmental Protection Agency, the environmental groups and others who contributed significantly to the series of meetings convened by Governor Romer and Lieutenant Governor Schoettler.

7. The Board encourages the Colorado delegation to unanimously endorse and support legislation necessary to effectuate the modified Animas-LaPlata Project (Animas-LaPlata Lite) and to effectuate the Colorado Ute Indian Water Right Settlement.

8. The Board instructs its Director to ensure that its a official position concerning the construction of the modified Animas—LaPlata Project and the necessity of complying with the Colorado Ute Indian Water Rights Settlement is conveyed to the two Ute Tribes each of the members of the Colorado Congressional delegation, to the Secretary of the Interior, to the Administrator of the Environmental Protection Agency, to the New Mexico Congressional delegation, to the appropriate officials in each of the Colorado River basin states, to the Chairman of the Navajo Nation, to the Director of the Native American Rights Fund and to the members of the Colorado General Assembly and other interested officials.

Resolution No. 97-160 of the Southern Ute Indian Tribe

Whereas, authority is vested in the Southern Ute Indian Tribal Council by the Constitution adopted by the Southern Ute Indian Tribe and approved November 4, 1936, and amended October 1, 1975, to act for the Southern Ute Indian Tribe; and

Whereas, under the provisions of Article VII, Section 1(c) of said Constitution, the Tribal Council has the inherent power to act regarding the water rights of the Southern Ute Indian Tribe and under the provisions of Section 1(n) has the power to protect and preserve the property and natural resources of the Southern Ute Indian Tribe; and

Whereas, the Southern Ute Indian Tribe has negotiated a settlement of their reserved water rights which were the subject of litigations in the Colorado water courts; and

Whereas, on December 10, 1986, the Southern Ute Indian Tribe entered into the Colorado Ute Indian Water Rights Final Settlement Agreement of 1986 which has as its foundation, the construction of the Animas-La Plata Project; and

Whereas, in 1988, legislation was enacted by the United States Congress which would implement portions of the Colorado Ute Indian Water Rights Final Settlement Agreement of 1986; and

Whereas, certain members of Congress, with the support and encouragement of various environmental groups including the Sierra Club, have refused to recognize and abide by the federal trust responsibility to carry out the letter and the spirit of the Colorado Ute Indian Water Rights Final Settlement Agreement of 1986 and 1988 implementing legislation, which refusal sets a dangerous precedent for all Indian tribes; and

Whereas, since 1988, the enforcement of the Endangered Species Act and other environmental laws, as well as new budget priorities in Congress, have halted the construction of the Project and caused the United States to fail to live up to its solemn obligations under the settlement; and

Whereas, under the leadership of Governor Romer and Lieutenant Governor Schoettler, the Southern Ute Indian Tribe, the Ute Mountain Ute Indian Tribe, and other signatories to the 1986 Agreement have been engaged for the past year in discussions with the project opponents about potential alternatives to the Project; and

Whereas, the Southern Ute Indian Tribal Council received a presentation from SUGO regarding the proposed Southern Ute Land and Legacy Fund and requested the project opponents to attend a public meeting in the vicinity of the Reservation to discuss the Animas River Citizens' Coalition proposal; and

Whereas, the Southern Ute Indian Tribal Council has carefully considered the advantages and disadvantages of the Animas River Citizens' Coalition proposal as an alternative to carry out the intent of the 1986 Settlement Agreement and 1988 Settlement Act: Now, therefore be it

Resolved, That the Southern Ute Indian Tribal Council acting for and on behalf of the Southern Ute Indian Tribe, hereby determines that Animas River Citizens' Coalition proposal will not meet the tribal objectives that were to be accomplished under the 1986 Settlement Agreement and 1988 Settlement Act because among other things, that proposal does not provide the Tribe with certainty that it will receive a firm supply of water from a reliable source that can be used to meet its present and future needs on the west side of the Reservation; and be it further

Resolved, That the Chairman is authorized to send a copy of this resolution to the Lieutenant Governor.

This Resolution was duly adopted on the 7th day of October, 1997.

Resolution No. 4364 of the Ute Mountain Ute Tribal Council; Reference: Conclusion of Romer-Schoettler Water Settlement Negotiation Process

Whereas, the Constitution and By-Laws of the Ute Mountain Ute Tribe, approved June 6, 1940 and subsequently amended, provides in Article III that the governing body of the Ute Mountain Ute Tribe is the Ute Mountain Ute Tribal Council and sets forth in Article V the powers of the Ute Tribal Council exercised in this Resolution; and

Whereas, the Tribal Council is responsible for the advancement and protection of the water resources of the Ute Mountain Ute Tribe; and

Whereas, the Ute Mountain Ute Indian Tribe negotiated a settlement of its reserved water rights which were the subject of litigation in the Colorado water courts in the 1980's; and

Whereas, on December 10, 1986 the Ute Mountain Ute Indian Tribe entered into the Colorado Ute Indian Water Rights Settlement Agreement of 1986 which settled outstanding federal and state water disputes in Southwest Colorado, and has as its foundation, the construction of the Animas-La Plata Project; and

Whereas, in 1988, legislation was enacted by the United States Congress which implemented portions of the Colorado Ute Indian Water Rights Settlement. Central to the Settlement is a commitment by the United States and the State of Colorado to develop storage capacity to hold for present and future tribal economic uses, unappropriated waters from the Animas River; and

Whereas, in the past decade opponents of the project have criticized the environmental and financial costs of the proposal facility—the Animas-La Plata Project; and

Whereas, in an effort to make peace with environmental opponents and others the Ute Mountain Ute Tribe has participated in public discussions led by Governor Romer and Lt. Governor Schoettler for the past year to explore ways of accommodating the interests of environmental and fiscal opponents; and

Whereas, as a result of these public discussions, the Tribe and other project stakeholders have agreed to ⅔ less water supply from a significantly reduced facility (almost eliminating all environmental impacts by fully complying with the Endangered Species Act and dropping the cost to taxpayers by ⅔); and

Whereas, the opponents have proposed an alternative which, in lieu of providing the region with new and economically viable water supplies, proposes to provide the two Colorado Ute Tribes with funds with which to buy available undeveloped lands and any direct flow water rights associated with such lands which are on the market from time to time, together with a possibility of expanding existing storage facilities; and

Whereas, the Ute Mountain Ute Tribal Council has evaluated the land and direct flow water rights acquisition alternative. During this evaluation not one member of the United States congress nor one major federal or State of Colorado official has come forward to urge that the Tribe's best interests would be served by the land and water acquisition proposal: Now therefore be it

Resolved, That the Ute Mountain Tribal Council hereby determines that the land and direct flow water rights fund and facility expansion proposed by the Animas River Citizen's Coalition fails to provide the Tribe with the basic commitment made by the United States and the State of Colorado in 1988—namely a reliable firm supply of water to meet present and future needs of the Tribe.

The foregoing Resolution was duly adopted on this 22nd day of October, 1977.

Resolution No. 98-5, Colorado Water Resources and Power Development Authority Affirming Continued Support for the Animas-La Plata Project

Whereas, the Colorado Water Resources and Power Development Authority ("the Authority") was created by the Colorado Legislature in 1981 to "initiate, acquire, construct, maintain, repair, and operate projects" in furtherance of Colorado's declared public policy concerning protection, development, and beneficial use of the water of this state, and was empowered to finance the construction of water projects in the state; and

Whereas, on February 3, 1982, by Senate Joint Resolution No. 82-6, the Authority was authorized pursuant to C.R.S. §37-95-107 to proceed with consideration of the Animas-La Plata Project located in southwestern Colorado; and

Whereas, on June 30, 1986, the Authority executed and entered into the Agreement in Principle concerning the Colorado Ute Indian Water Rights Settlement and Binding Agreement for Animas-La Plata Project Cost Sharing. The other parties to that agreement are the State of Colorado, the Animas-La Plata Water Conservancy District, the New Mexico Interstate Stream Commission, Montezuma County, Colorado, the Southern Ute Indian Tribe, the Ute Mountain Ute Indian Tribe, the San Juan Water Commission, and the United States Secretary of the Interior, and the Agreement provides for the construction of the facilities of the Animas-La Plata Project "or mutually acceptable alternatives" in phrases I and II; for cost sharing of the construction costs of the identified Phase I facilities; and for non-federal financing of the identified Phase II facilities; and

Whereas, on December 10, 1986, the State of Colorado, the Ute Mountain Ute Indian Tribe, the Southern Ute Indian Tribe, the United States Department of the Interior, the United States Department of Justice, the Animas-La Plata Water Conservancy District, the Dolores Water Conservancy District, the Florida Water Conservancy District, the Mancos Water Conservancy District, the Southwestern Water Conservation District, the City of Durango, the Town of Pagosa Springs, the Florida Farmers Ditch Company, the Florida Canal Company, and Fairfield Communities, Inc. entered into the Colorado Ute Indian Water Rights Final Settlement Agreement; and

Whereas, the Congress of the United States adopted and ratified the Colorado Ute Indian Water Rights Settlement by passage of the Colorado Ute Indian Water Right Settlement Act of 1988; and

Whereas, on November 10, 1989, the Authority entered into an Escrow Agreement with the United States Department of the Interior and the State Treasurer of the State of Colorado pursuant to which certain funds of the Authority were deposited into the Animas-La Plata Escrow Account with the Colorado State Treasurer for disbursement of up to 42.4 million dollars to the United States to defray a portion of the construction costs of certain Phase I facilities of the Animas-La Plata Project. The Escrow Agreement provides that upon the occurrence of certain events the Authority may order cessation of the disbursements from the escrow account, and in addition that the Escrow Agreement will terminate upon the occurrence or nonoccurrence of certain events; and

Whereas, current discussion and negotiations among parties concerned in the development and construction of the Animas-La Plata Project have resulted in the development of a proposal to reconfigure the project by eliminating or delaying construction of certain facilities. The reconfigured proposed project is sometimes referred to as Animas-La Plata Project "Lite"; and

Whereas, the Animas-La Plata "Lite" proposal contemplates reduction of Colorado's cost sharing obligation for the project to $16 million, with the remaining principal of $26.4 million currently in the Animas-La Plata Escrow Account and committed for cost sharing on construction of the project to be held in escrow and not disbursed pending possible future construction of the remaining facilities of the Animas-La Plata Project; and

Whereas, the Authority has and continues to support the construction of the Animas-La Plata Project, and has evidenced this support by voluntarily committing up to $42.4 million for construction of the Project.

Now therefore, be it resolved by the Board of Directors of the Colorado Water Resources and Power Development Authority at a regular meeting of the Authority on February 6, 1998, as follows:

1. The Authority reaffirms its continuing support for construction of the Animas-La Plata Project.

2. The Authority affirms its willingness, subject to agreement by the other signatories, to enter into appropriate amendments to the agreements to which it is a party (including the 1986 Cost Sharing Agreement and the 1989 Escrow Agreement) to reflect and to provide for (1) construction of the so-called Animas-La Plata "Lite" Project, with Colorado's cost sharing obligation limited to $16 million to be disbursed from the existing Animas-La Plata Project Escrow Account under acceptable terms, and (2) to provide for the continuing escrow of the remaining principal of $26.4 Million now on deposit in the Animas-La Plata Escrow Account for a mutually acceptable period of time pending possible future construction of the remaining facilities of the Animas-La Plata Project, with all interest accruing upon said principal being paid to and retained by the Authority for its use.

Gov. Roy Romer and Lt. Gov. Gail Schoettler—Concerning the Animas-La Plata Water Project

Today, we are announcing our support for "A-LP Lite"—the scaled-down version of the Animas-La Plata water project. This proposal saves nearly $400 million from the original project and is less environmentally damaging than the original project. Most importantly, it satisfies the state's obligations to deliver water to the Southern Ute and Ute Mountain Ute Tribes.

In 1986, the State of Colorado, non-Indian water users in Southwest Colorado and New Mexico, and the United States, entered into a landmark settlement agreement with the Southern Ute and the Ute Mountain Ute Tribes. This agreement quantified the Tribes' entitlement to reserved water rights on 11 rivers in Southwest Colorado.

The settlement agreement set a national standard for cooperation between Indian Tribes and non-Indians. It settled potentially expensive and divisive litigation. It protected the water rights of non-Indians in Southwest Colorado. It maintained the fabric of Indian and non-Indian societies and economies.

To comply with the agreement, the state has paid or set aside $60.8 million, and has agreed to the adjudication of reserved water rights by the Tribes. The only remaining obligation under the agreement is for the United States to fund and build the Animas-La Plata water project. The project is necessary to satisfy the Tribes' water claims on the Animas and La Plata Rivers.

Yet after 10 years the project has not been built. Controversy and lawsuits have delayed the start of construction. Each year, Congress debates whether to continue funding the project. The Interior Department has conducted a number of studies which the courts or the Environmental Protection Agency have found inadequate. We understand that one of the EPA's primary objections with the environmental analysis has been that the examination of alternatives is deficient.

Last year, the project proponents asked us to convene talks among all sides to see if a consensus solution could be reached. Through sometimes heated debate, the "Romer-Schoettler Process" whittled an initial list of 65 options to two basic alternatives.

Project proponents, including the Tribes, reduced the size of the project drastically. They cut many project features, principally non-Indian irrigation. Throughout this difficult process, the Tribes steadfastly maintained their desire for construction of a reservoir to hold water which can be an asset for future generations.

Project opponents developed an alternative involving no reservoir. The alternative calls for the United States to pay money to the Tribes that can be used to buy land and water, or to develop water from other existing water projects on other rivers which have already been adjudicated under the settlement agreement.

Both Tribal Councils rejected this alternative by official resolutions.

It was therefore clear that the Romer-Schoettler Process, having made substantial progress, could not bridge the gap between these fundamentally different proposals. Recently, the Tribes asked us to take a position on the two alternatives. Therefore, yesterday we went to Santa Fe, New Mexico, to meet with Tribal leaders and other project participants.

At that meeting, we reaffirmed our continuing obligations of the State of Colorado to work cooperatively under the 1986 settlement agreement, to find and support a solution to the Animas-La Plata controversy. We have maintained that any solution should be fiscally and environmentally responsible.

Because of that obligation, and the Tribes' legitimate desire for a reservoir, we endorsed the proposal of the project participants for construction of a significantly reduced project. This alternative is more cost-effective and has fewer environmental impacts than the original project configuration. It was developed to fit within all the environmental compliance documentation and approvals that have been done to date. We will be working with the project proponents and the State of New Mexico to develop legislation for introduction in Congress that will authorize this alternative.

Yesterday, we also committed to meet as soon as possible with Interior Secretary Bruce Babbitt and EPA Administrator Carol Browner. The purpose of our meetings will be to convey our support for the Tribes' and proponents' alternative. We also will express our strong belief that the results of the Romer-Schoettler process should be used to "fill-in-the-gaps" of the alternatives analysis that the EPA found deficient. We will seek definite commitments from them as to whether they will require any additional information. If so, we will ask them to define the precise time frames for this information so that we can work with the Tribes to introduce legislation in the next Congress.

We appreciate and value the relationship between the State of Colorado and the Southern Ute and Ute Mountain Ute Tribes. Honoring our promises under the 1986 settlement agreement is critical to that relationship. We will continue to work closely with the Tribes and water users of Southwest Colorado to make sure those promises are kept.

[From the Denver Post, Nov. 23, 1997]

Animas Lite Looks Good

Gov. Roy Romer and Lt. Gov. Gail Schoettler's endorsement last week of the downsized Animas-La Plata water project has given another boost to a compromise plan that slashes both A-LP's cost and its environmental impact by about two-thirds.

As originally proposed, A-LP would have drawn 190,000 acre-feet annually from the Animas River at an estimated cost to taxpayers of $714 million. "Animas-La Plata Lite," as the compromise was inevitably dubbed, would draw only 57,100 acre-feet from the river, at a cost of $257 million.

Even so, A-LP Lite would still meet the legitimate claims of the Southern Ute and Ute Mountain Ute tribes by satisfying the Colorado Ute Indian Water Rights Settlement Act of 1988. The majority of the original project's benefits would have gone to non-Indian users. The scaled-back project eliminates most non-Indian benefits.

That's as it should be. The Utes were originally granted all of Colorado's Western Slope before being systematically robbed in a series of land grabs that reduced them to their present modest reservations. Colorado and the federal government thus have an obligation to the Utes that is far greater than to non-Indian water users in the area. And as Romer noted last week, A-LP Lite is "the most realistic way of keeping our obligation to the Indian community."

Romer and Schoettler plan to meet with Interior Secretary Bruce Babbitt and Carol Browner, the head of the Environmental Protection Agency, to promote the compromise. We wish them success in their expressed desire of convincing the next session of Congress to fund the compromise plan.

Schoettler deserves particular credit for midwifing what we hope will be a successful conclusion to this long-running controversy. The lieutenant governor led a series of mediation sessions between project supporters and environmentalists opposed to A-LP. While Schoettler did not succeed in bringing the two sides to a consensus, her efforts went a long way toward crafting the attractive compromise she and Romer endorsed last week. For that, taxpayers, Indians—and even those environmentalists willing to settle for two-thirds of a loaf—can be grateful.

[From the Denver Post, Feb. 8, 1998]

The Price Is Lite

Congressional supporters of a radically downsized Animas-La Plata plan are hoping to introduce a bill later this week to fund the long-delayed water project in southwestern Colorado and to at last assure the Southern Ute and Ute Mountain Utes of the rights to "wet water" that they have been denied for more than a century.

The new "Animas Lite," as the proposal is nicknamed, would cost the federal government just $257 million, less than a third of the original $744 million tab.

The project's environmental impact has also been radically reduced. Originally it would have diverted 150,000 acre-feet of water per year from the Animas River. Now it will take only 57,100 acre-feet. But the cutbacks came mostly at the expense of non-Indian users, and both Ute tribes strongly support the compromise.

Lt. Gov. Gail Schoettler, who led a year-long mediation effort, deserves much of the credit for mid-wifing the less expensive, more environmentally acceptable alternative, which has also been endorsed by Gov. Roy Romer.

The upcoming bill to fund the compromise will probably have the support of seven of the eight members of Colorado's congressional delegation. The sole holdout is likely to be Rep. Diana DeGette, D-Denver, who has tended to take the parochial attitude that the southwestern Colorado project doesn't benefit her district.

The Post would like to gently remind Rep. DeGette that the federally funded light rail project in southwest Denver provides no direct benefit to southwest Colorado, either—but we haven't seen Rep. Scott McInnis scowling at that crucial link in Colorado's overall transportation needs. Our small state delegation needs to remember Benjamin Franklin's admonition that "unless we all hang together, we'll all hang separately."

More importantly, Animas Lite isn't so much about water as about justice for the Utes, who once owned all the Western Slope before being systematically robbed of most of their lands.

The insulting alternative to Animas Lite proposed by the Sierra Club—giving the Utes a cash handout—has been unanimously rejected by both tribal councils.

Animas-La Plata has been debated for more than 30 years. It's time for the government to keep its word to the Utes and build the compromise project.

[From the Durango Herald, Nov. 23, 1997]

Build A-LP Lite

ROMER-SCHOETTLER PROCESS DID ITS JOB—INCLUDING PRODUCING A-LP LITE; NOW IT'S TIME TO BUILD IT

No single solution to how to provide the Southern and Ute Mountain Utes the water they have coming resulted from the Romer-Schoettler negotiating process. Far from it. Project proponents still have a reservoir in their plan to store new water, while opponents proposed to strip existing summer water from purchased irrigated land.

But while the process consumed a year—an additional delay that benefits project opponents who want nothing built—the process was far from wasted.

Out of it came much-reduced project that would be much more all-Indian. While relatively small amounts of municipal water remain, almost entirely eliminated is the large non-Indian irrigation component. And the two Ute tribes have agreed to accept one-third less water at no charge in exchange for the originally negotiated larger amount at cost.

In these times of federal budget-balancing, and support for free-flowing rivers, the smaller Animas-La Plata Lite is a big step forward.

In contrast, the scheme of land purchases the handful of project opponents proposed has little substance. They would find some storage in existing reservoirs, but the bulk of the water would be available in the spring and summer only. Ignored in their plan was the awkward picture of Florida Mesa lands stripped of water, and just how downstream return-flow water users would be compensated.

Though billed as less expensive than Animas-La Plata Lite and as helping to fulfill the Southern Utes' desire to own more of the land within the external boundaries of their reservation, the land purchases would fall far short of providing the Utes with the kind of water they are owed and would raise plenty of new environmental issues.

Last week, Gov. Roy Romer and Lt. Gov. Gail Schoettler endorsed Animas-La Plata Lite, and the governor said, if asked, he would urge President Bill Clinton to build it.

The Environmental Protection Agency, granted extensions to complete its studies, needs to pick up the pace. Removing less water from the Animas River, as spelled out ion A-LP Lite, shouldn't require massive rewrites. The Bureau of Reclamation, which sometimes has behaved as though it wished the Animas-La Plata Project would just go away so it could focus on a new mission of increasing water use efficiency, can't turn its back on the need to build one last dam as cost-effectively as possible.

The Utes have waited a long time for the water they have coming, and they've reduced their claims to help make Animas-La Plata Lite possible. Animas-La Plata Lite ought to be built as soon as possible.

[From the Pueblo Chieftain, Nov. 21, 1997]

It's High Time

The Romer administration has dropped its neutrality on the Animas-La Plata Project in southwestern Colorado to support what's being called Animas-La Plata Lite.

Gov. Roy Romer and Lt. Gov. Gail Schoettler on Tuesday announced their support of the scaled-back plan to provide water for two Indian tribes in Colorado and northwest New Mexico. The revised proposal would cost an estimated $250 million instead of $740 million for the full project.

The Southern Ute and Ute Mountain Ute tribes suggested the smaller project earlier this year to get the long-stalled project going. A–LP, first authorized by Congress 29 years ago as an irrigation project, was amended in 1986 to include water rights claims by the tribes which were agreed to in a treaty with the United States. Since then, though, environmental groups have fought the project at every juncture.

Part of their strategy of delay has been to drive up the cost almost geometrically. Thus opponents have aligned themselves with a smattering of fiscally conservative Republicans and liberal Democrats in hypocritically decrying the project's cost.

A–LP Lite would halve the amount of water diverted for municipal and other uses and would suspend a plan to irrigate non-Indian lands. The amount of water for the tribes would be cut, although they now would receive the lion's share of it.

During this week's announcement, the governor said he believed the state has an obligation to the tribes, which it does. So does the federal government, which should not abrogate yet another treaty with the Indians, even though the Sierra Club continues to oppose any project other than buying existing water rights and giving them to the tribes.

With the weight of the state government now behind A–LP Lite, the federal government should press ahead. Three decades of dickering has done no one any good—except those who make their livelihoods being public pests.

[From the Daily Sentinel, Nov. 19, 1997]

State Leadership, at Long Last, on A–LP

The era of delays on the Animas-La Plata Water project must end, Gov. Roy Romer and Lt. Gov. Gail Schoettler declared Tuesday. It's time to move forward with the scaled-down version of the project known as A–LP Lite.

That is the very welcome and long-overdue message Romer and Schoettler delivered to Ute Indian tribal leaders at a meeting in Santa Fe Monday, the same message they promise to take to U.S. Secretary of Interior Bruce Babbitt and EPA Director Carol Browner in the next few weeks.

One might be forgiven for suggesting that the Romer administration has been at least partially responsible for delays on Animas-La Plata, with its year-long roundtable discussion that failed to reach any resolution between supporters and opponents.

But Schoettler and Romer maintained Tuesday that the process was important in narrowing the number of alternatives from 65 to two and in prompting project supporters to come up with the "more realistic" A–LP Lite. Moreover, the two said in a statewide teleconference with reporters Tuesday, the process could be even more important and timesaving if federal officials accept the various alternatives examined during the Romer-Schoettler discussions rather than requiring yet another reopening of the environmental impact statement for the project to study more alternatives.

That remains to be seen, of course. But give Romer and Schoettler credit for deciding to push such an idea with Babbitt and Browner.

And if the governor and lieutenant governor appeared decidedly ambiguous about taking sides a few weeks ago—their Oct. 30 letter to Babbitt and Browner took no position on either alternative and said it was up to the federal agencies to resolve the issue—that ambiguity is gone now.

"We both favor A–LP Lite as the most realistic way to meet our commitments to the tribes," Romer said. "We want to expedite the decision-making process so we can get it before Congress in the next session."

Echoed Schoettler. "Our job now is to push this forward to meet our commitments to the tribes."

Given Romer's position as chairman of the Democratic National Committee and Schoettler's own eminent stature within the Democratic Party, the two are in positions to have a great deal of influence on Babbitt, Browner and others in the Clinton administration.

They are less likely, of course, to influence opponents of the Animas-La Plata, who will undoubtedly take Tuesday's announcement as a form of betrayal by the governor and lieutenant governor.

Romer stressed Tuesday that he didn't want this process dragged out by litigation and delay. Unfortunately, he and Schoettler will be hard-pressed to convince the Sierra Club and its minions of that. The Romer administration should be prepared to commit all of the state's resources at its disposal to overcome the relentless obstructionism of the environmental community to, at long last, fulfill the long-denied water promises to Colorado's Ute Indians.

Mr. ALLARD. Mr. President, I want to add my support to the Colorado Ute Indian Water Rights Settlement Act of 1998.

The project that is before us now represents a scaled down version of what was originally promised.

This project will be inexpensive enough to allow it to pass through Congress and finally do something towards fulfilling the obligations of the United States to the Tribes and their members, while at the same time not being so scaled down and cheap as to fail to live up to the promise our government made years ago.

The Ute Tribes have accepted this proposal even though it is significantly less than what they were first offered.

As to whether they are doing this because a smaller project fits all their needs, or because they are realistic enough to admit that the long history of broken treaties is most likely not about to stop now, I'm sure we all have opinions.

The Utes are willing to accept this deal for a very simple reason:

They need water.

Anybody here can go to a water cooler and get a glass of water. But if you want to water your garden, you need a bigger source—a garden hose and a faucet.

And if you need to water your farm, or supply industry, you need a bigger source yet.

The Ute Indians are hoping they can rely on the Animas La Plata for their water needs, and they are hoping they can rely on the Government that promised them that water to follow through on delivering the water.

The Act before us focuses on the three main items needed to fulfill our obligation. It calls for a storage reservoir to be built to hold the promised water, the conveyance needed to transport water to the reservoir, and the guarantee to the Ute tribes of the water in that reservoir.

These three things are only, oh, 130 years or so in the coming. The Ute Indian Tribe signed a treaty with the U.S. Government in 1868. This treaty promised the Ute Indian Tribes a permanent, reliable source of water.

In 1988, the Colorado Ute Indian Water Rights Settlement Act reaffirmed these rights. It called for a much larger project than is before us now.

The Ute Indian Tribe would, of course, probably still prefer the full Animas La Plata Project. Those who favor upholding the word of the United States government to the Ute Indian Tribe would probably prefer the full project. However, there are those who don't seem to care about these matters who have blocked a larger project.

What we are considering now is smaller, cheaper, and less extensive, but the beneficiaries of it are willing to compromise. They need something, anything, more than they need an ideal.

There are many reasons to vote for this project. I think the best reason is not because it is authorized by Congress, not because it is ratified by the Supreme Court, not because it is supported by the last three Presidents, and not even because it will save the country over $400 million from the originally agreed-to project.

The best reason is simply that this project should be voted for because it is the duty and treaty obligation of the United States to the Ute Indian Tribes.

By Mrs. FEINSTEIN:

S. 1773. A bill for the relief of Mrs. Ruth Hairston by the waiver of a filing deadline for appeal from a ruling relating to her application for a survivor annuity; to the Committee on Governmental Affairs.

PRIVATE RELIEF LEGISLATION

Mrs. FEINSTEIN. Mr. President, I rise this morning to introduce private relief legislation to assist Mrs. Ruth Hairston, of Carson, California. Identical legislation is proceeding through the House, an effort led by Representative JUANITA MILLENDER-MCDONALD and I am pleased to support this effort.

Mrs. Hairston requires this extreme step in order to be able to pursue a federal court appeal of the Merit Systems Protection Board (# CSF 2221413), which denied Mrs. Hairston's eligibility for an annuity following the retirement and untimely death of her former husband. The legislation does not require the annuity, but will only permit the filing of an appeal with the United States Court of Appeals. As a result, Mrs. Hairston will be permitted to challenge the denial on the merits, rather than accept the denial due to the failure to file an appeal within thirty days.

I would briefly like to describe the facts which warrant this legislation.

Mr. Paul Hairston retired in 1980, electing a survivor annuity for Mrs. Hairston. However, the couple was divorced in 1985, entitling Mrs. Hairston to receive ½ the retirement benefit under the settlement terms. Mr. and Mrs. Hairston began receiving benefits in 1988.

The Merit Systems Protection Board, which reviews Civil Service retirement claims, concluded Mr. Hairston had failed to register Mrs. Hairston for survivors benefits following passage of 1985 law, renewing the survivor annuity previously selected in 1985. As a result, the spousal survivor benefits for Mrs. Hairston were canceled. Following Mr. Hairston's death in 1995, Mrs. Hairston's benefits, her portion of his retirement benefit under the divorce settlement, ceased. Mrs. Hairston was denied eligibility as a surviving spouse, but did not challenge or appeal the denial of eligibility, due to hospitalization and poor health.

I am pleased to introduce this private relief legislation to assist my constituent Mrs. Ruth Hairston. While this legislation represents an extraordinary measure, the step is necessary in order to permit a federal court appeal of the denial of eligibility by the Merit Systems Protection Board. As I have previously stated, this legislation does not require any specific outcome. The federal court will review the appeal with all the rigor the case deserves. However, Mrs. Hairston will receive her day in court and the opportunity to challenger the decision by the Merit Systems Protection Board to deny eligibility.

This legislation was brought to my attention by Representative JUANITA MILLENDER-MCDONALD, who has been pursuing identical legislation in the House. I understand Mrs. Hairston is under considerable financial pressure and could face foreclosure on her home. I am pleased to try to assist Mrs. Hairston in her appeal.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1773

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WAIVER OF DEADLINE FOR APPEAL.

For purposes of a petition by Mrs. Ruth Hairston of Carson, California, for review of the final order issued October 31, 1995, by the Merit Systems Protection Board with respect to docket number SF-0831-95-0754-I-1, the 30-day filing deadline in section 7703(b)(1) of title 5, United States Code, is waived.

By Mr. LOTT (for himself and Mr. COCHRAN):

S. 1774. A bill to amend the Consolidated Farm and Rural Development Act to authorize the Secretary of Agriculture to make guaranteed farm ownership loans and guaranteed farm operating loans of up to $600,000, and to increase the maximum loan amounts with inflation; to the Committee on Agriculture, Nutrition, and Forestry.

THE FAMILY FARM CREDIT OPPORTUNITY ACT OF 1998

Mr. LOTT. Mr. President, I rise today to introduce the Family Farm Credit Opportunity Act of 1997, a bill that will correct an inequity in the Farm Service Agency's (FSA) Guaranteed Loan Program. Currently, this program has upper limits on the amounts that can be guaranteed by the FSA. Specifically, the two types of loans administered under this program—farm ownership loans and operating loans—have caps of $300,000 and $400,000, respectively. The farm ownership loan cap was adjusted to its current level in 1978, while the operating loan cap was last raised in 1984. That is 20 years ago for one and 14 years ago for the other. A great deal has changed. Prices have gone up and inflation has eroded the value of the caps. Back then, farm ownership and operating costs could be adequately financed within both of these cap limits. Not anymore. It is time for a cap correction.

Given today's larger and more capital-intensive farming operations, the limits must be raised in order to realistically meet the needs of those seeking financing through the Guaranteed Loan Program. For example, in my home state of Mississippi, poultry is a growing industry. In the early 1980's a typical poultry house cost approximately $65,000. Today the same poultry house can cost up to $125,000. However, most banks will not finance a beginning poultry farm with less than four poultry houses. That makes the initial costs $500,000. It is easy to see that a minimum of four poultry houses at a cost of $125,000 per house exceeds the farm ownership cap level of $300,000 in the Guaranteed Loan Program. This is just one example of how the upper limits on loans can eliminate qualified applicants. This type of problem exists throughout the entire agricultural community, not just the poultry industry.

To address this problem, I am introducing the Family Farm Credit Opportunity Act of 1998 which would raise the cap limits on both the farm ownership loan and the operating loan to $600,000.

Mr. President, this is the companion bill to the one introduced by Representative CHIP PICKERING from Mississippi. He saw a problem and he has proposed a responsible fix. The poultry example displays how much agriculture has changed since the caps were last amended twenty years ago. In fact, while the increase in the cap limits may seem substantial at first, neither increase reflects the increase just caused by inflation. We should at least keep up with inflation for a program that has served as a vehicle of opportunity for the small family farmer. In today's budget-minded era, I believe we must find solutions that will not only correct problems that have been developing over the years, but find solutions at a relatively low cost to the taxpayer. That is why my bill increases the cap limits to specific amounts ($600,000) for the coming year, but also includes a provision to index both caps for inflation beginning in year two. This last provision will allow the caps to automatically adjust for inflation, which will provide a long-term fix to assure that the family farm does not again outgrow the upper limits of the farm ownership loan or the operating loan over time.

I would like to point out that my bill will not guarantee acceptance of applications submitted to the FSA. Farmers would still have to go through the vigorous application process, but if the individual is eligible and accepted he or she would have the opportunity to receive adequate financing through a farm ownership or operating loan.

Mr. President, we must preserve the family farm and continue America's tradition of promoting family farmers. Congress must provide a mechanism which enables family farmers to receive the necessary funds for ownership and operation of a farming business.

Congress appropriates money for the FSA Guarantee Loan Program each year. Congress should put this money to its best and most efficient use. We should take a step back and take a good look at what a family farmer in 1997 really is? It is not the 1978 farmer with 1978 costs. Of course these programs should be run as efficiently as possible.

Mr. President, as for the "family farmer," they still exist and are successful, but they aren't the same as they were 20 years ago. Why? Well, let's look at some of the changes that have occurred over this period.

First of all, markets have become global. Not only do our farmers have to compete with each other, but also with farmers around the world—farmers in China, Japan, Russia, Canada, Mexico just to name a few. Technology and research have both been overwhelmingly successful in allowing America to increase its production with less land. We are now able to idle environmentally sensitive land that is less productive and therefore ensure that we never revert back to the "Dust Bowl" days of the 1930's. Today farmers live in a capital intensive world. In fact, we cannot talk about agriculture today without mentioning how the industry has drastically shifted from a labor-intensive industry to an industry dominated by capital.

Twenty years ago, who could have imagined that farmers would be using satellites to level their land or to tell them exactly where chemical applications are needed? Who could have imagined that biotechnology would yield such complex seed developments?

Who could have imagined that farmers would have the technology to so closely monitor the growth of animals or that farmers would have the ability to specifically and scientifically regulate diets in order to achieve faster growth with less fat?

Mr. President my point is that agriculture has changed and so has the family farmer. The Guaranteed Loan Program was designed to help the family farmer. Let's make sure it is big enough to do just that. In order to continue this goal, we must address the needs of today, not of 1978 by providing the capital necessary to compete and be successful in 1998.

The family farmer is a larger operator relative to 1978 standards. We need new cap limits that reflect this change.

Mr. President, I want to truly help the family farmer. Mr. President, Mr. PICKERING, my colleague in the House wants to truly help the family farmer.

Let's fix a program that has been successful in the past in helping this critical sector of our country. Let us not stop the progress of our family farmers. Congress should not deny any eligible person in our nation the opportunity to own and operate a family farm in order to pursue their idea of the American dream.

Mr. President, I ask unanimous consent that the text of the bill be inserted in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1774

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASE IN MAXIMUM AMOUNT OF GUARANTEED FARM OWNERSHIP LOANS; INDEXATION TO INFLATION.

Section 305 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1925) is amended—

(1) by striking "SEC. 305. The" and inserting:

"SEC. 205. MAXIMUM AMOUNT OF FARM OWNERSHIP LOANS.

"(a) IN GENERAL.—The";

(2) by striking "of (1) the" and inserting "of—

"(1) the";

(3) by striking "security, or (2) in" and inserting "security; or

"(2) in";

(4) by striking "$300,000" and inserting "$600,000 (increased, beginning with fiscal year 1998, by the inflation percentage applicable to the fiscal year in which the loan is made or insured)";

(5) by striking "In determining" and inserting the following:

"(b) VALUE OF FARMS.—In determining"; and

(6) by adding at the end the following:

"(c) INFLATION PERCENTAGE.—For purposes of subsection (a)(2), the inflation percentage applicable to a fiscal year is the percentage (if any) by which—

"(1) the average of the Consumer Price Index (as defined in section 1(f)(5) of the Internal Revenue Code of 1986) for the 12-month period ending on August 31 of the preceding fiscal year; exceeds

"(2) the average of the Consumer Price Index for the 12-month period ending on August 31, 1996.".

SEC. 2. INCREASE IN MAXIMUM AMOUNT OF GUARANTEED FARM OPERATING LOANS; INDEXATION TO INFLATION.

Section 313 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1943) is amended—

(1) by striking "SEC. 313. The" and inserting:

"SEC. 313. MAXIMUM AMOUNT OF FARM OPERATING LOANS.

"(a) IN GENERAL.—The";

(2) by striking "subtitle (1) that" and inserting "subtitle—

"(1) that";

(3) by striking "$400,000; or (2) for" and inserting "$600,000 (increased, beginning with fiscal year 1998, by the inflation percentage applicable to the fiscal year in which the loan is made or insured); or

"(2) for"; and

(4) by adding at the end the following:

"(b) INFLATION PERCENTAGE.—For purposes of subsection (a)(1), the inflation percentage applicable to a fiscal year is the percentage (if any) by which—

"(1) the average of the Consumer Price Index (as defined in section 1(f)(5) of the Internal Revenue Code of 1986) for the 12-month period ending on August 31 of the preceding fiscal year; exceeds

"(2) the average of the Consumer Price Index for the 12-month period ending on August 31, 1996.".

By Mr. FAIRCLOTH:

S. 1786. A bill to provide for the conduct of a study and report concerning the ability of the Centers for Disease Control and Prevention to address the growing threat of viral epidemics and biological and chemical terrorism; to the Committee on Labor and Human Resources.

CENTERS FOR DISEASE CONTROL AND PREVENTION LEGISLATION

Mr. FAIRCLOTH. Mr. President, I rise today to introduce legislation to address the growing threats of viral epidemics and bioterrorism in our nation. I have serious concerns that one of our nation's first lines of defense, the CDC, may not have adequate resources to address these increasingly serious problems.

Scientists meeting at the International Conference on Emerging Infectious Disease in Atlanta last week concluded we were only slightly better prepared today to handle a biologic attack than we were in 1991 at the start of Desert Storm, and we were totally ill-prepared then! While the U.S. military prepares to vaccinate our troops against anthrax, there is currently no national plan to protect civilians from this deadly virus.

Ironically, the day after the International Infectious Disease conference, a business located in Phoenix was threatened with a bioterrorism attack involving an envelope supposedly soaked with the deadly anthrax virus, sending ten employees to the hospital. This comes on the heels of an earlier FBI arrest of two men in Las Vegas who claimed to have anthrax in their possession.

This growing threat is real, and not limited to germs used in war. The first recorded case of bioterrorism occurred in 1984, when members of a religious cult in Oregon deliberately contaminated local salad bars with the salmonella bacteria, causing 751 cases of fever, diarrhea and abdominal pain. Their goal had been to incapacitate voters so they could sway a local election.

More recently, we've seen many diseases we thought we'd conquered reappearing in more virulent forms. Since December, 26 Texans have died and hundreds fallen ill from an outbreak of an invasive Group A streptococcus bacteria. In Milwaukee, contaminated drinking water sickened 400,000 citizens and sent 4,000 to the hospital with over 50 deaths.

Mr. President, I voiced my concern that the Centers for Disease Control does not have the resources necessary to fight these wars with Secretary Shalala at the Labor, Health and Human Services Appropriations Subcommittee hearing last week, and have asked that the Subcommittee Chairman, my colleague from Pennsylvania, Senator Specter join me in holding a hearing on the agency's role and abilities to meet these growing threats.

Let me take a few moments now to share my concern with my colleagues by asking a question: What do bioterrorism, natural and manmade disasters, contaminated food and water supplies, and epidemics have in common? The answer may come as a surprise—the lynchpin to combating any of these life-threatening situations are the 3,000 state, county and local health departments in this country, working in cooperation with the Centers for Disease Control.

Most people would be shocked to learn that the very network that is supposed to play a role in providing a first line of defense against these threats—the 3,000 health departments scattered across the United States—are in most cases not computer linked with the command center, CDC. Only 40 percent of our health departments are online today. The remainder need computer hardware, training and manpower to be able to connect. Local health departments also need laboratory capability to be able to test the agents suspected of causing a threat—presently these samples have to be shipped off-site to be tested, wasting valuable response time.

The warning signs are there. Were this a military operation, with the enemy amassing on our borders, we would have no hesitation nor would we question the need for additional resources. We should do nothing less when lives are threatened by disease. CDC forms a triage with state and local health departments and other important governmental agencies to combat disease and biologic threats.

While CDC has become well known world-wide as the "disease detectives," the public and many of my colleagues are probably unaware of the work they perform with their law enforcement, military and intelligence agency colleagues in the biologic and chemical warfare arena. CDC's Epidemiologic Intelligence Service school produces highly trained epidemiologists from these agencies to deal with these deadly, newly emerging threats. Every state should have at least one graduate from the Epidemiologic Intelligence Service School—currently, less than half have someone with these skills.

Additionally, CDC's National Center for Infectious Diseases, the Public Health Practice Program Office and the National Center for Environmental Health also play key roles in ensuring the preparedness of the public health response.

The legislation I'm introducing today is simple. It asks that the Centers for Disease Control report to Congress within sixty days in regard to their resources and readiness to respond to the growing threats of viral epidemics, biologic and chemical threats. I intend to focus on this when we discuss this at a future hearing, and am looking forward to learning how we can improve our ability to address this growing threat.

Unfortunately, our public health departments are operating under severe constraints with about one-third lacking even the most basic technology for communications or access to advanced training. One thing is certain, not one link in our public health defense can operate in a vacuum because disease knows no political or geographic boundaries.

In the days ahead as we set our priorities for appropriations and budget, it is time, and past time, that we place a priority on investing in local public health department infrastructure. Otherwise, we may find that the cost of our neglect is more than any of us are willing to pay.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1786

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STUDY CONCERNING THE CAPABILITIES OF THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) STUDY.—The Secretary of Health and Human Services shall conduct a study concerning the ability of, and resources available to, the Centers for Disease Control and Prevention to address the growing threats of viral epidemics and biologic and chemical terrorism.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the appropriate committees of Congress a report concerning the results of the study conducted under subsection (a), including the recommendations of the Secretary for improving the ability and resources of the Centers for Disease Control and Prevention to address the growing threats of viral epidemics and biologic and chemical terrorism.

By Mr. GRAMM (for himself, Mrs. HUTCHISON, Mr. GRASSLEY, Mr. D'AMATO, Mr. KYL, Mr. GORTON, Mrs. FEINSTEIN, Mr. BINGAMAN, Mrs. MURRAY, Mr. MCCAIN, and Mr. DOMENICI):

S. 1787. A bill to authorize additional appropriations for United States customs Service personnel and technology in order to expedite the flow of legal commercial and passenger traffic at United States land borders; to the Committee on Finance.

UNITED STATES CUSTOMS LEGISLATION

Mr. GRAMM. Mr. President, on behalf of Senators HUTCHISON, KYL, FEINSTEIN, BOXER, BINGAMAN, MCCAIN, and DOMENICI (all the Southwest Border senators), as well as Senators GRASSLEY, D'AMATO, GORTON, and MURRAY, I am introducing legislation today which will authorize the United States Customs Service to acquire the necessary personnel and technology to reduce delays at our border crossings with Mexico and Canada to no more than 20 minutes, while strengthening our commitment to interdict illegal narcotics and other contraband.

I am very concerned about the impact of narcotics trafficking on Texas and the nation and have worked closely with federal and state law enforcement officials to identify and secure the necessary resources to battle the onslaught of illegal drugs. At the same time, however, our current enforcement strategy is burdened by insufficient staffing, a gross underuse of vital interdiction technology and is effectively closing the door to legitimate trade.

At a time when NAFTA and the expanding world marketplace are making it possible for us to create more commerce, freedom and opportunity for people on both sides of the border, it is important that we eliminate the border crossing delays that are stifling these goals. In order for all Americans to fully enjoy the benefits of growing trade with Mexico and Canada, we must ensure that the Customs Service has the resources necessary to accomplish its mission. Customs inspections should not be obstacles to legitimate trade and commerce. Customs staffing needs to be increased significantly to facilitate the flow of substantially increased traffic on both the Southwestern and Northern borders, and these additional personnel need the modern technology that will allow them to inspect more cargo, more efficiently. The practical effect of these increases will be to open all the existing primary inspection lanes where congestion is a problem during peak hours and to enhance investigative capabilities on the Southwest border.

Long traffic lines at our international crossings are counterproductive to improving our trade relationship with Mexico and Canada. This bill is designed to shorten those lines and promote legitimate commerce, while providing the Customs Service with the means necessary to tackle the drug trafficking operations that are now rampant along the 1,200-mile border that my State shares with Mexico. I will be speaking further to my colleagues about this initiative and urge their support for the bill.

By Mr. MOYNIHAN:

S. 1788. A bill to amend titles XI and XVIII of the Social Security Act to combat waste, fraud, and abuse in the medicare program; to the Committee on Finance.

THE MEDICARE FRAUD AND OVERPAYMENT ACT OF 1998

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1788

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENTS TO SOCIAL SECURITY ACT; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Medicare Fraud and Overpayment Act of 1998".

(b) AMENDMENTS TO SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; amendments to Social Security Act; table of contents.
Sec. 2. No mark-up for drugs, biologicals, or parenteral nutrients.
Sec. 3. Mental health partial hospitalization services
Sec. 4. Information requirements.
Sec. 5. Eliminate overpayments for epogen.
Sec. 6. Centers of excellence.
Sec. 7. Repeal of clarification concerning levels of knowledge required for imposition of civil monetary penalties.
Sec. 8. Repeal of expanded exception for risk-sharing contract to anti-kickback provisions.
Sec. 9. Limiting the use of automatic stays and discharge in bankruptcy proceedings for provider liability for health care fraud.
Sec. 10. Administrative fees for medicare overpayment collection.

SEC. 2. NO MARK-UP FOR DRUGS, BIOLOGICALS, OR PARENTERAL NUTRIENTS.

(a) IN GENERAL.—Section 1842(o) (42 U.S.C. 1395u(o)), as added by section 4556(a) of the Balanced Budget Act of 1997, is amended to read as follows:

"(o)(1) If a physician's, supplier's, or any other person's bill or request for payment for services includes a charge for a drug, biological, or parenteral nutrient for which payment may be made under this part and the drug, biological, or parenteral nutrient is not paid on a cost or prospective payment basis as otherwise provided in this part, the payment amount established in this subsection for the drug, biological, or parenteral nutrient shall be the lowest of the following:

"(A) The actual acquisition cost, as defined in paragraph (2), to the person submitting the claim for payment for the drug, biological, or parenteral nutrient.

"(B) 95 percent of the average wholesale price of such drug, biological, or parenteral nutrient, as determined by the Secretary.

"(C) For payments for drugs, biologicals, or parenteral nutrients furnished on or after January 1, 2000, the median actual acquisition cost of all claims for payment for such drugs, biologicals, or parenteral nutrients for the 12-month period beginning July 1, 1998 (and adjusted, as the Secretary determines appropriate, to reflect changes in the cost of such drugs, biologicals, or parenteral nutrients due to inflation, and such other factors as the Secretary determines appropriate).

"(D) The amount otherwise determined under this part.

"(2) For purposes of paragraph (1)(A), the term 'actual acquisition cost' means, with respect to such drugs, biologicals, or parenteral nutrients the cost of the drugs, biologicals, or parenteral nutrients based on the most economical case size in inventory on the date of dispensing or, if less, the most economical case size purchased within six months of the date of dispensing whether or not that specific drug, biological, or nutrient was furnished to an individual whether or not enrolled under this part. Such term includes appropriate adjustments, as determined by the Secretary, for all discounts, rebates, or any other benefit in cash or in kind (including travel, equipment, or free products). The Secretary shall include an additional payment for administrative, storage, and handling costs.

"(3)(A) No payment shall be made under this part for drugs, biologicals, or parenteral nutrients to a person whose bill or request for payment for such drugs, biologicals, or parenteral nutrients does not include a statement of the person's actual acquisition cost.

"(B) A person may not bill an individual enrolled under this part—

"(i) any amount other than the payment amount specified in paragraph (1), (4), or (5) (plus any applicable deductible and coinsurance amounts), or

"(ii) any amount for such drugs, biologicals, or parenteral nutrients for which payment may not be made pursuant to subparagraph (A).

"(C) If a person knowingly and willfully in repeated cases bills one or more individuals in violation of subparagraph (B), the Secretary may apply sanctions against that person in accordance with subsection (j)(2).

"(4) The Secretary may pay a reasonable dispensing fee (less the applicable deductible and coinsurance amounts) for drugs or biologicals to a licensed pharmacy approved to dispense drugs or biologicals under this part, if payment for such drugs or biologicals is made to the pharmacy.

"(5) The Secretary shall pay a reasonable amount (less the applicable deductible and coinsurance amounts) for the services associated with the furnishing of parenteral nutrients for which payment is determined under this subsection.".

(b) Effective Date.—The amendments made by subsection (a) apply to drugs, biologicals, and parenteral nutrients furnished on or after January 1, 1999.

(c) Elimination of Report on Average Wholesale Price.—Section 4556 of the Balanced Budget Act of 1997 is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

SEC. 3. MENTAL HEALTH PARTIAL HOSPITALIZATION SERVICES

(a) Limitation on Location of Provision of Services.—

(1) In general.—Section 1861(ff)(2) (42 U.S.C. 1395x(ff)(2)) is amended in the matter following subparagraph (I)—

(A) by striking "and furnished" and inserting "furnished"; and

(B) by inserting before the period the following: ", and furnished other than in a skilled nursing facility or in an individual's home or other residential setting".

(2) Effective date.—The amendments made by paragraph (1) shall apply to partial hospitalization services furnished on or after the first day of the sixth month beginning after the date of the enactment of this Act.

(b) Qualifications for Community Mental Health Centers.—Section 1861(ff)(3)(B) (42 U.S.C. 1395x(ff)(3)(B)) is amended by striking "entity" and all that follows and inserting the following: "entity that—

"(i) provides the mental health services described in paragraph (1) of section 1913(c) of the Public Health Service Act;

"(ii) meets applicable licensing or certification requirements for community mental health centers in the State in which it is located; and

"(iii) meets such additional standards as the Secretary shall specify to ensure (I) the health and safety of individuals being furnished such services, (II) the effective or efficient furnishing of such services, and (III) the compliance of such entity with the criteria described in such section.".

SEC. 4. INFORMATION REQUIREMENTS.

(a) Information From Group Health Plans.—Section 1862(b) is amended by adding at the end the following:

"(7) Information from group health plans.—

"(A) Provision of information by group health plans.—The administrator of a group health plan subject to the requirements of paragraph (1) shall provide to the Secretary such of the information elements described in subparagraph (C) as the Secretary specifies, and in such manner and at such times as the Secretary may specify (but not more frequently than four times per year), with respect to each individual covered under the plan who is entitled to any benefits under this title.

"(B) Provision of information by employers and employee organizations.—An employer (or employee organization) that maintains or participates in a group health plan subject to the requirements of paragraph (1) shall provide to the administrator of the plan such of the information elements required to be provided under subparagraph (A), and in such manner and at such times as the Secretary may specify, at a frequency consistent with that required under subparagraph (A) with respect to each individual described in subparagraph (A) who is covered under the plan by reason of employment with that employer or membership in the organization.

"(C) Information elements.—The information elements described in this subparagraph are the following:

"(i) Elements concerning the individual.—

"(I) The individual's name.

"(II) The individual's date of birth.

"(III) The individual's sex.

"(IV) The individual's social security insurance number.

"(V) The number assigned by the Secretary to the individual for claims under this title.

"(VI) The family relationship of the individual to the person who has or had current or employment status with the employer.

"(ii) Elements concerning the family member with current or former employment status.—

"(I) The name of the person in the individual's family who has current or former employment status with the employer.

"(II) That person's social security insurance number.

"(III) The number or other identifier assigned by the plan to that person.

"(IV) The periods of coverage for that person under the plan.

"(V) The employment status of that person (current or former) during those periods of coverage.

"(VI) The classes (of that person's family members) covered under the plan.

"(iii) Plan elements.—

"(I) The items and services covered under the plan.

"(II) The name and address to which claims under the plan are to be sent.

"(iv) Elements concerning the employer.—

"(I) The employer's name.

"(II) The employer's address.

"(III) The employer identification number of the employer.

"(D) Use of identifiers.—The administrator of a group health plan shall utilize a unique identifier for the plan in providing information under subparagraph (A) and in other transactions, as may be specified by the Secretary, related to the provisions of this subsection. The Secretary may provide to the administrator the unique identifier described in the preceding sentence.

"(E) Penalty for noncompliance.—Any entity that knowingly and willfully fails to comply with a requirement imposed by the previous subparagraphs shall be subject to a civil money penalty not to exceed $1,000 for each incident of such failure. The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under the previous sentence in the same manner as those provisions apply to a penalty or proceeding under section 1128A(a).".

(b) Effective Date.—The amendment made by subsection (a) shall take effect 180 days after the date of enactment of this Act.

SEC. 5. ELIMINATE OVERPAYMENTS FOR EPOGEN.

Section 1881(b)(11)(B)(ii) (42 U.S.C. 1395rr(b)(11)(B)(ii)) is amended—

(1) in subclause (I)—

(A) by striking "provided during 1994" and inserting "provided before fiscal year 1999"; and

(B) by striking "and" at the end;

(2) by redesignating subclause (II) as subclause (III);

(3) by inserting after subclause (I) the following new subclause:

"(II) for erythropoietin provided during fiscal year 1999, in an amount equal to $9 per thousand units (rounded to the nearest 100 units), and"; and

(4) in subclause (III), as so redesignated, by striking "year" each place it occurs and inserting "fiscal year".

SEC. 6. CENTERS OF EXCELLENCE.

(a) In General.—Title XVIII is amended by inserting after section 1896 the following new section:

"CENTERS OF EXCELLENCE

"Sec. 1897. (a) In General.—The Secretary shall use a competitive process to contract with specific hospitals or other entities for furnishing services related to surgical procedures, and for furnished services (unrelated to surgical procedures) to hospital inpatients that the Secretary determines to be appropriate. Such services may include any services covered under this title that the Secretary determines to be appropriate, including post-hospital services.

"(b) Quality Standards.—Only entities that meet quality standards established by the Secretary shall be eligible to contract under this section. In considering quality, the Secretary shall take into account the quality, experience, and quantity of services of physicians who provide services in more than one entity. Contracting entities shall implement a quality improvement plan approved by the Secretary.

"(c) Payment.—Payment under this section shall be made on the basis of negotiated all-inclusive rates. The amount of payment made by the Secretary to an entity under this title for services covered under a contract shall be less than the aggregate amount of the payments that the Secretary would have otherwise made for the services.

"(d) Contract Period.—A contract period shall be 3 years (subject to renewal), as long as the entity continues to meet quality and other contractual standards.

"(e) Incentives for Use of Centers.—The Secretary may permit entities under a contract under this section to furnish additional services or waive beneficiary cost-sharing, subject to the approval of the Secretary.

"(f) Limit on Number of Centers.—The Secretary shall limit the number of centers in a geographic area to the number needed to meet projected demand for contracted services.".

(b) Effective Dates.—

(1) The amendment made by subsection (a) applies to services furnished on or after October 1, 1998.

(2) By October 1, 1998, the Secretary shall enter into contracts under the amendment made by subsection (a) for coronary artery by-pass surgery and other heart procedures, knee replacement surgery, and hip replacement surgery, in geographic areas nationwide such that at least 20 percent of the projected number of those procedures can be provided under such contracts.

SEC. 7. REPEAL OF CLARIFICATION CONCERNING LEVELS OF KNOWLEDGE REQUIRED FOR IMPOSITION OF CIVIL MONETARY PENALTIES.

(a) Elimination of "Knowing" Standard.—Section 1128A(a) (42 U.S.C. 1320a–7a(a)) is amended by striking "knowingly" in paragraphs (1), (2), and (3).

(b) Elimination of Statutory Definition of "Should Know".—Section 1128A(i) (42 U.S.C. 1320a–7a(i)) is amended by striking paragraph (7).

(c) Effective Date.—The amendments made by this section shall apply to acts or omissions occurring on or after the date of the enactment of this Act.

SEC. 8. REPEAL OF EXPANDED EXCEPTION FOR RISK-SHARING CONTRACT TO ANTI-KICKBACK PROVISIONS.

(a) In General.—Section 1128B(b)(3) (42 U.S.C. 1320a-7b(b)(3)) is amended—

(1) by adding "and" at the end of subparagraph (D);

(2) by striking "; and" at the end of subparagraph (E) and inserting a period; and

(3) by striking subparagraph (F).

(b) Elimination of Report.—Subsection (b) of section 216 of the Health Insurance Portability and Accountability Act of 1996 is repealed.

(c) Effective Dates.—(1) The amendments made by subsection (a) shall apply to remuneration provided on or after the date of the enactment of this Act, regardless of whether it is pursuant to an agreement or arrangement entered into before such date.

(2) Subsection (b) shall take effect on the date of the enactment of this Act.

SEC. 9. LIMITING THE USE OF AUTOMATIC STAYS AND DISCHARGE IN BANKRUPTCY PROCEEDINGS FOR PROVIDER LIABILITY FOR HEALTH CARE FRAUD.

(a) Nonapplicability of Automatic Stay Provisions.—

(1) In exclusion proceedings.—Section 1128 (42 U.S.C. 1320a-7), as amended by section 4303(a) of the Balanced Budget Act of 1997, is amended by adding at the end the following new subsection:

"(k) Nonapplicability of Bankruptcy Stay.—An exclusion imposed under this section or a proceeding seeking an exclusion under this section is not subject to the automatic stay under section 362(a) of title 11, United States Code.".

(2) In civil money penalty proceedings.—Section 1128A(a) (42 U.S.C. 1320a-7a(a)) is amended by adding at the end the following: "An exclusion, penalty, or assessment imposed under this section or a proceeding that seeks an exclusion, penalty, or assessment under this section, is not subject to the automatic stay under section 362(a) of title 11, United States Code. Notwithstanding any other provision of law, amounts made payable under this section are not dischargeable under any provision of such title.".

(3) In recoupment under part A of medicare.—Section 1815(d) (42 U.S.C: 1395g(d)) is amended—

(A) by inserting "(1)" after "(d)", and

(B) by adding at the end the following:

"(2) The recoupment of an overpayment under this section is not subject to the automatic stay under section 362(a) of title 11, United States Code. Notwithstanding any other provision of law, amounts due to the Secretary under this section are not dischargeable under any provision of such title.".

(4) In recoupment under part B of medicare.—Section 1833(j) (42 U.S.C. 1395l(j)) is amended—

(A) by inserting "(1)" after"(j)", and

(B) by adding at the end the following:

"(2) The recoupment of an overpayment under this section is not subject to the automatic stay under section 362(a) of title 11, United States Code. Notwithstanding any other provision of law, amounts due to the Secretary under this section are not dischargeable under any provision of such title.".

(5) In collection of overdue payments on scholarships and loans.—Section 1892(a)(4) (42 U.S.C. 1395ccc(a)(4)) is amended by adding at the end the following:

"(5) An exclusion imposed under paragraph (2)(C)(ii) or (3)(B) is not subject to the automatic stay under section 362(a) of title 11, United States Code.".

(b) Nondischargability.—

(1) In civil money penalty proceedings.—Section 1128A(a) (42 U.S.C. 1320a-7a(a)), as amended by subsection (a)(2), is further amended by adding at the end the following: "Notwithstanding any other provision of law, amounts made payable under this section are not dischargeable under any provision of such title.".

(2) In recoupment under part A of medicare.—Section 1815(d) (42 U.S.C. 1395g(d)(2)), as amended by subsection (a)(3), is further amended by adding at the end the following:

"(3) Notwithstanding any other provision of law, amounts due to the Secretary under this section are not dischargeable under any provision of such title.".

(3) In recoupment under part B of medicare.—Section 1833(j) (42 U.S.C. 1395l(j)), as amended by subsection (a)(4), is further amended by adding at the end the following: "Notwithstanding any other provision of law, amounts due to the Secretary under this section are not dischargeable under any provision of such title.".

(c) Effective Dates.—

(1) The amendments made by subsection (a) shall apply to bankruptcy petitions filed after the date of the enactment of this Act.

(2) The amendments made by subsection (b) shall apply on and after the date of the enactment of this Act to any proceeding which has not been completed as of such date.

SEC. 10. ADMINISTRATIVE FEES FOR MEDICARE OVERPAYMENT COLLECTION.

(a) Administrative Fees for Providers of Services Under Part A.—Section 1815(d) (42 U.S.C. 1395g(d)), as amended by section 9(a)(3), is amended by adding at the end the following new paragraph:

"(3)(A) Except as provided in subparagraph (B), if the payment of the excess described in paragraph (1) is not made (or effected by offset) within 30 days of the date of the determination, an administrative fee of 1 percent of the outstanding balance of the excess (after application of paragraph (1)), or such lower amount as an Administrative Law Judge may determine upon an appeal of the initial determination of the excess, shall be imposed on the provider, for deposit into the Trust Fund under this part.

"(B) The administrative fee shall be imposed under subparagraph (A) on a provider of services paid on a prospective basis only if such provider's cost report with respect to the payment determined to be in excess of the payment due under this part indicates that the provider's projected costs exceeded its actual costs by 30 percent or more."..

(b) Administrative Fees for Providers of Services or Other Persons Under Part B.—Section 1833(j) (42 U.S.C. 1395*l*(j)), as amended by section 9(a)(4), is amended by adding at the end the following new paragraph:

"(3) If the excess described in paragraph (1) is not made (or effected by offset) within 30 days of the date of the determination, an administrative fee of 1 percent of the outstanding balance of the excess (after application of paragraph (1)), or such lower amount as an Administrative Law Judge may determine upon an appeal of the initial determination of the excess, shall be imposed on the provider, or other person receiving the excess, for deposit into the Trust Fund under this part.".

(c) Effective Date.—The amendments made by this section shall apply to final determinations made on or after the date of enactment of this Act.

By Mr. MOYNIHAN (for himself, Mr. Kennedy, Mr. Daschle, Mrs. Boxer, Mr. Dodd, Mr. Durbin, Mr. Glenn, Mr. Harkin, Mr. Kerry, Mr. Lautenberg, Ms. Moseley-Braun, Mr. Rockefeller, and Mr. Torricelli):

S. 1789. A bill to amend title XVIII of the Social Security Act and the Employee Retirement Income Security Act of 1974 to improve access to health insurance and medicare benefits for individuals ages 55 to 65 to be fully funded through premiums and anti-fraud provision, and for other purposes; to the Committee on Finance.

THE MEDICARE EARLY ACCESS ACT OF 1998

Mr. MOYNIHAN. Mr. President, I rise to introduce a bill to provide access to health insurance for individuals between the ages of 55–65. These individuals are too young for Medicare, not poor enough to qualify for Medicaid, and in many cases, are forced into early retirement or pushed out of their jobs in corporate downsizing.

The "Medicare Early Access Act" is based on the President's three-part initiative announced on January 6, 1998. The bill is a targeted, self-financing proposal to give older Americans under 65 new options to obtain health insurance coverage. Many of these Americans have worked hard all their lives, but, through no fault of their own, find themselves uninsured just as they are entering the years when the risk of serious illness is increasing. This legislation attempts to bridge the gap in coverage between years when persons are in the labor and the age—(65) when they become eligible for Medicare.

The bill has three parts: (1) It enables persons between ages 62 and 64 to buy into Medicare by paying a full premium; (2) it provides displaced workers over age 55 access to Medicare by offering a similar Medicare buy-in option; and (3) it extends COBRA coverage to persons 55 and over whose employers withdraw retiree health benefits. A more detailed description of the proposal is attached.

THE COST

The program is self-financing and is largely paid for by premiums from the beneficiaries themselves. The financing of the program is carefully walled off from the Medicare Part A and Part B Trust Funds, to ensure that it will not adversely impact the existing program.

There is a modest cost to the buy-in proposal for 62–65 year-olds because participants would pay the premium in two parts: most of the cost would be paid by the individual up front; a smaller amount would be paid after they turn 65 years old. Medicare would in effect "loan" participants the second part of the premium until they reach 65, when they would make small monthly payments in addition to their regular Medicare Part B premium. That "loan" accounts for most of the Medicare costs of the legislation, and is fully offset by a separate savings from a separate bill to reduce Medicare waste, fraud and overpayment that I am also introducing at this time.

The CBO analysis of this bill found no impact on the Medicare Part A or Part B Trust Funds. The net cost of the two bills is virtually zero—an average of about $60 million per year. CBO also predicted that about 410,000 individuals would participate (or 33 percent more than first estimated by the Administration). Finally, CBO estimated that the post-65 premium that people ages 62–65 would pay would be only $10 per month per year—$6 per month, or $72 less per year, than the Administration estimated.

Mr. President, the problem of health insurance for the near elderly is getting worse. Congress should act now to provide valuable coverage for these individuals.

Mr. President, I ask unanimous consent that the full text and summary of the bill be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

S. 1789

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Medicare Early Access Act of 1998".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—ACCESS TO MEDICARE BENEFITS FOR INDIVIDUALS 62-TO-65 YEARS OF AGE

Sec. 101. Access to medicare benefits for individuals 62-to-65 years of age.

"PART D—PURCHASE OF MEDICARE BENEFITS BY CERTAIN INDIVIDUALS AGE 62-TO-65 YEARS OF AGE

"Sec. 1859. Program benefits; eligibility.
"Sec. 1859A. Enrollment process; coverage.
"Sec. 1859B. Premiums.
"Sec. 1859C. Payment of premiums.
"Sec. 1859D. Medicare Early Access Trust Fund.
"Sec. 1859E. Oversight and accountability.
"Sec. 1859F. Administration and miscellaneous.

TITLE II—ACCESS TO MEDICARE BENEFITS FOR DISPLACED WORKERS 55-TO-62 YEARS OF AGE

Sec. 201. Access to medicare benefits for displaced workers 55-to-62 years of age.

TITLE III—COBRA PROTECTION FOR EARLY RETIREES

Subtitle A—Amendments to the Employee Retirement Income Security Act of 1974

Sec. 301. COBRA continuation benefits for certain retired workers who lose retiree health coverage.

Subtitle B—Amendments to the Public Health Service Act

Sec. 311. COBRA continuation benefits for certain retired workers who lose retiree health coverage.

Subtitle C—Amendments to the Internal Revenue Code of 1986

Sec. 321. COBRA continuation benefits for certain retired workers who lose retiree health coverage.

TITLE IV—FINANCING

Sec. 401. Reference to financing provisions.

TITLE I—ACCESS TO MEDICARE BENEFITS FOR INDIVIDUALS 62-TO-65 YEARS OF AGE

SEC. 101. ACCESS TO MEDICARE BENEFITS FOR INDIVIDUALS 62-TO-65 YEARS OF AGE.

(a) IN GENERAL.—Title XVIII of the Social Security Act is amended—

(1) by redesignating section 1859 and part D as section 1858 and part E, respectively; and

(2) by inserting after such section the following new part:

"PART D—PURCHASE OF MEDICARE BENEFITS BY CERTAIN INDIVIDUALS AGE 62-TO-65 YEARS OF AGE

"SEC. 1859. PROGRAM BENEFITS; ELIGIBILITY.

"(a) ENTITLEMENT TO MEDICARE BENEFITS FOR ENROLLED INDIVIDUALS.—

"(1) IN GENERAL.—An individual enrolled under this part is entitled to the same benefits under this title as an individual entitled to benefits under part A and enrolled under part B.

"(2) DEFINITIONS.—For purposes of this part:

"(A) FEDERAL OR STATE COBRA CONTINUATION PROVISION.—The term 'Federal or State COBRA continuation provision' has the meaning given the term 'COBRA continuation provision' in section 2791(d)(4) of the Public Health Service Act and includes a comparable State program, as determined by the Secretary.

"(B) FEDERAL HEALTH INSURANCE PROGRAM DEFINED.—The term 'Federal health insurance program' means any of the following:

"(i) MEDICARE.—Part A or part B of this title (other than by reason of this part).

"(ii) MEDICAID.—A State plan under title XIX.

"(iii) FEHBP.—The Federal employees health benefit program under chapter 89 of title 5, United States Code.

"(iv) TRICARE.—The TRICARE program (as defined in section 1072(7) of title 10, United States Code).

"(v) ACTIVE DUTY MILITARY.—Health benefits under title 10, United States Code, to an individual as a member of the uniformed services of the United States.

"(C) GROUP HEALTH PLAN.—The term 'group health plan' has the meaning given such term in section 2791(a)(1) of the Public Health Service Act.

"(b) ELIGIBILITY OF INDIVIDUALS AGE 62-TO-65 YEARS OF AGE.—

"(1) IN GENERAL.—Subject to paragraph (2), an individual who meets the following requirements with respect to a month is eligible to enroll under this part with respect to such month:

"(A) AGE.—As of the last day of the month, the individual has attained 62 years of age, but has not attained 65 years of age.

"(B) MEDICARE ELIGIBILITY (BUT FOR AGE).—The individual would be eligible for benefits under part A or part B for the month if the individual were 65 years of age.

"(C) NOT ELIGIBLE FOR COVERAGE UNDER GROUP HEALTH PLANS OR FEDERAL HEALTH INSURANCE PROGRAMS.—The individual is not eligible for benefits or coverage under a Federal health insurance program (as defined in subsection (a)(2)(B)) or under a group health plan (other than such eligibility merely through a Federal or State COBRA continuation provision) as of the last day of the month involved.

"(2) LIMITATION ON ELIGIBILITY IF TERMINATED ENROLLMENT.—If an individual described in paragraph (1) enrolls under this part and coverage of the individual is terminated under section 1859A(d) (other than because of age), the individual is not again eligible to enroll under this subsection unless the following requirements are met:

"(A) NEW COVERAGE UNDER GROUP HEALTH PLAN OR FEDERAL HEALTH INSURANCE PROGRAM.—After the date of termination of coverage under such section, the individual obtains coverage under a group health plan or under a Federal health insurance program.

"(B) SUBSEQUENT LOSS OF NEW COVERAGE.—The individual subsequently loses eligibility for the coverage described in subparagraph (A) and exhausts any eligibility the individual may subsequently have for coverage under a Federal or State COBRA continuation provision.

"(3) CHANGE IN HEALTH PLAN ELIGIBILITY DOES NOT AFFECT COVERAGE.—In the case of an individual who is eligible for and enrolls under this part under this subsection, the individual's continued entitlement to benefits under this part shall not be affected by the individual's subsequent eligibility for benefits or coverage described in paragraph (1)(C), or entitlement to such benefits or coverage.

"SEC. 1859A. ENROLLMENT PROCESS; COVERAGE.

"(a) IN GENERAL.—An individual may enroll in the program established under this part only in such manner and form as may be prescribed by regulations, and only during an enrollment period prescribed by the Secretary consistent with the provisions of this section. Such regulations shall provide a process under which—

"(1) individuals eligible to enroll as of a month are permitted to pre-enroll during a prior month within an enrollment period described in subsection (b); and

"(2) each individual seeking to enroll under section 1859(b) is notified, before enrolling, of the deferred monthly premium amount the individual will be liable for under section 1859C(b) upon attaining 65 years of age as determined under section 1859B(c)(3).

"(b) ENROLLMENT PERIODS.—

"(1) INDIVIDUALS 62-TO-65 YEARS OF AGE.—In the case of individuals eligible to enroll under this part under section 1859(b)—

"(A) INITIAL ENROLLMENT PERIOD.—If the individual is eligible to enroll under such section for July 1999, the enrollment period shall begin on May 1, 1999, and shall end on August 31, 1999. Any such enrollment before July 1, 1999, is conditioned upon compliance with the conditions of eligibility for July 1999.

"(B) SUBSEQUENT PERIODS.—If the individual is eligible to enroll under such section for a month after July 1999, the enrollment period shall begin on the first day of the second month before the month in which the individual first is eligible to so enroll and shall end four months later. Any such enrollment before the first day of the third month of such enrollment period is conditioned upon compliance with the conditions of eligibility for such third month.

"(2) AUTHORITY TO CORRECT FOR GOVERNMENT ERRORS.—The provisions of section 1837(h) apply with respect to enrollment under this part in the same manner as they apply to enrollment under part B.

"(c) DATE COVERAGE BEGINS.—

"(1) IN GENERAL.—The period during which an individual is entitled to benefits under this part shall begin as follows, but in no case earlier than July 1, 1999:

"(A) In the case of an individual who enrolls (including pre-enrolls) before the month in which the individual satisfies eligibility for enrollment under section 1859, the first day of such month of eligibility.

"(B) In the case of an individual who enrolls during or after the month in which the individual first satisfies eligibility for enrollment under such section, the first day of the following month.

"(2) AUTHORITY TO PROVIDE FOR PARTIAL MONTHS OF COVERAGE.—Under regulations, the Secretary may, in the Secretary's discretion, provide for coverage periods that include portions of a month in order to avoid lapses of coverage.

"(3) LIMITATION ON PAYMENTS.—No payments may be made under this title with respect to the expenses of an individual enrolled under this part unless such expenses were incurred by such individual during a period which, with respect to the individual, is a coverage period under this section.

"(d) TERMINATION OF COVERAGE.—

"(1) IN GENERAL.—An individual's coverage period under this part shall continue until the individual's enrollment has been terminated at the earliest of the following:

"(A) GENERAL PROVISIONS.—

"(i) NOTICE.—The individual files notice (in a form and manner prescribed by the Secretary) that the individual no longer wishes to participate in the insurance program under this part.

"(ii) NONPAYMENT OF PREMIUMS.—The individual fails to make payment of premiums required for enrollment under this part.

"(iii) MEDICARE ELIGIBILITY.—The individual becomes entitled to benefits under part A or enrolled under part B (other than by reason of this part).

"(B) TERMINATION BASED ON AGE.—The individual attains 65 years of age.

"(2) EFFECTIVE DATE OF TERMINATION.—

"(A) NOTICE.—The termination of a coverage period under paragraph (1)(A)(i) shall take effect at the close of the month following for which the notice is filed.

"(B) NONPAYMENT OF PREMIUM.—The termination of a coverage period under paragraph (1)(A)(ii) shall take effect on a date determined under regulations, which may be determined so as to provide a grace period in which overdue premiums may be paid and coverage continued. The grace period determined under the preceding sentence shall not exceed 60 days; except that it may be extended for an additional 30 days in any case where the Secretary determines that there was good cause for failure to pay the overdue premiums within such 60-day period.

"(C) AGE OR MEDICARE ELIGIBILITY.—The termination of a coverage period under paragraph (1)(A)(iii) or (1)(B) shall take effect as of the first day of the month in which the individual attains 65 years of age or becomes entitled to benefits under part A or enrolled for benefits under part B (other than by reason of this part).

"SEC. 1859B. PREMIUMS.

"(a) AMOUNT OF MONTHLY PREMIUMS.—

"(1) BASE MONTHLY PREMIUMS.—The Secretary shall, during September of each year (beginning with 1998), determine the following premium rates which shall apply with respect to coverage provided under this title for any month in the succeeding year:

"(A) BASE MONTHLY PREMIUM FOR INDIVIDUALS 62 YEARS OF AGE OR OLDER.—A base monthly premium for individuals 62 years of age or older, equal to 1/12 of the base annual premium rate computed under subsection (b) for each premium area.

"(2) DEFERRED MONTHLY PREMIUMS FOR INDIVIDUALS 62 YEARS OF AGE OR OLDER.—The Secretary shall, during September of each year (beginning with 1998), determine under subsection (c) the amount of deferred monthly premiums that shall apply with respect to individuals who first obtain coverage under this part under section 1859(b) in the succeeding year.

"(3) ESTABLISHMENT OF PREMIUM AREAS.—For purposes of this part, the term 'premium area' means such an area as the Secretary shall specify to carry out this part. The Secretary from time to time may change the boundaries of such premium areas. The Secretary shall seek to minimize the number of such areas specified under this paragraph.

"(b) BASE ANNUAL PREMIUM FOR INDIVIDUALS 62 YEARS OF AGE OR OLDER.—

"(1) NATIONAL, PER CAPITA AVERAGE.—The Secretary shall estimate the average, annual per capita amount that would be payable under this title with respect to individuals residing in the United States who meet the requirement of section 1859(b)(1)(A) as if all such individuals were eligible for (and enrolled) under this title during the entire year (and assuming that section 1862(b)(2)(A)(i) did not apply).

"(2) GEOGRAPHIC ADJUSTMENT.—The Secretary shall adjust the amount determined under paragraph (1) for each premium area (specified under subsection (a)(3)) in order to take into account such factors as the Secretary deems appropriate and shall limit the maximum premium under this paragraph in a premium area to assure participation in all areas throughout the United States.

"(3) BASE ANNUAL PREMIUM.—The base annual premium under this subsection for months in a year for individuals 62 years of age or older residing in a premium area is equal to the average, annual per capita amount estimated under paragraph (1) for the year, adjusted for such area under paragraph (2).

"(c) DEFERRED PREMIUM RATE FOR INDIVIDUALS 62 YEARS OF AGE OR OLDER.—The deferred premium rate for individuals with a group of individuals who obtain coverage under section 1859(b) in a year shall be computed by the Secretary as follows:

"(1) ESTIMATION OF NATIONAL, PER CAPITA ANNUAL AVERAGE EXPENDITURES FOR ENROLLMENT GROUP.—The Secretary shall estimate the average, per capita annual amount that will be paid under this part for individuals in such group during the period of enrollment under section 1859(b). In making such estimate for coverage beginning in a year before 2003, the Secretary may base such estimate on the average, per capita amount that would be payable if the program had been in operation over a previous period of at least 4 years.

"(2) DIFFERENCE BETWEEN ESTIMATED EXPENDITURES AND ESTIMATED PREMIUMS.—Based on the characteristics of individuals in such group, the Secretary shall estimate during the period of coverage of the group under this part under section 1859(b) the amount by which—

"(A) the amount estimated under paragraph (1); exceeds

"(B) the average, annual per capita amount of premiums that will be payable for months during the year under section 1859C(a) for individuals in such group (including premiums that would be payable if there were no terminations in enrollment under clause (i) or (ii) of section 1859A(d)(1)(A)).

"(3) ACTUARIAL COMPUTATION OF DEFERRED MONTHLY PREMIUM RATES.—The Secretary shall determine deferred monthly premium rates for individuals in such group in a manner so that—

"(A) the estimated actuarial value of such premiums payable under section 1859C(b), is equal to

"(B) the estimated actuarial present value of the differences described in paragraph (2).

Such rate shall be computed for each individual in the group in a manner so that the rate is based on the number of months between the first month of coverage based on enrollment under section 1859(b) and the month in which the individual attains 65 years of age.

"(4) DETERMINANTS OF ACTUARIAL PRESENT VALUES.—The actuarial present values described in paragraph (3) shall reflect—

"(A) the estimated probabilities of survival at ages 62 through 84 for individuals enrolled during the year; and

"(B) the estimated effective average interest rates that would be earned on investments held in the trust funds under this title during the period in question.

"SEC. 1859C. PAYMENT OF PREMIUMS.

"(a) PAYMENT OF BASE MONTHLY PREMIUM.—

"(1) IN GENERAL.—The Secretary shall provide for payment and collection of the base monthly premium, determined under section 1859B(a)(1) for the age (and age cohort, if applicable) of the individual involved and the premium area in which the individual principally resides, in the same manner as for payment of monthly premiums under section 1840, except that, for purposes of applying this section, any reference in such section to the Federal Supplementary Medical Insurance Trust Fund is deemed a reference to the Trust Fund established under section 1859D.

"(2) PERIOD OF PAYMENT.—In the case of an individual who participates in the program established by this title, the base monthly premium shall be payable for the period commencing with the first month of the individual's coverage period and ending with the month in which the individual's coverage under this title terminates.

"(b) PAYMENT OF DEFERRED PREMIUM FOR INDIVIDUALS COVERED AFTER ATTAINING AGE 62.—

"(1) RATE OF PAYMENT.—

"(A) IN GENERAL.—In the case of an individual who is covered under this part for a month pursuant to an enrollment under section 1859(b), subject to subparagraph (B), the individual is liable for payment of a deferred premium in each month during the period described in paragraph (2) in an amount equal to the full deferred monthly premium rate determined for the individual under section 1859B(c).

"(B) SPECIAL RULES FOR THOSE WHO DISENROLL EARLY.—

"(i) IN GENERAL.—If such an individual's enrollment under such section is terminated under clause (i) or (ii) of section 1859A(d)(1)(A), subject to clause (ii), the amount of the deferred premium otherwise established under this paragraph shall be pro-rated to reflect the number of months of coverage under this part under such enrollment compared to the maximum number of months of coverage that the individual would have had if the enrollment were not so terminated.

"(ii) ROUNDING TO 12-MONTH MINIMUM COVERAGE PERIODS.—In applying clause (i), the number of months of coverage (if not a multiple of 12) shall be rounded to the next highest multiple of 12 months, except that in no case shall this clause result in a number of months of coverage exceeding the maximum number of months of coverage that the individual would have had if the enrollment were not so terminated.

"(2) PERIOD OF PAYMENT.—The period described in this paragraph for an individual is the period beginning with the first month in which the individual has attained 65 years of age and ending with the month before the month in which the individual attains 85 years of age.

"(3) COLLECTION.—In the case of an individual who is liable for a premium under this subsection, the amount of the premium shall be collected in the same manner as the premium for enrollment under such part is collected under section 1840, except that any reference in such section to the Federal Supplementary Medical Insurance Trust Fund is deemed to be a reference to the Medicare Early Access Trust Fund established under section 1859D.

"(c) APPLICATION OF CERTAIN PROVISIONS.—The provisions of section 1840 (other than subsection (h)) shall apply to premiums collected under this section in the same manner as they apply to premiums collected under part B, except that any reference in such section to the Federal Supplementary Medical Insurance Trust Fund is deemed a reference to the Trust Fund established under section 1859D.

"SEC. 1859D. MEDICARE EARLY ACCESS TRUST FUND.

"(a) ESTABLISHMENT OF TRUST FUND.—

"(1) IN GENERAL.—There is hereby created on the books of the Treasury of the United States a trust fund to be known as the 'Medicare Early Access Trust Fund' (in this section referred to as the 'Trust Fund'). The Trust Fund shall consist of such gifts and bequests as may be made as provided in section 201(i)(1) and such amounts as may be deposited in, or appropriated to, such fund as provided in this title.

"(2) PREMIUMS.—Premiums collected under section 1859B shall be transferred to the Trust Fund.

"(3) TRANSFER OF SAVINGS FROM NEW FRAUD AND ABUSE INITIATIVES.—

"(A) IN GENERAL.—There is hereby transferred to the Trust Fund from the Federal Hospital Insurance Trust Fund and from the Federal Supplementary Medical Insurance Trust Fund amounts equivalent to the amounts (specified under subparagraph (B)) of the reductions in expenditures under such respective trust fund as may be attributable to the enactment of the Medicare Fraud and Overpayment Act of 1998.

"(B) USE OF CBO ESTIMATES.—For each fiscal year during the 10-fiscal-year period beginning with fiscal year 1999, the amounts under subparagraph (A) shall be the amounts described in such subparagraph as determined by the Congressional Budget Office at the time of, and in connection with, the enactment of the Medicare Early Access Act of 1998. For subsequent fiscal years, the amounts under subparagraph (A) shall be the amount determined under this subparagraph for the previous fiscal year increased by the same percentage as the percentage increase in aggregate expenditures under this title from the second previous fiscal year to the previous fiscal year.

"(b) INCORPORATION OF PROVISIONS.—

"(1) IN GENERAL.—Subject to paragraph (2), subsections (b) through (i) of section 1841 shall apply with respect to the Trust Fund and this title in the same manner as they apply with respect to the Federal Supplementary Medical Insurance Trust Fund and part B, respectively.

"(2) MISCELLANEOUS REFERENCES.—In applying provisions of section 1841 under paragraph (1)—

"(A) any reference in such section to 'this part' is construed to refer to this part D;

"(B) any reference in section 1841(h) to section 1840(d) and in section 1841(i) to sections 1840(b)(1) and 1842(g) are deemed references to comparable authority exercised under this part; and

"(C) payments may be made under section 1841(g) to the Trust Funds under sections 1817 and 1841 as reimbursement to such funds for payments they made for benefits provided under this part.

"SEC. 1859E. OVERSIGHT AND ACCOUNTABILITY.

"(a) THROUGH ANNUAL REPORTS OF TRUSTEES.—The Board of Trustees of the Medicare Early Access Trust Fund under section 1859D(b)(1) shall report on an annual basis to Congress concerning the status of the Trust Fund and the need for adjustments in the program under this part to maintain financial solvency of the program under this part.

"(b) PERIODIC GAO REPORTS.—The Comptroller General of the United States shall periodically submit to Congress reports on the adequacy of the financing of coverage provided under this part. The Comptroller General shall include in such report such recommendations for adjustments in such financing and coverage as the Comptroller General deems appropriate in order to maintain financial solvency of the program under this part.

"SEC. 1859F. ADMINISTRATION AND MISCELLANEOUS.

"(a) TREATMENT FOR PURPOSES OF TITLE.—Except as otherwise provided in this part—

"(1) individuals enrolled under this part shall be treated for purposes of this title as though the individual were entitled to benefits under part A and enrolled under part B; and

"(2) benefits described in section 1859 shall be payable under this title to such individuals in the same manner as if such individuals were so entitled and enrolled.

"(b) NOT TREATED AS MEDICARE PROGRAM FOR PURPOSES OF MEDICAID PROGRAM.—For purposes of applying title XIX (including the provision of medicare cost-sharing assistance under such title), an individual who is enrolled under this part shall not be treated as being entitled to benefits under this title.

"(c) NOT TREATED AS MEDICARE PROGRAM FOR PURPOSES OF COBRA CONTINUATION PROVISIONS.—In applying a COBRA continuation provision (as defined in section 2791(d)(4) of the Public Health Service Act), any reference to an entitlement to benefits under this title shall not be construed to include entitlement to benefits under this title pursuant to the operation of this part.".

(b) CONFORMING AMENDMENTS TO SOCIAL SECURITY ACT PROVISIONS.—

(1) Section 201(i)(1) of the Social Security Act (42 U.S.C. 401(i)(1)) is amended by striking "or the Federal Supplementary Medical Insurance Trust Fund" and inserting "the Federal Supplementary Medical Insurance Trust Fund, and the Medicare Early Access Trust Fund".

(2) Section 201(g)(1)(A) of such Act (42 U.S.C. 401(g)(1)(A)) is amended by striking and the Federal Supplementary Medical Insurance Trust Fund established by title XVIII" and inserting ", the Federal Supplementary Medical Insurance Trust Fund, and the Medicare Early Access Trust Fund established by title XVIII".

(3) Section 1820(i) of such Act (42 U.S.C. 1395i-4(i)) is amended by striking "part D" and inserting "part E".

(4) Part C of title XVIII of such Act is amended—

(A) in section 1851(a)(2)(B) (42 U.S.C. 1395w-21(a)(2)(B)), by striking "1859(b)(3)" and inserting "1858(b)(3);

(B) in section 1851(a)(2)(C) (42 U.S.C. 1395w-21(a)(2)(C)), by striking "1859(b)(2)" and inserting "1858(b)(2)";

(C) in section 1852(a)(1) (42 U.S.C. 1395w-22(a)(1)), by striking "1859(b)(3)" and inserting "1858(b)(3);

(D) in section 1852(a)(3)(B)(ii) (42 U.S.C. 1395w-22(a)(3)(B)(ii)), by striking "1859(b)(2)(B)" and inserting "1858(b)(2)(B)";

(E) in section 1853(a)(1)(A) (42 U.S.C. 1395w-23(a)(1)(A)), by striking "1859(e)(4)" and inserting "1858(e)(4)"; and

(F) in section 1853(a)(3)(D) (42 U.S.C. 1395w-23(a)(3)(D)), by striking "1859(e)(4)" and inserting "1858(e)(4)".

(5) Section 1853(c) of such Act (42 U.S.C. 1395w-23(c)) is amended—

(A) in paragraph (1), by striking "or (7)" and inserting ", (7), or (8)", and

(B) by adding at the end the following:

"(8) ADJUSTMENT FOR EARLY ACCESS.—In applying this subsection with respect to individuals entitled to benefits under part D, the Secretary shall provide for an appropriate adjustment in the Medicare+Choice capitation rate as may be appropriate to reflect differences between the population served under such part and the population under parts A and B.".

(c) OTHER CONFORMING AMENDMENTS.—

(1) Section 138(b)(4) of the Internal Revenue Code of 1986 is amended by striking "1859(b)(3)" and inserting "1858(b)(3)".

(2)(A) Section 602(2)(D)(ii) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1162(2)) is amended by inserting "(not including an individual who is so entitled pursuant to enrollment under section 1859A)" after "Social Security Act".

(B) Section 2202(2)(D)(ii) of the Public Health Service Act (42 U.S.C. 300bb-2(2)(D)(ii)) is amended by inserting "(not including an individual who is so entitled pursuant to enrollment under section 1859A)" after "Social Security Act".

(C) Section 4980B(f)(2)(B)(i)(V) of the Internal Revenue Code of 1986 is amended by inserting "(not including an individual who is so entitled pursuant to enrollment under section 1859A)" after "Social Security Act"

TITLE II—ACCESS TO MEDICARE BENEFITS FOR DISPLACED WORKERS 55-TO-62 YEARS OF AGE

SEC. 201. ACCESS TO MEDICARE BENEFITS FOR DISPLACED WORKERS 55-TO-62 YEARS OF AGE.

(a) ELIGIBILITY.—Section 1859 of the Social Security Act, as inserted by section 101(a)(2), is amended by adding at the end the following new subsection:

"(c) DISPLACED WORKERS AND SPOUSES.—

"(1) DISPLACED WORKERS.—Subject to paragraph (3), an individual who meets the following requirements with respect to a month is eligible to enroll under this part with respect to such month:

"(A) AGE.—As of the last day of the month, the individual has attained 55 years of age, but has not attained 62 years of age.

"(B) MEDICARE ELIGIBILITY (BUT FOR AGE).—"The individual would be eligible for benefits under part A or part B for the month if the individual were 65 years of age.

"(C) LOSS OF EMPLOYMENT-BASED COVERAGE.—

"(i) ELIGIBLE FOR UNEMPLOYMENT COMPENSATION.—The individual meets the requirements relating to period of covered employment and conditions of separation from employment to be eligible for unemployment compensation (as defined in section 85(b) of the Internal Revenue Code of 1986), based on a separation from employment occurring on or after January 1, 1998. The previous sentence shall not be construed as requiring the individual to be receiving such unemployment compensation.

"(ii) LOSS OF EMPLOYMENT-BASED COVERAGE.—Immediately before the time of such separation of employment, the individual was covered under a group health plan on the basis of such employment, and, because of such loss, is no longer eligible for coverage under such plan (including such eligibility based on the application of a Federal or State COBRA continuation provision) as of the last day of the month involved.

"(iii) PREVIOUS CREDITABLE COVERAGE FOR AT LEAST 1 YEAR.—As of the date on which the individual loses coverage described in clause (ii), the aggregate of the periods of creditable coverage (as determined under section 2701(c) of the Public Health Service Act) is 12 months or longer.

"(D) EXHAUSTION OF AVAILABLE COBRA CONTINUATION BENEFITS.—

"(i) IN GENERAL.—In the case of an individual described in clause (ii) for a month described in clause (iii)—

"(I) the individual (or spouse) elected coverage described in clause (ii); and

"(II) the individual (or spouse) has continued such coverage for all months described in clause (iii) in which the individual (or spouse) is eligible for such coverage.

"(ii) INDIVIDUALS TO WHOM COBRA CONTINUATION COVERAGE MADE AVAILABLE.—An individual described in this clause is an individual—

"(I) who was offered coverage under a Federal or State COBRA continuation provision at the time of loss of coverage eligibility described in subparagraph (C)(ii); or

"(II) whose spouse was offered such coverage in a manner that permitted coverage of the individual at such time.

"(iii) MONTHS OF POSSIBLE COBRA CONTINUATION COVERAGE.—A month described in this clause is a month for which an individual described in clause (ii) could have had coverage described in such clause as of the last day of the month if the individual (or the spouse of the individual, as the case may be) had elected such coverage on a timely basis.

"(E) NOT ELIGIBLE FOR COVERAGE UNDER FEDERAL HEALTH INSURANCE PROGRAM OR GROUP HEALTH PLANS.—The individual is not eligible for benefits or coverage under a Federal health insurance program or under a group health plan (whether on the basis of the individual's employment or employment of the individual's spouse) as of the last day of the month involved.

"(2) SPOUSE OF DISPLACED WORKER.—Subject to paragraph (3), an individual who meets the following requirements with respect to a month is eligible to enroll under this part with respect to such month:

"(A) AGE.—As of the last day of the month, the individual has not attained 62 years of age.

"(B) MARRIED TO DISPLACED WORKER.—The individual is the spouse of an individual at the time the individual enrolls under this part under paragraph (1) and loses coverage described in paragraph (1)(C)(ii) because the individual's spouse lost such coverage.

"(C) MEDICARE ELIGIBILITY (BUT FOR AGE); EXHAUSTION OF ANY COBRA CONTINUATION COVERAGE; AND NOT ELIGIBLE FOR COVERAGE UNDER FEDERAL HEALTH INSURANCE PROGRAM OR GROUP HEALTH PLAN.—The individual meets the requirements of subparagraphs (B), (D), and (E) of paragraph (1).

"(3) CHANGE IN HEALTH PLAN ELIGIBILITY AFFECTS CONTINUED ELIGIBILITY.—For provision that terminates enrollment under this section in the case of an individual who becomes eligible for coverage under a group health plan or under a Federal health insurance program, see section 1859A(d)(1)(C).

"(4) REENROLLMENT PERMITTED.—Nothing in this subsection shall be construed as preventing an individual who, after enrolling under this subsection, terminates such enrollment from subsequently reenrolling under this subsection if the individual is eligible to enroll under this subsection at that time.".

(b) ENROLLMENT.—Section 1859A of such Act, as so inserted, is amended—

(1) in subsection (a), by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting "; and", and by adding at the end the following new paragraph:

"(3) individuals whose coverage under this part would terminate because of subsection (d)(1)(B)(ii) are provided notice and an opportunity to continue enrollment in accordance with section 1859E(c)(1).";

(2) in subsection (b), by inserting after Notwithstanding any other provision of law, (1) the following:

"(2) DISPLACED WORKERS AND SPOUSES.—In the case of individuals eligible to enroll under this part under section 1859(c), the following rules apply:

"(A) INITIAL ENROLLMENT PERIOD.—If the individual is first eligible to enroll under such section for July 1999, the enrollment period shall begin on May 1, 1999, and shall end on August 31, 1999. Any such enrollment before July 1, 1999, is conditioned upon compliance with the conditions of eligibility for July 1999.

"(B) SUBSEQUENT PERIODS.—If the individual is eligible to enroll under such section for a month after July 1999, the enrollment period based on such eligibility shall begin on the first day of the second month before the month in which the individual first is eligible to so enroll (or reenroll) and shall end four months later.";

(3) in subsection (d)(1), by amending subparagraph (B) to read as follows:

"(B) TERMINATION BASED ON AGE.—

"(i) AT AGE 65.—Subject to clause (ii), the individual attains 65 years of age.

"(ii) AT AGE 62 FOR DISPLACED WORKERS AND SPOUSES.—In the case of an individual enrolled under this part pursuant to section 1859(c), subject to subsection (a)(1), the individual attains 62 years of age.";

(4) in subsection (d)(1), by adding at the end the following new subparagraph:

"(C) OBTAINING ACCESS TO EMPLOYMENT-BASED COVERAGE OR FEDERAL HEALTH INSURANCE PROGRAM FOR INDIVIDUALS UNDER 62 YEARS OF AGE.—In the case of an individual who has not attained 62 years of age, the individual is covered (or eligible for coverage) as a participant or beneficiary under a group health plan or under a Federal health insurance program.";

(5) in subsection (d)(2), by amending subparagraph (C) to read as follows:

"(C) AGE OR MEDICARE ELIGIBILITY.—

"(i) IN GENERAL.—The termination of a coverage period under paragraph (1)(A)(iii) or (1)(B)(i) shall take effect as of the first day of the month in which the individual attains 65 years of age or becomes entitled to benefits under part A or enrolled for benefits under part B.

"(ii) DISPLACED WORKERS.—The termination of a coverage period under paragraph (1)(B)(ii) shall take effect as of the first day of the month in which the individual attains 62 years of age, unless the individual has enrolled under this part pursuant to section 1859(b) and section 1859E(c)(1)."; and

(6) in subsection (d)(2), by adding at the end the following new subparagraph:

"(D) ACCESS TO COVERAGE.—The termination of a coverage period under paragraph (1)(C) shall take effect on the date on which the individual is eligible to begin a period of creditable coverage (as defined in section 2701(c) of the Public Health Service Act) under a group health plan or under a Federal health insurance program.".

(c) PREMIUMS.—Section 1859B of such Act, as so inserted, is amended—

(1) in subsection (a)(1), by adding at the end the following:

"(B) BASE MONTHLY PREMIUM FOR INDIVIDUALS UNDER 62 YEARS OF AGE.—A base monthly premium for individuals under 62 years of age, equal to 1/12 of the base annual premium rate computed under subsection (d)(3) for each premium area and age cohort."; and

(2) by adding at the end the following new subsection:

"(d) BASE MONTHLY PREMIUM FOR INDIVIDUALS UNDER 62 YEARS OF AGE.—

"(1) NATIONAL, PER CAPITA AVERAGE FOR AGE GROUPS.—

"(A) ESTIMATE OF AMOUNT.—The Secretary shall estimate the average, annual per capita amount that would be payable under this title with respect to individuals residing in the United States who meet the requirement of section 1859(c)(1)(A) within each of the age cohorts established under subparagraph (B) as if all such individuals within such cohort were eligible for (and enrolled) under this title during the entire year (and assuming that section 1862(b)(2)(A)(i) did not apply).

"(B) AGE COHORTS.—For purposes of subparagraph (A), the Secretary shall establish separate age cohorts in 5 year age increments for individuals who have not attained 60 years of ages and a separate cohort for individuals who have attained 60 years of age.

"(2) GEOGRAPHIC ADJUSTMENT.—The Secretary shall adjust the amount determined under paragraph (1)(A) for each premium area (specified under subsection (a)(3)) in the same manner and to the same extent as the Secretary provides for adjustments under subsection (b)(2).

"(3) BASE ANNUAL PREMIUM.—The base annual premium under this subsection for months in a year for individuals in an age cohort under paragraph (1)(B) in a premium area is equal to 165 percent of the average, annual per capita amount estimated under paragraph (1) for the age cohort and year, adjusted for such area under paragraph (2).

"(4) PRO-RATION OF PREMIUMS TO REFLECT COVERAGE DURING A PART OF A MONTH.—If the Secretary provides for coverage of portions of a month under section 1859A(c)(2), the Secretary shall pro-rate the premiums attributable to such coverage under this section to reflect the portion of the month so covered.".

(d) ADMINISTRATIVE PROVISIONS.—Section 1859F of such Act, as so inserted, is amended by adding at the end the following:

"(d) ADDITIONAL ADMINISTRATIVE PROVISIONS.—

"(1) PROCESS FOR CONTINUED ENROLLMENT OF DISPLACED WORKERS WHO ATTAIN 62 YEARS OF AGE.—The Secretary shall provide a process for the continuation of enrollment of individuals whose enrollment under section 1859(c) would be terminated upon attaining 62 years of age. Under such process such individuals shall be provided appropriate and timely notice before the date of such termination and of the requirement to enroll under this part pursuant to section 1859(b) in order to continue entitlement to benefits under this title after attaining 62 years of age.

"(2) ARRANGEMENTS WITH STATES FOR DETERMINATIONS RELATING TO UNEMPLOYMENT

COMPENSATION ELIGIBILITY.—The Secretary may provide for appropriate arrangements with States for the determination of whether individuals in the State meet or would meet the requirements of section 1859(c)(1)(C)(i).".".

(e) CONFORMING AMENDMENT TO HEADING TO PART.—The heading of part D of title XVIII of the Social Security Act, as so inserted, is amended by striking "62" and inserting "55".

TITLE III—COBRA PROTECTION FOR EARLY RETIREES

Subtitle A—Amendments to the Employee Retirement Income Security Act of 1974

SEC. 301. COBRA CONTINUATION BENEFITS FOR CERTAIN RETIRED WORKERS WHO LOSE RETIREE HEALTH COVERAGE.

(a) ESTABLISHMENT OF NEW QUALIFYING EVENT.—

(1) IN GENERAL.—Section 603 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1163) is amended by inserting after paragraph (6) the following new paragraph:

"(7) The termination or substantial reduction in benefits (as defined in section 607(7)) of group health plan coverage as a result of plan changes or termination in the case of a covered employee who is a qualified retiree.".

(2) QUALIFIED RETIREE; QUALIFIED BENEFICIARY; AND SUBSTANTIAL REDUCTION DEFINED.—Section 607 of such Act (29 U.S.C. 1167) is amended—

(A) in paragraph (3)—

(i) in subparagraph (A), by inserting "except as otherwise provided in this paragraph," after "means,"; and

(ii) by adding at the end the following new subparagraph:

"(D) SPECIAL RULE FOR QUALIFYING RETIREES AND DEPENDENTS.—In the case of a qualifying event described in section 603(7), the term 'qualified beneficiary' means a qualified retiree and any other individual who, on the day before such qualifying event, is a beneficiary under the plan on the basis of the individual's relationship to such qualified retiree."; and

(B) by adding at the end the following new paragraphs:

"(6) QUALIFIED RETIREE.—The term 'qualified retiree' means, with respect to a qualifying event described in section 603(7), a covered employee who, at the time of the event—

"(A) has attained 55 years of age; and

"(B) was receiving group health coverage under the plan by reason of the retirement of the covered employee.

"(7) SUBSTANTIAL REDUCTION.—The term 'substantial reduction'—

"(A) means, as determined under regulations of the Secretary and with respect to a qualified beneficiary, a reduction in the average actuarial value of benefits under the plan (through reduction or elimination of benefits, an increase in premiums, deductibles, copayments, and coinsurance, or any combination thereof), since the date of commencement of coverage of the beneficiary by reason of the retirement of the covered employee (or, if later, January 6, 1998), in an amount equal to at least 50 percent of the total average actuarial value of the benefits under the plan as of such date (taking into account an appropriate adjustment to permit comparison of values over time); and

"(B) includes an increase in premiums required to an amount that exceeds the premium level described in the fourth sentence of section 602(3).

(b) DURATION OF COVERAGE THROUGH AGE 65.—Section 602(2)(A) of such Act (29 U.S.C. 1162(2)(A)) is amended—

(1) in clause (ii), by inserting "or 603(7)" after "603(6)";

(2) in clause (iv), by striking "or 603(6)" and inserting ", 603(6), or 603(7)";

(3) by redesignating clause (iv) as clause (vi);

(4) by redesignating clause (v) as clause (iv) and by moving such clause to immediately follow clause (iii); and

(5) by inserting after such clause (iv) the following new clause:

"(v) SPECIAL RULE FOR CERTAIN DEPENDENTS IN CASE OF TERMINATION OR SUBSTANTIAL REDUCTION OF RETIREE HEALTH COVERAGE.—In the case of a qualifying event described in section 603(7), in the case of a qualified beneficiary described in section 607(3)(D) who is not the qualified retiree or spouse of such retiree, the later of—

"(I) the date that is 36 months after the earlier of the date the qualified retiree becomes entitled to benefits under title XVIII of the Social Security Act, or the date of the death of the qualified retiree; or

"(II) the date that is 36 months after the date of the qualifying event.".

(c) TYPE OF COVERAGE IN CASE OF TERMINATION OR SUBSTANTIAL REDUCTION OF RETIREE HEALTH COVERAGE.—Section 602(1) of such Act (29 U.S.C. 1162(1)) is amended—

(1) by striking "The coverage" and inserting the following:

"(A) IN GENERAL.—Except as provided in subparagraph (B), the coverage"; and

(2) by adding at the end the following:

"(B) CERTAIN RETIREES.—In the case of a qualifying event described in section 603(7), in applying the first sentence of subparagraph (A) and the fourth sentence of paragraph (3), the coverage offered that is the most prevalent coverage option (as determined under regulations of the Secretary) continued under the group health plan (or, if none, under the most prevalent other plan offered by the same plan sponsor) shall be treated as the coverage described in such sentence, or (at the option of the plan and qualified beneficiary) such other coverage option as may be offered and elected by the qualified beneficiary involved.".

(d) INCREASED LEVEL OF PREMIUMS PERMITTED.—Section 602(3) of such Act (29 U.S.C. 1162(3)) is amended by adding at the end the following new sentence: "In the case of an individual provided continuation coverage by reason of a qualifying event described in section 603(7), any reference in subparagraph (A) of this paragraph to '102 percent of the applicable premium' is deemed a reference to '125 percent of the applicable premium for employed individuals (and their dependents, if applicable) for the coverage option referred to in paragraph (1)(B)'.".

(e) NOTICE.—Section 606(a) of such Act (29 U.S.C. 1166) is amended—

(1) in paragraph (4)(A), by striking "or (6)" and inserting "(6), or (7)"; and

(2) by adding at the end the following:

"The notice under paragraph (4) in the case of a qualifying event described in section 603(7) shall be provided at least 90 days before the date of the qualifying event.".

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section (other than subsection (e)(2)) shall apply to qualifying events occurring on or after January 6, 1998. In the case of a qualifying event occurring on or after such date and before the date of the enactment of this Act, such event shall be deemed (for purposes of such amendments) to have occurred on the date of the enactment of this Act.

(2) ADVANCE NOTICE OF TERMINATIONS AND REDUCTIONS.—The amendment made by subsection (e)(2) shall apply to qualifying events occurring after the date of the enactment of this Act, except that in no case shall notice be required under such amendment before such date.

Subtitle B—Amendments to the Public Health Service Act

SEC. 311. COBRA CONTINUATION BENEFITS FOR CERTAIN RETIRED WORKERS WHO LOSE RETIREE HEALTH COVERAGE.

(a) ESTABLISHMENT OF NEW QUALIFYING EVENT.—

(1) IN GENERAL.—Section 2203 of the Public Health Service Act (42 U.S.C. 300bb–3) is amended by inserting after paragraph (5) the following new paragraph:

"(6) The termination or substantial reduction in benefits (as defined in section 2208(6)) of group health plan coverage as a result of plan changes or termination in the case of a covered employee who is a qualified retiree.".

(2) QUALIFIED RETIREE; QUALIFIED BENEFICIARY; AND SUBSTANTIAL REDUCTION DEFINED.—Section 2208 of such Act (42 U.S.C. 300bb–8) is amended—

(A) in paragraph (3)—

(i) in subparagraph (A), by inserting "except as otherwise provided in this paragraph," after "means,"; and

(ii) by adding at the end the following new subparagraph:

"(C) SPECIAL RULE FOR QUALIFYING RETIREES AND DEPENDENTS.—In the case of a qualifying event described in section 2203(6), the term 'qualified beneficiary' means a qualified retiree and any other individual who, on the day before such qualifying event, is a beneficiary under the plan on the basis of the individual's relationship to such qualified retiree."; and

(B) by adding at the end the following new paragraphs:

"(5) QUALIFIED RETIREE.—The term 'qualified retiree' means, with respect to a qualifying event described in section 2203(6), a covered employee who, at the time of the event—

"(A) has attained 55 years of age; and

"(B) was receiving group health coverage under the plan by reason of the retirement of the covered employee.

"(6) SUBSTANTIAL REDUCTION.—The term 'substantial reduction'—

"(A) means, as determined under regulations of the Secretary of Labor and with respect to a qualified beneficiary, a reduction in the average actuarial value of benefits under the plan (through reduction or elimination of benefits, an increase in premiums, deductibles, copayments, and coinsurance, or any combination thereof), since the date of commencement of coverage of the beneficiary by reason of the retirement of the covered employee (or, if later, January 6, 1998), in an amount equal to at least 50 percent of the total average actuarial value of the benefits under the plan as of such date (taking into account an appropriate adjustment to permit comparison of values over time); and

"(B) includes an increase in premiums required to an amount that exceeds the premium level described in the fourth sentence of section 2202(3).

(b) DURATION OF COVERAGE THROUGH AGE 65.—Section 2202(2)(A) of such Act (42 U.S.C. 300bb–2(2)(A)) is amended—

(1) by redesignating clause (iii) as clause (iv); and

(2) by inserting after clause (ii) the following new clause:

"(iii) SPECIAL RULE FOR CERTAIN DEPENDENTS IN CASE OF TERMINATION OR SUBSTANTIAL REDUCTION OF RETIREE HEALTH COVERAGE.—In the case of a qualifying event described in section 2203(6), in the case of a qualified beneficiary described in section 2208(3)(C) who is not the qualified retiree or spouse of such retiree, the later of—

"(I) the date that is 36 months after the earlier of the date the qualified retiree becomes entitled to benefits under title XVIII of the Social Security Act, or the date of the death of the qualified retiree; or

"(II) the date that is 36 months after the date of the qualifying event.".

(c) TYPE OF COVERAGE IN CASE OF TERMINATION OR SUBSTANTIAL REDUCTION OF RETIREE HEALTH COVERAGE.—Section 2202(1) of such Act (42 U.S.C. 300bb-2(1)) is amended—

(1) by striking "The coverage" and inserting the following:

"(A) IN GENERAL.—Except as provided in subparagraph (B), the coverage"; and

(2) by adding at the end the following:

"(B) CERTAIN RETIREES.—In the case of a qualifying event described in section 2203(6), in applying the first sentence of subparagraph (A) and the fourth sentence of paragraph (3), the coverage offered that is the most prevalent coverage option (as determined under regulations of the Secretary of Labor) continued under the group health plan (or, if none, under the most prevalent other plan offered by the same plan sponsor) shall be treated as the coverage described in such sentence, or (at the option of the plan and qualified beneficiary) such other coverage option as may be offered and elected by the qualified beneficiary involved.".

(d) INCREASED LEVEL OF PREMIUMS PERMITTED.—Section 2202(3) of such Act (42 U.S.C. 300bb-2(3)) is amended by adding at the end the following new sentence: "In the case of an individual provided continuation coverage by reason of a qualifying event described in section 2203(6), any reference in subparagraph (A) of this paragraph to '102 percent of the applicable premium' is deemed a reference to '125 percent of the applicable premium for employed individuals (and their dependents, if applicable) for the coverage option referred to in paragraph (1)(B)'.".

(e) NOTICE.—Section 2206(a) of such Act (42 U.S.C. 300bb-6(a)) is amended—

(1) in paragraph (4)(A), by striking "or (4)" and inserting "(4), or (6)"; and

(2) by adding at the end the following:

"The notice under paragraph (4) in the case of a qualifying event described in section 2203(6) shall be provided at least 90 days before the date of the qualifying event.".

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section (other than subsection (e)(2)) shall apply to qualifying events occurring on or after January 6, 1998. In the case of a qualifying event occurring on or after such date and before the date of the enactment of this Act, such event shall be deemed (for purposes of such amendments) to have occurred on the date of the enactment of this Act.

(2) ADVANCE NOTICE OF TERMINATIONS AND REDUCTIONS.—The amendment made by subsection (e)(2) shall apply to qualifying events occurring after the date of the enactment of this Act, except that in no case shall notice be required under such amendment before such date.

Subtitle C—Amendments to the Internal Revenue Code of 1986

SEC. 321. COBRA CONTINUATION BENEFITS FOR CERTAIN RETIRED WORKERS WHO LOSE RETIREE HEALTH COVERAGE.

(a) ESTABLISHMENT OF NEW QUALIFYING EVENT.—

(1) IN GENERAL.—Section 4980B(f)(3) of the Internal Revenue Code of 1986 is amended by inserting after subparagraph (F) the following new subparagraph:

"(G) The termination or substantial reduction in benefits (as defined in subsection (g)(6)) of group health plan coverage as a result of plan changes or termination in the case of a covered employee who is a qualified retiree.".

(2) QUALIFIED RETIREE; QUALIFIED BENEFICIARY; AND SUBSTANTIAL REDUCTION DEFINED.—Section 4980B(g) of such Code is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting "except as otherwise provided in this paragraph," after "means,"; and

(ii) by adding at the end the following new subparagraph:

"(E) SPECIAL RULE FOR QUALIFYING RETIREES AND DEPENDENTS.—In the case of a qualifying event described in subsection (f)(3)(G), the term 'qualified beneficiary' means a qualified retiree and any other individual who, on the day before such qualifying event, is a beneficiary under the plan on the basis of the individual's relationship to such qualified retiree."; and

(B) by adding at the end the following new paragraphs:

"(5) QUALIFIED RETIREE.—The term 'qualified retiree' means, with respect to a qualifying event described in subsection (f)(3)(G), a covered employee who, at the time of the event—

"(A) has attained 55 years of age; and

"(B) was receiving group health coverage under the plan by reason of the retirement of the covered employee.

"(6) SUBSTANTIAL REDUCTION.—The term 'substantial reduction'—

"(A) means, as determined under regulations of the Secretary of Labor and with respect to a qualified beneficiary, a reduction in the average actuarial value of benefits under the plan (through reduction or elimination of benefits, an increase in premiums, deductibles, copayments, and coinsurance, or any combination thereof), since the date of commencement of coverage of the beneficiary by reason of the retirement of the covered employee (or, if later, January 6, 1998), in an amount equal to at least 50 percent of the total average actuarial value of the benefits under the plan as of such date (taking into account an appropriate adjustment to permit comparison of values over time); and

"(B) includes an increase in premiums required to an amount that exceeds the premium level described in the fourth sentence of subsection (f)(2)(C).

(b) DURATION OF COVERAGE THROUGH AGE 65.—Section 4980B(f)(2)(B)(i) of such Code is amended—

(1) in subclause (II), by inserting "or (3)(G)" after "(3)(F)";

(2) in subclause (IV), by striking "or (3)(F)" and inserting ", (3)(F), or (3)(G)";

(3) by redesignating subclause (IV) as subclause (VI);

(4) by redesignating subclause (V) as subclause (IV) and by moving such clause to immediately follow subclause (III); and

(5) by inserting after such subclause (IV) the following new subclause:

"(V) SPECIAL RULE FOR CERTAIN DEPENDENTS IN CASE OF TERMINATION OR SUBSTANTIAL REDUCTION OF RETIREE HEALTH COVERAGE.—In the case of a qualifying event described in paragraph (3)(G), in the case of a qualified beneficiary described in subsection (g)(1)(E) who is not the qualified retiree or spouse of such retiree, the later of—

"(a) the date that is 36 months after the earlier of the date the qualified retiree becomes entitled to benefits under title XVIII of the Social Security Act, or the date of the death of the qualified retiree; or

"(b) the date that is 36 months after the date of the qualifying event.".

(c) TYPE OF COVERAGE IN CASE OF TERMINATION OR SUBSTANTIAL REDUCTION OF RETIREE HEALTH COVERAGE.—Section 4980B(f)(2)(A) of such Code is amended—

(1) by striking "The coverage" and inserting the following:

"(i) IN GENERAL.—Except as provided in clause (ii), the coverage"; and

(2) by adding at the end the following:

"(ii) CERTAIN RETIREES.—In the case of a qualifying event described in paragraph (3)(G), in applying the first sentence of clause (i) and the fourth sentence of subparagraph (C), the coverage offered that is the most prevalent coverage option (as determined under regulations of the Secretary of Labor) continued under the group health plan (or, if none, under the most prevalent other plan offered by the same plan sponsor) shall be treated as the coverage described in such sentence, or (at the option of the plan and qualified beneficiary) such other coverage option as may be offered and elected by the qualified beneficiary involved.".

(d) INCREASED LEVEL OF PREMIUMS PERMITTED.—Section 4980B(f)(2)(C) of such Code is amended by adding at the end the following new sentence: "In the case of an individual provided continuation coverage by reason of a qualifying event described in paragraph (3)(G), any reference in clause (i) of this subparagraph to '102 percent of the applicable premium' is deemed a reference to '125 percent of the applicable premium for employed individuals (and their dependents, if applicable) for the coverage option referred to in subparagraph (A)(ii)'.".

(e) NOTICE.—Section 4980B(f)(6) of such Code is amended—

(1) in subparagraph (D)(i), by striking "or (F)" and inserting "(F), or (G)"; and

(2) by adding at the end the following:

"The notice under subparagraph (D)(i) in the case of a qualifying event described in paragraph (3)(G) shall be provided at least 90 days before the date of the qualifying event.".

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section (other than subsection (e)(2)) shall apply to qualifying events occurring on or after January 6, 1998. In the case of a qualifying event occurring on or after such date and before the date of the enactment of this Act, such event shall be deemed (for purposes of such amendments) to have occurred on the date of the enactment of this Act.

(2) ADVANCE NOTICE OF TERMINATIONS AND REDUCTIONS.—The amendment made by subsection (e)(2) shall apply to qualifying events occurring after the date of the enactment of this Act, except that in no case shall notice be required under such amendment before such date.

TITLE IV—FINANCING

SEC. 401. REFERENCE TO FINANCING PROVISIONS.

Any increase in payments under the medicare program under title XVIII of the Social Security Act that results from the enactment of this Act shall be offset by reductions in payments under such program pursuant to the anti-fraud and anti-abuse provisions enacted as part of the Medicare Fraud and Overpayment Act of 1998.

MEDICARE EARLY ACCESS ACT OF 1998

A BILL DESIGNED TO PROVIDE AMERICANS 55 TO 65 NEW HEALTH INSURANCE OPTIONS

Background

Americans ages 55 to 65 face special problems of access to and affordability of health insurance. They face greater risks of health problems and are twice as likely to have heart disease, strokes, or cancer as people aged 45 to 54. As people approach 65, many retire or shift to part-time work or self-employment as a bridge to retirement, sometimes involuntarily. Displaced workers aged 55 to 65 are much less likely than younger workers to be re-employed or re-insured through a new employer. As a result, more of them rely on the individual health insurance market. Without the benefits of having their costs averaged with younger people, as with employer-based insurance, these people often face high premiums.

Such access problems will increase, due to two trends: declines in retiree health coverage and the aging of the baby boom generation. Recently, businesses have cut back on offering health coverage to pre-65-year-old retirees; only 40 percent of large firms now do so. In several small but notable cases, businesses have dropped retirees' health benefits after workers have retired. These "broken promise" retirees lack access to employer continuation coverage and could have problems finding affordable individual insurance. Finally, the number of people 55 to 65 years old will rise from 22 million to 35 million by 2010 — or by 60 percent.

Summary

This bill creates three important health insurance choices for certain people ages 55 to 65:

1. People ages 62 to 65 without access to group insurance could buy into Medicare;

2. Workers ages 55 and older and their spouses who lose their health insurance when their firm closes or they are laid off could buy into Medicare; and

3. Retirees ages 55 and older whose employers drop their retiree health coverage after they have retired could buy into the employer's health plan through "COBRA" coverage.

Participants would pay premiums to cover almost the entire costs of coverage. Any shortfall would be paid for by policies to reduce Medicare fraud and overpayments, proposed in a companion bill called the Medicare Anti-Fraud and Overpayment Act of 1998.

The Medicare buy-in would be completely walled off from the Medicare Trust Funds, to ensure that it does not in any way affect current beneficiaries.

Title I. Access to Medicare Benefits for Individuals 62-to-65 Years of Age

The centerpiece of this initiative is the Medicare buy-in for people ages 62 to 65.

Eligibility: People ages 62 to 65 who do not have access to employer sponsored or federal health insurance may participate.

Premium Payments: Participants would pay two separate premiums—one before age 65 and one between age 65 and 85:

Base premium: The base premium would be paid monthly between enrollment and when the participant turns age 65. It is the part of the full premium that represents what Medicare would pay on average for all people in this age group. CBO estimates that this would be about $300 per month. It would be adjusted for geographic variation, but the maximum premium would be limited to ensure participation in all areas of the country.

Deferred premium: The deferred premium would be paid monthly beginning at age 65 until the beneficiary turns age 85. It is the part of the premium that covers the extra costs for participants who are sicker than average. Participants will be told before they enroll what their deferred premium will be. CBO estimates that this would be about $10 per month per year of participation.

This two-part payment plan acts like a mortgage: it makes the up-front premium affordable but requires participants to pay back the Medicare "loan" with interest. It also ensures that in the long-run, this buy-in is self-financing.

Enrollment: Eligible people can enroll within two months of either turning 62 or losing access to employer-based or federal insurance.

Applicability of Medicare Rules: Services covered and cost sharing would be, for paying participants, the same as those of Medicare beneficiaries. Participants would have the choice of fee-for-service or managed care. No Medicaid assistance would be offered to participants for premiums or cost sharing. Medigap policy protections would apply, but the open enrollment provision remains at age 65.

Disenrollment: People could stop buying into Medicare at any time. People who disenroll would pay the deferred premium as though they had been enrolled for a full year (e.g., a person who buys in for 3 months in 1999 would pay the deferred premium as though they participated for 12 months). This is intended to act as a disincentive for temporary enrollment.

Title II. Access to Medicare Benefits for Displaced Workers 55-to-62 Years of Age

In addition to people ages 62 to 65, a targeted group of 55 to 61 year olds could buy into Medicare. The Medicare buy-in would be the same as above, with the following exceptions.

Eligibility: People would be eligible if they are between ages 55 and 61 and: (1) lost their job because their firm closed, downsized, or moved, or their position was eliminated (defined as being eligible for unemployment insurance) after January 6, 1998; (2) had health insurance through their previous job for at least one year (certified through the process created under HIPAA to guarantee continuation coverage); and (3) do not have access to employer sponsored, COBRA, or federal health insurance. Spouses of these eligible people may also buy into Medicare.

Premium Payments: Participants would pay one, geographically adjusted premium, with no Medicare "loan". This premium represents what Medicare would pay on average for all people in this age group plus an add-on (65 percent of the age average) to compensate for some of the extra costs of participants who may be sicker than average. These premiums would be about $400 per month.

Disenrollment: Like people ages 62 to 65, eligible displaced workers and their spouses must enroll in the buy-in within 63 days of becoming eligible. Participants continue to pay premiums until they voluntarily disenroll, gain access to federal or employer-based insurance or turn 62 and become eligible for the more general Medicare buy-in. Once they disenroll, they may only re-enroll if they meet all the eligibility rules again.

Title III. Retiree Health Benefits Protection Act

The bill would also help retirees and their dependents whose former employer unexpectedly drops their retiree health insurance, leaving them uncovered and with few places to turn.

Eligibility: People ages 55 to 65 and their dependents who were receiving retiree health coverage but whose coverage was terminated or substantially reduced (benefits' value reduced by half or premiums increased to a level above 125 percent of the applicable premium) would qualify them for "COBRA" continuation coverage.

Premium Payments: Participants would pay 125 percent of the applicable premium. This premium is higher than what most other COBRA participants pay (102 percent) to help offset the additional costs of participants.

Enrollment: Participants would enroll through their former employer, following the same rules as other COBRA eligibles.

Disenrollment: Retirees would be eligible until they turn 65 years-old.

Companion Bill: Medicare Anti-Fraud and Overpayment Act of 1998

This bill improves the financial integrity of Medicare and helps fund the Medicare buy-in. It does this through a series of policies, including:

Eliminating Excessive Medicare Reimbursement for Drugs. A recent report by the HHS Inspector General found that Medicare currently pays hundreds of millions of dollars more for 22 of the most common and costly drugs than would be paid if market prices were used. For more than one-third of these drugs, Medicare pays more than double the actual acquisition costs, and in one case, pays as high as ten times the amount. This proposal would ensure that Medicare payments are provider's actual acquisition cost of the drug without mark-ups.

Eliminating Overpayments for Epogen. A 1997 HHS Inspector General report found that Medicare overpays for Epogen (a drug used for kidney dialysis patients). This policy would change Medicare reimbursement to reflect current market prices (from $10 per 1,000 units administered to $9).

Eliminating Abuse of Medicare's Outpatient Mental Health Benefits. The HHS Inspector General has found abuses in Medicare's outpatient mental health benefit—specifically, that Medicare is sometimes billed for services in inpatient or residential settings. This proposal would eliminate this abuse by requiring that these services are only provided in the appropriate treatment setting.

Ensuring Medicare Does Not Pay For Claims Owed By Private Insurers. Too often, Medicare pays claims that are owed by private insurers because Medicare has no way of knowing the private insurer is the primary payer. This proposal would require insurers to report any Medicare beneficiaries they cover. Also, Medicare would be allowed to recoup double the amount owed by insurers who purposely let Medicare pay claims that they should have paid, and impose fines for failure to report no-fault or liability settlements for which Medicare should have been reimbursed.

Enabling Medicare to Negotiate Single, Simplified Payments for Certain Routine Surgical Procedures. This proposal would expand HCFA's current "Centers of Excellence" demonstration that enables Medicare to pay for hospital and physician services for certain high-cost surgical procedures through a single negotiated payment. This lets Medicare receive volume discounts and, in return, enables hospitals to increase their market share, gain clinical expertise, and improve quality.

Deleting Civil Monetary Penalty Provision that Weakens Ability to Reduce Fraud and Abuse. HIPAA limited the standard used in imposing civil monetary penalties regarding false Medicare claims. It limited the duty on providers to exercise reasonable diligence to submit true and accurate claims. This provision would repeal this weakening of the standard.

Deleting the Exceptions from Anti-Kickback Statute for Certain Managed Care Arrangements. Current law makes an exception from the anti-kickback rules for any arrangement where a medical provider is at "substantial financial risk" whether through a "withhold, capitation, incentive pool, per diem payment, or any other risk arrangement." Because of the difficulty of defining this exception, this provision may be serving as a loophole to get around the anti-kickback provisions. This provision would eliminate the exception.

Parenteral Nutrition Reform. According to the Office of the Inspector General, there is an overpayment for these services. This proposal would pay for these products at actual acquisition cost and add a requirement that the Secretary provides for administrative costs and sets standards for the quality of delivery of parenteral nutrition.

Mr. KENNEDY. Mr. President, too many Americans nearing age 65 face a crisis in health care. They are too young for Medicare, but too old for affordable private coverage. Many of them face serious health problems that threaten to destroy the savings of a lifetime and prevent them from finding or keeping a job. Many are victims of corporate down-sizing or a company's decision to cancel the health insurance protection they relied on. No American nearing retirement can be confident that the health insurance they have today will protect them until they are 65 and are eligible for Medicare.

Three million Americans aged 55 to 64 have no health insurance today. The consequences are often tragic. As a group, they are in relatively poor health, and their condition is more likely to worsen the longer they remain uninsured. They have little or no savings to protect against the cost of serious illness. Often, they are unable to afford the routine care that can prevent minor health problems from turning into serious disabilities or even life-threatening illness.

The number of uninsured is growing every day. Between 1991 and 1995, the number of workers whose employers promise them benefits if they retire early dropped twelve percent. Barely a third of all workers now have such a promise. In recent years, many who have counted on an employer's commitment found themselves with only a broken promise. Their coverage was canceled after they retired.

The plight of older workers who lose their jobs through layoffs or downsizing is also grim. It is hard to find a new job at age 55 or 60—and even harder to find a job that provides health insurance. For these older Americans left out and left behind through no fault of their own after decades of hard work, it is time to provide a helping hand.

And finally, significant numbers of retired workers and their families have found themselves left high and dry when their employers cut back their coverage or canceled it altogether.

The legislation we are introducing today is a lifeline for millions of these Americans. It provides a bridge to help them through the years before they qualify for full Medicare eligibility. It is a constructive next step toward the day when every American will be guaranteed the fundamental right to health care. It will impose no additional burden on Medicare, because it is fully paid for by premiums from the beneficiaries themselves.

I commend Senator MOYNIHAN and Senator DASCHLE and our other cosponsors for their leadership on this issue. I especially commend the President for his initiation of this national debate by including this proposal in his budget. When this legislation becomes law, millions of older families will have him to thank.

The opponents of this constructive step are already waging a campaign of disinformation against the program. They claim that it will somehow harm Medicare—even though that is not true. They say we should wait for the Medicare Advisory Commission to report—but older uninsured Americans have waited too long for the help they need. They say that this is just another entitlement program—ignoring the fact that it will be paid for in full—and primarily by the participants themselves. They say it is another attempt to inject government into the health care system—even though it simply gives uninsured older Americans better access to the health care they need through the most successful health program ever enacted.

The opponents of this proposal will do everything they can to keep the program from coming to the floor of the House and Senate for a full and fair debate. They have a lot of power in Congress. But they don't have the President on their side. They don't have the vast majority of Democrats in Congress on their side. And most of all, they do not have the American people on their side.

We intend to do all we can to bring this issue to the floor of the Senate early this year. There will be a vote, and, if necessary, there will be many votes. Despite the opposition of the Republican Leadership, this Congress has already taken a major step to expand health insurance coverage for American children. This can also be the Congress that extends help to older Americans who need health care. The American people want us to act, and I am confident that Congress will respond.

Mr. DASCHLE. Mr. President, today I join my colleagues in introducing the Medicare Early Access Act. The bill offers new coverage options for a population that faces significant problems finding affordable insurance, individuals between age 55 and 65, the age at which they become eligible for Medicare.

It is not easy to be without health insurance between the ages of 55 and 65. You are twice as likely as someone just 10 years younger to experience heart disease, cancer, or other significant health problems.

And it is not easy to find health insurance when you're between 55 and 65. Prices for coverage often are unaffordable. For those with serious health problems, finding coverage can be impossible.

There are 2.9 million individuals ages 55 to 65 without health insurance. Some individuals in this age group lose their employer-based health insurance when their spouse becomes eligible for Medicare. Many lose their coverage because their company downsizes or their plant closes. Still, others lose insurance when promised retiree health coverage is dropped unexpectedly.

A little over 3 years ago, 1,200 former employees of the John Morrell meatpacking plant in Sioux Falls, South Dakota, received letters in the mail telling them their retiree health benefits would be canceled in a matter of weeks. These were men and women who had worked for 20, 30, even 40 years at the Morrell plant.

The company did not give them retiree health benefits out of the goodness of their hearts. The Morrell workers earned those benefits. They took smaller pay increases and made other sacrifices while they were still working so they could have some measure of security when they retired.

The letters telling the Morrell retirees that their former company was canceling their health benefits was just the first of many shocks. An additional shock came when those Morrell employees under 65 were forced to buy exorbitant private health insurance—an extremely difficult purchase on a retiree's pension.

To address these concerns, I introduced legislation, S. 1307, the Retiree Health Benefits Protection Act of 1997. S. 1307 would require companies to keep the promises they make to their retirees and their families.

I am pleased that the President, Senator MOYNIHAN, and Representative STARK have incorporated a key piece of that bill in the Medicare Early Access Act. This provision would allow retirees between ages 55 and 65 to buy into their former employer's health plan if the employer cancels or substantially reduces promised benefits. Retirees and their spouses would remain eligible until they turn 65 and become eligible for Medicare.

The Medicare Early Access Act includes two additional important provisions for individuals ages 55 to 65.

First, it would allow people between the ages of 62 and 65 who do not have access to group coverage to buy into the Medicare program. Second, it would offer access to Medicare for workers between the ages of 55 and 65, and their spouses, when their employer downsizes or their plant shuts down.

Some have questioned whether this program will hurt the current Medicare program. Let me emphasize that the proposal will pay for itself. All workers and retirees who buy into Medicare under our plan would pay premiums out of their own pockets. Any additional costs would be paid through savings from Medicare anti-fraud and abuse measures. Because the bill is self-financing, it does not in any way threaten Medicare's solvency or its future. It is responsible proposal that pays for itself.

Mr. President, there are hundreds of thousands of Americans who could benefit from this bill. It is my hope that we can engage in productive debate over the next few weeks and find a way to fill these gaps in health insurance coverage, instead of making excuses about why we are waiting to help these individuals.

ADDITIONAL COSPONSORS

S. 195

At the request of Mr. HELMS, the names of the Senator from Mississippi (Mr. LOTT), the Senator from New York (Mr. D'AMATO), the Senator from Delaware (Mr. BIDEN), and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 195, a bill to abolish the National Endowment for the Arts and the National Council on the Arts.

At the request of Mrs. HUTCHISON, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 195, supra.

S. 381

At the request of Mr. ROCKEFELLER, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 381, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for medicare beneficiaries with cancer who are enrolled in an approved clinical trial program.

S. 442

At the request of Mr. WYDEN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 442, a bill to establish a national policy against State and local government interference with interstate commerce on the Internet or interactive computer services, and to exercise Congressional jurisdiction over interstate commerce by establishing a moratorium on the imposition of exactions that would interfere with the free flow of commerce via the Internet, and for other purposes.

S. 775

At the request of Mr. JEFFORDS, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 775, a bill to amend the Internal Revenue Code of 1986 to exclude gain or loss from the sale of livestock from the computation of capital gain net income for purposes of the earned income credit.

S. 1021

At the request of Mr. HAGEL, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1021, a bill to amend title 5, United States Code, to provide that consideration may not be denied to preference eligibles applying for certain positions in the competitive service, and for other purposes.

S. 1251

At the request of Mr. THOMAS, his name was added as a cosponsor of S. 1251, a bill to amend the Internal Revenue Code of 1986 to increase the amount of private activity bonds which may be issued in each State, and to index such amount for inflation.

At the request of Mr. D'AMATO, the names of the Senator from Kentucky (Mr. FORD), the Senator from Arkansas (Mr. HUTCHINSON), and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 1251, supra.

S. 1252

At the request of Mr. THOMAS, his name was added as a cosponsor of S. 1252, a bill to amend the Internal Revenue Code of 1986 to increase the amount of low-income housing credits which may be allocated in each State, and to index such amount for inflation.

At the request of Mr. D'AMATO, the names of the Senator from Kentucky (Mr. FORD), the Senator from Arkansas (Mr. HUTCHINSON), and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 1252, supra.

S. 1283

At the request of Mr. BUMPERS, the names of the Senator from Nevada (Mr. REID), and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 1283, a bill to award Congressional gold medals to Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, commonly referred collectively as the "Little Rock Nine" on the occasion of the 40th anniversary of the integration of the Central High School in Little Rock, Arkansas.

S. 1305

At the request of Mr. GRAMM, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1305, a bill to invest in the future of the United States by doubling the amount authorized for basic scientific, medical, and pre-competitive engineering research.

S. 1321

At the request of Mr. TORRICELLI, the names of the Senator from North Carolina (Mr. FAIRCLOTH), and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 1321, a bill to amend the Federal Water Pollution Control Act to permit grants for the national estuary program to be used for the development and implementation of a comprehensive conservation and management plan, to reauthorize appropriations to carry out the program, and for other purposes.

S. 1350

At the request of Mr. LEAHY, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 1350, a bill to amend section 332 of the Communications Act of 1934 to preserve State and local authority to regulate the placement, construction, and modification of certain telecommunications facilites, and for other purposes.

S. 1405

At the request of Mr. SHELBY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1405, a bill to provide for improved monetary policy and regulatory reform in financial institution management and activities, to streamline financial regulatory agency actions, to provide for improved consumer credit disclosure, and for other purposes.

S. 1464

At the request of Mr. HATCH, the name of the Senator from Ohio (Mr. GLENN) was added as a cosponsor of S. 1464, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, and for other purposes.

S. 1536

At the request of Mr. TORRICELLI, the name of the Senator from North Carolina (Mr. FAIRCLOTH) was added as a cosponsor of S. 1536, a bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for qualified individuals for bone mass measurement (bone density testing) to prevent fractures associated with osteoporosis and to help women make informed choices about their reproductive and post-menopausal health care, and to otherwise provide for research and information concerning osteoporosis and other related bone diseases.

S. 1621

At the request of Mr. GRAMS, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 1621, a bill to provide that certain Federal property shall be made available to States for State use before being made available to other entities, and for other purposes.

S. 1638

At the request of Mr. CONRAD, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1638, a bill to help parents keep their children from starting to use tobacco products, to expose the tobacco industry's past misconduct and to stop the tobacco industry from targeting children, to eliminate or greatly reduce the illegal use of tobacco products by children, to improve the public health by reducing the overall use of tobacco, and for other purposes.

S. 1643

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 1643, a bill to amend title XVIII of the Social Security Act to delay for one year implementation of the per beneficiary limits under the interim payment system to home health agencies and to provide for a later base year for the purposes of calculating new payment rates under the system.

S. 1647

At the request of Mr. BAUCUS, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 1647, a bill to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965.

S. 1682

At the request of Mr. D'AMATO, the names of the Senator from Georgia (Mr. COVERDELL), the Senator from Florida (Mr. MACK), and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 1682, a bill to amend the Internal Revenue Code of 1986 to repeal joint and several liability of spouses on joint returns of Federal income tax, and for other purposes.

S. 1693

At the request of Mr. THOMAS, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Minnesota (Mr. GRAMS) were added as cosponsors of S. 1693, a bill to renew, reform, reinvigorate, and protect the National Park System.

S. 1724

At the request of Ms. COLLINS, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 1724, a bill to amend the Internal Revenue Code of 1986 to repeal the information reporting requirement relating to the Hope Scholarship and Lifetime Learning Credits imposed on educational institutions and certain other trades and businesses.

S. 1737

At the request of Mr. MACK, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 1737, a bill to amend the Internal Revenue Code of 1986 to provide a uniform application of the confidentiality privilege to taxpayer communications with federally authorized practitioners.

S. 1754

At the request of Mr. FRIST, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1754, a bill to amend the Public Health Service Act to consolidate and reauthorize health professions and minority and disadvantaged health professions and disadvantaged health education programs, and for other purposes.

S. 1755

At the request of Mr. REED, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1755, a bill to amend the Internal Revenue Code of 1986 to disallow tax deductions for advertising, promotional, and marketing expenses relating to tobacco product use unless certain advertising requirements are met.

SENATE JOINT RESOLUTION 41

At the request of Mr. SARBANES, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of Senate Joint Resolution 41, A joint resolution approving the location of a Martin Luther King, Jr., Memorial in the Nation's Capital.

SENATE CONCURRENT RESOLUTION 30

At the request of Mr. HELMS, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of Senate Concurrent Resolution 30, A concurrent resolution expressing the sense of the Congress that the Republic of China should be admitted to multilateral economic institutions, including the International Monetary Fund and the International Bank for Reconstruction and Development.

SENATE RESOLUTION 188

At the request of Mr. MOYNIHAN, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Ohio (Mr. GLENN) were added as cosponsors of Senate Resolution 188, A resolution expressing the sense of the Senate regarding Israeli membership in a United Nations regional group.

SENATE RESOLUTION 193

At the request of Mr. REID, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of Senate Resolution 193, A resolution designating December 13, 1998, as "National Children's Memorial Day."

SENATE RESOLUTION 194

At the request of Mrs. HUTCHISON, the names of the Senator from North Carolina (Mr. HELMS), the Senator from North Carolina (Mr. FAIRCLOTH), and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of Senate Resolution 194, A resolution designating the week of April 20 through April 26, 1998, as "National Kick Drugs Out of America Week."

SENATE CONCURRENT RESOLUTION 84—EXPRESSING THE SENSE OF CONGRESS RELATIVE TO PROTECTING THE LIVES OF PROPERTY OWNERS IN COSTA RICA

Mr. KEMPTHORNE (for himself, Mr. HELMS, Mr. FAIRCLOTH, Mrs. FEINSTEIN, Mrs. BOXER, Mr. CHAFEE, Mrs. HUTCHISON, Mr. COVERDELL, Mr. GRAMM, Mr. SMITH of New Hampshire, Mr. LEAHY, Mr. DEWINE, Mr. WARNER, and Mr. CRAIG) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 84

Whereas, although the United States embassy in Costa Rica had forewarned Costa Rican officials about threats on Max Dalton's life, on November 13, 1997, 78 year-old United States citizen from Idaho and World War II veteran Max Dalton was surrounded and murdered in a dispute with squatters, some of whom were illegally occupying his property in the Pavones region of Costa Rica;

Whereas the murder of Max Dalton was the tragic conclusion to a seven-year assault perpetrated against Mr. Dalton by the squatters in an attempt to steal his property, and Costa Rican citizen Alvaro Aguilar was also killed in the incident;

Whereas the initial investigation of Max Dalton's death was flawed in that investigators failed to take fingerprints, collect bullets, and secure the scene of the crime;

Whereas, landowners, including United States and Costa Rican citizens, have reported harassment and invasions by squatters in areas of the country, other than Golfito in Pavones, including Cocotales in the North East, the Caribbean cities of Cahuita and Cocles, and Jaco on the Pacific Coast;

Whereas the squatters' tactics have included stealing and starving livestock, burning homes, leveling crops and fruit trees, death threats, machete attacks, and, in the case of United States citizen, murder;

Whereas Costa Rica has a long history of democratic governance, respect for human rights and close, friendly relations with the United States. Nonetheless, successive Costa Rican governments have failed to deal with squatters invading property held by foreign and Costa Rican landowners;

Whereas, although Article 45 of the Costa Rican Constitution states that "no one may be deprived of his [property] unless on account of legally proved public interest and after compensation in conformity with the law," this Constitutional guarantee has been eroded by the broad interpretation of the Agrarain Code by individuals who have used it as the basis for aggressive campaigns against landowners;

Whereas United States citizens who were drawn to Costa Rica by the relatively reasonable cost of living and property, particularly for retirement, report spending tens of thousands of dollars in legal costs to pursue repeated challenges in the Costa Rican courts without achieving permanent solutions to the squatter problems on their lands;

Whereas a concerted national effort on the part of the Government of Costa Rica to deal with the legal confusion and enforcement issues relating to property expropriations by squatters is necessary and desirable: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the Government of Costa Rica should—

(1) in the interest of justice to which Costa Ricans have long been committed, consider fundamental reform to protect the property rights and lives of all law-abiding residents and property owners of Costa Rica from acts of intimidation, violence, and property invasion.

(2) conduct a complete and thorough investigation into the death of Max Dalton.

Mr. KEMPTHORNE. Mr. President, I rise today to express my concern with the government of Costa Rica which has failed to deal with the theft of property from American and Costa Rican landowners by squatters. At the same time, I call on the Government of Costa Rica to come to a quick and thorough conclusion in their investigation into the death of United States citizen Max Dalton of Idaho.

Despite claims of the Costa Rican Government to the contrary, landowners, including United States and Costa Rican citizens, have reported harassment and invasions by squatters in all areas of the country. The squatters' tactics have included stealing and starving livestock, burning homes, leveling crops, death threats, machete attacks, and, in the case of one Idahoan, murder.

The Washington Post reported in its March 2 edition that Max Dalton had been threatened by these squatters for nearly five years before his death in November. Before he was murdered, Max was harassed by squatters who attacked him with machetes, bombed his house, stole his horses, and set fire to his boat. Just days before his death, Max's children again notified authorities about the threats against their father.

The United States embassy in Costa Rica had warned Costa Rican officials about threats on Max Dalton's life. Nonetheless, on November 13, 1997, this 78-year-old United States citizen and World War II veteran was surrounded and ultimately murdered by land squatters, some of whom were illegally occupying his property in the Pavones region of Costa Rica. This crime was the tragic conclusion to a 5-year assault perpetrated against Mr. Dalton by the squatters in an attempt to steal his property.

Many facts remain unanswered surrounding Max Dalton's death. The investigation into the murder remains stalled and the killers remain at large. This cannot be tolerated. The murder of Max Dalton must be investigated and I urge the Costa Rican Government to make sure this happens.

I call on the Costa Rican Government to take immediate and decisive action to clarify and protect lives and property rights. Law-abiding citizens and residents should not be threatened by acts of intimidation, violence and property theft by bands of squatters who have been terrorizing legitimate landowners through all regions of the country. Max Dalton's death must not be in vain.

That is why, Mr. President, I am submitting a resolution, along with 13 of my colleagues, condemning the incompetence surrounding the investigation into the death of Max Dalton. It is important that this body, the United States Senate, acknowledge this situation and let the Government of Costa Rica know that reform is required.

Mr. President, I submit this resolution on behalf of myself, Senator HELMS, Senator FAIRCLOTH, Senator FEINSTEIN, Senator BOXER, Senator GRAMM of Texas, Senator HUTCHISON of Texas, Senator CRAIG, Senator DEWINE, Senator SMITH of New Hampshire, Senator CHAFEE, Senator LEAHY, Senator COVERDELL, and Senator WARNER.

It is time for us to send a very clear message to Costa Rica, that we ask them for a thorough investigation, that we call upon them for the reform so that the landowners—the citizens in Costa Rica and the U.S. citizens that are there—can know that there are laws that will be adhered to and that justice will be done.

SENATE RESOLUTION 196—RECOGNIZING THE COURAGE AND SACRIFICE OF SENATOR JOHN McCAIN AND MEMBERS OF THE ARMED FORCES HELD AS PRISONERS OF WAR DURING THE VIETNAM CONFLICT

Mr. LOTT (for himself, Mr. DASCHLE, Mr. WARNER, Mr. KEMPTHORNE, Mr. HATCH, Mr. COATS, Mr. HAGEL, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. ASHCROFT, Mr. BAUCUS, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BRYAN, Mr. BUMPERS, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Mr. CHAFEE, Mr. CLELAND, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENZI, Mr. FAIRCLOTH, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FORD, Mr. FRIST, Mr. GLENN, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HARKIN, Mr. HELMS, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICELLI, Mr. WELLSTONE, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to.

S. RES. 196

Whereas participation by the United States Armed Forces in combat operations in Southeast Asia during the period from 1964 through 1972 resulted in several hundreds of members of the United States Armed Forces being taken prisoner by North Vietnamese, Pathet Lao, and Viet Cong enemy forces;

Whereas John McCain's A-4E Skyhawk was shot down over Hanoi, North Vietnam on October 26, 1967, and he remained in captivity until March 14, 1973;

Whereas John McCain's aircraft was shorn of it's right wing by a surface-to-air missile and he plunged toward the ground at about 400 knots prior to ejecting;

Whereas upon ejection, John McCain's right knee and both arms were broken;

Whereas John McCain was surrounded by an angry mob who kicked him and spit on him, stabbed him with bayonets and smashed his shoulder with a rifle;

Whereas United States prisoners of war in Southeast Asia were held in a number of facilities, the most notorious of which was Hoa Lo Prison in downtown Hanoi, dubbed the "Hanoi Hilton" by the prisoners held there;

Whereas historians of the Vietnam war have recorded that "no American reached the prison camp of Hoa Lo in worse condition than John McCain";

Whereas his North Vietnamese captors recognized that John McCain came from a distinguished military family and caused him to suffer special beatings, special interrogations, and the cruel offer of a possible early release;

Whereas John McCain sat in prison in Hanoi for over 5 years, risking death from disease and medical complications resulting from his injuries, steadfastly refusing to cooperate with his enemy captors because his sense of honor and duty would not permit him to even consider an early release based on special advantage;

Whereas knowing his refusal to leave early may well result in his own death from his injuries John McCain told another prisoner "I don't think that's the right thing to do . . . . They'll have to drag me out of here";

Whereas following the Paris Peace Accords of January 1973, 591 United States prisoners of war were released from captivity by North Vietnam;

Whereas the return of these prisoners of war to United States control and to their families and comrades was designated Operation Homecoming;

Whereas many members of the United States Armed Forces who were taken prisoner as a result of ground or aerial combat in Southeast Asia have not returned to their loved ones and their whereabouts remain unknown;

Whereas United States prisoners of war in Southeast Asia were routinely subjected to brutal mistreatment, including beatings, torture, starvation, and denial of medical attention;

Whereas the hundreds of United States prisoners of war held in the Hanoi Hilton and other facilities persevered under terrible conditions;

Whereas the prisoners were frequently isolated from each other and prohibited from speaking to each other;

Whereas the prisoners nevertheless, at great personal risk, devised a means to communicate with each other through a code transmitted by tapping on cell walls;

Whereas then-Commander James B. Stockdale, United States Navy, who upon his capture on September 9, 1965, became the senior POW officer present in the Hanoi Hilton, delivered to his men a message that was to sustain them during their ordeal, as follows: Remember, you are Americans. With faith in God, trust in one another, and devotion to your country, you will overcome. You will triumph;

Whereas the men held as prisoners of war during the Vietnam conflict truly represent all that is best about America;

Whereas Senator John McCain of Arizona has continued to honor the Nation with devoted service; and

Whereas the Nation owes a debt of gratitude to John McCain and all of these patriots for their courage and exemplary service: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its gratitude for, and calls upon all Americans to reflect upon and show their gratitude for, the courage and sacrifice of John McCain and the brave men who were held as prisoners of war during the Vietnam conflict, particularly on the occasion of the 25th anniversary of Operation Homecoming, and the return to the United States of Senator John McCain; and

(2) acting on behalf of all Americans—

(A) will not forget that more than 2,000 members of the United States Armed Forces remain unaccounted for from the Vietnam conflict; and

(B) will continue to press for the fullest possible accounting for such members.

SENATE RESOLUTION 197—DESIGNATING MAY 6, 1998, as "NATIONAL EATING DISORDERS AWARENESS DAY"

Mr. REID submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 197

Whereas over 8,000,000 Americans suffer from eating disorders, including anorexia nervosa, bulimia nervosa, and compulsive eating;

Whereas 1 in 10 individuals with anorexia nervosa will die;

Whereas 1 in 4 college-age women struggle with an eating disorder;

Whereas 80 percent of young women believe they are overweight;

Whereas 52 percent of girls report dieting before the age of 13;

Whereas 30 percent of 9-year-old girls fear becoming overweight;

Whereas the incidence of anorexia nervosa and bulimia has doubled over the last decade, and anorexia nervosa and bulimia is striking younger populations;

Whereas the epidemiologic profile of individuals with eating disorders includes all racial and socio-economic backgrounds;

Whereas eating disorders cause immeasurable suffering for both victims and families of the victim;

Whereas individuals suffering from eating disorders lose the ability to function effectively, representing a great personal loss, as well as a loss to society;

Whereas the treatment of eating disorders is often extremely expensive;

Whereas there is a widespread educational deficit of information about eating disorders;

Whereas the majority of cases of eating disorders last from 1 to 15 years; and

Whereas the immense suffering surrounding eating disorders, the high cost of treatment for eating disorders, and the longevity of these illnesses make it imperative that we acknowledge the importance of education, early detection, and prevention programs: Now, therefore, be it

Resolved, That the Senate designates May 6, 1998, as "National Eating Disorders Awareness Day" to heighten awareness and stress prevention of eating disorders.

AMENDMENTS SUBMITTED

THE PARENT AND STUDENT SAVINGS ACCOUNT PLUS ACT

CONRAD AMENDMENT NO. 2016

(Ordered to lie on the table.)

Mr. CONRAD submitted an amendment intended to be proposed by him to the bill (S. 1133) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses and to increase the maximum annual amount of contributions to such accounts; as follows:

On page 11, strike lines 5 through 10, and insert the following:

(d) MODIFICATION OF ADJUSTED GROSS INCOME LIMITATION.—Section 530(c)(1) (relating to reduction in permitted contributions based on adjusted gross income) is amended to read as follows:

"(1) IN GENERAL.—In the case of a contributor who is an individual, the maximum amount the contributor could otherwise make to an account under this section shall be reduced by an amount which bears the same ratio to such maximum amount as—

"(A) the excess of—

"(i) the contributor's modified adjusted gross income for such taxable year, over

"(ii) $60,000 ($80,000 in the case of a joint return and $40,000 in the case of a married individual filing separately), bears to

"(B) $15,000 ($10,000 in the case of a joint return and $5,000 in the case of a married individual filing separately)."

On page 19, between lines 5 and 6, insert the following:

SEC. 106. CREDIT FOR INFORMATION TECHNOLOGY TRAINING PROGRAM EXPENSES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business-related credits) is amended by adding at the end the following new section:

"SEC. 45D. INFORMATION TECHNOLOGY TRAINING PROGRAM EXPENSES.

"(a) GENERAL RULE.—For purposes of section 38, in the case of an employer, the information technology training program credit determined under this section is an amount equal to 20 percent of information technology training program expenses paid or incurred by the taxpayer during the taxable year.

"(b) ADDITIONAL CREDIT PERCENTAGE FOR CERTAIN PROGRAMS.—The percentage under subsection (a) shall be increased by 5 percentage points for information technology training program expenses paid or incurred by the taxpayer with respect to a program operated in—

"(1) an empowerment zone or enterprise community designated under part I of subchapter U,

"(2) a school district in which at least 50 percent of the students attending schools in such district are eligible for free or reduced-cost lunches under the school lunch program established under the National School Lunch Act, or

"(3) an area designated as a disaster area by the Secretary of Agriculture or by the President under the Disaster Relief and Emergency Assistance Act in the taxable year or the 4 preceding taxable years.

"(c) LIMITATION.—The amount of information technology training program expenses with respect to an employee which may be taken into account under subsection (a) for the taxable year shall not exceed $6,000.

"(d) INFORMATION TECHNOLOGY TRAINING PROGRAM EXPENSES.—For purposes of this section—

"(1) IN GENERAL.—The term 'information technology training program expenses' means expenses incurred by reason of the participation of the employer in any information technology training program in partnership with State training programs, school districts, and university systems.

"(2) INFORMATION TECHNOLOGY.—The term 'information technology' means the study, design, development, implementation, support, or management of computer-based information systems, including software applications and computer hardware."

(b) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) (relating to current year business credit) is amended by striking "plus" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ", plus", and by adding at the end the following new paragraph:

"(13) the information technology training program credit determined under section 45D."

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 45D. Information technology training program expenses."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act in taxable years ending after such date.

Mr. CONRAD. Mr. President, I submit an amendment to S. 1133, the Parent and Student Savings Account Plus Act.

The amendment that I am offering today would extend tax credits to businesses that train workers in information technology skills. The credit would be equal to twenty percent of the information training expenses provided by a company; however, these expenses could not exceed $6,000 in a taxable year. The percentage of the credit would increase by five percent to twenty five percent for a business that operates a training program in an empowerment zone or enterprise community, a school district where fifty percent of students are eligible for the school lunch program, or in an area designated by the President or Secretary of Agriculture as a disaster zone. This amendment would be paid for by reducing the top of the phase-out range of the education IRA to $90,000 for joint filers and $75,000 for individuals.

The intent of my amendment is to encourage businesses to retrain current employees who may be about to be discharged, to retrain unemployed workers, and to encourage businesses to enter into partnerships with schools, job training programs or universities to train students and workers in computer and information technology skills. As I noted earlier, a higher tax credit would be extended to a business that establishes a training program or partnership in an area where unemployment or poverty is high.

Mr. President, several months ago—January 12, 1998—Vice President GORE, while meeting with information technology executives in California, announced a series of Administration actions to meet the growing demand for information technology workers. The Vice President cited reports by several federal agencies including the Department of Commerce, that the demand for computer scientists, engineers, and systems analysts will double over the next decade. Industry spokesmen representing the Information Technology Association of America (ITAA) confirm that the current shortage of information technology workers is approximately 346,000. This shortage includes programmers, systems analysts and computer engineers.

For the information technology industry this shortage is threatening the competitiveness of U.S. companies. As ITAA President Harris Miller commented in January, "Technical talent is the rocket fuel of the information age. As an information-intensive society, we cannot afford to stand by as the next wave in our economic future departs for foreign shores. Empty classroom seats, a poor professional image, and other factors are conspiring to rewrite an American success story. We must solve this problem".

Mr. President, this matter is critical for the IT industry as further evidenced by a hearing held last month in response to industry concerns over this critical shortage of workers. The hearing focused on the need to amend current immigration law to raise the annual cap—currently set at 65,000—for temporary visas for highly skilled workers. This may be a short term solution to the IT worker shortage; however, it is not the long term answer to this problem. American workers and students must have opportunities to learn these new skills whether through partnerships, education or retaining programs.

Mr. President. That is the purpose of my amendment—to encourage more opportunities for American students and workers in the IT field. I hope that my colleagues will support this critical amendment. We can no longer rely on merely adjusting immigration quotas to meet the skilled IT worker shortage.

EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

GLENN AMENDMENT NO. 2017

(Ordered to lie on the table.)

Mr. GLENN submitted an amendment intended to be proposed by him to the bill (H.R. 2646) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes; as follows:

Strike section 101 and insert the following:

SEC. 101. MODIFICATIONS TO EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

(a) MAXIMUM ANNUAL CONTRIBUTIONS.—

(1) IN GENERAL.—Section 530(b)(1)(A)(iii) (defining education individual retirement account) is amended by striking "$500" and inserting "the contribution limit for such taxable year".

(2) CONTRIBUTION LIMIT.—Section 530(b) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

"(4) CONTRIBUTION LIMIT.—The term 'contribution limit' means $500 ($2,000 in the case of any taxable year beginning after December 31, 1998, and ending before January 1, 2003)."

(3) CONFORMING AMENDMENTS.—

(A) Section 530(d)(4)(C) is amended by striking "$500" and inserting "the contribution limit for such taxable year".

(B) Section 4973(e)(1)(A) is amended by striking "$500" and inserting "the contribution limit (as defined in section 530(b)(5)) for such taxable year".

(b) WAIVER OF AGE LIMITATIONS FOR CHILDREN WITH SPECIAL NEEDS.—Section 530(b)(1) (defining education individual retirement account) is amended by adding at the end the following flush sentence:

"The age limitations in the preceding sentence shall not apply to any designated beneficiary with special needs (as determined under regulations prescribed by the Secretary)."

(c) CORPORATIONS PERMITTED TO CONTRIBUTE TO ACCOUNTS.—Section 530(c)(1) (relating to reduction in permitted contributions based on adjusted gross income) is amended by striking "The maximum amount which a contributor" and inserting "In the case of a contributor who is an individual, the maximum amount the contributor".

(d) NO DOUBLE BENEFIT.—Section 530(d)(2) (relating to distributions for qualified education expenses) is amended by adding at the end the following new subparagraph:

"(D) DISALLOWANCE OF EXCLUDED AMOUNTS AS CREDIT OR DEDUCTION.—No deduction or credit shall be allowed to the taxpayer under any other section of this chapter for any qualified education expenses to the extent taken into account in determining the amount of the exclusion under this paragraph."

(e) TECHNICAL CORRECTIONS.—

(1)(A) Section 530(b)(1)(E) (defining education individual retirement account) is amended to read as follows:

"(E) Any balance to the credit of the designated beneficiary on the date on which the beneficiary attains age 30 shall be distributed within 30 days after such date to the beneficiary or, if the beneficiary dies before attaining age 30, shall be distributed within 30 days after the date of death to the estate of such beneficiary."

(B) Section 530(d) (relating to tax treatment of distributions) is amended by adding at the end the following new paragraph:

"(8) DEEMED DISTRIBUTION ON REQUIRED DISTRIBUTION DATE.—In any case in which a distribution is required under subsection (b)(1)(E), any balance to the credit of a designated beneficiary as of the close of the 30-day period referred to in such subsection for making such distribution shall be deemed distributed at the close of such period."

(2)(A) Section 530(d)(1) is amended by striking "section 72(b)" and inserting "section 72".

(B) Section 72(e) (relating to amounts not received as annuities) is amended by inserting after paragraph (8) the following new paragraph:

"(9) EXTENSION OF PARAGRAPH (2)(B) TO QUALIFIED STATE TUITION PROGRAMS AND EDUCATIONAL INDIVIDUAL RETIREMENT ACCOUNTS.—Notwithstanding any other provision of this subsection, paragraph (2)(B) shall apply to amounts received under a qualified State tuition program (as defined in section 529(b)) or under an education individual retirement account (as defined in section 530(b)). The rule of paragraph (8)(B) shall apply for purposes of this paragraph."

(3) Section 530(d)(4)(B) (relating to exceptions) is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", or", and by adding at the end the following new clause:

"(iv) an amount which is includible in gross income solely because the taxpayer elected under paragraph (2)(C) to waive the application of paragraph (2) for the taxable year."

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1998.

(2) TECHNICAL CORRECTIONS.—The amendments made by subsection (e) shall take effect as if included in the amendments made by section 213 of the Taxpayer Relief Act of 1997.

PROTOCOLS TO THE NORTH ATLANTIC TREATY OF 1949 ON ACCESSION OF POLAND, HUNGARY, AND CZECH REPUBLIC

HARKIN EXECUTIVE AMENDMENT NO. 2018

(Ordered to lie on the table.)

Mr. HARKIN submitted an executive amendment intended to be proposed by him to the resolution of ratification for the treaty (Treaty Doc. No. 105–36) protocols to the North Atlantic Treaty of 1949 on the accession of Poland, Hungary, and the Czech Republic. These protocols were opened for signature at Brussels on December 16, 1997, and signed on behalf of the United States of America and other parties to the North Atlantic Treaty; as follows:

At the end of section 3(2)(A) of the resolution, insert the following:

(iv) as used in this subparagraph, the term "NATO common-funded budget" shall be deemed to include—

(A) Foreign Military Financing under the Arms Export Control Act;

(B) transfers of excess defense articles under section 516 of the Foreign Assistance Act of 1961;

(C) Emergency Drawdowns;

(D) no-cost leases of United States equipment;

(E) the subsidy cost of loan guarantees and other contingent liabilities under subchapter

VI of chapter 148 of title 10, United States Code; and

(F) international military education and training under chapter 5 of part II of the Foreign Assistance Act of 1961.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management.

The hearing will take place Wednesday, March 25, 1998 at 2:00 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on the following general land exchange bills: S. 890, to dispose of certain Federal properties located in Dutch John, Utah, to assist the local government in the interim delivery of basic services to the Dutch John community, and for other purposes; S. 1109, to make a minor adjustment in the exterior boundary of the Devils Backbone Wilderness in the Mark Twain National Forest, Missouri, to exclude a small parcel of land containing improvements; S. 1468, to provide for the conveyance of one (1) acre of land from Santa Fe National Forest to the Village of Jemez Springs, New Mexico, as the site of a fire sub-station; S. 1469, to provide for the expansion of the historic community cemetery of El Rito, New Mexico, through the special designation of five acres of Carson National Forest adjacent to the cemetery; S. 1510, to direct the Secretary of the Interior and the Secretary of Agriculture to convey certain lands to the county of Rio Arriba, New Mexico; S. 1683, to transfer administrative jurisdiction over part of the Lake Chelan National Recreation Area from the Secretary of the Interior to the Secretary of Agriculture for inclusion in the Wenatchee National Forest; S. 1719, to direct the Secretary of Agriculture and the Secretary of the Interior to exchange land and other assets with Big Sky Lumber Co; S. 1752, to authorize the Secretary of Agriculture to convey certain administrative sites and use the proceeds for the acquisition of office sites and the acquisition, construction, or improvement of offices and support buildings for the Coconino National Forest, Kaibab National Forest, Prescott National Forest, and Tonto National Forest in the State of Arizona; H.R. 1439, to facilitate the sale of certain land in Tahoe National Forest in the State of California to Placer County, California; H.R. 1663, to clarify the intent of the Congress in Public Law 93-632 to require the Secretary of Agriculture to continue to provide for the maintenance of 18 concrete dams and weirs that were located in the Emigrant Wilderness at the time the wilderness area was designated as wilderness in that Public Law.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Amie Brown or Mark Rey at (202) 224-6170.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation.

The hearing will take place on Wednesday, April 1, 1998 at 2:00 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on titles I, II, III, and V of S. 1693, a bill to renew, reform, reinvigorate, and protect the National Park System.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on National Parks, Historic Preservation and Recreation, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Jim O'Toole of the Subcommittee staff at (202) 224-5161 or Shawn Taylor at (202) 224-6969.

COMMITTEE ON ENERGY AND NATURAL RESOURCES COMMITTEE

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that a workshop on the status of Puerto Rico has been scheduled before the Energy and Natural Resources Committee.

The workshop will take place on Thursday, April 2, 1998, at 9:30 a.m., in room SH-216 of the Hart Senate Office Building.

For further information, please call James P. Beirne, Senior Counsel, (202/224-2564) or Betty Nevitt, Staff Assistant at (202/224-0765).

AUTHORITY FOR COMMITTEES TO MEET

COMMITEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Tuesday, March 17, 1998, at 9 a.m. in SR-328A. The purpose of this meeting will be to examine the reauthorization of expiring child nutrition programs, specifically WIC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, March 17, 1998, at 10 a.m. in open session, to consider the nominations for Mr. David R. Oliver, to be Deputy Under Secretary of Defense for Acquisition and Technology; Dr. Sue Bailey, to be Assistant Secretary of Defense for Health Affairs; and Mr. Paul J. Hoeper, to be Assistant Secretary of the Army for Research, Development and Acquisition.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on March 17, 1998 at 9:30 a.m., on tobacco legislation (smokeless/White House).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Retirement Security during the session of the Senate on Tuesday, March 17, 1998, at 10:00 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS AFFAIRS

Mr. COVERDELL. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a markup on the nomination of Togo D. West, Jr., to be Secretary, Department of Veterans Affairs, and a hearing on Persian Gulf War Illnesses: the lessons learned from Desert Storm re chemical and biological weapons preparedness.

The markup and hearing will take place on Tuesday, March 17, 1998, at 10:00 a.m., in room 216 of the Hart Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSTITUTION, FEDERALISM, AND PROPERTY RIGHTS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Constitution, Federalism, and Property, Rights, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Tuesday, March 17, 1998 at 10:00 a.m. to hold a hearing in Room 226, Senate Dirksen building, on: "Privacy in the Digital Age: Encryption and Mandatory Access."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TECHNOLOGY, TERRORISM AND GOVERNMENT INFORMATION

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Technology, Terrorism, and Government Information, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Tuesday, March 17, 1998 at 2:30 p.m. to hold a hearing in Room 226, Senate Dirksen building, on: "Critical Infrastructure Protection: Toward a New Policy Directive."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SEAPOWER

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services, be authorized to meet at 2:30 p.m. on Tuesday, March 17, 1998 in open session, to receive testimony on ship acquisition in review of the defense authorization request for fiscal year 1999 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE CRISIS IN KOSOVO

• Mr. GRAMM. Mr. President, I wish to bring to the attention of my colleagues a very incisive commentary on the current situation in Kosovo. My colleague from Texas, Senator KAY BAILEY HUTCHISON, is the author of the opinion piece to which I refer and which was printed on the editorial page of the Wall Street Journal on March 13, 1998.

Senator HUTCHISON has emerged as one of the most articulate and knowledgeable voices in the United States Senate on today's foreign policy issues and, particularly, our policy in the Balkan region of Europe. As the Clinton administration decides upon an appropriate U.S. response to the recent violence in Kosovo, it would do well to consider carefully the commentary of my distinguished colleague. I ask that the article by Senator HUTCHISON be printed in the RECORD.

The article follows:

[From the Wall Street Journal, Mar. 13, 1998]

ONE BALKAN QUAGMIRE IS ENOUGH

(By Kay Bailey Hutchison)

In November 1995, as Congress was debating President Clinton's decision to send 20,000 U.S. troops to Bosnia, Deputy Secretary of State Strobe Talbott warned that, should Congress fail to support that decision, the conflict "could all too easily spread well beyond Bosnia." Mr. Talbott's particular concern was the southern Yugoslav province of Kosovo where ethnic Albanians, making up 90% of the population, are repressed by the Serb-dominated government in Belgrade.

Recent events in Kosovo, where dozens of ethnic Albanians have been killed in nearly a week of open fighting, would seem to validate the administration's fears. Except for one thing: The fighting has occurred even though we did send troops to Bosnia. It appears, however, that this subtlety may have been lost on the administration. In trying to rally the allies, Secretary of State Madeleine Albright has warned that "the only effective way to stop violence in that region is to act with firmness, unity and speed. . . . The time to stop the killing is now, before it spreads." That's essentially the same argument the administration made to justify the troop commitment to Bosnia.

The administration's response to the crisis in the Balkans has been consistent with the Clinton Doctrine, which calls for decisive action with overwhelming American force only where our national security interests are poorly defined or nonexistent, as in Somalia and Haiti. In contrast, where the U.S. does face a clear threat to its longstanding interests—as in the case of North Korea's development of nuclear weapons or Saddam Hussein's saber-rattling—the Clinton Doctrine dictates cutting a deal and declaring victory, preferably with the help of the United Nations.

The Kosovo crisis is a microcosm of the racial, ethnic and religious tensions, suppressed for decades, that were unleashed in the Balkans with the end of communism. Since 1981 the Albanian majority in Kosovo has sought independence or autonomy. Albanians in Kosovo have boycotted all the institutions of the Yugoslav state, including local and national elections. For his part, President Slobodan Milosevic has used his form control of the police to brutalize and repress the Albanians. The Albanians have answered violence with violence, directed by an underground faction called the Kosovo Liberation Army.

If this story has a familiar ring to it, it should. It was Bosnia's declaration of independence that led to four bloody years of war and the involvement of 20,000 U.S. troops. Again, as in Bosnia, the U.S. finds itself serving the purposes of the most unsavory elements in an ethnic crisis. We are trying to divide the acceptable center between Serbian strongman Milosevic on the one side and a violent insurgency group, the KLA, on the other. In the meantime, ordinary people in Kosovo, both Albanian and Serbian, suffer.

We are falling into the same trap that ensnared us in Bosnia. Rather than making clear to our allies and to the belligerents themselves the limits of American involvement, Ms. Albright's comments hold out the prospect for greater involvement. We must resist it. There is no reasonable number of American ground troops that can end this crisis.

We can contain it, though, first by making clear to our NATO allies that we will not accept their involvement as belligerents in this crisis. This is important because both Greece and Turkey have subsidiary interests in the southern Balkans. At the same time, we should make it clear to Germany, Italy and others bordering the region that they have the means and the interest in resolving this crisis themselves.

The U.S. can and should provide a great deal of support, including airlift, intelligence and, most importantly, diplomatic good offices. But under no circumstances should we hold out the prospect of additional U.S. ground troops. In fact, we should use the opportunity we now have to reconvene the parties to the Dayton Accords, expand the agenda to include the troubles, in Kosovo, and revise the partitions already established in Dayton to permit an early American withdrawal.

It's time to reverse the Clinton Doctrine. If we do not, we may find ourselves not only failing to reduce our presence in the Balkans, but increasing it dramatically. Maintaining an open-ended troop commitment in Bosnia—and beginning a new one in Kosovo—would further deteriorate our ability to defend our national security interests elsewhere. As Congress considers additional funding for the mission in Bosnia, it should insist that the U.S. not add Kosovo to the long list of far-off places where American forces are present but American interests are absent.•

KATYN FOREST MASSACRE

• Mr. TORRICELLI. Mr. President, I rise today both to remember the 15,000 innocent people who died at the Katyn Forest Massacre in 1940 and to make sure that their memory never fades from our minds.

In 1939, Joseph Stalin's army captured 15,000 Polish military officers and proceeded to perpetrate what some have called one of the most heinous war crimes in history. These 15,000 people were Poland's elite and presented a serious threat to Stalin's future control of Poland. Fearing their resistance, Stalin ordered his army to execute the Polish officers in the Katyn Forest. There was no trial. There was no justice for the victims of Stalin's excesses. Stalin did this under the cover of a forest and the shield of his authority while hiding it from the international community. The investigation conducted by this Congress found that the victims were unarmed and innocent. It concluded that the crime was concealed by the Soviet government and that its perpetrators were never brought to justice. As the years passed, the Soviet government was content to let the Nazi regime be blamed for Katyn. It avoided issuing a formal apology or attempting to even make reparations. On February 19, 1989, the Soviets finally released documents confirming the Soviet role in the Katyn Massacre.

After fifty years of lies and manipulation, an admission of complicity does not ease the pain of a nation whose entire population was affected by this horrible event. I am hopeful that as time goes by and more people learn about this massacre, we will all be able to come to terms with the memory of Katyn and the pain that it has caused. It is a memory that must be sustained to ensure that our bonds of humanity will continue on into the next millennium and that our past will not be destined to repeat itself.

Mr. President, I rise today to remember these 15,000 victims with the hope that their memory will prevent future atrocities from occurring and will crudely remind the world of its responsibility to protect the innocent at all times. In 1998, we have an obligation to one another to make sure that a tragedy like this does not occur again. The only way to do this is to make sure that the memory of Katyn lives on.•

PAUL G. UNDERWOOD, COLONEL, U.S. AIR FORCE

• Mr. FAIRCLOTH. Mr. President, yesterday, an American hero was honored by his grateful countrymen. Air Force Colonel Paul Underwood, formerly stationed at Seymour Johnson AFB in Goldsboro, North Carolina, was laid to rest at Arlington National Cemetery after having been shot down more than 30 years ago during his 22nd combat mission over Vietnam.

He was first listed as "Missing In Action" for 12 years before being officially declared deceased. But, it was only recently that his remains were recovered and brought home for a military funeral with full honors.

Col. Underwood answered the call of duty when our country was most in need, not just once, but three times. He served in World War II, the Korean Conflict, and finally in Vietnam. He went unquestioningly wherever he was needed.

To the family and friends of Col. Underwood, I extend my deepest sympathy on this solemn occasion. Col. Underwood gave his life in the service of his country. His wife, Gloria, his children and grandchildren, and his dearest friends have all suffered the great loss that has followed Col. Underwood's selfless sacrifice in the defense of the freedom that all of us enjoy.•

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT

• Mr. LAUTENBERG. Mr. President, last week, the Senate overwhelmingly passed S. 1173, the ISTEA II bill. I supported that bill because, while it does not provide for all of New Jersey's highway and transit needs, it is indeed a better, more balanced bill than the one that was originally presented by the Environment and Public Works Committee early last September. Since September, I have managed to secure an additional $120 million in highway funds each year for New Jersey, which brings us near to where we need to be. In addition, the Senate gave strong support to the mass transit title of the bill, which continues the federal government's solid commitment to our nation's subways, buses and commuter rail projects. Mass transit was helped by an additional $5 billion that was provided over the life of the bill. I was pleased to join with Senators D'AMATO, SARBANES, MOYNIHAN and DOMENICI in announcing this agreement, balancing out the funds allocated to both highways and mass transit.

During these past few months, I have worked to ensure that federal transportation funding allocated to New Jersey would be enough to meet our state's tremendous infrastructure needs. The original highway title provided adequate funds to most of the United States, but not to all. It simply was not balanced. In short, the bill did not recognize the special needs of high density, high traffic states. Even with an extra $20 million in bridge discretionary funds that the Committee agreed to provide to my state of New Jersey, my state's funding levels would have actually been lower in 1998 than in 1997 despite a 20 percent growth in the overall program. This was unacceptable and I was determined to change that bill.

New Jersey is the most densely populated state in the nation, and our roads carry more traffic per lane mile than any state in the country. We are a true corridor state. Ten percent of the nation's total freight passes through New Jersey. These conditions create burdens that have an adverse impact on the state's transportation infrastructure, environment, and economic productivity.

That's why, Mr. President, I am pleased that the Senate adopted the High Density Transportation Program which provides funds to states which share these same problems and had not done well in the apportionment formulas used in the underlying bill.

Mr. President, as we enter the 21st century, with an increasingly global marketplace, one of our most important functions will be to ensure the existence of a seamless transportation system which can carry large volumes of people and goods. But, for now, severe system failures exist in densely populated, urban areas where high volumes of traffic clog the roads and high repair costs impede routine maintenance, not to mention traffic flow enhancement. Roads in these high density States provide invaluable support to the Nation's economy by carrying high value goods and service-providers along essential trade corridors which connect nationally significant ports and economic sectors to the rest of the country. However, the intensity of traffic causes highways in these States to deteriorate rapidly. As a result, crucial portions of the interstate highway system linking all of us are in desperate need of repair. Moreover, costs are extraordinarily high for highway repair and maintenance in these high density States, especially in urban areas. The High Density Transportation Program will address these problems by providing $360 million a year for grants to States that meet specific population density, heavy traffic, and high urbanization criteria. Under this program, eligible States, like New Jersey, are guaranteed $36 million a year, but they can qualify for even more. These funds may be used for highway and transit projects.

Mr. President, the High Density program rounds out New Jersey's funding. Under ISTEA II, New Jersey will receive a hefty increase each year in highway and transit funds over the funding levels in ISTEA I. More specifically, this means ISTEA II will provide $1.05 billion each year for New Jersey's roads, bridges, and mass transit systems. This figure includes an average of $660 million in highway formula funds and an estimated $390 million in mass transit formula funds for New Jersey. By comparison, the bill as introduced last September would have only provided New Jersey with an average of $532 million for highways and $345 million for transit. I have fought hard to improve New Jersey's funding levels, and apparently my efforts paid off.

The Senate also took a strong stand against drunk driving in this bill. Alcohol is a dominant cause in 41 percent of highway deaths. However, because the Senate adopted my amendment to establish a national drunk driving limit of .08 percent blood alcohol content, I am confident that this grim statistic and the highway death rate in general will improve. Senator DEWINE and I fought hard to get this amendment passed, and it did, by a 62–32 vote. This amendment is estimated to save 500 to 600 lives each year. I also worked with Senator DEWINE and Senator WARNER to develop a provision that the Senate adopted that toughens drunk driving penalties for repeat offenders. And, I was a lead co-sponsor on another important anti-drunk driving measure to outlaw open containers of alcohol in moving vehicles nationwide. Alcohol has no place on our roads and this bill takes a strong stand against drunk driving.

Mr. President, I was also pleased to see the Senate adopt another amendment I developed to make "ports of entry" eligible for the planning and infrastructure funding authorized for this new trade corridor program. To qualify for funding, a port would have to show that there had been a significant increase in the transportation of cargo by rail and motor carrier through that facility since the enactment of NAFTA.

The bill also continues our commitment to technology that will increase efficiency and improve safety within our transportation system, by including a comprehensive Intelligent Transportation Systems program, authorized at $1.8 billion over six years, that I helped author with the managers of the bill. Intelligent Transportation Systems hold the promise of increasing capacity and promoting safety through innovative technologies. A recently released report estimated that ITS projects and programs generate a benefit/cost ratio of more than 8:1 for the Nation's 75 largest metropolitan areas. Intelligent Transportation Systems provide cost-effective ways to achieve the Nation's transportation goals of mobility, efficiency, national and international productivity, safety and environmental protection. The bill incorporates ITS into mainstream transportation planning and construction process for all modes at the local, state and federal levels. It also integrates ITS technologies in the Nation's infrastructure, resulting in coordinated ITS systems that benefit the safe and efficient movement of both passengers and freight in localities, states, regions and corridors. I am pleased that the Senate adopted a strong, comprehensive program.

Mr. President, the first ISTEA emphasized the importance of intermodalism in reducing congestion and improving mobility. One way intermodalism will be enhanced in this bill is through an amendment adopted by the Senate which I strongly supported. This amendment will boost the existing $18 million annual Ferry Program to $50 million for ferry operations around the country.

Another goal of ISTEA I was the reduction of air pollution and traffic congestion. Protecting the environment remains an important element of federal surface transportation programs under ISTEA II as well. Thus this bill increases the Congestion Mitigation and Air Quality Program funding levels and maintains the enhancements program. This bill also includes an amendment that I authored to establish a "Transportation and Environment Cooperative Research Program," funded at $5 million a year, that will study the relationship between highway density and ecosystem integrity, including an analysis of the habitat-level impacts of highway density on the overall health of ecosystems.

I am also pleased that the Senate stated its support for the continuation of a provision that I authored in the original ISTEA that froze longer combination vehicle operations on routes as of 1991. Longer combination vehicles (LCVs) can be longer than a 737 jetliner and can weigh up to 164 tons. Multi-trailer trucks are involved in more serious crashes than single-unit trucks or small tractor-trailer combinations. Although big rig trucks make up only 3 percent of all regulated vehicles, they are involved in 21 percent of all fatal multi-vehicle crashes. The least we can do is maintain the current system and not let LCVs branch out onto roads they aren't already on now.

Mr. President, I am pleased to support this bill. I will continue to work to ensure that New Jersey is treated fairly in the final bill that will be signed by the President.•

EXTENDING THE DEADLINE FOR SUBMISSION OF A REPORT BY THE COMMISSION TO ASSESS THE ORGANIZATION OF THE FEDERAL GOVERNMENT TO COMBAT THE PROLIFERATION OF WEAPONS OF MASS DESTRUCTION

• Mr. SPECTER. Mr. President, I ask that the text of the bill, S. 1751 introduced on Thursday, March 12, 1998 be printed in the CONGRESSIONAL RECORD.

The text of the bill follows:

S. 1751

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF DEADLINE FOR SUBMISSION OF COMMISSION REPORT.

Section 712(c)(1) of the Combatting Proliferation of Weapons of Mass Destruction Act of 1996 (contained in Public Law 104-293) is amended by striking "enactment of this Act" and inserting "first meeting of the Commission".•

TRIBUTE TO DR. RALPH IZARD

• Mr. GLENN. Mr. President, one of the fundamentals of our great Republic has been public education and the benefits it bestows to our society.

As the early American pioneers moved westward across the Appalachian Mountains, they chartered—in 1804—the first university in the Western Territory near the Hocking River in the town of Athens: Ohio University. Since then, the impact of this pioneering institution has reached far beyond the Appalachian foothills, across the nation and around the globe.

Today, I rise to offer a tribute to a modern-day educator who represents the best characteristics of our public education system, Dr. Ralph Izard.

For a dozen years, Dr. Izard has served as director of the E. W. Scripps School of Journalism at Ohio University. Effective June 30, 1998, after more than three decades of service to Ohio University and the academic community, he will retire.

Mr. President, I recognize that journalism training occurs throughout our nation, however, those who rate post-secondary journalism education consistently rank Ohio University among the nation's best.

Whether it's education, or politics or sports, it's tough to repeat as champions. Yet, that is the legacy of Dr. Izard at Ohio University. Year after year, the E. W. Scripps School of Journalism, under his direction, has produced premier writers, editors and public relations practitioners.

Like all success stories, there are multiple reasons why the E. W. Scripps School of Journalism excels. Among them: a strong faculty and widespread private support from alumni and industry.

E. W. Scripps is a legend in the publishing world. The Scripps' partnership with higher education through Ohio University is a national model for private support for public education.

This success story includes another key ingredient; the leadership and professionalism of Dr. Ralph Izard. Involved in academia for 32 years, Dr. Izard never lost his focus on individual students, and he never lost his love of teaching.

That's because he never stopped learning. As technology changed, Dr. Izard kept pace. He insisted journalism education adapt to change. Thus, college training remained relevant to students and the job market.

So today, nearly two centuries after those early pioneers founded a university in Athens, Dr. Izard personifies their ideals of higher education by preparing thousands of their sons and daughters for the challenges of a new century.

For his achievements, leadership and dedication to education, we salute Dr. Ralph Izard and wish him well in future endeavors.•

ST. PATRICK AND TWO VENERABLE NEW YORK CITY INSTITUTIONS

• Mr. MOYNIHAN. Mr. President, I rise on this great day in honor of Ireland's legendary saint and pay special tribute to two venerable New York City institutions bearing his name. St. Patrick's Old Cathedral, dedicated in 1815, and St. Patrick's Old Cathedral School, opened in 1822, have served the citizens of New York for nearly two centuries.

Throughout the Cathedral and School's history, Old St. Patrick's priests, nuns, parishioners and students have contributed so very much to the betterment of New York City. Most famously, Saint Patrick's parishioners and their erstwhile leader Bishop John Hughes helped define the course of American immigration in the 1830's when they refused to let nativists prevent Catholics, mostly poor Irish at the time, from establishing themselves in New York City. Their heroic efforts included an 1835 standoff in front of Saint Patrick's in which an anti-Catholic, anti-immigrant mob gathered to destroy the Cathedral. The Cathedral stood, and with it America's first large immigrant population.

Nearby, Saint Patrick's Old Cathedral School has served as a lead model for many of New York City's parochial schools. Founded by the Sisters of Charity, the schoolhouse on Mott Street has offered for 176 years the hope and opportunity of a strong education to tens of thousands of mostly poor, immigrant students.

Recently, I had the good fortune to revisit Saint Patrick's Old Cathedral and the Old Cathedral School and am delighted to report that these institutions remain remarkably unchanged in their caring mission and spirit. The good works abound under the leadership of a newly appointed pastor, Father Keith Fennessy. I look forward to working with him and others in celebrating next year's two hundred and fiftieth anniversary of Lorenzo Da Ponte's birth. Da Ponte, who was Mozart's librettist, was a parishioner, and his funeral mass was celebrated at Old St. Patrick's. Unfortunately, Da Ponte, like Mozart, ended up in a mass grave. Next year provides the nation a chance to celebrate the life of one of the greatest librettists, and one of the most influential Italian-Americans in our history. I eagerly anticipate my return to Old St. Patrick's for these events.

By serving the surrounding neighborhoods, Saint Patrick's Old Cathedral and Saint Patrick's Old Cathedral School remain as vital as they were almost two centuries ago. Thus, I extend my gratitude to these institutions for their vital work on this great day of thanks for their patron saint, St. Patrick.●

SUPPORT OF JUDGE FREDERICA MASSIAH-JACKSON

● Mr. KENNEDY. Mr. President, yesterday, unfortunately, Judge Massiah-Jackson asked President Clinton to withdraw her nomination to serve as a federal judge in the U.S. District Court in Philadelphia.

I know that this was a difficult decision for Judge Massiah-Jackson and her family. She is a distinguished state court judge with a distinguished record. She has the strong support of the people of Philadelphia. She earned the President's nomination to this distinguished office, and she should have been confirmed by the United States Senate.

Instead, she was subjected to numerous unfair attacks and gross distortions of her record. The attacks on Judge Frederica Massiah-Jackson by her opponents are full of half-truths, and misinformation.

In fact, she is a remarkable lawyer and judge with a long history of service to the people of Philadelphia, and she deserved to be confirmed to serve as a federal judge on Pennsylvania's Eastern District Court.

Judge Massiah-Jackson has worked long and hard and well to get where she is today. She is the daughter of immigrants. Her father came to the United States from Barbados, and her mother came from Haiti. They taught her the value of hard work, commitment to family, and giving back to the community. Judge Massiah-Jackson's entire life and career are testimony that she lives by these virtues.

She was born and raised in Philadelphia. She graduated from the University of Pennsylvania Law School, one of the nation's most prestigious law schools. She could have made a career in private practice and been a great financial success. But instead, she has devoted her life to public service.

Upon graduating from law school, she served as a law clerk, then as chief counsel to the Business Committee of the Pennsylvania State Senate. In 1984, she was elected to the Court of Common Pleas in Philadelphia, and re-elected to that position in 1993.

Most nominees for the federal court have a background in either civil law or criminal law. But Judge Massiah-Jackson has a background in both. In her first years on the Court of Common Pleas, she handled criminal cases. In recent years, she has handled the court's docket of complex civil cases. So this eminently qualified judge will bring a wealth of experience to the federal district court.

Her opponents unfairly ignored this impressive record. Instead, they latched onto a few isolated cases, mischaracterized them, and then used them to defame the reputation of this distinguished judge. When she answered their questions, they invented still more reasons to object to her nomination.

This process is unfair. It is unfair to Judge Massiah-Jackson and her family. It is unfair to the people of Philadelphia. It is unfair to the nation's system of justice. And it is a disgrace to the United States Senate.

Even if the cases that her critics cite were wrongly decided, they represent less than one percent of the 4,000 cases over which she has presided in her long career.

How many United States Senators can say that they have been right over 99 percent of the time?

Look at the process that led to her nomination.

She passed the bipartisan judicial selection committee established by Senator SPECTER and Senator SANTORUM with flying colors.

She was screened by the Justice Department to ensure her qualifications.

The FBI conducted a thorough background investigation of her character.

The American Bar Association reviewed her professional qualifications for the job.

Senator SPECTER, Senator SANTORUM, and Senator BIDEN conducted their own hearing in Philadelphia to review Judge Massiah-Jackson's qualifications even further.

Finally, she appeared before the Judiciary Committee not once, but twice. And yesterday, she patiently and professionally answered each and every question that Senators put to her.

But perhaps most significant, Judge Massiah-Jackson had the most important endorsement that any nominee before this committee could have—the respect and admiration of the people who know her best—the people she has served for 14 years—the people of her hometown of Philadelphia.

Her opponents have distorted her record by mischaracterizing isolated cases from among the thousands she has handled over the past decade and a half. But the citizens of Philadelphia know better.

Listen to what the people who really know her have to say.

The Philadelphia Bar Association says, "We know Judge Massiah-Jackson to be an outstanding jurist—fair, patient, and thorough." This is what her fellow lawyers in Philadelphia have to say about her. And they know her better than anyone in the United States Senate.

Mayor Ed Rendell of Philadelphia strongly supported her nomination. He says, "It is clear that she should be confirmed."

As the Pennsylvania Legislative Black Caucus wrote to the Judiciary Committee, "Judge Jackson is an outstanding and able jurist. She has labored long and hard in the trenches of the judiciary and is a demonstrated supporter of fair and even justice."

The organization "Philadelphians Against Crime" ran an ad in the Philadelphia Daily News on February 25, saying, "We support Judge Massiah-Jackson for the federal judgeship."

Barbara Burgos DiTullio, President of the Pennsylvania Chapter of the National Organization for Women, writes, Judge Massiah-Jackson "is highly qualified to hold this position, and anyone looking at her record instead of listening to those who have personal vendettas would know this."

The Philadelphia Tribune endorsed her, saying "[Judge Massiah-Jackson] is eminently qualified for the federal bench."

Here is the Philadelphia Daily News: "Frederica Massiah-Jackson's record demonstrates her suitability for the federal bench."

In addition, Judge Massiah-Jackson received the support of lawyers who have appeared before her in court. In a survey conducted by the Philadelphia Bar Association, the vast majority of the lawyers who appeared before her expressed their confidence in her integrity and judicial temperament, and found her to be industrious and efficient.

Judge Massiah-Jackson earned these endorsements because she has established herself as a tough-minded, no-nonsense jurist throughout the more than 4,000 cases she has handled in her 14 years on the Philadelphia Court of Common Pleas. She is tough on crime, and tough on criminals. According to the Philadelphia Bar Association's independent review committee, Judge Massiah-Jackson is more likely, not less likely than her colleagues on the court to convict defendants.

For serious crimes, such as robbery, rape, and burglary, her conviction rate is nearly 50 percent higher than the conviction rate of her colleagues.

Her record on sentencing is right down the middle when compared with other judges on the court. Her rate of departure from Pennsylvania's sentencing guidelines is not measurably different from her colleagues. In fact, her record shows that she is more likely than her colleagues to depart upward from the guidelines, imposing stiffer sentences than the guidelines call for.

When Judge Massiah-Jackson's full record is considered, it is clear that she is fully qualified to serve on the Federal District Court. She eminently deserved her nomination to the federal court, because of her strong commitment to justice, and her profound knowledge of the law. I am confident that Judge Massiah-Jackson will continue to serve the people of Philadelphia well on the Court of Common Pleas.●

ORDERS FOR WEDNESDAY, MARCH 18, 1998

Mr. HELMS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 a.m. tomorrow, Wednesday, March 18, and immediately following the prayer, the routine requests through the morning hour be granted and the Senate then begin a period for the transaction of morning business until the hour of 11:30 a.m., with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator THOMAS, 45 minutes from 10:15 to 11; Senator MOYNIHAN and Senator KERREY, 30 minutes, from 11 to 11:30; Senator JEFFORDS, 10 minutes; and Senator KENNEDY, 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. HELMS. Mr. President, tomorrow the Senate will be in a period of morning business from 9 a.m. until 11:30 a.m., and at 11:30 a.m., as under a previous agreement, the Senate will begin debate on H.R. 2646, the A+ education bill, with Senator ROTH being recognized to offer an amendment. In addition, the Senate may also consider S. 414, the international shipping bill, or S. 270, the Texas low-level radioactive waste bill, and any other legislative or executive business cleared for Senate action. Therefore, Members can anticipate rollcall votes throughout Wednesday's session of the Senate.

ORDER FOR ADJOURNMENT

Mr. HELMS. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order, upon the completion of the remarks of Senator HARKIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I am advised the Senator is on his way. I will suggest the absence of a quorum, but at the conclusion of Senator HARKIN's remarks it already stands that we will adjourn under the previous order; is that correct?

The PRESIDING OFFICER. That is correct. The Senate will be in adjournment at that time.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATO EXPANSION

Mr. HARKIN. Mr. President, I would like to speak just for a few minutes about the issue of the NATO expansion that has come to the floor today. As I understand the parliamentary situation, the NATO expansion resolution has been laid down, we are now in morning business, and we will not be back on the NATO expansion resolution until sometime later—not tomorrow—maybe later this week or maybe next week or beyond.

I am hopeful at the outset that even though the bill has been laid down, the Senate will be given time for due discussion and debate on the proposed NATO expansion. Quite frankly, I was one of those who signed a letter with my colleague Senator SMITH from New Hampshire and, if I am not mistaken, 17 other Senators, both Republicans and Democrats, asking that the debate on the proposed NATO expansion be suspended or postponed for a while. I will get into the reasons for that in just a moment. I am sorry it is now before the Senate. I think it should have been postponed for very good and sufficient reasons.

This is an issue with profound implications for our Nation and the international community. It is also an issue that, I am disappointed to say, has not received the kind of vigorous national debate that it deserves. I was asked the other day when I was in my home State of Iowa about the NATO expansion bill and what kind of interest was in it. I said basically it is a big yawn. No one is talking about it, very few people are writing about it, and yet this may be the most serious vote that we take this year in the U.S. Senate.

Quite frankly, even though I respect the Foreign Relations Committee, they have had a lot of hearings on it I know, they have had witnesses in, but still it has not received the kind of national debate and national focus that it really deserves. I think we are kind of rushing this issue right now in light of the fact that there is supposed to be a NATO study that is due this June. Again, I will talk about that in a moment.

Taking such a huge step in foreign policy with such low levels of awareness among the public and even in Congress is not a good idea. The debate or, more accurately, I should say the lack of debate on this important policy question has concerned and surprised me. Moving forward before legitimate concerns and competing viewpoints receive a complete airing does not seem prudent. The usually deliberative Senate seems to be in a rush to pass judgment on this issue. I ask, what's the rush?

Concerns about the extension of America's military obligations have been voiced by Members, interest groups and academics across the political spectrum. One must observe more than just casually that when the voices expressing caution include progressives, conservatives, libertarians and others, Republicans and Democrats, such diverse opposition may be a sign to act more slowly and deliberatively on this issue.

Let me be clear, I have not yet decided how I will vote on NATO expansion. If I had to vote tomorrow, I would vote no, because I believe, more often than not, that is the safest way to proceed when one does not have all the information that one needs and when there are, I think, sufficient questions about the expansion and what it is going to cost and what its implications for our foreign policy will be. However, later on, after more information is gleaned in a vigorous public debate, I might be inclined to vote for it. But at the present time, I cannot support it without more information and without some more enlightenment as to the actual cost figures.

Without a comprehensive consideration of the issues surrounding NATO expansion, I am concerned that we will continually have to revisit potentially divisive issues, such as cost and burdensharing among member nations, the issues of command and coordination of forces, issues of responses to real and perceived threats, or even the more basic question of the mission and scope of the organization itself. These are not simple questions that lend themselves to a sound-bite debate. These are questions which will shape, for better or for worse, our defense and foreign policy options for decades to come.

To be sure, NATO has been a success. It has helped keep the peace in Europe for nearly 50 years both by deterring aggression from the Warsaw Pact nations and encouraging cooperation between NATO members. I must say that due to the commitment of its members and the leadership of the United States, NATO has largely fulfilled the reason for its very birth—the Soviet Union. NATO has fulfilled its original intent, it has outlived the Soviet Union, and now we have to ask, what is its future? What role would an expanded NATO play in a post-cold-war era? What role would it play in a new century, in a new millennium? And the question I will be raising tonight and many times during this debate is, at what cost, both in financial terms and in less tangible areas such as the potential for strained relations with nonmember nations or even a dangerous rollback of the nuclear nonproliferation progress made since the end of the cold war?

One of my primary concerns, as I said, is the wide variance in and suspect reliability of projected financial costs. I have seen projections range from $125 billion down to $1.5 billion. When you have that kind of wide variance, something is very strange.

Another piece of the puzzle we are missing is how new members are to address their military shortfalls. Although the shortfalls were to be identified in December 1997, the countries' force goals will not be set until this spring. In other words, we are without a plan to address the force goals and the price tag associated with it. I am very uncomfortable signing the American taxpayer's name to a potentially ballooning blank check.

What share the taxpayers ultimately will pay for NATO expansion is not at all clear, not just because there is no consensus on what the overall costs will be, but also because burdensharing arrangements between current and prospective members have not been firmly established.

I will offer an amendment at the beginning to deal with some of the cost concerns I have been raising. As we know, the $1.5 billion cost figure that we have seen for the United States for NATO expansion is quoted widely and broadly. That figure includes only what is known as common costs. The figure excludes a number of other expansion costs for the three nations that are due to join NATO if this resolution passes relating to the upgrading of their militaries. The United States is expected to contribute substantially to the "national" costs through bilateral subsidies my amendment would require, including the bilateral contributions, when calculating the U.S. share of enlargement costs.

I ask unanimous consent that the text of my amendment be printed in the RECORD.

There being no objection, the text of the amendment was ordered to be printed in the RECORD, as follows:

At the end of section 3(2)(A) of the resolution, insert the following:

(iv) as used in this subparagraph, the term "NATO common-funded budget" shall be deemed to include—

(A) Foreign Military Financing under the Arms Export Control Act;

(B) transfers of excess defense articles under section 516 of the Foreign Assistance Act of 1961;

(C) Emergency Drawdowns;

(D) no-cost leases of United States equipment;

(E) the subsidy cost of loan guarantees and other contingent liabilities under subchapter VI of chapter 148 of title 10, United States Code; and

(F) international military education and training under chapter 5 of part II of the Foreign Assistance Act of 1961.

Mr. HARKIN. Basically, we see this figure bandied about that it is going to cost $1.5 billion. That is common costs. There are other national costs to which we have committed to subsidize. Already, just in the past 2 years, the figures that we have been able to unearth and dig into show that the United States has already spent about $1 billion in subsidies to these countries for their NATO expansion purposes. That is not calculated in the $1.5 billion. It should be, because it is still a cost to the U.S. taxpayers.

This amendment, plus some others that I will have, will try to fashion this resolution so that we will have a really good handle as we go year by year as to just what the costs are to the U.S. taxpayers. We know already that $1.5 billion is not the total cost to U.S. taxpayers. It is more than that. How much more? We don't know. That is why I was one who wanted to postpone the debate and vote on NATO expansion after June. I thought we could take it up in July, have a serious debate, pass it in midsummer, or not pass it, as the will of the body would be. At least at that time we would have a study being done by NATO at the present time that is due in June. We don't have that study right now. This study is basically on the requirements for upgrading the militaries of these three countries. That way we would have a better idea of the shortfalls in these countries, in their militaries, and the costs to the United States—not just the common costs, but the other kinds of costs that we will be enlisted to come up with in terms of the national costs which we will be subsidizing for these three countries.

I am hopeful as this debate ensues that I will be able to engage with members of the Foreign Relations Committee to explain thoroughly for the record exactly what these national costs are, what our commitments are, what the subsidies are, and if we have any data at all, to give us a better idea of what these subsidies and the national costs will be. If we just projected ahead based upon what we found in the last couple of years, in the next 10 years we would be looking at somewhere in the neighborhood of at least an additional $10 billion for our taxpayers, at a minimum, and that is before any of the upgrades have taken place in any of these countries. So that is just based upon what we spent in the last couple of years.

Mr. President, again I hope we have a good debate on this. I am hopeful we can get some better cost figures. As I said, I will offer this amendment at the appropriate time. I printed it in the RECORD today, to get a better handle on the costs. I also will be placing in the RECORD letters from former Senators, questions raised by academics around the country as to just what the purposes of NATO expansion are, what the goals will be, how will this affect our relations with Russia, how will it affect our relations with other countries that are not members of NATO now but perhaps want to be in the near future.

I understand there will be an amendment offered that will close the door for certain other countries to join NATO for some specified amount of time. What will this do to our relations with these countries and the relations of those countries with those nations that will be joining NATO if this resolution passes? I think these are all very serious questions. I hope the debate will flesh these out and that we can have some solid answers, especially as to the costs.

Perhaps as to relations between nations in the future, this may be more in the realm of speculation. But I believe that at least these ought to be talked about and debated, and they ought to be debated in light of what the costs to our taxpayers would be.

I am more interested in that than any of the other aspects of the bill that is now before us.

Mr. President, with that, I yield the floor.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate will stand in adjournment until 9 a.m. tomorrow morning, March 18.

Thereupon, the Senate, at 6:44 p.m., adjourned until Wednesday, March 18, 1998, at 9 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate March 17, 1998:

THE JUDICIARY

SUSAN GRABER, OF OREGON, TO BE U.S. CIRCUIT JUDGE FOR THE NINTH CIRCUIT.

HOUSE OF REPRESENTATIVES—*Tuesday, March 17, 1998*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. HOBSON).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 17, 1998.

I hereby designate the Honorable DAVID L. HOBSON to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Indiana (Mr. VISCLOSKY) for 5 minutes.

CONGRATULATIONS TO VALPARAISO UNIVERSITY MEN'S BASKETBALL TEAM

Mr. VISCLOSKY. Mr. Speaker, on behalf of the people of Northwest Indiana that I represent and as an Indiana University and Notre Dame University graduate, I want to congratulate Valparaiso University, which is in the First Congressional District of Indiana. I want to congratulate the Valparaiso men's basketball team on their impressive wins in the first and second rounds of the NCAA Tournament. It is a remarkable achievement for Valparaiso University and a great source of pride for me and the citizens I represent.

Valparaiso is the smallest school represented in the tournament, with a total of 2,700 undergraduate students. Nonetheless, Valparaiso has seen a level of success few teams have experienced. They have won both the regular season conference title and the Mid-Continent Conference tournament title for the last 4 years, a feat accomplished by only three other teams in NCAA history.

Valparaiso has been to the NCAA tournament twice before this year. It was unable to advance beyond the first round. This year it is different. Valparaiso has now become only the second 13-seed in history to advance to the Sweet Sixteen. Their opening round win over the University of Mississippi last Friday was nothing short of inspiring.

For the six senior players who have fought hard to bring success to this team and this school, it was an amazing culmination of determination and perseverance that led to their victory. Bryce Drew's 3-point shot to win the game was reminiscent of the final scene in the movie "Hoosiers," in which a tiny high school team came together in the waning seconds to win the championship game against a much larger and more powerful foe.

After Valparaiso's second-round overtime win over Florida State on Sunday, coach Homer Drew said, "Only in America and only in the NCAA Tournament can you have the opportunity to go against the best athletes and the best programs in America. We beat two schools from the best conferences in America."

Coach Drew and his team have proven that hard work and persistence eventually lead to success. The coach has spent the last 10 seasons building the basketball program that exists today. His dedication to the success of the program and the success of his players merits recognition. In the last 6 years, he has seen 80 percent of his players graduate, a higher rate than the school has as a whole. Further, all six players on this year's team who are seniors are set to graduate. He has been a positive influence on his students, a model of sportsmanship on the sidelines, an example of the type of hard work that makes the people of Northwest Indiana great.

Not only has Valparaiso University continued to shine on the basketball court, but the school itself has a stellar academic record. Valparaiso has consistently ranked in the top 15 of regional universities, as published by U.S. News and World Report. This year, of the over 500 colleges listed, Valparaiso is ranked number two of the best universities in the Midwest, and Valparaiso's overall graduation rate of 72 percent makes them one of the best schools around.

I would like to wish Coach Drew and the Valparaiso Crusaders the best of luck for their game against the University of Rhode Island on Friday. This is an exciting time for the people I represent and for college basketball fans everywhere.

REMOVING U.S. ARMED FORCES FROM BOSNIA AND HERZEGOVINA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Texas (Mr. PAUL) is recognized during morning hour debates for 5 minutes.

Mr. PAUL. Mr. Speaker, I would like to draw to the attention of my colleagues two House concurrent resolutions that we will be voting on, one today and one tomorrow.

The one tomorrow is offered by the gentleman from California (Mr. CAMPBELL), which I think we should pay close attention to and, hopefully, support. This is H. Con. Res. 227. It is a concurrent resolution directing the President, pursuant to section 5(c) of the War Powers Resolution, to remove United States Armed Forces from the Republic of Bosnia and Herzegovina.

The troops should never have been sent there in the first place. There was a lot of controversy. It was far from unanimous consent from the Congress to send the troops there. They were sent there in 1995, and they were to be there for 18 months, and each time we came upon a date for removing the troops, they were extended.

Currently, it is the President's position that the troops will stay indefinitely. He has not set a date, although the Congress has set a date for this June for all funding to be removed as of June and the troops should come home. This resolution more or less states that same position. I strongly favor this, and I believe that the Congress should send a strong message that we should not casually and carelessly send troops around the world to police the world. This is a good way for us to get into trouble.

Our national security is not threatened. There was no justification for our troops to be sent there. There are always good reasons, though, given because there are problems. Well, there are problems every place in the world. If we try to solve all the problems of the world, we would not have troops in a hundred countries like we have now, we would have them in three or four hundred countries. But it is true that we send troops with the most amount of pressure put upon us to do it.

There are certain countries, like in Rwanda, Africa, we certainly did not apply the same rules to that country as we do to Bosnia and the Persian Gulf and Iraq. We did not do this when we saw the mass killings in the Far East under Pol Pot.

So, under certain circumstances where there is political pressure made

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☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

by certain allies or by interests of oil, then we are likely to get involved. But the principle of a noninterventionism foreign policy should make certain that we, the Congress, never condone, never endorse, never promote the placement of troops around the world in harm's way because it is a good way for men to get killed and, for most purposes, the lives of our American soldiers are too valuable to be put into a situation where there is so much harm and danger.

Fortunately, there has been no American deaths in this region, but there is a good reason for those troops to come out. The peace has not been settled, though, there. It is not going to be. And our 16,000 or 20,000 troops that we have had there will not be able to maintain the peace as long as these warring factions exist. They have existed not for months, not for a few years, but literally for hundreds of years if not thousands of years people in this region have been fighting among themselves.

So it is not our responsibility. Yes, we can condemn the violence; and who would not? But does that justify the taxing of American citizens and imposing a threat to American lives by imposing and sending our troops to all these hot spots around the region?

So I strongly urge my fellow colleagues to look carefully at this resolution tomorrow and assume congressional responsibility. It is not the responsibility of the President to wage war, to put troops around the world. That is a congressional responsibility.

So although there has been no declaration of war, we are sitting ducks for a war to be started. So let us stop the war before it gets started.

I think we should strongly endorse this resolution and make sure these troops come home. It is interesting that there is a fair amount of support for this, and we obviously won the vote on this last year to say the troops should come home in June of this year. I suspect and hope that this will be restated, and there will be no excuse to extend their stay in this region.

But at the same time we win those kind of votes, and there is a strong sentiment here in the Congress when we are required to vote and there is certainly a strong sentiment among the American people that we ought to be dealing with our problems here at home, we ought not to assume the role of world policemen, and we ought to mind our own business, and we ought to be concerned about the sovereignty of the United States, rather than sending our troops around the world under the auspices of the United Nations and NATO and literally giving up our sovereignty to international bodies. We were very confused as to who was really in charge of foreign policy in Iraq, whether it was Kofi Annan or whether it was our President.

AGREEMENTS BETWEEN TELEVISION STATIONS AND POLICE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, Tuesday, January 27, people in my hometown of Portland, Oregon, were stunned by a series of events that stem from a drug raid gone bad. In the midst of this episode, one Portland policewoman was killed, another seriously injured, and a third received more minor injuries.

Reflecting back on this episode, Mr. Speaker, there were two areas that gave great local concern.

One was an activity involved with the coverage, the live coverage of this event by local news helicopters on the raid and the concern on the part of some that this might have interfered with the police activities at that event, both in terms of providing interference, in terms of communication with the noise that was involved, the police direct communication, one with another, and the potential that it was possible for the gunman in this case to have used live television broadcasts to be able to monitor the events at the scene.

There was another area of great concern, and that was simply the firepower of this gunman. To say the least, it was disturbing that his private arsenal included a grenade launcher and numerous grenades, a crossbow with darts, a small arsenal of shotguns, rifles, handguns, hundreds of rounds of ammunition, including 100-round capacity magazine with 80 rounds inside.

That weapon actually used in the shooting was an SKS semiautomatic assault weapon. This weapon was powerful enough that the fatal bullet was fired through the front door, that it was possible that there were other bullets that went through the walls of the house and through both sides of police car parked outside.

The weapon in question was not on the 1994 Crime Control Bill of banned assault weapons, although that bill did prohibit the manufacture of ammunition and magazines of more than 10 rounds. However, high-capacity ammunition magazines manufactured prior to September of 1994 were exempted, with the expectation that the manufacturers would sell off the stockpiles within a few years.

Unfortunately, that 1994 ban allowed manufacturers to stockpile a seemingly unlimited supply of high-capacity ammunition magazines which are still being sold regularly today by manufacturers, wholesalers, and retailers, 3 years after that ban went into effect.

This is noteworthy because, although assault weapons account for a tiny fraction of the guns in private hands, they were used in over 13 percent of the 122 fatal law enforcement shootings that took place in a 21-month period in 1994 and 1995. Of those deaths, almost 20 percent involved high-capacity magazines.

When faced with tragedy of this nature as we faced in Portland, it is important to reflect on what we learn from these circumstances. That is the true story today. The positive changes were a result of reflection on this episode.

I am pleased that the local authorities and the news media came together to deal with an area of friction in the past to establish a voluntary agreement to be used in emergency situations in the future. This agreement will ensure a safe environment for our police, while guaranteeing that the public has an access to information.

The stations will no longer show live shots of special emergency reaction teams. They will keep helicopters a mile away and at least 1,000 feet in elevation to prevent disturbance with emergency police communication.

The police will provide a location as close as possible to the emergency event for a TV pool camera on the ground and to videotape the operation for later broadcast. The police in the communications activities with the stations have set up a special phone to give a direct link to the four local news stations.

This senseless killing served as a wake-up call for Portland. I think the model agreement that we have developed can serve as a model for other communities in the future.

I would ask my colleagues to reflect upon the situation that they may see in their community. Are there appropriate agreements in place between the news media and law enforcement in their hometowns?

It is clearly not Congress' role to have to legislate news coverage. It is, however, our role to do everything in our power to make sure that this never happens again. Congress does have a role in dealing with the trade, distribution of and availability of dangerous weapons; and I hope we will readdress this in the future.

I encourage my colleagues to learn from this Portland tragedy. To do so would mean that the sacrifice of Portland's finest will not have been in vain.

□ 1245

2000 CENSUS

The SPEAKER pro tempore (Mr. HOBSON). Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida (Mr. MILLER) is recognized during morning hour debates for 5 minutes.

Mr. MILLER of Florida. Mr. Speaker, I rise today to talk about the 2000 Census. I realize there are not many people in Washington focused on that subject today or this week. While the country remains fixated on the problems engulfing the White House, the business of government must go on. The 2000 Census will be the largest peacetime mobilization ever undertaken by the Federal Government, and the planning must continue.

I want to begin by complimenting and thanking Acting Director James Holmes. Last week we were headed towards a confrontation over the issue of congressional access. Last night I received word from Mr. Holmes and we have resolved the issue. I think Mr. Holmes understands how seriously Congress takes its oversight responsibilities in regard to the census. Given all the controversy surrounding the methodology of the 2000 Census, the best way to proceed is to have an open relationship in the process of information gathering. Frankly, until Mr. Holmes arrived, the administration had a different view.

Mr. Speaker, we need cooperation between Congress and the administration because at the moment the 2000 Census is in serious trouble. I have said I believe we are headed towards a failed census. The Clinton administration, without the approval of the Congress, has designed the largest statistical experiment in U.S. history. The plan is multifaceted and complicated. If one element of the plan goes wrong, it can destroy the accuracy of the entire census. The plan depends on an unrealistic time line and if they do not meet the deadlines at each step, the plan could easily fall apart.

The Commerce Department's own Inspector General has called the plan risky. The Inspector General said in December, "We conclude that although the 2000 Census design is risky, the bureau's fundamental problem is that it simply may not have enough time to plan and implement a design that achieves its dual goals of containing cost and increasing accuracy." The Inspector General goes on to state, "Because this process is long, complex, and operating under a tight schedule, there will be many opportunities for operational and statistical errors."

I have a Ph.D. in statistics and marketing, so I understand clearly the operational risk of this plan. As a statistician, the administration plan raises too many red flags to move forward and spend $4 billion of taxpayers' money.

Let me try and give my colleagues a basic outline of this grand experiment. There are 60,000 census tracks in the United States. Each contains about 4,000 people. Under this new, untested theory, the administration wants to count only 90 percent of the people in each census track. That is unprecedented. For the first time in American history we will not attempt to count all Americans. First, they collect all the census forms returned by mail for each of the 60,000 census tracks. They hope to average about 67 percent response rate in each track. Then in each of these 60,000 tracks, they will randomly remove enough remaining addresses to add up to 10 percent of the total census track and then put them aside. Then they will do what is called a nonresponse follow-up with the homes not removed so they have actually counted 90 percent of the people in each track. Then they will conduct 60,000 simultaneous polls to estimate the other 10 percent in each census track.

This has never been tried before. The scope of this experiment is simply breathtaking. When you see a poll in the New York Times or CNN or USA Today the pollsters typically do one poll and survey 1,000 or so Americans. I saw a poll this morning that shows the President's approval ratings just went up again, which really has to make one question the accuracy of polling. But what this administration is talking about doing is 60,000 separate simultaneous polls at the same time. It has never been tried before and the potential for mistakes and errors is quite large.

That is just the beginning. After all this has been completed, they will conduct an extensive nationwide poll of 750,000 American households. This is done to adjust the figures in all 60,000 census tracks. Some tracks will be added to, some subtracted from, based on this poll of 750,000 households. This 750,000 survey is called the Integrated Coverage Measurement or ICM. The administration claims the ICM will increase accuracy. That is a huge theoretical leap of faith. The Commerce Inspector General says, "Because of its complexity, the ICM is highly vulnerable. In particular, the survey's magnitude, quality demands, and tight schedule all present serious challenges." He added, "Estimation associated with the ICM survey in particular faces lingering methodological questions." In other words, it is not at all clear that the experiment will increase accuracy at all. We need to work together and get the most accurate, best census we can for the year 2000, not test or try experiments.

SALUTING UNIVERSITY OF RHODE ISLAND MEN'S BASKETBALL TEAM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Rhode Island (Mr. WEYGAND) is recognized during morning hour debates for 3 minutes.

Mr. WEYGAND. Mr. Speaker, I rise this afternoon with great pride, because the smallest State in the country, Rhode Island, has one of the greatest basketball teams in the country, the University of Rhode Island. It won its game just two days ago against one of the powerhouses of this country, the University of Kansas, in an outstanding game that pitted a very small, some people would say even very slow, untalented basketball team against one of the giants. A team like Kansas, that had two first-team all-Americans, was unbeatable by the critics' viewpoint. Rhode Island did not have a chance. As a matter of fact, most of them did not think they had a chance against a smaller team called Murray State. But Rhode Island proved them wrong. They proved their critics wrong. More importantly, what they brought to our small State was great pride.

I am here this morning because as an alum of the University of Rhode Island, my daughter also an alumnus and my son a freshman, we could not be more happy. All of the people in the State of Rhode Island, all 1 million people, are ecstatic about what has happened. We have proven that small schools are still alive and doing well in the NCAA. We have proven that no matter what the odds may be, no matter how big the task may be, no matter how big the obstacle, even a small team in a small State can overcome those. We are extremely proud of our university, of all the things that they have become, but more importantly of their future. We look forward to Friday evening's basketball game against Valparaiso, and we join with our colleagues over there to have a celebration on Saturday morning when we celebrate the victory for the University of Rhode Island.

REGARDING THE INTERNATIONAL MONETARY FUND

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from New Jersey (Mr. SAXTON) is recognized during morning hour debates for 5 minutes.

Mr. SAXTON. Mr. Speaker, I wanted to speak to my colleagues about what I think is a very important issue. It involves the International Monetary Fund. That may be a dry issue to some. But when we consider that the International Monetary Fund today has available to it $36 billion of American money, of U.S. dollars, it is a rather sobering thought.

We have lots of needs for money in our country, and we have seen fit in a benevolent way to help others around the world with various economic situations to the tune of $36 billion. But what got my attention, and I hope has gotten Members' attention, is that the International Monetary Fund through Secretary Rubin, Secretary of the Treasury, has requested $18 billion more. The signs are that that is not all they want. If we put that in perspective over the last several decades, we have contributed $36 billion to the

IMF, and this year they are asking for $18 billion more. That is a 50 percent increase in what we have provided.

I guess the question is, is there even more to come? The issue of how much we contribute to the IMF is important. But there are other issues that are just as important, and that is questions involving how the money is used. I am not saying the money is used incorrectly, because it may very well be, but the fact of the matter is we do not know and we cannot find out, because the IMF operates in a cloak of secrecy.

Here around our government in Washington, D.C. and throughout the States, we learned decades ago that government works better when people can visualize what we are doing, when they have access to our process. The cloak of secrecy that surrounds the IMF and the reluctance or refusal of the Secretary of the Treasury and his staff to communicate with us relative to the activities of the IMF are something that needs to be changed. My experience in January and February of 1998 have revealed that there is a huge reluctance on the part of IMF officials and of the Treasury to come forth with information. In fact, they have refused on all but one occasion and when they finally agreed to permit certain information to come forward to the Joint Economic Committee, which I chair, they would have made us promise not to disclose it to anyone else. The very same cloak of secrecy would have been imposed upon us that we are trying to take away.

The issue of transparency with the IMF is extremely important. Number two, it is also important to recognize that the IMF loans at what we call, what I call, subsidized rates. In other words, while American taxpayers are paying 7 or 7½ percent interest for mortgages, the IMF loans money to high-risk foreign investors at less than 5 percent. In fact, in the last fiscal year, the IMF loaned 90 percent of its funds that it loaned at 4.7 percent. That is a subsidized rate. While auto loans in this country go for 9 percent to 10 percent interest, the IMF was loaning at 4.7 percent to 90 percent of its borrowers. And while credit card holders in this country pay 16 to 21 percent or greater, the IMF was loaning at 4.7 percent.

It is bad enough that these subsidized rates were being used, but even worse, Mr. Speaker, if we are going to provide these loans to people who get themselves in trouble economically, does it not just encourage people to make bad loans, to take high risks? Everyone who invests in this world, in this country or this world, takes some risk. In some cases you invest in a bank. If you invest in a bank in this country, Mr. Speaker, those loans are insured. That is a low risk. But if you want to take a speculative risk, if you want to take a big risk, go get something speculative to invest in.

□ 1300

If someone is standing there by you as a benefactor saying, if you get in trouble, I have a 4.7 percent loan for you, not a bad deal. In fact, if we went out on the street corner next to the Capitol building and set up shop and said, we are going to make loans at 4.7 percent, why, we would have a line stretching around the block. That is what the IMF effectively does.

So I have introduced H.R. 3331, which is a bill that would correct the use of these funds with American money, and I urge all Members to look at it.]

THE PRESIDENT SHOULD ANSWER QUESTIONS FULLY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Arizona (Mr. HAYWORTH) is recognized during morning hour debates for 5 minutes.

Mr. HAYWORTH. Mr. Speaker, my colleagues, and those citizens who join us here in this chamber, and those citizens, Mr. Speaker, who join us electronically from coast to coast and beyond, I would commend to everyone's attention today the lead editorial in the Washington Post entitled, Ms. Willey's Story. Mr. Speaker, because this editorial is so important, I would like to read into the RECORD portions of the editorial, because I believe they make for compelling reading and offer a serious case to the American people.

When Newsweek magazine first reported allegations that President Clinton had groped Kathleen Willey in the White House, the President's lawyer, Robert Bennett, said his client had "no specific recollection of meeting Willey in the Oval Office."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HOBSON). The gentleman will suspend. The Chair would remind the gentleman that he should not refer to personal accusations against the President.

PARLIAMENTARY INQUIRY

Mr. HAYWORTH. Mr. Speaker, a point of parliamentary inquiry. Is it then against the rules to also read verbatim from an editorial in a widely circulated newspaper?

The SPEAKER pro tempore. Under the precedents, the fact that it may be in the public domain elsewhere does not mitigate the statement.

Mr. HAYWORTH. Well, I thank the Chair for the information, and I find it somewhat illuminating.

Be that as it may, that is an interesting point. For I am not here to call into question or impugn anyone's integrity, Mr. Speaker. However, there are compelling questions that confront the American people, and if duly constitutional elected Members of Congress, then, are asked to abridge or silence what is part of the public record, I would suggest perhaps that we need to review those rules even as I respect and adhere to the rules of the House.

Let me then simply read the conclusion of the editorial, which I hope will be found in concurrence with the rules of the House. I would commend to other sources the videotape that appeared on CBS on 60 Minutes, and I would commend to everyone in this Nation, Mr. Speaker, the words in this morning's Washington Post editorial. For the Post, which agrees with President Clinton on many policy decisions, today makes a very forthright point in concluding its editorial, and I will quote from the conclusion.

Ms. Willey's story adds to the critical mass of allegations the President now faces. They need to be answered not by drips and drabs of "recovered memory" or fancy legal wordplay or a public presentation of all Ms. Willey's failings. They just need to be answered."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would again remind the gentleman that those discussions are not appropriate at this time on the floor, pursuant to the rules of the House.

Mr. HAYWORTH. Mr. Speaker, reclaiming my time, I appreciate the rule of the Chair, but I believe it is important, Mr. Speaker, that the American people take a look at the serious situation confronting the executive branch and confronting us all. In that spirit, Mr. Speaker, I would simply refer to some comments made in history by a distinguished member of the other party and its one-time Presidential nominee, Senator Hubert Humphrey of Minnesota, who nearly a quarter of a century ago on the NBC telecast Meet The Press, when discussing another President confronting another difficult time, offered the advice that the President should answer the questions fully and completely, because the American people are forgiving people. It is in that spirit that I offer the same advice today, not for purposes of partisan tomfoolery, but because these questions cut to the very core of our constitutional Republic. Indeed, Mr. Speaker, it is difficult to rule or exercise moral leadership when there appears to be little moral authority.

So I offer these observations not to stand and offer contentions for the rules of the House, not to be provocative, but because the questions need answers. Mr. Speaker, in that vein, for the public good, not for partisan political points, I would simply ask this President, Mr. Speaker, to follow the advice that Hubert Humphrey offered nearly a quarter century ago. Because these issues transcend partisan politics, these issues need to be answered.

Mr. Speaker, I gladly yield my remaining time to my colleague the gentleman from Iowa (Mr. LATHAM).

TRIBUTE TO 185TH FIGHTER WING OF THE AIR NATIONAL GUARD

Mr. LATHAM. Mr. Speaker, I thank the gentleman from Arizona for yielding.

Mr. Speaker, I rise today to recognize the men and women of the Air National Guard's 185th Fighter Wing based out of Sioux City, Iowa.

Last week, members of the 185th began a month-long deployment to Kuwait to assist in the enforcement of the no-fly zone over Iraq. Each member of the 185th that is participating in this mission has volunteered for this duty. This nationally recognized group of men and women are among the finest of America's defenders and Siouxlanders are very proud to be recognized as their home base.

The 185th exemplifies the importance of Guard and Reserve units throughout this country in ensuring the readiness of our Nation's national defense. They are men and women who unselfishly take time away from their families and their civilian roles in defense of freedom.

In addition to the members of the 185th, I would also like to recognize the family members of the men and women who serve in Guard and Reserve units. Many times, the difficulty of their sacrifices of time away from their loved ones is not properly acknowledged. I want those families to know that we are praying for a successful mission for the 185th and for the safe return home of their loved ones. Again, I want to say we are praying for their safe return from Kuwait.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 1 o'clock and 7 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 p.m.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

At a time when there are great opportunities to do the works of justice and to show deeds of kindness, we pray for the spiritual energy to do our work and to be of service to every person. We pray, O gracious God, for a strong faith and for the enthusiasm to translate that faith into action; we pray for wisdom so that we will have the discernment to make good decisions; we pray for a spirit of hope and for the everlasting yearnings we have for a better Nation and a world at peace. So on this new day, O God, we are grateful for your daily blessings and for your wondrous gifts of grace. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MARKEY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MARKEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 5, rule I, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Massachusetts (Mr. MARKEY) come forward and lead the House in the Pledge of Allegiance.

Mr. MARKEY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ELECTION OF HON. RICHARD K. ARMEY AS SPEAKER PRO TEMPORE ON TODAY

Mr. BOEHNER. Mr. Speaker, I offer a privileged resolution (H. Res. 386) electing the Honorable RICHARD K. ARMEY of Texas to act as Speaker pro tempore, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

HOUSE RESOLUTION 386

Resolved, that the Honorable Richard K. Armey, a Representative from the State of Texas, be, and he is hereby, elected Speaker pro tempore on this day.

SEC. 2. The Clerk of the House shall notify the President and the Senate of the election of the Honorable Richard K. Armey as Speaker pro tempore during the absence of the Speaker.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SWEARING IN OF HON. RICHARD K. ARMEY AS SPEAKER PRO TEMPORE DURING ABSENCE OF THE SPEAKER

The SPEAKER. Will the gentleman from Texas (Mr. ARMEY) assume the chair and take the oath of office.

Mr. ARMEY took the oath of office administered to him by the Speaker, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

PALESTINIAN WARNS SETTLERS

(Mr. PAPPAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAPPAS. Mr. Speaker, in today's New York Times an article appeared entitled "Palestinian Warns Settlers," and it says that the Palestinian security chief in the West Bank warned Jewish settlers today that they would "not leave alive" if they tried to attack residents.

Mr. Speaker, we are in a very important time in the history of the State of Israel. Statements such as this certainly are not conducive to the peace process, and I certainly hope that in the future people in responsible positions such as this will not make these kinds of statements.

SLUSH FUND ACCOUNTABILITY

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, last year House Republicans created a $7.9 million reserve fund for unanticipated committee expenses. They always anticipated, of course, spending the money. What they could not anticipate was which partisan witch-hunts they would use it for.

This cash stash is nothing but a slush fund for GOP priorities. Committees cook up schemes; if the Speaker approves, the Committee on House Oversight rubber stamps, and money flows. There is no floor debate, no vote, and no accountability. Millions have been disbursed this way, and Republicans are now scheming how to spend the $4 million left in the fund.

I have introduced legislation, Mr. Speaker, requiring a House vote on future payouts from the slush fund. If Republicans want to waste public money on partisan witch-hunts, they should have to debate and vote in public.

The majority loves to talk about accountability. Let us see if they can put the slush fund where their mouth is.

CHILD SURVIVAL

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I rise today to share the stories of a Kenyan doctor who describes the use of U.S. funded population control dollars in Africa. Dr. Stephen Karanja states, "Our health sector has collapsed. Thousands of Kenyan people will die of malaria whose treatment costs a few cents, in health facilities whose stores are stacked to the roof with millions of dollars worth of pills, IUDs, Norplant Depo-provera, most of which are supplied with American money."

He goes on to say, "Some of these contraceptives, like Depo-provera, cause terrible side effects to the poor people of Kenya, who do not even have competent medical check-ups before injection."

He continues, "A mother brought a child to me for pneumonia, but I had no penicillin to give the child. What I have in the stores are cases of contraceptives."

Colleagues, we should reexamine our spending priorities. We are overfunding family planning and underfunding child survival. We should focus our efforts on saving lives.

CARNAGE OF NAFTA GOES ON AND ON

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the carnage of NAFTA goes on. Thompson Electric is laying off a thousand workers and moving to Mexico. Bass Shoe Company is laying off 350 workers and moving to the Caribbean. Mitsubishi Electric is moving to Mexico. Matsui Battery is moving to Mexico. Kobe Steel is moving to Mexico. Sanyo Plastics is moving to Mexico. Divisions of Sony and Hitachi are moving to Mexico. Asahi Glass is moving to Mexico. And Fuji Electric is on their way to Mexico. And not to be left behind in America, Samsung of Korea is moving to Mexico.

Free trade, my assets. The American worker is getting screwed, and Uncle Sam is passing out cigars. Beam me up. If this is free trade, then I am a fashion leader.

EVERY YEAR IS THE SAME; TAX TAKERS ASK FOR MORE AND MORE FROM TAXPAYERS

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, as our country becomes increasingly divided between taxpayers and tax takers, the taxpayers are starting to stand up and tell their Representatives in Washington that America will no longer be the land of opportunity if the current trend continues.

Just this month, USA Today had on page 1 a chart showing the rising tax burden on the taxpayers. And the most interesting thing about the chart was that the tax burden has been rising steadily year after year for all families. It is rising for families with one income; it is rising for families with two incomes.

Funny how those who claim it is harder and harder for middle-class families to get ahead never seem to mention that one of the biggest reasons might be the rising tax burden. Funny how they never tire in opposing tax cuts on the grounds of fairness, and they never seem to consider the fairness towards the people who pay the taxes that Uncle Sam takes, between one-quarter and one-third of a middle-class family's income.

Every year it is the same old thing, tax takers ask for more and more from taxpayers, and every year the taxpayers sacrifice a little more freedom and find a little less opportunity in return.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. STEARNS). The Chair reminds all persons in the gallery that they are here as guests of the House, and that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

DEMOCRATS PROPOSE TO EXPAND MEDICARE COVERAGE FOR PEOPLE AGED 62 TO 64

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, today in my home State of Connecticut there are over 30,000 people ages 55 to 64 who are uninsured; 1 in every 10 individuals in this age group. That is simply unacceptable.

Democrats have a plan to help vulnerable uninsured Americans between the ages of 55 and 64 obtain health coverage under the Medicare program. The Democratic proposal would make it possible for those who are near retirement age not to be wiped out by an illness because they do not have health coverage. The program would expand Medicare coverage for people ages 62 to 64, and displaced workers over 55 whose employers renege on their promise of retiree health benefits. The program is self-financed and would not cost the Medicare Trust Fund one dime.

Mr. Speaker, I urge my Republican colleagues to stop sending us home and start scheduling action on important issues like Medicare expansion. This proposal would be a significant and an important step toward ensuring that those who are near retirement age would not be without health coverage if they had a serious illness.

CONGRESS MUST NOT RETURN TO THE FAILED POLICIES OF THE PAST

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, for the first time in a generation, Congress will spend less than it takes in this year. We should take this good news with a dose of caution. I am afraid that President Clinton has a different opinion. With surpluses in sight, he has decided that the era of saying "the era of big government is over" is over.

In his budget, the President proposes 85 new government initiatives costing $150 billion over the next 5 years. He pays for these programs with $129 billion in new taxes and user fees, raising taxes to their highest level since 1945. Even worse than that, the Clinton budget falls out of balance next year and breaks the spending caps of last summer's balanced budget agreement by $69 billion.

The President's budget is built with higher taxes, deficit spending, bigger government and broken promises. My grandmother used to say, "If you always do what you have always done, you will always get what you have always got."

In 3 short years we have cut taxes, eliminated deficits and kept our promises. We must not now return to the failed policies of the past.

FRESHMAN CAMPAIGN FINANCE REFORM

(Mr. ALLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLEN. Mr. Speaker, the Thompson report released last week has confirmed what we all know; that the integrity of our political system has been undermined by the influence of soft money.

The soft money loophole is the primary culprit for the abuses that Congress has spent millions of dollars to investigate. Through the soft money loophole, a single donor can give unlimited amounts of money to influence Federal elections. Soft money circumvents nearly a century of campaign finance law.

The bipartisan freshman task force set out to fix the major abuses of the current system. We put our differences aside and created a fair bipartisan campaign finance reform bill, H.R. 2183, the Bipartisan Campaign Integrity Act. It closes the soft money loophole, and it gets elected officials out of the business of raising $1 million special interest contributions. It is fair. It is bipartisan.

Mr. Speaker, the freshman bill must be allowed to come to the House floor without any poison pills. An antilabor bill is not bipartisan reform, it is a poison pill, and poison pills are used to kill campaign finance reform. Mr. Speaker, the freshmen deserve a vote on H.R. 2183.

□ 1415

FIGHT FOR COMPREHENSIVE TAX REFORM

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, last week the Clinton administration gathered 40 lobbyists for a meeting at which the President urged them to publicly oppose our efforts to force changes in the current Tax Code by 2001. Realizing, of course, that working men and women in America are committed to idea of scrapping the current Tax Code, the President has now enlisted a group of spin doctors and Washington insiders to defend the status quo of our tax system.

Well, I have a better idea of how the President can spend his time. Instead of gathering D.C. lobbyists and spin masters, who make their living off the complexities of our Tax Code, the President should gather 40 hard-working taxpayers and let them voice their frustration and outrage over the Clinton system.

Mr. Speaker, the President would do well to simply listen to the horror stories from taxpayers about the abuse, intrusive and sometimes illegal acts committed by the IRS, rather than the lobbyists defending his Tax Code. Just such a meeting would convince the President to join rather than hinder our fight for comprehensive tax reform.

AMERICAN PEOPLE DESERVE TAX RELIEF

(Mr. JONES asked and was given permission to address the House for 1 minute.)

Mr. JONES. Mr. Speaker, today we are just 30 days away from the day of the year that many Americans dread the most, and that is April 15th. April 15th, as we all know, is tax day. That means that, as we speak, families, businesses throughout the Nation are filing through mountains of documents, forms, rules and regulations; and they are frustrated.

I know my constituents in eastern North Carolina are frustrated, along with people throughout this Nation. My constituents tell me they are having real problems with our complex and burdensome Tax Code. Of course they are. Because they are currently facing 480 different tax forms, the easiest of which, the 1040 EZ, has 33 pages of instructions, all in fine print.

The American people want, need and deserve tax relief. Just ask anyone who is preparing for April 15th. We owe the American people tax relief. I hope that in a bipartisan way we can work together to provide them with a fair, simpler tax system.

STANDING UP FOR WHAT IS RIGHT AND DECENT IN AMERICA

(Mr. DUNCAN asked and was given permission to address the House for 1 minute.)

Mr. DUNCAN. Mr. Speaker, Senator DANIEL PATRICK MOYNIHAN said 2 or 3 years ago that we have been "defining deviancy down, accepting as a part of life what we once found repugnant." How true that is, and it is especially true when it comes to what we have been accepting in motion pictures and even into our homes through television and now the Internet.

That is why it was so pleasant to read the nationwide publicity about the vote last week by the Town Council of Tangier Island, Virginia. The Tangier Council voted 6 to 0 to not allow a Kevin Costner and Paul Newman movie to be filmed on the island. The council decided that there was just too much obscene language and too many scenes of an adult nature.

We have been warping the minds of our young people, Mr. Speaker, with so much that is indecent that we have almost lost the ability to be shocked anymore. This Nation would be a far better place if we had more people standing up for what is right, decent and good, as the Tangier Council did last week.

EXTRADITION OF JOANNE CHESIMARD

(Mr. FRANKS of New Jersey asked and was given permission to address the House for 1 minute.)

Mr. FRANKS of New Jersey. Mr. Speaker, 25 years ago Joanne Chesimard gunned down two State Troopers on the New Jersey Turnpike. After hitting Trooper Werner Foerster with two shots in the chest, Chesimard grabbed his gun and fired two more bullets execution-style into his head. Six years later, after serving just 2 years of a life sentence for first-degree murder, she successfully broke out of prison.

Recently, I was shocked to turn on the evening news and see Joanne Chesimard a free woman, living the high life in Cuba. Fidel Castro is protecting this cold-blooded cop killer. There can and must be no safe haven for Joanne Chesimard.

Today, I am introducing a resolution which calls on the State Department to demand the extradition of Joanne Chesimard as a condition for any improvement in our relations with Cuba. I urge my colleagues to support this resolution. Insist that justice be served. Bring back Joanne Chesimard to the United States to spend the rest of her life behind bars.

HUMAN RIGHTS ABUSES IN CHINA

(Mrs. LINDA SMITH of Washington asked and was given permission to address the House for 1 minute.)

Mrs. LINDA SMITH of Washington. Mr. Speaker, last Friday, for the first time since the Tiananmen Square massacre, the Clinton administration decided not to sponsor a U.N. resolution condemning China's terrible human rights record. Why? Because China just hinted that they may release a few dissidents.

Let me tell my colleagues, this is not progress. For the people who still toil in slave labor camps in China, this is not progress. This is not protecting the thousands of people that are put in prison and then have their vital organs harvested like animals. This is not progress. But this is an administration that says we will have a national policy of trade without a conscience.

I want to tell my colleagues, the Americans I know everywhere I have gone have a conscience. So today I really appreciate the gentleman from New Jersey (Mr. SMITH) for having the courage to bring to the floor H.R. 364. This bill will send a strong message that America will not ignore the human rights abuses occurring each day in China or anywhere in the world.

U.N. GLOBAL CLIMATE ENVOY

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, on a day when we are all trying to be green, I found an article in today's paper that disturbed my festive mood. It seems the UN's Global Climate envoy was in Washington yesterday bad-mouthing the United States Congress because we are asking the questions that President Clinton is refusing to ask about the Global Climate Treaty agreed to in Kyoto. He said the U.S. should perhaps get more in touch with the rest of the world and that this Congress is acting as if the rest of the world does not exist.

Now the President may want to blindly follow the UN and their global climate folies, but I and many others are not ready to send our jobs overseas and our economy into the tank because the UN says we should. And if this treaty is so great, then how come China, India, and Mexico are not willing to commit to emissions reductions? On a day when I hope to be green, I am blue.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. STEARNS). Pursuant to the provisions of clause 5 of rule I, the chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 4 of rule XV.

Such roll call votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules but not before 5 p.m. today.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION COMPLIANCE ASSISTANCE AUTHORIZATION ACT OF 1998

Mr. BALLENGER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2864) to require the Secretary of Labor to establish a program under which employers may consult with State officials respecting compliance with occupational safety and health requirements, as amended.

The Clerk read as follows:

H.R. 2864

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Occupational Safety and Health Administration Compliance Assistance Authorization Act of 1998".

SEC. 2. COMPLIANCE ASSISTANCE PROGRAM.

Section 21 of the Occupational Safety and Health Act of 1970 is amended by adding at the end the following new subsection:

"(d)(1) The Secretary shall establish and support cooperative agreements with the States under which employers subject to this Act may consult with State personnel with respect to—

"(A) the application of occupational safety and health requirements under this Act or under State plans approved under section 18; and

"(B) voluntary efforts that employers may undertake to establish and maintain safe and healthful employment and places of employment.

Such agreements may provide, as a condition of receiving funds under such agreements, for contributions by States towards meeting the costs of such agreements.

"(2) Pursuant to such agreements the State shall provide on-site consultation at the employer's worksite to employers who request such assistance. The State may also provide other education and training programs for employers and employees in the State. The State shall ensure that on-site consultations conducted pursuant to such agreements include provision for the participation by employees.

"(3) Activities under this subsection shall be conducted independently of any enforcement activity. If an employer fails to take immediate action to eliminate employee exposure to an imminent danger identified in a consultation or fails to correct a serious hazard so identified within a reasonable time, a report shall be made to the appropriate enforcement authority for such action as is appropriate.

"(4) The Secretary shall, by regulation after notice and opportunity for comment, establish rules under which an employer—

"(A) which requests and undergoes an onsite consultative visit provided under this subsection,

"(B) which corrects the hazards that have been identified during the visit within the time frames established by the State and agrees to request a subsequent consultative visit if major changes in working conditions or work processes occur which introduce new hazards in the workplace, and

"(C) which is implementing procedures for regularly identifying and preventing hazards regulated under this Act and maintains appropriate involvement of, and training for, management and non-management employees in achieving safe and healthful working conditions,

may be exempt from an inspection (except an inspection requested under section 8(f) or an inspection to determine the cause of a workplace accident which resulted in the death of one or more employees or hospitalization for 3 or more employees) for a period of one year from the closing of the consultative visit.

"(5) A State shall provide worksite consultations under paragraph (2) at the request of an employer. Priority in scheduling such consultations shall be assigned to requests from small businesses which are in higher hazard industries or have the most hazardous conditions at issue in the request."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. BALLENGER) and the gentleman from New York (Mr. Owens) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. BALLENGER).

Mr. BALLENGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2864 will amend the Occupational Safety and Health Act to provide specific statutory authorization and direction for consultation programs operated by States with the assistance of Federal funding and direction.

These programs have in fact been operating for over 20 years. In 1975, OSHA began entering into contracts with the States to provide enforcement consultations for small businesses. The authority which OSHA used for these contracts is the general contracting authority in section 7C(1) of the Occupational Safety and Health Act.

In recent years the small business community, State consultation programs and the Clinton administration have all supported amending the Occupational Safety and Health Act to add a specific authorization and direction for the on-site consultation programs. So I am pleased to be able to bring this bill to the House, with bipartisan support in our committee. And with the support of the Clinton administration.

I want to particularly thank the ranking member of the Subcommittee on Workforce Protections, Mr. OWENS, and the ranking member of the full committee, Mr. CLAY, for their willingness to work with us on this bill as well as the following bill. And also I want to thank Secretary of Labor Alexis Herman and Assistant Secretary for Occupational Safety and Health, Charles Jeffress, for their support of these bills.

Mr. Speaker, the consultation program allows employers, particularly small employers, with the opportunity to receive expert advice and compliance with OSHA standards and improving safety and health in their workplaces, without the adversarial temper and approach often associated with OSHA enforcement inspections.

I believe this program truly does implement the approach to safety and health which many of us have long supported: an OSHA program that offers assistance, rather than merely the threat of enforcement, to employers.

I have often said that it seems wrong to me that employers who want to improve their workplaces are afraid to call OSHA and ask for assistance. The consultation program is one program that allows and encourages employers to call OSHA and to get that assistance.

My own company in North Carolina has used the North Carolina OSHA consultation program; and, in fact, it was our experience with that North Carolina program that triggered my introduction of H.R. 2864. Under this program, an employer invites the OSHA consultation service into the workplace, and the consultant works with the employer in identifying any violations of OSHA standards and hazards.

If the employer fixes those items within a reasonable time, then there is no enforcement action connected to it. Under H.R. 2864, an employer who meets certain listed criteria may also be exempt from some inspections for 1 year.

I believe the program fills a real need. Unfortunately, it has not been well enough known, nor has it received enough funding, to fulfill that need. So I hope that recognizing the program in this statute is the first step in making it more widely known and increasing in its availability.

This bill along with the following bill are small but I think significant steps in bringing about change to the way in which OSHA carries out the role of protecting and promoting worker safety and health.

Again, I want to express my appreciation to the gentleman from New York (Mr. OWENS) for working out the legislation. Even though we were basically following the current program, there were still a few issues that we had to resolve, and I appreciate his willingness to do so.

It is my hope that with the bipartisan effort and support for these bills that the Senate will move quickly and cleanly as well. There are a lot of other issues related to OSHA that we need to plan and deal with, but I hope that these bills do not become entangled in other issues.

Mr. Speaker, I reserve the balance of my time.

Mr. OWENS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to express my appreciation to the gentleman from North Carolina (Mr. BALLENGER), Chairman of the Subcommittee on Workforce Protections, for his willingness to work with me on this legislation. I believe the bill before us will further the safety and health of workers, and I am pleased to support its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. BALLENGER. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. GOODLING), Chairman of the Committee on Education and the Workforce.

Mr. GOODLING. Mr. Speaker, I thank the gentleman from North Carolina for yielding me this time.

Mr. Speaker, I want to express my support for the two bills amending the Occupation Safety and Health Act that are on the suspension calendar today.

I want to particularly commend the gentleman from North Carolina (Mr. BALLENGER), the Chairman of the Subcommittee on Workforce Protection, for his work on these bills and for his leadership on matters related to OSHA.

Also, I want to commend the gentleman from North Carolina along with the gentleman from New York, the ranking member of the Subcommittee on Workforce Protection, for being able to bring not one but two bills dealing with OSHA to the floor with bipartisan support.

I would note that both bills are supported by the Clinton administration as well as by the National Federation of Business, the Chamber of Congress and the Coalition on Occupational Safety and Health and other organizations. That is a rather remarkable convergence of support, particularly for bills amending the Occupational Safety and Health Act.

Mr. Speaker, these two bills are small but important steps in bringing about change to the way OSHA carries out its role in protecting worker safety and health. They help move OSHA towards a more cooperative, less confrontational approach.

H.R. 2864 requires OSHA to provide work-site consultations to employers, particularly small employers, who request the consultation. These consultations will be provided through State agencies or public colleges or universities.

H.R. 2864 in effect codifies the consultation program from OSHA that began in the 1970s and which has provided thousands of small businesses with expert advice and assistance in providing a safer workplace for their employees and compliance with OSHA standards.

I know that in my own State, the consultation program has been extremely effective in reaching out to small businesses and working with them to improve safety and health. The biggest problem with the program has been lack of resources; and we hope that, by specifically recognizing consultation services in the statute, that we will bring additional recognition and resources to the program.

□ 1430

H.R. 2877 prohibits OSHA from using enforcement measures such as number of citations issued or penalties assessed to evaluate OSHA inspectors. It addresses the reality as well as the perception that OSHA inspectors often care less about worker safety than meeting quotas for citations and penalties. The former director of OSHA has acknowledged that past policy of the agency was in fact to use numbers of citations issued and penalties assessed as performance measures. As a matter of official policy, OSHA says it no longer uses these as performance measures. H.R. 2877 makes this policy permanent and also reflects our intention that OSHA's primary focus is not issuing citations and levying fines, but rather promoting safety and health for all American workers.

Mr. OWENS. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. KLINK).

Mr. KLINK. Mr. Speaker, I thank the gentleman for yielding me this time. I cannot tell my colleagues how pleased I am that this legislation, in fact both bills that come to the floor today are here. I want to commend and thank my former colleagues on the Committee on Education for this legislation, especially the gentleman from Pennsylvania (Mr. GOODLING), the gentleman from North Carolina (Mr. BALLENGER) and the gentleman from New York (Mr. OWENS). As far back as I remember when I had the pleasure and honor and distinction of serving on this committee back in the 103rd Congress, we wrangled with the whole idea of OSHA reform. We did not quite get the whole OSHA reform package together, but I am very pleased that the committee now has moved this bill and the bill to come after this that really make common sense bipartisan changes to the OSHA Act. This committee and the House really do themselves proud when they act in a common sense, bipartisan fashion to correct these issues.

Mr. Speaker, H.R. 2864 is good legislation, it follows the old adage that an ounce of prevention is worth a pound of cure. This bill will authorize OSHA's compliance assistance program, which has been in operation since the mid-1970s and for 23 years it has been working well. I think we should not only be authorizing this program, but expanding it because this program would help companies avoid problems with OSHA and at the same time make the workplace safer for workers.

An employer can ask a State consultant to review their work site for OSHA violations as long as the employer agrees to correct any hazards. Even better, a company that participates in the compliance assistance program then can be exempted from regular OSHA inspections for a year if they implement hazard prevention procedures and provide for safety training for management and for employees. I wish that more companies had the ability to take advantage of this.

One such plant in my district was recently visited in a random OSHA inspection. I do not know if this bill would have helped them or not and I do not know if the person who visited from OSHA was on a quota, but what ended up happening is a lot of picayune things were found, the company was fined $10,000, called Rijnstaal USA, and they are owned by a foreign entity. Now the foreign entity is taking a look at perhaps moving this plant out of Arnold, Pennsylvania to Southeast Asia because they think that OSHA has been picking on them, that they have not had an opportunity to go in and correct some of these small problems. In a case like that, who would win? Certainly the Federal Government would not win, we would get less tax dollars, less of our people would be working and paying dollars. Jobs and opportunities are lost to the community. Taxpayers lose. The employees of this company would lose. The only people that would gain would be whatever region of Southeast Asia would get this company.

We must take a more common sense approach, and these two bills today really begin to do that. My colleagues on the committee are to be lauded for their efforts. Mr. Speaker, I think this bill is a fine example of both labor-management cooperation and bipartisan legislating. I urge my colleagues to support it.

Mr. OWENS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BALLENGER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from North Carolina (Mr. BALLENGER) that the House suspend the rules and pass the bill, H.R. 2864, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AMENDING OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

Mr. BALLENGER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2877) to amend the Occupational Safety and Health Act of 1970, as amended.

The Clerk read as follows:

H.R. 2877

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INSPECTIONS.

Section 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 657) is amended by adding at the end the following:

"(h) The Secretary shall not use the results of enforcement activities, such as the number of citations issued or penalties assessed, to evaluate employees directly involved in enforcement activities under this Act or to impose quotas or goals with regard to the results of such activities.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. BALLENGER) and the gentleman from New York (Mr. OWENS) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. BALLENGER).

Mr. BALLENGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2877 amends the Occupational Safety and Health Act to prohibit the use of enforcement measures, such as numbers of citations and penalties, for evaluating OSHA compliance officers.

Mr. Speaker, few other Federal agencies have had the negative reputation among employers, hardly ever anybody with the reputation of OSHA. There are certainly those who would say that this attitude simply reflects the employer's lack of concern for the health and safety of their employees. As a businessman, I do not believe that myself. Instead, I think the problem has been with OSHA. I would note my agreement with the statement made by Vice President GORE that he made to hundreds of small business owners and representatives in 1995 at the White House Conference on Small Business, where he said,

> I know that OSHA has been the subject of more small business complaints than any other agency. And I know that it is not because you don't care about keeping your workers safe. It is because the rules are too rigid and the inspections are often adversarial.

I would add one more reason to those stated by the Vice President: OSHA's longtime practice of evaluating its overall performance and the performance of its compliance personnel, the only people from OSHA that most employers and employees ever actually deal with, primarily on the basis of their enforcement numbers. Employers are justifiably outraged and resentful of an agency when its inspectors are primarily interested in finding violations so that they look good to their superiors.

A couple of years ago the deputy administrator of OSHA who had spent his career with the agency made the observation that:

> OSHA for the past 25 years has basically done business the same way. Congress gave us the money and we gave them the inspections. We finally realized that the number of inspections doesn't change the behavior of anyone and listened to employers who complained that the violations OSHA cited didn't relate to illness and injuries.

I might add that that realization by OSHA came about the same time that we in Congress began trying to refocus OSHA away from enforcement as its primary purpose and goal. Today we take a small step toward correcting history and the practice of OSHA. H.R. 2877 amends the Occupational Safety and Health Act to prohibit the use of enforcement measures, such as number of citations or amount of penalties, to evaluate OSHA personnel. It also prohibits the use of such enforcement measures as goals or quotas. More broadly, this bill is intended to direct OSHA's focus towards promoting safety rather than viewing its goal and purpose as penalizing employers.

I want to express again my appreciation to the gentleman from New York (Mr. OWENS), the ranking member of the subcommittee, and the gentleman from Missouri (Mr. CLAY), the ranking member of the full committee, as well as the gentleman from Pennsylvania (Mr. GOODLING), the chairman, for their support of this bill, and also to the Secretary of Labor and the Assistant Secretary for Occupational Safety and Health, who have also expressed support for this bill.

As I noted earlier, the problem of evaluating OSHA personnel by the number of citations issued has not been confined to either Republican or Democrat administrations. It did, however, become particularly obvious when the Clinton administration in its first 2 years set agencywide goals of increased citations and penalties. Inspectors openly spoke to employees about having to issue citations in order to meet their quotas. I think few actions have undercut the agency's credibility as a safety and health agency more than that. To its credit the Clinton administration has taken steps to reverse this course. The previous and current administrators of OSHA have taken steps to remove the most blatant uses of citations and penalties to evaluate employees. Officially citations and penalties are no longer used as a performance measure. This was one of the steps taken as part of OSHA's reinvention by the Clinton administration. I certainly think it is a step in the right direction and one that I strongly supported. Nonetheless, we continue to hear complaints both from employers and from compliance personnel.

Just recently, for example, compliance officers in one region were given benchmarks by which their performance was judged. Those benchmarks included such things as numbers of citations per inspection and percentage of serious versus nonserious violations. This legislation is needed for several reasons: first, to make sure that the current official policy of the agency is continued; second, to make clear to everyone throughout OSHA that the use of enforcement measures to evaluate compliance personnel is not permitted; third, to assure not only OSHA personnel but also employers and employees that OSHA's primary purpose is not citing and fining employers but in promoting safer jobs.

Mr. Speaker, I reserve the balance of my time.

Mr. OWENS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again I want to thank the gentleman from North Carolina (Mr. BALLENGER), the chairman of the Subcommittee on Workforce Protections, for his willingness to work with me on this legislation. I fully concur in the gentleman's view that OSHA should not adopt work performance measures that can serve to bias the inspection process. The Clinton administration also strongly shares this view.

I do want to take this time to congratulate the administration and the workers at OSHA. There are few agencies that have such life and death responsibilities as OSHA. We must remember that last year more than 6,000 workers died on the job and nearly 60,000 were injured on the job. The work at OSHA remains very important and will go on. I think we should understand the difficulties that the OSHA inspectors face in respect to the inconvenience of employers versus the protection of the health and safety of employees. I therefore support H.R. 2877 and urge its adoption.

Mr. ROEMER. Mr. Speaker, I would like to voice my support today for H.R. 2877 and H.R. 2864. Both of these are encouraging examples of meaningful bipartisan reform that are enabling the agency to move from an adversarial relationship with employers to a cooperative one.

The common sense changes in H.R. 2877 assure that inspectors do not have to ever exaggerate the number or severity of violations they might find in work site inspections. It does so without compromising the safety of workers and without losing managerial control of the agency.

H.R. 2864 works to partner state consultation programs with businesses who seek advice on OSHA compliance. It is a great example of how OSHA can proactively cooperate with employers to correct problems without unnecessary fines before they cause injury or cost a life. It also focuses on small businesses in hazardous industries that may not be able to afford full-time safety managers or expensive consultants.

In the spirit of these effective and bipartisan measures, I plan on introducing a bill that helps solve a problem that some employers are having maintaining their Material Safety Data Sheets as mandated by OSHA. By allowing electronic access to these records, standardizing the format, and setting a comprehensible reading level, I hope to increase worker safety while lowering costs and headaches for small businessmen.

Again, these are excellent bills, and I wish to offer my utmost support. I encourage my colleagues to do the same.

Mr. UNDERWOOD. Mr. Speaker, I rise in support of H.R. 2877. "Safety First," is a catchphrase known to many of us. Although, often disregarded, the virtue and benefits of this policy are universally recognized, accepted and appreciated. The concept of safety has attracted so huge a following that eventually it was decided that everyone should follow and live by its precepts. Later, we even came up with legal definitions. However, as most well-meaning folks have done before, we may have gone overboard by selectively imposing this concept and designating some a few unfortunate entities to suffer the consequences for everyone. A scheme was even devised so that we can collect money from those who deviated from our mandates. This bring us to question whether safety is really the first priority.

H.R. 2877 prohibits the Labor Department and the Occupational Safety and Health Administration (OSHA) from using results of enforcement activity, such as numbers of citations issued and penalties assessed, to evaluate employees directly involved in OSHA enforcement activities. In addition, this bill would prohibit OSHA from imposing quotas or goals for citations or penalties on its inspectors.

Coming from the island of Guam, I am no stranger to complaints of unfair treatment by Federal officials. OSHA issues have generated their fair share of attention on the island. Contractors of Guam feel that they are being singled out by OSHA inspectors. Figures show that 85% to 90% of the Administration's inspection resources for our region was spent on Guam although we had the lowest fatality rates and some of the lowest injury rates of Region IX.

Consistency in OSHA's definitions also come to question. OSHA has stated that increased inspection activity in our area is due to the presence of high hazard industries. However, nowhere else are labor camps listed as high hazard industries. Innovative programs and approaches such as Voluntary Programs and "Quick Fix" Programs have not been made available to Guam. It has also been brought to my attention that as of May 1997, OSHA Enforcement officers have been stripped of all authority except to conduct selected inspections.

H.R. 2877's provisions would not solve all of the world's problems. However, if OSHA's inspectors do not have to worry about quotas, we can greatly reduce unfair citations and fines. Safety first; fines only if necessary; and quotas . . . quotas are not at all necessary. I urge my colleagues to support H.R. 2877.

Mr. OWENS. Mr. Speaker, I yield back the balance of my time.

Mr. BALLENGER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. BALLENGER) that the House suspend the rules and pass the bill, H.R. 2877, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BALLENGER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2864 and on H.R. 2877.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

AUTHORIZING USE OF CAPITOL GROUNDS FOR BREAST CANCER SURVIVORS EVENT

Mr. KIM. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 238) authorizing the use of the Capitol Grounds for a breast cancer survivors event sponsored by the National Race for the Cure, as amended.

The Clerk read as follows:

H. CON. RES. 238

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF BREAST CANCER SURVIVORS EVENT ON CAPITOL GROUNDS.

The National Race for the Cure (referred to in this resolution as the "Race") may sponsor a public event on the Capitol Grounds on April 1, 1998, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may jointly designate.

SEC. 2. CONDITIONS.

(a) IN GENERAL.—The event to be carried out under this resolution shall be—

(1) free of admission charge to the public; and

(2) arranged not to interfere with the needs of Congress and under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

(b) RESPONSIBILITY.—The Race shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. STRUCTURES AND EQUIPMENT.

For the purposes of this resolution, the Race may erect upon the Capitol Grounds, subject to the approval of the Architect of the Capitol, such stage, sound amplification devices, commemorative pink ribbon, and other related structures and equipment as may be required for the event to be carried out under this resolution.

SEC. 4. ADDITIONAL ARRANGEMENTS.

The Architect of the Capitol and the Capitol Police Board may make any such additional arrangements that may be required to carry out the event under this resolution.

SEC. 5. APPLICABILITY OF PROHIBITIONS.

Nothing in this resolution may be construed to waive the applicability of the prohibitions established by section 4 of the Act of July 31, 1946 (Chapter 707; 60 Stat. 718), concerning sales, displays, and solicitations on the Capitol Grounds.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. KIM) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. KIM).

Mr. KIM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 238, as amended, authorizes the use of the Capitol Grounds by the National Race for the Cure to host an event on the morning of Wednesday, April 1, 1998. This event is a tribute to breast cancer survivors and will be free of charge and open to the public. Furthermore, it will not interfere with the needs of Congress.

This Survivors Day event is intended to raise the awareness of breast cancer and emphasize the importance of education and early detection on a national level. The sponsor will assume full responsibility for all expenses and liabilities relating to the event.

□ 1445

In addition, all of the arrangements will be overseen by the Architect of the Capitol and the Capitol Police Board.

The sponsor intends to erect a stage and a 50- to 75-foot pink ribbon, the commemorative symbol of breast cancer awareness, and sound amplification equipment.

In addition, in order to satisfy the concerns regarding fund-raising activities, the amendment clarifies that this event will not involve any fund-raising activities, as this is a prohibited use of the Capitol grounds pursuant to title 40, section 193 of the United States Code.

Mr. Speaker, breast cancer strikes 1 out of 8 American women and is the leading cause of death for women between the ages of 35 and 54. Early detection is known to provide the best chances of survival from this disease. This event will lend support to all survivors of breast cancer and demonstrate our commitment to the complete eradication of the disease.

In conclusion, I wish to congratulate the gentleman from New York (Mr. SOLOMON), the Chairman of the Committee on Rules who sponsored this resolution, and the gentleman from Texas (Mr. BENTSEN), whose wife Tamra is a private organizer of this event.

I support this resolution and urge my colleagues to support it.

Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. SOLOMON).

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding me this time. They are waiting upstairs for a quorum, and I have to get back up there.

Mr. Speaker, on behalf of Senator CONNIE MACK, the gentleman from Texas (Mr. BENTSEN) and myself, I introduced House Concurrent Resolution 238. I want to say what an honor and privilege it has been to work with the distinguished Senator from Florida, CONNIE MACK, and his wife Priscilla on this very, very important initiative.

I want to thank the Chairman of the Subcommittee on Public Buildings and Economic Development, the gentleman from California (Mr. KIM), and of course the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), my good friend, as well for the opportunity to speak on this issue here this morning.

Mr. Speaker, this a humble resolution. It simply authorizes the use of the Capitol grounds for an event on April 1st which will honor breast cancer survivors sponsored by the nationally recognized Race for the Cure.

Mr. Speaker, the statistics are staggering. Breast cancer strikes 1 in 8 women, as my good friend, the gentleman from California (Mr. KIM) has said, and is the leading cause of death for women between the ages of 20 and 54. Today, there are 2.6 million women living with breast cancer in the United States. No woman is immune from the disease, and sadly, over 180,000 new cases will be diagnosed this year alone. In my home State of New York, nearly 14,000 women will be diagnosed with breast cancer this year.

Mr. Speaker, early detection is the key to winning the battle against breast cancer. We now know that regular mammography screenings with prompt treatment could result in one-third fewer deaths. The bad news is that only one-third of women follow the recommended screening guidelines.

That is why we are here today, to authorize the use of the Capitol grounds to highlight the importance of education and early detection on a national level by celebrating survivors of breast cancer and enhancing public awareness of this devastating disease.

Mr. Speaker, life is an incredible gift, and having survived a battle against cancer myself on 2 occasions in the past 4 years, I just want to urge everyone to come over here and pay tribute to these women and pass this bill today.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

I am obviously very strong in support of the pending resolution, and I thank the Chair of the subcommittee for moving this legislation through so expeditiously, and the Chairman of the Committee on Rules for his very thoughtful words in support of an issue that is very special to me.

Mr. Speaker, I bring a personal perspective as well as a legislative perspective to this issue. The nationally established Race for the Cure has done an enormous amount of good in education and in publicizing an issue nationally that until the early 1980s was one that sort of stood in the closet. Until that time, it was difficult for most people to say in a public setting the word breast, and then to associate it with cancer. But along about the early 1980s, this disease came to be of epidemic proportions.

The Race for the Cure has brought this issue home to people of all walks of life all across the country, educating women to the need for self-examination, regular visits with a physician, regular mammographies for women of certain age, for women with a family history of breast cancer, for women with a family history of breast cancer and whose first child was born after the age of 30. And as women became better informed, as the terms entered our national lexicon, there have been enormous benefits. The Race for the Cure has raised dollars for cancer research, but more importantly, it has raised consciousness and awareness and the information level and the understanding level.

When my wife Jo detected the lump in her breast and it was confirmed as malignant, and she had a mastectomy, followed by chemotherapy. The issue crashed in upon the Oberstar family. I was serving on the Committee on the Budget at the time, and I, for the first time, must shamefully admit, took a look at the number for breast cancer research. It was $35 million in 1983. It is now well over $500 million. I am pleased to say that I have had some role in moving it along in that direction, but there were lots of others who participated and made it happen.

In the 8 years that Jo struggled with breast cancer, the ups and downs, the pain of treatment, the pain that our children felt as they lost the participation of their mother to an ever-increasing level of inability to function fully as a human being, but still with a great heart, with enormous love and great support for the children, to the degree that she could, in that period of 8 years, 300,000 women died of breast cancer.

Annually, more women died in the 1980s of breast cancer than men and women died in the Vietnam War over 10 years. In the decade since the second round of onset of spread and metastasis of that disease in her body, 420,000 women have died of breast cancer.

Research has been effective in opening new avenues of treatment, much earlier detection, much better treatment and care of breast cancer victims, but we are still a long way, we are not even halfway home; we are a long way from even seeing avenues to a cure, let alone truly effective treatments.

The work that we do and activities like Race for the Cure does do something of extreme importance, and that is to bring home to women the importance of early detection, regular checkups. The earlier one detects the disease, the better chance one has of surviving.

Our three daughters understand this all very well. Their mother had breast cancer; their grandmother had breast cancer. They are at some level of risk. But they have more at their disposal than their mother had. They know how early this disease can strike. They know that they need regular checkups. They know how quickly to act, and we want that kind of information brought home to women all across America. And the Race for the Cure is a way to do that.

No longer should generations of mothers, cornerstone of humanity, worry, wonder, live in fear, sometimes terrifying fear, that they, too, may become victims.

I applaud those who have organized in State after State across the country the Race for the Cure with the contribution they are making to future generations of women who can live more hopefully than did women of my wife's generation. The race may not be for a cure, but it has that objective in mind, and we must keep hope alive and keep research going and keep early detection and treatment nurtured by the benefits of this initiative.

Mr. KIM. Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding to me. The gentleman has spoken movingly of his own personal experience, one that I remember when it occurred. In doing so, I think he speaks for many Members of this House, who in one fashion or another have had family members to experience this disease. And in this respect, Mr. Speaker, I think that the Members of this House are truly representative of the American people, because this frightening disease is one that knows no group of any kind and is spread throughout the society. So it makes great sense that on the people's grounds we would grant an exception and allow a tribute to be held here in connection with the Race for the Cure.

So I strongly support this resolution that would allow the use of the Capitol grounds for the so-called Capitol tribute to breast cancer survivors, and I do so in two capacities, or perhaps three, not only as a member of Congress, but as the cochair of the Congressional Women's Caucus, 50 Members strong, who all of us across party lines strongly support this resolution, and, of course, as the Member representing the Nation's Capital, which is proud and pleased to have this tribute take place in this city.

I support this resolution for a special reason. I believe these events have made a tremendous difference. The gentleman from Minnesota (Mr. OBERSTAR) spoke about the need to raise consciousness. It is raising awareness that is saving lives. It is raising awareness that has sent women of every racial group and income group in huge numbers now to take advantage of mammography.

What is most encouraging to me is to see how mammography has spread across all the discernible lines, and that could simply not have happened except for a very much elevated consciousness. We would not have poor women and women of color going to get their mammograms by the hundreds of thousands as we do today were it not for events like this that did perform the simple agent of raising consciousness.

The Women's Caucus takes special note of this resolution and especially supports it. Breast cancer was long an underfunded disease spreading at frightening rates throughout our society, and the Women's Caucus years ago took it as its own special mission and obligation to see to it that funding was increased for the eradication of breast cancer.

□ 1500

Funding matters and raising consciousness matters. I think we see that in the figures that were reported on March 13, that in the first 5 years of the 1990s the annual number of new cases for cancer of all kinds fell steadily, and this happened among men and women of all ethnic groups and most age groups.

I was particularly heartened that this downward trend for cancer was noted among several specific kinds of cancer: lung, prostate, colon or rectal and, yes, breast cancer.

This is, of course, as we might imagine, Mr. Speaker, the most frightening form of cancer for women. Perhaps it is not the most devastating, but it just as well may be, because it attacks the mind and the spirit with special viciousness, even as it is attacking the body.

Among women, breast cancer has declined for whites, and it has declined for Asians and for Hispanics. But during those years, 1990 to 1995, it rose for blacks. This rise for one group and the continuing numbers of women who get breast cancer of course takes away from the very hopeful statistics that are beginning to be reported. Breast cancer is the second leading cause of cancer deaths to American women, second only to lung cancer. It is the leading cause of cancer death among women ages 40 to 55.

Mr. Speaker, those are the ages when women are finally done with childrearing, can come forward and blossom fully; and to have cancer occur at those prime years is simply intolerable. Even with the more hopeful statistics, even with the access to mammograms we now see across all groups in the society, 44,000 women died from breast cancer in 1997 and 180,000 new cases of the disease were diagnosed. We can do much better than that. We can do better than that not so much by curing cancer with some magic potion but by preventing cancer and by detecting cancer early with mammograms.

I greet this activity on the part of the Race for the Cure. I think it is most appropriate for the Congress to show its special concern beyond our funding, beyond the leadership of the Women's Caucus, by opening up this place, these grounds, for this special tribute. The Race for the Cure is a joyful event. There will be many breast cancer survivors participating, but it must reminded us that the Race for the Cure is still a race to be won.

Mr. KIM. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. GILMAN), Chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I am pleased to rise in strong support of this measure. The National Race for the Cure has had a major impact upon our Nation. Last year, as I recall, there was a postage stamp dedicated to the Race for the Cure, just to emphasize how important this national program is. It raises millions and millions of dollars each year, and there is no better place to show leadership for the national Race for the Cure than here in our Nation's capital.

I know many of our congressional spouses, including my own, are very actively involved in the National Race for the Cure, because they feel very strongly about the impact upon women. It is for that reason I am pleased to rise in support of this measure, and I hope our colleagues give it full support.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, from time to time I have raised questions about various events proposed for the Capitol grounds, some of which I have thought were inappropriate or limited to a very narrow interest group. This event, the National Race for the Cure, to be held on April 1, is a broadly-inclusive event, one in which a wide range of people participate. It does not serve a special interest, it serves all interests. It is certainly in the category, in my classification, of those kinds of events that are appropriate for the grounds of our Nation's Capitol.

Mr. Speaker, the event that we will authorize by this resolution will, again, contribute to continued public understanding and awareness of breast cancer, I should mention, not only for women but also for men. While some 178,000 cases are expected by the National Cancer Institute to be diagnosed in women this year, also some 1,600 of breast cancer in men will be diagnosed this year. That is about an average number. It is much less a threat to men's health than breast cancer is to women's health, but it should be noted for the record that men are not immune, either, from this dread disease.

While there has been an improvement in the detection rate, about a 4 percent decline in detection of breast cancers or incidents, I should say, of breast cancer, that is minuscule. It is a movement in the right direction, but it is minuscule. It shows how large the task is ahead of us.

Let us engage in this event, participate, give it our moral support, give it our physical support, not only here in the Nation's capital but throughout the country in our respective States, so that the greater awareness, the increased research that is undertaken year after year and focused on this disease will mean for future generations of young women that they will not have to wonder and worry about a fate that befell their mothers and grandmothers; that hopefully the day will come when there really is a cure and the race will be over.

Mrs. MORELLA. Mr. Speaker, I am pleased to rise in strong support of this bipartisan resolution authorizing the use of the Capitol Grounds for a Breast Cancer Survivors Event Sponsored by the National Race for the Cure.

While we have made progress in mounting an aggressive federal attack on breast cancer and the tragedy it causes, we still have far to go. Women continue to face a 1 in 8 chance of developing breast cancer during their lifetimes. It remains the most frequent major cancer in women and the second leading cause of cancer deaths among women. Last year, an estimated 182,000 women were diagnosed with breast cancer and 46,000 died of the disease.

We must increase our investment in breast cancer research. We know very little about how to prevent the disease and treatment options are few. At least two-thirds of breast cancers occur in women with no known risk factors.

Just last weekend, I was honored to present a leadership award to Nancy Brinker, who established the Susan Komen Breast Cancer Foundation and who created the Race for the Cure. This event has become the nation's largest 5K series held in a record 86 cities throughout the United States in 1998.

It is most appropriate that this House approve the use of our nation's Capitol for this important event, and take this opportunity to redouble our efforts to eradicate breast cancer.

Mr. OBERSTAR. Mr. Speaker, I yield back the balance of my time.

Mr. KIM. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from

California (Mr. KIM) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 238, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Concurrent Resolution 238.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2870, TROPICAL FOREST CONSERVATION ACT OF 1998

Mr. SOLOMON (during consideration of H. Con. Res. 238), from the Committee on Rules, submitted a privileged report (Rept. No. 105-449) on the resolution (H. Res. 388) providing for the consideration of the bill (H. R. 2870) to amend the Foreign Assistance Act of 1961 to facilitate protection of tropical forests through debt reduction with developing countries with tropical forests, which was referred to the House Calendar and ordered to be printed.

URGING RESOLUTION ON HUMAN RIGHTS SITUATION IN PEOPLE'S REPUBLIC OF CHINA

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 364) urging the introduction and passage of a resolution on the human rights situation in the People's Republic of China at the 54th session of the United Nations Commission on Human Rights, as amended.

The Clerk read as follows:

H. RES. 364

Whereas the State Department's Country Reports on Human Rights Practices for 1997 state that "[t]he Government [of China] continued to commit widespread and well-documented human rights abuses, in violation of internationally accepted norms," including extra judicial killings, the use of torture, arbitrary arrest and detention, forced abortion and sterilization, the sale of organs from executed prisoners, and tight control over the exercise of the rights of freedom of speech, press, and religion;

Whereas, according to the State Department, "Serious human rights abuses persisted in minority areas [controlled by the Government of China], including Tibet and Xinjiang [East Turkestan], where tight controls on religion and other fundamental freedoms continued and, in some cases, intensified [during 1997]";

Whereas, according to the 1997 Country Reports, the Government of China enforces its "one-child policy" using coercive measures including severe fines of up to several times the annual income of the average resident of China and sometimes punishes nonpayment by destroying homes and confiscating personal property;

Whereas, according to the 1997 Country Reports, as part of the Chinese Government's continued attempts to expand state control of religion, "Police closed many 'underground' mosques, temples, and seminaries," and authorities "made strong efforts to crack down on the activities of the unapproved Catholic and Protestant churches" including the use of detention, arrest, and "reform-through-education" sentences;

Whereas, although the 1997 Country Reports note several "positive steps" by the Chinese Government such as signing the United Nations Covenant on Economic, Social and Cultural Rights and allowing the United Nations Working Group on Arbitrary Detention to visit China, Assistant Secretary of State John Shattuck has testified regarding those reports that "We do not see major changes [in the human rights siguation in China]. We have not characterized China as having demonstrated major changes in the period over the course of the last year";

Whereas, in 1990, 1992, and each year since then, the United States has participated in an unsuccessful multilateral effort to gain passage of a United Nations Commission on Human Rights resolution addressing the human rights situation in China;

Whereas the Government of China has mounted a diplomatic campaign each year to defeat the resolution and has succeeded in blocking commission consideration of such a resolution each year except 1995, when the United States engaged in a more aggressive effort to promote the resolution;

Whereas China's opposition to the resolution has featured an attack on the principle of the universality of human rights, which the United States, China, and 169 other governments reaffirmed at the 1993 United Nations World Conference on Human Rights;

Whereas on February 23, 1998, the European Union (EU) agreed that neither the EU nor its member states would table or cosponsor a resolution on the human rights situation in China at the 54th Session of the United Nations Commission on Human Rights;

Whereas on March 13, 1998, the Administration announced that it would not seek passage of a resolution at the United Nations Commission on Human Rights addressing the human rights situation in China;

Whereas without United States leadership there is little possibility of success for that resolution;

Whereas, in 1994, when the President announced his decision to delink Most Favored Nation (MFN) status for China from previously announced human rights conditions, the Administration pledged that the United States would "step up its efforts, in cooperation with other states, to insist that the United Nations Human Rights Commission pass a resolution dealing with the serious human rights abuses in China" as part of the Administration's "new human rights strategy";

Whereas a failure vigorously to pursue the adoption of such a resolution would constitute an abandonment of an important component of the "expanded multilateral agenda" that the Administration promised as part of its "new human rights strategy" toward China; and

Whereas Chinese democracy advocate and former political prisoner Wei Jingsheng has stated that "[t]his [United Nations Commission on Human Rights] resolution is a matter of life and death for democratic reform in China": Now, therefore, be it

Resolved, That the House of Representatives—

(1) urges the President to reconsider his decision not to press for passage of a resolution on human rights violations in China at the 54th Session of the United Nations Commission on Human Rights;

(2) expresses its profound regret that the European Union will not table or cosponsor a resolution on human rights violations in China at the 54th Session of the United Nations Commission on Human Rights; and

(3) urges all members of the United Nations Commission on Human Rights to support passage of a resolution on human rights violations in China at the 54th Session of the United Nations Commission on Human Rights.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Florida (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge every member of this body to support House Resolution 364. This strongly bipartisan resolution urges the introduction and passage of a resolution on human rights in the People's Republic of China at the 54th session of the U.N. Human Rights Commission which began yesterday and runs to the 24th of next month.

If any government deserves to be the subject of a U.N. Human Rights Commission resolution, the Beijing regime does. In its testimony before my subcommittee last month, Assistant Secretary of State John Shattuck made it very clear that ". . . the government of China continues to commit widespread and well-documented abuses in all areas of human rights." He also testified that there have not been any major improvements in that situation during the last year.

As detailed in the State Department's country reports on human rights practices in China, those abuses included extrajudicial killings, the use of torture, arbitrary arrest and detention, forced abortion and forced sterilization, the sale of organs from executed prisoners, and tight controls over religion, speech, and press. Persecution in some areas, such as the captive nations of Tibet and East Turkistan, even intensified during the past year.

House Resolution 364 merely urges the administration to reconsider and to do what it promised to do when it delinked MFN for China from human rights considerations in 1994: ". . . to insist that the U.N. Human Rights Commission pass a resolution dealing with the serious human rights abuses in China."

However, this past weekend, the administration signaled that it is backing away from that promise, just as it backed away from its previous promise to link China's MFN status to respect for human rights. In both cases, the retreat has not been justified by any improvement in the Chinese government's human rights record. As a matter of fact, it has gone backwards.

In explaining its decision not to seek a China resolution in Geneva, the administration has highlighted the PRC's recent announcement that it intended to sign the International Covenant on Civil and Political Rights. However, that rationale does not justify the President's latest deference to the Beijing dictatorship for three basic reasons.

First, the Beijing regime regularly ignores its legal promises, especially where human rights are concerned. The Constitution of the PRC already guarantees freedom of speech, of the press, of assembly, of association, of procession, and of demonstration, as well as the freedom of religious belief and the freedom of ethnic minorities such as the Tibetans and Uyghurs from discrimination and oppression.

According to the administration's own reporting, the Beijing regime routinely and systematically violates those freedoms.

In a further example, China signed the U.N. Convention Against Torture over a decade ago; but according to the State Department, and other sources in human rights organizations, the Chinese government continues to use torture against prisoners each and every day. Thus, in return for its silence, the United States must demand real improvements, not paper promises.

Second, experience demonstrates that ratification of the International Convention on Civil and Political Rights does not guarantee genuine respect for human rights. Many of the most abusive countries on the planet, including Iraq, North Korea, Nigeria, to name a few, are parties to that convention.

Third and most important, by using convention ratification as an excuse for the United States' inaction in Geneva, the administration has set up an explicit double standard benefitting the Beijing regime.

Yet, last year alone, the administration supported seven U.N. Human Rights Commission resolutions concerning other countries that have signed the International Convention on Civil and Political Rights: Nigeria, Iran, Sudan, Iraq, Rwanda, Bosnia and Herzegovina, Croatia, Yugoslavia, and Equatorial Guinea.

The unprecedented favors shown to the Beijing dictatorship suggest that, in reality, the President's latest decision has little to do with the convention and everything to do with dollars and cents.

Wei Jingsheng, Mr. Speaker, the great Chinese democracy advocate and former prisoner of conscience, testified before my subcommittee just a few weeks ago. He said that a U.N. Human Rights Commission resolution at this time is a "matter of life or death" for the democratic reform in China.

Last week, in an open letter urging the U.S. to support a China resolution in Geneva, he explained that "the success of the Chinese government to silence the world community has serious consequences. It is a massive blow to the Chinese people's determination to struggle for human rights and democracy. They are left with the feeling that they are being betrayed."

Mr. Speaker, the President's decision this past weekend was, indeed, a betrayal, a betrayal of the countless Chinese, Tibetans, and others who suffer under the current regime, and a betrayal of our own democratic and humanitarian ideals.

The United States' support for a U.N. human rights resolution is the very least that we can do for the Chinese and the Tibetan peoples. If the U.S. will not raise human rights violations in a forum dedicated exclusively to human rights concerns, then where will we raise those issues and how can we expect tyrants to heed our admonitions in private when they know we will lack the will to speak about them in public?

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Notwithstanding his announcement this weekend, Mr. Speaker, I urge the President, we urge collectively the President to honor his previous pledge to support a China resolution at the U.N. Human Rights Commission in Geneva. In the meantime, I urge my colleagues to support passage of the resolution.

I. SUMMARY

China appears to be on the verge of ensuring that no attempt is made ever again to censure its human rights practices at the United Nations. It is an extraordinary feat of diplomacy and an equally extraordinary capitulation on the part of governments, particularly the United States and the countries of the European Union, that claim to favor multilateral initiatives as a way of exerting human rights pressure. One of the few remaining international fora to exert such pressure is the annual meeting of the U.N. Commission on Human Rights in Geneva—in session this year from March 10 to April 18—where countries with particularly egregious human rights records can become the subject of resolutions. Every year save one since 1990, the U.S. and the E.U. have taken the lead, with support from Japan and other governments, in sponsoring a resolution on China, and every year save one, China has successfully blocked even debate on the subject. The threat of a resolution, however, has itself been an effective form of pressure, as illustrated by the time and resources China has spent in trying to counter it.

This report is an analysis of China's diplomatic efforts with respect to key members of the commission over the last three years. It describes a pattern of aggressive lobbying by Chinese officials, using economic and political blandishments, that has worked to undermine the political will in both developed and developing countries to hold Beijing accountable in Geneva, coupled with procrastination and passivity on the part of China's critics, the same governments that have been such vocal proponents of multilateralism.

The report suggests that countries concerned about human rights in China should put more, not less effort into a carefully constructed resolution at the U.N. Human Rights Commission; that the process of fashioning a resolution and lobbying for its passage is important, whether it ultimately reaches the floor of the commission for debate or not; and that ending all efforts on China at the U.N. Human Rights Commission, as the U.S. and Europe seem to be considering, will be seen in China as a triumph over the West's dominance of international institutions and one that it may want to follow up in fields other than human rights.

As this report went to press, the U.S. and the E.U. were involved in diplomatic negotiations with China on a possible package of limited steps or promises in exchange for dropping a resolution this year and in subsequent years. The U.S. in particular, seemed poised to accept any last-minute gestures that China might make during Vice President Albert Gore's trip to China in late March, midway through the commission's deliberations. But the prospect of obtaining truly meaningful improvements from Beijing on human rights would have been far higher had there been a real threat of a coordinated, high-level lobbying effort behind a resolution in Geneva, the work on which would have had to have begun in September or October 1996. For the U.S. and E.U. to suggest at this late date that a resolution cannot pass is a prophecy they have done their utmost to make self-fulfilling.

BACKGROUND

A resolution on China at the commission is a curiously potent tool for raising human rights issues, given that it is an unenforceable statement that carries no penalties or obligations. But as the product of the U.N., it has major implications for a country's international image, and even to table a resolution for discussion is considered by many countries, China among them, as a major loss of face. But China considers the U.N. Human Rights Commission an important forum for other reasons as well, including as a vehicle for countering Western "hegemonism," particularly through alliances with governments in Asia, Africa and Latin America. During the 1996 session of the commission, Chinese diplomats made clear that they saw an attempt to seek a resolution on China as an example of this hegemonism, arguing that the North used the commission as a one-way forum through which to confront, judge, and interfere in the internal affairs of developing countries while ignoring abuses in the U.S. and Europe, and that the commission paid too much attention to political and civil rights while neglecting economic, social, and cultural rights and the right to development.[1] In addition to its value to China as a forum to challenge the West, the commission has also become a useful vehicle to play the U.S. off against its erstwhile European allies.

Interest in using the U.N. Human Rights Commission as a forum for criticizing China

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Footnotes appear at end of report.

only emerged after the crackdown in Tiananmen Square in 1989. Beginning in 1990, the annual Geneva meetings were marked by efforts to table mildly worded resolutions urging China to improve its human rights practices and criticizing ongoing violations of international standards. These efforts were defeated before the resolutions could come up for debate by "no-action" motions brought by one of China's friends on the commission—Pakistan could be counted on in this regard. A "no-action" motion, if passed, meant that the resolution died a quick death before ever coming to debate and vote.

In March 1995, however, the "no-action" motion failed for the first time. China's human rights record was debated, and a resolution sponsored by the U.S. and the European Union lost by only one vote when Russia unexpectedly cast its vote in opposition. It was the closest China had ever come to defeat. In April 1996, by contrast, China again successfully blocked a resolution through the "no-action" procedure, by a vote of twenty-seven to twenty with six abstentions. In the year that elapsed between the two meetings, China's human rights record had worsened, but its lobbying had improved and the political will of its critics had weakened.

Visits between China and commission members between April 1996 and March 1997 resulted in more aid packages, new and expanded trade contracts including foreign investment and joint ventures, and promises of improved bilateral cooperation on projects ranging from agriculture to nuclear technology. While it is impossible to definitively document the direct relationship between each visit or aid package and the votes of individual commission members, an overall pattern emerged that may help to explain China's success at muzzling the commission. Clearly, in many countries, much more was at stake than a Geneva vote, as Beijing sought to boost its long-term political and economic relationships and to weaken Taiwan's ties with some capitals. But a major objective during this period was also to defeat the annual Geneva effort.

In 1995 and in 1996, the importance of the outcome in Geneva was clearly reflected in official statements. At the conclusion of the 1995 voting, a foreign ministry spokesman speaking on state radio "expressed its [the Chinese government's] admiration and gratitude to those countries that supported China," and China's ambassador to the U.N. in Geneva said the resolution was "entirely a product of political confrontation practiced by the West with ulterior motives."[2] After the 1996 vote, an article by the official Chinese news agency Xinhau, entitled "Failure of Human Rights Resolution Hailed," gloated that the commission "has again shot down a draft resolution against China, marking another failure by the West to use human rights to interfere in China's internal affairs. . . ."[3]

From China's perspective, there were two relatively balanced voting blocs on the commission, and a number of crucial swing votes.[4] One bloc consisted of Asian and African states. The second was composed of western Europe and North and Central America. The swing votes were to be found among some of the new democracies of central Europe, the former Soviet republics, large Latin American countries and a handful of African and Asian nations. China courted them all and pursued its efforts to divide Europe and the United States.

II. THE EUROPEAN UNION AND THE UNITED STATES

In 1995, the year the resolution lost by one vote, the U.S. and E.U., which together with Japan were the resolution's co-sponsors, began efforts to get other countries on board as early as December 1994, when then U.S. National Security Adviser Anthony Lake went to Zimbabwe, Gabon and Ethiopia. The Geneva resolution was one of the issues on his agenda. Geraldine Ferraro, then head of the U.S. delegation to the commission, made calls to Latin American capitals.

After that close call, Chinese diplomats and government officials seemed to intensify their efforts to underscore that good economic relations with the world's largest country would be fostered by decreasing pressure on human rights. Overt Chinese pressure, of course, was not always needed: European leaders were well aware that the competitive edge with the Americans could be widened if human rights criticism was left to the latter, especially when the U.S. was already preoccupied with a struggle with China over intellectual property rights and the annual debate over Most Favored Nation status.

The first attempts to derail a resolution on China at the 1996 U.N. Human Rights Commission session took place in Bangkok on March 1 and 2, 1996 when Chinese Premier Li Peng met with German Chancellor Helmut Kohl and French President Jacques Chirac at the E.U.-Asia summit. With a US$2.1 billion Airbus contract hanging in the balance and a visit to France by Li Peng set for April, France took the lead in trying to work out a deal whereby in exchange for a few concessions from China, the E.U. and the U.S. would agree to drop the resolution. The nature of the proposed concessions was never made public but was rumored to include an agreement by China to sign and ratify the two major international human rights treaties, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights: the release of some political prisoners; and an invitation to U.N. High Commissioner for Human Rights José Ayala Lasso, to visit China. Ratification without reservations would indeed have been a useful step, but when pressed to give a timetable for ratification, Beijing reportedly backed off, and the deal fell through. Italy—then in the presidency of the E.U.—was said to be leaning to the French deal, as was Germany, which with bilateral trade of $18 billion, was China's largest trading partner in Europe and one of Europe's top investors in China. The Europeans did not come on board until ten days after the commission session opened, and then only reluctantly.

The resolution was doomed by a failure of will on the American side as well. The United States was no more eager than its European counterparts to earn China's opprobrium by sponsoring a resolution, and, according to one source, a deliberate decision was made within the Clinton administration sometime in December 1995 to give the resolution less attention that the year before, with the result that lobbying was late, desultory and ultimately unsuccessful.

Despite appeals on human rights in China and Tibet signed by over 200 French legislators and scattered protests, Li Peng's visit to Paris from April 9–13, just before the commission vote, was hailed by Beijing as marking a "watershed" in its ties with France. Li Peng took the opportunity to finalize the Airbus sale in what appeared to be a deliberate slight to the U.S. government and the American company Boeing, hitherto the largest supplier of aircraft to China. In one reporter's words. China preferred to deal with countries that "don't lecture China about human rights, don't threaten sanctions for the piracy of music, videos and software and don't send their warships patrolling the Taiwan Straits."[5]

Li Peng's trip to Europe was followed in July 1996 by a six-nation swing by President Jiang Zemin through Europe and Asia, aimed at closing business deals and enhancing Jiang Zemin's international standing. An important side-effect, if not a deliberate objective of these visits, was to erode the willingness of some European countries to confront Beijing in Geneva. The trip came on the heels of a Chinese threat to impose economic sanctions on Germany in retaliation for a conference on Tibet. The conference was sponsored by the Friedrich Naumann Foundation, closely linked to Foreign Minister Klaus Kinkel's Free Democratic Party, and was to be held in Germany in June in cooperation with the Dalai Lama's government-in-exile. The row started over the German government' proposal to provide a subsidy for the conference. Under pressure, government funding was withdrawn, but the conference went ahead with the support of German politicians from all parties. The Chinese government then forced the closure of the foundation's Beijing office. In retaliation, German politicians introduced a motion in the Bundestag criticizing China's human rights record. China then withdrew an invitation to German Foreign Minister Kinkel to visit Beijing.

When Beijing further warned that German business interests in China could suffer, Bonn quickly scrambled to restore good relations. In September the invitation was renewed, and Kinkel went the following month. He did raise the cases of political prisoners Wang Dan and Wei Jingsheng, but the real story was that commercial relations with Germany were back on track, for in November in Beijing, President Jiang and German President Roman Herzog signed four agreements on financial and technological cooperation. The last quarter of 1996 saw multimillion dollar deals signed between China and Germany companies, including a joint venture by Mercedes Benz in Jiangsu province to produce buses; a joint venture by Kogel Trailer to produce specialized auto vehicles; a joint venture by Bayer AC and Shanghai Coating Company to produce iron oxide pigments; and a US$6 billion investment in a petrochemical plant by German chemical company BASF.

China also wooed other European countries. In June, Chen Jinhua, head of China's State Planning Commission, visited Italy. In Milan, he held a meeting with leading Italian financial and business interests, discussing how China's ninth five-year plan would lead to the continued open up of the economy to the outside world. Stressing the growth of bilateral trade, which stood at a record US$ 5.18 billion in 1995, he noted China's potential as a huge market with possibilities for increased Sino-Italian cooperation. In September, Li Peng went to the Hague, just as the Netherlands was poised to take over leadership of the E.U.; in October Italian Foreign Minister Lamberto Dini led a group of Italian businessmen to Beijing on a "good will" visit; and in November, Li Peng was back in Europe on a visit to Rome, where he and his Italian counterpart pledged to encourage Sino-Italian economic and trade ties.

Britian also worked to bolster its trade with China. When Trade and Industry Secretary Ian Lang met with Minister of Foreign Trade and Economic Development Wu Yi in Beijing in September 1996, they agreed to set up working groups in the chemical industry, aeronautics, and energy. In October, Li Lanqing, a vice-premier and vice-chair of the State Council (the equivalent of China's cabinet), traveled to London to meet with Deputy Prime Minister Michael Heseltine, and in November, the two countries signed a Memorandum of Understanding on forming a Sino-U.K. Aerospace Equipment Working Group to promote commercial and technical cooperation in civil aviation.

III. LATIN AMERICA

Latin America was clearly a priority region for China if it was to defeat a resolution at the 1996 commission session. Next to Europe and North America, it was most likely to vote against China. In some cases, this was due to history of susceptibility to U.S. influence, in others to a democratic transition from an abusive authoritarian past that made the new democracies important allies in efforts to censure grave abuses wherever they occurred. Many Latin American countries, including Mexico, Brazil, Chile, Ecuador, Argentina, Peru and Venezuela, also had serious strains in their bilateral relations with China because of textile and garment "dumping" by the latter. Of all the countries in the region, only Cuba and Peru consistently voted with China in 1995 and 1996. Mexico, Colombia and Venezuela abstained in both years.

Top Chinese government and Party officials increased the exchange of visits with Latin America leaders after the near success of the 1995 resolution. In October 1995, Premier Li Peng went to Mexico and Peru, signing trade and cooperation agreements with both governments. Peru had abstained from all China votes at the commission until 1995 when it voted in favor of the no-action motion. As if to reinforce the relationship, Luo Gan, secretary-general of the State Council, went to Peru in March 1996 with the commission already in session and pledged US$350,000 in aid and a loan of US$70 million to be used toward China-Peru trade. The sums were small, but the symbolism of South-South aid was important. Peru again voted with China at the commission in 1996. That August, the speaker of the Peruvian parliament, visiting Beijing, said pointedly in the context of a discussion on human rights that his country did not interfere with China's internal affairs. High-level exchanges also took place in 1995 with Brazil, Chile, and Cuba.[6]

In June 1996, following the April vote in the Human Rights Commission, Wu Yi went on a month-long tour of seven Latin American countries, Argentina, Cuba, Mexico, Peru, Uruguay and Chile, all but Peru to be members of the commission for the coming year. In November 1996, Li Peng went back to Latin America, visiting two members of the commission whose voting records had been inconsistent, Brazil and Chile. Brazil was key. Until 1996, it had abstained on all votes on China, in April 1996, it voted against China's efforts to stop action on a resolution. Li Peng's delegation specifically raised the issue during the visit expressing unhappiness with the Brazilian vote, and officials at the Brazilian Ministry of Foreign Relations reportedly discussed the possibility of abstaining on a no-action motion in 1997. The Chinese premier's visit produced agreement on a consulate in Hong Kong after July 1, 1997, on peaceful use of space technology and on sustainable development initiatives. Trade issues were also on the agenda.

Chile had voted with China in 1992, then abstained on all votes until 1996 when it joined Brazil to vote against China's efforts to stop debate. During his November visit, Li Peng announced tariff reductions of more than 10 percent on Chilean agricultural goods and signed agreements on scientific and technological cooperation in agricultural and aerospace. As with Peru, the substance of the agreements between Chile and China was less important than the political symbolism of Li Peng's visit, and as with Brazil, the Geneva vote was almost certainly on the agenda.

The presidents of Ecuador and Mexico and the foreign minister of Uruguay all visited Beijing between May and December 1996.[7] Closer ties between China and Latin America, as indicated by high-level exchanges, underscored the fact that sponsors of a resolution critical of China could not take the votes of Latin American members of the commission for granted. They would have to undertake some sustained lobbying, and apparently they did not.

IV. AFRICA

If the U.S. and Europe and other sponsors of a resolution were serious about a multilateral initiative to exert pressure on China, it was essential that they bring some African members of the commission on board. Admittedly, it would not have been an easy task, given Chinese diplomatic initiatives and interests in the region, but save for some modest measures in 1994 like U.S. National Security Adviser Anthony Lake's discussions (see above), the sponsors put little energy into finding support from African governments.

China, on the other hand, was energetic. Since the end of the Cold War, it has seen African countries as critically important allies, particularly in the United Nations, in the struggle against American "hegemonism."[8] With its history of colonialism and the fact that for the North, it had become the "forgotten continent," Africa has been viewed as a desirable partner in China's efforts to "bypass" the United States.[9] In addition, China had a strong interest in stepping up its diplomacy in the region to counter Taiwan's aggressive campaign to expand ties with some African states.

China embarked on a concerted diplomatic campaign in Africa in mid-1995. Although the main objective may have been to blunt Taiwan's influence, it may not be coincidental that the campaign began after China lost a no-action motion and nearly lost the resolution in Geneva in March 1995, or that the countries singled out in this campaign were also for the most part members of the commission.

In October–November 1995, well before the 1996 session of the commission convened, Li Lanqing traveled to six central and western African countries: Mali, Guinea, Senegal, Gabon, Cameroon and Côte d'Ivoire. Of these, all but Senegal were members of the commission. In November, Quao Shi, a leading member of the Central Committee and chairman of Standing Committee of China's National People's Congress (China's parliament), went to Egypt, another key member of the commission. All the countries included in these two visits voted with China in the April 1996 "no-action" motion.

By contrast, from September 1995 to March 1996 there were few high-level exchanges between the U.S. and African members of the commission, and when they took place, China was not on the agenda. Angolan president Dos Santos made a state visit to Washington, D.C. on December 8, 1995, for example, but amid the many issues on the U.S.-Angolan agenda, support for a critical position in the U.N. toward China's human rights practices was reportedly not one Madeleine Albright, then U.S. ambassador to the U.N. visited Angola in January 1996, but apparently made no effort to press for Angola's support at the Human Rights Commission. Angola ranks fourth among China's African trading partners and has consistently voted with China at the Human Rights Commission. If the U.S. was serious about generating international pressure on China through the U.N., its officials would have seen the visits by its officials as an opportunity to put multilateralism into practice and raise the issue of a resolution in Geneva.

Ethiopia, a key member of the commission, exchanged visits with European and American officials, with development assistance and security the main issues at stake. German President Herzog visited Ethiopia in January 1996, during which he signed an aid agreement for the purchase and transport of fertilizers, and Prime Minister Meles Zenawi spent two days in Paris, meeting with the French prime minister and with President Chirac. In neither case was there any indication that the China vote was on the agenda, and a source close to the U.S. delegation to Geneva told Human Rights Watch that no attempt was made to lobby Ethiopia for its vote.

China appeared to have stepped up its efforts to ensure a similar victory in the 1997 session. Following the end of the 1996 commission meeting in April, all fifteen African members of the commission sent or received high-ranking visitors from China. In May 1996, according to Chinese reports, President Jiang himself "crossed a thousand mountains and rivers to enhance friendship, deepen unity, and learn from the African people." visiting a total of six countries as he covered the continent "from North to South, from east to West." Of the six countries, four, Ethiopia, Egypt, Mali an Zimbabwe, were members or about to become members of the commission. At a meeting of the Organization of African States, Jiang stressed that China would be an ally in Africa's drive to develop; and, in fact, over twenty-three agreements and protocols on Sino-African cooperation were signed in May alone. They primarily provided for basic construction projects in transport and energy.[10]

During meetings in Beijing in May 1996 two days before he left for his African tour, President Jiang pledged economic and military support for Mozambique, which rotated on to the commission in time for the 1997 session, at the same time, Chinese Defense Minister Chi Haotian discussed details of the bilateral ties between the two nations' militaries and provided Mozambique with quantities of new weapons. Sino-Mozambiquan relations went into a tailspin in 1996 when China abruptly pulled out of an agreement to build a new parliament building. The visit in May was an effort to repair relations but it could also help produce a pro-China vote in the commission this March.

Jiang Zemin was present in Zimbabwe in May 1996 when Minister of Foreign Trade and Economic Cooperation Wu Yi signed agreements for US$10 million in grants and an additional US$10 million in loans, as well as other agreements on trade, reciprocal protection of investment and technological and economic cooperation. Earlier an agricultural group from China studied the possibilities of importing cotton and tobacco from Zimbabwe. In 1995, the first time Zimbabwe voted on a China resolution in Geneva, it voted for the no-action motion and against the China resolution; in 1996 it again voted in favor of no action on China.

Following Jiang Zemin's May 1996 visit to Mali, China signed agreements on economic and technological cooperation during meetings in Beijing between Premier Li Peng and Mali's president, and the Chinese vice-minister of agriculture signed an agreement to assist Mali in building a number of factories. In 1996, when Mali voted on the China question for the first time, it voted in favor of the no-action motion.

Jiang Zemin also traveled to Ethiopia in May on a good will visit during which four cooperation agreements were signed. China-Ethiopian economic relations have been minimal compared with China's relationships with other African countries. Before Jiang's visit, Chinese journalists made much of an Ethiopian irrigation project completed with help from thirty-eight Chinese experts. In 1990, Ethiopia voted for a no-action motion and then went off the commission until 1995, when it voted in favor of the no-action motion but abstained when the resolution itself was voted on. In 1996 it again voted in favor of no action.

Algeria was already considered in the China camp. Jiang Zemin and the president of Algeria met in Beijing in October to discuss bilateral relations and to sign six documents including one protecting and encouraging reciprocal investment. Algeria has had a strong and continuous relationship with China which helped with a heavy water research reactor, and has been involved in irrigation, agricultural, and research projects including a three-star hotel in Algiers. In January 1997, Foreign Minister Qian Qichen paid a quick visit to Algeria, meeting with the foreign minister to discuss strengthening bilateral cooperation.

Uganda became a member of the commission in time to vote with China on the 1996 no-action motion. While the commission was still meeting in April 1996, Li Zhaoxin, China's vice-minister of foreign affairs, agreed to provide US$3.6 million to cover the costs of a national stadium. In January 1997, at the request of the Ugandan government, China agreed to send technical personnel for two years to provide guidance in connection with the stadium project.

Li Peng and the president of Gabon, meeting in Beijing in August 1996, stressed the importance of their relationship and their support for the rights of developing nations. Gabon abstained in 1992 on a no-action motion but has since voted solidly in the Chinese camp.

When Chinese Vice Foreign Minister Tian Zengpei met with the Guinean Foreign Affairs Minister in Guinea in April while the commission meeting was still in session, he thanked him for Guinea's support on the human rights issue. Guinea, a new member of the commission as of the 1996 session, voted for no action on the China resolution.

During a visit to South Africa, China's largest trading partner in Africa, in May 1996, Wu Yi negotiated promises of expanded trade ties and reciprocal "most favored nation trading status." The importance of China to South Africa's economy was underscored in December 1996 when President Nelson Mandela abruptly abandoned diplomatic support for Taiwan and recognized Beijing as the sole representative of China.

Buhe, the vice-chairman of the Standing Committee of the National People's Congress paid a goodwill visit to Benin in December 1996. Although Benin had voted with China in 1996, it abstained on both the no-action motion and the resolution itself in 1995.

Both the timing and the high-profile nature of most of these exchanges highlight the likely difficulties of getting African countries to abstain on a China resolution, let alone vote in favor, in 1997. If the U.S. and Europe had been committed to seeing a resolution pass, both would have had to have engaged in intensive lobbying beginning in late 1996.

V. CENTRAL AND EASTERN EUROPE

After March 1995, high-level Chinese officials logged considerate mileage traveling to the Russian Federation and to two former Soviet republics, Belarus and the Ukraine. All three countries were to be 1996 commission members. Belarus for the first time, and the Ukraine for the first time since 1990.

In 1995, after Russia helped to defeat a no-action motion, its delegates switched their vote and the resolution itself failed as a result. It seemed logical in 1996, that if China were to avoid another near embarrassment, it would have to guarantee Russia's vote on the no-action motion itself. Not since 1990 had Russia voted to send a resolution to the floor. Furthermore, it was generally agreed that the Belarussian president, anxious for reunification with Russia, would vote with Russia. Of course China had other political and economic stakes in its relations with Central and Eastern Europe that may have been the driving force behind much of the activity outlined below; but with the Geneva vote so important to Beijing, lining up commission members was a likely factor.

In June 1995, Li Peng visited all three states. During his visit to Belarus, there was agreement on bilateral cooperation in trade, science, technology, manufacturing, and agriculture. In the Ukraine, he signed a note worth 8.5 million *renminbi* (approximately US$1.7 million) in economic assistance. In August, as a follow-up to the June visits, the vice-minister of the Ministry of Foreign Trade and Economic Cooperation (MOFTEC) led a trade delegation to the region.

The direction of the visits reversed in September when the vice-prime minister of Russia went to Beijing, followed in November by a vice-minister from the Belarussian Ministry of Foreign Economic Relations, and in December by the Ukrainian president. During a meeting with Jiang Zemin, the two signed a joint communiqué furthering bilateral economic and political cooperation. In April 1996 while the Human Rights Commission was in session, Qiao Shi, chairman of Standing Committee on China's National People's Congress (parliament), traveled to Moscow to meet with top Russian officials in preparation for meetings later in the month with three central Asian republics. That same month, China exchanged ministerial visits with both Belarus and the Ukraine. At the invitation of Qian Qichen, the Belarussian foreign minister traveled to Beijing. During a meeting with Li Peng, he thanked him for China's support of Belarus on international issues and described as "encouraging" the 60 percent growth in bilateral trade in 1995. Qiao Shi traveled to the Ukraine for a four-day visit aimed at expanding cooperation between the two countries. Shipbuilding, aircraft manufacturing and instrument products were cited as industries for cooperation.

In the wake of all this activity, Russia abstained and Belarus and Ukraine voted with China in favor of no action on the resolution at the 1996 commission session. Two days after the vote, President Boris Yeltsin was warmly welcomed in Beijing by Jiang Zemin, Li Peng, and Qiao Shi. The major accomplishments of the meetings included an agreement signed by China, Russia, Kazakhstan, Tajikistan and Kyrgyzstan strengthening border confidence, a Sino-Russian joint communiqué to serve as "the principled basis for the two countries' constructive partnership during the 21st century"[11] and a dozen cooperation agreements, including ones on intellectual property rights, cooperation on the peaceful use of nuclear energy, and development for mutual prosperity. In addition, representatives from both countries discussed cooperation on military technologies. By December 1996, when Li Peng visited Moscow, plans were being laid for an April 1997 summit on security. At the same time, Russia agreed to lend China US$2.5 billion for nuclear power plant construction and to sell arms to Beijing. And Li and Viktor Chernomyrdin discussed raising bilateral trade volume and cooperation on large-scale projects.

In November, the Belarussian president told Li Lanqing during his visit to Minsk that improving Belarus-Chinese relations was of strategic importance to Belarus, adding that he attached great importance to developing bilateral trade and that he welcomed Chinese entrepreneurs willing to invest in Belarus. The following month, the acting prime minister of Belarus attended a signing ceremony in Beijing for agreements on educational cooperation and on ensuring the quality of exported and imported goods.

A well-documented effort by the Chinese government to gain support in the commission from central European countries began before the 1994 vote. Poland, to the surprise of delegation members themselves, members of Parliament, and local human rights groups, abstained from voting on the no-action resolution instead of voting against it as it had the year before. Instructions from the Polish Ministry of Foreign Affairs had arrived just before the actual vote took place. China had reportedly agreed to support Poland's effort to gain a seat in the Security Council in exchange for the abstention. A representative of the ministry later explained to the Polish parliament that the vote had come about as a result of a "mistake" by a junior official.

In 1995, Li Peng wrote to Polish Prime Minister Pawlak to thank him for his support in Geneva in 1994 and asked for "even more substantial support in 1995." The offer to promote a Security Council seat was reiterated. After the main Warsaw newspaper publicized the "vote trade" and media pressure mounted, Poland's vote against the no-action resolution helped to defeat it.

Two other Central European countries on the 1997 commission have received more attention from the U.S. and Europe than from China, and the commission votes may reflect this. With the exception of 1992 when it abstained, Bulgaria has voted against China in the no-action motion, and the Czech Republic, back on the commission after a hiatus of three years, would be unlikely to succumb to Chinese pressure.

VI. ASIA

Most Asian countries were already voting solidly with China. In 1995 and 1996, the only countries that did not were the three Asian democracies, Japan, the Philippines and Korea. Japan has consistently voted in favor of a resolution; the Republic of Korea has consistently abstained; and the Philippines, which voted with China in 1992 before going off the commission for two years, voted against China in 1995 after a territorial dispute with China flared up in the South China Sea. In 1996, Korea and the Philippines abstained; both were considered swing votes for 1997.

Korea, which resumed diplomatic relations with China in 1992, has heavy economic stakes in China. The chaebol or conglomerate Goldstar is expected to invest US $10 billion in China by the year 2005, and Daewoo is planning to contribute 960 million renminbi (approximately US $120 million) to the building of an expressway. Daewoo will participate in the operation of the road for thirty years, after which it will belong to Huangshan City, its Chinese partner. During Jiang Zemin's visit to the Philippines in November 1996, China promised to build two power plants and pledged bilateral cooperation.

Other important efforts in Asia included Jiang Zemin's November-December 1996 goodwill tour South Asia with stops in India, Pakistan, and Nepal.

India has consistently voted with China, a reflection perhaps of its own rejection of external human rights pressure, especially on the sensitive issue of Kashmir. Sino-Indian relations, however, have also steadily improved since the collapse of the Soviet Union. Foreign Minister Qian Qichen accompanied President Jiang to India in November 1996 to promote bilateral relations in politics, trade, economy, and culture. The primary issue among the two regional powers was security, and an agreement was reached on military zones on the Sino-Indian border.

While in Nepal in early December 1996 to mark the twenty-fifth anniversary of King Birendra's ascension to the throne of Nepal, Jiang Zemin witnessed the signing of a grant of economic and technical assistance.

In his December swing through Pakistan, a traditional ally and leader of the efforts in the commission to prevent a resolution on China from coming up for debate, Jiang Zemin oversaw the signing of agreements on construction of a hydroelectric power plan, environmental protection, drug trafficking, and establishment of consulates, including maintenance of Pakistan's consulate in Hong Kong. Pakistani President Farooq Leghari noted that there was no difference between Pakistan and China on Tibet, and Pakistan "completely supports China." He also stated how happy he was that China would resume sovereignty over Hong Kong "and hoped for a peaceful joining of Taiwan with China as soon as possible." [12]

VII. WAFFLING IN 1997

It was clear by November 1996 that sponsorship of a resolution on China at the 1997 U.N. Human Rights Commission was in for a rough ride. On November 24, at a debriefing following President Clinton's meeting with Jiang Zemin at the Asia-Pacific Economic Cooperation (APEC) summit in Manila, a senior administration official said that "the president said that we want to maintain dialogue and cooperate on [human rights], but on the present record we could not forgo presenting [. . .] a resolution." The implication was clear: any nominal gesture or open-ended promise on China's part that could be interpreted as progress on human rights might be enough to derail a resolution.

The European Union played a similar game of delaying a decision on the resolution by bouncing consideration of the question from one E.U. body to another. When the E.U. Human Rights Working Group (HRWG) could not reach a decision on what to do about a resolution at its meeting on December 13, 1996, further consideration was delayed almost a month until January 10 when the Political Affairs Working Group, with representatives from all fifteen E.U. capitals, met in Brussels. The meeting decided to refer the issue back to the HRWG despite the fact that a straw poll of political directors had found an overwhelming majority in favor of a resolution and the HRWG had recommended that the E.U. move quickly. Rather than taking a firm decision to exert pressure through a resolution, the political affairs meeting discussed a variety of ways of avoiding confrontation at the commission, including pushing for consensus rather than majority vote on resolutions and substitution of investigations by the U.N. thematic mechanisms for commission resolutions.[13] Just as the HRWG was about to meet on January 23, China suddenly proposed a human rights discussion on February 14 around the edges of the Asia-Europe (ASEM) foreign ministers' meeting in Singapore, providing some E.U. countries with a pretext for delaying a decision once more. (For months, the E.U. had been unsuccessful in trying to schedule a formal E.U.-China human rights dialogue, originally scheduled for October 1996). But China offered no human rights concessions or gestures during the meeting, according to diplomatic sources.

The U.S. also refused to commit itself to the one multilateral initiative that might have exerted real pressure on China, with officials reiterating that Sino-U.S. relations could not be "held hostage" to human rights concerns and that a decision about sponsorship would be made "when the time came." During the U.S. Senate hearing on January 8, 1997 to confirm Madeleine Albright as secretary of state, Albright went so far as to imply that China's previous record was of no import, what counted was "in the remaining weeks" how China "approach[ed] that situation" and whether any changes took place. Different administration officials gave the same message: the U.S. position would be determined based on China's actions between "now"—and "now" became later and later—and the time of the commission vote. A week after Albright's confirmation hearing, the Chinese government warned of complications in the bilateral relationship if the U.S. pressed on rights issues.[14] No concrete promises or assurances resulted from a visit to Beijing on January 30–31 by a low-level delegation from the National Security Council and the State Department, aimed at exploring the possibilities for a human rights breakthrough.

On January 21, the Clinton administration moved to ensure consistency in the U.S.-E.U. position. A diplomatic demarché circulated to E.U. members in Brussels stated that "we are continuing to talk with the Chinese about what meaningful concrete steps they might take to avoid confrontation in Geneva," and it suggested that to make compliance easier, the E.U. ask China for the same minimal concessions: releases of prisoners with medical problems, resumption of discussions on prison visits, and signing and submitting to the National People's Congress for ratification the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The U.S. did state its willingness to cosponsor a resolution if China's performance did not improve but did not set a time frame or deadline for making a formal decision. President Clinton himself went further, stating at his January 24 press conference that there was no need to press China on human rights because the current government would, like the Berlin Wall, eventually fall.[15]

Six days later, the Clinton administration was back to justify no decision in terms of seeking improvements. On January 30, Secretary Albright relayed that message when she met in Washington with Dutch Foreign Minister Hans van Micrlo and Sir Leon Britian, vice-president of the European Commission and a strong supporter of commercial diplomacy.[16] Given the deterioration of human rights in China across the board over the past year, however, trying to seek "improvements" in the few months before the commission meetings began was disingenuous at best.

Secretary Albright's visit to Beijing on February 24—just prior to Deng Xiaoping's funeral—provided another opportunity to avoid a resolution, pending the outcome of her high-level discussions with Jiang Zemin, Li Peng and other senior officials. A report in the New York Times, published the day she arrived in Beijing, outlined the possible elements of a deal, although the administration vehemently denied the story's suggestion that a bargain was imminent, it did not dispute the other details.[17] Albright left Beijing, empty-handed but noting that breakthroughs before had not come during high-level visits but often several weeks or months afterwards, so as not to give the impression that foreign pressure had been involved.

Three days after her visit, however, a Chinese Foreign Ministry spokesman announced that China was giving "positive consideration" to signing the two major international human rights agreements, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. However, he went on to say, "as to when we would join, that is entirely our own affair." It is worth noting that in November 1993, China had announced that it was giving "positive consideration" to access to its prisons by the International Committee of the Red Cross, not long afterwards, negotiations with the ICRC came to a standstill.

But two days after the February 27 statement on the covenants, China announced that it had agreed to "resume our contact [with the ICRC] after a two-year hiatus." [18] An ICRC spokesman noted that these were "talks about talks to begin talks." The only element of a deal that had not been announced by China by the end of February, then, was the release of key dissidents.

It was left to Vice President Gore to try to close any deal during his late March visit. Meanwhile the E.U. had met in Brussels on February 24 and decided to put off any decision on a resolution, waiting instead for the outcome of Albright's trip. Immediately following Gore's visit, Australian Prime Minister John Howard is due in Beijing, as are Canada's foreign minister, Lloyd Axworthy (in April), and French President Jacque Chirac (in May).

While the E.U. and the U.S. were procrastinating, the U.N. High Commissioner for Human Rights José Ayala Lasso announced on February 10, before the sudden announcement of his resignation, that he had received and accepted in principle an invitation from China to visit. The timing of the invitation was clearly an effort to try to undermine the already dim prospects for a successful resolution by demonstrating China's openness to cooperation on human rights with the U.N.

VIII. CONCLUSION

For the last two years, the diplomacy surrounding a China resolution at the U.N. Human Rights Commission has been marked by a sorry lack of will and outright hypocrisy on the part of those countries that purport to defend human rights. The U.S. and E.U. member governments in particular have watched in near-silence as penalties for dissent in China steadily increased. The one tool that even U.S. and European critics of a vocal human rights policy were willing to support was a resolution in Geneva because it was by definition multilateral and less damaging, it was thought, to bilateral relations.

But by 1997, American and European leaders appeared ready to take any promise the Chinese government was willing to make as evidence of progress on human rights and as a pretext for backing out of a resolution. At the same time, it had ensured that no such resolution could ever pass by holding off so long on the lobbying needed to build support at the commission even as China was engaged in steady and effective lobbying of its own. The U.S. and Europe have sent a clear message that powerful countries will be allowed to abuse international standards with impunity. That signal is a disservice to the United Nations and to the cause of human rights.

FOOTNOTES

[1] See, for example, the statements of Chinese diplomats in press releases issued by the U.N. Commission for Human Rights during its 1996 session: Wu Jianmin in Press Release HR/CN/96/03, March 19, 1996, p. 4 and Zhang Jun in Press Release HR/CN/96/13, March 26, 1996, p. 4.

[2] Washington Post, "U.N. Rights Panel Votes Down Measure Censuring China," March 9, 1995.

[3] "Failure of UN Human Rights Resolution Hailed," Xinhua, April 24, 1996, in FBIS, CHI-96-081.

[4] Commission members serve for three-year terms, but may serve more than one term.

[5] David Sanger, "Two Roads to China: Nice and Not So Nice—Boeing's Strategy is Appeasement; Microsoft Growls," New York Times, June 9, 1996.

[6] Li Ruihuan, chairman of the National Committee of the Chinese People's Political Consultative Conference (CPPCC) and often suggested as a possible successor to Li Peng, went to Cuba in June 1995, followed by a nine-day trip by Fidel Castro to China in December, his first visit ever.

[7] Li Peng met with the president of Ecuador in May and with the foreign minister of new commission member Uruguay in October. (In June, Uruguay had hosted Wu Yi and a trade delegation. In its previous three years on the commission, 1992-94, Uruguay had abstained on the China no-action votes.) Mexican President Ernesto Zedillo Ponce de Leon met with Jiang Zemin in November 1996.

[8] "Profit and Prejudice: China in Africa," China News Analysis, No. 1574, December 15, 1996, p. 6.

[9] "Profit and Prejudice: China in Africa," China News Analysis, No. 1574, December 15, 1996, p. 6.

[10] "Profit and Prejudice: China in Africa," China News Analysis, No. 1574, December 15, 1996, p. 3.

[11] "Yelstin Adviser Stresses Importance of Upcoming Visit," Xinhua, April 22, 1996; in FBIS-CHI-96-080, April 24, 1996.

[12] "Spokesman on Jiang Zemin Visit," The News (Islamabad), December 2, 1996, Foreign Broadcast Information Service, FBIS-CHI-96-232.

[13] The U.N. thematic mechanisms include, among others, the Special Rapporteurs on Torture; Summary and Arbitrary Execution; Religious Intolerance; Freedom of Expression; Independence of the Judiciary; Violence Against Women; and Sale of Children, as well as Working Groups on Disappearances and Arbitrary Detention. At China's invitation, the Special Rapporteur on Religious Intolerance visited in November 1994. Not only have none of his recommendations been implemented, but religious repression in China has intensified in the two years since the visit. Negotiations for a visit by the Working Group on Arbitrary Detention are ongoing.

[14] "Mutual Respect Needed," China Daily (English language version), January 15, 1997, p. 4.

[15] "I don't think there is any way that anyone who disagrees with that in China can hold back that [liberty], just as eventually the Berlin Wall fell. I just think it's inevitable." Quoted from his press conference in Jim Mann, "Clinton's 'Berlin Wall' Theory on China Steeped in Paradoxes," Washington Post, February 12, 1997.

[16] South China Morning Post. "Rights Action Urged to Avoid Censure," January 30, 1997.

[17] Patrick E. Tyler, "U.S. and Chinese Seen Near a Deal on Human Rights," New York Times, February 24, 1997.

[18] Patrick E. Tyler, "China and Red Cross Agree to New Talks on Jail Visits," New York Times, March 1, 1997.

Mr. SMITH of New Jersey. Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Florida. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of this resolution, as amended. The resolution before the House, as amended, urges the administration to reconsider the decision made this weekend as to whether to pursue a resolution of the upcoming meeting in Geneva of the United Nations Human Rights Commission. Two concerns I would like to express about the resolution before I further express my support for the resolution.

The first is the European Union has gone on record as having made a decision not to cosponsor or introduce such a resolution in this upcoming meeting. I think it is terribly important, as our country continues to assert its leadership in the goal in which we all share, which is to advance the issue of human rights in China and around the world, we recognize that the resolutions that we support are those that we want to win and going into this particular meeting of the U.N. without the support of the European Union could spell disaster in that regard.

The second point to note again is that the administration has made a decision, and that is not to pursue a resolution in this upcoming meeting. Therefore, this resolution before the House today would have been more appropriate to have been brought up last week. The administration has acted. The resolution before the House, as amended, urges the administration to reconsider that decision, but it is unfortunate we are a little behind the curve in that regard.

On balance I think it is necessary for the United States to send a very strong message to China and to the rest of the world that we are concerned about the plight of human rights in China and our resolve in that regard is stronger than ever. People in China, including the government and leadership, need to make no mistake about it. Americans care very deeply about human rights in China. Our ability to have a decent relationship with China will continue to be circumscribed as long as the Chinese government continues to abuse its citizens. I plan to vote for this resolution and urge my colleagues to do the same.

Mr. Speaker, I yield 6 minutes and 30 seconds to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me the time. I thank the committee for its hard work in bringing this resolution to the floor. Indeed, as my colleague the gentleman from Florida (Mr. DAVIS) mentioned, the President announced a decision last Friday, and he said that we were behind the curve. I think indeed that the White House, anticipating a strong vote in this body, tried to preempt the actions of the House of Representatives, knowing that the Senate voted 95 to 5 in favor of this resolution. The administration wanted to cut us off at the pass, and that is why we are not late but they took the action that they did.

Nonetheless, I commend the gentleman from New Jersey (Mr. SMITH), the gentleman from Florida (Mr. DAVIS), the gentleman from Indiana (Mr. HAMILTON), the gentleman from Nebraska (Mr. BEREUTER), and all those who worked to put this resolution together for the administration to reconsider its ill-advised decision, and for the following reasons.

First of all, Mr. Speaker, it would be a very sad, sad occurrence that in this, the 50th anniversary of the Universal Declaration of Human Rights, that we would give a victory to the authoritarian regime in China by not pursuing a resolution condemning China's human rights practices at the U.N. Human Rights Commission. There is no real progress to report on stated pieces of the administration's human rights policy, including, and these are the criteria the administration uses, ensuring access to Chinese prisons for the International Red Cross, promoting a dialogue between his holiness the Dalai Lama and the Chinese government and obtaining the release of political and religious prisoners. The Clinton administration has hung its decision on the slim reed of the agreement by China, the announcement by China to sign the International Covenant on Civil and Political Rights. How can it be that this administration would say that because the Chinese say they would sign this document we would not pursue the resolution at the U.N. when the U.S. itself has taken action at the same venue, the same commission, against Nigeria, Iran, Sudan, Iraq, Rwanda, Bosnia and Herzegovina, Croatia, Yugoslavia and Equatorial Guinea. These countries signed that covenant and the administration, recognizing that that signature is not of itself worth much unless there is ratification and implementation, has in the past pursued a resolution against, for condemnation against these countries at the same venue.

When President Clinton delinked trade and human rights in 1994, he said very, very specifically that he would pursue the issue at the Human Rights Commission, that he would use multilateral fora, including the U.N. commission, and would press, would press for the passage of a resolution, appointed a rapporteur to report on China's human rights violation.

When my colleague says we would like to select fights that we can win, I would beg respectfully to differ. To the people in China and many of their representatives in the dissident community, both in China and in the U.S., namely, for one, Wei Jingsheng, have said that it is very, very important for the U.S. to continue to push for this; whether we win or lose, the Chinese people must know that we stand with them.

He has himself said, I urge, this is from Wei Jingsheng, many members in this body fought for his release from prison, we had hoped it would not be exile from his country, as the Chinese have executed, but release from prison and the ability to speak freely in China. But nonetheless the exiled Wei Jingsheng says, in a letter to Members of Congress, I urge my friends in the United States Congress to clearly show the Chinese people the basic values of the American people. I urge my friends to pass a clear resolution calling upon your Representatives and the Commission for Human Rights in Geneva to hold fast in their position. It is not only for the sake of the American people, but for the whole of humankind. The values of democracy, freedom and human rights far exceed the value of money.

He further says, many Chinese, Wei Jingsheng further says, many Chinese people regard the Human Rights Commission in Geneva as a barometer to measure the support given by the international community to the Chinese people in their struggle for human rights and freedom.

In addition to the voice of the dissidents in support of this resolution, in addition to the promise made by President Clinton to pursue this resolution when he delinked, in addition to the fact that this is the 50th anniversary of the universal declaration of human rights, I urge my colleagues to support this resolution urging the administration to reconsider because the basis of their decision was the Chinese promise to support this other convention, to sign this other convention.

I call to my colleagues' attention, and they may have seen it, I hope so, over the weekend in the newspapers the reports that the Chinese government, that we all remember when President Jiang Zemin was here, he and President Clinton had as the crowning glory, the moment of their summit the agreement by the Chinese that they would no longer sell technology for weapons of mass destruction to Iran. On the strength of that agreement, that written agreement, the Clinton administration recently certified that on the basis of promises, not performance, that the Chinese were in accord, in compliance with the accords in terms of the nuclear arena and that would allow business in the United States to sell nuclear technology to China. Already the Chinese have violated that agreement. When they were caught, the administration tried to hold, to prevent that information, as I mentioned, the Chinese government in violation of a signed agreement with President Clinton, which was the flagship issue of the summit, in violation of that the Chinese government was transferring the technology to the Iranian government, a lifetime supply of materials for the enrichment of uranium. When the Chinese were caught the administration tried to suppress the information to make sure nobody found out about it. When it was made public, the administration declared victory and said, look, we stopped the Chinese from doing what they said they were not going to do in the first place.

The point is their agreements mean nothing. We have to urge the administration to reconsider its decision. I urge my colleagues to vote aye.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentlewoman for her very strong statement.

I yield such time as he may consume to the gentleman from New York (Mr. SOLOMON), who has been a leader on human rights in China for many, many years.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from New Jersey who for 18 years has led a fight on this floor trying to help people who are oppressed across this world with human rights violations. I thank the gentleman from Tampa, Florida, who replaced a very good friend of mine, Sam Gibbons, for his remarks as well. As always, we thank the gentlewoman from California. She is a real leader in the fight to try and make the lives of other people throughout this world better.

Mr. Speaker, I reluctantly support this resolution today. I say reluctantly because quite frankly it is a shame, quite frankly it is a scandal that we have to be here at all exhorting our President to do something that he should be doing without us even asking. Our President, continuing his five-year unrequited love affair with these butchers of Beijing, has abandoned the pursuit of improved human rights in China at the U.N. and that is just so sad. So it falls to us here in this Congress to pass this resolution today calling on the President to do the right thing. It is embarrassing, Mr. Speaker.

Once again China's human rights record continues to offend the decent people in this world and everyone admits it; everyone, that is, except the Clinton administration and some unbelievably cowardly governments in Europe who all they want is the almighty dollar. And what a shame that is. Mr. Speaker, a couple of weeks ago, several Members and I had a meeting with Richard Gere. Members know who he is; he is a Hollywood celebrity. He is the cochairman though of the International Campaign for Tibet. Mr. Gere, who travels to the Tibetan refugee camps in India frequently and was with me in Taiwan just a couple of weeks ago, told us how in 1994, when President Clinton shamefully delinked human rights from trade with China, Communist prison guards began immediately beating prisoners telling them that no one was going to help them now. That is not JERRY SOLOMON saying that. That was Richard Gere who strongly campaigned for the President and is sorry that he did because of actions like this.

Unfortunately, we can be sure that the same vile brutality is now taking place in the wake of President Clinton's and the European Union's and the U.N.'s gutless decision not to censure China for its colossal human rights violations. That is why we are here today on this floor. That is why the gentleman from New Jersey (Mr. SMITH) introduced this resolution, and that is why everybody better come over to this floor and they better pass it unanimously.

Mr. DAVIS of Florida. Mr. Speaker, I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank my colleague and friend, the gentleman from Florida (Mr. DAVIS), who has been kind enough to join me in serving with the Congressional Children's Caucus, and so I know his commitment to the question of equality, human rights and social justice. Let me acknowledge the gentlewoman from California (Ms. PELOSI) as well for continuing this fight for simply humanity in China. The gentleman from New York (Mr. GILMAN), I thank him also for his leadership. I would like this debate to be perceived as a bipartisan debate and really less so about whether Congress is behind the eight ball as to whether or not we in this body, the chief lawmaking body for this Nation, go on record for a most solemn and important statement and argument.

I happen to have been one who with great trepidation voted for the MFN, the most-favored-nation, based upon the many strong arguments that had been made that if you continue to expose a nation to opportunity, to democracy, to the respect of human rights, you would see gradually those changes coming about.

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It would have been interesting to be a fly on the wall during the tumultuous debates regarding the Soviet Bloc, and then as we saw the Berlin Wall fall and the rejoicing of democracy in those parts of the world.

I am hoping and would hope most of us would like to believe that we have that kind of trend moving forward in China. Sadly, as time goes on, I am believing that more is needed, and I certainly think the United Nations resolution dealing with the question of human rights was more than appropriate.

So I join my colleagues on this day of Saint Patrick, as I am wearing green for that special occasion, the patron saint who realized how important it was in his life and in his time that Christianity was being blocked in Ireland. We have many faiths now. We have many views now in this world that is becoming smaller and smaller. Why is China blocking those who may differ with the government? Where is China's patron saint?

I truly believe that the United States Congress has its right and its responsibility to be the patron saint of a country that refuses to acknowledge its place at the world table, and that is with the dignity of human rights.

So, Mr. Speaker, I rise in support of House Resolution 364, and I believe that the resolution on the human rights situation in the People's Republic of China at the 54th session of the United Nations Commission on Human Rights should be passed.

I know that physically the United States can do little to relieve the suffering of people of other nations at the hands of their own government. In fact, China has said that to us on a regular basis. However, we, as Members of this representative body on behalf of the American people, can voice concerns regarding human rights and argue for our government to take a stand. We must argue when policies are inconsistent with our own interests of simple human justice.

The State Department's country records reports on human rights practices for 1997 states that the Government of China continues to commit widespread and well-documented human rights abuses in violation of internationally accepted norms, including extrajudicial killings, the use of torture, arbitrary arrests, detention, forced abortion and sterilization, the sale of organs from executed prisoners, which, by the way, was reported in the newspaper today again, and tight control over the exercise of rights of freedom of speech, press and religion.

With this in mind, this body must and should encourage the President to reconsider his decision. I believe it is important that we reconsider the decision that was offered just a time a while ago. I believe it is likewise important that we stand on the side of history and continue to fight for human rights and human justice.

It is evident from the leadership of the peace movement and others who have said that the offering and debating of this resolution at the annual U.N. Human Rights Commission in Geneva advances human rights in China and Tibet. And we must stand by that argument. China in the past has shown a willingness to respond to the concerns of the United States regarding human rights, and I believe that this resolution will make progress in that area.

Therefore, I strongly encourage my colleagues to support this House resolution and recognize that today we stand on behalf of those who deserve human rights and justice in China. Where is China's patron saint? We need that person and that saint now.

Mr. Speaker, I rise in support of House Resolution 364, which urges the introduction and passage of a resolution on the human rights situation in the People's Republic of China at the 54th Session of the United Nations Commission on Human Rights.

I know that physically the United States can do little to relieve the suffering of people in other nations at the hands of their own governments. However, we as members of this representative body on the behalf of the American people can voice concerns regarding human rights policies which are inconsistent with our own interest and values.

The State Department's Country Reports on Human Rights Practices for 1997 state that the Government of China continues to commit widespread and well-documented human rights abuses, in violation of internationally accepted norms, including extrajudicial killings, the use of torture, arbitrary arrest and detention, forced abortion and sterilization, the sale of organs from executed prisoners, and tight control over the exercise of rights of freedom of speech, press, and religion.

With this in mind this body must and should encourage the President to reconsider his decision announced just a few days ago not to press for a resolution on human rights violations in China and Tibet at the 54th Session of the United Nations Commission on Human Rights.

History is on the side of action in this debate on whether or not to press for a resolution at the upcoming United Nations meeting on human rights. We know that the release last year of Chinese dissident Wei Jingsheng after the U.S.-China summit and just before Chinese Justice Minister Xiao Yang arrived in Washington for talks with U.S. officials came as a result of pressure from the United States.

It is evident from what Wei Jingsheng and others have said that offering and debating this resolution at the annual U.N. Human Rights Commission in Geneva advances human rights in China and Tibet. In the past the Government of China has made some improvements in human rights just before the annual Human Rights Commission consideration of a China resolution.

We know that conditions for political prisoners improve when the resolution is being debated and they deteriorate when the resolve of the United States weakens.

The United States has stayed the course since 1990 participating in multilateral efforts to gain passage of a United Nations Commission on Human Rights resolution addressing the human rights situation in China. We should not at this point retreat from our position regarding the need to improve human rights in China.

China in the past has shown a willingness to respond to the concerns of the United States regarding human rights, and I believe that this resolution will make progress in that area. Therefore, I strongly encourage my colleagues to support of House Resolution 364.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York (Mr. GILMAN), the chairman of the full Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I rise in strong support of H.Res. 364, and I want to commend the chairman of the Subcommittee on International Operations and Human Rights, the gentleman from New Jersey (Mr. SMITH), and the ranking minority member of his committee, the gentleman from California (Mr. LANTOS), for crafting this resolution and bringing it before us at this time.

I also want to commend the distinguished chairman of our Subcommittee on Asia and the Pacific, the gentleman from Nebraska (Mr. BEREUTER), and the distinguished chairman of our Committee on Rules, the gentleman from New York (Mr. SOLOMON), for their strong support of the measure; in addition to the gentlewoman from California (Ms. PELOSI), who has been an activist for human rights in China.

In response to Beijing's announcement last week that it would sign the United Nations Covenant on Civil and Political Rights, and the administration's desire to send President Clinton off to China on a Presidential visit, the Clinton administration has reported that it will not sponsor a China human rights resolution in Geneva. This is distressing to many of us. The President should reconsider his reluctance to underscore our Nation's opposition to China's consistent violations of human rights.

To say the least, Beijing's track record of living up to its promises have not been very impressive. Last October, for example, President Jiang Zemin signed another key treaty, the Covenant on Economic, Social and Cultural Rights, but the National People's Congress, now in session in Beijing, has not taken any action thus far to ratify that agreement.

In addition, Beijing has agreed to end the sale of nuclear and ballistic missile technology to nations that are linked to terrorism, but their sales continue. They continue to this very day.

Before the President visits China, he really should know when its leaders are going to sign, ratify and implement both of these covenants. The President also needs to know when Beijing will amend its 1993 state security law and when it will abolish administrative detention, including the use of reeducation through labor.

The President also needs to know when Beijing will review the sentences of more than 2,000 who have been convicted as counterrevolutionary offenders with a view towards releasing unconditionally those who are in prison.

And before the President's visit to China, he should be assured that the government in Beijing are going to give regular access to Tibet and to East Turkestan by U.N. and private independent human rights monitors. He should also wait until the Communist government has ended or eased its registration requirements on religious activities and that it is taking concrete steps to protect freedom of association with Chinese workers.

Accordingly, I join with my colleagues in urging this administration and the President to reconsider their reluctance to sponsor the Geneva resolution and to put off the Presidential visit until we see some progress in those critical areas. I urge my colleagues to fully support H.Res. 364.

Mr. DAVIS of Florida. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this time.

I wanted to make one additional point, Mr. Speaker, and that is to address the issue of the European Community not supporting the resolution this year. That decision by the EU does not bind the member states of the EU, and it is possible that some of those countries would support the resolution, and I certainly hope so, but it would require leadership on the part of the United States.

I wanted to make the point that Wei Jingsheng has driven home to us, and that is that as we are considering this resolution, and many of my colleagues feel much more comfortable dealing with human rights in China at the Human Rights Commission, and I think that is very appropriate, and this is not the time to talk about trade issues or MFN, however Wei Jingsheng would want me to say what he has told me over and over again, and that is that the huge trade deficit, $50 billion this year, that the Chinese enjoys with the U.S., it is a surplus to them, is money that they spend buying, buying, in Europe and other countries that are represented at the U.N. Commission on Human Rights, buying support.

They have effectively silenced any voices for support for this resolution, and they do it with our own money. How even more necessary for us to take leadership at the Commission.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself 30 seconds, before yielding to the distinguished chairman of the Subcommittee on Asia and the Pacific to make one additional point.

I think it is very important to point out that the Chinese Government, and Human Rights Watch Asia has done a very fine job in chronicling this, country by country, went out and sought members of the Human Rights Commission in Geneva and provided favors to those governments, money, building supplies, all kinds of materiel in order to buy out those countries from supporting the human rights resolution last year.

I would ask at the appropriate time that that be made a part of the RECORD so that Members can see how the Chinese Government methodically was able to silence its critics.

Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. BEREUTER), the very distinguished chairman of the Subcommittee on Asia and the Pacific.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman from New Jersey for yielding me this time.

As an original cosponsor of H. Res. 364, this Member rises in strong support of this resolution which urges the introduction and passage of a resolution on the human rights situation in the People's Republic of China at the U.N. Human Rights Commission in Geneva. The Commission began its annual session on March 16th.

This administration seems to believe strongly in using the United Nations where appropriate. This is the appropriate place for the human rights abuses in China to be brought to the attention of the world community. I regret the fact that it is not going to be pursued by the administration.

The resolution we have before us today, crafted by the gentleman from New Jersey, with input from many people, including this Member, quotes from the State Department Human Rights Report of 1997 noting that the Government of China continued to commit widespread and well-documented human rights abuses, which included extrajudicial killings, torture, forced abortion and sterilization, as well as expanded attempts to control religion.

Certainly Beijing is annoyed that year after year the United States has raised this issue at the U.N. Human Rights Commission. But for many in this body who are genuinely interested in Sino-American relations, human rights is an entirely appropriate U.S. concern. Thus, this Member regrets that late last week the administration decided not to press for a U.N. resolution censuring China for human rights abuses, citing that the Beijing Government is gradually changing it is progressive practices and may be ready to make new releases of political dissidents. That may be a correct conclusion. I hope it is. But I do believe it is the wrong approach.

I think we use this Human Rights Commission forum whenever appropriate. And while it is true that during the past year China has made some concessions, such as the release of dissident Wei Jingsheng from prison, this Member urges the administration to continue to press China on human rights even if the U.N. meeting in China, very unfortunately, is not to be the forum by the choosing of this administration.

As the Members of this body are aware, this Member supports engagement with the People's Republic of China. This year's summit represented expanded engagement of the PRC, which this Member believes will successfully promote Democratic ideals and standards throughout this country. That said, this does not mean that we should remain silent regarding human rights abuses in China.

The gentlewoman from California has brought up the European Commission and the European Union, and I think that is entirely appropriate. They say we are not going to pursue this in the U.N. Human Rights Commission because we believe in constructive engagement. Well, so do I, and so do many Members of this body, and so do the administrations of both parties, but that does not mean that we fail to use the U.N. Human Rights Commission.

I think it is a shameful lack of courage on the part of the Commission. I am talking about the European Commission and the European Union. It is true, as the gentlewoman said, that members are free to go their own way and support and introduce such a resolution before the U.N. Human Rights Commission. Denmark had the courage to do that last year. China threatened repercussions on Denmark when they took that stance, and perhaps they delivered on that. But I do not think that should be any excuse for the lack of courage on the part of the Europeans in this respect. And they are very quick to give us advice gratuitously. Let it be said that this Member, and I think many Members of this body, are discouraged and very upset with their decision.

This resolution, therefore, is an important statement on the part of the U.S. House of Representatives. It puts, through H.Res. 364, us on record that the very real human rights questions and concerns that the American people have raised regarding the PRC are certainly voiced in this body.

This Member again commends the author of the resolution, the distinguished chairman of the Subcommittee on International Operations and Human Rights, the gentleman from New Jersey (Mr. SMITH), for this initiative. He has pursued it previously, as already mentioned.

This Member also thanks the distinguished chairman of the Committee on International Relations, the gentleman from New York (Mr. GILMAN), for assisting us in moving this initiative in such an expeditious manner.

Mr. Speaker, I urge all Members to vote for the adoption of H.Res. 364.

Mr. DAVIS of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself 30 seconds to thank my good friend from Nebraska, the chairman of the Subcommittee on Asia and the Pacific. He is very much involved on a day-to-day basis with what is going on in China. We have worked cooperatively on this resolution. He had some very useful text changes, and we thank him for that.

I wanted to thank the chairman of the full committee, the gentleman from New York (Mr. GILMAN), who is always a great friend of human rights; the gentlewoman from California (Ms. PELOSI); and I want to thank the gentleman from California (Mr. LANTOS), my ranking member of the subcommittee, and all the Members who have helped forge this legislation.

Mr. GEPHARDT. Mr. Speaker, I rise today as an original cosponsor of H. Res. 364, a resolution urging the President to secure passage of a resolution on China's human rights record at the annual meeting of the United Nations Commission on Human Rights (UNCHR) this month in Geneva.

During the past eight years, the United States Government has participated in nearly all of the annual efforts to pass a resolution at the UNCHR addressing the Chinese Government's human rights policies. This pressure has generated limited but important results, such as the Chinese government's signing of the International Covenant on Economic, Social and Cultural Rights and inviting the U.N. Working Group on Arbitrary Detention to visit last October.

I have long believed that we should press for improvements in the human rights situation in China through the use of multilateral forums such as the UNCHR, bilateral negotiations, and other mechanisms such as the annual debate over renewing Most-Favored-Nation status for China.

Critics of the annual debate on Most-Favored-Nation status for China, however, have argued that removal of MFN trade treatment for China is an instrument too blunt for the task at hand. They have urged that in place of U.S. unilateral action the U.S. should pursue efforts to ensure a multilateral approach to influence Beijing's human rights practices. When the Administration decided in 1994 to delink the MFN issue from human rights considerations, the President acknowledged that the multilateral dimension of our engagement on human rights in China remained critical. At that time, he stated that "the U.S. should step up efforts, in cooperation with other states, to insist that the U.N. Commission on Human Rights pass a resolution dealing with the serious human rights abuses in China."

To that end, earlier this year I wrote to the President with Democratic Whip DAVID BONIOR and Representative NANCY PELOSI to urge that the United States Government sponsor and actively lobby for a resolution on China's human rights record at this month's meeting of the U.N. Commission on Human Rights. In our letter, we argued that it would be a serious mistake, given the wide scale and continuing human rights abuses in China and Tibet, to remove that pressure before China takes concrete steps to comply with international standards. These steps must include significant improvement in China's overall human rights practices, including granting freedom of speech, association, and religion; enacting major legal reforms, including repealing state security laws and abolishing all so-called "counter-revolutionary" crimes; releasing political prisoners; acting to protect freedom of association for workers; and opening up Tibet to human rights monitors.

I was extremely disappointed to learn on Friday that the Administration has decided against pressing for passage of a resolution on China's human rights practices at the U.N. Commission later this month. Failure to press for passage of a resolution will seriously undermine our efforts to influence Chinese human rights policies and represents a step backwards in our efforts to advance the cause of freedom across the globe.

In making its announcement, the Administration noted that China intends to sign the International Covenant on Civil and Political Rights, which would bring about improved multilateral oversight of China's human rights practices. While I agree that China's participation in this Covenant will be a significant achievement if it follows through on its commitment, it does not adequately substitute for the annual review and dialogue provided by the U.N. Human rights Commission. After China's first year of participation under this Covenant, its human rights practices will be subject to international oversight only once every five years.

We must regularly review China's record in this area to continually draw international attention to its flagrant abuses of human rights. Only through such a review can we hope to sustain the momentum necessary to have any hope for meaningful and systematic changes in China's behavior. Examination of China's human rights practices only once every five years is insufficient to create any real momentum for change. In fact, this will best serve the Chinese Government's interest by keeping these issues out of public debate most of the time.

Furthermore, I am deeply concerned that a failure by the United States to take a leading role on this issue at this crucial juncture would bolster efforts made by China in recent years to eliminate all international comment on its human rights practices, and would further fuel China's efforts to weaken the definition of basic universal human rights and the mechanisms designed to protect them.

It would be particularly disappointing on the fiftieth anniversary of the Universal Declaration of Human Rights if China should succeed in its efforts to escape the scrutiny of the one international body mandated to protect and promote human rights. The U.N. Commission on Human Rights is one of the few instruments by which the international community has the opportunity to voice concern about human rights practices around the world. Lack of action at the U.N. Commission on Human Rights would greatly undermine multilateral pressure on the Chinese government.

I hope the President will reconsider his decision not to lead efforts at the U.N. Human Rights Commission later this month, and I urge all Members to support the adoption of this resolution.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 364.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

☐ 1545

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 364, as amended.

The question was taken.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

COMMENDING DEMOCRACY IN BOTSWANA

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 373) commending democracy in Botswana.

The Clerk read as follows:

H. RES. 373

Whereas Sir Ketumile Masire has been involved in politics in his country since he cofounded the Bechuanaland Democratic Party (later the Botswana Democratic Party) with Seretse Khama in 1962;

Whereas Sir Ketumile Masire was elected to Botswana's first Parliament in 1965, later became Vice President under President Seretse Khama, and succeeded President Khama as President upon his death in 1980;

Whereas under President Masire's administration Botswana has maintained a successful multiparty constitutional democracy with regular free and fair elections;

Whereas President Masire plans to retire from the presidency on March 31, 1998;

Whereas the Government of Botswana has worked constructively with the Organization of African Unity, the Southern African Development Community, and other organizations to promote democracy in Africa;

Whereas Botswana is a long standing friend of the United States and was selected as the site of a major Voice of America radio relay station because of its stability; and

Whereas President Clinton plans to enhance United States relations with Botswana through an upcoming official visit to Botswana: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the people of Botswana for their commitment to democracy;

(2) commends Sir Ketumile Masire for his long and distinguished service to his country and the cause of democracy in Africa;

(3) calls on President Masire's successor to pursue the course set by President Masire by maintaining a democratic Botswana;

(4) calls on the Government of Botswana to continue playing a positive role in African and world affairs; and

(5) encourages the Government of Botswana to continue promoting peace, democracy, respect for human rights, and economic reform in Africa.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

California (Mr. ROYCE) and the gentleman from Florida (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. ROYCE).

GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 373.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROYCE. Mr. Speaker, this resolution recognizes the government of Botswana and the people of Botswana for their long-standing commitment to democracy. Since he took office in 1980, President Ketumile Masire has presided over a government that has honored the democratic process. His government has been a model of democratically-rooted stability and development for Africa, and it has been a model for the world.

Botswana also is a long-standing friend of the United States and has played a constructive diplomatic role in Africa and in the world. Yet Botswana is a bit of a forgotten African country. This bill brings attention to Botswana by commending its people for their democratic commitment.

After nearly 18 years in office, President Masire is stepping down within days of our action here today. The resolution commends him for his service to his country. All too often, we criticize African leaders for the things they do wrong, but we seldom take the opportunity to commend them for a job well done. This resolution offers us the chance to send such a positive message.

Botswana has been at the vanguard of African democratic and economic reform. This southern African nation has been a model for its neighbors and in several forums has worked diligently to promote peace and cooperation. At this time of renaissance for Africa, it is altogether appropriate for us to acknowledge the positive role Botswana has made in Africa and on the world stage.

The bill has bipartisan support, as demonstrated by its unanimous approval by the Committee on International Relations last week.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to speak in support of the resolution.

Botswana is a success story. It is one of Africa's oldest continuous democracies. It has been active in promoting regional integration in southern Africa. Its military has a very professional reputation; and Botswana has been active in social programs, including conservation efforts.

Congress is going on record today in recognition of that success and commending President Masire for his leadership on the eve of his retirement. I hope this resolution will encourage Botswana to continue its democratic tradition and to continue its constructive foreign policies.

I would like to urge my colleagues to join the gentleman from California (Mr. ROYCE) and me in recognizing Botswana's success by voting yes on this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. ROYCE. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. GILMAN), the distinguished chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to thank the gentleman from California (Mr. ROYCE), the distinguished chairman of our Subcommittee on Africa, and the cosponsors of this resolution, the gentleman from New Jersey (Mr. MENENDEZ), the ranking Democrat on the Subcommittee on Africa, and the gentleman from Ohio (Mr. CHABOT) and the gentleman from New Jersey (Mr. PAYNE). This resolution passed our committee by a voice vote March 12.

Botswana is highly deserving of the praise contained in this resolution. Its great progress on democracy and free-market economics since independence is a model for other nations in the region and elsewhere. I am pleased that President Clinton is going to be visiting Botswana later this month during his historic trip to Africa.

Botswana's neighborhood is southern Africa, which today is an island of stability on the troubled continent of Africa. Peace has taken hold in Mozambique, apartheid has been vanquished in South Africa, and the senseless killing in Angola appears to be over.

Even when this region was not so stable and when Botswana was surrounded by wars and oppressive regimes, Botswana managed to embrace the best of Western values and to provide its people with an increasingly higher standard of living. This is no small accomplishment in that part of the world.

Accordingly, I urge my colleagues to support this worthy resolution.

Mr. ROYCE. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. BEREUTER), a member of the Committee on International Relations.

Mr. BEREUTER. Mr. Speaker, I do want to thank my colleague, the chairman of the Subcommittee on Africa, for yielding me the time. I want to commend him and the gentleman from New Jersey (Mr. MENENDEZ) and all the cosponsors of this resolution.

As the gentleman from California mentioned a few minutes ago, sometimes it appears we only bring resolutions which criticize other countries. Here is an example of a country which has moved in a very exemplary fashion in so many areas.

Since its independence in September of 1996, Botswana has been a successful multiparty democracy. It has consistently scored high in human rights reports by the State Department. It has been a long-standing ally of the United States, and it has consistently supported U.S. positions in international fora. Through increased adherence to free-market principles, Botswana has experienced remarkable economic growth, it has made U.S. economic assistance unnecessary, and it has done it in a part of a continent where that is not always the case.

We often encourage African countries to spend money on social concerns such as education and health, and the President Masire government has done exactly that. Unlike so many other leaders in many countries and certainly in Africa, the President is stepping down voluntarily. The ruling Botswana Democratic Party offered him the chance to be exempt from new term limits on the presidency, but he refused. I think he is setting an outstanding example for the future in this multiparty democracy.

It is entirely appropriate that we do commend Botswana for the very impressive progress they have made. I commend my colleague for bringing this to the attention of the House.

Mr. ROYCE. Mr. Speaker, President Clinton is scheduled to visit Botswana later this month. I am scheduled to accompany him on that trip. We have spoken with the administration about this resolution, and they strongly support this measure as a positive sign to our friends in Botswana.

It would be my honor to present this resolution to President Masire on behalf of this House. I urge my colleagues to make this possible by approving this resolution today.

Mr. DAVIS of Florida. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Speaker, I rise in support of this Botswana resolution. President Clinton will be traveling to Botswana in March. He chose Botswana not only for the country's strong democratic values but the increase in economic growth. The economy is market oriented, with strong encouragement for private enterprise. The diamond revenues and solid economic and fiscal policies has resulted in improved growth. Per capita gross domestic product was approximately $2800 last year, and it is increasing at a robust annual rate of approximately 7 percent. I understand that elections should take place soon and the Botswana Democratic Party leader, Mr. Masire, will be handing over the reins to his Vice President. Many years ago in Africa when a President took over, he was President for life. We have seen that in Malawi where life President Banda just recently after 30 years handed it over. This is a step really in the right direction.

Let me say that I had the opportunity to participate in a forum to voice my concerns to the NSC and State Department before the President embarks upon his journey to Africa. One thing that came out of the dialogue is that women are a dominant and important part of the economy throughout Africa. Ghanian women account for almost 90 percent of the market economy. I know the government of Botswana is working to make improvements in this area. Two years ago I applauded the government for taking the initiative to formulate a long-term plan of action to implement the National Policy on Women specifically working on property rights.

In conclusion, let me say that we should congratulate countries like Botswana and that they are eager to be in the first round of the Growth and Opportunity Act. As a matter of fact, for the last 4 or 5 years, Botswana has had a surplus of over a billion dollars each year which has been put aside into the coffers of that country. I would once again like to congratulate that outstanding country and look forward to visiting there with the President in the coming week.

Mr. ROYCE. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding me this time. I rise in strong support of the resolution. I want to commend the gentleman from California (Mr. ROYCE), the distinguished chairman of the Subcommittee on Africa, for offering this thoughtful and timely resolution. As a member of the subcommittee, I have had the pleasure of working closely with the gentleman from California (Mr. ROYCE). I think I speak for all the Members when I say we appreciate his able leadership. I also want to commend the gentleman from New York (Mr. GILMAN), the chairman of the committee; the gentleman from New Jersey (Mr. MENENDEZ), the ranking member of the subcommittee; and the gentleman from New Jersey (Mr. PAYNE) for their work on this resolution.

Mr. Speaker, Botswana is one of the great success stories of sub-Saharan Africa. As the President prepares to embark on his historic trip to that part of the world, it is fitting that we send along a message of commendation and encouragement to the government and the people of Botswana. Under the leadership of President Masire, Botswana has maintained a successful, multiparty constitutional democracy with free and fair elections. This resolution commends Mr. Masire on the occasion of his retirement and calls upon his political successors to continue promoting peace, democracy, respect for human rights and economic reform in Africa.

Mr. Speaker, this is a well-crafted resolution that deserves the support of every Member of this body. I want to again commend the gentleman from California (Mr. ROYCE) and the other Members that I referred to. I also want to commend the President on making this trip to Africa. I urge support for the resolution.

Mr. ROYCE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and agree to the resolution, House Resolution 373.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CALLING FOR FREE AND IMPARTIAL ELECTIONS IN CAMBODIA

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H.Res. 361) calling for free and impartial elections in Cambodia, as amended.

The Clerk read as follows:

H. RES. 361

Whereas Cambodia continues to recover from years of political conflict, civil war, the era of Khmer Rouge genocide, and subsequent foreign invasion;

Whereas the 1991 Paris Peace Accords contributed significantly to a process of political accommodation, national conciliation, and the establishment of a state based on democratic ideals;

Whereas the people of Cambodia overwhelmingly demonstrated their support for the democratic process through the participation of over 93 percent of eligible voters in the United Nations-sponsored 1993 elections;

Whereas the commitment of the Cambodian people to democracy and stability is reflected in the national constitution guaranteeing fundamental human rights;

Whereas the international donor community has supported the democratic process in Cambodia by contributing over $3,000,000,000 to peacekeeping and national reconstruction efforts;

Whereas notwithstanding the notable societal and economic reforms made subsequent to the 1993 elections, tensions within the Cambodian Government continued to mount, culminating in the July 5, 1997, military coup by which Second Prime Minister Hun Sen deposed the duly elected First Prime Minister Prince Ranariddh;

Whereas the Hun Sen government has yet to adequately investigate the killings and human rights abuses which occurred at the time of the July 5, 1997, coup and which were detailed in the August 21, 1997, Hammarberg report;

Whereas Second Prime Minister Hun Sen made a commitment to the United Nations High Commissioner for Human Rights (UNCHR) to extend the mandate of UNCHR;

Whereas an ongoing atmosphere of intimidation has prevented many of the political exiles who have returned to Cambodia from carrying out their activities in preparation for the election scheduled for July 26 without fear;

Whereas questions remain concerning the independence and impartiality of the newly created National Election Commission;

Whereas the failure of the Hun Sen Government to agree to arrangements for the expeditious return of Prince Ranariddh calls into serious question the possibility of a credible election; and

Whereas the European Union has unwisely decided to provide 9,500,000 ECU's (approximately $11,500,000) in aid to the Hun Sen regime to prepare for the July election in the absence of conditions that would allow a credible election: Now, therefore, be it

Resolved, That the House of Representatives—

(1) calls upon the Cambodian Government—

(A) to fully implement the Paris Peace Accords;

(B) to enforce the rule of law and fully protect human rights, including a thorough investigation of the extrajudicial killings and human rights abuses which occurred following the July 5, 1997, coup and punishment of those involved;

(C) to restore a nonviolent and neutral political atmosphere, including strict adherence to the cease-fire announced on February 27, 1998;

(D) to allow all exiled opposition leaders, including First Premier Ranariddh, to return to Cambodia and to engage in political activity without fear of political or physical reprisal; and

(E) to take further measures to create mechanisms to help ensure a credible election, including a truly independent and impartial election commission and provisions to allow domestic and international observers to monitor the entire election process;

(2) commends the Association of Southeast Asian Nations (ASEAN) for its efforts to restore democratic governance in Cambodia and urges a continuation of these efforts;

(3) calls upon the European Union to reconsider its decision to provide assistance to the election process until such time as genuinely free and fair elections can be conducted;

(4) urges the Secretary of State to continue to provide support through appropriate nongovernmental organizations to the courageous Cambodian human rights workers who persevere in their difficulty task, despite the considerable risk at which they put themselves;

(5) calls upon the Secretary of State to work with members of the Association of Southeast Asian Nations and with members of the Donors group in urging the Cambodian Government to create the conditions which would guarantee a free and fair election;

(6) calls upon the Cambodian Government to work cooperatively with the Phnom Penh office of the United Nations Centre for Human Rights and urges the United States Government and the international community to support the efforts of the Centre to promote human rights in Cambodia by providing the additional financial assistance needed to increase the number of United Nations human rights monitors in Cambodia; and

(7) states its unwillingness to accept as legitimate or as worthy of United States assistance any Cambodian government that arises from a fraudulent electoral process.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from Florida (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 361.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the author of H.Res. 361, this Member rises to urge the government of Cambodia to create conditions which would ensure a free, fair, and credible election in that troubled country.

Mr. Speaker, this Member would tell his colleagues that 7 months after a violent coup ousted the democratically elected First Premier Prince Ranariddh from power, Cambodia's prospects for democracy remain a shattered dream.

Those democratic hopes were considerably brighter in 1993 when an international effort led by the United Nations oversaw Cambodia's first democratic elections. Nearly 90 percent of the eligible electorate took part in that contest which chose FUNCINPEC's Prince Ranariddh as Prime Minister. Hun Sen, however, refused to accept the people's verdict and threatened a coup if not allowed a major role in the new government. Hun Sen's stand resulted in an unnatural, and ultimately unworkable, coalition government.

The fragile coalition finally disintegrated last July when Hun Sen violently expelled Prince Ranariddh from the government. Many prominent opposition leaders fled into exile. Many of these politicians have now returned to Cambodia to prepare for the elections scheduled for July 26. However, because of continued intimidation by forces close to the Hun Sen regime, these politicians have not been able to conduct normal political activities. The media, as well, has been cowed by the same forces of intimidation.

Within Cambodia, human rights workers persevere in their difficult task, often at considerable personal risk. Today, 7 months after the fact, Hun Sen's regime has yet to investigate the many instances of extrajudicial killing that took place at the time of the coup and since, despite repeated calls for accountability from domestic and international groups.

H.Res. 361 cites the coup d'etat of July 1997 and subsequent extrajudicial killings, the ongoing atmosphere of political intimidation, the questionable impartiality of the election law and the newly created National Election Commission, and the failure of the Hun Sen regime to facilitate the expeditious return of Prince Ranariddh and his full participation in the election process as indications that conditions do not yet exist to conduct free, fair, and credible elections.

In response to these problems, H.Res. 361 urges the Cambodian government to fully enforce the Paris Peace Accords; to restore a nonviolent and neutral political atmosphere; to allow all exiled opposition leaders, including First Premier Ranariddh, to return to Cambodia and engage in political activity without fear of political or physical reprisal; and to take further measures to ensure a credible election.

H.Res. 361 then also calls on all sides in the domestic dispute to abide by the cease-fire of February 27, 1998. It commends the work of the Association of Southeast Asian Nations, ASEAN, and the U.N. Centre for Human Rights for their ongoing efforts to restore democratic governance to Cambodia. It calls upon the United States Government to continue its support for human rights NGOs in Cambodia.

Finally, H.Res. 361 states our unwillingness to accept as legitimate or worthy of U.S. assistance a Cambodian government resulting from a fraudulent election.

Mr. Speaker, the Committee on International Relations unanimously adopted H.Res. 361. This Member believes that H.Res. 361 represents a balanced assessment of the situation in Cambodia and our prescription for advancing democracy and human rights in that beleaguered nation.

This Member also thanks the gentleman from New York (Mr. GILMAN), the distinguished chairman of the Committee on International Relations, and the gentleman from Texas (Mr. ARMEY), the distinguished majority leader, for moving this initiative in such an expeditious manner.

This Member also expresses appreciation to the distinguished gentleman from Indiana (Mr. HAMILTON), the ranking member of the Committee on International Relations for his constructive additions to this resolution.

This Member also thanks the distinguished gentleman from California (Mr. BERMAN), the ranking member of the Subcommittee on Asia and the Pacific, for his assistance in speeding this resolution before this body.

Mr. Speaker, I urge adoption of H.Res. 361.

Mr. Speaker, I reserve the balance of my time.

☐ 1600

Mr. DAVIS of Florida. Mr. Speaker, I yield myself such time as I may consume. I strongly support this resolution and commend the gentleman from Nebraska for bringing it before the House today. The next few months may well determine the future of Cambodia for years to come. With good fortune and concerted effort on the part of the Cambodian people as well as the international community, democracy may begin to take root in Cambodia. But there is also a real chance that the forces of tyranny and hatred may triumph in Cambodia, once again bringing chaos and misery to that tragic land.

The resolution before us today represents a vote for democracy. It demonstrates our commitment to political pluralism and a Cambodia whose people can live in peace and without fear. It deserves our support. I urge my colleagues to join me in voting yes on this important resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me this time. Mr. Speaker, I want to commend the gentleman from Nebraska (Mr. BEREUTER), the distinguished chairman of the Subcommittee on Asia and the Pacific, for introducing this resolution that calls for free and fair elections in Cambodia and for keeping this issue in the forefront of the work of this House and before the public.

The people of Cambodia who expressed their overwhelming commitment to the democratic process in the U.N.-sponsored elections in 1993 deserve the unflagging support of the American people, of this body and our government and the entire international community. But as we well know, democracy is in dire danger in Cambodia. The illegitimate government of Hun Sen continues to oppress and impose its political will on the people of Cambodia and threatens the legitimacy of a democratic process that many, both inside and outside Cambodia, worked so hard to create. The people of Cambodia deserve much better.

With only 4 short months until the proposed July national elections, H. Res. 361 is an extremely timely resolution. It is critical that our body continue to bring to the attention of the American people and to the world the plight of Cambodia and those struggling for democracy there. We must also call upon others such as ASEAN and the European Union to do the right thing and to support a genuine democratic process in Cambodia by way of a free, fair and fully representative election. These elections must be fully representative of the Cambodian people and we should accept nothing less.

Although I believe my views on the subject are well known, I want to reiterate my strong support for the democratic forces in Cambodia and for the good people of Cambodia who have suffered so much and deserve so much better. While all of us are disappointed in the current state of affairs, we are committed to bringing democracy, justice, peace and freedom once again to the kingdom of Cambodia and to the Khmer people. There is much work to do between now and the elections. I think this resolution expressing the sense of Congress is certainly a good and worthy start. I am proud to be a cosponsor. I look forward with the help of our colleagues to passing it today on the floor of the House.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume. I thank my colleague from New York for his comments. He is absolutely right. The people of Cambodia have been very long suffering. They deserve better. We are headed for a noncredible, disastrous election unless the world community lets the Hun Sen regime know that we will not accept election results, that we expect better, that we expect that candidates for office, including Prince Ranariddh will be able to come back and to campaign unimpeded by physical intimidation. This House will be asked to vote in a recorded vote in a few minutes. I would hope that my colleagues will give a unanimous positive vote for this resolution. This is a resolution where we may indeed have an impact on Cambodia and on the international community.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Florida. Mr. Speaker, I would like to thank the gentleman from Nebraska for his keen sense of timing.

Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, this should be a very busy time for this House. Many of us should come to the floor in support of these resolutions. I thank the gentleman from Nebraska (Mr. BEREUTER). I know that we spent some time together at the European Union on these issues. I think certainly H. Res. 361, if I might, simply adds to the importance of allowing for free and impartial elections, the rule of law and human rights.

I really rise, Mr. Speaker, as a member of the Human Rights Caucus, and therefore these issues are very, very near and dear to our effort and the message that I believe is very important as a part of this Nation's foreign policy. For too many we have been chastised for trying to be the police of the world. I would rather think of us as the conscience of the world. Certainly it is important with so many Cambodians here in the United States that we recognize the importance of free elections and human rights.

I believe that human rights allows a nation to stand on its feet. Human rights engenders economic opportunity and advancement. Human rights provides for opportunities to educate all of your people. Human rights gives the free marketplace an opportunity to work. And so H. Res. 361 is more than policing the world, it is opening the doors of opportunity.

With that, Mr. Speaker, I would like to add my appreciation and support of H. Res. 373, which is commending democracy in Botswana. Here we have a very small nation of 2 million people in sub-Saharan Africa. I had the pleasure of visiting it as part of the presidential mission in December. Probably to the surprise of many of my colleagues, this nation has been democracy filled for 31 years. In fact it has created a multiparty democracy. It is the oldest freestanding democracy in Africa with their first President elected, Mr. Koma, in 1966, who remained in office until his passing. With the present President Mr. Masire, who came in 1994, they have had an unblemished record of democracy. What has it engendered for them? A high economy, free housing for many of its citizens, peace in the streets. And so the question becomes to my colleagues, I hope that they will support both of these resolutions, because what does peace and human rights and justice beget us? It begets us the opportunities that we have here in this country. Yes, America's foreign policy and domestic policy are not perfect, but it certainly does not mean that we cannot stand up and demand and require our allies and friends to recognize the importance and value of human rights.

With that, Mr. Speaker, I would ask certainly for continued support and passage of H. Res. 373 and support for H. Res. 361.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to take a moment this afternoon to join in support of H. Res. 373 and recognize the remarkable efforts of the government of Botswana in stabilizing the practice of democracy not only in their own country, but throughout all of the Southern part of the African continent. Since its independence from British rule in 1966, Botswana has been nothing less than a powerful reminder to all of us about the untapped potential of having a politically liberated Africa. So in this very brief amount of time that I have been allotted, I want to share with you Botswana's secret; I want to cite the reasons why they have deservedly captured the attention of the world.

First of all, Botswana has captured the world's attention by creating a multi-party democracy that without exception is an outstanding parallel to our own. From the election of their first President, Seretse Khama in 1966, who brilliantly served the people of Botswana until his passing in 1980, to the re-election of their current President, Ketumile Masire, in 1994, Botswana has established an unblemished record of conducting extremely fair political contests. No ethnic, racial or religious minorities are excluded from participation in the electoral process. No one political party or affiliation stronghandedly dominates the political landscape of the country. In essence, the rule is simply that all of the citizens of Botswana after the age of 21 are given the opportunity to exercise the franchise, freely.

But most importantly, Botswana has captured our attention, because the will of its people is sovereign. The Constitution of Botswana establishes a system of government similar to that of our British allies across the Atlantic. Botswana has a parliamentary legislature with a traditional separation of powers that is equally divided by checks and balances amongst three independent branches of government: the executive, the legislative and the judicial. This is a system of government that is not much different than the one envisioned by Baron de Montesquieu, in his magnus opus, The Spirit of the Laws, over two centuries ago. It is a perfect and fair model of the ideal civil libertarian state. But despite all of these shining political achievements, we all know that a nation's political structure is only one part, albeit extremely necessary part, of a nation's success.

The fact of the matter is that a nation's future is as much premised upon its economic stability as it is on its political stability. And Botswana, in this arena as well, has done nothing but distinguish itself. All of the relevant statistics about recent financial growth in Africa indicate that Botswana's economy has been on an upward climb for over two decades now. This kind of responsible fiscal management is the reason why ground-breaking bills like the African Growth and Opportunity Act are being considered and passed in this House. Because today is truly a new age, my friends. This is an age where the human rights grievances and political instabilities of Africa's past are quickly slipping away. This is a time that will be remembered by future generations as the period when Africa began to move rapidly into the economy of the post-industrialized information age, as both our mutually beneficial partner and our friendly competitor. So I stand here proudly today to salute the nation of Botswana, to salute our many friends on the continent of Africa, and finally, to salute the prosperous future that I am sure we will have together.

Mr. DAVIS of Florida. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume. I want to thank the gentleman from Florida (Mr. DAVIS) and the gentlewoman from Texas (Ms. JACKSON-LEE) for their comments regarding Cambodia. The gentlewoman from Texas also made very commendable comments on Botswana.

Mr. Speaker, I urge unanimous support and a recorded vote for the Cambodia resolution to do what we can to ensure free and fair and credible elections in Cambodia.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the resolution, House Resolution 361, as amended.

The question was taken.

Mr. BEREUTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPRESSING SENSE OF CONGRESS REGARDING NORTHERN IRELAND

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 152) expressing the sense of the Congress that all parties to the multiparty peace talks regarding Northern Ireland should condemn violence and fully integrate internationally recognized human rights standards and adequately address outstanding human rights violations as part of the peace process, as amended.

The Clerk read as follows:

H. CON. RES. 152

Whereas multiparty talks regarding Northern Ireland attended by representatives of the British and Irish Governments and representatives elected from political parties in Northern Ireland are underway for the first time since the partition of Ireland in 1922 creating a momentous opportunity for progress on human rights concerns;

Whereas human rights violations and the lack of accountability by those responsible for such violations have been persistent features of the conflict in Northern Ireland; and

Whereas more than 3,000 people have died and thousands more have been injured as a result of the political violence in Northern Ireland since 1969: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) the Congress condemns the violence committed on all sides of the conflict in Northern Ireland as illegal, unjust, and inhumane;

(2) the Congress commends the leadership in both the British and Irish Governments and former United States Senator George Mitchell, Independent Chairman of the multiparty talks, for fostering a new environment in which human rights concerns may be addressed and an agreement may be reached expeditiously through inclusive talks with respect to Northern Ireland; and

(3) it is the sense of the Congress that—

(A) all parties should reject violence and work diligently through democratic, peaceful means to reach a just and lasting peace in Northern Ireland;

(B) human rights should be protected for all citizens and any peace agreement in Northern Ireland must recognize the state's obligation to protect human rights in all circumstances; and

(C) there are a number of measures which can be taken immediately that would remedy abusive human rights policies and build confidence in the peace process, such as acting upon the Standing Advisory Commission on Human Rights (SACHR) report and recommendations put forth by other human rights organizations.

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The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Florida (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

First of all, this resolution is a bipartisan resolution. I am very pleased and honored to have the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations, as one of the principal cosponsors of this bill; also, the gentleman from New York (Mr. KING); the gentleman from New York (Mr. MANTON); the gentleman from New York (Mr. WALSH); the gentleman from Massachusetts (Mr. KENNEDY); the gentleman from New York (Mr. MCHUGH); the gentleman from New Jersey (Mr. PAYNE); the gentleman from Connecticut (Mr. SHAYS); the gentleman from New York (Mr. HINCHEY); the gentleman from New Jersey (Mr. ANDREWS); and the gentlewoman from Connecticut (Mrs. KENNELLY) to name just some of the cosponsors of this H. Con. Res. 1252.

Mr. Speaker, we are expressing a sense of the Congress that all parties to the multiparty peace talks regarding Northern Ireland should condemn violence and fully integrate internationally recognized human rights standards and address the outstanding human rights violations as part of the peace process.

Mr. Speaker, I think it is important to note that Amnesty International, Human Rights Watch, the British Irish Watch, the Committee on the Administration of Justice, Lawyers Committee for Human Rights, and many, many others have urged that this House pass this resolution.

As a matter of fact, just to read some of their statements, Human Rights Watch said, "Human Rights Watch fully supports the resolution now being considered for passage by the Congress regarding human rights in the Northern Ireland peace process. The resolution rightly recognizes the gravity of past violations and the role that such abuses have played in perpetuating the conflict. The resolution is a signal that Congress is eager to prevent the same kind of lack of attention to human rights issues which has doomed other peace processes and may threaten the success of the Northern Ireland peace process if action is not taken now."

Mr. Speaker, the Committee on the Administration of Justice and I recently traveled to the north of Ireland, met with all of the parties, like other Members of this House have and other Members of the Senate, but I found that the Committee on the Administration of Justice tries to evenhandedly promote human rights. Whether they be Protestant or Catholic, a person's value and dignity must be respected.

Well, of the committee, Martin O'Brien stated, and I quote, "Any effort by Congress to raise these issues is particularly welcomed and deserves widespread support. In that regard, the initiative is to be supported, and it would be helpful if the concerns of the Congress on human rights be raised with the British and the Irish Governments," and it goes on, and I would put the full statement into the RECORD at the appropriate time.

Mr. Speaker, there is a great opportunity, a window of opportunity right now, especially on St. Patrick's Day, but in the coming weeks as part of these multiparty talks to come to a conclusion. We need to express in a bipartisan way, Democrats, Republicans, moderates, liberals and conservatives, that we are foursquare, fully behind this effort to bring peace to the north of Ireland where some 3,000 people have been killed by paramilitaries on both sides, as well as by agents of the British Government.

It is time to say no to violence; that no matter what dips may be in the road ahead, that violence is not a solution. Knee-capping and terrorism is not a means to an end, no matter how justified one may think they are. Whether it be the IRA on the Catholic side or perhaps on the Protestant side, some of the terrorist groups, all of those acts of violence are to be condemned, and we ought to be promoting peace, and that is, indeed, what we are doing. Thankfully, the United States is playing a very real and significant role.

Former Senator Mitchell is the chairman of these multiparty talks and has done an exemplary job in bringing the disparate factions together to try to come to a peaceful resolution.

Again, this window of opportunity is right now before them. The discussions begin in earnest again on March 23, and we expect, hopefully before Easter, that there will be a framework, there will be a final document produced; maybe that is a bit premature, but that is part of the expectation, and that a referendum could be held sometime in the latter part of May, perhaps in June, to begin or to further this process.

I found on that trip, and I have also had two lengthy human rights hearings in my subcommittee in which we heard from all parties, that the time for peace is at hand, and I think by going on the record today, we send a clear, unmistakable message that we, too, are watching and hoping and praying that peace will come to the north of Ireland and that human rights will be at its core. It cannot be an ancillary issue; it cannot be a P.S., a postscript at the end of the statement. They need to be integral in this peace agreement, and all parties, I think, need to recognize the value and the dignity of each and every human life, and that is what I think will lead to justice, and justice to a sustainable peace.

So I would hope that everyone could get behind H. Con. Res. 152 and we could make a unanimous statement here on the floor today that we are for this peace process.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Speaker, I rise in support of ending the sad state presently in the north of Ireland. This resolution goes to the heart of the matter, and let me commend the sponsor and those who are supporting this great resolution.

I had the distinct pleasure last Thursday of introducing Mr. Gerry Adams, the President of Sinn Fein, at my alma mater at Seton Hall, at the university where thousands came to hear his talk. It was sponsored by the School of Diplomacy at Seton Hall, and he went on to discuss what must be done.

It will be 2 years this July since I visited the north of Ireland and had the opportunity to see for myself the violence and the killing associated with the Orange Order marchers in the village of Drumcree. I had the opportunity to stay in Belfast for several days and visited many towns, including Derry. Unfortunately, the situation today looks like a repeat of the past.

Before July, the north of Ireland will host seven parades. While I think that having constructive dialogue concerning the composition and makeup or whether the members are independent and impartial of the Parade Commission is good, it is just not enough. The dismissal and rejection of John Larkin leads me to believe that this body is a unionist commission for the unionist people. How can an apprentice boy, an ex-UDA member, an ex-member of the Policy Authority, be independent and fair? The celebration and victory of William of Orange, in which Irish land was seized and confiscated, is an insult to Catholics everywhere, and today for the parades to go on makes no sense.

Sadly, this parade glorifies a part of history and is provocative in nature. That is why I, along with Members of the Irish Caucus, have written Mo Mowlam urging the British Government to prohibit any marches by any group through any neighborhood in the north of Ireland, especially during the marching season.

When I was there, one could hear gunfire and shooting throughout the city. Police statistics estimated that there were 1,600 rounds of plastic bullets shot during the troubles. The plastic bullets severely maim and injure their victims. They are 3½ inches long and about 1½ inches thick. These are supposed to be used for crowd control, but they can kill, they can maim, they can injure, and young children have been hit with these and have found it to be fatal. My experience there moved me to introduce H.R. 1075, to ban the use of plastic bullets in the north of Ireland.

As we celebrate St. Patrick's Day, let us not forget the hard-working Irish immigrants that built the Delaware and Raritan Canal located in my State of New Jersey. State Senator Dick Codey has introduced a resolution asking the State to appropriate $50,000 to help build the monument to these great workers. Today, the canal supplies water to 1.2 million residents in central New Jersey. Although best known today for its picturesque scenery where joggers, bikers and fishermen go for recreation, little was known about the Irish laborers that died sometimes while working on the canal. Many of the canal diggers, sometimes using their bare hands, built these channels during the 19th century as the major link between manufacturers and their markets. There was a cholera epidemic which killed many of these men who were just buried on the side of the canal.

The canal opened in 1834 and quickly became one of the country's busiest navigation canals. New Jersey Governor Peter Vroom made the inaugural voyage at that time from Trenton to New Brunswick where crowds cheered at every bridge and lock.

The Hibernian raised $1,000 for the headstone to honor the men. Without much fanfare, they dedicated it just before St. Patrick's Day 3 years ago. We are looking forward to seeing this monument built in the State of New Jersey. Let me conclude by saying, as Dr. King said, that "injustice anywhere . . . justice everywhere."

Gerry Adams was born on October 6, 1948 in the working class areas of West Belfast.

Upon finishing school in the 1960's Gerry supported himself as a bartender while becoming increasingly involved in the civil rights movement. Modeled on the civil rights movement in the U.S., the Irish effort was founded to fight discrimination against northern Catholics by the British government in the areas of housing, employment, education and language. The brutal reaction of the Unionist government in the six countries resulted in the ultimate breach of civil rights—murder by the government of peaceful protesters at what has become know as Bloody Sunday. Lets never forget Bloody Sunday, January 30, 1972, a day that will live on in infamy.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker I thank the gentleman for yielding me this time.

Mr. Speaker, I am pleased to support this human rights resolution on Northern Ireland, H. Con. Res. 152. The distinguished Chairman of our subcommittee on human rights and international operations, the gentleman from New Jersey (Mr. SMITH) has done an outstanding job in crafting this resolution. It is highly appropriate that we consider this resolution today, St. Patrick's Day.

The Committee on International Relations has held extensive hearings on human rights and on fair employment in the north of Ireland during 104th, and in this current Congress. This resolution before us embodies many of the key findings and recommendations from those extensive hearings. We took firsthand testimony from many from Northern Ireland on the underlying causes and the troubles there. The need for respect for human rights is an essential element in finding lasting solutions for Northern Ireland. It is very clear from the long and disappointing history of the troubles in Northern Ireland. There have been far too many previous failed attempts at political solutions that neglected this key human rights concern.

The world must no longer neglect the need to promote fundamental respect for human rights and for economic justice in the north of Ireland. The need for fundamental reform, especially in the treatment of the minority nationalist community, must be a strong United States foreign policy priority and goal. Helping to make human rights a centerpiece of the solutions to the long and divisive troubles in the north of Ireland will have a salutary impact on the current search for lasting peace that is now underway in Belfast.

After many years of following very closely and visiting on numerous occasions the north of Ireland, I strongly urge support for this long overdue human rights initiative before our body.

Former Irish President Mary Robinson, now the U.N. High Commissioner for Human Rights, said it best not too long ago while visiting Capitol Hill. Mrs. Robinson made a key point that the adoption of human rights guarantees a very important part of a sustainable peace in Northern Ireland. Father Sean McManus of the Irish national caucus also helped to make clear what is needed and why in stating, "It is a violation of human rights that has been the fundamental cause of the troubles in Northern Ireland,." Father Sean should know, for he is a native of Northern Ireland.

Accordingly, I urge adoption of this resolution by all of those concerned about peacefully securing lasting solutions and justice in Northern Ireland.

Mr. DAVIS of Florida. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, today is St. Patrick's Day, a day when we celebrate the great tenacity and spirit of the Irish. The color green reminds us of the mystical island, rolling hills and people which captivated St. Patrick. I look forward to the day when the Irish people, Catholic and Protestant alike, can revel in the great treasure that is Ireland without regard to their religious or political affinities.

There is reason to be hopeful. The peace process in Ireland, despite recent setbacks, is moving forward, and the labor government has adopted a more open posture on dialogue with Sinn Fein and has expressed a willingness to reopen the investigation into the events of bloody Sunday.

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These are positive developments. However, they cannot and do not mitigate the Congress's concern about the pattern of human rights abuses against the Catholic population in Northern Ireland. History should not inhibit progress, but we cannot forget the repressive tactics used against the Irish people, from the potato famine to Bloody Sunday to the present day harassment and repression by the Royal Ulster Constabulary and the British system on persons like Colin Duffy. Trust remains something to be won, not given.

After years and years of intransigence and abuse, the Catholic minority is rightfully angry and suspicious. The history and abuse of human rights in Northern Ireland is long and treacherous.

From the confinement of Roisin McAliskey during her pregnancy; the inflammatory marches of the Orange Order, which we have again this year, as Mo Mowlam visits the capital today; that, in fact, the British government will understand the enormous consequences of those marches and the manner in which they have taken place and the potential ricks to peace that they generate; the use of plastic bullets; the baseless harassment and imprisonment of persons sympathetic to the Republican cause; and the countless violations of human rights stemming from Britain's emergency legislation which governs the 6 northeast counties in Ireland. The populace of Northern Ireland has suffered myriad abuses of its civil and human rights.

The resolution of these long outstanding issues is necessary to begin the process of reconciliation.

I intend to introduce a separate resolution which endorses the CEARTA, a document drafted in Northern Ireland and endorsed by many Irish groups in the United States. It builds on the idea that there exists a historic opportunity to build peace in Ireland and recognizes that the people living in the north are entitled to the same basic rights as those residing elsewhere in Ireland.

It further calls for an end to the emergency legislation, reform of the legal system, the creation of unarmed and accountable police services, the end to all forms of discrimination, equality for the Irish language and culture, and the release of all political prisoners.

At this time in the marching season, we hope that the British government will have heard the many voices here in the Congress and abroad about the consequences. We hope they change that course of events.

I want to commend my colleague, the gentleman from New Jersey (Mr. SMITH), for introducing this timely resolution. I urge its adoption.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, let me thank my friend, the gentleman from New Jersey (Mr. MENENDEZ), for his kind remarks. We are in solidarity on this. I think this is again one of those issues that unites this Chamber.

Let me just close by noting that House Concurrent Resolution 152 puts Congress on record as supporting not just the peace process, which we all want hostilities to end, but also to put human rights at the core, at the center of those negotiations. It is timely and needed and will help ensure that human rights concerns are in no way overlooked when the final document is produced.

Mr. Speaker, the history of the "Troubles" of Northern Ireland are marked by violent crimes of parliamentary groups and at times by agents of the British government. The failure of the British government to protect the human rights of its citizens, especially Catholics in the north of Ireland, have helped to fuel the violence.

Notwithstanding the abuses perpetrated by partisan paramilitary forces or by the police, for that matter, we must remember that the essential responsibility for protecting rights and maintaining the rule of law belongs to the government which, in this case, at this particular time, is the British government.

When governments resort to methods that are illegal, unjust or inhumane, even when these methods are seemingly directed against the guilty or the dangerous, the effect is not to preserve law and order, but to seriously undermine it. It is particularly saddening that the British government, America's trusted ally, is the object of serious and credible charges of disrespect for the rule of law in the north of Ireland.

All of the major human rights organizations, from Amnesty International to the Lawyers Committee for Human Rights and Human Rights Watch, have been particularly critical of pervasive restrictions on the due process of law in Northern Ireland; and they have testified that law enforcement officials of the UK, members of the Royal Ulster Constabulary, tolerate and even perpetrate some of the gross abuses that have taken place in the north of Ireland.

Under so-called emergency legislation applicable only in Northern Ireland, police have expansive powers to arrest and detain suspects and to search premises without a warrant. In addition, the government can suspend the right to trial by jury, the much-maligned Diploic Courts Systems, and the universally recognized right to be preserved from self-incrimination in like manner has been abridged.

It seems to me that the power to arbitrarily arrest, detain, intimidate, the power to deny timely and appropriate legal counsel, and the power to compel self-incrimination is an abuse of power normally associated with some of our adversaries, not our allies.

Thus, the resolution is a wake-up call to our friends. Friends do not let friends abuse human rights.

Witness after witness, Mr. Speaker, who came into our two hearings expressed a fear that as the political issues are addressed, universal human rights such as the right to silence, the right to jury trial, the right to attorneys, the right to work free of discrimination will be neglected.

House Concurrent Resolution 152 puts on notice those who are negotiating and says, in a very friendly way but in a very firm way, that the U.S. Congress believes that there must be reform on human rights issues if genuine peace is to be achieved. It also points out that there are many human rights reforms that could be enacted today without waiting for a final peace negotiation.

Among the immediate changes are those proposed by Britain's own standing advisory committee or commission, I should say, on human rights, SACHR, to eliminate religious discrimination against Catholics in the workplace. Other reforms suggested by human rights groups, such as repealing the emergency legislation, conducting independent inquiries into the deaths of Pat Finucane, Robert Hamill and other human rights abuses, and banning plastic bullets, are all doable. If enacted immediately, these changes could help pave the way for further reconciliation, further confidence-building and, hopefully, for a lasting and sustainable peace.

Mr. Speaker, House Concurrent Resolution 152 has been reviewed and has been endorsed by all of the major human rights organizations. It does put us on record as standing foursquare.

Let me just say one final point, Mr. Speaker. In the upcoming weeks we hope to have an additional hearing in our subcommittee that would deal with an issue of very grave concern. That is the issue of defense attorneys in the north of Ireland. We have found, much to my shock and dismay, an ongoing intimidation campaign against those who would defend those who have been accused of wrongdoing in Northern Ireland.

It seems to me that defense attorneys are not unlike those that we stood up for time and time again during the heydays of the Cold War, the Helsinki monitors, people who have stood up and said that due process must be protected. I may not like my client, I may not like what you say they are alleged to have done, but you are not going to intimidate the attorney that is there to defend them, because that would be a breach of due process and of basic human rights.

We are going to be looking at that in the coming weeks in the subcommittee, and hopefully by then this process will be that much further along, and this resolution that is under consideration in Belfast will have a happy conclusion.

I urge Members to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I want to associate myself with the remarks of my good friend and the chairman of the subcommittee, the gentleman from New Jersey (Mr. SMITH), who has been a tireless fighter for human rights all over the world; certainly in Ireland, but all over the world as well.

I rise in support of House Concurrent Resolution 152. I think it is very fitting that we have this resolution today on St. Patrick's Day.

I have been to Ireland and the north of Ireland a number of times. I have struggled, along with the people there and many of us in Congress for many years, to try to bring peace and justice to the beleaguered people in the north of Ireland.

I think anyone who has visited some of the areas in Northern Ireland, particularly some of the Catholic neighborhoods, really gets a feeling of a people under occupation in Belfast and in Derry and some of the other places. But we can say, Mr. Speaker, that there is some hope. We can say that the atmosphere has improved, so that we hope that there will be an agreement between the parties in the talks led by Senator Mitchell.

I think there are a number of reasons why there is improvement. I think the British government, the current British government under Prime Minister Blair, has gone a great deal of the way in stepping forward, making progress. I think that helps create a better atmosphere. But there is still a long, long way to go.

This resolution, of course, rejects violence, as well we should; and a peace-loving people on both sides have to reject violence. Violence is not the way to act. But we also must understand that human rights must be protected. That is stated clearly in House Concurrent Resolution 152.

We know in the north of Ireland the human rights of people, particularly of the Catholics in the north of Ireland, have not been respected. There has been unemployment, 70 and 80 percent in some areas. There have been a lack of human rights. As I mentioned before, when you go into some of those areas, the bog side in Derry and some of the places in West Belfast, you truly feel that it is a people under occupation. That is wrong.

As the gentleman from New Jersey said, because Britain is our ally we have even more of an obligation to point out some of the shortcomings and some of the things that we wish would change.

So the struggle for peace and justice in Ireland will continue. It has to continue with the United States' participation. That is one of the ways that we can make progress and move forward. I compliment President Clinton for making this a priority, and I compliment the job Senator Mitchell has done.

There need to be a lot of steps taken. We need to have the emergency legislation repealed, and some of the other things taken.

Also, we have an issue here in the United States. There were many, many Irish deportees that do not want to go back to the north of Ireland because they fear for their lives. We were able to get a stay on that. We want the Justice Department to make this stay permanent. It affects at least two of my constituents, and I have circulated letters and have 30 co-signers of the letter calling on the Justice Department not to send these deportees back.

As you say, Mr. Speaker, I think House Concurrent Resolution 152 is the right resolution at the right time. We all pray for peace in the north of Ireland. We pray for peace and justice.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I would like to address a question to the chairman of our Subcommittee on International Operations and Human Rights, the gentleman from New Jersey (Mr. SMITH).

I would ask the gentleman, would he agree with what Father Sean McManus stated in a recent letter dated March 17, today, as a matter of fact, on the cause of some of the problems, the troubles in Ireland?

He said, and I am quoting from his letter, "Inequality is at the heart of the problem in Northern Ireland, and, therefore, equality must be at the heart of the solution. Passing the MacBride Principles into law is a perfect way for our Nation to show its support for the Irish peace process based on nonviolence and equality."

Would the gentleman agree with that?

Mr. SMITH of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Speaker, I agree fully with the MacBride Principles, which are patterned after the Sullivan Principles, which were instrumental in eliminating, or very important in the process of eliminating, discrimination in South Africa. They are contained, as we know, in the State Department Conference Report, which will be up tomorrow as part of the fund for Africa.

So I would hope Members would be put on notice that tomorrow, when we do vote on the State Department Conference Report authored by Mr. HELMS, my good friend, the gentleman from New York (Mr. GILMAN), and myself, that that contains the MacBride Principles, which advance the cause of religious freedom in the north of Ireland.

So I thank the gentleman for asking that question.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from New Jersey for reminding us that that important provision is part of the measure, the State Department authorization measure, which will be on the floor tomorrow.

Mr. Speaker, I include for the RECORD the full letter from Father Sean McManus.

The letter referred to is as follows:

IRISH NATIONAL CAUCUS, INC.,
Washington, DC, March 17, 1998.

Hon. BEN GILMAN,
House of Representatives,
Washington, DC.

DEAR CHAIRMAN GILMAN: I want to thank you for again enshrining, the MacBride Principles in the Foreign Affairs Reform and Restructuring Act.

The MacBride Principles have proven to be the most effective campaign ever against anti-Catholic discrimination in Northern Ireland.

Inequality is at the heart of the problem in Northern Ireland, and, therefore, equality must be at the heart of the solution. Passing the MacBride Principles into law is the perfect way for the U.S. to show its support for the Irish peace process, based on non-violence and equality.

Chairman Gilman, Irish-Americans deeply appreciate your dedicated and outstanding leadership on Irish affairs.

Thank you.

Sincerely,

FR. SEAN MCMANUS,
President.

Mr. DAVIS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to briefly point out that it seems that there is virtually unanimity, if not complete unanimity, on the merits of the resolution before us.

It is very pleasing that we can share the fact with the public today that the historic and very delicate and complex all-party talks are progressing in Belfast. These talks will resume next week, with the participation of both Sinn Fein, the major Protestant Unionist Party, and the Ulster Unionists.

I also think it is important to point out that there was a better way to have handled this resolution today. It is appropriate and symbolic to have brought it up on St. Patrick's day; but, unfortunately, this side of the aisle had only a few hours' prior notice that this resolution was even coming up, which deprived us of the opportunity to confirm that the administration had been consulted on this.

The focus here today has been on how well-executed the plan has been in the all-party talks, and depriving us of the opportunity to work with the administration to ensure that that execution continues is an unnecessary risk.

Mr. Speaker, when we violate our own rules, when we circumvent our own process, we make some of our greatest errors. This version of this bill was heard in the Committee on International Relations, wherein lies the expertise of this body on foreign relation matters, which has been so clearly demonstrated today by comments on both sides of the aisle.

So I think it is just important to point out that in the future, when we take up significant matters like this, we really should honor our own process to assure that we produce our very best work.

Mr. Speaker, I yield back the balance of my time.

☐ 1645

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. LAZIO).

Mr. LAZIO of New York. Mr. Speaker, I want to thank the distinguished gentleman from New Jersey (Mr. SMITH) for his work on this resolution and the gentleman from New York (Mr. GILMAN), the distinguished chairman of the full committee, my colleagues and friends, for their work not just on behalf of this resolution but on behalf of the peace process in Northern Ireland. They have done remarkably good work.

I rise today in strong support of H. Con. Res. 152. This is at a particularly timely moment in the peace talks in Northern Ireland. America has strong historic and cultural ties to Ireland. We share a communal heritage and familiar backgrounds. However, with all of our resources we cannot solve this problem for Ireland and Britain. The will of the Irish and British people is the one element in the peace talks that will be the determining factor. At this pivotal moment, the fate of Northern Ireland lies in the hands of those involved in the negotiations. I commend both Bertie Ahern, the Taoiseach of Ireland, British Prime Minister Tony Blair, along with Mo Mowlam, British Secretary for Northern Ireland, John Hume, David Trimble and Gerry Adams for their commitment to working toward a peaceful resolution. I encourage them to seize this historic opportunity to end the violence in Northern Ireland and to put in place a new framework that encourages this end.

I will say that just in speaking to the parties today, being in America, they seem like they have moved closer together. There is better dialogue than ever before. Cultivating that peace process, that dialogue, that positive communication is something that we had been uniquely suitable to do.

The history of Northern Ireland is marked by the events of Bloody Sunday, the hunger strikes and many other tragedies. On this St. Patrick's Day let us renew our commitment to the negotiations and encourage the Irish and British governments to resolve their differences and come to a realistic framework for peace. I understand that when the negotiators return to the table, they will be faced with the Easter deadline. This is indeed a critical moment, but it is also exciting and hopeful and perhaps the very best chance for peace in decades.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself the balance of my time.

Just to conclude, Mr. Speaker, I urge every Member to vote for this resolution. Again it puts us on record supporting not only the peace process, but the all important inclusiveness of the human rights dimension. We do not want it to be a sub or a sidebar issue. It ought to be a mainstream issue. There is not evidence enough that it has been.

Let me also just say, as I have done in meeting with Mo Mowlam, and I know many of my colleagues have done this in the past, we have all raised specific questions and issues. I raised Sean Kelly and Michael Timmons when I met with her. Our hope is that these two gentlemen and others who find themselves in a similar circumstance or who have been incarcerated because of the common purpose laws, were not convicted of committing a crime but were in proximity to a crime and therefore found themselves getting life sentences for their unfortunate proximity to a heinous act. I met with those two individuals in the Maze prison last year. I was very much impressed. The human rights organizations with whom I have had contact with believe that they are innocent and our hope is that in the spirit of reconciliation and, above all, in the spirit of justice these individuals will find their way to freedom.

We had Sean Kelly's father testify at our hearing and he gave a very persuasive account as to what happened. Again, the human rights organizations have looked at these cases very carefully and have concluded that this has been a miscarriage of justice if ever there was one. So our plea to the government of the United Kingdom would be to let these individuals out. It is a positive step towards reconciliation, but above all it would be a step in the right direction towards peace.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I rise today to express my strong support for House Concurrent Resolution 152 which moves the issue of human rights to the forefront of the peace talks in Northern Ireland. We are at a crossroads in the history of Northern Ireland and have a unique opportunity to finally secure lasting peace in an area that has too often endured violence.

Since 1969, the political violence in Northern Ireland has claimed more than 3,000 lives and resulted in injuries to thousands more. This must finally end and all parties must work together in a democratic, peaceful manner, to ensure that human rights will be respected for all the people of Northern Ireland.

I am encouraged by the leadership of the Irish and British Governments and the efforts of former United States Senator George Mitchell, who have fostered the opportunity for an end to the violence and brought hope for a lasting peace in Northern Ireland.

I urge my colleagues to support this important resolution, and to support an end to the violence and human rights abuses in Northern Ireland.

Mr. MANTON. Mr. Speaker, I rise today in strong support of H. Con. Res. 152 and thank my colleague CHRIS SMITH for introducing this important and timely legislation to address human rights in the Northern Ireland peace process.

As a Co-Chair of the Congressional Ad Hoc Committee on Irish Affairs, I have worked closely with my colleagues to ensure a just and lasting peace in Northern Ireland. Nearly 3,000 people have lost their lives through the political strife that has plagued this community for over 25 years. Today, however, there is hope. With the leadership of former Senator George Mitchell, substantive talks between the British and the Irish governments, along with those representing various political parties, have made landmark progress.

I believe H. Con. Res. 152 sends a clear and strong message to all parties involved in these talks that they must address the central issue to the troubles in Northern Ireland—the denial of basic human rights. We, as Members of Congress, must raise this important issue and continue to demonstrate our support to finding an end to the violence in Northern Ireland.

In order to develop a lasting peace in this region, many of the blatant human rights abuses must come to a stop. The abuses of diplock courts, mistreatment of detainees in Northern Ireland, threats against business owners, and harassment by the police against citizens can simply no longer be accepted or allowed to continue. This legislation addresses these and other human rights abuses and strongly suggests that parties from both sides of the conflict to embrace and practice international human rights standards.

Although the MacBride Principle has had a positive impact on the economic and labor climate in Northern Ireland, Catholic males are still twice as likely as Protestant males to be unemployed. H. Con. Res. 152 encourages leaders in the peace talks to ensure that Catholics have the means necessary to receive the training essential to obtaining a job.

I commend the new leadership in Britain and in Ireland for their efforts on this issue. I believe the movement towards peace will be much swifter as these two governments address the need to reach an agreement on human rights. In addition, I know their leadership, along with that of former Senator George Mitchell, will foster progress and bring political, social and economic stability to Northern Ireland.

Mr. Speaker, thank you for allowing this important human rights measure to come to the floor. I also want to again congratulate my friend and colleague, CHRIS SMITH, for his leadership on this issue.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 152, as amended.

The question was taken.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the Chair announces that further proceedings on this motion will be postponed until tomorrow.

CALLING FOR AN END TO VIOLENT REPRESSION OF LEGITIMATE RIGHTS OF PEOPLE OF KOSOVA

Mr. GILMAN. Mr. Speaker, I move to suspend rules and agree to the concurrent resolution (H. Con. Res. 235) calling for an end to the violent repression of the legitimate rights of the people of Kosova, as amended.

The Clerk read as follows:

H. CON. RES. 235

Whereas the Albanian people of Kosova constitute more than 90 percent of the total population of Kosova;

Whereas the political rights of the Albanian people of Kosova were curtailed when the Government of Yugoslavia illegally amended the Constitution of Yugoslavia without the consent of the people of Kosova on March 23, 1989, revoking the autonomous status of Kosova;

Whereas in 1990, the Parliament and Government of Kosova were abolished by further unlawful amendments to the Constitution of Yugoslavia;

Whereas the Mission of Long Duration to Kosova, the Sandzak and Vojvodina, which the Organization for Security and Cooperation in Europe (OSCE) deployed in 1992, eased local tensions through objective human rights monitoring and facilitating dialogue between authorities and the various communities before the authorities of Serbia-Montenegro expelled the Mission in 1993;

Whereas the State Department's 1997 Country Report on Human Rights in Serbia notes violations of civil liberties in Kosova particularly in the following categories: political and other extra-judicial killing; torture and other cruel inhuman or degrading treatment or punishment; arbitrary arrest, detention or exile; denial of fair public trial; and arbitrary interference with privacy, family, home, or correspondence;

Whereas on the night of February 28, 1998, Serbian paramilitary police units, reported to number in excess of 25,000 men, swept through the Drenica region of Kosova killing more than 20 Albanian citizens, many of whom died from being beaten to death;

Whereas on March 2, 1998, 30,000 demonstrators peacefully marched in Pristina to protest the massacre of February 28 and were brutally attacked by Serbian police;

Whereas a group calling itself the Liberation Army of Kosova has threatened to retaliate against the atrocities committed by Serbian authorities;

Whereas new elections in Kosova scheduled for March 22, 1998, have now been postponed; and

Whereas the President of the United States and other officials have warned the Government of Serbia that there would be serious consequences if Serbian policies led to an escalation of violence in Kosova: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the violent repression carried out by the Serbian police and paramilitary forces against the ethnic Albanian population of Kosova should be condemned by the United States and the international community;

(2) efforts of the international Contact Group (the United States, United Kingdom, France, Germany, Russia, and Italy) in support of a resolution of the conflict in Kosova are to be commended and intensified;

(3) no international or United States sanctions currently in force against the Government of Serbia and Montenegro should be terminated at this time, unless such termination serves to support a peaceful resolution to the repression in Kosova;

(4) the United States should consult with its allies and other members of the United Nations on reimposing those sanctions against Serbia-Montenegro that were terminated following the signing of the Dayton Peace Agreement in 1995 if Serbian authorities continue to use unlawful violence against the Albanian people of Kosova;

(5) the United States should acknowledge recent developments in the Republic of Montenegro that indicate that the new leadership of the Republic is seeking a peaceful resolution to the repression in Kosova, particularly the statement by Montenegrin President Milo Djukanovic that Kosova must receive a certain degree of autonomy, and his call for a dialog between the Government of Serbia and Montenegro and ethnic Albanians in Kosova;

(6) the United States should, to the extent practicable, recognize positive actions by the Government of the Republic of Montenegro with regard to repression in Kosova through exclusion from those sanctions that may be applied to the Government of Serbia;

(7) the elections in Kosova originally scheduled for March 22, 1998, and now postponed, should be allowed to proceed unimpeded by Belgrade whenever they take place, as they represent the opportunity for a peaceful expression of the political will of the Albanian people of Kosova;

(8) all parties should refrain from acts that could lead to heightened tensions in Kosova;

(9) international and nongovernmental organizations that provide medical assistance should be permitted immediate and unrestricted access to Kosova and all of its citizens;

(10) international investigators of serious breaches of international humanitarian law should be granted immediate and unimpeded access to all parts of Kosova and to its citizens;

(11) the agreement on education in Kosova should be implemented immediately, including at the university level, allowing all residents of Kosova regardless of ethnicity to receive education in their native tongue;

(12) the elected leaders of Kosova should begin a dialog without preconditions with the authorities in Belgrade to resolve the present situation, and to provide for the exercise of the legitimate civil and political rights of all the people of Kosova;

(13) inasmuch as the Belgrade regime led by the last Communist dictator in Europe, Slobodan Milosevic, continues to abuse democratic norms and the rights of all its citizens, threatening general regional stability, the United States should undertake determined measures and provisions designed to promote human rights and democratic government throughout Serbia and Montenegro;

(14) the authorities of Serbia-Montenegro should cooperate fully with efforts and initiatives of the Organization for Security and Cooperation in Europe (OSCE) to address the problems in Kosova, including the immediate and unconditional return of a Mission of Long Duration;

(15) staff of the United States Information Agency office in Pristina, Kosova, should be augmented; and

(16) the United Nations Security Council should consider the question of restoration of the human and political rights of the people of Kosova and actions to halt Belgrade's violent repression of the region's population.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Florida (Mr. DAVIS), each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in recent weeks the world has witnessed the horrifying spectacle of violence again sweeping a part of the Balkans. Serbian paramilitary police forces brutally assaulted the long suffering people of the province of Kosova, more than 90 percent of whom are Albanian. Whole villages were attacked and their inhabitants were forced to flee into the hills. Entire families were massacred as Serbian forces fired indiscriminately into their homes.

When the Kosovars gathered peacefully to protest these atrocities, Serbian police met them with more brutality, first firing on the marchers with tear gas and water cannon, then beating anyone who came within reach.

It should be noted that the terrible war that destroyed the former Yugoslavia began in 1989 in Kosova, when dictator Slobodan Milosevic arbitrarily and illegally terminated the autonomous status enjoyed by Kosova under the Constitution of the former Yugoslavia.

The international community and our government in particular has repeatedly warned Milosevic of severe consequences should he be responsible for further violence in Kosova, where his government has forced ethnic Albanians from their jobs, from their classrooms and from their communities. He has apparently decided to ignore all these warnings. Using as a pretext the emergence of a group calling itself the Kosova Liberation Army, or UCK as it is known in Albania, Milosevic has ratcheted up his policy of making the lives of the majority of Kosovars a living hell through repression and brutality.

It is with the deepest concern that I introduce this measure now before us, H. Con. Res. 235, calling for an end to the violent repression of the legitimate rights of the Albanian people of Kosova. I want to thank my colleague, the gentleman from New York (Mr. ENGEL) for joining with me in introducing this measure.

With this resolution, Congress places on the record its concern over the worsening situation in Kosova and points to constructive measures that could lead to an improvement. In particular, the resolution urges all parties to refrain from violence. I fully understand and sympathize with the growing frustration of the Albanian citizens of Kosova who have peacefully resisted the repressive Milosevic regime for more than 10 years. However, that violence can only beget further violence in Kosova. Only through dialogue between the democratic leaders of the Kosovars and the regime in Belgrade can the situation be peacefully resolved.

It is in the interest of our Nation to do whatever we can to encourage a beginning of such a dialogue immediately and without any preconditions because there must also be some redress for the victims of violence and their families. The international community must be able to investigate any reports of violations of international law that would fall within the purview of the International Tribunal for the former Yugoslavia.

That is why this resolution calls for immediate access for international investigators as well as for organizations that can provide medical assistance to those who have been wounded. Hopefully, this resolution will assist the efforts of our Secretary Madeline Albright, Ambassador Gelbard and other diplomats to make clear to Milosevic and to the Serbian authorities that we view their actions with abhorrence and disgust and that we insist on the speedy and peaceful resolution of the problems in Kosova. We cannot and will not tolerate another Bosnia in the Balkans.

Accordingly, I urge my colleagues to send an important message to Belgrade by supporting H. Con. Res. 235.

Mr. Speaker, I reserve the balance of my time.

GENERAL LEAVE

Mr. DAVIS of Florida. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on House Concurrent Resolution 235.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. DAVIS of Florida. Mr. Speaker, I yield 6 minutes to the gentleman from New York (Mr. ENGEL), one of the leading cosponsors of this concurrent resolution.

Mr. ENGEL. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

Mr. Speaker, I was very happy to play a major role in writing this legislation. I want to thank my colleague from New York, the distinguished chairman of the committee, for introducing this legislation along with me.

We have reached a very important time in the region of Kosova. There are 2 million ethnic Albanians living there under Serb occupation and tyranny. We saw the extent of that tyranny, as the chairman mentioned, a couple of weeks ago when women, children and innocent people were just wantonly killed by Serbian police using helicopters and artillery. It was something that we ought not to see in the year 1998. It brought us back to the beginning of Bosnia and Bosnia, of course, is when the West did not object strongly enough and did not take strong measures early enough that we saw the tragedy in Bosnia with thousands upon thousands of people being killed in ethnic cleansing and genocide. We can see the same thing happening in Kosova if the world does not take a strong stand now.

This resolution, H. Con. Res. 235, is an attempt by this Congress to take a strong stand because we know that if the situation is going to be resolved in Kosova, it can only be resolved with the United States taking a very, very strong stand.

I have been to Kosova a number of times. I intend to go again either later this week or later sometime this year. I think it is very, very important that the United States stand up strongly for the rights of people for self-determination and freedom all over the world.

As chairman of the Albanian Issues Caucus, we have been talking, I have been talking about Kosova for many, many years and saying that a flare up like this could make Bosnia almost seem like a tea party, regrettably, compared to what could happen in Kosova. When you have 2 million ethnic Albanians, 90 percent of the population with no economic rights, with no political rights, with no human rights, you are bound to have a flare up. And for too many years Milosevic, leader of Serbia, has refused to even discuss these things with the Albanians in Kosova. He summarily took away their autonomy back in 1998. Some people are now saying let's go back to autonomy. Why would the Albanians want to go back into a situation that failed 10 years ago, that was summarily stolen from them 10 years ago. In the old Yugoslavia you had counterbalances to the Serbs. You had the Croats and the Bosnians and the Macedonians, the Slovenians, and it was not so dominated by the Serbs. Today in Serbia or Yugoslavia it is so Serb-dominated they have not given any freedoms at all to the Albanian citizens. Why would the Albanians want to go back into this situation?

So we have elections scheduled for later on this week. It is a little bit uncertain as to whether those elections will be held, but the people of Kosova must be allowed to express their desire in open and free elections. They must be allowed to elect their leaders and their parliament, which they did 6 years ago, and then they were not allowed to meet. So for 6 years there has not been any meeting of the Albanian parliament duly elected by the people of Kosova. This cannot continue. This must not continue.

What this resolution does is it condemns Belgrade's brutal crackdown in Kosova; again, the killing of innocent men, women and children. It calls for the maintenance of the current sanctions against the Belgrade regime and consideration of restoring the interwall of sanctions. If Milosevic does not do what he is being asked to do, which is to give basic freedom to people, we ought to consider slapping new sanctions on them. This supports the elections process in Kosova and sending monitors, and it is very, very important that we have monitors. It demands the full implementation of the education agreement, including at the university level. Again, Albanians cannot teach in their language, they cannot go to schools. It is just impossible.

I want to commend the Albanian students in Kosova. Their peaceful demonstrations have shown a tremendous level of maturity and must be supported by all freedom loving people around the world. This resolution also urges the U.N. Security Council to discuss Kosova, as well they should. This is a very, very important international incident and Kosova ought to be discussed by the Security Council. It calls for the return of the OSCE monitors, which were thrown away by Milosevic.

who will not allow international monitoring. We need international monitoring on the ground if we are to prevent a tragedy in Kosova. It encourages the expansion of the USIA office. I was proud to go there 2 years ago, to Pristina, the capital, and cut the ribbon for the United States information office. We ought to expand that office to show that we as a Nation are engaged, that the Albanians there know there is a friend in the United States, that the Serbs and Belgrade understand that we have a presence there where the American flag is flying and we care very much about what happens on the ground. And the European Union has just recommitted to opening their office in Pristina. They should do it as soon as possible.

☐ 1700

In short, Mr. Speaker, what this resolution does, H. Con. Res. 235, is simply reinforce the goals which we hold dear as Americans; the right of self-determination, a condemnation of a brutal crackdown, and saying that the United States of America stands with the Albanian citizens of Kosovo because it is right to stand with them. It is right to say that they ought to have the freedoms. It is wrong for them to have no personal freedoms, to have 80 percent or more unemployment, to never have a chance to go to schools. This situation must end.

And what the Congress is attempting to do here in a bipartisan fashion is to say no more brutal crackdowns. This must be condemned by the world, and we want to see the right of self-determination. I would go one step further. I would implement a no-fly zone and continue to do different things that we must have in order to show our solidarity with the people of Kosovo.

But this resolution, I think, strikes the right balance at the right time, and I urge my colleagues to support the people of Kosovo who are crying out for our help. We can do this, my colleagues, by voting unanimously for H.Con.Res. 235.

Mr. GILMAN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, let me give a little different perspective. I do not disagree with my colleagues, but I would add maybe some enlightening information.

First of all, during World War II, it was the Serbs that fought with the Allies and the United States. I attended a dinner, a banquet of some 400 Allied and U.S. Air Force pilots that were giving their thanks to the Serbs for getting them behind and through the Croatian and the Muslim lines that fought with Nazi Germany.

I feel that in most cases during the conflict in the former Yugoslavia that the Serbs have been pointed out, maimed and not given equal treatment. I do not want special recognition, but I ask for a more evenhanded look at the Serbians in this conflict.

I do not think there will be peace in the Middle East in my lifetime, nor do I think there will be peace in the former Yugoslavia in my lifetime, but most certainly until we get rid of Milosevic, until we get rid of Izetbegovic, until we get rid of Tudjman, to me, this is the main problem. We need new leadership, we need youth, and we need a new direction for that to go.

If we want a real resolution, let us stop arming the Muslims that are tending to go further and further toward Iran and Iraq and surrounding themselves with the mujahedin out of both Iran, Iraq and Afghanistan. If we want to look at a real potential for the future, when we do end up pulling out, it is not going to be the Serbs coming after the Croatians or the Muslims, it is going to be the Muslims coming out for the Croatians and the Serbs if we continue with that.

I commend the gentlemen, but I would like to see more of an evenhanded approach. If this opens up for investigation into looking at the allegations, then it is good. But if it is just chastising one group over the other again, as it has in the past, then I do not think it is so good. So I will take a look at the resolution, and I thank the gentleman for the time.

Mr. DAVIS of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. LAMPSON).

Mr. LAMPSON. Mr. Speaker, I thank the gentleman for yielding me this time.

Yesterday in, Galveston, Texas, I was visited by one of my constituents, Lisa Halili, who brought about 15 other people along with her, many of whom had relatives and certainly had friends in Kosovo. The story that they proceeded to tell me was one that was absolutely amazing.

The pictures that they brought of the murder of Lisa's father-in-law last week in Kosovo and the pictures of people who had been tortured, who have been butchered, have been sprayed with hot water, all while they were attempting to do peaceful demonstrations by carrying bread in their hands and by holding their fingers up in a symbol for peace, and then being attacked in the way that they have was something that I had a difficult time understanding. I do not understand how we could in any way stand by while people are injured and killed for participating in a nonviolent protest.

The Serbian Government must acknowledge the basic civil rights of all of their citizens. This bill condemns the violent repression of ethnic Albanians in Kosovo by Serbian authorities and calls for a dialogue between the Serbian Government and the leaders of the ethnic Albanians in Kosovo to end violence by all parties.

So I, too, join my colleagues in asking for an "aye" vote on this bill, but I would also ask that we might, as soon as possible, consider sending humanitarian aid in to these people, because I know now that there are other relatives of my own constituents in the Ninth District of Texas who are holed up in houses, fearful of being able to go out even in search for the medical attention that they need to treat the wounds that they presently have. They are able to get out or get messages out so that other relatives can call back here, and we are receiving word on a daily basis of the condition of these people, but it is unquestionably deteriorating.

As soon as possible, the Red Cross must be allowed in with safe passage as well.

Mr. DAVIS of Florida. Mr. Speaker, I yield 7 minutes to the distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of this resolution and commend the chairman of the committee and the ranking member for their leadership on this issue.

I regret that the gentleman from California has left the floor.

Mr. Speaker, one of the things that made me nervous, very frankly, during the Cold War, was some well-meaning Members used to get up and draw parallelisms between Soviet actions and perceived problems in the United States. There was no parallelism or comparison to be drawn. And the gentleman from California that tries to draw a parallelism between the Muslims and Mr. Izetbegovic and the Croats and the Serbs, I would, with all due respect to the gentleman from California, strongly disagree.

President Reagan saw evil, and he called it evil. That was what it should have been, in my opinion, Mr. Speaker. Milosevic is evil. I do not come to this floor for a brief on Mr. Tudjman or Mr. Izetbegovic, but I see no parallel between the war crimes sanctioned by, led by and committed by Mr. Milosevic and the other two.

The fact of the matter, Mr. Speaker, is once again the butcher of Belgrade has struck, and the victims are his own citizens. Sadly, Mr. Speaker, we should not be surprised. This is a conflict that has been simmering for a long, long time; some would say centuries.

The new Chairman of the OSCE, Foreign Minister Bronislav Geremek of Poland, in mid-February, just 30 days ago, referred to the situation in Kosovo as, and I quote, a conflict in preparation.

As many of my colleagues know, Kosovo has been overshadowed for some years by the conflict in Bosnia.

Preoccupation with Bosnia, in fact, contributed to the maintenance of the status quo in Kosovo, especially since there was a strong chance early on for the Bosnian conflict to have a spillover effect on nearby regions.

Like a number of my colleagues, I have been to Pristina, the capital of Kosovo. I have talked to Kosovars, but, more importantly, I have talked to Milosevic's hand-picked representative in Pristina. And I asked that representative, "Is there one person, just one, one Kosovar, out of the 90 percent Albanian population in Kosovo, just one that you think is reasonable enough to sit down at the table with and discuss the resolution of the conflicts that exist in Kosovo?" That representative of Mr. Milosevic could not think of one name in all of Kosovo that would be an appropriate interlocutor for peaceful discussions of the resolution of conflicts. Is it any wonder, therefore, that conflict has not been resolved, if one side could not find one person with whom to discuss reasonable resolution?

The recent violence has shattered this status quo, and we are now faced with a possibility of further violence in Kosovo which could spill over into neighboring Macedonia and, indeed, Albania itself. Clearly, Slobodon Milosevic has fomented hatred between the people of the former Yugoslavia as a means to maintain power and ward off democratic development in Serbia itself.

In 1989, as has been said by my friend from New York, whose leadership has been so outstanding on this issue, Milosevic unilaterally and illegally revoked Kosovo's previous autonomy. He made discrimination against ethnic Albanians, who constitute 90 percent of the population of Kosovo, official policy. Discrimination was and is now official policy of the government in Belgrade.

He has repressed freedom of speech, and his police force has arbitrarily harassed, detained, tortured and, yes, even murdered innocent Albanians on a regular basis. The recent massive attacks by Serbian police and paramilitary units are said to be in response to the formation of the Kosovo Liberation Army, which seeks to fight repression with terrorism.

Mr. Speaker, terrorism in any form must be condemned loudly and unequivocally. Violence by either sides will only beget more violence. That said, however, the magnitude of the response by the Serbian authorities is reprehensible. The attacks on several Albanian villages, which left dozens dead, including women and children, and many others injured or displaced, is an absolute and undeniable contravention of the standard for the behavior of governments, as stated in Helsinki Final Act and numerous United Nations documents. They are to be condemned, and those responsible must face consequences.

Mr. Speaker, this resolution calls for the maintenance of sanctions against the Government of Serbia, the reestablishment of the OSCE mission, and the immediate implementation of the agreement on education.

I also support the contact group's call for the prosecution of war criminals, war criminals present in Yugoslavia, not just by definition of us on the floor, but of our own State Department under the Bush administration and under this administration. Mr. Speaker, I believe what has happened in Kosovo constitutes crimes against humanity, and the Hague-based tribunal should have authority to prosecute.

Finally, I agree with the contact group's recommendation of an adaption of the mandate for UNPREDEP, the U.N. peacekeeping force in neighboring Macedonia, which has, as we know, a U.S. contingent. If Kosovo explodes, its potential for direct spillover into neighboring countries is actually greater than it was for Bosnia, and we must be prepared for that threat.

Mr. Speaker, given our witness to the horrors which took place in Bosnia, we should be aware of the dangers in Kosovo, and we must not fail to act.

Mr. DAVIS of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise to support this resolution and to condemn thoroughly the brutal acts of repression and of murder that have occurred recently in Kosovo.

Last month Serbian paramilitary police units swept through Kosovo and killed dozens of ethnic Albanians. Many people were brutally beaten to death. Then, on March 2nd, during a peaceful protest against this massacre, Serbian police again attacked about 30,000 Kosovo residents.

□ 1715

This is an outrage. The actions of the Serbian government warn us that ethnic hatred still threatens to erupt into genocide. They must halt these actions immediately, and they must take concrete steps to ensure that this type of violent police oppression will never occur again.

Unfortunately, Slobodan Milosevic has made discrimination against ethnic Albanians official policy. He has made ethnic hatred and ethnic slaughter official policy in a fashion not seen in Europe since the Nazis.

We had ample warning that this brutality would happen. The State Department on Human Rights stated that "political violence, including killing by police, resulted mostly from efforts by Serbian authorities to suppress and intimidate ethnic minority groups." It went on to report that police repression continues to be directed against ethnic minorities, and police committed the most widespread and worst abuses against Kosovo's 90 percent ethnic Albanian population.

All of this was reported before the most recent incidents of this year. So we must act swiftly and firmly. The Serbian authorities must not be allowed to get away with these atrocities.

The work of the International Contact Group ought to be commended, but it must be intensified. They ought to make very clear to the government in Belgrade that another round of ethnic cleansing and of ethnic murder will not be tolerated.

International war crimes investigators and organizations providing medical assistance must have immediate and unfettered access to the people of Kosovo. International observers supported by the contact group must establish a presence in Kosovo and maintain constant vigilance against further Serbian abuses.

We must impose tougher sanctions against Serbia, and we must maintain an arms embargo against this brutal regime. We cannot sit idly by while the butchers in Belgrade use violence and oppression to maintain their political power.

We cannot allow the bloodshed and destruction that occurred in Bosnia to begin all over again in Kosovo. We cannot allow this violence to escalate and spread into neighboring nations and result possibly in a general war.

The elections scheduled in Kosovo should be allowed to proceed unimpeded by Belgrade, and the elected leaders who will be elected in Kosovo should begin a dialogue with the Belgrade authorities in an attempt to resolve the situation without violence.

These are just a few of the steps that must be taken in order to prevent further bloodshed and oppression.

Unfortunately, we have not acted soon enough to address these obvious and persistent abuses and murderous actions by Serbia, and today dozens of people are dead because of international indifference. The time to act officially is now. We must not waste any more time.

Mr. SMITH of New Jersey. Mr Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the resolution, H. Con. Res. 235, calling for an end to the violent repression of the legitimate rights of the people of Kosovo. In recent weeks we have seen yet another outbreak of deadly violence in the Balkans, with the Serbian police and the military units striking certain regions in Kosovo and killing as many as 80 Kosovar Albanians.

I am an original cosponsor of the resolution, and I appreciate very much the work done by my colleagues, the gentleman from New York (Mr. ENGEL) and the gentleman from New York (Mr. GILMAN), the chairman of the full committee, to bring this measure to the floor. The measure was considered in committee last week, at which time a number of amendments that I offered were adopted, including one asking that the OSCE mission be allowed back into Kosovo as soon as possible.

Mr. Speaker, we must all recognize that, despite the complexity of the Balkans, primary responsibility for nearly a decade of conflict in the former Yugoslavia lies squarely on the shoulders of Milosevic and his regime in Belgrade. Since 1989, when Milosevic unilaterally revoked Kosovo's autonomy, he has established as official policy discrimination against ethnic Albanians, who constitute 90 percent of the population of Kosovo, especially in terms of employment. Milosevic's police force in Kosovo is, in reality, more of an army, which has arbitrarily harassed, detained, tortured and even murdered innocent Albanians on a regular basis.

Tomorrow, in fact, the Commission on Security and Cooperation in Europe, which I co-chair, will be conducting a hearing on the issue of the repression and the violence in Kosovo. As the Commission has followed closely this situation in Kosovo, it has become clear that Mr. Milosevic responds to criticism only when there is a clear resolve that his aggression, violence, and abuse of human rights will invoke serious consequences.

I would note that the language of the resolution states that no independent national or United States sanctions currently in force against the Government of Serbia or Montenegro should be terminated at this time unless a judgment is made that such termination would help encourage a peaceful resolution to the repression in Kosovo.

In this resolution, we call on the authorities of Serbia-Montenegro to fully cooperate with efforts and initiatives of the OSCE, including the immediate and unconditional return of a mission of long duration. The mission mandate should focus on all of Serbia and Montenegro and should be held by a person of prominence.

Belgrade expelled the mission, you might recall, Mr. Speaker, in 1993 and has made its return contingent on the lifting of Yugoslavia's suspension in the OSCE. Both Kosovar Albanians and Kosovar Serbs have told us that the return of the mission is desirable. The mission would monitor the situation both in Kosovo and in Serbia and Montenegro and would facilitate local dialogue in order to help deter an escalation of conflict and the violation of human rights.

I believe, Mr. Speaker, that we should enthusiastically support the investigation and prosecution of the International Criminal Tribunal for the Former Yugoslavia of crimes against humanity committed in Kosovo. The events in Kosovo in recent days are reminiscent of what took place at the beginning of the Bosnian conflict in 1992, and they could similarly escalate into massive and violent ethnic cleansing.

Mr. Speaker, this is a very good resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Florida. Mr. Speaker, I yield 1 minute to the distinguish gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, I rise in strong support of this resolution. There is no defense to the massacre of 80 ethnic Albanians in Kosovo, innocent men, women and children. There are not two sides to this story of murder. Ethnic cleansing is evil, pure and simple. This is not an internal affair of Serbia. This could spill over into other places.

When I was co-chair of the Congressional Delegation that went to Belgrade a few years ago, we told Mr. Milosevic very clearly we would hold him responsible for his actions. This resolution does exactly that.

I remember the faces of people in Sarajevo that war, conflict and death might be over. And now the Serbs have brought destruction and death to Kosovo. We raise our voices to say to the Serbian government, no more. This resolution should be passed unanimously by this body.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 3 minutes to my friend, the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank my colleague and friend, the gentleman from New Jersey (Mr. SMITH), for yielding; and I thank the gentleman from Florida (Mr. DAVIS) and my colleagues on both sides of the aisle.

We are in agreement on this. This needs to be done. The whole free world needs to react to the brutality that is occurring in Kosovo.

Kosovo is a nation of 2 million people. They voted 7 years ago for independence status, along with their sister republics in Yugoslavia, Slovenia, Macedonia, Bosnia and Croatia. They were denied it even though they voted overwhelmingly for this status.

Slobodan Milosevic is only supported by 5 percent of the population, but yet he reacted to this vote with unprecedented brutality. Repression, beatings, murders, rapes go on constantly, many of them for the purpose of intimidating the population.

There are 60,000 Serb police, paramilitary and military forces that exercise complete control over 2 million Albanian Muslim Kosovars. It is wrong. It is unbelievable that this situation exists at the end of the 20th century.

When I was over in Kosovo, I saw the hospitals, the clinics closed, schools closed, physicians dismissed, businesses summarily closed by the Serb police. In fact, when the OSCE monitors were driven out of the country, the incidence of brutality and human rights violations increased 85 percent.

This was all monitored by a Council for the Defense of Human Rights and Freedoms that we met with in Pristina. Yet, when we met with them that very week, Serbian police had gone into their office and beaten them. Serbian police stole the photographs, the records that they had. When their attorney attempted to protest to the court, he opened his door that night and was bludgeoned on the head for protesting.

In this country, attorneys for the defense go to court. In Kosovo, they go to the hospital.

This is wrong. This is intolerable, what is existing. These people only want freedom. They want the opportunity to protect themselves and to exercise their most basic human rights.

We saw in one school where the Serbian government, through the police, had taken over half of the school that was supposed to be available for 1,000 children. There were a hundred or so Serbian children using half of it because they were Serbian, and there are almost 1,000 children limited to the other half of the school only because they were Muslim children. And they had bricked over some of the bathrooms.

One of the parents protested at this cruelty toward young children. And because he protested, because he had two young daughters in that school, he was mutilated, cut open from head to groin, and dumped on the doorstep of his family. This is the kind of thing that has given rise to the protests we read about today.

The OSCE human rights monitors need to be monitoring human rights violations. 90% of the population needs to be enfranchised—legally politically and economically. We will not have peace in the Balkans until their is justice in Kosovo.

The SPEAKER pro tempore. The gentleman from Florida (Mr. DAVIS) has 1 minute remaining. The gentleman from New Jersey (Mr. SMITH) has 7½ minutes remaining.

Mr. DAVIS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to urge my colleagues to support this resolution for the reasons that have been so eloquently expressed here today on the floor by both sides.

This resolution rightly calls for an end to the violent repression in Kosovo and for the beginning of a necessary dialogue between the Serb authorities and the leaders that will contribute to the return of legitimate civil and political rights for all the people there.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to comment on the current crisis in Kosovo. The recent death of four policemen and 25 Albanians—followed by the March 5 assault of Servian forces against ethnic Kosovar Albanians—has marked a new stage in the Balkan crisis. The crackdown in Kosovo, the southernmost province of Serbia, has escalated the conflict between ethnic Albanians and the Serb leadership in Belgrade. Kosovo is home to an estimated 2 million ethnic Albanians and fewer than 200,000 Serbs. Old ethnic rivalries and tensions are running high in Kosovo.

Mr. Speaker, the United States and its allies need to take concrete steps to ensure that this latest round of violence in the Balkans does not spread to Albania, Macedonia, Greece and perhaps Turkey. We should take proactive steps by learning from recent history. We must encourage a meaningful dialogue between Serbs and Kosovar Albanian leaders that leads to peaceful solutions and protects basic human rights.

Mr. Speaker, the State Department has said that it supports "an enhanced status for Kosovo within the context of the Federal Republic of Yugoslavia [Serbia/Montenegro]." Our position is clearly a step in the right direction. It is responsible; it demonstrates our commitment to a peaceful resolution to the conflict; and it underpins our commitment to basic human rights.

One of the deplorable legacies of the Bosnian war is that human rights will be violated if the international community sits back and allows for abuses to happen. We go on record today stating that we will not tolerate abuses and violence. It is wrong, and it is absurd.

The 1995 Dayton Peace Accords clearly demonstrate that peace won't happen without considerable U.S. leadership. In fact, British Foreign Secretary Robin Cook recently met with Yugoslav President Slobodan Milosevic on the issue of greater autonomy for ethnic Albanians, and his comments are instructive: "I did not feel encouraged to believe that there is yet a recognition in Belgrade that there will have to be significant further steps of increased autonomy to Kosovo if we are to find an acceptable political solution (*Washington Post*, March 6, 1998)."

To this end, the political leadership of the ethnic Albanian majority in Kosovo has sought greater independence and freedom from Serb authorities since the early 1990s, but Serbia has flatly rejected the idea. Serbs see Albania as their cultural homeland. It is fitting that we respect and appreciate the Serbs' history but, at the same time, we must take steps to facilitate greater self-governance for ethnic Albanians. They comprise at least 90% of Kosovo's 2 million people. For me the message is clear: the U.S. must support fundamental human rights in the Serbian province of Kosovo. The ethnic Albanians deserve an enhanced political status and a heightened degree of autonomy. Again, autonomy, in a word, could be an antidote for further violence and bloodshed in the region.

Mr. Speaker, writing in Sunday's *Washington Post,* columnist Jim Hoagland helps policy makers return to key principles in this malaise we call the post-Cold War world. He reminds us of the value of human dignity and our fight for human rights. Hoagland reminds us that the "demographic laws of gravity" cannot be defied:

> Washington should cease paying tribute to territorial integrity maintained by brute force, whether that force is exercised in Serbia, Iraq, Indonesia or China. The United States should stop opposing in word and deed the aspirations of Kosovars, Kurds, Timorese or Tibetans willing to fight oppression visited on them by other dominant ethnic groups that have a monopoly on firepower and organized violence. . . . Big government in the form of nation-state superstructures like the Soviet Union and Yugoslavia, and big racial ideology in the form of pan-Slavism and pan-Arabism, have been tossed on history's ash heap in this decade. It is a time when the center does not hold,

especially in places like the Balkans, "when atomization is the dominant force in international politics."

Mr. Speaker, I encourage my colleagues to support H. Con. Res. 235 that calls for an end to violent repression in Kosovo. Most of all, I ask my colleagues to take a stand for basic human rights and the inviolability of human dignity.

Mr. BONIOR. Mr. Speaker, I rise today in strong support of this resolution to condemn the violent repression of the people of Kosova, and I comment my colleagues—Mr. GILMAN and Mr. ENGEL—for their leadership on this issue.

Over the past several weeks we have all seen the horrible images and listened to the cries of grief and outrage.

Those who were executed by the Serbian forces in front of their families last week have now been properly buried.

We mourn them, and extend our deepest condolences to the loved ones who survive them.

It is hard to fathom the cruelty of men who would randomly shoot people, proudly display their lifeless bodies like trophies, then bury them in a ditch.

But that is what we have seen.

It is hard to comprehend how such terrible hatred can so overwhelm a person, that it empties them of all compassion and humanity.

But that is what we have seen.

And it is also hard to understand how a people so brutalized can hang on to hope and keep going. But the ethnic Albanians of Kosova will prevail.

For nine years, Serbia has repressed and harassed them. Now this campaign of terror has degenerated into open slaughter, and many innocent people have died.

Today we join together to say: "No More."

This violence cannot continue, and we must do whatever it takes to stop the bloodshed.

Serbian aggression in Bosnia has taught all of us a hard lesson: that the United States and its allies cannot simply remain on the sidelines.

We brought peace to Bosnia only after we showed Slobodan Milosevic (pronounced Slow-buh-dahn Mill-oh-so-vitch) that his brute force would be countered with swift and decisive military action.

Now Milosevic must accept that he faces the same consequences if he does not halt his campaign of terror in Kosova.

Milosevic must also recognize the legitimate will of the people of Kosova for a free and independent state.

It's been said that you can bury the dead, but you can never bury a dream. Their dream of freedom is stronger than ever, and we stand with them today.

Mr. PAYNE. Mr. Speaker, I rise in support of this resolution. I wish I could say that Serbia's repression of Kosova comes as a surprise but I think we saw it coming by Slobodan Milosevic's aggression in the region.

If dialogue is to happen between the Serbs and the ethnic Albanians, then we must stop sending mixed messages and signals. Let me say that I think that we were too quick to reward Belgrade for its positive steps in Bosnia peace process without taking into consideration what was going on in Kosova.

One of the greatest fears is a spill over into Macedonia which would be terrible for many reasons [Greece and Turkey] not just geo-strategic ones. I wish I had been here to ask Robert Gelbard about what seems to be the approval of the 700 man extension of the UN peacekeeping force in Macedonia—UNPREDEP (Unpred)—whch was due to withdraw this summer.

I know that the election scheduled for March 22 was cancelled especially after the slaughter of 84 people. I understand that Robert Gelbard, in a private meeting with Milosevic, asked just for the families to see the victims bodies before they were buried. Even while Gelbard was boarding the plane, Serbia proceeded with the burial against the wishes of those that were mourning. In addition, let me say that when one side is really serious about talks they at least inform the other side of an agenda, time and place of the meetings.

Ethnic cleansing and massacrers cannot be tolerated whether in Rwanda, Bosnia or another Serbian enclave—Kosova. In response to the recent attacks, I along with other members of the Albanian caucus, have sent a letter to the President to address the deteriorating situation in Kosova. In conclusion, Kosova reminds me of the Tiananmen Square incident. Years later, we are still going on with "business as usual." I hope Pristina [Priss-s-tina] won't fall victim to this type of policy.

Mr. DAVIS of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 235, as amended.

The question was taken.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed until tomorrow.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the concurrent resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule 1, the Chair will now put the question on the Speaker's approval of the Journal and then two motions to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order: approval of the Journal de novo, House Resolution 364 by the yeas and nays, and House Resolution 361 by the yeas and nays.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. ROYBAL-ALLARD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 359, nays 38, not voting 33, as follows:

[Roll No. 53]

YEAS—359

Abercrombie
Ackerman
Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Boswell
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Cox
Coyne
Cramer
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastings (WA)
Hayworth
Hefner
Herger
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHale
McHugh
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schumer
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stokes
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Upton
Velázquez
Vento
Walsh
Wamp
Watkins
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—38

Becerra
Brown (CA)
Clay
Clyburn
DeFazio
Dickey
English
Ensign
Fazio
Filner
Fox
Gillmor
Hastings (FL)
Hefley
Hilleary
Hilliard
Hinchey
Jefferson
Johnson, E. B.
Kucinich
Lewis (GA)
LoBiondo
McDermott
Moran (KS)
Oberstar
Pickett
Ramstad
Rogan
Sabo
Schaffer, Bob
Sessions
Stenholm
Taylor (MS)
Thompson
Visclosky
Waters
Watts (OK)
Weller

NOT VOTING—33

Andrews
Bilbray
Borski
Cannon
Costello
Crane
Davis (IL)
Diaz-Balart
Doolittle
Dunn
Fawell
Gonzalez
Gutierrez
Hastert
Hunter
Inglis
Kennedy (MA)
Lipinski
Martinez
McDade
McInnis
McNulty
Moakley
Parker
Pickering
Poshard
Rush
Salmon
Sanford
Schiff
Stupak
Turner
Yates

□ 1750

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. HASTERT. Mr. Speaker, on roll call no. 53, I was out of town attending a wake. Had I been present, I would have voted "yes".

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. ARMEY) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 17, 1998.

Hon. NEWT GINGRICH,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I have the honor to transmit herewith a copy of the original Certificate of Election received from the Honorable Bill Jones, Secretary of State, State of California, indicating that, according to the semi-official canvass of votes cast in the Special Election held March 10, 1998, the Honorable Lois Capps was elected Representative in Congress for the Twenty-second Congressional District, State of California.

With warm regards,

ROBIN H. CARLE,
Clerk.

STATE OF CALIFORNIA—SECRETARY OF STATE

CERTIFICATE OF ELECTION

I, Bill Jones, the Secretary of State of the State of California, hereby certify:

That according to the semi-official canvass of votes cast in the Special Election held on the 10th day of March, 1998 in the 22nd Congressional District,

Lois Capps was elected to the office of United States Representative—District 22, for the term prescribed by law.

In witness whereof, I hereunto set my hand and affix the Great Seal of the State of California at Sacramento, this 11th day of March 1998.

BILL JONES,
Secretary of State.

SWEARING IN OF THE HONORABLE LOIS CAPPS, OF CALIFORNIA, AS A MEMBER OF THE HOUSE

The SPEAKER pro tempore. Will the Members of the California delegation escort the gentlewoman from California, the Member-elect, to the rostrum to receive the oath of office.

Mrs. Capps appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely and without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God?

The SPEAKER pro tempore. Congratulations, you are now a Member of the Congress of the United States.

REPRESENTATIVE CAPPS BRINGS WEALTH OF EXPERIENCE TO CONGRESS

(Ms. ROYBAL-ALLARD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROYBAL-ALLARD. Mr. Speaker, LOIS CAPPS' journey to Washington, D.C., began in tragedy with the sudden death of her husband and our colleague, Walter Capps. Today, however, the journey has ended in joy and victory, not only for LOIS and her family, but for her constituents.

LOIS brings to Congress a wealth of experience as a health professional, community activist, and educator. LOIS was a nurse for the Santa Barbara School District for 20 years. In this capacity, she served as an elementary district nurse for the entire public school system. She was a coordinator of the teen parent program and was a health consultant for all child development programs. Since 1983, she has periodically taught in the Early Childhood Education Department at Santa Barbara College.

Thousands of Santa Barbara's children and families have benefited from LOIS's personal care and leadership. Under her direction, hundreds of young parents have received the encouragement and the support to stay in school as well as the child development education to ensure that their children grow up healthy and in loving environments.

LOIS also has vast working experience in the community, having devoted herself to many community organizations, including the American Red Cross, the American Heart Association, and the Family Service Agency.

During Walter's all too brief tenure, LOIS was an active partner, traveling with Walter around the central coast, to see firsthand the needs of the people he represented, and also, she traveled to Washington, D.C. where he fought for them and where she was one of the most visible of congressional spouses, frequently sitting in the gallery during votes and debates.

□ 1800

LOIS is committed to continuing the CAPPS legacy of reconnecting people to their representatives, to helping families improve their everyday lives through better schools, quality health care, and a cleaner, healthier environment. LOIS is also committed to following the CAPPS tradition of working with the delegation in its effort to find bipartisan solution to California problems.

We welcome LOIS to Congress and to our delegation. We know that she will be an effective advocate for her constituents, and we look forward to working with her to ensure that the priorities of her district and of all Californians are the priorities of this Congress.

LOIS, Walter would be very proud of your commitment and your dedication to the people of the 22nd Congressional District.

Mr. Speaker, I yield to the gentleman from Missouri (Mr. GEPHARDT), the Democratic leader.

Mr. GEPHARDT. Mr. Speaker, I thank the gentlewoman for yielding to me.

Mr. Speaker, this is indeed a joyous day of celebration as we swear in a new Member of the Congress.

I would simply say this one thing. There are a lot of reasons attributed to political victories in congressional seats, but in my view this victory is due to the character, the integrity, and the wonderful citizenship of a woman named LOIS CAPPS. We are very proud of LOIS CAPPS.

A COMMITMENT TO MAKE GOOD ON THE TRUST OF THE CITIZENS OF THE 22ND DISTRICT OF CALIFORNIA

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, I am so thrilled to be here. I want to acknowledge my family: our daughter, Laura; my sister, Frieda; Walter's brother, Roger, and his wife; my cousin, Chuck; and so many friends and staff members. You know I could not be here without you.

My heart is so full, as you know, as I stand where Walter stood so many times and looked out at all of you who were his treasured friends, and friendship that extended to me. How can I thank you for your eloquence in the memorials that you gave to him, to me and to him, following his death? Now you welcome me here today. I will always be grateful for this moment.

As I think of the citizens of the 22nd District of the central coast of California, who elected Walter just a year and a half ago, they trusted him. Now they have extended that trust to me, so I have come here to make good on that trust, to build on that trust.

I bring with me so many stories from the over 30 years that I have lived in our District. Just last Saturday I was at a community college, Cuesta Community College near the city of San Luis Obispo, and I heard the remarkable stories of five distinguished women being honored for their community service. I thought to myself, that is my inspiration. These are my role models to take with me to this place. I have brought them with me in my mind's eye today, and so many other stories like that.

During the last 4 months, Mr. Speaker, I have received the mandate, several mandates, from the citizens of the 22nd District of California. Despite the din of outside special interests, in language plain and simple, they have told me in no uncertain terms that they want us to work hard to make our schools better. As one who has spent a lifetime in the classrooms of my district, I know the importance of local control; but, believe me, this task is so great that we must all work toward this end. The goals are too important.

Business leaders have come to me, saying, I want to partner with education because the net result will be a work force, jobs that are meaningful, people's lives that are enhanced; the quality of life that we want in the central coast of California, yes, but throughout the country. This is what we need also to keep our economy moving.

As a nurse, Members do not have to tell me about the mandate to reform health care, to curb the excesses, to bring back patient-centered care, and to allow more access to it. For me, clean air and clean water are health issues. Where I come from, preserving a pristine coastline is a sacred trust.

Of course, the overarching mandate is, in all of our deliberations, LOIS, be sure to do this in a fiscally responsible way. My answer is, I had a good example in the 105th Congress in the Balanced Budget Act of 1997. I say to the small business owners in my district, yes, now we are going to go to work to simplify that Tax Code, to reform the IRS. They have told me in loud and simple terms that we must do this.

So you can see, Mr. Speaker, that I have come here ready to go to work. This is not a partisan task, because the bottom line is the common good. That which unites us, not that which divides us, is of enduring value. And we all know in our soul, and I am so privileged to be a part, that in this place, in this House what we are about is nothing less than preserving and strengthening democracy. I thank you for the opportunity to serve.

URGING RESOLUTION ON HUMAN RIGHTS SITUATION IN PEOPLE'S REPUBLIC OF CHINA

The SPEAKER pro tempore (Mr. ARMEY). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 364, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 364, as amended, on which the yeas and nays are ordered.

This will be a 15-minute vote, to be followed by a five-minute vote.

The vote was taken by electronic device, and there were—yeas 397, nays 0, not voting 34, as follows:

[Roll No. 54]

YEAS—397

Abercrombie
Ackerman
Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Combest
Condit
Conyers
Cook
Cooksey
Cox
Coyne
Cramer
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—34

Andrews
Bilbray
Borski
Cannon
Collins
Costello
Crane
Davis (IL)
Diaz-Balart
Dunn
English
Fawell
Gonzalez
Gutierrez
Harman
Hastert
Hunter
Inglis
Kennedy (MA)
Lipinski
Martinez
McDade
McInnis
McNulty
Moakley
Parker
Poshard
Rush
Salmon
Sanford
Schiff
Stupak
Turner
Yates

□ 1826

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HASTERT. Mr. Speaker, on roll call No. 54, I was out of town attending a wake. Had I been present, I would have voted yes.

PERSONAL EXPLANATION

Mr. DIAZ-BALART. Mr. Speaker, had I been present for the vote on H. Res. 364, urging the President to criticize China's human right, violations at the United Nations, I would have voted "aye".

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to the provisions of clause 5 of rule I, the Chair announces that she will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

CALLING FOR FREE AND IMPARTIAL ELECTIONS IN CAMBODIA

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, House Resolution 361, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the resolution, House Resolution 361, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 393, nays 1, not voting 37, as follows:

[Roll No. 55]

YEAS—393

Abercrombie
Ackerman
Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Boswell
Boucher

Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Combest
Condit
Conyers
Cook
Cooksey
Cox
Coyne
Cramer
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—37

Andrews
Bilbray
Borski
Cannon
Collins
Costello
Crane
Davis (IL)
Diaz-Balart
Dunn
Fawell
Gonzalez
Gutierrez
Hastert
Herger
Hunter
Hutchinson
Inglis
Kennedy (MA)
Largent
Lipinski
Martinez
McDade
McInnis
McNulty
Moakley
Obey
Parker
Porter
Poshard
Rush
Salmon
Sanford
Schiff
Stupak
Turner
Yates

□ 1835

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HASTERT. Madam Speaker, on roll call no. 55, I was out of town attending a wake. Had I been present, I would have voted yes.

PERSONAL EXPLANATION

Mr. DIAZ-BALART. Madam Speaker, had I been present for the vote on H. Res. 361, a resolution calling for free and impartial elections in Cambodia, I would have voted "aye".

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1415

Mr. DREIER. Madam Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 1415.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENT PROCESS FOR H.R. 3246, THE FAIRNESS FOR SMALL BUSINESS AND EMPLOYEES ACT OF 1998

(Mr. DREIER asked and was given permission to address the House for 1 minute.)

Mr. DREIER. Madam Speaker, the Committee on Rules is planning to meet next week to grant a rule to limit the amendments which may be offered to H.R. 3246, the Fairness for Small Business and Employees Act of 1998.

Any Member who wishes to offer an amendment should submit 55 copies and a brief explanation of the amendment by 2 p.m. on Monday, March 23rd, to the Committee on Rules, room H-312 of the Capitol.

H.R. 3246 was ordered reported by the Committee on Education and the Workforce on March 11th, and the report is expected to be filed Wednesday. Amendments should be drafted to the text of the bill as reported by the Committee on Education and the Workforce. Until the report is available in the document room, copies of the text of the bill as reported can be obtained from the Committee on Education and the Workforce.

Members should use the Office of Legislative Counsel to ensure their amendments are properly drafted and should check with the Office of Parliamentarian to be certain their amendments comply with the rules of the House.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER pro tempore laid before the House a communication from the Chairman of the Committee on Standards of Official Conduct:

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,
Washington, DC, March 16, 1998.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule L (50) of the Rules of the House of Representatives, that the Committee on Standards of Official Conduct ("Committee") has been served with a grand jury subpoena (for documents) issued by the U.S. District Court for the District of Massachusetts and directed to the Committee's "Keeper of Records."

After the consultation with the Office of General Counsel, the Committee has determined that compliance with the subpoena is not consistent with the precedents and privileges of the House and, therefore, that the subpoena should be resisted.

Sincerely,

JAMES V. HANSEN,
Chairman.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SHIMKUS). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO COLONEL PAUL G. UNDERWOOD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, I rise tonight in honor of a great American, an American who has returned home to be buried in his beloved country. Colonel Paul G. Underwood was not only a great American, he was also a beloved son, a brother, a husband, father and friend, who served our Nation as a brave pilot and who ultimately made the supreme sacrifice in the name of freedom.

Colonel Underwood began his military career by enlisting in the United States Marine Corps Reserve and then later transferring to the Air Corps. After attending school at Northrop Aeronautical School, he joined the Air Force where his flying duties led him to the F–105 Thunderchief.

Through the course of his distinguished military career, Colonel Underwood earned a number of awards; including the Distinguished Flying Cross, an Air Medal with four Oak Leaf Clusters, a World War II Victory Medal, a Vietnam Service Medal and a Purple Heart.

Prior to 1966, his war service to our Nation included World War II and Korea, with 201 combat missions. In January of that year, Colonel Underwood was deployed to Vietnam from Seymour Johnson Air Force Base in eastern North Carolina. While there, he bravely and nobly performed 22 combat missions.

Unfortunately, on March 18th, 1966, Colonel Underwood's F–105 Thunderchief was shot down. He was then listed MIA for 12 long years and was ultimately declared dead. The Underwood family was forced to suffer not only with a tremendous and almost unbearable loss, but also with a great deal of uncertainty. It was not until recently that Colonel Underwood's remains were recovered in North Vietnam.

Yesterday, 32 years to the date of his death, I had the honor and privilege to have the humbling experience of attending Colonel Underwood's funeral at Arlington National Cemetery. Mr. Speaker, I cannot express in words what this experience meant to me. So many, far too many, young Americans have been seriously wounded and have even given their lives for this country. So many families have suffered.

I would like to take this opportunity tonight to recognize and honor Colonel Underwood and his family and all those who have sacrificed and have either lost their own lives or lost a loved one in service to this Nation.

□ 1845

Ms. Gloria Underwood is a role model to us all. She is a remarkably strong person who, despite suffering through an almost unbelievable ordeal for 32 years now, managed to rise above many difficulties and to raise a fine family. I thank her from the bottom of my heart for including me in yesterday's very special service.

I would like also to remind the Underwoods and all families who have faced similar tragedies that, as sorrowful and difficult as the loss of a loved one in service must be, it is not in vain; it is for America and for all her future generations. Brave soldiers like Colonel Underwood are the Nation's strength.

The words are best expressed in the following lines written by Ralph Waldo Emerson in his poem, "A Nation's Strength," and I quote,

> Not gold but only men can make a people great and strong; men who for truth and honor's sake stand fast and suffer long. Brave men who work while others sleep, who dare while others fly, they build a nation's pillars deep and lift them to the sky.

Mr. Speaker, an American hero has returned home to his family and a grateful nation to take his place among the many war heroes that are buried at Arlington National Cemetery. He rose and fought and died for the many freedoms that we too many times take for granted.

I salute Colonel Paul Underwood, a true American hero, and his family and all those who have fought and died and suffered loss in the name of freedom. The men like Colonel Underwood have truly given this Nation its strength. Let us never forget their sacrifices, Mr. Speaker. And God bless America.

DIALOGUE ON RACE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Georgia (Mr. LEWIS) is recognized for 60 minutes as the designee of the minority leader.

Mr. LEWIS of Georgia. Mr. Speaker, I called a special order tonight with a bipartisan delegation, Members of Congress that traveled from Washington to Birmingham, Montgomery, and Selma during March 6 through the 8th. Along with Members of the Congress that included AMO HOUGHTON, EARL HILLIARD, SHERROD BROWN, TOM BARRETT, KAREN THURMAN, FRED UPTON, DIANA DEGETTE, ELIOT ENGEL, SHEILA JACKSON-LEE, we also had the head of the National Democratic Committee, Roy Roman, and Jim Nicholson, the Republican National Committee chair.

This trip was to be part of a dialogue on race, which was sponsored by Faith and Politics Institute under the leadership of Doug Tanner. These Members decided to travel to Birmingham to the site of the 16th Street Baptist Church and visit the church where four little girls were killed by a bomb on September 15, 1963, and from there to visit the Civil Rights Museum and to see some of the historic sites that changed America.

From there we traveled to the City of Montgomery, where we had an opportunity to visit the Dexter Avenue Baptist Church that Martin Luther King, Jr., was called to pastor in 1954 and where he led the successful Montgomery bus boycott.

We had an opportunity while we were in Montgomery to visit former Governor George Wallace and to talk with him, to shake his hand, to tour the capitol in the City of Montgomery, to visit the Civil Rights Memorial there and travel from Montgomery on early Sunday morning to the City of Selma, where we attended service at the Brown Chapel A.M.E. Church. And later we had lunch that was sponsored by the mayor of Selma, Mayor Smitherman.

In 1965, 33 years ago, in the City of Selma only 2.1 percent of blacks of voting age were registered to vote. In one county between Selma and Montgomery, Loundes County, that we traveled through on our way to Selma, in 1965 that county was more than 80 percent African-American. There was not a single registered African-American voter. But today in Selma in Loundes County in the State of Alabama we have witnessed unbelievable changes. It is a different State. It is a different place.

What I would like to do now, Mr. Speaker, is to yield to the gentleman from New York (Mr. HOUGHTON), my colleague and the co-chair of the Faith and Politics Institute and one of the real leaders of this whole Dialogue on Race.

Mr. HOUGHTON. Mr. Speaker, I thank the gentleman for yielding.

I am, obviously, honored and really moved to be here, as I was when we went on that extraordinary weekend. I think we all sort of feel that we walk in the shadow of JOHN LEWIS. We can reconstruct history. We can read about it. But to be part of history with a man like JOHN LEWIS, who was there and who suffered all the humilities and the physical beatings and the agonies of those times was really something.

I mean, I do not think I will ever get over it. As I mentioned to Mr. LEWIS, it was almost like my trip to the Holy Land. It was a religious experience. This was a group that did not have any legislative program. We did not want to start any new government project. But we wanted to deal honestly with ourselves. And I think Mr. LEWIS will agree that we did that. I know that he has always tried to deal honestly with us, and I hope we were able to do this with him and some of his associates down there.

It was extraordinary to see the people who were associated there. There was a wonderful lady. I call her lady now. But in those days, 30 years ago, she was a young girl; and when the conditions got very sad, she would break into song and pull everybody's spirits up. She did it with us.

Really, it was a pilgrimage that we went through in going to those three extraordinary cities, going to the Civil Rights Museum, seeing that extraordinary civil rights piece of sculpture which Maya Lyn did, similar to the Vietnam Memorial.

I think the thing that meant almost as much to me was just being with this man here and listening to him. Let me give my colleagues just a couple of statements.

JOHN said in our meeting at the airport when we were about to return, he said,

> You know, there are two things that sort of come to mind here. First, every so often there is an issue, it is an important issue, it is usually a social issue. And if you feel strongly about it and there is an element of evil to it, you have got to stand in the way of it, you have got to stand in the way of it. And those of us who look at it and walk around it and walk on about our daily lives, it is really a cop-out.

And that is, of course, what happened. It was extraordinary to see the people who stood in the way of the civil rights issue.

The other thing that I think that the gentleman from Georgia (Mr. LEWIS) was talking about, and some of us were saying, how could you have been so patient? People were literally mauling them and beating them up. All the people we had talked to had been through the same experience. How could you show such restraint?

The gentleman from Georgia said, you know, we thought about that. I think it was every Tuesday night, we used to have these sessions of training prior to the march. We were taught to consider the people out there who were full of so much venom and hate not as our enemies, we did not have time to hate people, but as victims of a culture that they did not have any part of; they could not control themselves.

So with that, those two themes, the idea of standing in the way of something, standing up, doing something about it permanently, and that also doing it in this marvelous sense that Dr. Martin Luther King epitomized so well, it did something to us. It was far beyond just the race issue.

I think the interesting thing, if I can talk just a second more autobiographically, that we took these dialogues on race and the discussion which the Faith and Politics Institute put into effect and took them back into our districts. There were meetings all over the country.

We started talking race, but we ended up talking about ourselves and our children and our families and our communities. But we were being honest about it. It was an extraordinary transformation. I give that credit to this distinguished man standing over here, the gentleman from Georgia (Mr. LEWIS). We are the better for it.

In ending, I would just like to say, although most of us were not there with you at that time, I hope we can follow worthily where you have led the way.

Mr. LEWIS of Georgia. I thank the gentleman from New York (Mr. HOUGHTON) for those words. I think this is only a beginning toward us building that beloved community and moving toward laying down the burden of race. That is why the dialogue must continue.

I yield to my friend and colleague, the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. I thank the gentleman from Georgia (Mr. LEWIS) for yielding. I very much appreciate the opportunity to say a few words tonight. Especially, even more, I appreciated the opportunity to be part of a remarkable weekend in Montgomery and Birmingham and Selma.

I was there with my mother, who grew up in a small town in Georgia, and with my daughter Emily, who is 16. To watch the interaction between the two of them was remarkable in this kind of situation.

Margaret Mead once said many, many years ago that grandparents tend to impart wisdom to their grandchildren; that knowledge in this society is passed from grandparent to grandchildren.

So for my 16-year-old daughter Emily to listen to my mother talk about drinking fountains in the South that said white and said colored, the white drinking fountain was much nicer and newer than the drinking fountain reserved for African-Americans, and to spend these 3 days with the gentleman from Georgia (Mr. LEWIS) in Selma and Montgomery and Birmingham, to see what happened to him in these periods in 1965 and really in the many years in the 1960s when he was so much a part of the civil rights movement, so much a leader in the civil rights movement.

But what comes through more than anything that my mother and my daughter and all of us that were part of this pilgrimage to Alabama, what we all saw was the ability, the capacity for forgiveness. People that were literally trying to kill JOHN LEWIS, people that were beating, beating with sticks, or were giving political orders or whatever to hurt people like JOHN LEWIS. And to end this movement, that the gentleman from Georgia and others in the civil rights movement, people like the gentleman from Alabama (Mr. HILLIARD), were able to have a capacity to forgive in a situation like that.

It is a remarkable thing that, as the gentleman from Georgia forgave and as others in the civil rights movement forgave people that wanted to wrong them, it really did begin to change the hearts of those people who would either hit them with sticks or tromp them with horse's hooves or giving political orders to attack or to assault, those people's hearts were changed as the gentleman from Georgia and others forgave.

That is really maybe the most remarkable part about the week and the most remarkable part about the civil rights movement is the mayor of Selma, Alabama, who is a very impressive gentleman, who is now 68 years old, 34 years ago, he was elected mayor. Several weeks later, he met the gentleman from Georgia. He at that time called JOHN LEWIS a rabble-rouser and a troublemaker. Today, this past weekend, at lunch, he called JOHN LEWIS one of the most, if not the most, courageous person he had ever met.

This man had a wonderful capacity to change and open his heart up as people like the gentleman from Georgia had the same capacity to forgive and saw bringing together the races.

The best part about all of that is that we, for the first time in many people's lives that were in this trip, we heard African-Americans talk honestly about what it is like to be black, and then blacks were able to listen to white people talk about what it is like and to really communicate with each other, something that we clearly do not do enough of in this country.

So it was a remarkable time in the 1960s and throughout the civil rights movement and the last 200 years, but a particularly remarkable time as things began to more rapidly change. I think all of us, African-Americans and whites, on this trip were all changed for the better.

□ 1900

Mr. LEWIS of Georgia. Mr. Speaker, I yield to the gentleman from Michigan (Mr. UPTON), who was also part of our trip to Selma.

Mr. UPTON. I thank the gentleman for yielding. I just want to say I was very pleased to have joined this bipartisan effort, certainly not only as a Republican but more as an American, to actually have walked in the footsteps and to see some of those struggles. For me growing up in Michigan, never having really been to the South, never certainly been to Alabama until this weekend, two weeks ago, it was an amazing, extraordinary adventure for me. As I think about my district, diverse in so many needs and issues, whether rural and urban, industrialwise, in agriculture and diverse too in ethnicity, this was a very important trip for me, not only to understand some of the divisions that existed not only in the North but to see the real footsteps that the gentleman from Georgia (Mr. LEWIS) led in the South.

As the gentleman from New York (Mr. HOUGHTON) indicated before, though there were many of us that were sad that we were not with him back in the 1960s, for me I had an excuse as I might have been 7 years old, we want to finish this trail with the gentleman from Georgia. As we traveled this way and spent substantial time not only on the bus talking about the trials and tribulations that he went through, but I know that for sure the dozen of us that were there are indeed much closer as Americans and as Members of this House in respecting those convictions that all of us have for each other and our views and our districts that each of us represents. As the gentleman from New York (Mr. HOUGHTON) indicated, it was a religious experience. One cannot describe it, certainly in the hour that we have here tonight, but in discussions certainly the Faith in Politics Institute began several months ago, as we see these unfold in the future. We love him. We love all that he did for America and for this House in terms of his leadership then and now. We certainly look forward to walking this path with him, with all Americans, as we try and end hatred and racism and things that sadly exist in far too many homes across this country.

Mr. LEWIS of Georgia. Mr. Speaker, I yield to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank the gentleman from Michigan for yielding to me. I was very privileged to also be part of the delegation which went with the gentleman from Georgia (Mr. LEWIS) to Alabama, to Birmingham, Montgomery and to Selma. It was as my colleagues have mentioned, a very, very moving experience. It was especially moving for me, Mr. Speaker.

I represent a district, a very diverse district in New York which is about a third African-American, a third Hispanic and a third white. We know better than most people that people have to live together and people have to work together. I think there is nothing that better personifies that than the civil rights struggle.

To my right is a picture of us in Montgomery, Alabama joining hands, locking hands and singing We Shall Overcome at the Southern Poverty Law Center. It was one of the very moving moments of the trip. Believe me, there were many, many moving moments at the trip, the feeling of working together and being together and joining in the struggle for civil rights together. Although people like the gentleman from Georgia (Mr. LEWIS), whom I refer to as a real American hero and the gentleman is a real American hero and it is an honor to be his colleague and to be in the House with him, the fact of the matter is we have come a long way in the United States in terms of race relations. But obviously we still have a long, long way to go. We can learn from the past. The past can help us learn and prepare for the future. To be down in Alabama at the 16th Street Baptist Church with those 4 little girls who were killed, one of those girls was my age when she was blown to bits. I remember it very, very vividly, hearing about it on the news. To be in the Dexter Avenue Baptist Church in Montgomery, where Dr. Martin Luther King was the minister, was really a feeling to behold. To go to Selma and to actually go over that bridge and to understand where history was made, on the highway past the spot where Viola Liuzzo was gunned down and to see all these other places that we read about, that we heard about, I was a little too young at the time to be able to make the trip down but I was old enough to understand what was happening.

I remember the first time I ever went to the South in 1967 with two friends and saw the signs, the segregated signs, and could not believe that this was a part of America. I think what one of our colleagues said, which is the genius of JOHN LEWIS, is how can someone go through what he went through and emerge not only as a person who is not bitter but as a person who understands the necessity of trying to bring people together and who continues to do that more than any other person that I know. It was just an honor for me and also a tribute, I think, to the gentleman from Georgia (Mr. LEWIS) and also just to be a part of it, to understand what this means to the United States, the greatest country in the world, we are honored and we are privileged to serve in the United States Congress representing the greatest country in the world, but we learn again from our past.

We know in the United States so many diverse people, coming together, living together, we are all Americans, we have different backgrounds. That is the genius and the greatness of our country, trying to bring people together, trying to accentuate the similarities in people rather than trying to accentuate our differences. That is what I try to do in my district in New York. I know the gentleman from Georgia (Mr. LEWIS) has been doing it for his entire life. I just want to say to my colleague from Georgia that it was an honor and a privilege being with him that weekend in Alabama. It is an honor and privilege serving with him. We need to all move forward and to continue to bring people in this great country together. The people who did this 33 years ago and 35 years ago and before that in the civil rights movement are truly the people who made this country better for all of us.

Again, we still have a long way to go and we have to keep being resolute in saying that in this country we need to continue to have dialogue. I commend President Clinton for his dialogue on race. We need to learn from the past and we need to move forward for the future. I was honored and privileged to be part of the delegation. I look forward to a continuing dialogue in making race relations in our great country better and better and better.

Mr. LEWIS of Georgia. Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Mr. Speaker, I think all of us felt the same way, all of us who were on this weekend. It was probably one of the most, if not the most, amazing weekend I have spent in my 5½ years in Congress. We all fashion ourselves as busy people, sometimes we are too busy to take the time to talk to each other, to get to know each other but, more importantly, we do not take the time to reflect and find out from our backgrounds what we can do to bring us together.

For me this was just a weekend I will never forget my entire life. Going down to Alabama for the first time in my life, traveling with the gentleman from Alabama (Mr. HILLIARD) through his district, he was a wonderful host, and with the gentleman from Georgia (Mr. LEWIS). Someone remarked the weekend was a lot like taking a history course taught by the professor who created the history, because JOHN LEWIS was such an integral part of this. For me to go home and tell my family and my friends what an amazing weekend it was really is going to have an impact.

For me there were several things that really jumped out. Probably the part that I will remember the most is when we went to visit former Governor George Wallace. The number of us, I think, northern Democrats when we went into the room, he is not a person that in my neck of the woods was a person that I grew up respecting in all honesty. But when I saw JOHN LEWIS and EARL HILLIARD go up and greet him, I thought, well, if they have room in their heart for forgiveness, I should have room in my heart for forgiveness as well. But it was not something that came easy. For me to see the remarkable degree of calmness that was displayed and has been displayed by the gentleman from Georgia (Mr. LEWIS), again I went home and remarked to my wife, "This is an amazing guy. He shows no anger, he shows no bitterness." I do not know that there are many people in this world who could have done what he did and not showed any anger or bitterness. Someone else said to me, he was 21 years old or 22 years old when he did this. Would you have had the courage to do that when you were 21 or 22? I said, "I don't know that I would have the courage to do it now." Because he was putting his life on the line and all the people who were involved in this struggle were putting their lives on the line. As we have sat around, and we have for several evenings talking about our backgrounds, I and the gentleman from Michigan (Mr. UPTON) and the gentleman from Ohio (Mr. BROWN) and some of the younger Members here, I felt a little, I do not want to say unworthy but I did not have the same shared experience because people who were 10 or 15 years older than I had gone through lot of this. So as we went around the room and people said what they were doing at this period, I was in the third, fourth or fifth grade, I was probably playing softball or something like that. I did not have a shared experience. I did not know whether I had anything I could add to this conversation. But as I left that weekend, what I probably came away with more than anything is that this is not a struggle that is over, this is not even a struggle that has been resolved in a way that people can say, "Well, let's move on to something else." It is a struggle for human beings to get to know each other and to try to shed our differences and try to find out what we have in common. For that I thank the gentleman from Georgia (Mr. LEWIS), I thank the gentleman from New York (Mr. ENGEL), I thank the gentleman from Alabama (Mr. HILLIARD), I thank the gentleman from Ohio (Mr. BROWN), the gentleman from New York (Mr. HOUGHTON), the gentleman from Michigan (Mr. UPTON), the gentlewoman from Florida (Mrs. THURMAN), the other people who were on this trip because I think it helps us all grow. I think what this institution needs is to talk to each other and try to come together.

Mr. LEWIS of Georgia. Let me just add before the gentleman from Alabama (Mr. HILLIARD) speaks, just to thank him again for being such a great host. We were in his district the entire time in Birmingham, in Montgomery, in Selma. We want to thank the gentleman.

Mr. HILLIARD. I thank the gentleman from Georgia (Mr. LEWIS) very much. Let me thank all my colleagues. It was indeed a privilege and a pleasure for us to entertain you and to walk back into history with you. The civil rights movement presented a difficult thing for our Nation at a very difficult time, but it was Americans like the gentleman from Georgia (Mr. LEWIS) that made the difference. To walk back into history with him and with a few of the other people who participated in the civil rights movement at that time and to walk back with colleagues of mine who had not participated but who had a chance to see firsthand some of the things that took place, the films we saw, the movies, the videos, being able to once again cross the Edmund Pettus Bridge, being able to walk through the Civil Rights Museum in Birmingham, Alabama, and to visit the Civil Rights Institute was indeed something that does not happen often. We were pleased to have all of you walk what we call the Civil Rights Trail in Alabama. We did not get a chance to walk all of it. We did not get a chance to even walk the majority of it. But the most important thing, we were there and because you came, the press came, and we had a chance for America to look back at its past, to recall some of the terrible events that took place, and hopefully to enlighten some of the young people who were not born 33 years ago, who did not know of our Nation's past, so that they would have a chance to learn about it and hopefully to have such an appreciation until they would dedicate themselves to freedom for everyone, so that it would never happen again in America.

The treatment that you receive and others in trying to cross the Selma-Montgomery Trail, in trying to cross the Edmund Pettus Bridge and in walking from Selma to Montgomery was inhumane and it was not the type of treatment that Americans are used to. It is a thing of the past. It is something that we should never forget, but it was the past. When we reflect back, when we look at what took place, it gives us an opportunity to see what happened and to keep it before the public so that never again will it be a part of our history, not to any minority, not for any reason, so that we could really enhance the democracy that we have.

□ 1915

So having the opportunity to have so many congressional types in our Alabama on such an occasion was indeed a good experience, not only because of the presence of my colleagues, but because of the fact that we had a chance to visit George Wallace; we had a chance to dialogue with the head of the two major parties in this country, and they had a chance to participate.

So it was really enjoyable and educational, having all of my colleagues there. We appreciate you. We invite you back. We want you to come, and we want to go to the next level the next time. We will be talking about that in the coming months. Hopefully, we will do it from this podium.

Mr. BROWN of Ohio. Mr. Speaker, one of the lighter moments of the trip, perhaps, was we met the fellow, I believe Deacon McNair, in the church, and we will put his picture up in a moment. He is, I believe, 89 years old, he told us, sort of soft-spoken, a slightly built man, who told us as he ran through sort of the history on the wall, this was the church in Montgomery where, the Dexter Avenue Church where Dr. King was called. And he told us the story that in 1954, I believe, when Dr. King would have been 24 years old, 1953, I guess he would have been 24 years old, and he had already accepted his first church, his first calling at a church in Chattanooga, and this gentleman in Montgomery decided that he was going to do something about that. So he drove his car over to Atlanta and met with Dr. King's parents and Dr. King and convinced him not to go to Chattanooga, but instead to go to Montgomery. So he changed history when he did that.

I see the gentleman from Alabama (Mr. HILLIARD) laughing, because I imagine he was an old friend of his. But it was a wonderful story, and Dr. King only had one church in his life that he was the pastor of, the church in Birmingham on Dexter Avenue, and this man was the gentleman responsible for getting him there.

Mr. HILLIARD. Mr. Speaker, the gentleman, by the way, I believe, had been a member of that church for some 93 years; he was that old. He takes credit for bringing Dr. King there, and indeed, he deserves the credit. But he also deserves the credit for changing the history of this country, and for that I am thankful.

Mr. LEWIS of Georgia. Mr. Speaker, I think this particular deacon, as head of the deacon board, he made a great contribution, and I think when historians pick up their pens and write about this period, they would have to say that this one man had the insight, the vision, to go to Atlanta, as the gentleman from Ohio (Mr. BROWN) suggested, and convince Dr. King not to go to Chattanooga, Tennessee, but to come to Montgomery, Alabama. That is something I think from time to time in human history, call it what you may, it may be the spirit of history, that tends to track one down, and so Martin Luther King, Jr., was there at the right time in the right city to change not just Alabama, the South, but the Nation.

I think because of what happened in Montgomery, in Birmingham, in Selma, we have witnessed what I like to call a nonviolent revolution. We live in a different country, a better country, and we are a better people. I think we saw that. We saw the changes in Selma. We saw it in Birmingham when a middle-aged man walked up to me and said, I want to apologize for what happened here a few years ago. I am sorry. And I think that is very much in keeping with the philosophy and the discipline of nonviolence which was very much a part of the movement.

Mr. BROWN of Ohio. Mr. Speaker, I want to yield to the gentleman from Milwaukee, Wisconsin (Mr. BARRETT) in a moment because he tells the story so well, but we tend to lose sight, I think, people that are Northerners and especially people that are white, people who have not paid as much attention to the civil right movement, and we lose sight of the fact that this was made up of a lot of very young people that are leaders in this room. JOHN LEWIS, when he led the freedom riots, was 21 years old, when he knew he was going to get beat up on the bus when the bus arrived in Montgomery. Martin Luther King was 24 years old when he took his church, and during the bus boycott he was 26 years old, and what all of that meant and how he won the Nobel Prize at 35 and was killed at 39. He was such a young man during all of this. My friend from Milwaukee has a story about a man that was very, very young and showed more courage than perhaps most of us have in our lives combined.

Mr. BARRETT of Wisconsin. Mr Speaker, it starts as we were riding the bus from Montgomery to Selma, during the hour-and-a-half bus ride, or whatever the time period was, we were shown one of the PBS series, Eye on the Prize, and in the segment that dealt with Selma, it was a segment where there were probably 15 or 16 young people who had sort of broken loose from a curfew and were walking to the courthouse, and they were walking to the courthouse to make their case for being able to register to vote, and they were stopped by, I think it was the sheriff, the sheriff from the area.

Mr. LEWIS of Georgia. Mr. Speaker, one of the deputy sheriffs.

Mr. BARRETT of Wisconsin. Mr. Speaker, one of his deputies, and it was almost a humbling experience watching this little exchange between this young man, who was a very small man, and he looked very, very young. And as I was watching it, I was, first of all, struck by how he could remain so calm as this deputy sheriff threw racial slur, racial slur, racial slur at him over and over again, and he just did not lose his cool. He stood there and took it and asked the questions about do you believe in justice, do you believe in prayer, can we pray together, and over and over again this deputy sheriff was saying terrible things to him, things that would have made me just lose it.

Mr. LEWIS of Georgia. Mr. Speaker, he told him to go to his own church and pray; do not pray for me.

Mr. BARRETT of Wisconsin. Mr. Speaker, he said, I do not think your prayers even get above your head. That is one of the things that the deputy sheriff said. I was struck by how calm this young man was, and as I was watching this, I was thinking, I wonder whatever happened to this guy? How can this guy be so calm? I wonder what happened to him the rest of his life?

So we got off the bus and went in the church, and we were greeted by some of the people that had been involved, and lo and behold, one of the people was this guy, and he got up and told the story from his perspective. And my question was, what was going through your mind at the time? And I said, what was going through your stomach at the time? The thought that you could do this with this guy who just obviously hated him so much, and he was able, again with an incredibly peaceful disposition; the exchange ended when he said, well, is my quarter not worth as much as your quarter? And the deputy sheriff said, I do not want anything to do with your quarter, and get out. Just to talk to this young man who is no longer a young man, he is now in his forties and is still involved in trying to get people voting.

Probably one of the saddest parts of this experience for me was coming home the next day and going to visit a high school in my district, and bringing up this visit that I had, and asking the kids if they knew what the Selma-Montgomery march was all about. And they sort of had an inkling that it was something to do with civil rights, but they did not know much beyond that.

I do not think we should live in the past, but I do not think we should forget the past either. I think it is important for the young people in this country to know the price people paid for the right to vote only 30, 35 years ago in this country.

So it was great trip. We were also joined by the gentlewoman from Texas (Ms. JACKSON-LEE) who was there, and maybe the gentlewoman wants to add her thoughts on the weekend.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman very much. This obviously is a moving time for all of us. My thoughts were that I actually went to Selma for several reasons; certainly to pay great tribute to my friend and colleague, the gentleman from Georgia (Mr. LEWIS), and to say to America, as he has said every single year, that we will never forget. And as we make that statement, which in some sense some people feel that that is a harsh statement, I do not, but some do, that as we never forget, we will continue to try to draw more people into the circle of friendship and humanity to understand how it is so very important to bring about racial harmony; not words that are redundant without substance, but that racial harmony in this country is so very important.

The courageous effort that was made, first let me emphasize the small band of soldiers who marched initially across the Edmond Pettis Bridge when the gentleman was actually brutalized and turned back. That was not the so-called successful march, but it was the march that gathered the attention of America.

For us ever to forget those individuals who in the course of coming to Selma lost their lives, the housewife from Detroit named Viola who came and lost her life and several others came and tried to be part of this. The gentleman from Georgia (Mr. LEWIS) wound up in a hospital in the North because of the experience that he had to encounter. But yet, as they marched across that bridge, they did not fail to remember that it was what they did that day that might trigger and turn the course of history.

So my experiences coming across the bridge and hearing the gentleman from Georgia (Mr. LEWIS) recount of the question that Josiah Williams asked as to whether he could swim, I looked into that river, my brother, and it was a muddy river, albeit a big river, and I can imagine the choices, how many times we have the fork in the road, if we might look at the New Testament, what might have Jesus thought as he offered himself on the cross in the crucifix, what choices could he have made to turn back, and he did not.

Frankly, I think that this was another singular moment in our history, to be able to gather at Brown Chapel and sing with those individuals who were remembering to see Brown Chapel honored as an historic place of worship, but also of leadership; to hear them commit to the modern-day challenge that we must still fight for those who do not have. I would say as Martin King came, as you called him those 3 weeks later, these words are very much of meaning to me. He indicated that it was Selma that became a shining moment in the conscience of man. A confrontation of good and evil compressed in the tiny community of Selma generated the massive power to turn the whole Nation to a new course. I do not know if people realize the fact that Mayor Smitherman seems to join you every year, and again he offered his deepest apologies and camaraderie and emotional seeking of forgiveness. I appreciated that and was warmed by that.

I would just simply say to my colleagues, I was very honored to be able to be with you, and I hope that we will engage in some very vigorous discussions and debates about race. I hope that as we talk this evening and bring about a sense of healing, that we realize that healing has to come from acknowledgment and truth.

Just recently we saw in the polls that race and discrimination is still one of the most divisive aspects of our society. And if we learn nothing from the experience of the gentleman from Georgia (Mr. LEWIS) and all who were so heroic that day, that sometimes you have to make the unpopular choices where there are a few that will follow you, but in the ultimate end, the good will prevail.

So I hope as the Voter Rights Act was eventually signed by President Johnson that allowed me to be where I am today, 6,000 or so African Americans who are now elected officials, but more importantly, the doors of opportunity opened, President Johnson saying that their cause must be our cause, too, because it is not just Negroes, but really, it is all of us who must overcome the crippling legacy of bigotry and injustice, and we shall overcome.

So I thank the gentleman for yielding, and I look forward to engaging in more discussion, but I hope that we will be able to rise to accept the unpopular choices to call racism and discrimination where we find it, and to try to work to cure it with our brothers and sisters on the other side of the aisle, and most of all, prevail as JOHN

LEWIS prevailed in victory for a harmonious Nation.

□ 1930

Mr. BARRETT of Wisconsin. I think the question as we stand here is where do we go from here.

Ms. JACKSON LEE of Texas. Quite simply, yes.

Mr. BARRETT of Wisconsin. All of us represent districts where we have people who want to heal and get together, but I think the challenge we have is, how do we open up peoples' hearts? How do we get them to understand each other?

Mr. LEWIS of Georgia. Mr. Speaker, I yield to the gentleman from Alabama (Mr. HILLIARD).

Mr. HILLIARD. Mr. Speaker, I think the challenge is definitely before us, how do we bring America together? I think this is the very beginning.

I don't know whether Members had a chance to really discuss the delegation, the diversity of it; but, if you recall, it was bipartisan. We had Members of both parties, the Democrat as well as the Republican party. At the same time, we had the heads of those two parties there; and the congressional delegation was a mixture not only of black and white Members of Congress, but male and female.

I thought this was a very beginning. It was a positive move. I think the people we talked to gave us some insight of some of the changes that they had made in their lives. I speak about Mr. Smitherman, Governor Wallace. We also got to change some minds and hearts in America.

I think it is up to us as leaders, elected officials, to create that type of environment. We need to start somewhere. I cannot think of anyplace better to start than here in the United States Congress.

As the gentleman knows, from this podium some of us have said some things against the opposite party, against opposite Members of this Chamber, that perhaps should not have been said; and oftentimes in heated debates we lose our cool, as they say, and things do not come out as we expect for them to or intended for them to. I think we need to begin here. I think this is the very beginning.

I think we ought to come forth with these types of colloquies every night, every week, or every month. I think we ought to do something to keep the problems that underlie the real problems in America, the issues that underlie the real problems in America, before the public.

If we do not create a dialogue on a continuing basis, those things that harm us more, that hurt us more, will be pushed aside, and they will not be discussed. If you never discuss problems, you never admit that there is a problem; you never solve it. So I think that we need to continue this dialogue. I think this is the very beginning.

Mr. BARRETT of Wisconsin. Mr. Speaker, let me ask the gentleman from Ohio (Mr. SHERROD BROWN), how do we get people to trust each other? What should we be doing?

Mr. LEWIS of Georgia. Mr. Speaker, I yield to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, we saw people at their best and worst. We saw illustrations of that on that trip.

I see the pictures that were on national television of the gentleman from Georgia (Mr. JOHN LEWIS) and Josea Williams standing two by two as they walked across the bridge, standing there with hundreds of people behind them, neatly lined up, off the street, on the sidewalk so they were not disturbing anybody; and the guard came at them and the police came at them with night sticks and just started beating them up, with horses.

The capacity to absorb that violence is really what changed the hearts and minds of America. Perhaps if they had not been nonviolent, if there had been guns or any kind of weapons or any fighting back, the American public would not have seen the purity, if you will, of the gentleman from Georgia (Mr. JOHN LEWIS) and others, of their motives and beliefs and cause. I think that really changed people's hearts.

The Voting Rights Act passed 3 months later overwhelmingly, because of what my friend did; and as the gentlewoman from Houston, Texas (Ms. JACKSON-LEE) said, it was LBJ's speech, "We shall overcome." He would not have been moved to say that if it had not been for the very strong, nonviolent, but strong actions, not weak. Nonviolence is the strongest reaction, because of the strength it takes to love, forgive, and to stand there and take it, if you will.

I think that is part of the answer to the question, I say to the gentleman from Wisconsin, to see both the worst and most brutal in people come out, and then to see the best come out in people's reactions and the best come out in the strength and discipline and love.

It is also I think that we as a people need to listen to each other. It is so rare, as I saw the President's race retreat or town meeting in Akron, which I attended, not far from where I live. What came out there was that white people listened to African Americans talk about themselves, and African Americans listened to white people talk about themselves.

That is something in this society, that as integrated as we are on the surface, we are not very integrated in talking about our personal lives. Whites work with blacks and blacks may be on a softball team with whites, or they may hang around the drinking fountain together, or may even travel with them occasionally, but we do not have the kind of heart to heart discussions: what is my life like, Earl, what is your life like, and talk to each other that way. So much of it is just simple understanding that we really fail to do, I think.

Ms. JACKSON-LEE of Texas. If the gentleman will continue to yield, Mr. Speaker, I think the gentleman really carved it out for us. Race and the differences with race have been so personal that sometimes we have not reached below the skin, which is sometimes painful.

I want to thank Faith in Politics, the institute that certainly brought us together. I want to thank the gentleman from Alabama (Mr. HILLIARD) for hosting us.

I would like to challenge us to engage in these very personal discussions, because they may translate into constructive legislation. We are not saying that legislation cures all, but to be able to discuss these things and hear both sides.

I think the gentleman's point is well-taken about we were sort of talking at each other, as some people have perceived in some of these meetings that have been going on. Let us try to talk to each other, and let us find out where we can find common ground.

I leave the gentleman simply with an encouragement. I hope, and I see my colleague, the gentlewoman from Florida (Mrs. KAREN THURMAN). I hope we will look at this thing called the apology. When you say it, everybody sort of perks up with their views one way or the other.

But let me say that I think an apology for slavery is certainly one that would bring about a vigorous debate, and I hope we would debate it not in anger but that we would get below the skin and really find out what makes people tick, what hurts and helps them, and how we can bring about a true healing, and after healing then comes reconciliation.

I look forward to working with my colleagues, and I am just delighted to be able to be here with them.

Mr. Speaker, as I take my place here in the well of the floor with my colleagues to speak about my participation in the recent march in Selma, Alabama, I am reminded of the solidarity and strength of Congressman JOHN LEWIS and the people who took those courageous steps 33 years ago.

I found the experience of this recent March to be a moving experience. There were those who were there in 1965, and there were those who could not be there in 1965.

I was touched by the faces of the people that I saw there on the bridge. In these faces I saw hope, determination, and pride. And then I thought of the faces of those marching in 1965.

I imagined what led these marchers to gather together in Selma, Alabama in March of 1965. The constant denial of civil rights, the attacking of innocent women and children, the injustices that were routinely handed down by a corrupt and racists judiciary—I say this because one year earlier on July 9, 1964, state circuit judge James Hare issued a ruling which had the effect of enjoining any group of more than three (3) people from meeting in Dallas county—and the constant intimidation of not just private citizens, but state and local officials.

I imagined what these marchers saw as they stood on the Edmund Pettus bridge. They saw the intimidating forces of the law—state troopers and sheriff officers—standing, waiting to savagely beat them after they crossed the bridge.

I imagined the hurt and humiliation that these proud, non violent marchers must have felt—marching towards freedom, only to be savagely attacked by dogs and police; to be showered with tear gas; to be beaten with clubs as though they themselves were enslaved.

I imagined the utter rage that must have gone through the minds of the people who saw their sisters and mothers, fathers, and brothers, beaten as though they were mere property—to be treated simply as the property owner saw fit.

I imagined the shock of the country as Americans watched on TV what African Americans had seen time and time again.

As I stood with the marchers in Selma, Alabama this past weekend, I thought of the power of the moment—that this march actually occurred only 33 years ago and that here we are, re-creating and reflecting on history.

It was Martin Luther King, Jr. who stated that,

> Selma, Alabama . . . became a shining moment in the conscious of man . . . confrontation of good and evil compressed in the tiny community of Selma generated the massive power to turn the whole nation to a new course.

The recent march in Selma was, for me, as if we were telling those who marched in 1965 and the whole wide world that the civil rights movement is still moving. It is moving in the hearts and minds of those of us who carry the torch and flame of justice and liberty in America. It is moving in those of us who were not old enough to march in 1965. It is moving in those of us who greatly benefitted from the courageousness of those who were beaten by the racist police as they tried to cross the Edmund Pettus bridge in 1965. It is moving in the souls of those who support our efforts to hold on to the civil rights that we fought for, and regain the civil rights that are slowly being taken away by renegade courts in America.

The march in Selma thrust this country forward into a new era of voting rights for all Americans. In his televised statement introducing the voting rights bill, it was President Johnson who when speaking of the marchers in Selma stated,

> Their cause must be our cause too. Because it is not just Negroes, but really it's all of us who must overcome the crippling legacy of bigotry and injustice. And we shall overcome.

As I stand here tonight, I know that we must begin to prepare for the confrontation that the voting rights acts will engender once again. It will not be easy. For there are those that seek to deny us the simple right to vote. There are those who seek to turn back the clock on civil rights for all Americans.

The marchers in Selma were on the front line. They were fighting not just for themselves, but for all of America; not just black America, but all America.

As we make history here even today, we stand on the front line in the U.S. Congress for civil rights, not just for African Americans, but for all Americans.

As I stood with the marchers in Selma, I thought of the bridges that we have crossed in Houston, Texas, such as proposition "A"—an effort which was designed to eliminate the city's affirmative action contracting program. We crossed that bridge by beating proposition "A" and by letting the entire United States know that civil rights and affirmative action is not only good for the 4th largest city in the U.S., but for the rest of the country.

The march in Selma represents not just the crossing of a bridge, but the crossing over of America from an age of slavery to freedom. It represents the bridge from heartbreak to hope, from poverty to prosperity.

Mr. LEWIS of Georgia. Mr. Speaker, I yield to the gentlewoman from Florida (Mrs. KAREN THURMAN).

Mrs. THURMAN. Mr. Speaker, I apologize for being a little late to enter into this dialogue, because it was probably one of the most important weekends that I spent in my lifetime. I, too, want to thank Faith in Politics for what they did.

I particularly also want to thank the gentleman from Georgia (Mr. JOHN LEWIS) for reliving a time in his life that had to be one of difficulty but one that also shaped who he is and what he brings to this Congress today. So, JOHN, I appreciate that.

I also give thanks to the gentleman from Alabama (Mr. EARL HILLIARD), as somebody who still lives there, represents that area, and still has to live with the consequences, sometimes, for the time spent. We appreciate the participation that you gave us and the bringing of people together.

Mr. HILLIARD. I thank the gentlewoman.

Mrs. THURMAN. When the gentleman talked about starting here in Congress, I think it is not only starting here in Congress as we try to mend ourselves, between Democrats and Republicans. We have done Hershey, and we tried to bring some, whatever, some composure around here to keep us from fighting so much and doing those kinds of things. It is also the teaching of our own children, the healing within our own hearts, with our own children, starting there from a very young age.

I want to tell the Members a story that happened to me right after, and any time we can talk about this, but not just with my own children. Right after I came back from that weekend, there was a group of students from the University of Florida who came here on an alternative spring break weekend. I do not know how many Members had students from their communities and from their universities that came to different parts of the country to participate in this, where they actually came here.

This group came to work in homeless shelters. They did a battered women's thing, where they painted, took care of kids, and they did those things as an alternative to spring break, instead of going to Daytona Beach 50 miles away, where they could have fun.

They were shocked, first of all, by what they saw in D.C. They had exposed themselves to some degree within their own community but never expected to see what was happening in Washington, D.C.

I relayed my weekend to them, and I said to them, can you imagine in your lifetime walking on the same bridge with the gentleman from Georgia (Mr. JOHN LEWIS) with students your age? I think the thing that struck me the most of this weekend, and I say this to the youth of our country, go out there and see, participate, look at what history is all about.

Because the most striking thing to me was the young woman, I believe she was 14 years old, who was willing to give her life, her life, knowing full well that she was going to walk into one of the most adverse situations of her short 14-year period of time. But she was willing to take a stand at that early age to make a difference in what she would see in history. I have to tell the Members, that struck me like nothing has ever struck me.

I suggested to them that they are young. They have the opportunity to see this. They are a part of this healing process. They are reaching out right now. They need to go back to their university campuses, and they need to talk about what they saw. They need to start the healing, even within their own university campuses, with what they are seeing.

They said it just kind of tore down all of the things that they had thought about what a homeless person was. So the same thing hits.

The second thing that struck me when we were at the museum, and they talked about the city that had grown from iron. When you walked in there, the first pictures you saw were black and white together talking about work conditions, wage conditions, issues that united them because it was something that they could all understand and believe in.

And only until somebody decided to make it an issue and said, you cannot play cards, you cannot look into their eyes, you cannot do this, you cannot do that, the hatred was never there. The hatred did not start until somebody forced it.

So I think the idea is that if we undo that force of hatred and start to reteach, that we all started off in the same room. We all started off together for the same reasons; but, because of a few individuals, we got to a point where we had to fight, or people had to fight for something that they believed in.

Mr. LEWIS of Georgia. Mr. Speaker, I thank the gentlewoman from Florida for those words and for taking the time to participate in this. She added so much.

I think what we all are saying tonight is that we must continue the dialogue, continue to talk to each other, continue to move to create the beloved community, an interracial democracy; continue to do what we can to lay down the burden of race.

It is ongoing. We do not necessarily have a blueprint, a road map. We are going down this road for the first time. I think if we can do it in the Congress, we can do it in the larger society. We are the leaders. We should go out and help get our districts and our States to talk about race, and do not be afraid to bring the dirt and the filth from under the American rug, out of the cracks and corners so we can see it, so we can deal with it.

I know the gentleman from Arkansas (Mr. JAY DICKEY) was unable to go on the trip, but he had attended several of these meetings. I yield to the gentleman from Arkansas (Mr. DICKEY).

Mr. DICKEY. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I want to tell the Speaker that the two things that kept me from coming to Alabama on this trip I will forget soon. If I had come, I would have remembered being with you all forever, and I am sorry about that. It is just something that I could not go against my word. But I know what I missed.

What has drawn me to the dialogue with you all and the discussions with you all is the fact that I grew up in Pine Bluff, Arkansas, and during this time was a graduate of law school, practicing law in my hometown; and we thought we were a long way away, but we were not.

But as things have occurred and I am now in public office, it is good for me to sit around in the rooms, in the room as I have done with you, and just go over exactly how we got where we are individually in relationship to race and discrimination and the hatred that we have all seen, particularly in the South.

I do not think you all know what it is like in the North, because in the South, as a white person and as a person from the establishment, I was kept from this controversy quite a bit, only to later go back and live so many regrets. I think you all are helping me in that regard in that you are listening to what we are saying.

One thing that I have, one touch that I had during that time, was a friendship with a man named Wiley Branton.

□ 1915

He practiced law in Pine Bluff. My dad and he were friends. And he kind of brought me along in this. I think he is one of the true heroes of the Little Rock crisis. He does not get mentioned very much and I am so glad to mention it now for our country to hear. He was the glue that held it together until Judge Thurgood Marshall came into Little Rock. He then went to work on the voter registration. I can remember when he was head of the voter registration in the South and he kept saying, yes, we are getting people to register but I am not so sure we are getting them to vote. Then when he was up here in the Justice Department, he was constantly giving his life. Then the Dean of the Howard School of Law, Howard University School of Law. He was telling me some of these things and I was listening but I was not really a part of it. But I do know that he was.

He is now gone. He has passed. But I want his family to know and the people of America to know that his legacy lives on. I want to help in this project, too, for his sake as well as others.

In closing, the gentleman from Wisconsin (Mr. BARRETT) was saying, where do we go from here? If he is getting a load up, I want to be on, I want to be in the load. I want to be on our way to bringing people together in love in God's name. Thank you.

Mr. LEWIS of Georgia. Let me just thank the gentleman from Arkansas (Mr. DICKEY) for those words. I think tonight we are deeply grateful, in a sense we are more than lucky but really blessed that we have an organization like Faith in Politics Institute that brought us together. It is my hope that as a group that we will stay together and from time to time we will engage in other discussions and dialogue. This is only, as I said, but the beginning. This is just one step on a very long journey before we create the beloved community and open society.

I want to thank all of my colleagues for participating in this dialogue tonight.

JUDGE MASSIAH-JACKSON

The SPEAKER pro tempore (Mr. SHIMKUS). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, first, I would like to thank the gentleman from Texas (Mr. ARMEY), the majority leader, for his kindness. Obviously I realize that we are at the time of his special order, but I do want to comment, as a member of the House Committee on the Judiciary, on the concern I had for the withdrawing of the nomination of Judge Massiah-Jackson. Let me first salute Judge Massiah-Jackson for her leadership as the common pleas court judge in Philadelphia, Pennsylvania and for the vigorous and dignified approach that she took to continuing her confirmation.

She was a nominee of the President of the United States, William Jefferson Clinton, and in fact had passed confirmation hearings and was moving to the floor. I do believe that we have a crisis process that is now broken. Our judges are not being appointed and are not completing the confirmation process. The Supreme Court has commented on the appalling backlog of Federal judges and the backlog of cases.

I call this an abomination on the justice system of this country and ask my colleagues who have political differences with the nominees to recognize the separation of powers, the right of the government and the President to appoint and certainly advise and consent.

But let me tell you what I believe the action should be in light of this harmonious debate we have just had. I am calling for the leadership of the NAACP, the National Urban League, the American Civil Liberties Union, the NAACP Legal Defense Fund and all who may be considering this great crisis, the National Council of Negro Women, the Coalition of 100 Black Women, the Coalition of 100 Black Men, certainly the Black Women Political Caucus to come together to address this crisis. We do have a crisis. The system is broken. Judges are being rejected and refused. Judge Massiah-Jackson was the last victim of this process.

We cannot have the conservative rule destroy the appointment of Federal judges who deserve to be appointed, who are fair and impartial, a system that should not be tainted by politics. My heart is simply broken for the loss of this woman, the trampling on her constitutional rights as well as her dignity, the disrespect that was shown her, her losing this process and not going forward for a vote.

I can only say that we have a crisis. All who will hear my voice, I simply ask for you to respond. If we stand together, we can fight against this abomination and restore the dignity to the process and allow us to go forward in the way that we should.

Judge Massiah-Jackson, I thank you for being a true American. You have my support and appreciation. I will commit to you that we will subject no one else to the tragedy of being so defeated, lonely, without the support of so many that were needed.

Mr. Speaker, today, ladies and gentlemen, is a shameful day in the history of our federal judicial appointment process. When the Framers of the Constitution decided that the United States Senate should confirm all Presidential appointees for the federal bench, surely, they could not have imagined that this process would be used for the kind of unmitigated character assassination that Judge Frederica A. Massiah-Jackson has had to endure for the last few months.

The sad fact of this case is that in Philadelphia, Pennsylvania, the cradle of our most fundamental liberties, a place known far and wide as the city of brotherly love, an insufferable crime against justice has been committed. Judge Frederica A. Massiah-Jackson has withdrawn her name today from consideration for the Federal District Court bench in the Eastern District of Pennsylvania.

Since her approval by the Senate Judiciary Committee last October, Judge Massiah-Jackson, a Common Pleas Court magistrate in Philadelphia since 1984, has been the subject of vicious attacks about her record on crime. To me, the most terrible tragedy of this situation is that Judge Massiah-Jackson's critics have been able to use a series of smoke and mirrors tactics in regards to her record to undermine both her qualifications and her credibility. Obviously, these critics have been extremely effective at their task, because they have given Judge Massiah-Jackson the impression that her nomination by the Senate was a lost cause.

My friends, this is a real-life travesty if you take the time to look at the facts. According to today's Philadelphia Inquirer, the Pennsylvania District Attorneys Association, who was among the chief critics of Judge Massiah-Jackson's nomination, used approximately 1% of the judge's actual sitting cases as an evidentiary basis of her unfitness for the federal bench.

The President, in a statement today, described these allegations as "baseless attacks that mischaracterized (the judge's) record without affording (her) an opportunity to respond". Senator ARLEN SPECTER of Pennsylvania similarly noted that Judge Massiah-Jackson was treated unfairly by both her opponents and the Senate Judiciary Committee. Judge Massiah-Jackson, without foreknowledge, was asked by the Senate Judiciary Committee about cases she decided over a decade ago. As Senator SPECTER said in response to this modus operandi by the Committee, "the quintessential point of due process is notice".

Additionally, I find the timing of these charges to be extremely peculiar. The avalanche of charges about Judge Massiah-Jackson's record came several months after both her initial nomination and recommendation for appointment by the Judiciary Committee.

The bottomline, however, is that these charges are completely unfounded. According to a report from the Philadelphia Bar Association, Judge Massiah-Jackson actually imposed sentences above the Pennsylvania sentencing guidelines more frequently that most other Common Pleas Court judges. Actually, in her last year on the bench, Judge Massiah-Jackson was five times more likely than her peers to impose a sentence above the state guidelines. Tell me, ladies and gentlemen, how is this a soft record on crime?

The reality is that this woman's professional record has been destroyed on rumor, unsubstantiated allegations and misplaced accusations. But what can be done for her now? Can her good name ever be restored to its previous standing? Are there any measure of apologies that can be given to restore her dreams? Judge Massiah-Jackson would have been the first female federal judge ever to serve in the Eastern District of Pennsylvania, but now where is her place in history, is it the place of honor that she deserved, or is it one of shame?

Furthermore, I am disgusted by the vast number of people that have ignorantly played a role in this great tragedy of errors. Too many people simply jumped on the bandwagon of attacks in this case without substantive evidence. Judge Massiah-Jackson, wherever you are, I send my deepest apologies to you and your family. And I hope that in the future, this horrible miscarriage of justice does not dissuade other qualified women of your stature from seeking the high judicial offices that their record has earned them. We must end the backlog and conscious scheme to deny Judges appointed by this Democratic Administration their fair hearing and confirmation. Denial of them is a denial of social justice and civil rights for many Americans. It must cease and desist now!

SEARCH FOR VALUES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Texas (Mr. ARMEY) is recognized for 60 minutes.

Mr. ARMEY. Mr. Speaker, I appreciate my colleagues that will be joining me this evening. It seems like every now and then, once perhaps in every lifetime, there is a sense of a movement on land, a movement of a Nation in search for things of greater meaning and of deeper meaning. I believe that is the case today. I believe America is searching for values that will work in the lives of their families and the lives of their children. I believe that value search that we see going on in America today is characterized accurately, as I like to characterize it, as a search for old ways of doing things.

I believe that it is up to us in a representative democracy to represent the very best of the people that we are privileged to represent and in doing that, it seems to me we must be in touch with these issues. We must be in touch with the search that we see among our Nation's people. So towards that end of better understanding, I have gathered together a group of Members who have been studying on this matter and we would like to devote the next hour to discussing these issues.

I would like to begin with the distinguished gentleman from Pennsylvania (Mr. PITTS), who will talk about the moral principles as the foundation of a good society.

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, I rise to begin a discussion with the gentleman from Texas (Mr. ARMEY), the House majority leader, on the importance of values to our Nation. I thank him for giving me the opportunity to speak today on this issue of vital importance for the survival of our Nation.

Mr. Speaker, moral principles are the foundation of a good society. It is a simple fact that our democracy, the greatest government in history, was founded in large part so that Americans could practice and maintain a strong moral code in their way of life. The first people to colonize this Nation did so for the freedom of religion, not freedom from religion, freedom of religion in order to freely follow a code of ethics to which they were firmly devoted. From the time of the Pilgrims we have associated the creation of America with the privilege and responsibility of applying moral principles.

Even the modern anti-tax movement can trace its roots directly back to a moral principle present in colonial times that every penny and every power that government gets comes at the expense of personal freedom and personal opportunity.

In fact, this principle helped spur the American Revolution.

Mr. Speaker, we have a founding document in this Nation, a birth certificate, if you will, called the Declaration of Independence. This declaration is different from many others that have been issued around the world. The primary difference is the preamble that distinguishes it from all other declarations of independence. This preamble has certain principles that I would like to mention. The fact that, and I would like to quote it, the fact that these principles are highlighted, I think, are instructive.

This is what it says: We hold these truths to be self-evident that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness, that to secure these rights governments are instituted among men deriving their just powers from the consent of the governed and that whenever any form of government becomes destructive to these ends, it is the right of the people to alter or to abolish it and to institute new government, laying its foundation on such principles and organizing its powers in such form as to them shall seem most likely to affect their safety and happiness.

Now, that is not the whole preamble, but in that part of the preamble we see that these principles that we are endowed by our Creator, that all men are created equal and that we are endowed by the Creator with certain inalienable rights, that these are God-given rights, rights not given to us by government, rights that the government cannot give and rights they cannot take away, they are God given rights and the purpose of government is to secure these God given rights, life, liberty and the pursuit of happiness.

With rights also must come responsibility. Our Nation is built on the principle of liberty. Our government exists with our consent. We choose to augment, revise and improve our laws and the very structure of our government routinely. With this privilege comes a mandate that we tend to liberty with care and caution and prudence.

We have another founding document, the one that we all swear to support and defend. It is called the U.S. Constitution. And that Constitution is the oldest national Constitution in the world, the granddaddy of them all. And it begins with these words: We the people of the United States in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

We the people, as one of the prime ministers who spoke to this Congress in past years said, the most important words in the English language, the most important three words, we the people. And in those days when kings were sovereign and people were subjects, to say that we the people are sovereign and we only give you the government certain limited powers, that we the people do ordain, was a revolutionary concept. Of course we know that our Republic, our constitutional form of government cannot work in a vacuum and it should not work in a back room. It requires citizens to be involved with their representatives in order to represent them adequately.

But when we take a look at other forms of government, we realize what a powerful and beneficial system we have. When other nations were created, the citizens were thought to be subjects. They were so much chattel from which the hierarchy could prosper, and around the world governments created just a few decades ago and some longer than that, centuries ago, forced men and women to be pawns for the state. The people live at the discretion of the government. But not in America. In America the government lives at the discretion of the people. As we see when we look around the world, our democracy truly is a blessing.

Now, it is easy to argue that things have run amok. We have too much taxation. We have an overly large Federal bureaucracy. We have an administration that takes power away from families. It is pretty clear that we have taken the benefits of democracy and used them to support bad policies. But it is not the system that is flawed. It has been a lax approach to following the moral principles which created this Nation and made it strong.

In 1776, in my home State of Pennsylvania, our State Constitution decreed in its preamble, and I quote, we the people of Pennsylvania, grateful to Almighty God for the blessings of civil and religious liberty and humbly invoking his guidance, do ordain and establish this Constitution.

In that same period, the 18th century philosopher Montesquieu wrote, and I quote, the deterioration of every government begins with the decay of principles upon which it was founded. And in current times we have seen that very decay in our moral principles. We have stopped advocating biblical principles upon which this Nation was founded. Instead, we have adopted relativist stances which are far easier to defend, but which are far more difficult for the progress and security of our Nation. Thus we have seen the decay. We live in a society where infidelity is either glamorized in the media or accepted as benign and inconsequential by our politicians.

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Tonight, 4 out of 10 children who go to bed will go to bed in a home in which their father does not reside in America. Tonight, drug abuse is on the rise among our youth, and child crime is more prevalent today than at any other time in the history of our Nation. As we have walked away from the moral code which binds this Nation together, we see our society fraying at the edges. We must get back to those values that created our Union for the sake of our Union.

George Washington, our first President, was a man of great moral character. It was his capacity for self-discipline and willingness for service to the American Nation which ultimately allowed this Nation to be founded. George Washington said this, and I quote: "We ought to be no less persuaded that the propitious smiles of heaven can never be expected on a Nation that disregards the eternal rules of order and right which Heaven itself has ordained."

Washington's message was clear: We as a Nation can thrive by the adherence to a fundamental moral code. It gave Washington the vision to lead us into the era of democracy. Conversely, as we have seen, we as a Nation can fall with the disregard of that code.

This Nation was founded on the premise that fidelity to God was honorable and ought to be encouraged, not hindered, by government. Sadly, we now have portions of the government fighting alongside elite liberal factions in order to portray faith in God as a radical, irresponsible act.

While the founding fathers used prayer as a guiding influence in their fight for freedom, we now hide behind false legal pretense to deny our responsibility to gain inspiration and direction from prayer. The first act of the very first Continental Congress in 1774 was to pass a resolution as they met in Carpenter's Hall.

They did not meet, the first Continental Congress, in the old statehouse in Philadelphia. They did not want to plot against the Crown on Crown property. They met next door in Carpenter's Hall, 57 men, and their first act was to pass a resolution calling on each session, every day, to begin with prayer, to be led by a local clergyman.

They had heard a false rumor that Boston had been cannonaded. The next day they invited the vicar of Christ Church in Philadelphia, the Reverend John Dushay, to come and lead the prayer. And in those days, when they had prayer, it was not like we have a 1- or 2-minute prayer, his session lasted over 2½ hours. He first read from Psalm 35. And if my colleagues will remember the rumor of Boston being cannonaded, and in the day of slow communication they did not know it was false, and so we can understand his reading.

And John Adams, who was there, wrote to his wife Abigail. There are a lot of letters that they exchanged. And he described this scene, and it is portrayed in a picture on the wall in Carpenter's Hall, if anyone visits there. He said, Washington and Rutledge and Lee, and he named some others on their knees; beside them the old gray pacific Quakers of Philadelphia; and then behind the old pacific Puritans of England, with tears in their eyes. And he ended, "It was enough to melt a heart of stone." The first act of the first Congress on their knees in prayer. Something that might be a little foreign to us today.

But heroes like Washington, Adams and Lincoln used their lives to demonstrate their effort to respond to their responsibilities as men of faith. They fought for the concept of freedom with their demonstrations of honor and integrity, and, as a result, a great Nation was born, developed and survived great challenge.

Abraham Lincoln, during a time when our Nation struggled to recreate itself, affirmed his devotion to the core principles begotten by faith. He said, and I quote, "Intelligence, patriotism, Christianity and a firm reliance on Him, who has never yet forsaken this favored land, are still competent to adjust in the best way all our present difficulty."

Our Constitution embodies core moral principles. It creates a system where individual effort and integrity are rewarded. In it, men are free to support those with similar moral convictions. It rewards those who incorporate their faith-based responsibilities of honesty, hard work, devotion, fidelity and charity. It works to create a system which works for and through morality and responsibility.

The founders of our Nation recognized the importance of faith and honesty in government, requiring officeholders to publicly swear an oath before assuming governmental responsibility. And this was not a simple act of pomp and circumstance. This was a declaration of a bond with their Creator. It was a demonstration that honesty and faith are prerequisites for governing.

According to Sir William Blackstone, who was the great jurist, and he was the one who wrote the commentaries that all lawyers back in those days studied to become attorneys, he said this: "The belief of a future state of rewards and punishments, the entertaining just ideas of main attributes of the Supreme Being, and a firm persuasion that he superintends and will finally compensate every action in human life, all which are revealed in the doctrines of our Savior, Christ, these are the grand foundations of all judicial oaths, which call God to witness the truth of those facts which perhaps may be only known to Him and the party attesting. All moral evidences, therefore, all confidence in human veracity must be weakened by apostasy, and overthrown by total infidelity. Wherefore, all affronts to Christianity, or endeavors to depreciate its efficacy, in those who once professed it, are highly deserving of censure."

Mr. Speaker, the freedom to which we owe so many is a direct result of adherence to divinely inspired moral values. These values made us a great Nation. And as we have recently seen, there is an inverted relationship between our Nation's success and its rejection of traditional values. The further we avoid making the tough choices of honesty, fidelity, honor, self-reliance and the incorporation of our faith into our daily lives, the further we slide down the path of relativism.

As we face a new millennium, we must work to come back to those principles. Our Nation cannot afford to slide much further. Redemption can come from reacquainting ourselves with these morals, but this action must occur soon. For the sake of our Union, we cannot wait.

I thank the gentleman for letting me participate tonight and yield back to him.

Mr. ARMEY. I thank the gentleman for his participation. And, Mr. Speaker, the gentleman from Pennsylvania (Mr. PITTS) has set the stage for us. We have a Nation that was founded on the highest of moral principles and faith, as, in fact, expressed and practiced by our Founding Fathers.

And while we all know that we cannot by law make a Nation good, I think it is a very clear fact that if a Nation is to legislate law that reflects the best of its people, it can do so, and, in doing so, it can encourage those traits of human conduct and behavior, value, morality and belief that are of greatest service to a Nation.

With respect to these questions, of how we might legislate in such a way to be an encouragement to our citizens, we are privileged to have with us tonight the distinguished whip, the gentleman from Texas (Mr. TOM DELAY), who has studied these issues, and studies them well, as we apply them to his critique of legislative offers that come before the body and the decision-making process by which we determine what legislation we should bring forth.

At this time, Mr. Speaker, I yield to my distinguished colleague.

Mr. DELAY. I thank the distinguished majority leader, Mr. Speaker, and I appreciate the gentleman for bringing this special order that I think is so important, particularly in the beginning of this session of Congress.

I really appreciate the presentation done by the gentleman from Pennsylvania (Mr. PITTS). For all of those in the Nation today that are talking about the fact that character does not matter or that what one does in their private life has no affect on their public life, I hope they will go back either to the Internet or to their library and pick up tomorrow's CONGRESSIONAL RECORD and read the presentation by the gentleman from Pennsylvania, because he so eloquently points out the foundation of values to our country and their importance.

I really appreciate this opportunity to join my colleagues and the majority leader this evening in this very, very important discussion. And as we are talking, a friend of the majority leader's and mine is somewhere in the Capitol leading a tour of this Capitol, a gentleman that is vice president of the Texas Republican Party and a fellow by the name of David Barton, who is the symbol of values, particularly Texas values, that represents what we are trying to say here tonight. We are very appreciative to have him here.

I have been asked to discuss with the American people, Mr. Speaker, our legislative agenda and how it reinforces our family values. But we have to first ask the question what are family values? And according to the dictionary, the definition of a value is something intrinsically valuable and desirable.

Now, most Americans believe that a strong family structure is intrinsically valuable and desirable. This is not a new belief. Indeed, an ancient philosopher once said, the root of the state is in the family. And likewise, the root of the United States lies in the families of the United States. But for too long the family structure has been under attack. It has been under attack from many different quarters.

Today's culture all too often designates the family as the building block of our civilization. As the gentleman from Pennsylvania points out, divorce rates continue to climb in this country. Child abuse and neglect has become a national epidemic in this country. Drug abuse tears families apart. And the government has become, in many ways, an unwitting accomplice in the process.

The government continues to take more money from middle-class families in the form of taxes and regulations. If we add up local, State and Federal taxes and the cost of regulations, today the average American family is forced to fork over more than 50 percent of its income to the government. That means 50 cents out of every dollar that a family makes today goes to the government.

No wonder it takes one parent to work for the government while another parent works for the family. This puts additional pressure on a two-parent family, and all too often one parent is forced to work to pay off the government while the other works to support the family.

That money pays for two unnecessary things: One is a bloated Washington bureaucracy, and the other is a misguided welfare state that creates a culture of dependency that quite often undermines the family structure in many of our most fragile communities.

We have taken the first step to reverse this process. In the last Congress we reformed the welfare state to give families a hand up rather than a handout. And that welfare law has been a great success. In fact, there are fewer people on welfare today than there were in 1970, and I think that is quite an accomplishment. But we must not rest.

We are committed as a majority in this House to creating conditions that support strong family structures in all our communities. Our legislative agenda has five components:

First, we want to reduce the government burdens put on our families; and we want to eliminate things like the marriage penalty in our Tax Code. Our Tax Code actually has an incentive for divorce. I just feel that that is so ridiculous, and we are going to change it.

Our current labor laws also make it difficult for workers to substitute vacation hours for additional pay. If a mother or father wants to spend more time with their children in lieu of cash, that should be their choice, not the choice of some Federal Government.

We want to give more choices to parents for child care. We want seniors to have more choices for their retirement security. Giving families more choices and ending government policies that take away those choices is a very critical part of our family-friendly agenda.

A second pillar of this agenda comes with our efforts to improve education. Some of our Nation's public schools are getting better and better every day, but many others are getting worse. Parents need to have that option to send their kids to good schools. Good schools are accountable to parents. They maintain discipline. They use their resources wisely. Providing parents with school choice and making those schools face competition are innovative ways to improve education in this Nation.

The majority leader, who is standing here, the gentleman from Texas (Mr. ARMEY), has been a vocal proponent of a D.C. scholarship program that will give parents more choices in this beleaguered school system in Washington, D.C.

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Now the President has an opportunity by signing this legislation to help at least 2,000 underprivileged kids in the D.C. area to have access to a better education. Making certain that more dollars go to the classroom rather than to Washington education bureaucracy is another important way we can improve education.

My colleague, the gentleman from Pennsylvania (Mr. PITTS), has introduced a bill that does just that. Under committee consideration right now, the Dollars to the Classroom Act block grants 30 Federal education programs and requires that at least 95 percent of those funds go straight to the place that they are needed most, at the kids in the classroom.

We will also be working on providing middle-class parents with a tax-free education IRA. This will give parents the ability to save for their kids' grammar school and secondary school education. I think these are fitting ways to show our commitment to an improved education.

A third pillar of our family-friendly agenda involves the war on drugs. Congressman DENNY HASTERT from Illinois, working with Congressman ROB PORTMAN of Ohio and other Members in our conference, has designed a strategy to put some teeth in our war on drugs. We must not lose another generation to violence and drugs. We need aggressive enforcement of our drug laws, we need better interdiction at our borders, and we should build on the innovative efforts of faith-based programs that have been successful in ending drug addiction.

Protecting the sanctity of life is the fourth pillar of our pro-family agenda. The President vetoed legislation that outlawed the barbaric partial birth abortion procedure. That was a shame. Because, as Senator MOYNIHAN from New York put it, this procedure is very close to infanticide. We will work to override that veto this year, later on this year.

The culture of death that surrounds partial-birth abortion and assisted-suicide laws must be stopped. We should also stop government funding for groups that promote abortions abroad, and we should be exporting policies that celebrate life, not policies that promote death.

The final pillar of this values-based agenda comes with protecting people of faith in America and across the world. All too often people of faith are oppressed and condemned rather than respected and welcomed.

One example, of course, is in China. They have persecuted Christians, they have torn down churches, and they have imprisoned peace-loving pastors who only want to promote the gospel. We should continue to put pressure on the Chinese and other governments that practice religious persecution to allow more religious freedom.

We should also end policies in America that unfairly discriminate against people of faith. The courts have changed our Constitution by distorting the original intent of the First Amendment. The First Amendment to the Constitution says, and I quote, Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

There is no separation of church and state in that statement. That does not mean that the Founding Fathers wanted us to ignore God or to forbid our children to pray. We believe that children should be allowed to pray in our schools. We should talk about the moral basis of our Government. We should be allowed to post the Ten Commandments in Federal buildings.

Moses looks down on this Chamber every day. Right over that door, I am looking at the face of Moses; and he gazes down at the Speaker's chair. We open each of our sessions with a prayer to God. We should not allow the judicial branch to stamp out religious expression in other areas of the government.

My colleague the gentleman from Oklahoma (Mr. ISTOOK) has introduced a religious freedom amendment that reestablishes the people's right to acknowledge God according to the dictates of conscience, and it has been reported out of committee and should see floor action in this session.

So let me just conclude by saying that some liberals have called us the "do-nothing Congress," and maybe we are the "do-nothing-they-like Congress." But we are a busy Congress, doing the things that support the values of this country, the values that have built this country. And it is wrong to call us a "do-nothing Congress." We are working on a value-based agenda that will strengthen families into the next century.

I thank the gentleman from Texas (Mr. ARMEY) for yielding me the time.

Mr. ARMEY. I thank the gentleman for his comments. I so much appreciate his hard work and his clearly focused understanding on what is indeed of value to the American people.

Mr. Speaker, we are blessed by our creator with certain inalienable rights. Certainly, liberty and personal freedom is the greatest blessing of all; and our Government should be protective of that freedom. But I think anyone who is clear and judicious in the understanding of freedom understands that we really can only be free if we purchase that freedom through the exercise of personal responsibility.

Tonight we have with us Congressman J.D. HAYWORTH of Arizona, who has studied on this matter a great deal and wants to share with us some of his reflections on the relationship between freedom and responsibility. At this time, I yield the floor to my colleague from Arizona.

Mr. HAYWORTH. Mr. Speaker, I thank the distinguished majority leader.

Mr. Speaker, as we spend time together here in this Chamber tonight and by extension electronically with citizens of this great Nation from coast to coast and beyond, one cannot help but remark on our proud heritage and our history. And I would thank very much not only the majority leader but our colleague from Pennsylvania, where so much of the early history of this Nation took place, and the distinguished Majority Whip for offering his thoughts as well.

Indeed, as the Whip explained, Mr. Speaker, from the vantage point of the Speaker's chair we can see the visage of Moses represented here in this Chamber looking down on these proceedings. And indeed, Mr. Speaker, above the chair where you sit are inscribed the words, "In God we trust."

So tonight, Mr. Speaker, and my colleagues and fellow citizens, it is important to reaffirm what it is we believe, to stand and celebrate the notion that we are free in this constitutional republic to worship God according to the dictates of our own conscience.

Indeed, citizens are free to choose not to worship God. But even as we acknowledge that freedom, we must also acknowledge that tremendous history and tremendous responsibility that is inexorably part of the American experience. Here we stand free to express our ideas, our convictions, our philosophies in this Chamber; and citizens around the country are doing it I think tonight in a City Council meeting in Flagstaff, Arizona. Similar meetings may be going on in Fargo, North Dakota, or in Philadelphia, the cradle of our liberty, as our colleague from Pennsylvania pointed out. And undergirding all these notions are firm and solid principles.

I could not help but reflect, as I heard our colleague from Pennsylvania offer his historic observations, of the actions involving our Founders, not only the actions taken to win our independence but subsequently the actions taken at that constitutional convention at what became Independence Hall, actions that were so incredible Catherine Drinker Bowen called the entire proceeding in her great and definitive work the "Miracle at Philadelphia." And from that heritage and from those principles springs the deep convictions of our citizenry.

Polls can never take the place of principles, and yet polling information offers insight into the psyche and indeed the souls of America. And in stark contrast to some of the polling results that have been offered by various media outlets in recent days, there are important things we can see from surveys taken across our country.

A Terence survey reports that 71 percent of Americans polled in this Nation believe that our Nation confronts a moral crisis. Contrast that with only 16 percent of Americans believing there is an economic crisis. So, indeed, even as there are times of economic plenty, citizens of this country are concerned that there are problems with the morality and the fealty and the convictions which we attempt to affirm and uphold each day.

Pew Research Center suggested that a decline in moral values was the top problem facing our Nation, three times higher than economic insecurity.

Indeed, Mr. Speaker, as we come and we celebrate our diversity in the fact that many of us celebrate and worship God according to many different traditions, I know that many of us pray for the wisdom of Solomon, that we might, in taking on these constitutional responsibilities, understand that with freedom comes those responsibilities. And indeed, those unique circumstances the constitutional republic offers us in this role in this Chamber are mirrored by responsibilities that belong to each and every citizen. Other speakers have bemoaned the fact that four out of 10 children in America tonight will go to sleep in a home where their father is not present.

Our distinguished Whip reaffirmed legislative priorities that help affirm the principles that have made this Nation great. We can see this not only in remembering and holding in reverence the words of our Constitution but also on the Nation's bookshelves, as so many Americans seek out supplements, if you will, to scripture on the notion of spirituality.

Annual sales of religious books has topped $1 billion in this Nation in 1997. The sales increase of these items grows at a dramatic pace, nearly 100 percent over the last 3 years. Indeed, the best-seller that remains number one on every list in this great country remains the Holy Bible. Last year, nearly 30 million Bibles were sold in the U.S., far dwarfing the sales of any other book in our Nation's history.

Indeed, as we stand and celebrate that fact, we cannot help but note that, in this world, as others begin their business day, indeed, across the date-line, as others live in another day temporally, sadly there are areas in this world where that very freedom to pick up Holy Scripture is abridged, where that notion is denied. How more remarkable, then, is this great constitutional republic.

Indeed, even as Americans are concerned about a moral crisis, there are signs that America in general, from Main Street to Wall Street, seeks the help of the supreme creator.

In new technology, matters of faith are leaping to providence. On the Internet, the Christianity on-line web page is named as one of the most popular web sites on America Online.

In my former profession of broadcasting, we have all witnessed the phenomenal success of Dr. Laura Schlessinger who has taken to the airwaves to reaffirm the simple notions of faith and family and fealty to those principles which made us great and to the responsibilities engendered in taking on fatherhood, in taking on marriage, in taking on a leadership position, not only at home but in a fellowship of faith or in a business or, dare I say it, in a position within government.

Mr. Speaker, I have learned a lot in traveling the width and breadth of the Sixth Congressional District of Arizona, an area in square mileage roughly the size of the Commonwealth of Pennsylvania. A message continues to come from my constituents, many of whom had forbearers who came to what was a relatively desolate place at one point in our history, folks with the help of technology and faith literally made the desert bloom. It has given flower to freedom but, with that, a notion that is not peculiar to the West but reaffirmed there that with freedom comes responsibility, and those responsibilities we dare not shirk.

The other note I have heard, Mr. Speaker, from my constituents is this notion that while there are those who say you cannot legislate morality, it is also true that you cannot exercise moral leadership without a firm foundation of moral authority. So that is what we seek.

Even as we celebrate the differences in our religious expressions and backgrounds, even as we celebrate the fact that we will not all speak with one voice on every issue when we come into this Chamber or stand in this well or cast a vote on behalf of those we represent, but we give thanks for the opportunity to be here to be able to worship according to the dictates of our own conscience, to discuss these matters freely and openly, and to have the opportunities to see that we can address the so-called moral crisis with a commitment to seek wisdom, with a commitment in the words of the prophet Micah to do justly, to love mercy, and to walk humbly with our God.

With that, I yield back to our distinguished majority leader.

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Mr. ARMEY. I thank the gentleman for his contribution. It is truly appreciated. Mr. Speaker, we will follow up the distinguished gentleman from Arizona with the distinguished gentleman from Missouri (Mr. TALENT), who will give us further reflections on this subject.

Mr. TALENT. I thank the majority leader for yielding to me. It is always hard to follow my friend from Arizona.

Mr. Speaker, we are a country that has been blessed with great prosperity. With our affluence has come more choices for all the American people. The more choices we have, the more important it is to exercise responsibility along with our freedom. Mr. Speaker, the law does not directly legislate responsibility typically. It does not require directly that you engage in moral activity. It just says you cannot engage in activity that hurts other people. There is no reason why the law should do that. Typically there are very important consequences that follow socially if you do exercise these choices in an irresponsible or an immoral way.

There is no law, Mr. Speaker, against lying. If you lie too much, you are going to find yourself without any friends. There is no law against borrowing too much. But if you do, you typically end up losing everything. The problem is not that our laws do not, except in very limited areas, legislate responsibility along with freedom; the problem is in the last generation or so, we have allowed government policies to develop that actually detach responsibility from freedom, that actually seduce people into exercising their freedom in a way that is irresponsible because it at least holds out the prospect of immunizing them from the natural and normal consequences that typically follow from making bad choices. We see that in a lot of areas of the law.

The criminal justice system over the last generation developed in a way that tended to treat criminals as if they were the victim and so sent the messages to young people that they were not responsible for their behaviors, that if they did wrong it was because they were the victim of an unjust society. The tax system that punishes savings and investment by taxing it tends to reward people who consume and spend everything that they earn.

And then the subject, the area that I want to discuss tonight very briefly, Mr. Speaker, the welfare system, which is perhaps the best example we have of a system that over the years made it harder and harder for decent people to live honest, responsible lives. Today we are living and they are living with the consequences of that system. Mr. Speaker, in the immediate postwar era in the late 1940s, the poverty rate in this country was around 30 percent. It declined steadily for the 20 years following that until 1965 when it reached 15 percent. It was at that point that the Federal Government declared war on poverty. The Federal Government decided that it was going to help poor people in this country, a natural and good impulse. But it did it by providing the wrong incentives.

Mr. Speaker, there are two programs, if you will, two things that typically over the generations have gotten Americans out of poverty, that has gotten my parents out of poverty, that gets people out of poverty or got their parents out of poverty, because, Mr. Speaker, almost everybody in America either grew up poor or had a parent who grew up poor or at least had a grandparent who grew up poor. So this is not something that most people are not familiar with. Those two things that tend to get people out of poverty the quickest in this country are work and family, typically marriage. The Federal Government decided in 1965 that it was going to condition a very substantial package of assistance on people doing neither of those things, a package of assistance that grew until it reached $8,000 to $15,000 a year in cash and other kinds of benefits, an amount of money that seems very, very large to a person coming from a low income background. What the government said in effect to people was, "Look, if you don't work, if you get married without having children, we will provide you with a large package of assistance." And so we effectively changed the behavior that people would otherwise engage in. If people wanted to get out of poverty in the way my parents did it, that is the way that requires a lot of faith, a lot of work, a lot of long-term thinking, a lot of responsibility. You have to decide that in America, you can make it out by working, make it out by staying in school as long as you can, make it out by raising a family after you have married someone who has made a commitment to doing that. That is one alternative that was available to people from lower incomes. Then the other alternative the government was offering was, "Now, wait a minute, you can have an apartment of your own, you can have health care, you can have food stamps and you can have walking around money. All you have to do is not get a job and have a child without being married."

Then we were surprised at the results, Mr. Speaker. The poverty rate in 1965 when the Federal Government declared war on poverty was 15 percent. In 1995, 30 years later, it was still 15 percent. Only we had changed the poverty from something that was transient, that typically went away after a generation, to a situation where people were mired in dependence on the government without the family or neighborhood support that had made it possible for them to get out of poverty. What we got was not a decrease in poverty but a vast increase in the out of wedlock birthrate, from about 6 percent in 1965 to about 32 percent in 1995.

What a sad thing, Mr. Speaker. I talk very often to teen moms. What a sad thing, because if you are 16, 17, 18 years old, you have had a child, you are not married, you have not finished school, you do not have any family support, well, then you really are not going to get out of poverty very quickly probably, and it is heroic that so many young people are trying, notwithstanding the incentives in this system. They wake up after a couple of years and realize that what they were seduced to do is a dead end.

We changed that with an act in 1996 that was aptly called the Personal Responsibility Act of 1996. We are already experiencing the good consequences of that as caseloads around the country are dropping on average 20 to 25 percent, something that has not happened in the postwar era. The system, Mr. Speaker, was such that as my friend the majority leader said one time, "We need to reform welfare, not because people on welfare are abusing the system but because the system is abusing people on welfare."

Let me just say, Mr. Speaker, that that bill should be a model of what we try and do and in fact have done in other areas. We have reformed substantially the incentives in the criminal justice system. We have made a start in changing the tax system. We need to continue linking once again the law to responsibility, linking once again the responsibility that people normally have for the decisions that they make. That is the way to rebuild America. That is what we are trying to do here. That is the new consensus that is emerging in Washington. Mr. Speaker, it has been a pleasure to declaim on this subject for a few minutes.

Mr. ARMEY. I thank the gentleman again. Mr. Speaker, here we are. We have had a pretty decent, as we like to say, truck driver's review of a lot of the things very important to the American people. The gentleman from Pennsylvania (Mr. PITTS) came in earlier and talked about the founders of this great Nation, how they were governed by faith, born mostly from our Judeo-Christian traditions; how serious were such words as honor, duty, dignity, respect, decency, morality, ethics, truthfulness, and how much that was the foundation on which this great Nation was built. We have had some look at the character and the nature of the American people. For all our foibles, Mr. Speaker, we really have not as a Nation strayed that far from those wonderful, courageous, devoted, dedicated people that founded this great Nation. We are still fundamentally good people, and we are still fundamentally people that depend upon rules of law and rules of governance around which we might organize ourselves and our personal lives and our relationship to one another. We do look to the government. Then it comes to some of us to be part of the government.

I was struck today, I had for me an incredible privilege. I actually was able to substitute for the Speaker of the House today in the business of swearing in a new Member of our body, 435 people, all of whom are given a trust, a sense of responsibility, a certain amount of confidence and faith and expectation placed in each and every one of us. I suppose maybe we do not stop and think back about how big a deal that is in our lives and how big it can be in the lives of others who have trusted us. I am sure the gentlewoman from California (Mrs. CAPPS) did today on this day of her first day of work as a Member of the Congress of the United States, charged with the responsibility of writing law.

I think what we must do is ask ourselves, what is our responsibility? Who are we and what are we doing here? We look for examples. We in Texas, for example, like to cite our favorite Speaker Sam Rayburn, a man of great sage advice. We read the history books and we know of other great Speakers. We know of other great Members. We have read Profiles in Courage and we all hope that someday we might be included in the same way. But how do we decide the model that will govern us? What a difficult thing to reconcile the authority and the responsibility placed in us with the fact that what it is we are responsible for is to writing the law by which a Nation of free people will govern itself.

It begins, I believe, with our first knowing the goodness of the American people and first committing ourselves to represent the best of the American people, not their fears and not their doubts and not their reservations or their jealousies or their envies or their angers, but what is truly the best of their hopes and their dreams, their abilities, their contributions, their citizenship and, yes, indeed, their faith. So we look for examples. It is not enough, I believe, for us to be here and be satisfied that the work we do is good. I think we must go beyond that and conduct ourselves in our own personal life either on the job or off such that others that look to those of us that were given this responsibility and this privilege and yes, this authority, will see in us an example of someone that is good, that is at once an example that can be held up before your children and at the same time an encouragement to those children to live out in their lives the best of all that goodness that was placed in each and every one of those precious children by a wonderful God and Creator who had the generosity to create us after His own image.

So where do we look? Let me suggest that we look to that Creator, that most wonderful Creator who must have had his frustrations, do you not suppose, with the children of Abraham, as we read in the Old Testament, as they wandered and they struggled and they were serving and they vacillated between faith and doubt? How many times do you suppose they let their God and their Creator down with their inability to understand or their inability to accept or their inability to practice in their own lives a disciplined faith? Yet He never left them. How many times have we said, you and I, in our own childhood and we have heard it from our own children, have we not, "Well, if God is so powerful, why doesn't he just stop me from doing those things?"

□ 2045

So if I was bad, it must be his fault. But that is what freedom is all about, is it not, giving us both the freedom to do, to choose, and the responsibility that goes with it.

As I read in the Old Testament about the struggle and the search of the children of Abraham and the expressions of hope by their God and their Creator, our God and our Creator, I am struck by something. The Lord God Almighty looked down on these people searching for a way, and He said, I hope My children will know My laws and obey them so things will go well for them. He did not say, so that they would know My power and know My authority and know I am in command here. His hope was about His children, that they would know His laws and obey them so things would go well with them.

Lord God Almighty did not give us many laws, Mr. Speaker. He gave us a lot of helpful suggestions, many of which can be found in Proverbs, my favorite book of the Bible. So many helpful suggestions, but very few laws. It should not be hard for us to remember them. But Lord God knew His people. He knew the goodness that was in these people. He knew their needs, and He wrote only those laws that were necessary so that a free people, knowing his laws and obeying them, would find that things would go well for them.

Maybe, Mr. Speaker, as we practice the authorities and the responsibilities and the privilege granted to us by people that have elected us to these positions, maybe someday if we are successful, we can draw from that model; we can look back on our careers, we can look at the way we have conducted ourselves as an example before others, and hopefully, as an encouragement before others, and look at our legislative record, and maybe we can say, I hope my children know and obey my laws so things will go well for them. And perhaps, if we can have any confidence, we might in some way emulate that wonderful kindness and great charity given to us by a God who is of such generosity that He would create us humble beings in His own image.

It is a serious matter we have discussed here this evening. We have not done justice to it. We find ourselves leaving this hour's discussion, even after the wonderful contributions given by the gentleman from Pennsylvania (Mr. PITTS); the gentleman from Arizona (Mr. HAYWORTH); the gentleman from Missouri (Mr. TALENT); and the gentleman from Texas (Mr. DELAY), and my own meager offering here, probably with more questions than answers. But are they not great questions, Mr. Speaker? Questions about the goodness of a people in a land that was created by people to do honor to the greatest gift of all, the gift of freedom from Lord God Almighty, our Creator.

CONTINUING STATE OF EMERGENCY IN AFRICAN-AMERICAN EDUCATION

The SPEAKER pro tempore (Mr. BURR of North Carolina). Under the Speaker's announced policy of January 7, 1997, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, I want to talk about the continuing state of emergency in African American education. I have come here many times to talk about education, and I may seem repetitious, but I only come because I do not see enough movement among the decisionmakers at any level to deal with the emergency that we confront in the African American community. I do not see enough movement at the Federal level, I do not see it at the State level, I do not see it at the local level either, and I think that it sort of contradicts the intense feeling of the American people about education. They really want us to make some movements in a more rapid and a more positive way toward resolving some of the problems that our schools face.

Despite the fact that the polls continually show that the American people rank education as a priority problem, there is this slow movement, and the problem faced by the mainstream community is serious enough. However, the problem faced by the African American community, where most of our young people who are school age are concentrated in the big cities of America, in the inner-city communities, they are staggering. The schools in many of our big cities are literally basket cases, and that is no exaggeration.

I do want to punctuate my remarks before I go into a more thorough discussion of the emergency in the African American community, the education emergency, I want to punctuate my remarks with some good news. There is some good news that I would like to share with the people out there whose common sense has helped to make this happen. The common sense of the American people keeps bubbling up and getting to some of our top decisionmakers, and I think that it is finally breaking through to our top decisionmakers that construction, school construction, is at the heart of any effort to improve our schools.

School construction and school repairs and things related to the simple matter of physical safety, and adequate equipment in the schools, those matters are central to any improvement efforts we make. One cannot really seriously talk about reducing class sizes and having a better ratio of students to teachers unless we also build additional classrooms. These are commonsense matters, but there are people who want to move on to reduce the sizes of classes, but they do not want to talk about construction. That costs too much money. They want to deal with a nonsolution.

If we do not have the classrooms, and we talk about funds for more teachers, then that is a nonsolution. More teachers cannot decrease the ratio of students to teachers if they do not have a classroom to go into to teach those students.

So the good news is that at the meeting this afternoon, Vice President GORE announced that on April 8 there will be a national forum on the whole issue of school construction, a national electronic forum. We are going to have a big event here in Washington that will be broadcast all across the country, and various groups will be meeting, and satellites will tie in some of the discussion.

It is a very important development because it means that as far as the President is concerned, as far as this administration is concerned, they are not slacking, they are not hesitating to go forward with their push to get something accomplished that is significant in school construction in this year.

I was disappointed that it fell off the radar screen last year. Somewhere the negotiations between the President and the majority party in the Congress, construction got lost and was taken off the table. It is quite clear that the President does not intend to take it off the table this time, and one indication of the commitment of this administration to a construction program is the fact that on April 8 there will be a national forum, a national discussion.

Everybody is invited to do something at their own local level. I think Congress at that time will be on recess, but we are invited to do things back in our district, and I certainly plan to make certain that we do something of high visibility in my district to link up with the administration's effort to put construction, school renovation and things related to providing safe physical facilities for our children on the front burner in everybody's mind.

We need to raise the level of awareness still of the voters and the average citizen, but I think they may already be ahead of the decisionmakers in our city councils and the decisionmakers in the State legislature and some of the decisionmakers here in Congress who are still not aware of the fact that this is crucial. Construction and everything related to physical facilities is crucial.

The President's proposal is for $22 billion in loans. The loan program that was proposed last year has been made better by the fact that the last year's proposal talked of low interest rates and the Federal Government subsidizing so that those low interest rates would be there for the districts that chose to borrow to build schools. This time, the proposal says that there will be no interest rates. In other words, no interest will be charged. The principal is all that the locality will have to pay back. They are going to subsidize through tax credits. The lending institution, a variety of institutions that are going to participate in this process, the lending institution will receive a tax credit which will cover what they would normally be charging in interest, and the Federal Government will be responsible for that tax credit.

This is a proposal that still has to pass. It has the support of the administration and in large part of the Congress, certainly the Democratic Members.

I hope that we can keep a focus on this common-sense agenda. It is a simple matter on the one hand; it does not take a Ph.D., a very high IQ, to understand that we cannot improve education unless the place where the children come to learn is properly equipped, it is safe, conducive to learning, the laboratories have equipment for science courses that are held; there is a library. There are all kinds of things that need to happen.

We need to also consider educational technology, telecommunications equipment, computers and video equipment. All of that is not a luxury anymore. That should be integrated into the whole process of improving our instruction, and those are capital items that ought to be in the fiscal facilities' budgets. Let us keep the common sense on target.

Let us support the effort on April 8 and use it to further pressure our elected officials to move on school construction. They can move in New York City. They have more than $1 billion surplus. They expect $1 billion surplus from this year's budget. That surplus should be dedicated partially, certainly, to some aspect of school construction. Maybe New York can show that it cares about its children by first dedicating part of that available $1 billion surplus to the elimination of coal-burning furnaces.

We have almost 300 schools that have coal-burning furnaces, and we could move to eliminate those coal-burning furnaces. Maybe on April 8 in New York City, we need to highlight this whole matter of the coal-burning furnaces as a way to get it started. New York State has more than $2 billion in surplus, and that surplus, some part of that could be dedicated to the elimination of the coal-burning schools. There is no reason why the combination of the city surplus funds and State surpluses could not be used right away to eliminate the coal-burning furnaces.

We do not have to wait for the Federal Government, but I am grateful that the Federal Government, under the leadership of President Clinton, is going to remain on target. I hope that out of shame the localities like the State of New York and the City of New York, local governments and State governments all over the country will be shamed into getting out there and taking the lead before the Federal Government comes to our rescue, and I hope that the Federal Government's insistence that something must be done will certainly wake up the citizens to push and pressure and demand that we get some action on this matter of school construction.

□ 2100

School construction is at the heart of any improvement, but there are many other things that have to happen.

Tonight I do want to talk about some of the other things that must happen in order to really improve education in general and, specifically, education in the African American schools, schools where most of our African American students are educated.

They still are, by and large, segregated in big cities in the North and far West. The patterns of housing are such and the dwindling commitment to integration is such that most of them are still going to school in segregated schools.

I do not plan to deal with the virtues of segregation versus the evils of segregation, or the virtues of integration versus the evils of integration. I do not care to deal with that tonight. I think that the fact is that the way things have developed, we have large numbers of African American youth in inner city schools, and those schools are in terrible shape.

I want to talk tonight from the base of a lecture that was given by an expert on this subject. I want to use excerpts from that lecture to pinpoint the kinds of things that are happening in African American education across the country.

I heard a presentation by the author of this lecture. I heard the presentation on February 25 at Howard University, where we had a breakfast forum sponsored by the National Commission for African American Education and CRESPAR. CRESPAR is a program funded to help students placed at risk by OERI, the Office of Education, Research and Improvement.

A combination of CRESPAR and the National Commission for African American Education sponsored this forum. This is the first of three forums. There is one each month; and one is going to be held on March 25, also at Howard University; and another will be held in April.

The subject was the state of African American education, and the presenter was Dr. Antoine M. Garibaldi, who is the provost of Howard University. Dr. Garibaldi had previously given a lecture, the annual Charles H. Thompson lecture, on November 5 of last year. This lecture was used as the basis of his excerpts and his summary presentation at the February 25 breakfast forum sponsored by the National Commission for African American Education and CRESPAR.

The contents here, what I am about to read some excerpts from, this total presentation will appear in the Journal of Negro Education in the spring of 1998. I do not know, they do not give the exact publication date, but the contents of this presentation will be there in full. The Journal of Negro Education will have this lecture entitled, "Four Decades of Progress and Decline: An Assessment of African American Educational Attainment." So I am going to read some excerpts from this presentation, which I think is a very good summary.

I also want to utilize the recently published test results from the New York City school system. The New York Times and the Daily News and some other papers carried the results of the reading and math tests for the elementary schools, and this past week they had the results from the middle schools and the high schools also. I have with me the results. I am going to confine my remarks to the elementary schools and the test results and what that means.

I think New York City and the education system in New York City is an excellent place for case studies, or one big case study. We have a system with 1,100 schools and 1,100,000-plus students, more than 60,000 teachers. It is a fantastic laboratory for education. All kinds of things are going on there. It is a central-policy-making body, but it only makes general policy.

They have 32 community school boards, and they differ in the policy-making bodies that they have. Therefore, the policies and the emphases differ, even though they are under one basic chancellor and one board of education. These differences are very interesting to behold. There are patterns that apply throughout the city to communities that are similar in terms of income and demography, and there are patterns sometimes that are broken, suddenly.

When you see schools that break out of a pattern, it seems to me a good example to go study and find out why you have a high-performing school in an area of great poverty, when most of the schools in areas of great poverty in New York perform very poorly.

The results of the reading and math tests, the test scores, in summary say to me that we have a basket case of a system in many of our districts. Many of our district's education has almost ceased to take place. The scores are so low that you cannot say you are educating anyone. Too many of the districts have those kinds of reading and math scores.

I think that I could venture safely to say that the school system of New

York City today, in 1998, is much worse than the school system of New York City was 10 years ago, in 1988. In 1998, it is much worse than it was in 1988. Ten years have been 10 years of decline.

One major reason for this, an obvious reason, is that we pulled the leadership out of our schools. Responding to budget emergencies in the school system, we encouraged the most knowledgeable people, the people with the most experience, to leave the system. To save money, we wrecked the system. No corporation when it downsizes is as foolish as the New York City school system was.

I will not say the school system was foolish. I do not think the teachers and administrators who made those decisions were foolish. It was the city hall and the budget crisis that motivated and pressured the system into taking these tremendous cuts by encouraging the most experienced staff to leave because they had the highest salaries. They had advanced up the ladder and those were the highest salaries.

You can save a lot of money if you get rid of high-salary people and you bring in brand-new people to start at entry level. The problem with people starting at entry level, they have no experience as to how to run schools, as to how to teach. They need people with experience on top.

That one action, which was really driven by budget considerations, it was the wrong decision. They should have done something else, somewhere else in the budget. The last thing that should have been done was to encourage the leadership to leave the schools.

So we have schools that were not good 10 years ago that are far worse now as a result of many forces, but the major factor is the fact that they pulled out the leadership. They pulled out the best teachers and the best administrators.

We cannot blame this on the top administrator, because we have had three or four top administrators in the position of chancellor in the last 10 years. The present one has been there 2 years, and we cannot really hold him accountable for what has happened. A chancellor in New York City would have to be around for 5 to 10 years before we could really hold him accountable. I hope we can maintain some kind of continuity and the present chancellor will be around long enough to see if that leadership has some continuity and will be able to stabilize the system and stop it from going down more rapidly and also to improve the system.

I also want to speak about some observations that I have in the pending markup of the Higher Education Assistance Act tomorrow. I want to talk about the impact of higher education and what is happening in our colleges, on what is happening in our African American elementary and secondary schools.

I am talking about the state of emergency in African American education. The emergency goes right through with higher education. The number of students in higher education is nothing to brag about. We have an increase, and I am going to talk about that number of African American students in higher education, the number who have graduated, the number getting masters' degrees and Ph.D.s. Those are increasing, but far too slowly.

The number who are going into teaching, who come out of college, is decreasing. The number of African Americans who go into teaching and the percentage of African American teachers in the schools where the greatest number of African American students attend has declined over the years. It has gone down. That is part of the problem.

I want to make some observations about the fact that we are considering the reauthorization of the Higher Education Assistance Act in a markup tomorrow in the Committee on Education and the Workforce. The Committee on Education and the Workforce will be considering this piece of legislation, which is only reauthorized once every 5 years, so it is a critical piece of legislation.

As we go into the 21st century we are making a statement about the role of the Federal Government in higher education. I am not pleased with the kind of openness of this discussion up to now. I am not pleased with the breadth of the inclusiveness of this discussion.

I have been here in Congress, this is my 16th year. I have gone through two reauthorizations of the Higher Education Assistance Act, and the other two were under our former colleague from Michigan, Representative Bill Ford, who later became the chairman of the Committee on Education and Labor, and Bill Ford was noted for his inclusiveness in the decision-making.

The way he approached the reauthorization was a whole year in advance he began the process. He started the process by sending out the old bill, the existing law, and asking for comments on existing law. A widespread request went out to all the people in the higher education community, asking them to give us their input as to how they would like the existing law changed. He started this process a whole year in advance of the markups.

We had a process where people were involved. We had hearings at the regional level. We had hearings in Washington. We had all kinds of discussions going on in the higher education community, and when we finally came to the process of markup, there was a thorough understanding of what the issues were, a thorough understanding of what was being proposed.

Then the markups went on sometimes for quite a long time. The higher education markup never concluded in one day. It is too great a burden to bear to rush through this process, and I hope we do not rush through it tomorrow.

I think as we approach the year 2000, given the fact that the country now is enjoying one of the greatest eras of prosperity that we have known in this century, given the fact that we do not have to worry about deficits anymore, given the fact that there is no Cold War, given the fact that there are places where there are large numbers of vacancies, job vacancies, especially in the telecommunications and information technology area.

The information and technology area requires higher education beyond high school, generally; and there are a great number of vacancies. They estimate there are as many as 300,000 vacancies. I get a different number every day, but it keeps climbing. There are 300,000 vacancies now, and the projection is that this is going to go on for the next 10 years.

We are going to need more and more people who are trained and well-educated with respect to information technology. We are going to need people who are not so well-trained. For every genius, we are going to need some assistance. For the designers for web sites and computer systems and software, we are going to need their helpers.

We are going to need technologists, mechanics, aides in the schools. We are going to need a whole bevy of people to make educational technology work. If you saddle a teacher with the burden of having to take care of her own educational technology program with no help, the likelihood is they are going to be overwhelmed. So they need technologists in the schools. They need aides in the schools. They are going to need all kinds of people.

I do not think that they have taken into consideration all of the places we are going to need technology workers. It is one item that should be considered as we consider a Higher Education Assistance Act. I will be offering an amendment tomorrow which deals with this.

Finally, I want to end my comments on the continuing state of emergency in African American education by discussing a situation in New York City at another level. We had a problem with our elementary and secondary schools. We now have a problem with our higher education institutions.

The City of New York, CUNY, the City of New York University system, the CUNY system has more than 200,000 students. There are all kinds of junior colleges, senior colleges. It is a huge enterprise; and a large number of the colleges, community colleges and senior colleges, have remedial education programs.

For some reason, the mayor and the Board of Higher Education has declared war on remedial education. Suddenly, remedial education is being treated with great contempt. They have remedial education courses all over the country. I do not know why suddenly in New York remedial education programs are being treated with such great contempt. It is a great mistake.

There is a crusade against remedial education, blindly lashing out and saying it does not belong in the schools and threatening to extract them and put them at the institutes. There is a whole lot of heat being generated about something without very much light. I am going to talk about that as part of my total discussion on the continuing state of emergency in African American education.

I am pleased to see that I have been joined by my colleague, the gentlewoman from California (Ms. MILLENDER-MCDONALD), who I yield to for a statement.

□ 2115

Ms. MILLENDER-MCDONALD. I thank the gentleman so much. When I heard the gentleman speak about the emergency state that our education system is in, I had no other recourse but to come to this floor. Let me first thank the gentleman for his unwavering, tireless efforts on behalf of the children of this country because he comes to this floor every night to talk about the conditions of education in this country and until we do something about that, I am sure he is going to continue to come and he is going to pull some of us out. Because we recognize what the state of emergency the education system is in, as I serve on the National Commission on Teaching and America's Future, I was pleased to hear the President's education initiative that he brought on the night of the State of the Union. And there are two very key components of that education initiative. One is the 100,000 new qualified teachers. We must have qualified teachers to teach our students if they are to engage in this global work force beyond the year 2000.

The second part of that initiative is school construction. We can ill afford to talk about the infrastructure of our roads and bridges and not talk about the infrastructure of our schools. You are absolutely right. They are delapidated. They are the worst things that we can provide for our children when we talk about environments that are conducive to learning.

I have gone to a lot of schools, the majority of the schools in my district, but a lot of other schools across this Nation. It is absolutely deplorable that we want to talk about educating our children when we do not put our money where our mouths are in, putting up the funds for the school construction to build the infrastructure for educating our children. It is absolutely unconscionable that we sit in this House and those on the other side of the aisle speak about education and speak about productivity when it comes to businesses but they do not see that it starts in the classrooms. When children have to run for cover when it rains because of leaky roofs, when they are sitting in classrooms and the plaster falls from the walls and from the top of the classroom and they have to run, that is lost productivity in a sense because they are not being trained. Therefore, they are not learning and it impedes those students.

So what you are talking about is absolutely the number one issue in this country. If we are going to talk about education and the quality of education, we must first put our children in classrooms and facilities that are conducive to learning.

I brought some statistics along and I want you to just hear me out here for a second. One-third of all elementary and secondary schools in the United States serving 14 million students need extensive repair or renovation. Now this is what we are talking about.

Mr. OWENS. I am pleased that the gentlewoman has brought these statistics. You are talking about all students. We are talking about the mainstream. I am going to focus on just the African American community, but it is bad in many other places outside the African American community, suburbs and rural as well as in the inner cities.

Ms. MILLENDER-MCDONALD. Absolutely. I come from inner city so I am talking about the schools in the Los Angeles Unified School District, in the Compton School District, in the Long Beach School District. These are urban school districts that I am talking about, with the majority minority students. As we look at the work force in the year 2000 and beyond, it will be a majority minority. But we cannot educate kids in these dilapidated schools. That is what we are talking about.

Minority students, African American students, Latinos, Asians and others, they will not be able to move into the 21st century because they will be behind having been impeded by the lack of infrastructure in these schools.

Let me give you some more statistics. Over 60 percent of the Nation's 100,000 public and elementary school facilities need major repair. We are talking about schools across the strata but we are really talking about a lot of the urban schools because that is where the parents are not able to put money into the schools to help, whereas in suburban schools, some suburban schools and some is rural schools. Rural schools and urban schools are pretty much in the same boat. They, too, are witnessing a decline in school facilities that will not be conducive for children and their learning. In 1996, an estimated $112 billion was needed to repair and upgrade school facilities into a good condition, not excellent condition, which means that the child might come in and something, plaster might fall on them. So when you talk about our African American children, you are talking about schools that are absolutely dilapidated and we should feel badly, we should really feel, talking about feeling ungodly, we should when we ask kids to go to these types of schools to learn. We do not come to this House where the roof is leaking and the plaster is falling. Why should we ask the 50 something million children in this country to be put in that type of environment.

So I am happy tonight that you have come to talk about that and to talk about all of the things that are impeding the quality education, public education that is sorely needed in this country. Public education must be the tool that helps African American children, other minority children to get the head start that they need if we are going to cross this bridge into the 21st century with students and ultimately workers to be prepared for this global work force.

I will defer to the gentleman.

Mr. OWENS. I think you have said public education. I just wanted to make a note here that large numbers of parents in the African American community, when they are interviewed for polls have been indicating that they want to send their children to private schools. The majority party, the Republicans are offering vouchers and scholarships, et cetera, to go to private schools as an answer, a solution to this problem. However, I have no problem with parents who want to send their children to private school if they can get them in. We have the mayor of New York with a scholarship program which provides spaces in private schools for 1000 youngsters. There are 1,120,000 plus youngsters who go to school in New York. So when they put out the indication that they want applications for the 1000 places, they got 22,000 applications. 22,000 applications for 1000 places. Here in Washington I understand they had a situation where they put out the same thing. There is a scholarship fund that has been set up by the private sector and they got 7000 applications for 1000 different places. Suppose they had more money and could give more tuition scholarships, how many private schools are there that can absorb the youngsters who are attending our public schools? How many are there and how quickly will they run out of space? Many of them have waiting lists for people who can afford to pay. They do not have room for them, let alone people who are coming in on the scholarship basis. So most of our children are going to be educated in public schools. I am all in favor of charter schools and experimenting with charter schools, but the reality is that in the next 10 years most of the children of America, certainly 95 percent of the children who live in the inner city who are African American are going to be educated in public schools. We have to improve public schools. That is the only real solution that is going to help African American students and parents.

Ms. MILLENDER-McDONALD. And the one real solution to keep America strong, we must invest in public education. Vouchers are not the answer. I can tell you that unequivocally, because when you give the vouchers, you are only giving X amount of dollars, supposedly, for the tuitional fee or tuitional cost of the student going to a private school. But you do not take into consideration the transportation that the parent has to provide for that student to go over there. If that student gets ill, the means by which or the inability of parents to go, to find their way to the school to take the child to what we perceive now, not really any health care facilities at all. The kids are not networking in the community of which they live. As a former educator, I will say to you, I fought the voucher in California and will fight it again because vouchers are not the answer. I am for charter schools, for those experimental types of schools that will allow the local control to be in control of their schools and that is because parents are involved in that process. That is why I am open to that concept. But never to the one that suggests that vouchers will be the answer when vouchers have not and will not be the answer to quality education for students. You are taking them out of their neighborhood environments. You are putting them ofttimes in environments that are more hostile because they do not know anyone and it becomes an isolated environment and then the parents are ill prepared to go and get the child if the child is sick. And so the voucher system is not a system that will work. I submit to you that a lot of our Presidents went to public schools, finished public schools.

Mr. OWENS. We share the same sentiments, but I think you are aware of what is taking place in the African American community, that there are large numbers of parents who have given up on the system and they want, they say they want vouchers. The polls show this. What is happening is our Republican colleagues, by the way, they know that in their districts their constituents do not want vouchers. Their constituents want continued improvement in public schools and they think they have good public schools so their own constituencies are not interested in vouchers. They are going to go out and advocate for the African American parents that they should have vouchers and they are using them as guinea pigs, they are whipping up all of these false promises about what vouchers may produce. And as I pointed out before, when you come to the point where you have the places in the private schools that are all too few and nevertheless they keep pushing the idea that vouchers are the answers to school improvement in America. It is a dogma. They seem blind to the reality and to reason. They go right ahead. But they are parading, there are parading African American parents out to support that argument. Our first duty is to get to the African American parents and leaders, and it is hard to tell them not to give up on the public school system because they have gone through so much and, as I said before, New York, things are getting worse in the public school system. But we have no choice. We have to drive it home. We have no choice. Most of our children are going to be educated in the public school system. We must improve the public education.

Ms. MILLENDER-McDONALD. Absolutely. I am a product of the private schools, but my father paid for the tuition, not, he did not strip public education funds for me to go to a private school. And so I submit to you for parents who want to pay for the private tuition, so be it. But we can ill afford to have anyone in this body strip the funds from public education to trick parents into going to schools whereby the parents will not be able to continue, first of all, the tuition fee. Tuition fee as we looked at this a couple of years ago when we had that as a proposition on the California ballot was beyond the amounts of money that the voucher system would entitle them to have. So consequently, they would not have enough money to even pay for the tuition, let alone the transportation and all other factors that are embedded in this whole notion of transferring kids from public schools to private schools. I will say to you that I am not for that, but a lot of my parents are not for that; they are African American parents. Maybe it is because we have drilled them quite a bit. We have had sessions with them, and they do understand the ramifications of the issue if in fact they would choose to do that. And they do not choose to have a voucher system.

Mr. OWENS. Maybe it is because they have excellent leadership in an educator like you. They understand better.

Ms. MILLENDER-McDONALD. We are trying to educate the masses because I think it is important that we do that. I think we as CBC Members should really do the network and the cross to the school board Members and others to educate our constituencies to let them know that stop before you pick up the wrong plum because that might not be the plum, that might be the plum with the worm in it.

□ 2130

We must be careful of folks coming in sheep clothing because it may not be the right thing that is applicable to our child getting a quality education.

I think we can do that. We can do that and should do that expeditiously so that we can provide the type of leadership that African Americans and other minorities need when it comes to this voucher program. We must just turn off from that and start looking at the number of children who must be educated by public schools and get the type of school facilities that will be conducive to these kids and a quality education.

I am just appalled at us still hammering out and staying on this one issue of vouchers and not looking at the crumbling schools, the inferior types of classrooms and schoolhouses that we are asking our children to go to, and yet we are talking about the 21st century and this global work force.

This is why businesspeople are coming now to me asking what can they do to help create the climate in public schools whereby our children can learn and have a quality education. And that is the road that I am going to journey, not this other road.

Mr. OWENS. I think the gentlewoman might be aware, because, after all, she is from California, and that is where Silicon Valley is, she must be aware of this tremendous shortage of information technology workers. And she has probably heard we are going to have on this floor a proposal to amend the immigration bill by the people who were so harsh on immigrants and wanted to keep out immigrants. They are now going to have proposals here asking us to amend it, to bring in more immigrants who have high-technology experience, information technology workers.

They are going to try to solve the problem of the shortage of information technology workers not by increasing the educational opportunities for the people in this country, they are going to bring in immigrants to do that. These anti-immigrant Republicans are going to be leading the fight to get more people in here to take those jobs instead of educating people here already to enable them to qualify for the jobs.

Ms. MILLENDER-McDONALD. The gentleman is absolutely right, I have heard of that. I think again it is unconscionable that we are talking about bringing folks into a country that has so much to offer and a people who are thirsty for this type of education that we cannot educate our own to provide them the jobs that will be sorely needed in the Silicon Valley to all other places where high tech is booming.

So I submit to the gentleman that I hope that we come to our senses before this bill comes and goes off of this floor. What type of message are we sending to our students? I have a science academy with very bright kids coming from low-income families. It is not the top 1, 2 and 5 percent, it is the middle level who are very sharp kids who are going to this academy. They are looking for these jobs in the future. What am I to tell them when they are making the A's and B's and wanting to go to MIT and others; that I am sorry someone from overseas might come and take their jobs?

I cannot do that, and, therefore, I will be fighting against that bill.

Mr. OWENS. Well, I think we are going to have that opportunity. I thank the gentlewoman for her comments.

Ms. MILLENDER-McDONALD. We thank the gentleman so much for this tonight. I am happy to have had an opportunity to come and share with him my feelings. Again, I thank him so much for being just absolutely a stalwart person in bringing this education issue to the people across this Nation so that they can write us and let us know that they agree with us. They applaud what the gentleman is doing, and I hope he will continue his great work for all our children.

One-third of all elementary and secondary schools in the United States, serving 14 million students, need extensive repair or renovation.

Over 60 percent of the Nation's 110,000 public elementary and secondary school facilities need major repair.

In 1996, an estimated $112 billion was needed to repair and upgrade school facilities to a "good" condition.

Many schools do not have the physical infrastructure to take advantage of computers and other technology needed to meet the challenges of the next century.

I am a former school teacher for the Los Angeles Unified School District in California.

In California, 87 percent of the schools report a need to upgrade or repair on-site buildings to good overall condition.

Seventy-one percent of all California schools have at least one inadequate building feature, and of these building feature problems: 40 percent are the roofs; 42 percent are exterior walls and windows; 41 percent are plumbing; 41 percent are heating, ventilation, and air conditioning; and 37 percent of schools do not even have sufficient capability to use computers.

Currently, 25 percent of schools are too small or overcrowded and the Department of Education predicts that the Nation will need 6,000 more schools by the year 2006.

Mr. OWENS. Mr. Speaker, I thank the gentlewoman. I think most people understand that I am not a fanatic. I am not an extremist. I am not coming repeatedly talking about the same subject because I have some kind of mental infirmity. I just think that our children, our grandchildren will be very disappointed in us if we do not take advantage of this opportunity we have at this moment in American history.

We have no evil empire to fight. We have the highest prosperity levels that we have had in this century. If we do not invest in education now, when will we do it? Are we going to let these opportunities that are opening up go by without making an effort to have a match between the opportunities and the youngsters who are in this country right now?

I am going to hasten on, and instead of doing the entire set of excerpts that I was going to do from Mr. Garibaldi's presentation, I am going to just read his abstract and go on to the other points I want to make.

As I said before, this is a presentation to deal with the "State of African American Education." I am reading from Dr. Antoine M. Garibaldi, Provost, Howard University, who gave this lecture on November 5th, 1997, at the 18th annual Charles H. Thompson lecture, and it is going to be published in the Journal of Negro Education. I heard him give his summary comments at a breakfast forum sponsored by the National Commission for African American Education at Howard University.

To quote from Mr. Garibaldi, "Even though significant progress has been made in attendance and degree attainment in elementary and secondary schools, college, graduate and professional schools, data shows that there has also been a pattern of regression with respect to African Americans' educational attainment and achievement over the last four decades. This mixed assessment, however, must be placed in an appropriate context and be used to improve further those conditions that are impairing the performance of African American students.

"Additionally, the presentation will highlight positive trends such as high graduation rates from high school, improved performance on selected tests on educational measures, successful school programs, successful students, the continued contributions of historically black colleges and universities to baccalaureate, graduate and first professional degree production, and to the preparation of African American teachers, to name just a few.

"Specific recommendations are also offered to raise the level of student performance, i.e. more rigorous curricula, higher educational standards and higher expectations for students, higher expectations by teachers, increased involvement by parents and the vigorous support of communities and nonprofit organizations.

"Many challenging issues and questions are also cited to demonstrate that serious work is needed to reduce the many inequities that still exist in the schools attended by African American students."

Now, Mr. Garibaldi is an ex-professor. He was a professor at Xavier University at one time. He has been in the field for a long time, and he has accumulated quite a bit of firsthand experience, but he also uses very good sources, as he demonstrates in this presentation, in his thorough knowledge of the state of African American education.

I am going to ask a lot of this be introduced into the RECORD without my reading it all, because the time is going rapidly. But I do want to begin by just pointing out that under elementary and secondary educational attainment, Mr. Garibaldi notes the following: "Over the last four decades, African Americans have made tremendous gains in elementary and secondary educational attainment, and significant increases in high school completion rates began in the 1970s. In 1975, high school completion rate for 18- to 24-year-old African Americans was only 64.8 percent compared to 83 percent for whites and 80.8 percent overall. In 1995, however, 18- to 24-year-old African Americans' high school completion rate was 76.9 percent, which was a 12 percent increase over the 20-year period. But the high school graduation data for African Americans are even better for 25- to 29-year-olds between 1975 and 1995; in 1975, 71 percent graduated from high school compared to 86.5 percent in 1995."

He goes on in a later passage to say, "While African Americans' high school completion rates provide one barometer of educational attainment, performance on national assessments are needed to determine how much learning has been actually achieved. Thus, the best collection of national comparative data is the National Assessment of Educational Progress, NAEP, a congressionally-mandated project of the U.S. Department of Education's National Center for Education Statistics. Since 1969, NAEP has periodically assessed students' proficiency in academic achievements in science, reading, mathematics and writing in public and nonpublic schools, with the specific purpose of evaluating the condition and progress of education in the Nation."

He goes on to talk about performances in mathematics and reading and writing of African American students and students overall, showing that there have been some impressive gains by African American students, but they still fall far short, especially when we come to the SAT scores over the years. There is still a great gap between the achievements of white students and African American students who take the SAT test.

There is a section which I think is important to bring to my colleagues' attention in this presentation which talks about the impact of poverty on urban schools: "Earlier in this article great concern was expressed about the increasing segregation of many of the Nation's public schools. Of special significance here is the fact that most of the schools attended by nonwhite youth are located in urban areas. While this has been known for some time, numerous perceptions about the quality of these schools are fueled by unsubstantiated anecdotal comments. But a July 1996 report by the U.S. Department of Education on how poverty relates to the characteristics of students in urban, rural and suburban schools in the 1980s has made several notable comparisons in describing the students' school experiences, their school achievement, the expectations of their parents and other related factors.

"In this study, which is entitled Urban Schools, The Challenge of Location and Poverty, the methodology controlled for the extent of poverty and three types of school locations. The school locations that were examined included urban, suburban and rural areas, and the level of poverty in each school was defined by the percentage of students who received free or reduced-priced lunches. Thus, more balanced comparisons were able to be made on each factor even though more low-income students attended urban schools.

"The following highlights of the study's major findings show more clearly how factors of school location and the level of poverty in those schools directly and indirectly affect school performance. Urban, suburban and rural public schools with high poverty concentrations, 40 percent or more, were more likely to have larger minority student populations than schools with low levels of poverty. Additionally, urban public schools with higher concentrations of poverty enrolled larger numbers of minority students than high-poverty rural and suburban schools.

"Sixty-nine percent of students who attended high-poverty urban public schools, for example, were minorities, compared to enrollment of 26 percent minorities at low-poverty schools. Similarly, at suburban schools, 56 percent of the students in high-poverty schools were minorities, but only 10 percent of students at low-poverty suburban schools are minorities. Additionally, high-poverty rural public schools enrolled 35 percent minority students compared to only 9 percent at low-poverty schools.

"Thus, most African Americans and other minority students not only attend urban schools, but the schools also have the highest concentrations of students from families with low economic backgrounds."

In other words, to summarize, no matter where African American students go to school, they are usually attending schools with a large poverty population. There is a correlation. The percentage of African Americans who are poor is quite great. It is much greater than the percentage of the overall population who are poor.

I am not going to read any further, but I do want to submit for the RECORD additional pages from this lecture, which is entitled Four Decades of Progress and Decline in the Assessment of African American Educational Attainment.

In the section that I just read, they mentioned poverty as a correlation with low achievement. I want to take a few minutes to talk about the scores of the students in the public schools of New York City, the elementary schools. There was a report, as I said before, in all the newspapers. The New York Times did something which was unusual. They took the poverty level of the school in the same manner in which the study that was cited here in Mr. Garibaldi's presentation. They chose the number of students who received school lunches as an indicator of the poverty of the school.

Therefore, the prosperity of the school is indicated by just the reverse, the number who do not qualify indicate the income level. They chose that figure, and in their presentation of the results of the reading and math tests for New York City Schools, they added the income for each school, the income level, meaning the number of students who do not qualify for school lunches.

If the income was 2.5, that meant that all of the other students did qualify; 97.5 percent qualified for school lunches.

□ 2145

So the income level after 2.5 means that 97 percent of the students were poor, and in certain districts you have this tremendous concentration of poverty.

The New York Times also went one step further and they chose to measure the performance of schools with a certain poverty level in New York City with schools who would have the same poverty level than the rest of the State, the same income level, not just poverty but those with high income were measured, too; and they have put another column in here called Reading Performance. And just certain quick observations.

One of the highest income areas in the city, Staten Island, happened to be one the lowest performing areas. When you compare the performance of the students in Staten Island, which has an overall level of 58.9 million, meaning 58.9 percent of all of the students in Staten Island have incomes which disqualify them for school lunch programs, many of the schools have income levels which rate as high as 84 and 85 percent, I think 86 percent, very high income levels; and, nevertheless, it was one of the areas that scored lowest when you compared the performance of the students in those schools with the performance of students at the same income level in other parts of the State.

So Staten Island I might note, as I have before, has a serious problem. And this barometer is a very interesting one that brings out the fact that we may have some serious problems in the way administrators and teachers and the system is conducting itself beyond poverty.

However, poverty is still the major problem in the majority of the districts in New York City. The correlation between the reading scores and poverty is there in school after school except, in every district, one or two schools, despite the low poverty level, they stand out as having extraordinary performance. Which means that despite the fact that there is a close correlation between poverty and low performance, it can be overcome. And it is important that an attempt be made to overcome it and pinpoint at the schools that are performing well, we should pinpoint what factors allow them to overcome the poverty.

I am going to just deal with District 23, which is one of the school districts. We have 32 districts in New York. District 23 is located in Brownsville, a large concentration of low-income housing projects. The overall income level in District 23 is the lowest in the City, just about, 8.3. Only 8.3 of the students have incomes so high that they do not qualify for school lunch programs. That means that 91 percent of the students are poor, they qualify for the school lunches, and a great deal would have to be done to overcome that.

Finally, I am running out of time so I want to mention that, in dealing with the problems faced by areas like Brownsville District 23, we are going to need teachers in large quantities. We are going to have to do something unusual. The Higher Education Assistance Act that we are discussing tomorrow needs to focus on teacher training and ways to deal with that problem, just as it needs to focus on information technology workers.

We have a TRIO program which has been over the years a program that works very well. The TRIO program produces students from low-income areas who were able to qualify for college admission, and they have a record of outstanding achievement. We need to look at the TRIO program in terms of the authorization level. We need to double, go so far as to double the authorization. Because from one end of the spectrum to the other, both sides of the aisle agree that the TRIO program, which consists of upward-bound programs, talent search programs, and some others, they work. If they work, we need to consider doubling the amount of appropriations and doubling the size of those programs in order to deal with the problem of poverty and the poverty relation to education if we are going to get students come out of the poverty areas and able to go to college and qualify to get the jobs that are available.

Finally, we certainly do not want a crusade against remedial education in our colleges in New York. Education adds value to everybody who gets it, and remedial education as a part of the process will add value to the people who are in our City and enable them to go on to qualify for some of the jobs that are available and become productive in our society, thus lessening the kind of expenditure you have to make to support them.

Mr. Speaker, I insert the following for the RECORD:

[Pre-publication manuscript to be published in the Journal of Negro Education, Spring 1998]

(Antoine M. Garibaldi, Ph.D., Howard University)

THE STATE OF AFRICAN AMERICAN EDUCATION—A PRESENTATION TO THE NATIONAL COMMISSION FOR AFRICAN AMERICAN EDUCATION

(By Antoine M. Garibaldi, Ph.D., Howard University)

ABSTRACT

This presentation[1] is based on an assessment of African American educational attainment—from the elementary grades to first-professional degrees—over the last four decades. Even though significant progress has been made in attendance and degree attainment in elementary and secondary schools, college, graduate and professional schools, data show that there has also been a pattern of regression with respect to African Americans' educational attainment and achievement over the last four decades. This mixed assessment, however, must be placed in an appropriate context and be used to improve further those conditions that are impairing the performance of African American students. Additionally, the presentation will highlight positive trends such as higher graduation rates from high school, improved performance on selected tests and educational measures, successful school programs, successful students, the continued contributions of Historically Black Colleges and Universities to baccalaureate, graduate, and first-professional degree production, and to the preparation of African American teachers, to name just a few. Specific recommendations are also offered to raise the level of student performance, i.e., more rigorous curricula, higher educational standards and expectations for students, higher expectations by teachers, increased involvement by parents, and the vigorous support of communities and non-profit organizations. Many challenging issues and questions are also cited to demonstrate that serious work is needed to reduce the many inequities that still exist in the schools attended by African American students.

These "re-segregated" enrollments have not occurred by accident; rather, they are partly the result of the out-migration of whites from urban to suburban school districts and the ineffective implementation of court orders designed to increase school integration in the late 1960's and 1970's. In spite of the 1954 Brown decision, it is discomforting to realize that in 1997 many of the schools attended by African Americans are still "inherently unequal."

ELEMENTARY AND SECONDARY EDUCATIONAL ATTAINMENT

Over the last four decades, African Americans have made tremendous gains in elementary and secondary educational attainment; and significant increases in high school completion rates began in the 1970's. In 1975, the high school completion rate for 18- to 24-year old African Americans was only 64.8 percent, compared to 83 percent for whites and 80.8 percent overall. In 1995, however, 18- to 24-year old African Americans' high school completion rate was 76.9 percent, a 12 percent increase over the twenty year period.

TABLE 3—HIGH SCHOOL COMPLETION RATES FOR 18- TO 24-YEAR-OLDS: 1975 AND 1995

Year	African-Americans	Whites	Overall
1975	64.8%	83%	80.8%
1995	76.9%	81.9%	80.8%

Source: Carter, D.J. and Wilson, R. (1997). Minorities in Higher Education: Fifteenth Annual Status Report, 1996–97. Washington, DC: Americans Council on Education.

But the high school graduation data for African Americans are even better for 25 to 29-year olds between 1975 and 1995: in 1975, 71 percent had graduated from high school, compared to 86.5% in 1995 (Carter and Wilson, 1997).

TABLE 4—HIGH SCHOOL COMPLETION RATES FOR 25- TO 29-YEAR-OLDS: 1975 AND 1995

Year	African-Americans	Whites
1975	71%	84.4%
1995	86.5%	87.4%

Source: Carter, D.J. and Wilson, R. (1997). Minorities in Higher Education: Fifteenth Annual Status Report, 1996–1997. Washington, DC: American Council on Education.

Not only are these gains remarkable, but the data also confirm that more African Americans have obtained an education over the last three decades as a result of expanded educational opportunities and a variety of special programs (such as Head Start, Title 1/Chapter 1, etc.) for African American and other disadvantaged students.

While African Americans' high school completion rates provide one barometer of educational attainment, performance on national assessments are needed to determine how much learning has actually been achieved. Thus, the best collection of national comparative data is the National Assessment of Educational Progress (NAEP)—a congressionally mandated project of the U.S. Department of Education's National Center for Education Statistics. Since 1969, NAEP has periodically assessed students' proficiency and academic achievement in science, reading, mathematics, and writing in public and nonpublic schools, with the specific purpose of evaluating the condition and progress of education in the nation. This national database assesses student performance in reading, mathematics and the sciences at 9, 13 and 17 years of age, and in grades 4, 8, and 11 for the writing assessment. More recent assessments since 1990, however, use grades 4, 8, and 11 as the baseline of comparison. Before presenting the twenty-eight year trend data for African American and white students, it is useful to cite NAEP's recently released summary statement of all students' overall performance since the tests were first administered in 1969.

"In general, the trends in science and mathematics show early declines or relative stability followed by improved performance. In reading and writing, the results are somewhat mixed; although some modest improvement was evident in the trend reading assessments, few indications of positive trends were evident in the writing results" (Campbell, Voelkl, & Donahue, 1997).

TRENDS IN NAEP MATHEMATICS SCALE SCORES: 1973–1996

On the NAEP mathematics test, 17-year old white and black students had declining scores between 1973 and 1978, but both increased their performance between 1978 and 1996, with black students showing the most growth. The mathematics scores of white and black 9- and 13-year old students also consistently increased throughout the assessment period. However, while black and white students' mathematics scores increased between 1973 and 1996, the scores of white students were at least 25 points higher than their black counterparts in each age group.

TRENDS IN NAEP READING SCALE SCORES: 1971–1996

The NAEP reading scores for each of the three age groups of white students increased slightly during the 1971–1996 assessment period. African Americans' scores also increased between 1971 and 1988, but fluctuated between 1988 and 1996. Thus, while both groups' performance showed modest improvement on this key educational measure, white students' scores averaged 30 points higher than those of their black counterparts in each age group.

TRENDS IN NAEP WRITING SCALE SCORES: 1984–1996

On the NAEP writing tests between 1984 and 1996, both white and black students performed poorly. The scores of white students who were in the 11th-grade decreased consistently over the assessment period; and eighth-grade and fourth-grade white students' scores fluctuated over the twelve year period. Black students' writing scores also fluctuated at all grade levels. Fourth-grade black students' 1984 score was identical to the 1996 score, while both 8th and 11th-grade black students' 1996 score was slightly lower than their 1984 score. White 11th-grade and 8th-grade students and black 11th-grade students demonstrated an ability to write clearly. But black 8th-grade students and white 4th-grade students demonstrated vague and unclear writing skills. As was the case in the previous assessments, white students' average scores in writing were at least 22 points higher than their black counterparts in each age group.

TRENDS IN NAEP SCIENCE SCALE SCORES: 1969–1970

The average NAEP science test scores for 17-year old black and white students decreased from 1969 to 1982, but steadily increased from 1982 through 1996. The scores for white 9- and 13-year old students decreased slightly from 1969 to 1977, but increased moderately from 1977 through 1996. African American students' scores for this group also declined during the early 1970's, but increased noticeably through 1996. Even though the scores of African American 9- and 13-year old students increased more over the duration of the assessment period, the scores were not higher than that of their white counterparts in 1996. Between 1969 and 1996, the average score of white students was 47 points higher than that of black students.

1997 ACT/SAT PERFORMANCE

The preceding NAEP data indicate that there have been both trends of progress and decline in all American students' performance in the four core subject areas of reading, math, science and writing. And those less than proficient signs of performance are unfortunately, but expectedly, reflected on other national educational measures, such as the verbal and mathematical scales of the

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Footnotes at end of article.

College Board's Scholastic Achievement Test, and on the English, mathematics, reading, and science reasoning sections of the ACT, Inc.'s American College Test. In 1997, for example, the average SAT score of all students was 1016 on a total scale of 1600. Asian American students obtained the highest average score of 1056; White students were next with a score of 1052; American Indian students had an average score of 950; Hispanic students had a score of 934, followed by Mexican Americans with 909, and Puerto Rican students with an average score of 901. African American students had the lowest average score of 857.

Table 5—1997 Average SAT Test Scores

Asian-American students	1056
White students	1052
National average	1016
Hispanic students	934
African-American students	857

Source: The College Board, 1997.

The patterns of performance were similar on the ACT: average overall performance was 21.0 (out of a total score of 36); Asian American and White students had the same average score of 21.7; American Indian and Hispanic students had scores of 19; Mexican American students scored 18.8; and African American students had the lowest average score of 17.1 (Selingo and Fiore, 1997).

Table 6—1997 Average ACT Test Scores

Asian-American students	21.7
White students	21.7
National average	21
Hispanic students	19
African-American students	17.1

Source: ACT, Inc. 1997.

While one of the signs of progress with respect to these tests is that there have been increasingly more test-takers, especially among minority groups[2] staff from both organizations that develop and administer these tests have expressed their concern about the lower standardized test performance of students who cite that they have high grades in high school. To this issue, Donald M. Stewart, President of the College Board, has emphatically stated that:

"Educators who give high grades for average or below-average performance promote a hollow, 'just good enough' attitude that is detrimental to students and society" (Selingo and Fiore, 1997).

Grade inflation and social promotion are unconscionable practices that should be eliminated at every school site to assure that students have a realistic assessment of both their abilities and performance. Additionally, schools must assume more responsibility and require students to take more academic and college-bound courses in junior and senior high schools. The latter recommendation is a necessity for schools with large numbers of African American and other non-white students given the evidence which shows that many of these students are more likely to take lower level courses in the core subject areas (i.e., English, Mathematics, Sciences, etc.) rather than college prep courses (Braddock, 1990; Oakes, 1985, 1986; Irvine, 1990).

THE IMPACT OF POVERTY ON URBAN SCHOOLS

Earlier in this article, great concern was expressed about the increasing segregation of many of the nation's public schools. Of special significance here is the fact that most of the schools attended by non-white youth are located in urban areas. While this has been known for some time, numerous perceptions about the quality of these schools are fueled by unsubstantiated anecdotal comments. But a July 1996 report by the U.S. Department of Education on how poverty relates to the characteristics of students in urban, rural and suburban schools in the 1980's has made several notable comparisons in describing the students' school experiences, their school achievement, the expectations of their parents, and other related factors. In this study, Urban Schools: The challenge of location and poverty (U.S. Dept. of Education, 1996), the methodology controlled for the extent of poverty in the three types of school locations. The school locations that were examined included urban, suburban and rural areas, and the level of poverty in each school was defined by the percentage of students who received free of reduced price lunches. Thus, more balanced comparisons were able to be made on each factor even though more low income students attended urban schools. The following highlights of the study's major findings show more clearly how factors of school location and the level of poverty in those schools directly and indirectly affect school performance.

RACE, POVERTY LEVELS AND SCHOOL LOCATIONS

Urban, suburban and rural public schools with high poverty concentrations (i.e., 40 percent or more) were more likely to have larger minority student populations than schools with low levels of poverty (i.e., 5 percent or less).[3] Additionally, urban public schools with high concentrations of poverty enrolled larger numbers of minority students than high poverty rural and suburban schools. Sixty nine percent of students who attended high poverty urban public schools, for example, were minorities, compared to enrollments of 26 percent minorities at low poverty schools. Similarly, at suburban schools, 56 percent of the students at high poverty schools were minorities; but only 10 percent of students at low poverty suburban schools were minorities. Additionally, high poverty rural public schools enrolled 35 percent minority students compared to only 9 percent at low poverty schools (U.S. Dept. of Education, 1996). Thus, more African American and other minority students not only attend urban schools, but the schools also have the highest concentrations of students from families with low economic backgrounds.

STUDENT ACHIEVEMENT, POVERTY LEVELS AND SCHOOL LOCATIONS

The level of poverty at schools was an important variable when examining students' academic achievement. Students who had the lowest levels of achievement on standardized tests were more often enrolled at high poverty public schools, while students who performed at higher achievement levels attended schools with lower levels of poverty. However, when the schools' poverty levels were controlled for, the results percent of the graduates of the nation's public schools had taken a geometry course.[4] At suburban schools, 73 percent of students had enrolled in a geometry course, compared with 57 percent of urban students. And 60 percent of students who attended high poverty schools had taken geometry compared with nearly 74 percent of students at low poverty schools. However, when the study controlled for the level of poverty, there was no statistical difference among urban, rural or suburban students who had enrolled in a geometry course. To raise the educational achievement of all students, advanced placement as well as college-prep courses such as Algebra and geometry, biology, chemistry, three years of English and other core subjects must be offered so that students will be prepared for college even if they elect not to attend a four-year college or university.

AFRICAN AMERICAN COLLEGE ENROLLMENT AND ATTAINMENT

Given the increases in African American high school graduation around the 1970's, it would not have been unreasonable to expect a larger share of African Americans to attend and graduate from college. In 1975, the college-going rate for all Americans was 36.2 percent, compared to a rate of 32.8 percent for African Americans (Carter and Wilson, 1997). But in 1995, the proportion of African American high school graduates who were enrolled in college decreased by almost two percentage points to 34.4 percent, compared to a national average that increased six percent to 42 percent.

TABLE 8—COLLEGE-GOING RATE OF HIGH SCHOOL GRADUATES: 1975 AND 1995

Year	Overall	African-Americans
1975	36.2%	32.8%
1995	42%	34.4%

Source: Carter, D. and Wilson, R. (1997). Minorities in Higher Education. Fifteenth Annual Status Report, 1996–1997. Washington, DC: American Council on Education.

While college enrollment statistics have fluctuated since the peak year of the mid 1970's when slightly more than one million African American students (1,033,000) were attending college, almost one and a half million (1,400,000) African Americans were enrolled in college in 1995 (Hoffman, Snyder and Sonneberg, 1996). Despite the increase of almost four million more African American students in college between 1976 and 1995, the ratio of those attending four-year and two-year institutions did not change; 59 percent attended four-year institutions compared to 41 percent who were enrolled at two-year colleges and universities.[5] Thus, the larger number of black students in college in the 1990's cannot be viewed as a major gain since a significant amount are enrolled in two-year institutions. Furthermore, much of the growth in postsecondary attendance by blacks over the last twenty years is due to a sizable increase of African American women who enrolled in college.

TABLE 9—1994 AND 1995 COLLEGE ENROLLMENT OF AFRICAN-AMERICANS BY GENDER

Year	Males	Females	Total
1994	550,000	899,000	1,449,000
1995	556,000	918,000	1,474,000

Source: Carter, D. and Wilson, R. (1997). Minorities in Higher Education. Fifteenth Annual Status Report, 1996–1997. Washington, DC: American Council on Education.

POSTSECONDARY DEGREE ATTAINMENT

The best way to determine whether any gains in college access have been realized for African Americans over the last two decades is by reviewing the amount of degrees received during this period. Regrettably though, the data show that there has not been consistent annual increases in some of the degree categories since 1976. More African Americans, for example, received baccalaureate degrees in 1976 and 1981 than in 1985. In 1976 and 1981, African Americans received an average of slightly more than 59,000 bachelor's degrees (59,122 and 60,673 baccalaureate degrees, respectively), or about 6.5% of the total degrees awarded, compared to 57,473 undergraduate degrees in 1985, or 5.9% of the total (Carter and Wilson, 1989). Thus, the 1981 and 1985 totals for African Americans at the baccalaureate level showed a decline in both the number and percentage of degrees awarded when compared to 1976. In the 1990's, however, the percentage increased from 6% of the total awarded in 1991 (65,341 degrees) to a high of 7.2% in 1994 (83,576).[6]

TABLE 10—BACCALAUREATE DEGREES AWARDED TO AFRICAN-AMERICANS FOR SELECTED YEARS: 1976–1994

Year	African-American baccalaureate degrees	Percent of total degrees awarded
1976	59,122	6.5
1981	60,673	6.5
1985	57,473	5.9
1991	65,341	6
1994	83,576	7.2

Source: Carter, D.J. and Wilson, R. Minorities in Higher Education: Eighth Annual Status Report, 1997. Washington, DC: American Council on Education.

As has been mentioned earlier, the gains by African Americans at the bachelor's degree level are primarily attributed to the significant increases by black women who completed their undergraduate studies. In 1976, for example, the number of African American women who received baccalaureate degrees was 33,489, compared to 25,026 that were awarded to African American men—a difference of almost 8,000 degrees. Ten years later, African American women received 34,056 undergraduate degrees compared to 22,499 that were awarded to African men—or roughly 11,000 more (Gordon and Brown, 1990). In 1994, the gap was even wider as 22,000 more African American women received baccalaureate degrees (52,928 versus 30,648) than did men. This pattern of almost 20,000 more bachelor's degrees awarded to African American women has been consistently occurring since the early 1990's.

TABLE 11—1976, 1986 AND 1994 BACCALAUREATE DEGREES AWARDED TO AFRICAN-AMERICANS BY GENDER

Year	Black male baccalaureate	Black female baccalaureate	Difference
1976	25,026	33,489	8,463
1986	22,499	34,056	11,557
1994	30,648	52,928	22,280

Source: (1) Gordon, P. and Brown, P. (1990). Degrees conferred in institutions of higher education, by race and sex: 1976–77 through 1986–87. National Center for Education Statistics and (2) Carter, D. and Wilson, R. (1997). Minorities in Higher. Fifteen Annual Status Report, 1996–1997. Washington, DC: American Council on Education.

Overall increases of black baccalaureate recipients were partly due to the rising number of undergraduate awards made by historically black colleagues and universities. In 1985, HBCUs awarded 16,326 bachelor's degrees; between 1991 and 1994, HBCUs awarded an average of almost 21,000 degrees to African Americans.[7] Thus, HBCUs annually accounted for approximately 28% of all undergraduate degrees to African Americans between 1985 and 1994, compared to the late 1970's and early 1980's when they accounted for between 35% and 32% of all black bachelor's degrees.[8] Nevertheless, this is still a favorable sign that HBCUs, which represent barely three percent of all American colleges and universities, continue to enroll and graduate a significant number of students even though African American students have much more access to other institutions of higher education.

Table 12—Baccalaureate degrees awarded to African Americans by HBCUs for selected years: 1985–1994

Year	*HBCU baccalaureates*
1985	16,326
1991	17,930
1992	19,693
1993	22,020
1994	23,434

Source: Hoffman, C., Snyder, T. and Sonneberg, B. (1996). Historically Black Colleges and Universities: 1976-1994. National Center for Education Statistics.

TABLE 15—FIRST-PROFESSIONAL DEGREES AWARDED TO AFRICAN-AMERICANS FOR SELECTED YEARS: 1977–1994

Year	First-professional degrees awarded	Percent of total awarded annually
1977	2,536	4
1979	2,836	4
1981	2,931	4
1985	3,029	4.3
1991	3,575	5
1993	4,100	5.5
1994	4,444	5.9

Source: Carter, D. and Wilson, R. (1997). Minorities in Higher Education Fifteenth Annual Status Report, 1996–1997. Washington, DC: American Council on Education.

CONCLUSION

Based on all of the data that have been presented—from the elementary grades to first-professional degrees, it is fair to say that there has been both progress and regression with respect to African Americans' educational attainment and achievement over the last four decades. This mixed assessment, however, should not be viewed as a sign of discouragement; rather it should be used as a source of motivation to improve further those conditions that require immediate attention. Additionally, it is imperative that positive trends such as higher graduation rates from high school, improved performance on selected tests and educational measures, successful school programs, successful students, the continued contributions of Historically Black Colleges and Universities to baccalaureate, graduate, and first-professional degree production, and to the preparation of African American teachers, to name just a few signs, must be constantly emphasized. At the same time, however, it is necessary that those negative indicators which can be improved are addressed; more rigorous curricula, higher educational standards and expectations for students, higher expectations by teachers, increased involvement by parents, and so forth.

It may not be as easy to change the segregated composition of the public schools where so many African Americans are currently enrolled, or the numbers of students who come from poor backgrounds in those schools, but it is possible to exercise our civic duty and inquire what can be done to reduce class sizes, to sustain reading and mathematics performance beyond the fourth grade, to offer more college prep and advanced placement courses, and to provide comprehensive career counseling for students. Furthermore, it is our responsibility to find out why there are few gifted and talented programs in public schools, why African Americans account for almost 30 percent of all students in special education classes, and why more students do not achieve at higher levels of proficiency on various subject matter tests. It is also our obligation to resolve why 41% of African American college students are attending two-year institutions, why 350,000 more African American women than men are attending college today compared to a difference of 200,000 up to 1984, and why little, if any, gains are being made at the doctoral level. These are indeed challenging issues and questions which signal that serious work is needed to reduce the many inequities that still exist in the schools attended by African American students. Change and real growth are possible, but hope must be supported by commitment to standards, carefully designed educational programs, systematic action and the realization that success is within reach. With the belief and conviction that the glass of "educational opportunity" is half full, we can help to fulfill the dreams of those numerous African American parents who expect their children to attend college and be productive citizens in the 21st Century.

FOOTNOTES

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[1] This presentation is based on the 18th Annual Charles H. Thompson lecture—Four Decades of Progress. . . and Decline: An Assessment of African American Educational Attainment—delivered at Howard University in November 1997. The lecture will be published in the Winter 1997/Spring 1998 issue of The Journal of Negro Education (Vol. 66, No. 1-2).

[2] Minority students accounted for 32 percent of those who took the SAT in 1997 compared to 22 percent in 1987. And 60 percent of the 1997 freshmen (959,301 students) took the ACT, compared to 817,076 in 1990.

[3] In this study, 40 percent of urban students attended schools with poverty concentrations of 40 percent or more, and only 12 percent of urban students attended low poverty schools. However, only 10 percent of suburban students and 25 percent of rural students attended high poverty schools; and 36 percent of suburban students attend low poverty schools.

[4] Geometry was chosen by NAEP because the patterns for students who had enrolled in this course were similar to those for students who had taken science, foreign language and other advanced courses.

[5] In 1976, almost 604,000 African American students attended four-year institutions, and a little more than 429,000 attended two-year institutions. In 1995, almost 834,000 African American students attended four-year institutions and 614,000 were enrolled at two-year institutions.

[6] African American baccalaureates rose to 72,346 in 1992, or 6.4% of the total, and 77,782 in 1993, or 6.7% of the total.

[7] The annual number of bachelor's degrees awarded to African Americans by HBCUs for 1991, 1992, 1993 and 1994 were 17,930, 19,693, 22,020, and 23,434, respectively.

[8] In 1977 and 1981, African Americans received 58,515 and 60,673 bachelors degrees, respectively. HBCUs awarded 20,754 and 19,556 degrees to African Americans, respectively, or 35% and 32% of the total (Gordon and Brown, 1990).

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CRANE (at the request of Mr. ARMEY) for today, on account of official business.

Mr. RUSH of Illinois (at the request of Mr. GEPHARDT) for today, on account of official business.

Mr. DAVIS of Illinois (at the request of Mr. GEPHARDT) for today, on account of official business.

Mr. YATES (at the request of Mr. GEPHARDT) for today, on account of physical reasons.

Mr. TURNER (at the request of Mr. GEPHARDT) for today, on account of official business in the district.

Mr. MARTINEZ (at the requezt of Mr. GEPHARDT) for today and Wednesday, March 18, on account of an unexpected emergency.

Mr. DIAZ-BALART (at the request of Mr. ARMEY) for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HINCHEY) to revise and extend their remarks and include extraneous material:)

Mrs. TAUSCHER, for 5 minutes.

Ms. NORTON, for 5 minutes.

Ms. DELAURO, for 5 minutes.

Mr. PALLONE, for 5 minutes.

Ms. JACKSON-LEE of Texas, for 5 minutes.

(The following Members (at the request of Mr. UPTON) to revise and extend their remarks and include extraneous material:)

Mr. ISTOOK, for 5 minutes, today.

Mrs. MORELLA, for 5 minutes, March 18.

Mrs. JOHNSON of Connecticut, for 5 minutes, March 18.

Mr. MICA, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, March 18.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. HINCHEY) and to include extraneous matter:)

Mr. KIND.
Mr. KILDEE.
Mr. RAHALL.
Mr. TRAFICANT.
Mr. STOKES.
Mr. KANJORSKI.
Ms. VELÁZQUEZ.
Mr. HAMILTON.
Mr. PAYNE.
Mr. DAVIS of Illinois.
Mr. KLINK.
Mr. MANTON.
Mrs. LOWEY.
Ms. EDDIE BERNICE JOHNSON of Texas.
Mr. CARDIN.
Mr. TOWNS.
Ms. MCCARTHY of Missouri.
Mr. STARK.
Mrs. MCCARTHY of New York.
Mr. DEUTSCH.
Mr. FARR of California.

(The following Members (at the request of Mr. UPTON) and to include extraneous matter:)

Mr. SOLOMON.
Mr. OXLEY.
Mr. SUNUNU.
Mr. FAWELL.
Mr. LEWIS of California.
Mr. GINGRICH.
Mr. SAXTON.
Mr. RILEY.
Mr. GOODLING.
Mr. MCKEON.
Mrs. MORELLA.
Mr. COLLINS.

(The following Members (at the request of Mr. OWENS) and to include extraneous matter:)

Mr. SABO.
Mr. HALL of Ohio.
Mr. SMITH of New Jersey.
Mr. LANTOS.
Mr. ROEMER.
Mr. KANJORSKI.
Mr. HINOJOSA.

ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 45 minutes p.m.) the House adjourned until tomorrow, Wednesday, March 18, 1998, at 10 a.m.

OATH OF OFFICE OF MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates to the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> "I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Members of the 105th Congress, pursuant to the provisions of 2 U.S.C. 25:

Honorable LOIS CAPPS, Twenty-second District, California.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

8050. A communication from the President of the United States, transmitting a report on Detargeting Russian Strategic Missiles, pursuant to Public Law 105—85, section 1301; to the Committee on National Security.

8051. A letter from the Assistant to the Board of Governors, Federal Reserve System, transmitting the System's final rule—Electronic Fund Transfers [Regulation E; Docket No. R–1002] received March 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8052. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Code of Federal Regulations; Authority Citations; Technical Amendment [Docket No. 97N–0365] received March 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8053. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District [CA–169–0065; FRL–5974–6] received March 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8054. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants and Control Techniques Guideline Document for Source Categories: Aerospace Manufacturing and Rework Facilities [AD-FRL–5978–4] (RIN: 2060–AE02) received March 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8055. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to Clean Air Act Interim Approval of Operating Permits Program; Commonwealth of Virginia; Correction of Effective Date Under Congressional Review Act (CRA) [FRL–5983–7] received March 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8056. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plan; Illinois [IL167–1a; FRL–5978–8] received March 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8057. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Kansas; Control of Landfill Gas Emissions from Existing Municipal Solid Waste Landfills [KS 044–1044a; FRL–5979–7] received March 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8058. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; and Designation of Areas for Air Quality Planning Purposes; State of Iowa [IA 040–1040 (a); FRL–5980–2] received March 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8059. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Ohio [OH112–1a; FRL- 5976–9] received March 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8060. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's "Major" final rule—New Disclosure Option for Open-End Management Investment Companies (RIN: 3235–AH03) received March 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8061. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's "Major" final rule—Registration Form Used by Open-End Management Investment Companies (RIN:

3235–AE46) received March 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8062. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Deep-water Species Fishery by Vessels using Trawl Gear in the Gulf of Alaska [Docket No. 971208297–8054–02; I.D. 031098A] received March 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8063. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Sablefish Managed Under the IFQ Program [I.D. 030298A] received March 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8064. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock Sole/Flathead Sole/"Other Flatfish" Fishery Category by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands [Docket No. 971208296–7296–01; I.D. 030498D] received March 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8065. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands; Final 1998 Harvest Specifications for Groundfish [Docket No. 971208298–8055–02; I.D. 112097B] received March 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8066. A letter from the Director, Federal Bureau of Investigation, transmitting the Bureau's final rule—Implementation of Section 104 of the Communications Assistance for Law Enforcement Act—received March 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOODLING: Committee on Education and the Workforce. H.R. 2864. A bill to require the Secretary of Labor to establish a program under which employers may consult with State officials respecting compliance with occupational safety and health requirements; with an amendment (Rept. 105–444). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOODLING: Committee on Education and the Workforce. H.R. 2877. A bill to amend the Occupational Safety and Health Act of 1970; with an amendment (Rept. 105–445). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOODLING: Committee on Education and the Workforce. H.R. 3096. A bill to correct a provision relating to termination of benefits for convicted persons (Rept 105–446). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUMP: Committee on Veterans' Affairs. H.R. 3039. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to guarantee loans to provide multifamily transitional housing for homeless veterans, and for other purposes; with amendments (Rept. 105–447). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUMP: Committee on Veterans' Affairs. H.R. 3213. A bill to amend title 38, United States Code, to clarify enforcement of veterans' employment rights with respect to a State as an employer or a private employer, to extend veterans' employment and reemployment rights to members of the uniformed services employed abroad by United States companies, and for other purposes; with amendments (Rept. 105–448). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 388. Resolution providing for consideration of the bill (H.R. 2870) to amend the Foreign Assistance Act of 1961 to facilitate protection of tropical forests through debt reduction with developing countries with tropical forests (Rept. 105–449). Referred to the House Calendar.

Mr. TALENT: Committee on Small Business. H.R. 3412. A bill to amend and make technical corrections in title III of the Small Business Investment Act; with an amendment (Rept. 105–450). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. DOOLITTLE (for himself, Mr. Young of Alaska, Mr. Smith of Oregon, Mrs. Chenoweth, Mr. Riggs, Mr. Herger, Mr. Radanovich, Mr. Pombo, and Mr. Thomas):

H.R. 3467. A bill to address the protection of the California spotted owl and its habitat in the Sierran Province of Region 5 of the Forest Service through the use of an interim management direction consistent with the requirements of existing public land management and environmental laws and by setting a date certain for the completion of a final environmental impact statement for the management of the California spotted owl; to the Committee on Resources.

By Mr. BARR of Georgia:

H.R. 3468. A bill providing that certain intermodal transportation facilities not be exempt from local zoning ordinances; to the Committee on Transportation and Infrastructure.

By Mr. CARDIN:

H.R. 3469. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide for external appeals in the case of adverse determinations involving experimental treatment, significant costs, or a serious medical condition; to the Committee on Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK (for himself, Mr. Brown of Ohio, Mr. Gephardt, Mr. Rangel, Mr. Dingell, Mr. Becerra, Mr. Borski, Mr. Brown of California, Mr. Cardin, Ms. Christian-Green, Mrs. Clayton, Mr. Coyne, Ms. DeLauro, Mr. Deutsch, Mr. Dooley of California, Mr. Engel, Mr. Faleomavaega, Mr. Farr of California, Mr. Filner, Mr. Frank of Massachusetts, Mr. Frost, Mr. Gonzalez, Mr. Green, Mr. Hastings of Florida, Mr. Hinchey, Mr. Hoyer, Mr. Jefferson, Ms. Eddie Bernice Johnson of Texas, Mr. Kennedy of Massachusetts, Mr. Kennedy of Rhode Island, Ms. Kilpatrick, Mr. Kleczka, Mr. Kucinich, Mr. LaFalce, Mr. Lantos, Mr. Lewis of Georgia, Mr. Maloney of Connecticut, Mr. Markey, Mr. Matsui, Mr. McDermott, Mr. McGovern, Mr. McHale, Mr. Meehan, Mr. Meeks of New York, Mr. Menendez, Mr. Miller of California, Mr. Moakley, Mr. Murtha, Mr. Nadler, Mr. Olver, Mr. Pallone, Mr. Pascrell, Ms. Pelosi, Mr. Rahall, Mr. Rush, Mr. Sandlin, Mr. Schumer, Mr. Serrano, Mr. Stokes, Mr. Stupak, Mr. Tierney, Mr. Towns, Mr. Underwood, Mr. Waxman, Mr. Weygand, Mr. Wise, Ms. Woolsey, Mr. Yates, Mr. Oberstar, and Ms. Norton):

H.R. 3470. A bill to amend title XVIII of the Social Security Act and the Employee Retirement Income Security Act of 1974 to improve access to health insurance and Medicare benefits for individuals ages 55 to 65 to be fully funded through premiums and antifraud provisions, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK (for himself and Mr. Brown of Ohio):

H.R. 3471. A bill to amend titles XI and XVIII of the Social Security Act to combat waste, fraud, and abuse in the Medicare Program; to the Committee on Ways and Means, and in addition to the Committees on Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COOK:

H.R. 3472. A bill to amend the Bank Protection Act of 1968 for purposes of facilitating the use of electronic authentication techniques by financial institutions, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. FAWELL (for himself, Mr. Goodling, Mr. McKeon, Mr. Andrews, Mr. Roemer, and Mr. Petri):

H.R. 3473. A bill to amend the Age Discrimination in Employment Act of 1967 to allow institutions of higher education to offer faculty members who are serving under a contract or arrangement providing for unlimited tenure, benefits on voluntary retirement that are reduced or eliminated on the basis of age, and for other purposes; to the Committee on Education and the Workforce.

By Mr. FAZIO of California (for himself, Mr. Gephardt, Mr. Bonior, Mr. Pallone, Mr. Sawyer, Mr. Meehan, Mr. Ackerman, Mr. Allen, Mr. Becerra, Mr. Blumenauer, Mr. Boswell, Mr. Brown of California, Ms. DeGette, Mr. Delahunt, Ms. DeLauro, Mr. Faleomavaega, Mr.

FARR of Cali. FARR of California, Mr. FORD, Mr. HINCHEY, Mr. KENNEDY of T4LaFalce, Mr. LAMPSON, Mr. LANTOS, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mr. MATSUI, Ms. MCCARTHY of Missouri, Mr. MCGOVERN, Mr. MCHALE, Mr. MINGE, Mr. NADLER, Ms. NORTON, Mr. OBERSTAR, Mr. OLVER, Mr. POMEROY, Ms. ROYBAL-ALLARD, Mr. SERRANO, Mr. SHERMAN, Mr. STOKES, Mrs. TAUSCHER, Ms. VELÁZQUEZ, Mr. WEXLER, Ms. WOOLSEY, Mr. UNDERWOOD, and Mr. YATES):

H.R. 3474. A bill to help parents keep their children from starting to use tobacco products, to expose the tobacco industry's past misconduct and to stop the tobacco industry from targeting children, to eliminate or greatly reduce the illegal use of tobacco products by children, to improve the public health by reducing the overall use of tobacco products, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Ways and Means, the Judiciary, Education and the Workforce, Agriculture, the Budget, Resources, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut:

H.R. 3475. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for the health insurance costs of all individuals who are not eligible to participate in employer-subsidized health plans; to the Committee on Ways and Means.

By Mr. LEVIN:

H.R. 3476. A bill to reform the financing of Federal elections; to the Committee on House Oversight, and in addition to the Committees on Ways and Means, Education and the Workforce, Government Reform and Oversight, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MATSUI:

H.R. 3477. A bill to suspend temporarily the duty on a certain drug substance used in the formulation of HIV Antiviral Drug; to the Committee on Ways and Means.

By Mr. MCINNIS (for himself, Mr. REDMOND, Mr. HEFLEY, Mr. BOB SCHAFFER, Mr. DAN SCHAEFER of Colorado, and Mr. SKEEN):

H.R. 3478. A bill to amend the Colorado Ute Indian Water Rights Settlement Act to provide for a final settlement of the claims of the Colorado Ute Indian Tribes, and for other purposes; to the Committee on Resources.

By Mr. MCKEON (for himself, Mr. GOODLING, and Mr. CASTLE):

H.R. 3479. A bill to provide for the implementation of recommendations of the National Commission on the Cost of Higher Education, and for other purposes; to the Committee on Education and the Workforce.

By Mr. MOLLOHAN:

H.R. 3480. A bill to reduce temporarily the duty on ethylene/tetrafluoroethylene copolymer (ETFE); to the Committee on Ways and Means.

By Mr. ROEMER:

H.R. 3481. A bill to require the Occupational Safety and Health Administration to recognize that electronic forms of providing MSDSs provide the same level of access to information as paper copies; to the Committee on Education and the Workforce.

By Mr. WAXMAN:

H.R. 3482. A bill to designate the Federal building located at 11000 Wilshire Boulevard in Los Angeles, California, as the "ABRAHAM Lincoln Federal Building"; to the Committee on Transportation and Infrastructure.

By Mr. FRANKS of New Jersey:

H. Con. Res. 244. Concurrent resolution calling on the Government of Cuba to extradite Joanne Chesimard from Cuba to the United States; to the Committee on International Relations.

By Mr. KING of New York (for himself, Mr. GILMAN, Mr. MANTON, Mr. NEAL of Massachusetts, and Mr. WALSH):

H. Con. Res. 245. Concurrent resolution expressing the sense of Congress that the settlement of the decades-long conflict in the North of Ireland should address a number of specific issues in order to foster a just and lasting peace; to the Committee on International Relations.

By Mrs. MORELLA (for herself, Mr. SAWYER, Mrs. MALONEY of New York, Mr. SHAYS, Mr. HILLIARD, Mr. FILNER, Mr. BALDACCI, Mr. RAHALL, Mr. CARDIN, Mrs. JOHNSON of Connecticut, Ms. PELOSI, Mr. PASCRELL, Mr. ENGEL, and Mr. DINGELL):

H. Con. Res. 246. Concurrent resolution expressing the sense of the Congress with respect to the collection of demographic, social, and economic data as part of the 2000 decennial census of population; to the Committee on Government Reform and Oversight.

By Mr. BOEHNER:

H. Res. 386. A resolution electing the Honorable Richard K. Armey of Texas to act as Speaker pro tempore; considered and agreed to.

By Mr. HOYER (for himself, Mr. GEJDENSON, Ms. KILPATRICK, Mr. MOAKLEY, Mr. FROST, Mr. HALL of Ohio, and Ms. SLAUGHTER):

H. Res. 387. A resolution prohibiting the payment of any amount from the reserve fund established for unanticipated expenses of committees without the approval of the House; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII,

Mr. RANGEL introduced A bill (H.R. 3483) to provide for the liquidation or reliquidation of certain entries; which was referred to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 4: Mr. EHRLICH.

H.R. 96: Mr. HASTINGS of Washington.

H.R. 198: Mr. SMITH of Oregon.

H.R. 230: Mr. CUNNINGHAM.

H.R. 306: Mr. KUCINICH.

H.R. 457: Mr. FOLEY and Mr. GILMAN.

H.R. 687: Mr. FALEOMAVAEGA and Ms. FURSE.

H.R. 758: Mr. FOSSELLA.

H.R. 773: Mr. FRANK of Massachusetts.

H.R. 814: Mr. SHERMAN.

H.R. 979: Mr. JONES, Mr. DICKEY, Mr. SHAYS, Mr. MCHALE, Mr. GREENWOOD, Mr. WATKINS, Mr. DOYLE, Mr. PAUL, and Ms. DELAURO.

H.R. 981: Ms. ROYBAL-ALLARD.

H.R. 983: Ms. SÁNCHEZ.

H.R. 1126: Mr. MCDERMOTT and Mr. WAXMAN.

H.R. 1166: Mrs. LOWEY.

H.R. 1173: Mr. KLINK, Mr. COYNE, and Mrs. CLAYTON.

H.R. 1215: Ms. ROYBAL-ALLARD.

H.R. 1231: Mr. STARK.

H.R. 1261: Mr. MCDADE and Mr. BLILEY.

H.R. 1369: Mr. ENSIGN.

H.R. 1375: Ms. VELÁZQUEZ, Mr. COX of California, Mr. JACKSON, Mr. FORBES, Mr. MEEKS of New York, and Mr. FARR of California.

H.R. 1401: Mr. RIGGS, Mr. DOOLEY of California, and Mr. MILLER of California.

H.R. 1505: Mr. KENNEDY of Massachusetts and Mr. HASTINGS of Florida.

H.R. 1525: Mr. GREEN.

H.R. 1531: Mr. SHERMAN and Mr. FORBES.

H.R. 1595: Mr. SHADEGG.

H.R. 1601: Mr. KUCINICH, Mr. EVANS, Mr. LANTOS, and Mr. THOMPSON.

H.R. 1605: Mr. MCGOVERN and Mr. PALLONE.

H.R. 1614: Mr. KLUG.

H.R. 1656: Mr. BOSWELL and Mr. CLYBURN.

H.R. 1689: Mr. CANNON, Mr. REDMOND, Ms. VELÁZQUEZ, Mr. LANTOS, Mrs. MORELLA, and Mr. ARCHER.

H.R. 1704: Mr. CONDIT.

H.R. 1732: Mrs. TAUSCHER.

H.R. 1788: Ms. JACKSON-LEE, Mr. LANTOS, and Mr. WEXLER.

H.R. 1872: Mr. NEAL of Massachusetts.

H.R. 2019: Mr. JEFFERSON, Mr. MCCRERY, and Mr. COOKSEY.

H.R. 2020: Mr. MALONEY of Connecticut, Mr. ALLEN, Ms. DEGETTE, and Mr. DELAHUNT.

H.R. 2023: Mr. CLYBURN and Mr. LUTHER.

H.R. 2321: Mr. DAVIS of Illinois.

H.R. 2380: Mr. EHRLICH.

H.R. 2400: Mr. SCARBOROUGH and Mr. FOSSELLA.

H.R. 2431: Mr. CHRISTENSEN and Mr. LEWIS of Georgia.

H.R. 2454: Mr. ROTHMAN, Mr. MARTINEZ, and Mr. NADLER.

H.R. 2457: Mr. MARTINEZ and Mr. NADLER.

H.R. 2500: Mr. KLECZKA Mr. GRAHAM. and Mr. LIPINSKI.

H.R. 2509: Mr. CUNNINGHAM, Mr. CALVERT, Mr. FOLEY, Mr. BOUCHER, and Mr. BARCIA of Michigan.

H.R. 2525: Mr. BLAGOJEVICH.

H.R. 2549: Mr. FROST, Mrs. THURMAN, Mr. FILNER, and Mr. SHERMAN.

H.R. 2568: Mr. SOUDER.

H.R. 2609: Mr. JONES.

H.R. 2635: Mr. DAVIS of Illinois, Mr. STUPAK, Mr. MILLER of California, Mr. GILMAN, Ms. DEGETTE, Mr. TRAFICANT, Mr. BLUMENAUER, Mr. WAXMAN, Mr. KLECZKA, Mr. LAHOOD, and Mr. ALLEN.

H.R. 2670: Mrs. ROUKEMA, Mr. FRANK of Massachusetts, Mr. MCGOVERN, Mr. GOSS, and Mr. ACKERMAN.

H.R. 2695: Mr. BERMAN and Mr. MATSUI.

H.R. 2701: Mr. MASCARA.

H.R. 2714: Mr. FATTAH.

H.R. 2723: Mr. TIAHRT.

H.R. 2728: Mr. PORTER.

H.R. 2733: Mr. STEARNS, Mr. GEJDENSON, Mr. ADAM SMITH of Washington, Mr. GOODE, Mr. JONES, Mr. SPENCE, Mr. HOBSON, Mr. FORD, Mr. SABO, Mr. BISHOP, Mr. EDWARDS, Ms. DANNER, Mr. JENKINS, Mr. HUTCHINSON, Mr. HINCHEY, Mr. HASTINGS of Florida, Ms. PRYCE of Ohio, Mr. GOODLATTE, Ms. PELOSI, Ms. DEGETTE, Mrs. LOWEY, Mr. ADERHOLT, Mr. BARR of Georgia, Mr. CHRISTENSEN, Mr. MARTINEZ, Mr. KLECZKA, Mr. GRAHAM, Mr. MORAN of Virginia, Mr. STUPAK, Mr. PALLONE, Mr. TAYLOR of Mississippi, Mr. BARRETT of Nebraska, and Mr. SCHIFF.

H.R. 2754: Mr. SANDERS, Mr. MALONEY of Connecticut, Mr. STOKES, and Mr. ALLEN.

H.R. 2821: Mr. DICKEY, Mr. SOUDER, and Ms. SLAUGHTER.

H.R. 2829: Mr. CONDIT, Mr. DOOLITTLE, Mr. GILLMOR, Mr. PEASE, and Mr. PICKETT.

H.R. 2840: Mr. HASTINGS of Washington, Mrs. MYRICK, and Mrs. NORTHUP.

H.R. 2853: Mr. DELAHUNT, Mr. FROST, and Mr. KENNEDY of Rhode Island.

H.R. 2868: Mr. BONILLA.

H.R. 2912: Mr. ALLEN, Mr. RODRIGUEZ, and Mr. ORTIZ.

H.R. 2914: Mr. MINGE.

H.R. 2921: Mr. STRICKLAND, Mr. SAM JOHNSON, Mr. NEAL of Massachusetts, Mr. MILLER of California, Mr. GILMAN, and Mr. THOMPSON.

H.R. 2931: Mr. DAVIS of Illinois, Mr. DIXON, Mr. BROWN of Ohio, Mr. MCGOVERN, and Mr. TIERNEY.

H.R. 2938: Mr. BARTON of Texas, Mr. SESSIONS, Mr. HALL of Texas, and Mr. HASTINGS of Florida.

H.R. 2951: Mr. ALLEN, Mr. CHABOT, AND Ms. SLAUGHTER.

H.R. 2970: Mr. ACKERMAN, Mr. SHAYS, and Mr. SNYDER.

H.R. 2983: Mr. DOOLEY of California, Mr. RUSH, Mr. TORRES, and Mr. MCNULTY.

H.R. 2990: Mr. PAYNE, Ms. RIVERS, Mr. GREENWOOD, Ms. STABENOW, Mr. DAVIS of Illinois, Mr. RAHALL, Mr. EHLERS, Mr. FOX of Pennsylvania, Mr. HULSHOF, Ms. NORTON, Mr. DOYLE, Mr. NEY, Mr. PAUL, Ms. MCCARTHY of Missouri, Mr. UPTON, Mr. MCINTYRE, Mr. SANDLIN, and Mr. TRAFICANT.

H.R. 3032: Mr. SKAGGS.

H.R. 3131: Mr. CONYERS and Mr. STARK.

H.R. 3144: Mr. REDMOND and Mr. SHAYS.

H.R. 3146: Mr. BERMAN

H.R. 3148: Mr. BLUNT.

H.R. 3152: Ms. LOFGREN and Mr. RADANOVICH.

H.R. 3153: Mr. ADAM SMITH of Washington.

H.R. 3156: Mrs. MORELLA, Mr. GANSKE, Mr. PORTER, Mr. STARK, Mr. BARRETT of Nebraska, Mr. FRELINGHUYSEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CONYERS, Ms. JACKSON-LEE, Mr. UPTON, Mr. JEFFERSON, Mr. STOKES, and Mrs. MEEK of Florida.

H.R. 3162: Ms. GRANGER.

H.R. 3168: Mr. QUINN and Mr. GOODLATE.

H.R. 3174: Mr. HALL of Texas.

H.R. 3205: Mr. NEY, Mr. BOSWELL, Mr. ORTIZ, Mr. DICKS, and Mr. FOLEY.

H.R. 3216: Mrs. MEEK of Florida, Mr. FRANK of Massachusetts, Mr. WATTS of Oklahoma, Mr. KENNEDY of Massachusetts, Mr. RODRIGUEZ, Mr. SKAGGS, and Mr. WAXMAN.

H.R. 3217: Mr. GINGRICH and Mr. RAMSTAD.

H.R. 3240: Mr. LANTOS.

H.R. 3246: Mr. WELDON of Florida.

H.R. 3255: Mr. KLECZKA and Mr. FILNER.

H.R. 3260: Ms. KAPTUR, Mr. VISCLOSKY, and Mr. LEVIN.

H.R. 3269: Mr. KUCINICH, Mr. LANTOS, and Mr. EVANS.

H.R. 3279: Mr. MCGOVERN.

H.R. 3291: Mr. TRAFICANT.

H.R. 3293: Mr. TOWNS, Ms. JACKSON-LEE, and Mr. FILNER.

H.R. 3295: Mr. TIERNEY, Mr. FATTAH, Mrs. MALONEY of New York, Mr. MARKEY, and Mr. SPRATT.

H.R. 3297: Mr. PICKETT.

H.R. 3336: Mr. DAVIS of Florida, Mr. BILIRAKIS, Mr. DEUTSCH, and Mr. WEXLER.

H.R. 3376: Mr. BILBRAY.

H.R. 3400: Ms. NORTON.

H.R. 3435: Mr. ENGLISH of Pennsylvania, Mrs. JOHNSON of Connecticut, and Mr. CHRISTENSEN.

H. Con. Res. 158: Mr. FOSSELLA.

H. Con. Res. 188: Mr. STARK.

H. Con. Res. 203: Mr. CLYBURN and Mr. WEYGAND.

H. Con. Res. 210: Ms. SLAUGHTER and Mr. DOYLE.

H. Con. Res. 212: Ms. DANNER, Mr. REDMOND, Mr. MANZULLO, Mr. WALSH, Mr. BLUNT, Mr. THORNBERRY, Mr. SANDLIN, and Mr. POMEROY.

H. Con. Res. 214: Mr. CLEMENT.

H. Con. Res. 218: Mr. LEACH.

H. Con. Res. 233: Mr. FAZIO of California.

H. Con. Res. 235: Mr. NADLER.

H. Res. 212: Mr. HILLIARD, Mr. JACKSON, Mr. LANTOS, Mr. MILLER of California, Ms. RIVERS, and Mr. BOB SCHAFFER.

H. Res. 247: Mr. DEFAZIO.

H. Res. 358: Ms. MILLENDER-MCDONALD, Mr. SANDLIN, and Mr. LANTOS.

H. Res. 361: Mr. HAMILTON, Mr. LEACH, Mr. FALEOMAVAEGA, Mr. SMITH of New Jersey, and Mr. FOX of Pennsylvania.

H. Res. 381: Mr. WATTS of Oklahoma, Mr. NETHERCUTT, and Mr. ADERHOLT.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1415: Mr. DREIER.

EXTENSIONS OF REMARKS

THE TRAGEDY OF HALABJA

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. GINGRICH. Mr. Speaker, I am pleased to submit into the CONGRESSIONAL RECORD this editorial by Dr. Christine Gosden from the Washington Post of March 11, 1998. I believe that this editorial helps put the terrible effects of chemical and biological weapons into perspective and clearly illustrates why Saddam Hussein is a mortal danger to this planet. We must never allow ourselves to forget the ghastly horrors of Halabja and Saddam Hussein's willingness to inflict the horrors of chemical and biological weapons not only on the Iranians, but on his own people.

The editorial follows:

[From the Washington Post, Mar. 11, 1998]

WHY I WENT, WHAT I SAW

(By Christine Gosden)

We have all talked so long and so reflexively about "weapons of mass destruction" that the phrase has lost much of its immediacy and meaning. It has become, like "nuclear devastation" and "chemical and biological warfare," an abstract term of governmental memos, punditry and political debate. For many it calls forth neither visual imagery nor visceral revulsion.

Two Sundays ago, the TV program "60 Minutes" got a good start on changing that when it broadcast the story of the Iraqi city of Halabja 10 years after its civilian population had been the target of a chemical attack by Saddam Hussein. That population is mainly Kurdish and had sympathized with Iran during the Iran-Iraq war. The gassing of its people was in retaliation for that sympathizing.

"60 Minutes" has given us permission to make still pictures from the film, which was originally shot, both in 1988 and 1998, by the British film maker, Gwynne Roberts. The "60 Minutes" staff also helped us to get in touch with the remarkable Dr. Christine Gosden, a British medical specialist, whose efforts to help the people of Halabja it documented. Dr. Gosden, who went out to Halabja 10 years after the bombing, agreed to write a piece for us, expanding on what she saw in Iraq. People around the world have seen the evidence of deformity and mutation following from the nuclear bombing of Hiroshima and Nagasaki. It shaped their attitude toward the use of atomic weapons. Maybe if more evidence of the unimaginable, real-life effects of chemical warfare becomes available, a comparable attitude toward these weapons will develop.

On the 16th of March 1988, an Iraqi military strike subjected Halabja, a Kurdish town of 45,000 in northern Iraq, to bombardment with the greatest attack of chemical weapons ever used against a civilian population. The chemical agent used were a "cocktail" of mustard gas (which affects skin, eyes and the membranes of the nose, throat and lungs), and the nerve agents sarin, tabun and VX. The chemicals to which the people were exposed drenched their skin and clothes, affected their respiratory tracts and eyes and contaminated their water and food.

Many people simply fell dead where they were, immediate casualties of the attack; estimates put these deaths at about 5,000. A few were given brief and immediate treatment, which involved taking them to the United States, Europe and Iran. The majority of them returned to Halabja. Since then, no medical team, either from Iraq, Europe or America or from any international agency has monitored either the short- or long-term consequences of this chemical attack. Gwynne Roberts, a film director, made the award-winning film "The Winds of Death" about the attack in 1988. I saw this film, and it had a tremendous effect on me. Gwynne revisited Halabja in 1997 and was concerned that many of the survivors seemed very ill. He could not understand why no one had tried to find out what was happening to them. He convinced me that this was something I had to do.

Why would a female professor of medical genetics want to make a trip like this? I went to learn and to help. This was the first time that a terrible mixture of chemical weapons had been used against a large civilian population. I wanted to see the nature and scale of the problems these people faced, and was concerned that in the 10 years since the attack no one, including the major aid agencies, had visited Halabja to determine exactly what the effects of these weapons had been.

My medical specialty was particularly apt. My principal field of research is directed toward trying to understand the major causes of human congenital malformations, infertility and cancers including breast, ovarian, prostate and colon cancers. I am carrying out studies on a group of about 15 genes called tumor suppressor genes, which include breast/ovarian cancer genes BRCA1 and BRCA2, colon cancer genes and the Retinoblastoma and Wilm's tumor genes associated with childhood cancers. When these genes are disrupted or mutate, they have a number of effects. Alterations lead to congenital abnormalities or pregnancy loss. Their role after birth is to try to prevent cancers from forming. Later in life, loss or mutation may lead to infertility and cancers.

I was particularly concerned about the effects on the women and children. Most of the previous reported exposures to chemical weapons and mustard gas had involved men involved in military service; chemical weapons had never been used on this scale on a civilian population before. I was worried about possible effects on congenital malformations, fertility and cancers, not just in women and children but in the whole population. I also feared that there might be other major long-term effects, such as blindness and neurological damage, for which there is no known treatment.

What I found was far worse than anything I had suspected, devastating problems occurring 10 years after the attack. These chemicals seriously affected people's eyes and respiratory and neurological systems. Many became blind. Skin disorders which involve severe scarring are frequent, and many progress to skin cancer. Working in conjunction with the doctors in the area, I compared the frequency of these conditions such as infertility, congenital malformations and cancers (including skin, head, neck, respiratory system, gastrointestinal tract, breast and childhood cancers) in those who were in Halabja at the time with an unexposed population from a city in the same region. We found the frequencies in Halabja are at least three to four times greater, even 10 years after the attack. An increasing number of children are dying each year of leukemias and lymphomas. The cancers tend to occur in much younger people in Halabja than elsewhere, and many people have aggressive tumors, so that mortality rates are high. No chemotherapy or radiotherapy is available in this region.

I found that there was also a total lack of access to pediatric surgery to repair the major heart defects, hare lip and cleft palate or other major malformations in the children. This meant that children in Halabja are dying of heart failure when children with the same heart defects could have had surgery and would probably have survived in Britain or the United States. It was agonizing for me to see beautiful children whose faces were disfigured by hare lip and cleft palate when I know that skilled and gifted surgeons correct these defects every day in North America and Europe.

The neuropsychiatric consequences are seen as human tragedy on every street, in almost every house and every ward of the hospital. People weep and are in great distress because of their severe depression, and suicidal tendencies are alarmingly evident. The surgeons often have to remove bullets from people who have failed in their suicide attempts. In collecting data from the Martyrs Hospital in Halabja, the doctors said that they are not able to see patients with psychiatric and neurological conditions because there is a lack of resources and there is no effective treatment. Many people have neurological impairment or long-term neuromuscular effects. Most people cannot afford even the cheapest treatment or drugs and so are reluctant to come to the hospital. At present, even for those with life-threatening conditions, there is no effective therapy for any of these conditions in Halabja.

On the first day of my visit to the labor and gynecological ward in the hospital, there were no women in normal labor and no one had recently delivered a normal baby. Three women had just miscarried. The staff in the labor ward told of the very large proportion of pregnancies in which there were major malformations. In addition to fetal losses and perinatal deaths, there is also a very large number of infant deaths. The frequencies of these in the Halabjan women is more than four times greater than that in the neighboring city of Soulemaneya. The findings of serious congenital malformations with genetic causes occurring in children born years after the chemical attack suggest that the effects from these chemical warfare agents are transmitted to succeeding generations.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Miscarriage, infant deaths and infertility mean that life isn't being replenished in this community, as one would expect if these weapons had no long-term effects. The people hoped that after the attack they could rebuild the families and communities that had been destroyed. The inability to do so has led to increasing despair. Their lives and hopes have been shattered. One survivor described being in a cellar with about a hundred other people, all of whom died during the attack. Not only do those who survived have to cope with memories of their relatives suddenly dying in their arms, they have to try to come to terms with their own painful diseases and those of their surviving friends and relatives.

For instance, many people have more than one major condition, including respiratory problems, eye conditions, neurological disorders, skin problems, cancers and children with congenital malformations and childhood handicaps such as mental handicap, cerebral palsy and Down's syndrome. The occurrences of genetic mutations and carcinogenesis in this population appear comparable with those who were one to two kilometers from the hypocenter of the Hiroshima and Nagasaki atomic bombs and show that the chemicals used in this attack, particularly mustard gas, have a general effect on the body similar to that of ionizing radiation.

Ten years after the attack, people are suffering a wide spectrum of effects, all of which are attributable to long-term damage to DNA. A radio broadcast was made the day before our arrival to ask people who were ill to come to the hospital to record their problems. On the first day, 700 people came; 495 of them had two or more major problems. The cases we encountered were extremely sad.

The people of Halabja need immediate help. There is a need for specialists (such as pediatric surgeons), equipment and drugs. Even more basic than this, though, is the need for heat, clean water and careful efforts to safeguard them against further attacks. We have to realize that there is very little medical or scientific knowledge about how to treat the victims of a chemical weapons attack like this effectively. We need to listen, think and evaluate with skill, since many of these people have had exposures to strange combinations of toxic gases. They have conditions that have not been seen or reported before. We may severely disadvantage a large group of vulnerable people and deny them effective diagnosis and treatment if we are intellectually arrogant and fail to admit that we have virtually no knowledge about how to treat the problems resulting from these terrible weapons, which have been used to more powerful and inhumane effect than ever before.

The pictures beamed around the world after the attack in 1988 in newspapers and on TV were horrifying. One picture was of a father who died trying to shield his twin sons from the attack. The statue in the road at the entrance to Halabja is based on that picture. This is not a traditional statue of someone standing proud and erect, captured in stone or bronze to represent man triumphant and successful, but of a man prostrate and agonized dying in the act of trying to protect his children. A deep and lasting chill went through me when I entered the town and saw the statue, and it settled like a toxic psychological cloud over me. This proved hard to dispel; it intensified as I met the people, heard their stories and saw the extent of the long-term illnesses caused by the attack. The terrible images of the people of Halabja and their situation persist and recur in my nightmares and disturb my waking thoughts. Perhaps these thoughts persist so vividly as a reminder to me that the major task is now to try and get help for these people.

SIERRA CLUB SUPPORTS THE TROPICAL FOREST PRESERVATION ACT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. HAMILTON. Mr. Speaker, I would like to bring to my colleagues' attention a letter from the Sierra Club dated March 13, 1998, in support of H.R. 2870, the Tropical Forest Conservation Act of 1998.

There is widespread and growing bipartisan support for this bill, which now has over 40 cosponsors. Members of the environmental community have also voiced their support. The Sierra Club, on behalf of its 550,000 members, praises H.R. 2870 as an "innovative solution" to tropical forest preservation.

I hope my colleagues will join me in support of this important bill when it comes before us this week.

The letter follows:

SIERRA CLUB,
Washington, DC, March 13, 1998.

Re: H.R. 2870, tropical forest debt swap bill.

Hon. Robert Portman,
Hon. John Kasich,
Hon. Lee Hamilton,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVES PORTMAN, KASICH AND HAMILTON: On behalf of the 550,000 members of the Sierra Club we are writing to support the early passage of your Tropical Forest Debt for Nature Swap legislation. As you know, primary forests are under assault in almost all countries. Tropical forests are being destroyed at the rate of 50 to 100 acres per minute, or 40 to 50 million areas per year—an area the size of the State of Washington. If we do nothing to stop this destruction, the majority of these lush forests may be irreparably damaged within our lifetimes.

While the causes of this destruction are complex, your legislation demonstrates that innovative solutions to their preservation can be found. H.R. 2870 follows in the tradition of the successful Enterprise for the Americas Act which led to the establishment of national environmental trust funds in many Latin American countries. These trust funds—managed by non-governmental organizations—have empowered local citizens to initiate hundreds of environmental protection projects throughout Latin America. Your bill will bring this creative initiative to the rest of the tropical countries. If properly funded, the trust funds should greatly facilitate the development of long-term solutions, designed to preserve the remaining primary tropical forests.

We welcome this initiative and urge its quick passage into law. Thank you for your leadership in helping to slow the destruction of these treasure houses of biological diversity.

Sincerely,

LARRY WILLIAMS,
Director, International Program.

LET STARR SHINE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. SOLOMON. Mr. Speaker, it is tragic enough that doubts abound about the integrity and motivations of many of our elected officials in the eyes of the people of this country. It is even more unjust when those doubts are planted by people we should trust. Recently, the Clinton Administration has deflected the public's attention away from the accusations against the President and toward Independent Counsel Kenneth Starr. All of the president's people are repeatedly attacking Mr. Starr and distracting him from doing his job. What makes this a tragedy is the fact that Mr. Starr is merely performing the duties legally delegated to him. Kenneth Starr is a man of impeccable integrity. He should be allowed to continue his investigation without undue interference or political attacks. In that way only, will he be able to discern the truth. I have enclosed two relevant editorials. The first was written by four outstanding former attorneys general, and was published on March 11 in the Wall Street Journal. The second article was found in The Poughkeepsie Journal, a Gannett newspaper that serves some of my constituents in Dutchess County, New York.

[From the Wall Street Journal, Mar. 11, 1998]

LET STARR DO HIS JOB

(The following statement was issued last Thursday by four former U.S. attorneys general. A related editorial appears nearby.)

As former attorneys general of the United States, we oppose the Independent Counsel Act. We believed in the past, and we believe now, that the United States Department of Justice is capable of investigating all criminal and civil matters involving the United States government. We also believe that the Independent Counsel Act raises serious constitutional issues involving, among other things, separation of powers and due process. However, we also believe in the rule of law. In *Morrison v. Olson*, the United States Supreme Court ruled that the Independent Counsel Act is constitutional. Moreover, in 1994, after the law had lapsed, Congress reauthorized the Independent Counsel Act, and President Clinton signed it into law. Therefore, the Independent Counsel Act is today the law of the land, and it must be enforced.

As former attorneys general, we are concerned that the severity of the attacks on Independent Counsel Kenneth Starr and his office by high government officials and attorneys representing their particular interests, among others, appear to have the improper purpose of influencing and impeding an ongoing criminal investigation and intimidating possible jurors, witnesses and even investigators. We believe it is significant that Mr. Starr's investigative mandate has been sanctioned by the Attorney General of the United States and the Special Division of the United States Court of Appeals for the District of Columbia.

Further, Mr. Starr is effectively prevented from defending himself and his staff because of the legal requirements of confidentiality and the practical limitations necessitated by the ongoing investigations.

As former attorneys general, we know Mr. Starr to be an individual of the highest personal and professional integrity. As a judge on the United States Court of Appeals for the District of Columbia and Solicitor General of the United States, he exhibited exemplary judgment and commitment to the highest ethical standards and the rule of law.

We believe any independent counsel, including Mr. Starr, should be allowed to carry out his or her duties without harassment by government officials and members of the bar. The counsel's service can then be judged, by those who wish to do so, when the results of the investigation and the facts underlying it can be made public.

Griffin B. Bell,
Attorney General for President Jimmy Carter.
Edwin Meese III,
Attorney General for President Ronald Reagan.
Richard L. Thornburgh,
Attorney General for Presidents Ronald Reagan and George Bush.
William P. Barr,
Attorney General for President George Bush.

[From the Poughkeepsie Journal, Feb. 28, 1998]

LET STARR DO HIS JOB

Spin doctors in Washington have apparently performed successful surgery on President Clinton's reputation—his approval ratings are soaring with the angels. But Special Prosecutor Kenneth Starr's numbers are down in the cellar.

The steady beat of the president's people, all saying the same thing, has had the obviously desired effect—it's distracted the attention of the American public away from questions of Clintonian wrongdoing, and onto a special prosecutor supposedly running amuck.

Clinton's people loudly proclaim Starr really is overstepping his bounds in his investigations of the president. If he really were, there would be grounds for dismissal by the judges who appointed Starr. Or Attorney General Janet Reno, or the president himself could.

But nobody's moving to dismiss the special prosecutor. They're just making lots of noise on television about him.

Fortunately, the one person whose attention should be on questions of presidential wrongdoing, is. Starr is simply doing his job.

The major issue is not whether Clinton had affairs with Monica Lewinsky, Paula Jones or anyone else—though that certainly is a significant moral matter that he may be forced to address, if the allegations turn out to be true.

The major issue is whether the president obstructed justice. Whether he committed perjury and urged others to do the same. And whether evidence was tampered with, and witnesses bought off. That is a significant legal issue that could drive him out of the White House.

We must, of course, presume Clinton is innocent, unless he is proven guilty. He deserves that constitutional privilege as much as any American.

It's also wrong, lacking proof, to paint Kenneth Starr as the guilty party. He's just doing his job. Maybe his investigation will come to nothing. Maybe not. But let him take as much time as he needs to do that job and discern the truth.

The nation deserves truth. Not spin.

SALUTING THE ORGANIZERS OF THE THYAGARAJA FESTIVAL

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. STOKES. Mr. Speaker, it gives me great pleasure to recognize the dedicated work of an extraordinary group of citizens in my Congressional District. For the past twenty years, the Music Department at Cleveland State University and other volunteers under the direction of Dr. T. Temple Tuttle, have organized and hosted the Thyagaraja Festival. This festival has brought musicians from Asia, Africa, Europe, and Australia to perform in the City of Cleveland and have their traditional art forms, cultures, and values celebrated and honored by political and educational leaders. The event also offers attendees the opportunity to experience an array of truly exceptional cultural performances. Audiences have come from as far as Alaska to enjoy these festivities.

In its 21st year, over one hundred volunteers assisted with food preparation and arrangements for the festival. The festival will highlight the Chief Guest, Sri Mukherjee, and the great vocalist, T.N. Seshagopalan will be honored as "Sangeetha Rathnakara," a high honorific meaning "Jewel of a Performer." In addition to the scheduled performers, who will come from India this year, 70 to 100 amateur performers are expected, and a crowd of over two thousand.

Mr. Speaker, the Thyagaraja Festival stands as a recognized commitment to international unity and an appreciation for the beauty of cultural diversity and artistic expression. Again, I salute the organizers of the 1998 Thyagaraja Festival for creating an opportunity for the City of Cleveland and our great nation to participate in an event whose ultimate objective is to increase multi-cultural awareness and acceptance, and secure global peace.

TRIBUTE TO WOMEN IN BUSINESS

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. DAVIS of Illinois. Mr. Speaker, as we celebrate Women's History Month, I rise today to pay tribute to women in business and to express pride in the fact that the women of Chicago and Cook County have benefited from the successful programs of the Women's Business Development Center.

Based in Chicago, the Women's Business Development Center serves 2,000 women annually with counseling, training, financial assistance, certification, procurement and advocacy on behalf of women's economic empowerment. The programs of the Chicago-based center are effective, successful and benefit diverse women. These centers service an array of women and their families, including self-employment for former welfare recipients, business development, expansion and job creation.

The work of the Women's Business Development Center and other women's business assistance centers are essential to strengthening the economy of this Nation by fostering women's business development nationally.

The WBDC and women's business assistance centers are funded by the United States SBA office of Women's Business Ownership and by private and public sector support. They help support a diverse and growing population of new and emerging job-creating women entrepreneurs, including women in transition off welfare.

These centers are unique in that they provide long-term training, involve public and private partnerships for their support, and can be measured on the basis of their economic impact. These centers have served tens of thousands of women.

The women's business assistance centers serve our constituencies by offering quality programs to effectively leverage scarce public and private resources into successful job creation, new business start-ups, and business expansion. Most of them, even after they are no longer eligible for Federal funding, continue to be sustained by the private sector.

These centers are committed to economic self-sufficiency programs that are as diverse as the women served; women of color, women on public assistance, women seeking self-employment, rural and urban women, and women starting home-based businesses. Therefore, it is appropriate that we pause to recognize the great work of the Women's Business Development Center and women's business assistance centers throughout the country.

I take special note of the work of Hedy Ratner and Carol Dougal of the Women's Business Development Center, Counselo Pope of the Cosmopolitan Chamber of Commerce, Connie Evans, Director of the Women's Self-Employment Project, Karen Yarbrough, proprietor of Hathaway Insurance, Deborah M. Sawyer, founder Environmental Design International and other outstanding women in the City of Chicago and the state of Illinois, who provide immeasurable help and support to other women seeking to go into business.

HONORING ALEXANDRIA HIGH SCHOOL FOOTBALL TEAM ON WINNING THE 4A STATE CHAMPIONSHIP

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. RILEY. Mr. Speaker, Paul "Bear" Bryant, the legendary football coach at the University of Alabama, used a now famous quote to inspire his football team. "If you believe in yourself and have dedication and pride—and never quit, you'll be a winner. The price of victory is high but so are the rewards." Well, the Alexandria High School Football Team of Alexandria, Alabama took Coach Bryant's words to heart as they worked, practiced, and sacrificed throughout their season to be the best that they could be. It was this dedication and desire that enabled the Alexandria High School Football team to win the 4A State Championship on December 12, 1997.

While their victory deserves to be recognized, what is more impressive is that this victory marked their second state football title in three years. In addition, this team ended their season with an impressive 13–1 record.

Over the course of the season, Mr. Speaker, the 51 players of this team bonded into a well-knit family, creating a strong following not only within the high school itself, but also throughout the small town of Alexandria. In fact, this team was such an inspiration to the community that well wishers converged on the stadium as early as 3:00 p.m. (nearly four hours before the kickoff) just to find seats. Such loyal fans are normally found only on college campuses, and I believe that through such a strong following, the players and coaches were all that more determined to bring home the title.

Mr. Speaker, I would ask that my colleagues join me in thanking the parents, teachers, students and others who have followed this team and offered their support for this squad throughout the entire season. Specifically, I would like to congratulate Head Coach Larry Ginn and the assistant coaches for a job well done.

I commend them all on the spirit, pride, and hard work they have shown to their community, and I wish them the very best of luck in seasons to come.

THE "AIRPORT SAFETY ACT"

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. TRAFICANT. Mr. Speaker, last week I introduced legislation, H.R. 3463, to require U.S. airports to install enhanced vision technologies to replace or enhance conventional landing light systems over the next ten years. The "Airport Safety Act" will more than pay for itself because of the cost effectiveness of enhanced vision technologies and the reduction in airplane landing accidents and aborted landings. I urge all members to support this important legislation.

H.R. 3463 defines enhanced vision technologies as laser guidance, ultraviolet guidance, and cold cathode technologies. The bill directs the U.S. Department of Transportation to issue regulations requiring airports to install these technologies to replace or enhance conventional landing light systems within ten years of enactment of the legislation. In addition, H.R. 3463 makes the installation of enhanced vision technologies eligible for funding under the airport improvement program.

This bill will make use of a proven new technology to dramatically enhance aviation safety. According to the Flight Safety Foundation, loss of flight crew situational awareness is the primary cause of most airplane accidents. Situational awareness is best defined as an accurate perception of the factors and conditions affecting the safe operation of an aircraft.

Enhanced vision technologies represent a dramatic breakthrough in improving flight crew situational awareness during airplane landings—especially in low visibility situations. The U.S. military has already thoroughly deployed and tested these technologies—with excellent results. Laser guidance systems provide pilots with a visual navigation flight path from as far as 20 miles from the runway, with the precision of an advanced instrument landing system. Best of all, the installation of enhanced vision technologies to replace or enhance conventional landing light systems will require no additional aircraft equipment.

In addition to dramatically improving the ability of commercial pilots to land aircraft during night time, fog and other foul weather conditions, these technologies also will dramatically reduce the likelihood of traffic collisions at airports with parallel runways.

Enhanced vision technologies provide the U.S. aviation system with an unlimited amount of applications. They can be built and installed at high or low density airports, airports located in mountainous terrain, unprepared and unlit airports, vertical landing zones, confined areas such as hospitals, law enforcement agencies, oil rig platforms and remote islands.

Perhaps the most dramatic aspect of enhanced vision technologies are their ability to penetrate most weather conditions—including dense fog. For example, ultraviolet electro-optical guidance systems (UVEOGS) are specifically designed to penetrate dense fog. In tests structured by the Federal Aviation Administration and the U.S. Air Force, UVEOGS were visible up to a half a mile under 700 feet visibility conditions. These tests indicated that when visibility conditions are 700 feet, an aircraft pilot can detect a UVEOGS cue on the heads-up display and transfer to actual visual approach guidance at a distance of at least 2,400 feet from the runway. UVEOGS technology will allow pilots to acquire runway visibility much earlier than with conventional systems—even under adverse weather conditions. This, in turn, will provide pilots with additional reaction time during landing approaches to make flight path corrections.

UVEOGS is also compatible with the enhance ground proximity warning system (EGPWS). The actual location and image of a runway, anchored to earth, can be displayed in concert with the EGPWS ground contour display. The combination of UVEOGS and EGPWS would mark a significant advance in preventing controlled flight into terrain accidents.

Cold cathode technology produces a more uniform light output than a typical incandescent light. As a result, cold cathode lights leave no after image on the retina, even after looking directly into the light. This is important in aviation applications, especially helicopter operations, because cold cathode lights allow a pilot to see around the light, not just the light itself, thereby increasing the pilot's situational awareness and spatial orientation.

One final note about enhanced vision technologies. Yes, there will be a cost to airports associated with replacing or enhancing conventional landing light system with enhanced vision technologies. However, because enhanced vision technologies generally use less electricity than conventional lighting landing light systems, and are less expensive to maintain, in the long run they will pay for themselves. In addition, the "Airport Safety Act" gives airports ten years to install this technology. Finally, the bill allows airports to use AIP money to finance the installation of the new technology.

There exist today technologies to reduce the threat to aviation safety posed by adverse weather. Enhanced vision technologies have been tested by the U.S. military. They work, and they work well. The time has come for Congress to step up to the plate and require that this proven safety-enhancing technology be installed at all U.S. airports. If Congress is truly concerned about aviation safety, it will pass H.R. 3463.

THE FACULTY RETIREMENT INCENTIVE ACT

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. FAWELL. Mr. Speaker, I am pleased to today join with my colleagues Messrs. GOODLING, MCKEON, ANDREWS, ROEMER, and PETRI in introducing the Faculty Retirement Incentive Act. This bill would amend the Age Discrimination in Employment Act of 1967 (ADEA) to clarify that it is permissible for colleges and universities to offer voluntary early retirement incentives to tenured faculty that are in part age-based.

I support the principles of the ADEA and note that the Act has already recognized the unique nature of faculty tenure. In 1986, when Congress amended the ADEA to abolish the mandatory retirement age, it included a seven year exemption for tenured faculty. On December 31, 1993, that exemption was allowed to expire as recommended by a congressionally mandated study, by the National Academy of Sciences, on the impact of an uncapped retirement age on higher education. The Academy's report, however, concluded that diminished faculty turnover—particularly at research universities—could increase costs and limit institutional flexibility in responding to changing academic needs, particularly with regard to necessary hires in new and expanding fields and discipline. It thus predicated its recommendation for ending mandatory retirement on the enactment of several proposals to mitigate these negative effects. The legislation I am introducing today is one of those proposals.

Moreover, this past January, the bipartisan National Commission on the Cost of Higher Education included this legislative initiative in its recommendations to check the skyrocketing cost of a college education. The Commission recommended that "Congress enact a clarification to the Age Discrimination in Employment Act to ensure that institutions offering defined contribution retirement programs are able to offer early retirement incentives to tenured faculty members. The Commission endorses pending Senate Bill 153, which would accomplish this purpose." This legislation which I am introducing today is similar to S. 153, introduced by Senators MOYNIHAN and ASHCROFT.

However, unlike the Senate version, this bill does not permit an early retirement incentive open exclusively to faculty in a given age range. Under this legislation, a college or university must allow all faculty who qualify for a retirement incentive at the time a plan is established, but for their having attained too advanced an age, at least 6 months to elect to retire and receive that incentive. Thus, no professor is denied eligibility for any retirement incentive on the basis of age.

This legislation has been endorsed by the union that represents university faculty, the American Association of University Professors (AAUP). According to the AAUP, voluntary early retirement incentives are beneficial for both the faculty members who choose to retire and the institutions that need to encourage turnover to make necessary hires. Further, the voluntary nature of the proposed incentives and the double protections available to tenured faculty—the age discrimination laws and the tenure system—insure that this "safe harbor" cannot be used to penalize faculty members who choose not to retire. The AAUP wrote in a January 30, 1998 letter that it supports the legislation because "the retirement incentives under discussion are offered on a voluntary basis . . . [and] the legislation would permit an offer of additional benefits. It would not permit institutions to reduce or eliminate retirement benefits that would otherwise have been available to faculty after a certain age."

The purposes of voluntary early retirement incentives permitted by this bill are precisely in line with the intent of section 4(f)(2)(B)(ii) of the Older Worker's Benefit Protection Act (OWBPA). That amendment to the ADEA states that it is not unlawful for an employer "to observe the terms of a bona fide employee benefit plan . . . that is a voluntary retirement incentive plan consistent with the relevant purpose or purposes of this Act." These incentives are consistent with the purposes of the ADEA because they merely subsidize or enhance the faculty member's regular retirement income, so that the income does not fall so far short of the retirement income that would be available upon retirement at a later age.

OWBPA explicitly allows for certain age-based early retirement subsidies in the case of defined benefit plans, but makes no reference to defined contribution plans. Of the over 3,400 colleges and universities in this country, over 70 percent offer defined contribution plans, which are very popular with the faculty. Both the professors and the institutions want the flexibility that this legislation insures.

This legislation has been endorsed by the American Association of University Professors, the American Council on Education, the American Association of Community Colleges, the American Association of Colleges for Teacher Education, the American Association of State Colleges and Universities, the Association of American Universities, the Association of Catholic Colleges and Universities, the Association of Community College Trustees, the Association of Jesuit Colleges and Universities, the College and University Personnel Association, the Council of Independent Colleges, the National Association of Independent Colleges and Universities, the National Association of State Universities and Land-Grant Colleges, and the National Association of Student Personnel Administrators.

I expect that this provision, along with several other recommendations of the Cost Commission, will be incorporated into H.R. 6, the "Higher Education Amendments of 1998," which will be marked up shortly by the Education and Workforce Committee. Thus, this legislation will contribute to containing the costs of higher education, as well as, in the words of the AAUP, "provide greater flexibility in faculty retirement planning, offer a substantial retirement benefit to those professors who choose to retire under the terms of an incentive plan, and leave other professors whole in their choice to continue their careers."

WORKING TOWARD A COMMON U.S.-EUROPEAN UNION POSITION ON PROLIFERATION ISSUES—THE VIEWS OF UK FOREIGN SECRETARY ROBIN COOK

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. HAMILTON. Mr. Speaker, I had the pleasure to meet with UK Foreign Secretary Robin Cook during his visit to Washington in January, 1998, on the occasion of the UK Presidency of the European Union during the first half of 1998. On March 10, 1998 the British Ambassador sent me the text of a February 20, 1998 letter from Robin Cook, in reply to my short note of January 22nd.

Robin Cook's letter outlines the work of the United States and the European Union toward a common position on proliferation issues, especially with respect to Iran. I commend his letter to you, and the text of our correspondence follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC, January 22, 1998.

His Excellency Robin Cook,
Foreign Secretary, The Foreign and Commonwealth Office, London SW1A 2AH, the United Kingdom

DEAR ROBIN: It was a pleasure to meet you last Thursday, January 15, 1998 at your Embassy here in Washington. I enjoyed the opportunity to talk with you, and I benefitted from your comments.

I commend you for your close attention to the recent developments in Iran and Iraq. Continued close contact between the European Union and the United States on these and other issues will allow us to work constructively both to advance our shared interests and to resolve our differences. Your initiative to try to work on a common position toward proliferation issues involving Iran is particularly useful. I hope we can narrow our gap.

Thanks again for being so generous with your time. I wish you and your Government success during your EU Presidency period. I hope you will stay in touch on all matters of mutual interest.

With best regards,
Sincerely,

LEE H. HAMILTON,
Ranking Democratic Member.

FOREIGN & COMMONWEALTH OFFICE,
London SW1A 2AH, February 20, 1998.

DEAR LEE, thank you very much for your letter of 22 January about the need to try to work towards a common European Union/United States position on proliferation issues. I too enjoyed our meeting in Washington.

The gap between the European Union and the United States on proliferation issues is, I believe, much smaller than many people in Congress think. The level of EU/US co-operation over Iran in particular is already very high. As you know, all members of the EU are active members of all the non-proliferation export control regimes: the Missile Technology Control Regime, the Nuclear Suppliers Group, the Zangger Committee, the Australia Group and the Wassenaar Arrangement. As such they apply stringent controls on the export of all dual use goods and missile technology to Iran. In addition to its regular expert level exchanges with the US over proliferation issues, the EU frequently concerts with the US in the margins of the plenary meetings of these regimes to maximise co-operation.

The real problem with transfer of weapons of mass destruction and ballistic missile technology to Iran does not, as the US State Department's own experts acknowledge, originate in the EU, but with third countries. The EU, working with the US, has been particularly active in applying political pressure on Russia, for example, to stop the leakage of ballistic missile technology to Iran. Tony Blair and other European leaders have raised their concern about this problem directly with President Yeltsin. At the EU/Russia Co-operation Council meeting on 26 January, I raised, on behalf of the EU, this question with Yevgeny Primakov. I encouraged him to ensure effective and rigorous implementation of the recent Russian executive order blocking the leaking of weapons of mass destruction technologies. Our Political Director, in his Presidency capacity, followed up a week later at a meeting of senior EU and Russian officials.

This joint pressure is beginning to have an effect. It is a good example of the way in which transatlantic co-operation over shared areas of real concern about Iran is beginning to bite. EU and US officials are working closely to find other ways of developing transatlantic co-operation over proliferation issues. A meeting of EU/US proliferation experts on 10 February identified a number of other ways in which co-operation might be enhanced. Future meetings of experts as well as senior officials will follow in the coming weeks.

When I was in Washington, I stressed my determination to use our Presidency of the European Union to work for greater convergence of EU/US policy towards Iran in our shared areas of real concern, Iran's attempts to acquire weapons of mass destruction and its support for terrorism. However, I also made clear that the EU did not believe in the economic and political isolation of Iran and opposed US extra-territorial legislation like the Iran Libya Sanctions Act (ILSA), which penalises EU companies engaged in legitimate commercial activity in Iran. We do not believe that economic sanctions against Iran will have a significant impact upon Iran's attempts to acquire weapons of mass destruction. The best way to hinder these is through effective export controls and joint political action with suppliers of technology, areas in which the EU is already extremely active. My concern is that ILSA acts as a major impediment to our joint efforts to enhance transatlantic co-operation in our shared areas of real concern. In the end, countries such as Iran benefit from our differences. I know this was not the intention of the authors of the Act. I hope you will work with your colleagues to try to find a way through these difficulties, so that we will find it easier to achieve our common goal, preventing Iran acquiring weapons of mass destruction.

Our Embassy in Washington would be happy to brief you and your colleagues in more detail on the non-proliferation and counter-terrorism measures the EU takes against Iran.

Yours Sincerely,

ROBIN COOK.

IN HONOR OF CHARLES R. JACKSON

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. SOLOMON. Mr. Speaker, I rise today to note for my colleagues the retirement of the President of the Non Commissioned Officers Association of the USA, Force Master Chief Petty Officer Charles R. Jackson US Navy, Retired. On March 30, he will end more than 45 years of public service which began in the Ohio National Guard, included more than 25 years in the United States Navy and culminated in nearly 19 years of service to the military and veterans community as a representative of the Non Commissioned Officers Association.

Chuck's Navy career began with his enlistment in 1955 and his assignment and training as an Aviation Photographers Mate. Rather than setting into a career in technical skills, Chuck continually sought leadership roles. His talents were recognized and rewarded first with an assignment as the head of the photo section in which he served and later through progressively more responsible roles, including Navy Career Counselor. During his long and distinguished Navy years, he served as an independent duty recruiter, Chief Master at Arms and Command Master Chief for two aircraft carriers, as well as Area and Zone Supervisor for recruiting in Florida and offshore in the Caribbean. Ultimately, he was appointed as Force Master Chief for Navy Recruiting Command, the senior enlisted recruiter in the US Navy and one of a handful of Force Master Chief Petty Officers.

Chuck's Navy service carried him from the United States to the Mediterranean, to South Africa and Vietnam, the South Pacific and the Far East, indeed, all around the world. His service was rewarded with, among other awards, the Meritorious Service Medal, the Navy Commendation Medal, the Navy Achievement Medal, the Vietnam Service Medal, the Force Master Chief Petty Officer and Navy Recruiting Command Badges.

Upon leaving the Navy in 1979, Chuck joined the staff of the Non Commissioned Officers Association. Fourteen months later, he accomplished his first major goal when the Administrator of Veterans Affairs granted NCOA recognition as an Accredited National Service Organization. Chuck recruited and trained the first NCOA national service officers and expanded the force to more than 300 accredited service officers nationally.

Soon thereafter, he was elected to the Board of Directors, where he served first as Secretary, and then as Chairman of the Board of Directors, Executive Vice President and President of the Association.

In 1984, he became the head of NCOA's Washington Office. During his tenure in this position, the association received its Federal Charter from Congress as a Veterans Organization. The association also accomplished many longtime legislative goals, including parity in special pays and survivor benefits for members of the armed forces, separation pay for enlisted members, Permanent enactment of the Montgomery G.I. Bill, improved VA housing benefits, and special VA benefits for reservists.

After becoming president of the association, Chuck set about modernizing NCOA and protecting its future. He upgraded equipment throughout NCOA offices here and abroad. He created new business practices for the association, modernized our partnership relations and created many new opportunities for the association and its members. Among the most notable are the products and service discounts awarded to NCOA members from Federal Express, MNBA Bankcard, AT&T, and many others.

Chuck was also instrumental in launching the NCOA National Defense Foundation, which has donated more than $5 million in cash and services to the Department of Veterans Affairs since 1990.

Chuck Jackson has brought a new strength and credibility to the Non Commissioned Officers Association. His service is appreciated and will be missed. Please join me in wishing him a long and pleasurable retirement with his wife Sylvia, daughters, Debbie and Dianne, and their grandchildren.

TRIBUTE TO THE VFW POST 8832 LADIES AUXILIARY IN ROUNDHEAD, OHIO

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. OXLEY. Mr. Speaker, I commend to the attention of all those present before the House of Representatives and hope that other civic groups will follow in the footsteps of the VFW Post 8832 Ladies Auxiliary in Roundhead, Ohio as they celebrate their 50th Anniversary. A copy of my congratulatory letter to them is included for the CONGRESSIONAL RECORD.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 16, 1998.

MS. SHIRLEY KRAMER,
VFW Post 8832 Roundhead
Lakeview, OH.

DEAR FRIENDS: I just learned that you will be celebrating your 50th anniversary this month. Please allow me to add my name to the list of well-wishers on this great occasion.

This is quite a milestone and one that you all can certainly be proud of achieving. This achievement validates all your hard work and dedication. The community owes a debt of gratitude for all that you have contributed to it every since your beginnings in 1948. I commend all your many worthwhile programs which benefit our hospitals, youth, veterans, and families. I look forward to 5 more exciting years from VFW Post 8832 Ladies Auxiliary, Roundhead.

Once again, congratulations on your anniversary and please keep up the great work.

Sincerely,

MICHAEL G. OXLEY, M.C.
Fourth Ohio District.

FANNIE MAE—TRILLION DOLLAR COMMITMENT

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. SABO. Mr. Speaker, this week, Fannie Mae celebrates the fourth anniversary of its Trillion Dollar Commitment. I rise before you today to congratulate Fannie Mae CEO Jim Johnson and all of Fannie Mae's employees and local partners on the tremendous impact they have had on expanding home ownership opportunities in Minnesota and the nation.

Since March 1994, Fannie Mae has helped 5.6 million families through this targeted effort. Sixty-eight percent of Fannie Mae's business served families most in need—minorities, new immigrants, residents of central cities and underserved areas, first-time home buyers and people with special housing needs.

I have seen firsthand the impact of this commitment in Minneapolis and the Twin Cities metropolitan area. Fannie Mae's Minnesota Partnership Office piloted a highly successful low downpayment mortgage, known as the "Minnesota Flex," which is now offered in many communities nationwide. This mortgage product helps first-time homebuyers overcome one of the major obstacles to homeownership—saving for a downpayment. Last year, Fannie Maie also launched a rehab effort in Northeast Minneapolis, which is helping to revitalize that community.

Nationally, Fannie Mae is transforming the housing finance system by removing barriers to homeownership and increasing the supply of affordable housing. In short, Fannie Mae's commitment is making a tangible impact on communities and improving the quality of life for homebuyers as well as renters.

I commend Fannie Mae and its local partners on a job well done and wish them further success in expanding home ownership and affordable housing opportunities in the coming years. I would also like to read the attached letter from the Mayor of Minneapolis in support of Fannie Mae's efforts.

OFFICE OF THE MAYOR,
Minneapolis, MN, March 4, 1998.

MR. JAMES A. JOHNSON,
Chairman, Fannie Mae,
Washington, DC.

DEAR JIM: I want to extend my sincere congratulations to you and all of Fannie Mae on your upcoming fourth anniversary of the Trillion Dollar Commitment. It has been delightful to partner with Fannie Mae as you strive to reach your goal of serving the housing needs of underserved populations.

The City of Minneapolis has benefited from Fannie Mae's commitment in many ways. The work of the Partnership Office in finding creative solutions for our community's needs has been a critical component for our housing programs.

The new townhouse River Station development project would not have moved forward without Fannie Mae's American Communities Fund. Homeownership opportunities will be available for 360 families in Minneapolis' riverfront area.

The Section 8 homeownership demonstration project secured HUD approval once Fannie Mae committed $4 million as an underwriting experiment to fund the mortgages.

Northeast Minneapolis received special funding under your innovative HomeStyle rehab initiative. The entire City is benefiting from your outreach efforts through HomeStyle.

By credit enhancing and purchasing our mortgage revenue bonds, first-time homebuyers achieved lower interest rates.

Your new Neighborhood Partners initiative in the Phillips, Powderhorn, and Central neighborhoods will be a huge boost to revitalizing these underserved areas.

I look forward to continuing our partnership as we explore ways to help even more Minneapolis residents achieve homeownership and affordable housing.

Sincerely,

SHARON SAYLES BELTON,
Mayor, City of Minneapolis.

IN HONOR OF HERIBERTO CRUZ

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Ms. VELÁZQUEZ. Mr. Speaker, I rise today to pay tribute to one of Puerto Rico's greatest athletes and role models, Heriberto Cruz. Mr. Cruz is a shining example of someone who has developed his talents to the fullest and has given back to the community tenfold. We can all be inspired by his example.

Mr. Cruz, now living in Brooklyn, New York, was born in Puerto Rico. Starting at a young age, he excelled in track and field events and quickly became a star. As a student at the University of Puerto Rico, he was the only athlete in the history of intercollegiate games in Puerto Rico to win the Best Athlete award 4 years in a row. Also, while at school, he participated and excelled at a number of international competitions, such as the Central American Games, the Pan American Games, and even the 1964 Olympics in Tokyo. Mr. Cruz received recognition for his many accomplishments when he was inducted into the Puerto Rican Sports Hall of Fame in 1991.

Mr. Cruz's success off the track matches his success on the track. Since retiring from the sport, Mr. Cruz has become a teacher and a marvellous example for the youth of Brooklyn, applying the same lessons he learned on the track to everyday life. His example teaches kids always to strive, to work hard and play fair to succeed in life.

I urge my colleagues to recognize Mr. Cruz's excellence both on and off the field and join me in paying tribute to this excellent athlete and role model.

HONORING PASTOR AND MRS. EDDIE McDONALD, SR.

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. KILDEE. Mr. Speaker, it is truly an honor to rise before you today to recognize the lifetime achievements of Pastor Eddie A. McDonald, Sr. and his wife, Mary, as they celebrate their 30th anniversary at Friendship Missionary Baptist Church in Pontiac, Michigan. On Saturday, March 14, members of the Friendship family and the Pontiac community will honor Pastor and Mrs. McDonald for their service to our Lord.

The McDonald's joined the family of Friendship Missionary Baptist Church on March 28, 1968. They have been instrumental in the expansion of the congregation and the mission of the church. For 30 years, Reverend and Mrs. McDonald have provided sound leadership and spiritual guidance not only to their congregation, but to anyone in need.

Five years ago, I stood before my colleagues, as I do today, speaking of the valuable resource the citizens of Pontiac have in Pastor and Mrs. McDonald. The missions they have undertaken and the vision they possess have enabled them to forge relationships with many diverse groups.

The McDonald's influence extends throughout the community. They are affiliated with a number of professional and charitable organizations including the Pontiac Ecumenical Ministry, Pontiac Citizen's Coalition, Lighthouse and the Pontiac Youth Assistance Program. Pastor McDonald has also served as president of the Oakland County Ministerial Fellowship. Not limiting their good deeds to the State of Michigan, the McDonald's have been instrumental in food and clothing drives benefitting needy individuals throughout the country.

Mr. Speaker, once again I am very proud to acknowledge and commend the efforts of my constituents and dear friends, Pastor and Mrs. Eddie A. McDonald Sr. They are an inspiration to us all and I am proud to represent them in the Congress.

THE 42D ANNIVERSARY OF TUNISIAN INDEPENDENCE

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. RAHALL. Mr. Speaker, I rise to acknowledge the anniversary of the 42nd year of Independence for the Republic of Tunisia, to be celebrated on March 20, 1998.

Legend has it that more than 200 years ago, Tunis, as token of esteem and friendship, sent one of its finest stallions to U.S. President George Washington. Unfortunately, customs officials in the nascent republic denied entry to the horse, which spent its remaining days in the Port of Baltimore.

After this somewhat rocky start, I am pleased to note that U.S.-Tunisian relations have improved considerably. Tunisia is about to celebrate its 42nd anniversary of the establishment of the Republic of Tunisia as an independent country, a time during which Tunisia has enjoyed a strong and healthy relationship with the United States.

I congratulate Tunisia for its many accomplishments, not the least of which is to have established a more democratic system of government, making every effort to broaden political debate, including passage of an electoral law that reserved 19 seats of the National assembly for members of opposition political parties.

Tunisia has a very impressive economic record, having turned to economic programs designed to privatize state owned companies and to reform the banking and financial sectors over the last decade.

As a result Tunisia's economy has grown at an average rate of 4.65 percent just in the last three years, and its economic success has had a beneficial impact on Tunisia's international standing. Tunisia is one of the few countries to graduate successfully from development assistance and to join the developed world.

Tunisia has also become a moderating force in the Middle East peace process, taking an active role within the international community in fighting terrorism.

This may not seem so important until you consider that Tunisia's only two neighbors are Algeria which has been racked by civil strife for several years, and Libya, whose dictator has supported the most nefarious and subversive kinds of terrorism.

Tunisia may not live in a good, friendly neighborhood, but they are good neighbors to the United States, maintaining internal stability in the face of external chaos.

With increasing strong ties between us, the American people congratulate the people of Tunisia on this historic occasion, and I encourage my colleagues to do the same.

A TRIBUTE TO DOROTHY KOHLARS

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today the remarkable and memorable life of Dorothy Kohlars, perhaps the oldest living veteran alive today at the young age of 102½ years. Dorothy, a resident of the Veterans Home of California in Barstow, was recently inducted into the Mojave Desert Chapter of the Retired Officers Association.

Dorothy Kohlars was born on August 22, 1895 in Hanover, Massachusetts. She joined the Army Nurse Corps in 1918 and enlisted for a second time in 1920 serving for approximately 3½ years all together. As an Army nurse in World War I, Dorothy was one of about 200 nurses working at an allied forces hospital in France during the Meuse-Argonne Offensive in 1918. She worked as a bandage nurse and spent much of her time applying dressings to wounded soldiers. At that point in time, nurses were not commissioned and did not have a military rank. Barbara Churchill, who served as a Navy nurse in World War II, said that Dorothy Kohlars paved the way for nurses. "There was a dire need for nurses back then and women like Dorothy filled that need," Churchill said.

The Retired Officers Association is a national group of retired military commissioned and warrant officers. Saul Rosenthal, TROA's liaison, said his organization read about Kohlars in the local newspaper and its membership felt it appropriate to name her as an honorary member. "I think it's wonderful for them to think of me this way," Kohlars said. "That was another time. It seems so long ago."

Dorothy was married in 1932 and worked as a nurse until 1943. Today, she enjoys visiting with friends, and listening to music, talking books, and to the news on Braille talking records.

Mr. Speaker, please join me and our colleagues in recognizing the incredible lifetime contributions and achievements of this remarkable woman. Dorothy Kohlars is a living national treasure and it is only fitting that the House of Representatives pay tribute to her today.

TRIBUTE TO THE CHRISTIAN CARING CENTER

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. SAXTON. Mr. Speaker, it is a privilege for me to recognize and honor the Christian Caring Center-Pemberton, Inc. for their 15 years of service to the community.

At its inception, emergency food and clothing were distributed from a 20 x 40 foot building one day per week. Remaining there for nine years, 40 to 50 families per day were served with life's necessities.

Today, in a larger facility, nine programs are administered by the caring employees and volunteers. These include emergency food and clothing, thrift store, information and referrals to social service agencies and churches, community lunch/rural homeless program, Bible hour worship services and job training among others.

The families who have been assisted by the dedicated volunteers of this worthy organization are too numerous to be counted.

On April 19, 1998, these volunteers will be honored with a celebration dinner. It is these devoted individuals, especially, to whom I pay tribute. Their caring and commitment to those in need is worthy of the highest praise and honor.

They have the gratitude of the community for their efforts in behalf of the less fortunate.

HONORING THE EAST SUBURBAN YMCA CAMPAIGN

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. KLINK. Mr. Speaker, I rise today in recognition of the East Suburban YMCA of Pittsburgh and the contributions of the men and women who helped to expand this wonderful community institution. On March 22, 1998, they will be holding their Grand Re-Opening Celebration. The East Suburban YMCA has always provided opportunities for people to grow in mind, body and spirit and thanks to their most recent campaign, will continue to serve the community for many years to come.

The initial planning for the East Suburban YMCA was done in 1962 and it has remained a presence in the area for over 30 years. The YMCA strives to develop character and leadership through its programs and applies Christian values and principles to all relationships. The East Suburban YMCA serves men, women, boys and girls in the area through a wide variety of programs and facilities. Thanks to the efforts of numerous volunteers and supporters, the YMCA has touched the lives of many people in the community.

I would like to especially salute the group of dedicated individuals who made the East Suburban YMCA Campaign and the upcoming Grand Re-Opening possible. Allow me to first thank the Chairs of the Campaign, A. Richard Kacin and Myles D. Sampson. Their leadership meant so much to the effort. There were also many campaign workers and local donors that I would like to applaud: Claudia Abbondanti, John Beale, Gus Bondi, Lynne Bryan, Jim Cimino, Tim DeBiasse, David Dubois, Eddie Edwards, Julius Jones, Alvin Kacin, Ann Klingler, Bud Kuhn, Carol Morris, Eric Lytle, Anthony M. Brusca Jr., State Representative Joseph F. Markosek, Mike McIntyre, Carolyn S. Mento, Mary Anne Norbeck, Margaret Osbourne, Pete Raspanti, Ben Sampson, David Vick, Charles Turner, David Yunov, and the late Jack Cummings. In addition to these fine examples of devoted and committed citizens, I would like to recognize the East Suburban YMCA Board of Management for their strong support of the campaign. The board members are Barbara Agostine, Kathleen Ballina, Dennis D. Dansak, Paul Dern, James End, Clyde Gallagher, Jeff Herbst, Chuck Leyh, Cheryl Lydiard, Gary Miller, Tony Naret, Lynn Papso, Jeffrey Russo, Joe Sciullo, Steve Sebastian, Carol Siefken, Dan Taucher, and Annette Testa-Young. Additionally, I would like to recognize the YMCA staff, Paul Gelles, James Kapsalis, James Rumbaugh, Bud and Jo Sickler, State Representative Terry Van Horne, and the Honorable Paul Zavarella.

Mr. Speaker, I again want to applaud all of these people for their devotion to the East Suburban YMCA Campaign. I ask my colleagues to join me in recognizing their efforts to improve and build upon the great legacy of service that the YMCA stands for.

OHIO HUNGER TOUR TRIP REPORT

HON. TONY P. HALL

OF OHIO

HON. DEBORAH PRYCE

OF OHIO

HON. ROBERT W. NEY

OF OHIO

HON. TED STRICKLAND

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. HALL of Ohio. Mr. Speaker, we commend to our colleagues' attention the following report from a March 2–3, 1998 "hunger tour" of central and southeastern Ohio, in which we participated. The purpose of the trip was to investigate reports of increasing demand for emergency food at Ohio's food banks, pantries, and soup kitchens. We were surprised by what we found. Despite Ohio's strong economy, significant numbers of working poor and senior citizens are having great difficulty making ends meet, and are turning to charities to obtain adequate food. We encourage our colleagues to consider a similar tour in their own communities, to get a close-up view of the changing face of hunger, and the challenges facing the working poor and senior citizens in particular.

INTRODUCTION

Despite a booming economy, record low unemployment, a balanced federal budget, and unprecedented surpluses in many state coffers, there is mounting evidence of worsening hunger among the poorest Americans.

For more than a year now, foodbanks, pantries, and soup kitchens across Ohio and around the country have reported sharp increases in demand for emergency food, which are outstripping the charitable sector's capacity to respond to growing needs. A December, 1997 report by the U.S. Conference of Mayors found that demand for food relief was up by 16%. In January, 1998, my own informal survey of 200 of the nation's foodbanks revealed even sharper increases in hunger relief needs in many parts of the country. A September 1997 report by the U.S. Department of Agriculture found that in the Dayton area, one in eight people seek emergency food assistance every month.

To investigate such reports, and better understand the nature of this trend, I conducted a fact-finding mission to feeding programs in urban and rural Ohio communities from March 2–3, 1998. I was joined by my colleagues Representative DEBORAH PRYCE (OH–15th), Representative BOB NEY (OH–18th), Representative TED STRICKLAND (OH–6th) at site visits located in their districts. Ohio Senator MIKE DEWINE also was represented by an aide who accompanied the delegation for a full day.

Non-profit groups who supported the trip included the Ohio Association of Second Harvest Foodbanks, the Ohio Food Policy & Anti-Poverty Action Center, and the Council for Economic Opportunities in Greater Cleveland, as well as individual foodbanks, pantries, and soup kitchens who hosted the delegation at stops in Columbus, Zanesville, Logan, MacArthur, and Dayton.

FINDINGS

What we saw and heard in the communities we visited strongly confirmed several emerging trends reported by foodbanks across Ohio and around the country:

Working people account for a large share of the increase in demand for emergency food, specifically people in low-wage and part-time jobs that offer few benefits and do not cover the cost of basic needs, including food.

Ohio is attempting to move over 148,000 households containing 386,239 persons from welfare to work over the next three years. The latest national data for December 1997 found that Ohio's twelve month growth in employment since December 1996 was 52,800 jobs, a slow growth rate of 1.0%. During the same period, Ohio lost 3,900 manufacturing jobs. New job growth has been in service sector employment, which generally paying minimum or just above minimum wage with few or no medical benefits. Despite a robust economy and an abundance of low-wage jobs in Columbus and other urban centers, significant pockets of joblessness and high unemployment persist in the more economically depressed parts of the state's Appalachian region.

The delegation visited the Southeastern Ohio Foodbank, which provides food to local charities in one of the poorest and most economically depressed areas of the state. In three of the nine counties served by that foodbank, between 40% and 50% of the people requesting emergency food were working full or part-time. In Meigs county, more than half of the people seeking emergency food assistance were working.

Not one person we spoke with did not want to work, and all expressed their shame and frustration at having to resort to foodbanks to put food on the table at the end of the month. One woman explained: "My children get excited to see food coming into the house—kids should get excited about toys, and circuses, and special treats, not the food we need to feed our family." According to the pantry director in MacArthur, Ohio, a rare job opening for a clerking position at a video store recently drew more than 100 applicants. Highest on that pantry's wish list were buses to transport people to minimum-wage jobs in Columbus.

At the Franklinton Food Pantry, the largest pantry in Franklin County, where more than 11,000 people seek food assistance each month, over 60% of all households in the community have incomes below $15,000 per year (well below the $16,050 poverty line for a family of four). A visit to the home of one food pantry client belied the common stereotype that people seeking charitable assistance are lazy freeloaders. Here was a couple with strong faith and family values, struggling to keep their family of seven together. Like many Ohio working families, for these people the pantry is no longer an emergency food source, but a regular part of their monthly coping and budgeting process to keep their family from going hungry. Their net income of $600 every two weeks barely affords a food budget of $100 a week, which must stretch to feed five teenagers (two of them taken in from a troubled family member). Their coping mechanisms include purchasing low-cost food, limiting the types of food they consume, and once a month getting food from the local food pantry, which helps feed the family "between pay checks." Such families have no cushion against unexpected expenses, such as major car repairs, illnesses, or high heating bills in unusually cold months.

Elderly people on fixed incomes are resorting to food pantries and soup kitchens in growing numbers. They frequently cite the cost of medical care and prescriptions as competing with their limited food budgets.

At various stops on the tour, we repeatedly heard about the dilemma seniors face when their monthly Social Security checks are eaten up by medical fees and prescriptions, leaving little money for food. As we approached a MacArthur, Ohio food pantry, we observed a line of nearly 1,200 people, mostly senior citizens, waiting along the road to receive a box of food. Inside the pantry, clergy and church volunteers serving this crowd described deplorable living conditions—run-down shacks with no heat or running water, dilapidated trailers with holes in the floor, even chicken coops and buses. We repeatedly heard that their pride and the stigma of accepting charity keep many seniors from asking for help until their situation is truly desperate. As one nun told us, "we know we are really in trouble when the elderly start showing up at pantries in large numbers."

Part of the "traditional" clientele at food pantries and soup kitchens are those for whom hunger is a symptom of deeper problems—illiteracy, a lack of education, a history of substance or domestic abuse, mental illness, or homelessness. It will be difficult if not impossible for many of these individuals to compete in the job market without intensive rehabilitation, and some of them may never be able to hold jobs.

Everyone who has ever volunteered at a soup kitchen knows these faces—people who may never have been able to hold a job, and are not counted in unemployment data because they are unemployable or have given up trying to find work. This described many of the people we met at the Zanesville soup kitchen we visited—people who have "failed to thrive" and live life on the margins for one reason or another. As one volunteer put it, "with the right kind of help, some of these people may be able to pull themselves up by their boot straps, but a lot of them never had boots to begin with." And, in the words of a food pantry director, "I am tired of selectively talking about the types of clients we serve, so that people will care. Some of these people are plain old poor folks, who've had a hard time getting it together for whatever reason. But they still need to eat."

Churches and charitable food assistance agencies are doing their best to rise to the challenge of growing demands, but their capacity is overwhelmed by the increased need they are now facing.

In attempts to meet increased needs, every church group and private charity we spoke with had stepped up efforts to raise additional funds through church collections, food drives, pie sales, and appeals to businesses and other donors. Yet, in many cases pantries report having to reduce the amount of food they distribute, or turn people away for lack of food. A Zanesville soup kitchen reported taking out a bank loan for the first time ever last year, to cover operating costs. Within the last year the number of food relief agencies serving the hungry in Ohio reportedly declined by 23% as many closed or consolidated with other operations.

CONCLUSIONS

Our limited sampling of sites serving hungry people, and discussions with charitable food providers, state officials, and advocacy groups, provided only a snapshot of the conditions that are underlying the increases in requests for relief that foodbanks, soup kitchens and pantries are reporting. Yet it confirmed to us, in clear and human terms, disturbing evidence that more of our citizens than ever are vulnerable to hunger, despite a robust economy.

As states work to replace the federal welfare system with structures of their own, the number of people turning to food banks for emergency assistance is growing. New strategies are being tried, many with success, and they need to be encouraged. Food banks have been doing the hard work on the front lines of fighting hunger for decades. They are supported by their communities, and they are the organizations that increasing numbers of citizens turn to for help. But to ensure that Americans who turn to food banks for help do not go hungry, food banks need additional support.

They need the goodwill and charitable contributions of their community, and the participation of more individuals and businesses.

They need public and private initiatives that complement their efforts and address the root causes of hunger and poverty.

They need jobs that pay a living wage and laws that encourage generosity and charitable giving.

And they cannot do without the significant support of federal funds and federal commodity foods.

The job of the federal government was not finished when the welfare reform bill was enacted. Congress and the Administration have a responsibility to monitor what the states are doing, to measure how the poor are faring, and to make adjustments as necessary as problems arise.

Even as we give policy reforms a chance to work and aggressively attack the underlying problems that make people vulnerable to hunger, we cannot stand by and watch growing numbers of Americans go hungry. If, as the evidence suggests, increasing numbers of people are so hungry they're willing to stand in line for food, we cannot rest knowing that, too often, there is no food at the end of that line.

HONORING GENERAL RAYMOND G. DAVIS

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. COLLINS. Mr. Speaker, I rise today to congratulate the American Legion on the occasion of the 79th Anniversary of its founding and to pay homage to General Raymond G. Davis, Medal of Honor recipient and retired

Assistant Commandant of the United States Marine Corps. I recently had the honor of introducing General Davis as theote speaker at the recent birthday celebration of the Clayton County American Post 258. I enter those remarks in the CONGRESSIONAL RECORD in honor of the American Legion and General Ray Davis.

THE HONORABLE MAC COLLINS 79TH ANNIVERSARY OF THE AMERICAN LEGION CLAYTON COUNTY AMERICAN LEGION POST 258, MARCH 13, 1998, JONESBORO, GEORGIA

Good evening. It is a real pleasure to be with so many friends here tonight. Thank you Lamar Miller for your kind introductory remarks and for giving me the honor of introducing General Ray Davis, our distinguished speaker this evening. I also want to recognize Clayton County Sheriff Stanley Tuggle, State Representative Greg Hecht, and State Representative Frank Bailey and his wife, Frances. I have known and respected Frank for many years. He is a friend and does a fine job for the people of Clayton County in the Georgia House of Representatives.

And, I want to recognize Mr. James Hugh Lindsey. I had the pleasure of first meeting Mr. Lindsey at a celebration arranged by Mr. Miller on the occasion of his 101st birthday. Mr. Lindsey recently celebrated his 102nd birthday, and I know everyone here this evening joins with me in wishing him many more to come.

We are here tonight to celebrate and honor the 79th anniversary of the founding of the American Legion. When Mr. Miller told me tonight's dinner was being held to celebrate the founding of the American Legion, I wanted to learn more about the rich history of your organization.

It all began in March 1919 when members of the American Expeditionary Force in Europe held the first caucus in Paris and created an organization for those who have served their country. The official name for the Legion was adopted in May 1919 at a caucus meeting in St. Louis. In September 1919, the organization was officially chartered by the United States Congress. And, in November 1919, the Legion held its first annual convention in Minneapolis where its members adopted the organization's constitution and set its future course.

From that handful of soldiers in Paris and the founding members at the first convention in Minneapolis, the American Legion today has grown to over 2.9 million members. The programs you sponsor and support touch the lives of so many of your fellow citizens. You are helping to mold the hearts and minds of our nation's youth with your work with the Boy Scouts of America, your sponsorship of Boys State and Boys Nation, American Legion Baseball, your educational scholarship programs, the Child Welfare Foundation, your Children and Youth Programs and many, many more.

Through your Citizens Flag Alliance, the Legion is working to "protect our history, our pride, our honor and our flag." And, the American Legion provides valuable input to Congress in writing and passing laws that protect our national security and enhance the lives of all who have served their country. As a Member of Congress, I thank you and your fellow Legionnaires for all that you have given, and continue to give, to your nation.

While I could continue speaking on the wonderful history of the Legion, it is my honor to introduce your keynote speaker who, I believe, best represents the ideals on which the American Legion was founded and for which it stands today. Raymond G. Davis is a son of Georgia. He was born on January 13, 1915 in Fitzgerald, the son of Zelma and Raymond Roy Davis. Following his 1938 graduation from Georgia School of Technology with Honors, Ray Davis began a 33-year career with the United States Marine Corps as a second lieutenant.

During that distinguished career, Ray Davis rose from the rank of second lieutenant to become a four-star general and Assistant Commandant of the Marine Corps. While General Davis may be best known as a recipient of the Medal of Honor while serving as a Battalion Commander during the Korean War, he first saw action in some of the most brutal fighting of World War II. He was part of the Marine forces that participated in the capture and defense of Guadalcanal and the Eastern New Guinea and Cape Gloucester campaigns.

While commanding the 1st Marine Division of the 1st Battalion in September of 1944, then Major Davis was wounded during the first hour of the landing operations. He refused to leave his men and continued to direct the Battalion in establishing defense positions and gaining control of the island. For his actions, Major Davis was awarded the Purple Heart and the Navy Cross.

As a Lieutenant Colonel in Korea from 1950 to 1951, General Davis earned the nation's highest decoration for heroism during the 1st Marine Division's historic fight to break out of the Chosin Reservoir Area. Against overwhelming odds, he led his Battalion in a four-day battle which saved a Marine rifle company and opened a mountain pass for the escape of two trapped Marine regiments. President Harry Truman presented Colonel Davis with the Medal of Honor in ceremonies at the White House on November 24, 1952.

In 1968, then Major General Ray Davis was named Deputy Commanding General of forces in his third and final conflict—the Vietnam War. During that tour, General Davis was awarded the Distinguished Service Medal—the first of two such medals he received. In 1971, General Davis was nominated by the President and confirmed by the United States Senate as the Assistant Commandant of the United States Marine Corps. He served in this position until his retirement in 1972.

In addition to the Medal of Honor, two Distinguished Service Medals, the Navy Cross and Purple Heart, General Davis was awarded two Silver Stars, two Legions of Merit, six Bronze Stars and many other awards from allied governments. Additionally, the forces in which he served received five Presidential Unit Citations, three Navy Unit Commendations and 15 Battle Stars.

After 33 years of traveling the world, seeing action in three wars and serving as one of the nation's highest military officers, Ray Davis could have settled into a comfortable retirement on his farm here in Georgia. But this was not the way for Ray Davis—a man of life-long action and deep commitment to serving others.

Let me quote General Davis on leaving the Marines: "As for retirement being difficult, I had an ideal transition in that I was retired from the Corps at 10 o'clock in the morning in Washington, and I was in my Atlanta office at 2 o'clock that afternoon in charge of the whole state of the Georgia Chamber of Commerce." Ray Davis had returned home as Executive Vice President for one of the premier business organizations in Georgia.

General Davis went on to lead the Georgia Chamber through an exciting time of growth in our state. He later left the Chamber to become President of RGMW, a family-owned land development corporation. General Davis also gave time to activities that are close to his heart. He has served as a trustee in the Valley Forge Military Academy, Chairman of the Trustees for the Marine Military Academy and on the Board of Visitors for Berry College. He was appointed by President Ronald Reagan to the Korean War Veterans Memorial Advisory Board and he is active in many Marine Corps organizations.

Today, General Davis and his wife of over 50 years, Knox, live in Rockdale County. They enjoy traveling and staying active in the many organizations in which General Davis still serves. They also enjoy having more time for their three children, Raymond Jr., Gordon and Willa, and their grandchildren. Tonight I have touched on the highlights of the extraordinary life and career of General Davis. For more details on this incredible man, I would encourage you to read "The Story of Ray Davis." In fact, we may be able to prevail on the General to autograph copies of his book this evening.

In closing, I want to leave you with a quote from Army General Creighton W. Abrams Jr., commander of U.S. forces in Vietnam, to Marine Commandant General Leonard F. Chapman Jr. General Abrams said of Ray Davis, ". . . of the 50 or so division commanders I have known in Vietnam, General Davis has no peer. He's the best."

Ray Davis truly does represent the best of American society—soldier, scholar, a man of deeply held beliefs and commitments, and a devoted husband and father. Words cannot express how proud and honored I am to know General Ray Davis. Ladies and gentlemen, I give you a true American hero—General Raymond G. Davis.

IN OPPOSITION TO VIOLENCE AGAINST WOMEN—MARKING INTERNATIONAL WOMEN'S DAY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. LANTOS. Mr. Speaker, I rise today to express my abhorrence to all forms of violence against women and to speak out in support of International Women's Day. With many of our colleagues here in this body, I have worked to foster respect for civil rights here at home and human rights abroad.

In connection with the celebration of International Women's Day, Mr. Speaker, I want to call to the attention of my colleagues those justice seekers who are beginning to expose the roots of injustice, who are bringing to our attention human beings denied their uniqueness and their personhood. Our task as advocates for human rights is not only to continue the pursuit of justice, but also to realize that as we make progress, we must release ourselves from ignorance and biases that allow us to overlook some atrocities but not others. In this regard, Mr. Speaker, we must affirm that the rights of women are the rights of all individuals. I add my voice to that of the United Nations' World Conference on Human Rights in Vienna, 1993, which proclaims, "Women's rights are human rights."

Unfortunately, Mr. Speaker, women face a triple threat to their human rights. They are victimized by the construction of gender in their society. They are victimized by gender-based violence. And they are discriminated against by the structures of justice. Today we must take action by properly addressing human rights violations against women. We must recognize gender-based violence in its various forms, and we must recognize these violent acts as human rights violations including, among others, sexual trafficking, economic discrimination, female genital mutilation, domestic violence, and rape.

These crimes against humanity are compounded by many victims' justifiable fear that their suffering will be disclaimed, that their suffering will be thrown out as invalid. Human rights violations against women are under-reported and under-emphasized. We must be certain, Mr. Speaker, that violence against women is no longer silenced.

One of the most repugnant ways in which gender-based constructs discriminate against women, Mr. Speaker, is the trafficking of women and girls. They are reduced to mere economic sexual value to be sold and bartered. In the disturbing realm of sexual trafficking, women are forced into prostitution and coerced into marriage; they are often sold into bondage, where they are tortured and face degrading treatment as well as sexually transmitted diseases. Trafficking in women occurs across some well-patrolled international borders, and it is no coincidence that in many countries the institutions of justice, including the police, condone and profit from the trade in women.

In Thailand, there is a flourishing trade in Burmese women and girls; in India, the same trafficking occurs with Nepali women and girls. Bangladeshi women are lured to Pakistan by promises of a better life or abducted from their homes; they are then sold in clandestine settings to brothels were pimps threaten them with their illegal immigrant status and then denounce them for having sex outside of marriage.

Mr. Speaker, women are often subjected to gender-based economic discrimination and degradation because some states fail to recognize them as individuals outside of their material value. Economic discrimination against women makes them particularly vulnerable to harassment and abuse. Women are now increasingly important to the economies of most countries, but at the same time, many countries neglect women's rights as laborers. Women in the workplace are exploited and abused in a number of ways relating specifically to their sex.

As the majority of workers in the Maquiladoras, the export-processing factories along the U.S.-Mexico border, women must engage in a gender-specific fight to gain equal protection in the labor market. Most women who work in Maquiladoras do so because they are less well-educated and lack opportunities to gain necessary qualifications for other jobs. As a condition of employment, women applicants are routinely required to give urine samples for pregnancy tests. If a worker becomes pregnant and this is discovered by her boss, she is frequently forced to resign. Female workers may be harassed and mistreated, given more physically difficult tasks, and often forced to stand while working.

Furthermore, when a Mexican woman is a victim of sex discrimination, she has few avenues of legal redress. The Mexican justice system fails to protect women's reproductive health. The economic disincentive of regulating the manufacturing sector, which is the excuse given for failing to take action to protect women, is a poor excuse for failing to act.

Sexual discrimination in the workplace is reinforced by the lack of economic opportunity for women in many countries. Fear of losing a job reinforces a woman's inability to seek redress of her grievances. These acts of abuse are intolerable as women are forced into an outrageous choice between their legitimate human rights and their jobs.

In time of war or periods of social unrest, Mr. Speaker, violence toward women is intensified. As a Co-Chair of the Congressional Human Rights Caucus, I stepped forward with the horrifying story of the treatment of women and children in Uganda during the recent conflict there. Girls and women in Uganda are traded back and forth, bartered as wives. Their allocation is part of a dehumanizing reward system for male soldiers. This crime addresses a theme of ownership which precludes women's sexual rights and brings to light the brutalization of Ugandan women. Rape within "marriage" is not construed as a crime in Uganda, or for that matter, in many countries which consistently violate women's rights. When intra-marriage rape is condoned within a society, this neglect is one of several factors leading to a normalization of domestic violence.

Sexual discrimination and power are especially apparent in Uganda as girls who are forcibly married are required to cook for the soldiers as they are on the move and are severely beaten or killed should they not cook quickly enough. Both girls and boys are forced to kill other children who have not performed their tasks to a sufficient level. Captive boys are often forced to sleep with captive girls, and this sexual indoctrination has terrible ramifications for future sexual violence. The nightmare in Uganda demonstrates the importance of taking into account the sexual specificity of violence. We should recognize how sexual violence harms both girls and boys, women and men.

Mr. Speaker, one of the most horrible examples of gender-based violence against women and children is female genital mutilation (FGM). FGM refers to either the removal of certain parts of the female genitalia or all of it. FGM is a crime against humanity—it violates a woman's fundamental right to a healthy life. Nearly 135 million girls and women around the world have undergone FGM, and it continues at an astounding rate of approximately 6,000 incidents per day. It is practiced extensively in Africa, in the Middle East, and among many immigrant communities in parts of Asia and the Pacific.

FGM is an extremely painful and even dangerous procedure which scars women both physically and mentally for life. FGM is an example of how violence is connected to gender determination as a woman is often considered "incomplete" lest she undergo FGM. A woman is not treated as a specific individual, rather she is a sexual being whose sexuality, sexual appetite, and reproductive functions are supposedly controlled and limited through FGM. In the case of FGM, we are forced to deal with brutal cultural discrimination against women. Women who have undergone FGM have publicly come forward to present their stories of humiliation and pain.

Crimes specific to women, Mr. Speaker, often revolve around religious and cultural justifications that seem inevitable to discriminate against the female gender rather than the male. In Afghanistan, which has endured 18 years of armed conflict, we are witnessing a tragic situation in which thousands of women are literally prohibited from leaving their homes. They must be "invisible;" they are denied their humanity. Women are forced to wear a robe which completely covers their bodies, the *burqa* robe. Should women expose their ankles, they are accused of violating the Taliban, the interpretation of the Shari's (Islamic law) based upon the teaching of Islamic schools in Pakistan. The restrictions upon Afghani women are a shocking violation of human rights based upon culturally determined ideas of gender.

Mr. Speaker, we must not become desensitized to violence against women. It is the responsibility of every state to preserve the human rights of women and to protect them against violence. Violence against women is not a private matter. In far too many countries—unfortunately, including our own—it is a structural and system-wide violation of human rights of women. States that do not prevent and punish crimes of domestic violence are as guilty as the perpetrators of that violence. Inaction against domestic violence reinforces the denial of basic human rights.

Domestic or family violence is a commonplace occurrence in nearly every country in the world, and battered women are isolated from national systems of justice, as well as from community and family. Intimate partners are prosecuted less harshly than those who victimize strangers, and this pattern of neglect for women's rights is evident in many corners of the world. In Brazil, some courts still exonerate men accused of domestic violence if they acted "to defend their honor." South African justice officers do not wish to be involved in domestic violence; they consider it a "private" affair. Not only are women subjected to acts of violence, but they are also subjected to judicial establishments which systematically are involved in gender-specific violation of human rights.

Mr. Speaker, the harmful perceptions of domestic violence are magnified in the case of rape. Rape is widely portrayed as an individual act and a private crime of honor, not as the political use of violence. Since World War II, however, human rights organizations estimate that there have been one million women raped during wars. Rape in war has been obscured from public view by our assumptions about the hyper masculine nature of soldiering and of rape as a crime of sex rather than a crime of violence.

This past week, Dragoljub Kunarac, a former Bosnian Serb paramilitary commander, confessed that he had raped Muslim women in an international legal process before the Yugoslav war crimes tribunal in The Hague. He is the first individual to plead guilty to rape as a war crime. The Hague is the first court of its kind to specifically list rape and other sexual offenses as war crimes. The international women's movement has seldom been so effective in alerting the world to crimes against women as it has been in calling to international attention the brutal use of rape during the armed conflict in Bosnia.

Rape is an especially under-reported and minimized assault on women. It is "the least condemned war crime; throughout history, the rape of hundreds of thousands of women and children in all regions of the world has been a bitter reality," according to the UN Special Rapporteur of Violence Against Women. We must not cease our efforts to identify gender-specific violence against women in such situations.

Rape has been used to brutalize, to dehumanize, and to humiliate civilian populations on ethnic, national, political, and religious grounds. Sexual violence was defined by many analysts as a genocidal act in the Yugoslavian conflict because it was perpetrated primarily by Bosnian-Serbs as a weapon in their effort to drive out the Muslim population. Some Muslims were told while being raped that they would bear Serbian children.

During the 1994 genocide in Africa, Hutu militia in Rawanda subjected the Tutsi minority women to gender-based violence on a mass scale as they raped and sexually assaulted hundreds of thousands of women. In another instance of human rights violation, Pakistani soldiers committed ethnically-motivated mass rapes during the Bangladesh war for independence.

It is an outrage that rape is still categorized by many as a crime of honor and property as opposed to a crime against personal physical integrity. This misconception adds to the false notion that rape is a "lesser" crime in comparison to torture. Women are denied their individual humanity and instead perceived by the aggressor as a symbol of the enemy community that can be humiliated, violated, and eradicated.

This year we will celebrate the 50th anniversary of the Universal Declaration of Human Rights (UDHR), but we should not overlook the fact that the human rights of women were not specifically affirmed by the United Nations until 1993. Before this time, the gender-specific nature of many of the crimes against women were often ignored.

By recognizing that violence is often specific to gender and by acknowledging the ways in which violence relates to our conceptions of gender, we can illuminate the barriers that we must transcend to achieve equal rights for women. The pervasive forms of violence that are normalized and trivialized by culture and society must not be tolerated as we affirm the human rights of women on this International Day of Women.

Mr. Speaker, the rights of all humans are unalienable rights. We must stand firm in our belief that all—women, as well as men—have an individual right to dignity and that our own rights are not assured unless the human rights of all others on this planet are secure. I urge my colleagues to join me in this fight for human rights for all women.

I commend to my colleagues the words of Pastor Martin Niemoeller, who endured the horrors of Nazi Germany: "In Germany they came first for the Communists, and I didn't speak up because I wasn't a Communist. Then they came for the Jews, and I didn't speak up because I wasn't a Jew. Then they came for the trade unionists, and I didn't speak up because I wasn't a trade unionist. Then they came for the Catholics, and I didn't speak up because I was a Protestant. Then they came for me, and by that time no one was left to speak up."

Mr. Speaker, the violation of the human rights of any woman is the violation of the rights of all of us. As we mark International Women's Day, we must recommit overselves to that struggle.

INTRODUCING THE COLLEGE TUITION REDUCTION AND INFORMATION ACT OF 1997

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. MCKEON. Mr. Speaker, I rise today to introduce the College Tuition Reduction and Information Act. Almost a year ago I, along with the Gentleman from Pennsylvania, Mr. GOODLING, and a bipartisan list of cosponsors, introduced the Cost of Higher Education Review Act of 1997. At that time, it was clear to us that college was too expensive and that college price increases were threatening the ability of American families to provide for their children's education. That legislation, which has since been enacted, established a National Commission on the Cost of Higher Education. The job of the Commission was to evaluate why tuitions have increased to two-to-three times the rate of inflation every year, and to advise Congress and the President on steps which could be taken to bring college prices under control.

The Commission has since finished its work and gone out of existence. The legislation we are introducing today will implement a number of the recommendations of the Commission. Specifically, this legislation will provide students and parents with better information to keep colleges accountable and higher education affordable by requiring the Secretary of Education to work with institutions to develop a clear set of standards for reporting college costs and prices. Under out bill, the Secretary of Education will redesign the collection of Federal information on college costs and prices to make it more useful and timely to the public.

The College Tuition Reduction and Information Act will allow students to make more informed choices about the level of education they pursue by requiring the Secretary of Education to collect separate data on the cost and price of both undergraduate and graduate education. It will help parents and students make informed decisions about the school they choose by requiring the Secretary of Education to make available for all schools on a yearly basis information on tuition, price, and the relationship between tuition increases and increases in institutional costs. It will also allow us to keep track of any progress made in reducing tuitions by requiring the United States General Accounting Office to issue a yearly report on college cost and tuition increases.

This legislation will reduce the costs imposed on colleges through unnecessary or overly burdensome federal regulation by requiring the Secretary of Education to undertake a thorough review of regulations regarding student financial assistance every two years, and where possible repeal, consolidate, or simplify those regulations. The Secretary will also report to Congress any recommendations he has with regard to legislative changes which would allow increased regulatory simplification. Our bill will allow colleges and universities to offer voluntary early retirement packages to tenured professors, and it will require the General Accounting Office to report to Congress on the extent to which unnecessary costs are being imposed on colleges and universities as a result of holding them to the same Federal regulations that are applied in industrial settings. We expect colleges and universities to pass these savings on to students.

This legislation will keep college affordable by ensuring that every American has simpler, more efficient access to higher education by bringing the delivery of Federal student financial assistance into the 21st century and by strengthening Federal support for innovative projects addressing issues of productivity, efficiency, quality improvement, and cost control at postsecondary institutions.

Tomorrow, under the leadership of Chairman GOODLING, the Committee on Education and Workforce will consider the reauthorization of the Higher Education Act. A few of the provisions I am introducing today have already been incorporated into that legislation. I will be offering the remainder of them as an amendment to that legislation early in the markup.

Mr. Speaker, ensuring that a quality post-secondary education remains affordable is one of the most important things we can do for our children and for American families everywhere.

I urge my colleagues to support this important legislation, and to cosponsor the College Tuition Reduction and Information Act.

EMPTY SHELVES: 1998 SURVEY OF U.S. FOOD BANKS

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. HALL of Ohio. Mr. Speaker, I commend to my colleagues' attention an informal survey I recently made of 60 food banks from across the nation. Their responses point clearly to the fact that food banks throughout our country are facing tremendous challenges. Despite our booming economy, demand is rising at surprising rates in most communities.

Here in Congress, most of the talk about hunger has focused on welfare and the reform bill that we passed in 1996. But when you leave Washington, the focus shifts to the food banks. That's where hungry people turn when they've run out of options, and it's where the millions of Americans who regularly donate to canned food drives send their support.

The food banks are in trouble. I am not here to rehash welfare reform, Mr. Speaker, and I was surprised that most food banks aren't interested in doing that either. As the food bank in Montgomery, Alabama put it, "We are doing our best to meet the need, and we think in the end we will help make welfare reform work." A lot of food banks expressed similar optimism, and I share their hope. I think all of us do.

Of all the ways we can make welfare reform work, food is the least expensive one. Job training, transportation to get to a job, child care, health care—these are all pricey investments. Food is an investment too—although some people talk as if food is like a carrot you dangle in front of a mule to make it go where you want it to go. That might work with animals, but it simply doesn't work with people.

Hunger makes people tired. It saps their spirit and drive. It robs them of the concentration they need to learn job skills. It forces them to focus on where the next few meals are coming from—instead of on finding a job, or holding one. And it makes them prone to get sick, from every flu bug that comes around, on up to some very serious diseases.

When Congress enacted welfare reform, we increased federal support for food banks by $100 million—but the money inserted into the gap between need and supply is falling far short. We originally took away $23 billion from food stamp recipients. But we gave just $100 million to food banks. With that, they are struggling to provide just a few days worth of emergency food to the people who've lost their food stamps, or whose food stamps don't last the entire month. It's just not enough.

It made common sense to increase our support for food banks significantly, and we did just that. With evidence that this still falls impossibly short of what is needed—and that many food banks simply cannot make it without more support—it makes common sense to revisit the decision on the appropriate amount of additional support.

This survey of food banks adds to the evidence of booming demands on food banks. It is not designed to be a statistical analysis. But it does provide perspective from around the country—a window on what is happening in communities of every size.

What I found most striking overall is that, of the food banks that estimated the increase in demand for food, 70% reported demand grew much faster than 16%. That is the rate reported in a December 1997 survey by the U.S. Conference of Mayors that shocked me, and many other Americans. And yet so many food banks are reporting even higher rates. I think it underscores the fact that poverty reaches beyond our cities. It scars rural communities and suburban ones too—a fact that many people overlook when they conjure in their minds the image of a welfare mom, or a food stamp recipient, or someone in line at the local food pantry.

Beyond that, the story of hunger in America that the food banks are documenting is an individual one. It increasingly features working people, whose low-wage jobs don't pay enough to put food on the table. Often, it includes people for whom hunger is a symptom of deeper problems—of illiteracy, a lack of education, a history of substance or domestic abuse. But equally often it includes people who are trying to climb out of their problems, trying to improve their prospects and willing to participate in initiatives aimed at giving them the tools they need. And, when the story includes a food bank, it always features people doing the Lord's work—and in increasingly creative ways. The survey describes some of those approaches, and I think many of them deserve attention and praise.

The food banks, and the hungry people who are doing their best to escape poverty, cannot do it alone. We need a range of initiatives to fill the gaps, and I will be using this survey to support my work on at least three ideas: First, and most immediately, the food banks need more money. I am working on a bill now, but the fact is that even millions of dollars would be a small investment in making sure that welfare reform succeeds. I'm also looking into including the President's request for $20 million to support gleaning initiatives, because food banks rely heavily on gleaned food.

Second, we need to end the tax law's discrimination against charitable donations from farmers and businesses who want to donate food. Current law says the value of food is nothing more than the cost of its ingredients—which already are deducted as a cost of doing business.

That means it makes no difference to the green eyeshades in "Accounting" whether the food is donated or dumped. In fact, it costs a few pennies more to donate the food (in transportation or labor costs). The same is true for farmers: why not plow under unsold crops, if it costs you time or money to donate them instead? Many businesses and farmers donate food anyway—but many more probably would if we treat food as a charitable donation, in the same way that old clothes and other donated goods are treated.

Late last year, I introduced the Good Samaritan Tax Act, H.R. 2450, and I urge my colleagues to support that. I also am looking into ways we can remove obstacles to trucking companies and others who can help get food to hungry people.

Third, we must increase the minimum wage. As the Latham, New York food bank put it, "The fastest growing group of people being served by food pantries is the working poor. That is a disgrace. Minimum wage should lift people out of poverty."

There are other good anti-hunger initiatives as well, but if we are serious about answering the clear call of food banks in trouble, these three ought to be at the top of the agenda.

Food banks have been doing the hard work on the front lines of fighting hunger for decades. They are supported by their communities, and they are the organizations that increasing numbers of citizens turn to. In my own state of Ohio, one in nine people seek emergency food assistance every month, according to a September 1997 report by the U.S. Department of Agriculture.

When I visited my local food bank in Dayton recently, I was amazed to find it was the same place I had come often in the past. Then, the shelves were brimming with food—and good food too. Lately, the shelves have been empty, and when I visited it seemed they contained more marshmallows than nutritious staple foods. I was able to convince Kroger to make a generous donation to help Dayton's food bank. I urge my colleagues to see for themselves what is happening in their own communities, and to lend a hand in whatever way you can to answer this growing need.

Increasing numbers of people are so hungry they're willing to stand in line for food, Mr. Speaker. I cannot rest knowing that, too often, there is no food at the end of that line. I urge my colleagues to take a look at this survey, which is available from my office, and to see the situation for themselves in their own communities.

IT'S TIME TO COMPENSATE FILIPINO VETS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. FARR of California. Mr. Speaker, I rise today in strong support of providing fair equity to the Filipino veterans of World War II.

I represent many Filipino veterans in Congress, and I have witnessed their fortitude and love of country and heard many accounts of their bravery and dedication in the face of battle.

Sadly, these veterans—despite their service and sacrifice—are not considered to have been in "active service", and are thus not eligible for full veterans benefits. Many of these veterans served in the battle of Bataan, were subject to the horrors of the Bataan Death March, and fought against the Japanese occupation of the Philippines. No one can argue that they did not earn their right to be considered World War Two veterans—yet current law does just that.

I am hopeful that we are moving closer to finally providing these brave and honorable people the benefits they have earned and deserve. In the 104th Congress, the House of Representatives overwhelmingly approved a resolution expressing strong support for Filipino veterans. This year, the President's budget request actually includes funding—$5 million—for benefits for these veterans.

Now is the time to give equal treatment to Filipino veterans. Over 180 Members of Congress, including myself, have cosponsored H.R. 836, the Filipino Veterans Equity Act, which would provide all Filipino veterans full and equal benefits available to other veterans of the Second World War. This legislation is long overdue and, especially given how little the House of Representatives is scheduled to consider this year, there is no reason not to enact this bill in this session of Congress.

I urge my colleagues to support the President's request for funding for Filipino veterans, and push for swift consideration of H.R. 836. It is the least we can do for those who fought so bravely in the defense of our country.

TRIBUTE TO ROSA R. AND CARLOS M. de la CRUZ

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. DEUTSCH. Mr. Speaker, I rise today to recognize Rosa R. and Carlos M. de la Cruz, Sr. on receiving the Simon Weisenthal Center National Community Service Award. Mr. and Mrs. de la Cruz are being honored for their outstanding commitment to the community. Over the past several years, they have worked together to improve education and social services, promote the arts, help the underprivileged, and foster better relations for all people.

The de la Cruz family defines caring. Born in Havana, Cuba, Carlos and Rosa de la Cruz moved to Miami in 1975. Since arriving in South Florida, they have been a wonderful example of charitable giving, devoting time to education, social services, and the world of art and artists. In 1997, they received the coveted Alexis de Tocqueville Award for Outstanding Philanthropy from the United Way.

Carlos de la Cruz's leadership and enduring generosity is a beacon for us all. For six years, he chaired the development committee for the University of Miami. He also established a Black Educational Scholarship Fund at Florida International University and raised endowment for a campus for Belen Preparatory School. In 1990, Carlos became the first Cuban American to chair the United Way campaign. He helped guide the creation of a United Way program called GRASP to help Cuban and Haitian refugees get off to a good start in our country. Among his accomplishments, Carlos de la Cruz has received the Silver Medallion Brotherhood Award from the National Congerence of Christians and Jews, the Distinguished Service Award from Florida International University, and the Social Responsibility from the Urban League.

Rosa de la Cruz has shared her talent to the world of art. She serves on the Exhibitor Committee of the Museum of Contemporary Art in Chicago, the Acquisition Committee of the Miami Art Museum and is actively involved with the Museum of Contemporary Art of North Miami. She has helped countless contemporary artists express their talents and themselves.

I wish Rosa and Carlos de la Cruz the best on receiving this prestigious honor from the Simon Weisenthal Center. Their leadership and ability to inspire others is truly admirable and I know that they will continue on their benevolent path.

JOAN DUNLOP: LEADER FOR WOMEN'S HEALTH

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mrs. LOWEY. Mr. Speaker, I rise today to recognize the extraordinary career and accomplishments of Joan Dunlop, one of the world's truly outstanding leaders for women's health.

As the President of the International Women's Health Coalition (IWHC), Ms. Dunlop has successfully transformed a once small organization into an agency with a genuinely global scope. Widely recognized as a top authority on women's health and population policy, IWHC now supports some fifty projects in eight countries, enlists the talent and energy of thousands of committed activists and policymakers, and helps countless individuals make sensible health and family planning decisions.

Thanks to Ms. Dunlop, debate about reproductive health and population policy has achieved a new prominence at international conferences, and a greater claim on the attention of global decision-makers. She was instrumental in shaping the agenda of the 1994 United Nations Conference on Population and Development and the Women's Conference in Beijing in 1995.

Ms. Dunlop came to the IWHC after an already distinguished career in philanthropy and public service. She worked with the Ford Foundation and the Rockefeller Family, helped develop strong leadership at the Population Council, served as the vice-president of the Public Affairs Division of Planned Parenthood, and as the Executive Assistant to the President of the New York Public Library.

Mr. Speaker, on April 20, the staff, supporters, and friends of the IWHC will gather to honor Joan Dunlop and celebrate her inspiring contribution to the cause of women's health world-wide. I wish to add my heartfelt thanks and express my passionate belief in the goals to which Joan Dunlop has devoted her professional life.

INTRODUCTION OF "THE PATIENT RIGHT TO INDEPENDENT APPEAL ACT OF 1998"

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. CARDIN. Mr. Speaker, I rise to introduce legislation guaranteeing Americans one of the most fundamental of patient's rights: the right to appeal adverse decisions made by health insurance companies.

"The Patient Right to Independent Appeal Act of 1998" ensures patients the ability to receive an independent, unbiased review of their cases when their plan decides to deny, reduce or terminate coverage in these circumstances: When the health plan determines that treatment is experimental or investigational; when the health plan determines that services are not medically necessary and the amount exceeds a significant threshold; or when the patient's life or health is jeopardized.

This bill does not expand health plans' lists of covered services, rather it guarantees patients and their doctors the freedom to make treatment decisions independent of financial considerations.

Health plans argue that they provide "the right care, at the right time, in the right setting."

But just last Wednesday, The Washington Post quoted the chief financial officer of a local HMO as he discussed with Wall Street analysts the rosy outlook for his company's bottom line. "Probably the brightest spot in our operations is the improvement in our claims auditing capability," he said. "We have . . . taken advantage of opportunities to reduce current and future medical expenses by more closely challenging the contractual and medical appropriateness of claims received."

In their own words, health plan executives are publicly flaunting their ability to find new ways to require providers to refund claims they've already been paid for. This should leave no doubt in our minds that providing avenues for patients to appeal plan decisions is vital.

Many health plans have an internal appeals system already in place, but quite often these appeals are conducted by the same plan personnel who originally denied the coverage.

The "Patient Right to Independent Appeal Act of 1998" establishes a system through which patients can appeal to an autonomous decision-making body that has no financial incentive to limit health care treatment. By passing this bill, Congress can make real progress toward providing the American people a sense of security that their health insurance benefits will be there when they need them. I urge my colleagues to support this essential legislation and guarantee our citizens a much needed patient right.

IN HONOR OF PAUL IACONO FOR HIS TIRELESS EFFORTS ON BEHALF OF THE LEUKEMIA SOCIETY OF AMERICA

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. MENENDEZ. Mr. Speaker, Paul Iacono is a hero. He is a brilliant entertainer who sang a tribute to Frank Sinatra on his 80th birthday, starred in two Union City theater plays and is an announcer for MetroStar soccer games.

He is a tribute to the youth of America because he accomplished all this and more by the age of nine.

He is a bright, talented, energetic and hardworking person who has succeeded despite being diagnosed with leukemia a year ago.

But Paul Iacono is a hero because he has selflessly devoted his time, talents and energy to help find a cure for leukemia. He has given the cause publicity by appearing on the Rosie O'Donnell Show and has helped raise money at events such as the New York City Marathon.

And now Paul Iacono has enlisted Vice President GORE, Congressman ROTHMAN, and me in his cause. In our meeting on March 17, we pledged to help him promote awareness of the disease and move towards the ultimate goal of finding a cure for leukemia.

This remarkable young man serves as an inspiration for us all.

Paul Iacono, his father, Anthony, and his mother, Michele, attended the Annual Leukemia Society of America meeting in Washington, D.C., March 14 through March 19.

ON INTRODUCTION OF THE MEDICARE EARLY ACCESS ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. STARK. Mr. Speaker, on behalf of the Democratic leadership and all committees of jurisdiction, and at the request of President Clinton, we are pleased to introduce the Medicare Early Access Act. This bill provides health insurance for 400,000 people at a vulnerable point in their lives. At the same time, it closes gaping loopholes in Medicare to recapture millions of dollars in fraud and abuse.

Democrats created Social Security in 1935 when Franklin Delano Roosevelt was in the White House. We perfected Medicare in 1965 when Lyndon Johnson was President. And in 1985, I was privileged to draft the COBRA coverage law with the support of a Republican President, Ronald Reagan. This year, under the leadership of President Clinton, we plan to follow in this bipartisan tradition and enact legislation to open up Medicare to early retirees and displaced workers who can't buy adequate health care in the private market.

We can do this at no cost to the taxpayer. The Medicare Early Access Act is fully paid for through premiums and anti-fraud savings.

Insurance companies don't want to sell policies to people between the ages of 55 and 65. Employers are trying to stop covering them. States are not filling the gap. It's time for the federal government to step forward and solve the problem of diminishing access for early retirees and workers who have lost their jobs through no fault of their own.

Early Medicare is also an option for workers age 55 to 62 who have lost their jobs and aren't eligible for COBRA. And despite gloomy predictions in some quarters, the Congressional Budget Office has given the Medicare buy-in bill a thumbs up.

The fraud part of this package will close gaping loopholes that now permit some providers to abuse our country's largest health care system. We give Secretary Shalala the authority to take the necessary steps to save Medicare billions of dollars.

The President's Medicare buy-in proposal sets the stage for a federal government that is fiscally conservative and socially responsible. With the support of progressive lawmakers, we will work toward enactment of this important bill this year.

REMARKS ON WOMEN SMALL BUSINESS OWNERS

SPEECH OF

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mrs. McCARTHY of New York. Mr. Speaker, I rise this evening in support of women business owners, particularly small business owners on Long Island. Small businesses are the backbone of the economy in my district on Long Island. As of 1996, there are over 527,000 women-owned businesses in New York, employing nearly 1.4 million people and generating $205.6 billion in sales. Since 1987, Census figures indicate that the number of New York women-owned firms increased by 39%, employment increased by 78% and sales grew by 100%. Women owned firms account for over one-third (36%) of all firms in New York, provide employment for 26% of New York's workers, and generate 14% of the state's business sales. I am proud to inform you that New York ranks third out of the 50 states in the number of women-owned firms as of 1996, second in employment, and second in sales.

These statistics indicate the enormous power of women in the small business community. And the benefits to women are not only financial. Women-owned businesses are more likely than all businesses to offer flex-time, tuition reimbursement, and, profit sharing as employee benefits. And by owning their own business, women gain control over their own fate. This sense of pride and self-sufficiency are vital as more former welfare recipients move into the workforce.

We need to encourage this dynamic and innovative segment of the business economy. While women owned businesses have made significant strides, they still face many obstacles. Yesterday, I attended a public affairs breakfast hosted by the Long Island Chapter of the National Association of Women Business Owners. This association, along with others like the Women Economic Developers of Long Island, plays an important role in encouraging women small business development. As we discussed at the meeting, the major problem women business owners face is the lack of capital investment available to them. As a member of the Small Business Committee, I am working hard to expand capital investment opportunities to women business owners. I was pleased that the Small Business Association's 1999 budget request contained significant increases for the microloan program, the traditional funding source for women entrepreneurs. In addition, the budget requests increased funding for Women Business Centers. These centers were established in 1988 as a demonstration project to provide long-term training, counseling and technical assistance to socially and economically disadvantaged women and have been very successful. We need to expand these centers so that women across the country have access to these important resources.

Mr. Chairman, small business is the future of our nation's economy and women are at the forefront of this field. It is our responsibility to encourage and expand women's business opportunities as they lead small businesses into the 21st century.

TRIBUTE TO PATRICK WILLIAM CADY

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. MANTON. Mr. Speaker, the Washington, D.C. St. Patrick's Day parade took place this past Sunday. Today is the proper occasion to congratulate and pay tribute to Patrick William "Pat" Cady, who was honored as the Nation's Capital Gael of the Year. This is an annual award which recognizes an individual from the local Washington Irish-American community for their efforts on behalf of Irish and Irish-Americans everywhere. It would be difficult to find anyone more worthy of such an honor than my friend Pat Cady.

I commend and encourage my colleagues to read the exceptional article I have included about Pat's extraordinary life written by Ms. Marie Matthews.

PATRICK WILLIAM CADY: THE IRISH EYE GAEL OF THE YEAR

(By Marie Matthews)

The Irish Eye. If you've been to an event in Washington's Irish-American community during the last twenty years, you've seen him, camera in hand, recording our memories. The Saint Patrick's Day Parade is proud and pleased to honor our Gael of the Year, Pat Cady.

Pat was born on March 8, 1923, in South Boston, Massachusetts. Contrary to the belief of many people, he didn't have a camera with him. His parents were Mary Joyce and James Keady, immigrants from County Galway. They had nine children, five boys and four girls. Some time before the last child was born, the spelling of the name was changed to reflect its Gaelic pronunciation.

When Pat was in his early teens, he picked up a family camera and began taking pictures. He shot hundreds of pictures of his sister, Rita, who was the only child younger than he and who was willing to pose when he asked. Soon after, he joined the Boys' Club in South Boston and began recording their activities on film—sporting events, marches, just hanging around. He set up a darkroom at the Club and taught other boys how to take pictures.

The first camera he bought for himself was a large camera designed for making postcards. Pat still has negatives from that time and from his time with the Boys' Club.

While in high school, Pat worked in the metal shop before school started, lighting the fire in the furnace and preparing tools to be used by the students that day. He graduated from South Boston High School and joined the Navy, expecting to begin a career as a metalsmith. He was prepared to go to metal training, when a Lieutenant Cady (no relation) offered him an alternative: he could stay in boot camp several more months or he could go to New York City to be trained as a photographer. It didn't take Pat very long at all to make a career decision.

The March of Time was the division of Time-Life that produced short films shown in newsreel theaters. The director of the March of Time believed the Navy needed more publicity and had offered to train Navy photographers along with Time-Life staff. In addition to an interest in photography, requirements were willingness and ability to carry cameras weighing 125 pounds. Pat began his formal training there in May 1941 and learned his craft by working with professional cinematographers on location in New York, New England and North Carolina. The training was scheduled to last six months, but shortly before completion, Pearl Harbor was bombed, and the country was at war.

The new year found Pat on a ship bound for the Pacific. He arrived in Bora Bora and began to document soldiers and sailors establishing the first base away from American shores. He learned to tell a story in the length of one roll of film—one minute. Occasionally, longer stories were necessary, and they were allowed two minutes. Just when he and his team thought they had run out of subjects to film, Admiral Byrd arrived for an inspection tour and gave them additional assignments. He is still in touch with his teammates from that time. After several months, Pat was transferred to the Hebrides, expecting to continue filming short subjects. The skipper there told him they didn't need movies, they needed aerial photography. Pat found himself in low-flying planes with the Army Air Corps (before it became the Air Force), flying in the last plane in bombing missions, documenting the results of the damage done by the planes ahead.

Two years later, Pat was transferred back to the States, to Washington. It was here that he married his high school sweetheart from South Boston in February 1944. Soon after, Pat received orders to report to the Navy studio in Hollywood, and he and Florence established a home around the corner from Schwabs' drug store. Pat began serious training with Hollywood professionals, making training films. A year later, he had his own crew.

When the Korean action began, Pat was sent back to the Pacific as part of a combat camera group. He lived in Korea and Japan. About this time, he was also shooting film that was used by Warner Brothers in their movies. If you've gazed at the ships heading out to sea at sunrise along with Henry Fonda in Mister Roberts, you've seen Pat's work. The seamen spelling out Navy Log on the deck of their carrier at the opening of that television series were also filmed by Pat. Today, he still sees film he shot during that period in various television productions.

Pat moved back to Washington and worked for the Naval Photographic Center, making training films for the Navy and the Marines. He became the first enlisted man to hold the position of Motion Picture Project Supervisor. Pat retired from the Navy in 1961, but continued to produce films for them for another twenty years.

In 1976, he attended his first St. Patrick's Day Parade in Washington and began taking pictures. A year later, he heard on the radio that the Parade Committee needed volunteers and he offered to assist the Parade's photographer. He has been giving his time, talent, film, good sense and ideas ever since.

Pat then became active in other Irish American groups. He was a founding member of the John Fitzgerald Kennedy, Division 5, of the Ancient Order of Hibernians. Today, he is the OAH's national photographer. He is also a valued member of the Irish American Club of Washington, D.C.; the Police Emerald Society; the Roscommon Society; the Nation's Capital Feis Committee; the Ballyshaners; the Washington Gaels; the Greater Washington Ceili Club; Project Children, and the Belfast Children's Summer Program. These organizations rely on Pat to photograph their events and to be a voice of reason and conciliation. He has never let them down.

Pat's beloved wife, Florence, and his daughter Rosemary, passed away several years ago. Rosemary's husband, Bruce Wagner, and their children, Denise, Sean, and James, live in North Carolina. Son George and his wife Susan live in Maryland. Patricia, her husband, Ross Wilcox, and sons Philip and Patrick, live in Delaware. The oldest child, Florence, and her husband Brian Gapsis, live in Ellicott City with Briana, Austin, and Silke. And Florence's daughter, Karen, is expected to deliver Pat's first great-grandchild between his birthday on March 8 and St. Patrick's Day.

Pat would like all of us to understand why the car carrying him in the Parade is weaving down Constitution Avenue. It's not because his driver has begun toasting St. Patrick a wee bit early. It's because Pat is recording the Parade from a new vantage point. Smile—you are becoming a part of our memory of this event honoring a special Irish-American, Patrick William Cady, Gael of the year.

HARVEST FOR THE HUNGRY

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. CARDIN. Mr. Speaker, I rise today to honor the work of the Harvest for the Hungry Campaign. Few of us know the pain of hunger or the desperation that comes from not knowing where our next meal will come from.

In 1987, Larry Adams, Jr., founded Harvest for the Hungry as a statewide volunteer effort dedicated to collecting food 365 days a year for people in need. Since that time, many individuals and organizations have contributed their time and energy to this very worthwhile endeavor.

Since its inception, the Harvest for the Hungry Campaign has collected more than 12.6 million pounds of food. In 1997, it collected more than 1.8 million pounds of food for the Maryland Food Bank and its counterparts.

I want my colleagues to be aware of two upcoming events that exemplify the spirit of volunteerism. They are the U.S. Postal Service Letter Carrier Week, from March 14 to March 21, 1998; and the Second Annual Harvest for the Hungry Walk-A-Thon on Saturday, April 4, 1998.

Maryland, like every state, has serious problems feeding those who are homeless and hungry. The Harvest for the Hungry Campaign has tried to remedy that problem. I urge my colleagues to join me in saluting the efforts of the Harvest for the Hungry Campaign and its founder, Larry Adams.

TRIBUTE TO LOIS CAPPS

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. ROEMER. Mr. Speaker, adversity is supposed to make us stronger. But the world does not always cooperate. When we lost our beloved colleague, Walter Capps, last year, we did not feel stronger for it. Indeed, we felt a keen sense of loss.

Today, our loss is assuaged by a new strength, and a new sense of purpose. Our colleague, LOIS CAPPS, was sworn in today to replace the unreplaceable gap left by her husband, her friend, her colleague of so many years. And she does so with alacrity. This is a woman elected of her own talents, strengths, and purpose. The temptation is so easy to say that she will finish Walter's legacy: the truth is that she will improve on it.

LOIS is here not by accident. Walter Capps had a wonderful vision for his district; and for what that meant to all of us. LOIS CAPPS will continue Walter's blessed work, and leave her own imprint on the national scene. She is most welcome here.

Mr. Speaker, the Gentlewoman from California is a most welcome addition to this institution. More than anyone, she is qualified to carry on the legacy of our departed colleague, Walter Capps. But, Mr. Speaker, more than anyone, she is qualified to study and improve upon Walter's legacy.

PERSONAL EXPLANATION

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. HINOJOSA. Mr. Speaker, on Thursday, March 12, I missed Roll call Vote #50 due to an address I was giving before the National Association of State Boards of Education. Had I been present to vote on final passage of H.R. 2883, the Government Performance and Results Act, I would have cast a no vote.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. SMITH of New Jersey. Mr. Speaker, last week the Appropriations Subcommittee on Commerce, Justice, State, and Judiciary heard testimony in support of the Commission on Security and Cooperation in Europe's Fiscal Year 1999 budget request. In my written submission for the committee, I shared portions of a poignant letter I recently received from the National Director of the Union of Councils of Soviet Jews, Micah Natfalin. Mr. Naftalin's words and observations are well said and heartfelt, and frankly, he reflects observations about the Commission and its work that many NGOs and public policy analysts have shared with me over the years.

The Commission is aggressive in pursuing its mandate to monitor and encourage compliance with the Helsinki Accords. Through its hearings, public briefings, bilateral communications and encouraging strong statements by the U.S. delegation at OSCE meeting, the Commission encourages compliance through public diplomacy and suasion. The Commission's work is significantly enhanced by the diligent work of non-governmental organizations both here in the United States and in the field. The commitment and effectiveness of the Commission and the staff which are expressed in this letter from the Union of Councils speaks for themselves. Mr. Speaker, these complimentary words about the work of the Commission and particularly the expertise of the staff are not uncommon. For the record, I would like to share excerpts from the March 10 letter.

The Union of Councils for Soviet Jews has been a close observer of the Commission's

> work since its inception. . . . In the vast desert of policy and think tank meetings, largely concerned with questions of economics, military defense, and environmental protection, *the Helsinki Commission stands as the single oasis where those concerned with human rights,* and especially the grassroots efforts to support common citizens in their quest to hold their national and local governments accountable to the standards of democracy, rule of law and a civil society, *can invariably receive a responsive and understanding hearing.*
>
> The power and moral influence of the Helsinki Commission lies in the commitment of its entirely bi-partisan membership in the House and Senate. Its strength and the quality of its assessments derive from one of the most dedicated and professionally expert staffs I have encountered since I was a Congressional staff member in the early 1960s. . . . The Helsinki Commission's high standard of quality tends to obscure the limitations in its scope and reach. While it is difficult to measure quantifiably the opportunities thus lost, those of us in the human rights community can attest that the success of your work demands greater resources. No other institution can match the Helsinki Commission. It would seem incumbent on the Congress to strengthen your ability to expand the staff, which is your most precious resource.

THE BOBBY STEPHEN ST. PATRICK'S DAY CELEBRATION

HON. JOHN E. SUNUNU

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. SUNUNU. Mr. Speaker, I rise today to pay special tribute to an annual New Hampshire event and the man who hosts it—the Bobby Stephen St. Patrick's Day Celebration. Today marks the 20th anniversary of this Manchester, NH gathering hosted by Bobby, a former State Senator and current Deputy Executive Director of the New Hampshire Job Training Council.

Over the past two decades, Bobby's generous spirit has turned this well-loved and well-attended annual event into an opportunity to give back to his community and his state. For the second consecutive year, he will be donating the entire proceeds from today's celebration to the Jobs for NH Graduates Program, a program for at-risk teens sponsored by the New Hampshire Job Training Council.

This award-winning program is a school-to-career transition program which teaches young people how to look for, find, and keep a job. Currently in place at 30 New Hampshire high schools, the program has served more than 5,000 young people in its ten-year history. It offers students the opportunity to improve their grades, learn about different careers, and serve their communities.

A modest list of the students' achievements includes volunteering to transport donated food from a local store to the Manchester Soup Kitchen, organizing a student job fair at Manchester Central High School, presenting an evening of entertainment to elderly residents at the Hunt Community Center in Nashua, serving as mentors for elementary school children in Newport, and volunteering time at a Red Cross blood drive in Concord.

Mr. Speaker, I commend Bobby Stephen for his commitment and contributions to New Hampshire's youth. His goals and effort are an example for all of us that show how giving back to your community can make a difference for so many. Thank you, Mr. Speaker.

CONGRATULATIONS TO AL HARRINGTON, A TRUE CHAMPION

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. PAYNE. Mr. Speaker, I would like to ask my colleagues here in the U.S. House of Representatives to join me in congratulating an outstanding young man, Al Harrington of St. Patrick High School in Elizabeth, New Jersey, who was named The Gatorade Circle of Champions National High School Boys Basketball Player of the Year. This prestigious award honors not only athletic excellence, but also academic achievement.

We in New Jersey are very proud of this gifted young man, who has distinguished himself both on and off the court. The newspaper USA Today ranks St. Patrick as the Number 9 team in the nation. Al is averaging 25 points per game, along with 15 rebounds, 3.5 assists, and 3 blocked shots. A three-time All-Stater and a pre-season All-American choice, he will be playing in a variety of post-season All-Star games.

Al is following in a proud tradition. New Jersey boasts four winners of this national award—Claudio Reyna of St. Benedict's, Kris Durham of Scotch Plains, and Willie Banks of Jersey City, now with the New York Yankees.

Al maintains a 3.1 grade point average and has performed well on the Scholastic Assessment Test. He is a well-rounded young man who is involved in a variety of extracurricular activities and volunteer work. He held a starring role in the school play Annie Get Your Gun, he sings in the school choir, volunteers in a local hospital, and works with grammar school youngsters.

Mr. Speaker, Al Harrington is a young man with a bright future who embodies the very best qualities of today's youth. I know my colleagues join me in expressing our congratulations and best wishes to him as well as to the other St. Patrick's players and their dedicated coach, Kevin Boyle.

25TH ANNIVERSARY OF THE ST. PATRICK'S DAY PARADE IN KANSAS CITY, MO

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to commemorate the 25th Anniversary of the St. Patrick's Day Parade in Kansas City Missouri. The second largest parade in the country, Kansas City represents the best of the tradition of the Irish. Started by local radio personality Mike Murphy in 1973, the celebration now includes families, community and school groups, civic and labor organizations representing the greater Kansas City metropolitan area.

The parade has become one of the largest in America because of the dedication and commitment of the Irish community. The traditions of celebrating the history and lineage of the families of Ireland have become ingrained in our community. Generation after generation continue the reminder of the importance of St. Patrick's Day.

From a small crew and a block long parade to the success of today's 100,000 plus participants, Kansas City demonstrates the values of keeping tradition alive. I enjoy the parade and all of the community cheer and enthusiasm. This morning the excitement was captured for the nation on ABC's "Good Morning America" program. Even on a cold and dreary day, Kansas City's St. Patrick's Day Parade brings the shining Irish pride of all of us to light.

Mr. Speaker, I salute the 25th Anniversary of Kansas City's St. Patrick's Day Parade and the excitement it has brought to our community and its residents through the hard work and determination of the Irish community of my district.

PRESERVE CRITICAL DATA IN THE 2000 CENSUS

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mrs. MORELLA. Mr. Speaker, today I am introducing a resolution expressing the Sense of the Congress that the 2000 Census should continue to collect demographic and socio-economic data to promote sound decision making.

On March 31, 1997, the Census Bureau submitted to Congress the subject matters for questions on the long form. The long form is sent to one in six households. Its questions will provide the only accurate and reliable source of demographic, social and economic data about our population and housing. The Census Bureau will collect only data that is specifically required by law or a Federal court for the implementation of programs or the allocation of Federal funds; the Bureau has dropped its 1990 questions that have no explicit statutory justification.

The public sector relies on Census long form data. Federal agencies must have the information collected by the Census Bureau on the long form in order to administer federal programs. They also need this information to ensure that programs are inclusive, representative, and serve the needs of local populations. The U.S. Commission on Civil Rights needs the data to monitor discrimination based on national origin.

Beyond the federal government, the largest non-federal users of long form information are local governments. The National Association of Counties adopted a resolution calling for a census long form "to provide the useful demographic information necessary to guide our country into the 21st century." In addition, state, county, and municipal agencies; educators and human service providers; researchers; and political leaders all rely long form data. Members of Congress depend on accurate information. The questions on the long form give us insight into our communities, our transportation and infrastructure, our housing, and our ethnic constituencies.

The private sector is a secondary, but important, beneficiary of long form data. Census data promote economic stability and growth in every sector of our economy. Retail, services, communications, and manufacturing companies rely on this data to allocate resources and develop investment strategies; to determine the location of new stores and plants; to assess the need for job training, educational, and child care programs; and to meet customer needs and preferences. Transportation providers use census data to assess the need for roads, highways, and transit systems. The housing industry relies on census data to gauge housing conditions, predict loan demand, and improve and expand housing in under-served markets. The private sector could not possibly replicate the information in the census.

We must send a message to those involved in the 2000 Census—the Congress, the Census Bureau, and the Administration—that we must preserve the long form, the only tool that gives us a comprehensive picture of who we are as a nation.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. KIND. Mr. Speaker, this week it was publicly disclosed that former Wisconsin Senator William Proxmire has Alzheimer Disease. Senator Proxmire, who had a long and distinguished career in the U.S. Senate, is a friend and mentor to me and many other Wisconsin citizens.

Yet, he will probably be best remembered not for what he did in the Senate but by how he got here. Senator Proxmire was famous for his efforts to shake the hands of as many citizens of Wisconsin as possible, standing hours on end at the State Fair and outside the Green Bay Packers games.

One year Senator Proxmire spent a total of $184 on his reelection campaign! Can you imagine a Senator spending only $184 on his reelection in today's political climate?

Next week, I hope we will remember my friend and mentor, Senator William Proxmire, as we debate campaign finance reform. His example should make our decision easy.

INTRODUCING OF THE COLLEGE TUITION REDUCTION AND INFORMATION ACT OF 1997

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. GOODLING. Mr. Speaker, I rise today to join my colleague from California, Mr. MCKEON, in introducing the College Tuition Reduction and Information Act.

In today's technology and information based economy, getting a high quality postsecondary education is more important than ever. For many Americans, it will be the key to the American dream. Historically, higher education prices have increased at roughly the rate of inflation. However, since the early 1980's, college tuition has spiraled at a rate of two-to-three times that of inflation every year. According to a report released by the General Accounting Office (GAO), between 1980–1981 and 1994–1995, tuition at 4-year public colleges and universities increased 234 percent, while median household income rose 82 percent, and the consumer price index rose only 74 percent.

Over the past year, I have held hearings across the country as my Committee worked to update and improve the Higher Education Act. One consistent theme I have heard from parents and students wherever I went was the reality that paying for college is a huge financial burden, and that for some, a college education will soon be out of reach. It is alarming to me that, at a time when the higher education programs under my Committee's jurisdiction provide roughly $40 billion per year in student financial aid, parents and students tell me they cannot afford to pay the college bills. It is clear to me, as it is to anyone that has ever sent a child to college, that college is too expensive.

This trend in college pricing is especially alarming in that it only seems to apply to higher education. There are many other endeavors and many businesses that must keep pace with changing technologies and federal regulations. However, in order to stay affordable to their customers and stay competitive in the market, they manage to hold cost increases to a more moderate level.

That is why I'm joining my colleagues today in introducing this important legislation to implement a number of the recommendations of the Commission on the Cost of Higher Education. It is time that we all did something to control college costs. I want to ensure my colleagues and families across the country that I will continue to work hard to see that every American has access to a quality postsecondary education at an affordable price. This legislation will provide a needed step in that direction.

I urge my colleagues to support this important legislation, and to cosponsor the College Tuition Reduction and Information Act.

MEMBERS CRITICIZE CROATIAN GOVERNMENT IN LETTER TO THE PRESIDENT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. TOWNS. Mr. Speaker, I rise today to inform my colleagues of a letter to President Clinton expressing the deep concern of members about the Croatian government's authoritarian and non-democratic actions. Because the United States is sending financial aid to Croatia we must monitor the situation. I am inserting a copy of this letter along with a translation of a related March 13, 1998 Voice of America boardcast.

CONGRESS OF THE UNITED STATES
Washington, DC 20515

HON. WILLIAM JEFFERSON CLINTON,
President of the United States,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We are writing to express our deep concern regarding the Croatian government's continued pattern of intolerance toward the basic freedoms of political expression, a free press, and civil liberties. While we expected that the transition from a former communist republic to a democracy would not happen overnight, it has been seven years since Croatia declared itself an independent democratic nation, and little progress has been made in implementing democratic reforms. This was recently reaffirmed by the State Department's Country Reports on Human Rights Practices for 1997. In its report, the State Department makes the finding that in Croatia "the continuing concentration of power within the one-party central government, makes Croatia's nominally democratic system in reality authoritarian."

Most print and broadcast media continue to be owned by the Croatian government resulting in considerable restriction on freedom of the press. Journalists who criticize the government face harassment and even prosecution. The Association of Electronic Media Journalists was established in October 1997, and issued a manifesto ("Forum 21") with 21 points calling for professional and open electronic media. The State Department found "13 of members who worked for state radio and television, came under immediate pressure and threats from the HDZ [President Tudjman's party] and the state-run media to curtail these outside activities." The State Department further reported "The Government maintained an unofficial campaign of harassment of the independent media throughout the year."

In August 1997, the Croatian government brought charges against two prominent human rights activists, Ivan Cicak, long-time President of the Croatian Helsinki Committee, and politician Dobroslav Paraga, President of the Croatian Party of Rights 1861. The government alleged that both men had violated the Criminal Code by disseminating false information with the intent of causing political instability in the country. According to the State Department Report, ". . . the same and similar statements had been made by these individuals—with no ensuing public disorder—several years previously and that similar sentiments were expressed by others." The charges were brought against these men within days of their meeting with the investigators from the Hague War Crimes Tribunal in which they turned over documentation involving allegations against several high government officials.

In addition, the Organization for Security and Cooperation in Europe (OSCE) found the presidential election in June of 1997 to be "fundamentally flawed" and came to a similar conclusion with regards to the parliamentary and local elections in April 1997. The President's ruling party was given an overwhelming advantage in coverage by the state-owned electronic media throughout the election year. Furthermore, there is a disturbing trend over the past few years by the Croatian government to use administrative courts to replace heads of democratically elected parties. The method is simple, the party is registered as being headed by someone who is favored by the ruling party.

The judicial system continues to be heavily influenced by the Croatian Administration. In 1997, the Chief Justice of the Supreme Court, Krunislav Olujic, was dismissed. Three members of the State Judiciary Council were witnesses against him while at the same time they also decided his fate. The OSCE reported that Olujic's dismissal "put in question the separation of powers provided for by the Constitution."

Mr. President, we believe it is well past the time for Croatia to hold fair and free elections based on election laws which do not favor the ruling party over the opposition. The government should return democratically elected leaders of Parliamentary parties who were removed by administrative measures. There must be multi-party control of the election process. An independent media must be allowed to report without fear of reprisal, and the judiciary must be independent from any political influence. We therefore urge you to increase the pressure on the Croatian government to come in line with internationally recognized democratic principles through all means at your disposal, including the disbursement of U.S. assistance.

Sincerely,

Tom Lantos, Tom Campbell, Tony P. Hall, John Edward Porter, Martin Frost, Henry J. Hyde, Benjamin A. Gilman, Luise V. Gutierrez, William O. Lipinski, Edolphus Towns, Jesse L. Jackson Jr., Joel Hefley.

VOICE OF AMERICA—AMERICAN CONGRESSMEN REQUEST OF PRESIDENT CLINTON THAT HE INCREASE THE PRESSURE ON THE REPUBLIC OF CROATIA TO BECOME A DEMOCRATIC COUNTRY

(By Bojan Klima)

A group of very influential American Congressmen recently sent a letter to President Bill Clinton and submitted a resolution to the U.S. Congress. The lawmakers wanted to increase the pressure on the Croatian government to come in line with fundamental democratic principles. The Congressmen urged the American President that he use all means at his disposal, including disbursement of U.S. assistance. Among the many distinguished cosponsors and signatures are influential Benjamin Gilman, Chairman of the International Relations Committee, Congressman Tom Lantos, a member of this Committee, and Congressman Henry Hyde. What is the reason for this contact with President Clinton?

INTOLERANCE TOWARD FUNDAMENTAL POLITICAL FREEDOMS

The lawmakers expressed deep concern regarding the Croatian government's continued pattern of intolerance toward the basic freedoms of political expression. In these documents the Congressmen spoke of freedom of expression, freedom of media and several violations against civil rights of individuals. For example, they wrote that the government has control of most of the electronic and print media. Journalists who criticize the government face harassment and even persecution. One example, the American State Department found thirteen journalist, who worked for State radio and television and who are members of Forum 21, received pressure and threats because they are members of this independent group.

MEDIA IS UNDER THE CONTROL OF THE GOVERNMENT; CASES CICAK, PARAGA AND OLUJIC

In the letter to the President the U.S. Congressmen quoted two cases, Ivan Cicak and Dobroslav Paraga, who were charged in August for violating the Criminal Code by disseminating false information with the intention of causing political instability in the country. The Congressmen wrote in the letter to President Clinton that charges were brought against these men within days of their meeting with investigators from the Hague War Crimes Tribunal to whom they had turned over documentation involving allegations against several high government officials. U.S. lawmakers quoted some other examples of the non-democratic nature of the political system in the Republic of Croatia. Media presentation of the electoral campaign during the last presidential election was so non-objective that the Organization for Security and Cooperation in Europe (OSCE) proclaimed the election "unfair." Furthermore, there is a disturbing trend by the Croatian government to use administrative courts to replace heads of democratically-elected parties. Instead of the democratically-elected heads, the party is registered as being headed by someone who is favored by the ruling party. And the judicial system continues to be heavily influenced by the ruling party. The U.S. Congressmen cited the dismissal of Krunislav Olujic, the President of the Supreme Court of Croatia and referred to the report of OSCE that Olujic's dismissal put in question the separation of powers provided for by the Constitution.

SEVEN YEARS SINCE INDEPENDENCE, THE REPUBLIC OF CROATIA HAS MADE VERY LITTLE PROGRESS TOWARD DEVELOPING DEMOCRACY

The American Congressmen wrote the American President that while they had not expected that democracy would happen overnight in a former communist republic, they found it regrettable the Republic of Croatia has made very little progress toward democracy development in the last seven years. They urged President Clinton to increase pressure on the Croatian government to carry out several demands: first, that Croatia should hold fair and free elections based on election laws which do not favor the ruling party over the opposition; second, the government must return democratically-elected leaders of Parliamentary parties who were removed by administrative measures; third, there must be multi-party control of the election process; and fourth that journalists and judges must be allowed to function without fear of reprisal or political repression. Finally, these very influential American Congressmen requested of President Clinton that he increase the pressure on the Croatian government to come in line with internationally-recognized democratic principles. The Congressmen requested that President Clinton use all means at his disposal, including U.S. economic assistance.

SUPPORT GROWS FOR CREDIT UNIONS

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

HON. STEVE C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. KANJORSKI. Mr. Speaker, my colleague, Mr. LATOURETTE and I wish to state that support for H.R. 1151, the Credit Union Membership Access Act, continues to grow. Below are ten of the more than 100 editorials from newspapers all across our nation which support giving consumers the right to chose a non-profit, cooperative, credit union for their financial services.

Surveys have consistently shown that consumers strongly support the value and services they receive from their credit unions. That is why the Consumer Federation of America endorses H.R. 1151, the Credit Union Membership Access Act.

A bipartisan group of more than 190 Members from all regions of our country, and all parts of the political spectrum, are now cosponsoring the Credit Union Membership Access Act. We should pass it quickly so that credit unions can stop worrying about their future and return to serving their members.

[From the USA Today, Mar. 4, 1998]

COURTS SLAP AT CREDIT UNIONS HURTS CONSUMERS

Consumers seeking bank services want low costs, higher returns and convenience. Last week, the Supreme Court struck a blow against all three.

In deciding by a 5 4 vote that multiemployer credit unions were, in effect, illegal, the court put a halt to credit unions' rapid growth, up 12 million members since 1990.

Current multiemployer credit unions are expected to be allowed to continue. But the ruling threatens to reduce competition for banks by preventing millions of other Americans from joining them.

Nonprofit credit unions are mostly employer sponsored and employee run. To be financially viable, each needs 500 members—more than most small businesses have. If they can't jointly sponsor credit unions, their workers must do without.

This suits bankers fine. They claim credit unions offer higher interest on savings and lower rates on loans because they don't pay income taxes. That's OK, they said, if membership is strictly limited. But opening credit unions to a wide array of people, as multiemployer ones do, damages banks and robs taxpayers, they argue.

There's only one problem with that reasoning. History shows it to be false.

Federal regulators urged small credit unions to merge 15 years ago to prevent them for going under, which could have hit taxpayers the way savings and loan failures did. And despite their rapid growth since, they've hardly hurt banks.

Credit unions' share of the nation's financial assets is struck at 2%. Only 1% of their loans go to commercial ventures, where banks make their big money. And even in consumer lending, at which credit unions excel, they haven't made big inroads. A federal study last year found banks' share of family debt climbed from 29% to 35% between 1988 and 1996 while the share owed credit unions rose from a mere 3.3% to hardly awesome 4.2%.

Meanwhile, bank profits are at record highs, with fee income rocketing.

Those fees, on everything from counter service to ATMs, added $50 billion to banks' bottom lines last year. Banks say they're needed to cover the $250 annual cost of maintaining an account. But they're also high enough to force 13% of families out of banks and into the hands of costly check cashing outlets and pawnshops.

Even professionally managed credit unions still have policies set by member elected volunteer boards. They strive to keep services affordable, so fees average 40% below those of banks. At most, people eligible to enroll can open accounts with $25 or less. Try doing that at a bank.

Congress recognizes the need. It is considering legislation to preserve that access.

Doing so won't hurt banks. It will cost taxpayers nothing. It only ensure consumers have the choices they deserve.

[From the Los Angeles Times Editorials, Feb. 27, 1998]

NEW CREDIT UNION LAW NEEDED

There are a lot of angry members of credit unions across the country, grousing with good reason about the Supreme Court's decision to restore limits on who can join these nonprofit cooperatives. Going back to a strict reading of an old law, the court ruled 5 to 4 that credit union members must be individuals within a single company, community or occupation.

Congress needs to act to reverse the ruling, a major setback for credit unions although there will be no immediate effect on current members. The organizations have greatly expanded their memberships since 1982 when federal regulators relaxed the membership rules to allow a credit union to accept individuals from outside the group it was originally chartered to serve. This "multiple group" policy helped employees of small companies join credit unions chartered by larger ones and allowed credit unions at downsized companies to diversify to stay in business.

Federally chartered credit unions date back to the Depression, when banks were unwilling or unable to make small loans to workers. And consumers still want and need a choice beyond conventional banks, which hardly put out the welcome mat for small accounts.

The original Federal Credit Union Act of 1934 said members must be part of "groups having a common bond of occupation of association" such as employment in the same company or membership in the same church. After regulators relaxed the rules, banks mounted court challenges claiming that credit unions were building conglomerates and had unfair tax advantages as nonprofit corporations.

Anticipating the Supreme Court's ruling, credit unions have been at work in Washington on legislation to change the law to ease its restrictions on membership. Attention is focusing on HR 1151, a bipartisan bill introduced by Rep. Paul E. Kanjorski (D-Pa.) and Rep. Steven C. LaTourette (R-Ohio—that has 136 co-sponsors. Committee hearings on credit union membership begin week after next.

What lawmakers will hear is that credit unions have attracted 71 million customers because of lower fees, fast emergency loans and better rates on loans and savings. Credit unions hardly pose a threat to banks, which, according to LaTourette, hold 93% of all savings and deposits and 94% of all loans. Consumers deserve alternatives; credit union membership restrictions should be amended.

[From The Record, Mar. 2, 1998]

SUPPORT FOR CREDIT UNIONS

In ruling in favor of the banking industry in its fight to stop credit unions from expanding, the U.S. Supreme Court probably made the right legal decision last week.

But Congress should write into law the practices invalidated by the court. Credit unions offer consumers choice and affordable services, and they encourage people to save who probably wouldn't otherwise. That's good for everyone.

By a 5-4 vote, the court ruled that the federal government went too far in 1982 when it allowed federally chartered credit unions to recruit members who weren't linked by occupation or location. The 1934 federal law that authorized credit unions had limited their membership to groups with a "common bond."

Justice Clarence Thomas wrote that the government's interpretation of the law made it permissible "to grant a charter to a conglomerate credit union whose members would include the employees of every company in the United States." That wasn't the intent of the law.

But now that the court has ruled against credit unions, the situation for 20 million customers who joined after the government relaxed membership requirements is uncertain.

Federal lawmakers can end this limbo with legislation allowing credit unions to continue to operate under the more flexible rules established by Washington.

Such a move has bipartisan support, but don't expect the powerful banking lobbyists to lie down and allow it to become law. Banks complain the credit unions are competitors who are allowed to play by a different set of rules. Credit unions don't have to pay federal taxes or abide by fair-lending laws.

But credit unions aren't as much of a threat as the banking industry would have us believe. According to the New Jersey Credit Union League, the assets of the average commercial bank are nearly 30 times that of a credit union. And if people are opting for credit unions instead of banks, it's because of the lower fees and interest rates.

A study by the Consumer Federation of America showed that credit union fees are about 40 percent lower than bank fees. That's a problem banks can address without squashing credit unions. Changing the law to allow credit unions to continue to expand memberships within reason would be a victory for consumers.

[From the Birmingham Post-Herald, May 7, 1997]

GIVING CREDIT TO CREDIT CREDIT TO CREDIT UNIONS

Credit unieen helping people with their financial needs for more than six decades, are themselves in need now. They need to win a legal fight and, failing that, they need some political help from Congress. If they don't get it, the credit unions themselves may no longer be available for millions when they come knocking, and American consumers, especially those of modest means, will have reason to grieve.

Congress established credit unions as nonprofit cooperatives in 1934 chiefly for poorer people left out of the loop by banks. It required that members have a "common bond," such as being employees of the same company.

The formula worked fine until the late 1970s, when the disappearance of large manufacturing plants and other economic changes began robbing the credit unions of members. A federal agency then said a credit union could include a multitude of groups in its membership in order to maintain a sufficiently large operational base.

The commercial banks yelped. What's more, they sued. They maintained that the federal agency, The National Credit Union Administration, had misconstrued the law and a federal judge said the commercial banks were right. The Supreme Court has agreed to hear the case either late this year or early next.

If the high court concurs with lower court rulings, some 10 million people will no longer be members of credit unions, and millions more may never get the chance.

That would be a shame because credit unions normally pay higher rates of return on deposits and charge less interest on loans than banks. They tend to be easy and friendly to deal with, partly because the directors are likely to be the consumer's fellow workers.

Banks say the competition from the credit unions is unfair because they don't pay taxes. It's true that as nonprofit organizations the credit unions don't have profits to pay taxes on. Their members do pay income taxes on any dividends.

If the credit unions lose in court, Congress could quickly come to the rescue with just a slight change in the 1934 law's wording about "common bonds." There is some bipartisan support for the amendment, though not exactly a groundswell yet. You would think, at first blush, that there would be more interest. After all, 70 million Americans belong to credit unions, and that's a lot of voters.

It's possible, of course, that another number speaks more loudly in the legislative ear: 4.4 trillion, which is the accumulation of dollars the banks have in assets, and more than 12 times the assets of credit unions. The banks would not seem to be at much of a disadvantage economically, after all, although the credit unions may be at a disadvantage politically.

[From the Wilmington Morning Star, Feb. 28, 1998]

GIVE SOME CREDIT WHERE IT'S NEEDED

About 650,000 Tar Heels are members of credit unions. A Wednesday ruling by the U.S. Supreme Court threatens to take away some of their choices and force them to pay more for financial services.

The fight now shifts to Congress, where support is building to protect credit unions from being overwhelmed by big banks.

Credit unions got started during the Depression, when some banks refused to lend money to many Americans, particularly those of modest means.

As Justice Sandra Day O'Connor put it in a dissent to the court's ruling in this case, "Credit unions were believed to enable the general public which had largely been ignored by banks, to obtain credit at reasonable rates."

Federal regulators in 1982 allowed many credit unions to expand their memberships beyond the original employees or associations that they were established to serve.

It is that expansion that bankers challenged in this lawsuit which arose in North Carolina.

The banks claim credit unions have an unfair advantage, because they are exempt from federal taxes and have grown to offer a wide range of financial services that make many larger credit unions virtually indistinguishable from banks.

Credit unions reply that they must be allowed to grow as they compete with bigger banks for customers. And credit unions still offer incentives to customers with smaller amounts—the types of customers many of the growing mega-banks shun by charging them higher fees and interest rates.

After winning in the Supreme Court, the banking industry said it only wants to prevent future expansion of credit unions and won't try to force current members out. But since many credit unions have a large turnover in customers, the need a steady flow of new customers to survive.

The decision was barely filed before lobbying began for a bill already prepared in Congress.

It would change the 1934 law that created credit unions, allowing them to include members from several businesses or associations, instead of just one.

There seems no other way to preserve financial institutions that have helped so many families of modest means.

[From the Miami Herald, Feb. 28, 1998]

BANKING ON LAWMAKERS

In the latest battle between banks and credit unions, the banks won and consumers lost. A divided U.S. Supreme Court ruled this week that a federal agency erred in 1982 when its broad interpretation of a 1934 law let credit unions substantially expand their membership.

Granted, the law's language seems vague enough to lend itself to varied interpretations. It says that federally chartered credit unions' membership shall be limited to groups having a common bond of occupation of association, or to groups within a well-defined neighborhood, community, or rural district."

Construed liberally, a "common bond of . . . association" could even be interpreted to include persons freely associating in order to open a credit union. For years, though, most credit unions were restricted to employees of a single firm or to members of a single labor union.

In 1982, however, the national Credit Union Administration sensibly ruled that credit unions could accept members from multiple employers. The ruling helped credit unions expand.

Healthy credit unions are vital for consumers in an era when America's over-consolidating banks are gouging their customers with ever-higher fees—and when job growth is fastest at businesses that employ fewer than 50 workers each. Such businesses obviously lack the critical mass to sustain a credit union all by themselves. Yet courts are concerned with what the law says, not with how an interpretation might affect the marketplace.

So it's therefore hard to fault this ruling on legal grounds. Indeed, the 5-4 majority joining in Justice Clarence Thomas's majority opinion cut across the court's usual ideological fault-line to include Justice Ruth Bader Ginsburg, a Clinton appointee. And the dissenters merely argued that the banks had lacked the standing to sue.

Although the court decided who won this battle, Congress and the states will decide who wins the war. On Capitol Hill, House Speaker Newt Gingrich is pushing a bill to let credit unions do what the court's ruling says the anachronistic 1934 law won't let them do.

Meanwhile, in the state capitals where federally chartered credit unions have been rechartering with state regulators, the banks and credit unions will be slugging it out again on membership rules and, in some states, on taxation issues.

How these battles turn out will be an interesting test of whether a broad interest favorable to lots of voters—the credit unions—can defeat a powerful banking lobby that provides lots of politicians with wads of campaign cash.

[From the Atlanta Constitution]

KEEP CREDIT UNIONS STRONG

House Speaker Newt Gingrich (R-Ga.) has decided to join some 160 cosponsors of a bill to strengthen credit unions, adding important momentum to congressional efforts to overturn a Supreme Court ruling favoring banks over financial cooperatives.

The bill embraced by Gingrich would allow federally chartered credit unions to continue to include diverse groups in their memberships. Last week, the Supreme Court ruled 5-4 that only a single group with a "common bond" can form a credit union. In other words, a credit union would no longer be allowed to welcome employees from several different companies.

That ruling could represent a significant financial setback for the 62 million Americans who depend on the nonprofit cooperatives for low-cost loans and other banking services. The need for credit unions has grown as banks continue to merge and enlarge themselves, leaving many consumers facing higher fees and less personalized service.

Because credit unions do not generate profits for shareholders, they can pass along earnings to members in the form of better rates and services. Although credit unions make up less than 6 percent of the consumer financial-services market, they put enough pressure on banks to help hold down fees for everyone.

When credit unions were created by federal law in 1934, members generally shared a "common bond," such as employment in a large factory. But in recent years, sprawling factories have been closing, leaving more people employed by small companies. In Georgia, for example, 62 percent of the people employed in the private sector work for companies with fewer than 500 employees.

But a credit union needs at least 500 members to generate sufficient business to cover costs. The only way to survive is to have one union serve the employees of several small companies, a move that the National Credit Union Administration has allowed since 1982.

Bankers sued the credit unions to stop that practice, saying the 1934 law was being stretched too far. The Supreme Court agreed that membership should be restricted under existing law.

Congress can ensure the continued health of credit unions by updating the law to fit today's economy, with its profusion of small businesses. Bankers oppose the bill, saying credit unions have an unfair advantage because of exemptions. But credit unions don't pay federal income taxes because they don't generate income; they are simply groups of people pooling funds to help one another.

By allowing credit unions to continue to grow, Congress can help the "little guy" combat rising bank fees, high loan rates and occasionally rude service.

[From the Boston Globe, Mar. 2, 1998]

WHERE CREDIT IS DUE

Congress owes American consumers swift action to reverse the effect of a Supreme Court decision potentially restricting access to credit unions. Credit unions, beyond providing direct services to ordinary savers and borrowers, perform a valuable function for everyone with competitive deposit and loan rates that would be diminished were the decision's effects to stand for long.

The court's 5-4 decision was based on a strict reading of federal enabling statutes that govern eligibility for joining credit unions. The law stipulates that credit unions may serve groups of people with common bonds of association or occupation, but regulators have permitted very loose interpretation of what constitutes that commonality.

This loose interpretation has, in turn, permitted growth of credit unions that are essentially indistinguishable from ordinary banks in their depositor and borrower customer profiles.

Despite expansion, credit unions are scarcely a dominant force in banking, having only 6 percent of assets even though the number of individual credit unions—11,591—slightly exceeds the number of commercial and savings banks.

The history of the credit union movement, in which Massachusetts has played a leading role, dates to a time when conventional banking practices were far less accommodating to potential customers with limited means. Credit was often difficult to get, and even depositors might be dismissed as trivial nuisances. In that world, the development of credit unions played an important role in providing financial services to groups that might otherwise have been left out.

More recently, credit unions have taken on the trappings of conventional banks and have competed successfully with savings banks and savings and loan associations: Too successfully, some bankers say, blaming the tax advantages some credit unions enjoy—an issue that also needs addressing.

For now Congress can avoid confusion and unnecessary dislocation by authorizing what has become a financial reality: Credit unions are significant and valued players in a vital field.

[From the Startribune, Mar. 9, 1998]

CREDIT UNIONS—CONSUMERS DESERVE GREATER ACCESS

The American Bankers Association won a round against the little guys last month when the U.S. Supreme Court ruled that federal regulators have made it too easy for the nation's credit unions to expand and compete with the Citibanks of the world. You can't fault the justices; they read existing law correctly.

But this week, Congress will take up legislation to rewrite the law and restore a broader customer base for credit unions. That would serve the nation's consumers and invigorate competition in the nation's financial markets.

At issue is a concept called "field of membership." When Congress created credit unions in 1934, it gave consumers the power to band together and form low-cost alternatives to banks. But Congress said such groups must have a common bond, such as working for the same employer. In 1982 the federal agency that regulates credit unions, the National Credit Union Administration, greatly expanded that concept, allowing a credit union to combine multiple employers or communities within a field of membership. Today, about half of federally chartered credit unions have these conglomerate memberships. Some, like the IBM Employees Credit Union in Rochester, Minn., have tens of thousands of members. It was this policy that the Supreme Court struck down last month.

But there was good reason for the NCUA to loosen the reins on credit unions. The financial squeeze that swept across America in the early 1980s restructured the U.S. economy, wiping out many of the venerable mid-sized manufacturers that had sustained credit unions. Meanwhile, a new industry of micro-service firms sprang up, with the result that the average size of American employers has shrunk and shrunk. Today, fewer than half of Americans work at companies big enough to sustain credit unions on their own. They simply have no access to this attractive financial alternative.

If credit unions posed a genuine threat to banks, it might be right to go back to an older set of rules. But they don't. Although they have some 70 million members, they represent scarcely 2 percent of the financial services market—just enough to serve as a good competitive check on banks in an era of rapid financial consolidation.

Bankers have a second gripe, which might get attention from Congress. Credit unions are exempt from the federal corporate income tax, and thus have a modest cost advantage over banks. There is a rationale for this special tax status. Credit unions are member-owned cooperatives that earn no profits and have no stockholders. But modern credit unions resemble banks in other important respects; they're professionally run and highly computerized. It's hard to argue that they need what amounts to a subsidy from taxpayers, especially at a time when Congress is trying to squeeze loopholes out of the tax code.

Credit unions aren't for everybody. Many consumers want the heft and convenience of a full-service bank that offers a broad line of loans, multiple branches and even investment advice. But credit unions, with volunteer management and no-frills infrastructure, typically offer basic checking and lending services at more competitive fees and interest rates. Choice is good in competitive markets, and this is a choice that should be available to more Americans.

[From the Chicago Tribune, Apr. 28, 1997]

Consumers Will Be the Big Losers in Banks' Attack of Credit Unions

(By John McCarron)

God bless the Navy Federal Credit Union.

If it wasn't for the credit union, I couldn't have bought that used Toyota Corona back in 1971. And if it wasn't for that Toyota, things might not have turned out so well.

Back then, my new bride needed a car so she could move out of her parents' house in New Jersey and take a "dream" job as a visiting nurse near Newport, R.I., where my oil tanker was based. We were a year out of college with no savings and a credit sheet full of outstanding student loans.

That didn't bother the Navy Federal Credit Union. It was used to lending money to freshly-minted ensigns with strange-sounding addresses like: "USS Mississinewa (AO-144), FPO, New York." And the office workers knew exactly where to find the union's members. They also knew, what with so many shipmates belonging to the same credit union, from the captain to the cook, that for a junior officer to default on a loan would be, well, not a good career move. More like a keel-hauling offense.

So NFCU okayed that thousand bucks by phone, right there at the car dealership, and my new bride and I drove off to our new careers, wedded bliss, kids, a mortgage and all the rest.

Truth be told, we haven't borrowed much from our credit union since those early years. Except for our mortgage we've been fortunate enough to avoid buying-on-time or paying those unconscionable 18 percent bank credit card rates. Still we're faithful "members-owners" of the NFCU. I keep more than the minimum balance in our "share savings account" for a couple of reasons. You never know when you'll need a competitively-priced consumer loan; and besides, I believe in what credit unions stand for.

And what they stand for, to my way of thinking, is that people of modest means have a right to form their own not-for-profit cooperatives rather than do business with for-profit companies owned by distant powers-that-be. That's also why I choose to insure my house and car through a mutual insurance company and why I got my first mortgage from a savings and loan association. And it's why I was saddened when my S&L was gobbled up—as so many have been—by a mega-bank that's listed on the New York Stock Exchange and pays its CEO more than $3.6 million a year in salary and bonuses (not including stock options.)

Then again, most people don't care whether their lender or insurer is mutual, co-op or stock. Likewise, most people probably think Frank Capra's "It's a Wonderful Life," was a movie about Christmas, not the tension between mutuals (George Bailey's S&L) and for-profits (Mr. Potter's commercial bank.)

Mr. Potter, you may recall, didn't have much use for the dirty-fingernail types who financed their cottages through their own S&L. So when the opportunity arose to pull the plug on the little people (after Uncle Bailey misplaced a bank payment) the greedy Mr. Potter moved in for the foreclosure kill.

Capra's populist allegory was heavy-handed, to be sure, the product of Depression era angst over the lot of working people. The movie's plot seems outdated now that so many of us are middle-class with stock portfolios of our own.

But guess what? The spirit of Mr. Potter is alive and well. It throbs within the silk suits of American Bankers Association, which is on a crusade to stop the growth of my NFCU and the 12,000 other member-owned credit unions in these United States.

Turns out more and more consumers are discovering it pays to save and borrow at their own co-ops rather than at banks that need to churn out profits for stockholders and big salaries for bank officers. Even though they hold 93 percent of all the nation's savings, bankers say they are "concerned" about the growth of credit union membership.

So the ABA has been suing the federal agency that regulates credit unions, claiming the unions ought to confine their membership to savers with a single "common bond" (like employment in the Navy.) In an era of rapid consolidation among all types of lenders, they especially want to stop larger credit unions from merging with smaller ones whose members don't have the same bond.

The bankers argue that overly permissive federal rules make it possible for the general public to join credit unions. This is an outrage, they say, because unlike banks, credit unions don't pay income taxes and therefore have an unfair competitive advantage. (An $800 million "government subsidy," according to ABA publicity materials.)

What the bankers don't say is that credit unions disburse virtually all their profits to members in the form of dividends, which are, in turn, taxed as personal income.

Maybe that last point was lost on the federal appellate judges who last July overturned lower-court rulings and sided with the banks. If the Supreme Court concurs, some 10 million credit unionists will see their memberships voided.

Unless, of course, Congress amends the 1934 Federal Credit Union Act so as to liberalize the definition of "common bond."

Which is precisely what Congress should do, though I'm not going to hold my breath. Money talks in Washington, and the $5 trillion banking industry talks louder than a credit union sector one-sixteenth that size.

It's a shame, because I don't think Mr. Potter would have made that loan on our used Toyota.

HOUSE OF REPRESENTATIVES—*Wednesday, March 18, 1998*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. MCINNIS).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 18, 1998.

I hereby designate the Honorable SCOTT MCINNIS to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Whenever the tides of the times do change and whatever the fleeting highlights of the day, remind us, O God, of Your steady and reliable word that points to the eternal values of the spirit. We know that our focus must be on those matters that are ahead, even as we discern in our hearts that our vision should be to You, our Creator and our hope. We know that we will be steady and sturdy for our tasks if we keep our eyes on Your gifts and on Your promises. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Florida (Mr. WELDON) come forward and lead the House in the Pledge of Allegiance.

Mr. WELDON of Florida led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

THE KYOTO ARCHITECT

(Mr. SENSENBRENNER asked and was given permission to address the House for 1 minute.)

Mr. SENSENBRENNER. Mr. Speaker, this past Monday, the self-proclaimed architect of the United Nations global warming treaty, Raul Estrada-Oyuela, filled the atmosphere with some hot air of his own. Upset that Members of Congress dared to criticize the Kyoto Treaty, the Washington Times reported Mr. Estrada's proclamation that "Congress is acting as though the rest of the world doesn't exist, not only on this matter but on others . . . Perhaps they need to get in touch with the rest of the world," he continued.

I am sure we all appreciate the lecture, Mr. Speaker, but I am afraid Mr. Estrada does not understand Congress' role. We are here to represent the interests of our constituents in the United States, not the interests of U.N. bureaucrats or other nations.

I understand why some, including Mr. Estrada's Argentina, are eager to sign up for this treaty. They are not bound by it. The President should reject signing a treaty the Administration is unable to defend in its current form.

I commend Mr. Estrada's refreshing candor expressing the U.N. mindset for America's interests.

EXPANSION OF HEALTH COVERAGE FOR AMERICANS

(Ms. KILPATRICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KILPATRICK. Mr. Speaker, yesterday Democrats in the House joined President Clinton in announcing expansion of health coverage for Americans 55 to 65 years old. We, the Democratic Caucus, also introduced legislation that would say that these 55- to 65-year-old Americans who have in many cases been displaced and laid out and without health insurance may be able to buy into Medicare and in that sense have insurance for themselves and their families.

The Congressional Budget Office has confirmed that this is a prudent targeted proposal that will not at all put Medicare at risk and will not be costly or increase cost to the Medicare program. Americans age 55 to 65 need the coverage. Many have been displaced. Health care is essential for our families to be stable and for our children to be healthy.

I am proud of our Democratic Caucus. We look forward to moving this legislation through the Congress and put at rest many fears that seniors who have worked for this country, have toiled for this country, and now need the support.

1,000 ONE-MINUTE SPEECHES

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, it is my great honor today to give the 1,000th one-minute speech to the 105th Congress for the Republican side, a thousand one-minute speeches in support of the Republican Party vision of smaller limited government and the belief that all God's children are born with certain inalienable rights that no government, no officer of the court, and no politician can ever take away.

It is a vision that cherishes liberty above all, liberty tempered by the necessary moral restraints that are the hallmark of a civilized society. It is a vision that takes its inspiration from the Founding Fathers of our great Nation, Founders who declared our independence, fought a revolution against government tyranny, and then after 4 months of heated debate and honorable compromise crafted a sacred document that is still revered 211 years later. The Constitution of the United States is the document that guides us all, Democrats and Republicans, through this ongoing experiment in Democratic self-government.

Let us agree, all of us on both sides of the aisle, that we share a common vision that America stands for liberty and the freedom to pursue our dreams from sea to shining sea. And may God bless America.

GROWING COMMUNITIES HELP WITH SCHOOL CONSTRUCTION

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, I rise today to urge my colleagues to pass legislation to assist States and local communities meeting their need to build new schools, reduce overcrowding and improve good discipline and quality instruction.

Yesterday, the number crunchers at the Census Bureau confirmed what many of us already know, communities across America are growing with leaps and bounds. For example, in Wake County, one of my counties in my district, it grew by 29.4 percent from 1990 to 1997. That is an additional 125,000-plus people. Likewise, another county,

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☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Johnston County, has grown by more than 25 percent during that same period.

This tremendous growth places a heavy burden on our communities to build schools to teach our children. The result is that we have children attending schools in trailers and in dilapidated buildings. The Secretary of Education has projected an explosion of growth in the school age population in the years to come in every State in this country.

The baby boom echo is now upon us. It is up to Congress to move and act. Children do not care who funds buildings. They want them funded.

KYOTO TREATY OF CLIMATE CHANGE

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, as a member of the oversight delegation that attended the negotiations over the U.N. treaty on climate change, I am absolutely outraged by U.N. official Raul Estrada's comments about congressional opposition to the overreaching Kyoto Accord.

As I mentioned yesterday, Mr. Estrada and the rest of the world need to understand that, as representatives of the United States, our first obligation is to protect America's interests. The Kyoto treaty places the entire burden of reducing greenhouse gas emissions on developed nations and most particularly the United States, while giving developing nations like China, India, Mexico and Brazil a free pass. This would impose unrealistic burdens on the American people and significantly lower the standard of living of our country. Make no mistake about it, if this treaty goes through, we will lose jobs and our citizens will pay more for goods and services.

Mr. Speaker, while the rest of the world may have an interest in seeing America's economy suffer, we do not. I urge my colleagues to remain firm in their opposition to the Kyoto treaty on climate change.

TRUST BUT VERIFY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, 2 years ago the White House told China, If you promise to stop selling missiles to terrorist nations, we will give you most favored nation trade status; and China said, Good, that's great. Okay.

Last year the White House said, Look, you are breaking your promise, China; you are selling missiles to Iran and Iraq. Come on. They said, Okay, you are right. This time we will stop.

This year the White House has just announced that they are going to share our nuclear technology programs with China because China has promised to stop this madness, and they said this time China really means it.

Beam me up. These are not promises; these are lies. I would like to say one thing. Somebody is inhaling over at the White House with this program with China. We are financing the biggest national security threat in our history, Mr. Speaker. I think Ronald Reagan's words "trust but verify" should be taken to heart in this Congress.

APRIL 15 TAX FILING DEADLINE

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, while millions of Americans took time out last Sunday night to either defend or condemn the President's job interviewing techniques, the clock kept right on ticking towards that April 15 deadline. That is right, Mr. Speaker, I am talking about the April 15 tax filing deadline, a National day of reckoning for taxpayers across the Nation.

Most Americans tend to put off their tax filing because it is such an unpleasant task. Do my colleagues realize that Tax Freedom Day this year is May 9, which means that everything they earn until May 9 goes to Washington and only after that are they entitled to the fruits of their labor?

The Tax Code is so complex that millions of Americans need to pay for professional help just to figure out how much they owe. Mr. Speaker, Washington is giving the taxpayers of this Nation a lousy deal. Washington wastes too much of the taxpayers' money and then adds insult to injury by making it almost impossible to figure out how much this Government is going to fleece them for. It is taxpayer abuse, plain and simple.

CAMPAIGN FINANCE REFORM

(Mr. DAVIS of Florida asked and was given permission to address the House for 1 minute.)

Mr. DAVIS of Florida. Mr. Speaker, as the recent report of the Thompson Senate Committee demonstrates, there is widespread and serious abuse of our Nation's campaign finance system on both sides.

One of the most rapidly growing excesses is that of soft money, unlimited amounts of money people can contribute to either political party. And the other is the incredible proliferation of advertising by outside third-party groups.

That is why a substantial portion of the Democratic freshmen in this House, together with Members of the Republican freshmen class, have filed a bill calling for a ban on soft money and mandating disclosure with respect to these outside third-party ads.

The Speaker said the House will soon take up campaign finance reform. Mr. Speaker, an increasing number of American citizens are watching closely to see whether we take this issue seriously and whether we are going to do something about it. When we take up campaign finance reform; let us take up a real bill, let us take up one that bans soft money; let us take up one that forces disclosure with respect to these ads by outside third-party groups.

KYOTO CLIMATE TREATY

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, my father used to tell me that "if it ain't broke, don't fix it." Will our Federal Government ever get it right? Unfortunately, the Kyoto climate treaty tries not only to fix something that is not broken, it fails miserably to do what its supporters say it will do.

Despite the lack of concrete scientific evidence today of the existence of global warming, this President is more than willing to put millions of American jobs at risk by signing the ill-conceived treaty. Entering into this agreement will cause unemployment to rise, prices to rise, American productivity to decline, and the American economy to be less competitive in the world market. Even the Wall Street Journal calls the Kyoto agreement the equivalent of a $100- to $200-billion-dollar-a-year tax increase.

At a time when our economy is booming, interest rates are down, and more people are working than ever, it is irresponsible to jeopardize this by entering the United States into this treaty. This treaty is bad for America. It is bad for Americans.

H.R. 2183 CLOSES SOFT MONEY LOOPHOLE

(Mr. BERRY asked and was given permission to address the House for 1 minute.)

Mr. BERRY. Mr. Speaker, the Thompson report released last week has confirmed what we all know, that the integrity of our political system has been undermined by the influence of soft money. The soft money loophole is the primary culprit for the abuses that Congress has spent millions of dollars to investigate.

Through the soft money loophole, a single donor can give unlimited amounts of money to influence Federal elections. Soft money circumvents nearly a century of campaign finance law. It has effectively deregulated our campaign finance system with disastrous results.

The freshmen wanted to fix the main abuses of the current system. We put differences aside and created a fair, bipartisan campaign finance reform bill, H.R. 2183, the Bipartisan Campaign Integrity Act. H.R. 2183 closes the soft money loophole. It gets elected officials out of the business of raising $1 million special interest contributions. H.R. 2183 is fair. It is bipartisan. The bill has strong bipartisan support from both sides of the aisle.

Mr. Speaker, the freshmen bill must be allowed to come to the House floor without any poison pills.

Mr. Speaker, the freshmen deserve a vote. We have worked hard to create a fair and honest bill. Your decision now to allow a clean vote on the freshman bill will prove to the American people that Congress does care about restoring integrity to the political process.

□ 1015

SOYBEAN FUEL CAN REDUCE DEPENDENCE ON FOREIGN OIL

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, I rise to recognize the hardworking men and women that are in town this week for the American Soybean Association's annual conference. Earlier this week I had the opportunity to speak at the conference and bring them up to date on legislation I have introduced on their behalf.

As many in this Chamber know, after the Gulf War, Congress acted to reduce our national dependence on foreign oil by enacting the Energy and Policy Act of 1992. This statute requires State and Federal vehicle fleets to use expensive alternative fuels and technologies in order to reduce its oil dependency.

Unfortunately biodiesel, a fuel derived from soybeans, was not included in the list of fuels that fleet managers could use to comply with this Federal mandate, largely because the fuel was still being tested and developed.

My bill, H.R. 2568, the Energy Policy Amendments Act of 1997, which has 55 cosponsors, will allow biodiesel to be used in diesel engines across the Nation to reduce harmful emissions, clean our air, and increase the demand for soybeans, all at a reduced cost when compared to traditional alternative fuel technologies.

Mr. Speaker, biodiesel is just one example of a good clean air policy.

MEDICARE EXPANSION

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am here to announce that the Democratic Caucus stands for the do-something Congress and we are going to lead this Congress to do something for the American people. That is why I am very proud that we have recognized that there are those Americans who do not have health insurance, hardworking Americans, 55 years to under 65 years, who for a long time have worked in their community, worked very hard, but for some reason have fallen upon hard times. Maybe they have lost their job, maybe they are suffering from heart disease, strokes and cancer which falls highly among people from 45 to 54.

This bill that the Democratic Caucus is supporting along with the President of the United States is very fair and reasonable and rational and it makes a lot of good sense. That is, to allow those aged 55 to 65 to buy into insurance, particularly the Medicare insurance. It allows those individuals to pay no more than 125 percent.

Why do we need that? Just last year we passed a portability bill where you could pass your insurance on once you moved to another employer. That does not work. We need to have this bill.

A REPUBLICAN VIEW OF MEDICARE EXPANSION

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, last year 67-year-old Sarah Rutherford of Brunswick, Georgia was very distraught about her health care, because she knew that in April 1995 the Clinton Medicare trustees said Medicare was going to go bankrupt if we did not do anything about it. After many struggles in Congress we finally passed a bipartisan bill that cut down on Medicare fraud, gave seniors more choices, and increased spending on Medicare for people like Ms. Rutherford from $5,000 to $7,000. Most importantly it created a bipartisan tax force to look at Medicare not just for the next election but for the next generation, to correct Medicare for the next 5 or 10 years. This bipartisan commission is working and working very hard.

Now in an apparent desperation attempt to get the focus off the White House, the President has come up with a new entitlement on Medicare to say, and listen to this, in his own words, he will be qualified for Medicare in 3 or 4 years. When the President of the United States retires, he will be able to go on Medicare.

I say, "Mr. President, go ahead and retire, but stay away from Ms. Rutherford's Medicare."

A DEMOCRATIC VIEW OF MEDICARE EXPANSION

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, Americans nearing retiring age are one of the most uninsured populations because in fact they have less access to and they are at greater risk of losing employer-based health insurance. There are 30,000 such folks in my State of Connecticut alone. I might add that the group that is particularly at risk are women who are between 62 and 64 years old, lacking health insurance, nearing retirement, not at 65 yet, not eligible yet for Medicare.

This is only going to get worse, Mr. Speaker, as baby boomers near retirement. Democrats do have a proposal to expand that access to health care to Americans between 55 and 64. It would provide the opportunity to buy into the Medicare program, to pay the premium, to pay a cost in order to get the access to that kind of coverage. It does not draw on the Medicare trust fund resources needed to provide care to those who are over 65. This Congress has a responsibility to address this growing problem. Let us have the Republican leadership follow the Democrats.

REJECT THE GLOBAL WARMING TREATY

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, is it fair to let some of our fastest growing competitors like China, Mexico and India have an advantage? That is what the U.N. Climate Treaty will do. The President still vows to sign it. This flawed treaty will force the U.S. to commit to emissions reductions that will put Americans on a strict energy diet, a more than 30 percent cutback in our energy use, while allowing our international competitors to increase their emissions. The administration says, a U.N.-run pie-in-the-sky trading scheme will somehow soften the pain. It sounds like rationing to me.

What about the jobs that will move to more than 130 countries overseas that are not committed to these emission reductions? That will harm our families, it will destroy our economy, and it will still do nothing for the world's environment. It is not global, it is not fair, and it will not work. I encourage a rejection of this treaty.

KYOTO PROTOCOL

(Ms. DANNER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DANNER. Mr. Speaker, I rise today to express my opposition to the Kyoto Protocol. Economists predict that the emissions levels agreed to in the protocol will have a devastating and disproportionate effect on the entire population of the United States. Further, these legally binding reductions are applicable only to developed nations and do not apply to developing nations such as India and China, two of the worst violators when it comes to greenhouse gas emissions.

Before the administration takes any action that might lead to the adoption of the Kyoto Protocol, Members of Congress must be certain that this action does not harm our citizens. We are elected to represent our constituents, and the dictates of the international committees must not be our dictates. As we all know, many nations do not honor the international agreements they sign, but the United States does. If the United States ratifies a treaty, we abide by the provisions of that treaty. That treaty becomes the law of our land. We would encourage the administration not to sign this protocol.

AMERICAN PEOPLE DESERVE WHOLE TRUTH

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, once again we are told that the White House is cooperating fully with Judge Starr and other investigators assigned by Attorney General Reno to discover the truth about allegations of wrongdoing. Their idea of cooperating fully is somewhat laughable. Consider recent revelations about how the White House is cooperating fully with the independent counsel.

The White House hired private investigator Terry Lenzner to dig up dirt on Federal investigators. The White House has spread false rumors to reporters including a false allegation about the conduct of a Starr investigator during a 1994 trial. The White House has repeatedly leaked information to the press and then turned around and blamed Starr's office for leaks.

Mr. Speaker, two questions need to be answered. One, what money paid for the private investigators, tax dollars or private funds? And, two, who got the results of the investigation, the dirt?

Mr. Speaker, I do not know what others think, but I am getting tired of falsehoods. Regardless of what the polls say, the American people deserve better, the whole truth, and nothing but the truth.

MEDICARE EXPANSION

(Mr. MCDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Speaker, this is in the nature of a public service announcement. If you are a woman in this society who gets your health insurance through your husband and who is younger than your husband, you should be listening to what President Clinton is offering to the American people. He says that if you are going to have no health insurance when your husband gets to 65, you can buy into the Medicare program at cost, no additional cost to the program. I sit on the Medicare Commission. This will not destroy Medicare for anybody else because it is a pay-as-you-go plan. But if you see your future as a place where you are not going to have health insurance, you are like hundreds of thousands of people in this society today between the age of 55 and 65 who have been offered a program by the President. The leadership of the House of Representatives refuses to take that up. They do not care about your health insurance. Pick up the phone and give them a call.

EDUCATION SAVINGS ACCOUNTS

(Mr. DELAY asked and was given permission to address the House for 1 minute.)

Mr. DELAY. Mr. Speaker, if the President offers you anything, you better turn and run. What is the President afraid of? Why does he keep hiding from the truth? Last year Bill Clinton threatened to veto the historic balanced budget agreement because it contained a provision establishing a tax-free savings account for education. This year he has maintained his steadfast opposition to this common-sense proposal. Why? Because he is afraid of the Nation's powerful teachers unions.

This proposal will help millions of middle-class families save for the education of their children. It will give parents more power to make the right education choices for their kids. Mr. Speaker, the President should stop hiding from the truth and drop his opposition of tax-free education savings accounts. It is a smart way to improve education in America.

GLOBAL WARMING

(Mr. PETERSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETERSON of Pennsylvania. Mr. Speaker, the debate we need to have in America is do we have global warming? One study shows since 1900 there is less than a 1 degree change in temperature. Satellite data shows a slight cooling.

Those who are proclaiming we have global warming want us to agree to the Kyoto Treaty that will drastically change our competitiveness and will radically change our economy. Over 130 countries are not part of that agreement. The debate we need to have is do we have global warming. We have not had that important scientific discussion. I asked a climatologist in my district, who is one of the world's most renowned, do we have global warming? He says, there is no evidence of it.

Those who believe in global warming and want us to sign this treaty need to stand up and tell the American people how we have global warming, what the evidence is. Until they provide that evidence, scientific evidence, we need to say no to the U.N. and to Vice President GORE and the Kyoto Treaty.

CHILD PORNOGRAPHY

(Mr. RILEY asked and was given permission to address the House for 1 minute.)

Mr. RILEY. Mr. Speaker, all crimes, particularly those involving acts of violence, are an assault upon society. But crimes against children, Mr. Speaker, are an attack upon the very soul of our society. Among the worst of these crimes is child pornography. Today Federal law does prohibit individuals from possessing child pornography, but unfortunately the law does not go far enough. In fact, it only prohibits the possession of three or more items that visually depict children in sexually explicit situations.

□ 1030

Mr. Speaker, that is wrong; and it is time we do something about it.

Last month, the gentleman from Alabama (Mr. BACHUS) and I introduced House Resolution 3185, the Abolishing Child Pornography Act. This legislation would close the three or more loopholes by making the possession of all child pornography illegal, whether it is two photographs or 200 photographs.

I urge my colleagues, Mr. Speaker, to bring this important legislation to the floor so that we can finally do what is right for our children.

LOWER TAXES MEANS MORE FREEDOM FOR AMERICANS

(Mr. ROGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGAN. Mr. Speaker, when Congress cuts taxes, people have more freedom. Freedom to decide how to spend the money they earn as they see fit. Freedom to save and invest for their own home, for a new car or a family vacation. Freedom to prepare for their retirement, and freedom to save for their children's education or to continue their own. Freedom to live the American dream, just as their parents and grandparents dared to dream.

Mr. Speaker, America is still a land of opportunity for millions of people who have the perseverance and discipline to make it so. Over 1 million immigrants come to our shores each year demonstrating that they, too, believe that America is the land of opportunity.

If Congress wants to allow our people to use their talents and hard work to get ahead, it should cut taxes for families. But, if Congress prefers instead to continue imposing ever-greater burdens on our families, the American dream will become just that—a dream.

SALUTE TO FORT BENNING, GEORGIA

(Mr. COLLINS asked and was given permission to address the House for 1 minute.)

Mr. COLLINS. Mr. Speaker, I am honored to congratulate Fort Benning, Georgia, for winning the Army Community of Excellence Chief of Staff Award. This is the sixth consecutive year that Fort Benning has been recognized as the best Army installation in the United States.

The award is indicative of the ability of professionalism of the tens of thousands of soldiers that pass through Fort Benning's gate each year and of the successful partnership that exists among Fort Benning, Columbus, Georgia, and Phoenix City, Alabama, communities.

The soldiers and civilians who work under the leadership of General Carl Ernst and his staff continue to reinforce Fort Benning's long-standing commitment to military quality, focusing on the watch words, "First in training, first in readiness, and first in quality of life."

Fort Benning constitutes a cornerstone of our national defense. To all of the personnel at Fort Benning, I offer my sincere thanks and congratulations for a job well done.

TOO EARLY TO ADOPT KYOTO AGREEMENT

(Mr. WHITFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITFIELD. Mr. Speaker, the Clinton administration is launching a major offensive for the adoption of the protocol negotiated at Kyoto regarding global warming. Vice President GORE has been one of the leading advocates of this and has declared there is no longer any significant disagreement in the science community that the greenhouse effect is real. In fact, Vice President GORE has said that 98 percent of the science community would concur that a greenhouse emergency has begun.

However, the administration fails to tell the American people that, in 1992, a survey showed that of the two professional groups responsible for climate change in America, that only 17 percent said that warming trends convinced them that an artificial greenhouse was in effect.

Vice President GORE frequently refers to the intergovernmental panel on climate change to buttress his argument that we have global warming. However, he fails to say that in that same report there are hundreds of documents that say that there is no global warming taking effect.

It is too early for us to adopt the Kyoto Agreement.

KEEPING OUR PROMISES: ADHERING TO THE BALANCED BUDGET AGREEMENT

(Mr. MILLER of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Florida. Mr. Speaker, what a difference a year makes. Last year, Congress promised the American taxpayers to limit government spending and balance the Federal budget. This year, Congress is considering breaking that promise.

Today, I am here to announce that I, as a Member of Congress, will not support abandoning the balanced budget agreement for special interest projects. This latest assault on our efforts at fiscal reform is transportation spending. The Senate just finished their version of ISTEA which will break the budget caps for $18 billion and the House version in its current form exceeds the caps by more than $22 billion.

To stick to the agreement, this excessive spending will require massive spending cuts. Congress and the American people deserve to know if, when and where these cuts will be made before we are asked to vote for increased transportation spending.

I am here this morning to ask my colleagues to keep their promise we made to the American people last year and adhere to the balanced budget agreement. The future of our children is more important to me than the Federal Government picking up the tab for a "Dan Miller Expressway."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TIAHRT). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules and will be followed by two rollcall votes ordered yesterday.

VESSEL HULL DESIGN PROTECTION ACT

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2696) to amend title 17, United States Code, to provide for protection of certain original designs, as amended.

The Clerk read as follows:

H.R. 2696

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be referred to as the "Vessel Hull Design Protection Act".

SEC. 2. PROTECTION OF CERTAIN ORIGINAL DESIGNS.

Title 17, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 12—PROTECTION OF ORIGINAL DESIGNS

"Sec.
"1201. Designs protected.
"1202. Designs not subject to protection.
"1203. Revisions, adaptations, and rearrangements.
"1204. Commencement of protection.
"1205. Term of protection.
"1206. Design notice.
"1207. Effect of omission of notice.
"1208. Exclusive rights.
"1209. Infringement.
"1210. Application for registration.
"1211. Benefit of earlier filing date in foreign country.
"1212. Oaths and acknowledgments.
"1213. Examination of application and issue or refusal of registration.
"1214. Certification of registration.
"1215. Publication of announcements and indexes.
"1216. Fees.
"1217. Regulations.
"1218. Copies of records.
"1219. Correction of errors in certificates.
"1220. Ownership and transfer.
"1221. Remedy for infringement.
"1222. Injunctions.
"1223. Recovery for infringement.
"1224. Power of court over registration.
"1225. Liability for action on registration fraudulently obtained.
"1226. Penalty for false marking.
"1227. Penalty for false representation.
"1228. Enforcement by Treasury and Postal Service .
"1229. Relation to design patent law.
"1230. Common law and other rights unaffected.
"1231. Administrator; Office of the Administrator.
"1232. No retroactive effect.

"§ 1201. Designs protected

"(a) DESIGNS PROTECTED.—

"(1) IN GENERAL.—The designer or other owner of an original design of a useful article which makes the article attractive or distinctive in appearance to the purchasing or using public may secure the protection provided by this chapter upon complying with and subject to this chapter.

"(2) VESSEL HULLS.—The design of a vessel hull, including a plug or mold, is subject to protection under this chapter, notwithstanding section 1202(4).

"(b) DEFINITIONS.—For the purpose of this chapter, the following terms have the following meanings:

"(1) A design is 'original' if it is the result of the designer's creative endeavor that provides a distinguishable variation over prior work pertaining to similar articles which is more than merely trivial and has not been copied from another source.

"(2) A 'useful article' is a vessel hull, including a plug or mold, which in normal use has an intrinsic utilitarian function that is not merely to portray the appearance of the article or to convey information. An article which normally is part of a useful article shall be deemed to be a useful article.

“(3) A ‘vessel’ is a craft, especially one larger than a rowboat, designed to navigate on water, but does not include any such craft that exceeds 200 feet in length.

“(4) A ‘hull’ is the frame or body of a vessel, including the deck of a vessel, exclusive of masts, sails, yards, and rigging.

“(5) A ‘plug’ means a device or model used to make a mold for the purpose of exact duplication, regardless of whether the device or model has an intrinsic utilitarian function that is not only to portray the appearance of the product or to convey information.

“(6) A ‘mold’ means a matrix or form in which a substance for material is used, regardless of whether the matrix or form has an intrinsic utilitarian function that is not only to portray the appearance of the product or to convey information.

“§ 1202. Designs not subject to protection

“Protection under this chapter shall not be available for a design that is—

“(1) not original;

“(2) staple or commonplace, such as a standard geometric figure, a familiar symbol, an emblem, or a motif, or another shape, pattern, or configuration which has become standard, common, prevalent, or ordinary;

“(3) different from a design excluded by paragraph (2) only in insignificant details or in elements which are variants commonly used in the relevant trades;

“(4) dictated solely by a utilitarian function of the article that embodies it; or

“(5) embodied in a useful article that was made public by the designer or owner in the United States or a foreign country more than 1 year before the date of the application for registration under this chapter.

“§ 1203. Revisions, adaptations, and rearrangements

“Protection for a design under this chapter shall be available notwithstanding the employment in the design of subject matter excluded from protection under section 1202 if the design is a substantial revision, adaptation, or rearrangement of such subject matter. Such protection shall be independent of any subsisting protection in subject matter employed in the design, and shall not be construed as securing any right to subject matter excluded from protection under this chapter or as extending any subsisting protection under this chapter.

“§ 1204. Commencement of protection

“The protection provided for a design under this chapter shall commence upon the earlier of the date of publication of the registration under section 1213(a) or the date the design is first made public as defined by section 1210(b).

“§ 1205. Term of protection

“(a) IN GENERAL.—Subject to subsection (b), the protection provided under this chapter for a design shall continue for a term of 10 years beginning on the date of the commencement of protection under section 1204.

“(b) EXPIRATION.—All terms of protection provided in this section shall run to the end of the calendar year in which they would otherwise expire.

“(c) TERMINATION OF RIGHTS.—Upon expiration or termination of protection in a particular design under this chapter, all rights under this chapter in the design shall terminate, regardless of the number of different articles in which the design may have been used during the term of its protection.

“§ 1206. Design notice

“(a) CONTENTS OF DESIGN NOTICE.—(1) Whenever any design for which protection is sought under this chapter is made public under section 1210(b), the owner of the design shall, subject to the provisions of section 1207, mark it or have it marked legibly with a design notice consisting of—

“(A) the words ‘Protected Design’, the abbreviation ‘Prot’d Des.’, or the letter ‘D’ with a circle, or the symbol *D*;

“(B) the year of the date on which protection for the design commenced; and

“(C) the name of the owner, an abbreviation by which the name can be recognized, or a generally accepted alternative designation of the owner.

Any distinctive identification of the owner may be used for purposes of subparagraph (C) if it has been recorded by the Administrator before the design marked with such identification is registered.

“(2) After registration, the registration number may be used instead of the elements specified in subparagraphs (B) and (C) of paragraph (1).

“(b) LOCATION OF NOTICE.—The design notice shall be so located and applied as to give reasonable notice of design protection while the useful article embodying the design is passing through its normal channels of commerce.

“(c) SUBSEQUENT REMOVAL OF NOTICE.—When the owner of a design has complied with the provisions of this section, protection under this chapter shall not be affected by the removal, destruction, or obliteration by others of the design notice on an article.

“§ 1207. Effect of omission of notice

“(a) ACTIONS WITH NOTICE.—Except as provided in subsection (b), the omission of the notice prescribed in section 1206 shall not cause loss of the protection under this chapter or prevent recovery for infringement under this chapter against any person who, after receiving written notice of the design protection, begins an undertaking leading to infringement under this chapter.

“(b) ACTIONS WITHOUT NOTICE.—The omission of the notice prescribed in section 1206 shall prevent any recovery under section 1223 against a person who began an undertaking leading to infringement under this chapter before receiving written notice of the design protection. No injunction shall be issued under this chapter with respect to such undertaking unless the owner of the design reimburses that person for any reasonable expenditure or contractual obligation in connection with such undertaking that was incurred before receiving written notice of the design protection, as the court in its discretion directs. The burden of providing written notice of design protection shall be on the owner of the design.

“§ 1208. Exclusive rights

“The owner of a design protected under this chapter has the exclusive right to—

“(1) make, have made, or import, for sale or for use in trade, any useful article embodying that design; and

“(2) sell or distribute for sale or for use in trade any useful article embodying that design.

“§ 1209. Infringement

“(a) ACTS OF INFRINGEMENT.—Except as provided in subjection (b), it shall be infringement of the exclusive rights in a design protected under this chapter for any person, without the consent of the owner of the design, within the United States and during the term of such protection, to—

“(1) make, have made, or import, for sale or for use in trade, any infringing article as defined in subsection (e); or

“(2) sell or distribute for sale or for use in trade any such infringing article.

“(b) ACTS OF SELLERS AND DISTRIBUTORS.—A seller or distributor of an infringing article who did not make or import the article shall be deemed to have infringed on a design protected under this chapter only if that person—

“(1) induced or acted in collusion with a manufacturer to make, or an importer to import such article, except that merely purchasing or giving an order to purchase such article in the ordinary course of business shall not of itself constitute such inducement or collusion; or

“(2) refused or failed, upon the request of the owner of the design, to make a prompt and full disclosure of that person's source of such article, and that person orders or reorders such article after receiving notice by registered or certified mail of the protection subsisting in the design.

“(c) ACTS WITHOUT KNOWLEDGE.—It shall not be infringement under this section to make, have made, import, sell, or distribute, any article embodying a design which was created without knowledge that a design was protected under this chapter and was copied from such protected design.

“(d) ACTS IN ORDINARY COURSE OF BUSINESS.—A person who incorporates into that person's product of manufacture an infringing article acquired from others in the ordinary course of business, or who, without knowledge of the protected design embodied in an infringing article, makes or processes the infringing article for the account of another person in the ordinary course of business, shall not be deemed to have infringed the rights in that design under this chapter except under a condition contained in paragraph (1) or (2) of subsection (b). Accepting an order or reorder from the source of the infringing article shall be deemed ordering or reordering within the meaning of subsection (b)(2).

“(e) INFRINGING ARTICLE DEFINED.—As used in this section, an ‘infringing article’ is any article the design of which has been copied from a design protected under this chapter, without the consent of the owner of the protected design. An infringing article is not an illustration or picture of a protected design in an advertisement, book, periodical, newspaper, photograph, broadcast, motion picture, or similar medium. A design shall not be deemed to have been copied from a protected design if it is original and not substantially similar in appearance to a protected design.

“(f) ESTABLISHING ORIGINALITY.—The party to any action or proceeding under this chapter who alleges rights under this chapter in a design shall have the burden of establishing the design's originality whenever the opposing party introduces an earlier work which is identical to such design, or so similar as to make prima facie showing that such design was copied from such work.

“(g) REPRODUCTION FOR TEACHING OR ANALYSIS.—It is not an infringement of the exclusive rights of a design owner for a person to reproduce the design in a useful article or in any other form solely for the purpose of teaching, analyzing, or evaluating the appearance, concepts, or techniques embodied in the design, or the function of the useful article embodying the design.

“§ 1210. Application for registration

“(a) TIME LIMIT FOR APPLICATION FOR REGISTRATION.—Protection under this chapter shall be lost if application for registration of the design is not made within two years after the date on which the design is first made public.

"(b) When Design Is Made Public.—A design is made public when an existing useful article embodying the design is anywhere publicly exhibited, publicly distributed, or offered for sale or sold to the public by the owner of the design or with the owner's consent.

"(c) Application by Owner of Design.—Application for registration may be made by the owner of the design.

"(d) Contents of Application.—The application for registration shall be made to the Administrator and shall state—

"(1) the name and address of the designer or designers of the design;

"(2) the name and address of the owner if different from the designer;

"(3) the specific name of the useful article embodying the design;

"(4) the date, if any, that the design was first made public, if such date was earlier than the date of the application;

"(5) affirmation that the design has been fixed in a useful article; and

"(6) such other information as may be required by the Administrator.

The application for registration may include a description setting forth the salient features of the design, but the absence of such a description shall not prevent registration under this chapter.

"(e) Sworn Statement.—The application for registration shall be accompanied by a statement under oath by the applicant or the applicant's duly authorized agent or representative, setting forth, to the best of the applicant's knowledge and belief—

"(1) that the design is original and was created by the designer or designers named in the application;

"(2) that the design has not previously been registered on behalf of the applicant or the applicant's predecessor in title; and

"(3) that the applicant is the person entitled to protection and to registration under this chapter.

If the design has been made public with the design notice prescribed in section 1206, the statement shall also describe the exact form and position of the design notice.

"(f) Effect of Errors.—(1) Error in any statement or assertion as to the utility of the useful article named in the application under this section, the design of which is sought to be registered, shall not affect the protection secured under this chapter.

"(2) Errors in omitting a joint designer or in naming an alleged joint designer shall not affect the validity of the registration, or the actual ownership or the protection of the design, unless it is shown that the error occurred with deceptive intent.

"(g) Design Made in Scope of Employment.—In a case in which the design was made within the regular scope of the designer's employment and individual authorship of the design is difficult or impossible to ascribe and the application so states, the name and address of the employer for whom the design was made may be stated instead of that of the individual designer.

"(h) Pictorial Representation of Design.—The application for registration shall be accompanied by two copies of a drawing or other pictorial representation of the useful article embodying the design, having one or more views, adequate to show the design, in a form and style suitable for reproduction, which shall be deemed a part of the application.

"(i) Design in More Than One Useful Article.—If the distinguishing elements of a design are in substantially the same form in different useful articles, the design shall be protected as to all such useful articles when protected as to one of them, but not more than one registration shall be required for the design.

"(j) Application for More Than One Design.—More than one design may be included in the same application under such conditions as may be prescribed by the Administrator. For each design included in an application the fee prescribed for a single design shall be paid.

"§1211. Benefit of earlier filing date in foreign country

"An application for registration of a design filed in the United States by any person who has, or whose legal representative or predecessor or successor in title has, previously filed an application for registration of the same design in a foreign country which extends to designs of owners who are citizens of the United States, or to applications filed under this chapter, similar protection to that provided under this chapter shall have that same effect as if filed in the United States on the date on which the application was first filed in such foreign country, if the application in the United States is filed within 6 months after the earliest date on which any such foreign application was filed.

"§1212. Oaths and acknowledgments

"(a) In General.—Oaths and acknowledgments required by this chapter—

"(1) may be made—

"(A) before any person in the United States authorized by law to administer oaths; or

"(B) when made in a foreign country, before any diplomatic or consular officer of the United States authorized to administer oaths, or before any official authorized to administer oaths in the foreign country concerned, whose authority shall be proved by a certificate of a diplomatic or consular officer of the United States; and

"(2) shall be valid if they comply with the laws of the State or country where made.

"(b) Written Declaration in Lieu of Oath.—(1) The Administrator may by rule prescribe that any document which is to be filed under this chapter in the Office of the Administrator and which is required by any law, rule, or other regulation to be under oath, may be subscribed to by a written declaration in such form as the Administrator may prescribe, and such declaration shall be in lieu of the oath otherwise required.

"(2) Whenever a written declaration under paragraph (1) is used, the document containing the declaration shall state that willful false statements are punishable by fine or imprisonment, or both, pursuant to section 1001 of title 18, and may jeopardize the validity of the application or document or a registration resulting therefrom.

"§1213. Examination of application and issue or refusal of registration

"(a) Determination of Registrability of Design; Registration.—Upon the filing of an application for registration in proper form under section 1210, and upon payment of the fee prescribed under section 1216, the Administrator shall determine whether or not the application relates to a design which on its face appears to be subject to protection under this chapter, and, if so, the Register shall register the design. Registration under this subsection shall be announced by publication. The date of registration shall be the date of publication.

"(b) Refusal To Register; Reconsideration.—If, in the judgment of the Administrator, the application for registration relates to a design which on its face is not subject to protection under this chapter, the Administrator shall send to the applicant a notice of refusal to register and the grounds for the refusal. Within 3 months after the date on which the notice of refusal is sent, the applicant may, by written request, seek reconsideration of the application. After consideration of such a request, the Administrator shall either register the design or send to the applicant a notice of final refusal to register.

"(c) Application To Cancel Registration.—Any person who believes he or she is or will be damaged by a registration under this chapter may, upon payment of the prescribed fee, apply to the Administrator at any time to cancel the registration on the ground that the design is not subject to protection under this chapter, stating the reasons for the request. Upon receipt of an application for cancellation, the Administrator shall send to the owner of the design, as shown in the records of the Office of the Administrator, a notice of the application, and the owner shall have a period of 3 months after the date on which such notice is mailed in which to present arguments to the Administrator for support of the validity of the registration. The Administrator shall also have the authority to establish, by regulation, conditions under which the opposing parties may appear and be heard in support of their arguments. If, after the periods provided for the presentation of arguments have expired, the Administrator determines that the applicant for cancellation has established that the design is not subject to protection under this chapter, the Administrator shall order the registration stricken from the record. Cancellation under this subsection shall be announced by publication, and notice of the Administrator's final determination with respect to any application for cancellation shall be sent to the applicant and to the owner of record.

"§1214. Certification of registration

"Certificates of registration shall be issued in the name of the United States under the seal of the Office of the Administrator and shall be recorded in the official records of the Office. The certificate shall state the name of the useful article, the date of filing of the application, the date of registration, and the date the design was made public, if earlier than the date of filing of the application, and shall contain a reproduction of the drawing or other pictorial representation of the design. If a description of the salient features of the design appears in the application, the description shall also appear in the certificate. A certificate of registration shall be admitted in any court as prima facie evidence of the facts stated in the certificate.

"§1215. Publication of announcements and indexes

"(a) Publications of the Administrator.—The Administrator shall publish lists and indexes of registered designs and cancellations of designs and may also publish the drawings or other pictorial representations of registered designs for sale or other distribution.

"(b) File of Representatives of Registered Designs.—The Administrator shall establish and maintain a file of the drawings or other pictorial representations of registered designs. The file shall be available for use by the public under such conditions as the Administrator may prescribe.

"§1216. Fees

"The Administrator shall by regulation set reasonable fees for the filing of applications to register designs under this chapter and for other services relating to the administration of this chapter, taking into consideration the cost of providing these services and the benefit of a public record.

“§ 1217. Regulations

“The Administrator may establish regulations for the administration of this chapter.

“§ 1218. Copies of records

“Upon payment of the prescribed fee, any person may obtain a certified copy of any official record of the Office of the Administrator that relates to this chapter. That copy shall be admissible in evidence with the same effect as the original.

“§ 1219. Correction of errors in certificates

“The Administrator may, by a certificate of correction under seal, correct any error in a registration incurred through the fault of the Office, or, upon payment of the required fee, any error of a clerical or typographical nature occurring in good faith but not through the fault of the Office. Such registration, together with the certificate, shall thereafter have the same effect as if it had been originally issued in such corrected form.

“§ 1220. Ownership and transfer

“(a) Property Right in Design.—The property right in a design subject to protection under this chapter shall vest in the designer, the legal representatives of a deceased designer or of one under legal incapacity, the employer for whom the designer created the design in the case of a design made within the regular scope of the designer's employment, or a person to whom the rights of the designer or of such employer have been transferred. The person in whom the property right is vested shall be considered the owner of the design.

“(b) Transfer of Property Right.—The property right in a registered design, or a design for which an application for registration has been or may be filed, may be assigned, granted, conveyed, or mortgaged by an instrument in writing, signed by the owner, or may be bequeathed by will.

“(c) Oath or Acknowledgement of Transfer.—An oath or acknowledgment under section 1212 shall be prima facie evidence of the execution of an assignment, grant, conveyance, or mortgage under subsection (b).

“(d) Recordation of Transfer.—An assignment, grant, conveyance, or mortgage under subsection (b) shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, unless it is recorded in the Office of the Administrator within 3 months after its date of execution or before the date of such subsequent purchase or mortgage.

“§ 1221. Remedy for infringement

“(a) In General.—The owner of a design is entitled, after issuance of a certificate of registration of the design under this chapter, to institute an action for any infringement of the design.

“(b) Review of Refusal To Register.—(1) Subject to paragraph (2), the owner of a design may seek judicial review of a final refusal of the Administrator to register the design under this chapter by bringing a civil action, and may in the same action, if the court adjudges the design subject to protection under this chapter, enforce the rights in that design under this chapter.

“(2) The owner of a design may seek judicial review under this section if—

“(A) the owner has previously duly filed and prosecuted to final refusal an application in proper form for registration of the design;

“(B) the owner causes a copy of the complaint in the action to be delivered to the Administrator within 10 days after the commencement of the action; and

“(C) the defendant has committed acts in respect to the design which would constitute infringement with respect to a design protected under this chapter.

“(c) Administrator as Party to Action.—The Administrator may, at the Administrator's option, become a party to the action with respect to the issue of registrability of the design claim by entering an appearance within 60 days after being served with the complaint, but the failure of the Administrator to become a party shall not deprive the court of jurisdiction to determine that issue.

“(d) Use of Arbitration To Resolve Dispute.—The parties to an infringement dispute under this chapter, within such time as may be specified by the Administrator by regulation, may determine the dispute, or any aspect of the dispute, by arbitration. Arbitration shall be governed by title 9. The parties shall give notice of any arbitration award to the Administrator, and such award shall, as between the parties to the arbitration, be dispositive of the issues to which it relates. The arbitration award shall be unenforceable until such notice is given. Nothing in this subsection shall preclude the Administrator from determining whether a design is subject to registration in a cancellation proceeding under section 1213(c).

§ 1222. Injunctions

“(a) In General.—A court having jurisdiction over actions under this chapter may grant injunctions in accordance with the principles of equity to prevent infringement of a design under this chapter, including, in its discretion, prompt relief by temporary restraining orders and preliminary injunctions.

“(b) Damages for Injunctive Relief Wrongfully Obtained.—A seller or distributor who suffers damage by reason of injunctive relief wrongfully obtained under this section has a cause of action against the applicant for such injunctive relief and may recover such relief as may be appropriate, including damages for lost profits, cost of materials, loss of good will, and punitive damages in instances where the injunctive relief was sought in bad faith, and, unless the court finds extenuating circumstances, reasonable attorney's fees.

“§ 1223. Recovery for infringement

“(a) Damages.—Upon a finding for the claimant in an action for infringement under this chapter, the court shall award the claimant damages adequate to compensate for the infringement. In addition, the court may increase the damages to such amount, not exceeding $50,000 or $1 per copy, whichever is greater, as the court determines to be just. The damages awarded shall constitute compensation and not a penalty. The court may receive expert testimony as an aid to the determination of damages.

“(b) Infringer's Profits.—As an alternative to the remedies provided in subsection (a), the court may award the claimant the infringer's profits resulting from the sale of the copies if the court finds that the infringer's sales are reasonably related to the use of the claimant's design. In such a case, the claimant shall be required to prove only the amount of the infringer's sales and the infringer shall be required to prove its expenses against such sales.

“(c) Statute of Limitations.—No recovery under subsection (a) or (b) shall be had for any infringement committed more than 3 years before the date on which the complaint is filed.

“(d) Attorney's Fees.—In an action for infringement under this chapter, the court may award reasonable attorney's fees to the prevailing party.

“(e) Disposition of Infringing and Other Articles.—The court may order that all infringing articles, and any plates, molds, patterns, models, or other means specifically adapted for making the articles, be delivered up for destruction or other disposition as the court may direct.

“§ 1224. Power of court over registration

“In any action involving the protection of a design under this chapter, the court, when appropriate, may order registration of a design under this chapter or the cancellation of such a registration. Any such order shall be certified by the court to the Administrator, who shall make an appropriate entry upon the record.

“§ 1225. Liability for action on registration fraudulently obtained

“Any person who brings an action for infringement knowing that registration of the design was obtained by a false or fraudulent representation materially affecting the rights under this chapter, shall be liable in the sum of $10,000, or such part of that amount as the court may determine. That amount shall be to compensate the defendant and shall be charged against the plaintiff and paid to the defendant, in addition to such costs and attorney's fees of the defendant as may be assessed by the court.

“§ 1226. Penalty for false marking

“(a) In General.—Whoever, for the purpose of deceiving the public, marks upon, applies to, or uses in advertising in connection with an article made, used, distributed, or sold, a design which is not protected under this chapter, a design notice specified in section 1206, or any other words or symbols importing that the design is protected under this chapter, knowing that the design is not so protected, shall pay a civil fine of not more than $500 for each such offense.

“(b) Suit by Private Persons.—Any person may sue for the penalty established by subsection (a), in which event one-half of the penalty shall be awarded to the person suing and the remainder shall be awarded to the United States.

“§ 1227. Penalty for false representation

“Whoever knowingly makes a false representation materially affecting the rights obtainable under this chapter for the purpose of obtaining registration of a design under this chapter shall pay a penalty of not less than $500 and not more than $1,000, and any rights or privileges that individual may have in the design under this chapter shall be forfeited.

“§ 1228. Enforcement by Treasury and Postal Service

“(a) Regulations.—The Secretary of the Treasury and the United States Postal Service shall separately or jointly issue regulations for the enforcement of the rights set forth in section 1208 with respect to importation. Such regulations may require, as a condition for the exclusion of articles from the United States, that the person seeking exclusion take any one or more of the following actions:

“(1) Obtain a court order enjoining, or an order of the International Trade Commission under section 337 of the Tariff Act of 1930 excluding, importation of the articles.

“(2) Furnish proof that the design involved is protected under this chapter and that the importation of the articles would infringe the rights in the design under this chapter.

"(3) Post a surety bond for any injury that may result if the detention or exclusion of the articles proves to be unjustified.

"(b) SEIZURE AND FORFEITURE.—Articles imported in violation of the rights set forth in section 1208 are subject to seizure and forfeiture in the same manner as property imported in violation of the customs laws. Any such forfeited articles shall be destroyed as directed by the Secretary of the Treasury or the court, as the case may be, except that the articles may be returned to the country of export whenever it is shown to the satisfaction of the Secretary of the Treasury that the importer had no reasonable grounds for believing that his or her acts constituted a violation of the law.

"§1229. Relation to design patent law

"The issuance of a design patent under title 35 for an original design for an article of manufacture shall terminate any protection of the original design under this chapter.

"§1230. Common law and other rights unaffected

"Nothing in this chapter shall annul or limit—

"(1) common law or other rights or remedies, if any, available to or held by any person with respect to a design which has not been registered under this chapter; or

"(2) any right under the trademark laws or any right protected against unfair competition.

"§1231. Administrator; Office of the Administrator

"In this chapter, the 'Administrator' is the Register of Copyrights, and the 'Office of the Administrator' and the 'Office' refer to the Copyright Office of the Library of Congress.

"§1232. No retroactive effect

"Protection under this chapter shall not be available for any design that has been made public under section 1210(b) before the effective date of this chapter.".

SEC. 3. CONFORMING AMENDMENTS.

(a) TABLE OF CHAPTERS.—The table of chapters for title 17, United States Code, is amended by adding at the end the following:

"12. Protection of Original Designs .... 1201".

(b) JURISDICTION OF DISTRICT COURTS OVER DESIGN ACTIONS.—(1) Section 1338(c) of title 28, United States Code, is amended by inserting ", and to exclusive rights in designs under chapter 12 of title 17," after "title 17".

(2)(A) The section heading for section 1338 of title 28, United States Code, is amended by inserting "**designs**," after "**mask works**,".

(B) The item relating to section 1338 in the table of sections at the beginning of chapter 85 of title 28, United States Code, is amended by inserting "designs," after "mask works,".

(c) PLACE FOR BRINGING DESIGN ACTIONS.—Section 1400(a) of title 28, United States Code, is amended by inserting "or designs" after "mask works".

(d) ACTIONS AGAINST THE UNITED STATES.—Section 1498(e) of title 28, United States Code, is amended by inserting ", and to exclusive rights in designs under chapter 12 of title 17," after "title 17".

SEC. 4. EFFECTIVE DATE.

The amendments made by sections 2 and 3 shall take effect one year after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

During our subcommittee hearing on H.R. 2696, the marine manufacturers effectively demonstrated that "hull splashing," an industry term for applying a direct molding process to a boat hull in an effort to create a knock-off design, is harmful and pervasive enough to warrant legislative redress.

Consumers who purchase boats with knock-off hulls are defrauded in the sense that they are not benefiting from the many attributes of hull design, other than shape, that are structurally relevant, including those related to quality and safety. It is also highly unlikely that consumers know that a boat has been copied from an existing design. Most importantly, for the purposes of promoting intellectual property rights, if manufacturers are not permitted to recoup at least some of their research and development costs, they may no longer invest in new, innovative boat designs.

Accordingly and consistent with the history of design legislation, H.R. 2696 protects the original designs of vessel hulls. Owners of protected designs must register their work with the Copyright Office, and the term of protection allows for 10 years. The owner will enjoy the exclusive right to make, import and sell any legislative hull embodying a protected design. Infringers will be liable for compensatory damages or lost sales, and a court may increase damages by as much as $50,000 in egregious cases.

Finally, Mr. Speaker, during the full committee markup of the bill, the gentleman from Virginia (Mr. SCOTT) expressed his desire that H.R. 2696 not cover large ships manufactured for military use. It was never our intention to protect designs for large vessels used by the Merchant Marine or the Armed Services, and I am pleased that we were able to develop some compromise language on the subject that is acceptable to all parties involved.

This language and a few technical changes to the bill are incorporated in the manager's amendment which I offer as a substitute to the bill as reported by the committee.

In sum, Mr. Speaker, this is a good bill that will offer limited protection to an industry in which effort, investment and creativity are presently unrewarded. I urge my colleagues to pass H.R. 2696, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 2696, the Vessel Hull Design Protection Act. This legislation creates a new design patent for vessel hulls. Confusion between copyright patent and trademark protection for hull models over the years has apparently produced a proliferation of unattributed and bad copies of expensive designs, and this legislation articulates clearer standards for the grant of a design patent.

This industrial design problem is illustrated in the Supreme Court's 1989 decision in Bonito Boats, effectively denying intellectual property protection for a Florida boat designer because of the contrary Florida State law. Here, I agree with the subcommittee Chairman, Mr. COBLE, in that it is important that we send a message that when it comes to theft of patents and trademarks, it is necessary for Congress to set a predictable and uniform Federal rule.

The Patent and Trademark Office does not have a formal view on this bill; but, as a general policy, they prefer not to enumerate subgroups of patents. Nevertheless, they do not oppose this legislation.

Finally, I would like to thank the Chairman for his cooperation and kind assistance by adding clarifying language that exempts vessels more than 200 feet. This language, while maintaining copyright protection of smaller vessels, will not interfere with the commercial practices of the industry for larger vessels, and that is a very significant concern in my congressional district.

Mr. Speaker, I urge my colleagues to support the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume to express my thanks to the gentleman from Virginia (Mr. SCOTT) and the other members of the subcommittee for having worked very cooperatively with us in this matter.

Mr. Speaker, I have no further requests for time; and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the bill, H.R. 2696, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

FEDERAL COURTS IMPROVEMENT ACT OF 1998

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 2294) to make improvements in the operation and administration of the Federal courts, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2294

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Federal Courts Improvement Act of 1998."

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—JUDICIAL FINANCIAL ADMINISTRATION

Sec. 101. Reimbursement of judiciary for civil and criminal forfeiture expenses.
Sec. 102. Transfer of retirement funds.
Sec. 103. Extension of Judiciary Information Technology Fund.
Sec. 104. Bankruptcy fees.
Sec. 105. Disposition of miscellaneous fees.

TITLE II—JUDICIAL PROCESS IMPROVEMENTS

Sec. 201. Extension of statutory authority for magistrate judge positions to be established in the district courts of Guam and the Northern Mariana Islands.
Sec. 202. Magistrate judge contempt authority.
Sec. 203. Consent to magistrate judge authority in petty offense cases and magistrate judge authority in misdemeanor cases involving juvenile defendants.
Sec. 204. Savings and loan data reporting requirements.
Sec. 205. Place of holding court in the Eastern District of Texas.
Sec. 206. Federal substance abuse treatment program reauthorization.
Sec. 207. Membership in circuit judicial councils.
Sec. 208. Sunset of civil justice expense and delay reduction plans.
Sec. 209. Repeal of Court of Federal Claims filing fee.
Sec. 210. Technical bankruptcy correction.
Sec. 211. Technical amendment relating to the treatment of certain bankruptcy fees collected.

TITLE III—JUDICIAL PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

Sec. 301. Disability retirement and cost-of-living adjustments of annuities for territorial judges.
Sec. 302. Federal Judicial Center personnel matters.
Sec. 303. Judicial administrative officials retirement matters.
Sec. 304. Judges' firearms training.
Sec. 305. Exemption from jury service.
Sec. 306. Expanded workers' compensation coverage for jurors.
Sec. 307. Property damage, theft, and loss claims of jurors.
Sec. 308. Annual leave limit for court unit executives.
Sec. 309. Transfer of county to Middle District of Pennsylvania.
Sec. 310. Creation of two divisions in Eastern District of Louisiana.
Sec. 311. District judges for the Florida district courts.
Sec. 312. Change in composition of divisions in Western District of Tennessee.
Sec. 313. Payments to military survivors benefits plan.
Sec. 314. Creation of certifying officers in the judicial branch.
Sec. 315. Authority to prescribe fees for technology resources in the courts.

TITLE IV—CRIMINAL JUSTICE ACT AMENDMENTS

Sec. 401. Maximum amounts of compensation for attorneys.
Sec. 402. Maximum amounts of compensation for services other than counsel.
Sec. 403. Tort Claims Act amendment relating to liability of Federal public defenders.

TITLE I—JUDICIAL FINANCIAL ADMINISTRATION

SEC. 101. REIMBURSEMENT OF JUDICIARY FOR CIVIL AND CRIMINAL FORFEITURE EXPENSES.

(a) TRANSFERS FROM JUSTICE AND TREASURY FORFEITURE FUNDS.—Section 524(c) of title 28, United States Code, is amended—

(1) by inserting after paragraph (11) the following paragraph (12):

"(12)(A) In the fiscal year following the fiscal year in which this paragraph is enacted and in each fiscal year thereafter, an amount as specified in subparagraph (B) shall be transferred annually to the judiciary into the fund established under section 1931 of this title, for expenses incurred in—

"(i) adjudication of civil and criminal forfeiture proceedings that result in deposits into the Fund (except the expense of salaries of judges);

"(ii) representation, pursuant to the provisions of section 3006A of title 18 or section 408(q) of the Controlled Substances Act (21 U.S.C. 848(q)) of offenders whose assets have been seized in such forfeiture proceedings, to the extent that such expenses of representation could have been recovered through an order for payment or for reimbursement of appropriations for defender services pursuant to section 3006A(f) of title 18; and

"(iii) supervision by United States probation officers of offenders under home detention or other forms of confinement outside of facilities of the Bureau of Prisons.

"(B) The amount to be transferred under subparagraph (A)—

"(i) shall be a portion of the amount of the combined fiscal year deposits into both the Fund and the Department of the Treasury Forfeiture Fund established by section 9703 of title 31 (hereinafter referred to in this paragraph as 'both Funds'), which shall not exceed the statement of costs incurred by the judiciary in providing the services identified in subparagraph (A), as set forth by the Director of the Administrative Office of the United States Courts in a report to the Attorney General and the Secretary of the Treasury no later than 90 days after the end of the fiscal year in which the expenses were incurred, except that—

"(I) the total amount to be transferred from both Funds shall not exceed $50,000,000, or 10 percent of the total combined deposits into both Funds, whichever is less;

"(II) the proportion of the amount transferred from the Fund to the total amount to be transferred shall be equal to the proportion of the fiscal year deposits into the Fund to the combined fiscal year deposits in both Funds; and

"(III) the total amount to be transferred from both Funds may exceed the limits set out in this subparagraph, subject to the discretion of the Attorney General and the Secretary of the Treasury; and

"(ii) shall be paid from revenues deposited into the Fund during the fiscal year in which the expenses were incurred and are not required to be specified in appropriations Acts.".

(b) TREASURY FORFEITURE FUND.—Section 9703 of title 31, United States Code, is amended—

(1) by redesignating subsection (p) as subsection (q); and

(2) by inserting after subsection (o) the following new subsection:

"(p) TRANSFER TO THE FEDERAL JUDICIARY.—In the fiscal year following the fiscal year in which this subsection is enacted and in each fiscal year thereafter, an amount necessary to meet the requirements of section 524(c)(12) of title 28 shall be transferred to the judiciary, subject to the limitations, terms, and conditions specified in that section for such transfers.".

(c) CONFORMING AMENDMENT.—Section 1931(a) of title 28, United States Code, is amended by inserting "or other judicial services, including services provided pursuant to section 3006A of title 18 or section 408(q) of the Controlled Substances Act (21 U.S.C. 848(q))" after "courts of the United States".

SEC. 102. TRANSFER OF RETIREMENT FUNDS.

Section 377 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(p) Upon election by a bankruptcy judge or a magistrate judge under subsection (f) of this section, all of the accrued employer contributions and accrued interest on those contributions made on behalf of the bankruptcy judge or magistrate judge to the Civil Service Retirement and Disability Fund, as defined under section 8348 of title 5, shall be transferred to the fund established under section 1931 of this title, except that if the bankruptcy judge or magistrate judge elects under section 2(c) of the Retirement and Survivors' Annuities for Bankruptcy Judges and Magistrates Act of 1988 (Public Law 100-659), to receive a retirement annuity under both this section and title 5, only the accrued employer contributions and accrued interest on such contributions made on behalf of the bankruptcy judge or magistrate judge for service credited under this section may be transferred.".

SEC. 103. EXTENSION OF JUDICIARY INFORMATION TECHNOLOGY FUND.

Section 612 of title 28, United States Code, is amended—

(1) by striking "equipment" each place it appears and inserting "resources";

(2) by striking subsection (f) and redesignating subsequent subsections accordingly;

(3) in subsection (g), as so redesignated, by striking paragraph (3); and

(4) in subsection (i), as so redesignated,—

(A) by striking "Judiciary" each place it appears and inserting "judiciary";

(B) by striking "subparagraph (c)(1)(B)" and inserting "subsection (c)(1)(B)"; and

(C) by striking "under (c)(1)(B)" and inserting "under subsection (c)(1)(B)".

SEC. 104. BANKRUPTCY FEES.

Subsection (a) of section 1930 of title 28, United States Code, is amended by adding at the end the following new paragraph:

"(7) In districts that are not part of a United States trustee region as defined in section 581 of this title, the Judicial Conference of the United States may require the debtor in a case under chapter 11 of title 11 to pay fees equal to those imposed by paragraph (6) of this subsection. Such fees shall be deposited as offsetting receipts to the fund established under section 1931 of this title and shall remain available until expended.".

SEC. 105. DISPOSITION OF MISCELLANEOUS FEES.

For fiscal year 1999 and thereafter, any portion of miscellaneous fees collected as prescribed by the Judicial Conference of the United States pursuant to sections 1913, 1914(b), 1926(a), 1930(b), and 1932 of title 28, United States Code, exceeding the amount of such fees in effect on September 30, 1998, shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code.

TITLE II—JUDICIAL PROCESS IMPROVEMENTS

SEC. 201. EXTENSION OF STATUTORY AUTHORITY FOR MAGISTRATE JUDGE POSITIONS TO BE ESTABLISHED IN THE DISTRICT COURTS OF GUAM AND THE NORTHERN MARIANA ISLANDS.

Section 631 of title 28, United States Code, is amended—

(1) by striking the first two sentences of subsection (a) and inserting the following: "The judges of each United States district court and the district courts of the Virgin Islands, Guam, and the Northern Mariana Islands shall appoint United States magistrate judges in such numbers and to serve at such locations within the judicial districts as the Judicial Conference may determine under this chapter. In the case of a magistrate judge appointed by the district court of the Virgin Islands, Guam, or the Northern Mariana Islands, this chapter shall apply as though the court appointing such a magistrate judge were a United States district court."; and

(2) by inserting in the first sentence of paragraph (1) of subsection (b) after "Commonwealth of Puerto Rico," the following: "the Territory of Guam, the Commonwealth of the Northern Mariana Islands,".

SEC. 202. MAGISTRATE JUDGE CONTEMPT AUTHORITY.

Section 636(e) of title 28, United States Code is amended to read as follows:

"(e) CONTEMPT AUTHORITY.—

"(1) IN GENERAL.—A United States magistrate judge serving under this chapter shall have within the territorial jurisdiction prescribed by his or her appointment the power to exercise contempt authority as set forth in this subsection.

"(2) SUMMARY CRIMINAL CONTEMPT AUTHORITY.—A magistrate judge shall have the power to punish summarily by fine or imprisonment such contempt of his or her authority constituting misbehavior of any person in the magistrate judge's presence so as to obstruct the administration of justice. The order of contempt shall be issued pursuant to the Federal Rules of Criminal Procedure.

"(3) ADDITIONAL CRIMINAL CONTEMPT AUTHORITY IN CIVIL CONSENT AND MISDEMEANOR CASES.—In any case in which a United States magistrate judge presides with the consent of the parties under subsection (c) of this section, and in any misdemeanor case proceeding before a magistrate judge under section 3401 of title 18, the magistrate judge shall have the power to punish by fine or imprisonment criminal contempt constituting disobedience or resistance to the magistrate judge's lawful writ, process, order, rule, decree, or command. Disposition of such contempt shall be conducted upon notice and hearing pursuant to the Federal Rules of Criminal Procedure.

"(4) CIVIL CONTEMPT AUTHORITY IN CIVIL CONSENT AND MISDEMEANOR CASES.—In any case in which a United States magistrate judge presides with the consent of the parties under subsection (c) of this section, and in any misdemeanor case proceeding before a magistrate judge under section 3401 of title 18, the magistrate judge may exercise the civil contempt authority of the district court. This paragraph shall not be construed to limit the authority of a magistrate judge to order sanctions pursuant to any other statute, the Federal Rules of Civil Procedure, or the Federal Rules of Criminal Procedure.

"(5) CRIMINAL CONTEMPT PENALTIES.—The sentence imposed by a magistrate judge for any criminal contempt provided for in paragraphs (2) and (3) shall not exceed the penalties for a Class C misdemeanor as set forth in sections 3581(b)(8) and 3571(b)(6) of title 18.

"(6) CERTIFICATION OF OTHER CONTEMPTS TO THE DISTRICT COURT.—Upon the commission of any such act—

"(A) in any case in which a United States magistrate judge presides with the consent of the parties under subsection (c) of this section, or in any misdemeanor case proceeding before a magistrate judge under section 3401 of title 18, that may, in the opinion of the magistrate judge, constitute a serious criminal contempt punishable by penalties exceeding those set forth in paragraph (5) of this subsection, or

"(B) in any other case or proceeding under subsection (a) or (b) of this section, or any other statute, where—

"(i) the act committed in the magistrate judge's presence may, in the opinion of the magistrate judge, constitute a serious criminal contempt punishable by penalties exceeding those set forth in paragraph (5) of this subsection,

"(ii) the act that constitutes a criminal contempt occurs outside the presence of the magistrate judge, or

"(iii) the act constitutes a civil contempt,

the magistrate judge shall forthwith certify the facts to a district judge and may serve or cause to be served upon any person whose behavior is brought into question under this paragraph an order requiring such person to appear before a district judge upon a day certain to show cause why he or she should not be adjudged in contempt by reason of the facts so certified. The district judge shall thereupon hear the evidence as to the act or conduct complained of and, if it is such as to warrant punishment, punish such person in the same manner and to the same extent as for a contempt committed before a district judge.

"(7) APPEALS OF MAGISTRATE JUDGE CONTEMPT ORDERS.—The appeal of an order of contempt pursuant to this subsection shall be made to the court of appeals in cases proceeding under subsection (c) of this section. In any other proceeding in which a United States magistrate judge presides under subsection (a) or (b) of this section, section 3401 of title 18, or any other statute, the appeal of a magistrate judge's summary contempt order shall be made to the district court.".

SEC. 203. CONSENT TO MAGISTRATE JUDGE AUTHORITY IN PETTY OFFENSE CASES AND MAGISTRATE JUDGE AUTHORITY IN MISDEMEANOR CASES INVOLVING JUVENILE DEFENDANTS.

(a) AMENDMENTS TO TITLE 18.—

(1) PETTY OFFENSE CASES.—Section 3401(b) of title 18, United States Code, is amended by striking "that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction," after "petty offense".

(2) CASES INVOLVING JUVENILES.—Section 3401(g) of title 18, United States Code, is amended—

(A) by striking the first sentence and inserting the following: "The magistrate judge may, in a petty offense case involving a juvenile, exercise all powers granted to the district court under chapter 403 of this title.";

(B) in the second sentence by striking "any other class B or C misdemeanor case" and inserting "the case of any misdemeanor, other than a petty offense,"; and

(C) by striking the last sentence.

(b) AMENDMENTS TO TITLE 28.—Section 636(a) of title 28, United States Code, is amended by striking paragraphs (4) and (5) and inserting in the following:

"(4) the power to enter a sentence for a petty offense; and

"(5) the power to enter a sentence for a class A misdemeanor in a case in which the parties have consented.".

SEC. 204. SAVINGS AND LOAN DATA REPORTING REQUIREMENTS.

Section 604 of title 28, United States Code, is amended in subsection (a) by striking the second paragraph designated (24).

SEC. 205. PLACE OF HOLDING COURT IN THE EASTERN DISTRICT OF TEXAS.

(a) TEXAS.—The second sentence of section 124(c)(3) of title 28, United States Code, is amended by inserting "and Plano" after "held at Sherman".

(b) TEXARKANA.—Sections 83(b)(1) and 124(c)(6) of title 28, United States Code, are each amended by adding before the period at the end of the last sentence the following: ", and may be held anywhere within the Federal courthouse in Texarkana that is located astride the State line between Texas and Arkansas".

SEC. 206. FEDERAL SUBSTANCE ABUSE TREATMENT PROGRAM REAUTHORIZATION.

Section 4(a) of the Contract Services for Drug Dependent Federal Offenders Treatment Act of 1978 (Public Law 95-537; 92 Stat. 2038; 18 U.S.C. 3672 note) is amended by striking all that follows "there are authorized to be appropriated" and inserting "for fiscal year 1998 and each fiscal year thereafter such sums as may be necessary.".

SEC. 207. MEMBERSHIP IN CIRCUIT JUDICIAL COUNCILS.

Section 332(a) of title 28, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) The chief judge of each judicial circuit shall call and preside at a meeting of the judicial council of the circuit at least twice in each year and at such places as he or she may designate. The council shall consist of an equal number of circuit judges (including the chief judge of the circuit) and district judges, as such number is determined by majority vote of all such judges of the circuit in regular active service.";

(2) by striking paragraph (3) and inserting the following:

"(3) Except for the chief judge of the circuit, either judges in regular active service or judges retired from regular active service under section 371(b) of this title may serve as members of the council."; and

(3) by striking "retirement," in paragraph (5) and inserting "retirement under section 371(a) or section 372(a) of this title,".

SEC. 208. SUNSET OF CIVIL JUSTICE EXPENSE AND DELAY REDUCTION PLANS.

Section 103(b)(2)(A) of the Civil Justice Reform Act of 1990 (Public Law 101-650; 104 Stat. 5096; 28 U.S.C. 471 note), as amended by Public Law 105-53 (111 Stat. 1173), is amended by inserting "471," after "sections".

SEC. 209. REPEAL OF COURT OF FEDERAL CLAIMS FILING FEE.

Section 2520 of title 28, United States Code, and the item relating to such section in the table of contents for chapter 165 of such title, are repealed.

SEC. 210. TECHNICAL BANKRUPTCY CORRECTION.

Section 1228 of title 11, United States Code, is amended by striking "1222(b)(10)" each place it appears and inserting "1222(b)(9)".

SEC. 211. TECHNICAL AMENDMENT RELATING TO THE TREATMENT OF CERTAIN BANKRUPTCY FEES COLLECTED.

(a) AMENDMENT.—The first sentence of section 406(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990 (Public Law 101–162; 103 Stat. 1016; 28 U.S.C. 1931 note) is amended by striking "service enumerated after item 18" and inserting "service not of a kind described in any of the items enumerated as items 1 through 7 and as items 9 through 18, as in effect on November 21, 1989,".

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall not apply with respect to fees collected before the date of the enactment of this Act.

TITLE III—JUDICIAL PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

SEC. 301. DISABILITY RETIREMENT AND COST-OF-LIVING ADJUSTMENTS OF ANNUITIES FOR TERRITORIAL JUDGES.

Section 373 of title 28, United States Code, is amended—

(1) by amending subsection (c)(4) to read as follows:

"(4) Any senior judge performing judicial duties pursuant to recall under paragraph (2) of this subsection shall be paid, while performing such duties, the same compensation (in lieu of the annuity payable under this section) and the same allowances for travel and other expenses as a judge on active duty with the court being served.";

(2) by amending subsection (e) to read as follows:

"(e)(1) Any judge of the District Court of Guam, the District Court of the Northern Mariana Islands, or the District Court of the Virgin Islands who is not reappointed (as judge of such court) shall be entitled, upon attaining the age of 65 years or upon relinquishing office if the judge is then beyond the age of 65 years—

"(A) if the judicial service of such judge, continuous or otherwise, aggregates 15 years or more, to receive during the remainder of such judge's life an annuity equal to the salary received when the judge left office; or

"(B) if such judicial service, continuous or otherwise, aggregated less than 15 years, to receive during the remainder of such judge's life an annuity equal to that proportion of such salary which the aggregate number of such judge's years of service bears to 15.

"(2) Any judge of the District Court of Guam, the District Court of the Northern Mariana Islands, or the District Court of the Virgin Islands who has served at least five years, continuously or otherwise, and who retires or is removed upon the sole ground of mental or physical disability, shall be entitled to receive during the remainder of such judge's life an annuity equal to 40 percent of the salary received when the judge left office, or, in the case of a judge who has served at least ten years, continuously or otherwise, an annuity equal to that proportion of such salary which the aggregate number of such judge's years of judicial service bears to 15."; and

(3) by amending subsection (g) to read as follows:

"(g) Any retired judge who is entitled to receive an annuity under this section shall be entitled to a cost-of-living adjustment in the amount computed as specified in section 8340(b) of title 5, except that in no case may the annuity payable to such retired judge, as increased under this subsection, exceed the salary of a judge in regular active service with the court on which the retired judge served before retiring.".

SEC. 302. FEDERAL JUDICIAL CENTER PERSONNEL MATTERS.

Section 625 of title 28, United States Code, is amended—

(1) in subsection (b)—

(A) by striking ", United States Code,";

(B) by striking "pay rates, section 5316, title 5, United States Code" and inserting "under section 5316 of title 5, except that the Director may fix the compensation of 4 positions of the Center at a level not to exceed the annual rate of pay in effect for level IV of the Executive Schedule under section 5315 of title 5"; and

(C) by striking "the Civil Service" and all that follows through "Code" and inserting "subchapter III of chapter 83 of title 5 shall be adjusted pursuant to the provisions of section 8344 of such title, and the salary of a reemployed annuitant under chapter 84 of title 5 shall be adjusted pursuant to the provisions of section 8468 of such title";

(2) in subsection (c)—

(A) by striking ", United States Code,";

(B) by inserting a comma after "competitive service"; and

(C) by striking the comma after "such title"; and

(3) in subsection (d)—

(A) by striking ", United States Code," each place it appears"; and

(B) by striking ", section 5332, title 5" and inserting "under section 5332 of title 5"..

SEC. 303. JUDICIAL ADMINISTRATIVE OFFICIALS RETIREMENT MATTERS.

(a) DIRECTOR OF ADMINISTRATIVE OFFICE.—Section 611 of title 28, United States Code, is amended—

(1) in subsection (d), by inserting "a congressional employee in the capacity of primary administrative assistant to a Member of Congress or in the capacity of staff director or chief counsel for the majority or the minority of a committee or subcommittee of the Senate or House of Representatives," after "Congress,";

(2) in subsection (b)—

(A) by striking "who has served at least fifteen years and" and inserting "who has at least fifteen years of service and has";

(B) in the first undesignated paragraph, by striking "who has served at least ten years," and inserting "who has at least ten years of service,"; and

(3) in subsection (c)—

(A) by striking "served at least fifteen years," and inserting "at least fifteen years of service,"; and

(B) by striking "served less than fifteen years," and inserting "less than fifteen years of service,".

(b) DIRECTOR OF THE FEDERAL JUDICIAL CENTER.—Section 627 of title 28, United States Code, is amended—

(1) in subsection (e), by inserting "a congressional employee in the capacity of primary administrative assistant to a Member of Congress or in the capacity of staff director or chief counsel for the majority or the minority of a committee or subcommittee of the Senate or House of Representatives," after "Congress,";

(2) in subsection (c)—

(A) by striking "who has served at least fifteen years and" and inserting "who has at least fifteen years of service and has";

(B) in the first undesignated paragraph, by striking "who has served at least ten years," and inserting "who has at least ten years of service,"; and

(3) in subsection (d)—

(A) by striking "served at least fifteen years," and inserting "at least fifteen years of service,"; and

(B) by striking "served less than fifteen years," and inserting "less than fifteen years of service,".

SEC. 304. JUDGES' FIREARMS TRAINING.

(a) IN GENERAL.—Chapter 21 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 464. Carrying of firearms by judicial officers

"(a) AUTHORITY.—A judicial officer of the United States is authorized to carry a firearm, whether concealed or not, under regulations promulgated by the Judicial Conference of the United States. The authority granted by this section shall extend only to—

"(1) those States in which the carrying of firearms by judicial officers of the State is permitted by State law, and

"(2) regardless of State law, to any place where the judicial officer of the United States sits, resides, or is present on official travel status.

"(b) IMPLEMENTATION.—

"(1) REGULATIONS.—The regulations promulgated by the Judicial Conference under subsection (a) shall—

"(A) require a demonstration of a judicial officer's proficiency in the use and safety of firearms as a prerequisite to the carrying of firearms under the authority of this section; and

"(B) ensure that the carrying of a firearm by a judicial officer under the protection of the United States Marshals Service while away from United States courthouses is consistent with the policy of the Marshals Service on the carrying of firearms by persons receiving such protection.

"(2) ASSISTANCE BY OTHER AGENCIES.—At the request of the Judicial Conference, the Department of Justice and appropriate law enforcement components of the Department shall assist the Judicial Conference in developing and providing training to assist judicial officers in securing the proficiency referred to in subsection (b)(1).

"(c) DEFINITION.—For purposes of this section, the term, 'judicial officer of the United States' means—

"(1) a justice or judge of the United States as defined in section 451 in regular active service or retired from regular active service;

"(2) a justice or judge of the United States who has retired from the judicial office under section 371(a) for—

"(A) a 1-year period following such justice's or judge's retirement; or

"(B) a longer period of time if approved by the Judicial Conference of the United States when exceptional circumstances warrant;

"(3) a United States bankruptcy judge;

"(4) a full-time or part-time United States magistrate judge;

"(5) a judge of the United States Court of Federal Claims;

"(6) a judge of the District Court of Guam;

"(7) a judge of the District Court for the Northern Mariana Islands;

"(8) a judge of the District Court of the Virgin Islands; or

"(9) an individual who is retired from one of the judicial positions described under paragraphs (3) through (8) to the extent provided for in regulations of the Judicial Conference of the United States.

"(d) EXCEPTION.—Notwithstanding section 46303(c)(1) of title 49, nothing in this section authorizes a judicial officer of the United States to carry a dangerous weapon on an aircraft or other common carrier.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 21 of title 28, United States Code, is amended by adding at the end thereof the following:

"464. Carrying of firearms by judicial officers.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect upon the earlier of the promulgation of regulations by the Judicial Conference under the amendments made by this section or one year after the date of the enactment of this Act.

SEC. 305. EXEMPTION FROM JURY SERVICE.

(a) MEMBERS OF THE ARMED FORCES.—Paragraph (6) of section 1863(b) of title 28, United States Code, is amended to read as follows:

"(6) specify that members in active service in the Armed Forces of the United States are barred from jury service on the ground that they are exempt.".

(b) CONFORMING AMENDMENT.—Section 1869 if title 28, United States Code, is amended by repealing subsection (i).

SEC. 306. EXPANDED WORKERS' COMPENSATION COVERAGE FOR JURORS.

Paragraph (2) of section 1877(b) of title 28, United States Code, is amended—

(1) by striking "or" at the end of clause (C); and

(2) by inserting before the period at the end of clause (D) ", or (E) traveling to or from the courthouse pursuant to a jury summons or sequestration order, or as otherwise necessitated by order of the court".

SEC. 307. PROPERTY DAMAGE, THEFT, AND LOSS CLAIMS OF JURORS.

Section 604 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(l) The Director may pay a claim by a person summoned to serve or serving as a grand juror or petit juror for loss of, or damage to, personal property that occurs incident to that person's performance of duties in response to the summons or at the direction of an officer of the court. With respect to claims, the Director shall have the authority granted to the head of an agency by section 3721 of title 31 for consideration of employees' personal property claims. The Director shall prescribe guidelines for the consideration of claims under this subsection.".

SEC. 308. ANNUAL LEAVE LIMIT FOR COURT UNIT EXECUTIVES.

Section 6304(f)(1) of title 5, United States Code, is amended by adding at the end thereof the following:

"(F) the judicial branch designated as a court unit executive position by the Judicial Conference of the United States.".

SEC. 309. TRANSFER OF COUNTY TO MIDDLE DISTRICT OF PENNSYLVANIA.

(a) TRANSFER.—Section 118 of title 28, United States Code, is amended—

(1) in subsection (a) by striking "Philadelphia, and Schuylkill" and inserting "and Philadelphia"; and

(2) in subsection (b) by inserting "Schuylkill," after "Potter,".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—This section and the amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

(2) PENDING CASES NOT AFFECTED.—This section and the amendments made by this section shall not affect any action commenced before the effective date of this section and pending on such date in the United States District Court for the Eastern District of Pennsylvania.

(3) JURIES NOT AFFECTED.—This section and the amendments made by this section shall not affect the composition, or preclude the service, of any grand or petit jury summoned, impaneled, or actually serving on the effective date of this section.

SEC. 310. CREATION OF TWO DIVISIONS IN EASTERN DISTRICT OF LOUISIANA.

(a) CREATION OF TWO DIVISIONS.—Section 98(a) of title 28, United States Code, is amended to read as follows:

"(a) The Eastern District comprises two divisions.

"*(1) The New Orleans Division comprises the parishes of Jefferson, Orleans, Plaquemines, Saint Bernard, Saint Charles, Saint John the Baptist, Saint Tammany, Tangipahoa, and Washington.*

"*Court for the New Orleans Division shall be held at New Orleans.*

"*(2) The Houma Division comprises the parishes of Assumption, Lafourche, Saint James, and Terrebonne.*

"*Court for the Houma Division shall be held at Houma.*".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—This section and the amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

(2) PENDING CASES NOT AFFECTED.—This section and the amendments made by this section shall not affect any action commenced before the effective date of this section and pending on such date in the United States District Court for the Eastern District of Louisiana.

(3) JURIES NOT AFFECTED.—This section and the amendments made by this section shall not affect the composition, or preclude the service, of any grand or petit jury summoned, impaneled, or actually serving on the effective date of this section.

SEC. 311. DISTRICT JUDGES FOR THE FLORIDA DISTRICT COURTS.

(a) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(1) 3 additional district judges for the middle district of Florida; and

(2) 2 additional district judges for the southern district of Florida.

(b) TEMPORARY JUDGESHIP.—

(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate, 1 additional district judge for the middle district of Florida.

(2) FIRST VACANCY NOT FILLED.—The first vacancy in the office of district judge in the middle district of Florida, occurring 7 years or more after the confirmation date of the last judge named to fill the judgeships created by subsection (a) and this subsection for the middle district of Florida, shall not be filled.

(c) TABLES.—In order that the table contained in section 133 of title 28, United States Code, reflects the changes in the total number of permanent district judgeships authorized by subsection (a) of this section, the item relating to Florida in such table is amended to read as follows:

"Florida:

Northern	4
Middle	14
Southern	18".

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, including such sums as may be necessary to provide appropriate space and facilities for the judicial positions created by this section.

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 312. CHANGE IN COMPOSITION OF DIVISIONS IN WESTERN DISTRICT OF TENNESSEE.

(a) IN GENERAL.—Section 123(c) of title 28, United States Code, is amended—

(1) in paragraph (1) by inserting "Dyer," after "Decatur,"; and

(2) in paragraph (2) by striking "Dyer,".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) PENDING CASES NOT AFFECTED.—This section and the amendments made by this section shall not affect any action commenced before the effective date of this section and pending in the United States District Court for the Western District of Tennessee on such date.

(3) JURIES NOT AFFECTED.—This section and the amendments made by this section shall not affect the composition, or preclude the service, of any grand or petit jury summoned, impaneled, or actually serving in the Western Judicial District of Tennessee on the effective date of this section.

SEC. 313. PAYMENTS TO MILITARY SURVIVORS BENEFITS PLAN.

Section 371(e) of title 28, United States Code, is amended by inserting after "such retired or retainer pay" the following: ", except such pay as is deductible from the retired or retainer pay as a result of participation in any survivor's benefits plan in connection with the retired pay,".

SEC. 314. CREATION OF CERTIFYING OFFICERS IN THE JUDICIAL BRANCH.

(a) APPOINTMENT OF DISBURSING AND CERTIFYING OFFICERS.—Chapter 41 of title 28, United States Code, is amended by adding at the end the following new section:

"§ 613. Disbursing and certifying officers

"(a) DISBURSING OFFICERS.—The Director may designate in writing officers and employees of the judicial branch of the Government, including the courts as defined in section 610 other than the Supreme Court, to be disbursing officers in such numbers and locations as the Director considers necessary. Such disbursing officers shall—

"(1) disburse moneys appropriated to the judicial branch and other funds only in strict accordance with payment requests certified by the Director or in accordance with subsection (b);

"(2) examine payment requests as necessary to ascertain whether they are in proper form, certified, and approved; and

"(3) be held accountable for their actions as provided by law, except that such a disbursing officer shall not be held accountable or responsible for any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate for which a certifying officer is responsible under subsection (b).

"(b) CERTIFYING OFFICERS.—(1) The Director may designate in writing officers and employees of the judicial branch of the Government, including the courts as defined in section 610 other than the Supreme Court, to certify payment requests payable from appropriations and funds. Such certifying officers shall be responsible and accountable for—

"(A) the existence and correctness of the facts recited in the certificate or other request for payment or its supporting papers;

"(B) the legality of the proposed payment under the appropriation or fund involved; and

"(C) the correctness of the computations of certified payment requests.

"(2) The liability of a certifying officer shall be enforced in the same manner and to the same extent as provided by law with respect to the enforcement of the liability of disbursing and other accountable officers. A certifying officer shall be required to make restitution to the United States for the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificates made by the certifying officer, as well as for any payment prohibited by law or which did not represent a legal obligation under the appropriation or fund involved.

"(c) Rights.—A certifying or disbursing officer—

"(1) has the right to apply for and obtain a decision by the Comptroller General on any question of law involved in a payment request presented for certification; and

"(2) is entitled to relief from liability arising under this section in accordance with title 31.

"(d) Other Authority Not Affected.—Nothing in this section affects the authority of the courts with respect to moneys deposited with the courts under chapter 129 of this title.".

(b) Conforming Amendment.—The table of sections for chapter 41 of title 28, United States Code, is amended by adding at the end the following item:

"613. Disbursing and certifying officers.".

(c) Duties of Director.—Paragraph (8) of subsection (a) of section 604 of title 28, United States Code, is amended to read as follows:

"(8) Disburse appropriations and other funds for the maintenance and operation of the courts;".

SEC. 315. AUTHORITY TO PRESCRIBE FEES FOR TECHNOLOGY RESOURCES IN THE COURTS.

(a) In General.—Chapter 41 of title 28, United States Code, is amended by adding at the end the following:

"§614. Authority to prescribe fees for technology resources in the courts

"The Judicial Conference is authorized to prescribe reasonable fees pursuant to sections 1913, 1914, 1926, 1930, and 1932, for collection by the courts for use of information technology resources provided by the judiciary for remote access to the courthouse by litigants and the public, and to facilitate the electronic presentation of cases. Fees under this section may be collected only to cover the costs of making such information technology resources available for the purposes set forth in this section. Such fees shall not be required of persons financially unable to pay them. All fees collected under this section shall be deposited in the Judiciary Information Technology Fund and be available to the Director without fiscal year limitation to be expended on information technology resources developed or acquired to advance the purposes set forth in this section.".

(b) Conforming Amendment.—The table of sections for chapter 41 of title 28, United States Code, is amended by adding at the end the following new item:

"614. Authority to prescribe fees for technology resources in the courts.".

(c) Technical Amendment.—Chapter 123 of title 28, United States Code, is amended—

(1) by redesignating the section 1932 entitled "Revocation of earned release credit" as section 1933 and placing it after the section 1932 entitled "Judicial Panel on Multidistrict Litigation"; and

(2) in the table of sections by striking the 2 items relating to section 1932 and inserting the following:

"1932. Judicial Panel on Multidistrict Litigation.

"1933. Revocation of earned release credit."

TITLE IV—CRIMINAL JUSTICE ACT AMENDMENTS

SEC. 401. MAXIMUM AMOUNTS OF COMPENSATION FOR ATTORNEYS.

Paragraph (2) of subsection (d) of section 3006A of title 18, United States Code, is amended—

(1) in the first sentence—

(A) by striking "3,500" and inserting "5,000";

(B) by striking "1,000" and inserting "1,500";

(2) in the second sentence by striking "2,500" and inserting "3,600";

(3) in the third sentence—

(A) by striking "750" and inserting "1,100";

(B) by striking "2,500" and inserting "3,600";

(4) by inserting after the second sentence the following new sentence: "For representation of a petitioner in a non-capital habeas corpus proceeding, the compensation for each attorney shall not exceed the amount applicable to a felony in this paragraph for representation of a defendant before a United States magistrate or the district court, or both. For representation of such petitioner in an appellate court, the compensation for each attorney shall not exceed the amount applicable for representation of a defendant in an appellate court."; and

(5) in the last sentence by striking "750" and inserting "1,100".

SEC. 402. MAXIMUM AMOUNTS OF COMPENSATION FOR SERVICES OTHER THAN COUNSEL.

Section 3006A(e) of title 18, United States Code, is amended—

(1) in paragraph (2)—

(A) in subparagraph (A) by striking "300" and inserting "450"; and

(B) in subparagraph (B) by striking "300" and inserting "450"; and

(2) in paragraph (3) in the first sentence by striking "1,000" and inserting "1,500".

SEC. 403. TORT CLAIMS ACT AMENDMENT RELATING TO LIABILITY OF FEDERAL PUBLIC DEFENDERS.

Section 2671 of title 28, United States Code, is amended in the second undesignated paragraph—

(1) by inserting "(1)" after "includes"; and

(2) by striking the period at the end and inserting the following: ", and (2) any officer or employee of a Federal public defender organization, except when such officer or employee performs professional services in the course of providing representation under section 3006A of title 18.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. Coble) and the gentleman from Virginia (Mr. Scott) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. Coble).

GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2294 contains several provisions that are needed to improve the Federal court system. It is designed to improve administration and procedures, eliminate operational inefficiencies, and reduce operating expenses.

The provisions contained in H.R. 2294 address administrative, financial, personnel, organizational, and technical changes that are needed by the Article III Federal courts and their supporting agencies. These provisions are designed to have a positive impact on the operations of the Federal courts and enhance the delivery of justice in the Federal system.

The manager's amendment makes no substantive changes. However, on the advice of legislative counsel, certain technical and conforming changes have been made to H.R. 2294.

Also, after consultation with the Committee on the Budget, it became rather clear that the provision regarding the "Rule of 80" would require unanticipated expenditures.

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Therefore, it was taken out of H.R. 2294 and will be reconsidered in the future. H.R. 2294, Mr. Speaker, is necessary legislation for the proper functioning of our Article III United States Courts. It is nonpartisan, noncontroversial, and I urge the House to pass 2294.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2294, the Federal Courts Improvement Act of 1997. This bipartisan legislation is the result of a long list of desired changes from the Administrative Office of the United States Courts.

I thank the gentleman from North Carolina (Mr. Coble), my subcommittee chairman, and the gentleman from Massachusetts (Mr. Frank), the ranking member, for working together to produce a bipartisan bill that all of the members of the Committee on the Judiciary could agree to.

Among other provisions included in this bill is an amendment to 28 U.S.C. to authorize reimbursements to the judicial branch out of funds in the Justice Department Asset Forfeiture Fund and the Department of the Treasury Asset Forfeiture Fund for certain expenses incurred by the judicial branch in connection with the adjudications of asset forfeitures. Section 303 provides that a U.S. magistrate judge shall be given the power to exercise contempt authority within the territorial jurisdiction prescribed by his or her appointment.

Another important element of this legislation is that it reauthorizes appropriations for fiscal year 1998 and subsequent years such sums as may be necessary to carry out the drug and alcohol after care program for Federal offenders administered by the probation and pretrial services division of the Administrative Office of the United States Courts.

This legislation also eliminates exemptions for members of State and local fire or police departments and public officers of Federal and State governments from Federal jury service.

Lastly, the bill extends Federal Employees' Compensation Act protections to jurors while they are traveling to and from court. So I urge my colleagues to support this bill.

Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. SHEILA JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding me the time. I thank the gentleman for his leadership on this bill, and I thank the chairman as well.

Let me cite my appreciation for some of the very vital points that we find in the Federal Courts Improvement Act. Particularly, as a member of the Committee on Science, let me applaud the provision that permanently extends the Judiciary Information Technology Fund, which provides the judiciary with the capital to purchase and maintain computers and other technologies and removes the funds from the budget management process of the executive branch.

How often I have heard from my judges throughout the United States on the importance of having this kind of technology in the courts? So I particularly appreciate the fact that we have this particular process included.

I also note something that I think is very interesting, and maybe we should not applaud, but I do. That is that it eliminates the current exemption from Federal jury duty for members of the police, fire departments, elected public officials of Federal and State governments, and their appointees. I realize what that says, but I do hope that further enhances the democratic process, and as well, the opportunity for an expanded jury.

Likewise, I support the compensation of jurors as they travel from one place to the next. The Southern District of Texas is a very large district. That creates a heavy burden on our jurors and persons that would commit themselves to this process.

Mr. Speaker, I do have another improvement that, unfortunately, cannot be added to this bill. I would simply say that what would really improve the process is, of course, the need for the confirmation of appointees to the United States Courts that are being sent over to the other body.

I would argue vigorously that the litmus test that is being utilized, the conservative litmus test that befell Judge Massiah-Jackson just 48 hours ago, is a tragedy and a disgrace. I would hope that we take the Federal Courts Improvement Act to heart. As I reflected on the last 20 years of confirmation processes, when we had a Republican administration and a Democratic Congress, never in the history of this Congress have we seen such obstructionist processes utilized to distract away from the confirmation process. My rights, my constituents' rights, those of us who believe in social justice and civil rights, are being denied.

So this bill does not go far enough for me. Frankly, we need to get a grip on this process and realize that the process of government is not obstructionist, it is to realize and to go forward and to allow the process to meet its course.

I feel sad for Judge Massiah-Jackson, an able jurist, attacked even by those that would pretend to want justice, not looking at her record accurately. Frankly, this is happening all over the country. I am facing it in the State of Texas, and we are backlogged without the necessary courts and judges to fill them. I simply say to my colleagues, it is time now to really have a Federal Courts Improvement Act; that is, to proceed to the requests of Justice Rehnquist, the Supreme Court Justice, Chief Justice, who has said we cannot function, as I paraphrase him, with the extreme backlog that we have.

I would think that, in all good conscience, we cannot pass this bill without recognizing that we have a real problem in not confirming the very able appointees that have been appointed by this administration. I hope my colleagues will certainly understand and comprehend and help us pass a real Courts Improvement Act with the appointment of our able jurists.

Mr. Speaker, this legislation implements a number of administrative changes to the federal court system recommended by the United States Judicial Conference.

The U.S. Judicial Conference serves as the administrative and policy-making arm of the judiciary branch, advising Congress on the creation of new judgeships and the modification of the court system. Biennially, the Conference submits recommendations, such as those that comprise H.R. 2294, to Congress for improvements to the federal justice system.

One important factor in my support of this legislation is that the changes it contains are largely those requested by judges themselves; these are not changes being forced upon an unwilling judiciary. Such cooperation between the judicial and legislative branches is encouraging.

I would like to thank both Congressman COBLE, Chairman of the Judiciary Subcommittee on Courts and Intellectual Property, and Congressman FRANK, Ranking Member of the Subcommittee, for their hard work in crafting this nonpartisan bill. Their leadership is to be commended and I hope will set an example of the accomplishments and benefits realized with cooperation, a quality that has been notably absent as the logjam of Senate judicial confirmations continues to worsen.

Now I turn to discussion of certain of the provisions of this legislation. In particular, I would like to draw your attention to Section 305 of this bill which authorizes federal judges to carry firearms when crossing municipal or state lines, and establishes a firearms training program for those judges. It is an unfortunate comment on our society's diminishing respect for both authority and life itself that our federal judges are so threatened that must be given the right to carry a concealed weapon simply to ensure their ability to protect themselves. While I am always mindful of states' right to regulate in this area, I am convinced that the growing threat to federal judges' safety warrants our involvement in this instance. Further, the training which will accompany this right should allay safety concerns.

Next, I turn to Section 401 of the bill. Section 401 increases the maximum compensation for attorneys serving as appointed counsel in federal criminal cases. Section 401 would simply increase maximum case compensation by approximately the rate of inflation since 1986 (43.3 percent) the last year that case compensation maximums were increased. This increase is well-deserved and long overdue. It is a change that is necessary to ensure that those of our citizens who are unable to afford the often daunting expense of legal representation receive appropriate and able representation from their appointed counsel.

Finally, I want to bring your attention to Section 206 of H.R. 2294 which reauthorize appropriations for federal substance abuse treatment aftercare programs for this and subsequent years. In my home state of Texas, state officials estimate that 70 to 85 percent of prison inmates need some level of substance abuse treatment. In Texas, 51 percent of persons convicted of a drug law violation who had their probation revoked had used drugs within 24 hours of their crime. The same is true of 36 percent of violent offenders. Prisons can assist inmates and help to reduce crime by helping released inmates to participate in community-based treatment services. In the absence of such support, released inmates too often find themselves in the same environment of drug use and criminal behavior which landed them in jail originally. Reauthorization of the federal substance abuse treatment aftercare programs is critical to helping break this cycle by providing a helping hand to newly released inmates—by assisting them in successfully reentering society.

For these reasons, I rise today in support of H.R. 2294 and urge my colleagues to join me in support of this legislation.

Mr. COBLE. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Florida (Mr.

CANADY), a valued member of the Subcommittee on Courts and Intellectual Property.

Mr. CANADY of Florida. Mr. Speaker, I want to express my gratitude to the gentleman for his leadership on this bill. This is a significant bill which will help ensure that the Federal courts are able to carry out their important work in the most effective manner possible. I thank the gentleman for his leadership, and I commend this bill to all the Members of the House. I am hopeful that we will see this bill passed into law in very short order.

Mr. SCOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. Mr. Speaker, I rise in strong support of this legislation, H.R. 2294, legislation which provides much needed improvements for the effective operation of our Federal judiciary system.

This is particularly welcome by the District Court of Guam in order to relieve the backlog of cases. Over the past 3 years our local District Court judge had one of the highest caseloads of similar judges in the country. The majority of his cases dealt with drug violations, illegal immigration cases, and firearms cases.

Due to the vagaries of Guam's Organic Act, the Guam District Court judge currently serves as both criminal and civil judge, and also functions as the magistrate judge, the bankruptcy judge, and the territorial tax court judge. Due to this huge caseload, the Ninth Circuit in California has had to send visiting judges to Guam to help manage the caseload.

I applaud the work of Chief Judge John Unpingco of the District Court of Guam, and especially for his diligence and dedication to the effective enforcement of Federal laws on Guam. The Federal judiciary on Guam and the Commonwealth of the Northern Marianas will be better served with the authority to hire magistrate judge positions.

I thank the gentleman from Virginia (Mr. ROBERT SCOTT) for yielding me the time to express my strong support for this bill. I thank members of the Committee on the Judiciary for their expeditious action in improving this bill.

Mr. SCOTT. Mr. Speaker, I yield back the balance of my time.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

In closing, I want to express my thanks to the gentleman from Massachusetts (Mr. BARNEY FRANK), the ranking member on the subcommittee, the gentleman from Virginia (Mr. SCOTT), and Democrats and Republicans alike who worked very cooperatively and very much in unison with each other in bringing this bill to its present stage.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TIAHRT). The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the bill, H.R. 2294, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MANZULLO. Mr. Speaker, the House of Representatives just passed under suspension of the rules HR 2294, the Federal Courts Improvement Act of 1998. I was unavoidably detained from floor proceedings. However, had I been present I would have requested a recorded vote and voted against the bill.

I strongly opposed the measure based upon one section of the bill: Section 202. This section would grant magistrate judges contempt authority. I am adamantly opposed to granting such power to these judges on constitutional grounds. I am not alone in this. In fact, the Justice Department in its comments printed in the committee report argues that giving such power to non Article III judges raises constitutional concerns. Magistrates do not go through the normal nomination process. As the Supreme Court stated in a recent opinion, the power to hold persons in criminal contempt is not only awesome, but is also an inherent power of Article III judges. Magistrate judges are not Article III judges.

The Legislative Branch has much to lose if it continues to grant increased powers to those who are unelected. In my congressional district, a Federal magistrate has taken control of a local school district. To put it simply, he single handedly ordered the school board to raise taxes. Out of fear of contempt orders from the magistrate, school board members who were opposed to the tax increase switched their votes to support the tax increase. From the very fact that HR 2294 attempts to grant this power, it is clear that Federal magistrates do not currently have that power. However, it is also clear that there were no attempts made by the court to clear up the misunderstanding about that power and in fact promoted the false concept. Imagine what type of abuse of power we would see IF we actually grant such authority.

I am sure that there are other commendable provisions in HR 2294. However, it is my sincere hope that Section 202 as passed by voice vote today in the House of Representatives is stripped out of the final version of this legislation.

CIVIL RIGHTS COMMISSION ACT OF 1998

Mr. CANADY of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3117) to reauthorize the United States Commission on Civil Rights, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3117

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Civil Rights Commission Act of 1998".

SEC. 2. EXTENSION AND AUTHORIZATION OF APPROPRIATIONS.

(a) EXTENSION.—Section 6 of the Civil Rights Commission Act of 1983 (42 U.S.C. 1975d) is amended by striking "1996" and inserting "2001".

(b) AUTHORIZATION.—The first sentence of section 5 of the Civil Rights Commission Act of 1983 (42 U.S.C. 1975c) is amended to read "There are authorized to be appropriated such sums as may be necessary to carry out this Act for fiscal years through fiscal year 2001.".

SEC. 3. STAFF DIRECTOR.

Section 4(a)(1) of the Civil Rights Commission Act of 1983 (42 U.S.C. 1975b(a)(1)) is amended—

(1) by striking "There shall" and inserting the following:

"(A) IN GENERAL.—There shall";

(2) by striking "(A)" and inserting the following:

"(i)";

(3) by striking "(B)" and inserting the following:

"(ii)"; and

(4) by adding at the end the following:

"(B) TERM OF OFFICE.—The term of office of the Staff Director shall be 4 years.

"(C) REVIEW AND RETENTION.—The Commission shall annually review the performance of the staff director.".

SEC. 4. APPLICATION OF FREEDOM OF INFORMATION, PRIVACY, SUNSHINE, AND ADVISORY COMMITTEE ACTS.

Section 4 of the Civil Rights Commission Act of 1983 (42 U.S.C. 1975b) is amended by adding at the end the following:

"(f) APPLICATION OF CERTAIN PROVISIONS OF LAW.—The Commission shall be considered to be an agency, as defined in section 551(1) of title 5, United States Code, for the purposes of sections 552, 552a, and 552b of title 5, United States Code, and for the purposes of the Federal Advisory Committee Act.".

SEC. 5. REQUIREMENT FOR INDEPENDENT AUDIT.

Section 4 of the Civil Rights Commission Act of 1983 (42 U.S.C. 1975b) is further amended by adding at the end the following:

"(g) INDEPENDENT AUDIT.—Beginning with the fiscal year ending September 30, 1998, and each year thereafter, the Commission shall prepare an annual financial statement in accordance with section 3515 of title 31, United States Code, and shall have the statement audited by an independent external auditor in accordance with section 3521 of such title.".

SEC. 6. TERMS OF MEMBERS.

(a) IN GENERAL.—Section 2(c) of the Civil Rights Commission Act of 1983 (42 U.S.C. 1975(c)) is amended by striking "6 years" and inserting "5 years".

(b) APPLICABILITY.—The amendment made by this section shall apply only with respect to terms of office commencing after the date of the enactment of this Act.

SEC. 7. REPORTS.

Section 3(c)(1) of the Civil Rights Commission Act of 1983 (42 U.S.C. 1975a(c)(1)) is amended by striking "at least one report annually" and inserting "a report on or before September 30 of each year".

SEC. 8. SPECIFIC DIRECTIONS TO THE COMMISSION.

(a) IMPLEMENTATION OF GAO RECOMMENDATIONS.—The Commission shall, not later than June 30, 1998, implement the United States General Accounting Office recommendations regarding revision of the Commission's Administrative

instructions and structural regulations to reflect the current agency structure, and establish a management information system to enhance the oversight and project efficiency of the Commission.

(b) ADA ENFORCEMENT REPORT.—Not later than September 30, 1998, the Commission shall complete and submit a report regarding the enforcement of the Americans with Disabilities Act of 1990.

(c) RELIGIOUS FREEDOM IN PUBLIC SCHOOLS.—

(1) REPORT REQUIRED.—Not later than September 30, 1998, the Commission shall prepare, and submit under section 3 of the Civil Rights Commission Act of 1983, a report evaluating the policies and practices of public schools to determine whether laws are being effectively enforced to prevent discrimination or the denial of equal protection of the law based on religion, and whether such laws need to be changed in order to protect more fully the constitutional and civil rights of students and of teachers and other school employees.

(2) REVIEW OF ENFORCEMENT ACTIVITIES.—Such report shall include a review of the enforcement activities of Federal agencies, including the Departments of Justice and Education, to determine if those agencies are properly protecting the religious freedom in schools.

(3) DESCRIPTION OF RIGHTS.—Such report shall also include a description of—

(A) the rights of students and others under the Federal Equal Access Act (20 U.S.C. 4071 et seq.), constitutional provisions regarding equal access, and other similar laws; and

(B) the rights of students and teachers and other school employees to be free from discrimination in matters of religious expression and the accommodation of the free exercise of religion; and

(C) issues relating to religious non-discrimination in curriculum construction.

(d) CRISIS OF YOUNG AFRICAN-AMERICAN MALES REPORT.—Not later than September 30, 1999, the Commission shall submit a report on the crisis of young African-American males.

(e) FAIR EMPLOYMENT LAW ENFORCEMENT REPORT.—Not later than September 30, 1999, the Commission shall submit a report on fair employment law enforcement.

(f) REGULATORY OBSTACLES CONFRONTING MINORITY ENTREPRENEURS.—Not later than September 30, 1999, the Commission shall develop and carry out a study on the civil rights implications of regulatory obstacles confronting minority entrepreneurs, and report the results of such study under section 3 of the Civil Rights Commission Act of 1983.

SEC. 9. ADVISORY COMMITTEES.

Section 3(d) of the Civil Rights Commission Act of 1983 (42 U.S.C. 1975a(d)) is amended by adding at the end the following: "The purpose of each such advisory committee shall be to conduct fact finding activities and develop findings or recommendations for the Commission. Any report by such an advisory committee to the Commission shall be fairly balanced as to the viewpoints represented.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. CANADY) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. CANADY).

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3117, the Civil Rights Commission Act of 1998, reauthorizes the U.S. Commission on Civil Rights through fiscal year 2001, and institutes reforms to help ensure that the commission will be more effective in pursuing its important mission.

The Committee on the Judiciary considered this legislation on March 3 of this year, adopted 1 amendment by voice vote, and reported the bill favorably to the full House by voice vote.

The Civil Rights Commission is an independent, bipartisan commission originally established by the Civil Rights Act of 1957. The Commission's statutory authorization expired on September 30 of 1996. I am pleased that we have developed bipartisan legislation making the Civil Rights Commission more effective in carrying out its important mission. It is fitting that a reauthorization bill is bipartisan, since one of the strengths of the commission is its bipartisan nature.

The bill contains a number of provisions designed to strengthen and improve the performance of the commission. The current statute is silent as to the specific term of office for and accountability of the Commission's Staff Director. Since the Staff Director apparently wields considerable power within the Commission, it is important that the Staff Director be accountable to the appointed members of the Commission. Accordingly, section 3 of the bill provides for a 4-year term of office for the Staff Director, and requires that the Commission annually review the performance of the Staff Director.

Section 4 of our bill applies the Freedom of Information Act, the Privacy Act, the Sunshine Act, and the Federal Advisory Committee Act to the Commission's operations. These laws are designed to ensure that government conducts its operations in the spirit of openness, respect for the civil rights of individuals, and equal access. The Civil Rights Commission should comply with all of these important laws.

In a June, 1997, report the U.S. General Accounting Office found that the Commission's management controls over its operations are weak and do not ensure that the Commission is able to meet its statutory responsibilities, its spending data is not maintained by officer function, and furthermore, that its operations have not been audited by an outside accounting firm.

Every governmental entity should periodically review its fiscal operations, and the Commission is certainly no exception. Accordingly, section 5 of our bill requires that the Commission prepare an annual financial statement for audit by an independent external auditor.

Section 6 changes the term of membership for future commissioners from its current 6 years to 5 years. Under this section, existing commissioners' terms are unaffected, and there is no limit to the number of times a commissioner can be reappointed. Reduced term length could help to energize the Commission, bring in new perspectives, and make the Commission more effective and responsive.

Section 8 requires the Commission to implement the General Accounting Office recommendations calling for revision of the Commission's structural regulations to reflect the current agency structure, and for the establishment of a management information system to enhance the efficiency of the Commission. GAO identified these reforms as necessary for the continued viability of the Commission, which the GAO had termed an agency in disarray.

Current law provides that Congress may require the Commission to submit reports as Congress shall deem appropriate. Throughout the Commission's history, Congress has identified specific projects for the Commission to complete. In line with this practice, section 8 of our bill requires the Commission to complete its report regarding the enforcement of the Americans with Disabilities Act, its report regarding religious freedom in the schools, its report on the crisis of young African American males, its report on fair employment law enforcement, and its work on the civil rights implication of regulatory obstruction confronting minority entrepreneurs.

These are all projects the Commission itself has independently chosen to conduct, so this provision merely ensures timely completion of the work which the Commission has initiated on these projects.

Section 9 sets forth the purpose of the Commission's State advisory committees, which is to conduct fact-finding activities and develop findings or recommendations by the Commission, and provides that any report by such advisory committee to the Commission shall be fairly balanced as to the viewpoints represented.

Again, we believe that the bipartisan nature of the Commission is its strength, and it is important that this viewpoint balance be reflected at all levels of the Commission's work.

Finally, I want to thank the gentleman from Virginia (Mr. SCOTT), the ranking member of the Subcommittee on the Constitution, for his leadership and work in developing this legislation. I think it is important that we move forward with the reauthorization of the Civil Rights Commission with necessary reforms which are contained in the legislation. I think this will be good for the Commission and good for advancing the agenda of civil rights in this country.

Mr. Speaker, I reserve the balance of my time.

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Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

I rise in favor of H.R. 3117, the Civil Rights Commission Act of 1998. The United States Commission on Civil Rights was established in 1959 to provide the country with advice and counsel on how to best address our still complex and persevering problems in civil rights.

Although the Commission was initially intended to last only 2 years, because of its importance and good work, it still serves as a valuable tool in our war against bigotry. In recent years the Commission has held hearings and released reports on issues such as church burnings, employment discrimination, police brutality and hate crimes. In addition, the Commission has made plans to study disability discrimination and the religious freedom in schools.

The Commission's work on Title VI of the Civil Rights Act is particularly timely. Title VI prohibits discrimination on the basis of race and national origin in federally-assisted programs. After extensive study of Justice Department's Title VI enforcement efforts, the Commission concluded that the Justice Department's enforcement efforts were inadequate.

As a result of this report, the Justice Department has improved its Title VI enforcement program, and other Federal and State agencies have made significant improvements as well. The Department of Agriculture has relied heavily on this report in its response to the problem of discrimination against black farmers. No other agency provides this crucial information. Without civil rights, without the Civil Rights Commission, one would wonder how thoroughly such concerns and underenforcement and noncompliance would be addressed.

Mr. Speaker, last year, as the chairman of the subcommittee has indicated, the General Accounting Office released a report on the Civil Rights Commission. The report pointed out a number of management and organizational problems and made recommendations on how the Commission could best address these concerns.

The Commission has actively moved to initiate all of the GAO's recommendations. Its management information system will soon be operational. This will allow greater accountability in program management. In addition, the Commission is in the process of implementing other GAO recommendations which provide, which will provide greater public access to the information and processes of the Commission and will better ensure staff compliance with Commission rules and regulations.

The Commission has graciously responded to the GAO's recommendations, and therefore we will enjoy an even stronger Commission.

Mr. Speaker, the Commission has some tough work ahead of it. I look forward to the Commission continuing its unyielding fight against discrimination that still divides this country. In addition, I look forward to the Congress's full and continued support of the Civil Rights Commission.

Finally, Mr. Speaker, I would like to thank the chairman of the subcommittee, the gentleman from Florida, for his efforts and work in a bipartisan nature to make sure that the Commission was not politicized. We have worked together in this reauthorization effort. I would like to thank him again for working in a bipartisan effort.

Mr. Speaker, I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, to both the chairman and ranking member, I, too, want to add my appreciation for the cooperative bipartisan effort of reauthorizing the Civil Rights Commission Act and as well continuing the funding until 2001. Dr. Berry and the Commissioners who presently serve and have served in the past have had awesome responsibility. I appreciate their leadership on the question of civil rights.

Many times in an acrimonious debate the question arises, why do we need a United States Civil Rights Commission? I am delighted that this Committee on the Judiciary through the Subcommittee on the Constitution has seen fit to continue the work of this body that, for those who may not be aware, covers issues involving charges of citizens being deprived of voting rights because of color, religion, sex, age, disability or national origin.

This Commission also collects and studies information concerning legal developments on voting rights, monitors the enforcement of Federal laws and policies from a civil rights perspective, and serves as a national clearinghouse for information. I believe that it is extremely important as our country becomes increasingly diverse that there is a commission that oversees and protects these very important rights.

I also think, as the GAO agency report, that there are and is room for improvement. I do not believe that the report focused on the lack of intent or the commitment of the Civil Rights Commission, but certainly I believe that the process of including and establishing a computerized management information system and updating internal management communication procedures is a good procedure.

I also think that it is very helpful, and I thank the committee for directing the Commission to prepare by September 30 reports on religious freedom, antidiscrimination policies and practices in public schools, the crisis among young African American males, regulatory obstacles facing minority entrepreneurs and enforcement of the Americans with Disabilities Act.

In particular with the religious freedom question and as it relates to those in public schools, as I am not in support of the religious freedom amendment that is being proposed, one of the reasons is because I say we do have religious freedom. We have the first amendment. Many times the interpretations in our local communities and public schools are excessive in terms of not allowing people to worship and to freely express their commitment to religion. I hope that this study by the U.S. Civil Rights Commission will give us the ammunition that the first amendment does right, and that those problems that are isolated throughout our Nation can be corrected by local influence.

Then I would simply say that it is extremely important as I work with young African American males in this country and in this community that we focus on the crises of discrimination with respect to African American males. In particular as they travel about the highways and byways are they targeted by law enforcement because of no uncertain reasons. As they move in and out of neighborhoods, are they targeted; are they targeted as they go into the shopping malls of America? It is extremely important that we focus on their improvement and their growth.

Then, Mr. Speaker, I would simply like to say I hope that the Civil Rights Commission will help us in explaining to the American people the crucial and viable importance of renewing the Voter Rights Act of 1965. As late as the mayoral election in 1997, when Lee P. Brown ran in Houston, Texas, we found a circumstance of voter rights violation, of adding people to the rolls, of adding votes to the compilation that people who had not even voted, of accusations and charges circling around the question of race. We are delighted that he was elected, but we realize that there are problems. The latest congressional races in Texas we also saw discrimination and voter intimidation.

Barbara Jordan, when she was in this body, had the pleasure of amending the Voter Rights Act of 1965 to include language minorities. We saw the tragedy of the Loretta Sánchez intimidation process. I truly believe that we are not ready to eliminate the Voter Rights Act that was passed in 1965. The Civil Rights Commission in its duties will have the responsibility and the obligation to document voter rights violations and will require us, I think, to have the basis, to have the documentation necessary to hopefully have a vigorous and serious debate on the importance of renewing the Voter Rights Act.

I would simply close, Mr. Speaker, by saying one thing in conclusion related to this whole process of court appointments which I spoke about earlier. Tragically we find that the criticism of Judge Massiah-Jackson dealt with possible vulgarities which I have no knowledge of and soft on crime. I will say that she was noted as giving some of the highest sentences of any judge.

I think the important point is we wonder about what has been said by judges of years past still on the bench in the deep South when vulgarities were talked about by various judges as it related to those civil rights workers and African Americans who were pressing forward for their rights. With that I would say that it is important that the Civil Rights Commission continues to monitor these violations and hopefully that it will give us the momentum to renew the Voter Rights Act that needs to be renewed.

The Commission that we seek to reauthorize here today was created in 1957, at a time in our nation's history when the notion of universal civil rights was still in doubt. Even though just over two scores later, we have made great strides in the area of civil rights, the distance we still have to travel is nonetheless significant. Therefore, Mr. Speaker, I rise in support of H.R. 3117 and the reauthorization of the Civil Rights Commission.

While I certainly support the reauthorization of this Commission, I have some serious questions about both the language of this bill and the delays that this reauthorization action has faced thus far in the legislative process. In particular, some of the restrictions on the purview of the Commission in language of this bill concern me greatly. The reduction in length of Commissioners' terms and the short duration of this reauthorization bill seem to reflect a diminishing regard for civil rights in this Congress.

As is often the case in a serious discussion about civil rights, I return to the famous legal phrase of "Where there's a right, there's a remedy." There is absolutely a right for Americans to be free from infringement upon their civil rights. When these rights are violated, victims are entitled to a remedy. The Commission on Civil Rights provides one such remedy. The Commission investigates charges of civil rights violations, collects information on voting rights, monitors law enforcement activities, and educates the public on civil rights issues. It is also imperative that we renew the Voting Rights Act when it is up for renewal next year. Last night in a special order we celebrated the 33rd anniversary of the Selma March which was held so that every American citizen can exercise his right to vote. We must renew the Voting Rights Act of 1965. Why are we not supporting these efforts with every possible resource?

We should not allow ideological differences over issues such as affirmative action to cloud the debate over this particular bill. Of course, I believe that the very fact that the existence of discrimination exists to the extent that this Commission is still so necessary evidences the need for continued affirmative action. However, whatever your perspective, the positive activities of this Commission cannot be overlooked.

The Commission has had some organizational and managerial issues that it is currently remedying. We cannot allow administrative problems to overshadow the substantive good work accomplished by the Commission on Civil Rights. Attempts to distract our focus from the investigatory and educational accomplishments of the Commission are rooted in either an opposition to, or an apathy about, equal civil rights for all Americans.

This bill contains provisions directing the Commission on Civil Rights to complete certain reports. I will be particularly interested in the results of the studies on the crisis confronting young African American males, fair employment law enforcement, and regulatory obstacles facing minority entrepreneurs. In light of all of these things, with my points of hesitancy duty noted, I still support this reauthorization initiative, so that our tomorrows might be brighter than our yesterdays.

Mr. CONYERS. Mr. Speaker, I strongly support the United States Commission on Civil Rights, and support this bill to reauthorize the Commission. However, I am concerned that, while the legislation places deadlines for reporting, the Commission remains underfunded and without the resources necessary to complete its many essential functions.

Congress has consistently appropriated funds to the Commission below the President's authorization request, leaving the Commission year after year with inadequate resources to carry out its directive of investigating charges of citizens deprived of their civil rights, monitoring the enforcement of Federal civil rights laws, and serving as a national clearinghouse for information related to discrimination. With no specified funding level, the proposed legislation increases the possibility that Congress will continue its pattern of underfunding an important and critical component of this Nation's goal of eliminating discrimination in all its ugly forms.

Moreover, there is no indication that the Majority is prepared to support increased funding for the Commission as requested in the FY 1999 Budget. In fact, in its Estimates and Views on the 1999 Budget, the Majority remains noncommittal on the appropriateness of the President's request of $11 million funding request. However, each year, the Congress continues to underfund the Commission. Last year, the Commission requested $11 million, but was only appropriated $8.75 million.

While increased congressional oversight over the Commission may be warranted, it is irresponsible for the Committee to place additional burdens on the Commission and yet continue to overlook the need for full funding of the Commission. It is an unnecessary and intrusive requirement to have the Commission constantly under the obligation of responding to the many requests made by the Majority, but without any provision for the funds necessary to perform its duties effectively.

The Majority has consistently focused on the problems associated with enforcement of our civil rights laws and insists that discrimination is no longer the problem it was 30 years ago. However, there is no question that the need for the Commission is greater than ever before. Discrimination continues to be a persistent problem in American society, and the role of the Civil Rights Commission plays a crucial part in fighting it. Instead of continually scrutinizing perceived defects in remedies to discrimination, we need to examine the persistent, invidious, intractable and often disguised nature of race and gender discrimination that is an undeniable fact in America today. This is what the U.S. Commission on Civil Rights was established to do, and Congress has an obligation to provide it with the necessary resources to do so.

Mr. SCOTT. Mr. Speaker, I yield back the balance of my time.

Mr. CANADY of Florida. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCINNIS). The question is on the motion offered by the gentleman from Florida (Mr. CANADY) that the House suspend the rules and pass the bill, H.R. 3117, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

LOBBYING DISCLOSURE TECHNICAL AMENDMENTS ACT OF 1997

Mr. CANADY of Florida. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 758) to make certain technical corrections to the Lobbying Disclosure Act of 1995.

The Clerk read as follows:

S. 758

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Lobbying Disclosure Technical Amendments Act of 1997".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Lobbying Disclosure Act of 1995.

SEC. 2. DEFINITION OF COVERED EXECUTIVE BRANCH OFFICIAL.

Section 3(3)(F) (2 U.S.C. 1602(3)(F)) is amended by striking "7511(b)(2)" and inserting "7511(b)(2)(B)".

SEC. 3. CLARIFICATION OF EXCEPTION TO LOBBYING CONTACT.

(a) CERTAIN COMMUNICATIONS.—Section 3(8)(B)(ix) (2 U.S.C. 1602(8)(B)(ix)) is amended by inserting before the semicolon the following: ", including any communication compelled by a Federal contract grant, loan, permit, or license".

(b) DEFINITION OF "PUBLIC OFFICIAL".—Section 3(15)(F) (2 U.S.C. 1602(15)(F)) is amended by inserting ", or a group of governments acting together as an international organization" before the period.

SEC. 4. ESTIMATES BASED ON TAX REPORTING SYSTEM.

(a) SECTION 15(a).—Section 15(a) (2 U.S.C. 1610(a)) is amended—

(1) by striking "A registrant" and inserting "A person, other than a lobbying firm,"; and

(2) by amending paragraph (2) to read as follows:

"(2) for all other purposes consider as lobbying contacts and lobbying activities only—

"(A) lobbying contacts with covered legislative branch officials (as defined in section 3(4)) and lobbying activities in support of such contacts; and

"(B) lobbying of Federal executive branch officials to the extent that such activities are influencing legislation as defined in section 4911(d) of the Internal Revenue Code of 1986.".

(b) SECTION 15(b).—Section 15(b) (2 U.S.C. 1610(b)) is amended—

(1) by striking "A registrant that is subject to" and inserting "A person, other than a lobbying firm, who is required to account and does account for lobbying expenditures pursuant to"; and

(2) by amending paragraph (2) to read as follows:

"(2) for all other purposes consider as lobbying contacts and lobbying activities only—

"(A) lobbying contacts with covered legislative branch officials (as defined in section 3(4)) and lobbying activities in support of such contacts; and

"(B) lobbying of Federal executive branch officials to the extent that amounts paid or costs incurred in connection with such activities are not deductible pursuant to section 162(e) of the Internal Revenue Code of 1986.".

(c) SECTION 5(c).—Section 5(c) (2 U.S.C. 1604(c)) is amended by striking paragraph (3).

SEC. 5. EXEMPTION BASED ON REGISTRATION UNDER LOBBYING ACT.

Section 3(h) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 613(h)) is amended by striking "is required to register and does register" and inserting "has engaged in lobbying activities and has registered".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. CANADY) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. CANADY).

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 758.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. CANADY of Florida. Mr. Speaker, I yield to myself such time as I may consume.

Mr. Speaker, S. 758 the Lobbying Disclosure Technical Amendments Act of 1997 addresses several technical issues which have been raised during the initial months of implementation of the Lobbying Disclosure Act of 1995.

Once the Lobbying Disclosure Act was implemented by the Clerk of the House and the Secretary of the Senate, several minor problems with the language of the statute became apparent. The offices of the Clerk and the Secretary have sought to interpret the Lobbying Disclosure Act with respect to these problems in accordance with the original intent of the law, but this technical corrections bill is necessary to clarify the language of the Act to ensure compliance with the Act's original intention.

In 1996, the gentleman from Massachusetts (Mr. FRANK) and I sponsored similar legislation, H.R. 3435, which passed the House under suspension of the rules by voice vote. A dispute over one of the provisions contained in the bill precluded that bill from passing in the Senate in the last Congress. Except for the removal of this section and one other, the language contained in S. 758 is identical to H.R. 3435. The amendments made by S. 758 will strengthen what is already widely viewed as a significant and successful law.

The Lobbying Disclosure Act of 1995 was the first substantive reform in the laws governing lobbying disclosure since the Federal Regulation of Lobbying Act of 1946. This reform was necessary due to the Supreme Court's narrow construction of the 1946 law. That construction came in the case of United States v. Harriss, which effectively eviscerated the 1946 act.

In the fall of 1995, the House passed this landmark legislation in identical form to the Senate-passed language. This enabled passage of the bill by the Congress and sent it directly to the President. We were thus responsible for the first meaningful lobbying disclosures legislation in over 40 years.

The bill before us today simply clarifies various technical issues arising from that landmark legislation. Section 2 of the bill clarifies the definition of covered executive branch official under the act. Section 3 of the bill adds a clarification of the exception to a lobbying contact so that any communication compelled by a Federal contract, grant, loan, permit, or license would not be considered a lobbying contact.

Moreover, at the request of the administration, section 3 of the bill also makes plain that groups of governments acting together as international organizations, such as the World Bank, will not be required to register under the Lobbying Disclosure Act.

In addition, section 4 of the bill clarifies how estimates based on the tax reporting system can and should be used in relation to reporting lobbying expenses. This section also provides that registrants engaged in executive branch lobbying and who make a section 15 election under the Act must use the Tax Code uniformly for all their executive branch lobbying registration and reporting under the act.

Finally, section 5 of S. 758 clarifies the original intent of the act by providing that anyone engaged in even a de minimis level of lobbying activities on behalf of a foreign commercial entity can register under the Lobbying Disclosure Act rather than under the Foreign Agents Registration Act of 1938.

This change reaffirms the congressional intent of requiring disclosure of foreign nongovernment representations under the Lobbying Disclosure Act and disclosure of foreign governmental representations under the Foreign Agents Registration Act.

I want to thank the ranking member on the Subcommittee on the Constitution for his cooperation in moving forward this legislation which has already been passed by the Senate. I believe that this legislation is something that will simply help make a good and important law function with the maximum efficiency.

Mr. Speaker, I reserve the balance of my time

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a result of a recent study on the lobbying disclosure reports, we now know that special interest groups are spending approximately $100 million a month to lobby the Federal Government. Before the Lobbying Disclosure Act of 1995, there were no requirements in place that would have made this information available.

Mr. Speaker, there is nothing inherently wrong with those who petition their government. In fact, we ought to be encouraging more participation in the democratic process. But the public is entitled to have an idea of how much money is being spent by groups as they advance their particular interests.

Mr. Speaker, the Lobbying Disclosure Act was the first legislation to reform lobbying activities in any substantial way since the Federal Regulation of Lobbying Act of 1946.

□ 1115

Under the Lobbying Disclosure Act, individuals and organizations who lobby the Federal Government are no longer exempt from reporting and disclosure requirements. Professional lobbyists are now required to disclose who pays them, how much to lobby the Federal Government, that is Congress and the executive branch, and on what issues. The LDA has been very successful in providing understandable requirements for lobbyists, as well as providing important information to the public about lobbying activities.

S. 758 addresses several technical issues which have been raised during the implementation of the Lobbying Disclosure Act of 1995. The original House version, H.R. 3435, which was cosponsored by my colleagues on the Committee on the Judiciary, the gentleman from Florida (Mr. CANADY) and the gentleman from Massachusetts (Mr. FRANK), and I would like to at this point congratulate both of them for working in a bipartisan manner to fashion legislation that everyone could agree on.

Mr. Speaker, that bill passed the Committee on the Judiciary by a unanimous rollcall vote of 25 to 0 and then passed the House without opposition.

In the Senate, two provisions were removed from the legislation. Both sides have agreed, however, that the removal of these two provisions, which were removed at the urging of several Senators, was not enough to warrant reconsideration of the legislation.

One provision which was removed from the original version would have simplified the manner in which U.S. multinational companies disclosed information about their subsidiaries or other related entities with a significant direct interest in the outcome of the company's lobbying activities.

The second provision would have limited the recordkeeping of registrants under Section 5 of the act by eliminating the requirement that the report contain a list of lobbyists for each general issue area and, instead, required the registrant to provide a list of all employees who acted as a lobbyist for the organization in one section.

This change would have eliminated the need for organizations with a wide range of general issue areas and a large number of registered lobbyists to undertake the time-consuming task of discerning which lobbyists worked on which issues.

In summary, Mr. Speaker, this bill passed the Senate by unanimous consent; and I urge my colleagues to vote for the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. CANADY of Florida. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. McINNIS). The question is on the motion offered by the gentleman from Florida (Mr. CANADY) that the House suspend the rules and pass the Senate bill, S. 758.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has concluded on all motions to suspend the rules. Pursuant to the provisions of clause 5 of rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed on Tuesday, March 17, 1998, in the order in which that motion was entertained.

Votes will be taken in the following order:

House Concurrent Resolution 152, by the yeas and the nays; and House Concurrent Resolution 235, by the yeas and the nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

EXPRESSING SENSE OF CONGRESS REGARDING NORTHERN IRELAND

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 152, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 152, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 407, nays 2, answered "present" 1, not voting 21, as follows:

[Roll No. 56]

YEAS—407

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—2

Houghton
Paul

ANSWERED "PRESENT"—1

Barr

NOT VOTING—21

Armey
Crane
Davis (IL)
Doolittle
Ewing
Gephardt
Gonzalez
Gutierrez
Hastings (WA)
Hefner
Inglis
Lipinski
Martinez
McDade
McIntosh
Parker
Poshard
Schiff
Stupak
Turner
Waters

□ 1139

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. McInnis). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

CALLING FOR AN END TO VIOLENT REPRESSION OF LEGITIMATE RIGHTS OF PEOPLE OF KOSOVA

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 235, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. Gilman) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 235, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 406, nays 1, answered "present" 1, not voting 23, as follows:

[Roll No. 57]

YEAS—406

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
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Schaffer, Bob
Schumer
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Smith, Linda
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Yates
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Young (FL)

NAYS—1

Paul

ANSWERED "PRESENT"—1

Barr

NOT VOTING—23

Bilbray
Crane
Davis (IL)
Dickey
Doolittle
Fawell
Gekas
Gephardt
Gonzalez
Graham
Gutierrez
Hefner
Hobson
Inglis
Lipinski
Martinez
McDade
Parker
Poshard
Scarborough
Schiff
Stupak
Turner

☐ 1149

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. SCARBOROUGH. Mr. Speaker, on roll call no. 57, I was inadvertently detained and missed the vote. Had I been present, I would have voted "Yes".

DIRECTING THE PRESIDENT TO REMOVE U.S. ARMED FORCES FROM BOSNIA-HERZEGOVINA

Mr. GILMAN. Mr. Speaker, pursuant to the order of the House of Thursday, March 12, 1998, I call up the concurrent resolution (H. Con. Res. 227) directing the President pursuant to section 5(c) of the War Powers Resolution to remove United States Armed Forces from the Republic of Bosnia and Herzegovina, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. McInnis). The concurrent resolution is considered read for amendment.

The text of House Concurrent Resolution 227 is as follows:

H. Con. Res. 227

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. REMOVAL OF UNITED STATES ARMED FORCES FROM THE REPUBLIC OF BOSNIA AND HERZEGOVINA.

(a) Findings.—The Congress finds the following:

(1) The Congress has the sole power to declare war under article I, section 8, of the Constitution.

(2) A state of war has not been declared to exist with respect to the situation in the Republic of Bosnia and Herzegovina.

(3) A specific authorization for the use of United States Armed Forces with respect to the situation in the Republic of Bosnia and Herzegovina has not been enacted.

(4) The situation in the Republic of Bosnia and Herzegovina constitutes, within the meaning of section 4(a)(1) of the War Powers Resolution (50 U.S.C. 1543(a)(1)), either hostilities or a situation where imminent involvement in hostilities is clearly indicated

by the circumstances into which United States Armed Forces have been introduced.

(b) Removal of Armed Forces.—Pursuant to section 5(c) of the War Powers Resolution (50 U.S.C. 1544(c)), the Congress hereby directs the President to remove United States Armed Forces from the Republic of Bosnia and Herzegovina by June 30, 1998 (unless the President requests and the Congress authorizes a later date), except for a limited number of members of the Armed Forces sufficient only to protect United States diplomatic facilities and citizens, and noncombatant personnel to advise the North Atlantic Treaty Organization (NATO) Commander in the Republic of Bosnia and Herzegovina, and unless and until a declaration of war or specific authorization for such use of United States Armed Forces has been enacted.

(c) Declaration of Policy.—The requirement to remove United States Armed Forces from the Republic of Bosnia and Herzegovina under subsection (b) does not necessarily reflect any disagreement with the purposes or accomplishments of such Armed Forces, nor does it constitute any judgment of how the Congress would vote, if given the opportunity to do so, on either a declaration of war or a specific authorization for the use of such Armed Forces.

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, March 12, 1998, amendment No. 1 printed in the Congressional Record of that day is adopted.

The text of House Concurrent Resolution 227, as modified, is as follows:

H. Con. Res. 227

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. REMOVAL OF UNITED STATES ARMED FORCES FROM THE REPUBLIC OF BOSNIA AND HERZEGOVINA.

(a) Findings.—The Congress finds the following:

(1) The Congress has the sole power to declare war under article I, section 8, of the Constitution.

(2) A state of war has not been declared to exist with respect to the situation in the Republic of Bosnia and Herzegovina.

(3) A specific authorization for the use of United States Armed Forces with respect to the situation in the Republic of Bosnia and Herzegovina has not been enacted.

(4) The situation in the Republic of Bosnia and Herzegovina constitutes, within the meaning of section 4(a)(1) of the War Powers Resolution (50 U.S.C. 1543(a)(1)), either hostilities or a situation where imminent involvement in hostilities is clearly indicated by the circumstances into which United States Armed Forces have been introduced.

(b) Removal of Armed Forces.—

(1) In general.—Pursuant to section 5(c) of the War Powers Resolution (50 U.S.C. 1544(c)), the Congress hereby directs the President to remove United States Armed Forces from the Republic of Bosnia and Herzegovina not later than 60 days after the date on which a final judgment is entered by a court of competent jurisdiction determining the constitutional validity of this concurrent resolution, unless a declaration of war or specific authorization for such use of United States Armed Forces has been enacted.

(2) Exception.—The requirement to remove United States Armed Forces from the Republic of Bosnia and Herzegovina under paragraph (1) shall not apply with respect to—

(A) a limited number of members of the Armed Forces sufficient only to protect United States diplomatic facilities and citizens; or

(B) noncombatant personnel to advise the North Atlantic Treaty Organization (NATO) Commander in the Republic of Bosnia and Herzegovina.

(c) Declaration of Policy.—The requirement to remove United States Armed Forces from the Republic of Bosnia and Herzegovina under subsection (b) does not necessarily reflect any disagreement with the purposes or accomplishments of such Armed Forces, nor does it constitute any judgment of how the Congress would vote, if given the opportunity to do so, on either a declaration of war or a specific authorization for the use of such Armed Forces.

The SPEAKER pro tempore. The gentleman from California (Mr. Campbell) will control 60 minutes and the gentleman from New York (Mr. Gilman) and the gentleman from Indiana (Mr. Hamilton) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. Gilman).

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to the resolution of the distinguished gentleman from California (Mr. Campbell). Although I understand and am sympathetic to the gentleman's efforts to assert the prerogatives concerning the war-making authority vested in the Congress by the U.S. Constitution, I believe for reasons of both policy and procedure that this measure is not the manner in which we should endeavor to uphold those prerogatives. On policy grounds, this resolution would send an untimely signal that this House no longer supports the Dayton peace agreement for Bosnia, an agreement that is now just showing signs of succeeding.

In the past few months, we have seen the glimmerings of success in regenerating a stable civil society in all of Bosnia. War criminals are voluntarily turning themselves in, and there is a new, more moderate government of the Bosnian Serbs that actually wants to cooperate with implementing the peace plan. Restructuring and reforming of the police in both the Bosnian-Croat Federation and the Republic of Srpska is proceeding. Moreover we have expended in excess of $7 billion to implement our peace plan in Bosnia. Withdrawal at this stage would place that considerable investment at risk, with no guarantee that we would not be called upon in the future to once again introduce our forces if the conflict reignites.

On procedural grounds, far from restoring congressional authority to declare war, this resolution would take the authority and place it in the hands of the court. The resolution provides no recourse for the Congress to reconsider the requirement for the withdrawal of our Armed Forces, absent adoption of an authorization. We can have no way of knowing what the situation may be on the ground in Bosnia, in this country or elsewhere in the world that could have a bearing on the withdrawal of our troops from Bosnia when and if the courts eventually rule on the constitutionality of this measure. Moreover, it provides no latitude to the Commander in Chief for an orderly and safe withdrawal that might require more time than the 60 days stipulated.

Finally, and perhaps most importantly, the neighboring region of Kosovo in southern Serbia is experiencing an upsurge of violence and new instability. Decisive action by the international community stopped any more massacres like the one that claimed the lives of hundreds in Srebrenica. Now we are told at least 80 persons, including 22 women and children, have been killed in recent days in Kosovo by Serbian police. This resolution could undercut our efforts to stop the bloodshed there by calling into question our national resolve.

I understand the gentleman is concerned about how this resolution will be perceived here in the Congress. He is also concerned how it will be seen in the Supreme Court. I am concerned how it will be seen in Sarajevo, in the Serb capital of Banja Luka or the war criminal capital of Pale. Passage of this resolution now could be interpreted as a vote of no confidence in our Bosnia policy. It could send confusing signals about our national resolve to persevere to friend and foe alike, and it would pull the rug out from under our troops and commanders who are out there in the field and who justly take pride in what they have been accomplishing in Bosnia.

I regret that we are now facing a clash between asserting congressional prerogative on the question of war-making and sound policy. For the reasons just stated, our Committee on International Relations, Mr. Speaker, voted by a convincing margin to disapprove this resolution. Given the progress made toward peace and the position of our troops in the field, I urge our House to support good policy and to oppose H. Con. Res. 227.

Mr. Speaker, I reserve the balance of my time.

Mr. CAMPBELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the resolution carries the following explicit language: What we do today, and I quote, "does not necessarily reflect any disagreement with the purposes or accomplishments of such Armed Forces, nor does it constitute any judgment of how the Congress would vote, if given the opportunity to do so, on either a declaration of war or a specific authorization for the use of such Armed Forces," end quote.

My friend and distinguished colleague who has just spoken, therefore, presents, I believe, an inaccurate reflection of what this resolution does. It does not take a position on the advisability or not of being in Bosnia, but it does assert, and strongly so, that it is the right and it is the obligation of the Congress of the United States to say yes or no before United States troops are engaged in hostilities overseas.

□ 1200

What has happened is this: The President put troops into Bosnia in December of 1995. He did not obtain the approval of Congress in advance. He should have. And that would be true whether he was a Democrat or a Republican. It is the obligation of Congress to approve the use of United States troops overseas.

Now, of course, I recognize that, in the context of an emergency, it is the right of the President, his duty, to respond to an attack upon the United States or upon its Armed Forces. But this is not the situation in Bosnia. There has been plenty of time for the President to bring the matter to Congress and ask for our approval.

Some of my colleagues will vote yes if we have the opportunity to vote. Some will vote no. That debate is not today's debate. Today's debate is that it is our responsibility to vote. For all of us who call ourselves members of the generation touched by Vietnam, surely we will remember that the War Powers Resolution under which I bring this motion today was passed to prevent presidents from putting United States troops in hostilities overseas without the approval of the people's representatives, and the War Powers Resolution says that one may not assume that approval from any appropriation bill, and one may not assume that approval from any treaty. One must come to the Congress and obtain that explicit approval.

Some argue that, well, maybe the President should have submitted this for congressional approval at the time that he inserted troops, but now time has passed and it would send the wrong signal to require a vote in Congress right now. How can it be that the usurpation of a right as of December, 1995, suddenly becomes a grant of the right because we have not stood up and asserted our constitutional obligation? If it was incumbent upon the President to ask our permission before he put the troops in, it is still incumbent upon him to do so.

Others argue that, well, maybe I am right in this resolution, but Kosovo presents an opportunity now that is so dangerous we might be sending the wrong signal. Well, it is precisely for that reason that we should take the matter here and debate it, so that if we support using troops there, it will be clear we do.

In the Committee on International Relations last week, the ambassador of the United States to this most troubled region, Robert Gelbard, testified that the administration was not ruling out any options in Kosovo; and he answered that question specifically in the context of the use of American forces. Accordingly, we may very well find ourselves with troops in Kosovo without having had the issue debated and approved here in advance.

Why is it so important to approve in advance? Because if we do not, we are stuck with the situation of American troops already overseas. And very few Members are able to say, well, now that they are overseas, let us change our policy. That is why the Constitution requires the vote to be up front.

The War Powers Resolution gives us the opportunity to give the President 60 days, after which it must come to Congress if he has inserted troops into hostilities or into a situation where hostilities are reasonably likely to be expected.

Mr. Speaker, I pity in this debate somebody who has to maintain that there are no hostilities in Bosnia. In our deliberations in the Committee on International Relations, no member advanced that argument. I doubt that argument will be able to be sustained. Nevertheless, some have suggested that; and to them I would urge them to look at the phrase "hostilities" and then look at the reason for having this provision in law.

The phrase "hostilities" is in the War Powers Resolution explicitly to cover cases even where there have not been shots fired, and I quote from the House Committee report: " 'Hostilities' also encompasses a state of confrontation in which no shots have been fired, but where there is a clear and present danger of armed conflict."

Mr. Speaker, that clearly is the situation today. The administration, I think, ought to admit as much regarding Kosovo where they say, no option, including the use of American troops, is being ruled out.

The House Report continues: " 'Imminent hostilities' denotes a situation in which there is a clear potential, either for such a state of confrontation or for actual armed conflict."

Do we have a clear potential for a state of confrontation? Of course we do. To say otherwise is to mince words. To say otherwise is to prevaricate; to say otherwise is to strain the language to avoid the obligation that it is the Congress that must approve the use of force overseas.

Some argue, there has not been a large-scale attack on United States troops. Well, let me just remind my colleagues, Mr. Speaker, that United States troops in Bosnia have been shot at, have been wounded, have died in Bosnia. And in the report to the bill as it came out of the Committee on International Relations, there is a documented list, to which I might refer later in debate, as to all of these incidents where American troops have been shot at, have been wounded, have died. Tell the families of those servicemen and women that there are no hostilities in Bosnia. I do not think anyone can.

The argument is next advanced that perhaps it is the situation that hostilities existed when we put troops into Bosnia but hostilities no longer exist, because we have so successfully put an end to the confrontation there. The War Powers Resolution and our constitutional obligation is nevertheless implicated.

The Under Secretary of Defense, in his letter to our committee, mentioned a likely resumption of hostilities if we did not keep our troops there. The Secretary of State's designee, the Acting Assistant Secretary of State for Legislative Affairs, in her letter to Chairman GILMAN refers once again to the possible recurrence of war, of genocide if our troops are not kept there. All these are legitimate arguments, when we have the opportunity to vote on it, but they completely undercut the argument that there are no hostilities in Bosnia or no likelihood or probability of such hostilities.

There are other indications of hostilities as well, but one additional fundamental argument. Imagine the danger of taking the interpretation that, in order to have hostilities, one must have American soldiers killed in action in higher numbers than they already have been. What a dangerous interpretation of this law. If that is what it takes, then we give an incentive to an enemy of the United States to kill more Americans so as to create the opportunity for a vote. That is why we should have had the vote in December of 1995, before American troops were put at risk.

Lastly, Mr. Speaker, in terms of proving the existence of the use of force, I note the fact that the administration, the Defense Department, pays a hostile fire premium to soldiers. We call it combat pay, but the technical term is "hostile fire pay," and they have been paying that to our soldiers in Bosnia from the start. It is very hard for the administration to argue that there are no hostilities in Bosnia.

So what do we do today? Today we say, it is for Congress to assert its constitutional obligation. It is wrong to continue to let this obligation and authority atrophy.

The question arises, will we be pulling our troops out in a dangerous fashion; will we be pulling them out in the middle of a difficult time; as my colleague, the gentleman from New York (Mr. GILMAN), the Chairman of the committee intimated? No. This resolution allows the matter to go to court. People of goodwill have debated the constitutionality of the War Powers Resolution. If it is constitutional, let us prove that it is. If it is unconstitutional, let us prove that instead; and then let us reconstruct what there might be in place of this vehicle.

As it is now, we have the worst of all possible situations. The President uses force, and the Congress gives up its constitutional obligation to approve or disapprove, and that, Mr. Speaker, is the greatest tragedy of all.

I recur to the Members of this body who have been touched by the Vietnam experience, and that, I think, includes all of us. Did we not promise that this shall never happen again? Did we not say that next time we will get the approval of the people's representatives before we put United States troops into hostilities overseas? We have let that obligation drop from our fingers for too long. Today is our chance to restore that duty and our honor.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. MCINNIS). The gentleman from New York (Mr. GILMAN) has 25½ minutes remaining; the gentleman from Indiana (Mr. HAMILTON) has 30 minutes remaining; and the gentleman from California (Mr. CAMPBELL) has 15 minutes remaining.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding me this time.

I do not doubt the sincerity of my colleague from California (Mr. CAMPBELL), but I ask him the question of do we need any more Kosovos? This is a question of protecting lives.

I have been to Bosnia, and I understand the pain of the people who are trying to survive. The War Powers Act has never been utilized; and frankly, I think the irony of this vote may send it to the courts and the courts rule it unconstitutional. But the real question is whether or not we want the courts to run our foreign policy, or do we want the right kinds of decisions to be made on behalf of the people in the Balkans who need the peacekeeping troops who have been there to provide peace. This legislation, frankly, makes no sense; and it adds to the disruptiveness of the process of a foreign policy of which our allies can count on.

Let us not show ourselves as wimps. Let us show ourselves as friends. Let us understand that we are keeping peace, that our military personnel are in peace, that the dangers of loss of life has been diminished and that the people in the Balkans need us. Do we need say anymore?

I hope my colleagues will defeat this resolution.

Mr. Speaker, I rise today in strong opposition to this resolution. Everyone on the floor of the House knows that we have American troops defending the peace in Bosnia.

Why would we want to put those troops in harms way by passing a resolution that would send a clear message that we do not support their presence there?

Why would we want to send a message that we no longer support the Dayton Peace Accords?

Now is not the time to test the War Powers Act with the lives of our troops. The enemies of peace are watching us today and there is no reason to give them any other signal than our continued support and commitment to maintaining the peace in Bosnia.

The recent venture by the brutal Serbian police action should be enough of a warning signal. These forces are just waiting for us to show any sign of weakness so they can take advantage of the situation in Bosnia.

As a member of the House Judiciary Committee, this resolution makes no sense at all. The separation of powers never gives the right of our courts to decide matters of foreign policy. Courts have declined to do anything like this over and over again.

So, for reasons of both policy and procedure, I am strongly opposed to this resolution.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I rise in strong opposition to this resolution. I believe that it is legally incorrect. I believe it is strategically a mistake, and I believe morally it ought to be rejected.

I, of course, was one of those who believed strongly that the United States and its allies ought to act decisively in the Balkans, particularly in Bosnia. I urged, as my colleagues will recall, the unilateral lifting of the arms embargo so that peoples under siege could defend themselves. I believe that was the morally correct and legally correct position.

This resolution I believe is legally wrong because, contrary to the arguments of my friend from California (Mr. CAMPBELL), who maintains that we are in the midst of hostilities, I would suggest that any person deployed anyplace in the world is subject to hostilities. We have tragically lost men and women in uniform as the result of terrorist acts or some other act in places of the world that clearly hostilities did not exist, Japan being an example, West Germany being another.

I believe that, strategically, the adoption of this resolution would be a significant and unfortunate mistake. The deployment of U.S. troops and allied troops in Bosnia was pursuant to an agreement, the Dayton Accords, in which all parties to the conflict agreed to accept United States and allied troops for the purposes of peacekeeping, not for the purposes of projecting themselves into hostilities. So that even if one adopts the argument that 5(c) of the War Powers Act is sustainable, one should reject the presumption that it applies in this instance.

I urge my colleagues to reject this unfortunate resolution.

Mr. CAMPBELL. Mr. Speaker, I yield 5½ minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I am going to vote in favor of this resolution. Let me say, first, that I think the predictions of chaos and gloom are mistaken. If we were to vote this resolution and begin an orderly process of involving the courts and requiring this Congress to face up to its responsibilities, nothing would happen precipitously. We would have plenty of time to deal with it.

□ 1215

I am voting for the resolution for a couple of reasons. First of all, I have consistently, since being here, taken the position that the President of the United States should not commit significant troop levels for prolonged periods of time without congressional approval. That is whether I agree with the specific commitment or not.

A lot changed for me in 1992. 1992 was a good year electorally, but it did not change my constitutional view that the President ought not to be making these commitments. To respond to emergencies is one thing, but a long-term commitment is another. It does seem to me that we ought to have congressional approval. I believe that with regard to Iraq, I would support military action against Iraq if they violate the agreement they made recently, but I do think it ought to come here first.

I have a particular reason for supporting this. It is really made clear in the letter from my leaders and colleagues on the Democratic side. It said, "Third," the third reason for voting no, "If U.S. troops leave Bosnia, our allies will leave. There will be no NATO force in Bosnia without us." That is intolerable.

That is what I find most attractive about this. We have got to put an end to the greatest welfare program in the history of the world. That is the welfare program whereby the wealthy nations of Western Europe, prosperous, strong, and facing no enemy, continue to be heavily subsidized by the taxpayers of the United States.

If you lose your job in Germany or France or Italy tomorrow, you do not lose your health care. People in our districts who lose their jobs will lose their health care, in many cases. We just saw a reference to a bill, we tried our best to change it, that is not working, because people are priced out of the market.

How come those countries can afford to provide health care to people who lose their jobs and we cannot? Because we do them the enormous favor of paying their military budgets. It made sense for the United States in the late forties to go to the aid of a weak and poor Europe facing a Communist threat. Today Europe is strong, the Communist threat has disappeared, and the only constant is that we continue to spend tens of billions of dollars on their defense.

I accept our responsibility in South Korea, I accept our responsibility in Iraq, but why, what is written that says if we leave, they have to leave? Can Europe do nothing by itself? Are Germany and England and France and Spain and Norway and Belgium and Denmark, with a little help from Luxembourg, are they not all capable of keeping some troops in Bosnia, Bosnia, which is so close to them?

We are going to be asked very shortly, in a supplemental appropriation, to cut funds for important American domestic programs to pay for those troops in Bosnia. They will not be making those cuts in Germany and England. By the way, when it comes to people in need, I am for it. I am going to vote for the IMF, if we can work out the right conditions. I want American money to go to help alleviate distress overseas. But I am not prepared to have the United States taxpayer continue to subsidize the nations of Western Europe, and encouraging in them the greatest sense of welfare dependency we have.

We cut funds to American welfare recipients because they should be out on their own. So should Western Europe. I simply want to repudiate this notion, if U.S. troops leave Bosnia our allies will leave. Why? What is this, follow the leader? Simon says? Yes, it is true, probably in the short term, because we are the great enablers of European dependency. We are the ones who in fact allow the wealthy and powerful collection of nations that consist of Western Europe to act as if they were incapable of doing anything on their own. If we do not in fact take a lead, that is what will continue to happen.

I am in favor of a continued presence in Bosnia, but it ought to be European. We will be in South Korea without the Europeans. We will do Iraq mostly alone. But the Europeans ought to do Europe.

The fact is that what this resolution aims at is an intolerable status quo, a status quo in which the American people, taxpayers, are being asked to pay an undue burden. By the way, I am not suggesting that the answer is that Europe has to greatly increase its military.

My conservative friends have made a very good important point: When a good is free, people will take more of it than they need. As long as the American taxpayer will extend for free to the Europeans the services of the American defense establishment, the Europeans will claim more of it than they need. They are threatened by no one. They have a responsibility. We will meet our worldwide responsibilities.

I hope we will vote for this resolution, in fact to repudiate the third point in what my leaders have said. There is no reason at all why the United States should have to spend billions of dollars which we will soon be taking from our own domestic needs to subsidize Western Europe.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Missouri (Mr. SKELTON).

Mr. GILMAN. Mr. Speaker, I yield 3 minutes to gentleman from Missouri.

The SPEAKER pro tempore. The gentleman from Missouri (Mr. SKELTON) is recognized for 5 minutes.

Mr. SKELTON. Mr. Speaker, I rise in opposition to this House concurrent resolution. I guess it is the small town country lawyer coming out in me, but to begin with, this is legally wrong.

Under the original War Powers Act a concurrent resolution was required. Subsequent to that there was a Chadha decision in 1983 that says you cannot do it without a joint resolution, that gives a President the opportunity to agree or disagree. Subsequent to the Chadha decision there was a statute that was all-encompassing, including this statute, the War Powers Act that requires a joint resolution. Consequently, this being an attempt to pass a concurrent resolution at best is moot.

That in and of itself is enough reason to oppose it. But it should be opposed for other reasons, for policy reasons, for practical reasons as well. The policy implications of adoption of this resolution are clear. Adoption of this resolution by this House would send the wrong message, a very wrong message, to our troops in Bosnia, of whom I am so very proud, to our allies and friends helping us in Bosnia, and third, to friends and foes alike around the world.

First, our troops would view the adoption of this resolution as telling them that despite their efforts, which have been successful in bringing peace to Bosnia, we made a mistake. My views on our efforts in Bosnia have evolved over the last 3 years to reluctant support, and I do support it.

Mr. Speaker, our troops are doing a magnificent job. I have had the opportunity to visit with them just a few weeks ago in Bosnia, and I tell you that they know what they are doing, they know that it is a success, and they are proud of the fact that they are there bringing peace to that troubled corner of the world. I thank them for what they are doing.

Second, our allies and friends in Bosnia would wonder why this Congress is taking this action when now we made not only substantial progress in this effort, but we are near real success. Since we have become directly involved in Bosnia through our diplomatic efforts 3 years ago, the war in Bosnia has stopped.

We are in Bosnia there with allies and friends. Thirty-eight other countries are involved with us. Those combined forces make a substantial contribution to this joint effort. The other nations are contributing about 75 percent of the military forces, and the current stabilization force is a successful effort. About 85 percent of the funds for economic reconstruction are being supplied by our European and other allies. I say this to remind my friend, the gentleman from Massachusetts (Mr. FRANK), who was talking about them not paying their fair share. Mr. Speaker, they are.

Mr. Speaker, we will be sending the wrong message to friends and foes alike. They would view the adoption of this resolution as a sign that the United States is rethinking its role as leader in the world. Mr. Speaker, we are the leader of this free world. We have stepped up to the plate. We are there batting a thousand. We must continue that in Bosnia.

The role as leader on the world stage is so very important. It has been said, and they will say so, our allies from Europe will say so, that they could not do it by themselves. Remember, they were there with UNPROFOR and that did not work, and it took American leadership to go in with the IFOR and now the SFOR.

Were this to be adopted, the credibility of this country, the credibility of our leadership would be undermined drastically. Europe continues to be of vital interest to the United States. On two occasions earlier in this century our country fought wars to keep the Old World from falling under the domination of hostile powers. From 1945 until 1989 we found ourselves involved in another struggle, the Cold War, which compelled us to keep some 300,000 troops in Europe until that conflict ended in 1989.

Now for the third time in this century we are trying to secure an enduring peace, because if we are able to do this, the rest of Europe will follow and there will be a peaceful Europe, under the leadership and because of the leadership of the United States of America.

Mr. CAMPBELL. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BONILLA).

Mr. BONILLA. Mr. Speaker, I thank the gentleman for yielding me the time. I rise in strong support of the resolution he is presenting today.

Mr. Speaker, this is not about some of the issues that have been discussed earlier today and it is not about the merits of the War Powers Act. That will be decided ultimately by the courts. What I mean by that is the constitutionality. This is not about preventing the President, if he would choose to do so, to withdraw our forces from the Balkans and from Bosnia in a smooth fashion, and transfer those responsibilities to Europeans.

We are certainly not voting today on the performance of our troops. They are doing an outstanding job, as they are assigned, in Bosnia. In fact, I have just returned from Bosnia and can report that our forces have achieved their military goals.

But political success is another story. Political success is many years away. This is not a secret. I think everyone knows that the President's promises of quick success were not grounded in reality. The question before us today is does America, does America have a national interest in Bosnia that justifies a long-term, expensive military commitment.

The costs of this commitment are real and extend far beyond the billions of dollars that we have to appropriate in the upcoming supplemental bill. They include the young soldier that I met from east Texas on the trip to Bosnia who told me that his wife is about to leave him because he has been overdeployed too many months, too many times overseas during the last 2½ years. His family is falling apart. It was a gut-wrenching moment when he had to confess that before several other troops during a lunch we had with the troops at Camp McGovern.

Others told me about the necessities they have for pay raises and health care needs. When I go back home I talk to veterans of World War II, Korea, and Vietnam who say that they cannot even get to see a doctor anymore, because there is not enough money in the budget back home to pay for their medical needs.

So what we are making is a choice here between spending money and endangering our troops' lives overseas on questionable social engineering projects, or choosing to spend that money on keeping our military strong.

A lot of people out there do not realize that our military is not even what it was during the Gulf War. We cannot sustain another effort like that because of our overdeployment. We are spread too thin. Our troops' morale in some cases is already in question. We do not have a national interest in Bosnia that justifies this cost in other areas of our military operations, or in perhaps some other areas that we may have to cut back on in social spending that my colleague, the gentleman from Massachusetts, alluded to earlier on.

□ 1230

He was very eloquent in his remarks about the commitment of Europe in this project. Why can we not, after leading the peacekeeping mission in the first place, now be able to turn over this project to our European friends? Why has not the administration worked the phones and tried to get the leaders of countries in Europe to say, when we have done so much, we have got things established here, why can we not turn it over to you now? After all, it is in your own backyard.

The bottom line is we are having to make tough choices today, and let us not think that because of the wonderful things we have accomplished so far in Bosnia that we are somehow doing more than propping up a house of cards that could fall apart once we leave. We cannot make everyone in Bosnia love each other. We cannot solve problems that have existed for generations there. I urge my colleagues to vote for this resolution to end this deployment. It would be criminal to do otherwise.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Tennessee (Mr. CLEMENT).

Mr. CLEMENT. Mr. Speaker, I thank the gentleman very much for yielding me the time. As a member of the Committee on International Relations, we had the opportunity to vote on the Campbell resolution just this past week. I was real pleased that the chairman of the Committee on International Relations, the gentleman from New York (Mr. GILMAN), as well as the gentleman from Indiana (Mr. HAMILTON), as well as Members we have heard from, the gentleman from Missouri (Mr. SKELTON), ranking Democrat on the Committee on National Security, all are in total agreement and opposed to the Campbell resolution.

I had the opportunity to travel with the Committee on National Security, the gentleman from Missouri (Mr. SKELTON), to Bosnia. I will tell my colleagues, it was enlightening to me. I had so many of the people that live in that troubled area come up to me and thank America for being a part, for bringing peace in the area. If it was not for the United States, we would not have peace in the Bosnian area now. Remember those terrible pictures, remember the television scenes of the rape and pillage and destruction in that area and how quickly we forget. It was the United States of America, the Dayton Accord, that showed the leadership and the vision to bring about peace.

I asked the rank and file members, our soldiers, not the colonels and the generals, but the soldiers, I said, do you think we should stay there after June 30 of this year? Without exception they replied, Congressman, I am homesick, I miss my family, I miss my friends, but we ought to stay in Bosnia after June 30, or everything we have done will be unraveled. We do not need to do that.

That is where World War I started, and how quickly we forget that, too. I am proud of the United States. I am proud of our leadership. I am proud of our soldiers. I am proud that they are making a difference. I think this particular resolution on legal grounds as well as on policy grounds is not in our best interest.

Vote against the Campbell resolution.

Mr. GILMAN. Mr. Speaker, I yield 7 minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, this is not easy for me. This is not easy for me because I have covered the waterfront like the gentleman from Missouri (Mr. SKELTON) on this issue. We had a good discussion at a hearing this morning with the Secretary of State and the Secretary of Defense and the Chairman of the Joint Chiefs of Staff and General Wes Clark. I thought it was a very productive hearing the gentleman from Missouri (Mr. SKELTON) held with the gentleman from South Carolina (Mr. SPENCE) of the Committee on National Security.

It was some time ago the gentleman from Missouri (Mr. SKELTON) and I and the gentleman from Pennsylvania (Mr. MCHALE), we brought some resolutions to the floor, three of them. As a matter of fact, the first one that we brought with regard to Bosnia was we do not like where the Dayton Accord is going. We heard a lot of the discussions coming out of Dayton, and what was happening was that the President got the parties to the table, and there was some sort of anxiety to get something on the paper and to use U.S. ground forces to separate the warring factions. So they were anxious to do that. But the House stepped forward with a vote of 315 Members that said, wait a minute, do not use U.S. ground forces to separate the parties. Focus, force the parties to focus on the real reasons they are killing each other. That is how we will move to cure. That is what was the vote of this House.

But there really was not the close coordination and cooperation between the House and the administration because they went and did as they pleased. And they used U.S. ground troops to separate the warring factions. When you do that without permitting the parties to focus on why they are killing each other, it will require generations to cure. And there is where we have ourselves today.

The military, I have heard the speakers, they are right, the troops are wonderful. The morale is high. They meet their deadlines. They are doing real missions, and they are proud of their efforts. We should be proud of them. But the civil implementation of Dayton lagged very far behind. The special Ambassador that we have today in that position over the last 9 months has made leaps and bounds in progress. He needs our support.

Now, it is awkward for me to be standing here saying this, but when you go to Bosnia and you see this effort, all of us must endorse an enduring peace in Bosnia. The ultimate question is by whom? I believe the United States as a sole remaining superpower has a responsibility to quiet and ensure regional stability. But when you have then civil wars within a region that pose no threat to destabilize a region, then we need to rely upon our regional allies. Aha, there is the debate.

I do not believe, as the last Speaker or the Vice President or the President says, we had to be in Bosnia because Bosnia had the potential of destabilizing Europe. That is false. We do not have the same dynamic of the Hungarian Empire. The emotion of saying, well, that is where two wars started does not move me. I think it is important for us to place great stressors on our European allies to play a greater role, but where we are today is when the President has stepped forward and he has said that with regard to the civil implementation process in Bosnia, we will set real benchmarks for success, I will share with the House that I am working with the gentleman from Nebraska (Mr. BEREUTER) and we will bring a resolution to the floor that these will be benchmarks with specificity. They will neither be vague nor ambiguous. And we will also give some dates certain to move that process along, because we do not want to be in Bosnia for the next 15 to 20 years. I think that is the intent of the gentleman from California (Mr. CAMPBELL). I agree with him.

I also voted with the gentleman from Illinois (Mr. HYDE) a few years back to repeal the War Powers Act. You say, well, how can you then vote against the gentleman from California (Mr. CAMPBELL) today? Well, because I do not like using the backdrop for what he has done here. I do not like the backdrop on Bosnia.

I gave the commitment to the President that, yes, I am your critic, but I am your constructive critic. I want to help you get out of the box from which we are presently in. You see because when I was in Bosnia, I did not see evidence of where a true self-sustaining peace was at hand. That is hard for me to say. The United States is presently caught. We are in a box. If the United States, if we leave, the parties will likely, with likely probability, return to bloodshed. Therefore, the U.S. forces remaining, we provide the reassurance to the people, and at the same time we provide cover to the elected leaders who move slowly and call for patience.

Changing the dynamic in Bosnia is extraordinarily important because the leaders in Bosnia of the Croats, the Muslims and the Serbs were also the present war leaders. These individuals focus on their differences, what separates them, rather than that which could bring them together in commonality.

The elections this fall will be very important. So what we hope to do not only is in changing this dynamic, but when we set these, when we set real benchmarks to measure success, it is also matched with troop reductions that we then move to an over-the-horizon position. That is where we want to take this.

So, reluctantly, I have to come to the floor and oppose the gentleman from California's measure. It is not easy for me to do that, given how I feel on the War Powers Act, and I wanted to share that with you.

Mr. SKELTON. Mr. Speaker, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Speaker, first let me thank the gentleman from Indiana for his statement, for his sound reasoning, and for his courage in his comments today. The troops have no better friend than the gentleman from Indiana. I know, not just those in Bosnia, but those across the world appreciate his efforts on their behalf.

What the gentleman from Indiana says is so true about American leadership and necessity for us being there. As he pointed out, I have rethought my position. I agree with him. I think he is right. I think we should continue on.

Mr. BUYER. Mr. Speaker, I thank the gentleman from Missouri.

Mr. CAMPBELL. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the debate is not over whether American troops should be in Bosnia or not, the debate is on a resolution which says Congress should decide whether they should be there or not. Otherwise we are a debating society. That is all we are.

The President does what he wants. We can talk about it, but we have no power. That is wrong. It is constitutionally wrong. It is wrong for the respect we owe our troops in Bosnia.

The American Legion supports this resolution, Mr. Speaker. They do because they believe, and I quote, that "the administration must now decide on the extent of the future mission in Bosnia and explain to the American people and Congress how many forces will be needed, what their security missions will be, and for how long will they be deployed," end quote.

Our debate will at some point, God willing, be on whether we should be in Bosnia or not. All we debate today is whether it is the duty of the Congress to give that approval in advance, and whether the President, not having obtained that approval in advance, must now seek that. It is patriotic, and it is responsible to the soldiers under fire in hostilities that we do so.

Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. SCARBOROUGH).

Mr. SCARBOROUGH. Mr. Speaker, I thank the gentleman from California for yielding me this time. I certainly respect people on both sides of this argument, certainly the ranking member of the Committee on National Security and the gentleman from Indiana, the chairman of the Subcommittee on Military Personnel, that just spoke.

I am a member of the Committee on National Security myself. I hear all these arguments, but they are arguments on policy, they are not arguments on Constitution; they are not arguments on law, they are not arguments on the procedure that James Madison and our Founding Fathers gave to us over 220 years ago on how we were going to run a war, how we were going to send troops across the world.

James Madison wrote in the early 18th century that the Founders intentionally vested the instruments of war-making capability in the hands of the legislative branch because they knew, the Founders recognized, that the executive branch would be the most prone to war and be the most prone to sending troops across the world.

Look what has happened now. We have more troops in more places across the world than at any time in the history of this Republic. We are giving them less to work with. They have been well-founded.

Somebody said this was about us being wimps or about protecting lives or waving the flag or supporting the troops. Those arguments are all red herrings. The fact is that indefinite mission creep, the type we have seen over the past few years, without congressional consent will do violence to the Constitution and do violence to the ideals of Madison and of Jefferson and of our other founders.

Back in 1995, the President promised 1 year, and then we were promised another. Now it is indefinite. For those people that do want to argue policy and say, well, gee, we need to let this go on without congressional consent, I am reminded of testimony by a U.N. General to the Committee on National Security from Canada back in 1995 before we went in there. He said, you Americans think you are going to tidy this up in a year or two with one or two divisions. He said, you have no idea what you are doing.

The fact is, he explained about how he was responsible for seeing what war crimes had been committed. He said one morning he went and he saw where Muslims, women and children, had been slaughtered and thrown off the roadside. A Serb came up to him, and he said, "it serves them right." The U.N. General said, "it serves them right?" For what? For what?

□ 1245

And the Serb responded, "Because of what they did to us in the 17th century." This U.N. general looked at us, laughed, and he said, "And you silly Americans think that you are going to get this resolved in a year or two." We are not.

And it is not about whether I believe we should be in Bosnia or not, it is about whether we in this Congress are going to face up to the constitutional obligations that James Madison and our Founding Fathers gave to us over 220 years ago. And if we are not willing to do that, then we are going to find ourselves here next year and the next year and the next year; and I think that is unfortunate.

Mr. HAMILTON. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I, too, have had the chance to go to Bosnia;

and I can say that there is a myth that exists that says that people just cannot get along with each; they just hate each other and are going to kill each other. That is not true.

There is leadership in that area which drilled hostilities and which made it possible for conditions of war to erupt. It is not that there is something in the hearts of those people that they cannot get along. Those people are us. We are those people.

I met with widows in Srebrenica, whose husbands were thrown into a ditch after they were shot, who are still asking the question about why; and who still hold out a hand of friendship and brotherhood with people who they have been told are enemies.

We have to realize there is no imperative here for war. There is an imperative for peace as long as the United States is involved with the 34 other nations which exist to help keep peace.

Now we have heard from sources here today. Let me quote a few sources.

General Wesley Clark, Supreme Allied Commander of Europe. He says, if this resolution passes, it will say to our troops and to everyone else that being there was a mistake; we did not really mean it when we sent our troops to Bosnia. He says, it would undercut all our efforts in Bosnia if this resolution passes.

General Shelton, Chairman of the Joint Chiefs of Staff, has said, pulling U.S. forces out of Bosnia would cripple the mission at a critical time when we are achieving success in that troubled country.

I met with the widows. I saw places destroyed as a result of this war. But I also saw a people who are struggling to rebuild. I saw a nation which has hope because the United States of America has stood by its commitment for freedom and justice, because the United States of America, a leader of 34 nations, has said that we are not going to let genocide exist anywhere in the world.

We know that over 50 years ago there was genocide. We know that it occurred in Europe as a result of nationalism, religious and racial hatred. We know that there was an attempt to make an area ethnically pure.

We also know the international community a few years ago stood by silently as more than two million people were displaced. The international community stood by silently when there was two million people displaced and 200,000 human beings killed.

Now we are in a role of leadership. Now we are in a role where our troops are doing a job. We are in a role where we are a leader among nations, and we are keepers of the peace. That is our mission, and that is our role. Let us keep the peace. Let us reject this resolution.

Mr. CAMPBELL. Mr. Speaker, I yield 4 minutes to the gentleman from Washington (Mr. METCALF).

Mr. METCALF. Mr. Speaker, I wish to thank the gentleman for yielding me this time and for bringing this legislation before us today.

Mr. Speaker, we are here today debating this issue nearly 1½ years after the promised withdrawal date of December, 1996. That withdrawal date was then extended to June of 1997. Later, the withdrawal date was extended to June of 1998. Recently, the withdrawal deadline was completely eliminated; and U.S. troops are now apparently permanently stationed in Bosnia.

I want to make it clear at the outset that I will do everything necessary to support our troops, and I commend them for their actions in Bosnia. However, I believe the best way to support our troops is to bring them home.

During the initial debate surrounding the deployment of troops to Bosnia, this Congress went on record in opposition to the deployment, stopping just short of complete denial of funds. Regrettably, the President committed troops anyway; and our concerns have been realized.

In December of 1997, I came to this floor to oppose the deployment of troops in Bosnia. I opposed it because the President had failed completely to specify the mission of our deployment and what vital United States' interests were threatened. I felt the mission had little chance, given the lack of clearly stated or understood objectives.

In my speech, I stated that we have learned through sad experience that it is easy to rush troops into an area of contention, but it is extremely difficult to solve the problems once we get there and even more difficult to get out in a timely and honorable way. Mr. Speaker, that has indeed become the reality in Bosnia.

The President failed completely to outline the goals that our military had to achieve before they could safely leave. A well-defined exit strategy, based on achievement of a set of tactical goals, has been lacking from the start. Now the President, after repeatedly breaking his promises regarding the withdrawal, has extended the deployment permanently.

Mr. Speaker, the resolution today is a simple one. It states that the President must receive an authorization from Congress or must withdraw the troops from Bosnia. Furthermore, under the War Powers Act, the Congress must authorize any extended deployment when troops are subject to hostilities.

I know that no one is going to argue that American troops are not facing hostilities in that region. Coalition soldiers have been killed, and American troops are properly receiving combat pay because of the deployment. Combat pay is deserved because of the hostilities that exist, but that pay determines that the War Powers Resolution must apply and that continued deployment is dependent upon a specific authorization from Congress.

In closing, I want to again commend the gentleman from California (Mr. CAMPBELL) for the legislation and urge a "yes" vote on this legislation.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank the gentleman for yielding me this time; and I rise in opposition to this resolution, which I feel sends the wrong signal about our mission in Bosnia today. It sends the wrong signal to the hardliners in that country, the wrong signals to the people in Bosnia, who are facing crucial national elections this September.

A few weeks ago I, along with the gentleman from Ohio (Mr. KUCINICH) and four of my colleagues, had a chance to go over and visit Bosnia on a fact-finding mission. What I saw there, the mission being pursued and the men and women in American uniform performing that mission, made me proud. Except for the day when my younger brother returned home from the Gulf War, I have never felt more proud to be an American.

By all accounts, this peacekeeping policy in Bosnia has been an unqualified success. The Dayton Peace Accord is working; NATO is working; the killing has stopped; the genocide, stopped; ethnic cleansing and rapes, stopped; economic development is taking root; democratic institutions are being created; and the children of Bosnia are laughing and playing outside again, all because of our involvement. This, in essence, is the best of America.

Our bipartisan delegation drafted a statement of our findings which I would like to insert into the RECORD at the appropriate time.

Now is not the time to turn Bosnia over to the hard-liners again; and I, for one, do not intend to surrender the children on the streets of Sarajevo to the snipers again. I urge my colleagues to support the mission and the people of Bosnia. Support our troops in Bosnia. Oppose this resolution.

Mr. Speaker, the document referred to earlier is submitted, as follows:

OBSERVATIONS AND CONCLUSIONS

(By Representative Roger Wicker, Representative Saxby Chambliss, Representative Lindsey Graham, Representative Gil Gutknecht, Representative Ron Kind, Representative Dennis Kucinich)

1. The delegation wishes to acknowledge the impressive professionalism and dedication of U.S. service personnel serving on the ground in Bosnia and supporting Operation Joint Guard from deployment sites in Hungary and Italy. It was clear that U.S. military forces are performing their mission in an exemplary fashion. They are being asked to do more with less and are responding admirably. The American people can be proud of the way their armed forces—active duty, reserve, and national guard components—have risen to the challenge of ensuring a peaceful, secure, and stable environment in

Bosnia. All Americans owe these soldiers, sailors, airmen, and marines a debt of gratitude.

2. We have been informed that U.S. force levels in Bosnia are likely to be reduced from the current 8,500 to 6,900. We are concerned that a lower troop level may lead to increased risk, given the potential for violence directed against or involving U.S. troops as they execute their missions. We believe that an appropriate level of forces in Bosnia must be based on a sound military assessment of the risks and not on any political considerations. Force protection must be a top priority. Increasing the risk to U.S. forces is not an acceptable policy option. At a minimum, we recommend that U.S. force levels not be reduced until after the September 1998 elections are held and a review of the security situation is conducted. We feel that progress in Bosnia should be judged by the achievement of specific milestones and that any troop reduction should be tied to the achievement of these milestones.

3. Prior to the elections in December 1997, which brought to power more moderate leadership within the Republika Srpska, hard-line Bosnian Serbs in power demonstrated an unwillingness to comply with the terms of the Dayton Agreement. As a result, the overwhelming bulk of Western economic aid has flowed to the Muslim-Croat dominated Federation of Bosnia and Herzegovina. The recently elected moderate government within the Republika Srpska lacks the financial resources to function effectively, raising concerns about the government's political viability. We were advised by our military and diplomatic leadership that $5 million in U.S. assistance to the new Republika Srpska government is essential, as part of a $20 to 30 million dollar international assistance package, to demonstrate our commitment to the long-term viability of the new government until it begins generating sufficient revenues on its own. We strongly support appropriation of this $5 million in assistance. Compared to the $2 to 3 billion dollars invested annually in support of the military operation, $5 million is a relatively small price to pay to ensure the stability of the new, reform-minded Republika Srpska government. However, we also believe that any U.S. assistance of this nature should not be funded from Department of Defense accounts.

4. Among the more pressing needs within Bosnia is the establishment of an economic infrastructure that will give the Bosnian people sense of hope and the prospect of a brighter economic future. Without a productive economy, we believe there is little chance for a lasting peace.

5. The need for a continued American troop presence on the ground in Bosnia was stressed by U.S. military commanders, political officials, diplomats, and the Bosnian people with whom we met. There is a widespread conviction that U.S. troops are essential to preventing a resumption of war. Having seen the situation in Bosnia first hand, it is clear to us that the presence of American forces is necessary.

6. The September 1998 Bosnian elections will be a watershed in determining whether Bosnia moves forward or backward. Until then, we believe that the United States should actively continue to support the process of Dayton implementation. Given the effort already expended, it would be foolish to change our political, diplomatic, or military policy in Bosnia before the September elections have taken place. However, we do not believe that the U.S. commitment can be open-ended. SFOR will provide important support to the Office of the High Representative in its efforts to create the climate for a fair election. Notwithstanding our observations of the role in peace being played by U.S. troops, we are concerned about the annual exercise of funding our peacekeeping operations in Bosnia by means of supplemental appropriations. We encourage the Administration to pursue means by which such contingencies can, at least to some degree, be funded other than at the cost of other important national priorities.

7. We are convinced the United States has a vital interest in the stability of Central Europe. The United States is the undisputed leader of the Free World. This role carries with it responsibilities, and among these is participating in efforts to ensure Europe's stability. However, it is our desire that the future of Bosnia ultimately be determined by the Bosnian people themselves.

Mr. CAMPBELL. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in strong support of this resolution, and I compliment the gentleman from California for bringing it to this floor.

This is an immensely important constitutional issue and one that we should pay close attention to and obviously support. I would like this same principle, of course, to apply across the board, especially when it comes to bombing foreign countries, like Iraq, because we should not be involved in war efforts without the consent of the Congress.

The Constitution is very, very clear on this. Unfortunately, policy has drifted away from a noninterventionist constitutional approach. Just in the last 2 days we had five resolutions implying that we have the economic strength, we have the military power and the wisdom to tell other people what to do.

Usually it starts just with a little bit of advice that leads next to then sending troops in to follow up with the advice that we are giving. So I think this is very, very important, to get this out on the table, debate this, and for Congress to reassume the responsibility that they have given to an imperial presidency.

Prior to World War II there were always debates in the House of Representatives any time we wanted to use military force. Whether it was 150 years ago, when we decided to spread our borders southward towards Mexico, or whether 100 years ago when we decided to do something in Cuba, it came here. They had the debates, they had the arguments, but they came to the floor and debated this.

Today, ever since World War II, we have reneged on that responsibility. We have turned it over to the President and allowed him to be involved. We have given him words of encouragement that implies that we support his position. We do so often and, as far as I am concerned, too carelessly. But when we do this, the President then assumes this responsibility; and, unfortunately, since World War II, it has not even been for national security reasons.

The Persian Gulf War was fought with the assumption that the administration got the authority from the United Nations. If we are to express ourselves and to defend our national sovereignty, we should have the Congress vote positive on this resolution because it is so critical.

Today, we have been overextended. Our military is not as strong as some people believe. Our economy is probably not nearly as strong as some believe. We have troops that could be attacked in Korea. We have the potentiality of bombing Baghdad at the same time we have troops in harm's way in Bosnia. So we have spread ourselves too thinly, and we are vulnerable.

We have a responsibility here. The Congress has a responsibility to the American people. We are here to defend the national sovereignty and the protection of the United States. Troops in Bosnia threatens our national security and threatens the lives of the American citizen who is protecting or fighting in this region. So it is up to us to assume this responsibility.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, I wish to tell my friend from California (Mr. CAMPBELL) that, had this vote been taken 1 year ago today, I would have voted with him.

In October, I went to Bosnia, after doing everything I could to keep our troops from going there both under a Republican and a Democratic President. I went to Bosnia with a bad attitude and a notebook looking for kids to tell me that we should not be there, and I spoke with hundreds of them. Not one said we should not be there.

See, we are asked to put our political lives on the line. Those kids are putting their lives on the line. They think they should be there.

Should Congress vote every time troops are deployed? Absolutely. But that is not what this resolution is about. This resolution is pulling the plug on the most successful American military venture in the history of our country.

Are we somehow disappointed that there was not a body count; that there were not thousands of Xs killed; that our smart bombs did not blow up bridges? I can assure my colleagues that I, as a Congressman, am not in the least bit disappointed that I did not have to write letters of condolences to the moms and the dads and the spouses and the kids because we did not lose anybody.

This is one of the greatest victories in American military history, and we won it almost without firing a shot. Every one of the established goals they have accomplished. Not because of me, but because of guys like Walter Yates, Master Sergeant Taylor, PFC Rhodes from Ocean Springs, Mississippi. They did their job, and we ought to be proud of them.

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I am not going to pull the plug and see to it that those things that they have accomplished are for naught. Some people come to this floor and say, well, we are building four-bedroom, three-bath houses with swimming pools for these people. Go to Brcko. Do you know what their idea of peace is? Peace is being able to walk into the front yard to a circle of bricks 6 feet deep that they throw a bucket down and get their water; and every night they get on their knees and pray to their god in gratitude that that night they will not be raped, they will not be tortured, their husband will not be drug off, and just maybe their kids who had to flee four or five years ago can come home.

Our troops have done a magnificent job. We should support them. We should defeat this resolution.

Mr. CAMPBELL. Mr. Speaker, I yield myself 30 seconds. If the gentleman from Mississippi (Mr. TAYLOR) would stay on the floor just for a moment. I am pleased that he would have voted in favor of my resolution one year ago.

What has happened to the Constitution of the United States during the last year, Mr. Speaker? If it was our obligation one year ago to say yea or nay, it remains our obligation to say yea or nay. On the policy itself, if it is a good one, we should vote yea at this time.

Mr. TAYLOR of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL. I yield to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. Mr. Speaker, correct me, but my colleague's resolution says that they should withdraw within 60 days. It is not a question whether or not they should be there. He is mandating that they would withdraw. I am not going to do that. I am not going to pull the plug on those kids.

Mr. CAMPBELL. Mr. Speaker, I yield myself an additional 30 seconds.

I am so pleased that my friend from Mississippi has raised this at this point. The wording of the resolution is critically different from what he just told this body, in good faith, I am sure. My resolution says that the troops must come home unless the President obtains the approval of the House of Representatives and the Senate of the United States, unless he obtains that approval; and they are not to come home until 60 days after a court of competent jurisdiction has issued a final judgment that we are proceeding in a constitutional manner.

So it is not correct that we are pulling the plug. We are pulling the plug only if the President does not ask us for permission.

Mr. Speaker, I yield 4 minutes to the gentleman from South Carolina (Mr. SANFORD).

Mr. SANFORD. Mr. Speaker, I rise in support of this amendment for a couple of different reasons, but the first reason I rise in support is this simple document called the Constitution.

What is interesting about this document, I am not a lawyer, I am not a legal expert, but what is interesting about the Constitution is it was written in layman's terms. And when I look here in section 8 and I read that it is the Congress that shall have the power to declare war, to raise and support armies, to provide and maintain the Navy, et cetera, it seems to me crystal clear that the Founding Fathers, for some odd reason, wanted the Congress to be involved in the event of war.

Now why is that? War is a very messy thing. We have 435 folks over here, we have 100 folks over on the Senate side; it is hard to get agreement on anything. Why would they want us to be involved in that messy process? And I think the reason, quite simply, is the reason of accountability.

How many of my colleagues have seen the President of the United States in the local grocery store shopping for a gallon of milk? I mean, maybe if it is some weird press opportunity he is there, but it is not a normal occurrence. And yet, 435 folks clear outside of here every weekend and go back to their Congressional districts. And in fact it was just last Friday that I, along with my five-year-old boy Marshall, went to the Harris Teeter on East Bay Street in Charleston, South Carolina, to get a gallon of milk; and it was there that three folks came up to me and said, you know, MARK, this bothers me about x, y, and z, three different issues that were of concern to folks at home.

What the Founding Fathers wanted, the reason they had it here, was they wanted accountability. When body bags come back from a war, they do not come to Washington, D.C. They go to Tulsa, Oklahoma. They go to Topeka, Kansas. They go to Savannah, Georgia. They go to a lot of different places that are represented by the 435 districts in this body.

So what I would ask as we contemplate this resolution is that we think about not only the accountability that the Founding Fathers intended but also on how this has been a reasonable and tested idea.

The War Powers Act came out of a democratically controlled Congress; and what it said was that through this learning experience called the Vietnam War, at the end of 60 days, or possibly 90 days with an override, but 60 days it is this body that ought to decide on things like war.

Without further ado, I rise in support of this amendment. Again, we have had a lot of discussion on Bosnia and on leadership. This would do nothing to Bosnia. It would do nothing to our status as a world leader. But what it would do is preserve this thing called the Constitution and making sure that the President comes here to check out things like war.

Mr. CAMPBELL. Mr. Speaker, I reserve the balance of my time.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Speaker, I would like to speak to the comments of the gentleman from South Carolina and earlier the gentleman from Florida, who talked about our constitutional obligation. Because I think when we examine this closely, and I say this with tremendous respect for both the sincerity and the principle, not to mention the legal acumen of the sponsor of this resolution, but this is a laughable way to claim we are fulfilling our constitutional obligations, really laughable.

This resolution is pursuant to section 5(c) of the War Powers Resolution, as I understand it. 5(c) says, "notwithstanding subsection (b)," which is the report triggering action language, "at any time that the United States armed forces are engaged in hostilities . . . without a declaration of war," there is not one here, and I will concede generally and I will concede for this purpose that we are in hostilities in Bosnia, "without a declaration of war, without specific statutory authorization," and we have no specific statutory authorization, I do not consider an appropriation to be a substitute for that, "such forces shall be removed by the President if the Congress so directs by concurrent resolution."

If the gentleman from California (Mr. CAMPBELL) had offered a resolution under expedited procedures to test the meaning of the War Powers Act and whether or not a court would uphold it in the best possible circumstances, which is what he claims he is trying to do, he would have offered a resolution to pull the forces out now. He shirked from that, even though that is his true feeling, he acknowledged such in the Committee on International Relations, and instead has put forth this fancy-dancy thing that responds to the gentleman from Mississippi (Mr. TAYLOR) by saying, I am not asking for them to come out; I am simply asking for a resolution that says that after we test this resolution, if we do not let them stay in, they will then come out.

There should be a resolution right in front of us now testing our constitutional obligations, what our view is on this issue, are we for or against this particular intervention and it should be done. They have the expedited procedures we have which they say they are asking for. This resolution does not do it. I urge a no vote.

Mr. CAMPBELL. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. HYDE), the distinguished chairman of the Committee on the Judiciary.

Mr. HYDE. Mr. Speaker, I thank the gentleman for yielding me the 4 minutes.

I find myself in an awkward situation here. I think the War Powers Act is unconstitutional. I think it is a bad law. I thought so when Ronald Reagan was President, not so my friends over there. They thought it was a great idea. When George Bush was President, I still thought it was not a great idea. But so many Members over there, at least some of the more mature, the ones with graying hair, thought it was a great idea. But today they do not think it is such a great idea.

Now Congress would like to finesse this whole question of troops in Bosnia. If something goes wrong, nobody asked us. So the troops are there. They probably should be there. For how long, I am not sure. But we have this War Powers Act, which, in my judgment, is an invasion of the constitutional power of the Commander in Chief.

But, on the other hand, it is a way to get Congress to face up to its responsibility as to whether or not we should put our troops in harm's way. So in a way, inartfully however it is drafted, it does strike a chord in favor of the involvement of Congress in the décision, the very dangerous decision, of committing troops.

So, as far as I am concerned, there has been a double standard on this issue, just as there is on the independent counsel laws. So many people loved the law when the Republicans were in the White House and now they find it fraught with flaws. So we have the War Powers Act, which was a wonderful thing as long as it put restraints on Ronald Reagan and George Bush. But now that we have another occupant of the White House, why, it is shot through with flaws and it is unwise.

So look, it is the law. We have sworn to uphold the law. We have taken an oath to uphold the Constitution. And so, as long as it is the law, the other principle at play here is we should enforce it, we should obey it. As long as we ignore it, we are weakening the very fabric of our laws. And so much as I do not like the law, it is the law.

And since we have not repealed it, and June 7, 1995, I lost here on the floor 201 to 217 "no" to repeal the act, and some of my friends over there who are defending it today voted against me and gave me no help in repealing what I think is a bad law. So we have the law. And today I intend to uphold the law because it is on the books and it is one way to involve Congress in this very important decision.

So I thank and I salute the gentleman from California (Mr. CAMPBELL) for bringing this forward. Otherwise, this very important and controversial law would just be ignored, and I think that is not exactly adhering to our sworn duties.

So my colleagues are making us face up to a tough question. It is on the books it is the law. As much as I do not like the law and as much as I would like it repealed, it is not repealed. They will not let it be repealed. So let us enforce the law and hope for the best.

Mr. CAMPBELL. Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. COX), the chairman of our policy committee.

Mr. COX of California. Mr. Speaker, I thank the chairman for yielding me the time.

I rise in opposition to the resolution offered by my good friend and colleague the gentleman from California (Mr. CAMPBELL), but not because I lack any respect for his legal acumen for the policies, which are very serious, that he raises or for his punctilious avoidance of the question of President Clinton's Bosnia policy. The resolution itself makes it very clear that is not what this is about.

Section 1(c) says, "The requirement to remove United States armed forces from the Republic of Bosnia and Herzegovina does not necessarily reflect any disagreement with the purposes or accomplishments of such armed forces." What is under discussion here is not whether troops should be in Bosnia, according to the resolution itself, but rather the War Powers Resolution.

I agree wholeheartedly with the words spoken by the gentleman from Illinois (Mr. HYDE), chairman of the Committee on the Judiciary, just a moment ago that the War Powers Resolution is unconstitutional. I too have been on the floor trying to repeal it for some years. I too have opposed it through the tenure of both Democratic and Republican Presidents. And of course, as we all know, the War Powers Resolution has been every day since it was first passed declared unconstitutional by Presidents Clinton, Bush, Reagan, Carter, Ford, and Nixon.

The War Powers Resolution, paradoxically, weakens both the Congress and the executive branch. Here is how it weakens Congress. Under article I, section 8, clauses 1, 11, and 14, Congress has the power "to provide for the common defense, to declare war," and to "make rules for the Government and Regulation of the land and naval forces."

The appropriations clause, article I, section 9, clause 7, grants the Congress the power of the purse, which we could use here very effectively if we wish to oppose the President's Bosnia policy. That power obviously extends to the fields of foreign affairs and defense. So too does Article I, section 8, clause 12, which explicitly empowers Congress "to raise and support armies."

As Justice Jackson stated in the Steel Seizure case, "The President has no monopoly of 'war powers,' whatever they are." But the War Powers Resolution, with its 60-day grace period, purports to give the President carte blanche to make war for a full 2 months without congressional authorization. That subverts the Constitution.

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Here is how the War Powers Resolution weakens the President: The vesting clause, Article II, section 1 of the Constitution, unambiguously grants the President the totality of, quote, the executive power. Section 2 provides that, quote, the President shall be Commander in Chief of the Army and Navy. For centuries, American Presidents have relied on these grants of authority to use our Armed Forces in a host of contexts without prior congressional action, such as responding to attacks on or threats to American forces citizens or property; or when secrecy or surprise are essential; or when the urgency and immediacy of a military response leaves no opportunity for congressional action.

But the War Powers Resolution purports to shrink these historic, inherent Presidential powers to just one circumstance, a direct attack on the United States, or our forces. This is a distortion of our Constitution. It ignores the entire course of our constitutional history. If it were correct, then Presidents Adams, Jefferson, Lincoln, Grant, Wilson, FDR, Truman and Eisenhower are all law-breakers.

No American President of either party, including President Clinton, has ever recognized this perversion of our constitutional order. None has even pretended to follow its terms.

The resolution offered today offends the Constitution not merely in the ways I have just outlined, but in an entirely novel manner, by linking the forced withdrawal of U.S. forces to a decision on its own constitutionality by a Federal court. Federal judges and Federal courts ought not to be in charge of troop deployment decisions.

In addition to violating Article I governing Congress and Article II governing the President, this resolution violates Article III governing the judiciary as well, because as the Supreme Court established over two centuries ago in Hayburn's Case, under our Constitution Congress may not impose on a Federal court duties that are repugnant to the judicial function.

For these reasons, while I wish to compliment the gentleman from California, I urge a vote against this resolution.

Mr. Speaker, I rise in opposition to Mr. CAMPBELL's resolution on Bosnia, which comes to the Floor pursuant to the War Powers Resolution.

Many of us have long been troubled by the substance of the President's unfocused, hand-to-mouth policy in Bosnia. The deployment occurred in the absence of a national consensus or even a broad national debate, because of an abject failure of presidential leadership. President Clinton failed to consult Congress or the American people prior to ordering the deployment, and thereby failed to build the requisite public support before sending 20,000 American soldiers in harm's way. That is why in October 1995 strongly supported H. Res. 247, which called on the President to obtain congressional authorization before deploying U.S. troops to Bosnia—a process that would necessarily have resulted in the sort of broad national discussion that should precede such operations. Such a debate would also have required the President to articulate the mission he was ordering our troops to undertake—something he has yet to do. And it might well have avoided the ignominious process whereby the President twice broke commitments to the American people concerning the length of the deployment. As it is, the President's open-ended commitment of forces in Bosnia is undermining U.S. military readiness around the world in the present, and diverting resources needed to protect U.S. security in the future. In my view, the President's Bosnia policy is an abject failure, and the way in which he arrived at it is a case study in how not to conduct foreign affairs.

But the merits of the President's Bosnia policy is not the subject of this Resolution, as the Resolution itself makes clear. Section 1(c) states categorically that "[t]he requirement to remove United States Armed Forces from the Republic of Bosnia and Herzegovina * * * does not necessarily reflect any disagreement with the purposes or accomplishments of such Armed Forces; nor does it constitute any judgment of how the Congress would vote, if given the opportunity to do so, on either a declaration of war or a specific authorization for the use of such Armed Forces." And the dissenting views added by the Resolution's sponsor to the International Relations Committee's unfavorable report explain that "[t]he style of section 5(c) [the part of the War Powers Resolution pursuant to which this Resolution is offered] requires that the concurrent resolution call for the removal of troops. If it did not do that, it couldn't be called a 5(c) concurrent resolution. However, [the Resolution] is otherwise entirely neutral on whether the policy of the United States should be to have armed forces in Bosnia under the present circumstances or not." Whatever else the vote is today, it is not a vote on the President's Bosnia's policy.

In addition to my concerns about the substance of the President's policy, I share the concerns felt by many of my colleagues about the constitutional implications of the President's repeated decisions to commit U.S. forces to areas of conflict without the assent of Congress—not just in Bosnia, but in Iraq, Haiti, and Somalia. I believe that this constitutional concern is at the core of my colleague's Resolution, and I should add that I greatly respect his legal acumen.

But the War Powers Resolution, under which this Resolution is offered, is not the way to address any of these policy and constitutional issues. It is itself a symptom of the current confusion over the constitutional roles of the President and Congress in the field of foreign affairs. And it is worse than useless as a tool for addressing either flawed policy or usurpation of constitutional responsibility.

The War Powers Resolution is now, and has been every day since the moment it passed, unconstitutional. Presidents Clinton, Bush, Reagan, Carter, Ford, and Nixon have all opposed the Resolution. It paradoxically weakens both the President and the Congress. In time of crisis it increases the risk of war. And it offends two centuries of constitutional history.

Here is how it weakens the Congress: Article I, section 8, clauses 1, 11, and 14 of the Constitution give to Congress the power to "provide for the common defense," to "declare war," and to "make Rules for the Government and Regulation of the land and naval forces." And the Appropriations Clause, Article I, Section 9, Clause 7, grants Congress the power of the purse—a power that extends to the fields of foreign affairs and defense. So too does Article I, Section 8, Clause 12, which explicitly empowers Congress to "raise and support Armies." As Justice Jackson stated in the *Steel Seizure Case*, "[The President] has no monopoly of 'war powers,' whatever they are. While Congress cannot deprive the President of the command of the army and navy, only Congress can provide him an army and navy to command."

But the War Powers Resolution, with its 60-day grace period, purports to give the President "carte blanche" to make war for a full two months without congressional authorization—a statutory easement across the Constitution.

Here is how it weakens the President: the Vesting Clause—Article II, section 1 of the Constitution—unambiguously grants the President the totality of "the executive power." Section 2 provides that "The President shall be Commander in Chief of the Army and Navy. * * *" For centuries, American Presidents have relied on these grants of authority to use our armed forces in a host of contexts, without prior congressional action: such as responding to attacks on, or threats to, American forces, citizens, or property; or when secrecy or surprise are essential; or where the necessity for immediate military response left no opportunity for congressional action. But the War Powers Resolution purports to shrink these historic, inherent presidential powers to just one circumstance—a direct attack on the United States, or our forces.

This is a distortion of our Constitution. It ignores the entire course of our constitutional history. If it were correct, then Presidents Adams, Jefferson, Lincoln, Grant, Wilson, FDR, Truman, and Eisenhower were all lawbreakers. No American President of either party, including President Clinton, has ever recognized this perversion of our constitutional order; none has even pretended to follow its terms.

The War Powers Resolution claims to force an end to hostilities in 60 days, unless Congress has affirmatively acted. This unwise and inflexible rule has emboldened our enemies abroad to doubt our resolve. It has tempted them to think that America's staying power in any conflict was limited to 60 days. It is ironic that a measure, designed to minimize the use of force, vastly magnified the risks of war.

And the War Powers Resolution illegitimately pretends to allow Congress by simple concurrent resolution to compel the President to break off military action. That is a flatly unconstitutional legislative veto, as the Supreme Court made clear a decade and a half ago in *Chadha v. INS.*

This resolution offered by Mr. Campbell is just such a concurrent resolution pursuant to the War Powers Resolution. Whatever one might think of the continued deployment of American troops in Bosnia, Mr. Campbell's concurrent resolution represents just such an unconstitutional legislative veto. Indeed, it offends the Constitution not merely in the ways I have described above, but in an entirely novel manner—by linking the forced withdrawal of U.S. forces to a decision on its own constitutionality by a federal court. Thus, in addition to violating Article I, governing Congress, and Article II, governing the President, this Resolution violates Article III, governing the judiciary, as well. As the Supreme Court established over two centuries ago in *Hayburn's Case,* under our Constitution Congress may not impose on a federal court duties that are repugnant to the judicial function. I believe it would be difficult to imagine a duty more repugnant to the judicial function than the exercise of Congress' war powers and the President's authority as Commander-in-Chief to determine when and if American troops are withdrawn from what the proponents of this Resolution insist is a theatre of war.

Mr. Speaker, I understand that some Members may be tempted to support Mr. Campbell's Resolution today precisely because they agree with me that both the War Powers Resolution and this Resolution are unconstitutional, in the hope that we can use this legislation to gain a definitive judicial decision that the War Powers Resolution is unconstitutional. That hope is unavailing.

No federal court either would or should entertain such a lawsuit. Judge Bork and Justice Scalia have long maintained that Members of Congress have no independent standing in court to challenge enfringements of our prerogatives. And just last year the Supreme Court agreed with them when it refused to hear a congressional challenge to the line-item-veto statute. Moreover, a dispute between the political branches over war and foreign affairs powers is the quintessence of a non-justiciable political question. The War Powers Resolution already distorts the constitutional authority of both Congress and the President. I would be sorry to see it become the vehicle for the judiciary, as well, to usurp non-judicial functions.

Mr. Speaker, in closing I wish to reiterate my respect for the great legal ability of my distinguished colleague from California, and for the extraordinarily serious legal and policy concerns that animate his Resolution. Since I share his concerns, I wish I could support his Resolution. But the Framers of the Constitution ordained a very different process when Congress seeks to correct errors of policy and vindicate its constitutional prerogatives.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Colorado (Mr. SKAGGS).

Mr. SKAGGS. Mr. Speaker, I want to express my deep respect to the gentleman from California for bringing this before the House.

I agree with him that we ought to face up to our constitutional responsibilities, and that would incline me to support him. I agree with him that we need to challenge the constitutionality one way or another of the War Powers Resolution. That would incline me to support him.

However, believing that the War Powers Resolution is a constitutional abomination, I hate to invoke it in order to challenge it, and that leads me to oppose him.

If it were valid, I believe that his resolution is misplaced in relying on section (4)(a)(1); that the facts that we have before us are much more a (4)(a)(2) set of facts, that is, deployment with combat equipment, and that does not permit his resolution under 5(c), and that leads me to oppose him.

Finally, I believe the administration's policy is a good policy with worthy purposes that is making a positive difference, and that also leads me to oppose him.

Mr. CAMPBELL. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I want to say that I appreciate the debate here today. The debate has been on constitutional principles. It has been enlightening for me as a freshman Member. But I rise in support of this resolution. I rise in support of this resolution because I am persuaded by the argument that we should remove this law from the books if we are not going to enforce it. I also believe that if we remove this law from the books, we need to find other ways to assert the responsibility of the Congress in making these decisions.

The decisions like the decision we are talking about today is, of course, I believe, a decision not about policy, but a decision about principle and a decision about the congressional involvement in that principle. Beyond that, even the facts of this case do not relate to imminent threat to Americans, to immediate decisions that have to be made by the President. The Cold War is over. The allocation of responsibility, the abdication of responsibility to the President that may have been well understood during the 50 years of the Cold War no longer serve that purpose. This is clearly not a decision created by approaching the nuclear precipice. This is not a decision that one person has to make in the middle of the night. This is not a decision that needs to be made without the Congress taking part of the responsibility.

We probably should give some credit to the President for being willing to shoulder the entire responsibility if we abdicate our responsibility, but we should stand up for the responsibility that we have been sworn to uphold, the responsibility to be involved in a decision to commit American troops in harm's way.

I urge that we vote for this resolution. The debate on the policy clearly comes later. We can argue many things about that policy. Very few Members of this Congress want to withdraw funding from American troops. We have to deal with the policy, not with the appropriation. I urge support of this resolution.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in opposition to this resolution. This is not a true vote on the merits of the War Powers Act, nor is it a product of thoughtful and open debate about U.S. policy in Bosnia. It gambles with the effectiveness of the NATO mission and with the safety of our troops under the guise of testing the constitutionality of the War Powers Act.

If passed, this bill would signal a weakened congressional resolve to support U.S. forces as they work to maintain the fragile Bosnian peace. We all know this is a sensitive time in the Balkans, and we know that SFOR is a linchpin of stability in a region where ethnic tensions are running high. Families torn apart by the Bosnian war are just beginning the delicate task of resuming their lives and attempting to return to their old homes. Meanwhile, tensions continue to mount between the Serbian Government and ethnic Albanians in nearby Kosovo. Now more than ever the United States must signal its strong partnership in NATO's existing presence in the Balkans.

This bill would undermine SFOR's stabilizing effect on the Balkan region with a message that Congress does not support this mission despite SFOR's very real peaceful impact. At this extremely tenuous time, the bill would turn foreign policy over to the courts, which would be charged with determining the constitutionality of the resolution. In the interim, the future of Bosnia and of our forces in SFOR would hang in the balance. This is not the way to debate the War Powers Act.

The committee with jurisdiction over this issue and the expertise to assess its impact has recommended that this resolution not pass. Let us act responsibly for our brave men and women in Bosnia. Let us complete our mission. Let us defeat this resolution.

Mr. CAMPBELL. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, it all comes down to this. Those people who are supporting the resolution of the gentleman from California (Mr. CAMPBELL) believe that the President of the United States should not be able to send our troops all over the world in open-ended commitments unless Congress has some vote on it. The people who are opposing the Campbell amendment have the opposite opinion.

Let us note that this conflict that we are talking about today was a long time in coming. For years, many of us in this body shouted to the heavens to try to end what was an immoral arms embargo which prevented the victims of aggression in the Balkans from defending themselves. Those people who maintained this embargo which left the aggressors with all the weapons, those are the same people who now say and told us and came to us, "We have to send U.S. troops."

They got what they wanted. What they wanted was not victims being able to defend themselves, helped by the United States to defend themselves, but instead American troops committed on the ground in what is an endless commitment and an endless drain on our resources.

American troops, committed to the Balkans, sets a precedent. That means they can be sent everywhere in order to solve all the problems in all the trouble spots, that our troops are now subservient to international interests rather than to national interests. That is what we are seeing, an evolution in the policy.

I think that policy is wrong. The United States of America, and we as Americans, should be proud to stand up for what is in our interest, and we will lead the world to a better way by supporting those people in the Balkans and elsewhere to enable them to defend themselves, not to send our troops over to be cannon fodder, not to substitute American lives for the lives of local people, local victims who are opposing aggression. Yes, we oppose that aggression, but that does not mean we have to send our boys all over the world to give their lives or to put their lives on the line.

Our country faces a future where our troops may well be deployed, because the Cold War is over now, all over the world. The Campbell resolution says, let us take another look at that. If a President is going to do that, he has to come to Congress. There has to be a check in the system. That should be, and that is a logical check.

Yes, the War Powers Act requires us to do something within 60 days or bring the troops out. That makes sense to me. I am not opposed to the War Powers Act. During the Cold War, there was some question about it, but even then, 60 days, we have already had our troops in Bosnia for going on 2½ years. We were told that they were going to be out of there in 1 year. It has been going on 2½ years. We have spent $8 billion. Where is that money coming from? It is coming out of the readiness of our troops, it is coming out of our ability to defend ourselves, out of our ability to function throughout the rest of the world, putting our troops in danger at the same time, and for what?

I sit on the Committee on International Relations. We asked the leaders, the people who are overseeing this operation, "When can we pull our troops out?" What was the answer? The gentleman from New York (Mr. GILMAN) heard it as well as I did. "We don't know when we're going to be able to pull these troops out. We don't know." It could go on for 5 years. It could go on for 10 years. We could hear these same arguments 10 years from now after spending $20 billion or $30 billion. This is not in the interest of the people of the United States of America.

Yes, it is in our interest to support those who are struggling for peace and freedom and liberty in other parts of the world, but we do so by enabling them, empowering them to do it for themselves, not to send our troops everywhere in the world. There are other trouble spots. We have heard today, our troops have done a magnificent job in stopping the rape, the murder, the mayhem. That is happening all over Africa, in vast stretches of Asia. Does everywhere when these atrocities are being committed mean American troops must go there? Absolutely not. When we do, we send a message to the people of the world: "Count on Uncle Sammy. Count on the United States. Don't do it yourself." To Europe: "Don't spend your own money. The Americans are going to be willing to do it." I say we stand up for our national interests and not expend our Treasury. Vote for the Campbell resolution.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Speaker, I rise today to speak in opposition to this resolution.

I had an opportunity back on December 21 to visit Bosnia with the President. I, like the gentleman from Mississippi (Mr. TAYLOR), was very skeptical when I went. But after being there for a very short period of time and after we landed, to see thousands and thousands of Bosnians standing up with signs, having stood up all night in the cold, saying, thank you for giving us our lives for Christmas, thank you for saving our lives, thank you for giving us an opportunity to live, it made me look at this from a whole different perspective.

I do not question the intentions of the gentleman from California (Mr. CAMPBELL). I have a tremendous amount of respect for him. But I question whether the timing of the resolution, if this is the right timing. When I talked to those young people just as the gentleman from Mississippi (Mr. TAYLOR) did, over and over again I heard them say that we are so proud that we are here and we are doing something to make a difference. Eight thousand people, saving a country from a holocaust, and that was very, very significant to me. When we met with the various leaders of Bosnia, they, too, expressed the same appreciation.

My question merely goes to the whole timing of this. I do not want to say to those young people at this point, send any kind of signal that we are not 100 percent behind them. But the thing that touched me probably more than anything else was when I asked a young man from Alabama, a young soldier, "Why is it so important that you are here?"

□ 1330

He pulled out a little piece of paper, and he scribbled Reverend Martin Niemollar's words, and it said, "When Hitler attacked the Jews, I was not a Jew; therefore, I was not concerned. And when Hitler attacked the Catholics, I was not a Catholic; and, therefore, I was not concerned. And when Hitler attacked the unions and industrialists, I was not a member of the unions; and I was not concerned. Then, Hitler attacked me and the Protestant Church; and there was nobody left to be concerned."

I urge all Members of the House to vote against this resolution.

Mr. CAMPBELL. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, I thank my colleague for yielding me this time.

Mr. Speaker, we have come to a crossroads in American history. We have reached a point in our history where we have an opportunity this afternoon to carefully clarify the constitutional powers and the separate roles of the executive branch and the legislative branch as it regards the formation of our Nation's foreign policy, especially as it concerns the deployment of the United States military internationally.

I commend the efforts of my colleague from California (Mr. CAMPBELL) for bringing this resolution forward to begin the debate on the proper use of military force by the President of this Nation.

Like others in this body, I have grown steadily uncomfortable with the blatant disregard the executive branch has displayed for the Congress in creating foreign policy in general and with the use of military force specifically.

The case of the U.S. deployment of forces in Bosnia perfectly illustrates the disregard the administration has shown for Congress.

The powers of Congress were eroded by the executive branch with a decade-long struggle against the evils of communism. I also agree that, to achieve victory in the Cold War, it was necessary for these Presidents to have a more commanding role in foreign affairs.

However, Mr. Speaker, with the collapse of the Soviet Union and the collapse of the Eastern Bloc, we have the ability to redefine what the framers of our Constitution truly had in mind regarding the powers of Congress. The Founders believed that it was a proper role of Congress to prevent the President from entangling our Nation endlessly in foreign situations. The Founders gave us that ability by giving Congress the power to declare war. The role of Congress regarding troop deployment was further enhanced by the adoption of the War Powers Act.

The power of Congress has been harmed by this administration's current policy regarding the U.S. deployment in Bosnia. The President committed U.S. troops to Bosnia in December of 1995 as part of the NATO peacekeeping force to enforce the Dayton Peace Accord. At that moment, the President stated, "The mission will be precisely defined with clear, realistic goals that can be achieved in a definite period of time. This mission should take about 1 year."

Well, even before a year had expired, the President announced that he would be extending the U.S. commitment for another 18 months, again without the authorization or approval by Congress. The President conveniently notified the American public of this after the Presidential election in 1996.

Congress created last year a deadline of June 30, 1998, to end our deployment in Bosnia unless U.S. presence in the region was in our national security interests. Again, the President has extended our commitment without once again seeking congressional approval or authorization and without even defining at this point how Bosnia affects U.S. national security interests. The United States military is not the private army of the President.

Mr. Speaker, I urge my colleagues to vote in support of H. Con. Res. 227 to put congressional oversight on the use of military deployments in its proper and constitutional context.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, though called a resolution, this is a sign of irresolution. We have 7,000 to 8,000 troops stationed around Tuzla and Brcko. I visited them last month, and let me tell my colleagues, the work is not easy, and the living is not either. But in the best tradition of our GIs, they are doing their duty. Go there and my colleagues will see that progress has been made. It can be seen; it can be measured.

This is not the time to tell our troops that we doubt their mission, to tell our allies that we are rethinking our role, or to tell our adversaries to lay back and wait because we may be leaving sooner than they thought.

Even as the strategy for testing the constitutionality of the War Powers Resolution, this is the wrong move for us to make. If the court were to hold the War Powers Resolution unconstitutional, we would be left empty-handed, deprived of the one useful tool we have to require the President to include us when he gets ready to send our troops into a foreign zone. If we were to repeal it or let the courts nullify it, we would have nothing to put in its place.

If my colleagues want to do something about it, if we disagree with it, come up with a better bill. Let us pass the process and take it to the President with the War Powers Resolution still in force, and those circumstances will stand a far better chance of changing the law and keeping an institutional arrangement where we have a rightful role in deciding when and whether our troops are sent into harm's way.

Mr. CAMPBELL. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman from California (Mr. CAMPBELL) and all of the people who are debating here today. This, in my opinion, is perhaps the most important debate we have had so far this year. I want to congratulate all of the participants on both sides of this issue.

This is a tough vote. This is an important vote. It is particularly tough for me because, just a few weeks ago, I was in Bosnia; and like our colleague from Mississippi, I went there with a bad attitude. I happened to believe that the mission in Bosnia was just a big waste and that we were spending all of this money and at the end of the mission we would be no better off than we were when we started.

But I must say that my attitude was changed, and when I saw what was happening over there, when I began to learn about the situation in Bosnia, I came to the conclusion that, frankly, we need to have our troops in Bosnia, that if it were not for the Americans, the truth of the matter is things would begin to collapse. It is only the Americans that can bring order out of the chaos over there.

Frankly, we have a situation where the Germans do not trust the French; the French do not trust the English. It is almost as if Europe were some form of dysfunctional family with 16 different nations speaking 12 different languages, and the only Nation that they all trust is the United States. So it is important that the United States have a presence and provide the leadership in Bosnia.

However, that is not the debate we are having here today. The debate here today is whether or not Congress should have something to say about long-term deployments of American troops, whether it be in Bosnia or in Africa, Mogadishu, you name the place. Since we have adopted this policy of Congress sort of abdicating its constitutional responsibility, the experts tell us we have had something like 20 different deployments in just the last 6 years. I think we all know that that is wrong.

It is interesting. I find myself listening to the debates and some of the great arguments here today, but I think I agree perhaps more with the gentleman from Massachusetts (Mr. FRANK) than anybody else. If we have an up-or-down vote on whether or not we should maintain an American presence in Bosnia, I will vote for it. I now believe that it is important that we have a presence there.

These are the tectonic plates of Europe. This is where Asia, Europe and the Middle East come together; and it is where World War I began. Perhaps that is not going to happen again, but it seems to me it is worth a small investment of American resources and troops to make certain that we maintain that peace, but the Congress should have something to say about it.

So I congratulate my friend from California (Mr. CAMPBELL) for bringing this resolution forward. I am going to vote for it, even though I believe that we need to keep our troops there at least through September, and perhaps even longer.

But the President ought to have to come back to the Congress and he ought to have to go to the American people and explain why it is important that America provide that leadership in Europe and elsewhere around the world and get the approval of Congress before we make these long-term and expensive commitments.

Mr. GEJDENSON. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, we have a choice here today; and the choice is whether we are going to denigrate the Congress to a debating society to deal with some theoretical issues about the power structure between the executive and the legislative or are we going to deal with the real lives of people on the ground who have suffered, I believe, long enough.

If the Congress is serious about exercising its war powers, then it ought to move to bring the troops out of there immediately, and the 20 other countries where American troops are today preventing death and destruction, preventing the kind of carnage we saw for all too long without any worldwide action in Bosnia.

My parents are survivors of the Holocaust, and one of the things that I think troubled me more than anything else were all of the great conferences that went on debating the niceties of international diplomacy.

In a sense, if this Congress wanted to take an action against Bosnia, against our presence there that has ended the death of children and women on a daily basis, then we should have voted to pull the troops out.

In some ways, this resolution does more damage than simply getting out of there, because what happens now is, there are folks, obviously, in the former Yugoslavian Republic that do not want to see progress made. Well, this tells them, if we wait long enough, maybe we will get the Americans out. Maybe our own parliamentary niceties will prevent us from continuing to lead the world.

God, I wish that we could depend on the Europeans to do it on their own. I wish that Europe was responsible enough here in dealing with terrorism or any other major international issue. The sad fact of the matter is, if the United States does not step forward, none of those countries step forward.

As was stated several times on the floor, in this Balkan area, two world wars broke out. We would have thought that the British, the French, the English, the Germans and others would have stepped forward before the killing went wild. They did not until we acted. And if we pass this bill today, we will pay the price, and we will have the burden of the deaths to come.

Mr. CAMPBELL. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. COLLINS).

Mr. COLLINS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, a lot has been said by several Members of trips that they have made to Bosnia. I, too, have made several trips there. In fact, I made two just this last December, two trips within 8 days.

I was totally surprised by the attitude of our soldiers upon my first arrival in Bosnia, about how positive they were about what they were doing and why they are there. I was totally set back, I was not expecting this, and I thought to myself, why do they feel this way?

I thought back to 1995 when we were in there, in December of 1995, prior to any of the soldiers being deployed, and all of this destruction that was very visible. I knew by that destruction that there had to be some terrible war that had taken place there just in recent times, just recent months. But then, when I was there in December of 1997, there were people in the streets, guns were silent. I knew peace had arrived, and it was due to the United States soldiers and the other peacekeeping forces who were there.

During lunch I asked several of the soldiers, if they had an opportunity to tell the President of the United States one thing about Bosnia, what would they say? They listed three things. They told me of three things.

First, they recommended that the President look at the deployment, the length of the deployment, the time that the soldiers are being deployed there, the frequency of deployment. Some 52 percent of active duty component soldiers in Bosnia at that time were there on their second mission, and this was just 2 years into the mission.

Then they said, define the mission, tell us what our goals are, what we are trying to accomplish. We cannot be policemen of the world forever.

Mr. Speaker, now to the resolution that is before us. I am going to vote to support this resolution, not that I would require or vote to withdraw soldiers from Bosnia. Because they themselves told me the story of why they are there and how proud they are of what they are doing. But to reinforce their requests: Define the mission.

I think it is well stated in the letter from the American Legion that this will encourage the administration to define the mission, establish goals of this mission, establish benchmarks for this mission, what we are attempting to accomplish, what time frame we should be there to help accomplish these benchmarks, and how are we going to help the Bosnian people establish a new republic, a true democracy that includes all three branches of government: the executive, the legislative and, most of all importance, the judicial that is lacking in Bosnia and other nations that we have peacekeeping forces in.

Mr. Speaker, I rise in support of this resolution.

□ 1345

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Speaker, 3 years ago Bosnia was torn by civil war, and we all witnessed, tragically, death, rape, hunger, fear, despair, regularly reading it in our newspapers, seeing it on television screens. These were the tragic realities of daily life before we joined our allies to stop this carnage.

Three years later the people of Bosnia are rebuilding their lives, children are going to school again, communities are beginning to heal. Tears of sadness are giving way to hope. It has been a remarkable transformation, and much of the credit is due to the peacemakers, to the people who brought peace, and to the soldiers, many of them our soldiers, who made this possible.

Their courage and their sacrifice and their commitment to peace and democracy are making a critical difference in the daily lives of millions of people, and they know it, and we know it. Most importantly, the people of Bosnia know it. But their work, Mr. Speaker, is not over. The roots of peace are just beginning to take hold. That is why I urge my colleagues to oppose the Campbell resolution to withdraw our troops from Bosnia.

At its core, this resolution is a sneak attack on a peace policy that is working, a sneak attack on a peace policy that this Congress supports. Instead of pushing for a straightforward debate about our role in Bosnia, the Campbell resolution would effectively send decisions of war and peace to the courts, where it does not belong.

This resolution also tells our troops in Bosnia that their courage and sacrifice really does not mean as much as we said it meant, and that their work has really not been as successful as we see it is. This resolution tells the rest of the world that the United States is not really committed to international leadership, even in the cause of peace. This resolution tells the warmakers who circle like hungry jackals that if they only wait a little longer, they can ravage the innocent one more time.

We see them at work in Kosovo. They have not changed. They are there. They are waiting. Now is not the time to abandon the path to peace. Now is not the time to call our troops home. I urge my colleagues to oppose this resolution.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Virginia (Mr. MORAN).

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the gentleman from Virginia.

The SPEAKER pro tempore (Mr. FOLEY). The gentleman from Virginia (Mr. MORAN) is recognized for 2 minutes.

Mr. MORAN of Virginia. Mr. Speaker, I thank the gentleman from New York (Chairman GILMAN) for yielding time to me, and I thank as well the gentleman from Indiana (Mr. HAMILTON), the ranking member.

Mr. Speaker, the United States is performing a noble mission in Bosnia. We are using our military strength to build bridges for peace, for tolerance, for understanding, for respect among peoples. The Balkans has a long history of bloodshed, of ethnic division. We are changing that. We are changing the course of world history. We are doing it in a noble and heroic manner. We are giving every military personnel over there reason to be proud that they represent this country and its principles.

We do have a role there. We have a responsibility there, largely because we are looked to as not only the most powerful country economically, politically, militarily, but also the most principled country. We care about other people, about human rights. That's why the peace-loving people of the Balkans have turned to us to save them from unprincipled leaders and from what seemed to be an inevitable history of ethnic conflict. And that is why we must respond as we have.

I agree that this is a very important issue to debate. But if we were to look back on some of the arguments that have been raised, that this is not our affair, that we ought not to be involved, many of them sound eerily similar to the arguments that were raised before we got into World War II. We got in because we were bombed at Pearl Harbor. We should have gotten in earlier. We could have and should have saved millions of people from the genocide that occurred there.

Now we are not involved in a war. What we are involved in is peacekeeping, but it is preventing genocide. It is trying to unite people against fascism and destructive nationalism. It is doing the right thing. We should be proud of this, not trying to undermine the President, not trying to undermine a foreign policy that makes sense and that saves lives. The courage that we show today will make us the leaders of tomorrow. As we move into the 21st century, our guiding principles of tolerance and mutual respect among all peoples that will guide the world to a brighter century of inclusiveness, of democracy, of free enterprise of human nobility.

That is what we stand for in Bosnia. That is why we need to maintain our policy in Bosnia. That is why we must vote to defeat this resolution.

Mr. HAMILTON. Mr. Speaker, I yield myself the balance of the time remaining.

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. HAMILTON).

The SPEAKER pro tempore. The gentleman from Indiana (Mr. HAMILTON) is recognized for 6¼ minutes.

Mr. HAMILTON. Mr. Speaker, I rise in opposition to the resolution, House Resolution 227. I do so with great respect for my friend, the gentleman from California (Mr. CAMPBELL).

He is right about a good many things here. He is certainly right when he wants the Congress to act to authorize troops. He is certainly right when he wants the Congress to play an important role whenever we put troops into dangerous places. He is certainly right when he argues that there has been, over a period of time, an erosion of congressional power ceded to the President on the very difficult warmaking issues. So it is with some reluctance that I will vote against his resolution, but I do so, really, for two reasons. One is a reason of policy, and second, a reason of process.

Mr. Speaker, the resolution of the gentleman from California (Mr. CAMPBELL) directs the President to remove troops 60 days after a final judgment by a court. Regardless of the legal arguments, and I must say, I have been impressed with the manner in which my colleagues have argued the legal arguments this afternoon. I think on both sides they have done it very, very well, indeed.

But regardless of the legal consequences, this resolution, as a practical matter, is going to be seen as a vote with respect to policy, whether or not the troops should come home. Now

I know that the gentleman from California (Mr. CAMPBELL) objects to that, and he cites that "unless" clause in his resolution, but I really do not think that it is correct to think that the Congress will at one moment direct the removal of troops and then turn right around and authorize those troops.

I think this resolution directs the President of the United States to remove U.S. forces from Bosnia. I think that would be a huge mistake. But more important than what I think about it, I think it is worthwhile to hear the words of our military commanders.

General Wesley Clark, of course, is the NATO commander. He was asked on Capitol Hill, I think today, what happens if the Campbell resolution passes? Let me quote from him directly: "If we were to come out of the Bosnia mission now, for whatever reason, it would lead to a disastrous loss of U.S. influence and credibility across the board."

Let me quote him again: "We would undercut all our efforts in Bosnia." He is not arguing a legal point here, he is simply saying if the resolution passes.

Then he says this: "Right now our troop morale in Bosnia is high. The troops would be devastated by such a vote."

Now, we can talk all we want in this Chamber about supporting the troops, and I know those remarks are all very well-intentioned. But let us pay some attention to our top commander in the field. The impact of an aye vote for the Campbell resolution, according to the commander of our troops, is that it would devastate the troops. I do not think any Member wants to do that.

Likewise, General Shelton, Chairman of the Joint Chiefs, I quote him: "Pulling U.S. forces out of Bosnia would cripple the mission at a critical time when we are achieving success in that troubled country. A U.S. withdrawal would send the wrong signals to our NATO allies, and the wrong signals to those who wish our efforts ill. Beyond that, U.S. leadership within the alliance with suffer a severe blow."

So there is not any doubt, I think, from the top commanders how they feel about this resolution. That feeling is shared by the Secretary of State and the Secretary of Defense, who have written to us on behalf of the administration strongly opposing this resolution.

This resolution, as others have argued, would hurt the peace process. It risks the resumption of war. It sends exactly the wrong signal at exactly the wrong time, both to our allies and to the parties opposed to peace in Bosnia. It risks the impressive accomplishments which have been cited here: An end to the fighting, the demobilization of all sides, the elections that have occurred, the restructuring and retraining of police, and the progress in arresting war criminals. We have had a lot of progress as a policy matter in Bosnia. To pull the troops out or to signal that the troops would be coming out at this time is exactly the wrong thing, I think, to do.

The second argument that I would make is a process argument. This resolution hands over United States foreign policy to the courts. This resolution gives a Federal judge the power to decide whether to withdraw U.S. troops in Bosnia.

Mr. Speaker, without any consultation with the Commander in Chief, without any consultation to the Congress, a Federal judge could simply order the removal of these troops. It creates tremendous uncertainty. It is impossible to know when a troop withdrawal would be required, because we do not know if, we do not know when, we do not know how the courts would rule on the resolution. A judgment could come in a matter of days, weeks, or it could be stretched out over a period of months or even years because of the appeal process, and all of the time a sword of Damocles would hang over the U.S. troop presence in Bosnia. That is not the way a great power conducts its foreign policy.

The Campbell resolution invites the court to make the great decisions on American foreign policy. It is not the way to conduct American foreign policy, and there is an alternative way of doing it, which my colleagues have described, through authorizations, through limitations on funding, through a direct attack on the War Powers Resolution.

Mr. Speaker, I urge a no vote on the resolution.

Mr. CAMPBELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, how sad it is that we have let the power that the Framers of the Constitution gave to us slip through our hands. How sad it is that ever since the Second World War the Congress has allowed Presidents to go to war and just follow. This way we have political freedom to criticize if the war goes poorly, and take credit if the war goes well, but we have not fulfilled our constitutional obligation. How sad it is that today on the floor I have heard colleagues suggest that we should continue in that regrettable disregard of our constitutional obligation.

It is no surprise to me, Mr. Speaker, that the President and those who report to him do not like this resolution. With all due respect for my good friend and colleague, the gentleman from Indiana (Mr. HAMILTON), for whom I have the highest respect, it is those whom he was quoting.

How about those who have served, who now comprise the American Legion, who have served overseas, who have fought under this flag, who today ask us to support this resolution. And why? Because they believe it is the constitutional right of every soldier, airman, airwoman, marine and sailor, to have the approval of Congress before their lives are put into jeopardy.

The American Legion says they believe the administration must now decide on the extent of the future mission in Bosnia-Herzegovina, and explain to the American people and Congress how many forces will be needed and what their security missions will be, and for how long they will be deployed.

What does the resolution say? The resolution says that the President has to give this issue to Congress. If the Congress approves, then our troops continue with no change at all. Of all the arguments made on the floor today, Mr. Speaker, the most specious is that this resolution suddenly pulls the plug on our troops. It does not.

□ 1400

If the President is capable of convincing 50 percent of the House and 50 percent of the Senate, we should stay in Bosnia. And if he cannot, then he should not be able to send troops overseas—because it is our responsibility to give him that authority.

What about this argument that we are putting the matter in the hands of the court? This is also a specious argument. What the resolution does is require the President to withdraw troops unless he has obtained the approval of the Congress. If he does, then those troops stay. Rather than put in a specific date, (because I was advised by Members of the leadership on both sides of the aisle that a date was something with which there would be difficulty), I said, look, this will be litigated anyway, so the date should be set 60 days after a court has finally ruled on the constitutionality of what we do here.

This is not giving the policy judgment to the courts. No court will decide whether we should be in Bosnia or not. We decide whether we should put troops in force overseas. By the grace of God and by the words of our Constitution, we decide. It is not given to the courts. If this is an unconstitutional resolution, then I withdraw, of course. And because of that, this resolution will have no effect until a court has ruled that what we do today is constitutional. No court will rule whether it is advisable. That is an empty argument and a wrong argument.

Many have argued, today that this is a good policy that we are following. It may well be. But I refer them to the profound truth that it is a policy that we should decide before we put troops in, and that that has not changed by the President having ignored that obligation for better than 2 years.

Professor John Hart Ely is an expert in this field. He has written extensively. I quote from his book, War and Responsibility, the Lessons and Aftermath of Vietnam, where he teaches, "The power to declare war was constitutionally vested in Congress. The debates and early practice established that this meant that all wars, big or small, declared in so many words or not, (most were not, even then), had to be legislatively authorized."

Here is the timing of this resolution. After this resolution is upheld as a constitutional matter, the President has the chance to bring this matter to Congress. If we approve, the troops stay. But if we do not approve, they should never have been there.

Mr. Speaker, I am really proud of the colleagues who have participated in this debate today. With only one exception, no one tried to defend the indefensible proposition that there are no hostilities in Bosnia. I am proud of my colleagues for not attempting to hang their opposition to this resolution on that sophistry. There are hostilities in Bosnia. Our troops are at risk.

I am also proud of those who support our policy in Bosnia and also support this resolution. I particularly make reference to our good friend and colleague, the gentleman from Georgia (Mr. COLLINS) and the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. Speaker, I am proud as well of those who still serve in this Congress and who in 1990 brought a lawsuit in order to assert the constitutional obligation at issue today. When President Bush was building up troops in the Persian Gulf, these Members of Congress had the courage to go to court and say, not without our prior approval. I cite them with honor: the gentleman from Ohio (Mr. TRAFICANT), the gentleman from New York (Mr. TOWNS), the gentleman from Ohio (Mr. STOKES), the gentleman from California (Mr. STARK), the gentlemen from New York (Mr. SERRANO) and (Mr. RANGEL), the gentlewoman from California (Ms. PELOSI), the gentleman from New Jersey (Mr. PAYNE), the gentleman from New York (Mr. OWENS), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from California (Mr. MILLER), the gentleman from Washington (Mr. MCDERMOTT), the gentleman from Massachusetts (Mr. MARKEY), the gentlewoman from Ohio (Ms. KAPTUR), the gentleman from Massachusetts (Mr. FRANK), the gentleman from Illinois (Mr. EVANS), the gentleman from Missouri (Mr. CLAY) and the gentleman from Michigan (Mr. BONIOR).

There are those who say they hate to invoke the War Powers Resolution as a means of testing it. How else can I test it? There are those who say they hate to raise this issue at this time. When is there a better time? When is there a better time than when American troops are at risk?

I have done all I can, Mr. Speaker. I cannot let this power slip through our hands. To me this is the most sacred duty I have undertaken when I swore to uphold and defend the Constitution of the United States on this floor when I became a Member of Congress in 1989 and when I again took that oath last year. I take the action I do today on behalf of Lieutenant Shawn Watts, the first American to be wounded in Bosnia I take this action today on behalf of Private First Class Floyd Bright, the first American soldier to be killed in Bosnia. I take this action on behalf of my classmates who died in Vietnam, and on behalf of all of them and all of us who said we shall never allow this again, I ask for an aye vote.

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding me the time.

I come this afternoon before this House as a voice of experience and as a voice of experience on two fronts: First, as a former veteran that served in Vietnam, and to tell my colleagues that the resolution that we are considering this afternoon can have a devastating impact on our troops. There was nothing that was more devastating to our morale in Vietnam than to have the kind of turmoil and the kinds of arguments during that unfortunate era for our country than to engage in the kinds of dialog unfortunately that we are engaged in this afternoon all over again.

The other point of experience that I raise this afternoon for my colleagues is one of the experience of having been in Bosnia in January and seeing the results of the presence of American troops having a very positive impact on the ability of that region to celebrate peace. I urge my colleagues to vote against resolution 227.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

I have a high regard and respect for what the gentleman from California (Mr. CAMPBELL) is trying to accomplish with regard to his resolution. I do agree with him that our forces should not be sent into any country like Bosnia without the approval of Congress. This extensive debate has been, I think, invaluable as we consider the merits of the congressional war powers issue.

But the reality we face today is that our forces have been in Bosnia now for 2½ years. Our Nation has invested $7 billion to try to bring peace to that nation, and the situation there is looking much better right now than it has for many years. If we in the Congress were to force the President to withdraw forces from Bosnia in the near future, the likelihood is that the Civil War there would resume, and our $7 billion investment would be squandered, and as a political matter the Congress would be blamed.

The resolution the gentleman from California (Mr. CAMPBELL) initially introduced and which we considered in our Committee on International Relations was very simple. It ordered the President to withdraw forces from Bosnia by June 30, 1998, unless Congress authorized a later date. But the resolution that we are about to vote on has been modified to provide a different trigger for withdrawing our forces, I quote, "Sixty days after the date on which a final judgment is entered by a court of competent jurisdiction determining the constitutional validity of this concurrent resolution."

I do not fault the gentleman from California (Mr. CAMPBELL) for trying to pick up support for his resolution by shifting responsibility for pulling the trigger from the Congress to the courts, but I would be shocked if the courts would have the courage to set a firm withdrawal date when the Congress has been demonstrating its own reluctance to do so.

We need to ask ourselves what happens if the courts fail to act. What happens if the Campbell resolution is thrown out of court for lack of standing, or if 3 years from now the Supreme Court rules that the gentleman from California (Mr. CAMPBELL'S) case is a nonjusticiable political question? And what happens if the trigger of the revised resolution offered by the gentleman from California (Mr. CAMPBELL) is never pulled by the courts? I think that what would happen in that case is that we will have essentially authorized a permanent U.S. military presence in Bosnia.

Let me restate my argument to those Members who may be tempted to vote for the Campbell resolution because they want to get our forces out of Bosnia. Please do not vote for a resolution containing a trigger that is unlikely ever to be pulled. If the Congress asserts itself with regard to Bosnia by demanding that the President withdraw forces 60 days after an event that will probably never happen, we are essentially telling the President he can stay there indefinitely. I think it is far better to remain silent than to try to set a withdrawal date that may not arrive for many years, and that may never arrive at all.

Mr. Speaker, we are about to conclude a thorough and I believe constructive debate on the resolution of the gentleman from California that will allow the courts to determine whether our troops should remain in Bosnia. Although the gentleman from California (Mr. CAMPBELL) has insisted that this is a matter that concerns the legalities and constitutionality of the War Powers Resolution, I respectfully disagree with my colleague.

Perhaps in law school classrooms that argument might have some merit, but in the real world, the vote we are about to exercise concerns our Nation's policy in Bosnia.

I urge my colleagues, let us not deceive ourselves about the consequences with our allies in Europe, with our foes, and especially among our troops who have done and continue to do an outstanding job in Bosnia, that the adoption of this resolution will have.

As my colleague, the gentleman from Indiana (Mr. HAMILTON) pointed out, General Wesley Clark, our Supreme Allied Commander, has said this resolution would only confuse our troops by saying, after 2 years, we are now changing our minds.

We are at a critical juncture in deciding what role our Nation will play in global affairs. The Senate at present is debating whether new members from the former Warsaw Pact should be admitted into the North Atlantic Alliance.

The countries of Europe, particularly those of Central and Eastern Europe, look to our Nation for leadership. Forces that oppose that leadership are now watching closely for signs of weakness and any wavering on our part. Our Secretaries of Defense and State have informed the Speaker of their strong opposition to this measure.

Accordingly, Mr. Speaker, I urge the House to defeat this measure. Let us not undermine our Nation's credibility. Do not call into question the steadfastness of our purpose. I urge my colleagues not to undermine the morale of our young men and women who have served and who now serve in Bosnia. Let us not cede our authority on deployment of U.S. Armed Forces to the United States courts.

Senator Bob Dole said it best when he said, it is the fourth quarter, and we are ahead by two touchdowns. Let us not pull our team off the field.

Please vote no on H. Con. Res. 227.

Ms. HOOLEY of Oregon. Mr. Speaker, while I rise today in opposition to this resolution, I want to clearly state my desire to bring our soldiers home from the former Yugoslavia.

I am deeply concerned whenever our troops are sent into harms way, especially when the mission takes them to foreign shores. We must offer the highest respect for the sacrifices that those soldiers, our sons and daughters, are willing to make to protect our nation and maintain our role as the leader of the free world. Furthermore, we should commend them for the remarkable achievements that they have made in the former Yugoslavia.

This resolution, unfortunately, does just the opposite. By pulling our troops out of Bosnia, just as the Dayton Accords and the peacekeeping mission is beginning to take effect, would send a message that we do not think that our troops are playing a critical role in keeping the peace in that region. It would also indicate to nations across the globe that the United States is unwilling to help implement the foreign policy agreements that it is involved in crafting.

If the United States withdraws its troops, our allies are certain to follow. And without a strong international presence in the region, hostilities in Bosnia will inevitably resume. How can we stand by and watch this tenuous peace deteriorate, nullifying the extensive efforts of our soldiers and the diplomatic achievements of the past several years? The fact of the matter is that the President has a plan to reduce the number of troops in Bosnia and, as much as I want to bring the remainder home immediately, I truly believe that this would be irresponsible.

Additionally, this resolution would relegate vital foreign policy decisions to the courts. While some Constitutional questions regarding the War Powers Act remain unclear in the view of many of my colleagues, Congress must not delegate its responsibility to decide on whether or not to continue a particular peacekeeping mission. This resolution shirks our duties as elected representatives.

I cannot support a resolution that is both irresponsible, weak on U.S. foreign policy, and inhumane to the people of Bosnia. Thus, I urge my colleagues to join me in voting against this resolution.

Mr. DAVIS of Florida. Mr. Speaker, I rise in opposition to House Concurrent Resolution 227. While I commend my colleague from California for his commitment to this issue, I believe that this resolution has highly negative consequences for U.S. policy in Bosnia and does not provide the legal clarity on the constitutionality of the War Powers Act that the sponsor seeks.

This resolution harms U.S. policy in several ways. It directs the President to withdraw U.S. forces from Bosnia. By doing so, we would be sending a strong political message to countries throughout the world and would undermine the President's ability to keep U.S. troops in Bosnia. In addition, this resolution hurts the peace process in Bosnia and risks the resumption of war by sending the wrong signal at the wrong time both to our allies and the parties in Bosnia opposed to peace, who are only waiting for us to leave.

Withdrawal of U.S. troops would put at risk the impressive accomplishments in Bosnia, including the end to the fighting, demobilization of armies on all sides, the election of local governments and the formation of multi-ethnic governments, among others.

By passing the resolution, Congress will send the confusing and unfortunate message that the United States does not have the resolve to stick by the peace process in Bosnia. Furthermore, passage of this resolution, just as we are beginning to see progress in Bosnia, would have a devastating impact and would risk the possibility of the resumption of war.

The War Powers Resolution, in my opinion, is designed for Congress to address this issue when we are in the early stages of engaging our troops in hostilities. I do not believe that this applies to Bosnia for two reasons. First, we are in the middle of a mission in Bosnia which has long been planned, designed and implemented, and secondly, this is a peacekeeping mission. This is not the time to address the constitutionality of the War Powers Resolution. We should do that at a time when the President is considering engaging our armed forces in a hostile situation.

We will have the opportunity in the near future to take a stand on our troops in Bosnia through consideration of a Supplemental Appropriations Bill. Now is not the appropriate time to take this policy stand.

I urge my colleagues to join me in voting against House Concurrent Resolution 227.

Mr. NETHERCUTT. Mr. Speaker, I support H. Con. Res. 227 even as I acknowledge the good work our soldiers have accomplished in Bosnia. I spent several days in that war-torn region a week ago meeting with the various parties and visiting with our troops. And while the morale of our soldiers remains high, I don't think it is fair to them or to the American people to extend our mission in Bosnia indefinitely without Congressional approval.

In December 1995, the President told Congress that the mission in Bosnia would last "about one year." By November 1996, he had decided that the mission would be extended until June 1998. And now, somewhat disingenuously, the President has told us in the supplemental request that while "I do not propose a fixed end-date for this presence, it is by no means open-ended." What does this statement mean?

To me, it means that Congress will be expected to continue appropriating billions of dollars for a deployment that we have never authorized. The arguments raised in opposition to this resolution today have focused on the negative strategic implications that passage of this resolution would entail. But our first obligation in this body must be to uphold our Constitutional responsibilities, and it is imperative that we play the foreign policy role clarified by the War Powers Resolution. Congress must have a voice in this seemingly endless deployment.

I look back to the warning that Secretary Perry offered in testimony in November 1995. He said then that: "we must not be drawn into a posture of indefinite garrison." I fear that we are approaching a position of indefinite garrison, without Congress ever authorizing this deployment.

I urge my colleagues to support this resolution—to support this resolution is not to condemn the mission in Bosnia, it is simply to reassert our Constitutional duty.

Mr. SMITH of New Jersey. Mr. Speaker, I rise in opposition to House Concurrent Resolution 227, directing the President to remove U.S. Armed Forces from the Republic of Bosnia and Herzegovina within 60 days unless Congress enacts a declaration of war or specifically authorizes the use of Armed Forces in Bosnia. At the outset, let me state that I agree fully that Congress should play a role in critical foreign policy decision-making, especially when the utilization of our Armed Forces is under consideration. As a matter of record, let me clearly note that I also had serious questions regarding those U.S. policies toward Bosnia-Herzegovina which led to the Dayton Agreement and the subsequent deployment of U.S. troops there. This was an issue I followed closely from my position as the Chairman of the Commission on Security and Cooperation in Europe, and as Chairman of the International Relations Subcommittee on International Operations and Human Rights.

Though skeptical of the original context and mandate of the post Dayton deployment, Mr. Speaker, the United States has committed to help secure and ensure an environment for the effective implementation of the Dayton Agreement. As a matter of policy, I believe the continued presence of the troops remains a prerequisite for that objective, and now is not the time to raise any doubt about the United

States support for the mission. With respect to the well-intentioned resolution before the House today—introduced and defended by my good friends Congressman CAMPBELL and Congressman HYDE—I must oppose the measure for the following reasons:

1. Whether we like it or not, Mr. Speaker, the troops are there. The possibility of their withdrawal by June of this year has hung like a thick fog over Bosnia-Herzegovina, compounding the international community's tenuous resolve and halting progress as a result. The question of a post-SFOR renewal of fighting and even a division of Bosnia-Herzegovina has loomed large. The President's March 3rd notification of the U.S. intention to stay—this time without setting a date certain for their withdrawal—has made a stable peace much more likely. U.S. policy has become much more assertive, as the creation of a more stable and lasting peace is a prerequisite for departure of the forces. Persons indicted for war crimes are being captured and are even surrendering themselves. More displaced men, women and families have sought to return to their original homes. The Bosnian Serbs are beginning to envision a brighter future with political moderates instead of nationalists. Unfortunately, the pace of progress remains slow—too slow—but if the troops were withdrawn during this critical period or if doubt of our commitment to the Mission were interjected, I am convinced progress would cease.

2. Mr. Speaker, I am convinced that passage of this resolution at this time would, without a doubt, send the wrong signal. Despite the other objectives of the proponents of the measure, threatening withdrawal before the situation is stable would be seen by those on the ground as a sign of weakness. As made clear in the Helsinki Commission's hearing on the repression and violence in Kosovo conducted earlier today, the deadly assaults in Kosovo in recent weeks are a stark reminder of Slobodan Milosevic's inclination to violence and the volatility of the region.

3. Ultimately, Mr. Speaker, the resolution under consideration this afternoon is more than a statement on the need for congressional authorization for troop deployments abroad. I believe that is why the International Relations Committee last week ordered the resolution reported unfavorably. Advocates of the measure have indicated that they are really seeking to withdraw the troops from Bosnia. Mr. Speaker, if so, we need to seriously consider the consequences of a premature withdrawal. Regardless of the extent to which we had reservations about Dayton or even opposed the Administration's decision to deploy in the first place, the reality is that the Congress would—as it should— hold responsibility for the consequences of a premature withdrawal.

The United States, in my view, has a national interest at stake in Bosnia's future and the success of the Dayton Agreement. In Bosnia, a few political leaders who desire more political power seek to convince the world that division of the country is inevitable. If we let them succeed, there will be consequences in the region and there will be a definite impact on the viability of a NATO which is now successfully reshaping itself for the post-Cold War era. Finally, premature withdrawal of the forces in Bosnia whittles away even further the moral content of our foreign policy—the promotion of human rights and representative government.

In conclusion, the Clinton Administration—and the Bush Administration before—has made major blunders in responding to the aggression and genocide in Bosnia-Herzegovina. Unfortunately, I feel the passage of this resolution would only make the situation worse at a time when the possibility of a success is finally on the horizon.

Mr. THORNBERRY. Mr. Speaker, I believe that U.S. troops should come home from Bosnia as soon as possible, but I must vote against this resolution.

I have been a skeptic about our role in Bosnia from the beginning. Like many of my colleagues, I have been to Bosnia and witnessed firsthand the remarkable job which our troops are doing there. We should all be very proud of their success and of their morale and of their desire to leave Bosnia better equipped to work out their differences in a peaceful manner. The performance and attitude of our young men and women in a difficult situation should remind us all how fortunate this nation has been and is to have such people willing to fight and die for our country.

Yet, I do not believe that vital U.S. national interests are at stake in Bosnia. I believe this deployment has lasted too long, straining the ability of our short-changed military to cover other essential bases. Last year, I cosponsored H.R. 1172, preventing the use of funds to keep troops in Bosnia after a date certain. Furthermore, I voted for amendments that would have cut off funding on December 31, 1997, and June 30, 1998. I believe we should end our deployment in Bosnia and turn it over to those who do have a vital stake in the outcome, the Europeans.

But, despite my strong desire to end our deployment in Bosnia, I cannot vote for this resolution. I have long believed that the War Powers Act is unconstitutional, and I cannot invoke an unconstitutional act, even to accomplish a goal I support.

The history of the War Powers Act is well-known. Passed over a weakened President Nixon's veto in 1973, its supporters hoped to procedurally avoid another Vietnam.

Section 5(c) of the War Powers Act says Congress can force the President to remove U.S. forces by passing a concurrent resolution requiring their removal. The Supreme Court's 1983 *Chadha* decision struck down a legislative provision of another law which did not require the signature of the President. Most scholars and observers believe that section 5(c) is also unconstitutional because it would require the President to remove troops by a concurrent resolution, which does not have to be signed by the President.

I believe that the War Powers Act is unconstitutional on broader grounds as well. The Constitution gives the President the power of Commander-in-Chief of the armed forces, and Federalist Paper No. 23 makes it clear that "authorities essential to the care of the common defense . . . ought to exist without limitation: Because it is impossible to foresee or define the extent and variety of national exigencies, or the corresponding extent and variety of the means which may be necessary to satisfy them." Federalist No. 74 says, "Of all the cares or concerns of government the direction of war most peculiarly demands those qualities which distinguish the exercise of power by a single hand."

That is not to say Congress is helpless. It can stop funding, which it should do in this case.

While it is tempting to correct a mistake by the President using the War Powers Act, we should not indulge that temptation when it disrupts the balance of powers essential to our Constitution.

Mr. GILMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time has expired.

Pursuant to the order of the House of Thursday, March 12, 1998, the previous question is ordered on the concurrent resolution, as modified.

The question is on the concurrent resolution, as modified.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. CAMPBELL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 193, nays 225, not voting 13, as follows:

[Roll No. 58]

YEAS—193

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Blunt
Bonilla
Brady
Bryant
Bunning
Burr
Burton
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Crane
Crapo
Cubin
Cunningham
Danner
Deal
DeFazio
DeLay
Dickey
Dixon
Doggett
Doolittle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Filner
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Goode
Goodlatte
Goodling
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kingston
Klug
LaHood
Latham
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Maloney (CT)
Manzullo
Markey
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Packard
Pappas

Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Pryce (OH)
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thune
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield

NAYS—225

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Bateman
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Buyer
Callahan
Capps
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Cox
Coyne
Cramer
Cummings
Davis (FL)
Davis (VA)
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dooley
Doyle
Dunn
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fawell
Fazio
Ford
Fox
Frost
Furse
Gejdenson
Gilchrest
Gillmor
Gilman
Gordon
Goss
Green
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hastings (WA)
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hostettler
Houghton
Hoyer
Hunter
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
Lampson
Lantos
Largent
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Manton
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Portman
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith, Adam
Snyder
Solomon
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson
Thornberry
Thurman
Tiahrt
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—13

Davis (IL)
Gephardt
Gonzalez
Gutierrez
Hefner
Lipinski
Martinez
McDade
Parker
Poshard
Schiff
Stupak
Tierney

□ 1431

Mr. ORTIZ and Ms. SLAUGHTER changed their vote from "yea" to "nay."

Mrs. ROUKEMA changed her vote from "nay" to "yea."

So the resolution was not agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 227.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

COPYRIGHT TERM EXTENSION ACT

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, I rise to inform the House of the Committee on Rules' plans in regard to H.R. 2589, the Copyright Term Extension Act. The bill was ordered reported by the Committee on the Judiciary on March 4, and the report was filed in the House today.

The Committee on Rules will meet next week to grant a rule which may require that amendments to H.R. 2589 be preprinted in the CONGRESSIONAL RECORD. In this case, amendments to be reprinted would need to be signed by the Member and submitted at the Speaker's table, not to the Committee on Rules, at the Speaker's table. Members should use the advice of Legislative Counsel to ensure that their amendments are properly addressed.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. FOLEY). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CHILD CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. TAUSCHER) is recognized for 5 minutes.

Mrs. TAUSCHER. Mr. Speaker, in honor of Women's History Month, I would like to take a moment to draw our attention to the issue of child care. There is general agreement in America that two of our most precious values are family and work.

During the course of the last century, we have seen many changes in the way that we work and raise our families. One hundred years ago the vast majority of Americans were doing some kind of home-based work, such as working on a family farm. In those earlier years, extended family members could be counted on to help parents provide care for their children. But as we have become an increasingly mobile and quickly growing society, many of those traditional methods of child care are no longer an option.

While most people would agree that it is preferable for a parent to stay home with his or her child, we all have to realize that most families simply do not have that option any longer. Today in America working families face a constant challenge of how to balance family and work. There is no one-size-fits-all solution to child care. But there are things as a Nation we can do at a Federal, state, and a community level to improve and enhance the quality of the care our children receive. We must empower parents with a variety of options, opportunities, and information and allow them to make their choices about which solution best suits their own family's needs.

In the parts of Alameda and Contra Costa Counties in California that I represent, roughly 60 percent of the women work outside of home, which requires most parents to search for quality child care. Nationwide only 7 percent of American families fit the old traditional model of a working dad and a stay-at-home mom, and 62 percent of the women in the entire American work force are working mothers.

Finding the right information about child care can be difficult for many of these working families. In my district, we have wonderful groups, such as the Contra Costa Child Care Council, which helps parents find quality child care that is right for them. But, in general, getting information about the differences between nannies, au pairs, in-house care, day-care centers, work site centers, and babysitters can be daunting, if not impossible, and it is a task that overburdens many parents.

There are a number of legislative options being offered to help families who have difficulty in finding and affording good child care. What we must remember is that no one single approach is better than another. Our goal must be to help parents find and afford the type of care that best suits their lifestyle and needs. For example, one family may benefit from a tax credit, while another family may want to use after-school care. We must work together to offer multiple solutions so that parents can choose for themselves.

I strongly believe that the final child care package must be one that empowers parents and encourages public-private partnerships without creating another large bureaucracy. While we draw attention to child care during Women's History Month, we must also realize that child care is not just a women's issue; it is a family issue and in a sense a community issue.

Children are our most precious asset; and from the very beginning, we must take the right steps to ensure that they are properly nurtured and cared for during the times we are with them and during the times we are unable to be with them. Our job now is to develop a child-care initiative that provides working families with the tools necessary to ensure quality and affordable care for every child in America that needs it.

THREATS TO U.S. NATIONAL SECURITY FROM CUBAN DICTATORSHIP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. DIAZ-BALART) is recognized for 5 minutes.

Mr. DIAZ-BALART. Mr. Speaker, I have received extremely disturbing reports that the Department of Defense plans to officially minimize the threat assessment of Castro's Cuba and that this may be utilized to subsequently remove Castro from the State Department's terrorist list.

Despite Cuba's destroyed economic situation, Castro remains a dangerous and unstable dictator with the intention and capability to hurt U.S. interests. Thirty-five years ago, during the Cuban missile crisis, Castro urged a nuclear first strike by the Soviet Union against the United States. Ten years ago, Cuban General Rafael del Pino disclosed that Cuban combat pilots train for air strikes against military targets in South Florida.

Five years ago, a Cuban airforce defector in a MiG–29 fighter aircraft, flying undetected until outside Key West, Florida, confirmed that he had trained to attack the Turkey Point nuclear power facility in South Florida. Two years ago, Castro ordered Cuban MiG–29 fighter aircraft to attack and kill unarmed American civilians flying in international air space just miles from the United States.

□ 1445

There is a pathologically unstable tyrant in the final years of his dictatorship just 90 miles from our shores. His 4-decade record of brutality, rabid hostility toward the Cuban exile community, anti-Americanism, support for international terrorism, and proximity to the United States, is an ominous combination.

When considering the potential threat from Castro, the following must be noted.

Despite the end of the Cold War, Castro continues to espouse a hard line, using apocalyptic rhetoric, proclaiming socialism or death, ranting about a final reckoning with the United States, and punishing any Cuban who advocates genuine political or economic reform.

Castro maintains one of Latin America's largest militaries with capabilities completely inconsistent with Cuba's economic reality and security needs.

Despite Cuba's economic failure, Castro has the capability to finance special projects through his network of criminal enterprises and billions of dollars of hard currency reserves that he maintains in hidden foreign accounts. Castro has a proven capability to penetrate U.S. airspace with military aircraft and to conduct aggressive shoot-down operations in international airspace just outside the U.S.

Castro is training elite special forces in Vietnam who are prepared to attack U.S. military targets during a final confrontation, according to Janes Defense Weekly.

Castro actively maintains political and scientific exchanges with each of the countries on the Department of State's list of terrorist states. Castro continues to provide logistical support for international terrorism and pro-Castro guerrilla groups, and Cuban-trained international terrorists are still active around the world, most ominously at this time in Colombia.

Castro continues to coordinate and facilitate the flow of illegal drugs through Cuba into the United States. He continues to offer Cuba as a haven for drug smugglers, criminals and international terrorists, including more than 90 felony fugitives wanted by the U.S. Department of Justice.

The Lourdes electronic espionage facility is used to spy against U.S. military and economic targets, including the intercept, and this has been confirmed, of highly classified 1990 Persian Gulf battle plans. Castro is working with Russia, which recently extended a $350 million line of credit to him for priority installations in Cuba, and anyone else willing to offer assistance to complete the nuclear reactor in Cuba.

Castro has access to all the chemical and biological agents necessary to develop germ and chemical weapons. Despite his failed economy, he has constructed a secretive network of sophisticated biotechnology labs, fully capable of developing chemical and biological weapons. These labs are operated by the military and Interior Ministry, are highly secure and off-limits to foreigners and visiting scientists. Under the guise of genetic, biological and pharmaceutical research, Castro is developing a serious germ and chemical warfare capability. He has the ability to deliver biological and chemical weapons with military aircraft, various unconventional techniques and perhaps even missile systems increasingly available in the international black market.

Tyrants are most dangerous when they are wounded. Given Cuba's proximity to the U.S. and Castro's proven instability, it would be an unacceptable and potentially tragic mistake to underestimate his capabilities. It is critical that Castro be kept on the State Department's list of terrorist states and that a realistic threat assessment be made, which includes an examination of Cuba's biotechnical capabilities as the Castro dictatorship moves towards its final stages.

It is important, Mr. Speaker, that we explain at this time what our embargo against Castro is and what it is not. We must counter the massive disinformation campaign by those who wish to lift the embargo against Castro. The way to do that is with the facts. Our embargo is an embargo against U.S. credits, financing and mass tourism to Castro. It is not an embargo on medicine or humanitarian assistance.

These facts are necessary to be expressed and clarified. We will continue speaking on them in the coming days.

Mr. SOLOMON. Mr. Speaker, the Cold War was about one thing: freedom.

As the communist tyrants of the Soviet Union tried to expand their evil form of repression around the world after World War II, the United States stepped up to the plate and said "no".

Why? Because it was the right thing to do. Yes, it was the right thing strategically. It was in our interest to contain Soviet military power. But more importantly, it was the right thing morally.

As the heroic dissidents and defectors from communist repression, Alexander Solzhenitsyn, Andrei Sakhorov, Vaclav Havel and many others told us, and as level-headed academics like Robert Conquest chronicled, and as the opening of the Soviet archives have proven definitively, communism has been the most destructive force in this century, responsible for more harm to more people in more places than any other.

That's why we waged the Cold War, Mr. Speaker. It was simply the right thing to do.

But now, with the Cold War long gone, some people, and certainly the people making foreign policy in the Clinton administration and in Europe, have forgotten all about morality in foreign policy. They have forgotten about doing the right thing.

We see it in the Clinton administration's shameless appeasement of Communist China, all because of the almighty dollar.

We see it in the administration's normalizing of relations with the Communist regimes of Vietnam and Laos, despite the fact that those very regimes killed, captured and have failed to account for thousands of young Americans.

We see it in the French drive to let Saddam Hussein off the hook, just so they can earn a few bucks. And we see it in the worldwide business as usual relationship with this awful tyrant in Havana named Fidel Castro.

Despite Castro's vicious dictatorship, despite his political prisons, despite his documented human rights abuses, despite his support for Marxist revolutionary movements around the world during the Cold War, the pernicious effects of which are still being felt in places like El Salvador and Nicaragua, our Canadian neighbors, our European friends and many other countries throughout the world serve to prop up Castro's repressive machine through trade.

It has devolved to America to continue to do the right thing by maintaining our trade embargo, Mr. Speaker.

And now there are some Americans, and perhaps even the Clinton administration, who want to copycat the immoral policies of Canada, Europe and countless dictatorships around the world by lifting the embargo.

What a tragic mistake that would be Mr. Speaker. What a terrible message that would send to those who languish in Castro's prisons, to those Cubans who long to cast a vote for their government for the first time in their lives.

It would tell them that their last hope, America, has abandoned them.

And what a terrible message that would send to Castro.

It would tell him that his arch-enemy, and Mr. Speaker, I consider it a badge of honor that the likes of Fidel Castro considers us his enemy, has capitulated.

And it would tell the rest of the world that we have abdicated our leadership role in the world.

Some in America say, "everybody else is doing it, so why not us"? "An embargo can't be effective if others won't join in."

Well, Mr. Speaker, copycatting the amoral, rudderless foreign policies of other nations is not leadership now, is it?

We should be exhorting, and using financial leverage, to induce other countries to join in.

That's what Helms-Burton was all about, and it is a scandal that this President won't enforce the law!

And some say, "The embargo is propping Castro up by giving him an enemy."

What a ridiculous, a historical view that is.

If the embargo helps Castro, then why does he want it lifted?

And how many times do we have to repeat the fact that when Castro first seized power, the United States offered him assistance? And yet he still turned on us, because he is and always has been a Communist. Communists consider America the enemy, embargo or no embargo.

And Mr. Speaker, I am tired of those who say this embargo is not working.

What is not working is engagement, the business as usual engagement that the rest of the world is conducting with Castro as we speak.

It is their trade and aid dollars that are propping up Castro.

Just as our trade and aid dollars are propping up the Communist thugs in Beijing, and Hanoi, and now North Korea.

Everywhere we look Mr. Speaker, engagement has failed to mellow Communist dictators.

It has failed to improve human rights, it has failed to create widespread business opportunities and it has failed to rein in their foreign policies.

This is in stark contrast to Ronald Reagan's hard-line, rollback policies that helped bring down the Iron Curtain in Europe.

This is the policy we need now toward Fidel Castro.

Only his removal from power can lead to true improvement in Cuba. Anything less is a charade, and we have lived through these charades before.

It is time for this administration to get serious about removing Fidel Castro from power. It is time to apply the Helms-Burton law with full vigor.

If some of our so-called friends want to prop up this dictator longer, it is time for us to tell them they can kiss the most lucrative consumer market in the world goodbye.

That will surely bring them around, as their foreign policies are so dollar-dependent.

And if not, then so be it.

Let history record America as the country that did the right thing vis-à-vis an awful dictator in the Caribbean to the bitter end.

MEXICO MAJOR SOURCE OF ILLICIT DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MICA) is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, I come to the House floor this afternoon to announce that chemical warfare has been declared upon the United States of America. Some of my colleagues may be wondering what I mean by this statement that chemical warfare has in fact been inflicted upon the United States, but let me tell them the rest of the story.

In the entire Gulf War with the United States, Iraq took 148 American lives in battle. Let me give Members some statistics from 1992 to 1994 in the loss of life in the chemical war that has been declared upon the United States of America. There have been drug deaths during that period of time of 38,882. If we had the most up-to-date statistics through last year, we are probably looking at 60,000 Americans who have lost their lives because of drugs entering this country.

I ask my colleagues where most of the drugs are coming into this country. What is the source of the chemical warfare that has been declared upon our Nation? I tell them today that it is Mexico. The DEA confirms it. Everyone who has testified before my National Security subcommittee that oversees our policy on the narcotics issue has confirmed it, that Mexico is the source of illegal chemicals, drugs, coming into this country.

Many of those thousands of lives that have been lost in this chemical war are young people. Listen to the quantities of narcotics that are coming in from Mexico, and this administration and this President recently certified Mexico as compliant with attempts to eradicate drugs. Do Members know the source of 50 to 70 percent of the cocaine transiting into the United States, into their community? It is Mexico. Do they know where 30 percent of the heroin entering the United States into their community is coming from? It is coming from Mexico. Do they know where 70 percent of the foreign-grown marijuana which is produced and transited to the United States is coming from? It is Mexico.

The certification law that we have on the books is a simple law. It says our State Department and our President must confirm that a country is cooperating to eliminate drug trafficking and drug production. In fact, Mexico is not doing that. They are being certified to get benefits from the United States. They get benefits for foreign aid, for financial assistance, for military assistance and trade benefits. This is a simple certification process which Mexico has not complied with.

What has been their response? Their response has been to launch a chemical war on the children and the people of the United States. The loss of life, the loss of our children's futures, the loss of civility and civil conduct in our community has been disrupted.

We have 2 million Americans behind bars. Our people are sleeping at night behind bars. Our elderly are confined to their homes behind bars, because 70 percent of those who are committing crimes are there because of a drug-related offense or drug abuse.

I submit that 50 percent of the hard drugs, and these are not my statistics, this is the DEA, the FBI and other Federal agencies confirm that 50 percent of the hard drugs, these chemical weapons, are coming into the United States from Mexico.

I urge my colleagues, all of my colleagues, to join me with the gentleman from Florida (Mr. SHAW) in cosponsoring House Joint Resolution 114. Let us end this chemical warfare that has been declared upon our Nation and upon our children. I ask my colleagues to join us and cosponsor House Joint Resolution 114 and let us make a difference in the lives of our children and in the lives of our community and stop the drug warfare on this country.

CHILD CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) is recognized for 5 minutes.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in celebration of Women's History Month and would like to call special attention to the current status of child care in our country.

Today more parents work outside the home than ever before. More than 75 percent of mothers with children ages 6 through 17 are in the work force. More than 60 percent of mothers with children under the age of 6 are employed in addition. Changes in the welfare system set such strict work requirements, which means that parents must find jobs or leave public assistance.

Child care costs can be prohibitive. Consequently it was a reason why many mothers did not work. Currently full-day child care can cost between $4,000 and $10,000 per year. The expense of child care becomes even a greater issue of concern once we consider the fact that nearly half of the parents with young children earn $35,000 a year or less. Even families with two working parents working full-time at minimum wage, the parents earn only about $21,000 annually, and that is gross income.

The importance of quality child care cannot be ignored. Research shows that good child care programs can affect children's long-term success in school and their learning potential as adults. In addition, brain development research shows that an adverse environment in the first 3 years of life can compromise a child's brain function and overall development. With all of this information, it is troubling that according to recent studies, the quality of child care is rated mediocre to poor.

In many cases, parents are able to use relatives. But such care is not always available or preferable. Often there are no relatives living close by, or nearby relatives are working or are unable to meet the demands of a caregiver for a young child.

In recent times, businesses have made efforts to help their employees find and pay for child care, but such help is still scarce. Businesses account for only 1 percent of the total child care expenditures.

In January, President Clinton announced a historic initiative to improve child care for America's working families. The initiative proposes $21.7 billion over 5 years for child care to help working families pay for child care, build a good supply of after-school programs, improve safety and quality of care and promote early learning. This initiative is an important start to our providing new resources and building on existing State efforts to address child care trends.

Now it is up to my colleagues here in Congress to strengthen this proposal and enact a child care package that ensures quality, affordable child care for every family who needs it. Last month the First Lady, Hillary Rodham Clinton, visited a child care center in my district. During her tour of the center, Mrs. Clinton was able to learn more about the relationship-centered child care model. This nationally acclaimed model of care employs the unique concept of small, family groups of children who are with the same teacher over time so that they grow with better reading, math, language and interpersonal skills.

I believe that relationship-centered child care has the potential to be the benchmark for child care in America. It is my hope that the model program will expand to include more of America's children and families.

□ 1500

STOP PLAYING POLITICS WITH SENIORS' HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, Mrs. Lucille Harris lives in the First District of Georgia. She is 69 years old. For the past 3 years she has been somewhat worried about her health care, affectionately known as Medicare, because she knows that in April of 1995 the Medicare trustees said Medicare is going bankrupt and that Congress needed to act to preserve and protect it. We tried for many years to protect it and preserve it; but, unfortunately, politics got in the way.

Then, last year, we finally came up with a bipartisan solution which the House passed, the Senate passed and the President signed into law. We did do some good Medicare reform. We gave our seniors a choice of plans. We cut fraud and abuse. We increased spending from $5,000 to $7,000 per person.

In addition to that, we said that States are required to cover people who have fallen through the cracks; to come up with something for people who were not Medicare-eligible, like the 51-year-old man from Vermont that I talked to last night; people who cannot get coverage through the standard health care market. The bill required that States come up with plans, each State, to protect these people.

The second thing that it did along that line is it said that we would set up a bipartisan Medicare committee; and the bipartisan committee, which is chaired by a Clinton-appointed Democrat Senator, would address the long-term solvency needs of Medicare as more and more baby boomers retire and use this coverage. We decided it was more important to protect Medicare for the next generation, not just the next election.

So, Mr. Speaker, having made this great and difficult bipartisan progress, why is it that the President has now ignored that legislation and his own commission? Why is he willing to risk Medicare because of election year politics? Why is it that if it is profitable to lower Medicare eligibility and it does not cost the system, why is it the private sector is not already providing that coverage?

Mr. Speaker, I am afraid the President is again playing politics with our seniors' very important health care plan. We need to protect and to preserve it. We do not need to play politics with it. Medicare deserves bipartisan support. People like Mrs. Harris and millions and millions of Americans, perhaps one's mother or father or grandparents, they deserve better.

Mr. President, do not monkey around with our seniors' health care. Let us continue to work on a bipartisan basis to protect Medicare. Let us see what the bipartisan commission with the President's chairman has to say before we go changing the plan and incurring unnecessary risks to our seniors' health care plan.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY). Members are reminded to address their remarks to the Speaker and not to the President.

THE AMERICA AFTER SCHOOL ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. SLAUGHTER) is recognized for 5 minutes.

Ms. SLAUGHTER. Mr. Speaker, experts estimate that nearly 5 million school-age children in the United States spend time without adult supervision during a typical week. Too many of these unsupervised children hang out on the street, exposed to drugs and crime, or sit at home with only the television set for company. I recently introduced the America After School Act, H.R. 3400, to expand high quality after-school programs for 5- to 15-year-old students to give these kids a safe place to go when the school day ends.

In 64% of families with children under 18, both parents work. A recent study showed that when children were unsupervised for long periods of time early in life, they were more likely to display poor behavior adjustment and academic performance as early as the sixth grade. Clearly, we no longer live in the time of Ward and June Cleaver. Young people today need productive, supervised activities for the periods when they are not in school.

In my district of Rochester, NY, Henry Lomb School #20 has an after school program that serves about 25 students. They could easily triple this number, based on their waiting list and space availability, if only they had enough funding to increase their staff to meet the one-to-ten staff-student requirement.

Meanwhile, Adlai Stevenson School #29 has an after school program that has enough funding to serve sixteen of its students. This is a great start. However, the school has four hundred students. This is another example of the great need to expand after school child care in this country.

Other schools in my district report the need for increased funding for transportation, staff, and supplies to provide supervision and constructive activities for school-age children when the school day ends. Because of the lack of funding, schools do not have the resources to provide after-school care for all students every day. They ration the care—two or three days per week for each student. However, a study in my district showed that school attendance was higher on days when students knew they had their after-school program at the end of the day. Clearly, students desire a safe haven after school, as much as their parents desire it for them.

In addition, the peak hours for juvenile crime are from 3 p.m. to 8 p.m. We need to get kids off the streets and into safe, productive programs at their schools where they can receive help with their homework, participate in the arts, and expend positive energy on athletic competition.

We have learned so much about the development of young minds and the importance of nurturing children at a young age. Expanding after school programs will help more children benefit from supervision and constructive attention from adults. We can stimulate these young minds through tutoring opportunities, arts and computer projects, and drug prevention activities.

My bill increases the availability and affordability of quality care for 5- to 15-year-olds before and after school, as well during summers and weekends through the Child Care Development Block Grant program. It also expands the 21st Century Community Learning Centers Program, which gives students a safe environment in which to do homework, receive tutoring in basic skills, benefit from college preparatory training and get experience with technology. Students also receive counseling on drug and violence prevention, learn to appreciate the arts and compete in athletics.

Finally, H.R. 3400 invests funds into after school prevention programs for areas with high at-risk youth populations. By giving these young people positive alternatives, we can dissuade them from high risk behavior and encourage productivity and positive interactions with both peers and adults.

I am proud to be the House sponsor of the America After School Act and look forward to continuing to work with my colleagues to improve the care of school age children.

ENOUGH SUFFERING IN CYPRUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. KLINK) is recognized for 5 minutes.

Mr. KLINK. Mr. Speaker, I rise today to talk about a subject that has to be very difficult for anyone to listen to, particularly if one happens to be a parent.

On March 5, after nearly 24 very long years, the family of Andreas Kasapis of Detroit, Michigan, finally were assured that the remains that were found in a field on the island nation of Cyprus were that of their son, 17-year-old Andreas Kasapis. Andrew was an American citizen who, along with four other American citizens, was visiting Cyprus back in 1974 when the Turks invaded that island nation. As a result of that invasion, nearly 37 percent of the landmass of that island nation is under Turkish control nearly a quarter of a century later; and the families of 1,619 Cypriots and Cypriot Americans have been unaccounted for.

We found out only a year or so ago in a very cursory comment from the Turkish leaders that, well, these people were all killed. Their families did not know that. For decades, their families did not know what happened, did not know if they are languishing in a prison camp, did not know if they had been killed, did not know if they were working in slavery, did not know what had happened to their families.

Here was a 17-year-old boy that, if he were alive today, would be a 41-year-old man; and only now, after spending millions of dollars in American taxpayer money to do highly sophisticated DNA tests on the bones that were found in a field, not in a grave in Cyprus, but lying in a field scattered about by plowing; and, in fact, it was very difficult, according to news reports, to find a bone that was suitable to perform the DNA test to find out that this was, indeed, the body of this 17-year-old American citizen.

Americans in this country have worried for many years and, rightfully so, about what has occurred to missing Americans who served on the battlefields of Southeast Asia and other parts of this world. We should be very concerned about this. This was not a battlefield. This was a vacation spot. This was visiting the homeland of one's parents. Americans were just in a sovereign country enjoying themselves and went through this invasion of 1974, and they were caught up, and they were killed, brutally killed.

We can only imagine how brutal the slaying had to be for these bones of the people who were killed in this one field just to be scattered and not to be dug up but to be found as farmers plow these fields and the bones come up to the surface. What a horrible, horrible picture for the family of Mr. Kasapis to have to deal with. But at least they have the peace of knowing what happened to their son. The other 1,618 families do not know what has happened.

Mr. Speaker, I would say that at this time we hope that the discovery and the identification of this one set of bones in this field nearly half a world away might lend those of us in government, those in the American community, those in the Turkish and the Greek communities, those in Cyprus, to work much harder to redouble their efforts to give answers to these families so that they can lay to rest, if not in a grave site at least in their minds and in their hearts, what happened to their loved ones nearly a quarter of a century ago.

I would hope that the world community, as we focus on Saddam Hussein and weapons of mass destruction, can take a look at what Turkey has done, take a look at the green line that divides Nicosia, take a look at the line across Cyprus that divides more than one-third of this island which prevents Greek Cypriots from going into their homes, from worshipping in their churches, that again this sovereign nation can become one, not associated with the Greek government, not associated with the Turkish government, but as a sovereign nation where, left alone, Greek Cypriots and Turkish Cypriots would be able to live together, would be able to have free exchanges, free elections, would be able to establish their own kind of government.

That is what the world has been waiting for. This island nation should not be divided, and the families of over 1,600 Cypriots and Cypriot Americans should not have to wait any longer.

Mr. Speaker, I say that in this nation people like Phil Christopher, who is the President of the International Coordinating Committee of Justice for Cyprus and the Pancyprian Association; people like Andrew Manatos, the President of the National Coordinated Effort of Hellenes; and folks like Andy Athens, the President of the World Council of Hellenes Abroad; have kept this issue in the minds of the world and of Greeks and Greek Americans and, hopefully, also Turkish Americans and Turkish Cypriots. We hope that this is the beginning of putting this very painful part of history behind us, of healing the wounds and giving some peace to these families who have lost loved ones.

THE FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, very soon, perhaps tomorrow or next week, we will be considering H.R. 1757, the Foreign Affairs Reform and Restructuring Act. This conference report not only takes an important step toward reforming the outdated structure of our foreign affairs agencies, but also it includes important provisions that I was proud to have introduced to further tighten the noose on the Castro dictatorship, while still protecting U.S. interests.

One of the provisions that I have, for example, imposes severe limitations on the amount of assistance that the United States gives to foreign countries if those foreign countries are extending lines of credit or any kind of nuclear assistance such as petroleum, et cetera, for Cuba in the termination of and in the completion of their nuclear power plant in Juragua, which is close to Cienfuegos, Cuba.

This nuclear power plant has been found to have severe structural defects in the construction and in the type of materials that are used; and we know that because of the individuals who have previously worked in the plant, who have defected and are now in the United States. They have actually come to the United States Congress, testified in front of our committees, testifying that this plant suffers from numerous structural defects; it contains inferior quality equipment.

Our concerns specifically deal with Russia, because their involvement in this perilous project was highlighted by comments made by Russian officials visiting Havana earlier this year, just a few months ago, indicating Russia's intent in providing many lines of credit for the completion of the nuclear power plant.

Russia has already extended millions of dollars in credit for the maintenance of the plant, and they will continue to do so. So it is not fair that U.S. taxpayers' dollars should go to Russia, and then Russia turns around and builds a nuclear power plant in our backyard that could have very serious security and health concerns not only for the United States citizens but for Cuban citizens and Caribbean citizens as well.

It requires also that the President gives us an annual study of those countries that are aiding Fidel Castro in the termination of this very dangerous nuclear power plant.

Other elements of this law that will be before us tomorrow or the coming week are ones that require information that has not been forthcoming from the Clinton administration, specifically the State Department, in the enforcement of title IV of Helms-Burton.

Title IV is a part of our bill that requires the State Department to deny entry into the United States of those people, those companies or individuals who are violating laws because they have illegally confiscated U.S. property from U.S. citizens; and so we wrote that law to make sure that U.S. private property rights would be protected.

Unfortunately, the administration has not been forthcoming in giving us information about who are possible violators or who they believe have not been cooperating with our laws. The Clinton administration's enforcement of this section of Helms-Burton has been, to say the least, inadequate, as only a few companies have been sanctioned, despite overwhelming evidence that dozens of companies are, in fact, in violation of this U.S. law. These reports to the U.S. Congress in a periodic fashion will make it far easier for us to make sure that this enforcement process will be actually implemented, this important part of our Helms-Burton law.

Also, we have in this bill a provision that the gentleman from New Jersey (Mr. SMITH) has proposed, and we were proud to help him with it, and that has to do with detailed reports that Congress should get from the Clinton administration about Cuban refugees who have been returned to Cuba. We want to make sure that U.S. officials on the island helping those refugees are suffering no reprisals from the tyrannical Castro dictatorship.

A few years ago, the administration reached this immigration accord; and it promised to monitor the Cuban refugees who are returned to Cuba to make sure that they are not mistreated by the Castro thugs. Unfortunately, little has really been heard about these monitoring activities; and our legislation is a way to assure that this important responsibility is performed by our officials in Cuba.

Finally, Mr. Speaker, one last measure that I was proud to associate myself with and with our colleague, the gentleman from New Jersey (Mr. ROTHMAN), and that is to push for Israeli membership into the United Nations committee process, and that is also part of the H.R. 1757, which will be included tomorrow or next week.

□ 1515

PERSONAL EXPLANATION

Mr. McNULTY. Mr. Speaker, yesterday, March 17, I was absent for rollcall votes number 53, 54, and 55. Had I been present, I would have voted in the affirmative on all three.

ISSUES FACING CONGRESS AND THE AMERICAN PEOPLE

The SPEAKER pro tempore (Mr. FOLEY). Under the Speaker's announced policy of January 7, 1997, the gentleman from Wisconsin (Mr. NEUMANN) is recognized for 60 minutes as the designee of the majority leader.

Mr. NEUMANN. Mr. Speaker, I rise for a variety of issues today I would like to talk about.

First, I would like to talk about a major change that has occurred that probably will not make sense to a lot of viewers in America, but has a lot of meaning out here in Washington, D.C., because the Republican Party in the change that has taken place since 1995, was being severely tested during this past week.

We heard we were going to propose a supplemental spending bill. A supplemental spending bill means we are going to spend money that was not otherwise planned during our budgetary process, spend money on things like Bosnia that had not been budgeted for; the Iraqi problem that had not been budgeted for; things like the ice storm in the Northeast, and some of the other catastrophic happenings around, emergency spending type situations around the country.

They had decided they were going to spend money on these areas that had not been included in the budget. Since 1995, every time this kind of a proposal had been made, the Republicans have gone elsewhere in the budget process, found lesser important items, and offset the new spending by eliminating items that were of lesser import. But during this past week, for the first time since 1995, for the first time they started talking about just spending this new money, without going and eliminating spending elsewhere of lesser important items.

I am happy to be here today to say congratulations to the Republican leadership and to my colleagues that encouraged them to make the decisions to find offsets for the spending in the supplemental spending bill. We are not just going to go out and spend and spend more of our children's money. When we spend this new money, we are going to go and find other programs that are less important to eliminate. We will not spend on these lesser important programs, so we will have the money available for the expenditures that, in all fairness, whether we agree or disagree with them, have already been made; things like the Bosnian situation, Iraq, and the catastrophic happenings around the country. Those items are going to be paid for.

The money in Bosnia, whether we agree or disagree, and I disagree with our troops being there, but the fact is our troops are there, for the money to pay for those troops we are going to find offsets, find lesser important items. We are going to eliminate those lesser important items so we can afford to spend in the new areas.

This is a monumental change from where we were a week ago. A week ago the money was just going to be spent. As of today, we are hearing our leadership promise us that we are going to find offsets, find lesser important things. That is a tremendous move forward. It should not go unknown or unnoticed by the people in this great Nation we live in when those sorts of changes are made.

The other very significant issue that is being discussed out here right now is called ISTEA. What that is is reauthorization of money to build roads and infrastructure all across America. We are hearing this proposal for ISTEA is spending more money on infrastructure than what people had anticipated in the past. It is more money than some budget hawks, myself included, might originally like to see.

I think we have to look at the whole package and understand that this money, too, that is being spent over and above what was originally laid out and projected, it is being offset from areas that are of lesser significance and of lesser importance than solid roads and infrastructure for this Nation.

I think to fully understand how this came about and what is happening here, we need to understand what has happened since 1995. When we got here in 1995, the budget deficit was $200 billion, as far as the eye could see. Even after the tax increases of 1993 the projected budget deficits were significant, as far as the eye could see.

When we got here, we controlled Washington spending. We actually got the spending growth rate in Washington to be lower than the rate of inflation for the first time in eons. By controlling the growth of Washington spending, that meant that Washington did not go into the private sector and borrow that $200 billion out of the private sector.

It is pretty simple from here. When Washington did not take that $200 billion out of the private sector, that meant there was $200 billion extra floating around in the private sector. When there is more money available in the private sector, that typically means interest rates come down. That is exactly what happened.

Typically, when interest rates come down, the business cycle grows dramatically. That is exactly what we have seen happen. That means there are lots more job opportunities, people buy more houses, they can afford to buy cars, and so when they buy houses and cars, of course, people have to build those houses and cars. That is job opportunities.

Typically what happens in the business cycle is when we get near the end of the business cycle, the interest rates come down. As the government borrowed less money, the interest rates came down. When the interest rates came down, people bought the houses and cars and there were job opportunities.

Typically, when those job opportunities develop there is a huge demand on our labor force, and the labor availability gets very tight. That means dramatic increases above and beyond the rate of inflation and wages. When that happens, that is called inflation. Typically this inflation heats up. When inflation heats up, the interest rates go back up and that ends the business cycle.

This business cycle is very different. It is different because of what has been done out here in Washington over the last couple of years. When we got to this point where there were more and more job opportunities available, because of the fact Washington is not taking that money out of the private sector, there is more money available, lower interest rates, businesses expanding, creating job opportunities, right at the point where there were more job opportunities available, welfare reform was passed.

What welfare reform did is it required that able-bodied recipients get a job. Right at the time when the business cycle was booming and demanding more and more man-hours to produce the products, because business was booming, right at that time welfare was reformed, requiring able-bodied recipients to go back into the work force.

I brought with me just some statistics from the great State we live in. Governor Tommy Thompson of Wisconsin has been out ahead of the Nation on this particular issue. He started way back in 1986, realizing that when people were on welfare for generations, that they were trapped by the government into understanding that the only way they could get an increase in their take-home pay, their welfare check, the only way they could get an increase in that was if government gave it to them.

He realized and recognized that that was not good for the people that were on welfare, so way back in 1986, since 1986 the overall welfare caseload in Wisconsin has dropped by 80 percent. There has been an 80 percent reduction in welfare in the State of Wisconsin.

This month there are only 1,100 Wisconsin families remaining on AFDC. The State public assistance caseload, AFDC plus those receiving assistance under W-2, currently stands at 14,391, down from over 100,000. That is an 85 percent decrease from where we were. So we have taken over 100,000 families and dropped it to under 15,000 in just a few short years, under Governor Tommy Thompson's leadership.

The W-2 program, it is called Wisconsin Works, it requires that every able-bodied welfare recipient goes to work. They can work at one of three different levels.

Of course, the first level here is a private sector job, with the opportunity to receive a promotion, earn more money, and have a better life for their family. That is certainly the top priority.

But the Governor and the State of Wisconsin recognized that everybody would not be able to get private sector jobs. Even as our business cycle was booming, it would take a transition period of time. So our Governor also provided the opportunity for some public-private sector jobs, so those that could not get a private sector job could get into this public-private relationship, where they could, at least on a temporary basis, work in a job where there is both public and private together. So we had a lot of folks leave with that particular option.

The last resort, as a last resort, if you cannot get a public-private job or a private sector job, then there is a public sector job available, so everyone was guaranteed the opportunity to work under the Wisconsin Works program. Under W-2, families not only earn a paycheck but they receive high quality child care, they receive health care and transportation assistance and other assistance needed, again with the idea that as people leave the welfare rolls and take their first job and start earning a paycheck, we understand these other needs are out there. We understand health care and child care and so on are out there. We are helping them transition out of public sector and public support and into a position where, in the private sector, they can take care of themselves.

We are very optimistic, and we have seen case after case in Wisconsin where these people that have taken their first job, maybe at a $5 an hour and still needing some public assistance, have been promoted and are now in their second, third, or fourth job, and earning significantly more money than they would have earned under welfare, and now have the opportunity to live a better life for themselves and their families. They feel, frankly, much better about themselves.

Under Governor Tommy Thompson, he has helped more than 83,000 families leave welfare, and approximately 172,000 children in the State of Wisconsin are no longer under the welfare trap.

I bring up this welfare discussion as it relates to ISTEA because we need to understand this whole picture as to what is happening as it relates to infrastructure. As these 83,000 Wisconsin families left the welfare rolls under Governor Tommy Thompson's direction, as they left the welfare rolls they went into jobs. As they produced things in these jobs, the goods and services that they produced, those goods and services have to get to the marketplace. The only way they can get to the marketplace is with appropriate infrastructure.

Let us talk about what is really happening here. We are taking a look at money that used to be spent on welfare, and we are saying we are going to redirect that social welfare spending into things like infrastructure, so as the people leave the welfare rolls, get a job, start producing a good or a service, that the infrastructure will be available to deliver that good or service to the marketplace so this whole cycle can continue. Once the goods and services are sold in the marketplace, that creates more job opportunities, and more people can then leave the welfare rolls.

In fact, that is exactly what ISTEA is about. The ISTEA bill that is being proposed right now is going to be offset out of an area called mandatory spending. Mandatory spending includes things like the welfare rolls. So as we see this dramatic reduction in the number of people on welfare, some of the money that the government was going to spend on welfare checks is now being redirected into this ISTEA bill to do things like provide the infrastructure necessary to get those goods and services to market, and that is a very, very significant happening under the ISTEA bill.

The other thing that is happening, as we reauthorize this, and this is also very significant, but it should also be a heads-up to our senior citizens, we are also about to wipe out someplace between $15 billion and $20 billion of the

Federal debt. This may be the first time that ever we can find this actually happening here in Washington, D.C.

Highway transportation has a trust fund much like the Social Security trust fund. As part of this agreement in ISTEA, in the future, every time that is collected as taxes on gasoline, so when you fill up your car with gas at the local gas station every nickel that is collected for purposes of road building will now be spent on road building.

But as part of this overall agreement, they are wiping out some of this old debt that used to be there on the books that related to the Highway Trust Fund. So it is basically like starting with a clean slate. From this day forward, every dollar coming in that is being collected for taxes for road building goes to road building.

Some people would have rather seen, and I might add that under the bill we introduced here ourselves last year called the National Debt Repayment Act, that entire Highway Trust Fund would have been repaid and used for road and infrastructure construction. But under this arrangement, what is going to happen is that debt is going to be effectively wiped off the books.

Assuming all the things that we have been told out here about the bill so far come true, that the new spending is offset, that the new spending is offset from social welfare savings because recipients are going to work, and other savings in the mandatory spending area, assuming those are the things that happen in this bill, and assuming that the $15 billion to $20 billion is wiped off the debt, this looks like a great provision for the future of this country. It looks like we will have solid, strong infrastructure for years to come in this country, and it looks like they have done a pretty good job of getting us to a point where that will be true in the future.

Again, if I had my druthers, I might do things a little different. I might just, for example, take the 4.3 cents a gallon tax increase from 1993 and just wipe it out, or I might give it back to the States. But under this agreement, at least the vast majority of the money being collected from any State is now going back to them.

I understand under the House proposal that the great State of Wisconsin, for the first time, perhaps, will no longer be a donor State and will get a dollar back for every dollar they send to Washington in road-building money. I think that is pretty important.

So we had a couple things here that are very good news and very much in line with what I believe we ought to be doing for the future of this country. In supplemental spending, that new spending bill is going to be offset from spending reductions from elsewhere in the budget. The ISTEA bill that is going to spend more money than was originally planned again is going to be offset with savings from other areas. We have seen a dramatic reduction in the welfare rolls, and some of that savings from welfare can be redirected into highway and transportation money.

I think the other thing that should be recognized as the savings continue to mount from the reduction in the welfare rolls is that we should start looking for tax reductions as well.

I mentioned before that I had a series of issues that I wanted to talk about. I want to get to Social Security, and I want to tell why there is a heads-up that should be paid attention to in the ISTEA bill as it relates to Social Security.

But before I get to that issue, there is one other issue that I think is very important. I have heard it in our town hall meetings. I heard it as recently as Monday of this week when I was in Kenosha, Wisconsin. Somebody told me about their 6-year-old child that had just come home and started talking about a series of things that I am not sure when I was 6 I even knew what they were. There are issues that relate to the president.

Right now there are a series of people that have made accusations against the President of the United States. Somebody is lying. Either the people making the accusations are lying, or the President of the United States is lying, but somebody is clearly lying.

I would like to just take today, this moment, to encourage our parents to take time out of their busy schedule and sit down with their kids and talk to them about what is being discussed out here in Washington. Tell them that lying is not acceptable, and it is not something that is good and right, no matter who does it. If it is the President that is doing it, then the President is wrong and he should be reprimanded for it. He should resign. If it is the other people that are doing it, then they are wrong.

□ 1530

Our kids need to hear from our parents directly that lying is not an acceptable practice in the United States of America. I would strongly encourage my colleagues——

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY). The Chair urges the gentleman to address the Chair and not reflect a personality against the President.

Mr. NEUMANN. Mr. Speaker, I am trying to think of the exact words to express the feelings of so many of the people in our district that are so real, from these kids under the age of 6, because these feelings are very real.

I have been in two high schools. I have been in two colleges. Mr. Speaker, I have to tell you, this is one of the toughest issues that this Nation has faced in a long time. These kids are hearing these issues. These kids are hearing about what is going on in Washington. These kids are understanding that somebody has lied in this situation, and the kids understand that there has been an extramarital affair here, or at least that is what is being discussed in this city. It is very, very difficult for our kids to understand how our Nation's leadership can do these things, and somehow it is translating back to them that it is acceptable.

What I am doing here is encouraging my colleagues as parents to sit down carefully with their kids and explain to them that lying is wrong, explain to them that an extramarital affair is wrong, and anybody who knows anybody who has been involved in an extramarital affair or watched a marriage that has been affected by an extramarital affair, they know it is wrong. They know there is a great deal of pain. For this now to somehow be conveyed to our teenagers, and believe me, they are watching, and to the extent that we in Washington as the Nation's leaders remain silent on this issue, we are making a huge statement to our teenagers.

I am encouraging my colleagues to take the time and the effort to sit down with their kids and the kids in their district and explain to them that this is not acceptable in our eyes, what is going on. No matter who it is that is telling the falsehoods here or the lies here, it is not acceptable practice in our Nation. I think it is time that we as the Nation's leaders with the vested responsibility to represent our constituents do start speaking out on this so that our kids have at least heard someone stand up and say, this is not acceptable. They need to hear that because they right now are struggling.

I found that the people in our age group, my colleagues here and our constituents in my age group, this is not an issue for them. This is an issue for the kids. It is an issue to help the kids. It is an issue that the kids are trying to decide the difference between right and wrong. That is why I am encouraging my colleagues to take the time to talk to their kids about the issues that are out here.

I will move on so that the Chair does not have to reprimand me again for speaking of someone by name or referring to that particular individual. But the facts are this is very important for the leaders of this Nation to address the kids and to let them know what they think and what they believe.

I will move on to the Social Security issue. Social Security for our senior citizens, Social Security for our folks in the work force, it is a very, very important issue.

I would like to talk about what is going on in the Social Security system today, and I would like to talk a little bit about how it relates to the ISTEA bill. My colleagues might be interested in watching this very closely because the debt that is about to be written off in the ISTEA bill, as it relates to highways, is exactly the same as the debt that is held in the Social Security Trust Fund. My point is here we need to come to understand that many people in this community do not view the Social Security trust fund as real money.

The Social Security issue, I would like to begin by explaining exactly what is happening with Social Security. To understand this whole Social Security discussion, it is important to understand that this year the United States Government, out of the paychecks of my colleagues, our constituents' paychecks, they are going to collect $480 billion in Social Security this year. They are going to pay back out to our senior citizens in benefits $382 billion. That leaves a surplus being collected this year of $98 billion. This should not be confused with the budget surplus. This is Social Security alone.

To put this in perspective, I always talk to my constituents this way, if you think about having a checkbook, forget the billions for a minute because that is hard to understand, but if you think of a checkbook with $480 in it, you write out a $382 check, you have got $98 left in your checkbook. That is exactly what is going on in Social Security right now this year.

The idea, in collecting more money than what they are paying back out to our seniors in benefits, the idea is that extra money should be set aside so that in the future, as the baby boom generation gets toward retirement, and this number, the dollars being paid out to seniors, is bigger than the amount of money coming in, the idea is that much like in your own home, if you wrote out more checks than you had in your checkbook, you would go to your savings account and get the money out to cover it. So the idea with this $98 billion is it is supposed to be set aside so that when there is not enough money coming in and too much money going out to our seniors, that this money that has been set aside then becomes the savings account that we can go to get the money and make good on the Social Security checks for our seniors.

I would like to also clarify something that is generally not discussed appropriately from Washington. These two numbers turn around in the year 2012, and perhaps sooner. There is a lot of discussion about Social Security is fine until the year 2029. Well, that is true if this $98 billion is actually sitting in a savings account and waiting to be used.

When I am out with my constituents, I always ask them, anybody want to take a shot in the dark what Congress is doing and the President is doing with that $98 billion? Most of them get it right right away. When I ask the question, with this extra $98 billion that is coming in, what is going on with it in Washington, they always get it right. That $98 billion is going directly into the big government checkbook, and if you think of this circle as the big government checkbook, the government then spends all the money out of the big government checkbook. When they are done spending money at the end of the year up until this year, they have always had a deficit; that is, they have spent more money than what they had in their checkbook. As a result, since that $98 billion is in the checkbook and they have spent it, there is no money to put down here in the Social Security Trust Fund. So in the past what they have always done is simply written an IOU to the Social Security Trust Fund. This IOU is called a nonnegotiable Treasury bond. It is a nonmarketable, nonnegotiable Treasury bond. It has been referred to as an IOU by virtually every organization that takes a close look at it. What it really is is a promise that when this money is needed, the United States Government will pay itself the money.

If that sounded confusing, it is, because you ought to be asking the question, and we here in Washington and Congress ought to be asking the question, when these IOUs are needed, where will the United States Government get the money to make good on the IOUs? Again I go back to this other picture. Today we have got more money coming in than what we are paying out to our seniors in benefits. When these two numbers turn around, by the year 2012 and perhaps sooner, when these two numbers turn around, how do we make those IOUs into liquid cash so that we can keep Social Security solvent?

In this city you should understand what is happening going on out here in Washington, they all pound themselves in the chest and say, look, those IOUs are backed by the full faith and credit of the United States Government. Generally they pound their fists on the table when they say that. But the question has to be asked, when those IOUs come due, where is the United States Government going to get the money to make good on the IOUs so Social Security can remain solvent?

The answer to that question is only one of three possibilities. They can either raise taxes on working Americans, think about that for a second. That means that the folks that are on Social Security are going to accept that their children and their grandchildren should start paying more taxes. I do not think that is a very good idea. The second possibility is they reduce the benefits to seniors so the IOUs do not come due as soon. I do not think that is a very good idea. The third possibility is they go out and borrow the money. That means effectively that we are going to pass more debt, more of a debt legacy, on to our children and grandchildren.

So if you do not raise taxes, you do not put off on the IOUs come due, and you do not want to put more of a debt burden on our children, what do you do? That is what I am glad to show the solution here. We have introduced this legislation from our office. It is called the Social Security Preservation Act. It does not really take Einstein to understand the Social Security Preservation Act because virtually every company in America with a pension fund is already doing exactly what I am proposing in the Social Security Preservation Act. It simply says that the $98 billion that is being collected over and above what is being spent on Social Security be put directly into the Social Security Trust Fund.

Again, let me be very specific. I have got several of my colleagues that have been in discussions with me over the last few days. Let me be very specific how we would put this money down here in the Trust Fund. Instead of buying nonnegotiable, nonmarketable IOUs that cannot be sold, and when the money comes due you have to raise taxes, instead of doing that, we would buy a Treasury bond, the same type of Treasury bond that any senior citizen in America can go down the street and buy and put on deposit in their portfolio of investments. So we would simply buy a negotiable Treasury bond.

Okay. So we get to the year 2012. We have passed the Social Security Preservation Act, and we have actually put negotiable Treasury bonds in here. So we get to the year 2012 or whenever this shortfall occurs. There are negotiable Treasury bonds, Treasury bonds like you buy and sell at your local bank, if that is what is in the Social Security Trust Fund at that point where we need the money where we need to make good on this in order to keep Social Security solvent. We simply go sell one of those Treasury bonds, much as any senior citizen in America would sell a Treasury bond if they ran short in their retirement or wanted money for a vacation or whatever else it is that they might want to do in their retirement.

So this bill, the Social Security Preservation Act, it would effectively require that the surplus dollars being collected today for Social Security simply be put into the Social Security Trust Fund. That bill number again is H.R. 857.

We have had several of my colleagues discussing, because of the number of phone calls they have been getting into their office, discussing signing on as a cosponsor. I would strongly encourage that my colleagues in response to the large number of phone calls that are coming in from across America take a serious look at this bill, and I would make myself available for discussions on it.

Having said that, I would like to talk about some of the rest of the problems.

No, Mr. Speaker, I know I cannot talk to the public, so I was not going to do that. So I kept the conversation directed at our colleagues, who I would hope join us in cosponsoring the legislation H.R. 857. It is fair to say that many of our colleagues have signed on to this because they have received a large number of calls from all across our country.

Having said that, I would like to talk about some of the other problems facing America. I brought a chart that I have been showing to people for a long time. It talks about how fast the debt is growing and helps folks understand why a person like myself would leave the private sector and come out here to serve in Washington.

Before 1995, I had never been elected to any elected office. As a matter of fact, I ran a pretty successful building company that we had started in the basement of my home. I am happily married. We have got three wonderful kids. We were literally living the American dream at that point.

This picture helps explain why I left the private sector to go into public service. From 1960 to 1980, to this point in this chart, the debt facing America was not very big. This chart shows how it started growing from 1980 forward.

A lot of people say 1980, blame Ronald Reagan. If you are a Republican, you do not like that very well. All the Democrats say, blame Ronald Reagan. If you are a Republican, you say no, no, no, it was not Ronald Reagan. In fact, Reagan was the one who reduced taxes, which generated higher revenues. The problem is Washington just plain spent too much money. So all the Republicans blame the Democrats. The Democrats all blame the Republicans.

I would like to point out that today we are up here on this chart. It is an American problem. We need to solve this problem as Americans, put aside partisan politics, and get down to the business of solving this problem. In fact, that is what has been going on for the last few years.

This debt today stands at, and for those who have never seen this number, it is a pretty staggering number, the debt today stands at $5.5 trillion. That is how much money the United States Government has borrowed on behalf of the American people. That is 5, comma, 500, and then 9 more zeros after that. It is a pretty staggering number to really look at.

I used to be a math teacher. And someone looked at my chart earlier and said there is way too many numbers on that chart. You will have to forgive me for being a math teacher in the past, but what we used to do in our math classes is divide that debt by the number of people in the United States of America. That is, if each man woman and child in the United States were to pay off just their fair share of the Federal debt, each one would have to pay $20,400. The United States Government has spent $20,400 for every man, woman, and child in America more than they have collected. This is the legacy that we are about to pass on to the next generation if we do not solve the problem. For a family of five like mine, for our family, they borrowed $102,000.

A lot of people say, well, so what? But the real problem with this picture is down here. That is the amount of tax dollars that Washington has to collect to do absolutely nothing but pay the interest on this debt.

For a family of five like mine in Wisconsin or anywhere in America, the United States Government today is collecting $580 a month every month to do absolutely nothing but pay interest on the Federal debt. That number again, $580 a month.

A lot of people say, well, I do not pay that much in taxes. It must be them rich people paying all the taxes. It really does not work that way. You see, when a family does something as simple as go into a store and buy a pair of shoes, the store owner makes a profit on that pair of shoes, and part of that profit comes out here to Washington, D.C., in the form of taxes.

One dollar out of every six that the United States Government spends today, $1 out of every 6 does absolutely nothing but pay interest on the Federal debt.

I think it is significant to look at how it is that we got into this mess. I think it is important to look at how different things are today versus where they were just a couple short years ago.

What I have got on the top of this chart is one of the Gramm-Rudman-Hollings bills. This blue line shows the promise under the Gramm-Rudman-Hollings bill of 1987. The red line shows what actually happened to the deficit after this promise had been made to get us to a balanced budget by 1993.

I only have one of the pictures shown here, but the reality is we could have Gramm-Rudman-Hollings of 1985 here. We could have the budget deal of 1990 or 1993. Any one of those would show effectively the same thing as what this picture shows.

□ 1545

A promise made to the American people to balance the budget and a deficit that ballooned out of control.

Now, this happened time and time and time again until we got to 1993. In 1993, the people up in Washington made the decision that this problem had to be solved. We were on the brink of bankruptcy in this Nation if this problem was not solved. The solution of 1993 was to reach into the pockets of the American people and collect more taxes.

It is not hard for most Americans to remember 1993. It was the biggest tax increase in American history. The gasoline tax went up by 4.3 cents a gallon, and they did not even use that gasoline tax for building roads. They taxed Social Security benefits to our senior citizens, and they did not even use it for the Social Security Trust Fund. They just plain raised taxes. And they thought if they raised taxes enough, that somehow they could close this gap from here to here.

What happened next is not particularly surprising. The American people looked at this '93 solution and said, we have had it with the broken promises. There were at least four direct, significant broken promises: Gramm–Rudman-Hollings of '85, '87, the '90 deal and the '93. And the people looked at this and said, we have had it with them; and they elected a new group to represent them in Washington, D.C.

In 1995, when I was first elected, along with 72 other Members in the House of Representatives, changing control of the parties for the first time in 40 years, we laid out a blue line to get to a balanced budget, too. We laid out a plan to get to a balanced budget.

People should be asking, is there anything different? Is there anything different between this group that got here in '95 and the group that was here before or are they out there doing the same thing as those broken promises in the past?

It is a good question. This blue line shows our promise to the American people. The red line shows what has actually happened. We are not only on track to balancing the budget for the first time since 1969, we are significantly ahead of the promises that were made to the American people.

Let me say this next part very slowly, because it is the first time since 1969 that this could honestly be said to the American people.

For the last 12 months running, the United States Government spent less money than it collected in taxes. For the first time since 1969, the United States Government spent less money than it collected in taxes. It is a statistical fact that, at this point in time, the United States budget is technically balanced, under a Washington definition.

Now, I qualify it in that way because this is all good news, and we absolutely should not take anything away from what has been accomplished. When I show this out in my district and I start talking to my constituents, immediately what happens is they say, well, the economy is so good how could politicians in Washington possibly have messed it up? Well, the fact is the economy has been good, but there is more to the story than that.

Between 1969 and 1998, the economy has been good before; but, in the past, every time the economy was good and more money was sent to Washington, Washington simply spent the extra money. So I think it is important to note in this picture that not only has it been a strong economy that has brought us to this balanced budget, but it is also a very different response from Washington.

This red column shows how fast spending was going up in the 7 years before we got here. It went up an average of 5.2 percent a year. This blue column shows how fast spending was going up in our first 3 years in office. The difference between how fast it was growing before and how fast it is growing now is, in fact, what has put us into a position where we can both balance the budget and lower taxes.

Make no mistake about it, if this blue column were the same size as the red column, we would not have a balanced budget and we would not have been able to reduce taxes for the working families all across America. So I think when we talk about this balanced budget, we talk about how much things have changed, we talk about completing the promise to actually balance the budget after four or five very significant broken promises of the past, that it is also important to note that the reason this has been brought about is because, in fact, Washington spending has been brought under control.

There is a little known statistic out there that I would like to bring to the attention of the American people and my colleagues. Last year, for the first time in a very long time, the United States Government spending grew at a slower rate than the rate of inflation. Now, this is very significant because what that means is, in real dollars, Washington's spending actually shrunk last year. That is a monumental change from where we were going before, and that is how we are going to get this thing under control to a point where taxation can be reduced.

As we think forward to the future in this country, it would be nice if we could continue to control the growth of Washington spending, allowing us to continue tax reductions for the American people, allowing us to make a payment on the Federal debt and allowing us to put the money back into the Social Security Trust Fund that has been taken out over the last 15 years.

When we think about where we are at, then, I strongly encourage folks to think about these remaining problems financially facing our country.

First, I believe genuinely that taxes are still too high. Today, the average American pays 37 cents out of every dollar they earn in taxes in one form or another. Between State, Federal, local, property, sales tax, literally 37 cents out of every dollar that is earned in America is paid in taxes in one form or another.

Let me give my colleagues a vision for the future of America as it relates to taxes. I have a vision that a generation from now that tax rate has been reduced from 37 cents out of a dollar down to not more than 25 cents out of the dollar. It would be a nice thought if we could look at tax rates, Federal, State, local and property, and literally reduce them from 37 cents out of the dollar down to not more than 25.

I was in a meeting someplace and one of the constituents stood up and said, 25 cents is the goal? She said, we tithe the church and God only gets 10 percent. Why is it 25 for the government?

I had to chuckle at that response from one of my constituents, that even 25 is a high number. But we need to remember we are up at 37 cents out of every dollar being paid in taxes today.

So vision for the future, as we talk about taxes being too high, let us get the tax rate down by at least a third from where it is and let us look at all levels when we talk about this tax rate.

Second significant financial problem facing America today: Social Security. This system will be bankrupt before the year 2012 if something is not done.

We discussed earlier in this hour the Social Security Preservation Act. It is bill number H.R. 857. To solve the Social Security problem, let us start putting real money or real dollars into the Social Security Trust Fund as soon as possible. We can do it this year.

The third problem is, even after we get this under control, even after we get to a balanced budget, we start putting Social Security money away and we start lowering taxes, we still have this $5.5 trillion national debt staring us in the face. So I want to talk about a second piece of legislation that we have introduced. It is called the National Debt Repayment Act. It is bill number H.R. 2191. The purpose of this legislation is to literally pay off the entire Federal debt over a 30-year period of time, much as we would pay off a home mortgage.

I come from the home building business. After I left the math teaching profession, we started building houses. We started a business in the basement of our house. Eventually, it got pretty successful; and we were selling about 120 homes a year. This is really the American dream, commitment to faith and family and building a business from the ground up in our own home.

Anyway, when we sold those 120 homes a year, virtually every one of our clients signed into a mortgage. So when we had closing on that house, they would go to a bank and sign a mortgage with a banker; and they would pay off their home loan over a 30-year period of time.

The National Debt Repayment Act pays off our national debt much the same as a homeowner anywhere in America would pay off their home mortgage. Here is what it does. It looks at the surpluses. It takes two-thirds of the surpluses and dedicates them toward debt repayment. It takes the remaining one-third and dedicates it toward lower taxes. So what it does for the future of America is it gives us this vision where we can both pay off the Federal debt so our children's legacy is not a $5.5 trillion debt but our children's legacy is a debt-free America.

In paying off the debt, there is one other side benefit that should be brought up. This money that has been taken out of Social Security over the last 15 years, that is all part of the Federal debt. So when we look at this Federal debt of $5.5 trillion, about $70 billion out of the $5.5 trillion is money that has been taken out of the Social Security Trust Fund. So as we are repaying the Federal debt, under the National Debt Repayment Act, we are also putting the money back into the Social Security Trust Fund that has been taken out basically over the last 15 years. The third component of this, of course, the remaining third gets used to reduce taxes.

So when we think about this plan, this vision for the future of America, we do three things: First, we pay off the Federal debt so our kids inherit a debt-free Nation; second, we put the money back into the Social Security Trust Fund that has been taken out over the last 15 years; and, third, we start down that path of reducing the overall tax burden on Americans from 37 cents out of the dollar down to 25 cents out of the dollar.

This bill, if passed, really gives us a vision that we can look for and work for in this country with lower taxes, stable Social Security for our senior citizens, and a Nation that our kids do not have to look forward to paying $580 a month to do absolutely nothing but pay interest on the Federal debt.

I want to just finish with one other item that we seem to still not have a full understanding about across America, Mr. Speaker. And I talk to my colleagues about this and I talk to my constituents about this on a very regular basis, and that is the tax-cut package that was passed during the last cycle.

The amazing thing to me is, when I am out in public in our district and all over the great State of Wisconsin, how many people it is I talk to that are still not aware of the fact that taxes have, in fact, come down. I will go through a few of these.

Families with children under the age of 17, next year when they figure out their taxes and get down to the bottom line and they figure out how much they would have sent to Washington or had withheld from their paycheck for Washington, they will literally subtract $400 for each child under the age of 17 off the bottom line of their taxes.

For parents of college kids, and, believe me, I have seen the college bills. I know a family in Janesville with one in college and two at home, and it is tough to pay the college bills when kids head off to school. The college tuition credit is $1,500. And, again, a parent with a freshman or sophomore in college, they figure out how much they would have sent to Washington, D.C., and they literally subtract $1,500 off the bottom line.

This is not an idea where Washington grabs money in taxes out of taxpayers from all across America and then Washington decides who to give it back to. This is a situation where if a parent, a middle-income parent, has got a student in college, a freshman or sophomore, they literally keep $1,500 to help pay that college tuition bill.

If they have a junior, senior, grad student or adults currently involved or enrolled in either a tech school or college, it is 20 percent of the first $5,000 of room, board, tuition, books, et cetera.

I have talked to a lot of adults that are going back to college. They are bettering their education so they qualify for a better job for themselves and their family. Those folks get to claim 20 percent of the cost of that college tuition as a tax credit next year.

Some people say, well, I earn too much money; and I do not qualify for those things. And I say, first off, great. This is America. We are happy people are earning money. It is a great country when people are in a position to earn enough money to provide a very fine life for themselves and their family.

And, by the way, I want people to get that job promotion. I hope they earn more money in the future. Because this is a great Nation, and we like to see people succeed in this country. That is not bad, evil or rotten; that is good and right in America.

For those folks that are in that position, most of them are heavily invested into stocks, bonds and mutual funds. Now, I have asked around rooms again. I have been in rooms full of people, 200 people in a room, and I will ask how many people own a stock, a bond or a mutual fund or are involved in a pension plan, and virtually every hand in the room goes up. In the past, when people made a profit on a stock a bond or a mutual fund, 28 cents out of every dollar got sent to Washington as part of that profit.

And, by the way, if I forgot to say it, I sincerely hope that when people invest, they do make a profit. Again, that is what this is all about in this country. We like to see people be successful in America. This is a great country where these sorts of things can happen.

But, in the past, 28 cents out of every dollar was sent to Washington. That capital gains tax rate has been reduced from 28 down to 20.

If someone is in a lower income bracket and still has what it takes to make these investments to take care of themselves and their own retirement and take care of their own future, if they are in a lower tax bracket and they make a profit, the tax rate has been dropped from 15 cents on the dollar down to 10.

The next question I usually ask in a room is how many own their own home; and, again, virtually every hand in the room goes up. I ask if they know that when they sell their house there is no longer any Federal taxes due when they sell their house. And it is amazing how few people realize that, because of the tax laws passed last year, that there is no longer any Federal taxes due on the vast majority of the sale of virtually every home in America.

The last tax cut, or another tax cut, is the Roth IRA. Again, this is an opportunity for people to save and take care of themselves in their retirement. The Roth IRA is kind of the reverse of the old-fashioned IRA.

In the old-fashioned IRA, an individual could put up to $2,000 per person in and could get a tax deduction this year. Under the Roth IRA, it is kind of the opposite of that. If they put $2,000 in this year, they do not get a tax break this year, but all of the interest, all of the earnings that accumulate on that between now and when the person retires, those earnings in retirement are absolutely tax free.

□ 1600

When we think of people in their thirties and forties and fifties looking forward to retirement and trying to save up for their own retirement, this is a phenomenally beneficial change in the tax code for those people trying to save up for retirement. It is much better to get the deduction in retirement than it is in the initial year in terms of building equity over a long period of time.

So for those folks that are saving for retirement, I have a lot of empty-nesters, and they say to me, I am already in a 401(k); do I still get to get in a Roth IRA to save this money up that will not be taxed when I am in retirement, the answer to that question is yes. Even if they are in a 401(k) or some other retirement plan, they are still eligible for a Roth IRA.

I want to finish on one more tax cut because I think it also reflects some of the other changes that are going on in attitudes in the United States of America. We found that if a middle-income family in America, for whatever reason, found they could not have children of their own and they would like to adopt a child in the United States of America, adoptions were costing $10,000 per child because of the legal fees and all the red tape that is involved and that $10,000 was too much for many of our middle-income families to afford. So what we did was we changed the Tax Code so that if a middle-income family would like to adopt a child and could not afford it, there is now a $5,000 tax credit to help that middle-income family afford the adoption if that is what they so desire.

An amazing thing happens when we are out in public, and I talk through all of these tax cuts and how beneficial they are. I talked about some friends of ours, where they have got three kids in the family, one off at college and two still at home, and how this family earning between $40,000 and $50,000 a year next year is going to keep $2,300, $400 for each one of the two kids at home and $1,500 for that freshman college tuition, how this family that is earning between $40,000 and $50,000 a year is going to keep $2,300 more in their own home and that family smiles and they are all but cheering, and inevitably somebody gets up and says, "Mark, you just made the Tax Code harder. You made the Tax Code more complicated."

And to those folks I simply remind them back to 1993, where they made the Tax Code harder and more complicated but they did it by raising taxes on the American people. Any change you make in this complicated, complicated Tax Code that we have today is going to make it even worse in terms of complication. But if we change the Tax Code and we have our choice between 1993 and raising taxes and 1997 and lowering taxes, virtually every American will take the lower taxes versus the higher taxes and that kind of puts things back in perspective.

We have introduced legislation to sunset our Tax Code as we know it today and replace it with something that is simpler, fairer, and easier for people to understand. I am optimistic that this year we will see that legislation pass.

Mr. Speaker, I am happy to yield to my good friend the gentleman from Mississippi (Mr. WICKER).

Mr. WICKER. Mr. Speaker, the gentleman asked me a moment ago if I wanted some time on his special order and I declined. But having remained in the Chamber and listened, I do want to add a couple things.

First of all, I want to commend the gentleman from Wisconsin (Mr. NEUMANN), Mr. Speaker, for his dogged determination to get us to the point where we are in the budget today. As a member of the Committee on the Budget, and I remember being in on the discussion back in 1995 which led to the gentleman being added to the Committee on the Budget, also he is a very fine member of the Committee on Appropriations, and it is people like the gentleman from Wisconsin and others like him who have gotten us to the point where we are.

We certainly are not everywhere we need to be in terms of tax relief, in terms of shrinking the size of the Federal Government. But I did want to take this opportunity to commend the gentleman from Wisconsin and to say that I believe, Mr. Speaker, he has quite a few more years of effective service for the taxpayers of the United States of America, not just of his own State of Wisconsin.

The gentleman mentioned tax relief and the $400-per-child tax credit. A lot of Americans do not realize that they do not have to wait until the filing time of 1999. As a matter of fact, if a family wants to, they can go down and file with their personnel office at the place of their employment and begin having their withholding changed right now and enjoy the benefits of this $400-per-child tax credit even now.

The other point that I was going to make, the gentleman mentioned the Roth IRA, and accountants back home in my district and in my State tell me that this has become one of the most effective tools already for encouraging savings and formation of capital.

So I just commend the gentleman for his efforts in this regard and for the special order that he has entered into today.

Mr. NEUMANN. Mr. Speaker, reclaiming my time, I encourage my colleague to fill the viewers and our colleagues in on exactly how they would go about getting that $400 now instead of next year, $400 divided over the 12 months of 1998.

Mr. WICKER. Mr. Speaker, if the gentleman would yield further, if I could give the gentleman an example.

A middle-income family, for example the Wilsons in the First District of Mississippi, might have 3 children under the ages of 17. That entitles the Wilsons in 1998 to claim a tax credit of $400 times 3, or $1,200, or a tax credit of $100 per month. Now that is not a tax deduction. It is better than a tax deduction. It is actually an additional $100 per month added to their take-home pay.

So a wage earner in that family would simply need to go to the personnel office wherever he or she works and fill out a form saying do not wait until 1999, adjust my withholding right now, and that family can begin to see here in 1998 the benefits of our tax cut from the Balanced Budget Act of 1997.

Mr. NEUMANN. Reclaiming my time, that would also apply to things like the college tuition tax cut. I had some experience with this. I addressed a college with about 800 students and I told them all about this, and some of their parents wanted to try and adjust their withholding; and what happened when they went and tried to adjust their withholding is that the people at this tax office and place of employment said, we never heard of this.

I would like to reassure my colleague that this bill has passed, this tax credit is real, and even if his employer or his place of employment or the person that handles withholding has never heard about it, it does not matter, it is still real, it is passed and the ink is dry.

There is a new withholding form, a new W-4 form, that is available that does address the $400-per-child portion of it. But even that form does not address the $1500 college tuition tax credit, my colleague mentioned a family from Mississippi miss. If I go back to my family from Wisconsin with two kids at home and one in college that gets to keep $2,300 next year, that is almost $200 a month they get to keep. What they would have to do is go in and literally increase the number of dependents that they are claiming on their tax form until they get to a point where literally their take-home pay returns by 200.

I would encourage folks to understand that that many of the employers and people that handle payroll around the country, at this point in time they are not even aware that this tax cut passed. It passed late last year. It is very real. If they have got a college student, their tax is going down by roughly $1,500 for a freshman or sophomore. For most juniors or seniors they are going down by $1,000. If they have kids under the age of 17 at home, they are a middle-income family, their taxes are going down by $400 for each one of those kids. This is very real, and it is a lot of money to a lot of families in the great State of Wisconsin.

We know in Wisconsin we did a study, 550,000 families in Wisconsin have kids under the age of 17 that will benefit by the $400 per child. Two hundred fifty thousand college students in Wisconsin alone benefit from the college tuition tax credit. So this is a lot of money for a lot of families.

Now one problem that we have is most of the families are not doing, as my colleague and friend from Mississippi suggested; most of them are saying, well, I wait until the end of the year. I am not sure I trust Washington and everything they are saying anyhow. So I am going to wait until the end of the year. So if I get it back, great, that is a bonus; and if I do not get it back, I did not believe them anyhow.

The problem with that and the problem of not taking advantage of it right now is that means that those families are sending a heap of their money out here to Washington. That family from Wisconsin I was talking about with a college student and two kids at home, they are sending 200 bucks a month roughly out here to Washington. That is their money, and not only could they be earning interest on it but the problem is we get that 200 bucks out here, and I am sure my colleague from Mississippi knows what happens next, when we see the money sitting out here, what happens is the people in this community want to spend it. So it is a huge, huge fight for us out here to keep them from spending that money that should actually be out there in those Wisconsin and Mississippi homes in the first place.

With that, I am going to wrap up my special order today by reminding us of the different bills that we have talked about and where we have been and where we are going to. The supplemental we now understand is going to be paid for. This is a monumental change. It is new spending in Washington is what a supplemental is. We understand they are now going to find offsets, or lesser important programs, to pay for the new spending as opposed to going out and spending the money. This is a monumental change for Washington to actually offsetting new spending by finding other spending that is less important and offsetting it, as opposed to just spending the new money.

The ISTEA proposal also is going to be offset. We are happy to say that we are seeing the results of welfare spending because the welfare rolls are shrinking as people are getting jobs in this very strong economy we have. Because the welfare roles are going down, some of the spending in social welfare programs is going down and some of that money is being redirected to infrastructure.

The idea of welfare recipients going to work, producing goods and services, and those goods and services needing to be able to get to market through a strong infrastructure system, that makes perfect sense to me. And I am glad to say we are not going to go out and spend new money for the infrastructure system, but again we are reducing one program and reprioritizing or respending that money in a different program as opposed to simply going out and spending more money.

Again, if I had my druthers, we might just reduce the spending, period. But certainly it is much better to offset the spending by finding lesser important programs than to just go and spend the money.

Social Security, we have a long way to go. The Social Security Preservation Act, H.R. 857, would force Washington to stop spending the Social Security money right now this year and start putting real assets aside so our seniors can again be safe and secure.

H.R. 2191, the National Debt Repayment Act, is where I close today. H.R. 2191, the National Debt Repayment Act, literally restores the Social Security Trust Fund, puts all the money back into the Social Security Trust Fund that has been taken out; pays off the Federal debt so our children could inherent a debt-free nation; and reduces taxes on working families all across America.

I cannot think of a better thing that we in this Congress could possibly do than restore the Social Security Trust Fund, reduce taxes, and give our kids the legacy of a debt-free Nation.

REPORT ON RECENT TRIP TO BOSNIA

The SPEAKER pro tempore (Mr. DICKEY). Under the Speaker's announced policy of January 7, 1997, the gentleman from Mississippi (Mr. WICKER) is recognized for 60 minutes.

Mr. WICKER. Mr. Speaker, four weeks ago today I had the opportunity to lead a bipartisan group of Members of Congress on a five-day trip to Bosnia and Herzegovina. This trip was taken at the suggestion of the Secretary of Defense and the Speaker of the House. And I was joined on this congressional delegation trip by the gentleman from Georgia (Mr. CHAMBLISS), the gentleman from South Carolina (Mr. GRAHAM), the gentleman from Minnesota (Mr. GUTKNECHT), the gentleman from Wisconsin (Mr. KIND), and the gentleman from Ohio (Mr. KUCINICH).

During our trip, this delegation of first- and second-term Members of Congress had the opportunity to meet with senior officers of the U.S. Command, as well as enlisted personnel, both in the European theater and on the ground in Bosnia and Herzegovina. We met with U.S. diplomatic staff and also the people most affected by the ravages of war, the ordinary people of the Bosnian region, the Croats, the Serbs and the Muslim Bosniaas, who are all living together in this war-torn region.

We went to Bosnia, Mr. Speaker, to begin a better understanding of the current political and military situation in the region, to understand the stresses that a continued U.S. military deployment will place on our armed forces, the impact on training and readiness of the United States Army both in theater and elsewhere in the world, the conditions necessary to allow for a withdrawal of U.S. forces and when those conditions might be obtained.

Mr. Speaker, I will say at the outset that our 6-Member delegation has had a bit of a tough time scheduling this particular special order.

□ 1615

We had thought that we might be able to bring these remarks during the evening hour yesterday. Because of the lateness of legislative and House business, we were unable to do so. The other members of the delegation may join me in a few moments, but I am told they are in various hearings and important meetings, and so I may or may not be joined by the other members of the delegation.

However, I do want to let my colleagues know, Mr. Speaker, the unanimous, and I emphasize unanimous, observations and conclusions which were reached by the entire delegation. These are people from both sides of the aisle. These are Members who came to the congressional delegation trip from different perspectives. Some Members had supported the Bosnian operation from the outset. Others had been very much opposed to the concept of our troops being in country there in Bosnia. Based on our observations, based on the conversations with generals, enlisted personnel, with the very fine United States diplomatic men and women that we have in Bosnia and in the region, as well as NATO and United Nations forces, we did come to these unanimous conclusions, seven items in total which I will share with Members today, Mr. Speaker, and which I will also be sending by way of a Dear Colleague letter.

The number one observation and conclusion, the delegation wishes to acknowledge the impressive professionalism and dedication of U.S. service personnel serving on the ground in Bosnia and supporting Operation Joint Guard from deployment sites in Hungary and Italy. Indeed we met with not only our troops there on the ground in Bosnia, but also from the various staging areas in Hungary and in Vincenza, Italy. We also met with a number of important military leaders in Stuttgart, Germany before going into Bosnia.

I continue to read from the report. It was clear that U.S. military forces are performing their mission in an exemplary fashion. They are being asked to do more with less and are responding admirably. The American people can be proud of the way their Armed Forces, Active Duty, Reserve and National Guard components, have risen to the challenge of ensuring a peaceful, secure and stable environment in Bosnia. All Americans owe these soldiers, sailors, airmen and marines a debt of gratitude.

Indeed, Mr. Speaker, our delegation was quite impressed with the military and diplomatic leadership that we have over there. We received an in-depth briefing from General Wesley Clark, the Commander in Chief, U.S. European Command and Supreme Allied Commander, Europe. I would just mention that General Clark is not only a 4-star general with a distinguished record of service to our country, he is a West Point graduate, holds master's degrees from Oxford University and is a Rhodes scholar.

We also met with other very fine military leaders, such as Air Force General James Jamerson, also a 4-star general, and Army Lieutenant General David Benton, a 3-star general, Chief of Staff for the U.S. European Command. I also had an opportunity to visit with enlisted and officer personnel from my own State of Mississippi.

Again, I would say, Mr. Speaker, that we can be proud of the effort that these men and women are making. I concluded that they believe in the mission, and they are proud of what they have been doing.

Our conclusion number two is that we have been informed that the U.S. force levels in Bosnia are likely to be reduced from the current 8,500 to 6,900. We are concerned that a lower troop level may lead to increased risk, given the potential for violence directed against or involving U.S. troops as they execute their missions.

We believe that an appropriate level of forces in Bosnia must be based on sound military assessment of the risks and not on any political considerations. Force protection must be a top priority. Increasing the risk to U.S. forces is not an acceptable option. At a minimum, we recommend unanimously, Mr. Speaker, that U.S. force levels not be reduced until after the September 1998 elections are held and a review of the security situation is conducted. We feel that progress in Bosnia should be judged by the achievement of specific milestones and that any troop reduction should be tied to the achievement of these milestones.

Mr. Speaker, I am joined at this point by the gentleman from Minnesota (Mr. GUTKNECHT). Of course, he has never been one to be a shrinking violet. He should feel free, Mr. Speaker, to jump in and ask me to yield at any point, or I will proceed with the discussion of the upcoming election in Bosnia, particularly as it relates to the Republic of Srpska.

Mr. GUTKNECHT. If the gentleman will yield, I will just say that he is doing a wonderful job. I apologize for being late. I had thought we were going to start a little later than this. I think the gentleman should proceed through that. Then we can talk about our trip, what we learned and saw, and what an effect it had on the people who took part in that particular CODEL.

Mr. WICKER. I think my colleague will agree that many Americans, and many Members of the Congress, both the House and the Senate, perhaps are not aware of the complexity of the Dayton agreement. But under the Dayton agreement, Bosnia and Herzegovina was divided basically into two federations, one the Croat Muslim Federation, and then the predominantly Serb area, which is referred to commonly as the Republic of Srpska.

Our third conclusion is that prior to the elections in December of 1997, which brought to power more moderate leadership within the Republic of Srpska, hard-line Bosnian Serbs in power demonstrated an unwillingness to comply with the terms of the Dayton agreement. As a result, the overwhelming bulk of Western economic aid has flowed to the Muslim Croat-dominated federation of Bosnia and Herzegovina.

The recently elected moderate government within the Republic of Srpska lacks the financial resources to function effectively, raising concerns about the government's political viability. We were advised by our military and diplomatic leadership that $5 million in U.S. assistance to the new Republic of Srpska Government is essential as part of a $20 million to $30 million international assistance package to demonstrate our commitment to the long-term viability of the new government until it begins generating sufficient revenues on its own. We strongly support appropriation of this $5 million in assistance. Compared to the $2 billion to $3 billion invested annually in support of the military operation, $2 billion to $3 billion invested annually, $5 million on a one-time basis is a relatively small price to pay to ensure the stability of the new reform-minded Republic of Srpska government. However, we do not believe that any U.S. assistance of this nature should be taken from the Department of Defense accounts.

Number 4. Among the more pressing needs within Bosnia is the establishment of an economic infrastructure that will give the Bosnian people a sense of hope and the prospect of a brighter economic future. Without a productive economy, we believe there is little chance for a lasting peace.

Number 5. The need for continued American troop presence on the ground in Bosnia was stressed by U.S. military commanders, political officials, diplomats and the Bosnian people with whom we met. There is a widespread conviction that U.S. troops are essential to preventing the resumption of a war. Having seen the situation in Bosnia firsthand, it is clear to us that the presence of American forces are necessary.

I might interject here before I read the final two points that the devastation of this war in Bosnia and Herzegovina, the magnitude of it is really not well known in the United States; 200,000 people dead, over half of them civilians. Of the over 2.5 million people in the country of Bosnia, roughly half of them have now been displaced and are no longer at their home. So the devastation there over this 3-year period has been enormous.

The entire delegation that was over there and saw this concluded that we simply cannot afford to withdraw our troops at this point and see the resumption of hostilities on this scale. At this point, I yield to my colleague for a comment about that conclusion. I think it is central to the observations that we came away with.

Mr. GUTKNECHT. I thank the gentleman for yielding. I especially thank him for reserving this time today so we could have an opportunity to share some of our observations with our colleagues and others.

I think most of us, and I certainly speak for myself, went to Bosnia with a bad attitude about the entire mission. Those of us who had a little bit of a history lesson in that particular region of the world were aware that they have been fighting over there literally since, I believe it is 1279. I think the feeling that I took with me was these people have been fighting in the Balkans for all of these generations, they have very long memories, it is a trouble spot that will probably never completely heal. My attitude going over there was that this was an act of ultimate American arrogance. To believe that somehow the Nazi panzers and previous occupation armies could not ultimately bring lasting peace to the Balkans, how is it that we now seem to believe that the American forces will magically make these people begin to love each other?

I must say, and I expect that my colleague from Mississippi will agree, that when we first arrived, and particularly when we had our first briefings from the NATO High Command, we were awfully rough on them in terms of questions. In fact, I think one of our colleagues said, do you really expect to turn these people who have been fighting for all of these generations into Republicans and Democrats, and you are going to create a new American democracy here in an area where they have never known democracy, they have never known the economic freedoms and so forth that we take for granted in the United States?

Those were troubling questions. Frankly, we did not get completely satisfactory answers on that first day or two that we were in Europe. But as we began to listen to some of the experts, the picture became clearer as one of the experts over there described Europe. First of all, to understand, I think, the region we call Bosnia, the entire Balkan area, to really understand that, I think we must first understand Europe. I think Americans do have a somewhat hazy and fuzzy understanding of how Europe works and how it fits together. I think the best description that I heard and that began to change my whole way of thinking was that one of the people described Europe in some respects like a dysfunctional family. It is roughly 16 different countries, they speak about a dozen different languages, and they all have memories as well. There have been world wars and there have been various wars down through the centuries so that we have a situation where none of the countries completely trust the others.

The one thing that the United States can bring to the mix, as one of them indicated, the French do not particularly trust the Germans, the Germans do not trust the Italians, the Italians do not trust the British. There is a certain dysfunctionality to this European family. In some respects the United States is like the big brother of this dysfunctional family. When the United States enters the discussion, we are the one entity that can come in and say, "Okay, knock it off, this is what has to be done."

□ 1630

We saw that as an example when the European allies first went into Bosnia and tried to bring peace to the region. It was, to use Jimmy Carter's term, an incomplete success. It really was not until the United States came in, and what was very, very apparent to me when we saw the successor to Rommel, who was the German general who was in charge of the panzer division that Rommel had commanded in World War II, when we met with him, I think on the second day, and had lunch in Sarajevo, it was clear to me that he had no problem whatsoever taking orders from an American general.

I do not think that that would have been the case if he had to take orders from a French general or some other general, and I think vice versa. I think the Italians would have had a hard time taking orders from one of the other commanders in Europe, but they had no problem whatsoever responding to the orders and the commands of an American general.

So the first thing I began to conclude that, without an American presence there, this whole thing would begin to unravel.

Mr. WICKER. If I could interject, Mr. Speaker, we are there at the request of Europe. We were certainly a reluctant participant, and I know that there are Members in this body, the gentleman from Minnesota and me included, who were very, very reluctant to participate. So we are not over there insinuating ourselves into a situation where we are not welcome. We are told by our international friends that we are the glue holding the peace together at this particular time, and it would not work there without our presence.

Mr. GUTKNECHT. Mr. Speaker, if the gentleman will yield, I think that is clearly true; and now I think, at least from my own perspective, I do understand that relationship; and I think it is important. Part of the reason we are respected by all of the parties in Europe is because we are a reluctant leader. We are not there because we want to gain any particular territory or any particular political influence in the Balkans. It is only because we believe it is the right thing to do, and I think that does give us some moral authority that goes a long way.

The other thing that we saw and we witnessed, and I know that we should not make some of these decisions purely based on emotional issues, but as we went out and toured some of the villages and actually met with some of the people themselves, the pictures, the stories, there are certain images that I think I speak for myself, but I know that I speak for everyone that was on that delegation, there are images that are just burned into our minds.

I remember, as I am sure the gentleman does, the meeting we had with some of the mayors in that small little portable building that they had constructed and the emotion in their eyes. One of the mayors said, when we talked about people had been displaced from their homes, he said, I have moved nine times in the last 2 years. Please tell me which house is mine.

I mean, that is something that Americans have a very, very difficult time even relating to. And the fact that the whole notion of a rule of law and having real estate laws so that one has clear title to the home that one lives in, that is somewhat foreign to the people of that region.

There is so much that it is very difficult for us to understand, but it was easy for us to see in the people's faces the appreciation that they have for the American soldiers. In fact, I think the gentleman remembers the story, it may have been told to the gentleman, the old gentleman who told us that he sleeps soundly now because he hears the sounds of the American humvees. I remember the tears on the cheeks of some of the women when they realized that we were Americans and they said, thank you, America.

So I think that we began to see in the faces of the Bosnian people the appreciation for what they know the United States has done and is doing to at least make it safe.

I think we really cannot talk about Bosnia without talking about the Bosnian children. When we got off the planes we were told not to get off the concrete because there were over 1 million land mines buried in that country. They are gradually, with the help of American technology, getting those mines removed, but there are still a huge number of those land mines.

I remember one of the mothers telling me that, yes, they tell the children to play on the traveled areas. They tell them to play in the streets, because the streets are safe. Somehow, for American parents, for a parent of three children myself, to tell one's kids to go out and play in the street is something we would not imagine, but it is safer for them to play in the traveled areas.

There was so much about Bosnia. The more you saw the more you realized that these are people who ultimately do want peace. They ultimately do want to live together in harmony. They do not want to go back to the situation that they saw a few years ago, and that the one entity that stands between them and returning to the chaos of the past are the American GIs.

I think I should say this, and I think the gentleman has already mentioned, that the other thing this is indelibly imprinted in my mind is the enormous professionalism of the American servicemen and women who are serving in Bosnia, from the top generals right down to the lowly infantry men who go to lunch every day with their rifles with them.

They take it very seriously. It is a dangerous place. It is much less dangerous because they are there, but I think I would have to conclude by saying, the best salesmen of all for the Bosnian mission are those kids that are wearing camos and sleeping in tents and the ones who take their rifles with them to lunch and to supper everyday.

They are the ones who literally, in having lunch with them, they told me to a person that they believed that what we were doing, what the United States was doing in Bosnia was important and that we should stay until the mission is done. And they said that in spite of the fact that all of them were homesick, all of them wanted to come home.

I might just share, as long as some of my colleagues may be watching, one other point that they made. I asked them what I could take home and tell people, and one of them says, mail, sir. Mail is golden. They do love to hear from home. And those who may be watching this, we would certainly encourage them, if they have not written to a friend or a loved one who is over there or if they would like to write to somebody they may not even know, getting mail from home when you are 6,000 miles away and sleeping in a tent is something that is very valuable to our servicemen and women. So I encourage my constituents and my colleagues to write when they can.

Mr. WICKER. Mr. Speaker, that is right. They are over there in the name of the United States of America, and the least we can do as Members and as fellow citizens is to make sure that they and their families realize how much we appreciate them.

The gentleman from Minnesota mentioned the doubts that a number of us had at the beginning of our involvement in 1995 and earlier in Bosnia and Herzegovina, the fact that there had been fighting there and ethnic animosity for centuries. That is certainly true, and I hope to get to the point about the importance of Central Europe in just a moment. But it is also true that Serbs, Croats, Muslims and also Jews and other small ethnic groups had lived side-by-side in that country as neighbors and as good neighbors for generations.

I can remember, as I am sure the gentleman from Minnesota can remember, going that day into Tuzla, which is up near the north part of the Bosnian federation, it is actually on the border between the Serb federation and the Bosnian federation, to Camp McGovern, and then taking those helicopters on in to Brcko, which is a very, very critical area and a flash point if this conflict breaks out again, and flying over neighborhoods where there would be one burned-out house and one left standing and one burned-out house and one left standing, based on the fact that one house might have been a Bosnian Croat house. Another might have been a Bosnian/Serb house. And the armies came through and chose to burn down a house based on what ethnic group that family was in, even though the families themselves had been living together in harmony and had nothing whatever against each other.

Major General Larry Ellis, who is a very fine representative of the United States in theater there, was pointing that fact out to us. It certainly occurs to me and I think to other Members of the delegation that the people of Bosnia of the various ethnic groups were not well-served by their leadership during the breakup of the former Yugoslavia by the ultranationalist leadership of Croatia, of Serbia, and of Bosnia and Herzegovina itself and that, actually, these good neighbors were drawn into a conflict that was not of their design and not of their choosing, because of some forces of ultranationalism there that we hope are on the wane.

So I think there is hope that these people who lived once side-by-side can return to that if we can hold our resolve and continue to be a force for stability in that area.

Mr. GUTKNECHT. Mr. Speaker, if the gentleman would yield, I do apologize, but I have another meeting that started at 4:30. So I have to run, but I appreciate this time and this opportunity.

In terms of what really happened in Yugoslavia when communism collapsed, when the whole country sort of was torn apart, we need to understand that the real precursor, in my opinion, having seen this now, to the ethnic unrest that then started was really an economic motivation.

When unemployment hit 40 percent, all of a sudden that created tensions between the groups that had not been there when the economy was relatively strong. It may have been a false economy, it was a Communist economy, but I think that is something that is important.

I think where the administration has, in some respects, done a poor job of communicating the situation over there, I think long-term what we need to think about, and I think that this was generally the consensus of the delegation, that rather than focusing on this myopic view of an exit strategy and when are the troops going to be out, I think our conclusion was that we need to focus on what are the expectations of the Bosnian people.

In the book of Proverbs it says, "Where there is no vision, the people perish." And the question we asked several times is, what is the vision of the Bosnian people? Can they return to a peaceful coexistence?

I think, generally speaking, the answer to that question is yes. But I think we have to be there to provide that police force while we move to a transition of a stronger economy. By that, I mean, I think ultimately we are going to be able to reduce our military force. I don't think we do that precipitously. I do not think we should do it before the September elections. But I think, ultimately, we can draw down those forces; and the need for a military presence will be less.

But I think, coupled with that, I think the gentleman already mentioned, we have to do more in the way of helping to rebuild their economy. If there are jobs and prosperity and freedom and opportunity, then I think the likelihood for resumed hostilities between the ethnic bands is dramatically reduced long term.

So I say our strategy should not be about how soon can we get the troops out. Our strategy should be much more about what are the expectations of the Bosnian people. Are they interested in electing people in September who are committed to a long-term, peaceful relationship in Bosnia? Or are they the hardliner militants who would just as soon return to solving their problems with guns and with violence?

If that is the answer, then, obviously, then the United States can probably do no real good over there, and perhaps we should bring the troops home, strike the tents and bring the kids home.

But that should be our message. That should be the message of the administration. And I think that has somehow been lost in all of this discussion about when the troops are going to come home. I think that is a mistake, because I think the American people and the American Congress, to a large degree, has been denied the real reasons we are there; and the real issues at stake in the Balkans have been ignored and, as a result, I think we have rather clouded thinking about how important that area is and, frankly, in the end, how important Europe is to the United States.

We do have a vital national interest in a strong and stable Europe. That is important to the United States. It seems to me a relatively modest investment, I think perhaps $2 billion is too much, but certainly there is a level of investment that the United States can make to ensure a strong and stable Eastern and Central Europe; and that is I think, in the end, something that needs to be talked about as well.

So I appreciate the gentleman getting this time today. I regret that I have to go to a budget meeting that started about 15 minutes ago, but this was a very, very important, and in my life I think almost an epiphany type of an event, because it did change my whole view of that region and our role that we can and probably should play.

I would also suggest, as I did earlier on the House floor, I think the President, the administration, needs to work in consultation more carefully with the Congress. Because I think if we are going to have strong and solid and defensible national policy, in particular as it relates to diplomatic and military policies, I think we cannot do that unilaterally. It cannot be done simply at one end of 1600 Pennsylvania Avenue. I think the United States Congress has to be full partners in those debates, those discussions and, ultimately, in those decisions.

So we can have our differences about it, but I think we need that healthy debate and dialogue, and I think the Congress needs to be much more actively participating in those discussions. So I think this Special Order today, I say to the gentleman, the gentleman's participation, the leadership in the delegation, the mission that we took to Bosnia was very important.

I thank the gentleman for my own behalf because it really did open my eyes; and, frankly, this is something that is seldom said by people here in Washington. It made me change my mind. Too often, those of us here in Washington are unwilling or unable to say, I was wrong; and, frankly, in the area of the Bosnian policy, I think having seen for myself what is going on over there and what can happen and what our role in the world should and can be, it did change my mind.

□ 1645

So I thank the gentleman for inviting me to go along on the delegation. I appreciate the opportunity to be here today, and I regret that I have to leave now.

Mr. WICKER. I thank the gentleman for his contribution to this special order. I know that the other four members of the delegation had intended to participate in this, and perhaps in the few moments remaining, we will still get their participation.

Mr. Speaker, the gentleman from Minnesota mentioned that he had actually changed his mind fundamentally on the issue of whether our troops should be there. I think when Americans remember that instability in this area, instability in Europe and particularly in Central Europe, has drawn our Nation into two world wars in this century, then we need to be very, very cautious about any action that we might take at this point to cause hostilities to resume there.

We know that in another area of the former Yugoslavia, the Kosovo region, there is a very dangerous situation going on there. Anything that we might do now in a precipitate way I think might bring our allies into a widened conflict, and then the question would be, what does the United States do now that NATO allies are fighting?

The gentleman from Minnesota mentioned a couple of things that I want to follow up on before I get to our final two observations and conclusions. First of all, he mentioned mistakes that the administration had made, and certainly no one is perfect. But I would certainly concur that the administration has not adequately made the case to the American people about why we are doing what we are doing in the Balkans.

I think it was a mistake, Mr. Speaker, for the administration to set artificial timetables. The President may have felt that he had to do this in order to prevent public opinion from stopping the deployment of these troops in late 1995, but I think the establishment of artificial timetables, a year and then we will be out, that sort of talk only gave encouragement to the forces over there who wanted to resume the conflict, who want to resume the ultranationalism that led to this horrible war. So I think that was a mistake.

I am glad that the administration is being more realistic about that now and saying, we want our troops to come home, certainly we want the Bosnian people and people in the Balkans to handle this situation, but we do not believe a timetable is the right way to go. We think specific goals and benchmarks of achievement are better.

It is also regrettable, Mr. Speaker, that the administration has refused to budget honestly for the Bosnian deployment. We have had our troops there since 1995. It has been very expensive, as we mentioned, $2 billion to $3 billion.

The administration fully intends to keep troops there, and I support keeping the troops there, during the entirety of the remainder of this fiscal year and through fiscal year 1999. But the administration has refused to budget for this Bosnian operation.

I do not believe that is honesty in budgeting. I think the administration should admit what they expect we will spend, because certainly it will be expensive, and the administration should submit a budget in the regular budget process so we can adequately plan our budget.

Certainly I want to reiterate the feeling that we should not be taking this peacekeeping money from the other very important national defense needs that we have, separate and apart from our being in there with the stabilization force.

Mr. Speaker, in the few moments that I have remaining, let me simply mention the last two items of our observations and conclusions. That would be items 6 and 7.

Item 6, and the gentleman from Minnesota (Mr. GUTKNECHT) spoke about this, the importance of the September, 1998, elections.

“The September, 1998, Bosnian elections will be a watershed in determining whether Bosnia moves forward or backward. Until then, we believe the United States should actively continue to support the process of Dayton implementation. Given the effort already expended, it would be foolish to change our political, diplomatic, or military policy in Bosnia before the September elections have taken place.

"However, we do not believe that the United States' commitment can be open-ended. We do not believe it can be open-ended. Stabilization forces will provide important support to the Office of the High Representative in its efforts to create a climate for a fair election. Notwithstanding our observations of the role in peace being played by U.S. troops, we are concerned about the annual exercise of funding our peacekeeping operations in Bosnia by means of supplemental appropriations."

This is what I was alluding to earlier, Mr. Speaker.

"We encourage the administration to pursue means by which such contingencies can, at least to some degree, be funded, other than at the cost of other important national priorities."

Finally, conclusion and observation number 7, "We are convinced that the United States has a vital interest in the stability of Central Europe."

I might interject here, Mr. Speaker, that Sarajevo in Bosnia was the flashpoint for the start of World War I with the assassination of Austrian Archduke Franz Ferdinand in Sarajevo in 1940. As a matter of fact, when we were meeting in Sarajevo with Lieutenant General David Benton, he pointed out that we were meeting in the very room, Mr. Speaker, where the Archduke slept his last night.

Also, in World War II, it was in Bosnia where we saw the first instance of the most heinous forms of ethnic cleansing. The subsequent disintegration and division among ethnic groups was in part a source of the Communist influence which later came into that region.

I continue with conclusion number 7, Mr. Speaker. I quote:

> The United States is the undisputed leader of the free world. This role carries with it responsibilities, and among these is participating in efforts to ensure Europe's stability. However, it is our desire that the future of Bosnia ultimately be determined by the Bosnian people themselves.

This statement is signed by the gentleman from Mississippi (ROGER WICKER), the gentleman from Georgia (SAXBY CHAMBLISS), the gentleman from South Carolina (LINDSEY GRAHAM), the gentleman from Minnesota (GIL GUTKNECHT), the gentleman from Wisconsin (RON KIND), and the gentleman from Ohio (DENNIS KUCINICH), persons that I am delighted to have gone to Bosnia with on this congressional delegation trip, and to have been associated with. I think all five of these gentlemen that I went to Bosnia with represented the Congress in an able fashion and represented the United States, and came back with some valuable, valuable information.

In conclusion, let me just say, Mr. Speaker, that our visit to the Balkans, to Bosnia, to the troops there, and to the American personnel on the ground, made me proud to be an American, proud of the role that the United States of America is playing in preventing another world war, perhaps, or at the very least, another deadly conflict.

I am proud of our military. I am proud of the fact that our friends in Europe, in spite of the many differences we may have on certain issues, turned to the United States for help in stabilizing this region, and preventing a resumption of hostility.

I would say that the six of us all concluded that no matter what we initially thought about the United States' deployment in this area, we feel that we cannot in good conscience turn our back on the effort that we have already expended, and I commend the report to the reading of our fellow Members of Congress, Mr. Speaker. They will be receiving it in the form of a Dear Colleague letter in the next day or two.

MEDICARE EXPANSION FOR AMERICANS AGE 55 TO 65

The SPEAKER pro tempore (Mr. DICKEY). Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I just wanted to mention today how important it is for this Congress and this House to address the issue of Medicare expansion with regard to Americans age 55 to 65.

The President in his State of the Union Address, and just this past Tuesday, just yesterday, had a press conference where he discussed the need to move quickly on the issue of Medicare expansion for what we call the near elderly, those between 55 and 65. I believe it is crucial for us to address this issue. The Democrats are making it one of their priorities for this Congress. So far the Republican leadership has refused to acknowledge the need for such legislation, or to even suggest that it be moved in committee and moved out to the floor of the House of Representatives.

Today, for a variety of reasons, more and more Americans are losing their employment-based health insurance before they become eligible for Medicare at age 65.

Some of these Americans lose their health coverage because their older spouse becomes eligible for Medicare and retires, ending their work-based coverage. Others lose their coverage because of downsizing or layoffs. Still others lose their insurance when their employers unexpectedly drop their retirement health care plans.

These people worked hard, usually in most cases for a lifetime, supporting their families and contributing to society. Now, just when they need it most, they lose their coverage and are unattractive to health insurers, who demand high premiums or simply deny coverage outright.

I am getting more and more of my constituents who come into my office in New Jersey and complain about the fact that they cannot get access to affordable health care when they are in this age bracket, from 55 to 65. They find it very difficult in this age group to get coverage outside of the workplace. Many are often left with no alternative but to buy into the individual insurance market, where premiums can exceed $1,000 per month for a person with a preexisting condition. For those with serious health problems, they may not be able to find insurance at all, at any price.

What the President has proposed, and what the Democrats in the Congress are suggesting be done and be moved, is a bill that presents three options to this age group to obtain health insurance.

One, individuals 62 to 65 years old with no access to health insurance may buy into Medicare by paying a base premium now and a deferred premium during their post-65 Medicare enrollment.

Individuals in the second category, from 55 to 62, who have been laid off and have no access to health insurance, as well as their spouse, may buy into Medicare by paying a monthly premium of about $400.

Retirees, and this is the third category, aged 65 or older whose employer-sponsored coverage is terminated may buy into their employer's health insurance for active workers at 125 percent of the group rate.

So we are talking about three categories of people in this age bracket who face different problems. But the main thing, Mr. Speaker, is the Democrats understand that Americans in this age group have difficulty getting health insurance at one of the most vulnerable times in their lives.

We want to help these people out. They have greater risks of health problems, with twice the risk of heart disease, strokes, and cancer as people whose ages are in the 10 years from 45 to 54 or below, but they are having a very hard time obtaining affordable health insurance for themselves and their spouse. This is a problem that is growing. It is getting to crisis proportions. It will only grow as retiree health coverage is reduced and as the baby boom generation ages.

What we are trying to do here is address a health concern without putting any additional financial burden on the Medicare program. I think this is a very good piece of legislation. The Republican leadership has not addressed it, but they should address it.

One issue that also comes up, and I have actually suggested it, is that we find some way to provide some financial assistance to the near elderly who will have a problem buying into the Medicare system because of the cost of the monthly premium.

I have been working on legislation that would provide economic assistance for those age 62 to 64 who choose to buy into the Medicare program, and for those age 55 to 64 who have been laid off or displaced.

□ 1700

There may be some way to provide some sort of subsidy so that those who cannot afford the full cost of the Medicare premium on a sliding scale, based on their affordability, would be able to get some sort of subsidy so that they could successfully buy into this program. With or without that type of subsidy, though, this is a good program. It is something that needs to be addressed.

Like the issue of managed care reform or like the issue of kids' health care that was addressed in the last Congress, I hope that, as the Democrats keep pushing for this, the Republican leadership will eventually wake up and allow this type of legislation to be taken up so that those in that 55 to 65 category can buy into Medicare, and we can see Medicare expanded in a way that is both fiscally responsible, but also addresses a growing health care concern.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CHRISTIAN-GREEN (at the request of Mr. GEPHARDT) for today and Thursday, on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KUCINICH) to revise and extend their remarks and include extraneous material:)

Mr. FILNER, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mrs. TAUSCHER, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mr. UNDERWOOD, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

Ms. SLAUGHTER, for 5 minutes, today.

Mr. KLINK, for 5 minutes, today.

The following Members (at the request of Mr. KINGSTON) to revise and extend their remarks and include extraneous material:

Mr. DIAZ-BALART, for 5 minutes, today.

Mr. MICA, for 5 minutes, today.

Mr. BARTLETT of Maryland, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. KUCINICH) and to include extraneous matter:)

Mr. KIND.

Mr. KANJORSKI.

Mr. BONIOR.

Mr. MCGOVERN.

Mr. TOWNS.

Mr. CLAY.

Mr. PASCRELL.

Ms. EDDIE BERNICE JOHNSON of Texas.

Mr. HAMILTON.

(The following Members (at the request of Mr. KINGSTON) and to include extraneous matter:)

Mr. RADANOVICH.

Mr. ROGERS.

Mr. BEREUTER.

Mr. TALENT.

Mr. WALSH.

Mr. LUCAS.

(The following Members (at the request of Mr. CAMPBELL) and to include extraneous matter:)

Mr. SHAW.

Mr. STUMP.

Mr. GORDON.

Mr. PACKARD.

Mr. BLUNT.

Mr. MILLER of California.

Mr. LUTHER.

Mrs. MEEK of Florida.

Mr. GALLEGLY.

Mr. YOUNG of Florida.

Mr. LAZIO of New York.

Mr. CRANE.

ADJOURNMENT

Mr. CAMPBELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 01 minutes p.m.), the House adjourned until tomorrow, Thursday, March 19, 1998, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

8067. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Acephate; Technical Amendment [OPP–300613; FRL–5769–8] (RIN: 2070–AB78) received March 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8068. A letter from the Secretary of the Board, National Credit Union Administration, transmitting the Administration's final rule—Organization and Operations of Federal Credit Unions; Corporate Credit Unions; Credit Union Service Organizations; Advertising [12 CFR Parts 701, 704, 712 and 740] received March 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8069. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania Conditional Limited Approval of the Pennsylvania VOC and NOx RACT Regulation [PA 041–4069; FRL–5977–4] received March 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8070. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia-Prevention of Significant Deterioration Program [VA025–5033; FRL–5977–9] received March 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8071. A letter from the Secretary, Federal Trade Commission, transmitting the Report to Congress for 1996 pursuant to the Federal Cigarette Labeling and Advertising Act, pursuant to 15 U.S.C. 1337(b); to the Committee on Commerce.

8072. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed lease of defense articles to Taipei (Transmittal No. 06–98), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

8073. A letter from the Acting Administrator and Chief Executive Officer, Bonneville Power Administration, transmitting the 1997 Annual Report of the Bonneville Power Administration, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform and Oversight.

8074. A letter from the Chairman, Federal Election Commission, transmitting a report of activities under the Freedom of Information Act for the calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

8075. A letter from the Board Members, Railroad Retirement Board, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the Calendar year 1997, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

8076. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for Five Freshwater Mussels and Threatened Status for Two Freshwater Mussels from the Eastern Gulf Slope Drainages of Alabama, Florida, and Georgia (RIN: 1018–AC63) received March 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8077. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; de Havilland Model DHC–8–10 and -103 Series Airplanes [Docket No. 98–NM 68–AD; Amendment 39–10389; AD 98–05–03] (RIN: 2120–AA64) received March 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8078. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Friendship (Adams), WI Correction [Airspace Docket No. 97–AGL–51] received March 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8079. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; New Bern, NC [Airspace Docket No. 97–ASO–26] received March 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8080. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revocation of Class D Airspace; Lubbock Reese AFB, TX, and Revision of Class E Airspace; Lubbock, TX [Airspace Docket No. 98–ASW–18] received March 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8081. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29158; Amendment No. 1855] (RIN: 2120–AA65) received March 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8082. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29159; Amendment No. 1856] (RIN: 2120–AA65) received March 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8083. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29160 Amendment 1857] (RIN: 2120–AA65) received March 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8084. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Alliance, NE [Airspace Docket No. 97–ACE–29] received March 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8085. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F28 Mark 0100 Series Airplanes [Docket No. 98–NM–39–AD; Amendment 39–10384; AD 98–06–07] (RIN: 2120–AA64) received March 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8086. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300, A310, and A300-600 Series Airplanes [Docket No. 95–NM–278–AD; Amendment 39–10385; AD 98–06–08] (RIN: 2120–AA64) received March 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8087. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Cooperstown, ND [Airspace Docket No. 97–AGL–50] received March 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8088. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Friendship (Adams), WI Correction [Airspace Docket No. 97–AGL–51] received March 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8089. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model AS–350B, BA, B1, B2, and D Helicopters, and Model AS 355E, F, F1, F2, and N Helicopters [Docket No. 97–SW–33–AD; Amendment 39–10390; AD 98–06–12] (RIN: 2120–AA64) received March 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8090. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model HS 748 Series Airplanes [Docket No. 97–NM–223–AD; Amendment 39–10386; AD 98–06–09] (RIN: 2120–AA64) received March 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8091. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; de Havilland Model DHC–8–100 Series Airplanes [Docket No. 97–NM–269–AD; Amendment 39–10388; AD 98–06–11] (RIN: 2120–AA64) received March 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8092. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Israel Aircraft Industries, Ltd., Model 1121, 1121A, 1121B, 1123, 1124, 1124A, 1125 Westwind Astra, and Astra SPX Series Airplanes [Docket No. 97–NM–169–AD; Amendment 39–10387; AD 98–06–10] (RIN: 2120–AA64) received March 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8093. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Miscellaneous Revisions to the NASA Grant and Cooperative Agreement Handbook, Section D [14 CFR Part 1274] received March 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

8094. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Revisions to the NASA FAR Supplement on Performance-Based Contracting and Other Miscellaneous Revisions [CFR 48 Parts 1806, 1807, 1816, 1819, and 1837] received March 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

8095. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Amending the NASA FAR Supplement (NFS) parts [48 CFR Parts 1801, 1802, 1803, 1804, 1805, 1814, 1815, 1816, 1817, 1832, 1834, 1835, 1842, 1844, 1852, 1853, 1871, and 1872] received February 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

8096. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability [Rev. Proc. 98–24] received March 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8097. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Capital Gains and Charitable Remainder Trusts [Notice 98–20] received March 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8098. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Consolidated returns—Limitations on the use of certain credits; overall foreign loss accounts (RIN: 1545–AV98) received March 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. McCOLLUM: Committee on the Judiciary. House Resolution 372. Resolution expressing the sense of the House of Representatives that marijuana is a dangerous and addictive drug and should not be legalized for medicinal use (Rept. 105–451, Pt. 1).

Mr. COBLE: Committee on the Judiciary. H.R. 2589. A bill to amend the provisions of title 17, United States Code, with respect to the duration of copyright, and for other purposes; with an amendment (Rept. 105–452). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOODLING: Committee on Education and the Workforce. H.R. 3246. A bill to assist small businesses and labor organizations in defending themselves against government bureaucracy; to ensure that employees entitled to reinstatement get their jobs back quickly; to protect the right of employers to have a hearing to present their case in certain representation cases; and, to prevent the use of the National Labor Relations Act for the purpose of disrupting or inflicting economic harm on employers (Rept. 105–453). Referred to the Committee of the Whole House on the State of the Union.

Mr. LEACH: Committee on Banking and Financial Services. H.R. 3114. A bill to authorize United States participation in a quota increase and the New Arrangements to Borrow of the International Monetary Fund, and for other purposes; with an amendment (Rept. 105–454). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X, the Committee on Commerce discharged from further consideration. House Resolution 372 referred to the House calendar and ordered to be printed.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

H.R. 1704. A bill to establish a Congressional Office of Regulatory Analysis, with an amendment; referred to the Committee on House Oversight for a period ending not later than May 1, 1998, for consideration of such provisions of the bill and amendment reported by the Committee on the Judiciary as fall within its jurisdiction pursuant to clause 1(h), rule X.

BILL PLACED ON THE CORRECTIONS CALENDAR

Under clause 4 of rule XIII, the Speaker filed with the Clerk a notice requesting that the following bill be placed upon the Corrections Calendar:

H.R. 3096. A bill to correct a provision relating to termination of benefits for convicted persons.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

House Resolution 372. Referral to the Committee on Commerce extended for a period ending not later than March 18, 1998.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. DOGGETT:

H.R. 3484. A bill to provide for the adjudication of certain claims against the Government of Iraq and to ensure priority for United States veterans filing such claims; to the Committee on International Relations.

By Mr. THOMAS:

H.R. 3485. A bill to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for election for Federal office, and for other purposes; to the Committee on House Oversight.

By Mr. TALENT:

H.R. 3486. A bill to suspend temporarily the duty on a certain chemical used in the textile industry and in water treatment; to the Committee on Ways and Means.

By Mr. TALENT:

H.R. 3487. A bill to suspend temporarily the duty on a certain chemical used in the paper industry; to the Committee on Ways and Means.

By Mr. TALENT:

H.R. 3488. A bill to suspend temporarily the duty on a certain chemical used in water treatment; to the Committee on Ways and Means.

By Mr. TALENT:

H.R. 3489. A bill to suspend temporarily the duty on a certain chemical used in water treatment and beauty care products; to the Committee on Ways and Means.

By Mr. TALENT:

H.R. 3490. A bill to suspend temporarily the duty on a certain chemical used in photography products; to the Committee on Ways and Means.

By Mr. TALENT:

H.R. 3491. A bill to suspend temporarily the duty on a certain chemical used in peroxide stabilizer and compounding; to the Committee on Ways and Means.

By Mr. TALENT:

H.R. 3492. A bill to suspend temporarily the duty on a certain chemical used in the textile industry; to the Committee on Ways and Means.

By Mr. COYNE (for himself, Mrs. Johnson of Connecticut, Mr. Rangel, Mr. Herger, Mr. Stark, Mr. Camp, Mr. Matsui, Mr. Ramstad, Mrs. Kennelly of Connecticut, Ms. Dunn of Washington, Mr. Levin, Mr. Portman, Mr. Cardin, Mr. English of Pennsylvania, Mr. McDermott, Mr. Christensen, Mr. Kleczka, Mr. Watkins, Mr. Lewis of Georgia, Mr. Hayworth, Mr. Neal of Massachusetts, Mr. Weller, Mr. McNulty, Mr. Jefferson, Mr. Tanner, Mr. Becerra, and Mrs. Thurman):

H.R. 3493. A bill to amend the Internal Revenue Code of 1986 to provide additional taxpayer rights; to the Committee on Ways and Means.

By Mr. McCOLLUM (for himself, Ms. Dunn of Washington, Ms. Pryce of Ohio, Ms. Granger, Mrs. Northup, Mrs. Fowler, Mr. Franks of New Jersey, Mr. Foley, Mr. Cunningham, Mr. Deal of Georgia, Mr. Ramstad, Mr. Barr of Georgia, Mr. Chabot, Mr. Diaz-Balart, Mr. Gutknecht, and Mr. Lampson):

H.R. 3494. A bill to amend title 18, United States Code, with respect to violent sex crimes against children, and for other purposes; to the Committee on the Judiciary.

By Mr. HINCHEY:

H.R. 3495. A bill to amend the Electronic Fund Transfer Act to limit fees charged by financial institutions for the use of automatic teller machines, and for other purposes; to the Committee on Banking and Financial Services.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 3496. A bill to develop a demonstration project through the National Science Foundation to encourage interest in the fields of mathematics, science, and information technology; to the Committee on Science, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McCRERY (for himself, Mr. English of Pennsylvania, Mr. Baker, Mr. Solomon, Mr. Herger, Mr. John, Mr. Sensenbrenner, Mr. Tauzin, Mr. Houghton, and Mr. Armey):

H.R. 3497. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for contributions to individual investment accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. MILLER of California (for himself, Mr. Blumenauer, Mr. DeFazio, Ms. Furse, Ms. Hooley of Oregon, Mr. Riggs, Mrs. Linda Smith of Washington, and Mr. Young of Alaska):

H.R. 3498. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to authorize the States of Washington, Oregon, and California to regulate the Dungeness crab fishery in the exclusive economic zone; to the Committee on Resources.

By Ms. NORTON:

H.R. 3499. A bill to authorize the Washington Interdependence Council to establish a memorial to Mr. Benjamin Banneker in the District of Columbia; to the Committee on Resources.

By Mr. SHAW:

H.R. 3500. A bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain leasehold improvements; to the Committee on Ways and Means.

By Mr. THOMAS (for himself, Mr. Wise, and Mr. Strickland):

H.R. 3501. A bill to amend the Harmonized Tariff Schedule of the United States to change the special rate of duty on purified terephthalic acid imported from Mexico; to the Committee on Ways and Means.

By Mr. WHITE (for himself, Mrs. Maloney of New York, Mr. Franks of New Jersey, Mr. Dingell, Mr. Horn, Mr. Ackerman, Mr. Barcia of Michigan, Mr. Barrett of Wisconsin, Mr. Blagojevich, Mr. Blumenauer, Mr. Brown of California, Mr. Brown of Ohio, Ms. Carson, Mr. Castle, Ms. Christian-Green, Mr. Clement, Mr. Conyers, Mr. DeFazio, Ms. DeGette, Mr. Dooley of California, Mr. Engel, Mr. English of Pennsylvania, Ms. Eshoo, Mr. Etheridge, Mr. Foley, Mr. Fox of Pennsylvania, Mr. Frelinghuysen, Mr. Gibbons, Mr. Gilchrest, Mr. Greenwood, Mr. Hamilton, Mr. Hinchey, Mr. Houghton, Ms. Kaptur, Mr. Klug, Mr. LoBiondo, Ms. Lofgren, Mr. Luther, Mr. Maloney of Connecticut, Mr. Manton, Ms. McCarthy of Missouri, Mr. McHale, Mr. Metcalf, Ms. Millender-McDonald, Mr. Miller of California, Mr. Minge, Mr. Moran of Virginia, Mrs. Morella, Mr. Nadler, Ms. Pelosi, Mr. Peterson of Minnesota, Mr. Petri, Mr. Poshard, Mr. Ramstad, Mr. Riggs, Ms. Rivers, Mr. Rothman, Mr. Rush, Mr. Sawyer, Mr. Schumer, Mr. Serrano, Mr. Skaggs, Mr. Smith of Michigan, Mr. Snyder, Ms. Stabenow, Mr. Strickland, Mr. Tauzin, Mr. Taylor of Mississippi, and Ms. Woolsey):

H.R. 3502. A bill to establish the Independent Commission on Campaign Finance Reform to recommend reforms in the laws relating to the financing of politcal activity; to the Committee on House Oversight, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETERSON of Minnesota:

H.J. Res. 115. A joint resolution proposing an amendment to the Constitution of the United States to permit the Congress to relinquish claims of the United States to the portion of the State of Minnesota that lies north of the 49th parallel; to the Committee on the Judiciary.

By Mr. SCHIFF (for himself, Mr. Redmond, and Mr. Skeen):

H. Res. 389. A resolution celebrating the "New Mexico Cuartocentenario", the 400th anniversary commemoration of the first permament Spanish settlement in New Mexico; to the Committee on Government Reform and Oversight.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 277: Mr. Ackerman, Mr. Barrett of Wisconsin, and Mr. Pascrell.

H.R. 431: Mrs. Tauscher.

H.R. 616: Mr. Rothman, Mr. Nethercutt, and Mr. Kucinich.

H.R. 716: Mr. Dan Schaefer of Colorado and Mrs. Northup.

H.R. 815: Mr. Smith of New Jersey.

H R. 859: Mr. Berry and Mr. Smith of Michigan.

H.R. 979: Mr. Rogers, Mr. Franks of New Jersey, Mr. Sandlin, Mr. Whitfield, Mr.

Cannon, Mr. Pastor, Mr. Rangel, Mr. Smith of New Jersey, Mr. Cummings, and Mr. Hoyer.

H.R. 1047: Mr. Pascrell.

H.R. 1059: Mr. Aderholt and Mr. Cannon.

H.R. 1126: Mr. Rahall.

H.R. 1159: Mr. Barrett of Wisconsin.

H.R. 1261: Mr. Pickett, Mr. Peterson of Pennsylvania, and Mr. Goode.

H.R. 1283: Mr. Campbell, Mr. McCrery, Mr. Klug, Mr. Traficant, Mr. White, Mr. Livingston, Mr. Callahan, and Mr. Dicks.

H.R. 1299: Mr. Cook.

H.R. 1334: Mr. Jackson.

H.R. 1362: Mrs. Fowler, Ms. Woolsey, and Mr. Frank of Massachusetts.

H.R. 1375: Mr. Schiff, Mr. Jefferson, Mrs. Kennelly of Connecticut, Mr. Crapo, Mr. Dicks, Mr. Wamp, Mr. Hilliard, Mr. Nussle, Mr. Spratt, and Ms. Eddie Bernice Johnson of Texas.

H.R. 1376: Mr. McDermott, Mr. McNulty, and Mr. Blagojevich.

H.R. 1766: Mr. Farr of California, Mr. Hall of Texas, Mr. Hinojosa, Ms. Hooley of Oregon, Mr. Markey, Mr. Snyder, Mr. Thompson, Mr. Wamp, and Mr. Kim.

H.R. 2050: Mr. Abercrombie.

H.R. 2052: Mr. McGovern.

H.R. 2094: Mr. McGovern.

H.R. 2257: Mrs. Mink of Hawaii, and Mr. Green.

H.R. 2305: Mr. Coble and Mrs. Myrick.

H.R. 2351: Mr. Clyburn.

H.R. 2409: Mr. Minge.

H.R. 2537: Mr. Rahall and Mr. Hansen.

H.R. 2538: Mr. Gonzalez.

H.R. 2681: Ms. Kilpatrick and Mr. Clement.

H.R. 2715: Mr. Stump.

H.R. 2912: Mr. McIntosh.

H.R. 2923: Mr. Horn, Mr. Fox of Pennsylvania, Mr. Tauzin, Mrs. Kelly, Mrs. Roukema, Ms. DeLauro, Mr. Kleczka, and Mr. Hinchey.

H.R. 2925: Mr. McCollum.

H.R. 2936: Mr. Christensen.

H.R. 2941: Mrs. Myrick.

H.R. 2945: Mr. Ewing.

H.R. 2990: Mr. Thune, Mr. Cummings, Mr. Hoyer, Mr. Jenkins, and Mr. Watt of North Carolina.

H.R. 3014: Ms. Woolsey.

H.R. 3027: Ms. Woolsey.

H.R. 3028: Ms. Woolsey.

H.R. 3050: Mr. Waxman, Mr. Deutsch, Mr. Wynn, and Mr. Wolf.

H.R. 3070: Mr. Sanders.

H.R. 3126: Mr. Hinchey.

H.R. 3211: Ms. Rivers, Mr. McGovern, Mr. Lantos, Mr. Sandlin, Mrs. Fowler, Mr. Hansen, Mr. Manton, Mr. Bilbray, Mr. Bateman, Mr. Barr of Georgia, Mrs. Roukema, Mr. Canady of Florida, Mr. Hilleary, Mr. Hinchey, Mr. Goode, Ms. Kaptur, Mr. Talent, Mr. Camp, Mrs. Emerson, Mr. Foley, and Ms. Furse.

H.R. 3215: Mr. Talent, Mr. Armey, and Mr. Gallegly.

H.R. 3246: Mr. Ballenger, Mr. Barrett of Nebraska, Mr. Hoekstra, Mr. McKeon, Mr. Sam Johnson, Mr. Riggs, Mr. Graham, Mr. Souder, Mr. Norwood, Mr. Bob Schaffer, Mr. Peterson of Pennsylvania, Mr. Upton, Mr. Hilleary, Mr. Scarborough, Mr. Ensign, Mr. Hall of Texas, Mr. Watkins, Mr. Deal of Georgia, and Mr. Stenholm.

H.R. 3259: Mr. Green.

H.R. 3292: Mr. Matsui, Mr. Hastings of Florida, Mr. Frank of Massachusetts, Mr. Boucher, Mr. Meehan, Mr. McNulty, Mr. Faleomavaega, Mr. Frost, Mr. Neal of Massachusetts, Mr. Bonior, and Mr. Towns.

H.R. 3295: Mr. Kennedy of Rhode Island, Mr. Oberstar, Mr. Edwards, and Mr. Boehlert.

H.R. 3310: Mr. Sandlin, Ms. Lofgren, Mr. King of New York, Mr. Hall of Texas, Mr. Combest, Mr. Cunningham, Mrs. Emerson, Mr. Talent, Mr. Gejdenson, Mr. Shadegg, Mr. Mica, Mr. Burton of Indiana, Mr. Cox of California, Mr. Condit, Mr. Sanford, Mr. Pappas, Mr. Norwood, Mr. Pombo, Mrs. Kelly, Mr. Pickering, Mr. Horn, and Mr. Ehrlich.

H.R. 3336: Mrs. Meek of Florida, Mr. Canady of Florida, and Mr. McCollum.

H.R. 3338: Mr. Clyburn and Mr. Lewis of Georgia.

H.R. 3376: Mr. Kildee and Mr. Camp.

H.R. 3438: Mr. Bateman.

H.R. 3459: Ms. Woolsey.

H.R. 3470: Mrs. Thurman, Mrs. Maloney of New York, and Ms. Furse.

H. Con. Res. 188: Mr. Menendez.

H. Con. Res. 203: Mr. Kleczka.

H. Res. 340: Mr. Hinchey.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2870

OFFERED BY: MR. GILMAN

Amendment No. 1: Page 10, after line 15, insert the following:

(c) Notification Requirement.—The President shall notify the congressional committees specified in section 634A of this Act at least 15 days in advance of each reduction of debt pursuant to this section in accordance with the procedures applicable to reprogramming notifications under such section 634A.

Page 10, line 16, strike "(c)" and insert "(d)".

Page 12, after line 25, insert the following:

(c) Notification Requirement.—The President shall notify the congressional committees specified in section 634A of this Act at least 15 days in advance of each reduction of debt pursuant to this section in accordance with the procedures applicable to reprogramming notifications under such section 634A.

Page 13, line 1, strike "(c)" and insert "(d)".

Page 16, after line 21, insert the following:

(b) Notification Requirement.—The President shall notify the congressional committees specified in section 634A of this Act at least 15 days in advance of each sale, reduction, or cancellation of loans or credits pursuant to this section in accordance with the procedures applicable to reprogramming notifications under such section 634A.

Page 16, line 22, strike "(b)" and insert "(c)".

H.R. 2870

OFFERED BY: MR. VENTO

Amendment No. 2: Page 19, after line 20, insert the following:

"(5) Research and identification of medicinal uses of tropical forest plant life to treat human diseases and illnesses and other health-related concerns.

Page 19, line 21, strike "(5)" and insert "(6)".

Page 19, line 23, strike "(6)" and insert "(7)".

H.R. 2870

OFFERED BY: MR. VENTO

Amendment No. 3: Page 23, line 12, after "scientific," insert "indigenous,".

Page 23, line 14, after "scientific," insert "indigenous,".

SENATE—*Wednesday, March 18, 1998*

The Senate met at 9 a.m. and was called to order by the Honorable WAYNE ALLARD, a Senator from the State of Colorado.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

God our Father, thank You for the power of intercessory prayer. Intercession changes our understanding of what and how to pray, changes our relationship with the people for whom we pray, and actually changes what happens in their lives because we pray. You are constantly seeking to enable deeper relationships and are delighted when, out of love, we come to You to pray about our loved ones and friends.

Today we focus our prayers on the spouses and families of the Senators. They are such a vital part of these leaders' lives. And yet, the very demands of being in the Senate cause strain and stress on marriage and the family. Family members bear the burden of high profile living with its lack of privacy and abundance of public scrutiny and criticism. Though spouses are not elected to office, often constituencies place heavy responsibilities and demands on them. Keeping pace with schedules, the demands of the family, and the pressures of social calendars creates a formidable challenge.

Father, bless the Senators' spouses, children, and extended family of parents, brothers, and sisters. We focus them in our mind's eye in this moment of intercessory prayer. Grant each one the healing help and hope that he or she needs today. Through our Lord and Saviour. Amen.

APPOINTMENT OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 18, 1998.

To the Senate:

Under the provisions of rule 1, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WAYNE ALLARD, a Senator from the State of Colorado, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. ALLARD thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

THE PRAYER

Mr. GRASSLEY. Mr. President, first of all, I wish to comment on the prayer of the Chaplain of the Senate this morning. It is a prayer that is needed, because there is more than just one member of the family involved in the Senate. It is needed because family is very much involved. More importantly, our Chaplain practices what he preaches in the sense that he is truly a person who is a pastor not only for 100 Senators and their families but for a bigger family, the staff of the Senate. So I know that his prayer is from the heart as well as from the Scripture.

SCHEDULE

Mr. GRASSLEY. On behalf of the leader, Mr. President, I wish to make this announcement. The Senate will be in a period of morning business until 11:30 a.m. At 11:30, the Senate will begin consideration of H.R. 2646, the Coverdell A+ education bill. At that time, Senator ROTH will be recognized to offer an amendment. It is hoped that good progress can be made on the Coverdell bill, and therefore Senators can expect rollcall votes throughout Wednesday's session.

In addition, the Senate may resume consideration of the NATO enlargement treaty. The Senate may also be asked to consider any of the following items: the ocean shipping reform bill, the Texas low-level waste compact, and any other executive or legislative items cleared for action.

I thank my colleagues for their attention, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORTON. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAIG). Without objection, it is so ordered.

INDIVIDUALS WITH DISABILITIES EDUCATION ACT AMENDMENTS OF 1997

Mr. GORTON. Mr. President, last year the Senate approved the Individuals with Disabilities Education Act Amendments of 1997. I was the only Member to vote against this bill, not because I disagree with the premise of IDEA to ensure that children with special needs receive an education, but because its focus is so narrow it avoids entirely or interferes with the overall quality of education provided to all of our young people. This narrow focus also abrogates the rights of those who are closest to our children—their parents, teachers, school administrators and their elected school board members—to make judgments about how to provide the best possible education for the largest number of students.

The new law, like the previous statute, proposes a series of largely unfunded mandates on every school district in the Nation. What Congress did was to say to each school district: We know what is best for you. We are going to tell you what to do and how to do it, but we won't pay the costs associated with our decisions.

I was so frustrated by this attitude that Washington, DC, knows best, that last year I offered two amendments, one on school safety and the other on school funding.

The two amendments were based on the same philosophy: Education policies are best determined by those closest to our children—their parents, teachers, principals and school boards. Their ability to teach kids and to create safe and conducive learning environments shouldn't be stifled by mandates from Congress or overregulation by the Department of Education.

While the school safety amendment was narrowly defeated by only three votes, the Senate approved my amendment to send K through 12 funding directly to local school districts. In addition to giving local educators the authority to spend education funds on their priorities in their school districts, the amendment repealed hundreds of pages of regulations handed down by the Department of Education, placing the focus on teaching kids and not on endless paperwork. There is clearly significant support in the Senate for giving control of the schools back to parents, teachers, and locally elected school board members.

Unfortunately, if the proposed regulations for the new IDEA are any indication, it seems that the Department of Education didn't get that message. Instead of reducing regulations, it has increased them. Instead of simply providing an interpretation of the new law, the Department ignores congressional intent and creates its own policies. The new regulations are more than 25,000 words longer than the old ones—a 71 percent increase in words about which to argue, litigate, and otherwise divert resources from educating kids.

Instead, our teachers and principals will be saddled with the implementation of a more complex set of federally imposed requirements, some created by the Federal bureaucracy and never voted on by any Member of Congress. One special ed director told me, "At least monthly, one of my staff tells me he or she is leaving special ed because of the paperwork." And another superintendent echoed that frustration when he wrote that, "A process which is supposed to result in an education program . . . becomes a battleground on which procedures become more important than educational results."

One district sent me the paperwork required just to start a child on special education programs. It is close to 40 feet long with one form pasted on to another. It is no wonder our educators are frustrated. I'm afraid that the new law, and most certainly the new regulations will not allow educators to focus on kids. Instead, they will have to focus on process and on ensuring that their district complies with myriad complex rules and procedures.

Special ed teachers will continue to leave their profession in frustration; school districts will spend money on ensuring that "I's" are dotted and "T's" crossed to avoid litigation and kids won't receive the education they might otherwise receive in the absence of the regulations handed down by Washington DC bureaucrats.

The 1997 amendments were developed in an unusual process in which the Department of Education had a seat at the table while the new law was being crafted. The Department knew where compromises were made, where Congress chose to act and where Congress intentionally remained silent. It is troubling, although perhaps not entirely unexpected, given the Department's past history, that the regulations seem to have turned into a vehicle for the Department to enact policies that it supports but that Congress specifically rejected. The proposed regulations include notes and previous policy letters, which instead of providing clarification, create new interpretations of the law. The Department of Education has also used these regulations to promote a particular approach to the provision of local services and to influence specific local educational decision making. These expansions beyond the Act not only continue the traditional federal overregulation in special education but also exceed the mission of the federal Department of Education in promoting or favoring a particular educational approach. All of this invites more litigation and less flexibility.

The message these regulations send to each and every teacher and principal is that Washington DC doesn't trust you to do your job with care and compassion. Bureaucrats at the Department of Education are the best judge of what is necessary and appropriate at the local level and that uniform solutions can be applied to every situation. Who is more qualified to help our special needs students? Someone who dedicates each day to helping children learn? Or a faceless bureaucrat sitting behind a desk in Washington DC? Within the 110 pages of regulatory pronouncements there are literally hundreds of provisions of concern to the school districts in Washington state. There are simply too many to cover in the time I have on the floor, so I will focus on only a few issues.

There is no other issue in IDEA as contentious as discipline procedures and there is no other area in regulation where the Department takes more liberty to act in defiance of Congressional intent. While I did not support the final provisions on discipline, they were the result of careful compromises on all sides—compromises in which the Department of Education was involved. Instead of honoring those agreements, the Department decided to legislate on its own.

The Department decided that a child should be in an alternative education setting for no more than 10 school days in each school year. Congress based the length of a student's suspension on Honig v. Doe which allows a child to be placed in an alternative education setting or suspension for not more than 10 school days. Honig and thus the statute simply says 10 school days nothing more, nothing less. By overstepping its regulatory authority, the Department's proposal means that a young person with a few infractions during the school year such as smoking, cutting class, bad language and the like, could by the end of the school year commit the same minor infractions and be subject to no significant discipline or a very different one than his or her peers; and his or her peers would still be subject to the general rules established by the principal or school district. In effect we are telling these children, one set of rules applies to most kids and a very different, and much more lax set of rules applies to you.

Once a child's disciplinary action exceeds the cumulative 10 days in a school year, the Department's regulations trigger a new array of requirements. Just a few disciplinary infractions within the 10 month school year could mean a number of new, costly service and procedural requirements, including full educational services during suspension, IEP meetings, and assessment plans. The regulations also infer that a manifestation determination must be held for each infraction of school rules if the child has already exceeded this 10 school day limit—even if the misbehavior is relatively minor and would only result in a disciplinary action of one or two days. Schools would be forced to decide whether or not to pay for the costs of the manifestation determination or simply letting the behavior slide. This again has no legislative basis and will be especially burdensome for small school districts and those in rural areas that can't afford to keep specialists on staff in the event they might be needed.

Additional proposed regulations, without legislative sanction, include the requirement of a decision within 10 days of the request for an expedited hearing. The Department also specifically discourages home bound placement except for medically fragile children, ignoring that under certain circumstances for safety, home bound instruction may be appropriate. Another note encourages returning a child who has been placed in an alternative placement for 45 days back to the classroom once behavior interventions are in place. It should be remembered, however, that the child was removed from his or her regular classroom because of dangerous behavior, either a weapons or drug violation, not simply the need to develop new remedies.

Both the law and the regulations set an almost impossible standard for schools to meet in establishing requirements for this alternative educational placement. This placement must include services or modifications to address the original misbehavior so that it does not recur and the school must anticipate and provide modifications for any other behavior that would result in the child being removed from the regular education placement for more than 10 school days. One small school district with only 250 K–12 students had a student with a disability grab another student, put a saw to his neck and threaten to cut it off. Was the school district responsible for anticipating and preventing the outburst? The new regulations seem to imply that it would be.

Additionally, nondisabled children can circumvent school disciplinary action by claiming a disability. A child or parent can come along after the fact and claim that the misbehavior was caused by a previously undiagnosed disability. Both the law and proposed regulations are so loosely structured that almost any noneligible child with a behavior problem can assert IDEA protections.

What do all of these regulations mean for the classroom teacher and the children in our schools? One principal tells me that special education students brag to other students that the consequences of misbehavior do not apply to them. This will certainly continue to be the case under the new law and the regulations. In another small town in my state, one high school student with a learning disability brought a handgun into class. The gun discharged and a bullet passed through the leg of another student. After a review team determined the misconduct was not the result of the student's disabling condition, a one-year expulsion from school was initiated. The parents appealed, alleging the student's IDEA rights had been violated. The hearing officer ordered the continuation of educational services for the special education portion of the day. A tutorial program, off campus, was established to continue the child's special education services at substantial cost to the District. The new requirement to provide the full educational program would increase this cost four fold. Should the educational opportunities for other students be negatively impacted by redirecting $60,000 from other classrooms to pay for a tutorial program for a student who's behavior is not caused by their disability and who shoots another in class? If any of us here on the Senate floor were in the classroom and we were faced with a violent or disruptive child, how would we handle the situation? Would we rely on our years of classroom experience, or would we rely on a set of rules and regulations from Washington, DC, to guide us? Unfortunately, for every child and teacher in our country, the Department's proposed regulations result in an even more inflexible dual standard of discipline for students with disabilities, a standard that further sets them apart from other students and relieves them from responsibility for their own acts

Because of its complexity and the provisions that make attorneys' fees a one way street for parents, IDEA is one of the most litigated of all federal statutes. Forbes magazine recently described it this way, "Special ed has become the ambulance and lawyers are chasing it." Instead of ensuring that dollars stay focused on the classroom, the Department appears to encourage parents, through the policies it has developed in these regulations, to sue their school districts. Congress encouraged mediation, yet the department provides no regulatory "guidance" on mediation and in fact makes it easier for parents to get their lawyers fees paid for by encouraging states to enact laws allowing hearing officers to award attorneys' fees. The Department gives states new authority to order compensatory services and eliminates the administrative appellate option of Secretary-level federal review from current regulations. All of these changes are without legislative foundation. Again, little to no consideration has been given to the impact these regulations and the enormous costs that will most certainly accompany them will have on the education of all children in the school district.

Overwhelmingly each school district I have heard from is concerned about the implementation date. Under the proposed regulations Individual Educational Plans for every child must comply with the new law and new requirements by July 1, 1998. Since most IEPs are reviewed on an annual basis, IEPs developed for a full year of services would be invalidated. School districts will have virtually no time between issuance of the final regulations and the July 1 implementation date to involve regular education teachers and to consider the many new IEP factors. For school districts with thousands of IEPs the tasks of revising each IEP according to the final regulations will be impossible by July 1, 1998. The imposition of a July 1 implementation date for all IEPs places all school districts in a position of massive potential financial liability. Administrative and judicial complaints concerning any service contained in a non-complying IEP that was developed to meet the requirements of the new regulations will likely result in major financial judgments against the nation's schools.

This is by no means an exhaustive list of Washington state concerns. There are many other areas where the Department defies Congressional intent such as, the promotion of extended year services, or the Department's unilateral expansion of the definition of related services to include travel training, nutrition services and independent living. There are just simply too many to mention all of them here. The few I have mentioned are merely examples of the attitude that is pervasive at the Department of Education—we know better than local parents, teachers, principals and elected school board members. In most organizations the philosophies of its leader sets the standard for its employees. The Department of Education is no exception. In last year's state of education address, Secretary Riley speaking about national testing said that we should not "cloud our childrens' future with silly arguments about federal government intrusion". I can guarantee you, that to the thousands of schools that must comply with the rules, regulations, paperwork and direction from Washington, DC, laid down by these regulations the argument about federal government intrusion is far from silly.

To add insult to injury, the administration apparently believes that school districts coffers are brimming with cash to implement the new regulations and absorb the associated costs. Clearly, no thought has been given to the impact on the education of the children in the school district or to minimizing the growing adversarial relationship between special education and regular education. The Department's regulations certainly demonstrate that indifference, but the President's budget request may be the most telling. This year, if the President has his way, the per child federal contribution for special education will actually go down. Further, the administration acknowledges that its proposed funded level represents a federal contribution of merely 9 percent of the excess costs of educating kids under IDEA. If the Administration wants to tell local schools how to run their special ed programs, the President and his Administration should have the common decency to adequately fund those demands.

Contrary to what the Department of Education seems to believe, the 1997 Amendments to the Individuals with Disabilities Education Act were not a vehicle for empowering the federal bureaucracy to enact its own laws. I'd like to take this opportunity to remind the Department of a law Congress passed in 1996, the Small Business Growth and Fairness Act, which includes a provision giving Congress the authority to review and disprove each and every new regulation promulgated by the federal agencies.

I am told that the Secretary is working with the committees of jurisdiction regarding the proposed regulations and I hope that process results in substantial improvement. Otherwise, I'm afraid the final regulations will be so onerous that Congress will have no choice but to ask the Department to start over again.

Mr. President, I simply state that the law itself was detailed enough and bad enough in its centralization. The regulations are considerably worse. Once again, Mr. President, I could roll this out here on the floor. This is the set of forms required of a school district for a single disabled student. It is close to 40 feet in length. This is what we have done to our schoolchildren, to our teachers, and to our school districts It's wrong. We aren't paying for it and we have to reform here, not in the school districts.

FISCAL YEAR 1998 SUPPLEMENTAL APPROPRIATIONS BILL

Mr. KERREY. Mr. President, I rise today to discuss my strong concerns regarding the fiscal year 1998 emergency supplemental appropriation bill. I was extremely disappointed by last week's decision by the House Republican leadership to split the fiscal year 1998 emergency supplemental bill into two separate legislative pieces: one includes funding for defense and disaster relief and the other contains funds for the International Monetary Fund and payment of U.S. arrears to the United Nations. I was similarly disappointed that the Senate Appropriations Committee not only marked-up two separate pieces of legislation, but that funding for U.S. debts to the UN was not included at all.

Mr. President, I am very concerned about the House and Senate legislative strategy involved in splitting the supplemental appropriations bill. I firmly believe that the Congress must act quickly to pass a single, emergency bill prior to the April recess.

It is imperative that the Congress act immediately to supply the $18 billion requested by the administration for the IMF. I am pleased that the Senate Appropriations Committee voted yesterday on legislation that includes both the $14.5 billion to replenish the IMF's capital base and the $3.5 billion for the new arrangements to borrow, NAB, while encouraging necessary IMF reforms. The Asian financial crisis poses too great of a threat to the economic prosperity of the American people to allow it to become mired in non-related, political debates. As Secretary Rubin has stated, "Financial instability, economic distress and depreciating currencies all have direct effects on the pace of our exports, the competitiveness of our companies, the growth of our economy and, ultimately, the well-being of American workers and farmers." To be clear, the growth and competitiveness of our economy is at stake.

Mr. President, I am confident that the vast majority of our colleagues agree on the importance and the need to move forward with the IMF funding proposal. However, my fear is that while we are likely to see quick action on defense and disaster relief, a separate funding vehicle for the IMF is likely to get bogged down in non-related arguments.

The American people have a right to ask: if there is agreement, why the delay? It appears that certain Members of Congress are prepared to hold funding for the IMF hostage to their desire to fight, yet again, the international family planning issue.

Mr. President, I do not begrudge the concerns of my colleagues who feel strongly about the issue of international family planning. I recognize that disagreement exists. In my opinion, international family planning assistance is essential to health care in developing countries, resource and environmental management, and economic development. While I am confident that this is an issue that we will once again fight during consideration of the fiscal year 1999 foreign operations appropriations bill, I believe that it is extremely irresponsible to hold up IMF funding to debate this issue.

Mr. President, the truth is I've actually begun to lose count of how many issues are being held hostage by proponents of the so-called Mexico City language. We now see reports that this issue will be attached to the conference report on State Department reauthorization, thus slowing up efforts to achieve much needed reforms in our foreign policy decisionmaking structure. Similarly, payment of our debts to the United Nations are also being held up over this same issue. At a time in which we are asking our allies to stand with us in opposition to Saddam Hussein, to force him to comply with the UNSCOM inspection regime, we refuse to pay our debts. It would be naive to think that this doesn't affect our ability to lead at the United Nations. It is time for real leadership in the Congress; it's time to move forward on this issue.

I would like to draw my colleagues' attention to an editorial that appeared in the March 16 edition of the New York Times entitled "Foreign Policy Held Hostage." This editorial clearly outlines the risks to our broader foreign policy goals when narrow interests are pursued indefinitely. I ask unanimous consent that the full text of this editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 16, 1998]

FOREIGN POLICY HELD HOSTAGE

House Republican leaders flaunt their disregard for America's broader interests by letting anti-abortion crusaders hold up funding for the International Monetary Fund and the United Nations. The money is being held hostage to an obnoxious amendment by Representative Christopher Smith of New Jersey that would block American financing of any foreign group lobbying for less restrictive abortion laws abroad. President Clinton rightly threatens to veto any bill with the Smith language.

A similar ploy by Mr. Smith blocked I.M.F. and U.N. funding measures last fall. Speaker Newt Gingrich should understand that I.M.F. and U.N. payments are too vital to American interests to be ensnarled in abortion politics and ought to let an unencumbered bill pass the House.

The $18 billion for the I.M.F. is meant to replenish its reserves after the recent bailouts of Thailand, South Korea and Indonesia. Asia's financial crisis is not over, and the fund may need the money in the coming months. America's trade interests and even the health of the economy could be jeopardized by delaying this funding.

The nearly $1 billion for the U.N. would pay off most of America's debt to the world organization. For years, Congress has withheld some of America's dues to leverage reforms at the U.N. Many of those changes have now been adopted under the leadership of Kofi Annan, the new Secretary General. Other countries have had to make up for the loss of American money, undermining Washington's bargaining power in the U.N. If the back dues remain unpaid, the United States will lose its voting rights in the General Assembly next year, an embarrassment for the nation that led the effort to create the United Nations half a century ago. Abortion politics has no place in determining America's role in the U.N. and the I.M.F.

Mr. KERREY. Mr. President, I close by urging the Senate to move swiftly to pass a single fiscal year 1998 supplemental appropriations bill before we leave for the April recess. The safety and prosperity of the American people and our economy is too important to do less.

The PRESIDING OFFICER (Mr. ROBERTS). Under the previous order, the Senator from Wyoming is recognized to speak for up to 45 minutes.

SOCIAL SECURITY

Mr. THOMAS. Thank you, Mr. President. For some time now, we have had what we call a freshman/sophomore focus in which those of us who have come here in the last 2 to 4 years come to the floor to talk about some of the issues that we believe are the pivotal issues before this Congress and the American people, the ones that have the highest priority and are most difficult. We come again this morning to talk largely about the questions and problems associated with Social Security. All of us, of course, are dedicated to continuing to have a strong Social Security program. So that is the focus of our freshman focus this morning.

I yield to the Senator from Minnesota, Senator GRAMS, for 10 minutes.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. GRAMS. Mr. President, I rise this morning along with my colleague to make a few brief observations about Social Security and how we can preserve and strengthen it. I thank my colleague from Wyoming for reserving floor time so that we can address this critical issue.

I was shocked by a recent poll revealing that Americans would rather put their Social Security money under their mattress than entrust it to the Government. According to that poll, 46 to 56 percent of Americans said they would prefer to put their retirement savings under their mattress—only 28 to 35 percent would rely on Uncle Sam. Why are so many Americans skeptical about the government-run Social Security program? The answer is simple: in its present form, the program is a raw deal for most Americans. It will not be there for baby boomers, and it will heavily burden our children and grandchildren.

Mr. President, the American people's skepticism and worries about Social Security are well founded. Social Security's future is being challenged by a massive demographic shift now underway that will continue for the next 33 years. In 1941, there were approximately 100 workers for every retiree. Today, there are only three workers for every retiree; that ratio will soon drop to two workers per retiree. Even though Congress has increased the payroll tax 51 times since Social Security's creation, the program is clearly headed for insolvency and the future tax burden on workers will be overwhelming.

The Congressional Budget Office warns that if these problems are not fixed, federal deficits could shatter our future economy, placing a heavy burden on our children and grandchildren. The federal deficit would increase from $107 billion in 1996 to $11 trillion in

2035. The national debt would balloon to $91 trillion during that same period of time. Such rapid growth of federal debt and the deficit would bankrupt this nation, making any bailout impossible.

Mr. President, I welcome the fact that the Administration has started to pay attention to the Social Security crisis. I am pleased we all agree that Social Security is facing serious financial and demographic challenges. It is a fiscal disaster-in-the-making, unsustainable in its present form. We desperately need reform to preserve and strengthen the Social Security program. The sooner we do it, the less pain we will suffer in the future. But the real question is, how we should go about it?

It is obvious to me that simply funneling money back into Social Security won't help fix the problem. It will not re-build the fund's assets for current and future beneficiaries and it does not address the flaws of the current finance mechanism.

The fundamental problem with the Social Security program is that it is funded on a pay-as-you-go basis. The Social Security payroll taxes are not directly invested in assets, and retirees' benefits are not paid from the sale of earlier invested assets. Instead, the current payroll taxes are largely paid directly to current retirees, and the federal government uses the remainder to fund other programs—stealing from the Social Security trust fund to pay for other programs. The Social Security's trust-fund "assets" consist of nothing but Treasury IOUs that can only be redeemed if Congress cuts other spending, raises taxes, or borrows from the public to raise the cash.

Without fundamental reform, using general revenue to pay for Social Security is nothing but an increase in the payroll tax on American workers. I believe that reforming the Social Security program to ensure its solvency is vitally important, and the sooner we get about the task of doing it the better. Any projected budget surplus should be used partly for that purpose, using it to build real assets by changing it from pay-go to a pre-funded system.

Yet, I also believe strongly that Congress owes it to the taxpayers to dedicate a good share of the surplus for tax relief. After all, the government has no claim on any surplus because the government did not generate it—it will have been borne of the sweat and hard work of the American people, and it therefore should be returned to the people in the form of tax relief.

Washington and bureaucrats should not be first in line to take any of the surplus and spend it. It should go back to the taxpayers.

Should we save Social Security first or provide tax cuts first? My answer is we should do both. We had a similar debate last year about whether we should balance the budget first and provide tax cuts later. The truth is we can absolutely do both at the same time, as long as we have the political will to reform Social Security.

The President is maintaining that not one penny of the surplus should be used for spending increases or tax cuts—that every penny should go to save Social Security. But in his FY 1999 budget, he has already proposed to spend some $43 billion of the surplus. That's an obvious contradiction.

Moreover, in the next five years, the President will have to use more than $400 billion out of $600 billion from the Social Security trust funds surplus to pay for his government programs.

If we're serious about saving Social Security, we should first stop looting the Social Security surplus to fund general government programs, return the borrowed surplus to the trust funds by cutting government spending, and begin real Social Security reform.

Mr. President, several other recent polls prove that Americans are increasingly concerned about the future solvency of the current Social Security program. A USA Weekend poll showed that one out of two Americans fear they would have inadequate Social Security benefits.

In a survey conducted during a Social Security conference I hosted recently in my home state of Minnesota, we found that 73 percent of the participants fear they may not achieve a secure retirement from Social Security.

Eighty-five percent believe America's young people will be facing a major financial crisis and significantly higher taxes because of current and future spending on older generations.

Eighty percent believe most people could make more money investing their retirement funds in the private sector than they get from Social Security.

Seventy-nine percent would support conversion of the current pay-go system to a prefunded system.

Again, 79 percent, or 8 out of 10 Americans, would support the conversion of the current pay-go system to a prefunded system.

Clearly, the American people want reforms to ensure that any retirement benefits continue to be available to all Americans. And I believe we should consider any Social Security reforms that will provide a better retirement safety net for all Americans by allowing compound interest to work.

Mr. President, the success of Social Security reform depends on informing and educating the American people. Only a knowledgeable public can make a sound decision about how we should go about saving Social Security.

As a first step in this effort, I have introduced a bill to require statements providing the American people with essential information on their future Social Security benefits. The information provided by the Social Security Information Act will give us a better idea of what our Social Security benefits will be at retirement age, as well as a comparison to what those retirees would get if Social Security dollars had been invested privately. They need to have that information. They need to have that comparison. Americans need to know up front what they can and can't expect of the Social Security System compared against what they are paying into it and what their employer is contributing.

Giving individuals an honest accounting of that information serves, I think, the very fundamental objectives of the Social Security Program by enabling workers to judge to what degree they should supplement their contributions with other forms of retirement savings such as pension plans, personal savings, and investment. The Social Security Information Act is a good first step in the fundamental reform that needs to be undertaken.

Mr. President, in closing, I am looking forward to working with my colleagues and the administration in exploring every possible solution that we can to strengthen Social Security and to help provide better benefits for today's recipients and also provide better benefits for future generations.

Thank you very much, Mr. President. I thank my colleague from Wyoming, and I yield the floor.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I thank the Senator from Minnesota, who has worked very hard in the area of deficit reduction and strengthening Social Security. And I know he continues to feel strongly about it.

One of the interesting things—and I suppose it is true of any institution, and it seems more particularly true of government—is the difficulty in making changes. I doubt that there is anyone who is knowledgeable at all about Social Security who wouldn't agree that there needs to be some changes made; who wouldn't agree that if we do not make changes, the results will not be what we want, and, conversely, if we expect some different results, we have to do some things differently. But it is very difficult to do. So I think it is important for us to continue to talk about it, continue to stress it, and continue to point it out.

Social Security is a major component of senior citizens' income. Thirty-seven and one-half million senior citizens depend at least partially—and many times totally—on Social Security payments. In many cases, it is the only source of retirement income. That is unfortunate, of course, because it isn't designed to be a retirement program, it is designed to be a supplemental program.

So there is something to the idea that we need to deal with taxes and Social Security simultaneously so that we encourage people to save on their own and have opportunities to do that through IRAs, or whatever technique, and at the same time strengthen Social Security, because they do, in fact, go together. All of us, I think, on the other hand, recognize that the system as it is now set up is not simultaneous. In 8 years, the system will begin to feel the pinch of retirement and the baby boomers, and this idea of having a surplus will begin to go away, and by the year 2012 it is expected that we will be running a deficit in terms of revenues.

What does this mean? It means, of course, that the Government will not be able to pay the benefits that are due without making some other kinds of changes.

There is some talk about taking the money and spending it for something else, which, of course, is true. But the fact is that under this system, the surpluses can only be invested in Government securities. And, therefore, when the Government needs to borrow money, for whatever the reason, it borrows from somewhere, and if it didn't borrow from Social Security, it would borrow from us as individuals. But the problem is, when we take $100 billion a year out of Social Security and put it into debt, then, of course, when the time comes for that debt to have to be repaid, we have to do something quite different than what we have been doing in the past.

It seems to me that the real clincher is, it is pretty clear that the longer we wait, the more difficult it will be and the more severe the changes will have to be. If we can make those changes as soon as possible, they can be more incremental and, hopefully, less painful And change always has a certain amount of pain.

During the State of the Union message, of course, the President brought up this notion of Social Security, and, of course, he said, "Social Security first," which is good. And I think it is fine that this thing was brought up there. I think it is fine that the White House has committed itself to this being the issue. The unfortunate part of it is, I think, that primarily a political statement is one that people like to hear —"Social Security first." But, unfortunately, the President does not have a plan to do anything about it.

Someone—I think Kevin Kearns from the Council of Government Reform—indicated that it is a little like the captain of the Titanic who saw the distress signals from the Titanic but didn't do anything about it. That is kind of where we are.

So it is a responsibility and an opportunity for the Congress, I think, to step up to the plate and to do something about changing the way that we fund this program. There are some very hard questions to be answered. Let me just share a couple of the things that are talked about—certainly the surpluses, as I mentioned; and Social Security will be about $105 billion in 1999. So the $10 billion surplus that is applied there is a relatively ineffective remedy in that it doesn't really amount to very much compared to the kind of lending that is taken.

First, there are several ways to make changes. The idea of putting some of these funds into an investment that grows and compounds has a number of advantages. One is, we would remove the excess payroll taxes from the unified budget. In other words, if we sent 2 percent over into this investment program, those would not be available as trust funds to be loaned to the Government as expenditures. That would be a plus. The second is, the amount that was invested would almost surely return a higher return than maybe Government securities. Whether the market goes up or down, it also moves that way, and the private sector also, at least from the point of view of some. If we set aside a portion of this to be dedicated to our retirement funds, it would be a fund that would become an asset and, if not exhausted by the user, would be a part of transfer to heirs. That again may or may not be the case, but that is one of the arguments that we hear.

The Washington Post, on the other hand, interestingly enough, some time ago said there are only three possible answers: Tax increases, spending cuts, or borrowing from the public. I don't believe the analyses of the answers are complete. Some of the answers are different kinds of investments, different kinds of returns, and perhaps something about age. So the idea of simply more taxes, I think, is not the answer.

The fact is that taxes, as my friend from Minnesota indicated, have been raised, I think, some 63 times over the course of Social Security. The 15.3-percent tax rate we now have is the most burdensome tax, after all, to most taxpayers. Seventy-two percent of all Americans pay no more than 15 percent in income tax. This means that this payroll tax is the largest tax, as a percentage to Americans, that Americans pay.

If, in fact, we don't do something, the National Center for Policy Analysis says the rising cost of Social Security and Medicare will raise the payroll taxes 53 percent by the time today's college students are ready to retire. Obviously, that is an unacceptable alternative.

Some talk about age differentials. In 1940, the labor force participation rate for men 65 years of age was 70 percent. Seventy percent of men 65 years of age were in the work force. Today, 33 percent are in the work force. So, obviously, we have less input and more outgo in this program.

So there are a number of things, all of which will be kind of new, all of which, I suppose, will be difficult. But, unfortunately, it is difficult to make change. The Social Security Program is not treated like a pension. Our contributions don't go into assets like stocks and bonds or mutual funds that increase in value over time, as we know. In the 1950s, there were 16 workers for every retiree, and Social Security taxes could be low and the benefits relatively high. Because of the number now, there are approximately three workers per retiree. This decline, as I mentioned, has resulted in 63 tax increases over this period of time.

So I think the evidence that we have a problem is clearly there. Now the question is, What are we willing to do about it? One of the suggestions, of course—and I think is a good one—is to put you and me as workers in charge of some of our own funds, not simply to raise taxes but rather to make Social Security financially sound. The program was originally financed on the 6-percent payroll tax. Today, of course, the tax rate is 12.4, plus Medicare, which makes it 15 percent. In order to keep this, as I mentioned, solvent, payroll taxes will need to be 18 percent by 2020 and 50 percent by 2075.

What are some of the ideas? Of course, to allow workers to divert a portion of their current payroll taxes to personal investment accounts; investing these funds into private securities; providing some ownership for this portion of that fee that goes there; and investing, of course, in private securities. I think it is important, on the other hand, that we continue to ensure that everyone is involved, that everyone makes some effort to prepare for their own retirement. And Social Security needs to be a concept that we continue to have.

So both of these options—of diverting it into a personal account, investing the budget surplus funds that we might have now into private securities, as opposed to the way we do it in Government securities—are an alternative, and both of these can go hand in hand. I think it is fair to say that the investment of the current surplus into private securities will not, in fact, solve the problem but will move us forward. But can you imagine young people, such as the young people who are here today as pages and as interns, when they come into the work force and are able to invest immediately 2 percent of that fund? Over a period of time, it will amount to a great deal of money.

So that is kind of where we are, Mr. President. We have a problem. We have some difficulties, of course. One of them that we are talking about this morning in another context is the unified budget. There is a great debate over the unified budget. As you know, all of the money that comes to the Federal Government goes into the unified budget, even though it may be in a trust fund, such as Social Security, such as a highway fund. Some say we ought to take those out of the unified budget and let the Social Security be off budget and let the highway fund be off budget. I suppose you have to say let the airport fund be off budget, and about 50 others be off budget. We would end up a bit like my State legislature, which I think has control of about 30 percent of the funds that come to the State, and all of it is earmarked for certain things.

I understand there is merit in that. I don't favor that, however. But that is one of the debates that goes on. The other one, of course, is as we spend more than we take in, we borrow from someone. And obviously, since the law requires that Social Security has to be invested in Government securities, you borrow there. You borrow there first, which makes a pretty good deal for the rest of the programs, if you are going to spend more than you take in. But it is not a good deal for those people who have their money set aside in the trust fund such as Social Security.

So we have, I think, a great deal to do. We have some hard topics to undertake. One of them is age. Obviously, we live longer than we did before. I already mentioned the work force at 65. We are moving towards the 67 age limit rather than 65. But I believe it is 2020 before we reach that level of gradually moving up 1 month a year.

So that needs to be reviewed. It is very difficult. It is true that things need to be done prospectively so that people who have paid in based on one set of circumstances are not affected, particularly during their time of benefits, but that those who come into the program more recently may come in under a different set of circumstances. So if ever there was a program, it seems to me, where you really have to decide, is this something we want to go on in the future, is this something you begin at age 22 to pay into to expect to enjoy the benefits, it is Social Security.

Polls have indicated that people in the 20 to 30 age bracket do not expect to have any benefits come to them. I think that is unfortunate. I think we have a responsibility to see that they do, so that it is not strictly a pay-go, that they are paying in for someone else with no hope of benefits. I think it can be done. I really think it can be done, and I think it can be done with relatively modest changes if we will move quickly to make those changes. The longer we wait, the more severe those changes will have to be and the more difficult they will be to obtain.

Mr. President, I think we are going to be joined in a moment by another one of our colleagues. In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, we have been joined now by our other associate, the Senator from Colorado, to conclude our comments this morning with respect to our focus on Social Security. So I yield to the Senator from Colorado 10 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. ALLARD. I thank the Senator from Wyoming for giving me an opportunity this morning to talk a little bit about Social Security reform. It is a delight to be able to work with the senior Senator from Wyoming on this and many, many other issues.

One of the most important challenges that we face as elected officials is the reform of Social Security. This issue, I think, is a test of our concern for future generations. The problem is far enough into the future that we could get away with doing absolutely nothing, but I do not believe this is acceptable. I am committed, and I think a majority of Members of both parties are committed, to the reform of Social Security, and doing it now.

Currently, Social Security payroll taxes exceed the level of benefits that are paid out. We, therefore, have a temporary surplus in the program. This will continue to be the case until around the year 2013 when we begin to run Social Security deficits. Unfortunately, none of the current Social Security surpluses are saved. They are spent on other Government programs. If a private company established a pension system like this, the administrator would be sent to jail.

With each passing year, we lose valuable time. Several years ago, the bipartisan Commission on Entitlement and Tax Reform forecast where they thought the budget would be headed over the next several decades. The most startling fact was that unless we reform entitlements such as Social Security and Medicare, those entitlements will consume virtually all tax revenues by the year 2030. Obviously, taxes would either have to be increased dramatically or spending would have to be cut dramatically on critical Government functions such as defense, law enforcement, transportation, and education.

This is a future that we simply must avoid. But we can only do this by moving now to reform Social Security. In my view, it is time to begin the transition from an exclusively tax-financed system to an investment-based system. This will take time. Any transition will probably have to be implemented over a period of 25 to 30 years. That is why it is so critical that we begin the transition no later than the year 2000.

Obviously, under any transition, we must guarantee current retirees the return that they have been promised. However, younger generations should be given the option of setting up some type of personal investment account similar to an IRA for a portion of their payroll taxes. Currently, the payroll tax on wages that is dedicated to Social Security is 12.4 percent. Half of this is paid by employees and the other half is paid by the employers. An initial transition might permit 2 percent to be invested in a mandatory account held by the taxpayer. These funds could be invested in common stock, bonds, Treasury notes, money markets, or any mixture desired by the taxpayer. The principal difference between this and the current system is that the personal investment account would be real money. This type of system is gradually being put into place in countries around the world. Australia, Chile, and Great Britain have also begun the transition to an investment-based pension system.

The long-term benefits are significant. This system would gradually reduce the claim on the U.S. Treasury that exists with the current system. Taxpayers would get a better return on their payroll tax dollars. Each and every American would become a shareholder in the economy. The economy would benefit from the higher level of national savings by forcing everybody to save for their retirement.

Mr. President, this is just one of a number of ideas being considered for Social Security reform. The important point is that we need to begin a national debate on this issue right now. We need to set to work now in devising a retirement system for the 21st century.

Mr. President, I now yield the floor.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The distinguished Senator from New York is recognized.

Mr. MOYNIHAN. I am sure that the distinguished Senator from Colorado has other appointments he has to meet and will have to leave the floor shortly.

But could I congratulate him on his remarks, and to say that we are about to introduce a bill, the Social Security Solvency Act of 1998, that is almost precisely the one he contemplates, or is in that range of reference. For his particular concern, we reduce the present 12.4 percent payroll tax by 2 percentage points, to 10.4. That puts us on a pay-as-you-go system, which with other adjustments, particularly the cost-of-living adjustment, means we will never go much above 13.4 percent, and we stay at 12.4 all the way to the year 2045. And then we give to each worker-employee the option of having 2 percent, the reduction in tax under our bill, put into a personal savings account—not very different from the Federal Thrift Savings Plan in which you have a whole catalog of mutual funds of various kinds in which you can invest.

The magic of compound interest is extraordinary. The Wall Street Journal this morning comments on this proposal and notes that—well, I will just read it:

> Why shouldn't working stiffs have the same chance others have to exploit the magic of compound interest? Mr. MOYNIHAN shows that workers earning $30,000 a year—

Which is not a high income at this time—

> can at a modest 5 percent return amass $450,000 in savings after 45 years.

By just shifting that 2 percent.

And this gives workers something they have not had in the past. It gives them an estate they can pass on to their children. Oh, heavens, I am about to say something which I suppose should be stricken from the RECORD, but it will make them all Republicans. Still, it is very much in line with the Senator's comments. I very much appreciate what he has said, and I congratulate him on doing so.

Mr. President, I ask unanimous consent that the article from the Wall Street Journal be printed in the RECORD, and I yield the floor.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Mar. 18, 1998]

PUBLIC TRUST BUSTING

When Senator Pat Moynihan speaks, liberals listen. So it just might mark a watershed in the Social Security reform debate that the New York Democrat this week embraced private investment retirement accounts.

Mr. Moynihan's welfare state credentials are impeccable. He helped to expand it during the Johnson and Nixon years and he's been its most intellectually nimble defender since. He bitterly opposed President Clinton's decision to sign a welfare reform law. And only last year, writing in the New York Times, he seemed to rule out any significant change in Social Security.

Well, he's now revising and extending those remarks. On Monday at Harvard, he said Social Security can be saved only by changing it. And not merely with the usual political kamikaze run of raising taxes and slashing benefits. He's also endorsing a redesign that would allow individuals to invest two percentage points of their payroll tax as they please, presumably in stocks, bonds and other private investments.

This is a big breakthrough, ideologically and politically. The idea of a private Social Security option has until recently been the province of libertarians and other romantics. When Steve Forbes talked up the concept in 1996, he was demagogued by fellow Republicans. Even such a free-marketeer as Ronald Reagan was forced to accept a Social Security fix in 1983 that relied mostly on tax hikes.

What's changed? Only the world, as Mr. Moynihan admits. The weight of the looming Baby Boom retirement has caused a loss of public faith in Social Security's sustainability. Few Gen-Xers even expect to receive it. More and more Americans also began to see the virtue of private retirement vehicles like IRAs and 401(k)s, which grew like Topsy as the stock market boomed.

"In the meanwhile the academic world had changed," Mr. Moynihan also told the mostly liberal academics at Harvard. "The most energetic and innovative minds had turned away from government programs—the nanny state—toward individual enterprise, self-reliance, free markets." (No, he wasn't quoting from this editorial page.) Privatizing Social Security suddenly became thinkable, in many minds even preferable.

In short, the same economic and political forces that have remade American business are now imposing change on government. Global competition and instant information have forced industry to streamline or die. Now those forces are busting up public monopolies—the public trusts, to adapt a Teddy Roosevelt phrase—that deliver poor results.

In the U.S., that means breaking a public school monopoly that traps poor kids in mediocrity or worse. And it means reforming a retirement system that gives individuals only a fraction of the return on their savings that they know they'd receive if they invested the money themselves. These are ultimately moral questions, because in the name of equity these public trusts are damaging opportunity for those who need it most.

The rich have known for years how to exploit the magic of compound interest, for example. Why shouldn't working stiffs have the same chance? Mr. Moynihan shows that a worker earning $30,000 a year can, at a modest 4% annual return, amass $450,000 in savings over 45 years by shifting just 2% of the payroll tax into a private account. Thus do even liberals become capitalists.

Now, let us acknowledge that "privatizing" Social Security is not what Mr. Moynihan desires. His political goal is to reform Social Security just enough to be able to save its universal guarantee. He fears, sensibly enough, that if liberals oppose any change they may find the debate has moved on without them. "The veto groups that prevented any change in the welfare system," he says, "looked up one day to find the system had vanished."

No doubt many conservatives will want to go much further than the New Yorker, us among them. If investing 2% of the payroll tax rate is desirable, why not more? Workers ought to be able to decide for themselves if they want to trade lower taxes now for a lower Social Security payment at retirement.

We also disagree with Mr. Moynihan on some of his details. To defray the cost of reducing the payroll tax, he would increase the amount of wages subject to that tax—from $68,400 now to $97,500 by 2003. This is a large increase in the marginal tax rate for many taxpayers that would defeat reform's very purpose. He'd also raise the payroll tax rate down the line as the Boomers retire—something that needn't happen if the reform were more ambitious than the Senator says he wants.

Yet for all of that, Mr. Moynihan moves the debate in the direction of more individual control and more market sense. Along with his pal and co-sponsor, Nebraska's Bob Kerrey, he has broken with liberal orthodoxy. Maybe their daring will even give courage to Republicans.

Mr. ALLARD. Mr. President, I would like to respond briefly to the senior Senator from New York. I compliment him on his leadership on this particular issue. Obviously, those of us who are just new to the Senate appreciate the background and wealth of information that he brings to this issue and actually look forward to working very closely with him on these issues. A lot of what he says I agree with, and I think it is an issue that needs to be addressed today. With people like the Senator from New York working on this problem, I feel even more confident we will be able to address the problem in the near future.

The PRESIDING OFFICER. Under the previous order, the Senator from New York, Mr. MOYNIHAN, and the Senator from Nebraska, Mr. KERREY, will have 30 minutes to speak.

Mr. MOYNIHAN. Mr. President, I suggest the absence of a quorum awaiting the arrival of Senator KERREY.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New York is recognized.

SOCIAL SECURITY SOLVENCY ACT OF 1998

Mr. MOYNIHAN. Mr. President, I rise for the purpose of introducing the Social Security Solvency Act of 1998. I do so in the distinguished company of my friend from Nebraska, Senator KERREY. This is a matter which we have just heard two distinguished Senators from the other side of the aisle say requires that we attend to, and soon. The President has asked us to devote this year to a national conversation on this subject. The Pew Charitable Trusts are beginning a series of forums across the country on the matter, and the prospect that we can reach some kind of a consensus is good, if we have just enough courage to do the few necessary things.

I perhaps would start out by saying that we can save Social Security, and I don't use those words lightly, because Social Security is in jeopardy. In about 14 years' time Social Security outlays will exceed revenues. In a generation's time, there will be a huge gap between what is owed and what is received, and the mood will be to scrap the whole system as a relic of the 1930s, as, indeed, an inheritance from Bismarckian Germany. It predates the global economy of the present and the wide participation of our population in personal savings accounts and mutual funds and such matters.

My distinguished friend from Nebraska and I have been thinking about this for a good long while. He has introduced important measures, and we now bring to the Senate floor and to the consideration of the Congress a matured proposal. May I say that we have worked very closely with the actuaries at the Social Security Administration, now an independent agency once again. We have worked with the Congressional Budget Office and the Joint Committee on Taxation. The numbers we present in this measure are, as near as they can be, accurate and agreed to by objective authorities who have no politics of any kind.

I shall describe the essence of the bill very briefly as I see both the distinguished Senator from Nebraska and another distinguished colleague on the Finance Committee, the Senator from Louisiana, on the floor. Our proposal is as simple as can be. We say go back to pay-as-you-go. That is the principle on which we began Social Security in 1935. We changed it in 1977 to a partially funded system. The payroll tax rose and rose again; 80 percent of American taxpayers now pay more in payroll taxes than they pay in income taxes. And the surplus has been used for other things altogether, it being the necessary fact that you cannot save it in any of the senses that an individual can save.

We propose to reduce the payroll tax from 12.4 percent to 10.4 percent. As you can see on this chart, our present arrangement would lead us, by the year 2070, to 18 percent of payroll—and it might even be higher. Under this legislation we stay at 10.4 until the year 2030, and then only very slightly go up in mid-21st century to 13 percent and a little more.

Our second proposal is to allow employees—workers—to opt that the 2 percent reduction in their present rate of taxation be put into a personal savings account. The Social Security Administration would present an array of different options, just as the Federal Thrift Savings Plan does now, from very conservative to more speculative, or a combination thereof. There are plenty of such options available. And at rather modest returns, given what John Maynard Keynes called "the magic of compound interest," you would see a worker who put in 45 years, let us say—as I remarked in the paper I gave at the John F. Kennedy School on Monday which describes this—a worker who spent 45 years with the Bethlehem Steel Company could easily find himself with an estate of half a million dollars. The worker could pass on that wealth to his or her heirs.

Retirement has been for some time taking up about one-quarter of the adult life. We would gradually raise the retirement age to continue at that ratio. A person retiring would have that basic annuity of Social Security, frequently—not always, but increasingly—a pension earned in his or her working life from the firm involved, and the returns on the personal savings account. This is an extraordinary possibility. The one essential that makes it possible is that we establish a correct cost-of-living index, such that the value of the Social Security annuity is maintained but not overstated. This is something on which I believe the great majority of economists now agree. I was impressed, and I will close now, with a statement by Robert A. Pollak, the Hernreich Distinguished Professor of Economics at Washington University, in the Winter 1998 Journal of Economic Perspectives, a journal of the American Economic Association, just available, in which he says we ought to do two things. One is leave the CPI as it has been since 1918, keep its integrity. It is not a cost-of-living index; the Bureau of Labor Statistics which computes it so states. But then have the necessary political will to correct cost of living adjustments by 1 percentage point, which was the proposal of the commission headed by Professor Michael J. Boskin, of Stanford University, former chairman of the Council of Economic Advisers. As Professor Pollak writes:

> [O]n the political side—and here I step outside my role as an economist and an expert on the CPI—I recommend modifying not the CPI but the procedure used to index tax brackets and transfer payments. More specifically, I recommend that the CPI be left alone pending the report of the committee of technical experts I have proposed, but that, pending their report and action on it, tax brackets and transfer payments be escalated by the CPI minus one percentage point. I recommend one percentage point not because it is my estimate of the amount by which the CPI overstated the rate of inflation in some particular year but because of its resemblance to what game theorists call a "focal point." A change in the indexation formula rather than in the procedure used to calculate the CPI would accomplish two desirable goals. First, it would maintain the integrity and credibility of the CPI and, thus would do nothing to further erode trust in government. Second, it would recognize that the procedure currently used to index tax brackets and benefit payments is working badly—that is it has become too expensive and is leading to excessive transfers from young workers to the elderly. As a political matter, I would like to see these transfers reduced, but the responsibility for reducing them belongs to elected politicians, not to unelected economists.

Mr. President, we are all agreed on this. We only have to do it. It is not a complicated matter, but it is a daunting one because it requires courage. There are now veto groups which will say, "Don't change this system." All public arrangements acquire such groups. In the end they will defeat themselves. And in a sense we have to save them from themselves. But to do so takes courage. If I may say, that is one of the reasons I am particularly proud to be associated in this matter with my gallant friend from Nebraska, who has shown remarkable courage in his lifetime in battle overseas and at home, where he has been willing to tell truths that were not always welcome but were very necessary.

Mr. President, I ask unanimous consent that the text of the address at the John F. Kennedy School of Government at Harvard be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SOCIAL SECURITY SAVED!

(By Senator Daniel Patrick Moynihan)

Let me begin with a proposition appropriate to our setting. Social Security in the United States is very much the work of academicians. It came about in an exceptional 14 months in the first Roosevelt administration, but economists had been planning it for a third of a century.

A second proposition. As with much social policy that originates with academic experts, the level of informed political support for Social Security within the electorate has always been low, and just now is getting lower.

This history goes back to the progressive era at the beginning of the century. It is to be associated, for example, with John R. Commons of the University of Wisconsin who helped found the American Association for Labor Legislation in 1906. The German government had created a workman's compensation system, a form of insurance against industrial injuries, and a sickness insurance program in 1884. In the academic manner, these ideas crossed the Atlantic, and were particularly well received by the north European populace of Minnesota. Edwin E. Witte, the author of the Social Security Act of 1935, a student of Commons, was, for example, of Moravian stock.

In a fairly short order workman's compensation became near universal among the states, and the reformers now looked to universal health insurance, a logical follow-on. In a mode we have experienced in our time, this proved too much. Business grew nervous. The American Federation of Labor, led by Samuel Gompers, "joined his fellow members in impassioned opposition."[1] Labor leaders of Gompers' generation looked with suspicion on government-provided benefits. They wanted trade unions to do that. World War I and its aftermath pretty much ended the era. As Witte's biographer writes:

"No great popular enthusiasm developed for health insurance, and in the troubled days immediately following World War I it went down to defeat amid contradictory cries of Made in Germany and of Bolshevism."[2]

In the event, when the political system was ready it had to send for the academics. Roosevelt, pressed by Huey Long, and the Townsend Plan, and the general distress of the Depression, needed a big bill. In June of 1934 he set up the Committee on Economic Security, headed by Frances Perkins, a knowledgeable reformer, albeit of the Gramercy Park variety. And also a woman with a magical ability to get strong men, from Tammany district leaders to Supreme Court Justices, to help her out because she was, well, so in need of help.

Madame Perkins brought Commons' student Witte from Wisconsin to staff her Committee on Economic Security, but it was left to her to figure out how to get a bill passed. She relates the sequence in "The Roosevelt I Knew":

Footnotes at end of speech.

"It is difficult now to understand fully the doubts and confusions in which we were planning this great new enterprise in 1934. The problems of constitutional law seemed almost insuperable. I drew courage from a bit of advice I got accidentally from Supreme Court Justice Stone. I had said to him, in the course of a social occasion a few months earlier, that I had great hope of developing a social insurance system for the country, but that I was deeply uncertain of the method since, as I said laughingly, Your Court tells us what the Constitution permits. Stone had whispered, The taxing power of the Federal Government, my dear; the taxing power is sufficient for everything you want and need.[3]

And so it came about that on August 14, 1935, when FDR signed the bill, standing at the President's right in the official photograph was Robert L. Doughton of North Carolina, Chairman of the Committee on Ways and Means.

I am not altogether comfortable with what I am about to say, but I will do so anyway in the hope that you will give the subject some thought. I suggest that giving jurisdiction over Social Security to the tax writing committees of the Congress (the Finance Committee in the Senate), has caused the program to be treated as a somewhat marginal concern by its congressional guardians. As an example, no one much objected when the originally independent Social Security Administration was folded into first one agency then another, to the point of near disappearing.

In 1993 I became Chairman of Finance and in time was able to re-establish an independent Social Security Administration. In the Congressional Directory of that year there were 278 names between the incumbent Secretary of Health and Human Services and the Administrator of Social Security, "Vacant."[4]

I even managed, as I put it, to decriminalize babysitting. Early in the Clinton administration, a number of senior appointees came afoul of the Social Security law. They had not paid payroll taxes on various types of household help. The taxes were due quarterly, in quintuplet forms and the like. And few persons knew they were owed. This was especially the case with babysitters. A fine rite of passage for young girls. And yet a taxable occupation. I was able to enact legislation putting an end to any of that for persons under age 18. As I related in *Miles To Go*, it may have saved my 1994 election.[5] People didn't know much about Social Security, but after a succession of prospective nominees for Attorney General had to be withdrawn, they realized that Social Security might send them to jail. Not what Frances Perkins had in mind.

Over the years, the original excitement surrounding Social Security faded; and few noticed. When a time came that a majority of non-retired young adults had concluded they themselves would never get Social Security, few showed any great concern. Some elements within the Republican Party seem always to have been inclined to the thought that the whole scheme was a Rooseveltian fraud, and the public seemed to agree. (A Ponzi scheme, was the phrase, current in the 1930s.) Then in the late 1970s a combination of high inflation and overindexing did indeed move the Trust Funds perilously close to insolvency. There was no great danger. At worst, checks might have been delayed a few days. But this did not prevent President Reagan's budget director from stating in the spring of 1981 that "Unless both the House and the Senate pass a bill in the Congress which can be signed by the President within the next 15 months, the most devastating bankruptcy in history will occur on or about November 3, 1982."[6] A Presidential Commission was set up, chaired by the redoubtable Alan Greenspan, with Robert J. Myers as staff director, Myers—a lifelong Republican—having come from the Midwest to help out Witte in 1934! But no agreement could be reached by the time the commission expired at the end of 1982.

Then the shade of Frances Perkins intervened. On January 3, 1983, Robert J. Dole, Senate Majority Leader, published an article on the op-ed page of The New York Times, entitled "Reagan's Faithful Allies." It seemed that many people thought Congressional Republicans weren't giving the President the support he needed and deserved. Not so, Senator Dole said, we are with the President and there are great things still to be done Then this:

"Social Security is a case in point. With 116 million workers supporting it and 36 million beneficiaries relying on it, Social Security overwhelms every other domestic priority. Through a combination of relatively modest steps including some acceleration of already scheduled taxes and some reduction in the rate of future benefit increases, the system can be saved. When it is, much of the credit, rightfully, will belong to this President and his party."[7]

That day I was being sworn in for a second term in the Senate. I had read the article and went up to Senator Dole on the Senate Floor and asked if he really thought that, why not try one last time? And he did think it. A year of listening to Myers had altered a lifetime of Republican dogma. We met the next day. The day after that Barber Conable was brought in, a Republican who both understood and believed in Social Security. On January 15th, 13 days from our first exchange, agreement was reached at Blair House and the crisis passed. (In a November 2, 1997 interview on "Meet The Press," Senator Dole cited this as his greatest accomplishment in his Senate career. And well he might.)

Social Security was secure for the time being. Indeed, the payroll tax generated a considerable surplus which we have lived off ever since, and will continue to enjoy for yet a few years. But the loss of confidence was grievous. Had we, indeed, just barely escaped bankruptcy? What then did the future hold but more such crises? In the meanwhile the academic world had changed. Energetic and innovative minds (one thinks of Martin Feldstein here at Harvard) had turned away from government programs—"the nanny state"—toward individual enterprise, self-reliance, free markets. As the 1990s arrived, and the long stock market boom, the call for privatization of Social Security all but drowned out the more traditional views.

This was for real. In 1996, Congress enacted legislation, signed by the President, which repealed Title IV-A of the Social Security Act, Aid to Families with Dependent Children. The mothers' pension of the progressive era, incorporated in the 1935 legislation, vanished with scarcely a word of protest.

Will the Old Age pensions and survivors benefits disappear as well? What might once have seemed inconceivable is now somewhere between possible and probable. I, for one, hope that this will not happen. A minimum retirement guarantee, along with survivors benefits, is surely something we ought to keep, even as we augment retirement income in other ways. What is more, this can readily be done. Let me outline a solution.

I have a bill entitled "The Social Security Solvency Act of 1998." Senator Robert Kerrey and I will introduce it in the Senate this week. Here are the specifics:

I. REDUCE PAYROLL TAXES AND RETURN TO PAY-AS-YOU-GO SYSTEM WITH OPTIONAL PERSONAL ACCOUNTS

A. Reduce Payroll Taxes and Return to Pay-As-You-Go

As I first proposed in 1989, this bill would return Social Security to a pay-as-you-go system. That is, payroll tax rates would be adjusted so that annual revenues from taxes closely match annual outlays. This makes possible an immediate payroll tax cut amounting to about $800 billion over the next decade, with the lower rates remaining in place for the next 30 years. We would cut the payroll tax from 12.4 to 10.4 percent between 2001 and 2024, and the rate would stay at or below 12.4 percent until 2045. Even in the out-years, as we say, the pay-as-you-go rate under this plan will increase only slightly above the current rate of 12.4 percent. It would top out at 13.4 percent in 2060. And in order to ensure continued solvency, the Board of Trustees of the Social Security Trust Funds will make recommendations for a new pay-as-you-go tax rate schedule if the Trust Funds fall out of close actuarial balance. Such a new tax rate schedule would be considered by the Congress under fast track procedures.

There is a matter of fairness here. Of families that have payroll tax liability, 80 percent pay more in payroll taxes than in income taxes.

B. Voluntary Personal Savings Accounts

Beginning in 2001, the bill would permit voluntary personal savings accounts, which workers could finance with the proceeds of the two percent cut in the payroll tax. Alternatively, a worker could simply take the employee share of the tax cut in the form of an increase in take-home pay equal to one percent of wages. (Economists will argue that workers who do not opt for voluntary personal savings accounts will also, eventually, receive the employer share in the form of higher wages. But that's a discussion for another time.)

The magic of compound interest will enable workers who contribute two percent of their wages to these personal savings accounts for 45 years (2000–2045) to amass a considerable estate, which they can leave to their heirs. Some examples, in nominal dollars, for workers at various earnings levels:

Real Rate of Interest

Earnings level	3 percent	4 percent	5 percent
Minimum wage ($12,000)	$110,000	$135,000	$175,000
Average wage ($30,000)	275,000	350,000	450,000
Maximum wage ($70,000)	660,000	850,000	1,100,000

C. Increase in Amount of Wages Subject to Tax

Under current law, the Social Security payroll tax applies only to the first $68,400 of wages in 1998, indexed to the annual growth in average wages. At that level, we are taxing about 85 percent of wages in covered employment. That percentage has been drifting down because wages of persons above the taxable maximum have been growing faster than wages of persons below it.

Historically, about 90 percent of wages have been subject to tax. Under this bill, we propose to increase the taxable maximum to $97,500 (thereby taxing about 87 percent of wages) by 2003. We then resume automatic changes in the base, tied to increases in wages, as under current law. (The taxable maximum is projected to increase to $82,800 in 2003 under current law.)

II. INDEXATION PROVISIONS

As students of the Congress, you know by now that every tax cut requires an offset. So how do we offset the payroll tax cut in this bill? By two indexation procedures, and some other changes that most observers agree are needed.

A. Correct Cost of Living Adjustments by One Percentage Point

We propose to correct cost of living adjustments by one percentage point. This adjustment would apply to all indexed programs (outlays and revenues) except Supplemental Security Income.

This is an issue that has been with us for a long while now. Some 35 years ago in the Kennedy Administration I was Assistant Secretary of Labor for Policy Planning and Research, with nominal responsibility for the Bureau of Labor Statistics. The then-Commissioner of the Bureau of Labor Statistics, Ewan Clague, could not have been more friendly and supportive; he and his staff undertook to teach me, to the extent I was teachable. Although the BLS statisticians were increasingly confident of the accuracy with which they measured unemployment, business and labor were still distrustful. By contrast, the Consumer Price Index, begun in 1918 (monthly unemployment numbers only begin in 1948) was quite a different matter. It was beginning to be used as a measure of inflation in labor contracts and such like. Our BLS economists knew that the CPI overstated inflation, but no one seemed to mind. Business could make that calculation in collective bargaining contracts. And if they failed to do, well, it was good for the workers. Indeed, on taking office in 1961, the Kennedy Administration had waiting for it a report by a distinguished National Bureau of Economic Research committee headed by George Stigler, who would go on to win the Nobel Prize in economics. The Stigler report, "The Price Statistics of the Federal Government,"[8] concluded that the CPI and other indexes overstated the cost of living.

That theme was picked up again by Professor Robert J. Gordon in an article in the *Public Interest* in 1981.[9] Gordon wrote "It is discouraging that so little has been done [by the BLS] . . . for so long." The bias identified by Stigler was still present in the CPI, which Gordon pointed out was "the single most quoted economic statistic in the world."

In 1994, in a celebrated memorandum entitled "Big Choices," then-OMB Director Alice Rivlin noted that "CPI may be overstated by 0.4% to 1.5%." It then fell to the Senate Finance Committee to pursue the issue. We held three hearings and in short order found that the BLS itself acknowledges that the CPI is not a cost of living index. In the BLS pamphlet "Understanding the Consumer Price Index: Answers to Some Questions" there is the following Q & A:

"Is the CPI a cost of living index? No, although it frequently (and mistakenly) is called a cost-of-living index."[10]

In 1995, the Finance Committee appointed the Advisory Commission to Study the Consumer Price Index. Chaired by Professor Michael J. Boskin of Stanford, who had been Chairman of the Council of Economic Advisers under President Bush. Also on the Commission were two eminent members of the Economics Department here at Harvard: Zvi Griliches and Dale Jorgenson. Their final report concluded that the CPI overstates changes in the cost of living by 1.1 percentage points.[11]

It is true that recently the Bureau of Labor Statistics has made some improvements, a routine of some 80 years now, but most of these were already anticipated when the Boskin Commission issued its final report. That bias has not been corrected. It is not in the nature of this beast. Speaking before the annual meetings of the American Economic Association and the American Finance Association in Chicago in January of this year, Alan Greenspan said:

"Despite the advances in price measurement that have been made over the years, there remains considerable room for improvement."

So our legislation includes the one percentage point correction, but it also establishes a Cost of Living Board to determine on an annual basis if some further refinement is necessary.

B. Increase in Retirement Age

In our 1983 agreement, the retirement age was increased, over time, to age 67 for those turning 62 in the year 2022. This legislation would make gradual increases in the retirement age by two months per year between 2000–2017, and by one month every two years between years 2018 and 2065. This increase is a form of indexation which results in retirement ages of 68 in 2017 (for workers reaching age 62 in that year), and 70 in 2065 (for workers reaching age 62 in that year.)

I refer to the increase as a form of indexation because it is related to the increase in life expectancy. Persons retiring in 1960 at age 65 had a life expectancy, at age 65, of 15 years and spent about 25 percent of their adult life in retirement. Persons retiring in 2073, at age 70, are projected to have a life expectancy at age 70 of about 17 years, and would also spend about 25 percent of their adult life in retirement. These are persons not yet born today. And they can expect, on average, to live almost to age 90. And that may be a conservative estimate as we don't know where medical technology will take us.

III. PROGRAM SIMPLIFICATION—REPEAL OF EARNINGS TEST

The so-called earnings test would be eliminated for all beneficiaries age 62 and over, beginning in 2003. (Under current law, the test increases to $30,000 in 2002.) The earnings test is a relic of the Depression years. When Social Security was enacted in 1935, the Federal government was trying to discourage elderly workers from remaining in the labor force because there were not enough jobs. Today, the unemployment rate is down to 4.6 percent, and we should do everything possible to encourage workers to remain in the labor force. The earnings test is also an administrative burden with about one million beneficiaries submitting forms to the Social Security Administration so that benefits can be withheld—reduced—if the beneficiary has wages in excess of the earnings test. All for naught because higher benefits—roughly offsetting the loss in benefits—are paid in the future for each month for which benefits are withheld.

IV. OTHER CHANGES

All three factions of the 1994–1996 Social Security Advisory Council supported some variation of the following three provisions.[12]

A. Normal Taxation of Benefits

We propose to tax Social Security benefits to the same extent private pensions are taxed. That is, Social Security benefits would be taxed to the extent that the worker's benefits exceed his or her contributions to the system. Consequently, about 95 percent of Social Security benefits would be taxed. (For private pensions, the percentage taxed varies according to how much of the plan is funded by employee contributions. In many private pensions, the employee makes no contribution, so 100 percent of the pension benefits are taxed.)

B. Coverage of Newly Hired State and Local Employees

Effective in 2001, we would extend Social Security coverage to newly hired employees in currently excluded State and local positions. In 1935, State and local employees were not included in Social Security because it was believed that the Federal government did not have the power to tax State governments. However, subsequent actions by Congress providing for mandatory Medicare coverage of State and local employees have not been challenged. Then a unanimous Supreme Court decision in 1986 put the issue to rest. In *Bowen* v. *Public Agencies Opposed to Social Security Entrapment*,[13] the Court upheld a provision in the Social Security Amendments of 1983 that prevented States from withdrawing from Social Security. Including State and local workers is not only constitutional, it is fair, since most of the five million State and local employees (about a quarter of all State and local employees) not covered by Social Security in their government jobs do receive Social Security benefits as a result of working at other jobs—part-time or otherwise—that are covered by Social Security. Relative to their contributions these workers receive generous benefits. Our bill will bring these employees into the system, preventing them from getting a windfall.

C. Increase in Length of Computation Period

We would increase the length of the computation period from 35 to 38 years. Consistent with the increase in life expectancy and the increase in the retirement age, we expect workers to have more years with earnings. Computation of their benefits should be based on these additional years of earnings.

BUDGET EFFECTS

Not only does this proposal provide for long-run solvency of Social Security, financed with payroll tax rates not much higher than current rates in the out-years, but it is also fully paid for in the short-run. The Congressional Budget Office's preliminary estimate indicates that for the 10-year period FY 1999–2008, the bill would increase the projected cumulative budget surplus by $170 billion, from $671 billion to $841 billion. For the five year period FY 1999–2003, CBO projects that, under this plan, the cumulative surplus would remain unchanged. In no year is there a deficit. And, to repeat, all of this is accomplished while reducing payroll taxes by almost $800 billion.

Will this happen? I just do not know. In a manner that the late Mancur Olsen would recognize, over time Social Security has acquired a goodly number of veto groups which prevent changes, howsoever necessary. There are exceptions as in 1983 when we did our work in 13 days and behind closed doors. But otherwise, stasis is the norm. Thus for the past three or four years almost all the major players in the Administration have recognized that we had to employ a better measure of price inflation. But repeatedly action was vetoed by the, well, veto groups.

They can go on in this manner if they choose. But if they do, in 30 years time Social Security as we have known it since 1935 will have vanished. The veto groups that prevented any change in the welfare system—Title IV-A—for so long, looked up one day to find the system had vanished. It is time then for courage as well as policy analysis.

NOTES

[1] Theron F. Schlabach, *Edwin E. Witte: Cautious Reformer* (Madison: State Historical Society of Wisconsin, 1969), 83.

[2] Ibid.

[3] Frances Perkins, *The Roosevelt I knew* (New York: The Viking Press, 1946), 286.

[4] *Official Congressional Directory, 103rd Congress, 1993-1994* (Washington, DC: United States Government Printing Office, 1993), 803-825.

[5] Daniel Patrick Moynihan, *Miles to Go: A Personal History of Social Policy* (Cambridge, MA: Harvard University Press, 1996): 24-25.

[6] *Social Security Financing Recommendations*, Hearing before the U.S. House of Representatives Subcommittee on Social Security (28 May 1981) (testimony of David A. Stockman, Director, Office of Management and Budget), 40-41.

[7] Bob Dole, "Reagan's Faithful Allies," *The New York Times*, 3 January 1983, A 19.

[8] Price Statistics Review Committee of the National Bureau of Economic Research, *The Price Statistics of the Federal Government: A Report to the Office of Statistical Standards, Bureau of the Budget* (Washington, DC: National Bureau of Economic Research, 1961), 35.

[9] Robert J. Gordon, "The Consumer Price Index: Measuring Inflation and Causing It," *The Public interest* 62 (Spring 1981): 134.

[10] U.S. Department of Labor, Bureau of Labor Statistics, *Understanding the Consumer Price Index: Answers to Some Questions* (November 1997), 3.

[11] Senate Committee on Finance, *Final Report of the Advisory Commission to Study the Consumer Price Index* (1996), 104th Cong., 2d sess. Committee Print, 1.

[12] *Report of the 1994-1996 Advisory Council on Social Security* (Washington, DC), 184.

[13] 477 U.S. 41 (1986).

Mr. MOYNIHAN. I see my friend from Nebraska on the floor. I wonder if he would like to speak at this point, in which event I yield such time as he may require.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, let me first congratulate the senior Senator from New York. The only thing better than having the senior Senator from New York introducing this piece of legislation would be to have Franklin Delano Roosevelt himself out here introducing this bill. This does not just save Social Security, it transforms it into a much better program, as we have done through the history of Social Security. We have made it better as need requires.

I am very much appreciative of your warnings through our public life of the things that you see happening. Very often we have not heeded your warnings and then afterward have come back and said, "You were right 30 years ago," "You were right 20 years ago." For the sake of future beneficiaries, I hope it doesn't take us that long this time around to realize you are right.

Before the Senator leaves, I want to ask him a couple questions, because there are a couple things in this proposal—and I am going to speak about the wealth-generating nature of this piece of legislation. Indeed, most remarkably, there are an awful lot of Americans who do not distinguish the difference between wealth and income.

I read in your hometown newspaper, the New York Times, from time to time about people talking about the gap between the rich and the poor, and they immediately go to income, as if wealth and income are the same thing. They obviously are not. I could have $500,000 a year in income, but if I spend it all, I have no wealth. Likewise, I can cite this marvelous story of Osceola McCardy from Hattiesburg, MS, who worked 63 or 64 years as a washerwoman, never made more than $10,000, discovered the magic of compounding interest rates. When she decided to retire at the age of 87, she called up Southern Mississippi University and said, "I want to give you a gift." They presumed, no doubt, it was a doily or something that she made at home. It was a couple hundred thousand dollars cash. When the New York Times asked her how she generated a couple hundred thousand dollars cash on that low income, she said it was the magic of compounding interest rates.

In addition to the wealth-generating appeal of this long-term—enabling our citizens to acquire ownership and wealth and the virtue that comes from that, as well as the security that comes from owning a share of your country and having an interest in keeping inflation under control and all sorts of other things, and the capacity to be generous with your own wealth and leave some not only to your children but perhaps to some other thing that you care deeply about.

I was struck, as I read, again, your hometown newspaper this morning, that there is some division in the Republican ranks as well as the Democratic ranks of what to do with this so-called surplus, which, as you have pointed out, is nothing more than an overlevy. We do not have a surplus; we are just taxing people who get paid by the hour more than is necessary to pay the Social Security bills. In addition to the pay-go and the wealth-generating part, perhaps the most important part of this proposal is that it represents an $800 billion tax cut over some—

Mr. MOYNIHAN. An $800 billion tax cut over 10 years.

Mr. KERREY. Again in your hometown newspaper, it reported anyway—perhaps it is not—division on the other side of the aisle. Senator DOMENICI has a $30 billion tax cut over 5 years. Someone on that side of the aisle wanted a $60 billion tax cut over 5 years. I ask the Senator, what does this represent over 5 years in terms of a tax cut? Do you have that number available, or is it $800 billion?

Mr. MOYNIHAN. Not quite. I believe about $300 billion. About $300 billion over 5 years; $800 billion over 10 years.

Mr. KERREY. I think one of the points we need to make to citizens who are watching this is that in the great tax debates that go around this Capitol, very often what we are talking about when we are talking about taxes is income taxes; people are debating taxes. For the median family of four—a husband, wife, and two children—they will pay about $2,700 in income taxes, a $34,000 median family. They will pay $5,400 in payroll taxes. So for them, the payroll tax is the largest tax. The income tax is a smaller tax and a smaller burden on them than the income tax is.

So perhaps one of the reasons, when we debate tax cuts, that $60 billion over 5 years seems relatively large is that people have not paid attention, as they should, to the payroll tax. I just urge those who are wanting to give Americans a tax cut to look at this proposal seriously, because this is the biggest tax cut proposal anybody has put before this body that I have seen in recent memory.

Does the Senator agree with that? Do you see this as a tax cut as well?

Mr. MOYNIHAN. It would be one of the largest tax cuts in our history, and, in the process, it would put the Social Security System into permanent actuarial balance.

Mr. KERREY. I also point out, Mr. President, since the Senator transitioned into that, that it would put it into actuarial balance for 75 years, there have been a lot of people talking about—well, let's take again this surplus, which is nothing more than an overlevy. Let's be clear, we have taxes higher than they need to be to pay the bills. We have had a lot of folks come down and talk about the gasoline tax. The gasoline tax is higher than is needed to pay all the bills. So we are struggling with this problem here; we have a cap on expenditures.

The same thing is true with payroll taxes. They are higher than needed to pay the bills, but because we are using them for other purposes, it doesn't seem to bother us so much.

In addition to that, some have been talking about using the surplus without doing what the distinguished Senator has done, which is to say we are going to make Social Security sound. One of the reasons that this is very often confusing is that people think that the only people who are beneficiaries are people who are currently eligible, which are the 37 million or so currently eligible. That is not true. Everybody effectively who is alive in America today is a beneficiary. They may not be eligible today, but that is a promise on the table for them.

You can send in a form to the Social Security Administration and say, "Hello. My name is BOB KERREY. I am 54 years of age. What will my benefits be if I take retirement at age 65?" if I decide I want to go out at 65. Or if I am 20 years old and just entering the work force, I can get the same thing. If you are 20 years old and you write to the Social Security Administration, they will say this is what is on the table, this is the promise that is currently on the table.

Unfortunately, at the current level of benefits that are promised, the promise that is on the table we are not going to be able to keep. In fact, if you are under 35 today in America and you write to the Social Security Administration, they will say, "This is the promise that is on the table, but unless changes are made, that benefit is not going to be available to you."

I should interrupt myself and say, I very often hear people say Social Security isn't going to be there for you. As long as we have a payroll tax, it is going to be there. As long as there is a payroll tax in place, it is a program that is going to be very well established.

I interrupt myself further to say, I find one of the most appealing things about your proposal, I say to the Senator from New York, is that you are saying the survivor benefit must stay intact, the disability benefit must stay intact, and we must keep a defined benefit program in place. All three of those conditions, as a part of an option to acquire wealth with a significant tax cut, it seems to me, make this proposal overwhelmingly attractive, especially for those who like fiscal responsibility. Yours is fiscally responsible. It is fully funded. There is no funny money here. There is no, "Well, I'm going to take the surplus and use it for accounts, but I really haven't figured out how exactly I am going to pay for it."

Yours is not only fully funded over the 10-year period, but it is fully funded for all beneficiaries for a 75-year period, which I find to be very, very attractive. For taxpayers who are concerned about not only today's Social Security Program but the Social Security Program 75 years from now, they have to find this proposal enormously attractive as a consequence of your condition, your valuated condition of saying you are not going to have any deficit financing here, you are not going to let Social Security go into deficit, and you want to make sure every promise we have on the table we will have in 75 years.

Mr. MOYNIHAN. Will the Senator yield for a comment?

Mr. KERREY. Yes.

Mr. MOYNIHAN. If you think of the prospect of retirement benefits, and that is real, but something that is not always recognized—I know the Senator understands it—only 62 percent of the beneficiaries of Social Security at this moment are retirees. The rest are survivors or persons who have been disabled, and that can be someone 24 years old or 35 years old. This is a system that is not just devoted to the elderly. Keeping it is essential, and we can do it. I cannot tell you how much I am honored by you associating yourself with this proposal.

Mr. KERREY. I appreciate that. I don't know how long the Senator is going to stay here, but I appreciate very much this proposal, because coming from the Senator from New York, it is, I think, much more likely to gather the attention of Americans who understand that this is a gentleman who is a strong defender of the Social Security Program; he understands its value.

One out of seven Americans who get Social Security have Social Security as their only source of income. Without Social Security and Medicare, the rate of poverty over the age of 85 would be 54 percent. It is 12 percent today. It is a program that has transformed America as we know it and has made it a much better country, a much happier country. It can be changed; it can be changed in a way that will make the program even better, even more able to meet the needs of the American people.

Mr. President, I want to talk about one real short-term aspect of this Social Security problem, and that is that there are an awful lot of people out there—and I went to the President's first event over at Georgetown where he announced the discussion he is going to have, a much-needed discussion, during the year about the Social Security Program. He was introduced by a young woman who was, I think, a third-year law school student or second-year law school student. She was quite eloquent in her introduction of the President.

She said when she first went into the work force at the age of 14 or 15, she went home to her mother and said, "Mom, who is this person FICA, and why are they taking so much money from me?" She then did a little more research, and she said she discovered that FICA tax is taken from her and kept in an account for her; it is money that is saved up for her. And she hopes that through this discussion the money she contributes is going to be there for her when she retires.

I give her full sympathy for not knowing what the program is. There are a lot of people who misunderstand Social Security and think of it as a savings program. I am constantly talking to people and I have to say, "No, it is not a savings program. There is no account for you in Washington, DC, that is accumulating; there is no ownership here." If you die before 65, or 62, which is the early eligibility—if you die before 65 or 62, there is nothing there that transfers to heirs. There is no ownership of anything. It is a tax on wages. It is used for disability, it is used for survivors, and it is used for old age. If you are eligible under the classification of those three programs, you receive a benefit.

The way that we accumulate the revenue for those benefits is that we put a tax on wages. The benefits are very progressive. One of the things I noted in the questions and answers that the Senator from New York was engaged in up at Harvard, and one of the things we have to explain to people, is the tax is regressive, the benefits are progressive. Social Security, in the main, is a very progressive program. You can't look at Social Security and say it is regressive only by examining the tax side.

I ask if perhaps the Senator wants to comment on that. Does he hear that, as well—people talking about Social Security as a regressive program and has to offer his correction?

Mr. MOYNIHAN. I do not think there are 100 people in the country who understand the formulas by which you have a higher rate of benefit for persons with lower incomes, but it has been there from the beginning. It is a very progressive program in that regard.

That level of general unawareness, as the Senator knows, is a threatening fact, that a majority of nonretired adults think they will never get Social Security, not knowing they might need it for other purposes. If they don't think they will get it, they won't miss it if it is taken away. That is why we had better act now, and soon, and with a measure of courage that the people who created this institution showed in 1934, 1935.

Mr. KERREY. Mr. President, let me talk about the wealth-generating portion of this. We know this represents the largest tax decrease in the history of the country, somewhere between $300 billion or $400 billion over a 5-year period, an $800 billion tax cut overall, payroll taxes, a tax that for most Americans is the largest tax they pay. We know it establishes the solvency of the program for 75 years. We know it answers the question that lots of younger people have, which is, Is Social Security going to be there for me? We know it is fully paid for, that it is not only actuarially sound but fiscally sound as well.

What is a new idea for people when they look at this program is, the potential to take Social Security and convert it, transform it into something in addition to survivors—I have to keep saying it because very often it gets missed—remains in place, disability remains in place, and the defined benefits program remains in place.

But what we are doing is transforming it into something which, in addition to those three things, will now generate wealth—will generate wealth—for people. What happens in the process of discussing this is we begin to discover that this compounding interest rate formula that the Senator has referred to a couple of times as a real engine for wealth generation is a lot more powerful than we realized it was.

Indeed, it is a mathematical certainty, if you have ever given a speech about the rich getting richer and the poor getting poorer, which lots of folks on our side of the aisle do, they identify that as a problem in America. It is a mathematical certainty we can solve that problem. But you have to be willing to use compounding interest rates to do it, unless you want to give everybody a ticket, a guaranteed payoff, which is not likely.

You can use the Social Security Program as a means to get the job done. I emphasize that because in the public press where this debate is going on, very often I get asked, "Are you for privatization?" That becomes the debate, privatization versus Social Security as a defined benefit program. I say, no, I am for taking a piece of this program and personalizing it. So the bull's-eye to me is wealth generation.

The goal for me is in addition to establishing the solvency of Social Security for 75 years, in addition to a tax cut which you accomplish by making it a pay-as-you-go system, I want Americans, regardless of their income, whether they are making $5.15 an hour or $115 an hour, regardless of their income, I want them to know, if they are willing to go out and go to work, they are going to have a shot at the American dream of having ownership and acquiring wealth.

I want them to be connected to the future by knowing if they are going to go to work, that with absolute certainty, they are going to have wealth at the end of it. Can you connect that with private pension reform and tax reform, as the Senator from Delaware has advocated for a number of years? The answer is yes. But you can also take Social Security and make it a source of wealth.

Just at 2 percent, again, the median family income of $34,000 will generate close to $400,000 over a 45-year working life. In my legislation, I also allow people—in fact, I require the opening of a $1,000 account at birth and to contribute $500 a year to that account for the first 5 years.

The Senator from Louisiana and I and the Senator from Connecticut had a program we offered last year called KidSave which would do that. It passed the Senate and was dropped in conference. But the goal here is not just savings. The goal is wealth. The goal is to say, if you are willing to go to work, there is a Federal law that will enable you to acquire over the course of your working life wealth and the independence and the security and all the other sorts of things that come with wealth.

There are lots of benefits from that for the individual, and it ought to be obvious. When we debated the budget, I recall the other side of the aisle wanted as one of the top priorities——

The PRESIDING OFFICER. May I remind the Senator, morning business was to conclude at 11:30.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that we have an additional 10 minutes.

The distinguished chairman of the Finance Committee is agreeable to that. The Senator from Louisiana would like to conclude our remarks.

The PRESIDING OFFICER. Is there objection? Hearing none, without objection, it is so ordered.

Mr. KERREY. Mr. President, I will take 30 seconds to conclude.

When we debated the Balanced Budget Act last year, one of the big issues was the inheritance tax. Well, only 1.5 percent of Americans have estates over $600,000—1.5 percent. That means 98.5 percent have less. For all those who are enthusiastic about raising that threshold—I voted for it and I thought the threshold ought to be raised—I call on them now, on behalf of the 98.5 percent whose estates are under $600,000, to embrace this proposal to help them with the means to acquire wealth and what I think Social Security should provide.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. I thank the Chair.

I want to start off by commending both of the speakers who have previously spoken on this issue, especially Senator MOYNIHAN.

Social Security has always been referred to as the third rail of politics. I might add that Medicare is probably also a part of that third rail. The theory was that, if you touch it politically, you die. I mean, you can't talk about it because it has always been too controversial with all the groups and organizations around the country that, if you ever tried to change anything in the area of Social Security, people will kill you politically.

We are running out of options in 1998. Unless some changes are made, the program is not going to be there. It is not going to exist. I commend Senator MOYNIHAN for his courage and for his intelligence and for his long history of involvement in this particular area, talking about not just what the situation is today, but talking about the future, and is it going to be there for our children and our grandchildren?

People who are in retirement programs today are in good shape from the standpoint of knowing the program is going to be there for the rest of their lives. What we are really talking about, however, is, is it going to be there for their children and grandchildren and future generations?

This is not 1935. I mean, when the program was designed by President Roosevelt and Congress, in those days it was a program that really was targeted to what was happening at that time. I commend particularly the recommendations of the senior Senator from New York that we have a program that now establishes or allows people to establish individual accounts. That is very, very important.

We invest the Social Security trust funds in Government securities. You know how much money we get for their investments? About 2.3 percent. That is not a good investment. We are only getting a 2.3 percent, on average, return from the Social Security investments. That does not make sense in 1998. When the stock market is increasing at a 15 percent rate of return, we should be allowing people to participate in something that will give them more money back than 2.3 percent which we get now for Social Security investments.

The second thing that allows, as I understand it, is patterned after the thrift savings accounts which we have an opportunity to do as Federal employees. Every Federal employee, including myself as a Senator, and House Members, all Federal employees have an option of putting their retirement moneys into a high-risk plan or a moderate-risk plan or a low-risk plan with no risk at all but a lower return, in order to build up our savings. That is much better, in my opinion, than Social Security retirees have with the 2.3 percent return with regard to the Social Security retirement plan.

Here is the problem. Social Security today is pay as you go. The problem is, we have fewer people paying and more people going. We have fewer people contributing the money and more and more people going into retirement. So we have a pay-as-you-go system, but there are fewer and fewer people paying and more and more people going.

What do I mean by that? It is very simple. In 1950, there were 16.5 people paying for every one person going into retirement. Today, we have about three people paying for every one person going. In the year 2030, there are going to be only two people paying for every person going.

We have 77 million baby boomers who are getting ready to go. They are going into retirement starting in 2010. The question is, do we have enough people paying for all of those people that are going? The answer is clearly no.

So I very much congratulate the senior Senator from New York and Senator KERREY from Nebraska for having the political courage to come to the floor and talk about this.

One of my concerns is that it is voluntary. I think I would like to take it a step further and say you have to, if you are going to get a tax cut, you have to put it into an individual retirement account.

I am concerned a lot of people may take the money, the dough, and not put it into a savings account. But we still have the obligation to take care of their retirement. I think we need to talk about that. I mean, I think you are right on target and are moving in the right direction. This is a major contribution to something that we spend too little time addressing.

Mr. MOYNIHAN. I thank my colleague for his generosity.

Mr. President, if the deputy leader would allow me, I just conclude our morning business. I ask unanimous consent that the text of the Social Security Solvency Act of 1998 be printed in the RECORD, along with a brief summary of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1792

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Social Security Solvency Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Modification of FICA rates to provide pay-as-you-go financing of social security.
Sec. 3. Voluntary investment of payroll tax cut by employees.
Sec. 4. Increase of social security wage base.
Sec. 5. Cost-of-living adjustments.
Sec. 6. Tax treatment of social security payments.
Sec. 7. Coverage of newly hired State and local employees.
Sec. 8. Increase in length of computation period from 35 to 38 years.
Sec. 9. Phased in increase in social security retirement age.
Sec. 10. Elimination of earnings test for individuals who have attained early retirement age.

SEC. 2. MODIFICATION OF FICA RATES TO PROVIDE PAY-AS-YOU-GO FINANCING OF SOCIAL SECURITY.

(a) IN GENERAL.—

(1) TAX ON EMPLOYEES.—Section 3101(a) of the Internal Revenue Code of 1986 (relating to tax on employees) is amended to read as follows:

"(a) OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE.—

"(1) IN GENERAL.—In addition to other taxes, there is hereby imposed on the income of every individual a tax equal to the applicable percentage of the wages (as defined in section 3121(a)) received by him with respect to employment (as defined in section 3121(b)).

"(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage shall be the percentage set forth in the following table:

"In the case wages received during:	The applicable percentage shall be:
1999 through 2024	5.2
2025 through 2029	5.7
2030 through 2044	6.2
2045 through 2054	6.35
2055 through 2059	6.5
2060 or thereafter	6.7."

(2) TAX ON EMPLOYERS.—Section 3111(a) of such Code (relating to tax on employers) is amended to read as follows:

"(a) OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE.—

"(1) IN GENERAL.—In addition to other taxes, there is hereby imposed on every employer an excise tax, with respect to having individuals in his employ, equal to the applicable percentage of the wages (as defined in section 3121(a)) paid by him with respect to employment (as defined in section 3121(b)).

"(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage shall be the percentage set forth in the following table:

"In the case wages paid during:	The applicable percentage shall be:
1999 and 2000	6.2
2001 through 2024	5.2
2025 through 2029	5.7
2030 through 2044	6.2
2045 through 2054	6.35
2055 through 2059	6.5
2060 or thereafter	6.7."

(3) SELF-EMPLOYMENT TAX.—Section 1401(a) of such Code (relating to tax on self-employment income) is amended to read as follows:

"(a) OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE.—

"(1) IN GENERAL.—In addition to other taxes, there is hereby imposed for each taxable year, on the self-employment income of every individual, a tax equal to the applicable percentage of the amount of the self-employment income for such taxable year.

"(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage shall be the percentage set forth in the following table:

"In the case of a taxable year		The applicable percentage is:
Beginning after:	And before:	
December 31, 1998 ..	January 1, 2001	11.4
December 31, 2000 ..	January 1, 2025	10.4
December 31, 2024 ..	January 1, 2030	11.4
December 31, 2029 ..	January 1, 2045	12.4
December 31, 2044 ..	January 1, 2055	12.7
December 31, 2054 ..	January 1, 2060	13.0
December 31, 2059 ..	....	13.4."

(4) EFFECTIVE DATES.—

(A) EMPLOYEES AND EMPLOYERS.—The amendments made by paragraphs (1) and (2) apply to remuneration paid after December 31, 1998.

(B) SELF-EMPLOYED INDIVIDUALS.—The amendment made by paragraph (3) applies to taxable years beginning after December 31, 1998.

(b) REALLOCATION OF EMPLOYMENT TAXES.—

(1) REALLOCATION OF TAX ON EMPLOYEES AND EMPLOYERS.—Section 201(b)(1) of the Social Security Act (42 U.S.C. 401(b)(1)) is amended by striking "(Q) 1.70 per centum of the wages (as so defined) paid after December 31, 1996, and before January 1, 2000, and so reported, and (R) 1.80 per centum of the wages (as so defined) paid after December 31, 1999, and so reported" and inserting "(Q) 1.70 per centum of the wages (as so defined) paid after December 31, 1996, and before January 1, 1999, and so reported, (R) 1.80 per centum of the wages (as so defined) paid after December 31, 1998, and before January 1, 2015, and so reported, (S) 2.00 per centum of the wages (as so defined) paid after December 31, 2014, and before January 1, 2025, and so reported, (T) 2.30 per centum of the wages (as so defined) paid after December 31, 2024, and before January 1, 2030, and so reported, (U) 2.20 per centum of the wages (as so defined) paid after December 31, 2029, and before January 1, 2035, and so reported, (V) 2.30 per centum of the wages (as so defined) paid after December 31, 2034, and before January 1, 2040, and so reported, (W) 2.40 per centum of the wages (as so defined) paid after December 31, 2039, and before January 1, 2045, and so reported, (X) 2.80 per centum of the wages (as so defined) paid after December 31, 2044, and before January 1, 2055, and so reported, and (Y) 2.90 per centum of the wages (as so defined) paid after December 31, 2054, and so reported".

(2) REALLOCATION OF TAX ON SELF-EMPLOYMENT INCOME.—Section 201(b)(2) of such Act (42 U.S.C. 401(b)(2)) is amended by striking "(Q) 1.70 per centum of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1996, and before January 1, 2000, and (R) 1.80 per centum of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1999" and inserting "(Q) 1.70 per centum of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1996, and before January 1, 1999, (R) 1.80 per centum of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1998, and before January 1, 2015, (S) 2.00 per centum of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 2014, and before January 1, 2025, (T) 2.30 per centum of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 2024, and before January 1, 2030, (U) 2.20 per centum of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 2029, and before January 1, 2035, (V) 2.30 per centum of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 2034, and before January 1, 2040, (W) 2.40 per centum of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 2039, and before January 1, 2045, (X) 2.80 per centum of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 2044, and before January 1, 2055, and (Y) 2.90 per centum of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 2054".

(c) FUTURE RATES AND ALLOCATION BETWEEN TRUST FUNDS PROPOSED BY BOARD OF TRUSTEES FOR LEGISLATIVE ACTION.—

(1) IN GENERAL.—Section 201(c) of the Social Security Act (42 U.S.C. 401(c)) is amended in the matter following paragraph (5) by striking "(as defined by the Board of Trustees)." and inserting "(as defined by the Board of Trustees. If such finding shows that the combined Trust Funds are not in close actuarial balance (as so defined), then such report (beginning in April 2000) shall include a legislative recommendation by the Board of Trustees specifying new rates of tax under sections 3101(a), 3111(a), and 1401(a) of the Internal Revenue Code of 1986, and the allocation of those rates between the Trust Funds necessary in order to restore the combined Trust Funds and each Trust Fund to actuarial balance. If such finding shows that the combined Trust Funds are in close actuarial balance (as so defined), but that 1 of the Trust Funds is not in close actuarial balance, then such report (beginning in April 2000) shall include a legislative recommendation by the Board of Trustees specifying a new allocation of such rates of tax between the Trust Funds, so that each Trust Fund is in close actuarial balance. Such recommendation shall be considered by Congress under procedures described in subsection (n)).".

(2) FAST-TRACK CONSIDERATION OF LEGISLATIVE RECOMMENDATIONS.—Section 201 of such Act (42 U.S.C. 401) is amended by adding at the end the following new subsection:

"(n)(1) Any legislative recommendation included in the report provided for in subsection (c) shall—

"(A) not later than 3 days after the Board of Trustees submits such report, be introduced (by request) in the House of Representatives by the Majority Leader of the House and be introduced (by request) in the Senate by the Majority Leader of the Senate; and

"(B) be given expedited consideration under the same provisions and in the same way, subject to paragraph (2), as a joint resolution under section 2908 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2678 note).

"(2) For purposes of applying paragraph (1) with respect to such provisions, the following rules shall apply:

"(A) Section 2908(a) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2678 note) shall not apply.

"(B) Any reference to the resolution described in subsection (a) shall be deemed to be a reference to the legislative recommendation submitted under subsection (c) of this Act.

"(C) Any reference to the Committee on National Security of the House of Representatives shall be deemed to be a reference to the Committee on Ways and Means of the House of Representatives and any reference to the Committee on Armed Services of the Senate shall be deemed to be a reference to the Committee on Finance of the Senate.

"(D) Any reference to the date on which the President transmits a report shall be deemed to be a reference to the date on which the recommendation is submitted under subsection (c).".

(d) CONFORMING AMENDMENTS TO FERS TO PROTECT PAYROLL TAX CUT.—The table contained in section 8422(a)(3) of title 5, United States Code, is amended—

(1) by striking "7" the second place it appears and inserting "6";

(2) by striking "7.25" and inserting "6.25";

(3) by striking "7.4" and inserting "6.4";

(4) by striking "7.5" the first, third, fifth, and seventh places it appears and inserting "6.5";

(5) by striking "7.75" each place it appears and inserting "6.75";

(6) by striking "7.9" each place it appears and inserting "6.9"; and

(7) by striking "8" each place it appears and inserting "7".

SEC. 3. VOLUNTARY INVESTMENT OF PAYROLL TAX CUT BY EMPLOYEES.

(a) SHORT TITLE.—This section may be cited as the "Voluntary Investment Contribution Act (VICA)".

(b) VOLUNTARY INVESTMENT OF PAYROLL TAX CUT.—

(1) IN GENERAL.—Title II of the Social Security Act (42 U.S.C. 401 et seq.) is amended—

(A) by inserting before section 201 the following:

"PART A—INSURANCE BENEFITS";

and

(B) by adding at the end the following:

"PART B—VOLUNTARY INVESTMENT ACCOUNTS

"EMPLOYEE ELECTION AND DESIGNATION OF VOLUNTARY INVESTMENT ACCOUNT UNDER PAYROLL DEDUCTION PLAN

"SEC. 251. (a) IN GENERAL.—An individual who is an employee of a covered employer may elect to participate in the employer's voluntary investment account payroll deduction plan either—

"(1) not later than 10 business days after the individual becomes an employee of the employer, or

"(2) during any open enrollment period.

The Commissioner shall by regulation provide for at least 1 open enrollment period annually.

"(b) PERIOD OF ELECTION.—

"(1) TIME ELECTION TAKES EFFECT.—An election under subsection (a) shall take effect with respect to the first pay period beginning more than 14 days after the date of the election.

"(2) TERMINATION.—An election under subsection (a) shall terminate—

"(A) upon the termination of employment of the employee of the covered employer, or

"(B) with respect to pay periods beginning more than 14 days after the employee terminates such election.

"(c) DESIGNATION OF VOLUNTARY INVESTMENT ACCOUNT.—

"(1) INITIAL ELECTION.—An employee shall, at the time an election is made under subsection (a), designate the voluntary investment account to which voluntary investment account contributions on behalf of the employee are to be deposited.

"(2) CHANGES.—The Commissioner shall by regulation provide the time and manner by which an employee may—

"(A) designate another voluntary investment account to which contributions are to be deposited, and

"(B) transfer amounts from one such account to another.

"(d) FORM OF ELECTIONS.—Elections under this section shall be made—

"(1) on W-4 forms (or any successor forms), or

"(2) in such other manner as the Commissioner may prescribe in order to ensure ease of administration and reductions in burdens on employers.

"VOLUNTARY INVESTMENT ACCOUNT PAYROLL DEDUCTION PLANS

"SEC. 252. (a) IN GENERAL.—Each person who is a covered employer for a calendar year shall have in effect a voluntary investment account payroll deduction plan for such calendar year for such person's electing employees.

"(b) VOLUNTARY INVESTMENT ACCOUNT PAYROLL DEDUCTION PLANS.—For purposes of this part, the term 'voluntary investment account payroll deduction plan' means a written plan of an employer—

"(1) which applies only with respect to wages of any employee who elects to become an electing employee in accordance with section 251,

"(2) under which the voluntary investment account contributions under section 3101(a) of the Internal Revenue Code of 1986 will be deducted from an electing employee's wages and, together with such contributions under section 3111(a) of such Code on behalf of such employee, will be paid to the Social Security Administration for deposit in 1 or more voluntary investment accounts designated by such employee in accordance with section 251,

"(3) under which the employer is required to pay the amount so contributed with respect to the specified voluntary investment account of the electing employee within the same time period as other taxes under sections 3101 and 3111 with respect to the wages of such employee,

"(4) under which the employer receives no compensation for the cost of administering such plan, and

"(5) under which the employer does not make any endorsement with respect to any voluntary investment account.

"(c) PENALTIES FOR FAILURE TO ESTABLISH VOLUNTARY INVESTMENT ACCOUNT PAYROLL DEDUCTION PLAN.—

"(1) IN GENERAL.—Any covered employer who fails to meet the requirements of this section for any calendar year shall be subject to a civil penalty of not to exceed the greater of—

"(A) $2,500, or

"(B) $100 for each electing employee of such employer as of the beginning of such calendar year.

"(2) RULES FOR APPLICATION OF SUBSECTION.—

"(A) PENALTIES ASSESSED BY COMMISSIONER.—Any civil penalty assessed by this subsection shall be imposed by the Commissioner of Social Security and collected in a civil action.

"(B) COMPROMISES.—The Commissioner may compromise the amount of any civil penalty imposed by this subsection.

"(C) AUTHORITY TO WAIVE PENALTY IN CERTAIN CASES.—The Commissioner may waive the application of this subsection with respect to any failure if the Commissioner determines that such failure is due to reasonable cause and not to intentional disregard of rules and regulations.

"PARTICIPATION BY SELF-EMPLOYED INDIVIDUALS

"SEC. 253. An individual shall make an election to become an electing self-employed individual, designate a voluntary investment account, and have in effect a voluntary investment account payroll deduction plan under rules similar to the rules under sections 251 and 252.

"DEFINITIONS AND SPECIAL RULES

"SEC. 254. For purposes of this part—

"(1) VOLUNTARY INVESTMENT ACCOUNT.—

"(A) IN GENERAL.—The term 'voluntary investment account' means—

"(i) any voluntary investment account in the Voluntary Investment Fund (established under section 255) which is administered by the Voluntary Investment Board, or

"(ii) any individual retirement plan (as defined in section 7701(a)(37) of the Internal Revenue Code of 1986), other than a Roth IRA (as defined in section 408A(b) of such Code), which is designated by the electing employee as a voluntary investment account (in such manner as the Secretary of the Treasury may prescribe) and which is administered or issued by a bank or other person referred to in section 408(a)(2) of such Code.

"(B) TREATMENT OF ACCOUNTS.—

"(i) IN GENERAL.—Except as provided in clause (ii)—

"(I) any voluntary investment account described in subparagraph (A)(i) shall be treated in the same manner as an account in the Thrift Savings Fund under subchapter III of chapter 84 of title 5, United States Code, and

"(II) any voluntary investment account described in subparagraph (A)(ii) shall be treated in the same manner as an individual retirement plan (as so defined).

"(ii) EXCEPTIONS.—

"(I) CONTRIBUTION LIMIT.—The aggregate amount of contributions for any taxable year to all voluntary investment accounts of an electing employee shall not exceed the aggregate amount of contributions made pursuant to sections 3101(a)(3), 3111(a)(3), and 1401(a)(3) of the Internal Revenue Code of 1986 and paid pursuant to section 252 or 253 on behalf of such employee.

"(II) NO DEDUCTION ALLOWED.—No deduction shall be allowed under section 219 of the Internal Revenue Code of 1986 for a contribution to a voluntary investment account described in subparagraph (A)(ii).

"(III) ROLLOVER CONTRIBUTIONS.—No rollover contribution may be made to a voluntary investment account unless it is from another voluntary investment account. A rollover described in the preceding sentence shall not be taken into account for purposes of subclause (I).

"(IV) DISTRIBUTIONS ALLOWED TO SOCIAL SECURITY BENEFICIARIES.—Notwithstanding any other provision of law, distributions may only be made from a voluntary investment account of an electing employee on or after the earlier of the date on which the employee begins receiving benefits under this title or the date of the employee's death.

"(2) COVERED EMPLOYER.—The term 'covered employer' means, for any calendar year, any person on whom an excise tax is imposed under section 3111 of the Internal Revenue Code of 1986 with respect to having an individual in the person's employ to whom wages are paid by such person during such calendar year.

"(3) ELECTING EMPLOYEE.—The term 'electing employee' means an individual with respect to whom an election under section 251 is in effect.

"(4) ELECTING SELF-EMPLOYED INDIVIDUAL.—The term 'electing self-employed individual' means an individual with respect to whom an election under section 253 is in effect.

"VOLUNTARY INVESTMENT FUND

"SEC. 255. (a) ESTABLISHMENT.—There is established and maintained in the Treasury of the United States a Voluntary Investment Fund in the same manner as the Thrift Savings Fund under sections 8437, 8438, and 8439 of title 5, United States Code.

"(b) VOLUNTARY INVESTMENT FUND BOARD.—

"(1) IN GENERAL.—There is established and operated in the Social Security Administration a Voluntary Investment Fund Board in the same manner as the Federal Retirement Thrift Investment Board under subchapter VII of chapter 84 of title 5, United States Code.

"(2) SPECIFIC INVESTMENT DUTIES.—The Voluntary Investment Fund shall be managed by the Voluntary Investment Fund Board in the same manner as the Thrift Savings Fund is managed under subchapter VIII of chapter 84 of title 5, United States Code.".

(2) EXEMPTION FROM ERISA REQUIREMENTS.—Section 4(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1003(b)) is amended—

(A) in paragraph (4), by striking "or";

(B) in paragraph (5), by striking the period and inserting "; or"; and

(C) by inserting after paragraph (5) the following:

"(6) such plan is a voluntary investment account payroll deduction plan established under part B of title II of the Social Security Act.".

(3) EFFECTIVE DATE AND NOTICE REQUIREMENTS.—

(A) EFFECTIVE DATE.—The amendments made by this subsection (and any voluntary investment account payroll deduction plan required thereunder) apply with respect to wages paid after December 31, 2000, for pay periods beginning after such date and self-employment income for taxable years beginning after such date.

(B) NOTICE REQUIREMENTS.—

(i) IN GENERAL.—Not later than October 1, 2000, the Commissioner of Social Security shall—

(I) send to the last known address of each eligible individual a description of the program established by the amendments made by this subsection, which shall be written in the form of a pamphlet in language which may be readily understood by the average worker,

(II) provide for toll-free access by telephone from all localities in the United States and access by the Internet to the Social Security Administration through which individuals may obtain information and answers to questions regarding such program, and

(III) provide information to the media in all localities of the United States about such program and such toll-free access by telephone and access by Internet.

(ii) ELIGIBLE INDIVIDUAL.—For purposes of this subparagraph, the term "eligible individual" means an individual who, as of the date of the pamphlet sent pursuant to clause (i), is indicated within the records of the Social Security Administration as being credited with 1 or more quarters of coverage under section 213 of the Social Security Act (42 U.S.C. 413).

(iii) MATTERS TO BE INCLUDED.—The Commissioner shall include with the pamphlet sent to each eligible individual pursuant to clause (i)—

(I) a statement of the number of quarters of coverage indicated in the records of the Social Security Administration as of the date of the description as credited to such individual under section 213 of such Act and the date as of which such records may be considered accurate, and

(II) the number for toll-free access by telephone established by the Commissioner pursuant to clause (i).

(c) CONFORMING AMENDMENTS TO PAYROLL TAX PROVISIONS.—

(1) EMPLOYEES VOLUNTARY INVESTMENT CONTRIBUTIONS.—Section 3101(a) of the Internal Revenue Code of 1986 (relating to tax on employees), as amended by section 2(a)(1), is amended by adding at the end the following:

"(3) VOLUNTARY INVESTMENT ACCOUNT CONTRIBUTION.—In the case of an electing employee (as defined in section 254(3) of the Social Security Act), in addition to other taxes, there is hereby imposed on the income of such employee a voluntary investment account contribution equal to 1 percent of the wages (as so defined) received by him with respect to employment (as so defined).".

(2) EMPLOYERS MATCHING CONTRIBUTIONS.—Section 3111(a) of such Code (relating to tax on employers), as amended by section 2(a)(2), is amended by adding at the end the following:

"(3) MATCHING CONTRIBUTION TO EMPLOYEE VOLUNTARY INVESTMENT ACCOUNT CONTRIBUTION.—In the case of an employer having in his employ an electing employee (as defined in section 254(3) of the Social Security Act), in addition to other taxes, there is hereby imposed on such employer a voluntary investment account contribution equal to 1 percent of the wages (as so defined) paid by him with respect to employment (as so defined) of such employee.".

(3) SELF-EMPLOYMENT VOLUNTARY INVESTMENT ACCOUNT CONTRIBUTIONS.—Section 1401(a) of such Code (relating to tax on self-employment income), as amended by section 2(a)(3), is amended by adding at the end the following:

"(3) VOLUNTARY INVESTMENT ACCOUNT CONTRIBUTION.—In the case of an electing self-employed individual (as defined in section 254(4) of the Social Security Act), in addition to other taxes, there is hereby imposed for each taxable year, on the self-employment income of such individual, a voluntary investment account contribution equal to 2 percent of the amount of the self-employment income for such taxable year.".

(4) EFFECTIVE DATES.—

(A) EMPLOYEES AND EMPLOYERS.—The amendments made by paragraphs (1) and (2) apply to remuneration paid after December 31, 2000.

(B) SELF-EMPLOYED INDIVIDUALS.—The amendment made by paragraph (3) applies to taxable years beginning after December 31, 2000.

SEC. 4. INCREASE OF SOCIAL SECURITY WAGE BASE.

(a) IN GENERAL.—Section 230 of the Social Security Act (42 U.S.C. 430) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "$60,600" and inserting "$97,500"; and

(B) in paragraph (2), by striking "1992" and inserting "2001"; and

(2) in subsection (c)—

(A) by striking "(1)" and all that follows through "$29,700." and inserting "the 'contribution and benefit base' with respect to remuneration paid (and taxable years beginning)—

"(1) in 2001 shall be $85,000,

"(2) in 2002 shall be $92,000, and

"(3) in 2003 shall be $97,500."; and

(B) by striking "specified in clause (2) of the preceding sentence" and inserting "specified in the preceding sentence".

(b) EFFECTIVE DATE.—The amendments made by this section take effect on January 1, 2001.

SEC. 5. COST-OF-LIVING ADJUSTMENTS.

(a) COST-OF-LIVING BOARD.—Title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding at the end the following:

"PART D—COST-OF-LIVING ADJUSTMENTS

"DETERMINATION OF INFLATION ADJUSTMENT

"SEC. 1180. (a) MODIFICATION OF COST-OF-LIVING ADJUSTMENT.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, any cost-of-living adjustment described in subsection (e) shall be reduced by the applicable percentage point.

"(2) APPLICABLE PERCENTAGE POINT.—In this section, the term 'applicable percentage point' means—

"(A) except as provided in subparagraph (B), 1 percentage point; or

"(B) the applicable percentage point adopted by the Cost-of-Living Board under subsection (b) for the calendar year.

"(b) COST-OF-LIVING BOARD DETERMINATION.—

"(1) IN GENERAL.—The Cost-of-Living Board established under section 1181 shall for each calendar year after 1998 determine if a new applicable percentage point is necessary to replace the applicable percentage point described in subsection (a)(2)(A) to ensure an accurate cost-of-living adjustment which shall apply to any cost-of-living adjustment taking effect during such year.

"(2) ADOPTION OR REJECTION OF NEW APPLICABLE PERCENTAGE POINT.—

"(A) ADOPTION.—

"(i) IN GENERAL.—If the Cost-of-Living Board adopts by majority vote a new applicable percentage point under paragraph (1), then, for purposes of subsection (a)(1), the new applicable percentage point shall remain in effect during the following calendar year.

"(ii) APPROPRIATE ADJUSTMENTS.—The Cost-of-Living Board shall make appropriate adjustments to the applicable percentage point applied to any cost-of-living adjustment if—

"(I) the period during which the change in the cost-of-living is measured for such adjustment is different than the period used by the Cost-of-Living Board; or

"(II) the adjustment is based on a component of an index rather than the entire index.

"(B) REJECTION.—If the Cost-of-Living Board fails by majority vote to adopt a new applicable percentage point under paragraph (1) for any calendar year, then the applicable percentage point for such calendar year shall be the applicable percentage point described in subsection (a)(2)(A).

"(c) REPORT.—Not later than November 1 of each calendar year, the Cost-of-Living

Board shall submit a report to the President and Congress containing a detailed statement with respect to the new applicable percentage point (if any) agreed to by the Board under subsection (b).

"(d) JUDICIAL REVIEW.—Any determination by the Cost-of Living Board under subsection (b) shall not be subject to judicial review.

"(e) COST-OF-LIVING ADJUSTMENT DESCRIBED.—A cost-of-living adjustment described in this subsection is any cost-of-living adjustment for a calendar year after 1998 determined by reference to a percentage change in a consumer price index or any component thereof (as published by the Bureau of Labor Statistics of the Department of Labor and determined without regard to this section) and used in any of the following:

"(1) The Internal Revenue Code of 1986.

"(2) Titles II, XVIII, and XIX of this Act.

"(3) Any other Federal program (not including programs under title XVI of this Act).

"COST-OF-LIVING BOARD

"SEC. 1181. (a) ESTABLISHMENT OF BOARD.—

"(1) ESTABLISHMENT.—There is established a board to be known as the Cost-of-Living Board (in this section referred to as the 'Board').

"(2) MEMBERSHIP.—

"(A) COMPOSITION.—The Board shall be composed of 5 members of whom—

"(i) 1 shall be the Chairman of the Board of Governors of the Federal Reserve System;

"(ii) 1 shall be the Chairman of the President's Council of Economic Advisers; and

"(iii) 3 shall be appointed by the President, by and with the advice and consent of the Senate.

The President shall consult with the leadership of the House of Representatives and the Senate in the appointment of the Board members under clause (iii).

"(B) EXPERTISE.—The members of the Board appointed under subparagraph (A)(iii) shall be experts in the field of economics and should be familiar with the issues related to the calculation of changes in the cost of living. In appointing members under subparagraph (A)(iii), the President shall consider appointing—

"(i) former members of the President's Council of Economic Advisers;

"(ii) former Treasury department officials;

"(iii) former members of the Board of Governors of the Federal Reserve System;

"(iv) other individuals with relevant prior government experience in positions requiring appointment by the President and Senate confirmation; and

"(v) academic experts in the field of price statistics.

"(C) DATE.—

"(i) NOMINATIONS.—Not later than 30 days after the date of enactment of the Social Security Solvency Act of 1998, the President shall submit the nominations of the members of the Board described in subparagraph (A)(iii) to the Senate.

"(ii) SENATE ACTION.—Not later than 60 days after the Senate receives the nominations under clause (i), the Senate shall vote on confirmation of the nominations.

"(3) TERMS AND VACANCIES.—

"(A) TERMS.—A member of the Board appointed under paragraph (2)(A)(iii) shall be appointed for a term of 5 years, except that of the members first appointed under that paragraph—

"(i) 1 member shall be appointed for a term of 1 year;

"(ii) 1 member shall be appointed for a term of 3 years; and

"(iii) 1 member shall be appointed for a term of 5 years.

"(B) VACANCIES.—

"(i) IN GENERAL.—A vacancy on the Board shall be filled in the manner in which the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

"(ii) FILLING UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

"(C) EXPIRATION OF TERMS.—The term of any member appointed under paragraph (2)(A)(iii) shall not expire before the date on which the member's successor takes office.

"(4) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Board have been appointed, the Board shall hold its first meeting. Subsequent meetings shall be determined by the Board by majority vote.

"(5) OPEN MEETINGS.—Notwithstanding section 552b of title 5, United States Code, or section 10 of the Federal Advisory Committee Act (5 U.S.C. App.), the Board may, by majority vote, close any meeting of the Board to the public otherwise required to be open under that section. The Board shall make the records of any such closed meeting available to the public not later than 30 days of that meeting.

"(6) QUORUM.—A majority of the members of the Board shall constitute a quorum, but a lesser number of members may hold hearings.

"(7) CHAIRPERSON AND VICE CHAIRPERSON.—The Board shall select a Chairperson and Vice Chairperson from among the members appointed under paragraph (2)(A)(iii).

"(b) POWERS OF THE BOARD.—

"(1) HEARINGS.—The Board may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Board considers advisable to carry out the purposes of this part.

"(2) INFORMATION FROM FEDERAL AGENCIES.—The Board may secure directly from any Federal department or agency such information as the Board considers necessary to carry out the provisions of this part, including the published and unpublished data and analytical products of the Bureau of Labor Statistics. Upon request of the Chairperson of the Board, the head of such department or agency shall furnish such information to the Board.

"(3) POSTAL SERVICES.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

"(4) GIFTS.—The Board may accept, use, and dispose of gifts or donations of services or property.

"(c) BOARD PERSONNEL MATTERS.—

"(1) COMPENSATION OF MEMBERS.—Each member of the Board who is not otherwise an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level III of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Board. All members of the Board who otherwise are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

"(2) TRAVEL EXPENSES.—The members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

"(3) STAFF.—

"(A) IN GENERAL.—The Chairperson of the Board may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Board to perform its duties. The employment of an executive director shall be subject to confirmation by the Board.

"(B) COMPENSATION.—The Chairperson of the Board may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level IV of the Executive Schedule under section 5316 of such title.

"(4) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Board without additional reimbursement (other than the employee's regular compensation), and such detail shall be without interruption or loss of civil service status or privilege.

"(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Board may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

"(d) TERMINATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Board such sums as are necessary to carry out the purposes of this part.".

(c) TERMINATION OF WAGE INDEX ADJUSTMENT.—Section 215(i)(1)(C) of the Social Security Act (42 U.S.C. 415(i)(1)(C)) is amended—

(1) in clause (i)—

(A) by inserting "and before 1999" after "after 1988"; and

(B) by inserting ", or in any calendar year after 1998, the CPI increase percentage; and

(2) in clause (ii), by inserting "and before 1999" after "after 1988".

SEC. 6. TAX TREATMENT OF SOCIAL SECURITY PAYMENTS.

(a) IN GENERAL.—Section 86(a) of the Internal Revenue Code of 1986 (relating to social security and tier 1 railroad retirement benefits) is amended to read as follows:

"(a) IN GENERAL.—Notwithstanding section 207 of the Social Security Act, social security benefits shall be included in the gross income of a taxpayer for any taxable year in the manner provided under section 72.".

(b) CONFORMING AMENDMENTS.—Section 86 of the Internal Revenue Code of 1986 is amended by striking subsections (b), (c), and (e) and by redesignating subsections (d) and (f) as subsections (b) and (c), respectively.

(c) TRANSFERS TO TRUST FUNDS.—Paragraph (1)(A) of section 121(e) of the Social Security Amendments of 1983, as amended by section 13215(c)(1) of the Omnibus Budget Reconciliation Act of 1993, is amended by striking "1993." and inserting "1993, plus (iii) the amounts equivalent to the aggregate increase in tax liabilities under chapter 1 of the Internal Revenue Code of 1986 which is attributable to the amendments to section 86 of such Code made by section 6 of the Social Security Solvency Act of 1998.”.

(d) Effective Date; Application; Waiver of Penalty.—

(1) Effective date.—The amendments made by this section apply to taxable years ending after June 30, 1998.

(2) Application of amendments to taxable year 1998.—In the case of any taxable year which includes July 1, 1998, the amount a taxpayer is required to include in gross income under section 86 of the Internal Revenue Code of 1986 shall (in lieu of the amount otherwise determined) be equal to 50 percent of the sum of—

(A) the amount of social security benefits of the taxpayer to be included in gross income for such year under such section 86, determined as if the amendments made by this section had not been enacted, plus

(B) such amount determined as if such amendments had been in effect for the entire taxable year.

(3) Waiver of certain estimated tax penalties.—No addition to tax shall be imposed under section 6654 of the Internal Revenue Code of 1986 (relating to failure to pay estimated income tax) with respect to any underpayment of an installment required to be paid with respect to a taxable year to which paragraph (2) applies to the extent that such underpayment was created or increased by the amendments made by this section.

SEC. 7. COVERAGE OF NEWLY HIRED STATE AND LOCAL EMPLOYEES.

(a) Amendments to the Social Security Act.—

(1) In general.—Paragraph (7) of section 210(a) of the Social Security Act (42 U.S.C. 410(a)(7)) is amended to read as follows:

“(7) Excluded State or local government employment (as defined in subsection (s));”.

(2) Excluded state or local government employment.—

(A) In general.—Section 210 of such Act (42 U.S.C. 410) is amended by adding at the end the following new subsection:

“Excluded State or Local Government Employment

“(s)(1) In general.—The term ‘excluded State or local government employment’ means any service performed in the employ of a State, of any political subdivision thereof, or of any instrumentality of any one or more of the foregoing which is wholly owned thereby, if—

“(A)(i) such service would be excluded from the term ‘employment’ for purposes of this title if the preceding provisions of this section as in effect on December 31, 2000, had remained in effect, and (ii) the requirements of paragraph (2) are met with respect to such service, or

“(B) the requirements of paragraph (3) are met with respect to such service.

“(2) Exception for current employment which continues.—

“(A) In general.—The requirements of this paragraph are met with respect to service for any employer if—

“(i) such service is performed by an individual—

“(I) who was performing substantial and regular service for remuneration for that employer before January 1, 2001,

“(II) who is a bona fide employee of that employer on December 31, 2000, and

“(III) whose employment relationship with that employer was not entered into for purposes of meeting the requirements of this subparagraph, and

“(ii) the employment relationship with that employer has not been terminated after December 31, 2000.

“(B) Treatment of multiple agencies and instrumentalities.—For purposes of subparagraph (A), under regulations (consistent with regulations established under section 3121(t)(2)(B) of the Internal Revenue Code of 1986)—

“(i) all agencies and instrumentalities of a State (as defined in section 218(b)) or of the District of Columbia shall be treated as a single employer, and

“(ii) all agencies and instrumentalities of a political subdivision of a State (as so defined) shall be treated as a single employer and shall not be treated as described in clause (i).

“(3) Exception for certain services.—

“(A) In general.—The requirements of this paragraph are met with respect to service if such service is performed—

“(i) by an individual who is employed by a State or political subdivision thereof to relieve such individual from unemployment,

“(ii) in a hospital, home, or other institution by a patient or inmate thereof as an employee of a State or political subdivision thereof or of the District of Columbia,

“(iii) by an individual, as an employee of a State or political subdivision thereof or of the District of Columbia, serving on a temporary basis in case of fire, storm, snow, earthquake, flood, or other similar emergency,

“(iv) by any individual as an employee included under section 5351(2) of title 5, United States Code (relating to certain interns, student nurses, and other student employees of hospitals of the District of Columbia Government), other than as a medical or dental intern or a medical or dental resident in training,

“(v) by an election official or election worker if the remuneration paid in a calendar year for such service is less than $1,000 with respect to service performed during 2001, and the adjusted amount determined under subparagraph (C) for any subsequent year with respect to service performed during such subsequent year, except to the extent that service by such election official or election worker is included in employment under an agreement under section 218, or

“(vi) by an employee in a position compensated solely on a fee basis which is treated pursuant to section 211(c)(2)(E) as a trade or business for purposes of inclusion of such fees in net earnings from self-employment.

“(B) Definitions.—As used in this paragraph, the terms ‘State’ and ‘political subdivision’ have the meanings given those terms in section 218(b).

“(C) Adjustments to dollar amount for election officials and election workers.—For each year after 2001, the Secretary shall adjust the amount referred to in subparagraph (A)(v) at the same time and in the same manner as is provided under section 215(a)(1)(B)(ii) with respect to the amounts referred to in section 215(a)(1)(B)(i), except that—

“(i) for purposes of this subparagraph, 1998 shall be substituted for the calendar year referred to in section 215(a)(1)(B)(ii)(II), and

“(ii) such amount as so adjusted, if not a multiple of $50, shall be rounded to the nearest multiple of $50.

The Commissioner of Social Security shall determine and publish in the Federal Register each adjusted amount determined under this subparagraph not later than November 1 preceding the year for which the adjustment is made.”.

(B) Conforming amendments.—

(i) Subsection (k) of section 210 of such Act (42 U.S.C. 410(k)) (relating to covered transportation service) is repealed.

(ii) Section 210(p) of such Act (42 U.S.C. 410(p)) is amended—

(I) in paragraph (2), by striking “service is performed” and all that follows and inserting “service is service described in subsection (s)(3)(A).”; and

(II) in paragraph (3)(A), by inserting “under subsection (a)(7) as in effect on December 31, 2000” after “section”.

(iii) Section 218(c)(6) of such Act (42 U.S.C. 418(c)(6)) is amended—

(I) by striking subparagraph (C);

(II) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively; and

(III) by striking subparagraph (F) and inserting the following:

“(E) service which is included as employment under section 210(a).”

(b) Amendments to the Internal Revenue Code of 1986.—

(1) In general.—Paragraph (7) of section 3121(b) of the Internal Revenue Code of 1986 (relating to employment) is amended to read as follows:

“(7) excluded State or local government employment (as defined in subsection (t));”.

(2) Excluded state or local government employment.—Section 3121 of such Code is amended by inserting after subsection (s) the following new subsection:

“(t) Excluded State or Local Government Employment.—

“(1) In general.—For purposes of this chapter, the term ‘excluded State or local government employment’ means any service performed in the employ of a State, of any political subdivision thereof, or of any instrumentality of any one or more of the foregoing which is wholly owned thereby, if—

“(A)(i) such service would be excluded from the term ‘employment’ for purposes of this chapter if the provisions of subsection (b)(7) as in effect on December 31, 2000, had remained in effect, and (ii) the requirements of paragraph (2) are met with respect to such service, or

“(B) the requirements of paragraph (3) are met with respect to such service.

“(2) Exception for current employment which continues.—

“(A) In general.—The requirements of this paragraph are met with respect to service for any employer if—

“(i) such service is performed by an individual—

“(I) who was performing substantial and regular service for remuneration for that employer before January 1, 2001,

“(II) who is a bona fide employee of that employer on December 31, 2000, and

“(III) whose employment relationship with that employer was not entered into for purposes of meeting the requirements of this subparagraph, and

“(ii) the employment relationship with that employer has not been terminated after December 31, 2000.

“(B) Treatment of multiple agencies and instrumentalities.—For purposes of subparagraph (A), under regulations—

“(i) all agencies and instrumentalities of a State (as defined in section 218(b) of the Social Security Act) or of the District of Columbia shall be treated as a single employer, and

“(ii) all agencies and instrumentalities of a political subdivision of a State (as so defined) shall be treated as a single employer and shall not be treated as described in clause (i).

"(3) EXCEPTION FOR CERTAIN SERVICES.—

"(A) IN GENERAL.—The requirements of this paragraph are met with respect to service if such service is performed—

"(i) by an individual who is employed by a State or political subdivision thereof to relieve such individual from unemployment,

"(ii) in a hospital, home, or other institution by a patient or inmate thereof as an employee of a State or political subdivision thereof or of the District of Columbia,

"(iii) by an individual, as an employee of a State or political subdivision thereof or of the District of Columbia, serving on a temporary basis in case of fire, storm, snow, earthquake, flood, or other similar emergency,

"(iv) by any individual as an employee included under section 5351(2) of title 5, United States Code (relating to certain interns, student nurses, and other student employees of hospitals of the District of Columbia Government), other than as a medical or dental intern or a medical or dental resident in training,

"(v) by an election official or election worker if the remuneration paid in a calendar year for such service is less than $1,000 with respect to service performed during 2001, and the adjusted amount determined under section 210(s)(3)(C) of the Social Security Act for any subsequent year with respect to service performed during such subsequent year, except to the extent that service by such election official or election worker is included in employment under an agreement under section 218 of the Social Security Act, or

"(vi) by an employee in a position compensated solely on a fee basis which is treated pursuant to section 1402(c)(2)(E) as a trade or business for purposes of inclusion of such fees in net earnings from self-employment.

"(B) DEFINITIONS.—As used in this paragraph, the terms 'State' and 'political subdivision' have the meanings given those terms in section 218(b) of the Social Security Act.".

(3) CONFORMING AMENDMENTS.—

(A) Subsection (j) of section 3121 of such Code (relating to covered transportation service) is repealed.

(B) Paragraph (2) of section 3121(u) of such Code (relating to application of hospital insurance tax to Federal, State, and local employment) is amended—

(i) in subparagraph (B), by striking "service is performed" in clause (ii) and all that follows through the end of such subparagraph and inserting "service is service described in subsection (t)(3)(A)."; and

(ii) in subparagraph (C)(i), by inserting "under subsection (b)(7) as in effect on December 31, 2000" after "chapter".

(c) EFFECTIVE DATE.—Except as otherwise provided in this section, the amendments made by this section shall apply with respect to service performed after December 31, 2000.

SEC. 8. INCREASE IN LENGTH OF COMPUTATION PERIOD FROM 35 TO 38 YEARS.

Section 215(b)(2)(B) of the Social Security Act (42 U.S.C. 415(b)(2)) is amended—

(1) in clause (ii), by striking "and" at the end;

(2) in clause (iii)—

(A) by striking "age 62" and inserting "the applicable age"; and

(B) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(iv) the term "applicable age" means with respect to individuals who attain age 62—

"(I) before 2001, age 62;

"(II) in 2001, age 63;

"(III) in 2002, age 64; and

"(IV) after 2002, age 65.".

SEC. 9. PHASED IN INCREASE IN SOCIAL SECURITY RETIREMENT AGE.

(a) IN GENERAL.—Section 216(l) of the Social Security Act (42 U.S.C. 416(l) is amended—

(1) in paragraph (1), by striking subparagraphs (B), (C), (D), and (E) and inserting the following:

"(B) with respect to an individual who attains early retirement age after December 31, 1999, and before January 1, 2018, 65 years of age plus 2/12 of the number of months in the period beginning with January 2000 and ending with December of the year in which the individual attains early retirement age;

"(C) with respect to an individual who attains early retirement age after December 31, 2017, and before January 1, 2066, 68 years of age plus 1/24 of the number of months in the period beginning with January 2018 and ending with December of the year in which the individual attains early retirement age, rounded down to the lowest whole month; and

"(D) with respect to an individual who attains early retirement age after December 31, 2065, 70 years of age."; and

(2) by striking paragraph (3).

(b) CONFORMING REDUCTIONS FOR RECEIVING BENEFITS BEFORE NORMAL RETIREMENT AGE.—Section 202(q)(9)(A) of the Social Security Act (42 U.S.C. 402(q)(9)(A)) is amended by striking "and five-twelfths of 1 percent for any additional months included in such periods" and inserting "five-twelfths of 1 percent for the next 24 months included in such periods, three-eighths of 1 percent for the next 24 months included in such periods, and one-third of 1 percent for any additional months included in such periods".

(c) STUDY OF THE EFFECT OF INCREASING THE RETIREMENT AGE.—

(1) STUDY PLAN.—Not later than February 15, 2000, the Commissioner of Social Security shall submit to Congress a detailed study plan for evaluating the effects of increases in the retirement age scheduled under section 216(l) of the Social Security Act on the day before the date of enactment of the amendments made by subsection (a) and under such amendments. The study plan shall include a description of the methodology, data, and funding that will be required in order to provide to Congress not later than February 15, 2005—

(A) an evaluation of trends in mortality and their relationship to trends in health status, among individuals approaching eligibility for social security retirement benefits;

(B) an evaluation of trends in labor force participation among individuals approaching eligibility for social security retirement benefits and among individuals receiving retirement benefits, and of the factors that influence the choice between retirement and participation in the labor force;

(C) an evaluation of changes, if any, in the social security disability program that would reduce the impact of increases in the retirement age on workers in poor health or physically demanding occupations;

(D) an evaluation of the methodology used to develop projections for trends in mortality, health status, and labor force participation among individuals approaching eligibility for social security retirement benefits and among individuals receiving retirement benefits; and

(E) an evaluation of such other matters as the Commissioner deems appropriate for evaluating the effects of increases in the retirement age.

(2) REPORT ON RESULTS OF STUDY.—Not later than February 15, 2005, the Commissioner of Social Security shall provide to Congress an evaluation of the implications of the trends studied under paragraph (1), along with recommendations, if any, of the extent to which the conclusions of such evaluations indicate that future scheduled increases in the retirement age should be modified. Furthermore, such report should include recommendations for modifying the social security disability program and other income support programs that should be considered in conjunction with scheduled increases in the retirement age.

SEC. 10. ELIMINATION OF EARNINGS TEST FOR INDIVIDUALS WHO HAVE ATTAINED EARLY RETIREMENT AGE.

(a) IN GENERAL.—Section 203 of the Social Security Act (42 U.S.C. 403) is amended—

(1) in subsection (c)(1), by striking "the age of seventy" and inserting "early retirement age (as defined in section 216(l))";

(2) in paragraphs (1)(A) and (2) of subsection (d), by striking "the age of seventy" each place it appears and inserting "early retirement age (as defined in section 216(l))";

(3) in subsection (f)(1)(B), by striking "was age seventy or over" and inserting "was at or above early retirement age (as defined in section 216(l))";

(4) in subsection (f)(3)—

(A) by striking "33⅓ percent" and all that follows through "any other individual," and inserting "50 percent of such individual's earnings for such year in excess of the product of the exempt amount as determined under paragraph (8),"; and

(B) by striking "age 70" and inserting "early retirement age (as defined in section 216(l))";

(5) in subsection (h)(1)(A), by striking "age 70" each place it appears and inserting "early retirement age (as defined in section 216(l))"; and

(6) in subsection (j)—

(A) in the heading, by striking "Age Seventy" and inserting "Early Retirement Age"; and

(B) by striking "seventy years of age" and inserting "having attained early retirement age (as defined in section 216(l))".

(b) CONFORMING AMENDMENTS ELIMINATING THE SPECIAL EXEMPT AMOUNT FOR INDIVIDUALS WHO HAVE ATTAINED AGE 62.—

(1) UNIFORM EXEMPT AMOUNT.—Section 203(f)(8)(A) of the Social Security Act (42 U.S.C. 403(f)(8)(A)) is amended by striking "the new exempt amounts (separately stated for individuals described in subparagraph (D) and for other individuals) which are to be applicable" and inserting "a new exempt amount which shall be applicable".

(2) CONFORMING AMENDMENTS.—Section 203(f)(8)(B) of the Social Security Act (42 U.S.C. 403(f)(8)(B)) is amended—

(A) in the matter preceding clause (i), by striking "Except" and all that follows through "whichever" and inserting "The exempt amount which is applicable for each month of a particular taxable year shall be whichever";

(B) in clauses (i) and (ii), by striking "corresponding" each place it appears; and

(C) in the last sentence, by striking "an exempt amount" and inserting "the exempt amount".

(3) REPEAL OF BASIS FOR COMPUTATION OF SPECIAL EXEMPT AMOUNT.—Section 203(f)(8)(D) of the Social Security Act (42 U.S.C. (f)(8)(D)) is repealed.

(c) ADDITIONAL CONFORMING AMENDMENTS.—

(1) Elimination of Redundant References to Retirement Age.—Section 203 of the Social Security Act (42 U.S.C. 403) is amended—

(A) in subsection (c), in the last sentence, by striking "nor shall any deduction" and all that follows and inserting "nor shall any deduction be made under this subsection from any widow's or widower's insurance benefit if the widow, surviving divorced wife, widower, or surviving divorced husband involved became entitled to such benefit prior to attaining age 60."; and

(B) in subsection (f)(1), by striking clause (D) and inserting the following: "(D) for which such individual is entitled to widow's or widower's insurance benefits if such individual became so entitled prior to attaining age 60,".

(2) Conforming Amendment to Provisions for Determining Amount of Increase on Account of Delayed Retirement.—Section 202(w)(2)(B)(ii) of the Social Security Act (42 U.S.C. 402(w)(2)(B)(ii)) is amended—

(A) by striking "either"; and

(B) by striking "or suffered deductions under section 203(b) or 203(c) in amounts equal to the amount of such benefit".

(3) Provisions Relating to Earnings Taken Into Account in Determining Substantial Gainful Activity of Blind Individuals.—The second sentence of section 223(d)(4) of such Act (42 U.S.C. 423(d)(4)) is amended by striking "if section 102 of the Senior Citizens' Right to Work Act of 1996 had not been enacted" and inserting the following: "if the amendments to section 203 made by section 102 of the Senior Citizens' Right to Work Act of 1996 and by the Social Security Solvency Act of 1998 had not been enacted".

(d) Study of the Effect of Taking Earnings Into Account in Determining Substantial Gainful Activity of Disabled Individuals.—

(1) In general.—Not later than February 15, 2000, the Commissioner of Social Security shall conduct a study on the effect that taking earnings into account in determining substantial gainful activity of individuals receiving disability insurance benefits has on the incentive for such individuals to work and submit to Congress a report on the study.

(2) Contents of study.—The study conducted under paragraph (1) shall include the evaluation of—

(A) the effect of the current limit on earnings on the incentive for individuals receiving disability insurance benefits to work;

(B) the effect of increasing the earnings limit or changing the manner in which disability insurance benefits are reduced or terminated as a result of substantial gainful activity (including reducing the benefits gradually when the earnings limit is exceeded) on—

(i) the incentive to work; and

(ii) the financial status of the Federal Disability Insurance Trust Fund;

(C) the effect of extending eligibility for the Medicare program to individuals during the period in which disability insurance benefits of the individual are gradually reduced as a result of substantial gainful activity and extending such eligibility for a fixed period of time after the benefits are terminated on—

(i) the incentive to work; and

(ii) the financial status of the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund; and

(D) the relationship between the effect of substantial gainful activity limits on blind individuals receiving disability insurance benefits and other individuals receiving disability insurance benefits.

(3) Consultation.—The analysis under paragraph (2)(C) shall be done in consultation with the Administrator of the Health Care Financing Administration.

(d) Effective Date.—The amendments and repeals made by subsections (a), (b), and (c) shall apply with respect to taxable years ending after December 31, 2002.

Social Security Solvency Act of 1998—Brief Description of Provisions

I. REDUCE PAYROLL TAXES AND RETURN TO PAY-AS-YOU-GO SYSTEM WITH OPTIONAL PERSONAL ACCOUNTS

A. Reduce payroll taxes and return to pay-as-you-go

The bill would return Social Security to a pay-as-you-go system. That is, payroll tax rates would be adjusted so that annual revenues from taxes closely match annual outlays. This makes possible an immediate payroll tax cut of approximately $800 billion over the next 10 years, with reduced rates remaining in place for the next 30 years. Payroll tax rates would be cut from 12.4 to 10.4 percent between 2001 and 2024, and the rate would stay at or below 12.4 percent until 2045. Even in the out-years, the pay-as-you go rates under the plan will increase only slightly above the current rate of 12.4 percent. It would reach 13.4 percent in 2060. The proposed rate schedule is:

	Percent
2001–2024	10.4
2025–2029	11.4
2030–2044	12.4
2045–2054	12.7
2055–2059	13.0
2060 and thereafter	13.4

In order to ensure continued solvency, the Board of Trustees of the Social Security Trust Funds would make recommendations for a new pay-as-you-go tax rate schedule if the Trust Funds fall out of close actuarial balance. The new tax rate schedule would be considered by Congress under fast track procedures.

B. Voluntary personal savings accounts

Beginning in 2001, the bill would permit voluntary personal savings accounts, which workers could finance with the proceeds of the two percent cut in the payroll tax. Alternatively, a worker could simply take the employee share of the tax cut in the form of an increase in take-home pay equal to one percent of wages.

C. Increase in amount of wages subject to tax

Under current law, the Social Security payroll tax applies only to the first $68,400 of wages in 1998. At that level, about 85 percent of wages in covered employment are taxed. That percentage has been falling because wages of persons above the taxable maximum have been growing faster than wages of persons below it.

Histocially, about 90 percent of wages have been subject to tax. Under the bill, the taxable maximum would be increased to $97,500 (thereby imposing the tax on about 87 percent of wages) by 2003. Thereafter, automatic changes in the base, tied to increases in average wages, would be resumed. (Under current law, the taxable maximum is projected to increase to $82,800 in 2003, with automatic changes also continuing thereafter.)

II. INDEXATION PROVISIONS

The payroll tax cut in the legislation is offset by two indexation provisions and other changes that most observers agree are needed.

A. Correct cost of living adjustments by one percentage point

The bill includes a one percentage point correction in cost of living adjustments. The correction would apply to all indexed programs (outlays and revenues) except Supplemental Security Income. The Bureau of Labor Statistics has made some improvements in the Consumer Price Index, but most of these were already taken into account when the Boskin Commission appointed by the Senate Finance Committee reported in 1996 that the overstatement of the cost of living by the CPI was 1.1 percentage points. Members of the Commission believe that the overstatement will average about one percentage point for the next several years. The proposed legislation would also establish a Cost of Living Board to determine on an annual basis if further refinements are necessary.

B. Increase in retirement age

In 1983, the retirement age was increased, over time, to age 67 for those turning 62 in the year 2022. The proposed legislation modifies present law, so that the retirement age increases by two months per year between 2000 and 2017, and by one month every two years between years 2018 and 2065. This increase is a form of indexation which results in retirement ages of 68 in 2017 (for workers reaching age 62 in that year), and 70 in 2065 (for workers reaching age 62 in that year.)

The increase in the retirement age is a form of indexation because it is related to the increase in life expectancy. Persons retiring in 1960 at age 65 had a life expectancy, at age 65, of 15 years and spent about 25 percent of their adult life in retirement. Persons retiring in 2073, at age 70, are projected to have a life expectancy at age 70 of about 17 years, and would also spend about 25 percent of their adult life in retirement. There are persons not yet born today who can expect, on average, to live almost to age 90.

III. PROGRAM SIMPLIFICATION—REPEAL OF EARNINGS TEST

The so-called earnings test would be eliminated for all beneficiaries age 62 and over, beginning in 2003. (Under current law, the test increases to $30,000 in 2002.) The earnings test is an administrative burden with about 1 million beneficiaries submitting forms to the Social Security Administration so that benefits can be withheld (reduced) if the beneficiary has wages in excess of the earnings test. Social Security Administration actuaries estimate that the long-run cost of repealing the earnings test is zero because beneficiaries eventually receive all of the benefits that were withheld due to the earnings test.

IV. OTHER CHANGES

All three factions of the 1997 Social Security Advisory Council supported some variation of the following three provisions:

A. Normal taxation of benefits

Social Security benefits would be taxed to the same extent private pensions are taxed. That is, Social Security benefits would be taxed to the extent that the worker's benefits exceed his or her contributions to the system (currently about 95 percent of benefits would be taxed).

B. Coverage of newly hired State and local employees

Effective in 2001, Social Security coverage would be extended to newly hired employees in currently excluded State and local positions. Inclusion of State and local workers is sound public policy because most of the five million State and local employees (about a quarter of all State and local employees) not covered by Social Security in their government employment do receive Social Security benefits as a result of working at other jobs—part-time or otherwise—that are covered by Social Security. Relative to their contributions these workers receive generous benefits.

C. Increase in length of computation period

The legislation would increase the length of the computation period from 35 to 38 years. Consistent with the increase in life expectancy and the increase in the retirement age we would expect workers to have more years with earnings. Computation of their benefits should be based on these additional years of earnings.

SUMMARY OF BUDGET EFFECTS

The legislation provides for long-run solvency of Social Security, financed with payroll taxes that are not much higher than current rates. It is also fully paid for in the short-run. The Congressional Budget Office's preliminary estimate indicates that for the ten-year period FY 1999-2008, the proposal increases the projected cumulative budget surplus by $170 billion, from $671 billion to $841 billion. For the five-year period FY 1999-2003, CBO projects that under the plan, the cumulative surplus is unchanged. In no year is there a deficit. All of this is accomplished while reducing payroll taxes by almost $800 billion. A table showing CBO's estimate of the surplus under current policies and under the Social Security Solvency Act of 1998 is attached.

CBO BUDGET ESTIMATES

[Fiscal years 1999–2008, in billions of dollars]

Year	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	Cumulative surplus	
											5 years 1999–2003	10 years 1999–2008
Estimated Surplus Under Current Policies	9	1	13	67	53	70	75	115	130	138	143	671
Estimated Surplus Under The Social Security Solvency Act of 1998	5	12	6	65	55	79	94	148	176	201	143	841

PAY-AS-YOU-GO PAYROLL TAX RATES REQUIRED TO FUND SOCIAL SECURITY

Year	Assuming no program changes	Social Security Solvency Act of 1998
2001	10.40	10.40
2005	11.40	10.40
2010	12.40	10.40
2015	13.90	10.40
2020	15.40	10.40
2025	16.40	11.40
2030	16.40	12.40
2035	16.90	12.40
2040	16.90	12.40
2045	16.90	12.70
2050	16.90	12.70
2055	17.40	13.00
2060	17.80	13.40
2065	17.80	13.40
2070	18.00	13.40

Note.—The Social Security payroll tax rate is fixed by statute at 12.4 percent. Assuming no program changes the current law program is not sustainable. In 2012, outgo for the OASDI program will exceed tax revenues. In 2029, all OASDI assets (reserves) will be expended, after which tax revenues will only be sufficient to pay 75 percent of expected benefits.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to compliment my colleagues, Senator MOYNIHAN and Senator BREAUX and Senator KERREY, for the introduction of this legislation. I am not joining as a cosponsor now, but I certainly want to sponsor and echo the comments that they made that we need to reform Social Security and we need to move Social Security away from a pay-go system into a funded system, a capitalized system, a system that has an investment behind it, one that people get to own and control and can invest in.

They have taken a small step in that direction. As I understand it, the proposal would allow 2 percent of the 12.4 percent to go in that direction, either to be returned in the form of a tax cut or to be put into a personalized savings Social Security account.

I echo very strongly that right now we should depart from an unfunded system, a pay-go system, a system that is destined for bankruptcy unless we change it, unless we save it—and a lot of us are very committed to saving Social Security. We think the real way to save Social Security is to move it into a funded system. Private plans have been doing that all across the country. They are allowing individuals, participants in their plans, to reap the benefits and rewards of good investments.

I heard my colleague—I think Senator BREAUX mentioned that if a Federal employee had invested 100 percent in the stock option plan last year, the rate of return was 40 percent.

Mr. MOYNIHAN. I wasn't.

Mr. NICKLES. I was. I put 100 percent of my thrift plan in, and it made a 40 percent return. For the S&P index for those months, which included September 30, it was a 34 percent rate of return, a phenomenal rate of return. It was a lot less for Government bonds. There are three different options for Federal employees. They all made significant returns far greater than the 1 or 2 percent that a person can make in Social Security today.

So we can allow those accounts to accumulate and grow and allow people to become entrepreneurs and to achieve some real savings and also lessen their dependence on Social Security at the same time.

Senator MOYNIHAN also had the nerve to say—I think he said, that we should have, an accurate CPI. Again, a lot of people do not want to touch that. But we should have an accurate CPI. If we have a balanced budget or if we have a surplus or a deficit, we should have an accurate CPI. And, yes, there are significant savings in that proposal as well.

He talked about some other things, talking about increasing the retirement dates. That is not real popular maybe with a lot of people, but, frankly, you have to look at the actuarial analysis of Social Security. Social Security has big, big problems. Although I have some reservations, I think my colleague from New York has taken some giant steps in the right direction.

I understand there is a little tax increase on the personal income tax side. I would like to see if we can do it without that. Transitionally we may have some challenges. I would very much like to get the percentage up from 2 percent. Actually, right now an individual pays 12.4 percent of their payroll for Social Security up to $68,000, $68,400, I believe. I would like to be able to get half of that into an individual's personal savings account where they can really see some rewards. That is over $9,000 that an individual, if they make $68,000, is paying in Social Security today. It would be nice if they could put half or at least a significant portion of that into their own retirement account where they can watch it grow, where they can invest it. They could be very cautious in their investments and invest it in T bills if they so desired or invest it in stocks or they can invest it in bonds. They would have those options.

I would like to give them the maximum amount of options that we give people for 401(k)s, that we give people for IRAs, that we give Senate employees through thrift plans and so on. I would like to give all American taxpayers that option so we can have a lot of millionaires, a lot of people driving a truck in Nebraska or Oklahoma becoming millionaires by the time they retire so they will not become dependent, frankly, on an unfunded pay-go system like we have right now into which their children will be paying enormous sums in the future.

I think you hear a lot of people trying to sell programs by using kids. I think we need to be very, very concerned about future liabilities in Social Security for our kids. How in the world will they be able to make those payments if we do not reform the system? Senator MOYNIHAN had a chart out there that said the payroll tax would have to go up astronomically. I do not think that is fair for our kids.

Maybe we can alleviate that pressure if we allow individuals now, before they hit their retirement age, to be able to set up these personal savings accounts and be able to reap decent rates of return and become less dependent on their children and grandchildren for their future retirement benefits.

Conceptually, I commend my colleagues on their work, and I think you will find strong bipartisanship support for working together to see if we cannot make this concept of making funded capitalized personal savings accounts a part of every individual's Social Security for the future. We will work to try to make that a reality in America.

Thank you, Mr. President.

Mr. MOYNIHAN. Mr. President, may I take a moment to thank the distinguished deputy majority leader. I couldn't be more grateful. If there are auspices, his comments make them very good indeed.

I yield the floor.

Mr. ROTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURNS). Without objection, it is so ordered.

EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of H.R. 2646, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2646) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, and for other purposes.

The Senate proceeded to consider the bill.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

AMENDMENT NO. 2019

(Purpose: To amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes)

Mr. ROTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH] proposes an amendment numbered 2019.

Mr. ROTH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. ROTH. Mr. President, I ask unanimous consent that the amendment be agreed to, the motion to reconsider be laid upon the table, and it be considered original text for the purpose of further amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 2019) was agreed to.

Mr. LOTT. Mr. President, I congratulate the chairman of the Finance Committee, as well as Senator COVERDELL, for crafting such a bipartisan amendment. As always, while it may not always have the vote of the ranking member, he is always cooperative and considerate in how he deals with legislation coming out of the Finance Committee. So I really appreciate the work done by Senator ROTH, Senator MOYNIHAN, Senator COVERDELL, and Senator TORRICELLI, in getting this bipartisan initiative to this point.

The amendment includes three major Democratic initiatives that are also supported by a majority on this side of the aisle —those being the school construction section that has been aggressively pursued by Senator GRAHAM of Florida, Senator FEINSTEIN of California, and others. A lot of work went into that by Senator COVERDELL and Senator ROTH, once again. It also includes the State prepaid tuition initiative in which I believe Senator BREAUX, Senator GRAHAM, and others have been interested. I also have been supportive of that initiative in the past. I believe Senator MOYNIHAN also has had an interest in that. Finally, it also includes the employer-paid higher education provision. This is something I believe is referred to as section 127, which Senator MOYNIHAN talked about.

I think that anything we can do to make it possible for parents, grandparents, and supporters of scholarships in education to be able to be more involved and to save for their children's education, not only higher education, but K through 12, elementary and secondary, to be able to take advantage of a prepaid tuition initiative so that that can be done to help children get into college and deal with what quite often is a pretty high tuition cost when they first go in, or deal with the costs of their graduate education and those expenses should be done. These are all good things because we need to do everything we can in America to make it possible for our children to get an education, whether that's elementary and secondary, higher education, or trade school training, vocational education, whatever it is. So we need to look at all of those across the board.

I continue to be concerned about the poor test scores of our children at the elementary and secondary levels. I continue to look at the fact that our higher education is the best in the world and wonder why that is true when our elementary and secondary education levels are quite often very low. In fact, I saw one statistic recently that we are 19th in the world. Why? Why can't our children write in the fourth grade and read and understand basic science when they are in the eighth grade? I think this Coverdell A+ program will help with getting tutoring, or getting computers for children in the fourth grade or eighth grade, or make it a choice to go to a different school, and being able to save a little bit for that option.

So I think all of these programs are good. I think it will be good for us to spend some time talking about education in America, thinking together about how we can improve it. I think one of the problems with education in America at the K through 12 level is that we have been thinking it has to fit in this box, it has to be done this way, without choice, without financial assistance, and without teacher testing, and without really dealing with the drug problems. We need to begin to ask ourselves, can we do it differently? Can we offer other options? Can we provide financial assistance for parents with children in the eighth grade who have special needs? I think this legislation will begin to take us in that direction.

So I am proud that we are reaching the point, hopefully, where we can get into debating the substance of the legislation. I understand there are some colleagues on the Democratic side of the aisle who are interested in offering amendments. That is fine. I hope they will offer amendments when we get to the substance of the bill that relates to education. I understand that some of these amendments would be nongermane, which would be in extraneous areas not related to this. We will have other opportunities—in the budget resolution and in appropriations bills—to have amendments on Social Security, and there are a lot of good thoughts going into the Social Security area now. The Senator from New York made a presentation this past week that is very interesting and thoughtful. We ought to get into that. But we should not do it on this education bill. Let's have some talk about education and how we can improve education in America.

Now, I had offered, last week, the idea that the Democratic leader would perhaps want to develop a substitute, an alternative to this package, in the education area. I think he gave some thought to that. But he concluded that maybe it could not be done last week. So I called him again last night and said, "Would you like to do a substitute and have that considered on Wednesday or Thursday, and then we would go to the substance of the bill on Friday?" The indication was that he did not want to do the substitute. I even talked about, "Could we do some process where we would have a limited number of amendments that relate to education?" Again, he indicated that he didn't think he could do that.

So before I file cloture today, I want to offer, once again, to do it that way, have a substitute. I have discussed that with several Democrats who are supportive of the Coverdell bill. They thought that would be a fair way to proceed, to have an alternative package, debate that and vote on it, and then go to the Coverdell A+ education savings account proposals with these additions. But I understand that can't be agreed to. I wanted to make the offer not once or twice, but three times, to have a substitute or even have some limited amendments relating to education.

If I could ask the ranking member, on behalf of the leader, who is unavoidably detained at this time, is it not possible for us to get an agreement that would allow us to go to the substitute arrangement or some limited number of amendments related only to education at this time?

Mr. MOYNIHAN. Mr. President, I cannot speak with the authority of the minority leader, who is necessarily detained. It won't be that long before he can be here. I will have to offer my impression, regretfully, that that would not be possible.

Mr. LOTT. I thank the Senator from New York. I regret that we can't agree on what I think would be a fair and orderly way to move into the bill that is very important for the discussion of education in America.

CLOTURE MOTION

Mr. LOTT. Mr. President, in order to keep the focus on the education measure, I now send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on H.R. 2646, the A+ Education Act:

Trent Lott, Paul Coverdell, Jeff Sessions, Connie Mack, Bill Roth, Judd Gregg, Christopher Bond, Tim Hutchinson, Larry E. Craig, Robert F. Bennett, Mike DeWine, Jim Inhofe, Bill Frist, Bob Smith, Wayne Allard, Pat Roberts.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a second cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provision of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on H.R. 2646, the A+ Education Act:

Trent Lott, Paul Coverdell, Jeff Sessions, Connie Mack, Bill Roth, Judd Gregg, Christopher Bond, Tim Hutchinson, Larry E. Craig, Robert F. Bennett, Mike DeWine, Jim Inhofe, Bill Frist, Bob Smith, Wayne Allard, Pat Roberts.

Mr. LOTT. Mr. President, the action just taken will result in a cloture vote occurring on Friday, March 20, or Thursday, if a consent agreement can be reached for an earlier vote. I know some Senators are hopeful that we can have this vote Thursday afternoon, late, instead of Friday morning. We would be willing to work to see if we can get an agreement with the minority leader on getting that vote on Thursday afternoon. If the first cloture vote is not successful, then a second cloture vote would occur on Friday, or on Thursday, if we can get that arranged.

I will, of course, notify all Members as to exactly when these cloture votes would occur. However, in the meantime, I ask that the mandatory quorum under rule XXII be waived for both cloture votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, will the majority leader yield?

Mr. LOTT. I would be glad to yield to Senator KENNEDY.

Mr. KENNEDY. Mr. President, I am interested in a brief review of what is in the proposal of the majority leader. I am interested in whether the proposal that is included in the submission that we have now here is the proposal that would provide the funding for projects of private companies for the building and the construction of private schools. The limitation on any State would be approximately $5 million. That is my understanding of at least what would be included in the Republican proposal, which is a pale shadow of what I think most of us understand would be the Moseley-Braun proposal, which would provide much more dramatic health assistance to public schools. I am just interested in that. Is my understanding correct?

Mr. LOTT. Mr. President, if the Senator will allow me to reclaim my time to respond, I believe that this provision applies to public schools. There is a package that was very carefully drafted at the urging of Senator GRAHAM of Florida. But to make sure that I have an accurate understanding of this content, would the Senator from Georgia, Senator COVERDELL, like to comment further on that provision?

Mr. KENNEDY. Privately owned public schools is my question. Is the relevant provisions that are related to school construction and modernization limited to privately owned public schools?

Mr. LOTT. I yield to the Senator from Georgia.

Mr. COVERDELL. Mr. President, if I might respond, at the appropriate time we will have Senator GRAHAM of Florida, who has been integral to the negotiations, respond to the Senator's questions. But currently, public schools can use tax-exempt bonds for construction.

I believe that I can conceptually characterize Senator GRAHAM's interest in that he wanted to add to the category or the function that allows funding for airports where you could have a private company do the construction for the public system for the public good and lease the facility to the public school district after a certain period of time, which would follow into ownership. Senator GRAHAM's objective was to create an extended ability for public school systems to have financing for the construction of their schools.

So he is basically expanding the capacity for public school districts to fund construction of the new schools. The construct of the amendment caps that facility because of the sums of money that are available, and it also has the facility to aid and abet large growth districts.

Mr. KENNEDY. Am I also correct that there is a limitation of some $5 million per State?

Mr. COVERDELL. No. It is $10 per resident, but at a minimum of $5 million, if the $5 million is greater.

Mr. KENNEDY. I appreciate the leader responding. I just wanted to mention that it is a proposal in support of the Senator from New York, because there are different approaches on the question of the modernization and the reconstruction of the public schools. Senator GRAHAM has a proposal. It has been included in the proposal. Senator MOSELEY-BRAUN has a very interesting proposal. But, as I understand it, they will be precluded. Would they be precluded from having that be considered under the cloture motion?

Mr. COVERDELL. If the Senator will yield, I believe the majority leader has properly characterized what the discussions have been between both leaders. The majority leader has said the other side can offer its package, which could include Senator MOSELEY-BRAUN's, or not, or we could agree on a set number of amendments for each side, so long as they are germane to education, which, of course, should embrace the Senator's idea as well.

So there are at least two separate suggestions being discussed between leaders that would facilitate the opportunity of the Senator from Illinois to bring her proposal into the debate.

Mr. KENNEDY. I appreciate that. Effectively we are being told if we do not accept the way it is being packaged they won't have an opportunity to have a debate on these very important measures in terms of achieving what the majority leader has pointed out. I am wondering, the amendment of our friend, Senator BOXER, on after-school programs, is related to education, as I understand it. Under cloture, that would be precluded as well. Would that amendment be excluded? It has been published. It deals with after-school proposals for children. I am wondering if that would be permitted under the cloture motion.

Mr. LOTT. I want to reiterate again, first of all, Mr. President, under the proposal that I have suggested of a substitute amendment, any or all of these proposals could have been offered. We even thought about the possibility of having some agreed-to limited number of amendments that were educationally related. But Senator DASCHLE indicated, I believe, that he didn't think that was the way that he would like to proceed.

With regard to postcloture, assuming cloture is invoked, it depends on, I guess, how the amendment is offered. There certainly would be a debate on the contents of this package. That does include the school construction bond issue for public schools. And it is conceivable that germane amendments could be offered to that to strike it. But, if you tried to strike it and add a new program under the rules, I presume that would not be possible under the cloture arrangement.

Again, with regard to other issues, including the Boxer amendment that the Senator described, in postcloture that probably would not be eligible. But I emphasize again. We could have worked, or could work, out an agreement where a limited number of amendments, or a substitute, could be considered.

With regard to the California issue, I want to emphasize that Senator FEINSTEIN was very interested in getting the language included—that could be helpful in any State, but particularly in States like Florida and California—and in providing additional new public school construction. She had quite an interest in a provision that was eventually added to the bill. I might add it was a close vote in the Finance Committee. I think I cast the deciding vote to provide for that.

So I think it is important that we find a way to get to the substance of this bill without it being indefinitely delayed so we can have a full debate about education but not have it get off into all kinds of other unrelated issues that would tend to dilute, I think, the debate on a discussion on education and the very important provisions that we have put together in this package in a bipartisan way.

Senator DASCHLE has come to the floor. We have been having a discussion about how to proceed. Senator MOYNIHAN on his behalf has indicated that he didn't think the minority would be prepared to agree to my offer to have a substitute amendment, or some limited number of education amendments. And we were responding to questions from Senator KENNEDY. I have filed a cloture motion and indicated that we would talk about whether or not we would have those cloture votes on Friday morning, or even Thursday afternoon, at the request of some Senators on both sides of the aisle. I want to talk to the minority leader about that. We were, quite frankly, hopeful that the Senator would be able to arrive and respond to the present situation.

I would be glad to respond to questions or comments from Senator DASCHLE.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The distinguished minority leader.

Mr. DASCHLE. I thank the President.

Mr. President, I was in my office occupied on a satellite communication. I apologize for not being able to come to the floor until this moment. But I thank the distinguished ranking member of the Finance Committee for his efforts and for articulating the position of the Democratic caucus in this regard.

Mr. President, education is probably the most important issue we will address this year, particularly with regard to the array of budgetary questions that we face and we are anxious to get to the bill to begin this debate. We don't expect that we are going to address every aspect of the education agenda with regard to this bill. But certainly when you have a tax vehicle and an education bill married, as this legislation represents, it affords us a real opportunity to talk about the array of challenges we face in this country, both from a tax as well as from an educational point of view.

What we are simply asking for is a fair and open debate, giving the minority the opportunity to talk and to offer amendments that are not only germane but relevant. Unfortunately, our rules here in the Senate constrain us with regard to what has been offered. There is a big difference between a germane amendment and a relevant amendment. Democrats have an array of amendments dealing with education that are relevant, but under the very narrow definition of germaneness they are not germane to this bill.

I have talked about this matter with the distinguished majority leader on a number of occasions. The offer that was given to us last night was the offer of a couple of amendments, or one substitute; we were to be satisfied with the ability to offer a couple of amendments. Mr. President, we have a larger number than a couple of amendments that we think ought to be warranted in this debate, that we think ought to be debated and that we think ought to be resolved in some way. So I, frankly, am not able to agree to a couple of amendments, or one substitute.

We ought to have a good discussion. If we can spend 5 days on the Reagan Airport, and 4 days on a cloning resolution, my heavens, we ought to be able to spend 4 or 5 days on an issue of great importance to tens, if not hundreds, of millions of Americans today.

So this is really our opportunity to do so. I am very disappointed that we would begin a debate with a cloture motion, begin the debate by saying, "Nope. We are going to stick to germaneness here," and try to eliminate the opportunity to offer good amendments relevant to education simply because we have to get on to other things. I want to finish the NATO debate as well. I want to be able to get all of this work done, and I pledge my cooperation with the leader, but I hope that the cooperation would go both ways. Cooperation certainly involves giving Senators an opportunity to have a good debate. In some cases we might even be willing to agree to a time limit on these amendments. We don't need all day to talk about some of them. But we certainly need the opportunity.

So I hope we can work this out. Until that time, certainly Democrats will not be in a position to support cloture. I look forward to talking more about that with the leader at the end of this colloquy.

I yield the floor.

Mr. LOTT. Mr. President, again, I would like to indicate that this is a bipartisan package. The Finance Committee reported it out by a substantial vote. We have already included three major Democrat proposals in this package. In fact, there are only four components to it. Three of them were principally sponsored by Democrats. In fact, I think probably the cause of the bill is probably well over two-thirds—80 percent—based on the Democratic amendments. But it didn't make any difference. They were Democrat, or Republican, if they made sense. If they will help with education in the elementary, secondary, or higher education level, they deserve serious consideration. And if they are meritorious, the committee added them. We considered other issues, I might add, in the Finance Committee. Point No. 1.

No. 2, with regard to not wanting to delay things, I should note that the discussion on this package began with a filibuster on the motion to proceed. I had to file a cloture on the motion to proceed—and not getting to the substance of even proceeding to consider the bill. It took us, I guess, 3 days to get that, although when we got to the vote, to the credit of both sides, it passed overwhelmingly. Seventy-five Senators said, Yes; we should cut off the filibuster on the motion to proceed.

With regard to the other issues, I did not want to spend 5 days on the Reagan Airport; 5 hours or 5 minutes would have been fine. But I thought that it was something we ought to think about. Some Senators had reservations, you know. It looked like we were having a filibuster on that. It shouldn't have taken 5 days. It should not have taken 4 days on cloning. I think that is an issue that has consequences serious enough that we ought to think about it carefully. It didn't have the votes. We pulled it back. We will see what the committee comes up with. But a doctor, BILL FRIST, the Senator from Tennessee, is working with others to come up with a package on this very important cloning issue. I thought that deserved some thought and some concerns, especially when you have a doctor saying we will start cloning human beings. I don't know whether I am all that excited about that prospect.

But, at any rate, I understand Senator DASCHLE's position. He has to be responsive to his Members, and I have to be responsive to mine. We have to work together to try to find a way to get to a conclusion on the education savings account bill, with the additions, and also to begin to continue to have debate on the NATO enlargement.

A lot of Senators want to talk about that. We understand maybe a Senator has a key amendment that he would be willing to offer this afternoon. I am not sure that that is true, but I think maybe Senator WARNER would be willing to go ahead and offer his amendment, which is one that is a critical amendment, on the NATO enlargement. So this time will not be wasted. This is good time. And I invite Senators to come forward to talk about and think about in a public forum with the American people this very important question of enlarging NATO.

And by the way, with regard to double-tracking these issues, this is something that is done all the time. I used to watch Senator BYRD do it, Senator Mitchell do it, Senator Dole do it. So the idea is, while we are letting the procedures go forward, we can take up another very important subject.

So as a reminder to all Senators, under the provisions of rule XXII, all first-degree amendments must be filed at the desk by 1 p.m. on Thursday and all second-degree amendments must be filed 1 hour prior to the cloture vote.

EXECUTIVE SESSION

PROTOCOLS TO THE NORTH ATLANTIC TREATY OF 1949 ON ACCESSION OF POLAND, HUNGARY, AND THE CZECH REPUBLIC

MOTION TO PROCEED

Mr. LOTT. Mr. President, I now ask unanimous consent that the Senate proceed to executive session to consider the NATO treaty.

Mr. WELLSTONE. I object.

Mr. DASCHLE. Mr. President, reserving the right to object, let me, if I could, respond briefly to a couple of points made by the majority leader.

First of all, I have no reservations about his desire to double-track this legislation. Obviously, I think double-tracking makes sense. But he should not live under any misconception that somehow that is going to accelerate consideration of the education debate. We will have our day. We will have our opportunity to offer these amendments. Those amendments only have to be filed if cloture is invoked. And I hope my Democratic colleagues and many Republican colleagues understand the importance of having a good debate. Whether it is this week or next week or some other week, we are going to have that debate. We will have these amendments offered. We will have them considered. We are going to have it out. We will have a good discussion, as we should, in the Senate.

This is not the House of Representatives. We are not working under closed rules and all of the constraints under which the House has continued to perform its duties. That is the beauty of this body. And we are going to see that respect for the rules of the institution is upheld.

It is certainly the majority leader's right in that regard. I wasn't suggesting, in an earlier point I made about the number of days we spent on cloning, that we should not spend them. I of days we spent on cloning, that we should not spend them. I just felt that it might be a little more productive to spend them in committee, where this belonged, rather than to rush to the floor with a solution before we had an opportunity to think through what the solution might be. So I thought it really was wasted time. I may be the only one in that regard. But eventually we will come back with something that makes sense. This didn't make sense. And I am hopeful that ultimately we will come to a solution.

But we did spend 4 days. That was the point. We spent 4 days on something thrown together to respond, in my view, very haphazardly to a very serious problem. If we can spend 4 days on that, it would seem to me we can spend a good while talking very constructively about one of the most important issues facing this country and our agenda in the Senate.

So I have no objection. I appreciate very much the opportunity to express myself.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. Is there objection to the pending request?

Mr. WELLSTONE. I object.

The PRESIDING OFFICER. Objection is heard. The majority leader.

Mr. LOTT. Mr. President, just two final observations with regard to Senator DASCHLE's comments. I feel very strongly about this Coverdell A+ bill. I think it is going to be helpful for children in America. My mother was a schoolteacher. I went to public schools all my life. I worked in placement and financial aid. I think it is high time we give parents and grandparents and people who care about kids in elementary and secondary education an opportunity to save for those kids and help them get an education. That is one of the reasons why I think education is not as good as it ought to be in elementary and secondary.

So I am determined we are going to get this bill up. We are going to consider it without a lot of extraneous matters. And I do want to observe that, as majority leader, I do still think the majority sets the agenda. I get to call up the bills, not somebody else. It has been developed over a period of many years that majority leaders call bills up, and I am not going to be dictated to by others who have a different agenda.

You can say you are going to do this and you are going to do that. If you want to have a fight over it, we will meet and fight on this one, because I am standing with children in elementary and secondary education in America. And I might also just say now I am willing to do what is right for our country. I have stood at this point and taken some tough stands when I thought it was important that it be bipartisan, nonpartisan, for our country. And I won't even repeat them, because I received a lot of flak. But right now I have Senators saying, don't go to NATO enlargement, delay it, delay it until after the Easter recess, delay it until June; do it never.

I do not think that is right. I am willing to cooperate and work on some of these issues that must be bipartisan. But in return, from this administration and from my colleagues on both sides of the aisle, I am going to look for a little help and a little cooperation on issues that I think are important also.

So I hope that we can find a way to do that, and I believe we will. But it does take cooperation as we get through these difficult shoals on education, on NATO enlargement, on the budget for the year, on the emergency funding, the supplemental appropriations bill for Bosnia, the Persian Gulf, for disasters, and maybe even for IMF. Some of these issues I don't even agree with, but I feel an obligation to call them up.

So since there has been an objection, I now move that the Senate——

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. LOTT. Mr. President, I move that the Senate proceed to executive session to consider the NATO treaty.

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Do I hear an objection?

Mr. LOTT. Mr. President, I believe——

Mr. WELLSTONE. I object.

Mr. LOTT. We made a motion to proceed to executive session to consider the NATO treaty. I believe the question will be on the motion, Mr. President.

The PRESIDING OFFICER. The absence of a quorum has been suggested at this time. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, we will not object to the rollcall vote as proposed in the motion offered by the majority leader. Let me just say, after consultation with a number of my colleagues, I think it is clear that many of us yesterday voted on the motion to proceed with an expectation we would be able to go to the bill. I voted that way and encouraged my Democratic colleagues to vote that way, even though, as the leader indicated, because of unrelated questions, not related to education, more related to judicial nominations, some of our colleagues understandably voted in frustration about their inability to move through the judicial process and the confirmation of judges as was expressed by my colleagues yesterday.

Our desire, our hope, is that we can move ahead with this bill. Our hope is that we can offer amendments. As I have noted, we would be willing to take time agreements on most, if not all, of them. I would be willing to work into an agreement with the leader on that matter on these amendments. Unfortunately, we will not have that opportunity if we go to the NATO resolution.

So while we will certainly comply with the vote and have the vote at this moment, it is not my desire to support it and I would hope my Democratic colleagues would not either.

I yield the floor, and I thank the majority leader for his consideration.

Mr. WELLSTONE. I ask for the yeas and nays.

The PRESIDING OFFICER. The question is now on agreeing to the motion put forth by the majority leader.

Mr. DASCHLE. Mr. President, we ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are requested.

Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed. The yeas and nays have been ordered. The clerk will call the roll.

Mr. FORD. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 36 Leg.]

YEAS—55

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Campbell
Chafee
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—44

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Torricelli
Wellstone
Wyden

NOT VOTING—1

Inouye
Inouye

The motion was agreed to.

EXECUTIVE SESSION

PROTOCOLS TO THE NORTH ATLANTIC TREATY OF 1949 ON ACCESSION OF POLAND, HUNGARY AND THE CZECH REPUBLIC

The PRESIDING OFFICER (Mr. COATS). The clerk will now report the treaty.

The assistant legislative clerk read as follows:

> Treaty document 105-36. Protocols to the North Atlantic Treaty of 1949 on Accession of Poland, Hungary, and the Czech Republic.

The Senate resumed consideration of the treaty.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, first of all, I ask for order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I have 10 minutes to speak as in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Minnesota is recognized for 10 minutes.

Mr. WELLSTONE. I thank the Chair for his courtesy.

EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

Mr. WELLSTONE. Mr. President, I want to briefly speak about this vote.

What has just happened on the floor—and I do take exception to this, especially with the majority leader—is we had the Coverdell bill—I said to Senator COVERDELL yesterday that I do not necessarily agree with the bill, but I said to him, "PAUL, I look forward to the debate. I am really ready for this debate. I have a lot of amendments; other Senators have prepared amendments. I think this is probably the most important thing we can do in the U.S. Senate is to have a really substantive debate about education."

What has now happened is the majority leader filed cloture and said we are not going to have an opportunity over the next 2 days to offer any amendments. The proposal, as I understand it, was that if we would accept some kind of an arrangement where we could offer germane amendments, that would be acceptable, but not necessarily relevant amendments. It is just an outrageous proposition, because the test of germaneness is, if you offer an amendment on the education bill that expands education, expands educational opportunities for children, it is relevant.

The Presiding Officer has had some very interesting hearings—I have been at those—dealing with early childhood development. If we want to come out with amendments and make the connection between early childhood development and education for children, that would not be viewed as germane.

I have said to people in Minnesota, based on meetings with community college students and people in my State, "Yes, I will come out here and try to make sure this Hope tax credit will be refundable," because right now if you come from a family with an income under $27,000 or $28,000 a year, it doesn't help you at all. The very students who need the help in being able to afford higher education—the Coverdell bill was about how to afford either K through 12 or higher education. Many students in Minnesota from working families cannot afford it. That would not meet the germaneness test.

I have an amendment that deals with this awful problem—I think I can get good support—that too many welfare mothers are not able to complete their 2 years of college. They are told they have to leave school. They are on the path to self-sufficiency. It is a big mistake. It deals with the parent and child. Children do well in school when their parents are able to do well.

My point is that what has happened, I think, on the floor really is a bit outrageous. We wanted to have a debate on education. I am ready to debate education with my colleagues, Democrats and Republicans alike. I had amendments; other Senators had amendments. We were ready to bring those amendments out here. From my point of view, I would have agreed to time limits on these amendments. Instead, what has happened is the majority leader has come out, filed cloture, basically is saying he is not going to let us offer any amendments that are relevant and important to children's lives in America.

Instead, he now moves to NATO. This vote on NATO—I asked for the yeas and nays, the minority leader asked for the yeas and nays—is not about what our position is on NATO. It is about saying we thought we were going to have a debate on education. We thought we were going to have an opportunity as Senators to speak to perhaps the most important issue or set of issues in our States, which has to do with expanding educational opportunities for children and for young people in America. That is what we thought this was about.

Now what we have seen happen on the floor of the Senate is the majority leader basically comes out, files for cloture and says, "I will only entertain the amendments that are germane." Do you know what? No one Senator, not even the majority leader, gets to decide before we have the debate what amendments are relevant and important when it comes to expanding educational opportunities for children. I would love to debate the majority leader, I would love to debate members of the Republican Party and Democratic Party on this. It looks right now like we won't have that debate.

On the Democratic side—I am not the minority leader; he can speak better for Democrats—I think we are going to have unanimity on this and we are going to keep coming back and we are, I say to my colleague from North Dakota, going to insist on a debate. In order to be responsible Senators, in order for the U.S. Senate to be responsible, we should have a substantive, thoughtful, important debate about what we need to do to expand educational opportunities for all of our children. That is what this should be about.

Now we move away from the bill. The idea is, the majority leader says, we will only take the amendments that are germane. That is it. That is not acceptable. That is not acceptable. We will come back over and over and over again and we will have a debate on the Coverdell bill. We should have that debate. I said that to Senator COVERDELL yesterday. And it should be a good debate.

I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me say that I agree with much of the comments just offered by the Senator from Minnesota. While I am not a supporter of the Coverdell bill, I think it is an interesting proposal to bring to the floor of the Senate only because we will be debating the subject that ought to be one of the priorities of this country, and that is the subject of education. While I was not prepared to support the underlying bill, there are a number of amendments I was prepared to support that I think address the central questions that confront us in the area of education.

I noticed that the New York Times this morning describes where we are in the Senate and why we are where we are. I guess that now should be amended by the last hour or so of action on the floor of the Senate. But here is the Times description yesterday:

> A dispute over Federal judgeships and the threat of a Democratic filibuster had halted floor action on a Republican-sponsored education bill, leaving Mr. LOTT casting about for something to fill the time until the tangle could be sorted out. The NATO resolution was available.

That was as of this morning. Since that time, of course, the education bill has been brought to the floor of the Senate, and, as I understand, with no debate, two cloture motions were filed, which is rather unusual before debate even begins. The proposition of cloture is that we are deciding to cut off debate? And as a result, because our side did not agree to limit amendments, the bill is pulled, and now we go to NATO expansion?

Let me just offer a couple of comments about our priorities. Those who are in charge have the opportunity to decide what is on the floor of the Senate. The power of scheduling goes to those who control the Senate. I understand that, and I do not quarrel with that. I do think, however, that education was the right subject, and I regret very much that we are not now on the Coverdell bill, which is the bill we expected to be debated this afternoon and the bill that many of us wanted to offer amendments to in order to have a debate about the central elements of education policy that we want to address.

Almost everyone in this country is concerned about some central issues in their lives. When they sit around the dinner table, they talk about things like: Do we have an opportunity for a decent job with good benefits? Does our job pay well? Do we have job security? Do our kids have the opportunity to go to good schools? Do our grandparents have the opportunity to get decent health care? Are our children able to access decent health care? Are our neighborhoods safe? Those are the range of questions that affect people's everyday lives. At least the center part of those concerns, among which is education, is what we ought to, in my judgment, be debating on the floor of the Senate. And I had expected that would be the case this afternoon.

One of the amendments that we intended to offer, that apparently some do not want us to offer, is an amendment addressing the issue of the modernizing of the infrastructure in our schools and whether we can try through Federal policy to provide some help and some incentive for local governments to deal with the infrastructure problems in their schools.

Mr. COVERDELL. Will the Senator yield?

Mr. DORGAN. I will be happy to yield.

Mr. COVERDELL. I say to the Senator, just for clarification—I know you are concerned; I understand it—but I do want to make it clear that at this point the difference relates to an order and an orderly procedure.

The majority leader has offered to the minority leader the suggestion that the other side offer its package to stand against the one that has come through the Finance Committee. There are already another four proposals in the Finance Committee offered, three of which are from colleagues on your side of the aisle: Senator MOYNIHAN of New York, Senator BREAUX of Louisiana, and Senator GRAHAM of Florida.

So there were still other issues on the other side. So the suggestion was, well, you put your package together, which could include the proposal you just mentioned, or any others, and we will let the two stand against each other. That was not accepted.

The second suggestion was that we arrive at a certain number of amendments on each side and that they be germane. As I understand it, that has not been accepted so far. But the proposal you just mentioned, there was not an attempt to keep that from being in debate. There is an attempt to keep the debate on education matters and not others. It is a tax bill; everybody understands that. It invites a lot of attention. But there is an attempt to keep it on the focus of education. I just wanted to make that comment.

Several Senators have mentioned the proposal from the Senator from Illinois. I don't think there has been an attempt to block that from being in the debate. It did not succeed in the Finance Committee; another school construction program from your side, Senator GRAHAM's, has.

I yield the floor.

Mr. DORGAN. I was happy to yield because the Senator from Georgia is a thoughtful Member of this body and offers an interesting proposal. It is one that I do not support, but certainly I respect his views on this issue. I had hoped we would be discussing the central portion of the Coverdell bill and amendments to it.

But I say to the Senator from Georgia that the majority leader has run for the Senate in only one State, and other Members of the Senate who are elected to this body from their States have a right to offer amendments on legislation brought to the floor of the Senate.

My understanding is that the reason we are now on NATO expansion is because, when the Coverdell bill was brought to the floor of the Senate, the majority leader wanted people on this side of the aisle to agree not to offer a certain number of amendments, to package them only the way the majority leader wants them packaged, and to offer them for a vote, up or down. If that is the way he wants to run the Senate, I say fine, but we have the right to offer amendments and intend to offer amendments, not just on the issue of school modernization, or the size of classrooms or the addition of 100,000 new teachers to limit class size, but also on a range of other issues that we think are important in the area of education.

It is a fact that today we were told that, unless we agree to dramatically reduce our proposals on education, we were not going to be debating education on the floor of the Senate. The clear message is: we either do it the way the majority leader wants to do this bill or we do not do it at all.

Well, that is not the way the Senate works. Fortunately, the Senate rules allow us, when someone brings a bill to the floor of the Senate to say, you have an idea, and we have some ideas as well. And here are our ideas. Let us vote on them. There might be two, four, six or eight ideas, but we want to have the opportunity for Members of the Senate to offer them, to debate them, and to have a vote on them. That is the way the Senate works.

It is interesting to me that, for several months now, every piece of legislation that has come to the Senate floor that would be amendable somehow comes has been manacled in some way so that no one else can offer amendments because we are afraid of having a debate on other amendments. In this case it was not so much a case of tying it up as it was deciding, if these people are going to offer amendments, then we are going to pull the bill off the floor. My point is very simple: I think education is the subject we ought to discuss. I believe the Senator from Georgia feels the same. I do not believe that, with scarce federal resources, we ought to embrace the recommendations of the Senator from Georgia. I believe that with scarce resources, you start at the critical level of need and work up.

Let me describe just for a moment that critical level of need. This afternoon, as I speak, down at the elementary school in Cannon Ball, ND, there are Indian children being educated in old, dilapidated classrooms. One of these rooms is a choir room next to an area where the smell and the gases from the backlogged sewer system are so strong that the kids need to be removed from class. You would keep your children in that room for 1 hour before pulling them out. Children go to that school.

Or if not the Cannon Ball school, how about the Ojibwa school on the Turtle Mountain Indian Reservation, where kids go to school in trailers and have to walk outside in the bitter cold to get to class. All those kids have names. All those kids have hopes. They want a future. They want to get educated. They have dreams. But they do not have the opportunity to go to the kind of schools that we went to. This country has an obligation to decide those kids matter. So, in terms of my notion about education, let us start at the critical end of the scale of need and say to those kids, your lives matter. We are going to do something to try to help you.

So when we debate education, I demand an opportunity—and, in fact, the rules of this Senate guarantee me the opportunity—to offer an amendment when a bill is brought up. And I can offer an amendment that says to that child, sitting in a classroom with sewer gases seeping in, that we can do something for you.

This is not a problem that requires rocket science to solve. This is a problem we can solve if we just have the will.

We can talk about more Indian schools. On, the Standing Rock Reservation, where the Cannon Ball school is located, 48 teenage kids over the last 9 months have attempted suicides—47 kids. Six of them have been successful. I was on the phone yesterday with the Centers for Disease Control in Atlanta trying to get suicide prevention teams sent to the Reservation.

Yesterday, when we wrote the supplemental appropriations bill, I also included some resources there to help address this tragic problem. We need to get to that reservation, to those children and say to them: your life matters to us, you make a difference, and suicide is the wrong answer. Suicide is never the right answer.

My point is that we have such desperate needs that exist in this country. I just mention that one because I have been working on it in recent days. We have such critical problems affecting these young lives, especially with respect to education, because school is where these young kids spend most of their days.

And on the Standing Rock Reservation, guess what? We have PCB, a known carcinogen, leaking out of light fixtures. They have had to evacuate kids from their school for over a month now and move them around to half a dozen other locations. Six classes are meeting in the gymnasium.

So, yes, let us talk about education right now, right here in the Senate. Let us bring the bill of the Senator from Georgia to the floor right now and let us not be afraid of any amendment. Maybe the idea of the Senator from Georgia is the best idea, and perhaps at the end of the day he has sufficient votes to advance it. That is the way the system works. I take my hat off to him if he does.

But maybe there are others of us who have some very good ideas as well that address the bull's-eye, the central education needs, of this country, that address the needs of schools and kids that are not functioning very well, and that says to those who are hopeless and helpless, there is hope and help. Those of us in the Senate who worry about the education system and have some ideas to help want to be able to advance those ideas. That is all we are asking.

It is just not acceptable to me to not be able to offer education amendments to a bill we have on education. And, incidentally, the Senator from Georgia did say, and he is correct, that this is more than an education bill. It is also a revenue bill.

I am not going to offer revenue amendments to the Senator's bill, but I am tempted. As he indicated in his statement, this is very tempting because you get so few revenue bills through here that when a revenue bill comes up, you ought to offer a revenue amendment in order to get it done.

I will give you an example. Nearly 70 percent of all the foreign corporations doing business in America pay zero in Federal income taxes—not 1 percent, not 5 percent, but zero in Federal income taxes. And the names of these corporations are ones you will recognize.

Look at the brand names on your appliances at home and ask yourself, might these be the names of companies from abroad that are doing business in the United States? And what do they pay in Federal taxes? Do they pay what our businesses pay? Do they pay what our constituents pay? No; I am sorry. Most of them pay zero. We should fix that. I have been trying to. I would love to offer that amendment again. We had a vote on it once in the Senate, and I lost. I would love to offer that amendment again because there is no excuse in this country to have a Tax Code that says, if you want to do $5 billion worth of business in the United States from abroad, then you can go do that. You can earn lots of money, and by the way, you can pay zero in Federal income taxes. Nobody in this country gets to do that.

So, I am sorely tempted to say, yes, this is a revenue bill. I would love to offer an amendment. What we are asking for is the ability to offer amendments directly related to the subject

—there are a couple of others, but not many—directly related to education. There is no reason—none—why anyone in the majority or minority can come to the floor of the Senate and say, "By the way, we are going to change the way the Senate works. We will allow our proposal to get a vote, and you package up all of the ideas you have into one amendment with one vote, and that is the way we will dispatch your interest." This is not something we will accept. It is not something we should accept. It is not something you would accept in a million years if you were standing here.

So, we now are debating NATO. I suppose at some point, after lengthy and wonderful statements by the majority and minority leaders on this issue, I will come to the Senate floor also and speak about NATO. All of us have views about NATO expansion. But I regret we are here, because we should be on the Coverdell bill, and we should be debating amendments that focus on the education agenda in this country.

Our amendments are very simple. We believe we can improve education by investing in 100,000 new teachers and reducing class size. We believe we can invest in school infrastructure by helping State and local governments on the interest costs of modernizing our schools. Too many schools in this country are 50, 70, and 80 years old and crumbling and in need of repair.

We believe we can address those issues and a half a dozen other issues that represent the right initiatives for this country. But we can't do that if we are told, "You add up those amendments, stick them in one package, and we will give you one vote on the package. If you can't carry the entire package, you lose everything, and that is the way we will run the Senate." That is not the way we will allow the Senate to be run on measures brought to the floor that can be amendable. We will continue to insist on the right to offer amendments, and I will be here again and again to do that.

Let me say again to the Senator from Nebraska, who I believe will manage this bill, I regret I have taken the time to speak on this issue on your time, but I think it is necessary to describe where we are and how we got here. I also apologize to the Senator from Delaware for the same purpose.

Mr. BIDEN. Will the Senator yield?

Mr. DORGAN. I am happy to yield to the Senator.

Mr. BIDEN. The Senator does not owe the Senator from Delaware any apology at all. I think the case he makes is the correct case.

I am particularly concerned that the most important foreign policy debate we have had maybe in the 25 years that I have been here is being used as a filler. That bothers me. It bothers me in the sense it lends an air of credibility to the unfair criticism that we have not adequately and fully and seriously taken into consideration the pros and cons relating to expansion. It just reinforces, in my view, that false argument.

I happen to support the position of Senator COVERDELL on the procedural aspects of the issue. There is no question the Senator from North Dakota, in my view, is correct.

I have been here 25 years. We have just begun, in the last couple of years, deciding new and innovative ways to avoid the opportunity for people to be able to get a vote on issues on this floor. For the first 23 years I was here, I don't ever recall us being in a circumstance where the minority was presented with the proposition that you put up your package, we will put up our package, we each get one vote, and that is it. That is not the way the rules were intended to work, in my view. I am not suggesting that the majority leader is violating the letter of the Senate rules, but I think the spirit is being violated.

I have a secondary problem that is almost as bothersome to me. I have, along with the Republican manager of this bill and the chairman of the full committee, Senator HELMS, and others, devoted hundreds and hundreds of hours to this issue of NATO expansion, taken the issue very seriously, and now it is kind of like, well, yesterday we had extra hours so, boom, let's go ahead and throw in NATO. By the way, we don't know what else to do. Today we hit a logjam, the Democrats wouldn't swallow the, in my view, heavy-handed tactics employed here on the education bill; so, what do we get? There must be something out there—grab NATO.

So it will reinforce the notion that somehow we are not taking this incredibly important foreign policy consideration seriously. This should be set aside to have one solid, continuous debate, whether it takes 2 hours or 2 weeks—and it is closer to 2 weeks, and appropriate, than 2 hours—in order for the public to be educated about what we are doing. I believe no foreign policy can be sustained or should be sustained without the informed consent of the American people. This a gigantic issue which, understandably, and historically, they are not interested in, in the day-to-day sense, in that they are more concerned about the classroom the Senator described in his own State or whether or not their company is downsizing and they will lose their job or whether or not they will be able to get their child to college.

I am not critical of the American people. The only time we have an opportunity to get their attention—and when we do, they pay attention, they understand, they fully grasp what we are about—is if we say, "And now we are about to debate a major foreign policy issue. Basically, tune in, and we will have a coherent debate." This place is capable of coherent and intelligent debate. This, in a sense, demeans the process and demeans the issue.

The Senator owes me no apology. Now that we are on NATO, I hope we don't get off NATO; I hope we continue. Let's pick a course here. If we are going to debate this issue, debate it fully and resolve it and put everything else aside until we do it. I really hope the majority leader will refrain from using NATO as sort of a filler here, because it is so much more important, and we all know that the way in which the process treats an issue reflects, at least in the mind of the press and the public at large, what value we place on the issue, how important we think it is.

I don't mean to be personally critical of the leader. I think he grabbed whatever was available procedurally to be able to be brought up and this was here. I am really sorry that we have gotten to this point.

Again, let me conclude my comments relative to this by saying to the Senator from North Dakota, he owes me no apology. He is protecting not only his rights but he is protecting the rights of the Senator from Delaware, majority and minority Members. I have been here long enough to realize that there is no such thing as a permanent majority. I have been in the majority, I was then in the minority, I was back in the majority, and I am now in the minority, and I look forward to being in the majority again. This kind of precedence sets a tone that puts the majority—whichever party that may be—into the position of ratcheting up the way in which they attempt to have their way on the floor. I think it is not prudent.

Mr. DORGAN. The Senator from Delaware is correct. I did not address the question of NATO expansion and the way this bill got to the Senate. I didn't read the rest of the New York Times article that I found so interesting: "It is always difficult to predict the schedule in the Senate which can turn on the dime or on the whim of the majority leader and it is not uncommon for the opening debate on major bills to be slow. But even longtime Senators express bewilderment how the NATO resolution appeared to have been shoehorned into the Senate schedule," and, in fact, shoehorned in yesterday and again today.

I agree with the Senator from Delaware. NATO expansion, however one might feel about the issue, is a legislative main course. It is a significant foreign policy issue that one would hope—having read the history of the Senate written by Senator BYRD—that the chapter of Senate history on our debate today on NATO expansion would be described as a thoughtful debate. I hope that our debate will be viewed as one in which most of the Senators were here and listened to wonderful presentations about the impact of NATO expansion, the pros and the cons, the impact on this country's foreign policy and its relationships with Europe and Russia, and on a whole range of other issues that are very, very important. In many instances, the effect of these kinds of policies won't be understood or fully known for a decade or perhaps for a quarter of a century or more.

When the Senator from Delaware—and I know the Senator from Nebraska also feels this way—describes the importance of this NATO expansion debate, it is hard to describe its importance in terms that are too strong. It is enormously important. I hope it will not be just legislative filler here. There must be a significant debate. I will come at some point and engage in that discussion and share some of my feelings about it.

The point I was making earlier is that I hoped very much that, as we were told last week, we were going to be on the subject of education. I know the Senator from Delaware and I disagree on the underlying bill of the Senator from Georgia, but I expect we will not disagree on a range of other amendments that will be offered. These amendments represent the only opportunity for those of us who have ideas about how to address some of the central problems in education to bring those to the floor.

If you are not in a position where you are the one who determines how this Senate schedules its business, the only opportunity you have if you have an idea—and everyone here has ideas, and some of them are wonderful and some not so wonderful—depends upon a set of Senate rules that say the last Senator has the opportunity to seek the floor and offer an amendment. Every other Senator can vote against it if they think it is not a very good amendment, but you have the right to take these ideas and turn them into proposals and ask your colleagues to weigh in on them after a debate.

That is why I worry a little bit. We have gotten to the point where, over several months, anything that is amendable somehow becomes a nuisance. Gee, if somebody is going to be down here and actually wants to offer ideas, what kind of nut is that? What a nuisance that is for the legislative process. I say, that is not a nuisance, that is the way the system works. Is it efficient? No, not very efficient. Is it effective? Name one other chamber or one other country that equals this. There aren't any and never have been.

My complaint today was that we are not on the subject that we expected to be on, that I want us to be on, that represents the central issues concerning our country. Is NATO important? Sure. I hope it is scheduled at some point when there is a significant block of time, with the best thinkers in this Chamber standing up and telling us what they know and what they have seen and what they understand about the foreign policy relationships and the impact of those relationships. That is what I hope we will do.

I don't run this place and probably never will. But I hope that the relationship that we have—and I think a lot of the majority leader; I think he is an awfully good majority leader, although I hope some day soon he will be the minority leader—will allow everyone to understand that we all have rights. We all have our issues that compel us to run for public office, and one of those for a lot of us on this side of the aisle is education. I regret very much that the bill of the Senator from Georgia was pulled, and we hope it is back soon.

The PRESIDING OFFICER. The Senator from Delaware.

EXECUTIVE SESSION

PROTOCOLS TO THE NORTH ATLANTIC TREATY OF 1949 ON ACCESSION OF POLAND, HUNGARY, AND THE CZECH REPUBLIC

The Senate resumed consideration of the treaty.

Mr. BIDEN. I see my colleague from Nebraska is here. We worked closely together on the Foreign Relations Committee.

I say to the Senator, I have an opening statement in the hope and expectation that we really will debate NATO now for some time. To make it clear to my colleagues who are listening, I have no strong preference whether we have education on the floor or NATO expansion on the floor; I just hope whatever we have, we stick with it, so there is coherence to the debate. That is my overall point.

I ask my friend from Nebraska, as the manager for the Democrats on the NATO expansion issue, I have what we might call the obligatory very long and detailed statement. My statement is probably the better part of a half hour to 45 minutes. I don't want to begin if my friend would rather speak now. I want to accommodate the Senator. When I begin, I would like to be able to begin and, in an attempt to be coherent, lay out in detail my position on NATO expansion.

Mr. HAGEL. I have never known my friend and colleague not to be coherent on any issue, but if that is his wish to proceed, please do. I do not have an opening statement, so I think that would fit into the schedule.

Mr. BIDEN. I will proceed.

I thank my colleague and I thank the Presiding Officer.

Mr. President, I rise in support of the Resolution of Ratification of the Protocol for the Accession of Poland, Hungary, and the Czech Republic to the North Atlantic Treaty Organization, NATO, which we oftentimes refer to as the Washington Treaty.

On March 3, the Foreign Relations Committee, in a show of overwhelming bipartisan support, agreed to the resolution expanding NATO by a vote of 16-2. The decision of whether or not to enlarge NATO for a fourth time in its history is a momentous one. Unlike the admission of Greece and Turkey in 1952, West Germany in 1955, and Spain in 1982, NATO now, for the first time, is proposing to welcome former members of the now-defunct Soviet-led Warsaw Pact Organization.

Mr. President, the rationale for favorable action on the resolution of ratification, in my view, is very clear. For political, economic, strategic, and cultural reasons, Europe remains an area of vital interest to the United States of America. We are a European power, and for our own safety's sake, in my view, we must remain a European power. Stability on that continent is fundamental to the well-being of our country and to our ability to move our assets and attention quickly to other parts of the world when necessary.

The primary purpose and benefit of NATO, since its inception in 1949, has been ensuring stability in democratic Europe by guaranteeing the territorial integrity of alliance members. I argue, Mr. President, that this focus continues. History shows us that when there is a vacuum in Central and Eastern Europe, countries are forced to pursue their own individual security arrangements. We saw that before and after World War I. Enlargement, Mr. President—and this is a central reason why I believe it is in our interest to enlarge NATO, to embrace the three countries in question—will preclude a repeat of the developments in post-World War I. Enlargement will extend the zone of stability and help eliminate the gray area in Central and Eastern Europe. In fact, the prospect of enlargement has already had a positive impact on stability by stimulating internal reforms in Hungary, Poland, and the Czech Republic and encouraging them to resolve historic disputes with their neighbors.

Mr. President, prior to Poland being offered the opportunity to join NATO, there was a question of whether or not the military controlled the military or civilians controlled the military in Poland. They made a very difficult political decision of doing what was stipulated in the Perry requirements—that is, the requirements set forth by former Secretary of Defense Perry—for expansion of NATO, and what all other NATO nations have done, which is to guarantee that there is civilian control of the military. I respectfully suggest that that action would not have been taken but for moving into NATO.

The three applicants for NATO membership before us have resolved long and historic border disputes such as those between Poland and Germany, and Hungary and Romania. Romania, also hoping to become a member of the NATO, has for the first time in modern history reached an agreement for the equitable treatment of its Hungarian minority. I could cite you example upon example in Central and Eastern Europe where actions have been taken as a consequence of even the prospect of NATO membership. This prospect, of being anchored to the West, has caused many countries in that region to accord their behavior with international norms that we believe are minimum requirements for countries with whom we wish to be allied. So the process of NATO enlargement has already had, in my view, a very stabilizing impact on Europe.

Numerous witnesses before our committee, the Foreign Relations Committee, have made a compelling case for NATO enlargement. They have not only made it to our committee, Mr. President, but to the committees on which you serve; they have made compelling cases of the strategic value of embracing the Poles, Czechs, and Hungarians as our allies in NATO in the Intelligence Committee and the Armed Services Committee, as well. They talked about the qualifications for NATO membership and the fact that they will be net contributors to the alliance that we call NATO.

My colleagues who vote for this resolution should, however, be clear about the costs. I realize that some outside groups who support NATO expansion, because they know I am such a champion of expansion and that I speak around the country about it, will say don't talk so much about the cost, because obviously the cost could be an Achilles' heel for enlargement. But I believe, Mr. President, as I said earlier, no foreign policy can be sustained, no matter how well conceived, without the informed consent of the American people. I think that one thing that your generation and mine learned about Vietnam, whatever other lesson we take away from Vietnam, is that without the informed consent of the American people, no policy can last.

Part of the informed consent is to be honest and straightforward with the American people about the obligations we will be undertaking financially, politically, and militarily if we expand NATO. For what I do not want to see happen—it would be tragic—is to enlarge NATO, and 2 years later when the bill comes due, for colleagues who voted for expansion to say, "Wait, I didn't know it was going to cost me more money; I am not going to vote for more money." Such a turn of events would exacerbate the always-present burdensharing debate within NATO, and could harm alliance cohesion. So I think it is important, Mr. President, that we be frank with ourselves about the costs. I look forward to debating my colleagues on what I think are very manageable costs, with benefits that far exceed any cost that expansion will entail.

My colleagues who vote for the resolution should know what these costs are. They are real, but they are manageable. The most recent NATO estimates, which I will be talking about in great detail as this debate unfolds, calculate that direct costs to the United States will be roughly $40 million a year over the next 10 years. That is $400 million over the next 10 years. That is what it will cost, our direct costs, to bring these three applicants into the alliance. This reflects a realistic assessment of the state of the military infrastructure in Poland, the Czech Republic, and Hungary and the threats that presently face NATO, which in a military sense are virtually nonexistent. It also reflects an equitable sharing of the burden among the existing 16 NATO members.

In fact, a condition which the Foreign Relations Committee set forth in the resolution of ratification states, in effect, if there is not an equitable burdensharing arrangement, don't count us in. For example, I served with one of this nation's great Senators, Russell Long from Louisiana, who was chairman of the Finance Committee. I remember going up to him one day on the floor—I don't think he would mind my saying this—I walked up to him and said, "Mr. Chairman, I would like your help" on such and such a piece of legislation. It was in the Finance Committee. He looked at me—and those of you who served with him know he used to put his arm around your neck—and he said, "JOE, as my uncle used to say, I ain't for any deal I ain't in on."

The truth of the matter is, if we want the American people in on this deal, we have to let them know what the costs are, what it's going to be. We also have to, frankly, let our allies know what we expect of them and what portion of the cost we are contemplating they will carry. So that's why the resolution that the Senator from Nebraska and I helped report out of our committee specifies that the burdensharing must be equitable. And we go on in legislative language in the committee report to explain what we mean by that. But, again, I will come back to that point and many others that I will raise today as we continue this debate.

Many have raised the possibility that enlargement of NATO may damage our relations with Russia. Mr. President, I believe very strongly, as one Senator who has spent a lot of time dealing with these foreign policy issues—which doesn't qualify me for anything other than knowing the arguments—that the single most important bilateral relationship our country has to deal with and nurture over the next decade is that with Russia. If Russia moves into the mode of being a democratic republic with a market economy, that bodes very well for us and our ability to deal with Russia and the rest of the world. If Russia turns into an absolute failure—something approaching the aftermath of the Weimar Republic—where totalitarian government re-emerges and militarism takes hold—that is very bad for us, and it is very bad for the world. So I take very seriously those Senators—and I count myself as one of them—who look at this enlargement of NATO, not solely, but in part, through the prism of how will this affect the single most important relationship we have, in my view, with another country.

I come to a very different conclusion from some of the critics. I believe that the guaranteed stability in Central Europe that will be brought about as a consequence of expansion will enhance Russian security rather than diminish Russian security. I spent a great deal of time speaking with our Russian counterparts in the Duma, as well as with every leader of the four or five major factions in Russia—from true Democrats to old apparatchiks—and not a single solitary person I spoke with in Moscow believed that Russian security was diminished by the expansion of NATO. Not a single one viewed it as a threat. None of them liked it. Views ranged from seeing it as a slap in the face to a reflection of the attitude of the West that we never wanted Russia to be part of the West. Neither is true. Both are understandable. This is a nation that, as my mother would say, has fallen from grace, fallen very far—a superpower that is on the balls of their heels right now and feeling very, very put upon—a proud nation that has lost its empire.

I am not suggesting that we have to do anything that would allow them to regain their empire, but I am suggesting that it is not difficult to understand their present thinking. I want to make it clear that I don't believe anyone can give me any proof or evidence that the enlargement of NATO to include these three countries in any way is likely to alter Russian behavior because Moscow now believes its security interests are in greater jeopardy than they were before. I do not believe there is any credible evidence to sustain that assertion, an assertion you will hear made over and over again by opponents of expansion on the floor of the U.S. Senate.

As I said, I do not dismiss the concerns that have been raised by my colleagues in this regard. But that is the very reason why I enthusiastically back the NATO-Russian Founding Act. The Founding Act, signed by Russia and NATO's Secretary General Javier Solana in the name of NATO, negotiated a consultative relationship with

Russia on what we call "transparency." In this agreement, NATO basically says, "Hey, Russia, look. This is what we are doing. We don't intend it as a threat to you. It is not an offensive threat to you. And, to prove it to you, we will let you take a look at what we are doing." That is smart negotiating. That is smart business. That makes good sense.

This act, which Russia signed formally with NATO—not just with us, with NATO—laid out how the alliance would give the Russians access to information. So that there was no reason for them to believe that we were doing anything as an offensive against them. To ensure Russian confidence that threat is not the rationale behind our action.

I note parenthetically that one of my colleagues said to me at lunch, "Joe, I just spoke with a Russian ambassador, and he says that we refused to promise what they wanted us to promise—that we would never station additional forces and/or equipment and/or nuclear weapons on the soil of these three countries, and therefore we are engaged in a breach of good faith." That is somewhat disingenuous, if that is what was said, and if I understood it correctly. Russia asked us to formally commit that we would not do that. We cannot formally commit to that. We cannot yield our sovereignty decisions to another nation.

But what we did say was that this alliance—and what all of the Presidents of each of the three applicant countries fully understand—has no intention, no plans, no requirement, and there is no request from any of the applicant countries that NATO forces be stationed on their soil. Further, we said that there was no need for conventional equipment of an offensive nature to be forward-based on their soil or for nuclear weapons to be placed on their soil. We have committed that we will not do that. We have not, nor should we ever, commit that in writing to another power.

Militarily speaking, what this expansion is going to require of us, as well as the Poles and the 15 other nations, along with the Czech Republic and Hungary, is the time and money to upgrade the applicants' military infrastructure. This means bringing up to NATO standards the runways, the hangars, the storage depots, the fuel depots, et cetera, as contingencies against an offensive action against these countries in the future by someone else. But upgrading infrastructure against a possible exterior threat is a distinction with a gigantic difference.

NATO enlargement has been facilitated greatly by this Founding Act. In fact, the text of the resolution of ratification puts the Senate on record as supporting the Founding Act while restating the supremacy of the North Atlantic Council and advocating a new and constructive relationship with Russia.

I know all of my colleagues on the floor know what the North Atlantic Council is. But since I am talking about the informed consent of the American people—and I hope they are listening—the North Atlantic Council is that mechanism whereby the designated representatives of the leaders of each of the 16 NATO countries meet and make policies, where they make the decisions. And Russia has no voice within that organization, nor should they, nor should any non-NATO member have a voice within that organization. But that is very different from saying that the North Atlantic Council should not reassure, if it chooses to do so, Russia, or any other nation, that we have no ill intent by what we do, allowing them to see, allowing them literally to have offices in a similar complex to be able to see what we are about.

Those of you who are students of history, as I am—and it is sort of my avocation—would not disagree about the point made by some historians that World War I occurred in part as a consequence of a mistake, a mobilization that was meant to be a response but was viewed as an offensive. And things started unraveling. If there had been "transparency," we may never have gotten to the point where the war started the way it did, and when it did, and where it did.

So NATO enlargement, as I said, Mr. President, is a historic opportunity for the United States to set a positive course upon a situation in Europe, Russia, and the neighboring countries that is dynamic and fluid. Voting to enlarge NATO now, in my view, expands the zone of stability eastward, embracing those dynamic forces of positive change, giving them a chance to take hold and bear fruit in the future.

I don't know whether your parents as you grew up had the same expressions that mine had. I will bet that if you sit down and give me 2, 3, or 5 expressions that your mother or father used more than 100 times, we could all come up with something. One of them that was heard in my family was, "Sometimes it is better to have a direction and move than to have no idea what you want to do." Part of what we are doing here is giving direction to a fluid European security situation where no one can predict with any degree of certainty what is going to happen in Russia any more than they could guarantee the future of Romania, Poland, or any country in Central or Eastern Europe. But absent a structure, absent a framework, plan, a well thought out architecture, the likelihood of greater mistakes and more mistakes being made increases, in my opinion.

So I go back to the central theme that my colleagues will hear me speak to time and again. Expanding the zone of stability into the gray area of Central and Eastern Europe is in the interest of all countries, including Russia. For the last thing, it seems to me that you would want, if you were a Russian leader is instability to your West. In saying this, I do not presume to tell another politician what is in his interest, or to tell another country what is in its interest. But I would respectfully suggest that if any of us were the leader of Russia, we would much prefer that there be peace and stability between Poland and Germany, Poland and Belarus, and Romania and Hungary, and so on and so on. Instability works against Russian interests as well as our own. This is a place where conscience and convenience cross paths, in my view.

Mr. President, for all of those reasons, I believe that there is an overwhelming case for the bottom-line value to America of expanding NATO. Inevitably, however, the qualitative new situations surrounding the admission of Poland, Hungary, and the Czech Republic have occasioned serious questions, which I will attempt to deal with shortly.

Before I turn to them, I thought I should dispel one procedural claim that has resurfaced in recent days. That claim alleges that there has been insufficient discussion of NATO enlargement to warrant the issues being considered by the full Senate at this time. That is the tactic, I say to the chairman of the full committee, Senator HELMS, which we find those who oppose our position keep falling back to—a different strategy. First the tactic. I should say "tactic" rather than "strategy." It was a frontal assault—which is their right, and I respect it—to stop expansion. I think they believe and have concluded that the momentum was too strong to do that.

Then the next tactic was, Well, what we will do is we will not be able to fight expansion, but let's set conditions to expansion that could not be realistic, nor should necessarily be fulfilled before there is admission—conditions, I might add, we never set on the four previous occasions we enlarged NATO. Then when that looked like it might take hold—we don't know until we count the votes—but when that didn't seem to be gaining fervor, the part of the foreign policy community which I would argue is a minority of the community, including some of our well respected former colleagues who disagree with expansion, and some of our well respected present colleagues who disagree with our position, decided on a new tactic, and that was to argue that we just have not given sufficient time to debate this issue, so why doesn't the majority leader postpone the consideration of this for an indefinite period so we can really debate it.

I asked one of the newspapers who made that argument—a reporter for one of the newspapers; he doesn't set the policy. I said, “I found it fascinating that you want an open and thorough debate. Your paper talked about the need for that. And yet, when the U.S. Senate Foreign Relations Committee”—I will document this in a moment—“had hours and hours of hearings on this subject and finally voted on the resolution, it appeared in a small box below a Monica Lewinsky story. I don't quite get this.” Do you know what this person told me? He told my press person, “Well, another major paper in America put it on the front page. We will wait until we get to the debate and final vote.”

Now, look. You can't have it both ways. This is not a subject that is going to get my mom at home saying, “Joey, I am so glad you are working on NATO. I think you should do that. Put aside Social Security. Don't worry about that. And put aside Medicare. Don't worry about that. And, by the way, education.” Americans don't think that way, they never have, about foreign policy. They have enough trouble figuring out how to put food on the table, sending their kids to school, how to pay the medical bills, and how to keep their jobs.

So this notion that in the past we have had these debates about foreign policy where everything has come to a halt and all of America is focused on it, and all have been heard, that only occurs in times of crises. God forbid, were there an attack on NATO, it would be the focus of everyone in America. But it was not the focus even when Vandenberg was debating NATO in the late forties and before we voted on it. It is very hard to be proactive in a foreign policy initiative that is going to capture the imagination of the American people. And it is not because they are not interested; it is because they are urgently attending to many other things. That is one of the reasons I think we have a representative government. I think that is one of the reasons why they look to us. I think that is part of our job description.

So to the extent that we could generate discussion and interest about this, I respectfully suggest under the leadership of Chairman HELMS of the Foreign Relations Committee, we have in fact engaged in a serious debate thus far. The closer we get to this final resolution, the more the public will focus on it. In fact, few foreign policy issues have been scrutinized as closely or as openly in public session as this has been in the 25 years that I have been here.

Beginning in 1994, the examination of the question of NATO enlargement by the Committee on Foreign Relations has been a well thought out and bipartisan effort. The committee's first hearings on NATO enlargement took place early in 1994. More hearings were held in 1995, and since October of 1997 the Foreign Relations Committee, under Chairman HELMS' leadership, has had no fewer than 8 extensive hearings, for a total of 12 in all. One of those hearings was held last fall and featured testimony from 15 American citizens, many of whom represent grassroots civics groups interested in NATO.

I would like to publicly commend the Senator, who is on the floor now, Senator HELMS, for the strong and able leadership of the Foreign Relations Committee in building bipartisan support for membership of these three candidate countries and for helping to craft a bipartisan resolution for the protocols of accession.

It is also important to note that three other Senate committees—the Armed Services Committee, the Appropriations Committee, and the Budget Committee—have also held hearings on NATO enlargement. The Armed Services Committee filed a report with the Foreign Relations Committee recommending certain understandings which the Foreign Relations Committee has taken into account in developing the resolution of ratification of the protocols of accession that we voted out 16 to 2.

The Intelligence Committee filed a report that favorably assesses the intent and ability of Poland, the Czech Republic and Hungary to protect classified military and intelligence information which would be provided them as NATO members—something we are all concerned about. We have not taken this thing on face value or willy-nilly. We had the committee of jurisdiction thoroughly look at it. They concluded that they would in fact be trustworthy members.

From the very outset of 1994, the Foreign Relations Committee made certain that voices in favor of NATO enlargement as well as voices against enlargement would be heard equally and fairly. I believe this decision was essential for the committee members to get all sides of the argument. I will not go into the details at this moment of which witnesses addressed which arguments except to say that a glance at the list of witnesses reflects the extraordinary effort we made at balance. Many of the leaders of both the proenlargement and antienlargement camps were represented before our committee. And 2 months ago, in mid-January, the Committee on Foreign Relations published a 552-page document entitled: “The Debate on NATO Enlargement.” The compendium contained the full testimonies of witnesses from the seven hearings of the committee from October to November of 1997, questions from members of the committee and witnesses' responses and a good deal of additional material received for the record. It included the reprinting of lengthy articles against enlargement by Dr. Michael Mandelbaum, of Johns Hopkins University, one of the leading opponents of enlargement, and the report of a fact-finding trip that I took late last year to Russia, Poland, the Czech Republic, Hungary and Slovenia, to give you the extent, and a lot more is covered. I am not suggesting that my report is any more or less significant than what Dr. Mandelbaum or anyone else testified to, but I am making the larger point that it is extensive.

Mr. President, it is possible that some aspects of the NATO enlargement question are not covered in this 552-page compendium, but I do not know of any, and I have spent, along with my colleagues in the Chamber, literally hundreds of hours attempting to educate myself on this subject, with 25 years of experience. The document I have referred to was sent to all 100 Senators with an accompanying letter from Senator HELMS and me.

In short, all the issues have been out there for a long time for any interested party to study. Moreover, the legislative record of the Senate testifies to a longstanding engagement with NATO enlargement. In 1994, 1995 and 1996 the Senate debated and approved legislation in favor of NATO enlargement. On July 25, 1996, by an 81-to-16 vote, the Senate approved legislation stating that “The admission to NATO of emerging democracies in central and Eastern Europe, which are found to be in a position to further the principles of the North Atlantic Treaty, would contribute to international peace and contribute to the security of the region.”

Last April, by agreement, the majority leader, Senator LOTT, and the minority leader, Senator DASCHLE, established the NATO Senate observer group to facilitate close interaction with the executive branch as plans for NATO enlargement went forward.

Now, I cite this only to demonstrate that not only have we gone out of our way to look at the arguments for and against, but this group that was set up with Senator ROTH, my senior colleague from Delaware, and me as the cochairs, that traveled with the President—not just the two of us but others, including the Senator from Nebraska—spent an inordinate amount of time with the administration, whether it was with the National Security Adviser, the Secretary of State, the Secretary of Defense, the President himself, or the Vice President, so that we knew what was going on during the negotiations relative to who might be invited.

On July 25, 1996, by a vote of 81 to 16, the Senate approved legislation stating that “Admission to NATO of emerging democracies in Central and Eastern Europe, which are found to be in a position to further the principles of the North Atlantic Treaty, would contribute to international peace and contribute to the security of the region.”

I repeat that for a second time because that was back in July of 1996. Last April, as I indicated, the leaders of both parties set up this NATO observer group. Twenty-eight Senators, 14 in each party, were named to the observer group, and as I said, Senator ROTH has demonstrated a strong commitment and leadership as chairman of this group. Since then, the observer group has held no fewer than 17 meetings with the administration, NATO and other foreign officials. Members met with President Clinton, Secretaries Albright and Cohen, National Security Adviser Berger, and many other high ranking civilian and military officials. Members of the Senate NATO observer group have met with the Presidents of Poland, the Czech Republic, Hungary and their Foreign Ministers. They have met with NATO's Secretary General Solana; they have met with NATO Chiefs of Defense, and the chairman of the NATO military committee. Some have actually met and addressed the NATO PermRep group that met here earlier in the year. We have met with the chiefs of staff of each of the present NATO members. There have been significant encounters.

The observer group was represented in a delegation to the signing of the Founding Act between NATO and Russia in Paris in May of 1997. The Senate observer group was also represented in the U.S. delegation to the NATO summit in Madrid in July, and I would like to repeat that 28 Senators are members of this observer group.

When we add to that the number of other Senators who are members of the Foreign Relations, Armed Services, Appropriations and Budget Committees, all of which have held hearings on NATO enlargement, we find that no fewer than 74 Senators have been exposed more than tangentially to the issue of NATO enlargement through one or more committees or the Senate NATO observer group—nearly three-quarters of the entire Senate. That is quite a remarkable fact, which I submit definitely puts to rest the charge that this issue lacks study.

I challenge any of my colleagues to name me another major issue where 75 Members of the Senate have gotten themselves, through specific assignments, more involved in the details. To me, it is abundantly clear that consideration of the Resolution of Ratification of NATO enlargement upon which we are embarked today is the culmination of several years of detailed scrutiny and debate within the Senate. As a matter of fact, my good friend and worthy opponent on occasion, although we agree more than we disagree, the distinguished senior Senator from Virginia and I, even as long ago as last—I don't know how long ago it was now—found ourselves debating before a group of very distinguished—it wasn't an intended debate, but we ended up with, I thought, an informative and thoughtful debate before a group of leading citizens in the State of Connecticut at the behest of our friend, Senator DODD. So we are not new to this, Mr. President, notwithstanding the fact this will be news to some members of the press and it will be news to some members of the public. But the notion that we have not taken it seriously and it needs more time, I think, is unfounded.

That is not to suggest that it would not warrant taking a lot of time in the Chamber. I think that is totally appropriate because this is ultimately the forum where the folks actually get a look at what we are doing. No one followed us to Madrid or to Paris. No one was involved in that room in the Dirksen Building when the Senator and I exchanged views before a group of Connecticut voters. But the truth of the matter is this is the forum to do that. And knowing my friend from Virginia, who is on his feet and in the Chamber, it will be spirited and it will be an informative debate, at least from his perspective, from his side of the argument.

Mr. President, I think it is abundantly clear the consideration of the NATO resolution of ratification for enlargement upon which we have embarked today is a culmination of several years of detailed scrutiny and debate within the Senate. I would like, now, to turn to some of the arguments against enlargement or for qualifications on enlargement, and then explain why I do not find them very convincing.

Some say that since the Soviet Union is but a dead memory, some would suggest a bad memory, that there are no longer any threats to democratic Europe. Others maintain that because the Pacific rim and Latin America have gained in importance, we should scale down our commitment of resources to Europe and devote them more to the Pacific rim.

Some of my colleagues worry that NATO enlargement may strengthen the nationalists and Communists, the Reds and the browns, within Russia and draw new dividing lines in Europe. Recently, fears have been voiced that NATO enlargement is open-ended and, hence, out of control. Opponents of NATO's involvement in Bosnia see it as an open-ended and dangerous model for future out-of-area NATO commitments, an expression put forward in a very articulate manner by my colleague from Missouri who is on the Foreign Relations Committee.

Finally, on an issue that concerns us all, opponents assert that the cost NATO enlargement is going to require is not clear at best and exorbitant probably. Some fear that the cost of enlargement will fall disproportionately on the United States. All of these arguments against are important and, I submit, can be answered satisfactorily, but clearly must be answered.

I submit, first of all, without minimizing the importance of Asia and Latin America, that Europe remains the vital area of interest to the United States for political, strategic, economic and, yes, cultural reasons. A sizable percentage of the world's democracies are in Europe, and the continent remains a major global economic player and a partner of the United States.

In economic terms, the European Union, with a combined population a third larger than ours, has a combined GDP that exceeds ours. While the United States has a larger and, I might add, less balanced trading relationship with Asia than with Europe, we invest more in Europe. In fact, we have more direct investments in Europe than in any other area of the world, an amount in excess of $250 billion.

Several new democracies in Central and Eastern Europe have highly educated work forces and, as President Clinton said in his message of transmittal of the protocols of accession, they "have helped to make Central Europe the continent's most robust zone of economic growth."

The three candidate countries already attract considerable American investment. Moreover, most Americans trace their cultural roots to Europe and millions retain personal ties to it. By any geographical standard, it would be a catastrophe for U.S. interests if instability would alter the current situation in Europe.

How might that instability occur, Mr. President? No one believes that the Russian Army is poised to pour through the Fulda Gap in Germany, NATO's horror scenario for 45 years. The Russian Army is in such pitiful shape that it could not even reconquer little Chechnya, a part of the Russian Federation.

Nonetheless, some say that someday Russia will regain her military might, and if democratization there does not succeed, NATO might, once again, be democratic Europe's insurance policy against reemergence of a hegemonic power, as is outlined in declaration 2 of the resolution of ratification.

For the foreseeable future, however, the primary threats to stability in Europe are different, although no less real, than those of the cold war. We all know what they are. They are ethnic and religious hatred, as horrifyingly shown in the hundreds of thousands killed, raped, made homeless, and brutalized in Bosnia and most recently in Kosovo. They are the well-organized forces of international crime, whose tentacles extend from Moscow and Palermo to New York and Los Angeles. The history of the 20th century has demonstrated that the United States must—and I emphasize "must"—play a leading role in organizing the security of Europe.

In World War I and World War II, and lately in Bosnia and Herzegovina, without American leadership, the countries of Europe have been unable to resolve their differences peacefully. While American idealism has certainly played a role in our various interventions to rescue Europe, enlightened self-interest has been our dominant motive.

Put simply, it is in the vital interest of the United States of America that stability be preserved in Europe, not only because Europe itself is of central importance, but also in order that, when necessary, we are free to concentrate our assets on problems in other areas of the world.

How does this need for security in Europe translate into 1998 terms? It means that we must lead the Europeans to create what is called in the current foreign policy jargon a new security architecture of interlocking organizations with NATO at its core. Of primary importance is that this policy will guarantee stability to Central Europe, where newly independent states are striving to create and solidify political democracy and free markets. This is a very difficult process, subject to destabilizing forces like ethnic antagonisms, economic downturns, international crime, and, in some cases, thinly disguised foreign pressure. It is in this context that the enlargement of NATO must be seen.

During the cold war, NATO provided the security umbrella under which former enemies, like France and Germany, were able to cooperate and build highly successful free societies. It was the framework under which former pariahs, like Germany, Italy, and Spain, could be reintegrated into democratic Europe. And it was NATO that on several occasions helped keep the feud between Greece and Turkey from escalating into full warfare.

The enlargement of NATO can now serve to move that zone of stability eastward to Central Europe and thereby deter external destabilization, prevent ethnic conflicts from escalating, and forestall a scramble for new bilateral-multilateral pacts along the lines of the 1930s from occurring in the 1990s and the next century. This is the strategic rationale for enlargement laid out in detail in declaration 2 of the resolution of ratification. In fact, the zone of stability is already developing.

As I mentioned earlier, in anticipation of NATO membership, several Central and East European countries have settled longstanding disputes. I need only mention Hungary and Romania, Slovenia and Italy, Germany and the Czech Republic, Poland and Lithuania, Romania and Ukraine, and there are other examples I will go into detail about later. If NATO were not to enlarge, however, the countries between Germany and Russia would inevitably seek other means to protect themselves. It is a certainty. The policy option for today is not, as it is often phrased, enlarge NATO or remain the same. The status quo is simply not an option over the next several years.

Mr. President, there is one additional argument for NATO enlargement which may have fallen out of fashion, and I am going to mention it now at the risk of engaging this debate in a different direction, and that is the moral argument—the moral argument.

For 40 years, the United States loudly proclaimed its solidarity with captive nations of Central and Eastern Europe who were under the heel of Communist oppressors—40 years. Now that most of them have cast off their shackles, it seems to me it is our responsibility to live up to our pledges to readmit them into the West through NATO and the European Union when they are fully qualified.

In my view, not to do so out of an excessive fear of antagonizing Russia would accord Moscow a special sphere of influence in Central Europe, essentially validating the division of Europe at Yalta. For me, such a course is unthinkable. Poland, Hungary, and the Czech Republic have all made tremendous efforts to meet NATO's stringent membership requirements, and, based on my reckoning, they have succeeded.

Not even the opponents of enlargement can dispute that fact. Hence, as declaration 4 of the resolution of ratification reaffirms, the three new members will have all the rights, privileges, obligations, responsibilities, and protections that are afforded all other NATO members. There is no second-class citizenship in NATO.

Ironically, within the fruits of NATO's unparalleled success lie the seeds of its possible demise. Alliances are formed to fight wars or to deter them. Once the adversary is gone, unless alliances adapt to meet changing threats, they lose their raison d'etre, they lose their reason for being. Thus, enlargement must be accompanied by a fine-tuning of NATO's so-called strategic concept last revisited in 1991.

The alliance's primary mission, outlined in article 5 of the Washington Treaty of April 4, 1949, remains the same: treating an attack on one member as an attack on all and responding through the use of armed forces, if necessary.

Condition 1 of the resolution of ratification underscores that the core purpose of NATO remains collective defense. In addition, since the end of the cold war, non-article 5 missions, like peacekeeping, sometimes in cooperation with non-NATO powers, have become possible. The SFOR joint effort in Bosnia with Russia and several other non-NATO countries is an excellent example.

To the critics who see our involvement in Bosnia as a harbinger of future NATO peacekeeping engagements or, from their point of view, entanglements, I would only say the success in Bosnia will provide the best deterrent to future ethnic cleansers and aggressors and, thereby, reduce the likelihood that American troops will have to be used in combat in Europe.

Condition 1 of the resolution of ratification foresees article 4 missions on a case-by-case basis only when there is a consensus in NATO and that there is a threat to the security interests of the alliance members. Through briefings required by condition 1, the executive branch will have to keep the Senate informed of any discussions in NATO to change or revise their strategic concept.

Some critics might ask why the Europeans can't take care of their own problems. First of all, Europeans shoulder three-quarters of the common funded cost of NATO and furnish an even higher percentage of the alliance's troops. Both our current NATO allies and the candidate countries have agreed to shoulder their fair share of financial costs and all mutual obligations connected with enlargement.

In order to guarantee a continuation of this alliance burdensharing, condition 2 of the resolution of ratification mandates an annual report by the President containing detailed, country-specific data on the contributions of all NATO members. It also requires that the inclusion of Poland, the Czech Republic, and Hungary not increase the percentage share of the United States to the common budgets of NATO.

To my colleagues who are understandably concerned about possible hollowing out of our worldwide military capability—by that I mean they argue that expanding NATO and the additional resources required will require us to take military resources to other parts of the world, meaning they will have a hollow capability in other parts of the world, thereby, in an overall sense, reducing our security—those who are concerned about this possible hollowing out of our worldwide military capability, I draw your attention to another element of condition 2 of the resolution of ratification which directs the President to certify that NATO enlargement will not detract from the ability of the United States to meet or to fund its military requirements outside the NATO area.

I know that many of my colleagues are concerned about the enlargement's effect upon our erstwhile cold war enemy Russia. I firmly believe that NATO enlargement will not adversely affect U.S. relations with the Russian Federation. As I indicated earlier, I came to that conclusion following a trip to Moscow and several European capitals last year and subsequent discussions on that topic.

Although few Russians are fond of NATO enlargement, policymakers in Moscow have come to terms with the first round. Moreover, no Russian I met with, from Communist leader Zyuganov to liberal leader Yavlinsky to the nationalist leader Lebed, none of them believe that NATO enlargement constitutes a security threat to Russia.

In fact, nearly all politicians and experts with whom I met understood the nonaggressiveness implicit in NATO's two recent declarations on nuclear and conventional forces. In the famous "three noes," the alliance declared that it has no reason, intention, or plan in the current or foreseeable security environment to deploy nuclear weapons on the territory of new member states and no forces to do that, no forces, in the future.

Similarly, NATO stated that in the current environment, it would not permanently station substantial combat forces of the 16 members on Polish, Czech or Hungarian soil. Rather, the Kremlin's public opposition to enlargement is largely—largely—a psychological question connected with the loss of empire, wounded pride and, most importantly, an uncertainty about Russia's place in the world of the 21st century. The Russian Ambassador in Washington reiterated this psychological problem in a newspaper article just last week.

As part of this uncertainty, most Russian leaders are worried about their country being marginalized, and as a result, they are eager to move forward with its bilateral relationship with the United States.

We must continue to engage Russia politically, militarily, economically, and culturally. Declaration 5 of the resolution of ratification specifically endorses this "new and constructive relationship" with the Russian Federation.

The Clinton administration, together with our NATO allies, has already begun to do just that. The NATO-Russian Founding Act signed in Paris last May is a good start at binding Russia closer to the West and soothing its bruised feelings.

The Founding Act, however, in no way gives Moscow a decisionmaking role in NATO's core structures like the North Atlantic Council, as condition 3 of the resolution specifically explains.

The purely consultative mandate of the new NATO-Russia Permanent Joint Council does not mean that it cannot evolve into a truly valuable mechanism for promoting mutual trust.

As Russian officials better understand that NATO is not a rapacious caricature of Soviet propaganda, but rather a defensive alliance and force for security and stability in Europe, their animosity toward the organization may dissipate. And by working together in the Permanent Joint Council, Russia can prove that it is a responsible partner for the West.

Through this mechanism and others, over time Moscow can come to realize that enlargement of NATO by moving the zone of stability eastward to Central Europe will increase her own security, not diminish it.

It is also essential that arms control agreements with Russia be ratified and expanded.

Of special importance is getting the state duma, their parliament, to ratify the START II treaty and then, together with the United States, to move on to further reductions in START III.

The statement last week made by Prime Minister Chernomyrdin that he would push for duma ratification of START II is another clear sign that NATO enlargement does not stand in the way of arms control.

The nationalist and Communist objections to START II predate even a discussion of NATO enlargement, and I might add that in my meeting with Chernomyrdin, even though he and I got into a heated discussion about Iran, he never once suggested that expanding NATO was going to diminish the prospects of ratification of START. I asked him, and others did, when he thought that would occur. Because it was a private meeting, I will not set the time or the date that he suggested. But I will assure you that he is of the view that ratification will occur.

Now, how does that square with those who say that talk of expansion is going to kill arms control? I managed, along with significant assistance from my friend from the State of Oregon, the Chemical Weapons Convention. We were told if we ratified that, the duma would never, if we went ahead and invited these three nations to join NATO, they would never ratify it.

While we were together in Spain, if I am not mistaken, with the President of the United States, the Secretary of State, the National Security Adviser, the Secretary of Defense and the Presidents of 15 other NATO nations, the duma either at that moment or shortly thereafter, by an overwhelming vote, ratified that arms control agreement. And now Chernomyhrdin—to our friends who believe that NATO expansion will be damaging and cite him and his predecessor as a casualty of the talk of expansion—sat in a room just across the hall, the door I am pointing to, last week and talked about his certainty that there will be a ratification of the START agreement. As my brother would say, "Go figure." How does that justify the argument or make the case that this is going to kill cooperation with Russia on arms control?

The arguments against the START II predate any debate on NATO enlargement. The duma has shown, though, that it is willing to conclude agreements, as I have indicated, not only the Chemical Weapons Convention, but the Flank Document to the Treaty on Conventional Forces in Europe, or the so-called CFE agreement. All have been ratified.

Condition 3 of the resolution of ratification reaffirms that the ongoing CFE talks are a venue for further conventional arms control reductions, not the NATO-Russia Permanent Joint Council. Did you hear what I just said? That is an important, if I do say so myself, an important point. That is that if, in fact, Russia was determining everything through the prism of whether or not we are expanding NATO, why are they not insisting that further discussions on conventional arms be done through the NATO-Russia accord? Why are they continuing to use the mechanism that was in place? Why did they pass the Chemical Weapons Convention? Why does their Prime Minister believe they are going to ratify the START agreement? And even if they do not, why is he pushing it?

It is because they are wise enough to know it is not an offensive threat and wise enough to know that arms control agreements should be judged based upon whether, standing by themselves, they are in the interest of their country or not.

Although the Russians have all but officially acquiesced to the first round of NATO enlargement, they would, I acknowledge, have much more trouble with the admission in the future of some other countries in Europe, principally the Baltic states or Ukraine.

Critics of enlargement worry that the process is so open-ended that it is dangerous. It is true that the official policy of NATO as most recently enunciated in the 1997 Madrid summit, is the "open door"—and that is the official, enunciated policy—and that membership in the alliance is open to any European state, any European state that is in a position to further the principles of the NATO treaty, the North Atlantic Treaty, and to contribute to the security of the alliance as a whole.

But it is equally true, as declaration 7 of the resolution of ratification unambiguously states, that other than Poland, Hungary and the Czech Republic, the United States has not consented to invite any other country to join NATO in the future.

Moreover, according to declaration 7, the United States will not support such an invitation unless the President consults with the Senate according to constitutional procedures and the prospective NATO member can fulfill the obligations and responsibilities of membership and its inclusion would serve the political and strategic interests of the United States.

This declaration, Mr. President, is crystal clear and not only refutes the critics of enlargement, but also obviates the need for any amendment that would impose an artificial pause upon the enlargement process after this round.

Such a condition would not only be superfluous, but would also have serious negative practical consequences. It would slam the door in the face of the several countries that in good faith are adjusting their policies to meet NATO requirements.

It would also arbitrarily rule out admission of already qualified countries like Slovenia, a formal applicant, and Austria, which might reassess its neutrality after national elections next year.

The amendment that would postpone the admission of Poland, Hungary, and the Czech Republic until they are admitted to the European Union is also, in my view, fatally flawed. Declaration 6 of the resolution of ratification recognizes the EU as "an essential organization for economic, political, and social integration of all qualified European countries into an undivided Europe" and encourages the EU to expand its membership.

My friend from Oregon, who is on the floor, and I share a number of common views related to this, one of which is we have been individually—to the best of my knowledge, this is correct; and I will stand corrected, obviously, if I am not—either quietly chastising or publicly promoting our European friends to expand the EU membership. We think we have problems with American special interests. Well, in Europe it pales by comparison in terms of certain political groups within Europe who are not at all willing to expand. But it must expand.

So we do not argue with the need for the EU to expand. That is why in declaration 6 of the resolution of ratification, we cite the EU as an essential organization for economic, political, and social integration.

But the EU has a lengthy, complex admissions procedure, which employs criteria very different from those of NATO.

Let me end where I began. Why on Earth would the United States want to link fulfillment of our strategic goals to an organization in which we have no say and to which we do not even belong? Why would we do that? I do not understand that. Why would we say, yes, we know our interests are impacted upon. We are a European power. And the security architecture of Europe, whether you are for or against enlargement—we are all agreeing that is important. One of the reasons my friend from West Virginia is opposed is he says it will harm the security architecture. One of the reasons we are for it is we say it will enhance it.

Whether we are for or against it, why, in the Lord's name, would we say that whatever that architecture should be is going to be determined by an organization where we do not have a vote? I do not get that. I truly do not get that one.

Is that to say I do not think like the Senator from New York thinks, that the faster the EU is expanded, the more stability there will be in Europe? No. I agree with that. I agree with that. It is in our interest. It is also going to be a competitive problem down the road for us as well, but it is in our interest. But, my goodness, to say that the one thing we all agree on, NATO in its present form or altered state is the security architecture for Europe that is important to us, but its future we are going to yield to an economic organization of which we are not a member and we have no vote—I find that absolutely incredible.

Now, I will end with this. This is my last statement, and I appreciate the indulgence of the colleagues. I warned my colleagues early on this was an opening statement and would take this long, and I am about to finish.

As for the argument that the addition of three new members would somehow render the alliance immobile in the face of all objective evidence, the Presiding Officer knows how this argument goes. My goodness, we have trouble enough getting 16 members together; adding 3 more, it will be harder to get consensus. This "doing business by consensus," means everyone signs on. Therefore, it will be a lot harder. Therefore, that is the argument against enlargement.

I might add, by the way, if we are looking for certainty, we would not have expanded beyond the United States. We would have had great difficulty expanding anyway. I do not disregard this argument but it does fly in the face of all objective evidence.

The three previous rounds of NATO enlargement did not damage the cohesiveness of NATO, and there is every indication that the Poles, the Czechs, and the Hungarians will be among America's most loyal allies. I will get myself in trouble for saying this, but were the French only as cooperative as the Hungarians. I pray the day comes that my French ancestors are as cooperative as are the Hungarians. Or, I doubt whether we will see the day when the internal differences between the Poles and the Hungarians, divided by other countries, separated by other countries, will have disagreements that equal those that exist within Greece and Turkey at the moment. These three new nations, if anything, will strengthen our position within NATO as well as strengthen NATO.

In considering the ratification of NATO enlargement to include Poland, Hungary, and the Czech Republic, the Senate has a historic opportunity to enhance the security of the United States of America by extending the zone of stability and peace in Europe.

Mr. President, I look forward to our debate on this resolution of ratification, which I truly believe protects American interests and American leadership within NATO. At its base, you will detect, not from my friend from Virginia, I want to make this clear, but I predict to you on the floor, you will find an undercurrent here that really, if phrased correctly, would be stated this way: Why do we need NATO? Much of the debate about expansion is really the debate about the efficacy and need of an organization, the one we have now.

I note parenthetically if my friends say why expand NATO when there is no threat in Europe, I ask the rhetorical question, why continue to have NATO if there is no threat in Europe?

I see my friend from Virginia is on his feet. I welcome his comments or questions, but I will yield the floor to give anyone else an opportunity to speak, if they wish. But I want to make it clear to my friend I am not retreating from the field; I will stay here if he wishes to engage me.

Mr. WARNER. I thank my colleague. I just wanted to reaffirm what the Senator has said. But I want to make it clear that the Senator listed 74 Senators by count who have dealt with the issue. But let us not infer from that that that is the count at the present time that favors this. I just wanted to make that clear because I am a member of the NATO observer group. It has been a vital organization. Seventeen times we have met. And under the leadership of Senator BIDEN and Senator ROTH, I think we have done a lot of valuable analysis which is shared with the rest of the Senate.

In our weekly luncheon we had some 35 to 40 Republican Senators. We had Peter Rodman, of the Council of Foreign Relations in New York City, and the privilege of debating with him in New York on this issue on Monday. We had Michael Mandelbaum, and the Presiding Officer will recall here in the last hour we had a heated debate in our caucus on this issue. So this vital issue has now gained the momentum that I think it deserves and I believe in the ensuing days—and our leader, Senator LOTT, just spoke with us and wants to move along in an orderly process but no way attenuate the ability of the Senate to give this question every bit of attention it needs.

I think it is important that our distinguished colleague has brought up chronologically exactly what has been done by the Senate thus far, and now we embark on the debate that I think will be an excellent one.

Momentarily, I will deliver some general remarks on this subject, but at this time I cannot resist the effort, since we have had such a pleasure debating, to give to you once again the opportunity to answer the question I think I posed in our last debate. And I will be but a minute posing the question.

That is, Mr. President, this NATO alliance is perhaps the most valuable alliance in the history of the world, when nations came together in a period of uncertainty, under the leadership of one of the greatest Presidents, greatest Presidents this country ever had, Harry S. Truman. He listed in his biography his two proudest accomplishments were the Marshall Plan and NATO. At that time the President and others, the founding fathers of this alliance, made clear that it was a military alliance, it was for a military reason that we put this there, to deter any further aggression in Europe.

Today, in my judgment, I do not see any military threat to the three nations under consideration. What I do see is that that arc of nations, beginning with Poland going down through Bulgaria on the Black Sea, are in a struggle for economic survival, making the transition from the Warsaw Pact to a system of competition, not only among themselves but worldwide, to establish a free market economy, to establish the political democracies and the like.

That is the focus of their attention. That is where all their resources for the time being should be applied. And now we are considering the admission of three. I say to my distinguished colleague that, should the Senate in its wisdom vote to affirm the ratification and the status of NATO is given to 3 of the 12, are we not singling out 3 of these countries and giving them a tremendous lift in that competitive field among the 12 nations for economic competition? They can put in their brochures as they go throughout the world, come, invest, put your investment in our country, because you have the security of the NATO alliance, the security of knowing that, if anything were to threaten our nation, your investment will be protected. Whereas, if you go next door to Romania, if you go next door to Slovenia or the other nations, they pose some doubt as to whether or not, if a problem arose which was in the circumference of the obligation of the NATO—primarily article 5, but at a later time I will explain where I think NATO is moving in terms of a broader issue of responsibilities, Bosnia being the case in point—if that threat comes, your investment is protected in the three countries. And we question whether or not it will be protected as well in other nations not now being admitted to NATO.

Suddenly you begin to breed a friction and a concern amongst these countries, side by side, border by border; and that friction alone could spell trouble. I ask my friend.

Mr. BIDEN. Mr. President, I will be delighted to answer.

Let me make one prefatory comment. My reference to 74, 75 Senators being exposed to this issue is in no way to imply that all 75 or 74 were in favor of expansion. I know, with men of the caliber of the Senator from Virginia, and the man who I think is one of the most informed people in the Senate that I have ever served with, my friend from New York, Senator MOYNIHAN, I know with their doubts about expansion that this is far from a certain outcome. So I do not mean to imply that all who were exposed were in favor. I was responding, before the Senator came to the floor, to the assertions made in the press that this has not been given due consideration by Members of the Senate.

Let me go specifically to the question that was asked; then I will finish my statement and will be happy to yield then or engage in a colloquy or take questions. That is I, too, agree that Harry Truman was one of the great Presidents and Harry Truman did say that one of his two greatest achievements was NATO. He said the reason NATO was necessary was a moment of uncertainty in world history. I respectfully suggest if there has ever been a moment of uncertainty, and I might add "in world history," it is today.

I spoke at my hometown, my birth town, of Scranton, PA, last night to an organization called the Friendly Sons of Saint Patrick, where my great grandfather was a founder in 1902, a State Senator named Edward Blewitt, and I quoted William Butler Yeats' poem "Easter 1916," where he concluded by saying the world is changed. "All changed, changed utterly: A terrible beauty is born." He is talking about "the rising," as we Irish Catholics refer to it, the rising on Easter Sunday in 1916.

I would paraphrase that by saying: With the fall of the wall, a terrible beauty has been born. It is a new world. The world has changed utterly.

Although it is a different threat, although it is a different concern, although it is not amassed forces of the Warsaw Pact lining up to flow through the Fulda gap to take over West Germany, it is a different enemy. The different enemy is uncertainty. The different enemy is instability. The different enemy is nations seeking to define themselves and their futures and their security relative to one another in an area of the world—I will get in real trouble with my European friends for saying this—where the degree of political maturation has not moved to the point that I have confidence they will reach the right decision without our involvement in that process. So, the same circumstance, uncertainty, exists today as existed in 1946, 1947, and 1948—uncertainty.

Second, the Senator asked, Is this a military alliance? It is a military alliance. That is why I hope we will continue to treat it as a military alliance and reject this facile argument being promoted by some, put forward by some of my friends who are among the most respected former Members of the U.S. Senate, who say they should join the EU before they join NATO.

If this is a military alliance, why in the heck do they have to join an economic union before they join the military alliance? It is a military alliance. I might add, we have not asked anyone else to do that. It is beyond me why we would ask, why we would put the fate of the military architecture of Europe in the hands of an economic organization of which we are not a member, have no vote, and have no ability to shape, essentially giving these other European nations the ability to veto our ability to put together this new architecture for security in Europe.

But to the very specific point the Senator raised, what about the notion that we are inviting Hungary but not Romania? Are we creating this dynamic where we gave Hungary a great boost up and Romania essentially is pushed down in relative terms? I will go into great detail to respond to that as the debate goes on, but in the interests of getting on with the rest of my statement, let me answer it with a question: If the countries that border the countries that are being invited are going to be put at such a disadvantage, I would ask the question, why do they all favor the expansion? Why did Romania favor—favor, now, notwithstanding the fact they fought to be invited and were not—why do they favor Hungarian membership? Why do the Germans favor Polish membership? Why are all the countries that sought admission thus far in favor of the three countries that were granted the opportunity to prove they were ready to join?

I would add one further fact. The corollary to that question would be: Are we then going to be placed in the position of either having to embrace all the former Soviet Union in one fell swoop as members of NATO whether they are ready or not, or none? Because if you take the logical extension of my friend's argument, it leads you to only one of two conclusions: Either every country seeking admission should be admitted at the very same moment, thereby not allowing one to have the perceived advantage my friend from Virginia says occurs with membership, or the perceived disadvantage of not being a member—you either admit them all at once, which I am positive he does not support, absolutely positive, or you admit none. You have no alternative.

So I say respectfully to my friend, this is a dynamic situation. The world is changing rapidly. We do not have the ability to freeze-frame the world and say now we are in one broad stroke going to redefine, in this case the security architecture of Europe, with finality. That's it.

That is not the history of NATO. When NATO started, Germany was not part of NATO. Germany was not part of NATO. It would have been reasonable to ask why do we have a NATO with no

Germany? It was equally reasonable to ask why in the devil would you have Germany part of NATO at the time? When we brought in Germany, we did not say bringing in Germany puts Turkey and Greece at a disadvantage. We did not say that. When we brought in Turkey and Greece, we did not say Spain will be hurt badly. One of the problems with foreign policy is that it reflects life writ large. There is nothing neat about it. Notwithstanding what many of my academic friends enjoy doing, we are not able to come up with a universal construct that in one fell swoop can be materialized.

I suggest to my friend, the invitation to Hungary has produced democratization internally within Romania, a consequence that was not anticipated by anybody 2 years ago. So, instead of, for example, Hungary being invited and Romania being outraged and having their policy move toward totalitarianism and away from democracy, the exact opposite happened. It created a dynamic effect. I am not here to tell any of my colleagues that I can predict with certainty what the dynamism will produce. I have served here sufficiently long to be sufficiently humble to know that I do not possess that capacity. But I do suggest that we can play the odds, and the odds are this is a pretty good bet, an overwhelming good bet.

So, my response, and I will go into it in more detail as the debate goes on, but my response is that if I accept the proposition put forward by my colleague in the way in which the question was phrased, then I am left with a conundrum of either everybody or nobody. And I, to paraphrase Russell Long when he used to kid around, "I ain't for nobody, but I also ain't for everybody right now."

So I think this is a rational, relatively predictable—to the extent anything can be on the world stage—and useful incremental development of an architecture that hopefully will take us for another 50 years with peace and security in Europe like the last architecture.

I will note here, parenthetically, I do not think the choice is expand or status quo. I think the choice is expansion or atrophy, and I will go into that in a later moment.

Mr. WARNER. Mr. President, if he will yield just that I may thank my colleague for responding to the question. I hope in due course we can have a further colloquy, but I want to make it clear I just think it is not wise to take this great treaty at this time and put in those three countries. Therefore, I am for the "nobody" at the moment.

Mr. BIDEN. I understand.

Mr. WARNER. But I am somewhat astounded that you say it is either nobody or everybody, because I think you invite the conclusion that directly supports my argument, that by admitting three, the others are put at a severe disadvantage economically.

(Ms. COLLINS assumed the chair.)

Mr. WARNER. While I do have a statement I wish to deliver, I will pick up on several of the themes by my distinguished colleague from Delaware and we would go right into a colloquy on concerns that I have, and perhaps others have.

First, I say we are fortunate in the Senate to have had the strong participation by the Senator from Delaware. This is my 19th year of service in the Senate. We have traveled together to many places in the world, and we are fortunate that he has chosen to be the distinguished ranking member of the Foreign Relations Committee.

It is appalling to me today to see the decline in the interest in strategic issues, be they foreign affairs or security issues all across the country, and to some extent here in the Congress of the United States. Year after year, Senator BIDEN has been right there in the forefront on this floor as one of the most vigorous and enthusiastic debaters, albeit somewhat long-winded on occasion, but nevertheless, solid in his enthusiasm.

So with that modest background, I pick up on the theme, why NATO? I say to my good friend, as he well knows, in 1917 we responded and the Yankees crossed the oceans in response to the plea, "Come to save us." The great powers of Europe and Great Britain were locked in a war of static dimensions, devouring tens upon tens of thousands of lives every day, and we went, and I think all the world acknowledges we were the power that tipped the balance for the allies in that struggle that enabled victory and to have peace return to Europe. And, again, as the clouds of war over the world in 1939, September, when Hitler invaded Poland, and we watched Great Britain heroically trying to put its thumb in the dike, and France and the Maginot Line was overrun in just a matter of days or weeks, and Europe was in the palm of Hitler's hand.

Once again, this country, which had really bordered upon isolationism in 1939 and 1940, suddenly after Pearl Harbor stood united, under a courageous President's leadership and once again returned to Europe.

We are there in Europe today because of the classic, historic instability among those major nations. Our presence in Europe is essential to its long-range stability. No one puts that upon the billboards, nor should they. But that is understood subliminally by those who have studied that history and, indeed, the European leaders today.

NATO gives the United States the legitimacy to be in Europe. We are now considering the NATO treaty which has made possible that legitimacy for over 50 years. That is the most fundamental reason why I oppose enlarging it at this time. It puts in jeopardy the ability of the United States to have that strong voice that is so essential in Europe.

I ask my colleague a question or two before I go on in my statement. He made the statement that Russian leaders have more or less tacitly accepted the expansion of NATO. I want to be accurate in my rendition of his words, but I seek clarification of his statement, because on my recent trip to Russia with Secretary Cohen we had the opportunity to visit with the Sergeyev, Minister of Defense and with Primakov, the very able Foreign Minister. I really think that Primakov is the second coming of Gromyko. This man has enormous potential and possibility to become a future leader of Russia.

My point to the Senator is, as I listened to those two members of the Yeltsin Cabinet address the issue of expansion of NATO, it is true that they have reconciled themselves to these first three countries, but I clearly came away with the impression that that is the line that is to be drawn. I want to make clear to my colleague that it is those three countries, and once another step is taken to access others, then I think there will be further instability in relationships between the United States and Russia.

Now let me make it clear, and I will yield for the answer, at no time should this country ever consider Russia in terms of making those decisions which are important to our vital security interests—at no time. We should always put our vital security interests first. But we cannot be unmindful of the fact that on a broad range of fronts we are engaged with Russia today, not the least of which is further reduction of the ever-present nuclear threat. We are assisting, through the Nunn-Lugar funds, the dismantling of their weapons. We are assisting them with downsizing their military because this is the 14th consecutive year of the downsizing of the American military. We have a lot of experience in dealing with downsizing.

I am not sure that it has been that wise, that decision, and I am one who wants to see what we can do to start that curve back up. That is a separate issue for another day.

I want to ask my good friend to clarify, when he said Russia has accepted it, whether or not it is limited to the first three and the balance of the nine that wish to join—and I don't think in the current rhetoric we are using, Ukraine is within that nine. You might wish to clarify that. That would be 10 according to my calculation.

Mr. BIDEN. Madam President, in response, as the Senator will see in the RECORD, what I said was they have accepted the first round, explicit in terms of the first round.

The second point is I may have misled the Senator, but unintentionally, when I talked about the NATO nations of the former Soviet bloc nations that were seeking admission. I do not include Ukraine in that.

Third, the Senator is absolutely correct that there is talk in and among, in Russia and among Russian leaders, about no second round.

The Senator then went on to say that under no circumstance should we give them a veto right over any security question. That is why I believe that the amendment he is considering would be very, very unwise. I think if he concludes it is not in our overall interest, and by that I mean including our relations with Russia not to have a second round, we should not have a second round. We should make that decision ourselves. We should not preempt that decision by essentially yielding to the concern expressed by Russian leaders today, because I respectfully suggest—and who knows whether the Senator and I will still be here; he may be, I may not—when the full integration of these three countries occurs, I predict to you there will be a very different circumstance in Russia 3 years from today than there is today. It is not static.

We assume that there is a dynamism of what is happening in the West and in Central Europe as if there is no dynamism in Moscow or in Russia. I acknowledge that could turn sour, but I think there is even a better chance it will turn positive.

I would not want us to preempt ahead of time, prematurely, unnecessarily, appearing to be yielding to the most conservative elements in Russia, giving them an upper hand in the debate in the Duma, by us going on record of first establishing the membership of three new countries, and in the same breath saying "but we will not do anymore." I guarantee you if that occurs, I am prepared to bet any one of you that within a 24-hour period that the Duma is in session, you will have the allies of Mr. Zyuganov standing on the floor saying, "If only Yeltsin had done what we did and told the Americans we would not stand for a second round," he would have gotten the result we got. I respectfully suggest that if you don't want to expand, make the case in here. If you don't want to expand any further, see to it that does not occur by importuning our President and this body, but not formally going on record at this time to say that, yes, these three, but no more for a time certain. So I hope that answers the Senator's question.

Mr. WARNER. Madam President, if I might summarize, then the Senator's remarks earlier about Russia are confined to the three under current consideration?

Mr. BIDEN. Yes. If I may be precise, when I said that I found no one of the major political leaders in Moscow viewing the expansion of NATO as a security threat to them, I was referring explicitly to the first round. That included the prospect of four nations at the time, not just three. There was no concern expressed by anyone to whom I spoke, including the think tank folks in the Russian-American—my friends from Virginia or New York may remember what it was called.

Mr. MOYNIHAN. Canadian-American.

Mr. BIDEN. The Canadian-American department. Even among them, there was no concern. As a matter of fact, there was a sense of bravado when they would say, "obviously, this is no security threat to us, but. . . ." The "but" would come in and the "but" always related to something along the lines of: This is an attempt on your part to isolate us, an attempt on your part to keep us from becoming full members of the economy to the West; or this is an attempt on your part to humiliate us, but not a security threat.

So I was speaking to the prospect of four nations, only three of which are being invited here. I was not talking about the Balts, Ukraine, Belarus, or other countries that could, theoretically, come up in a 2nd, 3rd, 5th, or 15th round.

Mr. WARNER. I thank my colleague. A 2nd, 3rd, 5th, or 15th round. It is interesting that he mentioned four. This round almost included that fourth country.

Mr. BIDEN. Yes.

Mr. WARNER. Madam President, at some point in our debate, maybe the Senator would opine as to how long before that fourth country, who just missed this round by a hair, might be considered for admission, and whether or not this second round will come far more swiftly than anyone at the present time expects. It is for that reason that my good friend, the senior Senator from New York, and I have an amendment, which at some point we will call up, suggesting that this body ought to go on record and have a moratorium attached, whereby a 3-year period will elapse, should this body vote this treaty accession, before the next round.

Mr. BIDEN. Madam President, I will respond briefly. Speaking for only myself, I believe that my colleagues are correct. There is no urgency to move to the next round. But I point out that, from my perspective, I think the position we should be taking is not a formal position that belies the principle of saying anybody who is ready can come forward; I say that we should say that there will be no second round until all these three nations are fully integrated into NATO's integrated command structure. No one suggests that is likely to occur in less than a couple of years, and most think it will be like it was for Spain, Turkey, Greece, and like it was for Germany—several years.

My deceased wife used to say something. I will never forget, when we were a young married couple, we were visiting another couple and we had two young children a year and a day apart, 2 months old and 14 months old. We were with this other couple we had gone to school with and they had their young child there. The husband and wife began to argue about what college they wanted her to go to, this 12-month-old child. My wife, who had great wisdom, said this as we were riding home in the car: "Let's make a pact never to argue about anything that requires a decision not to occur for at least a decade." So from that point on, we used to say when we got into an argument, "this is about college and they are only in grade school," and that was our code phrase for, Look, when the time comes, we can settle that; why fight about that? We have enough to disagree on now.

I respectfully suggest that "this is about college." Let's wait until that time comes. Don't prejudge it. Don't artificially set limits on it because then you send a different message. I want the Romanian Government, which has been on good behavior for the first time in five decades or longer—I want the Romanian Government out there, just like my 16-year-old daughter, saying, "If I behave this weekend, maybe I'll get the car next weekend." I want the Romanian Government out there saying, No, it could not happen tomorrow, or it may not happen for a month, or for 3 years, but I know it won't happen if we don't continue to treat this Hungarian minority properly, et cetera. Why set these artificial limits? Let's not argue about what college our daughter is going to go to when she is only 2 years old. It is going to take 2 to 3 years to fully integrate the three countries in question. So I think the Senator will get his wish regardless of whether or not an amendment is passed. I just think we are begging for trouble by setting artificial limits.

Mr. WARNER. Madam President, I thank my colleague. I am going to make certain that I get these words out of the RECORD and preserve them for posterity that he feels it would be many, many years before another round comes. Perhaps during the course of this debate he might comment on why did the President of the United States then encourage the Baltics and have this agreement—whatever that agreement is called—issued here, to the astonishment of many of us just a matter of 2, 3 months ago. Why did he throw that lifeline out?

Mr. BIDEN. If the Senator will yield, he did not promise them anything. He threw a lifeline out because the Europeans threw no lifeline out, because the

Europeans didn't do what my friend from New York is encouraging them to do. They did not step forward. They were irresponsible in their unwillingness to invite the Balts to become part of the European Community. They finally, about a month and a half ago, at the same time they kicked Turkey in the teeth, extended a belated invitation that is somewhat attenuated. But that is the reason the President did that.

We are looking for stability. Stability. I don't want anyone in the Balts, I don't want anyone in Ukraine, I don't even want anyone in Belarus, which is still a totalitarian country, concluding that there is no hope. I don't want to falsely hold out hope for them. The reason why, I assume, the President said what he said relative to the Balts was to dampen, not to inflame the debate here about whether or not the Balts were being shortchanged by not being brought in. I have just been handed something by my staff here, and I have been here so long I need glasses. It must be very insightful.

Mr. WARNER. It is probably from the Baltic charter, which is rather——

Mr. BIDEN. But the Baltic charter didn't promise NATO membership to Estonia, Latvia, or Lithuania.

I ask unanimous consent that the full text be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE, OFFICE OF THE PRESS SECRETARY, JANUARY 16, 1998

A CHARTER OF PARTNERSHIP AMONG THE UNITED STATES OF AMERICA AND THE REPUBLIC OF ESTONIA, REPUBLIC OF LATVIA, AND REPUBLIC OF LITHUANIA

PREAMBLE

The United States of America, the Republic of Estonia, the Republic of Latvia, and the Republic of Lithuania, hereafter referred to as Partners.

Sharing a common vision of a peaceful and increasingly integrated Europe, free of divisions, dedicated to democracy, the rule of law, free markets, and respect for the human rights and fundamental freedoms of all people;

Recognizing the historic opportunity to build a new Europe, in which each state is secure in its internationally-recognized borders and respects the independence and territorial integrity of all members of the transatlantic community;

Determined to strengthen their bilateral relations as a contribution to building this new Europe, and to enhance the security of all states through the adaptation and enlargement of European and transatlantic institutions;

Committee to the full development of human potential within just and inclusive societies attentive to the promotion of harmonious and equitable relations among individuals belonging to diverse ethnic and religious groups;

Avowing a common interest in developing cooperative, mutually respectful relations with all other states in the region;

Recalling the friendly relations that have been continuously maintained between the United States of America and the Republic of Estonia, the Republic of Latvia, and the Republic of Lithuania since 1922;

Further recalling that the United States of America never recognized the forcible incorporation of Estonia, Latvia, and Lithuania into the USSR in 1940 but rather regards their statehood as uninterrupted since the establishment of their independence, a policy which the United States has restated continuously for five decades;

Celebrating the rich contributions that immigrants from Estonia, Latvia, and Lithuania have made to the multi-ethnic culture of the United States of America, as well as the European heritage enjoyed by the United States as a beneficiary of the contributions of intellectuals, artists, and Hanseatic traders from the Baltic states to the development of Europe; praising the contributions of U.S. citizens to the liberation and rebuilding of Estonia, Latvia, and Lithuania.

Affirm as a political commitment declared at the highest level, the following principles and procedures to guide their individual and joint efforts to achieve the goals of this Charter.

PRINCIPLES OF PARTNERSHIP

The United States of America has a real, profound and enduring interest in the independence, sovereignty, and territorial integrity, and security of Estonia, Latvia, and Lithuania.

The United States of America warmly welcomes the success of Estonia, Latvia, and Lithuania in regaining their freedom and resuming their rightful places in the community of nations.

The United States of America respects the sacrifices and hardships undertaken by the people of Estonia, Latvia, and Lithuania to re-establish their independence. It encourages efforts by these states to continue to expand their political, economic, security, and social ties with other nations as full members of the transatlantic community.

The Partners affirm their commitment to the rule of law as a foundation for a transatlantic community of free and democratic nations, and to the responsibility of all just societies to protect and respect the human rights and civil liberties of all individuals residing within their territories.

The Partners underscore their shared commitment to the principles and obligations contained in the United Nations Charter.

The Partners reaffirm their shared commitment to the purposes, principles, and provisions of the Helsinki Final Act and subsequent OSCE documents, including the Charter of Paris and the documents adopted at the Lisbon OSCE Summit.

The Partners will observe in good faith their commitments to promote and respect the standards for human rights embodied in the above-mentioned Organization for Security and Cooperation in Europe (OSCE) documents and in the Universal Declaration on Human Rights. They will implement their legislation protecting such human rights fully and equitably.

The United States of America commends the measures taken by Estonia, Latvia, and Lithuania to advance the integration of Europe by establishing close cooperative relations among themselves and with their neighbors, as well as their promotion of regional cooperation through their participation in fora such as the Baltic Assembly, Baltic Council of Ministers, and the Council of Baltic Sea States.

Viewing good neighborly relations as fundamental to overall security and stability in the transatlantic community, Estonia, Latvia, and Lithuania reaffirm their determination to further enhance bilateral relations between themselves and with other neighboring states.

The Partners will intensify their efforts to promote the security, prosperity, and stability of the region. The Partners will draw on the points noted below in focusing their efforts to deepen the integration of the Baltic states into transatlantic and European institutions, promote cooperation in security and defense, and develop the economies of Estonia, Latvia, and Lithuania.

A COMMITMENT TO INTEGRATION

As part of a common vision of a Europe whole and free, the Partners declare that their shared goal is the full integration of Estonia, Latvia, and Lithuania into European and transatlantic political, economic, security and defense institutions. Europe will not be fully secure unless Estonia, Latvia, and Lithuania each are secure.

The Partners reaffirm their commitment to the principle, established in the Helsinki Final Act, repeated in the Budapest and Lisbon OSCE summit declarations, and also contained in the OSCE Code of Conduct on Politico-Military Aspects of Security, that the security of all states in the Euro-Atlantic community is indivisible.

The Partners further share a commitment to the core principle, also articulated in the OSCE Code of Conduct and reiterated in subsequent OSCE summit declarations, that each state has the inherent right to individual and collective self-defense as well as the right freely to choose its own security arrangements, including treaties of alliance.

The Partners support the vital role being played by a number of complementary institutions and bodies—including the OSCE, the European Union (EU), the West European Union (WEU) the North Atlantic Treaty Organization (NATO), the Euro-Atlantic Partnership Council (EAPC), the Council of Europe (COE), and the Council of Baltic Sea States (CBSS)—in achieving the partners' shared goal of an integrated, secure, and undivided Europe.

They believe that, irrespective of factors related to history or geography, such institutions should be open to all European democracies willing and able to shoulder the responsibilities and obligations of membership, as determined by those institutions.

The Partners welcome a strong and vibrant OSCE dedicated to promoting democratic institutions, human rights, and fundamental freedoms. They strongly support the OSCE's role as a mechanism to prevent, manage, and resolve conflicts and crises.

Estonia, Latvia, and Lithuania each reaffirm their goal to become full members of all European and transatlantic institutions, including the European Union and NATO.

The United States of America recalls its longstanding support for the enlargement of the EU, affirming it as a core institution in the new Europe and declaring that a stronger, larger, and outward-looking European Union will further security and prosperity for all of Europe.

The Partners believe that the enlargement of NATO will enhance the security of the United States, Canada, and all the countries in Europe, including those states not immediately invited to membership or not currently interested in membership.

The United States of America welcomes the aspirations and supports the efforts of Estonia, Latvia, and Lithuania to join NATO. It affirms its view that NATO's partners can become members as each aspirant proves itself able and willing to assume the responsibilities and obligations of membership, and as NATO determines that the inclusion of these nations would serve European stability and the strategic interests of the Alliance.

The United States of America reiterates its view that the enlargement of NATO is an on-going process. It looks forward to future enlargements, and remains convinced that not only will NATO's door remain open to new members, but that the first countries invited to membership will not be the last. No non-NATO country has a veto over Alliance decisions. The United States notes the Alliance is prepared to strengthen its consultations with aspirant countries on the full range of issues related to possible NATO membership.

The Partners welcome the results of the Madrid Summit. They support the Alliance's commitment to an open door policy and welcome the Alliance's recognition of the Baltic states as aspiring members of NATO. Estonia, Lativia, and Lithuania pledge to deepen their close relations with the Alliance through the Euro-Atlantic Partnership Council, the Partnership for Peace, and the intensified dialogue process.

The Partners underscore their interest in Russia's democratic and stable development and support a strengthened NATO-Russia relationship as a core element of their shared vision of a new and peaceful Europe. They welcome the signing of the NATO-Russia Founding Act and the NATO-Ukraine Charter, both of which further improve European security.

SECURITY COOPERATION

The Partners will consult together, as well as with other countries, in the event that a Partner perceives that its territorial integrity, independence, or security is threatened or at risk. The Partners will use bilateral and multilateral mechanisms for such consultations.

The United States welcomes and appreciates the contributions that Estonia, Latvia, and Lithuania have already made to European security through the peaceful restoration of independence and their active participation in the Partnership for Peace. The United States also welcomes their contributions to IFOR, SFOR, and other international peacekeeping missions.

Building on the existing cooperation among their respective ministries of defense and armed forces, the United States of America supports the efforts of Estonia, Latvia, and Lithuania to provide for their legitimate defense needs, including development of appropriate and interoperable military forces.

The Partners welcome the establishment of the Baltic Security Assistance Group (BALTSEA) as an effective body for international coordination of security assistance to Estonia's, Latvia's and Lithuania's defense forces.

The Partners will cooperate further in the development and expansion of defense initiatives such as the Baltic Peacekeeping Battalion (BaltBat), the Baltic Squadron (Baltron), and the Baltic airspace management regime (BaltNet), which provide a tangible demonstration of practical cooperation enhancing the common security of Estonia, Latvia, and Lithuania, and the transatlantic community.

The Partners intend to continue mutually beneficial military cooperation and will maintain regular consultations, using the established Bilateral Working Group on Defense and Military Relations.

ECONOMIC COOPERATION

The Partners affirm their commitment to free market mechanisms as the best means to meet the material needs of their people.

The United States of America commends the substantial progress its Baltic Partners have made to implement economic reform and development and their transition to free market economies.

Estonia, Latvia, and Lithuania emphasize their intention to deepen their economic integration with Europe and the global economy, based on the principles of free movement of people, goods, capital and services.

Estonia, Latvia, and Lithuania underscore their commitment to continue market-oriented economic reforms and to express their resolve to achieve full integration into global economic bodies, such as the World Trade Organization (WTO) while creating conditions for smoothly acceding to the European Union.

Noting this objective, the United States of America will work to facilitate the integration of Estonia, Latvia and Lithuania with the world economy and appropriate international economic organizations, in particular the WTO and the Organization for Economic Cooperation and Development (OECD), on appropriate commercial terms.

The Partners will work individually and together to develop legal and financial conditions in their countries conducive to international investment. Estonia, Latvia, and Lithuania welcome U.S. investment in their economies.

The Partners will continue to strive for mutually advantageous economic relations building on the principles of equality and non-discrimination to create the conditions necessary for such cooperation.

The Partners will commerce regular consultations to further cooperation and provide for regular assessment of progress in the areas of economic development, trade, investment, and related fields. These consultations will be chaired at the appropriately high level.

Recognizing that combating international organized crime requires a multilateral effort, the partners agree to cooperate fully in the fight against this threat to the world economy and political stability. Estonia, Latvia, and Lithuania remain committed to developing sound legislation in this field and to enhance the implementation of this legislation through the strengthening of a fair and well-functioning judicial system.

THE U.S.-BALTIC RELATIONSHIP

In all of these spheres of common endeavor, the Partners, building on their shared history of friendship and cooperation, solemnly reaffirm their commitment to a rich and dynamic Baltic-American partnership for the 21st century.

The Partners view their partnership in the areas of political, economic, security, defense, cultural, and environmental affairs as contributing to closer ties between their people and facilitating the full integration of Estonia, Latvia and Lithuania into European and transatlantic structures.

In order to further strengthen these ties, the Partners will establish a Partnership Commission chaired at the appropriately high level to evaluate common efforts. This Commission will meet once a year or as needed to take stock of the Partnership, assess results of bilateral consultations on economic, military and other areas, and review progress achieved towards meeting the goals of this Charter.

In order to better reflect changes in the European and transatlantic political and security environment, signing Partners are committed regularly at the highest level to review this agreement.

Mr. BIDEN. Mr. President, it is signed by the President and the heads of state of Estonia, Lithuania, and Latvia in mid-January, as a commitment to a Europe that is whole and free, based upon Western values and Baltic integration into interlocking European and transatlantic security institutions.

The key language on NATO membership states:

> The United States of America welcomes the aspirations and supports the efforts of Estonia, Latvia, and Lithuania to join NATO. It affirms its view that NATO's partners can become members as each aspirant proves itself able and willing to assume the responsibilities and obligations of membership, and as NATO determines that inclusion of these nations would serve European stability and the strategic interests of the Alliance.

We said the same thing to the Russians and to every other country. I might add, by the way, when I say the President made the same commitment for theoretic membership of Russia in the alliance, people say, "Oh, my God, how can you say that?" I would like to take us back 40 years when NATO was contemplating debate on this floor. If someone would have said, "if the admission of Germany would enhance stability, we would invite them," they would have been looked at like they were crazy. Our goal is European stability, territorial integrity. I don't think the President's actions in fact——

Mr. WARNER. Madam President, if I might remind my colleague, we are having a colloquy, and he is responding to questions. I appreciate the enthusiasm.

I simply say, Madam President, that the Baltic charter—while it has a lot of verbiage in there, I never said it was a commitment. Let me tell you, Senator, with that, our President slipped the engagement ring on. I don't know how long it will come before that issue is squarely before this Chamber to the effect that now the time has come to admit those nations. If my good friend will look at the map of Europe, as he does, I think, on a daily basis, and see that arch from Poland down through Hungary, the Czech Republic, on down through the next nations to be admitted, Romania and Bulgaria, it's an arch. And just as the Iron Curtain was dropped in the late 1940s by the Soviet Union facing west, that ring of countries constitutes an iron ring now, encircling much of Russia.

Mr. MOYNIHAN. Would my distinguished friend yield for a question?

Mr. WARNER. This is a good debate, and I yield to the distinguished senior Senator from New York.

Mr. MOYNIHAN. My friend spoke of this arch dropping from Poland through Romania and Bulgaria.

Mr. WARNER. I have said, Madam President, an iron ring has now replaced the Iron Curtain. It flashed into my mind as I was debating with my distinguished colleague here that while the Iron Curtain faced west, the ring now faces east. I will deal with the Russian planners who have to look at this force that has moved now a border 400 miles east, with the accession of these three nations, closer to Russia. Every military planner has to look at that force and advise the Russian President today, tomorrow, and in the future, as to what the capabilities of that force are, no matter what the intentions may be. I will return to that.

I yield back to my colleague for a question.

Mr. MOYNIHAN. I wanted to respond to his wonderful, vivid image of an iron ring surrounding Central Europe and facing Russia. Would my friend not agree—and of course, he will agree because it is a fact of geography—that Russian territory will be within that ring? The simple fact that Poland will be in NATO means that Kaliningrad will border NATO though it is cut off from the rest of Russia. It is cut off, in any event, by Lithuania and Belarus, but I don't have to tell the former Secretary of the Navy that, other than Sebastopol in the Black Sea, the main port of what was the navy of the Soviet Union is in Kaliningrad. We may expand NATO beyond that. Surely that cannot but cause anxiety in Russia.

Mr. WARNER. Madam President, I thank my distinguished colleague. I think obviously history has to be in our rearview window as we look toward what we are about to do here in the Senate. I thank him for that very valuable contribution. I want to now turn to another question.

Mr. BIDEN. Will the Senator yield for 60 seconds?

I point out to my friend from New York that the border with Norway has been there for 50 years. And Norway is now providing aid and assistance to Russia. They seem to be getting on very well. It seems not to have caused all that big a problem.

Mr. MOYNIHAN. A tiny border on the Arctic sea.

Mr. BIDEN. A distinction.

Mr. MOYNIHAN. Not a Naval base in the Baltic.

Mr. WARNER. Madam President, I thank my colleague.

Now I proceed to another question to my colleague from Delaware.

Madam President, for some reason we have decided to go ahead. I am not here to argue on the question of timing. But one of the most valuable resources to this debate is the studies undertaken in the past by the NATO staff, and which are still being undertaken. NATO cannot tell us with certainty what the costs are going to be. They are going to issue another report in the June timeframe, long after this debate will be concluded and this body will have made its decision. But in the current NATO studies—again, they are all classified, so I can't bring them out. But I think without breaching any classification, I ask my good friend: These studies are predicated on a 10-year cost analysis and timeframe, but it is a period of 10 years that NATO is looking at for these three nations and the subject of this accession. It is 10 years before they can bring the level of their military professionalism, the level of their military interoperability—and for those following the debate, I would say that is so we can talk on the same radio and have commonalty among our weapons systems, command and control, and the like—10 years before that level will be brought up to the standards that will be acceptable to our NATO forces.

I say to my good friend: What are his estimates of the cost? What cost estimates is he now putting to this Chamber, to this U.S. Senate, on which we can rely with that degree of certainty as we undertake to commit the United States, in our military budget, to future costs associated with this expansion of three nations?

And, as a subset to my question, will he comment on France's statement to the effect that they will not bear any added costs associated with this expansion. Do I and do others interpret that as saying that we are paying—the United States of America today—26 percent of all the costs of NATO, and that that will be a further added cost to the American taxpayer occasioned by the sustaining of France and meeting whatever level of cost the Senator is about to exchange with us for the NATO expansion?

Mr. BIDEN. Madam President, I will attempt to respond. Please, I ask both my colleagues. I have a very good friend whose interest is more practical in academics, and every once in a while I will say, "Bob, do you understand what I am saying?" And he will look at me, and say, "JOE, I not only understand, I overstand." If I get into the "overstand" category, please let me know if I am overresponding to what you wish me to respond to.

But let me answer the French issue first. It is always difficult, as my friend knows, understanding what the French mean. But the short answer to his question is that France has changed its view. France has publicly now said that in fact it will now meet its share of the expansion cost.

Second, on the first question asked about target goals, I remind my friend of a little bit of history; that is, that it is important to note that Greece, Turkey, Germany, and Spain were admitted to NATO without any target force goal, and that no ally meets—including us—100 percent of the target force goal now, No. 1.

No. 2, to the extent that the three new applicants are committing to and fulfilling their targets in advance of accession is another demonstration that their commitment to the alliance and their capability to fulfill those target goals are, in fact, real. Poland has stated that it will fulfill all the target force goals that are due prior to accession. The Poles address the capabilities of NATO military authorities to determine what NATO military authorities have determined are necessary for new members. Of the additional target force goals over the planning period of 1999 to 2003, only a portion of them have target dates that are applicable prior to accession. Poland has also stated that it will complete all the remaining target goals; the other nations as well. And when you talk about the target goals, the Senator makes it sounds as though it will be 10 years before anything is done, 10 years before all of these things are met. Many of them will be met within the next 6 months; some will take as long as 10 years.

With regard to what number I am using in terms of the cost of enlargement, I am using the figure $40 million a year for the next 10 years. If you want me to elaborate on that, I will be happy to explain what I mean by how I arrive at that and why I think the figure that has been put forward by NATO is an accurate figure. But I do not want to take the time of my colleagues, if they wish to respond.

So I say to my friend, the figure that I am using is the figure of $40 million a year based upon a U.S. commitment of $400 million over 10 years. That reflects roughly a 25 percent burden sharing on our part for the costs of enlargement, the total cost being, over 10 years, roughly $1.5 billion. That is how I arrive at our cost. I will be happy, as I said, to go into detail on that if my friends would like me to.

Mr. WARNER. Madam President, I am sure there will be further debate. But I also point out that the Congressional Budget Office came up with a figure of $125 billion. The Senator is familiar with that. Of course, we recognize that embraces some other aspects of the cost, but, nevertheless, I think in fairness to all parties, we are handing out blank checks. That is in the words of my able colleague, Senator SMITH, who used that phrase first as we began to proceed on this thing.

Mr. BIDEN. Let the record reflect that I will not engage the Senator now, but I totally disagree with that argument and that statement that we are signing a "blank check." It is nowhere near a blank check. But I will be happy, again, to engage at the appropriate time.

Mr. WARNER. Madam President, I ask unanimous consent that two articles in today's Washington Post—one entitled "NATO Hopefuls Lag in Meeting Requirements" and the other entitled "Deciding NATO's Future Without Debate"—be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 18, 1998]

Deciding NATO's Future Without Debate

(By David S. Broder)

This week the United States Senate, which counts among its major accomplishments this year renaming Washington National Airport for former president Ronald Reagan and officially labeling Saddam Hussein a war criminal, takes up the matter of enlarging the 20th century's most successful military alliance, the North Atlantic Treaty Organization (NATO).

The Senate just spent two weeks arguing over how to slice up the pork in the $214 billion highway and mass transit bill. It will, if plans hold, spend only a few days on moving the NATO shield hundreds of miles eastward to include Poland, Hungary and the Czech Republic.

The reason is simple. As Sen. Connie Mack of Florida, the chairman of the Senate Republican Conference, told me while trying to herd reluctant senators into a closed-door discussion of the NATO issue one afternoon last week, "No one is interested in this home," so few of his colleagues think it worth much of their time.

It is a cliche to observe that since the Cold War ended, foreign policy has dropped to the bottom of voter's concerns. But, as two of the veteran senators who question the wisdom of NATO's expansion—Democrat Daniel Patrick Moynihan of New York and Republican John Warner of Virginia—remarked in separate interviews, serious consideration of treaties and military alliances once was considered what the Senate was for.

No longer. President Clinton's national security adviser, Sandy Berger, has pressed Majority Leader Trent Lott to get the NATO deal done before Clinton leaves Sunday on a trip to Africa. When Warner and others said the matter should be delayed until the Senate has time for a full-scale debate, Lott refused. He pointed out that a Senate delegation had joined Clinton at NATO summits in Paris and Madrid last year (no sacrifice being too great for our solons) and that there had been extensive committee hearings.

Wrapping the three former Soviet satellites in the warm embrace of NATO is an appealing notion to many senators, notwithstanding the acknowledgment by advocates that the Czech Republic and Hungary have a long way to go to bring their military forces up to NATO standards. As the date for ratification has approached, successive estimates of the costs to NATO have been shrinking magically, but the latest NATO estimate of $1.5 billion over the next decade is barely credible.

The administration, in the person of Secretary of State Madeleine Albright, has steadfastly refused to say what happens next if NATO starts moving eastward toward the border of Russia. "The door is open" to other countries with democratic governments and free markets, Albright says. The administration is fighting an effort by Warner and others to place a moratorium on admission of additional countries until it is known how well the first recruits are assimilated.

Moynihan points out that if the Baltic countries of Latvia, Estonia and Lithuania, which are panting for membership, are brought in, the United States and other signatories will have a solemn obligation to defend territory farther east than the westernmost border of Russia. He points to a Russian government strategy paper published last December saving the expansion of NATO inevitably means Russia will have to rely increasingly on nuclear weapons.

Moynihan and Warner are far from alone in raising alarms about the effect of NATO enlargement on U.S.-Russian relations. The Duma, Russia's parliament, on Jan. 23 passed a resolution calling NATO expansion the biggest threat to Russia since the end of World War II. The Duma has blocked ratification of the START II nuclear arms agreement signed in 1993 and approved by the Senate two year ago.

George Kennan, the elder statesman who half a century ago devised the fundamental strategy for "containment" of the Soviet Union, has called the enlargement of NATO a classic policy blunder. Former senator Sam Nunn of Georgia, until his retirement last year the Democrats' and the Senate's leading military authority, told me, "Russian cooperation in avoiding proliferation of weapons of mass destruction is our most important national security objective, and this [NATO expansion] makes them more suspicious and less cooperative . . . The administration's answers to this and other serious questions are what I consider to be platitudes."

Former senator Mark Hatfield of Oregon, for 30 years probably the wisest "dove" in that body, agrees, as do former ambassadors to Moscow and other Americans with close contacts in Russia.

To the extent this momentous step has been debated at all, it has taken place outside the hearing of the American people. Too had our busy Senate can't find time before it votes to let the public in on the argument.

[From the Washington Post]

NATO Hopefuls Lag in Meeting Requirements

(By Christine Spolar)

WARSAW, March 17.—As the U.S. Senate moves toward approving NATO expansion, the alliance's three prospective new members are quietly being told to step up basic revisions to their military forces such as English-language training of senior officers.

Diplomats and defense experts from Poland, Hungary and the Czech Republic acknowledge that since they were invited to join NATO last July their countries have fallen behind in key areas designed to ensure military compatibility with the West.

Training in English, NATO's standard operating language, is lagging in all three countries. Nearly nine years after the fall of communism in Eastern Europe, none of the three armies has more than a few hundred officers who have achieved a level of fluency in English acceptable to NATO.

In addition, interviews with politicians, analysts and military officers indicate each country is having trouble meeting or maintaining promised changes such as providing for adequate civilian control of their militaries, installing safeguards to protect NATO secrets and modernizing their air defense systems.

While the problems are not expected to derail NATO's plans to welcome the three former Soviet Bloc countries as new members next year, they have raised concerns about their ability to meet their commitments to the Western alliance.

"I know many of our politicians are lying to themselves and saying, 'They tell us we have to do these things but we probably have more time,'" said Jiri Payne, a member of the Czech Parliament and, until last year, a deputy defense minister. "My feeling is that people here still don't understand how much we need to change our system."

Poland, the largest NATO aspirant, has been vexed by a dearth of civilians who want to work at the Defense Ministry. The Czech Republic has yet to enact legislation to protect classified information and to define military pay ranks. Hungary has delayed required purchases of radar air defense systems in part because of bureaucratic inertia and in part to see whether NATO would pick up most of the tab.

"Militarily, we're not so behind," said Imre Mecs, head of the Hungarian parliament's defense committee. "What we're lagging behind in is language and mentality. The qualitative changes require a lot more work, a lot more money and a lot more energy. And you don't see the changes quickly."

Language training is a significant barometer to gauge how the three countries are doing as they prepare for NATO accession.

In assessing applications for membership last year, NATO settled on largely political criteria. Poland, Hungary and the Czech Republic were invited primarily because of the progress they had made in creating stable democracies and instituting market reforms.

None was expected to achieve overnight a level of force modernization on par with NATO standards. But they were asked to ensure that their armies were able to communicate with those of the alliance's 16 other members.

Over the past couple of years, each country received hundreds of thousands of dollars in U.S. aid for language labs, and support from Canada and Britain for classes or instruction.

Last fall, U.S. Assistant Secretary of Defense Franklin Kramer underscored the need for English training in testimony to the Senate Foreign Relations' Committee. "English language proficiency is a critical element of NATO inter-operability," he said, adding that Poland, the largest NATO aspirant, with 230,000 troops, expected to have 25 percent of its officers proficient in English by 1999.

Results so far suggest Poland will have difficulty meeting that target. It has about 60 officers who are considered fluent by NATO standards; it needs about 400 within the year, according to Foreign Minister Bronislaw Geremek.

Military officials in Hungary and the Czech Republic claim as many as 300 officers are fluent in English. Interviews with military instructors familiar with the training, however, indicate the total is about one-third to one-half that many. Hungary has yet to even implement NATO English-language testing standards.

Officials from all three countries claimed last year that between 1,200 and 1,500 of their soldiers speak English. Some officials said they revised their numbers downward after examining NATO standards.

Since the fall of communism, Poland has been cited as the best argument for NATO's eastward expansion because of its size and strategic location in the heart of Europe. Eighty percent of Poles supported joining the alliance. But within the military itself, the idea was a tougher sell.

Before a trip to Washington last month, Geremek said top NATO officials had been frank about Poland's need to improve officer language training and to appoint more civilians to key positions in the Defense Ministry.

"Civilian control means we should have civilians in this department," said one official in the Defense Ministry who asked not to be identified. "And we have a handful. With

> what we have, it's difficult to change attitudes and mentality."
>
> Lt. Gen. Ferenc Vegh, chief of Hungary's armed forces, said no former Warsaw Pact army finds the change easy. "It's clear what's supposed to be done," he said. "But of course we don't have enough civilians to fill the jobs."
>
> One Hungarian Defense Ministry official said that over the past six months he had offered jobs to at least 20 people. They all said no. They could earn four to five times more in the private sector, he said.

Mr. WARNER. I see our distinguished colleague, the senior Senator from New York, who has a corporate memory of affairs beyond this border of our great country, who is in the mold of that great Senator Vandenberg who said that "all politics stops at the water's edge"—am I not correct on that?—I am sure he can extol on that virtue, and I have subscribed to that theory.

PRIVILEGE OF THE FLOOR

Mr. BIDEN. Madam President, if the Senator will yield for a request, I ask unanimous consent that Mark Tauber, a State Department Pearson Fellow on my staff, be accorded floor privileges for the duration of the consideration of the Protocols to the North Atlantic Treaty of 1949 on Accession of Poland, Hungary, and the Czech Republic, Treaty Document 105–36.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. Madam President, I would like to first thank my friend from Virginia. We have reached across the aisle to collaborate on two amendments which we will offer at the appropriate time. Today we are engaged in just some preliminary observations.

I will begin with the current event of one of the more interesting aspects of life in Moscow at this moment, which is that it is in so many ways much more open than the United States. Their archives are open, and their national security plans are open. I do not doubt there are closed elements as well. But on December 17, the Russian Federation issued Presidential edict, No. 1300, entitled "The Russian National Security Blueprint."

This is the kind of document that we would not have gotten from Moscow in the past. We can think of the famous NSC–68, which was drafted early in 1950 and was so powerfully influential in our affairs for many years. NSC–68 remained secret for 30 years. By contrast, the Presidential edict, No. 1300, was published in Moscow's official gazette on December 26, 9 days after it was issued. It is a disturbing document; yet, in many ways it is an admirable one in the clarity with which it sets forth the exceptional difficulties facing the Russian Federation at this point. It speaks in its first paragraph that:

> The Russian Federation National Security Blueprint is a political document reflecting the aggregate of officially accepted views regarding the goals and state strategy in the sphere of assuring the security of the individual and the state from external and internal threats of a political, economic, social, military, manmade, ecological, informational, or other nature in the light of existing resources and potential.

It speaks of internal threats in the context of the convulsions that have occurred in that country within the past decade. The forces which played such a fundamental role in breaking up the Soviet Union and the Warsaw Pact. It is a sober assessment of the threats to Russian security.

Madam President, in this debate it should be recorded that the national security document, the guiding principles of the Russian Federation, states right up front:

> The prospect of NATO expansion to the east is unacceptable to Russia since it represents a threat to its national security.

That was drafted, or agreed to, on December 17 and published December 26. It is a formidable document and an extraordinarily candid one. It speaks to the ethnic problems, it speaks to the economic decline, it speaks to poverty, it speaks to unemployment, and it speaks to the nature of the Russian defense forces.

They acknowledge that large portions of their borders are undefended. They acknowledge that their traditional conventional weapons systems are deteriorated, if not in fact disfunctional. And they say—and this is the most difficult part—that they do have nuclear weapons and, if necessary, they will use them.

This is not the type of posture that we had hoped for, after the long arms control efforts from President Eisenhower's time to START II. I was one of the Senate observers to the START II talks and the present Russian Ambassador to the United States, who wrote a very important article recently in the Washington Post, was one of the negotiators then. With START, for the first time we agreed to build our nuclear forces down. Previous agreements had really legitimated the respective nations' plans to increase their nuclear forces. We reached that historic moment, and have been able to build on that important achievement. Since then, other historic treaties have also been achieved, allowing eminent Senators, such as the Senator from Delaware, to bring to this floor the Chemical Weapons Agreement, a very powerful, far-sighted document.

But now the Russian government says, under the circumstances, we have nothing left but nuclear weapons. We are in serious difficulty. The prospect of NATO expansion to the east is unacceptable. The term is "unacceptable." It is not a calculating document.

May I make this point twofold? I would like to go back just a bit. There is not one of us in this body who has not paid some heed to the affairs of the Soviet Union over time and the world of communism over time. Yet rather early on it began to occur to some of us that all was not well in that arrangement and that it was not going to remain permanent as was often presumed.

Just a short while ago, Arkady Shevchenko documented—and his obituary appeared in the principal national papers. Arkady Shevchenko was the second ranking official at the United Nations during the time when I had the honor to be our Permanent Representative to the United Nations. Shevchenko was a protege of Soviet Foreign Minister Andrei A. Gromyko. He was on anyone's short list to succeed Gromyko. He held one essentially attractive position after another. There he was, the Under Secretary General responsible for the Security Council, about as important a position as you will get in any diplomatic service and particularly in that of the Soviet Union.

Whilst I was at that post in New York, Shevchenko defected to the United States. It was a very closely held matter. He simply passed a note in a book in the General Assembly library, that he was thinking of defecting. He was a man at the top of his form. In the manner of the espionage craft, we established that he had defected and then left him in place for some two and one half years, where he remained in his position as Under Secretary General whilst providing us information.

In Moscow they began to sense something was the matter and they began to think a defector was in place. It even got to the point where the Soviet Ambassador here in Washington, Anatoly Dobrynin, another person of great stature in the Soviet system, came under suspicion as the source of the security leaks. Finally, they worked it out. That is not too hard. You give three messages to three different people and you see which one the United States gets. Shevchenko had to defect. He later moved to Washington, where I got to know him. I had known him somewhat at the United Nations, but I got to know him better here.

Madam President, I ask unanimous consent that the obituary for Arkady N. Shevchenko be printed in the RECORD, which is a way of saying goodbye to someone who chose democracy.

There being no objection, the obituary was ordered to be printed in the RECORD, as follows:

[From the New York Times, March 11, 1998]

ARKADY N. SHEVCHENKO, 67, A KEY SOVIET DEFECTOR, DIES

(By David Stout)

WASHINGTON, March 10—Arkady N. Shevchenko, who stunned the world two decades ago when he became the highest-ranking Soviet diplomat to defect to the United States, died on Feb. 28 in obscurity in his suburban home in Bethesda, Md. He was 67.

Mr. Shevchenko's death was announced in a brief statement by his church, St. John the Baptist Russian Orthodox Cathedral in Washington. By the time the world began to learn of his death today, he had been buried for three days.

Mr. Shevchenko's body was discovered in his home by a daughter, who had gone to check on her father when she could not reach him by telephone, the Montgomery County police said, adding that there was no sign of foul play.

The manner of his death could not have been in more stark contrast to the fanfare that greeted his defection to the United States in April 1978. His decision to stay in the United States and spurn his own country caused a major diplomatic dust-up: the Administration of President Carter was at that time engaged in sensitive disarmament talks with the Soviet Union and, as one American official put it at the time, "This is the last thing we need right now."

Mr. Shevchenko was Under Secretary General of the United Nations at that time, and apparently on course to have a brilliant career in the Government of the Soviet Union. He was a protégé of the stone-faced Soviet Foreign Minister, Andrei A. Gromyko, and some diplomatic observers thought he had a shot at one day succeeding his mentor.

As events would reveal, he was also a figure of contradictions, a man who wore different faces for different occasions and different people.

One West European diplomat at the United Nations called him "a faceless functionary" whose habit of poking harmless fun at Soviet officialdom did not detract from the fact that he was a hard-line, doctrinaire Communist with a built-in suspicion of all things Western.

Only a handful of people at the Central Intelligence Agency knew that Mr. Shevchenko had been providing information to the American Government for some two and a half years before his defection.

One C.I.A. official who did know was F. Mark Wyatt, who held various high posts in the C.I.A. before his retirement. His specialty was shepherding Soviet agents who wanted to help the United States.

"Arkady was a friend of mine," Mr. Wyatt said tonight. "I am grieved."

Mr. Wyatt and other C.I.A. officials agree that, while Mr. Shevchenko did not provide sensational details of secret weapons or war plans, he furnished valuable insights into the thinking of people at the highest level of the Soviet Government, many of whom he knew personally.

There really were people in the Kremlin who thought that the United States was controlled by a cabal of Wall Street capitalists in league with oafish Pentagon types with stars on their shoulders, he told his debriefers—first at a secret C.I.A. "safe house" on East 64th Street in Manhattan and, after his defection became public, in more relaxed settings in New York City and Washington.

Mr. Wyatt said he came to respect Mr. Shevchenko greatly, convinced that his decision to turn his back on his country was not based on greed but simply on his conviction, as an educated Soviet citizen, that the United States was a better place to live with a better system of government.

On the eve of his defection, Mr. Shevchenko told his aides he had to go back to the Soviet Union to visit his gravely ill mother-in-law. Instead, he had told a few Americans of his decision to abandon his country and his career. As Under Secretary General, he was second only to Kurt Waldheim at the United Nations.

"God, we got a big fish!" Mr. Wyatt recalls one C.I.A. colleague exclaiming at the time. Indeed, Mr. Shevchenko was considered the C.I.A.'s top trophy of the 1970's. An irony in the case was that one C.I.A. agent who debriefed him was Aldrich Ames, who would later betray the United States by selling secrets to the Soviets.

His first wife, Leongina, eventually committed suicide after returning to the Soviet Union. He later married an American, but she soon died of cancer, Mr. Wyatt said. Mr. Shevchenko is survived by his third wife, Natasha, a son and daughter and a stepdaughter.

In his first life, Arkady Nikolayevich Shevchenko, a native of Ukraine, studied at the Moscow State Institute of International Relations, earning a doctorate in 1954, two years before joining the Foreign Ministry.

His second life was more erratic. In 1978, a Washington call girl charged publicly that she had been paid by the C.I.A. to provide sex for him. The publicity was shattering to him, Mr. Wyatt recalled tonight.

But his book "Breaking With Moscow" (Knopf, 1985) brought him fame and prosperity, and earned money on the lecture circuit and as a consultant to research organizations.

Mr. Shevchenko complained at first that some of his C.I.A. handlers were insensitive to the trauma of defection. But he made peace with his new country and became an American citizen. "I was at the ceremony," Mr. Wyatt said. "He was very happy."

Mr. MOYNIHAN. Madam President, if I could say to my friend from Delaware, that is when I became convinced the Soviet Union would not last through the 20th century. When a person of Arkady N. Shevchenko stature defects, it means the system is not working. And it did not work. But when it came apart, there is a proposition in which Owen Harries, in a very fine article in The National Interest, cites British historian Martin Wight who observed that "Great Power status is lost, as it is won, by violence. A Great Power does not die in its bed."

Of all the extraordinary events of the 20th century, nothing is more important, more striking than the fact that the Soviet Union and that whole world empire died in bed. There was virtually no bloodshed. The only bloodshed that really took place occurred within the remaining Russian Federation, with its many different languages and regions, when you began to get things like Chechnya and the appearance of a Russian army that clearly was not capable of fairly elementary military operations.

I say that is a beleaguered and troubled society. And one that could have resisted, in the first instance, the Polish defection. They could have resisted others. They had an army; they had an air force; they had nuclear strategic and tactical weapons. They did not, Owen Harries argued—a man, I must say, of impeccable conservative credentials—that there was an implicit understanding that we would not take advantage of what the Soviet Union was allowing to happen to their empire. They gave up everything they had hoped for from 1917. They collapsed. And they recognized their failure.

Again, we had been picking up things like that in the mid-1970s. Murray Feshbach, a distinguished demographer here at the Bureau of the Census, noted that life expectancy for Soviet males was declining. It wasn't working. It was all a lie.

If I could relate one more event as a bit of an anecdote but not without some interest. Our distinguished Ambassador at the time has related it as well. In 1987, I was in Moscow on a mission of possible importance. It had to do with the infiltration of our new Embassy with listening devices and things like that. We were treated with great courtesy. We were presented a wreath at the tomb of the unknown soldier. We visited Lenin's tomb. We were shown Lenin's apartment. I was struck; behind Lenin's desk there were four bookshelves, two shelves of English books and two of French. Now, I expect they were put there for the delectation of George Bernard Shaw and Lady Astor in the 1930s, but still there they were. And I recognized that I had met three of those authors. I can not say I was intimate with them, but I had met them.

Two days later we called on Boris Yeltsin, who was then a candidate member of the politburo. This was August, and he had the duty to stay in town in August while the rest were off in the Crimean. To be friendly, I said, well, we were in Lenin's apartment looking over his books and I knew three of those people. Isn't that interesting? And it was very clear, as the U.N. Ambassador said, that Yeltsin had never heard of any of these authors and could care less; he hadn't read a book since he had left technical school. There was not a person left in the politburo who believed any of that.

I say to my friend from Delaware, Yeltsin said to me, "I know who you are. I know where you are from. And what I want to know is how am I supposed to run Moscow with 1929 rent controls?" This was the level of ideological discourse.

It was a sick society, wounded. It collapsed, died. And what is left is fragile, and they have just formally proclaimed both their vulnerability and their determination that if NATO is expanded, the no-first-use principle, which saved mankind in the 20th century, is over because all they have to defend themselves are nuclear weapons. It is a curiously ironic outcome that at the end of the cold war we might face a nuclear Armageddon.

I leave it there. I have nothing more to add at this moment.

But I ask, Madam President, if I might have excerpts printed from the Russian National Security Blueprint in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPTS FROM RUSSIAN NATIONAL SECURITY BLUEPRINT

(Moscow Rossiyskaya Gazeta in Russian, 26 Dec 97)

["Russian Federation National Security Blueprint" approved by Russian Federation presidential edict No. 1300 dated 17 December 1997]

[FBIS Translated Text] The Russian Federation National Security Blueprint (hereinafter the Blueprint) is a political document reflecting the aggregate of officially accepted views regarding goals and state strategy in the sphere of ensuring the security of the individual, society, and the state from external and internal threats of a political, economic, social, military, man-made [tekhnogenyy], ecological, informational, or other nature in the light of existing resources and potential.

The Blueprint formulates key directions and principles of state policy. The Blueprint is the basis for the elaboration of specific programs and organizational documents in the sphere of ensuring the national security of the Russian Federation.

1. RUSSIA WITHIN THE WORLD COMMUNITY

At present the situation in the international arena is characterized primarily by the strengthening of trends toward the formation of a multipolar world. This is manifested in the strengthening of the economic and political positions of a considerable number of states and their integration-oriented associations and in the improvement of mechanisms for multilateral control of international political, economic, financial, and informational processes. While military force factors retain their significance in international relations, economic, political, scientific and technical, ecological, and informational factors are playing an increasing role. At the same time international competition to secure natural, technological, and informational resources and markets is intensifying.

The formation of a multipolar world will be a lengthy process. Relapses into attempts to create a structure of international relations based on one-sided solutions of the key problems of world politics, including solutions based on military force, are still strong at the present stage of this process.

The growing gap between developed and developing countries will also affect the pace of and directions in the formation of a new structure of international relations.

The present period in the development of international relations opens up for the Russian Federation new opportunities to ensure its security, but entails a number of threats connected with the change in Russia's status within the world and the difficulties in carrying out internal reforms.

The preconditions for demilitarizing international relations and strengthening the role of law in settling disputed interstate problems have been created and the danger of direct aggression against the Russian Federation has decreased. All this opens up fundamentally new opportunities to mobilize resources to solve the country's internal problems.

There are prospects of broader integration of the Russian Federation with the world economy, including international credit and financial institutions—the International Monetary Fund, the International Bank for Reconstruction and Development, the European Bank for Reconstruction and Development. A trend toward increased cooperation between Russia and a number of CIS member states has emerged.

There has been an expansion in the commonality of Russia's interests with many states on problems of international security such as countering the proliferation of weapons of mass destruction, settling and preventing regional conflicts, countering international terrorism and the drugs business, and solving acute global ecological problems, including nuclear and radiation security. This significantly increases the opportunity to ensure Russia's national security by nonmilitary means—by means of legal treaty, political, economic, and other measures.

At the same time Russia's influence on resolving cardinal questions of international life which affect our state's interests has decreased significantly. In these conditions the desire of a number of states to weaken Russia's positions in the political, economic, and military spheres has increased.

The process of creating a model of general and all-embracing security for Europe on the basis of principles advanced in many respects on Russia's initiative entails considerable difficulties. The prospect of NATO expansion to the East is unacceptable to Russia since it represents a threat to its national security. Multilateral mechanisms for maintaining peace and security at both the global (United Nations) and regional (OSCE, CIS) levels are still insufficiently effective, which limits our potential when using such mechanisms to ensure Russia's national security interests by political and legal means. Russia is in a certain degree of isolation from the integration processes under way in the Asian and Pacific region. All this is unacceptable to it as an influential European-Asian power with national interests in Europe, the Near East, Central and South Asia, and the Asian and Pacific region.

The positive trends in the internal development of the state and society are still not stable enough. The main reason for this is the preservation of crisis phenomena in the Russian economy. Production has declined and its structure has deteriorated in comparison with the pre-reform period. Investment and innovation activity is declining. Russia is lagging increasingly far behind developed countries in terms of science and technology. Dependence on imports of food, consumer goods, equipment, and technologies is increasing. The external and internal state debt is growing. There is an exodus of skilled personnel form the sphere of material production and from the scientific sphere. The number of man-made emergencies is increasing. The property stratification of society is increasing, and the living standards of much of the population are declining. The level of crime and corruption is still high.

The country's economic, scientific, and demographic potential is declining. The markets and raw material infrastructure of Russian industry have shrunk. Despite the unprecedented increase in the share of GNP accounted for by foreign trade, Russia's integration with the world market often takes place on terms that are not to our country's advantage.

Social accord has not been achieved, and the process of establishing a unifying national idea that defines not only the philosophical basis but also the long-term goals of the development of multinational Russian society and the main ways and means of achieving them has not been completed.

The former defense system has been disrupted, and the creation of a new one is proceeding slowly. Long unprotected sections of the Russian Federation state border have appeared.

At the same time Russia has all the preconditions for maintaining and consolidating its position as a power capable of ensuring its people's prosperity and playing an important role in world processes. Russia possesses a considerable economic and scientific and technical potential which determines the country's capacity for stable development. It occupies a unique strategic position on the Eurasian continent and possesses considerable reserves of raw materials and resources. The main institutions of democratic statehood and a mixed economy have been established in the country. Measures are being taken to stabilize the economy and create the preconditions for production growth on the basis of the structural restructuring of industry. Russia is one of the biggest multinational states and has an age-old history and culture and its own national interests and traditions.

All these factors, bearing in mind that the Russian Federation has a powerful nuclear force potential, create the preconditions for ensuring reliable national security for the country in the 21st century.

II. RUSSIA'S NATIONAL INTERESTS

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The Russian Federation's national interests in the international sphere require the implementation of an active foreign policy course aimed at consolidating Russia's positions as a great power—one of the influential centers of the developing multipolar world. The main components of this course are: the formation on a voluntary basis of an integration-oriented association of CIS member states; the development of equal partnership with the other great powers—the centers of economic and military might; the development of international cooperation in combating transnational crime and terrorism; the strengthening of those mechanisms of collective management of world political and economic processes in which Russia plays an important role, and first and foremost the strengthening of the UN Security Council.

An undoubted priority in Russia's foreign policy course is and will remain activities to ensure the inviolability of borders and the territorial integrity of the state and to protect its constitutional system against possible encroachments by other states.

The realization of Russia's national interests in the international sphere is largely determined by the nature of relations with the leading powers and integration-oriented associations of the world community. The development of equal partnership relations with them accords with the Russian Federation's status and its foreign policy interests and is intended to strengthen global and regional security and create favorable conditions for our country's participation in world trade and in cooperation in the scientific-technical and credit and financial spheres.

* * * * *

III. THREATS TO THE NATIONAL SECURITY OF THE RUSSIAN FEDERATION

A geopolitical and international situation that is new to Russia, negative processes in the country's economy, the deterioration in interethnic relations, and the social polarization of Russian society create a direct threat to the country's national security.

The critical state of the economy is the main cause of the emergence of a threat to the Russian Federation's national security. This is manifested in the substantial reduction in production, the decline in investment and innovation, the destruction of scientific and technical potential, the stagnation of the agrarian sector, the disarray of the monetary and payments system, the reduction in the income side of the federal budget, and the growth of the state debt. An undoubted threat is posed by the increase in the share of the fuel and raw materials sector and the formation of an economic model based on the exportation of fuel and raw materials and the importation of equipment, food, and consumer goods, which could lead to the conquest of Russia's internal market by foreign firms.

These threatening phenomena are characterized by an increase in the exportation from Russia of foreign currency reserves and strategically important raw materials along with extremely inefficient or criminal utilization of the profits, an increase in the exodus of skilled personnel and intellectual property from Russia, uncontrolled outflow of capital, growth in the country's dependence on foreign producers of high-tech equipment, underdeveloped financial, organizational, and information support for Russian exports, and an irrational structure of imports.

The decline in the country's scientific and technical potential leads to Russia's loss of its leading positions in the world, a fall in the quality of research in strategically important areas of scientific-technical progress, the decay of high-tech production facilities, a decline in the technical standard of physical production, an increase in the probability of man-made disasters, Russia's becoming technologically dependent on the leading Western countries, and the undermining of the state's defense potential, and makes it hard to achieve a radical modernization of the national technological base.

A particular threat is created by the low level of large-scale investment in the Russian economy. The economic revival of Russia is impossible without major capital investments in the strategic spheres of the economy.

A threat to Russia's security in the social sphere, in consequence of the critical condition of the economy, is posed by the increase in the proportion of the population living below the poverty line, the stratification of society into a small group of rich citizens and the vast bulk of poorly-off citizens, and the escalation of social tension.

* * * * *

The negative processes in the economy exacerbate the centrifugal tendencies of Russian Federation components and lead to the growth of the threat of violation of the country's territorial integrity and the unity of its legal area.

The ethnic egotism, ethnocentrism, and chauvinism that are displayed in the activities of a number of ethnic social formations help to increase national separatism and create favorable conditions for the emergence of conflicts in this sphere. Apart from increasing political instability, this leads to the weakening of Russia's single economic area and its most important components—manufacturing, technological, and transportation links, and the financial, banking, credit, and tax systems.

The factors intensifying the threat of the growth of nationalism and national and regional separatism include mass migration and the uncontrolled reproduction of human resources in a number of regions of the country. The main reasons for this are the consequences of the USSR's breakup into national-territorial formations, the failures of nationalities policy and economic policy both in Russia and in the CIS states, and the spread and escalation of conflict situations based on national and ethnic grounds.

Other factors are the deliberate and purposeful interference by foreign states and international organizations in the internal life of Russia's peoples, and the weakening of the role of Russian as the state language of the Russian Federation.

* * * * *

The threat to the nation's physical health is perturbing. Its sources lie in virtually all spheres of the state's life and activity and are manifested most graphically in the critical state of the systems for health care and the population's social protection and in the rapid rise in the consumption of alcohol and narcotics.

The consequences of this profound systemic crisis are the drastic reduction in the birth rate and average life expectancy, the deterioration in people's health, the distortion of the demographic and social composition of society, the undermining of manpower resources as the basis for the development of production, and the weakening of the fundamental cell of society—the family.

This development of demographic processes is causing a reduction in society's spiritual, moral, and creative potential.

Threats to the Russian Federation's national security in the international sphere are manifested via the attempts of other states to counter Russia's consolidation as an influential center of the multipolar world that is taking shape. This is reflected in actions aimed at destroying the Russian Federation's territorial integrity, including actions involving the use of interethnic, religious, and other internal contradictions, and also in territorial claims involving allusions in individual cases to the lack of the precise registration of state borders in treaties. By their policy these states are seeking to reduce the Russian Federation's importance in the solution of key problems of the world community and in the activity of international organizations. As a whole this could lead to the limitation of Russia's influence, the infringement of its most important national interests, and the weakening of its positions in Europe, the Near East, the Transcaucasus, and Central Asia.

The threat of the emergence or aggravation in the CIS states of political, ethnic, and economic crises capable of delaying or destroying the integration process is acquiring special importance for our state. These countries' establishment as friendly, independent, stable, and democratic countries is extremely important to the Russian Federation.

Despite the positive changes in the world, threats to the Russian Federation's national security remain in the defense sphere. Considering the profound changes in the nature of the Russian Federation's relations with other leading powers, it can be concluded that the threat of large-scale aggression against Russia is virtually absent in the foreseeable future. At the same time we cannot rule out attempts at power rivalry with Russia. The most real threat to Russia in the defense sphere is posed by existing and potential hotbeds of local wars and armed conflicts close to its state border.

The proliferation of nuclear and other types of weapons of mass destruction and the technologies for their production and means of delivery poses a serious threat, primarily in countries adjacent to Russia or regions close to it.

At the same time the spectrum of threats connected with international terrorism, including with the possible use of nuclear and other types of weapons of mass destruction, is expanding.

The conservation or creation by major powers (and their coalitions) of powerful groups of armed forces in regions adjacent to Russia's territory remains a threat to Russia's national security in the defense sphere. Even when there are no aggressive intentions with regard to Russia, these groupings present a potential military danger.

NATO's expansion to the East and its transformation into a dominant military-political force in Europe create the threat of a new split in the continent which would be extremely dangerous given the preservation in Europe of mobile strike groupings of troops and nuclear weapons and also the inadequate effectiveness of multilateral mechanisms for maintaining peace.

The technological upsurge of a number of leading world powers and the buildup of their potential for creating new-generation arms and military equipment could lead to a qualitatively new stage in the development of the arms race.

Threats to the Russian Federation's national security in the defense sphere also lie in the incomplete nature of the process of the reform of the state's military organization, the continuing gulf between political aims and their implementation in military and military-technical policy, inadequate financing for national defense the lack of elaboration of modern approaches toward military organizational development, and the imperfection of its normative legal base.

At the present state this is manifested in the extremely acute nature of social problems in the Russian Federation Armed Forces and other troops and military formations and organs, the critically low level of operational and combat training of the troops (forces) and staffs, the intolerable decline in the level of provision of the troops (forces) with modern and promising types of weapons and military equipment and in general in the reduction of the state's potential for safeguarding the Russian Federation's security.

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IV. SAFEGUARDING THE RUSSIAN FEDERATION'S NATIONAL SECURITY

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The main aim of safeguarding the Russian Federation's national security is the creation and maintenance of an economic, political, international, and military-strategic position for the country which creates favorable conditions for the development of the individual, society, and state and rules out the danger of the weakening of the Russian Federation's role and importance as a subject of international law and the undermining of the state's ability to implement its national interests in the international arena.

The most important tasks for safeguarding the Russian Federation's national security are: the boosting of the country's economy and the pursuit of an independent and socially oriented economic course; the improvement of Russian Federation legislation, the consolidation of law and order and the sociopolitical stability of society, Russian statehood, federalism, and local self-management; the formation of harmonious interethnic relations; the safeguarding of Russia's international security through the establishment of equal partnership with the world's leading states; the consolidation of the state's security in the defense and information spheres; the safeguarding of the population's vital activity in a technogenically safe and environmentally clean world.

The basic principles for safeguarding the Russian Federation's national security are: the observance of the Russian Federation Constitution and Russian Federation legislation while implementing activity to safeguard national security; the unity, interconnection, and balance of all types of security and the alteration of their priority depending on the situation; the priority of political, economic, and information measures to safeguard national security; the feasibility (considering available resources, forces, and facilities) of the proposed tasks; the observance of norms of international law and Russian laws when implementing measures of an enforced nature (including those involving the use of military forces); the combination of centralized management of forces and facilities for safeguarding security with the transfer of some of the powers in this field, in accordance with Russia's federative structure, to the organs of state power of the Russian Federation components and the organs of local self-management.

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The implementation of the idea of national and social accord will enable our country to enter the new age as a power which has achieved economic and spiritual progress and enjoys a high growth potential based on democratic principles of state structure, internal harmony of social relations, and responsibility for the maintenance of global stability and stable development of panhuman civilization.

The strengthening of Russian statehood and the improvement and development of federalism and local self-government are most important tasks whose solution will lead to the ensuring of the Russian Federation's national security. The main objective in this sphere is to elaborate and implement a comprehensive approach toward the solution of legal, economic, social, and ethnopolitical problems while ensuring that the interests of the Russian Federation and its components are observed.

The implementation of the constitutional principle of people's power, under which the multiethnic people exercise their power both directly and through organs of state power and organs of local self-government, requires the ensuring of coordinated functioning and collaboration by all organs of state power, a rigid vertical structure of executive power, and unity of Russia's judicial system. This is ensured through the constitutional principle of the separation of powers, the introduction of a more clear-cut functional distribution of powers among state institutions, and the strengthening of Russia's federal structure by improving its treaty relations with Russian Federation components within the framework of their constitutional status.

The strengthening of Russian statehood presupposes the enhancement of the state's role in the basic spheres of social life, the improvement of Russian Federation legislation as the universal basis of state activity in the conditions of building a rule-of-law state, the ensuring of the supremacy of the Russian Federation Constitution and federal laws over other legal acts, the formation and development of organizational and legal mechanisms to prevent breaches of the laws, and the adoption and execution of state decisions in crisis situations.

The building of a rule-of-law depends largely on the correct definition and clarification of the extent of the responsibilities and powers of organs of state power, the specific categories and status of promulgated normative legal acts, the procedure for their amendment or repeal, the improvement of the mechanism and procedures for mutual relations between state and society, and the procedure for taking into account the interests of Russian Federation components.

The protection of Russian federalism includes purposeful activity to block any encroachments on the country's state integrity, the system of organs of state power, and the unity of Russia's legal area.

The main objective of the protection of Russian federalism is to prevent the transformation of federal relations into confederal ones.

The main avenues for the protection of Russian federalism are: ensuring the supremacy of federal legislation and, on this basis, improving the legislation of Russian Federation components; elaborating organizational and legal mechanisms to protect the state integrity, the unity of the legal area, and the national interests of Russia; developing and implementing a regional policy which ensures the best possible way of taking federal and regional interests into account; improving the mechanism for preventing the emergence of political parties and public associations pursuing separatist and anticonstitutional objectives and for blocking their activity; pursuing a considered and balanced nationalities policy.

The efforts of society and the state in the struggle against crime must be aimed at creating an effective counteraction system to ensure reliable protection of the interests of the individual, society, and the state.

The following tasks are paramount: to enhance the state's role as guarantor of national security and to create the legal basis necessary for this purpose and the mechanism for its application; to strengthen the system of law enforcement organs; to involve state organs, within the limits of their powers, in activity to prevent illegal actions.

Glasnost is the most important condition for a successful struggle against all manifestations of crime. Society is entitled to know about the decisions and measures adopted by organs of state power in this sphere. They must be open, specific, and comprehensible to all citizens, they must be preventive, they must ensure the equality of all before the law and the inevitability of punishment, and they must rely on society's support.

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A most important role in the preservation of traditional spiritual values is played by the activity of the Russian Orthodox Church and the churches of other confessions. At the same time, it is necessary to take into account the destructive role played by sundry religious sects which inflict considerable damage on Russian society's spiritual life and pose a direct threat to the life and health of Russia's citizens, and are often used as cover for illegal activities.

Society's spiritual rebirth is impossible without enhancing the role of the Russian language. Its proclamation as state language and the language of international contacts between the peoples of Russia and of CIS member states is a most important factor for unifying the people of multiethnic Russia.

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Russia will firmly and consistently honor its commitments in the sphere of reduction and elimination of weapons of mass destruction and conventional armaments, will implement measures to strengthen confidence and stability and to ensure international monitoring of deliveries of military technologies and dual-purpose technologies, and will assist in the creation of zones free from weapons of mass destruction.

The Russian Federation will also direct its efforts in ensuring national security in the foreign policy sphere into resolving problems of international and economic cooperation, first and foremost from the viewpoint of strengthening its position in international financial and economic organizations.

Ensuring the Russian Federation's national security in the defense sphere is a most important area of state activity and an object of constant public attention. The main aim of the practical activity of the state and society in this sphere is to improve the military organization of the Russian Federation in order to ensure the potential for an appropriate response to the threats that could arise in the 21st century, in conjunction with rational levels of expenditure on national defense.

The nature of these threats requires the clarification of the tasks of the Russian Federation Armed Forces and other troops, military formations, and organs, the optimization of their structure and composition, the expansion of their professional nucleus, and the improvement of the legal bases and planning mechanism for military organizational development and the formulation of up-to-date approaches to economic and financial support for it in the light of the need to form a collective security system within the CIS framework.

Russia does not seek to maintain parity in arms and armed forces with the leading states of the world, and is oriented toward the implementation of the principle of realistic deterrence, at the basis of which is the determination to make appropriate use of the available military might to avert aggression. In seeking to avert war and armed conflict, the Russian Federation gives preference to political, economic, and other nonmilitary means. However, until the nonuse of force becomes the norm in international relations, the Russian Federation's national interests require the existence of a military might sufficient for its defense.

The Russian Federation Armed Forces are the basis of the state's military organization. They play the main role in safeguarding the Russian Federation's national security by means of force.

The most important task for the Russian Federation Armed Forces is to ensure nuclear deterrence in the interests of preventing both nuclear and conventional large-scale or regional wars, and to implement alliance commitments.

In order to perform this task the Russian Federation must have nuclear forces with the potential to guarantee the infliction of the required damage on any aggressor state or coalition of states.

The protection of the state's national interests requires comprehensive counteraction of military threats on a regional and local scale. The Russian Federation Armed Forces in their peacetime combat composition should be capable of ensuring the reliable defense of the country against air and space attack and the performance of tasks to rebuff aggression in a local war, and of deploying a grouping of troops (forces) to perform tasks in a regional war. At the same time the Russian Federation Armed Forces must ensure the Russian Federation's implementation of peacekeeping activity both in its own right and within international organizations.

The interests of ensuring Russia's national security and the evolution of the geopolitical situation in the world predetermine, in certain circumstances, the need for Russia's military presence in certain strategically important regions of the world. The stationing of limited troop contingents (military bases) there on a treaty basis and on the principles of partnership should demonstrate the Russian Federation's readiness to fulfill its alliance commitments, promote the formation of a stable military-strategic balance of forces in the regions, and give the Russian Federation the potential to react to a crisis situation at the initial stages of its emergence.

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A most important area in ensuring the Russian Federation's national security in the defense sphere is the clarification and optimization of the tasks of the system of ensuring national security. In performing tasks in preventing and countering internal threats to the Russian Federation's national security, priority belongs to the Russian Federation Ministry of Internal Affairs, the Russian Federation Federal Security Service, and the Russian Federation Ministry for Civil Defense, Emergencies, and Natural Disasters, which must have the appropriate forces, resources, and organs capable of fulfilling specialized tasks.

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The Russian Federation examines the possibility of using military force to safeguard its national security on the basis of the following principles: Russia reserves the right to use all the forces and systems at its disposal, including nuclear weapons, if the unleashing of armed aggression results in a threat to the actual existence of the Russian Federation as an independent sovereign state; the utilization of the Russian Federation's Armed Forces must be effected in a decisive, consistent, and planned manner until conditions beneficial to the Russian Federation for the conclusions of peace are created; the utilization of military force must be effected on a legal basis and only when all nonmilitary measures for resolving the crisis situation have been exhausted or proved ineffective; the utilization of military force against civilians to achieve domestic political objectives is not permitted. At the same time, joint actions by individual formations of the Armed Forces and other troops, troop formations, and organs against illegal armed formations posing a threat to the national interests of the Russian Federation is permitted in accordance with the Russian Federation Constitution and federal laws; the participation of the Russian Federation Armed Forces in wars and conflicts of different intensity and scale must be effected in order to resolve priority military-political and military-strategic tasks meeting Russia's national interests and also its commitments as an ally.

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In current conditions of universal computerization and the development of information technology the significance of safeguarding the Russian Federation's national security in the information sphere is growing sharply.

The most important tasks here are: the establishment of the requisite balance between the need for the free exchange of information and permissible restrictions on its dissemination; the improvement of the informational structure, the acceleration of the development of new information technologies and their widespread utilization, and the standardization of systems for the retrieval, collection, storage, processing, and analysis of information taking account of Russia's becoming part of the global information infrastructure; the formulation of an appropriate statutory legal base and the coordination—with the Federal Government communications and Information Agency Under the Russian Federation President playing the leading role—of the activity of federal organs of state power and other organs resolving information security tasks; the development of the Russian telecommunications and information systems industry and the priority dissemination of these systems on the domestic market in comparison with foreign counterparts; the protection of state information assets [resurs], primarily in federal organs of state power and at defense complex enterprises;

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The Russian Federation intends to resolutely and firmly strengthen its national security on the basis of both historical experience and the positive experience of the country's democratic development. The legal democratic institutions that have been created, the structure of Russian Federation organs of state power that has become established, and the extensive participation of political parties and public associations in formulating the strategy for safeguarding national security make it possible to safeguard the Russian Federation's national security and progressive development in the 21st century.

As Russia continues to develop and a new system of international relations based on equal partnership is formed and strengthens, individual provisions of the Russian Federation National Security Blueprint will be augmented, clarified, and concretized in the Russian Federation president's annual messages to the Russian Federation Federal Assembly.

Mr. MOYNIHAN. May I finally thank my friend from Delaware for the civility with which this debate is taking place. If David Broder is watching, I am sure he is relieved—he wrote this morning that there are things more important than renaming airports—that this debate has commenced. And let it continue in this mode and we will see how it comes out.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. While the Senator from New York is in the Chamber—and I have said this privately but also sometimes it is worth saying in public—there quite literally is no one for whom I have greater respect than the Senator from New York. I think he is the single most erudite, single brightest and the single most informed person serving in the Senate. I must tell you only he has made me wonder even for a moment, after 5 months of debating this with myself, whether the resolution I have reached with expansion is correct. Only he has given me a twinge in his opposition. I mean that sincerely. He was kind enough, after meeting with some of our colleagues, to call me at my home a couple weeks ago and to sort of forewarn me—that was not the purpose of the call—but forewarn me that he may be settling on the position he has, and I made my plea over the phone with him. I kept him on the phone for about 15 minutes making my arguments why I thought we should expand. And I got off the phone, and I turned to my son, who knows of my admiration for the Senator, and I said, I have been around this place a long, long time. Here I am on the phone trying to—and I say this very respectfully—educate the most informed man I know about a position that I thought he was wrong on. I was certain of my assertions on the phone. And I hung up and I thought for a brief moment, if he thinks that way, I must be wrong. But I quickly overcame that, and I would just suggest that it is one of the rare occasions I have disagreed with the Senator. So it is not hard to be civil when you admire someone as much as I do the Senator. I promise I will not resort again to such personal references, but I mean it sincerely when I say to my friend that I listen to everything he has to say. I disagree with him on this.

I would make one comment—I know he has to leave the floor—and then I will yield the floor to my friend from Rhode Island, because I have had plenty of occasion to speak already today.

With regard to the document my friend references, it does reference expansion of NATO. But I would respectfully suggest that, like many times in human endeavors, the same conclusion would have been reached had expansion not been contemplated. I assert that the demise of the Soviet—I doubt whether my friend would disagree with me—the demise of not only the Soviet Union and the Soviet Army but the Russian military had nothing to do with the expansion of NATO.

Mr. MOYNIHAN. No.

Mr. BIDEN. And I would further argue, although I have not read the document, that if the document is complete, which it is asserted to be and I believe it to be, that the strategic judgment made to rely upon nuclear weapons was arrived at in the same way that NATO arrived at a similar judgment 30 years earlier when we concluded that we were not prepared or able to keep 40 or 50 or 60 divisions in Europe to meet a conventional attack by our Warsaw Pact enemies.

That is a long way of saying that, were we to announce that we were ceasing and desisting from an effort to expand NATO at this moment and went on record, the strategic planners in Moscow, in my view, would be compelled to reach the conclusion that they reached in the document that was posited on the Senate floor for the RECORD today.

I do not in any way underestimate the impact of damaged psyches on national policy. I do not in any way, in any sense, underestimate that feelings of isolation on the part of the Russian military, the Russians, might produce an extension of a position that otherwise would have been reached anyway. But I would conclude by saying I do not believe that the strategic document that the Senator spoke to today is as a consequence—notwithstanding that it mentions the expansion of NATO—of the talk of expanding with the inclusion of Hungary, the Czech Republic, and Poland into NATO.

But my friend from Rhode Island has another urgent meeting he wishes to attend. I am happy to yield the floor.

Mr. MOYNIHAN. I, too, yield.

The PRESIDING OFFICER (Mr. FAIRCLOTH). The Chair recognizes the distinguished Senator from Rhode Island.

UNANIMOUS-CONSENT AGREEMENT

Mr. CHAFEE. Mr. President, I ask unanimous consent the treaty be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification.

The PRESIDING OFFICER. Without objection, it is so ordered. The treaty will be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification, which the clerk will report.

The assistant legislative clerk read as follows:

Resolved, two-thirds of the Senators——

Mr. CHAFEE. Mr. President, I ask unanimous consent that the reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the Resolution of Ratification is printed in the March 6, 1998 edition of the RECORD.)

UNANIMOUS-CONSENT AGREEMENT—H.R. 2646

Mr. CHAFEE. Mr. President, these are requests I am making on behalf of the leadership. I can only assume they have been agreed to by the minority.

Mr. President, as in legislative session, I ask unanimous consent that the cloture votes with respect to the education A+ bill occur beginning at 5:45 p.m. on Thursday, March 19.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, on behalf of the leader, I want to remind all my colleagues that, under rule XXII, all first-degree amendments must be filed at the desk by 1 p.m. tomorrow and second-degree amendments must be filed by 4:45 tomorrow in order to qualify under the "timely filed" requirement postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROTOCOLS TO THE NORTH ATLANTIC TREATY OF 1949 ON ACCESSION OF POLAND, HUNGARY, AND THE CZECH REPUBLIC

The Senate continued with the consideration of the treaty.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from the great State of Maryland.

Ms. MIKULSKI. Mr. President, I wish to speak on NATO enlargement and wish to consume such time as necessary.

The PRESIDING OFFICER. The Senator is recognized.

Ms. MIKULSKI. Mr. President, this is a truly historic occasion. Today the Senate begins debate on the ratification of NATO enlargement. By ratifying this treaty, we are building an undivided, peaceful, and democratic Europe for the new millennium. I stand here to support NATO enlargement because it will make Europe more stable and America more secure. It means that the new democracies of Central and Eastern Europe will share the burden of European security.

It also means that future generations of Americans might not have to fight nor die for Europe. America has fought and won three wars in Europe: World War I, when an assassination in Yugoslavia led to years of bloodshed; World War II, the bloodiest war in history when thousands of Americans left factories and farms to fight on the battlefields of Europe; and we won the cold war, when Soviet expansionism forced us to prepare to defend Western Europe when the captive nations of Eastern Europe were forced behind the Iron Curtain.

If NATO does not enlarge, the Iron Curtain will remain permanent and the unnatural division of Europe will live on longer than the Soviet empire did. As a Polish American, I and members of my family have been waiting years for this debate to occur. I know that the Polish people did not choose to live behind the Iron Curtain. They were forced there by the Yalta agreement, by Potsdam, and because they and the Baltic States and the other captive nations were sold out by the free world.

My great grandmother had three pictures on her mantlepiece: One of Pope Pius XII, because we were Catholic and are Catholic, and that was her Pope; my uncle Joe, who was on the Baltimore City Police Department, and we were so proud of what he had achieved; and the other picture, of Franklin Delano Roosevelt, because of what he had done for working people.

But after Yalta and Potsdam, my great grandmother turned the Roosevelt picture face down on her mantel and she let it stay there until the day she died because of what happened at Yalta and Potsdam. That is why many of us cannot forget the history of that region, the placing of a nation and the other nations, the captive nations, involuntarily under the servitude and boot heel of then the evil empire.

But my support for NATO enlargement is not based on nostalgia, nor is it based on the past; it is based on the future, and it is support as an American. I support NATO enlargement because I believe that it will make America and Europe more stable and more secure. NATO enlargement means a future in which the newly free and democratic countries will take their rightful places as members of Europe. NATO played an important role in securing this freedom. It has been the most successful defense alliance in world history. It is an alliance that helped us win the cold war. It deterred war between the superpowers, and it has helped prevent confrontation between member states.

But if NATO is to survive, it must adapt to meet the needs of the post-cold-war world or it will become irrelevant.

NATO has evolved since it was created in 1949. We have enlarged NATO on three different occasions, and each new member strengthened NATO and increased security in Europe.

Today, we are facing very different threats to security and stability in Europe. We have civil wars, as in Bosnia; we have hot spots caused by ethnic and regional tensions, as in Kosovo; we have international crime, drugs, and terrorism; and we have the very real threat of the spread of weapons of mass destruction. NATO must meet the needs of these new threats, and I believe it will do so by changing and expanding. Europe's new democracies will help us meet these challenges.

The countries of Central and Eastern Europe want to help us address these new threats. How many times have we in the Senate discussed burdensharing in Europe? How often have we complained that European countries were not willing to pay their fair share for the European defense?

Now we have countries that are asking to share the burden. They are asking to pledge their troops and equipment for the common defense. They are asking to share the burden of peacekeeping. In fact, they are doing it right now in Bosnia, where there are thousands of troops from Poland, Hungary, and the Czech Republic. Mr. President, Hungary is a base camp for our troops which enables them to be in Bosnia. These new nations have even committed to joining us in Iraq to help us deal with ending Iraq's chemical and biological weapons program, which is more than some of our allies.

These countries are not asking for a handout; they are asking for a handshake, a handshake to welcome them into NATO. They are not asking for our protection; they are asking to be full partners in the new Europe and in the new world order. By transforming these countries into free-market democracies, they have earned this right. These new democracies will contribute to America's security by making NATO stronger. They are adding troops and equipment. They will provide additional strategic depth to NATO.

They will also provide the will to fight for our values. Their history and geography make them passionate defenders of peace and democracy. They know what it means to be occupied and oppressed by tyrants. During the 19th century, Poland was partitioned among three countries. At the end of World War I, she had a very brief moment of democracy, and yet this is the nation that sent its own men to help fight in our war of revolution, went back to Poland and wrote the first parliamentary constitution on European continental soil, had an elected monarchy, and began to establish a parliament when many of the other countries had not even been unified.

When we look at Poland, Hungary, and the Czech Republic, in the days after Yalta and Potsdam, they rose with gallantry in terms of their dissident movement. We know about Charter 77. We, of course, know about Solidarity, and we know the role that dissidents played. In fact, the three foreign ministers who came here each had been in prison and even had suffered public humiliation at being dissidents in their own country.

What do they say when they come here and come to NATO? They say they will put our common values into action. They will join with us in defending national security and our Western values, whether it means peacekeeping in Europe or preventing the spread of weapons of mass destruction anywhere in the world. They are ready for us. I hope we are ready for them.

Opponents of NATO have very valid concerns, and I would like to comment on just a few.

First, opponents of enlargement point to the cost. They say that NATO enlargement has a cost, and they are right. The new NATO members must modernize their militaries and must make them compatible with the NATO systems. The new NATO members have committed to pay this price.

There will also be a cost to the United States. Our funding of NATO's common budget will increase. NATO estimates that the total common budget will increase $1.5 billion over 10 years. The American share will be $400 million, or $80 million a year. That is a lot.

But, Mr. President, what is the cost of not enlarging NATO? I believe the cost of not enlarging NATO will be far higher. What if we fail to enlarge NATO? What will be the cost to European security? What will be the cost to the new democracies of Eastern Europe? I can tell you, as a member of the Senate NATO observer group, I met recently with the foreign ministers of Poland, Hungary, and the Czech Republic, and I asked them these questions.

The Polish Foreign Minister Bronislaw Geremek, a hero of the Solidarity movement, said Poland would feel abandoned by the West and that Poland would still pay to modernize their military. In fact, in the absence of belonging to NATO, they would spend even more of their own money. The Hungarian and Czech Foreign Ministers agree that they would have to spend more money for defense if they did not join NATO. Also, they would form their own military alliances, which would be very decidedly more anti-Russian than NATO.

The other foreign ministers said that by refusing to enlarge NATO, it would give the hardliners in Russia a great victory. The antidemocratic forces in Russia would feel vindicated and proud and would say that they themselves stopped the expansion of NATO.

What would be the long-range cost to America of failing to prepare NATO for the 21st century? The cost would be instability in Europe and the increased chance of being pulled into yet another conflict. The cost of preventive security is always less than the cost of war.

I also will take a minute to discuss the benefits of enlargement and weigh them against the cost.

The strategic benefits of enlargement are important. NATO enlargement will create a zone of peace and stability that includes Eastern Europe. It will include NATO's stabilizing influence to more of Europe and reduce the chance of aggression or conflict in Eastern Europe. Enlargement will bring peace and security for Eastern Europe just as it did for the West.

There are economic benefits. Europe is America's largest trading partner, with $250 billion in a two-way trade each year. Our new NATO partners will increase trade opportunities. They are building vibrant free-market economies. NATO brings stability, and stability brings prosperity. We are creating a prosperity zone.

In addition, there are benefits for democracy. The young military officers of new NATO members are learning from us, learning what it means to be part of a democratic military, to be under civilian control, to have a code of conduct, also to have transparent defense spending budgets, no secret police. They are also learning English. When they leave the military, they will bring these skills. They will bring a sense of democracy. They will bring great skills to the operation of their free market. It is clear these benefits of NATO enlargement far outweigh the cost.

Let me conclude by saying this treaty is very important, and treaty ratification is one of our most fundamental duties. We are extending our Nation's commitment to the collective defense. We do not take this responsibility lightly. We are extending our Nation's commitment to collective defense, the so-called article 5. We do not take this responsibility lightly, and in the very best tradition of the Senate, we are addressing NATO enlargement as a national security issue, not as a political issue.

I am delighted and proud to say that NATO enlargement has been a bipartisan process. I remember when we began this debate some years ago with the really wonderful leadership of Senator Hank Brown of Colorado. It has truly been supported by members of both parties. We have worked closely with the President and Secretary Albright, and the Senate has been consulted every step of the way. I am proud to support NATO enlargement. By ratifying this resolution, we are marking the end of the cold war and we are also marking the beginning of a new century. We want the new century to be rid of the repugnance of the old century. We are laying the groundwork for a new era of peace and stability.

Mr. President, before I yield the floor, I note on the floor is a distinguished war hero, my colleague from the State of Arizona. I was not here yesterday to lend my wonderful tribute to him on the anniversary of his release from a prison camp. I extend my great respect to the senior Senator from Arizona.

When I visited Vietnam, I saw where they had taken the Senator prisoner. Obviously, he is a guy who will never let himself be taken prisoner. It is an honor to serve with him in the Senate and to enjoy these kinds of debates and discussions. God bless. Godspeed. Mr. President, I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the distinguished senior Senator from Arizona.

Mr. McCAIN. I thank you, Mr. President. I say to my dear friend from Maryland, with whom I have had the pleasure and honor of working on a number of other foreign policy issues, the Senator from Maryland and I were heavily involved with the issue of Central America when there was a struggle for freedom and democracy going on there. Due to her efforts and those of so many of us who have been involved in these issues, we now have a brighter day in Central America.

What the Senator from Maryland just articulated is a brighter day for the people of the Czech Republic, Hungary, and Poland. I thank her for her remarks about me personally, but I express my even greater gratitude for her continued leadership on issues of national security and foreign policy in this body, for which she has accumulated enormous respect and appreciation, as well as a fair amount of affection. I thank the Senator from Maryland.

I rise today to discuss the issue of NATO enlargement about which this body must vote in the near future. I would like to stress three points: That NATO enlargement is demanded by our American values; that it is in the strategic interests of the United States;

and that efforts to delay a decision or to mandate policy on other European security issues through amendments to the resolution of ratification are unnecessary and potentially dangerous. These points were made very eloquently by our former majority leader, Senator Bob Dole, in an op-ed published today.

Mr. President, I ask unanimous consent that Senator Dole's article that was published today in the Washington Times be printed in the RECORD.

There being no objection, the op-ed was ordered to be printed in the RECORD, as follows:

[From the Washington Times]

NATO TEST OF U.S. LEADERSHIP

(By Bob Dole)

For decades, the United States urged communist leaders to "tear down the Wall." Within the past 10 years, the people of Eastern Europe have embraced liberty and undertaken major reforms in their economies and governments. Now the United States Senate should take the next step toward ensuring freedom and democracy for the people of Poland, the Czech Republic and Hungary by ratifying the NATO enlargement treaty and inviting them to join us in NATO.

American leadership on NATO enlargement is important to our security as well as to the security of Eastern Europe.

At the Madrid Summit last July, President Clinton and the other NATO leaders unanimously decided to invite Poland, Hungary and the Czech Republic to become members of the alliance, culminating years of efforts by these countries to meet NATO's strict entry criteria. Last week, under the bipartisan leadership of Sen. Jesse Helms, North Carolina Republican, and Sen. Joe Biden, Delaware Democrat, the Senate Foreign Relations Committee overwhelmingly endorsed NATO accession legislation by a vote of 16-2. I hope the full Senate will follow suit without delay.

Two world wars began in Europe, and strife in Bosnia continues today. Expanding NATO to include Poland, Hungary and the Czech Republic will help ensure that new threats, such as ethnic struggles and state-sponsored terrorism, will be kept in check.

During the half-century that NATO has helped guarantee peace in Europe, it has added new members three times, including Germany, Greece, Turkey and Spain. Each addition made the Alliance stronger and increased its military capability. Affirming the military importance of NATO enlargement, 60 top retired U.S. officers—including Colin Powell and four other former chairmen of the Joint Chiefs of Staff, nine former service branch chiefs, and top combat leaders such as Gen. Norman Schwarzkopf—recently signaled their support of NATO enlargement. Their statement emphasized that the admission of Poland, Hungary and the Czech Republic will enhance NATO's ability to deter or defend against security challenges of the future.

What these military leaders and many other Americans understand is that no free nation has ever initiated a war against another democracy. Integrating the military, economic and political structures of the Europe's newest stable democracies into the NATO alliance will help ensure that this remains true in the 21st century.

Let me take the opportunity to address four major concerns that critics have raised in this debate. First, some senators have engaged in a last-minute effort to postpone consideration of the NATO accession legislation. But members of both parties and both houses of Congress have already thoroughly examined questions surrounding NATO enlargement. The Senate Foreign Relations Committee alone has held eight hearings with more than 37 witnesses, resulting in 550 pages of testimony. The case has been made: NATO enlargement is in the interest of the United States. It is time to make it a reality.

Second, other critics in the Senate have suggested placing conditions on NATO expansion, thereby "freezing" enlargement for an arbitrary number of years. Like the administration, I oppose any effort in the Senate to mandate an artificial pause in the process. Such a move would send the wrong message to countries in both the East and the West, closing the door on current and potential new allies—and perhaps tying the hands of a future president.

Furthermore, freezing NATO's membership would create a destabilizing new dividing line in Europe. Currently, non-member European nations cooperate extensively with NATO through the Partnership for Peace Program. But if nations believe the ultimate goal of NATO membership is unattainable, any incentive to continue democratic reform will be substantially diminished.

The alliance's open door commitment, which has been supported by the United States, has been an unqualified success. The prospect of NATO membership has given Central European countries a strong incentive to cooperate with the alliance, strengthen civilian control of the military, and resolve longstanding border disputes. All of these advance U.S. interests. It would be a mistake to abandon a policy that is clearly achieving its objectives.

Third, some argue that NATO enlargement has hurt or will hurt cooperation with Russia, or may even strengthen the hand of hardline Russian nationalists. This has not been borne out by the facts. Since the NATO enlargement process began, President Boris Yeltsin has been re-elected and many reformers have been elevated within the Russian government. Mr. Yeltsin pledged at the 1997 Helsinki summit to press for ratification of START II and to pursue a START III accord. The Duma also ratified the Chemical Weapons Convention and President Yeltsin signed the NATO-Russia Founding Act, creating a new, constructive relationship with the West.

The world has changed. The debate over NATO expansion cannot be recast as an extension of the Cold War. I believe imposing a mandated pause in NATO's engagement would appear to give Russia a veto over NATO's internal decisions, contrary to NATO's stated policy, and would strengthen Russian extremists by enabling them to claim that their scare-tactic objections swayed the world's most powerful military alliance.

And last, some skeptics would rather allow the European Union (EU) to take the lead in building Central and Eastern Europe's economic and security structure. But with due respect, NATO, not the EU, is the cornerstone of European security, which is vital to our own.

As the Senate considers this legislation to allow Poland, Hungary and the Czech Republic to complete their journey from communist dictatorship to NATO membership, we should consider the words of Czech President Vaclav Havel:

"The Alliance should urgently remind itself that it is first and foremost an instrument of democracy intended to defend mutually held and created political and spiritual values. It must see itself not as a pact of nations against a more or less obvious enemy, but as a guarantor of EuroAmerican civilization and thus as a pillar of global security."

NATO protected Western Europe as it rebuilt its war-torn political and economic systems. With Senate approval of NATO enlargement, it can, and should, provide similar security to our allies in Central and Eastern Europe as they re-enter the community of free nations.

This is no time to postpone or delay action. It is time to act so that other NATO member countries can move ahead with ratification knowing the United States is leading the way.

Mr. McCAIN. First, Mr. President, the morals and values we share as Americans—protecting and promoting human freedom and democracy—strongly point toward bringing Hungary, the Czech Republic, and Poland into NATO.

For centuries, these territories were fully integrated with the development of modern Europe—politically, economically, militarily, culturally, and psychologically. But these countries were unnaturally cut off from the West in 1945 by the Iron Curtain that was slammed down by the occupying Soviet Red Army. The close ties to the West of over a thousand years had been broken.

The people of Central Europe suffered horribly under communism. Their political and economic development was shattered. Arbitrary rule under a police state undermined normal relations within society. Citizens were pressured to inform on one another. Political prisoners were held and tortured simply for demanding freedom.

Let us be clear, these countries were forced into communism against their will by an occupying power. In each country—Hungary in 1956, Czechoslovakia in 1968, Poland in 1981—freedom-seeking citizens sought to break free from the grip of Soviet-imposed communism, and, as we know, they were ruthlessly put down. While the United States and NATO staunchly defended freedom in the West, we could do little in the East other than offer our moral support, because the risk of nuclear war was too great.

After decades of oppression, when the Soviet Union itself began to decline, the people of these three countries again showed tremendous courage and determination by seizing the opportunity to throw off the yoke of communism. Hungary cut through the barbed wire on the Austrian border and allowed East German refugees to escape to freedom. Vaclav Havel's peaceful protests ushered out one of the most repressive Communist regimes in Central Europe through the "velvet revolution" of 1989. The Solidarity movement finally pushed the generals and commissars out of power.

In all three countries, communism was peacefully dismantled and replaced with parliamentary democracy and free markets. All three countries are now thriving, both politically and economically. Individual rights and freedoms are protected in both theory and in practice. Institutions that guarantee the rule of law are firmly entrenched.

These three countries now seek our help in securing their newfound freedom for membership in NATO—just as was done with Western Europe after World War II. While there is no immediate military threat, the Poles, Czechs, and Hungarians know from bitter experience that they cannot afford to wait until a new threat emerges to protect their freedom.

Protecting freedom was the beacon of our policy in Europe during the cold war. It would be an incomprehensible tragedy for us to abandon that stance now when the opportunities for freedom in Central Europe are greater than ever and the risks are far lower than at any time during the cold war.

Second, beyond any moral arguments, NATO enlargement serves strategic interests of the United States. The national security of our country still depends on a stable and secure Europe where democracy and free markets can flourish. This was the lesson from two world wars and the reason we created NATO in the first place.

Today, the U.S. economy is more tightly tied to the rest of the world than it was in 1949. Thus, America's well-being depends more than ever on an environment of stable market democracies. NATO remains the only organization capable of guaranteeing security and protecting democracy in Europe.

Enlarging NATO will prevent the emergence of a security vacuum in Central Europe. Absent NATO, the states of this region would have no choice but to remain anxious about historical animosities and worry of a resurgent Russia. They would be forced to seek security through national means—creating the possibility of diverging military and security strategies and raising the risk of miscalculation.

NATO enlargement guarantees that there is a single, constructive focus to security and stability in Europe—West, Central, and East. Taking prudent steps now—enlarging NATO gradually to include these new democracies—will reduce the likelihood of a conflict that might later involve the United States.

More than just filling a vacuum, NATO enlargement will ensure that the security environment in Europe remains conducive to U.S. interests, and it will strengthen and expand our base of support in Europe. Ratification will enlarge the secure, democratic, prosperous space in Europe where countries share our values and can act as meaningful partners for the United States, helping promote democracy, free markets, and security beyond the bounds of NATO Europe itself.

Europe has already changed, and NATO enlargement is necessary to adjust to these changes. Not ratifying enlargement at this stage would isolate NATO from the fundamental political and economic changes that are reshaping the continent. A stagnant NATO would be relegated to the "dustbin of history," something the Soviet Union sought and failed to achieve during the cold war.

Equally distressing, failure to ratify enlargement would undercut U.S. leadership in Europe, with consequences well beyond NATO itself. We would not only be demonstrating that we are no longer prepared to play the leading role in European security, a role that has served our common interests well for 50 years, but we would be undermining the only meaningful organization in Europe where the U.S. has a seat at the table.

Moreover, voting against ratification would deliver to hardline Russian nationalists the victory they failed to achieve through threats and intimidation over the past several years. Reformers, who argue that cooperation with the West is the only way to serve the interests of modern Russia, would be proved wrong. Instead, our action would demonstrate that confrontation, not cooperation, is the most effective policy for Russia.

Mr. President, an extraordinary array of the most senior foreign policy and military leaders of this Nation have spoken out in support of NATO enlargement, including former President Bush, two former Vice Presidents, eight former Secretaries of State, six former Secretaries of Defense, five former National Security Advisors, five former Chairmen of the Joint Chiefs of Staff, nine former Chiefs of the Military Services, and some 60 retired four-star generals.

Mr. President, I ask that their declaration of support for NATO enlargement be printed in the RECORD and that the list of names be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A DECLARATION OF SUPPORT FOR NATO ENLARGEMENT

The Senate is faced with a historic opportunity—to extend NATO membership to Poland, Hungary, and the Czech Republic. The outcome of this vote will in large measure determine the future of the NATO alliance and whether it will continue to be a vital force for peace and stability in the Europe of the 21st century.

We believe that NATO has been the most effective military alliance in history. It was the centerpiece of the strategy that kept Europe secure and free during the darkest days of the Cold War. Under its protection, Western Europe recovered from the devastation of World War II to enjoy 50 years of increasing stability, prosperity, and freedom. Now, in an expanded NATO, Poland, Hungary, and the Czech Republic can enjoy similar success.

The situation in Europe is very different than during the Cold War. But the need for NATO remains. The admission of Poland, Hungary, and the Czech Republic will make for a stronger NATO. It will strengthen NATO's ability to help Europe set aside old quarrels and overcome a long history of conflict and war. It will eliminate a source of instability that contributed to two World Wars and could again become a source of confrontation and even conflict. It will enhance NATO's ability to deter or defend against the security challenges of the future.

The admission of these three countries into NATO is not directed against Russia. Rather it is directed toward the stability of Europe—stability that will benefit Russia as much as anyone, and will ultimately facilitate a closer relationship between Russia and the United States.

We believe that the cost of bringing these three countries into NATO is manageable especially when compared to the potential cost of not doing so—a Europe moving not toward stability and peace but toward instability and contention.

We believe that Poland, Hungary, and the Czech Republic will make a useful contribution to our common security. They already possess credible military capability and are engaged in adapting their armed forces to the standards of the NATO alliance. They have shown a willingness to participate in collective defense by their contributions during the Gulf War and the Yugoslav crisis. Because of their histories, these nations know that freedom is not free. They take security seriously. They will make good allies.

The upcoming Senate vote is fundamentally a test of whether the United States will stay engaged in the Europe of the 21st century. Since the end of World War II, our nation has expended enormous effort to build a Europe of free and democratic states at peace with one another. For the first time there is a realistic possibility of achieving this goal. Now is not the time to turn our back on this great project.

The lessons of history are clear. Two World Wars and one Cold one have established beyond question that American security and European security are inseparable. In the aftermath of World War I, America turned its back on Europe, only to have America's sons and daughters pay the price a generation later. We cannot afford to make that mistake again.

The creation of NATO in 1949 took foresight and determination to do what was right. Today, the stakes are just as high. We urge the Senate to reaffirm American engagement in Europe by ratifying the admission of Poland, Hungary, and the Czech Republic to NATO—to secure the peace, security, and prosperity on which we all depend.

General Joe Ashy, USAF (Ret), Former CINCUSSPACE/CINCNORAD.

General George S. Blanchard, USA (Ret), Former CINC, USAREUR COMCENTAG.

General Walter E. Boomer, USMC (Ret), Former Assistant Commandant, USMC.

General Michael P.C. Carns, USAF (Ret), Former Vice Chief of Staff of the Air Force.

General W.L. Creech, USAF (Ret), Former CINCAFLANT.

Admiral William J. Crowe, USN (Ret), Former Chairman, Joint Chiefs of Staff.

General James Dalton, USAF (Ret) Former Chief of Staff, SHAPE.

General Mike Dugan, USAF (Ret), Former Chief of Staff of the Air Force, COMAAFCE.

Admiral Leon Edney, USN (Ret), Former SACLANT.

General Ronald Fogleman, USAF (Ret), Former Chief of Staff of the Air Force.

General Al Gray, USMC (Ret), Former Commandant of the Marine Corps.

General Alfred G. Hansen, USAF (Ret), Former AFLC Commander.

General Monroe Hatch, USAF (Ret), Former Vice Chief of Staff of the Air Force.

General Charles A. Horner, USAF (Ret), Former CINCSPACE/NORAD.

General Andrew P. Iosue, USAF (Ret), Former ATC Commander.

Admiral David E. Jeremiah, USN (Ret), Former Vice Chairman, Joint Chiefs of Staff.

General David Jones, USAF (Ret), Former Chairman, Joint Chiefs of Staff.

General George Joulwan, USA (Ret), Former SACEUR.

General P.X. Kelley, USMC (Ret), Former Commandmant of the Marine Corps.

Admiral Frank B. Kelso, USN (Ret), Former Chief of Naval Operations, SACLANT.

General William L. Kirk, USAF (Ret), Former CINCUSAFE/COMAAFCE.

General Frederick Kroesen, USA (Ret), Former CINC US Army Europe.

General William Livsey, USA (Ret), Former CINC Combined/UN FORCES KOREA.

General John Michael Loh, USAF (Ret), Former Commander, Air Combat Command.

General David M. Maddox, USA (Ret), Former CINC USAREUR.

General Robert T. Marsh, USAF (Ret), Former Commander, AFSC.

General James P. McCarthy, USAF (Ret), Former DCINCEUR.

General Charles McDonald, USAF (Ret), Former AFLC Commander.

General Merrill A. McPeak, USAF (Ret), Former Chief of Staff of the Air Force.

General Jack N. Merritt, USA (Ret), Former U.S. Representative to NATO Military Committee.

General James P. Mullins, USAF (Ret), Former AFLC Commander.

General Carl Mundy, USMC (Ret), Former Commandant, U.S. Marine Corps.

General Wallace Nutting, USA (Ret), Former USCINCRED.

LTC William E. Odom, USA (Ret), Former Director, NSA.

General Glenn K. Otis, USA (Ret), Former CINC US Army Europe.

Admiral William Owens USN (Ret), Former Vice Chairman, Joint Chiefs of Staff.

General Binford Peay, USA (Ret), Former CINC, U.S. Central Command.

General Colin L. Powell, USA (Ret), Former Chairman, Joint Chiefs of Staff.

General Bernard P. Randolph, USAF (Ret), Former Commander, AF Systems Command.

General Robert H. Reed, USAF (Ret), Former Chief of Staff, SHAPE.

General Robert W. RisCassi, USA (Ret), Former VCSA/CINC UNC/USFK.

General Bernard W. Rogers, USA (Ret), Former Army Chief of Staff and SACEUR.

LTG Edward L. Rowny, USA (Ret), Former Special Advisor on Arms Control.

General Crosbie E. Saint, USA (Ret), Former CINC USAREUR.

General H. Norman Schwarzkopf, USA (Ret), Former CINC Central Command & Operation Desert Storm.

General Robert W. Sennewald, USA (Ret), Former CINC Combined/UN FORCES KOREA.

General John Shalikashvili, USA (Ret), Former Chairman, Joint Chiefs of Staff.

General John Shaud, USAF (Ret), Former Chief of Staff, SHAPE.

General John J. Sheehan, USMC (Ret), Former SACLANT/CINC, USACOM.

Admiral Leighton Smith, USN (Ret), Former CINC US Naval Forces Europe.

General Carl Stiner, USA (Ret), Former US CINC, Special Operations Command.

Admiral William Studeman, USN (Ret), Former Deputy Director, Central Intelligence.

General Gordon Sullivan, USA (Ret), Former Chief of Staff of the Army.

General John W. Vessey, USA (Ret), Former Chairman, Joint Chiefs of Staff.

General Carl E. Vuono, USA (Ret), Former Chief of Staff of the Army.

General Volney Warner, USA (Ret), Former CINC, US Readiness Command.

General Larry D. Welch, USAF (Ret), Former Air force Chief of Staff.

General J.J. Went, USMC (Ret), Former Assistant Commandant, USMC.

General Ronald W. Yates, USAF (Ret), Former Commander, AF Materiel Command.

Admiral Elmo R. Zumwalt, Jr., USN (Ret), Former Chief of Naval Operations and Member of Joint Chiefs of Staff.

THE NEW ATLANTIC INITIATIVE STATEMENT ON NATO ENLARGEMENT

(Presented by Richard Holbrooke, Jeane Kirkpatrick, Anthony Lake and Paul Wolfowitz at the Andrew Mellon Auditorium, September 9, 1997)

The New Atlantic Initiative, an international network dedicated to revitalizing and expanding Atlantic ties, released the following statement in support of NATO enlargement on September 9, 1997. The statement was released by Richard Holbrooke, Jeane Kirkpatrick, Anthony Lake, and Paul Wolfowitz at the Andrew Mellon Auditorium, where the original North Atlantic Treaty was signed in April 1949.

NATO was the bulwark of America's successful Cold War strategy of containment. Largely due to NATO, Europe has enjoyed more than fifty years without war among its major powers, the longest such period in modern history.

NATO succeeded not only by providing a shield against aggression from without but also by helping to knit together a community of democracies in which old quarrels faded, the civic culture of democracy sank deep roots, and market economies prospered.

In part because of NATO's success, the Cold War has ended, and with it NATO's original mission. Its larger purpose of ensuring peace and freedom in Europe and the Atlantic region endures. To continue to fulfill this purpose NATO is adapting to an undivided Europe. NATO is no longer an anti-Soviet alliance; nor should it engage in the self-fulfilling prophecy of pre-selecting new enemies. Rather it is defining itself in more positive terms: as an alliance aiming to promote peace and stability in the Atlantic region, devoted to the spread and consolidation of democratic ways in Europe, and capable of protecting Western interests against such future threats as may emerge. At bottom, NATO remains a mutual defense pact, and this solemn commitment gives all of its acts a weight and seriousness that distinguish it from other international organizations.

Crucial to this process of adaptation is NATO's willingness to admit new members able to meet meaningful criteria of democracy and military effort. Otherwise it will remain a relic of the Cold War of diminishing relevance to the contemporary world. Admission to NATO will consolidate democratic transitions, and the prospect of admission will spur reform and the resolution of disputes, as indeed has already happened. In addition, NATO has made clear its desire to develop cooperative security relations among all of the states of the Euro-Atlantic region including Russia. Czech President Vaclav Havel has put it: "NATO expansion should be perceived as a continuous process, in which the nations of Central and Eastern Europe mature toward the meaning, values and goals of the enlarged and revived alliance."

To those who say that the nations of central Europe face no threat today, we say that the most likely way to preserve this situation, which has been all too rare, is to extend NATO to that region. To those who say that the addition of these new members will somehow dilute NATO, we say that Poland, Hungary and the Czech Republic, where freedom is dearly cherished having been so recently won, will add strength to NATO. To those who say that expanding NATO will draw new lines in Europe, we say that it will erase old lines, relics of a bitter time, and that NATO's openness to additional accessions means that new lines are not in fact being drawn. To those who worry that Russia will feel threatened, we emphasize that NATO is a defensive alliance that threatens no one and extends a hand of cooperation to Russia.

The decision on NATO expansion is of historic importance. The stakes are high. The issue is clear. Admitting Poland, Hungary and the Czech Republic into NATO will strengthen the alliance, reinforce new democracies, renew the American commitment to Europe, and reaffirm American leadership. To turn back now would be a tragic mistake.

SIGNERS TO NEW ATLANTIC INITIATIVE NATO ENLARGEMENT STATEMENT

(Organizational affiliation given for identification purposes only. Views reflected in the statement are endorsed by the individual, not the institution.)

Richard V. Allen, Former National Security Advisor.

Morris B. Abram, Chairman, United Nations Watch, Former Permanent Representative of the U.S. to the United Nations office in Geneva.

Elliott Abrams, President, Ethics & Public Policy Center, Former Assistant Secretary of State.

David M. Abshire, Former U.S. Ambassador to NATO.

Michael H. Armacost, President, The Brookings Institution, Former Undersecretary of State.

Richard Armitage, President, Armitage Associates L.C. Former Assistant Secretary of Defense.

Bernard Aronson, Chairman, Acon Investments, Former Assistant Secretary of State.

Norman R. Augustine, Chairman, Lockheed Martin Corp., Former Undersecretary of the Army.

James A. Baker, III, Former Secretary of State.

Mira Baratta, Vice President for Programs, Freedom House.

Dennis Bark, Senior Fellow, Hoover Institute.

Michael D. Barnes, Partner, Hogan & Hartson, Former Member of Congress.

Douglas J. Bennet, President, Wesleyan University, Former Administrator, USAID.

Lucy Wilson Benson, President, Benson Associates, Former Undersecretary of State.

Jeffrey T. Bergner, President, Bergner, Bockorny, Clough & Brain.

Coit D. Blacker, Senior Fellow, Institute for International Studies, Stanford University.

J. Kenneth Blackwell, Treasurer, State of Ohio, Former U.S. Ambassador to the UNHRC.

John Bolton, Senior Vice President, American Enterprise Institute, Former Assistant Secretary of State.

David L. Boren, President, University of Oklahoma, Former U.S. Senator.

Zbigniew Brzezinski, Former National Security Advisor.

Richard Burt, Chairman, IEP Advisors, Inc., Former U.S. Ambassador to Germany.

Frank C. Carlucci, III, Former Secretary of Defense.

Ashton B. Carter, Ford Foundation Professor, JFK School of Government, Harvard University, Former Assistant Secretary of Defense.

Hodding Carter, Knight Professor of Journalism, University of Maryland, Former Assistant Secretary of State.

Richard Cheney, Former Secretary of Defense.

Warren Christopher, Former Secretary of State.

Clark M. Clifford, Former Secretary of Defense.

Chester A. Crocker, Research Professor for Diplomacy, School of Foreign Service, Georgetown University.

Ivo H. Daalder, Associate Professor, School of Public Affairs, University of Maryland.

Arnaud de Borchgrave, Senior Advisor, CSIS.

Dennis DeConcini, Former U.S. Senator.

Midge Decter, Author.

James Denton, Executive Director, Freedom House.

I.M. Destler, Professor and Director, Center for International and Security Studies, University of Maryland.

Paula J. Dobriansky, Vice President, Director of Washington Office, Council on Foreign Relations.

Bob Dole, Former U.S. Senator.

Pierre S. DuPont, Former Governor of Delaware.

Lawrence Eagleburger, Former Secretary of State.

J.J. Exon, Former U.S. Senator.

Dante B. Fascell, Partner, Holland & Knight, LLP Former Member of Congress.

Douglas J. Feith, Managing Attorney, Feith & Zell, P.C.

Sandra Feldman, President, American Federation of Teachers.

Francis Fukuyama, Hirst Professor of Public Policy, George Mason University.

Evan G. Galbraith, Chairman of the Board, LVMH Inc., Former U.S. Ambassador to France.

Richard N. Gardner, OF Counsel, Morgan, Lewis & Bockius, Former U.S. Ambassador to Italy.

Charles Gati, Senior Vice President, Interinvest.

Jeffrey Gedmin, Executive Director, New Atlantic Initiative Research Fellow, American Enterprise Institute.

Gary L. Geipel, Senior Fellow, Hudson Institute.

David C. Gompert, Professor, U.S. Naval Academy, Former Senior Director for European and Eurasian Affairs, National Security Council.

Stephen J. Hadley, Shea & Gardner, Former Assistant Secretary of Defense.

Alexander M. Haig, Jr., Former Secretary of State.

Edward T. Hanley, General President, Hotel Employees and Restaurant Employees International Union.

Marshall Freeman Harris, Director of Publications and Public Outreach, Freedom House.

Carla A. Hills, Chairman and CEO, Hills & Company, Former U.S. Trade Representative.

Richard Holbrooke, Vice Chairman, Credit Suisse First Boston, Former Assistant Secretary of State.

Walter D. Huddleston, Former U.S. Senator.

Samuel Huntington, Weatherhead University Professor, Harvard University.

Kenneth Jensen, Executive Director, The American Committees on Foreign Relations.

John T. Joyce, President, International Union of Bricklayers and Allied Craftworkers.

Robert Kagan, Senior Associate, Carnegie Endowment for International Peace.

Max M. Kampelman, Chairman, American Academy of Diplomacy, Former Counselor, U.S. Department of State.

Adrian Karatnycky, President, Freedom House.

P.X. Kelley, Gen. USMC (ret.), Former Commandant of the U.S. Marine Corps.

Jack Kemp, Co-director, Empower America, Former Member of Congress.

Zalmay M. Khalizhad, Director, Strategy and Doctrine Program, RAND Corporation.

Lane Kirkland, President Emeritus, AFL–CIO.

Jeane Kirkpatrick, Former U.S. Ambassador to the United Nations.

Henry Kissinger, Former Secretary of State.

William Kristol, Editor, The Weekly Standard.

Melvin Laird, Former Secretary of Defense.

Anthony Lake, Professor, Georgetown University, Former National Security Advisor.

F. Stephen Larabee, Senior Staff Member, RAND Corporation.

Arnold G. Langbo, Chairman of the Board/CEO, Kellogg Company.

Ronald S. Lauder, Chairman, Central European Media Enterprises Ltd.

Michael Ledeen, Resident Scholar, American Enterprise Institute.

I. Lewis Libby, Partner, Dechert, Price & Rhoads, Former Principal Undersecretary of Defense.

Robert J. Lieber, Professor of Government, Georgetown University.

Seymour Martin Lipset, Hazel Professor of Public Policy, George Mason University.

Bette Bao Lord, Chairwoman, Freedom House.

Winston Lord, Former Assistant Secretary of State.

Will Marshall, President, Progressive Policy Institute.

Paul McCracken, Professor Emeritus, University of Michigan Business School, Former Chairman, Council of Economic Advisors.

Dave McCurdy, Chairman, McCurdy Group, Former Member of Congress.

Robert C. McFarlane, Former National Security Advisor.

John Melcher, Former U.S. Senator.

Walter Mondale, Former Vice President of the United States.

John E. Moon, Commander in Chief, Veterans of Foreign Wars of the United States.

Joshua Muravchik, Convenor, New Atlantic Initiative Working Group on NATO Enlargement, Resident Scholar, American Enterprise Institute.

Michael Nacht, Former Assistant Director, U.S. ACDA.

Matthew Nimetz, Partner, Paul, Weiss, Rukind, Wharton & Garrison, Former Undersecretary of State.

James J. Norton, President, Graphic Communications International Union.

Michael Novak, George Frederick Jewett Scholar in Religion, American Enterprise Institute, Former U.S. Ambassador to the UNHRC.

William E. Odom, Ltg. USA (ret.), Director, National Security Studies, Hudson Institute, Former Director, National Security Agency.

Daniel Oliver, Former Chairman, Federal Trade Commission.

John O'Sullivan, Founder and Co-chairman, New Atlantic Initiative, Editor, National Review.

William A. Owens, President, COO, Vice Chairman of the Board, Science Applications International Corporation.

Charles Percy, Chairman, Charles Percy & Associates, Former U.S. Senator.

Richard Perle, Resident Fellow, American Enterprise Institute, Former Assistant Secretary of Defense.

William Perry, Former Secretary of Defense.

Daniel Pipes, Editor, Middle East Quarterly.

Norman Podhoretz, Editor-at-large, Commentary Magazine, Senior Fellow, Hudson Institute.

Colin Powell, Former Chairman of the Joint Chiefs of Staff; Former National Security Advisor.

Dan Quayle, Former Vice President of the United States.

David Rockefeller, Retired banker.

Peter Rodman, Director of National Security Programs, Nixon Center for Peace and Freedom, Former Director, Policy Planning Staff, U.S. Department of State.

William Rogers, Former Secretary of State.

Henry S. Rowen, Senior Fellow, Hoover Institution, Former Assistant Secretary of Defense.

Edward L. Rowny, Ltg. USA (ret.), Former Chief U.S. Negotiator to START talks.

Donald Rumsfeld, Former Secretary of Defense.

Jeffrey D. Sachs, Director, Harvard Institute for International Development.

Jeffrey T. Salmon.

George Shultz, Former Secretary of State.

Dmitri K. Simes, President, Nixon Center for Peace and Freedom.

Paul Simon, Former U.S. Senator.

Alan Simpson, Former U.S. Senator.

Joseph J. Sisco, Former Undersecretary of State.

Leon Sloss, President, Leon Sloss Associates.

Stephen Solarz, President, Solarz Associates, Former Member of Congress.

Helmut Sonnenfeldt, Guest Scholar, The Brookings Institution, Former Counsellor, U.S. Department of State.

Fritz Stern, University Professor Emeritus, Columbia University.

Robert S. Strauss, Akin, Gump, Strauss, Hauer & Feld, Former U.S. Ambassador to Russia.

William O. Studeman, Adm. USN (ret.) Former Deputy Director of Central Intelligence.

Stephen Szabo, Academic Dean, Johns Hopkins SAIS.

Gregory F. Treverton, Director, International Security and Defense Policy, RAND Corporation, Former Vice Chairman, National Intelligence Council.

Cyrus R. Vance, Former Secretary of State.

Stephen W. Walker, Director, Balkan Institute.

Ben J. Wattenberg, Senior Fellow, American Enterprise Institute.

Vin Weber, Partner, Clark & Weinstock, Former Member of Congress.

William H. Webster, Former Director of Central Intelligence.

George Weigel, Senior Fellow, Ethics and Public Policy Center.

W. Bruce Weinrod, Former Deputy Assistant Secretary of Defense.

Ross Williams, President, Secretary/Treasurer, Oklahoma State AFL–CIO.

Paul Wolfowitz, Dean, Johns Hopkins SAIS, Former Undersecretary of Defense.

Ronald B. Woodard, President, Boeing Commercial Airplane Group.

R. James Woolsey, Former Director of Central Intelligence.

Dov S. Zakheim, CEO, SPC International Corporation.

Robert B. Zoellick, Vice President, Fannie Mae, Former Undersecretary of State.

E.R. Zumwalt, Jr., Adm. U.S.N. (Ret.), Former Chief of Naval Operations.

Mr. McCAIN. Third, Mr. President, because of the moral and strategic interests we have in NATO enlargement, it would be a grave mistake to endanger ratification by delay or by using amendments to the resolution of ratification to mandate specific policies on other separate European security issues.

Some of our colleagues have argued for making ratification contingent on certain other matters of European security policy. I believe the enlargement of NATO warrants our support without further condition.

The protocols on enlarging NATO are short, simple documents that do nothing more than extend the existing NATO treaty, in effect for nearly 50 years, to Poland, the Czech Republic, and Hungary. The protocols say nothing about further enlargement, Russia, costs, the changing role of the alliance, the EU, or intra-alliance disputes. Past rounds of enlargement have gone forward with little or no conditions attached.

There is something to be said for knowing this historical precedent as it demonstrates the nonpartisan U.S. commitment to NATO, the European security, and to being a reliable partner, setting the kind of example we want our allies to follow on this and many other matters.

Imagine our reaction if the parliament of one of our allies were to attach conditions to NATO enlargement that we would find unacceptable—for example, restricting use of NATO designated forces in strikes against Iraq.

To the extent conditions are attached, they must be of a nature so as not to impede or slow down the ratification of NATO enlargement, here or in other Allied capitals. There are many complicated issues at stake in European security that demand our attention, but these issues cannot and should not be solved through hurried words in the resolution of ratification.

We risk doing more harm than good by mandating simplified solutions to problems where there is need for more thoughtful consideration and where there is no consensus within this body or among our country's foremost experts. This applies in particular to questions about NATO's "new missions" and the alliance's strategic concept. Clearly, we need to pay close attention to NATO's growing out-of-area role and its greater emphasis on peacekeeping and crisis management.

In today's world, no longer dominated by an East-West divide in Europe, these new directions of NATO make sense. Rather than seeking to use a resolution of ratification to restrict development of these concepts in NATO, we simply need to continue to do our job in the Senate of exercising oversight to ensure that NATO's evolving strategic concept remains consistent with our treaty commitments and that the United States does not commit to foreign military engagements that do not have sufficient support in the Senate and among the American public.

I do not see the logic in a mandated pause before future rounds of enlargement. It is scarcely necessary, given there will be a de facto pause as the alliance absorbs the first round of new members. The United States always maintains a veto at NATO, and the Senate always has the right of advice and consent. All a pause would do is needlessly tie our own hands and those of a future President in the event a qualified country that could make a real contribution to NATO wanted to join. Even worse, it would eliminate the incentive other Europeans have to spend now the resources necessary to prepare for NATO membership in the future. A mandated pause buys us nothing we do not already have, yet has real down sides.

Burdensharing is an issue of constant concern and debate with our allies. It is a long-term struggle for this country to ensure that we bear only a reasonable and fair share of the costs of our common security through NATO. Enlargement itself already implies a small reduction in the U.S. share of NATO's common expenses, although the total dollar amount will go up as NATO takes on new costs associated with enlargement. But seeking to use the resolution of ratification to mandate further reductions in our share of NATO expenses that have not been consented to by our allies is simply another way to try to scuttle enlargement.

I also fail to see the logic of tying NATO enlargement to decisions by the European Union about its enlargement. Security is an issue in its own right, independent of economics, and we need to fill the security vacuum in Central Europe, bind these countries to the West, and guarantee a stable environment in Europe regardless of the state of European Union enlargement.

Moreover, the European Union is dragging its feet on enlargement. We should not allow this foot-dragging to delay our taking action to enhance security in Europe. The U.S. is not a member of the EU and has almost no influence over its membership decisions. There is no reason for the U.S. to abdicate to the EU the decisions about which countries we will end up defending through NATO and when.

Finally, the EU is negotiating with six candidates for future EU expansion. Three of these countries are the same as the three NATO invitees, but the others include countries such as Cyprus and Estonia for whom near-term NATO membership would be problematic.

In my view, the resolution of ratification, as currently drafted, addresses most of the concerns that Senators have raised in a responsible and thoughtful manner. It does not impose any unacceptable conditions. It calls for a reaffirmation from the administration on a few key points—the primacy of the North Atlantic Council vis-a-vis the NATO-Russia Permanent Joint Council; the maintenance of collective defense, not collective security and out-of-area missions, as the core mission of NATO; and the requirement to keep the costs of enlargement under control and shared equitably among the allies. These are sound policy positions soundly formulated. Neither the administration nor our allies should have any difficulty supporting them.

Mr. President, there is no reason to delay bringing this issue to a vote. This issue has received more attention in the Senate and in public discussion than most other foreign policy issues in recent memory. The proliferation of op-eds, articles, studies, think-tank papers, and conference proceedings is astonishing.

Over the past several years, the Senate has on 14 separate occasions, through unanimous consent resolutions, voice votes, rollcall votes, on things such as the NATO Enlargement Facilitation Act, repeatedly given a strong endorsement to NATO enlargement. We even urged the administration to include one more country in the enlargement talks that was ultimately invited at Madrid.

Several Senate committees have held hearings on NATO enlargement. The Foreign Relations Committee has held numerous hearings and published 552 pages of testimony about the issue. This level of attention has been the most extensive of any previous enlargement of NATO. Ratification of Spain's membership was done by a voice vote. To say that there has not been enough debate is to say that no amount of debate will ever be enough.

The complaints that there has not been sufficient debate—often coupled with a request to postpone such debate—instead seem like an effort by opponents of enlargement to scuttle the issue because they know a majority in the Senate has considered the issue and is prepared to vote in favor.

The issues before us are clear and well defined. For the moral, strategic, and practical reasons I have outlined, the most important thing the Senate can do now is to offer an overwhelming, positive "yes" vote on the enlargement of NATO—without crippling amendments—to bring these countries back into the Western fold forever. I urge my colleagues to support the current resolution of ratification with no further amendments.

Mr. President, I thank the majority leader. I thank his staff and others who have contributed enormously to this effort. I want to thank Senator BIDEN and I want to thank Senator HELMS for their efforts. Without their work, we probably would not have gotten this issue to the floor. The majority leader has committed on this issue, and I appreciate his leadership.

But I also cannot help but recall, Mr. President, our former majority leader, Bob Dole, whose op-ed piece appeared in the Washington Times today. I will not take the time in the Senate to read the whole thing, but Senator Dole sums up where he says—and I quote—

> This is no time to postpone or delay action. It is time to act so that other NATO member countries can move ahead with ratification knowing the United States is leading the way.

Senator Dole, throughout his long and illustrious career here, always believed that the United States should lead the way. With our vote in favor of enlargement of NATO, the United States will again, in the words of Bob Dole, lead the way.

UNANIMOUS-CONSENT AGREEMENT—S. CON. RES. 85

Mr. McCAIN. As in legislative session, I ask unanimous consent that the Senate now proceed to the consideration of S. Con. Res. 85, submitted earlier today by Senator NICKLES and others. I further ask unanimous consent that no amendments be in order to the resolution or preamble. I further ask unanimous consent that total debate time be limited to 60 minutes, equally divided between the two leaders or their designees, with 10 minutes of the time allotted to the Democratic leader being under the control of Senator BIDEN. I finally ask unanimous consent that following the expiration or yielding back of time, the Senate proceed to a vote on the adoption of the resolution, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Delaware.

CALLING FOR AN END TO THE VIOLENT REPRESSION OF THE PEOPLE OF KOSOVO

Mr. BIDEN. Mr. President, I ask that the resolution on Kosovo be reported.

The PRESIDING OFFICER (Mr. INHOFE). The clerk will report.

The bill clerk read as follows:

> A concurrent resolution (S. Con. Res. 85) calling for an end to the violent repression of the people of Kosovo.

The Senate proceeded to consider the concurrent resolution.

Mr. BIDEN. Mr. President, the United States in concert with its allies must act immediately to prevent a resumption of the brutal repression of ethnic Albanians in Kosovo and to get real—not sham—negotiations started.

The past two weeks have seen appalling massacres of innocent ethnic Albanians in Kosovo by heavily armed Serbian paramilitary forces. Yugoslav President Slobodan Milosevic's black-suited thugs used artillery, armored personnel carriers, heavy caliber machine guns, and even helicopter gunships to carry out their gruesome work.

The pretext for their violence was an ambush of Serbian policy by the secretive Kosovo Liberation Army, which left four policemen dead. But we know that Milosevic had been planning military action in Kosovo for months. He was just waiting for an excuse to issue the final orders.

Not only were supposed members of the Kosovo Liberation Army murdered, but scores of innocent civilians, including women and children, were killed.

There is strong circumstantial evidence indicating that many victims were tortured before being put to death. Demands by Kosovo Albanians for outside forensic investigations before their kin were buried were cruelly denied by the Serbs, who dumped the corpses into mass graves.

Next, the world witnessed the spectacle of survivors exhuming the bodies of their loved ones in order to give them dignified, Muslim burials.

Mr. President, this behavior is worthy of the Dark Ages, not the end of the twentieth century.

Having ordered these massacres and ghoulish follow-up, Milosevic, true to form, attempted to con world opinion.

He sent a delegation to Pristina and offered to talk with the Kosovo Albanians "without preconditions"—except for the little detail that the Albanians would have to negotiate within the framework of the Republic of Serbia.

In other words, the Kosovo Albanians would have to give up their only bargaining chip at the outset; namely, their demand for independence. Some deal.

Moreover, the Belgrade Bully rubbed salt in the wounds of the community whom his storm troopers had just massacred by declaring that he would negotiate with the "Albanian minority," meaning a minority in Serbia, not the ninety percent majority they hold in Kosovo.

No, Mr. President, this was not a serious offer of negotiations. It was vintage Milosevic "bait and switch." Rather than beginning the necessary quiet dialogue, he cynically tried to make a public splash, while continuing to repress.

Once again, the civilized world is faced with a deadly serious challenge.

There is a real possibility that if Milosevic in his Greater Serbian haze tries to "ethnically cleanse" Kosovo of its ethnic Albanian population, the violence could spread into a full-scale Balkan War, cutting short the recent progress we have made in Bosnia and fracturing NATO. The cynical side of me tells me part of why he moved when he did was because of Bosnia.

Mr. President, I hope this time we will act without having to have 4 years of convulsions like we had on Bosnia, even though it is a very different circumstance in terms of what is at stake. It is not different in terms of the brutality and the atrocities that have occurred. It is time to act. The bipartisan resolution I am cosponsoring is just a beginning. I believe the United States should immediately reimpose all financial sanctions against Serbia, except for democratic assistance. We should insist that Milosevic lift the repressive martial law in Kosovo and withdraw his storm troopers. The United States must actively facilitate immediate good faith negotiations between Belgrade and Kosovo without preconditions as called for by the contact group to which we belong.

If Milosevic does not unconditionally come to the negotiating table by next week, we should freeze Yugoslavian assets abroad, attempting to exempt assets in Montenegro whose new reformist President has been cooperative in a number of ways. Milosevic and his Serbian colleagues should understand that if the atrocities resume, and if he does not protect lives, human rights, and the autonomy of the people of Kosovo, the pressure from the United States, and hopefully others, will escalate.

I believe the President is right when he suggests that no option should be ruled out. Milosevic is a thug. He is the President of a country but he is a thug. He should be indicted as a war criminal. He should be tried at The Hague. I reiterate what I told him to his face 4 years ago in his office when he asked me what I thought of him. He is a war criminal. He looked at me as if we were having a civilized discussion and said, "And what do you think of me," and I repeat publicly what I said to him privately. I said, "I think you are a war criminal and should be tried as such." Unfortunately, I have never been more correct than I was then. This guy is a thug. We should make no bones about who he is.

Mr. President, I hope that the concurrent resolution for which we have 1 hour of debate here, the concurrent resolution that is introduced by Mr. NICKLES, Mr. DODD, myself, Mr. HELMS, Mr. LIEBERMAN and others, I hope we pass it, and pass it swiftly.

I see my friend from Connecticut. I yield the floor to my friend from Connecticut.

Mr. DODD. I thank my colleague from Delaware for yielding.

While we are on this resolution introduced by Senator NICKLES and I and the distinguished Senator from Delaware, my colleague from Connecticut, Senator LIEBERMAN, and others, let me commend the Senator for the very fine way in which he is managing the effort dealing with NATO expansion. I know in a sense we are interrupting that debate to consider this resolution.

Mr. President, I am very pleased to be a principal sponsor, along with our colleague from Oklahoma and others, of this resolution. I think it is appropriate, in light of events we have all seen in our newspapers and television stations, events that have occurred in Kosovo in the last couple of weeks, to speak, to be heard. I think it is appropriate.

In this body we are oftentimes asked, what do these resolutions mean? What value do they have? People write resolutions with a lot of language, and here are calling for sanctions or expressing outrage over behavior, and it seems just like a lot of words.

I remember, Mr. President, very vividly one of my first days in the Congress of the United States and I had a chance to meet with some refuseniks from the Soviet Union. They were courageously trying to achieve religious freedom for themselves and democracy in the Soviet Union, a very repressive regime. I remember raising the question to a couple of these people, does this have any real value when we speak out with resolutions, and people were wearing bracelets and so forth with the names of refuseniks. And there were those who questioned the wisdom of it, "Wasn't it more sort of a lot of rhetoric without having much influence?" I will never forget the response of these people. They said, "You have no idea how closely the world watches what you say in America. When you speak our names on the floor of the U.S. Senate, when you talk about us, you give us hope beyond belief. We live, we exist."

People try to suppress the rights of others or, worse, try to suppress the rights of others by engaging in the worst kinds of atrocities, as we have seen in Bosnia and now Kosovo. They need to know there are people who understand what is happening to them.

So it is entirely appropriate and proper, Mr. President, that we take out an hour today. There may not be many who come here to address this issue, but I am very confident that there will be unanimous support for this resolution. There will be a vote on it in which we will be heard expressing, I think, the outrage of our constituents across this country, regardless of where we live, letting those who are suffering know that their voices are being heard, letting those who perpetrate this violence and outrage know that we know what is going on and we will not forget it.

So to those who raise the issue of whether or not these resolutions have value, I believe they do. It doesn't mean that we are going to solve the problem today or that we are going to necessarily change events dramatically. But we just might save a life or two because of what we say or do here today—maybe more than that. For those reasons, I think it's appropriate and proper that we engage in a discussion of what has happened in Kosovo and to express our concern and outrage about it.

It is a coincidence, in a way, Mr. President, that brings us to this. Unbeknownst to me, my friend and colleague from Oklahoma was working on a resolution just as we were—separately from each other. Last week, I came to the floor with the idea that I might offer such a resolution, and I was told that Senator NICKLES, the colleague of the Presiding Officer, had a similar resolution he was working on. Rather than having two resolutions or trying to sort of paste a resolution together that afternoon, we worked together over the last several days and came up with this resolution that we have both sponsored and endorsed. We will be asking all of our colleagues to support this.

I thank Senator NICKLES and his staff for their cooperation in working out the language that we think will engender the broad-based support of our colleagues. I know all of my colleagues read the same reports that I have, Senator BIDEN has, and others have, detailing the very gross violations that have been perpetrated by the Serbian police and paramilitary units against the people of the Province of Kosovo, particularly the ethnic Albanian community, the overwhelming majority of whom are Muslims. The Albanian community makes up 90 percent of the province's population. More than 80 individuals that we know about have lost their lives in recent days, many of whom are women and children. Others have lost their homes and have been forced to flee from their villages in search of refuge.

Yugoslav President Milosevic, whom my colleague from Delaware has very appropriately and properly identified as a thug, appears to be at the center, once again, of this current tragic situation. Sometimes, Mr. President, we don't know who is responsible for these events. We are outraged by them, but it's difficult to identify those responsible.

I remember for years attending ceremonies to recognize the cream of the young Polish officer corps that had been summarily executed in the forests of Poland back during World War II. There were allegations back and forth as to who had committed the crimes, the Soviets or the Nazis. That issue was never resolved completely in the minds of people until Mikhail Gorbachev opened up the files and we discovered what many felt was the case—that the Soviets in fact had been responsible for that atrocity. But for years the debate raged as to who was responsible.

On this issue, Mr. President, there is no debate. We know directly who is responsible, who has ordered this, who has tolerated it and who, in fact, supported and encouraged it, in my view. That is President Milosevic. The world needs to know that so that his name will ring in the ears of coming generations as somebody who allowed this, permitted it, encouraged it, and supported it happening in his country. Once again, the forces under his control are murdering and intimidating ethnic communities in the former Yugoslavia.

As I said a moment ago, the majority are largely of the Muslim faith. It was reprehensible that Serbian police were in such a hurry to cover up the evidence of their heinous act and surreptitiously burying the dead without according them the proper burial services. Grief-stricken families bravely defied Serbian authorities and dug up their own dead—family members, their own children, wives, sisters—so that these people could be given an appropriate burial service, having been murdered by these police, in keeping with the Muslim religious beliefs and practices for the bodies to be facing to the east. It is imperative that the international human rights observers, members of the Red Cross, and independent journalists be granted access to communities in Kosovo to independently investigate these recent killings. All relevant evidence should be referred to the International War Crimes Tribunal for further investigation and prosecution as expeditiously as possible.

It seems to me, Mr. President, and to those of us who sponsored this resolution, that it would be wrong for the United States to remain silent in the face of such despicable acts; hence, this resolution today. If we were to do so, we would simply, in our view, be encouraging Milosevic and his like to act even more viciously and recklessly than they have in the past, if that were possible, to repress the democratic aspirations of the people of Kosovo. We would also be running the risk that the current conflict would spill over into other countries and pose serious threats to regional peace and security. That must not happen.

Silence, in a sense, is almost the coconspirator of those who perpetrated these crimes. So by raising our voices here and hopefully expressing our unanimous outrage at what is occurring, we do not become the coconspirators, if you will, of these atrocities. Fortunately, President Clinton and Secretary of State Madeleine Albright focused very quickly on this matter. In the context of the so-called "contact group" established to monitor the situation in the former Yugoslavia, the United States has sought to galvanize the international community and to speak with one voice on this problem and to agree upon a course of action against the Milosevic regime should it continue its aggression in Kosovo. Today, the Senate will endorse those efforts, and the contact group specifically, by strongly supporting the pending resolution. Moreover, we would be adding our voice to those who call for the international community as a whole to come together behind the initiatives of the contact group. If the international community is prepared to do that, it will improve the prospects for a political solution to this conflict before it grows even more unmanageable.

Mr. President, our colleague from Delaware started to read some of the operative paragraphs in the resolve clause of this resolution. I won't go through and read it all. It is in the RECORD. It does call for a freezing of government funds of Yugoslavia if we don't get compliance by March 25, over the next 5 or 6 days, with the terms set forth by the contact group. It also calls for extremely strong monitoring efforts by the appropriate international groups.

This is not the end of this issue. If we don't see the proper responses in the coming days, as I said a moment ago, those of us who have seen and watched the terrible tragedies that have transpired here want our voices to be heard. We want those in this country who have family members there to know that we care deeply about this. We want those who may hear our voices in the Albanian minority in Kosovo to know that there are voices here—people whose names they may not know, faces they may not recognize, people they may never meet, but who will not be silent in the face of their tragedy.

So, Mr. President, I urge colleagues here to, in a strong bipartisan fashion, support this resolution introduced by Senator NICKLES, myself, and others, so that this body, this U.S. Senate will, on this day in March, express to the people of the world, particularly the people of Yugoslavia and Kosovo, that we hear their cries and we will do everything in our power to try to see to it that this tragedy comes to an end.

Mr. President, I ask for the yeas and nays on this resolution.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DODD. Mr. President, I yield the floor.

Mr. BIDEN. Mr. President, while the Senator from Connecticut is on the floor, I will just say one thing. In this case, I think he underestimates what he has undertaken here and the impact of it. This is more than merely a resolution. It calls for a very specific action. The truth of the matter is that, according to my information, every single time we have responded to Milosevic's thuggery, every single time we have threatened action and/or taken action, he has backed down. I happen to think that the one thing that can alter his conduct in Kosovo—because it will reoccur again—the one thing that he pays most attention to is his own naked personal self-interest. He has been playing on this Serbian nationalism as communism has collapsed in the former Yugoslavia like a harp. But even his people are beginning to tire of what he is doing. He has been spreading lies and has been on Belgrade television talking about the awful things that are happening to Serbs—orthodox Serbs—in Kosovo, which are not true. He has been fomenting this kind of awful conduct for some time.

I think, in addition to what we have here in the resolution, that ultimately we are going to have to face up to the fact that he is a war criminal. We should have him tried as one. I think that will change his conduct more than anything else.

But I compliment the Senator from Connecticut for his initiative. In this case, words count. I am confident that if we are able to take this action, in the sense that the administration follows through on the essence of the resolution here, that we can impact upon the circumstances of Kosovo. We are not asking for independence. We are not dictating an outcome. We are dictating an end to the conduct. I think the answer lies in autonomy, which he revoked in 1989. But that is to be negotiated.

But I compliment the Senator on his initiative. Words count here.

I yield the floor.

Is my friend seeking recognition?

Mr. WELLSTONE. I wonder if I could speak on this resolution.

Mr. BIDEN. Parliamentary inquiry: How much time remains?

The PRESIDING OFFICER. There are 7½ minutes remaining.

Mr. BIDEN. I yield 3 minutes to my friend from Minnesota, and the remainder to my friend from Connecticut.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I could speak for 3 hours on this. But I agree with Senator BIDEN from Delaware. This is really one of the situations where words really do matter. I fully support this resolution. I am glad we are speaking out on it.

Several years ago I had a chance to visit Kosovo. It was really an awe-inspiring trip. I, first of all, wanted to go to the former Yugoslavia—I know Senator BIDEN visited there—on my own to see what was in the holocaust taking place; at least the genocide. I never could get to Sarajevo. I never could fly in. But I was able to eventually drive from Zagreb to Belgrade. I met with Milosevic. It was really the only meeting I ever had with someone where I wouldn't shake his hand. We were talking about Kosovo. I was about to visit there. He told me that people were very happy there; that I would find out that there had been a tremendous amount of exaggeration. I couldn't believe he said that to me. It was just outright lying. It was unbelievable.

I went to Kosovo and I met with people who were involved in the nonviolence. As they said then, "We want to do this in a nonviolent way." But time is not neutral. People can't continue to bear their oppression. People couldn't go to medical school. They couldn't go to law school. There were police everywhere. It was an absolute police state where 90 percent of the Albanian people were oppressed by the Serbs. This is not the best of what the Serb people stand for. Now we have this resistance. Now we have the people in Kosovo who are taking a strong stance.

I am opposed to terrorism. We are all opposed to terrorism. Murder is never legitimate. But I must say that I think it is important that we get behind this resolution, and I think it is important that Milosevic know that there will be pressure put on him, and that we are serious about trying to support the people of Kosovo. It is very important that we do this.

I yield the floor.

Mr. BIDEN. Mr. President, I ask unanimous consent that the Presiding Officer be added as a cosponsor to this resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I am told by staff of the majority that there will be some additional time available. If the Senator needs more than the remaining 5 minutes, I am sure we can arrange it.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair, and my friend and colleague from Delaware. He and others, including the Senator from Minnesota, have just finished, and my friend and senior colleague from Connecticut, who is the lead cosponsor of this, has spoken quite eloquently. I really in a sense say amen to what they have said, and will add a few words: First, pride that we have put together a bipartisan resolution here with original cosponsors: Senator NICKLES, Senator DODD, Senator BIDEN, Senator HELMS, myself, and Senator LEVIN.

This speaks volumes about the facts that we have learned. We have learned most recently from the lessons of Bosnian history—the concern, the inaction, the failure to be willing to use force early—that you wonder about whether the application of even diplomatic strength that was clear and resolute would draw a reaction, and, as a result in part, a lot of people suffered, a lot of people died, a lot of bloodshed occurred, and a wider war in Europe was threatened.

When we finally acted—NATO acted—particularly through the air in 1995, the Serbians, who were portrayed as a monster, as an army difficult to contend with in response to the application of force by NATO from the air in 1995, basically found their way to Dayton, and the peace process began. That has led to a much better state. We have learned. We are acting quickly here.

We are building on statements made by former President George Bush, the so-called "Christmas statement," in which he stated quite clearly the vital national interest that the United States has in maintaining peace and stability in Kosovo—that fear being, of course, if we let that go, if we let the Serbian minority continue to suppress the Albanian majority, we will not only have been untrue to our own American principles of freedom and self-determination but that we will have turned our back on a situation that is bound to explode. A people will not long continue to accept the suppression that the minority has visited on the majority in Kosovo without striking back—weakly in some ways against a superior force but resolutely, because that yearning for freedom exists within the hearts of people everywhere, and certainly in the hearts of the Albanians in Kosovo.

That is exactly what is happening now. The fear that President Bush expressed, which is a fear that has been shared across both branches of our Government and both parties, is that a conflict in Kosovo, which is inevitable under the current circumstances, will lead to a wider conflict in Europe, and once again the Balkans will be the match that lights a fire that none of us want to see occur.

That is why the exercise of leadership by the contact groups—Secretary Albright has been very strong, and very purposeful in this regard—here refreshingly after the unhappy experiences we had in the recent crisis in Iraq, we stand side by side with all of our major allies in NATO, and with Russia apparently in urging more than that; in expressing our willingness to impose sanctions on the Serbs, if they do not cease the suppression of the human rights of the Albanian people; if they do not come to the peace table.

With this concurrent resolution, the U.S. Senate has the opportunity, which I am confident we will take soon today, to express quite clearly: One, that we condemn the Serbian Government in the strongest possible terms for the gross human rights violations against its citizens, including the indiscriminate use of Serbian paramilitary police units against the Albanian population of Kosovo.

This is one of those stories that has not been widely told. But the Albanian people in Kosovo have been subject to persistent, not just discrimination but tyrannical exercise of power to deprive them of their own self-expression, of their own cultural expression, to some extent even of their own religious expression.

We condemn terrorist actions by any groups or any individuals in Kosovo. We urge the international community to respond affirmatively to the call of the contact group for the imposition of broad sanctions against Serbia if it fails to prevent additional atrocities. And we call on our own Government to freeze funds of the Governments of the Federal Republic of Yugoslavia and Serbia if they do not comply by March 25, 1998, with the terms set forth by the contact group.

We ask our Government to demand that the Serbian Government and the ethnic Albanian leadership and representatives of all ethnic and religious groups in Kosovo immediately begin unconditional talks to achieve a peaceful resolution to the conflict in Kosovo and to provide for the exercise of legitimate civil and political rights of all people there.

Then we demand that the international human rights monitors, especially from the Red Cross, who were forced to withdraw from Kosovo be allowed to return immediately in order to be able to report to the world on human rights violations there.

This is a strong, unambivalent statement not just of the concern about the deprivation of human rights that we in the Senate feel but of our sense of purpose about using every element of strength we have with our allies to suppress the conflict and to put the conflicted parties on the path to peace. And that peace will have to recognize the legitimate—indeed, the universal—human rights of the Albanian people of Kosovo.

Mr. President, I was intrigued by an article I read in one of the newspapers within the last week from Belgrade which suggested that Serbian public opinion in Belgrade is not behind the policies of the current Milosevic government in Kosovo which they think will lead to war. People in Serbia have not fallen for the siren appeals to nationalism—as I believe my colleague from Delaware said, an attempt to impose a sense of greater Serbian nationalism as not just an organizing principle but a tyrannical principle to replace communism.

The people of Serbia are like people everywhere else. They have been suffering under this leadership. Their economy is in terrible shape. Their lives are not what they want them to be. Their children have futures much darker than they would like them to be. They want there to be peace.

I read an article written by a Serbian nationalist who said, "Kosovo is our past; it is not our future. Our future is here, to build a strong, vital, democratic, economically vibrant Serbia." Let us hope that those voices are heard. And I think when our voices are heard in the Senate today, we will make room for those more progressive voices in Serbia and peaceful voices in Kosovo to work their will so that the conflict will be ended and self-determination will be the future.

I thank the Chair. I thank my friend from Delaware for his continuing leadership on these and so many other matters of vital interest to our country, and I yield the floor.

Mr. LEVIN. Mr. President, I want to express my strong support for the resolution on Kosovo of which I am an original cosponsor.

The actions of the Serbian special police, who take their orders from Serbian strongman Slobodan Milosevic, in indiscriminately attacking ethnic Albanians residents, including women and children, in Kosovo last week are an abomination. They remind us that it was Milosevic's desire for a Greater Serbia that led to the countless innocent victims in the war in Bosnia. If he is allowed to go unchecked in Kosovo, Milosevic will plunge the Balkans into war again. That cannot be allowed.

The Contact Group, consisting of France, Germany, Italy, Russia, the United Kingdom, and the United States, has been following events in Kosovo closely for some time. On September 24, 1997, the Contact Group expressed its deep concern over tensions in Kosovo and called on the authorities in Belgrade and the leadership of the Kosovar Albanian community to join in a peaceful dialogue. I would also note that in a Joint Statement dated October 1, 1997, the United States and the European Union Presidency strongly condemned the use of force against peaceful demonstrators in Kosovo and called on the international community to join in the condemnation.

The Contact Group repeated its call for peaceful dialogue on January 8, 1998, and on February 25, 1998, but it fell on deaf ears.

On March 8, 1998, the Contact Group condemned the excessive use of force by the Serbian police that resulted in at least 80 fatalities and condemned the repression of non-violent expression of political views. The Contact Group noted that it was not endorsing terrorism and condemned terrorist actions by any group. Additionally, it called upon Belgrade to invite independent forensic experts to investigate the very serious allegations of extrajudicial killings. The Contact Group recommended a number of actions too numerous to detail here and demanded that Milosevic must: Withdraw the special police units and cease action by the security forces affecting the civilian population. Allow access to Kosovo for the International Committee of the Red Cross and other humanitarian organizations as well as by representatives of the Contact Group and other Embassies. Commit himself publicly to begin a process of dialogue, with the leadership of the Kosovar Albanian community. Cooperate in a constructive manner with the Contact Group in the implementation of the actions it recommended which require action by the Federal Republic of Yugoslavia government.

The concurrent resolution, entitled Calling for an end to the violent repression of the people of Kosovo, call for the international community to respond affirmatively to the call of the Contact Group for the imposition of broad-based sanctions against the Government of Serbia if it fails to prevent atrocities by the police and paramilitary groups or does not otherwise comply immediately with the terms set forth by the Contact Group.

Mr. President, Senator JACK REED and I visited Belgrade in January 1997 and were impressed by the massive demonstrations in favor of the opposition "Together" movement. The several opposition parties and the students found their common opposition to Milosevic to be a rallying force. I would note that the United States—European Union Joint Statement of October 1, 1997 that I referred to previously, went on to deplore specific actions by Belgrade in removing Zoran Djindjic as the mayor of Belgrade, replacing the editor of Studio B television and packing the station's managing board. It held Milosevic accountable for attempting to reassert political control of the media in Serbia. That is the pattern: take over the media, commit atrocities, arrange for television to only show violence against Serb policeman, and then blame the whole situation on someone else.

Mr. President, I am pleased that the Yugoslav War Crimes Tribunal began its investigation last Tuesday of the recent events in Kosovo. I am also pleased that Secretary of State Madeleine Albright announced last Friday that the United States was making a contribution of $1.075 million to support the Tribunal's effort in Kosovo.

Mr. President, a reading of the concurrent resolution will reveal that there are numerous references to Slobodan Milosevic. That is no accident and we need to send a personal message to him. I urge my colleagues to vote for this resolution.

Mr. D'AMATO. Mr. President, I rise today as a co-sponsor of this concurrent resolution on the Kosovo crisis introduced by my distinguished colleague, Senator NICKLES. I want to thank Senator NICKLES for taking the lead in introducing this resolution on the critical issue of Kosovo.

Many of us in the Senate already know something about Kosovo. If the international community doesn't stop Slobodan Milosevic's police and paramilitary from using force and violence to terrorize and drive out members of the ethnic Albanian majority in Kosovo, the American people will come to know Kosovo all too well.

The bottom line regarding Kosovo, reflected in this resolution, is that the regime of Slobodan Milosevic in Belgrade continues to deal with the ethnic Albanian majority with guns, knives, and clubs instead of political dialogue. Not having had his fill in Bosnia, Milosevic's regime seems prepared not only to repress the Albanian majority of Kosovo, to harass them, or to discriminate against them because they are not Serbs.

Now, he has begun to slaughter them. In recent weeks, Serbian security forces have taken the offensive in Kosovo, allegedly going after those Albanians responsible for terrorist acts. In so doing, at least 70 people have been killed—men, women and children—in some villages of central Kosovo.

Last week, soon after U.S. envoy Bob Gelbard left the region, the bodies of 50 people were removed from the local morgue and bulldozed into a mass grave, without consulting families and in violation of basic human decency. This could well have been an effort to literally bury the evidence of war crimes, because the International Criminal Tribunal in the Hague has expressed interest and the families have called for investigation by an international team of forensic experts.

These killings threaten far worse crimes, including ethnic cleansing on a scale similar to that in Bosnia. This would pose not only a threat to regional peace, but would be a slap in the face for every state and every person who has worked for peace in the Balkans and justice for victims of past ethnic cleansing.

What is the purpose of this recent violence? Is it to defend Serbian interests from Albanian separatists? No. The purpose is to build hatred, nationalism and tensions in order to maintain and enhance the power of the Milosevic regime.

Milosevic will crack down on his fellow Serbs, whom he claims to defend, if they threaten his rule. While Kosovar Albanians may want to be independent from Serbia, that fact cannot justify massive, criminal repression. While some Kosovar Albanians may be willing to engage in violence to achieve independence, that fact cannot justfy brutal attacks on innocent people. And while Serbia may want to keep Kosovo, Serbia can only lose Kosovo through these bloody, indiscriminate attacks on the Albanian population.

The international community must respond to the violence in Kosovo, and this resolution makes some solid suggestions. Nothing is more important than getting an international presence on the ground in Kosovo now, to help deter further human rights violations and to report those that are taking place. While the resolution calls for the International Red Cross to come into Kosovo, as Chairman of the Commission on Security and Cooperation in Europe, I also want the Organization for Security and Cooperation in Europe, the OSCE, to be allowed to send in a mission. The OSCE had a presence in Kosovo in 1992 and 1993, and it must be allowed to return.

Milosevic must face consequences for his policies. Freezing funds belonging to the Federal Republic of Yugoslavia and Serbia is only a first step, if the Contact Group's terms are not met. Resolve is the only thing Milosevic understands, and resolve is what we must show.

For the violence to stop, Milosevic must be made to believe the so-called Christmas warning issued by President Bush and repeated by President Clinton. Milosevic was warned that we will not let him turn Kosovo into a new battle zone. United States leadership is called for to bring all of the members of the Contact Group into agreement with this strong position. Then, we must stand together and drive the message home.

Finally, and critically important, is the resolution's call for unconditional talks to achieve a peaceful resolution to the conflict in Kosovo and to provide for the exercise of the legitimate civil and political rights of all persons in Kosovo. Clearly, the current situation is untenable. Once violence is halted, the situation is still not stable. The Serbian oppression of the Kosovar Albanian majority is intolerable, and events have gone too far to expect that the people will accept it.

This means that progress must be made toward a genuine political solution to the crisis. This cannot be done in a one-sided fashion. The recent Serbian offer of talks was not serious, and was rejected by the Kosovar Albanian leadership. Milosevic must come to the table seriously, without preconditions. That is the path to peace and stability in Kosovo, and the United States must do all it can to push the parties down that path.

If Kosovo explodes, and it must not be allowed to, it could easily set off a chain reaction leading to wider conflict in the Balkans. For moral and strategic reasons, we cannot let that happen. The stakes are too high, and they involve real, vital United States national interests. The Nickles resolution and its provisions is the right place to start, and I call upon all of my colleagues to support it.

Thank you, Mr. President.

Mr. BIDEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HAGEL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I wish to join with my colleagues, Senator LIEBERMAN, Senator BIDEN, and others who have spoken in favor of this resolution. I apologize for being detained. The Budget Committee is in a markup, and we had several votes, so I was not able to be here.

Mr. President, I ask unanimous consent that the following individual Senators be added as cosponsors: Senators KERREY, D'AMATO, KYL, ABRAHAM, GRAMS, WELLSTONE, and INHCFE.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, this resolution is a bipartisan resolution which several of us have worked on for the last few days. I thank my friends and colleagues, particularly Senator LIEBERMAN, who worked on this, Senator LEVIN, Senator BIDEN, and other colleagues, Senator LOTT and his staff. We wanted to speak out strongly and condemn the atrocities that have happened recently in Kosovo, not condemning the Serbian people but, frankly, condemning the Serbian leadership and primarily that of Mr. Milosevic. The killings that have happened recently, which culminated in the loss of life of at least 60 people including women and children who were slaughtered by their special police forces, are an atrocity. It needs to be condemned, and we need united action.

This resolution condemns the slaughter, it condemns the atrocities that have happened recently, and it also calls upon the United States and the world community to act together to take action to see that it does not happen again.

The administration was in the process of actually reducing sanctions to the Serbian Government, to Mr. Milosevic. They have now postponed lifting those sanctions.

We also in this legislation say that the United States should freeze funds of the Governments of the Federal Republic of Yugoslavia and Serbia if the Government of Serbia fails to comply by March 25, 1998, with the terms set forth by the contact group. I think that will have some impact. I think that will get his attention.

He has been a very difficult person to deal with. Some of us have met with Mr. Milosevic. I met with him in 1990, along with Senator Dole, Senator MACK, and others. And I will not forget this individual. We wanted to visit Kosovo. We did visit Kosovo. But I remember Mr. Milosevic didn't want us to visit Kosovo, and he went to great lengths to see that we wouldn't go, but we did go. We were greeted by thousands of individuals, mostly Albanians, who wanted to see us and also express to us their desire to have some degree of autonomy, their desire to have some degree of freedom, which was being denied to them at that time by the Serbian leadership, denied in many, many forms—denied in the press, denied in employment; they were persecuted; they were prosecuted; they were harassed. And we have known ever since then that this area had the potential to explode and to cause significant pain and carnage for a lot of innocent people.

So, Mr. President, this resolution which has overwhelming bipartisan support I hope will extend a good, strong signal to the Milosevic government that they need to join the community of nations, they need to stop ethnic cleansing now.

They need to stop ethnic cleansing now. I think there is strong support, not only for this statement, not only for the sanctions that are called for in this legislation, but I hope across the international community there will be an outrage expressed if there is not a change in behavior by the Milosevic government.

I thank my colleagues for their support for this resolution. I understand—I believe, just for the information of our colleagues, that we expect to vote on this resolution at 6 o'clock, and I hope we will have a unanimous vote as well.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, for the information of all Senators, I said just a few minutes ago I thought there would be a vote at 6 o'clock. In just a moment I will be yielding back the time and we will have the rollcall vote immediately. Staffs might indicate that to their Senators. We will have the vote in just a couple of minutes.

I thank and compliment Senator DODD of Connecticut because he likewise was working on a resolution. This resolution was an effort by several of us who felt we needed to express condemnation towards the outrageous behavior of Mr. Milosevic. Senator DODD had a resolution, I had a resolution, others were working on them, so we had a good bipartisan effort so the Senate would speak in an united fashion condemning these recent actions. I thank him for his support.

Mr. INHOFE. Mr. President, I think it is very important that we get something in the RECORD here in terms of this Kosovo resolution so that it would be abundantly clear later on that it cannot be misconstrued as to being supportive in any way at the present time or in the future of any type of military action in Kosovo or anyplace in that area.

I am very much concerned over what has happened in Bosnia. I am concerned about our state of readiness—or lack of readiness, I should say—and I certainly feel that if there is one factor that is contributing to our state of readiness, or lack of readiness, it is our activities in Bosnia. Of course, we knew back when we passed the resolution to send troops to Bosnia that our resolution of disapproval died by only three votes, and there was a guarantee by the President of the United States that it would be a 12-month operation, which would cost approximately $1.2 billion. Now it is passing through $8 billion and it looks like it is going to be ongoing.

As a result of that, we are not able to support ground troops should they be called upon in such areas as Iraq, because we are consuming 100 percent of our capability to logistically support ground troops in Bosnia. Specifically, the 21st TACOM in Germany is at over 100 percent capacity, just supporting the logistics support of a ground operation going through into Bosnia. The 86th airlift in Ramstein is absorbed totally with taking care of the air operation to support Bosnia. If there is anything our country cannot afford, it is any type of expansion of that support to any other country in that legion or anyplace else that is going to use those assets.

While I am an original cosponsor of this resolution, I want to be sure to condemn Milosevic and the atrocities that are committed and have been committed in Kosovo, and I want to make it abundantly clear that there are many of us who are supporting this resolution who will oppose any future attempt to send any type of military operation into Kosovo.

I yield the floor.

Mr. NICKLES. Mr. President, not seeing any other Senators on the floor who wish to speak on this issue, I will yield back the remainder of my time and ask for the yeas and nays on the resolution.

The PRESIDING OFFICER. The yeas and nays have already been ordered.

Mr. NICKLES. I thank the Chair.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to S. Con. Res. 85.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Florida (Mr. MACK) is necessarily absent.

I further announce that if present and voting, the Senator from Florida (Mr. MACK) would vote "yea."

Mr. FORD. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER (Ms. COLLINS). Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 98, nays 0, as follows:

[Rollcall Vote No. 37 Leg.]

YEAS—98

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NOT VOTING—2

Inouye
Mack

The concurrent resolution (S. Con. Res. 85) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 85

Whereas ethnic Albanians constitute ninety percent of the population of the province of Kosovo;

Whereas the human rights situation in Kosovo has recently deteriorated, culminating in the killing of more than 70 ethnic Albanians, including innocent women and children, by Serbian police and paramilitary forces controlled by Yugoslav President Slobodan Milosevic;

Whereas Serbian authorities controlled by Milosevic have attempted to thwart efforts by international forensic experts to determine the cause of death of recent victims by burying the dead against the wishes of their families;

Whereas the current conflict in Kosovo threatens to reignite war in the Balkans, and is thereby a potential threat to regional peace and security;

Whereas the six-nation Contact Group established to monitor the situation in the former Yugoslavia has requested that the Serbian authorities controlled by Milosevic grant International Red Cross personnel access to areas where recent violence and killing have been reported;

Whereas the Contact Group has called upon Milosevic to withdraw special police units from Kosovo and enter into unconditional negotiations with ethnic Albanian political leaders in order to find a peaceful political solution to the conflict or face additional international sanctions;

Whereas a peaceful resolution of the conflict in Kosovo must respect the rights of members of all ethnic and religious groups in Kosovo, all of whose representatives should be involved in negotiations about the resolution of that conflict;

It is the sense of the Senate (the House of Representatives concurring) that—

(1) The United States should condemn the Serbian government controlled by Slobodan Milosevic in the strongest possible terms for the gross human rights violations against its citizens, including the indiscriminate use of Serbian paramilitary police units against the Albanian population of Kosovo;

(2) The United States should condemn any terrorist actions by any group or individual in Kosovo;

(3) The international community should respond affirmatively to the call of the Contact Group for the imposition of broad-based sanctions against the government of Serbia if it fails to prevent additional atrocities by the police and paramilitary units under its control or does not otherwise comply immediately with the terms set forth by the Contact Group;

(4) The United States should freeze funds of the governments of the Federal Republic of Yugoslavia and Serbia if the government of Serbia fails to comply by March 25, 1998, with the terms set forth by the Contact Group;

(5) Pursuant to the terms set forth by the Contact Group, the United States should demand that the Serbian government and the ethnic Albanian leadership and the representatives of all ethnic and religious groups in Kosovo immediately begin unconditional talks to achieve a peaceful resolution to the conflict in Kosovo and to provide for the exercise of the legitimate civil and political rights of all persons in Kosovo.

(6) The United States should demand that international human rights monitors, especially personnel of the International Red Cross who were forced to withdraw from Kosovo, be allowed to return immediately to Kosovo in order to be able to report on all human rights violations.

Mr. COVERDELL. I move to reconsider the vote.

Mr. COATS. I move to lay it on the table.

The motion to lay on the table was agreed to.

Mr. COVERDELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUDGET SURPLUS

Mr. GRASSLEY. Madam President, Haley's Comet appears and disappears every so many decades. So do balanced budgets in Washington, DC. After 30 years, it looks like our Budget Committee, of which I am a member, will have another balanced budget for the first time, as I said, in 30 years. And it looks like after that we could have surpluses for quite a few years. Of course, that is a very unusual situation from a fiscal standpoint—for this Congress to be faced with balancing the budget 2 or 3 years earlier than we predicted and having surpluses for quite a few years into the future.

That gives us a windfall opportunity to do good. But it also is giving some who are willing to squander this an opportunity and to do it in the form of more spending or in the form of more tax cuts.

Last year's budget deal was, of course, to the benefit of both political parties. We actually did something good. We did it together. And the good benefited our country.

This was very different. It was a bipartisan plan. We wrapped our arms around each other. Both sides should, and do, take credit for doing this good.

But for those who are politically motivated, when the two sides are locked in a policy embrace, there is no discernible difference. And some people just cannot stand that sort of an environment. So they do not like it. So there is a mad rush to declare new ideas to give away the money—money, incidentally, that we do not have yet, legitimately planning to get it as you forecast a good future, but it is not really in our pockets. Yet, it is just like it is burning holes in our pockets. We don't know what to do with it. We need to spend it. We need to get rid of it in some way. Thus, what was done for the good of all taxpayers would be sacrificed for a new round of political operations of picking winners and losers.

For once, we need to take the politics out of what we do and do right for the country. We did that last year. All we have to do is just be patient, and it can evolve this year because this country is on the right track. This Congress' fiscal policy is on the right track.

So, let us do a lot of good by simply doing nothing—being cool-headed and being levelheaded in our policy, the same sort of policy that got us together a year ago with the signing of a bipartisan budget agreement to put this country on a path toward a balanced budget.

For the first time, as our Budget Committee meets to mark up the budget resolution—that is this very day and yesterday as well, and we should have this resolved before the evening is over in our Budget Committee—but for the first time, as we meet to mark up the budget resolution, we are faced not with a growing Federal budget deficit but the possibility, and the very real possibility, of surplus of funds in the Treasury. For the first time we sit to deliberate not on how to corral an out-of-control beast but on how to responsibly maintain the ground which we have gained.

The bipartisan Balanced Budget Act has performed its function well. Last year we established and agreed to live within budget caps. These caps have provided the discipline necessary to begin to get the Federal spending under control. Along with an economic boom that shows little signs of slowing down, the budget caps have helped to bring the Federal Government into a surplus situation.

I urge my colleagues to continue to live within these caps and to continue to practice the spending restraints instituted 8 months ago. To think that the surplus is there to be spent willy-nilly is to break a newly developing trust with the American taxpayers. This trust is not easy to come by. In fact, as I speak, any poll in America asking the question, "Do you feel that Congress is really serious about balancing the budget?"—they might even say, "Is the President and the Congress serious about balancing the budget?"—three out of four people would respond negatively to that.

So any thought of breaking this trust that is not easy to come by and is still building will send the wrong signals to our bosses, the taxpayers. Any thought of breaking this trust will send the wrong signal to the financial markets, with dire consequences, in my view.

This budget resolution must help to address the cynicism of the public by continuing to show fiscal responsibility and gradually winning over those three out of four people who do not think, as a result of the bipartisan budget resolution last year, that we are really serious about a sound fiscal policy and continuing to balance the budget and to pay on the national debt.

We have a historic opportunity then just by living by that agreement to do the most good for the American people, and we can continue that process by simply doing nothing because nothing should be done to break the budget caps. That is the fiscal discipline. Nothing should be done then to upset the financial markets. And we would do that if we were to not live by that agreement. Everything should be done to have the Federal Government live within its means, just as every American must do. Every family must balance their checkbook. Every small business or big business must show a profit, or it is soon out of business. And shaped with this is an old adage that at least my party has always lived by: "The government that governs best governs least." That should be our bellwether as we continue the markup of this budget resolution in our committee. Never has this statement been more true than it is right now. Let us not squander the windfall opportunity that has been handed to us by the budget resolution of last year—the bipartisan budget resolution of last year. Let us not, by talking about giving tax decreases on the one hand or on the other hand by setting up eight new entitlement programs, as the President proposed, cause those three out of four people who do not believe we are going to be balancing the budget to be right by being skeptical about how Congress acts on these matters.

We also have the opportunity to do what the President has asked us to do, and that is to strengthen the Social Security System. Until we have come to an agreement on how to make the Social Security System viable for future generations, we should not be spending this surplus. For now, then, doing nothing—in other words nothing new—not setting up eight new entitlement programs or not cutting taxes until we have the money in the pocket and we can plan for what we are really going to do—doing nothing the way things are done by paying off on the national debt, we will have the result then of that downpayment on the Federal debt for the first time since 1969.

This country generally—but specifically the financial markets—has a great deal of confidence in a person called Alan Greenspan, the Chairman of the Fed. He strongly urged our Budget Committee when he appeared before it, and the Congress generally, to take this rare opportunity to pay down on the Federal debt. I think we should follow his very good advice. Paying down the debt will open up markets for private investors. That will help to reduce interest rates, which helps all of us, and particularly capital-intensive industries like the small industries. Until the public and policymakers reach a much needed consensus on the future of the Social Security System, paying down the debt is the best way to protect Social Security and to maintain it for the baby-boom generation, and to put that system in a sound position as our population grows older—the longevity of our population, as well as the biggest demographic shift in the population of our country that is going to take place when the baby-boom generation retires in the year 2010.

It has been somewhat amazing to me to have seen in the last several weeks the number of people with proposals to spend money that we don't have in our pockets yet. I am not only talking about the budget surplus but what to do with revenue—and we don't even know how much will come in—by the proposed tobacco settlement. Everyone wants a piece of the pie before it has even been baked. We don't even know how big the pie will ultimately be or if there will even be a pie to covet.

It is irresponsible to spend money that is not in the bank. We ought to cool it and just wait and see if it is there. And, if it is there, then we can. Even if there is something to be done with it and you know exactly what it is and you can make wiser decisions of creating a new program or a wiser decision of how to reform taxes and to cut taxes, whether it is a surplus or the tobacco money—but particularly in the case of the tobacco money—using the proposed tobacco money to pay for specific programs before the money is in hand is the old smoke-and-mirrors game. We must be responsible and wait to spend any tobacco money and not spend it until it is in the bank.

In general, I think that Senator DOMENICI, the chairman of the Budget Committee, has put together a very good mark in regard to the possibility of doing something with taxes. He is not spending the surplus on any tax provisions of this budget. The Finance Committee, if it wants to change some taxes, has to find new money to pay for that. That is a responsible way to approach taxes. So the chairman's mark is a very good mark. If we have an opportunity on taxes, then we need to push for tax fairness.

However, I strongly disagree with those who advocate large tax cuts that dig into the surplus that we don't even have in our pocket yet, and to do it at this point in time. The time for a large tax cut is after we have retired some of our national debt, giving the three out of four people in this country who do not believe that we are serious about balancing the budget an opportunity to know that we are. And the surest way to do that would be to pay down the national debt. This is how we can best serve all taxpayers.

So let us not squander this chance to ease the debt burden. Let us use this windfall opportunity to provide a better future for our children. Like us, our children must also have the opportunity to realize their dreams and goals. And this budget should help to restore the American dream.

The fiscal discipline which I talk about, which I think the Budget Committee will exercise this very day as we vote out the budget document, will have a lasting positive influence on our children's and grandchildren's future.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. LOTT. Madam President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO THE RAMS OF LITTLE RHODY

Mr. CHAFEE. Madam President, yesterday, many in America honored St. Patrick—but all week long in Rhode Island—veneration belongs to the University of Rhode Island Rams basketball team.

The so-called experts said it couldn't be done—and, admittedly, the odds were against them. After all, the little Rhodys of the world just aren't supposed to beat the college basketball powerhouses like the Jayhawks of Kansas. But somewhere along the way to Oklahoma City, someone forgot to tell that to the Rhode Island Rams.

Someone forgot to tell Tyson Wheeler—the same Tyson Wheeler who was once told he was too short to play college basketball at all—that the Davids of Rhode Island couldn't beat the Goliaths of Kansas.

Someone forgot to tell that to Cuttino Mobley, who always gives his best whether it is in Keaney Gym or in the national spotlight, that Rhode Island couldn't beat one of the best teams in the nation.

And clearly, someone forgot to tell Antonio Reynolds-Dean and Luther Clay that they weren't supposed to be able to compete with the much taller and perhaps stronger inside presence of the Kansas All-Americans.

There's a word on Rhode Island's state flag that these Rhode Island Rams have come to symbolize—that word is "Hope". It's a sentiment we hold dear in my home state—and one which was displayed for all the world to see. We may be the smallest state, but we know that means: we must always try harder. It's a philosophy to always give your very best, and to never give up.

That's the kind of fighting spirit that turns the cause of "Hope" on our flag into the action of "courage" on the court.

Rhode Island's advance to the "Sweet Sixteen" provides a needed reminder that at one time or another, we've all been underdogs. Whether it be in schoolyard, or in the workplace, or on the basketball court, each and every one of us has faced seemingly insurmountable odds at one time or another in our lives.

That's what makes Rhode Island's recent win over the Kansas Jayhawks that much sweeter. For the Rhode Island Rams have given us more than a wonderful basketball season. They've reminded us that the Davids can beat the Goliaths of this world. They have sent a signal to the underdog in all of us—that if one perseveres and gives one's best, there indeed is always hope.

So, Madam President, I congratulate the Rhode Island Rams and applaud the example they have set. Rams Coach Jim Harrick and all of his players have earned a special place in the hearts of Rhode Island and the nation.

I, along with the people of my state, am proud of their accomplishments. These fine young men have set an example which we'll treasure for years to come.

They have given us "Hope." Go Rams!

A PLUS ACCOUNTS

Mr. KYL. Madam President, I rise in strong support of the A Plus Accounts bill that was introduced by the Senator from Georgia, Senator PAUL COVERDELL.

This legislation does several things. It would allow more people to save for education in tax-preferred education savings accounts. The savings could be used for higher education, as well as education at the elementary and secondary levels. The bill would extend the existing tax exclusion for employer-provided educational assistance through the year 2002, and it would provide an exclusion for distributions from qualified state tuition programs. It would also raise the small-issuer exception so that local governments can issue more bonds to finance school construction.

Perhaps the most important provision of the bill is also the most controversial. I am talking about the provisions that expand the allowable uses of education savings accounts to include elementary and secondary education. And I want to take a few moments to make three brief points about that.

First, I think it is important to point out that we are not talking about a new subsidy for private or parochial schools. To the contrary, we are talking about allowing families to keep more of what they earn—after all, it is their money—to send their children to the elementary or secondary school of their choice.

We already go far beyond what would be allowed by this bill when we provide federal financial assistance to students at the college level, including students who attend private or religious institutions. No one argues that such choice harms public colleges or universities. In fact, it is choice and competition that has made our nation's colleges and universities the best in the world. So I am perplexed why anyone would fear giving parents more choice and control at the elementary and secondary levels, as well. That is where the real crisis in education exists today, and it is where choice and competition will do the most good.

Second, the people who stand to gain the most from this legislation are those of more modest means who might not have the same choice or opportunity without the help that the Coverdell bill would provide. Of the people opting for Catholic schools, for example, 68 percent have annual incomes of $35,000 or less. Wealthier people obviously have the means to send their children to the school of their choice whether they receive a tax break or not.

Third, providing families with tax incentives for education savings will not decrease federal or state funding for public schools by a single dime. The fact is, Congress is likely to approve increases in funding for education in addition to the incentives that would come with the Coverdell bill.

Frankly, Madam President, I think it is a big mistake to assume that public schools cannot compete successfully with other institutions. Many public schools have very well-regarded programs—programs that meet or exceed what is offered to students elsewhere—and it is likely that these schools would not only retain their current student body, but add to it with barriers to choice removed. And with additional enrollment would come additional funds for their budgets.

It is true that failing schools would be forced to improve or face declining enrollment. But is it really our goal to force students with few financial resources to remain in a failing environment? Should they not have the same options that others have to find a school that better meets their needs?

In recent Senate hearings, low-income parents questioned why the schoolhouse door is often closed to their children—why they are kept from moving their children to schools that can better meet their children's needs? Why their children cannot attend safer schools? They are right to ask these questions. They deserve—their children deserve—access to a quality education.

In my opinion, the single best thing we could do to improve the quality of education in this country is give parents more choice and control over where they send their children. It is an idea with broad support among the American people. A 1997 poll conducted by the Center for Education Reform found support for school choice among the general public at 82 percent. The Joint Center for Political and Economic Studies reported support among African Americans at more than 70 percent. It is an idea whose time has come.

I support the Coverdell legislation.

DEATH KNELL OF THE PANAMA CANAL?

Mr. HELMS. Madam President, I commend to the attention of my colleagues a significant book entitled, "Death Knell of the Panama Canal?", by Capt. G. Russell Evans (USCG, Ret.).

In this, his second book on the subject, Captain Evans sets forth the facts and his analysis of the skullduggery that led to the ill-conceived 1977 Panama Canal Treaties.

The Panama Canal Treaties were a foolish giveaway of a critical waterway built with U.S. taxpayers' dollars. I vigorously opposed the 1977 treaties, and to this day I regret that the United States Senate approved them—by one vote.

Madam President, the Panama Canal is essential to the continued economic and strategic health of the United States and many of our allies. In his introduction to the book, distinguished former Chairman of the Joint Chiefs of Staff, Admiral Thomas J. Moorer (USN, Ret.), writes that "about 95% of our routine logistics support goes by sea."

These military vessels, like their commercial counterparts, rely on the Canal to move quickly between the Atlantic and Pacific oceans. Since the United States began to hand over the Canal and its operations to Panamanian authorities, the maintenance of the Canal has slipped noticeably. The Canal is showing the effects of the neglect, and is now in a shocking state of disrepair.

This essential maritime passage, a vital connection for international trade, is falling apart, and I fear that the deterioration of Canal facilities will increase as the Clinton Administration, following in the misguided path of the 1977 treaties, continues to hand over the Canal to Panamanian authorities.

In light of the Panama Canal's critical importance, the United States simply cannot afford to squander the opportunity to secure access to facilities in the Canal Zone for our military to carry out essential missions and defend the security of the Canal.

It is clearly in the best interests of both the United States and Panama to maintain a U.S. military presence there. The people of Panama consistently show, through opinion polls, that they do not want the United States to abandon its military bases. Without a U.S. presence, the Canal will be left undefended, this cannot be allowed to happen.

Today, many former Carter Administration officials who engineered the Panama Canal giveaway in 1977 are serving in the Clinton Administration. Nevertheless, I will continue to press the Administration to reach a new agreement with the government of Panama to secure a U.S. military presence in that vital area.

On September 5, 1996, the Senate approved my legislation, Senate Concurrent Resolution 14, urging the President to do just that.

As Admiral Moorer states succinctly, "the clock is ticking," and I believe Senators will find Captain Evans' book an invaluable reference to understanding the importance of the Canal—and the risks we run should the Canal fall into the wrong hands—or into disrepair.

U.S. FOREIGN OIL CONSUMPTION FOR WEEK ENDING MARCH 13TH

Mr. HELMS. Madam President, the American Petroleum Institute's report for the week ending March 13, that the U.S. imported 6,636,000 barrels of oil each day, 1,213,000 fewer barrels than the 7,849,000 imported each day during the same week a year ago.

While this is one of the rare weeks when Americans imported slightly less oil than a year ago, Americans nonetheless relied on foreign oil for 50.8 percent of their needs last week, and there are no signs that the upward spiral will abate. Before the Persian Gulf War, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970s, foreign oil accounted for only 35 percent of America's oil supply.

Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the U.S.—now 6,636,000 barrels a day.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, at the close of business yesterday, Tuesday, March 17, 1998, the Federal debt stood at $5,536,663,723,483.42 (Five trillion, five hundred thirty-six billion, six hundred sixty-three million, seven hundred twenty-three thousand, four hundred eighty-three dollars and forty-two cents).

One year ago, March 17, 1997, the Federal debt stood at $5,363,307,000,000 (Five trillion, three hundred sixty-three billion, three hundred seven million).

Five years ago, March 17, 1993, the Federal debt stood at $4,214,956,000,000 (Four trillion, two hundred fourteen billion, nine hundred fifty-six million).

Ten years ago, March 17, 1988, the Federal debt stood at $2,482,751,000,000 (Two trillion, four hundred eighty-two billion, seven hundred fifty-one million).

Fifteen years ago, March 17, 1983, the Federal debt stood at $1,227,720,000,000 (One trillion, two hundred twenty-seven billion, seven hundred twenty million) which reflects a debt increase of more than $4 trillion—$4, (Four trillion, three hundred and eight billion, nine hundred forty-three million, seven hundred twenty-three thousand, four hundred eighty-three dollars and twenty-four cents) during the past 15 years.

WOMEN'S HISTORY MONTH

Mr. HATCH. Madam President, I rise today to recognize March as "Women's History Month." It is appropriate that, at this time, we credit the countless women who have contributed so much to our society. In particular, I would like to draw attention to some of the women who have helped to shape the history of Utah.

From its beginnings, Utah has relied heavily on the strength of women. The first groups of American settlers that crossed the continent to establish their homes in what is now Utah consisted of both men and women. Besides the simple rigors of walking hundreds of miles across the Great Plains and Rocky Mountains, these courageous pioneer women braved many trials such as extreme winter cold, lack of provisions, and the death of loved ones. They struggled to provide for the basic needs of their families. Sadly, many women had to witness the burial of their children and husbands along the way. Upon arriving in the valleys of the mountains, these pioneer women toiled along with the men to establish farms, schools, businesses, and towns. Their hard work, and dedication are reflected in the character of our State even today.

Politically, Utah was a leader in recognizing the rights of women, and involving them in the process of government. Much has and will be said of the valiant efforts of women's suffrage activists such as Susan B. Anthony, Elizabeth Cady Stanton, and Carrie Chapman Catt. This group of national heroes includes a Utahn by the name of Emmeline Wells. As an advocate for women's rights, Mrs. Wells worked to achieve a political voice for Utah women. She won her first battle in 1870, when the territorial legislature legally gave Utah women the right to vote.

Unfortunately, the U.S. Congress stripped Utah women of their voting rights in 1887. Undaunted, Mrs. Wells and others formed the Woman Suffrage Association of Utah, the purpose of which was to reclaim their voting rights. These women finally succeeded in 1896, when Utah was admitted into the Union as a State with a constitution providing female suffrage. Emmeline Wells remained an active member of the Woman's Republican League and the National Suffrage Association, and kept up the suffrage campaign on the national level.

I am proud to say that Utah was ahead of its time in this respect. By the end of 1896, only Utah, Idaho, Wyoming, and Colorado recognized women's right to vote. No other States granted this right for another 14 years. Later in 1896, the people of Utah elected Martha Hughes Cannon to be their first female state senator. And, proving that the past is prologue, women continue to play significant, influential leadership roles in our State. In 1991, Deedee Corradini was elected mayor of Salt Lake City, Utah's largest city and the seat of State government. In 1992, Olene Walker was elected Utah's Lieutenant Governor, and two recent members of Utah's delegation to the U.S. Congress have been women.

Women have also added much to Utah's cultural heritage. A prime example is Alice Merrill Horne. She was an educator and prolific artist at the turn of the century. As a twenty-three year old in 1891, Alice was appointed chairperson of the Utah Liberal Arts Committee for the 1893 Columbian Exposition in Chicago. She published a book of poems composed by women for the exposition.

Alice Merrill Horne became the second woman elected to the Utah House of Representatives in 1898. As an elected official, she continued to encourage cultural development. She moved a bill for the State to create the Nation's first art institute, which would encourage the fine arts, hold an annual art exhibition, and start a state-owned art collection. As a memorial to her, the state collection bears her name.

Today's women continue the tradition of Mrs. Horne. In 1997, the Women's Center Advisory Board at Utah State University named a number of recipients of the Women Over 65 Achievement Awards. Among them was Ruth Call. Ruth became director of the Unicorn Theater in 1957. In this capacity she has brought beauty and happiness into the lives of children in Cache Valley by allowing them to participate in the performing arts. Since 1957, she has continued to influence children's lives through the theater, as a Girl Scout leader, and by her involvement in local art groups. Ruth Call is only one of the many modern unsung heroes who quietly enrich the lives of many.

Ever since Utah's earliest periods, women have contributed in many ways in the professional sector. Patty Sessions was a pioneer midwife and horticulturist who developed her own strain of plums. Singer Emma Lucy Gates founded an opera company. Before her election to the state senate, Martha Hughes Cannon was a very successful medical doctor.

Now more than ever, women are an integral part of the State's business sector. According to the National Foundation for Women Business Owners, between 1987 and 1996, the number of women-owned firms along Utah's Wasatch Front increased by 87 percent. Thus, Utah is among the top 10 states in the Nation for growth of women-owned firms. The NFWBO also said that women-owned companies represent 38 percent of all businesses in the area, employ 21 percent of all workers, and generate 24 percent of all sales.

This is an exciting time for women's athletics as well. On the heels of Olympic gold medals for our teams in both the Summer and Winter Games, women's soccer, softball, basketball, and hockey have found a new popularity in the United States. This is combined with gold medals in more traditionally popular sports like figure skating, track and field, and gymnastics to showcase the athletic talent that abounds among our women. My State is very proud to be home to the Utah Starzz, one of the teams in the new Women's National Basketball Association. I'm a big fan.

We are also very proud of the many female college athletes in our universities. Several of my State's college teams have achieved great success. In particular, I want to draw attention to one native Utahn who is leaving her mark on history.

As a junior on the Brigham Young University track and field team, Tiffany Lott made 1997 a banner year. Set the world record in the 55-meter hurdles by running 7.30 seconds at the Western Athletic Conference indoor championships. This eclipsed the eight-year-old record previously held by the great Jackie Joyner Kersee. Tiffany also won the heptathalon at the NCAA Championships. En route to her victory, she scored the third-highest point total in the history of the women's pentathlon. These feats, among others, led Track & Field News magazine to name Tiffany Lott the female college athlete of the year.

I have only touched on some of the many important achievments of Utah's women throughout our history. However, I cannot begin to give enough credit to the women who have added the most to our civilization, those who have influenced each one of us in some way. I wish to salute the countless women who have borne, nurtured, raised, instructed, and loved their children. I cannot think of a more important responsibility than that of a mother. Ironically, those who have had the greatest impact on us as a people are also those who receive the least public recognition.

I invite my colleagues to join in celebrating Women's History Month by recognizing all that women have contributed to this Nation in both large and small ways. Much of the progress of America is owed to the perseverance, ingenuity, and dedication of women.

TRIBUTE TO LIEUTENANT PETER OLSON

Mr. LOTT. Madam President, I would like to recognize the professional dedication, vision and public service of Lieutenant Peter Olson who is leaving the United States Navy to join the staff of Senator PHIL GRAMM. Lieutenant Olson, has served with distinction for the past 9 years in Naval Service. It is a privilege for me to recognize his many outstanding achievements and to commend him for the superb service he has provided this legislative body, the Navy and our great Nation.

Lieutenant Olson is a graduate of Rice University and the University of Texas School of Law. After passing the Texas Bar Examination, he attended the Navy's Aviation Officer Candidate School in Pensacola, Florida, and was commissioned an Ensign in May 1989. He proceeded to flight training where he received his "Wings of Gold" and was designated a Naval Aviator in March 1991.

Lieutenant Olson received training in the P-3C "Orion" Maritime Patrol Aircraft with Patrol Squadron THIRTY-ONE, at NAS Moffett Field, California. He reported for duty with the "White Lightnings" of Patrol Squadron SEVENTEEN (VP-17) stationed at NAS

Barbers Point, Hawaii, where he made deployments to Misawa, Japan, and Diego Garcia, British Indian Ocean Territories.

Among his shore assignments, Lieutenant Olson has served with distinction at the Navy's Bureau of Personnel in the Enlisted Advancements Division and as an intern with the Logistics Directorate of the Joint Chiefs of Staff.

Lieutenant Olson joined the Navy's Senate Liaison team in March 1996. During his service as a Navy Liaison Officer, he provided members of the Senate Armed Services Committee, and personal staffs, with timely support regarding Navy plans, programs and constituent casework. He has helped maintain the best trained, best equipped, and best prepared Navy in the world.

Madam President, Peter Olson, his wife Nancy, and daughter Kate, have made many sacrifices during his 9-year Navy career. He has served proudly with a dedication and enthusiasm that only comes from our Nation's best and brightest. Among Lieutenant Olson's many awards and decorations are the Joint Service Commendation Medal and the Navy Commendation Medal. He is a great credit to both the Navy and the country. The Nation and our military are indebted to Lieutenant Olson for his many years of distinguished service. As he now departs to begin a new career with Senator GRAMM, I call upon my colleagues from both sides of the aisle to wish him 'fair winds and following seas'.

MESSAGES FROM THE HOUSE

At 3:56 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2864. An act to require the Secretary of Labor to establish a program under which employers may consult with State officials respecting compliance with occupational safety and health requirements.

H.R. 2877. An act to amend the Occupational Safety and Health Act of 1970.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 238. Concurrent resolution authorizing the use of the Capitol Ground for breast cancer survivors event sponsored by the National Race for the Cure.

The message further announced that the House has passed the following bill, without amendment:

S. 758. An act to make certain technical corrections to the Lobbying Disclosure Act of 1995.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-339. A resolution adopted by the Military Order of the World Wars relative to the Quadrennial Defense Review; to the Committee on Appropriations.

POM-340. A resolution adopted by the Military Order of the World Wars relative to the defense industrial base; to the Committee on Appropriations.

POM-341. A resolution adopted by the Military Order of the World Wars relative to the U.S. Coast Guard; to the Committee on Appropriations.

POM-342. A resolution adopted by the Military Order of the World Wars relative to the combat readiness and funding for U.S. fighting forces; to the Committee on Appropriations.

POM-343. A resolution adopted by the Military Order of the World Wars relative to the total force policy and viable National Guard and Reserve forces; to the Committee on Armed Services.

POM-344. A resolution adopted by the Military Order of the World Wars relative to military service; to the Committee on Armed Services.

POM-345. A resolution adopted by the Military Order of the World Wars relative to the Buy American Program; to the Committee on Armed Services.

POM-346. A resolution adopted by the Military Order of the World Wars relative to the Reserve Officer Training Corps and Junior Reserve Officer Training Corps program; to the Committee on Armed Services.

POM-347. A resolution adopted by the Board of Regents of the University of Hawaii relative to the appointment of the Chairperson of the Federal Deposit Insurance Corporation; to the Committee on Banking, Housing, and Urban Affairs.

POM-348. A resolution adopted by the Military Order of the World Wars relative to the initiatives of the People's Republic of China in the U.S.; to the Committee on Commerce, Science, and Transportation.

POM-349. A resolution adopted by the Military Order of the World Wars relative to a World War II memorial; to the Committee on Energy and Natural Resources.

POM-350. A resolution adopted by the Military Order of the World Wars relative to U.S. forces in peacekeeping operations; to the Committee on Foreign Relations.

POM-351. A resolution adopted by the Military Order of the World Wars relative to military voting rights legislation; to the Committee on Rules and Administration.

POM-352. A resolution adopted by the Council of the City of Burbank, California relative to Filipino veterans of World War II; to the Committee on Veterans' Affairs.

POM-353. A resolution adopted by the Southern Governors' Association relative to the National Guard; to the Committee on Armed Services.

POM-354. A resolution adopted by the Southern Governors' Association regarding self-determination for Puerto Rico; to the Committee on Energy and Natural Resources.

POM-355. A resolution adopted by the Southern Governors' Association regarding reauthorization of the Federal surface transportation program; to the Committee on Environment and Public Works.

POM-356. A joint resolution adopted by the Legislature of the State of California; ordered to lie on the table.

SENATE JOINT RESOLUTION NO. 33

Whereas, Legislation has been introduced in the United States House of Representatives (H.R. 2625) and the United States Senate (S. 1297) to rename the Washington National Airport as the "Ronald Reagan Washington National Airport"; and

Whereas, Ronald Reagan was elected Governor of the State of California in 1966 and reelected in 1970; and

Whereas, Subsequently, Ronald Reagan in 1980 was elected the 40th President of the United States and reelected in 1984; and

Whereas, During his administration, President Reagan signed into law legislation from Congress to stimulate economic growth, curb inflation, increase employment, and strengthen national defense; and

Whereas, Naming the travel gateway into the nation's capital after President Ronald Reagan is a fitting tribute to his legacy of prosperity and freedom; and, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California encourages the President and the Congress of the United States to enact legislation to rename the Washington National Airport as the "Ronald Reagan Washington National Airport"; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BROWNBACK:

S. 1790. A bill to amend title II of the Social Security Act to ensure the integrity of the Social Security trust funds by requiring the Managing Trustee to invest the annual surplus of such trust funds in marketable interest-bearing obligations of the United States and certificates of deposit in depository institutions insured by the Federal Deposit Insurance Corporation, and to protect such trust funds from the public debt limit; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 1791. A bill to provide for an alternative penalty procedure for States that fail to meet Federal child support data processing requirements; to the Committee on Finance.

By Mr. MOYNIHAN (for himself and Mr. KERREY):

S. 1792. A bill to reduce social security payroll taxes, and for other purposes; to the Committee on Finance.

By Mr. GRAHAM:

S. 1793. A bill to amend the Internal Revenue Code of 1986 to reform the Internal Revenue Service, and for other purposes; to the Committee on Finance.

By Mr. HARKIN:

S. 1794. A bill to provide for the adjudication of certain claims against the Government of Iraq and to ensure priority for United States veterans filing such claims; to the Committee on the Judiciary.

By Mr. HAGEL (for himself, Mr. GRAMS, Mr. ROBERTS, Mr. CHAFEE, and Mr. DOMENICI):

S. 1795. A bill to reform the International Monetery Fund and to authorize United States participation in a quota increase and the New Arrangements to Borrow of the International Monetary Fund, and for other purposes; to the Committee on Foreign Relations.

By Mr. BINGAMAN (for himself, Mr. Inouye, and Mrs. Murray):

S. 1796. A bill to amend the Higher Education Act to 1965 to increase postsecondary education opportunities for Hispanic students and other student populations underrepresented in postsecondary education; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MACK (for himself, Mrs. Feinstein, Mr. Lott, Mr. Daschle, Mr. Hatch, Mr. Leahy, Mr. Abraham, Mr. Akaka, Mr. Allard, Mr. Baucus, Mr. Bennett, Mr. Biden, Mr. Bond, Mrs. Boxer, Mr. Breaux, Mr. Brownback, Mr. Bryan, Mr. Campbell, Mr. Chafee, Mr. Cleland, Mr. Cochran, Ms. Collins, Mr. Coverdell, Mr. Craig, Mr. D'Amato, Mr. DeWine, Mr. Dodd, Mr. Domenici, Mr. Dorgan, Mr. Durbin, Mr. Enzi, Mr. Faircloth, Mr. Ford, Mr. Frist, Mr. Glenn, Mr. Gorton, Mr. Gramm, Mr. Grassley, Mr. Gregg, Mr. Hagel, Mrs. Hutchison, Mr. Kohl, Mr. Inhofe, Mr. Inouye, Mr. Jeffords, Mr. Johnson, Mr. Kennedy, Mr. Kerrey, Ms. Landrieu, Mr. Lautenberg, Mr. Levin, Mr. Lieberman, Mr. Lugar, Mr. McConnell, Ms. Mikulski, Mr. Moynihan, Ms. Moseley-Braun, Mr. Murkowski, Mrs. Murray, Mr. Nickles, Mr. Reed, Mr. Robb, Mr. Rockefeller, Mr. Sarbanes, Mr. Sessions, Mr. Smith of New Hampshire, Mr. Smith of Oregon, Ms. Snowe, Mr. Specter, Mr. Stevens, Mr. Thomas, Mr. Torricelli, Mr. Warner, Mr. Wellstone, and Mr. Coats):

S. Res. 198. A resolution designating April 1, 1998, as "National Breast Cancer Survivors' Day"; to the Committee on the Judiciary.

By Mr. NICKLES (for himself, Mr. Dodd, Mr. Biden, Mr. Helms, Mr. Lieberman, Mr. Levin, Mr. Kyl, Mr. Kerrey, Mr. D'Amato, Mr. Abraham, Mr. Wellstone, Mr. Grams, Mr. Inhofe, Mr. Cleland, and Mr. Coverdell):

S. Con. Res. 85. A concurrent resolution calling for an end to the violent repression of the people of Kosovo; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN:

S. 1791. A bill to provide for an alternative penalty procedure for States that fail to meet Federal child support data processing requirements; to the Committee on Finance.

THE CHILD SUPPORT PERFORMANCE ACT OF 1998

Mrs. FEINSTEIN. Mr. President, I am introducing today the Child Support Performance Act of 1998. This legislation decreases penalties for those 14 states who did not make the child support enforcement system deadline last October.

This legislation decreases the overall penalties to 4% of the child support administrative funds in the first year, and increases the penalties by 4% each year up to 20%. However, if the state meets the benchmark goals it set out with HHS at the beginning of the year, 75% of the penalties would be forgiven each year. This provision encourages states to set realistic goals for the year and recognizes their progress each year instead of the all or nothing approach under current law.

The current penalties for not having the child support enforcement system up and running are enormous. States would be penalized all their TANF (AFDC) funding and their child support administration funds for the year.

The total loss in TANF funds and child support administrative funds from the 14 states amount to over $8 billion per year. More specifically, California would lose $4 billion. Illinois would lose $654 million. Michigan would lose $857 million. Pennsylvania would lose $794 million.

There is enough blame to go around for the states' failures to meet the child support enforcement systems deadline.

The lengthy private sector contractor procurement and federal approval processes; many vendors' inability to complete work to specifications within the time allowed; the long time needed to convert large caseloads into a new system; the difficulties inherent in a single system conversion in large states like California.

All of us would agree that the huge financial penalties imposed on 14 or more states would cause hardship to the children and families in the affected states. However, since over 30% of all child support cases are interstate collection cases, the penalties would have a nationwide impact.

What this means is that children in Kansas or Georgia will not be able to get child support from parents in California, Pennsylvania or the other 12 states who face the devastating penalties.

For the 14 states who face such devastating prospects, without my legislation, the rigid one statewide system requirement and the harsh penalty imposed on states would impoverish 19 million families with children nationwide.

Let me also point out the unfairness of current penalties on Los Angeles County. For California, 25% of the penalty will be borne by LA County, the largest county in the nation, serving 550,000 families. Despite the fact that LA County completed its system by the October deadline and could be certified as recognized by HHS in its March 2, 1998 proposed rules, LA County will be penalized along with the rest of California.

This is unfair and wrong. As I propose in my legislation, when counties have met the system requirement by building their own system with separate HHS funding, their portion should be exempted from the total penalties imposed on a state.

The House of Representatives recently passed Clay Shaw's legislation, H.R. 3130, that lowered the penalties for those states who did not meet the October 1st deadline last year. Representative Shaw's bill lowers the penalties but remains very harsh for those states who missed the deadline but who are on their way to becoming certified within a year or two.

Under Shaw's bill, California alone would face $12 million in penalty in the first year and up to $60 million in the forth year, denying 2.36 million impoverished families in California of their child support. It will not hurt the state, but only those families we are trying to help.

In other big states like Illinois, approximate 730,000 families with children may not get their child support because the state faces $2.7 million in penalties during the first year, and up to $13.5 million in the fourth year.

For Michigan, 1.5 million families with children may not get their child support because the state faces $3.27 million in penalties during the first year, up to $16.3 million in the fourth year.

Some, argue that these cuts are necessary to punish the states for not coming into compliance, but the reality is, that again only hurts the families with children.

Mr. President, the bottom line is, if we don't have child support enforcement systems up and running, children and families don't get their child support. 14 states do not have a child support enforcement system and imposing harsh penalties will not encourage states to perform better but debilitate their ability to serve.

Thank you, Mr. President. I urge all the members to support this legislation and I ask unanimous consent that a copy of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1791

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Support Performance Act of 1998".

SEC. 2. ALTERNATIVE PENALTY PROCEDURE APPLICABLE TO FEDERAL CHILD SUPPORT DATA PROCESSING REQUIREMENTS.

(a) In General.—Section 455(a) of the Social Security Act (42 U.S.C. 655(a)) is amended by adding at the end the following:

"(4)(A) If—

"(i) the Secretary determines that a State plan under section 454 would (in the absence of this paragraph) be disapproved for the failure of the State to comply with section 454(24)(A), and that the State has made and is continuing to make a good faith effort to so comply; and

"(ii) the State has submitted to the Secretary a corrective compliance plan that describes how the State will achieve such compliance, which has been approved by the Secretary,

then the Secretary shall not disapprove the State plan under section 454, and the Secretary shall reduce the amount otherwise payable to the State under paragraph (1)(A) of this subsection for the fiscal year by the penalty amount.

"(B) In this paragraph:

"(i) The term 'penalty amount' means, with respect to a failure of a State to comply with section 454(24)—

"(I) 4 percent of the penalty base, in the case of the 1st fiscal year in which such a failure by the State occurs;

"(II) 8 percent of the penalty base, in the case of the 2nd such fiscal year;

"(III) 12 percent of the penalty base, in the case of the 3rd such fiscal year;

"(IV) 16 percent of the penalty base, in the case of the 4th such fiscal year; or

"(V) 20 percent of the penalty base, in the case of the 5th or any subsequent such fiscal year.

"(ii) The term 'penalty base' means, with respect to a failure of a State to comply with section 454(24) during a fiscal year, the amount otherwise payable to the State under paragraph (1)(A) of this subsection for the preceding fiscal year, minus the applicable share of such amount which would otherwise be payable to any county to which the Secretary granted a waiver under the Family Support Act of 1988 (Public Law 100-485; 102 Stat. 2343) for 90 percent enhanced Federal funding to develop an automated data processing and information retrieval system provided that such system was implemented prior to October 1, 1997.

"(C)(i) The Secretary shall waive a penalty under this paragraph for any failure of a State to comply with section 454(24)(A) during fiscal year 1998 if, by December 31, 1997, the State has submitted to the Secretary a request that the Secretary certify the State as having met the requirements of such section and, by June 1, 1998, the Secretary has provided the certification as a result of a review conducted pursuant to the request.

"(ii) If a State with respect to which a reduction is made under this paragraph for a fiscal year achieves compliance with the milestones in the corrective compliance plan for that year by the beginning of the succeeding fiscal year, the Secretary shall increase the amount otherwise payable to the State under paragraph (1)(A) of this subsection for the succeeding fiscal year by an amount equal to 75 percent of the reduction for the fiscal year.

"(iii) The Secretary shall reduce the amount of any reduction that, in the absence of this clause, would be required to be made under this paragraph by reason of the failure of a State to achieve compliance with section 454(24)(B) during the fiscal year, by an amount equal to 20 percent of the amount of the otherwise required reduction, for each State performance measure described in section 458A(b)(4) with respect to which the applicable percentage under section 458A(b)(6) for the fiscal year is 100 percent, if the Secretary has made the determination described in section 458A(b)(5)(B) with respect to the State for the fiscal year.

"(D)(i) Subject to clause (ii), the preceding provisions of this paragraph (except for subparagraph (C)(i)) shall apply, separately and independently, to a failure to comply with section 454(24)(B) in the same manner in which the preceding provisions apply to a failure to comply with section 454(24)(A).

"(ii) The requirement under clause (i) to impose a separate and independent penalty amount for a fiscal year for a failure to comply with section 454(24)(B) shall not apply in the case of any State that the Secretary determines has achieved, by such date as the Secretary may specify, compliance with the milestones of the corrective compliance plan submitted by the State that the Secretary determines are necessary for the State to progress toward certification under section 454(24)(B).".

(b) INAPPLICABILITY OF PENALTY UNDER TANF PROGRAM.—Section 409(a)(8)(A)(i)(III) of such Act (42 U.S.C. 609(a)(8)(A)(i)(III)) is amended by inserting "(other than section 454(24))" before the semicolon.

SEC. 3. AUTHORITY TO WAIVE SINGLE STATEWIDE AUTOMATED DATA PROCESSING AND INFORMATION RETRIEVAL SYSTEM REQUIREMENT.

(a) IN GENERAL.—Section 452(d)(3) of the Social Security Act (42 U.S.C. 652(d)(3)) is amended to read as follows:

"(3) The Secretary may waive any requirement of paragraph (1) or any condition specified under section 454(16), and shall waive the single statewide system requirement under sections 454(16) and 454A, with respect to a State if—

"(A) the State demonstrates to the satisfaction of the Secretary that the State has or can develop an alternative system or systems that enable the State—

"(i) for purposes of section 409(a)(8), to achieve the paternity establishment percentages (as defined in section 452(g)(2)) and other performance measures that may be established by the Secretary;

"(ii) to submit data under section 454(15)(B) that is complete and reliable;

"(iii) to substantially comply with the requirements of this part; and

"(iv) in the case of a request to waive the single statewide system requirement, to—

"(I) meet all functional requirements of sections 454(16) and 454A;

"(II) ensure that the calculation of distribution of collected support is according to the requirements of section 457;

"(III) ensure that there is only 1 point of contact in the State for all interstate case processing and coordinated intrastate case management;

"(IV) ensure that standardized data elements, forms, and definitions are used throughout the State; and

"(V) complete the alternative system in no more time than it would take to complete a single statewide system that meets such requirement;

"(B)(i) the waiver meets the criteria of paragraphs (1), (2), and (3) of section 1115(c); or

"(ii) the State provides assurances to the Secretary that steps will be taken to otherwise improve the State's child support enforcement program; and

"(C) in the case of a request to waive the single statewide system requirement, the State has submitted to the Secretary separate estimates of the total cost of a single statewide system that meets such requirement, and of any such alternative system or systems, which shall include estimates of the cost of developing and completing the system and of operating the system for 5 years, and the Secretary has agreed with the estimates.".

(b) PAYMENTS TO STATES.—Section 455(a)(1) of such Act (42 U.S.C. 655(a)(1)) is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by striking the semicolon at the end of subparagraph (C) and inserting ", and"; and

(3) by inserting after subparagraph (C) the following:

"(D) equal to 66 percent of the sums expended by the State during the quarter for an alternative statewide system for which a waiver has been granted under section 452(d)(3), but only to the extent that the total of the sums so expended by the State on or after the date of the enactment of this subparagraph does not exceed the least total cost estimate submitted by the State pursuant to section 452(d)(3)(C) in the request for the waiver.".

By Mr. HARKIN:

S. 1794. A bill to provide for the adjudication of certain claims against the Government of Iraq and to ensure priority for United States veterans filing such claims; to the Committee on the Judiciary.

THE GULF WAR VETERANS' IRAQI CLAIMS PROTECTION ACT OF 1998.

Mr. HARKIN. Mr. President, I rise today to introduce important legislation for the men and women of our armed forces who served in the Persian Gulf during operation Desert Shield and Desert Storm.

The U.S. Government has $1.3 billion in impounded Iraqi funds from the Gulf War. U.S. businesses, the U.S. government, private citizens and over 3,000 American veterans have currently filed over $5 billion in claims against these funds. No criteria exists for dispersing these funds and no system of priorities is in place to ensure a fair settlement.

I believe the U.S. should protect those who safe guarded the interests of America during the Gulf War by ensuring their ability to file for claims against the impounded Iraqi money. My legislation, "The Gulf War Veterans' Iraqi Claims Protection Act of 1998," will put to rest, once and for all, lingering concerns about who should have priority in receiving these funds.

This legislation will:

Grant priority status to all retired, reserve or active duty members of the U.S. Armed Forces who may wish to file claims arising out of Iraq's invasion of Kuwait;

Establish a fund in the U.S. Treasury for payment of these claims; and

Create a formula for payments based on priority status.

Mr. President, no one disputes that many U.S. businesses and many American non-veteran citizens have legitimate claims to this money. However, I firmly believe that our Gulf War veterans, who risked their lives for their country and our freedom, deserve the highest priority in having their claims resolved. I hope all of my colleagues will join me in supporting our Gulf War veterans by supporting this legislation.

I have a copy of a letter from the Veterans of Foreign Wars (VFW) in support of this legislation which I ask unanimous consent be printed in the Record along with the text of the legislation.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 1794

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gulf War Veterans' Iraqi Claims Protection Act of 1998".

SEC. 2. ADJUDICATION OF CLAIMS.

(a) Claims Against Iraq.—The United States Commission is authorized to receive and determine the validity and amounts of any claims by nationals of the United States against the Government of Iraq.

(b) Decision Rules.—In deciding claims under subsection (a), the United States Commission shall apply, in the following order

(1) applicable substantive law, including international law; and

(2) applicable principles of justice and equity.

(c) Priority Claims.—Before deciding any other claim against the Government of Iraq, the United States Commission shall, to the extent practical, decide all pending non-commercial claims of active, retired, or reserve members of the United States Armed Forces, retired former members of the United States Armed Forces, and other individuals arising out of Iraq's invasion and occupation of Kuwait or out of the 1987 attack on the USS Stark.

(d) Applicability of International Claims Settlement Act.—To the extent they are not inconsistent with the provisions of this Act, the provisions of title I (other than section 2(c)) and title VII of the International Claims Settlement Act of 1949 (22 U.S.C. 1621-1627 and 1645-1645o) shall apply with respect to claims under this Act.

SEC. 3. CLAIMS FUNDS.

(a) Iraq Claims Fund.—The Secretary of the Treasury is authorized to establish in the Treasury of the United States a fund (hereafter in this Act referred to as the "Iraq Claims Fund") for payment of claims under section 2(a). The Secretary of the Treasury shall cover into the Iraq Claims Fund such amounts as are allocated to such fund pursuant to subsection (b).

(b) Allocation of Proceeds From Iraqi Asset Liquidation.—

(1) In general.—The President shall allocate funds resulting from the liquidation of assets pursuant to section 4 in the manner the President determines appropriate between the Iraq Claims Fund and such other accounts as are appropriate for the payment of claims of the United States Government, subject to the limitation in paragraph (2).

(2) Limitation.—The amount allocated pursuant to this subsection for payment of claims of the United States Government may not exceed the amount which bears the same relation to the amount allocated to the Iraq Claims Fund pursuant to this subsection as the sum of all certified claims of the United States Government bears to the sum of all claims certified under section 2(a). As used in this paragraph, the term "certified claims of the United States Government" means those claims of the United States Government which are determined by the Secretary of State to be outside the jurisdiction of the United Nations Commission and which are determined to be valid, and whose amount has been certified, under such procedures as the President may establish.

SEC. 4. AUTHORITY TO VEST IRAQI ASSETS.

The President is authorized to vest and liquidate as much of the assets of the Government of Iraq in the United States that have been blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) as may be necessary to satisfy claims under section 2(a), as well as claims of the United States Government against Iraq which are determined by the Secretary of State to be outside the jurisdiction of the United Nations Commission.

SEC. 5. REIMBURSEMENT FOR ADMINISTRATIVE EXPENSES.

(a) Deduction.—In order to reimburse the United States Government for its expenses in administering this Act, the Secretary of the Treasury shall deduct 1.5 percent of any amount covered into the Iraq Claims Fund.

(b) Deductions Treated as Miscellaneous Receipts.—Amounts deducted pursuant to subsection (a) shall be deposited in the Treasury of the United States as miscellaneous receipts.

SEC. 6. PAYMENTS.

(a) In General.—The United States Commission shall certify to the Secretary of the Treasury each award made pursuant to section 2. The Secretary of the Treasury shall make payment, out of the Iraq Claims Fund, in the following order of priority to the extent funds are available in such fund:

(1) Payment of $10,000 or the principal amount of the award, whichever is less.

(2) For each claim that has priority under section 2(c), payment of a further $90,000 toward the unpaid balance of the principal amount of the award.

(3) Payments from time to time in ratable proportions on account of the unpaid balance of the principal amounts of all awards according to the proportions which the unpaid balance of such awards bear to the total amount in the Iraq Claims Fund that is available for distribution at the time such payments are made.

(4) After payment has been made of the principal amounts of all such awards, pro rata payments on account of accrued interest on such awards as bear interest.

(5) After payment has been made in full of all the awards payable out of the Iraq Claims Fund, any funds remaining in that fund shall be transferred to the general fund of the Treasury of the United States.

(b) Unsatisfied Claims.—Payment of any award made pursuant to this Act shall not extinguish any unsatisfied claim, or be construed to have divested any claimant, or the United States on his or her behalf, of any rights against the Government of Iraq with respect to any unsatisfied claim.

SEC. 7. AUTHORITY TO TRANSFER RECORDS.

The head of any Executive agency may transfer or otherwise make available to the United States Commission such records and documents relating to claims authorized to be adjudicated by this Act as may be required by the United States Commission in carrying out its functions under this Act.

SEC. 8. STATUTE OF LIMITATIONS; DISPOSITION OF UNUSED FUNDS.

(a) Statute of Limitations.—Any demand or claim for payment on account of an award that is certified under this Act shall be barred one year after the publication date of the notice required by subsection (b).

(b) Publication of Notice.—

(1) In general.—At the end of the 9-year period specified in paragraph (2), the Secretary of the Treasury shall publish a notice in the Federal Register detailing the statute of limitations provided for in subsection (a) and identifying the claim numbers and awardee names of unpaid certified claims.

(2) Publication date.—The notice required by paragraph (1) shall be published 9 years after the last date on which the Secretary of the Treasury covers into the Iraq Claims Fund amounts allocated to that fund pursuant to section 3(b).

(c) Disposition of Unused Funds.—

(1) Disposition.—At the end of the 2-year period beginning on the publication date of the notice required by subsection (b), the Secretary of the Treasury shall dispose of all unused funds described in paragraph (2) by depositing in the Treasury of the United States as miscellaneous receipts any such funds that are not used for such additional payments.

(2) Unused funds.—The unused funds referred to in paragraph (1) are any remaining balance in the Iraq Claims Fund.

SEC. 9. DEFINITIONS.

As used in this Act:

(1) Executive agency.—The term "Executive agency" has the meaning given that term by section 105 of title 5, United States Code.

(2) Government of iraq.—The term "Government of Iraq" includes agencies, instrumentalities, and controlled entities (including public sector enterprises) of that government.

(3) United nations commission.—The term "United Nations Commission" means the United Nations Compensation Commission established pursuant to United Nations Security Council Resolution 687 (1991).

(4) United states commission.—The term "United States Commission" means the Foreign Claims Settlement Commission of the United States.

Veterans of Foreign Wars
of the United States,
Washington, DC, March 18, 1998.

Hon. Tom Harkin,
U.S. Senate,
Washington, DC.

Dear Senator Harkin: On behalf of the VFW and its 2.1 million members I thank you for taking the initiative to introduce The Gulf War Veterans' Iraqi Claims Protection Act of 1998. The bill will ensure that individual veterans claims are given a priority for receiving compensation from Iraqi assets frozen in the United States by our Government.

The VFW has consistently taken the position since 1993 that veterans of Desert Shield and Desert Storm should have priority status regarding compensation from Iraq for injury and illness they received in line of duty.

Again, thank you for your show of strong support on behalf of all veterans, especially those who went to the Persian Gulf, fought the war, and in some cases suffered personal injuries, material losses, and even death. It will be our pleasure to participate in any manner necessary to further assist you in this effort.

Sincerely,

John E. Moon,
Commander-in-Chief.

By Mr. HAGEL (for himself, Mr. Grams, Mr. Roberts and Mr. Chafee, and Mr. Domenici):

S. 1795. A bill to reform the International Monetary Fund and to authorize United States participation in a quota increase and the New Arrangements to Borrow of the International Monetary Fund, and for other purposes; to the Committee on Foreign Relations.

THE INTERNATIONAL MONETARY FUND REFORM ACT

Mr. HAGEL. Mr. President, today I am joining with Senators GRAMS, ROBERTS, CHAFEE, and DOMENICI in introducing the International Monetary Fund Reform Act. This legislation is the product of weeks of work and negotiation we have undertaken to develop a package of very tough—but achievable—reforms for the IMF. We all agree that there must be IMF reform. But relevant, workable, and achievable reforms are what we must put in place.

It's in America's national interest for Congress to move swiftly to support the full $18 billion request for the IMF. Our actions—or inactions—will have real short-term and long-term economic consequences for America's interests in Asia and around the world. This morning, I chaired a hearing in the Foreign Relations Committee that showed how important the IMF is to American agriculture and our ability to build and keep markets overseas. We cannot discount the importance of the message our actions or inactions here will send. A stable Asian marketplace is in America's interest.

We are introducing this legislation today so that all our colleagues can review the compromise language we have put together. As the debate on this issue unfolds, we intend to remain actively involved.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1795

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Monetary Fund Reform Act of 1998".

SEC. 2. DEFINITION.

For purposes of this Act, the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on International Relations and the Committee on Banking and Financial Services of the House of Representatives.

TITLE I—INTERNATIONAL MONETARY FUND

SEC. 101. PARTICIPATION IN QUOTA INCREASE.

The Bretton Woods Agreements Act (22 U.S.C. 286-286mm) is amended by adding at the end the following:

"SEC. 61. QUOTA INCREASE.

"(a) IN GENERAL.—The United States Governor of the Fund may consent to an increase in the quota of the United States in the Fund equivalent to 10,622,500,000 Special Drawing Rights.

"(b) SUBJECT TO APPROPRIATIONS.—The authority provided by subsection (a) shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.".

SEC. 102. CONDITIONS FOR RELEASE OF FUNDS.

(a) LIMITATIONS ON FUNDING.—Notwithstanding any other provision of law, any funds appropriated or otherwise made available for an increase in the quota of the United States in the International Monetary Fund pursuant to this title shall not be available for such increase until the Secretary of the Treasury makes the certifications described in subsection (b) and (c) to the appropriate congressional committees.

(b) CERTIFICATION REGARDING TRANSPARENCY.—The certification described in this subsection means a certification by the Secretary of the Treasury to the appropriate congressional committees that the United States is taking all necessary and appropriate steps to—

(1) ensure that the internal processes of the IMF becomes open and transparent;

(2) strengthen the ability of all countries, Congress, and the public to obtain timely and accurate information about the decision making process and other internal processes of the IMF;

(3) obtain routine release to the public of IMF documents, including official working papers, past evaluations, all Letters of Intent, and Policy Framework Papers.

(4) provide for greater accessibility, for both policymakers and members of the public, of the IMF and its staff; and

(5) obtain timely and complete publication of the Article IV consultations conducted by the IMF for each member country.

(c) CERTIFICATION REGARDING FUTURE LENDING STANDARDS.—The certification described in this subsection means a certification by the Secretary of the Treasury of the appropriate congressional committees that the International Monetary Fund routinely seeks, as a standard condition for lending and other uses of the Fund's resources, that borrower countries be required to—

(1) comply with the borrower country's international trading obligations including, if applicable, with the standards of the World Trade Organization;

(2) comply with appropriate international banking and financial standards and not engage in the pattern or practice of improper government-directed lending to favored industries, enterprises, parties, or institutions; and

(3) have or be developing bankruptcy laws and procedures to provide for liquidation and restructuring of businesses, and make progress toward assuring nondiscriminatory treatment of domestic and foreign creditors, debtors, and other concerned persons.

(d) REPORT.—Not later than October 1, 1998, and not later than March 1 of each year thereafter, the Secretary of the Treasury shall submit to the appropriate congressional committees a report describing the steps taken by the United States to achieve the objectives set forth in subsection (b) and progress made toward achieving such objectives.

TITLE II—NEW ARRANGEMENTS TO BORROW

SEC. 201. NEW ARRANGEMENTS TO BORROW.

Section 17 of the Bretton Woods Agreements Act (22 U.S.C. 286e-2 et seq.) is amended—

(1) in subsection (a)—

(A) by striking "and February 24, 1983" and inserting "February 24, 1983, and January 27, 1997"; and

(B) by striking "4,250,000,000" and inserting "6,712,000,000";

(2) in subsection (b), by striking "4,250,000,000" and inserting "6,712,000,000"; and

(3) in subsection (d)—

(A) by inserting "or the Decision of January 27, 1997," after "February 24, 1983,"; and

(B) by inserting "or the New Arrangements to Borrow, as applicable" before the period at the end.

By Mr. BINGAMAN (for himself, Mr. INOUYE, and Mrs. MURRAY):

S. 1796. A bill to amend the Higher Education Act to 1965 to increase postsecondary education opportunities for Hispanic students and other student populations underrepresented in postsecondary education; to the Committee on Labor and Human Resources.

THE HIGHER EDUCATION FOR THE 21ST CENTURY ACT

Mr. BINGAMAN. Mr. President, I am glad to be here today to introduce the Higher Education for the 21st Century Act, which is also cosponsored by Senators INOUYE and MURRAY.

THE IMPORTANCE OF IMPROVING POST-SECONDARY EDUCATION FOR HISPANIC AND NATIVE AMERICANS

Improving the quality and availability of postsecondary opportunities for Hispanics and Native Americans is one of my top priorities during the reauthorization of the Higher Education Act.

I was one of the authors and lead supporters of the original Hispanic Serving Institutions proposal that was enacted in 1992.

I also authored the Educational Equity for Land Grant Status Act of 1994, and the Tribally Controlled, Post—Secondary Vocational Institutions Program that helps institutions such as Crownpoint.

EXAMPLES FROM NEW MEXICO

Like others, I have many of these institutions in my state:

Hispanic serving institutions such as Albuquerque Technical Vocational Institute and Santa Fe Community College, and

Tribal colleges such as Crownpoint Institute of Technology, the Southwest Indian Technical institute, and the Institute for American Indian Arts.

As I will describe, these institutions are essential lifelines for so many Hispanic and Native American students who aspire to post-secondary education.

STRONG BIPARTISAN SUPPORT FOR HISPANIC SERVING INSTITUTIONS AND TRIBAL COLLEGES AND UNIVERSITIES

I am also glad to report to that the proposals contained in this legislation has the support of a broad, bipartisan group of members in both the House and Senate, as well as the Administration:

In the last two weeks, 19 Senators from both sides of the aisle joined in sending letters to the Labor Committee expressing their strong support for these goals.

Over 30 Members of the House have joined to cosponsor companion legislation, H.R. 2495.

The Administration has proposed parallel provisions in its recommendations for the reauthorization of the Higher Education Act.

HOW THE CURRENT TITLE III WORKS

Under current law, there are only limited provisions for HSIs, and no provisions at all for Tribal Colleges.

Title III, called "Strengthening Institutions" is intended to provide grants to colleges that serve large populations of low-income and minority students, enabling them to improve the quality of their programs:

There are several special provisions to support Historically Black Colleges;

There is a small provision that allows some HSIs that meet highly restrictive eligibility requirements to receive funds; and

There is no special provision for the particular needs of Tribal Colleges.

STREAMLINING AND EXPANDING HISPANIC SERVING INSTITUTIONS

While they make up only about 3 percent of all colleges and universities, HSIs educate over half of all Hispanic Americans nationwide.

In fact, HSIs account for over 45 percent of the Associate's degrees earned by Hispanics nationwide, and almost 50 percent of Bachelor's degrees.

Though the current HSI program is very successful, there are several aspects that I believe should be improved. This bill would:

Increase the HSI authorization from $45 to $100 million;

Create a new Part C within Title III specifically for HSIs; and,

Eliminate cumbersome and inequitable data collection requirements about parents' educational attainment.

CREATING NEW OPPORTUNITIES FOR TRIBAL COLLEGES AND UNIVERSITIES

This bill also helps tribal colleges and universities (or "TCUs"), by creating a funding stream that would enable them to compete for similar grants under the Higher Education Act.

At present, there are 30 tribal colleges in 12 states serving over 25,000 students from 200 tribes, which continue to be among the most underfunded institutions of higher education in the nation.

However, Tribal Colleges or Universities have been hampered by a legacy of inadequate and unstable funding, because they do not have large resource bases to draw on and generally do not receive State funding.

This bill:

Creates a new Part D within Title III specifically for TCUs;

Establishes an FY99 authorization level of $50 million; and

Includes ALL tribal colleges—including those land grant institutions such as Crownpoint Institute of Technology that are currently excluded from the Tribal Community Colleges Act.

WHY HSIS AND TCUS NEED THESE PROGRAMS

One of the main reasons these changes are needed has to do with the limited educational opportunities and disproportionately low educational achievement of both Hispanics and Native Americans in most parts of the country.

Over 40 percent of Hispanic students do not complete a bachelor's degree, and 30 percent of young Hispanics have not graduated from high school.

Only 8.9 percent of American Indian and Alaska Native Youth earn 4 year bachelor's degrees or higher academic degrees compared to 20.3% of the Nation as a whole.

This is not to say that there aren't needy students at all types of institutions around the country but simply to point out that American Indian and Hispanic students—and the colleges that educate them—are among the most needy.

UNCLEAR PROGRESS ON THESE ISSUES IN THE LABOR COMMITTEE

Despite the strong support for these changes, it is unclear at present if the House Education Committee or the working group in the Labor Committee will agree to make significant changes.

In the House Education Committee there has been some notable progress, including a new $10 million section for Tribal Colleges and an increased authorization level for HSIs.

However, in recent Labor Committee drafts there have been only minor changes for HSIs, and no action at all to support tribal colleges.

CONCLUSION

This Act contains changes that have tremendous importance both symbolically and substantively that will provide opportunities Congress to lead the way in helping the most needy institutions helping the most disadvantaged students.

Knowing that Senator JEFFORDS and Senator KENNEDY and other members of the Labor Committee are longstanding supporters of tribal colleges and HSIs, I am hoping that the Committee will be persuaded of the need to make these changes.

I urge my colleagues to lend their support to this Act, and call on my friends in the Labor Committee to include these provisions in the reauthorization of the Higher Education Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1796

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Higher Education for the 21st Century Act".

(b) REFERENCES.—Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed as an amendment or repeal of a section or other provision, the reference shall be considered to be made to that section or provision in the Higher Education Act of 1965 (20 U.S.C. 1001 et seq).

SEC. 2. HISPANIC-SERVING INSTITUTIONS.

(a) IN GENERAL.—Title III (20 U.S.C. 1051 et seq.) is amended—

(1) by redesignating parts C and D (20 U.S.C. 1065 et seq. and 1066 et seq.) as parts E and F, respectively;

(2) by redesignating section 331 (20 U.S.C. 1065) as section 341;

(3) by redesignating sections 351, 352, 353, 354, 356, 357, 358, and 360 (20 U.S.C. 1066, 1067, 1068, 1069, 1069b, 1069c, 1069d, and 1069f) as sections 361, 362, 363, 364, 365, 366, 367, and 368, respectively;

(4) by repealing section 316 (20 U.S.C. 1059c); and

(5) by inserting after part B the following:

"PART C—HISPANIC-SERVING INSTITUTIONS

"SEC. 331. FINDINGS.

"Congress makes the following findings:

"(1) The disparity in educational opportunity between Hispanics and other Americans has become increasingly apparent. Hispanic student participation in higher education has remained basically stagnant with only 8 percent of Hispanic students attending higher education, and with Hispanic students experiencing a high school drop out rate in excess of 30 percent. Hispanics have the lowest college participation rates of any major race or ethnic group and attain degrees at a much lower rate than white students.

"(2) Efforts to correct this severe underrepresentation of Hispanics in postsecondary education have been woefully inadequate. All too often, responses that could be found were targeted too broadly, constructed too narrowly, or underfunded. With the single exception of the Pell Grant program, Federal higher education programs severely underserve Hispanics.

"(3) Hispanic-serving institutions of higher education have contributed significantly to providing equal educational opportunities for Hispanic students, particularly students from low-income and educationally disadvantaged families. Hispanic-serving institutions serve a unique function within the Nation's higher education community. While constituting only 3 percent of the Nation's higher education institutions, they served more than half of all Hispanic students enrolled in postsecondary education.

"(4) Hispanic-serving institutions shoulder the burden of providing high-quality educational opportunities for the fastest growing segment of the Nation's population. This population has the Nation's highest secondary school drop out rate and an exceedingly low level of participation in Federal higher education intervention programs such as Upward Bound. It also has historically been subjected to educational, economic, and political discrimination. Absent the existence of these necessary and critical institutions, Hispanic students would be less likely to have access to the benefits of postsecondary education. However, many Hispanic-serving institutions lack adequate institutional and financial resources to fully meet the growing postsecondary educational needs of this target population.

"(5) Providing financial assistance to eligible Hispanic-serving institutions to enable them to strengthen their institutional, academic, and fiscal resources, and to increase their services for Hispanic and other low-income, educationally disadvantaged students will increase the institutions' viability and self-sufficiency and will enable Hispanic-serving institutions to meet better the critical 21st century needs of the Nation.

"SEC. 332. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Secretary shall provide grants and related assistance to Hispanic-serving institutions to enable such institutions to improve and expand their capacity to serve Hispanic students and other low-income individuals.

"(b) AUTHORIZED ACTIVITIES.—

"(1) TYPES OF ACTIVITIES AUTHORIZED.—Grants awarded under this section shall be used by Hispanic-serving institutions of higher education to assist such institutions to plan, develop, undertake, and carry out programs.

"(2) EXAMPLES OF AUTHORIZED ACTIVITIES.—Such programs may include—

"(A) purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes;

"(B) renovation and improvement in classroom, library, laboratory, and other instructional facilities;

"(C) support of faculty exchanges, and faculty development and faculty fellowships to assist in attaining advanced degrees in their field of instruction;

"(D) curriculum development and academic instruction;

"(E) purchase of library books, periodicals, microfilm, and other educational materials;

"(F) funds and administrative management, and acquisition of equipment for use in strengthening funds management;

"(G) joint use of facilities such as laboratories and libraries; and

"(H) academic tutoring and counseling programs and student support services.

"SEC. 333. GRANTS FOR GRADUATE AND PROFESSIONAL PROGRAMS.

"(a) IN GENERAL.—The Secretary shall provide grants and related assistance to Hispanic-serving institutions with graduate and professional programs to enable such institutions to improve and expand graduate and professional opportunities for Hispanic students and other students underrepresented in graduate education.

"(b) AUTHORIZED ACTIVITIES.—Grants awarded under this section shall be used by Hispanic-serving institutions—

"(1) to recruit Hispanic students and other students underrepresented in graduate education to enroll in graduate and professional programs;

"(2) to provide stipends for such students;

"(3) to increase the capacity of the institution to serve such students by increasing faculty or counselling services for such students; or

"(4) to expand the number of Hispanic and other underrepresented graduate and professional students that can be served by the institution by expanding courses and institutional resources.

"SEC. 334. APPLICATION PROCESS.

"(a) INSTITUTIONAL ELIGIBILITY.—Each Hispanic-serving institution desiring to receive assistance under this part shall submit to the Secretary such enrollment data as may be necessary to demonstrate that the institution is a Hispanic-serving institution as defined in section 336, along with such other data and information as the Secretary may by regulation require.

"(b) APPLICATIONS.—Any institution which is determined by the Secretary to be a Hispanic-serving institution (on the basis of the data and information submitted under subsection (a)) may submit an application for assistance under this part to the Secretary. Such application shall include—

"(1) a 5-year plan for improving the assistance provided by the Hispanic-serving institution to Hispanic students and other low-income individuals; and

"(2) such other information and assurance as the Secretary may require.

"(c) PRIORITY.—With respect to applications for assistance under section 332, the Secretary shall give priority to applications that contain satisfactory evidence that such institution has entered into or will enter into a collaborative arrangement with at least one local educational agency to provide such agency with assistance (from funds other than funds provided under this part) in reducing Hispanic dropout rates, improving Hispanic rates of academic achievement, and increasing the rates at which Hispanic secondary school graduates enroll in higher education.

"SEC. 335. SPECIAL RULE.

"No Hispanic-serving institution that is eligible for and receives funds under this part may receive funds under part A or B during the period for which funds under this part are awarded.

"SEC. 336. DEFINITIONS.

"For purposes of this part:

"(1) HISPANIC-SERVING INSTITUTION.—The term 'Hispanic-serving institution' means an institution of higher education which—

"(A) is an eligible institution under section 312(b);

"(B) at the time of application, has an enrollment of undergraduate full-time equivalent students that is at least 25 percent Hispanic students; and

"(C) provides assurances that not less than 50 percent of its Hispanic students are low-income individuals.

"(2) LOW-INCOME INDIVIDUAL.—The term 'low-income individual' means an individual from a family whose taxable income for the preceding year did not exceed 150 percent of an amount equal to the poverty level determined by using criteria of poverty established by the Bureau of the Census.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 368(a) (as redesignated by subsection (a)(3)) (20 U.S.C. 1069f(a)) is amended—

(1) in paragraph (1)—

(A) by striking "(A)" after "PART A.—";

(B) by striking "(other than section 316)"; and

(C) by striking subparagraph (B);

(2) by redesignating paragraph (3) as paragraph (4);

(3) in paragraph (4) (as redesignated by paragraph (2))—

(A) by striking "C.—" and inserting "E.—"; and

(B) by striking "part C," and inserting "part E,"; and

(4) by inserting after paragraph (2) the following:

"(3) PART C.—(A) There are authorized to be appropriated to carry out part C (other than section 332), $80,000,000 for fiscal year 1999, and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(B) There are authorized to be appropriated to carry out section 332, $20,000,000 for fiscal year 1999, and such sums as may be necessary for each of the 4 succeeding fiscal years.".

SEC. 3. AMERICAN INDIAN TRIBAL COLLEGES AND UNIVERSITIES.

(a) AMENDMENT.—Title III (20 U.S.C. 1051 et seq.) is amended by inserting after part C (as added by section 2(a)(5)) the following:

"PART D—STRENGTHENING AMERICAN INDIAN TRIBAL COLLEGES AND UNIVERSITIES

"SEC. 351. FINDINGS AND PURPOSE.

"(a) FINDINGS.—Congress makes the following findings:

"(1) Indian tribes are domestic dependent nations, which exercise inherent sovereign authority over their members and territories, and as governments, Indian tribes have the authority to administer educational institutions.

"(2) Historically, the education system in the United States has encouraged American Indian and Alaska Native students to forgo their Native language and culture in favor of Western language and culture, and those educational practices have been damaging to Indian students and their communities.

"(3) In general, American Indian and Alaska Native youth have a lower economic status than students in the Nation as a whole, and roughly twice as many American Indian and Alaska Native youth live below the poverty line as compared to youth in the general population.

"(4) In general, American Indian and Alaska Native youth have a lower educational attainment level than youth in the Nation as a whole, and only 8.9 percent of American Indian and Alaska Native students earn 4-year bachelor's degrees or higher academic degrees compared to 20.3 percent of the students in the Nation as a whole.

"(5) Tribal Colleges or Universities have been established by tribal governments to make postsecondary educational opportunities available in American Indian communities, including general equivalency diplomas (GED's), remedial instruction, and academic, vocational, and technical programs similar to those offered by public and private colleges and universities.

"(6) In addition, Tribal Colleges or Universities fulfill unique and vitally important missions of preserving, recording, teaching, and fostering Native languages and cultures.

"(7) Tribal Colleges or Universities are well suited to serve American Indian communities because Tribal Colleges or Universities are physically located in the communities that they serve and are attuned to Native languages and cultures.

"(8) Tribal Colleges or Universities have been hampered by a lack of adequate and stable funding resources because, unlike State land-grant institutions, Tribal Colleges or Universities do not have large resource bases to draw on, and Tribal Colleges or Universities generally do not receive State funding. This lack of funding seriously threatens the continued viability of some of these institutions.

"(9) Based on the United States unique trust responsibility to American Indians, financial assistance to establish, support, and strengthen the physical plants, financial management, academic resources, and endowments of the Tribal Colleges or Universities is appropriate to enhance these institutions and to expand the capacity of these institutions to serve American Indian students.

"(b) PURPOSE.—It is the purpose of this part to improve the academic quality, technological capacity, instructional management, and fiscal stability of eligible Tribal Colleges or Universities in order to strengthen the ability of Tribal Colleges or Universities to make a substantial contribution to the higher education resources of the Nation.

"SEC. 352. DEFINITIONS.

"For the purposes of this part—

"(1) the term 'Indian' means a person who is a member of an Indian tribe;

"(2) the term 'Indian tribe' means any Indian or Alaska native tribe, band, nation, pueblo, village, or community that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

"(3) the term 'Tribal College or University' means an institution of higher education which is formally controlled, or has been formally sanctioned, or chartered, by the governing body of an Indian tribe or tribes, or which meets the criteria for eligibility set forth in section 354(a); and

"(4) the term 'institution of higher education' means an institution of higher education as defined by section 1201(a), except that clause paragraph (2) of such section shall not be applicable.

"SEC. 353. GRANTS TO INSTITUTIONS; GENERAL AUTHORIZATION AND USE OF FUNDS.

"(a) GRANTS.—From the amounts made available under section 368(a)(4) for any fiscal year, the Secretary shall make grants, to Tribal Colleges or Universities that meet the requirements of subsection (a) of section 354 and have applications approved by the Secretary, to carry out the activity described in subsection (b).

"(b) AUTHORIZED ACTIVITIES.—

"(1) IN GENERAL.—Grant funds under this section may be used for any of the following purposes:

"(A) Purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes.

"(B) Construction, maintenance, renovation, and improvement in classroom, library, laboratory, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services.

"(C) Support of faculty exchanges, faculty development, and faculty fellowships to assist faculty in attaining advanced degrees in their field of instruction.

"(D) Academic instruction in disciplines in which American Indians are underrepresented.

"(E) Purchase of library books, periodicals, and other educational materials, including telecommunications program material.

"(F) Tutoring, counseling, and student service programs designed to improve academic success.

"(G) Funds management, administrative management, and acquisition of equipment for use in strengthening funds management.

"(H) Joint use of facilities, such as laboratories and libraries.

"(I) Establishing or improving a development office to strengthen or improve contributions from alumni and the private sector.

"(J) Establishing or enhancing a program of teacher education designed to qualify students to teach in elementary or secondary schools, with a particular emphasis on teaching American Indian children and youth, that shall include, as part of such program, preparation for teacher certification.

"(K) Establishing community outreach programs which will encourage American Indian elementary school and secondary school students to develop the academic skills and the interest to pursue postsecondary education.

"(L) Investing in the technological improvement of the Tribal College or University's administration of funds made available to students under title IV.

"(M) Other activities proposed in the application submitted pursuant to section 354 that are approved by the Secretary as part of the review and acceptance of such application.

"(2) ENDOWMENT FUND.—

"(A) IN GENERAL.—A Tribal College or University may use not more than 20 percent of the grant funds provided under this part to establish or increase an endowment fund at the institution.

"(B) MATCHING REQUIREMENT.—In order to be eligible to use grant funds in accordance with subparagraph (A), the Tribal College or University shall provide matching funds from non-Federal sources, in an amount equal to not less than 50 percent of the Federal funds used in accordance with paragraph (1), for the establishment or increase of the endowment fund.

"(c) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to a Tribal College or University that proposes to carry out a program that strengthens the technological capabilities of institutions, as determined by the Secretary.

"(d) PLANNING GRANTS.—The Secretary may award a grant under this part to a Tribal College or University for a period of 1 year for the purpose of preparing a technological needs assessment, a plan, and an application for a grant under this section.

"SEC. 354. ELIGIBILITY AND APPLICATIONS.

"(a) ELIGIBILITY.—To be eligible to receive assistance under this part, an institution shall meet the following criteria:

"(1) INSTITUTION.—An institution shall—

"(A) receive assistance under the Tribally Controlled Community College Assistance Act of 1978;

"(B) receive assistance under part H of title III of the Carl D. Perkins Vocational and Applied Technology Education Act;

"(C) receive assistance under the Act of November 2, 1921 (commonly known as the 'Snyder Act') (42 Stat. 208, chapter 115; 25 U.S.C. 13);

"(D) receive assistance under the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act; or

"(E) receive funding under the Equity in Educational Land Grant Status Act of 1994.

"(2) ACCREDITATION.—An institution that is accredited by a nationally recognized accrediting agency or association determined by the Secretary to be a reliable authority for the quality of training offered, or is, according to such an agency or association, making reasonable progress toward accreditation.

"(b) APPLICATION.—Any institution desiring to receive assistance under this part shall submit an application to the Secretary at such time and in such manner as the Secretary may by regulation reasonably require. Each such application shall include—

"(1) a 5-year plan for improving the assistance provided by the Tribal College or University to Indian students, increasing the rates at which Indian secondary school students enroll in higher education, and increasing overall postsecondary retention rates for Indian students; and

"(2) measurable goals for the institution's proposed activities, including a plan for how the institution intends to achieve the goals.

"(c) SPECIAL RULE.—For the purposes of this part, a Tribal College or University that is eligible for and receives funds under this part shall not receive funds under part A during the period for which the funds under this part are awarded.".

(b) CONFORMING AMENDMENTS.—Part F (as redesignated by section 2(a)(1)) (20 U.S.C. 1066 et seq.) is amended—

(1) in section 361(b)(1) (as redesignated by section 2(a)(3)) (20 U.S.C. 1066(b)(1)), by striking "part C)" and inserting "part E)";

(2) in section 361(b)(6) (as redesignated by section 2(a)(3)) (20 U.S.C. 1066(b)(6)), by striking "section 357" and inserting "section 366, except that for purposes of part D, paragraphs (2) and (3) of such section shall not apply";

(3) in section 362 (as redesignated by section 2(a)(3)) (20 U.S.C. 1067), by striking "part A" each place the term appears and inserting "part A, C, or D";

(4) in section 363(a)(2) (as redesignated by section 2(a)(3)) (20 U.S.C. 1068(a)(2)), by striking "Native American colleges and universities" and inserting "American Indian Tribal Colleges and Universities";

(5) in section 363(a)(3)(A) (as redesignated by section 2(a)(3)) (20 U.S.C. 1068(a)(3)(A)), by inserting after "special consideration for grants awarded under part B" the following: ", and of the types of activities referred to in section 353 that should receive special consideration for grants awarded under parts C and D";

(6) in section 365(a) (as redesignated by section 2(a)(3)) (20 U.S.C. 1069b(a)), by inserting ", C, or D" after "institution eligible under part B";

(7) in section 366 (as redesignated by section 2(a)(3)) (20 U.S.C. 1069c)—

(A) by striking "The funds" and inserting "(a) IN GENERAL.—"; and

(B) by adding at the end the following new subsection:

"(b) EXCEPTION.—For purposes of part D of this title, paragraphs (2) and (3) of subsection (a) shall not apply.";

(8) in section 368(a) (as redesignated by section 2(a)(3)) (20 U.S.C. 1069f(a)), by inserting after paragraph (3) (as added by section 2(b)(4)) the following:

"(4) PART D.—There are authorized to be appropriated to carry out part D, $50,000,000 for fiscal year 1999 and such sums as may be necessary for each of the four succeeding fiscal years."; and

(9) in section 368(e) (as redesignated by section 2(a)(3)) (20 U.S.C. 1069f(e))—

(A) by striking "(3)" and inserting "(4)";

(B) by striking "part C" and inserting "part E"; and

(C) by striking "section 331" and inserting "section 341".

ADDITIONAL COSPONSORS

S. 195

At the request of Mrs. HUTCHISON, the names of the Senator from Mississippi [Mr. LOTT], the Senator from Delaware [Mr. BIDEN], the Senator from Idaho [Mr. CRAIG], and the Senator from Pennsylvania [Mr. SPECTER] were withdrawn as cosponsors of S. 195, a bill to abolish the National Endowment for the Arts and the National Council on the Arts.

At the request of Mr. D'AMATO, his name was withdrawn as a cosponsor of S. 195, supra.

S. 351

At the request of Mrs. MURRAY, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 351, a bill to provide for teacher technology training.

S. 567

At the request of Mr. SMITH, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 567, a bill to permit revocation by members of the clergy of their exemption from social security coverage.

S. 614

At the request of Mr. BREAUX, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 614, a bill to amend the Internal Revenue Code of 1986 to provide flexibility in the use of unused volume cap for tax-exempt bonds, to provide a $20,000,000 limit on small issue bonds, and for other purposes.

S. 887

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 887, a bill to establish in the National Service the National Underground Railroad Network to Freedom program, and for other purposes.

S. 1260

At the request of Mr. GRAMM, the names of the Senator from Kansas [Mr. BROWNBACK], the Senator from Arizona [Mr. MCCAIN], and the Senator from Arkansas [Mr. HUTCHINSON] were added as cosponsors of S. 1260, a bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes.

S. 1283

At the request of Mrs. HUTCHISON, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 1283, a bill to award Congressional gold medals to Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, commonly referred collectively as the "Little Rock Nine" on the occasion of the 40th anniversary of the integration of the Central High School in Little Rock, Arkansas.

S. 1334

At the request of Mr. BOND, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 1334, a bill to amend title 10, United States Code, to establish a demonstration project to evaluate the feasibility of using the Federal Employees Health Benefits program to ensure the availability of adequate health care for Medicare-eligible beneficiaries under the military health care system.

S. 1618

At the request of Mr. MCCAIN, the names of the Senator from Mississippi [Mr. LOTT] and the Senator from Oregon [Mr. SMITH] were added as cosponsors of S. 1618, a bill to amend the Communications Act of 1934 to improve the protection of consumers against "slamming" by telecommunications carriers, and for other purposes.

S. 1705

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 1705, a bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools.

S. 1737

At the request of Mr. MACK, the name of the Senator from Wyoming [Mr. ENZI] was added as a cosponsor of S. 1737, a bill to amend the Internal Revenue Code of 1986 to provide a uniform application of the confidentiality privilege to taxpayer communications with federally authorized practitioners.

S. 1748

At the request of Mr. MACK, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 1748, a bill to amend the Internal Revenue Code of 1986 to provide that the reduced capital gains tax rates apply to long-term capital gain from property with at least a 1-year holding period.

S. 1760

At the request of Mr. LEVIN, the names of the Senator from Wisconsin [Mr. KOHL] and the Senator from Wisconsin [Mr. FEINGOLD] were added as cosponsors of S. 1760, a bill to amend the National Sea Grant College Program Act to clarify the term Great Lakes.

S. 1764

At the request of Mr. THURMOND, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1764, a bill to amend sections 3345 through 3349 of title 5, United States Code (commonly referred to as the "Vacancies Act") to clarify statutory requirements relating to vacancies in certain Federal offices, and for other purposes.

S. 1789

At the request of Mr. MOYNIHAN, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 1789, a bill to amend title XVIII of the Social Security Act and the Employee Retirement Income Security Act of 1974 to improve access to health insurance and medicare benefits for individuals ages 55 to 65 to be fully funded through premiums and anti-fraud provision, and for other purposes.

SENATE RESOLUTION 155

At the request of Mr. LOTT, the names of the Senator from Tennessee [Mr. THOMPSON] and the Senator from Montana [Mr. BURNS] were added as cosponsors of Senate Resolution 155, a resolution designating April 6 of each year as "National Tartan Day" to recognize the outstanding achievements and contributions made by Scottish Americans to the United States.

SENATE RESOLUTION 194

At the request of Mrs. HUTCHISON, the names of the Senator from California [Mrs. FEINSTEIN] and the Senator from Idaho [Mr. KEMPTHORNE] were added as cosponsors of Senate Resolution 194, a resolution designating the week of April 20 through April 26, 1998, as "National Kick Drugs Out of America Week."

SENATE RESOLUTION 195

At the request of Mrs. HUTCHISON, the names of the Senator from Mississippi [Mr. LOTT], the Senator from New York [Mr. D'AMATO], the Senator from Delaware [Mr. BIDEN], the Senator from Idaho [Mr. CRAIG], the Senator from California [Mrs. BOXER], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Resolution 195, a resolution designating the week of March 22 through March 28, 1998, as "National Corrosion Prevention Week."

SENATE CONCURRENT RESOLUTION 85—CALLING FOR AN END TO THE VIOLENT REPRESSION OF THE PEOPLE OF KOSOVO

Mr. NICKLES (for himself, Mr. DODD, Mr. BIDEN, Mr. HELMS, Mr. LIEBERMAN, Mr. LEVIN, Mr. KYL, Mr. KERREY, Mr. D'AMATO, Mr. ABRAHAM, Mr. WELLSTONE, Mr. GRAMS, Mr. INHOFE, Mr. CLELAND, and Mr. COVERDELL) submitted the following concurrent resolution; which was considered and agreed to.

S. CON. RES. 85

Whereas ethnic Albanians constitute ninety percent of the population of the province of Kosovo;

Whereas the human rights situation in Kosovo has recently deteriorated, culminating in the killing of more than 70 ethnic Albanians, including innocent women and children, by Serbian police and paramilitary forces controlled by Yugoslav President Slobodan Milosevic;

Whereas Serbian authorities controlled by Milosevic have attempted to thwart efforts by international forensic experts to determine the cause of death of recent victims by burying the dead against the wishes of their families;

Whereas the current conflict in Kosovo threatens to reignite war in the Balkans, and is thereby a potential threat to regional peace and security;

Whereas the six-nation Contact Group established to monitor the situation in the former Yugoslavia has requested that the Serbian authorities controlled by Milosevic grant International Red Cross personnel access to areas where recent violence and killing have been reported;

Whereas the Contact Group has called upon Milosevic to withdraw special police units from Kosovo and enter into unconditional negotiations with ethnic Albanian political leaders in order to find a peaceful political solution to the conflict or face additional international sanctions; and

Whereas a peaceful resolution of the conflict in Kosovo must respect the rights of members of all ethnic and religious groups in Kosovo, all of whose representatives should be involved in negotiations about the resolution of that conflict: Now, Therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress—

(1) the United States should condemn the Serbian government controlled by Slobodan Milosevic in the strongest possible terms for the gross human rights violations against its citizens, including the indiscriminate use of Serbian paramilitary police units against the Albanian population of Kosovo;

(2) the United States should condemn any terrorist actions by any group or individual in Kosovo;

(3) the international community should respond affirmatively to the call of the Contact Group for the imposition of broad-based sanctions against the government of Serbia if it fails to prevent additional atrocities by the police and paramilitary units under its control or does not otherwise comply immediately with the terms set forth by the Contact Group;

(4) the United States should freeze funds of the governments of the Federal Republic of Yugoslavia and Serbia if the government of Serbia fails to comply by March 25, 1998, with the terms set forth by the Contact Group;

(5) pursuant to the terms set forth by the Contact Group, the United States should demand that the Serbian government and the ethnic Albanian leadership and the representatives of all ethnic and religious groups in Kosovo immediately begin unconditional talks to achieve a peaceful resolution to the conflict in Kosovo and to provide for the exercise of the legitimate civil and political rights of all persons in Kosovo; and

(6) the United States should demand that international human rights monitors, especially personnel of the International Red Cross who were forced to withdraw from Kosovo, be allowed to return immediately to Kosovo in order to be able to report on all human rights violations.

SENATE RESOLUTION 198—DESIGNATING "NATIONAL BREAST CANCER SURVIVORS' DAY"

Mr. MACK (for himself, Mrs. FEINSTEIN, Mr. LOTT, Mr. DASCHLE, Mr. HATCH, Mr. LEAHY, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. BAUCUS, Mr. BENNETT, Mr. BIDEN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BRYAN, Mr. CAMPBELL, Mr. CHAFEE, Mr. CLELAND, Mr. COCHRAN, Ms. COLLINS, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENZI, Mr. FAIRCLOTH, Mr. FORD, Mr. FRIST, Mr. GLENN, Mr. GORTON, Mr. GRAMM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mrs. HUTCHISON, Mr. KOHL, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MOYNIHAN, Ms. MOSELEY-BRAUN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. REED, Mr. ROBB, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SESSIONS, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. TORRICELLI, Mr. WARNER, Mr. WELLSTONE, and Mr. COATS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 198

Whereas breast cancer strikes an estimated 178,700 women and 1,600 men in the United States annually;

Whereas breast cancer strikes 1 out of every 9 American women during an average woman's lifetime;

Whereas breast cancer is the leading cause of death among American women between the ages of 35 and 54;

Whereas during this decade, it is estimated that more than 1,800,000 women and 12,000 men will be diagnosed with breast cancer in the United States;

Whereas when breast cancer is detected at an early stage, the 5 year survival rate is 97 percent;

Whereas according to the United States Centers for Disease Control and Prevention, the percentage of American women who die from breast cancer has begun to decline;

Whereas according to the United States Centers for Disease Control and Prevention, the mortality rate among American women with breast cancer decreased during the period from 1990 to 1995; and

Whereas breast cancer survivors have shown tremendous courage and determination in the face of adversity: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 1, 1998, as "National Breast Cancer Survivors' Day"; and

(2) requests the President to issue a proclamation calling upon the people of the United States to observe the day with appropriate programs and activities.

AMENDMENTS SUBMITTED

THE EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

ROTH AMENDMENT NO. 2019

Mr. ROTH proposed an amendment to the bill (H.R. 2646) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes; as follows:

Strike all after the enacting clause and insert:

SECTION 1. SHORT TITLE; AMENDMENT TO 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Parent and Student Savings Account PLUS Act".

(b) AMENDMENT TO 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment to 1986 Code; table of contents.

TITLE I—TAX INCENTIVES FOR EDUCATION

Sec. 101. Modifications to education individual retirement accounts.

Sec. 102. Exclusion from gross income of education distributions from qualified State tuition programs.

Sec. 103. Extension of exclusion for employer-provided educational assistance.

Sec. 104. Additional increase in arbitrage rebate exception for governmental bonds used to finance education facilities.

Sec. 105. Exclusion of certain amounts received under the National Health Corps Scholarship program.

Sec. 106. Treatment of qualified public educational facility bonds as exempt facility bonds.

TITLE II—REVENUE

Sec. 201. Clarification of deduction for deferred compensation.

Sec. 202. Modification to foreign tax credit carryback and carryover periods.

TITLE I—TAX INCENTIVES FOR EDUCATION

SEC. 101. MODIFICATIONS TO EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

(a) TAX-FREE EXPENDITURES FOR ELEMENTARY AND SECONDARY SCHOOL EXPENSES.—

(1) IN GENERAL.—Section 530(b)(2) (defining qualified higher education expenses) is amended to read as follows:

"(2) QUALIFIED EDUCATION EXPENSES.—

"(A) IN GENERAL.—The term 'qualified education expenses' means—

"(i) qualified higher education expenses (as defined in section 529(e)(3)), and

"(ii) qualified elementary and secondary education expenses (as defined in paragraph (4)).

Such expenses shall be reduced as provided in section 25A(g)(2).

"(B) QUALIFIED STATE TUITION PROGRAMS.—Such term shall include amounts paid or incurred to purchase tuition credits or certificates, or to make contributions to an account, under a qualified State tuition program (as defined in section 529(b)) for the benefit of the beneficiary of the account."

(2) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—Section 530(b) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

"(4) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—

"(A) IN GENERAL.—The term 'qualified elementary and secondary education expenses' means—

"(i) expenses for tuition, fees, academic tutoring, special needs services, books, supplies, computer equipment (including related software and services), and other equipment which are incurred in connection with the enrollment or attendance of the designated beneficiary of the trust as an elementary or secondary school student at a public, private, or religious school, or

"(ii) expenses for room and board, uniforms, transportation, and supplementary items and services (including extended day programs) which are required or provided by a public, private, or religious school in connection with such enrollment or attendance.

"(B) SPECIAL RULE FOR HOMESCHOOLING.—Such term shall include expenses described in subparagraph (A)(i) in connection with education provided by homeschooling if the requirements of any applicable State or local law are met with respect to such education.

"(C) SCHOOL.—The term 'school' means any school which provides elementary education or secondary education (kindergarten through grade 12), as determined under State law."

(3) SPECIAL RULES FOR APPLYING EXCLUSION TO ELEMENTARY AND SECONDARY EXPENSES.—Section 530(d)(2) (relating to distributions for qualified higher education expenses) is amended by adding at the end the following new subparagraph:

"(D) SPECIAL RULES FOR ELEMENTARY AND SECONDARY EXPENSES.—

"(i) IN GENERAL.—The aggregate amount of qualified elementary and secondary education expenses taken into account for purposes of this paragraph with respect to any education individual retirement account for all taxable years shall not exceed the sum of the aggregate contributions to such account for taxable years beginning after December 31, 1998, and before January 1, 2003, and earnings on such contributions.

"(ii) SPECIAL OPERATING RULES.—For purposes of clause (i)—

"(I) the trustee of an education individual retirement account shall keep separate accounts with respect to contributions and earnings described in clause (i), and

"(II) if there are distributions in excess of qualified elementary and secondary education expenses for any taxable year, such excess distributions shall be allocated first to contributions and earnings not described in clause (i)."

(4) CONFORMING AMENDMENTS.—Subsections (b)(1) and (d)(2) of section 530 are each amended by striking "higher" each place it appears in the text and heading thereof.

(b) MAXIMUM ANNUAL CONTRIBUTIONS.—

(1) IN GENERAL.—Section 530(b)(1)(A)(iii) (defining education individual retirement account) is amended by striking "$500" and inserting "the contribution limit for such taxable year".

(2) CONTRIBUTION LIMIT.—Section 530(b) (relating to definitions and special rules), as amended by subsection (a)(2), is amended by adding at the end the following new paragraph:

"(5) CONTRIBUTION LIMIT.—The term 'contribution limit' means $500 ($2,000 in the case of any taxable year beginning after December 31, 1998, and ending before January 1, 2003)."

(3) CONFORMING AMENDMENTS.—

(A) Section 530(d)(4)(C) is amended by striking "$500" and inserting "the contribution limit for such taxable year".

(B) Section 4973(e)(1)(A) is amended by striking "$500" and inserting "the contribution limit (as defined in section 530(b)(5)) for such taxable year".

(c) WAIVER OF AGE LIMITATIONS FOR CHILDREN WITH SPECIAL NEEDS.—Section 530(b)(1) (defining education individual retirement account) is amended by adding at the end the following flush sentence:

"The age limitations in the preceding sentence shall not apply to any designated beneficiary with special needs (as determined under regulations prescribed by the Secretary)."

(d) CORPORATIONS PERMITTED TO CONTRIBUTE TO ACCOUNTS.—Section 530(c)(1) (relating to reduction in permitted contributions based on adjusted gross income) is amended by striking "The maximum amount which a contributor" and inserting "In the case of a contributor who is an individual, the maximum amount the contributor".

(e) NO DOUBLE BENEFIT.—Section 530(d)(2) (relating to distributions for qualified education expenses), as amended by subsection (a)(3), is amended by adding at the end the following new subparagraph:

"(E) DISALLOWANCE OF EXCLUDED AMOUNTS AS CREDIT OR DEDUCTION.—No deduction or credit shall be allowed to the taxpayer under any other section of this chapter for any qualified education expenses to the extent taken into account in determining the amount of the exclusion under this paragraph."

(f) TECHNICAL CORRECTIONS.—

(1)(A) Section 530(b)(1)(E) (defining education individual retirement account) is amended to read as follows:

"(E) Any balance to the credit of the designated beneficiary on the date on which the beneficiary attains age 30 shall be distributed within 30 days after such date to the beneficiary or, if the beneficiary dies before attaining age 30, shall be distributed within 30 days after the date of death to the estate of such beneficiary."

(B) Section 530(d) (relating to tax treatment of distributions) is amended by adding at the end the following new paragraph:

"(8) DEEMED DISTRIBUTION ON REQUIRED DISTRIBUTION DATE.—In any case in which a distribution is required under subsection (b)(1)(E), any balance to the credit of a designated beneficiary as of the close of the 30-day period referred to in such subsection for making such distribution shall be deemed distributed at the close of such period."

(2)(A) Section 530(d)(1) is amended by striking "section 72(b)" and inserting "section 72".

(B) Section 72(e) (relating to amounts not received as annuities) is amended by inserting after paragraph (8) the following new paragraph:

"(9) EXTENSION OF PARAGRAPH (2)(B) TO QUALIFIED STATE TUITION PROGRAMS AND EDUCATIONAL INDIVIDUAL RETIREMENT ACCOUNTS.—Notwithstanding any other provision of this subsection, paragraph (2)(B) shall apply to amounts received under a qualified State tuition program (as defined in section 529(b)) or under an education individual retirement account (as defined in section 530(b)). The rule of paragraph (8)(B) shall apply for purposes of this paragraph."

(3) Section 530(d)(4)(B) (relating to exceptions) is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", or", and by adding at the end the following new clause:

"(iv) an amount which is includible in gross income solely because the taxpayer elected under paragraph (2)(C) to waive the application of paragraph (2) for the taxable year."

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1998.

(2) TECHNICAL CORRECTIONS.—The amendments made by subsection (f) shall take effect as if included in the amendments made by section 213 of the Taxpayer Relief Act of 1997.

SEC. 102. EXCLUSION FROM GROSS INCOME OF EDUCATION DISTRIBUTIONS FROM QUALIFIED STATE TUITION PROGRAMS.

(a) IN GENERAL.—Section 529(c)(3)(B) (relating to distributions) is amended to read as follows:

"(B) DISTRIBUTIONS FOR QUALIFIED HIGHER EDUCATION EXPENSES.—

"(i) IN GENERAL.—No amount shall be includible in gross income under subparagraph (A) if the qualified higher education expenses of the designated beneficiary during the taxable year are not less than the aggregate distributions during the taxable year.

"(ii) DISTRIBUTIONS IN EXCESS OF EXPENSES.—If such aggregate distributions exceed such expenses during the taxable year, the amount otherwise includible in gross income under subparagraph (A) shall be reduced by the amount which bears the same ratio to the amount so includible (without regard to this subparagraph) as such expenses bear to such aggregate distributions.

"(iii) ELECTION TO WAIVE EXCLUSION.—A taxpayer may elect to waive the application of this subparagraph for any taxable year.

"(iv) IN-KIND DISTRIBUTIONS.—Any benefit furnished to a designated beneficiary under a qualified State tuition program shall be treated as a distribution to the beneficiary for purposes of this paragraph.

"(v) DISALLOWANCE OF EXCLUDED AMOUNTS AS CREDIT OR DEDUCTION.—No deduction or credit shall be allowed to the taxpayer under any other section of this chapter for any qualified higher education expenses to the extent taken into account in determining the amount of the exclusion under this paragraph."

(b) DEFINITION OF QUALIFIED HIGHER EDUCATION EXPENSES.—Section 529(e)(3)(A) (defining qualified higher education expenses) is amended to read as follows:

"(A) IN GENERAL.—The term 'qualified higher education expenses' means expenses for tuition, fees, academic tutoring, special needs services, books, supplies, computer equipment (including related software and services), and other equipment which are incurred in connection with the enrollment or attendance of the designated beneficiary at an eligible educational institution."

(c) COORDINATION WITH EDUCATION CREDITS.—Section 25A(e)(2) (relating to coordination with exclusions) is amended—

(1) by inserting "a qualified State tuition program or" before "an education individual retirement account", and

(2) by striking "section 530(d)(2)" and inserting "section 529(c)(3)(B) or 530(d)(2)".

(d) TECHNICAL CORRECTION.—Section 529(c)(3)(A) is amended by striking "section 72(b)" and inserting "section 72".

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1998.

(2) TECHNICAL CORRECTION.—The amendment made by subsection (d) shall take effect as if included in the amendments made by section 211 of the Taxpayer Relief Act of 1997.

SEC. 103. EXTENSION OF EXCLUSION FOR EMPLOYER-PROVIDED EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Section 127(d) (relating to termination of exclusion for educational assistance programs) is amended by striking "May 31, 2000" and inserting "December 31, 2002".

(b) REPEAL OF LIMITATION ON GRADUATE EDUCATION.—The last sentence of section 127(c)(1) (defining educational assistance) is amended by striking ", and such term also does not include any payment for, or the provision of any benefits with respect to, any graduate level course of a kind normally taken by an individual pursuing a program leading to a law, business, medical, or other advanced academic or professional degree".

(c) Effective Dates.—

(1) Extension.—The amendment made by subsection (a) shall apply to expenses paid with respect to courses beginning after May 31, 2000.

(2) Graduate education.—The amendment made by subsection (b) shall apply to expenses paid with respect to courses beginning after December 31, 1997.

SEC. 104. ADDITIONAL INCREASE IN ARBITRAGE REBATE EXCEPTION FOR GOVERNMENTAL BONDS USED TO FINANCE EDUCATION FACILITIES.

(a) In General.—Section 148(f)(4)(D)(vii) (relating to increase in exception for bonds financing public school capital expenditures) is amended by striking "$5,000,000" the second place it appears and inserting "$10,000,000".

(b) Effective Date.—The amendment made by subsection (a) shall apply to obligations issued after December 31, 1998.

SEC. 105. EXCLUSION OF CERTAIN AMOUNTS RECEIVED UNDER THE NATIONAL HEALTH CORPS SCHOLARSHIP PROGRAM.

(a) In General.—Section 117(c) (relating to the exclusion from gross income amounts received as a qualified scholarship) is amended—

(1) by striking "Subsections (a)" and inserting the following:

"(1) In general.—Except as provided in paragraph (2), subsections (a)"; and

(2) by adding at the end the following new paragraph:

"(2) National health corps scholarship program.—Paragraph (1) shall not apply to any amount received by an individual under the National Health Corps Scholarship Program under section 338A(g)(1)(A) of the Public Health Service Act."

(b) Effective Date.—The amendments made by subsection (a) shall apply to amounts received in taxable years beginning after December 31, 1993.

SEC. 106. TREATMENT OF QUALIFIED PUBLIC EDUCATIONAL FACILITY BONDS AS EXEMPT FACILITY BONDS.

(a) Treatment as Exempt Facility Bond.—Subsection (a) of section 142 (relating to exempt facility bond) is amended by striking "or" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ", or", and by adding at the end the following:

"(13) qualified public educational facilities."

(b) Qualified Public Educational Facilities.—Section 142 is amended by adding at the end the following:

"(k) Qualified Public Educational Facilities.—

"(1) In general.—For purposes of subsection (a)(13), the term 'qualified public educational facility' means any school facility which is—

"(A) part of a public elementary school or a public secondary school,

"(B) except as provided in paragraph (6)(B)(iii), located in a high-growth school district, and

"(C) owned by a private, for-profit corporation pursuant to a public-private partnership agreement with a State or local educational agency described in paragraph (2).

"(2) Public-private partnership agreement described.—A public-private partnership agreement is described in this paragraph if it is an agreement—

"(A) under which the corporation agrees—

"(i) to do 1 or more of the following: construct, rehabilitate, refurbish, or equip a school facility, and

"(ii) at the end of the contract term, to transfer the school facility to such agency for no additional consideration, and

"(B) the term of which does not exceed the term of the underlying issue.

"(3) School facility.—For purposes of this subsection, the term 'school facility' means—

"(A) school buildings,

"(B) functionally related and subordinate facilities and land with respect to such buildings, including any stadium or other facility primarily used for school events, and

"(C) any property, to which section 168 applies (or would apply but for section 179), for use in the facility.

"(4) Public schools.—For purposes of this subsection, the terms 'elementary school' and 'secondary school' have the meanings given such terms by section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801), as in effect on the date of the enactment of this subsection.

"(5) High-growth school district.—For purposes of this subsection, the term 'high-growth school district' means a school district established under State law which had an enrollment of at least 5,000 students in the second academic year preceding the date of the issuance of the bond and an increase in student enrollment of at least 20 percent during the 5-year period ending with such academic year.

"(6) Annual aggregate face amount of tax-exempt financing.—

"(A) In general.—An issue shall not be treated as an issue described in subsection (a)(13) if the aggregate face amount of bonds issued by the State pursuant thereto (when added to the aggregate face amount of bonds previously so issued during the calendar year) exceeds an amount equal to the greater of—

"(i) $10 multiplied by the State population, or

"(ii) $5,000,000.

"(B) Allocation rules.—

"(i) In general.—Except as otherwise provided in this subparagraph, the State may allocate in a calendar year the amount described in subparagraph (A) for such year in such manner as the State determines appropriate.

"(ii) Rules for carryforward of unused amount.—With respect to any calendar year, a State may make an election under rules similar to the rules of section 146(f), except that the sole carryforward purpose with respect to such election is the issuance of exempt facility bonds described in section 142(a)(13).

"(iii) Special allocation rule for schools outside high-growth school districts.—A State may elect to allocate an aggregate face amount of bonds not to exceed $5,000,000 from the amount described in subparagraph (A) for each calendar year for qualified public educational facilities without regard to the requirement under paragraph (1)(A)."

(c) Exemption From General State Volume Caps.—Paragraph (3) of section 146(g) (relating to exception for certain bonds) is amended—

(1) by striking "or (12)" and inserting "(12), or (13)", and

(2) by striking "and environmental enhancements of hydroelectric generating facilities" and inserting "environmental enhancements of hydroelectric generating facilities, and qualified public educational facilities".

(d) Exemption From Limitation on Use for Land Acquisition.—Section 147(h) (relating to certain rules not apply) is amended—

(1) by adding at the end the following:

"(3) Exempt facility bonds for qualified public educational facilities.—Subsection (c) shall not apply to any exempt facility bond issued as part of an issue described in section 142(a)(13) (relating to qualified public educational facilities).", and

(2) by striking "Mortgage Revenue Bonds, Qualified Student Loan Bonds, and Qualified 501(c)(3) Bonds" in the heading and inserting "Certain Bonds".

(e) Effective Date.—The amendments made by this section shall apply to bonds issued after December 31, 1998.

TITLE II—REVENUE

SEC. 201. CLARIFICATION OF DEDUCTION FOR DEFERRED COMPENSATION.

(a) In General.—Section 404(a) (relating to deduction for contributions of an employer to an employee's trust or annuity plan and compensation under a deferred-payment plan) is amended by adding at the end the following new paragraph:

"(11) Determinations relating to deferred compensation.—

"(A) In general.—For purposes of determining under this section—

"(i) whether compensation of an employee is deferred compensation, and

"(ii) when deferred compensation is paid,

no amount shall be treated as received by the employee, or paid, until it is actually received by the employee.

"(B) Exception.—Subparagraph (A) shall not apply to severance pay."

(b) Effective Date.—

(1) In general.—The amendment made by subsection (a) shall apply to taxable years ending after the date of the enactment of this Act.

(2) Change in method of accounting.—In the case of any taxpayer required by the amendment made by subsection (a) to change its method of accounting for its first taxable year ending after the date of the enactment of this Act—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account in such first taxable year.

SEC. 202. MODIFICATION TO FOREIGN TAX CREDIT CARRYBACK AND CARRYOVER PERIODS.

(a) In General.—Section 904(c) (relating to limitation on credit) is amended—

(1) by striking "in the second preceding taxable year,", and

(2) by striking "or fifth" and inserting "fifth, sixth, or seventh".

(b) Effective Date.—The amendment made by subsection (a) shall apply to credits arising in taxable years beginning after December 31, 2000.

MURRAY AMENDMENT NO. 2020

(Ordered to lie on the table.)

Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill, H.R. 2646, supra; as follows:

At the end, add the following:

TITLE ___—SENSE OF CONGRESS

SEC. ___01. SENSE OF CONGRESS.

Congress makes the following findings:

(1) Qualified teachers in small classes can provide students with more individualized attention, spend more time on instruction and less on other tasks, cover more material effectively, and are better able to work with parents to help the parents further their children's education.

(2) Rigorous research has shown that students attending small classes in the early grades make more rapid educational progress than the students in larger classes, and that those achievement gains persist through at least the 8th grade. For example:

(A) In a landmark 4-year experimental study of class size reduction in grades kindergarten through grade 3 in Tennessee, researchers found that students in smaller classes earned significantly higher scores on basic skills tests in all 4 years and in all types of schools, including urban, rural, and suburban schools.

(B) After 2 years in reduced class sizes, students in the Flint, Michigan Public School District improved their reading scores by 44 percent.

(3) The benefits of smaller classes are greatest for lower-achieving, minority, poor, and inner-city children. One study found that urban 4th-graders in smaller than average classes were ¾ of a school year ahead of their counterparts in larger than average classes.

(4) Smaller classes allow teachers to identify and work sooner with students who have learning disabilities and, potentially, can reduce those students' need for special education services in the later grades.

(5) Students in smaller classes are able to become more actively engaged in learning than their peers in large classes.

(6) Efforts to improve educational outcomes by reducing class sizes in the early grades are likely to be successful only if well-qualified teachers are hired to fill additional classroom positions and if teachers received intensive, continuing training in working effectively in smaller classroom settings.

(7) State certified and licensed teachers help ensure high quality instruction in the classroom.

(8) According to the National Commission on Teaching and America's Future, the most important influence on student achievement is the expertise of their teachers. One New York City study comparing high- and low-achieving elementary schools with similar student characteristics, found that more than 90 percent of the variation in achievement in mathematics and reading was due to differences in teacher qualifications.

(9) Our Nation needs more qualified teachers to meet changing demographics and to help students meet high standards, as demonstrated by the following:

(A) Over the next decade, our Nation will need to hire over 2,000,000 teachers to meet increasing student enrollments and teacher retirements.

(B) 1 out of 4 high school teachers does not have a major or minor in the main subject that they teach. This is true for more than 30 percent of mathematics teachers.

(C) In schools with the highest minority enrollments, students have less than a 50 percent chance of getting a science or mathematics teacher who holds a degree in that field.

(D) In 1991, 25 percent of new public school teachers had not completed the requirements for a license in their main assignment field. This number increased to 27 percent by 1994, including 11 percent who did not have a license.

(10) We need more teachers who are adequately prepared for the challenges of the 21st century classroom, as demonstrated by the fact that—

(A) 50 percent of teachers have little or no experience using technology in the classroom; and

(B) in 1994, only 10 percent of new teachers felt they were prepared to integrate new technology into their instruction.

(11) Teacher quality cannot be further compromised to meet the demographic demand for new teachers and smaller class sizes. Comprehensive improvements in teacher preparation and development programs are also necessary to ensure the effectiveness of new teachers and the academic success of students in the classroom. These comprehensive improvements should include encouraging more institutions of higher education that operate teacher preparation programs to work in partnership with local educational agencies and elementary and secondary schools; providing more hands-on, classroom experience to prospective teachers; creating mentorship programs for new teachers; providing high quality content area training and classroom skills for new teachers; and training teachers to incorporate technology into the classroom.

(12) Efforts should be made to provide prospective teachers with a greater knowledge of instructional programs that are research-based, of demonstrated effectiveness, replicable in diverse and challenging circumstances, and supported by networks of experts and experienced practitioners.

(13) Several States have begun serious efforts to reduce class sizes in the early elementary grades, but these actions may be impeded by financial limitations or difficulties in hiring qualified teachers.

(14) The Federal Government can assist in this effort by providing funding for class size reductions in grades 1 through 3, and by helping to ensure that the new teachers brought into the classroom are well-qualified.

SEC. ___02. SENSE OF CONGRESS.

It is the sense of Congress that Congress should support efforts to hire 100,000 new teachers to reduce class sizes in first, second, and third grades to an average of 18 students per class all across America.

HUTCHISON AMENDMENT NO. 2021

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill, H.R. 2646, supra; as follows:

At the end, add the following:

TITLE ___—EQUAL EDUCATIONAL OPPORTUNITY

SEC. ___01. EQUAL EDUCATIONAL OPPORTUNITY.

(a) SHORT TITLE.—This section may be cited as the "Equal Educational Opportunity Act".

(b) AMENDMENTS TO ESEA.—Subsection (b) of section 6301 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7351) is amended—

(1) in paragraph (7), by striking "and" after the semicolon;

(2) in paragraph (8), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(9) education reform projects that provide same gender schools and classrooms, as long as comparable educational opportunities are offered for students of both sexes.".

McCAIN AMENDMENT NO. 2022

(Ordered to lie on the table.)

Mr. McCAIN submitted an amendment intended to be proposed by him to the bill, H.R. 2646, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. MULTILINGUALISM STUDY.

(a) FINDINGS.—Congress finds that even though all residents of the United States should be proficient in English, without regard to their country of birth, it is also of vital importance to the competitiveness of the United States that those residents be encouraged to learn other languages.

(b) RESIDENT OF THE UNITED STATES DEFINED.—In this section, the term "resident of the United States" means an individual who resides in the United States, other than an alien who is not lawfully present in the United States.

(c) STUDY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States (referred to in this section as the "Comptroller General") shall conduct a study of multilingualism in the United States in accordance with this section.

(2) REQUIREMENTS.—

(A) IN GENERAL.—The study conducted under this section shall ascertain—

(i) the percentage of residents in the United States who are proficient in English and at least 1 other language;

(ii) the predominant language other than English in which residents referred to in clause (i) are proficient;

(iii) the percentage of the residents described in clause (i) who were born in a foreign country;

(iv) the percentage of the residents described in clause (i) who were born in the United States;

(v) the percentage of the residents described in clause (iv) who are second-generation residents of the United States; and

(vi) the percentage of the residents described in clause (iv) who are third-generation residents of the United States.

(B) AGE-SPECIFIC CATEGORIES.—The study under this section shall, with respect to the residents described in subparagraph (A)(i), determine the number of those residents in each of the following categories:

(i) Residents who have not attained the age of 12.

(ii) Residents have attained the age of 12, but have not attained the age of 18.

(iii) Residents who have attained the age of 18, but have not attained the age of 50.

(iv) Residents who have attained the age of 50.

(C) FEDERAL PROGRAMS.—In conducting the study under this section, the Comptroller General shall establish a list of each Federal program that encourages multilingualism with respect to any category of residents described in subparagraph (B).

(D) COMPARISONS.—In conducting the study under this section, the Comptroller General shall compare the multilingual population described in subparagraph (A) with the multilingual populations of foreign countries—

(i) in the Western hemisphere; and

(ii) in Asia.

(d) REPORT.—Upon completion of the study under this section, the Comptroller General shall prepare, and submit to Congress, a report that contains the results of the study conducted under this section, and such findings and recommendations as the Comptroller General determines to be appropriate.

D'AMATO (AND OTHERS) AMENDMENT NO. 2023

(Ordered to lie on the table.)

Mr. D'AMATO (for himself, Mr. DASCHLE, Ms. SNOWE, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by them to the bill. H.R. 2646, supra; as follows:

At the appropriate place, insert the following:

TITLE —WOMEN'S HEALTH AND CANCER

SEC. 01. SHORT TITLE.

This Act may be cited as the "Women's Health and Cancer Rights Act of 1998".

SEC. 02. FINDINGS.

Congress finds that—

(1) the offering and operation of health plans affect commerce among the States;

(2) health care providers located in a State serve patients who reside in the State and patients who reside in other States; and

(3) in order to provide for uniform treatment of health care providers and patients among the States, it is necessary to cover health plans operating in 1 State as well as health plans operating among the several States.

SEC. 03. AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) In General.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (as added by section 603(a) of the Newborns' and Mothers' Health Protection Act of 1996 and amended by section 702(a) of the Mental Health Parity Act of 1996) is amended by adding at the end the following new section:

"SEC. 713. REQUIRED COVERAGE FOR MINIMUM HOSPITAL STAY FOR MASTECTOMIES AND LYMPH NODE DISSECTIONS FOR THE TREATMENT OF BREAST CANCER AND COVERAGE FOR RECONSTRUCTIVE SURGERY FOLLOWING MASTECTOMIES.

"(a) Inpatient Care.—

"(1) In general.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, that provides medical and surgical benefits shall ensure that inpatient coverage with respect to the treatment of breast cancer is provided for a period of time as is determined by the attending physician, in his or her professional judgment consistent with generally accepted medical standards, in consultation with the patient, to be medically appropriate following—

"(A) a mastectomy;

"(B) a lumpectomy; or

"(C) a lymph node dissection for the treatment of breast cancer.

"(2) Exception.—Nothing in this section shall be construed as requiring the provision of inpatient coverage if the attending physician and patient determine that a shorter period of hospital stay is medically appropriate.

"(b) Reconstructive Surgery.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, that provides medical and surgical benefits with respect to a mastectomy shall ensure that, in a case in which a mastectomy patient elects breast reconstruction, coverage is provided for—

"(1) all stages of reconstruction of the breast on which the mastectomy has been performed;

"(2) surgery and reconstruction of the other breast to produce a symmetrical appearance; and

"(3) the costs of prostheses and complications of mastectomy including lymphodemas;

in the manner determined by the attending physician and the patient to be appropriate. Such coverage may be subject to annual deductibles and coinsurance provisions as may be deemed appropriate and as are consistent with those established for other benefits under the plan or coverage. Written notice of the availability of such coverage shall be delivered to the participant upon enrollment and annually thereafter.

"(c) Notice.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan shall provide notice to each participant and beneficiary under such plan regarding the coverage required by this section in accordance with regulations promulgated by the Secretary. Such notice shall be in writing and prominently positioned in any literature or correspondence made available or distributed by the plan or issuer and shall be transmitted—

"(1) in the next mailing made by the plan or issuer to the participant or beneficiary;

"(2) as part of any yearly informational packet sent to the participant or beneficiary; or

"(3) not later than January 1, 1998;

whichever is earlier.

"(d) No Authorization Required.—

"(1) In general.—An attending physician shall not be required to obtain authorization from the plan or issuer for prescribing any length of stay in connection with a mastectomy, a lumpectomy, or a lymph node dissection for the treatment of breast cancer.

"(2) Prenotification.—Nothing in this section shall be construed as preventing a group health plan from requiring prenotification of an inpatient stay referred to in this section if such requirement is consistent with terms and conditions applicable to other inpatient benefits under the plan, except that the provision of such inpatient stay benefits shall not be contingent upon such notification.

"(e) Prohibitions.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, may not—

"(1) deny to a woman eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan, solely for the purpose of avoiding the requirements of this section;

"(2) provide monetary payments or rebates to individuals to encourage such individuals to accept less than the minimum protections available under this section;

"(3) penalize or otherwise reduce or limit the reimbursement of an attending provider because such provider provided care to an individual participant or beneficiary in accordance with this section;

"(4) provide incentives (monetary or otherwise) to an attending provider to induce such provider to provide care to an individual participant or beneficiary in a manner inconsistent with this section; and

"(5) subject to subsection (f)(3), restrict benefits for any portion of a period within a hospital length of stay required under subsection (a) in a manner which is less favorable than the benefits provided for any preceding portion of such stay.

"(f) Rules of Construction.—

"(1) In general.—Nothing in this section shall be construed to require a woman who is a participant or beneficiary—

"(A) to undergo a mastectomy or lymph node dissection in a hospital; or

"(B) to stay in the hospital for a fixed period of time following a mastectomy or lymph node dissection.

"(2) Limitation.—This section shall not apply with respect to any group health plan, or any group health insurance coverage offered by a health insurance issuer, which does not provide benefits for hospital lengths of stay in connection with a mastectomy or lymph node dissection for the treatment of breast cancer.

"(3) Cost sharing.—Nothing in this section shall be construed as preventing a group health plan or issuer from imposing deductibles, coinsurance, or other cost-sharing in relation to benefits for hospital lengths of stay in connection with a mastectomy or lymph node dissection for the treatment of breast cancer under the plan (or under health insurance coverage offered in connection with a group health plan), except that such coinsurance or other cost-sharing for any portion of a period within a hospital length of stay required under subsection (a) may not be greater than such coinsurance or cost-sharing for any preceding portion of such stay.

"(4) Level and type of reimbursements.—Nothing in this section shall be construed to prevent a group health plan or a health insurance issuer offering group health insurance coverage from negotiating the level and type of reimbursement with a provider for care provided in accordance with this section.

"(g) Safe Harbors.—The provisions of this section shall not be applicable to any group health plan for any plan year for which such plan has voluntarily sought and received certification from the National Cancer Institute, or any similar entity authorized by the Secretary, that such plan provides appropriate coverage, consistent with the objectives of this section, for mastectomies, lumpectomies and lymph node dissection for the treatment of breast cancer.

"(h) Preemption, Relation to State Laws.—

"(1) In general.—Nothing in this section may be construed to prohibit a State from establishing, implementing or continuing in effect any standard or requirement not prohibited by this section unless such standard or requirement is inconsistent with, in conflict with, or prevents the application of a standard or requirement of this section. With respect to a standard or requirement that is directly or indirectly prohibited by this section, a State may not establish, implement or continue in effect any requirement or standard that is different from or in addition to, or that is not otherwise identical with, or does not provide patient protections similar to, the standards or requirements established under this section.

"(2) Preemption.—Nothing in this section shall be construed to affect or modify the provisions of section 514 with respect to group health plans.".

(b) Clerical Amendment.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974, as amended by section 603 of the Newborns' and Mothers' Health Protection Act of 1996 and section 702 of the Mental Health Parity Act of 1996, is amended by inserting after the item relating to section 712 the following new item:

"Sec. 713. Required coverage for minimum hospital stay for mastectomies and lymph node dissections for the treatment of breast cancer and coverage for reconstructive surgery following mastectomies.".

(c) Effective Dates.—

(1) In general.—The amendments made by this section shall apply with respect to plan years beginning on or after the date of enactment of this Act.

(2) Special rule for collective bargaining agreements.—In the case of a group health plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of enactment of this Act, the amendments made by this section shall not apply to plan years beginning before the later of—

(A) the date on which the last collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of enactment of this Act), or

(B) January 1, 1999.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this section shall not be treated as a termination of such collective bargaining agreement.

SEC. 04. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT RELATING TO THE GROUP MARKET.

(a) In General.—Subpart 2 of part A of title XXVII of the Public Health Service Act (as added by section 604(a) of the Newborns' and Mothers' Health Protection Act of 1996 and amended by section 703(a) of the Mental Health Parity Act of 1996) is amended by adding at the end the following new section:

"SEC. 2706. REQUIRED COVERAGE FOR MINIMUM HOSPITAL STAY FOR MASTECTOMIES AND LYMPH NODE DISSECTIONS FOR THE TREATMENT OF BREAST CANCER AND COVERAGE FOR RECONSTRUCTIVE SURGERY FOLLOWING MASTECTOMIES.

"(a) Inpatient Care.—

"(1) In general.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, that provides medical and surgical benefits shall ensure that inpatient coverage with respect to the treatment of breast cancer is provided for a period of time as is determined by the attending physician, in his or her professional judgment consistent with generally accepted medical standards,in consultation with the patient, to be medically appropriate following—

"(A) a mastectomy;

"(B) a lumpectomy; or

"(C) a lymph node dissection for the treatment of breast cancer.

"(2) Exception.—Nothing in this section shall be construed as requiring the provision of inpatient coverage if the attending physician and patient determine that a shorter period of hospital stay is medically appropriate.

"(b) Reconstructive Surgery.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, that provides medical and surgical benefits with respect to a mastectomy shall ensure that, in a case in which a mastectomy patient elects breast reconstruction, coverage is provided for—

"(1) all stages of reconstruction of the breast on which the mastectomy has been performed;

"(2) surgery and reconstruction of the other breast to produce a symmetrical appearance; and

"(3) the costs of prostheses and complications of mastectomy including lymphodemas;

in the manner determined by the attending physician and the patient to be appropriate. Such coverage may be subject to annual deductibles and coinsurance provisions as may be deemed appropriate and as are consistent with those established for other benefits under the plan or coverage. Written notice of the availability of such coverage shall be delivered to the enrollee upon enrollment and annually thereafter.

"(c) Notice.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan shall provide notice to each participant and beneficiary under such plan regarding the coverage required by this section in accordance with regulations promulgated by the Secretary. Such notice shall be in writing and prominently positioned in any literature or correspondence made available or distributed by the plan or issuer and shall be transmitted—

"(1) in the next mailing made by the plan or issuer to the participant or beneficiary;

"(2) as part of any yearly informational packet sent to the participant or beneficiary; or

"(3) not later than January 1, 1998;

whichever is earlier.

"(d) No Authorization Required.—

"(1) In general.—An attending physician shall not be required to obtain authorization from the plan or issuer for prescribing any length of stay in connection with a mastectomy, a lumpectomy, or a lymph node dissection for the treatment of breast cancer.

"(2) Prenotification.—Nothing in this section shall be construed as preventing a plan or issuer from requiring prenotification of an inpatient stay referred to in this section if such requirement is consistent with terms and conditions applicable to other inpatient benefits under the plan, except that the provision of such inpatient stay benefits shall not be contingent upon such notification.

"(e) Prohibitions.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, may not—

"(1) deny to a woman eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan, solely for the purpose of avoiding the requirements of this section;

"(2) provide monetary payments or rebates to individuals to encourage such individuals to accept less than the minimum protections available under this section;

"(3) penalize or otherwise reduce or limit the reimbursement of an attending provider because such provider provided care to an individual participant or beneficiary in accordance with this section;

"(4) provide incentives (monetary or otherwise) to an attending provider to induce such provider to provide care to an individual participant or beneficiary in a manner inconsistent with this section;

"(5) provide financial or other incentives to a physician or specialist to induce the physician or specialist to refrain from referring a participant or beneficiary for a secondary consultation that would otherwise be covered by the plan or coverage involved; and

"(6) subject to subsection (f)(3), restrict benefits for any portion of a period within a hospital length of stay required under subsection (a) in a manner which is less favorable than the benefits provided for any preceding portion of such stay.

"(f) Rules of Construction.—

"(1) In general.—Nothing in this section shall be construed to require a woman who is a participant or beneficiary—

"(A) to undergo a mastectomy or lymph node dissection in a hospital; or

"(B) to stay in the hospital for a fixed period of time following a mastectomy or lymph node dissection.

"(2) Limitation.—This section shall not apply with respect to any group health plan, or any group health insurance coverage offered by a health insurance issuer, which does not provide benefits for hospital lengths of stay in connection with a mastectomy or lymph node dissection for the treatment of breast cancer.

"(3) Cost sharing.—Nothing in this section shall be construed as preventing a group health plan or issuer from imposing deductibles, coinsurance, or other cost-sharing in relation to benefits for hospital lengths of stay in connection with a mastectomy or lymph node dissection for the treatment of breast cancer under the plan (or under health insurance coverage offered in connection with a group health plan), except that such coinsurance or other cost-sharing for any portion of a period within a hospital length of stay required under subsection (a) may not be greater than such coinsurance or cost-sharing for any preceding portion of such stay.

"(4) Level and type of reimbursements.—Nothing in this section shall be construed to prevent a group health plan or a health insurance issuer offering group health insurance coverage from negotiating the level and type of reimbursement with a provider for care provided in accordance with this section.

"(g) Safe Harbors.—The provisions of this section shall not be applicable to any group health plan or health insurance issuer in connection with a group health plan for any plan year for which such plan has voluntarily sought and received certification from the National Cancer Institute, or any similar entity authorized by the Secretary, that such plan provides appropriate coverage, consistent with the objectives of this section, for mastectomies, lumpectomies and lymph node dissection for the treatment of breast cancer.

"(h) Preemption, Relation to State Laws.—

"(1) In general.—Nothing in this section may be construed to prohibit a State from establishing, implementing or continuing in effect any standard or requirement not prohibited by this section unless such standard or requirement is inconsistent with, in conflict with, or prevents the application of a standard or requirement of this section. With respect to a standard or requirement that is directly or indirectly prohibited by this section, a State may not establish, implement or continue in effect any requirement or standard that is different from or in addition to, or that is not otherwise identical with, or does not provide patient protections similar to, the standards or requirements established under this section.

"(2) Preemption.—Nothing in this section shall be construed to affect or modify the provisions of section 514 of the Employee Retirement Income Security Act of 1974 with respect to group health plans.".

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to group health plans for plan years beginning on or after the date of enactment of this Act.

(2) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of enactment of this Act, the amendments made by this section shall not apply to plan years beginning before the later of—

(A) the date on which the last collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of enactment of this Act), or

(B) January 1, 1999.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this section shall not be treated as a termination of such collective bargaining agreement.

SEC. 05. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT RELATING TO THE INDIVIDUAL MARKET.

(a) IN GENERAL.—Subpart 3 of part B of title XXVII of the Public Health Service Act (as added by section 605(a) of the Newborn's and Mother's Health Protection Act of 1996) is amended by adding at the end the following new section:

"SEC. 2752. REQUIRED COVERAGE FOR MINIMUM HOSPITAL STAY FOR MASTECTOMIES AND LYMPH NODE DISSECTIONS FOR THE TREATMENT OF BREAST CANCER.

"The provisions of section 2706 shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as they apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after the date of enactment of this Act.

SEC. 06. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

(a) IN GENERAL.—Chapter 100 of the Internal Revenue Code of 1986 (relating to group health plan portability, access, and renewability requirements) is amended by redesignating sections 9804, 9805, and 9806 as sections 9805, 9806, and 9807, respectively, and by inserting after section 9803 the following new section:

"SEC. 9804. REQUIRED COVERAGE FOR MINIMUM HOSPITAL STAY FOR MASTECTOMIES AND LYMPH NODE DISSECTIONS FOR THE TREATMENT OF BREAST CANCER AND COVERAGE FOR RECONSTRUCTIVE SURGERY FOLLOWING MASTECTOMIES.

"(a) INPATIENT CARE.—

"(1) IN GENERAL.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, that provides medical and surgical benefits shall ensure that inpatient coverage with respect to the treatment of breast cancer is provided for a period of time as is determined by the attending physician, in his or her professional judgment consistent with generally accepted medical standards, in consultation with the patient, to be medically appropriate following—

"(A) a mastectomy;

"(B) a lumpectomy; or

"(C) a lymph node dissection for the treatment of breast cancer.

"(2) EXCEPTION.—Nothing in this section shall be construed as requiring the provision of inpatient coverage if the attending physician and patient determine that a shorter period of hospital stay is medically appropriate.

"(b) RECONSTRUCTIVE SURGERY.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, that provides medical and surgical benefits with respect to a mastectomy shall ensure that, in a case in which a mastectomy patient elects breast reconstruction, coverage is provided for—

"(1) all stages of reconstruction of the breast on which the mastectomy has been performed;

"(2) surgery and reconstruction of the other breast to produce a symmetrical appearance; and

"(3) the costs of prostheses and complications of mastectomy including lymphodemas;

in the manner determined by the attending physician and the patient to be appropriate. Such coverage may be subject to annual deductibles and coinsurance provisions as may be deemed appropriate and as are consistent with those established for other benefits under the plan or coverage. Written notice of the availability of such coverage shall be delivered to the participant upon enrollment and annually thereafter.

"(c) NOTICE.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan shall provide notice to each participant and beneficiary under such plan regarding the coverage required by this section in accordance with regulations promulgated by the Secretary. Such notice shall be in writing and prominently positioned in any literature or correspondence made available or distributed by the plan or issuer and shall be transmitted—

"(1) in the next mailing made by the plan or issuer to the participant or beneficiary;

"(2) as part of any yearly informational packet sent to the participant or beneficiary; or

"(3) not later than January 1, 1998;

whichever is earlier.

"(d) NO AUTHORIZATION REQUIRED.—

"(1) IN GENERAL.—A, attending physician shall not be required to obtain authorization from the plan or issuer for prescribing any length of stay in connection with a mastectomy, a lumpectomy, or a lymph node dissection for the treatment of breast cancer.

"(2) PRENOTIFICATION.—Nothing in this section shall be construed as preventing a plan or issuer from requiring prenotification of an inpatient stay referred to in this section if such requirement is consistent with terms and conditions applicable to other inpatient benefits under the plan, except that the provision of such inpatient stay benefits shall not be contingent upon such notification.

"(e) PROHIBITIONS.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, may not—

"(1) deny to a woman eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan, solely for the purpose of avoiding the requirements of this section;

"(2) provide monetary payments or rebates to individuals to encourage such individuals to accept less than the minimum protections available under this section;

"(3) penalize or otherwise reduce or limit the reimbursement of an attending provider because such provider provided care to an individual participant or beneficiary in accordance with this section;

"(4) provide incentives (monetary or otherwise) to an attending provider to induce such provider to provide care to an individual participant or beneficiary in a manner inconsistent with this section;

"(5) provide financial or other incentives to a physician or specialist to induce the physician or specialist to refrain from referring a participant or beneficiary for a secondary consultation that would otherwise be covered by the plan or coverage involved; and

"(6) subject to subsection (f)(3), restrict benefits for any portion of a period within a hospital length of stay required under subsection (a) in a manner which is less favorable than the benefits provided for any preceding portion of such stay.

"(f) RULES OF CONSTRUCTION.—

"(1) IN GENERAL.—Nothing in this section shall be construed to require a woman who is a participant or beneficiary—

"(A) to undergo a mastectomy or lymph node dissection in a hospital; or

"(B) to stay in the hospital for a fixed period of time following a mastectomy or lymph node dissection.

"(2) LIMITATION.—This section shall not apply with respect to any group health plan, or any group health insurance coverage offered by a health insurance issuer, which does not provide benefits for hospital lengths of stay in connection with a mastectomy or lymph node dissection for the treatment of breast cancer.

"(3) COST SHARING.—Nothing in this section shall be construed as preventing a group health plan or issuer from imposing deductibles, coinsurance, or other cost-sharing in relation to benefits for hospital lengths of stay in connection with a mastectomy or lymph node dissection for the treatment of breast cancer under the plan (or under health insurance coverage offered in connection with a group health plan), except that such coinsurance or other cost-sharing for any portion of a period within a hospital length of stay required under subsection (a) may not be greater than such coinsurance or cost-sharing for any preceding portion of such stay.

"(4) LEVEL AND TYPE OF REIMBURSEMENTS.—Nothing in this section shall be construed to prevent a group health plan or a health insurance issuer offering group health insurance coverage from negotiating the level and type of reimbursement with a provider for care provided in accordance with this section.

"(g) SAFE HARBORS.—The provisions of this section shall not be applicable to any group health plan or health insurance issuer in connection with a group health plan for any plan year for which such plan has voluntarily sought and received certification from the National Cancer Institute, or any similar entity authorized by the Secretary, that such plan provides appropriate coverage, consistent with the objectives of this section, for mastectomies, lumpectomies and lymph node dissection for the treatment of breast cancer.

"(h) PREEMPTION, RELATION TO STATE LAWS.—

"(1) IN GENERAL.—Nothing in this section may be construed to prohibit a State from establishing, implementing or continuing in effect any standard or requirement not prohibited by this section unless such standard or requirement is inconsistent with, in conflict with, or prevents the application of a standard or requirement of this section. With respect to a standard or requirement that is directly or indirectly prohibited by this section, a State may not establish, implement or continue in effect any requirement or standard that is different from or in addition to, or that is not otherwise identical with, or does not provide patient protections similar to, the standards or requirements established under this section.

"(2) PREEMPTION.—Nothing in this section shall be construed to affect or modify the provisions of section 514 of the Employee Retirement Income Security Act of 1974 with respect to group health plans.".

(b) CONFORMING AMENDMENTS.—

(1) Sections 9801(c)(1), 9805(b) (as redesignated by subsection (a)), 9805(c) (as so redesignated), 4980D(c)(3)(B)(i)(I), 4980D(d)(3), and 4980D(f)(1) of such Code are each amended by striking "9805" each place it appears and inserting "9806".

(2) The heading for subtitle K of such Code is amended to read as follows:

"Subtitle K—Group Health Plan Portability, Access, Renewability, and Other Requirements".

(3) The heading for chapter 100 of such Code is amended to read as follows:

"CHAPTER 100—GROUP HEALTH PLAN PORTABILITY, ACCESS, RENEWABILITY, AND OTHER REQUIREMENTS".

(4) Section 4980D(a) of such Code is amended by striking "and renewability" and inserting "renewability, and other".

(c) CLERICAL AMENDMENTS.—

(1) The table of contents for chapter 100 of such Code is amended by redesignating the items relating to sections 9804, 9805, and 9806 as items relating to sections 9805, 9806, and 9807, and by inserting after the item relating to section 9803 the following new item:

"Sec. 9804. Required coverage for minimum hospital stay for mastectomies and lymph node dissections for the treatment of breast cancer and coverage for reconstructive surgery following mastectomies.".

(2) The item relating to subtitle K in the table of subtitles for such Code is amended by striking "and renewability" and inserting "renewability, and other".

(3) The item relating to chapter 100 in the table of chapters for subtitle K of such Code is amended by striking "and renewability" and inserting "renewability, and other".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to plan years beginning on or after the date of enactment of this Act.

(2) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of enactment of this Act, the amendments made by this section shall not apply to plan years beginning before the later of—

(A) the date on which the last collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of enactment of this Act), or

"(B) January 1, 1999.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this section shall not be treated as a termination of such collective bargaining agreement.

NOTICES OF HEARINGS

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation.

The hearing will take place on Thursday, April 30, 1998 at 2 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on title IV of S. 1693, a bill to renew, reform, reinvigorate, and protect the National Park System, and S. 624, a bill to establish a competitive process for the awarding of concession contracts in units of the National Park System, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on National Parks, Historic Preservation and Recreation, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole of the subcommittee staff at (202) 224–5161 or Shawn Taylor at (202) 224–6969.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation.

The hearing will take place on Thursday, April 30, 1998 at 2 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on titles VI, VII, VIII, and XI of S. 1693, a bill to renew, reform, reinvigorate, and protect the National Park System.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on National Parks, Historic Preservation and Recreation, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole of the subcommittee staff at (202) 224–5161 or Shawn Taylor at (202) 224–6969.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation.

The hearing will take place on Thursday, May 14, 1998 at 2 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on titles IX and X of S. 1693, a bill to renew, reform, reinvigorate, and protect the National Park System, and S. 1614, a bill to require a permit for the making of motion picture, television program, or other forms of commercial visual depiction in a unit of the National Park System or National Wildlife Refuge System.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on National Parks, Historic Preservation and Recreation, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole of the subcommittee staff at (202) 224–5161 or Shawn Taylor at (202) 224–6969.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ALLARD. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, March 18, 1998, at 10 a.m. for a hearing on the topic of "oversight of the Implementation of the Vacancies Act."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, March 18, 1998 at 10:30 a.m. in room 226 of the Dirksen Senate Office Building to hold a hearing on "Judicial Nominations."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, March 18, 1998 beginning at 9:30 a.m. until business is completed, to conduct an oversight hearing on the fiscal year 1999 budget and operations of the Smithsonian Institution, the Kennedy Center, and the Woodrow Wilson International Center for Scholars.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate for a hearing entitled "The President's Fiscal Year 1999 Budget Request for the Small Business Administration." The hearing will begin at 9:30 a.m. on Wednesday, March 18, 1998, in room 428A Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. ALLARD. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a joint hearing with the House Committee on Veterans' Affairs to receive the legislative presentation of the Disabled American Veterans. The hearing will be held on March 18, 1998, at 9:30 a.m., in room 345 of the Cannon House Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ACQUISITION AND TECHNOLOGY

Mr. ALLARD. Mr. President, I ask unanimous consent that the Subcommittee on Acquisition and Technology of the Committee on Armed Services be authorized to meet at 9:30 a.m. on Wednesday, March 18, 1998, in open session, to review the status of acquisition reform in the Department of Defense.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS

Mr. ALLARD. Mr. President, I ask unanimous consent that the Subcommittee on Communications of the Commerce, Science, and Transportation Committee be authorized to meet on Wednesday, March 18, 1998, on Wall Street view of Telecommunications Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FINANCIAL SERVICES AND TECHNOLOGY

Mr. ALLARD. Mr. President, I ask unanimous consent that the Subcommittee on Financial Services and Technology of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, March 18, 1998, to conduct a hearing on the Office of Thrift Supervision's Year 2000 preparedness.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, EXPORT AND TRADE PROMOTION

Mr. ALLARD. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Export and Trade Promotion be authorized to meet during the session of the Senate on Wednesday, March 18, 1998, at 10 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL SECURITY, PROLIFERATION, AND FEDERAL SERVICES

Mr. ALLARD. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Subcommittee on International Security, Proliferation, and Federal Services to meet on Wednesday, March 18, 1998 at 2 p.m. for a hearing on "The Comprehensive Test Ban Treaty and Nuclear Nonproliferation".

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. ALLARD. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet on Wednesday, March 18, 1998, at 2 p.m. in open session, to receive testimony on active and reserve military and civilian personnel programs and the service safety programs in review of the Defense authorization request for fiscal year 1999 and the Future Years Defense Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE RETIREMENT OF CIA INSPECTOR GENERAL FRED HITZ

• Mr. GLENN. Mr. President, I rise to pay tribute to Fred Hitz, who will soon be retiring from his position as CIA Inspector General. I have known Fred since he worked in the Department of Energy's congressional affairs' office in the 1970's, and I have gotten to know Fred particularly well since he became the first statutory CIA Inspector General in November of 1990. As Fred heads off to teach at Princeton University—his alma mater, I would simply note that the CIA's loss will be Princeton's gain.

As the first statutory CIA IG, all of Fred's moves have been relentlessly scrutinized as his mission was often met with a great deal of apprehension. Fred was faced with the significant challenge of establishing an internal, yet independent, oversight mechanism within the CIA that served the DCI, and had certain responsibilities to the Congressional oversight committees. Over seven years later, because of Fred Hitz's tenacity, integrity, and respect for the Central Intelligence Agency, the CIA Office of Inspector General has matured, and today provides the effective, professional oversight that Congress intended when the CIA IG Act was passed in 1989. This has been no small achievement.

In over 7 years of service as the CIA IG, Fred Hitz and his office have generated hundreds of quality products, and have advanced the national security of the United States by demonstrably improving the efficiency and effectiveness of this important agency. Fred has overseen the conduct of increasingly sophisticated and highly visible audits, inspections and investigations that have enhanced the accountability of the CIA and preserved the trust of CIA management, Congress and the public.

Fred has developed and promoted standards of accountability that have brought consistency and fairness to the Agency's handling of employee performance issues. He has greatly strengthened the Office of Inspector General by expanding the size of its professional cadre and the scope of its efforts, as well as by insisting that its audits, inspections and investigations be conducted with thoroughness, strict objectivity and an unwavering devotion to quality. In so doing, Fred has garnered the Office of Inspector General the respect, admiration and trust of CIA managers, counterparts throughout the Intelligence Community and the U.S. Government—and the Congressional intelligence oversight committees.

As a result of Fred's leadership, the CIA's Office of Inspector General has become a bulwark of independence and professionalism, assuring the American people that their nation's premier intelligence organization is conducting its activities efficiently, effectively and under the rule of law.

Mr. President, the CIA and the nation owe Fred Hitz a great deal of gratitude for his fine work at the Central Intelligence Agency. I wish Fred all the best in all of his future endeavors.•

INTELSAT WORKING PARTY'S RECOMMENDATION TO SPIN OFF A PRIVATE COMPANY

• Mr. BURNS. Mr. President, I rise today to offer my congratulations to the INTELSAT Working Party, which recently met here in Washington, DC. and finalized its recommendations concerning the spin-off of a private entity from this inter-governmental treaty organization to compete in the global satellite communications marketplace. These recommendations, which must be ratified by the 142 Member-Nations of INTELSAT in the coming weeks, were made in consultation with the U.S. Department of Commerce, the U.S. Department of State, the U.S. Department of Justice, the Federal Communications Commission, and the

White House. With that many cooks in the kitchen, it's astounding that any agreement was reached. This is a landmark achievement which deserves our applause.

I view this agreement as a significant and positive first step in the process of this intergovernmental treaty organization. As many of my colleagues are probably aware, I am presently working with Members of the Commerce Committee to craft legislation that will foster a competitive environment in the vibrant industry of satellite communications. I have already conducted a hearing on this matter before the Subcommittee on Communications and have another scheduled to take place in April. Furthermore, over the past several months, I, along with my colleagues in the Senate, have met with a wide range of domestic and international satellite communications companies, including representatives from several Member Nations of INTELSAT. Sometime prior to the upcoming hearing, we will introduce legislation which will create a more competitive marketplace where consumers worldwide will reap the benefits of enhanced communications services at reduced costs. I look forward to working with my colleagues in the House, specifically, Chairman BLILEY, Representative MARKEY, Chairman TAUZIN and others, to arrive at the most constructive legislation.

Until that time, I encourage my colleagues to keep an open mind as we move forward to resolving this very difficult issue. Once again, I want to offer my congratulations to INTELSAT for taking this important first step toward privatization. I will be watching the discussion in Brazil with great interest, and I hope that the Working Party's recommendation with respect to the spin-off are adopted, so that we will soon see the consumer benefits from another competitor in the private marketplace.●

TRIBUTE TO CHARLES TOLCHIN

● Mr. LEAHY. Mr. President, recently Charles Tolchin made remarks at the ground breaking at the new NIH Clinical center. While speeches at ground breakings are not normally something of note, these are.

Charles Tolchin suffered from cystic fibrosis and normally would not have lived even into his teens. Today, he is nearly 30, has survived a double-lung transplant, and has shown it is possible to completely beat the odds.

He makes it clear that he did this with the help of the people at NIH, and I ask that the text of his statement be printed in the RECORD so that this achievement can be shared with all.

The statement follows:

A LIVING SHRINE TO MY HEROS

(By Charles Tolchin)

The new Mark Hatfield Clinical Research Center is a living shrine to my heros. NIH researchers define dedication, faith, and infectious enthusiasm. They have made an enormous impact on my life.

I have Cystic Fibrosis, A genetic lung and digestive disease affecting 30,000 Americans. When I was five, doctors used the sweat test to diagnose me. It was developed here at NIH forty years ago by Dr. Paul D'Saint Agnese and is still the primary diagnostic tool for CF.

Over the past ten years, NIH has invested millions of dollars in CF research. That investment has reaped a golden return. In 1989, NIH funded scientists Francis Collins, Jack Riordan and Lap Chee Tsui, isolated the gene that causes CF. Since then, CF has led the pack in gene replacement therapy. Scientists are now trying to create a delivery system for inserting healthy genes into patients' lungs.

NIH funds research designed to gain a deeper understanding of CF on a molecular level. Why do CF lung cells act in the abnormal manner that they do? Every year, when I hear a lecture on the latest breakthroughs, I'm amazed at the art on the slides. It used to be very simple: here's a cf cell. But now, the art is highly defined, illustrating how the CF Transmembrane Regulator fails to transport water, sodium and chloride across the cell wall.

This gained knowledge is leading to new treatments, also funded by NIH. In 1993, the FDA approved a new drug for CF, Pulmozyme, aimed at thinning the thick mucous that plugs our lungs. I inhaled it twice a day for four years. NIH research has led to the development of nebulized Tobramycin, and Ciprofloxacin, two highly effective antibiotics. Both have fought biological warfare in my lungs. NIH research has led to the use of ibuprofen to reduce inflammation in the lungs. And NIH research led to the Flutter device, which I used three times a day to help cough up my mucous.

What impact has all of this research had on my life? When I was diagnosed at the age of 5, life expectancy was 8. Now, I'm 29, and life expectancy is 31. My whole life, that number has gone up because of the great strides in CF research.

I have also benefitted from NIH's outstanding clinical care. I became a patient back in 1977. I have received outstanding care from nurses who define compassion. Many have treated me for over ten years, adding the rare dimension of continuity to medicine. Pharmacists, x-ray technicians, respiratory therapists and nutritionists have all contributed their talents to my wellbeing. Finally, the physicians at NIH are world-class. My doctor, Milica Chernick, is a fine example. Having a lung disease means an endless procession of cold stethoscopes on your chest. Dr. Chernick always made sure to warm hers before taking a listen.

Because of NIH clinical care, and NIH and CF Foundation research, I stayed healthy enough to receive a double lung transplant at the University of North Carolina, Chapel Hill, this past April. The changes in my life have been profound. No longer do I spend five hours a day on respiratory therapy. I sleep all night without coughing. In fact, I never cough. Now I have the energy to go out and do things all day, to shed an isolated existence for one of vitality and stimulation.

The changes in my life have also been subtle. The only rule I broke after transplant was that I started driving a week before my doctors granted me permission. When I did so for the first time, I felt wind on my arms and realized that it was my own breath. When I went swimming for the first time after my transplant, I realized that I didn't need to keep a gym bag with a box of kleenex by the side of the pool.

Throughout my lifetime, medicine and research have dovetailed together. Clinical care at NIH kept me healthy enough to receive my transplant. Research at NIH helped provide the therapies I received.

We still do not have a cure for CF, but thanks to brilliant scientists and NIH's deep commitment, I am confident we will. In this living shrine, my heros fight against time, against persistent and pervasive adversaries, and against the unknown. I for one, am extremely grateful.●

RETIREMENT OF MR. LEONARD G. CAMPBELL

● Mr. WARNER. Mr. President, I rise today to pay tribute to Mr. Leonard Grove Campbell—one of our federal government's finest public servants and a distinguished son of the Commonwealth of Virginia. At the end of this month, he will retire from a truly distinguished career of over 37 years of exemplary service to his country.

Mr. Campbell was well-prepared for his distinguished career. After graduating from the University of Virginia with a degree in economics, he entered Officer Candidate School in 1963 and began his first career with the United States Navy. Mr. Campbell served as a weapons officer aboard the USS Iwo Jima in the Pacific—service which included tours in Vietnam. He completed his active duty service in the Navy in 1967, and retired from the Naval Reserves in 1983 as a Commander.

After completing his active duty service with the Navy, Mr. Campbell went to work for the Department of Commerce as a senior economist in the Balance of Payments Division. In 1973, he began a remarkable 25-year career with the Department of Defense.

I am proud to honor him today for his tremendous accomplishments, and to recognize the support and sacrifices of his wife, Lois, and his daughters, Lisa and Kristin, who wisely followed in their father's footsteps as UVA graduates.

The quality of Mr. Campbell's work has been recognized by every Administration he has served. He has received the Presidential Rank Award for Meritorious Service, the Department of Defense Distinguished Civilian Service Award, the Department of Defense Meritorious Civilian Service Award, and the Department of Defense Exceptional Civilian Service Award.

Mr. Campbell has served as the key advisor on budget issues for nine Secretaries of Defense and nine Department Comptrollers. His recommendations on a wide range of vital issues were constantly sought by the Pentagon leadership and greatly helped the Department robustly defend the funding requirements which support U.S. forces and missions. Year in and year out, his sage counsel and sound advice produced the best possible, yet fiscally responsible, spending plans to satisfy the nation's national security needs.

Mr. Campbell always brought exceptional insight and skill to the many diverse challenges presented to and undertaken by him. He is one of the few individuals in the Department who understands and can explain succinctly the complexities contained in numerous legislative proposals. On many occasions, his advice assured the adoption of sound spending decisions that supported major Defense Department requirements while remaining consistent with the President's budget priorities and prevailing perspectives in the Congress. His comprehensive knowledge, the consummate clarity by which he explained issues, his exceptional skill in guiding senior officials through the intricacies and restrictions of legislation, and his tireless dedication were immensely valuable to a whole generation of Department of Defense leaders, to our armed forces, and to U.S. national security.

The ultimate result of Mr. Campbell's performance within the Department of Defense over the last 25 years was that senior U.S. leaders, both in Congress and in the Defense Department, benefited enormously from his extensive knowledge, exceptional dedication, superb political sensitivity, and wise judgment. His invaluable contributions allowed our nation's leaders to make the wisest possible allocation of declining defense resources while maintaining America's future security.

Mr. Campbell has had a career of singular merit and has earned the profound gratitude of the American people. I wish him well in his future endeavors.•

MIKE JACOBS OF THE GRAND FORKS HERALD

• Mr. DORGAN. Mr. President, the Herald's editor, Mike Jacobs, was in Washington recently to receive an award he richly deserves. He was named "Editor of the Year" by the National Press Foundation for his and the Herald's remarkable achievements during last year's flood and fires in Grand Forks. I want to add my words of thanks to Mike and to the entire staff of the Herald for their outstanding work during extraordinarily difficult circumstances.

I saw firsthand how much it meant to the people of Grand Forks that their hometown newspaper never missed a day of printing throughout the city's crisis.

When the Herald arrived at shelters and emergency centers it flew off the racks. Clusters of people would gather around and jointly read it. They were starved for news of their city and devoured the paper.

Yet even more than a conduit of information, the Grand Forks Herald was a symbol of a community determined to survive and endure.

That the Herald was there at all was wondrous. Its building was completely flooded and then soon burned to the ground. The homes of nearly every employee of the Herald were inundated by flood waters.

Yet, the Herald, led by Editor Mike Jacobs, never faltered, never missed an edition. It found a temporary office in the grade school of a nearby small town, located alternative presses and devised creative methods of distributing the paper to its readers and flourished. In doing so, it gave hope, inspiration and purpose to its community.

As the city has overcome the worst disaster in North Dakota history, its citizens have marched back with resilience, fortitude and inspirational spirit. Mike Jacobs, the Grand Forks Herald and the city of Grand Forks have triumphed and I salute them.•

The 100TH ANNIVERSARY OF PEPSI COLA

• Mr. FAIRCLOTH. Mr. President, I rise today to recognize the 100th Anniversary of Pepsi Cola and salute New Bern, N.C., as the birthplace of Pepsi. Originally known as "Brad's Drink," Pepsi-Cola was invented in 1898 by Caleb Bradham in his pharmacy at the corner of Middle and Pollock Streets in New Bern, N.C. Today, Pepsi-Cola spans the globe with profits exceeding $1 billion. Yet, this company continues to recognize its origins through its investment in the communities which fostered its growth. Therefore, I extend congratulations to Pepsi-Cola on this milestone, and I salute the city and people of New Bern on this historic anniversary.•

AMBASSADOR WOLF RECOGNIZED

• Mr. GLENN. Mr. President, I am very proud to commend former Ambassador Milton A. Wolf of Cleveland, Ohio, on his recognition by the Ohio Senate.

Ambassador Wolf is truly one of the leading citizens of my state and has spent a lifetime learning, building and helping his hometown of Cleveland, our state and nation and people all over the world.

Milt Wolfe grew up in Cleveland and attended Glenville High School, but like many of us his education was interrupted by World War II. After serving in the Army Air Forces in the Pacific, Milt started out to be a doctor but went on to attend the Ohio State University and earned a degree in chemistry and biology and later at Case Institute of Technology a degree in civil engineering. In the construction business Milt built homes in Shaker Heights and Parma and Euclid. He went on to build high-rises and shopping centers. He continued his education and received a masters degree in economics from Case Western Reserve University in 1973.

In 1977, President Carter appointed Milt as our Ambassador to Austria and a delegate to the U.N. Conference on Science and Technology for Development in 1979. He served as a host in Vienna for the summit conference between Soviet President Brezhnev and President Carter on the Strategic Arms Limitation Treaty in 1979.

When Milt returned to Cleveland from Austria, he continued to serve by teaching economics at Case Western Reserve University. He has worked long and hard in support of the American Jewish Joint Distribution Committee. This committee provides millions of dollars to a variety of humanitarian assistance programs of relief, rescue, and reconstruction in over fifty nations. As president of the committee from 1992 until 1995 and currently as Chairman of the Board, Ambassador Wolf has been able to directly help people all over the world.

As a member of the Board of Trustees of the Ohio State University from 1986 until 1996 and Chairman of the Board in 1996 he made significant contributions as an educational leader of one the nation's largest universities. He clearly expressed his philosophy in education when he said that the wealth of the country is in its people. He said, "We have to have a highly educated population if we are going to compete in the next century."

Milt continues to support improvements in our educational system, but has never neglected his own continuing education. In 1993, Milt earned a Ph.D. in economics from Case Western.

He continues to serve the community as a member of the Board of Trustees of Case Western Reserve University, and on the boards of the Cleveland Clinic, Mount Sinai Health Care System and the Cleveland Orchestra.

Last November Ambassador Wolf received the Austrian Cross of Honor for Science and Art—First Class bestowed by the Ambassador of the Republic of Austria in New York. Last December the Ohio State University granted Ambassador Wolf an honorary Doctor of Diplomacy degree.

In its resolution of recognition of Ambassador Wolf's receipt of the Austrian Cross of Honor, the Ohio Senate stated

> At a time when the international landscape is dominated by images of conflict and antagonism, and in an era when hostility both within and between countries could spell disaster for the whole planet, every attempt to forge closer ties among citizens of diverse backgrounds and beliefs is of urgent significance. In this context, you have shown how very much a diligent, conscientious person can accomplish, and you can be proud that your commitment to promote global harmony through language, learning, and

letters has inspired many who know you to dedicate themselves similarly.

Milt Wolfe has set an example for us all in his efforts for all people. He is a builder, an educator and a humanitarian. Milt is a successful businessman who made time for helping others. I am proud of his friendship. My wife Annie joins me in congratulating him on this much deserved recognition.•

TRIBUTE TO BOB RAWLINGS

• Mr. ALLARD. Mr. President, I rise today to pay tribute to an individual who has made a significant contribution to the journalistic profession in the state of Colorado.

Bob Rawlings, publisher and editor of the Pueblo Chieftain and Sunday Chieftain and Star-Journal, has worked at the same newspaper for more than 51 years. During his tenure at the newspaper he has worked as a reporter, advertising salesman, General Manager, and since 1980 has served as Publisher and Editor. In 1984 he was selected to be president of the Star-Journal Publishing Corporation, which owns and operates both newspapers.

In 1985–86, Bob Rawlings served as President of the Colorado Press Association. He also has served as a member and past-chairman of the Colorado Bar-Press Committee, and is a past president of the Rocky Mountain Ad Manager's Association.

He was voted "Colorado Newspaper Person of the Year" in 1989, and was selected "Citizen of the Year" in 1993 by the Pueblo Chamber of Commerce. In 1994, Bob Rawlings was honored as "Colorado Business Leader of the Year," and at this year's Colorado Press Association's Annual Convention in February, Bob was presented with the "Gold Rule Makeup Award," which is the highest honor a member of the press can achieve in Colorado.

For more than a half-century, Bob Rawlings has served his community, state and nation. He represents the best and the brightest of his profession, and the citizens of Pueblo and the state of Colorado are honored to call him one of their own. It is individuals like Bob Rawlings who make America great. It is my pleasure to honor him and thank him for all he has done, and all that he will continue to do for Pueblo and Colorado.•

TRIBUTE TO THE 1998 U.S. WOMEN'S OLYMPIC ICE HOCKEY TEAM

• Mr. GREGG. Mr. President, I rise to commend the United States Women's Ice Hockey Team for its outstanding gold medal achievement during the 1998 Winter Games in Nagano, Japan. A proud America witnessed the outstanding teamwork and determination exhibited by the team in going undefeated and winning the gold medal in the inaugural women's Olympic ice hockey competition. New Hampshire is especially proud of three young women from our state who contributed to the success of the U.S. team: Tara Mounsey of Concord, Katie King of Salem, and Tricia Dunn of Derry.

Just nine years ago, the U.S. women's ice hockey program did not even exist. Now, U.S. women's ice hockey is the best in the world, and the team's youngest player, Angela Ruggiero, is off to college with an Olympic gold medal and some memories to cherish for a lifetime.

Leading up to Olympic competition, everyone knew Canada was the favorite, having a slight edge in winning seven of thirteen previous meetings between the U.S. and Canada. As the record shows, however, the United States was not far behind and was underrated by the international competition.

A thrilling comeback in the first game of the round robin grabbed the nation's attention and showed that this team could overcome adversity and win against a powerful team from Canada, by scoring six goals in the last ten minutes to prevail 7–4.

The team just didn't quit although they were down 4–1 with only ten minutes to play. Much like forward Katie King who refused to quit after she was rejected from the U.S. national team during sophomore year in college three years ago and much like defensive player Tara Mounsey, who refused to hang up her skates after she sprained her knee just two weeks before the Olympics. This team persevered and worked hard until it was successful. These young women represent America's commitment to hard work and self-sacrifice, and they inspired us with their performance both on and off the ice.

After coming back to defeat Canada, the U.S. team's confidence swelled and they swept away the opposition, beating Japan twice, China 5–0, Sweden 7–1, Finland 4–2, and Canada 3–1 in the gold medal game.

Team star Tara Mounsey has just celebrated her 20th birthday and her New Hampshire teammates Katie King and Tricia Dunn have all joined in the festivities surrounding their Olympic victory, including a celebration at the Statehouse in Concord.

As a United States Senator from New Hampshire, I wanted to pay tribute to the U.S. Women's Ice Hockey Team and give special mention to three ladies from New Hampshire who made us so proud of them at the Olympics.

I congratulate all of the members of the 1998 United States Women's Olympic Ice Hockey Team: Goaltenders Sara DeCosta and Sarah Tueting; Defensive players: Tara Mounsey, Angela Ruggiero, Colleen Coyne, Sue Merz, Vicki Movessian, and Chris Bailey; Forwards Lisa Brown-Miller, Karen Bye, Laurie Baker, Sandra Whyte, A.J. Mleczko, Jenny Schmidgall, Shelley Looney, Alana Blahoski, Katie King, Team Captain Cammi Granato, Gretchen Ulion, and Tricia Dunn; Head Coach Ben Smith, Assistant Coach Tom Mutch and Team Leader Amie Hilles. Ladies and coaches, we salute you and wish you well in your future endeavors.•

HUMAN RIGHTS IN TURKEY

• Mr. LEAHY. Mr. President, on February 23, 1998 in Ankara, Turkey, a penal court handed down an important decision regarding human rights. Eleven board members of Turkey's largest independent human rights group, the Human Rights Association, were acquitted of charges of disseminating separatist propaganda and inciting racist and ethnic enmity at a December 1996 meeting. A request by prosecutors to close the organization was also rejected.

Turkish Prime Minister Mesut Yilmaz has pledged to make progress in protecting human rights, and the February 23rd decision is a commendable step forward by the Turkish Government in that process. Hopefully, the decision will encourage human rights advocates to pursue reforms in Turkey and protect them from similar persecution in the future. An active civil society in which people can organize and express their opinions without fear of prosecution and official harassment is essential to the fulfillment of Prime Minister Yilmaz's goal.

Unfortunately, this step forward was recently marred by a step back. On March 12, 1998, a Turkish court acquitted ten policemen who were accused of beating and sexually abusing a group of teenagers. According to an article in the "Washington Post", the teenagers were arrested in December 1995 on charges of scrawling leftist graffiti and of belonging to a radical leftist armed group, a charge for which they were later acquitted. Over the course of the eleven days in which they were detained by police, the teenagers were allegedly blindfolded, stripped, molested, raped with police batons, and subjected to electric shocks to the genitals.

According to the State Department's 1997 Country Report on Human Rights Practices, a judge in the case not only allowed the policemen to remain on active duty during the trial, he also relieved them of their obligation to personally appear in the courtroom. While these ten policemen walk freely, the teenagers will struggle with the physical and emotional consequences of their ordeal for years to come.

Turkish officials have made some attempts to reduce abuses perpetrated by security officials against detainees.

However, despite a constitutional ban on torture, improvements in government cooperation with foreign human rights inspection teams and new police training programs, torture remains common. According to the State Department, the climate of impunity fostered by the rarity of convictions of police or other security officials for killings and torture, "remains the single largest obstacle to reducing human rights abuses."

Mr. President, I welcome Prime Minister Yilmaz's pledge to make progress on implementing human rights reforms. I applaud the recent decision to acquit the members of the Human Rights Association. However, as the brutal incident involving the teenagers illustrates, there is a great deal more to be done. Turkish officials must take an active, visible, and sustained role in addressing all facets of human rights—from promoting civil and political liberties to upholding the rule of law. Lasting reforms will not be realized in Turkey until Prime Minister Yilmaz's pledge is backed by consistent efforts to bring human rights violators to justice.●

MASTER CHIEF ELECTRONICS TECHNICIAN (SURFACE WARFARE QUALIFIED) JOHN HAGAN, MASTER CHIEF PETTY OFFICER OF THE NAVY

● Mr. KEMPTHORNE. Mr. President, on March 27, 1998, Master Chief John Hagan passes on the duties of Master Chief Petty Officer of the Navy after more than five years in this prestigious position. When Master Chief Hagan steps aside and hands responsibilities to Master Chief James L. Herdt, he ends the longest tenure of any Senior Enlisted Advisor to serve our great Navy.

Through his tenure in office, Master Chief Hagan has traveled the globe listening to and answering the needs of Sailors. His extensive travels have included stops on every continent—from the northern reaches of Naval Air Station Keflavik, Iceland, to the ice capped McMurdo Station, Antarctica. He has shared Christmas day with Sailors deployed onboard ships in the Arabian Gulf and July 4th visiting Sailors at Naval Support Activity Naples, Italy. In every way, on every day, he has dedicated his life to serving Sailors, not only during his service as Master Chief Petty Officer of the Navy, but throughout more than 32 years of service since his initial enlistment in Asheville, North Carolina.

Master Chief Hagan worked very hard to gain the support of Congress on a variety of issues on behalf of Sailors. Every Sailor serving today and every Sailor who serves in the future owes a debt of gratitude for the service of John Hagan. Master Chief Hagan garnered support for volunteer education issues making it possible for those serving at sea to complete college courses. His work ensured Sailors housing allowances better meets their actual needs to ensure safe, affordable housing. Master Chief Hagan worked closely with Congress to facilitate the revitalization of family housing and bachelor quarters throughout the Navy, and his work facilitated a greater understanding in Congress of the full spectrum of issues unique to Sailors.

Master Chief Hagan participated in virtually every decision impacting the lives of enlisted Sailors over the last five and one-half years. He helped strengthen the core of Navy's Recruit Training at Naval Training Center Great Lakes, participated in the establishment of leadership training through the Navy's Leadership Continuum, building the quality of the Navy's Senior Enlisted Academy, improving the Navy Physical Fitness program, increasing the number of females serving onboard surface warships and so many more.

Master Chief Hagan faced many challenges head on during his tenure. Not the least of which were concerns over the Navy's traditional Chief Petty Officer Initiation. Master Chief Hagan met this challenge head on by guiding this event away from any reasonable criticism into a season of events the Navy can point to with great pride. Today, CPO Initiation Season begins the day the list of those selected for promotion is announced and ends eight weeks later with the formal advancement ceremony. This season includes a series of team building exercises, social events, physical fitness training and efforts to link with Naval heritage. Master Chief Hagan will long be remembered within the Navy for producing the Naval Heritage/Core Values Reading Guide. This part of CPO Initiation Season requires the Navy's newly selected Chief Petty Officers to read a book of non-fiction, Naval heritage to facilitate a discussion of the Navy's Core Values of Honor, Courage and Commitment. This encourages Sailors to link with their heritage and better understand the qualities required of Sailors.

Master Chief Hagan stepped forward in May 1996 to speak on behalf of all Sailors at the Memorial Service for Admiral Mike Boorda, Chief of Naval Operations. Hagan said of Admiral Boorda, "He was the leader we longed for and looked to; he came from among us and rose so high, always remembering the lonely, insecure, frightened recruit, which all of us are in the beginning, before we discover that the Navy is a family." Those words were true of Mike Boorda and they are true of John Hagan.

In March 1997 he spoke to the assembled brigade of midshipmen at the United States Naval Academy where he told the Navy's leaders of the next century "The very honor of our Navy and our nation has been repeatedly upheld by Sailors throughout our history." Master Chief Hagan has not only upheld the very honor of our Navy and our nation, he has raised the stake to new heights.

Today's Navy is the greatest Navy the world has ever known and this can be said in clear conscious because of the service of Master Chief John Hagan. ●

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Majority Leader, pursuant to Public Law 105–119, appoints A. Mark Neuman, of Illinois, to serve as a member of the Census Monitoring Board, vice Max W. Williams, of Mississippi.

PRINTING OF SENATE DOCUMENTS

Mr. LOTT. Madam President, I ask unanimous consent that the following Senate Documents be reprinted in the usual number: Senate document 99–33, Senate document 98–29, and Senate document 97–20.

The PRESIDING OFFICER. Without objection, it is so ordered.

GREEK INDEPENDENCE DAY

Mr. LOTT. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 324, S. Res. 171.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 171) designating March 25, 1998, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. BIDEN. Madam President, today, we commemorate the great moment when Greece began to reassert its historic role as a leading light of democracy. In 1821, when valiant Greeks raised the flag of revolt against their Ottoman Turk oppressors, they were striking a blow for liberty that captivated freedom-loving men and women all over Europe, and in the young American Republic. Thomas Jefferson was inspired enough to become involved in the Greek struggle in the twilight of his life. In the summer of 1823 the Greek Hellenist and patriot Adamantios Koraes wrote to our third president, requesting advice on drawing up a constitution for the liberated Greece he was certain would be achieved.

Jefferson's lengthy reply detailed his views on the fundamentals of democracy—freedom of religion, freedom of person (habeas corpus), trial by jury, the exclusive right of legislation and taxation reserved to the representatives of the people, and freedom of the press. The 80-year-old scholar-president concluded his letter with a moving tribute to Greece's unique importance to the world.

It took nearly a decade more of struggle until Greeks once again became masters in their own house. And maintaining Greece's independence and freedom over the ensuing 163 years has proven not to be easy.

Greece has had to cope with internal divisions and external threats. Seemingly unending arguments over the Greek constitution and form of government occupied much of the nineteenth century. Then came the two Balkan wars, World War I, the Anatolian War, World War II, the Civil War that pitted Greek against Greek, and after a peaceful, if troubled, interlude, the short-lived dictatorship of the Colonels.

Thankfully, today we can celebrate nearly a quarter-century of restored democracy and peace in Greece. Greece is now solidly integrated economically and politically in the European Union.

Greece's relations with most of its neighbors have improved. Despite some lingering problems, relations are relatively good with the Former Yugoslavian Republic of Macedonia and with Albania. Greece continues to maintain a solid relationship with Bulgaria.

I will not hide the fact that—like every other country—Greece still faces formidable problems. Athens' relations with Ankara remain stormy. Turkey continues its illegal occupation of Northern Cyprus and its belligerent behavior in the Aegean.

Moreover, the state of the Greek economy still leaves much to be desired. Let us be honest—as in the United States, there have been gross inefficiencies and wasteful policies. Greece will have to put its financial house in order if it hopes to take part fully in the ambitious integration that the European Union foresees in the coming years. I am confident that Prime Minister Simitis' reform program will bear fruit.

Improving Greece's economy and finding ways to improve relations with Turkey are daunting tasks. But one look at hard-working, talented Greek-Americans, assures me that Greeks everywhere will continue to triumph over adversity and will remain an inspirational democratic ally.

Mr. LOTT. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 171) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 171

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was invested in the people;

Whereas the Founding Fathers of the United States of America drew heavily upon the political experience and philosophy of ancient Greece in forming our representative democracy;

Whereas the founders of the modern Greek state modeled their government after that of the United States in an effort to best imitate their ancient democracy;

Whereas Greece is one of the only 3 nations in the world, beyond the former British Empire, that has been allied with the United States in every major international conflict this century;

Whereas the heroism displayed in the historic World War II Battle of Crete epitomized Greece's sacrifice for freedom and democracy as it presented the Axis land war with its first major setback and set off a chain of events which significantly affected the outcome of World War II;

Whereas these and other ideals have forged a close bond between our 2 nations and their peoples;

Whereas March 25, 1998, marks the 177th anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire; and

Whereas it is proper and desirable to celebrate with the Greek people and to reaffirm the democratic principles from which our 2 great nations were born: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 25, 1998, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; and

(2) requests the President to issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS

Mr. LOTT. Madam President, I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. 238, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 238) authorizing the use of the Capitol Grounds for a breast cancer survivors event sponsored by the National Race for the Cure.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. LOTT. I ask unanimous consent the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements on this resolution appear in the RECORD at this point.

There being no objection, the concurrent resolution (H. Con. Res. 238) was considered and agreed to.

PERMITTING THE USE OF THE ROTUNDA OF THE CAPITOL FOR A CEREMONY

Mr. LOTT. Madam President, I ask unanimous consent the Senate proceed to the consideration of H. Con. Res. 206, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 206) permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. LOTT. Madam President, I ask consent the resolution be deemed agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 206) was deemed agreed to.

ORDERS FOR THURSDAY, MARCH 19, 1998

Mr. LOTT. Madam President, before closing I ask consent that when the Senate completes its business today it stand in adjournment until 9:30 a.m. on Thursday, March 19; immediately following the prayer, the routine requests through the morning hour be granted and the Senate then begin a period for the transaction of morning business until the hour of 11:30 a.m. with Senators permitted to speak up to 5 minutes each with the following exceptions: Senator COVERDELL or his designee, 30 minutes from 9:30 until 10:00; Senator REID, 30 minutes from 10:00 until 10:30; Senator HAGEL or his designee, 30 minutes from 10:30 until 11 a.m.; Senator TORRICELLI for 10 minutes; Senator BRYAN for 10 minutes; and Senator GRAHAM of Florida for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I also ask unanimous consent that at 11:30 a.m. the Senate proceed to executive session to resume consideration of treaty document 105-36 dealing with the NATO expansion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Madam President, I further ask unanimous consent that at

5:15 p.m., the time prior to the previously scheduled cloture vote on H.R. 2646, the Coverdell A+ education account bill, be equally divided in the usual form between Senator COVERDELL and Senator DASCHLE.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. So then tomorrow the Senate will be in the morning business period from 9:30 until 11:30. Under the previous consent, then at 11:30 we will go back to the NATO expansion treaty. All Senators with amendments to the treaty are encouraged to contact the managers of the treaty with their amendments in hopes of making considerable progress on the treaty during Thursday's session. I want to emphasize the bulk of the day tomorrow, from 11:30 until 5:15, that entire time, will be devoted to discussion or debate on the NATO enlargement issue. We hope that amendments can be offered. We want to give the Senate ample time to think about this issue and debate it, have amendments and to have votes.

We are double-tracking it now, while we await the cloture votes on the education bill, but that is quite often done. It is in no way intended to diminish the importance of NATO enlargement. It is, in fact, intended to begin the process for Senators and the American people in every way possible to think about this issue, make sure we are doing the right thing. And I think it is the right thing to have the NATO enlargement.

Then, when we complete the education bill, whenever that comes, we will meet with interested and involved Senators on both sides, see how much more time is needed, what other amendments are pending, and then we would stay on it until it is completed. I hope we could get that done by a reasonable time next week, hopefully Wednesday or Thursday. But it is a very important issue and we will continue working on it until we are convinced that Senators are satisfied they have had their say. Then we would go to the recorded vote.

Also, under the previous consent, then, at 5:15 the Senate would debate H.R. 2646, the Coverdell education bill, for 30 minutes prior to the previously scheduled 5:45 cloture vote on the bill.

We may actually move that time a little bit so that we can have an earlier vote. As a matter of fact, Madam President, I will change my earlier unanimous consent request and ask consent that the cloture votes previously ordered on H.R. 2646 now occur at 5:15 p.m. and the debate time earlier agreed to actually occur now at 4:45.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I want to remind all Members that first-degree amendments to H.R. 2646 must be filed by 1 p.m. on Thursday, and second-degree amendments must be filed by 4:45 tomorrow—it's now 4:15—under the most recent agreement. Second-degree amendments must be filed by 4:15.

In addition, the Senate may consider other legislative or Executive Calendar business cleared for Senate action. We do have some Executive Calendar items I hope we can take up before the end of the week.

So Members can anticipate rollcall votes throughout Thursday's session with the ones that I have already mentioned scheduled for sure to occur at, I believe, 5:15 now.

ORDER FOR ADJOURNMENT

Mr. LOTT. If there is no further business to come before the Senate, I ask the Senate stand in adjournment under the previous order, following the remarks of Senator CONRAD.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

TOBACCO LEGISLATION

Mr. CONRAD. I thank the Chair. Madam President, I especially thank her for locating me properly in North Dakota. We are very sensitive about that up our way, as you can imagine. I also thank the leader for accommodating me in this way.

Moments ago, we heard the Senator from Iowa speak on the budget and the fact that we are considering the budget in the Budget Committee. I wanted to make just a few observations on what is occurring there and what has led us to this point.

In 1993, the Democrats passed an economic plan that was a 5-year plan. That plan cut spending and it also raised income taxes on the wealthiest 1.5 percent of the people in this country. Many criticized us for that plan at the time, doubting that it would reduce the deficit as we believed, doubting that it would strengthen the economy as we believed, and doubting that it would reduce unemployment and inflation as we believed. But now we are able to look back and see the record and the record is clear. The 1993 economic plan has worked and worked remarkably well. It worked so well that this year we are actually contemplating a balanced budget on a unified basis. That will be the first time in 30 years that the United States has had a balanced budget on a unified basis. When I use those words "on a unified basis," that simply means that we are looking at all of the spending and all of the revenue of the Federal Government. All of them are put together. They are accumulated in order to determine balance.

As a result of that economic policy and economic plan that was put in place, we have enjoyed a remarkable economic resurgence in this country. We have very strong economic growth, the lowest unemployment in 24 years, the lowest inflation in 30 years. The size of the Government in relationship to the size of our entire economy has been coming down steadily. We have the smallest size of Government in this country in 30 years. But the job is not yet done, because it is also true that we continue to use Social Security trust fund surpluses in order to achieve balance. So the next great challenge is to stop using the Social Security trust fund surpluses. That is why the President has called on us to save Social Security first, before we use any of those surpluses for any other purpose.

The Democrats subscribe to that position. I am pleased to report in the budget that has been put before us by the chairman of the Budget Committee, he, too, has subscribed to the notion of saving Social Security first and not using the surpluses for any other purpose until we resolve the long-term solvency of the Social Security system. But we do have a problem with the budget resolution laid down by the chairman today. The problem that we have is that many of us believe that it endangers comprehensive tobacco legislation, comprehensive national tobacco policy. The reason for that is in the chairman's mark he has provided that if we do get revenues from tobacco, that they can only be used for the Medicare system.

Madam President, I would be the first to acknowledge the great importance of the Medicare system. But I do not believe that the chairman's mark solves the Medicare problem. I do not think he makes any representation that it does.

What is required to save Medicare for the long term is Medicare reform. That is why we have a bipartisan commission that worked this year to prepare us an outline as to how we strengthen Medicare for the long term.

But I think it is also fair to say that Medicare is not a national tobacco policy, and we need a national tobacco policy. If we are going to have comprehensive legislation, if we are going to have a resolution of the tobacco controversy, the experts have told us we need a comprehensive plan, one that has as its highest priority protecting the public health, one that has as its highest priority the reduction of teen smoking, because we all know that 90 percent of smokers start before they are 19, fully half start before age 14.

So if we are really going to do something to protect the public health, we need to act to prevent people from taking up the habit. That means if we get tobacco revenues, we should use part of that money for smoking cessation programs, smoking prevention programs, countertobacco advertising programs, health research, and, yes, Medicare, and we Democrats also believe, yes, Social Security.

We believe some of the money should be saved for strengthening both Medicare and Social Security, but we don't believe that it is appropriate to limit the use of the funds for only one purpose—strengthening Medicare. We don't believe that is appropriate. We believe if we are going to have a national tobacco policy, that some of the funds, a relatively modest amount of the total, be reserved for smoking cessation, smoking prevention, countertobacco advertising, health research, and other programs that have been advocated by the experts that have come before us.

The irony is, every comprehensive bill that is before this body uses the funds not just for Medicare but for these other purposes as well. The bill presented by Senator MCCAIN, the chairman of the Commerce Committee, the bill presented by Senator LUGAR, the chairman of the Agriculture Committee, the bill put before us by Senator HATCH, the chairman of the Judiciary Committee—all Republicans, all committee chairmen—they have not said in their comprehensive bills we just use the money for Medicare. No; they have said, to have a comprehensive national tobacco policy, we have to do more than that; we have to have a tobacco control program that really helps us stop the 400,000 deaths that occur every year in this country because of the use of tobacco products.

Madam President, we urge our colleagues to listen to Dr. Koop, who wrote to us today that the approach of the chairman of the Senate Budget Committee is inadequate—in fact, he used the words "woefully inadequate"—to counter the scourge of tobacco. We should listen to the American Cancer Society that wrote to the committee today and said just using the money for Medicare is not adequate. We should listen to the American Lung Association that said in a letter to the committee today, just using the money for Medicare is not going to help us solve the challenge of addiction, disease, and death brought to this country by the use of tobacco products.

Madam President, hopefully, before this matter is resolved out here on the Senate floor, we will be able to get together on a comprehensive plan. I hope we are able to do that. I dedicate myself to that purpose, and I hope other Senators will as well.

I thank the Chair and yield the floor.

ADJOURNMENT UNTIL TOMORROW AT 9:30 A.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. on Thursday, March 19.

Thereupon, the Senate, at 7:04 p.m., adjourned until Thursday, March 19, 1998, at 9:30 a.m.

EXTENSIONS OF REMARKS

RETIREMENT OF CHARLES R. JACKSON, PRESIDENT OF THE NON COMMISSIONED OFFICERS ASSOCIATION

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 1998

Mr. STUMP. Mr. Speaker, I rise today to pay tribute to an outstanding American, a true patriot, and veteran of the Armed Forces of the United States. On March 30, 1998, Retired Navy Force Master Chief Petty Officer Charles R. Jackson will retire again, this time from his position as President of the Non Commissioned Officers Association. On that date, Chuck Jackson will bring to a close more than 45 years of public service that included over 25 years in the United States Navy and nearly 19 years of service to the military and veterans community with the Non Commissioned Officers Association. My fellow colleagues, for his entire adult life, Chuck Jackson has dedicated his efforts to our Nation and to those that are serving or have served in the Armed Forces.

A retired U.S. Navy Master Chief Petty Officer, Chuck Jackson's military service was indeed distinguished and varied. His Navy career entailed worldwide assignments on numerous ships and aviation units, including Vietnam service aboard the USS FRANKLIN D. ROOSEVELT (CVA–42). Chuck's Navy career culminated with his assignment as Force Master Chief of the U.S. Navy Recruiting Command.

Chuck joined the staff of the Non Commissioned Officers Association following his Navy service and he has held every level of leadership responsibility within that organization. Chuck was the Association's first fully accredited National Veterans Service Officer, and he established NCOA's veterans service program. As the Association's Vice-President for Government Affairs, he directed the legislative, regulatory and liaison programs of the Association at the federal level. Since February 1993, Chuck has led the worldwide activities of the Non Commission Officers Association as its President and Chief Executive Officer.

Mr. Speaker, I share the view held by many of my distinguished colleagues in this chamber. The Non Commissioned Officers Association is an outstanding military and veterans service organization that, for nearly two decades, has benefited from the leadership and many talents of Chuck Jackson. Perhaps more importantly though, military members and veterans of all eras, indeed all Americans, have benefited from the sterling efforts that Chuck Jackson has so unselfishly given to the Nation.

As you embark on a new course in life Chuck, may your days ahead be filled with happiness, prosperity and health. It seems most fitting to again extend to Chuck and his lovely wife, Sylvia, and the traditional Navy farewell—"Fair Winds and Following Seas." And, to paraphrase the current U.S. Navy recruiting slogan—"Let the Adventure Continue." Thanks for your service, Chuck, salutes and best wishes.

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OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION COMPLIANCE ASSISTANCE AUTHORIZATION ACT OF 1998

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of HR 2864—the Occupational Safety and Health Administration Compliance Assistance Authorization Act of 1997.

This bill has received a wide range of support because it is a good bill. Supporters include the AFL–CIO, the chamber of commerce, the coalition on occupational safety and health, the National Federation of Independent Business (NFIB), as well as the Clinton administration.

The safety of our workers is an issue in which this Congress can not afford to play partisan politics. That is why I am encouraged that this bill has received strong bipartisan support.

The mission of OSHA is to save lives, prevent injuries and protect the health of the American worker. Federal and state workers across this country are working together in partnerships with more than 100 million working men and women.

Everyone who works in this country comes under the jurisdiction of OSHA, with a few exceptions (such as miners, transportation workers, many public employees, and the self employed).

According to OSHA, its state partners, along with OSHA, has approximately 2,100 inspectors, plus complaint discrimination investigators, engineers, physicians, educators, standards writers, and other technical and support personnel spread over more than 200 offices throughout the country. This staff is charged with establishing protective standards, enforcing those standards and reaching out to employers and employees through technical assistance and consultation programs.

This bill supports our nation's small businesses. It supports small businesses that seek to improve the safety of their workers. This bill codifies OSHA's consultation program for small business. Codifying an OSHA consultation program was one of the recommendations of the 1995 White House Conference on Small Business.

Through OSHA's consultation program, funds are available to states to provide on-site consultations in safety. Additionally, other education and training in occupational safety and health programs are available for smaller employers in higher hazardous industries.

Consultation programs are a big key to providing adequate and effective safety and health advice to businesses. Expanding support for these programs has been one of the goals for OSHA in its reinvention effort. According to OSHA, employers who want help in setting up safety and health programs correcting hazards at no cost, penalty free. However, the employer must agree to correct any serious hazard.

Additionally, smaller employers with more serious hazardous operations may receive priority for the service, which is largely funded by OSHA and delivered by professional safety and health consultants who work for state government agencies and universities.

In Texas, the consultation program has proven most effective. According to OSHA, KLN Steel Products in San Antonio, Texas, which manufactures fabricated structural steel items, has been an active participant in OSHA's Consultation Program for 3 years. Because of the consultation program, the company estimates that it has saved more than $50,000 in workers' compensation insurance premiums. Additionally, the lost work days has dropped dramatically.

The demands for consultation services are high and reflect the genuine interest of businesses to provide a safe and healthy workplace for their employees. This bill helps both the employer and the employee.

There is no doubt that this bill will help OSHA in fulfilling its mission to save lives, prevent injuries and protect the health of America's workers.

I urge my colleagues to support this legislation.

* * *

TRIBUTE TO ERNESTINE COLEY FRANCIES

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 1998

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention Ms. Ernestine Coley Francies of Passaic, New Jersey.

Ernestine is a graduate of Passaic High School. She attended Fairleigh Dickinson University where she received her Bachelor's degree in Elementary Education. Ernestine was the Basic Skills Parent Liaison for 16 years and has been the District Parent/Teacher Coordinator for the Passaic School District for the past seven years. Her primary responsibilities include the organization and implementation of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

educational training programs for parents, students, teachers, and the community. In addition, Ernestine presents workshops to audiences with interest in local education throughout the State of New Jersey, and nationwide.

Through the Basic Skills Department, Ernestine has developed the BSI/Bilingual Parent Resource Center; the Parents Assistance in Reading Program; the MegaSkills Program; the Family Math Program; the Family Science Program; the Systematic Training and Effective Parenting Program (STEP); and the parental involvement activities of the BSI Council. Since 1993, Ernestine has served as the Coordinator of the Passaic Community School, located at the Dr. Martin Luther King, Jr. School No. 6 on Hamilton Avenue in Passaic.

Ernestine has received numerous awards for her community involvement throughout her career, including accolades from the Passaic Board of Education and her achievements as the United Passaic Organization's "Adult Educator of the Year" in 1990. She holds membership with many associations, including the National Coalition of Title 1, Chapter 1 Parents Organization; assistant recording secretary for the New Jersey Association of Parent Coordinators; member of the Early Childhood Advisory Committee for the Passaic Board of Education; the Passaic Chapter of the NAACP; past membership on the Board of Directors of the YWCA; and is currently a nominee for the Board of Directors of the Community Substance Abuse Center in Passaic.

Ernestine is the mother of three children, all of whom attended Passaic Public Schools and are graduates of Passaic High School. Her fiancé, David Wyder of Passaic, is also employed by the Passaic Board of Education and coordinates the activities at the high school's media center.

Mr. Speaker, I ask that you join me, our colleagues, Ernestine's family and friends, and the City of Passaic in recognizing Ernestine Coley Francies' many outstanding and invaluable contributions to our community.

PERSONAL EXPLANATION REGARDING HOUSE RESOLUTION 364

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 1998

Mr. CRANE. Mr. Speaker, on March 17, 1998 I was granted a leave of absence to be in Illinois for the state primary elections. If I were able to be present on that day, I would have voted "yea" on rollcall number 54 regarding the passage of H. Res. 364, a resolution urging the President to seek a United Nations resolution criticizing the human rights situation in the People's Republic of China.

WE NEED COMPETITION NOW, NOT LATER

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 1998

Mr. GORDON. Mr. Speaker, over two years ago the President signed into law the Telecommunications Act of 1996, which had been passed with bipartisan majorities in the both the House and Senate. Prior to its passage, my colleagues on the House Commerce Committee and I worked to draft a balanced bill that we hoped would lead to greater choice, better quality and lower prices for consumers by way of increased competition in the expanding telecommunications industry.

Unfortunately, this has not occurred. We have not seen a significant increase in competition for cable services, nor in the local and long distance telephone industry. Instead, of competition, people in many areas of the country are seeing mergers on a massive scale, higher cable rates, and lawsuits filed by competitors seeking to enter the long distance market.

My constituents in Middle Tennessee tell me they want to reap the benefits of competition now, not later. The situation that exists now, with constant wrangling at the FCC and in the courts, only helps Washington lawyers and economists, not taxpayers. We need to end the stall-tactics and fingerpointing, and move forward with competition.

THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION COMPLIANCE ASSISTANCE AUTHORIZATION ACT

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 1998

Mr. PACKARD. Mr. Speaker, small businesses are the lifeblood of the American economy, employing nearly 60 percent of America's work force. Small businesses, Mr. Speaker, constitute 98 percent of all businesses in America.

Yesterday, Congress took a major step toward ensuring that small businesses continue to thrive in America by passing H.R. 2864, the Occupational Safety and Health Administration Compliance Assistance Authorization Act.

Mr. Speaker, small businesses in America are committed to health and safety in the workplace. Yet all too often, the Occupational Safety and Health Administration (OSHA) has abandoned the concept of promoting workplace safety and instead concentrated its efforts on levying the most penalties and fines to as many businesses as possible.

Attacking our nation's small businesses not only hurts our economy and costs jobs, it does little to promote a healthier, safer work environment for America's workforce. H.R. 2864 reestablishes the partnership between small businesses and government and ensures that both can work cooperatively toward improving conditions in the workplace.

Mr. Speaker, well meaning business owners want to work with regulatory agencies, not simply fear them. I commend my colleagues for passing this legislation and protecting America's small businesses.

THE INTRODUCTION OF LEGISLATION TO BAN PAID "PRODUCT PLACEMENTS" FOR TOBACCO PRODUCTS IN MOTION PICTURES

HON. BILL LUTHER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 1998

Mr. LUTHER. Mr. Speaker, on March 12, 1998, I introduced H.R. 3457, legislation that would ban paid "product placements" of tobacco products in motion pictures.

Last year a young constituent of mine, Alicia Sarrazin from Hastings, Minnesota wrote to me asking that Congress do something to halt the glamorization of smoking in motion pictures. This 14-year-old girl argued that it wasn't just Joe Camel who was appealing to kids to start smoking but youthful performers like Wynona Ryder and Leonardo DiCaprio who use tobacco products so prominently in their motion pictures.

Alicia's letter resulted in my introduction of H. Con. Res. 184, a concurrent resolution calling on the motion picture industry to voluntarily refrain from glamorizing the use of tobacco in their productions. Since the introduction of H. Con. Res. 184, I've concluded that Congress can do more to stop the positive portrayal of tobacco products in entertainment productions by removing the financial incentive to do so.

Last year brand name cigarettes and their packaging were prominently featured in such major motion pictures as My Best Friend's Wedding and Men in Black. The motion picture industry is not required to disclose any paid product placement arrangements they've made with tobacco companies but there is evidence suggesting that significant sums are involved. One memo I have seen describes $500,000 to be paid to a single performer to use a specific brand of tobacco products "in no less than five feature films."

The motion picture industry claims that the use of these paid placements has decreased recently and that there is a voluntary agreement among producers to refrain from making these kinds of financial arrangements. My hope is that this legislation will, at a minimum, encourage a more open discussion of this practice within the industry and bring more information about these paid placements to light.

I think that at this point there is no question that motion pictures and television do send a message to our youth and we need to do everything we can to make sure our children are not unnecessarily encouraged to smoke by the characters they see onscreen.

A ban on tobacco product placements was just one small segment of the marketing restrictions agreed upon in the 1997 proposed settlement between tobacco industry attorneys and 40 of the State attorneys general involved in this issue. As Congress continues to work this year toward comprehensive tobacco legislation, I think a ban on tobacco product placements is an important part of the discussion and must not be overlooked. Introducing a tobacco product placement ban in this fashion, as separate, stand-alone legislation, is meant to ensure we do not forget this proposal in the midst of the many other important issues we will likely be examining this year.

The legislation I am introducing today is quite simple and was precisely drafted to avoid infringing First Amendment rights or the creative processes of filmmaking. This legislation prohibits anyone from entering a paid contract to show tobacco products in a motion picture. My intention with this legislation is to take away the financial incentive for promotional appearances of tobacco.

Mr. Speaker, as we continue to work toward a comprehensive tobacco bill, I urge each of my colleagues to recognize the importance of combating popular culture encouragements to smoke, and I urge all Members of the House to join me in supporting this legislation.

AUTHORIZING USE OF CAPITOL GROUNDS FOR BREAST CANCER SURVIVORS EVENT

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Con. Res. 238, legislation authorizing the use of the Capitol grounds for a breast cancer survivors' event sponsored by the National Race for the Cure Organization on April 1.

As a woman and a mother, I feel that there are few issues as important to women's health as the breast cancer epidemic facing our nation. As you may know, breast cancer is the most commonly diagnosed cancer in American women today. An estimated 2.6 million women in the United States are living with breast cancer. Currently, there are 1.8 million women in this country who have been diagnosed with breast cancer and 1 million more who do not yet know that they have the disease. It was estimated that in 1996, 184,300 new cases of breast cancer would be diagnosed and 44,300 women would die from the disease. Breast cancer costs this country more than $6 billion each year in medical expenses and lost productivity.

These statistics are powerful indeed, but they cannot possibly capture the heartbreak of this disease which impacts not only the women who are diagnosed, but their husbands, children and families.

Sadly, the death rate from breast cancer has not been reduced in more than 50 years. One out of four women with breast cancer dies within the first 5 years; 40 percent die within 10 years of diagnosis. Furthermore, the incidence of breast cancer among American women is rising each year. One out of eight women in the United States will develop breast cancer in her lifetime—a risk that was one in fourteen in 1960. For women ages 30 to 34, the incidence rate tripled between 1973 and 1987; the rate quadrupled for women ages 35 to 39 during the same period.

I am particularly concerned about studies which have found that African American women are twice as likely as white women to have their breast cancer diagnosed at a later stage, after it has already spread to the lymph nodes. One study by the Agency for Health Care Policy and Research found that African American women were significantly more likely than white women to have had a mammogram or to have had no mammogram in the 3-year period before development of symptoms or diagnosis. Mammography was protective against later stage diagnosis in white women, but not in black women.

We have made great progress in the past few years by bringing this issue to the nation's attention. Events such as last October's Breast Cancer Awareness Month and the National Race for the Cure are crucial to sustaining this attention. I look forward to continuing to support my own local "Race for the Cure in Houston."

Let's support these brave women in their fight against this dangerous disease. We have the opportunity with a simple "yes" vote to signal Congress's commitment to finding a cure to this deadly disease. I urge all of my colleagues to support H. Con. Res. 238.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 1998

Mr. KIND. Mr. Speaker, yesterday this body welcomed LOIS CAPPS as the newest member of Congress. In her acceptance speech Representative CAPPS complimented the people of her district for raising their voice above the avalanche of special interest money to tell her what was important in their lives. I also rise to complement the people of the 22nd district of California.

In the special election to replace my friend Walter Capps, an unprecedented amount of special interest money poured into this district. The outside interest groups tried to push issues like abortion and term limits, important issues to be sure, but not the issues the people of California were concerned about. LOIS CAPPS, and her opponent, should be credited for standing up to the special interests and remembering that the most important issues are the ones advanced by the people.

The race for the 22nd district in California is just one more example of why we need campaign finance reform. The people of the 22nd district wanted to talk about education, taxes and transportation. The special interests spent thousands of dollars trying to convince the people that they had other interests. We must act now to take the special interest money out of the political system. The people of my district, and the people of the 22nd district of California refuse to accept this.

TRIBUTE TO COL. BEN ORRELL

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to recognize Colonel Ben Orrell upon his retirement from the United States Air Force after serving our great nation for 30 exemplary years. For the past four years, Colonel Orrell has held the distinguished position of the United States Special Operations Command Chairman for the National War College. Shortly after joining the faculty, Ben established a solid reputation not only among academicians and students, but leading professionals in the field, national leaders, and prominent think tanks, as THE authority on special operations. His strong background as a command pilot with 3,800 flying hours and 400 overarching combat missions spanning conflicts in Vietnam, Panama during Just Cause, and in Iraq, Kuwait and Saudi Arabia during Operation Desert Storm, brings unprecedented expertise and credibility to this position.

Ben is routinely sought by the military leadership and academics for his first-hand knowledge and advice regarding national security issues. His complete understanding of Special Ops, coupled with his vast command and combat experience and demonstrated sound judgment, have directly benefited the United States Air Force. Commissioned through the Air Force Reserve Officer Training Corps in 1968, Colonel Orrell began his distinguished career as a C–141 pilot stationed at McChord Air Force Base, Washington. In 1971, he flew HH–53 helicopters at Nakhom Phanom Royal Thai Air Base, in Thailand. Among Colonel Orrell's many assignments he was an HH–53 helicopter instructor pilot at Hill Air Force Base, Utah; a public affairs officer at Kirtland Air Force Base, New Mexico from 1976–1979; and as the Director of Aircrew Standardization and Evaluation for the Aerospace Rescue and Recovery Service at Scott Air Force Base, Illinois.

Colonel Orrell continued to demonstrate his leadership abilities by being assigned as the Commander of the 55th Aerospace Rescue and Recovery Squadron at Eglin Air Force Base, Florida from 1984 to 1987; Assistant Deputy Commander for Operations and Deputy Commander for Operations with the 1st Special Operations Wing, Hurlburt Field, Florida; Vice Wing Commander and then as Wing Commander of the 39th Special Operations Wing at Royal Air Force Alconbury, United Kingdom from 1991 until 1994, when he was assigned to his current position. Colonel Orrell's military decorations include the Air Force Cross, the Silver Star, the Legion of Merit, the Distinguished Flying Cross with one oak leaf cluster, the Bronze Star, the Meritorious Service Medal with three oak leaf clusters, the Air Medal with nine oak leaf clusters, the Aerial Achievement Medal, the Joint Service Commendation Medal, and the Air Force Commendation Medal. He has served with great distinction and has earned our respect and gratitude for his many years of unselfish service to our nation's defense.

It is with great pride that I congratulate Ben upon his retirement and wish he and his wife, Linda, all the best as they move on to face new challenges and rewards in the next exciting chapter of their lives.

NORTHERN IRELAND

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 1998

Mrs. McCARTHY of New York. Mr. Speaker, I rise in support of House Concurrent Resolution 152. This resolution, introduced by Representative SMITH, expresses a sense of the Congress that all parties to the multiparty peace talks regarding Northern Ireland should condemn violence and fully integrate internationally recognized human rights standards and adequately address outstanding human rights violations as part of the peace process.

I believe the principles embodied in this resolution—commitment to nonviolent solutions and basic respect of others—are the key to reaching a peaceful solution in Northern Ireland. It is only when all parties in the talks treat each other with dignity and respect that a substantive and last peace agreement will be possible. Both sides, nationalist and loyalist, must make basic human rights a priority and incorporate those principles into the final peace agreement. A society that does not embrace such principles can never achieve peace and would not be worth living in.

This week I met with many of the participants in the Irish peace process, including the women delegates who are forging the framework for this new society in Northern Ireland. I learned that the concerns of these women were the same concerns that my constituents on Long Island have. These women want their children to grow up in a peaceful, non-violent society. A society where everyone is treated equally, with respect. A society where they have opportunities and do not have to live in constant fear of their lives. This is what every parent, no matter where they live, wants for their child.

The Irish peace talks are at a critical stage. We are closer now to reaching a peace agreement than we have ever been before. House Concurrent Resolution 152 urges the parties in this process to stay the course of non-violence and places the issue of basic human rights where it belongs—at the heart of the agreement.

TRIBUTE TO FRAN LAWTON

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 1998

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention Fran Lawton of Passaic, New Jersey.

Fran is a certified senior HUD Housing Counselor, and was a member of the United Passaic Organization (UPO) Board of Directors for seventeen years. For 5½ of those years, she worked in the capacity of Board Chairperson. Presently, Fran serves in the capacity of advisor to the Board, drawing upon her vast experience in providing guidance to the Board as it engages in community planning with an eye towards the year 2000.

Fran has developed a distinghished track record of contributions to the UPO and to the community at-large. It was under her administration that the organization added the dimension of direct service to its mission. She was instrumental in keeping community action funds in the City of Passaic by spearheading the drive to make the UPO the Community Action Agency for the City in 1993. Other achievements Fran has made in terms of her affiliation with the UPO are as follows: orchestrated the first fashion show at "The Bethwood" in 1982 as a major fundraiser for the organization; was instrumental in the UPO introducing a breakfast program in the Passaic school system; and was very active in the protracted but successful fight against the proposed incinerator for the City of Passaic that was officially nullified by Governor Florio in 1991, to name a few.

As indicated earlier, Fran has forged a very distinguished career in the arena of community service. She is very active in the National Federation of Housing Counselors, being certified by that organization as a housing counselor. She also held the position of Regional Vice-Chair for the Federation. Fran was named Housing Counselor of the Year by the Federation in 1993, when in the same year she was largely responsible for bringing the 23rd Annual Convention of the National Federation of Housing Counselors to New Jersey. At the convention she received a proclamation from the then-Mayor of Paterson William J. Pascrell, Jr. which made June 19, 1996 "Fran Lawton Day."

Other areas of achievement in Fran's service to the community are as follows: past Chair of the Rainbow Coalition from 1984 to 1989; past Director of Housing for the Paterson Task Force; Passaic Urban Enterprise Zone Board, where she initiated the Adopt-a-Block Program which was later imitated by other communities; member of the Passaic Community Housing Development Organization (CHDO) Board; past consultant of Fair Housing for the City of Passaic; present Director of County Homelessness Prevention Program; and new Director of the Regional Opportunity Counseling Program for Essex and Hudson Counties. Recently, Fran was appointed as a Commissioner for the Passaic Housing Authority where she helps to oversee procedures and policies of the Housing Authority.

Fran is a mother of two and grandmother of one. She remains an active participant with her church, the Bethel A.M.E. Church. She is also President of the Lay Organization for Bethel.

Mr. Speaker, I ask that you join me, our colleagues, Fran's family and friends, and the City of Passaic in recognizing Fran Lawton's many outstanding and invaluable contributions to our community.

TRIBUTE TO DR. SAMUEL P. MASSIE—MENTOR, LEADER, AND TOP SCIENTIST

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 1998

Mr. CLAY. Mr. Speaker, I rise today to pay tribute to my friend, and internationally renowned scientist, Dr. Samuel P. Massie, who was recently added to the list of the "World's Most Distinguished Chemists." I have had the privilege of knowing Sam for a great number of years and know that he is quite deserving of this great honor.

In this era of science and high-technology, Dr. Samuel P. Massie is the perfect role model for aspiring scientists of all races, but particularly for African-Americans. His life is an example of the great things they can accomplish and the impact they can have on the sciences. His contributions helped to change the course of science and to advance the discipline to its current priority status on the national agenda. His work has earned him world acclaim, and the honorable titles of Master Teacher and Scientist Extraordinare.

I recommend to our colleagues Dr. Samuel P. Massie's story, as reported in a February 26, 1998 Washington Post article titled "Living Out A Formula for Success: Academy's First Black Professor Is Among Top-Rated Chemists." It is my hope that they will share this wonderful piece with the future leaders of America.

[From the Washington Post, Feb. 26, 1998]

LIVING OUT A FORMULA FOR SUCCESS—ACADEMY'S FIRST BLACK PROFESSOR IS AMONG TOP-RATED CHEMISTS

(By Amy Argetsinger)

On a new roster of the world's most distinguished chemists—Madame Curie, Linus Pauling, big names like that—there are only three black scientists.

One is the famed agricultural scientist George Washington Carver, who a century ago transformed the economy of the South by developing new industrial uses for sweet potatoes and peanuts. Another is Percy Julian, a pioneering chemist.

And the third is the only one still alive—Samuel P. Massie, professor emeritus at the U.S. Naval Academy.

Though proud to be named to an elite industry list of the all-time top 75 distinguished contributors to the field of chemistry, Massie, now 78, welcomed the news with the breezy modesty that has marked a lifetime of remarkable achievements, one that gave him key vantage points to both the development of the atomic bomb and the civil rights turmoil of the 1960s.

"You do what you can do in that regard," the Laurel resident said.

A pioneer in silicon studies and the Naval Academy's first black professor, Massie is one of only 32 living scientists on the list compiled last month by Chemical and Engineering News to mark the magazine's 75th anniversary. The list includes 35 Nobel Prize winners and celebrated names like Kodak founder George Eastman, DNA researchers James Watson and Francis Crick, and plutonium discoverer, Glenn Seaborg.

Born in North Little Rock, Ark., Massie rushed through school, graduating at age 13. As a young child, he got a heard start on his peers by following his schoolteacher mother around from class to class, enabling him to skip grades three years in a row. Today, his personal experience has left him a believer in classrooms blending multiple grade levels.

"Young children don't all learn at the same rate," he said.

Attending A.M.N. College—now the University of Arkansas at Pine Bluff—Massie was drawn to chemistry studies after becoming fixated on finding a cure for his father's asthma. After graduating at age 18, he launched into graduate studies at Fisk University and Iowa State University, where he worked on the Manhattan Project team, trying to convert uranium isotopes to a usable form for the atomic bomb.

After working as a teacher at Fisk University and Howard University, Massie was named president of North Carolina College in 1963, as the civil rights movement was taking hold in the region.

"Kids marching around the place, waving signs, singing 'We Shall Overcome,'" Massie recalled. "They were fun times."

Massie was hired by the Naval Academy in 1966—a time when Annapolis was still so segregated that he and his wife, Gloria, now a psychology professor retired from Bowie State University, were unable to find a home they wanted. Real estate agents wouldn't even take them to certain exclusive neighborhoods.

But Massie said he was unruffled by his introduction to the military college, where the vast majority of students were white in the mid-1960s.

"It wasn't difficult for me because I understood chemistry," he said. "I just had to make sure we understood each other."

While at the academy, Massie pursued research into anti-bacterial agents, and with some colleagues and midshipmen students was awarded a patent for a chemical effective in fighting gonorrhea. He also conducted environmental research at the Navy's David Taylor Research Center outside Annapolis, studying chemicals to prevent the growth of barnacles on ship hulls and developing protective foams to guard against nerve gases.

Massie said he found the academy, with its stringent admission standards and emphasis on technical education, a luxurious teaching environment.

"Scholarship is emphasize here—you knew you could expect certain things of your students," he said. "You had enough money to have the proper equipment, and students could afford all their books," unlike students at some of the civilian colleges where he taught.

Massie said midshipmen were sometimes baffled by his unorthodox way of scoring exams—two points for each question they got right, but 50 points subtracted for each one they got wrong. He was trying to prove a point to them:

"Everything in life doesn't have the same value," he said. "It depends on the circumstances."

TRIBUTE TO LESLEY DEVINE

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 1998

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Lesley Devine, the outgoing Mayor of Calabasas.

President Kennedy said, "Change is the law of life. And those who look only to the past or present are certain to miss the future." Throughout her term as Mayor, Lesley has inspired change throughout Calabasas, while ensuring that the community work with the Council in developing a long range vision for the City. As a result, many positive developments have come about under her leadership.

Working together with a leading Urban Planning firm, Lesley was able to motivate the community to rally support behind a major retail project and hotel, that had been the source of years of conflict. In fact, support of these projects set in motion plans for a Civic Center, which would include a permanent City Hall and Library at the Park Center site. These are just a few of the many projects initiated by Lesley during her term as Mayor.

The new Community Center on Lost Hills has broken ground and the long range operating body, a Joint Powers Board with the City of Agoura Hills, has been set in place. In addition, the old Town improvements have been completed and will be enjoyed for years to come.

No one can question Lesley's dedication to our community. Lesley was a Founder of the City in 1991 and has served as a member of the Council since its creation. Prior to her role on the City Council, Lesley led several community programs to improve the environment, including recycling, water conservation, water quality, urban forestry, and oak tree protection programs.

Mr. Speaker, distinguished colleagues, please join me in honoring Lesley Devine for her leadership within our community. Many future generations will enjoy the benefits of her hard work and dedication to improving the town of Calabasas.

ESTABLISHING A MEMORIAL HONORING BENJAMIN BANNEKER

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 1998

Ms. NORTON. Mr. Speaker, in commemoration of the life of Benjamin Banneker and of Black History Month, I am introducing the Benjamin Banneker Memorial Act of 1998. The residents of the District of Columbia are direct beneficiaries of Benjamin Banneker's extraordinary work in helping to design the nation's capital. I am proud to sponsor a bill to authorize construction of a memorial here in the District to honor and commemorate Banneker's numerous achievements.

The proposed memorial is a particularly appropriate way to commemorate Banneker, America's first black man of science. Banneker was noted for his mathematical and mechanical genius. He was self-taught, learning astronomy by studying the stars and mathematics by reading books.

Under the legislation, the Washington Interdependence Council (WIC), a non-profit organization headed by Peggy Seats, will be authorized to raise funds for the memorial. Through the determined efforts of Ms. Seats, WIC has already obtained passage of a resolution by the D.C. City Council sponsored by Councilmember Jack Evans endorsing its campaign to establish a Benjamin Banneker memorial. WIC also has entered into preliminary discussions with the National Parks Service regarding the possibility of constructing the memorial at Benjamin Banneker Overlook Park, located near L'Enfant Plaza in southwest, D.C. WIC intends to conduct a design competition for the memorial.

Banneker's work deserves recognition in a central location of the nation's capital because of his contribution to all of the citizens of this country. His life has special meaning for African-Americans in general and for black Americans in the District in particular. In 1791, Banneker was appointed by Andrew Ellicot to survey and plan the design, layout, and blueprint the nation's capital. Working from early February through April, Banneker painstakingly developed calculations for the survey, using an astronomical clock in an observatory tent.

WIC, and especially Peggy Seats, its energetic leader, deserve the praise of this body for initiating this ambitious and meritorious project. Because of the determination Ms. Seats has already demonstrated, I believe that the Benjamin Banneker Memorial project will be as successful as the African-American Civil War Memorial I sponsored here seven years ago, soon to be constructed at 10th and U Streets, N.W.

I graduated from Banneker, now a high school for gifted and accelerated students here in the District, when it was a segregated junior high school. Benjamin Banneker deserves greater recognition here and across America. I am delighted that Washingtonians led by Ms. Seats are establishing a memorial to this scientific genius and inventor so that tourists will have another important and historic sight to learn from as they visit the nation's capital.

GOLF TOURNEY MARKS THE END OF WINTER

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 1998

Mr. WALSH. Mr. Speaker: As will many Americans, Central New York families with school children will soon begin the week-long spring vacation to milder climes, marking the change of seasons from cold to warm.

My family will join many of our Syracuse area neighbors this year in a visit to Myrtle Beach, South Carolina. While there, I will have the privilege once again to participate in a venerable tradition, the 16-player Bill Jackson and Bob Lewis Golf Tournament. It will be just one of many such tourneys open to those of our neighbors who have respect for the game without taking things too seriously.

Past participants in this particular tournament have included federal judges, mayors, congressmen, newspaper editors and business people from our region—good people with whom I am proud to associate under any circumstances, but especially during vacation.

This bi-partisan representation of our hometown does not always guarantee good golf, but it does serve a higher purpose: good company during an important break in the yearly cycle of things.

For the third year in a row, the Tournament will be held at the Pine Lakes Country Club, "the granddaddy of the strand," owned by pro Scott Miles.

I want to personally salute the therapeutic perspective of organizer Bill Jackson from Syracuse who has said often of one tourney participant, Judge Neil McCurn: "He is a successful golfer. The first year he lost 20 balls, and the next year he only lost 10."

I would ask my colleagues to join me in wishing all these friends a good round of golf, and indeed in wishing all of those vacationing Americans a safe and renewing visit to their favorite vacation haunts.

TRIBUTE TO THE MIAMI CAROL CITY CHIEFS—FLORIDA'S CLASS 6-A FOOTBALL CHAMPIONS FOR 1996 AND 1997

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 1998

Mrs. MEEK of Florida. Mr. Speaker, I rise to pay tribute to the Miami Carol City Chiefs, the state of Florida High School Class 6-A Football Champions for 1996 and 1997. On Wednesday, March 25, 1998 the Miami Dolphins will honor the members of these championship teams at a luncheon banquet in Pro Player Stadium's Hall of Champions.

This is indeed a milestone in the history of Miami Carol City High School, which is proudly located in Florida's 17th Congressional district. As I join my community in extolling the hard work and sacrifices of the parents, teachers and administrators that form the soul and spirit of this school family, I want to commend the exemplary role of our principal, Ms. Mary Henry. Her commitment to her students has become the cornerstone of an excellent program that buttresses academic scholarship on one hand and athletic achievement on the other.

I also would like to congratulate the school's legendary football coach, Mr. Walt Frazier, whose work ethic and discipline throughout all his years at Miami Carol City Senior High School have always paved the way for excellence both in the classroom and on the gridiron. Known for his no-nonsense approach to forthright guidance and counseling, Coach Frazier has certainly surrounded himself with an excellent coaching staff whose knowledge and sensitivity to sporting activities befitting the school ambiance superbly complements the learning needs of the school's student-athletes.

Their approach to educating and motivating the members of the 1996 and 1997 championship teams emphasized utmost personal responsibility toward the accomplishment of a common goal. Their dedication to teamwork above individual achievement has gained the respect and admiration of the parents and guardians of Carol City's student-athletes.

As a whole, our community is genuinely honored by the undaunted leadership of Ms. Henry's faculty and staff, along with their warmth and understanding of the needs of students. Accordingly, under the tutelage of Coach Frazier the proud members of Miami Carol City High School's 1996 and 1997 Class 6-A Football Championship teams deserve our utmost congratulations. Suffice it to say that individually as well as collectively their quest for athletic achievement alongside their pursuit of academic excellence is not beyond the reach of those willing to dare the impossible through hard work, discipline and sacrifice.

This is the superlative legacy Coach Frazier and the Carol City High School's consecutive state championship teams bequeathed to us. I am indeed greatly privileged to represent them in Congress, knowing full well that they have done our community proud.

TRIBUTE TO NORTHWESTERN OKLAHOMA STATE UNIVERSITY

HON. FRANK D. LUCAS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 1998

Mr. LUCAS of Oklahoma. Mr. Speaker, I rise today to honor the Centennial Anniversary of Northwestern Oklahoma State University in Alva, Oklahoma.

This institution of higher learning is one of the oldest in the State of Oklahoma. The roots of the school predate Oklahoma's statehood by 10 years. In 1897, the territorial legislature passed a bill establishing the Northwestern Territorial Normal School at Alva, the second such school in Oklahoma Territory. In 1919, the school became Northwestern State Teachers College. The Teachers College then became Northwestern State College in 1939, when the college was authorized to grant degrees in liberal arts, as well as education. With the advent of courses transferable to the University of Oklahoma and Oklahoma State University in 1951 as well as the addition of a variety of master's programs throughout the ensuing years, the college's name was finally changed to Northwestern Oklahoma State University in 1974. Over the past century the curriculum has changed from that of a Normal school to a teacher's college, to a modern diverse university which currently offers bachelor's degrees in nearly 40 areas of study and master's degrees in education and behavioral science.

Although Northwestern Territorial Normal School opened on September 20, 1897, the first building, The Castle on the Hill, was not completed until two years later. Classes were originally held in the Congregational Church until a building to house the new college could be built. In 1899 the school moved to its present location. The physical growth of Northwestern Oklahoma State University has continued throughout the past century, including the most recent expansion: the creation of Northwestern campuses in nearby Enid and Woodward in 1996.

The size of the Northwestern Oklahoma State University student body has evolved along with the physical facilities and the curriculum throughout the past 100 years. In 1897 enrollment was 58 students; today it is about 2,000 students each semester. As Northwestern Oklahoma State University prepares to enter its second century, it does so as a dynamic institution, offering high levels of education and training in numerous vocational pursuits.

TRIBUTE TO GENEVIEVE S. BROOKS

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 1998

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Ms. Genevieve S. Brooks, an outstanding individual who has dedicated her life to public service. She will be honored on March 20, 1998 by parents, family, friends, and professionals for her outstanding contributions to the community at the Eastwood Manor in the Bronx during a dinner hosted by the New York State Bronx Chapter of the National Women's Political Caucus in conjunction with other Bronx-based civic organizations.

A housing and community specialist, Genevieve Brooks took office as Deputy Bronx Borough President on April 16, 1990, the first woman to hold the post. She performed numerous tasks and functions that included overseeing policy implementation for the Office of the Chief Executive of a county of 1.2 million people and was the top administrative officer of the Borough President's agency. As such, Ms. Brooks managed the day-to-day operation for an agency staff of 120 individuals and coordinated agency professionals and community-based organizations in planning for and improving housing and municipal service delivery.

Prior to her appointment as Deputy Borough President, Ms. Brooks served as Executive Director and President of the Mid-Bronx Desperadoes (MBD). During her tenure, with the collaboration of a qualified staff, MBD expanded its network to include services provided in conjunction with other local organizations and medical centers. Among these were: affordable housing development, marketing and management, the Mid Bronx Community Development Federal Credit Union, Family Practice Health Center, Head Start day care, community crime prevention, comprehensive case management, job training and placement, and community organizing.

Through her years of service, she worked for several governmental agencies. She served as a member of the Board of Directors of the Bronx Health and Human Services Development Corporation. She also helped develop a comprehensive work plan for land use in the Borough and served as both the liaison for the Borough President to the Bronx Overall Economic Development Corporation (BOEDC) and as a member of the Board. Ms. Brooks has been sought as a panelist both nationally and internationally on numerous topics within the scope of her expertise, which is in urban revitalization. Most recently, Ms. Brooks led the Borough's victorious All America City delegation in the Kansas City competition in June 1997.

The business, professional, religious and civic organizations to which she has belonged, like the honors and awards she has received, are almost beyond counting. Genevieve retired last year after a fruitful career in public service. Ms. Brooks leaves us with many lessons learned in community service, leadership, and wisdom. A talented leader and advocate, Ms. Brooks will continue sharing her knowledge and views with her family and friends.

Mr. Speaker, I ask my colleagues to join me in recognizing Ms. Genevieve S. Brooks for her outstanding achievements in housing and her enduring commitment to the community.

THE DUNGENESS CRAB CONSERVATION AND MANAGEMENT ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 1998

Mr. MILLER of California. Mr. Speaker, today I am introducing a bill which will allow the States of California, Oregon, and Washington to continue to manage the Dungeness crab fishery in the exclusive economic zone. The bill may be cited as the Dungeness Crab conservation and Management Act. This bill authorizes the States to continue to cooperatively manage the Dungeness crab fishery along the west coast, as authorized for an interim period in the Magnuson-Stevens Fishery Conservation and Management Act of 1996. This legislation would ensure continued conservation of the Dungeness Crab, a valuable regional resource. It would resolve allocation issues, protect tribal rights, and avoid direct Federal involvement in a regional agreement which has widespread support from its stakeholders.

The States and the industry have worked together to establish limited entry programs, cooperate on season openings, size limits, and harvest requirements. The fishery is conducted in both State and the exclusive economic zone, and management is coordinated by the Dungeness Crab Committee of the Pacific States Marine Fisheries Commission. Congress granted the states interim authority to manage the Dungeness crab fishery in the Exclusive Economic Zone to accommodate the rights of Northwest Indian tribes to harvest a share of the crab resource off Washington. The Pacific Fishery Management Council was then asked to report to Congress on progress towards a Federal fishery management plan or impediments to such progress.

The Council and the Tri-State Dungeness Crab Committee examined the options for the fishery, and after careful evaluation of the merits of various management regimes voted unanimously to request that Congress allow the existing management structure to be made permanent with certain changes. These changes include a clarification of what license is required for the fishery, broader authority for the States to ensure equitable access to the resource, and clarification of tribal rights. This action is consistent with previous actions under the Magnuson-Stevens Fishery Conservation and Management Act where fisheries have remained under the jurisdiction of individual States or interstate organizations, such as the Gulf of Alaska king crab fishery.

Neither the Council nor the fishermen in the three States want to see Federal management of the fishery. This amendment offers the stakeholders in the fishery an opportunity to maintain an effective management systems which protects both the resource and the working men and women of the west coast fishing fleet who depend upon it. I look forward to the timely consideration of this bill.

PERSONAL EXPLANATION REGARDING H. RES. 361

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 1998

Mr. CRANE. Mr. Speaker, on March 17, 1998 I was granted a leave of absence to be in Illinois for the state primary elections. If I were able to be present on that day, I would have voted "yea" on roll call number 55 regarding the passage of H. Res. 361, a resolution calling for free and impartial elections in Cambodia.

INTRODUCTION OF "THE TAXPAYER PROTECTION ACT OF 1998"

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 1998

Mr. COYNE. Mr. Speaker, along with my colleagues on the Ways and Means Committee, I am introducing legislation to provide taxpayers with additional safeguards in their dealings with the Internal Revenue Service.

This bill is being introduced on a bipartisan basis and reflects the additional taxpayer safeguards proposed by the Administration in its Fiscal Year 1999 Budget.

I am pleased that the Honorable Nancy Johnson, Chairman of the Committee on Ways and Means Subcommittee on Oversight, joins me, as the Oversight Subcommittee Ranking Member, in sponsoring this bill.

The President's additional taxpayer protection proposals are intended to supplement the "Taxpayer Bill of Rights 3" provisions of the House-passed IRS Restructuring and Reform Act of 1997 (H.R. 2676) and should be enacted without further delay.

Earlier this year, the Committee Democrats asked the Department of the Treasury to prepare legislation reflecting the Administration's series of additional taxpayer protection proposals. Congressman Cardin, Congressman Tanner, and Congresswoman Thurman joined me in further developing the proposals offered today. Our bipartisan bill is the result of this effort.

I appreciate the Treasury Department and the President's commitment to insuring that the tax code provides appropriate protections for taxpayers in their efforts to comply with the Federal tax laws. We will continue to work with the Treasury Department to refine various provisions of the bill to insure proper application of these taxpayer protections.

Also, I want to commend the Committee Republicans sponsoring this bill for their commitment to developing and supporting taxpayer protections on a bipartisan basis. The beneficiaries of this process are all of our constituents and taxpayers nationwide.

Clearly the new taxpayer rights provisions provided for in this bill provided significant additional safeguards for taxpayers in their dealings with the IRS.

In summary, the bill will prohibit collection actions in certain situations; require the IRS to provide installment agreements for the payments of tax; require high-level IRS management approval in certain lien, levy and seizure actions; increase the amounts and types of property exempt from levy; require the IRS to comply with Fair Debt Collection Practices Act rules; provide remedies to third parties with regard to erroneous liens and summonses; and, provide civil damages where the IRS has violated bankruptcy code protections.

More specifically, the bill will:

Prohibit IRS collection actions against a potentially "innocent spouse," while the other spouse to the joint return is litigating the merits of the underlying tax liability in Tax Court;

Prohibit IRS collection actions against taxpayers while they are negotiating or have pending an installment agreement or offer-in-compromise with the IRS;

Prohibit IRS collection actions against taxpayers where they have not received proper notice from the IRS and request a 60-day delay;

Prohibit IRS collection actions against taxpayers when they are in court seeking refunds relating to employment taxes;

Provide taxpayers with the right to pay taxes over time through installment agreements, in certain situations, such as where a taxpayer has a tax liability of less than $10,000.

Require high-level IRS management approval of collection liens and levies on certain pensions, annuities and life insurance policies, liens and levies on property held by certain third parties or property not owned by the taxpayer, seizures and sales of perishable goods, and "jeopardy" assessments and levies;

Provide increased exemptions from levy for certain personal property purchases and for residential property subject to mechanic's liens;

Require the IRS to comply with the Fair Debt Collection Practices Act provisions concerning hours of communication and prohibiting harassment and abuse tactics;

Provide a remedy for third parties who claim that the IRS has filed an erroneous lien;

Provide civil damages for IRS violations of bankruptcy code protections; and

Provide procedures for taxpayers to quash all types of third party summonses.

Since the Senate Finance Committee soon will be finalizing its amendments to the IRS Restructuring bill, I think that it is important that these additional taxpayer rights provisions be put forward, at this time, for timely action.

Further, I believe that at the point a conference is scheduled on the House-passed bill it will be useful to the House conferees to have these provisions in legislative form, with the bipartisan support of the Committee and the House Membership.

As the weeks and months pass, with no Senate action on the IRS Restructuring bill, our constituents continue to struggle unnecessarily with the IRS. We have all agreed that the IRS should be reformed and that the Taxpayer Bill of Rights 3 should be enacted into law. It is time to make the reforms of TBOR3 law, and to include the proposals we are introducing today.

There is no reason to wait any longer. For those constituents of ours trying to resolve their tax cases with the IRS, time is of the essence.

I urge that each Member of the House support this bill and join us in working toward timely enactment of these proposed reforms.

TRIBUTE TO DR. HENRY CLEVER, JR.

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 1998

Mr. TALENT. Mr. Speaker, I rise today to pay tribute to Dr. Henry Clever, Jr., who will be retiring from private practice on April 30, 1998. I hope you will join me in honoring his fine career and in wishing him a happy and healthy retirement.

He and his wife, Roseann, have been married since June of 1956, and they have eleven children and 21 grandchildren. Not only has he distinguished himself with an impressive career in pediatric medicine, he has been a leader in his community for well over thirty years.

Dr. Clever graduated from the University of Missouri Medical School in 1960, and started his private practice in St. Charles, Missouri, in 1963. He was the second pediatrician to open an office in St. Charles County. Since that time, he has been actively involved with numerous professional and community organizations dedicated to serving the residents of St. Charles County. Among these organizations are: the American Academy of Pediatrics, the Missouri State Medical Association, the St. Louis Pediatric Society, the St. Charles County Association for Retarded Citizens, the Handicapped Facilities Board, the Missouri Mental Health Commission, the Four County Mental Health Board, the Board of Directors for Duchesne Bank of St. Peters, the Advisory and Endowment Board for Duchesne High School, Youth In Need, the St. Charles County Board of Trustee's for Mental Health, the March of Dimes, and the United Services for the Handicapped.

He has also distinguished himself with his service to the Archdiocese of St. Louis Dr. Clever has served on numerous committees for the Archdiocese including being a past-president and member of the St. Louis Archdiocese's Board of Education. His service as the co-chair of the Archdiocese's Pro-Life Committee has been an inspiration to all of us in the St. Louis area who are fighting to protect the lives of the unborn.

Mr. Speaker, I hope you will join me in congratulating and thanking Dr. Clever for his service to his patients, his community, his faith, and his family. He is truly a great humanitarian, leader, and citizen.

AMENDING OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 2877—a bill to prohibit quotas for OSHA workplace inspections. OSHA should not be using quotas to rate the performance of employees.

This activity would be fundamentally unfair to both the employees of OSHA and the companies that are being inspected. This bill places a prohibition on the practice of using citations or penalties to judge the performance of the employees of OSHA.

The incentive for excellent work done by the employees of OSHA should not be based on the number of fines they give or the number of citations they hand out. Each worker's performance should be based on the quality of their work and the professionalism that they exhibit.

This bill has received a wide range of support because it is a good bill. Supporters include the AFL–CIO, the Chamber of Commerce, the Coalition on Occupational Safety and Health, the National Federation of Independent Business [NFIB], as well as the Clinton administration.

The safety of our workers is an issue in which this Congress can not afford to play partisan politics. That is why I am encouraged that this bill has received strong bipartisan support.

The mission of OSHA is to save lives, prevent injuries, and protect the health of the American worker. Federal and State workers across this country are working together in partnerships with more than 100 million working men and women.

Everyone who works in this country comes under the jurisdiction of OSHA, with a few exceptions—such as miners, transportation workers, many public employees, and the self employed.

According to OSHA, its State partners, along with OSHA, has approximately 2,100 inspectors, plus complaint discrimination investigators, engineers, physicians, educators, standards writers, and other technical and support personnel spread over more than 200 offices throughout the country. This staff is charged with establishing protective standards, enforcing those standards and reaching out to employers and employees through technical assistance and consultation programs.

As a lawyer and member of the Judiciary Committee, I am concerned with the idea that OSHA would be favorably viewed based on the number of citations issued. Violations of criminal activity should be pursued based on the law, not based on the idea that rewards will be handed out to the reporting agency or employee. This legislation seeks to remedy this problem.

H.R. 2877 directs OSHA to focus on promoting safety for the American worker, instead of judging the performance of its workers on the number of citations and penalties that they issue.

There is no doubt that this bill will help OSHA in fulfilling its mission to save lives, prevent injuries and protect the health of America's workers, not collect penalties or issue citations.

I urge my colleagues to support this legislation.

SALUTE TO NORVEL YOUNG

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 1998

Mr. GALLEGLY. Mr. Speaker, I would like to pay tribute to a public servant who gave so much of himself to his community, and to education. Norvel Young, or as he is known, "Mr. Pepperdine"recently died, leaving a legacy of dedication and commitment to education.

Norvel Young has filled many jobs. He was a Christian minister, a magazine publisher, a university president and chancellor, a father, and a husband. He will be remembered for his devotion in all of these roles, but what the public will recall most is his vision and behind-the-scenes efforts that have made Pepperdine University one of the finest educational institutions in the country.

Starting his life-long relationships with Pepperdine in 1938, Norvel Young became a Pepperdine history professor at 23 years old—two years after earning a bachelor's degree from Abilene Christian College. After about three years at Pepperdine, Norvel and his wife, Helen, answered the call to ministry, moving to Nashville, Tennessee, where he preached for a church. Norvel and Helen dedicated 13 years solely to the ministry, while playing an instrumental role in founding a children's home, raising money for war-torn Europe, and establishing Lubbock Christian University. Expanding his ministries, Norvel also founded and edited two denominational magazines, 20th Century Christian, and Power for Today.

In 1957, Norvel returned to Pepperdine upon the request of Mr. George Pepperdine, who was looking for a business-minded educated to pull Pepperdine out of severe financial stress. Norvel accepted the challenge and became Pepperdine's third president, quickly bringing the university out of financial hardship. Norvel served as president until 1971, when he became chancellor. Although he officially retired in 1984, he never stopped being a strong advocate and benefactor for the university, donating $2 million of his own money for Pepperdine's Center for Family Life.

Norvel was instrumental in raising money and recruiting quality students and faculty, building enrollment from 950 students to 9,500. In addition, he moved the school from its former 34-acre location to its renowned 830-acre campus in Malibu, and opened new schools of business, law, graduate studies, and studies abroad. Norvel took Pepperdine to new heights which may have seemed so impossible during the university's hard times. He took a small Christian school with modest holdings and turned Pepperdine into one of the most respected and prestigious educational institutions in the Nation.

There is no doubt that Norvel Young brought prosperity and important new ideas for Pepperdine. He will be greatly missed, but his legacy of Christian ministry and educational excellence will continue to benefit Pepperdine University, and all the lives who were touched by Norvel Young.

TRIBUTE TO SMALL TOWN NEWSPAPERS

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 1998

Mr. BLUNT. Mr. Speaker, I rise today to welcome our friends from the National Newspaper Association, who are in Washington this week to discuss "Critical Issues Facing America's Communities" as part of their annual Government Affairs Conference. Small town newspapers have been the cornerstone of our democracy since the first community newspaper was founded by Benjamin Harris in Boston in 1690. Clearly, they are deserving of our gratitude and recognition.

This year's president of the National Newspaper Association is my good friend Dalton Wright of Lebanon, Missouri. Dalton is the most recent example of a long line of notable journalists from the state of Missouri including Joseph Pulitzer, who started his career at the Westliche Post in St. Louis, and Walter Williams, who helped establish the nation's first school of journalism at the University of Missouri.

Small town newspapers, like the Strafford News Express in my hometown of Strafford, Missouri, are the ties that bind our communities together. Local residents look to their newspaper for school lunch menus, local weather forecasts, and information about upcoming community events. And, of course, most members of Congress use community newspapers to keep them informed of events back home so that we are better able to represent our constituents in Washington.

I hope that my colleagues will join me in recognizing the men and women of the National Newspaper Association for their service to our communities.

CONSIDERING SACAGAWEA FOR NEW DOLLAR COIN

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 1998

Mr. BEREUTER. Mr. Speaker, as the new dollar coin receives further consideration, this Member encourages his colleagues to read the following opinion piece by Harold W. Anderson which appeared in the November 20, 1997, Omaha World-Herald. The article highlights the contributions of Sacagawea during Lewis and Clark's expedition to explore the Louisiana Purchase and the important role she played in the development of the country.

[From the Omaha World-Herald, November 20, 1997]

(By Harold W. Andersen)

SACAGAWEA'S LIKENESS GOOD CHOICE FOR COIN

It's not often that I find an opinion on The Washington Post editorial page with which I agree. (To be fair, I must concede that I doubt that my friend Kay Graham, former publisher of The Post, would find very many opinions in my column that she would agree with).

There was a letter from a Post reader that caught my eye—a letter with a suggestion well worth considering.

The letter writer, a resident of Washington, noted that there was a debate in the Senate over the likeness that should appear on the new dollar coin that is to be minted. The competing proposals include one for a replica of the Statue of Liberty and a proposal for a likeness that would depict a "woman of historical significance."

The Post's correspondent said this is his opinion.

"The introduction of the new coin provides a unique opportunity to give the recognition that is long overdue to Sacagawea, a great American woman of historical significance, a woman of indomitable spirit and undaunted courage whose image on a coin would be an inspiration to American women of all races."

The letter writer recalled that Sacagawea was a young Shoshone Indian woman who, with her newborn baby, accompanied Lewis and Clark on their epic expedition to explore the Louisiana Purchase. The letter recalled some of the details of Sacagawea's remarkable contributions to the success of the Lewis and Clark expedition—details recounted in Stephen Ambrose's beautifully written "Undaunted Courage, an Account of the Lewis and Clark Expedition," and told also in a recent splendid PBS documentary, "Lewis and Clark: the Journey of the Corps of Discovery."

The Post correspondent summarized his case for recognizing Sacagawea on the new dollar:

"To put her likeness on the dollar coin would be a tribute both to the contributions that women and Native Americans have made to the development of our nation and would be an inspiration to women from all facets of our society to be as great as they can be."

Sounds like a good idea.

PARKS IN PERIL

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, March 18, 1998 into the CONGRESSIONAL RECORD.

PARKS IN PERIL

As families throughout the nation plan their summer vacations, millions will include a visit to a national park on their itinerary. National parks offer an unsurpassed opportunity to enjoy America's natural beauty and learn more about her history. But many national parks are increasingly showing the strain of their popularity, possibly jeopardizing future generations' enjoyment of these national treasures. Congress is now examining proposals to address the needs of the park system.

SCOPE OF THE PARK SYSTEM

The National Park System comprises 376 units covering roughly 83 million acres. These units include national parks, monuments, battlefields, historic sites, recreation areas, lakeshores, and other types of sites. Every state but Delaware is home to at least one national park facility. Indiana has three: the Lincoln Boyhood National Memorial, located in Spencer County in the Ninth District; the George Rogers Clark National Historical Park in Vincennes; and the Indiana Dunes National Lakeshore, along Lake Michigan in northwest Indiana. The National Park Service (NPS), part of the U.S. Department of the Interior, operates the park system, employing about 20,000 and benefiting from the efforts of its 90,000 volunteers.

STRAINS ON THE SYSTEM

In recent years, the park system has faced unprecedented strains from the increasing popularity of the system, declining funding, and development near the park's borders.

Funding: Though Congress has provided modest increases in funding for the NPS in the last few years, the NPS's budget has sustained substantial cuts over the last decade and a half. From 1983 to 1996, funding for the NPS dropped by 13%, adjusted for inflation. At the same time, Congress continued to add new parks to the system, placing even more demand on these limited funds. As a result, the NPS had to cut back on maintenance and repair of park facilities and infrastructure and has been hindered in trying to improve services to park visitors. According to the NPS, there is now a multibillion-dollar backlog of repairs, which the NPS is unable to accommodate in its $1.8 billion 1998 budget.

Visitor growth: As the NPS has struggled to maintain more parks with fewer dollars, the number of visitors to national parks has continued to grow. In 1996, national parks received nearly 266 million visits, an increase of almost 30 million over 1986. The resulting wear and tear on park facilities and traffic congestion on park roads is troublesome, but more alarming is the degradation of the natural resources the parks aim to protect. For example, in Colorado's Mesa Verde National Park, heavy visitor traffic has caused the walls of some ancient cliff dwellings to deteriorate so much that visitors may no longer tour the famous Cliff Palace dwelling on their own.

In addition, the purposeful destruction of park resources, ranging from the cutting of live trees to the theft of Native American pottery, has increased by 123% over five years. At Petrified Forest National Park, for example, the NPS estimates that approximately 12 tons of petrified wood have been removed by park visitors yearly.

Development: Because of the parks' popularity, the surrounding areas have attracted hotels, restaurants, entertainment complexes, and other types of development. Near the Great Smoky Mountains National Park, for example, a large theme park lies just outside the north entrance and a new casino recently opened at the south entrance. Unfortunately, this development sometimes has adverse effects on the parks—visibility at the top of the Smokies has been reduced by 80% due to air pollution and air tours of the Grand Canyon produce noise pollution.

SOLUTIONS

In recent years, a number of proposals have been developed to create new sources of revenue for the NPS. First, private foundations are stepping up efforts to solicit large corporate contributions for the park system. Three large companies were recently honored for donating millions of dollars to refurbish the Washington Monument. While I am pleased to see support from the private sector, I do think that corporate alliances should be limited in order to preserve the parks from commercialism. Second, some have proposed letting certain national parks sell revenue bonds to finance infrastructure improvements. Third, some favor reforming concessions contracts to allow the NPS to get more of the revenue generated by food, lodging, and souvenir sales within the parks. Fourth, in 1996, Congress approved an experimental program which allowed about 100 parks to increase entrance fees and keep the additional money instead of funneling it to the federal treasury. Fifth, some have suggested more restrictive criteria for the creation of new national parks, as well as alternatives to placing important resources in the National Park System. Congress has in recent years, for example, designated several "heritage areas," where the NPS supports state and community conservation efforts through start-up funds and technical assistance for a set number of years. The local communities would have the ongoing responsibility for these areas. However, legislation to expand the heritage areas program has been controversial because of concerns about private property rights.

OUTLOOK

The challenge for Congress and other policy makers is to balance the need to preserve our nation's tremendous natural and cultural resources while making them as accessible as possible to the public. In my view, this will entail putting more money into the park system to ensure adequate upkeep as well as some restrictions on access to particularly fragile resources. Congress should work with the NPS to explore alternative financing methods for park improvements. No one wants the parks to become overly commercial, but carefully crafted agreements with private organizations seem to me to be a promising source of future funding, though not a substitute for federal funding. In addition, Congress must use more discretion in creating new national parks, and not use the park system as an opportunity for pork barrel politics. The NPS must also further its efforts to work with the parks' "gateway communities" to ensure that development near the parks is done with an eye toward its effects.

Many Americans remember fondly family trips to the Grand Canyon, Yosemite, or the Statue of Liberty. We have an obligation to ensure that these and the many other natural wonders and historical treasures our country has to offer are preserved for Americans in the 21st century and beyond.

CONGRATULATIONS TO GEORGE A. MACDONALD FOR HIS YEARS OF SERVICE TO AMERICA'S AIRLINE INDUSTRY

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate George A. Macdonald on the occasion of his retirement after 42 years of exemplary service to America's airline industry. Captain Macdonald's hundreds of thousands of miles of flying have quite literally taken him to every corner of the globe as he manned cockpits for Pan American World Airways and United Airlines.

Born in Oakland, Capt. Macdonald worked his way through flying lessons so he could pursue his dream. Hired by Pan Am in 1995, he has moved forward while explosive technological advances transformed his job and economic tumult rocked the industry he loves. The list of planes he has flown with passengers aboard is right out of an aviation textbook. Boeing Stratocruiser 377, Boeing 707, SA–16 seaplane, DC–4, DC–6, Boeing 727 and the mammoth Boeing 747.

Over the years Capt. Macdonald has served his country, the world and the cause of freedom. When Pan Am was awarded a contract by the United Nations to fly planes in the Marianas, he transferred to Guam. It was there where he first received his captain wings and on his first flight in the left seat on the two-engine SA–16, one of the engines went out. With the Coast Guard in tow, Captain Macdonald guided the crippled plane to a safe landing and passengers and crew had *nary* a scratch.

It seems eons ago that Berlin was a city divided and West Berlin was surrounded by communist East Germany. Captain Macdonald flew Pan American 727's that connected Berlin to its free countrymen in a years-long effort that kept hope alive for the united Germany we have today.

Over the years, Capt. Macdonald was selected for leadership positions by both his fellow pilots and his company. He served in top executive positions for the Airline Pilots Association and rose to be Chief Pilot for Pan American in Los Angeles. He held that position when Pan Am sold its Pacific routes to United Airlines and Capt. Macdonald was chosen to pilot the first United non-stop to Tokyo.

Mr. Speaker, on April 26, Capt. Macdonald will fly from our nation's capitol to San Francisco on his last trip as a commercial airline pilot. I ask my colleagues to join me in wishing George Macdonald and his co-pilot—his beautiful wife, Peggy—much love, health, and happiness in retirement.

INTERNAL REVENUE CODE'S COST RECOVERY RULES

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 1998

Mr. SHAW. Mr. Speaker, as a Member of Congress, I am continually seeking sound policy changes that will make and keep our economy productive, create jobs and improve the overall quality of life for Americans. It is my belief that an important element of a productive economy is modern, efficient and environmentally responsible space for Americans to work, shop and recreate. In order to create and maintain such space, a building owner must regularly change, reconfigure or somehow improve office, retail and commercial space to meet the needs of new and existing tenants.

I believe that the Internal Revenue Code's cost recovery rules associated with leasehold improvements are an impediment for building owners needing to make such improvements. Therefore, I am pleased to introduce this legislation to change the cost recovery rules associated with leasehold improvements.

Simply stated, this legislation would allow building owners to depreciate specified building improvements using a 10-year depreciable life, rather than the 39 years required by current law, thereby matching more closely the expenses incurred to construct these improvements with the income the improvements generate under the lease.

To qualify under the legislation, the improvement must be constructed by a lessor or lessee in the tenant-occupied space. In an effort to ensure that the legislation is as cost efficient as possible, improvements constructed in common areas of a building, such as elevators, escalators and lobbies, would not qualify; nor would improvements made to new buildings.

Office, retail, or other commercial rental real estate is typically reconfigured, changed or somehow improved on a regular basis to meet the needs of new and existing tenants. Internal walls, ceilings, partitions, plumbing, lighting and finish each are elements that might be the type of improvement made within a building to accommodate a tenant's requirements, and thereby ensure that the work or shopping space is as modern, efficient, and environmentally responsible as possible.

Unfortunately, today's depreciation rules do not differentiate between the economic useful life of a building improvement—which typically corresponds with a tenant's lease-term—and the life of the overall building structure. The result is that current tax law dictates a depreciable life for leasehold improvements of 39 years—the depreciable life for the entire building—even though most commercial leases typically run for a period of 7 to 10 years. As a result, after-tax cost of reconfiguring, or building out, office, retail, or other commercial space to accommodate new tenants or modernizing work places is artificially high. This hinders urban reinvestment and construction job opportunities as improvements are delayed or not undertaken at all.

Additionally, a widespread shift to more energy-efficient, environmentally sound building elements is discouraged by the current tax system because of their typically higher expense. For example, the Natural Resources Defense Council notes that commercial lighting alone consumes more than one-third of the electrical energy produced in the United States. If a greater conservation potential of energy-efficient lighting were to be realized, the demand for the equivalent of one hundred 1,000-megawatt power plants could be eliminated, with corresponding reductions in air pollution and global warming.

Reform of the cost recovery rules for leasehold improvements has been long overdue but we are making progress. Two years age, Congress enacted legislation I sponsored, along with my colleague Mr. RANGEL, that would clarify that building owners are permitted to fully deduct and close out any unrecovered leasehold improvement expenses remaining at the time a lease expires and the improvements is demolished. Resolution of the "close-out" issue was an important reform step. Modifying the recovery period for improvements is the logical and reasonable next step in the reform process.

This legislation should be enacted this year. This would acknowledge the fact that improvements constructed for one tenant are rarely suitable for another, and that when a tenant leaves, the space is typically built-out over again for a new tenant. It is important to note that prior to 1981 our tax laws allowed these improvement costs to be deducted over the life of the lease. Subsequent legislation, however, abandoned this policy as part of a move to simplify and shorten building depreciation rules in general to 15 years. Given that buildings are now required to be depreciated over 39 years, it is time to face economic reality and reinstate a separate depreciation period for building improvements to tenant occupied space.

I urge all Members of the House to review and support this important job producing, urban revitalization legislation, and I look forward to working with the Ways and Means Committee to enact this bill.

TRIBUTE TO BROCKWAY TOWNSHIP'S SESQUICENTENNIAL CELEBRATION

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 1998

Mr. BONIOR. Mr. Speaker, the history of the United States is one of a colorful patchwork, stitched by people of diverse backgrounds and cultures. On March 22, the people of Brockway Township will celebrate their one-hundred and fifty years of history with a new township sign and an old-fashioned hoe-down.

In 1836, Lewis Brockway, John Grennell and James Haines were the first settlers of the area now known as Brockway Township. After 12 years, the Michigan legislature passed an act on March 17, 1848 to legally establish the township.

Brockway Township was blessed with fertile farming land and rich forests. Farming, lumber mills and woolen mills were the townships most successful occupations. In 1881, Brockway shifted to Brockway Center to take advantage of the railroads. It is said that people moved homes and business on skids to take advantage of the new technology.

Small midwestern towns are America's treasure. We are all drawn to the farmers markets, festivals, and parades that remind us of our heritage. Throughout the past one-hundred and fifty years, Brockway Township has witnessed the evolution from carriages to trains to automobiles; from wood planked, hand laid roads to the concrete freeways. But despite all the changes, it is the strong spirit of the citizens of Brockway Township that keeps the history alive and the hope for a successful future in the hearts of all who visit. On behalf of the people of the 10th District—Happy Birthday Brockway Township.

A TRIBUTE TO THE LEXINGTON DREAM FACTORY—"10 YEARS OF MAKING DREAMS COME TRUE"

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 1998

Mr. ROGERS. Mr. Speaker, on Saturday, March 28th, a very special group of people will be gathering in Lexington to celebrate a very special anniversary.

March 28th marks the 10 year anniversary of the Lexington Dream Factory, a non-profit volunteer organization dedicated to making the wishes of critically-ill children in central and eastern Kentucky come true.

To commemorate the Dream Factory's anniversary, over 75 families of children who have been granted special wishes over the years will be gathering for a reunion celebration. This will be a time to come together, to rekindle friendships and start new ones, to find strength from others, and to celebrate the lives of the children.

Many of these families are from my congressional district, and I know how important the work of the Dream Factory has been to them. Families with children experiencing life threatening illnesses face what is perhaps the most tremendous and difficult challenge of their lives. They are focused on helping their child get better, and feel better. They want to do everything possible to bring a smile to the face of their child.

The Lexington Dream Factory has helped those smiles appear. Since it was organized in 1988, it has granted over 350 dreams, bringing laughter and joy to the faces of these critically-ill children, and to the faces of their families. Dreams have ranged from Disney World family vacations, to shopping sprees at local stores.

I want to salute the Dream Factory and offer my best wishes to all the families gathering on March 28th. I'm hopeful this reunion will prove to be a celebration of life, remembering those children who are no longer with us and giving strength to those who are fighting to get well.

SCIENCE IS THE FOUNDATION OF TECHNOLOGICAL PROGRESS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 1998

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, strong math and science curricula is crucial to our American youths' education. The results of the Third International Mathematics and Science Study (TIMSS) shows that American high school seniors rank near the bottom in math and science education when compared to their international counterparts. In addition, there are 346,000 unfilled information technology jobs nationwide. In each of our districts, there is a lack of skilled professionals for information technology jobs particularly related to the lack of specialized math, science, and technology high school curriculum.

In order to solve both of these problems, I am introducing The Information Technology Partnership Act. This bill creates a partnership between Local Education Agencies (LEAs) and local businesses to provide a sound math, science, and technology curriculum coupled with college internships and scholarships through the National Science Foundation. The Information Technology Partnership Act creates an additional grant program through the National Science Foundation's (NSF) Urban Systemic Initiative (USI) Program. The USI Program focuses primarily on math and science by using mentor teachers to help educators introduce an innovative and engaging math and science curriculum to K–12 students in the inner city.

This "IT Partnership" grant is aimed at improving scientific and mathematical literacy of all students in urban communities while fostering a student's career in the information technology field. This partnership consists of Local Education Agencies (LEAs) and local businesses investing in the educational development of the youth in their district. The specialized curriculum and scholarships would assist students in filling future information technology jobs. Specifically, the "IT Partnership" grant focuses on math and science curricula for students in grades 10–12, and offers internships and scholarship opportunities for students majoring in fields related to information technology.

Under the NSF's USI Program, eligibility for the "IT Partnership" grant is limited to the cities with the largest number of school-age children (ages 5 to 17) living in economic poverty, as determined by the 1990 census. The following cities are eligible for this grant: Atlanta, Baltimore, Bayamon, Boston, Chicago, Cincinnati, Cleveland, Columbus, Dallas, Detroit, El Paso, Fresno, Houston, Indianapolis, Jacksonville, Los Angeles, Memphis, Miami, Milwaukee, New Orleans, New York City, Phoenix, Philadelphia, Ponce, San Antonio, San Diego, San Juan, and St. Louis.

This grant awards five LEAs $300,000 to develop math and science, and technology curricula for grades 10–12, and to train teachers in technology. In order for LEAs to win this grant, they must enter into a partnership with businesses in their community. These businesses would commit to provide to LEAs, at a minimum, internships, scholarships, mentoring programs, and computer products. Local businesses would promise a LEA scholarship money which would be awarded to high school seniors who will be majoring in fields associated with information technology (math, computer science, engineering) at 2-year or 4-year colleges. The partnership between the LEAs and local business sponsors would determine the amount and number of scholarships given.

It is important to note that the LEAs will have direct responsibility for overseeing the program. NSF's role is limited to determining which five (5) cities meet the criteria for eligibility. The NSF Director will award the "IT Partnership" grants to the 5 cities with the best package of business sponsorship and curricula development. In addition, priority will be given to LEAs which grant scholarships to students who are first generation college students, have a strong desire to pursue a career in the information technology field, show scholastic achievement, and submit teacher recommendations.

In addition to the NSF's USI's reporting guidelines, a longitudinal study will be submitted to Congress after four years from the awarding of the grant.

DOBROSLAV PARAGA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 1998

Mr. TOWNS. Mr. Speaker, I rise today to acknowledge the efforts of Dobroslav Paraga, a political opposition leader from Croatia, to bring about democratic and human rights reforms in his country. As our colleagues are probably aware, we recently introduced a resolution, H. Res. 375, expressing our concern about repression by the Government of Croatia of these rights. In 1989, Mr. Paraga met with Members of both Chambers of the Congress and as a result S. Res. 169, calling for respect of human rights throughout the former Yugoslavia, passed the Senate and a companion resolution, H. Res. 240 was introduced in the House.

Mr. Paraga has been an eloquent spokesman for the rights of the citizens of Croatia and we, in the Congress, respect his commitment and courage. As a result of his efforts, he has been the target of harassment, political trials and several suspicious assassination attempts. Soon Mr. Paraga will be returning to his home in Zagreb and we will be monitoring his treatment by the Croatian government. We are inserting a statement by Attorney Joseph A. Morris, who successfully represented Mr. Paraga as co-counsel in the trial that followed his last visit to the Congress in 1993. Attorney Morris is a former Assistant Attorney General of the United States and is President of the Midwest Region of B'nai B'rith in the United States. We believe Members will be interested in his statement which follows:

STATEMENT OF JOSEPH A. MORRIS[1] ON POLITICAL LIBERTY IN CROATIA AND THE CASE OF DOBROLSAV PARAGA

In 1993,[1] in association with Zvonimir Hodak, barrister and counselor at law of Zagreb, Croatia, I accepted the defense of Dobroslav Paraga, then a Member of the Croatian Parliament and President of the Croatian Party of Rights, which was then the largest opposition party in the Republic of Croatia, against charges tantamount to an indictment for treason. The case was tried before a military court in Zagreb.

Although the case of *Military Public Prosecutor* v. *Paraga* resulted in a happy outcome—Mr. Paraga was acquitted—I nonetheless remain concerned, now more than four years later, about the chilling effect that the mere bringing of the case has had upon freedoms of speech and association in Croatia. The development of strong democratic institutions and traditions depends upon the establishment of a free and robust political life, including competing political parties and open political debate. Objective observers must register dismay at the lack of progress in such development in Croatia.

Mr. Paraga, then 33, married and the father of three young children, has been charged with speaking publicly, within and without Croatia, to the "embarrassment" of the President of the Croatian Republic, Franjo Tudjman. Mr. Paraga had excoriated the Tudjman regime's participation in "ethnic cleansing" directed at Serbs and Moslems within Croatia and at Moslems in Bosnia. He called for Croatia to respect the individual human rights of its residents and neighbors, irrespective of their religious and ethnic backgrounds and national and political allegiances. He condemned the regime, dominated by former communists, for dragging its feet in building Croatia's free-market economy. Some of these charges derived from a speech that Mr. Paraga gave to the National Press Club in Washington, D.C.

Identical charges against Mr. Paraga were dismissed in 1992 by Croatia's civilian courts. The Supreme Court of Croatia ultimately ordered Mr. Paraga's release from the "interrogation jail" where he had been held by the regime during the pendency of his case. Two days later President Tudjman removed the Chief Justice of Croatia from office. The regime thereafter constituted a special military tribunal in Zagreb for the purpose of hearing the same charges against Mr. Paraga, a civilian, and three of his colleagues in the leadership of what was then known as the Croatian Party of Rights.

The case put seriously in question the claim of the Republic of Croatia to stand as a nation constituted under the rule of law. The prosecution posed grave threats to universal principles of human rights, particularly these fundamental freedoms and basic elements of the due process of law: Freedoms of speech, association, and assembly; Independence of the judiciary; Supremacy of civilian authority over the military; Prohibition against double jeopardy (that is, freedom from being put to trial more than once for the same offense).

I was especially troubled by highly irregular procedural characteristics of this prosecution of Mr. Paraga. The dismissal of the chief judge of Croatia's highest court in the immediate aftermath of that court's previous decision favorable to Mr. Paraga was, and remains, profoundly suspect. The chief prosecutor in the military prosecution was simultaneously a national party leader, an active officer in the Croatian military, a military prosecutor, and a special public defender. The prosecution was surrounded by invidious references to the ethnic and religious backgrounds of Mr. Paraga and his family.

Mr. Paraga, a Roman Catholic, is the grandson of a Jew. He has been disparaged in the government-controlled media of Croatia both as a Jew and as an antisemite. He has been characterized as both a former communist and as a secret fascist. I have met with and interviewed Mr. Paraga and have studied his platform, speeches, and writings. I have interviewed others, both Croatian and American, who know him well. I am satisfied that Mr. Paraga is genuinely committed to principles of human rights, individual liberty, the rule of law, free-market economics, and limited, constitutional government.

Since the successful conclusion of the military trial, the Croatian Government has continued to harass Mr. Paraga and his party and has repeatedly attempted to silence them. Twice, by administrative fiat, the regime has removed Mr. Paraga from the leadership of his party, installed other leaders with loyalty to the regime, deprived his party of its assets, and denied effective judicial review of these actions. Although Croatia has since acceded to European conventions on human rights, these actions occurred at a time when European human rights agencies and tribunals did not have jurisdiction to inquire into, or redress, them. It remains to be seen whether or not the Croatian Government will continue its efforts to suppress legitimate political activity by Mr. Paraga and others and, if so, whether or not Europe's human rights institutions prove effective in safeguarding political liberty in Croatia. Meanwhile, Mr. Paraga has established a new political party, known as the "Croatian Party of Rights—1861", taking the name, and recalling the year of foundation, of Croatia's oldest domestic political party. Furthermore, there is a disturbing trend over the past few years by the Croatian government to use administrative courts to replace heads of democratically elected parties. The method is simple, the party is registered as being headed by someone who is favored by the ruling party. The government should return democratically elected leaders of Parliamentary parties who were removed by administrative measures.

Americans look forward to welcoming Croatia with open arms as a full-fledged member of the democratic family of nations. To claim that birthright, however, Croatia must demonstrate that it has established a government of laws and not of men. Americans of all parties, ethnic backgrounds, and religious traditions will continue to monitor political and human rights developments in Croatia. We hope that, in due course, the people of Croatia will be blessed with a meaningful legal and constitutional system.

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[1] Joseph A. Morris is a member of the Chicago law firm of Morris, Rathnau & De La Rosa. From 1981 through 1988 he served in senior legal positions in the administration of President Ronald Reagan, including as Chief of Staff and General Counsel of the United States Information Agency, as Director (with the rank of Assistant Attorney General of the United States) of the Office of Liaison Services of the Department of Justice, and as a United States delegate to the United Nations Commission on Human Rights at Geneva. He also served from 1981 through 1996, during the administrations of Presidents Reagan, Bush, and Clinton, on the Administrative Conference of the United States. He was the founder and first Chairman of the Center for Public Policy of B'nai B'rith International, the world's oldest and largest Jewish organization, and is currently the President of the Midwest Region of B'nai B'rith in the United States.

FANNIE MAE'S FOUR YEAR ANNIVERSARY OF ITS TRILLION DOLLAR COMMITMENT TO AFFORDABLE HOUSING

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 1998

Mr. LAZIO of New York. Mr. Speaker, as Chairman of the Housing and Community Opportunity Subcommittee, I congratulate Fannie Mae on the four-year anniversary of its Trillion Dollar Commitment to improving our nation's housing. In 1994, Fannie Mae Chairman and CEO Jim Johnson announced that by the end of the year 2000 the company would provide a trillion dollars in targeted housing finance to serve families with incomes below the median, minorities and new immigrants, families who live in central cities, rural areas and distressed communities and people with special housing needs. This effort is intended to help 10 million additional families attain the American dream of homeownership.

In order to achieve this goal, Fannie Mae is creating new products, breaking down financial and informational barriers to homeownership, reaching out to new partners and making the elimination of discrimination the number one priority of the housing finance industry. Fannie Mae has opened 29 partnership offices to assist with these efforts. Lenders, realtors, homebuilders, mortgage insurers, non-profits and others in the housing industry have joined Fannie Mae in this successful effort which already has helped 5.6 million families achieve the dream of homeownership and which has provided $440 billion in housing finance.

Recently, Fannie Mae announced two new programs that are having a positive impact on the affordable housing needs in my district. Fannie Mae's initiatives not only encourage homeownership but also promote revitalization of cities through loans that provide for renovation of homes in high-cost urban areas. These programs, Homestyle Remodeler and Flexible 97, allow homeowners and homebuyers to borrow money for renovation and rehabilitation of their homes. Homestyle Remodeler is being tested exclusively on Long Island, and Flexible 97 is being tested around the country, including on Long Island.

Again, congratulations to Fannie Mae and its partners on a successful four years and I wish them even greater success in the years ahead. This initiative is making a major impact on communities across the nation as the following letters from Mayors indicate.

OFFICE OF THE MAYOR,
Kansas City, MO., March 2, 1998.

James A. Johnson,
Chairman and CEO, Fannie Mae,
Washington, DC.

DEAR MR. CHAIRMAN: Please allow me to congratulate and commend you and Fannie Mae on the leadership you have provided to make homeownership and affordable housing available to Kansas City families as part of the Trillion Dollar Commitment.

The $650 million Kansas City Investment Plan and the opening of the Partnership Office has provided for significant additional opportunities in the furtherance of affordable housing. These efforts have been multifaceted and done in partnership as you have worked with city and state governments, non-profits, lenders, developers and other housing advocates to achieve this goal.

Through it, you have provided for the $12.8 million rehabilitation of the 455 unit Royal Woods Apartments, formerly known as Hanover in the Woods and the current $5.7 million rehabilitation of the 450 unit President's Gardens.

Your $400,000 community development financial investment into Douglass National Bank, a minority owned lender, characterizes your strong commitment to housing and lending opportunities to minority families as does the 8.7% increase in minority homebuyers assisted under your investment plan.

We are especially pleased by the many single family mortgage products that have been developed for the Kansas City market including our partnership around the Police in Neighborhoods project. Creating homeownership assistance opportunities to foster the purchase of homes in our community by the members of the Kansas City, Missouri Police Department is something that I am most proud. A member of my security detail, Marlon Buie, and his family purchased such a home and they are featured in your new One Trillion Dollar Commitment Report publication.

The development of the Kansas City Homeownership Counseling Collaborative, to allow for the expansion of homeownership education for Kansas City families is another example of your work in this city.

These are only some of the activities engaged by Fannie Mae in Kansas City but they provide clear evidence of the undeniable, positive impact that Fannie Mae is having here and around the country on housing finance.

We value the relationship we have with Fannie Mae and wish to congratulate you on the success achieved under the Trillion Dollar Commitment and we look forward to continuation of this partnership.

Sincerely,

Emanuel Cleaver II.

OFFICE OF THE MAYOR,
Hartford, CT, March 4, 1998.

JAMES A. JOHNSON,
Chairman, Fannie Mae,
Washington, DC.

DEAR JIM: I'm writing to congratulate you and Fannie Mae on the work you've done and on the celebration of the fourth anniversary of your Trillion Dollar Commitment. I would like to commend Fannie Mae on its leadership and diligent pursuit of meeting the goals you set forth to make homeownership and affordable housing available to so many more families.

I would further commend you on your efforts here in Hartford. My administration has worked in concert with your Hartford Partnership Office since you opened the office in early 1995. Hartford is on the rebound and homeownership and rebuilding neighborhoods has been a critical ingredient. The HouseHartford program which we created jointly has helped over 110 families become homeowners in our City during the past year and one-half. The program is broadly seen as a huge success evidenced by the increase in dollars the City has committed to providing downpayment assistance. Perhaps more importantly, we have seen a marked rise in the number of minority households achieving homeownership status which should make a dramatic impact in the health of our neighborhood over time. I understand that Fannie Mae has been instrumental in building the reach and capacity of the homeownership counseling and educational group as evidenced by the formation of the Counseling Collaborative.

The Partnership Office has helped or is helping on a number of other fronts as well. In May 1997, with the help of the Partnership Office, we passed a City Ordinance which prioritizes homeownership efforts. This ordinance was passed unanimously and had the strong backing of City department heads, the private sector and neighborhood leaders. We now are working with Fannie Mae on a much more challenging initiative; helping owner-occupiers in the City who face "negative equity" mortgage situations get access to more affordable mortgage rates. I pledge to do everything in my power to work with Fannie Mae to create a solution to this important issue facing a significant number of Hartford homeowners.

The City of Hartford values the relationship we have with Fannie Mae. I wish to congratulate you on the success you have earned so far. We look forward to a continued close partnership as Hartford moves forward with its revitalization agenda and its goal to increasing the homeownership rate in our city.

Sincerely,

MICHAEL P. PETERS,
Mayor.

OFFICE OF THE MAYOR,
Houston, TX, March 3, 1998.

Mr. JAMES A. JOHNSON,
Chairman, Fannie Mae,
Washington, DC.

DEAR JIM: On behalf of the City of Houston, I would like to congratulate Fannie Mae on this fourth anniversary of your Trillion Dollar Commitment to assist ten million families attain decent and affordable housing by the year 2000, and to transform the mortgage finance industry to better address barriers to homeownership. With this initiative, Fannie Mae is demonstrating the leadership and foresight needed to meet the challenges of homeownership for all families of our great country.

I am the newly elected mayor of Houston, but I have been apprised of your HouseHouston investment strategy and the good work Fannie Mae has done in our city. If other areas of the country are experiencing Fannie Mae's presence as we are, then exceptional progress is being made toward the goals of your Commitment. I am particularly pleased with your Partnership Office under the direction of J.J. Smith. The office is doing a terrific job of building partnerships and making more of our neighborhoods and housing professionals aware of resources available to meet their affordable housing objectives.

Our City is very ethnically diverse. Thus, lending to the minority families, developers and builders is extremely important to our well being. With investments from Fannie Mae, mortgages for minority first-time home buyers is up and four minority neighborhoods have seen the first significantly newly constructed multifamily apartment projects in over 30 years. A new subdivision will be developed in a minority neighborhood with an equity investment from Fannie Mae. More than twenty community-based and counseling organizations have greater capacity to serve homebuyers as a result of your counseling software and training. And neighborhood revitalization is progressing with the assistance of a $10 million Fannie Mae line of credit.

We are pleased with our partnership with Fannie Mae and look forward to even greater accomplishments with you over the next few years. Again, congratulations for your successes under HouseHouston and the Trillion Dollar Commitment.

Sincerely,

LEE P. BROWN,
Mayor.

OFFICE OF THE MAYOR,
Miami, FL, March 6, 1998.

Mr. JAMES A. JOHNSON,
Chairman and Chief Executive Officer, Fannie Mae, Washington, DC.

DEAR JIM: I wish to congratulate Fannie Maw on its leadership as you celebrate the fourth anniversary of the bold and far reaching "Trillion Dollar Commitment" to affordable housing initiative. The "Trillion Dollar Commitment" represents yet another outstanding Fannie Mae accomplishment in making home ownership and affordable housing more accessible.

Since July, 1995, Miami-Dade County has seen the opening of a Partnership Office that has energized our housing, community, enlightened the dialogue in our community about affordable housing and offered a variety of solutions to address our needs. The local Partnership Office, under the exemplary leadership of Shalley Jones, has become a key partner in our housing industry and in any affordable housing project. It has focused on all aspects of lending with a strong focus on engaging minority and low-income populations in the discussion. We value the relationship we have with Fannie Mae and the major role the local Partnership Office plays in our community.

During its second year of existence, the local Partnership Office assisted more than

18,000 families, of which more than 81% were minority borrowers, in obtaining affordable housing through the Fannie Mae Community Home Buyers Program. Two community development financial institutions can do more community lending because of the $200,000.00 in deposits made by Fannie Mae. There have been four underwriting experiments that have addressed the critical financing needs of first time home buyers, new immigrants and rehab housing in this community. Our counseling agencies are better able to aid new home buyers because of the 45 new software packages provided to non-profits, training sessions held and housing collaboratives established. I joined the Partnership Office in hosting two housing fairs that provided over 13,000 residents with information on how to buy a home. Clearly, the Fannie Mae Partnership Office in Miami-Dade County has had an extremely positive impact on housing finance in our county.

We wish to congratulate you on the success you have achieved thus far under the Trillion Dollar Commitment. We look forward to the next several years of continued partnership and expansion of markets and home buying opportunities for all of our citizens.

Sincerely,

ALEX PENELAS, *Mayor*.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 19, 1998, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 24

9:30 a.m.

Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on issues with regard to Alzheimer's disease.
SH-216

10:00 a.m.

Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Farm Service Agency, Foreign Agricultural Service, and the Risk Management Agency, all of the Department of Agriculture.
SD-138

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for AMTRAK, focusing on the future of AMTRAK.
SD-192

Labor and Human Resources
To hold hearings on proposed legislation relating to health care quality.
SD-430

10:30 a.m.

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs, focusing on infectious diseases.
SD-124

Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on drug addiction and recovery issues.
SH-216

2:00 p.m.

Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on S. 887, to establish in the National Park Service the National Underground Railroad Network to Freedom program, S. 991, to make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996, S. 1695, to establish the Sand Creek Massacre National Historic Site in the State of Colorado, and S.J. Res. 41, approving the location of a Martin Luther King, Jr., Memorial in the Nation's Capital.
SD-366

Governmental Affairs
Oversight of Government Management, Restructuring and the District of Columbia Subcommittee
To hold joint hearings with the House Government Reform and Oversight Committee's Subcommittee on Government Management, Information, and Technology to examine the proposed "Fair Competition Act of 1998", focusing on a new free market approach to Federal contracting.
SD-342

2:15 p.m.

Veterans' Affairs
To hold hearings on S. 1021, to provide that consideration may not be denied to preference eligibles applying for certain positions in the competitive service.
SR-418

2:30 p.m.

Armed Services
Strategic Forces Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on Ballistic Missile Defense Programs.
SR-222

Judiciary
To hold hearings on pending nominations.
SD-138

MARCH 25

9:30 a.m.

Commerce, Science, and Transportation
Business meeting, to mark up S. 1415, to reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, and to redress the adverse health effects of tobacco use, and to consider other pending calendar business.
SR-253

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of AMVETS, the American Ex-Prisoners of War, the Vietnam Veterans of America, and the Retired Officers Association.
345 Cannon Building

10:00 a.m.

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on Army programs.
SD-192

Judiciary
Constitution, Federalism, and Property Rights Subcommittee
To hold hearings to examine the tradition and importance of protecting the United States flag.
SD-226

2:00 p.m.

Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on general land exchange bills, including S. 890, S. 1109, S. 1468, S. 1469, S. 1510, S. 1683, S. 1719, S. 1752, H.R. 1439, and H.R. 1663.
SD-366

2:30 p.m.

Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

MARCH 26

9:30 a.m.

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the National Endowment for the Arts, National Foundation on the Arts and the Humanities.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Corp of Engineers, and the Bureau of Reclamation, Department of the Interior.
SD-138

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Office of National Drug Control Policy.
SD-192

Labor and Human Resources
Children and Families Subcommittee
To hold hearings on the Head Start education program.
SD-430

10:00 a.m.

Armed Services
To resume hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and

the future years defense program, focusing on Department of Energy atomic energy defense activities.

SR-222

Judiciary

Business meeting, to consider pending calendar business.

SD-226

2:30 p.m.

Select on Intelligence

To hold closed hearings on intelligence matters.

SH-219

MARCH 31

9:30 a.m.

Energy and Natural Resources

To hold hearings on S. 1100, to amend the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, the legislation approving such covenant, and S. 1275, to implement further the Act (Public Law 94-241) approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America.

SD-366

10:00 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Commodity Futures Trading Commission and the Food and Drug Administration.

SD-138

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Justice's counterterrorism programs.

SD-192

Labor and Human Resources

To hold hearings to examine issues relating to charter schools.

SD-430

Veterans' Affairs

To hold hearings to examine tobacco-related compensation and associated issues.

SD-106

10:30 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs, focusing on the Caspian energy program.

SD-124

2:30 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings on S. 1515, to amend Public Law 89-108 to increase authorization levels for State and Indian tribal, municipal, rural, and industrial water supplies, to meet current and future water quantity and quality needs of the Red River Valley, to deauthorize certain project features and irrigation service areas, and to enhance natural resources and fish and wildlife habitat.

SD-366

APRIL 1

9:30 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of the Interior.

SD-124

Indian Affairs

Business meeting, to mark up proposed legislation with regard to Indians in the proposed tobacco settlement, and S. 1279, proposed Indian Employment Training and Related Services Demonstration Act; to be followed by hearings on proposed legislation to revise the Indian Gaming Regulatory Act of 1988.

Room to be announced

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for Department of Defense medical programs.

SD-192

Judiciary

Antitrust, Business Rights, and Competition Subcommittee

To hold hearings to examine competition and concentration in the cable and video markets.

SD-226

2:00 p.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the National Institutes of Health, Department of Health and Human Services.

SD-124

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold hearings on titles I, II, III, and V of S. 1693, to renew, reform, reinvigorate, and protect the National Park System.

SD-366

2:30 p.m.

Judiciary

Immigration Subcommittee

Business meeting, to consider pending calendar business.

SD-226

APRIL 2

9:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on S. 1323, to regulate concentrated animal feeding operations for the protection of the environment and public health.

SR-332

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine the status of Puerto Rico.

SH-216

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings to examine airline ticketing practices.

SD-124

APRIL 21

10:30 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance, focusing on crime programs.

Room to be announced

APRIL 22

9:30 a.m.

Indian Affairs

To hold oversight hearings on Title V amendments to the Indian Self-Determination and Education Assistance Act of 1975.

SR-485

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on the Ballistic Missile Defense program.

SD-192

APRIL 23

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the National Aeronautics and Space Administration.

SD-138

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Forest Service, Department of Agriculture.

SD-124

APRIL 28

10:30 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for foreign assistance programs, focusing on Bosnia.

Room to be announced

APRIL 29

9:30 a.m.

Indian Affairs

To resume hearings to examine Indian gaming issues.

Room to be announced

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on Bosnian assistance.

SD-192

APRIL 30

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Envrionmental Protection Agency, and the Council on Environmental Quality.

SD-138

2:00 p.m.

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold hearings on title IV of S. 1693, to renew, reform, reinvigorate, and protect the National Park System, and S. 624, to establish a competitive process for the awarding of concession contracts in units of the National Park System.

SD–366

MAY 5

10:30 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs.

Room to be announced

MAY 6

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on the U.S. Pacific Command.

SD–192

MAY 7

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the National Science Foundation, and the Office of Science and Technology.

SD–138

2:00 p.m.

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold hearings on titles VI, VII, VIII, and XI of S. 1693, to renew, reform, reinvigorate, and protect the National Park System.

SD–366

MAY 11

2:00 p.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense.

SD–192

MAY 13

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense.

SD–192

MAY 14

2:00 p.m.

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold hearings on titles IX and X of S. 1693, to renew, reform, reinvigorate, and protect the National Park System, and S. 1614, to require a permit for the making of motion picture, television program, or other forms of commercial visual depiction in a unit of the National Park System or National Wildlife Refuge System.

SD–366

OCTOBER 6

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs on the legislative recommendations of the American Legion.

345 Cannon Building

POSTPONEMENTS

MARCH 26

2:00 p.m.

Governmental Affairs

Oversight of Government Management, Restructuring and the District of Columbia Subcommittee

To hold hearings to examine the Government management of electromagnetic spectrum.

SD–342

APRIL 1

9:30 a.m.

Indian Affairs

To hold oversight hearings on barriers to credit and lending in Indian country.

SR–485

HOUSE OF REPRESENTATIVES—*Thursday, March 19, 1998*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. FOSSELLA).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 19, 1998.

I hereby designate the Honorable VITO FOSSELLA to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

Teach us to see Your strong hand, O God, that supports us all the day long. In all our circumstances, whether of joy or sadness, we are grateful that we can bring our concerns before You. If there is illness, grant us health; if there be estrangement, grant reconciliation; where there is hatred or envy, grant peace; where there is despair, give us the gift of hope. Remind us each day that we never walk the road of life alone or face the challenges without Your abiding grace. So stay with us and be our God until the day breaks and the shadows flee away. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. ROGAN. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ROGAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from California (Mrs. TAUSCHER) come forward and lead the House in the Pledge of Allegiance.

Mrs. TAUSCHER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment concurrent resolutions of the House of the following titles:

H. Con. Res. 206. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

H. Con. Res. 238. Concurrent resolution authorizing the use of the Capitol Grounds for a breast cancer survivors event sponsored by the National Race for the Cure.

The message also announced that the Senate passed a concurrent resolution of the following title, in which concurrence of the House is requested:

S. Con. Res. 85. Concurrent resolution calling for an end to the violent repression of the people of Kosovo.

The message also announced that pursuant to Public Law 102-246, the Chair, on behalf of the Majority Leader, in consultation with the Democratic Leader, appoints John W. Kluge, of New York, as a member of the Library of Congress Trust Fund Board, for a term of five years.

The message also announced that pursuant to Public Law 105-119, the Chair, on behalf of the Majority Leader, appoints A. Mark Neuman, of Illinois, to serve as a member of the Census Monitoring Board, vice Max W. Williams, of Mississippi.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 10 one-minute speeches on each side.

AMERICA IN DANGER OF LOSING ITS SOUL

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, there is good economic news in America. Yesterday, the stock market hit another record high; unemployment is at a 20-year low; farm income is up. In fact, the average American income is up. America's pocketbook is full. But our hearts are empty, and there is a crisis of the soul.

We have all known about the downward spiral of our society. Child abuse has increased, spouse abuse is up, abortion is ubiquitous for reasons that simply do not make sense. We are now seeing the first signs of turning on our elderly because they have become an inconvenience. Tensions in our community indicate there is a need for racial reconciliation.

God's Word says that what good is it if a man gains the whole world and yet loses his own soul? Mr. Speaker, America is in danger of losing its own soul, losing those values that built a great Nation: faith in God, hard work, integrity, a common sense of decency, and respect for men and women regardless of race or religion.

Mr. Speaker, I challenge those of us here in Washington to return to the values that built a great Nation, lest we fall from our greatness.

PUBLIC SKEPTICAL ABOUT FUTURE OF SOCIAL SECURITY

(Ms. SANCHEZ asked and was given permission to address the House for 1 minute.)

Ms. SANCHEZ. Mr. Speaker, I rise today to share with my colleagues the success of a forum that I hosted in my district on the future of Social Security. Social Security is a focus of intense public interest; and there is talk about long-range funding problems, means testing, and privatization.

The public is skeptical about the future of Social Security. Opinion poll after opinion poll shows that fewer than 50 percent of Americans feel confident that Social Security will be able to meet its long-range commitments. We need to assure America's seniors and future generations of Americans that the retirement benefits they are entitled to will be there when they need them. Let us restore public faith in Social Security. Through listening to our constituents, we can learn what kind of changes are best to preserve Social Security and its worth for years to come.

The President has pledged to hold public forums across the Nation on Social Security reform throughout this year. I encourage my colleagues to host similar forums in their districts. The time has come to give our constituents the information they need to make informed decisions about Social Security reform.

H.R. 2736, TAXPAYER REFORM AND PROTECTION ACT

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, the voices of millions of American taxpayers have finally penetrated the White House walls. In yet another reversal of national policy, the White House has pulled up its pants, put on its thinking cap, and announced its IRS reform package.

Wow. From the President's opposition just 2 weeks ago to yesterday's flip-flop on IRS reform, this has left us all with a distinct impression that our President is finally thinking with the head on top of his shoulders.

Included in his reform proposals is the idea that, once and for all, we should bring to an end the illegal use of quotas. Mr. Speaker, I hope this means that the White House fully supports H.R. 2736, legislation I introduced 5 months ago to put an end to the improper and illegal use of such quotas by the IRS. We all know the IRS has become an out-of-control Federal agency.

H.R. 2736, the Taxpayer Reform and Protection Act, will end illegal quotas and make the IRS more accountable, more customer friendly for the millions of American taxpayers.

REACH PROJECT

(Mrs. TAUSCHER asked and was given permission to address the House for 1 minute.)

Mrs. TAUSCHER. Mr. Speaker, I rise today to recognize the outstanding achievements of the REACH project, a nationally acclaimed drug abuse prevention and treatment program headquartered in the City of Antioch in the 10th Congressional District of California.

Founded in 1970, REACH stands for Rehabilitation Education Awareness for Community Humanitarianism. The REACH project brings law enforcement, government, business, and schools together to educate the community about the dangers of drug abuse. REACH also offers a wide range of effective youth and family counseling programs.

An example of this is the Youth Intervention Diversion Program, a collaborative counseling program with the Antioch Police Department which keeps first-time juvenile offenders out of the criminal justice system.

REACH Executive Director Shirley Marchetti has been an integral part of the REACH project and the main reason the project has become what it is today. Her outstanding efforts have helped public service providers work together to reduce drug abuse and crime in my community. The staff of the REACH project and Shirley Marchetti are to be commended for their hard work and dedication to strengthening our community.

RELIGIOUS PRISONERS CONGRESSIONAL TASK FORCE

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I rise to urge Members to join the Religious Prisoners Congressional Task Force. The task force will advocate on behalf of persecuted religious prisoners around the world by appealing directly to independent national leaders. Minority religious believers often suffer beatings, torture, extended incarceration, even death at the hands of their governments unless intervention is made.

Reputable human rights organizations report that advocacy with key government officials changes prisoners' life for the better; it alters prison conditions, stops torture, and secures release.

Amnesty International documents one prisoner's statement. "When the first 200 letters came, the guards gave me back my clothes. Then the next 200 letters came, and the prison director came to see me. When the next pile of letters arrived, the director got in touch with his superior. The letters kept coming and coming, 3,000 of them. The President was informed. The letters still kept arriving, and the President called the prison and told them to let me go."

Mr. Speaker, as citizens of a country founded on the principle of freedom of religion, we must work to ensure that international human rights standards are upheld by all countries of the world and that religious liberty is a fundamental human right. We can only intervene on behalf of religious liberty if Members act.

IRS SENSITIVITY TRAINING

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, IRS reform has taken on a whole new spin. The Vice President now wants the IRS to undergo sensitivity training, and the other body wants the taxpayers to pay for it.

Beam me up, Mr. Speaker. Who is kidding whom? There can be no reform of the IRS without changing the burden of proof and without requiring the IRS to get a warrant before they rip off our homes. Let us tell it like it is. The IRS does not need more fine tuning. The IRS needs an overhaul, big-time, and taxpayers should not pay for it.

As far as the Vice President's sensitivity training program, it sounds just ducky. But quite frankly, Scarlet, I yield back all the hugs and kisses at the IRS.

WHITE HOUSE SPIN FACTORY

(Mr. LEWIS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Kentucky. Mr. Speaker, I believe it was P.T. Barnum that once said, "There is a sucker born every minute." I hope the President and those at the White House spin factory do not believe that is true.

We, the American people, are fair-minded people; and we like to give others the benefit of the doubt. But we also like to be dealt with in a straightforward, truthful manner; and nothing disturbs us more than having our trust violated. All we asked for and all we have ever asked for is what Sergeant Friday from a former popular TV series used to ask of his suspects, "Just the facts, sir. Just the facts."

Mr. Clinton has 21 accusers saying he has done something wrong, and they are providing facts. But instead of facts coming from the White House, all we are getting is spin after spin after spin.

Mr. Clinton, that may work for a while. But, unlike P.T. Barnum's theory, Abraham Lincoln had a much better one. "You can fool some of the people some of the time, but you can't fool all the people all of the time." And that is a truth that we can count on.

CAMPAIGN FINANCE REFORM

(Mr. PASCRELL asked and was given permission to address the House for 1 minute.)

Mr. PASCRELL. Mr. Speaker, the efforts of the freshman task force have given us a very real chance for meaningful campaign finance reform. I am committed to seeing that this opportunity is not lost. It is incumbent upon this Congress that we honestly address the many flaws in the current system by which we finance our campaigns. I believe the very credibility of not just this Congress but of the entire institution is at stake.

The sad reality is that the American public holds Congress in very low esteem. We cannot reasonably expect to effectively carry out our duties as Congressmen if we lack credibility.

Whether we want to admit it or not, the fact is that our campaign finance system is jeopardizing our own credibility. We should not fool ourselves into believing that the problem is only the illegal activities that occur during campaigns. Quite to the contrary, the real problems stem from what is legal.

I hope that we will address, Mr. Speaker, the growing problem of the way soft money is influencing this system; and the sooner we do it, the better we will be in terms of getting back our own credibility.

TIME TO MARK END OF AN ERA

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, unfortunately, it is time to mark the end of an era, and that era lasted only 2 years.

On January 23, 1996, just 2 short years ago, the President declared in his State of the Union address that "the era of big government is over." Now it appears that that era is over.

When we came to Washington just a few years ago, we were looking at a $250 billion deficit as far as the eye could see. We set to work to eliminate programs to reform the entitlements; and, as a result, we are looking at the first balanced budget in a generation.

Last August, we had an agreement with the President. We set very tough spending caps for the next 5 years. That is represented here by this blue line. The red line shows what the President is supporting this year in his budget. He is talking about spending over $100 billion more than we agreed to last August, and he is also talking about raising taxes and fees by over $100 billion.

Unfortunately, it sounds like the era of big government is not over, but the era of talking about the era of big government is really over.

□ 1015

ABSOLUTELY INCREDIBLE KID DAY

(Mr. SANDLIN asked and was given permission to address the House for 1 minute.)

Mr. SANDLIN. Mr. Speaker, the words today for the children of America are praise and encouragement. Today is national Absolutely Incredible Kid Day, a day each of us can reach out to the young people in America in our lives and let them know how much we appreciate them. Sponsored by the Campfire Boys and Girls, Southwest Airlines, Yahoo, PaperMate and caring individuals all across this great Nation, Absolutely Incredible Kids Day is an annual event designed to bring adults and children closer together by encouraging children in a positive and meaningful way and letting them know how important they are in our lives. The goal of Absolutely Incredible Kids Day is for every child in America, every child in America, to receive a letter from an adult in his or her life encouraging him, praising him and letting him know that he is appreciated. It is a simple goal, but a goal that can make a great difference in a child's life.

Last year was the Inaugural of Absolutely Incredible Kids Day. Participation throughout the country was absolutely enormous. Everyone from the President of the United States to employees of corporations, to caring individuals sent a letter to let a child know that he or she is special. I urge all my colleagues to reach out to the children of America. As a father of 4, I agree and encourage Members to do that and tell them that it will make a difference.

THE REAL MEANING OF CONSERVATISM

(Mr. ROGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGAN. Mr. Speaker, I hear from my liberal friends that labels do not mean much anymore. If that is true, then why do liberals believe that Americans are undertaxed, and conservatives know that Americans are overtaxed? Why do liberals attack Republican proposals to cut taxes, while Republicans fight so the middle class will not be forced to send so much of their income back to Washington?

Mr. Speaker, when families complain that it is harder to get ahead today than it was in their parents' day, one big reason is because government takes so much more of their family income. Whether one parent works or both parents work, Washington stands as an obstacle to families getting ahead, by taking money out of their pockets and pouring it down the black hole of wasteful and ineffective Washington bureaucracies.

The tax burden keeps going up and up while the government's ability to deliver on its promises keeps going down and down. Washington must offer a better deal to America's families. It is the responsibility of Congress to promote that dream.

RAISE MINIMUM WAGE

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, minimum wage workers in America make less today than they did in 1968 when inflation is taken into account. That really is outrageous and it is time to raise the minimum wage. You cannot raise a family on $5.15 an hour these days, even when you are working full-time. A minimum wage family earns $10,700 a year. That is just not enough.

Republican Members, it is worth noting, made more money in the days when they shut down the United States Government 2 years ago than a minimum wage worker made in full that entire year.

Democrats have a proposal to increase the minimum wage from $5.15 per hour to $6.15 per hour by the turn of the century, 50 cents a year. This body needs to recognize the importance of millions of Americans who get up every single morning and who go to work in our factories, in our office buildings and in our restaurants. We need to raise the minimum wage. I urge the Republican leadership to schedule that kind of a vote today and help working middle class families in this country.

SILENCE SPEAKS VOLUMES

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, a White House official was quoted in the New York Times last month referring to "our continuing campaign to destroy Ken Starr." Listen to that again, and I am quoting, "our continuing campaign to destroy Ken Starr." Here is a White House spokesman openly acknowledging their despicable strategy to destroy Judge Starr, the special counsel named by a 3-judge panel to investigate allegations of serious wrongdoings by the President.

Am I to conclude that the Democratic Party thinks it is okay to smear the independent counsel? Am I to conclude that the Democratic Party does not care that the White House was in possession of 900 FBI files of Republicans, in gross violation of law and the civil rights of American citizens? Am I to conclude that the Democratic Party does not care if the integrity of our judicial system is violated, that obstruction of justice and lying under oath is okay if it is done by a Democrat? Am I to conclude that the President is in fact above the law because the Dow Jones is doing great?

Where are your outraged voices, Democrats? Your silence speaks volumes.

DISASTER IN THE DOMESTIC OIL PATCH

(Mr. WATKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATKINS. Mr. Speaker, I come to the floor today to speak out on a situation that is vital to the security of this Nation of ours. An emergency exists, a disaster exists in our domestic oil patch. Oil prices have dropped below $12 a barrel and soon will be below $10 a barrel. These are the lowest prices, the newspapers say, in over 10 years. When adjusted for inflation, it is down below the 1973 shock. Oil production in Oklahoma is at the lowest level since 1914. While Saudi Arabia and Venezuela are playing Russian roulette with each other in a price war, they are killing the small oil producer in the United States and killing our independence from foreign-oil.

At present we are importing approximately 60 percent of our oil in this country from Saudi Arabia and Venezuela. The remaining 40 percent is produced mostly by domestically small, marginal wells. These small marginal wells are in jeopardy.

We must enact an emergency package in 1998 and put a long-term energy policy in for this country. Our National security depends on such action.

TAX CODE TERMINATION ACT

(Mr. LARGENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LARGENT. Mr. Speaker, it is that time of year. The trees are budding, flowers are blooming, and tax accountants and attorneys are sharpening their pencils. That is right. It is the tax preparation season. April 15 is just around the corner. Taxpayers everywhere are pulling their hair out trying to decipher this year's Tax Code. They are not alone. Even the paid professional tax preparers do not understand the Tax Code, and neither do the 110,000 employees at the Internal Revenue Service who are paid $9.8 billion to implement the Tax Code.

What is Washington's response? At best they talk a good game. They say we should scrap the Code, use it as an applause line at political functions, and get a standing ovation when they say it.

It is springtime. It is time for new beginnings. Let us begin by implementing a new Tax Code. Let us say adios to the Tax Code in 2001 and join 190 Members of Congress who have signed on to pass H.R. 3097, the Tax Code Termination Act.

NATIONAL AGRICULTURE DAY

(Mr. CHAMBLISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAMBLISS. Mr. Speaker, March 20, 1998 is National Agriculture Day across this country. It is fitting on such a day to thank the farming families who work hard every day to produce the finest food and fiber in the world. Our country's entire farming community deserves a pat on the back for a job well done.

Despite highly unusual weather patterns that adversely impacted farming communities around the country, our farmers remain optimistic, and the American Farm Bureau reports that supermarket prices have fallen for the second consecutive quarter.

Georgia's farmers have stood up to the worst El Nino had to offer. It is now imperative that the Federal Government extend relief to those folks in disaster areas. In addition to this natural disaster, crop insurance has failed to honor the commitment to provide a safety net to our Nation's farmers facing extreme conditions and crop losses.

Georgia's farmers not only help the U.S. produce the highest quality, most affordable food in the world, but their contribution to our local communities is overwhelming. Let us acknowledge the farmer on National Ag Day by recognizing that they deserve as much as they provide.

Finally, as you sit down to supper tonight, take a moment to thank the folks that made it possible, the American farmer. They deserve it.

□ 1030

PROVIDING FOR CONSIDERATION OF H.R. 2870, TROPICAL FOREST CONSERVATION ACT OF 1998

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 388 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 388

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2870) to amend the Foreign Assistance Act of 1961 to facilitate protection of tropical forests through debt reduction with developing countries with tropical forests. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on International Relations now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 388 is an open rule providing for the consideration of H.R. 2870, the Tropical Forest Protection Act of 1998. The rule provides 1 hour of general debate, equally divided between the Chairman and ranking minority member of the Committee on International Relations.

The rule makes in order as an original bill for the purpose of amendment the committee amendment in the nature of a substitute now printed in the bill, which shall be considered as read. The rule also allows the Chairman of the Committee of the Whole to accord priority and recognition to Members who have printed their amendments in the CONGRESSIONAL RECORD. Such amendments will be considered as read.

In addition, the rule permits the Chairman of the Committee of the Whole to postpone votes on any amendment and to reduce to 5 minutes the time for voting after the first of the series of votes, provided that the first vote is not less than 15 minutes. Finally, the rule provides for 1 motion to recommit, with or without instructions.

Mr. Speaker, H.R. 2870 would amend the Foreign Assistance Act of 1961 to facilitate the protection of tropical forests by reducing the debts owed to international development banks by certain foreign countries, in exchange for commitments by those countries to preserve, maintain and restore tropical forests within their borders.

Thanks in no small measure to the leadership and vision of the gentleman from Ohio (Mr. PORTMAN), the House will have before it later today an innovative proposal that addresses two very serious problems: the large volume of uncollected debts owed by foreign countries experiencing difficulties repaying those debts in a timely fashion; and the disappearance of some tropical forests throughout the world.

The legislation of the gentleman from Ohio (Mr. PORTMAN) recognizes that the two problems are in many cases directly related. All too often, Mr. Speaker, developing countries in which many of the tropical forests are located feel they have little choice but to sacrifice their magnificent forests in response to mounting financial pressures at home and abroad.

By authorizing what had become known as "debt-for-nature" swaps, this Congress can ease the financial burdens now hampering economic and social advancement in many of these countries while, at the same time, preserving for current and future generations essential natural resources.

Mr. Speaker, the Committee on International Relations reported H.R. 2870 to the House with broad bipartisan support. The Chairman and the ranking member of that committee are to be commended for requesting an open rule on this bill in order that Members of the House wishing to offer germane amendments may do so.

House Resolution 388 reported by the Committee on Rules is consistent with the request of the gentleman from New York (Mr. GILMAN), chairman of the committee, and accordingly, I urge my colleagues to support both the rule and the bill we will shortly consider, H.R. 2879, the Tropical Forest Conversation Act of 1988.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I want to thank my colleague, the gentleman from Washington (Mr. HASTINGS) for yielding me this time. This is an open rule, and as my colleague from Washington described, this will be equally divided relative to general debate between the ranking and minority member of the Committee on International Relations.

Under this rule, amendments will be allowed under the 5-minute rule, which is the normal amending process in the House. All Members on both sides of the aisle will have an opportunity to offer amendments.

Mr. Speaker, this legislation is creative problem-solving at its best, and it brings credit to the House.

One of the world's long-term environmental challenges is maintaining tropical forests. Tropical forests are the source of many of our foods and life-sustaining drugs. New uses are still being discovered for the plants and animals which can only be found in tropical forests.

Unfortunately, the world's tropical forests are shrinking at the rate of 30 to 50 million acres each year. This represents a huge loss of plant and animal life.

Forests also absorb large quantities of carbon dioxide which helps maintain the stability of the world's environment. Cutting down the forests could contribute to global warming.

Many of these at-risk forests are located in developing nations with large debts to the United States, and international creditors. These debts are hurting those countries' ability to develop and to provide for their people.

This bill addresses both of these problems by forgiving some debt in developing countries in return for those countries protecting their forests. This debt-for-nature swap is a win for the people of the developing nations and a win for the global environment at a relatively low cost.

This is a bipartisan bill with support on both sides of the aisle. The Committee on Rules approved this open rule by voice vote, and I would urge adoption of the rule and of the bill.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I have no requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Without objection, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on approval of the Journal on which proceedings will resume immediately after this 15-minute vote on adoption of the resolution.

There was no objection.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 20, as follows:

[Roll No. 59]

YEAS—411

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crapo
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sá2nchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Stump

Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NOT VOTING—20

Crane
Cunningham
Engel
Frost
Gallegly
Gephardt
Gonzalez
Gutknecht
Hefner
Hyde
Lewis (GA)
Livingston
Martinez
Parker
Poshard
Rangel
Riggs
Schiff
Strickland
Young (AK)

☐ 1059

Mr. BRADY changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 5 of rule I, the pending business is the question de novo of the Speaker's approval of the Journal.

The question is on the Speaker's approval of the Journal of the last day's proceedings.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BLUNT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 359, noes 49, not voting 23, as follows:

[Roll No. 60]

AYES—359

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Boswell
Boucher
Boyd
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Christensen
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Cox
Coyne
Cramer
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Ganske
Gejdenson
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Salmon
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schumer
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Vento
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Wexler
Weygand
White
Whitfield
Wise
Wolf
Woolsey
Wynn
Young (FL)

NOES—49

Abercrombie
Becerra
Borski
Brady
Brown (CA)
Carson
Chenoweth
Clay
Clyburn
Costello
DeFazio
DeLay
Dickey
English
Ensign
Fawell
Fazio
Filner
Ford
Fox
Gibbons
Hastings (FL)
Herger
Hilleary
Hilliard
Hinchey
Kucinich
LoBiondo
McDermott
McNulty
Miller (CA)
Moran (KS)
Oberstar
Pickett
Ramstad
Rogan
Sabo
Schaffer, Bob
Sessions
Stark
Stupak
Taylor (MS)
Thompson
Velázquez
Visclosky
Waters
Weller
Wicker
Yates

NOT VOTING—23

Calvert
Crane
Engel
Frost
Gallegly
Gephardt
Gonzalez
Gutknecht
Hefner
Hoyer
Hutchinson
Kasich
Lewis (GA)
Livingston
Manzullo
Martinez
Parker
Poshard
Rangel
Riggs
Schiff
Weldon (PA)
Young (AK)

☐ 1109

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

ANNOUNCEMENT ON AMENDMENT PROCESS FOR H.R. 10, FINANCIAL SERVICES ACT OF 1997

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, I rise to inform the House of the Committee on Rules' plans in regard to H.R. 10, the Financial Services Act of 1997.

The Committee on Rules is planning to meet the week of March 30, a week from Monday, to grant a rule which may limit the amendment process on this bill.

Any Member who wishes to offer an amendment should submit 55 copies and a brief explanation of the amendment by 2 p.m. on Thursday, March 26 to the Committee on Rules, at Room H-312 in the Capitol.

The amendments should be drafted to the text of the amendment in the nature of the substitute as submitted by the chairmen of the Committee on the Banking and Financial Services and Committee on Commerce, which will be printed in the CONGRESSIONAL RECORD of today, March 19, 1998.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 94

Mr. DELAHUNT. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 94.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

TROPICAL FOREST CONSERVATION ACT OF 1998

The SPEAKER pro tempore (Mr. NETHERCUTT). Pursuant to House Resolution 388 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2870.

□ 1113

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2870) to amend the Foreign Assistance Act of 1961 to facilitate protection of tropical forests through debt reduction with developing countries with tropical forests, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Indiana (Mr. HAMILTON) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Chairman, I yield myself such time as I may consume.

□ 1115

Mr. Chairman, I am pleased to bring H.R. 2870, the Tropical Forest Protection Act, to the House for its consideration. This bill was introduced last November by the gentleman from Ohio (Mr. ROB PORTMAN), the gentleman from Ohio (Mr. JOHN KASICH), and the gentleman from Indiana (Mr. LEE HAMILTON). The bill enjoys wide bipartisan support and is now supported by the administration.

Mr. Chairman, tropical forests are home to roughly half of all known species and plants and animals, and, under pressure from man, these forests are disappearing at a rate of almost 1 percent per year, roughly one football field lost every second or an area the size of Pennsylvania each year. Most of the forests are also located in developing nations, and most of those nations are poor, with crushing debt burdens.

With the twin crisis of tropical forest loss and the Third World debt crisis, many of us in the Congress saw an opportunity. And I will note that two of our colleagues, the gentleman from Illinois (Mr. JOHN PORTER) and the gentleman from Nebraska (Mr. DOUG BEREUTER) introduced the first debt-for-nature swap bill in 1988. In 1991, President Bush proposed the Enterprise for the Americas Initiative, known as EAI. One part of that initiative was a program of debt relief in return for investments by the host country in environmental protection.

Under the EAI, the Bush administration forgave half of the $1.6 billion owed by seven Latin American countries in return for $154 million in endowments for conservation projects. Today, the Latin American economy is growing with some of the newest and largest tropical forest parks in the world.

H.R. 2870 writes chapter two of that EAI story. Many developing nations remain under crushing debt burdens, and some of them have the most valuable tropical forests that are still standing. We expand beyond Latin American to other critical habitats in Africa and Asia. I will note that Indonesia has one of the world's largest tropical forests still standing. My colleagues may have read reports that the smoke from the burning of these forests is so thick that it even interferes with commercial aircraft operations in Jakarta.

This bill will allow our President to go beyond the Latin American focus of the EAI to offer protection to tropical forests in Africa, to Asia and the subcontinent. In short, this bill authorizes our President to offer up to $325 million in debt owed to the U.S. Government, a small fraction of the $15 billion they currently owe. The loans were made by the Agency for International Development and the Department of Agriculture.

The bill specifically references the conditions for a government to get debt relief. These conditions include having a democratic government, a favorable climate for private-sector investment, cooperation on narcotics matters, and no state-sponsored terrorism.

The bill also enjoys wide support from the environmental groups, such as the World Wildlife Fund, Conservation International, the Nature Conservancy, the Environmental Defense Fund, and the Sierra Club.

The administration has now endorsed the bill, expressing support for the measure's purpose, and the administration has offered detailed changes to the legislation which the gentleman from Indiana (Mr. HAMILTON) and I made in a joint substitute to the bill when it was considered within our committee. The substitute cuts $75 million in funding from the bill by deleting the authority to forgive Export-Import Bank debt.

We also included authority to do debt buy-backs in the bill. As carried out recently by the U.S. Government with the Government of Peru, debt buybacks are not scored against our budget because the purchaser repays the full market value of the debt that is owed. These transactions offer exciting opportunities for middle-income countries to reduce the face value of their debt and at the same time be able to protect the environment.

We have made other modifications requested by the Congressional Budget Office to tighten the budgetary impact of the bill and require appropriations clearly within the Credit Reform Act.

This bill was favorably reported by a voice vote of the full Committee on International Relations. We will only have two amendments that I know of. My amendment will give an extra level of protection by requiring further congressional notifications to the Congress. I have also reviewed the amendment of the gentleman from Minnesota (Mr. VENTO), which is acceptable to our side.

I think that the gentleman from Ohio (Mr. ROB PORTMAN) and his colleague from Ohio (Mr. JOHN KASICH), as well as the gentleman from Indiana (Mr. LEE HAMILTON) have offered an excellent piece of legislation, and I urge my colleagues to strongly support the bill.

Mr. Chairman, I reserve the balance of my time.

Mr. Chairman, I ask unanimous consent that my time under general debate be controlled by the gentleman from Nebraska (Mr. BEREUTER).

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HAMILTON. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Chairman, let me first of all compliment the chairman, the gentleman from New York (Mr. GILMAN), and the ranking member, the gentleman from Indiana (Mr. HAMILTON), for the Tropical Forest Protection Act of 1998.

This act has come to us at a very important time. As we know, the President will be leaving on Sunday to visit six African countries to talk about trade and investment, human rights, and the whole question of the environment, the ecology, education, health.

The whole world will be watching. We have over 200 news media people that will be going from the United States, and people from around the world will be focusing. So this bill is extremely important at this time.

As my colleagues know, the bill seeks to promote the efforts of low- and middle-income countries to preserve tropical forests, rain forests; and, secondly, the bill tackles the problem of large debt owed to the United States by some of these developing countries.

Under H.R. 2870, globally important tropical forests would be protected at a very relatively low cost to the United States. First, certain debts of qualifying nations would be substantially reduced. In exchange, the countries would direct interest payments due on new loans into funds dedicated to preserving the tropical rain forests.

Secondly, the bill would allow eligible countries or third-party purchasers to buy back a country's debt. In exchange, the country would agree to implement the tropical forest conservation measures specified in this bill.

There will be four criteria that we will certainly look at. We will look at a country that has a democratic political system as a very important first step. Secondly, a country must have a solid record of performance with respect to human rights and governance, counternarcotics and terrorism. Third, we will be pursuing countries that pursue sound economic policies. And, finally, countries must meet any other requirements related to their environmental policies and practices determined by the President.

We think that this will certainly go to leveraging scarce U.S. foreign assistance dollars by producing immediate environmental benefits in exchange for reducing debt payments due to the United States. Secondly, by reducing debt, it will strengthen developing economies, helping them to diminish the fiscal pressures that put tropical forests at risk. Thirdly, it will help promote new environmental practices in developing countries. And, finally, it will advance U.S. national interests by preserving forests that are essential to the world's climate.

Let me give two prime examples. Liberia, a 7½ year civil war. The rain forest was starting to be devastated. This will be able to bring that country back into the right practices. Secondly, the Democratic Republic of Congo, where a tremendous rain forest, probably one of the largest rain forests in the world. If we can prevent what happened in Brazil and what is happening in Latin America by this bill, by preserving the rain forest in the Congo, in Liberia, in Sierra Leone, it will go far to improving and preventing the degradation that is going on now in the whole biosphere that is going throughout the world.

So we are in a global village. We are interconnected. What happens in one country impacts on the other. This bill is timely. This bill is right. This bill costs the U.S. taxpayers very little, but does a tremendous amount in return, and it is the right time because, hopefully, the President will be able to talk about this on his trip to Ghana. He will go to Uganda and will stop in Rwanda to look and talk about the genocide that happened there; then on to South Africa, up to Botswana, and finally in Senegal.

Mr. Chairman, I urge my colleagues to support this very important bill.

Mr. BEREUTER. Mr. Chairman, I yield 6 minutes to the gentleman from Ohio (Mr. PORTMAN), the sponsor of this legislation, who has done an outstanding job in working with the committee and in crafting this legislation.

Mr. PORTMAN. Mr. Chairman, I thank the gentleman from Nebraska for yielding me this time and for all his work over the years on this legislation and this idea. I also want to thank the gentleman from New York (Mr. GILMAN), the chairman, for moving this bill so expeditiously through his committee, for improving the bill through the process, along with the ranking member, the gentleman from Indiana (Mr. LEE HAMILTON), and for getting it to the floor today.

I also have to commend my fellow sponsors, chairman of the Committee on the Budget, the gentleman from Ohio (Mr. JOHN KASICH), and the gentleman from Indiana (Mr. LEE HAMILTON), both of whom showed a lot of leadership in getting us to this point.

As has been noted by the previous two speakers, this is really the outgrowth of years of work by a lot of people that links two important facts of life: One is that, very important, tropical forests are disappearing at an extremely rapid rate; and, second, they happen to be located in less developed countries that have a hard time repaying their debts to the United States.

The gentleman from New York (Mr. GILMAN), the chairman, and the gentleman from Indiana (Mr. HAMILTON) will go further into the bill and what it does more precisely, but I want to take a minute to focus on why this bill makes so much sense to the American taxpayer.

Tropical forests literally impact the air we breathe, the food we eat, and the medicines that cure disease. Acting as so-called carbon sinks, tropical forests absorb and store vast amounts of carbon dioxide and other emissions caused by the burning of fossil fuels. By encouraging both reforestation and by preventing deforestation, we can substantially offset carbon emissions right here in the United States.

When we look at the alternatives and the cost of developing alternative technologies to reduce emissions, I think this is a relatively efficient way to absorb so-called greenhouse gases. It is hard to imagine that a rain forest in Brazil could help with air pollution in Ohio, but in fact that is what occurs.

A major benefit all of us get from tropical forests also is the use of the vast number of species and plants found there for the development of drugs. For example, plants found in tropical forests help fight child leukemia and the Hodgkin's disease. And natural products found in rain forests were used to develop drugs like Taxol, that treats breast cancer; Calanolide, which is used to treat infectious diseases, and many others. In fact, half of the medicines used in the world today, every day, come from tropical forest plants, as do 25 percent of all prescription drugs.

Agriculture also benefits from tropical forests. Genetic diversity, used in plant breeding, has been critical in producing grains for food and has accounted for about half of all the gains in agricultural yields in the United States between 1930 and 1980.

Finally, of course, tropical forests help regulate rainfall, which has the effect of stabilizing weather patterns around the world. Unfortunately for all of us, we have already lost about half the world's tropical rain forests since 1950. And every year we are losing about 30 to 40 million acres of forests, an area equal to the size of New York or Iowa or Pennsylvania. And, of course, this destruction is fueled by poverty and economic pressures on developing countries where most of these tropical forests are located.

As I mentioned at the outset, many of these countries have a hard time repaying their debt. In fact, a substantial majority of these eligible countries have sought so-called Paris Club or other debt relief arrangements. Instead of just having this debt outstanding that will never become repaid in full, or might be repaid not at all, the U.S. taxpayers should receive some benefit for the investment. By encouraging debt-for-nature swaps, the bill maximizes the chance of some benefit being received.

The bill offers three different options: First, for the poorest countries, whose debt is unlikely to be paid in full, we build on the Enterprise for the Americas Initiative. The gentleman from New York talked about it a moment ago, but it was begun in the Bush administration. There, part of the principal is paid back to the United States, and interest payments on the new debt have to be put into protecting tropical forests.

This is the one aspect of the bill that has some cost to it, because under the 1990 Federal Credit Reform Act, Congress has to appropriate funds equal to the so-called subsidy cost. That would be the difference between the net present value of the old loan arrangement and the new loan arrangement.

Second, the bill permits no-cost debt buy-backs. This is at no cost to the U.S. taxpayer. It is a debt buy-back for countries that can afford it. The country purchases its debt at the full asset value of the loan and then contributes an additional amount equal to 40 percent of that loan into a local fund to protect tropical forests.

Then, finally, the third option is the bill would permit interested parties and nongovernmental organizations, third parties, to purchase debt of eligible countries from the United States Government, at its full asset value, in exchange for the debtor country putting money aside well in excess of that purchase price in a fund for conservation.

□ 1130

Again, this is at no cost to the taxpayer and provides substantial benefits to the United States.

The bill also benefits the U.S. taxpayer because, through these transactions, U.S. dollars are leveraged for substantial amounts of conservation funding. This is because the cost of reducing debt, even as we have to score it here under the Credit Reform Act, is low compared to the amount of funding and local currency that will be set aside for conservation. In some cases, the ratio is as high as five to one or even ten to one.

Because it is leverage that you can get, I think this is a much better way to protect these globally important resources than through any kind of direct aid.

Debt restructuring also makes sense because, by clearing the debt off the books, it actually reduces the economic pressures that lead to a lot of the deforestation, so it actually gets at the underlying or root causes of much of the destruction of the rain forest.

Finally, let me make it clear that this is an authorization, this is not an appropriation. The bill and the committee report both make clear that any appropriation will be fully offset during the appropriations process.

Again, building on President Bush's Enterprise for the Americas Initiative, this bill moves beyond Latin America. It provides this benefit worldwide to any eligible country, and it more precisely targets less developed countries that have the kind of tropical forests that provide the most benefits. If enacted, its effects will be not only to encourage economic growth consistent with conservation but, as Chairman Gilman noted earlier, it will be to promote U.S. policy interests, foreign policy interests. Because, if they want to participate, countries are required to have a good human rights record, counternarcotics program, counterterrorists policies, and democratic elections.

As I conclude, I want to thank this committee again for expediting and improving this bill; and I want to acknowledge the good work of the gentleman from New York (Mr. GILMAN), the gentleman from Illinois (Mr. PORTER), the gentleman from Indiana (Mr. HAMILTON), the gentleman from Nebraska (Mr. BEREUTER) and many others on this issue over the years.

This bill simply builds on these efforts by providing new incentives to protect tropical forests worldwide in a targeted and fiscally responsible way. I urge my colleagues on both sides of the aisle to support it.

Mr. HAMILTON. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the ranking member for the time and his leadership on this issue.

I certainly want to join my colleagues in commending the gentleman from Ohio (Mr. PORTMAN) for his leadership, the gentleman from New York (Mr. GILMAN) and the gentleman from Indiana (Mr. HAMILTON) for their leadership on this, and the gentleman from Ohio (Mr. BEREUTER) as well, and all others who made this bipartisan, excellent bill possible today, the Tropical Forest Conservation Act.

As a member of the Subcommittee on Foreign Operations, Export Financing and Related Programs of the Committee on Appropriations, I know full well what the debt of burden does to many of these countries. I also know that tropical forests contain about half the world's earth, plant, and animal species, many of which still have not been identified. They also are extremely effective sinks for carbon dioxide, significantly reducing greenhouse gases in the atmosphere.

Our colleague very eloquently said what has always been clear to us, that everything in nature is connected, whether it is the benefit we receive in the rain forest in terms of pharmaceuticals or whether it is preventing greenhouse emissions from increasing and the greenhouse gases affecting the constituents of the gentleman from Ohio (Mr. PORTMAN) in Ohio.

So it is clear in terms of debt and it is clear in terms of protecting the rain forests, the tropical forests, that we have a need. There is opportunity based on precedent. The Bush Administration's Enterprise for the Americas Initiative presented a precedent and this is an expansion, as that has been indicated, and happily before the President's trip to Africa. The opportunity to reduce the burden of debt in these countries is being done with precedent and in a very wise way.

I am very, very pleased and want to make the point that the rule of nongovernmental organizations is very significantly mentioned in this legislation. Under the measure, each beneficiary country would be required to establish a Tropical Rain Forest Protection Fund to preserve, maintain, and restore its tropical forest. These funds would be distributed through competitive grants to local nongovernmental or other organizations with conservation expertise.

Further to that, management of the funds would be overseen by international boards consisting of officials appointed by the U.S. Government as well as by the host government; and these boards would include representatives of environmental, nongovernmental organizations active in the beneficiary country, local community groups, and scientific or academic organizations. I think this transparency and this involvement of nongovernmental and community-based groups is very, very healthy.

In conclusion, I want to say that this is a very smart approach, because the program established in the bill is intended to specifically target countries that have tropical forests with the greatest degree of biodiversity and that are under the most severe threat.

My colleagues have talked about the other criteria, that the country has to have a democratically elected government, not support active international terrorism, must support international narcotics controls, and may not engage in violations of internationally recognized human rights. Under the measure, the President would determine whether or not countries meet the criteria.

I am very, very pleased to congratulate my colleagues for this strong bipartisan effort to preserve the rain forest and reduce the debt of these countries.

Mr. BEREUTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of this legislation, and I am pleased to be a cosponsor.

The world's tropical forests, which are biodiverse, economically crucial and ecologically irreplaceable, are now disappearing faster than any other natural community. We heard the comments of the gentleman from Ohio (Mr. PORTMAN) on that subject.

Most of these forests are located in developing countries. Most of these countries are poor, many with crushing debt burdens. This body should view this legislation as a creative opportunity to address the twin problems of Third World debt and deforestation.

Mr. Chairman, one of the benefits of seniority is seeing some ideas gain acceptance after a period of time. Mr. Chairman, this is to trace a little bit of legislative history. But this proposal is, as the gentleman from Ohio (Mr. PORTMAN) indicated, based to some extent on the success of the Enterprise for the Americas Initiative from the Bush administration.

We saw good results from that. It is a creative variation of the EAI theme. As chairman of the Subcommittee on Asia and the Pacific, this Member would like to note that the forests and jungles of Vietnam, Cambodia, Laos, and Thailand are rapidly disappearing. Vietnam, for example, has only 19 percent forest coverage today, compared to 43 percent 50 years ago.

The legislation before this body today will go beyond the Latin American focus of EAI to offer protection in tropical forests in Africa, East Asia, and the south Asian subcontinent, among other parts of the world.

Mr. Chairman, this Member was particularly interested in Bangladesh, which is one of the world's poorest nations. It is struggling with both overwhelming PL 480 debt and severe environmental problems. This Member would ask the body's indulgence to describe how today's legislation is likely to affect Bangladesh and what would be required of a country such as Bangladesh to participate in the proposed debt swap.

Now, to its credit, Bangladesh continues to service their debt, with great difficulty I might add. This, however, puts the United States in the rather embarrassing position of receiving almost as much money back as it is giving humanitarian assistance because of the PL 480 debt interest.

To be eligible for debt reduction under this legislation, a country must contain an appropriate tropical forest and meet specific and economical and political criteria. At the March 10, 1998, markup of this legislation by the Committee on International Relations, the administration testified that Bangladesh did indeed possess the requisite tropical forests of global importance. This was particularly true with regard to the forest's importance of habitat for various endangered species which we described, and the specific area in Bangladesh was noted.

The political eligibility criteria of this legislation requires the debtor country to have a democratically elected government which is not pursuing egregious policies in the area of human rights, narcotics or terrorism. The State Department has confirmed that Bangladesh would meet these political criteria, and that is a very important part of this bill.

The economic eligibility criteria required of a debtor country is to have in place or be making progress towards an IMF arrangement, World Bank structure, or sectoral adjustment loans if necessary, to have put in place major investment reforms and, if appropriate, to have agreed with its commercial bank lenders on a satisfactory lending program. It is this Member's understanding that the International Monetary Fund is negotiating a potential staff-monitored program with Bangladesh, for example.

In addition, as evidence of major investment reforms, Bangladesh has concluded a bilateral investment treaty with the United States. On a preliminary basis, the Department of the Treasury has determined that if Bangladesh concludes its negotiation on an IMF staff-monitored program, it should meet with economic eligibility requirements for debt reduction under this legislation.

Based on the above, it is my sincere hope that serious consideration will be given to Bangladesh within the provisions of this legislation. Debt buy-back such as envisioned in this legislation would permit Bangladesh to address its lingering debt problems while preserving its tropical forest. Mr. Chairman, I bring this specific country's example to our attention, but it is an example of how it will work elsewhere.

In closing, Mr. Chairman, this Member thanks the distinguished gentleman from the State of Ohio (Mr. PORTMAN) for introducing this important piece of legislation with creativity, with original cosponsorship, the gentleman from Indiana (Mr. HAMILTON) and the gentleman from Ohio (Mr. KASICH).

I commend the efforts of the distinguished gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations, for his leadership demonstrated over the years on environmental matters and for helping, with the cooperation of the gentleman from Indiana (Mr. HAMILTON), to bring this legislation to the floor.

As other Members in this body have noted, this legislation enjoys bipartisan support and is not opposed by the administration. The bill was favorably reported by a voice vote of the full Committee on International Relations without any discernible objection.

Mr. Chairman, I urge strong adoption of H.R. 2870; and I reserve the balance of my time.

Mr. HAMILTON. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Chairman, I commend the sponsors, the gentleman from New York (Mr. GILMAN), the gentleman from Indiana (Mr. HAMILTON), the gentleman from Ohio (Mr. KASICH), the gentleman from Ohio (Mr. PORTMAN), the gentleman from Nebraska (Mr. BEREUTER) and others on the committee that have worked on this. It is a good bill. It deserves their support.

This bill builds upon the Conservation Organization's efforts that began the debt for nature swaps with the advent of many of these less developed nations in terms of trying to strive with meeting their needs by debt and find that the economic wherewithal to make the payments is not there. And the consequence, Mr. Chairman, is that, very often, they attempt to exploit in an improper way the natural resources of that country; and one of these natural resources, as has been pointed out, is these tropical and temperate rain forests.

While this bill focuses on the tropical rain forests, they may solve the problem of meeting their debt repayment for the year by sacrificing and selling off the tropical rain forest, but the problem is that they destroy their economic base and much of the biodiversity for the future.

Added to that, the activities of these nations as they are developing and struggling to make these debt payments by, in essence, selling their legacy, their patrimony of these natural forests as they look at it in South America and other parts of the world, there are natural phenomena that are also working against these areas.

Today, as we stand here on the floor, 23 to 25,000 square miles of uncontrolled fire has devastated parts of Amazonia, about 16 million acres in the last few months. In addition to that, the gentleman from New York (Mr. GILMAN) cited the persistent problem in Indonesia in which millions of acres of rain forest have been destroyed.

So I think that we cannot do as much as we would like to do about controlling the weather. There are some ideas about that, if anyone has any, in terms of dealing with El Nino. But we can control what is happening in terms of these debt repayments.

This is a move forward to, in fact, try to achieve an international understanding and realization of the importance of these tropical rain forests that, as have been pointed out, are in less developed countries of the world and attempting to preserve them and all of the positive benefits that they give from being our pharmacy, for dealing with medications, the hydrological cycles that they represent, the presence of carbon in these areas, and of course I think most important the maintenance of the biodiversity which is so unique to many of these forests, which really have not been inventoried, much less fully understood, in terms of what the benefit and interrelationship might be with mankind and the benefit for mankind.

I urge support of the bill.

Mr. BEREUTER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. CHABOT), a member of the Committee on International Relations.

Mr. CHABOT. Mr. Chairman, I thank the gentleman for yielding.

I rise in strong support of the Tropical Forest Conservation Act, and I want to commend my friend and colleague from Ohio (Mr. Portman) for his leadership and his hard work on this important legislation.

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It is nice to see Mr. PORTMAN's son Jed, who is 7 years old and in the second grade, on the floor of the House here this morning with his father, because his generation will benefit from the passage of this legislation in many ways. Congratulations, Jed.

I also want to commend the gentleman from New York (Mr. GILMAN) and the gentleman from Indiana (Mr. HAMILTON) of the Committee on International Relations and also the gentleman from Nebraska (Mr. BEREUTER) for all their leadership in shepherding this bill through the committee. I am pleased to be one of the original 16 cosponsors with my colleagues on this particular committee in supporting this legislation.

Tropical forests provide a wide range of benefits to the entire world. They help to reduce greenhouse gases. They house many of the species used in the developing of lifesaving pharmaceutical products. They affect rainfall, which of course affects crop production and coastal resources worldwide.

As these forests continue to be exploited, last year an estimated 30 million acres, for example, were lost, the need to save them becomes more and more urgent.

Mr. Chairman, the Tropical Forest Conservation Act is a sound, free-market approach to a very serious global environmental problem. It will encourage the preservation of tropical forests without creating a burden for the American taxpayer. It is good, sensible legislation. It is worthy of our support. I urge adoption of the legislation.

I want to again compliment and commend the gentleman from Ohio (Mr. PORTMAN) for proposing this legislation.

Mr. HAMILTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of this legislation. Let me first extend my congratulations to the gentleman from Ohio (Mr. PORTMAN), the chief sponsor of the bill. I think he has done marvelous work in bringing this bill to the floor of the House. It is a bipartisan initiative in every respect. I also want to extend my thanks to the gentleman from New York (Mr. GILMAN) for his willingness to accommodate both the concerns of the administration and the concerns of other Members. Their constructive suggestions and amendments improved this bill. I also want to note that the gentleman from New Jersey (Mr. PAYNE), who spoke previously has been a steadfast supporter of the bill, but was inadvertently omitted from the list of cosponsors.

This bill has been very well explained by my colleagues on the floor. I am not going to repeat what they have said. I do want to acknowledge the outstanding work of the gentleman from Nebraska (Mr. BEREUTER). He was one of the early supporters of this program and has seen it through all the way. He gave us an excellent description just a moment ago of the impact the bill would have on Bangladesh.

We bring so many bills to this floor under confrontational and adversarial conditions. We all understand that is the way the process works. But it is a very great pleasure to participate in the development of legislation, such as the bill before us today, that has such solid, broad bipartisan support. It has been a pleasure for me to work on it.

Let me simply point out to Members that the administration's position on the bill is that they support passage of H.R. 2870. At the same time, however, the administration has expressed concern about the potential financing of the program. The sponsors of the bill hope that these financing procedures can be worked out in the future. But it is important to note that the administration supports passage of the bill. I urge my colleagues to join me in supporting H.R. 2870.

Mr. Chairman, I reserve the balance of my time.

Mr. BEREUTER. Mr. Chairman, I yield myself such time as I may consume, only to thank the gentleman from Indiana (Mr. HAMILTON) for his kind remarks toward me.

Mr. KOLBE. Mr. Chairman, I rise in strong support of the Tropical Forest Conservation Act of 1998, and I would like to commend the gentlemen, Messrs. PORTMAN and KASICH, from Ohio, for their efforts. The purpose of this legislation is simple—to facilitate greater protection of tropical forests while being cognizant of today's tight budgetary constraints.

The benefits derived from these biologically diverse forests are numerous. Rain forests should not be considered as just a source of timber. They provide a livelihood for people, a habitat for plants and animals, and help stabilize the global climate. Unfortunately, more than half of the earth's tropical forests have disappeared. I believe it is in the best interest of America to cooperate with the rest of the world to protect this vital resource.

Developing countries face enormous economic pressures which have increased the pressure on the world's rainforests. By relieving the economic burdens that fuel this destruction and exploitation of fragile resources, we can help redirect a nation's development efforts to more environmentally friendly projects. HR 2870 addresses this need through an innovative program—restructuring the U.S. debts of extremely poor countries in exchange for local protection of tropical forests.

This program would not be open to any country wanting to restructure its debt. A country could participate only if it meets certain eligibility requirements, such as having a democratically elected government. Also, a country would be prohibited from supporting terrorism and would have to cooperate in the international war on drugs. These are not the only criteria a country must meet to receive the benefits of debt restructuring. An eligible country must use the funds only to "preserve, maintain, and restore the tropical forests."

Also, the distribution of these funds would be monitored by an administering body composed of U.S. Government officials and representatives from various environmental, scientific, and academic organizations.

This legislation builds on President Bush's Enterprise for the Americas Initiative, providing an effective solution to deforestation while assisting less-developed countries restructure uncontrollable debt.

This bill shows what can be accomplished when everyone, irrespective of political and ideological views, puts their differences aside to solve a common problem. I urge my colleagues to vote for H.R. 2870.

Mr. PORTER. Mr. Chairman, I rise in strong support of this bill. In 1988, I offered the first debt-for-nature bill. This legislation was then incorporated into the Enterprise for the Americas Initiative (EAI) by President Bush. This initiative forgave approximately $800 million in debt from seven Latin American countries that would have never been repaid. This exchange generated approximately $150 million in investment for the preservation of tropical forest ecosystems.

A recent World Wildlife Fund report stated the tropical forests are being lost at a rate of 42 million acres per year. The EAI has helped to preserve many important tropical forests in the Western Hemisphere, most notably the Beni Biosphere Reserve in Bolivia. I am a cosponsor of this bill because it builds on my initiative. This financial mechanism has been successful in preserving tropical forests in our hemisphere and we must now look to other important rainforests, especially those in Indonesia. Eighty-eight percent of the original forest in the Asia-Pacific region have been destroyed and current wildfires throughout the islands of Indonesia are exacerbating this situation. This bill expands the EAI to this region and will hopefully facilitate the protection of tropical forests throughout the world.

As Chairman of Global Legislators Organization for a Balanced Environment (GLOBE USA) and Co-Chairman of the Congressional Human Rights Caucus, I support the use of debt-for-nature swaps not only because of the success they have had in protecting rainforests but also because they utilize local non-governmental organizations. By working with and through these community groups, natural resources are preserved and the rights of indigenous peoples are respected. I have lauded the success of these debt exchanges in the past and I hope that this program will continue to expand.

I encourage my colleagues to support this legislation.

Mr. HAMILTON. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. BEREUTER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2870

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEBT REDUCTION FOR DEVELOPING COUNTRIES WITH TROPICAL FORESTS.

The Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end the following:

"PART V—DEBT REDUCTION FOR DEVELOPING COUNTRIES WITH TROPICAL FORESTS

"SEC. 801. SHORT TITLE.

"This part may be cited as the 'Tropical Forest Conservation Act of 1998'.

"SEC. 802. FINDINGS AND PURPOSES.

"(a) FINDINGS.—The Congress finds the following:

"(1) It is the established policy of the United States to support and seek protection of tropical forests around the world.

"(2) Tropical forests provide a wide range of benefits to humankind by—

"(A) harboring a major share of the Earth's biological and terrestrial resources, which are the basis for developing pharmaceutical products and revitalizing agricultural crops;

"(B) playing a critical role as carbon sinks in reducing greenhouse gases in the atmosphere, thus moderating potential global climate change; and

"(C) regulating hydrological cycles on which far-flung agricultural and coastal resources depend.

"(3) International negotiations and assistance programs to conserve forest resources have proliferated over the past decade, but the rapid rate of tropical deforestation continues unabated.

"(4) Developing countries with urgent needs for investment and capital for development have allocated a significant amount of their forests to logging concessions.

"(5) Poverty and economic pressures on the populations of developing countries have, over time, resulted in clearing of vast areas of forest for conversion to agriculture, which is often unsustainable in the poor soils underlying tropical forests.

"(6) Debt reduction can reduce economic pressures on developing countries and result in increased protection for tropical forests.

"(b) PURPOSES.—The purposes of this part are—

"(1) to recognize the values received by United States citizens from protection of tropical forests;

"(2) to facilitate greater protection of tropical forests (and to give priority to protecting tropical forests with the highest levels of biodiversity and under the most severe threat) by providing for the alleviation of debt in countries where tropical forests are located, thus allowing the use of additional resources to protect these critical resources and reduce economic pressures that have led to deforestation;

"(3) to ensure that resources freed from debt in such countries are targeted to protection of tropical forests and their associated values; and

"(4) to rechannel existing resources to facilitate the protection of tropical forests.

"SEC. 803. DEFINITIONS.

"As used in this part:

"(1) ADMINISTERING BODY.—The term 'administering body' means the entity provided for in section 809(c).

"(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

"(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

"(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

"(3) BENEFICIARY COUNTRY.—The term 'beneficiary country' means an eligible country with respect to which the authority of section 806(a)(1), section 807(a)(1), or paragraph (1) or (2) of section 808(a) is exercised.

"(4) BOARD.—The term 'Board' means the board referred to in section 811.

"(5) DEVELOPING COUNTRY WITH A TROPICAL FOREST.—The term 'developing country with a tropical forest' means—

"(A)(i) a country that has a per capita income of $725 or less in 1994 United States dollars (commonly referred to as 'low-income country'), as determined and adjusted on an annual basis by the International Bank for Reconstruction and Development in its World Development Report; or

"(ii) a country that has a per capita income of more than $725 but less than $8,956 in 1994 United States dollars (commonly referred to as 'middle-income country'), as determined and adjusted on an annual basis by the International Bank for Reconstruction and Development in its World Development Report; and

"(B) a country that contains at least one tropical forest that is globally outstanding in terms of its biological diversity or represents one of the larger intact blocks of tropical forests left, on a regional, continental, or global scale.

"(6) ELIGIBLE COUNTRY.—The term 'eligible country' means a country designated by the President in accordance with section 805.

"(7) TROPICAL FOREST AGREEMENT.—The term 'Tropical Forest Agreement' or 'Agreement' means a Tropical Forest Agreement provided for in section 809.

"(8) TROPICAL FOREST FACILITY.—The term 'Tropical Forest Facility' or 'Facility' means the Tropical Forest Facility established in the Department of the Treasury by section 804.

"(9) TROPICAL FOREST FUND.—The term 'Tropical Forest Fund' or 'Fund' means a Tropical Forest Fund provided for in section 810.

"SEC. 804. ESTABLISHMENT OF THE FACILITY.

"There is established in the Department of the Treasury an entity to be known as the 'Tropical Forest Facility' for the purpose of providing for the administration of debt reduction in accordance with this part.

"SEC. 805. ELIGIBILITY FOR BENEFITS.

"(a) IN GENERAL.—To be eligible for benefits from the Facility under this part, a country shall be a developing country with a tropical forest—

"(1) whose government meets the requirements applicable to Latin American or Caribbean countries under paragraphs (1) through (5) and (7) of section 703(a) of this Act;

"(2) that has put in place major investment reforms, as evidenced by the conclusion of a bilateral investment treaty with the United States, implementation of an investment sector loan with the Inter-American Development Bank, World Bank-supported investment reforms, or other measures, as appropriate; and

"(3) whose government meets other requirements related to its environmental policies and practices, as determined by the President.

"(b) ELIGIBILITY DETERMINATIONS.—

"(1) IN GENERAL.—Consistent with subsection (a), the President shall determine whether a country is eligible to receive benefits under this part.

"(2) CONGRESSIONAL NOTIFICATION.—The President shall notify the appropriate congressional committees of his intention to designate a country as an eligible country at least 15 days in advance of any formal determination.

"SEC. 806. REDUCTION OF DEBT OWED TO THE UNITED STATES AS A RESULT OF CONCESSIONAL LOANS UNDER THE FOREIGN ASSISTANCE ACT OF 1961.

"(a) AUTHORITY TO REDUCE DEBT.—

"(1) AUTHORITY.—The President may reduce the amount owed to the United States (or any agency of the United States) that is outstanding as of January 1, 1997, as a result of concessional loans made to an eligible country by the United States under part I of this Act, chapter 4 of part II of this Act, or predecessor foreign economic assistance legislation.

"(2) AUTHORIZATION OF APPROPRIATIONS.—For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) for the reduction of any debt pursuant to this section, there are authorized to be appropriated to the President—

"(A) $25,000,000 for fiscal year 1999;

"(B) $75,000,000 for fiscal year 2000; and

"(C) $100,000,000 for fiscal year 2001.

"(3) CERTAIN PROHIBITIONS INAPPLICABLE.—

"(A) IN GENERAL.—A reduction of debt pursuant to this section shall not be considered assistance for purposes of any provision of law limiting assistance to a country.

"(B) ADDITIONAL REQUIREMENT.—The authority of this section may be exercised notwithstanding section 620(r) of this Act or section 321 of the International Development and Food Assistance Act of 1975.

"(b) IMPLEMENTATION OF DEBT REDUCTION.—

"(1) IN GENERAL.—Any debt reduction pursuant to subsection (a) shall be accomplished at the direction of the Facility by the exchange of a new obligation for obligations of the type referred to in subsection (a) outstanding as of the date specified in subsection (a)(1).

"(2) EXCHANGE OF OBLIGATIONS.—

"(A) IN GENERAL.—The Facility shall notify the agency primarily responsible for administering part I of this Act of an agreement entered into under paragraph (1) with an eligible country to exchange a new obligation for outstanding obligations.

"(B) ADDITIONAL REQUIREMENT.—At the direction of the Facility, the old obligations that are the subject of the agreement shall be canceled and a new debt obligation for the country shall be established relating to the agreement, and the agency primarily responsible for administering part I of this Act shall make an adjustment in its accounts to reflect the debt reduction.

"(c) ADDITIONAL TERMS AND CONDITIONS.—The following additional terms and conditions shall apply to the reduction of debt under subsection (a)(1) in the same manner as such terms and conditions apply to the reduction of debt under section 704(a)(1) of this Act:

"(1) The provisions relating to repayment of principal under section 705 of this Act.

"(2) The provisions relating to interest on new obligations under section 706 of this Act.

"SEC. 807. REDUCTION OF DEBT OWED TO THE UNITED STATES AS A RESULT OF CREDITS EXTENDED UNDER TITLE I OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954.

"(a) AUTHORITY TO REDUCE DEBT.—

"(1) AUTHORITY.—Notwithstanding any other provision of law, the President may reduce the amount owed to the United States (or any agency of the United States) that is outstanding as of January 1, 1997, as a result of any credits extended under title I of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1701 et seq.) to a country eligible for benefits from the Facility.

"(2) AUTHORIZATION OF APPROPRIATIONS.—

"(A) IN GENERAL.—For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) for the reduction of any debt pursuant to this section, there are authorized to be appropriated to the President—

"(i) $25,000,000 for fiscal year 1999;

"(ii) $50,000,000 for fiscal year 2000; and

"(iii) $50,000,000 for fiscal year 2001.

"(B) LIMITATION.—The authority provided by this section shall be available only to the extent that appropriations for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) of the modification of any debt pursuant to this section are made in advance.

"(b) IMPLEMENTATION OF DEBT REDUCTION.—

"(1) IN GENERAL.—Any debt reduction pursuant to subsection (a) shall be accomplished at the direction of the Facility by the exchange of a new obligation for obligations of the type referred to in subsection (a) outstanding as of the date specified in subsection (a)(1).

"(2) EXCHANGE OF OBLIGATIONS.—

"(A) IN GENERAL.—The Facility shall notify the Commodity Credit Corporation of an agreement entered into under paragraph (1) with an eligible country to exchange a new obligation for outstanding obligations.

"(B) ADDITIONAL REQUIREMENT.—At the direction of the Facility, the old obligations that are the subject of the agreement shall be canceled and a new debt obligation shall be established for the country relating to the agreement, and the Commodity Credit Corporation shall make an adjustment in its accounts to reflect the debt reduction.

"(c) ADDITIONAL TERMS AND CONDITIONS.—The following additional terms and conditions shall apply to the reduction of debt under subsection (a)(1) in the same manner as such terms and conditions apply to the reduction of debt under section 604(a)(1) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1738c):

"(1) The provisions relating to repayment of principal under section 605 of such Act.

"(2) The provisions relating to interest on new obligations under section 606 of such Act.

"SEC. 808. AUTHORITY TO ENGAGE IN DEBT-FOR-NATURE SWAPS AND DEBT BUYBACKS.

"(a) LOANS AND CREDITS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

"(1) DEBT-FOR-NATURE SWAPS.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser described in subparagraph (B) any concessional loans described in section 806(a)(1) or any credits described in section 807(a)(1), or on receipt of payment from an eligible purchaser described in subparagraph (B), reduce or cancel such loans (or credits) or portion thereof, only for the purpose of facilitating a debt-for-nature swap to support eligible activities described in section 809(d).

"(B) ELIGIBLE PURCHASER DESCRIBED.—A loan or credit may be sold, reduced, or canceled under subparagraph (A) only to a purchaser who presents plans satisfactory to the President for using the loan or credit for the purpose of engaging in debt-for-nature swaps to support eligible activities described in section 809(d).

"(C) CONSULTATION REQUIREMENT.—Before the sale under subparagraph (A) to any eligible purchaser described in subparagraph (B), or any reduction or cancellation under such subparagraph (A), of any loan or credit made to an eligible country, the President shall consult with the country concerning the amount of loans or credits to be sold, reduced, or canceled and their uses for debt-for-nature swaps to support eligible activities described in section 809(d).

"(D) AUTHORIZATION OF APPROPRIATIONS.—For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) for the reduction of any debt pursuant to subparagraph (A), amounts authorized to be appropriated under sections 806(a)(2) and 807(a)(2) shall be made available for such reduction of debt pursuant to subparagraph (A).

"(2) DEBT BUYBACKS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible country any concessional loans described in section 806(a)(1) or any credits described in section 807(a)(1), or on receipt of payment from an eligible country, reduce or cancel such loans (or credits) or portion thereof, only for the purpose of facilitating a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than the lesser of 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support eligible activities described in section 809(d).

"(3) LIMITATION.—The authority provided by paragraphs (1) and (2) shall be available only to the extent that appropriations for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) of the modification of any debt pursuant such paragraphs are made in advance.

"(4) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans and credits may be sold, reduced, or canceled pursuant to this section.

"(5) ADMINISTRATION.—

"(A) IN GENERAL.—The Facility shall notify the administrator of the agency primarily responsible for administering part I of this Act or the Commodity Credit Corporation, as the case may be, of eligible purchasers described in paragraph (1)(B) that the President has determined to be eligible under paragraph (1), and shall direct such agency or Corporation, as the case may be, to carry out the sale, reduction, or cancellation of a loan pursuant to such paragraph.

"(B) ADDITIONAL REQUIREMENT.—Such agency or Corporation, as the case may be, shall make an adjustment in its accounts to reflect the sale, reduction, or cancellation.

"(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

"SEC. 809. TROPICAL FOREST AGREEMENT.

"(a) AUTHORITY.—

"(1) IN GENERAL.—The Secretary of State is authorized, in consultation with other appropriate officials of the Federal Government, to enter into a Tropical Forest Agreement with any eligible country concerning the operation and use of the Fund for that country.

"(2) CONSULTATION.—In the negotiation of such an Agreement, the Secretary shall consult with the Board in accordance with section 811.

"(b) CONTENTS OF AGREEMENT.—The requirements contained in section 708(b) of this Act (relating to contents of an agreement) shall apply to a Agreement in the same manner as such requirements apply to an Americas Framework Agreement.

"(c) ADMINISTERING BODY.—

"(1) IN GENERAL.—Amounts disbursed from the Fund in each beneficiary country shall be administered by a body constituted under the laws of that country.

"(2) COMPOSITION.—

"(A) IN GENERAL.—The administering body shall consist of—

"(i) one or more individuals appointed by the United States Government;

"(ii) one or more individuals appointed by the government of the beneficiary country; and

"(iii) individuals who represent a broad range of—

"(I) environmental nongovernmental organizations of, or active in, the beneficiary country;

"(II) local community development nongovernmental organizations of the beneficiary country; and

"(III) scientific or academic organizations or institutions of the beneficiary country.

"(B) ADDITIONAL REQUIREMENT.—A majority of the members of the administering body shall be individuals described in subparagraph (A)(iii).

"(3) RESPONSIBILITIES.—The requirements contained in section 708(c)(3) of this Act (relating to responsibilities of the administering body) shall apply to an administering body described in paragraph (1) in the same manner as such requirements apply to an administering body described in section 708(c)(1) of this Act.

"(d) ELIGIBLE ACTIVITIES.—Amounts deposited in a Fund shall be used to provide grants to preserve, maintain, and restore the tropical forests in the beneficiary country, including one or more of the following activities:

"(1) Establishment, restoration, protection, and maintenance of parks, protected areas, and reserves.

"(2) Development and implementation of scientifically sound systems of natural resource management, including land and ecosystem management practices.

"(3) Training programs to strengthen conservation institutions and increase scientific, technical, and managerial capacities of individuals and organizations involved in conservation efforts.

"(4) Restoration, protection, or sustainable use of diverse animal and plant species.

"(5) Mitigation of greenhouse gases in the atmosphere.

"(6) Development and support of the livelihoods of individuals living in or near a tropical forest, including the cultures of such individuals, in a manner consistent with protecting such tropical forest.

"(e) GRANT RECIPIENTS.—

"(1) IN GENERAL.—Grants made from a Fund shall be made to—

"(A) nongovernmental environmental, conservation, and indigenous people organizations of, or active in, the beneficiary country;

"(B) other appropriate local or regional entities of, or active in, the beneficiary country; and

"(C) in exceptional circumstances, the government of the beneficiary country.

"(2) PRIORITY.—In providing grants under paragraph (1), priority shall be given to projects that are run by nongovernmental organizations and other private entities and that involve local communities in their planning and execution.

"(f) REVIEW OF LARGER GRANTS.—Any grant of more than $100,000 from a Fund shall be subject to veto by the Government of the United States or the government of the beneficiary country.

"(g) ELIGIBILITY CRITERIA.—In the event that a country ceases to meet the eligibility requirements set forth in section 805(a), as determined by the President pursuant to section 805(b), then grants from the Fund for that country may only be made to nongovernmental organizations until such time as the President determines that such country meets the eligibility requirements set forth in section 805(a).

"SEC. 810. TROPICAL FOREST FUND.

"(a) ESTABLISHMENT.—Each beneficiary country that enters into a Tropical Forest Agreement under section 809 shall be required to establish a Tropical Forest Fund to receive payments of interest on new obligations undertaken by the beneficiary country under this part.

"(b) REQUIREMENTS RELATING TO OPERATION OF FUND.—The following terms and conditions shall apply to the Fund in the same manner as such terms and conditions apply to an Enterprise for the Americas Fund under section 707 of this Act:

"(1) The provision relating to deposits under subsection (b) of such section.

"(2) The provision relating to investments under subsection (c) of such section.

"(3) The provision relating to disbursements under subsection (d) of such section.

"SEC. 811. BOARD.

"(a) ENTERPRISE FOR THE AMERICAS BOARD.—The Enterprise for the Americas Board established under section 610(a) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1738i(a)) shall, in addition to carrying out the responsibilities of the Board under section 610(c) of such Act, carry out the duties described in subsection (c) of this section for the purposes of this part.

"(b) ADDITIONAL MEMBERSHIP.—

"(1) IN GENERAL.—The Enterprise for the Americas Board shall be composed of an additional four members appointed by the President as follows:

"(A) Two representatives from the United States Government.

"(B) Two representatives from private nongovernmental environmental, scientific, and academic organizations with experience and expertise in preservation, maintenance, and restoration of tropical forests.

"(2) CHAIRPERSON.—Notwithstanding section 610(b)(2) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1738i(b)(2)), the Enterprise for the Americas Board shall be headed by a chairperson who shall be appointed by the President from among the representatives appointed under section 610(b)(1)(A) of such Act or paragraph (1)(A) of this subsection.

"(c) DUTIES.—The duties described in this subsection are as follows:

"(1) Advise the Secretary of State on the negotiations of Tropical Forest Agreements.

"(2) Ensure, in consultation with—

"(A) the government of the beneficiary country,

"(B) nongovernmental organizations of the beneficiary country,

"(C) nongovernmental organizations of the region (if appropriate),

"(D) environmental, scientific, and academic leaders of the beneficiary country, and

"(E) environmental, scientific, and academic leaders of the region (as appropriate),

that a suitable administering body is identified for each Fund.

"(3) Review the programs, operations, and fiscal audits of each administering body.

"SEC. 812. CONSULTATIONS WITH THE CONGRESS.

"The President shall consult with the appropriate congressional committees on a periodic basis to review the operation of the Facility under this part and the eligibility of countries for benefits from the Facility under this part.

"SEC. 813. ANNUAL REPORTS TO THE CONGRESS.

"(a) IN GENERAL.—Not later than December 31 of each fiscal year, the President shall prepare and transmit to the Congress an annual report concerning the operation of the Facility for the prior fiscal year. Such report shall include—

"(1) a description of the activities undertaken by the Facility during the previous fiscal year;

"(2) a description of any Agreement entered into under this part;

"(3) a report on any Funds that have been established under this part and on the operations of such Funds; and

"(4) a description of any grants that have been provided by administering bodies pursuant to Agreements under this part.

"(b) SUPPLEMENTAL VIEWS IN ANNUAL REPORT.—Not later than December 15 of each fiscal year, each member of the Board shall be entitled to receive a copy of the report required under subsection (a). Each member of the Board may prepare and submit supplemental views to the President on the implementation of this part by December 31 for inclusion in the annual report when it is transmitted to Congress pursuant to this section.".

The CHAIRMAN. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the bill?

AMENDMENT NO. 1 OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. GILMAN:

Page 10, after line 15, insert the following:

(c) NOTIFICATION REQUIREMENT.—The President shall notify the congressional committees specified in section 634A of this Act at least 15 days in advance of each reduction of debt pursuant to this section in accordance with the procedures applicable to reprogramming notifications under such section 634A.

Page 10, line 16, strike "(c)" and insert "(d)".

Page 12, after line 25, insert the following:

(c) NOTIFICATION REQUIREMENT.—The President shall notify the congressional committees specified in section 634A of this Act at least 15 days in advance of each reduction of debt pursuant to this section in accordance with the procedures applicable to reprogramming notifications under such section 634A.

Page 13, line 1, strike "(c)" and insert "(d)".

Page 16, after line 21, insert the following:

(b) NOTIFICATION REQUIREMENT.—The President shall notify the congressional committees specified in section 634A of this Act at least 15 days in advance of each sale, reduction, or cancellation of loans or credits pursuant to this section in accordance with the procedures applicable to reprogramming notifications under such section 634A.

Page 16, line 22, strike "(b)" and insert "(c)".

Mr. GILMAN. Mr. Chairman, this amendment merely gives the Congress an extra level of protection with regard to this bill. Under the current bill, the administration must notify the Congress when a country is eligible for debt relief. While that is comforting, the Congress would not know of the amount of debt to be forgiven, the financial commitment to the environment made by the host country, the specific habitat to be protected or the local groups designated by the administration and host country to carry out the project.

Under this bill, we are giving authority to the President to carry out debt relief anywhere a country is eligible. We want to do projects in difficult nations like Indonesia and eventually the Congo where critical habitats are, but I have some concerns about the governments and local groups there. This amendment would give us one last look at the complete arrangement before moving forward.

We would reference section 634(A) of the Foreign Assistant Act, using a well-worn procedure of consultation between the Congress and the executive branch. I understand that the Treasury Department had some concerns with the amendment. I am totally willing to work with them to refine the notification process as the bill moves through the Senate. Accordingly, I urge our Members to support the amendment.

Mr. HAMILTON. Mr. Chairman, I rise in support of the amendment. I commend the gentleman for bringing it forward. I think all of us agree that the Congress should be notified of any appropriations to eligible countries under the bill. I was pleased to hear the gentleman say a moment ago that he would work with the administration with regard to a notification process that conserves administrative resources and is not duplicative. I urge the adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. GILMAN).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. GILMAN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 388, further proceedings on the amendment offered by the gentleman from New York (Mr. GILMAN) will be postponed.

Are there further amendments?

AMENDMENTS NO. 2 AND 3 OFFERED BY MR. VENTO

Mr. VENTO. Mr. Chairman, I offer amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments No. 2 and 3 offered by Mr. VENTO:

Page 19, after line 20, insert the following:

"(5) Research and identification of medicinal uses of tropical forest plant life to treat human diseases and illnesses and other health-related concerns.

Page 19, line 21, strike "(5)" and insert "(6)".

Page 19, line 23, strike "(6)" and insert "(7)".

Page 23, line 12, after "scientific" insert "indigenous,".

Page 23, line 14, after "scientific," insert "indigenous,".

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Chairman, again I commend the gentleman from Ohio (Mr. PORTMAN), the principal sponsor of the bill. These amendments are noncontroversial amendments. I appreciate the support of the gentleman from New York (Mr. GILMAN) and the gentleman from Indiana (Mr. HAMILTON), chairman and ranking member of the committee.

I would want to point out that this is a good bill, but one of the major ways that we gain information here is by consulting with the indigenous people of these areas from the rain forests that in fact have used many of the products, the plants, both the fauna and flora of these rain forests for medicinal and other purposes. That consultation process is recognized in Amendment No. 3 that I have here where I amend and put the word "indigenous," as well as consulting with the scientists, with the government officials and others, the academic side, to in fact consult with the indigenous people. What we really have in consulting with the indigenous people from these cultures is really the history of humankind in terms of the success, the trial and errors that they have used in terms of applying these plant substances, these animal substances for medicinal uses. It only is logical, in fact that is the way that most scientists, most ethnobotanists and others in fact gain the clues as to where to search for and look and seek these, what we call wonder drugs today, Mr. Chairman.

Secondly, this amendment would make in order on page 20 a new eligible activity for grant, which would be research and identification of medicinal use of tropical forest plants to treat human diseases and illness and other related concerns. In other words, Mr. Chairman, the concern here was that while I think it is consistent in the bill, the oft repeated goal of trying to preserve this pharmacological material from these forests, in fact, the grant process did not specify for this purpose. My amendment offered en bloc will do that.

Mr. Chairman, my interest in this springs from work that I conducted in years past leading the Parks and Public Lands Committee in designating as a park the fallow tropical rain forest of American Samoa. I encountered and became a friend of Dr. Paul Cox, a professor from Brigham Young University in Utah, and who now is leading the Tropical Forestry Botanical Garden in Hawaii. He is a noted scholar and has been recognized by Time Magazine as one of the 10 top medical scientists in 1997. He related the experience that he had as a Mormon missionary first, and later as a professor of botany in terms of trying to gain the understanding and currently gain that from the indigenous people, from the American Samoan, from the Western Samoan people and has in fact been able to have several compounds and materials considered for medical use in the United States. Very often, he put it pretty bluntly that many of these countries in order to get a school or a building are prepared to sell off thousands of acres of their land so they get a school or other building put up. The fact of the matter is the real value of those lands that we know and is within the biodiversity and other characteristics which they exhibit. What he has been able to do, and I know it is not the subject of this bill but I will be submitting legislation on it, was to in fact give the indigenous people, the American Samoan or the Western Samoan people, part of the profit that comes from the replication of these natural compounds and substances that were the intellectual property of these Samoan people. This is, I think, putting a real value on it and a positive incentive for others to share this information and then to benefit as well from such discovery.

H.R. 2870 is a positive bill. Its goal is to end or significantly curtail the destruction of the world's tropical forests with nature's debt for swapping a commitment to preserve such rain forests as a new and working policy and law. In the past half-century we have logged or burned half of the planet's tropical forests. In the eighties, as a matter of fact, they were disappearing at the rate of 30 million acres per year—roughly the size of Pennsylvania. And as we have seen again and again, when you slash, burn or log the forest, many species, the biodiversity, of flora and fauna are lost, most often permanently!

This legislation seeks to stem that tide. With passage of H.R. 2870, the United States will continue and strengthen its efforts to encourage developing nations to treat their forests responsibly. It expands the successful model created by the Enterprise for the Americas Initiative (EAI) in which the United States offers debt relief to nations in exchange for the protection of important forest habitats. With passage of this bill, nations around the world will be able to participate in a program that has worked very well in the Americas. That's good news for Mother Earth because there are tropical forests around the globe—in Africa, Polynesia, Asia, and elsehwere.

I commend Mr. KASICH, Mr. PORTMAN, Mr. GILMAN, and Mr. HAMILTON for working together on a bipartisan basis to bring this issue to the floor. It proves something that I have been saying for a long time: The environment is not and should not be a partisan issue.

Today I seek to offer two amendments that address a unique aspect of our rain forests. The amendments focus on the role that tropical forests and the culture of the people that live in such areas play in the discovery and development of new pharmaceuticals.

An estimated one-half of the Earth's 250,000 plants survive in tropical forest ecosystems. Of these, less than one percent have been exhaustively studied for their possible role as medicinal substances. This is incredible considering that important medicines come from such natural plant resources including aspirin, codeine, quinine, which combats malaria, and taxol, which has proven effective in the first against ovarian and breast cancer, and many more. The basic chemistry comes from nature first and is replicated in our labs for commercial manufacture. These are the wonder drugs that save lives and improve our quality of life.

A very good friend of ours, Professor Paul Cox, has worked extensively in the field of ethnobotany—the study of the relationship between plants and people. I will seek unanimous consent that a profile of Mr. Cox that appeared in Time Magazine appear in the RECORD following my statement. Dr. Cox is our modern scientist learning from indigenous peoples. He has spent time in Polynesia and discovered an impressive array of pharmaceuticals used by the indigenous people to develop medicines from plants and animals that are found in their natural rain forest environment. Just among the most recent discoveries were medicinal substances to cure or reduce skin inflammation, rashes, diarrhea and asthma—all for the asking and understanding of the paleotropical rainforest people of Samoa, a Polynesian island in the Western Pacific.

In other parts of the world, indigenous peoples have used plants that fight anything from fungal infections of the skin to cancer. The problem is that there are neither enough scientists such as Dr. Cox nor enough money to fund their essential research. My amendment would address the grant expenditure provisions of this bill to include eligibility for the research and identification of medicinal uses of tropical forest flora and fauna to treat human diseases and illnesses.

This is an urgent issue that merits our attention. Just as the tropical forests are disappearing at an alarming rate, the use of plants in traditional societies seems to be a pursuit of previous generations that are passing on with their know how. Two of the Samoan healers who worked with our friend Mr. Cox to develop a powerful antiviral compound passed away in 1994! Their knowledge went with them. One can only speculate about the number of healers Mr. Cox or other ethnobotanists have not yet reached. In passing this amendment, we may be able to capture much of this know how, a body of knowledge that is the experience of mankind and human history to exploit such natural resources.

While this small change won't translate into more money to definitively access and inventory potential medicinal flora and fauna, it is a very positive step to embrace the activity as eligible for such support and perhaps curing some of our most stubborn diseases today and tomorrow.

I am also offering in this enbloc amendment a policy to expand the consultation requirement for nations when they are shaping and writing Tropical Forest Agreements. The bill currently includes a requirement to consult with scientists and academics who are familiar with tropical forest issues. My amendment would be certain that indigenous representatives, the local people of such areas, are at the table, as well. As I note above, within these cultures there are, in many cases, a far more intimate knowledge of the utility of the earth's rain forests than we could attain. Let us use it daily and openly acknowledging and rewarding their special knowledge and culture. It is absolutely crucial that we include such input into the tropical forest preservation that this measure envisions.

An issue related to these two amendments that I considered raising today is the protection of the intellectual property—the value of such knowledge and know-how that healers in traditional society possess. Indeed, if a pharmaceutical company were to find a cure for cancer or AIDS with the help of healers and traditional medicine, we should certainly ensure that they were properly compensated and share in the reward and profit for the use of their culture's intellectual property. As this is of course a more complicated issue and not as relevant to the issues in this bill, I will attempt to address this issue at a later date in a separate policy initiative. I simply wanted to note to the Chairman and the ranking member that this was something we should keep in mind as we proceed with the preservation and utilization of these biologically diverse rain forests.

Natural weather events over which we have little control today are resulting in fire out of control in Amazonia—23 to 25,000 square miles, in fact some 16 million acres have been affected. Additionally in parts of the Indonesian region, fire has devastated vast regions of virgin rain forest, areas that will be lost for all of the important qualities—a carbon sink, the hydrological regime of these ecosystems, the sheer biodiversity, and the major source of pharmaceutical products—for tomorrow is being adversary impacted by such phenomenon is essential that we pass this measure and most importantly make it work. The international nature of our environment has never been more apparent, but alas the willingness of the United States to lead and to participate seems to be subject to a paralysis of fear and suspicion. Hopefully this measure signals a reversal of the denial that has characterized a number of harmful House-passed measures that undercut voluntary conservation treaties and agreements key to a rational pursuit of global environmental policy based on success and cooperation around the world.

It was a pleasure working on this issue with the members of the Committee and the sponsors of this bill. I am especially pleased that we will be able to dispose of these important issues without controversy today. These are good amendments to a good bill and I ask for my colleagues support.

SEEKING ANSWERS IN ANCIENT RAIN-FOREST REMEDIES IS A LIFE'S WORK FOR PLANT HUNTER

The teacher and student sit cross-legged, facing each other on the floor of the open-sided hut in Western Samoa. Behind them the rain forest rises to the pinnacle of a long-dormant volcano. Beneath the thatched roof, a gaggle of children intently watches the proceedings. The teacher is Salome Isofea, 30, a young healer who is demonstrating her art. The man opposite her, a Westerner named Paul Alan Cox, is no ordinary student. He is a botany professor and dean at Brigham Young University in Provo, Utah, a world specialist in medicinal plants and, far from least in this exotic setting, the paramount chief of the nearby village of Falealupo. To people here, he is known as Nafanua, in honor of a legendary Samoan warrior goddess who once saved the village from oppression and protected its forests.

Salome is explaining a traditional cure for pterygium, an eye affliction common to the tropics in which vision gradually becomes obscured as a layer of tissue encroaches over the cornea. The traditional cure used by healers is leaves of Centella asiatrica, a groundhugging vine, which Salome chews into a poultice, smears on a cloth and then places as a compress on the afflicted eye for three consecutive nights.

But before this can be done, Salome explains, there is another crucial part of the cure. Holding a coconut-shell bowl containing ashes, she flicks them in the direction of Cox, who is playing the patient. When he soberly asks why the ashes are necessary, she replies that they enhance "spiritual transmission" between healer and patient. "We Westerners have to suspend judgment at these times."

ONLY YOUNG PRACTICING HEALERS, COX BELIEVES, CAN PREVENT THE LOSS OF CENTURIES OF KNOWLEDGE

Look at our own belief in doctors wearing white coats. In Western culture that uniform is comparable to the "spiritual transmission she sees in the use of ash."

Moments like this are typical of Cox's experience as he scours the world's flora in search of plants that will benefit Western medicine. Cox has spent years in Samoa interviewing or apprenticing himself to traditional healers. He has also traveled throughout the South Pacific, as well as in Southeast Asia, South America, East Africa and as far north as Sweden's Lapland. In Samoa alone, healers have led him and his colleagues to 74 medicinal plants that might prove useful.

Samoan healers concoct poultices and infusions from the leaves, bark and roots of local plants, using them for conditions that range from high fever to appendicitis. Among them are root of 'Ago (curcuma longa) for rashes, leaves of the kuava tree (Psidium guajava) for diarrhea, and the bark of vavae (Ceiba pentandra) for asthma. Virtually all the healers are women who learned their art from their mothers, who in turn learned it from their mothers. Now knowledge of the recipes and their administration, even the location of the plants in the forests, is endangered as more and more daughters forgo the long filial apprenticeships in favor of using Western pills and ointments.

For this reason, the discovery of young practicing healers like Salome delights Cox, who believes that only people like her can prevent the loss of centuries of knowledge. If he can carry Salome's knowledge to the developed world in the form of plants whose myriad chemical compounds might help combat incurable diseases—notably cancer, AIDS and Alzheimer's—the impetus to save the Samoan rain forest, and all forests, will be that much stronger.

Fewer than 1% of the world's 265,000 flowering plants, most inhabiting equatorial regions, have been tested for their effectiveness against disease. "We haven't even scratched the surface—not even in our own backyard," says Jim Miller, director of the Missouri Botanical Garden's natural-products program. Yet nearly a quarter of prescription drugs sold in the U.S. are based on chemicals from just 40 plant species. Examples are abundant. Codeine and morphine are derived from poppies. Vincristine and vinblastine, isolated from the rosy periwinkle, help treat cancers, including Hodgkin's disease and some leukemias. Curare, taken from several lethal Amazonian plants and often used to tip hunting arrows, is used in drugs that bolster anesthesia. An extract of the snakeroot plant, reserpine, traditionally employed in Asia to counteract poisonous snake bite, is the basis of a number of tranquilizers and hypertension drugs. Taxol, a compound in the bark of the Pacific yew, is used to treat some cases of advanced ovarian and breast cancer.

The drive is intensifying to collect and screen more natural products for their medicinal effects, says Gordon Cragg, chief of the National Cancer Institute's natural-products branch: "Nature produces chemicals that no chemist would ever dream of at the laboratory bench." All this is heartening for biologists and environmentalists concerned about the dwindling of the planet's biodiversity, mostly concentrated in a wide girdle around the equator. Human activity, from farming to logging and road building, is chewing at this girdle, driving countless species to extinction even before they have been discovered. "I see ethnobotany—the study of the relationship between people and plants—as the key to the preservation of this vast collection of species as well as a pathway to halting many diseases," says Cox.

Cox, 44, a Mormon, first came to Samoa in 1973, when he was assigned to the country for his two-year compulsory missionary service after he graduated from Brigham Young as a botany major. His father was a park ranger and his mother a wildlife and fisheries biologist; his grandfather created the Utah state park system; and his great-grandfather was a founder of Arbor Day. Cox naturally expected to end up involved in conservation, but his stint in Samoa surpassed all his expectations.

He was not only impressed by the far-reaching influence of botany that he witnessed—beginning with the scene of a Samoan fisherman using a plant to poison fish in a river—but he also learned to speak and write Samoan better than many Samoans. (A difficult language, Samoan in its most elegant form requires extensive knowledge of local ritual and legend.) Cox went on to earn a doctorate in biology at Harvard, then joined Brigham Young's faculty as a botanist studying plant physiology and pollination.

In 1984 Cox returned to Samoa as an ethnobotanist, propelled there by personal misfortune. That year, Cox's mother had died a long and painful death from cancer. After witnessing her suffering, Cox experienced a revelation of sorts. Well aware of the rich tradition of folk healing he had observed a decade earlier, he now hoped to find a cure for cancer. "I vowed I would do whatever I could to fight the disease that killed my mother," he writes in Nafanua: Saving the Samoan Rain Forest, a book being published this fall that recounts his work and life in Samoa.

This time he brought along his wife and four young children. The family settled on the island of Savai'i in the isolated village of Falealupo, the westernmost point of Western Samoa, one of the world's poorest countries (average annual per capita income: $100). Here, far from many of the Western influences of neighboring American Samoa, Cox felt he could learn about the plants and the healers who use them before both vanished.

Major technological advances in screening processes have helped Cox and other ethnobotanists immensely. Pharmacologists must analyze between 10,000 and 17,000 chemical compounds before finding one with the potential to be tested for efficacy in humans. Until recently, animal testing and clinical trials of a single drug required an average 12 years of research and cost up to $300 million. But initial screening can now be done in a matter of days without using animals. Molecular biologists are able to isolate enzymes that can trigger human diseases, then expose those enzymes to a plant's chemical compounds. If a plant extract blocks the action of a particular enzyme—say, one that promotes a skin inflammation—they know the plant has drug potential. By extracting specific chemicals from the leaves, roots or bark with a series of solvents and testing each sample individually, scientists can determine which of the plant's thousands of compounds actually blocks the enzyme.

As a result of these advances, about 100 U.S. companies are searching out plants. Drug companies and scientific institutions are collaborating on field research all over the globe, racing to study as many natural substances as possible before they, or the native people who use them, disappear. Some work with the handful of ethnobotanists like Cox to ferret out drug candidates based on their knowledge of indigenous peoples. Others use a broad-brush approach, mass-collecting plants whose chemical compounds might contribute to new drugs.

One of the most extensive prospecting efforts is the National Cancer Institute's, which is focusing on screening plants for compounds active against the AIDS virus and nine major types of cancer. Since 1986, the NCI has received samplings of thousands of different species from ethnobotanists as well as such institutions as the New York Botanical Garden, the Missouri Botanical Garden and the University of Illinois at Chicago.

In contrast to random collecting, Cox feels ethnobotanical field research provides a far more streamlined way of locating plants that have medical potential. "Indigenous people have been testing plants on people for thousands of years," says Cox. More important, healers may alert ethnobotanists to nuances that random collecting could miss. Take Homalanthus nutans, a rain-forest tree whose bark Samoans have used for centuries as a cure for hepatitis. Cox quickly found that he could not just casually go into the forest and gather the bark because (1) there are two varieties of the tree, and the bark of only one is effective, and (2) only trees of a certain size produce the desired extract.

After Cox collected the proper bark samples, he sent them to the NCI in the mid-1980s for testing. One isolate, called prostratin, appeared to inhibit growth of the AIDS virus, at least in the test tube, leading the NCI to patent it. If prostratin should ever be developed and approved by the Food and Drug Administration, both the Western Samoan government and the citizens of Falealupo could be in for a windfall under a royalty arrangement that Cox worked out between both entities and the NCI.

Cox has located three other medically promising plants. Two of the plants, used by Samoans to control skin inflammations, are being investigated by a pharmaceutical firm. The third doubles the life span of infection-fighting T lymphocytes in the test tube; its effect in the human body is not yet known. Cox's family has already benefited from the anti-inflammatories. After his infant daughter Hillary came down with a skin infection that did not respond to Western ointments, a healer ground up some leaves; the resulting greenish goo made the infection disappear. When Cox's son Paul Matthew was stung by wasps, healers rubbed bark on the wounds, and the swelling vanished.

When Cox first arrived in his adopted village of 2,000, he put himself under the tutelage of a healer named Pela, now 82, who agreed to be his mentor. Recently, Pela introduced Cox to cures for eye diseases other than pterygium: a poultice of beach pea leaves for sun blindness, fluid from immature coconuts for general eye injury, and eye drops from a fern (Phymatosorus scolopendrium) as a treatment for cataracts. Cox heard two other healers from different villages verify this use of the fern, and he was exuberant. "When three healers all use the same thing for cataracts, it's like a dream come true," he exclaimed.

Cox is more than a healer's apprentice. He knows that if the rain forests of Samoa continue to disappear, hundreds of potential drugs hidden there may never be found. So he spends much of his time between Brigham Young semesters trying to preserve the acreage that remains. More than 80% of the lowland rain forest has already been logged. Cox's aim is to offer cash-poor Western Samoans an alternative to selling out to loggers.

Samoans have traditionally used the forest for hunting, collecting medicinal plants, harvesting wild fruits and cutting trees for their dugout canoes. In this crucible of nature and culture, Cox believes, lies hope for conservation and the future of ethnobotany. "We can't save the forest without saving the culture," he says, "and we can't save the culture without saving the forest."

In 1988, Falealupo almost lost its 30,000-acre forest. The government told the villagers to construct a new school. It would cost $65,000, and the village would have to foot the bill. Ironically—or tellingly—a logging company arrived in the village shortly afterward and offered to pay $65,000 for permission to cut down the forest. The villagers, their hand forced, submitted.

Cox intervened just in time. He offered to raise enough money by mortgaging his home in Utah. But while in the U.S. to make arrangements, he pleaded the case to his students and two Mormon businessmen. Within six weeks they had raised the money, and Cox, back in Samoa, formalized an agreement with the villagers to protect their forest for 50 years.

It was during this period that the villagers informed Cox that they wanted to name him heir to the goddess Nafanua. When he declined, fearing that the title would interfere with his research, the villagers refused to sign the preservation agreement. Cox relented. "Being a deity is not my cup of tea," he says, "but Nafanua stands for conservation and rain-forest ecology, so I said to them 'O.K., I'll take the cards I've been dealt.'" Now chiefs and children alike respectfully address him as Nafanua.

As a result of this work, Cox and a chief who helped him shared one of the six prestigious Goldman Environmental Prizes for 1997. Each received $37,500. Since then Cox has expanded his preservation efforts by establishing the Seacology Foundation, based at Brigham Young. Some of the foundation's funding comes through Cox's ethnobotanical success with medicinally, or in this case cosmetically, valuable plants. When Nu Skin International, a Utah-based personal-care company, wanted to hire Cox as a consultant, he charged a $40,000 fee that he plowed into the foundation. He also asked Nu Skin and Nature's Way, another Utah cosmetics firm, each to match his Goldman Prize award. Subsequently, Nu Skin began using extracts of a plant with anti-inflammatory properties in a foot cream. Seacology receives 25¢ for every tube of the cream sold.

The foundation has since provided money for the Western Samoan village of Tafua to preserve its 20,000-acre rain forest. It helped persuade Congress to authorize the National Park of American Samoa—about 10,000 acres of forests and 420 acres of coral reefs in the neighboring archipelago. And it has helped villages build schools, medical clinics and cisterns to catch rainfall, the main source of drinking water.

In Falealupo, the foundation paid for the construction of a series of connected platforms and a walkway 200 ft. high between two huge trees at the edge of the forest. Administered by villagers, the serial complex has brought in about $1,000 a month from tourists and school groups since it opened, profit that the villagers use to maintain the forest. "This is the first time these people have made money from the forest without destroying it," says Cox. "If they keep making this kind of money and other villages hear about it, the forests will be saved."

Cox dreams that one day soon the people of Western Samoa will see the benefit of preserving not only the rain forests surrounding their villages but also the vast cloud forests that still cloak the sides of the volcanoes that form the spine of Savaii. Here he hopes the villagers will agree to "make the biggest national park in the whole world," before the chain saws get there too. He wants them to become as excited about the project as he is, rather than have the impetus come from outside. Behind this goal lies a philosophy that runs through Cox's work: helping native people understand the wealth of their heritage so that they will want to preserve it rather than sell it. Since it's no less than Nafanua who is urging them on, that seems a reasonable goal.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from New York.

Mr. GILMAN. I thank the gentleman for yielding. I want to commend him for his amendments. I want to notify the gentleman from Minnesota that we accept his amendments.

Mr. VENTO. I appreciate the gentleman's support and his interest in this matter.

Mr. PORTMAN. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Ohio.

Mr. PORTMAN. I thank the gentleman for yielding. I just want to add to that that we think these are thoughtful amendments. One of the major underlying purposes of this legislation of course is to promote protection of plants that can cure diseases. I think his second amendment certainly does that. I think it clarifies the use of grants. It is helpful. I think the addition of the members to the EAI board is also helpful in that regard and also to be sure the indigenous people are represented. I think the amendments are helpful legislation. I join the chairman of the committee in supporting them.

Mr. HAMILTON. Mr. Chairman, I rise in support of the amendments. I think they are valuable additions to the bill. The gentleman from Minnesota has made a positive, constructive contribution. The first amendment pertains to expanding eligible activities to include research and identification of tropical forest plants for medical use. I am told that flowering plants and ferns have given rise to over 120 commercially sold drugs and account for some 25 percent of all prescriptions issued in the United States. This fact indicates the importance of this amendment.

The second amendment that was offered would include indigenous people in the consultation process to establish the local administering body. We should all recognize that the indigenous people play a very critical role in helping researchers identify plants and flora that have medicinal use.

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Their guidance and experience provide very important direction to researchers. Mr. Speaker, these are two excellent amendments, and I commend the gentleman from Minnesota (Mr. VENTO).

The CHAIRMAN. The question is on the amendments offered by the gentleman from Minnesota (Mr. VENTO).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GILMAN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 388, further proceedings on the amendments offered by the gentleman from Minnesota (Mr. VENTO) will be postponed.

Are there other amendments?

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 388, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 1 offered by the gentleman from New York (Mr. GILMAN), and Amendments No. 2 and 3 offered by the gentleman from Minnesota (Mr. VENTO).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. GILMAN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. GILMAN), on which further proceedings were postponed, and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 416, noes 1, not voting 14, as follows:

[Roll No. 61]

AYES—416

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Ganske
Gejdenson
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOES—1

Hilliard

NOT VOTING—14

Foley
Frost
Furse
Gallegly
Gekas
Gephardt
Gonzalez
Lewis (GA)
Martinez
Parker
Poshard
Rangel
Riggs
Schiff

☐ 1220

Mrs. CUBIN changed her vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FOLEY. Mr. Chairman, on rollcall No. 61, I was attending a meeting with the Senate on N.I.H. funding. Had I been present, I would have voted "aye."

AMENDMENTS OFFERED BY MR. VENTO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendments offered by the gentleman from Minnesota (Mr. VENTO) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendments.

The Clerk redesignated the amendments.

RECORDED VOTE

The SPEAKER pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 335, noes 79, not voting 17, as follows:

[Roll No. 62]

AYES—335

Abercrombie
Ackerman
Allen
Andrews
Archer
Baesler
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burr
Buyer
Calvert
Camp
Campbell
Canady
Capps
Cardin
Carson
Castle
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Ganske
Gejdenson
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastert
Hastings (FL)
Hefley
Hefner
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Hoyer

Hulshof
Hunter
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh

McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Pickett
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Redmond
Regula
Reyes
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer

Saxton
Scarborough
Schaefer, Dan
Schumer
Scott
Serrano
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snyder
Spence
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson
Thune
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NOES—79

Aderholt
Armey
Bachus
Baker
Barr
Bartlett
Barton
Bonilla
Brady
Bunning
Burton
Callahan
Cannon
Chabot
Chenoweth
Coble
Coburn
Collins
Combest
Crane
Crapo
Cubin
DeLay
Doolittle
Emerson

Everett
Fossella
Gibbons
Graham
Granger
Hansen
Hastings (WA)
Hayworth
Herger
Hilleary
Hoekstra
Hostettler
Hutchinson
Inglis
Jenkins
Johnson, Sam
Jones
McKeon
Mica
Moran (KS)
Myrick
Nethercutt
Neumann
Parker
Paul

Paxon
Peterson (PA)
Petri
Pickering
Pombo
Radanovich
Riley
Rogan
Ryun
Salmon
Sanford
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Smith (OR)
Snowbarger
Solomon
Souder
Stearns
Stump
Sununu
Taylor (NC)

Thomas
Thornberry

Tiahrt
Wamp

Wicker
Young (AK)

NOT VOTING—17

Doyle
Foley
Frost
Furse
Gallegly
Gekas

Gephardt
Gonzalez
Houghton
Lewis (GA)
Lewis (KY)
Martinez

Poshard
Rangel
Riggs
Royce
Schiff

□ 1231

Messrs. CALLAHAN, HANSEN, and WICKER, and Ms. GRANGER changed their vote from "aye" to "no."

So the amendments were agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FOLEY. Mr. Chairman, on rollcall No. 62, I was attending a meeting with the Senate on N.I.H. funding. Had I been present, I would have voted "aye."

The CHAIRMAN. Are there any further amendments to the bill?

The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. QUINN) having assumed the chair, Mr. LAHOOD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2870) to amend the Foreign Assistance Act of 1961 to facilitate protection of tropical forests through debt reduction with developing countries with tropical forests, pursuant to House Resolution 388, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GILMAN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 356, noes 61, not voting 14, as follows:

[Roll No. 63]

AYES—356

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crapo
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Ensign

Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Ganske
Gejdenson
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos

Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Redmond
Regula
Reyes
Rivers
Rodriguez
Roemer

Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schumer
Scott
Serrano
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen

Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thune
Thurman
Tierney

Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NOES—61

Aderholt
Barr
Bartlett
Bonilla
Brady
Burton
Cannon
Chenoweth
Coble
Coburn
Collins
Combest
Crane
Cubin
Danner
DeLay
Doolittle
Duncan
Emerson
Everett
Fossella

Gekas
Hansen
Herger
Hilleary
Hostettler
Jenkins
Johnson, Sam
Jones
Lewis (KY)
Lucas
Neumann
Ney
Parker
Paul
Paxon
Peterson (PA)
Petri
Pombo
Radanovich
Riley
Ryun

Salmon
Sanford
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Smith (OR)
Snowbarger
Solomon
Stearns
Stump
Taylor (NC)
Thornberry
Tiahrt
Wamp
Watkins
Watts (OK)
Young (AK)

NOT VOTING—14

Bonior
Doyle
Frost
Gallegly
Gephardt

Gonzalez
Lewis (GA)
Martinez
Poshard
Rangel

Riggs
Schiff
Smith, Linda
White

☐ 1249

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 2870, the bill just passed.

The SPEAKER pro tempore (Mr. GILLMOR). Is there objection to the request of the gentleman from New York?

There was no objection.

ANNOUNCEMENT OF PROCEDURES AND DEADLINE FOR PRINTING OF AMENDMENTS ON H.R. 2578, THE VISA WAIVER EXTENSION

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute.)

Ms. PRYCE of Ohio. Mr. Speaker, the Committee on Rules is planning to meet next week to grant a rule on H.R. 2575, the Visa Waiver Extension.

Subject to the approval of the Committee on Rules, this rule may include a provision requiring amendments to be preprinted in the amendment section of the Congressional RECORD before being offered.

So, for example, if the bill is considered on the floor on Wednesday, as is currently anticipated, amendments would have to be submitted for the RECORD by Tuesday, March 24th.

Amendments to be preprinted should be signed by the Member and submitted at the Speaker's table.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House. It is not necessary to submit amendments which comply with the rules to the Committee on Rules or to testify.

LEGISLATIVE PROGRAM

(Mr. ROEMER asked and was given permission to address the House for 1 minute.)

Mr. ROEMER. Mr. Speaker, I rise to inquire of the majority leader or his designee about the schedule for next week for the House of Representatives.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. ROEMER. I am delighted to yield to the majority leader.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding to me.

I am pleased to announce we have concluded legislative business for the week.

The House will next meet on Monday, March 23rd, at 2 p.m. for a pro forma session. There will be no legislation considered and no votes on that day.

On Tuesday, March 24, the House will meet at 12:30 p.m. for morning hour and 2:00 p.m. for legislative business. Members should note we do not expect any recorded votes before 5:00 p.m. on Tuesday.

We will consider the following bills under suspension of the rules on Tuesday:

H.R. 2843, the Aviation Medical Assistance Act of 1997; H.R. 3039, the Veterans Transitional Housing Opportunities Act of 1997; H.R. 3211, a Bill Regarding Eligibility Requirements for Burial in Arlington National Cemetery; H.R. 3213, a Bill to Clarify Enforcement of Veterans' Employment Rights; H.R. 3412, the Small Business Investment Company Technical Corrections Act of 1998; and H.R. 118, the Traffic Stops Statistics Act of 1997.

The House will also take up a bill on the Corrections Day Calendar, H.R. 3096, a Bill Relating to Termination of Benefits for Convicted Persons.

On Wednesday, March 25, and the balance of the week, the House will meet at 10 a.m. to consider the following legislation:

H.R. 2578, a Bill to Extend the Visa Waiver Pilot Program; H.R. 2589, the Copyright Term Extension Act; H.R. 3310, the Small Business Paperwork Reduction Act Amendments of 1998; H.R. 2515, a Bill to Address the Declining Health of Forests; H.R. 3246, the Fairness for Small Business and Employees Act of 1998; and H.R. 3485, The Campaign Reform and Election Integrity Act of 1998.

We also hope to bring up H.R. 1757, the State Department Reauthorization Bill, conference report.

Mr. Speaker, we hope to conclude legislative business for the week by 2 p.m. on Friday, March 27.

Mr. Speaker, I would also like to discuss the schedule for the last week of March. As the schedule we distributed at the beginning of the year indicates, the House will meet on Monday, March 30th, through Wednesday April 1. We have a number of very important pieces of legislation for the week, including the supplemental appropriations bill and the BESTEA bill. Members should note it will be necessary to begin legislative business and votes at noon on Monday, March 30.

On Wednesday, April 1, we will adjourn for the spring district work period, from which the House will return on Tuesday, April 21st.

Mr. Speaker, I want to thank the gentleman for yielding to me.

Mr. ROEMER. Mr. Speaker, I thank the majority leader and would just inquire further of him for some clarification on the schedule.

Does the gentleman expect us to be in late on Tuesday night, since we begin votes at 5 with six bills and one correction?

Mr. ARMEY. If the gentleman will continue to yield, he is referring to Tuesday of next week?

Mr. ROEMER. That is correct.

Mr. ARMEY. No, I do not expect to be in late. We will probably take those votes at 5, and that will probably be the business for the evening.

Mr. ROEMER. Does the gentleman from Texas expect any late votes next week?

Mr. ARMEY. It is possible that Wednesday and Thursday could be late evenings.

Mr. ROEMER. If the gentleman would continue to elucidate on the schedule, does he expect campaign finance reform to come to the floor next week or any time soon?

Mr. ARMEY. I thank the gentleman for asking. Yes, as I noted, I expect it to be on the floor sometime next week.

Mr. ROEMER. Can the gentleman be more specific as to a day?

Mr. ARMEY. I would expect Wednesday or Thursday.

Mr. ROEMER. Wednesday or Thursday.

And would the majority leader tell the House as well about the State Department conference bill coming to the floor; when he expects that bill to come to the floor and what the vote tally might be?

Mr. ARMEY. Again, I thank the gentleman for asking. We expect that bill to be on the floor sometime next week, and as soon as we have more definitive information, we will let the Members know.

Mr. ROEMER. If the majority leader knows the answer to this question, on H.R. 3246, the bill dealing with the National Labor Relations Board, does he expect that bill to be coming before the House next week?

Mr. ARMEY. Once again, I thank the gentleman for asking, and we would expect that bill on Thursday of next week.

Mr. ROEMER. Thursday next week.

Mr. Speaker, with that I do not have any further questions of the majority leader, other than to say that I think a lot of us have been seeing a lot of our families for the past couple of months, and we hope to continue to do that into the year. Does the majority leader expect us to have late nights with the appropriations bills coming up soon?

Mr. ARMEY. Again, I thank the gentleman for his questions, and I do hope Members have had time to be with their families.

Mr. ROEMER. The gentleman sounds like that time is over.

Mr. ARMEY. Well, I think the week following next will be a rigorous and demanding week. It is a short week of only 3 days, and we will then have an opportunity to spend some time in our districts working and visiting with our families and celebrating Easter.

We will then, as we come back, move fairly quickly into the appropriation season. And as the gentleman knows, appropriation season can be a season of the year when we do have more than a fair share of late evenings. And, of course, that is always regrettable, but the work must be done.

Mr. ROEMER. Mr. Speaker, I thank the majority leader, and I want to say to him that I will continue to work with him and his office on these scheduling issues.

□ 1300

ADJOURNMENT TO MONDAY, MARCH 23, 1998

Mr. TIAHRT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore (Mr. GILLMOR). Is there objection to the request of the gentleman from Kansas?

There was no objection.

HOUR OF MEETING ON TUESDAY, MARCH 24, 1998

Mr. TIAHRT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, March 23, 1998, it adjourn to meet at 12:30 p.m. on Tuesday, March 24, for morning-hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. TIAHRT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

NATIONAL AND COMMUNITY SERVICE AMENDMENTS ACT OF 1998—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105-231)

The SPEAKER pro tempore (Mr. GILLMOR) laid before the House the following message from the President of the United States; which was read and, together with accompanying papers, without objection, referred to the Committee on Education and the Workforce and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit for your immediate consideration and enactment the "National and Community Service Amendments Act of 1998." This legislative proposal extends and amends national service law, including the National and Community Service Act of 1990 and the Domestic Volunteer Service Act of 1973. It builds upon the long, bipartisan tradition of service in our country, which was renewed in 1993 when I signed the National and Community Service Trust Act creating the Corporation for National Service.

Service to one's community is an integral part of what it means to be an American. The Presidents' Summit for America's Future held in Philadelphia last April reinforced the role of programs supported by the Corporation for National Service as key vehicles to provide young people with the resources to maximize their potential and give back to their communities. Citizens service is also at the heart of our efforts to prepare America for the 21st century, as we work to ensure that all Americans have the opportunity to make the most of their own lives and to help those in need.

My Administration's most important contribution to citizen service is AmeriCorps, the national service program that already has given more than 100,000 young Americans the opportunity to serve their country. By tying opportunity to responsibility, we have given them the chance to serve and, in return, earn money for post-secondary education. In community after community, AmeriCorps members have proven that service can help us meet our most pressing social needs. For example, in Simpson County, Kentucky, AmeriCorps members helped second graders jump three grade levels in reading. In Boys and Girls Clubs, AmeriCorps members are mentors for at-risk young people. Habitat For Humanity relies upon AmeriCorps members to recruit more volunteers and build more houses. In communities beset by floods, tornadoes, and hurricanes, AmeriCorps members have helped to rebuild lives and restore hope. AmeriCorps members are helping to mobilize thousands of college students from more than 800 college campuses in our America Reads program. In all of these efforts, AmeriCorps brings together people of every background to work toward common goals.

Independent evaluators have reviewed AmeriCorps, National Senior Service Corps programs, and Learn and Service America programs and have concluded that national service yields a positive return on investment. The proposed legislation that I am transmitting builds on our experiences with national service to date and improves national service programs in four ways: (1) by codifying agreements with the Congress and others to reduce costs and streamline national service; (2) strengthening partnerships with traditional volunteer organizations; (3) increasing States' flexibility to administer national service programs; and (4) expanding opportunities for Americans to serve.

Since the enactment of the National and Community Service Trust Act in 1993, and particularly since 1995, my Administration has worked with constructive critics of national service to address their concerns and improve the overall program. This proposed legislation continues that process by reducing the Corporation's average budgeted cost per AmeriCorps member, repealing authority for redundant or obsolete national service programs, and making other improvements in the efficiency of national service programs.

National service has never been a substitute for the contributions made by the millions of Americans who volunteer their time to worthy causes every year. Rather, as leaders of volunteer organizations have often expressed, national service has proven that the presence of full-time, trained service participants enhances tremendously the effectiveness of volunteers. This proposed legislation will strengthen the partnership between the national service programs and traditional volunteer organizations; codify the National Service Scholarship program honoring exemplary service by high school students; and expand the

AmeriCorps Challenge Scholarships, through which national service participants can access education awards. It also will authorize appropriations for the Points of Light Foundation through the year 2002.

The National and Community Service Trust Act of 1993 explicitly conceived of national service as a Federal-State partnership. The Act vested significant authority in bipartisan State Commissions appointed by the Governors. I promised that we would accelerate the process of devolution as the newly created State Commissions expanded their capacities. This proposed legislation fulfills that promise in a variety of ways, including providing authority for the Corporation for National Service to enter into Service Collaboration Agreements with Governors to provide a means for coordinating the planning and administration of national service programs in a State.

This proposed legislation will also provide additional service opportunities. By reducing the cost per AmeriCorps member, it will enable more people to serve; it will broaden the age and income guidelines for National Senior Service Corps participants, expanding the pool of older Americans who can perform results-oriented service in their communities; and it will simplify the administration of Learn and Serve America, so States and communities will more easily be able to provide opportunities for students to learn through service in their schools and neighborhoods.

This past January, I had the opportunity to honor the memory of Dr. Martin Luther King, Jr., by engaging in service on the holiday commemorating his birth. I joined 65 AmeriCorps members and more than 300 community volunteers in repairing and repainting Cardozo High School in the Shaw neighborhood of Washington, DC. Thirty-one years ago, Dr. King came to that very neighborhood and urged the people there to engage in citizen service to rebuild their lives, their community, and their future. That is what those national service participants, and the thousands more who were participating in similar projects across the country, were doing—honoring the legacy of Dr. King and answering the high calling of citizenship in this country.

Each of the more than 500,000 participants in the programs of the National Senior Service Corps and the 750,000 participants in programs supported by Learn and Serve America, and every AmeriCorps member answers that high calling of citizenship when they make and fulfill a commitment to service in their communities. This proposed legislation builds on the successes of these programs and improves them for the future.

I urge the Congress to give this proposed legislation prompt and favorable consideration.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 19, 1998.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

IMPORTANCE OF DOMESTIC OIL PRODUCTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, I rise today to talk about an issue awfully important to Kansans and the American economy. Yesterday, the Washington Post contained a front-page story on oil prices hitting the lowest level in 10 years. And while to many of my colleagues this may sound like good news, I would like to take just a moment to remind everyone that there are, as usual, two sides to every story.

For the Kansas oil industry, this recent drop in prices is devastating and could result in substantial job loss for the State's oil industry. Most important, however, is the potential loss in infrastructure for domestic oil production in the future. Kansas produces over 40 million barrels of oil, and the oil industry supports around 15,000 jobs in our State.

Historically, Kansas has produced almost 6 billion barrels of oil to fuel our domestic economy. But with the recent drop in prices of crude from about $16 a barrel to about $10.75, this industry is in danger. For Kansas, it is a simple proposition that it is not just the reduction in price but this means we are plugging wells that rarely are put back into production.

Our dependence in this country on imported oil continues to grow. According to the Department of Energy, crude oil imports were over 7.7 million barrels a day in the last 4 weeks. This has a tremendous impact on our balance of trade. And we must keep in mind that imported oil comes at a significant price. The United States spends over $250 billion annually for the Department of Defense, with a large amount of those resources devoted to the Middle East.

I am certainly a strong supporter of our Armed Forces and recognize the value of defense spending. However, when we are spending billions of dollars in defense money to protect imported oil, we might question what we are doing to protect the basic infrastructure of our domestic oil supply. At this time, it is clear that, while we will protect our international suppliers, we do little to protect or even to promote our domestic oil production.

Mr. Speaker, the oil and gas industry has long been an important and fundamental sector of the economy of the United States. It is time that we in this Congress recognize that this industry is important and we work to ensure its survival for the future.

A TRIBUTE TO SARAH HEGARTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. BARRETT) is recognized for 5 minutes.

Mr. BARRETT of Wisconsin. Mr. Speaker, today I would like to pay tribute to a brave young woman from my District who passed away on Monday, just a few weeks after receiving a three-organ transplant.

Sarah Hegarty was a remarkable young woman with hope and promise for the future. She spent the last 2 years of her life simultaneously isolated from the life she lived so vibrantly and immersed in friends and family offering love and support for her throughout her ordeal.

Her family has been saddened by the loss of a loved one at such an early age, but they also have been enriched by the strength and courage Sarah displayed and the support their community has given them.

Though she was only 17, Sarah lived a full life. She was a starting guard on the Divine Savior Holy Angels High School 1996 State Championship Basketball Team. She was an all-conference soccer player. She was an integral part of life at her school, and her friends stayed by her side during 2 years of surgery and hospital stays.

Sarah's classmates at Divine Savior Holy Angels High School conducted several spiritual services for Sarah during her illness. They carried with them a tape of the service conducted just before her latest surgery and played it for her in her hospital room. Sarah's classmates found solace in the services and used the services as a means to pay tribute to her.

On Tuesday, as the Nation celebrated St. Patrick's Day with parades and the wearing o' the green, the students at Divine Savior Holy Angels High School celebrated the life of a classmate, a teammate, their friend, Sarah Hegarty. A writer for our local paper described the service quite appropriately as a remembrance of "someone with whom they had walked the noisy courts of triumph into the quiet corridors of pain."

On the day she died, Father Larry Gillick, a friend of the family, visited her and relayed his thoughts of the struggle both Sarah and her parents endured. He said, "She is a fighter, two years of this suffering; what parents won't do. Amazing love."

That is what it is, Mr. Speaker, amazing love. I can only offer condolences and the best wishes from myself and my family to Sarah's parents, Dolly and Jerry; her brother, James; and her sisters as they begin down the long road of healing. I know Sarah will be missed, and I am confident that her life made an impact that will always be remembered.

AMERICA HAS A CRISIS OF THE SOUL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. TIAHRT) is recognized for 5 minutes.

Mr. TIAHRT. Mr. Speaker, today America is enjoying a great economic time. We are setting record after record on the New York Stock Exchange. This is a reflection of the confidence that the average investor has in the market.

Likewise, many retailers are enjoying a prosperous year because consumer confidence has increased and we Americans are buying more. Unemployment is at the lowest level in 20 years. Things just look good on the outside, but on the inside America has a crisis of the soul.

The statistics are staggering. Drug abuse is increasing, especially for younger Americans, making our society more dangerous, more susceptible to robbery, car jacking and gang-related crimes.

Child abuse has increased, as broken homes try to mend themselves with new relationships; and, too often, it is a stepparent that is the initiator of the abuse. Children are so vulnerable to an adult, and far too often the one parent fails to protect the children from another.

Spouse abuse has increased. Often women who are physically unable to defend themselves are the victims.

Divorce rates are alsc a high percentage of marriages. Many people choose not to honor the commitments they made on their wedding day; and, too often, it is the children that suffer. Often quietly, they suffer through retreating into their rooms filled with the darkness of insecurity.

Yes, Mr. Speaker, America is experiencing a crisis of the soul. Culturally, we have turned from the virtues that built a great Nation, virtues like hard work, honesty, integrity, faith in God, respect for our neighbors, both men and women, regardless of race or religion. Now we seem adrift in an ocean of quiet pain and suffering, abused children that never make the news, abused spouses that never make the news unless it is the most violent of cases, broken homes, broken dreams, broken promises, broken commitments, broken commitments to ourselves, our families, our country, and our God.

How can we return to that fullness our soul desires? How can we rebuild our families? How can we make America better?

Well, Mr. Speaker, I believe each of us know in our hearts what is right and what is wrong, and each of us have to make choices that are the right choices. For, if we fail, our country fails.

So I would like to challenge my colleagues and my fellow Americans that we return to the virtues that built a great Nation: honesty, integrity, hard work, honoring commitments, faith in God, treating our fellow man as we would treat ourselves.

FEDERAL BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. BARTLETT) is recognized for 5 minutes.

Mr. BARTLETT of Maryland. Mr. Speaker, I want to speak today about an issue which is very important to America and its future.

I have here a chart which shows the Federal budget. Ordinarily, things above the line are good. But, in this case, things below the line are good. Because when we are above the line, we have a deficit; and when we are below the line, we have a surplus. What we see is that, for fiscal year 1998, we have a surplus; for 1999, a surplus; a small surplus for 2000; and then big surpluses after that. That is really good news.

Supposedly, we have balanced the budget; and America will now be on a course to reducing our debt. If we pay this money back on the debt or if we spend it or give it back as a tax cut, at least the debt should stay the same as it is now.

But when we look at the next chart, what we see here, and these are estimates from CBO, the Congressional Budget Office, the official office that estimates where the economy is going, how large the deficit is going to be, how large the debt is going to be, and what we see here is that there is an ever-rising debt, that the debt goes up and up.

How can the debt go up when we have balanced the budget and we have a surplus? Now, if we spent the surplus, at the worst, the debt ought to stay the same. But the debt is going up and up. As a matter of fact, the debt goes up almost a trillion dollars, from about $5.4 to about $6.4 trillion by about 2002. How in the world can that happen? How can we have a balanced budget with a surplus and still have a very large increase in the debt?

□ 1315

It is because of the way we define the budget. The balanced budget that our people talk about is when we balance the amount of money which comes into the government against the amount of money which goes out of the government. But something over 10 percent of the money that comes into the government is not the government's money to spend.

Let me show Members the next chart. The next chart shows the elements of our debt. About two-thirds of our debt are held by the public. About a third of our debt is in government accounts. What are these so-called government accounts? What that debt is, is money which does not belong to the government, should not be spent for the government except for the purpose for which it is collected.

Social Security is about a third of that, the Social Security Trust Fund. Last year we took about $59 billion out of the Social Security Trust Fund, spent it for routine government operating activities, and make the perfectly silly statement that the Social Security surplus offsets the deficit. That is because they refer to a unified budget, all that comes in and all that goes out, but over 10 percent of what comes in is not the government's to spend. The reason the debt goes up is because the government owes that money. About $180 billion a year is about the amount of money that is taken out of the trust funds and spent for general government operating activities. That is not the government's money to spend. As a matter of fact, most of that money belongs to seniors.

Look at the categories. Social Security, Medicare, railroad retirement, military retirement, civil service retirement. That is over 90 percent of all of the trust fund money that is spent belongs to seniors. It needs to be there in those trust funds so it will be available for seniors. All that is in those trust funds is a bunch of IOUs. The bills come due when we need to have them. We do not have a balanced budget. The budget is in fact out of balance by about $180 billion a year.

We need to be honest with the American people. We have balanced a unified budget, but that does not keep the debt from going up. Let me put it back up here. The debt goes up about $1 trillion over the next 5 or 6 years. That represents the $180 billion a year that we are taking from the trust funds and spending on routine government operating activities. The budget, as anybody outside of the Beltway would define it, is clearly not balanced. We are still running a deficit of $180 billion a year. That is money taken from accounts largely owned by our senior citizens.

We need to demand that the government have honest accounting. We really need to balance the budget. No senior I know wants to pass on a bigger and bigger debt to their children and their grandchildren. That is what this accounting does. We need to demand honest accounting, we need to have truly a balanced budget. To get there we have got to spend $180 billion a year less. That is our challenge in the Congress. Hold us to that responsibility.

ILLEGAL DRUGS

The SPEAKER pro tempore (Mr. GILLMOR). Under a previous order of the House, the gentleman from Florida (Mr. MICA) is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, I come before the House again this afternoon to talk about one of the greatest threats to our Nation and to our society. That is the threat of drugs and illegal narcotics. I have spoken many times on the floor about this. Today let me review for a minute again the history of how we got ourselves into the situation where we have a tide of drugs coming into this country and countless deaths because of drug abuse and drug misuse.

First of all, in 1993, when the other party controlled the White House, the other body and the House of Representatives, they took actions which we are paying for today. First, they cut and almost eliminated most of the staff in the drug czar's office. Then they cut the military involvement in the war on drugs. Then they decimated and cut the source country programs to stop drugs where they are grown and where they are produced. Then they appointed a Surgeon General that said just say maybe. At probably one of the lowest points we had comments replayed by the President who said if he had it to do over again, he would inhale.

We also had a situation that we are looking into now on my Subcommittee on National Security, International Affairs, and Criminal Justice where Federal drug prosecutions in this country are actually down and have dropped. Just within the last few weeks, this administration took the final blow in certifying Mexico, which is the source of 50 percent of the hard drugs entering this country, certifying them, making them eligible for benefits of the United States trade, aid, and foreign assistance.

It just is not right. The results are incredible. Listen to these statistics. Since 1992, drug use among teens has skyrocketed 70 percent. Half of high school seniors think that it is easy to obtain cocaine and LSD in a national survey. Eighth grade drug use has increased by 150 percent since 1992. One out of 4 high school seniors is currently a user of illegal drugs.

I come from central Florida, a beautiful area in our Nation. Let me tell Members what has happened in my community, a rather prosperous district in central Florida, is doing very well and economically well placed. But in Orlando, in 1995, we ranked fifth in the Nation in cocaine deaths per capita. Orange County and Osceola counties in central Florida led our State in heroin deaths per capita in 1996. Cocaine deaths in Orlando went up in 1996 to 87 from an already high number of 75. Tampa and St. Petersburg had a combined 91 deaths in 1997. The wholesale price of heroin in central Florida has dropped dramatically from 1991 to 1997.

Let me tell Members what Republicans have done. We have restored some of the Clinton cuts from the 1993 to 1995 period. We have gotten our military back into the war. We have restarted our source country interdiction and eradication programs. We have passed tougher laws. We think tougher laws work. You can spend a lot of money. But look at New York City with a Republican mayor, Rudy Giuliani. In just a few years with tough enforcement and tough prosecution, they have dramatically dropped the crime and incidence of drug abuse and use in that city.

Tomorrow in central Florida we initiate a HIDTA. It is called a high intensity drug trafficking initiative. That program is a Federal program, but it is combined, bringing Federal resources with State, local and prosecutorial forces together to have tough enforcement in central Florida. If you do drugs in central Florida, you are going to do jail. We are going to arrest you. We are going to make it tough on you.

Tomorrow in central Florida, we hope to take a lead in stopping this rash of drug trafficking, this rash of deaths from heroin, cocaine overdoses among our youth. I know you can get tough. I know it will work.

In closing, let me tell Members a little example. Out here at First Street there is an Officer Thompson. Everyone knows about Officer Thompson because if you jaywalk at his corner and his beat, he enforces the law. So very few people, Capitol staff or Members, ever jaywalk where Officer Thompson is, because he is a tough enforcer of current laws. That is what we are going to do in central Florida. That is what we need to do in the United States of America, is stop drugs at their source. If you do drugs, you are going to do time. We are going to enforce the laws of this country.

AFFORDABLE HEALTH INSURANCE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, next week I plan to introduce the Affordable Health Insurance Act of 1998. This is the House companion bill to Senator KENNEDY's legislation that he will also shortly introduce.

Mr. Speaker, in 1996, 2 years ago, Senators KENNEDY and Kassebaum introduced the Health Insurance Portability and Accountability Act of 1996, which became known as the Kennedy-Kassebaum bill. The Kennedy-Kassebaum bill sought to improve portability and continuity of health insurance coverage and to limit preexisting conditions exclusions. This was part of our overall effort to reform health care and health insurance and try to make it easier for people to transfer their health insurance when they moved from job to job and to make sure that people who had preexisting conditions were not excluded from being able to obtain health insurance because they lost their job or changed their job or decided that they needed health insurance.

At the time, 2 years ago, as cochair of our Democratic Health Care Task Force, I worked with a majority of Democrats and some moderate Republicans to push for passage of the Kennedy-Kassebaum bill. On August 21, 1996, it was signed into law by President Clinton as Public Law 104-191. Those of us who pushed for the Kennedy-Kassebaum legislation were hopeful that what we set out to do would be accomplished in the 2 years since it was enacted into law. However, the General Accounting Office recently issued a report. The GAO is the nonpartisan investigative arm of Congress. They recently, just this past week, issued a report that said that many people who tried to move from the group health insurance market to the individual health insurance market under the Kennedy-Kassebaum law may, and I quote, "may be effectively priced out of the market."

Those who fought for the original Kennedy-Kassebaum legislation thought that people who left the group market would be provided access to the individual health insurance market. Unfortunately, what the GAO found is that consumers who either leave their job or for other reasons leave the group market are being charged between 140 percent to 600 percent of the standard premiums when invoking Kennedy-Kassebaum to obtain insurance in the individual market.

Kennedy-Kassebaum was intended to provide access for people, for Americans, to health insurance. Unfortunately, when the price of the premiums becomes so outrageously unaffordable, essentially that access is denied. And so the promise of Kennedy-Kassebaum to provide access is essentially denied because the health insurance is unaffordable.

I wanted to, if I could, Mr. Speaker, talk a little bit more about the recommendations and the concerns that came out of this GAO report. As I said, the main concern was that the high rates that are being charged individuals basically make the guarantee of health insurance in Kennedy-Kassebaum not real. But the GAO mentioned a number of things in addition to the high rates which I think should be brought to my colleagues' attention and to the American people.

The GAO identified these problems. They said, first, that some States, including California, have not passed all the laws needed to carry out the Federal statute. And the Federal Government does not have enough money or personnel to fill the breach.

I am reading, I should say, Mr. Speaker, from a New York Times article from this past Tuesday, March 17, on the front page, which went into some of the recommendations and some of the concerns expressed in the GAO report.

The second thing that the GAO mentioned was that the regulations are vague and ambiguous, so insurers do not fully understand their obligations. Then they said the consumers lose most of their rights if they do not buy an individual insurance policy within 63 days of losing group coverage, but they are often unaware of this time line.

The GAO also said that some insurers have redesigned their benefits in ways that exclude coverage of particular illnesses or costly procedures for a specified period of time and that these tactics may not be illegal, but defeat the purpose of the law.

Finally, the GAO report says that some companies have told insurance agents that they will not get commissions for selling policies to individuals with medical problems; in other words, those with the preexisting conditions that we were concerned about.

President Clinton has said that he will address one problem this week by notifying State officials that it was against the law for insurers to penalize agents who sell policies to high-risk individuals. These are all concerns that we certainly need to address in Congress or that need to be addressed through agency action by the executive branch.

□ 1330

But really, the whole focus of the law and the main concern that I have is the issue of affordability. A lot of consumers I think may be disappointed because they cannot buy affordable policies pursuant to Kennedy-Kassebaum, and in The New York Times article it actually mentions that one insurer, American Medical Security of Green Bay, Wisconsin, a subsidiary of United Wisconsin Services, said it reserved the right to charge high-risk individuals 5 times the rates charged to healthy people.

Now, the law does not restrict the premiums that a company may charge for individual health insurance coverage. I think our feeling was, those of us who voted for this bill, was that we were hopeful that the insurance companies, even if it was not required by law, that there be a limit on how much they could charge, that they would voluntarily exercise some restraint in how much they would charge high-risk people or those with preexisting conditions. Obviously, the GAO report says that that is not necessarily happening, and I think, therefore, it means that the Federal Government must, and this Congress must, intervene to pass legislation that would limit how much could be charged these high-risk or these people with preexisting conditions.

The legislation that Senator KENNEDY and I will be introducing will end this price-gouging practice. It will ensure that the true intent of the original Kennedy-Kassebaum legislation will be guaranteed. Those who enter the individual market should not be denied health care for being responsible citizens by seeking to maintain health care coverage.

The Affordable Health Insurance Act of 1998 is responsible legislation, and I would urge my colleagues that they cosponsor the bill before we put it in next week, and that we see action swiftly to pass the legislation. Congress, I do not believe, can allow these excessive premium increases to go unchecked.

Mr. Speaker, I wanted to say that in many ways, the issue of affordability and the denial of access because of the lack of affordability that I mentioned in the context of Kennedy-Kassebaum makes me also feel that we should address the issue of affordability in the context of the Medicare expansion legislation that has been proposed by President Clinton and that I support 100 percent. Democrats earlier this week announced expansion of health coverage for Americans aged 55 to 65, basically putting in legislation that would enact into law what the President has articulated.

The President has been saying for the near elderly, the people between 55 and 65 that are not yet eligible for Medicare, that they should be able to buy into the Medicare system in certain circumstances, depending upon their age or circumstances, because what we find is that increasingly, this group of people in that 10-year, from 55 to 65, are the ones who lose their job or whose spouse loses their job or loses their coverage and cannot find health insurance, affordable health insurance, on the private market. And so what we are saying, let us expand Medicare in certain circumstances so that they can buy into Medicare without additional cost to the Medicare program.

The President's bill that is now supported by the Democratic leadership both in the House and in the Senate, presents three options to this age group to obtain insurance, and I will just briefly mention it. It says, individuals 62 to 65 years old with no access to health insurance may buy into Medicare by paying a base premium now and deferred premium during their post-65 Medicare enrollment. Individuals in the second category from 55 to 62 who have been laid off and have no access to health insurance, as well as their spouse, may buy into Medicare by paying a monthly premium of about $400. Now, $400 generally is about what the cost would be to buy into the Medicare program.

Then the third category, retirees age 55 or older whose employer-sponsored coverage is terminated may buy into their employer's health insurance for active workers at 125 percent of the group rate.

I wanted to say, though, again, going back to the issue of affordability and how it may impact the Kennedy-Kassebaum legislation, I think again we may face a situation where the President's buy-into Medicare provides access, but for many people who cannot afford the $400 a month or can only afford to pay part of the $400 a month, they may be still denied access to Medicare and to health insurance because of the cost. So while I applaud the President's buy-into Medicare proposal as a means to provide additional access, I believe that providing some financial assistance to the near elderly will address issues surrounding its affordability.

I am working on legislation that will provide economic assistance for those aged 62 to 64 who choose to buy into the Medicare program and for those age 55 to 64 who have been laid off or displaced. As is the President, I am not necessarily seeking to increase Medicare costs, but am seeking to make one of the best health care programs in the world accessible and affordable to an important segment of the uninsured population. My idea, which would be to create a sliding scale of assistance in which any near elderly who chose to participate into the buy-into Medicare would still pay most of the costs, but would receive some assistance, depending on need.

While Medicare is now at one of its strongest points since its inception, I believe that now is not the time to further increase Medicare expenditures in an irresponsible manner. Instead, I would seek to offset any additional costs associated with this plan over and beyond the President's proposal. Potential sources would include additional Medicare fraud and abuse provisions and potential monies from the tobacco settlement.

Mr. Speaker, again, for those of us who believe, and I do very strongly, that health insurance should be guaranteed to every American, we have been, of course, disappointed in the last 4 or 5 years since the President proposed his universal health insurance proposal that more and more people are now uninsured. The number of Americans who have no health insurance continues to grow. And we have tried to address this issue by passing the Kennedy-Kassebaum legislation; by initiating a health care program for kids on the Federal level last year; and now by trying to address managed care reform, patient protections, and also by the Medicare expansion that I just spoke about.

The bottom line is that we have to do whatever we can to make health insurance more available to those Americans who have do not have coverage, because I am very fearful that as time goes on, more and more people will enter the ranks of the uninsured, and I see absolutely no positive benefit to our society or to our economy if that continues. I think in the long run, it will make health insurance in this country not only less accessible, but also will ultimately affect the quality of our health care as well. So it is something that every American needs to be worried about.

THE INTERNATIONAL ARENA: ARMENIA AND INDIA

Mr. Speaker, I would like to now switch, if I could, to a couple issues related to the international arena and focus on two areas where I have been very concerned. One is Armenia, and the other is India. I am the cochairman of our caucus on Armenia and our other caucus on India, and both of these two countries, interestingly enough, recently went through elections in a very democratic way, one that I think can be emulated, if you will, by the rest of the world.

If I could turn to Armenia, because of the election, this has been a very important week for the Republic of Armenia. On Monday, March 16, the first round of elections for the Presidency of Armenia took place. The turnout was approximately 66 percent. A runoff election between the 2 top vote-getters will be held on Monday, March 30.

Mr. Speaker, this election is an important development in Armenian democracy. Since gaining its independence from the Soviet Union in 1991, Armenia has worked to establish the procedures and institutions of civil society while adopting economic reforms. Despite being surrounded by hostile neighbors that have imposed economically devastating blockades, Armenia has overcome years of oppression and dictatorship to become a functioning democracy.

When former President Levon Ter-Petrosian, who led the Nation through the early years of independence, resigned last month, the succession of the Prime Minister to the post of acting President was held in a peaceful, orderly and lawful way. Although it is disappointing to see the extremely critical and often inaccurate portrayal provided by much of the media, I am proud to say, Mr. Speaker, that Armenia has become one of the true success stories of the former Soviet empire, and this week's elections are further proof of that.

As we celebrate the progress of democracy in Armenia, we cannot forget the suffering that has been and continues to be visited upon the Armenian people by Turkey. The latest Turkish assault on Armenians takes the form of an affront to the history, culture and religion of Armenians in Turkish-occupied northern Cyprus. Many Members of this body, including myself, have been very critical of the Turkish occupation of Cyprus and the fact that Turkey has not been willing to heed international calls that it withdraw from Cyprus.

The latest development is that the ancient Sourp Magar monastery, referred to as the "Armenian Monastery," near Kyrenia in the northern part of Cyprus, which Turkey illegally occupies, is now to be converted into a tourist hotel. That is right, Mr. Speaker. A monastery that dates to 1,000 A.D., which was bombed during Turkey's invasion of the island 24 years ago, and which has been plundered and neglected, will be restored for the purpose of turning the property into a hotel.

I have to say, Mr. Speaker, that I am pleased to note that this desecration of the monastery has not gone unchallenged. The Honorable Nikitas Kaklaminis, member of the European Parliament from Greece, has officially raised a question with the European Parliament which I would like to quote from. He says, "This plan by the Turks proves that the Turkish occupation authorities do not respect the cultural heritage of the island, and obviously the monuments of Christianity in the north part of Cyprus. I would like the European Commission to inform me about the way it intends to react against the practice of a brutal regime, which is supported by 40,000 Turkish soldiers who occupy almost 40 percent of Cyprus, something that has lasted for 24 years."

Catholicos Aram I of the Armenian Church of Antelias, Lebanon, who I had the honor to meet last year when he visited New Jersey, has also addressed a letter of complaint to the Executive Director of the U.N. Education, Scientific and Cultural Organization, UNESCO, also to the Secretary General, the President of Cyprus, the President of Armenia, the International Religious Council, the National Assembly of Armenia, and the Catholicos of All Armenians and other organizations, calling the restoration conversion scheme of this monastery sacrilegious and nonhumanitarian and a violation of our religious and cultural values.

Mr. Speaker, the plans for this monastery are consistent with the Turkish disrespect of both Armenian and Greek holy places in Cyprus and throughout Asia Minor. Turkey has tried to remove traces of Greek in Armenian history, change place names and generally tried to assert Turkish supremacy.

I hope that the European Commission and other international organizations will make it clear to Turkey that this type of behavior is simply not acceptable. I am also asking my colleagues in this House to join me in appealing to UNESCO to take a stand against this wanton disregard for a site with great religious, historic and cultural significance. I will also be calling to our administration to raise this issue with the Government of Turkey. While our list of grievances with Turkey is a long one, perhaps this issue can serve to convince the Turkish regime that it must have more respect for its neighbors.

TRIBUTE TO PATRIARCH KAREKIN II

Finally, Mr. Speaker, I wanted to pay tribute this afternoon to a great Armenian religious leader who labored for decades under Turkish rule, and this is Patriarch Karekin II, the spiritual leader of Turkey's Armenian Christians, who died on March 10 of this year at the age of 71 after a long illness. An estimated 50,000 ethnic Armenians live in Turkey, the majority of them members of the Patriarch's church. Karekin II was the 83rd holder of the position of Patriarch of Istanbul, obviously a title with a great historical legacy. The Armenian Patriarchate will begin the process of electing a successor on April 14th.

Mr. Speaker, Armenia was the first Christian state, and the church continues to play an important unifying role in the life of the Armenian community, both in Armenia itself and throughout the Armenian Diaspora, including here in the United States. I join Armenians everywhere in paying tribute to this great leader and mourning his passing.

AAPI LEGISLATIVE CONFERENCE

Mr. Speaker, finally this afternoon I would like to mention an issue of concern to those of us who are in the India Caucus, and I mentioned that I cochair the India Caucus in Congress. Next week the American Association of Physicians of Indian Origin, AAPI, will be having a legislative conference. They come to Washington every year, and they go around and visit various Members of Congress and also Senators to talk about the issues that they are concerned about that impact physicians of Indian origin.

□ 1345

This conference will focus a great deal on the issue of health care reform, particularly managed care reform. I wanted to say that, with approximately 30,000 physicians of Indian origin in the United States practicing medicine, AAPI has begun to be heard in Washington, D.C.

I have a number of Indian physicians and members of AAPI in my district and throughout the State of New Jersey. They have become very politically active, and this legislative conference is just another manifestation of that.

Two issues of particular importance to the AAPI members that they will be discussing next week are managed care reform and International Medical Graduate or IMG equity. I would just like to take a little time now to talk about these two issues.

On the issue of managed care reform, AAPI has played an active role for pushing for comprehensive managed care reform. At the end of 1996, I received a copy of AAPI's policy statement on managed care. This statement outlined five basic principles for managed care reform: first, to ensure patient choice; second, to provide for contract and termination nondiscrimination; third, to limit financial incentives that reduce appropriate health care; fourth, to eliminate gag clauses that restrict physician-patient communications; and, fifth, to ensure that medical decisions are in the hands of physicians and not a managed care bureaucrat.

These positions or these concerns that were outlined by AAPI are, of course, also the concerns that many Americans have with regard to managed care and HMOs. They are the same concerns, essentially, or among the same concerns that the President and the Democratic leadership in the House and the Senate have identified in putting together patient protection legislation, which is probably the number one priority for the President and for the Congress, for the congressional Democrats this year.

Of course, we have been thwarted so far in our efforts to move managed care reform legislation by the Republican leadership that has refused to move any bill in this regard.

Let me say that AAPI, after having read AAPI's white paper on managed care reform and working with AAPI and the Indian physicians, I introduced the Health Care Consumer Protection Act, H.R. 3009, last November. It is modeled after the AAPI policy statement and includes strong language prohibiting provider discrimination based on race, national origin, and place or institution in which a health professional's education was received.

In addition, important due process provisions will work to create objective, not subjective, criteria for choosing network physicians. This bipartisan legislation has 31 additional cosponsors.

Since that time, managed care reform has gained momentum. It is likely to become one of the biggest issue this year, 1998. I want to say that AAPI recognized managed care reform as the key issue years ago. I believe that their hard work and determination will ultimately lead to results for all physicians and for the benefit of American people.

The second major issue that AAPI is concerned about relates to international medical graduates, the so-called IMGs, those physicians who went to medical school abroad before they came to the United States.

As a result of the Balanced Budget Act that we passed in Congress and that the President signed into law last summer, residency slots at medical colleges or medical schools are expected to decline. Representing the largest group of international medical graduates, physicians of Indian origin are rightly concerned that IMG slots may be the ones that see the largest reductions in the context of these residency reductions.

Determining which slots will be reduced, I would say, and AAPI certainly says, should not be done in an arbitrary fashion; in other words, in deciding who is going to fill the reduced residency slots for medical education. It should be done in an objective way so that those who are IMGs can compete. The criteria should be objective and equitable. Qualifications of physicians, not national origin or geographic location of medical education, should be the deciding factor.

The reason why this is important to the average American is because approximately 85 percent of the IMGs are in practice serving predominantly in urban and underserved areas. They are the ones that go into the cities and into the rural areas where other doctors do not want to practice, particularly in public hospitals.

It is very important for us and for those who need health care in those urban centers as well as in those rural areas to be able to have a physician. If they cannot get a physician who happens to be an IMG, then, oftentimes, they are not going to get any physician at all.

So I am trying to point out why IMGs play a very vital role in the health care delivery system in the United States.

AAPI has been in the lead both on managed care reform to guarantee objective due process and then now leading the charge to ensure that IMGs are not discriminated against. I will continue to work with AAPI and other organizations that continue to fight for the same principles.

As this session of Congress moves forward, it is my hope that both issues will be addressed. Certainly the Indian physicians who come here next week for the legislative conference will go around to the various congressional offices and explain why managed care reform and objective criteria for international medical graduates is something that they should all support in the interests of the American people.

UPDATE ON THE CAMPAIGN FINANCE INVESTIGATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, as we close this week, I thought I would inform my colleagues and anyone else who may be paying attention that, regarding the investigation that I am charged to chair involving illegal foreign campaign contributions and the possibility of people in very high offices of this country breaking the law, we are now up to 89 people, 89 people who have been associates or friends of the President or political allies or contributors, 89 people have either taken the fifth amendment or fled the country.

□ 1400

A lot of my colleagues have asked me about the progress of our investigation. I tried to explain to them that we are making some headway. Charlie Trie, one of the friends of the President who had fled the country and gone to China, has now returned. He is under indictment and we believe there is negotiations going on with him of a plea bargaining nature, but we are not sure about that. The fact of the matter is there has been an indictment of Mr. Trie, a personal friend and associate of the President. We have a number of others that we believe ultimately will face indictment.

But the biggest problem we face with the investigation is getting people to talk to us. Toward that end, we have asked the President to contact people who have fled the country to come back and appear before the committee so that they can help us get to the bottom of all these allegations. So far the White House, the President and the White House, has not been cooperative in asking foreign governments to insist that these people return. We have got James and Mochtar Riady in Indonesia whom we would like to have come back. We have asked for the assistance of the White House in convincing these gentlemen, who are executives of the Lippo Corporation and friends of the President in Indonesia, to help us get them back. So far we have had no cooperation.

We have asked the President and the State Department to work with us to get people back from other countries like China. We have not had that success. As a matter of fact, the Chinese government would not let my investigators even get a visa to come to China to investigate these allegations of illegal activities.

So we are having a difficult time. The President I understand is going to be going to China before too long. There will be Members of Congress, I understand, accompanying him. I would like to urge the President to postpone his trip until China allows my investigators to go in there and to give them visas so that they can do the job that they have been charged by the Congress to do.

Mr. Speaker, I hope if the President or any of his friends at the White House or any of his colleagues here in Congress happen to be paying attention, I hope they will urge him to sen a message to China that any diplomatic missions to China will be deferred until we get some cooperation from the Chinese government regarding our investigation. I think it is unbelievable that all the trade that we do with China, all the business that we do with China, all the breaks we have given to China, even in spite of their human rights violations, which are legion, they will not cooperate by allowing our investigators to have a visa to get into China.

Mr. Speaker, I will just end up by saying that we want to get to the bottom of all this to finish this investigation as quickly as possible. If the President would just come forward and talk to us, if his friends would not take the Fifth Amendment and would come forward and talk with us, we could conclude the investigation rapidly. I would urge all those involved to give us their cooperation so we can get it concluded. That is what the American people want.

REPORT ON THE CAPITAL CITY

The SPEAKER pro tempore (Mr. GILLMOR). Under the Speaker's announced policy of January 7, 1997, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 60 minutes.

Ms. NORTON. Mr. Speaker, I rise to bring to the House a report on the capital of the United States and its progress in relieving itself of financial and management distress.

Mr. Speaker, this House has had, and justifiably so, a special interest in its capital city. Almost 3 years ago the capital of the United States met the same fate as several large cities before it, as Cleveland, as New York, and as Philadelphia. The capital found that its bonds were no longer at investment grade and it could no longer borrow money without the assistance of a control board. To its credit, this House, working in a bipartisan fashion, passed a bill, very much like bills that had been passed to assist other cities who had met such problems. That bill preserved self-government in the District of Columbia, but as a result of quarrels between city officials and the control board and as a result of a pace that perhaps was too slow in fixing the city's problems, the Congress, largely through the appropriation committees, infringed upon self-government in the District of Columbia. And so we have a strange situation to be sure.

The capital of the United States has less democracy than any other piece of American soil. I know that this body joins me in wanting to assure that this state of affairs does not last much longer. I have indicated to my own constituents in the District of Columbia that, though they have every reason to be outraged that there would be any less democracy here than elsewhere, there is only one way to assure that democracy will be restored and that we will go further and have the same level of democracy as the States and the territories, and that is for the city to quickly bring itself to the point where particularly its services and operations are services that the residents of the District of Columbia, first and foremost, can be proud of, that every American would be proud of, and that of course this Congress would be proud of.

It seems to me, Mr. Speaker, that it is my obligation to keep this body informed of whether or not progress is indeed being made, especially since this body and the other body were concerned that progress had been too slow. Very substantial changes are beginning to occur and very substantial progress is beginning to be made, Mr. Speaker. Therefore, it is my intention to come to the floor sometimes in 5-minute debate period, sometimes in one-minute debate period, and sometimes for a special order debate period, as today, and report to this body on progress that is being made.

Mr. Speaker, a couple of weeks ago I came to report that the District was actually experiencing a surplus 2 years ahead of when the District budget was supposed to be balanced on an annual basis under congressional mandate. I reported that in a 1-minute speech before the House and I noted that Members on both sides of the aisle applauded, and I remember saying, only half jokingly, Mr. Speaker, let the record show that this body applauded for the District of Columbia. I know that this body will indeed applaud when the capital city of the United States is brought back to its full majesty.

Mr. Speaker, let me begin with a report not of the surplus and what it contains, not of the large picture, but, rather, of a small part of the picture that I think would especially please this body. Of all of the services in the District of Columbia, none has the attention or perhaps deserves the attention that this body has given to education. This body knows where to focus on when it looks to see whether the city is improving, and so it has looked at the schools and it has looked at education.

Mr. Speaker, on the front page of the Washington Times, just yesterday, I was surprised to see a report, something that I did not know of, and I doubt that anyone in this body knew of. The headline reads, Mr. Speaker, "Computer Castoffs Inspire Teens."

Mr. Speaker, this is a report of how at one D.C. school, Wilson High School, students are taking outdated systems and computers, repairing them and rebuilding computers, this in a city which has had to beg, borrow, I will not say steal because that has not occurred, computers. This school needs 400, it has 150. But what is amazing about this piece is that there is a teacher at Wilson High School who decided to make a course of getting old computers, taking them apart and repairing them. The students keep a journal of the steps they go through to repair the computers.

They obviously learn much about the complicated nature of these machines. There are some of us trying to become computer literate. These youngsters are beyond literacy and into making the things, making them work. They have a computer lab. This is the largest public school in the district. It has got almost 1600 students. What it has done, one teacher, many like him, the problem is they do not make the front page of the Washington Times or any other newspaper, one teacher is doing what I would imagine is probably not being done anywhere else in the United States; if so, by very few. And that is not only teaching youngsters how to become computer literate but getting deeply analytically into computers.

Can you think of any better way, Mr. Speaker, to teach youngsters problem solving or how to exercise their analytical faculties? Can you imagine the confidence a youngster gets who has not thought himself very good at much to learn that he can actually work on computers and make them work again and work for every one?

Apparently these renovated computers can also be borrowed and taken home by a student so long as that student remains in school. So the computers do double duty. They help youngsters to understand that there is a reason not to drop out of school in a town that has had a high dropout rate.

Mr. Speaker, the progress in the schools has been difficult to make. I point out this progress because it is at that level that the progress is being made and it is at that level that this body is likely to hear too little just by the nature of things. I want to say something further about the schools, again, because of the special interest of this body in schools and because so much that is good is happening in schools. I have to tell you, it is not good enough for the residents of the District of Columbia. There is still a lot of contention around the schools, but compared to where we were, I think this body would be pleased to see forward movement. There is concern that the schools open three weeks late because the roofs were not fixed in time. Well, for some of us, we remember when the roofs were not fixed at all. Of course, what happened was that a whole bunch of roofs got fixed and are still being fixed and when roofs on schools are fixed, then all kinds of damage and other problems that come from leaky roofs also disappear.

May I take this opportunity once again, Mr. Speaker, to thank the 254 Members of the House and Senate who during that three-week period when school was closed answered my call to take youngsters from D.C. high schools as interns.

□ 1415

I want to thank those Members. And there were many who buttonholed me, staff and Members alike, to tell me how these youngsters were doing, helping them as volunteer interns in their offices.

Some of my colleagues may know that we have started a small program, to become larger in the summer and to be full-blown next year, for permanent volunteer interns from the D.C. high schools to come into the House and the Senate. My colleagues can imagine what this will mean to youngsters in the District. Here they are in the Nation's Capitol, and the Capitol to them is an awesome, almost fearsome place, especially when we consider the power this body has over the District that it does not have over others, almost unapproachable. And here they are invited in by Members of this body and of the other body to actually work in their offices.

The experience was a salutary one for the youngsters and for the Members, and I thank the Members for the way in which Members, I must say, of every persuasion and tendency and across both sides of the aisle answered this call.

I have a special program, indeed, called D.C. Students in the Capitol because of the unapproachable nature of the Capitol to the folks who live here. And it says teachers should bring their students. There is a time when they come, I meet with them for a few minutes, they tour the Capitol, they get to sit in on a hearing, and they get to feel at peace and at home with this place.

Now, I recognize that even though the facilities are being improved, even though, frankly, top to bottom, changes that have not yet fully manifested themselves are going on, that there continues to be great concern about the schools. I want to speak about one program that thrills me.

The District, like almost every other city in many States, has social promotion. They have social promotion because they do not know what to do with the youngster. They do not want to keep the youngster back because they think that will hurt the youngster's self-confidence. They do not want the youngster to be larger, bigger than the other kids. They just move them forward. And the harm that that does ought to be clear by now, but, frankly, one of the reasons it continues to be done is people do not do the grunt work it takes to figure out a better way to do it.

Arlene Ackerman, the new chief educational officer of the schools, has done just that. She has started a program called Summer Stars Program. Twenty thousand students this summer are going to have made probably so little progress, because Ms. Ackerman just got here and the reforms are just beginning, but instead of being socially promoted, these youngsters are going to go to what would have been called summer school, but is no longer called that because it is no longer that.

It is the beginning, here in the Nation's capital, of a year-round school, the kind of school we think every jurisdiction in the United States should have today. Do my colleagues want to know why Japanese kids do better? Not because they are smarter. They do better than American kids, blacks, whites and Hispanics, because they go to school longer, and they study harder. That is the key to it.

Well, for youngsters who are behind, they will be in the first class of the year-round school. Now, the year-round school is going to have classes in the evenings during the regular school year so that many kids next year will not have to go to school in the summer because they will be part of the year-round school program.

But students who score below basic on the so-called Stanford 9 test in both reading and math must go rather than be promoted. These students must go even though they have not been retained in their grade. And ninth-graders and seniors who need one credit to graduate or for promotion must go to this Summer Stars Program.

They are also telling students who should go who they are. And there are a whole set of students who should go, who do not need to go, who we expect to go, because if they do not go, they are going to need to go. This, we think, is the way to approach education today; not by screaming and yelling and engaging in the kinds of fads that education tries out year by year and still leaves us with the same problems, but by doing the grunt work to figure out what we need to do to get hold of it.

These youngsters are going to receive highly structured remedial work with 2 hours of reading and 2 hours of math. They will receive phonics instruction. They are going to receive oral language activities. They are going to receive writing activities. They are going to receive individual instruction. They are going to receive group instruction. They are going to receive computer instruction.

They are going to go to school, grades 1 through 11. First-graders are going to go, and people about to go into their senior year are going to go, and all the grades in between. And they are going to go for 4 full hours a day; 8:30 to 12:30. And then some will go from 8:30 to 1:30, and some will go from 3:30 to 8:30 for enrichment programs.

There will be 10 middle schools, 10 high schools and 60 elementary schools; 15 students to one teacher. These youngsters are going to learn when that is the student-teacher ratio.

Who will be the teachers? There is going to be not only an internal search, those teachers already there, but there will be an internal and external search. Only applicants with outstanding qualifications will be selected for the year-round Summer Stars Program. The initial screening of these teachers is going to include a writing sample, for example.

One of the reasons my colleagues have seen me on the floor in opposition to the vouchers program that some still continue to propose for the District is not only that I do not think that is the best thing, the best way to approach education for the majority of the youngsters, but I have a very special reason this year, Mr. Speaker, and that is this program.

This Summer Stars Program is simply too good to be turned away for yet another experiment, whether it is vouchers or, frankly, my favorite experiment. If there is $7 million for youngsters for private vouchers, who would say that that money should not be used for this first year-round program to end social promotion in the Nation's capital? Who would say that that is not, at this juncture, given where the District of Columbia public schools are and where the city itself is, that the best use of that money would not be that?

It takes $10 million to run this program. If $7 million are to be found in a vouchers program, and the Congress is serious about the attention it has paid to schools, it will help us start this first year-round school. It will help us to become a model for Baltimore, for Philadelphia, for New York, for L.A., for Chicago, for the small towns and the large cities that need to do precisely this kind of thing.

I have started with the schools, Mr. Speaker, because the schools have been, and rightly so, of special interest and special concern to this body. I do want to make a correction, because people, for understandable reasons, when they talk about the District, talk about the District 4 years or even 10 years ago. And one of the things I hear from time to time is that the District has the highest cost per pupil in the United States.

Well, that may have been so once, Mr. Speaker, but it has not now been for a very long time. The District has downsized tens of thousands of employees and perhaps too much in the schools, if anything. Now, an independent analyst tells us that the District is spending about $7,000 per student, and even that amount includes our payments to the teacher retirement fund, which often is not included in per-pupil reports.

Indeed, Mr. Speaker, it is important to have a sense of what that $7,000 figure means. The best way would be to compare the District to its immediate region. We are at $7,000; Prince George's County, $7,120; Fairfax County, $7,650; Montgomery County, $9,000; Arlington County, $9,300. Mr. Speaker, my colleagues should see straight away that that means the District of Columbia has the lowest per-pupil cost in this region, even though it has by far the largest number of children who need special care and special programs.

We cannot talk cost anymore. We have to say to the District that they have to do the best they can with what they have. But if the Congress, in its wisdom, has additional money, it has to put that money where the biggest payoff is for the average child in this system.

And as my colleagues know, Mr. Speaker, the average child in this system can do a whole lot better. Arlene Ackerman said, for example, in a hearing we had just this week, that District of Columbia students will be reading the equivalent of 25 books this next school year. In one fashion or another, each child is going to read the functional equivalent of 25 books. That is what I call raising standards and raising standards big time.

Mr. Speaker, the Congress should come forward now and help us raise those standards. I ask my colleagues not to dash the hopes and the efforts of the District by going back to one of my colleagues' favorite notions. If my colleagues are for vouchers, bring a voucher bill before the floor and vote it up or down. My colleagues control the House and the Senate. Better yet, find some districts that, in fact, would like vouchers and make sure that they, in fact, get vouchers. But when we have a district that has voted 89 percent against vouchers, who in America would say that in the face of that, a body of people, where no one represents the District with a full vote, should overturn what 89 percent of the people of the District of Columbia have said?

But I do not come to the floor to have another philosophical or ideological fight on this floor about vouchers. This is too serious, Mr. Speaker. We are now to the point of where we are seeing real progress in the District; a surplus, movement on school facilities, a new chief educational officer who has her head on straight and knows that we have to raise the bar and youngsters will jump to meet it. Help us help them.

Now, Mr. Speaker, perhaps the best news for the city overall has been the emergence of a general fund surplus. This is a city that had the exact opposite only 2½ years ago. Its audit was in such bad shape that it could not even get a so-called clean opinion, because in order to get a clean opinion from the auditor, all the papers have to be in shape so the auditor can, in fact, know whether the entity is in shape. The District got a clean opinion this year and reported a general fund surplus of $185.9 million.

The District clearly continues to attract my colleagues' constituents to this city. Whatever the District's reputation, people are coming in larger numbers than ever. We have the largest turnout of tourists ever.

□ 1430

The economy of the city is beginning to come back, Mr. Speaker. One indication of that is the sale of homes in the District. All across the region there is beginning to be some greater sale of homes. But when we look at the District and compare it to the rest of the region, we know that something very different and very important is happening in this city and that it is moving forward.

The District over the past year had a 31-percent increase in the number of homes sold. The next highest in the region was only 17 percent. The District is coming up with almost twice as much of an increase in homes sold as the rest of the region. If that is not some indication that there is a return in confidence in the city, I do not know what is. When people decide to move here and live here and buy a home here and risk their capital here, they are saying that something has turned around in the City.

Mr. Speaker, may I thank this body for contributing to those figures? Because, although those figures were going up, I believe that a bill passed by this body at my request last year has helped to make home sales go up; and that is a bill that was included in the tax benefit package, that is a $5,000 home buyer tax credit. Essentially, it says that if they have an income and they are joint filers up to $130,000 or single filers up to $90,000 and they buy a home in the District of Columbia, they can get a tax credit up to $5,000.

I do not need to tell my colleagues, Mr. Speaker, that that is enough to make some people go out and buy a house or a condominium, and it certainly is enough to make some people who are renting in a house or condominium to say, I think I might stop paying the rent man and pay myself and buy this house and get a tax credit.

I have strongly supported the kinds of tax credits that have this effect, and I want to thank this body here and now for helping to make what was already a housing sale increase sail forward even faster.

Mr. Speaker, when I look at the budget surplus, and remember those home buyers are going to be paying taxes to the District of Columbia in sales taxes and other kinds of taxes and that is going to ease the burden of the District, but when I look at the surplus the City is already showing, I want my colleagues to know that it is not simply because we have a good economy. This administration deserves credit for its role in the good economy, and it has gotten credit from both sides of the aisle.

I certainly take nothing away from the President and the administration when I say that some of the credit belongs simply to good management in the District of Columbia, at least when we are talking about the surplus that the District is now experiencing. The District is now collecting taxes from people it did not collect taxes from before because its system for collecting taxes was in such disarray.

The District's deficit had, in part, to do with the fact that the District would wait weeks upon weeks to cash checks. Now it cashes a check within 1 day.

When the Chief Financial Officer was hired, he found records scattered in boxes on floors. Mr. Speaker, I cannot say enough about what it took to clean that kind of mess up. They could not go to a computer and push some buttons and say voila. Somebody had to get down on their knees, go through these files and straighten them up and computerize them.

Surplus is due as well to other internal controls. Reducing, for example, the improper extension of emergency contracts. If somebody gets a contract and then he keeps on getting it on an emergency basis, the City may never know whether somebody else would do that same job for less. Those kinds of controls are showing up now as part of a surplus. Extensive training of agencies and of accounting staffs have been part and parcel of this improved management.

Mr. Speaker, there have been real sacrifices made to achieve these improvements. Employees in the District of Columbia have not gotten a raise since 1994. Imagine what that would be like. Imagine what our Federal workers would think if we were to deny raises in that way.

I had to press the school system when they came before us just before Christmas because there were workers in the school cafeterias, the lowest paid workers there, who had not received a wage in 7 years, even though there were arbitrator awards twice awarding them wages and they had begun to be paid. So we cannot get work out of people if we continue to deny them annual raises.

What is good about what is happening, Mr. Speaker, however, is that accountability is being demanded for increases in pay; and it is that accountability that is different about the way the District is approaching its business. The District still has to reduce its government more, and it has a long way to go to get the kind of government that District residents deserve.

But Mr. Speaker, let me put before you another figure that will surely convince you that the District has turned the corner. There has been a 20-percent decrease in crime and a 40-percent decrease in homicides over the last year. We were hitting in the top when it came to crime. Everybody else's crime was going down. Ours continued to go up.

The District is now at the end game of recruiting a new police chief. It has got a half dozen top-notch people competing for the job. By moving analytically, step by step, on reorganizing the police department, putting more and more cops into the streets, and there is still more to go there, reorganizing the department into community policing, we have gotten an almost immediate payoff in the reduction of crime. There is nothing more important that could have been done, even more important, if I might say so, than schools, than to reduce crime.

People are not going to live in a city where they fear for their lives, and the reduction in crime is a salient indicator that this body would surely want to use in deciding whether progress is being made in the District of Columbia.

Now, Mr. Speaker, a good friend and Member wrote a dear colleague when I asked that money for vouchers be spent on the year-round program, the Summer Stars Program, this summer, in order to finally, finally, eliminate social promotion. A good friend responded that, no, we could continue to use that money on vouchers, as he apparently desires, because the District can simply use its surplus to fund the year-round program.

Wait 1 minute, Mr. Speaker. In last year's appropriation, the District was admonished to use every cent of its surplus to pay down its deficit. The District is still carrying an accumulated deficit of over $300 million. When I say that your capital is a balanced budget, I mean on an annualized basis, the way this country has a balanced budget on an annualized basis but is carrying a huge deficit.

So the District is carrying an operating deficit from the time when it went down and went bankrupt. Now, the District was told, and I thought prudently, do not spend that surplus. Do not use it on anything, not even your schools, not even crime. Use it to pay down your debt. Do not borrow to pay down your debt.

So, Mr. Speaker, I do not want to hear anybody say now that the District should use the surplus for the Summer Stars program, especially when Members of this body are coming forward and saying that there is $7 million to be used on school vouchers. That money should be used for the Summer Stars program; and the District should, in fact, use its surplus to pay down the deficit.

The only other function that it has identified for use for some of this surplus is for the management reform that this body has mandated on the District. The District must have not only its finances straightened out but its management straightened out in 4 years if, in fact, the control board is to sunset. And I know that the howls from this body about the disarray of the operations of the District of Columbia are such that they would want the District to spend that money first on deficit reduction, then of course on straightening out its management. And there we are into something that will not even be done by the end of 4 years when the control board is to go, because part of the District's problem is an almost absence of technology in its agencies.

Would you believe, Mr. Speaker, the District still has rotary phones in most of its agencies? We cannot even do computers as long as we do not have push button phones.

So certain kinds of priorities are there. If there is money for schools, it certainly should go for Dr. Ackerman's Summer Stars program. The District should do what the Congress told the District it should do.

The Congress said, the District should use all the money to pay down the deficit. It also said, the money should be used for tax cuts for D.C. residents. I am trying to get a tax cut on the Federal side for D.C. residents with a bill that has strong support from the Speaker and the majority leader that would be a progressive flat tax.

I would certainly like to see some reduction in D.C. taxes, but I think that the Chief Financial Officer is correct when he says that the reduction in city taxes, given the outstanding deficit, should take place on a planned course as the city is downsized and improved so that all of that occurs in tandem and so that we do not throw out of sync the very good building of a surplus that has begun to occur.

Mr. Speaker, the improvements in the District abound, and I am going to be coming forward with others. I must speak at some length about one that I think almost no one expected. The District was on not the dirty dozen list, because there is a whole lot more than a dozen cities on the list of troubled public housing authorities, and the District was big-time on that list.

Two and a half years ago a man came from Seattle, Washington, to try to take hold of this chaos and put it back together again. The District, over 20 years it had more directors of its public housing than anybody could count. The District, frankly, was no different from other troubled public housing; but nobody expected anything to happen.

When we talk about things we can at least do something over the short run, perhaps we think of schools and public housing. Well, in 2½ years David Gilmore, to his great credit, has taken the District off the list of troubled housing authorities.

□ 1445

The District had a score of 22 out of 100 when he came here. Now it has got a score of 65.5, which puts it well up in the list of housing authorities around the country. It is how David Gilmore has done this that I think we all should take note of. I have said to District officials, everybody ought to sit at the knee of David Gilmore, because here is a man who obviously knows how to manage people, manage ideas, and manage hardware. Somehow he has put them all together. He has moved the crack addicts and the nonpayers out of public housing. I do not even hear anybody screaming about it. He knows how to manage people so that that occurs. He moves into a public housing complex where he sees that the whole thing has to be taken apart and you have to start all over again.

What does the man do, Mr. Speaker? The first thing he does is to put in the sod. Can you imagine the effect it has on public housing tenants who have lived with crime and chaos for years to see somebody coming in, he says he is going to fix it and they hold down, they hunker down and prepare to have dust and nails and debris flying all around them. But they wake up and the first thing they see that morning is that the sod is being planted.

This is a man who knows how to manage people, Mr. Speaker. He knows how to bring hope to the hopeless. What he has done is to organize tenant societies within those public housing authorities. You can imagine what happens when you have moved out the troublemakers, moved in the sod, fixed the public housing, got it in shape again.

There is a new chief of police for public housing. Mr. Speaker, I have met with that man. He tells me that his job mostly consists of getting stray dogs and cats and taking them back to their owners, because the people are taking care of their own renovated public housing, because we have got in place a man who knows what he is doing.

I have to tell you that I do think that is the key to everything in this world. I think that perhaps David Gilmore with all the good work that is being done in the District is the very best and is something to teach everybody, from the Control Board to the Mayor, to the City Council, to the Member who represents the District and the Congress, because he has put it all together. When you go to him and tell him about a problem, he fixes it, he finds a way to fix the system to have you get to him more quickly. He knows how to hire good people, and he knows how to take the staff who is there and to get work out of them and to get rid of those you cannot get work out of.

There are all the stories in the Washington Post or the Washington Times about how the whole world is being shook up down at the public housing authority. I think this man needs to write himself a manual and pass it out. And first pass it around the District and then pass it around the country, because he is showing us something about how to fix a broken city. Yes, it was broken, Mr. Speaker. You are listening to a fourth generation Washingtonian. When my hometown became broken, there was a very special level of sadness for this Washingtonian, because my own great-grandfather, Richard Holmes, walked away from a plantation in Virginia. No runaway slave, Richard Holmes, he just walked off a plantation in Virginia in the early 1860s and came across the river to the District and planted the Holmes family here. Somehow or the other, through our 4 generations in this city, with problems that you might expect would have occurred in the early part of this century when my grandfather entered the D.C. fire department, later on when my father was in high school during the Great Depression, in 1954 when I was sitting in Dunbar High School, segregated, and heard the bell chime and the principal tell us that the schools would now be integrated under Brown v. Board of Education, to the time of my own children. Through all of that, Mr. Speaker, throughout this century, there was no time in which this city saw the bitter, bitter experience of bankruptcy.

So for me, it was a time of special trial, especially since it was during that time that I represented the District and it was I who came forward and said that it had to have a Control Board. That was painful, but it was necessary, because it is necessary to do what has to be done for a city when it has to be done. I have shared the disappointment of this body that what had to be done has not been done as quickly as it should have been done and, if I may say so, Mr. Speaker, could have been done. And so you have not found me to be an apologist for the District. You have found me to be its defender, to ask people to step back and treat the city with respect, but no apologist for a city that does not stand up and do what has to be done to save itself. And so that is what the city is doing now.

Mr. Speaker, the city has a great challenge. It was able to keep its population, because it is such a livable city, much longer than most large American cities which experienced a total drain of residents. The District did not begin to experience that until the late eighties and now we have come to that moment, so that the great burden on the city now is to recoup and retain its middle class. The District has had a frightening loss of residents. It is experiencing that just as it is beginning to turn the corner and get its full majesty back. But once that drain continues to occur, it is very difficult to turn it back.

That is why the $5,000 homebuyer tax credit passed by this body has been so important. The fact is that between 1989 and 1997, Mr. Speaker, the District has shown itself to be losing 3 times as many residents as it lost in the whole of the 1980s. In other words, we are having devastating population loss. People do not look to see if the budget is balanced, if there is a surplus or even if the public housing is being fixed to decide whether to cross the District line, going the reverse of where my great-grandfather came when he came to Washington. Instead, they simply go where the grass seems greener.

Mr. Speaker, they do not even look at what business sees. While we have been losing population, business has been coming back to Washington, again, Mr. Speaker, an indication that something important is happening in this town. Look at the new MCI Center. That was located in Prince George's County. That has done a reverse migration from the suburbs to the city. Mr. Speaker, the MCI Center has been built by Mr. Abe Pollin. He has built it 100 percent with his own money. There is virtually no other example of an arena in the United States that was built with private money. Arenas are being built almost exclusively with taxpayer money. Why would Mr. Pollin build an arena in the capital of the United States with his own money? Mr. Speaker, he knows something that I hope this Congress finds out soon and that business clearly knows first. There is money to be made here.

There are 20 million visitors who come each year. I see some of them in the galleries. This is a city with unused economic potential. There is a wonderful infrastructure here. There is a metro that brings a whole region into the center of the city and so Mr. Pollin, who took his arena out of the District 20 years ago, has brought it back in a marvelous new center where the Caps and the Wizards, if you please, now play, as does Georgetown University and other teams from the region. But the very fact that somebody would build an arena with private money and take it from the suburbs and move it back to this city tells you that the capital of the United States is coming back and coming back fast.

If you need another example, let me give you one just as spectacular. In the United States today, convention centers are built everywhere, in small towns, big cities, little hamlets, everybody wants a convention center. You build it with taxpayer funds because that is the only way you can get it built. But not in the District of Columbia. The hotel and restaurant industry came to the District 3 years ago and said, "Tell you what, District. Tell you what we're going to do. We're going to tax ourselves and build the convention center ourselves."

Why would the hotel and restaurant industry which complains that it is overtaxed, tax itself to build a convention center in the Nation's capital? They know where the money is, Mr. Speaker. The District cannot attract the big conventions, like the AMA Convention and the ABA Convention because our convention center is too small. Who loses? The District of Columbia loses, which is to say the taxpayers who then have to make up for what visitors to conventions would pay, but the hotel and restaurant industry loses, because those visitors do not come to use their facilities, either. And so instead of waiting the District out, they have stepped up and they will be breaking ground, with their own money, money that is already being built in a lockbox, with their own money, to build the convention center.

Mr. Speaker, you do not build a convention center with private money if you think the city has no future. Mr. Speaker, you do not build an arena in a city with private money if you think the city has no future. The city has a future. The city is coming back. The first people to understand it are those who have the most to lose, private businesspeople who have put their money where their mouth is, which is what I am asking this Congress to do when it comes to our schools, to put their money on the summer program and not on vouchers, where it will have no measurable effect on the average kid in the District of Columbia.

Nevertheless, Mr. Speaker, you have never seen me give the rosy, merry picture of the District. That is why I have spoken about the frightening decline in the D.C. tax base. I have introduced a bill, as recently as last week, called the D.C. Economic Recovery Act that would give a tax break to District residents from their Federal income taxes. I come forward to do this for the District, recognizing it would not be done for others because the District is a special case and you have made it so, and it is so under the Constitution of the United States.

We have no State, Mr. Speaker. So that when residents leave the District, a very different phenomenon occurs than when they leave Baltimore or Richmond because when they take their money with them, there is no State to recycle their money back to the District of Columbia, as the State recycles money back to Baltimore and as the State recycles money back to Richmond. If there is no State to recycle the money back, then you say, "Well, why don't you tax the people who come in every day to work here and use the same services that residents use here during the day?" The reason we do not do so, Mr. Speaker, is because this body, and the other body, the Congress of the United States, has indeed barred a commuter tax.

So the District is left high and dry. People leave, no way to make up for them because no State to help make up for their flight, and no way to make people who come in and use our services pay for the use of those services because the Congress has barred a commuter tax. I am asking this body to help make up for putting your capital between a rock and a hard place, and I am pleased and may I give credit to the leadership of this body and of the other body for supporting the D.C. Economic Recovery Act.

Mr. Speaker, the figures speak for themselves. We want to hear them now so that we will not be the last to turn out the lights.

□ 1500

The figures speak for themselves. If we look at who the movers are, we see that 25 percent of them earn between $35,000 and $50,000, and 38 percent of them earn between $50,000 and $100,000. Mr. Speaker, those are middle-income taxpayers right there. That is 63 percent of the people moving in that core, prime middle-income group between $35,000 and $100,000. Those are the people who pay taxes to the District government.

If the District does not have people to pay taxes to the government, no amount of surplus can make up for the flight of its core tax base. That is why I have introduced the District of Columbia Economic Recovery Act, not as special treatment to the District, but to make up for the special detriment that this body has placed on the District because we believe that that is necessary because it is the capital of the United States.

Who is not leaving the District, Mr. Speaker? Those who make under $15,000; or put it another way, it is the poor. That is to say, under $15,000, only 3 percent left. The years I am talking about for these numbers, Mr. Speaker, are 1990 to 1996.

The very rich are not leaving in large numbers either. Only 10 percent of those who make $100,000 or more are leaving, and we are overly dependent upon these very rich people, and I love every last one of them, and I hope they do not go anywhere.

Mr. LEWIS of California. Mr. Speaker, will the gentlewoman yield?

Ms. NORTON. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, I could not help but watch with interest the gentlewoman's discussion on the floor here today as the gentlewoman has been talking about her wonderful District, which is our Nation's capital, and I wanted to share with those who are focusing upon the presentation my experience in dealing with the gentlewoman regarding the city.

I first was drawn by way of attention when the gentlewoman mentioned David Gillmor, who is the housing director here and a fellow who we have both worked with, a fabulous public servant who is among those who is trying to make a difference in the Nation's capital and is making a very special contribution.

I also wanted to share with the gentlewoman and others the fact that just a short time ago I returned from a, not exactly a ribbon-cutting, but essentially that, at a Habitat for Humanity, location very close to the Capitol here, where in this case Freddie Mac was presenting a check for $1 million for a program that the gentlewoman knows as the House That Congress Built.

But as we were doing that, we were also expressing our appreciation for those who come together, in this case to help Ms. Christy Ingram and her family prepare to move in, probably sometime this summer to their new home here in the Nation's capital as a result of partnering that is going on in the city, that is designed to try to make a little difference here.

As the gentlewoman knows, I come from California, but when I am in the Nation's capital doing this job, I am a constituent of yours, for I live in the city. I am very proud that I do. It is a marvelous community that needs all the help that all of us together should and want to give it. But especially I just wanted to express my appreciation to you and to those of you like David Gillmor who are truly making a difference for all of us who live here.

Ms. NORTON. Mr. Speaker, I thank the distinguished gentleman from California (Mr. LEWIS) for taking the time to come to the floor. I do have to say to this body that the gentleman from California, who represents his own district with great energy and great distinction, nevertheless decides he always has to do good where he is and has initiated a program here that he is now spreading through the rest of the country. He came to me, imagine how I felt, when a distinguished and senior, not in age, but in longevity in the House came to me and said, we want to build a house by the Congress of the United States here in the capital of the United States, and I want to thank the gentleman for his work for the District.

NO WAIVER OF JACKSON-VANIK

(Mr. ROYCE asked and was given permission to address the House for 1 minute.)

Mr. ROYCE. Mr. Speaker, 1 week ago the administration issued a waiver of the Jackson-Vanik amendment, opening the way for OPIC and Exim funds to filter into Vietnam. I was expecting this decision to come from the administration; however, I had hoped that common sense would guide that decision. Vietnam is a Communist country. Its citizens enjoy no religious freedom, little economic freedom, and no freedom to vote, and it is not getting better.

The recent promotion of a hard-line Communist to the Secretary General position, a man who once stated that his government has concerns that foreigners are somehow out to undermine Vietnam's independence, has stalled all hopes of changing the economy in Vietnam. Vietnam is not ready for OPIC. Your support or opposition to OPIC and Exim is not in question here. What is is the government subsidies for businesses in Communist Vietnam.

In anticipation of this decision by the administration, I introduced H.R. 3159, legislation which will now make this waiver null and void. The United States should not extend these benefits to a country that has done little in the way of granting freedom to its citizens. I ask my colleagues to cosponsor this important legislation.

WHITE HOUSE SILENCE: AMERICANS WANT THE TRUTH

The SPEAKER pro tempore (Mr. WHITFIELD). Under the Speaker's announced policy of January 7, 1997, the gentleman from Texas (Mr. DELAY) is recognized for 10 minutes as the designee of the majority leader.

Mr. DELAY. Mr. Speaker, not far away in a United States Federal courthouse, a grand jury may hold in its hands the fate of our President. Now, how it will end is anyone's guess. At this moment, fair-minded people are suspending judgment.

All we can say for sure is that the Presidency seems diminished by it. Republican and Democrat alike, we will all be happy to have this spectacle behind us, because for weeks I have withheld comment on the charges leveled at the President. I thought it only fair that he be given the chance to explain himself to the American people without any rush to judgment on our part. These are, after all, serious charges, and premature condemnations of the President would not be fair to him or to the public.

So I waited for the President to speak out, and I waited, and I waited, and I waited. But with each passing day, the silence emanating from within the White House grows evermore deafening. It is a silence broken only by the sound of character attacks launched at the President's accusers.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman from Texas will suspend.

It is not in order to refer to the President in personal terms. Discussion of "charges leveled at the President" dwell on personality and are not in order, under longstanding precedents of the House, which are recorded on pages 175 to 176 of the House Rules Manual.

The gentleman may continue.

Mr. DELAY. Mr. Speaker, I have checked the speech with the Parliamentarian and have gotten clearance from the Parliamentarian for this speech.

The SPEAKER pro tempore. The Chair is advised by the Parliamentarian's Office that certain recommendations for change in the text were not communicated.

The gentleman may continue.

Mr. DELAY. Mr. Speaker, the President's own spokesman has said that he does not want to know the truth about this entire affair. He has also said that the truth may be very complicated, as it so often is with the President. But while the President's spokesman may not want to know the truth, the American public deserves to hear it.

The President's silence is a grave disservice to the American people who elected him. Twice a plurality of voters elected Bill Clinton to lead this country. Twice they put their faith in him to do the people's work. Well, Mr. Speaker, a Presidency enveloped in scandal is good for nobody, and the faith that the American people have put in President Clinton has been violated time and time again.

I sometimes hear that none of this has any relevance to public policy. The President's defenders point to the polls that show high job approval ratings. While this may be an appropriate defense for an administration guided by polls rather than principles, it fails to even scratch the surface of the true implications of this affair.

For most of this Nation's history, the American people have held a very high standard of conduct for the President of the United States. The reverence with which they held this office of the Presidency dictated this higher standard. Now it seems that the loftiness of the office is an excuse for a lower standard. He is the President. We should give him the benefit of the doubt. As long as the economy performs well, it does not matter how a President acts, or so the thinking goes.

Well, I disagree with that thinking. One should not be able to get away with more simply because of the office that he holds. The leader of the free world should be held to a higher standard, not a lower one. After all, the eyes of our Nation and of the world are constantly upon him.

Mr. Speaker, poll numbers are fleeting, but the tarnishing of the highest office in the land has permanent consequences, and as for the character and morality of our leaders, I do not see it as my duty as a Congressman to give frequent lectures on this subject. We are legislators, we are not preachers. And all of us are flawed. We have all made mistakes. But there comes a point when remaining silent becomes a breach of responsibility. I cannot remain silent any longer. To do so would be to forsake my duty as an elected voice of the people. I am a representative of the people, and it is on their behalf that I implore the President to come forward with the truth.

The charges against the President of the United States are very serious, and that is why Congress may have to act on them.

Aiding in his defense, the President is said to have the best political tacticians and consultants in the business. We see and hear from these consultants very often. They miss no opportunity to malign the motives of the independent counsel or belittle the investigation, or send forth into the airwaves any number of legalistic evations and desperate semantic stonewalls.

Ken Starr is just doing his job. The independent counsel is doing the job that the Attorney General of the United States and a three-judge panel has asked him to do. Yet, if we look at the charges made against him, one would think he was the devil incarnate.

It is always the same with these people. The spin, the whole spin, and nothing but the spin. Are these the best political minds in the business? I am not so sure about that. They certainly know how to buy time, but that only works for just so long. They may be able to obscure the truth for a while, but they cannot change it. Their act is wearing very thin with the American people. It only aggravates the offenses and postpones the day of truth-telling.

I cannot think of a better way to bring on formal congressional proceedings than to go on hindering, obstructing and belittleing the judicial proceedings that are now under way.

Now, if that is the current White House strategy, then they will not be first to discover that deceit is one offense our forgiving public will not abide.

□ 1515

We Republicans know something about this from our party's bitter experience just a generation ago. There is no more fragile construct than a stone wall. In any scandal, the shortest route to safety is always the truth.

It is worth recalling that many of these same people 6 years ago promised, and I quote, "the most ethical administration in history." The troubling thing is that they still believe it. Six years and who knows how many scandals later, their moral self-assurance seems undiminished. Where does this self-assurance come from? It seems to arise from a profound understanding of everybody's misdeeds except their own.

No administration has ever been more demonstrative in acknowledging our national sins past and present than this one. This is the same President who has so touchingly apologized for the sins of racism, the sins of discrimination, the sins committed during World War II against Japanese-Americans, and so on through our entire checkered social history.

How easy admissions come when the wrongdoing is someone else's. How repentant they are when the guilt is broad and general and national and universal. But now the question is one of personal wrongdoing. A strange silence has fallen over the White House. Mr. Speaker, at the heart of this investigation are some very, very serious questions, and a shrug is not an answer.

The response that these are personal traits that the public was well aware of when it elected him, that times are good, and people just do not care, and so on, likewise, rings very hollow to me. We have heard this line many times from the commentators.

I must say it absolutely amazes me. It is not very flattering, no matter how you look at it. Surely it marks the first time a President's integrity has ever been defended on the grounds that our expectations were low to begin with.

I do not for 1 minute buy into the argument that the public does not care about integrity, because, like most of us, the public is clearly bewildered by all of this. I suppose you can add to that a certain public fascination with this spectacle.

But we have an administration that often seems to defy so many of life's rules: honesty is the best policy; character is destiny; whatsoever a man soweth, so shall he reap. We all grow up believing these rules were firm and inflexible. Yet, somehow this White House seems to have found a loophole in each one of them.

They shy from the truth. They attack the character of others as if to divert attention from their own. They sow shame and scandal. Up till now, it seems to be working. But all of this can only work for just so long. In politics, as in life, you cannot stave off the consequences forever.

My money is still on the old saying that honesty is the best policy. Where simple honesty is concerned, there is no such thing as executive privilege. Sooner or later, straight answers will have to come out. The longer the White House waits, the greater the harm to themselves and to their bond of trust with the American people.

The sooner we hear the truth, the sooner they will regain public trust and respect. Let me repeat that, Mr. Speaker, not mere approval or popularity but trust and respect. Leaders do not live by polls alone. Without trust and respect, they are nothing, and any title they hold is a mockery.

On his way to Washington for the 1993 inauguration, the President-elect, Bill Clinton, made a stop at Monticello to pay homage to Thomas Jefferson. It was Jefferson who offered, perhaps, the most prophetic comment of the next 6 years of this presidency. No man will ever bring out of the presidency the reputation which carries him into it.

Something is amiss when a president receives almost as many bills from his lawyers as from Congress. The judicial proceedings will run their course regardless of this White House stonewalling. But if the President would just tell the truth to the American people, it would go a long, long way toward bringing this ordeal to an end. The truth, the truth is the only thing now that can preserve the dignity of the presidency.

That is what it is it all comes down to, Mr. Speaker, is the truth. The Independent Counsel must pursue it. Congress must expect it. The public must hear it. The President must tell it. Then, finally, we can put this sad chapter behind us and move on.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for today through noon on Wednesday, March 25, on account of official business in the district.

Mr. MARTINEZ (at the request of Mr. GEPHARDT) for today, on account of an unexpected emergency.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:

Mr. FILNER, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

Mr. BARRETT of Wisconsin, for 5 minutes, today.

The following Members (at the request of Mr. TIAHRT) to revise and extend their remarks and include extraneous material:

Mr. MORAN of Virginia, for 5 minutes, today.

Mr. EWING, for 5 minutes, today.

Mr. TIAHRT, for 5 minutes, today.

Mr. BARTLETT of Maryland, for 5 minutes, today.

Mrs. CHENOWETH, for 5 minutes, today.

Mr. MICA, for 5 minutes, today.

The following Member (at his own request) to revise and extend his remarks and include extraneous material:

Mr. BURTON of Indiana, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. YOUNG of Florida and to include extraneous material notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,055.

The following Members (at the request of Mr. PALLONE) and to include extraneous matter:

Mr. KIND.

Mr. TOWNS.

Mr. KANJORSKI.

Ms. STABENOW.

Mr. DIXON.

Mr. PAYNE.

The following Members (at the request of Mr. TIAHRT) and to include extraneous matter:

Mr. REDMOND.

Mr. PORTMAN.

Mr. BLILEY.

The following Members (at the request of Mr. PALLONE) and to include extraneous matter:

Mr. WEYGAND.

Mr. QUINN.

Mr. BLILEY.

Mr. KANJORSKI.

Mr. PORTMAN.

Mr. THOMPSON.

Mr. EDWARDS.

Mr. YOUNG of Florida.

Mr. BOB SCHAFFER of Colorado.

Mr. KIND.

Mr. DIXON.

Mr. HALL of Texas.

Mr. CLYBURN.

Mr. DOOLEY of California.

Mr. CLAY.

The following Members (at the request of Mr. DELAY) and to include extraneous matter:

Mr. MCCOLLUM.

Mr. FORBES.

Mr. MORAN of Virginia.

Mr. PORTER.

Mr. GALLEGLY.

Mr. MCDERMOTT.

Mr. WELLER.

Mr. SKELTON.

Mr. PAYNE.

Mr. MENENDEZ.

ADJOURNMENT

Mr. DELAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 21 minutes p.m.), under its previous order, the House adjourned until Monday, March 23, 1998, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

8099. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Tomatoes Grown in Florida and Imported Tomatoes; Final Rule to Change Minimum Grade Requirements [Docket No. FV98-966-1 FR] received March 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8100. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Raisins Produced from Grapes Grown in California; Final Free and Reserve Percentages for 1997–1998 Crop Natural (Sun-Dried) Seedless and Zante Currant Raisins [FV98-989-1 IFR] received March 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8101. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Titanium Dioxide; Exemption from the Requirement of a Tolerance [OPP–300632; FRL–5779–3] (RIN: 2070–AB78) received March 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8102. A letter from the Deputy Executive Director, U.S. Commodity Futures Trading Commission, transmitting the Commission's final rule—Distribution of Customer Property Related to Trading on the Chicago Board of Trade-London International Financial Futures and Options Exchange Trading Link [17 CFR Part 190] received February 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8103. A letter from the the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of March 1, 1998, pursuant to 2 U.S.C. 685(e); (H. Doc. No. 105—232); to the Committee on Appropriations and ordered to be printed.

8104. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Veterans Employment Emphasis [DFARS Case 97–D314] received March 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

8105. A letter from the Director, Office of Management and Budget, transmitting a report regarding actions to combat terrorism, pursuant to Public Law 105—85; to the Committee on National Security.

8106. A letter from the Assistant Secretary, Indian Affairs, Department of the Interior, transmitting the Department's final rule—Housing Improvement Program (RIN: 1076–AD52) received February 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8107. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Mergers or Conversions of Federally Insured Credit Unions to Non Credit Union Status; NCUA Approval [12 CFR Part 708a] received March 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8108. A letter from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation to repeal and streamline a wide range of programs of the Department of Housing and Urban Development, and for other purposes; to the Committee on Banking and Financial Services.

8109. A letter from the Director, Office of Rulemaking Coordination, Department of Energy, transmitting the Department's final rule—Assistance Regulations; Acquisition Regulations; Revisions to Rights in Data Regulations (RIN: 1991–AB33) received March 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8110. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Petroleum Refineries [AD-FRL–5976–3] received March 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8111. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Ambassador Frank Wisner's report on Russian-Iranian missile cooperation; to the Committee on International Relations.

8112. A letter from the Chairman, Federal Mine Safety and Health Review Commission, transmitting the Annual Performance Plan for fiscal year 1999, pursuant to Public Law 103—62; to the Committee on Government Reform and Oversight.

8113. A letter from the Secretary, Federal Trade Commission, transmitting a report of activities under the Freedom of Information Act for the calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

8114. A letter from the Director, Office of Government Ethics, transmitting the Office's final rule—Amendments to the Office of Government Ethics Rules under the Equal Access to Justice Act (RIN: 3209–AA20) received March 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

8115. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

8116. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No. 980129023–8023–01; I.D. 030498B] received March 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8117. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Central Regulatory Area of the Gulf of Alaska [Docket No. 971208295–7295–01; I.D. 030998A] received March 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8118. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the Eastern Regulatory Area of the Gulf of Alaska [Docket No. 971208295–7295–01; I.D. 030698D] received March 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8119. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; Final 1998 Harvest Specifications for Groundfish [Docket No. 971208297–8054–02; I.D. 112097A] received March 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8120. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 24 [Docket No. 971030259–8039–02; I.D. 101497C] received March 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8121. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting the Department's final rule— Periods of Lawful Temporary Resident Status and Lawful Permanent Resident Status to Establish Seven Years of Lawful Domicile [INS No. 1748–96; AG Order No. 2063–96] (RIN: 1115–AE27) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8122. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Taxation of fringe benefits [Revenue Ruling 98–14] received March 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8123. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Low-Income Housing Credit [Revenue Ruling 98–13] received March 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8124. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Interest Rate [Revenue Ruling 98–17] received March 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8125. A letter from the Chief, Regulations Branch, U.S. Customs Service, transmitting the Service's final rule—Copyright/Trademark/Trade Name Protection; Disclosure of Information [T.D. 98–2] (RIN: 1515–AB28) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8126. A letter from the Chief, Regulations Branch, U.S. Customs Service, transmitting the Service's final rule—General Enforcement Provisions; Removal of Agency Management Regulations [T.D. 98–22] (RIN: 1515–AC02) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8127. A letter from the Chief, Regulations Branch, U.S. Customs Service, transmitting the Service's final rule—Customs Service Field Organization; Designation of Kodiak, Alaska, as a Customs Port of Entry [T.D. 98–24] received March 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8128. A letter from the Chief, Regulations Branch, U.S. Customs Service, transmitting the Service's final rule—Publication of Filer Codes [T.D. 98–25] (RIN: 1515–AB27) received March 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3113. A bill to reauthorize the Rhinoceros and Tiger Conservation Act of 1994 (Rept. 105–455). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. POMEROY (for himself, Mr. KOLBE, Mrs. KENNELLY of Connecticut, Mr. ENGLISH of Pennsylvania, Mr. LEVIN, Mrs. THURMAN, Mr. PAYNE, Mr. GREEN, Mr. BOSWELL, Mr. RAHALL, Mr. FROST, Mr. YATES, Mr. STUPAK, Mr. TORRES, Mr. EVANS, Ms. DELAURO, Mr. UNDERWOOD, Ms. WOOLSEY, Mr. LEWIS of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. SESSIONS):

H.R. 3503. A bill to amend the Internal Revenue Code of 1986 to enhance the portability of retirement benefits, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for condition of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHUSTER (for himself and Mr. OBERSTAR) (both by request):

H.R. 3504. A bill to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts and to further define the criteria for capital repair and operation and maintenance; to the Committee on Transportation and Infrastructure.

By Mr. DOOLEY of California (for himself and Mr. BOYD):

H.R. 3505. A bill to amend the Clean Air Act to provide for the implementation of the revised ozone and particulate matter standards, and for other purposes; to the Committee on Commerce.

By Mr. EHLERS (for himself, Mr. JONES, Mr. LEWIS of Kentucky, Mr. TIAHRT, Mr. HORN, Mr. KNOLLENBERG, Mr. ADERHOLT, Ms. PRYCE of Ohio, Mr. KINGSTON, Mr. SMITH of Michigan, Mr. BARR of Georgia, Mr. PETERSON of Pennsylvania, Mr. BOEHNER, Mr. SUNUNU, Mr. BLUNT, Mr. CHAMBLISS, Mr. TRAFICANT, Mr. GILCHREST, Mr. HASTINGS of Washington, Mr. GREENWOOD, Mr. WATKINS, Mr. HANSEN, Mr. LATOURETTE, Mr. LAHOOD, Mr. GANSKE, Mr. GILMAN, Mr. BUNNING of Kentucky, Mr. EWING, Mr. HOEKSTRA, Mr. BATEMAN, Mr. SENSENBRENNER, Mr. WHITFIELD, Mr. CAMP, Mr. LEACH, Mr. FAZIO of California, Mr. BURR of North Carolina, Mr. CAMPBELL, Mr. FAWELL, Mr. KILDEE, Mr. BILBRAY, Mrs. KELLY, Mr. LINDER, Mr. HASTERT, Mr. STUMP, Mr. EVERETT, Mr. DEAL of Georgia, and Mr. CALLAHAN):

H.R. 3506. A bill to award a congressional gold medal to Gerald R. and Betty FORD; to the Committee on Banking and Financial Services.

By Mr. SPENCE:

H.R. 3507. A bill to suspend until December 31, 2001, the duty on certain electrical transformers for use in the manufacture of audio systems; to the Committee on Ways and Means.

H.R. 3508. A bill to suspend until December 31, 2001, the duty on loudspeakers not mounted in their enclosures; to the Committee on Ways and Means.

H.R. 3509. A bill to suspend until December 31, 2001, the duty on parts for use in the manufacture of loudspeakers; to the Committee on Ways and Means.

By Mr. BONIOR (for himself, Mr. GEPHARDT, Mr. FAZIO of California, Mrs. KENNELLY of Connecticut, Ms. DELAURO, Mr. LEWIS of Georgia, Mr. MENENDEZ, Mr. FROST, Mr. CLAY, Mr. OWENS, Mr. HINCHEY, Mrs. CLAYTON, Mr. ACKERMAN, Mr. BARRETT of Wisconsin, Mr. BECERRA, Mr. BERMAN, Mr. Blagojevich, Mr. Borski, Mr. Brown of California, Mr. Brown of Ohio, Mr. Cardin, Ms. Carson, Ms. Christian-Green, Mr. Conyers, Mr. Coyne, Mr. Cummings, Mr. Davis of Illinois, Mr. DeFazio, Mr. Delahunt, Mr. Dicks, Mr. Dixon, Mr. Engel, Mr. Evans, Mr. Faleomavaega, Mr. Ford, Mr. Frank of Massachusetts, Mr. Gejdenson, Mr. Green, Mr. Gutierrez, Mr. Hall of Ohio, Mr. Hastings of Florida, Mr. Hefner, Mr. Hilliard, Ms. Hooley of Oregon, Mr. Jackson, Ms. Jackson-Lee, Ms. Kaptur, Mr. Kennedy of Massachusetts, Mr. Kennedy of Rhode Island, Mr. Kildee, Ms. Kilpatrick, Mr. Kleczka, Mr. Klink, Mr. Kucinich, Mr. LaFalce, Mr. Lampson, Mr. Lantos, Mr. Levin, Ms. Lofgren, Mrs. Lowey, Mr. Manton, Mr. Markey, Mr. Martinez, Mr. Mascara, Mr. Matsui, Mr. McDermott, Mr. McGovern, Mr. McNulty, Mr. Meehan, Mrs. Meek of Florida, Ms. Millender-McDonald, Mr. Miller of California, Mrs. Mink of Hawaii, Mr. Moakley, Mr. Nadler, Mr. Neal of Massachusetts, Ms. Norton, Mr. Olver, Mr. Pallone, Mr. Payne, Ms. Pelosi, Mr. Poshard, Mr. Rahall, Mr. Rangel, Mr. Rothman, Ms. Roybal-Allard, Mr. Rush, Mr. Sabo, Ms. Sánchez, Mr. Sanders, Mr. Sawyer, Mr. Schumer, Mr. Scott, Mr. Sherman, Ms. Slaughter, Mr. Stark, Mr. Stokes, Mr. Strickland, Mr. Tierney, Mr. Thompson, Mr. Torres, Mr. Towns, Ms. Velázquez, Mr. Vento, Ms. Waters, Mr. Waxman, Mr. Weygand, Mr. Wexler, Ms. Woolsey, Mr. Wynn, Mr. Yates, Mr. Filner, and Mr. Obey):

H.R. 3510. A bill to amend the Fair Labor Standards Act of 1938 to increase the Federal minimum wage; to the Committee on Education and the Workforce.

By Mr. THOMAS (for himself, Mr. Stark, Mr. Bilirakis, Mr. Waxman, Mr. Houghton, Mr. Ensign, Mr. McCrery, Mr. Kleczka, Mr. Lewis of Georgia, Mrs. Thurman, Mr. Camp, Mr. Linder, Mr. Hayworth, Mr. Christensen, Mr. Sam Johnson, and Mr. Towns):

H.R. 3511. A bill to amend title XI of the Social Security Act to authorize the Secretary of Health and Human Services to provide additional exceptions to the imposition of civil money penalties in cases of payments to beneficiaries; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CHRISTENSEN:

H.R. 3512. A bill to amend title 18, United States Code, with respect to Federal prisoners, and for other purposes; to the Committee on the Judiciary.

By Mrs. CLAYTON (for herself, Mrs. Meek of Florida, Mr. Brown of California, Mr. Holden, Mr. Frost, Mr. Bishop, Mr. Bonior, Mr. Thompson, Mr. Boswell, Mr. Pastor, Ms. Stabenow, Mr. Etheridge, Mr. Mascara, Mr. Hilliard, Ms. Christian-Green, Mr. Baesler, Mr. Condit, Mr. Skelton, Mr. Pomeroy, Mr. Hinchey, Mr. Towns, Mr. Stark, Ms. Furse, Ms. Danner, Mr. Lewis of Georgia, Mr. Abercrombie, Mr. Gephardt, Mr. Scott, Ms. DeLauro, Mr. McIntyre, Mr. Dooley of California, Mr. Sanders, Mr. Price of North Carolina, Mr. Faleomavaega, Ms. Jackson-Lee, Ms. Kilpatrick, Mr. Rush, Mr. Clyburn, Mr. Wynn, Mr. Davis of Illinois, and Mr. Watt of North Carolina):

H.R. 3513. A bill to reform agricultural credit programs of the Department of Agriculture, and for other purposes; to the Committee on Agriculture.

By Mr. CONYERS (for himself, Mr. Schumer, Mrs. Morella, Mr. Abercrombie, Mr. Ackerman, Mr. Baldacci, Mr. Barrett of Wisconsin, Mr. Blagojevich, Mr. Boucher, Ms. Brown of Florida, Mr. Brown of California, Ms. Carson, Ms. Christian-Green, Mr. Clement, Mr. Coyne, Mr. Cramer, Mr. Cummings, Ms. DeGette, Mr. Delahunt, Ms. DeLauro, Mr. Dooley of California, Mr. Engel, Ms. Eshoo, Mr. Evans, Mr. Faleomavaega, Mr. Fazio of California, Mr. Filner, Mr. Foley, Mr. Ford, Mr. Frost, Ms. Furse, Mr. Gejdenson, Mr. Gephardt, Mr. Gutierrez, Ms. Harman, Mr. Hilliard, Mr. Hinchey, Mr. Jackson, Ms. Jackson-Lee, Mrs. Kennelly of Connecticut, Ms. Kilpatrick, Mr. Kleczka, Mr. Lampson, Mr. Lantos, Mr. Leach, Mr. Lewis of Georgia, Ms. Lofgren, Mrs. Lowey, Mrs. McCarthy of New York, Mr. McDermott, Ms. McKinney, Mrs. Maloney of New York, Mr. Manton, Mr. Markey, Mr. Matsui, Mr. Meehan, Mrs. Meek of Florida, Mrs. Mink of Hawaii, Mr. Moran of Virginia, Mr. Nadler, Ms. Norton, Mr. Pallone, Mr. Payne, Ms. Pelosi, Mr. Pomeroy, Ms. Roybal-Allard, Mr. Rush, Ms. Sánchez, Mr. Sanders, Mr. Sawyer, Mr. Scott, Mr. Sherman, Ms. Slaughter, Mr. Stark, Mr. Torres, Mr. Underwood, Mr. Vento, Ms. Waters, Mr. Waxman, Mr. Wexler, and Ms. Woolsey):

H.R. 3514. A bill to prevent violence against women, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Education and the Workforce, Ways and Means, Commerce, Banking and Financial Services, National Security, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EHRLICH:

H.R. 3515. A bill to amend title 38, United States Code, to exclude from income, for purposes of determining annual income for veterans' non-service-connected disability pension, amounts received by a veteran from any judgment or settlement of a claim for damages against the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. ENGLISH of Pennsylvania:

H.R. 3516. A bill to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for election for Federal office, and for other purposes; to the Committee on House Oversight, and in addition to the Committees on Ways and Means, Commerce, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOX of Pennsylvania:

H.R. 3517. A bill to allow postal patrons to contribute to funding for diabetes research through the voluntary purchase of certain specially issued United States postage stamps; to the Committee on Government Reform and Oversight.

By Mr. FRANKS of New Jersey (for himself, Mr. Meehan, and Mr. Foley):

H.R. 3518. A bill to provide for a transition to market-based rates for power sold by the Federal Power Marketing Administrations and the Tennessee Valley Authority, and for other purposes; to the Committee on Resources, and in addition to the Committees on Transportation and Infrastructure, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GRANGER (for herself and Mr. Roemer):

H.R. 3519. A bill to require the Occupational Safety and Health Administration to recognize that electronic forms of providing MSDS's provide the same level of access to information as paper copies; to the Committee on Education and the Workforce.

By Mr. HASTINGS of Washington:

H.R. 3520. A bill to adjust the boundaries of the Lake Chelan National Recreation Area and the adjacent Wenatchee National Forest in the State of Washington; to the Committee on Resources.

By Mr. HOBSON:

H.R. 3521. A bill to provide for the conveyance of the Army Reserve Center in Jamestown, Ohio, to benefit the Greeneview Local School District of Jamestown, Ohio; to the Committee on National Security.

By Mr. KENNEDY of Rhode Island:

H.R. 3522. A bill to amend the Act entitled "An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island" to reauthorize assistance for historic, recreational, and environmental education projects related to the Blackstone River Valley National Heritage Corridor; to the Committee on Resources.

By Mr. McCOLLUM (for himself, Mr. Delahunt, Mr. Aderholt, Mr. Allen, Mr. Bachus, Mr. Baldacci, Mr. Barr of Georgia, Mr. Boehner, Mr. Boucher, Mr. Boyd, Mr. Chambliss, Mr. Collins, Mr. Cooksey, Mr. Diaz-Balart, Mr. Foley, Mrs. Fowler, Mr. Gekas, Mr. Goss, Mr. Hastings of Florida, Mr. Hobson, Mr. Inglis of South Carolina, Mr. Kennedy of Massachusetts, Mr. Livingston, Mr. McCrery, Mr. McGovern, Mrs. Meek of Florida, Mr. Mica, Mr. Miller of Florida, Mr. Moakley, Mr. Nethercutt, Mr. Neal of Massachusetts, Mr. Ney, Mr. Norwood, Mr. Olver, Mr. Paul, Mr. Porter, Mr. Regula, Mr. Rothman, Mr. Scarborough, Mr. Shaw, Mr. Spence, Mr. Stearns, Mr. Stenholm, Mr. Talent, Mr. Thornberry, Mrs. Thurman, Mr. Weldon of Florida, and Mr. Wexler):

H.R. 3523. A bill to amend the false claims provisions of title 31, United States Code; to the Committee on the Judiciary.

By Mr. McDERMOTT (for himself, Mr. Kleczka, Mr. Jefferson, Mr. Matsui, Mr. Neal of Massachusetts, and Mrs. Kennelly of Connecticut):

H.R. 3524. A bill to amend the Internal Revenue Code of 1986 to increase the standard deduction for joint filers; to the Committee on Ways and Means.

By Mr. MORAN of Virginia:

H.R. 3525. A bill to amend the National Highway System Designation Act of 1995 to specify the number and use of vehicle lanes on any replacement of the Woodrow Wilson Memorial Bridge, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SHAYS (for himself, Mr. Meehan, Mrs. Roukema, Mrs. Capps, Mr. Leach, Mr. Moran of Virginia, Mrs. Morella, Mr. Luther, Mr. Bilbray, Mrs. Maloney of New York, Mr. Blumenauer, Mr. Minge, Mr. Wexler, Mr. Barrett of Wisconsin, and Mr. Allen):

H.R. 3526. A bill to reform the financing of Federal elections; to the Committee on House Oversight, and in addition to the Committees on Education and the Workforce, Government Reform and Oversight, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SISISKY:

H.R. 3527. A bill to amend the Act entitled "An Act to establish a national military park at the battle fields of the siege of Petersburg, Virginia", approved July 3, 1926, to limit the authority of the Department of the Interior to impose fees for entrance to the City Point Unit of Petersburg National Battlefield; to the Committee on Resources.

By Mr. WATTS of Oklahoma (for himself, Mr. Diaz-Balart, and Mr. Lewis of Georgia):

H. Con. Res. 247. Concurrent resolution recognizing the contributions of the Reverend Dr. Martin Luther King, Jr. to the civil society of the United States and the world and to the cause of nonviolent social and political change to advance social justice and equality for all races and calling on the people of the United States to study, reflect on, and celebrate the life of Dr. Martin Luther King, Jr., on the thirtieth anniversary of his death; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 127: Mr. Hutchinson and Mr. Thune.

H.R. 218: Mr. Clement.

H.R. 371: Mr. Blagojevich.

H.R. 442: Mr. Paul.

H.R. 453: Mr. Rangel and Mrs. Kelly.

H.R. 493: Mrs. Capps.

H.R. 620: Mr. English of Pennsylvania.

H.R. 758: Mr. Oxley.

H.R. 789: Mr. Hastings of Washington.

H.R. 863: Mr. Tierney.

H.R. 934: Ms. Danner.

H.R. 981: Mr. Payne, Mr. Torres, Ms. Sánchez, Mr. Deutsch, Mr. Weldon of Florida, Ms. Kaptur, Mr. Castle, Mr. Fawell, Mr. Horn, and Mr. Rush.

H.R. 991: Mr. Levin.

H.R. 1054: Mr. Hall of Texas, Mr. Weller, and Mr. Davis of Virginia.

H.R. 1134: Mr. Moakley.

H.R. 1151: Mr. Rogan and Mr. Engel.

H.R. 1241: Ms. Hooley of Oregon.

H.R. 1356: Mr. McGovern, Mr. Green, Mr. Lantos, Mr. Redmond, Mr. Graham, Mr. Nadler, and Mr. Bereuter.

H.R. 1415: Mr. Dixon and Mr. Bass.

H.R. 1823: Mr. Gutierrez.

H.R. 1891: Mr. Levin, Mr. Klug, Ms. Dunn of Washington, Mr. Burton of Indiana, Mr. Bass, Mr. Knollenberg, and Mr. Blumenauer.

H.R. 2124: Mrs. Cubin and Mr. Hill.

H.R. 2130: Mr. Lantos, Mr. Kennedy of Rhode Island, Mr. Brown of California, Mr. Baldacci, Mr. Wexler, and Mr. Gejdenson.

H.R. 2409: Ms. DeLauro, Mr. Hall of Ohio, and Mr. Fox of Pennsylvania.

H.R. 2499: Mr. Watkins, Mr. Maloney of Connecticut, Mr. Becerra, and Mr. Barcia of Michigan.

H.R. 2541: Mr. Weldon of Florida.

H.R. 2568: Mr. Clyburn.

H.R. 2609: Mr. Hoekstra and Mr. Blunt.

H.R. 2708: Mr. Dreier, Mrs. Tauscher, Mrs. Northup, and Mr. Brady.

H.R. 2734: Mr. Nethercutt.

H.R. 2758: Mr. Royce, Mr. Rahall, Mr. Weldon of Pennsylvania, Mr. Frost, Ms. Woolsey, Mr. Sandlin, Mr. John. Mr. Coburn, Mr. Tiahrt, Mr. Cunningham, Mr. Filner, Mr. Lucas of Oklahoma, Mr. Ney, Mr. Klug, Mr. Gutknecht, and Mr. Camp.

H.R. 2774: Mr. Sherman.

H.R. 2786: Mr. Maloney of Connecticut.

H.R. 2798: Mr. Rush, Mr. Jackson, Mr. Lipinski, Mr. Gutierrez, Mr. Blagojevich, Mr. Hyde, Mr. Crane, Mr. Yates, Mr. Porter, Mr. Weller, Mr. Costello, Mr. Fawell, Mr. Hastert, Mr. Ewing, Mr. Manzullo, Mr. Evans, Mr. LaHood, Mr. Poshard, and Mr. Shimkus.

H.R. 2799: Mr. Rush, Mr. Jackson, Mr. Lipinski, Mr. Gutierrez, Mr. Blagojevich, Mr. Hyde, Mr. Crane, Mr. Yates, Mr. Porter, Mr. Weller, Mr. Costello, Mr. Fawell, Mr. Hastert, Mr. Ewing, Mr. Manzullo, Mr. Evans, Mr. LaHood, Mr. Poshard, and Mr. Shimkus.

H.R. 2817: Ms. Lofgren, Ms. Furse, and Mrs. Kennelly of Connecticut.

H.R. 2819: Mr. Levin and Mr. Brown of California.

H.R. 2829: Mr. Clement, Mrs. Johnson of Connecticut, Mr. Kolbe, Mr. Shaw, and Mr. Souder.

H.R. 2850: Mr. Waxman.

H.R. 2884: Mr. Ramstad and Mr. King of New York.

H.R. 2914: Mr. Berry.

H.R. 2931: Mr. Lampson and Mr. Goodling.

H.R. 2960: Mr. Barcia of Michigan.

H.R. 3027: Ms. Lofgren.

H.R. 3028: Ms. Lofgren.

H.R. 3050: Mr. Barrett of Wisconsin.

H.R. 3055: Mr. Diaz-Balart and Mrs. Meek of Florida.

H.R. 3081: Mr. Clyburn, Mr. Horn, Mr. Leach, Mr. Foley, and Mr. Kleczka.

H.R. 3093: Mr. Hutchinson.

H.R. 3134: Mr. Borski and Mr. Vento.

H.R. 3149: Mr. Kolbe.

H.R. 3151: Mr. Kolbe.

H.R. 3156: Mr. Hobson, Ms. Millender-McDonald, Mr. Filner, Mr. Hilliard, Mr. Kildee, Mr. Hinchey, Mr. Bonior, Mr. Horn, Mr. Blumenauer, Mr. Frank of Massachusetts, Mr. Davis of Florida, Mr. Kennedy of Massachusetts, Mr. Coyne, Mr. Kleczka, Mr. Lantos, Mr. Brown of California, and Mr. Luther.

H.R. 3159: Mr. Smith of New Jersey, Mr. Traficant, Mr. Watts of Oklahoma, Mr. Miller of Florida, Ms. Lofgren, and Mr. Solomon.

H.R. 3168: Mrs. Chenoweth.

H.R. 3206: Mr. Weller and Mr. Campbell.

H.R. 3217: Mr. Kleczka and Mr. Klink.

H.R. 3243: Mr. Bilirakis.

H.R. 3248: Mr. Burton of Indiana, Mr. Ballenger, Mr. Crapo, and Mr. Souder.

H.R. 3259: Mr. Lewis of Georgia.

H.R. 3265: Mrs. Morella, Mr. Bateman, Mr. Hastings of Washington, Mr. Hinchey, Mr. Diaz-Balart, and Mr. Watkins.

H.R. 3269: Mr. Kennedy of Rhode Island.

H.R. 3276: Mr. Nethercutt.

H.R. 3290: Mr. Ney, Mr. Franks of New Jersey, Mr. Ehrlich, Mr. Campbell, Mr. Ramstad, and Mrs. Morella.

H.R. 3300: Mr. Matsui and Mr. Manton.

H.R. 3331: Mr. Sanford.

H.R. 3335: Mr. Canady of Florida.

H.R. 3464: Mr. Hastings of Florida and Mrs. Maloney of New York.

H.J. Res. 114: Mr. Ganske, Mrs. Myrick, Mr. Goodlatte, Mr. Barr of Georgia, Mr. Traficant, and Mr. Hunter.

H. Con. Res. 47: Mr. Tierney.

H. Con. Res. 186: Mr. Calvert.

H. Con. Res. 211: Mrs. Myrick and Mr. Ney.

H. Con. Res. 219: Mr. Kennedy of Rhode Island, Mr. Cooksey, Mr. Lewis of Georgia, Mr. Waxman, Mr. Foley, Mr. Watts of Oklahoma, and Mr. Hastings of Florida.

H. Con. Res. 246: Mr. Sununu, Ms. Jackson-Lee, Mr. Bonior, and Mr. Moran of Virginia.

H. Res. 37: Mr. Hastings of Florida, Ms. Rivers, and Mr. Davis of Florida.

H. Res. 380: Mr. Riggs.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 94: Mr. Delahunt.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 10

Offered by: Mr. Leach

(Amendment in the Nature of a Substitute)

Amendment No. 1.

SECTION 1. SHORT TITLE; PURPOSES; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Financial Services Act of 1998".

(b) Purposes.—The purposes of this Act are as follows:

(1) To enhance competition in the financial services industry, in order to foster innovation and efficiency.

(2) To ensure the continued safety and soundness of depository institutions.

(3) To provide necessary and appropriate protections for investors and ensure fair and honest markets in the delivery of financial services.

(4) To provide for appropriate functional regulation of insurance activities.

(5) To reduce and, to the maximum extent practicable, to eliminate the legal barriers preventing affiliation among depository institutions, securities firms, insurance companies, and other financial service providers and to provide a prudential framework for achieving that result.

(6) To enhance the availability of financial services to citizens of all economic circumstances and in all geographic areas.

(7) To enhance the competitiveness of United States financial service providers internationally.

(8) To ensure compliance by depository institutions with the provisions of the Community Reinvestment Act of 1977 and enhance the ability of depository institutions to meet the capital and credit needs of all citizens

and communities, including underserved communities and populations.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; purposes; table of contents.

TITLE I—FACILITATING AFFILIATION AMONG SECURITIES FIRMS, INSURANCE COMPANIES, AND DEPOSITORY INSTITUTIONS

Subtitle A—Affiliations

Sec. 101. Glass-Steagall Act reformed.
Sec. 102. Activity restrictions applicable to bank holding companies which are not financial holding companies.
Sec. 103. Financial holding companies.
Sec. 104. Certain State laws preempted.
Sec. 105. Mutual bank holding companies authorized.
Sec. 106. Prohibition on deposit production offices.
Sec. 107. Clarification of branch closure requirements.
Sec. 108. Amendments relating to limited purpose banks.

Subtitle B—Streamlining Supervision of Financial Holding Companies

Sec. 111. Streamlining financial holding company supervision.
Sec. 112. Elimination of application requirement for financial holding companies.
Sec. 113. Authority of State insurance regulator and Securities and Exchange Commission.
Sec. 114. Prudential safeguards.
Sec. 115. Examination of investment companies.
Sec. 116. Limitation on rulemaking, prudential, supervisory, and enforcement authority of the Board.

Subtitle C—Subsidiaries of National Banks

Sec. 121. Permissible activities for subsidiaries of national banks.
Sec. 122. Misrepresentations regarding depository institution liability for obligations of affiliates.
Sec. 123. Repeal of stock loan limit in Federal reserve act.

Subtitle D—Wholesale Financial Holding Companies; Wholesale Financial Institutions

CHAPTER 1—WHOLESALE FINANCIAL HOLDING COMPANIES

Sec. 131. Wholesale financial holding companies established.
Sec. 132. Authorization to release reports.
Sec. 133. Conforming amendments.

CHAPTER 2—WHOLESALE FINANCIAL INSTITUTIONS

Sec. 136. Wholesale financial institutions.

Subtitle E—Streamlining Antitrust Review of Bank Acquisitions and Mergers

Sec. 141. Amendments to the Bank Holding Company Act of 1956.
Sec. 142. Amendments to the Federal Deposit Insurance Act to vest in the Attorney General sole responsibility for antitrust review of depository institution mergers.
Sec. 143. Information filed by depository institutions; interagency data sharing.
Sec. 144. Applicability of antitrust laws.
Sec. 145. Clarification of status of subsidiaries and affiliates.
Sec. 146. Effective date.

Subtitle F—Applying the Principles of National Treatment and Equality of Competitive Opportunity to Foreign Banks and Foreign Financial Institutions

Sec. 151. Applying the principles of national treatment and equality of competitive opportunity to foreign banks that are financial holding companies.
Sec. 152. Applying the principles of national treatment and equality of competitive opportunity to foreign banks and foreign financial institutions that are wholesale financial institutions.

Subtitle G—Federal Home Loan Bank System

Sec. 161. Federal home loan banks-
Sec. 162. Membership and collateral.
Sec. 163. The Office of Finance.
Sec. 164. Management of banks.
Sec. 165. Advances to nonmember borrowers.
Sec. 166. Powers and duties of banks.
Sec. 167. Mergers and consolidations of Federal home loan banks.
Sec. 168. Technical amendments.
Sec. 169. Definitions.
Sec. 170. Resolution funding corporation
Sec. 171. Capital structure of the Federal home loan banks.
Sec. 172. Investments.
Sec. 173. Federal Housing Finance Board.

Subtitle H—Direct Activities of Banks

Sec. 181. Authority of national banks to underwrite certain municipal bonds

Subtitle I—Effective Date of Title

Sec. 191. Effective date.

TITLE II—FUNCTIONAL REGULATION

Subtitle A—Brokers and Dealers

Sec. 201. Definition of broker.
Sec. 202. Definition of dealer.
Sec. 203. Registration for sales of private securities offerings.
Sec. 204. Sales practices and complaint procedures.
Sec. 205. Information sharing.
Sec. 206. Definition and treatment of banking products.
Sec. 207. Derivative instrument and qualified investor defined.
Sec. 208. Government securities defined.
Sec. 209. Effective date.

Subtitle B—Bank Investment Company Activities

Sec. 211. Custody of investment company assets by affiliated bank.
Sec. 212. Lending to an affiliated investment company.
Sec. 213. Independent directors.
Sec. 214. Additional SEC disclosure authority.
Sec. 215. Definition of broker under the Investment Company Act of 1940.
Sec. 216. Definition of dealer under the Investment Company Act of 1940.
Sec. 217. Removal of the exclusion from the definition of investment adviser for banks that advise investment companies.
Sec. 218. Definition of broker under the Investment Advisers Act of 1940.
Sec. 219. Definition of dealer under the Investment Advisers Act of 1940.
Sec. 220. Interagency consultation.
Sec. 221. Treatment of bank common trust funds.
Sec. 222. Investment advisers prohibited from having controlling interest in registered investment company.
Sec. 223. Conforming change in definition.
Sec. 224. Conforming amendment.
Sec. 225. Effective date.

Subtitle C—Securities and Exchange Commission Supervision of Investment Bank Holding Companies

Sec. 231. Supervision of investment bank holding companies by the Securities and Exchange Commission.

Subtitle D—Study

Sec. 241. Study of methods to inform investors and consumers of uninsured products.

TITLE III—INSURANCE

Subtitle A—State Regulation of Insurance

Sec. 301. State regulation of the business of insurance.
Sec. 302. Mandatory insurance licensing requirements.
Sec. 303. Functional regulation of insurance.
Sec. 304. Insurance underwriting in national banks.
Sec. 305. New bank agency activities only through acquisition of existing licensed agents.
Sec. 306. Title insurance activities of national banks and their affiliates.
Sec. 307. Expedited and equalized dispute resolution for financial regulators.
Sec. 308. Consumer protection regulations.
Sec. 45. Consumer protection regulations.
Sec. 309. Certain State affiliation laws preempted for insurance companies and affiliates.

Subtitle B—Redomestication of Mutual Insurers

Sec. 311. General application.
Sec. 312. Redomestication of mutual insurers.
Sec. 313. Effect on State laws restricting redomestication.
Sec. 314. Other provisions.
Sec. 315. Definitions.
Sec. 316. Effective date.

Subtitle C—National Association of Registered Agents and Brokers

Sec. 321. State flexibility in multistate licensing reforms.
Sec. 322. National Association of Registered Agents and Brokers.
Sec. 323. Purpose.
Sec. 324. Relationship to the Federal Government.
Sec. 325. Membership.
Sec. 326. Board of directors.
Sec. 327. Officers.
Sec. 328. Bylaws, rules, and disciplinary action.
Sec. 329. Assessments.
Sec. 330. Functions of the NAIC.
Sec. 331. Liability of the Association and the directors, officers, and employees of the Association.
Sec. 332. Elimination of NAIC oversight.
Sec. 333. Relationship to State law.
Sec. 334. Coordination with other regulators.
Sec. 335. Judicial review.
Sec. 336. Definitions.

TITLE IV—MERGER OF BANK AND THRIFT HOLDING COMPANIES REGULATORS, AND BANK AND THRIFT INSURANCE FUNDS

Sec. 401. Short title; definitions.

Subtitle A—Facilitating Conversion of Savings Associations to Banks

Sec. 411. Branches of former savings associations.
Sec. 412. Savings and loan holding companies.

Sec. 413. Treatment of references in adjustable rate mortgages.
Sec. 414. Cost of funds indexes.
Subtitle B—Ending Separate Federal Regulation of Savings Associations Branching Rights and Savings and Loan Holding Companies
Sec. 421. State savings associations treated as State banks under Federal banking law.
Sec. 422. Amendments to the Home Owners' Loan Act.
Sec. 423. Conforming amendment relating to merger of deposit insurance funds.
Sec. 424. Conforming amendments to the Federal Home Loan Bank Act.
Subtitle C—Combining OTS and OCC
Sec. 431. Prohibition of merger or consolidation repealed.
Sec. 432. Secretary of the Treasury required to formulate plans for combining Office of Thrift Supervision with Office of the Comptroller of the Currency.
Sec. 433. Office of Thrift Supervision and position of Director of the Office of Thrift Supervision abolished.
Sec. 434. Reconfiguration of board of directors of FDIC as a result of removal of Director of the Office of Thrift Supervision.
Sec. 435. Continuation provisions.

TITLE I—FACILITATING AFFILIATION AMONG SECURITIES FIRMS, INSURANCE COMPANIES, AND DEPOSITORY INSTITUTIONS

Subtitle A—Affiliations

SEC. 101. GLASS-STEAGALL ACT REFORMED.

(a) SECTION 20 REPEALED.—Section 20 (12 U.S.C. 377) of the Banking Act of 1933 (commonly referred to as the "Glass-Steagall Act") is repealed.

(b) SECTION 32 REPEALED.—Section 32 (12 U.S.C. 78) of the Banking Act of 1933 is repealed.

SEC. 102. ACTIVITY RESTRICTIONS APPLICABLE TO BANK HOLDING COMPANIES WHICH ARE NOT FINANCIAL HOLDING COMPANIES.

(a) IN GENERAL.—Section 4(c)(8) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c)(8)) is amended to read as follows:

"(8) shares of any company the activities of which had been determined by the Board by regulation under this paragraph as of the day before the date of the enactment of the Financial Services Act of 1998, to be so closely related to banking as to be a proper incident thereto (subject to such terms and conditions contained in such regulation, unless modified by the Board);".

(b) CONFORMING CHANGES TO OTHER STATUTES.—

(1) AMENDMENT TO THE BANK HOLDING COMPANY ACT AMENDMENTS OF 1970.—Section 105 of the Bank Holding Company Act Amendments of 1970 (12 U.S.C. 1850) is amended by striking ", to engage directly or indirectly in a nonbanking activity pursuant to section 4 of such Act,".

(2) AMENDMENT TO THE BANK SERVICE COMPANY ACT.—Section 4(f) of the Bank Service Company Act (12 U.S.C. 1864(f)) is amended by striking the period and adding at the end the following: "as of the day before the date of enactment of the Financial Services Act of 1998.".

SEC. 103. FINANCIAL HOLDING COMPANIES.

(a) IN GENERAL.—The Bank Holding Company Act of 1956 is amended by inserting after section 5 (12 U.S.C. 1844) the following new section:

"SEC. 6. FINANCIAL HOLDING COMPANIES.

"(a) FINANCIAL HOLDING COMPANY DEFINED.—For purposes of this section, the term 'financial holding company' means a bank holding company which meets the requirements of subsection (b).

"(b) ELIGIBILITY REQUIREMENTS FOR FINANCIAL HOLDING COMPANIES.—

"(1) IN GENERAL.—No bank holding company may engage in any activity or directly or indirectly acquire or retain shares of any company under this section unless the bank holding company meets the following requirements:

"(A) All of the subsidiary depository institutions of the bank holding company are well capitalized.

"(B) All of the subsidiary depository institutions of the bank holding company are well managed.

"(C) All of the subsidiary depository institutions of the bank holding company have achieved a rating of 'satisfactory record of meeting community credit needs', or better, at the most recent examination of each such institution under the Community Reinvestment Act of 1977.

"(D) All of the subsidiary insured depository institutions of the bank holding company (other than any such depository institution which does not, in the ordinary course of the business of the depository institution, offer consumer transaction accounts to the general public) offer and maintain low-cost basic banking accounts.

"(E) The company has filed with the Board a declaration that the company elects to be a financial holding company and certifying that the company meets the requirements of subparagraphs (A) through (D).

"(2) FOREIGN BANKS AND COMPANIES.—For purposes of paragraph (1), the Board shall establish and apply comparable capital standards to a foreign bank that operates a branch or agency or owns or controls a bank or commercial lending company in the United States, and any company that owns or controls such foreign bank, giving due regard to the principle of national treatment and equality of competitive opportunity.

"(3) LIMITED EXCLUSIONS FROM COMMUNITY NEEDS REQUIREMENTS FOR NEWLY ACQUIRED DEPOSITORY INSTITUTIONS.—

"(A) IN GENERAL.—If the requirements of subparagraph (B) are met, any depository institution acquired by a bank holding company during the 24-month period preceding the submission of a declaration under paragraph (1)(E) and any depository institution acquired after the submission of such declaration may be excluded for purposes of paragraph (1)(C) until the later of—

"(i) the end of the 24-month period beginning on the date the acquisition of the depository institution by such company is consummated; or

"(ii) the date of completion of the 1st examination of such depository institution under the Community Reinvestment Act of 1977 which is conducted after the date of the acquisition of the depository institution.

"(B) REQUIREMENTS.—The requirements of this subparagraph are met with respect to any bank holding company referred to in subparagraph (A) if—

"(i) the bank holding company has submitted an affirmative plan to the appropriate Federal banking agency to take such action as may be necessary in order for such institution to achieve a rating of 'satisfactory record of meeting community credit needs', or better, at the next examination of the institution under the Community Reinvestment Act of 1977; and

"(ii) the plan has been approved by such agency.

"(c) ENGAGING IN ACTIVITIES FINANCIAL IN NATURE.—

"(1) IN GENERAL.—Notwithstanding section 4(a), a financial holding company and a wholesale financial holding company may engage in any activity, and acquire and retain the shares of any company engaged in any activity, which the Board has determined (by regulation or order) to be financial in nature or incidental to such financial activities.

"(2) FACTORS TO BE CONSIDERED.—In determining whether an activity is financial in nature or incidental to financial activities, the Board shall take into account—

"(A) the purposes of this Act and the Financial Services Act of 1998;

"(B) changes or reasonably expected changes in the marketplace in which bank holding companies compete;

"(C) changes or reasonably expected changes in the technology for delivering financial services; and

"(D) whether such activity is necessary or appropriate to allow a bank holding company and the affiliates of a bank holding company to—

"(i) compete effectively with any company seeking to provide financial services in the United States;

"(ii) use any available or emerging technological means, including any application necessary to protect the security or efficacy of systems for the transmission of data or financial transactions, in providing financial services; and

"(iii) offer customers any available or emerging technological means for using financial services.

"(3) ACTIVITIES THAT ARE FINANCIAL IN NATURE.—The following activities shall be considered to be financial in nature:

"(A) Lending, exchanging, transferring, investing for others, or safeguarding money or securities.

"(B) Insuring, guaranteeing, or indemnifying against loss, harm, damage, illness, disability, or death, or providing and issuing annuities, and acting as principal, agent, or broker for purposes of the foregoing.

"(C) Providing financial, investment, or economic advisory services, including advising an investment company (as defined in section 3 of the Investment Company Act of 1940).

"(D) Issuing or selling instruments representing interests in pools of assets permissible for a bank to hold directly.

"(E) Underwriting, dealing in, or making a market in securities.

"(F) Engaging in any activity that the Board has determined, by order or regulation that is in effect on the date of enactment of the Financial Services Act of 1998, to be so closely related to banking or managing or controlling banks as to be a proper incident thereto (subject to the same terms and conditions contained in such order or regulation, unless modified by the Board).

"(G) Engaging, in the United States, in any activity that—

"(i) a bank holding company may engage in outside the United States; and

"(ii) the Board has determined, under regulations issued pursuant to section 4(c)(13) of this Act (as in effect on the day before the date of enactment of the Financial Services Act of 1998) to be usual in connection with the transaction of banking or other financial operations abroad.

"(H) Directly or indirectly acquiring or controlling, whether as principal, on behalf of 1 or more entities (including entities, other than a depository institution or subsidiary of a depository institution, that the bank holding company controls) or otherwise, shares, assets, or ownership interests (including without limitation debt or equity securities, partnership interests, trust certificates or other instruments representing ownership) of a company or other entity, whether or not constituting control of such company or entity, engaged in any activity not authorized pursuant to this section if—

"(i) the shares, assets, or ownership interests are not acquired or held by a depository institution or subsidiary of a depository institution;

"(ii) such shares, assets, or ownership interests are acquired and held by a securities affiliate or an affiliate thereof as part of a bona fide underwriting or merchant banking activity, including investment activities engaged in for the purpose of appreciation and ultimate resale or disposition of the investment;

"(iii) such shares, assets, or ownership interests, are held only for such a period of time as will permit the sale or disposition thereof on a reasonable basis consistent with the nature of the activities described in clause (ii); and

"(iv) during the period such shares, assets, or ownership interests are held, the bank holding company does not actively participate in the day to day management or operation of such company or entity, except insofar as necessary to achieve the objectives of clause (ii).

"(I) Directly or indirectly acquiring or controlling, whether as principal, on behalf of 1 or more entities (including entities, other than a depository institution or subsidiary of a depository institution, that the bank holding company controls) or otherwise, shares, assets, or ownership interests (including without limitation debt or equity securities, partnership interests, trust certificates or other instruments representing ownership) of a company or other entity, whether or not constituting control of such company or entity, engaged in any activity not authorized pursuant to this section if—

"(i) the shares, assets, or ownership interests are not acquired or held by a depository institution or a subsidiary of a depository institution;

"(ii) such shares, assets, or ownership interests are acquired and held by an insurance company that is predominantly engaged in underwriting life, accident and health, or property and casualty insurance (other than credit-related insurance);

"(iii) such shares, assets, or ownership interests represent an investment made in the ordinary course of business of such insurance company in accordance with relevant State law governing such investments; and

"(iv) during the period such shares, assets, or ownership interests are held, the bank holding company does not directly or indirectly participate in the day-to-day management or operation of the company or entity except insofar as necessary to achieve the objectives of clauses (ii) and (iii).

"(4) ACTIONS REQUIRED.—The Board shall, by regulation or order, define, consistent with the purposes of this Act, the following activities as, and the extent to which such activities are, financial in nature or incidental to activities which are financial in nature:

"(A) Lending, exchanging, transferring, investing for others, or safeguarding financial assets other than money or securities.

"(B) Providing any device or other instrumentality for transferring money or other financial assets;

"(C) Arranging, effecting, or facilitating financial transactions for the account of third parties.

"(5) POST CONSUMMATION NOTIFICATION.—

"(A) IN GENERAL.—A financial holding company and a wholesale financial holding company that acquires any company, or commences any activity, pursuant to this subsection shall provide written notice to the Board describing the activity commenced or conducted by the company acquired no later than 30 calendar days after commencing the activity or consummating the acquisition.

"(B) APPROVAL NOT REQUIRED FOR CERTAIN FINANCIAL ACTIVITIES.—Except as provided in section 4(j) with regard to the acquisition of a savings association, a financial holding company and a wholesale financial holding company may commence any activity, or acquire any company, pursuant to paragraph (3) or any regulation prescribed or order issued under paragraph (4), without prior approval of the Board.

"(d) PROVISIONS APPLICABLE TO FINANCIAL HOLDING COMPANIES THAT FAIL TO MEET REQUIREMENTS.—

"(1) IN GENERAL.—If the Board finds that a financial holding company is not in compliance with the requirements of subparagraph (A), (B), or (C) of subsection (b)(1), the Board shall give notice of such finding to the company.

"(2) AGREEMENT TO CORRECT CONDITIONS REQUIRED.—Within 45 days of receipt by a financial holding company of a notice given under paragraph (1) (or such additional period as the Board may permit), the company shall execute an agreement acceptable to the Board to comply with the requirements applicable to a financial holding company.

"(3) BOARD MAY IMPOSE LIMITATIONS.—Until the conditions described in a notice to a financial holding company under paragraph (1) are corrected, the Board may impose such limitations on the conduct or activities of the company or any affiliate of the company as the Board determines to be appropriate under the circumstances.

"(4) FAILURE TO CORRECT.—If, after receiving a notice under paragraph (1), a financial holding company does not—

"(A) execute and implement an agreement in accordance with paragraph (2);

"(B) comply with any limitations imposed under paragraph (3);

"(C) in the case of a notice of failure to comply with subsection (b)(1)(A), restore each depository institution subsidiary to well capitalized status before the end of the 180-day period beginning on the date such notice is received by the company (or such other period permitted by the Board); or

"(D) in the case of a notice of failure to comply with subparagraph (B) or (C) of subsection (b)(1), restore compliance with any such subparagraph by the date the next examination of the depository institution subsidiary is completed or by the end of such other period as the Board determines to be appropriate,

the Board may require such company, under such terms and conditions as may be imposed by the Board and subject to such extension of time as may be granted in the Board's discretion, to divest control of any depository institution subsidiary or, at the election of the financial holding company, instead to cease to engage in any activity conducted by such company or its subsidiaries pursuant to this section.

"(5) CONSULTATION.—In taking any action under this subsection, the Board shall consult with all relevant Federal and State regulatory agencies.

"(e) SAFEGUARDS FOR BANK SUBSIDIARIES.—A financial holding company shall assure that—

"(1) the procedures of the holding company for identifying and managing financial and operational risks within the company, and the subsidiaries of such company, adequately protect the subsidiaries of such company which are insured depository institutions from such risks;

"(2) the holding company has reasonable policies and procedures to preserve the separate corporate identity and limited liability of such company and the subsidiaries of such company, for the protection of the company's subsidiary insured depository institutions; and

"(3) the holding company complies with this section.

"(f) NONFINANCIAL ACTIVITIES.—

"(1) IN GENERAL.—Notwithstanding section 4(a), a financial holding company may engage in activities which are not (or have not been determined to be) financial in nature or incidental to activities which are financial in nature, or acquire and retain ownership and control of the shares of a company engaged in such activities, if—

"(A) the aggregate annual gross revenues derived from all such activities and all such companies does not exceed the lesser of—

"(i) 5 percent of the consolidated annual gross revenues of the financial holding company; or

"(ii) $500,000,000;

"(B) the consolidated total assets of any company the shares of which are acquired by the financial holding company pursuant to this paragraph are less than $750,000,000 at the time the shares are acquired by the holding company; and

"(C) the holding company provides notice to the Board within 30 days of commencing the activity or acquiring the ownership or control.

"(2) INCLUSION OF GRANDFATHERED ACTIVITIES.—For purposes of determining the limits contained in paragraph (1)(A), the gross revenues derived from all activities conducted, and companies the shares of which are held, under subsection (g) shall be considered to be derived or held under this subsection.

"(3) FOREIGN BANKS.—In lieu of the limitation contained in paragraph (1)(A) in the case of a foreign bank or a company that owns or controls a foreign bank which engages in any activity or acquires or retains ownership or control of shares of any company pursuant to paragraph (1), the aggregate annual gross revenues derived from all such activities and all such companies in the United States shall not exceed the lesser of—

"(A) 5 percent of the consolidated annual gross revenues of the foreign bank or company in the United States derived from any branch, agency, commercial lending company, or depository institution controlled by the foreign bank or company and any subsidiary engaged in the United States in activities permissible under section 4 or 6; or

"(B) $500,000,000.

"(4) INDEXING REVENUE TEST.—After December 31, 1998, the Board shall annually adjust the dollar amount contained in paragraphs (1)(A) and (3) by the annual percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers published by the Bureau of Labor Statistics.

"(5) NONAPPLICABILITY OF OTHER EXEMPTION.—Any foreign bank or company that owns or controls a foreign bank which engages in any activity or acquires or retains ownership or control of shares of any company pursuant to this subsection shall not be eligible for any exception described in section 2(h).

"(g) AUTHORITY TO RETAIN LIMITED NONFINANCIAL ACTIVITIES AND AFFILIATIONS.—

"(1) IN GENERAL.—Notwithstanding subsection (f)(1) and section 4(a), a company that is not a bank holding company or a foreign bank (as defined in section 1(b)(7) of the International Banking Act of 1978) and becomes a financial holding company after the date of the enactment of the Financial Services Act of 1998 may continue to engage in any activity and retain direct or indirect ownership or control of shares of a company engaged in any activity if—

"(A) the holding company lawfully was engaged in the activity or held the shares of such company on September 30, 1997;

"(B) the holding company is predominantly engaged in financial activities as defined in paragraph (2); and

"(C) the company engaged in such activity continues to engage only in the same activities that such company conducted on September 30, 1997, and other activities permissible under this Act.

"(2) PREDOMINANTLY FINANCIAL.—For purposes of this subsection, a company is predominantly engaged in financial activities if, as of the day before the company becomes a financial holding company, the annual gross revenues derived by the holding company and all subsidiaries of the holding company, on a consolidated basis, from engaging in activities that are financial in nature or are incidental to activities that are financial in nature under subsection (c) represent at least 85 percent of the consolidated annual gross revenues of the company.

"(3) NO EXPANSION OF GRANDFATHERED COMMERCIAL ACTIVITIES THROUGH MERGER OR CONSOLIDATION.—A financial holding company that engages in activities or holds shares pursuant to this subsection, or a subsidiary of such financial holding company, may not acquire, in any merger, consolidation, or other type of business combination, assets of any other company which is engaged in any activity which the Board has not determined to be financial in nature or incidental to activities that are financial in nature under subsection (c).

"(4) CONTINUING REVENUE LIMITATION ON GRANDFATHERED COMMERCIAL ACTIVITIES.—Notwithstanding any other provision of this subsection, a financial holding company may continue to engage in activities or hold shares in companies pursuant to this subsection only to the extent that the aggregate annual gross revenues derived from all such activities and all such companies does not exceed 15 percent of the consolidated annual gross revenues of the financial holding company.

"(5) CROSS MARKETING RESTRICTIONS APPLICABLE TO COMMERCIAL ACTIVITIES.—A depository institution controlled by a financial holding company shall not—

"(A) offer or market, directly or through any arrangement, any product or service of a company whose activities are conducted or whose shares are owned or controlled by the financial holding company pursuant to this subsection, subsection (f), or subparagraph (H) or (I) of subsection (c)(3); or

"(B) permit any of its products or services to be offered or marketed, directly or through any arrangement, by or through any company described in subparagraph (A).

"(6) TRANSACTIONS WITH NONFINANCIAL AFFILIATES.—An insured depository institution controlled by a financial holding company may not engage in a covered transaction (as defined by section 23A(b)(7) of the Federal Reserve Act) with any affiliate controlled by the company pursuant to this subsection, subsection (f), or subparagraph (H) or (I) of subsection (c)(3).

"(h) DEVELOPING ACTIVITIES.—A financial holding company and a wholesale financial holding company may engage directly or indirectly, or acquire shares of any company engaged, in any activity that the Board has not determined to be financial in nature or incidental to financial activities under subsection (c) if—

"(1) the holding company reasonably concludes that the activity is financial in nature or incidental to financial activities;

"(2) the gross revenues from all activities conducted under this subsection represent less than 5 percent of the consolidated gross revenues of the holding company;

"(3) the aggregate total assets of all companies the shares of which are held under this subsection do not exceed 5 percent of the holding company's consolidated total assets;

"(4) the total capital invested in activities conducted under this subsection represents less than 5 percent of the consolidated total capital of the holding company;

"(5) the Board has not determined that the activity is not financial in nature or incidental to financial activities under subsection (c); and

"(6) the holding company provides written notification to the Board describing the activity commenced or conducted by the company acquired no later than 10 business days after commencing the activity or consummating the acquisition.".

SEC. 104. CERTAIN STATE LAWS PREEMPTED.

(a) AFFILIATIONS.—No State may by statute, regulation, order, interpretation, or otherwise, prevent or restrict an insured depository institution or a wholesale financial institution from being affiliated with an entity (including an entity engaged in insurance activities) as authorized by this Act or any other provision of Federal law.

(b) ACTIVITIES.

(1) Except as provided in paragraphs (2) and (3) and subject to section 18(c) of the Securities Act of 1933, no State may by statute, regulation, order, interpretation, or otherwise, prevent or restrict an insured depository institution or a wholesale financial institution from engaging, directly or indirectly or in conjunction with an affiliate, in any activity authorized under this Act or any other provision of Federal law.

(2) As stated by the United States Supreme Court in *Barnett Bank of Marion County, N.A.* v. *Nelson*, 116 S.Ct. 1103 (1996), no State may, by statute, regulation, order, interpretation, or otherwise, prevent or significantly interfere with the ability of an insured depository institution or wholesale financial institution to engage, directly or indirectly, or in conjunction with an affiliate, in any insurance sales or solicitation activity, except that—

(A) State statutes and regulations governing insurance sales and solicitations which are no more restrictive than provisions in the Illinois "Act Authorizing and Regulating the Sale of Insurance by Financial Institutions, Public Act 90-41" (215 ILCS 5/1400–1416), as in effect on October 1, 1997, shall not be deemed to prevent or significantly interfere with the ability of an insured depository institution or wholesale financial institution to engage, directly or indirectly, or in conjunction with an affiliate, in any insurance sales or solicitation activity; and

(B) subparagraph (A) shall not create any inference regarding State statutes, and regulations governing insurance sales and solicitations which are more restrictive than any provision in the Illinois "Act Authorizing and Regulating the Sale of Insurance by Financial Institutions", (Public Act 90-41; 215 ILCS 5/1400–1416), as in effect on October 1, 1997.

(3) State statutes, regulations, orders, and interpretations which are applicable to and are applied in the same manner with respect to insurance underwriting activities of an affiliate of an insured depository institution or a wholesale financial institution as they are applicable to and are applied to an insurance underwriter which is not affiliated with an insured depository institution or a wholesale financial institution shall not be preempted under paragraph (1).

SEC. 105. MUTUAL BANK HOLDING COMPANIES AUTHORIZED.

(a) IN GENERAL.—Section 3(g)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(g)(2)) is amended to read as follows:

"(2) REGULATIONS.—A bank holding company organized as a mutual holding company shall be regulated on terms, and shall be subject to limitations, comparable to those applicable to any other bank holding company.".

SEC. 106. PROHIBITION ON DEPOSIT PRODUCTION OFFICES.

(a) IN GENERAL.—Section 109(d) of the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994 (12 U.S.C. 1835a(d)) is amended—

(1) by inserting ", the Financial Services Act of 1998," after "pursuant to this title"; and

(2) by inserting "or such Act" after "made by this title".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 109(e)(4) of the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994 (12 U.S.C. 1835a(e)(4)) is amended by inserting "and any branch of a bank controlled by an out-of-State bank holding company (as defined in section 2(o)(7) of the Bank Holding Company Act of 1956)" before the period.

SEC. 107. CLARIFICATION OF BRANCH CLOSURE REQUIREMENTS.

Section 42(d)(4)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1831r–1(d)(4)(A)) is amended by inserting "and any bank controlled by an out-of-State bank holding company (as defined in section 2(o)(7) of the Bank Holding Company Act of 1956)" before the period.

SEC. 108. AMENDMENTS RELATING TO LIMITED PURPOSE BANKS.

Section 4(f) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(f)) is amended—

(1) in paragraph (2)(A)(ii)—

(A) by striking "and" at the end of subclause (IX);

(B) by inserting "and" after the semicolon at the end of subclause (X); and

(C) by inserting after subclause (X) the following new subclause:

"(XI) assets that are derived from, or are incidental to, activities in which institutions described in section 2(c)(2)(F) are permitted to engage,";

(2) in paragraph (2), by striking subparagraph (B) and inserting the following new subparagraphs:

"(B) any bank subsidiary of such company engages in any activity in which the bank was not lawfully engaged as of March 5, 1987, unless the bank is well managed and well capitalized;

"(C) any bank subsidiary of such company both—

“(i) accepts demand deposits or deposits that the depositor may withdraw by check or similar means for payment to third parties; and

“(ii) engages in the business of making commercial loans (and, for purposes of this clause, loans made in the ordinary course of a credit card operation shall not be treated as commercial loans); or

“(D) after the date of the enactment of the Competitive Equality Amendments of 1987, any bank subsidiary of such company permits any overdraft (including any intraday overdraft), or incurs any such overdraft in such bank's account at a Federal reserve bank, on behalf of an affiliate, other than an overdraft described in paragraph (3).”; and

(3) by striking paragraphs (3) and (4) and inserting the following new paragraphs:

“(3) PERMISSIBLE OVERDRAFTS DESCRIBED.—For purposes of paragraph (2)(D), an overdraft is described in this paragraph if—

“(A) such overdraft results from an inadvertent computer or accounting error that is beyond the control of both the bank and the affiliate; or

“(B) such overdraft—

“(i) is permitted or incurred on behalf of an affiliate which is monitored by, reports to, and is recognized as a primary dealer by the Federal Reserve Bank of New York; and

“(ii) is fully secured, as required by the Board, by bonds, notes, or other obligations which are direct obligations of the United States or on which the principal and interest are fully guaranteed by the United States or by securities and obligations eligible for settlement on the Federal Reserve book entry system.

“(4) DIVESTITURE IN CASE OF LOSS OF EXEMPTION.—If any company described in paragraph (1) fails to qualify for the exemption provided under such paragraph by operation of paragraph (2), such exemption shall cease to apply to such company and such company shall divest control of each bank it controls before the end of the 180-day period beginning on the date that the company receives notice from the Board that the company has failed to continue to qualify for such exemption, unless before the end of such 180-day period, the company has—

“(A) corrected the condition or ceased the activity that caused the company to fail to continue to qualify for the exemption; and

“(B) implemented procedures that are reasonably adapted to avoid the reoccurrence of such condition or activity.”.

Subtitle B—Streamlining Supervision of Financial Holding Companies

SEC. 111. STREAMLINING FINANCIAL HOLDING COMPANY SUPERVISION.

Section 5(c) of the Bank Holding Company Act of 1956 (12 U.S.C. 1844(c)) is amended to read as follows:

“(c) REPORTS AND EXAMINATIONS.—

“(1) REPORTS.—

“(A) IN GENERAL.—The Board from time to time may require any bank holding company and any subsidiary of such company to submit reports under oath to keep the Board informed as to—

“(i) its financial condition, systems for monitoring and controlling financial and operating risks, and transactions with depository institution subsidiaries of the holding company; and

“(ii) compliance by the company or subsidiary with applicable provisions of this Act.

“(B) USE OF EXISTING REPORTS.—

“(i) IN GENERAL.—The Board shall, to the fullest extent possible, accept reports in fulfillment of the Board's reporting requirements under this paragraph that a bank holding company or any subsidiary of such company has provided or been required to provide to other Federal and State supervisors or to appropriate self-regulatory organizations.

“(ii) AVAILABILITY.—A bank holding company or a subsidiary of such company shall provide to the Board, at the request of the Board, a report referred to in clause (i).

“(iii) REQUIRED USE OF PUBLICLY REPORTED INFORMATION.—The Board shall, to the fullest extent possible, accept in fulfillment of any reporting or recordkeeping requirements under this Act information that is otherwise required to be reported publicly and externally audited financial statements.

“(iv) REPORTS FILED WITH OTHER AGENCIES.—In the event the Board requires a report from a functionally regulated nondepository institution subsidiary of a bank holding company of a kind that is not required by another Federal or State regulator or appropriate self-regulatory organization, the Board shall request that the appropriate regulator or self-regulatory organization obtain such report. If the report is not made available to the Board, and the report is necessary to assess a material risk to the bank holding company or its subsidiary depository institution or compliance with this Act, the Board may require such subsidiary to provide such a report to the Board.

“(C) DEFINITION.—For purposes of this subsection, the term ‘functionally regulated nondepository institution’ means—

“(i) a broker or dealer registered under the Securities Exchange Act of 1934;

“(ii) an investment adviser registered under the Investment Advisers Act of 1940, with respect to the investment advisory activities of such investment adviser and activities incidental to such investment advisory activities;

“(iii) an insurance company subject to supervision by a State insurance commission, agency, or similar authority; and

“(iv) an entity subject to regulation by the Commodity Futures Trading Commission, with respect to the commodities activities of such entity and activities incidental to such commodities activities.

“(2) EXAMINATIONS.—

“(A) EXAMINATION AUTHORITY.—

“(i) IN GENERAL.—The Board may make examinations of each bank holding company and each subsidiary of a bank holding company.

“(ii) FUNCTIONALLY REGULATED NONDEPOSITORY INSTITUTION SUBSIDIARIES.—Notwithstanding clause (i), the Board may make examinations of a functionally regulated nondepository institution subsidiary of a bank holding company only if—

“(I) the Board has reasonable cause to believe that such subsidiary is engaged in activities that pose a material risk to an affiliated depository institution, or

“(II) based on reports and other available information, the Board has reasonable cause to believe that a subsidiary is not in compliance with this Act or with provisions relating to transactions with an affiliated depository institution and the Board cannot make such determination through examination of the affiliated depository institution or bank holding company.

“(B) LIMITATIONS ON EXAMINATION AUTHORITY FOR BANK HOLDING COMPANIES AND SUBSIDIARIES.—Subject to subparagraph (A)(ii), the Board may make examinations under subparagraph (A)(i) of each bank holding company and each subsidiary of such holding company in order to—

“(i) inform the Board of the nature of the operations and financial condition of the holding company and such subsidiaries;

“(ii) inform the Board of—

“(I) the financial and operational risks within the holding company system that may pose a threat to the safety and soundness of any subsidiary depository institution of such holding company; and

“(II) the systems for monitoring and controlling such risks; and

“(iii) monitor compliance with the provisions of this Act and those governing transactions and relationships between any subsidiary depository institution and its affiliates.

“(C) RESTRICTED FOCUS OF EXAMINATIONS.—The Board shall, to the fullest extent possible, limit the focus and scope of any examination of a bank holding company to—

“(i) the bank holding company; and

“(ii) any subsidiary of the holding company that, because of—

“(I) the size, condition, or activities of the subsidiary;

“(II) the nature or size of transactions between such subsidiary and any depository institution which is also a subsidiary of such holding company; or

“(III) the centralization of functions within the holding company system,

could have a materially adverse effect on the safety and soundness of any depository institution affiliate of the holding company.

“(D) DEFERENCE TO BANK EXAMINATIONS.—The Board shall, to the fullest extent possible, use, for the purposes of this paragraph, the reports of examinations of depository institutions made by the appropriate Federal and State depository institution supervisory authority.

“(E) DEFERENCE TO OTHER EXAMINATIONS.—The Board shall, to the fullest extent possible, address the circumstances which might otherwise permit or require an examination by the Board by forgoing an examination and instead reviewing the reports of examination made of—

“(i) any registered broker or dealer or registered investment adviser by or on behalf of the Securities and Exchange Commission;

“(ii) any licensed insurance company by or on behalf of any state regulatory authority responsible for the supervision of insurance companies; and

“(iii) any other subsidiary that the Board finds to be comprehensively supervised by a Federal or State authority.

“(3) CAPITAL.—

“(A) IN GENERAL.—The Board shall not, by regulation, guideline, order or otherwise, prescribe or impose any capital or capital adequacy rules, guidelines, standards, or requirements on any subsidiary of a financial holding company that is not a depository institution and—

“(i) is in compliance with applicable capital requirements of another Federal regulatory authority (including the Securities and Exchange Commission) or State insurance authority; or

“(ii) is registered as an investment adviser under the Investment Advisers Act of 1940.

“(B) RULE OF CONSTRUCTION.—Subparagraph (A) shall not be construed as preventing the Board from imposing capital or capital adequacy rules, guidelines, standards, or requirements with respect to activities of a registered investment adviser other than investment advisory activities or activities incidental to investment advisory activities.

“(4) TRANSFER OF BOARD AUTHORITY TO APPROPRIATE FEDERAL BANKING AGENCY.—

"(A) IN GENERAL.—In the case of any bank holding company which is not significantly engaged in nonbanking activities, the Board, in consultation with the appropriate Federal banking agency, may designate the appropriate Federal banking agency of the lead insured depository institution subsidiary of such holding company as the appropriate Federal banking agency for the bank holding company.

"(B) AUTHORITY TRANSFERRED.—An agency designated by the Board under subparagraph (A) shall have the same authority as the Board under this Act to—

"(i) examine and require reports from the bank holding company and any affiliate of such company (other than a depository institution) under section 5;

"(ii) approve or disapprove applications or transactions under section 3;

"(iii) take actions and impose penalties under subsections (e) and (f) of section 5 and section 8; and

"(iv) take actions regarding the holding company, any affiliate of the holding company (other than a depository institution), or any institution-affiliated party of such company or affiliate under the Federal Deposit Insurance Act and any other statute which the Board may designate.

"(C) AGENCY ORDERS.—Section 9 (of this Act) and section 105 of the Bank Holding Company Act Amendments of 1970 shall apply to orders issued by an agency designated under subparagraph (A) in the same manner such sections apply to orders issued by the Board.

"(5) FUNCTIONAL REGULATION OF SECURITIES AND INSURANCE ACTIVITIES.—The Board shall defer to—

"(A) the Securities and Exchange Commission with regard to all interpretations of, and the enforcement of, applicable Federal securities laws relating to the activities, conduct, and operations of registered brokers, dealers, investment advisers, and investment companies; and

"(B) the relevant State insurance authorities with regard to all interpretations of, and the enforcement of, applicable State insurance laws relating to the activities, conduct, and operations of insurance companies and insurance agents.".

SEC. 112. ELIMINATION OF APPLICATION REQUIREMENT FOR FINANCIAL HOLDING COMPANIES.

(a) PREVENTION OF DUPLICATIVE FILINGS.—Section 5(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1844(a)) is amended by adding the following new sentence at the end: "A declaration filed in accordance with section 6(b)(1)(E) shall satisfy the requirements of this subsection with regard to the registration of a bank holding company but not any requirement to file an application to acquire a bank pursuant to section 3.".

(b) DIVESTITURE PROCEDURES.—Section 5(e)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1844(e)(1)) is amended—

(1) by striking "Financial Institutions Supervisory Act of 1966, order" and inserting "Financial Institutions Supervisory Act of 1966, at the election of the bank holding company—

"(A) order"; and

(2) by striking "shareholders of the bank holding company. Such distribution" and inserting "shareholders of the bank holding company; or

"(B) order the bank holding company, after due notice and opportunity for hearing, and after consultation with the bank's primary supervisor, which shall be the Comptroller of the Currency in the case of a national bank, and the Federal Deposit Insurance Corporation and the appropriate State supervisor in the case of an insured nonmember bank, to terminate (within 120 days or such longer period as the Board may direct) the ownership or control of any such bank by such company.

"The distribution referred to in subparagraph (A)".

SEC. 113. AUTHORITY OF STATE INSURANCE REGULATOR AND SECURITIES AND EXCHANGE COMMISSION.

Section 5 of the Bank Holding Company Act of 1956 (12 U.S.C. 1844) is amended by adding at the end the following new subsection:

"(g) AUTHORITY OF STATE INSURANCE REGULATOR AND THE SECURITIES AND EXCHANGE COMMISSION.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, any regulation, order, or other action of the Board which requires a bank holding company to provide funds or other assets to a subsidiary insured depository institution shall not be effective nor enforceable if—

"(A) such funds or assets are to be provided by—

"(i) a bank holding company that is an insurance company or is a broker or dealer registered under the Securities Exchange Act of 1934; or

"(ii) an affiliate of the depository institution which is an insurance company or a broker or dealer registered under such Act; and

"(B) the State insurance authority for the insurance company or the Securities and Exchange Commission for the registered broker or dealer, as the case may be, determines in writing sent to the holding company and the Board that the holding company shall not provide such funds or assets because such action would have a material adverse effect on the financial condition of the insurance company or the broker or dealer, as the case may be.

"(2) NOTICE TO STATE INSURANCE AUTHORITY OR SEC REQUIRED.—If the Board requires a bank holding company, or an affiliate of a bank holding company, which is an insurance company or a broker or dealer described in paragraph (1)(A) to provide funds or assets to an insured depository institution subsidiary of the holding company pursuant to any regulation, order, or other action of the Board referred to in paragraph (1), the Board shall promptly notify the State insurance authority for the insurance company or the Securities and Exchange Commission, as the case may be, of such requirement.

"(3) DIVESTITURE IN LIEU OF OTHER ACTION.—If the Board receives a notice described in paragraph (1)(B) from a State insurance authority or the Securities and Exchange Commission with regard to a bank holding company or affiliate referred to in such paragraph, the Board may order the bank holding company to divest the insured depository institution within 180 days of receiving notice or such longer period as the Board determines consistent with the safe and sound operation of the insured depository institution.

"(4) CONDITIONS BEFORE DIVESTITURE.—During the period beginning on the date an order to divest is issued by the Board under paragraph (3) to a bank holding company and ending on the date the divestiture is completed, the Board may impose any conditions or restrictions on the holding company's ownership or operation of the insured depository institution, including restricting or prohibiting transactions between the insured depository institution and any affiliate of the institution, as are appropriate under the circumstances.".

SEC. 114. PRUDENTIAL SAFEGUARDS.

Section 5 of the Bank Holding Company Act of 1956 (12 U.S.C. 1844) is amended by inserting after subsection (g) (as added by section 113 of this subtitle) the following new subsection:

"(h) PRUDENTIAL SAFEGUARDS.—

"(1) IN GENERAL.—The Board may, by regulation or order, impose restrictions or requirements on relationships or transactions between a depository institution subsidiary of a bank holding company and any affiliate of such depository institution (other than a subsidiary of such institution) which the Board finds is consistent with the public interest, the purposes of this Act, the Financial Services Act of 1998, the Federal Reserve Act, and other Federal law applicable to depository institution subsidiaries of bank holding companies and the standards in paragraph (2).

"(2) STANDARDS.—The Board may exercise authority under paragraph (1) if the Board finds that such action will have any of the following effects:

"(A) Avoid any significant risk to the safety and soundness of depository institutions or any Federal deposit insurance fund.

"(B) Enhance the financial stability of bank holding companies.

"(C) Avoid conflicts of interest or other abuses.

"(D) Enhance the privacy of customers of depository institutions.

"(E) Promote the application of national treatment and equality of competitive opportunity between nonbank affiliates owned or controlled by domestic bank holding companies and nonbank affiliates owned or controlled by foreign banks operating in the United States.

"(3) REVIEW.—The Board shall regularly—

"(A) review all restrictions or requirements established pursuant to paragraph (1) to determine whether there is a continuing need for any such restriction or requirement to carry out the purposes of the Act, including any purpose described in paragraph (2); and

"(B) modify or eliminate any restriction or requirement the Board finds is no longer required for such purposes.".

SEC. 115. EXAMINATION OF INVESTMENT COMPANIES.

(a) EXCLUSIVE COMMISSION AUTHORITY.—

(1) IN GENERAL.—The Commission shall be the sole Federal agency with authority to inspect and examine any registered investment company that is not a bank holding company.

(2) PROHIBITION ON BANKING AGENCIES.—A Federal banking agency may not inspect or examine any registered investment company that is not a bank holding company.

(b) EXAMINATION RESULTS AND OTHER INFORMATION.—The Commission shall provide to any Federal banking agency, upon request, the results of any examination, reports, records, or other information with respect to any registered investment company to the extent necessary for the agency to carry out its statutory responsibilities.

(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) BANK HOLDING COMPANY.—The term "bank holding company" has the meaning given to such term in section 2 of the Bank Holding Company Act of 1956.

(2) COMMISSION.—The term "Commission" means the Securities and Exchange Commission.

(3) FEDERAL BANKING AGENCY.—The term "Federal banking agency" has the meaning

given to such term in section 3(z) of the Federal Deposit Insurance Act.

(4) Registered investment company.—The term "registered investment company" means an investment company which is registered with the Commission under the Investment Company Act of 1940.

SEC. 116. LIMITATION ON RULEMAKING, PRUDENTIAL, SUPERVISORY, AND ENFORCEMENT AUTHORITY OF THE BOARD.

The Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.) is amended by inserting after section 10 the following new section:

"SEC. 10A. LIMITATION ON RULEMAKING, PRUDENTIAL, SUPERVISORY, AND ENFORCEMENT AUTHORITY OF THE BOARD.

"(a) Limitation on Direct Action.—

"(1) In general.—The Board may not prescribe regulations, issue or seek entry of orders, impose restraints, restrictions, guidelines, requirements, safeguards, or standards, or otherwise take any action under or pursuant to any provision of this Act or section 8 of the Federal Deposit Insurance Act against or with respect to a regulated subsidiary of a bank holding company unless the action is necessary to prevent or redress an unsafe or unsound practice or breach of fiduciary duty by such subsidiary that poses a material risk to—

"(A) the financial safety, soundness, or stability of an affiliated depository institution; or

"(B) the domestic or international payment system.

"(2) Criteria for board action.—The Board shall not take action otherwise permitted under paragraph (1) unless the Board finds that it is not reasonably possible to effectively protect against the material risk at issue through action directed at or against the affiliated depository institution or against depository institutions generally.

"(b) Limitation on Indirect Action.—The Board may not prescribe regulations, issue or seek entry of orders, impose restraints, restrictions, guidelines, requirements, safeguards, or standards, or otherwise take any action under or pursuant to any provision of this Act or section 8 of the Federal Deposit Insurance Act against or with respect to a financial holding company or a wholesale financial holding company where the purpose or effect of doing so would be to take action indirectly against or with respect to a regulated subsidiary that may not be taken directly against or with respect to such subsidiary in accordance with subsection (a).

"(c) Actions Specifically Authorized.—Notwithstanding subsection (a), the Board may take action under this Act or section 8 of the Federal Deposit Insurance Act to enforce compliance by a regulated subsidiary with Federal law that the Board has specific jurisdiction to enforce against such subsidiary.

"(d) Regulated Subsidiary Defined.—For purposes of this section, the term 'regulated subsidiary' means any company that is not a bank holding company and is—

"(1) a broker or dealer registered under the Securities Exchange Act of 1934;

"(2) an investment adviser registered under the Investment Advisers Act of 1940, with respect to the investment advisory activities of such investment adviser and activities incidental to such investment advisory activities;

"(3) an investment company registered under the Investment Company Act of 1940;

"(4) an insurance company or an insurance agency subject to supervision by a State insurance commission, agency, or similar authority; or

"(5) an entity subject to regulation by the Commodity Futures Trading Commission, with respect to the commodities activities of such entity and activities incidental to such commodities activities.".

Subtitle C—Subsidiaries of National Banks

SEC. 121. PERMISSIBLE ACTIVITIES FOR SUBSIDIARIES OF NATIONAL BANKS.

(a) Financial Subsidiaries of National Banks.—Chapter one of title LXII of the Revised Statutes of United States (12 U.S.C. 21 et seq.) is amended—

(1) by redesignating section 5136A as section 5136C; and

(2) by inserting after section 5136 (12 U.S.C. 24) the following new section:

"SEC. 5136A. SUBSIDIARIES OF NATIONAL BANKS.

"(a) Subsidiaries of National Banks Authorized To Engage in Financial Activities.—

"(1) Exclusive authority.—No provision of section 5136 or any other provision of this title LXII of the Revised Statutes shall be construed as authorizing a subsidiary of a national bank to engage in, or own any share of or any other interest in any company engaged in, any activity that—

"(A) is not permissible for a national bank to engage in directly; or

"(B) is conducted under terms or conditions other than those that would govern the conduct of such activity by a national bank,

unless a national bank is specifically authorized by the express terms of a Federal statute and not by implication or interpretation to acquire shares of or an interest in, or to control, such subsidiary, such as by paragraph (2) of this subsection and section 25A of the Federal Reserve Act.

"(2) Specific authorization to conduct agency activities which are financial in nature.—A national bank may control a company that engages in agency activities that have been determined to be financial in nature or incidental to such financial activities pursuant to and in accordance with section 6(c) of the Bank Holding Company Act of 1956 if—

"(A) the company engages in such activities solely as agent and not directly or indirectly as principal,

"(B) the national bank is well capitalized and well managed, and has achieved a rating of satisfactory or better at the most recent examination of the bank under the Community Reinvestment Act of 1977;

"(C) all depository institution affiliates of the national bank are well capitalized and well managed, and have achieved a rating of satisfactory or better at the most recent examination of each such depository institution under the Community Reinvestment Act of 1977; and

"(D) the bank has received the approval of the Comptroller of the Currency.

"(3) Definitions.—

"(A) Company; control; subsidiary.—The terms 'company', 'control', and 'subsidiary' have the meanings given to such terms in section 2 of the Bank Holding Company Act of 1956.

"(B) Well capitalized.—The term 'well capitalized' has the same meaning as in section 38 of the Federal Deposit Insurance Act and, for purposes of this section, the Comptroller shall have exclusive jurisdiction to determine whether a national bank is well capitalized.

"(C) Well managed.—The term 'well managed' means—

"(i) in the case of a bank that has been examined, unless otherwise determined in writing by the Comptroller—

"(I) the achievement of a composite rating of 1 or 2 under the Uniform Financial Institutions Rating System (or an equivalent rating under an equivalent rating system) in connection with the most recent examination or subsequent review of the bank; and

"(II) at least a rating of 2 for management, if that rating is given; or

"(ii) in the case of any national bank that has not been examined, the existence and use of managerial resources that the Comptroller determines are satisfactory.

"(b) Limited Exclusions From Community Needs Requirements for Newly Acquired Depository Institutions.—Any depository institution which becomes affiliated with a national bank during the 24-month period preceding the submission of an application to acquire a subsidiary under subsection (a)(2), and any depository institution which becomes so affiliated after the approval of such application, may be excluded for purposes of subsection (a)(2)(B) during the 24-month period beginning on the date of such acquisition if—

"(1) the depository institution has submitted an affirmative plan to the appropriate Federal banking agency (as defined in section 3 of the Federal Deposit Insurance Act) to take such action as may be necessary in order for such institution to achieve a 'satisfactory record of meeting community credit needs', or better, at the next examination of the institution under the Community Reinvestment Act of 1977; and

"(2) the plan has been approved by the appropriate Federal banking agency.".

(b) Limitation on Certain Activities in Subsidiaries.—Section 21(a)(1) of the Banking Act of 1933 (12 U.S.C. 378(a)(1)) is amended—

(1) by inserting ", or to be a subsidiary of any person, firm, corporation, association, business trust, or similar organization engaged (unless such subsidiary (A) was engaged in such securities activities as of September 15, 1997, or (B) is a nondepository subsidiary of a foreign bank and is not also a subsidiary of a domestic depository institution)," after "to engage at the same time"; and

(2) by inserting "or any subsidiary of such bank, company, or institution" after "or private bankers".

(c) Technical and Conforming Amendments.—

(1) Antitying.—Section 106(a) of the Bank Holding Company Act Amendments of 1970 is amended by adding at the end the following new sentence: "For purposes of this section, a subsidiary of a national bank which engages in activities as an agent pursuant to section 5136A(a)(2) shall be deemed to be a subsidiary of a bank holding company, and not a subsidiary of a bank.".

(2) Section 23B.—Section 23B(a) of the Federal Reserve Act (12 U.S.C. 371c-1(a)) is amended by adding at the end the following new paragraph:

"(4) Subsidiary of national bank.—For purposes of this section, a subsidiary of a national bank which engages in activities as an agent pursuant to section 5136A(a)(2) shall be deemed to be an affiliate of the national bank and not a subsidiary of the bank."

(d) Clerical Amendment.—The table of sections for chapter one of title LXII of the Revised Statutes of the United States is amended—

(1) by redesignating the item relating to section 5136A as section 5136C; and

(2) by inserting after the item relating to section 5136 the following new item:

"5136A. Financial subsidiaries of national banks.".

SEC. 122. MISREPRESENTATIONS REGARDING DEPOSITORY INSTITUTION LIABILITY FOR OBLIGATIONS OF AFFILIATES.

(a) In General.—Chapter 47 of title 18, United States Code, is amended by inserting after section 1007 the following new section:

"§1008. Misrepresentations regarding financial institution liability for obligations of affiliates

"(a) In General.—No institution-affiliated party of an insured depository institution or institution-affiliated party of a subsidiary or affiliate of an insured depository institution shall fraudulently represent that the institution is or will be liable for any obligation of a subsidiary or other affiliate of the institution.

"(b) Criminal Penalty.—Whoever violates subsection (a) shall be fined under this title, imprisoned for not more than 1 year, or both.

"(c) Institution-Affiliated Party Defined.—For purposes of this section, the term 'institution-affiliated party' with respect to a subsidiary or affiliate has the same meaning as in section 3 except references to an insured depository institution shall be deemed to be references to a subsidiary or affiliate of an insured depository institution.

"(d) Other Definitions.—For purposes of this section, the terms 'affiliate', 'insured depository institution', and 'subsidiary' have same meanings as in section 3 of the Federal Deposit Insurance Act.".

(b) Clerical Amendment.—The table of sections for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1007 the following new item:

"1008. Misrepresentations regarding financial institution liability for obligations of affiliates.".

SEC. 123. REPEAL OF STOCK LOAN LIMIT IN FEDERAL RESERVE ACT.

Section 11 of the Federal Reserve Act (12 U.S.C. 248) is amended by striking the paragraph designated as "(m)" and inserting "(m) [Repealed]".

Subtitle D—Wholesale Financial Holding Companies; Wholesale Financial Institutions

CHAPTER 1—WHOLESALE FINANCIAL HOLDING COMPANIES

SEC. 131. WHOLESALE FINANCIAL HOLDING COMPANIES ESTABLISHED.

(a) Definition and Supervision.—Section 10 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.) is amended to read as follows:

"SEC. 10. WHOLESALE FINANCIAL HOLDING COMPANIES.

"(a) Companies That Control Wholesale Financial Institutions.—

"(1) Wholesale financial holding company defined.—The term 'wholesale financial holding company' means any company that—

"(A) is registered as a bank holding company;

"(B) is predominantly engaged in financial activities as defined in section 6(g)(2);

"(C) controls 1 or more wholesale financial institutions;

"(D) does not control—

"(i) a bank other than a wholesale financial institution;

"(ii) an insured bank other than an institution permitted under subparagraph (D), (F), or (G) of section 2(c)(2); or

"(iii) a savings association; and

"(E) is not a foreign bank (as defined in section 1(b)(7) of the International Banking Act of 1978).

"(2) Savings association transition period.—Notwithstanding paragraph (1)(C)(iii), the Board may permit a company that controls a savings association and that otherwise meets the requirements of paragraph (1) to become supervised under paragraph (1), if the company divests control of any such savings association within such period not to exceed 5 years after becoming supervised under paragraph (1) as permitted by the Board.

"(b) Supervision by the Board.—

"(1) In general.—The provisions of this section shall govern the reporting, examination, and capital requirements of wholesale financial holding companies.

"(2) Reports.—

"(A) In general.—The Board from time to time may require any wholesale financial holding company and any subsidiary of such company to submit reports under oath to keep the Board informed as to—

"(i) the company's or subsidiary's activities, financial condition, policies, systems for monitoring and controlling financial and operational risks, and transactions with depository institution subsidiaries of the holding company; and

"(ii) the extent to which the company or subsidiary has complied with the provisions of this Act and regulations prescribed and orders issued under this Act.

"(B) Use of existing reports.—

"(i) In general.—The Board shall, to the fullest extent possible, accept reports in fulfillment of the Board's reporting requirements under this paragraph that the wholesale financial holding company or any subsidiary of such company has provided or been required to provide to other Federal and State supervisors or to appropriate self-regulatory organizations.

"(ii) Availability.—A wholesale financial holding company or a subsidiary of such company shall provide to the Board, at the request of the Board, a report referred to in clause (i).

"(C) Exemptions from reporting requirements.—

"(i) In general.—The Board may, by regulation or order, exempt any company or class of companies, under such terms and conditions and for such periods as the Board shall provide in such regulation or order, from the provisions of this paragraph and any regulation prescribed under this paragraph.

"(ii) Criteria for consideration.—In making any determination under clause (i) with regard to any exemption under such clause, the Board shall consider, among such other factors as the Board may determine to be appropriate, the following factors:

"(I) Whether information of the type required under this paragraph is available from a supervisory agency (as defined in section 1101(7) of the Right to Financial Privacy Act of 1978) or a foreign regulatory authority of a similar type.

"(II) The primary business of the company.

"(III) The nature and extent of the domestic and foreign regulation of the activities of the company.

"(3) Examinations.—

"(A) Limited use of examination authority.—The Board may make examinations of each wholesale financial holding company and each subsidiary of such company in order to—

"(i) inform the Board regarding the nature of the operations and financial condition of the wholesale financial holding company and its subsidiaries;

"(ii) inform the Board regarding—

"(I) the financial and operational risks within the wholesale financial holding company system that may affect any depository institution owned by such holding company; and

"(II) the systems of the holding company and its subsidiaries for monitoring and controlling those risks; and

"(iii) monitor compliance with the provisions of this Act and those governing transactions and relationships between any depository institution controlled by the wholesale financial holding company and any of the company's other subsidiaries.

"(B) Restricted focus of examinations.—The Board shall, to the fullest extent possible, limit the focus and scope of any examination of a wholesale financial holding company under this paragraph to—

"(i) the holding company; and

"(ii) any subsidiary (other than an insured depository institution subsidiary) of the holding company that, because of the size, condition, or activities of the subsidiary, the nature or size of transactions between such subsidiary and any affiliated depository institution, or the centralization of functions within the holding company system, could have a materially adverse effect on the safety and soundness of any depository institution affiliate of the holding company.

"(C) Deference to bank examinations.—The Board shall, to the fullest extent possible, use the reports of examination of depository institutions made by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Director of the Office of Thrift Supervision or the appropriate State depository institution supervisory authority for the purposes of this section.

"(D) Deference to other examinations.—The Board shall, to the fullest extent possible, address the circumstances which might otherwise permit or require an examination by the Board by forgoing an examination and by instead reviewing the reports of examination made of—

"(i) any registered broker or dealer or any registered investment adviser by or on behalf of the Commission; and

"(ii) any licensed insurance company by or on behalf of any State government insurance agency responsible for the supervision of the insurance company.

"(E) Confidentiality of reported information.—

"(i) In general.—Notwithstanding any other provision of law, the Board shall not be compelled to disclose any nonpublic information required to be reported under this paragraph, or any information supplied to the Board by any domestic or foreign regulatory agency, that relates to the financial or operational condition of any wholesale financial holding company or any subsidiary of such company.

"(ii) Compliance with requests for information.—No provision of this subparagraph shall be construed as authorizing the Board to withhold information from the Congress, or preventing the Board from complying with a request for information from any other Federal department or agency for purposes within the scope of such department's or agency's jurisdiction, or from complying with any order of a court of competent jurisdiction in an action brought by the United States or the Board.

"(iii) Coordination with other law.—For purposes of section 552 of title 5, United States Code, this subparagraph shall be considered to be a statute described in subsection (b)(3)(B) of such section.

"(iv) Designation of confidential information.—In prescribing regulations to carry out the requirements of this subsection, the

Board shall designate information described in or obtained pursuant to this paragraph as confidential information.

"(F) COSTS.—The cost of any examination conducted by the Board under this section may be assessed against, and made payable by, the wholesale financial holding company.

"(4) CAPITAL ADEQUACY GUIDELINES.—

"(A) CAPITAL ADEQUACY PROVISIONS.—Subject to the requirements of, and solely in accordance with, the terms of this paragraph, the Board may adopt capital adequacy rules or guidelines for wholesale financial holding companies.

"(B) METHOD OF CALCULATION.—In developing rules or guidelines under this paragraph, the following provisions shall apply:

"(i) FOCUS ON DOUBLE LEVERAGE.—The Board shall focus on the use by wholesale financial holding companies of debt and other liabilities to fund capital investments in subsidiaries.

"(ii) NO UNWEIGHTED CAPITAL RATIO.—The Board shall not, by regulation, guideline, order, or otherwise, impose under this section a capital ratio that is not based on appropriate risk-weighting considerations.

"(iii) NO CAPITAL REQUIREMENT ON REGULATED ENTITIES.—The Board shall not, by regulation, guideline, order or otherwise, prescribe or impose any capital or capital adequacy rules, standards, guidelines, or requirements upon any subsidiary that—

"(I) is not a depository institution; and

"(II) is in compliance with applicable capital requirements of another Federal regulatory authority (including the Securities and Exchange Commission) or State insurance authority.

"(iv) LIMITATION.—The Board shall not, by regulation, guideline, order or otherwise, prescribe or impose any capital or capital adequacy rules, standards, guidelines, or requirements upon any subsidiary that is not a depository institution and that is registered as an investment adviser under the Investment Advisers Act of 1940, except that this clause shall not be construed as preventing the Board from imposing capital or capital adequacy rules, guidelines, standards, or requirements with respect to activities of a registered investment adviser other than investment advisory activities or activities incidental to investment advisory activities.

"(v) APPROPRIATE EXCLUSIONS.—The Board shall take full account of—

"(I) the capital requirements made applicable to any subsidiary that is not a depository institution by another Federal regulatory authority or State insurance authority; and

"(II) industry norms for capitalization of a company's unregulated subsidiaries and activities.

"(vi) INTERNAL RISK MANAGEMENT MODELS.—The Board may incorporate internal risk management models of wholesale financial holding companies into its capital adequacy guidelines or rules and may take account of the extent to which resources of a subsidiary depository institution may be used to service the debt or other liabilities of the wholesale financial holding company.

"(c) NONFINANCIAL ACTIVITIES AND INVESTMENTS.—

"(1) AUTHORITY FOR LIMITED AMOUNTS OF NEW ACTIVITIES AND INVESTMENTS.—

"(A) IN GENERAL.—Notwithstanding section 4(a), a wholesale financial holding company may engage in activities which are not (or have not been determined to be) financial in nature or incidental to activities which are financial in nature, or acquire and retain ownership and control of the shares of a company engaged in such activities if—

"(i) the aggregate annual gross revenues derived from all such activities and of all such companies does not exceed 5 percent of the consolidated annual gross revenues of the wholesale financial holding company or, in the case of a foreign bank or any company that owns or controls a foreign bank, the aggregate annual gross revenues derived from any such activities in the United States does not exceed 5 percent of the consolidated annual gross revenues of the foreign bank or company in the United States derived from any branch, agency, commercial lending company, or depository institution controlled by the foreign bank or company and any subsidiary engaged in the United States in activities permissible under section 4 or 6 or this subsection;

"(ii) the consolidated total assets of any company the shares of which are acquired pursuant to this subsection are less than $750,000,000 at the time the shares are acquired by the wholesale financial holding company; and

"(iii) such company provides notice to the Board within 30 days of commencing the activity or acquiring the ownership or control.

"(B) INCLUSION OF GRANDFATHERED ACTIVITIES.—For purposes of determining compliance with the limits contained in subparagraph (A), the gross revenues derived from all activities conducted and companies the shares of which are held under paragraph (2) shall be considered to be derived or held under this paragraph.

"(C) REPORT.—No later than 5 years after the date of enactment of the Financial Services Act of 1998, the Board shall submit to the Congress a report regarding the activities conducted and companies held pursuant to this paragraph and the effect, if any, that affiliations permitted under this paragraph have had on affiliated depository institutions. The report shall include recommendations regarding the appropriateness of retaining, increasing, or decreasing the limits contained in those provisions.

"(2) GRANDFATHERED ACTIVITIES.—

"(A) IN GENERAL.—Notwithstanding paragraph (1)(A) and section 4(a), a company that becomes a wholesale financial holding company may continue to engage, directly or indirectly, in any activity and may retain ownership and control of shares of a company engaged in any activity if—

"(i) on the date of the enactment of the Financial Services Act of 1998, such wholesale financial holding company was lawfully engaged in that nonfinancial activity, held the shares of such company, or had entered into a contract to acquire shares of any company engaged in such activity; and

"(ii) the company engaged in such activity continues to engage only in the same activities that such company conducted on the date of the enactment of the Financial Services Act of 1998, and other activities permissible under this Act.

"(B) NO EXPANSION OF GRANDFATHERED COMMERCIAL ACTIVITIES THROUGH MERGER OR CONSOLIDATION.—A wholesale financial holding company that engages in activities or holds shares pursuant to this paragraph, or a subsidiary of such wholesale financial holding company, may not acquire, in any merger, consolidation, or other type of business combination, assets of any other company which is engaged in any activity which the Board has not determined to be financial in nature or incidental to activities that are financial in nature under section 6(c).

"(C) LIMITATION TO SINGLE EXEMPTION.—No company that engages in any activity or controls any shares under subsection (f) or (g) of section 6 may engage in any activity or own any shares pursuant to this paragraph or paragraph (1).

"(3) COMMODITIES.—

"(A) IN GENERAL.—Notwithstanding section 4(a), a wholesale financial holding company which was predominately engaged as of January 1, 1997, in financial activities in the United States (or any successor to any such company) may engage in, or directly or indirectly own or control shares of a company engaged in, activities related to the trading, sale, or investment in commodities and underlying physical properties that were not permissible for bank holding companies to conduct in the United States as of January 1, 1997, if such wholesale financial holding company, or any subsidiary of such holding company, was engaged directly, indirectly, or through any such company in any of such activities as of January 1, 1997, in the United States.

"(B) LIMITATION.—Notwithstanding paragraph (1)(A)(i), the attributed aggregate consolidated assets of a wholesale financial holding company held under the authority granted under this paragraph and not otherwise permitted to be held by all wholesale financial holding companies under this section may not exceed 5 percent of the total consolidated assets of the wholesale financial holding company, except that the Board may increase such percentage of total consolidated assets by such amounts and under such circumstances as the Board considers appropriate, consistent with the purposes of this Act.

"(4) CROSS MARKETING RESTRICTIONS.—A wholesale financial holding company shall not permit—

"(A) any company whose shares it owns or controls pursuant to paragraph (1), (2), or (3) to offer or market any product or service of an affiliated wholesale financial institution; or

"(B) any affiliated wholesale financial institution to offer or market any product or service of any company whose shares are owned or controlled by such wholesale financial holding company pursuant to such paragraphs.

"(d) QUALIFICATION OF FOREIGN BANK AS WHOLESALE FINANCIAL HOLDING COMPANY.—

"(1) IN GENERAL.—Any foreign bank, or any company that owns or controls a foreign bank, that—

"(A) operates a branch, agency, or commercial lending company in the United States, including a foreign bank or company that owns or controls a wholesale financial institution; and

"(B) owns, controls, or is affiliated with a security affiliate that engages in underwriting corporate equity securities,

may request a determination from the Board that such bank or company be treated as a wholesale financial holding company for purposes of subsection (c).

"(2) CONDITIONS FOR TREATMENT AS A WHOLESALE FINANCIAL HOLDING COMPANY.—A foreign bank and a company that owns or controls a foreign bank may not be treated as a wholesale financial holding company unless the bank and company meet and continue to meet the following criteria:

"(A) NO INSURED DEPOSITS.—No deposits held directly by a foreign bank or through an affiliate (other than an institution described in subparagraph (D) or (F) of section 2(c)(2)) are insured under the Federal Deposit Insurance Act.

"(B) CAPITAL STANDARDS.—The foreign bank meets risk-based capital standards comparable to the capital standards required for a wholesale financial institution, giving due regard to the principle of national treatment and equality of competitive opportunity.

"(C) TRANSACTION WITH AFFILIATES.—Transactions between a branch, agency, or commercial lending company subsidiary of the foreign bank in the United States, and any securities affiliate or company in which the foreign bank (or any company that owns or controls such foreign bank) has invested pursuant to subsection (d) comply with the provisions of sections 23A and 23B of the Federal Reserve Act in the same manner and to the same extent as such transactions would be required to comply with such sections if the bank were a member bank.

"(3) TREATMENT AS A WHOLESALE FINANCIAL INSTITUTION.—Any foreign bank which is, or is affiliated with a company which is, treated as a wholesale financial holding company under this subsection shall be treated as a wholesale financial institution for purposes of subsection (c)(4) of this section and subsections (c)(1)(C) and (c)(3) of section 9B of the Federal Reserve Act, and any such foreign bank or company shall be subject to paragraphs (3), (4), and (5) of section 9B(d) of the Federal Reserve Act, except that the Board may adopt such modifications, conditions, or exemptions as the Board deems appropriate, giving due regard to the principle of national treatment and equality of competitive opportunity.

"(4) NONAPPLICABILITY OF OTHER EXEMPTION.—Any foreign bank or company which is treated as a wholesale financial holding company under this subsection shall not be eligible for any exception described in section 2(h).

"(5) SUPERVISION OF FOREIGN BANK WHICH MAINTAINS NO BANKING PRESENCE OTHER THAN CONTROL OF A WHOLESALE FINANCIAL INSTITUTION.—A foreign bank that owns or controls a wholesale financial institution but does not operate a branch, agency, or commercial lending company in the United States (and any company that owns or controls such foreign bank) may request a determination from the Board that such bank or company be treated as a wholesale financial holding company for purposes of subsection (c), except that such bank or company shall be subject to the restrictions of paragraphs (2)(A), (3), and (4) of this subsection.

"(6) NO EFFECT ON OTHER PROVISIONS.—This section shall not be construed as limiting the authority of the Board under the International Banking Act of 1978 with respect to the regulation, supervision, or examination of foreign banks and their offices and affiliates in the United States.

"(7) APPLICABILITY OF COMMUNITY REINVESTMENT ACT OF 1977.—The branches in the United States of a foreign bank that is, or is affiliated with a company that is, treated as a wholesale financial holding company shall be subject to section 9B(b)(11) of the Federal Reserve Act as if the foreign bank were a wholesale financial institution under such section. The Board and the Comptroller of the Currency shall apply the provisions of sections 803(2), 804, and 807(1) of the Community Reinvestment Act of 1977 to branches of foreign banks which receive only such deposits as are permissible for receipt by a corporation organized under section 25A of the Federal Reserve Act, in the same manner and to the same extent such sections apply to such a corporation.".

(b) UNINSURED STATE BANKS.—Section 9 of the Federal Reserve Act (U.S.C. 321 et seq.) is amended by adding at the end the following new paragraph:

"(24) ENFORCEMENT AUTHORITY OVER UNINSURED STATE MEMBER BANKS.—Section 3(u) of the Federal Deposit Insurance Act, subsections (j) and (k) of section 7 of such Act, and subsections (b) through (n), (s), (u), and (v) of section 8 of such Act shall apply to an uninsured State member bank in the same manner and to the same extent such provisions apply to an insured State member bank and any reference in any such provision to 'insured depository institution' shall be deemed to be a reference to 'uninsured State member bank' for purposes of this paragraph.".

SEC. 132. AUTHORIZATION TO RELEASE REPORTS.

(a) FEDERAL RESERVE ACT.—The last sentence of the 8th undesignated paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 326) is amended to read as follows: "The Board of Governors of the Federal Reserve System, at its discretion, may furnish reports of examination or other confidential supervisory information concerning State member banks or any other entities examined under any other authority of the Board to any Federal or State authorities with supervisory or regulatory authority over the examined entity, to officers, directors, or receivers of the examined entity, and to any other person that the Board determines to be proper.".

(b) COMMODITY FUTURES TRADING COMMISSION.—

(1) Section 1101(7) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401(7)) is amended—

(A) by redesignating subparagraphs (G) and (H) as subparagraphs (H) and (I), respectively; and

(B) by inserting after subparagraph (F) the following new subparagraph:

"(G) the Commodity Futures Trading Commission; or" and

(2) Section 1112(e) of the Right to Financial Privacy Act (12 U.S.C. 3412(e)) is amended by striking "and the Securities and Exchange Commission" and inserting ", the Securities and Exchange Commission, and the Commodity Futures Trading Commission".

SEC. 133. CONFORMING AMENDMENTS.

(a) BANK HOLDING COMPANY ACT OF 1956.—

(1) DEFINITIONS.—Section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) is amended by adding at the end the following new subsections:

"(p) WHOLESALE FINANCIAL INSTITUTION.—The term 'wholesale financial institution' means a wholesale financial institution subject to section 9B of the Federal Reserve Act.

"(q) COMMISSION.—The term 'Commission' means the Securities and Exchange Commission.

"(r) DEPOSITORY INSTITUTION.—The term 'depository institution'—

"(1) has the meaning given to such term in section 3 of the Federal Deposit Insurance Act; and

"(2) includes a wholesale financial institution.".

(2) DEFINITION OF BANK INCLUDES WHOLESALE FINANCIAL INSTITUTION.—Section 2(c)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)(1)) is amended by adding at the end the following new subparagraph:

"(C) A wholesale financial institution.".

(3) INCORPORATED DEFINITIONS.—Section 2(n) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(n)) is amended by inserting "'insured bank'," after "'in danger of default',".

(4) EXCEPTION TO DEPOSIT INSURANCE REQUIREMENT.—Section 3(e) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(e)) is amended by adding at the end the following: "This subsection shall not apply to a wholesale financial institution."

(b) FEDERAL DEPOSIT INSURANCE ACT.—Section 3(q)(2)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)(2)(A)) is amended to read as follows:

"(A) any State member insured bank (except a District bank) and any wholesale financial institution as authorized pursuant to section 9B of the Federal Reserve Act;".

CHAPTER 2—WHOLESALE FINANCIAL INSTITUTIONS

SEC. 136. WHOLESALE FINANCIAL INSTITUTIONS.

(a) NATIONAL WHOLESALE FINANCIAL INSTITUTIONS.—

(1) IN GENERAL.—Chapter one of title LXII of the Revised Statutes of the United States (12 U.S.C. 21 et seq.) is amended by inserting after section 5136A (as added by section 121(a) of this title) the following new section:

"SEC. 5136B. NATIONAL WHOLESALE FINANCIAL INSTITUTIONS.

"(a) AUTHORIZATION OF THE COMPTROLLER REQUIRED.—A national bank may apply to the Comptroller on such forms and in accordance with such regulations as the Comptroller may prescribe, for permission to operate as a national wholesale financial institution.

"(b) REGULATION.—A national wholesale financial institution may exercise, in accordance with such institution's articles of incorporation and regulations issued by the Comptroller, all the powers and privileges of a national bank formed in accordance with section 5133 of the Revised Statutes of the United States, subject to section 9B of the Federal Reserve Act and the limitations and restrictions contained therein.

"(c) COMMUNITY REINVESTMENT ACT OF 1977.—A national wholesale financial institution shall be subject to the Community Reinvestment Act of 1977.

"(d) EXAMINATION REPORTS.—The Comptroller of the Currency shall, to the fullest extent possible, use the report of examinations made by the Board of Governors of the Federal Reserve System of a wholesale financial institution.".

(2) CLERICAL AMENDMENT.—The table of sections for chapter one of title LXII of the Revised Statutes of the United States is amended by inserting after the item relating to section 5136A (as added by section 121(d) of this title) the following new item:

"5136B. National wholesale financial institutions.".

(b) STATE WHOLESALE FINANCIAL INSTITUTIONS.—The Federal Reserve Act (12 U.S.C. 221 et seq.) is amended by inserting after section 9A the following new section:

"SEC. 9B. WHOLESALE FINANCIAL INSTITUTIONS.

"(a) APPLICATION FOR MEMBERSHIP AS WHOLESALE FINANCIAL INSTITUTION.—

"(1) APPLICATION REQUIRED.—

"(A) IN GENERAL.—Any bank may apply to the Board of Governors of the Federal Reserve System to become a wholesale financial institution and, as a wholesale financial institution, to subscribe to the stock of the Federal reserve bank organized within the district where the applying bank is located.

"(B) TREATMENT AS MEMBER BANK.—Any application under subparagraph (A) shall be treated as an application under, and shall be subject to the provisions of, section 9.

"(2) INSURANCE TERMINATION.—No bank the deposits of which are insured under the Federal Deposit Insurance Act may become a wholesale financial institution unless it has met all requirements under that Act for voluntary termination of deposit insurance.

“(b) General Requirements Applicable to Wholesale Financial Institutions.—

“(1) Federal reserve act.—Except as otherwise provided in this section, wholesale financial institutions shall be member banks and shall be subject to the provisions of this Act that apply to member banks to the same extent and in the same manner as State member insured banks, except that a wholesale financial institution may terminate membership under this Act only with the prior written approval of the Board and on terms and conditions that the Board determines are appropriate to carry out the purposes of this Act.

“(2) Prompt corrective action.—A wholesale financial institution shall be deemed to be an insured depository institution for purposes of section 38 of the Federal Deposit Insurance Act except that—

“(A) the relevant capital levels and capital measures for each capital category shall be the levels specified by the Board for wholesale financial institutions; and

“(B) all references to the appropriate Federal banking agency or to the Corporation in that section shall be deemed to be references to the Board.

“(3) Enforcement authority.—Subsections (j) and (k) of section 7, subsections (b) through (n), (s), and (v) of section 8, and section 19 of the Federal Deposit Insurance Act shall apply to a wholesale financial institution in the same manner and to the same extent as such provisions apply to State member insured banks and any reference in such sections to an insured depository institution shall be deemed to include a reference to a wholesale financial institution.

“(4) Certain other statutes applicable.—A wholesale financial institution shall be deemed to be a banking institution, and the Board shall be the appropriate Federal banking agency for such bank and all such bank's affiliates, for purposes of the International Lending Supervision Act.

“(5) Bank merger act.—A wholesale financial institution shall be subject to sections 18(c) and 44 of the Federal Deposit Insurance Act in the same manner and to the same extent the wholesale financial institution would be subject to such sections if the institution were a State member insured bank.

“(6) Branching.—Notwithstanding any other provision of law, a wholesale financial institution may establish and operate a branch at any location on such terms and conditions as established by the Board and, in the case of a State-chartered wholesale financial institution, with the approval of the Board, and, in the case of a national bank wholesale financial institution, with the approval of the Comptroller of the Currency.

“(7) Activities of out-of-state branches of wholesale financial institutions.—

“(A) General.—A State-chartered wholesale financial institution shall be deemed a State bank and an insured State bank and a national wholesale financial institution shall be deemed a national bank for purposes of paragraphs (1), (2), and (3) of section 24(j) of the Federal Deposit Insurance Act.

“(B) Definitions.—The following definitions shall apply solely for purposes of applying paragraph (1):

“(i) Home state.—The term ‘home State’ means—

“(I) with respect to a national wholesale financial institution, the State in which the main office of the institution is located; and

“(II) with respect to a State-chartered wholesale financial institution, the State by which the institution is chartered.

“(ii) Host state.—The term ‘host State’ means a State, other than the home State of the wholesale financial institution, in which the institution maintains, or seeks to establish and maintain, a branch.

“(iii) Out-of-state bank.—The term ‘out-of-State bank’ means, with respect to any State, a wholesale financial institution whose home State is another State.

“(8) Discrimination regarding interest rates.—Section 27 of the Federal Deposit Insurance Act shall apply to State-chartered wholesale financial institutions in the same manner and to the same extent as such provisions apply to State member insured banks and any reference in such section to a State-chartered insured depository institution shall be deemed to include a reference to a State-chartered wholesale financial institution.

“(9) Preemption of state laws requiring deposit insurance for wholesale financial institutions.—The appropriate State banking authority may grant a charter to a wholesale financial institution notwithstanding any State constitution or statute requiring that the institution obtain insurance of its deposits and any such State constitution or statute is hereby preempted solely for purposes of this paragraph.

“(10) Parity for wholesale financial institutions.—A State bank that is a wholesale financial institution under this section shall have all of the rights, powers, privileges, and immunities (including those derived from status as a federally chartered institution) of and as if it were a national bank, subject to such terms and conditions as established by the Board.

“(11) Community reinvestment act of 1977.—A State wholesale financial institution shall be subject to the Community Reinvestment Act of 1977.

“(c) Specific Requirements Applicable to Wholesale Financial Institutions.—

“(1) Limitations on deposits.—

“(A) Minimum amount.—

“(i) In general.—No wholesale financial institution may receive initial deposits of $100,000 or less, other than on an incidental and occasional basis.

“(ii) Limitation on deposits of less than $100,000.—No wholesale financial institution may receive initial deposits of $100,000 or less if such deposits constitute more than 5 percent of the institution's total deposits.

“(B) No deposit insurance.—No deposits held by a wholesale financial institution shall be insured deposits under the Federal Deposit Insurance Act.

“(C) Advertising and disclosure.—The Board shall prescribe regulations pertaining to advertising and disclosure by wholesale financial institutions to ensure that each depositor is notified that deposits at the wholesale financial institution are not federally insured or otherwise guaranteed by the United States Government.

“(2) Minimum capital levels applicable to wholesale financial institutions.—The Board shall, by regulation, adopt capital requirements for wholesale financial institutions—

“(A) to account for the status of wholesale financial institutions as institutions that accept deposits that are not insured under the Federal Deposit Insurance Act; and

“(B) to provide for the safe and sound operation of the wholesale financial institution without undue risk to creditors or other persons, including Federal reserve banks, engaged in transactions with the bank.

“(3) Additional requirements applicable to wholesale financial institutions.—In addition to any requirement otherwise applicable to State member insured banks or applicable, under this section, to wholesale financial institutions, the Board may impose, by regulation or order, upon wholesale financial institutions—

“(A) limitations on transactions, direct or indirect, with affiliates to prevent—

“(i) the transfer of risk to the deposit insurance funds; or

“(ii) an affiliate from gaining access to, or the benefits of, credit from a Federal reserve bank, including overdrafts at a Federal reserve bank;

“(B) special clearing balance requirements; and

“(C) any additional requirements that the Board determines to be appropriate or necessary to—

“(i) promote the safety and soundness of the wholesale financial institution or any insured depository institution affiliate of the wholesale financial institution;

“(ii) prevent the transfer of risk to the deposit insurance funds; or

“(iii) protect creditors and other persons, including Federal reserve banks, engaged in transactions with the wholesale financial institution.

“(4) Exemptions for wholesale financial institutions.—The Board may, by regulation or order, exempt any wholesale financial institution from any provision applicable to a member bank that is not a wholesale financial institution, if the Board finds that such exemption is not inconsistent with—

“(A) the promotion of the safety and soundness of the wholesale financial institution or any insured depository institution affiliate of the wholesale financial institution;

“(B) the protection of the deposit insurance funds; and

“(C) the protection of creditors and other persons, including Federal reserve banks, engaged in transactions with the wholesale financial institution.

“(5) Limitation on transactions between a wholesale financial institution and an insured bank.—For purposes of section 23A(d)(1) of the Federal Reserve Act, a wholesale financial institution that is affiliated with an insured bank shall not be a bank.

“(6) No effect on other provisions.—This section shall not be construed as limiting the Board's authority over member banks under any other provision of law, or to create any obligation for any Federal reserve bank to make, increase, renew, or extend any advance or discount under this Act to any member bank or other depository institution.

“(d) Capital and Managerial Requirements.—

“(1) In general.—A wholesale financial institution shall be well capitalized and well managed.

“(2) Notice to company.—The Board shall promptly provide notice to a company that controls a wholesale financial institution whenever such wholesale financial institution is not well capitalized or well managed.

“(3) Agreement to restore institution.—Within 45 days of receipt of a notice under paragraph (2) (or such additional period not to exceed 90 days as the Board may permit), the company shall execute an agreement acceptable to the Board to restore the wholesale financial institution to compliance with all of the requirements of paragraph (1).

“(4) Limitations until institution restored.—Until the wholesale financial institution is restored to compliance with all of the requirements of paragraph (1), the Board may impose such limitations on the conduct or activities of the company or any affiliate of the company as the Board determines to be appropriate under the circumstances.

"(5) FAILURE TO RESTORE.—If the company does not execute and implement an agreement in accordance with paragraph (3), comply with any limitation imposed under paragraph (4), restore the wholesale financial institution to well capitalized status within 180 days after receipt by the company of the notice described in paragraph (2), or restore the wholesale financial institution to well managed status within such period as the Board may permit, the company shall, under such terms and conditions as may be imposed by the Board and subject to such extension of time as may be granted in the Board's discretion, divest control of its subsidiary depository institutions.

"(6) WELL MANAGED DEFINED.—For purposes of this subsection, the term 'well managed' has the same meaning as in section 2 of the Bank Holding Company Act of 1956.

"(e) CONSERVATORSHIP AUTHORITY.—

"(1) IN GENERAL.—The Board may appoint a conservator to take possession and control of a wholesale financial institution to the same extent and in the same manner as the Comptroller of the Currency may appoint a conservator for a national bank under section 203 of the Bank Conservation Act, and the conservator shall exercise the same powers, functions, and duties, subject to the same limitations, as are provided under such Act for conservators of national banks.

"(2) BOARD AUTHORITY.—The Board shall have the same authority with respect to any conservator appointed under paragraph (1) and the wholesale financial institution for which such conservator has been appointed as the Comptroller of the Currency has under the Bank Conservation Act with respect to a conservator appointed under such Act and a national bank for which the conservator has been appointed.

"(f) EXCLUSIVE JURISDICTION.—Subsections (c) and (e) of section 43 of the Federal Deposit Insurance Act shall not apply to any wholesale financial institution.".

(c) VOLUNTARY TERMINATION OF INSURED STATUS BY CERTAIN INSTITUTIONS.—

(1) SECTION 8 DESIGNATIONS.—Section 8(a) of the Federal Deposit Insurance Act (12 U.S.C. 1818(a)) is amended—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (10) as paragraphs (1) through (9), respectively.

(2) VOLUNTARY TERMINATION OF INSURED STATUS.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by inserting after section 8 the following new section:

"SEC. 8A. VOLUNTARY TERMINATION OF STATUS AS INSURED DEPOSITORY INSTITUTION.

"(a) IN GENERAL.—Except as provided in subsection (b), an insured State bank or a national bank may voluntarily terminate such bank's status as an insured depository institution in accordance with regulations of the Corporation if—

"(1) the bank provides written notice of the bank's intent to terminate such insured status—

"(A) to the Corporation and the Board of Governors of the Federal Reserve System not less than 6 months before the effective date of such termination; and

"(B) to all depositors at such bank, not less than 6 months before the effective date of the termination of such status; and

"(2) either—

"(A) the deposit insurance fund of which such bank is a member equals or exceeds the fund's designated reserve ratio as of the date the bank provides a written notice under paragraph (1) and the Corporation determines that the fund will equal or exceed the applicable designated reserve ratio for the 2 semiannual assessment periods immediately following such date; or

"(B) the Corporation and the Board of Governors of the Federal Reserve System approved the termination of the bank's insured status and the bank pays an exit fee in accordance with subsection (e).

"(b) EXCEPTION.—Subsection (a) shall not apply with respect to—

"(1) an insured savings association; or

"(2) an insured branch that is required to be insured under subsection (a) or (b) of section 6 of the International Banking Act of 1978.

"(c) ELIGIBILITY FOR INSURANCE TERMINATED.—Any bank that voluntarily elects to terminate the bank's insured status under subsection (a) shall not be eligible for insurance on any deposits or any assistance authorized under this Act after the period specified in subsection (f)(1).

"(d) INSTITUTION MUST BECOME WHOLESALE FINANCIAL INSTITUTION OR TERMINATE DEPOSIT-TAKING ACTIVITIES.—Any depository institution which voluntarily terminates such institution's status as an insured depository institution under this section may not, upon termination of insurance, accept any deposits unless the institution is a wholesale financial institution subject to section 9B of the Federal Reserve Act.

"(e) EXIT FEES.—

"(1) IN GENERAL.—Any bank that voluntarily terminates such bank's status as an insured depository institution under this section shall pay an exit fee in an amount that the Corporation determines is sufficient to account for the institution's pro rata share of the amount (if any) which would be required to restore the relevant deposit insurance fund to the fund's designated reserve ratio as of the date the bank provides a written notice under subsection (a)(1).

"(2) PROCEDURES.—The Corporation shall prescribe, by regulation, procedures for assessing any exit fee under this subsection.

"(f) TEMPORARY INSURANCE OF DEPOSITS INSURED AS OF TERMINATION.—

"(1) TRANSITION PERIOD.—The insured deposits of each depositor in a State bank or a national bank on the effective date of the voluntary termination of the bank's insured status, less all subsequent withdrawals from any deposits of such depositor, shall continue to be insured for a period of not less than 6 months and not more than 2 years, as determined by the Corporation. During such period, no additions to any such deposits, and no new deposits in the depository institution made after the effective date of such termination shall be insured by the Corporation.

"(2) TEMPORARY ASSESSMENTS; OBLIGATIONS AND DUTIES.—During the period specified in paragraph (1) with respect to any bank, the bank shall continue to pay assessments under section 7 as if the bank were an insured depository institution. The bank shall, in all other respects, be subject to the authority of the Corporation and the duties and obligations of an insured depository institution under this Act during such period, and in the event that the bank is closed due to an inability to meet the demands of the bank's depositors during such period, the Corporation shall have the same powers and rights with respect to such bank as in the case of an insured depository institution.

"(g) ADVERTISEMENTS.—

"(1) IN GENERAL.—A bank that voluntarily terminates the bank's insured status under this section shall not advertise or hold itself out as having insured deposits, except that the bank may advertise the temporary insurance of deposits under subsection (f) if, in connection with any such advertisement, the advertisement also states with equal prominence that additions to deposits and new deposits made after the effective date of the termination are not insured.

"(2) CERTIFICATES OF DEPOSIT, OBLIGATIONS, AND SECURITIES.—Any certificate of deposit or other obligation or security issued by a State bank or a national bank after the effective date of the voluntary termination of the bank's insured status under this section shall be accompanied by a conspicuous, prominently displayed notice that such certificate of deposit or other obligation or security is not insured under this Act.

"(h) NOTICE REQUIREMENTS.—

"(1) NOTICE TO THE CORPORATION.—The notice required under subsection (a)(1)(A) shall be in such form as the Corporation may require.

"(2) NOTICE TO DEPOSITORS.—The notice required under subsection (a)(1)(B) shall be—

"(A) sent to each depositor's last address of record with the bank; and

"(B) in such manner and form as the Corporation finds to be necessary and appropriate for the protection of depositors.".

(3) DEFINITION.—Section 19(b)(1)(A)(i) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)(i)) is amended by inserting ", or any wholesale financial institution subject to section 9B of this Act" after "such Act".

Subtitle E—Streamlining Antitrust Review of Bank Acquisitions and Mergers

SEC. 141. AMENDMENTS TO THE BANK HOLDING COMPANY ACT OF 1956.

(a) AMENDMENTS TO SECTION 3 TO REQUIRE FILING OF APPLICATION COPIES WITH ANTITRUST AGENCIES.—Section 3 of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) is amended—

(1) in subsection (b) by inserting after paragraph (2) the following new paragraph:

"(3) REQUIREMENT TO FILE INFORMATION WITH ANTITRUST AGENCIES.—Any applicant seeking prior approval of the Board to engage in an acquisition transaction under this section must file simultaneously with the Attorney General and, if the transaction also involves an acquisition under section 4 or 6, the Federal Trade Commission copies of any documents regarding the proposed transaction required by the Board."; and

(2) in subsection (c)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively.

(b) AMENDMENTS TO SECTION 11 TO MODIFY JUSTICE DEPARTMENT NOTIFICATION AND POST-APPROVAL WAITING PERIOD FOR SECTION 3 TRANSACTIONS.—Section 11 of the Bank Holding Company Act of 1956 (12 U.S.C. 1849) is amended—

(1) in subsection (b)(1)—

(A) by striking ", if the Board has not received any adverse comment from the Attorney General of the United States relating to competitive factors,";

(B) by striking "as may be prescribed by the Board with the concurrence of the Attorney General, but in no event less than 15 calendar days after the date of approval." and inserting "as may be prescribed by the appropriate antitrust agency."; and

(C) by striking the 3d to last sentence and the penultimate sentence; and

(2) by striking subsections (c) and (e) and redesignating subsections (d) and (f) as subsections (c) and (d), respectively.

(c) DEFINITIONS.—Section 2(o) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(o)) is amended by adding at the end the following new paragraphs:

"(8) ANTITRUST AGENCIES.—The term 'antitrust agencies' means the Attorney General and the Federal Trade Commission.

"(9) APPROPRIATE ANTITRUST AGENCY.—With respect to a particular transaction, the term 'appropriate antitrust agency' means the antitrust agency engaged in reviewing the competitive effects of such transaction.".

SEC. 142. AMENDMENTS TO THE FEDERAL DEPOSIT INSURANCE ACT TO VEST IN THE ATTORNEY GENERAL SOLE RESPONSIBILITY FOR ANTITRUST REVIEW OF DEPOSITORY INSTITUTION MERGERS.

Section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended—

(1) in paragraph (3)(C) by striking "during a period at least as long as the period allowed for furnishing reports under paragraph (4) of this subsection";

(2) by striking paragraph (4) and inserting the following new paragraph:

"(4) FACTORS TO BE CONSIDERED.—In determining whether to approve a transaction, the responsible agency shall in every case take into consideration the financial and managerial resources and future prospects of the existing and proposed institutions, and the convenience and needs of the community to be served.";

(3) by striking paragraph (5) and inserting the following new paragraph:

"(5) NOTICE TO ATTORNEY GENERAL.—The responsible agency shall immediately notify the Attorney General of any approval by it pursuant to this subsection of a proposed merger transaction. If the responsible agency has found that it must act immediately in order to prevent the probable failure of one of the banks involved, the transaction may be consummated immediately upon approval by the agency. If the responsible agency has notified the other Federal banking agencies referred to in this section of the existence of an emergency requiring expeditious action and has required the submission of views and recommendations within 10 days, the transaction may not be consummated before the 5th calendar day after the date of approval of the responsible agency. In all other cases, the transaction may not be consummated before the 30th calendar day after the date of approval by the agency, or such shorter period of time as may be prescribed by the Attorney General.";

(4) by striking paragraph (6) and redesignating paragraphs (7) through (11) as paragraphs (6) through (10), respectively;

(5) in subparagraph (A) of paragraph (6) (as so redesignated by paragraph (4) of this section)—

(A) by striking "(5)" and inserting "(4)"; and

(B) by striking "(6)" and inserting "(5)";

(C) by striking "In any such action, the court shall review de novo the issues presented.";

(6) in paragraph (6) (as so redesignated by paragraph (4) of this section)—

(A) by striking subparagraphs (B) and (D); and

(B) by redesignating subparagraph (C) as subparagraph (B);

(7) in paragraph (8) (as so redesignated by paragraph (4) of this section)—

(A) by inserting "and" after the semicolon at the end of subparagraph (A);

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B); and

(8) by inserting after paragraph (10) (as so redesignated by paragraph (4) of this section) the following new paragraph:

"(11) REQUIREMENT TO FILE INFORMATION WITH ATTORNEY GENERAL.—Any applicant seeking prior written approval of the responsible Federal banking agency to engage in a merger transaction under this subsection shall file simultaneously with the Attorney General copies of any documents regarding the proposed transaction required by the Federal banking agency.".

SEC. 143. INFORMATION FILED BY DEPOSITORY INSTITUTIONS; INTERAGENCY DATA SHARING.

(a) FORMAT OF NOTICE.—

(1) IN GENERAL.—Notice of any proposed transaction for which approval is required under section 3 of the Bank Holding Company Act of 1956 or section 18(c) of the Federal Deposit Insurance Act shall be in a format designated and required by the appropriate Federal banking agency (as defined in section 3 of the Federal Deposit Insurance Act) and shall contain a section on the likely competitive effects of the proposed transaction.

(2) DESIGNATION BY AGENCY.—The appropriate Federal banking agency, with the concurrence of the antitrust agencies, shall designate and require the form and content of the competitive effects section.

(3) NOTICE OF SUSPENSION.—Upon notification by the appropriate antitrust agency that the competitive effects section of an application is incomplete, the appropriate Federal banking agency shall notify the applicant that the agency will suspend processing of the application until the appropriate antitrust agency notifies the agency that the application is complete.

(4) EMERGENCY ACTION.—This provision shall not affect the appropriate Federal banking agency's authority to act immediately—

(A) to prevent the probable failure of 1 of the banks involved; or

(B) to reduce or eliminate a post approval waiting period in case of an emergency requiring expeditious action.

(5) EXEMPTION FOR CERTAIN FILINGS.—With the concurrence of the antitrust agencies, the appropriate Federal banking agency may exempt classes of persons, acquisitions, or transactions that are not likely to violate the antitrust laws from the requirement that applicants file a competitive effects section.

(b) INTERAGENCY DATA SHARING REQUIREMENT.—

(1) IN GENERAL.—To the extent not prohibited by other law, the Federal banking agencies shall make available to the antitrust agencies any data in their possession that the antitrust agencies deem necessary for antitrust reviews of transactions requiring approval under section 3 of the Bank Holding Company Act of 1956 or section 18(c) of the Federal Deposit Insurance Act.

(2) CONTINUATION OF DATA COLLECTION AND ANALYSIS.—The Federal banking agencies shall continue to provide market analysis, deposit share information, and other relevant information for determining market competition as needed by the Attorney General in the same manner such agencies provided analysis and information under section 18(c) of the Federal Deposit Insurance Act and 3(c) of the Bank Holding Company Act of 1956 (as such sections were in effect on the day before the date of the enactment of this Act) and shall continue to collect information necessary or useful for such analysis.

(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) ANTITRUST AGENCIES.—The term "antitrust agencies" means the Attorney General and the Federal Trade Commission.

(2) APPROPRIATE ANTITRUST AGENCY.—With respect to a particular transaction, the term "appropriate antitrust agency" means the antitrust agency engaged in reviewing the competitive effects of such transaction.

SEC. 144. APPLICABILITY OF ANTITRUST LAWS.

No provision of this subtitle shall be construed as affecting—

(1) the applicability of antitrust laws (as defined in section 11(d) of the Bank Holding Company Act of 1956; as so redesignated pursuant to this subtitle); or

(2) the applicability, if any, of any State law which is similar to the antitrust laws.

SEC. 145. CLARIFICATION OF STATUS OF SUBSIDIARIES AND AFFILIATES.

(a) CLARIFICATION OF FEDERAL TRADE COMMISSION JURISDICTION.—Any person which directly or indirectly controls, is controlled directly or indirectly by, or is directly or indirectly under common control with, any bank or savings association (as such terms are defined in section 3 of the Federal Deposit Insurance Act) and is not itself a bank or savings association shall not be deemed to be a bank or savings association for purposes of the Federal Trade Commission Act or any other law enforced by the Federal Trade Commission.

(b) SAVINGS PROVISION.—No provision of this section shall be construed as restricting the authority of any Federal banking agency (as defined in section 3 of the Federal Deposit Insurance Act) under any Federal banking law, including section 8 of the Federal Deposit Insurance Act.

SEC. 146. EFFECTIVE DATE.

This subtitle shall take effect 6 months after the date of enactment of this Act.

Subtitle F—Applying the Principles of National Treatment and Equality of Competitive Opportunity to Foreign Banks and Foreign Financial Institutions

SEC. 151. APPLYING THE PRINCIPLES OF NATIONAL TREATMENT AND EQUALITY OF COMPETITIVE OPPORTUNITY TO FOREIGN BANKS THAT ARE FINANCIAL HOLDING COMPANIES.

Section 8(c) of the International Banking Act of 1978 (12 U.S.C. 3106(c)) is amended by adding at the end the following new paragraph:

"(3) TERMINATION OF GRANDFATHERED RIGHTS.—

"(A) IN GENERAL.—If any foreign bank or foreign company files a declaration under section 6(b)(1)(E) or which receives a determination under section 10(d)(1) of the Bank Holding Company Act of 1956, any authority conferred by this subsection on any foreign bank or company to engage in any activity which the Board has determined to be permissible for financial holding companies under section 6 of such Act shall terminate immediately.

"(B) RESTRICTIONS AND REQUIREMENTS AUTHORIZED.—If a foreign bank or company that engages, directly or through an affiliate pursuant to paragraph (1), in an activity which the Board has determined to be permissible for financial holding companies under section 6 of the Bank Holding Company Act of 1956 has not filed a declaration with the Board of its status as a financial holding company under such section or received a determination under section 10(d)(1) by the end of the 2-year period beginning on the date of enactment of the Financial Services Act of 1998, the Board, giving due regard to the principle of national treatment and equality of competitive opportunity, may impose such restrictions and requirements on the conduct of such activities by such foreign bank or company as are comparable to those imposed on a financial holding company organized under the laws of the United States, including a requirement to conduct such activities in compliance with any prudential safeguards established under section 5(h) of the Bank Holding Company Act of 1956.''.

SEC. 152. APPLYING THE PRINCIPLES OF NATIONAL TREATMENT AND EQUALITY OF COMPETITIVE OPPORTUNITY TO FOREIGN BANKS AND FOREIGN FINANCIAL INSTITUTIONS THAT ARE WHOLESALE FINANCIAL INSTITUTIONS.

Section 8A of the Federal Deposit Insurance Act (as added by section 136(c)(2) of this Act) is amended by adding at the end the following new subsection:

''(l) VOLUNTARY TERMINATION OF DEPOSIT INSURANCE.—The provisions on voluntary termination of insurance in this section shall apply to an insured branch of a foreign bank (including a Federal branch) in the same manner and to the same extent as they apply to an insured State bank or a national bank.''.

Subtitle G—Federal Home Loan Bank System

SEC. 161. FEDERAL HOME LOAN BANKS-

The 1st sentence of section 3 of the Federal Home Loan Bank Act (12 U.S.C. 1423) is amended—

(1) by striking ''the continental United States'' and all that follows through the ''eight''; and

(2) by inserting ''the States into not less than 1'' before ''nor''.

SEC. 162. MEMBERSHIP AND COLLATERAL.

(a) Subsection (f) of section 5 of the Home Owners' Loan Act (12 U.S.C. 1464) is amended to read as follows:

''(f) FEDERAL HOME LOAN BANK MEMBERSHIP.—A Federal savings association may become a member, of the Federal Home Loan Bank System, and shall qualify for such membership in the manner provided by the Federal Home Loan Bank Act, beginning January 1, 1999.''.

(b) Section 10(a)(5) of the Federal Home Loan Bank Act (12 U.S.C. 1430(a)(5)) is amended—

(1) in the 2d sentence, by striking ''and the Board''; and

(2) in the 3d sentence, by striking ''Board'' and inserting ''Bank''.

(c) Section 10(a) of the Federal Home Loan Bank Act (12 U.S.C. 1430(a)) is amended—

(1) in the 2d sentence, by striking ''All long-term advances'' and inserting ''Except as provided in the succeeding sentence, all long-term advances'';

(2) by inserting after the 2d sentence, the following sentence: ''Notwithstanding the preceding sentence, long-term advances may be made to members insured by the Federal Deposit Insurance Corporation which have less than $500,000,000 in total assets for the purpose of funding small businesses, agriculture, rural development, or low-income community development (as defined by the Board).''; and

(3) by redesignating paragraph (5) as paragraph (6) and inserting after paragraph (4) the following new paragraph:

''(5) In the case of any member insured by the Federal Deposit Insurance Corporation which has total assets of less than $500,000,000, secured loans for small business, agriculture, rural development, or low-income community development, or securities representing a whole interest in such secured loans.''.

(d) Section 4(a) of the Federal Home Loan Bank Act (12 U.S.C. 1424(a)) is amended by adding at the end the following new paragraph:

''(3) ELIGIBILITY REQUIREMENTS FOR COMMUNITY FINANCIAL INSTITUTIONS.—The requirements of paragraph (2) (other than subparagraph (B) of such paragraph) shall not apply to any insured depository institution which has total assets of less than $500,000,000.

(e) Section 10 of the Federal Home Loan Bank Act (12 U.S.C. 1430) is amended by striking the 1st of the 2 subsections designated as subsection (e) (relating to qualified thrift lender status).

SEC. 163. THE OFFICE OF FINANCE.

The Federal Home Loan Bank Act (12 U.S.C. 1421) is amended by inserting after section 4 the following new section:

''SEC. 5. THE OFFICE OF FINANCE.

''(a) OPERATION.—The Federal home loan banks shall operate jointly an office of finance (hereafter in this section referred to as the 'Office') to issue the notes, bonds, and debentures of the Federal home loan banks in accordance with this Act.

''(b) POWERS.—Subject to the other provisions of this Act and such safety and soundness regulations as the Finance Board may prescribe, the Office shall be authorized by the Federal home loan banks to act as the agent of such banks to issue Federal home loan bank notes, bonds and debentures pursuant to section 11 of this Act on behalf of the banks.

''(c) CENTRAL BOARD OF DIRECTORS.—

''(1) ESTABLISHMENT.—The Federal home loan banks shall establish a central board of directors of the Office to administer the affairs of the Office in accordance with the provisions of this Act.

''(2) COMPOSITION OF BOARD.—Each Federal home loan bank shall annually select 1 individual who, as of the time of the election, is an officer or director of such bank to serve as a member of the central board of directors of the Office.

''(d) STATUS.—Except to the extent expressly provided in this Act, the Office shall be treated as a Federal home loan bank for purposes of any law.''.

SEC. 164. MANAGEMENT OF BANKS.

(a) Subsections (a) and (b) of section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427(a) and (b)) are amended to read as follows:

''(a) The management of each Federal home loan bank shall be vested in a board of 15 directors, 9 of whom shall be elected by the members in accordance with this section, 6 of whom shall be appointed by the Board referred to in section 2A, and all of whom shall be citizens of the United States and bona fide residents of the district in which such bank is located. At least 2 of the Federal home loan bank directors who are appointed by the Board shall be representatives chosen from organizations with more than a 2-year history of representing consumer or community interests on banking services, credit needs, housing, or financial consumer protections. No Federal home loan bank director who is appointed pursuant to this subsection may, during such bank director's term of office, serve as an officer of any Federal home loan bank or a director or officer of any member of a bank, or hold shares, or any other financial interest in, any member of a bank.

''(b) The elective directors shall be divided into three classes, designated as classes A, B, and C, as nearly equal in number as possible. Each directorship shall be filled by a person who is an officer or director of a member located in that bank's district. Each class shall represent members of similar asset size, and the Board shall, to the maximum extent possible, seek to achieve geographic diversity. The Finance Board shall establish the minimum and maximum asset size for each class. Any member shall be entitled to nominate and elect eligible persons for its class of directorship; such offices shall be filled from such nominees by a plurality of the votes which members of each class may cast for nominees in their corresponding class of directors in an election held for the purpose of filling such offices. Each member shall be permitted to cast one vote for each share of Federal home loan bank stock owned by that member. No person who is an officer or director of a member that fails to meet any applicable capital requirement is eligible to hold the office of Federal Home Loan Bank director. As used in this subsection, the term ''member'' means a member of a Federal home loan bank which was a member of such Bank as of a record date established by the Bank.''.

(b) Section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427) is amended—

(1) by striking subsections (c) and (h); and

(2) by redesignating subsections (d), (e), (f), (g), (i), (j), and (k) as subsections (c), (d), (e), (f), (g), (h), and (i), respectively.

(c) Subsection (c) of section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427(d)) (as so redesignated by subsection (b) of this section) is amended by striking the 1st and 2d sentences and inserting the following 2 new sentences: ''The term of each position of director shall be 3 years. No director serving for 3 consecutive terms, nor any other officer, director or that member or any affiliated depository institution, shall be eligible for another term earlier than 3 years after the expiration of the last expiring of said 3-year terms. 3 elected directors of different classes as specified by the Finance Board shall be elected by ballot annually.''.

(d) Subsection (d) of section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427(e)) (as so redesignated by subsection (b) of this section) is amended to read as follows:

''(d) TRANSITION PROVISION.—In the 1st election after the date of the enactment of the Financial Services Act of 1998, 3 directors shall be elected in each of the 3 classes of elective directorship. The Finance Board may, in the 1st election after such date of enactment, designate the terms of each elected director in each class, not to exceed 3 years, to assure that, in each subsequent election, 3 directors from different classes of elective directorships are elected each year.''.

(e) Subsection (g) of section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427(i)) (as so redesignated by subsection (b) of this section) is amended by striking ''subject to the approval of the board''.

SEC. 165. ADVANCES TO NONMEMBER BORROWERS.

Section 10b of the Federal Home Loan Bank Act (12 U.S.C. 1430b) is amended—

(1) in subsection (a), by striking ''(a) IN GENERAL.—'';

(2) by striking the 4th sentence of subsection (a), and inserting ''Notwithstanding the preceding sentence, if an advance is made for the purpose of facilitating mortgage lending that benefits individuals and families that meet the income requirements set forth in section 142(d) or 143(f) of the Internal Revenue Code of 1986, the advance may be collateralized as provided in section 10(a) of this Act.''; and

(3) by striking subsection (b).

SEC. 166. POWERS AND DUTIES OF BANKS.

(a) Subsection (a) of section 11 of the Federal Home Loan Bank Act (12 U.S.C. 1431(a)) is amended—

(1) by inserting "through the Office of Finance" after "to issue";

(2) by striking "Board" after "upon such terms and conditions as the" and inserting "board of directors of the bank".

(b) Subsection (b) of section 11 of the Federal Home Loan Bank Act (12 U.S.C. 1431(b)) is amended to read as follows:

"(b) ISSUANCE OF FEDERAL HOME LOAN BANK CONSOLIDATED BONDS.—

"(1) IN GENERAL.— The Office of Finance may issue consolidated Federal home loan bank bonds and other consolidated obligations on behalf of the banks.

"(2) JOINT AND SEVERAL OBLIGATION; TERMS AND CONDITIONS.—Consolidated obligations issued by the Office of Finance under paragraph (1) shall—

"(A) be the joint and several obligations of all the Federal home loan banks; and

"(B) shall be issued upon such terms and conditions as shall be established by the Office of Finance subject to such rules and regulations as the Finance Board may prescribe.".

(c) Section 11(f) of the Federal Home Loan Bank Act (12 U.S.C. 1430(f) (as designated before the redesignation by subsection (e) of this section) is amended by striking both commas immediately following "permit" and inserting "or".

(d) Subsection (i) of section 11 of the Federal Home Loan Bank Act (12 U.S.C. 1431(i)) is amended by striking the 2d undesignated paragraph.

(e) Section 11 of the Federal Home Loan Bank Act (12 U.S.C. 1431) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) through (k) as subsections (c) through (j), respectively.

SEC. 167. MERGERS AND CONSOLIDATIONS OF FEDERAL HOME LOAN BANKS.

Section 26 of the Federal Home Loan Bank Act (12 U.S.C. 1446) is amended by designating the current paragraph as "(a)" and adding the following new sections:

"(b) Nothing in this section shall preclude voluntary mergers, combinations or consolidation by or among the Federal home loan banks pursuant to such regulations as the Finance Board may prescribe.

"(c) NUMBER OF ELECTED DIRECTORS OF RESULTING BANK.— Subject to section 7 of this Act, any bank resulting from a merger, combination, or consolidation pursuant to this section may have a number of elected directors equal to or less than the total number of elected directors of all the banks which participated in such transaction (as determined immediately before such transaction).

"(d) NUMBER OF APPOINTED DIRECTORS OF RESULTING BANK.—The number of appointed directors of any bank resulting from a merger, combination, or consolidation pursuant to this section shall be a number that is three less than the number of elected directors.

"(e) ADJUSTMENT OF DISTRICT BOUNDARIES.—After consummation of any merger, combination, or consolidation of 2 or more Federal home loan banks, the Finance Board shall adjust the districts established in section 3 of this Act to reflect such merger, combination, or consolidation.".

SEC. 168. TECHNICAL AMENDMENTS.

(a) REPEAL OF SECTIONS 22A AND 27.—The Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.) is amended by striking sections 22A (12 U.S.C. 1442a) and 27 (12 U.S.C. 1447).

(b) SECTION 12.—

(1) Section 12(a) of the Federal Home Loan Bank Act (12 U.S.C. 1432(a)) is amended—

(A) by striking "subject to the approval of the Board" immediately following "transaction of its business"; and

(B) by striking "and, by its Board of directors, to prescribe, amend, and repeal by-laws, rules, and regulations governing the manner in which its affairs may be administered; and the powers granted to it by law may be exercised and enjoyed subject to the approval of the Board. The president of a Federal Home Loan Bank may also be a member of the Board of directors thereof, but no other officer, employee, attorney, or agent of such bank," and inserting "and, by the board of directors of the bank, to prescribe, amend, and repeal by-laws governing the manner in which its affairs may be administered, consistent with applicable statute and regulation, as administered by the Finance Board. No officer, employee, attorney, or agent of a Federal home loan bank".

(2) Section 12 of the Federal Home Loan Bank Act (12 U.S.C. 1432) is amended by inserting after subsection (b) the following new subsection:

"(c) PROHIBITION ON EXCESSIVE COMPENSATION.—

"(1) IN GENERAL.—The Finance Board shall prohibit the Federal home loan banks from providing compensation to any officer, director, or employee that is not reasonable and comparable with the compensation for employment in other similar businesses involving similar duties and responsibilities. However, the Finance Board may not prescribe or set a specific level or range of compensation for any officer, director, or employee.

"(2) REGULATIONS.—The Finance Board, by regulation, may provide for the requirements of paragraph (1) to be phased-in over a period not to exceed 3 years.

"(3) EXCEPTION FOR EXISTING CONTRACTS.—Paragraph (1) shall not apply to any contract entered into before June 1, 1997.".

(c) POWERS AND DUTIES OF FEDERAL HOUSING FINANCE BOARD.—

(1) Subsection (a)(1) of section 2B of the Federal Home Loan Bank Act (12 U.S.C. 1422b(a)(1)) is amended by striking the period at the end of the sentence and inserting "; and to have the same powers, rights, and duties to enforce this Act with respect to the Federal home loan banks and the senior officers and directors of such banks as the Office of Federal Housing Enterprise Oversight has over the Federal housing enterprises and the senior officers and directors of such enterprises under the Federal Housing Enterprises Financial Safety and Soundness Act of 1992.".

(2) Subsection (b) of section 2B of the Federal Home Loan Bank Act (12 U.S.C. 1422b(b)) is amended—

(A) by striking "(1) BOARD STAFF.—";

(B) by striking "function to any employee, administrative unit" and inserting "function to any employee or administrative unit";

(C) by striking the 2d sentence in paragraph (1); and

(D) by striking paragraph (2).

(3) Section 111 of Public Law 93-495 (12 U.S.C. 250) is amended by striking "Federal Home Loan Bank Board" and inserting "Federal Housing Finance Board".

(d) ELIGIBILITY TO SECURE ADVANCES.—

(1) SECTION 9.—Section 9 of the Federal Home Loan Bank Act (12 U.S.C. 1429) is amended—

(A) in the second sentence, by striking "with the approval of the Board"; and

(B) in the third sentence, by striking ", subject to the approval of the Board,".

(2) SECTION 10.—

(A) Subsection (a) of section 10 of the Federal Home Loan Bank Act (12 U.S.C. 1430(a)) is amended in paragraph (3), by striking "Deposits" and inserting "Cash or deposits".

(B) Subsection (c) of section 10 of the Federal Home Loan Bank Act (12 U.S.C. 1430(c)) is amended—

(i) in the 1st sentence by striking "Board" and inserting "Federal home loan bank"; and

(ii) by striking the 2d sentence.

(C) Subsection (d) of section 10 of the Federal Home Loan Bank Act (12 U.S.C. 1430(d)) is amended—

(i) in the 1st sentence, by striking "and the approval of the Board";

(ii) in the last sentence, by striking "Subject to the approval of the Board, any" and inserting "Any".

(D) Section 10(j) of the Federal Home Loan Bank Act (12 U.S.C. 1430(j)) is amended—

(i) in the 1st sentence of paragraph (1) by striking "to subsidize the interest rate on advances" and inserting "to provide subsidies, including subsidized interest rates on advances";

(ii) in paragraphs (2), (3), (4), (5), (9), (11), and (12) by striking "advances" and "subsidized advances" each place such terms appear and inserting "subsidies, including subsidized advances";

(iii) in paragraph (1), by inserting "(A)" before the 1st sentence, and inserting the following at the end of the paragraph:

"(B) Subject to such regulations as the Finance Board may prescribe, the board of directors of each Federal home loan bank may approve or disapprove requests from members for Affordable Housing Program subsidies, and may not delegate such authority.";

(iv) in paragraph (2), by striking subparagraph (B) and inserting the following new subparagraph:

"(B) finance the purchase, construction or rehabilitation of rental housing if, for a period of at least 15 years, either 20 percent or more of the units in such housing are occupied by and affordable for households whose income is 50 percent or less of area median income (as determined by the Secretary of Housing and Urban Development, and as adjusted for family size); or 40 percent or more of the units in such housing are occupied by and affordable for households whose income is 60 percent or less of area median income (as determined by the Secretary of Housing and Urban Development, and as adjusted for family size).";

(v) in paragraph (5)—

(I) by striking the colon after "Affordable Housing Program";

(II) by striking subparagraphs (A) and (B); and

(III) by striking "(C) In 1995, and subsequent years,";

(vi) in paragraph (11)—

(I) by inserting ", pursuant to a nomination process that is as broad and as participatory as possible, and giving consideration to the size of the District and the diversity of low- and moderate-income housing needs and activities within the District," after "Advisory Council of 7 to 15 persons";

(II) by inserting "a diverse range of" before "community and nonprofit organizations"; and

(III) by inserting after the 1st sentence, the following new sentence: "Representatives of no one group shall constitute an undue proportion of the membership of the Advisory Council."; and

(vii) in paragraph (13), by striking subparagraph (D) and inserting the following new subparagraph:

"(D) Affordable.—For purposes of paragraph (2)(B), the term "affordable" means that the rent with respect to a unit shall not exceed 30 percent of the income limitation under paragraph (2)(B) applicable to occupants of such unit.".

(e) Section 16.—Subsection (a) of section 16 of the Federal Home Loan Bank Act (12 U.S.C. 1436) is amended in the 3d sentence by striking "net earnings" and inserting "previously retained earnings or current net earnings"; by striking ", and then only with the approval of the Federal Housing Finance Board"; and by striking the 4th sentence.

(f) Section 18.—Subsection (b) of section 18 of the Federal Home Loan Bank Act (12 U.S.C. 1438) is amended by striking paragraph (4).

(g) Section 11.—Section 11 of the Federal Home Loan Bank Act (12 U.S.C. 1431) is amended by inserting after subsection (j) (as so redesignated by section 166(e) of this subtitle) the following subsection:

"(k) Prohibition on Other Activities.—

"(1) A Federal home loan bank may not engage in any activity other than the activities authorized under this Act and activities incidental to such authorized activities.

"(2) All activities specified in paragraph (1) are subject to Finance Board approval.".

SEC. 169. DEFINITIONS.

Paragraph (3) of section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422(3)) is amended to read as follows:

"(3) The term "State" in addition to the states of the United States, includes the District of Columbia, Guam, Puerto Rico, the United States Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands."

SEC. 170. RESOLUTION FUNDING CORPORATION

(a) In General.—Section 21B(f)(2)(C) of the Federal Home Loan Bank Act (12 U.S.C. 1441b(f)(2)(C)) is amended to read as follows:

"(C) Payments by federal home loan banks.—To the extent the amounts available pursuant to subparagraphs (A) and (B) are insufficient to cover the amount of interest payments, each Federal home loan bank shall pay to the Funding Corporation each calendar year 20.75 percent of the net earnings of such bank (after deducting expenses relating to subsection (j) of section 10 and operating expenses).".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on January 1, 1999.

SEC. 171. CAPITAL STRUCTURE OF THE FEDERAL HOME LOAN BANKS.

(a) In General.—Section 6 of the Federal Home Loan Bank Act (12 U.S.C. 1426) is amended to read as follows:

"SEC. 6. CAPITAL STRUCTURE OF FEDERAL HOME LOAN BANKS.

"(a) Capital Structure Plan.—On or before January 1, 1999, the board of directors of each Federal home loan bank shall submit for Finance Board approval a plan establishing and implementing a capital structure for such bank which—

"(1) the board of directors determines is the best suited for the condition and operation of the bank and the interests of the shareholders of the bank;

"(2) meets the requirements of subsection (b); and

"(3) meets the minimum capital standards and requirements established under subsection (c) and any regulations prescribed by the Finance Board pursuant to such subsection.

"(b) Contents of Plan.—The capital structure plan of each Federal home loan bank shall meet the following requirements:

"(1) Stock purchase requirements.—

"(A) In general.—Each capital structure plan of a Federal home loan bank shall require the shareholders of the bank to maintain an investment in the stock of the bank in amount not less than—

"(i) a minimum percentage of the total assets of the shareholder; and

"(ii) a minimum percentage of the outstanding advances from the bank to the shareholder.

"(B) Minimum percentage levels.—The minimum percentages established pursuant to subparagraph (A) shall be set at levels sufficient to meet the bank's minimum capital requirements established by the Finance Board under subsection (c).

"(C) Maximum asset based capital requirement.—The asset-based capital requirement applicable to any shareholder of a Federal home loan bank in any year shall not exceed the lesser of—

"(i) 0.6 percent of a shareholder's total assets at the close of the preceding year; or

"(ii) $300,000,000.

"(D) Maximum advance-based requirement.—The advance-based capital requirement applicable to any shareholder of a Federal home loan bank shall not exceed 6 percent of the total outstanding advances from the bank to the shareholder.

"(E) Minimum stock purchase requirement authorized.—A capital structure plan may establish a minimum dollar amount of stock of a Federal home loan bank in which a shareholder shall be required to invest.

"(2) Adjustments to stock purchase requirements.—The capital structure plan adopted by each Federal home loan bank shall impose a continuing obligation on the board of directors of the bank to review and adjust as necessary member stock purchase requirements in order to ensure that the bank remains in compliance with applicable minimum capital levels established by the Finance Board.

"(3) Transition rule for stock purchase requirements.—

"(A) In general.—A capital structure plan may allow shareholders who were members of a Federal home loan bank on the date of the enactment of the Financial Services Act of 1998 to come into compliance with the asset-based stock purchase requirement established under paragraph (1) during a transition period established under the plan of not more than 3 years, if such requirement exceeds the asset-based stock purchase requirement in effect on such date of enactment.

"(B) Interim purchase requirements.—A capital structure plan may establish interim asset-based stock purchase requirements applicable to members referred to in subparagraph (A) during a transition period established under subparagraph (A).

"(4) Classes of stock.—

"(A) In general.—Each capital structure plan shall afford each shareholder of a Federal home loan bank the option of meeting the shareholder's stock purchase requirements through the purchase of any combination of Class A or Class B stock.

"(B) Class A stock.—Class A stock shall be stock of a Federal home loan bank that shall be redeemed in cash and at par by the bank no later than 12 months following submission of a written notice by a shareholder of the shareholder's intention to divest all shares of stock in the bank.

"(C) Class B stock.—Class B stock shall be stock of a Federal home loan bank that shall be redeemed in cash and at par by the bank no later than 5 years following submission of a written notice by a shareholder of the shareholder's intention to divest all shares of stock in the bank.

"(D) Rights requirement.—The Class B stock of a Federal home loan bank may receive a dividend premium over that paid on Class A stock, and may have preferential voting rights in the election of Federal home loan bank directors.

"(E) Lower stock purchase requirements for class B stock.—A capital structure plan may provide for lower stock purchase requirements with respect to those shareholder's that elect to purchase Class B stock in a manner that is consistent with meeting the bank's own minimum capital requirements as established by the Finance Board.

"(F) No other classes of stock permitted.—No class of stock other than the Class A and Class B stock described in subparagraphs (B) and (C) may be issued by a Federal home loan bank.

"(5) Limited transferability of stock.—Each capital structure plan shall provide that any equity securities issued by the bank shall be available only to, held only by, and tradable only among shareholders of the bank.

"(c) Capital Standards.—

"(1) In general.—The Finance Board shall prescribe, by regulation, uniform capital standards applicable to each Federal home loan bank which shall include—

"(A) a leverage limit in accordance with paragraph (2); and

"(B) a risk-based capital requirement in accordance with paragraph (3).

"(2) Minimum leverage limit.—The leverage limit established by the Finance Board shall require each Federal home loan bank to maintain total capital in an amount not less than 5 percent of the total assets of the bank. In determining compliance with the minimum leverage ratio, the amount of retained earnings and the paid-in value of Class B stock, if any, shall be multiplied by 1.5 and such higher amount shall be deemed to be capital for purposes of meeting the 5 percent minimum leverage ratio.

"(3) Risk-based capital standard.—The risk-based capital requirement shall be composed of the following components:

"(A) Capital sufficient to meet the credit risk to which a Federal home loan bank is subject, based on an amount which is not less than the amount of tier 1, risk-based capital required by regulations prescribed, or guidelines issued under section 38 of the Federal Deposit Insurance Act for a well capitalized insured depository institution.

"(B) Capital sufficient to meet the interest rate risk to which a Federal home loan bank is subject, based on an interest rate stress test applied by the Finance Board that rigorously tests for changes in interest rates, rate volatility, and changes in the shape of the yield curve.

"(d) Redemption of Capital.—

"(1) In general.—Any shareholder of a Federal home loan bank shall have the right to withdraw the shareholder's membership from a Federal home loan bank and to redeem the shareholder's stock in accordance with the redemption rights associated with the class of stock the shareholder holds, if—

"(A) such shareholder has filed a written notice of an intention to redeem all such shares; and

"(B) the shareholder has no outstanding advances from any Federal home loan bank at the time of such redemption.

"(2) Partial redemption.—A shareholder who files notice of intention to redeem all shares of stock in a Federal home loan bank may redeem not more than ½ of all such shares, in cash and at par, 6 months before the date by which the bank is required to redeem such stock pursuant to subparagraph (B) or (C) of subsection (b)(4).

"(3) DIVESTITURE.—The board of directors of any Federal home loan bank may, after a hearing, order the divestiture by any shareholder of all ownership interests of such shareholder in the bank, if—

"(A) in the opinion of the board of directors, such shareholder has failed to comply with a provision of this Act or any regulation prescribed under this Act; or

"(B) the shareholder has been determined to be insolvent, or otherwise subject to the appointment of a conservator, receiver, or other legal custodian, by a State or Federal authority with regulatory and supervisory responsibility for such shareholder.

"(4) RETIREMENT OF EXCESS STOCK.—Any shareholder may—

"(A) retire shares of Class A stock or, at the option of the shareholder, shares of Class B stock, or any combination of Class A and Class B stock, that are excess to the minimum stock purchase requirements applicable to the shareholder; and

"(B) receive from the Federal home loan bank a prompt payment in cash equal to the par value of such stock.

"(5) IMPAIRMENT OF CAPITAL.—If the Finance Board or the board of directors of a Federal home loan bank determines that the paid-in capital of the bank is, or is likely to be, impaired as a result of losses in or depreciation of the assets of the bank, the Federal home loan bank shall withhold that portion of the amount due any shareholder with respect to any redemption or retirement of any class of stock which bears the same ratio to the total of such amount as the amount of the impaired capital bears to the total amount of capital allocable to such class of stock.

"(6) POLICIES.—Subject to the requirements of this section, the board of directors of each Federal home loan bank shall promptly establish policies, consistent with this Act, governing the capital stock of such bank and other provisions of this section.".

SEC. 172. INVESTMENTS.

Subsection (j) of section 11 of the Federal Home Loan Bank Act (12 U.S.C. 1431) (as so redesignated by section 166(e) of this subtitle) is amended to read as follows:

"(j) INVESTMENTS.—Each bank shall reduce its investments to those necessary for liquidity purposes, for safe and sound operation of the banks, or for housing finance, as administered by the Finance Board.".

SEC. 173. FEDERAL HOUSING FINANCE BOARD.

Section 2A(b)(1) of the Federal Home Loan Bank Act (12 U.S.C. 1422(b)(1)) is amended—

(1) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

(2) by inserting before subparagraph (B) (as so redesignated by paragraph (1) of this section) the following new subparagraph:

"(A) The Secretary of the Treasury (or the Secretary of the Treasury's designee), who shall serve without additional compensation."; and

(3) in subparagraph (C) (as so redesignated by paragraph (1) of this section) by striking "Four" and inserting "3".

Subtitle H—Direct Activities of Banks

SEC. 181. AUTHORITY OF NATIONAL BANKS TO UNDERWRITE CERTAIN MUNICIPAL BONDS.

The paragraph designated the Seventh of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24(7)) is amended by adding at the end the following new sentence: "In addition to the provisions in this paragraph for dealing in, underwriting or purchasing securities, the limitations and restrictions contained in this paragraph as to dealing in, underwriting, and purchasing investment securities for the national bank's own account shall not apply to obligations (including limited obligation bonds, revenue bonds, and obligations that satisfy the requirements of section 142(b)(1) of the Internal Revenue Code of 1986) issued by or on behalf of any state or political subdivision of a state, including any municipal corporate instrumentality of 1 or more states, or any public agency or authority of any state or political subdivision of a state, if the national banking association is well capitalized (as defined in section 38 of the Federal Deposit Insurance Act).".

Subtitle I—Effective Date of Title

SEC. 191. EFFECTIVE DATE.

Except with regard to any subtitle or other provision of this title for which a specific effective date is provided, this title and the amendments made by this title shall take effect at the end of the 270-day period beginning on the date of the enactment of this Act.

TITLE II—FUNCTIONAL REGULATION

Subtitle A—Brokers and Dealers

SEC. 201. DEFINITION OF BROKER.

Section 3(a)(4) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(4)) is amended to read as follows:

"(4) BROKER.—

"(A) IN GENERAL.—The term 'broker' means any person engaged in the business of effecting transactions in securities for the account of others.

"(B) EXCEPTION FOR CERTAIN BANK ACTIVITIES.—A bank shall not be considered to be a broker because the bank engages in any of the following activities under the conditions described:

"(i) THIRD PARTY BROKERAGE ARRANGEMENTS.—The bank enters into a contractual or other arrangement with a broker or dealer registered under this title under which the broker or dealer offers brokerage services on or off the premises of the bank if—

"(I) such broker or dealer is clearly identified as the person performing the brokerage services;

"(II) the broker or dealer performs brokerage services in an area that is clearly marked and, to the extent practicable, physically separate from the routine deposit-taking activities of the bank;

"(III) any materials used by the bank to advertise or promote generally the availability of brokerage services under the contractual or other arrangement clearly indicate that the brokerage services are being provided by the broker or dealer and not by the bank;

"(IV) any materials used by the bank to advertise or promote generally the availability of brokerage services under the contractual or other arrangement are in compliance with the Federal securities laws before distribution;

"(V) bank employees (other than associated persons of a broker or dealer who are qualified pursuant to the rules of a self-regulatory organization) perform only clerical or ministerial functions in connection with brokerage transactions including scheduling appointments with the associated persons of a broker or dealer, except that bank employees may forward customer funds or securities and may describe in general terms the range of investment vehicles available from the bank and the broker or dealer under the contractual or other arrangement;

"(VI) bank employees do not directly receive incentive compensation for any brokerage transaction unless such employees are associated persons of a broker or dealer and are qualified pursuant to the rules of a self-regulatory organization, except that the bank employees may receive compensation for the referral of any customer if the compensation is a nominal one-time cash fee of a fixed dollar amount and the payment of the fee is not contingent on whether the referral results in a transaction;

"(VII) such services are provided by the broker or dealer on a basis in which all customers which receive any services are fully disclosed to the broker or dealer;

"(VIII) the bank does not carry a securities account of the customer except in a customary custodian or trustee capacity; and

"(IX) the bank, broker, or dealer informs each customer that the brokerage services are provided by the broker or dealer and not by the bank and that the securities are not deposits or other obligations of the bank, are not guaranteed by the bank, and are not insured by the Federal Deposit Insurance Corporation.

"(ii) TRUST ACTIVITIES.—The bank—

"(I) effects transactions in a trustee capacity and is primarily compensated based on an annual fee (payable on a monthly, quarterly, or other basis) or percentage of assets under management, or both; or

"(II) effects transactions in a fiduciary capacity in its trust department or other department that is regularly examined by bank examiners for compliance with fiduciary principles and standards and—

"(aa) is primarily compensated on the basis of either an annual fee (payable on a monthly, quarterly, or other basis), a percentage of assets under management, or both, and does not receive brokerage commissions or other similar remuneration based on effecting transactions in securities, other than the cost incurred by the bank in connection with executing securities transactions for fiduciary customers; and

"(bb) does not publicly solicit brokerage business, other than by advertising that it effects transactions in securities in conjunction with advertising its other trust activities.

"(iii) PERMISSIBLE SECURITIES TRANSACTIONS.—The bank effects transactions in—

"(I) commercial paper, bankers acceptances, or commercial bills;

"(II) exempted securities;

"(III) qualified Canadian government obligations as defined in section 5136 of the Revised Statutes, in conformity with section 15C of this title and the rules and regulations thereunder, or obligations of the North American Development Bank; or

"(IV) any standardized, credit enhanced debt security issued by a foreign government pursuant to the March 1989 plan of then Secretary of the Treasury Brady, used by such foreign government to retire outstanding commercial bank loans.

"(iv) CERTAIN STOCK PURCHASE PLANS.—

"(I) IN GENERAL.—The bank effects transactions, as part of its transfer agency activities, in—

"(aa) the securities of an issuer as part of any pension, retirement, profit-sharing, bonus, thrift, savings, incentive, or other similar benefit plan for the employees of that issuer or its subsidiaries, if the bank does not solicit transactions or provide investment advice with respect to the purchase or sale of securities in connection with the plan;

"(bb) the securities of an issuer as part of that issuer's dividend reinvestment plan, if the bank does not—

"(AA) solicit transactions or provide investment advice with respect to the purchase or sale of securities in connection with the plan;

"(BB) net shareholders' buy and sell orders, other than for programs for odd-lot holders or plans registered with the Commission; or

"(cc) the securities of an issuer as part of a plan or program for the purchase or sale of that issuer's shares, if—

"(AA) the bank does not solicit transactions or provide investment advice with respect to the purchase or sale of securities in connection with the plan or program;

"(BB) the bank does not net shareholders' buy and sell orders, other than for programs for odd-lot holders or plans registered with the Commission; and

"(CC) the bank's compensation for such plan or program consists of administration fees, or flat or capped per order processing fees, or both, plus the cost incurred by the bank in connection with executing securities transactions resulting from such plan or program.

"(II) PERMISSIBLE DELIVERY OF MATERIALS.—The exception to being considered a broker for a bank engaged in activities described in subclause (I) will not be affected by a bank's delivery of written or electronic plan materials to employees of the issuer, shareholders of the issuer, or members of affinity groups of the issuer, so long as such materials are—

"(aa) comparable in scope or nature to that permitted by the Commission as of the date of the enactment of the Financial Services Act of 1998; or

"(bb) otherwise permitted by the Commission.

"(v) SWEEP ACCOUNTS.—The bank effects transactions as part of a program for the investment or reinvestment of bank deposit funds into any no-load, open-end management investment company registered under the Investment Company Act of 1940 that holds itself out as a money market fund.

"(vi) AFFILIATE TRANSACTIONS.—The bank effects transactions for the account of any affiliate of the bank (as defined in section 2 of the Bank Holding Company Act of 1956) other than—

"(I) a registered broker or dealer; or

"(II) an affiliate that is engaged in merchant banking, as described in section 6(c)(3)(H) of the Bank Holding company Act of 1956.

"(vii) PRIVATE SECURITIES OFFERINGS.—The bank—

"(I) effects sales as part of a primary offering of securities not involving a public offering, pursuant to section 3(b), 4(2), or 4(6) of the Securities Act of 1933 or the rules and regulations issued thereunder;

"(II) at any time after one year after the date of enactment of the Financial Services Act of 1998, is not affiliated with a broker or dealer that has been registered for more than one year; and

"(III) effects transactions exclusively with qualified investors.

"(viii) SAFEKEEPING AND CUSTODY ACTIVITIES.—

"(I) IN GENERAL.—The bank, as part of customary banking activities—

"(aa) provides safekeeping or custody services with respect to securities, including the exercise of warrants and other rights on behalf of customers;

"(bb) facilitates the transfer of funds or securities, as a custodian or a clearing agency, in connection with the clearance and settlement of its customers' transactions in securities;

"(cc) effects securities lending or borrowing transactions with or on behalf of customers as part of services provided to customers pursuant to division (aa) or (bb) or invests cash collateral pledged in connection with such transactions; or

"(dd) holds securities pledged by a customer to another person or securities subject to purchase or resale agreements involving a customer, or facilitates the pledging or transfer of such securities by book entry or as otherwise provided under applicable law.

"(II) EXCEPTION FOR CARRYING BROKER ACTIVITIES.—The exception to being considered a broker for a bank engaged in activities described in subclause (I) shall not apply if the bank, in connection with such activities, acts in the United States as a carrying broker (as such term, and different formulations thereof, are used in section 15(c)(3) and the rules and regulations thereunder) for any broker or dealer, unless such carrying broker activities are engaged in with respect to government securities (as defined in paragraph (42) of this subsection).

"(ix) BANKING PRODUCTS.—The bank effects transactions in traditional banking products, as defined in section 206(a) of the Financial Services Act of 1998.

"(x) DE MINIMIS EXCEPTION.—The bank effects, other than in transactions referred to in clauses (i) through (ix), not more than 500 transactions in securities in any calendar year, and such transactions are not effected by an employee of the bank who is also an employee of a broker or dealer.

"(C) BROKER DEALER EXECUTION.—The exception to being considered a broker for a bank engaged in activities described in clauses (ii), (iv), and (viii) of subparagraph (B) shall not apply if the activities described in such provisions result in the trade in the United States of any security that is a publicly traded security in the United States, unless—

"(i) the bank directs such trade to a registered or broker dealer for execution;

"(ii) the trade is a cross trade or other substantially similar trade of a security that—

"(I) is made by the bank or between the bank and an affiliated fiduciary; and

"(II) is not in contravention of fiduciary principles established under applicable Federal or State law; or

"(iii) the trade is conducted in some other manner permitted under rules, regulations, or orders as the Commission may prescribe or issue.

"(D) NO EFFECT OF BANK EXEMPTIONS ON OTHER COMMISSION AUTHORITY.—The exception to being considered a broker for a bank engaged in activities described in subparagraphs (B) and (C) shall not affect the commission's authority under any other provision of this Act or any other securities law.

"(E) FIDUCIARY CAPACITY.—For purposes of subparagraph (B)(ii), the term 'fiduciary capacity' means—

"(i) in the capacity as trustee, executor, administrator, registrar of stocks and bonds, transfer agent, guardian, assignee, receiver, or custodian under a uniform gift to minor act, or as an investment adviser if the bank receives a fee for its investment advice;

"(ii) in any capacity in which the bank possesses investment discretion on behalf of another; or

"(iii) in any other similar capacity.

"(F) EXCEPTION FOR ENTITIES SUBJECT TO SECTION 15(e).—The term 'broker' does not include a bank that—

"(i) was, immediately prior to the enactment of the Financial Services Act of 1998, subject to section 15(e); and

"(ii) is subject to such restrictions and requirements as the Commission considers appropriate.".

SEC. 202. DEFINITION OF DEALER.

Section 3(a)(5) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(5)) is amended to read as follows:

"(5) DEALER.—

"(A) IN GENERAL.—The term 'dealer' means any person engaged in the business of buying and selling securities for such person's own account through a broker or otherwise.

"(B) EXCEPTION FOR PERSON NOT ENGAGED IN THE BUSINESS OF DEALING.—The term 'dealer' does not include a person that buys or sells securities for such person's own account, either individually or in a fiduciary capacity, but not as a part of a regular business.

"(C) EXCEPTION FOR CERTAIN BANK ACTIVITIES.—A bank shall not be considered to be a dealer because the bank engages in any of the following activities under the conditions described:

"(i) PERMISSIBLE SECURITIES TRANSACTIONS.—The bank buys or sells—

"(I) commercial paper, bankers acceptances, or commercial bills;

"(II) exempted securities;

"(III) qualified Canadian government obligations as defined in section 5136 of the Revised Statutes of the United States, in conformity with section 15C of this title and the rules and regulations thereunder, or obligations of the North American Development Bank; or

"(IV) any standardized, credit enhanced debt security issued by a foreign government pursuant to the March 1989 plan of then Secretary of the Treasury Brady, used by such foreign government to retire outstanding commercial bank loans.

"(ii) INVESTMENT, TRUSTEE, AND FIDUCIARY TRANSACTIONS.—The bank buys or sells securities for investment purposes—

"(I) for the bank; or

"(II) for accounts for which the bank acts as a trustee or fiduciary.

"(iii) ASSET-BACKED TRANSACTIONS.—The bank engages in the issuance or sale to qualified investors, through a grantor trust or otherwise, of securities backed by or representing an interest in notes, drafts, acceptances, loans, leases, receivables, other obligations, or pools of any such obligations predominantly originated by the bank, or a syndicate of banks of which the bank is a member, or an affiliate of any such bank other than a broker or dealer.

"(iv) BANKING PRODUCTS.—The bank buys or sells traditional banking products, as defined in section 206(a) of the Financial Services Act of 1998.

"(v) DERIVATIVE INSTRUMENTS.—The bank issues, buys, or sells any derivative instrument to which the bank is a party—

"(I) to or from a corporation, limited liability company, or partnership that owns and invests on a discretionary basis, not less than $10,000,000 in investments, or to or from a qualified investor, except that if the instrument provides for the delivery of one or more securities (other than a derivative instrument or government security), the transaction shall be effected with or through a registered broker or dealer; or

"(II) to or from other persons, except that if the derivative instrument provides for the delivery of one or more securities (other than a derivative instrument or government security), or is a security (other than a government security), the transaction shall be effected with or through a registered broker or dealer; or

"(III) to or from any person if the instrument is neither a security nor provides for the delivery of one or more securities (other than a derivative instrument).".

SEC. 203. REGISTRATION FOR SALES OF PRIVATE SECURITIES OFFERINGS.

Section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3) is amended by inserting after subsection (i) the following new subsection:

"(j) REGISTRATION FOR SALES OF PRIVATE SECURITIES OFFERINGS.—A registered securities association shall create a limited qualification category for any associated person of a member who effects sales as part of a primary offering of securities not involving a public offering, pursuant to section 3(b), 4(2), or 4(6) of the Securities Act of 1933 and the rules and regulations thereunder, and shall deem qualified in such limited qualification category, without testing, any bank employee who, in the six month period preceding the date of enactment of this Act, engaged in effecting such sales.".

SEC. 204. SALES PRACTICES AND COMPLAINT PROCEDURES.

Section 18 of the Federal Deposit Insurance Act is amended by adding at the end the following new subsection:

"(s) SALES PRACTICES AND COMPLAINT PROCEDURES WITH RESPECT TO BANK SECURITIES ACTIVITIES.—

"(1) REGULATIONS REQUIRED.—Each Federal banking agency shall prescribe and publish in final form, not later than 6 months after the date of enactment of the Financial Services Act of 1998, regulations which apply to retail transactions, solicitations, advertising, or offers of any security by any insured depository institution or any affiliate thereof other than a registered broker or dealer or an individual acting on behalf of such a broker or dealer who is an associated person of such broker or dealer. Such regulations shall include—

"(A) requirements that sales practices comply with just and equitable principles of trade that are substantially similar to the Rules of Fair Practice of the National Association of Securities Dealers; and

"(B) requirements prohibiting (i) conditioning an extension of credit on the purchase or sale of a security; and (ii) any conduct leading a customer to believe that an extension of credit is conditioned upon the purchase or sale of a security.

"(2) PROCEDURES REQUIRED.—The appropriate Federal banking agencies shall jointly establish procedures and facilities for receiving and expeditiously processing complaints against any bank or employee of a bank arising in connection with the purchase or sale of a security by a customer, including a complaint alleging a violation of the regulations prescribed under paragraph (1), but excluding a complaint involving an individual acting on behalf of such a broker or dealer who is an associated person of such broker or dealer. The use of any such procedures and facilities by such a customer shall be at the election of the customer. Such procedures shall include provisions to refer a complaint alleging fraud to the Securities and Exchange Commission and appropriate State securities commissions.

"(3) REQUIRED ACTIONS.—The actions required by the Federal banking agencies under paragraph (2) shall include the following:

"(A) establishing a group, unit, or bureau within each such agency to receive such complaints;

"(B) developing and establishing procedures for investigating, and permitting customers to investigate, such complaints;

"(C) developing and establishing procedures for informing customers of the rights they may have in connection with such complaints;

"(D) developing and establishing procedures that allow customers a period of at least 6 years to make complaints and that do not require customers to pay the costs of the proceeding; and

"(E) developing and establishing procedures for resolving such complaints, including procedures for the recovery of losses to the extent appropriate.

"(4) CONSULTATION AND JOINT REGULATIONS.—The Federal banking agencies shall consult with each other and prescribe joint regulations pursuant to paragraphs (1) and (2), after consultation with the Securities and Exchange Commission.

"(5) PROCEDURES IN ADDITION TO OTHER REMEDIES.—The procedures and remedies provided under this subsection shall be in addition to, and not in lieu of, any other remedies available under law.

"(6) DEFINITION.—As used in this subsection—

"(A) the term 'security' has the meaning provided in section 3(a)(10) of the Securities Exchange Act of 1934;

"(B) the term 'registered broker or dealer' has the meaning provided in section 3(a)(48) of such Act; and

"(C) the term 'associated person' has the meaning provided in section 3(a)(18) of such Act.".

SEC. 205. INFORMATION SHARING.

Section 18 of the Federal Deposit Insurance Act is amended by adding at the end the following new subsection:

"(t) RECORDKEEPING REQUIREMENTS.—

"(1) REQUIREMENTS.—Each appropriate Federal banking agency, after consultation with and consideration of the views of the Commission, shall establish recordkeeping requirements for banks relying on exceptions contained in paragraphs (4) and (5) of section 3(a) of the Securities Exchange Act of 1934. Such recordkeeping requirements shall be sufficient to demonstrate compliance with the terms of such exceptions and be designed to facilitate compliance with such exceptions. Each appropriate Federal banking agency shall make any such information available to the Commission upon request.

"(2) DEFINITIONS.—As used in this subsection the term 'Commission' means the Securities and Exchange Commission.".

SEC. 206. DEFINITION AND TREATMENT OF BANKING PRODUCTS.

(a) DEFINITION OF TRADITIONAL BANKING PRODUCT.—

(1) IN GENERAL.—For purposes of paragraphs (4) and (5) of section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(4), (5)), the term 'traditional banking product' means—

(A) a deposit account, savings account, certificate of deposit, or other deposit instrument issued by a bank;

(B) a banker's acceptance;

(C) a letter of credit issued or loan made by a bank;

(D) a debit account at a bank arising from a credit card or similar arrangement;

(E) a participation in a loan which the bank or an affiliate of the bank (other than a broker or dealer) funds, participates in, or owns that is sold—

(i) to qualified investors; or

(ii) to other persons that—

"(I) have the opportunity to review and assess any material information, including information regarding the borrower's credit worthiness; and

"(II) based on such factors as financial sophistication, net worth, and knowledge and experience in financial matters, have the capability to evaluate the information available, as determined under generally applicable banking standards or guidelines; or

(F) any derivative instrument, whether or not individually negotiated, involving or relating to—

(i) foreign currencies, except options on foreign currencies that trade on a national securities exchange;

(ii) interest rates, except interest rate derivative instruments (I) that are based on a security; or (II) that provide for the delivery of one or more securities; or

(iii) commodities, other rates, indices, or other assets, except derivative instruments that are securities or that provide for the delivery of one or more securities.

(2) CLASSIFICATION LIMITED.—Classification of a particular product as a traditional banking product pursuant to this subsection shall not be construed as finding or implying that such product is or is not a security for any purpose under the securities laws, or is or is not an account, agreement, contract, or transaction for any purpose under the Commodity Exchange Act.

(3) DEFINITIONS.—For purposes of this subsection—

(A) the term "bank" has the meaning provided in section 3(a)(6) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(6);

(B) the term "qualified investor" has the meaning provided in section 3(a)(55) of such Act; and

(C) the term "Federal banking agency" has the meaning provided in section 3(z) of the Federal Deposit Insurance Act (12 U.S.C. 1813(z)).

(b) TREATMENT OF NEW BANKING PRODUCTS FOR PURPOSES OF BROKER/DEALER REQUIREMENTS.—Section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o) is amended by adding at the end the following new subsection:

"(i) RULEMAKING TO EXTEND REQUIREMENTS TO NEW BANKING PRODUCTS.—

"(1) LIMITATION.—The Commission shall not—

"(A) require a bank to register as a broker or dealer under this section because the bank engages in any transaction in, or buys or sells, a new banking product; or

"(B) bring an action against a bank for a failure to comply with a requirement described in subparagraph (A);

unless the Commission has imposed such requirement by rule or regulation issued in accordance with this section.

"(2) CRITERIA FOR RULEMAKING.—The Commission shall not impose a requirement under paragraph (1) of this subsection with respect to any new banking product unless the Commission determines that—

"(A) the new banking product is a security; and

"(B) imposing such requirement is necessary or appropriate in the public interest and for the protection of investors, consistent with the requirements of section 3(f).

"(3) NEW BANKING PRODUCT.—For purposes of this subsection, the term 'new banking product' means a product that—

"(A) was not subjected to regulation by the Commission as a security prior to the date of enactment of this subsection; and

"(B) is not a traditional banking product, as such term is defined in section 206(a) of the Financial Services Act of 1998.

"(4) CONSULTATION.—In promulgating rules under this subsection, the Commission shall consult with and consider the views of the appropriate regulatory agencies concerning the proposed rule and the impact on the banking industry.".

SEC. 207. DERIVATIVE INSTRUMENT AND QUALIFIED INVESTOR DEFINED.

Section 3(a) of the Securities Exchange Act of 1934 is amended by adding at the end the following new paragraphs:

"(54) DERIVATIVE INSTRUMENT.—

"(A) DEFINITION.—The term 'derivative instrument' means any individually negotiated contract, agreement, warrant, note, or option that is based, in whole or in part, on the value of, any interest in, or any quantitative measure or the occurrence of any event relating to, one or more commodities, securities, currencies, interest or other rates, indices, or other assets, but does not include a traditional banking product, as defined in section 206(a) of the Financial Services Act of 1998.

"(B) CLASSIFICATION LIMITED.— Classification of a particular contract as a derivative instrument pursuant to this paragraph shall not be construed as finding or implying that such instrument is or is not a security for any purpose under the securities laws, or is or is not an account, agreement, contract, or transaction for any purpose under the Commodity Exchange Act.

"(55) QUALIFIED INVESTOR.—

"(A) DEFINITION.—For purposes of this title and section 206(a)(1)(E) of the Financial Services Act of 1998, the term 'qualified investor' means—

"(i) any investment company registered with the Commission under section 8 of the Investment Company Act of 1940;

"(ii) any issuer eligible for an exclusion from the definition of investment company pursuant to section 3(c)(7) of the Investment Company Act of 1940;

"(iii) any bank (as defined in paragraph (6) of this subsection), savings and loan association (as defined in section 3(b) of the Federal Deposit Insurance Act), broker, dealer, insurance company (as defined in section 2(a)(13) of the Securities Act of 1933), or business development company (as defined in section 2(a)(48) of the Investment Company Act of 1940);

"(iv) any small business investment company licensed by the United States Small Business Administration under section 301(c) or (d) of the Small Business Investment Act of 1958;

"(v) any State sponsored employee benefit plan, or any other employee benefit plan, within the meaning of the Employee Retirement Income Security Act of 1974, other than an individual retirement account, if the investment decisions are made by a plan fiduciary, as defined in section 3(21) of that Act, which is either a bank, savings and loan association, insurance company, or registered investment adviser;

"(vi) any trust whose purchases of securities are directed by a person described in clauses (i) through (v) of this subparagraph;

"(vii) any market intermediary exempt under section 3(c)(2) of the Investment Company Act of 1940;

"(viii) any associated person of a broker or dealer other than a natural person; or

"(ix) any foreign bank (as defined in section 1(b)(7) of the International Banking Act of 1978).

"(B) ADDITIONAL QUALIFICATIONS DEFINED.—For purposes of paragraphs (4)(B)(vii) and (5)(C)(iii) of this subsection, and section 206(a)(1)(E) of the Financial Services Act of 1998, the term 'qualified investor' also means—

"(i) any corporation, company, or partnership that owns and invests on a discretionary basis, not less than $10,000,000 in investments;

"(ii) any natural person who owns and invests on a discretionary basis, not less than $10,000,000 in investments;

"(iii) any government or political subdivision, agency, or instrumentality of a government who owns and invests on a discretionary basis not less than $50,000,000 in investments; or

"(iv) any multinational or supranational entity or any agency or instrumentality thereof.

"(C) ADDITIONAL AUTHORITY.—The Commission may, by rule or order, define a 'qualified investor' as any other person, other than a natural person, taking into consideration such factors as the person's financial sophistication, net worth, and knowledge and experience in financial matters.".

SEC. 208. GOVERNMENT SECURITIES DEFINED.

Section 3(a)(42) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(42)) is amended—

(1) by striking "or" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting "; or"; and

(3) by adding at the end the following new subparagraph:

"(E) for purposes of section 15C as applied to a bank, a qualified Canadian government obligation as defined in section 5136 of the Revised Statutes.".

SEC. 209. EFFECTIVE DATE.

This subtitle shall take effect at the end of the 270-day period beginning on the date of the enactment of this Act.

Subtitle B—Bank Investment Company Activities

SEC. 211. CUSTODY OF INVESTMENT COMPANY ASSETS BY AFFILIATED BANK.

(a) MANAGEMENT COMPANIES.—Section 17(f) of the Investment Company Act of 1940 (15 U.S.C. 80a–17(f)) is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) by striking "(f) Every registered" and inserting the following:

"(f) CUSTODY OF SECURITIES.—

"(1) Every registered";

(3) by redesignating the 2d, 3d, 4th, and 5th sentences of such subsection as paragraphs (2) through (5), respectively, and indenting the left margin of such paragraphs appropriately; and

(4) by adding at the end the following new paragraph:

"(6) The Commission may adopt rules and regulations, and issue orders, consistent with the protection of investors, prescribing the conditions under which a bank, or an affiliated person of a bank, either of which is an affiliated person, promoter, organizer, or sponsor of, or principal underwriter for, a registered management company may serve as custodian of that registered management company.".

(b) UNIT INVESTMENT TRUSTS.—Section 26 of the Investment Company Act of 1940 (15 U.S.C. 80a–26) is amended—

(1) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively; and

(2) by inserting after subsection (a) the following new subsection:

"(b) The Commission may adopt rules and regulations, and issue orders, consistent with the protection of investors, prescribing the conditions under which a bank, or an affiliated person of a bank, either of which is an affiliated person of a principal underwriter for, or depositor of, a registered unit investment trust, may serve as trustee or custodian under subsection (a)(1).".

(c) FIDUCIARY DUTY OF CUSTODIAN.—Section 36(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–35(a)) is amended—

(1) in paragraph (1), by striking "or" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; or"; and

(3) by inserting after paragraph (2) the following:

"(3) as custodian.".

SEC. 212. LENDING TO AN AFFILIATED INVESTMENT COMPANY.

Section 17(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–17(a)) is amended—

(1) by striking "or" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(4) to loan money or other property to such registered company, or to any company controlled by such registered company, in contravention of such rules, regulations, or orders as the Commission may prescribe or issue consistent with the protection of investors.".

SEC. 213. INDEPENDENT DIRECTORS.

(a) IN GENERAL.—Section 2(a)(19)(A) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)(19)(A)) is amended—

(1) by striking clause (v) and inserting the following new clause:

"(v) any person or any affiliated person of a person (other than a registered investment company) that, at any time during the 6-month period preceding the date of the determination of whether that person or affiliated person is an interested person, has executed any portfolio transactions for, engaged in any principal transactions with, or distributed shares for—

"(I) the investment company,

"(II) any other investment company having the same investment adviser as such investment company or holding itself out to investors as a related company for purposes of investment or investor services, or

"(III) any account over which the investment company's investment adviser has brokerage placement discretion,";

(2) by redesignating clause (vi) as clause (vii); and

(3) by inserting after clause (v) the following new clause:

"(vi) any person or any affiliated person of a person (other than a registered investment company) that, at any time during the 6-month period preceding the date of the determination of whether that person or affiliated person is an interested person, has loaned money or other property to—

"(I) the investment company,

"(II) any other investment company having the same investment adviser as such investment company or holding itself out to investors as a related company for purposes of investment or investor services, or

"(III) any account for which the investment company's investment adviser has borrowing authority,".

(b) CONFORMING AMENDMENT.—Section 2(a)(19)(B) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)(19)(B)) is amended—

(1) by striking clause (v) and inserting the following new clause:

"(v) any person or any affiliated person of a person (other than a registered investment company

company) that, at any time during the 6-month period preceding the date of the determination of whether that person or affiliated person is an interested person, has executed any portfolio transactions for, engaged in any principal transactions with, or distributed shares for—

"(I) any investment company for which the investment adviser or principal underwriter serves as such,

"(II) any investment company holding itself out to investors, for purposes of investment or investor services, as a company related to any investment company for which the investment adviser or principal underwriter serves as such, or

"(III) any account over which the investment adviser has brokerage placement discretion,";

(2) by redesignating clause (vi) as clause (vii); and

(3) by inserting after clause (v) the following new clause:

"(vi) any person or any affiliated person of a person (other than a registered investment company) that, at any time during the 6-month period preceding the date of the determination of whether that person or affiliated person is an interested person, has loaned money or other property to—

"(I) any investment company for which the investment adviser or principal underwriter serves as such,

"(II) any investment company holding itself out to investors, for purposes of investment or investor services, as a company related to any investment company for which the investment adviser or principal underwriter serves as such, or

"(III) any account for which the investment adviser has borrowing authority,".

(c) AFFILIATION OF DIRECTORS.—Section 10(c) of the Investment Company Act of 1940 (15 U.S.C. 80a-10(c)) is amended by striking "bank, except" and inserting "bank (together with its affiliates and subsidiaries) or any one bank holding company (together with its affiliates and subsidiaries) (as such terms are defined in section 2 of the Bank Holding Company Act of 1956), except".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect at the end of the 1-year period beginning on the date of enactment of this subtitle.

SEC. 214. ADDITIONAL SEC DISCLOSURE AUTHORITY.

Section 35(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-34(a)) is amended to read as follows:

"(a) MISREPRESENTATION OF GUARANTEES.—

"(1) IN GENERAL.—It shall be unlawful for any person, issuing or selling any security of which a registered investment company is the issuer, to represent or imply in any manner whatsoever that such security or company—

"(A) has been guaranteed, sponsored, recommended, or approved by the United States, or any agency, instrumentality or officer of the United States;

"(B) has been insured by the Federal Deposit Insurance Corporation; or

"(C) is guaranteed by or is otherwise an obligation of any bank or insured depository institution.

"(2) DISCLOSURES.—Any person issuing or selling the securities of a registered investment company that is advised by, or sold through, a bank shall prominently disclose that an investment in the company is not insured by the Federal Deposit Insurance Corporation or any other government agency. The Commission may adopt rules and regulations, and issue orders, consistent with the protection of investors, prescribing the manner in which the disclosure under this paragraph shall be provided.

"(3) DEFINITIONS.—The terms 'insured depository institution' and 'appropriate Federal banking agency' have the meaning given to such terms in section 3 of the Federal Deposit Insurance Act.".

SEC. 215. DEFINITION OF BROKER UNDER THE INVESTMENT COMPANY ACT OF 1940.

Section 2(a)(6) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)(6)) is amended to read as follows:

"(6) The term 'broker' has the same meaning as in the Securities Exchange Act of 1934, except that such term does not include any person solely by reason of the fact that such person is an underwriter for one or more investment companies.".

SEC. 216. DEFINITION OF DEALER UNDER THE INVESTMENT COMPANY ACT OF 1940.

Section 2(a)(11) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)(11)) is amended to read as follows:

"(11) The term 'dealer' has the same meaning as in the Securities Exchange Act of 1934, but does not include an insurance company or investment company.".

SEC. 217. REMOVAL OF THE EXCLUSION FROM THE DEFINITION OF INVESTMENT ADVISER FOR BANKS THAT ADVISE INVESTMENT COMPANIES.

(a) INVESTMENT ADVISER.—Section 202(a)(11) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)(11)) is amended in subparagraph (A), by striking "investment company" and inserting "investment company, except that the term 'investment adviser' includes any bank or bank holding company to the extent that such bank or bank holding company serves or acts as an investment adviser to a registered investment company, but if, in the case of a bank, such services or actions are performed through a separately identifiable department or division, the department or division, and not the bank itself, shall be deemed to be the investment adviser".

(b) SEPARATELY IDENTIFIABLE DEPARTMENT OR DIVISION.—Section 202(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)) is amended by adding at the end the following:

"(26) The term 'separately identifiable department or division' of a bank means a unit—

"(A) that is under the direct supervision of an officer or officers designated by the board of directors of the bank as responsible for the day-to-day conduct of the bank's investment adviser activities for one or more investment companies, including the supervision of all bank employees engaged in the performance of such activities; and

"(B) for which all of the records relating to its investment adviser activities are separately maintained in or extractable from such unit's own facilities or the facilities of the bank, and such records are so maintained or otherwise accessible as to permit independent examination and enforcement by the Commission of this Act or the Investment Company Act of 1940 and rules and regulations promulgated under this Act or the Investment Company Act of 1940.".

SEC. 218. DEFINITION OF BROKER UNDER THE INVESTMENT ADVISERS ACT OF 1940.

Section 202(a)(3) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)(3)) is amended to read as follows:

"(3) The term 'broker' has the same meaning as in the Securities Exchange Act of 1934.".

SEC. 219. DEFINITION OF DEALER UNDER THE INVESTMENT ADVISERS ACT OF 1940.

Section 202(a)(7) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)(7)) is amended to read as follows:

"(7) The term 'dealer' has the same meaning as in the Securities Exchange Act of 1934, but does not include an insurance company or investment company.".

SEC. 220. INTERAGENCY CONSULTATION.

The Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.) is amended by inserting after section 210 the following new section:

"SEC. 210A. CONSULTATION.

"(a) EXAMINATION RESULTS AND OTHER INFORMATION.—

"(1) The appropriate Federal banking agency shall provide the Commission upon request the results of any examination, reports, records, or other information to which such agency may have access with respect to the investment advisory activities—

"(A) of any—

"(i) bank holding company,

"(ii) bank, or

"(iii) separately identifiable department or division of a bank,

that is registered under section 203 of this title; and

"(B) in the case of a bank holding company or bank that has a subsidiary or a separately identifiable department or division registered under that section, of such bank or bank holding company.

"(2) The Commission shall provide to the appropriate Federal banking agency upon request the results of any examination, reports, records, or other information with respect to the investment advisory activities of any bank holding company, bank, or separately identifiable department or division of a bank, any of which is registered under section 203 of this title.

"(b) EFFECT ON OTHER AUTHORITY.—Nothing in this section shall limit in any respect the authority of the appropriate Federal banking agency with respect to such bank holding company, bank, or department or division under any provision of law.

"(c) DEFINITION.—For purposes of this section, the term 'appropriate Federal banking agency' shall have the same meaning as in section 3 of the Federal Deposit Insurance Act.".

SEC. 221. TREATMENT OF BANK COMMON TRUST FUNDS.

(a) SECURITIES ACT OF 1933.—Section 3(a)(2) of the Securities Act of 1933 (15 U.S.C. 77c(a)(2)) is amended by striking "or any interest or participation in any common trust fund or similar fund maintained by a bank exclusively for the collective investment and reinvestment of assets contributed thereto by such bank in its capacity as trustee, executor, administrator, or guardian" and inserting "or any interest or participation in any common trust fund or similar fund that is excluded from the definition of the term 'investment company' under section 3(c)(3) of the Investment Company Act of 1940".

(b) SECURITIES EXCHANGE ACT OF 1934.—Section 3(a)(12)(A)(iii) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(12)(A)(iii)) is amended to read as follows:

"(iii) any interest or participation in any common trust fund or similar fund that is excluded from the definition of the term 'investment company' under section 3(c)(3) of the Investment Company Act of 1940;".

(c) INVESTMENT COMPANY ACT OF 1940.—Section 3(c)(3) of the Investment Company Act of 1940 (15 U.S.C. 80a-3(c)(3)) is amended by inserting before the period the following: ", if—

"(A) such fund is employed by the bank solely as an aid to the administration of trusts, estates, or other accounts created and maintained for a fiduciary purpose;

"(B) except in connection with the ordinary advertising of the bank's fiduciary services, interests in such fund are not—

"(i) advertised; or

"(ii) offered for sale to the general public; and

"(C) fees and expenses charged by such fund are not in contravention of fiduciary principles established under applicable Federal or State law".

SEC. 222. INVESTMENT ADVISERS PROHIBITED FROM HAVING CONTROLLING INTEREST IN REGISTERED INVESTMENT COMPANY.

Section 15 of the Investment Company Act of 1940 (15 U.S.C. 80a–15) is amended by adding at the end the following new subsection:

"(g) Controlling Interest in Investment Company Prohibited.—

"(1) In general.—If an investment adviser to a registered investment company, or an affiliated person of that investment adviser, holds a controlling interest in that registered investment company in a trustee or fiduciary capacity, such person shall—

"(A) if it holds the shares in a trustee or fiduciary capacity with respect to any employee benefit plan subject to the Employee Retirement Income Security Act of 1974, transfer the power to vote the shares of the investment company through to another person acting in a fiduciary capacity with respect to the plan who is not an affiliated person of that investment adviser or any affiliated person thereof; or

"(B) if it holds the shares in a trustee or fiduciary capacity with respect to any person or entity other than an employee benefit plan subject to the Employee Retirement Income Security Act of 1974—

"(i) transfer the power to vote the shares of the investment company through to—

"(I) the beneficial owners of the shares;

"(II) another person acting in a fiduciary capacity who is not an affiliated person of that investment adviser or any affiliated person thereof; or

"(III) any person authorized to receive statements and information with respect to the trust who is not an affiliated person of that investment adviser or any affiliated person thereof;

"(ii) vote the shares of the investment company held by it in the same proportion as shares held by all other shareholders of the investment company; or

"(iii) vote the shares of the investment company as otherwise permitted under such rules, regulations, or orders as the Commission may prescribe or issue consistent with the protection of investors.

"(2) Exemption.—Paragraph (1) shall not apply to any investment adviser to a registered investment company, or any affiliated person of that investment adviser, that holds shares of the investment company in a trustee or fiduciary capacity if that registered investment company consists solely of assets held in such capacities.

"(3) Safe harbor.—No investment adviser to a registered investment company or any affiliated person of such investment adviser shall be deemed to have acted unlawfully or to have breached a fiduciary duty under State or Federal law solely by reason of acting in accordance with clause (i), (ii), or (iii) of paragraph (1)(B).".

SEC. 223. CONFORMING CHANGE IN DEFINITION.

Section 2(a)(5) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)(5)) is amended by striking "(A) a banking institution organized under the laws of the United States" and inserting "(A) a depository institution (as defined in section 3 of the Federal Deposit Insurance Act) or a branch or agency of a foreign bank (as such terms are defined in section 1(b) of the International Banking Act of 1978)".

SEC. 224. CONFORMING AMENDMENT.

Section 202 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2) is amended by adding at the end the following new subsection:

"(c) Consideration of Promotion of Efficiency, Competition, and Capital Formation.—Whenever pursuant to this title the Commission is engaged in rulemaking and is required to consider or determine whether an action is necessary or appropriate in the public interest, the Commission shall also consider, in addition to the protection of investors, whether the action will promote efficiency, competition, and capital formation.".

SEC. 225. EFFECTIVE DATE.

This subtitle shall take effect 90 days after the date of the enactment of this Act.

Subtitle C—Securities and Exchange Commission Supervision of Investment Bank Holding Companies

SEC. 231. SUPERVISION OF INVESTMENT BANK HOLDING COMPANIES BY THE SECURITIES AND EXCHANGE COMMISSION.

(a) Amendment.—Section 17 of the Securities Exchange Act of 1934 (15 U.S.C. 78q) is amended—

(1) by redesignating subsection (i) as subsection (l); and

(2) by inserting after subsection (h) the following new subsections:

"(i) Investment Bank Holding Companies.—

"(1) Elective supervision of an investment bank holding company not having a bank or savings association affiliate.—

"(A) In general.—An investment bank holding company that is not—

"(i) an affiliate of a wholesale financial institution, an insured bank (other than an institution described in subparagraph (D), (F), or (G) of section 2(c)(2), or held under section 4(f), of the Bank Holding Company Act of 1956), or a savings association,

"(ii) a foreign bank, foreign company, or company that is described in section 8(a) of the International Banking Act of 1978, or

"(iii) a foreign bank that controls, directly or indirectly, a corporation chartered under section 25A of the Federal Reserve Act,

may elect to become supervised by filing with the Commission a notice of intention to become supervised, pursuant to subparagraph (B) of this paragraph. Any investment bank holding company filing such a notice shall be supervised in accordance with this section and comply with the rules promulgated by the Commission applicable to supervised investment bank holding companies.

"(B) Notification of status as a supervised investment bank holding company.—An investment bank holding company that elects under subparagraph (A) to become supervised by the Commission shall file with the Commission a written notice of intention to become supervised by the Commission in such form and containing such information and documents concerning such investment bank holding company as the Commission, by rule, may prescribe as necessary or appropriate in furtherance of the purposes of this section. Unless the Commission finds that such supervision is not necessary or appropriate in furtherance of the purposes of this section, such supervision shall become effective 45 days after receipt of such written notice by the Commission or within such shorter time period as the Commission, by rule or order, may determine.

"(2) Election not to be supervised by the Commission as an investment bank holding company.—

"(A) Voluntary withdrawal.—A supervised investment bank holding company that is supervised pursuant to paragraph (1) may, upon such terms and conditions as the Commission deems necessary or appropriate, elect not to be supervised by the Commission by filing a written notice of withdrawal from Commission supervision. Such notice shall not become effective until one year after receipt by the Commission, or such shorter or longer period as the Commission deems necessary or appropriate to ensure effective supervision of the material risks to the supervised investment bank holding company and to the affiliated broker or dealer, or to prevent evasion of the purposes of this section.

"(B) Discontinuation of Commission supervision.—If the Commission finds that any supervised investment bank holding company that is supervised pursuant to paragraph (1) is no longer in existence or has ceased to be an investment bank holding company, or if the Commission finds that continued supervision of such a supervised investment bank holding company is not consistent with the purposes of this section, the Commission may discontinue the supervision pursuant to a rule or order, if any, promulgated by the Commission under this section.

"(3) Supervision of investment bank holding companies.—

"(A) Recordkeeping and reporting.—

"(i) In general.—Every supervised investment bank holding company and each affiliate thereof shall make and keep for prescribed periods such records, furnish copies thereof, and make such reports, as the Commission may require by rule, in order to keep the Commission informed as to—

"(I) the company's or affiliate's activities, financial condition, policies, systems for monitoring and controlling financial and operational risks, and transactions and relationships between any broker or dealer affiliate of the supervised investment bank holding company; and

"(II) the extent to which the company or affiliate has complied with the provisions of this Act and regulations prescribed and orders issued under this Act.

"(ii) Form and contents.—Such records and reports shall be prepared in such form and according to such specifications (including certification by an independent public accountant), as the Commission may require and shall be provided promptly at any time upon request by the Commission. Such records and reports may include—

"(I) a balance sheet and income statement;

"(II) an assessment of the consolidated capital of the supervised investment bank holding company;

"(III) an independent auditor's report attesting to the supervised investment bank holding company's compliance with its internal risk management and internal control objectives; and

"(IV) reports concerning the extent to which the company or affiliate has complied with the provisions of this title and any regulations prescribed and orders issued under this title.

"(B) Use of existing reports.—

"(i) In general.—The Commission shall, to the fullest extent possible, accept reports in fulfillment of the requirements under this paragraph that the supervised investment bank holding company or its affiliates have been required to provide to another appropriate regulatory agency or self-regulatory organization.

"(ii) AVAILABILITY.—A supervised investment bank holding company or an affiliate of such company shall provide to the Commission, at the request of the Commission, any report referred to in clause (i).

"(C) EXAMINATION AUTHORITY.—

"(i) FOCUS OF EXAMINATION AUTHORITY.—The Commission may make examinations of any supervised investment bank holding company and any affiliate of such company in order to—

"(I) inform the Commission regarding—

"(aa) the nature of the operations and financial condition of the supervised investment bank holding company and its affiliates;

"(bb) the financial and operational risks within the supervised investment bank holding company that may affect any broker or dealer controlled by such supervised investment bank holding company; and

"(cc) the systems of the supervised investment bank holding company and its affiliates for monitoring and controlling those risks; and

"(II) monitor compliance with the provisions of this subsection, provisions governing transactions and relationships between any broker or dealer affiliated with the supervised investment bank holding company and any of the company's other affiliates, and applicable provisions of subchapter II of chapter 53, title 31, United States Code (commonly referred to as the 'Bank Secrecy Act') and regulations thereunder.

"(ii) RESTRICTED FOCUS OF EXAMINATIONS.—The Commission shall limit the focus and scope of any examination of a supervised investment bank holding company to—

"(I) the company; and

"(II) any affiliate of the company that, because of its size, condition, or activities, the nature or size of the transactions between such affiliate and any affiliated broker or dealer, or the centralization of functions within the holding company system, could, in the discretion of the Commission, have a materially adverse effect on the operational or financial condition of the broker or dealer.

"(iii) DEFERENCE TO OTHER EXAMINATIONS.—For purposes of this subparagraph, the Commission shall, to the fullest extent possible, use the reports of examination of an institution described in subparagraph (D), (F), or (G) of section 2(c)(2), or held under section 4(f), of the Bank Holding Company Act of 1956 made by the appropriate regulatory agency, or of a licensed insurance company made by the appropriate State insurance regulator.

"(4) HOLDING COMPANY CAPITAL.—

"(A) AUTHORITY.—If the Commission finds that it is necessary to adequately supervise investment bank holding companies and their broker or dealer affiliates consistent with the purposes of this subsection, the Commission may adopt capital adequacy rules for supervised investment bank holding companies.

"(B) METHOD OF CALCULATION.—In developing rules under this paragraph:

"(i) DOUBLE LEVERAGE.—The Commission shall consider the use by the supervised investment bank holding company of debt and other liabilities to fund capital investments in affiliates.

"(ii) NO UNWEIGHTED CAPITAL RATIO.—The Commission shall not impose under this section a capital ratio that is not based on appropriate risk-weighting considerations.

"(iii) NO CAPITAL REQUIREMENT ON REGULATED ENTITIES.—The Commission shall not, by rule, regulation, guideline, order or otherwise, impose any capital adequacy provision on a nonbanking affiliate (other than a broker or dealer) that is in compliance with applicable capital requirements of another Federal regulatory authority or State insurance authority.

"(iv) APPROPRIATE EXCLUSIONS.—The Commission shall take full account of the applicable capital requirements of another Federal regulatory authority or State insurance regulator.

"(C) INTERNAL RISK MANAGEMENT MODELS.—The Commission may incorporate internal risk management models into its capital adequacy rules for supervised investment bank holding companies.

"(5) FUNCTIONAL REGULATION OF BANKING AND INSURANCE ACTIVITIES OF SUPERVISED INVESTMENT BANK HOLDING COMPANIES.—The Commission shall defer to—

"(A) the appropriate regulatory agency with regard to all interpretations of, and the enforcement of, applicable banking laws relating to the activities, conduct, ownership, and operations of banks, and institutions described in subparagraph (D), (F), and (G) of section 2(c)(2), or held under section 4(f), of the Bank Holding Company Act of 1956; and

"(B) the appropriate State insurance regulators with regard to all interpretations of, and the enforcement of, applicable State insurance laws relating to the activities, conduct, and operations of insurance companies and insurance agents.

"(6) DEFINITIONS.—For purposes of this subsection—

"(A) The term 'investment bank holding company' means—

"(i) any person other than a natural person that owns or controls one or more brokers or dealers; and

"(ii) the associated persons of the investment bank holding company.

"(B) The term 'supervised investment bank holding company' means any investment bank holding company that is supervised by the Commission pursuant to this subsection.

"(C) The terms 'affiliate', 'bank', 'bank holding company', 'company', 'control', and 'savings association' have the meanings given to those terms in section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841).

"(D) The term 'insured bank' has the meaning given to that term in section 3 of the Federal Deposit Insurance Act.

"(E) The term 'foreign bank' has the meaning given to that term in section 1(b)(7) of the International Banking Act of 1978.

"(F) The terms "person associated with an investment bank holding company' and "associated person of an investment bank holding company' means any person directly or indirectly controlling, controlled by, or under common control with, an investment bank holding company.

"(j) AUTHORITY TO LIMIT DISCLOSURE OF INFORMATION.—Notwithstanding any other provision of law, the Commission shall not be compelled to disclose any information required to be reported under subsection (h) or (i) or any information supplied to the Commission by any domestic or foreign regulatory agency that relates to the financial or operational condition of any associated person of a broker or dealer, investment bank holding company, or any affiliate of an investment bank holding company. Nothing in this subsection shall authorize the Commission to withhold information from Congress, or prevent the Commission from complying with a request for information from any other Federal department or agency or any self-regulatory organization requesting the information for purposes within the scope of its jurisdiction, or complying with an order of a court of the United States in an action brought by the United States or the Commission. For purposes of section 552 of title 5, United States Code, this subsection shall be considered a statute described in subsection (b)(3)(B) of such section 552. In prescribing regulations to carry out the requirements of this subsection, the Commission shall designate information described in or obtained pursuant to subparagraphs (A), (B), and (C) of subsection (i)(5) as confidential information for purposes of section 24(b)(2) of this title.".

(b) CONFORMING AMENDMENTS.—

(1) Section 3(a)(34) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(34)) is amended by adding at the end the following new subparagraphs:

"(H) When used with respect to an institution described in subparagraph (D), (F), or (G) of section 2(c)(2), or held under section 4(f), of the Bank Holding Company Act of 1956—

"(i) the Comptroller of the Currency, in the case of a national bank or a bank in the District of Columbia examined by the Comptroller of the Currency;

"(ii) the Board of Governors of the Federal Reserve System, in the case of a State member bank of the Federal Reserve System or any corporation chartered under section 25A of the Federal Reserve Act;

"(iii) the Federal Deposit Insurance Corporation, in the case of any other bank the deposits of which are insured in accordance with the Federal Deposit Insurance Act; or

"(iv) the Commission in the case of all other such institutions.".

(2) Section 1112(e) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3412(e)) is amended—

(A) by striking "this title" and inserting "law"; and

(B) by inserting ", examination reports" after "financial records".

Subtitle D—Study

SEC. 241. STUDY OF METHODS TO INFORM INVESTORS AND CONSUMERS OF UNINSURED PRODUCTS.

Within one year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Congress regarding the efficacy, costs, and benefits of requiring that any depository institution that accepts federally insured deposits and that, directly or through a contractual or other arrangement with a broker, dealer, or agent, buys from, sells to, or effects transactions for retail investors in securities or consumers of insurance to inform such investors and consumers through the use of a logo or seal that the security or insurance is not insured by the Federal Deposit Insurance Corporation.

TITLE III—INSURANCE

Subtitle A—State Regulation of Insurance

SEC. 301. STATE REGULATION OF THE BUSINESS OF INSURANCE.

The Act entitled "An Act to express the intent of the Congress with reference to the regulation of the business of insurance" and approved March 9, 1945 (15 U.S.C. 1011 et seq.), commonly referred to as the "McCarran—Ferguson Act") remains the law of the United States.

SEC. 302. MANDATORY INSURANCE LICENSING REQUIREMENTS.

No person or entity shall provide insurance in a State as principal or agent unless such person or entity is licensed as required by the appropriate insurance regulator of such State in accordance with the relevant State insurance law, subject to section 104 of this Act.

SEC. 303. FUNCTIONAL REGULATION OF INSURANCE.

The insurance sales activity of any person or entity shall be functionally regulated by the States, subject to section 104 of this Act.

SEC. 304. INSURANCE UNDERWRITING IN NATIONAL BANKS.

(a) In General.—Except as provided in section 306, a national bank and the subsidiaries of a national bank may not provide insurance in a State as principal except that this prohibition shall not apply to authorized products.

(b) Authorized Products.—For the purposes of this section, a product is authorized if—

(1) as of January 1, 1997, the Comptroller of the Currency had determined in writing that national banks may provide such product as principal, or national banks were in fact lawfully providing such product as principal;

(2) no court of relevant jurisdiction had, by final judgment, overturned a determination of the Comptroller of the Currency that national banks may provide such product as principal; and

(3) the product is not title insurance, or an annuity contract the income of which is subject to tax treatment under section 72 of the Internal Revenue Code of 1986.

(c) Definition.—For purposes of this section, the term "insurance" means—

(1) any product regulated as insurance as of January 1, 1997, in accordance with the relevant State insurance law, in the State in which the product is provided;

(2) any product first offered after January 1, 1997, which—

(A) a State insurance regulator determines shall be regulated as insurance in the State in which the product is provided because the product insures, guarantees, or indemnifies against liability, loss of life, loss of health, or loss through damage to or destruction of property, including, but not limited to, surety bonds, life insurance, health insurance, title insurance, and property and casualty insurance (such as private passenger or commercial automobile, homeowners, mortgage, commercial multiperil, general liability, professional liability, workers' compensation, fire and allied lines, farm owners multiperil, aircraft, fidelity, surety, medical malpractice, ocean marine, inland marine, and boiler and machinery insurance); and

(B) is not a product or service of a bank that is—

(i) a deposit product;

(ii) a loan, discount, letter of credit, or other extension of credit;

(iii) a trust or other fiduciary service;

(iv) a qualified financial contract (as defined in or determined pursuant to section 11(e)(8)(D)(i) of the Federal Deposit Insurance Act); or

(v) a financial guaranty, except that this subparagraph (B) shall not apply to a product that includes an insurance component such that if the product is offered or proposed to be offered by the bank as principal—

(I) it would be treated as a life insurance contract under section 7702 of the Internal Revenue Code of 1986, as amended; or

(II) in the event that the product is not a letter of credit or other similar extension of credit, a qualified financial contract, or a financial guaranty, it would qualify for treatment for losses incurred with respect to such product under section 832(b)(5) of the Internal Revenue Code of 1986, as amended, if the bank were subject to tax as an insurance company under section 831 of such Code; or

(3) any annuity contract the income on which is subject to tax treatment under section 72 of the Internal Revenue Code of 1986, as amended.

SEC. 305. NEW BANK AGENCY ACTIVITIES ONLY THROUGH ACQUISITION OF EXISTING LICENSED AGENTS.

If a national bank or a subsidiary of a national bank is not providing insurance as agent in a State as of the date of the enactment of this Act, the national bank and the subsidiary of the national bank may provide insurance (which such bank or subsidiary is otherwise authorized to provide) as agent in such State after such date only by acquiring a company which has been licensed by the appropriate State regulator to provide insurance as agent in such State for not less than 2 years before such acquisition.

SEC. 306. TITLE INSURANCE ACTIVITIES OF NATIONAL BANKS AND THEIR AFFILIATES.

(a) Authority.—

(1) In general.—Notwithstanding any other provision of this Act or any other law, no national bank, and no subsidiary of a national bank, may engage in any activity involving the underwriting or sale of title insurance other than title insurance activities in which such national bank or subsidiary was actively and lawfully engaged before the date of the enactment of this Act.

(2) Insurance affiliate.—In the case of a national bank which has an affiliate which provides insurance as principal and is not a subsidiary of the bank, the national bank and any subsidiary of the national bank may not engage in any activity involving the underwriting or sale of title insurance pursuant to paragraph (1).

(3) Insurance subsidiary.—In the case of a national bank which has a subsidiary which provides insurance as principal and has no affiliate which provides insurance as principal and is not a subsidiary, the national bank may not engage in any activity involving the underwriting or sale of title insurance pursuant to paragraph (1).

(4) Affiliate and subsidiary defined.—For purposes of this section, the terms "affiliate" and "subsidiary" have the meaning given such terms in section 2 of the Bank Holding Company Act of 1956.

(b) Parity Exception.—Notwithstanding subsection (a), in the case of any State in which banks organized under the laws of such State were authorized to sell title insurance as agent as of January 1, 1997, a national bank and a subsidiary of a national bank may sell title insurance as agent in such State in the same manner and to the same extent such State banks are authorized to sell title insurance as agent in such State.

SEC. 307. EXPEDITED AND EQUALIZED DISPUTE RESOLUTION FOR FINANCIAL REGULATORS.

(a) Filing in Court of Appeal.—In the case of a regulatory conflict between a State insurance regulator and a Federal regulator as to whether any product is or is not insurance as defined in section 304(c) of this Act, or whether a State statute, regulation, order, or interpretation regarding any insurance sales or solicitation activity is properly treated as preempted under Federal law, either regulator may seek expedited judicial review of such determination by the United States Court of Appeals for the circuit in which the State is located or in the United States Court of Appeals for the District of Columbia Circuit by filing a petition for review in such court.

(b) Expedited Review.—The United States court of appeals in which a petition for review is filed in accordance with paragraph (1) shall complete all action on such petition, including rendering a judgment, before the end of the 60-day period beginning on the date such petition is filed, unless all parties to such proceeding agree to any extension of such period.

(c) Supreme Court Review.—Any request for certiori to the Supreme Court of the United States of any judgment of a United States court of appeals with respect to a petition for review under this section shall be filed with the United States Supreme Court as soon as practicable after such judgment is issued.

(d) Statute of Limitation.—No action may be filed under this section challenging an order, ruling, determination, or other action of a Federal financial regulator or State insurance regulator after the later of—

(1) the end of the 12-month period beginning on the date the first public notice is made of such order, ruling, or determination in its final form; or

(2) the end of the 6-month period beginning on the date such order, ruling, or determination takes effect.

(e) Standard of Review.—The court shall decide an action filed under this section based on its review on the merits of all questions presented under State and Federal law, including the nature of the product or activity and the history and purpose of its regulation under State and Federal law, without unequal deference.

SEC. 308. CONSUMER PROTECTION REGULATIONS.

(a) Regulations Required.—

(1) In general.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by adding at the end the following new section:

"SEC. 45. CONSUMER PROTECTION REGULATIONS.

"(a) Regulations Required.—

"(1) In general.—The Federal banking agencies shall prescribe and publish in final form, before the end of the 1-year period beginning on the date of the enactment of this Act, consumer protection regulations (which the agencies jointly determine to be appropriate) that—

"(A) apply to retail sales, solicitations, advertising, or offers of any insurance product by any insured depository institution or wholesale financial institution or any person who is engaged in such activities at an office of the institution or on behalf of the institution; and

"(B) are consistent with the requirements of this Act and provide such additional protections for consumers to whom such sales, solicitations, advertising, or offers are directed as the agency determines to be appropriate.

"(2) Applicability to subsidiaries.—The regulations prescribed pursuant to paragraph (1) shall extend such protections to any subsidiaries of an insured depository institution, as deemed appropriate by the regulators referred to in paragraph (3), where such extension is determined to be necessary to ensure the consumer protections provided by this section.

"(3) Consultation and joint regulations.—The Federal banking agencies shall consult with each other and prescribe joint regulations pursuant to paragraph (1), after consultation with the State insurance regulators, as appropriate.

"(b) Sales Practices.—The regulations prescribed pursuant to subsection (a) shall include anticoercion rules applicable to the sale of insurance products which prohibit an insured depository institution from engaging in any practice that would lead a consumer to believe an extension of credit, in violation of section 106(b) of the Bank Holding Company Act Amendments of 1970, is conditional upon—

"(1) the purchase of an insurance product from the institution or any of its affiliates or subsidiaries; or

"(2) an agreement by the consumer not to obtain, or a prohibition on the consumer from obtaining, an insurance product from an unaffiliated entity.

"(c) Disclosures and Advertising.—The regulations prescribed pursuant to subsection (a) shall include the following provisions relating to disclosures and advertising in connection with the initial purchase of an insurance product:

"(1) Disclosures.—

"(A) In general.—Requirements that the following disclosures be made orally and in writing before the completion of the initial sale and, in the case of clause (iv), at the time of application for an extension of credit:

"(i) Uninsured status.—As appropriate, the product is not insured by the Federal Deposit Insurance Corporation, the United States Government, or the insured depository institution.

"(ii) Investment risk.—In the case of a variable annuity or other insurance product which involves an investment risk, that there is an investment risk associated with the product, including possible loss of value.

"(iv) Coercion.—The approval of an extension of credit may not be conditioned on—

"(I) the purchase of an insurance product from the institution in which the application for credit is pending or any of its affiliates or subsidiaries; or

"(II) an agreement by the consumer not to obtain, or a prohibition on the consumer from obtaining, an insurance product from an unaffiliated entity.

"(B) Making disclosure readily understandable.—Regulations prescribed under subparagraph (A) shall encourage the use of disclosure that is conspicuous, simple, direct, and readily understandable, such as the following:

"(i) 'NOT FDIC–INSURED'.

"(ii) 'NOT GUARANTEED BY THE BANK'.

"(iii) 'MAY GO DOWN IN VALUE'.

"(C) Adjustments for alternative methods of purchase.—In prescribing the requirements under subparagraphs (A) and (D), necessary adjustments shall be made for purchase in person, by telephone, or by electronic media to provide for the most appropriate and complete form of disclosure and acknowledgments.

"(D) Consumer acknowledgment.—A requirement that an insured depository institution shall require any person selling an insurance product at any office of, or on behalf of, the institution to obtain, at the time a consumer receives the disclosures required under this paragraph or at the time of the initial purchase by the consumer of such product, an acknowledgment by such consumer of the receipt of the disclosure required under this subsection with respect to such product.

"(2) Prohibition on misrepresentations.—A prohibition on any practice, or any advertising, at any office of, or on behalf of, the insured depository institution, or any subsidiary as appropriate, which could mislead any person or otherwise cause a reasonable person to reach an erroneous belief with respect to—

"(A) the uninsured nature of any insurance product sold, or offered for sale, by the institution or any subsidiary of the institution; or

"(B) in the case of a variable annuity or other insurance product that involves an investment risk, the investment risk associated with any such product.

"(d) Separation of Banking and Nonbanking Activities.—

"(1) Regulations required.—The regulations prescribed pursuant to subsection (a) shall include such provisions as the Federal banking agencies consider appropriate to ensure that the routine acceptance of deposits and the making of loans is kept, to the extent practicable, physically segregated from insurance product activity.

"(2) Requirements.—Regulations prescribed pursuant to paragraph (1) shall include the following requirements:

"(A) Separate setting.—A clear delineation of the setting in which, and the circumstances under which, transactions involving insurance products should be conducted in a location physically segregated from an area where retail deposits are routinely accepted.

"(B) Referrals.—Standards which permit any person accepting deposits from, or making loans to, the public in an area where such transactions are routinely conducted in an insured depository institution to refer a customer who seeks to purchase any insurance product to a qualified person who sells such product, only if the person making the referral receives no more than a one-time nominal fee of a fixed dollar amount for each referral that does not depend on whether the referral results in a transaction.

"(C) Qualification and licensing requirements.—Standards prohibiting any insured depository institution from permitting any person to sell or offer for sale any insurance product in any part of any office of the institution, or on behalf of the institution, unless such person is appropriately qualified and licensed.

"(e) Domestic Violence Discrimination Prohibition.—

"(1) In general.—In the case of an applicant for, or an insured under, any insurance product described in paragraph (2), the status of the applicant or insured as a victim of domestic violence, or as a provider of services to victims of domestic violence, shall not be considered as a criterion in any decision with regard to insurance underwriting, pricing, renewal, or scope of coverage of insurance policies, or payment of insurance claims, except as required or expressly permitted under State law.

"(2) Scope of application.—The prohibition contained in paragraph (1) shall apply to any insurance product which is sold or offered for sale, as principal, agent, or broker, by any insured depository institution or any person who is engaged in such activities at an office of the institution or on behalf of the institution.

"(3) Sense of the congress.—It is the sense of the Congress that, by the end of the 30-month period beginning on the date of the enactment of this Act, the States should enact prohibitions against discrimination with respect to insurance products that are at least as strict as the prohibitions contained in paragraph (1).

"(4) Domestic violence defined.—For purposes of this subsection, the term 'domestic violence' means the occurrence of 1 or more of the following acts by a current or former family member, household member, intimate partner, or caretaker:

"(A) Attempting to cause or causing or threatening another person physical harm, severe emotional distress, psychological trauma, rape, or sexual assault.

"(B) Engaging in a course of conduct or repeatedly committing acts toward another person, including following the person without proper authority, under circumstances that place the person in reasonable fear of bodily injury or physical harm.

"(C) Subjecting another person to false imprisonment.

"(D) Attempting to cause or cause damage to property so as to intimidate or attempt to control the behavior of another person.

"(f) Consumer Grievance Process.—The Federal banking agencies shall jointly establish a consumer complaint mechanism, for receiving and expeditiously addressing consumer complaints alleging a violation of regulations issued under the section, which shall—

"(1) establish a group within each regulatory agency to receive such complaints;

"(2) develop procedures for investigating such complaints;

"(3) develop procedures for informing consumers of rights they may have in connection with such complaints; and

"(4) develop procedures for addressing concerns raised by such complaints, as appropriate, including procedures for the recovery of losses to the extent appropriate.

"(g) Effect on Other Authority.—

"(1) No provision of this section shall be construed as granting, limiting, or otherwise affecting—

"(A) any authority of the Securities and Exchange Commission, any self-regulatory organization, the Municipal Securities Rulemaking Board, or the Secretary of the Treasury under any Federal securities law; or

"(B) any authority of any State insurance commissioner or other State authority under any State law.

"(2) Regulations prescribed by a Federal banking agency under this section shall not apply to retail sales, solicitations, advertising, or offers of any insurance product by any insured depository institution or wholesale financial institution or to any person who is engaged in such activities at an office of such institution or on behalf of the institution, in a State where the State has in effect statutes, regulations, orders, or interpretations, that are inconsistent with or contrary to the regulations prescribed by the Federal banking agencies.

"(h) Insurance Product Defined.—For purposes of this section, the term 'insurance product' includes an annuity contract the income of which is subject to tax treatment under section 72 of the Internal Revenue Code of 1986.".

SEC. 309. CERTAIN STATE AFFILIATION LAWS PREEMPTED FOR INSURANCE COMPANIES AND AFFILIATES.

No State may, by law, regulation, order, interpretation, or otherwise—

(1) prevent or restrict any insurer, or any affiliate of an insurer (whether such affiliate is organized as a stock company, mutual holding company, or otherwise), from becoming a financial holding company or acquiring control of an insured depository institution;

(2) limit the amount of an insurer's assets that may be invested in the voting securities of an insured depository institution (or any company which controls such institution), except that the laws of an insurer's State of domicile may limit the amount of such investment to an amount that is not less than 5 percent of the insurer's admitted assets; or

(3) prevent, restrict, or have the authority to review, approve, or disapprove a plan of

reorganization by which an insurer proposes to reorganize from mutual form to become a stock insurer (whether as a direct or indirect subsidiary of a mutual holding company or otherwise) unless such State is the State of domicile of the insurer.

Subtitle B—Redomestication of Mutual Insurers

SEC. 311. GENERAL APPLICATION.

This subtitle shall only apply to a mutual insurance company in a State which has not enacted a law which expressly establishes reasonable terms and conditions for a mutual insurance company domiciled in such State to reorganize into a mutual holding company.

SEC. 312. REDOMESTICATION OF MUTUAL INSURERS.

(a) Redomestication.—A mutual insurer organized under the laws of any State may transfer its domicile to a transferee domicile as a step in a reorganization in which, pursuant to the laws of the transferee domicile and consistent with the standards in subsection (f), the mutual insurer becomes a stock insurer that is a direct or indirect subsidiary of a mutual holding company.

(b) Resulting Domicile.—Upon complying with the applicable law of the transferee domicile governing transfers of domicile and completion of a transfer pursuant to this section, the mutual insurer shall cease to be a domestic insurer in the transferor domicile and, as a continuation of its corporate existence, shall be a domestic insurer of the transferee domicile.

(c) Licenses Preserved.—The certificate of authority, agents' appointments and licenses, rates, approvals and other items that a licensed State allows and that are in existence immediately prior to the date that a redomesticating insurer transfers its domicile pursuant to this subtitle shall continue in full force and effect upon transfer, if the insurer remains duly qualified to transact the business of insurance in such licensed State.

(d) Effectiveness of Outstanding Policies and Contracts.—

(1) In general.—All outstanding insurance policies and annuities contracts of a redomesticating insurer shall remain in full force and effect and need not be endorsed as to the new domicile of the insurer, unless so ordered by the State insurance regulator of a licensed State, and then only in the case of outstanding policies and contracts whose owners reside in such licensed State.

(2) Forms.—

(A) Applicable State law may require a redomesticating insurer to file new policy forms with the State insurance regulator of a licensed State on or before the effective date of the transfer.

(B) Notwithstanding subparagraph (A), a redomesticating insurer may use existing policy forms with appropriate endorsements to reflect the new domicile of the redomesticating insurer until the new policy forms are approved for use by the State insurance regulator of such licensed State.

(e) Notice.—A redomesticating insurer shall give notice of the proposed transfer to the State insurance regulator of each licensed State and shall file promptly any resulting amendments to corporate documents required to be filed by a foreign licensed mutual insurer with the insurance regulator of each such licensed State.

(f) Procedural Requirements.—No mutual insurer may redomesticate to another State and reorganize into a mutual holding company pursuant to this section unless the State insurance regulator of the transferee domicile determines that the plan of reorganization of the insurer includes the following requirements:

(1) Approval by board of directors and policyholders.—The reorganization is approved by at least a majority of the board of directors of the mutual insurer and at least a majority of the policyholders who vote after notice, disclosure of the reorganization and the effects of the transaction on policyholder contractual rights, and reasonable opportunity to vote, in accordance with such notice, disclosure, and voting procedures as are approved by the State insurance regulator of the transferee domicile.

(2) Continued voting control by policyholders; review of public stock offering.—After the consummation of a reorganization, the policyholders of the reorganized insurer shall have the same voting rights with respect to the mutual holding company as they had before the reorganization with respect to the mutual insurer. With respect to an initial public offering of stock, the offering shall be conducted in compliance with applicable securities laws and in a manner approved by the State insurance regulator of the transferee domicile.

(3) Award of stock or grant of options to officers and directors.—For a period of 6 months after completion of an initial public offering, neither a stock holding company nor the converted insurer shall award any stock options or stock grants to persons who are elected officers or directors of the mutual holding company, the stock holding company, or the converted insurer, except with respect to any such awards or options to which a person is entitled as a policyholder and as approved by the State insurance regulator of the transferee domicile.

(4) Contractual rights.—Upon reorganization into a mutual holding company, the contractual rights of the policyholders are preserved.

(5) Fair and equitable treatment of policyholders.—The reorganization is approved as fair and equitable to the policyholders by the insurance regulator of the transferee domicile.

SEC. 313. EFFECT ON STATE LAWS RESTRICTING REDOMESTICATION.

(a) In General.—Unless otherwise permitted by this subtitle, State laws of any transferor domicile that conflict with the purposes and intent of this subtitle are preempted, including but not limited to—

(1) any law that has the purpose or effect of impeding the activities of, taking any action against, or applying any provision of law or regulation to, any insurer or an affiliate of such insurer because that insurer or any affiliate plans to redomesticate, or has redomesticated, pursuant to this subtitle;

(2) any law that has the purpose or effect of impeding the activities of, taking action against, or applying any provision of law or regulation to, any insured or any insurance licensee or other intermediary because such person or entity has procured insurance from or placed insurance with any insurer or affiliate of such insurer that plans to redomesticate, or has redomesticated, pursuant to this subtitle, but only to the extent that such law would treat such insured licensee or other intermediary differently than if the person or entity procured insurance from, or placed insurance with, an insured licensee or other intermediary which had not redomesticated;

(3) any law that has the purpose or effect of terminating, because of the redomestication of a mutual insurer pursuant to this subtitle, any certificate of authority, agent appointment or license, rate approval, or other approval, of any State insurance regulator or other State authority in existence immediately prior to the redomestication in any State other than the transferee domicile.

(b) Differential Treatment Prohibited.—No State law, regulation, interpretation, or functional equivalent thereof, of a State other than a transferee domicile may treat a redomesticating or redomesticated insurer or any affiliate thereof any differently than an insurer operating in that State that is not a redomesticating or redomesticated insurer.

(c) Laws Prohibiting Operations.—If any licensed State fails to issue, delays the issuance of, or seeks to revoke an original or renewal certificate of authority of a redomesticated insurer immediately following redomestication, except on grounds and in a manner consistent with its past practices regarding the issuance of certificates of authority to foreign insurers that are not redomesticating, then the redomesticating insurer shall be exempt from any State law of the licensed State to the extent that such State law or the operation of such State law would make unlawful, or regulate, directly or indirectly, the operation of the redomesticated insurer, except that such licensed State may require the redomesticated insurer to—

(1) comply with the unfair claim settlement practices law of the licensed State;

(2) pay, on a nondiscriminatory basis, applicable premium and other taxes which are levied on licensed insurers or policyholders under the laws of the licensed State;

(3) register with and designate the State insurance regulator as its agent solely for the purpose of receiving service of legal documents or process;

(4) submit to an examination by the State insurance regulator in any licensed state in which the redomesticated insurer is doing business to determine the insurer's financial condition, if—

(A) the State insurance regulator of the transferee domicile has not begun an examination of the redomesticated insurer and has not scheduled such an examination to begin before the end of the 1-year period beginning on the date of the redomestication; and

(B) any such examination is coordinated to avoid unjustified duplication and repetition;

(5) comply with a lawful order issued in—

(A) a delinquency proceeding commenced by the State insurance regulator of any licensed State if there has been a judicial finding of financial impairment under paragraph (7); or

(B) a voluntary dissolution proceeding;

(6) comply with any State law regarding deceptive, false, or fraudulent acts or practices, except that if the licensed State seeks an injunction regarding the conduct described in this paragraph, such injunction must be obtained from a court of competent jurisdiction as provided in section 314(a);

(7) comply with an injunction issued by a court of competent jurisdiction, upon a petition by the State insurance regulator alleging that the redomesticating insurer is in hazardous financial condition or is financially impaired;

(8) participate in any insurance insolvency guaranty association on the same basis as any other insurer licensed in the licensed State; and

(9) require a person acting, or offering to act, as an insurance licensee for a redomesticated insurer in the licensed State to obtain a license from that State, except that

such State may not impose any qualification or requirement that discriminates against a nonresident insurance licensee.

SEC. 314. OTHER PROVISIONS.

(a) JUDICIAL REVIEW.—The appropriate United States district court shall have exclusive jurisdiction over litigation arising under this section involving any redomesticating or redomesticated insurer.

(b) SEVERABILITY.—If any provision of this section, or the application thereof to any person or circumstances, is held invalid, the remainder of the section, and the application of such provision to other persons or circumstances, shall not be affected thereby.

SEC. 315. DEFINITIONS.

For purposes of this subtitle, the following definitions shall apply:

(1) COURT OF COMPETENT JURISDICTION.—The term "court of competent jurisdiction" means a court authorized pursuant to section 314(a) to adjudicate litigation arising under this subtitle.

(2) DOMICILE.—The term "domicile" means the State in which an insurer is incorporated, chartered, or organized.

(3) INSURANCE LICENSEE.—The term "insurance licensee" means any person holding a license under State law to act as insurance agent, subagent, broker, or consultant.

(4) INSTITUTION.—The term "institution" means a corporation, joint stock company, limited liability company, limited liability partnership, association, trust, partnership, or any similar entity.

(5) LICENSED STATE.—The term "licensed State" means any State, the District of Columbia, American Samoa, Guam, Puerto Rico, or the United States Virgin Islands in which the redomesticating insurer has a certificate of authority in effect immediately prior to the redomestication.

(6) MUTUAL INSURER.—The term "mutual insurer" means a mutual insurer organized under the laws of any State.

(7) PERSON.—The term "person" means an individual, institution, government or governmental agency, State or political subdivision of a State, public corporation, board, association, estate, trustee, or fiduciary, or other similar entity.

(8) POLICYHOLDER.—The term "policyholder" means the owner of a policy issued by a mutual insurer, except that, with respect to voting rights, the term means a member of a mutual insurer or mutual holding company granted the right to vote, as determined under applicable State law.

(9) REDOMESTICATED INSURER.—The term "redomesticated insurer" means a mutual insurer that has redomesticated pursuant to this subtitle.

(10) REDOMESTICATING INSURER.—The term "redomesticating insurer" means a mutual insurer that is redomesticating pursuant to this subtitle.

(11) REDOMESTICATION OR TRANSFER.—The terms "redomestication" and "transfer" mean the transfer of the domicile of a mutual insurer from one State to another State pursuant to this subtitle.

(12) STATE INSURANCE REGULATOR.—The term "State insurance regulator" means the principal insurance regulatory authority of a State, the District of Columbia, American Samoa, Guam, Puerto Rico, or the United States Virgin Islands.

(13) STATE LAW.—The term "State law" means the statutes of any State, the District of Columbia, American Samoa, Guam, Puerto Rico, or the United States Virgin Islands and any regulation, order, or requirement prescribed pursuant to any such statute.

(14) TRANSFEREE DOMICILE.—The term "transferee domicile" means the State to which a mutual insurer is redomesticating pursuant to this subtitle.

(15) TRANSFEROR DOMICILE.—The term "transferor domicile" means the State from which a mutual insurer is redomesticating pursuant to this subtitle.

SEC. 316. EFFECTIVE DATE.

This subtitle shall take effect on the date of enactment of this Act.

Subtitle C—National Association of Registered Agents and Brokers

SEC. 321. STATE FLEXIBILITY IN MULTISTATE LICENSING REFORMS.

(a) IN GENERAL.—The provisions of this subtitle shall take effect unless by the end of the 3-year period beginning on the date of the enactment of this Act at least a majority of the States—

(1) have enacted uniform laws and regulations governing the licensure of individuals and entities authorized to sell and solicit the purchase of insurance within the State; or

(2) have enacted reciprocity laws and regulations governing the licensure of nonresident individuals and entities authorized to sell and solicit insurance within those States.

(b) UNIFORMITY REQUIRED.—States shall be deemed to have established the uniformity necessary to satisfy subsection (a)(1) if the States—

(1) establish uniform criteria regarding the integrity, personal qualifications, education, training, and experience of licensed insurance producers, including the qualification and training of sales personnel in ascertaining the appropriateness of a particular insurance product for a prospective customer;

(2) establish uniform continuing education requirements for licensed insurance producers;

(3) establish uniform ethics course requirements for licensed insurance producers in conjunction with the continuing education requirements under paragraph (2);

(4) establish uniform criteria to ensure that an insurance product, including any annuity contract, sold to a consumer is suitable and appropriate for the consumer based on financial information disclosed by the consumer; and

(5) do not impose any requirement upon any insurance producer to be licensed or otherwise qualified to do business as a nonresident that has the effect of limiting or conditioning that producer's activities because of its residence or place of operations, except that counter-signature requirements imposed on nonresident producers shall not be deemed to have the effect of limiting or conditioning a producer's activities because of its residence or place of operations under this section.

(c) RECIPROCITY REQUIRED.—States shall be deemed to have established the reciprocity required to satisfy subsection (a)(2) if the following conditions are met:

(1) ADMINISTRATIVE LICENSING PROCEDURES.—At least a majority of the States permit a producer that has a resident license for selling or soliciting the purchase of insurance in its home State to receive a license to sell or solicit the purchase of insurance in such majority of States as a nonresident to the same extent such producer is permitted to sell or solicit the purchase of insurance in its State, without satisfying any additional requirements other than submitting—

(A) a request for licensure;

(B) the application for licensure that the producer submitted to its home State;

(C) proof that the producer is licensed and in good standing in its home State; and

(D) the payment of any requisite fee to the appropriate authority,

if the producer's home State also awards such licenses on such a reciprocal basis.

(2) CONTINUING EDUCATION REQUIREMENTS.—A majority of the States accept an insurance producer's satisfaction of its home State's continuing education requirements for licensed insurance producers to satisfy the States' own continuing education requirements if the producer's home State also recognizes the satisfaction of continuing education requirements on such a reciprocal basis.

(3) NO LIMITING NONRESIDENT REQUIREMENTS.—A majority of the States do not impose any requirement upon any insurance producer to be licensed or otherwise qualified to do business as a nonresident that has the effect of limiting or conditioning that producer's activities because of its residence or place of operations, except that countersignature requirements imposed on nonresident producers shall not be deemed to have the effect of limiting or conditioning a producer's activities because of its residence or place of operations under this section.

(4) RECIPROCAL RECIPROCITY.—Each of the States that satisfies paragraphs (1), (2), and (3) grants reciprocity to residents of all of the other States that satisfy such paragraphs.

(d) DETERMINATION.—

(1) NAIC DETERMINATION.—At the end of the 3-year period beginning on the date of the enactment of this Act, the National Association of Insurance Commissioners shall determine, in consultation with the insurance commissioners or chief insurance regulatory officials of the States, whether the uniformity or reciprocity required by subsections (b) and (c) has been achieved.

(2) JUDICIAL REVIEW.—The appropriate United States district court shall have exclusive jurisdiction over any challenge to the National Association of Insurance Commissioners' determination under this section and such court shall apply the standards set forth in section 706 of title 5, United States Code, when reviewing any such challenge.

(e) CONTINUED APPLICATION.—If, at any time, the uniformity or reciprocity required by subsections (b) and (c) no longer exists, the provisions of this subtitle shall take effect within 2 years, unless the uniformity or reciprocity required by those provisions is satisfied before the expiration of that 2-year period.

(f) SAVINGS PROVISION.—No provision of this section shall be construed as requiring that any law, regulation, provision, or action of any State which purports to regulate insurance producers, including any such law, regulation, provision, or action which purports to regulate unfair trade practices or establish consumer protections, including countersignature laws, be altered or amended in order to satisfy the uniformity or reciprocity required by subsections (b) and (c), unless any such law, regulation, provision, or action is inconsistent with a specific requirement of any such subsection and then only to the extent of such inconsistency.

SEC. 322. NATIONAL ASSOCIATION OF REGISTERED AGENTS AND BROKERS.

(a) ESTABLISHMENT.—There is established the National Association of Registered Agents and Brokers (hereafter in this subtitle referred to as the "Association")

(b) STATUS.—The Association shall—

(1) be a nonprofit corporation and be presumed to have the status of an organization described in section 501(c)(6) of the Internal Revenue Code of 1986 unless the Secretary of

the Treasury determines that the Association does not meet the requirements of such section;

(2) have succession until dissolved by an Act of Congress;

(3) not be an agency or establishment of the United States Government; and

(4) except as otherwise provided in this Act, be subject to, and have all the powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29y-1001 et seq.).

SEC. 323. PURPOSE.

The purpose of the Association shall be to provide a mechanism through which uniform licensing, appointment, continuing education, and other insurance producer sales qualification requirements and conditions can be adopted and applied on a multistate basis, while preserving the right of States to license, supervise, and discipline insurance producers and to prescribe and enforce laws and regulations with regard to insurance-related consumer protection and unfair trade practices.

SEC. 324. RELATIONSHIP TO THE FEDERAL GOVERNMENT.

The Association shall be subject to the supervision and oversight of the National Association of Insurance Commissioners (hereafter in this subtitle referred to as the "NAIC") and shall not be an agency or an instrumentality of the United States Government.

SEC. 325. MEMBERSHIP.

(a) ELIGIBILITY.—

(1) IN GENERAL.—Any State-licensed insurance producer shall be eligible to become a member in the Association.

(2) INELIGIBILITY FOR SUSPENSION OR REVOCATION OF LICENSE.—Notwithstanding paragraph (1), a State-licensed insurance producer shall not be eligible to become a member if a State insurance regulator has suspended or revoked such producer's license in that State during the 3-year preceding the date such producer applies for membership.

(3) RESUMPTION OF ELIGIBILITY.—Paragraph (2) shall cease to apply to any insurance producer if—

(A) the State insurance regulator renews the license of such producer in the State in which the license was suspended or revoked; or

(B) the suspension or revocation is subsequently overturned.

(b) AUTHORITY TO ESTABLISH MEMBERSHIP CRITERIA.—The Association shall have the authority to establish membership criteria that—

(1) bear a reasonable relationship to the purposes for which the Association was established; and

(2) do not unfairly limit the access of smaller agencies to the Association membership.

(c) ESTABLISHMENT OF CLASSES AND CATEGORIES.—

(1) CLASSES OF MEMBERSHIP.—The Association may establish separate classes of membership, with separate criteria, if the Association reasonably determines that performance of different duties requires different levels of education, training, or experience.

(2) CATEGORIES.—The Association may establish separate categories of membership for individuals and for other persons. The establishment of any such categories of membership shall be based either on the types of licensing categories that exist under State laws or on the aggregate amount of business handled by an insurance producer. No special categories of membership, and no distinct membership criteria, shall be established for members which are insured depository institutions or wholesale financial institutions or for their employees, agents, or affiliates.

(d) MEMBERSHIP CRITERIA.—

(1) IN GENERAL.—The Association may establish criteria for membership which shall include standards for integrity, personal qualifications, education, training, and experience.

(2) MINIMUM STANDARD.—In establishing criteria under paragraph (1), the Association shall consider the highest levels of insurance producer qualifications established under the licensing laws of the States.

(e) EFFECT OF MEMBERSHIP.—Membership in the Association shall entitle the member to licensure in each State for which the member pays the requisite fees, including licensing fees and, where applicable, bonding requirements, set by such State.

(f) ANNUAL RENEWAL.—Membership in the Association shall be renewed on an annual basis.

(g) CONTINUING EDUCATION.—The Association shall establish, as a condition of membership, continuing education requirements which shall be comparable to or greater than the continuing education requirements under the licensing laws of a majority of the States.

(h) SUSPENSION AND REVOCATION.—The Association may—

(1) inspect and examine the records and offices of the members of the Association to determine compliance with the criteria for membership established by the Association; and

(2) suspend or revoke the membership of an insurance producer if—

(A) the producer fails to meet the applicable membership criteria of the Association; or

(B) the producer has been subject to disciplinary action pursuant to a final adjudicatory proceeding under the jurisdiction of a State insurance regulator, and the Association concludes that retention of membership in the Association would not be in the public interest.

(i) OFFICE OF CONSUMER COMPLAINTS.—

(1) IN GENERAL.—The Association shall establish an office of consumer complaints that shall—

(A) receive and investigate complaints from both consumers and State insurance regulators related to members of the Association; and

(B) recommend to the Association any disciplinary actions that the office considers appropriate, to the extent that any such recommendation is not inconsistent with State law.

(2) RECORDS AND REFERRALS.—The office of consumer complaints of the Association shall—

(A) maintain records of all complaints received in accordance with paragraph (1) and make such records available to the NAIC and to each State insurance regulator for the State of residence of the consumer who filed the complaint; and

(B) refer, when appropriate, any such complaint to any appropriate State insurance regulator.

(3) TELEPHONE AND OTHER ACCESS.—The office of consumer complaints shall maintain a toll-free telephone number for the purpose of this subsection and, as practicable, other alternative means of communication with consumers, such as an Internet home page.

SEC. 326. BOARD OF DIRECTORS.

(a) ESTABLISHMENT.—There is established the board of directors of the Association (hereafter in this subtitle referred to as the "Board") for the purpose of governing and supervising the activities of the Association and the members of the Association.

(b) POWERS.—The Board shall have such powers and authority as may be specified in the bylaws of the Association.

(c) COMPOSITION.—

(1) MEMBERS.—The Board shall be composed of 7 members appointed by the NAIC.

(2) REQUIREMENT.—At least 4 of the members of the Board shall have significant experience with the regulation of commercial lines of insurance in at least 1 of the 20 States in which the greatest total dollar amount of commercial-lines insurance is placed in the United States.

(3) INITIAL BOARD MEMBERSHIP.—

(A) IN GENERAL.—If, by the end of the 2-year period beginning on the date of the enactment of this Act, the NAIC has not appointed the initial 7 members of the Board of the Association, the initial Board shall consist of the 7 State insurance regulators of the 7 States with the greatest total dollar amount of commercial-lines insurance in place as of the end of such period.

(B) ALTERNATE COMPOSITION.—If any of the State insurance regulators described in subparagraph (A) declines to serve on the Board, the State insurance regulator with the next greatest total dollar amount of commercial-lines insurance in place, as determined by the NAIC as of the end of such period, shall serve as a member of the Board.

(C) INOPERABILITY.—If fewer than 7 State insurance regulators accept appointment to the Board, the Association shall be established without NAIC oversight pursuant to section 332.

(d) TERMS.—The term of each director shall, after the initial appointment of the members of the Board, be for 3 years, with ⅓ of the directors to be appointed each year.

(e) BOARD VACANCIES.—A vacancy on the Board shall be filled in the same manner as the original appointment of the initial Board for the remainder of the term of the vacating member.

(f) MEETINGS.—The Board shall meet at the call of the chairperson, or as otherwise provided by the bylaws of the Association.

SEC. 327. OFFICERS.

(a) IN GENERAL.—

(1) POSITIONS.—The officers of the Association shall consist of a chairperson and a vice chairperson of the Board, a president, secretary, and treasurer of the Association, and such other officers and assistant officers as may be deemed necessary.

(2) MANNER OF SELECTION.—Each officer of the Board and the Association shall be elected or appointed at such time and in such manner and for such terms not exceeding 3 years as may be prescribed in the bylaws of the Association.

(b) CRITERIA FOR CHAIRPERSON.— Only individuals who are members of the National Association of Insurance Commissioners shall be eligible to serve as the chairperson of the board of directors.

SEC. 328. BYLAWS, RULES, AND DISCIPLINARY ACTION.

(a) ADOPTION AND AMENDMENT OF BYLAWS.—

(1) COPY REQUIRED TO BE FILED WITH THE NAIC.—The board of directors of the Association shall file with the NAIC a copy of the proposed bylaws or any proposed amendment to the bylaws, accompanied by a concise general statement of the basis and purpose of such proposal.

(2) EFFECTIVE DATE.—Except as provided in paragraph (3), any proposed bylaw or proposed amendment shall take effect—

(A) 30 days after the date of the filing of a copy with the NAIC;

(B) upon such later date as the Association may designate; or

(C) such earlier date as the NAIC may determine.

(3) DISAPPROVAL BY THE NAIC.—Notwithstanding paragraph (2), a proposed bylaw or amendment shall not take effect if, after public notice and opportunity to participate in a public hearing—

(A) the NAIC disapproves such proposal as being contrary to the public interest or contrary to the purposes of this subtitle and provides notice to the Association setting forth the reasons for such disapproval; or

(B) the NAIC finds that such proposal involves a matter of such significant public interest that public comment should be obtained, in which case it may, after notifying the Association in writing of such finding, require that the procedures set forth in subsection (b) be followed with respect to such proposal, in the same manner as if such proposed bylaw change were a proposed rule change within the meaning of such paragraph.

(b) ADOPTION AND AMENDMENT OF RULES.—

(1) FILING PROPOSED REGULATIONS WITH THE NAIC.—

(A) IN GENERAL.—The board of directors of the Association shall file with the NAIC a copy of any proposed rule or any proposed amendment to a rule of the Association which shall be accompanied by a concise general statement of the basis and purpose of such proposal.

(B) OTHER RULES AND AMENDMENTS INEFFECTIVE.—No proposed rule or amendment shall take effect unless approved by the NAIC or otherwise permitted in accordance with this paragraph.

(2) INITIAL CONSIDERATION BY THE NAIC.—Within 35 days after the date of publication of notice of filing of a proposal, or before the end of such longer period not to exceed 90 days as the NAIC may designate after such date if the NAIC finds such longer period to be appropriate and sets forth its reasons for so finding, or as to which the Association consents, the NAIC shall—

(A) by order approve such proposed rule or amendment; or

(B) institute proceedings to determine whether such proposed rule or amendment should be modified or disapproved.

(3) NAIC PROCEEDINGS.—

(A) IN GENERAL.—Proceedings instituted by the NAIC with respect to a proposed rule or amendment pursuant to paragraph (2) shall—

(i) include notice of the grounds for disapproval under consideration;

(ii) provide opportunity for hearing; and

(iii) be concluded within 180 days after the date of the Association's filing of such proposed rule or amendment.

(B) DISPOSITION OF PROPOSAL.—At the conclusion of any proceeding under subparagraph (A), the NAIC shall, by order, approve or disapprove the proposed rule or amendment.

(C) EXTENSION OF TIME FOR CONSIDERATION.—The NAIC may extend the time for concluding any proceeding under subparagraph (A) for—

(i) not more than 60 days if the NAIC finds good cause for such extension and sets forth its reasons for so finding; or

(ii) for such longer period as to which the Association consents.

(4) STANDARDS FOR REVIEW.—

(A) GROUNDS FOR APPROVAL.—The NAIC shall approve a proposed rule or amendment if the NAIC finds that the rule or amendment is in the public interest and is consistent with the purposes of this Act.

(B) APPROVAL BEFORE END OF NOTICE PERIOD.—The NAIC shall not approve any proposed rule before the end of the 30-day period beginning on the date the Association files proposed rules or amendments in accordance with paragraph (1) unless the NAIC finds good cause for so doing and sets forth the reasons for so finding.

(5) ALTERNATE PROCEDURE.—

(A) IN GENERAL.—Notwithstanding any provision of this subsection other than subparagraph (B), a proposed rule or amendment relating to the administration or organization of the Association may take effect—

(i) upon the date of filing with the NAIC, if such proposed rule or amendment is designated by the Association as relating solely to matters which the NAIC, consistent with the public interest and the purposes of this subsection, determines by rule do not require the procedures set forth in this paragraph; or

(ii) upon such date as the NAIC shall for good cause determine.

(B) ABROGATION BY THE NAIC.—

(i) IN GENERAL.—At any time within 60 days after the date of filing of any proposed rule or amendment under subparagraph (A)(i) or (B)(ii), the NAIC may repeal such rule or amendment and require that the rule or amendment be refiled and reviewed in accordance with this paragraph, if the NAIC finds that such action is necessary or appropriate in the public interest, for the protection of insurance producers or policyholders, or otherwise in furtherance of the purposes of this subtitle.

(ii) EFFECT OF RECONSIDERATION BY THE NAIC.—Any action of the NAIC pursuant to clause (i) shall—

(I) not affect the validity or force of a rule change during the period such rule or amendment was in effect; and

(II) not be considered to be final action.

(c) ACTION REQUIRED BY THE NAIC.—The NAIC may, in accordance with such rules as the NAIC determines to be necessary or appropriate to the public interest or to carry out the purposes of this subtitle, require the Association to adopt, amend, or repeal any bylaw, rule or amendment of the Association, whenever adopted.

(d) DISCIPLINARY ACTION BY THE ASSOCIATION.—

(1) SPECIFICATION OF CHARGES.—In any proceeding to determine whether membership shall be denied, suspended, revoked, and not renewed (hereafter in this section referred to as a "disciplinary action"), the Association shall bring specific charges, notify such member of such charges and give the member an opportunity to defend against the charges, and keep a record.

(2) SUPPORTING STATEMENT.—A determination to take disciplinary action shall be supported by a statement setting forth—

(A) any act or practice in which such member has been found to have been engaged;

(B) the specific provision of this subtitle, the rules or regulations under this subtitle, or the rules of the Association which any such act or practice is deemed to violate; and

(C) the sanction imposed and the reason for such sanction.

(e) NAIC REVIEW OF DISCIPLINARY ACTION.—

(1) NOTICE TO THE NAIC.—If the Association orders any disciplinary action, the Association shall promptly notify the NAIC of such action.

(2) REVIEW BY THE NAIC.—Any disciplinary action taken by the Association shall be subject to review by the NAIC—

(A) on the NAIC's own motion; or

(B) upon application by any person aggrieved by such action if such application is filed with the NAIC not more than 30 days after the later of—

(i) the date the notice was filed with the NAIC pursuant to paragraph (1); or

(ii) the date the notice of the disciplinary action was received by such aggrieved person.

(f) EFFECT OF REVIEW.—The filing of an application to the NAIC for review of a disciplinary action, or the institution of review by the NAIC on the NAIC's own motion, shall not operate as a stay of disciplinary action unless the NAIC otherwise orders.

(g) SCOPE OF REVIEW.—

(A) IN GENERAL.—In any proceeding to review such action, after notice and the opportunity for hearing, the NAIC shall—

(i) determine whether the action should be taken;

(ii) affirm, modify, or rescind the disciplinary sanction; or

(iii) remand to the Association for further proceedings.

(B) DISMISSAL OF REVIEW.—The NAIC may dismiss a proceeding to review disciplinary action if the NAIC finds that—

(i) the specific grounds on which the action is based exist in fact;

(ii) the action is in accordance with applicable rules and regulations; and

(iii) such rules and regulations are, and were, applied in a manner consistent with the purposes of this Act.

SEC. 329. ASSESSMENTS.

(a) INSURANCE PRODUCERS SUBJECT TO ASSESSMENT.—The Association may establish such application and membership fees as the Association finds necessary to cover the costs of its operations, including fees made reimbursable to the NAIC under subsection (b), except that, in setting such fees, the Association may not discriminate against smaller insurance producers.

(b) NAIC ASSESSMENTS.—The NAIC may assess the Association for any costs it incurs under this subtitle.

SEC. 330. FUNCTIONS OF THE NAIC.

(a) ADMINISTRATIVE PROCEDURE.—Determinations of the NAIC, for purposes of making rules pursuant to section 328, shall be made after appropriate notice and opportunity for a hearing and for submission of views of interested persons.

(b) EXAMINATIONS AND REPORTS.—

(1) The NAIC may make such examinations and inspections of the Association and require the Association to furnish it with such reports and records or copies thereof as the NAIC may consider necessary or appropriate in the public interest or to effectuate the purposes of this subtitle.

(2) As soon as practicable after the close of each fiscal year, the Association shall submit to the NAIC a written report regarding the conduct of its business, and the exercise of the other rights and powers granted by this subtitle, during such fiscal year. Such report shall include financial statements setting forth the financial position of the Association at the end of such fiscal year and the results of its operations (including the source and application of its funds) for such fiscal year. The NAIC shall transmit such report to the President and the Congress with such comment thereon as the NAIC determines to be appropriate.

SEC. 331. LIABILITY OF THE ASSOCIATION AND THE DIRECTORS, OFFICERS, AND EMPLOYEES OF THE ASSOCIATION.

(a) IN GENERAL.—The Association shall not be deemed to be an insurer or insurance producer within the meaning of any State law.

rule, regulation, or order regulating or taxing insurers, insurance producers, or other entities engaged in the business of insurance, including provisions imposing premium taxes, regulating insurer solvency or financial condition, establishing guaranty funds and levying assessments, or requiring claims settlement practices.

(b) Liability of the Association, Its Directors, Officers, and Employees.—Neither the Association nor any of its directors, officers, or employees shall have any liability to any person for any action taken or omitted in good faith under or in connection with any matter subject to this subtitle.

SEC. 332. ELIMINATION OF NAIC OVERSIGHT.

(a) In General.—The Association shall be established without NAIC oversight and the provisions set forth in section 324, subsections (a), (b), (c), and (e) of section 328, and sections 329(b) and 330 of this subtitle shall cease to be effective if, at the end of the 2-year period after the date on which the provisions of this subtitle take effect pursuant to section 321—

(1) at least a majority of the States representing at least 50 percent of the total United States commercial-lines insurance premiums have not satisfied the uniformity or reciprocity requirements of subsections (a) and (b) of section 321; and

(2) the NAIC has not approved the Association's bylaws as required by section 328, the NAIC is unable to operate or supervise the Association, or the Association is not conducting its activities as required under this Act.

(b) Board Appointments.—If the repeals required by subsection (a) are implemented—

(1) General appointment power.—The President, with the advice and consent of the United States Senate, shall appoint the members of the Association's Board established under section 326 from lists of candidates recommended to the President by the National Association of Insurance Commissioners.

(2) Procedures for obtaining National Association of Insurance Commissioners appointment recommendations.—

(A) Initial determination and recommendations.—After the date on which the provisions of part a of this section take effect, then the National Association of Insurance Commissioners shall have 60 days to provide a list of recommended candidates to the President. If the National Association of Insurance Commissioners fails to provide a list by that date, or if any list that is provided does not include at least 14 recommended candidates or comply with the requirements of section 326(c), the President shall, with the advice and consent of the United States Senate, make the requisite appointments without considering the views of the NAIC.

(B) Subsequent appointments.—After the initial appointments, the National Association of Insurance Commissioners shall provide a list of at least 6 recommended candidates for the Board to the President by January 15 of each subsequent year. If the National Association of Insurance Commissioners fails to provide a list by that date, or if any list that is provided does not include at least 6 recommended candidates or comply with the requirements of section 326(c), the President, with the advice and consent of the Senate, shall make the requisite appointments without considering the views of the NAIC.

(C) Presidential oversight.—

(i) Removal.—If the President determines that the Association is not acting in the interests of the public, the President may remove the entire existing Board for the remainder of the term to which the members of the Board were appointed and appoint, with the advice and consent of the Senate, new members to fill the vacancies on the Board for the remainder of such terms.

(ii) Suspension of rules or actions.—The President, or a person designated by the President for such purpose, may suspend the effectiveness of any rule, or prohibit any action, of the Association which the President or the designee determines is contrary to the public interest.

(d) Annual Report.—As soon as practicable after the close of each fiscal year, the Association shall submit to the President and to Congress a written report relative to the conduct of its business, and the exercise of the other rights and powers granted by this subtitle, during such fiscal year. Such report shall include financial statements setting forth the financial position of the Association at the end of such fiscal year and the results of its operations (including the source and application of its funds) for such fiscal year.

SEC. 333. RELATIONSHIP TO STATE LAW.

(a) Preemption of State Laws.—State laws, regulations, provisions, or actions purporting to regulate insurance producers shall be preempted in the following instances:

(1) No State shall impede the activities of, take any action against, or apply any provision of law or regulation to, any insurance producer because that insurance producer or any affiliate plans to become, has applied to become, or is a member of the Association.

(2) No State shall impose any requirement upon a member of the Association that it pay different fees to be licensed or otherwise qualified to do business in that State, including bonding requirements, based on its residency.

(3) No State shall impose any licensing, appointment, integrity, personal or corporate qualifications, education, training, experience, residency, or continuing education requirement upon a member of the Association that is different than the criteria for membership in the Association or renewal of such membership, except that counter-signature requirements imposed on nonresident producers shall not be deemed to have the effect of limiting or conditioning a producer's activities because of its residence or place of operations under this section.

(4) No State shall implement the procedures of such State's system of licensing or renewing the licenses of insurance producers in a manner different from the authority of the Association under section 325.

(b) Savings Provision.—Except as provided in subsection (a), no provision of this section shall be construed as altering or affecting the continuing effectiveness of any law, regulation, provision, or action of any State which purports to regulate insurance producers, including any such law, regulation, provision, or action which purports to regulate unfair trade practices or establish consumer protections, including, but not limited to, countersignature laws.

SEC. 334. COORDINATION WITH OTHER REGULATORS.

(a) Coordination With State Insurance Regulators.—The Association shall have the authority to—

(1) issue uniform insurance producer applications and renewal applications that may be used to apply for the issuance or removal of State licenses, while preserving the ability of each State to impose such conditions on the issuance or renewal of a license as are consistent with section 333;

(2) establish a central clearinghouse through which members of the Association may apply for the issuance or renewal of licenses in multiple States; and

(3) establish or utilize a national database for the collection of regulatory information concerning the activities of insurance producers.

(b) Coordination With the National Association of Securities Dealers.—The Association shall coordinate with the National Association of Securities Dealers in order to ease any administrative burdens that fall on persons that are members of both associations, consistent with the purposes of this subtitle and the Federal securities laws.

SEC. 335. JUDICIAL REVIEW.

(a) Jurisdiction.—The appropriate United States district court shall have exclusive jurisdiction over litigation involving the Association, including disputes between the Association and its members that arise under this subtitle. Suits brought in State court involving the Association shall be deemed to have arisen under Federal law and therefore be subject to jurisdiction in the appropriate United States district court.

(b) Exhaustion of Remedies.—An aggrieved person must exhaust all available administrative remedies before the Association and the NAIC before it may seek judicial review of an Association decision.

(c) Standards of Review.—The standards set forth in section 553 of title 5, United States Code, shall be applied whenever a rule or bylaw of the Association is under judicial review, and the standards set forth in section 554 of title 5, United States Code, shall be applied whenever a disciplinary action of the Association is judicially reviewed.

SEC. 336. DEFINITIONS.

For purposes of this subtitle, the following definitions shall apply:

(1) Insurance.—The term "insurance" means any product defined or regulated as insurance by the appropriate State insurance regulatory authority.

(2) Insurance producer.—The term "insurance producer" means any insurance agent or broker, surplus lines broker, insurance consultant, limited insurance representative, and any other person that solicits, negotiates, effects, procures, delivers, renews, continues or binds policies of insurance or offers advice, counsel, opinions or services related to insurance.

(3) State law.—The term "State law" includes all laws, decisions, rules, regulations, or other State action having the effect of law, of any State. A law of the United States applicable only to the District of Columbia shall be treated as a State law rather than a law of the United States.

(4) State.—The term "State" includes any State, the District of Columbia, American Samoa, Guam, Puerto Rico, and the United States Virgin Islands.

(5) Home state.—The term "home State" means the State in which the insurance producer maintains its principal place of residence and is licensed to act as an insurance producer.

TITLE IV—MERGER OF BANK AND THRIFT HOLDING COMPANIES REGULATORS, AND BANK AND THRIFT INSURANCE FUNDS

SEC. 401. SHORT TITLE; DEFINITIONS.

(a) Short Title.—This title may be cited as the "Thrift Charter Transition Act of 1998".

(b) Definitions.—Unless otherwise defined in this Act, the terms "bank holding company", "depository institution", "Federal savings association", "insured depository institution", "savings association", "State bank", and "State savings association" (as used in the uncodified provisions of this Act) have the same meanings as in section 3 of the Federal Deposit Insurance Act, as in effect on the day before the date of enactment of this Act.

Subtitle A—Facilitating Conversion of Savings Associations to Banks

SEC. 411. BRANCHES OF FORMER SAVINGS ASSOCIATIONS.

(a) Branches.—

(1) Existing branches retained.—Notwithstanding any other provision of law, any depository institution that qualifies under paragraph (2), and any successor to such an institution, may continue to operate any branch or agency that the institution operated as a branch or agency, or was in the process of establishing as a branch or agency, respectively, as of the date of enactment of the Thrift Charter Transition Act of 1998.

(2) Depository institution defined.—A depository institution qualifies under this paragraph for purposes of paragraph (1) if the institution—

(A) is a savings association on the date of enactment of the Thrift Charter Transition Act of 1998; or

(B) has filed an application to become a savings association by the date of enactment of the Thrift Charter Transition Act of 1998.

(b) Branching Rights Obtained in Assisted Acquisitions.—Notwithstanding any other provision of law, if a depository institution has branching rights under a contract entered into with the Federal Home Loan Bank Board or the Federal Savings and Loan Insurance Corporation or pursuant to a resolution of the Federal Home Loan Bank Board or action of the Office of Thrift Supervision or Resolution Trust Corporation as part of a transaction in which the depository institution acquired or merged with a failed or failing savings association (prior to 1992), the depository institution may continue to branch in a manner consistent with that contract, resolution, or action.

(c) Intrastate Branches.—Any branch operated under subsection (a)(1) in a State other than the depository institution's home State may acquire, establish or operate additional branches in the host State to the same extent as permitted for a national bank with its main office located in the host State.

SEC. 412. SAVINGS AND LOAN HOLDING COMPANIES.

Section 3 of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) is amended by inserting after subsection (f) (as so redesignated by section 102(b)(2) of this Act) the following new subsection:

"(g) Savings and Loan Holding Company Powers Grandfathered.—

"(1) In general.—A company that qualifies under paragraph (2) may—

"(A) maintain or enter into any nonbank affiliation that the company was permitted pursuant to section 10 of the Home Owners' Loan Act to maintain or enter into prior to becoming a bank holding company pursuant to paragraph (2)(C); and

"(B) engage in any activity, including holding any asset, in which the company or any affiliate described in subparagraph (A) was permitted pursuant to section 10 of the Home Owners' Loan Act to engage prior to becoming a bank holding company pursuant to paragraph (2)(C).

"(2) Qualified grandfathered companies.—

"(A) Grandfathered companies defined.—A company qualifies under this paragraph for purposes of paragraph (1) if—

"(i) as of September 16, 1997, the company (or any affiliate of such company)—

"(I) was a savings and loan holding company (as defined in section 10 of the Home Owners' Loan Act, as in effect on that date); or

"(II) had filed an application to become a savings and loan holding company; and

"(ii) the company—

"(I) becomes a bank holding company by operation of law; or

"(II) was exempt from section 4 (as in effect on the date of enactment of the Thrift Charter Transition Act of 1998) under an order issued by the Board under section 4(d) (as in effect on the date of enactment of the Thrift Charter Transition Act of 1998).

"(B) Holding companies with identical shareholders.—A company also qualifies under this paragraph for purposes of paragraph (1) if the company—

"(i) is formed by a company qualified under subparagraph (A); and

"(ii) the shareholders of such company are identical to the shareholders of the company referred to in (i).

"(C) Operation of law defined.—For purposes of this subsection, a company becomes a bank holding company by operation of law if the company becomes a bank holding company because a savings association controlled by the company is treated as a bank under an amendment made by the Thrift Charter Transition Act of 1998.

"(3) Requirements to retain grandfathered powers.—

"(A) In general.—Paragraph (1) shall cease to apply to a company if the company does not comply with this paragraph.

"(B) Acquisition of banks .—

"(i) In general.—The company may not acquire (by any form of business combination) control of a bank after the date of enactment of the Thrift Charter Transition Act of 1998.

"(ii) Exceptions to prohibition.—Clause (i) shall not apply to the acquisition of—

"(I) a bank, during the period ending on the date 2 years after the date of enactment of the Thrift Charter Transition Act of 1998, if the acquisition results from the treatment of a savings association as a bank under amendments made by the Thrift Charter Transition Act of 1998;

"(II) a bank, if the assets of such bank are merged with an insured depository institution which was controlled by such company before the date of enactment of the Thrift Charter Transition Act of 1998, and if the resulting institution complies with the requirements of Section 10(m) of the Home Owners' Loan Act;

"(III) shares held as a bona fide fiduciary (whether with or without the sole discretion to vote such shares);

"(IV) shares held by any person as a bona fide fiduciary solely for the benefit of employees of either the company or any subsidiary of the company and the beneficiaries of those employees;

"(V) an entity described in section 2(c)(2);

"(VI) shares held temporarily pursuant to an underwriting commitment in the normal course of an underwriting business;

"(VII) shares held in an account solely for trading purposes;

"(VIII) shares over which no control is held other than control of voting rights acquired in the normal course of a proxy solicitation;

"(IX) shares or assets acquired in securing or collecting a debt previously contracted in good faith, during the 2-year period beginning on the date of such acquisition or for such additional time (not exceeding 3 years) as the Board may permit if the Board determines that such an extension will not be detrimental to the public interest;

"(X) a bank from the Federal Deposit Insurance Corporation, in any capacity; and

"(XI) a bank in an acquisition in which the bank has been found to be in danger of default by the appropriate Federal or State authority.

"(C) Enforcement of certain asset limitations.—The company may not control a savings association if such savings association, or any successor to such association, fails to comply with the requirements of section 5(c)(2) and section 10(m) of the Home Owners' Loan Act as in effect on the day before the date of the enactment of the Thrift Charter Transition Act of 1998.

"(4) Grandfathered powers nontransferable.—

"(A) In general.—Paragraph (1) shall not apply with respect to any company if after the date of the enactment of the Thrift Charter Transition Act of 1998—

"(i) any company (other than a company qualified under paragraph (2)) not under common control with such company as of that date acquires, directly, or indirectly, control of the company; or

"(ii) the company is the subject of any merger, consolidation, or other type of business combination as a result of which a company (other than a company qualified under paragraph (2)) not under common control with such company acquires, directly or indirectly, control of such company.

"(B) Anti-evasion.—The appropriate Federal banking agency may issue interpretations, regulations, or orders that it deems necessary to administer and carry out the purpose, and prevent evasions, of this paragraph, including determining that (notwithstanding the form of a transaction) the transaction would in substance effect a change in control.

"(5) Savings and loan holding companies that become bank holding companies.—

"(A) Exclusion from application requirement.—A company that qualifies under subparagraph (B) shall not be required to obtain the approval of the Board under subsection (a) to become a bank holding company if such company becomes a bank holding company after the date of enactment of the Thrift Charter Transition Act of 1998 as a result of the conversion of a savings association subsidiary to a bank or by virtue of the treatment of a savings association subsidiary as a bank under an amendment made by the Thrift Charter Transition Act of 1998.

"(B) Companies excluded from application requirement.—A company qualifies for purposes of subparagraph (A) if the company, as of the date of the enactment of the Thrift Charter Transition Act of 1998, was a savings and loan holding company (as defined in section 10(a) of the Home Owners' Loan Act as in effect on that date) or has filed an application to become a savings and loan holding company.

"(C) Supervision and regulation of companies that were previously savings and loan holding companies.—

"(i) In general.—Any company that qualifies under paragraph (2) and complies with paragraph (3) and was registered and regulated under section 10 of the Home Owners' Loan Act on the day before becoming a bank holding company described in paragraphs (2) and (3) shall continue to be regulated, for a period of 3 years after becoming such holding company, under the terms of section 10 of the Home Owners' Loan Act in the same manner and to the same extent and subject to the same requirements as by the Office of Thrift Supervision before the date of the enactment of the Thrift Charter Transition Act of 1998.

"(ii) HOLDING COMPANY CAPITAL EXCEPTION.—With regard to holding company capital, any company that qualifies under paragraph (2) and complies with paragraph (3) and was registered and regulated under section 10 of the Home Owners' Loan Act before June 19, 1997, or had an application pending to do so on such date, shall continue to be regulated under the terms of section 10 of the Home Owners' Loan Act in the same manner and to the same extent and subject to the same requirements as by the Office of Thrift Supervision before the date of the enactment of the Thrift Charter Transition Act of 1998.

"(iii) SUBMISSIONS TO REGULATORS.—A company shall provide for a period of 3 years after becoming a bank holding company described in paragraphs (2) and (3) the appropriate Federal banking agency with—

"(I) notice of acquisition of any company not controlled or affiliated on the date of enactment of the Thrift Charter Transition Act of 1998 that is engaged in nonbanking activities within 15 days after completion of any such transaction; and

"(II) copies of such quarterly and annual reports as it is otherwise required to file with any other governmental agency.

"(iv) REPORTING REQUIREMENTS.—The appropriate Federal banking agency may adopt, for a period of 3 years after a company becomes a bank holding company described in paragraphs (2) and (3), reporting requirements substantially similar to and no more burdensome than required by the Office of Thrift Supervision as of January 1, 1997.

"(v) REGULATORY AUTHORITY.—The appropriate Federal banking agency shall, for a period of 3 years after a company becomes a bank holding company described in paragraphs (2) and (3)—

"(I) have the same authority to examine a company or any subsidiary or affiliate thereof only to the same extent as the Office of Thrift Supervision had as of January 1, 1997; and

"(II) conduct only the same type of examination and with the same frequency as the Office of Thrift Supervision prior to January 1, 1997, unless required to prevent an unsafe or unsound activity or course of conduct of the savings institution treated as a bank pursuant to the Thrift Charter Transition Act of 1998.".

SEC. 413. TREATMENT OF REFERENCES IN ADJUSTABLE RATE MORTGAGES.

(a) TREATMENT OF REFERENCES IN ADJUSTABLE RATE MORTGAGES ISSUED BEFORE FIRREA.—For purposes of section 402(e) of Financial Institutions Reform, Recovery, and Enactment Act of 1989 (12 U.S.C. 1437 note), any reference in such section to—

(1) the Director of the Office of Thrift Supervision shall be deemed to be a reference to the Secretary of the Treasury; and

(2) a Savings Association Insurance Fund member shall be deemed to be a reference to an insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act).

(b) TREATMENT OF REFERENCES IN ADJUSTABLE RATE MORTGAGES INSTRUMENTS ISSUED AFTER FIRREA.—

(1) IN GENERAL.—For purposes of adjustable rate mortgage instruments that are in effect as of the date of enactment of this Act, any reference in the instrument to the Director of the Office of Thrift Supervision or Savings Association Insurance Fund members shall be treated as a reference to the Secretary of the Treasury or insured depository institutions (as defined in section 3 of the Federal Deposit Insurance Act), as appropriate.

(2) SUBSTITUTION FOR INDEXES.—If any index used to calculate the applicable interest rate on any adjustable rate mortgage instrument is no longer calculated and made available as a direct or indirect result of the enactment of this title, any index—

(A) made available by the Secretary of the Treasury; or

(B) determined by the Secretary of the Treasury, pursuant to paragraph (4), to be substantially similar to the index which is no longer calculated or made available,

may be substituted by the holder of any such adjustable rate mortgage instrument upon notice to the borrower.

(3) AGENCY ACTION REQUIRED TO PROVIDE CONTINUED AVAILABILITY OF INDEXES.—Promptly after the enactment of this subsection, the Secretary of the Treasury, the Chairperson of the Federal Deposit Insurance Corporation, and the Comptroller of the Currency shall take such action as may be necessary to assure that the indexes prepared by the Director of the Office of Thrift Supervision immediately before the enactment of this subsection and used to calculate the interest rate on adjustable rate mortgage instruments continue to be available.

(4) REQUIREMENTS RELATING TO SUBSTITUTE INDEXES.—If any agency can no longer make available an index pursuant to paragraph (3), an index that is substantially similar to such index may be substituted for such index for purposes of paragraph (2) if the Secretary of the Treasury determines, after notice and opportunity for comment, that—

(A) the new index is based upon data substantially similar to that of the original index; and

(B) the substitution of the new index will result in an interest rate substantially similar to the rate in effect at the time the original index became unavailable.

SEC. 414. COST OF FUNDS INDEXES.

(a) COST OF FUNDS INDEX DEFINED.—The term "cost of funds indexed" means any index that is published by a Federal home loan bank and is based, in whole or in part, upon the cost of funds of such bank's members.

(b) CALCULATIONS BASED ON TYPE OF CHARTER AND INSURANCE FUND MEMBERSHIP OF MEMBERS.—If any cost of funds index includes data based on charter type, insurance fund membership, or other similar characteristics of members of a Federal home loan bank, such index shall be calculated after the date of the enactment of this Act using data only from insured depository institutions which were bank members and whose data was included in such index on or before such date of enactment.

(c) ACQUISITION OF DATA.—

(1) IN GENERAL.—Each insured depository institution the data from which is required to compile a cost of funds index in accordance with subsection (b) shall provide to the Federal home loan bank which maintains the index such information as may be necessary, and in such form as may be appropriate, for the bank to calculate and publish the index.

(2) ENFORCEMENT BY BANKING AGENCIES.—Each appropriate Federal banking agency shall take such action as may be necessary to ensure that insured depository institutions which are required to provide information to any Federal home loan bank under paragraph (1) furnish such information on a timely basis and in the form required by the bank.

(3) TREATMENT OF INSTITUTIONS.—Notwithstanding any other provision of law, an insured depository institution which furnishes information to a Federal home loan bank pursuant to this section for use in compiling a cost of funds index shall not be deemed to control, directly, or indirectly, such index.

(d) CERTAIN DATA EXCLUDED.—Notwithstanding subsections (b) and (c), no cost of funds index shall include any data from any insured depository institution which results from the merger, consolidation, or other combination of a member of a Federal home loan bank with a nonmember of any such bank if—

(1) the total assets of the nonmember exceed the total assets of the bank member at the time of such merger, consolidation, or other combination; or

(2) in the case of a merger, consolidation, or other merger in which a member of a Federal home loan bank is the resulting insured depository institution, combined ratio of the average amount of single-family loan balances to average total assets of all insured depository institutions involved in such merger, consolidation, or other combination for the 12-months period ending on the date of such transaction is less than 70 percent.

(e) OTHER DEFINITIONS.—For purposes of this section, the terms "appropriate Federal banking agency" and "insured depository institution" shall have the same meanings as in section 3 of the Federal Deposit Insurance Act.

Subtitle B—Ending Separate Federal Regulation of Savings Associations Branching Rights and Savings and Loan Holding Companies

SEC. 421. STATE SAVINGS ASSOCIATIONS TREATED AS STATE BANKS UNDER FEDERAL BANKING LAW.

(a) AMENDMENTS TO THE FEDERAL DEPOSIT INSURANCE ACT.—

(1) SECTION 44.—Section 44(f) of the Federal Deposit Insurance Act (12 U.S.C. 1831u(f)) is amended by adding at the end the following new paragraph:

"(12) BANK.—For purposes of this section, the term 'bank' includes any savings association.".

(2) SECTION 3.—Section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)) is amended—

(A) by inserting "and" after the semicolon at the end of paragraph (2);

(B) by striking "; and" at the end of paragraph (3) and inserting a period; and

(C) by striking paragraph (4).

(b) AMENDMENTS TO THE BANK HOLDING COMPANY ACT OF 1956.—

(1) Section 2(a)(5) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(a)(5)) is amended by striking subparagraph (E).

(2) Section 2(c)(1) of the Bank Holding Company Act is amended by inserting after subparagraph (C) (as added by section 133(a)(2) of this Act) the following new subparagraph:

"(D) A savings association.".

(3) Section 2(c)(2)(B) of the Bank Holding Company Act is amended to read as follows:

"(B) [Repealed].".

(4) Section 4(i) of the Bank Holding Company Act is amended to read as follows:

"(i) [Repealed].".

(c) AMENDMENTS TO THE HOME OWNERS' LOAN ACT.—Section 5(r) of the Home Owners' Loan Act is amended to read as follows:

"(r) IN-STATE BRANCHES.—Subject to section 411 of the Thrift Charter Transition Act of 1998, a Federal savings association may only retain, establish, or operate branches within a State to the same extent a national bank can.".

(d) EFFECTIVE DATE.—The amendments made by subsections (a)(2) and (b) shall take effect on January 1, 2000.

SEC. 422. AMENDMENTS TO THE HOME OWNERS' LOAN ACT.

(a) SECTIONS 1, 2, AND 3.—Sections 1, 2, and 3 of the Home Owners' Loan Act (12 U.S.C. 1461 et seq.) are amended to read as follows:

"SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

"This Act may be cited as the 'Home Owners' Loan Act'.

"TABLE OF CONTENTS

"Sec. 1. Short title and table of contents.
"Sec. 2. Definitions.
"Sec. 3. Director of the Division of Thrift Supervision.
"Sec. 4. Supervision of savings associations.
"Sec. 5. Federal savings associations.
"Sec. 6. Liquid asset requirements.
"Sec. 7. Applicability.
"Sec. 8. District associations.
"Sec. 9. Examination fees.
"Sec. 10. Qualified thrift lending and mutual holding companies.
"Sec. 11. Transactions with affiliates; extensions of credit to executive officers, directors, and principal shareholders.
"Sec. 12. Advertising.
"Sec. 13. Powers of examiners.
"Sec. 14. Separability provision.

"SEC. 2. DEFINITIONS.

"For purposes of this Act—

"(1) DIRECTOR.—The term 'Director' means the Director of the Division of Thrift Supervision.

"(2) CORPORATION.—The term 'Corporation' means the Federal Deposit Insurance Corporation.

"(3) OFFICE.—The term 'Office' means the Division of Thrift Supervision established under section 3(a).

"(4) SAVINGS ASSOCIATION.—The term 'savings association' means a savings association, as defined in section 3 of the Federal Deposit Insurance Act, the deposits of which are insured by the Corporation.

"(5) FEDERAL SAVINGS ASSOCIATION.—The term 'Federal savings association' means a Federal savings association or a Federal savings bank chartered under section 5 of this Act.

"(6) NATIONAL BANK.—The term 'national bank' has the same meaning as in section 3 of the Federal Deposit Insurance Act.

"(7) FEDERAL BANKING AGENCIES.—The term 'Federal banking agencies' means the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation.

"(8) STATE.—The term 'State' has the same meaning as in section 3 of the Federal Deposit Insurance Act.

"(9) AFFILIATE.—The term 'affiliate' means any person that controls, is controlled by, or is under common control with, a savings association, except as provided in section 10.

"SEC. 3. DIRECTOR OF THE DIVISION OF THRIFT SUPERVISION.

"(a) ESTABLISHMENT OF DIVISION.—There is established the Division of Thrift Supervision, which shall be a division of the Office of the Comptroller of the Currency.

"(b) ESTABLISHMENT OF POSITION OF DIRECTOR.—

"(1) IN GENERAL.—There is established the position of the Director of the Division of Thrift Supervision, who shall be the head of the Division of Thrift Supervision and shall be subject to the general oversight of the Comptroller of the Currency.

"(2) AUTHORITY TO PRESCRIBE REGULATIONS.—The Comptroller of the Currency, acting through the Director, may prescribe such regulations and issue such orders as the Comptroller of the Currency, acting through the Director, may determine to be necessary for carrying out this Act and all other laws within the jurisdiction of this Act.

"(3) BANKING AGENCY RULEMAKING.—The Secretary of the Treasury may not delay or prevent the issuance of any rule or the promulgation of any regulation by the Comptroller of the Currency, acting through the Director.

"(c) APPOINTMENT.—The Director shall be appointed by and serve at the pleasure of the Comptroller of the Currency.

"(d) PROHIBITION ON FINANCIAL INTERESTS.—The Director shall not have a direct or indirect financial interest in any insured depository institution, as defined in section 3 of the Federal Deposit Insurance Act.

"(e) POWERS OF THE COMPTROLLER OF THE CURRENCY WITH RESPECT TO THE SUPERVISION OF SAVINGS ASSOCIATIONS.—

"(1) IN GENERAL.—The Comptroller of the Currency shall have—

"(A) all powers which—

"(i) were vested in the Federal Home Loan Bank Board (in the Board's capacity as such) or the Chairman of such Board on the day before the date of the enactment of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989; and

"(ii) were not—

"(I) transferred to the Federal Deposit Insurance Corporation, the Federal Housing Finance Board, the Resolution Trust Corporation, or the Federal Home Loan Mortgage Corporation pursuant to any amendment made by such Act; or

"(II) established under any provision of law repealed by such Act; and

"(B) all other powers which were vested in the Director of the Office of Thrift Supervision as of the day before the date of the enactment of the Thrift Charter Transition Act of 1998.

"(2) DELEGATION.—The Comptroller of the Currency may delegate such authority to the Director as may be necessary or appropriate for purposes of carrying out this Act.

"(f) FUNDING THROUGH ASSESSMENTS.—The compensation of the Director and other employees of the Office and all other expenses thereof may be paid from assessments levied under this Act.

"(g) GAO AUDIT.—The Comptroller of the Currency, acting through the Director, shall make available to the Comptroller General of the United States all books and records necessary to audit all of the activities of the Office of Thrift Supervision.".

(b) SECTION 10.—Section 10 of the Home Owners' Loan Act (12 U.S.C. 1467a) is amended to read as follows:

"SEC. 10. QUALIFIED THRIFT LENDING AND MUTUAL HOLDING COMPANIES.

"(a) DEFINITIONS.—

"(1) IN GENERAL.—As used in this section, unless the context otherwise requires—

"(A) SAVINGS ASSOCIATION.—The term 'savings association' includes a savings bank or cooperative bank which is deemed by the Comptroller of the Currency, acting through the Director, to be a savings association under subsection (l).

"(B) UNINSURED INSTITUTION.—The term 'uninsured institution' means any depository institution the deposits of which are not insured by the Federal Deposit Insurance Corporation.

"(C) COMPANY.—The term 'company' means any corporation, partnership, trust, joint-stock company, or similar organization, but does not include the Federal Deposit Insurance Corporation, the Resolution Trust Corporation, any Federal home loan bank, or any company the majority of the shares of which is owned by the United States or any State, or by an instrumentality of the United States or any State.

"(D) SUBSIDIARY.—The term 'subsidiary' has the same meaning as in section 3 of the Federal Deposit Insurance Act.

"(E) AFFILIATE.—The term 'affiliate' of a savings association means any person which controls, is controlled by, or is under common control with, such savings association.

"(F) BANK HOLDING COMPANY.—The terms 'bank holding company' and 'bank' have the meanings given to such terms in section 2 of the Bank Holding Company Act of 1956.

"(G) ACQUIRE.—The term 'acquire' has the meaning given to such term in section 13(f)(8) of the Federal Deposit Insurance Act.

"(2) CONTROL.—For purposes of this section, a person shall be deemed to have control of—

"(A) a savings association if the person directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, or holds with power to vote, or holds proxies representing, more than 25 percent of the voting shares of such savings association, or controls in any manner the election of a majority of the directors of such association;

"(B) any other company if the person directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, or holds with power to vote, or holds proxies representing, more than 25 percent of the voting shares or rights of such other company, or controls in any manner the election or appointment of a majority of the directors or trustees of such other company, or is a general partner in or has contributed more than 25 percent of the capital of such other company;

"(C) a trust if the person is a trustee thereof; or

"(D) a savings association or any other company if the Comptroller of the Currency, acting through the Director, determines, after reasonable notice and opportunity for hearing, that such person directly or indirectly exercises a controlling influence over the management or policies of such association or other company.

"(b) ADMINISTRATION AND ENFORCEMENT.—

"(1) IN GENERAL.—The Comptroller of the Currency may issue such regulations and orders as the Comptroller of the Currency deems necessary or appropriate to enable the Comptroller of the Currency, acting through the Director, to administer and carry out the purposes of this section, and to require compliance therewith and prevent evasions thereof.

"(2) INVESTIGATIONS.—The Comptroller of the Currency, acting through the Director, may make such investigations as the Comptroller of the Currency deems necessary or appropriate to determine whether the provisions of this section, and regulations and orders thereunder, are being and have been complied with by savings associations and mutual holding companies and subsidiaries and affiliates thereof. For the purpose of any investigation under this section, the Comptroller of the Currency, acting through the

Director, may administer oaths and affirmations, issue subpoenas, take evidence, and require the production of any books, papers, correspondence, memorandums, or other records which may be relevant or material to the inquiry. The attendance of witnesses and the production of any such records may be required from any place in any State. The Comptroller of the Currency may apply to the United States district court for the judicial district (or the United States court in any territory) in which any witness or company subpoenaed resides or carries on business, for enforcement of any subpoena issued pursuant to this paragraph, and such courts shall have jurisdiction and power to order and require compliance.

"(3) Proceedings.—

"(A) In general.—In any proceeding under subsection (a)(2)(D) or under paragraph (5) of this subsection, the Comptroller of the Currency, acting through the Director, may administer oaths and affirmations, take or cause to be taken depositions, and issue subpoenas. The Comptroller of the Currency may make regulations with respect to any such proceedings. The attendance of witnesses and the production of documents provided for in this paragraph may be required from any place in any State or in any territory at any designated place where such proceeding is being conducted. Any party to such proceedings may apply to the United States District Court for the District of Columbia, or the United States district court for the judicial district or the United States court in any territory in which such proceeding is being conducted, or where the witness resides or carries on business, for enforcement of any subpoena issued pursuant to this paragraph, and such courts shall have jurisdiction and power to order and require compliance therewith. Witnesses subpoenaed under this section shall be paid the same fees and mileage that are paid witnesses in the district courts of the United States.

"(B) Any hearing provided for in subsection (a)(2)(D) or under paragraph (5) of this subsection shall be held in the Federal judicial district or in the territory in which the principal office of the association or other company is located unless the party afforded the hearing consents to another place, and shall be conducted in accordance with the provisions of chapter 5 of title 5, United States Code.

"(4) Injunctions.—Whenever it appears to the Comptroller of the Currency, acting through the Director, that any person is engaged or has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of the provisions of this section or of any regulation or order thereunder, the Comptroller of the Currency, acting through the Director, may bring an action in the proper United States district court, or the United States court of any territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices, to enforce compliance with this section or any regulation or order, or to require the divestiture of any acquisition in violation of this section, or for any combination of the foregoing, and such courts shall have jurisdiction of such actions. Upon a proper showing an injunction, decree, restraining order, order of divestiture, or other appropriate order shall be granted without bond.

"(c) Penalties.—

"(1) Criminal penalty.—

"(A) Violation of section.—Whoever knowingly violates any provision of this section or being a company, violates any regulation or order issued by the Comptroller of the Currency, acting through the Director, under this section, shall be imprisoned not more than 1 year, fined not more than $100,000 per day for each day during which the violation continues, or both.

"(B) Violation of section with intent to deceive, defraud, or profit significantly.—Whoever, with the intent to deceive, defraud, or profit significantly, knowingly violates any provision of this section shall be fined not more than $1,000,000 per day for each day during which the violation continues, imprisoned not more than 5 years, or both.

"(2) Civil money penalty.—

"(A) Penalty.—Any company which violates, and any person who participates in a violation of, any provision of this section, or any regulation or order issued pursuant thereto, shall forfeit and pay a civil penalty of not more than $25,000 for each day during which such violation continues.

"(B) Assessment.—Any penalty imposed under subparagraph (A) may be assessed and collected by the Comptroller of the Currency, acting through the Director, in the manner provided in subparagraphs (E), (F), (G), and (I) of section 8(i)(2) of the Federal Deposit Insurance Act for penalties imposed (under such section) and any such assessment shall be subject to the provisions of such section.

"(C) Hearing.—The company or other person against whom any civil penalty is assessed under this paragraph shall be afforded a hearing if such company or person submits a request for such hearing within 20 days after the issuance of the notice of assessment. Section 8(h) of the Federal Deposit Insurance Act shall apply to any proceeding under this paragraph.

"(D) Disbursement.—All penalties collected under authority of this paragraph shall be deposited into the Treasury.

"(E) Violate defined.—For purposes of this section, the term 'violate' includes any action (alone or with another or others) for or toward causing, bringing about, participating in, counseling, or aiding or abetting a violation.

"(F) Regulations.—The Comptroller of the Currency, acting through the Director, shall prescribe regulations establishing such procedures as may be necessary to carry out this paragraph.

"(3) Notice under this section after separation from service.—The resignation, termination of employment or participation, or separation of an institution-affiliated party (within the meaning of section 3(u) of the Federal Deposit Insurance Act) with respect to a savings and loan holding company or subsidiary thereof (including a separation caused by the deregistration of such a company or such a subsidiary) shall not affect the jurisdiction and authority of the Comptroller of the Currency, acting through the Director, to issue any notice and proceed under this section against any such party, if such notice is served before the end of the 6-year period beginning on the date such party ceased to be such a party with respect to such holding company or its subsidiary (whether such date occurs before, on, or after the date of the enactment of this paragraph).

"(d) Judicial Review.—Any party aggrieved by an order of the Comptroller of the Currency, acting through the Director, under this section may obtain a review of such order by filing in the court of appeals of the United States for the circuit in which the principal office of such party is located, or in the United States Court of Appeals for the District of Columbia Circuit, within 30 days after the date of service of such order, a written petition praying that the order of the Comptroller of the Currency be modified, terminated, or set aside. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Comptroller of the Currency, and thereupon the Comptroller of the Currency, acting through the Director, shall file in the court the record in the proceeding, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, such court shall have jurisdiction, which upon the filing of the record shall be exclusive, to affirm, modify, terminate, or set aside, in whole or in part, the order of the Comptroller of the Currency. Review of such proceedings shall be had as provided in chapter 7 of title 5, United States Code. The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari as provided in section 1254 of title 28, United States Code.

"(e) Treatment of FDIC Insured State Savings Banks and Cooperative Banks as Savings Associations.—

"(1) In general.—Notwithstanding any other provision of law, a savings bank (as defined in section 3(g) of the Federal Deposit Insurance Act) and a cooperative bank that is an insured bank (as defined in section 3(h) of the Federal Deposit Insurance Act) upon application shall be deemed to be a savings association for the purpose of this section, if the Comptroller of the Currency, acting through the Director, determines that such bank is a qualified thrift lender (as determined under subsection (f)).

(2) Failure to maintain qualified thrift lender status.—If any savings bank which is deemed to be a savings association under paragraph (1) subsequently fails to maintain its status as a qualified thrift lender, as determined by the Comptroller of the Currency (acting through the Director), such bank may not thereafter be a qualified thrift lender for a period of 5 years.

"(f) Qualified Thrift Lender Test.—

"(1) In general.—Except as provided in paragraphs (2) and (7), any savings association is a qualified thrift lender if—

"(A) either—

"(i) the savings association qualifies as a domestic building and loan association, as such term is defined in section 7701(a)(19) of the Internal Revenue Code of 1986; or

"(ii)(I) the savings association's qualified thrift investments equal or exceed 65 percent of the savings association's portfolio assets; and

"(II) the savings association's qualified thrift investments continue to equal or exceed 65 percent of the savings association's portfolio assets on a monthly average basis in 9 out of every 12 months; and

"(B) at least 10 percent of the portfolio assets of the savings association consists of mortgages secured by domestic residential housing or manufactured homes or securities backed by or representing an interest in mortgages which were originated by the savings association and sold within 90 days of origination and are backed by domestic residential housing or manufactured homes.

"(2) Exceptions granted by comptroller of the currency, acting through the director.—Notwithstanding paragraph (1), the Comptroller of the Currency, acting through the Director, may grant such temporary and limited exceptions from the minimum actual thrift investment percentage requirement contained in such paragraph as the Comptroller of the Currency, acting through the Director, deems necessary if—

"(A) the Comptroller of the Currency, acting through the Director, determines that extraordinary circumstances exist, such as when the effects of high interest rates reduce mortgage demand to such a degree that an insufficient opportunity exists for a savings association to meet such investment requirements; or

"(B) the Comptroller of the Currency, acting through the Director, determines that—

"(i) the grant of any such exception will significantly facilitate an acquisition under section 13(c) or 13(k) of the Federal Deposit Insurance Act;

"(ii) the acquired association will comply with the transition requirements of paragraph (7)(B), as if the date of the exemption were the starting date for the transition period described in that paragraph; and

"(iii) the Comptroller of the Currency, acting through the Director, determines that the exemption will not have an undue adverse effect on competing savings associations in the relevant market and will further the purposes of this subsection.

"(3) FAILURE TO BECOME AND REMAIN A QUALIFIED THRIFT LENDER.—

"(A) IN GENERAL.—A savings association that fails to become or remain a qualified thrift lender shall either become one or more banks (other than a savings bank) or be subject to subparagraph (B), except as provided in subparagraph (D).

"(B) RESTRICTIONS APPLICABLE TO SAVINGS ASSOCIATIONS THAT ARE NOT QUALIFIED THRIFT LENDERS.—

"(i) RESTRICTIONS EFFECTIVE IMMEDIATELY.—The following restrictions shall apply to a savings association beginning on the date on which the savings association should have become or ceases to be a qualified thrift lender:

"(I) ACTIVITIES.—The savings association shall not make any new investment (including an investment in a subsidiary) or engage, directly or indirectly, in any other new activity unless that investment or activity would be permissible for the savings association if it were a national bank, and is also permissible for the savings association as a savings association.

"(II) ADVANCES.—The savings association shall not be eligible to obtain new advances from any Federal home loan bank.

"(III) DIVIDENDS.—The savings association shall be subject to all statutes and regulations governing the payment of dividends by a national bank in the same manner and to the same extent as if the savings association were a national bank.

"(ii) ADDITIONAL RESTRICTIONS EFFECTIVE AFTER THREE YEARS.—The following additional restrictions shall apply to a savings association beginning 3 years after the date on which the savings association should have become or ceases to be a qualified thrift lender:

"(I) ACTIVITIES.—The savings association shall not retain any investment (including an investment in any subsidiary) or engage, directly or indirectly, in any activity unless that investment or activity would be permissible for the savings association if it were a national bank, and is also permissible for the savings association as a savings association.

"(II) ADVANCES.—The savings association shall repay any outstanding advances from any Federal home loan bank as promptly as can be prudently done consistent with the safe and sound operation of the savings association.

"(C) REQUALIFICATION.—A savings association that should have become or ceases to be a qualified thrift lender shall not be subject to subparagraph (B) if the savings association becomes a qualified thrift lender by meeting the qualified thrift lender requirement in paragraph (1) on a monthly average basis in 9 out of the preceding 12 months and remains a qualified thrift lender. If the savings association (or any savings association that acquired all or substantially all of its assets from that savings association) at any time thereafter ceases to be a qualified thrift lender, it shall immediately be subject to all provisions of subparagraphs (B) as if all the periods described in subparagraph (B)(ii) had expired.

"(D) DEPOSIT INSURANCE ASSESSMENTS.—Any bank chartered as a result of the requirements of this section shall be obligated until December 31, 1993, to pay to the Savings Association Insurance Fund the assessments assessed on savings associations under the Federal Deposit Insurance Act. Such association shall also be assessed, on the date of its change of status from a Savings Association Insurance Fund member, the exit fee and entrance fee provided in section 5(d) of the Federal Deposit Insurance Act. Such institution shall not be obligated to pay the assessments assessed on banks under the Federal Deposit Insurance Act until—

"(i) December 31, 1993, or

"(ii) the institution's change of status from a Savings Association Insurance Fund member to a Bank Insurance Fund member, whichever is later.

"(E) EXEMPTION FOR SPECIALIZED SAVINGS ASSOCIATIONS SERVING CERTAIN MILITARY PERSONNEL.—Subparagraph (A) shall not apply to a savings association subsidiary of a holding company if at least 90 percent of the customers of the holding company and its subsidiaries and affiliates are active or former members in the United States military services or the widows, widowers, divorced spouses, or current or former dependents of such members.

"(G) EXEMPTION FOR CERTAIN FEDERAL SAVINGS ASSOCIATIONS.—This paragraph shall not apply to any Federal savings association in existence as a Federal savings association on the date of enactment of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989—

"(i) that was chartered before October 15, 1982, as a savings bank or a cooperative bank under State law; or

"(ii) that acquired its principal assets from an association that was chartered before October 15, 1982, as a savings bank or a cooperative bank under State law.

"(H) NO CIRCUMVENTION OF EXIT MORATORIUM.—Subparagraph (A) of this paragraph shall not be construed as permitting any insured depository institution to engage in any conversion transaction prohibited under section 5(d) of the Federal Deposit Insurance Act.

"(4) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

"(A) ACTUAL THRIFT INVESTMENT PERCENTAGE.—The term 'actual thrift investment percentage' means the percentage determined by dividing—

"(i) the amount of a savings association's qualified thrift investments, by

"(ii) the amount of the savings association's portfolio assets.

"(B) PORTFOLIO ASSETS.—The term 'portfolio assets' means, with respect to any savings association, the total assets of the savings association, minus the sum of—

"(i) goodwill and other intangible assets;

"(ii) the value of property used by the savings association to conduct its business; and

"(iii) liquid assets of the type required to be maintained under section 6 of the Home Owners' Loan Act, in an amount not exceeding the amount equal to 20 percent of the savings association's total assets.

"(C) QUALIFIED THRIFT INVESTMENTS.—

"(i) IN GENERAL.—The term 'qualified thrift investments' means, with respect to any savings association, the assets of the savings association that are described in clauses (ii) and (iii).

"(ii) ASSETS INCLUDIBLE WITHOUT LIMIT.—The following assets are described in this clause for purposes of clause (i):

"(I) The aggregate amount of loans held by the savings association that were made to purchase, refinance, construct, improve, or repair domestic residential housing or manufactured housing.

"(II) Home-equity loans.

"(III) Securities backed by or representing an interest in mortgages on domestic residential housing or manufactured housing.

"(IV) EXISTING OBLIGATIONS OF DEPOSIT INSURANCE AGENCIES.—Direct or indirect obligations of the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation issued in accordance with the terms of agreements entered into prior to July 1, 1989, for the 10-year period beginning on the date of issuance of such obligations.

"(V) NEW OBLIGATIONS OF DEPOSIT INSURANCE AGENCIES.—Obligations of the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, the FSLIC Resolution Fund, and the Resolution Trust Corporation issued in accordance with the terms of agreements entered into on or after July 1, 1989, for the 5-year period beginning on the date of issuance of such obligations.

"(VI) Shares of stock issued by any Federal home loan bank.

"(VII) Loans for educational purposes, loans to small businesses, and loans made through credit cards or credit card accounts.

"(iii) ASSETS INCLUDIBLE SUBJECT TO PERCENTAGE RESTRICTION.—The following assets are described in this clause for purposes of clause (i):

"(I) 50 percent of the dollar amount of the residential mortgage loans originated by such savings association and sold within 90 days of origination.

"(II) Investments in the capital stock or obligations of, and any other security issued by, any service corporation if such service corporation derives at least 80 percent of its annual gross revenues from activities directly related to purchasing, refinancing, constructing, improving, or repairing domestic residential real estate or manufactured housing.

"(III) 200 percent of the dollar amount of loans and investments made to acquire, develop, and construct 1- to 4-family residences the purchase price of which is or is guaranteed to be not greater than 60 percent of the median value of comparable newly constructed 1- to 4-family residences within the local community in which such real estate is located, except that not more than 25 percent of the amount included under this subclause may consist of commercial properties related to the development if those properties are directly related to providing services to residents of the development.

"(IV) 200 percent of the dollar amount of loans for the acquisition or improvement of residential real property, churches, schools, and nursing homes located within, and loans for any other purpose to any small businesses located within any area which has been identified by the Comptroller of the Currency, acting through the Director, in connection with any review or examination of community reinvestment practices, as a geographic area or neighborhood in which the credit needs of the low- and moderate-income residents of such area or neighborhood are not being adequately met.

"(V) Loans for the purchase or construction of churches, schools, nursing homes, and hospitals, other than those qualifying under clause (IV), and loans for the improvement and upkeep of such properties.

"(VI) Loans for personal, family, or household purposes (other than loans for personal, family, or household purposes described in clause (ii)(VII)).

"(VII) Shares of stock issued by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association.

"(iv) PERCENTAGE RESTRICTION APPLICABLE TO CERTAIN ASSETS.—The aggregate amount of the assets described in clause (iii) which may be taken into account in determining the amount of the qualified thrift investments of any savings association shall not exceed the amount which is equal to 20 percent of a savings association's portfolio assets.

"(v) EXCLUSIONS FROM DEFINITION OF QUALIFIED THRIFT INVESTMENTS.—The term 'qualified thrift investments' excludes—

"(I) except for home equity loans, that portion of any loan or investment that is used for any purpose other than those expressly qualifying under any subparagraph of clause (ii) or (iii); or

"(II) goodwill or any other intangible asset.

"(D) CREDIT CARD.—The Comptroller of the Currency, acting through the Director, shall issue such regulations as may be necessary to define the term 'credit card'.

"(E) SMALL BUSINESS.—The Comptroller of the Currency, acting through the Director, shall issue such regulations as may be necessary to define the term 'small business'.

"(5) CONSISTENT ACCOUNTING REQUIRED.—

"(A) In determining the amount of a savings association's portfolio assets, the assets of any subsidiary of the savings association shall be consolidated with the assets of the savings association if—

"(i) Assets of the subsidiary are consolidated with the assets of the savings association in determining the savings association's qualified thrift investments; or

"(ii) Residential mortgage loans originated by the subsidiary are included pursuant to paragraph (4)(C)(iii)(I) in determining the savings association's qualified thrift investments.

"(B) In determining the amount of a savings association's portfolio assets and qualified thrift investments, consistent accounting principles shall be applied.

"(6) SPECIAL RULES FOR PUERTO RICO AND VIRGIN ISLANDS SAVINGS ASSOCIATIONS.—

"(A) PUERTO RICO SAVINGS ASSOCIATIONS.—With respect to any savings association headquartered and operating primarily in Puerto Rico—

"(i) the term 'qualified thrift investments' includes, in addition to the items specified in paragraph (4)—

"(I) the aggregate amount of loans for personal, family, educational, or household purposes made to persons residing or domiciled in the Commonwealth of Puerto Rico; and

"(II) the aggregate amount of loans for the acquisition or improvement of churches, schools, or nursing homes, and of loans to small businesses, located within the Commonwealth of Puerto Rico; and

"(ii) the aggregate amount of loans related to the purchase, acquisition, development and construction of 1- to 4-family residential real estate—

"(I) which is located within the Commonwealth of Puerto Rico; and

"(II) the value of which (at the time of acquisition or upon completion of the development and construction) is below the median value of newly constructed 1- to 4-family residences in the Commonwealth of Puerto Rico, which may be taken into account in determining the amount of the qualified thrift investments and of such savings association shall be doubled.

"(B) VIRGIN ISLANDS SAVINGS ASSOCIATIONS.—With respect to any savings association headquartered and operating primarily in the Virgin Islands—

"(i) the term 'qualified thrift investments' includes, in addition to the items specified in paragraph (4)—

"(I) the aggregate amount of loans for personal, family, educational, or household purposes made to persons residing or domiciled in the Virgin Islands; and

"(II) the aggregate amount of loans for the acquisition or improvement of churches, schools, or nursing homes, and of loans to small businesses, located within the Virgin Islands; and

"(ii) the aggregate amount of loans related to the purchase, acquisition, development and construction of 1- to 4-family residential real estate—

"(I) which is located within the Virgin Islands; and

"(II) the value of which (at the time of acquisition or upon completion of the development and construction) is below the median value of newly constructed 1- to 4-family residences in the Virgin Islands, which may be taken into account in determining the amount of the qualified thrift investments and of such savings association shall be doubled.

"(7) TRANSITIONAL RULE FOR CERTAIN SAVINGS ASSOCIATIONS.—

"(A) IN GENERAL.—If any Federal savings association in existence as a Federal savings association on the date of enactment of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989—

"(i) that was chartered as a savings bank or a cooperative bank under State law before October 15, 1982; or

"(ii) that acquired its principal assets from an association that was chartered before October 15, 1982, as a savings bank or a cooperative bank under State law,

meets the requirements of subparagraph (B), such savings association shall be treated as a qualified thrift lender during the period ending on September 30, 1995.

"(B) SUBPARAGRAPH (B) REQUIREMENTS.—A savings association meets the requirements of this subparagraph if, in the determination of the Comptroller of the Currency, acting through the Director—

"(i) the actual thrift investment percentage of such association does not, after the date of enactment of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, decrease below the actual thrift investment percentage of such association on July 15, 1989; and

"(ii) the amount by which—

"(I) the actual thrift investment percentage of such association at the end of each period described in the following table, exceeds

"(II) the actual thrift investment percentage of such association on July 15, 1989,

is equal to or greater than the applicable percentage (as determined under the following table) of the amount by which 70 percent exceeds the actual thrift investment percentage of such association on such date of enactment:

For the following period:	**The applicable percentage is:**
July 1, 1991–September 30, 1992	25 percent
October 1, 1992–March 31, 1994	50 percent
April 1, 1994–September 30, 1995	75 percent
Thereafter	100 percent

"(C) For purposes of this paragraph, the actual thrift investment percentage of an association on July 15, 1989, shall be determined by applying the definition of 'actual thrift investment percentage' that takes effect on July 1, 1991.

"(g) MUTUAL HOLDING COMPANIES.—

"(1) IN GENERAL.—A savings association operating in mutual form may reorganize so as to become a holding company by—

"(A) chartering an interim savings association, the stock of which is to be wholly owned, except as otherwise provided in this section, by the mutual association; and

"(B) transferring the substantial part of its assets and liabilities, including all of its insured liabilities, to the interim savings association.

"(2) DIRECTORS AND CERTAIN ACCOUNT HOLDERS' APPROVAL OF PLAN REQUIRED.—A reorganization is not authorized under this subsection unless—

"(A) a plan providing for such reorganization has been approved by a majority of the board of directors of the mutual savings association; and

"(B) in the case of an association in which holders of accounts and obligors exercise voting rights, such plan has been submitted to and approved by a majority of such individuals at a meeting held at the call of the directors in accordance with the procedures prescribed by the association's charter and bylaws.

"(3) NOTICE TO THE DIRECTOR; DISAPPROVAL PERIOD.—

"(A) NOTICE REQUIRED.—At least 60 days prior to taking any action described in paragraph (1), a savings association seeking to establish a mutual holding company shall provide written notice to the Comptroller of the Currency. The notice shall contain such relevant information as the Comptroller of the Currency, acting through the Director, shall require by regulation or by specific request in connection with any particular notice.

"(B) TRANSACTION ALLOWED IF NOT DISAPPROVED.—Unless the Comptroller of the Currency, acting through the Director, within such 60-day notice period disapproves the proposed holding company formation, or extends for another 30 days the period during which such disapproval may be issued, the savings association providing such notice may proceed with the transaction, if the requirements of paragraph (2) have been met.

"(C) GROUNDS FOR DISAPPROVAL.—The Comptroller of the Currency, acting through the Director, may disapprove any proposed holding company formation only if—

"(i) such disapproval is necessary to prevent unsafe or unsound practices;

"(ii) the financial or management resources of the savings association involved warrant disapproval;

"(iii) the savings association fails to furnish the information required under subparagraph (A); or

"(iv) the savings association fails to comply with the requirement of paragraph (2).

"(D) RETENTION OF CAPITAL ASSETS.—In connection with the transaction described in paragraph (1), a savings association may, subject to the approval of the Comptroller of the Currency (acting through the Director), retain capital assets at the holding company level to the extent that such capital exceeds the association's capital requirement established by the Comptroller of the Currency, acting through the Director, pursuant to subsections (s) and (t) of section 5.

"(4) Ownership.—

"(A) In general.—Persons having ownership rights in the mutual association pursuant to section 5(b)(1)(B) of this Act or State law shall have the same ownership rights with respect to the mutual holding company.

"(B) Holders of certain accounts.—Holders of savings, demand or other accounts of—

"(i) a savings association chartered as part of a transaction described in paragraph (1); or

"(ii) a mutual savings association acquired pursuant to paragraph (5)(B),

shall have the same ownership rights with respect to the mutual holding company as persons described in subparagraph (A) of this paragraph.

"(5) Permitted activities.—A mutual holding company may engage only in the following activities:

"(A) Investing in the stock of a savings association.

"(B) Acquiring a mutual association through the merger of such association into a savings association subsidiary of such holding company or an interim savings association subsidiary of such holding company.

"(C) Subject to paragraph (6), merging with or acquiring another holding company, one of whose subsidiaries is a savings association.

"(D) Investing in a corporation the capital stock of which is available for purchase by a savings association under Federal law or under the law of any State where the subsidiary savings association or associations have their home offices.

"(6) Limitations on certain activities of acquired holding companies.—

"(A) New activities.—If a mutual holding company acquires or merges with another holding company under paragraph (5)(C), the holding company acquired or the holding company resulting from such merger or acquisition may only invest in assets and engage in activities which are authorized under paragraph (5).

"(B) Grace period for divesting prohibited assets or discontinuing prohibited activities.—Not later than 2 years following a merger or acquisition described in paragraph (5)(C), the acquired holding company or the holding company resulting from such merger or acquisition shall—

"(i) dispose of any asset which is an asset in which a mutual holding company may not invest under paragraph (5); and

"(ii) cease any activity which is an activity in which a mutual holding company may not engage under paragraph (5).

"(7) Regulation.—A mutual holding company shall be chartered by the Comptroller of the Currency, acting through the Director, and shall be subject to such regulations as the Comptroller of the Currency, acting through the Director, may prescribe. A mutual holding company shall be subject to the other requirements of the Bank Holding Company Act of 1956 regarding regulation of holding companies.

"(8) Capital improvement.—

"(A) Pledge of stock of savings association subsidiary.—This section shall not prohibit a mutual holding company from pledging all or a portion of the stock of a savings association chartered as part of a transaction described in paragraph (1) to raise capital for such savings association.

"(B) Issuance of nonvoting shares.—This section shall not prohibit a savings association chartered as part of a transaction described in paragraph (1) from issuing any nonvoting shares or less than 50 percent of the voting shares of such association to any person other than the mutual holding company.

"(9) Insolvency and liquidation.—

"(A) In general.—Notwithstanding any provision of law, upon—

"(i) the default of any savings association—

"(I) the stock of which is owned by any mutual holding company; and

"(II) which was chartered in a transaction described in paragraph (1);

"(ii) the default of a mutual holding company; or

"(iii) a foreclosure on a pledge by a mutual holding company described in paragraph (8)(A),

a trustee shall be appointed receiver of such mutual holding company and such trustee shall have the authority to liquidate the assets of, and satisfy the liabilities of, such mutual holding company pursuant to title 11, United States Code.

"(B) Distribution of net proceeds.—Except as provided in subparagraph (C), the net proceeds of any liquidation of any mutual holding company pursuant to subparagraph (A) shall be transferred to persons who hold ownership interests in such mutual holding company.

"(C) Recovery by corporation.—If the Corporation incurs a loss as a result of the default of any savings association subsidiary of a mutual holding company which is liquidated pursuant to subparagraph (A), the Corporation shall succeed to the ownership interests of the depositors of such savings association in the mutual holding company, to the extent of the Corporation's loss.

"(10) Definitions.—For purposes of this subsection—

"(A) Mutual holding company.—The term 'mutual holding company' means a corporation organized as a holding company under this subsection.

"(B) Mutual association.—The term 'mutual association' means a savings association which is operating in mutual form.

"(C) Default.—The term 'default' means an adjudication or other official determination of a court of competent jurisdiction or other public authority pursuant to which a conservator, receiver, or other legal custodian is appointed.

"(h) Mergers, Consolidations, and Other Acquisitions Authorized.—

"(1) In general.—Subject to sections 5(d)(3) and 18(c) of the Federal Deposit Insurance Act and all other applicable laws, any Federal savings association may acquire or be acquired by any insured depository institution.

"(2) Expedited approval of acquisitions.—

"(A) In general.—Any application by a savings association to acquire or be acquired by another insured depository institution which is required to be filed with the Comptroller of the Currency under any applicable law or regulation shall be approved or disapproved in writing by the Comptroller of the Currency, acting through the Director, before the end of the 60-day period beginning on the date such application is filed with the agency.

"(B) Extension of period.—The period for approval or disapproval referred to in subparagraph (A) may be extended for an additional 30-day period if the Comptroller of the Currency, acting through the Director, determines that—

"(i) an applicant has not furnished all of the information required to be submitted; or

"(ii) in the judgment of the Comptroller of the Currency, acting through the Director, any material information submitted is substantially inaccurate or incomplete.

"(3) Acquire defined.—For purposes of this subsection, the term 'acquire' means to acquire, directly or indirectly, ownership or control through a merger or consolidation or an acquisition of assets or assumption of liabilities, provided that following such merger, consolidation, or acquisition, an acquiring insured depository institution may not own the shares of the acquired insured depository institution.

"(4) Regulations.—

"(A) Required.—The Comptroller of the Currency, acting through the Director, shall prescribe such regulations as may be necessary to carry out paragraph (1).

"(B) Effective date.—The regulations required under subparagraph (A) shall—

"(i) be prescribed in final form before the end of the 90-day period beginning on the date of the enactment of this subsection; and

"(ii) take effect before the end of the 120-day period beginning on such date.

"(5) Limitation.—No provision of this section shall be construed to authorize a national bank or any subsidiary thereof to engage in any activity not otherwise authorized under the National Bank Act or any other law governing the powers of a national bank.".

SEC. 423. CONFORMING AMENDMENT RELATING TO MERGER OF DEPOSIT INSURANCE FUNDS.

Section 2704(c) of the Economic Growth and Regulatory Paperwork Reduction Act of 1996 is amended to read as follows:

"(c) Effective Date.—This section and the amendments made by this section shall take effect on January 1, 2000.".

SEC. 424. CONFORMING AMENDMENTS TO THE FEDERAL HOME LOAN BANK ACT.

(a) Amendment to Section 18.—Section 18(c) of the Federal Home Loan Bank Act (12 U.S.C. 1438(c)) is repealed.

(b) Amendment to Section 22.—Section 22(a) of the Federal Home Loan Bank Act (12 U.S.C. 1442(a)) is amended by striking ", and the Director of the Office of Thrift Supervision" each place such appears and inserting "and" before "the Chairperson of the National Credit Union Administration".

(c) Effective Date.—This section shall become effective 2 years after the date of enactment of this Act.

Subtitle C—Combining OTS and OCC

SEC. 431. PROHIBITION OF MERGER OR CONSOLIDATION REPEALED.

Section 321 of title 31, United States Code, is amended by striking subsection (e).

SEC. 432. SECRETARY OF THE TREASURY REQUIRED TO FORMULATE PLANS FOR COMBINING OFFICE OF THRIFT SUPERVISION WITH OFFICE OF THE COMPTROLLER OF THE CURRENCY.

(a) In General.—Not later than 9 months after the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Director of the Office of Thrift Supervision and the Comptroller of the Currency, shall formulate a plan for consolidating the Office of Thrift Supervision with the Office of the Comptroller of the Currency by January 1, 2000.

(b) CONSULTATION.—In formulating the plan pursuant to subsection (a), the Secretary of the Treasury shall consult with the Board of Governors of the Federal Reserve System with regard to the transfer of the regulation of savings and loan holding companies from the Director of the Office of Thrift Supervision to the Board.

(c) IMPLEMENTATION.—The Director of the Office of Thrift Supervision and the Comptroller of the Currency shall implement that plan, notwithstanding any other provision of Federal banking laws.

SEC. 433. OFFICE OF THRIFT SUPERVISION AND POSITION OF DIRECTOR OF THE OFFICE OF THRIFT SUPERVISION ABOLISHED.

Effective January 1, 2000, the Office of Thrift Supervision and the position of Director of the Office of Thrift Supervision are abolished.

SEC. 434. RECONFIGURATION OF BOARD OF DIRECTORS OF FDIC AS A RESULT OF REMOVAL OF DIRECTOR OF THE OFFICE OF THRIFT SUPERVISION.

(a) IN GENERAL.—Section 2(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1812(a)(1)) is amended to read as follows:

"(1) IN GENERAL.—The management of the Corporation shall be vested in a Board of Directors consisting of 5 members—

"(A) 1 of whom shall be the Comptroller of the Currency; and

"(B) 4 of whom shall be appointed by the President, and with the advice and consent of the Senate, from among individuals who are citizens of the United States, 1 of whom shall have State bank supervisory experience.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 2(d)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1812(d)(2)) is amended—

(A) by striking "or the office of Director of the Office of Thrift Supervision";

(B) by striking "or such Director";

(C) by striking "or the acting Director of the Office of Thrift Supervision, as the case may be"; and

(D) by striking "or Director".

(2) Section 2(f)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1812(f)(2)) is amended by striking "or of the Office of Thrift Supervision".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on January 1, 2000.

SEC. 435. CONTINUATION PROVISIONS.

(a) CONTINUATION OF ORDERS, RESOLUTIONS, DETERMINATIONS AND REGULATIONS.—All orders, resolutions, determinations and regulations of the Office of Thrift Supervision that have been issued, made, prescribed or allowed to become effective by the Office of Thrift Supervision (including orders, resolutions, determinations and regulations that relate to the conduct of conservatorship and receiverships), or by a court of competent jurisdiction, and are in effect on the day before the date of enactment, shall continue in effect according to the terms of such orders, resolutions, determinations, and regulations and shall be enforceable by or against the appropriate successor agency until modified, terminated, set aside or superseded in accordance with applicable law by the appropriate successor agency or by a court of competent jurisdiction or by operation of law.

(b) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Office of Thrift Supervision shall abate because of the enactment of this Act, except that the appropriate successor agency to the Office of Thrift Supervision shall be substituted for the Office of Thrift Supervision as a party to any such action or proceeding.

(c) CONTINUATION OF AGENCY SERVICES.—Any agency, department, or other instrumentality of the United States, and any successor to such agency, department, or instrumentality, that was providing supporting services to the Office of Thrift Supervision shall—

(1) continue to provide such services, on a reimbursable basis or as otherwise agreed before the date of enactment, to the Office of Thrift Supervision; and

(2) consult with the Office of Thrift Supervision to coordinate and facilitate a prompt and reasonable completion or termination of such services.

(d) TRANSFER OF PROPERTY.—Not later than two years of the date of enactment, all property of the Office of Thrift Supervision shall be transferred to the Office of the Comptroller of the Currency, or another appropriate successor agency, in accordance with the division of responsibilities and activities effected by this Act. For purposes of this subsection, the term "property" includes, but is not limited to, all interests in real property and all personal property, including financial assets, computer hardware and software, furniture, fixtures, books, accounts, records, reports of examination, work papers and correspondence related to such reports of examination, and any information, materials, property, and assets not specifically listed. The Secretary of the Treasury shall resolve any disagreement between successor agencies.

SENATE—*Thursday, March 19, 1998*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, we want to live this entire day with a sure sense of Your presence. We desire to do every task for Your glory and speak every word knowing You are listening. Remind us that every thought, feeling, and attitude we have is open to Your scrutiny. We commit ourselves to work for You with excellence so that, when this day is done, we will have that sheer delight of knowing we did our best for You.

Help us to use things and love people rather than using people and loving things. Grant us the ability to communicate esteem and affirmation to the people with whom we work all through this day. Help us to take time to express our gratitude for who people are, not just for what they do. Make us sensitive to those burdened with worries, problems, or heartaches and help us to make time to listen to them. May we take no one for granted. In the name of our blessed Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the distinguished Senator from Georgia, is recognized.

Mr. COVERDELL. Thank you, Mr. President.

SCHEDULE

Mr. COVERDELL. Mr. President, this morning the Senate will be in a period of morning business, to accommodate a number of Members who have requested time to speak, until 11:30 a.m.

Under a previous agreement, at 11:30 a.m., the Senate will proceed to executive session to resume consideration of the NATO expansion treaty. All Senators with amendments to the resolution of ratification are encouraged to contact the managers of the treaty with their amendments with the hope of making considerable progress on the treaty during today's session.

Also, as under a previous consent, at 4:45 p.m., the Senate will begin 30 minutes of debate relative to H.R. 2646, the Coverdell A+ education bill, prior to the previously scheduled 5:15 p.m. cloture vote on the bill. As a reminder to all Members, first-degree amendments to H.R. 2646 must be filed by 1 p.m. today and second-degree amendments must be filed by 4:15 p.m.

In addition, the Senate may consider any other legislative or executive business cleared for Senate action. Therefore, Members can anticipate rollcall votes throughout today's session of the Senate.

Mr. President, it is my understanding that the next 30 minutes are under my control or my designee's.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. BROWNBACK). Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 11:30 a.m., with Senators permitted to speak for not to exceed 5 minutes each.

Under the previous order, the hour of 9:30 a.m. having arrived, the Senator from Georgia, or his designee, is recognized to speak for up to 30 minutes.

THE A+ EDUCATION BILL

Mr. COVERDELL. Mr. President, this morning's Washington Post, and I am sure papers across the country and the electronic media outlets, were reporting on the President's assertion that our side of the aisle has somehow shortchanged education.

I find this to be exceedingly ironic as I stand here in the midst of the fourth filibuster over the last several months orchestrated by the President and his administration to block massive education proposals that vast majorities of the American people support.

We weathered a filibuster to get to the bill. Now, we have made offers to the other side so that they can bring their package for an open debate. They do not want to do that. Then we said, well, let us try to bring order to the process and have the amendments pertain strictly to the education issue. They rejected that.

So basically you have a strategy, through two events, to not allow us to end the filibuster or to just go from amendment to amendment, many of which have nothing to do whatsoever with education.

So on the front page we have the President saying that our side of the aisle is not stepping forward on education, but in the Halls of Congress and here where we are doing the people's business, he is orchestrating a filibuster. And it is the fourth or fifth one on education proposals.

People might rightly ask, well, what is the cost of this filibuster? What happens if the President is successful in blocking these education proposals?

Well, first and foremost, 14 million American families with children in school—most of which are in public schools, many of which are in private or home schools—will be denied if this filibuster continues. If we cannot end it, 14 million American families with children in school who would be given an education savings account as a tool to help them deal with their children's needs will be blocked dead.

There will be no account, which means that these American families will be denied an opportunity to save upwards to $10 billion-plus over the next 8 years. So billions of dollars that would come to the support of children in classrooms all across the country, which everybody acknowledges is a problem, will never appear, not a dime. Those savings will not occur, and that support will not occur.

So some 20 million children will miss this opportunity to be helped to get a home computer, to be helped to get a tutor, a special-education requirement, after-school transportation, a school band uniform, you name it. All of those things that those billions of dollars would buy are not going to happen if this filibuster continues.

Everybody has read week in and week out a report about the problems we are having in grades kindergarten through high school. And everybody is reading about how difficult it is to pay for college. "So let us filibuster an attempt to bring all these resources together and deny the American people the opportunity to do it."

If the filibuster succeeds, one million students who will benefit from tax relief on State prepaid tuition plans—State prepaid tuition plans are plans where families can buy their child's college tuition in advance. States led the way almost a decade ago in this idea to help families, to guarantee education at quality State universities.

One million students who are in these plans, when they draw the money out, will be taxed on it if the filibuster continues. Twenty-one States have these plans: Alabama, Alaska, Colorado, Florida, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Ohio, Pennsylvania, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Seventeen more States are putting these plans in place: Arizona, Arkansas, California, Connecticut, Delaware, Maine, Minnesota, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Oregon, and Rhode Island.

This movement to help States, help their students get good quality university educations in these quality university systems—it will not happen. And it will slow down the States that do it. And those that do have these plans and the student gets the money, they are going to be taxed, so they will have less resources.

One million workers in America, including 250,000 graduate students, would benefit from tax-free employer-provided education assistance. In other words, an employer in America could pay up to $5,250 for one of their employees to advance their education or to upscale it or to improve it. And the money would go to the employee without being taxed as if it were income, which is what happens now. That isn't going to happen if the filibuster continues. These one million workers and these 250,000 graduates will just be in tough luck. The money is not going to come to them. If it does, it is taxed.

I think, given the President's comments, this last point is very salient. If the filibuster continues, $3 billion in new tax-exempt private activity bonds, which would build schools all across our land—and if I have heard that once, I have heard it a thousand times here: we need to be concerned about building new schools, and there are dilapidated schools. The Senator from North Dakota was talking about it yesterday. Well, with the guidance of Senator GRAHAM of Florida, this provision that is being filibustered would make available $3 billion—$3 billion—in new construction possibilities across the land. And 186 school districts all across the country that are crunched by rapid growth would be denied a supplemental activity to build these schools for these fast-growing communities.

Fourteen million families, 20 million children, 1 million students in college State prepaid tuition plans, 21 States, 17 new States, 1 million workers, 250,000 graduate students, and $3 billion for new schools—none of it will happen, zero—zero, a flat straight line. And it will rest at the feet of the President of the United States. He has consciously tried to block this provision for well over a year.

Now, the obvious question is, why? Why would anybody stand in the way of 14 million families, 20 million students, these 21 States, 1 million workers? What in the world would anybody do that for? This is it. No matter what is said, how much smoke and mirrors we have around it, it is because he is wedded to the status quo and the National Education Association does not want this to happen. Kind of hard to believe. You would think that an organization dedicated to education would want all these millions of families to take advantage of it.

But here is the point. We really ought to call it a pinhead or a sliver the width of a hair, the fact that some families, some of these 14 million families, which have to be statistically insignificant, but some of them will take the money they have put in the account—remember, everybody, it is their money. This is not tax money; this is their money that they put in the savings account to help their children. It has been voluntary. We have not had to raise taxes a dime to do any of these things. We have just encouraged Americans to do it for themselves.

Several thousand of them will take the money in the savings account and will pay tuition for their child to go to a different school. For that reason, we are in the fourth or fifth filibuster and we are going to stop all of these things. We are going to stop savings, we are going to stop the tax relief, we are going to hinder the State setting up the State tuition plans, we are going to stop the million workers, we are going to stop the $3 billion in school construction, because a handful of families might use their own money to make a decision for a child to go from a public school to a private school.

I just have to say on the ledger of events, that is insane. It is utterly incredible, an egregious burden to put on an attempt to help so many and so easily. I have been surprised at how little an incentive is required to cause Americans to save. It is staggering. These billions of dollars that would go into the savings account are going in there because they will save taxes on the interest buildup. So, over the next 5 years, we will leave $750 million—less than $1 billion—in these savings accounts. We won't tax that. That will cause 14 million families to open an account and to save over $5 billion. There are not many things we can do around this town that leverage themselves that well. That is 15 to 1. I wish we could do this all day long.

These education savings accounts, 70 percent of the families who use them will have children in public schools, 30 percent will have children in private or home schools. The Joint Tax Committee says that the money will probably be about evenly divided, $2.5 billion supporting students in public, $2.5 billion supporting students in private. That is probably initially the case, because it costs more to go to a private school and those families will probably save more; they will try harder, because they are paying for public education through their property tax base and the private school has to be put on top of it. So they probably will save a little more initially.

The one thing that the Joint Tax Committee has not evaluated as yet, and in my closing minutes here I want to talk about, is that probably more important than the money is that every time a family opens a savings account, there is a switch that goes on. That family suddenly has a financial instrument that is dedicated to their child's education, and from that point forward every time they get that slip that tells them how much is in the account, they are going to be thinking about how they will use that account and what problem is their child having that needs attention.

I know this personally because years and years ago my father and I opened a savings account for two sets of twins. To this day, we still get a slip from the savings and loan association that tells us how much is left in it and how much it built up. It was all used for education. If this had been the case, my dad and I would have had twice the money that we ultimately saved. From that point on, we were reminded over and over and over about that situation because of that account. Clearly, it adds a new focus. It is like a massive PTA, so to speak.

Now, the other feature that is equally important is that, unlike any other savings account of this type, sponsors can contribute to the child's savings. Not just the family, but when grandmother comes to the birthday, instead of a gift that is tossed away as old 24 hours later, she can contribute to the savings account, which will last a lifetime. And they will, and so will uncles and aunts, even neighbors.

Every time I talk about these savings accounts, corporations, you can see the wheels start to turn, because they are saying to themselves, "I could watch my employees, and we can both contribute to those savings accounts. This would be a good thing for our company to do." Or labor unions or churches, benevolent associations—it is limitless, the imagination of the American people. We have read about these philanthropists using scholarships to help elementary schools: "We will give them a new school." These philanthropists will be able to open these savings accounts early on and assure a quality college education. The ideas that will come around these savings accounts, in that they allow sponsors, have yet to be fully thought of, because Americans are so ingenious.

And none of the value of those sponsors is in any of the financial estimates. It will be billions, billions in dollars, creating one of the largest new—all of this is new money, not redirected; this is volunteered money, coming forward from a family's own checking accounts—no property taxes having to be raised, no taxes having to be raised at the Federal level. These are folks coming forward on their own, so it is all new. And it is smart money. It is smart money because it is directed right at the child's need. Public dollars have a hard time doing that.

Public dollars have a hard time finding that tutor for the math-deficient student, but the parents know what the problem is, or should, and hopefully this will help them think about it. They can put the money right on target. The child has dyslexia. Then we have a special education tutor. The child can't get to the after-school programs. We can arrange for that to happen through these accounts. Eighty-five percent of inner-city children in America today do not have a home computer. As my good colleague Senator TORRICELLI often says, how could anyone even envision coming to the new century without a home computer? Forty percent of the students in general don't have home computers, but it is 85 percent in inner-city schools.

It has been interesting to me to watch leaders in inner-city communities say, "We want these savings accounts." The sacrifices they are having to make and the problems they are having to face, all of these things help them, in particular. I might add, because every now and then I hear from the other side, "This just goes to the wealthy," 75 percent of all these resources go to families earning $75,000 or less—or less. I might also add that the criteria for who can use the account are identical to the little college savings account that the President signed last year.

Again, Mr. President, the hour draws near. It is duplicitous and cynical, when you are orchestrating a filibuster that denies millions of American families an advantage in education, to go out on the stage and point the finger at our side of the aisle and say we are not doing anything for education. No wonder this town reeks with cynicism. No wonder. I am trying, I say to the chaplain, to be conscious of the prayer, which was beautiful. But that is cynical.

I cannot think of a single loser in this legislation, not one; everybody is a winner. That doesn't happen around here very often. Usually on tax policy and the like, somebody is a winner at the expense of somebody else. Any child in America, no matter where they go to school, no matter the family circumstances, they have a chance to create a new tool to help deal with the educational needs of their children.

And it helps confront the high costs of college in two ways. Savings accounts could be kept until college. We protect the tax relief tuition plans in 21 States, with 17 States coming behind it, 1 million workers getting back into education, 250,000 graduate students, $3 billion in new school construction—$3 billion. And there is not a single loser. We would throw it all away, throw it all out, because some few families would use their savings account, which is their money, to pay tuition in another school. That is incredible and disappointing and cynical and denying of real benefits to the people of our Nation suffering a massive, massive problem.

Let me conclude by saying this: This has been a very strong bipartisan effort. My cosponsor is Senator ROBERT TORRICELLI from New Jersey, from the other side of the aisle. He had been tireless in his effort to make the same case, many times much more adroitly than I. Senator LIEBERMAN of Connecticut, Senator BREAUX of Louisiana, Senator GRAHAM of Florida who designed many of these provisions, Senator MOYNIHAN who designed some of the provisions of this proposal. As a matter of fact, almost 80 percent of the costs associated with the bill are on provisions associated with the other side of the aisle. I thank those Members very much for their assistance. I hope they will continue to be attentive to the dynamics of what is happening here.

The suggestion being made by the other side of the aisle that there has not been a fair balance on debate does not hold water. We are trying to keep the debate focused on education and not extraneous matters. I think that is appropriate. We are not trying to turn this into a Christmas tree. We are trying to talk about education, an education proposal. I hope we will be successful in cutting off this fourth debate later this afternoon.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REED. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, I thank the Chair.

CHILDREN'S HEALTH PRESERVATION AND TOBACCO ADVERTISING COMPLIANCE ACT

Mr. REED. Mr. President, I rise today to discuss my legislation S. 1755, legislation that would amend the Internal Revenue Code to deny tobacco companies any tax deduction for their advertising and promotional expenses when those expenses are directed at the most impressionable group in our society, children.

In a recent editorial in the Journal of the American Medical Association, Doctors C. Everett Koop, David Kessler, and George Lundberg wrote, "For years the tobacco industry has marketed products that it knew caused serious disease and death. Yet, it intentionally hid this truth from the public, carried out a deceitful campaign designed to undermine the public's appreciation of these risks, and marketed its addictive products to children."

Numerous studies have implicated the tobacco industry, their advertising and promotional activities, as a major cause in the continued increase in youth smoking throughout the United States in recent years. Research on smoking demonstrates that increases in youth smoking directly coincide with effective tobacco promotional activities.

My legislation, S. 1755, addresses this key element in an ongoing public debate about controlling youth smoking in the United States. My legislation could stand on its own, or it can easily be incorporated into comprehensive legislation, which is beginning to be considered here in the Senate. With or without congressional action on the Attorney General's proposal and suggested settlement which took place last summer, it is time for Congress to act now to stop the tobacco industry's practice of luring children into untimely disease and death.

I am pleased to have join me as cosponsors Senator BOXER, Senator CHAFEE, and Senator CONRAD. I also want to recognize the leadership over many years of my colleagues, Senator TOM HARKIN, along with former Senator Bill Bradley, who have in the past called for the total elimination of tax deductions for tobacco advertisers. While I concur with Senator HARKIN that the deduction is a questionable use of our tax dollars, I would also like to emphasize that my legislation does not go that far.

My legislation is designed to eliminate this deduction if it is used deliberately, explicitly, and consciously to attract young people, children, to smoking. Limiting the access of children to smoking is a critical part of any comprehensive tobacco settlement. My approach is a constitutionally sound way to do this. We have had discussions about the first amendment and the fact that the industry and others claim that only voluntary controls would be permissible under the first amendment. But it is quite clear under the first amendment that Congress has the authority and ability to limit tax deductions. So my legislation not only gets at one of the major issues involved in the debate over tobacco, it does so in a way which is completely consistent with the Constitution.

Now, the advertising restrictions I am talking about are generally those that were agreed to by the industry in their discussions with the Attorneys General. These restrictions have been incorporated in legislation which Senator CONRAD introduced, and I joined as a cosponsor, along with 29 other Senators. S. 1638, provides for and codifies those restrictions that will go a long, long way in preventing youth access to smoking.

Now, under my legislation, if the manufacturers do not comply with these restrictions, if they choose to conduct the kind of reckless advertising campaigns they have in the past, then they would forfeit the deductibility of these expenses. Now, these restrictions are appropriately tailored to prevent the advertising and marketing of tobacco directed at young people in our society. These restrictions are very similar to those proposed by the Food and Drug Administration. Indeed, they are very close to those agreed to by the industry in the June 20 proposed settlement.

Key components of these restrictions are, first, a prohibition on point-of-sale advertising, except in adult-only stores and tobacco outlets; second, a ban on outdoor advertising; third, a prohibition on brand-name sponsorship of sporting or entertainment events; fourth, a prohibition on the use of human images, cartoon characters and cartoon-type characters in their advertising; fifth, no payments for "glamorizing" tobacco use in performances or in media that appeals to minors; sixth, requiring black and white text advertising and labeling so as not to heighten the appeal of cigarette products on the shelf; seventh, a prohibition on tobacco product identification on entries and teams in sporting events; finally, a prohibition on Internet advertising. These are very sensible, very thoughtful restrictions and, I must emphasize, should be essentially agreed to by the industry as their way of meeting the challenge of limiting access to cigarettes by young people in this society.

On numerous occasions, the industry has said: Well, unless we get full immunity, we will not voluntarily give up our right to advertise to children. Well, today I am offering an alternative that I think would persuade them that they should stop this advertising to children. This enforcement mechanism does not rely on their voluntary compliance. It simply recognizes the bottom line of these companies and says: If you want to persist in advertising to minors, then you will forfeit the ability to deduct these expenses from your tax bill.

Now, Mr. President, the importance of this issue is enormous. The facts speak for themselves. Today, some 50 million Americans are addicted to tobacco. One out of every three of these individuals will die prematurely because of their tobacco addiction. Three-fourths of present smokers today want to quit, but they can't because it is an addiction. Less than a quarter are able successfully to quit.

Tobacco is costly in terms of lives lost and in terms of the amount of resources consumed every year in this society, which literally goes up in smoke. It is estimated that in the United States alone over $100 billion a year is expended in health care costs and lost productivity.

Each pack of cigarettes sold generates about $3.90 in smoking-related costs to society. Tobacco accounts to more than $10 billion in costs a year to the Medicare system and $5 billion each year in terms of costs to the Medicaid system. In my home State of Rhode Island, the smallest State in the Union, health expenses related to smoking were estimated at about $186 million in 1996. These are staggering totals. The cost of smoking and lives lost and resources consumed is a serious, serious issue in this country. This problem clearly starts with children.

Ninety percent of adult smokers began to smoke before they were 18 years old. The average youth smoker begins at the age of 13 and becomes a daily smoker by the age 14½. You have young people as early as 13 beginning to smoke and within a year and a half many of them are hooked for the rest of their lives.

Each year, 1 million American children become smokers, and one-third of them will die from lung cancer, emphysema, and similar tobacco-related illnesses. Unless current trends are reversed, 5 million kids who are 18 and younger today will die prematurely because of smoking. You know, there has been a lot of attention has been paid to smoking, and we are finally seeing some positive results. There are many signs that adults are beginning to realize the dangers of smoking.

In my home State of Rhode Island, the adult rate of smoking is stabilizing. But, shockingly, smoking among high school students has increased by 25 percent. This is not an accident—the tobacco industry has targeted its advertising to lure children to smoke. It is a dilemma that companies face, when every year your customers die—and many die because of your products—you have to find replacements. For generations, the industry has targeted efficiently the children of this country.

Mr. President, this is a real nationwide public health crisis. I have a chart that depicts "students who reported smoking," prepared by the University of Michigan. They found that daily smoking among seniors in high school increased from 17.2 percent in 1992 to 22.2 percent in 1996. It continued to climb to 24.6 percent in 1997, representing a 43 percent increase in daily smoking among our Nation's high school seniors over the past 5 years. At a time when we are all appalled at the health consequences of smoking, we are seeing an increase in smoking among high school seniors.

It is far too easy for children to buy these products. It is against the law in every State in this country to sell tobacco products to minors. Yet, it has been estimated that children buy $1.26 billion worth of cigarettes and other tobacco products each year.

More and more, we are learning that these children are beginning to smoke because of industry advertising and promotional efforts. A recent study by John Pierce and some of his colleagues in a Journal of the American Medical Association article found clear evidence that tobacco industry advertising and promotional activities can decisively influence children who have never smoked before, to begin smoking.

Among the findings, they found that tobacco industry promotional activities in the mid-1990s will influence almost 20 percent of those who turn 17 years of age each year to try smoking. At least 34 percent of youth experimentation with cigarettes is attributed to the advertising and promotion efforts of the tobacco industry.

They surveyed nonsmokers who were in high school, and they found that among nonsmokers, 56 percent had a favorite cigarette advertisement. They have been programmed—preprogrammed, if you will—to begin to smoke. Eighty-three percent of those nominated either Camel or Marlboro as their favorite ad. In fact, Camel was the favorite among children ages 12 and 13. Again, it is no wonder, because, as we all know, companies rely on cartoon characters like Joe Camel, giveaways of hats, T-shirts, and key chains, and promote recreational activities and sporting activities, targeting much of their efforts toward young people.

Industry advertising is consistent with the history of the tobacco industry, in terms of trying to deceptively promote their products, to make of their products appear to be something they never were and never will be. They are spending huge amounts of money to do so, and they have been doing it consistently. This is an industry whose record is one of irresponsibility toward children in our society. They have said in the settlement with the Attorneys General that they want to change their culture. They recognize the bad old days and they want to do something different. I think we have to seriously question whether or not this will take place, whether or not they will do this, unless we impose significant restrictions on their ability to influence the young people of this country.

Now, the story of the tobacco industry is, in many cases, a story of advertising in the United States. If you approach someone my age and ask them, "What does LSMFT mean?—and I see Senator TORRICELLI here, who probably would say of course he knows—younger people might think that it is gibberish. We all know that it means "Lucky Strike Means Fine Tobacco." Now, to pull that out of your subconscious, if you are 40 years or older, just like that, is because it was drummed into us persistently through tobacco advertising. It was a little jingle or acronym that kids would recognize. Then, of course, we all remember, going back years, the slogan "sold American." All of these are part of our culture. All of them program young people in particular to be receptive and welcoming to the suggestion that they should smoke.

(Mr. SMITH of Oregon assumed the chair.)

If you go back to the 1950s, the industry at that time was trying to suggest that tobacco was a healthy product. They advertised, for example, "More doctors smoke Camels than any other cigarette." Of course, they have someone that looks like a doctor with a cigarette. And the suggestion is pretty clear: These are good for you. If doctors smoke them, they must be great for you. We all know that is absolute nonsense.

We know, and the industry knew then, that smoking could cause serious health problems and not would benefit your health.

In 1953, another tobacco company had a slogan: "This is it. L&M filters are just what the doctor ordered." This line of suggestion led consumers to the misleading conclusion that smoking was good for you.

Again, we today know as they knew then that this is precisely what a doctor would tell you not to do. But their deception and their advertisements live on. I do not know if they have really changed their culture. Today, we have Winston ads which are attempting to sound like tobacco is a health food, with promotional claims saying "no additives." Of course, tobacco contains formaldehyde and chemicals that would kill you, and will kill you, if you smoke cigarettes long enough.

We also have the Camel advertisements. They have abandoned Joe Camel, the cartoon character, but now have "Live Out Loud"—a very attractive ad, designed to appeal not to any rational decision about smoking. It is designed to be suggestive, particularly to young people, that this is a sexy thing to do, that it is an adult thing to do, it is something that has style and panache, the things young people want to have in their lives, to be grown up.

So we have an industry now that is still catering to the young people of our country.

Recently released documents from the tobacco industry trial shed much more light on what has been taking place for years. And the conclusion is inescapable. These companies have been targeting the young people of America. News reports recently disclosed that an RJR researcher named Claude Teague wrote in a 1973 memo, "if our company is to survive and prosper, over the long-term we must get our share of the youth market."

Documents obtained through the Mangini litigation further document these efforts. A presentation from a C.A. Tucker, vice president of marketing, to the board of directors of RJR Industries in 1974 concluded: "This young adult market"—let me stop for a moment. "This young adult market"—if you ask me who is the young adult—I would say a young adult is 24, 25, 26. What does the industry think a young adult is?

> This young adult market, the 14–24 age group . . . represent(s) tomorrow's cigarette business.

That same presentation said:

> For Salem, significant improvements have been made in the advertising, designed for more youth adult appeal under its greenery/refreshment theme. These include: More true-to-life young adult situations. More dominant visuals. A greater spirit of fun . . . for Camel filter, we . . . will have pinpointed efforts against young adults through its sponsorship of sports car racing and motorcycling.

That is a 1974 memo. Contemporary advertisements for another brand, Kool, has the same strategy, same approach; exciting young themes; auto racing; green, cool, clear colors; excitement; vitality; robust—all of the things that ultimately are the exact opposite of long-term cigarette smoking; again, very attractive; deliberately targeted to attract a wide audience, but certainly to attract young people to smoke.

The Mangini documents also indicate that RJR had been secretly conducting extensive surveys on the smoking habits of young people for years and years.

A 1990 document on "Camel Brand Promotion Opportunities" states that, "(t)arget smokers are approaching adulthood . . . their key interests include girls, cars, music, sports, and dancing"—again, heightening the appeal to the youth market. You can see it reflected in advertisements. What could be more exciting and dramatic than a race car driver?

In 1982, the chairman and chief executive officer of R.J. Reynolds Tobacco Company, Edward Horrigan, testified before the House Commerce Committee that, "(p)eer pressure and not our advertising provides the impetus for smoking among young people."

And this is a consistent argument that the industry makes: It is not advertising, it is just peer pressure among young people wanting to be like their buddy. That was 1982.

A 1986 memo on the new Joe Camel advertising campaign—Joe Camel, a product of R.J. Reynolds Tobacco Company—said:

> Camel advertising will be directed toward using peer acceptance/influence to provide the motivation for target smokers to select Camel. Specifically, advertising will be developed with the objective of convincing target smokers that by selecting Camel as their usual brand they will project an image that will enhance their acceptance among their peers.

What could be more cynical? What could be more hypocritical than standing before the House Commerce Committee, and saying, "It is not our advertising, it is peer pressure," and then conducting campaigns that are deliberately designed to create that peer pressure?

As I said before, if you look at these documents, they persistently refer to the "young adult smoker." So the industry will say, "Well, of course we are trying to get customers, but they are young adults." But their vision of the young adult is much different than my vision, and I think any reasonable person, because it became a code word for teen smokers.

For example, a 1987 document discussing "Project LF" Camel Wides, states, "Project LF is a wider circumference non-menthol cigarette targeted at younger adult male smokers, primarily 13–24 year old male Marlboro smokers."

Another document suggested, as a way of operating within advertising restrictions, "transfer(ing) Old Joe (Camel's) irreverent, fun loving personality to other creative properties which do not rely on models or cartoon depictions."

Again, the beat goes on. The excuses change. The rationalizations change. The characters change. Old Joe Camel takes a seat on the bench. But another fun-filled, irreverent theme designed similarly to attract young people takes its place.

Given this record, I am deeply skeptical that this industry will truly reform. Unless we have strong provisions which make it in their economic best interests to change, they will not change. That is, once again, why I think this legislation is very, very important.

This industry spends a huge amount of money each year to try to hook kids on tobacco. We know from the documents and from the research, that this is one of the major motivating factors. We know that advertising plays a pivotal role in the decision of young people to smoke. We know they try to use peer pressure. We know that for years they have tried to attract generation after generation of young people to smoking.

We know the advertising pays off. Eighty-six percent of underage smokers prefer one of the most heavily advertised brands—Marlboro, Newport, or Camel. The barrage of advertising has a devastating and deadly effect on our children.

One of the advertising campaigns that has been most subject to scrutiny in the last few years has been the Joe Camel campaign by R.J. Reynolds. When they began this campaign Camel's market share among underaged smokers was 3 percent. Within 3 years of Joe Camel, the cartoon character, the giveaways, the promotional items, underage market share jumped to 13 percent—13 percent who would likely become long-term smokers.

Although Congress banned television advertising in 1970, the companies routinely get around it through the sponsorship of televised sporting events.

Marlboro did an analysis of an automobile race they sponsored. Again, it is against the law to advertise on TV. It was found that the Marlboro logo was seen 5,093 times during this televised broadcast race, accounting for a total of 46 minutes of exposure during a 93-minute program. That is probably better than if they were buying 30-second spots to sponsor the show directly.

Data from the Federal Trade Commission shows how much the industry spends, which has increased dramatically over the last twenty years.

In 1975, the industry spent $491 million. In 1995 alone, tobacco manufacturers spent $4.9 billion—$491 million in 1975; by 1995, $4.9 billion. On Tuesday, the Federal Trade Commission released their most recent numbers from 1996 showing that advertising expenditures increased 4 percent over 1995. The industry spent in 1996 over $5 billion.

We are helping, however, because the industry is able to deduct these expenses. Generally, they can deduct 35 percent of these expenses through their business operations. In 1995, this subsidy—our contribution to hooking kids—amounted to $1.6 billion in lost revenue to the Federal Treasury.

This is not an insignificant amount of money. In fact, year by year, the amount of tax expenditures on advertising that the industry has won through this provision of the Internal Revenue Code has increased. In effect, we are subsidizing them to conduct Joe Camel campaigns. We are subsidizing them to build peer acceptance and peer pressure for young people to smoke. In 1995, the cost of the cigarette advertising deduction covered the total amount the industry spent on coupons, multipack promotions, and retail value-added items, like key chains and giveaways, in addition to point of sale. In fact, many of these items are the things that kids like the most—the jackets, the T-shirts, and the hats. The things that are trendy among young people are effectively paid for by the tax deduction.

Over the last few decades, the industry has changed some of their tactics, but their goal remains the same. With the demise of television advertisements—I must point out at this time that there are some commentators who suggest that the reason the industry was so cooperative in ending television advertising at that time, the late 1960s, was because there were good antismoking commercials on TV that began to have an effect—that people, when confronted with a good countercampaign, begin to think twice. But, nevertheless, the industry is off the air. But what they have done is shift their approach.

You can see from this chart, which depicts various categories of advertising, that biggest jump—from 1985 to 1995—was in the area of specialty items. These include shirts, caps, sunglasses, key chains, calendars. In 1985, the industry spent $211 million. By 1995, they were spending $665 million.

Again, these are the types of promotional items that are most appealing to young people. The industry has increased their expenditures on public entertainment. Public entertainment includes the sporting events and other public events, which mean exposure to a wide audience, but is significantly comprised of children.

Spending has declined in newspaper and magazine advertising. Once again, this is a changing strategy, but a very consistent goal; to fill the ranks of dying smokers each year with a new generation of Americans.

Now, let us put this in perspective. The industry is spending $4.9 billion on advertising. That is double the Federal Government appropriations for the National Cancer Institute and four times the appropriation for the National Heart, Lung and Blood Institute. In 1995, the tobacco industry spent, as I said, $4.9 billion on advertising, 40 times the amount we are spending on lung cancer research.

There are issues before us with respect to the Constitution, the first amendment. Indeed, I think my legislation is within our province. Clearly, it does not run afoul of the first amendment, which none of us in this Chamber would like to do. I believe the restrictions in Senator CONRAD's bill would stand constitutional muster. It is clear these provisions, removing the deduction, stand strongly in support of the first amendment.

Mr. President, we have to act, and we have to act promptly. There are literally thousands of children each day who are becoming addicted to tobacco. They will die prematurely. We can save many of them if we act. The industry has demonstrated through many, many years that they are dedicated to the bottom line and are indifferent to the health of the American children. It is our responsibility to protect the children of this country. We should have no illusion. They will only stop targeting children when it costs them money. We should ensure, at a minimum, that we do not subsidize their appeal to children, we do not support their efforts to target children, and that we will disallow their deduction if they do not change their practices and begin to advertise responsibly to the adults of this country and not the children of this country.

Mr. President, I yield back the remainder of my time.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to use up to 15 minutes of the time Senator HAGEL was allotted this morning.

The PRESIDING OFFICER. (Mr. SMITH of Oregon). Without objection, it is so ordered.

RELIGIOUS PRISONERS CONGRESSIONAL TASK FORCE

Mr. BROWNBACK. Mr. President, I take this opportunity to introduce to the Senate and to the United States the formation of the Religious Prisoners Congressional Task Force, which will advocate for religious prisoners suffering persecution from foreign governments.

This bicameral, bipartisan task force was founded by Representative JOE PITTS, from Pennsylvania, who has been the leading force on this, and myself. We are also joined by Senator JOE LIEBERMAN, from Connecticut, and Representative TONY HALL, from Ohio, on this joint task force. I would also note at the very outset that many Members are active in this work and have been for a number of years, such Members as FRANK WOLF, from Virginia, who for years has advocated for those who have no voice, who are prisoners of conscience in dirty cells and jails around the world; people like Senator LUGAR in this body, who has done so quietly and effectively with many leaders of Government as have other leaders as well. And there are many ongoing efforts along with this task force we are announcing here today.

As leaders in a nation which ardently values religious freedom—indeed, our Nation was founded upon the principle of religious freedom—we take this opportunity to intervene at the highest levels for those whose greatest crime is to express a belief in the divine, in God. It is my personal conviction that what one does with one's own soul is the most fundamental of human rights. I believe this is a fundamental liberty with which people throughout the world are endowed, the inherent right to do this, to freely express their faith. Yet national governments routinely breach this right and wrongfully silence peaceful minority faith communities and jail their leaders.

The statistics are striking. Fully one-half of the world's religious believers are restrained by oppressive governments from freely expressing their religious convictions. One-third to one-half of the world's believers are forced to meet clandestinely in underground cell groups or home churches, such as occurs frequently in China and Iran and many other places around the world.

Religious persecution is waged internationally from the highest levels of government, particularly Communist and ultranationalist countries. One successful strategy is to intimidate and control believing communities by incarcerating respected religious leaders, bringing the full weight of a national government against key individuals. These prisoners suffer abuses including beatings, torture, extended incarceration and even death unless intervention is made. Such violations strike at the heart of the religious communities while blatantly breaching international treaties and fundamental human rights standards. We have the legal mandate for this action.

Through this task force, we will appeal to heads of state, both to obtain release of key religious prisoners and to help change antagonistic policies. Individual prisoners will be assigned to individual task force members through this advocacy adoption program.

When congressional Members petition Government leaders, the lives of religious prisoners change. Experienced human rights groups confirm this as well as some of our task force members such as TONY HALL and JOE PITTS, who confirm that such intervention improves prison conditions, stops torture and, most importantly, results in prisoner releases.

Ultimately, the joint effort of several Members can influence hostile national policies for the good. Moreover, task force members will engage in joint protests with members from the British Parliament who have implemented a similar prisoner adoption program, providing further weight to this advocacy.

As I speak to you today, thousands are sitting in cramped and dirty cells, for no other reason than that they peacefully expressed their religious beliefs. Most are nameless and lack advocates, yet they are the Sakharovs and the Solzhenitsyns of our day, and they deserve our help.

The national cases that we will advocate involve advocacy for embattled religious leaders in the Sudan, Pakistan, China, Iran, and Tibet and include persecuted Christians, Tibetan Buddhists and Bahais. The following case profiles of incarcerated believers worldwide illustrate the extremities faced by these communities.

In China, one of the people we will initially be advocating for is Bishop Su. He is a 65-year-old Catholic bishop who has already spent 20 years—20 years—in jails and work camps. His crime is that he believed in papal authority, which is prohibited by the Government, and refuses to join the state-authorized Catholic Church, which rejects the Vatican. Previously he was severely tortured but continues to refuse to recant his faith.

Also in China, Pastor Peter Xu, the Protestant leader of a 3- to 4-million member Christian movement, has been sentenced to 3 years in a forced labor camp for his peaceful but unofficial religious activities. His case highlights the plight of unregistered Christian groups which are forced to meet clandestinely to avoid arrest and harassment. Such house churches remain unregistered so that they can freely practice their faith without Government control and censorship. These underground movements constitute a majority of practicing Christians in China, and their leaders constantly face arrest and incarceration.

In Iran, the task force has targeted four Bahais leaders who have been sentenced to death for the simple reason of their religious associations. They are presently incarcerated and awaiting execution. The death sentence is no idle threat. Over 200 Bahais have been executed, including women and teenage girls. And this just since 1979.

In Pakistan, four Christians have been falsely charged with blasphemy against the Prophet Muhammed. If convicted, they will be executed. Blasphemy charges are potent weapons of intimidation and control of minority Christian communities in Pakistan. Sometimes violence erupts against entire towns. For example, last year in Shantinagar, a Christian town—we have a picture of this that I would like to show the body—20,000 were rendered homeless after a mob looted and ravaged for 2 days as police stood by and watched.

This is a picture here that we have of a family in that community that was dislocated when the mob violence came and the police stood idly by.

In Tibet, the 11th Panchen Lama of Tibet, a 6-year old boy, has "disappeared" and most likely is being held by the Chinese Government along with his family, in an attempt to control the Tibetan Buddhists. This is a deep assault on the Buddhist faith which honors this figure as second only to the Dalai Lama, who is now also outlawed. Tibetan Buddhists are suffering a systematic policy of eradication with monasteries being razed and monks and nuns incarcerated. One prison alone boasts over 100 monks and nuns who are presently jailed just for their faith. This does not include the unknown numbers incarcerated in the other six prisons.

I want to show some pictures to the body of people who have been incarcerated, penalized, and attacked by governments for simply practicing their faith. We remember those people pictured in various places throughout the world that you can see, pictures of individuals who are being persecuted for their faith.

This is another picture of people who are practicing their faith clandestinely at a place in the world where they cannot practice their faith in the open.

The gentleman's picture over here to the far right is also a true case of an individual blindfolded and being attacked for his own faith. Even though he is blindfolded and you cannot see his eyes, you can sense in his face that here is a man of faith who knows what he is facing, knowing that death is potential, and still standing for his faith, for that simple right to do with his own soul what he sees fit. Isn't it right for us to advocate for those who cannot advocate for themselves? Isn't it up to this body and many others to say that this is a fundamental human right, that this man should have an advocate, that we should be standing with him as he stands there for the simple reason of his own faith, whatever that faith might be? This is a foundational human right. It is time we stood up, stepped forward and spoke out around the world to the world's governments where half of the people live who cannot practice their faith freely. This is the time for us to do that. I hate to think that we will not step up or we will not be up to the cause of the moment, people such as this gentleman, who stands and faces so much more.

Mr. President, in conclusion, we hope that the Religious Prisoners Congressional Task Force, along with many other efforts, will be a voice for religious freedom internationally. Our goal is the release of prisoners who have taken a stand for religious liberty, those who have paid the high price of loss of freedom and threat to life and even death. They deserve our advocacy for this most personal of human rights, this most important of human rights, to freely express a belief in God.

With that, Mr. Prest, I yield the floor.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CORPS OF ENGINEERS SWEEPSTAKES II

Mr. GORTON. Mr. President, these remarks are the second in a series that I call "The Corps of Engineers Sweepstakes." Two or 3 weeks ago I was on the floor to speak about a series of foot-dragging and irrational decisions on the part of the Corps of Engineers in an area that affects not only your State and mine, including its proposal to bury an archeological site on which a 9,000-year-old human skeleton had been found. Because of the wishy-washy answers on that subject from the corps, there is now included in the supplemental appropriations bill about to be discussed on this floor a prohibition against the corps destroying that archeological site.

But the corps is at it again, another installment in the comedy of errors. The bureaucrats in the Army Corps of Engineers office in Walla Walla, WA, have taken it upon themselves to promote and publish a survey of public opinion on the removal of four dams on the lower Snake River. The corps right now, today, is in the process of distributing this survey to some 12,000 people. Sending out a survey to 12,000 people to determine what they think about removing dams is one thing. But if you are the winner in this sweepstakes and get one of the surveys in the mail, out of the envelope drops a $2 bill. The corps is using $24,000 in taxpayers' money just to put $2 bills in the envelope that contains the survey.

But that is not all. You get $2 for being the passive recipient of the survey. If you fill it out and send it back to the Corps of Engineers, they will send you another $10. That is much better than the odds in any of the multitude of sweepstakes we receive that say you may be a winner if you send it in, with odds of 100 billion to 1. Everybody gets the $2, and everybody who sends the survey in gets the additional $10. If they all answer, that is $144,000 of the taxpayers' money.

Mr. President, both you and I are constantly on the backs of the corps to engage in constructive projects that really mean something for us. I am sure you have received the same reaction that I have, on a number of occasions, that "We just don't have enough money to do that. You are going to have to appropriate more." Here is $144,000, plus the cost of the survey, designing it and totaling it up. That simply is a waste of money. Am I to believe that the Corps of Engineers is truly broke when it is littering mailboxes in my State with $2 bills and promises of more? Last night, when I was discussing this with a friend, he laughed and said that he had recently gotten a survey from Lexus about luxury automobiles. In dealing with automobiles that cost more than $35,000, Lexus promised that if you sent in the survey they would send you $1. Luxury automobiles, $1 per survey; the Corps of Engineers on removing dams, $12 per survey. This is just not the way in which to spend taxpayer money. This is not going to increase confidence in the way that our Government spends our money.

This is such a totally outrageous use of the taxpayers' money that I cannot resist the temptation to make more than one set of remarks on the floor on the subject, so I can promise you, Mr. President, that I will be back next week to tell you what is in the survey. If you are shocked about free $2 bills and free $10 bills from your friendly neighborhood Corps of Engineers office, wait until you, as a Senator from Oregon, see the totally distorted way in which the corps seeks your views, completely stacked toward one set of answers to the questions rather than an objective survey. But that is for another time.

For this morning, the sole remark is: Here is this Government agency, constantly crying poverty to us when we have constructive activities for it to engage in, dropping $2 bills in mailboxes across southeastern Washington, and maybe a part of Oregon, for all I know, and promising $10 more for 5 minutes' worth of work in filling out a phony survey.

This is not the way we should be spending our taxpayers' money.

WIDESPREAD EDITORIAL SUPPORT FOR INCREASING THE H-1B CAP

Mr. ABRAHAM. Mr. President, I rise today to draw the Senate's attention to several editorials from across the country that endorse an increase in the number of skilled professionals who are allowed in on H-1B visas.

The American Competitiveness Act, which I have introduced along with Senators HATCH, McCAIN, DeWINE, SPECTER, GRAMS, and BROWNBACK, approaches the shortage of high-tech workers problem in both the short and long term. The bill will increase the annual number of H-1B visas that awarded to foreign-born professionals by approximately 25,000 this year, and will create 20,000 scholarships a year for U.S. students to study math, engineering, and computer science.

The cap of 65,000 on these visas will likely be reached in May, four months before the end of the fiscal year. This will cause considerable disruption at U.S. companies and universities. Without legislative action, this problem will worsen each year until companies will no longer be able to count on access to key personnel that help fuel growth.

If American companies cannot find home grown talent, and if they cannot bring talent to this country, a large number are likely to move key operations overseas, sending those and related jobs currently held by Americans with them. We do not want that to happen.

Mr. President, I ask unanimous consent that these articles be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

HIGH-TECH TALENT: DON'T BOLT THE GOLDEN DOOR

(By Howard Gleckman)

Perhaps she's named Irina—a brilliant computer engineer from Kiev. She wants to come to the U.S. and bring her dreams of developing the next breaththrough in communications software. But if she doesn't make it in the next few weeks, she probably will be turned away.

That's the sad result of bad immigration policy. In 1991, Congress set quotas that allow only 65,000 high-tech workers to enter the country annually. The cap was part of a larger scheme to stem the flow of immigrants, legal and illegal. But with American companies scrambling to find programmers, engineers, and other highly skilled workers in a tight labor market, business fears the 1998 quota could be filled by May.

ON THE CHEAP

The high-tech industry is working with Senator Spencer Abraham (R-Mich.) to raise the annual quota of these so-called H1-B visas to 90,000. But companies are getting a chilly response from the Clinton White House, which argues that U.S. employers are trying to get foreign workers on the cheap when they should be investing more money in educating and training the domestic workforce. "Companies shouldn't be able to say, 'We'll use immigration law as our way out,'" says White House economic policy coordinator Gene B. Sperling.

The debate over wages and education misses the main point: The U.S. shouldn't bar entry to skilled and creative people at all. At the same time, there's no question that U.S. businesses must support and generate efforts to raise the quality of math and science schooling to ensure a sufficient domestic crop of programmers and engineers in the future.

But such educational reform will take years. In the meantime, skilled immigrants who want to work in the U.S. should be welcomed with open arms. Top-notch workers, no matter what their nationality, stimulate an economy, creating wealth and improving living standards overall.

Indeed, the high-tech revolution now helping to fuel U.S. economic expansion might not have been so powerful without the drive and creativity of gifted immigrants. Everyone knows about Andrew S. Grove, the Hungarian who co-founded chip-making giant Intel Corp. But there are hundreds of others. Two of Sun Microsystems Inc.'s founding quartet were foreigners. At Cypress Semiconductor Corp., four of 10 vice-presidents are immigrants—from Britain, Germany, the Philippines, and Cuba. Says Cypress CEO T.J. Rodgers: "What would [the U.S.] look like if the computer chip had been created in Europe because of our lousy immigration policy?"

Many immigrants arrive as students. Alan Gatherer, branch manager of wireless communications at Dallas-based Texas Instruments Inc., came from Scotland to study at Stanford University. Simon Fang, who now works on complex integrated circuits at TI, is originally from Taiwan. He also came to the U.S. to attend graduate school, and thanks to an H1-B visa, was able to stay.

WHIZ KIDS

The ivy path makes the current visa restrictions all the more perverse. Foreign students come to the U.S. to profit from the best graduate education in the world. Some take jobs here. But under H1-B visas, they must pack their bags six years later. Other countries get the benefit of these U.S.-trained engineers and scientists.

When these immigrants leave, the U.S. loses more than just their talents. An extraordinary number of their children achieve great success, too. Example: Of the 40 finalists in this year's prestigious Westinghouse Science Talent Search Award, 16 are either foreign-born or children of immigrants.

Critics say immigrants take jobs from native-born Americans. Maybe a few do. But artificial barriers won't protect U.S. jobs for long. If U.S.-based companies can't get the skilled workers they need at home, they will set up shop elsewhere—be it Dublin or Kiev. "We are disarming the economy of the United States if we don't allow skilled workers to come in," argues Dell computer Corp. CEO Michael S. Dell.

That's why it is essential for the U.S. to nurture the best workforce in the world. It shouldn't matter whether these top-notch employees are born in New York or New Delhi. America, a nation of immigrants, should never turn its back on people who want to come here to work. They have too much to offer.

[From the Detroit News, Feb. 21, 1998]

CLOSING THE SKILLS GAP

Republican Sen. Spencer Abraham of Michigan is drafting a bill that would help neutralize what is perhaps the single biggest threat to America's economic boom: a shortage of high-tech workers. The bill, which will propose raising the 1990 cap on highly skilled temporary workers from abroad, deserves the support of all those who want to see continuing gains in American prosperity and standard of living.

The rapid pace of economic growth combined with record low unemployment have created a paradoxical situation: High-tech companies, the engine of much of the economic growth, cannot find enough skilled workers to sustain current growth levels. A study conducted by the Information Technology Association of America estimates that there are more than 346,000 unfilled positions for highly skilled workers in American companies.

Should his situation persist, the Indiana-based Hudson Institute, a prominent think tank, estimates that in just a few years it will cause a 5 percent drop in the growth rate of total economic activity, also known as gross domestic product. That means a whopping $200 billion loss in national output—nearly $1,000 for every American.

"It is as if America ran out of iron ore during the industrial revolution," one industry official notes.

The problem is particularly acute in Michigan, where high-tech needs are higher and the unemployment rate is lower than the national average. Indeed, so severe is the crunch of skilled workers here that many high-tech employers in Oakland County recently convened a conference to discuss ways of attracting more workers to the state.

Despite the burgeoning demand, the immigration ceiling for highly skilled immigrants has remained fixed at 65,000 for the past eight years. Indeed, for the first time in history, American employers last year reached this cap one month before the end of the fiscal year. This year they are expected to hit the limit even sooner.

Protectionists and nativists will no doubt denounce Sen. Abraham's bill as a threat to American workers. Many call for increased subsidies for "job training" programs. But such programs have seldom yielded the promised benefits.

The real threat to American workers is that companies will be forced to move abroad in search of talent.

[From the Seattle Times, Feb. 23, 1998]

END NATIVIST HIRING CAPS

For six years, Congress has mandated that the high-tech industry compete with one hand tied behind its back. It's time to loosen the cuffs.

The handicap comes in the form of an obscure immigration limit called the H-1B visa program. The product of a nativist backlash against highly skilled foreign workers, the law prevents software firms, tech companies and others from freely employing the best and brightest around the world. The 1990 provision set a national cap on visas for foreign professionals—including computer engineers, programmers, doctors and professors—of 65,000 a year. Demand has skyrocketed and the high-tech industry faces a critical labor shortage.

Supporters of the cap say imported workers are stealing jobs for native-born professionals. Nonsense. From its founding, this country's economic growth and intellectual achievements have been fueled by talented immigrants, not curtailed by them.

The domestic textile industry, space program, physical sciences, biotech and computer industry all gained from the contributions of immigrants—many of who become tax-paying American citizens, created thousands of new jobs for their fellow countrymen, and greatly increased the nation's stock of human capital. Just consider: A third of all American Nobel Prize winners were born overseas.

Twelve percent of the fastest-growing firms in the nation today were founded by immigrants. Andrew Grove, a Hungarian emigre, was the force behind Intel. Charles Wang, a Shanghai native, founded Computer Associates—a company employing thousands and generating millions of dollars each year. Eckhard Pfeiffer, CEO of powerhouse Compaq, is from Germany.

Microsoft relies on skilled immigrants for about 5 percent of its work force. At Seattle-based ZymoGenetics, two foreign recruits—one from India and one from Austria—collaborated on a new form of insulin that captured 45 percent of the world market and catapulted the local biotech firm to success. The stories of immigration-inspired innovation and job creation in the Puget Sound region are endless.

Certainly, the federal government should support efforts to train (or retrain) a home-grown, high-tech work force. But the key lesson here is that immigration is not a zero-sum game. Labor produces more labor; there is no finite number of jobs in any industry.

Next week, Congress will hold hearings to re-examine the H-1B visa limits. Nativist demagogues will protest loudly. But erecting barriers to a small but invaluable stream of skilled immigrants hurts no one but ourselves.

If lawmakers ignore employers, don't be surprised if high-powered high-techs move jobs overseas or contract out to foreign firms. By curtailing through foolish hiring restrictions the flexibility and growth of some of the nation's most dynamic industries, "America First" demagogues are putting America last.

[From the Fairfax Journal, Mar. 10, 1998]

JOBS GO BEGGING

Those who calculate such things say that more than 19,000 high-tech jobs are going begging in Northern Virginia. The situation is bad enough that firms offer bounties to employees who lure in others with particular skills. Meanwhile, a Virginia Tech study done for the Information Technology Association of America suggests that more than 340,000 highly skilled positions are unfilled around the country—more than the population of Arlington, Alexandria, Fairfax City and Falls Church combined.

Those numbers have spawned hurry-up efforts in Northern Virginia (Northern Virginia Community College and the Herndon-based Center for Innovative Technology are major players) and around the country to train more computer-savvy workers before American companies start to lose their competitive edge globally or the companies feel compelled to ship more work overseas.

But in addition to workforce training efforts, high-tech companies ought to be able to bring more of those foreign workers to our shores before they ship jobs elsewhere.

Bills introduced in Congress by Rep. Jim Moran, D-8th District, and Sen. Spencer Abraham, R-Michigan, would increase companies' access to foreign professionals. Abraham's bill, would increase the cap on "H1-B" visas to 90,000 workers a year from 65,000. The H1-B program allows companies to sponsor foreign professionals who generally get permission to stay for six years. In 1997 the 65,000 cap was reached in August and this year companies are expected to reach the cap in May—such is the demand.

Moran's bill, part of a package designed to train more high-tech workers, would allow the Secretary of Labor to grant permanent residency status to information technology professionals for three years without quotas, as is done now with nurses and physical therapists—as long as the efforts don't take away jobs or earnings from Americans. Indeed, the job vacancies suggest that no skilled worker, native-born or immigrant, is scrounging for work at the moment.

Moran's measure goes in the right direction, although anti-immigrant sentiment around the country is strong enough that he might have to resort to a cap of some sort as a political fallback. In any event, measures that open up American access to highly trained technology professionals deserve the support of the entire Northern Virginia delegation in Congress.

Allowing more foreign professionals into the U.S. makes all the sense in the world. It would help keep the economy humming in technology hubs such as Northern Virginia, and it would give companies second thoughts about taking jobs overseas. Further, these workers are anything but budding welfare cases. They have to be paid the prevailing wage for their skills—and the wages are darn good.

High-tech firms say that easing the worker shortage is critical to maintaining growth and competitiveness. Increasing the number of Americans who receive high-tech training, and bringing in more foreign workers who can do the work, are two parts to improving the situation. There are enough jobs going begging to try both approaches.

SPECIAL EDUCATION FUNDING

Mr. GREGG. Mr. President, I noted today that the President, speaking before his labor union leadership in Las Vegas, attacked the Republican budget and Members of the Republican Senate who voted for that budget, I being one, for underfunding his initiatives in education.

I believe that deserves a response because it is a duplicitous statement, to be kind. Let's talk about what has actually happened here. The President sent us a budget. It was a budget which was supposed to follow the agreements which we had reached last year under the 5-year budget agreement which reaches a balanced budget. But because new funds have been identified, according to the President, as a result of the tobacco settlement, he decided to change that.

Prior to sending us a budget, the President for days went out on the trail and proposed new program after new program after new program—140 I think is the number, $140 billion worth of new programs. Some of that was money on top of old programs, but the majority of it was on new programs, and all of it was outside the original budget agreement, and so he has sent us his budget which proposes all this new programming.

Now, what did the members of the Republican Budget Committee do, and what did the Republican membership of this Senate do in passing the budget out of committee last night? We did two things. One, we said we reached an agreement last year so let's stick with that agreement. Let's continue to work towards balancing this budget. That happens to be a priority.

In that context, we funded child care initiatives, new child care initiatives to the tune of $5 billion, bringing the total child care initiatives in this Congress being funded to somewhere in the vicinity of $74 billion. At the same time, we funded an expansion in NIH research activities, over $15 billion over the next 5 years, a huge expansion, a 40 percent increase in NIH funding.

We also said that if there is a tobacco settlement, the proper place to put that money is in the Medicare accounts. Why? Because as we have learned, Medicare is the most threatened major Government program that we have today. We know that Medicare goes broke in the year 2005, 2007, somewhere in that range. It is essential that we fund that program so that senior citizens will have insurance.

What is one of the main drivers of the cost of Medicare? Tobacco smoking. In fact, a recent study—I think it was done at Harvard—concluded that it cost $24 billion a year in Medicare costs in order to address the issue of tobacco. And so it is appropriate that any tobacco settlement money should go to the Medicare accounts. And that is what we decided to do.

We also did something else, and this is on what I wanted to focus. We decided that the Congress should live up to its obligations in education to the special-needs children. Back in 1975, the Congress passed a law called the IDEA, 94–142, which said that children with special needs should have adequate education, and should be able to do it in the least restrictive environment. It was a good bill. It was an excellent law. As a result of that law, many children who had been shuttled off out of the local school systems, who had been put, unfortunately, in back rooms with teachers who had no experience and no skills to work with them, many children who simply because of their physical disability or their emotional problems were basically treated as pariahs within their school systems, were brought into the light and were given good educations.

It has been an extremely successful undertaking. But at the time that we passed that law we said to local school districts, listen, we know this is going to be very expensive. We as a Congress know we are asking you to do something that is very expensive, so we as a Congress will pay 40 percent of the cost of the education of that special-needs child.

Congress, acting as Congress unfortunately does so often, and the Presidency, acting also in concert, have not fulfilled their obligation to pay 40 percent. No. In fact, as of 2 years ago, the Federal share that was being paid was down to 6 percent of the cost of the education of the special-needs child.

So what had happened in the school systems? In local school systems across this country, special-needs children and their parents were being pitted against the parents and children who did not have need for the resources of those special-needs children.

What you had, I know very well, in school systems in New Hampshire was that over 20 percent of the local school dollars were going to support the special-needs child, and they still are. It was not unusual to cost $10,000 a year just for transportation of a special-needs child. Sometimes it would cost $30,000–$40,000 a year for the education of the child. And this was a situation where the special-needs child was not asking for something outrageous. They were asking for their rights under the law.

Unfortunately, in asking for those rights, they were finding themselves pitted against the parents of the other children in the school system and the local taxpayers.

Why was that? Well, because the Federal Government was not paying its fair share of the cost of that education. And the practical effect of that was that when the Federal Government failed to pay the 40 percent it was supposed to pay and was only paying 6 percent, the difference was having to be picked up at the local school district level. That meant that the money which the local school district may have wanted to spend on some other activity of education was being allocated to pay for the special-needs child.

Now, what happened here was that the special-needs child was being unfairly and inappropriately put in a position of conflict with other children in the school system. The special-needs parents at school meetings across the country were finding themselves confronted by other parents who were upset that they did not have adequate resources because resources were going to assist the special-needs child. Why? Because the Federal Government was not paying its share of the burden of the special-needs child's education. Instead of paying the 40 percent which we said we would pay, we were down to 6 percent.

So the Republican Senate, as the first act of taking control of this body, made the first bill which we put on the agenda a statement that we were going to try to put an end to this unfunded mandate activity, that we were going to try to right the situation, so that special-needs children would not be put in this intolerable position and their parents would not be put in this intolerable position, and so we would give relief to the local taxpayer, and so the Federal Government would live up to its obligations under the IDEA bill. That was S. 1. That was how high a priority we put on it here in the Senate as Republicans. We not only said it in the Senate and said it in the S. 1 bill—we did it.

In the first year we controlled the legislative process in this body under the leadership of Senator LOTT, with my support and the support of a lot of other people, we increased funding in the special-needs accounts, in the special-ed accounts, by $780 million. In the second year that we controlled the appropriating process, we increased funding in the special-ed accounts by $690 million. These were dramatic increases in those accounts, but nowhere near the increases that are necessary to reach the 40 percent. As a result of those initiatives, we now have funding for special education up to about 9.5 percent of the cost. It is a long way from 40 percent but a significant increase over the 6 percent where we started.

That is a long explanation that gets to the point of what the President has said yesterday and why what he said is so disingenuous. How much money do you think this administration put into the special-education accounts in its budget that it sent up here? Remember, they put $12 billion into new education programs, new school construction, after-school programs, and more teachers for smaller classroom size. How much money of that $140 billion of new program and new initiative did they put into the special-needs program? the special-ed program? Mr. President, $35 million—not billion, $35 million. Essentially zero, when you look at it in the context of the overall budget requirements. They essentially said that, as a matter of policy, this administration does not care what happens in the special-needs account. It does not care what happens to the special-needs child. Rather, they would like to start new programs that will create new political sound bites, that will pay off new, different political constituencies that happen to support them. But as far as special-needs kids are concerned—zippo, for them.

The practical effect of this is what is really insidious, because the $12 billion that they use to create new programs, new education programs, which basically pay off the teachers unions, gives them some sort of new initiative to talk about. Class size and building schools are two initiatives which the federal government actually has no role in, which have always been a local school responsibility. What more a local school responsibility and local school decision and discretion than what buildings a school has and how big their classes are? The administration took the two initiatives where there is no Federal role and they fund it with $12 billion. But in an area where there is a Federal role, where the Federal Government has said it has a 40 percent obligation, they put absolutely no money.

How are they able to do this expansion of these education initiatives in the area of classroom size and in the area of building buildings? The way they were able to do it—and this is, as I mentioned, what is truly inappropriate about their proposal—the way they were able to do it was they essentially robbed the money from special-needs kids. If they had taken the $12 billion of new initiatives—which are political in nature, in my opinion—and put it into the special-needs program for the kids who need it, they would have come very close to reaching the 40 percent which would be the funding levels that the Federal Government had committed to relative to special needs.

So they are essentially saying not only that they are not going to help special-education kids, but that they are going to take from special-education kids for the purpose of funding their initiatives instead of funding the special-education obligations which are already on the books. And the effect of doing this is as follows. Essentially, what they are saying is that we are going to create new categorical programs which require States and local school systems to do what we want them to do here in Washington. Essentially they are saying you, the local school district, in order to get the money which you are owed by the Federal Government, you are going to have to spend it the way we—somebody down at the Department of Education or somebody at the National Education Association labor union—want you to spend it. You are not going to be able to make that decision at the local level. You are going to have to do what we tell you that you have to do here in Washington. Had they, on the other hand, taken that money and put it into the special-needs program, put it towards the special-education student, then they would have freed up money at the local level. Then they would have given the local communities the flexibility to say how they wanted to spend their local dollars. But, by not giving the local communities those dollars for special education, by, rather, setting up these categorical programs, they ratchet down the Federal control of the local school systems.

They are saying we are going to hit you with a double whammy, local school system. First, we are not going to fund your special-ed program so you have to take from your local tax base to do that, which doesn't allow you the flexibility to use your local taxes on the educational activities you want. If you want to build a building, you cannot do it under your own terms. If you want to add a science program, you cannot do it. If you want to add some sort of foreign language program, you cannot do it—because the dollars to do that are going to have to be spent to pay the Federal cost of special education. But if you want to get more money from the Federal Government, you have to do exactly what we want you to do in the area of class size and in the area of building buildings. It is, to say the least, a rather insidious approach to trying to take control over the local school systems. And it is a cynical approach, because the loser in this is the special-needs child, because the special-needs child is still left out there in the cold, to have to fight with the local school district in order to get the adequate funding to take care of his or her needs which should have been paid for by the Federal Government.

I think I was just delivered a chart which maybe makes this point a little more precisely. Let me read it first.

If you look at current funding for IDEA State grants, it is $3.8 billion. The funding that would bring the Federal Government to its promised 40 percent is $16 billion. The President's proposed funding for 5 years for educational programs which are not IDEA related is $12.34 billion. So, you can see fairly clearly from this chart what I have just pointed out, which is that if the President and his people were willing to fund the obligations of the special-needs children that are on the books instead of trying to create new programs which take more control over the local school systems, limits the flexibility of the local school systems, underfunds the special-needs children—if they were willing to live up to the obligation which they had made as a commitment under Federal law, funding 40 percent, a lot of the pressure would be taken off the local school systems and they would have the monies necessary to pay for special-needs kids and they would also have the flexibility to do whatever they wanted with the additional money that would be freed up from the local tax base.

So we come back to this budget and the fact that the President claims that his education initiatives were not properly addressed and the Republican budget doesn't adequately address education. The Republican budget does not take the President's approach. We put $2.5 billion of additional money into the IDEA program. No, we do not fund all the new initiatives that the President wants because we believe we should fund the initiatives that are on the books first. We believe we should take the special-needs child out from under the cloud of the Federal Government not fulfilling its obligations, free up the local taxpayer and the local school board so it has the money to make the decisions that are needed to be made at the local level rather than have the Federal Government not fund the special-needs programs but create new categorical programs which try to take control over the local school system.

So, the President, as I mentioned earlier, is at the least, to be kind, being disingenuous, inconsistent, and in this instance specifically not fulfilling the obligation of the Federal Government to the special-needs child. So I am perfectly happy, as we move forward on the debate on this budget, to put the Republican budget on education up against the Democratic budget on education—up against the President's proposals on education.

I come to this floor as someone who headed up a school for special-needs children and who recognizes, on a personal level, how important it is that we give these kids full and adequate education. I come to this floor speaking on behalf of Republicans on the Budget Committee who say we will make our stand, we will be happy to make our stand on fulfilling our obligation to the special-needs child, and we will be happy to debate with any member of the minority party who wants to come forward with the President's proposal and claim that new initiatives—which will take more control over the local school systems, which are basically sops to various political groups who support them, and which do absolutely nothing to fulfill our obligation to the special-needs child—take priority, take priority over the law as it has already passed that said we would pay 40 percent of the cost of those children but, more important, over the fact that we have, for too long, left these kids in the lurch and put them in the intolerable position of having to compete for resources to which they, under the law, have a right.

I yield the floor.

SUPPORT FOR MICHIGAN STATE UNIVERSITY IN THE NCAA MEN'S BASKETBALL TOURNAMENT

Mr. ABRAHAM. Mr. President, with the serious issue of NATO expansion out of the way, I want to draw my colleagues' attention to another topic with national implications. Tonite, Michigan State University will face the University of North Carolina in the semifinals of the NCAA Men's Basketball tournament.

In anticipation of this contest, I would like to announce a friendly agreement between myself and my colleague from North Carolina, Senator FAIRCLOTH. As an alumnus of Michigan State University, I have so much confidence that the Spartans will beat the Tar Heels that I have indicated to the Senator from North Carolina I will make available to him a bushel of the finest, fresh Michigan cherries in the event that somehow my expectations are dashed. It is my understanding that the Senator from North Carolina has promised, if I am correct, that Michigan will receive a product of North

Carolina origin, specifically North Carolina peanuts, if we should win.

When the best of the Big Ten faces the best of the Atlantic Coast Conference, I will bet on the Big Ten every time, Mr. President. Michigan State may be the underdog on paper, but seeds and rankings mean nothing once the ball is tipped. I know that Coach Tom Izzo's squad is having their best season in years, and their ride isn't going to end just yet. I look forward to the result and reporting back to the Senate at my next opportunity.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The bill clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. GRAHAM. Mr. President, I ask unanimous consent that Mark Williams, Maria Piza-Ramos, and Jeff Pegler be accorded privilege of the floor for the pendency of the debate on Senator COVERDELL's legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Thank you, Mr. President.

PUBLIC SCHOOL CONSTRUCTION

Mr. GRAHAM. Mr. President, in this period for morning business, I would like to discuss with my colleagues a provision which will be contained in the legislation introduced by the Senator from Georgia, Senator COVERDELL, relative to education. This provision relates to public school construction.

Mr. President, as you and others in this Chamber and millions of Americans know, we are facing a near crisis in terms of the construction of public school facilities. Too many communities in America have schools which are crumbling because of age and inattention. Other communities have dramatically oversized classrooms because they do not have the financing to build enough new schools to meet their exploding student population.

There is no simple answer to this issue. The General Accounting Office recently estimated that it would cost about $112 billion to repair our schools sufficiently to bring them into good condition. Additionally, although there is no single authoritative source of information on the need for new school construction, that cost is also estimated in the range of $110 billion to $120.

It is clear to me, and to others who have looked at this issue, that we need to look for opportunities to provide flexibility to school districts in responding to this massive need for school construction and repair. If I can quote Mr. Roger Cuevas, who is the superintendent of schools for Dade County, FL, when he recently wrote:

> It is important that financing options be defined in as flexible a manner as possible and especially not be limited to general obligation bonds . . . Flexibility in the choice of the type of eligible debt financing, as well as the capacity of the program to adapt to State-by-State differences are as critical to all school districts in the Nation as is its funding level.

The provision which will be contained in the legislation of Senator COVERDELL provides for public school construction the same opportunities which are currently available in a wide variety of other public-need areas; namely, airports, seaports, mass transit facilities, water and sewer facilities, solid waste disposal facilities, qualified residential rental projects, local furnishing of electric energy and gas, heating and cooling facilities, qualified hazardous waste facilities, high-speed inter-city rail facilities and environmental enhancements of hydroelectric generating facilities. In all of those 12 separate areas, the U.S. Congress has provided assistance in the financing through what is known as private activity bonds.

This legislation adds a 13th category for public schools. This new category builds upon the experience that already exists from using private activity bonds to finance transportation, energy, environmental, and housing projects.

What would be the essence of this proposal? This proposal would provide to each State the opportunity to issue tax-exempt private activity bonds to finance construction of public schools. These bonds would be administered at the State level, just as are the other 12 categories of private activity bonds. States containing school districts experiencing high growth would be allowed to issue bonds each year in an amount equal to $10 multiplied by the population of the State. For example, if a State with high-growth school districts has a population of 5 million, it could issue up to $50 million of bonds to finance school construction. A high-growth school district is defined as one with an enrollment of at least 5,000 students and the enrollment has grown by at least 20 percent during the five years previous to the year of bond issue. States without high-growth school districts would still receive $5 million of bond authority.

Potentially, this could provide to the Nation bonding capacity for public school construction of about $2.5 billion a year, if each State fully participates. That would be a noticeable contribution toward the enormous need that the Nation faces for financing the construction of new public schools and the rehabilitation of old ones.

More important, it would provide a new source of financing for public school construction, because the nature of private activity bonds involves a partnership between a public agency—in this case typically a local school district—and a private entity. A typical example of what would be anticipated under this legislation would be that a school district needing to build two new elementary schools would solicit requests from the private sector for the construction and financing of those schools. The school district would select which of the proposals that best served the interest of that school district. The school district would then enter into a leaseback arrangement where the private builder would construct the building, would be responsible for paying the indebtedness on the private activity bonds and, at the end of the lease term, would turn the facilities over to the school system with no additional consideration. This would allow the school district to take advantage of private sector innovation in design and construction, as well as the private sector involvement in financing.

I might say that I had an opportunity in October of last year during one of my monthly work days to work on McNiclo Middle School in Hollywood, FL, which was being built under this type of arrangement, although the financing was the conventional type of general obligation bond financing. In this case, because the contractor was doing a design-and-build project, the construction time and cost were less than they would have been under standard procedures.

There happened to even be a third benefit. This school was being built not only to meet educational standards, but also was being further strengthened so that it would serve as a community shelter in the event of a hurricane or other emergency situation. This legislation seeks to encourage and accelerate those kinds of innovative public-private relationships.

So, with this description, I hope that my colleagues will see the benefit of the flexibility and creativity that this provision will bring and the appropriateness of the Federal Government offering this degree of assistance to our public schools, just as it has in a whole variety of other public activities.

The Federal Government is not intruding into areas of curriculum or personnel or other aspects of education which are the appropriate responsibility of the local school district. But we are extending a hand to States and local governments to help them see that all American children go into a classroom which is safe, which is adequate, which meets modern educational needs and into a school in which there are sufficient classrooms so that there can be that relationship between the teacher and the student that will advance quality education.

Thank you, Mr. President.

The PRESIDING OFFICER (Mr. INHOFE). Under the previous order, the Senator from Nevada is recognized to speak for up to 10 minutes.

Mr. BRYAN. I thank the Chair.

NUCLEAR WASTE DUMP SITE

Mr. BRYAN. Mr. President, I am dismayed to hear that there are continuing efforts to process through this Congress an ill-conceived piece of legislation that would establish a temporary nuclear waste dump in my State at the Nevada test site. I believe those efforts will be defeated, and I believe that the policy indications overwhelmingly indicate that is an ill-conceived piece of legislation.

Most of the debate that has occurred on this floor in this session and the previous session has been by my colleague Senator REID and I in discussing this with other Members of this body, and the issue has frequently been framed that it is Nevada versus the rest of the country.

I want to enlighten my colleagues this morning on some developments that I think are most interesting. The voices of the average citizen in America have not been heard in this debate. In fact, a recent poll commissioned by the University of Maryland indicates that slightly more than 35 percent of Americans, when questioned about this ill-conceived proposal, know anything about it at all. So my colleagues have not heard from the public.

The nuclear energy industry and its advocates and supporters have been a massive presence on Capitol Hill. Their voices have been heard. Their power and their influence through the Halls of Congress have been immense. I freely acknowledge that they are a frightening and impressive adversary in terms of the resources that they bring to bear. But again, about 35 percent of the American people are even aware of this proposal at all.

Under the commission survey by the University of Maryland, when Americans are told about this proposal, and they are asked about this concept of transporting high-level nuclear waste throughout the country, 66 percent express opposition. And of the 66 percent who expressed opposition, 75 percent were strongly opposed.

I hope, as this debate is likely to resume during the present Congress, that my colleagues will hear the voice of their constituents. They know that this is bad policy, they know it is unsafe, and they know that it is unnecessary once the facts are freely laid out for them.

Mr. President, you will recall, during the course of the debate we made the point here that in order to transport high-level nuclear waste to the so-called temporary site at the Nevada test site, it must pass through 43 States and that 50 million Americans live within a mile or less of the major rail and highway corridors in America. The red lines depicted on this map of the United States indicate the highway corridors. The blue lines indicate the rail corridors.

One does not have to be a student of geography to understand that these highway and rail corridor systems make their way through the major metropolitan centers of our country. Indeed, they are arteries of commerce that connect the major cities of our country. So in transporting high-level nuclear waste, that waste is going to go through the major metropolitan areas of our country. When citizens in those communities are made aware of this peril, they react without reference to partisanship but to strongly express their opposition.

We have communities such as St. Louis, Denver, Los Angeles, Santa Barbara, Philadelphia, and other communities that have passed ordinances expressing their strong opposition. What brings me to the floor this morning is that just earlier this week in Flagstaff, AZ, its city council passed a resolution expressing its strong opposition to this proposal.

It is unnecessary. It is opposed by the scientific community. It is opposed by the Department of Energy. It is opposed by sensible Americans who have looked at the issue because it is unnecessary. Transporting 70,000 tons of high-level nuclear waste across the country to a temporary facility makes no public policy sense at all. As we have pointed out time and time again on the floor, this is not a new proposal. The origin of this proposal can be traced to one group and one group only, and that is the nuclear utility industry. Two decades ago they came before the Congress and urged the Congress to pass what was then referred to as an away-from-reactor program to remove the nuclear waste from the reactor sites and place it in some other facility off-location, off-reactor, as it was referred to. But Congress wisely rejected that proposal two decades ago.

I might say that the arguments then, as now, are that catastrophe will occur in America if this is not transported to some temporary location away from reactor sites. In the 1980s, it was asserted that we would have a nuclear brownout, that these utilities would simply be unable to function because they did not have onsite storage if these shipments were not made. It is now two decades later. No nuclear utility in America has closed as a result of the absence of storage capacity onsite. Many have closed because they are unsafe. Others have closed because, from an economic point of view, to retrofit older reactors to bring them up to the safety standards that are required is simply uneconomical.

Many of my colleagues find it difficult to accept, but the nuclear industry is an energy dinosaur in America. No new reactors have been ordered or built in America in two decades. I think it is highly unlikely, in light of increased public knowledge and understanding of what is involved in siting a reactor in a community, that we will ever again have a new reactor built in America.

So when the public is presented with the facts—namely, are you aware that the Congress is considering in this session of the Congress a proposal to transport nuclear waste through 40 States, 50 million Americans within a mile or less; and what do you think of that proposal?—the overwhelming reaction, two-thirds, expressed strong opposition.

My point, Mr. President, in bringing this to the floor today is that I hope my colleagues will listen to their constituents and hear from them. We have heard the arguments of the nuclear utility industry. But the American public, by and large, because they did not know about this proposal, we have not heard their voices. I can tell you, having been to St. Louis and Denver, when you talk with citizens in those communities, and make them aware of what is involved here, they understand the risk and they express strong opposition to this proposal.

Mr. President, I yield the floor.

Mr. CAMPBELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Thank you, Mr. President.

TAXPAYER FUNDS AND THE PRESIDENT'S PERSONAL LEGAL DEFENSE

Mr. CAMPBELL. Mr. President, I come to the floor today not only as a concerned citizen but also as a concerned lawmaker. As the chairman of the appropriations subcommittee which oversees the White House budget, I have some serious concerns about the taxpayer funds being used to pay for the President's personal legal defense.

In addition, I have to also state that I am concerned about the lack of response to committee requests. Specifically, on March 3, a request was made to the White House from this committee to provide responses to two simple questions: First, has the size of the legal staff within the Executive Office of the President, funded by appropriated money, changed significantly between fiscal year 1997 and fiscal year 1998? And, second, what is the current specific number of lawyers detailed to the Executive Office, and has that number changed significantly during this time?

In a recent report, Mr. President, it appears that the cadre of attorneys at the White House has ballooned from 4 to 39 in just the last year and a half or

2 years. Fully one-tenth, according to that newspaper article, one-tenth of the White House budget now goes to pay those attorneys. A number of them were transferred from other agencies. And in this year's budget request from those agencies, they are asking for a full FTE for those attorneys.

It appeared at the time that this information was both readily available and easy to provide, yet the White House has not given us any specifics. As of about a half an hour ago, we did get some partial answers but not nearly clear enough. During this same time, I continued to get Members and constituents asking me, as the chairman of the Treasury Subcommittee which appropriated the White House's budget, to provide them with some answers.

Finally, on this past Friday, March 13, I wrote a letter in an attempt to get a response from the White House. In that letter I requested that I receive the information by them by 12 o'clock yesterday, March 18. In that letter, I also asked the White House to provide me with a list of the total number of attorneys detailed to all of the Executive Office and from which agency they came. Yesterday, the subcommittee received a call from the General Counsel's Office stating that we would receive that information by 9 o'clock this morning. And as I have mentioned, we did receive a partial answer.

So now it is March 19, Mr. President, exactly 16 days after the initial request for information was made, and we still do not have the full answer. We are now preparing to do a hearing, as many of my colleagues know, Mr. President. I believe the American taxpayers have the right to ask some specific questions.

The 12 attorneys that were so-called "borrowed" from the other agencies to help the President with his personal legal problems command very good salaries for which we expect them to do work in keeping with the mission of their agency and for what they were hired to do.

What I would like to ask the Executive Office is, was the work of those attorneys in their agencies important? If it was important, then who is doing their work while they are temporarily borrowed or reassigned to the Executive Office? And if it was not important enough to keep them at their job, why did we hire them in the first place in the agencies?

What concerns me here is that as an appropriator I have the responsibility to follow up on these matters, and I take that very seriously. I do not think we are asking anything unreasonable and certainly do not want to just pile on the President. But this is taxpayer money and we have a right to make sure it is being spent wisely. We need to verify that the White House is not using appropriated funds for the President's personal legal defense. It is already illegal for any Government entity to use appropriated funds for anything other than what Congress appropriated the money.

In addition, there are many Government regulations from the Office of Government Ethics and the Justice Department which support the position that Government attorneys are to provide their services for Government interests only and not personal ones. That seems pretty clear and pretty well cut and dry to me. I do not request the answers to the questions that I believe are unnecessary. And I do not make frivolous requests. These are very important questions, plain and simple.

Finally, Mr. President, I announce that our committee intends to hold a hearing on the Executive Office's fiscal year 1999 request before the Easter recess and fully expect their response to this inquiry prior to that hearing.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter that we did send to Mr. Erskine Bowles, the Chief of Staff to the President, on March 13, 1998.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, March 13, 1998.

Mr. ERSKINE B. BOWLES,
Chief of Staff to the President,
White House, Washington, DC

DEAR MR. BOWLES: This letter is in reference to the size of the legal staff at the Executive Office of the President (EXOP). As you are aware, there has been recent public concern about the use of appropriated funds for the private legal defense of the President.

As Chairman of the Subcommittee on Treasury and General Government, which funds the Executive Office of the President, I have a responsibility to respond to these concerns. I understand that my staff has made repeated requests to the Office of Administration for information relating to this issue, for which the office has not provided a response, but instead excuses and delays.

Specifically, my staff has requested that the following questions be answered: Has the size of the legal staff within all of EXOP, funded by appropriations, changed significantly during FY1997 and FY1998? And, what is the current number of Justice lawyers detailed to EXOP and has that number changed significantly during FY1997 and FY1998? In addition, I want to know the total number of lawyers detailed to all EXOP agencies and their detailing agency. Your responses should include all of the agencies falling under the EXOP and provide the specific FTE counts with a breakout of the employee and detail classification by EXOP agency.

I remind you that my staff acts on behalf of the Appropriations Committee and I expect that any request they make to you for information to be dealt with expeditiously. Because this request is now more than a week old, I expect that this information will be on my desk by March 18, 1998 at 12:00 p.m.

Sincerely,
BEN NIGHTHORSE CAMPBELL,
Chairman, Subcommittee on Treasury, and General Government.

Mr. CAMPBELL. Mr. President, I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair and ask unanimous consent that I may speak for 5, 6 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I thank the Chair.

NATO ENLARGEMENT

Mr. MURKOWSKI. Mr. President, I rise to express my strong support for the protocols of accession to NATO, specifically for Poland, Hungary, and the Czech Republic.

I think this is truly a historic decision in the sense that it shatters once and for all the artificial division of Europe that occurred at the end of the Second World War. Now, if history is any guide, it ensures and enhances the prospects for peace, prosperity, and harmony throughout Europe.

Mr. President, in the nearly 50 years of its existence, NATO has provided the military security umbrella that has permitted old enemies to heal the wounds of war and to build strong democracies and integrated free economies. Expanding NATO to include the emerging democracies of Eastern Europe will, I hope, produce the same results, that is, stronger and freer economies whose people can live in the same harmony as do the people of France and Germany.

I would also note that the prospect of NATO enlargement has already begun as seen by the process of harmonization in Central and Eastern Europe. Hungary has settled its border and minority questions with Slovakia and Romania. Poland has reached across an old divide to create joint peacekeeping battalions with Ukraine and Lithuania.

Mr. President, an expanded NATO will make the world safer simply because we are expanding the area where wars will not happen. As Secretary of State Albright testified last year before the Foreign Relations Committee, and I quote, "This is the product paradox at NATO's heart: By imposing a price on aggression, it deters aggression." At the same time, we gain new allies, new friends who are committed to our common agenda for security in fighting terrorism and weapons proliferation, and to ensuring stability in places such as the former Yugoslavia.

There is no doubt in my mind that had Soviet troops not in 1945 occupied Poland, the Czech Republic, and Hungary, and installed puppet governments, the debate over whether these three countries should be members of NATO would have long ago been resolved in their favor.

The people of these countries have yearned to have freedom, democracy, and peace for more than 40 years, as evidenced by Poland particularly. The blood in the streets of Budapest in 1956, the demonstrations of the people in Prague in 1968 who confronted Soviet tanks, and the public confrontations of Solidarity throughout Poland beginning in the 1970s all laid the foundation for the collapse of communism, which we have seen in our lifetime.

Now as they begin to build institutions of democracy and free enterprise, as they move to further integrate their economies with the rest of Europe, they should participate in the collective security of the continent. I think this will bind these countries closer together far into the future and ensure stability and peace throughout the continent.

Mr. President, there have been expressions of concern by some people that expanding NATO is a mistake because it would somehow be perceived as a threat, a threat to Russia. I find that argument hard to accept. In my opinion, NATO has never been a threat to Russia. Even during the height of the Cold War, no one seriously considered that NATO threatened the Soviet Union. Quite the contrary. NATO stood to defend—defend—against any potential military threat to its members. There is a difference between defense and offense. And NATO is designed for defense. It was never designed as an alliance of aggression—rather, it is an alliance against aggression.

I think the same holds true today, Mr. President. The people of Russia, who are slowly trying to emerge from the darkness and terror of 70 years of communism, have nothing—I repeat, nothing—to fear from NATO. Our goal is not to isolate Russia but to engage and support her in her efforts to develop a lasting democracy and a free market.

The people in the evolving democracies of Poland, the Czech Republic, and Hungary have earned the right to become full partners in Europe and full partners in NATO. I hope my colleagues will support the dreams, hopes, and aspirations of these people who have struggled for freedom for so long, after so many decades in which they have lived without hope. They have that opportunity today.

NUCLEAR WASTE STORAGE

Mr. MURKOWSKI. Mr. President, I listened to my friend and colleague from the State of Nevada speak relative to the movement of high-level nuclear waste across various States. I think it is important to reflect on two points. I won't extend the debate at this time, because we will have an opportunity to do that, hopefully, in the near future.

I point out that what we are advocating in the pending legislation is to authorize the storage of waste in a temporary repository in the general area of Yucca Mountain, where we have already expended more than $6 billion to develop a permanent waste repository. The idea of moving it there and putting it in temporary storage is simply to alleviate the situation in some of our nuclear power plants where they have reached the maximum storage capability allowed by their respective States and State regulations.

My purpose in bringing this up is simply to note that while we are attempting to move this material and get the authorization out to the Nevada test site, where we have had tests for some 50 years, high-level radioactive nuclear tests, the issue of moving is, I think, relative to the reality associated with when Yucca Mountain receives certification and licensing, then the waste will have to be moved and simply go there. By moving it now, we simply allow our nuclear industry to continue to provide the 22 percent of the power generation until we get the permanent repository licensed and certified.

The point is, we will move it sooner or later. So the question of moving it safely, while a legitimate point, eludes the reality that we have to move it. And whether we move it now or later is simply a matter of recognizing that the Government entered into a contract with the nuclear industry some 14, 15 years ago. The Government has collected about $14 million from ratepayers over that period of time, and the Government agreed to take the waste this year. So the Government is in violation of its contractual commitment. This is another full employment act for the lawyers here in Washington as they represent the various power companies that are suing the Federal Government for nonperformance of a contract to take the waste.

I encourage my colleagues to recognize that while efforts are being made to put the fear of God into the various States and communities where the waste would move, the reality is that at some point in time we will have to address the issue. We have been moving military waste and high-level waste throughout the country and throughout the world for many decades and can certainly do it safely.

I urge my colleagues to evaluate the merits of reality and recognize the contribution of the nuclear power industry.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the hour of 11:30 a.m. having arrived, the Senate will now go into executive session to resume consideration of treaty document 105-36.

PROTOCOLS TO THE NORTH ATLANTIC TREATY OF 1949 ON ACCESSION OF POLAND, HUNGARY, AND THE CZECH REPUBLIC

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> Treaty document 105-36, Protocols to the North Atlantic Treaty of 1949 on Accession of Poland, Hungary and the Czech Republic.

The Senate resumed consideration of the treaty.

Mr. ALLARD. Mr. President, I rise in support of the NATO enlargement proposal of including Poland, Hungary, and the Czech Republic. I will make a few comments in that regard.

Many people will say that the cold war is over and then will continue to argue that we can now dismantle our defenses and look inward. I completely disagree with this assessment. I think that Secretary Albright, in testifying before the Armed Services Committee on April 23, 1997, made the proper statement in relating this to an insurance policy, saying "If you don't see smoke, there is no real reason to stop paying for fire insurance."

Because of President Reagan and his desire to see the Union of Soviet Socialist Republics put on the ashheap of history, the United States no longer faces the threat of the U.S.S.R. But this is no time to be complacent. U.S. interests are still being threatened by internal political and economic instabilities; the reemergence of ethnic, religious, and historic grievances; terrorism; and the proliferation of nuclear, biological, and chemical weapons.

However, for nearly 50 years, NATO has been the organization which has defended the territory of the countries in the North Atlantic area against all external threats and today we have an historic opportunity to recommit to this security. I believe we must not turn our back on this historic opportunity. We must embrace these new market democracies and say that the old ways are gone and that we welcome them into the free world. Relative peace should not stop us from being engaged for peace and freedom. I believe expanding NATO to the Poland, Hungary, and Czech Republic is the best way to ensure peace and stability.

Over the last few decades, much of the United States' focus has been on the Middle East, the Far East, and Russia. Throughout history, the United States has been closely linked to the stability of Europe. We have been through two world wars and one cold war in Europe. However, since the formation of NATO, not one major war or aggression has occurred against or between member states, except for Argentia's invasion of the British Falkland Islands. Adding these three deserving countries to NATO can do for all of Europe what it has done for Western Europe. It can strengthen emerging democracies, create conditions for continued prosperity, assist in preventing local rivalries, diminish the need for an arms buildup and destabilizing nationalistic policies, and foster common security interests.

Just as important, enlargement will signal the end of the cold war. It will further break down the Stalinistic wall. We will reassure the world that these once occupied nations are welcomed free countries. No longer will we validate the old lines of Communism but will begin to secure the historic gains of democracy in Central Europe. Unlike, the Warsaw Pact, these countries are voluntarily wishing to join NATO, without the coercion or force from any NATO member.

Not only will the Stalinist wall be gone, but the acceptance of these three countries will positively show that the West will not lock these countries out, but will lock in Central Europe's democracies. Enlargement will promote multinational defense structures and prevent the renationalization of these democracies. Enlargement will fill the security vacuum created with the fall of the Soviet Union. If this vacuum is not filled, there is concern that the area will begin to divide nationalistically and Central Europe could look like the former Yugoslavia.

However, just the possibility of membership into NATO has given these countries the incentive to peacefully resolve many of their border disputes. Since 1991, there have been 10 major accords settling differences and much of this progress is credited to the opportunity to join NATO. Even if some of the old disputes arise, NATO membership will help keep the peace, just as it has done in relation to the problems between NATO members Greece and Turkey. I do not believe the United Nations, the Organization for Security and Cooperation in Europe, the European Union, or any other international bodies have the ability to keep the peace and promote the stability needed that NATO can bring to the area.

We all know that there has been much concern about the Russian response to NATO enlargement. The Russian leaders have been very public in their displeasure about enlargement. I believe that this is do in part to their misperception that the Alliance poses a threat to Russia's security, NATO is not, and never has been an offensive alliance. NATO is a defensive alliance only.

We must respect Russia's concerns. But as my respected predecessor Senator Hank Brown has written, "[W]orking closely with Russia in an attempt to allay their concerns makes sense. Slowing or altering NATO expansion . . . hands the Russian government a veto pen." Like Senator Brown, I believe that this would be a mistake. An enlarged NATO only promotes security and stability in an area of Europe that is vital to Russian security. The invited states must clearly know that they are no longer "eastern bloc nations" but an integral of the circle of democratic countries.

Lastly, with any expansion there is a concern about the cost. There have been wide ranging estimates. The total amount is estimated at $27 to $35 billion for all current members and the invitees over 13 years, from 1997–2009. A bulk of this cost is to modernize and reform militaries and make them operable with NATO. However, with the United States already having the world's premier armed forces, the bulk of the cost will be incurred by our allies and the three invitees, as they upgrade their forces and facilities to meet those standards of the United States and NATO.

With the addition of these countries, the U.S. percentage share of the NATO budget will go down, and the resolution before us provides that U.S. costs will be kept under control and not be allowed to subsidize those members that are not putting forward their share of the funds. Adequate defense systems always cost money, but alliances make costs more evenly shared through the alliance.

Let me end with this: NATO enlargement is the Western World's way to show that the cold war is over and that we welcome these countries to freedom. The new threats we face can only be met by forming new alliances to ensure that these democracies do not fall prey to nationalistic or terrorist regimes. The Czech Republic, Poland, and Hungary, know life without freedom and now deserve the freedom and security that only NATO can provide.

I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I inquire whether we are operating under a time limit.

The PRESIDING OFFICER. There are no limitations on debate.

Mr. LEVIN. I thank the Chair.

Mr. President, I will support the accession of Poland, Hungary, and the Czech Republic into NATO. I do so with the realization that this represents, in its most basic meaning, a serious commitment by the United States to treat an armed attack on any of these nations as an attack on the United States.

NATO has been called the most successful alliance in the history of the world. It successfully deterred an attack by the former Soviet Union and also, very importantly, it helped to keep the peace among the nations of Western Europe. I am convinced that the accession of Poland, Hungary, and the Czech Republic to NATO will help ensure long-term stability and peace in Europe and will demonstrate our continuing engagement and leadership in transatlantic affairs.

The inclusion of these three nations that are willing and able to defend the common interests will strengthen the alliance. Each of these nations provided forces to the United States-led coalition during the Persian Gulf war. Their troops are serving with the NATO-led stabilization force in Bosnia. Hungary provides a staging and training base for U.S. forces in Bosnia. All three are prepared to contribute forces to the United States-led force presently deployed in the gulf, if that proves necessary. They have, thus, already demonstrated their commitment to burdensharing and to be not just consumers of security but also contributors to a more secure Europe.

Most important, I believe that a military invasion of Poland, or Hungary, or the Czech Republic would threaten the stability of Europe and involve the vital national security interests of the United States. All three of these countries have established good relations with their neighbors. For example, Poland and Ukraine concluded a declaration of reconciliation in December of 1997. Hungary ratified treaties on understanding, cooperation, and good neighborliness with Slovakia in March of 1995, and with Romania in September of 1996. The Czech Republic signed a formal reconciliation pact with Germany in January of 1997.

Several issues need to be addressed as part of this momentous debate. These issues include the impact that enlargement will have on Russia, the commitment of these three nations to the principles of the NATO treaty, the cost of NATO enlargement, whether the door to further enlargement should remain open after the accession of these three nations, and whether the accession of Poland, Hungary, and the Czech Republic should be delayed until they are admitted to the European Union.

First, the impact of enlargement on Russia. I start this with the sobering thought that Russia is the only country that could destroy the United States. Additionally, although Russia does not today pose a conventional threat to NATO, it is a large and resource-rich country, whose policies of democratization and movement to a market economy are very important to the U.S. and its NATO allies. It is, therefore, an important national security interest of the United States to do what we reasonably can to ensure that NATO enlargement does not contribute to a reversal of Russia's course toward democratization and a market economy, nor contribute to a Russian view of the United States as a hostile nation.

In a statement I made at the Armed Services Committee's first hearing after NATO's decision to enlarge, a hearing in April of 1997, in which Secretary of State Madeleine Albright and Secretary of Defense William Cohen testified, I said the following:

> I believe that we must do everything we reasonably can to enlarge NATO in a way that contributes to a greater, rather than less, stability in Europe. How we enlarge NATO is critically important, along with whether we enlarge NATO, since we do not want to contribute to the very instability that NATO enlargement is aimed at deterring.

Now, in May of 1997—and what is important is that this came subsequent to NATO's decision to expand—Russia's President, Boris Yeltsin, President Clinton, and leaders of other NATO countries, signed a founding act on mutual relations, cooperation, and security between NATO and the Russian Federation. I think it is important to read the second paragraph of that founding act, which succinctly states the relationship between NATO and Russia and the goal of the act. That paragraph reads as follows:

> NATO and Russia do not consider each other as adversaries. They share the goal of overcoming the vestiges of early confrontation and competition and of strengthening mutual trust and cooperation. The present Act reaffirms their determination—

That is NATO and Russia after the decision was made to expand, and now we have NATO, having made that decision, and Russia saying that they reaffirm their determination—

> to give concrete substance to our shared commitment to a stable, peaceful and undivided Europe, whole and free, to the benefit of all its peoples. By making this commitment at the highest political level, we mark the beginning of a fundamentally new relationship between NATO and Russia. They intend to develop, on the basis of common interest, reciprocity and transparency a strong, stable and enduring partnership.

Now, that was an action that was taken by Russia after the decision by NATO was made to expand. It sets up a NATO-Russia Permanent Joint Council to "provide a mechanism for consultations, coordination, and to the maximum extent possible, where appropriate, for joint decisions and joint action with respect to security issues of common concern."

The Founding Act further provides that "The consultations will not extend to internal matters of either NATO, NATO member states, or Russia." Finally, it states—and this is important to all of us—"Provisions of this document do not provide NATO or Russia, at any stage, with a right of veto over the actions of the other, nor do they infringe upon or restrict the rights of NATO or Russia to independent decision making and action. They cannot be used as a means to disadvantage the interests of other states."

Now, the signing of this partnership agreement between NATO and Russia after the announcement relative to expansion—and it doesn't, of course, mean that Russia is happy with NATO enlargement; they are not—at least many of the leaders are not, although I will get to a public opinion poll in a minute, which seems to imply that the majority of Russians are satisfied that Russia should expand; nonetheless, it is clear that the leaders in Russia, in the Duma, are not happy about NATO enlargement, but it does mean that Russia is willing to work with NATO for a stable, peaceful, and undivided Europe. I think that the Clinton administration, which exercised leadership to move the alliance to enlarge, deserves much credit for also leading the alliance to enlarge in a way that a new relationship with Russia is possible.

The signing of this NATO-Russia Founding Act is evidence of the fact that Russia accepts, albeit grudgingly, the concept of NATO enlargement. The leadership in Russia has accepted the likelihood that Poland, Hungary, and the Czech Republic, former members of the Warsaw Pact, but independent nations, will join the NATO alliance. Based upon my meeting with Russian parliamentarians, indeed, Russian Ministers, I am convinced that Russia's political leaders, from all parties, want to develop a cooperative relationship with NATO and its members, particularly the United States.

Despite NATO enlargement on the horizon, Russian soldiers still serve side-by-side with American soldiers in Bosnia to create a secure environment in which the Dayton accords can be implemented. I have visited with United States and Russian troops in Bosnia. I witnessed firsthand how well they are working together. There has not even been a hint of ending Russia's military presence in Bosnia, despite NATO enlargement, even though the financial cost, by the way, of that presence is clearly a funding problem for the Russian Ministry of Defense. Other evidence of the fact that Russia, despite NATO enlargement, wants to work with NATO and work with the United States, is that Russia has recently agreed to more active participation in NATO's Partnership for Peace program. More evidence. Just last week, Prime Minister Victor Chernomyrdin publicly pledged at the end of his talks with Vice President Gore that the Russian Government will push hard in the Russian Duma for ratification of START II, despite NATO enlargement.

So we have actions here on the part of Russian leadership—staying in Bosnia, working with an expanded Partnership for Peace, signing an alliance agreement, an agreement with NATO to work with NATO. We have all of this evidence of a willingness on the part of the Russian leadership to work with NATO and the United States, despite this enlargement.

Again, interestingly, there was a Gallup poll taken in Moscow, released last week, that revealed that 57 percent of Muscovites supported the Czech Republic's bid to join NATO, 54 percent supported Hungary's admission, and 53 percent said Poland should be allowed to join NATO. More than a quarter of those polled had no views on the subject.

So, based in part on all of these factors, I am satisfied that NATO enlargement will not produce the unwanted effect of causing Russia to reverse its course toward democratization and a market economy, nor to view the United States as a hostile nation.

What about commitments to the principles of the NATO treaty, the Washington treaty? Article 10 of that treaty addresses the subject of the accession of new members to the alliance. It states, in pertinent part, the following:

> The Parties may, by unanimous agreement, invite any other European state in a position to further the principles of this Treaty and to contribute to the security of the North Atlantic area to accede to this Treaty.

The principles in Article 10 can be summed up in the preamble to the NATO treaty, as follows:

> They (the NATO Parties) are determined to safeguard the freedom, common heritage and civilization of their peoples, founded on the principles of democracy, individual liberty, and the rule of law.

The first chapter of the alliance's September 1995 "Study on NATO Enlargement," in addressing the criteria for candidates for accession, stated that candidates must:

> Conform to basic principles embodied in the Washington Treaty: democracy, individual liberty, and the rule of law.

Mr. President, I know that most of us have met with Cabinet-level officials and parliamentarians from Poland, Hungary, and the Czech Republic. As a member of the Senate NATO Observer Group, I have also been able to meet with those officials, as well as with NATO officials, including Secretary General Javier Solana; the Chairman of NATO's Military Committee, General Klaus Naumann; and other members of the military committee, and the Chiefs of Defense of the present alliance members.

I also have explored the important issue of the commitment of Poland, Hungary, and the Czech Republic to NATO'S basic principles: democracy, individual liberty, and a commitment to the rule of law.

It has been 9 years since the democratic revolutions of 1989 swept Eastern Europe. Poland established the first non-Communist-led government in the Warsaw Pact in April of 1989. I can still remember the feelings of admiration, respect, and, indeed, elation that we all experienced when we watched the Solidarity-led movement of Lech Walesa guide Poland into democracy. Hungary moved gradually and systematically toward democratic and market economic reforms and was generally viewed as a haven of stability in Eastern Europe. In Czechoslovakia, former dissident playwright, Vaclav Havel, was named President in December of 1989 and has guided first Czechoslovakia and, after the split, the Czech Republic, with a steady and inspiring hand ever since.

Many of us had the opportunity to be in Eastern Europe in 1989 and 1990 when these events took place. I remember my wife Barbara and I being in Prague when Havel, after elected, was about to assume the Presidency of that nation, and the inspiration that was provided by the people of Prague, protecting that election and protecting his movement to the castle, where he would serve, and how they would fill the streets protecting that free election and protecting their democracy.

After the freedom came, Poland, Hungary, and the Czech Republic signed association agreements with the European Union in 1991. The European Union leaders decided in March of 1998 to convene full accession negotiations with these three nations. Poland has held seven free and fair elections since 1989. Hungary has had two democratic changes of government since 1989 in fully free and fair elections. Since 1989, first Czechoslovakia and then the Czech Republic have had three free and fair elections. All three governments established civilian control over their military, and their Parliaments are increasingly active in overseeing military budgets and activity.

So I am satisfied with the commitments of Poland, Hungary, and the Czech Republic to democracy, individual liberty, and the rule of law. Indeed, I believe the people throughout the world can draw inspiration from the extraordinary accomplishments of these three formerly Communist-ruled nations.

What about the cost of NATO enlargement? It has perhaps been the most written about and the least understood aspect of NATO enlargement. It is an important subject, and it needs to be examined carefully.

Pursuant to congressional direction, the Clinton administration sent a report to Congress in February of 1997 on NATO enlargement that included an illustrative estimate of the cost in the range of $9 billion to $12 billion over 13 years. The term "illustrative" was necessary because the Department of Defense, which prepared the estimate, did not know which nations or even how many nations would be chosen for NATO membership and it, therefore, could not conduct a detailed and comprehensive analysis that would be required for a true cost estimate. That report estimated not only the costs that would be occasioned by NATO enlargement, but also the costs to present NATO members to implement the alliance's new strategic concept that requires reorientation from a static defense posture suitable during the cold war to a more flexible and mobile set of capabilities to respond to different types of threats.

So, the costs that were looked at related only in part to NATO enlargement and were illustrative, based on no knowledge as to how many or which nations would be added, but also included illustrative costs of an entirely new concept, a strategic concept for NATO, which didn't relate to the question of NATO enlargement at all, but which would occur whether or not NATO was enlarged.

This report provided a comprehensive look at some possible future costs, but it also added some confusion since it went beyond the common costs to NATO members that are a direct result of NATO enlargement, which is the real issue that we must deal with in considering the accession of Poland, Hungary, and the Czech Republic. The really relevant aspect of the administration's cost assessment, the assessment of the costs for NATO members for the direct costs, is the figure $9 billion to $12 billion over 13 years. But that figure, again, included both costs that would be eligible for common funding and those that would have to be borne by the new member states.

There was a new cost assessment that was made in November of 1997. That was made by the NATO staff. The assessment was produced under the direction of NATO's Military Committee and has since been approved by the North Atlantic Council. It estimates the costs which will be eligible for common funding at $1.5 billion over 10 years. Those are the real costs as estimated carefully, knowing which countries would come into NATO which had been approved for accession and looking at just the direct cost of adding those countries and excluding other costs which are not directly related to that accession. The estimate, again, for all of the members was $1.5 billion over 10 years. The U.S. share would be about $400 million over 10 years. The Department of Defense reviewed the NATO study and has determined that its conclusions concerning enlargement requirements is thorough, militarily sound, and based upon a range of reasonable contingencies, and the Department concurred with the NATO cost assessment. The General Accounting Office evaluated the basis for NATO's cost estimate, reviewed the DOD assessment of that NATO cost estimate, and concluded that the approach used by NATO in determining the estimated direct enlargement cost for commonly funded requirements is reasonable. They also determined that the DOD assessment of the NATO cost study was reasonable.

Thus, the question is why was there such a discrepancy between that original estimate of $9 billion to $12 billion and NATO's estimate of $1.5 billion? The answer then lies in several of those factors.

First, the administration's estimate included both costs that would be eligible for common funding and those that would be needed to be borne by new member states. Deducting the cost that would have to be borne by new member states reduces the administration's original assessment, which was $9 billion to $12 billion, to $5.5 billion to $7 billion.

Second, the DOD assessment was based upon four new NATO members, not the three new members which were actually selected for accession to NATO. Had the administration made an assessment of the cost for three new members, that would have reduced its estimate to between $4.9 billion and $6.2 billion.

Additionally, NATO actually visited the facilities in new member countries that would need to be upgraded in order to extend NATO's communication links to new members; in order to conduct air defense, which reflects the integration of new members into NATO's air defense systems; in order to provide reinforcement reception facilities, which reflect upgrades for infrastructure, particularly airfields to receive NATO forces; and in order to carry out training and exercises. NATO found that those facilities were in better shape than the Department of Defense had assumed. The Department of Defense had not actually visited those facilities. NATO's staff did. In addition, NATO used the more limited funding eligibility for NATO common funding, NATO had more empirical data as to actual pricing, and there were some minor differences between NATO and the United States as to new member requirements.

So for all of those reasons, that original estimate of the administration was way off and it was way high, and the revised estimate done by NATO after on-site visits and looking only at the direct costs resulting from the increase in the size of NATO, that assessment has been approved by the GAO and by the DOD.

Next, should we have a pause? In the course of this debate the Senate will be dealing with an amendment that would, in essence, establish a 3-year pause, after the accession of Poland, Hungary and the Czech Republic, before NATO could consider the accession of any other nations to the alliance.

I have already cited article X of the NATO treaty. On July 8, 1997, NATO heads of state and government, in their Madrid Declaration on Euro-Atlantic

Security and Cooperation, in which they announced their decision to invite Poland, Hungary, and the Czech Republic to begin accession talks, reaffirmed that "NATO remains open to new members under article X of the North Atlantic Treaty."

Since its inception in 1949, the alliance has been enlarged on three separate occasions to include Greece and Turkey in 1952, the Federal Republic of Germany in 1955, and Spain in 1982. All of these enlargement decisions, including the decision to invite Poland, Hungary, and the Czech Republic, have been the product of careful and comprehensive consideration. The alliance's 1995 "Study on NATO Enlargement" set out the criteria that was used for these three nations and that will be used for any consideration of future enlargement of the alliance. I am satisfied with the criteria and with the process that has been and will be used. I see no reason to mandate a pause, particularly since the desire to join the alliance has been such a productive force for candidate nations to proceed on the road to democracy and the rule of law and to reach accommodations with their neighbors.

Given the deliberative process that was involved in NATO's enlargement decision, it is clear that it will take some time before any new nations will be chosen for accession to NATO. But a 3-year mandated pause could actually imply too much. It could imply that, after 3 years, we will support more nations joining NATO, and that is not necessarily the result of the process which has been adopted.

It seems to me that mandating a pause is no more logical than mandating when the next round of NATO accessions should occur. Further enlargement of the alliance should be judged by the circumstances and developments that exist at the time and whether a candidate nation meets the criteria for NATO membership. That should not be decided arbitrarily in advance by either deciding that new members should not be taken in before a certain date or that new members will be taken in after a certain date.

No nation can be admitted to NATO without the advice and consent of this Senate. We do not need to condition our advice and consent on the admission of these three nations in order to establish that fact, the fact that we have control over who is admitted, and when, to NATO. So I would vote against such an amendment that would establish that arbitrary 3-year moratorium.

Mr. President, another issue that is going to come up is membership in the European Union and whether or not we should delay the accession of Poland, Hungary, and the Czech Republic until they are admitted into the European Union. I understand the positive motivating forces behind that amendment. There may even be some truth to the statement that in the present low-threat environment, Poland, Hungary, and the Czech Republic have a greater need for economic stability than for the added security that membership in the NATO alliance will bring.

I have discussed this issue with numerous visitors from the three countries with whom I have met. They have all stated their preference for joining NATO before joining the European Union. They want to be in the European Union, but they want to be in NATO even more, and they want it first. They cite the historical experience of their countries under foreign domination. They stress that they seek a closer relationship with the United States, a relationship to which NATO but not European Union membership is related.

When the experts speak of the contribution that NATO has made or that the U.S. military presence in Europe or the Far East has made, the first thing that is noted is the peace and security that allows economic development to then occur. Nations look to their external security first and then to their economic security, for without the former, you cannot have the latter.

During the Senate NATO observer group's meeting with NATO's military committee, I was struck by a statement by its chairman, General Klaus Naumann. He made the point that one of the major benefits of NATO enlargement was to prevent the renationalization of defense in candidate countries. In other words, if Poland, Hungary, and the Czech Republic were not admitted to NATO, they would have to devote much more of their scarce resources to national defense. That would have a significant negative impact on their economies. And General Naumann could also have added that the burdensharing that membership in NATO provides allows NATO member nations not to build large military forces that could be perceived as threatening to their neighbors and prove destabilizing to the region.

But finally on this issue of whether we should condition accession of these three nations to their membership in the European Union, there is one other thought that I think we have to consider. If we condition our action on something that Europe does or must do, it seems to me that it would justify the perception in some quarters of Europe that we decide that we are determined to dominate our friends and our allies. We should not dictate membership in a partnership to which we do not belong.

I happen to favor that membership very strongly. And, again, in this low-threat environment, these three nations might be wiser to seek that membership before they seek membership in NATO, even though I think if we were in their position, we would put NATO first, too, because security physically of a nation, I think, instinctively is more important to people in that nation than economic security, as important as the latter is.

What troubles me about this relationship that is being attempted in European Union membership perhaps more than anything is that it would reinforce a perception that even though we are not a member of that partnership, we are trying somehow or other to dictate or to dominate that partnership. I do not think that perception is either accurate or we should give any credence to it by conditioning accession or our approval of accession of these three nations into NATO based upon their acceptance into the European Union. I just do not think it is healthy for our partnership and our relationship with our European allies for us to condition in that way.

So in conclusion, Mr. President, I believe the accession of these three nations will contribute to stability in Europe and is in the national interest of the United States.

I have carefully considered the strategic rationale for NATO enlargement and the impact that enlargement would have on the movement toward democratization and a market economy in Russia, the commitment of the three nations to the principles of the NATO treaty, and the cost of enlargement. I believe the three nations that have contributed forces to the Persian Gulf war and to the stabilization force in Bosnia are willing to do their part to defend the common interests and will strengthen the alliance. In my view, accession of these three nations will not contribute to a reversal of Russia's course toward democratization and a market economy nor to a Russian view of the United States as a hostile nation.

And again, we should consider carefully and thoroughly the impact on our relationship with Russia. It is an important relationship and we should not unwittingly damage it.

We should not in the effort to create stability in Europe unwittingly contribute to instability. But I don't think the accession of these three countries will have that effect. And I emphasize, after the announcement of NATO enlargement, Russia agreed to an expanded participation in the NATO Partnership for Peace program, signed an agreement with NATO providing for a special relationship between NATO and Russia—after the announcement of an expanded NATO, nonetheless agreed to a relationship with NATO.

With Mr. Chernomyrdin's, Prime Minister Chernomyrdin's, decision last week to go to the Duma and press for the ratification of START II in the Duma, all of these things are despite the increase in the size of NATO. Despite an enlarged NATO, these actions on the part of Russia show how important it is to Russia to relate to Europe and to relate to us. It is important to us, too. But I do not think that ratifying the expansion of NATO will jeopardize in any way our relationship with a democratic, market-oriented Russia, and their actions are more important in this respect than my words.

Their action in working out an agreement with NATO, participating in Bosnia—there has been no suggestion that they would no longer participate in Bosnia if NATO is enlarged. They are committed to that. I think all of these actions on their part indicate their acceptance of the idea that NATO will be enlarged.

Do they like it? The leadership doesn't like it. I mentioned a public opinion poll a little earlier, interestingly enough, just last week in Moscow, showing a majority of people in Moscow support the enlargement of NATO through the accession of Poland, Hungary, and the Czech Republic. To the extent that public opinion polls are things that we should be relying on, it is an interesting little footnote to this debate.

But for all of those reasons, Mr. President, I have concluded that the cost is affordable; for security and the stability it will provide in Europe it is the right thing for us to do.

I will end my comments by reading a quotation from the President of the Czech Republic, Vaclav Havel, who led the Czech democratic resistance under communism. This is what he stated about NATO enlargement.

> Our wish to become a NATO Member grows out of a desire to shoulder some responsibility for the general state of affairs on our continent. We don't want to take without giving. We want an active role in the defense of European peace and democracy. Too often, we have had direct experience of where indifference to the fate of others can lead, and we are determined not to succumb to that kind of indifference ourselves.

For all those reasons, Mr. President, I will be supporting this resolution of accession.

I thank the Chair and yield the floor.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, it was a great treat for me to listen to the very eloquent comments of the Senator from Michigan. A few years ago, Vice President Walter Mondale said to me "When you go to the Senate, listen to CARL LEVIN; he is one of the most articulate and erudite Members of that body." After hearing his discussion of the NATO enlargement, I just want to say the Vice President was correct.

Mr. LEVIN. Let me thank my good friend from California. I doubt that he was correct in that one respect. In so many other ways he is wise, and I hope he is also wise here.

I thank the Senator.

Mrs. FEINSTEIN. I thank the Senator.

Mr. President, I rise as a member of the Foreign Relations Committee to support the legislation before us. I happen to believe that admitting Poland, Hungary, and the Czech Republic to NATO is a natural and logical response to the end of the cold war, and is a crucial element of a larger strategy to build a Europe that is at last undivided, democratic, and at peace. I support enlargement because, first, I believe there is a sound strategic rationale for enlargement; secondly, because I believe that Russian concerns that NATO expansion presents a threat or a challenge to the well-being of Russia are unfounded; and, thirdly, because I believe that costs of enlargement will not be an undue burden on the United States but, rather, will be shared among all members on a fair basis.

Let me speak briefly about each of these issues. For almost 50 years, the North Atlantic Treaty Organization has served as the centerpiece of American foreign policy in the European theater. NATO presented a firm committed alliance, a major deterrent to any aggressive thrust by the Soviet Union. It has been a successful military alliance, and it has served the national interests of the United States in preventing aggression in uncertain times.

When NATO was originally formed during the early days of the cold war, it was conceived as a purely defensive alliance, a static line protecting Western Europe from Soviet encroachment. But it has been more than 8 years since the Berlin wall came down. Today, the Soviet Union is gone and the sort of military threat for which NATO was originally conceived and designed, thankfully, no longer exists.

I believe that this new post-cold-war era calls for a new NATO, a NATO that is an alignment of like-thinking states committed to democratic values and mutual defense within a given geographic community. This new, enlarged NATO is not intended to be, nor do I believe it will be, a threat to any other State or group of States.

As our Secretary of State has put it, the strategic rationale for enlarging the Alliance is straightforward. Admitting Poland, Hungary, and the Czech Republic to NATO "will make America safer, NATO stronger and Europe more peaceful and united." I believe that.

A larger NATO will make the world safer by expanding the area of Europe where wars do not happen. Twice in this century we have sent our sons and daughters across the Atlantic to Europe to fight and die in world wars which began in Europe. By reaffirming our commitment to an enlarged NATO, history teaches us that we make it less likely that we will be called to do so again. It has often been said that vigilance is the price of freedom. NATO remains a form of vigilance.

A larger NATO will also be a stronger NATO. To align themselves with NATO, Poland, Hungary and the Czech Republic have strengthened their democratic institutions and resolved ethnic and border disputes in the region. They are bringing their militaries into alignment with the requirements of NATO membership. They have met the requirements for application: democratic reform, development of free market economies, and that each country be able to make a substantial military commitment to the alliance.

The United States has important political, economic, security and, yes, moral and humanitarian interests in Europe. These interests demand continued active U.S. engagement in the transatlantic community. Just as NATO has for the past 50 years, I believe that an enlarged Alliance will provide an effective mechanism to maintain a more unified European community with shared values.

The second issue which I mentioned, the future of NATO-Russia relations, is one which I know is of great concern to many of our colleagues. Let me share my perspective on this issue.

I would agree with some who oppose enlargement that if it inflames "the nationalistic, anti-western and militaristic tendencies in Russian opinion," as George Kennan recently wrote, then it truly would be a questionable course of action. But I do not really believe that NATO enlargement provides a realistic basis for this thinking.

In fact, for all the politicking against NATO enlargement inside Moscow's ring road, many thoughtful Russians, especially younger ones, realize that NATO enlargement is not a threat.

Russia now has a constructive relationship with NATO. Our troops are cooperating in Bosnia. Russia has requested that their troops be allowed to participate in all future Partnership for Peace exercises. And we are moving ahead with arms control. Russia is ahead of schedule under the START I treaty. Prime Minister Chernomyrdin has committed to Duma ratification of START II. And we have agreed on the outlines of a Start III treaty that will cut both United States and Russian nuclear arsenals to 80 percent below their cold war peak. Russia has joined us in banning nuclear testing and ratifying the treaty to outlaw chemical weapons.

Now, all this is not to say that future NATO-Russia or United States-Russia relations will be smooth and trouble free. There probably will be issues in the years ahead on which we will disagree and which we will have to work through. But if Russian policy and/or Russian-European relations should sour, it is my belief that it will be because of the internal dynamics of Russia itself, not because of NATO enlargement. In fact, it is my belief that enlargement of the Alliance and engagement with Russia may offer increased opportunity for the development of a democratic Russia and an even more productive relationship between Russia and the United States.

I strongly believe that a key and critical outcome of NATO enlargement must be a greater engagement with Russia to assure that NATO enlargement is not perceived as a threat nor as an act that in any way signals aggressive intent. It is this path, I believe, which offers the best hope for a peaceful and secure Europe in the decades ahead.

A third area of concern is questions which have been raised about the costs of enlargement.

NATO has estimated that the common fund cost for enlargement will be $1.5 billion over 10 years. The U.S. share of these enlargement costs is about $360 million, in proportion to the current 24 percent U.S. share for common-funded projects. I believe that this cost for the U.S. share of enlargement is reasonable.

In my mind, however, the critical cost issue is burdensharing. If we go forward and enlarge and adapt the Alliance, all NATO members must be willing to pay their fair shares.

I must say I was very concerned last year when French President Chirac commented, in effect, that France would not pay one more centime for the costs of enlargement.

During the hearings conducted by the Foreign Relations Committee, assurances were received from the administration that all allies will, in fact, pay their fair share. And, despite the earlier negative French comments, both the current members of NATO and the three prospective members have pledged that, indeed, they will meet their share of Alliance costs.

I have been reassured by these comments, and I have also worked with the chairman and ranking member of the Foreign Relations Committee to assure that strong, clear, and unambiguous language regarding costs and burdensharing has been included in the resolution of ratification. That in fact is now the case.

The language which we have included requires the President to certify that the inclusion of Poland, Hungary, and the Czech Republic will not increase the overall U.S. share of the NATO common budget, and that the United States is under no obligation to subsidize the costs of new members joining the Alliance. The President must also certify that enlargement will not undermine our ability to meet other security obligations.

Finally, the resolution of ratification also includes a reporting requirement which will provide Congress with detailed information on the national defense budgets of NATO members, their contributions to the common budget, and U.S. costs associated within enlargement.

So, as we proceed with the process of enlargement, this information will allow Congress to make a determination about the efforts that our allies are making and, if necessary, take action at the appropriate time to ensure that the burdens of the expanded alliance are fairly met.

In summary, I believe the inclusion of Poland, Hungary, and the Czech Republic in NATO will contribute to a stronger, more stable, and more secure Europe, one that is even a more reliable partner for the United States. Such a Europe is clearly in U.S. national interests, and I urge my colleagues to vote in favor of the resolution of ratification.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask that Corey Perman, who is a fellow in my office, be granted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, it is my understanding—although I think really what we are doing here is just making opening statements on NATO expansion—and my hope, if not this week then when we come back to this discussion, that a number of us will have amendments on the floor and that we will have, hopefully, a sharper and more focused debate.

Mr. President, I speak on the floor of the Senate about a matter that I think is of great importance. I think the decision that we make here in the Senate about whether or not to support expansion of NATO will, as a matter of fact, crucially affect the quality or lack of quality of the lives of our children and our grandchildren. I have given this matter a great deal of thought. For the last year I have had a lot of discussions, a lot of briefings with a lot of people on both sides of the question. I have done my very best as a U.S. Senator from Minnesota to inform myself. This is a very difficult decision to make.

There are thoughtful and knowledgeable Senators who are on the other side from where I am. Certainly there are thoughtful and knowledgeable Minnesotans, whom I respect greatly, who have urged me to vote in favor of expanding NATO. So have many of my colleagues. So has President Vaclav Havel from Czechoslovakia, who I believe is one of the giants of the 20th century, a playwright and former prisoner of conscience. When he speaks, with such passion, about the importance of expanding NATO, I listen. I will tell you, probably more than anything, I would like to cast a vote that would please President Havel.

Why, then, do I oppose the expansion of NATO? Because I have come to believe that it would lead to the redivision of Europe and that we would needlessly poison U.S. relations with Russia for years to come and increase the prospects that in the post-Yeltsin world—President Yeltsin will not be there forever—the ultranationalists and anti-U.S. forces, militaristic forces, will gain power.

Before I go into greater detail on the reasons for my opposition to enlarging NATO, just permit me to say a few words about the process that I have gone through to reach this decision. Again, I understand full well that our decision has enormous implications for our country and the world. I am a member of the Senate Foreign Relations Committee. We have had any number of different hearings on this. I have read as many articles as I can read and have talked with as many people as I can talk with. I want to assure my fellow Minnesotans and my colleagues that in reaching this decision I have done my homework.

That does not mean I am arrogant about it. That does not mean that I believe the people who take a different position have not done their homework. But there are a number of questions and doubts that I have. I have submitted questions in writing to Secretary of State Albright and to other key administration officials. Last June I sent a letter to President Clinton, cosigned by my distinguished colleague Senator HARKIN, where we raised a number of different questions. Unfortunately, at least from my point of view, a number of these questions are still out there and administration officials have not allayed my concerns about NATO expansion. So, as I give this matter a great deal of thought, carefully weighing the pros and the cons of NATO expansion and meeting with those who have strong expansionist viewpoints, I still believe that I must oppose NATO expansion.

Permit me to outline my concerns. The best way is for me to summarize questions that I have had and to talk about some of the answers that have been given but which I do not think are persuasive answers.

First, what military threat is NATO expansion intended to address? The Russian military has collapsed, the Russian Army's ability to quell tiny, ill-equipped Chechen forces raises doubts about Russia's capability to threaten its former Eastern bloc allies in the foreseeable future.

Second, arms control agreements signed between 1987 and 1993, that were pushed through by Presidents Reagan and Bush working with President Gorbachev, have helped to establish a new security structure that makes a surprise attack on Central Europe virtually impossible.

Third, there is peace between states in Europe, between nations in Europe, for the first time in centuries. We do not have a divided Europe, and I worry about a NATO expansion which could redivide Europe and again poison relations with Russia. Why, then, are we rushing to expand a military alliance into Central Europe?

How can Russia not feel threatened by, one, the prospect of NATO forces moving hundreds of miles closer to its borders and, two, the possibility of further NATO expansions, including even the Baltic States? This has all been left, as my colleague the distinguished Chair knows, open-ended.

Although the administration claims that extending NATO toward Russia's borders would not threaten Russia, there seems little doubt that many Russians feel threatened, especially, I argue, any number of the opinion leaders in Russia. Whatever explanation there is for the fact that Russian politicians, the reformers, the pro-Western democrats to the centrists to the Communists and even to the extreme nationalists, who may agree with us on little else, all strongly oppose NATO expansion.

In pursuing the NATO expansion, why is the administration disregarding the warnings of George Kennan and other distinguished Russian scholars that NATO expansion is likely to sow the seeds for a reemergence of antidemocratic and chauvinistic trends in Russia?

I am especially puzzled by this since it must be evident to both supporters and foes of NATO expansion that European security and stability—and I need to make this point twice—that European security and stability is greatly dependent on Russia's successful transition to democracy. That, I think, is the central point. A democratic Russia is unlikely to threaten its neighbors. I am worried, I am terribly worried. I think this is a profound mistake. I think this NATO expansion could threaten that democracy in Russia, and I think, if we do not have a successful transition to democracy in Russia, that, in turn, threatens European security and stability.

Why then are we considering a step that is apt to strike at Russian ultranationalists who oppose democracy? George Kennan, who is probably over 90 now, a great scholar—George Kennan is probably as wise and profound a thinker as we have in our country about Russia, about the former Soviet Union. I might add—and I have said this to friends—my father, who was born in the Ukraine, born in Odessa, his family then moved to Russia—they kept moving to stay one step ahead of the pogroms—he was a Jewish immigrant; he came over in 1914 at the age of 17. He never saw his family again. My father had the honor many times—he passed away in 1983—but he had the honor many times to speak with and meet with George Kennan. My father, who spoke 10 languages fluently—I am sorry to say I don't—but my father, who spoke 10 languages fluently, had such great respect for George Kennan's mastery of the language and his understanding of Russia.

George Kennan has said that expanding NATO "may be expected to inflame nationalistic anti-Western and militaristic tendencies in Russian opinion and to have an adverse effect on the development of Russian democracy."

I urge my colleagues to carefully consider George Kennan's words before they cast their votes on ratification of NATO expansion.

I want to say this about the process: I am in sharp disagreement with the majority leader on the way we are doing this. We had hearings in the Senate Foreign Relations Committee. I give Chairman HELMS full credit for that. He and Senator BIDEN—who takes a very different position than I do—have been very respectful about the need to have a debate. But the way we are doing this is we are doing it in bits and pieces. We should have been on the education bill, and we have just come back to NATO as filler until we get back to the education bill. It is a way of avoiding debate about education and education amendments.

This decision we are going to make about NATO expansion is as important a decision as we are ever going to make. But Senators coming out here, as I have, individually and then leaving after they give speeches is not enough. Yesterday, we had some good discussion. I hope next week, or whenever we take this back up, we will figure out a way to have Senators out here with amendments and we can have a give-and-take discussion and we can have an important debate about this.

What basis is there for Secretary Albright's claim that expanding NATO will produce an "undivided" Europe? Rather than creating an undivided Europe, my view is that NATO expansion would re-create a dividing line in Europe, only further to the east than the original cold war dividing line, and I do not consider that to be progress for the world.

In fact, President Clinton himself, before he decided to back NATO expansion, avowed that it would "draw a new line through Europe just a little further east." This is hardly an academic question, for I believe that a Europe without dividing lines is vital if the continent is to be peaceful, prosperous and secure. That is why I think we will be making a fateful mistake if we vote for the NATO expansion, if we support this.

Finally, Mr. President, I must ask whether it makes sense for the administration to contend that a key reason NATO expansion is necessary is that it will promote democracy, stability and economic reform in Central Europe. There are a whole lot of countries in the former Soviet Union for whom that challenge is out there. I am not even sure these countries would be the first countries by that criteria. But what I do know is that, if the administration really believes that a prime goal of NATO expansion is to solidify democracy and economic reform, then perhaps we ought to really think about other countries first. Yet I think that would be a mistake. And, most important of all, if we are going to be talking about expanding markets and expanding democracy, why don't we use our leverage—the United States of America—to promote membership in the European Union?

I think that is the single best way that our country could exert its leadership. The single best way that we could exert our leverage for Poland, for Hungary, for the Czech Republic, if the goal of this is to expand markets and democracy, would be for the United States to be the leader, the leading voice in calling for expansion in the European Union.

Let me simply say that I do not think a military alliance is the way to do that. I do not think a military alliance has as its primary goal expanding markets and democracy, and, moreover, I think we take a terrible risk.

In closing, I would like to quote from a New York Times op-ed written over a year ago by George Kennan, a man who, as I said, I have long admired for his remarkable contributions to American diplomacy and scholarship and keen insights into Russian history, politics and diplomacy:

> . . . something of the highest importance is at stake here. And perhaps it is not too late to advance a view, that, I believe, is not only mine alone but is shared by a number of others with extensive and in most instances more recent experience in Russian matters. The view, bluntly stated, is that expanding NATO would be the most fateful error of American policy in the post-cold-war era.

Mr. President, I say to my colleagues, let me repeat this. I am quoting a profound thinker. George Kennan states:

> The view, bluntly stated, is that expanding NATO would be the most fateful error of American policy in the entire post-cold-war era.
>
> Such a decision may be expected to . . . restore the atmosphere of the cold war in East-West relations, and to impel Russian foreign policy in directions decidedly not to our liking. And, last but not least, it might make it much more difficult, if not impossible, to secure the Russian Duma's ratification of the START II agreement and to achieve further reductions of nuclear weapons.

George Kennan's words have already proved to be prophetic. The START II agreement is stalled in the duma, and troubling frictions have developed with Russia on a number of other issues, ranging from U.S. policy toward Iraq to the management of Russia's nuclear materials.

I urge my colleagues to ponder George Kennan's powerful arguments and to join me in opposing ratification of NATO expansion.

Mr. President, I ask unanimous consent that the text of George Kennan's article be printed in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WELLSTONE. Let me conclude on a personal note. What I have tried to say on the floor of the Senate, and I want to summarize, because, again, I actually believe, without being melodramatic, I can truthfully say this has been one of the most difficult decisions. I do not believe for a moment that people who favor NATO ratification are doing it because of simplistic thinking or because they have not thought this issue through, although I think all of us before we cast the final vote should inform ourselves.

Some people I have tremendous respect for strongly favor NATO ratification. I have met with people back in Minnesota—Czechs, Hungarians and Poles—people who feel so strongly about this, wonderful people, people who have been big supporters of me, and they are disappointed in me.

I want to say one more time, I have done my best to really be a scholar and to study this matter. I have tried to meet with people representing different points of view. But I very honestly and truthfully believe that this would be a terrible mistake. I think the way to expand democracy and market economies, which is a very important goal for Hungary, for the Czech Republic, for Poland, for other countries, is membership in the European Union. Our country should be using our leverage to make that happen.

I think there is no reason for NATO expansion. I see no military threat that calls for expansion of a military alliance. I think the downside is that we risk signing arms agreements with Russia, we risk poisoning relations with Russia, we risk putting the democratic forces in Russia in peril, and I think if we don't have a stable Russia, if we don't have a secure Russia, then all of Europe is threatened by that.

I had a chance to travel to Russia a few years ago. I wanted to visit where my father grew up since he could never go back because the Communists ruled. I went there full of hope, and I came back with less hope. Of course, I am an optimist; I am always hopeful. The reason I had less hope is because of all the economic disintegration, how difficult a transition it is for this nation to move from a totalitarian government, to move from Communist rule to democracy and, indeed, too much economic pain for too many people in the country.

I will never forget being on the Trans-Siberian Railroad and talking to a woman, I am sorry to say, through a translator and having her say to me, "You can't eat freedom."

What I worry about—I don't think this issue is the issue alone, and I know there have been public opinion polls recently taken—I am sure my colleague from Delaware, Senator BIDEN, has spoken about some of that—where a majority, not a large majority, but a majority says they favor NATO expansion. What I worry about is this can be a triggering event if things don't go well. I am worried if things do not go well economically; I am worried if there is a considerable amount of instability, if President Yeltsin should run into difficulty with an illness and should pass away; I am worried about what is going to happen in the future, not in the distant future but in the medium future and maybe in the near future. I do not think the benefits of NATO expansion come close when measured up against what I consider to be the very real dangers of doing this.

I think we are making a fateful decision. I said in the Senate Foreign Relations Committee—I like to say it because my father was my teacher. My father—I miss him, I wish he was alive. I wish he was here to provide me with advice. When I was growing up, I was a little embarrassed by my father because he was very "old country." He was almost 50 when I was born. He wasn't cool and didn't fit in and really didn't fit in with my friends' parents. When I got to be high-school age, the age of some of the pages here, I realized what a treasure he was. For 3 years before I went away to the University of North Carolina, every night at 10 o'clock, except for the weekends, I would meet him in our kitchen and we would have sponge cake and hot tea, and he would talk about the world. For 3 years, I had a chance to just listen to my father and learn from him. I really believe that my father would say to me today that George Kennan is right and that we will make a fateful decision if we vote for ratification of this NATO agreement.

Mr. President, it is with strength and feeling very strongly about my position—but nevertheless it is a difficult decision—that I speak today on the floor. I urge my colleagues to oppose ratification of NATO expansion. I shall vote no, though I am hopeful that maybe we will be able to pass some amendment which I think will make a huge difference.

I yield the floor.

EXHIBIT 1

[From the New York Times, Feb. 5, 1997]

A FATEFUL ERROR

(By George F. Kennan)

In late 1996, the impression was allowed, or caused, to become prevalent that it had been somehow and somewhere decided to expand NATO up to Russia's borders. This despite the fact that no formal decision can be made before the alliance's next summit meeting, in June.

The timing of this revelation—coinciding with the Presidential election and the pursuant changes in responsible personalities in Washington—did not make it easy for the outsider to know how or where to insert a modest word of comment. Nor did the assurance given to the public that the decision, however preliminary, was irrevocable encourage outside opinion.

But something of the highest importance is at stake here. And perhaps it is not too late to advance a view that, I believe, is not only mine alone but is shared by a number of others with extensive and in most instances more recent experience in Russian matters. The view, bluntly stated, is that expanding NATO would be the most fateful error of American policy in the entire post-cold-war era.

Such a decision may be expected to inflame the nationalistic, anti-Western and militaristic tendencies in Russian opinion; to have an adverse effect on the development of Russian democracy; to restore the atmosphere of the cold war to East-West relations, and to impel Russian foreign policy in directions decidedly not to our liking. And, last but not least, it might make it much more difficult, if not impossible, to secure the Russian Duma's ratification of the Start II agreement and to achieve further reductions of nuclear weaponry.

It is, of course, unfortunate that Russia should be confronted with such a challenge at a time when its executive power is in a state of high uncertainty and near-paralysis. And it is doubly unfortunate considering the total lack of any necessity for this move. Why, with all the hopeful possibilities engendered by the end of the cold war, should East-West relations become centered on the question of who would be allied with whom and, by implication, against whom in some fanciful, totally unforeseeable and most improbable future military conflict?

I am aware, of course, that NATO is conducting talks with the Russian authorities in hopes of making the idea of expansion tolerable and palatable to Russia. One can, in the existing circumstances, only wish these efforts success. But anyone who gives serious attention to the Russian press cannot fail to note that neither the public nor the Government is waiting for the proposed expansion to occur before reacting to it.

Russians are little impressed with American assurances that it reflects no hostile intentions. They would see their prestige (always uppermost in the Russian mind) and their security interests as adversely affected. They would, of course, have no choice but to accept expansion as a military fait accompli. But they would continue to regard it as a rebuff by the West and would likely look elsewhere for guarantees of a secure and hopeful future for themselves.

It will obviously not be easy to change a decision already made or tacitly accepted by the alliance's 16 member countries. But there are a few intervening months before the decision is to be made final; perhaps this period can be used to alter the proposed expansion in ways that would mitigate the unhappy effects it is already having on Russian opinion and policy.

Mr. BOND. Mr. President, NATO has been the keystone for Western Democracy for the past 50 years. It has stood solidly as a successful deterrent against the spread of Communism and as a community of democracies where markets have flourished and where differences are settled without drawing a sword against one another. NATO's key alliance was based upon a mutual pact of deterrence from external threats . . . and lets be honest—it was and I stress was, an alignment to offset the voracious behemoth called the Soviet Union. The Soviet Union is dead. We need to keep it so. Expansion of NATO to include nations who have struggled to extricate themselves from years of slavery under the yoke of Leninist/Stalinist dictatorial regimes will insure the eternal demise of a world-communist conspiracy.

NATO was a major contributor to the successful end of the Cold War and was in fact responsible for a 50 year period of peaceful coexistence in Western Europe; the longest such period in modern history. In order to continue to fulfill its purpose of ensuring peace and freedom, NATO needs to adapt to a new Europe, a Europe without a Soviet-alliance but a Europe which faces a myriad of other challenges.

As our country adapts to a changing world situation, a world without a Cold War, so must our alliances. NATO must change or become a mere relic of the Cold War. Those who advocate the status quo ask us to live in a non-existent past.

To those who claim that the expansion of NATO will be a threat to the Russian people, I note that the 50 years of relative peace on the European continent extended to the Russian border, as well. Stability in the region has been and will be stability for the Russians. NATO poses no offensive threat to any other nation. It is a gathering of countries who want to break the cycle of war.

For those who are afraid of Russians who threaten their neighbors because these nations desire peaceful alliances, I say, "Do not bow to the will of a few radical extremists; stand up for those who strive to join a community of free and democratic nations who are our neighbors. Do not let the Russians run our foreign policy."

For those who say that the nations of Central Europe face no threat today, I say that this expansion is the most likely way to preserve this situation.

For those who claim that this will dilute NATO, I say that Poland, Hungary and the Czech Republic, whose people have demonstrated their embrace of democracy, will add a renewed strength of purpose to the alliance.

Yes, there are questions which must be answered concerning the costs to the United States of this expansion. I have stated time and again that the costs must be defined and we will hold NATO to those numbers. Our coffers are not limitless. But any costs which insures peace and stability will be less than the costs of the anarchy and chaos of medieval conflicts or a resumption of the Cold War. To have set a list of conditions for admittance to the organization, and then to change our minds to those countries which have achieved those conditions is isolationist, elitist and shortsighted. It could drive them to make other alliances for their own collective protection and rather than resulting in a series of treaties the likes of which have fostered the most fruitful 50 years in history, we will set the stage for a complicated entanglement of alliances which will look curiously like those which precipitated World War One. We do not need to learn that lesson all over again.

I am very comfortable in joining the company of such individuals as General Collin Powell, General Norman Swartzkopf, former Sec Def Richard Cheney, former Secretaries Baker, Eagleburger, Haig, former Ambassador Kirkpatrick, and a host of other Secretaries, Generals, Admirals and other distinguished personages. So, I call upon my colleagues to support an expansion of freedom, democracy and peace vote to support including Poland, Hungary and the Czech Republic in the NATO family of nations.

Mr. WELLSTONE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

Mr. SMITH of Oregon. Today I wish to speak from the heart about a decision we will make as U.S. Senators about one of the most solemn issues that we will face, and that is whether or not we will expand NATO to include Poland, Hungary, and the Czech Republic.

I would like to put some personal context into what I am about to say. Like you, Mr. President, I grew up in a time when we could accurately be described as children of the cold war. Unlike you, I did not serve in Vietnam, but grew up under the threat of nuclear annihilation.

I remember as an elementary school child going through drills where the teacher would tell us to get under our desks and hope for the best. It was a time when, frankly, we were taught to be afraid.

I was too young to remember the Hungarian uprising in 1956, but I was old enough to remember the Prague Spring of 1968. I remember holding my breath as I watched the Solidarity movement develop in Poland and wondering how long it would be until Soviet tanks snuffed out that breath of freedom.

And I remember with amazement and with emotion the night when this Nation sat transfixed at the falling of the Berlin wall. I never thought that would happen in my lifetime, and yet it did. I remember how courageous I thought it was of President Ronald Reagan when he went there, like his predecessor, John Kennedy, and spoke about the wall and challenged Mr. Gorbachev to tear it down.

As a child of the cold war, I now come, as a Senator from Oregon, to this decision about what we do in Europe, whether we now expand NATO. Though an Oregon Senator, I grew up fairly close to here in Bethesda, MD—my father and mother moved our family from Oregon to Maryland so my father could work for General Eisenhower, in his administration.

At the beginning of the Kennedy administration, my cousin, Stewart Udall, was nominated as Secretary of the Interior. And I suppose because of that correlation between a Republican and a Democrat administration and family ties that went across the aisle, my family participated in a number of the inaugural events for President John F. Kennedy.

I remember it was a very cold January day. I remember, with my family, hearing words that struck me then as important. John F. Kennedy called out to my generation—our generation, Mr. President—of Americans to accept the torch of liberty. At least that is what I heard. I was only 8 years old, but even though that young, I felt his words' impact. I would like to begin by quoting some of his words that he spoke that day just outside of this building.

> We dare not forget today that we are the heirs of that first revolution. Let the word go forth from this time and place, to friend and foe alike, that the torch has been passed to a new generation of Americans—born in this century, tempered by war, disciplined by a hard and bitter peace, proud of our ancient heritage—and unwilling to witness or permit the slow undoing of those human rights to which this Nation has always been committed, and to which we are committed today at home and around the world.
>
> Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, in order to assure the survival and the success of liberty.
>
> This much we pledge—and more.

Well, that set a standard for this country, a high water mark, if you will. And many criticized this as imperialistic rhetoric. But neither that President nor any since him have suggested that we aspire to territory—what we do aspire to is freedom.

Prior to winning the cold war, a hot one had ended. And then we won the Cold War.

As World War II ended, an agreement called Yalta was struck, signed by Churchill, Stalin, and Roosevelt. It promised newly liberated countries of Eastern and Central Europe that they would have a chance at freedom and free elections. Mr. Stalin broke his agreement and the countries of Poland, Czechoslovakia, Hungary, and many more were denied the promise offered at Yalta.

I suggest one of many reasons that we should expand NATO is that we have a moral obligation to live up to the terms that were made at Yalta but went unfulfilled, especially with these three countries, as I said, which openly rebelled against Soviet domination.

Whether you agree with expanding NATO or not, I believe the crux of the issue is two questions. As we stand at the end of this century I ask you, has human nature fundamentally changed from this century's beginning to its end? I ask you the second question: Is the world better because of the standing and position of the United States in the world as a leader of the free world? I suggest the answer to the first question is, human nature has not fundamentally changed but that the world is a better place because the United States of America has lived up to its international responsibilities.

I have been throughout my life a student of history. I have particularly enjoyed European history. As I look at the Balkans today and I see the turmoil and the terror that rage between the Balkans, the Croats and the Serbs, I am reminded that the Balkans are but a microcosm of Europe as a whole throughout its history. As I look at this century and European history, I see the United States of America as having twice been drawn into European civil wars over the first 50 years. But for the last 50 years we have been waging peace. And we have done it through the North Atlantic Treaty Organization.

And lest you think this does not matter anymore and it is over and we can go home, I remind you, looking further back in history, you will see since the 1600s when Europeans began to settle in America establishing colonies in Virginia, Massachusetts, and throughout the eastern seaboard—since that time there have been nine major European wars. In every one of them, Americans died. We were drawn into them. America has a role in European history. We have come out of Europe; we are even a European power. I suggest to you that Europe has been at peace for 50 years because America did not retreat and become isolationist. NATO has been called the most successful military alliance in history, and so it is.

I believe that all the discussion about the costs of NATO expansion—we have heard wild estimates that are undoubtedly false, and we have heard other estimates that are as low as saying that over 10 years America will pay $400 million to participate in this portion of NATO expansion. I believe the latter. I have to say, if history teaches us anything, it is that nature abhors a vacuum and we can either fill that vacuum with our values or leave it there for the mischief of others. How can we morally say to the Hungarians, the Czechs, and the Poles that even though we won the cold war and they were at play throughout it, that we now want to walk away from this victory without leaving our values, democratic institutions, the spreading of private property, of free elections, and great dreams for these nations? I don't believe we can.

I do know that history teaches us that waging peace, or peacekeeping, is always less expensive than war. So when a mother in Oregon asks me, why should we expand NATO and put at risk the life of a son or daughter to die for a Czech, a Hungarian or a Pole, my answer to her is that in order that your son or daughter not die in that cause, we should expand NATO.

Now, where does this leave Russia? I am not anti-Russia; I am hopeful for Russia. But as part of NATO expansion, the Clinton administration has held out to Russia, along with our NATO allies, the Russia-NATO Founding Act. I happened to be present in Paris when this was signed. Now, there are parts of this that give me heartburn, but there are parts that give me great hope, because with this Founding Act I think what we have done is held out to Russia the opportunity to develop in the best of ways and to become a part of the Western community of European nations. But if it does not develop that way, what we are doing by expanding NATO is hedging against the worst kinds of developments there. I think we must do that. I think we owe it to our friends, the Czechs, the Hungarians, and the Poles. But more, we owe it to ourselves, as defenders of peace and liberty in the world.

I began with the words of John F. Kennedy and I will end with them, also, again from his inaugural address. I will say it is my view that America is the indispensable nation. Europe needs what we bring in its history. They need us in Bosnia to help keep the peace. They need us in NATO in order that they not begin fighting again. I believe NATO is really responsible for the Franco-Prussian rapprochement that has occurred since the founding of NATO. I believe NATO's existence has helped to settle disputes between the British and the Spanish. It is helping to settle disputes between the Hungarians, who are offered membership, and the Romanians, who still want membership in NATO. In instance after instance, you will see where NATO membership provides a vehicle for these kinds of differences to be worked out. And they are long-lasting cultural, ethnic, religious kinds of differences which have manifested themselves throughout European history in bloodshed. NATO means that those things don't occur. Again, waging peace is always less expensive than waging war, either in terms of treasure or especially in terms of human life. So we are, I think, the keeper of the peace, and it is in our interest that we remain so.

In America, we often talk about the American dream. But really it isn't America's dream, it is a human dream. It is a dream that all people aspire to. It is just that we enjoy it in great abundance—life, liberty, and the pursuit of happiness. And we must continue to keep that dream and to defend it in the world for our sakes, not just theirs.

So said President John F. Kennedy in 1961,

> "To those new states whom we welcome to the ranks of the free, we pledge our word that one form of colonial control shall not have passed away merely to be replaced by a far more iron tyranny. We shall not always expect to find them supporting our view, but we shall always hope to find them supporting their own freedom.

I believe we should expand NATO for that reason, because these people deserve freedom. They can secure it with our help. With that security will come capital and investment so that their labor can be busy, so that their dreams can be realized, and so that American opportunity there can also be expanded. Security goes before economic investment. It always has, and it always will. Capital is something like a river. It will take the course of least resistance to seek the highest rate of progress.

I don't believe our option is to expand NATO or to leave it as it is. I believe NATO desperately needs new blood. We desperately need the new voice of freedom that Poles, Hungarians, and Czechs will bring because they have known the opposite of freedom for too long. Some of us become complacent as to what that means. We need their blood, we need their spirit, we need their sense of freedom, so that we can keep NATO fresh and alive. Our option in the end isn't expanding NATO or not. But ultimately, if we don't expand, I believe we will disband, and that will leave a vacuum that will be filled by the values of others when history calls us to fill it on the basis of ours.

I believe America is a better world because we are not isolationist but because we are internationalists who care not for territory or treasure but for freedom and liberty.

Mr. President, the United States is engaged in an ambitious effort to reshape the political and security structures of post-cold-war Europe. The goal is to build strong states, stable democracies, prosperous economies, and friendly governments across the breadth of Europe. We are joined in this endeavor by our NATO allies and by newly democratic people yearning for the opportunity to pursue political freedom and economic prosperity.

This effort should fulfill the stolen promise of Yalta, and provide the formerly captive nations of Central and

Eastern Europe with the opportunity to pursue democratic institutions and economic development of their own choice. This is accomplished first and foremost through the enlargement of NATO to include Poland, Hungary, and the Czech Republic.

NATO has proven its value over the past half century as a mechanism through which the United States has been able to exercise leadership in Europe. By its unequivocal commitment to the collective defense of its members, NATO successfully withstood the communist threat posed by the former Soviet Union during the cold war. Though confronting communism is no longer NATO's primary purpose, a secondary function—the cementing of relationships between former adversaries in Europe—is equally as relevant in the post-cold-war period as it was after World War II. Poland, Hungary, and the Czech Republic, as well as other countries in Central and Eastern Europe that aspire to join NATO, have worked to alleviate historical grievances and build relationships with their neighbors based on mutual trust, respect, and cooperation. In doing so, stability in Europe has been enhanced and the likelihood that European nations will return to the competitive policies that led to two World Wars in the first part of this century is greatly reduced. It is in the interests of the United States to encourage and foster these developments.

Last May, I travelled with President Clinton to Paris for the signing of the NATO-Russia Founding Act. After witnessing this historic event, I was left with a profound feeling that NATO was holding out a hand to Russia, and that addressing legitimate issues, such as international terrorism and drug trafficking, could be well served by NATO and Russia acting together. However, it is incumbent upon Russia to use this opportunity in a responsible manner. The consultative mechanism established by the Founding Act should be one that furthers the interests of both NATO and Russia, and is not used to infringe upon internal Alliance matters.

It is also imperative that the goals of the Founding Act are implemented in a manner that does not weaken the principal function of the Alliance or threaten the interests of Central and Eastern European countries that aspire to NATO membership.

Mr. President, I take this opportunity not to simply state my support for the inclusion of Poland, Hungary, and the Czech Republic into NATO, but also to address the issue of imposing a pause on NATO enlargement for several years. Before I do so, however, I emphasize that neither NATO, nor the United States, has invited any country other than Poland, Hungary, and the Czech Republic to join the Alliance. Proceeding with future rounds of enlargement is a decision that all members of NATO will certainly face, but is a question that is not before the United States Senate today.

In Article 10, the North Atlantic Treaty clearly lays out the process by which NATO may invite additional countries to join the Alliance. This provision states "The Parties may, by unanimous agreement, invite any other European State in a position to further the principles of this Treaty and to contribute to the security of the North Atlantic area to accede to this Treaty". Of course, any such revision to the North Atlantic Treaty requires the advice and consent of the United States Senate, which is what brings us here today.

I wholeheartedly agree with my colleagues who want to ensure that NATO remains a strong, military alliance of democratic nations. However, I firmly believe that Article 10 of the Treaty sets a high standard for the inclusion of new members—not only must a country be in a position to further the principles of democracy, but must be a contributor, not just a beneficiary, of security. The possibility of Alliance membership has been a source of hope to countries in Central and Eastern Europe and an important incentive for democratic and economic reform. Were the United States to impose an artificial time period when NATO's door will be shut—despite the qualifications of a country for membership—would send a signal to these countries emerging from communist domination that their historical affiliation is more important to NATO than their ability to contribute to security and stability in Europe.

History awaits American leadership at this propitious moment. We cannot be certain what the European security environment will look like in three, five, or ten years, but if we act now, we will be better prepared for any outcome. We should not be overly consumed with the picture of Europe as it looked during the last century. It is up to the United States to outline a vision of what we want Europe to look like in the next century. That vision is a democratic, undivided, Europe safe for American commerce and friendly to American values. That vision includes Poland, Hungary, and the Czech Republic in NATO.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I seek recognition to speak on this issue of NATO enlargement and ask unanimous consent that Senator DORGAN be allowed to follow me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I thank the Chair.

Mr. President, we are debating something of historic proportion, and that is the question of whether or not the NATO alliance shall be enlarged to include three countries. At this point, those three countries are Poland, Hungary, and the Czech Republic. This is not a new concept.

In 1994, the United States announced that we were, in fact, going to consider the enlargement of NATO. Why? The world has changed so dramatically. The Berlin Wall is down. The Soviet Union has dissipated, or at least broken up into different political entities. We are starting to see the world in different terms. For over 50 years, we saw the world in terms of East and West, the Soviet Union and the United States, the cold war.

How many of us, as kids in the 1950s, huddled under our desks in preparation for the possibility of an air raid? Now what a different world we live in—a world where the United States of America and its taxpayers, since 1991, have given to Russia over $100 billion in an effort to help that country get back on its feet. What was once our mortal enemy, a country that we literally spent $6 trillion to defend against, is now our ally. So we view the world in much different terms, and now we should view NATO in different terms.

My colleagues who come to the floor in opposition to NATO enlargement are stuck in old thinking, as far as I am concerned. They view Europe, East and West, in terms of lines that were drawn by Adolf Hitler and Joseph Stalin. We should not. We should view Europe and its future in terms of a new century and new opportunities.

When you visit a country like Poland—which I did a year ago—and realize now that the Poland of today is not looking to the East, but rather to the West, that the Poland of today wants to be part of an axis which includes Western Europe, the United States, and freedom-loving countries around the world, then you can understand the momentum and impetus behind the enlargement of NATO. These countries like Poland, Hungary, and the Czech Republic are willing to step away from the old Soviet way of doing things; they are willing to pledge themselves to human rights, respecting the borders of their neighbors, and to civilian controlling of the military, and to free markets. They are prepared to join NATO because they know NATO is the future.

What an alliance NATO has been in the history of the world. If you study the history of the world and consider all of the different countries that have come together for various reasons, NATO is an anomaly, NATO is an oddity. Why? Because it is a purely defensive alliance. It was created by the United States and our allies after World War II to defend Western Europe against the possibility of Soviet aggression and expansion. Throughout its history, since 1949, NATO has consistently stood for that principle. There is not a single instance that anyone can point to in the history of the alliance where the NATO countries have come together in an aggressive way to try to take over some other country. It is just not the nature of that alliance.

So when I hear the criticisms—and you hear them from many people who come to this floor—that the Russians are worried about NATO expansion, my obvious question is, Why? Why would any country be concerned about other countries coming together simply to defend their own borders and pledge themselves to principles that I think all freedom-loving countries should be dedicated to? This troubles me, too. If there is genuine concern in Russia that these countries are going to come together in a defensive alliance, maybe the defensive alliance is necessary. It is something to pin our hopes on the relationship between the United States and Russia on the medical reports on Boris Yeltsin. I hope that he continues in power for a long time. I am happy to report that, by and large, with few exceptions, his relationship with the United States has been a very positive one. But we have to accept the reality that there will be change in Russia. I hope it is change for the better.

Now put yourself in the shoes of Poland, Hungary, or the Czech Republic, or, for that matter, the Baltic States. What gamble are they willing to take about the future of Russia? What they have said to us is: We feel comfortable coming together with you in an alliance, which will stabilize our boundaries and give us some certainty about our future. So if a future leader in Russia is more conservative, more liberal, more expansionist, or more friendly, they know that they have this alliance to turn to.

When you look at those who are supporting the idea of expanding the NATO alliance, the list is very impressive. It includes not only General Colin Powell, but former President Bush, Margaret Thatcher, Lech Walesa, and Vaclav Havel. The list goes on and on and on. These leaders, worldwide, understand what NATO means.

Now, let me say this. Some criticize this NATO enlargement by saying, "There they go again. They are ending up giving away U.S. taxpayer dollars for the defense of Europe. Shouldn't the Europeans be defending themselves?" The answer is, of course, that they should. That is their own personal responsibility. I, for one, in my 15 years on Capitol Hill in the House and Senate, have argued for burdensharing at every turn in the road. I think more and more of these countries should accept that responsibility.

But let's be honest. If these countries come together, if they agree on certain standards for their own military development, if they agree on certain principles, if this alliance is in place and strong, the likelihood of needing these military forces is dramatically diminished. And each of these new countries that wants to join us in NATO has proven their bona fides in terms of their good-faith effort to be part of a Western alliance by already committing troops when we have asked, some in the Persian Gulf war, some in Bosnia.

In fact, in the situation in Bosnia, Lithuania sent a brigade down and within a few weeks one of their soldiers was killed by a landmine. It was devastating news in that tiny country. It might have led their legislature to convene and bring their troops home from Bosnia. But they did not. They convened and, with a vote that should tell you about their view of the world, voted to send even more forces down to Bosnia. To prove that they wanted to be part of this alliance, they were willing to put their troops and the lives of their countrymen on the line.

That story is repeated over and over. This is a positive thing. This is something that we should view in terms of NATO's future as really, I guess, an excellent start for the 21st century—that we are now at a point where we can talk about all of these countries—which once were at war and in the past had been rivals with conflicting ideologies—that are now coming together.

Some have said, Well, let's not hurry this debate. Can't this wait 6 months or a year? I suppose it could, but I hope it doesn't, because we have spent more than 4 years preparing for this debate. We have gone through lengthy hearings in the Foreign Operations Committee. We have had many people meet—NATO allies and others—to discuss the expansion of NATO. We have studied this to the point where we can make an intelligent and mature decision, and we should.

Last Friday night in Chicago, IL—which is in my home State and which boasts the largest Polish population outside of the city of Warsaw, Poland—we entertained the new President of the Assembly of Poland. Marian Krzaklewski is the new President and a member of the Solidarity party. I can't tell you what this issue means to the future of Poland. Any of you who have studied World War II and understand the devastation that was wrought on Poland as a result of World War II understand how important it is to the people of Poland today to have the security of an alliance that they can count on. We, of course, know of the tragedy of the Polish Jews who were lost in the Holocaust, but there were many others of other religions, and some of no religion, but they were all victims in World War II. The numbers stretch into the hundreds of thousands and millions. That is the legacy of war in countries like Poland.

For those who come to the floor saying, "Can't we wait 6 months or a year before we give to countries like Poland the assurance that those days are behind them?" I have to say that I think that is shortsighted. I think the right thing for America to do is to follow the leadership of the President, follow the bipartisan support on the floor of the U.S. Senate, and enlarge NATO. This Senate should vote for the enlargement, first, to include Poland, Hungary, and the Czech Republic, and then, frankly, open it up to any other country that is able and willing to dedicate itself to these same principles.

We don't like to think in terms of the military and war; we tend to focus more on domestic life in the United States, as we should. But I happen to believe that an investment in our time and debate on this issue at this moment is the right thing to do. I believe that if we make the proper move today, this week, and next week in the Senate to debate this issue fully and vote on it, we can bring together the kind of alliance that will give our children and grandchildren peace of mind for decades to come. I hope that we will do that, and I hope that we will understand, as well, that what is at stake here is more than just a debate over a single issue; what is at stake here is whether the legacy of World War II and the legacy of the cold war will or will not be revisited on our friends in Europe.

The United States cannot be the policeman for the world, but we can ally ourselves with other nations of like mind and like values, who will join us in bringing stability to this Earth, so that the day may never come when we are asked to send large numbers of Americans to fight in foreign lands for issues and causes and for American interests. These are things that I think are part of this debate today.

I close by saying that I appreciate this time to speak, and I hope my other colleagues will join me. I don't know that there is another single issue relative to global security that is more important than this debate about the future of NATO. I hope that the United States and our NATO allies will write our foreign policy and plan our future based on the interests and values that have held us together as a Nation for over 200 years.

When the argument is made that moving forward with the expansion of NATO makes some people nervous in Moscow, I have to ask, Why should it? Why should we not even hold out the possibility that the day will come when Russia will ask to be part of NATO? It is not an incredible idea. The thought that they would give civilian control of the military, pledge to the same principles, and cooperate with the United States—that should be the new world order; that should be the new thinking.

But the belief that we should hold back and not engage these other countries in an alliance, important for our security and theirs, because of some misgivings among some hardliners in Moscow is just plain wrong. We should be driven by foreign policy decisions right for America, right for our allies. We should not be driven by the melancholy of the few in Moscow who long for the return of empire. When you hear the argument made that we can include Warsaw Pact countries like the three I mentioned, and that is all right, but you can't include former republics like the Baltic States, it troubles me greatly. My mother was born in Lithuania, so I come to this debate with a special interest, and maybe even some prejudice is involved.

For 50 years, we refused to recognize Soviet domination over the population of those sovereign states and thought they were entitled to have their own self-government. We ignored Soviet domination and we fought Soviet domination for over 50 years. And now, to defer to some Russian thinking that because these republics that were once part of the Soviet Union want to be in NATO, that is supposedly unthinkable, I disagree. For the Baltic States and so many other countries in Eastern Europe and near the Baltic Sea, NATO really is their security of the future. It is something the United States can be proud to support. I know they will be supportive of the values which we treasure in this country.

Mr. President, I yield the remainder of my time.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I enjoyed hearing the comments of my colleague from Illinois, Senator DURBIN. He, as always, is interesting and thoughtful, and he comes to this debate with a substantial amount of knowledge about the foreign policy issues. I appreciate his position.

I must confess, however, that I come to the Senate with a different position on this issue. I want to explain why I have reached that position.

I must confess, also, that I am not someone who considers himself an expert in foreign policy. There are some—only a handful of Members here in the Senate—who spend a great deal of their time thinking about and working on foreign policy issues. I have great respect for them. But I don't consider myself a part of that group of Senate foreign policy experts.

But all of us in the Senate have some acquaintance with the questions that are presented to us on issues of international policy. And NATO expansion is one such issue. Indeed, as I indicated yesterday, it is a "legislative main course." NATO expansion is a very significant matter for this country and for many other countries in the world that are affected. One of those countries is Russia.

Russia is an important part of our future, and our relationship with Russia will have a significant impact on the future of everyone in this country. I want to speak about that just a bit, because Senator DURBIN also alluded to that issue.

I want to remind my colleagues that some while ago I stood on the floor of the Senate and held up a piece of metal that came from a missile silo near Pervomaysk, Ukraine, a silo that had held a Soviet missile aimed at the United States. But the piece of metal I held up here on the floor of the Senate was no longer a missile. It was scrap metal. The missile is gone from the silo and destroyed. The weapon does not any longer exist. Where there was a missile with a nuclear warhead aimed at the United States, planted in that ground in the Ukraine now are sunflowers—planted on exactly that same ground. The missile is gone. The warhead is gone. Sunflowers are planted.

How did that happen? Was it by magic? No. It was as a result of arms control agreements between this country and the then Soviet Union, now Russia, that required the reduction of nuclear devices and systems to deliver them. It was also the result of U.S. funding initiated here in the Senate—funding that comes from the Nunn-Lugar program—that actually helps to pay for the destruction of Russian nuclear weapons that had previously been aimed at this country. We have had very substantial success in reducing Russia's nuclear stockpile.

We have had that success not just because the Soviet Union no longer exists. We have had that success because Russia and the United States abide by a series of arms control agreements that call for the reduction of nuclear weapons, the reduction of missiles, and the reduction of bombers. And that reduction has taken place. It means that this is a safer world.

So, the Soviet Union has disappeared. Eastern Europe and the Warsaw Pact in Eastern Europe has dramatically changed. There is no Soviet Union. There is no Warsaw Pact. There is Russia. There are Baltic States. There exists in Eastern Europe a series of countries that are now free and democratic. The world has changed dramatically.

All of this relates to the discussion we are having today. I want to describe how and why.

But I wonder, in the context of this issue of the reduction of the nuclear threat, how many of my colleagues—for that matter, the American people—are aware of an incident that occurred on December 3, 1997, in the dark hours of the morning. North of Norway in the Barents Sea, several Russian ballistic missile submarines prepared to fire SS-20 missiles. Each of these missiles could carry 10 nuclear warheads and travel 5,000 miles—far enough to have reached the United States from the Barents Sea.

That morning, on December 3, 1997, the submarines launched 20 of those SS-20 missiles. Twenty of them roared skyward. Swiftly they rose to an altitude of tens of thousands of feet. U.S. satellites quickly detected these missiles and tracked them as they rose. Our early warning phased array radars in Thule, Greenland, and Flylingdales, England, tracked the missiles.

The radars and satellites alerted the U.S. Space Command Missile Warning Center at the NORAD complex in Cheyenne Mountain, Colorado. Space Command plotted the trajectories to determine where the missiles were going.

However, within a few moments, every single one of those SS-20 missiles blew up at about 30,000 feet. Why? Because this wasn't a Russian missile attack. In fact, seven American weapons inspectors were watching from a ship a few miles away as the missiles were launched from the Russian submarines. These were self-destruct launches. It was a quicker and cheaper way for Russia to destroy submarine-launched ballistic missiles, which it was required to do under the START I arms reduction treaty. These were self-destruct launches to destroy missiles under the START treaty.

These missile launches should remind all of us about what the ultimate security threat to the United States has been. Only Russia, if it desired today, can renew the hair-trigger nuclear tensions of the cold war. Only Russia could do that. And only Russia can destroy its nuclear weapons and its delivery mechanisms, missiles and bombers, by which it delivers those weapons. Whether we like it or not, we must take this into account when we evaluate international security issues. Yes, even in the debate about the expansion of NATO, we must evaluate those issues in the context of our relationship with Russia and with others, but especially with Russia.

I don't come to the floor of the Senate saying that Russia should have some kind of special veto power over American foreign policy. Russia should really play no role in our decision about what is best for this country. But the opportunity to reduce the nuclear threat, the real opportunity that has allowed us to reduce in real terms the nuclear threat, is something that we should take into account.

When we talk about expanding NATO with Poland, Hungary, and the Czech Republic, I think of the story I heard one day in the dark days of the fight for a free Czechoslovakia when very courageous, brave men and women were storming the streets of Czechoslovakia demanding their freedom. I remember the story about Mr. Havel, who was a playwright and an intellectual who then became President of that new democracy. I remember how at midnight the knock on his door from the Communist secret police was a knock that he knew too well because it had come before. He knew it was the secret police. He knew he would be arrested again. He knew they would throw him in jail again, because he had been in jail before. I remember the story about this courageous man and what he did for his country. I remember the stories about in the middle of the crowd in downtown Prague someone standing on the upper strut of a streetlight hanging with one arm and reciting the Declaration of Independence of the United States of America. Think of that—a crowd in Prague inspiring itself by a recitation of the Declaration of Independence of the United States of America.

We understand what we mean to much of that part of the world. We know that this democracy has given great inspiration to those who want freedom and who have had the courage to fight for freedom in their countries. We understand all of that. And I think it is critically important that in every way possible we support these emerging democracies. Our relationships with them are important to this country.

However, expanding NATO is a much larger question than that as well. It involves a number of broader issues. Again, I say that there are other Senators who have had longer relationships with the question of NATO than I have had.

But it seems to me, first, that NATO has largely been a security alliance over many years and a very successful alliance at that. It also seems to me that the decision that has been made to expand NATO is largely a decision that moves in the direction of forming an economic alliance, or one that meets the economic needs of the new members.

Second, to the extent that it remains a security alliance, it, of course, will require countries in Europe, many of whom can least afford it, to spend a substantial amount of additional money on new arms to bring them to the standards that NATO requires. The requirement that the new entrants to NATO rearm, modernize their military equipment, to bring themselves up to NATO standards, also means that some of us are very concerned that in the end, while some of that burden will fall on these countries, much of that burden will fall on us.

This leads me to the third issue. The question of what this expansion will cost the United States produces answers that wildly roam all over the board. I have not found a good answer except that most do not know the answer to the question. It is an important question. What will NATO expansion cost the taxpayers of the United States?

And the fourth issue is the one I have spoken about at length. What does NATO expansion mean to the long-term security interests of the United States? Will expansion of NATO lessen the danger of nuclear war? Will it lessen the danger of nuclear threat? Will the expansion of NATO forge a continued, new, or expanded relationship with Russia that will allow us to reduce even further the nuclear threat? Will NATO expansion allow us to continue to reduce the number of warheads and delivery vehicles, to lessen the nuclear threat for us and all the people of the world? I fear the answer to that is no.

I think the expansion of NATO will likely create divisiveness in our critical relationships with Russia and with some other nations as well. We have made great progress in our relationship with Russia. I hope that progress will include a decision by the Russian Duma to ratify START II and immediate movement by Russia to begin START III talks. But I fear that NATO expansion will retard that kind of movement, which I think is very important to us. We must continue the progress we have made in reducing the nuclear threat.

It is interesting to me how many people would have predicted in this Chamber—the best foreign policy thinkers or anywhere in this country—how many would have predicted that, if you backed up 10 years ago, that in 5 years or 10 years the following will exist in our world: There will be no Berlin Wall, there will be no Warsaw Pact, Eastern Europe will be free, there will be no Soviet Union, the Ukraine will be nuclear-free, and spots in the Ukraine that used to hold missiles and nuclear warheads will now hold sunflowers. How many would have predicted that? I bet almost no one.

We have made enormous progress. To the extent that we feel that the cold war and the tensions between us and the Soviet Union, produced a nuclear threat, and to the extent that we have moved away from that with Russia, that is wonderful progress for the entire world.

The question today is not just a narrow question of, Shall we admit three additional countries to NATO? The question is much, much more than that. It deals with other relationships. It deals with the issue of nuclear proliferation of weapons and delivery mechanisms and so on, and the desire by many of us to move along quickly, not slowly, on the question of further arms reduction talks and treaties and agreements that will further reduce the nuclear threat. That is what is embodied in this question.

I have spent a lot of time reading about this issue, studying this issue, and trying to understand this issue. As I said when I started, I confess I am not a foreign policy expert. But I believe very strongly that a security alliance as successful as NATO has been should not become an economic alliance; should not become an alliance that imposes new burdens on countries that can least afford to ramp up military spending in order to comply with NATO requirements; should not, in any event, add substantial new burdens to the American taxpayers; and should not, especially and most importantly, do anything that interrupts the stream of progress we have made in reducing the nuclear threat through arms reduction talks, treaties, and agreements.

I am fairly well convinced that this step to expand, which to some seems so modest, is just a step in the wrong direction.

Can we, should we, will we be involved with the Czech Republic, Poland, and Hungary, with or without NATO expansion? Of course. They are wonderful people. They are countries that are very important. Our relationship with them is very important. I have just come to the conclusion, however, that this proposal to expand NATO is not a step in a constructive direction.

The columnist David Broder yesterday wrote a column that I think was important in this discussion. He indicated that this debate about NATO seemed to be forming here in the Congress with almost no fanfare, and the implication of his column was that that is not the way it should happen.

Mr. President, I ask unanimous consent that Mr. Broder's column be inserted into the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 18, 1998]

DECIDING NATO'S FUTURE WITHOUT DEBATE

(By David S. Broder)

This week the United States Senate, which counts among its major accomplishments this year renaming Washington National Airport for former president Ronald Reagan and officially labeling Saddam Hussein a war criminal, takes up the matter of enlarging the 20th century's most successful military alliance, the North Atlantic Treaty Organization (NATO).

The Senate just spent two weeks arguing over how to slice up the pork in the $214 billion highway and mass transit bill. It will, if plans hold, spend only a few days on moving the NATO shield hundreds of miles eastward to include Poland, Hungary and the Czech Republic.

The reason is simple. As Sen. Connie Mack of Florida, the chairman of the Senate Republican Conference, told me while trying to herd reluctant senators into a closed-door discussion of the NATO issue one afternoon last week, "No one is interested in this at home," so few of his colleagues think it worth much of their time.

It is a cliche to observe that since the Cold War ended, foreign policy has dropped to the bottom of voters' concerns. But, as two of the veteran senators who question the wisdom of NATO's expansion—Democrat Daniel Patrick Moynihan of New York and Republican John Warner of Virginia—remarked in separate interviews, serious consideration of treaties and military alliances once was considered what the Senate was for.

No longer. President Clinton's national security adviser, Sandy Berger, has pressed Majority Leader Trent Lott to get the NATO deal done before Clinton leaves Sunday on a trip to Africa. When Warner and others said the matter should be delayed until the Senate has time for a full-scale debate, Lott refused. He pointed out that a Senate delegation had joined Clinton at NATO summits in Paris and Madrid last year (no sacrifice being too great for our solons) and that there had been extensive committee hearings.

Wrapping the three former Soviet satellites in the warm embrace of NATO is an appealing notion to many senators, notwithstanding the acknowledgment by advocates that the Czech Republic and Hungary have a long way to go to bring their military forces up to NATO standards. As the date for ratification has approached, successive estimates of the costs to NATO have been shrinking magically, but the latest NATO estimate of $1.5 billion over the next decade is barely credible.

The administration, in the person of Secretary of State Madeleine Albright, has steadfastly refused to say what happens next if NATO starts moving eastward toward the border of Russia. "The door is open" to other countries with democratic governments and free markets, Albright says. The administration is fighting an effort by Warner and others to place a moratorium on admission of additional countries until it is known how well the first recruits are assimilated.

Moynihan points out that if the Baltic countries of Latvia, Estonia and Lithuania, which are panting for membership, are brought in, the United States and other signatories will have a solemn obligation to defend territory farther east than the westernmost border of Russia. He points to a Russian government strategy paper published last December saying the expansion of NATO inevitably means Russia will have to rely increasingly on nuclear weapons.

Moynihan and Warner are far from alone in raising alarms about the effect of NATO enlargement on U.S.-Russian relations. The Duma, Russia's parliament, on Jan. 23 passed a resolution calling NATO expansion the biggest threat to Russia since the end of World War II. The Duma has blocked ratification of the START II nuclear arms agreement signed in 1993 and approved by the Senate two years ago.

George Kennan, the elder statesman who half a century ago devised the fundamental strategy for "containment" of the Soviet Union, has called the enlargement of NATO a classic policy blunder. Former senator Sam Nunn of Georgia, until his retirement last year the Democrats' and the Senate's leading military authority, told me, "Russian cooperation in avoiding proliferation of weapons of mass destruction is our most important national security objective, and this [NATO expansion] makes them more suspicious and less cooperative. . . . The administration's answers to this and other serious questions are what I consider to be platitudes."

Former senator Mark Hatfield of Oregon, for 30 years probably the wisest "dove" in that body, agrees, as do former ambassadors to Moscow and other Americans with close contacts in Russia.

To the extent this momentous step has been debated at all, it has taken place outside the hearing of the American people. Too bad our busy Senate can't find time before it votes to let the public in on the argument.

Mr. DORGAN. I placed David Broder's column in the RECORD because I agree with what he says. NATO expansion is a big issue. It is an important issue. We all come to this issue with our points of view, and no one knows exactly what the future will hold. But this country deserves a long, full, thoughtful Senate debate on the question of NATO expansion and then a vote. This President deserves a vote on expansion as well.

But when the vote comes, I have concluded I think the best course for this country, the best course for the world for that matter, and the best course to stimulate further reductions in the nuclear threat for this world, is to vote "no" on this particular plan for NATO expansion.

Mr. President, I yield the floor, and I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

Mr. GREGG. Mr. President, I ask unanimous consent to speak as if in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. Gregg are printed in today's RECORD in "Morning Business.")

Mr. GREGG. Mr. President, I make the point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, let me observe, first, that I have had the opportunity off and on during the day to listen to some of the debate on the NATO enlargement issue. I have to say there have been some excellent speeches and some very thoughtful observations about the importance of this legislation and what we should do. I am glad we have gone ahead and taken it up. It has given Members notice that we are moving toward a period where we will have the final debate on amendments and a vote on this issue. But I have been very impressed with the quality of the speeches that I have heard today. We will continue on until, I think it is quarter till 5, this afternoon on NATO enlargement. We will continue to have debate on NATO enlargement until we get something worked out on the Coverdell education savings account legislation and conclude that, and then we will go to the final round of debate and amendments on NATO enlargement.

The way we are doing the debate, the dual track of both the education issue and NATO enlargement, is not intended at all to diminish either. It is intended to raise up both of them and the awareness and consciousness of the American people and give Senators an opportunity to make their positions known on both these issues. We will do them in a way where we will get a focus on the issue and have a good debate in the final analysis.

Mr. WARNER. Will the distinguished leader yield?

Mr. LOTT. Yes, I will yield.

Mr. WARNER. I anticipated that, and I think it is working out. I, in many respects, wish it was more in block pieces. Very substantive debate has taken place in the last 48 hours, plus the Armed Services Committee held a 3-hour hearing on the subject. So work is going on very conscientiously on this subject.

Mr. LOTT. I thank the Senator from Virginia for his comment and his thoughts on this important issue. I know he has a lot of reservations. That has a real impact here with his knowledge in the defense area, and we are going to be listening to his remarks.

There have been good speeches on both sides. Senator SMITH from Oregon gave a magnificent speech this afternoon, I thought one of the best I have heard this year.

I think it is working, and we will have a focused debate when we get toward the end of the final debate.

Mr. President, as in morning business, I would like to take this moment also to talk a little bit about the other issue that is pending before the Senate at this time.

EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

Mr. LOTT. Mr. President, there is a clear, strong majority in the Senate who want to pass the Coverdell-Torricelli education savings account bill. It is bipartisan; I want to emphasize that. I believe every Republican is going to be for ending the debate. They are not dragging this out and having a full-fledged filibuster. I think there are several Democrats who agree we should get to the substance, too, and I hope we are going to have a broad—and I believe we will—a majority will vote for this legislation when we get to final passage. And there is a reason for that.

The legislation would benefit some 14 million families who could use the education savings accounts. I have said it before and I emphasize it again, I think one of the problems with elementary and secondary education in America today is there is no opportunity for financial assistance, no way to save your own money to help your children a little bit. It does not have to be $2,000 a year; it could be $200 a year or less. But that money then could be accumulated and get the tax benefits and then used to buy uniforms or books or computers or to choose another school.

So I think this is a major step in the right direction in dealing with the problems of elementary and secondary education in America.

This bill would help 1 million students with tax relief on their State prepaid-tuition plans. This is a good idea. We ought to allow people to be able to pay in advance for the impact of tuition when they go to college. This is something that is being advocated very aggressively by a number of Democrats as well as Republicans.

This bill would benefit a million workers, including 250 graduate students, whose employers would be better able to provide education assistance for them. Shouldn't we encourage that? Shouldn't we encourage employers to help their good workers who want to better themselves to advance their education? Of course we should, and this would do that in the best possible way.

Now, Mr. President, this day is day 6 of the delay and obstruction against getting this education reform. Is it all we need to do? No. Is it a major step in the right direction? You betcha. We ought to do this. And we should not keep delaying it and dragging it out.

For 6 days some Members of this body have taken turns standing in the schoolhouse door barring the way to a quality education for children who, quite often, need it the most.

I want to thank all the Senators who have been involved on both sides of the aisle who have been willing to put aside partisan considerations and do what is right for American families.

It would also benefit hard-pressed localities that could build new public schools with the bill's $3 billion in tax-exempt private activity bonds. This is in there because of the continued efforts of Senator GRAHAM of Florida, Senator FEINSTEIN who worked on it, and Senator COVERDELL who was for this. Some of us have some reservations about this. I am one of them. But if you think about it, if Disney World would like to help build another school in the Orlando area and this would help that happen, because in the public schools it might not happen, should we allow that opportunity through the taxing of bond activity? Maybe so. That is in this bill.

In short, this is one of the most important pieces of consumer rights legislation that the Senate has considered since the establishment of the Food and Drug Administration, I believe. And it is being blocked systematically and cynically by those who do not want, apparently, middle-income or low-income families to have the same choice in education that is available to all wealthy families.

My family did not have that option, couldn't afford it. I went to public schools all the way—proud of it. I think they did a good job. But I don't believe my kids got as good a public education as I did, and they went to public schools all the way, too. But I still think we should have other choices.

I think it is ironic—no; maybe it is tragic that in the midst of this filibuster, of this delay, the administration is today boasting of its record on school violence, that we have safer schools. I do not know where they have been. The schools are the most dangerous in America today than they have ever been in history, probably.

I mean, I used to worry about chewing gum in school. Now kids bring guns to school and shoot their classmates. You have to go through a metal detector to get into schools. Where are these programs that have been helping with that? I don't see them. But it is a curious gesture, to me, to wring your hands about the violence in classrooms while you block the exits so that children cannot escape from unsafe drug-ridden schools. That is what this would help do.

I think it is just pretense, really, to deplore violence on the playground and in the school corridors while you force those endangered boys and girls to stay right where they are. And that is the fact of the opposition that we see to the Coverdell-Torricelli bill, because we are trying to give them some options. We are telling our children, oh, yeah, we want more classrooms and whatnot, but they have to stay in the back of the education bus and they have to stay in these dangerous schools.

So if the classrooms are smaller, smaller classes, but still dangerous and infected with drugs, you are not getting a good quality education, and because the teacher can't pass a test himself. I do not think we have done what we need to do.

Do we trust the parents or not? That is one of the questions here. I do not trust a Federal bureaucrat in Washington to make the right decision for the children in my hometown schools. I trust the parents and the teachers and the administrators at the local level to make the right decision for their children.

So I think that this is something that we should bring to a conclusion. We need to find a way to get this bill considered, amendments to be offered. So I say here today—and we have just sent notification to the Democratic leader—that we wish to make a full effort once again to find a way to bring it to a conclusion so we can consider education and education needs and education amendments.

I have another proposal. Keep in mind, last week I proposed that the Democrats should have a substitute bill, or could have, if they want to do it, and put anything they want to in it, debate it as long as they want to, and have a vote; and then we would go to the Coverdell-Torricelli bill. Well, for good reasons, I presume, we could not get an agreement on a substitute.

So then we said, well, what about if we have a couple of amendments on each side that are education related, and we have time to debate the amendments offered by Democrats, time to offer the two amendments offered by Republicans? That did not work and, once again, partially because there were more than two on each side; there were a number of them.

Well, I have a new proposal. I have a way to bring us to a conclusion that I believe everybody would feel is fair and we could get a good debate on education. I understand that there are some 14 amendments that have been filed that relate to education—education. Five of them are Republican, nine of them are Democrat.

Now, there are some others that have been filed that do not relate to education—clearly do not relate to education. So I propose here this afternoon that we say, OK, we are going to have agreement that those 14 education amendments that have been filed can be offered, debated for an hour each, and voted on—five Republican, nine Democrat—but they have to be the education amendments; and then we go on to final passage based on whatever the condition of the package is at that point.

Now, if we have to go to cloture—and when we get cloture —we still could have 30 hours of debate after that, and amendments would be offered or could be offered. We probably would take at least 14 or 15 hours or more post-cloture. So I would like to—I am not asking for an answer now, but I am suggesting it to our colleagues on both sides of the aisle, and for the children of America, that maybe this is a way to make sure that Senators are able to offer amendments to education in addition to what is in this bill, and also to be able to offer ones that might not be germane post-cloture.

This is a way to get it done. And we could set up a process of when we would begin on those amendments. We would have the 14 hours of debate, the votes would occur, and we could bring this to a conclusion, and I believe that instead of having a talkathon, we would have an A+ bill, a bill with input from Members on both sides of the aisle, a bill that would help education in America. And I think the American people would say we have not just been talking about what we are going to do, but they would then see the truth, that we really do want to be a positive force in improving education in America and we found a way to do it.

And it would add this additional benefit. It would allow us to bring it to a conclusion within a foreseeable period of time. It would allow us then to focus on having debates only on NATO enlargement, and get that to a focused debate and a focused conclusion, and then to go perhaps—even next week, if we could get all this lined up—to a vote on one or both of the supplemental appropriations bills.

Now, that would be a week and a half of production that would stagger the minds of men, particularly when it comes to education. But we would have done education, we would have done NATO enlargement, and we would have done supplemental bills that will affect the defense of our country because of the funds for Bosnia and the Persian Gulf, for IMF, and for disasters. We could do all that in 1 week. I think it would be a monumental accomplishment. And I invite the Democratic leader to respond and to think about this offer, because I think it is a fair one that a lot of Senators would feel good about.

With that, I would be glad to yield since I see Senator DASCHLE is here.

The PRESIDING OFFICER. The distinguished Democratic leader is recognized.

Mr. DASCHLE. I thank the President for his recognition.

And I thank the majority leader for his innovative new offer. This comes as news. We have not had the opportunity to consider his new offer because this is the first time I have heard it. But, clearly, he is beginning to address the concern that Democrats have raised about the way in which this bill is going to be debated.

None of us has proposed that somehow we want to keep from getting to final passage on this legislation. That isn't our objective. We have already noted the President is going to veto this bill, so we do not have to stop it from passing through the Senate. So that isn't our intent.

Our intent all along has been simply to have a good debate, to offer our version of what we ought to be doing in education, to offer our version to suggest how we might spend one and a half billion dollars as we look at the array of challenges that we face.

Now, the majority leader has proposed a plan that I have not yet had a chance to consider, but two questions arise immediately, and one is whether or not this proposal would allow us to deal with pre-educational years; that is, the childhood development questions that we are facing as some of our amendments deal directly with early childhood development.

We have not indicated to any of our colleagues that they had to file their amendments. Would we be then precluding some of our Democratic Senators who had no idea that somehow, if you had not filed, you would not be protected?

And then of course there is the question of just an hour. Some amendments are going to take a little longer than an hour; some will not.

So there are a lot of questions here that obviously we can work through, but to throw the gauntlet down, to say we are going to file a cloture motion to deny anybody the opportunity to offer amendments even though they are certainly related to education, has been our objection all along.

So I certainly would like to work with the majority leader. The best way to do it is to vitiate the cloture vote so we can talk through this, rather than to insist on cloture and then negotiate, claiming to have some real interest in finding some resolution here. But I certainly applaud the majority leader for his approach, his constructive way in which he wants to find a way to deal with the schedule.

I yield to my colleague from Delaware, who also has taken a great interest in this issue, for any comment that he might have.

Mr. BIDEN. Mr. President, if I may, I will be brief.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I, too, applaud the majority leader for this new offer. I am one who supports the Coverdell amendment. I am one of those folks who voted against vouchers, although I am entertaining whether or not I vote for a test project, as I view it, in the District. I have not made up my mind on that yet. But I clearly support the approach of my friend from Georgia.

As a matter of fact, we had a little bit of a disagreement in our caucus over that issue on the substance. But there is one thing there is not any disagreement in our caucus about, and that is whether or not—and I suspect there would not be if the roles were reversed for the majority leader—whether or not we would sign on to—even those who support the Coverdell legislation—whether or not we would sign on to a position that would effectively require us to give up our rights to offer amendments, because although I am for this bill, it may be there would be a crime bill on the floor or there would be a foreign policy initiative on the floor that, once I agreed to give up that right procedurally, I would have put myself in the permanent minority and not being able to exercise the rights I have under the rules of the Senate. And I am absolutely confident the Senator from Mississippi would take the same position were he on the opposite side of the numbers at this time, the numbers being in the minority.

But I, for one, believe that we should try to work out an overall arrangement relative to making sure we deal with education-related issues. I would—and far be it from me; I am not capable of being the leader of either one of the parties on this floor. But I would suggest that while the minority leader, the Democratic leader, is considering this, that the majority leader, the Republican leader, consider whether or not there is any benefit in trying to put a time limit on this now.

Suggesting time limits on amendments is like waving red flags. I can name 10 Senators on your side, if I said that we are going to give their State an additional $70 billion but there will be a time limit on debate, they would automatically disagree. So I think there are sort of red flags.

And far be it from me to get in the middle of this negotiation, but I compliment the Republican leader on what seems to be at least a slight change of approach in terms of what I think is an equitable way in which to deal on this floor. But people like me, who strongly support the Coverdell bill, absent something worked out like this—I must say to my friend from Georgia, I am with you, but I ain't with you when I have to give up my rights on everything else that comes down the pike—as strongly as I support this.

So I compliment, again, the Republican leader. I hope he and the Democratic leader can work this out, because I would like very much to get to this debate and get to voting on it. And, to be very selfish about it, I would also like to clear it out of the way so we can focus on NATO in a coherent way.

I see the Presiding Officer shaking his head. He has a great interest in the NATO issue as well, I know. There are a number of Members who do. It would be nice to have a coherent, consistent debate on that issue, because it is of such consequence.

I thank both leaders for allowing me to get into what is not usually something I speak to, and I appreciate their efforts.

Mr. LOTT. Mr. President, if I could respond to a couple things that the Senator from Delaware just said.

The PRESIDING OFFICER. The distinguished majority leader is recognized.

Mr. LOTT. The timeframe is—you know, we do not have to lock into that. I just thought, since you are talking about 14 amendments here, that an hour probably would be enough. If we needed more on some of them, less on some others, we could work through that. But part of the reason why I was having hopes that we could, after about 20 hours or so, finish this up and then get to a focused-on debate on only NATO enlargement and get to a vote on that—that was part of the thinking. But the time could be flexible. Generally speaking, I think some of these amendments probably could be debated for less than an hour maybe.

So you understand I will not ask this now, just so you can think about it, between now and when we get to the cloture vote I could ask consent notwithstanding rule XXII, regardless of the outcome of the 5:15 votes, the following amendments be in order postcloture. One of the reasons that is also important, because some amendments might still be in order postcloture that would not be on this list, and that we would work on how much time we have on each amendment, and that there would be nine education-related amendments offered by the minority side, filed amendments 2020, 2026 through 2028, 2031 through 2033, 2040 and 2041; and five education-related amendments offered by the majority side, 2021, 2022, 2024 through 2025, and 2035.

That is a suggestion of a UC we could ask for, or if we could work out some other unanimous consent agreement on education-related amendments. I know the Senator was talking about maybe having a crime bill. I know when he is having a crime bill he would rather not have to deal with a fisheries' amendment. I understand the minority wants to make sure they are not precluded from offering amendments important to them. I think he also understands the majority has some rights and desires not to have to vote on amendments across the board, from one end of the spectrum to the other, when we are trying to get an education bill completed that is very important to education in America and children in America, so we could then get to a very important national policy issue, NATO enlargement, that I had the President call about just last night.

I am looking for a way to be fair so we can consider education amendments and identify a way to bring it to an end.

Mr. BIDEN. Will the Senator yield?

Mr. LOTT. I am happy to yield to the Senator.

Mr. BIDEN. I understand his desire but I don't understand his right. I understand the desire not to deal with all those amendments but I never thought that was a right—although it would be nice if it were a right—and while he is doing this, if he succeeds, if he could also clear the Helms-Biden foreign relations material of abortion amendments and declare them out of order as well. That is somehow stopped up.

Mr. LOTT. I thought he agreed we would have that issue on the United Nations arrears, State Department reauthorization, instead of having it on the emergency bill or the IMF; wasn't that the discussion?

Mr. BIDEN. The Senator is of the view it shouldn't be on anything, so I hope when he settles this he can settle that too so we can fund the United Nations and have the IMF moneys, too.

Mr. LOTT. I am sure we will work on that together.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The distinguished Democratic leader is recognized.

Mr. DASCHLE. I commend the Senator from Delaware for making a very important point. This is the U.S. Senate. I daresay there is not a Senator in this body who hasn't chosen to use a legislative vehicle for purposes of offering amendments that may not be germane. We all understand the germaneness rule.

We all understand, many of us, why we left the House of Representatives to come to the U.S. Senate. We came to the U.S. Senate because we recognize the glory of the wisdom associated with the right of every Senator, and that is understood each and every time we come to the floor.

The distinguished majority leader has made quite a point of citing the Coverdell bill as a bill related to education. It is also related to taxes. This is a tax bill, as well. This is a piece of legislation changing the Tax Code.

Just so everybody understands what the majority leader is suggesting here, he is saying we don't want you to consider this a tax bill. The majority refuses to allow the minority to consider this a tax bill on the Senate floor. We want you to insist and promise that you will never offer a tax amendment on a tax bill that comes to the Senate floor. It is an education bill, so go ahead and offer an education amendment, but don't you dare offer a tax amendment to a tax bill. We are not going to allow that.

Mr. President, I think that points out the fallacy of this whole matter and the reason why my distinguished colleague from Delaware made the point he did about the rights of the minority. How many tax bills will come to the Senate floor? How many opportunities will the minority have to offer legitimate, relevant, tax amendments?

I am very concerned again about precluding the right of the minority. I was elected to represent 44 Democrats and their rights every time we come to the floor, regardless of the circumstance. I think all of our colleagues recognize the importance of protecting those rights. Whether it is tax, whether it is education, whether it is a matter related to something of great import to our colleagues, we have to protect that right. It doesn't matter the issue. What matters is the right. The right must be protected. That is really what these questions are all about.

I yield the floor.

Mr. COVERDELL. Mr. President, first, I know the minority leader will appreciate concerns on our side in the midst of the fourth filibuster over this. We already had to fight and break filibuster just to get to this point. The entire exercise on this legislation has related to one filibuster after the other, so obviously it has raised concerns that the amendment process will be used as another extension of the filibuster. I think that is a fair concern on our side.

I have to say to the minority leader that even on your side I have heard numerous expressions that there should be a discipline about the education proposal and the debate should be about education, not broad tax policy. I have a tax relief bill that pushes millions of people into the 15 percent tax bracket. I have not introduced it here and won't. I don't think it should be. I think it should be an education debate.

Now, the 9 Democrat amendments that have been offered that the leader is referring to, of the 14, 3 are tax, 6 are nontax, but they are all education related, which I think is appropriate. I do think there has to be some order. I think I even heard in some nature that context referred to by the Senator from Delaware, Minnesota and others on your side. There ought to be some discipline.

I also say that while it is technically a tax bill, it is a minimalist tax bill. It is a large vehicle, a large vehicle.

I think that there has been an extended effort to try to come to a meaningful balance between your side and our side on this measure. I pointed out yesterday that the legislation in our package was 80 percent designed by your side of the aisle—Senator GRAHAM of Florida, Senator BREAUX of Louisiana, Senator MOYNIHAN of New York and others. In the process of framing this, we tried to take the admonishment you gave last year, which was we wanted to go through the process, the Finance Committee. We have done that, heard from both sides. There is heavy influence from both sides. We are simply trying to find a way to get out of the filibuster, to get out of the fourth filibuster, and get down to a discussion about our different views on education.

I hope this last offer or suggestion that has been outlined, that you are hearing for the first time, might be the genesis of coming to an agreement of how we can move on, in both of our mutual interests, on making the Federal Government a good partner in facing the calamity that we have all talked about over the last couple of years in kindergarten and through high school and the costs of higher education.

I did want to make those points.

Mr. WARNER. Mr. President, I see several Members on the floor desiring to continue what I regard as a very good debate on NATO. The Senator from Michigan is present and I am perfectly willing to yield the floor should he desire to seek recognition. It would be my hope, Mr. President, that following the Senator from Michigan, the Senator from Virginia be recognized, and I make this unanimous consent request for the purpose of giving remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROTOCOLS TO THE NORTH ATLANTIC TREATY OF 1949 ON ACCESSION OF POLAND, HUNGARY, AND THE CZECH REPUBLIC

The Senate continued with consideration of the treaty.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Might I inquire of the Senator from Alaska if he needed to introduce amendments?

Mr. STEVENS. The Senator is very generous. I am awaiting two amendments I have drafted that I wish to put in. If I can get the time, I will do it today; if not, tomorrow. I was not sure we would be in tomorrow. I understand now we probably will be.

Mr. ABRAHAM. I appreciate the Senator from Virginia yielding to speak to me about the issue of enlarging NATO.

Mr. President, I rise to express my support for legislation expanding NATO by admitting, at this time, the newly free nations of Poland, Hungary and the Czech Republic. It is my hope that we will act soon on the invitation extended to these countries at the Madrid Summit in 1997, and that this will be only the latest step in an ongoing process bringing nations and peoples, until recently suffering under communist tyranny, into the community of free nations and into the sphere of mutual security provided by NATO.

We should not forget, in my view, Mr. President, that until less than 10 years ago most of Asia and half of Europe, as well as vast stretches of the rest of the world, were held in the grip of totalitarian communism.

When the Berlin Wall finally came down it marked a new era in our history; it marked the greatest explosion in human freedom ever witnessed on this earth.

Ronald Reagan's victory in the cold war rescued millions of Eastern Europeans, and Russians, from decades of enslavery. We owe it to him, to ourselves and to our children to solidify those gains by bringing the emerging democracies of eastern Europe fully into the community of free nations. And membership in NATO is a crucial part of that process.

Since its inception immediately following World War II, NATO has brought free nations together for mutual defense and thereby fostered mutual understanding and trade.

Because the world remains a dangerous place even after the successful conclusion of the cold war, there remains a place for NATO. Because the free world has expanded in the aftermath of the cold war, NATO also must expand.

Recent events in the Balkans, the Middle East, East Asia, and Africa show that the world remains a dangerous place, and that the United States must continue to prepare itself for conflict in any part of the globe.

Conflicts in the Balkans are particularly disturbing because of their proximity to our west European allies and because of its potential to spread conflict to other parts of Europe.

To my mind, Mr. President, it also points up the need for greater cooperation and integration in Europe. The structures set up by the NATO alliance in my view provide unique opportunities to foster peace and cooperation throughout Europe. History shows that the kinds of cooperation that made NATO so successful at defending the free world from Soviet communism also can breed peaceful cooperation among member states.

I believe it is significant that, while NATO has expanded its membership no less than three times since 1949, at no time has there been any military conflict among member states, despite sharp and long histories of political differences between some.

Shared commitment to well-ordered liberty—to democratic politics, free markets and human rights—united the countries of NATO, in good times and bad, until, eventually, they faced down the forces of communism.

What is more, NATO remains the only multilateral security organization capable of conducting effective military operations that will protect western security interests.

Of course, Mr. President, we must be careful about which countries we allow into NATO, as well as when and under what circumstances. But I believe it is in the interest of the United States, as well as our European allies, to actively assist European countries emerging from communist domination in their transition to free governments and free markets so that these countries may eventually qualify for NATO membership.

We must extend our hand to peoples now emerging from the long night of communist dictatorship. We cannot afford to let them despair and turn, or be dragged, back into the dark.

This makes it particularly appropriate that we begin the process of NATO expansion by inviting into its membership the newly free nations of Poland, Hungary and the Czech Republic. Each of these countries has suffered greviously from war and from Marxist dictatorship. Each has worked long and hard to establish its independence, the freedom of its people and its markets.

We should not forget that it was Lech Walesa's Solidarity movement that paved the way for the breakdown of the Soviet Empire by refusing to be cowed by the Communist authorities.

The people of Poland, strong in their faith, exhibited a courage few of us would wish to be called upon to match.

As a people they demanded freedom of worship. As a people, they demanded real workers rights in the form of free, non-party unions.

As a people they faced down their communist oppressors and now are building a free, open and democratic society.

The people of Poland have held free and open elections, established free markets and worked hard to establish a strong, loyal, civilian-controlled military. Like few nations on earth, they have embraced their new-found freedom and deserve our support.

The Czech Republic, while still part of the hybrid nation of Czechoslovakia, was the last free country to be dragged behind the Iron Curtain. And its people tried on several occasions, most notably in the spring of 1968, to regain their freedom. They finally succeeded through a silent and bloodless revolution.

Under the playwright and statesman Vaclav Havel, the Czech people have made tremendous progress in institutionalizing free government, free markets and a responsible military.

As for Hungary, Mr. President, the Hungarian people's attachment to freedom made them a constant thorn in the side of their Soviet oppressors. At first their desire for freedom was beaten down with tanks, later it was allowed limited free play within the Soviet empire.

And the Hungarians made the most of their limited freedom, working even before the end of the cold war to lay the groundwork for free markets. Since the tearing down of the Berlin Wall the Hungarian people also have made great strides in building a freer, more open and democratic nation.

By extending NATO membership to these nations we will be showing our approval of the hard work they have done to institutionalize free government.

Of course, Mr. President, our first duty is to the American people. We must defend their security and protect their pocketbooks.

But I think we should keep in mind that increasing openness in central and eastern Europe will benefit us both in terms of security and in terms of economics. Free peoples with free markets make for good neighbors and good partners in profitable trade.

It is my hope that we will build on the freedoms and the relationships already established with and within eastern Europe for the good of everyone involved.

I know that a number of my colleagues are concerned that the process of expanding NATO not come at too high a price for the American taxpayer. As a Senator who has consistently worked for tax cuts, I share this concern. But I must observe that the legislation under consideration includes provisions limiting expenditures through the Partnership for Peace and that it guarantees no country entry into NATO.

Each country will have to show that it has established democratic politics, free markets, civilian leadership of police and military forces and transparent military budgets to gain entrance.

Each country will have to show its ability and willingness to abide by NATO's rules, to implement infrastructure development and other activities to make it a positive asset to NATO in its defensive mission, and to contribute to its own security and that of its NATO neighbors.

All told, Mr. President, I believe that the provisions of this arrangement can help us build on the success of the NATO alliance.

I am convinced that we as a nation have a duty to promote democracy and free markets, wherever they can take root, just as I am convinced that it is in our interest as a nation to do so. When such forces coalesce, we should seize the opportunity, as I urge my colleagues to do with this legislation.

Mr. President, I realize that there are some among us who have grown concerned about the prospect of enlarging NATO. But to me, Mr. President, it seems that this decision is a pretty clear one. It has always been the mission of the United States to support free people, to support the efforts of people seeking freedom throughout the globe. In Central and Eastern Europe, that was a primary mission of America for nearly one-half century. It seems to me that, upon the successful completion of the cold war, it would only be natural that the nations that came into the world of free countries should have the opportunity to extend their participation in the free world to be part of the NATO alliance. It was indeed the NATO alliance, more than anything, that allowed them to find their freedom. It seems only natural that they would wish to be part of that alliance. And it would seem only natural that we should allow them to be part of that alliance as soon as they are able to meet the various entry requirements that we have established. To me, that is the natural outgrowth of the successful completion of the cold war.

So, for those reasons, Mr. President, I intend to support the enlargement of NATO. I believe that Poland, Hungary, and the Czech Republic are deserving allies and deserving members. I look forward to seeing the successful completion of this legislation during the next week.

Mr. WARNER. Again, I express my appreciation to the Senator from Delaware, the distinguished ranking member of the Foreign Relations Committee, for his very conscientious attention, along with Chairman HELMS, to this debate.

I pick up again in expressing the grounds for my opposition to the admission of these three nations, certainly at this time. I also am going to place in the RECORD a series of documents today because I think it is important that those following this debate from a distance have access to the RECORD of the proceedings of the U.S. Senate, and that the views of a number of persons that I and others think are worthy of attention be placed therein. I ask unanimous consent that a statement that appeared in the Washington Times on March 18 by Robert Dole, the former majority leader of the U.S. Senate, entitled "NATO Test of U.S. Leadership" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Mar. 18, 1998]

NATO TEST OF U.S. LEADERSHIP

(By Bob Dole)

For decades, the United States urged communist leaders to "tear down the Wall." Within the past 10 years, people of Eastern Europe have embraced liberty and undertaken major reforms in their economies and governments. Now the United States Senate should take the next step toward ensuring freedom and democracy for the people of Poland, the Czeck Republic and Hungary by ratifying the NATO enlargement treaty and inviting them to join us in NATO.

American leadership on NATO enlargement is important to our security as well as to the security of Eastern Europe.

At the Madrid Summit last July, President Clinton and the other NATO leaders unanimously decided to invite Poland, Hungary and the Czech Republic to become members of the alliance, culminating years of efforts by these countries to meet NATO's strict entry criteria. Last week, under the bipartisan leadership of Sen. Jesse Helms, North Carolina Republican, and Sen. Joe Biden, Delaware Democrat, the Senate Foreign Relations Committee overwhelmingly endorsed NATO accession legislation by a vote of 16–2. I hope the full Senate will follow suit without delay.

Two world wars began in Europe, and strife in Bosnia continues today. Expanding NATO to include Poland, Hungary and the Czech Republic will help ensure that new threats, such as ethnic struggles and state-sponsored terrorism, will be kept in check.

During the half-century that NATO has helped guarantee peace in Europe, it has added new members three times, including Germany, Greece, Turkey and Spain. Each addition made the Alliance stronger and increased its military capability. Affirming its military importance of NATO enlargement, 60 top retired U.S. officers—including Colin Powell and four other former chairmen of the Joint Chiefs of Staff, nine former service branch chiefs, and top combat leaders such as Gen. Norman Schwarzkopf—recently signaled their support of NATO enlargement. Their statement emphasized that the admission of Poland, Hungary and the Czech Republic will enhance NATO's ability to deter or defend against security challenges of the future.

What these military leaders and many other Americans understand is that no free nation has ever initiated a war against another democracy. Integrating the military, economic and political structures of Europe's newest stable democracies into the NATO alliance will help ensure that this remains true in the 21st century.

Let me take the opportunity to address four major concerns that critics have raised in this debate. First, some senators have engaged in a last-minute effort to postpone consideration of the NATO accession legislation. But members of both parties and both houses of Congress have already thoroughly examined questions surrounding NATO enlargement. The Senate Foreign Relations Committee alone has held eight hearings with more than 37 witnesses, resulting in 550 pages of testimony. The case has been made: NATO enlargement is in the interest of the United States. It is time to make it a reality.

Second, other critics in the Senate have suggested placing conditions on NATO expansion, thereby "freezing" enlargement for an arbitrary number of years. Like the administration, I oppose any effort in the Senate to mandate an artificial pause in the process. Such a move would send the wrong message to countries in both the East and the West, closing the door on current and potential new allies—and perhaps tying the hands of a future president.

Furthermore, freezing NATO's membership would create a destabilizing new dividing line in Europe. Currently, non-member European nations cooperate extensively with NATO through the Partnership for Peace Program. But if nations believe the ultimate goal of NATO membership is unattainable, any incentive to continue democratic reform will be substantially diminished.

The alliance's open door commitment, which has been supported by the United States, has been an unqualified success. The prospect of NATO membership has given Central European countries a strong incentive to cooperate with the alliance, strengthen civilian control of the military, and resolve longstanding border disputes. All of these advance U.S. interests. It would be a mistake to abandon a policy that is clearly achieving its objectives.

Third, some argue that NATO enlargement has hurt or will hurt cooperation with Russia, or may even strengthen the hand of hard-line Russian nationalists. This has not been borne out by the facts. Since the NATO enlargement process began, President Boris Yeltsin has been re-elected and many reformers have been elevated within the Russian government. Mr. Yeltsin pledged at the 1997 Helsinki summit to press for ratification of START II and to pursue a START III accord. The Duma also ratified the Chemical Weapons Convention and President Yeltsin signed the NATO-Russia Founding Act, creating a new, constructive relationshp with the West.

The world has changed. The debate over NATO expansion cannot be recast as an extension of the Cold War. I believe imposing a mandated pause in NATO's engagement would appear to give Russia a veto over NATO's internal decisions, contrary of NATO's stated policy, and would strengthen Russia extremists by enabling them to claim that their scare-tactic objections swayed the world's most powerful military alliance.

And last, some skeptics would rather allow the European Union (EU) to take the lead in building Central and Eastern Europe's economic and security structure. But with due respect, NATO, not the EU, is the cornerstone of European security, which is vital to our own.

As the Senate considers this legislation to allow Poland, Hungary and the Czech Republic to complete their journey from communist dictatorship to NATO membership, we should consider the words of Czech President Vaclav Havel:

"The Alliance should urgently remind itself that it is first and fore-most an instrument of democracy intended to defend mutually held and created political and spiritual values. It must see itself not as a pact of nations against a more or less obvious enemy, but as a guarantor of EuroAmerican civilization and thus as a pillar of global security."

NATO protected Western Europe as it rebuilt its war-torn political and economic systems. With Senate approval of NATO enlargement, it can, and should, provide similar security to our allies in Central and Eastern Europe as they re-enter the community of free nations.

This is no time to postpone or delay action. It is time to act so that other NATO member countries can move ahead with ratification knowing the United States is leading the way.

Mr. WARNER. Mr. President, it is clearly an endorsement of the present legislation by one of our most revered and respected former Senators, whose wartime record and whose record in many other endeavors places absolutely no question about his knowledge and background to make such an important contribution as embraced in that article.

Likewise, Mr. President, appearing in today's Washington Post under the byline of Jim Hoagland, an article entitled "Foreign Policy by Impulse." I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post]

FOREIGN POLICY BY IMPULSE

(By Jim Hoagland)

The U.S. Senate is moving in haste toward a climactic vote on NATO expansion, a foreign policy initiative that defines the Clinton administration's approach to the world as one of strategic promiscuity and impulse. The Senate should not join in that approach.

Foreign policy is the grand abstraction of American presidents. They strive to bargain big, or not at all, on the world stage. They feel more free there than they do at home to dream, to emote, to rise or fall on principled positions, or to stab others in the back at a time of their choosing.

More able to ignore the niggling daily bargains that blur and bend their domestic policies, presidents treat foreign policy as the realm in which they express their essence and personality most directly.

Think in a word, or two, of our recent presidents and U.S. foreign policy in their day: Johnson's word would be overreaching. Nixon, paranoid. Carter, delusionally trusting. Reagan, sunnily simplistic. Bush, prudent technician.

NATO expansion is the Clintonites' most vaunted contribution to diplomacy, and they characteristically assert they can have it all, when they want, without paying any price. Do it, the president told the Senate leadership Monday in a letter asking for an immediate vote. Others will later clean up messy strategic details such as the mission an expanded NATO will have and who else may join.

Sound familiar? Yes, in part because all administrations advance this argument: Trust us. This will turn out all right. Russians will learn that NATO expansion is good for them. The French will not be able to use expansion to dilute U.S. influence over Europe, try as they may. This will cost American taxpayers only a penny or two a day. And so on, on a number of debatable points that I think will work out quite differently than the administration claims.

But there is also a familiarity of style here distinctive to this president and those closest to him. And why not? The all-embracing, frantic, gargantuan life-style that has allowed those other affairs of state—the Lewinsky, Willey, Jones allegations—to become the talk of the world (justifiably or otherwise) also surfaces in major policy matters. The Senate vote on NATO is not occurring in a vacuum.

Life is not neatly compartmentalized. The paranoia and conspiracy that enveloped the Nixon White House manifested itself in the bombing of Hanoi and the overthrow of Chilean President Salvador Allende as well as in Watergate. The Great Society and Vietnam were not conflicting impulses for Lyndon Johnson, as is often assumed, but different sides of the same overreaching coin. The lack of perspective and deliberation apparent in the handling of NATO expansion is apparent elsewhere in the Clinton White House.

On the issue at hand, the White House is urging the Senate to amend the NATO charter to admit the Czech Republic, Hungary and Poland. Majority Leader Trent Lott responded to Clinton's letter by saying he would schedule a vote in a few days, despite appeals from 16 senators for more, and more focused, discussion.

Clinton opposes any more debate, even though he has not addressed the American public on this historic step and even though there is no consensus in the United States or within the 16-member alliance on the strategic mission of an expanded NATO or on its future membership.

A new "strategic concept" for NATO will not be publicly reached until April 1999, when it is to be unveiled at a 50th anniversary summit in Washington. When Secretary of State Madeleine Albright recently said in Brussels that NATO would evolve into "a force for peace for the Middle East to Central Africa," European foreign ministers quickly signaled opposition to such a radical expansion of the alliances's geographical area of responsibility.

And Albright's deputy, Strobe Talbott, surprised some European ambassadors to Washington last week when he gave a ringing endorsement to the possibility of eventual Russian membership in NATO, an idea that divides NATO governments and which the administration has not highlighted for the Senate.

"I regard Russia as a peaceful democratic state that is undergoing one of the most arduous transitions in history," Talbott said in response to a question asked at a symposium at the British Embassy. He said Clinton strongly supported the view that "no emerging democracy should be excluded because of size, geopolitical situation or historical experience. That goes for very small states, such as the Baltics, and it goes for the very largest, that is for Russia." This is a message that Clinton has given Boris Yeltsin in their private meetings, Talbott emphasized.

"This is a classic case of never saying never," Talbott continued. "If the day comes when this happens, it will be a very different Russia, a very different Europe and a very different NATO."

How different, and in what ways, is worth discussing before the fact. The Clinton administration has not taken seriously its responsibility to think through the consequences of its NATO initiative and to explain those consequences to the American people. The Senate needs an extended debate, not an immediate vote.

Mr. WARNER. Mr. President, I will refer in my remarks to a Congressional Budget Office report released March 17, addressed to the chairman of the Foreign Relations Committee, regarding the Congressional Budget Office cost estimate, a new cost estimate, on NATO expansion as proposed by the underlying treaty.

Mr. President, I ask unanimous consent that this report be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. WARNER. Now, Mr. President, as we all know, the President has announced his goal of welcoming these first three nations into NATO to mark the alliance's 50th anniversary, scheduled for April 4 of next year. Several weeks ago, the President submitted to the Senate the Protocol to the North Atlantic Treaty on the Accession of Poland, Hungary, and the Czech Republic. For the United States, under the "advise and consent clause" of our Constitution, two-thirds of this body must give their concurrence to the President's request. Likewise, the new admissions must be agreed to by the other 15 nations in NATO. Presently, Canada, Denmark and Norway have, in their respective Parliaments, ratified these Protocols.

If the Senate agrees, this would be the first of perhaps many expansion rounds to include the nations of Central Europe and some of the nations of the former Soviet Union. Twelve nations have publicly expressed a desire to join the current 16 that comprise NATO.

As I said yesterday—and I don't desire to be dramatic—I do believe this replaces, symbolically, the Iron Curtain that was established in the late forties, which faced west, with now an iron ring of nations that face east to Russia. That causes this Senator a great deal of concern. I have previously expressed my concerns here. I did so again today in the Senate Armed Services Committee, and I was joined in my observations on the floor yesterday by my colleague, the senior Senator from New York, who pointed out that such an iron ring, extending from the Baltics down to the Black Sea, would, in effect, take a present part of Russia and place it behind that iron ring. I refer my colleagues to the remarks of the senior Senator from New York of yesterday.

In evaluating this issue of NATO expansion, I start from the basic premise that NATO is, first and foremost, a military alliance. It is not a political club, it is not an economic club; it is a military alliance to which members have in the past—I repeat, in the past—been invited because they were able to make a positive contribution to the overall security of Europe and to the goals of NATO as laid down by the founding fathers some nearly 50 years ago.

Nations should be invited into NATO only if there is a compelling military need for additional members, and only if those additional members will make a positive military contribution to the alliance. That case, in my opinion, has yet to be made persuasively with regard to Poland, Hungary, or the Czech Republic. NATO has been, is, and will remain, with its present membership, the most valuable security alliance in the history of the United States, if not the history of the world. It has fulfilled, it is continuing to fulfill, and will fulfill the vital role of spearheading U.S. leadership on the European continent.

Twice in this century American troops, in World War I and World War II, have been called to leave our shores and go to Europe to bring about the cessation of hostilities and to instill stability. That is NATO's principal reason for being, for which we now have that military presence in Europe today. It justifies an American voice on the continent, which history dictates is essential to maintain stability. My concern is, that U.S. military presence could be jeopardized by the accession of these three nations at this time. My reason for expressing this concern goes back in the history of this Chamber, when the distinguished majority leader at one time, Senator Mansfield, beginning I think in about 1966, came to the floor repeatedly over a period of 7 over 8 years urging colleagues to bring down the number of U.S. troops in Europe. And, indeed, in that period we saw the beginning of a force reduction, where today there is the phasedown from 300,000 to 100,000.

Harry Truman, distinguished President of the United States—and, in my judgment, one of the greatest in the history of this country—cited NATO and the Marshall Plan as the two greatest achievements of his Presidency. NATO has unquestionably surpassed all of the expectations that President Truman had, and those associated with him, in founding this historic alliance.

There is an old axiom: "If something has worked well, is working well, what is the compelling reason to try and fix it?" The burden of proof, in my judgment, is on those who now want to change this great alliance.

American leadership has been, is, and always will be essential to Europe. History has proven that principle beyond any reasonable doubt. Now a heavy burden falls on those who support expansion—indeed, the Commander in Chief of our Nation, the President—to carry that burden through and to place before the American people a convincing argument that this alliance must be substantially changed by the admission of three new nations. And I predict, without any hesitation, the beginning of accessions periodically of other nations, perhaps to the point where 12 would join with the current 16.

It is for that reason that I have filed with the Senate an amendment to require a moratorium of 3 years on future accessions, should it be the judgment of this body by a vote of two-thirds of the Senators to accede these three nations under this treaty. If this first round is approved, then I want in the resolution of ratification accompanying this protocol a limitation on this Nation not to involve itself in the accession of further nations for a period of 3 years. I do that because we don't know what the costs are of this first round. I will allude specifically to that momentarily. We don't know how quickly these three new nations can bring themselves up in terms of military interoperability with NATO forces today, in terms of other military standards, and how long it will take them to be a positive, full partner with NATO and not be what I would regard as a user of NATO security in that period of time until they can bring themselves up militarily to NATO standards.

And, most importantly, given the significance of this treaty, why should we not let an important decision, should that be the result of two-thirds of our Members, for accession of these three nations—why should we not patiently wait 3 years so that the next President of the United States, whoever that may be, can have a voice to express his or her view that the vital security interests of this country dictate further accessions, or that the pause should continue for a period of time? I think we owe no less to our next President, who will be faced with a substantially different set of conditions, particularly, in my judgment, as it relates to Russia.

I have great doubts that this burden of proof can be met in such a way as to prove that NATO expansion now is "vital" to America's national security interests, present or future. For nearly 50 years, the NATO alliance unquestionably has been vital to our security interests. To me, "vital" means that we will put—I want to speak very slowly and clearly—that we will put at risk life and limb of the young men and women who proudly wear the uniforms of the United States Armed Forces, our troops, as they are called upon to protect any member nation of NATO. We make that commitment today to the other 15. Now, if adopted, this treaty pushes the boundary of NATO another 400 miles towards Russia, taking on hundreds and hundreds of square miles of new territory. That is what we must focus on—our young men and women who wear the uniforms and who will be deployed for our contribution to the NATO force.

Up front, this administration must explain to Americans that any country joining NATO will be extended protection of article V of the NATO treaty. That article V states: "An armed attack against one or more of them in Europe or North America shall be considered an attack against them all"—which means we put at risk our people who are sent as a part of the overall NATO force, along with their comrades, soldiers and sailors and airmen of the other nations.

This is the most solemn commitment our Nation can make, particularly as NATO is in a transition phase now, performing a vital mission in Bosnia, a mission that was never envisioned under the original charter with clarity. I think the charter conceivably can be interpreted, as it has been, to embrace this type of mission. What about the next mission, and the next mission, and the next mission? What about border disputes between the two nations, three nations, and their neighboring countries? What about ethnic strife? What about religious strife?

All of these problems are now manifesting themselves throughout this area as these nations struggle to accede to democracy in the former Warsaw Pact and other places in the world, and it is a NATO force that is looked to, to come to the rescue. Bosnia is a case in point.

It is incumbent on the administration next year and the year after to face up to the request of some nine other nations at the moment who express a desire to join. If Congress is to concur now, it will have to justify to the American people, first, the extension of article V to these three nations, followed by perhaps as many as nine nations in the years to come.

Let's step back. In the 19 years that I have been privileged to serve in this Institution, I have participated in all of the debates regarding the deployment of our troops. But I will bring one to mind, and that is Somalia.

I was strongly in favor of President Bush deploying our forces in the cause, not so much because of the vital security interests of the United States, but for our troops to allow the measure of protection needed to distribute food and medicine and other benefits to a starving people, people who are deprived of food as a consequence of a series of droughts and civil strife in that country.

Senator LEVIN and I wrote a very detailed report on behalf of the Armed Services Committee, which traces the entire history of that operation from the first day that the troops landed under President Bush as Commander in Chief to the troops withdrawing under President Clinton. And that mission went through a series of transformations, transformations that were not carefully observed by the Senate or, indeed, the Congress.

There came a time when our mission involved what we would call "nation building," and our troops were deployed in a combat role to try and achieve the goal of nation building. And we all know the tragedy that ensued when one of those missions resulted in the death of 17 or 18 and the wounding seriously of 70-plus other brave soldiers. We recall very well the absolute tragic abuse of the body of one of those brave Americans. This country rebelled. This Chamber rose up in contempt of what we saw before us, and the call was to bring them home—bring them home right now. And I felt that the decision having been made by one President followed up by a second President to deploy those troops, the decision as to when to bring them home should be made pursuant to the Constitution of the United States by the Commander in Chief, the President. I was among those Senators who said let the President make the decision rather than the Congress as to when to bring them home. But the Congress reflected the sentiment across America.

I point this out to illustrate what I call the limited staying power of this country today. It is far different from what we saw in World War II, far different from Korea. But we saw the manifestations beginning in Vietnam—the limitation on the staying power to continue to accept casualties and losses by this country unless it is manifestly clear that those losses, be it their death or injury, are clearly identified with the vital security interests of the United States of America. I forewarn that with this expansion, our troops committed to NATO someday could be involved in missions which, in my judgment, would be very, very hard to justify as being in the vital security interests of this country, and at that point in time our Nation might focus on the continued contributions, be it financial or manpower, to NATO. And underlying that is the question of the possibility of once again America's presence in Europe, through its NATO association, being challenged by the American public.

I see the Senator from Delaware. I will be happy to take a question at any time.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, earlier my friend and colleague, the Senator from West Virginia, described the ring we were putting into Europe. I observe that within that ring there would be a portion of the Russian nation. Here is the map.

Mr. WARNER. From the Baltics down to the Black Sea, which face east.

Mr. MOYNIHAN. This is Kaliningrad right here, cut off from Russia by Lithuania, Belarus, and Latvia.

I would like to make a point that the Russians have already asked for passage through Latvia and have not received it.

One point about the proposal of the Senator from Virginia to have a pause before further expansion. Last December, the Woodrow Wilson National Center for Scholars had a conference on NATO enlargement, and there was just this one passage that struck me by a Finnish scholar Tiiu Pohl. She said, "In 1994, the Friedrich Ebert Stiftung of Germany organized a study of the Russian military elite to find out whom they considered to be enemies of the state. The results of the research showed that Latvia was named most frequently, by 49 percent of the respondents. Latvia was followed by Afghanistan, Lithuania, and Estonia. After Estonia came the United States."

Sir, we are walking into historical ethnic and religious enmities. Catholics here, Orthodox here, and Lutheran here. We have no idea what we are getting into.

I thank the Senator.

Mr. WARNER. Mr. President, I thank my scholarly friend, the senior Senator from New York for his valuable contribution. I think the Senator's point, if I might rephrase it, is those potential disputes grounded in ancient civilizations and ancient religions can and do burst open today and result in conflict into which the Armed Forces can be dragged. What better example than Bosnia.

Mr. MOYNIHAN. Under Article 5 of the North Atlantic Treaty, we would march our troops right up the Volga.

Mr. WARNER. I thank my friend.

Mr. BIDEN. Mr. President, I find this absolutely astounding. Are my friends suggesting that the Russians were justified in marching into Latvia, Estonia, and Lithuania and annexing them in the name of preventing a ring from surrounding them? What in Lord's name are we talking about? No. 1.

No. 2. I have the map, and I am looking at the map. I am trying to figure where the ring is. But let's assume it is a ring. It seems to me, if it is a ring, it is a ring of freedom, a ring of freedom that tolls out and says anybody who wants to have it put on their finger can join and work it out, including Russia.

And Kaliningrad is a port, but if you look at the Kola Peninsula at the top of that map, which is considerably more armed, including with nukes, than Kaliningrad is, it happens to have shared for the last 40 years a border with a NATO country called Norway, about the same length of mileage.

Now, look, this is a bit of a red herring, as we used to say when you practiced law or in law school. What is this ring? We are not talking about Latvia, Lithuania, and Estonia or Belarus or Ukraine or Romania now. That is not part of the debate today.

Now, if my friends are saying anyone who votes for expanding NATO to include Poland, the Czech Republic, and Hungary are tying this noose around the Russian neck, this iron ring, well, then, I don't quite get it. But if they are saying that if you vote for these three you must be saying you are going to vote for all 12 or 15 or whatever, well, then, that is not how it works. That is a fight for another day.

But I find this notion that Kaliningrad, which was awarded, if you will, to Russia after World War II, that subsequent to that the Russians were justified—they didn't say this; I am saying this—that the Russians were justified to assure that they could have access to this piece which was separated from their otherwise—we call them the contiguous 48—separated from their historic border, that they were justified in taking the freedom of the Lithuanians so they could have access, the Lithuanians are somehow out of line because they will, based on some notion of, apparently, religion or some just international pique of some kind, not allow Russian troops to march through their country and that makes them bad guys—the same troops that subjugated them for the last four decades. I don't find that a religious concern. I do not understand how that somehow makes the Lithuanians a little bit shaky. These are the people who for 40 years subjugated them, took away their national identity. And now just 7 or 8 short years after the wall is down they are somehow the bad guys because they will not allow Russian divisions to march from Kaliningrad to Moscow. Oh, my goodness.

And the other argument I am finding fascinating, the solemn commitment—it is a solemn commitment—we make if, in fact, we find ourselves saying that another member can join, we make a solemn commitment to them just as we did Germany, and the comparison is made between Poland and Somalia. We had no staying power in Vietnam and Somalia. I would respectfully submit that Vietnam and Somalia are not Central Europe; they are not Poland; they are not Hungary.

Implicit in the statement is if, in fact, tomorrow or the next day or the next year or the next decade someone invaded Poland again, we would, like the French, stand there with our thumbs in our ears and not respond, then I say we really have lost the meaning of what it means to be an American. That is what Europe did. They refused to make a solemn commitment to Poland. Then when they did make it, they broke it.

What I find an incredible leap here is, what commitment are we making in NATO that I hope every Senator on this floor would not make absent Poland being part of NATO? Is someone suggesting to me tomorrow—and this is not a possibility realistically, but if Russia decided to put 40 divisions back in Poland and the Senator from Oregon, presiding, stood up and said, "We should respond," what do you think would happen on this floor? Well, I hope to God what would happen on this floor would not be what happened in the British Parliament, what happened in the French legislature, what happened in the other capitals of Europe. I hope we would not say, "Oh, my goodness, no; maybe they have a historic right. Oh, my goodness, let's think about it. We will be making a commitment that is awful. Oh, my goodness, this is a dilemma."

What is the dilemma? What is the dilemma? Or Hungary. By the way, I happened to notice on the map, I don't know that anybody is talking about Ukraine, including Ukraine. I don't know that anybody is talking about Belarus, including Belarus. I don't know that anybody is talking about Slovakia, including Slovakia as being members of NATO now or in the near term. It seems to me they somehow sit between that iron ring and that noble emerging democracy of Russia.

Look, I guess the thing that sort of got my goat a little bit here is that Americans do not have staying power. What they are really talking about is the Senator's generation and mine, Mr. President, that we do not have staying power. I will tell you about the staying power. The staying power of my friend's generation was real, but it was enviable because they didn't have to doubt whether or not what they were doing was saving the world. They didn't have to doubt whether or not what they were doing was, in fact, literally preserving the freedom of their wives and children back home in the old U.S.A. They didn't have to doubt that they were out there fighting one of the most miserable SOBs in the history of mankind.

But my generation went full of doubt and still went—and still went—never once having the solace of knowing the malarkey we were being fed about Vietnam approached the truth of what their generation was fed about Nazi Germany and fascism in Europe. But they went. I don't doubt the staying power of the American people. I doubt the wisdom of our leadership in the places we have asked them to stay. But if this implies that if there were—and there is no realistic prospect of this—but if there were an invasion of Poland or Hungary or the Czech Republic, not a border dispute, an invasion, that we would not respond, that we would have to think about it, that there is any substantive difference today——

Mr. WARNER. Mr. President, if I might——

Mr. BIDEN. Between the invasion of Warsaw and the invasion of a former East German city, Dresden, what is the substantive difference?

Mr. WARNER. Mr. President, I would like to reply to the Senator.

Mr. BIDEN. I will yield in just 2 seconds.

Mr. WARNER. Mr. President, it happens to be my floor.

Mr. BIDEN. I yield then. I am sorry. I thought the Senator yielded.

Mr. WARNER. Go ahead.

Mr. BIDEN. It just confuses me.

Mr. WARNER. Go ahead and finish up.

Mr. BIDEN. I am finished. It seems to me this iron ring is no ring at all, the notion that Kaliningrad is somehow going to be isolated relating to expansion. It is already isolated because of the place called Lithuania. The only answer to the lack of isolation is Lithuania limiting their sovereignty. That is the only answer. There is none other. Nobody can get from Kaliningrad to Russia through Poland. They are not trying to get there that way. This is about Lithuania when you talk about Kaliningrad. And the commitment being made to Poland and the Czech Republic and to Hungary, I hope we would make whether or not there was a NATO to which they would join.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I say in a very calm way, I listened carefully to my colleague. I take to heart what he has said. And I think it is very important. I don't question his generation in Vietnam. It was my privilege to be in the Pentagon at that point in time with the Department of the Navy. I went out across the country, spoke at the campuses, watched the extreme objection by his generation and, in hindsight, there was a lot of merit to that objection.

I remember very well Secretary of Defense Melvin Laird, under whom I served as Secretary of the Navy, saying, we have to figure out how to withdraw the United States from Vietnam. That is history. But in World War II, during which I served a modest period at the very end, and my colleague from New York, a somewhat longer period, our generation marched off under the old refrain, "Ours is not to reason why, ours is but to do or die." We simply went, never questioned it. And as the Senator from Delaware said, there was greater clarity as to the enemy, the cause, and we had absolutely magnificent support on the home front.

When I returned from Korea, then serving in the Marines for a short period of time, there was a marked difference between the attitude in America for the returning veterans of Korea and the veterans of World War II. And then during the Vietnam war we all know full well the turmoil on the home front and the difficulty with which the brave young men and women who fought in that battle wearing the uniform of the United States had to cope with not only in battle in Nam but regrettably a battle of a different form at home.

But I say to my friend, staying power in this Senator's mind is an important point, and that is why I brought it up because we no longer have the attitude: ours is not to reason why, ours is but to do or die. Every person in uniform reasons today. I don't suggest they question the orders, but they reason. The people at home reason. They want to know with clarity as to what the mission is, and whether or not it is in our vital security interests.

I remind my good friend of the debate that took place on this floor before the Persian Gulf war. It was my privilege to have written the resolution authorizing the use of force in 1991, after President Bush had put in place, in the gulf, 500,000 American troops, had formed a coalition of 30-plus nations, and we were ready to do battle with Saddam Hussein, who had invaded Kuwait and perpetrated acts of criminal warfare that we had not seen for some period of time.

Kuwait was aflame, the streets littered with the debris of war. In this Chamber we had an excellent debate as to whether or not we would allow the President of the United States to use force by the men and women already in place to repel that invasion. It went on for 2½ days. And by a mere five votes, only a five-vote margin, did this Chamber agree with that resolution. How well I remember that event.

Mr. BIDEN. Will the Senator yield for a short question?

Mr. WARNER. Yes.

Mr. BIDEN. As calmly as I can say it, I guess the point I am trying to make is, it seems to me we should compare apples and apples and oranges and oranges. Does the Senator believe there is any more or less support on the part of the American people to defend Dresden than there is Warsaw? To defend Budapest than there is Florence? To defend any one of the countries that we are talking about, their cities, than any other European city? It seems to me that is the question. If we would not go, if we cannot get American staying power to defend Poland, then I respectfully suggest we cannot get American staying power to defend Germany.

I would think, in America, if you ask for a show of hands, so to speak, on a question of whether we should defend anybody—but the reasonable comparison was these NATO nations that are seeking admission versus NATO nations that are already in. To compare this to Iraq, with all due respect, is comparing very different things.

By the way, five votes were a close call. But in my father's generation it was one vote that allowed the draft. The British had already been pushed into the English Channel, all of Europe had already been conquered, Jews were already being slaughtered, and there were not a lot of people walking off this floor, or any other floor in this generation or any other generation, raising their hands to join. It was only after Pearl Harbor. I don't say that critically; I say that as an observation, a statement of history, historical fact.

So, this notion that the staying power in Somalia or even in the gulf should be equated to the staying power that would or would not exist in Poland, the Czech Republic or Hungary, I think is comparing two different things. I think the most appropriate comparison would be—and you may be right, Senator, that there is no staying power—but the staying power we would have to defend Germany, the staying power that we would have to defend Turkey, I will lay you out 8 to 5, you take the bet, if you took a poll in the United States of America and said you must send your son or daughter to defend one of the two following countries, Poland or Turkey, I will bet my colleague a year's salary they will say "Poland."

I will bet you a year's salary, and that is all I have. I have no stocks, bonds, debentures, outside income. I will bet you my whole year's salary. You know I am right. As Barry Goldwater would say, "you know in your heart I'm right."

So, if there is no staying power for Poland there sure in heck is none for Turkey.

Mr. WARNER. Mr. President, I brought this up because this Senator feels differently. I think the American people in their heart of hearts want to go to the defense of human beings wherever they are in trouble in the world, irrespective of race, color or creed. But they must apply a standard because it is their sons and daughters who go, and that standard should always be: Is that deployment and risk of life in the vital security interests of our Nation and/or our allies? The NATO treaty, as it has been drafted and utilized these nearly 50 years, has had clarity on that point. We have now gotten involved in an internal conflict in Bosnia, and we thank the dear Lord that we have not experienced in that ravaged nation the casualties that could have come about. And the staying power of the American people, had we experienced over the past year a considerable number of casualties—I am not certain what that staying power would have been. I really am not certain. But I want to make it very clear it is the vital security interests that should always underlie any deployment.

I brought in Somalia because I was greatly disturbed by the debate. Some of my most respected colleagues said, "Bring them home tomorrow," irrespective of the President's, the Commander in Chief's prerogatives to decide when to deploy and when to bring troops back, absent the Congress of the United States speaking through its power of the purse. I think we should always defend that executive prerogative.

So my concern is just to raise the article 5 commitment clearly, that "an attack on one is an attack on all," and away we go. And now, as we are broadening the basis for NATO military actions, as we have in Bosnia, to involvement in a clear, historical conflict rooted in the diversity of religions and ethnic differences, we have to be ever so careful, as we add nations into the NATO alliance.

At the conclusion of this colloquy I would like to have printed in the RECORD, jointly with my distinguished colleague from New York, one of the most erudite pieces I have ever seen written on the debate we are now having, "Expanding NATO Would Be the Most Fateful Error of American Policy in the Entire Post-Cold-War Era," by George F. Kennan. I know my distinguished colleague has a great deal of respect for the author of this article.

I have a number of serious concerns with the policy of NATO expansion that I would like to address today. Among these concerns are the impact of expansion on NATO's military capabilities; the cost of expansion to the United States; the role expansion will play in the economic competition currently underway in Central Europe; and the impact of expansion on U.S.-Russian relations.

Keeping in mind that NATO is fundamentally a military alliance, we must ask this question—Will Poland, Hungary and the Czech Republic be able to contribute to the security of the Alliance, or will they be net consumers of security for the foreseeable future? In other words, what's in it for NATO? Even by its own estimates, NATO is working with a ten-year time line for the cost of NATO expansion which indicates NATO is planning on at least a decade of modernization efforts before these three nations can "pull their weight." That's a long time to extend a security commitment with little or no "payback."

We must also keep in mind that once these three are admitted to NATO—if indeed that does happen—there would be 19 nations, not just the current 16, that must agree before NATO could act on any issue. As we all know, NATO acts only by consensus. The more nations that are added, the harder that consensus will be to achieve. If NATO expands much further, we are in danger of turning this fine Alliance into a "mini-U.N.," where all action is reduced to the lowest common denominator.

What are the monetary costs involved in expansion? Well, at this point, it's anyone's guess. The cost estimates on NATO expansion have ranged from a low of $1.5 billion over 10 years (NATO estimate), to a high of $125 billion over the same time frame CBO original estimate. I expect that the truth lies somewhere in between these two extremes—only time will tell. What will be the U.S. share of this expansion bill? Will our current allies pay their fair share? As we evaluate these questions, we must keep in mind a couple of facts: our European allies have traditionally spent less on defense as a percentage of GDP than we have, and they are all currently in a period of reducing their defense forces.

Is this a time when it is realistic for us to assume that our allies will increase their defense spending for the purpose of expanding the Alliance? The French have certainly made their position clear on this issue. They simply will not increase their contributions to NATO for the purpose of expansion. According to French President Jacques Chirac, "France does not intend to raise its contribution to NATO because of the cost of enlargement. We have done our own analysis and we concluded that enlargement could be done at no additional cost, by re-directing funds and making other savings." This is not the type of attitude we need from our allies at a time when we are contemplating a major new commitment, which will involve substantial costs.

I am also greatly concerned about the economic aspects of NATO expansion. In my view, the greatest threat to the nations of Central Europe today is the struggle for economic survival. These nations are all competing for previous foreign investment as they struggle to rebuild economies devastated by decades of Communist rule. If we grant NATO membership to three of these nations, those three will gain a tremendous advantage in this fierce economic competition. They will be able to advertise that foreign investment will be safe in their nation—it will be protected by the NATO security umbrella. What type of resentment will this breed between the NATO "haves" and "have-nots?" Will this encourage conflicts into which NATO will be obligated to intervene on behalf of Poland, Hungary or the Czech Republic? Again, only time will tell.

And what of the impact of NATO expansion on U.S.-Russian relations? We all know that Russia is not happy with the expansion policy. They have grudgingly accepted the first round, but will clearly be strenuously opposed to future rounds which move NATO's border even farther eastward. While I do not believe that we should allow Russia to dictate U.S. policy on issues which we regard as vital to our national security, I also do not believe that we should unnecessarily antagonize the only nation with the nuclear capability to destroy our nation. The Administration readily admits that there is no foreseeable military threat to Poland, Hungary and the Czech Republic. If that is the case, what is the rush to expand the Alliance? Wouldn't it be more important to the national security interests of the United States to first deal with the Russians on issues such as the further reduction of nuclear weapons and the control of the proliferation of weapons of mass destruction before we worried about changing an Alliance which is currently functioning without problems?

To continue as the leading nation in NATO, we must have the American people solidly behind our President, our committed troops. It was not so long ago—back in the 1960s and 1970s—that Majority Leader Mike Mansfield annually sponsored legislation calling for a reduction in the U.S. military presence in Europe. Those debates continued into the 1980s during a peak of the cold war. I fear we could see a return of these annual calls to reduce our commitment to NATO if the American people become disillusioned with an expanded NATO.

This nation will continue to engage in a comprehensive debate on this issue over the years to come, but next week the Senate will be asked to vote on NATO membership for Poland, Hungary and the Czech Republic. The American people must be convinced that the protection of these new NATO member nations is worth the sacrifices of life and economy—in our "vital" security interest.

If that case is not made, the staying power of the American people is sure to wane were a dispute to arise involving the new NATO nations. And the support of the American people for NATO itself, which has been the pillar of U.S. national security policy in Europe since the end of World War II, could be threatened. That would be the greatest tragedy of all.

I am not willing to take that risk. I will vote against ratification when the Senate is asked to cast its vote on the resolution of ratification.

I am going to momentarily conclude my remarks. But I want to cover the important hearing of the Armed Services Committee today. We had former Secretary of Defense Perry; Ms. Susan Eisenhower, the daughter of Colonel John Eisenhower, and the granddaughter of our distinguished former President; William Hyland, a man who has had many, many years of professional association in foreign policy; and William Kristol, who is a noted commentator on very many issues, particularly security issues.

I want to read part of the testimony given by Ms. Eisenhower. She recites an important part of contemporary history on this issue.

> In 1991, a distinguished bi-partisan panel of 26 current and former government officials offered recommendations for the post-Cold War security environment in a booklet published by the Johns Hopkins Foreign Policy Institute/SAIS. Titled, "The United States & NATO in an Undivided Europe," the report outlined the remarkable series of changes that had recently taken place and focused on NATO's future role in assuring that "Europe is truly 'whole and free.'" The NATO alliance would require reform and downsizing to "a small, but militarily meaningful number," they said, along with the capability for a future "redeployment of U.S. combat troops in the event of crisis." But they asserted, "The Alliance should reject proposals to expand its membership by including east European nations."

That is rather interesting. There is another paragraph.

> Obviously such an extension of the Alliance's area of responsibility would be perceived by the Soviets as threatening and as a repudiation of Mikhail Gorbachev's aim to build a "common European home," the justification for his voluntary relinquishment of the USSR's previous hold on Eastern Europe.

Then I skip to a final paragraph:

"Among the twenty-six signatories were Senators Sam Nunn and Bill Bradley, as well as Generals Andrew Goodpastor and William Y. Smith. But the document was also signed by our current Secretary of Defense, William Cohen, along with Zbigniew Brzezinski, Peter Rodman,"—who spoke before a group here in the Senate yesterday and with whom I debated before the Council on Foreign Relations in New York City on Monday—"Helmut Sonnenfeldt and Norm Augustine, all of whom have since done an about-face and are outspoken advocates in favor of expanding the alliance."

It is very interesting. In the course of this debate, I and others will point out where not more than 8 or 9 years ago there was serious opposition in many circles of Government to the very thing that we are espousing in this treaty.

I conclude by referring to an article in the New York Times, which I will ask unanimous consent to have printed in the RECORD of today's colloquy. October 21, 1997, the article was jointly written by Warren Christopher, former Secretary of State, and William J. Perry, former Secretary of Defense, who testified before us today. I will read a paragraph attributed to both.

> And what should the alliance do about other countries seeking admission? It should remain open to membership to all states of the Partnership for Peace, subject to their ability to meet the stringent requirements for admission. But no additional members should be designated for admission until the three countries now in the NATO queue are fully prepared to bear the responsibilities of membership and have been fully integrated into the alliance military and political structures.

Mr. President, Dr. Perry today implied that would take years. The NATO cost report itself indicated that would take years. That is the very reason that my distinguished colleague from New York and I have put in our amendment, as an insurance, should this body go forward with this treaty and the three accessions, that there be a period of 3 years within which the United States of America can examine the cost, examine the ability of new nations to measure up to NATO standards and make a positive contribution to the objectives of NATO. And I add, of course, I think the next President is entitled to the strongest of voices on the issue of further accessions.

Mr. President, I now ask unanimous consent the material to which I referred be printed in the RECORD, and I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Newsday]

EXPANDING NATO WOULD BE THE MOST FATEFUL ERROR OF AMERICAN POLICY IN THE ENTIRE POST-COLD-WAR ERA

(By George F. Kennan)

The U.S. Senate seems poised to make that error.

In the next few weeks it is expected to approve an amendment to the NATO treaty that would add Poland, Hungary, and the Czech Republic to the defense alliance. It is potentially a mistake of historic proportions.

Despite the warning of Ambassador George Kennan, one of the most respected foreign-policy thinkers of the century; despite the reality that there has been little substantive debate; despite the admission by many senators that the more they learn about the consequences of enlarging NATO, the more doubtful they become about its merits; despite the widespread distrust of the administration's estimate of what enlargement would actually cost American taxpayers; despite the lack of compelling national interest, the Senate seems ready to plow ahead.

Why? Part of the answer is that in this post-Cold War period, foreign policy has become a second-level, even a third-level interest, in Washington. Nobody has been paying that much attention. It is inconceivable that such a war-and-peace issue would have received so little attention during the Cold War. But now many senators admit they are just beginning to focus on this question. New York's Alfonse D'Amato said last week that the more he has learned about the issue the more troubled he is about it. He no longer sees it as an open-and-shut case.

But there are many other reasons for the Senate's dogged march toward approval. One is politics. There are organized ethnic interest groups lobbying for NATO enlargement, while those who oppose it cannot exert a counterbalancing political force. Another is that the Clinton administration, led by Secretary of State Madeleine Albright, has committed the nation's prestige to enlarging NATO and many senator fear—falsely in our opinion—that it is too late to turn back now. Documents have been signed, promises have been made. But the U.S. Constitution requires that the Senate approve treaties by a two-thirds vote. More damaging than turning back now would be to move ahead arrogantly and blindly.

Still another factor is a belief by some that the only way to maintain the U.S. military presence in Europe and bring stability to Eastern Europe's new democracies is to expand NATO's security blanket there. They believe the vacuum created by the fall of the Soviet Union must be filled by the West. And finally, another reason is the visceral anti-Russian feeling that still exists in this country, post-Cold War, * * * Soviet Union. The attitude is that the Russians can't be trusted and this will make it clear that the Iron Curtain will never again be drawn across Eastern Europe.

THESE QUESTIONS MUST BE FACED

But while some of that thinking is explicable, it doesn't stand up to the tough questions that must be asked about NATO expansion:

For instance, if the purpose of post-Cold-War foreign policy is to bring the former Soviet bloc nations into a united Europe, why do it through a military alliance instead of a political-economic alliance designed for the future of Europe, namely the European Union? NATO, by its very nature if threatening to Russia.

For instance, if NATO expands to include these three countries, what is the next step? Romania and Slovenia? Lithuania, Latvia and Estonia? Ukraine? Where to draw the line? And what effect will moving NATO's boundaries next to Russia have on Russia's foreign policy and its attitude toward the West?

For instance, is it really a wise policy to humiliate Russia, especially when doing so provides no clear gain for U.S. policy. The United States and its allies promised that NATO's borders would not be moved eastward when Moscow agreed to the peaceful unification of Germany. How can this action, then, be justified? Is it right to say the promise need not hold because the USSR no longer exists and the West won the Cold War? Russia simply isn't in a position to stop the West from strutting.

For instance, to what extent has the threat of NATO expansion already contributed to a deterioration of relations with Russia? In dealings with Iraq? In the Balkans? On the critical issue of eliminating Russia's weapons of mass destruction—nuclear, chemical and biological? One of Russia's top security experts, Alexei Arbatov, who has championed cooperation with the West, recently wrote that, in Russia, NATO expansion is seen as a defeat for the policy of broad cooperation with the West. He said: "NATO expansion will plant a permanent seed of mistrust between the United States and Russia. It will worsen existing differences on everything from nuclear arms control to policies in Iraq and Iran. It will push Moscow into alliances with China, India and rogue regimes. And it will move America toward unilateral actions, disregarding the interests and positions of other states."

For instance, what happens if NATO takes in just the three nations and then stops expanding, as some senators have suggested. Won't that result in a new division of Europe? Wouldn't it be a tacit signal that those not part of NATO are within a Russian sphere of influence? To counter that, will NATO be compelled to continue expanding east, right up to Russia's borders? Would that move set Washington on a collision course with the European members of NATO who strongly oppose further expansion? If it is important to bring Poland, Hungary and the Czech Republic into NATO now, why can't the same argument be made of Lithuania, Latvia and Estonia? They, after all, border Russia.

For instance, do the American people really understand that this is a treaty commitment to defend these nations of Eastern Europe as if an attack on any one of them is an attack on the mainland of the United States? And if the country is not absolutely serious about such an obligation, as some fear, what does that do to the credibility of NATO and the United States?

For instance, what will expansion cost? the administration recently estimated the total cost would be $1.5 billion. But only last year the estimate was $27 billion to $35 billion. Has the Senate asked how the administration came to shrink its estimate 96 percent, especially in light of the Congressional Budget Office's estimate of $125 billion? the Europeans have already indicated they will not share in the cost of expanding NATO. And does it make any sense for the emerging economies of the Eastern European states to increase defense spending? Isn't that the last thing their economies need?

And, most important of all, if everybody agrees the goal is the long-term independence, freedom and stability of the former Soviet bloc nations, isn't the most important historical variable the success or failure of democracy in Russia? Indeed, isn't that the single most important foreign-policy question for the United States and its allies in the coming years? And, if that is so, why take any steps now that would undercut the position of the pro-democracy forces in Russia and play into the hands of the ultranationalists and xenophobes? Russia, by almost all estimates, is in such bad military shape now that it could not threaten its neighbors for seven to 10 years. If things go badly, there will be time to take steps to protect Eastern Europe. But what is the rush? Albright reassures us that the Russians don't really mind. Does anybody really believe that is the case?

ONE ANSWER: WAIT UNTIL THEY JOIN THE EU

If voting against NATO enlargement is too heavy a political lift, New York's senior senator, Daniel Patrick Moynihan, has offered an amendment that would delay NATO expansion until these nations first are voted in as members of the European Union. That is a commonsense proposal, first suggested by a bipartisan group of foreign-policy experts including former Sens. Sam Nunn and Howard Baker and retired Gen. Brent Scowcroft, the national security advisor to both Presidents Gerald Ford and George Bush. Moynihan correctly asks what is the need to rush into such an important and consequential decision.

The answer to Moynihan's question is simple: There is no reason to rush into expanding NATO. The U.S. Senate shouldn't be acting until it has a much better grasp of how all those questions can be answered.

[From the New York Times, Oct. 21, 1997]

NATO'S TRUE MISSION

(By Warren Christopher and William J. Perry)

Fifty years ago Secretary of State George Marshall called upon the people of the United States to contribute to the building of a new Europe "united in freedom, peace, and prosperity." Succeeding generations of Americans rallied in support of Marshall's vision, electing leaders who were committed to fostering and maintaining the strongest possible ties between America and Europe's democracies, both old and new.

The most important expression of this commitment has been the North Atlantic Treaty Organization. And, we believe, NATO still has that central responsibility even though the political and military circumstances that prevail in Europe have changed.

It is true that the alliance has achieved its original military mission, having deterred attack from the Warsaw Pact. But that was never its only role. It was given that task in the context of General Marshall's much larger vision—of a democratic Europe committed to working together instead of against itself, with the unflagging involvement of the United States as the ultimate guarantor of that spirit of cooperation.

The United States must continue to play this role as democratic Europe itself enlarges, and this is why a Senate vote against enlargement of NATO would be a major mistake.

But it is also time to move beyond the enlargement debate. Adding new members is not the only, or even the most important, debate over the alliance's future. A much larger issue looms: What is the alliance's purpose?

The alliance needs to adapt its military strategy to today's reality: the danger to the security of its members is not primarily potential aggression to their collective territory, but threats to their collective interests beyond their territory. Shifting the alliance's emphasis from defense of members' territory to defense of common interests is the strategic imperative.

These threats include the proliferation of weapons of mass destruction, disruption of the flow of oil, terrorism, genocidal violence and wars of aggression in other regions that threaten to create great disruption.

To deal with such threats, alliance members need to have a way to rapidly form military coalitions that can accomplish goals beyond NATO territory. This concept is not new. Such a "coalition of the willing" made up the Implementation Force in Bosnia under alliance command and control, and another made up the war-fighting force in Desert Storm, which drew heavily on alliance training and procedures.

Such coalitions will include some—but not necessarily all—NATO members, and will generally include non-members from the Partnership for Peace program, the alliance's program of training the militaries of the former warsaw Pact. In both the Persian Gulf war and in Bosnia, the coalitions did not include NATO members alone. So the distinction between full membership and partnership promises to be less important in the alliance of the future.

The decision to use the alliance's forces beyond NATO territory would require a unanimous decision of its members, including the United States. That is the answer to those who fear that such troops might be deployed imprudently on far-flung missions to other continents.

Defense of members' territory would remain a solemn commitment of the Allies, of course. But such territory is not now threatened, nor is it likely to be in the foreseeable future.

What should NATO do with, and about, the Russians? An evolution in the alliance's focus and forces from defense of territory to defense of common interests would signal to Russian skeptics that NATO had moved beyond its original purpose of containing Moscow. Moreover, Russian military leaders can well understand the alliance's shift from the large static deployments of the cold war to smaller, more mobile forces. They are trying to do the same in their own program of military reform. They have a strong incentive to carry out such reforms in cooperation with other partners.

The NATO-Russia Founding Act, which provides the framework for the new alliance and the new Russia to work together, is an important step toward forging a productive relationship between the two. Putting the act's political provisions into practice will require responsible actions on both sides. But the Founding Act's military provisions are less problematic and more important.

They offer tangible benefits to both sides in the short and long term.

The objective of these provisions should be permanent, institutionalized military relationships modeled on those forged in Bosnia, where NATO and Russian soldiers have served shoulder to shoulder. As has happened before in the alliance, such cooperation changes attitudes by creating shared positive experiences to supplant the memory of dedicated antagonism. It also engages a critical constituency in the formation of the new Eurasian security order: the Russian military. Practical cooperation dealing with real-world problems of mutual concern is more important than meetings and councils.

And what should the alliance do about other countries seeking admission? It should remain open to membership to all states of the Partnership for Peace, subject to their ability to meet the stringent requirements for admission. But no additional members should be designated for admission until the three countries now in the NATO queue are fully prepared to bear the responsibilities of membership and have been fully integrated into the alliance military and political structures.

What about the alliance's relations with other non-member states? The security concerns of most countries of Eastern Europe and the former Soviet Union will be addressed outside the context of NATO membership. But the alliance and the United States must play a crucial role. Partnership for Peace should receive attention comparable to that accorded to enlargement. In particular, the partnership should receive substantially more financing from alliance members. Partnership for Peace countries should be as capable of working with NATO as NATO members are.

The alliance must also devote time, attention and resources to its relations with Ukraine, now formalized through the NATO-Ukraine Charter, and continue its strong support of regional military cooperation among partnership members.

We well understand that some of the ideas we are advancing go beyond tradition. But to resist change because change entails risk is not only short-sighted but also dangerous.

One thing is clear. Neither the American public nor the citizenry of its allies will continue to support an alliance—enlarged or unenlarged—that appears to focus on nonexistent threats of aggression in Europe. For NATO to succeed, it must develop the ability to respond to today's security needs.

Leadership requires vision. It also entails determination, persistence, and having the courage of one's convictions. George Marshall understood what it meant to lead. So must we.

EXHIBIT 1

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 17, 1998.

Hon. JESSE HELMS,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for the Resolution of Ratification of Treaty Document 104-36.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Jeannette Deshong.

Sincerely,

JUNE E. O'NEILL,
Director.

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

Resolution of Ratification of Treaty Document 105–36 (Protocols to the North Atlantic Treaty of 1949 on Accession of Poland, Hungary, and the Czech Republic)

Summary: The resolution would ratify protocols to the North Atlantic Treaty of 1949 that would admit Poland, Hungary, and the Czech Republic as members of the North Atlantic Treaty Organization (NATO). Expanding the alliance would require the United States to contribute additional funding for equipment or capabilities shared by members of NATO. CBO estimates that those costs would initially be in the tens of millions of dollars and would reach about $100 million a year after four or five years. Ultimately, the United States and its NATO allies have considerable discretion in how to implement the protocols and, therefore, in the costs that would be incurred.

Estimated cost to the Federal Government: On December 16, 1997, the United States and the other parties to the North Atlantic Treaty signed protocols to expand NATO to include three new members. Article V of the treaty commits each nation to provide assistance—including the use of armed force—to restore and maintain the security of any threatened member. The protocols, if ratified, would extend full NATO membership to Poland, Hungary and the Czech Republic including a security guarantee under Article V.

In addition to spending for special national needs, NATO members contribute funds for equipment and facilities needed to accomplish common goals. NATO members share the costs of the alliance's spending for civilian and military headquarters, the Airborne Early Warning Force, various science and public information programs, and the NATO Security Investment Program (SIP) that covers common infrastructure projects, communications and air defense systems. Overall totals for the commonly funded budgets are determined collectively, and individual contributions are based on formulas for burden sharing.

Expanding the alliance would entail greater costs for improving command, control, communications, logistics and infrastructure—primarily the activities covered under SIP. The United States and its NATO allies, however, would have considerable discretion in how to implement the protocols and, therefore, in the costs that would be incurred. For example, standards for facilities, equipment, and training cover a wide range. Depending on what standards NATO sets, the budgetary consequences could vary substantially. Nevertheless, NATO has provided some initial studies that lay out basic military requirements.

At the December 1997 ministerial meetings, NATO's Senior Resource Board (SRB) presented cost estimates for expansion-related projects that would be eligible for common funding. In that report, the SRB identified cost of $1.5 billion for the next ten years. Assuming that current rules for burden sharing would continue under the protocols, the United States would cover 25 percent of those costs, or approximately $40 million per year. Similarly, the Department of Defense (DoD) assumes that NATO funding will increase gradually over the next four to five years with U.S. assessments for additional military costs reaching $36 million in 2002.

CBO's estimate includes an allowance of $25 million a year for the likelihood that U.S. costs would rise as NATO finalizes implementation plans, engineering surveys, and eligibility criteria for common funding. U.S. costs might also be higher if new member countries face difficulties paying for infrastructure or if military plans become more ambitious. In addition, the United States is likely to incur bilateral costs for expanded exercises, training, and programs to incorporate NATO compatible equipment into the Central European militaries. CBO estimates these costs would be low in the near-term but could amount to $30 million to $45 million a year after 2001 based on additional exercise costs for one brigade and two air squadrons every year plus the cost of subsidies for weapons purchases by the new members.

Thus, CBO estimates that the costs to the United States of expanding NATO would total about $100 million a year after a transition period of four or five years. Roughly 90 percent of these costs would be charged to Defense Department accounts for operation and maintenance, and military construction. The remaining 10 percent would accrue to budget function 150, International Affairs.

Previous CBO estimate: The CBO paper The Costs of Expanding the NATO Alliance (March 1996) explored five different scenarios for extending the NATO security guarantee to four central European countries. The scenarios ranged from a low-threat security environment that called for minimal NATO reinforcement of Central Europe to a scenario assuming a resurgent Russian threat that required the forward positioning of NATO troops in Central Europe.

The cost estimates in that report focused on the total costs to all NATO members, including the new members who would bear the largest shares of the total. Average annual costs to the United States over a 15-year period ranged from about $300 million to $1.3 billion. However, since CBO prepared that study, the SRB has provided clearer indications of how NATO would use its discretion to implement the protocols.

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: Section 4 of the Unfunded Mandates Reform Act of 1995 excludes from the application of that act any legislative provisions that are necessary for the ratification or implementation of international treaty obligations. CBO has determined that these protocols fit within that exclusion, because they make the Czech Republic, Poland, and Hungary parties to the North Atlantic Treaty of 1949.

Estimate prepared by: Federal Costs: Jeannette Deshong. Impact on State, Local, and Tribal Governments: Pepper Santalucia. Impact on the Private Sector: Eric Labs.

Estimate approved by: Paul N. Van de Water, Assistant Director for Budget Analysis.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, half a century ago this year there were giants in the land. President Truman, followed by President Eisenhower, Senator Vandenberg in this body, others who first envisaged and passed the Marshall plan to secure economic freedom and prosperity in Western Europe and then to create the North Atlantic Treaty Organization to provide physical security behind which the nations of Western Europe could build free and prosperous societies. Those giants were followed by dozens, perhaps hundreds, of Members of this body who kept the faith—my predecessor, Scoop Jackson, from the State of Washington; Presidents down through and including Ronald Reagan and George Bush. And I come to the floor today astounded at opposition to this extension and to any other extension to free nations, so astounded that by comparison with those giants, I am reminded of Casius' description of Julius Caesar in Shakespeare's great play, when we are asked to live up to his description of:

> . . . we petty men
> Walk under his huge legs and peep about
> To find ourselves dishonorable graves.

Because of the vision of those men and those women and, for that matter, of the United States of America and our allies in Western Europe, the North Atlantic Treaty Organization became the most successful single defense organization, security organization, in the history of the world. Its ultimate dreams came true both earlier and more completely than any of its founders could possibly have imagined when they put it together and brought the American people into it.

It was a treaty that joined together not just allies in World War II, but joined those allies together with their principal enemies in World War II, Germany and Italy, in the feeling that if they were together, the kind of breakdown that took place in the years leading up to 1914 and, again, up to 1939 would be much less likely to take place.

During that entire period of time, there was a line, a north-south line, through Central Europe: oppression and dictatorship and economic stagnation to the east; freedom, security and prosperity to the west. Not once in its most powerful days did the Soviet Union ever cross that line and not at all, incidentally—not once—during all those years did the Western powers with their military force cross that line to the east. It was a shield, a carapace behind which freedom could develop.

But the dream of that freedom was not limited to those within the organization to the west of that line. It activated, it inspired men and women east of the line to be like the people of the West, to join the people of the West, tremendously costly to many of them.

When the people of Hungary attempted to liberate themselves from that Soviet tyranny, they were brutally repressed by Soviet tanks. When the people of the Czech Republic, in the beginning of those years, attempted even a modest measure of freedom, they were repressed by Soviet tanks, and those tanks spent the better part of half a century in Poland absolutely to ensure that the liberty-loving people of Poland were not able to exercise that liberty or to have a government that was truly their own.

Then wonder of wonders, in a very few short years, symbolized a little less than a decade ago by the destruction of the Berlin Wall, those nations and others became free nations. They began to realize their aspirations, and in the case of those three, each one, in a short period of time of less than a decade, has become a functioning democracy, has made a major beginning in reforming its armed services, has moved decisively in the direction of free markets and has begun the long, long journey to catch up with the West economically, but catch up with the West in spirit it has.

What do those nations desire? They desire the security that history has never given them, that their own independent power has never given them. They desire to be a part of the West, lock, stock and barrel, and they see the essential element of being western to be members of the North Atlantic Treaty Organization. They know, they have learned from history, that that membership, and that membership alone, will ensure that they can continue the freedom which is still so young in them and continue the move toward prosperity and toward Western institutions, and that we, who not only spent trillions of dollars in preserving the free world through our armed services, but hundreds of millions, billions of dollars in broadcasting to these countries the message of freedom and the, at least implicit and I think often explicit, promise that the day would come when they could be lock, stock and barrel a part of the West, are now asked by, hopefully, not much more than a handful of the Members in this body, to reject them, to say that somehow or another, there will be more security in a vacuum in Eastern and Central Europe than there will be with the very kind of precise line that the North Atlantic Treaty Organization drew so decisively and so successfully half a century ago.

But nothing, Mr. President, nothing in the history of nations in this world indicates that a vacuum filled by small and weak powers can possibly be stable, can possibly be the object of anything other than irredentist aspirations on the part of one of the two nations that throughout its history has been the most aggressive in destroying the freedom of those countries.

Germany, now totally integrated into the West, no longer a threat, but no longer a threat to France because they are joined together, and is soon to be no longer a threat to Poland or to Hungary or to the Czech Republic, because they will be joined together.

The case for NATO expansion is simply overwhelming. It is stunning to me that we are so much as debating its desirability in this body and stunning to me that essentially the only reason for opposition to it is that the most truculent element left in Russia, its Duma, dominated by former Communists, those portions of its leadership that are most unwilling to give up what they have had previously, most desirous to restore the status quo ante-1989, will be offended if these countries are brought into alliance with the United States, the United Kingdom, France, Germany and the other members of the North Atlantic Treaty Organization.

Mr. President, that is the best reason to join those countries with us. Far better to do it when there is no immediate threat from the East than when there is, when, I can assure you, the kind of opposition you have heard here today would be much louder than it is today.

I think it is appropriate to go beyond the naming of these three nations. One of the most principled actions in American diplomatic history, in my view, was the absolute refusal for more than half a century on the part of the United States to recognize the Soviet conquest of the three Baltic republics. We, and almost we alone, continued to recognize their right to independence, and one can certainly make the proposition that it was the desire and the movement for independence in those three countries that was the immediate and proximate cause of the collapse of the Soviet Union itself.

I believe, Mr. President—I believe firmly—that any nation that adopts secure and democratic institutions, a free-market approach to its economy and a Western-oriented means of defense, has the right seriously to be considered in this part of Europe for membership in the North Atlantic Treaty Organization. Personally, I believe that both Slovenia and Estonia have already met those qualifications. Other nations have not yet, though most of them strive in that direction.

Again, to crush their aspirations, legitimate aspirations, aspirations that we have supported for more than half a century, by an arbitrary statement that they will not be considered for membership for a fixed period of time, no matter how successful they are, no matter how democratic they are, no matter how much they may be threatened by some future Russia in that period of time, is perverse and wrong and, even more significant, dangerous to the peace of Europe and to the peace of the world.

A bright line is a much greater contributor to peace than a vague set of feelings or concerns or worries about the least regressive elements in Russian society. Just as a democratic and a free-market Germany appropriately became a pillar of the North Atlantic Treaty Organization, so at some future date could a secure and stable and democratic and free-market Russia.

I think that day is a long way off, much farther than I would like. But until that day, to say that others who have met those qualifications, who have had to live through occupation and repression from that country, should be left on their own flies in the face of all of the lessons of history that we have learned since the end of World War II.

So, Mr. President, I believe that we should reject soundly the Warner-Moynihan pause proposal and enthusiastically and overwhelmingly adopt the resolution of ratification that we have before us.

The cold war resulted in a victory for the ideals of the United States and its Western allies. And it should be consolidated by joining with it those who share those ideals, those who fought for those ideals, often to their very great detriment over the course of the last century.

The position taken by my distinguished friend from Delaware is totally and entirely correct. I congratulate him for it. I am convinced that we should go forward boldly into the future with the greatest degree of confidence in the correctness of our cause and only in that fashion will we be worthy of our predecessors in this body who created the North Atlantic Treaty Organization.

Mr. SMITH of New Hampshire. Mr. President, I rise to request that my colleagues in the Senate conduct deliberative and thorough debate on NATO expansion before the expected vote next week.

Many questions remain regarding cost, strategic objective and military requirements of the proposed expansion. If NATO enlargement makes sense, it will make more sense the more it is discussed. We should not casually rush through debate in the Senate.

This should not be a sentimental decision about our historic relationship with Europe, but a hard-nosed decision about extending a military guarantee to a precise piece of territory under current strategic circumstances. Our moral obligation to these countries was abundantly met by generations of Americans, who spent trillions of dollars to win the cold war. This decision should be about the next 50 years, not the last 50.

For this reason, I ask unanimous consent that several editorials and articles about the impact of NATO expansion be printed in the RECORD for the benefit of all Senators.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 19, 1998]

FOREIGN POLICY BY IMPULSE

(By Jim Hoagland)

The U.S. Senate is moving in haste toward a climactic vote on NATO expansion, a foreign policy initiative that defines the Clinton administration's approach to the world as one of strategic promiscuity and impulse. The Senate should not join in that approach.

Foreign policy is the grand abstraction of American presidents. They strive to bargain big, or not at all, on the world stage. They feel more free there than they do at home to dream, to emote, to rise or fall on principled positions, or to stab others in the back at a time of their choosing.

More able to ignore the niggling daily bargains that blur and bend their domestic policies, presidents treat foreign policy as the realm in which they express their essence and personality most directly.

Think in a word, or two, of our recent presidents and U.S. foreign policy in their day: Johnson's word would be overreaching. Nixon, paranoid. Carter, delusionally trusting. Reagan, sunnily simplistic. Bush, prudent technician.

NATO expansion is the Clintonites' most vaunted contribution to diplomacy, and they characteristically assert they can have it all, when they want, without paying any price. Do it, the president told the Senate leadership Monday in a letter asking for an immediate vote. Others will later clean up messy strategic details such as the mission an expanded NATO will have and who else may join.

Sound familiar? Yes, in part because all administrations advance this argument: Trust us. This will turn out all right. Russians will learn that NATO expansion is good for them. The French will not be able to use expansion to dilute U.S. influence over Europe, try as they may. This will cost American taxpayers only a penny or two a day. And so on, on a number of debatable points that I think will work out quite differently than the administration claims.

But there is also a familiarity of style here distinctive to this president and those closest to him. And why not? The all-embracing, frantic, gargantuan lifestyle that has allowed those other affairs of state—the Lewinsky, Willey, Jones allegations—to become the talk of the world (justifiably or otherwise) also surfaces in major policy matters. The Senate vote on NATO is not occurring in a vacuum.

Life is not neatly compartmentalized. The paranoia and conspiracy that enveloped the Nixon White House manifested itself in the bombing of Hanoi and the overthrow of Chilean President Salvador Allende as well as in Watergate. The Great Society and Vietnam were not conflicting impulses for Lyndon Johnson, as is often assumed, but different sides of the same overreaching coin. The lack of perspective and deliberation apparent in the handling of NATO expansion is apparent elsewhere in the Clinton White House.

On the issue at hand, the White House is urging the Senate to amend the NATO charter to admit the Czech Republic, Hungary and Poland. Majority Leader Trent Lott responded to Clinton's letter by saying he would schedule a vote in a few days, despite appeals from 16 senators for more, and more focused, discussion.

Clinton opposes any more debate, even though he has not addressed the American public on this historic step and even though there is no consensus in the United States or within the 16-member alliance on the strategic mission of an expanded NATO or on its future membership.

A new "strategic concept" for NATO will not be publicly reached until April 1999, when it is to be unveiled at a 50th anniversary summit in Washington. When Secretary of State Madeleine Albright recently said in Brussels that NATO would evolve into "a force for peace from the Middle East to Central Africa," European foreign ministers quickly signaled opposition to such a radical expansion of the alliance's geographical area of responsibility.

And Albright's deputy, Strobe Talbott, surprised some European ambassadors to Washington last week when he gave a ringing endorsement to the possibility of eventual Russian membership in NATO, an idea that divides NATO governments and which the administration has not highlighted for the Senate.

"I regard Russia as a peaceful democratic state that is undergoing one of the most arduous transitions in history," Talbott said in response to a question asked at a symposium at the British Embassy. He said Clinton strongly supported the view that "no emerging democracy should be excluded because of size, geopolitical situation or historical experience. That goes for very small states, such as the Baltics, and it goes for the very largest, that is for Russia." This is a message that Clinton has given Boris Yeltsin in their private meetings, Talbott emphasized.

"This is a classic case of never saying never," Talbott continued. "If the day comes when this happens, it will be a very different Russia, a very different Europe and a very different NATO."

How different, and in what ways, is worth discussing before the fact. The Clinton administration has not taken seriously its responsibility to think through the consequences of its NATO initiative and to explain those consequences to the American people. The Senate needs an extended debate, not an immediate vote.

[From the Hill, Mar. 18, 1998] NATO: WHAT'S THE RUSH?

There's an unseemly haste in the way the Clinton administration and the foreign policy establishment are pushing the Senate for an immediate vote on expanding the North Atlantic Treaty Organization (NATO) to include Poland, Hungary and the Czech Republic.

As a bipartisan group of 17 senators argued in a letter urging Majority Leader Trent Lott (R) of Mississippi to postpone the vote until at least June 1, there are still to many unanswered questions about what figures to be one of the most important foreign policy issues in recent years.

"We are uncomfortable voting when so many of the purposes and assumptions of NATO enlargement remain either ambiguous or contradictory," the senators wrote Lott last week. The group of eight Republicans and nine Democrats, let by Bob Smith (R-N.H.) and Tom Harkin (D-Iowa), pointed out that expanding the NATO military alliance to include the three former Communist countries could have enormous unforseen financial, political and military consequences.

"This is basic, hard-nosed American foreign policy here," Smith told The New York Times as he explained why he and his colleagues are seeking to delay a vote, which was expected in the next few days, and force an extended public debate on the issue. "It deserves that attention," he added.

Some of the unforeseen consequences of a rush to judgment on NATO expansion are spelled out on page 40 by Ted Galen Carpenter, vice president for defense and foreign policy studies at the libertarian Cato Institute. According to Galen, "three lethal booby traps await the United States if NATO expansion goes forward. "They include potential conflicts between Poland, Hungary and the Czech Republic and their neighbors; damaging our relationship with Russia and driving it into the arms of Iran, Iraq and China; and committing the United States to pouring money down "a financial black hole."

The latter point is one of the most critical, according to those who either oppose expansion or want to see it more fully debated.

The Clinton administration has estimated that the cost of expanding the alliance will be $1.5 billion over the next decade, but earlier estimates range from $27 billion to $35 billion over 13 years (the Pentagon) and from $61 billion to $125 billion over 15 years (the Congressional Budget Office). The fact is that more accurate and realistic cost projects simply cannot be calculated at this time.

The administration's $1.5 billion projection "is a politically driven document that reflects the inability of the proposed new members and the unwillingness of the West European countries to pick up the real financial tab," Carpenter asserts.

We agree with Carpenter and the Senate's go-slow faction, including Sen. Daniel Patrick Moynihan (D-N.Y.), who thinks that there is no quick fix for healing the wounds inflicted on Central and Eastern Europe by a half century of harsh authoritarian Soviet rule.

Rather than adding three former Communist countries to an organization that was conceived as a military barrier to the spread of communism in Europe—a dubious proposition now that such a threat no longer exists—Moynihan would like to see them first become members of the economically oriented European Union before being admitted to NATO.

Lott should delay the vote on NATO expansion and give the Senate time to conduct a full and extended debate on this important issue.

[From the Hill, Mar. 18, 1998]

THE THREE BOOBY TRAPS OF NATO EXPANSION

(By Ted Galen Carpenter)

Both the Clinton administration and the Senate Republican leadership are using a full-court press to get an immediate Senate vote on NATO expansion. Senators should resist such pressure for a rush to judgment before addressing the numerous problems associated with NATO expansion.

Proponents frequently act as through NATO is a democratic honor society that the nations of Central and Eastern Europe should be able to join. But NATO is a military alliance, and the decision to extend U S. security guarantees to new members is serious business.

Three lethal booby traps await the United States if NATO expansion goes forward.

Any enemy of my ally becomes my enemy: Before senators welcome Poland, the Czech Republic and Hungary into NATO's ranks, they should assess potential conflicts that might embroil those countries. It would be a sobering exercise. Relations between Poland and neighboring Belarus, already tense, are rapidly deteriorating. Belarus recently recalled its ambassador from Warsaw and has banned Polish priests from entering the country. President Alexander Lukashenko ominously accuses the Polish minority in Belarus's western provinces of disloyalty.

Hungary has troubled relations with three of its neighbors—Romania, Slovakia and Serbia. Slovakia's prime minister continuously slanders the large Hungarian minority in his country and late last year proposed a population transfer that would send tens of thousands of ethnic Hungarians back to Hungary.

Relations between Hungary and Serbia are even worse. Indeed, the treatment of the Hungarian minority in Serbia's province of Vojvodina mirrors Belgrade's repression of the Albanians in Kosovo. Vojvodina has the potential to explode just as Kosovo has now done.

Thus, NATO expansion could entangle America in numerous murky, parochial disputes among Central and East European countries. Do Americans really want U.S. troops in the middle of a conflict between Hungary and Slovakia, or Hungary and Serbia, or Poland and Belarus? Yet NATO expansion entails precisely that sort of danger.

Poisoning the relationship with Russia: The conventional wisdom is that, since the signing of the Founding Act between Russia and NATO, Moscow no longer opposes NATO expansion. Nothing could be further from the truth. A recent op-ed by Russia's ambassador to the United States makes it clear that Russian leaders regard even the first round of expansion as an unfriendly act. Any subsequent round, especially one that tried to incorporate the Baltic republics, would risk a military collision with a nuclear-armed great power.

Indeed, the Founding Act itself could become a source of recrimination. U.S. officials insist that the agreement gives Russia "a voice, not a veto" over NATO policy, but that is not the way Russian officials have interpreted the Founding Act. President Boris Yeltsin assured the Duma that the act gave Russia a veto over invitations to new members beyond the first round as well as over future "out of area" NATO missions, for example in the Balkans. U.S. and Russian officials cannot both be right.

Russia is reacting badly even to the initial round of expansion. Moscow has responded to NATO's encroachment by forging closer ties with both Iran and Iraq and undermining U.S. policy throughout the Middle East. Still more worrisome are the growing political and military links between Russia and China. Moscow and Beijing speak openly of a "strategic partnership," and China has become Russia's largest arms customer—something that would have been unthinkable a few years ago.

If the United States drifts into a new Cold War with Russia because Washington insists on giving security guarantees to a collection of small Central and East European states, that will go down in history as a colossal policy blunder.

A financial black hole: NATO and the Clinton administration now insist that the alliance can be expanded for a paltry $1.5 billion over 10 years. That conclusion differs sharply from an earlier Congressional Budget Office (CBO) estimate of $61 billion to $125 billion over 15 years and the Pentagon's own original estimate of $27 billion to $35 billion over 13 years. The latest NATO and administration projection doesn't even pass the straightface test. It is a politically driven document that reflects the inability of the proposed new members and the unwillingness of the West European countries to pick up the real financial tab.

Johns Hopkins University Professor Michael Mandelbaum aptly describes NATO expansion as "the mother of all unfunded mandates." If expansion is not merely an exercise in empty political symbolism, even the CBO estimate could prove to be conservative. Moreover, none of the estimates takes into account the probable costs of subsequent rounds of expansion, yet administration leaders insist that they will occur.

In light of those troubling facts, the Senate should at least conduct a lengthy, comprehensive debate on NATO expansion, not rush through the proceedings as if the issue was akin to designating National Wildflower Week. After all, the decision may determine whether American troops someday have to fight and die in Eastern Europe.

[From the Boston Globe, Mar. 18, 1998]

SENATE RECKLESSNESS ON NATO?

The Senate is poised to make a serious mistake by ratifying a first stage of NATO expansion. The anticipated inclusion of Poland, Hungary, and the Czech Republic is a momentous decision, enlarging the treaty organization and the geopolitical area covered by the allies' mutual security guarantee. If ever a Senate vote deserved prudent deliberation, this is it.

Unfortunately, sensible requests from some senators to pause for careful consideration of this first round of enlargement have been rejected, and there are not enough votes to pass an amendment by Senators John Warner of Virginia and Patrick Moynihan of New York, who proposed a pause of three years before NATO admits a second flight of new members.

In a letter to the Senate minority leader, Tom Daschle, on Saturday, President Clinton argued that for the sake of enhanced security, "we must leave the door open to the addition of other qualified new members in the future. The 'open door' commitment made by all the allies has played a vital role in ensuring that the process of enlargement benefits the security of the entire region, not just these first three members."

But the administration has yet to make a convincing case that NATO enlargement at the present time is truly necessary to European or American security. With the disappearance of the Soviet Union, the states of Central and Eastern Europe face no imminent threat from an expansionist superpower. And if political upheavals in Russia raised the specter of such a threat in the future, there would be time to prepare for it and enlarge the alliance. NATO's expansion, rather than enhancing Europe's stability, could endanger it.

President Vaclav Havel of the Czech Republic has made a strong case for anchoring the former members of the Warsaw Pact in the West. But the commonality of values invoked by Havel need not mean immediate inclusion in a military alliance formed to keep Soviet forces from invading Western Europe.

There are other, wiser ways to pursue what Clinton calls "our strategic goal of building an undivided, democratic, and peaceful Europe."

[From the Newark (NJ) Star-Ledger]

UNDUE HASTE ON NATO EXPANSION

(By David Border)

This week the Senate, which counts among its major accomplishments this year renaming Washington National Airport for President Ronald Reagan and officially labeling Saddam Hussein a war criminal, takes up the matter of enlarging the 20th century's most successful military alliance, the North Atlantic Treaty Organization.

The Senate just spent two weeks arguing over how to slice up the pork in the $214 billion highway and mass transit bill. It will, if plans hold, spend only a few days on moving the NATO shield hundreds of miles eastward to include Poland, Hungary and the Czech Republic.

The reason is simple. As Sen. Connie Mack of Florida, the chairman of the Senate Republican Conference, told me while trying to herd reluctant senators into a closed-door discussion of the NATO issue one afternoon last week, "No one is interested in this at home," so few of his colleagues think it worth much of their time.

It is a cliche to observe that since the Cold War ended, foreign policy has dropped to the bottom of voters' concerns. But as two of the senators who question the wisdom of NATO's expansion, Democrat Daniel Moynihan of New York and Republican John Warner of Virginia, remarked in separate interviews, serious consideration of treaties and military alliances once was considered what the Senate was for. No longer.

Wrapping the three former Soviet satellites in the warm embrace of NATO is an appealing notion to many senators, notwithstanding the acknowledgement by advocates that the Czech Republic and Hungary have a long way to go to bring their military forces up to NATO standards. As the date for ratification has approached, estimates of the costs to NATO have been shrinking magically, but the latest NATO estimate of $1.5 billion over the next decade is barely credible.

The administration, in the person of Secretary of State Madeleine Albright, has refused to say what happens next if NATO starts moving eastward toward the border of Russia. "The door is open" to other countries with democratic governments and free markets, Albright says. The administration is fighting an effort by Warner and others to place a moratorium on admission of additional countries until it is known how well the first recruits are assimilated.

Moynihan points out that if the Baltic countries of Latvia, Estonia and Lithuania, which are panting for membership, are brought in, the United States and other signatories will have a solemn obligation to defend territory farther east than the westernmost border of Russia. He points to a Russian government strategy paper published last December saving the expansion of NATO inevitably means Russia will have to rely increasingly on nuclear weapons.

Moynihan and Warner are far from alone in raising alarms about the effect of NATO enlargement on U.S.-Russian relations. The Duma, Russia's parliament, on Jan. 23 passed a resolution calling NATO expansion the biggest threat to Russia since the end of World War II. The Duma has blocked ratification of the START II nuclear arms agreement signed in 1993 and approved by the Senate two years ago.

George Kennan, the elder statesman who half a century ago devised the fundamental strategy for "containment" of the Soviet Union, has called the enlargement of NATO a classic policy blunder. Former Sen. Sam Nunn of Georgia, until his retirement last year the Democrats' and the Senate's leading military authority, told me, "Russian cooperation in avoiding proliferation of weapons of mass destruction is our most important national security objective, and this (NATO expansion) makes them more suspicious and less cooperative."

To the extent this momentous step has been debated at all, it has taken place outside the hearing of the American people. Too bad our busy Senate can't find time before it votes to let the public in on the argument.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I know the Senator from Connecticut wishes to speak. I will just take 2 minutes here.

One, I want to make it clear, when I was making a case to my friends from Virginia and New York about the comparison of Turkey and Poland, it did not relate to whether there was merit in defending Turkey. There is. Not only merit, there is an obligation. I was making the larger point which goes to the serious issue the Senator from Virginia has raised honestly—and the only one who has done it forthrightly so far—and that is, is there a consensus in America to defend any European country?

Whatever commitment we make, we must keep. And he is right in raising the issue: Are the American people—do you all understand, all America, that if we expand, we are committing our sacred honor to defend Poland as we have Germany, to defend the Czech Republic as we have England, to defend the country of Hungary as we have Denmark? Are we prepared to do that? That should be discussed, and it should be discussed forthrightly. And I thank him for raising that issue.

There is much more to say, but I will have plenty of chance to say it, so I yield to my friend from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I see my colleague from Missouri is here. I tell him this will be very brief, my remarks. I don't want him to depart. I know he has been standing here for some time.

It is on an unrelated matter that is the subject of this debate, Mr. President. And let me just say, having the privilege of standing here and listening to the Presiding Officer share his remarks, I commend him for those remarks. And I thank my colleague from Delaware for yielding here.

Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HIS EMINENCE BERNARD CARDINAL LAW, ARCHBISHOP OF BOSTON, REFLECTING ON CUBA

Mr. DODD. Mr. President, earlier last week I had the privilege of having a brief conversation with His Eminence Bernard Cardinal Law, the Archbishop of Boston. In fact, it is a nice coincidence that my colleague from Missouri is here on the floor as I say these remarks, because I shared with him a message that Cardinal Law had sent to our colleague from Missouri, Senator ASHCROFT, who had the privilege of knowing Cardinal Law when he was presiding as a bishop in Missouri back before assuming his present post. And he extended his best wishes to our colleague from Missouri. So I appreciate his presence here on the floor as I share these remarks.

In the course of our conversation, Cardinal Law mentioned to me he was going to be speaking at a conference sponsored by the American Academy of Arts and Sciences at Harvard University. The topic of the conference was to be on Cuba, Mr. President.

The cardinal was very kind enough to send a copy of his remarks to me. And after reading them, I have no doubt that all of my colleagues should have that opportunity as well. They are excellent, excellent remarks and ones that I think will be worthwhile.

I know Members are going through their own private discussions of what should be our policy with regard to Cuba. There have been some changes here. How do you respond to them? Cardinal Law has laid out, I think, some very, very creative, clear, and interesting ideas on how we ought to move forward here. So I urge my colleagues to read these remarks.

Cardinal Law is extremely well informed on this subject. He has visited Cuba over the years. He has kept in very close contact with the clergy in Cuba. I was particularly struck, Mr. President, by what he believes we should have learned from Pope John Paul II's January visit to Havana; namely—and I quote him —

> The Holy Father has amply demonstrated that a policy of positive engagement can achieve far more change within Cuba than can the [U.S.] embargo.

Cardinal Law starkly and very vividly highlights what he thinks is the failure of our current policy with regard to Cuba by contrasting it with our policies towards the People's Republic of China and even Vietnam—two nations that have had deplorable human rights records and where religious freedom is severely restrained, even as we speak here today.

He then pointedly asked—and I quote him—

> If openness is thought to be further freedom in those nations where change is not so evident, how it is that a different standard is applied to Cuba where there is evident change?

Mr. President, I do not believe that there is a credible answer to that question. And that alone should tell us why the current U.S. policy with respect to Cuba is so flawed. Cardinal Law's remarks, which touched on such issues as the state of affairs in the Cuban and United States-Cuban relations are very insightful, and I urge my colleagues to read the full text of his remarks, which I now ask, Mr. President, unanimous consent to have printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ADDRESS BY BERNARD CARDINAL LAW BEFORE THE AMERICAN ACADEMY OF ARTS AND SCIENCES

In preparing these remarks, I reviewed my correspondence file from persons who accompanied me to Cuba for the Pope's visit. Our direct flight from Boston to Havana might have established a record in itself! Every letter expressed appreciation for the opportunity to participate in a historic and profoundly moving event. Almost to a person there was the expressed desire to be of assistance to the Church in Cuba and to the Cuban people.

These pilgrims to Cuba included bishops, priests and sisters, and Catholic laity as well as Protestants and Jews. There were business leaders, bankers, doctors and a Health

Care System President. There were heads of social service agencies and representatives of foundations, there were lawyers and judges, Congressmen, presidents of colleges, a law school dean and a university professor, and the editor of a national magazine. We were a wondrously diverse group, but we found unity in our conviction that the time is now for a change in U.S. policy towards Cuba.

Since returning from the Papal Visit, I have often been asked if I thought that change might now come to Cuba. The question misses the point that change has already come. An earlier barometer of change focused on the departure of Fidel Castro as the threshold for any substantive change. The events of the past year clearly demonstrate that that barometer simply does not work. The toothpaste is out of the tube, and Fidel Castro squeezed the tube.

Any blueprint for a change in policy which demands a change in leadership in another country is too rigid a starting point and depending on the means willing to be used to achieve that departure, could lack a moral claim. This is not to condone a dismal record on human rights. Religious freedom is certainly not yet fully developed in Cuba. The fact remains, however, that dramatic change has occurred within the past twelve months in the area of religious liberty. These changes could not have occurred without the active approval of President Castro. He has been a promoter, not an obstacle to what is now happening in Cuba.

It is not the visit alone, stunning though it was, which chronicles change. Events leading up to the visit must also be acknowledged. Some in Cuba with whom I have spoken place great emphasis on the private audience accorded Fidel Castro by Pope John Paul II. One must also note the mixed commission of government and Church to plan for the Papal visit which marks a sea change in that relationship. The Church was able to engage in a door to door nationwide mission in preparation for the Pope's visit. Religious processions were allowed, as were some outside religious celebrations. The exclusion of the Church from the use of public media was, at least in a modest way, but nonetheless establishing a precedent, lifted with the pre-visit nationally televised address by the Archbishop of Havana, Jaime Cardinal Ortega.

Quite before the time of planning for the visit, the Church was allowed a new expression of social services through Caritas Cuba. While its work is still narrowly circumscribed, a principle of public, organized social service by the Catholic Church has been recognized. The backlog of visa requests by foreign clergy, religious and other Church workers has been broken as the number of visas has dramatically increased.

Change cannot be rooted in a precise paradigm for the future. If we are to measure change realistically, it must be measured against the past. The past that I know in terms of the Church in Cuba begins in 1984. Before then, there were confiscations of Church property, the closing of Catholic schools and other institutional works, the departure, and some would argue the forced exile, of hundreds of Church personnel. There were the labor camps which number among their alumni the present Cardinal Archbishop of Havana. Pervading and justifying all this was an official version of history, employing a method with which we have become all too sadly accustomed in some current trends in the U.S. academy. It is the application of deconstruction to the study of the past in a way which serves an ideological end.

In an earlier visit to Cuba, I objected to President Castro concerning the severe intimidation of the omnipresent Committees of the Revolution. These watchdogs of Marxist orthodoxy saw as dangerously subversive the baptism of a child or the visit of a priest or the regular attendance at Mass. Castro's response, replete with Church history according to Marx, made the claim that the state did allow for religious freedom. The State was powerless, in his explanation, to counter the strong anti-Church sentiment of the people borne of what he described as the Church's oppressive and sinful past.

For the past fourteen years, I have been in continual contact with the Church in Cuba. I was present in the Nunciature in Havana the first time Castro met with Cuban bishops. There were no more than three substantive encounters of this kind before the Pope's visit. During the past fourteen years there have been sporadic efforts on the part of the Cuban government to marginalize the Church by suggesting that the bishops were "counter revolutionary", which in our terms would mean unpatriotic and subversive.

Against that all too schematic background, focus on Havana, Sunday, January 25, 1998. The Plaza of the Revolution has a new face: a heroic-sized painting on the facade of the national library portrays Jesus in the familiar style of the Sacred Heart. One million Cubans, with a sprinkling of foreign pilgrims, are ranged in front of the altar. Fidel Castro, in a business suit, is in the front row.

For me, one among the many moving moments stands out in a particularly vivid way. During the Havana Mass, the Holy Father commissioned representatives from various dioceses to go forth and present the message of the Church. He presented each with a Bible. The last person to approach the Pope was a older woman, quite frail, who was helped up the stairs by two young men. When she approached the Holy Father, she threw her arms around him. There they were, aging and frail, this elderly woman and the Pope, with their common witness to fidelity in the face of Communist oppression. As she was helped down the stairs, she was accompanied by the thunderous applause of thousands of Cubans.

I wondered what she thought. Must I not have been for her the unfolding of a miracle? What had it been for her these past years in a land governed by Marxism? What must have been her joy in this sea of Cubans, so many young and ecstatic in their celebration of faith? I could only think of Anna in the incident recorded by St. Luke. Anna was an old woman, a widow, who spent her days in prayer and fasting in the Temple. When Mary and Joseph brought the infant Jesus to present him to God in the Temple, Anna came to the scene at that moment. St. Luke says "she gave thanks to God and talked about the child to all who looked forward to the deliverance of Jerusalem."

It must be said that the Cuban government could not have been more obliging and welcoming. The Masses of the Holy Father were televised live nationally.

As the Holy Father left Jose Marti Airport on January 25th, he said that in our day "no nation can live in isolation. The Cuban people therefore cannot be denied the contacts with other peoples necessary for economic, social and cultural development, especially when the imposed isolation strikes the population indiscriminately, making it ever more difficult for the weakest to enjoy the bare essentials of decent living, things such as food, health and education. All can and should take practical steps to bring about changes in this regard."

These are important words of the Pope which have meaning not only for the Catholic faithful but for all women and men of good will, including those who exercise leadership in government. Current U.S. policy towards Cuba was set during the missile crisis. A few things have happened since then, however, including the tearing down of the Berlin Wall and the unraveling of Communist hegemony in Eastern Europe. The visit of the Holy Father to Cuba in January of this year is one of those defining events. A policy driven by events of an earlier time does not meet the challenge of new possibilities which the Holy Father's visit opens up.

One of the strongest impediments to new policy initiatives is the pressure of partisan politics. Is it but the musings of an unrealistic cleric to suggest that an earlier pattern of a bipartisan foreign policy could serve us well again? To that end, I propose the establishment of a bipartisan National Commission on U.S./Cuban relations. Such a Commission, perhaps Presidential or conceivably organized by a non-governmental body, would have as its charge the development of policy initiatives which could build on the changes already perceived in Cuba since the Pope's visit. The work of this Commission should be completed within three to six months. It should not take longer than this because the Commission's work would be essentially a simple and straightforward task.

The Commission might be co-chaired by President Carter and President Bush or President Ford. It ought to include Senator LUGAR, Representative HAMILTON, a U.S. Bishop, Elizabeth Dole, head of the American Red Cross, two corporate CEO's, two prominent Cuban-Americans, someone from the field of medicine and someone representing the concerns of the media.

Since the Holy Father's visit, there has been the release of more than 400 prisoners. While one political prisoner is one too many, this direct response to the Holy Father's visit cannot be dismissed. So very much more needs to be done to broaden the scope of human rights in Cuba. However, I am convinced that the best way to do this is to move the starting point of U.S. Policy from the missile crisis to the Papal visit. The Holy Father has amply demonstrated that a policy of positive engagement can achieve far more change within Cuba than can the embargo.

Cardinal Ortega has commented on the so-called Helms-Burton Act that "any economic measure that aims to isolate a country and thus eliminates the possibility of development, thus threatening the survival of people is unacceptable."

It is impossible to reasonably support the embargo against Cuba while at the same time granting most favored Nation status to the People's Republic of China, and while moving into closer relations with Vietnam. Both of these nations have a deplorable record on human rights in general and on religious liberty specifically. If openness is thought to further freedom in those nations where change is not so evident, how is that a different standard is applied to Cuba where there is evident change?

We should not wait for the report of a bipartisan commission to introduce some measures which would ameliorate human suffering in Cuba, which would foster cultural, religious and other interchanges, and which would therefore, encourage the new attitude of openness and change within Cuba. It is time for the U.S. To respond positively to the change that is occurring in Cuba.

There is no moral justification for the current embargo. In terms of effectiveness as an agent of change it has proven to be complete failure. The most egregious aspects of the embargo, namely the prohibition of sale of food and medicine, must be lifted immediately. The two bills currently in Congress which would do this should be immediately passed. What is needed in Cuba is the ability to purchase food and medicine in the U.S. A singular focus on facilitating charitable donations of food and medicine is patently inadequate.

There are certain things that can be done tomorrow by the President of the United States.

The President should agree to license direct, humanitarian flights to Cuba.

The President could take immediate action to ease remittance restrictions, increase visiting privileges, and expand opportunities for U.S. citizens particularly Cuban Americans, to visit Cuba by restoring direct flights. The right to travel is a Constitutional right. It should not be violated for outdated political reasons.

The President could restate that he will continue suspending the international trade bans of Helms-Burton indefinitely. This would help the people of Cuba and it would ease the concerns of our closest allies and trading partners.

The President should give serious critical attention to the legal opinion that concludes that the Executive Branch has the legal and constitutional right to grant a general license for medicines and for food. Such an action on the part of the President would, of course, effectively end the food and medicine embargo immediately.

The foreign policy initiatives of a President can be decisive. President Nixon went to China. President Carter brought Begin and Sadat to Camp David. President Reagan met Gorbachev in Iceland to ease nuclear tensions and President Bush followed up by reducing our nuclear weapons. President Clinton has the possibility of charting a new relationship between the United States and Cuba.

Let me end by recounting an incident during the Pope's visit. One of the pilgrims traveling with us took a walk along the waterfront. He was alone, it was raining, and the pavement was slippery. He stumbled and fell, with a resultant large cut in the head. Some passersby stopped their car and took him to the emergency room of the nearest hospital. The care he received was both professionally competent and compassionate. However, he was struck by the fact that the only medicine he could observe on the shelf in the treatment room was some alcohol. When the doctor arrived to stitch his wound, he first reached into a pocket of his white coat, removed a light bulb, and screwed it into the empty socket so that he could see more easily. It is not just a bulb that is missing. There is often a lack of power with devastating consequences, especially in surgery. The lack of medicines more quickly and cheaply attainable from the U.S. severely restricts the treatment that can be provided. Even more basically, the effects of the lack of sufficient food threaten the most vulnerable members of the population, the old and the young.

I would submit that the people of Cuba deserve better than that from us. I would submit that it adds no honor to our country to deprive a people of those necessities which should never be used as bargaining chips.

Change is occurring in Cuba. The question is, do we have the political will and moral courage to change?

Mr. DODD. Mr. President, I would also like to call to the attention of my colleagues some very specific recommendations Cardinal Law has made to President Clinton and the administration, recommendations which the President has the authority, without any acts of Congress, to undertake. And I recite them very briefly to you here: Restore direct flights to Cuba; ease restrictions on remittances and travel; suspend implementation of title III indefinitely; and utilize current executive authority to grant general licenses to permit the sale of food and medicines. I say "title III." That is of the Helms-Burton legislation.

Mr. President, I strongly support these recommendations and hope that the President will immediately act on them.

Let me summarize briefly some of the other major points made in the course of Cardinal Law's presentation.

On the positive side, the Cardinal noted that "change has already come" to Cuba in many ways; "dramatic change has occurred within the last twelve months in the area of religious freedom"—I am quoting him from his remarks—"a principle of public, organized social service by the Catholic Church has been reorganized" by Cuban authorities; "the backlog of visa requests by foreign clergy, religious and other Church workers has been broken as the number of visas has dramatically increased;" and, "there has been the release [in the last few weeks] of more than 400 [political] prisoners [in Cuba]."

The cardinal also readily acknowledges that Cuba's human rights record—and I agree with him—has been dismal. No one is suggesting, I hope—not by my remarks—that there has been a total transformation in Cuba. There has not been a total transformation, but there has been change, and it is significant, and we ought to respond to those changes that have occurred.

He reminded—Cardinal Law did—listeners of Pope John Paul's party comments as he left Havana to return to the Vatican. I quote him. He said:

> The Cuban people cannot be denied the contacts with other peoples necessary for economic, social, and cultural development, especially when the imposed isolation strikes the population indiscriminately.

Mr. President, I think it is fair to say Cardinal Law was extremely critical of current U.S. policy. He noted that the "[c]urrent U.S. policy towards Cuba was set during the missile crisis" and that "[a] policy driven by events of an earlier time does not meet the challenge of new possibilities which the Holy Father's visit opens up."

Finally, Cardinal Law made a number of very important recommendations concerning how we might begin to fashion some new and constructive policy initiatives. He recommended, for example, that steps be taken to isolate U.S.-Cuba policy from partisan politics by establishing a bipartisan national commission on U.S.-Cuban relations. I think this is an intriguing idea and one that I intend to discuss personally with the President and the Secretary of State.

Mr. President, I believe that the cardinal's remarks are timely, they are important, and they are worthy of our serious consideration. I urge my colleagues to review them personally in these coming days as they formulate their own views on how we ought to proceed with regard to U.S.-Cuban relations.

Mr. KENNEDY. Would the Senator yield?

Mr. DODD. I will be happy to.

Mr. KENNEDY. Mr. President, I just want to, first of all, commend my friend, the Senator from Connecticut, for his understanding of Cardinal Law's statement and for the constructive nature in which the Senator has referred to it.

I do think that it is an enormously serious document. I agree with the Senator that it deserves a great deal of study. I had had the opportunity to talk to him prior to the time of delivery. He is motivated by a very deep and continuing humanitarian concern from his frequent visits there and from the study of the people on the island.

I just want to commend the Senator, who is a real leader in the issues of the hemisphere, and to thank him for an excellent statement, and to say that I think it has been an enormously constructive and positive statement and I hope our colleagues will pay attention to it. I thank the Senator.

Mr. DODD. I thank my colleague from Massachusetts.

Mr. President, I yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Thank you, Mr. President.

PROTOCOLS TO THE NORTH ATLANTIC TREATY OF 1949 ON ACCESSION OF POLAND, HUNGARY, AND THE CZECH REPUBLIC

The Senate continued with the consideration of the treaty.

Mr. ASHCROFT. Mr. President, I rise to participate in the debate regarding NATO.

One of the interesting facts about the debate is that the mission of NATO has not been a matter of significant discussion.

There are a lot of questions—about the cost of enlargement, the political and strategic benefits to potential new members of NATO, and the effect of any expansion of the NATO alliance on our relationship with Russia—that have all been discussed. These issues have received the most attention.

But while expansion of NATO numerically is significant, perhaps the mission of NATO deserves serious consideration as we look at an institution which has not only been involved in a long heritage of successful maintenance of the territorial integrity of our comembers of this organization in Europe, but has also been a vital part of protecting American interests.

NATO has been very successful. Earlier, the Senator from Washington stated that NATO has been the most successful multinational defense organization in the history of the world. And I think that is a fair statement. A major achievement of the organization is the fact that a third world war has not erupted in Europe. It is pretty clear that the Soviet Union, in its days of power and strength, dared not infringe on the territory of those protected by the NATO alliance. That is to the credit of the organization.

Article 5 of the NATO treaty was the heart of the organization. And I would like to refer the Members of the Senate and those interested in this debate to Article 5 at this time.

Article 5 States:

> The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area.

What the heart of the treaty really designates is that the North Atlantic Treaty Organization was an organization designed to affect and protect the territory—the territorial integrity —of the Nations that were its member states.

After the collapse of the Soviet Union, we did not have the same kind of threat to the territory of the NATO states that had existed prior to the collapse of the Soviet Union. I think few of us would argue with the proposition that the NATO alliance really was an alliance which drew a bright line to defend against the potential incursion by the Soviet Union.

Since the Soviet Union collapsed, there has been discussion among NATO planners to find a new mission for the Alliance. Counterproliferation, the advancing of political "interests" of NATO members, peacekeeping, and crisis management became the kinds of issues discussed at NATO—an entirely different mission than it originally had and, frankly, a mission that is not consistent with the charter of NATO itself.

The assembled NATO powers, in 1991, adopted and promulgated a strategic concept. For the strategic concept of 1991, there was an interesting transition in the statement of what NATO is all about. Collective defense, the concept in Article 5 which has been the central theme and thesis of NATO for its years of great success, was relegated to the bottom of the list of mission priorities.

As a result of putting collective defense at the bottom, a number of other things were listed as missions of NATO. In some respects, I find these new mission priorities to be challenging because they are not the kinds of things for which NATO was created, and they are not the kinds of missions that the U.S. Senate and its giants in the Senate ratified when ratifying the NATO treaty 50 years ago. The "fundamental security task" in the new strategic concept of 1991 was "To provide one of the indispensable foundations for a stable security environment in Europe . . . in which no country would be able to intimidate or coerce any European nation or to impose hegemony through the threat or use of force."

This is a major expansion and a substantial change in the mission of NATO. It is a change in the direction in which the organization is headed. It changes NATO's responsibility. Clearly, no longer is NATO for the collective defense of a limited territory. NATO now has the impossible task of stopping intimidation and coercion throughout NATO and non-NATO Europe alike. So the mission of NATO has been transitioning from the mission ratified by the Senate, and it has been evolving, as if treaties are allowed to evolve. It has been organic, rather than static or having specific boundaries.

The catch phrase that defines this effort is that NATO must "go out of area or go out of business." This whole concept, I think, demands very close observation.

Mr. President, I have tried to point out that the objectives specified in the strategic concept of 1991 embraced by the NATO allies is a set of objectives far different from that which the NATO organization was authorized to achieve in its Charter, which was ratified by the U.S. Senate. I believe that NATO was not intended for these new purposes.

The understanding of the U.S. Senate in 1949, and the understanding of the American people, has been that NATO is designed to protect territory—the territory of member nations—not designed to be on call in other areas in Europe and, as the Secretary of State has mentioned, in Africa and literally to the uttermost parts of the Earth.

I will be submitting an amendment for consideration by the Senate to make it clear that collective security will remain the heart of NATO, and that this is the only mission allowable under the treaty, because it is impossible to amend the treaty without bringing it back to this Senate for amendment.

My amendment is tailored not to constrain NATO's effectiveness in the future, nor is it intended to micromanage NATO's military planning from the Senate floor. The central portion of the amendment is taken directly from the North Atlantic Treaty itself. My amendment states that any military operation outside Article V must be based on the principle of collective defense, namely, the territorial integrity, political independence, or security of a NATO member.

I thank the Senator from Georgia for his agreement in allowing me to finish my remarks.

EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

The PRESIDING OFFICER. Under the previous order, the hour of 4:45 having arrived, there will be 30 minutes of debate prior to the vote on cloture on H.R. 2646. Debate time is equally divided and controlled for the majority by Mr. COVERDELL and by the Democratic leader.

The Senate resumed consideration of the bill.

Mr. KENNEDY. Mr. President, I yield myself 5 minutes of the opposition time.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I urge the Senate to reject cloture on this bill. Improving education can and must be a top priority for Congress and the nation. But this Republican bill flunks the test. They call it their "A+" bill, but it's anti-education. It deserves an "F."

It is the nation's public schools that need help. So what do our Republican friends do? They propose legislation to aid private schools. That makes no sense at all. Our goal is to strengthen public schools, not abandon them.

Incredibly, the Republican strategy on the Budget Committee is more of the same. The Republican plan does not provide for key investments to improve public education. It does not provide help to reduce class size. In fact, the Republican plan proposes a cut of $400 million—$400 million—in the budget category for education next year. If that anti-education plan is passed, schools and students will get even less help next year than they are getting this year, just when they need help the most.

It is clear that our Republican friends are no friends of public schools. They have an anti-education agenda. They want tax breaks for the wealthy who send their children to private schools. They want to cut the budget for public schools. The Republicans have put their cards on the table—and it's a losing hand for education.

If they really wanted to improve the nation's schools, they wouldn't propose a $30 billion tax break, while cutting funds for education.

Now, with this cloture vote, they are trying to gag Democrats to prevent us from offering proposals that will genuinely help education. They are trying to force the Senate to pass their private school bill or no bill.

The use of tax breaks to subsidize parents who send their children to private schools is a serious mistake.

This chart indicates who the winners and losers are. Ninety-three percent of the children in this country go to public schools; 7 percent go to the private schools. Yet when you look at the money, where the money goes, 48 percent to the public schools, and 52 percent to the private schools.

This bill does nothing to address the serious need of public schools to build new facilities and repair their crumbling existing facilities. It does nothing to reduce class size in school. It does nothing to provide qualified teachers in more classrooms across the Nation. It does nothing to help children reach high academic standards. It does nothing to provide after-school activities to keep kids off the street and away from drugs and out of trouble. It does nothing to improve the quality of education for children in public schools.

Working families do not have enough assets in savings to participate in this scheme. This regressive bill does not help families struggling to pay day-to-day expenses during their children's school years. This so-called education bill does nothing for education. It simply provides a tax shelter for the rich.

Congress should be building new schools, not building new tax shelters for the wealthy. Congress should be reducing class size, not reducing aid to public schools.

We know what it takes to achieve genuine education reform. The place to start is by resoundingly rejecting cloture on this defective bill and then amending it in the ways that would genuinely help the Nation's schools.

How much time does the Senator from Nebraska desire?

Mr. KERREY. Five minutes.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I also rise in opposition to cloture. If you look out across America today and look at the growth in the economy and the economic success and the various reasons why we have that economic success, it is clear that one of the things we need to do is invest in our infrastructure.

We just passed an ISTEA bill, $200 billion or so in investments in roads, bridges, in our transportation system to make it more productive. Our people are part of our infrastructure.

What we are saying on this side is that, if you want to provide a tax break, we ought to also be doing something about our schools that are crumbling, about our class sizes that have grown too large. There is a lot more we can do than just this piece of legislation. That is all we are asking for.

There is an opportunity to offer some constructive amendments that would substantially improve this piece of legislation. Otherwise, as many others have commented, the distributional analysis is lousy and it does precious little to help those who are in the greatest need.

Mr. President, there is another reason that has not been mentioned on the floor that I want to talk about a bit. Our American taxpayers have a deadline called April 15 which is less than four weeks away. That is their deadline, their schedule. Under law they have to have their taxes paid. On the 4th of November last year the House, by a vote of 426-4, passed a piece of legislation that would restructure the IRS and give the Commissioner the authority to manage in a fashion that almost everybody says ought to be done. In addition to that, the House legislation gives taxpayers new power. If the IRS sends out a collection notice, you know with certainty that they better be certain that they are right; otherwise, they are going to have to pay your legal fees and other fees associated up to $100,000 of punitive damages.

In addition, Mr. President, in the legislation passed by the House by 426-4 last November—which, if we had taken it up and passed it here, could be conferenced and down to the President for signature by the April 15 deadline. That should be our deadline. By the way, the American taxpayers don't have an Easter recess. They can't go home and say, "I'll see you after the April 15 deadline." There are also new requirements in the IRS reform proposals that are on the table which calls for the Commissioner of the Internal Revenue Service to be present when we are passing new tax laws to speak out for the American taxpayer and say, this is what it will cost the taxpayer to comply. You have given a great speech about how this new tax break such and such and such and such, but this is what it will cost the American taxpayer to comply.

Now, just listen to this new tax idea. Since 1986 this Congress has amended the tax law 60-odd times. When we continue to do it, talk about how complex the Tax Code is and why simplicity is needed, some of our greatest advocates of flat tax and simplicity are not wildly enthusiastic about something that will add substantial complexity to their tax returns.

Let me walk through this education legislation, which allows for tax-free withdrawals from education accounts for room and board, uniforms, transportation expenses, or supplementary items and services, but only if these things are required or provided by the school. Now, this not only requires families to have a pretty sophisticated understanding of the law before they take their money out; it also appears that to be on the right side of the law, parents would need to be able to justify their expenditures with detailed records.

Who is going to be checking those records? Will the IRS be asking taxpayers to submit bus fare receipts and clothing bills with tax returns? Mr. President, if they don't provide that information when they file, are we going to be asking for it in an audit situation? Don't forget that this K-12 provision sunsets in 2002. What does that mean? That means if we pass this legislation, we will have three separate rules governing the education savings account. This year, an account that can be used for higher education, but not K through 12; next year, through 2002, we have different rules allowing tax-free withdrawals from the account; and after that, K through 12 withdrawals could be made, but only from the contributions and earnings from 1999 to 2002.

Now if you understand that, I am surprised, because I don't think your constituents will know. Will taxpayers know how much they take out is tax free? I doubt it. How will the IRS know? How will the IRS attempt to explain these new rules to taxpayers, and who will understand them?

Mr. President, that is why the law should say that the Commissioner of the IRS is going to be at the table when we write a tax law, to give us an estimate of what it will cost. The majority leader of the House came before the IRS Commission, which I chaired, and said it costs taxpayers upwards of $200 billion to comply with the existing code—with the existing code, Mr. President. And here we are again—probably on the way home to give speeches about the complexity of our code—adding additional complexity.

Mr. President, we are going in the wrong direction. This bill takes us in the wrong direction. We should schedule the IRS bill that passed the House. If we are not able to come up with a piece of legislation in the Senate, we need to bring the House bill to this floor, pass it, get it to the President for his signature, so that on the 15th of April the American taxpayers will have the power they deserve. Give the Commissioner the authority he needs. And, finally, get that Commissioner at the table when this Congress is taking up a new tax bill so on a piece of legislation like this we will have his estimate of what it will cost the American taxpayer to comply with some new idea that we have that we say is going to benefit the American people.

I yield the floor.

Mr. COVERDELL. How much time remains on the opposition?

The PRESIDING OFFICER. The opposition has 4 minutes and your side has 13.

Mr. COVERDELL. I yield 5 minutes to the chairman of the Finance Committee.

Mr. ROTH. Mr. President, first, let me say there is nothing more important than for this Congress to enact legislation to make the IRS taxpayer friendly. This has become a critical issue, primarily because of the hearings held in the Finance Committee that have shown abuse of taxpayers. That must be changed.

Now, as I have said many times, the House version of reform is a good beginning. But I have to emphasize, that is all it is—it is a good beginning. But it does not go far enough to make the kind of changes, the kind of reforms the American taxpayer deserves.

The Finance Committee has been working hard to improve that legislation. It is legislation that we will take up with the committee, full committee, in the next 2 weeks. We expect to mark it up and report it out. But I want to emphasize that I will not be satisfied, and I am not going to push forward legislation that does not help the taxpayer as they so fully deserve.

Now, Mr. President, as for the Coverdell bill, there is no question where I stand. The fundamental responsibility parents have is to raise children who are prepared for adulthood, children who will themselves become nurturing parents, productive citizens, and vital leaders in the future. Toward achieving this objective, there are few things as important as education.

Mr. President, family is the foundation of our children's education. And family is at the heart of the Coverdell bill. The objective here is simple—to empower fathers and mothers to be proactive in directing the educational endeavors of their children—to give them the resources they need to make decisions consistent with their unique needs and determined goals.

This bill allows us to join hands with parents everywhere—to let them use their money to educate their children. This bill allows them to increase their contributions from $500 per year to $2,000 per year. This money will be available tax free for college expenses. It allows for withdrawals to be used for elementary and secondary education expenses. And it covers public and private schools.

The bill also makes state-sponsored prepaid tuition programs tax-free, not tax-deferred, meaning that students will be able to withdraw on a tax-free basis the savings that accumulate in their pre-paid tuition accounts. Parents will have the incentive to put money away today and their children will have the full benefit of that money tax free tomorrow.

Already, forty-four states have prepaid tuition plans in effect, and the other six have legislation to create a state plan, or they have implemented a feasibility study. Many cities and states are offering families the power of choice when it comes to selecting what school their children will attend. Others are embracing programs that make private schools more accessible.

Those who disagree with these important measures are really suggesting that the money earned by these parents does not belong to them, that government is best at determining how their money is spent, that there is no need to change business-as-usual in our effort to improve the way we educate America's children. Clearly, this is not the message we're hearing from home. Our states and communities—our families—are embracing innovative educational programs. They realize the old way isn't working. Many cities and states are offering families the power of choice when it comes to selecting what school their children will attend. Others are embracing programs that make private schools more accessible. These measures are having a positive impact.

These measure are an important step forward, and the Senate can demonstrate its leadership on education by adopting this legislation. Let's be bold, Mr. President. Our policies must offer Dad and Mom the resources they need to actively guide Junior's education. The Coverdell bill does this. It is a very important step in the right direction, and I urge my colleagues to support it.

It's time for innovation. It's time to empower parents. It's time to prepare for the future. This is what the Coverdell bill is all about.

I yield the floor.

The PRESIDING OFFICER (Mr. COATS). Who yields time?

Mr. COVERDELL. How much time is remaining?

The PRESIDING OFFICER. The Senator from Georgia has 7 minutes 20 seconds.

Mr. COVERDELL. Mr. President, I believe we must be reading from different scripts on this legislation. This is the sixth day of the filibuster from the other side and, if successful, it will keep 14 million families from opening a savings account; it will keep $2.5 billion from supporting students in public schools over the next 4 years; it will keep $2.5 billion from supporting children in private and home schools over the next 4 years; it will stop 1 million students who would benefit from tax relief on State prepaid tuition, and 17 others to consider it; it will block 1 million workers, including 250,000 graduate students, from benefits from their employers for advanced education or continuing education; it will block $3 billion in new tax-exempt, private activity bonds, which will stop dead the construction of 500 schools. That is what the filibuster will block.

I find it strikingly similar to the debate in opposition and the suggestion from the National Education Association and Mary Teasley, who says these tax-free savings accounts disproportionately benefit wealthy families who already send their children to private and religious schools. Bunk.

Seventy percent of the families that will use these accounts have children in public schools. And my view is that Ms. Teasley is probably doing reasonably well.

This is a letter from a very fine lady named Louise R. Watley, chairperson of the City Wide Advisory Council on Public Housing in Atlanta. She has been a resident of the Carver Homes Public Housing Community since 1955. She says:

> I have witnessed generations of young African Americans grow up in one of our nation's poorest neighborhoods. In the 1980s, I fought the epidemic of crack cocaine among our youth by working to kick drug dealers out of our community. In the 1990s, I find myself fighting the epidemic of hopelessness that has resulted from the increasing failure of our public schools to educate poor, urban children. As the Chairperson of the City Wide Advisory Council on Public Housing, and on behalf of the thousands of Atlanta public housing residents the Council represents, I ask you to provide us with hope for improving the K-12 education of our children.
>
> . . . Please support the passage of the A+ Accounts for Public and Private Schools Act as well as stronger Federal charter school legislation and demonstration public and private school choice projects. Please allow the poorest children in Atlanta and Georgia to escape ineffective and unsafe schools.

Mr. President, I have a feeling that this woman has a little more personal experience than this lady defending the status quo who works for the NEA.

I ask unanimous consent that the letter from Louise R. Watley be printed in the RECORD, along with the letter from the National Education Association, for whom the White House now does its bidding.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CITY WIDE ADVISORY COUNCIL ON
PUBLIC HOUSING, INC.,
Atlanta, Georgia, March 19, 1998.

From: Louise R. Watley.
To: Senators Paul Coverdell and Max Cleland.
Re: H.R. 2646, S. 1590, and Related School Improvement Legislation.

DEAR SENATORS: As a resident of the Carver Homes Public Housing Community since 1955, I have witnessed generations of young African Americans grow up in one of our Nation's poorest neighborhoods. In the 1980s, I fought the epidemic of crack cocaine among our youth by working to kick drug dealers out of our community. In the 1990s, I find myself fighting the epidemic of hopelessness that has resulted from the increasing failure of our public schools to educate poor, urban children. As the Chairperson of the City Wide Advisory Council on Public Housing ("CWAC") and on behalf of the thousands of Atlanta public housing residents the Council represents, I ask you to provide us with hope for improving the K–12 education of our children.

During the just-completed session of the Georgia General Assembly, at the urging of

CWAC, an overwhelming majority of the black caucus supported a bipartisan effort to strengthen Georgia's weak charter school laws. Because of their new appreciation for the terrible condition of public schools in our low-income neighborhoods, these representatives put aside political and racial differences and "did the right thing." Because of their courage, we now can create a model public charter school at Carver Homes.

By way of this letter, I urge both of you to continue this important trend of granting parents greater choice in the education of their children. Please avoid the temptation of sacrificing the poorest children in America in order to protect an education bureaucracy that seems to care more about money and job security than it does about helping children to read, to write and to recognize right from wrong.

Please support the passage of the A+ Accounts for Public and Private Schools Act as well as stronger federal charter school legislation and demonstration public and private school choice projects. Please allow the poorest children in Atlanta and Georgia to escape ineffective and unsafe schools. Is it too much for us to ask for the same educational opportunities that are available to those who have moved out of our communities to where better public schools are located or those who can afford to send their children to private schools?

Sincerely,

LOUISE R. WATLEY,
CWAC Chairperson.

NATIONAL EDUCATION ASSOCIATION,
Washington, DC, March 11, 1998.

U.S. Senate,
Washington, DC.

DEAR SENATOR: On behalf of the 2.3 million member of the National Education Association (NEA), we reiterate our opposition to the "education IRAs" for private schools in S. 1133 and urge you to vote against passage of this bill or any similar provision. No modification or additional amendments to this provision, such as school construction, would change our position. Positive ideas, such as modernizing public school buildings, should not be tied to tax schemes to benefit private and religious schools.

Instead of supporting S. 1133, NEA urges you to vote for a substitute to provide tax credits to subsidize $22 billion of school modernization bonds over 10 years. These bonds would enable states and local public school districts, which serve more than 90 percent of all students, to provide safe, modern schools that are well-equipped to prepare students for jobs of the future. School modernization bonds would target one-half of the funds to schools with the greatest number of low-income children and allow states to decide where to distribute the remaining half. This would ensure that rural, urban, and suburban schools all benefit from these bonds.

The provision in S. 1133 to create tax-free savings accounts to pay for private and religious schools would do nothing to improve teaching or learning in our public schools. It would also disproportionately benefit wealthy families who already send their children to private and religious schools. The public and parents say they want federal investments to improve teacher training, promote safe schools, and establish programs to help all students reach high standards. Tax shelters, as proposed by S. 1133, would do nothing to help achieve these goals.

Further, this tax-free savings account does not guarantee parents a choice of schools. Private school admissions officers would decide which students to accept. An editorial about S. 1133 in the September 11, 1997 issue of the *Christian Science Monitor* stated: "Sounds innocent enough. But where does it lead? It's a small step toward positioning government behind private—most often church-related—elementary and secondary education."

NEA urges you to vote for the public school modernization bond substitute and against cloture and final passage of S. 1133 if it contains the private school tax scheme.

Sincerely,

MARY ELIZABETH TEASLEY,
Director of Government Relations.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. KERREY. Mr. President, first of all, the distinguished Senator from Georgia mentioned a filibuster. All we are asking for on this side of the aisle is a chance to do more. We look out in America and see crumbling schools and class sizes growing. We see a much bigger problem than you all see. So we are just asking for an opportunity to be able to offer amendments to this bill, and offer them in a normal, expeditious fashion.

Mr. COVERDELL. Is the Senator aware of the offer the majority leader made to the minority leader about 2 hours ago that we accept for debate the 14 amendments that have been put forward on education—9 on your side and 5 on our side?

Mr. KERREY. Mr. President, I will let the minority leader speak to that himself. He has just come to the floor. In his absence, I was making the point that you-all control the agenda on the floor. You decide what comes up.

I heard the chairman of the Finance Committee say that nothing is a higher priority than the restructuring of the IRS. We worked for 5 days on the Ronald Reagan Airport. We debated human cloning for 4 days. You have to decide what you want to schedule and what you think is the most important priority.

In regard to the IRS, this education legislation will make our Tax Code more complicated, no question about that. You can't deny that that's the case. Our Tax Code is going to get more complicated, not less complicated. Under current law, the Commissioner is not at the table. The Commissioner doesn't get the opportunity to express a view, whether that view is against what the President wants to do or against what the Congress wants to do, or to just tell us what it is going to cost the taxpayers to comply. The bill passed the House on November 4, and since that time 16 million Americans have been sent collection notices. In the bill passed on the floor in November, the Commissioner has a seat at the table to talk to us about the cost of compliance, talk to us on behalf of the taxpayer, what it is going to cost them to try to take advantage of some new tax loophole, new tax provision that we are writing into law.

That is all I was saying, Mr. President. I am also saying that, as regards the IRS restructuring, forget all other deadlines. The American taxpayers have a deadline on the 15th of April. Let's conform our deadline to theirs. Again, the distinguished chairman of the Finance Committee has been a leader in this. He held excellent hearings on this and has been very straightforward in doing that. But the clock is ticking. Collection notices are going out. The IRS continues to operate. This bill was passed in the House by a vote of 426–4, including the vote of Speaker GINGRICH, Majority Leader ARMEY, and every single Republican in the House of Representatives. It is a strong bill. The chairman has excellent ideas. Bring it to the floor and offer it as a managers' amendment so we can get it to conference and on to the President for signature—not for us, but for the taxpayers who are going to be subject to the power and abuse of the IRS as long as we allow the current law to continue.

One additional thing. The Senator from Georgia held up a letter from, I guess, the NEA, National Education Association, talking about the distributional analysis. The cite I have been using is not from the NEA; it's from the Joint Committee on Taxation. It was the Joint Committee on Taxation that provided us with that analysis. We didn't have this analysis when we marked up the bill in the Finance Committee. Now we have the analysis. We have an analysis that shows what the distributional impact is going to be.

I ask unanimous consent that this memorandum be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, March 2, 1998.

MEMORANDUM:
To: Maury Passman and Nick Giordano.
From: Lindy L. Paull.
Subject: Revenue Requests.

The attached tables are in response to your request dated January 28, 1998, for revenue estimates of H.R. 2646 as passed by House of Representatives and as modified by Senator Lott's second degree amendment as well as the corresponding number of taxpayers estimated to benefit from H.R. 2646.

Additionally, you requested information regarding the utilization of educational savings accounts for public versus private education. We estimate that approximately 38.3 million returns would have dependents in schools at the primary or secondary level in 1999. We estimate that, of those eligible to contribute, approximately 2.9 million returns would have children in private schools, and that approximately 2.4 million of these returns would utilize education IRAs.

We estimate that the proposed expansion of education IRAs to include withdrawals to cover primary and secondary education expenses would extend approximately 52 percent of the tax benefit to taxpayers with children in private schools. We estimate that the average per return tax benefit for taxpayers with children attending private schools would be approximately $37 in tax year 2002.

Conversely, we estimate that, of the 38.3 million returns eligible, approximately 35.1 million returns would have dependents in public schools, and that approximately 10.8 million of these returns would utilize education IRAs.

We estimate that the proposed expansion of education IRAs would extend approximately 48 percent of the tax benefit to taxpayers with children in public schools, with an average per return tax benefit of approximately $7 in tax year 2002.

Mr. McCONNELL. Mr.President, I come to the floor today to support legislation that addresses an important issue facing American families today—the education of their children. An area of particular interest to me has always been making a college education more affordable. For the past several years, I have introduced legislation to provide tax incentives to families who save for college.

I have not been alone in my efforts to give parents more flexibility to choose the school which is best for their child and make those decisions more affordable. Under the leadership of the 105th Congress, there has been a strong focus on education. My colleague from Georgia, Senator COVERDELL, has championed the cause by introducing legislation which would increase the amount families can save for elementary and secondary education in an education IRA. I also want to commend Senator ROTH, the Chairman of the Finance Committee, who has worked tirelessly to help all Americans save more for their retirement. I want to thank the Chairman for his support of these education savings initiatives, especially his support of the state-sponsored savings and pre-paid programs.

Mr. President, anyone with a child in college knows first-hand the expense of higher education. The GAO has also confirmed the astronomical increase in college costs. According to GAO, tuition at a four-year university rose 234 percent between 1980–1994, while median household income rose only 84 percent and the consumer price index rose a mere 74 percent. A similar study conducted by the College Board found that tuition and fees for a four-year public university rose 100.3 percent from 1987–1997, while median household income rose only 34.5 percent. Throughout the 1990's, education costs have continually outstripped the gains in income. Tuition rates have now become the greatest obstacle students face in attending college.

Due to the high cost of education, more and more families have come to rely on financial aid to meet tuition costs. In fact, a majority of all college students utilize some amount of financial assistance. In 1995, $50 billion in financial aid was available to students from federal, state, and institutional sources. This was $3 billion higher than the previous year. A majority of this increase was in the form of loans, which now make up the largest portion of the total federal-aid package at 57 percent. Grants, which a decade ago made up 49 percent of assistance, have been reduced to 42 percent. This shift toward loans further burdens students and families with additional interest costs.

This legislation is a serious effort to support long-term saving. It is important that we not forget that compound interest cuts both ways. By saving, participants can keep pace with tuition increases while putting a little away at a time. By borrowing, students must bear added interest costs that add thousands to the total cost of tuition. Savings will have a positive impact, by reducing the need for students to borrow tens of thousands of dollars in student loans. This will help make need-based grants, which target low-income families, go much further.

This legislation also recognizes the leadership that states have provided in helping families save for college. In the mid-1980s, states identified the difficulty families had in keeping pace with the rising cost of education. States like Kentucky, Florida, Ohio, and Michigan were the first to start programs in order to help families save for college. Nationwide more than 30 states have established savings programs, and over a dozen states are preparing to implement plans in the near future. Today, there are nearly one million savers who have contributed over $3 billion in education savings. The provision which I authored, which allows tax-free education savings in state-sponsored savings plans for education purposes, provides a $1.5 billion tax break for middle-class savers nationwide. In Kentucky, over 2,700 families have established accounts, which amount to about $6.4 million in savings

Mr. President, many Kentuckians are drawn to this program because it offers a low-cost, disciplined approach to savings. In fact, the average monthly contribution in Kentucky is just $52. It is also important to note that 58 percent of the participants earn under $60,000 per year. By exempting all interest earnings from state taxes, this proposal rewards parents who are serious about their children's future and who are committed over the long-term to the education of their children. Clearly, this benefits middle-class families.

In 1994, I introduced the first bill to make education savings exempt from taxation. Since then I have won a couple of battles, but I still haven't won the war. To win the war Congress needs to make education savings tax free—from start to finish. The bill we are considering today will do that. In 1996, Congress took the first step in providing tax relief to families investing in these programs. In the Small Business Job Protection Act of 1996, I was able to include a provision that clarified the tax treatment of state-sponsored savings plans and the participants' investment. This measure put an end to the tax uncertainty that has hampered the effectiveness of these state-sponsored programs and helped families who are trying to save for their children's' education.

In 1997, the Job Protection Act expanded the definition of "qualified education costs" to include room and board, thus doubling the amount families could save tax-free. In Kentucky, room and board at a public institution make up half of all college costs.

Already, we can see the result of the tax reforms in the 105th Congress. In 1996, Virginia started its plan and was overwhelmed by the positive response. In its first year, the plan sold 16,111 contracts raising $260 million. This success exceeded all goals for this program. While we made important gains, we need to finish what we have already started and fully exempt the investment income from taxation.

Last month, the Finance Committee approved legislation, sponsored by Senator COVERDELL and Senator TORRICELLI, which would allow parents to place as much as $2,000 per year, per child, in an education savings account for kindergarten through high school education. I am proud to join several of my distinguished colleagues to support the A+ Education Savings Accounts Act. I believe this measure will continue the Republican effort to move the money and decision-making authority out of Washington and back where it belongs, at home with parents and their locally-elected school boards.

As revised by the Finance Committee, these after-tax, non-government dollars would earn tax-free interest and could be used for expenses and tuition associated with any school from kindergarten through high schools. Under this plan, parents, grandparents, and scholarship sponsors may contribute up to $2,000 a year per child. The buildup of interest within the account is tax free if used for the student's education. For students who attend private or religious schools, money can be withdrawn from an A+ Account to pay for tuition. For those who attend public school, this money can be used for after-school tutoring, any transportation expenses, or to purchase a home computer. Moreover, parents of special needs children could use this money for lifelong education expenses, including tutoring, occupational therapy, vocational training, and skill development for independent living. As you can see, this program is targeted to provide for the educational needs of all Americans.

The Joint Committee on Taxation has estimated that more than 10 million families with children in public schools will take advantage of these accounts. Moreover, it has said that 70 percent of the tax benefit will go to the families with annual incomes of $75,000 and less.

Last year, the Coverdell-Torricelli initiative passed the House and received 56 votes in this Senate. It is in our best interest as a nation to maintain a quality and affordable education system for everyone. We need to decide on how we will redirect families' resources in order to enable them to use their education dollars most effectively. We can help families make their money count in a meaningful way for their children's education by ensuring that they have choices. At a modest cost, we can help families help themselves by rewarding savings. This will reduce the cost of education and will not necessarily burden future generations with thousands of dollars in loans.

I urge my colleagues to support this valuable legislation this year to reward those who save in order to provide a college education for their children.

Mr. DASCHLE. Mr. President, how much time remains?

The PRESIDING OFFICER. The minority has 37 seconds remaining. The majority has 3 minutes 35 seconds.

Mr. DASCHLE. Mr. President, I know a lot of people are hoping to catch airplanes. We would like to keep as close to the 5:15 vote as we can. Again, I appreciate the majority leader's offer. Unfortunately, the offer does not include the Democratic substitute; it doesn't include the Dodd tax credit amendment for child care expenses; it doesn't include the Boxer after-school programs amendment.

That makes my point. I think we can work out a way in which to deal with these amendments, but given the time, there certainly isn't the opportunity to do that right now. So things have not changed, unfortunately, to date, even though I think a good-faith effort has been made to try to accommodate some of this. We will have to continue to talk about it, and we are prepared to do that.

I yield the floor.

Mr. LOTT. Mr. President, in keeping with trying to start the vote on time at 5:15, I will also be brief. I want to emphasize that this is the sixth day that we have had this legislation before us. We have had opportunities to try to come to some agreement. I have offered to agree that there would be a substitute offered by the minority. Then I suggested that there be a substitute and a couple of amendments on both sides. Then there was an indication that, well, if we could get other amendments that are relevant to education, maybe that would be a good idea. So I suggested that we go with the 14 education and tax-related amendments that were actually filed, 9 of which were minority amendments, and 5 would be offered by the majority. The indications are that that is not acceptable. The leader indicated it didn't include the substitute. We would be flexible in doing that.

What I am interested in doing is finding a way to get us to a conclusion on the very important issue of education, and there is support on both sides. We have had a cloture on the motion to proceed. Now we are going to have two votes on cloture on the bill itself. There is a question of how long we can continue this. We have other business we need to do. So I urge my colleagues, if those of you that are with us on a bipartisan basis really want the Coverdell savings account for children in America, if you want prepaid tuition to be available with the tax benefits, if you want employer education benefits to be available to your college students, this is the opportunity.

So I understand that the minority leader wants his Members to stick with him. But this is an important issue. We need to get to the substance. Then, even when we get through the cloture vote, when we get cloture, we could still work out an agreement for some other amendments that would not be in order postcloture, unless we agreed to.

But, as I told Senator DASCHLE a couple of days ago, I am interested in getting this bill done. I am willing to be flexible to agree to some amendments on education. I do not want to run far afield. I don't think we ought to be shifting amendments, or health amendments, or things that are not related to education and taxes in this bill. There will be other opportunities. This is not the last day. We have a budget resolution coming up. We have a supplemental coming up.

So I will be glad to work with Senator DASCHLE, and will continue to work with him on that.

I urge colleagues, if you support savings accounts and these other issues, the time is now, vote for cloture.

I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on H.R. 2646, the A+ Education Act:

Trent Lott, Paul Coverdell, Jeff Sessions, Connie Mack, Bill Roth, Judd Gregg, Christopher Bond, Tim Hutchinson, Larry E. Craig, Robert F. Bennett, Mike DeWine, Jim Inhofe, Bill Frist, Bob Smith, Wayne Allard, Pat Roberts.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call is waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on H.R. 2646, the Education Savings Act for Public and Private Schools, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Illinois (Ms. MOSELEY-BRAUN) is necessarily absent.

I further announce that, if present and voting, the Senator from Illinois (Ms. MOSELEY-BRAUN) would vote "no."

The yeas and nays resulted—yeas 55, nays 44, as follows:

[Rollcall Vote No. 38 Leg.]

YEAS—55

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Campbell
Chafee
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—44

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Torricelli
Wellstone
Wyden

NOT VOTING—1

Moseley-Braun

The PRESIDING OFFICER. On this vote the yeas are 55, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The Senate will come to order. The majority leader.

UNANIMOUS CONSENT AGREEMENT

Mr. LOTT. Mr. President, after conversation with the Democratic leader, I now ask unanimous consent that the next cloture vote be postponed to occur Tuesday, March 24, at a time to be determined and announced at a later date.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. LOTT. Now, that will be the last vote of the night, then. There will not be recorded votes tomorrow, although the Senate will be in session for debate on the NATO enlargement and, hopefully, on an amendment, with a vote on that amendment scheduled for probably 5:30, around 5:30 on Monday. The reason we did this, there is a serious effort underway, on a bipartisan basis, of those who support this legislation to work with the leaders on both sides of the aisle to get a process where we can have a fair consideration of this bill and amendments that are important to the Members, and get to a conclusion on the whole process by late Wednesday afternoon. I think that is fair. I think that Members on both sides would like to do it. But I do think, as is the tradition in the Senate, the leaders on both sides need to work with their Members to develop a process that they can be comfortable with. I think I have shown a willingness to do that, and I believe Senator DASCHLE is going to be working on that with me and the bipartisan supporters of this legislation. Thank you for your effort. I will see some of you tomorrow and the rest of you Monday afternoon.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia will be recognized as soon as we have order in the Senate. The Senator from Georgia.

MORNING BUSINESS

Mr. COVERDELL. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia.

EDUCATION SAVINGS ACCOUNTS

Mr. COVERDELL. Mr. President, I thank the majority and minority leader for efforts to bring to resolution the ability to deal with this education proposal. I do want to make one comment for which there was not sufficient time in the 15 minutes allotted to each. Mr. President, in the final minutes of the last half-hour allotted to our debate before the vote, once again I heard the suggestion that the amount of tax benefit that would accrue to these 14 million American families that the Joint Tax Committee feel would take advantage of these education savings accounts is minimal and insignificant. Of course, I find it ironic that we would be operating under Presidential veto threats and five filibusters for something perceived to be so insignificant.

What these arguments fail to measure is the other information from the Joint Tax Committee. One says 14 million families will use this; 70 percent of them will be families with children in public schools; and in the first 4 years, these families with, I admit, just a little tax incentive, will save voluntarily about $5 billion. In over 8 years it will exceed $10 billion. That is not insignificant. That is putting billions of all new money behind improving education in America.

The Joint Tax Committee says about half of that will go to students in public schools and half in private. That may be. They have not evaluated the fact that sponsors, churches, corporations, friends, neighbors, and grandparents can also contribute to the account. The value of that has yet to be interpreted.

The other argument was that this account tends to benefit the wealthy. The Joint Tax Committee says 70 percent of it goes to families of $75,000 or less. But I think you have to step back and understand that the governance of these accounts—who can use them, which is pushing towards middle income and lower—is identical, I repeat, identical to the formula that was adopted by the other side and signed by the President for savings accounts for higher education. There is no difference.

So, I find it ironic that we would be arguing about this benefiting someone who they do not think should receive the benefit when it was just fine and dandy when it was signed on the White House lawn last fall. It is the same.

I guess the piece that is forgotten in this debate over how much is saved is they only focus on the interest saved, which is marginal. But they forget that it is the interest on a big piece of principal, and that for most families who open this savings account, the net effect of their savings will be 50 to 100 percent greater than the average family is saving in America today.

If nothing else was done at all, isn't it a good idea to cause Americans to save billions of dollars? But, in fact, it won't be just saved. This money is going to go to help children.

So far, this filibuster—and I will stop with this, Mr. President—this filibuster would keep 14 million families from opening a savings account; 20 million children from benefiting from it; in the first 4 years, $2.5 billion going behind kids in public schools; $2.5 billion going behind kids in private schools; 1 million workers who will receive benefit from their companies to extend their education; 1 million students who would have a tax advantage who bought prepaid tuition in 21 States; 250,000 graduate students who would now become eligible for employer-paid continuing education; and 500 schools won't be built because it makes new financing available for school districts across the whole land to build schools, and we are filibustering that kind of growth.

I am very hopeful that the work of the two leaders over the weekend will untie this knot and we can get on to being a good partner for families with children in schools in America. We sure need to do it. I yield the floor.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

FAMILY GROUP CONCERNS

Mr. DEWINE. Mr. President, I would like to begin today a discussion on a piece of legislation that I have been working on, and others have been working on, for the past 7 months. I believe this legislation is vitally important to the economic well-being of our country—and I hope the full Senate will have an opportunity to debate this bill in the very near future.

The legislation that I am referring to is S. 1186, the Workforce Investment Partnership Act.

I have come to the floor on a number of occasions in the past to stress the immediate need to reform the Federal job training system. This need increases each day the Congress does not act.

During the numerous oversight hearings held in the Senate over the last 3 years, we have heard that we face in this country a fragmented and duplicative maze of narrowly focused job training and job-training-related programs, programs administered by numerous Federal agencies that lack coordination, lack a coherent strategy to provide training assistance, and lack the confidence of the two key consumers who utilize these services; namely, those seeking the training and those businesses seeking to hire them.

Throughout the hearing process, I have heard that reform is needed because the economic future of our country depends on a well-trained work force. Employers at every level are finding it increasingly difficult to locate and attract qualified employees for high-skilled, high-paying jobs, as well as qualified employees for entry-level positions.

Let me just give, Mr. President, one example. Right outside the Capital, right outside Washington, DC, in Northern Virginia, there are 19,000 high-tech, high-paying jobs that remain unfilled because individuals lack the skills to fill them. However, even with the shortage of skilled workers in Northern Virginia, you will still hear radio ads during morning drive time urging people to move to North Carolina to fill high-tech jobs down there.

Ohio faces a similar problem. Manpower, Incorporated recently released a poll which indicated that the Dayton area had a bright future in terms of job growth. Forty-two percent of area companies plan on hiring more manufacturing workers. However, while employers plan to hire, the availability of skilled workers to fill those jobs remains low. A Cleveland Growth Association survey recently showed that employers are becoming increasingly concerned about the quality and availability of skilled labor which may impede their future growth plans.

According to the Manufacturers Alliance's Economic Report published in January, the mismatch between available jobs and available skilled workers is growing. While wages have increased for those who have the skills in demand, many jobs still go unfilled, and the median duration of unemployment for those who lack the skills remains at recession levels.

Nationwide, the number of unfilled high-tech jobs is estimated to be 346,000 people. The increasing labor shortage threatens our Nation's economic growth and our productivity. This, in turn, threatens one of our greatest domestic achievements—the historic welfare reform.

States and counties under this bill have been given the responsibility of moving people from welfare to work, and this is not an easy task. Many individuals trying to make the transition to work lack the basic skills needed to obtain the available jobs even at the entry level.

Mr. President, the Senate needs to act. We need to develop a job training system that is flexible, a system that provides individuals who are voluntarily seeking assistance with comprehensive education and training services.

We need a system that is accountable, assuring that the training provides leads to a meaningful, long-term employment.

We need a system that provides consumer choice, allowing individuals, not the Government, to choose their education or training provider.

And, we need a system that is driven at the State and local level, not from Washington, DC.

The Workforce Investment Partnership Act that I introduced was approved unanimously—let me repeat, unanimously—by the Senate Labor and Human Resources Committee in September. It represents a belief that we can do better, that we can, in fact, achieve these goals.

During the committee process, we considered the concerns of various groups who have a stake in this bill—elected officials at the State and local level, the business community, family groups, labor unions, education groups and others. It is my belief that this bill balances all the competing concerns to the best of our ability.

Today, we are on the verge of replacing the current system of frustration and providing a framework for success.

The Workforce Investment Partnership Act embodies the principles that I have just outlined. The programs incorporated in the legislation include job training, vocational education and adult education. Additionally, it provides strong linkages to welfare to work, the Wagner-Peyser Act, the Older Americans Act, Vocational Rehabilitation, veterans programs, Trade Adjustment Assistance, as well as other training-related programs.

It offers a reborn Federal Jobs Corps program. This reborn Federal Jobs Corps program will linked to local communities for the first time in its 30-year history.

This bill, in short, is a foundation, a road map to a much better system.

Mr. President, while separate funding streams will be maintained for each of the activities under this bill, in recognition of their distinct function, States and localities will be empowered with the tools and the flexibility to implement real reform in order to provide comprehensive services to those seeking assistance.

The PRESIDING OFFICER (Mr. BENNETT). The Senator's 5 minutes have expired.

Mr. DEWINE. I ask unanimous consent to extend for an additional 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. However, Mr. President, there is opposition to this legislation, opposition that I, frankly, do not understand. For the most part, the opposition is driven by a lack of understanding of this particular piece of legislation and a fear that our schools are going to be turned into "training" facilities that force children into career tracks.

This is simply not true. This is the last thing—let me repeat, the last thing—that this Member of the U.S. Senate would ever propose, would ever push, would ever write or, frankly, would ever vote for.

Let me answer now, if I can, the most common questions that have been asked about this bill.

The first question: Why is vocational education included in the bill?

Let me try to answer that, and I will. While vocational education mainly serves secondary school students between the 7th and 12th grades, it also provides post-high school vocational services to individuals. Those post-high school services are linked to the training system. The education services provided to 7th and 12th grade students are not linked to the training system. Again, this legislation will not—will not—replace traditional education curricula with job training.

The reforms that are contained in S. 1186 which affect secondary school students will strengthen vocational education. The students that voluntarily choose to participate in vocational education will receive a strong academic and technical education. The provisions insure that students have the choice, an option, to participate in vocational education. Participation in vocational education under our bill remains voluntary.

This bill will not set kids on some kind of preordained career track. It just won't happen.

The next question that has been raised is: Does S. 1186 include national testing?

Absolutely not, it does not include national testing. This legislation does not authorize national testing. I am opposed to national testing, and I would not introduce legislation that authorizes national testing.

The next question that has been asked is this: Does this bill, S. 1186, increase the authority of the Federal Government over education?

Again, the answer is no, absolutely not. S. 1186 eliminates numerous Federal requirements and mandatory set-asides. It gives States and localities the flexibility, the authority and the funding to design their own vocation education systems which provide academic and technological education to secondary and post-secondary students who voluntarily choose to participate.

S. 1186 streamlines vocational education, reducing the current 20 categorical programs to four. It provides States and localities more flexibility over planning, allowing the State education authority to coordinate post-secondary vocational education with the other programs linked to and coordinated with S. 1186. And, Mr. President, this bill eliminates the Federally required State gender equity coordinator position.

Let me turn to another question that has been raised. Does S. 1186 give the Secretary of Education authority to create national educational standards?

Again, Mr. President, the answer is no. Absolutely not. This Senator would not support such legislation. I would not write it. I would not vote for it. The Secretary of Education, under this bill, is only given the authority to "publish" the performance measures outlined by the legislation. The Secretary of Education cannot arbitrarily mandate standards.

The next question that has been asked: Does S. 1186 expand the School to Work Act?

No. Absolutely not. School to Work is a completely separate program. Let me again state it. School to Work is a completely separate program that is in no way part of or linked to S. 1186. Section 316(d)(2) clearly states that "funds . . . shall not be used to carry out activities that duplicate federally funded activities available to youth." Mr. President, this provision prohibits States and localities from using S. 1186 funding in any way to expand School to Work.

Let me turn now, if I could, Mr. President, to another question that has been asked. Does S. 1186 force students to choose a career path or major?

Again, Mr. President, the answer is absolutely not. I would not be on the floor arguing in favor of this legislation. I would not have spent the last several years working on it, or any piece of legislation that would do this. Section 103 of this bill clearly states that "No funds shall be used—(1) to require any secondary school student to choose or pursue a specific career path or major; and (2) to mandate that any individual participate in a vocational education program, including a vocational education program that requires the attainment of a federally funded skill level or standard."

Mr. President, I find the idea of forcing students or encouraging students into a career path early in their educational life to be very wrongheaded. I think it is wrong. I think children should have the opportunity to develop, to think about what they want to do. How many of us, even when we got out of high school, knew exactly what we were going to do? Where we were going to go or what our major was going to be? Or, how we were going to spend our life?

So the idea that we track children, I find abhorrent, I find to be wrong. This bill does not do that.

Let me turn to another question that has been asked. Will participation in summer or year-round activities have a negative impact on a young person's participation in school?

Again, the answer is No. S. 1186 does not remove students from the traditional classroom. Section 316(d)(3) of this bill clearly states—"No funds . . . shall be used to provide an activity for youth . . . if participation in the activity would interfere with or replace the regular academic requirements of the youth."

Let me turn to another question. Does S. 1186 transform elementary or secondary schools into job training centers?

No is the answer. Absolutely not. While S. 1186 does establish one-stop customer service centers as the local hub for adult training, section 311(d)(2) states that "Elementary and secondary schools shall not be eligible for designation or certification as one-stop customer service centers . . ."

Let me turn to another question that has been asked. How will S. 1186 affect private, religious, or home schools?

Mr. President, on this one the answer is very simple. It will not affect them at all. Section 104 states that "Nothing in this Act shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of a private, religious, or home school . . ."

Let me turn to another question. Does S. 1186 allow workforce boards to implement school curricula?

The answer, Mr. President, is no. No, S. 1186 does not undermine the authority of the State education authority or local school boards. S. 1186 does not give any authority over school curricula to workforce boards. In fact, section 316(d)(1) states "No funds . . . shall be used to develop or implement local school system education curricula."

Another question, Mr. President, that has been asked is, does S. 1186 allow workforce boards to bypass the authority of State legislatures?

Again, the answer is No. S. 1186 does not undermine the authority of the State legislative bodies. Section 380 of this bill states that ". . . Any funds received by a state . . . shall be subject to appropriation by the state legislature . . ." This provision, I might point out, Mr. President, is similar to the language contained in the welfare law.

Let me turn to another question. Does S. 1186 combine education and job training funds?

Again, the answer is No. S. 1186 does not combine education and job training funds. In fact, S. 1186 retains separate funding streams for vocational education, adult education, adult training, and youth activities in recognition of their very distinct functions.

The next question, Mr. President, I would like to address is this. Does S. 1186 create a national, State, and local workforce databank by combining the computer databanks of the Department of Education, Department of Labor, and the Department of Health and Human Services?

Again, Mr. President, the answer is no. S. 1186 does not establish any sort of joint Federal workforce databank. However, S. 1186 does reform the Department of Labor's Bureau of Labor Statistics employment service information system that is used by all unemployed Americans. Under S. 1186, unemployed Americans will be able to receive quality local data regarding job openings so they can get back to work.

Mr. President, throughout my public career, I have advocated giving parents and local communities more control over the education of their children. This legislation does just that.

As for training, this legislation reforms the system put in place by two conservative politicians. The Job Training Partnership Act was written by then-Senator Dan Quayle and signed into law by President Ronald Reagan.

It is my belief, Mr. President, that by removing or reforming outdated rules and regulations, States and localities can move forward, transforming the current patchwork of programs into a comprehensive system, a comprehensive system which will better serve individuals who voluntarily seek assistance.

Mr. President, just like welfare reform, job training reform rests on the leadership of States and localities that have shown innovation and initiative. S. 1186 is designed to encourage more State and more local innovations—moving people from welfare to work.

Mr. President, the Workforce Investment Partnership Act offers a new foundation, a positive framework for success, a roadmap, if you will, to a better system. If we are to achieve the goals we have set—a stronger economy, a better trained workforce, and true and meaningful welfare reform—then we need to act, and we need to act now.

That is why, Mr. President, I am asking for the support of my colleagues today. I am asking for your ideas, your support, and I will continue to push for immediate consideration of this bill by the full Senate.

Mr. President, I ask unanimous consent that the following letters be printed in the RECORD: a letter from the National Association of Manufacturers, a letter from the National Association of Private Industry Councils, a letter from the National Association of Counties—and I might add to that that each one of these, Mr. President, is an endorsement of the bill—and also a letter from the American Vocational Association and a letter from the State Directors of Vocational Technical Education.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION
OF MANUFACTURERS,
Washington, DC, March 16, 1998.

Hon. MIKE DEWINE,
U.S. Senate, Washington, DC.

DEAR SENATOR DEWINE: On behalf of the National Association of Manufacturers, (NAM) more than 14,000 member companies and subsidiaries, and the more than 18 million people they employ, we urge you to support S. 1186, the Workforce Investment Partnership Act when it is brought before the full Senate. This piece of legislation, which would consolidate many federal job-training programs, is an important first step in addressing the well documented "skill shortage" faced by our member companies.

Last year, the NAM commissioned Grant Thorton to conduct a survey of more than 4,500 manufacturers. The survey found that more than nine in ten manufacturers are encountering a skill shortage in at least one job category. Moreover, over 40 percent cited a lack of basic technical skills among workers as a serious problem. In short, the lack of qualified workers, at every level, has reached a crisis point for many manufacturers. The message of the Grant Thorton study is clear: We must provide individuals with the skills they need to succeed. There is no question that life-long training is the key to American competitiveness and worker success in the global economy.

Unfortunately, the current federal job-training system is a complex maze that serves neither trainees nor their prospective employers well. S. 1186 would address these issues by: consolidating many of the current programs and providing more comprehensive services; and providing critical business community involvement in statewide and local partnerships; and holding training providers accountable through recognized industry standards.

The NAM strongly urges you to vote for S. 1186, a bill that enjoys bipartisan support, and to reject any weakening amendments. It is imperative that we adopt job-training consolidation that includes business community participation at all levels and meaningful performance standards.

Our ability to compete in an increasingly sophisticated and technologically advanced marketplace depends on it. Should you have any questions or need further information, do not hesitate to contact me or Sandy Boyd, director of employment policy, at (202) 637-3133.

Sincerely,

PAUL R. HUARD,
Senior Vice President,
Policy & Communications.

NATIONAL ASSOCIATION OF
PRIVATE INDUSTRY COUNCILS,
Washington, DC, March 18, 1998.

Hon. MIKE DEWINE,
Chair, Subcommittee on Employment and Training, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the Board of Directors of the National Association of Private Industry Councils (NAPIC), we are writing in support of S. 1186. "The Workforce Investment Partnership Act." Passage of this legislation will help business remain competitive by giving private sector-led boards the tools they need to address the skill needs of employees and the training needs of job seekers.

Among the many excellent provisions in this bill, the NAPIC Board has identified four compelling reasons to support S. 1186.

The legislation strengthens the private sector voice in the oversight of public employment and training programs. The proposed Workforce Investment Partnerships will ensure that we have a market-driven public employment and training system in place to meet the needs of businesses and job seekers alike. The enhanced role for employers will result in better linkages between job seekers and careers.

It deregulates youth programs, offering communities more options to fashion local strategies that will help young people stay in school and prepare out-of-school youth for careers.

This bill provides the clear balance between state authority and local control necessary for an employment and training system that is both labor-market driven and responsive to local and state wide goals for economic development.

New standards for accountability will guarantee that programs are responsive to the skill needs of employers.

We applaud the work that you and your fellow Senators have done to craft this legislation. NAPIC looks forward to working with you and your colleagues in the coming months to ensure that S. 1186 moves from the Senate floor to conference, final passage, and presidential signature.

Sincerely,

JUDITH BYRNE RILEY,
Chair.
ROBERT KNIGHT,
President.

NATIONAL ASSOCIATION OF COUNTIES,
Washington, DC, March 16, 1998.

Hon. MIKE DEWINE,
U.S. Senate, Washington, DC.

DEAR SENATOR DEWINE: The National Association of Counties (NACo), representing America's 3,100 counties in Washington, DC, is pleased to support S. 1186, the Workforce Investment Partnership Act of 1998. The bill, which would strengthen the nation's workforce development system, will contribute substantially to the quality of America's second chance employment and training system.

NACo believes that this bill will improve the types of workforce services available to our constituents. We believe that it will put in place a system of one-stop career centers that will ensure access to a wide range of client services. We also believe that it will strengthen overall accountability to ensure that workforce development programs meet the expectations of Congress, the Administration, governors, county elected officials and clients. Finally, NACo is of the opinion that S. 1186 will help ensure a highly skilled workforce.

The Workforce Investment Partnership Act effectively draws upon the positive experiences of the past and of our hopes for the future to ensure that this nation has the kind of workforce it will need to compete in the global economy and maintain our standard of living.

We applaud the work that you and your fellow Senators have done in crafting this legislation, and look forward to continue working with you in the coming months to ensure that S. 1186 moves from the Senate floor to conference, final passage and presidential signature.

Sincerely,

RANDY JOHNSON, PRESIDENT, NACO,
Hennepin County Commissioner.

AMERICAN VOCATIONAL ASSOCIATION,
Alexandria, VA, March 17, 1998.

Hon. SPENCER ABRAHAM,
Senate Dirksen Office Building, Washington, DC.

DEAR SENATOR: On behalf of the American Vocational Association (AVA) and the 38,000 vocational-technical educators that we represent nationwide, I urge you to vote in favor of S. 1186, the Workforce Investment Partnership Act, which may be considered in the full Senate this week.

The Senate Labor and Human Resources Committee has worked hard to address the concerns raised by vocational-technical educators about this legislation last fall. We believe the managers' amendment that will be offered effectively addresses the core issues we raised. As we understand it, the managers' amendment includes:

Assurances that funding appropriated for vocational-technical education programs will be directed to school-based programs and cannot be diverted to other areas.

Assurances that education governance authorities at the state and local levels will continue to have jurisdiction over vocational-technical education programs.

A strong focus on professional development for vocational-technical education teachers, administrators, and counselors.

Increased emphasis on technology.

Assurances that unified planning will adhere to the requirements of the vocational-technical education provisions.

Effective support for state administration and leadership.

In addition to encouraging the Senate to pass this important legislation, we urge the Senate to accept the House structure of a separate bill for vocational-technical education, apart from job training, when S. 1186 goes to conference with the House version. Further, we will provide detailed comments on our conference priorities, including additional changes that we would like to see to some of the Senate language, as the bill moves towards conference.

We also wish to commend Chairmen Jeffords and DeWine and Senators Kennedy and Wellstone for their leadership and bipartisanship in developing and moving this legislation. If you have any questions about our bipartisanship on S. 1186 or on any other matter, please do not hesitate to contact Nancy O'Brien, AVA's assistant executive director for government relations, or me at (703) 683-3111.

Thank you for your attention to this important issue.

Sincerely,

BRET LOVEJOY,
Executive Director.

STATE DIRECTORS,
VOCATIONAL TECHNICAL EDUCATION,
Washington, DC, March 18, 1998.

DEAR SENATOR: The National Association of State Directors of Vocational Technical Education Consortium (NASDVTEc) represents the state and territory leaders responsible for the nation's vocational technical education system. On NASDVTEc's behalf, I write to share our support for the Senate's efforts to enact legislation that authorizes a federal investment in vocational technical education. S. 1186, the Workforce Investment Partnership Act of 1998, holds much potential for creating expanded and improved opportunities for our nation's students by providing access to quality vocational technical education. We urge you to support S. 1186, the Workforce Investment Partnership Act of 1998.

NASDVTEc is very supportive of many of S. 1186's features including: a commitment to a strong state role; adequate state-level resources to effect change; assurances that funds appropriated for vocational technical education can be used only for vocational technical education activities; and a strong focus on technology, accountability and achieving high levels of academic and vocational proficiency.

As we understand it, the manager's amendment will provide the opportunity for greater coordination among programs while assuring that vocational technical education continues to be planned for and administered by education officials, even under a unified plan. While it is our preference that separate legislation be enacted for vocational technical education, we appreciate the additional flexibility provided and the assurance that S. 1186 will build on and strengthen vocational technical education programs and activities that have proven successful.

We wish to commend Chairman Jeffords, Senators DeWine, Kennedy and Wellstone for their bipartisan efforts to bring forward this very important piece of legislation. Thank you for your support of vocational technical education and for your consideration of our views. Please do not hesitate to contact me at 202/737-0303 if NASDVTEc can be of assistance during your consideration of S. 1186.

Sincerely,

KIMBERLY A. GREEN,
Executive Director.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I ask unanimous consent that I may proceed for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. COCHRAN pertaining to the introduction of S. 1806 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, March 18, 1998, the federal debt stood at $5,537,178,813,514.71 (Five trillion, five hundred thirty-seven billion, one hundred seventy-eight million, eight hundred thirteen thousand, five hundred fourteen dollars and seventy-one cents).

One year ago, March 18, 1997, the federal debt stood at $5,367,674,000,000 (Five trillion, three hundred sixty-seven billion, six hundred seventy-four million).

Five years ago, March 18, 1993, the federal debt stood at $4,215,542,000,000 (Four trillion, two hundred fifteen billion, five hundred forty-two million).

Ten years ago, March 18, 1988, the federal debt stood at $2,481,414,000,000 (Two trillion, four hundred eighty-one billion, four hundred fourteen million).

Fifteen years ago, March 18, 1983, the federal debt stood at $1,227,793,000,000 (One trillion, two hundred twenty-seven billion, seven hundred ninety-three million) which reflects a debt increase of more than $4 trillion—$4,303,380,813,514.71 (Four trillion, three hundred and three billion, three hundred eighty million, eight hundred thirteen thousand, five hundred fourteen dollars and seventy-one cents) during the past 25 years.

REPORT OF A DRAFT OF PROPOSED LEGISLATION ENTITLED "THE NATIONAL AND COMMUNITY SERVICE AMENDMENTS ACT OF 1998"—MESSAGE FROM THE PRESIDENT—PM 113

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources.

To the Congress of the United States:

I am pleased to transmit for your immediate consideration and enactment the "National and Community Service Amendments Act of 1998." This legislative proposal extends and amends national service law, including the National and Community Service Act of 1990 and the Domestic Volunteer Service Act of 1973. It builds upon the long, bipartisan tradition of service in our country, which was renewed in 1993 when I signed the National and Community Service Trust Act creating the Corporation for National Service.

Service to one's community is an integral part of what it means to be an American. The Presidents' Summit for America's Future held in Philadelphia last April reinforced the role of programs supported by the Corporation for National Service as key vehicles to provide young people with the resources to maximize their potential and give back to their communities. Citizen service is also at the heart of our efforts to prepare America for the 21st century, as we work to ensure that all Americans have the opportunity to make the most of their own lives and to help those in need.

My Administration's most important contribution to citizen service is AmeriCorps, the national service program that already has given more than 100,000 young Americans the opportunity to serve their country. By tying opportunity to responsibility, we have given them the chance to serve and, in return, earn money for post-secondary education. In community after community, AmeriCorps members have proven that service can help us meet our most pressing social needs. For example, in Simpson County, Kentucky, AmeriCorps members helped second graders jump three grade levels in reading. In Boys and Girls Clubs, AmeriCorps members are mentors for at-risk young people. Habitat For Humanity relies upon AmeriCorps members to recruit more volunteers and build more houses. In communities beset by floods, tornadoes, and hurricanes, AmeriCorps members have helped to rebuild lives and restore hope. AmeriCorps members are helping to mobilize thousands of college students from more than 800 college campuses in our America Reads program. In all of these efforts, AmeriCorps brings together people of every background to work toward common goals.

Independent evaluators have reviewed AmeriCorps, National Senior Service Corps programs, and Learn and Service America programs and have concluded that national service yields a positive return on investment. The proposed legislation that I am transmitting builds on our experiences with national service to date and improves national service programs in four ways: (1) by codifying agreements with the Congress and others to reduce costs and streamline national service; (2) strengthening partnerships with traditional volunteer organizations; (3) increasing States' flexibility to administer national service programs; and (4) expanding opportunities for Americans to serve.

Since the enactment of the National and Community Service Trust Act of 1993, and particularly since 1995, my Administration has worked with constructive critics of national service to address their concerns and improve the overall program. This proposed legislation continues that process by reducing the Corporation's average budgeted cost per AmeriCorps member, repealing authority for redundant or obsolete national service programs, and making other improvements in the efficiency of national service programs.

National service has never been a substitute for the contributions made by the millions of Americans who volunteer their time to worthy causes every year. Rather, as leaders of volunteer organizations have often expressed, national service has proven that the presence of full-time, trained service participants enhances tremendously the effectiveness of volunteers. This proposed legislation will strengthen the partnership between the national service programs and traditional volunteer organizations; codify the National Service Scholarship program honoring exemplary service by high school students; and expand the AmeriCorps Challenge Scholarships, through which national service participants can access education awards. It also will authorize appropriations for the Points of Light Foundation through the year 2002.

The National and Community Service Trust Act of 1993 explicitly conceived of national service as a Federal-State partnership. The Act vested significant authority in bipartisan State Commissions appointed by the Governors. I promised that we would accelerate the process of devolution as the newly created State Commissions expanded their capacities. This proposed legislation fulfills that promise in a variety of ways, including providing authority for the Corporation for National Service to enter into Service Collaboration Agreements with Governors to provide a means for coordinating the planning and administration of national service programs in a State.

This proposed legislation will also provide additional service opportunities. By reducing the cost per AmeriCorps member, it will enable more people to serve; it will broaden the age and income guidelines for National Senior Service Corps participants, expanding the pool of older Americans who can perform results-oriented service in their communities; and it will simplify the administration of Learn and Serve America, so States and communities will more easily be able to provide opportunities for students to learn through service in their schools and neighborhoods.

This past January, I had the opportunity to honor the memory of Dr. Martin Luther King, Jr., by engaging in service on the holiday commemorating his birth. I joined 65 AmeriCorps members and more than 300 community volunteers in repairing and repainting Cardozo High School in the Shaw neighborhood of Washington, D.C. Thirty-one years ago, Dr. King came to that very neighborhood and urged the people there to engage in citizen service to rebuild their lives, their community, and their future. That is what those national service participants, and the thousands more who were participating in similar projects across the country, were doing—honoring the legacy of Dr. King and answering the high calling of citizenship in this country.

Each of the more than 500,000 participants in the programs of the National Senior Service Corps and the 750,000 participants in programs supported by Learn and Serve America, and every AmeriCorps member answers that high calling of citizenship when they make and fulfill a commitment to service in their communities. This proposed legislation builds on the successes of these programs and improves them for the future.

I urge the Congress to give this proposed legislation prompt and favorable consideration.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 19, 1998.*

MESSAGES FROM THE HOUSE

At 11:54 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2294. An act to make improvements in the operation and administration of the Federal courts, and for other purposes.

H.R. 2696. An act to amend title 17, United States Code, to provide for protection of certain original designs.

H.R. 3117. An act to reauthorize the United States Commission on Civil Rights, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 152. Concurrent resolution expressing the sense of the Congress that all parties to the multiparty peace talks regarding Northern Ireland should condemn violence and fully integrate internationally recognize human rights standards and adequately address outstanding human rights violations as part of the peace process.

H. Con. Res. 235. Concurrent resolution calling for an end to the violent repression of the legitimate rights of the people of Kosova.

At 2:13 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2870. An act to amend the Foreign Assistance Act of 1961 to facilitate protection of tropical forests through debt reduction with developing countries with tropical forests.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 2696. An act to amend title 17, United States Code, to provide for protection of certain original designs; to the Committee on the Judiciary.

H.R. 2870. An act to amend the Foreign Assistance Act of 1961 to facilitate protection of tropical forests through debt reduction with developing countries with tropical forests; to the Committee on Foreign Relations.

H.R. 3117. An act to reauthorize the United States Commission on Civil Rights, and for other purposes; to the Committee on the Judiciary.

The following concurrent resolutions were read and referred as indicated:

H. Con. Res. 152. Concurrent resolution expressing the sense of the Congress that all parties to the multiparty peace talks regarding Northern Ireland should condemn violence and fully integrate internationally recognized human rights standards and adequately address outstanding human rights violations as part of the peace process; to the Committee on Foreign Relations.

H. Con. Res. 235. Concurrent resolution calling for an end to the violent repression of the legitimate rights of the people of Kosova; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 155. A resolution designating April 6 of each year as "National Tartan Day" to recognize the outstanding achievements and contributions made by Scottish Americans to the United States.

S. Res. 198. A resolution designating April 1, 1998, as "National Breast Cancer Survivors' Day."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

The following-named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C. section 624:

To be major general

Brig. Gen. James E. Andrews, 8141
Brig. Gen. Claude M. Bolton, Jr., 5880
Brig. Gen. Robert J. Boots, 9226
Brig. Gen. John W. Brooks, 8909
Brig. Gen. Richard E. Brown III, 8999
Brig. Gen. John G. Campbell, 2822
Brig. Gen. Bruce A. Carlson, 4082
Brig. Gen. Robert J. Courter, Jr., 9691
Brig. Gen. Daniel M. Dick, 7629
Brig. Gen. Paul V. Hester, 2071
Brig. Gen. Leslie F. Kenne, 0741
Brig. Gen. Tiiu Kera, 6343
Brig. Gen. Donald A. LaMontagne, 3494
Brig. Gen. David F. MacGhee, 3517
Brig. Gen. Timothy P. Malishenko, 3563
Brig. Gen. Glen W. Moorhead III, 6124
Brig. Gen. Harry D. Raduege, Jr., 9435
Brig. Gen. Leonard M. Randolph, Jr., 3223
Brig. Gen. James E. Sandstrom, 8096
Brig. Gen. Lance L. Smith, 7660
Brig. Gen. Charles F. Wald, 1222
Brig. Gen. Tome H. Walters, Jr., 3355
Brig. Gen. Herbert M. Ward, 0157
Brig. Gen. Joseph H. Wehrle, Jr., 6021
Brig. Gen. William Welser, III, 4623
Brig. Gen. Michael E. Zettler, 3436

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Frederick H. Forster, 6694

The following-named officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig.. Gen. Louise C. Ferraro, Jr., 2366
Brig.. Gen. Danny A. Hogan, 6985
Brig.. Gen. Robert B. Stephens, 2399
Brig.. Gen. Geoffrey P. Wiedeman, Jr., 2483
Brig.. Gen. Robert J. Winner, 3113

To be brigadier general

Col. Frederick H. Forster, 6694

The following-named officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Louis C. Ferraro, Jr., 2366
Brig. Gen. Danny A. Hogan, 6985
Brig. Gen. Robert B. Stephens, 2399
Brig. Gen. Geoffrey P. Wiedeman, Jr., 2483
Brig. Gen. Robert J. Winner, 3113

To be brigadier general

Col. Marvin J. Barry, 3766
Col. Bruce M. Carskadon, 0890
Col. John M. Danahy, 2107
Col. John D. Dorris, 4306
Col. Robert E. Duignan, 8409
Col. Sally Ann Eaves, 5962
Col. Bobby L. Efferson, 5676
Col. William F. Gordon, 8896
Col. Joseph G. Lynch, 4963
Col. Mark V. Rosenker, 1990
Col. Ronald M. Sega, 0560
Col. Stephen A. Smith, 9174
Col. Edwin B. Tatum, 7680
Col. Kathy E. Thomas, 0940

The following United States Army Reserve officer for promotion in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections, 14101, 14315 and 12203(a):

To be brigadier general

Col. Michael W. Beasley, 5949

The following-named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. John S. Parker, 5626

The following-named officer for appointment as The Chief of Chaplains, United States Army and for appointment to the grade indicated under title 10, U.S.C., section 3036:

To be major general

Brig. Gen. Gaylord T. Gunhus, 7632

The following-named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Michael J. Aguilar, 3724
Col. James F. Amos, 1550
Col. John G. Castellaw, 2524
Col. Timothy E. Donovan, 4843
Col. James M. Feigley, 1052
Col. Emerson N. Gardner, Jr., 0157
Col. Stephen T. Johnson, 0874
Col. James N. Mattis, 7981
Col. Gordon C. Nash, 4684
Col. Robert M. Shea, 3652
Col. Keith J. Stalder, 5748
Col. Joseph F. Weber, 1316

The following-named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10 U.S.C., section 601:

To be vice admiral

Rear Adm. Edmund P. Giambastiani, Jr., 8318

(The above nominations were reported with the recommendation that they be confirmed.)

Mr. THURMOND. Mr. President, for the Committee on Armed Services, I report favorably 6 nomination lists in the Air Force, Army, and Marine Corps which were printed in full in the CONGRESSIONAL RECORDS of February 10 and 24, March 3 and 6, 1998, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of February 10, 1998, February 24, 1998, March 3, 1998 and March 6, 1998, at the end of the Senate proceedings.)

In the Air Force nominations beginning Richard A. Allnutt III, and ending Diane A. Zipprich, which nominations were received by the Senate and appeared in the Congressional Record of February 10, 1998.

In the Army nominations beginning Richard W. Meyers, and ending Charles M. Sines, which nominations were received by the Senate and appeared in the Congressional Record of February 24, 1998.

In the Marine Corps nominations beginning Raymond Adamiec, and ending Gerald A. Yingling, Jr., which nominations were received by the Senate and appeared in the Congressional Record of February 24, 1998.

In the Marine Corps nominations beginning Anthony P. Alfano, and ending James R. Wenzel, which nominations were received by the Senate and appeared in the Congressional Record of February 24, 1998.

In the Army nominations beginning Frederick P. Hammersen, and ending Thomas M. Walton, which nominations were received by the Senate and appeared in the Congressional Record of March 3, 1998.

In the Army nominations beginning James R. Agar, II, and ending Everett F. Yates, which nominations were received by the Senate and appeared in the Congressional Record of March 6, 1998.

By Mr. HATCH, from the Committee on the Judiciary:

Richard A. Paez, of California, to be United States Circuit Judge for the Ninth Circuit.

(The above nomination was reported with the recommendation that he be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CAMPBELL:

S. 1797. A bill to reduce tobacco use by Native Americans and to make the proposed tobacco settlement applicable to tobacco-related activities on Indian lands; to the Committee on Indian Affairs.

By Mrs. FEINSTEIN:

S. 1798. A bill to provide for an alternative penalty procedure for States that fail to meet Federal child support data processing requirements; to the Committee on Finance.

By Mr. MCCAIN:

S. 1799. A bill to amend section 121 of the Internal Revenue Code of 1986 to provide that a member of the Armed Forces of the United States shall be treated as using a principal residence while away from home on extended active duty; to the Committee on Finance.

By Mr. GLENN (for himself and Mr. DEWINE):

S. 1800. A bill to designate the Federal building and United States courthouse located at 85 Marconi Boulevard in Columbus, Ohio, as the "Joseph P. Kinneary United States Courthouse"; to the Committee on Environment and Public Works.

By Mr. LAUTENBERG:

S. 1801. A bill to suspend until December 31, 2000, the duty on Benzenepropanal, 4-(1,1-Dimethylethyl)-Methyl-; to the Committee on Finance.

By Mr. MCCAIN (for himself, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INOUYE, Mr. LOTT, Mr. FORD, and Mr. STEVENS):

S. 1802. A bill to authorize appropriations for the Surface Transportation Board for fiscal years 1999, 2000, and 2001; to the Committee on Commerce, Science, and Transportation.

By Mr. ROBB:

S. 1803. A bill to reform agricultural credit programs of the Department of Agriculture, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KENNEDY:

S. 1804. A bill to amend title XXVII of the Public Health Service Act to limit the amount of any increase in the payments required by health insurance issuers for health insurance coverage provided to individuals who are guaranteed an offer of enrollment under individual health insurance coverage relative to other individuals who purchase health insurance coverage; to the Committee on Labor and Human Resources.

By Mr. KENNEDY (for himself, Mr. DODD, Mr. DASCHLE, Mr. INOUYE, Mr. BUMPERS, Mr. LEAHY, Mr. MOYNIHAN, Mr. SARBANES, Mr. LEVIN, Mr. LAUTENBERG, Mr. HARKIN, Mr. KERRY, Mr. ROCKEFELLER, Ms. MIKULSKI, Mr. WELLSTONE, Mrs. BOXER, Mr. FEINGOLD, Mrs. FEINSTEIN, Ms. MOSELEY-BRAUN, Mr. DURBIN, Mr. REED, and Mr. TORRICELLI):

S. 1805. A bill to amend the Fair Labor Standards Act of 1938 to increase the Federal minimum wage; to the Committee on Labor and Human Resources.

By Mr. COCHRAN (for himself and Mr. INOUYE):

S. 1806. A bill to state the policy of the United States regarding the deployment of a missile defense system capable of defending the territory of the United States against limited ballistic missile attack; to the Committee on Armed Services.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CAMPBELL:

S. 1797. A bill to reduce tobacco use by Native Americans and to make the proposed tobacco settlement applicable to tobacco-related activities on Indian lands; to the Committee on Indian Affairs.

THE REDUCTION IN TOBACCO USE AND REGULATION OF TOBACCO PRODUCTS IN INDIAN COUNTRY ACT OF 1998

Mr. CAMPBELL. Mr. President, I am pleased today to introduce the "Reduction in Tobacco Use and Regulation of Tobacco Products in Indian Country Act of 1998".

After many hard months of negotiations between the states Attorneys General, class action plaintiffs, and the tobacco representatives, in June, 1997, a proposed settlement was agreed to.

The proposed agreement tries to accomplish a number of goals: avoiding costly and lengthy lawsuits that will enrich the trial lawyers; creating a multi-billion pot of money to be used by the states and the tribes for tobacco-related health problems; and implementing a comprehensive set of advertising limits that the companies would agree to voluntarily.

In reviewing the proposed settlement agreement, the objective of the Committee on Indian Affairs was to review the matters under its jurisdiction and make recommendations on how to implement that agreement on Indian lands.

After two Committee hearings I am confident that as to the Indian issues, we have crafted a bill that addresses the concerns of both the tribes and the parties that seek enactment of the proposed agreement.

In its hearings the Committee heard testimony on the use of tobacco products by Native Americans and how the proposed tobacco settlement would impact tobacco-related activities on Indian lands.

Even though smoking is on the decline in other segments of American society, available statistics show that smoking and use of smokeless tobacco in Native American communities is at crisis levels. The percentage of Native American kids who use tobacco is breathtaking—in some parts of the country 80% of Indian high school students use tobacco products.

Further, the health problems Native Americans face such as alcoholism and diabetes are compounded by the use of tobacco products. Vigorous efforts need to be made at the federal and tribal levels to prohibit access to tobacco and reduce youth smoking in Native communities.

After hearing the concerns and recommendations regarding the proposed settlement by Indian tribal leaders, state Attorneys General, federal health and legal experts, and Indian legal scholars, a bill was crafted which addresses the major issues involved in tobacco regulation on Indian lands.

The legislation I am introducing today includes legal protections for traditional and ceremonial uses of tobacco by tribal members; respects tribal sovereignty and authority to make and enforce laws on Indian lands; includes a commitment to provide the necessary licensing and enforcement funding to tribal governments that is consistent with allocations the states will receive; and a commitment to ensure sufficient funding to treat tobacco-related illnesses and reduce the epidemic of tobacco abuse in Indian country.

I am hopeful that if a comprehensive agreement is enacted, the principles and provisions contained in this bill are included to make the agreement applicable to tobacco-related activities on Indian lands, to protect the traditional use of tobacco by Native Americans, and preserve tribal authority to make and enforce laws to govern themselves.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1797

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reduction in Tobacco Use and Regulation of Tobacco Products in Indian Country Act of 1998".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) Native Americans have used tobacco products for recreational, ceremonial, and traditional purposes for centuries;

(2) the sale, distribution, marketing, advertising, and use of tobacco products are activities substantially affecting commerce among the States and the Indian tribes and, as such, have a substantial effect on the economy of the United States;

(3) the sale, distribution, marketing, advertising, and use of tobacco products are activities substantially affecting commerce by virtue of the health care-related and other costs that Federal, State, and tribal governmental authorities have incurred because of the usage of tobacco products;

(4) the sale, distribution, marketing, advertising, and use of tobacco products on Indian lands are activities which materially and substantially affect the health and welfare of members of Indian tribes and tribal organizations;

(5) the use of tobacco products is a serious ad growing public health problem, with impacts on the health and well-being of Native Americans;

(6) the use of tobacco products in Native communities is particularly serious with staggering rates of smoking in Native American communities;

(7) enhancing existing legal mechanisms for the protection of public health are inadequate to deal effectively with the use of tobacco products; and

(8) enhancing prevention, research, and treatment resources with respect to tobacco will allow Indian tribes to address more effectively the problems associated with the use of tobacco products.

(b) PURPOSES.—It is the purpose of this Act to—

(1) provide for the implementation of any national tobacco legislation with respect to the regulation of tobacco products and other tobacco-related activities on Indian lands;

(2) recognize the historic Native American traditional and ceremonial use of tobacco products, and to preserve and protect the cultural, religious, and ceremonial uses of tobacco by members of Indian tribes;

(3) recognize and respect Indian tribal sovereignty and tribal authority to make and enforce laws regarding the regulation of tobacco distributors and tobacco products on Indian lands;

(4) ensure that the necessary funding is made available to tribal governments for licensing and enforcement of tobacco distributors and tobacco products on Indian lands;

(5) ensure that the necessary funding is made available to tribal governments to treat tobacco-related illnesses and alleviate the epidemic of tobacco abuse by Native Americans;

(6) reduce the marketing of tobacco products to, and reduce the rate of smoking by, young Native Americans; and

(7) decrease tobacco use by Native Americans by encouraging public education and smoking cessation programs.

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMERCE.—The term "commerce" means—

(A) commerce between any State, Indian tribe, or tribal organization, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the Mariana Islands, or any territory or possession of the United States;

(B) commerce between points in any State, Indian tribe, or tribal organization, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, America Samoa, the Mariana Islands, or any territory or possession of the United States; and

(C) commerce wholly within the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the Mariana Islands, or any territory or possession of the United States.

(2) CONSENT DECREE.—The term "consent decree" means a consent decree executed by a 1 or more participating manufacturers and a State or an Indian tribe or tribal organization pursuant to the provisions of any Act enacted in order to give effect to the national tobacco settlement agreement of June 20, 1997.

(3) COURT.—The term "court" means any judicial or agency court, forum, or tribunal within the United States, including any Federal, State, or tribal court.

(4) DISTRIBUTOR.—The term "distributor" means any person who furthers the distribution of tobacco or tobacco products, whether domestic or imported, at any point from the original place of manufacture to the person who sells or distributes the product to individuals for second consumption. Such term shall not include common carriers.

(5) INDIAN LANDS.—The term "Indian lands" has the meaning given the term "Indian country" by section 1151 of title 18, United States Code, and includes lands under the jurisdiction of an Indian tribe or tribal organization.

(6) INDIAN TRIBE.—The term "Indian tribe" has the meaning given such term in section 4(e) of the Indian Self Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(7) MANUFACTURER.—

(A) IN GENERAL.—The term "manufacturer" means—

(i) a person who directly (not through a subsidiary or affiliate) manufactures tobacco products for sale in the United States;

(ii) a successor or assign of a person described in subparagraph (A);

(iii) an entity established by a person described in subparagraph (A);

(iv) an entity to which a person described in subparagraph (A) directly or indirectly makes a fraudulent conveyance after the date of enactment of this Act, or any Act to amend the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.) in order to give effect to the national tobacco settlement agreement of June 20, 1997, or a transfer that would otherwise be voidable under chapter 7 of title 11, United States Code, but only to the extent of the interest or obligation transferred.

(B) LIMITATION.—The term "manufacturer" shall not include a parent or affiliate of a person who manufactures tobacco products unless such parent or affiliate itself is a person described in subparagraphs (A).

(8) PERSON.—The term "person" means an individual, partnership, corporation, or any other business or legal entity.

(9) POINT OF SALE.—The term "point of sale" means any location at which an individual can purchase or otherwise obtain tobacco products for personal, non-traditional consumption.

(10) RETAILER.—The term "retailer" means any person who sells tobacco products to individuals for personal consumption, or who operates a facility where vending machines or self-service displays are permitted.

(11) SALE.—The term "sale" includes the selling, providing samples of, or otherwise making tobacco products available for personal consumption in any place or location as permitted under law.

(12) SECRETARY.—Unless otherwise provided, the term "Secretary" means the Secretary of Health and Human Services.

(13) STATE.—The term "State" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, America Samoa, the Mariana Islands, or any territory or possession of the United States. Such term also includes any political subdivision of any State.

(14) TOBACCO.—The term "tobacco" means tobacco in its unmanufactured form.

(15) TOBACCO PRODUCT.—The term "tobacco product" means cigarettes, cigarette tobacco, and smokeless tobacco.

(16) TOBACCO TRUST FUND.—The term "tobacco trust fund" means any national tobacco settlement trust fund established under any Act enacted in order to give effect to the national tobacco settlement agreement of June 20, 1997.

(17) TRIBAL ORGANIZATION.—The term "tribal organization" has the meaning given such term in section 4(e) of the Indian Self Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(18) VOLUNTARY COOPERATIVE AGREEMENT.—The term "voluntary cooperative agreement" means any agreement, contract, compact, memorandum of understanding, or similar agreement.

SEC. 4. APPLICATION OF TOBACCO-RELATED PROVISIONS TO NATIVE AMERICANS.

(a) IN GENERAL.—The provisions of any Act enacted in order to give effect to the national tobacco settlement agreement of June 20, 1997 shall apply to the manufacture, distribution, or sale of tobacco or tobacco products within the exterior boundaries of Indian reservations or on lands within the jurisdiction of an Indian tribe or tribal organization.

(b) TRADITIONAL USE EXCEPTION.—

(1) IN GENERAL.—In recognition of the religious, ceremonial, and traditional uses of tobacco and tobacco products by Indian tribes and the members of such tribes, nothing in this Act (or any Act enacted to give effect to the national tobacco settlement agreement of June 20, 1997) shall be construed to infringe upon the right of such tribes or members of such tribes to acquire, possess, use, or transfer any tobacco or tobacco products for such purposes.

(2) APPLICATION OF PROVISIONS.—Paragraph (1) shall apply only to those quantities of tobacco or tobacco products necessary to fulfill the religious, ceremonial, or traditional purposes of an Indian tribe or the members of such tribe, and shall not be construed to permit the general marketing of tobacco or tobacco products in a manner that is not in compliance with chapter IX of the Federal Food, Drug, and Cosmetic Act.

(3) LIMITATION.—Nothing in this Act (or any Act enacted to give effect to the national tobacco settlement agreement of June 20, 1997) shall be construed to permit an Indian tribe or member of such a tribe to acquire, possess, use, or transfer any tobacco or tobacco product in violation of section 2341 of title 18, United States Code, with respect to the transportation of contraband cigarettes.

(c) PAYMENTS TO TOBACCO TRUST FUND.—Any Indian tribe or tribal organization that engages in the manufacture of tobacco products shall be subject to liability for any fee payments that are levied on other manufacturers for purposes of any tobacco trust fund. Any Indian tribe or tribal organization that does not pay such fees shall be considered a nonparticipating manufacturer and shall be subject to surcharges made applicable to such nonparticipating manufacturers under any Act enacted to give effect to the national tobacco settlement agreement of June 20, 1997).

(d) Application of Federal Food, Drug, and Cosmetic Act Requirements.—

(1) In general.—The Secretary, in consultation with the Secretary of Interior, shall promulgate regulations to provide for the waiver of any requirement of the Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.) with respect to tobacco products manufactured, distributed, or sold within the exterior boundaries of Indian reservations or on lands within the jurisdiction of an Indian tribe as appropriate to comply with this section.

(2) Jurisdiction.—With respect to tobacco-related activities that take place within the exterior boundaries of Indian reservations or on lands within the jurisdiction of an Indian tribe, the responsibility for enforcing the regulations promulgated pursuant to paragraph (1) shall be vested in—

(A) the Indian tribe or the tribal organization involved;

(B) the State within which the lands of the Indian tribe or tribal organization are located, pursuant to a voluntary cooperative agreement entered into by the State and the Indian tribe or tribal organization; or

(C) the Secretary.

(3) Eligibility for assistance.—Under the regulations promulgated under paragraph (1), the Secretary, in consultation with the Secretary of the Interior, shall provide assistance to an Indian tribe or tribal organization in meeting and enforcing the requirements under such regulations if—

(A) the tribe or tribal organization has a governing body that has powers and carries out duties that are similar to the powers and duties of State or local governments;

(B) the functions to be exercised through the use of such assistance relate to activities conducted within the exterior boundaries of Indian reservations or on lands within the jurisdiction of the tribe or tribal organization involved; and

(C) the tribe or tribal organization is reasonably expected to be capable of carrying out the functions required by the Secretary.

(4) Determinations.—Not later than 60 days after the date on which an Indian tribe or tribal organization submits an application for assistance under paragraph (3), the Secretary shall make a determination concerning the eligibility of such tribe or organization for such assistance.

(5) Implementation by the secretary.—If the Secretary determines that the Indian tribe or tribal organization is not willing or not qualified to administer the requirements of the regulations promulgated under this subsection, the Secretary, in consultation with the Secretary of the Interior, shall implement and enforce such regulations on behalf of the tribe or tribal organization.

(6) Deficient applications; opportunity to cure.—If the Secretary determines under paragraph (4) that a tribe is not eligible for assistance under this subsection, the Secretary shall—

(A) submit to such tribe or organization, in writing, a statement of the reasons for such determination; and

(B) shall assist such tribe in overcoming any deficiencies that resulted in the determination of ineligibility.

After an opportunity to review and cure such deficiencies, the tribe or organization may re-apply to the Secretary for assistance under this subsection.

(e) Retail Licensing Requirements.—

(1) In general.—The requirements of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.), or any Act enacted in order to give effect to the national tobacco settlement agreement of June 20, 1997, with respect to the licensing of tobacco retailers shall apply to retailers that sell tobacco or tobacco products within the exterior boundaries of Indian reservations or on lands within the jurisdiction of an Indian tribe or tribal organization.

(2) Minimum federal standards.—

(A) In general.—Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate regulations to authorize an Indian tribe or tribal organization to implement a tribal tobacco product licensing program within Indian reservations or on lands within the jurisdiction of an Indian tribe or tribal organization.

(B) Model state law.—The terms, conditions, and standards contained in the model State law contained in any Act enacted to give effect to the national tobacco settlement agreement of June 20, 1997 shall constitute the minimum Federal regulations that an Indian tribe or tribal organization must enact in order to assume responsibility for the licensing and regulation or tobacco-related activities conducted within the exterior boundaries of Indian reservations or on lands within the jurisdiction of an Indian tribe or tribal organization.

(C) Waiver.—An Indian tribe or tribal organization shall have the same right to apply for waiver and modification of the law described in subparagraph (B) as a State pursuant to the Act involved.

(3) Implementation by the secretary.—If the Secretary, in consultation with the Secretary of the Interior, determines that the Indian tribe or tribal organization is not qualified to administer the relevant requirements of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.) or any Act enacted in order to give effect to the national tobacco settlement agreement of June 20, 1997, the Secretary, in consultation with the Secretary of the Interior, shall implement such requirements on behalf of the Indian tribe or tribal organization.

(f) Eligibility for Public Health Payments.—

(1) Grant.—

(A) In general.—For each fiscal year the Secretary shall award a grant to each Indian tribe or tribal organization that has an approved anti-smoking plan for the fiscal year involved under paragraph (2) in an amount equal to the amount determined under paragraph (3).

(B) Reduction in state amounts.—With respect to any State in which the service area or areas of an Indian tribe or tribal organization that receives a grant under subparagraph (A) are located, the Secretary shall reduce the amount otherwise payable to such State, under any Act enacted in order to give effect to the national tobacco settlement agreement of June 20, 1997, by the amount of such grant.

(2) Tribal plans.—To be eligible to receive a grant under paragraph (1), an Indian tribe or tribal organization shall prepare and submit to the Secretary an anti-smoking plan and shall otherwise meet the requirements of subsection (e). The Secretary shall promulgate regulations providing for the form and content of anti-smoking plans to be submitted under this paragraph.

(3) Amount determined.—Except as provided in this subsection, the amount of any grant for which an Indian tribe or tribal organization is eligible under paragraph (1) shall be determined by the Secretary based on the product of—

(A) the ratio of the total number of individual residing on or in such tribe's or tribal organization's reservation, jurisdictional lands, or the active user population, relative to the total population of the State involved; and

(B) the amount allocated to the State for such public health purposes.

(4) Use.—Amounts provided to a tribe or tribal organization under this subsection shall be used to reimburse the tribe for smoking-related health expenditures, to further the purposes of this Act or any Act enacted in order to give effect to the national tobacco settlement agreement of June 20, 1997, and in accordance with a tribal anti-smoking plan approved by the Secretary. Indian tribes and tribal organizations shall have the flexibility to utilize such amounts to meet the unique health care needs of persons within their service populations within the context of tribal health programs if such programs meet the fundamental Federal goals and purposes of Federal Indian health care law and policy.

(5) Reallotment.—Amounts set aside and not expended under this subsection shall be reallotted among other eligible Indian tribes and tribal organizations.

(g) Obligations of Manufacturers.—Manufacturers participating in, or covered under this Act or any Act enacted in order to give effect to the national tobacco settlement agreement of June 20, 1997 shall not engage in any activity on lands within the jurisdiction of an Indian tribe or tribal organization that is prohibited by this Act or such other Act.

(h) Use of Trust Fund Payments.—Amounts made available from the tobacco trust fund pursuant to any Indian health provisions of any Act enacted in order to give effect to the national tobacco settlement agreement of June 20, 1997 shall be provided to the Indian Health Service and, through the provisions of the Indian Self Determination and Education Assistance Act (25 U.S.C. 450b et seq.) to Indian tribes or tribal organizations to be used to reduce tobacco consumption, promote smoking cessation, and to fund related activities including—

(1) clinic and facility design, construction, repair, renovation, maintenance, and improvement;

(2) health care provider services and equipment;

(3) domestic and community sanitation associated with clinic and facility construction and improvement;

(4) inpatient and outpatient services; and

(5) other programs and services which have as their goal raising the health status of Indians.

(i) Preemption.—

(1) In general.—Except as otherwise provided in this section, nothing in this Act of any Act enacted in order to give effect to the national tobacco settlement agreement of June 20, 1997, shall be construed to prohibit an Indian tribe or tribal organization from imposing requirements, prohibitions, penalties, or other measures to further the purposes of this Act that are in addition to the requirements, prohibitions, or penalties required by this Act or such other Act.

(2) Public exposure to smoke.—Nothing in this Act shall be construed to preempt or

otherwise affect any Indian tribe or tribal organization rule or practice that provides greater protections from the health hazards of environmental tobacco smoke.

(3) NATIVE AMERICANS.—A State may not impose obligations or requirements relating to the application of this Act or any other Act enacted in order to give effect to the national tobacco settlement agreement of June 20, 1997, to Indian tribes and tribal organizations.

By Mrs. FEINSTEIN:

S. 1798. A bill to provide for an alternative penalty procedure for States that fail to meet Federal child support data processing requirements; to the Committee on Finance.

THE CHILD SUPPORT PENALTY FAIRNESS ACT OF 1998

Mrs. FEINSTEIN. Mr. President, I am introducing today, the Child Support Penalty Fairness Act of 1998. Similar to the House passed Child Support Performance and Incentive Act, this legislation decreases penalties for states who didn't make the October 1997 child support enforcement system deadline but this legislation provides exemptions for those counties, such as Los Angeles county, that made the deadline even if the state didn't.

This legislation decreases the overall penalties to 4% of the child support administrative funds in the first year, and doubles the percentage of penalties each year, capping it at 20% by the fourth year. Additionally, if the state becomes certified during the year, 75% of the penalties would be forgiven for that fiscal year. The penalty structure in this legislation is the same as CLAY SHAW's bill, HR3130, which passed the House of Representatives two weeks ago and awaits consideration in the Senate Finance Committee.

The current penalties for not having the child support enforcement system up and running are enormous. States would be penalized all their TANF (AFDC) funding and their child support administration funds for the year.

The total loss in TANF funds and child support administrative funds from the 14 states amount to over $8 billion annually and for California, the penalty would be $3.7 billion in TANF funds and $300 million in child support administrative funds annually.

What is unique about this legislation is that in addition to lowering penalties, it exempts from the penalties those counties who had their own certifiable systems prior to October 31, 1997.

All of us agree that for states who did not make the deadline, they should be held accountable. But for those states who have county based child support systems where individual counties could have been certified by HHS independently, it is unfair to penalize the counties with the state.

For California, 25% or $75 million of the penalty will be borne by LA County, the largest county in the nation serving 550,000 families and whose program is larger than 42 other states. Despite the fact that LA County completed its system by the October 1997 deadline and could be certified as recognized by HHS in its March 2, 1998 proposed rules, LA County will be penalized along with the rest of California.

This is unfair and wrong. As I propose in my legislation, when counties have met the system requirement by building their own system with separate HHS funding, their portion should be exempted from the total penalties imposed on a state.

Mr. President, I know there is bi-partisan support for my proposal which is similar to CLAY SHAW's bill which passed the House. My proposal differs from SHAW's bill in that it exempts penalties for those counties who met all the requirements and completed their child support enforcement system before the October 1997 deadline. This provision is critical for many states whose counties have done their job but will suffer enormous penalties because the state as a whole have failed.

I urge all my colleagues to support this legislation, and I ask unanimous consent that the text of the bill, the memorandum of understanding, and excerpts from 42 CFR Part 307 be printed into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1798

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. ALTERNATIVE PENALTY PROCEDURE FOR CHILD SUPPORT DATA PROCESSING REQUIREMENTS.

(a) IN GENERAL.—Section 455(a) of the Social Security Act (42 U.S.C. 655(a)) is amended by adding at the end the following:

"(4)(A) If—

"(i) the Secretary determines that a State plan under section 454 would (in the absence of this paragraph) be disapproved for the failure of the State to comply with section 454(24)(A), and that the State has made and is continuing to make a good faith effort to so comply; and

"(ii) the State has submitted to the Secretary a corrective compliance plan that describes how, by when, and at what cost the State will achieve such compliance, which has been approved by the Secretary,

then the Secretary shall not disapprove the State plan under section 454, and the Secretary shall reduce the amount otherwise payable to the State under paragraph (1)(A) of this subsection for the fiscal year by the penalty amount.

"(B) In this paragraph:

"(i) The term 'penalty amount' means, with respect to a failure of a State to comply with section 454(24)—

"(I) 4 percent of the penalty base, in the case of the 1st fiscal year in which such a failure by the State occurs;

"(II) 8 percent of the penalty base, in the case of the 2nd such fiscal year;

"(III) 16 percent of the penalty base, in the case of the 3rd such fiscal year; or

"(IV) 20 percent of the penalty base, in the case of the 4th or any subsequent such fiscal year.

"(ii) The term 'penalty base' means, with respect to a failure of a State to comply with section 454(24) during a fiscal year, the amount otherwise payable to the State under paragraph (1)(A) of this subsection for the preceding fiscal year, minus the applicable share of such amount which would otherwise be payable to any county to which the Secretary granted a waiver under the Family Support Act of 1988 (Public Law 100-485; 102 Stat. 2343) for 90 percent enhanced Federal funding to develop an automated data processing and information retrieval system provided that such system was implemented prior to October 1, 1997.

"(C)(i) The Secretary shall waive a penalty under this paragraph for any failure of a State to comply with section 454(24)(A) during fiscal year 1998 if—

"(I) by December 31, 1997, the State has submitted to the Secretary a request that the Secretary certify the State as having met the requirements of such section;

"(II) the Secretary has provided the certification as a result of a review conducted pursuant to the request; and

"(III) the State has not failed such a review.

"(ii) If a State with respect to which a reduction is made under this paragraph for a fiscal year achieves compliance with section 454(24)(A) by the beginning of the succeeding fiscal year, the Secretary shall increase the amount otherwise payable to the State under paragraph (1)(A) of this subsection for the succeeding fiscal year by an amount equal to 75 percent of the reduction for the fiscal year.

"(D) The preceding provisions of this paragraph (except for subparagraph (C)(i)) shall apply, separately and independently, to a failure to comply with section 454(24)(B) in the same manner in which the preceding provisions apply to a failure to comply with section 454(24)(A).".

(b) INAPPLICABILITY OF PENALTY UNDER TANF PROGRAM.—Section 409(a)(8)(A)(i)(III) of such Act (42 U.S.C. 609(a)(8)(A)(i)(III)) is amended by inserting "(other than section 454(24))" before the semicolon.

SEC. 2. AUTHORITY TO WAIVE SINGLE STATEWIDE AUTOMATED DATA PROCESSING AND INFORMATION RETRIEVAL SYSTEM REQUIREMENT.

(a) IN GENERAL.—Section 452(d)(3) of the Social Security Act (42 U.S.C. 652(d)(3)) is amended to read as follows:

"(3) The Secretary may waive any requirement of paragraph (1) or any condition specified under section 454(16), and shall waive the single statewide system requirement under sections 454(16) and 454A, with respect to a State if—

"(A) the State demonstrates to the satisfaction of the Secretary that the State has or can develop an alternative system or systems that enable the State—

"(i) for purposes of section 409(a)(8), to achieve the paternity establishment percentages (as defined in section 452(g)(2)) and other performance measures that may be established by the Secretary;

"(ii) to submit data under section 454(15)(B) that is complete and reliable;

"(iii) to substantially comply with the requirements of this part; and

"(iv) in the case of a request to waive the single statewide system requirement, to—

"(I) meet all functional requirements of sections 454(16) and 454A;

"(II) ensure that the calculation of distribution of collected support is according to the requirements of section 457;

"(III) ensure that there is only 1 point of contact in the State for all interstate case processing and coordinated intrastate case management;

"(IV) ensure that standardized data elements, forms, and definitions are used throughout the State; and

"(V) complete the alternative system in no more time than it would take to complete a single statewide system that meets such requirement;

"(B)(i) the waiver meets the criteria of paragraphs (1), (2), and (3) of section 1115(c); or

"(ii) the State provides assurances to the Secretary that steps will be taken to otherwise improve the State's child support enforcement program; and

"(C) in the case of a request to waive the single statewide system requirement, the State has submitted to the Secretary separate estimates of the total cost of a single statewide system that meets such requirement, and of any such alternative system or systems, which shall include estimates of the cost of developing and completing the system and of operating the system for 5 years, and the Secretary has agreed with the estimates.".

(b) PAYMENTS TO STATES.—Section 455(a)(1) of such Act (42 U.S.C. 655(a)(1)) is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by striking the semicolon at the end of subparagraph (C) and inserting ", and"; and

(3) by inserting after subparagraph (C) the following:

"(D) equal to 66 percent of the sums expended by the State during the quarter for an alternative statewide system for which a waiver has been granted under section 452(d)(3), but only to the extent that the total of the sums so expended by the State on or after the date of the enactment of this subparagraph does not exceed the least total cost estimate submitted by the State pursuant to section 452(d)(3)(C) in the request for the waiver.".

MEMORANDUM OF UNDERSTANDING

This agreement is entered into by Wayne A. Stanton, Administrator, Family Support Administration (FSA), Department of Health and Human Services, Ira Reiner, Los Angeles County District Attorney, Richard B. Dixon, Los Angeles County Chief Administrative Officer, and Dennis Boyle, Deputy Director, State Department of Social Services, to resolve certain issues relating to needed improvement in the Los Angeles County child support enforcement program.

It is understood and agreed that there is a top level management commitment to accomplish management standards to performance and to develop an automated system that can adequately support the program operations and to employ sufficient staff to carry out the duties of the Child Support Program.

It is further understood and agreed that the lack of an automation system that can adequately support the program operations and the present number of employees assigned to carry out the duties of the family support program have significantly contributed to the current level of child support collections.

All concerned parties will work together to quickly complete Requests For Proposals for the following areas consistent with applicable County charter and ordinance provisions which require findings of cost effectiveness or feasibility:

1. To replace, enlarge, or modify Los Angeles County's existing Automated Child Support Enforcement System;
2. Supplemental locate and collection services for hard-to-find absent parents;
3. An automated billing system;
4. Process serving;
5. Banking/Court Trustee operations;
6. Blood testing;
7. Data preparation of case backlog in anticipation of automation.

The District Attorney's Office will immediately begin hiring within current budgetary authorizations the necessary additional qualified employees to provide required child support enforcement program services.

All concerned parties will work together to:

1. Develop and approve a six to ten page planning Advance Planning Document (as detailed on the Attachment).
2. Revise Request For Proposals and Advance Planning Document so as to require the use of existing hardware.

The FSA will advise the State that Los Angeles County, in recognition of the size of its caseload, is eligible to establish its own automated system which may be separate from any other system(s) which may be required of other countries.

The State will request and FSA will consider in a timely manner an 1115 waiver so as to provide Los Angeles County 90% funding to replace, enlarge or modify Los Angeles County's existing Automated Child Support Enforcement System and not jeopardize 90% funding for other systems within the State.

This document expresses the will and commitment of the Federal, State, and County Governments to expedite the approval processes necessary to accomplish the goals set forth herein.

WAYNE A. STANTON,
Administrator, Family Support Administration.
GREGORY THOMPSON,
Chief, Deputy District Attorney, District Attorney's Office.
RICHARD B. DIXON,
Chief Administrative Officer, Chief, Administrative Office.
DENNIS BOYLE,
Deputy Director, State Department of Social Services.

EXCERPTS FROM 45 CFR PART 307

AUTOMATED DATA PROCESSING FUNDING LIMITATION FOR CHILD SUPPORT ENFORCEMENT SYSTEMS

Summary: The Federal share of funding available at an 80 percent matching rate for child support enforcement automated systems changes resulting from the Personal Responsibility and Work Opportunity Reconciliation Act is limited to a total of $400,000,000 for fiscal years 1996 through 2001. This proposed rule responds to the requirement that the Secretary of Health and Human Services issue regulations which specify a formula for allocating this sum among the States, Territories and eligible systems.

PRWORA requires the Secretary of Health and Human Services to issue regulations which specify a formula for allocating the $400,000,000 available at 80 percent FFP among the States and Territories. The Balanced Budget Act Amendments add specified systems to the entities included in the formula. The allocation formula must take into account the relative size of State and systems IV–D (child support enforcement) caseloads and the level of automation needed to meet title IV–D automated data processing requirements. Accordingly, we propose to revise 45 CFR Part 307 to include conforming changes and to add §307.31.

Conditions That Must Be Met for 80 Percent Federal Financial Participation

Pub. L. 104–193 provides enhanced funds to complete development of child support enforcement systems which meet the requirements of both the Family Support Act and PRWORA. From this we conclude that no change in the conditions for receipt of funds was anticipated by Congress. Thus, we propose to retain in 45 CFR Part 307.31 the same conditions for receipt funds at 80 percent FFP which appear at §307.30 (a), (b), (c), and (d) and apply to claims for FFP at the 90 percent rate.

Throughout this notice of proposed rulemaking we use "State" as the inclusive term for States, Territories and approved systems as described in 42 U.S.C. 655(a)(3)(B)(iii) (section 455(a)(3)(B)(iii) of the Act) as added to the Act by section 5555 of the Balanced Budget Act of 1997 (Pub. L. 105–33). The technical amendments to section 455(a)(3)(B) of the Act changed the entities included in the allocation formula by adding "system" to States and Territories. For purposes of this proposed rule, a system eligible for enhanced funding is a system approved by the Secretary to receive funding at the 90 percent rate for the purpose of developing a system that meets the requirements of section 454(16) of the Act (42 U.S.C. 654(16)) (as in effect on and after September 30, 1995) and section 454A of the Act (42 U.S.C. 654A), including a system that received funding for this purpose pursuant to a waiver under section 1115(a) of the Act (42 U.S.C. 1315(a)).

Allocation Formula

Section 344(b)(3)(C) of PRWORA requires the Secretary to allocate by formula the $400,000,000 available at the 80 percent FFP rate. This section specifies that the formula take into account the relative size of State IV–D caseloads and the level of automation needed to meet applicable automatic data processing requirements. The legislative history does not elaborate on the meaning of these factors.

The allocation formula proposed in this section is the product of consultation with a wide range of stakeholders. We sought information from child support enforcement systems experts, financial experts, economists, State IV–D directors, and national associations. Before drafting regulations we asked States to suggest approaches for allocating the available Federal share of the funds. In a number of open forums we sought suggestions for the allocation formula. An internal working group considered the information from States, reviewed the suggestions, then developed the proposed allocation formula.

Simply stated, the proposed formula first allots a base amount of $2,000,000 to each State to take into account the level of automation needed to meet the automated data processing requirements of title IV–D. The formula, then, allots an additional amount to States based on both their reported IV–D caseload and their potential caseload based on Census data on children living with one parent.

As indicated earlier, we use "State" as the inclusive term for States, Territories and systems described in 42 U.S.C. 655(a)(3)(B)(iii) (455(a)(3)(B)(iii) of the Act) as amended by section 5555 of the Balanced Budget Act of 1997. The technical amendments to section 455(a)(3)(B) of the Act changed the entities included in the allocation formula by adding "system" to States.

At this time caseload and census data are not available for Los Angeles County. Therefore, the tables in appendix A show a base amount allocated to Los Angeles County and blank cells for the caseload factor and the census factor. With a base amount assigned for Los Angeles County, we can calculate the total remaining funds available for allocation among the other States. California's caseload factor and census factor represent the total for the State, including Los Angeles County. The California IV–D agency and the Los Angeles County IV–D agency have been asked to provide us with caseload and census data, as described below, showing Los Angeles County's share of the California total.

By Mr. McCAIN:

S. 1799. A bill to amend section 121 of the Internal Revenue Code of 1986 to provide that a member of the Armed Forces of the United States shall be treated as using a principal residence while away from home on extended active duty; to the Committee on Finance.

TAX EXCLUSION LEGISLATION

Mr. McCAIN. Mr. President, I am proud to sponsor this bill to amend the Internal Revenue Code. This bill would modify the home ownership test for Sales of Primary Residence so that members of our Armed Forces, who are away on active duty, qualify for the existing tax relief on the profit generated when they sell their main residence. This amendment will not create a new tax benefit; it merely modifies current law to include the time military personnel are away from home on active duty when calculating the number of years the home owner has lived in their primary residence. In short, this amendment is narrowly tailored to remedy a specific dilemma.

The Taxpayer Relief Act of 1997 delivered sweeping tax relief to millions of Americans through a wide variety of important tax changes that affect individuals, families, investors and businesses. It is also one of the most complex tax laws enacted in recent memory.

Mr. President, as with any complex legislation, there are winners and losers. But in this instance, there is an unintended loser: military personnel. The 1997 act gives taxpayers who sell their principal residence a much-needed tax break when they sell their primary residence. Under the old rule, taxpayers received a one-time exclusion on the profit they made when they sold their principal residence, but the taxpayer had to be at least 55 years old and live in the residence for 2 of the 5 years preceding the sale. This provision primarily benefited elderly taxpayers, while not providing any relief to younger taxpayers and their families.

Fortunately, the 1997 act addressed this issue. Under the new law, all taxpayers who sell their personal residence on or after May 7, 1997, are not taxed on the first $250,000 of profit from the sale. Joint filers are not taxed on the first $500,000 of profit they made from selling their principal residence.

Mr. President, I applaud the bi-partisan cooperation that resulted in this much-needed form of tax relief. The home sales provision sounds great, and it is. However, when we delve deeper into this law, we note that the taxpayer must meet two requirements to qualify for this tax relief. To qualify, the taxpayer must (1) own the home for at least 2 of the 5 years preceding the sale, and (2) live in the home as their MAIN home for at least 2 years of the last 5 years.

The second part of this test unintentionally prohibits many of our women and men in the Armed Services from qualifying for this beneficial tax relief. Constant travel across the U.S. and abroad is inherent to military service. Nonetheless, some military personnel choose to purchase a home in a certain locale, even though they will not live there for much of the time. Under the new law, if you do not have a spouse, and are also forced to travel, you will not qualify for the full benefit of the new home sales provision, because no one "lives" in the home for the required period of time. The current law also hits dual-military couples that are often away on active duty. They, would not qualify for the home sales exclusion because neither spouse "lives" in the house for enough time to qualify for the exclusion.

Today, the United States has approximately 37,000 men and women deployed to the Persian Gulf region, preparing to go into combat, if so ordered. There are another 8,000 American troops deployed in Bosnia, and another 70,000 U.S. military personnel deployed in support of other commitments worldwide. That is a total of 108,000 women and men deployed outside of the United States, away from their primary home. These women and men are abroad protecting and furthering the freedoms we Americans hold so dear.

It is fundamentally unfair to deny these men and women the same tax relief as their civilian counterparts. The newly enacted current home sale provision unintentionally discourages home ownership among military personnel. Many of our troops simply do not qualify for the homes sales tax relief because they are away from their home so much of the time.

Discouraging home ownership among military personnel is unfair and bad fiscal policy. Home ownership has numerous benefits for communities and individual homeowners. Having a fixed home provides Americans with a sense of community, and adds stability to our nation's neighborhoods. Home ownership also generates valuable property taxes for our nation's communities.

We are in a period of robust growth. Americans who are fortunate enough to do so, reap the benefits of our country's growth by investing in the stock market. Many of our nation's recent millionaires became millionaires through the stock market. However, many middle- and lower-income Americans don't hold vast amounts of stocks, bonds, mutual funds, and the like. Therefore, how does the average American participate in our nation's robust growth? Through home ownership.

Appreciation in the value of a home resulting from our country's overall economic growth allows everyday Americans to participate in our country's prosperity. Fortunately, the Taxpayer Relief Act of 1997 recognized this, and provided this break to lessen the amount of tax most Americans will pay on the profit they make when they sell their main homes.

This bill simply remedies an inequality in the new law. The bill amends the Internal Revenue Code so that members of our Armed Forces will be considered to be using their house as their main residence for any period that they are away on extended active duty. In short, military personnel will be deemed to be using their house as their main home, even if they are stationed in Bosnia, the Persian Gulf, in the "no man's land," commonly called the DMZ between North and South Korea, or anywhere else on active duty orders.

We cannot afford to discourage Military service by penalizing military personnel with higher taxes merely because they are doing their job. Military service in itself entails sacrifice, such as long periods of time away from friends and family, and the constant threat of mobilization into hostile territory. We must not use the tax code to heap additional burdens upon our women and men in uniform.

In my view, the way to decrease the likelihood of further inequities such as the current Home Sales provision is to adopt a fairer, flatter tax that is far less complicated than our current system. But, in the meantime, we must insure that the tax code is fair and equitable.

The Taxpayers' relief Act of 1997 was designed to provide sweeping tax relief to all Americans, including our women and men in uniform. Yes, it is true that there are winners and losers in any tax code. However, this inequity is unintended. We should enact this narrowly tailored remedy to grant equal tax relief to the members of our Armed Services.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1799

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ARMED FORCES MEMBER TREATED AS USING PRINCIPAL RESIDENCE WHILE AWAY FROM HOME ON ACTIVE DUTY.

(a) IN GENERAL.—Section 121(d) of the Internal Revenue Code of 1986 (relating to special rules) is amended by adding at the end the following new paragraph:

"(9) DETERMINATION OF USE DURING PERIODS OF ACTIVE DUTY WITH ARMED FORCES.—

"(A) IN GENERAL.—A taxpayer shall be treated as using property as a principal residence during any period the taxpayer (or the taxpayer's spouse) is serving on extended active duty with the Armed Forces of the United States, but only if the taxpayer used the property as a principal residence for any period before the period of extended active duty.

"(B) EXTENDED ACTIVE DUTY.—For purposes of this paragraph, the term 'extended active duty' means any period of active duty pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales or exchanges after May 6, 1997.

By Mr. GLENN (for himself and Mr. DEWINE):

S. 1800. A bill to designate the Federal building and United States courthouse located at 85 Marconi Boulevard in Columbus, Ohio, as the "Joseph P. Kinneary United States Courthouse"; to the Committee on Environment and Public Works.

JOSEPH KINNEARY UNITED STATES COURTHOUSE LEGISLATION

Mr. GLENN. Mr. President, I rise today to introduce a bill naming the Federal Building and Courthouse at 85 Marconi Boulevard in Columbus, Ohio after one of my home state's most highly esteemed members of the federal bench, Judge Joseph P. Kinneary.

Judge Kinneary has served on the United States District Court of Ohio for over 32 years. But Judge Kinneary's commitment to public service goes much further beyond these past three decades. He has given a lifetime to public service. In fact, that service continues even today where, at age 92, Judge Kinneary continues to serve as a senior judge carrying a docket of cases.

I'd like to take a few minutes of my colleagues' time to talk about this amazing gentleman and what he's done for my home state of Ohio and our entire nation.

Judge Kinneary graduated from the University of Cincinnati's College of Law in 1935. After practicing law in both Columbus and Cincinnati for two years, Judge Kinneary served as Assistant Attorney General of Ohio until 1939.

But, as happened to many Americans in those days, World War II changed Joseph Kinneary's career plans. He served in the Army from 1942 to 1946, and worked as the Chief of the Legal Branch for the Field Headquarters of the Quartermaster Corps.

After his war service, Judge Kinneary returned to private practice. In 1949, however, Judge Kinneary returned to public service and became the First Assistant Attorney General of Ohio. And, in 1961, President Kennedy appointed Judge Kinneary to United States Attorney for the Southern District of Ohio where he served until 1966.

In 1966, President Johnson appointed Judge Kinneary to the District Court for the Southern District of Ohio. Well-respected among his colleagues, he served as Chief Judge from January 1973 to September 1975.

And, today, 32 years after his appointment to the bench, Judge Kinneary still presides and draws a docket that is approximately 80 percent of an active judge. I find Judge Kinneary's dedication to the people of Ohio and America inspiring, as I'm sure many of my colleagues do on hearing of his career.

I can think of no better way for the U.S. Senate, for the entire country, to honor Judge Kinneary than to name one of Columbus, Ohio's, most important federal buildings and courthouses in his honor. So, it is with great thanks and a deep sense of honor that I introduce today a bill to name the Columbus Courthouse after Judge Kinneary. I urge my colleagues to give this legislation quick consideration and approval.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1800

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF JOSEPH P. KINNEARY UNITED STATES COURTHOUSE.

The Federal building and United States courthouse located at 85 Marconi Boulevard in Columbus, Ohio, shall be known and designated as the "Joseph P. Kinneary United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the "Joseph P. Kinneary United States Courthouse".

By Mr. LAUTENBERG:

S. 1801. A bill to suspend until December 31, 2000, the duty on Benzenepropanal, 4-(1, 1-Dimethylethyl)-Methyl-; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

Mr. LAUTENBERG. Mr. President, I rise today to introduce legislation to temporarily reduce the rate of duty imposed on a fragrance additive with the chemical name of Benzenepropanal, 4-(1,1-Dimethylethyl)-Methyl-. The chemical has a lily-like floral aroma and used in fragrances.

My constituent who requested this duty reduction, Bush Boake Allen Inc. of Montvale, New Jersey, knows of no opposition to this legislation. The last United States manufacturer of this chemical, Givaudan-Roure, will cease all production of this additive by June 1998. I have drafted this legislation to ensure that it will not go into effect before July 15. Givaudan-Roure, which is also a constituent, knows of this legislation and the effective date, and does not oppose it.

I ask my colleagues to support this legislation. Reducing the duties paid by American companies for products which have no American manufacturer keep our companies from being placed at a competitive disadvantage in the global marketplace. In addition, these lower duties will benefit American consumers and business customers of Bush Boake Allen Inc.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1801

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDUCTION OF DUTY ON BENZENEPROPANAL, 4-(1,1-DIMETHYLETHYL)-METHYL-.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new item:

"	9902.29.57	Benzenepropanal, 4-(1,1-Dimethylethyl)-Methyl- (CAS No. 80-54-6) provided for in subheading 2912.29.60)	6%		No change	No change	On or before 12/31/2000	".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the later of—

(1) the 15th day after the date of enactment of this Act; or

(2) July 15, 1998.

By Mr. MCCAIN (for himself, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INOUYE, Mr. LOTT, and Mr. FORD):

S. 1802. A bill to authorize appropriations for the Surface Transportation Board for fiscal years 1999, 2000, and 2001; to the Committee on Commerce, Science, and Transportation.

THE SURFACE TRANSPORTATION BOARD REAUTHORIZATION ACT OF 1998

Mr. McCAIN. Mr. President, today I am introducing the Surface Transportation Board (STB) Reauthorization Act of 1998. I am pleased to be joined in sponsoring this measure by several members of the Senate Committee on Commerce, Science, and Transportation, including Senator HOLLINGS, Ranking Member, Senators HUTCHISON and INOUYE, Chair and Ranking Member of the Surface Transportation and Merchant Marine Subcommittee, as well as Senators LOTT and FORD.

Mr. President, the introduction of this bill today is intended to demonstrate our Committee's firm commitment to enact legislation extending the authorization for the Surface Transportation Board during this session of Congress. The bill we are introducing is simple. It proposes to reauthorize the STB for three years and provide sufficient resources to ensure the agency is able to continue to carry out its serious responsibilities.

Mr. President, I want to stress to my colleagues that this is a working piece of legislation. The Senate Commerce Committee intends to fully explore the resource needs of the Board, along with proposals to provide for any statutory changes as may be necessary. The Surface Transportation and Merchant Marine Subcommittee has already scheduled a hearing on the STB reauthorization for March 31st and I want to commend Chairman HUTCHISON for her expeditious action on this important reauthorization hearing.

During the reauthorization process, I further anticipate we will continue our examination of rail service and rail shipper problems in addition to the more general reauthorization issues. The Surface Transportation and Merchant Marine Subcommittee has held two field hearings and a third hearing on rail service problems will be conducted next month.

Rail service and rail shipper issues warrant serious consideration, but I believe specific rail service and rail shipper problems and cases are best resolved by the Board. The Congress established the STB as an independent non-political authority to deal with these very exact problems and I believe we must continue to assist the Board in fulfilling its statutory duties responsibly and independently.

I look forward to working on this important transportation legislation and hope my colleagues will agree to join with me and the other sponsors in expeditiously moving this necessary transportation reauthorization through the legislative process.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1802

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Surface Transportation Board Reauthorization Act of 1998".

SEC. 2. AUTHORIZATION LEVELS.

There are authorized to be appropriated to the Surface Transportation Board $16,190,000 for fiscal year 1999, $16,642,000 for fiscal year 2000, and $17,111,000 for fiscal year 2001.

Mr. HOLLINGS. Mr. President, I am happy to cosponsor, along with Senators McCAIN, INOUYE, HUTCHISON, LOTT, and FORD, this bill to reauthorize appropriations for the Surface Transportation Board (Board). The Board is the independent agency which oversees the nation's rail transportation industry. The Board also has some authority over the interstate bus system, pipeline system, and rail labor-management disputes. It should be said that the Congress gave this small agency, with less than 150 people, the job that had been done by the old Interstate Commerce Commission with, at its peak, 1600 people. We demanded that the Board do more with less and we demanded that it be evenhanded, fairminded, and tackle some very tough, contentious issues. I am happy to report that the Board has done all of that and more.

Since its inception, the Board has had a pending caseload of between 400 and 500 adjudications related to all of its functions. The number of rail cases pending at the Board remains relatively constant because, even as cases are resolved, new cases are filed. Even with its relatively meager resources the Board has met every rulemaking deadline set by Congress in the Interstate Commerce Commission Termination Act. It has resolved close to 200 motor carrier undercharge cases. It has set and met deadlines and established simplified procedures for handling pending cases. It has also dealt with the important and difficult issue of rail carriers providing rates to shippers in the so-called "bottleneck" cases. While this issue is now before the courts, it is the Board that has tried to steer a course allowing the rail carriers to earn a decent return on their investment while providing shippers with needed transportation at reasonable rates.

In the area of rail regulation, the Board has worked on several important rail restructuring cases, including several complex line construction cases, the Union Pacific/Southern Pacific merger, and the pending Conrail acquisition case (in which approximately 80 decisions have already been issued). It has tackled the rail service emergency in the West in many ways, including its issuance of an emergency service order on October 31, 1997, which has been extended and expanded upon twice and is in place through August 2, 1998. In addition, the Board is holding two days of hearings on the rail service emergency in the beginning of next month. We must applaud Linda Morgan, the Chairman of the Board, on her leadership and the men and women of the Board on their hard work and dedication and as we do so we must be mindful that more, much more, will be expected of them. Two additional rail mergers have been announced, both of critical importance to the nation. I have every confidence in Chairman Morgan and the STB to meet and surmount these latest challenges.

This bill represents my commitment to seeing that the Board is reauthorized for a multi-year span and is given the resources it needs to continue its vital work. Absent the Board, neither shippers nor rail carriers would have an effective forum to adjudicate disputes and ensure a first rate nationwide rail transportation system.

By Mr. ROBB:

S. 1803. A bill to reform agricultural credit programs of the Department of Agriculture, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE AGRICULTURAL CREDIT RESTORATION ACT

Mr. ROBB. Mr. President, every day small and minority farmers are struggling to survive. They struggle in the field as they try to grow a plentiful crop, they struggle with the ever unpredictable Mother Nature, and they struggle to compete with large farm operations. They have a very tough job, but they provide us, the consumers, with the abundant food supply we take for granted. Historically, when credit is unavailable from private sources, farmers have turned to USDA to finance land, seed, equipment and fertilizer, or for funds to offset disaster losses. USDA direct and guaranteed operating loan programs allow small farmers to be self-sustaining, successful, contributing members of their rural communities.

But Mr. President, a little, unknown provision in the 1996 Farm Bill is prohibiting farmers and ranchers from receiving USDA loans if their farm debt has been written off, or forgiven, by the Department in the past for any reason. This provision constitutes a lifetime ban, is more severe than private sector lending policies, and particularly disadvantages small and minority farmers who often have difficulty securing credit. It is a one strike you're out policy and Mr. President, it is simply un-American.

I believe this provision that prohibits farmers who have had their farm debt written-off or restructured from ever receiving a USDA loan again was probably added to the 1996 Farm bill to protect the public interest. However, it is actually forcing some small and minority farmers into impoverished retirement.

That is why I rise today to introduce the Agricultural Credit Restoration Act of 1998. While safeguarding the integrity of USDA lending programs, this bill provides credit-worthy farmers and ranchers a second opportunity to participate in lending programs. The legislation, which was formulated by the USDA, eliminates the lifetime ban. It limits eligibility to two write-downs and farmers and ranchers are given a second opportunity to participate in USDA lending programs. Secondly, an exemption from the ban is included for one write-down that may result from a natural disaster or medical condition affecting farmers or their immediate family, or where discrimination by USDA has occurred. Thirdly, the bill gives the Secretary of Agriculture the authority to give loan funds for socially disadvantaged farmers to states where need is greatest.

In my state, Virginia, and throughout the South, farmers have been denied or delayed loans by USDA local agents because of their race. This has been confirmed by USDA and acknowledged by Agriculture Secretary Dan Glickman and President Clinton. This discrimination has forced farmers into bankruptcy and statistics show that the black farmer is dwindling at three times the rate of other farmers in the United States.

In the Dakotas, farmers were devastated by the great floods of 1997. Due to a terrible act by Mother Nature, they lost everything and had to declare bankruptcy.

Whether it is a man-made or a natural disaster, conditions beyond a farmer's control have left him or her in a desperate position. This does not mean these are bad farmers with bad business sense. They have simply experienced bad times, and USDA, the lender of last resort, should not be forbidden from lending these farmers a helping hand.

Last year, responding to complaints by Virginia farmers, I added $50 million in direct operating loan funding to the 1997 Supplemental Appropriations bill. Many deserving farmers were unable to access these funds because of the lifetime ban included in the 1996 Farm bill.

Mr. President, it is time to repeal this unjust one strike you're out provision. We need to do so now, before another planting season goes by and farmers are denied the resources they need to get their corps in the ground.

Small farmers are hardworking individuals with many daily struggles. The Federal government should be there to offer them a chance to survive, not forcing them to move out of the farming business.

Mr. President, I ask unanimous consent that the full text of my bill be inserted in the RECORD, and I urge my fellow colleagues to support small farmers and pass this legislation.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1803

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Agricultural Credit Restoration Act".

SEC. 2. AMENDMENTS TO THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.

(a) Section 343(a)(12)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(12)(B)) is amended to read as follows:

"(B) EXCEPTION.—The term 'debt forgiveness' does not include—

"(i) consolidation, rescheduling, reamortization, or deferral of a loan;

"(ii) 1 debt forgiveness in the form of a restructuring, write-down, or net recovery buy-out during the lifetime of the borrower that is due to a financial problem of the borrower relating to a natural disaster or a medical condition of the borrower or of a member of the immediate family of the borrower (or, in the case of a borrower that is an entity, a principal owner of the borrower or a member of the immediate family of such an owner); and

"(iii) any restructuring, write-down, or net recovery buy-out provided as a part of a resolution of a discrimination complaint against the Secretary.".

(b) Section 353(m) of such Act (7 U.S.C. 2001(m)) is amended by striking all that precedes paragraph (2) and inserting the following:

"(m) LIMITATION ON NUMBER OF WRITE-DOWNS AND NET RECOVERY BUT-OUTS PER BORROWER.—

"(1) IN GENERAL.—The Secretary may provide a write-down or net recovery but-out under this section or not more than 2 occasions per borrower with respect to loans made after January 6, 1988.".

(c) Section 353 of such Act (7 U.S.C. 2001) is amended by striking subsection (o).

(d) Section 355(c)(2) of such Act (7 U.S.C. 2003(c)(2)) is amended to read as follows:

"(2) RESERVATION AND ALLOCATION.—

"(A) IN GENERAL.—The Secretary shall, to the greatest extent practicable, reserve and allocate the proportion of each State's loan funds made available under subtitle B that is equal to that State's target participation rate for use by the socially disadvantaged farmers or ranchers in that State. The Secretary shall, to the extent practicable, distribute the total so derived on a county by county basis according to the number of socially disadvantaged farmers or ranchers in the county.

"(B) REALLOCATION OF UNUSED FUNDS.—The Secretary may pool any funds reserved and allocated under this paragraph with respect to a State that are not used as described in subparagraph (A) in a State in the first 10 months of a fiscal year with the funds similarly not so used in other States, and may reallocate such pooled funds in the discretion of the Secretary for use by socially disadvantaged farmers and ranchers in other States.".

(e) Section 373(b)(1) of such Act (7 U.S.C. 2008h(b)(1)) is amended to read as follows:

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may not make or guarantee a loan under subtitle A or B to a borrower who on, 2 or more occasions, received debt forgiveness on a loan made or guaranteed under this title.".

(f) Section 373(c) of such Act (7 U.S.C. 2008h(c)) is amended to read as follows:

"(c) NO MORE THAN 2 DEBT FORGIVENESSES PER BORROWER ON DIRECT LOANS.—The Secretary may not, on 2 or more occasions, provide debt forgiveness to a borrower on a direct loan made under this title.".

SEC. 2. REGULATIONS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Agriculture shall promulgate regulations necessary to carry out the amendments made by this Act, without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code; and

(2) the statement of policy of the Secretary of Agriculture relating to notices of proposed rulemaking and public participation in rulemaking that became effective on July 24, 1971 (36 Fed. Reg. 13804).

By Mr. KENNEDY:

S. 1804. A bill to amend title XXVII of the Public Health Service Act to limit the amount of any increase in the payments required by health insurance issuers for health insurance coverage provided to individuals who are guaranteed an offer of enrollment under individual health insurance coverage relative to other individuals who purchase health insurance coverage; to the Committee on Labor and Human Resources.

AFFORDABLE HEALTH INSURANCE ACT OF 1998

Mr. KENNEDY. Mr. President, a recent GAO report makes clear that significant insurance company abuses are undercutting the effectiveness of one of the key parts of the Kassebaum-Kennedy health insurance reforms enacted in 1996. The legislation that I am introducing today will stop these unconscionable practices.

The 1996 legislation was enacted in response to several serious problems. Large numbers of Americans felt locked into their jobs because of preexisting health conditions that would have subjected them to exclusions coverage if they changed jobs.

Many more who did change jobs found themselves and members of their families exposed to devastating financial risks because of exclusions for such conditions. Other families faced the same problems if their employers changed insurance plans. Still others were unable to buy individual coverage because of health problems if they left their job or lost their job and did not have access to employer-based coverage.

The legislation addressed each of these problems. It banned exclusions for pre-existing conditions for people who maintained coverage, even if they changed jobs or changed insurers. It required insurance companies to sell insurance policies to small businesses and individuals losing group coverage, regardless of their health status. It banned higher charges for those in poor health in employment-based groups.

A GAO study in 1995 had found that 25 million Americans faced one or more of these problems and would be helped by the Kassebaum-Kennedy proposal.

For the vast majority of these Americans, the legislation is working well. They can change jobs without fear of new exclusions for pre-existing conditions, denial of coverage, or insurance company gouging.

But as the GAO study released last week makes clear, many of the two million people a year who lose employer-based group coverage are vulnerable to flagrant industry price-gouging if they try to purchase individual coverage. Under the Kassebaum-Kennedy legislation, individuals who leave their jobs and want to buy coverage in the individual market are guaranteed access to coverage without regard to their health status and without being subject to pre-existing condition exclusions. But there is no clear limit in the Federal law on how much they can be charged for that coverage—and some unscrupulous companies are taking advantage of that loophole to effectively deny coverage to those in poor health by requiring them to pay exorbitant premiums.

We recognized that potential problem in 1996, but Republican opposition blocked clear, strict federal limits to prevent such abuse, on the ground that state regulation would be an adequate remedy. At least in some states, as the GAO report makes clear, state regulation is no match for insurance industry price-gouging.

The legislation that I am introducing today is a straightforward response to that problem. It will limit insurance company charges to eligible individuals, so that they will have to pay no more than 150% of the rate charged to those in good health. That is well within the range that the American Academy of Actuaries said would have negligible impact on the premiums of those who already have coverage, but it will end the worst of the current price-gouging. This approach of limiting premium increases based on health conditions has worked and worked well in the small group market for many years. It should have been included in the 1996 bill, and Congress should act on it promptly this year.

The verdict of experience is in. The GAO report makes clear that some insurance firms are guilty of abuse beyond a reasonable doubt, and Congress has to act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1804

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Affordable Health Insurance Act of 1998".

SEC. 2. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

(a) PREMIUM LIMITATIONS WITH RESPECT TO INDIVIDUAL COVERAGE.—Section 2741 of the Public Health Service Act (42 U.S.C. 300gg-41) is amended—

(1) by redesignating the second subsection (e) and subsection (f) as subsection (f) and (g) respectively; and

(2) by adding at the end thereof the following:

"(h) PREMIUM LIMITATIONS.—

"(1) IN GENERAL.—With respect to an eligible individual desiring to enroll in, or renew, individual health insurance coverage under this section, the health insurance issuer that offers such coverage shall not charge such individual a premium rate for such coverage that is higher than a rate equal to 150 percent of the average standard risk rate (as determined under paragraph (2)) of the issuer for individual health insurance offered in the State or applicable marketing or service area (as determined pursuant to regulations).

"(2) AVERAGE STANDARD RISK RATE.—As used in paragraph (1), the term 'average standard risk rate' means the following:

"(A) GUARANTEED ISSUE OF ALL POLICIES.—In the case of a health insurance issuer that meets the requirements of this section with respect to individual health insurance coverage by meeting the requirements of subsection (a)(1), the standard risk rate for the policy in which the eligible individual is enrolled or desires to enroll.

"(B) GUARANTEED ISSUE OF TWO MOST POPULAR POLICIES.—In the case of a health insurance issuer that meets the requirements of this section with respect to individual health insurance coverage through a mechanism described in subsection (c)(2), the standard risk rate for the policy in which the eligible individual is enrolled or desires to enroll.

"(C) GUARANTEED ISSUE OF TWO POLICY FORMS WITH REPRESENTATIVE COVERAGE.—In the case of a health insurance issuer that meets the requirements of this section with respect to individual health insurance coverage through a mechanism described in subsection (c)(3), the average of the standard risk rates for the most common policy forms offered by the issuer in the State or applicable marketing or service area (as determined pursuant to regulations), established using reasonable actuarial techniques to adjust for the difference in actuarial values among such policy forms, subject to review and approval or disapproval of the applicable regulatory authority.

(b) STATE FLEXIBILITY.—Section 2744(c) of the Public Health Service Act (42 U.S.C. 300gg-44(c)) is amended—

(1) in paragraph (1), by inserting before the period the following: ", except that in applying any such model act, an eligible individual shall not be charged a premium rate that is higher than a rate equal to 150 percent of the standard risk rate of the issuer";

(2) in paragraph (2)(B), by inserting before the period the following: ", except that an eligible individual shall not be charged a premium rate that is higher than a rate equal to 150 percent of the standard risk rate as determined under the Model Plan"; and

(3) by adding at the end the following:

"(4) LIMITATION.—

"(A) IN GENERAL.—In the case of a mechanism described in subparagraph (A) or (B) of paragraph (3), a State shall not be considered to be implementing an acceptable alternative mechanism unless the mechanism limits the amount of premium rates that may be charged to eligible individuals to not more than 150 percent of the standard risk rate.

"(B) STANDARD RISK RATE.—For purposes of subparagraph (A), the term 'standard risk rate' means—

"(i) in the case of a mechanism under paragraph (3)(A), and as determined by the Secretary to be appropriate with respect to the State mechanism involved—

"(I) the rate determined under section 2741(h)(2)(A);

"(II) the rate determined pursuant to the standards included in the Model Plan described in paragraph (2)(B); or

"(III) the rate determined pursuant to such other method of calculation as is determined by the State and approved by the Secretary as appropriate to achieve the goal of this subsection; and

"(ii) in the case of a mechanism under paragraph (3)(B), the rate determined under section 2741(h)(2)(A).".

SEC. 3. EFFECTIVE DATE.

The amendments made by—

(1) section 2(a) shall apply to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on the date that is 6 months after the date of enactment of this Act; and

(2) section 2(b) shall apply with respect to a State that adopted an alternative mechanism under section 2744 of the Public Health Service Act (42 U.S.C. 300gg-44) on the date that is 1 year after the date of enactment of this Act.

By Mr. KENNEDY (for himself Mr. DODD, Mr. DASCHLE, Mr. INOUYE, Mr. BUMPERS, Mr. LEAHY, Mr. MOYNIHAN, Mr. SARBANES, Mr. LEVIN, Mr. LAUTENBERG, Mr. HARKIN, Mr. KERRY, Mr. ROCKEFELLER, Ms. MIKULSKI, Mr. WELLSTONE, Mrs. BOXER, Mr. FEINGOLD, Mrs. FEINSTEIN, Ms. MOSELEY-BRAUN, Mr. DURBIN, Mr. REED, and Mr. TORRICELLI):

S. 1805. A bill to amend the Fair Labor Standards Act of 1938 to increase the Federal minimum wage; to the Committee on Labor and Human Resources.

THE FAIR MINIMUM WAGE ACT OF 1998

Mr. KENNEDY. Mr. President, it is an honor to join with Senator DASCHLE and other Democratic Senators to introduce the Fair Minimum Wage Act of 1998. This proposal is strongly supported by President Clinton, and is also being introduced today in the House of Representatives by Congressman DAVID BONIOR, Democratic Leader RICHARD GEPHARDT, and many of their colleagues.

The federal minimum wage is now $5.15 an hour. Our bill will raise it by $1.00 over the next two years—a 50 cent increase on January 1, 1999, and another 50 cent increase on January 1, 2000, so that the minimum wage will reach the level of $6.15 at the turn of the century.

These modest increases will help 20 million workers and their families. Twelve million Americans earning less than $6.15 an hour today will see a direct increase in their pay, and another 8 million Americans earning between $6.15 and $7.15 an hour are also likely to benefit from the increase.

The nation's economy is the best it has been in decades. Under the leadership of President Clinton, the country as a whole is enjoying a remarkable period of growth and prosperity. Enterprise and entrepreneurship are flourishing—generating an extraordinary expansion, with remarkable efficiencies and job creation. The stock market is soaring. Inflation is low, unemployment is low, and interest rates are low.

In the past 30 years, the stock market, adjusted for inflation, has gone up by 115%. In 1997, the average compensation of a Wall Street executive was $280,000—a stunning $120,000 increase over 1996. These lavish salaries contrast starkly with the 30% decline in the value of the minimum wage over the past three decades. To have the purchasing power it had in 1968, the minimum wage would have to be $7.38 an hour today, instead of $5.15.

But the benefits of this prosperity have not flowed fairly to minimum wage earners. Working 40 hours a week, 52 weeks a year, they earn $10,712 a year—$2,600 below the poverty line for a family of three.

According to the Department of Labor, 60% of minimum wage earners are women. Nearly three-fourths are adults. Three-fifths are the sole breadwinners in their families. More than half work full time. These families need help, and they deserve this increase in the minimum wage.

Increasing the minimum wage can make all the difference to these workers and their families. They will be able to survive without food stamps or other social services to supplement their incomes. They can fix up their homes and invest in their neighborhoods. They can spend more at the local grocery store. They can work two jobs rather than three, and spend more time with their families. Their utilities won't be cut off. They can pay the medical bills they accumulated from not having health benefits at their jobs. As one minimum wage earner told me earlier this year, "The best welfare reform is an increase in the minimum wage."

Opponents typically claim that, if the minimum wage goes up, the sky will fall—small businesses will collapse and jobs will be lost. This hasn't happened in the past, and it won't happen in the future. In fact, in the time that has passed since the most recent increases in the federal minimum wage—a 50-cent increase on October 1, 1996 and a 40-cent increase on September 1, 1997—employment has increased in all sectors of the population.

Since September 1996, 700,000 new retail jobs have been added in the economy, including 200,000 new restaurant jobs. Overall employment is at an all-time high. Overall unemployment is at an historically low rate—4.6 %. The teenage unemployment rate has declined by 1.3 percentage points. The unemployment rate for African-Americans has declined by 1 percentage point over the same period.

Seventeen renowned economists—including Nobel Prize winner Lawrence R. Klein and former Secretary of Labor Ray Marshall—recently wrote to President Clinton, supporting an increase in the minimum wage. According to these experts, "the 1996 and 1997 increases had a beneficial effect, not only on those whose earnings were increased by 90 cents an hour, but also on the economy as a whole. Billions in added consumer demand helped fuel our expanding economy in those years. . . . Given the nation's low unemployment rate and strong economy without inflation, now is the time to deepen our public commitment to a decent minimum wage."

The American people understand that you can't raise a family on $5.15 an hour. We intend to do all we can to see that the minimum wage is increased this year. No one who works for a living should have to live in poverty.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1805

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This act may be cited as the "Fair Minimum Wage Act of 1998".

SEC. 2. MINIMUM WAGE INCREASE.

(a) WAGE.—Paragraph (1) of section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than—

"(A) $5.65 an hour during the year beginning on January 1, 1999; and

"(B) $6.15 an hour during the year beginning on January 1, 2000.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on January 1, 1999.

By Mr. COCHRAN (for himself and Mr. INOUYE):

S. 1806. A bill to state the policy of the United States regarding the deployment of a missile defense system capable of defending the territory of the United States against limited ballistic missile attack; to the Committee on Armed Services.

THE AMERICAN MISSILE PROTECTION ACT OF 1998

Mr. COCHRAN. Mr. President, I am introducing today a bill to make it the policy of the United States to deploy a national missile defense system as soon as technology permits. I am pleased that the distinguished Senator from Hawaii, Mr. INOUYE, is joining me as cosponsor of this legislation, the American Missile Protection Act of 1998.

A new type of ballistic missile threat is emerging in the world today, one that derives not from a cold war strategic balance but from the increasing proliferation of ballistic missile technology, from the stated desire of some nation states to acquire such delivery systems, and from their evident progress in doing so. Last year, the Governmental Affairs Subcommittee on International Security, Proliferation, and Federal Services held a series of 11 hearings examining proliferation-related issues. The evidence from those hearings forms the basis for the findings in this bill.

First, we found, and this bill recites, that the threat of weapons of mass destruction delivered by long-range ballistic missiles is among the most serious security issues facing the United States. There is widespread agreement on this. For the last 4 years, the President has annually declared that the proliferation of nuclear, biological, and chemical weapons, and the means of delivering such weapons, constitute "an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States." And the Senate said in legislation in 1996 that "it is in the supreme interest of the United States to defend itself from the threat of limited ballistic missile attack, whatever the source."

The second finding in the bill is that the long-range ballistic missile threat to the United States is increasing. The leaders of several rogue states have stated their belief that missiles capable of striking our territory would enable them to coerce or deter the United States, and they have declared their desire and intent to acquire these delivery systems. Ballistic missiles are increasingly the weapon of choice. They were used only once between World War II and 1980, but thousands have been fired in at least six conflicts since 1980. Furthermore, the clear trend is toward missiles with greater range. For example, since the early 1980s, North Korea has progressed from having to purchase 300-kilometer-range Scud missiles to developing its own 6,000-kilometer-range ballistic missile, which the intelligence community says may be capable of striking Alaska and Hawaii in less than 15 years. Iran's progress in developing extended range missiles has been dramatic and sudden, posing a new threat to U.S. forces in the Middle East.

The technological advances of the information age have made vast amounts of previously classified, arcane technical information available to anyone with Internet access. Advances in commercial aerospace have made once-exotic components and materials commonplace and more easily obtainable, and the demand for space-based telecommunications has vastly increased demand for space launch vehicles. These developments mean that the technical information, hardware, and other resources necessary to build ballistic missiles are increasingly available and accessible worldwide.

So, too, is scientific and technical expertise from Russia and China, which have been primary suppliers of equipment, materials, and technology related to weapons of mass destruction. Efforts by the administration to stop such assistance from these two countries have not been successful.

America's well-known vulnerability serves to feed this growing threat. As long as potential adversaries know we cannot defend ourselves against these weapons, they have every incentive to acquire or develop them.

The third finding in the bill is that the ability of the United States to anticipate the rate of progress in rogue ballistic missile programs is questionable. In the past, the United States has been surprised by the technical innovation of other nations, particularly with respect to ballistic missiles. There are many reasons for this, including help from other nations and the willingness of some states to field systems with lower accuracy requirements than would be acceptable to the United States. In both cases, the result can be progress that is more rapid than expected. Just 2 months ago, for example, the Director of Central Intelligence stated, "Iran's success in getting technology and materials from Russian companies, combined with recent indigenous Iranian advances means that it could have a medium-range missile much sooner than I assessed last year."

That year, last year, in 1997, Mr. Tenet testified that Iran could have such a missile by 2007, the year 2007. While he didn't say how much sooner than 2007 when he testified recently, State Department officials have testified since then that Iran could develop this missile this year, 9 years earlier than had been predicted only a year ago.

Iran's rapid progress demonstrates how external assistance can affect the pace of missile programs. And, of course, predicting the amount of outside assistance any nation will receive is nearly impossible. The CIA has recognized this difficulty, stating recently to the Senate that, "gaps and uncertainties preclude a good projection of exactly when 'rest of the world' countries will deploy ICBMs."

This bill's fourth finding is that the failure to prepare a defense against ballistic missiles could have grave security and foreign policy consequences for the United States. An attack on the United States by a ballistic missile equipped with a weapon of mass destruction would be catastrophic, inflicting death and injury to potentially thousands of American citizens. Even the threat of such an attack could constrain American options in dealing with regional challenges to our interests, deter us from taking action, or prompt allies to question America's security guarantees. All of this would have serious consequences for the United States and international stability.

The fifth finding is that it is imperative for the United States to be prepared for rogue nations acquiring long-range ballistic missiles armed with weapons of mass destruction. The Senate, in its resolution of ratification for the START II treaty, declared that ". . . because deterrence may be inadequate to protect the United States against long-range ballistic missile threats, missile defenses are a necessary part of new deterrent strategies." Former Defense Secretary Perry said in 1994 that we have an opportunity to move from "mutual assured destruction" to "mutual assured safety." And in 1997, the Under Secretary of Defense for Policy testified in the Senate that we "are quite willing to acknowledge that if we saw a rogue state, a potential proliferant, beginning to develop a long-range ICBM capable of reaching the United States, we would have to give very, very serious attention to deploying a limited national missile defense." Mr. President, our Nation's interests will be served better being prepared 1 year too soon rather than 1 year too late.

This bill's sixth and final finding acknowledges the United States has no defenses deployed against weapons of mass destruction delivered by long-range ballistic missiles and no policy to deploy such a national missile defense system. We have only a policy to wait and see.

The bill in its final paragraph provides, "It is the policy of the United States to deploy as soon as technologically possible, a National Missile Defense system capable of defending the territory of the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate)."

This policy statement accomplishes two things. It sends a clear message to any rogue state seeking ballistic missile delivery systems that America will not be vulnerable to these weapons indefinitely. And, second, it affirms that the United States will take the steps necessary to protect its citizens from missile attack. That is what the bill is. That is what it says.

Now, let me briefly say what it is not. It is not a referendum on the ABM Treaty. It does not prescribe a specific system architecture. It does not mandate a deployment date, only that we deploy as soon as the technology is ready. It is not a directive to negotiate or cooperate on missile defense programs. It does not initiate studies or reports. Nor is it a declaration that the only weapon of mass destruction threat to the United States is from weapons delivered by long-range ballistic missiles—other delivery methods are also of concern but we have programs in place to defend against those threats. This bill is designed to deal only with the accelerating proliferation threat.

In his State of the Union Address President Clinton said, "preparing for a far off storm that may reach our shores is far wiser than ignoring the thunder 'til the clouds are just overhead." He wasn't talking about national missile defense, but his words do apply precisely to this dilemma. We are hearing the thunder now, and the time has come to declare to our citizens and to the world and to demonstrate by our actions that the United States will not remain defenseless against ballistic missiles. That should be our policy and this bill states that it is our policy.

A letter to all Senators is going out inviting cosponsors to join us when we reintroduce the bill within the next 2 weeks. I ask unanimous consent a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1806

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited at the "American Missile Protection Act of 1998".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The threat of weapons of mass destruction delivered by long-range ballistic missiles is among the most serious security issues facing the United States.

(A) In a 1994 Executive Order, President Clinton certified, that "I ... find that the proliferation of nuclear, biological, and chemical weapons ('weapons of mass destruction') and the means of delivering such weapons, constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, and hereby declare a national emergency to deal with that threat." This state of emergency was reaffirmed in 1995, 1996, and 1997.

(B) In 1994 the President stated, that "there is nothing more important to our security and the world's stability than preventing the spread of nuclear weapons and ballistic missiles".

(C) Several countries hostile to the United States have been particularly determined to acquire missiles and weapons of mass destruction. President Clinton observed in January of 1998, for example, that "Saddam Hussein has spent the better part of this decade, and much of his nation's wealth, not on providing for the Iraqi people, but on developing nuclear, chemical and biological weapons and the missiles to deliver them".

(D) In 1996, the Senate affirmed that, "it is in the supreme interest of the United States to defend itself from the threat of limited ballistic missile attack, whatever the source."

(2) The long-range ballistic missile threat to the United States is increasing.

(A) Several adversaries of the United States have stated their intention to acquire intercontinental ballistic missiles capable of attacking the United States.

(i) Libyan leader Muammar Qaddafi has stated, "If they know that you have a deterrent force capable of hitting the United States, they would not be able to hit you. If we had possessed a deterrent—missiles that could reach New York—we would have hit it at the same moment. Consequently, we should build this force so that they and others will no longer think about an attack."

(ii) Abu Abbas, the head of the Palestine Liberation Front, has stated, "I would love to be able to reach the American shore, but this is very difficult. Someday an Arab country will have ballistic missiles. Someday an Arab country will have a nuclear bomb. It is better for the United States and for Israel to reach peace with the Palestinians before that day."

(iii) Saddam Hussein has stated, "Our missiles cannot reach Washington. If we could reach Washington, we would strike if the need arose."

(iv) Iranian actions speak for themselves. Iran's aggressive pursuit of medium-range ballistic missiles capable of striking Central Europe—aided by the continuing collaboration of outside agents—demonstrates Tehran's intent to acquire ballistic missiles of ever-increasing range.

(B) Over 30 non-NATO countries possess ballistic missiles, with at least 10 of those countries developing over 20 new types of ballistic missiles.

(C) From the end of World War II until 1980, ballistic missiles were used in one conflict. Since 1980, thousands of ballistic missiles have been fired in at least six different conflicts.

(D) The clear trend among countries hostile to the United States is toward having ballistic missiles of greater range.

(i) North Korea first acquired 300-kilometer range Scud Bs, then developed and deployed 500-kilometer range Scud Cs, is currently deploying the 1000-kilometer range No-Dong, and is developing the 2000-kilometer range Taepo-Dong 1 and 6000-kilometer range Taepo-Dong 2, which would be capable of striking Alaska and Hawaii.

(ii) Iran acquired 150-kilometer range CSS-8s, progressed through the Scud B and Scud C, and is developing the 1300-kilometer range Shahab-3 and 2000-kilometer range Shahab-4, which would allow Iran to strike Central Europe.

(iii) Iraq, in a two-year crash program, produced a new missile, the Al-Hussein, with twice the range of its Scud Bs.

(iv) Experience gained from extending the range of short- and medium-range ballistic missiles facilitates the development of intercontinental ballistic missiles.

(E) The technical information, hardware, and other resources necessary to build ballistic missiles are increasingly available and accessible worldwide.

(i) Due to advances in information technology, a vast amount of technical information relating to ballistic missile design, much of it formerly classified, has become widely available and is increasingly accessible through the Internet and other distribution avenues.

(ii) Components, tools, and materials to support ballistic missile development are increasingly available in the commercial aerospace industry.

(iii) Increasing demand for satellite-based telecommunications is adding to the demand for commercial Space Launch Vehicles, which employ technology that is essentially identical to that of intercontinental ballistic missiles. As this increasing demand is met, the technology and expertise associated with space launch vehicles also proliferate.

(F) Russia and China have provided significant technical assistance to rogue nation ballistic missile programs, accelerating the pace of those efforts. In June of 1997, the Director of Central Intelligence, reporting to Congress on weapons of mass destruction-related equipment, materials, and technology, stated that "China and Russia continued to be the primary suppliers, and are key to any future efforts to stem the flow of dual-use goods and modern weapons to countries of concern."

(G) Russia and China continue to engage in missile proliferation.

(i) Despite numerous Russian assurances not to assist Iran with its ballistic missile program, the Deputy Assistant Secretary of State for Nonproliferation testified to the Senate, that "the problem is this: there is a disconnect between those reassurances, which we welcome, and what we believe is actually occurring."

(ii) Regarding China's actions to demonstrate the sincerity of its commitment to nonproliferation, the Director of Central Intelligence testified to the Senate on January 28, 1998, that, "the jury is still out on whether the recent changes are broad enough in scope and whether they will hold over the longer term. As such, Chinese activities in this area will require continued close watching."

(H) The inability of the United States to defend itself against weapons of mass destruction delivered by long-range ballistic missile provides additional incentive for hostile nations to develop long-range ballistic missiles with which to threaten the United States. Missiles are widely viewed as valuable tools for deterring and coercing a vulnerable United States.

(3) The ability of the United States to anticipate future ballistic missile threats is questionable.

(A) The Intelligence Community has failed to anticipate many past technical innovations (for example, Iraq's extended-range Al-Hussein missiles and its development of a space launch vehicle) and outside assistance enables rogue states to surmount traditional technological obstacles to obtaining or developing ballistic missiles of increasing range.

(B) In June of 1997, the Director of Central Intelligence reported to Congress that "many Third World countries—with Iran being the most prominent example—are responding to Western counter-proliferation efforts by relying more on legitimate commercial firms as procurement fronts and by developing more convoluted procurement networks."

(C) In June of 1997, the Director of Central Intelligence stated to Congress that "gaps and uncertainties preclude a good projection of exactly when 'rest of the world' countries will deploy ICBMs."

(D) In 1997, the Director of Central Intelligence testified that Iran would have a medium-range missile by 2007. One year later the Director stated, "since I testified, Iran's success in getting technology and materials from Russian companies, combined with recent indigenous Iranian advances, means that it could have a medium-range missile much sooner than I assessed last year." Department of State officials have testified that Iran could be prepared to deploy such a missile as early as late 1998, nine years earlier than had been predicted one year before by the Director of Central Intelligence.

(4) The failure to prepare adequately for long-range ballistic missile threats could have severe national security and foreign policy consequences for the United States.

(A) An attack on the United States by a ballistic missile equipped with a weapon of mass destruction could inflict catastrophic death or injury to citizens of the United States and severe damage to their property.

(B) A rogue state's ability to threaten the United States with an intercontinental ballistic missile may constrain the United States' options in dealing with regional threats to its interests, deter the United States from taking appropriate action, or prompt allies to question United States security guarantees, thereby weakening alliances of the United States and the United States' world leadership position.

(5) The United States must be prepared for rogue nations acquiring long-range ballistic missiles armed with weapons of mass destruction.

(A) In its resolution of ratification for the START II Treaty, the United States Senate declared that "because deterrence may be inadequate to protect the United States against long-range ballistic missile threats, missile defenses are a necessary part of new deterrent strategies."

(B) In September of 1994, Secretary of Defense Perry stated that in the post-Cold War era, "we now have opportunity to create a new relationship based not on MAD, not on Mutual Assured Destruction, but rather on another acronym, MAS, or Mutual Assured Safety."

(C) On February 12, 1997, the Under Secretary of Defense for Policy testified to the Senate that "I and the administration are quite willing to acknowledge that if we saw a rogue state, a potential proliferant, beginning to develop a long-range ICBM capable of reaching the United States, we would have to give very, very serious attention to deploying a limited national missile defense."

(6) The United States has no defense deployed against weapons of mass destruction delivered by long-range ballistic missiles and no policy to deploy such a national missile defense system.

SEC. 3. NATIONAL MISSILE DEFENSE POLICY.

It is the policy of the United States to deploy as soon as is technologically possible a National Missile Defense system capable of defending the territory of the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate).

ADDITIONAL COSPONSORS

S. 217

At the request of Mr. BIDEN, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 217, a bill to amend title 38, United States Code, to provide for the payment to States of plot allowances for certain veterans eligible for burial in a national cemetery who are buried in cemeteries of such States.

S. 597

At the request of Mr. BINGAMAN, the name of the Senator from Illinois (Ms. MOSELEY-BRAUN) was added as a cosponsor of S. 597, a bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the medicare program of medical nutrition therapy services furnished by registered dietitians and nutrition professionals.

S. 766

At the request of Ms. SNOWE, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 766, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 778

At the request of Mr. LUGAR, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 778, a bill to authorize a new trade and investment policy for sub-Saharan African.

S. 1321

At the request of Mr. TORRICELLI, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 1321, a bill to amend the Federal Water Pollution Control Act to permit grants for the national estuary program to be used for the development and implementation of a comprehensive conservation and management plan, to reauthorize appropriations to carry out the program, and for other purposes.

S. 1325

At the request of Mr. FRIST, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maine (Ms. SNOWE), and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 1325, a bill to authorize appropriations for the Technology Administration of the Department of Commerce for fiscal years 1998 and 1999, and for other purposes.

S. 1352

At the request of Mr. GRASSLEY, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 1352, A bill to amend Rule 30 of the Federal Rules of Civil Procedure to restore the stenographic preference for depositions.

S. 1413

At the request of Mr. LUGAR, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 1413, a bill to provide a framework for consideration by the legislative and executive branches of unilateral economic sanctions.

S. 1423

At the request of Mr. HAGEL, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1423, a bill to modernize and improve the Federal Home Loan Bank System.

S. 1504

At the request of Mr. GRAHAM, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 1504, a bill to adjust the immigration status of certain Haitian nationals who were provided refuge in the United States.

S. 1572

At the request of Mr. BRYAN, the names of the Senator from Indiana (Mr. COATS), the Senator from Nebraska (Mr. HAGEL), and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 1572, a bill to prohibit the Secretary of the Interior from promulgating certain regulations relating to Indian gaming activities.

S. 1621

At the request of Mr. GRAMS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1621, a bill to provide that certain Federal property shall be made available to States for State use before being made available to other entities, and for other purposes.

S. 1644

At the request of Mr. REED, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1644, a bill to amend subpart 4 of part A of title IV of the Higher Education Act of 1965 regarding Grants to States for State Student Incentives.

S. 1647

At the request of Mr. BAUCUS, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1647, a bill to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965.

S. 1667

At the request of Mr. GRASSLEY, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 1667, a bill to amend section 2164 of title 10, United States Code, to clarify the eligibility of dependents of United States Service employees to enroll in Department of Defense dependents schools in Puerto Rico.

S. 1677

At the request of Mr. CHAFEE, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of S. 1677, a bill to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act.

S. 1695

At the request of Mr. CAMPBELL, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1695, a bill to establish the Sand Creek Massacre National Historic Site in the State of Colorado.

S. 1747

At the request of Mr. GRASSLEY, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 1747, a bill to amend the Internal Revenue Code of 1986 to provide for additional taxpayer rights and taxpayer education, notice, and resources, and for other purposes.

S. 1758

At the request of Mr. LUGAR, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1758, a bill to amend the Foreign Assistance Act of 1961 to facilitate protection of tropical forests through debt reduction with developing countries with tropical forests.

S. 1760

At the request of Mr. LEVIN, the name of the Senator from Ohio (Mr. GLENN) was added as a cosponsor of S. 1760, a bill to amend the National Sea Grant College Program Act to clarify the term Great Lakes.

S. 1764

At the request of Mr. THURMOND, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1764, a bill to amend sections 3345 through 3349 of title 5, United States Code (commonly referred to as the "Vacancies Act") to clarify statutory requirements relating to vacancies in certain Federal offices, and for other purposes.

SENATE JOINT RESOLUTION 40

At the request of Mr. GRAHAM, his name was added as a cosponsor of Senate Joint Resolution 40, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

SENATE RESOLUTION 176

At the request of Mr. DOMENICI, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Delaware (Mr. BIDEN), the Senator from Arkansas (Mr. HUTCHINSON), and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of Senate Resolution 176, a resolution proclaiming the week of October 18 through October 24, 1998, as "National Character Counts Week."

SENATE RESOLUTION 189

At the request of Mr. TORRICELLI, the names of the Senator from Delaware (Mr. BIDEN), the Senator from Ohio (Mr. GLENN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wisconsin (Mr. KOHL), the Senator from Virginia (Mr. ROBB), and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of Senate Resolution 189, a resolution honoring the 150th anniversary of the United States Women's Rights Movement that was initiated by the 1848 Women's Rights Convention held in Seneca Falls, New York, and calling for a national celebration of women's rights in 1998.

SENATE RESOLUTION 195

At the request of Mrs. HUTCHISON, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. TORRICELLI), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of Senate Resolution 195, a bill designating the week of March 22 through March 28, 1998, as "National Corrosion Prevention Week."

SENATE RESOLUTION 198

At the request of Mr. MACK the names of the Senator from Arkansas (Mr. HUTCHINSON) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of Senate Resolution 198, a resolution designating April 1, 1998, as "National Breast Cancer Survivors' Day."

AMENDMENTS SUBMITTED

THE EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

COATS AMENDMENT NO. 2024

(Ordered to lie on the table.)

Mr. COATS submitted an amendment intended to be proposed by him to the bill (H.R. 2646) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes; as follows:

At the end of title I, add the following:

SEC. ___. ADDITIONAL INCENTIVE TO MAKE DONATIONS TO SCHOOLS OR ORGANIZATIONS WHICH OFFER SCHOLARSHIPS.

(a) In General.—Section 170 (relating to charitable, etc., contributions and gifts) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following:

"(m) Treatment of Amounts Paid to Certain Educational Organizations.—

"(1) In general.—For purposes of this section, 110 percent of any amount described in paragraph (2) shall be treated as a charitable contribution.

"(2) Amount described.—For purposes of paragraph (1), an amount is described in this paragraph if the amount—

"(A) is paid in cash by the taxpayer to or for the benefit of a qualified organization, and

"(B) is used by such organization to provide qualified scholarships (as defined in section 117(b)) to any individual attending kindergarten through grade 12 whose family income does not exceed 185 percent of the poverty line for a family of the size involved.

"(3) Definitions.—For purposes of this subsection—

"(A) Qualified organization.—The term 'qualified organization' means—

"(i) an educational organization—

"(I) which is described in subsection (b)(1)(A)(ii), and

"(II) which provides elementary education or secondary education (kindergarten through grade 12), as determined under State law, or

"(ii) an organization which is described in section 501(c)(3) and exempt from taxation under section 501(a).

"(B) Poverty line.—The term 'poverty line' means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved."

(b) Prohibition on any Deduction for Gambling Losses.—Section 165(d) (relating to wagering losses) is amended to read as follows:

"(d) No Deduction for Wagering Losses.—No deduction shall be allowed for losses from wagering transactions."

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

JEFFORDS AMENDMENT NO. 2025

(Ordered to lie on the table.)

Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill, H.R. 2646, supra; as follows:

Strike section 101 and insert:

SEC. 101. TRUST FUND FOR DC SCHOOLS.

(a) In General.—Subchapter W of chapter 1 (relating to District of Columbia Enterprise Zone) is amended by adding at the end the following:

"SEC. 1400D. TRUST FUND FOR DC SCHOOLS.

"(a) Creation of Fund.—There is established in the Treasury of the United States a trust fund to be known as the 'Trust Fund for DC Schools', consisting of such amounts as may be appropriated or credited to the Fund as provided in this section.

"(b) Transfer to Trust Fund of Amounts Equivalent to Certain Taxes.—

"(1) In general.—There are hereby appropriated to the Trust Fund for DC Schools amounts equivalent to 50 percent of the revenues received in the Treasury resulting from the amendment made by section 201 of the Parent and Student Savings Account PLUS Act.

"(2) Transfer of amounts.—The amounts appropriated by paragraph (1) shall be transferred at least monthly from the general fund of the Treasury to the Trust Fund for DC Schools on the basis of estimates made by the Secretary of the amounts referred to in such paragraph. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

"(c) Expenditures From Fund.—

"(1) In general.—Amounts in the Trust Fund for DC Schools shall be available, without fiscal year limitation, in an amount not to exceed $2,000,000,000 for the period beginning after December 31, 1998, and ending before January 1, 2009, for qualified service expenses with respect to State or local bonds issued by the District of Columbia to finance the construction, rehabilitation, and repair of schools under the jurisdiction of the government of the District of Columbia.

"(2) Qualified service expenses.—The term 'qualified service expenses' means expenses incurred after December 31, 1998, and certified by the District of Columbia Control Board as meeting the requirements of paragraph (1) after giving notice of any proposed certification to the Subcommittees on the District of Columbia of the Committees on Appropriations of the House of Representatives and the Senate.

"(d) Report.—It shall be the duty of the Secretary to hold the Trust Fund for DC Schools and to report to the Congress each year on the financial condition and the results of the operations of such Fund during the preceding fiscal year and on its expected condition and operations during the next fiscal year. Such report shall be printed as a House document of the session of the Congress to which the report is made.

"(e) Investment.—

"(1) In general.—It shall be the duty of the Secretary to invest such portion of the Trust Fund for DC Schools as is not, in the Secretary's judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States. For such purpose, such obligations may be acquired—

"(A) on original issue at the issue price, or

"(B) by purchase of outstanding obligations at the market price.

"(2) Sale of obligations.—Any obligation acquired by the Trust Fund for DC Schools may be sold by the Secretary at the market price.

"(3) Interest on certain proceeds.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund for DC Schools shall be credited to and form a part of the Trust Fund for DC Schools."

(b) Conforming Amendment.—The table of sections for subchapter W of chapter 1 is amended by adding after the item relating to section 1400C the following:

"Sec. 1400D. Trust Fund for DC Schools."

In section 103(a), strike "December 31, 2002" and insert "June 30, 2002".

CONRAD AMENDMENT NO. 2026

(Ordered to lie on the table.)

Mr. CONRAD submitted an amendment intended to be proposed by him to the bill, H.R. 2646, supra; as follows:

Strike section 101 and insert the following:

SEC. 101. MODIFICATIONS TO EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

(a) Tax-Free Expenditures for Elementary and Secondary School Expenses.—

(1) In general.—Section 530(b)(2) is amended to read as follows:

"(2) Qualified education expenses.—

"(A) In general.—The term 'qualified education expenses' means—

"(i) qualified higher education expenses (as defined in section 529(e)(3)), and

"(ii) qualified elementary and secondary education expenses (as defined in paragraph (4)), but only if the account is, at the time the account is created or organized, designated solely for payment of qualified elementary and secondary education expenses of the designated beneficiary.

Such expenses shall be reduced as provided in section 25A(g)(2).

"(B) Qualified state tuition programs.—Except in the case of an account described in subparagraph (A)(ii), such term shall include amounts paid or incurred to purchase tuition credits or certificates, or to make contributions to an account, under a qualified State tuition program (as defined in section 529(b)) for the benefit of the beneficiary of the account."

(2) Adjusted gross income limitation.—Section 530(c) is amended by redesignating paragraph (2) as paragraph (4) and by inserting after paragraph (1) the following:

"(2) Special rule for elementary and secondary education expenses.—Notwithstanding paragraph (1), in the case of an account designated under subsection (b)(2)(A)(ii), the maximum amount which a contributor could otherwise make to an account under this section shall be reduced by an amount which bears the same ratio to such maximum amount as—

"(A) the excess of—

"(i) the contributor's modified adjusted gross income for such taxable year, over

"(ii) $60,000, bears to

"(B) $15,000.

"(3) Contributions treated as made by individual eligible for dependency exemption.—For purposes of applying this subsection, any contribution by a person other than the taxpayer with respect to whom a deduction is allowable under section 151(c)(1) for a designated beneficiary shall be treated as having been made by such taxpayer."

(3) Qualified elementary and secondary education expenses.—Section 530(b) is amended by adding at the end the following new paragraph:

"(4) Qualified elementary and secondary education expenses.—

"(A) In general.—The term 'qualified elementary and secondary education expenses' means—

"(i) tuition, fees, tutoring, special needs services, books, or supplies in connection with the enrollment or attendance of the designated beneficiary of the trust at a public, private, or religious school, or

"(ii) computer equipment (including related software and services) and other equipment, transportation, and supplementary expenses required or provided by a public, private, or religious school in connection with such enrollment or attendance.

"(B) Special rule for home-schooling.—Such term shall include expenses described in subparagraph (A) required for education provided by homeschooling if the requirements of any applicable State or local law are met with respect to such education.

"(C) School.—The term 'school' means any school which provides elementary education or secondary education (through grade 12), as determined under State law."

(4) No rollovers between college accounts and non-college accounts.—Section 530(d)(5) is amended by adding at the end the following: "This paragraph shall not apply to a transfer of an amount between an account not described in subsection (b)(2)(A)(ii) and an account so described."

(5) Conforming amendments.—Subsections (b)(1) and (d)(2) of section 530 are each amended by striking "higher" each place it appears in the text and heading thereof.

(b) Temporary Increase in Maximum Annual Contributions for Elementary and Secondary School Expenses.—

(1) In general.—Section 530(b)(1)(A)(iii) is amended by striking "$500" and inserting "the contribution limit for such taxable year".

(2) Contribution limit.—Section 530(b) is amended by adding at the end the following new paragraph:

"(4) Contribution limit.—The term 'contribution limit' means—

"(A) except as provided in subparagraph (B), $500, or

"(B) in the case of an account designated under paragraph (2)(A)(ii)—

"(i) $2,500 for any taxable year ending before January 1, 2003, and

"(ii) zero for any taxable year ending on or after such date."

(3) Conforming amendments.—

(A) Section 530(d)(4)(C) is amended by striking "$500" and inserting "the contribution limit for such taxable year".

(B) Section 4973(e)(1)(A) is amended by striking "$500" and inserting "the contribution limit (as defined in section 530(b)(4)) for such taxable year".

(c) Waiver of Age Limitations for Children With Special Needs.—Paragraph (1) of section 530(b) is amended by adding at the end the following flush sentence:

"The age limitations in the preceding sentence shall not apply to any designated beneficiary with special needs (as determined under regulations prescribed by the Secretary)."

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

BIDEN AMENDMENT NO. 2027

(Ordered to lie on the table.)

Mr. BIDEN submitted an amendment intended to be proposed by him to the bill, H.R. 2646, supra; as follows:

At the appropriate place, add the following:

Sec. .

(a) In General.—Paragraph (2) of section 135(b) of the Internal Revenue Code 1986 is amended to read as follows:

"(2) Limitation based on modified adjusted gross income.—If the modified adjusted gross income of the taxpayer for the taxable year exceeds $95,000 ($150,000 in the case of a joint return), the amount which would (but for this paragraph) be excludable from gross income under subsection (a) shall be reduced (but not below zero) by the amount which bears the same ratio to the amount which would be so excludable as such excess bears to $15,000 ($10,000 in the case of a joint return).

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 1997.

REED AMENDMENT NO. 2028

(Ordered to lie on the table.)

Mr. REED submitted an amendment intended to be proposed by him to the bill, H.R. 2646, supra; as follows:

Strike section 101, and insert the following:

SEC. 101. TEACHER EXCELLENCE IN AMERICA CHALLENGE.

(a) Amendment.—Part A of title V of the Higher Education Act of 1965 (20 U.S.C. 1102 et seq.) is amended to read as follows:

"PART A—TEACHER EXCELLENCE IN AMERICA CHALLENGE

"SEC. 501. SHORT TITLE.

"This part may be cited as the 'Teacher Excellence in America Challenge Act of 1997'.

"SEC. 502. PURPOSE.

"The purpose of this part is to improve the preparation and professional development of teachers and the academic achievement of students by encouraging partnerships among institutions of higher education, elementary schools or secondary schools, local educational agencies, State educational agencies, teacher organizations, and nonprofit organizations.

"SEC. 503. GOALS.

"The goals of this part are as follows:

"(1) To support and improve the education of students and the achievement of higher academic standards by students, through the enhanced professional development of teachers.

"(2) To ensure a strong and steady supply of new teachers who are qualified, well-trained, and knowledgeable and experienced in effective means of instruction, and who represent the diversity of the American people, in order to meet the challenges of working with students by strengthening preservice education and induction of individuals into the teaching profession.

"(3) To provide for the continuing development and professional growth of veteran teachers.

"(4) To provide a research-based context for reinventing schools, teacher preparation programs, and professional development programs, for the purpose of building and sustaining best educational practices and raising student academic achievement.

"SEC. 504. DEFINITIONS.

"In this part:

"(1) Elementary school.—The term 'elementary school' means a public elementary school.

"(2) Institution of higher education.—The term 'institution of higher education' means an institution of higher education that—

"(A) has a school, college, or department of education that is accredited by an agency recognized by the Secretary for that purpose; or

"(B) the Secretary determines has a school, college, or department of education of a quality equal to or exceeding the quality of schools, colleges, or departments so accredited.

"(3) Poverty line.—The term 'poverty line' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

"(4) Professional development partnership.—The term 'professional development partnership' means a partnership among 1 or more institutions of higher education, 1 or more elementary schools or secondary schools, and 1 or more local educational agency based on a mutual commitment to improve teaching and learning. The partnership may include a State educational agency, a teacher organization, or a nonprofit organization whose primary purpose is education research and development.

"(5) Professional development school.—The term 'professional development school' means an elementary school or secondary school that collaborates with an institution of higher education for the purpose of—

"(A) providing high quality instruction to students and educating students to higher academic standards;

"(B) providing high quality student teaching and internship experiences at the school for prospective and beginning teachers; and

"(C) supporting and enabling the professional development of veteran teachers at the school, and of faculty at the institution of higher education.

"(6) Secondary school.—The term 'secondary school' means a public secondary school.

"(7) Teacher.—The term 'teacher' means an elementary school or secondary school teacher."

"SEC. 505. PROGRAM AUTHORIZED.

"(a) In General.—From the amount appropriated under section 511 and not reserved under section 509 for a fiscal year, the Secretary may award grants, on a competitive basis, to professional development partnerships to enable the partnerships to pay the Federal share of the cost of providing teacher preparation, induction, classroom experience, and professional development opportunities to prospective, beginning, and veteran teachers while improving the education of students in the classroom.

"(b) Duration; Planning.—The Secretary shall award grants under this part for a period of 5 years, the first year of which may be used for planning to conduct the activities described in section 506.

"(c) Payments; Federal Share; Non-Federal Share.—

"(1) Payments.—The Secretary shall make annual payments pursuant to a grant awarded under this part.

"(2) Federal share.—The Federal share of the costs described in subsection (a)(1) shall be 80 percent.

"(3) Non-federal share.—The non-Federal share of the costs described in subsection (a)(1) may be in cash or in-kind, fairly evaluated.

"(d) Continuing Eligibility.—

"(1) 2nd and 3d years.—The Secretary may make a grant payment under this section for each of the 2 fiscal years after the first fiscal year a professional development partnership receives such a payment, only if the Secretary determines that the partnership, through the activities assisted under this part, has made reasonable progress toward meeting the criteria described in paragraph (3).

"(2) 4TH AND 5TH YEARS.—The Secretary may make a grant payment under this section for each of the 2 fiscal years after the third fiscal year a professional development partnership receives such a payment, only if the Secretary determines that the partnership, through the activities assisted under this part, has met the criteria described in paragraph (3).

"(3) CRITERIA.—The criteria referred to in paragraphs (1) and (2) are as follows:

"(A) Increased student achievement as determined by increased graduation rates, decreased dropout rates, or higher scores on local, State, or national assessments for a year compared to student achievement as determined by the rates or scores, as the case may be, for the year prior to the year for which a grant under this part is received.

"(B) Improved teacher preparation and development programs, and student educational programs.

"(C) Increased opportunities for enhanced and ongoing professional development of teachers.

"(D) An increased number of well-prepared individuals graduating from a school, college, or department of education within an institution of higher education and entering the teaching profession.

"(E) Increased recruitment to, and graduation from, a school, college, or department of education within an institution of higher education with respect to minority individuals.

"(F) Increased placement of qualified and well-prepared teachers in elementary schools or secondary schools, and increased assignment of such teachers to teach the subject matter in which the teachers received a degree or specialized training.

"(G) Increased dissemination of teaching strategies and best practices by teachers associated with the professional development school and faculty at the institution of higher education.

"(e) PRIORITY.—In awarding grants under this part, the Secretary shall give priority to professional development partnerships serving elementary schools, secondary schools, or local educational agencies, that serve high percentages of children from families below the poverty line.

"SEC. 506. AUTHORIZED ACTIVITIES.

"(a) IN GENERAL.—Each professional development partnership receiving a grant under this part shall use the grant funds for—

"(1) creating, restructuring, or supporting professional development schools;

"(2) enhancing and restructuring the teacher preparation program at the school, college, or department of education within the institution of higher education, including—

"(A) coordinating with, and obtaining the participation of, schools, colleges, or departments of arts and science;

"(B) preparing teachers to work with diverse student populations; and

"(C) preparing teachers to implement research-based, demonstrably successful, and replicable, instructional programs and practices that increase student achievement;

"(3) incorporating clinical learning in the coursework for prospective teachers, and in the induction activities for beginning teachers;

"(4) mentoring of prospective and beginning teachers by veteran teachers in instructional skills, classroom management skills, and strategies to effectively assess student progress and achievement;

"(5) providing high quality professional development to veteran teachers, including the rotation, for varying periods of time, of veteran teachers—

"(A) who are associated with the partnership to elementary schools or secondary schools not associated with the partnership in order to enable such veteran teachers to act as a resource for all teachers in the local educational agency or State; and

"(B) who are not associated with the partnership to elementary schools or secondary schools associated with the partnership in order to enable such veteran teachers to observe how teaching and professional development occurs in professional development schools;

"(6) preparation time for teachers in the professional development school and faculty of the institution of higher education to jointly design and implement the teacher preparation curriculum, classroom experiences, and ongoing professional development opportunities;

"(7) preparing teachers to use technology to teach students to high academic standards;

"(8) developing and instituting ongoing performance-based review procedures to assist and support teachers' learning;

"(9) activities designed to involve parents in the partnership;

"(10) research to improve teaching and learning by teachers in the professional development school and faculty at the institution of higher education; and

"(11) activities designed to disseminate information, regarding the teaching strategies and best practices implemented by the professional development school, to—

"(A) teachers in elementary schools or secondary schools, which are served by the local educational agency or located in the State, that are not associated with the professional development partnership; and

"(B) institutions of higher education in the State.

"(b) CONSTRUCTION PROHIBITED.—No grant funds provided under this part may be used for the construction, renovation, or repair of any school or facility.

"SEC. 507. APPLICATIONS.

"Each professional development partnership desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall—

"(1) describe the composition of the partnership;

"(2) describe how the partnership will include the participation of the schools, colleges, or departments of arts and sciences within the institution of higher education to ensure the integration of pedagogy and content in teacher preparation;

"(3) identify how the goals described in section 503 will be met and the criteria that will be used to evaluate and measure whether the partnership is meeting the goals;

"(4) describe how the partnership will restructure and improve teaching, teacher preparation, and development programs at the institution of higher education and the professional development school, and how such systemic changes will contribute to increased student achievement;

"(5) describe how the partnership will prepare teachers to implement research-based, demonstrably successful, and replicable, instructional programs and practices that increase student achievement;

"(6) describe how the teacher preparation program in the institution of higher education, and the induction activities and ongoing professional development opportunities in the professional development school, incorporate—

"(A) an understanding of core concepts, structure, and tools of inquiry as a foundation for subject matter pedagogy; and

"(B) knowledge of curriculum and assessment design as a basis for analyzing and responding to student learning;

"(7) describe how the partnership will prepare teachers to work with diverse student populations, including minority individuals and individuals with disabilities;

"(8) describe how the partnership will prepare teachers to use technology to teach students to high academic standards;

"(9) describe how the research and knowledge generated by the partnership will be disseminated to and implemented in—

"(A) elementary schools or secondary schools served by the local educational agency or located in the State; and

"(B) institutions of higher education in the State;

"(10)(A) describe how the partnership will coordinate the activities assisted under this part with other professional development activities for teachers, including activities assisted under titles I and II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq., 6601 et seq.), the Goals 2000: Educate America Act (20 U.S.C. 5801 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), and the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.); and

"(B) describe how the activities assisted under this part are consistent with Federal and State educational reform activities that promote student achievement of higher academic standards;

"(11) describe which member of the partnership will act as the fiscal agent for the partnership and be responsible for the receipt and disbursement of grant funds under this part;

"(12) describe how the grant funds will be divided among the institution of higher education, the elementary school or secondary school, the local educational agency, and any other members of the partnership to support activities described in section 506;

"(13) provide a description of the commitment of the resources of the partnership to the activities assisted under this part, including financial support, faculty participation, and time commitments; and

"(14) describe the commitment of the partnership to continue the activities assisted under this part without grant funds provided under this part.

"SEC. 508. ASSURANCES.

"Each application submitted under this part shall contain an assurance that the professional development partnership—

"(1) will enter into an agreement that commits the members of the partnership to the support of students' learning, the preparation of prospective and beginning teachers, the continuing professional development of veteran teachers, the periodic review of teachers, standards-based teaching and learning, practice-based inquiry, and collaboration among members of the partnership;

"(2) will use teachers of excellence, who have mastered teaching techniques and subject areas, including teachers certified by the National Board for Professional Teaching Standards, to assist prospective and beginning teachers;

"(3) will provide for adequate preparation time to be made available to teachers in the professional development school and faculty at the institution of higher education to allow the teachers and faculty time to jointly develop programs and curricula for prospective and beginning teachers, ongoing professional development opportunities, and the other authorized activities described in section 506; and

"(4) will develop organizational structures that allow principals and key administrators to devote sufficient time to adequately participate in the professional development of their staffs, including frequent observation and critique of classroom instruction.

"SEC. 509. NATIONAL ACTIVITIES.

"(a) IN GENERAL.—The Secretary shall reserve a total of not more than 10 percent of the amount appropriated under section 511 for each fiscal year for evaluation activities under subsection (b), and the dissemination of information under subsection (c).

"(b) NATIONAL EVALUATION.—The Secretary, by grant or contract, shall provide for an annual, independent, national evaluation of the activities of the professional development partnerships assisted under this part. The evaluation shall be conducted not later than 3 years after the date of enactment of the Teacher Excellence in America Challenge Act of 1997 and each succeeding year thereafter. The Secretary shall report to Congress and the public the results of such evaluation. The evaluation, at a minimum, shall assess the short-term and long-term impacts and outcomes of the activities assisted under this part, including—

"(1) the extent to which professional development partnerships enhance student achievement;

"(2) how, and the extent to which, professional development partnerships lead to improvements in the quality of teachers;

"(3) the extent to which professional development partnerships improve recruitment and retention rates among beginning teachers, including beginning minority teachers; and

"(4) the extent to which professional development partnerships lead to the assignment of beginning teachers to public elementary or secondary schools that have a shortage of teachers who teach the subject matter in which the teacher received a degree or specialized training.

"(c) DISSEMINATION OF INFORMATION.—The Secretary shall disseminate information (including creating and maintaining a national database) regarding outstanding professional development schools, practices, and programs.

"SEC. 510. SUPPLEMENT NOT SUPPLANT.

"Funds appropriated under section 511 shall be used to supplement and not supplant other Federal, State, and local public funds expended for the professional development of elementary school and secondary school teachers.

"SEC. 511. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this part $100,000,000 for fiscal year 1999, and such sums as may be necessary for each of the fiscal years 2000 through 2003.".

(b) REPEALS.—Part B of title V of the Higher Education Act of 1965 (20 U.S.C. 1103 et seq.), subparts 1 and 3 of part C of such title (20 U.S.C. 1104 et seq., 1106 et seq.), subparts 3 and 4 of part D of such title (20 U.S.C. 1109 et seq., 1110 et seq.), subpart 1 of part E of such title (20 U.S.C. 1111 et seq.), and part F of such title (20 U.S.C. 1113 et seq.), are repealed.

KERREY AMENDMENT NO. 2029

(Ordered to lie on the table.)

Mr. KERREY submitted an amendment intended to be proposed by him to the bill, H.R. 2646, supra; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Internal Revenue Service Restructuring and Reform Act of 1997".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—EXECUTIVE BRANCH GOVERNANCE AND SENIOR MANAGEMENT OF THE INTERNAL REVENUE SERVICE

Subtitle A—Executive Branch Governance and Senior Management

Sec. 101. Internal Revenue Service Oversight Board.
Sec. 102. Commissioner of Internal Revenue; other officials.
Sec. 103. Other personnel.
Sec. 104. Prohibition on executive branch influence over taxpayer audits and other investigations.

Subtitle B—Personnel Flexibilities

Sec. 111. Personnel flexibilities.

TITLE II—ELECTRONIC FILING

Sec. 201. Electronic filing of tax and information returns.
Sec. 202. Due date for certain information returns filed electronically.
Sec. 203. Paperless electronic filing.
Sec. 204. Return-free tax system.
Sec. 205. Access to account information.

TITLE III—TAXPAYER PROTECTION AND RIGHTS

Sec. 300. Short title.

Subtitle A—Burden of Proof

Sec. 301. Burden of proof.

Subtitle B—Proceedings by Taxpayers

Sec. 311. Expansion of authority to award costs and certain fees.
Sec. 312. Civil damages for negligence in collection actions.
Sec. 313. Increase in size of cases permitted on small case calendar.

Subtitle C—Relief for Innocent Spouses and for Taxpayers Unable To Manage Their Financial Affairs Due to Disabilities

Sec. 321. Spouse relieved in whole or in part of liability in certain cases.
Sec. 322. Suspension of statute of limitations on filing refund claims during periods of disability.

Subtitle D—Provisions Relating to Interest

Sec. 331. Elimination of interest rate differential on overlapping periods of interest on income tax overpayments and underpayments.
Sec. 332. Increase in overpayment rate payable to taxpayers other than corporations.

Subtitle E—Protections for Taxpayers Subject to Audit or Collection Activities

Sec. 341. Privilege of confidentiality extended to taxpayer's dealings with non-attorneys authorized to practice before Internal Revenue Service.
Sec. 342. Expansion of authority to issue taxpayer assistance orders.
Sec. 343. Limitation on financial status audit techniques.
Sec. 344. Limitation on authority to require production of computer source code.
Sec. 345. Procedures relating to extensions of statute of limitations by agreement.
Sec. 346. Offers-in-compromise.
Sec. 347. Notice of deficiency to specify deadlines for filing Tax Court petition.
Sec. 348. Refund or credit of overpayments before final determination.
Sec. 349. Threat of audit prohibited to coerce Tip Reporting Alternative Commitment Agreements.

Subtitle F—Disclosures to Taxpayers

Sec. 351. Explanation of joint and several liability.
Sec. 352. Explanation of taxpayers' rights in interviews with the Internal Revenue Service.
Sec. 353. Disclosure of criteria for examination selection.
Sec. 354. Explanations of appeals and collection process.

Subtitle G—Low Income Taxpayer Clinics

Sec. 361. Low income taxpayer clinics.

Subtitle H—Other Matters

Sec. 371. Actions for refund with respect to certain estates which have elected the installment method of payment.
Sec. 372. Cataloging complaints.
Sec. 373. Archive of records of Internal Revenue Service.
Sec. 374. Payment of taxes.
Sec. 375. Clarification of authority of Secretary relating to the making of elections.
Sec. 376. Limitation on penalty on individual's failure to pay for months during period of installment agreement.

Subtitle I—Studies

Sec. 381. Penalty administration.
Sec. 382. Confidentiality of tax return information.

TITLE IV—CONGRESSIONAL ACCOUNTABILITY FOR THE INTERNAL REVENUE SERVICE

Subtitle A—Oversight

Sec. 401. Expansion of duties of the Joint Committee on Taxation.
Sec. 402. Coordinated oversight reports.

Subtitle B—Budget

Sec. 411. Funding for century date change.
Sec. 412. Financial Management Advisory Group.

Subtitle C—Tax Law Complexity

Sec. 421. Role of the Internal Revenue Service.
Sec. 422. Tax complexity analysis.

TITLE V—CLARIFICATION OF DEDUCTION FOR DEFERRED COMPENSATION

Sec. 501. Clarification of deduction for deferred compensation.

TITLE VI—CONGRESSIONAL ACCOUNTABILITY FOR THE INTERNAL REVENUE SERVICE

Sec. 601. Short title.
Sec. 602. Definitions.
Sec. 603. Amendments related to title I of 1997 Act.
Sec. 604. Amendments related to title II of 1997 Act.
Sec. 605. Amendments related to title III of 1997 Act.

Sec. 606. Amendments related to title V of 1997 Act.
Sec. 607. Amendments related to title VII of 1997 Act.
Sec. 608. Amendments related to title IX of 1997 Act.
Sec. 609. Amendments related to title X of 1997 Act.
Sec. 610. Amendments related to title XI of 1997 Act.
Sec. 611. Amendments related to title XII of 1997 Act.
Sec. 612. Amendments related to title XIII of 1997 Act.
Sec. 613. Amendments related to title XIV of 1997 Act.
Sec. 614. Amendments related to title XV of 1997 Act.
Sec. 615. Amendments related to title XVI of 1997 Act.
Sec. 616. Amendments related to Omibus Budget Reconciliation Act of 1993.
Sec. 617. Amendments related to Tax Reform Act of 1984.
Sec. 618. Amendments related to Tax Reform Act of 1986.
Sec. 619. Miscellaneous clerical and deadwood changes.
Sec. 620. Effective date.

TITLE I—EXECUTIVE BRANCH GOVERNANCE AND SENIOR MANAGEMENT OF THE INTERNAL REVENUE SERVICE

Subtitle A—Executive Branch Governance and Senior Management

SEC. 101. INTERNAL REVENUE SERVICE OVERSIGHT BOARD.

(a) In General.—Section 7802 (relating to the Commissioner of Internal Revenue) is amended to read as follows:

"SEC. 7802. INTERNAL REVENUE SERVICE OVERSIGHT BOARD.

"(a) Establishment.—There is established within the Department of the Treasury the Internal Revenue Service Oversight Board (hereafter in this subchapter referred to as the 'Oversight Board').

"(b) Membership.—

"(1) Composition.—The Oversight Board shall be composed of 11 members, as follows:

"(A) 8 members shall be individuals who are not Federal officers or employees and who are appointed by the President, by and with the advice and consent of the Senate.

"(B) 1 member shall be the Secretary of the Treasury or, if the Secretary so designates, the Deputy Secretary of the Treasury.

"(C) 1 member shall be the Commissioner of Internal Revenue.

"(D) 1 member shall be an individual who is a representative of an organization that represents a substantial number of Internal Revenue Service employees and who is appointed by the President, by and with the advice and consent of the Senate.

"(2) Qualifications and terms.—

"(A) Qualifications.—Members of the Oversight Board described in paragraph (1)(A) shall be appointed solely on the basis of their professional experience and expertise in 1 or more of the following areas:

"(i) Management of large service organizations.

"(ii) Customer service.

"(iii) Federal tax laws, including tax administration and compliance.

"(iv) Information technology.

"(v) Organization development.

"(vi) The needs and concerns of taxpayers.

In the aggregate, the members of the Oversight Board described in paragraph (1)(A) should collectively bring to bear expertise in all of the areas described in the preceding sentence.

"(B) Terms.—Each member who is described in paragraph (1)(A) or (D) shall be appointed for a term of 5 years, except that of the members first appointed under paragraph (1)(A)—

"(i) 1 member shall be appointed for a term of 1 year,

"(ii) 1 member shall be appointed for a term of 2 years,

"(iii) 2 members shall be appointed for a term of 3 years, and

"(iv) 2 members shall be appointed for a term of 4 years.

Such terms shall begin on the date of appointment.

"(C) Reappointment.—An individual who is described in paragraph (1)(A) may be appointed to no more than two 5-year terms on the Oversight Board.

"(D) Vacancy.—Any vacancy on the Oversight Board shall be filled in the same manner as the original appointment. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of that term.

"(E) Special government employees.—During the entire period that an individual appointed under paragraph (1)(A) is a member of the Oversight Board, such individual shall be treated as—

"(i) serving as a special government employee (as defined in section 202 of title 18, United States Code) and as described in section 207(c)(2) of such title 18, and

"(ii) serving as an officer or employee referred to in section 101(f) of the Ethics in Government Act of 1978 for purposes of title I of such Act.

"(3) Quorum.—6 members of the Oversight Board shall constitute a quorum. A majority of members present and voting shall be required for the Oversight Board to take action.

"(4) Removal.—

"(A) In general.—Any member of the Oversight Board may be removed at the will of the President.

"(B) Secretary and commissioner.—An individual described in subparagraph (B) or (C) of paragraph (1) shall be removed upon termination of employment.

"(C) Representative of internal revenue service employees.—The member described in paragraph (1)(D) shall be removed upon termination of employment, membership, or other affiliation with the organization described in such paragraph.

"(5) Claims.—

"(A) In general.—Members of the Oversight Board who are described in paragraph (1)(A) or (D) shall have no personal liability under Federal law with respect to any claim arising out of or resulting from an act or omission by such member within the scope of service as a member. The preceding sentence shall not be construed to limit personal liability for criminal acts or omissions, willful or malicious conduct, acts or omissions for private gain, or any other act or omission outside the scope of the service of such member on the Oversight Board.

"(B) Effect on other law.—This paragraph shall not be construed—

"(i) to affect any other immunities and protections that may be available to such member under applicable law with respect to such transactions,

"(ii) to affect any other right or remedy against the United States under applicable law, or

"(iii) to limit or alter in any way the immunities that are available under applicable law for Federal officers and employees.

"(c) General Responsibilities.—

"(1) In general.—The Oversight Board shall oversee the Internal Revenue Service in its administration, management, conduct, direction, and supervision of the execution and application of the internal revenue laws or related statutes and tax conventions to which the United States is a party.

"(2) Exceptions.—The Oversight Board shall have no responsibilities or authority with respect to—

"(A) the development and formulation of Federal tax policy relating to existing or proposed internal revenue laws, related statutes, and tax conventions,

"(B) law enforcement activities of the Internal Revenue Service, including compliance activities such as criminal investigations, examinations, and collection activities, or

"(C) specific procurement activities of the Internal Revenue Service.

"(3) Restriction on disclosure of return information to oversight board members.—No return, return information, or taxpayer return information (as defined in section 6103(b)) may be disclosed to any member of the Oversight Board described in subsection (b)(1)(A) or (D). Any request for information not permitted to be disclosed under the preceding sentence, and any contact relating to a specific taxpayer, made by a member of the Oversight Board so described to an officer or employee of the Internal Revenue Service shall be reported by such officer or employee to the Secretary and the Joint Committee on Taxation.

"(d) Specific Responsibilities.—The Oversight Board shall have the following specific responsibilities:

"(1) Strategic plans.—To review and approve strategic plans of the Internal Revenue Service, including the establishment of—

"(A) mission and objectives, and standards of performance relative to either, and

"(B) annual and long-range strategic plans.

"(2) Operational plans.—To review the operational functions of the Internal Revenue Service, including—

"(A) plans for modernization of the tax system,

"(B) plans for outsourcing or managed competition, and

"(C) plans for training and education.

"(3) Management.—To—

"(A) recommend to the President candidates for appointment as the Commissioner of Internal Revenue and recommend to the President the removal of the Commissioner,

"(B) review the Commissioner's selection, evaluation, and compensation of senior managers, and

"(C) review and approve the Commissioner's plans for any major reorganization of the Internal Revenue Service.

"(4) Budget.—To—

"(A) review and approve the budget request of the Internal Revenue Service prepared by the Commissioner,

"(B) submit such budget request to the Secretary of the Treasury, and

"(C) ensure that the budget request supports the annual and long-range strategic plans.

The Secretary shall submit the budget request referred to in paragraph (4)(B) for any fiscal year to the President who shall submit such request, without revision, to Congress together with the President's annual budget request for the Internal Revenue Service for such fiscal year.

"(e) Board Personnel Matters.—

"(1) Compensation of members.—

"(A) IN GENERAL.—Each member of the Oversight Board who is described in subsection (b)(1)(A) shall be compensated at a rate not to exceed $30,000 per year. All other members of the Oversight Board shall serve without compensation for such service.

"(B) CHAIRPERSON.—In lieu of the amount specified in subparagraph (A), the Chairperson of the Oversight Board shall be compensated at a rate not to exceed $50,000.

"(2) TRAVEL EXPENSES.—The members of the Oversight Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business for purposes of attending meetings of the Oversight Board.

"(3) STAFF.—At the request of the Chairperson of the Oversight Board, the Commissioner shall detail to the Oversight Board such personnel as may be necessary to enable the Oversight Board to perform its duties. Such detail shall be without interruption or loss of civil service status or privilege.

"(4) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Oversight Board may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

"(f) ADMINISTRATIVE MATTERS.—

"(1) CHAIR.—The members of the Oversight Board shall elect for a 2-year term a chairperson from among the members appointed under subsection (b)(1)(A).

"(2) COMMITTEES.—The Oversight Board may establish such committees as the Oversight Board determines appropriate.

"(3) MEETINGS.—The Oversight Board shall meet at least once each month and at such other times as the Oversight Board determines appropriate.

"(4) REPORTS.—The Oversight Board shall each year report to the President and the Congress with respect to the conduct of its responsibilities under this title.".

(b) CONFORMING AMENDMENTS.—

(1) Section 4946(c) (relating to definitions and special rules for chapter 42) is amended—

(A) by striking "or" at the end of paragraph (5),

(B) by striking the period at the end of paragraph (6) and inserting ", or", and

(C) by adding at the end the following new paragraph:

"(7) a member of the Internal Revenue Service Oversight Board.".

(2) The table of sections for subchapter A of chapter 80 is amended by striking the item relating to section 7802 and inserting the following new item:

"Sec. 7802. Internal Revenue Service Oversight Board.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(2) NOMINATIONS TO INTERNAL REVENUE SERVICE OVERSIGHT BOARD.—The President shall submit nominations under section 7802 of the Internal Revenue Code of 1986, as added by this section, to the Senate not later than 6 months after the date of the enactment of this Act.

SEC. 102. COMMISSIONER OF INTERNAL REVENUE; OTHER OFFICIALS.

(a) IN GENERAL.—Section 7803 (relating to other personnel) is amended to read as follows:

"SEC. 7803. COMMISSIONER OF INTERNAL REVENUE; OTHER OFFICIALS.

"(a) COMMISSIONER OF INTERNAL REVENUE.—

"(1) APPOINTMENT.—

"(A) IN GENERAL.—There shall be in the Department of the Treasury a Commissioner of Internal Revenue who shall be appointed by the President, by and with the advice and consent of the Senate, to a 5-year term. The appointment shall be made without regard to political affiliation or activity.

"(B) VACANCY.—Any individual appointed to fill a vacancy in the position of Commissioner occurring before the expiration of the term for which such individual's predecessor was appointed shall be appointed only for the remainder of that term.

"(C) REMOVAL.—The Commissioner may be removed at the will of the President.

"(2) DUTIES.—The Commissioner shall have such duties and powers as the Secretary may prescribe, including the power to—

"(A) administer, manage, conduct, direct, and supervise the execution and application of the internal revenue laws or related statutes and ax conventions to which the United States is a party; and

"(B) recommend to the President a candidate for appointment as Chief Counsel for the Internal Revenue Service when a vacancy occurs, and recommend to the President the removal of such Chief Counsel.

If the Secretary determines not to delegate a power specified in subparagraph (A) or (B), such determination may not take effect until 30 days after the Secretary notifies the Committees on Ways and Means, Government Reform and Oversight, and Appropriations of the House of Representatives, the Committees on Finance, Government Operations, and Appropriations of the Senate, and the Joint Committee on Taxation.

"(3) CONSULTATION WITH BOARD.—The Commissioner shall consult with the Oversight Board on all matters set forth in paragraphs (2) and (3) (other than paragraph (3)(A)) of section 7802(d).

"(b) ASSISTANT COMMISSIONER FOR EMPLOYEE PLANS AND EXEMPT ORGANIZATIONS.—There is established within the Internal Revenue Service an office to be known as the 'Office of Employee Plans and Exempt Organizations' to be under the supervision and direction of an Assistant Commissioner of Internal Revenue. As head of the Office, the Assistant Commissioner shall be responsible for carrying out such functions as the Secretary may prescribe with respect to organizations exempt from tax under section 501(a) and with respect to plans to which part I of subchapter D of chapter 1 applies (and with respect to organizations designed to be exempt under such section and plans designed to be plans to which such part applies) and other nonqualified deferred compensation arrangements. The Assistant Commissioner shall report annually to the Commissioner with respect to the Assistant Commissioner's responsibilities under this section.

"(c) OFFICE OF TAXPAYER ADVOCATE.—

"(1) IN GENERAL.—

"(A) ESTABLISHMENT.—There is established in the Internal Revenue Service an office to be known as the 'Office of the Taxpayer Advocate'. Such office shall be under the supervision and direction of an official to be known as the 'Taxpayer Advocate' who shall be appointed with the approval of the Oversight Board by the Commissioner of Internal Revenue and shall report directly to the Commissioner. The Taxpayer Advocate shall be entitled to compensation at the same rate as the highest level official reporting directly to the Commissioner of Internal Revenue.

"(B) RESTRICTION ON SUBSEQUENT EMPLOYMENT.—An individual who is an officer or employee of the Internal Revenue Service may be appointed as Taxpayer Advocate only if such individual agrees not to accept any employment with the Internal Revenue Service for at least 5 years after ceasing to be the Taxpayer Advocate.

"(2) FUNCTIONS OF OFFICE.—

"(A) IN GENERAL.—It shall be the function of the Office of Taxpayer Advocate to—

"(i) assist taxpayers in resolving problems with the Internal Revenue Service,

"(ii) identify areas in which taxpayers have problems in dealings with the Internal Revenue Service,

"(iii) to the extent possible, propose changes in the administrative practices of the Internal Revenue Service to mitigate problems identified under clause (ii), and

"(iv) identify potential legislative changes which may be appropriate to mitigate such problems.

"(B) ANNUAL REPORTS.—

"(i) OBJECTIVES.—Not later than June 30 of each calendar year, the Taxpayer Advocate shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the objectives of the Taxpayer Advocate for the fiscal year beginning in such calendar year. Any such report shall contain full and substantive analysis, in addition to statistical information.

"(ii) ACTIVITIES.—Not later than December 31 of each calendar year, the Taxpayer Advocate shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the activities of the Taxpayer Advocate during the fiscal year ending during such calendar year. Any such report shall contain full and substantive analysis, in addition to statistical information, and shall—

"(I) identify the initiatives the Taxpayer Advocate has taken on improving taxpayer services and Internal Revenue Service responsiveness,

"(II) contain recommendations received from individuals with the authority to issue Taxpayer Assistance Orders under section 7811,

"(III) contain a summary of at least 20 of the most serious problems encountered by taxpayers, including a description of the nature of such problems,

"(IV) contain an inventory of the items described in subclauses (I), (II), and (III) for which action has been taken and the result of such action,

"(V) contain an inventory of the items described in subclauses (I), (II), and (III) for which action remains to be completed and the period during which each item has remained on such inventory,

"(VI) contain an inventory of the items described in subclauses (I), (II), and (III) for which no action has been taken, the period during which each item has remained on such inventory, the reasons for the inaction, and identify any Internal Revenue Service official who is responsible for such inaction,

"(VII) identify any Taxpayer Assistance Order which was not honored by the Internal Revenue Service in a timely manner, as specified under section 7811(b),

"(VIII) contain recommendations for such administrative and legislative action as may be appropriate to resolve problems encountered by taxpayers, "(IX) identify areas of the tax law that impose significant compliance burdens on taxpayers or the Internal Revenue Service, including specific recommendations for remedying these problems,

"(X) in conjunction with the National Director of Appeals, identify the 10 most litigated issues for each category of taxpayers, including recommendations for mitigating such disputes, and

"(XI) include such other information as the Taxpayer Advocate may deem advisable.

"(iii) Report to be submitted directly.—Each report required under this subparagraph shall be provided directly to the committees described in clauses (i) and (ii) without any prior review or comment from the Oversight Board, the Secretary of the Treasury, any other officer or employee of the Department of the Treasury, or the Office of Management and Budget.

"(C) Other responsibilities.—The Taxpayer Advocate shall—

"(i) monitor the coverage and geographic allocation of problem resolution officers, and

"(ii) develop guidance to be distributed to all Internal Revenue Service officers and employees outlining the criteria for referral of taxpayer inquiries to problem resolution officers.

"(3) Responsibilities of commissioner.—The Commissioner shall establish procedures requiring a formal response to all recommendations submitted to the Commissioner by the Taxpayer Advocate within 3 months after submission to the Commissioner.".

(b) Conforming Amendments.—

(1) The table of sections for subchapter A of chapter 80 is amended by striking the item relating to section 7803 and inserting the following new item:

"Sec. 7803. Commissioner of Internal Revenue; other officials.".

(2) Subsection (b) of section 5109 of title 5, United States Code, is amended by striking "7802(b)" and inserting "7803(b)".

(c) Effective Date.—

(1) In general.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(2) Current officers.—

(A) In the case of an individual serving as Commissioner of Internal Revenue on the date of the enactment of this Act who was appointed to such position before such date, the 5-year term required by section 7803(a)(1) of the Internal Revenue Code of 1986, as added by this section, shall begin as of the date of such appointment.

(B) Section 7803(c)(1)(B) of such Code, as added by this section, shall not apply to the individual serving as Taxpayer Advocate on the date of the enactment of this Act.

SEC. 103. OTHER PERSONNEL.

(a) In General.—Section 7804 (relating to the effect of reorganization plans) is amended to read as follows:

"SEC. 7804. OTHER PERSONNEL.

"(a) Appointment and Supervision.—Unless otherwise prescribed by the Secretary, the Commissioner of Internal Revenue is authorized to employ such number of persons as the Commissioner deems proper for the administration and enforcement of the internal revenue laws, and the Commissioner shall issue all necessary directions, instructions, orders, and rules applicable to such persons.

"(b) Posts of Duty of Employees in Field Service or Traveling.—Unless otherwise prescribed by the Secretary—

"(1) Designation of post of duty.—The Commissioner shall determine and designate the posts of duty of all such persons engaged in field work or traveling on official business outside of the District of Columbia.

"(2) Detail of personnel from field service.—The Commissioner may order any such person engaged in field work to duty in the District of Columbia, for such periods as the Commissioner may prescribe, and to any designated post of duty outside the District of Columbia upon the completion of such duty.

"(c) Delinquent Internal Revenue Officers and Employees.—If any officer or employee of the Treasury Department acting in connection with the internal revenue laws fails to account for and pay over any amount of money or property collected or received by him in connection with the internal revenue laws, the Secretary shall issue notice and demand to such officer or employee for payment of the amount which he failed to account for and pay over, and, upon failure to pay the amount demanded within the time specified in such notice, the amount so demanded shall be deemed imposed upon such officer or employee and assessed upon the date of such notice and demand, and the provisions of chapter 64 and all other provisions of law relating to the collection of assessed taxes shall be applicable in respect of such amount.".

(b) Conforming Amendments.—

(1) Subsection (b) of section 6344 is amended by striking "section 7803(d)" and inserting "section 7804(c)".

(2) The table of sections for subchapter A of chapter 80 is amended by striking the item relating to section 7804 and inserting the following new item:

"Sec. 7804. Other personnel.".

(c) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 104. PROHIBITION ON EXECUTIVE BRANCH INFLUENCE OVER TAXPAYER AUDITS AND OTHER INVESTIGATIONS.

(a) In General.—Part I of subchapter A of chapter 75 (relating to crimes, other offenses, and forfeitures) is amended by adding after section 7216 the following new section:

"SEC. 7217. PROHIBITION ON EXECUTIVE BRANCH INFLUENCE OVER TAXPAYER AUDITS AND OTHER INVESTIGATIONS.

"(a) Prohibition.—It shall be unlawful for any applicable person to request any officer or employee of the Internal Revenue Service to conduct or terminate an audit or other investigation of any particular taxpayer with respect to the tax liability of such taxpayer.

"(b) Reporting Requirement.—Any officer or employee of the Internal Revenue Service receiving any request prohibited by subsection (a) shall report the receipt of such request to the Chief Inspector of the Internal Revenue Service.

"(c) Exceptions.—Subsection (a) shall not apply to—

"(1) any request made to an applicable person by the taxpayer or a representative of the taxpayer and forwarded by such applicable person to the Internal Revenue Service,

"(2) any request by an applicable person for disclosure of return or return information under section 6103 if such request is made in accordance with the requirements of such section, or

"(3) any request by the Secretary of the Treasury as a consequence of the implementation of a change in tax policy.

"(d) Penalty.—Any person who willfully violates subsection (a) or fails to report under subsection (b) shall be punished upon conviction by a fine in any amount not exceeding $5,000, or imprisonment of not more than 5 years, or both, together with the costs of prosecution.

"(e) Applicable Person.—For purposes of this section, the term 'applicable person' means—

"(1) the President, the Vice President, any employee of the executive office of the President, and any employee of the executive office of the Vice President, and

"(2) any individual (other than the Attorney General of the United States) serving in a position specified in section 5312 of title 5, United States Code.".

(b) Clerical Amendment.—The table of sections for part I of subchapter A of chapter 75 is amended by adding after the item relating to section 7216 the following new item:

"Sec. 7217. Prohibition on executive branch influence over taxpayer audits and other investigations.".

(c) Effective Date.—The amendments made by this section shall apply to requests made after the date of the enactment of this Act.

Subtitle B—Personnel Flexibilities

SEC. 111. PERSONNEL FLEXIBILITIES.

(a) In General.—Part III of title 5, United States Code, is amended by adding at the end the following new subpart:

"Subpart I—Miscellaneous

"CHAPTER 93—PERSONNEL FLEXIBILITIES RELATING TO THE INTERNAL REVENUE SERVICE

"Sec.
"9301. General requirements.
"9302. Flexibilities relating to performance management.
"9303. Staffing flexibilities.
"9304. Flexibilities relating to demonstration projects.

"§9301. General requirements

"(a) Conformance With Merit System Principles, Etc.—Any flexibilities under this chapter shall be exercised in a manner consistent with—

"(1) chapter 23, relating to merit system principles and prohibited personnel practices; and

"(2) provisions of this title (outside of this subpart) relating to preference eligibles.

"(b) Requirement Relating to Units Represented by Labor Organizations.—

"(1) Written agreement required.—Employees within a unit with respect to which a labor organization is accorded exclusive recognition under chapter 71 shall not be subject to the exercise of any flexibility under section 9302, 9303, or 9304, unless there is a written agreement between the Internal Revenue Service and the organization permitting such exercise.

"(2) Definition of a written agreement.—In order to satisfy paragraph (1), a written agreement—

"(A) need not be a collective bargaining agreement within the meaning of section 7103(8); and

"(B) may not be an agreement imposed by the Federal Service Impasses Panel under section 7119.

"(3) Includible matters.—The written agreement may address any flexibilities under section 9302, 9303, or 9304, including any matter proposed to be included in a demonstration project under section 9304.

"§9302. Flexibilities relating to performance management

"(a) In General.—The Commissioner of Internal Revenue shall, within a year after the date of the enactment of this chapter, establish a performance management system which—

"(1) subject to section 9301(b), shall cover all employees of the Internal Revenue Service other than—

"(A) the members of the Internal Revenue Service Oversight Board;

"(B) the Commissioner of Internal Revenue; and

"(C) the Chief Counsel for the Internal Revenue Service;

"(2) shall maintain individual accountability by—

"(A) establishing standards of performance which—

"(i) shall permit the accurate evaluation of each employee's performance on the basis of the individual and organizational performance requirements applicable with respect to the evaluation period involved, taking into account individual contributions toward the attainment of any goals or objectives under paragraph (3);

"(ii) shall be communicated to an employee before the start of any period with respect to which the performance of such employee is to be evaluated using such standards; and

"(iii) shall include at least 2 standards of performance, the lowest of which shall denote the retention standard and shall be equivalent to fully successful performance;

"(B) providing for periodic performance evaluations to determine whether employees are meeting all applicable retention standards; and

"(C) using the results of such employee's performance evaluation as a basis for adjustments in pay and other appropriate personnel actions; and

"(3) shall provide for (A) establishing goals or objectives for individual, group, or organizational performance (or any combination thereof), consistent with Internal Revenue Service performance planning procedures, including those established under the Government Performance and Results Act of 1993, the Information Technology Management Reform Act of 1996, Revenue Procedure 64-22 (as in effect on July 30, 1997), and taxpayer service surveys, (B) communicating such goals or objectives to employees, and (C) using such goals or objectives to make performance distinctions among employees or groups of employees.

For purposes of this title, performance of an employee during any period in which such employee is subject to standards of performance under paragraph (2) shall be considered to be 'unacceptable' if the performance of such employee during such period fails to meet any retention standard.

"(b) Awards.—

"(1) For superior accomplishments.—In the case of a proposed award based on the efforts of an employee or former employee of the Internal Revenue Service, any approval required under the provisions of section 4502(b) shall be considered to have been granted if the Office of Personnel Management does not disapprove the proposed award within 60 days after receiving the appropriate certification described in such provisions.

"(2) For employees who report directly to the Commissioner.—

"(A) In general.—In the case of an employee of the Internal Revenue Service who reports directly to the Commissioner of Internal Revenue, a cash award in an amount up to 50 percent of such employee's annual rate of basic pay may be made if the Commissioner finds such an award to be warranted based on such employee's performance.

"(B) Nature of an award.—A cash award under this paragraph shall not be considered to be part of basic pay.

"(C) Tax enforcement results.—A cash award under this paragraph may not be based solely on tax enforcement results.

"(D) Eligible employees.—Whether or not an employee is an employee who reports directly to the Commissioner of Internal Revenue shall, for purposes of this paragraph, be determined under regulations which the Commissioner shall prescribe, except that in no event shall more than 8 employees be eligible for a cash award under this paragraph in any calendar year.

"(E) Limitation on compensation.—For purposes of applying section 5307 to an employee in connection with any calendar year to which an award made under this paragraph to such employee is attributable, subsection (a)(1) of such section shall be applied by substituting 'to equal or exceed the annual rate of compensation for the Vice President for such calendar year' for 'to exceed the annual rate of basic pay payable for level I of the Executive Schedule, as of the end of such calendar year'.

"(F) Approval required.—An award under this paragraph may not be made unless—

"(i) the Commissioner of Internal Revenue certifies to the Office of Personnel Management that such award is warranted; and

"(ii) the Office approves, or does not disapprove, the proposed award within 60 days after the date on which it is so certified.

"(3) Based on savings.—

"(A) In general.—The Commissioner of Internal Revenue may authorize the payment of cash awards to employees based on documented financial savings achieved by a group or organization which such employees comprise, if such payments are made pursuant to a plan which—

"(i) specifies minimum levels of service and quality to be maintained while achieving such financial savings; and

"(ii) is in conformance with criteria prescribed by the Office of Personnel Management.

"(B) Funding.—A cash award under this paragraph may be paid from the fund or appropriation available to the activity primarily benefiting or the various activities benefiting.

"(C) Tax enforcement results.—A cash award under this paragraph may not be based solely on tax enforcement results.

"(c) Other Provisions.—

"(1) Notice provisions.—In applying sections 4303(b)(1)(A) and 7513(b)(1) to employees of the Internal Revenue Service, '15 days' shall be substituted for '30 days'.

"(2) Appeals.—Notwithstanding the second sentence of section 5335(c), an employee of the Internal Revenue Service shall not have a right to appeal the denial of a periodic step increase under section 5335 to the Merit Systems Protection Board.

"§ 9303. Staffing flexibilities

"(a) Eligibility To Compete for A Permanent Appointment in the Competitive Service.—

"(1) Eligibility of qualified veterans.—

"(A) In general.—No veteran described in subparagraph (B) shall be denied the opportunity to compete for an announced vacant competitive service position within the Internal Revenue Service by reason of—

"(i) not having acquired competitive status; or

"(ii) not being an employee of that agency.

"(B) Description.—An individual shall, for purposes of a position for which such individual is applying, be considered a veteran described in this subparagraph if such individual—

"(i) is either a preference eligible, or an individual (other than a preference eligible) who has been separated from the armed forces under honorable conditions after at least 3 years of active service; and

"(ii) meets the minimum qualification requirements for the position sought.

"(2) Eligibility of certain temporary employees.—

"(A) In general.—No temporary employee described in subparagraph (B) shall be denied the opportunity to compete for an announced vacant competitive service position within the Internal Revenue Service by reason of not having acquired competitive status.

"(B) Description.—An individual shall, for purposes of a position for which such individual is applying, be considered a temporary employee described in this subparagraph if—

"(i) such individual is then currently serving as a temporary employee in the Internal Revenue Service;

"(ii) such individual has completed at least 2 years of current continuous service in the competitive service under 1 or more term appointments, each of which was made under competitive procedures prescribed for permanent appointments;

"(iii) such individual's performance under each term appointment referred to in clause (ii) met all applicable retention standards; and

"(iv) such individual meets the minimum qualification requirements for the position sought.

"(b) Rating Systems.—

"(1) In general.—Notwithstanding subchapter I of chapter 33, the Commissioner of Internal Revenue may establish category rating systems for evaluating job applicants for positions in the competitive service, under which qualified candidates are divided into 2 or more quality categories on the basis of relative degrees of merit, rather than assigned individual numerical ratings. Each applicant who meets the minimum qualification requirements for the position to be filled shall be assigned to an appropriate category based on an evaluation of the applicant's knowledge, skills, and abilities relative to those needed for successful performance in the job to be filled.

"(2) Treatment of preference eligibles.—Within each quality category established under paragraph (1), preference eligibles shall be listed ahead of individuals who are not preference eligibles. For other than scientific and professional positions at or higher than GS-9 (or equivalent), preference eligibles who have a compensable service-connected disability of 10 percent or more, and who meet the minimum qualification standards, shall be listed in the highest quality category.

"(3) Selection process.—An appointing authority may select any applicant from the highest quality category or, if fewer than 3 candidates have been assigned to the highest quality category, from a merged category consisting of the highest and second highest quality categories. Notwithstanding the preceding sentence, the appointing authority may not pass over a preference eligible in the same or a higher category from which selection is made, unless the requirements of section 3317(b) or 3318(b), as applicable, are satisfied, except that in no event may certification of a preference eligible under this subsection be discontinued by the Internal Revenue Service under section 3317(b) before the end of the 6-month period beginning on the date of such employee's first certification.

"(c) Involuntary Reassignments and Removals of Career Appointees in the Senior Executive Service.—Neither section 3395(e)(1) nor section 3592(b)(1) shall apply with respect to the Internal Revenue Service.

"(d) Probationary Periods.—Notwithstanding any other provision of law or regulation, the Commissioner of Internal Revenue may establish a period of probation under section 3321 of up to 3 years for any position if, as determined by the Commissioner, a shorter period would be insufficient for the incumbent to demonstrate complete proficiency in such position.

"(e) Provisions That Remain Applicable.—No provision of this section exempts the Internal Revenue Service from—

"(1) any employment priorities established under direction of the President for the placement of surplus or displaced employees; or

"(2) its obligations under any court order or decree relating to the employment practices of the Internal Revenue Service.

"§9304. Flexibilities relating to demonstration projects

"(a) Authority To Conduct.—The Commissioner of Internal Revenue may, in accordance with this section, conduct 1 or more demonstration projects to improve personnel management; provide increased individual accountability; eliminate obstacles to the removal of or imposing any disciplinary action with respect to poor performers, subject to the requirements of due process; expedite appeals from adverse actions or performance-based actions; and promote pay based on performance.

"(b) General Requirements.—Except as provided in subsection (c), each demonstration project under this section shall comply with the provisions of section 4703.

"(c) Special Rules.—For purposes of any demonstration project under this section—

"(1) Authority of commissioner.—The Commissioner of Internal Revenue shall exercise the authority provided to the Office of Personnel Management under section 4703.

"(2) Provisions not applicable.—The following provisions of section 4703 shall not apply:

"(A) Paragraphs (3) through (6) of subsection (b).

"(B) Paragraphs (1), (2)(B)(ii), and (4) of subsection (c).

"(C) Subsections (d) through (g).

"(d) Notification Required To Be Given.—

"(1) To employees.—The Commissioner of Internal Revenue shall notify employees likely to be affected by a project proposed under this section at least 90 days in advance of the date such project is to take effect.

"(2) To congress and opm.—The Commissioner of Internal Revenue shall, with respect to each demonstration project under this section, provide each House of Congress and the Office of Personnel Management with a report, at least 30 days in advance of the date such project is to take effect, setting forth the final version of the plan for such project. Such report shall, with respect to the project to which it relates, include the information specified in section 4703(b)(1).

"(e) Limitations.—No demonstration project under this section may—

"(1) provide for a waiver of any regulation prescribed under any provision of law referred to in paragraph (2)(B)(i) or (3) of section 4703(c);

"(2) provide for a waiver of subchapter V of chapter 63 or subpart G of part III (or any regulations prescribed under such subchapter or subpart);

"(3) provide for a waiver of any law or regulation relating to preference eligibles as defined in section 2108 or subchapter II or III of chapter 73 (or any regulations prescribed thereunder);

"(4) permit collective bargaining over pay or benefits, or require collective bargaining over any matter which would not be required under section 7106; or

"(5) include a system for measuring performance that provides for only 1 level of performance at or above the level of fully successful or better.

"(f) Permissible Projects.—Notwithstanding any other provision of law, a demonstration project under this section—

"(1) may establish alternative means of resolving any dispute within the jurisdiction of the Equal Employment Opportunity Commission, the Merit Systems Protection Board, the Federal Labor Relations Authority, or the Federal Service Impasses Panel; and

"(2) may permit the Internal Revenue Service to adopt any alternative dispute resolution procedure that a private entity may lawfully adopt.

"(g) Consultation and Coordination.—The Commissioner of Internal Revenue shall consult with the Director of the Office of Personnel Management in the development and implementation of each demonstration project under this section and shall submit such reports to the Director as the Director may require. The Director or the Commissioner of Internal Revenue may terminate a demonstration project under this section if either of them determines that the project creates a substantial hardship on, or is not in the best interests of, the public, the Federal Government, employees, or qualified applicants for employment with the Internal Revenue Service.

"(h) Termination.—Each demonstration project under this section shall terminate before the end of the 5-year period beginning on the date on which the project takes effect, except that any such project may continue beyond the end of such period, for not to exceed 2 years, if the Commissioner of Internal Revenue, with the concurrence of the Director, determines such extension is necessary to validate the results of the project. Not later than 6 months before the end of the 5-year period and any extension under the preceding sentence, the Commissioner of Internal Revenue shall, with respect to the demonstration project involved, submit a legislative proposal to the Congress if the Commissioner determines that such project should be made permanent, in whole or in part.".

(b) Clerical Amendment.—The analysis for part III of title 5, United States Code, is amended by adding at the end the following:

"Subpart I—Miscellaneous

"93. Personnel Flexibilities Relating to the Internal Revenue Service .... 9301".

(c) Effective Date.—This section shall take effect on the date of enactment of this Act.

TITLE II—ELECTRONIC FILING

SEC. 201. ELECTRONIC FILING OF TAX AND INFORMATION RETURNS.

(a) In General.—It is the policy of the Congress that paperless filing should be the preferred and most convenient means of filing tax and information returns, and that by the year 2007, no more than 20 percent of all such returns should be filed on paper.

(b) Strategic Plan.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury or the Secretary's delegate (hereafter in this section referred to as the "Secretary") shall establish a plan to eliminate barriers, provide incentives, and use competitive market forces to increase electronic filing gradually over the next 10 years while maintaining processing times for paper returns at 40 days. To the extent practicable, such plan shall provide that all returns prepared electronically for taxable years beginning after 2001 shall be filed electronically.

(2) Electronic commerce advisory group.—To ensure that the Secretary receives input from the private sector in the development and implementation of the plan required by paragraph (1), the Secretary shall convene an electronic commerce advisory group to include representatives from the small business community and from the tax practitioner, preparer, and computerized tax processor communities and other representatives from the electronic filing industry.

(c) Promotion of Electronic Filing and Incentives.—Section 6011 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) Promotion of Electronic Filing.—

"(1) In general.—The Secretary is authorized to promote the benefits of and encourage the use of electronic tax administration programs, as they become available, through the use of mass communications and other means.

"(2) Incentives.—The Secretary may implement procedures to provide for the payment of appropriate incentives for electronically filed returns.".

(d) Annual Reports.—Not later than June 30 of each calendar year after 1997, the Chairperson of the Internal Revenue Service Oversight Board, the Secretary, and the Chairperson of the electronic commerce advisory group established under subsection (b)(2) shall report to the Committees on Ways and Means, Appropriations, and Government Reform and Oversight of the House of Representatives, the Committees on Finance, Appropriations, and Government Affairs of the Senate, and the Joint Committee on Taxation, on—

(1) the progress of the Internal Revenue Service in meeting the goal of receiving electronically 80 percent of tax and information returns by 2007;

(2) the status of the plan required by subsection (b); and

(3) the legislative changes necessary to assist the Internal Revenue Service in meeting such goal.

SEC. 202. DUE DATE FOR CERTAIN INFORMATION RETURNS FILED ELECTRONICALLY.

(a) In General.—Section 6071 (relating to time for filing returns and other documents) is amended by redesignating subsection (b) as subsection (c) and by inserting after subsection (a) the following new subsection:

"(b) Electronically Filed Information Returns.—Returns made under subparts B and C of part III of this subchapter which are filed electronically shall be filed on or before March 31 of the year following the calendar year to which such returns relate.".

(b) Effective Date.—The amendment made by this section shall apply to returns required to be filed after December 31, 1999.

SEC. 203. PAPERLESS ELECTRONIC FILING.

(a) In General.—Section 6061 (relating to signing of returns and other documents) is amended—

(1) by striking "Except as otherwise provided by" and inserting the following:

"(a) General Rule.—Except as otherwise provided by subsection (b) and", and

(2) by adding at the end the following new subsection:

"(b) Electronic Signatures.—

"(1) In general.—The Secretary shall develop procedures for the acceptance of signatures in digital or other electronic form. Until such time as such procedures are in place, the Secretary may waive the requirement of a signature for all returns or classes of returns, or may provide for alternative methods of subscribing all returns, declarations, statements, or other documents required or permitted to be made or written under internal revenue laws and regulations.

"(2) Treatment of alternative methods.—Notwithstanding any other provision of law, any return, declaration, statement or other document filed without signature under the authority of this subsection or verified, signed or subscribed under any method adopted under paragraph (1) shall be treated for all purposes (both civil and criminal, including penalties for perjury) in the same manner as though signed and subscribed. Any such return, declaration, statement or other document shall be presumed to have been actually submitted and subscribed by the person on whose behalf it was submitted.

"(3) Published guidance.—The Secretary shall publish guidance as appropriate to define and implement any waiver of the signature requirements.".

(b) Acknowledgment of Electronic Filing.—Section 7502(c) is amended to read as follows:

"(c) Registered and Certified Mailing; Electronic Filing.—

"(1) Registered mail.—For purposes of this section, if any return, claim, statement, or other document, or payment, is sent by United States registered mail—

"(A) such registration shall be prima facie evidence that the return, claim, statement, or other document was delivered to the agency, officer, or office to which addressed, and

"(B) the date of registration shall be deemed the postmark date.

"(2) Certified mail; electronic filing.—The Secretary is authorized to provide by regulations the extent to which the provisions of paragraph (1) with respect to prima facie evidence of delivery and the postmark date shall apply to certified mail and electronic filing.".

(c) Establishment of Procedures for Other Information.—In the case of taxable periods beginning after December 31, 1998, the Secretary of the Treasury or the Secretary's delegate shall, to the extent practicable, establish procedures to accept, in electronic form, any other information, statements, elections, or schedules, from taxpayers filing returns electronically, so that such taxpayers will not be required to file any paper.

(d) Procedures for Communications Between IRS and Preparer of Electronically Filed Returns.—The Secretary shall establish procedures for taxpayers to authorize, on electronically filed returns, the preparer of such returns to communicate with the Internal Revenue Service on matters included on such returns.

(e) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 204. RETURN-FREE TAX SYSTEM.

(a) In General.—The Secretary of the Treasury or the Secretary's delegate shall develop procedures for the implementation of a return-free tax system under which appropriate individuals would be permitted to comply with the Internal Revenue Code of 1986 without making the return required under section 6012 of such Code for taxable years beginning after 2007.

(b) Report.—Not later than June 30 of each calendar year after 1999, such Secretary shall report to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and the Joint Committee on Taxation on—

(1) what additional resources the Internal Revenue Service would need to implement such a system,

(2) the changes to the Internal Revenue Code of 1986 that could enhance the use of such a system,

(3) the procedures developed pursuant to subsection (a), and

(4) the number and classes of taxpayers that would be permitted to use the procedures developed pursuant to subsection (a).

SEC. 205. ACCESS TO ACCOUNT INFORMATION.

Not later than December 31, 2006, the Secretary of the Treasury or the Secretary's delegate shall develop procedures under which a taxpayer filing returns electronically would be able to review the taxpayer's account electronically, but only if all necessary safeguards to ensure the privacy of such account information are in place.

TITLE III—TAXPAYER PROTECTION AND RIGHTS

SEC. 300. SHORT TITLE.

This title may be cited as the "Taxpayer Bill of Rights 3".

Subtitle A—Burden of Proof

SEC. 301. BURDEN OF PROOF.

(a) In General.—Chapter 76 (relating to judicial proceedings) is amended by adding at the end the following new subchapter:

"Subchapter E—Burden of Proof

"Sec. 7491. Burden of proof.

"SEC. 7491. BURDEN OF PROOF.

"(a) General Rule.—The Secretary shall have the burden of proof in any court proceeding with respect to any factual issue relevant to ascertaining the income tax liability of a taxpayer.

"(b) Limitations.—Subsection (a) shall only apply with respect to an issue if—

"(1) the taxpayer asserts a reasonable dispute with respect to such issue,

"(2) the taxpayer has fully cooperated with the Secretary with respect to such issue, including providing, within a reasonable period of time, access to and inspection of all witnesses, information, and documents within the control of the taxpayer, as reasonably requested by the Secretary, and

"(3) in the case of a partnership, corporation, or trust, the taxpayer is described in section 7430(c)(4)(A)(ii).

"(c) Substantiation.—Nothing in this section shall be construed to override any requirement of this title to substantiate any item.".

(b) Conforming Amendments.—

(1) Section 6201 is amended by striking subsection (d) and redesignating subsection (e) as subsection (d).

(2) The table of subchapters for chapter 76 is amended by adding at the end the following new item:

"Subchapter E. Burden of proof.".

(c) Effective Date.—The amendments made by this section shall apply to court proceedings arising in connection with examinations commencing after the date of the enactment of this Act.

Subtitle B—Proceedings by Taxpayers

SEC. 311. EXPANSION OF AUTHORITY TO AWARD COSTS AND CERTAIN FEES.

(a) Award of Higher Attorney's Fees Based on Complexity of Issues.—Clause (iii) of section 7430(c)(1)(B) (relating to the award of costs and certain fees) is amended by inserting "the difficulty of the issues presented in the case, or the local availability of tax expertise," before "justifies a higher rate".

(b) Award of Administrative Costs Incurred After 30-Day Letter.—Paragraph (2) of section 7430(c) is amended by striking the last sentence and inserting the following: "Such term shall only include costs incurred on or after whichever of the following is the earliest: (i) the date of the receipt by the taxpayer of the notice of the decision of the Internal Revenue Service Office of Appeals, (ii) the date of the notice of deficiency, or (iii) the date on which the 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals is sent.".

(c) Award of Fees for Certain Additional Services.—Paragraph (3) of section 7430(c) is amended to read as follows:

"(3) Attorney's fees.—

"(A) In general.—For purposes of paragraphs (1) and (2), fees for the services of an individual (whether or not an attorney) who is authorized to practice before the Tax Court or before the Internal Revenue Service shall be treated as fees for the services of an attorney.

"(B) Pro bono services.—In any case in which the court could have awarded attorney's fees under subsection (a) but for the fact that an individual is representing the prevailing party for no fee or for a fee which (taking into account all the facts and circumstances) is no more than a nominal fee, the court may also award a judgment or settlement for such amounts as the court determines to be appropriate (based on hours worked and costs expended) for services of such individual but only if such award is paid to such individual or such individual's employer.".

(d) Determination of Whether Position of United States Is Substantially Justified.—Subparagraph (B) of section 7430(c)(4) is amended by redesignating clause (iii) as clause (iv) and by inserting after clause (ii) the following new clause:

"(iii) Effect of losing on substantially similar issues.—In determining for purposes of clause (i) whether the position of the United States was substantially justified, the court shall take into account whether the United States has lost in courts of appeal for other circuits on substantially similar issues.".

(e) Effective Date.—The amendments made by this section shall apply to costs incurred (and, in the case of the amendment made by subsection (c), services performed) more than 180 days after the date of the enactment of this Act.

SEC. 312. CIVIL DAMAGES FOR NEGLIGENCE IN COLLECTION ACTIONS.

(a) In General.—Section 7433 (relating to civil damages for certain unauthorized collection actions) is amended—

(1) in subsection (a), by inserting ", or by reason of negligence," after "recklessly or intentionally", and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting "($100,000, in the case of negligence)" after "$1,000,000", and

(B) in paragraph (1), by inserting "or negligent" after "reckless or intentional".

(b) REQUIREMENT THAT ADMINISTRATIVE REMEDIES BE EXHAUSTED.—Paragraph (1) of section 7433(d) is amended to read as follows:

"(1) REQUIREMENT THAT ADMINISTRATIVE REMEDIES BE EXHAUSTED.—A judgment for damages shall not be awarded under subsection (b) unless the court determines that the plaintiff has exhausted the administrative remedies available to such plaintiff within the Internal Revenue Service.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to actions of officers or employees of the Internal Revenue Service after the date of the enactment of this Act.

SEC. 313. INCREASE IN SIZE OF CASES PERMITTED ON SMALL CASE CALENDAR.

(a) IN GENERAL.—Subsection (a) of section 7463 (relating to disputes involving $10,000 or less) is amended by striking "$10,000" each place it appears and inserting "$25,000".

(b) CONFORMING AMENDMENTS.—

(1) The section heading for section 7463 is amended by striking "**$10,000**" and inserting "**$25,000**".

(2) The item relating to section 7463 in the table of sections for part II of subchapter C of chapter 76 is amended by striking "$10,000" and inserting "$25,000".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to proceedings commencing after the date of the enactment of this Act.

Subtitle C—Relief for Innocent Spouses and for Taxpayers Unable To Manage Their Financial Affairs Due to Disabilities

SEC. 321. SPOUSE RELIEVED IN WHOLE OR IN PART OF LIABILITY IN CERTAIN CASES.

(a) IN GENERAL.—Subpart B of part II of subchapter A of chapter 61 is amended by inserting after section 6014 the following new section:

"SEC. 6015. INNOCENT SPOUSE RELIEF; PETITION TO TAX COURT.

"(a) SPOUSE RELIEVED OF LIABILITY IN CERTAIN CASES.—

"(1) IN GENERAL.—Under procedures prescribed by the Secretary, if—

"(A) a joint return has been made under section 6013 for a taxable year,

"(B) on such return there is an understatement of tax attributable to erroneous items of 1 spouse,

"(C) the other spouse establishes that in signing the return he or she did not know, and had no reason to know, that there was such understatement,

"(D) taking into account all the facts and circumstances, it is inequitable to hold the other spouse liable for the deficiency in tax for such taxable year attributable to such understatement, and

"(E) the other spouse claims (in such form as the Secretary may prescribe) the benefits of this subsection not later than the date which is 2 years after the date of the assessment of such deficiency,

then the other spouse shall be relieved of liability for tax (including interest, penalties, and other amounts) for such taxable year to the extent such liability is attributable to such understatement.

"(2) APPORTIONMENT OF RELIEF.—If a spouse who, but for paragraph (1)(C), would be relieved of liability under paragraph (1), establishes that in signing the return such spouse did not know, and had no reason to know, the extent of such understatement, then such spouse shall be relieved of liability for tax (including interest, penalties, and other amounts) for such taxable year to the extent that such liability is attributable to the portion of such understatement of which such spouse did not know and had no reason to know.

"(3) UNDERSTATEMENT.—For purposes of this subsection, the term 'understatement' has the meaning given to such term by section 6662(d)(2)(A).

"(4) SPECIAL RULE FOR COMMUNITY PROPERTY INCOME.—For purposes of this subsection, the determination of the spouse to whom items of gross income (other than gross income from property) are attributable shall be made without regard to community property laws.

"(b) PETITION FOR REVIEW BY TAX COURT.—In the case of an individual who has filed a claim under subsection (a) within the period specified in subsection (a)(1)(E)—

"(1) IN GENERAL.—Such individual may petition the Tax Court (and the Tax Court shall have jurisdiction) to determine such claim if such petition is filed during the 90-day period beginning on the earlier of—

"(A) the date which is 6 months after the date such claim is filed with the Secretary, or

"(B) the date on which the Secretary mails by certified or registered mail a notice to such individual denying such claim.

Such 90-day period shall be determined by not counting Saturday, Sunday, or a legal holiday in the District of Columbia as the last day of such period.

"(2) RESTRICTIONS APPLICABLE TO COLLECTION OF ASSESSMENT.—

"(A) IN GENERAL.—Except as otherwise provided in section 6851 or 6861, no levy or proceeding in court for collection of any assessment to which such claim relates shall be made, begun, or prosecuted, until the expiration of the 90-day period described in paragraph (1), nor, if a petition has been filed with the Tax Court, until the decision of the Tax Court has become final. Rules similar to the rules of section 7485 shall apply with respect to the collection of such assessment.

"(B) AUTHORITY TO ENJOIN COLLECTION ACTIONS.—Notwithstanding the provisions of section 7421(a), the beginning of such proceeding or levy during the time the prohibition under subparagraph (A) is in force may be enjoined by a proceeding in the proper court, including the Tax Court. The Tax Court shall have no jurisdiction under this paragraph to enjoin any action or proceeding unless a timely petition for a determination of such claim has been filed and then only in respect of the amount of the assessment to which such claim relates.

"(C) JEOPARDY COLLECTION.—If the Secretary makes a finding that the collection of the tax is in jeopardy, nothing in this subsection shall prevent the immediate collection of such tax.

"(c) SUSPENSION OF RUNNING OF PERIOD OF LIMITATIONS.—The running of the period of limitations in section 6502 on the collection of the assessment to which the petition under subsection (b) relates shall be suspended for the period during which the Secretary is prohibited by subsection (b) from collecting by levy or a proceeding in court and for 60 days thereafter.

"(d) APPLICABLE RULES.—

"(1) ALLOWANCE OF APPLICATION.—Except as provided in paragraph (2), notwithstanding any other law or rule of law (other than section 6512(b), 7121, or 7122), credit or refund shall be allowed or made to the extent attributable to the application of this section.

"(2) RES JUDICATA.—In the case of any claim under subsection (a), the determination of the Tax Court in any prior proceeding for the same taxable periods in which the decision has become final, shall be conclusive except with respect to the qualification of the spouse for relief which was not an issue in such proceeding. The preceding sentence shall not apply if the Tax Court determines that the spouse participated meaningfully in such prior proceeding.

"(3) LIMITATION ON TAX COURT JURISDICTION.—If a suit for refund is begun by either spouse pursuant to section 6532, the Tax Court shall lose jurisdiction of the spouse's action under this section to whatever extent jurisdiction is acquired by the district court or the United States Court of Federal Claims over the taxable years that are the subject of the suit for refund.".

(b) SEPARATE FORM FOR APPLYING FOR SPOUSAL RELIEF.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall develop a separate form with instructions for use by taxpayers in applying for relief under section 6015(a) of the Internal Revenue Code of 1986, as added by this section.

(c) CONFORMING AMENDMENTS.—

(1) Section 6013 is amended by striking subsection (e).

(2) Subparagraph (A) of section 6230(c)(5) is amended by striking "section 6013(e)" and inserting "section 6015".

(d) CLERICAL AMENDMENT.—The table of sections for subpart B of part II of subchapter A of chapter 61 is amended by inserting after the item relating to section 6014 the following new item:

"Sec. 6015. Innocent spouse relief; petition to Tax Court.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to understatements for taxable years beginning after the date of the enactment of this Act.

SEC. 322. SUSPENSION OF STATUTE OF LIMITATIONS ON FILING REFUND CLAIMS DURING PERIODS OF DISABILITY.

(a) IN GENERAL.—Section 6511 (relating to limitations on credit or refund) is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

"(h) RUNNING OF PERIODS OF LIMITATION SUSPENDED WHILE TAXPAYER IS UNABLE TO MANAGE FINANCIAL AFFAIRS DUE TO DISABILITY.—

"(1) IN GENERAL.—In the case of an individual, the running of the periods specified in subsections (a), (b), and (c) shall be suspended during any period of such individual's life that such individual is financially disabled.

"(2) FINANCIALLY DISABLED.—

"(A) IN GENERAL.—For purposes of paragraph (1), an individual is financially disabled if such individual is unable to manage his financial affairs by reason of his medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months. An individual shall not be considered to have such an impairment unless proof of the existence thereof is furnished in such form and manner as the Secretary may require.

"(B) EXCEPTION WHERE INDIVIDUAL HAS GUARDIAN, ETC.—An individual shall not be treated as financially disabled during any period that such individual's spouse or any other person is authorized to act on behalf of such individual in financial matters.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to periods of disability before, on, or after the date of the enactment of this Act but shall not apply to any claim for credit or refund which (without regard to such amendment) is barred by the operation of any law or rule of law (including res judicata) as of January 1, 1998.

Subtitle D—Provisions Relating to Interest

SEC. 331. ELIMINATION OF INTEREST RATE DIFFERENTIAL ON OVERLAPPING PERIODS OF INTEREST ON INCOME TAX OVERPAYMENTS AND UNDERPAYMENTS.

(a) In General.—Section 6621 (relating to determination of rate of interest) is amended by adding at the end the following new subsection:

“(d) Elimination of Interest on Overlapping Periods of Income Tax Overpayments and Underpayments.—To the extent that, for any period, interest is payable under subchapter A and allowable under subchapter B on equivalent underpayments and overpayments by the same taxpayer of tax imposed by chapters 1 and 2, the net rate of interest under this section on such amounts shall be zero for such period.”.

(b) Conforming Amendment.—Subsection (f) of section 6601 (relating to satisfaction by credits) is amended by adding at the end the following new sentence: “The preceding sentence shall not apply to the extent that section 6621(d) applies.”.

(c) Effective Date.—The amendments made by this section shall apply to interest for calendar quarters beginning after the date of the enactment of this Act.

SEC. 332. INCREASE IN OVERPAYMENT RATE PAYABLE TO TAXPAYERS OTHER THAN CORPORATIONS.

(a) In General.—Subparagraph (B) of section 6621(a)(1) (defining overpayment rate) is amended to read as follows:

“(B) 3 percentage points (2 percentage points in the case of a corporation).”.

(b) Effective Date.—The amendment made by this section shall apply to interest for calendar quarters beginning after the date of the enactment of this Act.

Subtitle E—Protections for Taxpayers Subject to Audit or Collection Activities

SEC. 341. PRIVILEGE OF CONFIDENTIALITY EXTENDED TO TAXPAYER'S DEALINGS WITH NON-ATTORNEYS AUTHORIZED TO PRACTICE BEFORE INTERNAL REVENUE SERVICE.

Section 7602 (relating to examination of books and witnesses) is amended by adding at the end the following new subsection:

“(d) Privilege of Confidentiality Extended to Taxpayer's Dealings With Non-Attorneys Authorized To Practice Before Internal Revenue Service.—

“(1) In general.—In any noncriminal proceeding before the Internal Revenue Service, the taxpayer shall be entitled to the same common law protections of confidentiality with respect to tax advice furnished by any qualified individual (in a manner consistent with State law for such individual's profession) as the taxpayer would have if such individual were an attorney.

“(2) Qualified individual.—For purposes of paragraph (1), the term ‘qualified individual’ means any individual (other than an attorney) who is authorized to practice before the Internal Revenue Service.”.

SEC. 342. EXPANSION OF AUTHORITY TO ISSUE TAXPAYER ASSISTANCE ORDERS.

Section 7811(a) (relating to taxpayer assistance orders) is amended—

(1) by striking “Upon application” and inserting the following:

“(1) In general.—Upon application”,

(2) by moving the text 2 ems to the right, and

(3) by adding at the end the following new paragraphs:

“(2) Issuance of taxpayer assistance orders.—For purposes of determining whether to issue a taxpayer assistance order, the Taxpayer Advocate shall consider the following factors, among others:

“(A) Whether there is an immediate threat of adverse action.

“(B) Whether there has been an unreasonable delay in resolving taxpayer account problems.

“(C) Whether the taxpayer will have to pay significant costs (including fees for professional representation) if relief is not granted.

“(D) Whether the taxpayer will suffer irreparable injury, or a long-term adverse impact, if relief is not granted.

“(3) Standard where administrative guidance not followed.—In cases where any Internal Revenue Service employee is not following applicable published administrative guidance (including the Internal Revenue Manual), the Taxpayer Advocate shall construe the factors taken into account in determining whether to issue a taxpayer assistance order in the manner most favorable to the taxpayer.”.

SEC. 343. LIMITATION ON FINANCIAL STATUS AUDIT TECHNIQUES.

Section 7602 is amended by adding at the end the following new subsection:

“(e) Limitation on Examination on Unreported Income.—The Secretary shall not use financial status or economic reality examination techniques to determine the existence of unreported income of any taxpayer unless the Secretary has a reasonable indication that there is a likelihood of such unreported income.”.

SEC. 344. LIMITATION ON AUTHORITY TO REQUIRE PRODUCTION OF COMPUTER SOURCE CODE.

(a) In General.—Section 7602 is amended by adding at the end the following new subsection:

“(f) Limitation on Authority To Require Production of Computer Source Code.—

“(1) In general.—No summons may be issued under this title, and the Secretary may not begin any action under section 7604 to enforce any summons, to produce or examine any tax-related computer source code.

“(2) Exception where information not otherwise available to verify correctness of item on return.—Paragraph (1) shall not apply to any portion of a tax-related computer source code if—

“(A) the Secretary is unable to otherwise reasonably ascertain the correctness of any item on a return from—

“(i) the taxpayer's books, papers, records, or other data, or

“(ii) the computer software program and the associated data which, when executed, produces the output to prepare the return for the period involved, and

“(B) the Secretary identifies with reasonable specificity such portion as to be used to verify the correctness of such item.

The Secretary shall be treated as meeting the requirements of subparagraphs (A) and (B) after the 90th day after the Secretary makes a formal request to the taxpayer and the owner or developer of the computer software program for the material described in subparagraph (A)(ii) if such material is not provided before the close of such 90th day.

“(3) Other exceptions.—Paragraph (1) shall not apply to—

“(A) any inquiry into any offense connected with the administration or enforcement of the internal revenue laws, and

“(B) any tax-related computer source code developed by (or primarily for the benefit of) the taxpayer or a related person (within the meaning of section 267 or 707(b)) for internal use by the taxpayer or such person and not for commercial distribution.

“(4) Tax-related computer source code.—For purposes of this subsection, the term ‘tax-related computer source code’ means—

“(A) the computer source code for any computer software program for accounting, tax return preparation or compliance, or tax planning, or

“(B) design and development materials related to such a software program (including program notes and memoranda).

“(5) Right to contest summons.—The determination of whether the requirements of subparagraphs (A) and (B) of paragraph (2) are met or whether any exception under paragraph (3) applies may be contested in any proceeding under section 7604.

“(6) Protection of trade secrets and other confidential information.—In any court proceeding to enforce a summons for any portion of a tax-related computer source code, the court may issue any order necessary to prevent the disclosure of trade secrets or other confidential information with respect to such source code, including providing that any information be placed under seal to be opened only as directed by the court.”.

(b) Application of Special Procedures for Third-Party Summonses.—Paragraph (3) of section 7609(a) (defining third-party recordkeeper) is amended by striking “and” at the end of subparagraph (H), by striking a period at the end of subparagraph (I) and inserting “, and”, and by adding at the end the following:

“(J) any owner or developer of a tax-related computer source code (as defined in section 7602(f)(4)).

Subparagraph (J) shall apply only with respect to a summons requiring the production of the source code referred to in subparagraph (J) or the program and data described in section 7602(f)(2)(A)(ii) to which such source code relates.”.

(c) Effective Date.—The amendments made by this section shall apply to summonses issued more than 90 days after the date of the enactment of this Act.

SEC. 345. PROCEDURES RELATING TO EXTENSIONS OF STATUTE OF LIMITATIONS BY AGREEMENT.

(a) In General.—Paragraph (4) of section 6501(c) (relating to the period for limitations on assessment and collection) is amended—

(1) by striking “Where” and inserting the following:

“(A) In general.—Where”,

(2) by moving the text 2 ems to the right, and

(3) by adding at the end the following new subparagraph:

“(B) Notice to taxpayer of right to refuse or limit extension.—The Secretary shall notify the taxpayer of the taxpayer's right to refuse to extend the period of limitations, or to limit such extension to particular issues, on each occasion when the taxpayer is requested to provide such consent.”.

(b) Effective Date.—The amendments made by this section shall apply to requests to extend the period of limitations made after the date of the enactment of this Act.

SEC. 346. OFFERS-IN-COMPROMISE.

(a) ALLOWANCES FOR BASIC LIVING EXPENSES.—Section 7122 (relating to offers-in-compromise) is amended by adding at the end the following new subsection:

"(c) ALLOWANCES FOR BASIC LIVING EXPENSES.—The Secretary shall develop and publish schedules of national and local allowances designed to provide that taxpayers entering into a compromise have an adequate means to provide for basic living expenses.".

(b) PREPARATION OF STATEMENT RELATING TO OFFERS-IN-COMPROMISE.—The Secretary of the Treasury shall prepare a statement which sets forth in simple, nontechnical terms the rights of a taxpayer and the obligations of the Internal Revenue Service relating to offers-in-compromise. Such statement shall—

(1) advise taxpayers who have entered into a compromise agreement of the advantages of promptly notifying the Internal Revenue Service of any change of address or marital status, and

(2) provide notice to taxpayers that in the case of a compromise agreement terminated due to the actions of 1 spouse or former spouse, the Internal Revenue Service will, upon application, reinstate such agreement with the spouse or former spouse who remains in compliance with such agreement.

SEC. 347. NOTICE OF DEFICIENCY TO SPECIFY DEADLINES FOR FILING TAX COURT PETITION.

(a) IN GENERAL.—The Secretary of the Treasury or the Secretary's delegate shall include on each notice of deficiency under section 6212 of the Internal Revenue Code of 1986 the date determined by such Secretary (or delegate) as the last day on which the taxpayer may file a petition with the Tax Court.

(b) LATER FILING DEADLINES SPECIFIED ON NOTICE OF DEFICIENCY TO BE BINDING.—Subsection (a) of section 6213 (relating to restrictions applicable to deficiencies; petition to Tax Court) is amended by adding at the end the following new sentence: "Any petition filed with the Tax Court on or before the last date specified for filing such petition by the Secretary in the notice of deficiency shall be treated as timely filed.".

(c) EFFECTIVE DATE.—Subsection (a) and the amendment made by subsection (b) shall apply to notices mailed after December 31, 1998.

SEC. 348. REFUND OR CREDIT OF OVERPAYMENTS BEFORE FINAL DETERMINATION.

(a) TAX COURT PROCEEDINGS.—Subsection (a) of section 6213 is amended—

(1) by striking ", including the Tax Court." and inserting ", including the Tax Court, and a refund may be ordered by such court of any amount collected within the period during which the Secretary is prohibited from collecting by levy or through a proceeding in court under the provisions of this subsection.", and

(2) by striking "to enjoin any action or proceeding" and inserting "to enjoin any action or proceeding or order any refund".

(b) OTHER PROCEEDINGS.—Subsection (a) of section 6512 is amended by striking the period at the end of paragraph (4) and inserting ", and", and by inserting after paragraph (4) the following new paragraphs:

"(5) As to any amount collected within the period during which the Secretary is prohibited from making the assessment or from collecting by levy or through a proceeding in court under the provisions of section 6213(a), and

"(6) As to overpayments the Secretary is authorized to refund or credit pending appeal as provided in subsection (b).".

(c) REFUND OR CREDIT PENDING APPEAL.—Paragraph (1) of section 6512(b) is amended by adding at the end the following new sentence: "If a notice of appeal in respect of the decision of the Tax Court is filed under section 7483, the Secretary is authorized to refund or credit the overpayment determined by the Tax Court to the extent the overpayment is not contested on appeal.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 349. THREAT OF AUDIT PROHIBITED TO COERCE TIP REPORTING ALTERNATIVE COMMITMENT AGREEMENTS.

The Secretary of the Treasury or the Secretary's delegate shall instruct employees of the Internal Revenue Service that they may not threaten to audit any taxpayer in an attempt to coerce the taxpayer into entering into a Tip Reporting Alternative Commitment Agreement.

Subtitle F—Disclosures to Taxpayers

SEC. 351. EXPLANATION OF JOINT AND SEVERAL LIABILITY.

The Secretary of the Treasury or the Secretary's delegate shall, as soon as practicable, but not later than 180 days after the date of the enactment of this Act, establish procedures to clearly alert married taxpayers of their joint and several liabilities on all appropriate publications and instructions.

SEC. 352. EXPLANATION OF TAXPAYERS' RIGHTS IN INTERVIEWS WITH THE INTERNAL REVENUE SERVICE.

The Secretary of the Treasury or the Secretary's delegate shall, as soon as practicable, but not later than 180 days after the date of the enactment of this Act, revise the statement required by section 6227 of the Omnibus Taxpayer Bill of Rights (Internal Revenue Service Publication No. 1) to more clearly inform taxpayers of their rights—

(1) to be represented at interviews with the Internal Revenue Service by any person authorized to practice before the Internal Revenue Service, and

(2) to suspend an interview pursuant to section 7521(b)(2) of the Internal Revenue Code of 1986.

SEC. 353. DISCLOSURE OF CRITERIA FOR EXAMINATION SELECTION.

(a) IN GENERAL.—The Secretary of the Treasury or the Secretary's delegate shall, as soon as practicable, but not later than 180 days after the date of the enactment of this Act, incorporate into the statement required by section 6227 of the Omnibus Taxpayer Bill of Rights (Internal Revenue Service Publication No. 1) a statement which sets forth in simple and nontechnical terms the criteria and procedures for selecting taxpayers for examination. Such statement shall not include any information the disclosure of which would be detrimental to law enforcement, but shall specify the general procedures used by the Internal Revenue Service, including whether taxpayers are selected for examination on the basis of information available in the media or on the basis of information provided to the Internal Revenue Service by informants.

(b) TRANSMISSION TO COMMITTEES OF CONGRESS.—The Secretary shall transmit drafts of the statement required under subsection (a) (or proposed revisions to any such statement) to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and the Joint Committee on Taxation on the same day.

SEC. 354. EXPLANATIONS OF APPEALS AND COLLECTION PROCESS.

The Secretary of the Treasury or the Secretary's delegate shall, as soon as practicable but not later than 180 days after the date of the enactment of this Act, include with any 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals an explanation of the appeals process and the collection process with respect to such proposed deficiency.

Subtitle G—Low Income Taxpayer Clinics

SEC. 361. LOW INCOME TAXPAYER CLINICS.

(a) IN GENERAL.—Chapter 77 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

"SEC. 7525. LOW INCOME TAXPAYER CLINICS.

"(a) IN GENERAL.—The Secretary may, subject to the availability of appropriated funds, make grants to provide matching funds for the development, expansion, or continuation of qualified low income taxpayer clinics.

"(b) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED LOW INCOME TAXPAYER CLINIC.—

"(A) IN GENERAL.—The term 'qualified low income taxpayer clinic' means a clinic that—

"(i) does not charge more than a nominal fee for its services (except for reimbursement of actual costs incurred), and

"(ii)(I) represents low income taxpayers in controversies with the Internal Revenue Service, or

"(II) operates programs to inform individuals for whom English is a second language about their rights and responsibilities under this title.

"(B) REPRESENTATION OF LOW INCOME TAXPAYERS.—A clinic meets the requirements of subparagraph (A)(ii)(I) if—

"(i) at least 90 percent of the taxpayers represented by the clinic have incomes which do not exceed 250 percent of the poverty level, as determined in accordance with criteria established by the Director of the Office of Management and Budget, and

"(ii) the amount in controversy for any taxable year generally does not exceed the amount specified in section 7463.

"(2) CLINIC.—The term 'clinic' includes—

"(A) a clinical program at an accredited law school in which students represent low income taxpayers in controversies arising under this title, and

"(B) an organization described in section 501(c) and exempt from tax under section 501(a) which satisfies the requirements of paragraph (1) through representation of taxpayers or referral of taxpayers to qualified representatives.

"(3) QUALIFIED REPRESENTATIVE.—The term 'qualified representative' means any individual (whether or not an attorney) who is authorized to practice before the Internal Revenue Service or the applicable court.

"(c) SPECIAL RULES AND LIMITATIONS.—

"(1) AGGREGATE LIMITATION.—Unless otherwise provided by specific appropriation, the Secretary shall not allocate more than $3,000,000 per year (exclusive of costs of administering the program) to grants under this section.

"(2) LIMITATION ON ANNUAL GRANTS TO A CLINIC.—The aggregate amount of grants which may be made under this section to a clinic for a year shall not exceed $100,000.

"(3) MULTI-YEAR GRANTS.—Upon application of a qualified low income taxpayer clinic, the Secretary is authorized to award a multi-year grant not to exceed 3 years.

"(4) CRITERIA FOR AWARDS.—In determining whether to make a grant under this section, the Secretary shall consider—

"(A) the numbers of taxpayers who will be served by the clinic, including the number of taxpayers in the geographical area for whom English is a second language,

"(B) the existence of other low income taxpayer clinics serving the same population,

"(C) the quality of the program offered by the low income taxpayer clinic, including the qualifications of its administrators and qualified representatives, and its record, if any, in providing service to low income taxpayers, and

"(D) alternative funding sources available to the clinic, including amounts received from other grants and contributions, and the endowment and resources of the institution sponsoring the clinic.

"(5) REQUIREMENT OF MATCHING FUNDS.—A low income taxpayer clinic must provide matching funds on a dollar for dollar basis for all grants provided under this section. Matching funds may include—

"(A) the salary (including fringe benefits) of individuals performing services for the clinic, and

"(B) the cost of equipment used in the clinic.

Indirect expenses, including general overhead of the institution sponsoring the clinic, shall not be counted as matching funds.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 77 is amended by adding at the end the following new section:

"Sec. 7525. Low income taxpayer clinics.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

Subtitle H—Other Matters

SEC. 371. ACTIONS FOR REFUND WITH RESPECT TO CERTAIN ESTATES WHICH HAVE ELECTED THE INSTALLMENT METHOD OF PAYMENT.

(a) IN GENERAL.—Section 7422 is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

"(j) SPECIAL RULE FOR ACTIONS WITH RESPECT TO ESTATES FOR WHICH AN ELECTION UNDER SECTION 6166 IS MADE.—

"(1) IN GENERAL.—The district courts of the United States and the United States Court of Federal Claims shall have jurisdiction over any action brought by the representative of an estate to which this subsection applies to determine the correct amount of the estate tax liability of such estate (or for any refund with respect thereto) even if the full amount of such liability has not been paid.

"(2) ESTATES TO WHICH SUBSECTION APPLIES.—This subsection shall apply to any estate if, as of the date the action is filed—

"(A) an election under section 6166 is in effect with respect to such estate,

"(B) no portion of the installments payable under such section have been accelerated, and

"(C) all installments the due date for which is on or before the date the action is filed have been paid.

"(3) PROHIBITION ON COLLECTION OF DISALLOWED LIABILITY.—If the court redetermines under paragraph (1) the estate tax liability of an estate, no part of such liability which is disallowed by a decision of such court which has become final may be collected by the Secretary, and amounts paid in excess of the installments determined by the court as currently due and payable shall be refunded.".

(b) EXTENSION OF TIME TO FILE REFUND SUIT.—Section 7479 (relating to declaratory judgments relating to eligibility of estate with respect to installment payments under section 6166) is amended by adding at the end the following new subsection:

"(c) EXTENSION OF TIME TO FILE REFUND SUIT.—The 2-year period in section 6532(a)(1) for filing suit for refund after disallowance of a claim shall be suspended during the 90-day period after the mailing of the notice referred to in subsection (b)(3) and, if a pleading has been filed with the Tax Court under this section, until the decision of the Tax Court has become final.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any claim for refund filed after the date of the enactment of this Act.

SEC. 372. CATALOGING COMPLAINTS.

In collecting data for the report required under section 1211 of Taxpayer Bill of Rights 2 (Public Law 104-168), the Secretary of the Treasury or the Secretary's delegate shall maintain records of taxpayer complaints of misconduct by Internal Revenue Service employees on an individual employee basis.

SEC. 373. ARCHIVE OF RECORDS OF INTERNAL REVENUE SERVICE.

(a) IN GENERAL.—Subsection (l) of section 6103 (relating to confidentiality and disclosure of returns and return information) is amended by adding at the end the following new paragraph:

"(17) DISCLOSURE TO NATIONAL ARCHIVES AND RECORDS ADMINISTRATION.—The Secretary shall, upon written request from the Archivist of the United States, disclose or authorize the disclosure of returns and return information to officers and employees of the National Archives and Records Administration for purposes of, and only to the extent necessary in, the appraisal of records for destruction or retention. No such officer or employee shall, except to the extent authorized by subsections (f), (i)(7), or (p), disclose any return or return information disclosed under the preceding sentence to any person other than to the Secretary, or to another officer or employee of the National Archives and Records Administration whose official duties require such disclosure for purposes of such appraisal.".

(b) CONFORMING AMENDMENTS.—Section 6103(p) is amended—

(1) in paragraph (3)(A), by striking "or (16)" and inserting "(16), or (17)",

(2) in paragraph (4), by striking "or (14)" and inserting ", (14), or (17)" in the matter preceding subparagraph (A), and

(3) in paragraph (4)(F)(ii), by striking "or (15)" and inserting ", (15), or (17)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to requests made by the Archivist of the United States after the date of the enactment of this Act.

SEC. 374. PAYMENT OF TAXES.

The Secretary of the Treasury or the Secretary's delegate shall establish such rules, regulations, and procedures as are necessary to allow payment of taxes by check or money order made payable to the United States Treasury.

SEC. 375. CLARIFICATION OF AUTHORITY OF SECRETARY RELATING TO THE MAKING OF ELECTIONS.

Subsection (d) of section 7805 is amended by striking "by regulations or forms".

SEC. 376. LIMITATION ON PENALTY ON INDIVIDUAL'S FAILURE TO PAY FOR MONTHS DURING PERIOD OF INSTALLMENT AGREEMENT.

(a) IN GENERAL.—Section 6651 (relating to failure to file tax return or to pay tax) is amended by adding at the end the following new subsection:

"(h) LIMITATION ON PENALTY ON INDIVIDUAL'S FAILURE TO PAY FOR MONTHS DURING PERIOD OF INSTALLMENT AGREEMENT.—No addition to the tax shall be imposed under paragraph (2) or (3) of subsection (a) with respect to the tax liability of an individual for any month during which an installment agreement under section 6159 is in effect for the payment of such tax to the extent that imposing an addition to the tax under such paragraph for such month would result in the aggregate number of percentage points of such addition to the tax exceeding 9.5.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply for purposes of determining additions to the tax for months beginning after the date of the enactment of this Act.

Subtitle I—Studies

SEC. 381. PENALTY ADMINISTRATION.

The Joint Committee on Taxation shall conduct a study—

(1) reviewing the administration and implementation by the Internal Revenue Service of the penalty reform provisions of the Omnibus Budget Reconciliation Act of 1989, and

(2) making any legislative and administrative recommendations it deems appropriate to simplify penalty administration and reduce taxpayer burden.

Such study shall be submitted to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than 9 months after the date of enactment of this Act.

SEC. 382. CONFIDENTIALITY OF TAX RETURN INFORMATION.

The Joint Committee on Taxation shall conduct a study of the scope and use of provisions regarding taxpayer confidentiality, and shall report the findings of such study, together with such recommendations as it deems appropriate, to the Congress not later than one year after the date of the enactment of this Act. Such study shall examine the present protections for taxpayer privacy, the need for third parties to use tax return information, and the ability to achieve greater levels of voluntary compliance by allowing the public to know who is legally required to file tax returns, but does not file tax returns.

TITLE IV—CONGRESSIONAL ACCOUNTABILITY FOR THE INTERNAL REVENUE SERVICE

Subtitle A—Oversight

SEC. 401. EXPANSION OF DUTIES OF THE JOINT COMMITTEE ON TAXATION.

(a) IN GENERAL.—Section 8021 (relating to the powers of the Joint Committee on Taxation) is amended by adding at the end the following new subsections:

"(e) INVESTIGATIONS.—The Joint Committee shall review all requests (other than requests by the chairman or ranking member of a Committee or Subcommittee) for investigations of the Internal Revenue Service by the General Accounting Office, and approve such requests when appropriate, with a view towards eliminating overlapping investigations, ensuring that the General Accounting Office has the capacity to handle the investigation, and ensuring that investigations focus on areas of primary importance to tax administration.

"(f) RELATING TO JOINT HEARINGS.—

"(1) IN GENERAL.—The Chief of Staff, and such other staff as are appointed pursuant to section 8004, shall provide such assistance as is required for joint hearings described in paragraph (2).

"(2) JOINT HEARINGS.—On or before April 1 of each calendar year after 1997, there shall be a joint hearing of two members of the majority and one member of the minority from each of the Committees on Finance, Appropriations, and Government Affairs of the Senate, and the Committees on Ways and Means, Appropriations, and Government Reform and Oversight of the House of Representatives, to review the strategic plans and budget for the Internal Revenue Service. After the conclusion of the annual filing season, there shall be a second annual joint hearing to review the other matters outlined in section 8022(3)(C).”.

(b) EFFECTIVE DATES.—

(1) Subsection (e) of section 8021 of the Internal Revenue Code of 1986, as added by subsection (a) of this section, shall apply to requests made after the date of enactment of this Act.

(2) Subsection (f) of section 8021 of the Internal Revenue Code of 1986, as added by subsection (a) of this section, shall take effect on the date of the enactment of this Act.

SEC. 402. COORDINATED OVERSIGHT REPORTS.

(a) IN GENERAL.—Paragraph (3) of section 8022 (relating to the duties of the Joint Committee on Taxation) is amended to read as follows:

“(3) REPORTS.—

“(A) To report, from time to time, to the Committee on Finance and the Committee on Ways and Means, and, in its discretion, to the Senate or House of Representatives, or both, the results of its investigations, together with such recommendations as it may deem advisable.

“(B) To report, annually, to the Committee on Finance and the Committee on Ways and Means on the overall state of the Federal tax system, together with recommendations with respect to possible simplification proposals and other matters relating to the administration of the Federal tax system as it may deem advisable.

“(C) To report, annually, to the Committees on Finance, Appropriations, and Government Affairs of the Senate, and to the Committees on Ways and Means, Appropriations, and Government Reform and Oversight of the House of Representatives, with respect to—

“(i) strategic and business plans for the Internal Revenue Service;

“(ii) progress of the Internal Revenue Service in meeting its objectives;

“(iii) the budget for the Internal Revenue Service and whether it supports its objectives;

“(iv) progress of the Internal Revenue Service in improving taxpayer service and compliance;

“(v) progress of the Internal Revenue Service on technology modernization; and

“(vi) the annual filing season.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

Subtitle B—Budget

SEC. 411. FUNDING FOR CENTURY DATE CHANGE.

It is the sense of Congress that the Internal Revenue Service efforts to resolve the century date change computing problems should be funded fully to provide for certain resolution of such problems.

SEC. 412. FINANCIAL MANAGEMENT ADVISORY GROUP.

The Commissioner shall convene a financial management advisory group consisting of individuals with expertise in governmental accounting and auditing from both the private sector and the Government to advise the Commissioner on financial management issues, including—

(1) the continued partnership between the Internal Revenue Service and the General Accounting Office;

(2) the financial accounting aspects of the Internal Revenue Service's system modernization;

(3) the necessity and utility of year-round auditing; and

(4) the Commissioner's plans for improving its financial management system.

Subtitle C—Tax Law Complexity

SEC. 421. ROLE OF THE INTERNAL REVENUE SERVICE.

It is the sense of Congress that the Internal Revenue Service should provide the Congress with an independent view of tax administration, and that during the legislative process, the tax writing committees of the Congress should hear from front-line technical experts at the Internal Revenue Service with respect to the administrability of pending amendments to the Internal Revenue Code of 1986.

SEC. 422. TAX COMPLEXITY ANALYSIS.

(a) REQUIRING ANALYSIS TO ACCOMPANY CERTAIN LEGISLATION.—

(1) IN GENERAL.—Chapter 92 (relating to powers and duties of the Joint Committee on Taxation) is amended by adding at the end the following new section:

“SEC. 8024. TAX COMPLEXITY ANALYSIS.

“(a) IN GENERAL.—If—

“(1) a bill or joint resolution is reported by the Committee on Finance of the Senate, the Committee on Ways and Means of the House of Representatives, or any committee of conference, and

“(2) such legislation includes any provision amending the Internal Revenue Code of 1986, the report for such legislation shall contain a Tax Complexity Analysis unless the committee involved causes to have the Tax Complexity Analysis printed in the Congressional Record prior to the consideration of the legislation in the House of Representatives or the Senate (as the case may be).

“(b) LEGISLATION SUBJECT TO POINT OF ORDER.—It shall not be in order in the Senate to consider any bill or joint resolution described in subsection (a) required to be accompanied by a Tax Complexity Analysis that does not contain a Tax Complexity Analysis.

“(c) RESPONSIBILITIES OF THE COMMISSIONER.—The Commissioner shall provide the Joint Committee on Taxation with such information as is necessary to prepare Tax Complexity Analyses.

“(d) TAX COMPLEXITY ANALYSIS DEFINED.—For purposes of this section, the term ‘Tax Complexity Analysis’ means, with respect to a bill or joint resolution, a report which is prepared by the Joint Committee on Taxation and which identifies the provisions of the legislation adding significant complexity or providing significant simplification (as determined by the Joint Committee) and includes the basis for such determination.”.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 92 is amended by adding at the end the following new item:

“Sec. 8024. Tax complexity analysis.”.

(b) LEGISLATION SUBJECT TO POINT OF ORDER IN HOUSE OF REPRESENTATIVES.—

(1) LEGISLATION REPORTED BY COMMITTEE ON WAYS AND MEANS.—Clause 2(l) of rule XI of the Rules of the House of Representatives is amended by adding at the end the following new subparagraph:

“(8) The report of the Committee on Ways and Means on any bill or joint resolution containing any provision amending the Internal Revenue Code of 1986 shall include a Tax Complexity Analysis prepared by the Joint Committee on Taxation in accordance with section 8024 of the Internal Revenue Code of 1986 unless the Committee on Ways and Means causes to have such Analysis printed in the Congressional Record prior to the consideration of the bill or joint resolution.”.

(2) CONFERENCE REPORTS.—Rule XXVIII of the Rules of the House of Representatives is amended by adding at the end the following new clause:

“7. It shall not be in order to consider the report of a committee of conference which contains any provision amending the Internal Revenue Code of 1986 unless—

“(a) the accompanying joint explanatory statement contains a Tax Complexity Analysis prepared by the Joint Committee on Taxation in accordance with section 8024 of the Internal Revenue Code of 1986, or

“(b) such Analysis is printed in the Congressional Record prior to the consideration of the report.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to legislation considered on or after January 1, 1998.

TITLE V—CLARIFICATION OF DEDUCTION FOR DEFERRED COMPENSATION

SEC. 501. CLARIFICATION OF DEDUCTION FOR DEFERRED COMPENSATION.

(a) IN GENERAL.—Subsection (a) of section 404 is amended by adding at the end the following new paragraph:

“(11) DETERMINATIONS RELATING TO DEFERRED COMPENSATION.—

“(A) IN GENERAL.—For purposes of determining under this section—

“(i) whether compensation of an employee is deferred compensation, and

“(ii) when deferred compensation is paid,

no amount shall be treated as received by the employee, or paid, until it is actually received by the employee.

“(B) EXCEPTION.—Subparagraph (A) shall not apply to severance pay.”.

(b) SICK LEAVE PAY TREATED LIKE VACATION PAY.—Paragraph (5) of section 404(a) is amended by inserting “or sick leave pay” after “vacation pay”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years ending after October 8, 1997.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by this section to change its method of accounting for its first taxable year ending after October 8, 1997—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account in such first taxable year.

TITLE VI—TAX TECHNICAL CORRECTIONS ACT OF 1997

SEC. 601. SHORT TITLE.

This title may be cited as the “Tax Technical Corrections Act of 1997”.

SEC. 602. DEFINITIONS.

For purposes of this title—

(1) 1986 CODE.—The term “1986 Code” means the Internal Revenue Code of 1986.

(2) 1997 ACT.—The term “1997 Act” means the Taxpayer Relief Act of 1997.

SEC. 603. AMENDMENTS RELATED TO TITLE I OF 1997 ACT.

(a) AMENDMENTS RELATED TO SECTION 101(a) OF 1997 ACT.—

(1) Subsection (d) of section 24 of the 1986 Code is amended—

(A) by striking paragraphs (3) and (4),

(B) by redesignating paragraph (5) as paragraph (3), and

(C) by striking paragraphs (1) and (2) and inserting the following new paragraphs:

"(1) IN GENERAL.—In the case of a taxpayer with 3 or more qualifying children for any taxable year, the aggregate credits allowed under subpart C shall be increased by the lesser of—

"(A) the credit which would be allowed under this section without regard to this subsection and the limitation under section 26(a), or

"(B) the amount by which the aggregate amount of credits allowed by this subpart (without regard to this subsection) would increase if the limitation imposed by section 26(a) were increased by the excess (if any) of—

"(i) the taxpayer's social security taxes for the taxable year, over

"(ii) the credit allowed under section 32 (determined without regard to subsection (n)) for the taxable year.

The amount of the credit allowed under this subsection shall not be treated as a credit allowed under this subpart and shall reduce the amount of credit otherwise allowable under subsection (a) without regard to section 26(a).

"(2) REDUCTION OF CREDIT TO TAXPAYER SUBJECT TO ALTERNATIVE MINIMUM TAX.—The credit determined under this subsection for the taxable year shall be reduced by the excess (if any) of—

"(A) the amount of tax imposed by section 55 (relating to alternative minimum tax) with respect to such taxpayer for such taxable year, over

"(B) the amount of the reduction under section 32(h) with respect to such taxpayer for such taxable year.".

(2) Paragraph (3) of section 24(d) of the 1986 Code (as redesignated by paragraph (1)) is amended by striking "paragraph (3)" and inserting "paragraph (1)".

(b) AMENDMENTS RELATED TO SECTION 101(b) OF 1997 ACT.—

(1) The subsection (m) of section 32 of the 1986 Code added by section 101(b) of the 1997 Act is amended to read as follows:

"(n) SUPPLEMENTAL CHILD CREDIT.—

"(1) IN GENERAL.—In the case of a taxpayer with respect to whom a credit is allowed under section 24 for the taxable year, the credit otherwise allowable under this section shall be increased by the lesser of—

"(A) the credit which would be allowed under section 24 without regard to this subsection and the limitation under section 26(a), or

"(B) the amount by which the aggregate amount of credits allowed by subpart A (without regard to this subsection) would be reduced if the limitation imposed by section 26(a) were reduced by the excess (if any) of—

"(i) the credit allowed by this section (without regard to this subsection) for the taxable year, over

"(ii) the taxpayer's social security taxes (as defined in section 24(d)) for the taxable year.

The credit determined under this subsection shall be allowed without regard to any other provision of this section, including subsection (d).

"(2) COORDINATION WITH OTHER CREDITS.—

"(A) IN GENERAL.—The amount of the credit under this subsection shall reduce the amount of the credit otherwise allowable under section 24, but the amount of the credit under this subsection (and such reduction) shall not otherwise be taken into account in determining the amount of any other credit allowable under this part.

"(B) TREATMENT OF CREDIT UNDER SECTION 24(d).—For purposes of this subsection, the credit determined under section 24(d) shall be treated as not allowed under section 24.".

SEC. 604. AMENDMENTS RELATED TO TITLE II OF 1997 ACT.

(a) AMENDMENTS RELATED TO SECTION 201 OF 1997 ACT.—

(1) The item relating to section 25A in the table of sections for subpart A of part IV of subchapter A of chapter 1 of the 1986 Code is amended to read as follows:

"Sec. 25A. Hope and Lifetime Learning credits.".

(2) Subsection (a) of section 6050S of the 1986 Code is amended to read as follows:

"(a) IN GENERAL.—Any person—

"(1) which is an eligible educational institution—

"(A) which receives payments for qualified tuition and related expenses with respect to any individual for any calendar year, or

"(B) which makes reimbursements or refunds (or similar amounts) to any individual of qualified tuition and related expenses,

"(2) which is engaged in a trade or business of making payments to any individual under an insurance arrangement as reimbursements or refunds (or similar amounts) of qualified tuition and related expenses, or

"(3) except as provided in regulations, any person which is engaged in a trade or business and, in the course of which, receives from any individual interest aggregating $600 or more for any calendar year on 1 or more qualified education loans,

shall make the return described in subsection (b) with respect to the individual at such time as the Secretary may by regulations prescribe.".

(3) Subparagraph (A) of section 201(c)(2) of the 1997 Act is amended to read as follows:

"(A) Subparagraph (B) of section 6724(d)(1) (relating to definitions) is amended by redesignating clauses (x) through (xv) as clauses (xi) through (xvi), respectively, and by inserting after clause (ix) the following new clause:

"'(x) section 6050S (relating to returns relating to payments for qualified tuition and related expenses),'".

(b) AMENDMENTS RELATED TO SECTION 211 OF 1997 ACT.—

(1) Paragraph (3) of section 135(c) of the 1986 Code is amended to read as follows:

"(3) ELIGIBLE EDUCATIONAL INSTITUTION.—The term 'eligible educational institution' has the meaning given such term by section 529(e)(5).".

(2) Subparagraph (A) of section 529(c)(3) of the 1986 Code is amended by striking "section 72(b)" and inserting "section 72".

(c) AMENDMENTS RELATED TO SECTION 213 OF 1997 ACT.—

(1)(A) Section 530(b)(1)(E) of the 1986 Code (defining education individual retirement account) is amended to read as follows:

"(E) Any balance to the credit of the designated beneficiary on the date on which the beneficiary attains age 30 shall be distributed within 30 days after such date to the beneficiary or, if the beneficiary dies before attaining age 30, shall be distributed within 30 days after the date of death to the estate of such beneficiary.".

(B) Subsection (d) of section 530 of the 1986 Code is amended by adding at the end the following new paragraph:

"(8) DEEMED DISTRIBUTION ON REQUIRED DISTRIBUTION DATE.—In any case in which a distribution is required under subsection (b)(1)(E), any balance to the credit of a designated beneficiary as of the close of the 30-day period referred to in such subsection for making such distribution shall be deemed distributed at the close of such period.".

(2)(A) Paragraph (1) of section 530(d) of the 1986 Code is amended by striking "section 72(b)" and inserting "section 72".

(B) Subsection (e) of section 72 of the 1986 Code is amended by inserting after paragraph (8) the following new paragraph:

"(9) EXTENSION OF PARAGRAPH (2)(B) TO QUALIFIED STATE TUITION PROGRAMS AND EDUCATIONAL INDIVIDUAL RETIREMENT ACCOUNTS.—Notwithstanding any other provision of this subsection, paragraph (2)(B) shall apply to amounts received under a qualified State tuition program (as defined in section 529(b)) or under an education individual retirement account (as defined in section 530(b)). The rule of paragraph (8)(B) shall apply for purposes of this paragraph.".

(3) So much of section 530(d)(4)(C) of the 1986 Code as precedes clause (ii) thereof is amended to read as follows:

"(C) CONTRIBUTIONS RETURNED BEFORE DUE DATE OF RETURN.—Subparagraph (A) shall not apply to the distribution of any contribution made during a taxable year on behalf of the designated beneficiary if—

"(i) such distribution is made on or before the day prescribed by law (including extensions of time) for filing the beneficiary's return of tax for the taxable year or, if the beneficiary is not required to file such a return, the 15th day of the 4th month of the taxable year following the taxable year, and".

(4) Subparagraph (C) of section 135(c)(2) of the 1986 Code is amended—

(A) by inserting "AND EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS" in the heading after "PROGRAM", and

(B) by striking "section 529(c)(3)(A)" and inserting "section 72".

(5) Subparagraph (A) of section 4973(e)(1) of the 1986 Code is amended by inserting before the comma "(or, if less, the sum of the maximum amounts permitted to be contributed under section 530(c) by the contributors to such accounts for such year)".

(d) AMENDMENT RELATED TO SECTION 224 OF 1997 ACT.—Section 170(e)(6)(F) of the 1986 Code (relating to termination) is amended by striking "1999" and inserting "2000".

(e) AMENDMENTS RELATED TO SECTION 225 OF 1997 ACT.—

(1) The last sentence of section 108(f)(2) of the 1986 Code is amended to read as follows: "The term 'student loan' includes any loan made by an educational organization described in section 170(b)(1)(A)(ii) or by an organization exempt from tax under section 501(a) to refinance a loan to an individual to assist the individual in attending any such educational organization but only if the refinancing loan is pursuant to a program of the refinancing organization which is designed as described in subparagraph (D)(ii).".

(2) Section 108(f)(3) of the 1986 Code is amended by striking "(or by an organization described in paragraph (2)(E) from funds provided by an organization described in paragraph (2)(D))".

(f) AMENDMENTS RELATED TO SECTION 226 OF 1997 ACT.—

(1) Section 226(a) of the 1997 Act is amended by striking "section 1397E" and inserting "section 1397D".

(2) Section 1397E(d)(4)(B) of the 1986 Code is amended by striking "local education agency as defined" and inserting "local educational agency as defined".

SEC. 605. AMENDMENTS RELATED TO TITLE III OF 1997 ACT.

(a) Amendments Related to Section 301 of 1997 Act.—Section 219(g) of the 1986 Code is amended—

(1) by inserting "or the individual's spouse" after "individual" in paragraph (1), and

(2) by striking paragraph (7) and inserting:

"(7) Special rule for spouses who are not active participants.—If this subsection applies to an individual for any taxable year solely because their spouse is an active participant, then, in applying this subsection to the individual (but not their spouse)—

"(A) the applicable dollar amount under paragraph (3)(B)(i) shall be $150,000, and

"(B) the amount applicable under paragraph (2)(A)(ii) shall be $10,000.".

(b) Amendments Related to Section 302 of 1997 Act.—

(1) Section 408A(c)(3)(A) of the 1986 Code is amended by striking "shall be reduced" and inserting "shall not exceed an amount equal to the amount determined under paragraph (2)(A) for such taxable year, reduced".

(2) Section 408A(c)(3) of the 1986 Code (relating to limits based on modified adjusted gross income) is amended—

(A) by inserting "or a married individual filing a separate return" after "joint return" in subparagraph (A)(ii), and

(B) by striking "and the deduction under section 219 shall be taken into account" in subparagraph (C)(i).

(3) Section 408A(d)(2) of the 1986 Code (defining qualified distribution) is amended by striking subparagraph (B) and inserting the following:

"(B) Distributions within nonexclusion period.—A payment or distribution from a Roth IRA shall not be treated as a qualified distribution under subparagraph (A) if such payment or distribution is made before the exclusion date for the Roth IRA.

"(C) Exclusion date.—For purposes of this section, the exclusion date for any Roth IRA is the first day of the taxable year immediately following the 5-taxable year period beginning with—

"(i) the first taxable year for which a contribution to any Roth IRA maintained for the benefit of the individual was made, or

"(ii) in the case of a Roth IRA to which 1 or more qualified rollover contributions were made—

"(I) from an individual retirement plan other than a Roth IRA, or

"(II) from another Roth IRA to the extent such contributions are properly allocable to contributions described in subclause (I),

the most recent taxable year for which any such qualified rollover contribution was made.".

(4) Section 408A(d)(3) of the 1986 Code (relating to rollovers from IRAs other than Roth IRAs) is amended by adding at the end the following:

"(F) Special rule for applying section 72.—

"(i) In general.—If—

"(I) any distribution from a Roth IRA is made before the exclusion date, and

"(II) any portion of such distribution is properly allocable to a qualified rollover contribution described in paragraph (2)(C)(ii),

then section 72(t) shall be applied as if such portion were includible in gross income.

"(ii) Limitation.—Clause (i) shall apply only to the extent of the amount includible in gross income under subparagraph (A)(i) by reason of the qualified rollover contribution.

"(G) Special rules for contributions to which 4-year averaging applies.—In the case of a qualified rollover contribution to a Roth IRA of a distribution to which subparagraph (A)(iii) applied, the following rules shall apply:

"(i) Death of distributee.—

"(I) In general.—If the individual required to include amounts in gross income under such subparagraph dies before all of such amounts are included, all remaining amounts shall be included in gross income for the taxable year which includes the date of death.

"(II) Special rule for surviving spouse.—If the spouse of the individual described in subclause (I) acquires the Roth IRA to which such qualified rollover contribution is properly allocable, the spouse may elect to include the remaining amounts described in subclause (I) in the spouse's gross income in the taxable years of the spouse ending with or within the taxable years of such individual in which such amounts would otherwise have been includible.

"(ii) Additional tax for early distribution.—

"(I) In general.—If any distribution from a Roth IRA is made before the exclusion date, and any portion of such distribution is properly allocable to such qualified rollover contribution, the distributee's tax under this chapter for the taxable year in which the amount is received shall be increased by 10 percent of the amount of such portion not in excess of the amount includible in gross income under subparagraph (A)(i) by reason of such qualified rollover contribution.

"(II) Treatment of tax.—For purposes of this title, any tax imposed by subclause (I) shall be treated as a tax imposed by section 72(t) and shall be in addition to any other tax imposed by such section.".

(5)(A) Section 408A(d)(4) of the 1986 Code is amended to read as follows:

"(4) Aggregation and ordering rules.—

"(A) Aggregation rules.—Section 408(d)(2) shall be applied separately with respect to—

"(i) Roth IRAs and other individual retirement plans,

"(ii) Roth IRAs described in paragraph (2)(C)(ii) and Roth IRAs not so described, and

"(iii) Roth IRAs described in paragraph (2)(C)(ii) with different exclusion dates.

"(B) Ordering rules.—For purposes of applying section 72 to any distribution from a Roth IRA which is not a qualified distribution, such distribution shall be treated as made—

"(i) from contributions to the extent that the amount of such distribution, when added to all previous distributions from the Roth IRA, does not exceed the aggregate contributions to the Roth IRA, and

"(ii) from such contributions in the following order:

"(I) Qualified rollover contributions to the extent includible in gross income in the manner described in paragraph (3)(A)(iii).

"(II) Qualified rollover contributions not described in subclause (I) to the extent includible in gross income under paragraph (3)(A).

"(III) Contributions not described in subclause (I) or (II).

Such rules shall also apply in determining the character of qualified rollover contributions from one Roth IRA to another Roth IRA.".

(B) Section 408A(d)(1) of the 1986 Code is amended to read as follows:

"(1) Exclusion.—Any qualified distribution from a Roth IRA shall not be includible in gross income.".

(6)(A) Section 408A(d) of the 1986 Code (relating to distribution rules) is amended by adding at the end the following:

"(6) Taxpayer may make adjustments before due date.—

"(A) In general.—Except as provided by the Secretary, if, on or before the due date for any taxable year, a taxpayer transfers in a trustee-to-trustee transfer any contribution to an individual retirement plan made during such taxable year from such plan to any other individual retirement plan, then, for purposes of this chapter, such contribution shall be treated as having been made to the transferee plan (and not the transferor plan).

"(B) Special rules.—

"(i) Transfer of earnings.—Subparagraph (A) shall not apply to the transfer of any contribution unless such transfer is accompanied by any net income allocable to such contribution.

"(ii) No deduction.—Subparagraph (A) shall apply to the transfer of any contribution only to the extent no deduction was allowed with respect to the contribution to the transferor plan.

"(C) Due date.—For purposes of this paragraph, the due date for any taxable year is the last date for filing the return of tax for such taxable year (including extensions).".

(B) Section 408A(d)(3) of the 1986 Code, as amended by this subsection, is amended by striking subparagraph (D) and by redesignating subparagraphs (E), (F), and (G) as subparagraphs (D), (E), and (F), respectively.

(7) Section 302(b) of the 1997 Act is amended by striking "Section 4973(b)" and inserting "Section 4973".

(8) Section 408A of the 1986 Code is amended by adding at the end the following new subsection:

"(f) Individual Retirement Plan.—For purposes of this section, except as provided by the Secretary, the term 'individual retirement plan' shall not include a simplified employee pension or a simple retirement account.".

(c) Amendments Related to Section 303 of 1997 Act.—

(1) Section 72(t)(8)(E) of the 1986 Code is amended—

(A) by striking "120 days" and inserting "120th day", and

(B) by striking "60 days" and inserting "60th day".

(2)(A) Section 402(c) of the 1986 Code is amended by adding at the end the following:

"(11) Denial of rollover treatment for transfers of hardship distributions to individual retirement plans.—This subsection shall not apply to the transfer of any hardship distribution described in section 401(k)(2)(B)(i)(IV) from a qualified cash or deferred arrangement to an eligible retirement plan described in clause (i) or (ii) of paragraph (8)(B).".

(B) The amendment made by this paragraph shall apply to distributions made after December 31, 1997.

(d) Amendments Related to Section 311 of 1997 Act.—

(1) Subsection (h) of section 1 of the 1986 Code (relating to maximum capital gains rate) is amended to read as follows:

"(h) Maximum Capital Gains Rate.—

"(1) In general.—If a taxpayer has a net capital gain for any taxable year, the tax imposed by this section for such taxable year shall not exceed the sum of—

``(A) a tax computed at the rates and in the same manner as if this subsection had not been enacted on the greater of—

``(i) taxable income reduced by the net capital gain, or

``(ii) the lesser of—

``(I) the amount of taxable income taxed at a rate below 28 percent, or

``(II) taxable income reduced by the adjusted net capital gain,

``(B) 10 percent of so much of the adjusted net capital gain (or, if less, taxable income) as does not exceed the excess (if any) of—

``(i) the amount of taxable income which would (without regard to this paragraph) be taxed at a rate below 28 percent, over

``(ii) the taxable income reduced by the adjusted net capital gain,

``(C) 20 percent of the adjusted net capital gain (or, if less, taxable income) in excess of the amount on which a tax is determined under subparagraph (B),

``(D) 25 percent of the excess (if any) of—

``(i) the unrecaptured section 1250 gain (or, if less, the net capital gain), over

``(ii) the excess (if any) of—

``(I) the sum of the amount on which tax is determined under subparagraph (A) plus the net capital gain, over

``(II) taxable income, and

``(E) 28 percent of the amount of taxable income in excess of the sum of the amounts on which tax is determined under the preceding subparagraphs of this paragraph.

``(2) REDUCED CAPITAL GAIN RATES FOR QUALIFIED 5-YEAR GAIN.—

``(A) REDUCTION IN 10-PERCENT RATE.—In the case of any taxable year beginning after December 31, 2000, the rate under paragraph (1)(B) shall be 8 percent with respect to so much of the amount to which the 10-percent rate would otherwise apply as does not exceed qualified 5-year gain, and 10 percent with respect to the remainder of such amount.

``(B) REDUCTION IN 20-PERCENT RATE.—The rate under paragraph (1)(C) shall be 18 percent with respect to so much of the amount to which the 20-percent rate would otherwise apply as does not exceed the lesser of—

``(i) the excess of qualified 5-year gain over the amount of such gain taken into account under subparagraph (A) of this paragraph, or

``(ii) the amount of qualified 5-year gain (determined by taking into account only property the holding period for which begins after December 31, 2000),

and 20 percent with respect to the remainder of such amount. For purposes of determining under the preceding sentence whether the holding period of property begins after December 31, 2000, the holding period of property acquired pursuant to the exercise of an option (or other right or obligation to acquire property) shall include the period such option (or other right or obligation) was held.

``(3) NET CAPITAL GAIN TAKEN INTO ACCOUNT AS INVESTMENT INCOME.—For purposes of this subsection, the net capital gain for any taxable year shall be reduced (but not below zero) by the amount which the taxpayer takes into account as investment income under section 163(d)(4)(B)(iii).

``(4) ADJUSTED NET CAPITAL GAIN.—For purposes of this subsection, the term 'adjusted net capital gain' means net capital gain reduced (but not below zero) by the sum of—

``(A) unrecaptured section 1250 gain, and

``(B) 28 percent rate gain.

``(5) 28 PERCENT RATE GAIN.—For purposes of this subsection—

``(A) IN GENERAL.—The term '28 percent rate gain' means the excess (if any) of—

``(i) the sum of—

``(I) the aggregate long-term capital gain from property held for more than 1 year but not more than 18 months,

``(II) collectibles gain, and

``(III) section 1202 gain, over

``(ii) the sum of—

``(I) the aggregate long-term capital loss (not described in subclause (IV)) from property referred to in clause (i)(I),

``(II) collectibles loss,

``(III) the net short-term capital loss, and

``(IV) the amount of long-term capital loss carried under section 1212(b)(1)(B) to the taxable year.

``(B) SPECIAL RULES.—

``(i) SHORT SALES AND OPTIONS.—Rules similar to the rules of subsections (b) and (d) of section 1233 shall apply to substantially identical property, and section 1092(f) with respect to stock, held for more than 1 year but not more than 18 months.

``(ii) SECTION 1256 CONTRACTS.—Amounts treated as long-term capital gain or loss under section 1256(a)(3) shall be treated as attributable to property held for more than 18 months.

``(6) COLLECTIBLES GAIN AND LOSS.—For purposes of this subsection—

``(A) IN GENERAL.—The terms 'collectibles gain' and 'collectibles loss' mean gain or loss (respectively) from the sale or exchange of a collectible (as defined in section 408(m) without regard to paragraph (3) thereof) which is a capital asset held for more than 18 months but only to the extent such gain is taken into account in computing gross income and such loss is taken into account in computing taxable income.

``(B) PARTNERSHIPS, ETC.—For purposes of subparagraph (A), any gain from the sale of an interest in a partnership, S corporation, or trust which is attributable to unrealized appreciation in the value of collectibles shall be treated as gain from the sale or exchange of a collectible. Rules similar to the rules of section 751 shall apply for purposes of the preceding sentence.

``(7) UNRECAPTURED SECTION 1250 GAIN.—For purposes of this subsection—

``(A) IN GENERAL.—The term 'unrecaptured section 1250 gain' means the excess (if any) of—

``(i) the amount of long-term capital gain (not otherwise treated as ordinary income) which would be treated as ordinary income if—

``(I) section 1250(b)(1) included all depreciation and the applicable percentage under section 1250(a) were 100 percent, and

``(II) only gain from property held for more than 18 months were taken into account, over

``(ii) the excess (if any) of—

``(I) the amount described in paragraph (5)(A)(ii), over

``(II) the amount described in paragraph (5)(A)(i).

``(B) LIMITATION WITH RESPECT TO SECTION 1231 PROPERTY.—The amount described in subparagraph (A)(i) from sales, exchanges, and conversions described in section 1231(a)(3)(A) for any taxable year shall not exceed the net section 1231 gain (as defined in section 1231(c)(3)) for such year.

``(8) SECTION 1202 GAIN.—For purposes of this subsection, the term 'section 1202 gain' means an amount equal to the gain excluded from gross income under section 1202(a).

``(9) QUALIFIED 5-YEAR GAIN.—For purposes of this subsection, the term 'qualified 5-year gain' means the amount of long-term capital gain which would be computed for the taxable year if only gains from the sale or exchange of property held by the taxpayer for more than 5 years were taken into account. The determination under the preceding sentence shall be made without regard to collectibles gain, gain described in paragraph (7)(A)(i), and section 1202 gain.

``(10) COORDINATION WITH RECAPTURE OF NET ORDINARY LOSSES UNDER SECTION 1231.—If any amount is treated as ordinary income under section 1231(c), such amount shall be allocated among the separate categories of net section 1231 gain (as defined in section 1231(c)(3)) in such manner as the Secretary may by forms or regulations prescribe.

``(11) REGULATIONS.—The Secretary may prescribe such regulations as are appropriate (including regulations requiring reporting) to apply this subsection in the case of sales and exchanges by pass-thru entities and of interests in such entities.

``(12) PASS-THRU ENTITY DEFINED.—For purposes of this subsection, the term 'pass-thru entity' means—

``(A) a regulated investment company,

``(B) a real estate investment trust,

``(C) an S corporation,

``(D) a partnership,

``(E) an estate or trust,

``(F) a common trust fund,

``(G) a foreign investment company which is described in section 1246(b)(1) and for which an election is in effect under section 1247, and

``(H) a qualified electing fund (as defined in section 1295).

``(13) SPECIAL RULES FOR PERIODS DURING 1997.—

``(A) DETERMINATION OF 28 PERCENT RATE GAIN.—In applying paragraph (5)—

``(i) the amount determined under subclause (I) of paragraph (5)(A)(i) shall include long-term capital gain (not otherwise described in paragraph (5)(A)(i)) which is properly taken into account for the portion of the taxable year before May 7, 1997,

``(ii) the amounts determined under subclause (I) of paragraph (5)(A)(ii) shall include long-term capital loss (not otherwise described in paragraph (5)(A)(ii)) which is properly taken into account for the portion of the taxable year before May 7, 1997, and

``(iii) clauses (i)(I) and (ii)(I) of paragraph (5)(A) shall be applied by not taking into account any gain and loss on property held for more than 1 year but not more than 18 months which is properly taken into account for the portion of the taxable year after May 6, 1997, and before July 29, 1997.

``(B) OTHER SPECIAL RULES.—

``(i) DETERMINATION OF UNRECAPTURED SECTION 1250 GAIN NOT TO INCLUDE PRE-MAY 7, 1997 GAIN.—The amount determined under paragraph (7)(A)(i) shall not include gain properly taken into account for the portion of the taxable year before May 7, 1997.

``(ii) OTHER TRANSITIONAL RULES FOR 18-MONTH HOLDING PERIOD.—Paragraphs (6)(A) and (7)(A)(i)(II) shall be applied by substituting '1 year' for '18 months' with respect to gain properly taken into account for the portion of the taxable year after May 6, 1997, and before July 29, 1997.

``(C) SPECIAL RULES FOR PASS-THRU ENTITIES.—In applying this paragraph with respect to any pass-thru entity, the determination of when gains and loss are properly taken into account shall be made at the entity level.''.

(2) IN GENERAL.—Paragraph (3) of section 55(b) of the 1986 Code is amended to read as follows:

``(3) MAXIMUM RATE OF TAX ON NET CAPITAL GAIN OF NONCORPORATE TAXPAYERS.—The amount determined under the first sentence of paragraph (1)(A)(i) shall not exceed the sum of—

"(A) the amount determined under such first sentence computed at the rates and in the same manner as if this paragraph had not been enacted on the taxable excess reduced by the lesser of—

"(i) the net capital gain, or

"(ii) the sum of—

"(I) the adjusted net capital gain, plus

"(II) the unrecaptured section 1250 gain, plus

"(B) 10 percent of so much of the adjusted net capital gain (or, if less, taxable excess) as does not exceed the amount on which a tax is determined under section 1(h)(1)(B), plus

"(C) 20 percent of the adjusted net capital gain (or, if less, taxable excess) in excess of the amount on which tax is determined under subparagraph (B), plus

"(D) 25 percent of the amount of taxable excess in excess of the sum of the amounts on which tax is determined under the preceding subparagraphs of this paragraph.

In the case of taxable years beginning after December 31, 2000, rules similar to the rules of section 1(h)(2) shall apply for purposes of subparagraphs (B) and (C). Terms used in this paragraph which are also used in section 1(h) shall have the respective meanings given such terms by section 1(h) but computed with the adjustments under this part.".

(3) Section 57(a)(7) of the 1986 Code is amended by adding at the end the following new sentence: "In the case of stock the holding period of which begins after December 31, 2000 (determined with the application of the last sentence of section 1(h)(2)(B)), the preceding sentence shall be applied by substituting '28 percent' for '42 percent'.".

(4) Paragraphs (11) and (12) of section 1223, and section 1235(a), of the 1986 Code are each amended by striking "1 year" each place it appears and inserting "18 months".

(e) Amendments Related to Section 312 of 1997 Act.—

(1) Section 121(c)(1) of the 1986 Code is amended to read as follows:

"(1) In general.—In the case of a sale or exchange to which this subsection applies, the ownership and use requirements of subsection (a), and subsection (b)(3), shall not apply; but the dollar limitation under paragraph (1) or (2) of subsection (b), whichever is applicable, shall be equal to—

"(A) the amount which bears the same ratio to such limitation (determined without regard to this paragraph) as

"(B)(i) the shorter of—

"(I) the aggregate periods, during the 5-year period ending on the date of such sale or exchange, such property has been owned and used by the taxpayer as the taxpayer's principal residence, or

"(II) the period after the date of the most recent prior sale or exchange by the taxpayer to which subsection (a) applied and before the date of such sale or exchange, bears to

"(ii) 2 years.".

(2) Section 312(d)(2) of the 1997 Act (relating to sales before date of enactment) is amended by inserting "on or" before "before" each place it appears in the text and heading.

(f) Amendment Related to Section 313 of 1997 Act.—Section 1045 of the 1986 Code is amended by adding at the end the following new subsection:

"(c) Limitation on Application to Partnerships and S Corporations.—Subsection (a) shall apply to a partnership or S corporation for a taxable year only if at all times during such taxable year all of the partners in the partnership, or all of the shareholders of the S corporation, are natural persons or estates.".

SEC. 606. AMENDMENTS RELATED TO TITLE V OF 1997 ACT.

(a) Amendments Related to Section 501 of 1997 Act.—

(1) Subsection (c) of section 2631 of the 1986 Code is amended by striking "an individual who dies" and inserting "a generation-skipping transfer".

(2) Subsection (f) of section 501 of the 1997 Act is amended by inserting "(other than the amendment made by subsection (d))" after "this section".

(b) Amendments Related to Section 502 of 1997 Act.—

(1) Subsection (a) of section 2033A of the 1986 Code is amended to read as follows:

"(a) Exclusion.—

"(1) In general.—In the case of an estate of a decedent to which this section applies, the value of the gross estate shall not include the lesser of—

"(A) the adjusted value of the qualified family-owned business interests of the decedent otherwise includible in the estate, or

"(B) the exclusion limitation with respect to such estate.

"(2) Exclusion limitation.—

"(A) In general.—The exclusion limitation with respect to any estate is the amount of reduction in the tentative tax base with respect to such estate which would be required in order to reduce the tax imposed by section 2001(b) (determined without regard to this section) by an amount equal to the maximum credit equivalent benefit.

"(B) Maximum credit equivalent benefit.—For purposes of subparagraph (A), the term 'maximum credit equivalent benefit' means the excess of—

"(i) the amount by which the tentative tax imposed by section 2001(b) (determined without regard to this section) would be reduced if the tentative tax base were reduced by $675,000, over

"(ii) the amount by which the applicable credit amount under section 2010(c) with respect to such estate exceeds such applicable credit amount in effect for 1998.

"(C) Tentative tax base.—For purposes of this paragraph, the term 'tentative tax base' means the amount with respect to which the tax imposed by section 2001(b) would be computed without regard to this section.".

(2) Section 2033A(b)(3) of the 1986 Code is amended to read as follows:

"(3) Includible gifts of interests.—The amount of the gifts of qualified family-owned business interests determined under this paragraph is the sum of—

"(A) the amount of such gifts from the decedent to members of the decedent's family taken into account under section 2001(b)(1)(B), plus

"(B) the amount of such gifts otherwise excluded under section 2503(b),

to the extent such interests are continuously held by members of such family (other than the decedent's spouse) between the date of the gift and the date of the decedent's death.".

(c) Amendments Related to Section 503 of the 1997 Act.—

(1) Clause (iii) of section 6166(b)(7)(A) of the 1986 Code is amended to read as follows:

"(iii) for purposes of applying section 6601(j), the 2-percent portion (as defined in such section) shall be treated as being zero.".

(2) Clause (iii) of section 6166(b)(8)(A) of the 1986 Code is amended to read as follows:

"(iii) 2-percent interest rate not to apply.—For purposes of applying section 6601(j), the 2-percent portion (as defined in such section) shall be treated as being zero.".

(d) Amendment Related to Section 505 of the 1997 Act.—Paragraphs (1) and (2) of section 7479(a) of the 1986 Code are each amended by striking "an estate," and inserting "an estate (or with respect to any property included therein),".

(e) Amendments Related to Section 506 of the 1997 Act.—

(1) Subsection (c) of section 2504 of the 1986 Code is amended by striking "was assessed or paid" and inserting "was finally determined for purposes of this chapter".

(2) Paragraph (1) of section 506(e) of the 1997 Act is amended by striking "and (c)" and inserting ", (c), and (d)".

SEC. 607. AMENDMENTS RELATED TO TITLE VII OF 1997 ACT.

(a) Amendment Related to Section 1400 of 1986 Code.—Section 1400(b)(2)(B) of the 1986 Code is amended by inserting "as determined on the basis of the 1990 census" after "percent".

(b) Amendments Related to Section 1400B of 1986 Code.—

(1) Section 1400B(d)(2) of the 1986 Code is amended by inserting "as determined on the basis of the 1990 census" after "percent".

(2) Section 1400B(b) of the 1986 Code is amended by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

(c) Amendments Related to Section 1400C of 1986 Code.—

(1) Paragraph (1) of section 1400C(c) of the 1986 Code is amended to read as follows:

"(1) In general.—The term 'first-time homebuyer' means any individual if such individual (and if married, such individual's spouse) had no present ownership interest in a principal residence in the District of Columbia during the 1-year period ending on the date of the purchase of the principal residence to which this section applies.".

(2) Subparagraph (B) of section 1400C(e)(2) of the 1986 Code is amended by inserting before the period "on the date the taxpayer first occupies such residence".

(3) Paragraph (3) of section 1400C(e) of the 1986 Code is amended by striking all that follows "principal residence" and inserting "on the date such residence is purchased.".

(4) Subsection (i) of section 1400C of the 1986 Code is amended to read as follows:

"(i) Application of Section.—This section shall apply to property purchased after August 4, 1997, and before January 1, 2001.".

(5) Subsection (c) of section 23 of the 1986 Code is amended by inserting "and section 1400C" after "other than this section".

(6) Subparagraph (C) of section 25(e)(1) of the 1986 Code is amended by striking "section 23" and inserting "sections 23 and 1400C".

SEC. 608. AMENDMENTS RELATED TO TITLE IX OF 1997 ACT.

(a) Amendment Related to Section 901 of 1997 Act.—Section 9503(c)(7) of the 1986 Code is amended—

(1) by striking "resulting from the amendments made by" and inserting "(and transfers to the Mass Transit Account) resulting from the amendments made by subsections (a) and (b) of section 901 of", and

(2) by inserting before the period "and deposits in the Highway Trust Fund (and transfers to the Mass Transit Account) shall be treated as made when they would have been required to be made without regard to section 901(e) of the Taxpayer Relief Act of 1997".

(b) Amendment Related to Section 907 of 1997 Act.—Paragraph (2) of section 9503(e) of the 1986 Code is amended by striking the last sentence and inserting the following new sentence: "For purposes of the preceding sentence, the term 'mass transit portion' means, for any fuel with respect to which tax was imposed under section 4041 or 4081 and otherwise deposited into the Highway Trust Fund, the amount determined at the rate of—

"(A) except as otherwise provided in this sentence, 2.86 cents per gallon,

"(B) 1.77 cents per gallon in the case of any partially exempt methanol or ethanol fuel (as defined in section 4041(m)) none of the alcohol in which consists of ethanol,

"(C) 1.86 cents per gallon in the case of liquefied natural gas,

"(D) 2.13 cents per gallon in the case of liquefied petroleum gas, and

"(E) 9.71 cents per MCF (determined at standard temperature and pressure) in the case of compressed natural gas.".

(c) Amendment Related to Section 976 of 1997 Act.—Section 6103(d)(5) of the 1986 Code is amended by striking "section 967 of the Taxpayer Relief Act of 1997." and inserting "section 976 of the Taxpayer Relief Act of 1997. Subsections (a)(2) and (p)(4) and sections 7213 and 7213A shall not apply with respect to disclosures or inspections made pursuant to this paragraph.".

SEC. 609. AMENDMENTS RELATED TO TITLE X OF 1997 ACT.

(a) Amendments Related to Section 1001 of 1997 Act.—

(1) Paragraph (2) of section 1259(b) of the 1986 Code is amended—

(A) by striking "debt" each place it appears in clauses (i) and (ii) of subparagraph (A) and inserting "position",

(B) by striking "and" at the end of subparagraph (A), and

(C) by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

"(B) any hedge with respect to a position described in subparagraph (A), and".

(2) Section 1259(d)(1) of the 1986 Code is amended by inserting "(including cash)" after "property".

(3) Subparagraph (D) of section 475(f)(1) of the 1986 Code is amended by adding at the end the following new sentence: "Subsection (d)(3) shall not apply under the preceding sentence for purposes of applying sections 1402 and 7704.".

(4) Subparagraph (C) of section 1001(d)(3) of the 1997 Act is amended by striking "within the 30-day period beginning on" and inserting "before the close of the 30th day after".

(b) Amendments Related to Section 1012 of 1997 Act.—

(1) Paragraph (1) of section 1012(d) of the 1997 Act is amended by striking "1997, pursuant" and inserting "1997; except that the amendment made by subsection (a) shall apply to such distributions only if pursuant".

(2) Subparagraph (A) of section 355(e)(3) of the 1986 Code is amended—

(A) by striking "shall not be treated as described in" and inserting "shall not be taken into account in applying", and

(B) by striking clause (iv) and inserting the following new clause:

"(iv) The acquisition of stock in the distributing corporation or any controlled corporation to the extent that the percentage of stock owned directly or indirectly in such corporation by each person owning stock in such corporation immediately before the acquisition does not decrease.".

(c) Amendments Related to Section 1014 of 1997 Act.—

(1) Paragraph (1) of section 351(g) of the 1986 Code is amended by adding "and" at the end of subparagraph (A) and by striking subparagraphs (B) and (C) and inserting the following new subparagraph:

"(B) if (and only if) the transferor receives stock other than nonqualified preferred stock—

"(i) subsection (b) shall apply to such transferor, and

"(ii) such nonqualified preferred stock shall be treated as other property for purposes of applying subsection (b).".

(2) Clause (ii) of section 354(a)(2)(C) of 1986 Code is amended by adding at the end the following new subclause:

"(III) Extension of statute of limitations.—The statutory period for the assessment of any deficiency attributable to a corporation failing to be a family-owned corporation shall not expire before the expiration of 3 years after the date the Secretary is notified by the corporation (in such manner as the Secretary may prescribe) of such failure, and such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.".

(d) Amendment Related to Section 1024 of 1997 Act.—Section 6331(h)(1) of the 1986 Code is amended by striking "The effect of a levy" and inserting "If the Secretary approves a levy under this subsection, the effect of such levy".

(e) Amendments Related to Section 1031 of 1997 Act.—

(1) Subsection (l) of section 4041 of the 1986 Code is amended by striking "subsection (e) or (f)" and inserting "subsection (f) or (g)".

(2) Subsection (b) of section 9502 of the 1986 Code is amended by moving the sentence added at the end of paragraph (1) to the end of such subsection.

(3) Subsection (c) of section 6421 of the 1986 Code is amended—

(A) by striking "(2)(A)" and inserting "(2)", and

(B) by adding at the end the following sentence: "Subsection (a) shall not apply to gasoline to which this subsection applies.".

(f) Amendments Related to Section 1032 of 1997 Act.—

(1) Section 1032(a) of the 1997 Act is amended by striking "Subsection (a) of section 4083" and inserting "Paragraph (1) of section 4083(a)".

(2) Section 1032(e)(12)(A) of the 1997 Act shall be applied as if "gasoline, diesel fuel," were the material proposed to be stricken.

(3) Paragraph (1) of section 4101(e) of the 1986 Code is amended by striking "dyed diesel fuel and kerosene" and inserting "such fuel in a dyed form".

(g) Amendment Related to Section 1055 of 1997 Act.—Section 6611(g)(1) of the 1986 Code is amended by striking "(e), and (h)" and inserting "and (e)".

(h) Amendment Related to Section 1083 of 1997 Act.—Section 1083(a)(2) of the 1997 Act is amended—

(1) by striking "21" and inserting "20", and

(2) by striking "22" and inserting "21".

(i) Amendment Related to Section 1084 of 1997 Act.—

(1) Paragraph (3) of section 264(a) of the 1986 Code is amended by striking "subsection (c)" and inserting "subsection (d)".

(2) Paragraph (4) of section 264(a) of the 1986 Code is amended by striking "subsection (d)" and inserting "subsection (e)".

(3) Paragraph (4) of section 264(f) of the 1986 Code is amended by adding at the end the following new subparagraph:

"(E) Master contracts.—If coverage for each insured under a master contract is treated as a separate contract for purposes of sections 817(h), 7702, and 7702A, coverage for each such insured shall be treated as a separate contract for purposes of subparagraph (A). For purposes of the preceding sentence, the term 'master contract' shall not include any group life insurance contract (as defined in section 848(e)(2)).".

(4)(A) Clause (iv) of section 264(f)(5)(A) of the 1986 Code is amended by striking the second sentence.

(B) Subparagraph (B) of section 6724(d)(1) of the 1986 Code is amended by striking "or" at the end of clause (xv), by striking the period at the end of clause (xvi) and inserting ", or", and by adding at the end the following new clause:

"(xvii) section 264(f)(5)(A)(iv) (relating to reporting with respect to certain life insurance and annuity contracts).".

(C) Paragraph (2) of section 6724(d) of the 1986 Code is amended by striking "or" at the end of subparagraph (Y), by striking the period at the end of subparagraph (Z) and inserting "or", and by adding at the end the following new subparagraph:

"(AA) section 264(f)(5)(A)(iv) (relating to reporting with respect to certain life insurance and annuity contracts).".

(j) Amendment Related to Section 1085 of 1997 Act.—Paragraph (5) of section 32(c) of the 1986 Code is amended—

(1) by inserting before the period at the end of subparagraph (A) "and increased by the amounts described in subparagraph (C)",

(2) by adding "or" at the end of clause (iii) of subparagraph (B), and

(3) by striking all that follows subclause (II) of subparagraph (B)(iv) and inserting the following:

"(III) other trades or businesses.

For purposes of clause (iv), there shall not be taken into account items which are attributable to a trade or business which consists of the performance of services by the taxpayer as an employee.

"(C) Certain amounts included.—An amount is described in this subparagraph if it is—

"(i) interest received or accrued during the taxable year which is exempt from tax imposed by this chapter, or

"(ii) amounts received as a pension or annuity, and any distributions or payments received from an individual retirement plan, by the taxpayer during the taxable year to the extent not included in gross income.

Clause (ii) shall not include any amount which is not includible in gross income by reason of section 402(c), 403(a)(4), 403(b), 408(d) (3), (4), or (5), or 457(e)(10).".

(k) Amendment Related to Section 1088 of 1997 Act.—Section 1088(b)(2)(C) of the 1997 Act is amended by inserting "more than 1 year" before "after".

(l) Amendment Related to Section 1089 of 1997 Act.—Paragraphs (1)(C) and (2)(C) of section 664(d) of the 1986 Code are each amended by adding ", and" at the end.

SEC. 610. AMENDMENTS RELATED TO TITLE XI OF 1997 ACT.

(a) Amendment Related to Section 1103 of 1997 Act.—The paragraph (3) of section 59(a) added by section 1103 of the 1997 Act is redesignated as paragraph (4).

(b) Amendment Related to Section 1121 of 1997 Act.—Section 1298(a)(2)(B) of the 1986 Code is amended by adding at the end the following new sentence: "Section 1297(e) shall not apply in determining whether a corporation is a passive foreign investment company for purposes of this subparagraph.".

(c) Amendment Related to Section 1122 of 1997 Act.—Section 672(f)(3)(B) of the 1986 Code is amended by striking "section 1296" and inserting "section 1297".

(d) Amendment Related to Section 1123 of 1997 Act.—The subsection (e) of section 1297 of the 1986 Code added by section 1123 of the 1997 Act is redesignated as subsection (f).

(e) Amendment Related to Section 1144 of 1997 Act.—Paragraphs (1) and (2) of section 1144(c) of the 1997 Act are each amended by striking "6038B(b)" and inserting "6038B(c) (as redesignated by subsection (b))".

SEC. 611. AMENDMENTS RELATED TO TITLE XII OF 1997 ACT.

(a) Amendment Related to Section 1204 of 1997 Act.—The last sentence of section 162(a) of the 1986 Code is amended by striking "investigate" and all that follows and inserting "investigate or prosecute, or provide support services for the investigation or prosecution of, a Federal crime.".

(b) Amendments Related to Section 1205 of 1997 Act.—

(1) Section 6311(e)(1) of the 1986 Code is amended by striking "section 6103(k)(8)" and inserting "section 6103(k)(9)".

(2) Paragraph (8) of section 6103(k) of the 1986 Code (as added by section 1205(c)(1) of the 1997 Act) is redesignated as paragraph (9).

(3) The heading for section 7431(g) of the 1986 Code is amended by striking "(8)" and inserting "(9)".

(4) Section 1205(c)(3) of the 1997 Act shall be applied as if it read as follows:

"(3) Section 6103(p)(3)(A), as amended by section 1026(b)(1)(A), is amended by striking "or (8)" and inserting "(8), or (9)".

(5) Section 1213(b) of the 1997 Act is amended by striking "section 6724(d)(1)(A)" and inserting "section 6724(d)(1)".

(c) Amendment Related to Section 1226 of 1997 Act.—Section 1226 of the 1997 Act is amended by striking "ending on or" and inserting "beginning".

(d) Amendment Related to Section 1285 of 1997 Act.—Section 7430(b) of the 1986 Code is amended by redesignating paragraph (5) as paragraph (4).

SEC. 612. AMENDMENTS RELATED TO TITLE XIII OF 1997 ACT.

(a) Section 646 of the 1986 Code is redesignated as section 645.

(b) The item relating to section 646 in the table of sections for subpart A of part I of subchapter J of chapter 1 of the 1986 Code is amended by striking "Sec. 646" and inserting "Sec. 645".

(c) Paragraph (1) of section 2652(b) of the 1986 Code is amended by striking "section 646" and inserting "section 645".

(d) Paragraph (3) of section 1(g) of the 1986 Code is amended by striking subparagraph (C) and by redesignating subparagraph (D) as subparagraph (C).

(e) Section 641 of the 1986 Code is amended by striking subsection (c) and by redesignating subsection (d) as subsection (c).

(f) Paragraph (4) of section 1361(e) of the 1986 Code is amended by striking "section 641(d)" and inserting "section 641(c)".

(g) Subparagraph (A) of section 6103(e)(1) of the 1986 Code is amended by striking clause (ii) and by redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively.

SEC. 613. AMENDMENTS RELATED TO TITLE XIV OF 1997 ACT.

(a) Amendment Related to Section 1434 of 1997 Act.—Paragraph (2) of section 4052(f) of the 1986 Code is amended by striking "this section" and inserting "such section".

(b) Amendment Related to Section 1436 of 1997 Act.—Paragraph (2) of section 4091(a) of the 1986 Code is amended by inserting "or on which tax has been credited or refunded" after "such paragraph".

SEC. 614. AMENDMENTS RELATED TO TITLE XV OF 1997 ACT.

(a) Amendment Related to Section 1501 of 1997 Act.—The paragraph (8) of section 408(p) of the 1986 Code added by section 1501(b) of the 1997 Act is redesignated as paragraph (9).

(b) Amendment Related to Section 1505 of 1997 Act.—Section 1505(d)(2) of the 1997 Act is amended by striking "(b)(12)" and inserting "(b)(12)(A)(i)".

(c) Amendment Related to Section 1531 of 1997 Act.—Subsection (f) of section 9811 of the 1986 Code (as added by section 1531 of the 1997 Act) is redesignated as subsection (e).

SEC. 615. AMENDMENTS RELATED TO TITLE XVI.

(a) Amendments Related to Section 1601(d) of 1997 Act.—

(1) Amendments related to section 1601(d)(1)—

(A) Section 408(p)(2)(D)(i) of the 1986 Code is amended by striking "or (B)" in the last sentence.

(B) Section 408(p) of the 1986 Code is amended by adding at the end the following:

"(10) Special rules for acquisitions, dispositions, and similar transactions.—

"(A) In general.—An employer which fails to meet any applicable requirement by reason of an acquisition, disposition, or similar transaction shall not be treated as failing to meet such requirement during the transition period if—

"(i) the employer satisfies requirements similar to the requirements of section 410(b)(6)(C)(i)(II), and

"(ii) the qualified salary reduction arrangement maintained by the employer would satisfy the requirements of this subsection after the transaction if the employer which maintained the arrangement before the transaction had remained a separate employer.

"(B) Applicable requirement.—For purposes of this paragraph, the term 'applicable requirement' means—

"(i) the requirement under paragraph (2)(A)(i) that an employer be an eligible employer,

"(ii) the requirement under paragraph (2)(D) that an arrangement be the only plan of an employer, and

"(iii) the participation requirements under paragraph (4).

"(C) Transition period.—For purposes of this paragraph, the term 'transition period' means the period beginning on the date of any transaction described in subparagraph (A) and ending on the last day of the second calendar year following the calendar year in which such transaction occurs.".

(C) Section 408(p)(2) of the 1986 Code is amended—

(i) by striking "the preceding sentence shall apply only in accordance with rules similar to the rules of section 410(b)(6)(C)(i)" in the last sentence of subparagraph (C)(i)(II) and inserting "the preceding sentence shall not apply", and

(ii) by striking clause (iii) of subparagraph (D).

(2) Amendment to section 1601(d)(4).—Section 1601(d)(4)(A) of the 1997 Act is amended—

(A) by striking "Section 403(b)(11)" and inserting "Paragraphs (7)(A)(ii) and (11) of section 403(b)", and

(B) by striking "403(b)(1)" in clause (ii) and inserting "403(b)(10)".

(b) Amendment Related to Section 1601(f)(4) of 1997 Act.—Subsection (d) of section 6427 of the 1986 Code is amended—

(1) by striking "Helicopters" in the heading and inserting "Other Aircraft Uses", and

(2) by inserting "or a fixed-wing aircraft" after "helicopter".

SEC. 616. AMENDMENT RELATED TO OMNIBUS BUDGET RECONCILIATION ACT OF 1993.

(a) In General.—Section 196(c) of the 1986 Code is amended by striking "and" at the end of paragraph (6), by striking the period at the end of paragraph (7), and insert ", and", and by adding at the end the following new paragraph:

"(8) the employer social security credit determined under section 45B(a).".

(b) Effective Date.—The amendment made by this section shall take effect as if included in the amendments made by section 13443 of the Revenue Reconciliation Act of 1993.

SEC. 617. AMENDMENT RELATED TO TAX REFORM ACT OF 1984.

(a) In General.—Paragraph (3) of section 136(c) of the Tax Reform Act of 1984 is amended by adding at the end the following flush sentence:

"The treatment under the preceding sentence shall apply to each period after June 30, 1983, during which such members are stapled entities, whether or not such members are stapled entities for all periods after June 30, 1983.".

(b) Effective Date.—The amendment made by subsection (a) shall take effect as if included in the Tax Reform Act of 1984 as of the date of the enactment of such Act.

SEC. 618. AMENDMENT RELATED TO TAX REFORM ACT OF 1986.

(a) In General.—Section 6401(b)(1) of the 1986 Code is amended by striking "and D" and inserting "D, and G".

(b) Effective Date.—The amendment made by subsection (a) shall take effect as if included in the amendments made by section 701(b) of the Tax Reform Act of 1986.

SEC. 619. MISCELLANEOUS CLERICAL AND DEADWOOD CHANGES.

(a)(1) Section 6421 of the 1986 Code is amended by redesignating subsections (j) and (k) as subsections (i) and (j), respectively.

(2) Subsection (b) of section 34 of the 1986 Code is amended by striking "section 6421(j)" and inserting "section 6421(i)".

(3) Subsections (a) and (b) of section 6421 of the 1986 Code are each amended by striking "subsection (j)" and inserting "subsection (i)".

(b) Sections 4092(b) and 6427(q)(2) of the 1986 Code are each amended by striking "section 4041(c)(4)" and inserting "section 4041(c)(2)".

(c) Sections 4221(c) and 4222(d) of the 1986 Code are each amended by striking "4053(a)(6)" and inserting "4053(6)".

(d) Paragraph (5) of section 6416(b) of the 1986 Code is amended by striking "section 4216(e)(1)" each place it appears and inserting "section 4216(d)(1)".

(e) Paragraph (3) of section 6427(f) of the 1986 Code is amended by striking ", (e),".

(f)(1) Section 6427 of the 1986 Code, as amended by paragraph (2), is amended by redesignating subsections (n), (p), (q), and (r) as subsections (m), (n), (o), and (p), respectively.

(2) Paragraphs (1) and (2)(A) of section 6427(l) of the 1986 Code are each amended by striking "(q)" and inserting "(o)".

(g) Subsection (e) of section 9502 of the 1986 Code is amended to read as follows:

"(e) Certain Taxes on Alcohol Mixtures To Remain in General Fund.—For purposes of this section, the amounts which would (but for this subsection) be required to be appropriated under subparagraphs (A), (C), and (D) of subsection (b)(1) shall be reduced by—

"(1) 0.6 cent per gallon in the case of taxes imposed on any mixture at least 10 percent of which is alcohol (as defined in section 4081(c)(3)) if any portion of such alcohol is ethanol, and

"(2) 0.67 cent per gallon in the case of fuel used in producing a mixture described in paragraph (1).".

(h)(1) Clause (i) of section 9503(c)(2)(A) of the 1986 Code is amended by adding "and" at the end of subclause (II), by striking subclause (III), and by redesignating subclause (IV) as subclause (III).

(2) Clause (ii) of such section is amended by striking "gasoline, special fuels, and lubricating oil" each place it appears and inserting "fuel".

(i) The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 620. EFFECTIVE DATE.

Except as otherwise provided in this title, the amendments made by this title shall take effect as if included in the provisions of the Taxpayer Relief Act of 1997 to which they relate.

KEMPTHORNE AMENDMENT NO. 2030

(Ordered to lie on the table.)

Mr. KEMPTHORNE submitted an amendment intended to be proposed by him to the bill, H.R. 2646, supra; as follows:

At the end, add the following:

TITLE —STUDENT IMPROVEMENT INCENTIVE GRANT PROGRAM

SEC. 01. STUDENT IMPROVEMENT INCENTIVE GRANT PROGRAM.

Title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8001' et seq.) is amended by adding at the end the following:

"PART N—STUDENT IMPROVEMENT INCENTIVE GRANT PROGRAM

"SEC. 10997. STUDENT IMPROVEMENT INCENTIVE GRANT PROGRAM.

"(a) Short Title.—This part may be cited as the 'Student Improvement Incentive Grants Act'.

"(b) Grants Authorized.—

"(1) In general.—The Secretary may award a grant to a State educational agency that carries out a statewide assessment described in subsection (c) to enable the agency to make awards to outstanding public secondary schools in the State under subsection (d).

"(2) Amount.—The Secretary shall award a grant to a State educational agency under this section for a fiscal year in the amount of $50,000.

"(c) Statewide assessment.—In order to be eligible to receive a grant under this section, a State educational agency shall conduct a statewide assessment that—

"(1) determines the educational progress of students attending public secondary schools within the State;

"(2) allows for an objective analysis of the assessment on a school-by-school basis; and

"(3) may involve exit exams.

"(d) Public Secondary School Awards.—

"(1) In general.—Each State educational agency receiving a grant under this section for a fiscal year shall use the proceeds of the grant to make awards to public secondary schools in the State as follows:

"(A) $25,000 shall be awarded to the public secondary school in the State in which the educational progress of the students attending the school is determined, pursuant to the statewide assessment described in subsection (c), to be the best in the State.

"(B) $15,000 shall be awarded to the public secondary school in the State in which the educational progress of the students attending the school is determined, pursuant to the statewide assessment described in subsection (c), to be the second best in the State.

"(C) $10,000 shall be awarded to the public secondary school in the State in which the enrolled students have the greatest increase in educational progress from one academic year to the subsequent academic year as determined pursuant to the statewide assessment described in subsection (c), except that in the case of a State that did not conduct such an assessment in the fiscal year preceding the fiscal year for which the determination is made, the $10,000 shall be awarded to the public secondary school in the State in which the educational progress of students attending the school is determined, pursuant to the statewide assessment described in subsection (c), to be the third best in the State.

"(2) State authority to limit awards.—Each State educational agency receiving a grant under this section may limit the number of awards made to a public secondary school in the State or the number of years for which such awards are made.

"(e) Construction.—Nothing in this section shall be construed to prohibit a State from using State funds to increase the amount of awards made under subsection (d) or to make awards to public secondary schools that are not described in subsection (d).

"(f) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $2,600,000 for each of the fiscal years 1999 through 2003. Any funds appropriated under the authority of the preceding sentence for a fiscal year that remain available for obligation at the end of the fiscal year shall be returned to the Treasury.".

WELLSTONE AMENDMENTS NOS. 2031-2032

(Ordered to lie on the table.)

Mr. WELLSTONE submitted two amendments intended to be proposed by him to the bill, H.R. 2646, supra; as follows:

Amendment No. 2031

At the end, insert the following:

TITLE —STUDY

SEC. 01. STUDY.

(a) Previous Findings.—Congress finds that, with respect to the connection between parental income and the educational attainment of children, various organizations have made the following findings:

(1) More observed differences across potential access and choice barriers occur by socioeconomic status, and the differences occur from the outset. Of the 1988 eighth graders studied, a smaller percentage of students in the lowest socioeconomic quartile completed applications for postsecondary education. And, from the outset, educational expectations, in terms of the percentages of those who indicated achievement of at least a bachelor's degree, vary directly by socioeconomic ranking.

(2) Enrollment rates in 4-year colleges and universities were directly related to students' family income and the level of their parents' education. The proportion of students enrolled in 4-year institutions increased at every income level, with ⅓ of low-income students (33 percent), almost half of middle-income students (47 percent), and about ¾ of high-income students (77 percent) attending such institutions.

(3)(A) Between 1972 and 1995, the proportion of high school graduates going directly to college increased from 49 to 62 percent.

(B) Between 1972 and 1995, high school graduates from high-income families were more likely than high school graduates from low-income families to go directly to college.

(C) Between 1990 and 1995, the higher the education level of a student's parents, the more likely the student was to enroll in college the year after high school.

(D) In 1995, black high school graduates were less likely than their white counterparts to go directly to college (51 percent compared to 64 percent, respectively).

(4) Between 1974 and 1994, postsecondary enrollment rates of low socioeconomic status students increased at 2-year institutions only, while postsecondary enrollment rates of high socioeconomic status students increased at 4-year institutions.

(5) Children who grow up in a poor or low-income family tend to have lower educational and labor market attainments than children from more affluent families.

(6) The financial pressures resulting from rising public tuition, the failure of student aid programs to keep pace with inflation in college costs, and the increase in Federal loans relative to grants have had their strongest impact on lower income students.

(7) Students from less affluent families are facing a college affordability crisis. While college enrollments have continued to grow, the growth is not among students from less affluent families. Access for students with below-median incomes to 4-year colleges and universities apparently has diminished since 1981. The gap in enrollment rates for students from families in the lowest income quartile and students from more affluent families grew by 12 percentage points between 1980 and 1993.

(b) Study.—The Secretary of Education shall conduct a study of the connection between parental income and the educational attainment of children. The study shall—

(1) examine, replicate, or dispute the findings described in subsection (a); and

(2) examine factors that influence postsecondary education decisions by sex, race or ethnicity, socioeconomic status, and demonstrated academic achievement.

(c) Timeline.—The Secretary shall conduct the study described in subsection (b), and report to Congress regarding the results of the study, not later than 6 months after the date of enactment of this Act.

Amendment No. 2032

Strike section 101 and insert the following:

SEC. 101. HOPE AND LIFETIME LEARNING CREDITS MADE REFUNDABLE FOR CERTAIN TAXPAYERS.

(a) In General.—Section 25A (relating to HOPE and lifetime learning credits) is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following:

"(i) Credit Made Refundable for Low Income Taxpayers.—

"(1) In general.—In the case of an eligible taxpayer with respect to any taxable year, the aggregate credits allowed under subpart C shall be increased by the credit which would be allowed under this section without regard to this subsection and the limitation under section 26(a). The amount of the credit allowed under this subsection shall not be treated as a credit allowed under this subpart and shall reduce the amount of the credit otherwise allowable under subsection (a) without regard to section 26(a).

"(2) ELIGIBLE TAXPAYER.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'eligible taxpayer' means a taxpayer whose adjusted gross income for the taxable year does not exceed the applicable adjusted gross income limit for such year.

"(B) APPLICABLE AMOUNT.—

"(i) IN GENERAL.—Subject to clause (ii), the applicable adjusted gross income limit for any taxable year is the amount of adjusted gross income the Secretary determines will result in an amount equal to the aggregate net reduction in revenues to the Treasury that would have occurred during such taxable year if the amendments made by section 101 of S. 1133, 105th Congress, as reported by the Committee on Finance of the Senate, had been enacted.

"(ii) SUBSEQUENT ADJUSTMENTS.—Proper adjustments shall be made in any determination made under clause (i) with respect to any taxable year to the extent a determination for the preceding taxable year resulted in an amount in excess of or less than the amount of such reduction for such preceding taxable year."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

WELLSTONE (AND FORD) AMENDMENT NO. 2033

(Ordered to lie on the table.)

Mr. WELLSTONE (for himself and Mr. FORD) submitted an amendment intended to be proposed by them to the bill, H.R. 2646, supra; as follows:

After title II add the following:

TITLE —MISCELLANEOUS

SEC 01. EXPANSION OF EDUCATIONAL OPPORTUNITIES FOR WELFARE RECIPIENTS.

(a) 24 MONTHS OF POSTSECONDARY EDUCATION AND VOCATIONAL EDUCATIONAL TRAINING MADE PERMISSIBLE WORK ACTIVITIES.—Section 407(d)(8) of the Social Security Act (42 U.S.C. 607(d)(8)) is amended to read as follows:

"(8) postsecondary education and vocational educational training (not to exceed 24 months with respect to any individual);".

(b) MODIFICATIONS TO THE EDUCATIONAL CAP.—

(1) REMOVAL OF TEEN PARENTS FROM 30 PERCENT LIMITATION.—Section 407(c)(2)(D) of the Social Security Act (42 U.S.C. 607(c)(2)(D)) is amended by striking ", or (if the month is in fiscal year 2000 or thereafter) deemed to be engaged in work for the month by reason of subparagraph (C) of this paragraph".

(2) EXTENSION OF CAP TO POSTSECONDARY EDUCATION.—Section 407(c)(2)(D) of the Social Security Act (42 U.S.C. 607(c)(2)(D)) is amended by striking "vocational educational training" and inserting "training described in subsection (d)(8)".

(c) CLARIFICATION THAT PARTICIPATION IN A FEDERAL WORK-STUDY PROGRAM IS A PERMISSIBLE WORK ACTIVITY UNDER THE TANF PROGRAM.—Paragraphs (2) and (3) of section 407(d) of the Social Security Act (42 U.S.C. 607(d)) are each amended by inserting "(including participation in an activity under a program established under part C of title IV of the Higher Education Act of 1965)" before the semicolon.

DURBIN AMENDMENT NO. 2034

(Ordered to lie on the table.)

Mr. DURBIN submitted an amendment intended to be proposed by him to the bill, H.R. 2646, supra; as follows:

Strike section 101 and insert:

SEC. 101. INCREASE IN DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) INCREASE IN DEDUCTION.—

(1) IN GENERAL.—Subparagraph (B) of section 162(l)(1) is amended to read as follows:

"(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be determined under the following table:

"For taxable years beginning in calendar year—	**The applicable percentage is—**
1998	
1999	
2000	
2001	
2002	
2003	
2004	
2005	
2006 and thereafter	."

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years beginning after December 31, 1997.

(b) RULES RELATING TO FOREIGN OIL AND GAS INCOME.—

(1) SEPARATE BASKET FOR FOREIGN TAX CREDIT.—

(A) IN GENERAL.—Paragraph (1) of section 904(d) (relating to separate application of section with respect to certain categories of income) is amended by striking "and" at the end of subparagraph (H), by redesignating subparagraph (I) as subparagraph (J), and by inserting after subparagraph (H) the following new subparagraph:

"(I) foreign oil and gas income, and".

(B) DEFINITION.—Paragraph (2) of section 904(d) is amended by redesignating subparagraphs (H) and (I) as subparagraphs (I) and (J), respectively, and by inserting after subparagraph (G) the following new subparagraph:

"(H) FOREIGN OIL AND GAS INCOME.—The term 'foreign oil and gas income' has the meaning given such term by section 954(g)."

(C) CONFORMING AMENDMENTS.—

(i) Section 904(d)(3)(F)(i) is amended by striking "or (E)" and inserting "(E), or (I)".

(ii) Section 907(a) is hereby repealed.

(iii) Section 907(c)(4) is hereby repealed.

(iv) Section 907(f) is hereby repealed.

(D) EFFECTIVE DATES.—

(i) IN GENERAL.—The amendments made by this paragraph shall apply to taxable years beginning after the date of the enactment of this Act.

(ii) TRANSITIONAL RULES.—

(I) SEPARATE BASKET TREATMENT.—Any taxes paid or accrued in a taxable year beginning on or before the date of the enactment of this Act, with respect to income which was described in subparagraph (I) of section 904(d)(1) of such Code (as in effect on the day before the date of the enactment of this Act), shall be treated as taxes paid or accrued with respect to foreign oil and gas income to the extent the taxpayer establishes to the satisfaction of the Secretary of the Treasury that such taxes were paid or accrued with respect to foreign oil and gas income.

(II) CARRYOVERS.—Any unused oil and gas extraction taxes which under section 907(f) of such Code (as so in effect) would have been allowable as a carryover to the taxpayer's first taxable year beginning after the date of the enactment of this Act (without regard to the limitation of paragraph (2) of such section 907(f) for first taxable year) shall be allowed as carryovers under section 904(c) of such Code in the same manner as if such taxes were unused taxes under such section 904(c) with respect to foreign oil and gas extraction income.

(III) LOSSES.—The amendment made by subparagraph (C)(iii) shall not apply to foreign oil and gas extraction losses arising in taxable years beginning on or before the date of the enactment of this Act.

(2) ELIMINATION OF DEFERRAL FOR FOREIGN OIL AND GAS EXTRACTION INCOME.—

(A) GENERAL RULE.—Paragraph (1) of section 954(g) (defining foreign base company oil related income) is amended to read as follows:

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the term 'foreign oil and gas income' means any income of a kind which would be taken into account in determining the amount of—

"(A) foreign oil and gas extraction income (as defined in section 907(c)), or

"(B) foreign oil related income (as defined in section 907(c))."

(B) CONFORMING AMENDMENTS.—

(i) Subsections (a)(5), (b)(5), and (b)(8) of section 954 are each amended by striking "base company oil related income" each place it appears (including in the heading of subsection (b)(8)) and inserting "oil and gas income".

(ii) Subsection (b)(4) of section 954 is amended by striking "base company oil-related income" and inserting "oil and gas income".

(iii) The subsection heading for subsection (g) of section 954 is amended by striking "FOREIGN BASE COMPANY OIL RELATED INCOME" and inserting "FOREIGN OIL AND GAS INCOME".

(iv) Subparagraph (A) of section 954(g)(2) is amended by striking "foreign base company oil related income" and inserting "foreign oil and gas income".

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to taxable years of foreign corporations beginning after the date of the enactment of this Act, and to taxable years of United States shareholders ending with or within such taxable years of foreign corporations.

(c) VALUATION RULES FOR TRANSFERS INVOLVING NONBUSINESS ASSETS.—

(1) IN GENERAL.—Section 2031 (relating to definition of gross estate) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

"(d) VALUATION RULES FOR CERTAIN TRANSFERS OF NONBUSINESS ASSETS.—For purposes of this chapter and chapter 12—

"(1) IN GENERAL.—In the case of the transfer of any interest in an entity other than an interest which is actively traded (within the meaning of section 1092)—

"(A) the value of any nonbusiness assets held by the entity shall be determined as if the transferor had transferred such assets directly to the transferee (and no valuation discount shall be allowed with respect to such nonbusiness assets), and

"(B) the nonbusiness assets shall not be taken into account in determining the value of the interest in the entity.

"(2) NONBUSINESS ASSETS.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'nonbusiness asset' means any asset which is not used in the active conduct of 1 or more trades or businesses.

"(B) EXCEPTION FOR CERTAIN PASSIVE ASSETS.—Except as provided in subparagraph (C), a passive asset shall not be treated for purposes of subparagraph (A) as used in the active conduct of a trade or business unless—

"(i) the asset is property described in paragraph (1) or (4) of section 1221 or is a hedge with respect to such property, or

"(ii) the asset is real property used in the active conduct of 1 or more real property trades or businesses (within the meaning of section 469(c)(7)(C)) in which the transferor materially participates and with respect to which the transferor meets the requirements of section 469(c)(7)(B)(ii).

For purposes of clause (ii), material participation shall be determined under the rules of section 469(h), except that section 469(h)(3) shall be applied without regard to the limitation to farming activity.

"(C) EXCEPTION FOR WORKING CAPITAL.—Any asset (including a passive asset) which is held as a part of the reasonably required working capital needs of a trade or business shall be treated as used in the active conduct of a trade or business.

"(3) PASSIVE ASSET.—For purposes of this subsection, the term 'passive asset' means any—

"(A) cash or cash equivalents,

"(B) except to the extent provided by the Secretary, stock in a corporation or any other equity, profits, or capital interest in any entity,

"(C) evidence of indebtedness, option, forward or futures contract, notional principal contract, or derivative,

"(D) asset described in clause (iii), (iv), or (v) of section 351(e)(1)(B),

"(E) annuity,

"(F) real property used in 1 or more real property trades or businesses (as defined in section 469(c)(7)(C)),

"(G) asset (other than a patent, trademark, or copyright) which produces royalty income,

"(H) commodity,

"(I) collectible (within the meaning of section 401(m)), or

"(J) any other asset specified in regulations prescribed by the Secretary.

"(4) LOOK-THRU RULES.—

"(A) IN GENERAL.—If a nonbusiness asset of an entity consists of a 10-percent interest in any other entity, this subsection shall be applied by disregarding the 10-percent interest and by treating the entity as holding directly its ratable share of the assets of the other entity. This subparagraph shall be applied successively to any 10-percent interest of such other entity in any other entity.

"(B) 10-PERCENT INTEREST.—The term '10-percent interest' means—

"(i) in the case of an interest in a corporation, ownership of at least 10 percent (by vote or value) of the stock in such corporation,

"(ii) in the case of an interest in a partnership, ownership of at least 10 percent of the capital or profits interest in the partnership, and

"(iii) in any other case, ownership of at least 10 percent of the beneficial interests in the entity.

"(5) COORDINATION WITH SUBSECTION (b).—Subsection (b) shall apply after the application of this subsection."

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to transfers after the date of the enactment of this Act.

NICKLES AMENDMENTS NOS. 2035–2037

(Ordered to lie on the table.)

Mr. NICKLES submitted three amendments intended to be proposed by him to the bill, H.R. 2646, supra; as follows:

AMENDMENT NO. 2035

Strike section 106.

AMENDMENT NO. 2036

Strike section 106 and insert:

SEC. 106. INCREASE IN DEDUCTION FOR HEALTH INSURANCE FOR SELF-EMPLOYEDS.

(a) IN GENERAL.—The table contained in section 162(l)(1)(B) is amended—

(1) by striking the item relating to years 1998 and 1999, and

(2) by striking "2000 and 2001" and inserting "1998 through 2001".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1997.

AMENDMENT NO. 2037

At the end of title I, insert:

SEC. . INCOME TAXED AT LOWEST RATE INCREASED TO $35,000 FOR UNMARRIED INDIVIDUALS, $70,000 FOR JOINT RETURNS AND SURVIVING SPOUSES, AND $52,600 FOR HEADS OF HOUSEHOLDS.

(a) GENERAL RULE.—Section 1 (relating to tax imposed) is amended by striking subsections (a) through (e) and inserting the following:

"(a) MARRIED INDIVIDUALS FILING JOINT RETURNS AND SURVIVING SPOUSES.—There is hereby imposed on the taxable income of—

"(1) every married individual (as defined in section 7703) who makes a single return jointly with his spouse under section 6013, and

"(2) every surviving spouse (as defined in section 2(a)),

a tax determined in accordance with the following table:

"If taxable income is:	**The tax is:**
Not over $70,000	15% of taxable income.
Over $70,000 but not over $102,300.	$10,500, plus 28% of the excess over $70,000.
Over $102,300 but not over $155,950.	$19,544, plus 31% of the excess over $102,300.
Over $155,950 but not over $278,450.	$36,175, plus 36% of the excess over $155,950.
Over $278,450	$80,275, plus 39.6% of the excess over $278,450.

"(b) HEADS OF HOUSEHOLDS.—There is hereby imposed on the taxable income of every head of a household (as defined in section 2(b)) a tax determined in accordance with the following table:

"If taxable income is:	**The tax is:**
Not over $52,600	15% of taxable income.
Over $52,600 but not over $87,700.	$7,890, plus 28% of the excess over $52,600.
Over $87,700 but not over $142,000.	$17,718, plus 31% of the excess over $87,700.
Over $142,000 but not over $278,450.	$34,551, plus 36% of the excess over $142,000.
Over $278,450	$83,673 plus 39.6% of the excess over $278,450.

"(c) UNMARRIED INDIVIDUALS (OTHER THAN SURVIVING SPOUSES AND HEADS OF HOUSEHOLDS).—There is hereby imposed on the taxable income of every individual (other than a surviving spouse as defined in section 2(a) or the head of a household as defined in section 2(b)) who is not a married individual (as defined in section 7703) a tax determined in accordance with the following table:

"If taxable income is:	**The tax is:**
Not over $35,000	15% of taxable income.
Over $35,000 but not over $61,400.	$5,250, plus 28% of the excess over $35,000.
Over $61,400 but not over $128,100.	$12,642, plus 31% of the excess over $61,400.
Over $128,100 but not over $278,450.	$33,319, plus 36% of the excess over $128,100.
Over $278,450	$87,445, plus 39.6% of the excess over $278,450.

"(d) MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—There is hereby imposed on the taxable income of every married individual (as defined in section 7703) who does not make a single return jointly with his spouse under section 6013, a tax determined in accordance with the following table:

"If taxable income is:	**The tax is:**
Not over $35,000	15% of taxable income.
Over $35,000 but not over $51,150.	$5,250, plus 28% of the excess over $35,000.
Over $51,150 but not over $77,975.	$9,772, plus 31% of the excess over $51,150.
Over $77,975 but not over $139,225.	$18,088, plus 36% of the excess over $77,975.
Over $139,225	$40,138, plus 39.6% of the excess over $139,225.

"(e) ESTATES AND TRUSTS.—There is hereby imposed on the taxable income of—

"(1) every estate, and

"(2) every trust,

taxable under this subsection a tax determined in accordance with the following table:

"If taxable income is:	**The tax is:**
Not over $1,700	15% of taxable income.
Over $1,700 but not over $4,000.	$255, plus 28% of the excess over $1,700.
Over $4,000 but not over $6,100.	$899, plus 31% of the excess over $4,000.
Over $6,100 but not over $8,350.	$1,550, plus 36% of the excess over $6,100.
Over $8,350	$2,360, plus 39.6% of the excess over $8,350.".

(b) INFLATION ADJUSTMENT TO APPLY IN DETERMINING RATES FOR 1999.—Subsection (f) of section 1 is amended—

(1) by striking "1993" in paragraph (1) and inserting "1998",

(2) by striking "1992" in paragraph (3)(B) and inserting "1997", and

(3) by striking paragraph (7).

(c) CONFORMING AMENDMENTS.—

(1) The following provisions are each amended by striking "1992" and inserting "1997" each place it appears:

(A) Section 25A(h).

(B) Section 32(j)(1)(B).

(C) Section 41(e)(5)(C).

(D) Section 42(h)(6)(G)(i)(II).

(E) Section 68(b)(2)(B).

(F) Section 135(b)(2)(B)(ii).

(G) Section 151(d)(4).

(H) Section 221(g)(1)(B).

(I) Section 512(d)(2)(B).

(J) Section 513(h)(2)(C)(ii).

(K) Section 877(a)(2).

(L) Section 911(b)(2)(D)(ii)(II).

(M) Section 4001(e)(1)(B).

(N) Section 4261(e)(4)(A)(ii).

(O) Section 6039F(d).

(P) Section 6334(g)(1)(B).

(Q) Section 7430(c)(1).

(2) Subparagraph (B) of section 59(j)(2) is amended by striking ", determined by substituting '1997' for '1992' in subparagraph (B) thereof".

(3) Subparagraph (B) of section 63(c)(4) is amended by striking "by substituting for" and all that follows and inserting "by substituting for 'calendar year 1997' in subparagraph (B) thereof 'calendar year 1987' in the case of the dollar amounts contained in paragraph (2) or (5)(A) or subsection (f)."

(4) Subparagraph (B) of section 132(f)(6) is amended by inserting before the period ", determined by substituting 'calendar year 1992'

for 'calendar year 1997' in subparagraph (B) thereof''.

(5) Paragraph (2) of section 220(g) is amended by striking ''by substituting 'calendar year 1997' for 'calendar year 1992' in subparagraph (B) thereof''.

(6) Subparagraph (B) of section 685(c)(3) is amended by striking '', by substituting 'calendar year 1997' for 'calendar year 1992' in subparagraph (B) thereof''.

(7) Subparagraph (B) of section 2032A(a)(3) is amended by striking ''by substituting 'calendar year 1997' for 'calendar year 1992' in subparagraph (B) thereof''.

(8) Subparagraph (B) of section 2503(b)(2) is amended by striking ''by substituting 'calendar year 1997' for 'calendar year 1992' in subparagraph (B) thereof''.

(9) Paragraph (2) of section 2631(c) is amended by striking ''by substituting 'calendar year 1997' for 'calendar year 1992' in subparagraph (B) thereof''.

(10) Subparagraph (B) of 6601(j)(3) is amended by striking ''by substituting 'calendar year 1997' for 'calendar year 1992' in subparagraph (B) thereof''.

(d) MODIFICATION OF WITHHOLDING TABLES FOR TAXABLE YEAR 1998.—Notwithstanding the provisions of section 3402(a) of the Internal Revenue Code of 1986, the Secretary of the Treasury shall modify the tables and procedures under section 3402(a)(1) of such Code to reflect the amendment made by subsection (a). Such modification shall—

(1) take effect on July 1, 1998, and

(2) reflect the entire reduction in taxes for calendar year 1998 made by such amendment during the 6-month period beginning July 1, 1998.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1997.

DODD AMENDMENT NO. 2038

(Ordered to lie on the table.)

Mr. DODD submitted an amendment intended to be proposed by him to the bill, H.R. 2646, supra; as follows:

Strike section 101 and insert:

SEC. 101. ALLOWANCE OF CREDIT FOR EMPLOYER EXPENSES FOR CHILD CARE ASSISTANCE.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by adding at the end the following:

"SEC. 45D. EMPLOYER-PROVIDED CHILD CARE CREDIT.

''(a) ALLOWANCE OF CREDIT.—For purposes of section 38, the employer-provided child care credit determined under this section for the taxable year is an amount equal to 25 percent of the qualified child care expenditures of the taxpayer for such taxable year.

''(b) DOLLAR LIMITATION.—The credit allowable under subsection (a) for any taxable year shall not exceed $150,000.

''(c) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED CHILD CARE EXPENDITURE.—

''(A) IN GENERAL.—The term 'qualified child care expenditure' means any amount paid or incurred—

''(i) to acquire, construct, rehabilitate, or expand property—

''(I) which is to be used as part of a qualified child care facility of the taxpayer,

''(II) with respect to which a deduction for depreciation (or amortization in lieu of depreciation) is allowable, and

''(III) which does not constitute part of the principal residence (within the meaning of section 1034) of the taxpayer or any employee of the taxpayer,

''(ii) for the operating costs of a qualified child care facility of the taxpayer, including costs related to the training of employees of the child care facility, to scholarship programs, to the providing of differential compensation to employees based on level of child care training, and to expenses associated with achieving accreditation,

''(iii) under a contract with a qualified child care facility to provide child care services to employees of the taxpayer, or

''(iv) under a contract to provide child care resource and referral services to employees of the taxpayer.

''(B) EXCLUSION FOR AMOUNTS FUNDED BY GRANTS, ETC.—The term 'qualified child care expenditure' shall not include any amount to the extent such amount is funded by any grant, contract, or otherwise by another person (or any governmental entity).

''(C) LIMITATION ON ALLOWABLE OPERATING COSTS.—The term 'qualified child care expenditure' shall not include any amount described in subparagraph (A)(ii) if such amount is paid or incurred after the third taxable year in which a credit under this section is taken by the taxpayer, unless the qualified child care facility of the taxpayer has received accreditation from a nationally recognized accrediting body before the end of such third taxable year.

''(2) QUALIFIED CHILD CARE FACILITY.—

''(A) IN GENERAL.—The term 'qualified child care facility' means a facility—

''(i) the principal use of which is to provide child care assistance, and

''(ii) which meets the requirements of all applicable laws and regulations of the State or local government in which it is located, including, but not limited to, the licensing of the facility as a child care facility.

Clause (i) shall not apply to a facility which is the principal residence (within the meaning of section 1034) of the operator of the facility.

''(B) SPECIAL RULES WITH RESPECT TO A TAXPAYER.—A facility shall not be treated as a qualified child care facility with respect to a taxpayer unless—

''(i) enrollment in the facility is open to employees of the taxpayer during the taxable year,

''(ii) the facility is not the principal trade or business of the taxpayer unless at least 30 percent of the enrollees of such facility are dependents of employees of the taxpayer, and

''(iii) the costs to employees of child care services at such facility are determined on a sliding fee scale.

''(d) RECAPTURE OF ACQUISITION AND CONSTRUCTION CREDIT.—

''(1) IN GENERAL.—If, as of the close of any taxable year, there is a recapture event with respect to any qualified child care facility of the taxpayer, then the tax of the taxpayer under this chapter for such taxable year shall be increased by an amount equal to the product of—

''(A) the applicable recapture percentage, and

''(B) the aggregate decrease in the credits allowed under section 38 for all prior taxable years which would have resulted if the qualified child care expenditures of the taxpayer described in subsection (c)(1)(A) with respect to such facility had been zero.

''(2) APPLICABLE RECAPTURE PERCENTAGE.—

''(A) IN GENERAL.—For purposes of this subsection, the applicable recapture percentage shall be determined from the following table:

"If the recapture event occurs in:	**The applicable recapture percentage is:**
Years 1–3	100
Year 4	85
Year 5	70
Year 6	55
Year 7	40
Year 8	25
Years 9 and 10	10
Years 11 and thereafter	0.

''(B) YEARS.—For purposes of subparagraph (A), year 1 shall begin on the first day of the taxable year in which the qualified child care facility is placed in service by the taxpayer.

''(3) RECAPTURE EVENT DEFINED.—For purposes of this subsection, the term 'recapture event' means—

''(A) CESSATION OF OPERATION.—The cessation of the operation of the facility as a qualified child care facility.

''(B) CHANGE IN OWNERSHIP.—

''(i) IN GENERAL.—Except as provided in clause (ii), the disposition of a taxpayer's interest in a qualified child care facility with respect to which the credit described in subsection (a) was allowable.

''(ii) AGREEMENT TO ASSUME RECAPTURE LIABILITY.—Clause (i) shall not apply if the person acquiring such interest in the facility agrees in writing to assume the recapture liability of the person disposing of such interest in effect immediately before such disposition. In the event of such an assumption, the person acquiring the interest in the facility shall be treated as the taxpayer for purposes of assessing any recapture liability (computed as if there had been no change in ownership).

''(4) SPECIAL RULES.—

''(A) TAX BENEFIT RULE.—The tax for the taxable year shall be increased under paragraph (1) only with respect to credits allowed by reason of this section which were used to reduce tax liability. In the case of credits not so used to reduce tax liability, the carryforwards and carrybacks under section 39 shall be appropriately adjusted.

''(B) NO CREDITS AGAINST TAX.—Any increase in tax under this subsection shall not be treated as a tax imposed by this chapter for purposes of determining the amount of any credit under subpart A, B, or D of this part.

''(C) NO RECAPTURE BY REASON OF CASUALTY LOSS.—The increase in tax under this subsection shall not apply to a cessation of operation of the facility as a qualified child care facility by reason of a casualty loss to the extent such loss is restored by reconstruction or replacement within a reasonable period established by the Secretary.

''(e) SPECIAL RULES.—For purposes of this section—

''(1) AGGREGATION RULES.—All persons which are treated as a single employer under subsections (a) and (b) of section 52 shall be treated as a single taxpayer.

''(2) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

''(3) ALLOCATION IN THE CASE OF PARTNERSHIPS.—In the case of partnerships, the credit shall be allocated among partners under regulations prescribed by the Secretary.

''(f) NO DOUBLE BENEFIT.—

''(1) REDUCTION IN BASIS.—For purposes of this subtitle—

''(A) IN GENERAL.—If a credit is determined under this section with respect to any property by reason of expenditures described in subsection (c)(1)(A), the basis of such property shall be reduced by the amount of the credit so determined.

"(B) Certain dispositions.—If during any taxable year there is a recapture amount determined with respect to any property the basis of which was reduced under subparagraph (A), the basis of such property (immediately before the event resulting in such recapture) shall be increased by an amount equal to such recapture amount. For purposes of the preceding sentence, the term 'recapture amount' means any increase in tax (or adjustment in carrybacks or carryovers) determined under subsection (d).

"(2) Other deductions and credits.—No deduction or credit shall be allowed under any other provision of this chapter with respect to the amount of the credit determined under this section.".

(b) Conforming Amendments.—

(1) Section 38(b) is amended—

(A) by striking out "plus" at the end of paragraph (11),

(B) by striking out the period at the end of paragraph (12), and inserting a comma and "plus", and

(C) by adding at the end the following new paragraph:

"(13) the employer-provided child care credit determined under section 45D.".

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 45D. Employer-provided child care credit.".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

KOHL (AND JOHNSON) AMENDMENT NO. 2039

(Ordered to lie on the table.)

Mr. KOHL (for himself and Mr. Johnson) submitted an amendment intended to be proposed by them to the bill, H.R. 2646, supra; as follows:

At the appropriate place, insert:

SEC. . GAIN OR LOSS FROM SALE OF LIVESTOCK DISREGARDED FOR PURPOSES OF EARNED INCOME CREDIT.

(a) In General.—Section 32(i)(2)(D) (relating to disqualified income) is amended by inserting "determined without regard to gain or loss from the sale of livestock described in section 1231(b)(3)," after "taxable year,".

(b) Disallowance of Interest Deduction on Residences Outside the United States.—Section 163(h)(4)(A)(i) (defining qualified residence) is amended by adding at the end the following new flush sentence:

"Such term shall not include a residence located outside the United States."

(c) Effective Dates.—

(1) Livestock.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1995.

BINGAMAN AMENDMENTS NOS. 2040–2041

(Ordered to lie on the table.)

Mr. BINGAMAN submitted two amendments intended to be proposed by him to the bill, H.R. 2646, supra; as follows:

Amendment No. 2040

Strike section 101, and insert the following:

SEC. 101. DROPOUT PREVENTION AND STATE RESPONSIBILITIES.

(a) Short Title.—This section may be cited as the "National Dropout Prevention Act of 1998".

(b) Dropout Prevention.—Part C of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7261 et seq.) is amended to read as follows:

"PART C—ASSISTANCE TO ADDRESS SCHOOL DROPOUT PROBLEMS

"Subpart 1—Coordinated National Strategy

"SEC. 5311. NATIONAL ACTIVITIES.

"(a) National Priority.—It shall be a national priority, for the 5-year period beginning on the date of enactment of the National Dropout Prevention Act of 1998, to lower the school dropout rate, and increase school completion, for middle school and secondary school students in accordance with Federal law. As part of this priority, all Federal agencies that carry out activities that serve students at risk of dropping out of school or that are intended to help address the school dropout problem shall make school dropout prevention a top priority in the agencies' funding priorities during the 5-year period.

"(b) Enhanced Data Collection.—The Secretary shall collect systematic data on the participation of different racial and ethnic groups (including migrant and limited English proficient students) in all Federal programs.

"SEC. 5312. NATIONAL SCHOOL DROPOUT PREVENTION STRATEGY.

"(a) Plan.—The Director shall develop, implement, and monitor an interagency plan (in this section referred to as the "plan") to assess the coordination, use of resources, and availability of funding under Federal law that can be used to address school dropout prevention, or middle school or secondary school reentry. The plan shall be completed and transmitted to the Secretary and Congress not later than 180 days after the first Director is appointed.

"(b) Coordination.—The plan shall address inter- and intra-agency program coordination issues at the Federal level with respect to school dropout prevention and middle school and secondary school reentry, assess the targeting of existing Federal services to students who are most at risk of dropping out of school, and the cost-effectiveness of various programs and approaches used to address school dropout prevention.

"(c) Available Resources.—The plan shall also describe the ways in which State and local agencies can implement effective school dropout prevention programs using funds from a variety of Federal programs, including the programs under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.).

"(d) Scope.—The plan will address all Federal programs with school dropout prevention or school reentry elements or objectives, programs under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq.), title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.), and part B of title IV of the Job Training Partnership Act (29 U.S.C. 1691 et seq.), and other programs.

"SEC. 5313. NATIONAL CLEARINGHOUSE.

"Not later than 6 months after the date of enactment of the National Dropout Prevention Act of 1998, the Director shall establish a national clearinghouse on effective school dropout prevention, intervention and reentry programs. The clearinghouse shall be established through a competitive grant or contract awarded to an organization with a demonstrated capacity to provide technical assistance and disseminate information in the area of school dropout prevention, intervention, and reentry programs. The clearinghouse shall—

"(1) collect and disseminate to educators, parents, and policymakers information on research, effective programs, best practices, and available Federal resources with respect to school dropout prevention, intervention, and reentry programs, including dissemination by an electronically accessible database, a worldwide Web site, and a national journal; and

"(2) provide technical assistance regarding securing resources with respect to, and designing and implementing, effective and comprehensive school dropout prevention, intervention, and reentry programs.

"SEC. 5314. NATIONAL RECOGNITION PROGRAM.

"(a) In General.—The Director shall carry out a national recognition program that recognizes schools that have made extraordinary progress in lowering school dropout rates under which a public middle school or secondary school from each State will be recognized. The Director shall use uniform national guidelines that are developed by the Director for the recognition program and shall recognize schools from nominations submitted by State educational agencies.

"(b) Eligible Schools.—The Director may recognize any public middle school or secondary school (including a charter school) that has implemented comprehensive reforms regarding the lowering of school dropout rates for all students at that school.

"(c) Support.—The Director may make monetary awards to schools recognized under this section, in amounts determined by the Director. Amounts received under this section shall be used for dissemination activities within the school district or nationally.

"Subpart 2—National School Dropout Prevention Initiative

"SEC. 5321. FINDINGS.

"Congress finds that, in order to lower dropout rates and raise academic achievement levels, improved and redesigned schools must—

"(1) challenge all children to attain their highest academic potential; and

"(2) ensure that all students have substantial and ongoing opportunities to—

"(A) achieve high levels of academic and technical skills;

"(B) prepare for college and careers;

"(C) learn by doing;

"(D) work with teachers in small schools within schools;

"(E) receive ongoing support from adult mentors;

"(F) access a wide variety of information about careers and postsecondary education and training;

"(G) use technology to enhance and motivate learning; and

"(H) benefit from strong links among middle schools, secondary schools, and postsecondary institutions.

"SEC. 5322. PROGRAM AUTHORIZED.

"(a) Allotments to States.—

"(1) In general.—From the sum made available under section 5332(b) for a fiscal year the Secretary shall make an allotment to each State in an amount that bears the same relation to the sum as the amount the

State received under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) for the preceding fiscal year bears to the amount received by all States under such title for the preceding fiscal year.

"(2) Definition of state.—In this subpart, the term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(b) Grants.—From amounts made available to a State under subsection (a), the State educational agency may award grants to public middle schools or secondary schools, that have school dropout rates which are in the highest ⅓ of all school dropout rates in the State, to enable the schools to pay only the startup and implementation costs of effective, sustainable, coordinated, and whole school dropout prevention programs that involve activities such as—

"(1) professional development;

"(2) obtaining curricular materials;

"(3) release time for professional staff; and

"(4) planning and research.

"(b) Intent of Congress.—It is the intent of Congress that the activities started or implemented under subsection (a) shall be continued with funding provided under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.).

"(c) Number.—The State educational agency shall award not more than 1,000 grants under this subpart during the first year that the State receives an allotment under this subpart, not more than 1,500 grants during the second such year, and not more than 2,000 grants during the third such year.

"(d) Amount.—

"(1) In general.—Subject to subsection (e) and except as provided in paragraph (2), a grant under this subpart shall be awarded—

"(A) in the first year that a school receives a grant payment under this subpart, in an amount that is not less than $50,000 and not more than $100,000, based on factors such as—

"(i) school size;

"(ii) costs of the model being implemented; and

"(iii) local cost factors such as poverty rates;

"(B) in the second such year, in an amount that is not less than 75 percent of the amount the school received under this subpart in the first such year;

"(C) in the third year, in an amount that is not less than 50 percent of the amount the school received under this subpart in the first such year; and

"(D) in each succeeding year in an amount that is not less than 30 percent of the amount the school received under this subpart in the first such year.

"(2) Increases.—The Director shall increase the amount awarded to a school under this subpart by 10 percent if the school creates smaller learning communities within the school and the creation is certified by the State educational agency.

"(e) Duration.—A grant under this subpart shall be awarded for a period of 3 years, and may be continued for a period of 2 additional years if the State educational agency determines, based on the annual reports described in section 5328(a), that significant progress has been made in lowering the school dropout rate for students participating in the program assisted under this subpart compared to students at similar schools who are not participating in the program.

"SEC. 5323. STRATEGIES AND ALLOWABLE MODELS.

"(a) Strategies.—Each school receiving a grant under this subpart shall implement research-based, sustainable, and widely replicated, strategies for school dropout prevention and reentry that address the needs of an entire school population rather than a subset of students. The strategies may include—

"(1) specific strategies for targeted purposes; and

"(2) approaches such as breaking larger schools down into smaller learning communities and other comprehensive reform approaches, developing clear linkages to career skills and employment, and addressing specific gatekeeper hurdles that often limit student retention and academic success.

"(b) Allowable Models.—The Director shall annually establish and publish in the Federal Register the principles, criteria, models, and other parameters regarding the types of effective, proven program models that are allowed to be used under this subpart, based on existing research.

"(c) Capacity Building.—

"(1) In general.—The Director, through a contract with a non-Federal entity, shall conduct a capacity building and design initiative in order to increase the types of proven strategies for dropout prevention on a schoolwide level.

"(2) Number and duration.—

"(A) Number.—The Director shall award not more than 5 contracts under this subsection.

"(B) Duration.—The Director shall award a contract under this section for a period of not more than 5 years.

"(d) Support for Existing Reform Networks.—

"(1) In general.—The Director shall provide appropriate support to eligible entities to enable the eligible entities to provide training, materials, development, and staff assistance to schools assisted under this subpart.

"(2) Definition of eligible entity.—The term 'eligible entity' means an entity that, prior to the date of enactment of the National Dropout Prevention Act of 1998—

"(A) provided training, technical assistance, and materials to 100 or more elementary schools or secondary schools; and

"(B) developed and published a specific educational program or design for use by the schools.

"SEC. 5324. SELECTION OF SCHOOLS.

"(a) School Application.—

"(1) In general.—Each school desiring a grant under this subpart shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may require.

"(2) Contents.—Each application submitted under paragraph (1) shall—

"(A) contain a certification from the local educational agency serving the school that—

"(i) the school has the highest number or rates of school dropouts in the age group served by the local educational agency;

"(ii) the local educational agency is committed to providing ongoing operational support, for the school's comprehensive reform plan to address the problem of school dropouts, for a period of 5 years; and

"(iii) the local educational agency will support the plan, including—

"(I) release time for teacher training;

"(II) efforts to coordinate activities for feeder schools; and

"(III) encouraging other schools served by the local educational agency to participate in the plan;

"(B) demonstrate that the faculty and administration of the school have agreed to apply for assistance under this subpart, and provide evidence of the school's willingness and ability to use the funds under this subpart, including providing an assurance of the support of 80 percent or more of the professional staff at the school;

"(C) describe the instructional strategies to be implemented, how the strategies will serve all students, and the effectiveness of the strategies;

"(D) describe a budget and timeline for implementing the strategies;

"(E) contain evidence of interaction with an eligible entity described in section 5323(d)(2);

"(F) contain evidence of coordination with existing resources;

"(G) provide an assurance that funds provided under this subpart will supplement and not supplant other Federal, State, and local funds;

"(H) describe how the activities to be assisted conform with an allowable model described in section 5323(b); and

"(I) demonstrate that the school and local educational agency have agreed to conduct a schoolwide program under 1114.

"(b) State Agency Review and Award.—The State educational agency shall review applications and award grants to schools under subsection (a) according to a review by a panel of experts on school dropout prevention.

"(c) Criteria.—The Director shall establish clear and specific selection criteria for awarding grants to schools under this subpart. Such criteria shall be based on school dropout rates and other relevant factors for State educational agencies to use in determining the number of grants to award and the type of schools to be awarded grants.

"(d) Eligibility.—

"(1) In general.—A school is eligible to receive a grant under this subpart if the school is—

"(A) a public school—

"(i) that is eligible to receive assistance under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.), including a comprehensive secondary school, a vocational or technical secondary school, and a charter school; and

"(ii)(I) that serves students 50 percent or more of whom are low-income individuals; or

"(II) with respect to which the feeder schools that provide the majority of the incoming students to the school serve students 50 percent or more of whom are low-income individuals; or

"(B) is participating in a schoolwide program under section 1114 during the grant period.

"(2) Other schools.—A private or parochial school, an alternative school, or a school within a school, is not eligible to receive a grant under this subpart, but an alternative school or school within a school may be served under this subpart as part of a whole school reform effort within an entire school building.

"(e) Community-Based Organizations.—A school that receives a grant under this subpart may use the grant funds to secure necessary services from a community-based organization, including private sector entities, if—

"(1) the school approves the use;

"(2) the funds are used to provide school dropout prevention and reentry activities related to schoolwide efforts; and

"(3) the community-based organization has demonstrated the organization's ability to provide effective services as described in section 107(a) of the Job Training Partnership Act (29 U.S.C. 1517(a)).

"(f) COORDINATION.—Each school that receives a grant under this subpart shall coordinate the activities assisted under this subpart with other Federal programs, such as programs assisted under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq.) and the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.).

"SEC. 5325. DISSEMINATION ACTIVITIES.

"Each school that receives a grant under this subpart shall provide information and technical assistance to other schools within the school district, including presentations, document-sharing, and joint staff development.

"SEC. 5326. PROGRESS INCENTIVES.

"Notwithstanding any other provision of law, each local educational agency that receives funds under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) shall use such funding to provide assistance to schools served by the agency that have not made progress toward lowering school dropout rates after receiving assistance under this subpart for 2 fiscal years.

"SEC. 5327. SCHOOL DROPOUT RATE CALCULATION.

"For purposes of calculating a school dropout rate under this subpart, a school shall use—

"(1) the annual event school dropout rate for students leaving a school in a single year determined in accordance with the National Center for Education Statistics' Common Core of Data, if available; or

"(2) in other cases, a standard method for calculating the school dropout rate as determined by the State educational agency.

"SEC. 5328. REPORTING AND ACCOUNTABILITY.

"(a) REPORTING.—In order to receive funding under this subpart for a fiscal year after the first fiscal year a school receives funding under this subpart, the school shall provide, on an annual basis, to the Director a report regarding the status of the implementation of activities funded under this subpart, the disaggregated outcome data for students at schools assisted under this subpart such as dropout rates, and certification of progress from the eligible entity whose strategies the school is implementing.

"(b) ACCOUNTABILITY.—On the basis of the reports submitted under subsection (a), the Director shall evaluate the effect of the activities assisted under this subpart on school dropout prevention compared to a control group.

"SEC. 5329. PROHIBITION ON TRACKING.

"(a) IN GENERAL.—A school shall be ineligible to receive funding under this subpart for a fiscal year, if the school—

"(1) has in place a general education track;

"(2) provides courses with significantly different material and requirements to students at the same grade level; or

"(3) fails to encourage all students to take a core curriculum of courses.

"(b) REGULATIONS.—The Secretary shall promulgate regulations implementing subsection (a).

"Subpart 3—Definitions; Authorization of Appropriations

"SEC. 5331. DEFINITIONS.

"In this Act:

"(1) DIRECTOR.—The term "Director" means the Director of the Office of Dropout Prevention and Program Completion established under section 219 of the General Education Provisions Act.

"(2) LOW-INCOME.—The term "low-income", used with respect to an individual, means an individual determined to be low-income in accordance with measures described in section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5)).

"(3) SCHOOL DROPOUT.—The term "school dropout" has the meaning given the term in section 4(17) of the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6103(17)).

"SEC. 5332. AUTHORIZATION OF APPROPRIATIONS.

"(a) SUBPART 1.—There are authorized to be appropriated to carry out subpart 1, $5,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) SUBPART 2.—There are authorized to be appropriated to carry out subpart 2, $145,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years, of which—

"(1) $125,000,000 shall be available to carry out section 5322; and

"(2) $20,000,000 shall be available to carry out section 5323.".

(c) OFFICE OF DROPOUT PREVENTION AND PROGRAM COMPLETION.—Title II of the Department of Education Organization Act (20 U.S.C. 3411) is amended—

(1) by redesignating section 216 (as added by Public Law 103–227) as section 218; and

(2) by adding after section 218 (as redesignated by paragraph (1)) the following:

"OFFICE OF DROPOUT PREVENTION AND PROGRAM COMPLETION

"SEC. 219. (a) ESTABLISHMENT.—There shall be in the Department of Education an Office of Dropout Prevention and Program Completion (hereafter in this section referred to as the 'Office'), to be administered by the Director of the Office of Dropout Prevention and Program Completion. The Director of the Office shall report directly to the Secretary and shall perform such additional functions as the Secretary may prescribe.

"(b) DUTIES.—The Director of the Office of Dropout Prevention and Program Completion (hereafter in this section referred to as the 'Director'), through the Office, shall—

"(1) help coordinate Federal, State, and local efforts to lower school dropout rates and increase program completion by middle school, secondary school, and college students;

"(2) recommend Federal policies, objectives, and priorities to lower school dropout rates and increase program completion;

"(3) oversee the implementation of subpart 2 of part C of title V of the Elementary and Secondary Education Act of 1965;

"(4) develop and implement the National School Dropout Prevention Strategy under section 5312 of the Elementary and Secondary Education Act of 1965;

"(5) annually prepare and submit to Congress and the Secretary a national report describing efforts and recommended actions regarding school dropout prevention and program completion;

"(6) recommend action to the Secretary and the President, as appropriate, regarding school dropout prevention and program completion; and

"(7) consult with and assist State and local governments regarding school dropout prevention and program completion.

"(c) SCOPE OF DUTIES.—The scope of the Director's duties under subsection (b) shall include examination of all Federal and non-Federal efforts related to—

"(1) promoting program completion for children attending middle school or secondary school;

"(2) programs to obtain a secondary school diploma or its recognized equivalent (including general equivalency diploma (GED) programs), or college degree programs; and

"(3) reentry programs for individuals aged 12 to 24 who are out of school.

"(d) DETAILING.—In carrying out the Director's duties under this section, the Director may request the head of any Federal department or agency to detail personnel who are engaged in school dropout prevention activities to another Federal department or agency in order to implement the National School Dropout Prevention Strategy.".

(d) STATE RESPONSIBILITIES.—Title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801 et seq.) is amended by adding at the end the following:

"PART I—DROPOUT PREVENTION

"SEC. 14851. DROPOUT PREVENTION.

"In order to receive any assistance under this Act, a State educational agency shall comply with the following provisions regarding school dropouts:

"(1) UNIFORM DATA COLLECTION.—Within 1 year after the date of enactment of the National Dropout Prevention Act of 1998, a State educational agency shall report to the Secretary and statewide, all school district and school data regarding school dropout rates in the State, and demographic breakdowns, according to procedures that conform with the National Center for Education Statistics' Common Core of Data.

"(2) ATTENDANCE-NEUTRAL FUNDING POLICIES.—Within 2 years after the date of enactment of the National Dropout Prevention Act of 1998, a State educational agency shall develop and implement education funding formula policies for public schools that provide appropriate incentives to retain students in school throughout the school year, such as—

"(A) a student count methodology that does not determine annual budgets based on attendance on a single day early in the academic year; and

"(B) specific incentives for retaining enrolled students throughout each year.

"(3) SUSPENSION AND EXPULSION POLICIES.—Within 2 years after the date of enactment of the National Dropout Prevention Act of 1998, a State educational agency shall develop uniform, long-term suspension and expulsion policies for serious infractions resulting in more than 10 days of exclusion from school per academic year so that similar violations result in similar penalties.".

AMENDMENT NO. 2041

At the end, add the following:

TITLE —DROPOUT PREVENTION AND STATE RESPONSIBILITIES

SEC. 01. SHORT TITLE.

This title may be cited as the "National Dropout Prevention Act of 1998".

Subtitle A—Dropout Prevention

SEC. 11. DROPOUT PREVENTION.

Part C of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7261 et seq.) is amended to read as follows:

"PART C—ASSISTANCE TO ADDRESS SCHOOL DROPOUT PROBLEMS

"Subpart 1—Coordinated National Strategy

"SEC. 5311. NATIONAL ACTIVITIES.

"(a) NATIONAL PRIORITY.—It shall be a national priority, for the 5-year period beginning on the date of enactment of the National Dropout Prevention Act of 1998, to lower the school dropout rate, and increase school completion, for middle school and secondary school students in accordance with Federal law. As part of this priority, all Federal agencies that carry out activities that serve students at risk of dropping out of school or that are intended to help address the school dropout problem shall make school dropout prevention a top priority in the agencies' funding priorities during the 5-year period.

"(b) ENHANCED DATA COLLECTION.—The Secretary shall collect systematic data on the participation of different racial and ethnic groups (including migrant and limited English proficient students) in all Federal programs.

"SEC. 5312. NATIONAL SCHOOL DROPOUT PREVENTION STRATEGY.

"(a) PLAN.—The Director shall develop, implement, and monitor an interagency plan (in this section referred to as the "plan") to assess the coordination, use of resources, and availability of funding under Federal law that can be used to address school dropout prevention, or middle school or secondary school reentry. The plan shall be completed and transmitted to the Secretary and Congress not later than 180 days after the first Director is appointed.

"(b) COORDINATION.—The plan shall address inter- and intra-agency program coordination issues at the Federal level with respect to school dropout prevention and middle school and secondary school reentry, assess the targeting of existing Federal services to students who are most at risk of dropping out of school, and the cost-effectiveness of various programs and approaches used to address school dropout prevention.

"(c) AVAILABLE RESOURCES.—The plan shall also describe the ways in which State and local agencies can implement effective school dropout prevention programs using funds from a variety of Federal programs, including the programs under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.).

"(d) SCOPE.—The plan will address all Federal programs with school dropout prevention or school reentry elements or objectives, programs under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a-11 et seq.), title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.), and part B of title IV of the Job Training Partnership Act (29 U.S.C. 1691 et seq.), and other programs.

"SEC. 5313. NATIONAL CLEARINGHOUSE.

"Not later than 6 months after the date of enactment of the National Dropout Prevention Act of 1998, the Director shall establish a national clearinghouse on effective school dropout prevention, intervention and reentry programs. The clearinghouse shall be established through a competitive grant or contract awarded to an organization with a demonstrated capacity to provide technical assistance and disseminate information in the area of school dropout prevention, intervention, and reentry programs. The clearinghouse shall—

"(1) collect and disseminate to educators, parents, and policymakers information on research, effective programs, best practices, and available Federal resources with respect to school dropout prevention, intervention, and reentry programs, including dissemination by an electronically accessible database, a worldwide Web site, and a national journal; and

"(2) provide technical assistance regarding securing resources with respect to, and designing and implementing, effective and comprehensive school dropout prevention, intervention, and reentry programs.

"SEC. 5314. NATIONAL RECOGNITION PROGRAM.

"(a) IN GENERAL.—The Director shall carry out a national recognition program that recognizes schools that have made extraordinary progress in lowering school dropout rates under which a public middle school or secondary school from each State will be recognized. The Director shall use uniform national guidelines that are developed by the Director for the recognition program and shall recognize schools from nominations submitted by State educational agencies.

"(b) ELIGIBLE SCHOOLS.—The Director may recognize any public middle school or secondary school (including a charter school) that has implemented comprehensive reforms regarding the lowering of school dropout rates for all students at that school.

"(c) SUPPORT.—The Director may make monetary awards to schools recognized under this section, in amounts determined by the Director. Amounts received under this section shall be used for dissemination activities within the school district or nationally.

"Subpart 2—National School Dropout Prevention Initiative

"SEC. 5321. FINDINGS.

"Congress finds that, in order to lower dropout rates and raise academic achievement levels, improved and redesigned schools must—

"(1) challenge all children to attain their highest academic potential; and

"(2) ensure that all students have substantial and ongoing opportunities to—

"(A) achieve high levels of academic and technical skills;

"(B) prepare for college and careers;

"(C) learn by doing;

"(D) work with teachers in small schools within schools;

"(E) receive ongoing support from adult mentors;

"(F) access a wide variety of information about careers and postsecondary education and training;

"(G) use technology to enhance and motivate learning; and

"(H) benefit from strong links among middle schools, secondary schools, and postsecondary institutions.

"SEC. 5322. PROGRAM AUTHORIZED.

"(a) ALLOTMENTS TO STATES.—

"(1) IN GENERAL.—From the sum made available under section 5332(b) for a fiscal year the Secretary shall make an allotment to each State in an amount that bears the same relation to the sum as the amount the State received under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) for the preceding fiscal year bears to the amount received by all States under such title for the preceding fiscal year.

"(2) DEFINITION OF STATE.—In this subpart, the term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(b) GRANTS.—From amounts made available to a State under subsection (a), the State educational agency may award grants to public middle schools or secondary schools, that have school dropout rates which are in the highest ⅓ of all school dropout rates in the State, to enable the schools to pay only the startup and implementation costs of effective, sustainable, coordinated, and whole school dropout prevention programs that involve activities such as—

"(1) professional development;

"(2) obtaining curricular materials;

"(3) release time for professional staff; and

"(4) planning and research.

"(b) INTENT OF CONGRESS.—It is the intent of Congress that the activities started or implemented under subsection (a) shall be continued with funding provided under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.).

"(c) NUMBER.—The State educational agency shall award not more than 1,000 grants under this subpart during the first year that the State receives an allotment under this subpart, not more than 1,500 grants during the second such year, and not more than 2,000 grants during the third such year.

"(d) AMOUNT.—

"(1) IN GENERAL.—Subject to subsection (e) and except as provided in paragraph (2), a grant under this subpart shall be awarded—

"(A) in the first year that a school receives a grant payment under this subpart, in an amount that is not less than $50,000 and not more than $100,000, based on factors such as—

"(i) school size;

"(ii) costs of the model being implemented; and

"(iii) local cost factors such as poverty rates;

"(B) in the second such year, in an amount that is not less than 75 percent of the amount the school received under this subpart in the first such year;

"(C) in the third year, in an amount that is not less than 50 percent of the amount the school received under this subpart in the first such year; and

"(D) in each succeeding year in an amount that is not less than 30 percent of the amount the school received under this subpart in the first such year.

"(2) INCREASES.—The Director shall increase the amount awarded to a school under this subpart by 10 percent if the school creates smaller learning communities within the school and the creation is certified by the State educational agency.

"(e) DURATION.—A grant under this subpart shall be awarded for a period of 3 years, and may be continued for a period of 2 additional years if the State educational agency determines, based on the annual reports described in section 5328(a), that significant progress has been made in lowering the school dropout rate for students participating in the program assisted under this subpart compared to students at similar schools who are not participating in the program.

"SEC. 5323. STRATEGIES AND ALLOWABLE MODELS.

"(a) STRATEGIES.—Each school receiving a grant under this subpart shall implement research-based, sustainable, and widely replicated, strategies for school dropout prevention and reentry that address the needs of an entire school population rather than a subset of students. The strategies may include—

"(1) specific strategies for targeted purposes; and

"(2) approaches such as breaking larger schools down into smaller learning communities and other comprehensive reform approaches, developing clear linkages to career skills and employment, and addressing specific gatekeeper hurdles that often limit student retention and academic success.

"(b) ALLOWABLE MODELS.—The Director shall annually establish and publish in the Federal Register the principles, criteria, models, and other parameters regarding the types of effective, proven program models that are allowed to be used under this subpart, based on existing research.

"(c) CAPACITY BUILDING.—

"(1) IN GENERAL.—The Director, through a contract with a non-Federal entity, shall conduct a capacity building and design initiative in order to increase the types of proven strategies for dropout prevention on a schoolwide level.

"(2) NUMBER AND DURATION.—

"(A) NUMBER.—The Director shall award not more than 5 contracts under this subsection.

"(B) DURATION.—The Director shall award a contract under this section for a period of not more than 5 years.

"(d) SUPPORT FOR EXISTING REFORM NETWORKS.—

"(1) IN GENERAL.—The Director shall provide appropriate support to eligible entities to enable the eligible entities to provide training, materials, development, and staff assistance to schools assisted under this subpart.

"(2) DEFINITION OF ELIGIBLE ENTITY.—The term 'eligible entity' means an entity that, prior to the date of enactment of the National Dropout Prevention Act of 1998—

"(A) provided training, technical assistance, and materials to 100 or more elementary schools or secondary schools; and

"(B) developed and published a specific educational program or design for use by the schools.

"SEC. 5324. SELECTION OF SCHOOLS.

"(a) SCHOOL APPLICATION.—

"(1) IN GENERAL.—Each school desiring a grant under this subpart shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may require.

"(2) CONTENTS.—Each application submitted under paragraph (1) shall—

"(A) contain a certification from the local educational agency serving the school that—

"(i) the school has the highest number or rates of school dropouts in the age group served by the local educational agency;

"(ii) the local educational agency is committed to providing ongoing operational support, for the school's comprehensive reform plan to address the problem of school dropouts, for a period of 5 years; and

"(iii) the local educational agency will support the plan, including—

"(I) release time for teacher training;

"(II) efforts to coordinate activities for feeder schools; and

"(III) encouraging other schools served by the local educational agency to participate in the plan;

"(B) demonstrate that the faculty and administration of the school have agreed to apply for assistance under this subpart, and provide evidence of the school's willingness and ability to use the funds under this subpart, including providing an assurance of the support of 80 percent or more of the professional staff at the school;

"(C) describe the instructional strategies to be implemented, how the strategies will serve all students, and the effectiveness of the strategies;

"(D) describe a budget and timeline for implementing the strategies;

"(E) contain evidence of interaction with an eligible entity described in section 5323(d)(2);

"(F) contain evidence of coordination with existing resources;

"(G) provide an assurance that funds provided under this subpart will supplement and not supplant other Federal, State, and local funds;

"(H) describe how the activities to be assisted conform with an allowable model described in section 5323(b); and

"(I) demonstrate that the school and local educational agency have agreed to conduct a schoolwide program under 1114.

"(b) STATE AGENCY REVIEW AND AWARD.—The State educational agency shall review applications and award grants to schools under subsection (a) according to a review by a panel of experts on school dropout prevention.

"(c) CRITERIA.—The Director shall establish clear and specific selection criteria for awarding grants to schools under this subpart. Such criteria shall be based on school dropout rates and other relevant factors for State educational agencies to use in determining the number of grants to award and the type of schools to be awarded grants.

"(d) ELIGIBILITY.—

"(1) IN GENERAL.—A school is eligible to receive a grant under this subpart if the school is—

"(A) a public school—

"(i) that is eligible to receive assistance under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.), including a comprehensive secondary school, a vocational or technical secondary school, and a charter school; and

"(ii)(I) that serves students 50 percent or more of whom are low-income individuals; or

"(II) with respect to which the feeder schools that provide the majority of the incoming students to the school serve students 50 percent or more of whom are low-income individuals; or

"(B) is participating in a schoolwide program under section 1114 during the grant period.

"(2) OTHER SCHOOLS.—A private or parochial school, an alternative school, or a school within a school, is not eligible to receive a grant under this subpart, but an alternative school or school within a school may be served under this subpart as part of a whole school reform effort within an entire school building.

"(e) COMMUNITY-BASED ORGANIZATIONS.—A school that receives a grant under this subpart may use the grant funds to secure necessary services from a community-based organization, including private sector entities, if—

"(1) the school approves the use;

"(2) the funds are used to provide school dropout prevention and reentry activities related to schoolwide efforts; and

"(3) the community-based organization has demonstrated the organization's ability to provide effective services as described in section 107(a) of the Job Training Partnership Act (29 U.S.C. 1517(a)).

"(f) COORDINATION.—Each school that receives a grant under this subpart shall coordinate the activities assisted under this subpart with other Federal programs, such as programs assisted under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a-11 et seq.) and the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.).

"SEC. 5325. DISSEMINATION ACTIVITIES.

"Each school that receives a grant under this subpart shall provide information and technical assistance to other schools within the school district, including presentations, document-sharing, and joint staff development.

"SEC. 5326. PROGRESS INCENTIVES.

"Notwithstanding any other provision of law, each local educational agency that receives funds under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) shall use such funding to provide assistance to schools served by the agency that have not made progress toward lowering school dropout rates after receiving assistance under this subpart for 2 fiscal years.

"SEC. 5327. SCHOOL DROPOUT RATE CALCULATION.

"For purposes of calculating a school dropout rate under this subpart, a school shall use—

"(1) the annual event school dropout rate for students leaving a school in a single year determined in accordance with the National Center for Education Statistics' Common Core of Data, if available; or

"(2) in other cases, a standard method for calculating the school dropout rate as determined by the State educational agency.

"SEC. 5328. REPORTING AND ACCOUNTABILITY.

"(a) REPORTING.—In order to receive funding under this subpart for a fiscal year after the first fiscal year a school receives funding under this subpart, the school shall provide, on an annual basis, to the Director a report regarding the status of the implementation of activities funded under this subpart, the disaggregated outcome data for students at schools assisted under this subpart such as dropout rates, and certification of progress from the eligible entity whose strategies the school is implementing.

"(b) ACCOUNTABILITY.—On the basis of the reports submitted under subsection (a), the Director shall evaluate the effect of the activities assisted under this subpart on school dropout prevention compared to a control group.

"SEC. 5329. PROHIBITION ON TRACKING.

"(a) IN GENERAL.—A school shall be ineligible to receive funding under this subpart for a fiscal year, if the school—

"(1) has in place a general education track;

"(2) provides courses with significantly different material and requirements to students at the same grade level; or

"(3) fails to encourage all students to take a core curriculum of courses.

"(b) REGULATIONS.—The Secretary shall promulgate regulations implementing subsection (a).

"Subpart 3—Definitions; Authorization of Appropriations

"SEC. 5331. DEFINITIONS.

"In this Act:

"(1) DIRECTOR.—The term "Director" means the Director of the Office of Dropout Prevention and Program Completion established under section 219 of the General Education Provisions Act.

"(2) LOW-INCOME.—The term "low-income", used with respect to an individual, means an individual determined to be low-income in accordance with measures described in section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5)).

"(3) SCHOOL DROPOUT.—The term "school dropout" has the meaning given the term in section 4(17) of the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6103(17)).

"SEC. 5332. AUTHORIZATION OF APPROPRIATIONS.

"(a) SUBPART 1.—There are authorized to be appropriated to carry out subpart 1, $5,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) SUBPART 2.—There are authorized to be appropriated to carry out subpart 2 $145,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years, of which—

"(1) $125,000,000 shall be available to carry out section 5322; and

"(2) $20,000,000 shall be available to carry out section 5323.".

SEC. 12. OFFICE OF DROPOUT PREVENTION AND PROGRAM COMPLETION.

Title II of the Department of Education Organization Act (20 U.S.C. 3411) is amended—

(1) by redesignating section 216 (as added by Public Law 103–227) as section 218; and

(2) by adding after section 218 (as redesignated by paragraph (1)) the following:

"OFFICE OF DROPOUT PREVENTION AND PROGRAM COMPLETION

"SEC. 219. (a) ESTABLISHMENT.—There shall be in the Department of Education an Office of Dropout Prevention and Program Completion (hereafter in this section referred to as the 'Office'), to be administered by the Director of the Office of Dropout Prevention and Program Completion. The Director of the Office shall report directly to the Secretary and shall perform such additional functions as the Secretary may prescribe.

"(b) DUTIES.—The Director of the Office of Dropout Prevention and Program Completion (hereafter in this section referred to as the 'Director'), through the Office, shall—

"(1) help coordinate Federal, State, and local efforts to lower school dropout rates and increase program completion by middle school, secondary school, and college students;

"(2) recommend Federal policies, objectives, and priorities to lower school dropout rates and increase program completion;

"(3) oversee the implementation of subpart 2 of part C of title V of the Elementary and Secondary Education Act of 1965;

"(4) develop and implement the National School Dropout Prevention Strategy under section 5312 of the Elementary and Secondary Education Act of 1965;

"(5) annually prepare and submit to Congress and the Secretary a national report describing efforts and recommended actions regarding school dropout prevention and program completion;

"(6) recommend action to the Secretary and the President, as appropriate, regarding school dropout prevention and program completion; and

"(7) consult with and assist State and local governments regarding school dropout prevention and program completion.

"(c) SCOPE OF DUTIES.—The scope of the Director's duties under subsection (b) shall include examination of all Federal and non-Federal efforts related to—

"(1) promoting program completion for children attending middle school or secondary school;

"(2) programs to obtain a secondary school diploma or its recognized equivalent (including general equivalency diploma (GED) programs), or college degree programs; and

"(3) reentry programs for individuals aged 12 to 24 who are out of school.

"(d) DETAILING.—In carrying out the Director's duties under this section, the Director may request the head of any Federal department or agency to detail personnel who are engaged in school dropout prevention activities to another Federal department or agency in order to implement the National School Dropout Prevention Strategy.".

Subtitle B—State Responsibilities

SEC. 21. STATE RESPONSIBILITIES.

Title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801 et seq.) is amended by adding at the end the following:

"PART I—DROPOUT PREVENTION

"SEC. 14851. DROPOUT PREVENTION.

"In order to receive any assistance under this Act, a State educational agency shall comply with the following provisions regarding school dropouts:

"(1) UNIFORM DATA COLLECTION.—Within 1 year after the date of enactment of the National Dropout Prevention Act of 1998, a State educational agency shall report to the Secretary and statewide, all school district and school data regarding school dropout rates in the State, and demographic breakdowns, according to procedures that conform with the National Center for Education Statistics' Common Core of Data.

"(2) ATTENDANCE-NEUTRAL FUNDING POLICIES.—Within 2 years after the date of enactment of the National Dropout Prevention Act of 1998, a State educational agency shall develop and implement education funding formula policies for public schools that provide appropriate incentives to retain students in school throughout the school year, such as—

"(A) a student count methodology that does not determine annual budgets based on attendance on a single day early in the academic year; and

"(B) specific incentives for retaining enrolled students throughout each year.

"(3) SUSPENSION AND EXPULSION POLICIES.—Within 2 years after the date of enactment of the National Dropout Prevention Act of 1998, a State educational agency shall develop uniform, long-term suspension and expulsion policies for serious infractions resulting in more than 10 days of exclusion from school per academic year so that similar violations result in similar penalties.".

KENNEDY AMENDMENTS NOS. 2042–2047

(Ordered to lie on the table.)

Mr. KENNEDY submitted six amendments intended to be proposed by him to the bill, H.R. 2646, supr; as follows:

AMENDMENT NO. 2042

On page 3, beginning with line 22, strike all through page 5, line 6, and insert:

"(4) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—

"(A) IN GENERAL.—The term 'qualified elementary and secondary education expenses' means—

"(i) expenses for tuition, fees, academic tutoring, special needs services, books, supplies, computer equipment (including related software and services), and other equipment which are incurred in connection with the enrollment or attendance of the designated beneficiary of the trust as an elementary or secondary school student at a public school, or

"(ii) expenses for room and board, uniforms, transportation, and supplementary items and services (including extended day programs) which are required or provided by a public school in connection with such enrollment or attendance.

"(B) SCHOOL.—The term 'school' means any public school which provides elementary education or secondary education (kindergarten through grade 12), as determined under State law."

AMENDMENT NO. 2043

On page 3, beginning with line 22, strike all through page 5, line 6, and insert:

"(4) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—

"(A) IN GENERAL.—The term 'qualified elementary and secondary education expenses' means—

"(i) expenses for tuition, fees, academic tutoring, special needs services, books, supplies, computer equipment (including related software and services), and other equipment which are incurred in connection with the enrollment or attendance of the designated beneficiary of the trust as an elementary or secondary school student at a public school, or

"(ii) expenses for room and board, uniforms, transportation, and supplementary items and services (including extended day programs) which are required or provided by a public school in connection with such enrollment or attendance.

"(B) SPECIAL RULE FOR HOMESCHOOLING.—Such term shall include expenses described in subparagraph (A)(i) in connection with education provided by homeschooling if the requirements of any applicable State or local law are met with respect to such education.

"(C) SCHOOL.—The term 'school' means any public school which provides elementary education or secondary education (kindergarten through grade 12), as determined under State law."

AMENDMENT NO. 2044

Strike section 101 and insert the following:

SEC. 101. MODIFICATIONS TO EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

(a) MAXIMUM ANNUAL CONTRIBUTIONS.—

(1) IN GENERAL.—Section 530(b)(1)(A)(iii) (defining education individual retirement account) is amended by striking "$500" and inserting "the contribution limit for such taxable year".

(2) CONTRIBUTION LIMIT.—Section 530(b) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

"(4) CONTRIBUTION LIMIT.—The term 'contribution limit' means $500 ($1,500 in the case of any taxable year beginning after December 31, 1998, and ending before January 1, 2003)."

(3) CONFORMING AMENDMENTS.—

(A) Section 530(d)(4)(C) is amended by striking "$500" and inserting "the contribution limit for such taxable year".

(B) Section 4973(e)(1)(A) is amended by striking "$500" and inserting "the contribution limit (as defined in section 530(b)(5)) for such taxable year".

(b) WAIVER OF AGE LIMITATIONS FOR CHILDREN WITH SPECIAL NEEDS.—Section 530(b)(1) (defining education individual retirement account) is amended by adding at the end the following flush sentence:

"The age limitations in the preceding sentence shall not apply to any designated beneficiary with special needs (as determined under regulations prescribed by the Secretary)."

(c) CORPORATIONS PERMITTED TO CONTRIBUTE TO ACCOUNTS.—Section 530(c)(1) (relating to reduction in permitted contributions based on adjusted gross income) is amended by striking "The maximum amount which a contributor" and inserting "In the case of a contributor who is an individual, the maximum amount the contributor".

(d) NO DOUBLE BENEFIT.—Section 530(d)(2) (relating to distributions for qualified education expenses) is amended by adding at the end the following new subparagraph:

"(D) DISALLOWANCE OF EXCLUDED AMOUNTS AS CREDIT OR DEDUCTION.—No deduction or credit shall be allowed to the taxpayer under any other section of this chapter for any qualified education expenses to the extent taken into account in determining the amount of the exclusion under this paragraph."

(e) TECHNICAL CORRECTIONS.—

(1)(A) Section 530(b)(1)(E) (defining education individual retirement account) is amended to read as follows:

"(E) Any balance to the credit of the designated beneficiary on the date on which the beneficiary attains age 30 shall be distributed within 30 days after such date to the beneficiary or, if the beneficiary dies before attaining age 30, shall be distributed within 30 days after the date of death to the estate of such beneficiary."

(B) Section 530(d) (relating to tax treatment of distributions) is amended by adding at the end the following new paragraph:

"(8) DEEMED DISTRIBUTION ON REQUIRED DISTRIBUTION DATE.—In any case in which a distribution is required under subsection (b)(1)(E), any balance to the credit of a designated beneficiary as of the close of the 30-day period referred to in such subsection for making such distribution shall be deemed distributed at the close of such period."

(2)(A) Section 530(d)(1) is amended by striking "section 72(b)" and inserting "section 72".

(B) Section 72(e) (relating to amounts not received as annuities) is amended by inserting after paragraph (8) the following new paragraph:

"(9) EXTENSION OF PARAGRAPH (2)(B) TO QUALIFIED STATE TUITION PROGRAMS AND EDUCATIONAL INDIVIDUAL RETIREMENT ACCOUNTS.—Notwithstanding any other provision of this subsection, paragraph (2)(B) shall apply to amounts received under a qualified State tuition program (as defined in section 529(b)) or under an education individual retirement account (as defined in section 530(b)). The rule of paragraph (8)(B) shall apply for purposes of this paragraph."

(3) Section 530(d)(4)(B) (relating to exceptions) is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", or", and by adding at the end the following new clause:

"(iv) an amount which is includible in gross income solely because the taxpayer elected under paragraph (2)(C) to waive the application of paragraph (2) for the taxable year."

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1998.

(2) TECHNICAL CORRECTIONS.—The amendments made by subsection (e) shall take effect as if included in the amendments made by section 213 of the Taxpayer Relief Act of 1997.

AMENDMENT NO. 2045

Strike section 101 and insert the following:

SEC. 101. MODIFICATIONS TO EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

(a) MAXIMUM ANNUAL CONTRIBUTIONS.—

(1) IN GENERAL.—Section 530(b)(1)(A)(iii) (defining education individual retirement account) is amended by striking "$500" and inserting "the contribution limit for such taxable year".

(2) CONTRIBUTION LIMIT.—Section 530(b) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

"(4) CONTRIBUTION LIMIT.—The term 'contribution limit' means $500 ($1,000 in the case of any taxable year beginning after December 31, 1998, and ending before January 1, 2003)."

(3) CONFORMING AMENDMENTS.—

(A) Section 530(d)(4)(C) is amended by striking "$500" and inserting "the contribution limit for such taxable year".

(B) Section 4973(e)(1)(A) is amended by striking "$500" and inserting "the contribution limit (as defined in section 530(b)(5)) for such taxable year".

(b) WAIVER OF AGE LIMITATIONS FOR CHILDREN WITH SPECIAL NEEDS.—Section 530(b)(1) (defining education individual retirement account) is amended by adding at the end the following flush sentence:

"The age limitations in the preceding sentence shall not apply to any designated beneficiary with special needs (as determined under regulations prescribed by the Secretary)."

(c) CORPORATIONS PERMITTED TO CONTRIBUTE TO ACCOUNTS.—Section 530(c)(1) (relating to reduction in permitted contributions based on adjusted gross income) is amended by striking "The maximum amount which a contributor" and inserting "In the case of a contributor who is an individual, the maximum amount the contributor".

(d) NO DOUBLE BENEFIT.—Section 530(d)(2) (relating to distributions for qualified education expenses) is amended by adding at the end the following new subparagraph:

"(D) DISALLOWANCE OF EXCLUDED AMOUNTS AS CREDIT OR DEDUCTION.—No deduction or credit shall be allowed to the taxpayer under any other section of this chapter for any qualified education expenses to the extent taken into account in determining the amount of the exclusion under this paragraph."

(e) TECHNICAL CORRECTIONS.—

(1)(A) Section 530(b)(1)(E) (defining education individual retirement account) is amended to read as follows:

"(E) Any balance to the credit of the designated beneficiary on the date on which the beneficiary attains age 30 shall be distributed within 30 days after such date to the beneficiary or, if the beneficiary dies before attaining age 30, shall be distributed within 30 days after the date of death to the estate of such beneficiary."

(B) Section 530(d) (relating to tax treatment of distributions) is amended by adding at the end the following new paragraph:

"(8) DEEMED DISTRIBUTION ON REQUIRED DISTRIBUTION DATE.—In any case in which a distribution is required under subsection (b)(1)(E), any balance to the credit of a designated beneficiary as of the close of the 30-day period referred to in such subsection for making such distribution shall be deemed distributed at the close of such period."

(2)(A) Section 530(d)(1) is amended by striking "section 72(b)" and inserting "section 72".

(B) Section 72(e) (relating to amounts not received as annuities) is amended by inserting after paragraph (8) the following new paragraph:

"(9) EXTENSION OF PARAGRAPH (2)(B) TO QUALIFIED STATE TUITION PROGRAMS AND EDUCATIONAL INDIVIDUAL RETIREMENT ACCOUNTS.—Notwithstanding any other provision of this subsection, paragraph (2)(B) shall apply to amounts received under a qualified State tuition program (as defined in section 529(b)) or under an education individual retirement account (as defined in section 530(b)). The rule of paragraph (8)(B) shall apply for purposes of this paragraph."

(3) Section 530(d)(4)(B) (relating to exceptions) is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", or", and by adding at the end the following new clause:

"(iv) an amount which is includible in gross income solely because the taxpayer elected under paragraph (2)(C) to waive the application of paragraph (2) for the taxable year."

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1998.

(2) TECHNICAL CORRECTIONS.—The amendments made by subsection (e) shall take effect as if included in the amendments made by section 213 of the Taxpayer Relief Act of 1997.

AMENDMENT NO. 2046

On page 10, line 17, strike "1998" and insert "1998, except that such amendments shall only take effect to the extent that—

"(A) contributions to education individual retirement accounts or qualified elementary and secondary education expenses are—

"(i) limited to accounts that, at the time the account is created or organized, are designated solely for the payment of such expenses, and

"(ii) not allowed for contributors who have modified adjusted gross income in excess of $60,000 and are ratably reduced to zero for contributors who have modified adjusted gross income between $50,000 and $60,000.

"(B) contributions to education individual retirement accounts in excess of $500 for any taxable years may be made only to accounts described in subparagraph (A)(i),

"(C) no contributions may be made to accounts described in subparagraph (A)(i) for taxable years ending after December 31, 2002,

"(D) the modified adjusted gross income limitation shall apply to all contributors but contributions made by a person other than the taxpayer with respect to whom a deduction is allowed under section 151(c)(1) for a designated beneficiary shall be treated as having been made by such taxpayer, and

"(E) expenses for computer and other equipment, transportation, and supplementary items are allowed tax-free only if required or provided by the school."

AMENDMENT NO. 2047

Strike sections 101, 102, and 103, and insert:

SEC. 102. EXCLUSION FROM GROSS INCOME OF EDUCATION DISTRIBUTIONS FROM QUALIFIED STATE TUITION PROGRAMS.

(a) IN GENERAL.—Section 529(c)(3)(B) (relating to distributions) is amended to read as follows:

"(B) DISTRIBUTIONS FOR QUALIFIED HIGHER EDUCATION EXPENSES.—

"(i) IN GENERAL.—No amount shall be includible in gross income under subparagraph (A) if the qualified higher education expenses of the designated beneficiary during the taxable year are not less than the aggregate distributions during the taxable year.

"(ii) DISTRIBUTIONS IN EXCESS OF EXPENSES.—If such aggregate distributions exceed such expenses during the taxable year, the amount otherwise includible in gross income under subparagraph (A) shall be reduced by the amount which bears the same ratio to the amount so includible (without regard to this subparagraph) as such expenses bear to such aggregate distributions.

"(iii) ELECTION TO WAIVE EXCLUSION.—A taxpayer may elect to waive the application of this subparagraph for any taxable year.

"(iv) IN-KIND DISTRIBUTIONS.—Any benefit furnished to a designated beneficiary under a qualified State tuition program shall be treated as a distribution to the beneficiary for purposes of this paragraph.

"(v) DISALLOWABLE OF EXCLUDED AMOUNTS AS CREDIT OR DEDUCTION.—No deduction or credit shall be allowed to the taxpayer under any other section of this chapter for any qualified higher education expenses to the extent taken into account in determining the amount of the exclusion under this paragraph."

(b) DEFINITION OF QUALIFIED HIGHER EDUCATION EXPENSES.—Section 529(e)(3)(A) (defining qualified higher education expenses) is amended to read as follows:

"(A) IN GENERAL.—The term 'qualified higher education expenses' means expenses for tuition, fees, academic tutoring, special needs services, books, supplies, computer equipment (including related software and services), and other equipment which are incurred in connection with the enrollment or attendance of the designated beneficiary at an eligible educational institution."

(c) COORDINATION WITH EDUCATION CREDITS.—Section 25A(e)(2) (relating to coordination with exclusions) is amended—

(1) by inserting "a qualified State tuition program or" before "an education individual retirement account", and

(2) by striking "section 530(d)(2)" and inserting "section 529(c)(3)(B) or 530(d)(2)".

(d) TECHNICAL CORRECTION.—Section 529(c)(3)(A) is amended by striking "section 72(b)" and inserting "section 72".

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1998.

(2) TECHNICAL CORRECTION.—The amendment made by subsection (d) shall take effect as if included in the amendments made by section 211 of the Taxpayer Relief Act of 1997.

SEC. 103. EXTENSION OF EXCLUSION FOR EMPLOYER-PROVIDED EDUCATIONAL ASSISTANCE.

"(a) IN GENERAL.—Section 127(d) (relating to termination of exclusion for educational assistance programs) is amended by striking "May 31, 2000" and inserting "December 31, 2002".

"(b) REPEAL OF LIMITATION ON GRADUATE EDUCATION.—The last sentence of section 127(c)(1) (defining educational assistance) is amended by striking ", and such term also does not include any payment for, or the provision of any benefits with respect to, any graduate level course of a kind normally taken by an individual pursuing a program leading to a law, business, medical, or other advanced academic or professional degree".

(c) EFFECTIVE DATES.—

(1) EXTENSION.—The amendment made by subsection (a) shall apply to expenses paid with respect to courses beginning after May 31, 2000.

(2) GRADUATE EDUCATION.—The amendment made by subsection (b) shall apply to expenses paid with respect to courses beginning after June 30, 1996.

D'AMATO (AND OTHERS) AMENDMENT NO. 2048

(Ordered to lie on the table.)

Mr. D'AMATO (for himself, Mr. DASCHLE, Ms. SNOWE, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by them to the bill, H.R. 2646, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

TITLE ___—WOMEN'S HEALTH AND CANCER

SEC. ___01. SHORT TITLE.

This Act may be cited as the "Women's Health and Cancer Rights Act of 1998".

SEC. ___02. FINDINGS.

Congress finds that—

(1) breast cancer has become an epidemic in this nation affecting alarming numbers of women;

(2) the offering and operation of health plans affect commerce among the States;

(3) health care providers located in a State serve patients who reside in the State and patients who reside in other States; and

(4) in order to provide for uniform treatment of health care providers and patients among the States, it is necessary to cover health plans operating in 1 State as well as health plans operating among the several States.

SEC. ___03. AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (as added by section 603(a) of the Newborns' and Mothers' Health Protection Act of 1996 and amended by section 702(a) of the Mental Health Parity Act of 1996) is amended by adding at the end the following new section:

"SEC. 713. REQUIRED COVERAGE FOR MINIMUM HOSPITAL STAY FOR MASTECTOMIES AND LYMPH NODE DISSECTIONS FOR THE TREATMENT OF BREAST CANCER, COVERAGE FOR RECONSTRUCTIVE SURGERY FOLLOWING MASTECTOMIES, AND COVERAGE FOR SECONDARY CONSULTATIONS.

"(a) INPATIENT CARE.—

"(1) IN GENERAL.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, that provides medical and surgical benefits shall ensure that inpatient coverage with respect to the treatment of breast cancer is provided for a period of time as is determined by the attending physician, in consultation with the patient, to be medically appropriate following—

"(A) a mastectomy;

"(B) a lumpectomy; or

"(C) a lymph node dissection for the treatment of breast cancer.

"(2) EXCEPTION.—Nothing in this section shall be construed as requiring the provision of inpatient coverage if the attending physician and patient determine that a shorter period of hospital stay is medically appropriate.

"(b) RECONSTRUCTIVE SURGERY.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, that provides medical and surgical benefits with respect to a mastectomy shall ensure that, in a case in which a mastectomy patient elects breast reconstruction, coverage is provided for—

"(1) all stages of reconstruction of the breast on which the mastectomy has been performed;

"(2) surgery and reconstruction of the other breast to produce a symmetrical appearance; and

"(3) the costs of prostheses and complications of mastectomy including lymphodemas; in the manner determined by the attending physician and the patient to be appropriate, and consistent with any fee schedule contained in the plan.

"(c) NOTICE.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan shall provide notice to each participant and beneficiary under such plan regarding the coverage required by this section in accordance with regulations promulgated by the Secretary. Such notice shall be in writing and prominently positioned in any literature or correspondence made available or distributed by the plan or issuer and shall be transmitted—

"(1) in the next mailing made by the plan or issuer to the participant or beneficiary;

"(2) as part of any yearly informational packet sent to the participant or beneficiary; or

"(3) not later than January 1, 1998;

whichever is earlier.

"(d) NO AUTHORIZATION REQUIRED.—

"(1) IN GENERAL.—A provider shall not be required to obtain authorization from the plan or issuer for prescribing any length of stay in connection with a mastectomy, a lumpectomy, or a lymph node dissection for the treatment of breast cancer.

"(2) PRENOTIFICATION.—Nothing in this section shall be construed as preventing a group health plan from requiring prenotification of an inpatient stay referred to in this section if such requirement is consistent with terms and conditions applicable to other inpatient benefits under the plan, except that the provision of such inpatient stay benefits shall not be contingent upon such notification.

"(e) PROHIBITIONS.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, may not—

"(1) deny to a woman, eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan, solely for the purpose of avoiding the requirements of this section;

"(2) provide monetary payments or rebates to individuals to encourage such individuals to accept less than the minimum protections available under this section;

"(3) penalize or otherwise reduce or limit the reimbursement of an attending provider because such provider provided care to an individual participant or beneficiary in accordance with this section;

"(4) provide incentives (monetary or otherwise) to an attending provider to induce such provider to provide care to an individual participant or beneficiary in a manner inconsistent with this section;

"(5) provide financial or other incentives to a physician or specialist to induce the physician or specialist to refrain from referring a participant or beneficiary for a secondary consultation that would otherwise be covered by the plan or coverage involved; and

"(6) subject to subsection (f)(3), restrict benefits for any portion of a period within a hospital length of stay required under subsection (a) in a manner which is less favorable than the benefits provided for any preceding portion of such stay.

"(f) RULES OF CONSTRUCTION.—

"(1) IN GENERAL.—Nothing in this section shall be construed to require a woman who is a participant or beneficiary—

"(A) to undergo a mastectomy or lymph node dissection in a hospital; or

"(B) to stay in the hospital for a fixed period of time following a mastectomy or lymph node dissection.

"(2) Limitation.—This section shall not apply with respect to any group health plan, or any group health insurance coverage offered by a health insurance issuer, which does not provide benefits for hospital lengths of stay in connection with a mastectomy or lymph node dissection for the treatment of breast cancer.

"(3) Cost sharing.—Nothing in this section shall be construed as preventing a group health plan or issuer from imposing deductibles, coinsurance, or other cost-sharing in relation to benefits for hospital lengths of stay in connection with a mastectomy or lymph node dissection for the treatment of breast cancer under the plan (or under health insurance coverage offered in connection with a group health plan), except that such coinsurance or other cost-sharing for any portion of a period within a hospital length of stay required under subsection (a) may not be greater than such coinsurance or cost-sharing for any preceding portion of such stay.

"(4) Level and type of reimbursements.—Nothing in this section shall be construed to prevent a group health plan or a health insurance issuer offering group health insurance coverage from negotiating the level and type of reimbursement with a provider for care provided in accordance with this section.

"(g) Safe Harbors.—The provisions of this section shall not be applicable to any group health plan for any plan year for which such plan has voluntarily sought and received certification from the National Cancer Institute, or any similar entity authorized by the Secretary, that such plan provides appropriate coverage, consistent with the objectives of this section, for mastectomies, lumpectomies and lymph node dissection for the treatment of breast cancer.".

(b) Clerical Amendment.—The 'table of contents in section 1 of the Employee Retirement Income Security Act of 1974, as amended by section 603 of the Newborns' and Mothers' Health Protection Act of 1996 and section 702 of the Mental Health Parity Act of 1996, is amended by inserting after the item relating to section 712 the following new item:

"Sec. 713. Required coverage for minimum hospital stay for mastectomies and lymph node dissections for the treatment of breast cancer, coverage for reconstructive surgery following mastectomies, and coverage for secondary consultations.".

(c) Effective Dates.—

(1) In general.—The amendments made by this section shall apply with respect to plan years beginning on or after the date of enactment of this Act.

(2) Special rule for collective bargaining agreements.—In the case of a group health plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of enactment of this Act, the amendments made by this section shall not apply to plan years beginning before the later of—

(A) the date on which the last collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of enactment of this Act), or

(B) January 1, 1999.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this section shall not be treated as a termination of such collective bargaining agreement.

SEC. 04. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT RELATING TO THE GROUP MARKET.

(a) In General.—Subpart 2 of part A of title XXVII of the Public Health Service Act (as added by section 604(a) of the Newborns' and Mothers' Health Protection Act of 1996 and amended by section 703(a) of the Mental Health Parity Act of 1996) is amended by adding at the end the following new section:

"SEC. 2706. REQUIRED COVERAGE FOR MINIMUM HOSPITAL STAY FOR MASTECTOMIES AND LYMPH NODE DISSECTIONS FOR THE TREATMENT OF BREAST CANCER, COVERAGE FOR RECONSTRUCTIVE SURGERY FOLLOWING MASTECTOMIES, AND COVERAGE FOR SECONDARY CONSULTATIONS.

"(a) Inpatient Care.—

"(1) In general.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, that provides medical and surgical benefits shall ensure that inpatient coverage with respect to the treatment of breast cancer is provided for a period of time as is determined by the attending physician, in consultation with the patient, to be medically appropriate following—

"(A) a mastectomy;

"(B) a lumpectomy; or

"(C) a lymph node dissection for the treatment of breast cancer.

"(2) Exception.—Nothing in this section shall be construed as requiring the provision of inpatient coverage if the attending physician and patient determine that a shorter period of hospital stay is medically appropriate.

"(b) Reconstructive Surgery.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, that provides medical and surgical benefits with respect to a mastectomy shall ensure that, in a case in which a mastectomy patient elects breast reconstruction, coverage is provided for—

"(1) all stages of reconstruction of the breast on which the mastectomy has been performed;

"(2) surgery and reconstruction of the other breast to produce a symmetrical appearance; and

"(3) the costs of prostheses and complications of mastectomy including lymphodemas;

in the manner determined by the attending physician and the patient to be appropriate, and consistent with any fee schedule contained in the plan.

"(c) Notice.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan shall provide notice to each participant and beneficiary under such plan regarding the coverage required by this section in accordance with regulations promulgated by the Secretary. Such notice shall be in writing and prominently positioned in any literature or correspondence made available or distributed by the plan or issuer and shall be transmitted—

"(1) in the next mailing made by the plan or issuer to the participant or beneficiary;

"(2) as part of any yearly informational packet sent to the participant or beneficiary; or

"(3) not later than January 1, 1998;

whichever is earlier.

"(d) No Authorization Required.—

"(1) In general.—A provider shall not be required to obtain authorization from the plan or issuer for prescribing any length of stay in connection with a mastectomy, a lumpectomy, or a lymph node dissection for the treatment of breast cancer.

"(2) Prenotification.—Nothing in this section shall be construed as preventing a plan or issuer from requiring prenotification of an inpatient stay referred to in this section if such requirement is consistent with terms and conditions applicable to other inpatient benefits under the plan, except that the provision of such inpatient stay benefits shall not be contingent upon such notification.

"(e) Prohibitions.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, may not—

"(1) deny to a woman eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan, solely for the purpose of avoiding the requirements of this section;

"(2) provide monetary payments or rebates to individuals to encourage such individuals to accept less than the minimum protections available under this section;

"(3) penalize or otherwise reduce or limit the reimbursement of an attending provider because such provider provided care to an individual participant or beneficiary in accordance with this section;

"(4) provide incentives (monetary or otherwise) to an attending provider to induce such provider to provide care to an individual participant or beneficiary in a manner inconsistent with this section;

"(5) provide financial or other incentives to a physician or specialist to induce the physician or specialist to refrain from referring a participant or beneficiary for a secondary consultation that would otherwise be covered by the plan or coverage involved; and

"(6) subject to subsection (f)(3), restrict benefits for any portion of a period within a hospital length of stay required under subsection (a) in a manner which is less favorable than the benefits provided for any preceding portion of such stay.

"(f) Rules of Construction.—

"(1) In general.—Nothing in this section shall be construed to require a woman who is a participant or beneficiary—

"(A) to undergo a mastectomy or lymph node dissection in a hospital; or

"(B) to stay in the hospital for a fixed period of time following a mastectomy or lymph node dissection.

"(2) Limitation.—This section shall not apply with respect to any group health plan, or any group health insurance coverage offered by a health insurance issuer, which does not provide benefits for hospital lengths of stay in connection with a mastectomy or lymph node dissection for the treatment of breast cancer.

"(3) Cost sharing.—Nothing in this section shall be construed as preventing a group health plan or issuer from imposing deductibles, coinsurance, or other cost-sharing in relation to benefits for hospital lengths of stay in connection with a mastectomy or lymph node dissection for the treatment of breast cancer under the plan (or under health insurance coverage offered in connection with a group health plan), except that such coinsurance or other cost-sharing for any portion of a period within a hospital length of stay required under subsection (a) may not be greater than such coinsurance or cost-sharing for any preceding portion of such stay.

"(4) LEVEL AND TYPE OF REIMBURSEMENTS.—Nothing in this section shall be construed to prevent a group health plan or a health insurance issuer offering group health insurance coverage from negotiating the level and type of reimbursement with a provider for care provided in accordance with this section.

"(g) SAFE HARBORS.—The provisions of this section shall not be applicable to any group health plan or health insurance issuer in connection with a group health plan for any plan year for which such plan has voluntarily sought and received certification from the National Cancer Institute, or any similar entity authorized by the Secretary, that such plan provides appropriate coverage, consistent with the objectives of this section, for mastectomies, lumpectomies and lymph node dissection for the treatment of breast cancer.".

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to group health plans for plan years beginning on or after the date of enactment of this Act.

(2) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of enactment of this Act, the amendments made by this section shall not apply to plan years beginning before the later of—

(A) the date on which the last collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of enactment of this Act), or

(B) January 1, 1999.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this section shall not be treated as a termination of such collective bargaining agreement.

SEC. ___05. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT RELATING TO THE INDIVIDUAL MARKET.

(a) IN GENERAL.—Subpart 3 of part B of title XXVII of the Public Health Service Act (as added by section 605(a) of the Newborn's and Mother's Health Protection Act of 1996) is amended by adding at the end the following new section:

"SEC. 2752. REQUIRED COVERAGE FOR MINIMUM HOSPITAL STAY FOR MASTECTOMIES AND LYMPH NODE DISSECTIONS FOR THE TREATMENT OF BREAST CANCER AND SECONDARY CONSULTATIONS.

"The provisions of section 2706 shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as they apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after the date of enactment of this Act.

SEC. ___06. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

(a) IN GENERAL.—Chapter 100 of the Internal Revenue Code of 1986 (relating to group health plan portability, access, and renewability requirements) is amended by redesignating sections 9804, 9805, and 9806 as sections 9805, 9806, and 9807, respectively, and by inserting after section 9803 the following new section:

"SEC. 9804. REQUIRED COVERAGE FOR MINIMUM HOSPITAL STAY FOR MASTECTOMIES AND LYMPH NODE DISSECTIONS FOR THE TREATMENT OF BREAST CANCER, COVERAGE FOR RECONSTRUCTIVE SURGERY FOLLOWING MASTECTOMIES, AND COVERAGE FOR SECONDARY CONSULTATIONS.

"(a) INPATIENT CARE.—

"(1) IN GENERAL.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, that provides medical and surgical benefits shall ensure that inpatient coverage with respect to the treatment of breast cancer is provided for a period of time as is determined by the attending physician, in consultation with the patient, to be medically appropriate following—

"(A) a mastectomy;

"(B) a lumpectomy; or

"(C) a lymph node dissection for the treatment of breast cancer.

"(2) EXCEPTION.—Nothing in this section shall be construed as requiring the provision of inpatient coverage if the attending physician and patient determine that a shorter period of hospital stay is medically appropriate.

"(b) RECONSTRUCTIVE SURGERY.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, that provides medical and surgical benefits with respect to a mastectomy shall ensure that, in a case in which a mastectomy patient elects breast reconstruction, coverage is provided for—

"(1) all stages of reconstruction of the breast on which the mastectomy has been performed;

"(2) surgery and reconstruction of the other breast to produce a symmetrical appearance; and

"(3) the costs of prostheses and complications of mastectomy including lymphodemas;

in the manner determined by the attending physician and the patient to be appropriate, and consistent with any fee schedule contained in the plan.

"(c) NOTICE.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan shall provide notice to each participant and beneficiary under such plan regarding the coverage required by this section in accordance with regulations promulgated by the Secretary. Such notice shall be in writing and prominently positioned in any literature or correspondence made available or distributed by the plan or issuer and shall be transmitted—

"(1) in the next mailing made by the plan or issuer to the participant or beneficiary;

"(2) as part of any yearly informational packet sent to the participant or beneficiary; or

"(3) not later than January 1, 1998;

whichever is earlier.

"(d) NO AUTHORIZATION REQUIRED.—

"(1) IN GENERAL.—A provider shall not be required to obtain authorization from the plan or issuer for prescribing any length of stay in connection with a mastectomy, a lumpectomy, or a lymph node dissection for the treatment of breast cancer.

"(2) PRENOTIFICATION.—Nothing in this section shall be construed as preventing a plan or issuer from requiring prenotification of an inpatient stay referred to in this section if such requirement is consistent with terms and conditions applicable to other inpatient benefits under the plan, except that the provision of such inpatient stay benefits shall not be contingent upon such notification.

"(e) PROHIBITIONS.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, may not—

"(1) deny to a woman, eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan, solely for the purpose of avoiding the requirements of this section;

"(2) provide monetary payments or rebates to individuals to encourage such individuals to accept less than the minimum protections available under this section;

"(3) penalize or otherwise reduce or limit the reimbursement of an attending provider because such provider provided care to an individual participant or beneficiary in accordance with this section;

"(4) provide incentives (monetary or otherwise) to an attending provider to induce such provider to provide care to an individual participant or beneficiary in a manner inconsistent with this section;

"(5) provide financial or other incentives to a physician or specialist to induce the physician or specialist to refrain from referring a participant or beneficiary for a secondary consultation that would otherwise be covered by the plan or coverage involved; and

"(6) subject to subsection (f)(3), restrict benefits for any portion of a period within a hospital length of stay required under subsection (a) in a manner which is less favorable than the benefits provided for any preceding portion of such stay.

"(f) RULES OF CONSTRUCTION.—

"(1) IN GENERAL.—Nothing in this section shall be construed to require a woman who is a participant or beneficiary—

"(A) to undergo a mastectomy or lymph node dissection in a hospital; or

"(B) to stay in the hospital for a fixed period of time following a mastectomy or lymph node dissection.

"(2) LIMITATION.—This section shall not apply with respect to any group health plan, or any group health insurance coverage offered by a health insurance issuer, which does not provide benefits for hospital lengths of stay in connection with a mastectomy or lymph node dissection for the treatment of breast cancer.

"(3) COST SHARING.—Nothing in this section shall be construed as preventing a group health plan or issuer from imposing deductibles, coinsurance, or other cost-sharing in relation to benefits for hospital lengths of stay in connection with a mastectomy or lymph node dissection for the treatment of breast cancer under the plan (or under health insurance coverage offered in connection with a group health plan), except that such coinsurance or other cost-sharing for any portion of a period within a hospital length of stay required under subsection (a) may not be greater than such coinsurance or cost-sharing for any preceding portion of such stay.

"(4) LEVEL AND TYPE OF REIMBURSEMENTS.—Nothing in this section shall be construed to prevent a group health plan or a health insurance issuer offering group health insurance coverage from negotiating the level and type of reimbursement with a provider for care provided in accordance with this section.

"(g) SAFE HARBORS.—The provisions of this section shall not be applicable to any group health plan or health insurance issuer in connection with a group health plan for any plan year for which such plan has voluntarily sought and received certification from the National Cancer Institute, or any similar entity authorized by the Secretary, that such plan provides appropriate coverage, consistent with the objectives of this section, for mastectomies, lumpectomies and lymph node dissection for the treatment of breast cancer.".

(b) CONFORMING AMENDMENTS.—

(1) Sections 9801(c)(1), 9805(b) (as redesignated by subsection (a)), 9805(c) (as so redesignated), 4980D(c)(3)(B)(i)(I), 4980D(d)(3), and 4980D(f)(1) of such Code are each amended by striking "9805" each place it appears and inserting "9806".

(2) The heading for subtitle K of such Code is amended to read as follows:

"Subtitle K—Group Health Plan Portability, Access, Renewability, and Other Requirements".

(3) The heading for chapter 100 of such Code is amended to read as follows:

"CHAPTER 100—GROUP HEALTH PLAN PORTABILITY, ACCESS, RENEWABILITY, AND OTHER REQUIREMENTS".

(4) Section 4980D(a) of such Code is amended by striking "and renewability" and inserting "renewability, and other".

(c) CLERICAL AMENDMENTS.—

(1) The table of contents for chapter 100 of such Code is amended by redesignating the items relating to sections 9804, 9805, and 9806 as items relating to sections 9805, 9806, and 9807, and by inserting after the item relating to section 9803 the following new item:

"Sec. 9804. Required coverage for minimum hospital stay for mastectomies and lymph node dissections for the treatment of breast cancer, coverage for reconstructive surgery following mastectomies, and coverage for secondary consultations.".

(2) The item relating to subtitle K in the table of subtitles for such Code is amended by striking "and renewability" and inserting "renewability, and other".

(3) The item relating to chapter 100 in the table of chapters for subtitle K of such Code is amended by striking "and renewability" and inserting "renewability, and other".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to plan years beginning on or after the date of enactment of this Act.

(2) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of enactment of this Act, the amendments made by this section shall not apply to plan years beginning before the later of—

(A) the date on which the last collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of enactment of this Act), or

(B) January 1, 1999.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this section shall not be treated as a termination of such collective bargaining agreement.

DURBIN AMENDMENT NO. 2049

(Ordered to lie on the table.)

Mr. DURBIN submitted an amendment intended to be proposed by him to the bill, H.R. 2646, supra; as follows:

Strike section 101 and insert:

SEC. 101. INCREASE IN DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) INCREASE IN DEDUCTION.—

(1) IN GENERAL.—Subparagraph (B) of section 162(l)(1) is amended to read as follows:

"(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be determined under the following table:

"For taxable years beginning in calendar year—	**The applicable percentage is—**
1998	45
1999	60
2000	100
2001	100
2002	100
2003	100
2004	100
2005	100
2006 and thereafter	100."

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years beginning after December 31, 1997.

(b) RULES RELATING TO FOREIGN OIL AND GAS INCOME.—

(1) SEPARATE BASKET FOR FOREIGN TAX CREDIT.—

(A) IN GENERAL.—Paragraph (1) of section 904(d) (relating to separate application of section with respect to certain categories of income) is amended by striking "and" at the end of subparagraph (H), by redesignating subparagraph (I) as subparagraph (J), and by inserting after subparagraph (H) the following new subparagraph:

"(I) foreign oil and gas income, and".

(B) DEFINITION.—Paragraph (2) of section 904(d) is amended by redesignating subparagraphs (H) and (I) as subparagraphs (I) and (J), respectively, and by inserting after subparagraph (G) the following new subparagraph:

"(H) FOREIGN OIL AND GAS INCOME.—The term 'foreign oil and gas income' has the meaning given such term by section 954(g)."

(C) CONFORMING AMENDMENTS.—

(i) Section 904(d)(3)(F)(i) is amended by striking "or (E)" and inserting "(E), or (I)".

(ii) Section 907(a) is hereby repealed.

(iii) Section 907(c)(4) is hereby repealed.

(iv) Section 907(f) is hereby repealed.

(D) EFFECTIVE DATES.—

(i) IN GENERAL.—The amendments made by this paragraph shall apply to taxable years beginning after the date of the enactment of this Act.

(ii) TRANSITIONAL RULES.—

(I) SEPARATE BASKET TREATMENT.—Any taxes paid or accrued in a taxable year beginning on or before the date of the enactment of this Act, with respect to income which was described in subparagraph (I) of section 904(d)(1) of such Code (as in effect on the day before the date of the enactment of this Act), shall be treated as taxes paid or accrued with respect to foreign oil and gas income to the extent the taxpayer establishes to the satisfaction of the Secretary of the Treasury that such taxes were paid or accrued with respect to foreign oil and gas income.

(II) CARRYOVERS.—Any unused oil and gas extraction taxes which under section 907(f) of such Code (as so in effect) would have been allowable as a carryover to the taxpayer's first taxable year beginning after the date of the enactment of this Act (without regard to the limitation of paragraph (2) of such section 907(f) for first taxable year) shall be allowed as carryovers under section 904(c) of such Code in the same manner as if such taxes were unused taxes under such section 904(c) with respect to foreign oil and gas extraction income.

(III) LOSSES.—The amendment made by subparagraph (C)(iii) shall not apply to foreign oil and gas extraction losses arising in taxable years beginning on or before the date of the enactment of this Act.

(2) ELIMINATION OF DEFERRAL FOR FOREIGN OIL AND GAS EXTRACTION INCOME.—

(A) GENERAL RULE.—Paragraph (1) of section 954(g) (defining foreign base company oil related income) is amended to read as follows:

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the term 'foreign oil and gas income' means any income of a kind which would be taken into account in determining the amount of—

"(A) foreign oil and gas extraction income (as defined in section 907(c)), or

"(B) foreign oil related income (as defined in section 907(c))."

(B) CONFORMING AMENDMENTS.—

(i) Subsections (a)(5), (b)(5), and (b)(8) of section 954 are each amended by striking "base company oil related income" each place it appears (including in the heading of subsection (b)(8)) and inserting "oil and gas income".

(ii) Subsection (b)(4) of section 954 is amended by striking "base company oil-related income" and inserting "oil and gas income".

(iii) The subsection heading for subsection (g) of section 954 is amended by striking "FOREIGN BASE COMPANY OIL RELATED INCOME" and inserting "FOREIGN OIL AND GAS INCOME".

(iv) Subparagraph (A) of section 954(g)(2) is amended by striking "foreign base company oil related income" and inserting "foreign oil and gas income".

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to taxable years of foreign corporations beginning after the date of the enactment of this Act, and to taxable years of United States shareholders ending with or within such taxable years of foreign corporations.

(c) VALUATION RULES FOR TRANSFERS INVOLVING NONBUSINESS ASSETS.—

(1) IN GENERAL.—Section 2031 (relating to definition of gross estate) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

"(d) VALUATION RULES FOR CERTAIN TRANSFERS OF NONBUSINESS ASSETS.—For purposes of this chapter and chapter 12—

"(1) IN GENERAL.—In the case of the transfer of any interest in an entity other than an interest which is actively traded (within the meaning of section 1092)—

"(A) the value of any nonbusiness assets held by the entity shall be determined as if the transferor had transferred such assets directly to the transferee (and no valuation discount shall be allowed with respect to such nonbusiness assets), and

"(B) the nonbusiness assets shall not be taken into account in determining the value of the interest in the entity.

"(2) NONBUSINESS ASSETS.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'nonbusiness asset' means any asset which is not used in the active conduct of 1 or more trades or businesses.

"(B) Exception for certain passive assets.—Except as provided in subparagraph (C), a passive asset shall not be treated for purposes of subparagraph (A) as used in the active conduct of a trade or business unless—

"(i) the asset is property described in paragraph (1) or (4) of section 1221 or is a hedge with respect to such property, or

"(ii) the asset is real property used in the active conduct of 1 or more real property trades or businesses (within the meaning of section 469(c)(7)(C)) in which the transferor materially participates and with respect to which the transferor meets the requirements of section 469(c)(7)(B)(ii).

For purposes of clause (ii), material participation shall be determined under the rules of section 469(h), except that section 469(h)(3) shall be applied without regard to the limitation to farming activity.

"(C) Exception for working capital.—Any asset (including a passive asset) which is held as a part of the reasonably required working capital needs of a trade or business shall be treated as used in the active conduct of a trade or business.

"(3) Passive asset.—For purposes of this subsection, the term 'passive asset' means any—

"(A) cash or cash equivalents,

"(B) except to the extent provided by the Secretary, stock in a corporation or any other equity, profits, or capital interest in any entity,

"(C) evidence of indebtedness, option, forward or futures contract, notional principal contract, or derivative,

"(D) asset described in clause (iii), (iv), or (v) of section 351(e)(1)(B),

"(E) annuity,

"(F) real property used in 1 or more real property trades or businesses (as defined in section 469(c)(7)(C)),

"(G) asset (other than a patent, trademark, or copyright) which produces royalty income,

"(H) commodity,

"(I) collectible (within the meaning of section 401(m)), or

"(J) any other asset specified in regulations prescribed by the Secretary.

"(4) Look-thru rules.—

"(A) In general.—If a nonbusiness asset of an entity consists of a 10-percent interest in any other entity, this subsection shall be applied by disregarding the 10-percent interest and by treating the entity as holding directly its ratable share of the assets of the other entity. This subparagraph shall be applied successively to any 10-percent interest of such other entity in any other entity.

"(B) 10-percent interest.—The term '10-percent interest' means—

"(i) in the case of an interest in a corporation, ownership of at least 10 percent (by vote or value) of the stock in such corporation,

"(ii) in the case of an interest in a partnership, ownership of at least 10 percent of the capital or profits interest in the partnership, and

"(iii) in any other case, ownership of at least 10 percent of the beneficial interests in the entity.

"(5) Coordination with subsection (b).—Subsection (b) shall apply after the application of this subsection."

(2) Effective date.—The amendments made by this subsection shall apply to transfers after the date of the enactment of this Act.

PROTOCOLS TO THE NORTH ATLANTIC TREATY OF 1949 ON ACCESSION OF POLAND, HUNGARY, AND CZECH REPUBLIC

HARKIN AMENDMENTS NOS. 2050-2052

(Ordered to lie on the table).

Mr. HARKIN submitted three amendments intended to be proposed by him to the resolution of ratification for the treaty (Treaty Doc. 105-36) protocols to the North Atlantic Treaty of 1949 on the accession of Poland, Hungary, and the Czech Republic. These protocols were opened for signature at Brussels on December 16, 1997, and signed on behalf of the United States of America and other parties to the North Atlantic Treaty; as follows:

Amendment No. 2050

At the end of section 3(2)(A) of the resolution, insert the following:

As used in this subparagraph, the term "NATO common-funded budget" shall be deemed to include—

(A) Foreign Military Financing under the Arms Export Control Act;

(B) transfers of excess defense articles under section 516 of the Foreign Assistance Act of 1961;

(C) Emergency Drawdowns;

(D) no-cost leases of United States equipment;

(E) the subsidy cost of loan guarantees and other contingent liabilities under subchapter VI of chapter 148 of title 10, United States Code; and

(F) international military education and training under chapter 5 of part II of the Foreign Assistance Act of 1961.

Amendment No. 2051

In section 3(2)(A), strike "and" at the end of clause (ii).

In section 3(2)(A), strike "(iii)" and insert "(iv)".

In section 3(2)(A), insert after clause (ii) the following:

(iii) any future United States subsidy of the national expenses of Poland, Hungary, or the Czech Republic to meet its NATO commitments, including the assistance described in subparagraph (C), may not exceed 25 percent of all assistance provided to that country by all NATO members.

At the end of section 3(2), insert the following new subparagraph:

(C) Additional United States assistance described.—The assistance referred to in subparagraph (A)(iii) includes—

(i) Foreign Military Financing under the Arms Export Control Act;

(ii) transfers of excess defense articles under section 516 of the Foreign Assistance Act of 1961;

(iii) Emergency Drawdowns;

(iv) no-cost leases of United States equipment;

(v) the subsidy cost of loan guarantees and other contingent liabilities under subchapter VI of chapter 148 of title 10, United States Code; and

(vi) international military education and training under chapter 5 of part II of the Foreign Assistance Act of 1961.

Amendment No. 2052

At the end of section 3(2), add the following new subparagraph:

(C) Analysis of costs of continued NATO enlargement.—The Congressional Budget Office shall submit to the Senate a report containing an analysis of common-funded and national costs for the enlargement of NATO to include Estonia, Latvia, Lithuania, Slovakia, Slovenia, Romania, Bulgaria, Macedonia, and Albania. Such analysis shall include an estimate of costs for—

(i) the costs to new members to continue to restructure their militaries;

(ii) the costs of force improvements already being pursued by existing NATO members; and

(iii) the costs directly related to NATO enlargement, including ensuring interoperability between the forces of current and new members.

THE EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

JEFFORDS AMENDMENT NO. 2053

(Ordered to lie on the table.)

Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill, H.R. 2646, supra; as follows:

Strike section 101 and insert:

SEC. 101. TRUST FUND FOR DC SCHOOLS.

(a) In General.—Subchapter W of chapter 1 (relating to District of Columbia Enterprise Zone) is amended by adding at the end the following:

"SEC. 1400D. TRUST FUND FOR DC SCHOOLS.

"(a) Creation of Fund.—There is established in the Treasury of the United States a trust fund to be known as the 'Trust Fund for DC Schools', consisting of such amounts as may be appropriated or credited to the Fund as provided in this section.

"(b) Transfer to Trust Fund of Amounts Equivalent to Certain Taxes.—

"(1) In general.—There are hereby appropriated to the Trust Fund for DC Schools amounts equivalent to 50 percent of the revenues received in the Treasury resulting from the amendment made by section 201 of the Parent and Student Savings Account PLUS Act.

"(2) Transfer of amounts.—The amounts appropriated by paragraph (1) shall be transferred at least monthly from the general fund of the Treasury to the Trust Fund for DC Schools on the basis of estimates made by the Secretary of the amounts referred to in such paragraph. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

"(c) Expenditures From Fund.—

"(1) In general.—Amounts in the Trust Fund for DC Schools shall be available, without fiscal year limitation, in an amount not to exceed $2,000,000,000 for the period beginning after December 31, 1998, and ending before January 1, 2009, for qualified service expenses with respect to State or local bonds issued by the District of Columbia to finance the construction, rehabilitation, and repair of schools under the jurisdiction of the government of the District of Columbia.

"(2) Qualified service expenses.—The term 'qualified service expenses' means expenses incurred after December 31, 1998, and certified by the District of Columbia Control Board as meeting the requirements of paragraph (1) after giving notice of any proposed certification to the Subcommittees on the District of Columbia of the Committees on

Appropriations of the House of Representatives and the Senate.

"(d) REPORT.—It shall be the duty of the Secretary to hold the Trust Fund for DC Schools and to report to the Congress each year on the financial condition and the results of the operations of such Fund during the preceding fiscal year and on its expected condition and operations during the next fiscal year. Such report shall be printed as a House document of the session of the Congress to which the report is made.

"(e) INVESTMENT.—

"(1) IN GENERAL.—It shall be the duty of the Secretary to invest such portion of the Trust Fund for DC Schools as is not, in the Secretary's judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States. For such purpose, such obligations may be acquired—

"(A) on original issue at the issue price, or

"(B) by purchase of outstanding obligations at the market price.

"(2) SALE OF OBLIGATIONS.—Any obligation acquired by the Trust Fund for DC Schools may be sold by the Secretary at the market price.

"(3) INTEREST ON CERTAIN PROCEEDS.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund for DC Schools shall be credited to and form a part of the Trust Fund for DC Schools."

(b) CONFORMING AMENDMENT.—The table of sections for subchapter W of chapter 1 is amended by adding after the item relating to section 1400C the following:

"Sec. 1400D. Trust Fund for DC Schools."

In section 103(a), strike "December 31, 2002" and insert "June 30, 2002".

NOTICE OF HEARING

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR-301, Russell Senate Office Building, on Wednesday, March 25, 1998 at 9:30 a.m. to receive testimony on the Federal Election Commission's budget authorization request for FY99.

For further information concerning this hearing, please contact Bruce Kasold of the Rules Committee staff at 224-3448.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, March 19, 1998, at 10 a.m., in open session, to receive testimony on NATO enlargement.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, March 19, 1998, at 9:30 a.m. on tobacco legislation (Governors/retailers).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, March 19, for purposes of conducting a full committee hearing on which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to receive testimony on S. 1488 and accompanying Senate amendment No. 1618, legislation to ratify an agreement between the Aleut Corporation and the United States of America to exchange land rights received under the Alaska Native Claims Settlement Act for certain land interests on Adak Island, and for other purposes; and S. 1670, a bill to amend the Alaska Native Claims Settlement Act to provide for selection of lands by certain veterans of the Vietnam era.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold an executive business meeting during the session of the Senate on Thursday, March 19, 1998, at 5:15 p.m., in the Vice President's office of the United States Capitol Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Health Insurance Portability and Accountability Act of 1996: First Year Implementation Concerns during the session of the Senate on Thursday, March 19, 1998, at 10:00 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, March 19, 1998 beginning at 8:30 a.m. until business is completed, to conduct an oversight hearing on the FY99 budget and operations of the Smithsonian Institution, the Kennedy Center, and the Woodrow Wilson International Center for Scholars.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. ALLARD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, March 19, 1998 at 2:30 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS, AND COMPETITION

Mr. ALLARD. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Business Rights, and Competition, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Tuesday, March 19, 1998 at 2:00 p.m. to hold a hearing in Room 226, Senate Dirksen Building, on: "International Aviation Alliances."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. ALLARD. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet on Thursday, March 19, 1998, at 2:30 p.m. in open/closed session, to receive testimony on the Department of Energy's Science-Based Stockpile Stewardship and Management Program in Review of the Defense Authorization Request for Fiscal Year 1999 and the Future Years Defense Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

POW/MIA COOPERATION FROM FORMER EASTERN BLOC NATIONS

• Mr. SMITH of New Hampshire. Mr. President, as you know, earlier this week the full Senate began to deliberate expanding the NATO treaty to include the Czech Republic, Poland, and Hungary. While I have already presented some opening remarks on the floor about my concerns with moving forward now on this matter, I want to update my colleagues on a closely related issue which I personally think has some degree of relevance to what we are considering.

In July, 1997, I was pleased to be a leader of a delegation to Prague and Warsaw whose primary mission was to seek information about missing American servicemen from the Cold War period. I was joined on this trip by my House colleague, Congressman SAM JOHNSON of Texas—himself a former POW from Vietnam—and also by one of our former Ambassadors to the Soviet Union, Malcolm Toon. Together, we are all members of a Joint Commission with Russia on the POW and MIA issue which was established by President Bush and President Yeltsin in 1992. One of our goals last summer was to broaden our search to the former communist Eastern Bloc nations who were allied with North Vietnam, North Korea, and the Soviet Union during the Cold War period.

During our trip, we were received by the President of the Czech Republic, Vaclav Havel, and the President of the Republic of Poland, Aleksander Kwasniewski. We also met with various ministers in each of these two countries. I want my colleagues to know that we were very impressed with the pledges of cooperation we received at all levels during all of our meetings. It appeared to us at the time that Poland and the Czech Republic clearly understood the importance that Americans attach to resolving lingering questions about the fate of our unaccounted for POWs and MIAs. These nations had suffered their own tragedies under communist domination, and we believed there would be a sincere, thorough effort to assist us with our humanitarian mission.

I might also add that although we did not personally visit Hungary during that trip, we did send staff representatives to Budapest, and we later received similar pledges of cooperation from the Hungarian Embassy in Washington.

Unfortunately, Mr. President, I must report that the follow-up actions that we had hoped would take place have not been satisfactorily fulfilled by these three nations. This is especially disturbing and troublesome to me as the full Senate now considers whether to guarantee putting more American military lives on the line for these republics in the former Eastern Bloc.

It has been said by some NATO expansion advocates that we have an opportunity to ensure the Cold War never resurfaces in this part of the world. Yet, we still cannot seem to get the cooperation we need from this region to address vital questions about our missing and captured Americans from this same Cold War period. We still are not able to resolve this Cold War problem.

If their pledges were indeed genuine, as I believed they were, then I, frankly, question Mr. President why the leaders of these countries cannot convince their respective bureaucracies to open their Cold War communist files and make relevant personnel available to us for interview. To me, this apparent inability to follow through on commitments has serious implications which we should be considering in the context of the NATO expansion debate.

Since last summer, there have been follow-up communications by our Commission support staff at the Department of Defense and also by my own office with each of these nations urging them to follow through on their commitments. Most important is the fact that, based on current leads available to us, our Commission believes there is relevant information which likely exists in Eastern Europe, especially in the military, intelligence, security, and communist party archives of these three nations which we are considering bringing into NATO.

We should remember that the Eastern Bloc was an active ally and supporter of the communist North Vietnamese and North Korean regimes during those respective U.S. wars. They had a significant presence in Asia and were probably privy to information about communist policy toward the disposition of American POWs, to include whether any were transferred to the territory of the former Soviet Union as we now suspect.

Mr. President, today I appeal once again to the leaders of the Czech Republic, Poland, and Hungary to follow through fully with the commitments they have made to help us search for our missing American servicemen from the Cold War. And I urge my colleagues, on behalf of our veterans and POW/MIA family members, to join with me in continuing to push for more progress on this humanitarian issue.

We simply cannot afford to lose sight of this issue of highest national priority in the context of the current NATO expansion debate. It has important ramifications which we should carefully consider.•

NATIONAL AGRICULTURE DAY

• Mr. DURBIN. Mr. President, I want to take a few minutes to pay tribute to one of our Nation's most important industries—agriculture. Today, we celebrate National Agriculture Day. It is a time to reflect on the value of production agriculture and to say thank you to all those who are involved, both directly and indirectly, in producing the most abundant and safest food and fiber supply in the world.

Illinois is one of our country's most important agricultural contributors. Illinois farm land, which accounts for about 27 million acres, is considered some of the most productive in the world. More than 76,000 farm families in the State produce corn, soybeans, wheat, beef, pork, dairy products, and specialty crops. Illinois exports more than $3.4 billion worth of agricultural products. The State's agribusiness activity is vibrant. From the Chicagoland area to Decatur and throughout Illinois, agricultural processing employs thousands of people. And, our researchers continue to help provide answers to some of the most common as well as the most complex agricultural questions we face.

Since last year's National Agriculture Day, we've made some real progress for rural America. The Taxpayer Relief Act raised the inheritance tax exemption for small businesses to $1.3 million, lowered the capital gains tax rate, and began a gradual increase in the deductibility of health insurance premiums.

This year, we face a number of equally important issues, specifically, reauthorization of agricultural research, expedited health insurance premium deductibility for the self-employed, extension of the ethanol tax incentive, and food safety.

The safety and availability of our Nation's food supply depends directly on agricultural research. This year, Congress must reauthorize the research title of the farm bill. Reauthorization will establish a national policy for important agricultural research into the 21st century. In these times of constrained federal budgets, it is vitally important to maintain an effective system for agricultural research.

Agriculture-related research in this country is currently conducted at over 100 ARS labs, including Peoria, and at over 70 land grant institutions, including the University of Illinois. The University of Illinois is involved in biotechnology, aflatoxin, genome, and food safety research on their campuses. Southern Illinois University is working on groundwater contamination and an important National Corn to Ethanol Research Pilot Plant near its Edwardsville campus. These projects are simply too important to delay. However, the future of agricultural research depends on Congress reauthorizing these vital programs sooner rather than later.

With regard to health care costs, I believe that a 100-percent tax deduction for health insurance premiums is one of the most basic issues of fairness to farm families across this country. Because of the high cost of health insurance, especially insurance purchased in the individual market, lack of affordability is a growing problem to farmers. Health insurance is particularly important to those involved in production agriculture because farming is one of the more dangerous occupations. It is essential that farmers have access to quality health care and affordable health insurance.

In last year's Taxpayer Relief Act, Congress made the commitment to increase deductibility very gradually from 40 percent in 1997 to 100 percent in 2007. Although I believe this legislation was a good first step, we need to provide this relief faster. I have introduced legislation that will expedite the full deductibility of health insurance premiums. I also intend to offer an amendment to increase deductibility to 60 percent in 1999 and 100 percent thereafter. Relief for farm families in this area is needed now. Farmers should not have to wait until 2007 for equity with their corporate competitors.

Mr. President, finding new and expanded uses for agricultural products is an important endeavor. Soybean growers and the oilseeds industry are proposing a strategy for biodiesel, a diesel fuel derived from soybeans. Including biodiesel in existing and future Department of Energy programs will help the nation reduce dependence on imported oil, while improving the environment, reducing global warming, and creating new domestic agricultural product markets. And, of course, ethanol, a corn-based renewable fuel, is one of the best alternative use opportunities that exists today.

On a day like today, it is important to point out the benefits of ethanol. The industry is responsible for more than 40,000 American jobs. Ethanol contributes more than $5.6 billion annually to our economy. Five percent of our nation's corn crop goes to ethanol production. Corn growers have seen their incomes increased by more than $1.2 billion because of ethanol. This year alone, over 1.4 billion gallons of ethanol will be produced . Thanks to the reformulated gasoline program, toxic air pollutants like benzene and carbon monoxide have fallen substantially. And, ethanol contributes over $2 billion annually to the U.S. trade balance.

Last week, the Senate overwhelmingly defeated a proposal that would have removed the ethanol excise tax exemption from the Intermodal Surface Transportation Efficiency Act (ISTEA). That vote was the strongest in Senate history in support of ethanol. It is my hope that an extension of the ethanol tax incentive will be included in the final conference report on ISTEA. Time is running out. Farmers, the ethanol industry, and rural America deserve to have this important program extended.

An issue that also needs immediate attention is food safety. Make no mistake, our country has been blessed with the safest food supply in the world. However, we can do better. The General Accounting Office estimates that as many as 33 million people will suffer food poisoning this year and more than 9,000 will die. The Department of Health and Human Services predicts that foodborne illnesses and deaths are likely to increase 10 to 15 percent over the next decade.

I have introduced the Safe Food Act, S. 1465, which would empower a single, independent agency to enforce food safety regulations from farm to table. It would provide an easier framework for implementing U.S. standards in an international context. Research could be better coordinated within a single agency rather than among multiple programs. And, new technologies to improve food safety could be approved more rapidly with one food safety agency.

At a time of government downsizing and reorganization, the U.S. simply can't afford to continue operating multiple systems. In order to achieve a successful, effective food safety and inspection system, a single agency with uniform standards is needed.

Mr. President, National Agriculture Day affords us all the opportunity to say thank you to those who farm, process agricultural products, conduct the research and plan for the future, and keep American agriculture the best in the world.•

MIKE JACOBS AND THE STAFF OF THE GRAND FORKS HERALD

• Mr. DORGAN. Mr. President, in the months since the devastating blizzards and floods struck North Dakota last year, I have been pleased to draw the Senate's attention to some truly remarkable people who stepped up when their communities most needed them.

Today, I am pleased to report that one such individual was here in Washington recently to receive an honor he richly deserves. Mike Jacobs, the editor of the Grand Forks Herald, was named "Editor of the Year" by the National Press Foundation for his and the Herald's truly remarkable achievements during last year's flood and fires in Grand Forks. I want to add my voice to the chorus of thanks to Mike and to the entire staff of the Herald for their outstanding work under extraordinarily difficult circumstances.

I saw firsthand how much it meant to the people of Grand Forks that their hometown newspaper never missed a day of printing throughout the city's crisis.

When the Herald arrived at shelters and emergency centers, it flew off the racks. Clusters of people would gather around and jointly read it. They were starved for news of what was happening in their city during their trying time and they devoured the paper.

Yet even more than a conduit of information, the Grand Forks Herald stood as a powerful symbol of people determined to survive and endure, and as a daily reminder that even in the face of this calamity, Grand Forks would continue to remain a community, something the flood waters would never be able to wash away.

That the Herald was there at all was wondrous. Its building was completely flooded and then soon burned to the ground. The homes of nearly every employee of the Herald were inundated by flood waters.

Yet the Herald, led by Editor Mike Jacobs, never faltered, never missed an edition. It found a temporary office in the grade school of a nearby small town. It located alternative presses, and devised creative methods of distributing the paper to its readers. In the most harrowing of times, it flourished. In doing so, it gave hope, inspiration and purpose to its community.

Mike and the Grand Forks Herald staff are part of the story of last year's flood that doesn't get told nearly enough. As this city overcame the worst disaster in North Dakota history, its citizens have marched back with resilience, fortitude and inspirational spirit. Mike Jacobs, the entire Grand Forks Herald staff and the people of Grand Forks have triumphed, and I am proud to salute them.

I can't express my admiration enough.•

RETIREMENT OF JERROLD L. JACOBS

• Mr. LAUTENBERG. Mr. President, I rise to recognize an old friend and successful businessman on the occasion of his retirement as Chair and CEO of Atlantic Energy, Inc.

Jerry and I both have strong roots in Paterson, New Jersey. We grew up there, and our fathers worked together in the silk mills. Being from Paterson, of course, we were both destined for success!

Jerry began working at Atlantic Electric in 1961, first in various managerial positions and then working his way up to Chairman and CEO. Eventually, Jerry rose to the position of Chairman and CEO at Atlantic Energy, the holding company formed in 1987 which incorporated Atlantic Electric.

Besides Jerry's achievements at work, he has several professional and civic affiliations. He holds everything from memberships to chairmanships in organizations such as the New Jersey Utilities Association, the New Jersey Chapter of the Nature Conservancy, the New Jersey State Chamber of Commerce and the Noyes Museum Board of Directors.

Again, I congratulate Jerry for his devotion to Atlantic Energy for over 35 years, and I extend my warm wishes to his wife Carol and his three children, Michael Jacob, Melissa Kuperminc and Marlene Sandstrom.•

INTERNATIONAL MONETARY FUND

• Mr. BIDEN. Mr. President, I want to take a few minutes this afternoon to address the urgent need for IMF funds, to restore confidence to a fragile international financial system and to maintain a leadership role in the world economy.

I am pleased to see that the Appropriations Committee has moved quickly this week to provide funding for continued U.S. participation in the IMF—both for the new arrangements to borrow that represent the emergency reserves of the fund, and for the quota increase to restore the IMF's ability to meet potential new demands on its resources.

The current news from Asia—declining U.S. exports, the threat of increased imports, a more fragile international banking system—has brought home to us the importance of international cooperation to prevent the outbreak and spread of financial crises. It also reinforces the need to move quickly to restore the IMF's ability to contain the current crisis and to maintain the IMF's ability to respond to future problems.

That is why I am concerned about some of the conditions put on the IMF funds in the Appropriations Committee on Tuesday. Treasury Secretary Rubin, who, along with Federal Reserve Chairman Greenspan has repeatedly reminded Senators of the need for quick action on these funds, has called those conditions—and I quote: "Impractical to the point of being unworkable."

This is no way to treat funds that are needed to restore the equilibrium of the international financial system, and to no way maintain the leadership of the United States in the world economy.

The International Monetary Fund was created by us at the end of World War II to maintain the stability of the international financial system. Today, its task as the lender of last resort in the kinds of meltdowns we have seen in Asia is by no means simple.

With the rise of market economies among the developing nations of the world, and with the expansion of the international financial system—both developments that promote the long-term interests of the United States—the task of the IMF has become increasingly difficult.

I am not here today, Mr. President, to argue that the IMF is a perfect institution; in fact, our own Treasury, under the leadership of Secretary Rubin, has used its substantial influence to push for important reforms, to open the IMF to greater public understanding and trust. Secretary Rubin is also working with his counterparts around the world to reform the workings of the international banking system to reduce the risk of crises such as one we watch today in Asia with great concern.

As the leader in the world's economy—indeed as the model economy which the rest of the world aspires to emulate—we in the United States have a special role to play in helping to sustain the health of the international economy. By maintaining our position in the IMF—by paying our dues and maintaining our dominant position there—we will remove lingering doubts in financial markets that make recovery and reform in Asia harder to achieve.

And, as the most open economy in the world, we have the greatest stake in maintaining the stability of international trade and finance. The longer we leave the issue of our IMF commitment in doubt, the more our own farmers, workers, and manufacturers will lose overseas sales.

I want to remind my colleagues that our contributions to the IMF don't cost American taxpayers a dime. Like deposits in a credit union of our own making, our contributions are matched by interest-bearing assets, and we can call for the return of those contributions if we choose. For those reasons, those contributions have no impact on our Federal deficit—or the surplus we now enjoy.

With the outcome of the Asian crisis still to be determined, with the world looking to us for the leadership that will restore confidence to private sector investors, we must act quickly and decisively to maintain the strength of the IMF—and to maintain our own dominant voice within the IMF. We should not make demands of the IMF that could delay indefinitely the day when private financial markets regain the confidence that will mark the turning point in the current financial crisis.

That is why I am pleased that my friend and colleague on the Foreign Relations Committee—chairman of the International Economic Policy Subcommittee—Senator HAGEL, has taken the lead in introducing legislation authorizing funds for the IMF with workable, sensible reforms. Together with Senator GRAMS on our committee, and Senators ROBERTS, CHAFEE, and DOMENICI, Senator HAGEL has provided us with an important point of reference when we consider IMF funding here on the Senate floor.

And I hope that will happen soon. Right now, there is no guarantee that we will take up the urgent issue of IMF funding at any time this year. Failure to act, and to act soon, would be irresponsible. It would expose the United States as vacillating, indecisive, and unable to lead in a time when what is needed most is leadership and commitment to restore confidence and stability to a shaken financial system.

Similarly, it would be irresponsible to add unrelated, highly charged issues to the consideration of what are clearly urgently needed funds for the IMF.

Mr. President, I am confident that in the end, the United States Senate will respond to the current challenge with both the decisiveness and good judgment that must characterize the actions of a great Nation in time of crisis.

I look forward to working with all of my colleagues to make that faith a reality.●

BODE MILLER: MEMBER OF THE U.S.A. OLYMPIC SKI TEAM

● Mr. SMITH of New Hampshire. Mr. President, I rise today to congratulate Bode Miller, a distinguished athlete from Franconia, New Hampshire, for participating in the 1998 Olympics in Nagano, Japan. Bode had the opportunity to compete in the Olympics because of his dedication to precision, relentless drive for excellence and unswerving passion for skiing.

It was a special honor to have Bode represent our country and the State of New Hampshire while competing in Nagano, Japan. He started skiing at the young age of three at his favorite and most frequented mountain, Cannon. As a young boy, his ability to ski caught the attention of many. He soon acquired the nickname, "Kid Cannon," and dazzled his peers with his talent. Bode was then invited to a training camp at Sugarloaf Mountain and was soon targeted as a gifted athlete. As a result, he was offered a scholarship to the Carrabassett Valley Ski Academy where he was able to improve his abilities and work with experienced coaches to tune his skills.

Bode burst into the international scene with an 11th-place finish, the best by an American, at the World Cup giant slalom at Park City in November. Before this outstanding finish, Bode was ranked internationally at 69th place. Bode's career then took off and he became a member on the Olympic Ski Team. Often times, the television announcers for the races raved about his athleticism and admired his aggressive style. At the age of 20, in a sport where racers are generally older, the media characterized him as a young rebel.

According to Bode's coach, Bode is very good at figuring out what it takes to be successful and is exceptionally confident. He is aware of his own physical talents and incorporates this attitude in his style. I'm sure, because of his young age, he will continue to excel and impress the nation. Nonetheless, he still has achieved what most only dream about and has proven once again that Americans continue to achieve great feats. At a fresh age, Bode proudly represented our country and delivered a superb performance in the world arena of Olympiads. Mr. President, I want to congratulate Bode Miller for his youthful vigor and aggressive competition in the 1998 Olympics and I am proud to represent him in the U.S. Senate.●

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 538, 539, and 540, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

NATIONAL TRANSPORTATION SAFETY BOARD

James E. Hall, of Tennessee, to be Chairman of the National Transportation Safety Board for a term of two years.

FEDERAL TRADE COMMISSION

Orson Swindle, of Hawaii, to be a Federal Trade Commissioner for the term of seven years from September 26, 1997.

Mozelle Willmont Thompson, of New York, to be a Federal Trade Commissioner for the term of seven years from September 26, 1996.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

ORDERS FOR FRIDAY MARCH 20, 1998

Mr. COCHRAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. on Friday, March 20, and immediately following the prayer, the routine requests through the morning hour be granted, and the Senate then proceed to executive session to resume consideration of Treaty Document No. 105-36, dealing with NATO expansion.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. COCHRAN. Mr. President, I make the following announcements at the request of the majority leader.

Tomorrow, the Senate will resume consideration of the NATO expansion treaty, with amendments to the resolution of ratification being offered throughout the day. It is expected that Senator HUTCHISON of Texas will offer an amendment tomorrow, and any other Senators with amendments are encouraged to contact the managers with their amendments. As earlier stated, it is hoped that the Senate will be able to make considerable progress on the treaty.

In addition, the Senate may consider any other legislative or executive business cleared for Senate action, although, as previously announced by the majority leader, no rollcall votes will occur during Friday's session.

The next vote will occur at 5:30 p.m. on Monday, hopefully in relation to an amendment to the NATO treaty. Also, the second cloture vote scheduled for this evening was postponed to occur on Tuesday, March 24, in an effort to work on an agreement for an orderly handling of the bill. Therefore, a second cloture vote will occur on the Coverdell A+ bill on Tuesday if an agreement cannot be reached in the meantime.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. COCHRAN. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:41 p.m., adjourned until Friday, March 20, 1998, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 19, 1998:

NATIONAL TRANSPORTATION SAFETY BOARD

JAMES E. HALL, OF TENNESSEE, TO BE CHAIRMAN OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM OF TWO YEARS.

FEDERAL TRADE COMMISSION

ORSON SWINDLE, OF HAWAII, TO BE A FEDERAL TRADE COMMISSIONER FOR THE TERM OF SEVEN YEARS FROM SEPTEMBER 26, 1997.

MOZELLE WILLMONT THOMPSON, OF NEW YORK, TO BE A FEDERAL TRADE COMMISSIONER FOR THE TERM OF SEVEN YEARS FROM SEPTEMBER 26, 1996.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

THE REPUBLIC OF HUNGARY AND THE REPUBLIC OF BOSNIA AND HERZEGOVINA

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 1998

Mr. YOUNG of Florida. Mr. Speaker, I commend to my colleagues the following report on my trip to Bosnia and Herzegovina from March 6–8. At your request, I had the honor of leading a delegation of ten Members on an inspection trip to the Republic of Hungary and the Republic of Bosnia and Herzegovina, from March 6–8. You asked us to review the current military operations and international assistance efforts involving Bosnia and the other former Yugoslav republics.

We had an informative and productive trip, including meetings with President Bjilana Plavsic of the Republika Srpska (the Bosnian Serb Republic); the Supreme Allied Commander, Europe; the Commander of NATO Stabilization Forces in Bosnia; other senior U.S. military and diplomatic personnel; U.S. troops in the field; senior military commanders from other nations participating in the Stabilization Force; and representatives of a variety of international assistance programs. On behalf of the other Members of the delegation, I am forwarding with this letter a detailed report which summarizes our activities and observations.

Of course, I am available to discuss this trip as well as the significant policy questions associated with our involvement in Bosnia should you find it useful. In the meantime, I want to thank you again for providing this opportunity to me and our colleagues who made this trip.

CONGRESSIONAL DELEGATION TRIP REPORT MARCH 5–9, 1998

Members: Representatives C.W. Bill Young, Tom Sawyer, Neil Abercrombie, Henry Bonilla, Tillie Fowler, Eddie Bernice Johnson, David Minge, Charles Bass, George Nethercutt, Allan Boyd.

Purpose: At the request of the Speaker and Minority Leader of the House, the delegation was asked to inspect and review the current deployment of U.S. and NATO forces to Bosnia-Herzegovina and the status of U.S. and international civic and economic recovery efforts.

Itinerary: As shown below.

Date	Places visited	Officials met
March 5	Depart Washington, D.C.	N/A
March 6	Budapest, Hungary	Deputy Chief of Mission, U.S. Embassy; Defense Attache, U.S. Embassy; Liaison Officer to U.S. Embassy, U.S. Stabilization Force (SFOR)
March 7	Sarajevo, Bosnia	Supreme Allied Commander, NATO; Commander, U.S. Army in Europe and Stabilization Force (SFOR); U.S. Ambassador to Bosnia-Herzegovina; Deputy Commissioner, United Nations; High Commission on Refugees (UNHCR)
	Banja Luka, Bosnia	President of the Republika Srpska
March 8	Tuzla, Bosnia	Commander, U.S. Task Force Eagle
	Camp McGovern, Bosnia	Personnel of the U.S. 1st Armored Division and 2nd Armored Cavalry Regiment assigned to SFOR
	Brcko, Bosnia	Host-nation city and civic group officials; officials of the Office of the High Representative for Brcko; officials of the United Nations International Police Task Force (IPTF)
March 9	Return Washington, D.C.	N/A

Friday, March 6: Upon its arrival in Budapest, Hungary, the delegation met with U.S. Embassy and U.S. military personnel regarding the political, economic, and military outlook for Hungary; NATO expansion (Hungary is one of the three proposed new member nations); and Hungary-based operations associated with the NATO-led Stabilization Force for Bosnia.

Since turning to democracy in 1989, Hungary has pursued domestic and foreign policies emphasizing the establishment of democratic institutions and free market practices, and integration into Western political, economic and security institutions. There have been two national-level democratic elections since 1990 with a third scheduled for this summer. Hungary has encouraged outside investment and is the largest recipient of foreign investment in Eastern Europe, including more than $6 billion from the United States. Hungary has joined the OECD, is slated to formally enter NATO in 1999, and is pressing for membership in the European Economic Community.

The prospect of joining NATO enjoys broad political support in Hungary, although it has not become a prominent issue domestically. Embassy officials believe Hungary fully recognizes its obligations upon joining NATO and note that the government has committed to gradual increases in defense spending which, in several years, will then be in line with the NATO average (as expressed as a percentage of annual government spending).

Since 1989 Hungary has cut its armed forces by two-thirds in size, and its intent is to streamline and modernize that force in order to meet NATO needs, with an immediate goal of learning how to "think, speak, and act NATO." To that end many senior Hungarian military officials have or are planning to attend U.S. military war colleges. Both the Hungarian government and U.S. officials believe this transition to NATO's way of doing business must occur prior to any major equipment modernization effort.

In late 1995 Hungary responded to NATO requests and permitted use of its airbase at Taszar as the major logistics transhipment point for U.S. and other NATO forces involved in the initial deployment of the Implementation Force (IFOR) to Bosnia. While total personnel and activities at Taszar have dropped with the completion of the initial Bosnia deployment and stabilization of operations, NATO still maintains over 2100 personnel (military and civilian) there, under command of an American major general, as part of the overall Stabilization Force (SFOR). Taszar is the last waystation in, and first waystation out, for U.S. forces involved in operations in Bosnia or Croatia.

Saturday, March 7: The delegation traveled to Bosnia with the first stop in Sarajevo.

The delegation first met at NATO SFOR Headquarters with General Wesley Clark, Supreme Allied Commander, Europe; General Eric Shinseki, Commander, U.S. Army Europe and Commander, SFOR; and U.S. Ambassador Rich Kauzlarich. General Clark gave a briefing summarizing the NATO mission following the Dayton Peace Agreement, with particular emphasis on SFOR's continued success in stabilizing the overall security situation, the greater pace of civic and political progress in the past year, and recent efforts to marginalize Serb hardliners.

In questions and answers with delegation members, other key points made by General Clark, General Shinseki and Ambassador Kauzlarich included:

1. While still lagging, there is growing progress on the civilian side of the ledger in Bosnia:

Joint governing institutions are beginning to function;

The new Serb government in the Republika Srpska ("RS") is more committed to Dayton implementation and has moved to reduce to the influence of Serb hardliners (especially the so-called "Pale faction");

The hardline Serb party's representation in the RS parliament dropped from 54 percent to 28 percent in the September 1997 elections;

There has been steady progress in returns of refugees and resettlement of displaced persons;

The media is being restructured under Western supervision and is no longer an anti-SFOR propaganda outlet;

Freedom of movement within Bosnia is returning with agreements reached on a common license plate and on passports;

More indicted war criminals have either been seized or voluntarily turned themselves in;

The Bosnian factions and the International Police Training Foundation (IPTF) have reached agreement on a plan for police restructuring which is now underway throughout most regions of the country.

In summary, Bosnian society is beginning to heal itself. Among the general populace, there is a growing mindset that people are building towards their futures, and not for war. Elections are shifting power from those

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

groups who started the war and who impede Dayton implementation. Progress is being made in establishing freedom of movement, refugee returns to contentious areas such as Brcko are picking up, and initial efforts to reform/retrain police are promising. Yet in all these areas much more remains to be done.

2. General Clark, General Shinseki, and Ambassador Kauzlarich all stated SFOR must stay in Bosnia beyond the previously-announced June 1998 withdrawal date. Recent gains, while positive, are tenuous and will not hold absent continued aggressive efforts to implement the Dayton agreement with SFOR as the guarantor of a peaceful environment.

Current SFOR force levels (33,000 total, 8,500 U.S.) will be maintained through the national elections scheduled for September 1998. If successful, shortly thereafter U.S. forces could be reduced by 20 percent, to 6,900. (There was no discussion regarding contemplated changes in the number of non-U.S. forces.)

General Clark suggested that with sufficient progress in improving the local policing function, SFOR could be downsized even further. There will be six-month reviews to consider additional SFOR downsizing/restructuring. However, non-U.S. financial and personnel support for the International Police Task Force (IPTF), which is responsible for restructuring and retraining local police, remains inadequate.

3. The delegation was advised to be cautiously optimistic regarding recent political shifts in the Republika Srpska, particularly steps taken by President Plavsic and newly-elected Prime Minister Dodik. It is unclear whether they have had a real change of heart regarding reforms or whether these moves are tactical in nature. Nonetheless, their ability to promote change is circumscribed given their current narrow political margin, continued recalcitrance on the part of Serb hardliners, and the sheer weight of problems confronting the RS (the sorry state of the economy, the lack of knowledge, institutions, and outside investment needed to establish a more viable commercial sector, and the continued pervasiveness of corruption, black markets, and bribery.)

4. When asked, both General Clark and General Shinseki declined to estimate how long the presence of U.S. forces would be required, saying it is impossible to predict.

At one point General Clark stated, somewhat off-handedly, "I don't see this as a 5–10 year problem . . . SFOR is getting a little smaller, somewhat less expensive . . . If [this September's] elections are successful, we should be able to get even smaller."

At another juncture, General Clark said that the U.S. component of SFOR is "now down to the equivalent of three combat battalions . . . it is not that much of a burden anymore . . . we can meet our military requirements elsewhere." He conceded that in the event of a major conflict elsewhere that the U.S. role in SFOR would need to be revisited.

General Clark also cited the need for the just proposed emergency supplemental for Bosnia, totaling $489 million. He said these costs could not be absorbed and that they couldn't be offset from within existing Department of Defense funds.

5. All three officials pointed to economic reconstruction as an essential element of any long-term strategy. Both General Shinseki and Ambassador Kauzlarich indicated the lack of jobs was the biggest impediment to the successful return of displaced persons and refugees. They added that refugee returns also require local security, a function now performed by SFOR and one which eventually must be assumed by the restructured police forces.

6. At various points in the discussion, several members inquired as to the national interests being served by the U.S. deployment. General Clark responded by reviewing Bosnia's strategic location and problems posed for Europe by the Bosnian war, as well as the fissures which were opening up within NATO during the 1993-1995 timeframe when UNPROFOR was the international presence in Bosnia. General Clark portrayed NATO as being on the brink of disintegration over disagreements over what to do about Bosnia. The French and British were on the verge of withdrawing their forces from UNPROFOR, until the U.S. stepped forward in 1995 with its bombing campaign against the Serbs and then sponsorship of the Dayton negotiations. General Clark also said now that the U.S. is in Bosnia, as part of NATO, a precipitous American withdrawal would call into question U.S. credibility and ability to live up to its commitments. In addition, at one point he said "We can't be successful in NATO if we aren't successful in Bosnia."

Following this meeting, the delegation moved to the U.S. Embassy in Sarajevo and met with U.S. Ambassador Kauzlarich and other State Department officials. Joining this meeting in progress was American Jacques Klein, the Deputy High Commissioner of the United Nations High Commission on Refugees (UNHCR).

Ambassador Kauzlarich reviewed the embassy's various missions, which include:

Facilitation of refugee return process at a workable pace, and in a fashion which promotes reintegration of ethnic groups;

Working with the Federation and the RS to restructure their law enforcement institutions, including police restructuring and orientation towards demonstratic policing, and transformation of the judicial system;

Advancement of democracy, by working towards free and fair elections and implementation of the results, and also pressing for a free and independent media;

Promotion of reconstruction, by helping to facilitate investment, assisting the governments in creating a legal framework for a viable national economy, and also by promoting American products as well as open markets to ensure U.S. companies market access;

And strengthening of peace and stability, by assisting Federation military integration (former Muslim and Croat armies), support for the "Train and Equip" program, and by facilitating the work of the International War Crimes Tribunal.

The Ambassador reviewed the "train and equip" program with the delegation and offered his opinion that besides working to redress the Muslim/Croat military disadvantage vis-a-vis the Serbs, it had important side benefits. These include helping keep out Iran and other interests who had supported the Muslims or Croatians during the war. It also provides a forum whereby the Muslims and Croats are learning to work together, not only at the military level but also at the political level which is essential if the Federation government is to become a success.

The delegation then had the opportunity to question both the Ambassador and Jacques Klein. In response to queries, Mr. Klein explained the goal of being able to gradually withdraw U.S. forces by disengaging them from many functions over time as civilian institutions develop or are reestablished.

Mr. Klein then expressed his view as to some of the larger geopolitical issues involved in Bosnia. Simply stated, he said, Europe does not want a Muslim-dominated state in the region and a viable Serbia and Croatia are viewed as needed to prevent that from happening.

He then drew attention to the large Yugoslav refugee population in Germany, whose eventual return is needed because they will bring money, skills, and some measure of stability back to the region.

Mr. Klein remarked upon the Europeans initial response to crises which is always to deny they need U.S. leadership. But Bosnia has only provided the most recent example (over the period of 1991–1995, including the failure of UNPROFOR) of Europe's need for American leadership and capabilities, a point most Europeans will now concede.

Finally, on the matter of war criminals, Mr. Klein suggested they are nothing but thugs. A pro-active, "get-in-their-face" policy is needed and will work because when confronted with a professional military, they will always back down.

The delegation then traveled to Banja Luka in the Republika Srpska, where it met with Bjilana Plavsic, the President of the Republika Srpska.

President Plavsic began with an opening statement and then responded to questions from members of the delegation. In her opening statement, the President cited her priorities as being moving towards democratic procedures and also improving the economy. She stated ordinarily economic improvement would be the top priority but that without greater democracy, they couldn't fully realize the necessary economic improvements. She said the previous 50 years (under Communist rule) had left the economy in quite a mess. The President also stressed the need for the Ministry of the Interior and the justice system to work, saying "there must be a framework for a legal economy."

She finished by proclaiming "I as President must have the power to replace people [who resist change], and I will do so."

In response to questions from the delegation, President Plavsic addressed a number of issues including:

The role of SFOR and its importance: "SFOR is keeping the peace here. No amount of money is worth peace. If someone started the war there would be no telling what the effects would be . . . They are doing a very nice job, a noble job. We couldn't even consider economic recovery without the presence of foreign armies."

When she believes the U.S. and SFOR can withdraw: "I will tell you what I told President Clinton [when he visited Bosnia in December 1997]: 'we have started in a good way, but we need your patience' . . . Please help us, it won't last long. When we are offered a chance, the people will see this and grab for it. Remember, Dayton is a creation of the U.S., it is well balanced. Please support what you created . . . Much progress can be lost with impatience."

On prospects for continued peace: "Problems must be solved by democratic means. Last June [when hardline Serb elements were on the verge of staging a coup until SFOR intervened] was difficult. Now we have elections, and for the first time in decades people understand they do not have to go to war."

Regarding the refugee problem: "The Republika Srpska has 1.2 million people, and 400,000 of those are refugees . . . they must have homes, they must find work. With our new government we can start new industrial and economic processes."

On war criminals: "We understand the obligations of Dayton. This is a very sensitive and complex issue. But Dayton isn't just a document, we must accept it . . . You must realize this is difficult for Serbs to do to Serbs. Now within the last 20 days, four men have [voluntarily] surrendered to the Hague. There will be people who recognize the problems of living a life under indictment, and I expect we will see more in the next phase. This is the best way, for Prime Minister Dodik and myself—it is also better for SFOR troops."

Regarding the upcoming March 15th arbitration decision for Brcko (an unsolicited comment): "March 15th is Brcko. This could make everything harder, it could be a destroyer. It will only help the hardliners."

The role Radovan Karazdic is now playing and whether he remains an obstacle: "There have been great improvements in the last 5, 4 months. There are new institutions in the Republika Srpska responsible for policy. He did have influence before, now he does not. His influence is getting smaller and smaller. People just want to live their lives, it's not right that we should accommodate just one person. I have not had contacts with him in a long time."

On the ethnic violence in the Serbian province of Kosovo: "My opinion is not an official one. I am familiar with the Balkans and Kosovo, it is in every Serb's heart. Tito made many mistakes . . . he forced Serbs out of Kosovo and invited Albanians in . . . Kosovo dates back to medieval times, there are many Serb monasteries . . . Kosovo belongs to Serbia . . . Milosevic should know the police cannot solve this problem over the long haul, this is another example of his bad policies . . . Kosovo, there must be civil rights for all . . . if we do some thing special for one group [evidently referring to Albanian demands for automony], it is wrong."

When asked if whether she sees a future for multi-ethnic relationships in the RS, in the Federation, in Croatia: "This is a priority . . . this must be achieved, but certain things must be a pre-condition . . . In 1945, the Communists rose, and the people were not allowed to say 'I am a Serb, I am Croatian, I am a Muslim.' For 50 years everything we accumulated was very orthodox. Then Serbs, Muslims, Croatians starting asking questions about who you are. This is something that was not allowed in the United States. People wanted to say who and what they are, and this is what started the war. The Republika Srpska started with this, what is wrong with people stating who we are and what we are."

Sunday, March 8: The delegation first traveled to Tuzla, Bosnia.

Upon arrival in Tuzla, the delegation proceeded to Headquarters Task Force Eagle, the headquarters for both U.S. forces deployed in Bosnia and for the overall operations in the SFOR zone "MND-North" (Multi-National Division North). The delegation first met with Major General Larry Ellis, Commanding General, 1st Armored Division, who commands the multinational forces in MND-North.

General Ellis and his HQ staff briefed the delegation and answered questions on current operations in MND-North as well as particular issues of concern. Among the points covered:

MND-North is currently comprised of 13,500 troops, made up of U.S. troops drawn largely from the 1st Armored Division (7,950 troops), a Nordic-Polish brigade (comprised of 2,800 troops from the Baltic States, Sweden, Norway, Denmark, Finland and Poland), a Russian brigade (1,425), and a Turkish brigade.

The various armed factions within MND-North have complied with the provisions of the Dayton Accord and the zone has been "quiet".

34 of the 40 municipalities within MND-North which held elections in September 1997 have had their results certified by the OSCE. There are several instances where the elections resulted in governments which do not reflect the ethnicity of the local population, a result due to the use of absentee balloting whereby displaced people were permitted to cast votes in their former locales.

The most sensitive area in the region (if not all of Bosnia) remains Brcko, which due to its location (it connects the western half of the RS to the eastern half) and the results of the war is perhaps the most valuable and contested territory in Bosnia. Its pre-war population was 56 percent Muslim and 20 percent Serb; it now is over 90 percent Serb.

The Dayton Accord left the fate of Brcko to international arbitration. In March 1996 the arbitrator extended the date for a final determination to March 15, 1998.[1] In recent months over 700 displaced Muslim families have returned to Brcko and efforts to restructure local institutions, such as a police force, along multi-ethnic lines have shown progress.

SFOR retains custody of three media broadcast towers which were seized from Serb control last fall, which had served as active anti-SFOR outlets. SFOR is working with civil authorities to develop an open and free media system.

When queried as to U.S. forces' direct participation in activities such as elections/election support, location of mass graves, and law enforcement, General Ellis stated his forces' role was only incidental, with the primary task the provision of security in the area of operations.

General Ellis reviewed how troops inbound to Bosnia receive tailored training for the unique environment prior to deploying, including a full mission rehearsal. Compared to combat training, the skills required are less demanding but the difficult part is integrating and coordinating tasks which have a significant "non-combat" component, such as civic affairs.

Regarding mines, there are over 128,000 remaining in MND-North, with approximately 1,000 being cleared each month. U.S. forces participation in this is restricted to direct mineclearing only when needed to support U.S. operations, and a supervisory/training role for the former Bosnian armed forces.

The delegation then flew to Brcko, Bosnia, where after a visual inspection of the city by helicopter it moved to Camp McGovern, a U.S. base camp just outside Brcko.

While enroute to Camp McGovern, there were several observations:

A coal-fired power plant was observed northeast of Tuzla; according to major General Ellis, it is currently operating at only 20 percent of capacity due to lack of spare parts. Efforts are being made to correct this problem with the plant to be brought to 80–90 percent capacity in several months.

A large open-air market, the "Arizona Market" was observed, with hundreds of cars enroute backing up local traffic for miles. General Ellis noted this market, and another ("Virginia Market") were stood up last year and have enjoyed a significant business. The markets are multi-ethnic and run by local entrepreneurs. The markets have to some degree exasperated local authorities who, due to the lack of government control, have been unable to share in the proceeds.

Upon overflying Brcko, the destruction of housing in the outskirts of the city was evident. Some reconstruction was seen with many houses having new roofs, which General Ellis stated had mostly occurred within the past six months.

The bridge spanning the Sava River from Brcko to Croatia was observed, with it having been repaired last fall through insertion of a new span in mid-section. General Ellis noted that rail and barge traffic through the region had also recently resumed.

General Ellis also made some personal observations while enroute to Brcko:

All three parties (Serb, Muslim, and Croat) want SFOR to stay. At this stage, without SFOR fighting would eventually start up again.

Regarding war criminals, he doesn't disagree with the need to see them turned in or apprehended, but that this effort needs to go beyond just Serbs and the Republika Srpska.

The delegation then inspected Camp McGovern and also had the opportunity to eat lunch with the troops. Among the observations at this location:

Camp McGovern is located on the outskirts of Brcko, and in fact sits astride the Dayton-imposed military zone of separation.

Nearly 800 troops are currently deployed there. Forces are primarily from the 2nd Armored Cavalry Division, from Fort Polk, Louisiana, with some armored support from the 1st Armored Division which is home-stationed in Germany. Units from Fort Polk, were deployed last August, as part of a scheduled rotation, just before the September 1997 elections.

Efforts are being made to adhere to a six-month tour length for forces sent to Bosnia. This contrasts with a one-year duration at the start of the mission in 1995–1996.

The base camp features a small shopping area with a PX, a weight room, and a learning center with classes offered either through correspondence or instruction on-site by U.S. nationals on contract to the Army.

Nonetheless, conditions at Camp McGovern are austere, with all forces billeted in tents with wooden floors and a nominal "tent complement" of 8 soldiers per tent. However, on occasions of troop rotation or reinforcement this has been upped to as many as 12 per tent. Officers escorting the delegation indicated there has been some discussion about expanding the perimeter of Camp McGovern (a complicated endeavor given the proximity of minefields) in order to slightly increase the potential number of troops who can be stationed there, solely as a precautionary measure depending on future reaction to the Brcko arbitration decision.

Mail service has been good. When possible soldiers are offered access to computers for e-mail and there are opportunities for phone calls out of country.

In random conversations with troops, the delegation found that morale is generally good. There was concern voiced by individual service members about whether "the folks back home" understood what they were doing in Bosnia, and also about the effects of repeated deployments on individual family situations.

Members who met with Reservists heard complaints about the administration of the Reserve Mobilization Income Insurance program [which, due to initially faulty actuarial calculations at the Pentagon, continues to require funding in excess of prevously appropriated amounts despite the infusion of over $70 million over the past two years].

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[1] On March 15, 1998, the international arbitrator for Brcko, Mr. Roberts Owen, announced he was once again delaying a decision on the territorial status of Brcko, until 1999.

Some soldiers from the 1st Armored Division are on their second deployment to Bosnia (having been sent in the initial movement of U.S. forces during late 1995-early 1996 as part of IFOR, the "Implementation Force."). These who had served at Camp McGovern on their first tour said there had been considerable improvement in and around Brcko, with the most noticeable change being the return of and visibility of children.

These soldiers observed that recent progress in returning refugees to Brcko is due to careful planning and oversight by the UN High Commission for Refugees (UNHCR). In an effort to restore confidence and build trust, returns to date have been focused on those areas which are "less difficult" and have involved only families who can clearly demonstrate they once lived in a particular area or dwelling.

Continuing, these soldiers said unemployment was a huge problem, with the population subsisting largely on international assistance, black market activities, and remittances from displaced persons who had moved abroad such as to Germany.

The soldiers' personal view was that the local population was genuinely tired of the war and its aftermath and wanted to get on with their lives.

The delegation then traveled to a resettlement camp on the outskirts of Brcko (Stari Rasadnik) where it was joined by Ambassador Kauzlarich and met with the group of 12 local citizens.

The local group was divided equally between Muslims and Serbs, including the Muslim "mayor" of Stari Rasadnik and six women from a local women's group. In questions and answers with the delegation several points rapidly became apparent:

The group was genuinely thankful for the role being played for SFOR with many expressing the opinion that conditions would rapidly deteriorate should SFOR leave in the near future;

Many of the group had been forced to move to many places through the duration of the war. The biggest impediment to returns and the reuniting of families is the absence of jobs. There had been noticeable improvement in recent months in terms of greater freedom of movement throughout Bosnia;

The mayor portrayed his relations with the Serbs as one of cooperation in trying to resettle the area;

Midway through the discussion, there were several acrimonious exchanges between members of the group at various points, prompted by charges that one side or the other (Serb or Muslim) was responsible for the war. One individual stated "we cannot forget what one side did to the other." This was met by another's response that "we were the ones who were thrown out, that suffered atrocities, but I have returned home. I am no war criminal."

When asked what the reaction would be should the arbitration decision give control to Brcko to the Serbs, one person responded "We can live side-by-side . . . but not together."

The delegation then proceeded to a brief tour of Brcko by bus, before proceeding to a meeting with representatives of the Office of the High Representative for Brcko (OHR) and the International Police Task Force (IPTF).

While on the tour of Brcko, the delegation briefly crossed over the now-repaired bridge over the Sava River into Croatia. SFOR escorts made several comments while on the tour including:

In downtown Brcko, there was a smattering of political posters featuring President Plavsic and Prime Minister Dodik of the RS. It was explained that several months prior, there were many posters featuring Radovan Karazdic. By all appearances these had been removed;

Within Brcko, it was claimed there are little or no problems with freedom of movement for any of the three formerly warring factions;

The local schools are now open, with both classes and faculties represented on a multiethnic basis. This is said to have created no problems.

The delegation then met with representatives of the OHR and the IPTF.

According to Mr. Ian McCloud, Deputy Commissioner of OHR:

The Office of the High Representative for Brcko was expanded and given greater authority in early 1997 after the arbitrator for Brcko, Mr. Roberts Owen, decided to delay his decision until March 1998. OHR was charged with working actively in the Brcko area to return refugees and displaced persons, to achieve a greater freedom of movement (in conjunction with the IPTF), to aid in ensuring democratic processes were established and respected, and to help with economic revitalization. Regarding each of these areas:

Since early 1997, OHR has approved over 2600 homesteads for return to displaced persons, with 755 families having actually returned and taken occupancy.

Freedom of movement within Brcko is pretty well established, and over 400 vehicles daily transit the bridge from Brcko to Croatia. However, Serbs are still not allowed by Croatia to pass over the bridge into Croatia.

Mr. McCloud had an upbeat assessment regarding the implementation of the local elections, saying that the re-establishment of multi-ethnic institutions is starting to "take" and is making progress.

Regarding the local economy, Mr. McCloud indicated this was a major challenge as OHR believes there needs to be the creation of 28,000 industrial and supporting jobs in the community to get Brcko back to its pre-war levels of employment.

The delegation was then briefed by Mr. Don Grady of the IPTF (who had come to Bosnia after a career in the United States in local law enforcement, most recently in New Mexico):

In Brcko, the local IPTF-trained and supervised police force is now on the verge of being able to do open policing. The police force has been structured on multi-ethnic lines and has been functioning as a unit since the beginning of 1998.

Mr. Grady explained that in building this police force, the IPTF role centers on training for "democratic policing", which perhaps can be best understood when contrasted with the previous role of police in Bosnia, which had inherited the mindset and functions of the internal security forces established over 50 years as part of Communist Yugoslavia.

IPTF training is centered out of Sarajevo, where after individual certification by IPTF, prospective police members are provided what in essence is "mini-police academy training". The Intent is to train police to conduct a "full service police operation", with jurisdiction ranging from local traffic and petty crimes to more serious phenomena such as organized crime and the black market. For the latter, where offenses cross local jurisdictional lines and also simply require greater resources and expertise, local forces work in conjunction with the ministry.

Mr. Grady summarized his presentation by saying "I think what's going on here is pretty spectacular . . . it could be a prototype for the rest of Bosnia." He did state that the IPTF was well aware of the unique position of Brcko given its being subject to arbitration and that it was working with SFOR, as well as the local police, to ensure there would be coordination in the event of violence.

TRIBUTE TO DR. SAMUEL P. MASSIE—MENTOR, LEADER, AND TOP SCIENTIST

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 1998

Mr. CLAY. Mr. Speaker, I rise today to pay tribute to my friend, and internationally renowned scientist, Dr. Samuel P. Massie, who was recently added to the list of the "World's Most Distinguished Chemists." I have had the privilege of knowing Sam for a great number of years and know that he is quite deserving of this great honor.

In this era of science and high-technology, Dr. Samuel P. Massie is the perfect role model for aspiring scientists of all races, but particularly for African-Americans. His life is an example of the great things they can accomplish and the impact they can have on the sciences. His contributions helped to change the course of science and to advance the discipline to its current priority status on the national agenda. His work has earned him world acclaim, and the honorable titles of Master Teacher and Scientist Extraordinare.

I recommend to our colleagues Dr. Samuel P. Massie's story, as reported in a February 26, 1998 Washington Post article titled "Living Out A Formula for Success: Academy's First Black Professor Is Among Top-Rated Chemists." It is my hope that they will share this wonderful piece with the future leaders of America.

[From the Washington Post, Feb. 26, 1998]

LIVING OUT A FORMULA FOR SUCCESS—ACADEMY'S FIRST BLACK PROFESSOR IS AMONG TOP-RATED CHEMISTS

(By Amy Argetsinger)

On a new roster of the world's most distinguished chemists—Madame Curie, Linus Pauling, big names like that—there are only three black scientists.

One is the famed agricultural scientist George Washington Carver, who a century ago transformed the economy of the South by developing new industrial uses for sweet potatoes and peanuts. Another is Percy Julian, a pioneering chemist.

And the third is the only one still alive—Samuel P. Massie, professor emeritus at the U.S. Naval Academy.

Though proud to be named to an elite industry list of the all-time top 75 distinguished contributors to the field of chemistry, Massie, now 78, welcomed the news with the breezy modesty that has marked a lifetime of remarkable achievements, one that gave him key vantage points to both the development of the atomic bomb and the civil rights turmoil of the 1960s.

"You do what you can do in that regard," the Laurel resident said.

A pioneer in silicon studies and the Naval Academy's first black professor, Massie is one of only 32 living scientists on the list compiled last month by Chemical and Engineering News to mark the magazine's 75th anniversary. The list includes 35 Nobel Prize winners and celebrated names like Kodak founder George Eastman, DNA researchers James Watson and Francis Crick, and plutonium discoverer, Glenn Seaborg.

Born in North Little Rock, Ark., Massie rushed through school, graduating at age 13. As a young child, he got a head start on his peers by following his schoolteacher mother around from class to class, enabling him to skip grades three years in a row. Today, his personal experience has left him a believer in classrooms blending multiple grade levels.

"Young children don't all learn at the same rate," he said.

Attending A.M.N. College—now the University of Arkansas at Pine Bluff—Massie was drawn to chemistry studies after becoming fixated on finding a cure for his father's asthma. After graduating at age 18, he launched into graduate studies at Fisk University and Iowa State University, where he worked on the Manhattan Project team, trying to convert uranium isotopes to a usable form for the atomic bomb.

After working as a teacher at Fisk University and Howard University, Massie was named president of North Carolina College in 1963, as the civil rights movement was taking hold in the region.

"Kids marching around the place, waving signs, singing 'We Shall Overcome,'" Massie recalled. "They were fun times."

Massie was hired by the Naval Academy in 1966—a time when Annapolis was still so segregated that he and his wife, Gloria, now a psychology professor retired from Bowie State University, were unable to find a home they wanted. Real estate agents wouldn't even take them to certain exclusive neighborhoods.

But Massie said he was unruffled by his introduction to the military college, where the vast majority of students were white in the mid-1960s.

"It wasn't difficult for me because I understood chemistry," he said. "I just had to make sure we understood each other."

While at the academy, Massie pursued research into anti-bacterial agents, and with some colleagues and midshipmen students was awarded a patent for a chemical effective in fighting gonorrhea. He also conducted environmental research at the Navy's David Taylor Research Center outside Annapolis, studying chemicals to prevent the growth of barnacles on ship hulls and developing protective foams to guard against nerve gases.

Massie said he found the academy, with its stringent admission standards and emphasis on technical education, a luxurious teaching environment.

"Scholarship is emphasized here—you knew you could expect certain things of your students," he said. "You had enough money to have the proper equipment, and students could afford all their books," unlike students at some of the civilian colleges where he taught.

Massie said midshipmen were sometimes baffled by his unorthodox way of scoring exams—two points for each question they got right, but 50 points subtracted for each one they got wrong. He was trying to prove a point to them:

"Everything in life doesn't have the same value," he said. "It depends on the circumstances."

AFRICAN GROWTH AND OPPORTUNITY ACT

SPEECH OF

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1432) to authorize a new trade and investment policy for sub-Saharan Africa:

Mr. McDERMOTT. Mr. Chairman, the most important thing about the U.S. trade policy towards sub-Saharan Africa is that there isn't one. Congress has an opportunity to change that situation by passing HR 1432, the African Growth and Opportunity Act, a widely supported bipartisan bill, that creates the framework for qualified African countries to move from aid to trade.

For the first time since the end of the colonial era, the United States is proposing to engage the countries of sub-Saharan Africa on the same basis as we do the rest of the world, as trading partners. The old donor and recipient paradigm, that has historically defined U.S. relations with Africa, is being replaced by a new and more dynamic paradigm that states that:

> . . . it is in the mutual economic interest of the United States and the countries of Africa to promote programs, policies and strategies that reduce poverty through economic growth, self reliance, and commerce. Traditional aid, while still necessary in some countries, is not sufficient to bring about fundamental change in Africa. Economic growth, self reliance, and commerce are not only vital for raising living standards on a broad basis, but also for addressing the critical social and health needs that plague Africa. Without a strong commitment to economic growth, self reliance, and commerce, no social programs, no schedule expenditures, no amount of aid will make a sustained improvement in the quality of life of Africa's citizens. Africa needs economic growth to make its social objectives feasible.

HR 1432 is the beginning of a process that will change our negative bureaucratic culture towards Africa. HR 1432 is strongly supported by all of Africa's political and economic leaders. The response from Africa had been clear, Africans want to be trading partners with the U.S. and the world, not perpetual recipients of donor assistance. HR 1432 explicitly states that the U.S. should continue to provide traditional development assistance to those countries attempting to build civil societies. In fact, the bill also states that economic growth depends on establishing a receptive environment for trade and investment, and that to achieve this objective USAID should continue to pursue programs in Africa. The Clinton Administration, including USAID, have strongly endorsed this legislation.

Many of the countries of Africa are moving in the right direction. Political and economic reform are beginning to take hold and a new generation of leaders have assumed power through elections. Things are much better, albeit not perfect, but better. Many countries in Africa have experienced positive growth rates over the last five years. Africa currently has 14 stock markets and the number is growing. Trade between the U.S. is growing, it is currently larger than trade between the U.S. and the former Soviet Union. The American corporate community has developed a renewed interest in Africa. Now is the time to seize the initiative and work to solidify the positive developments that are taking place in Africa. HR 1432 gives the world's largest economy a plan to help the smallest economies to grow and prosper without harming U.S. consumes, manufacturers, or workers.

In addition to establishing a trade policy towards Africa, HR 1432 is composed of three primary cornerstones and several key initiatives. The first cornerstone is the negotiation of U.S.-Africa free trade agreements. The negotiation of the free trade agreements gives us the opportunity to begin the process of bilateral and multilateral discussion that, over a number of years, will lead to the type of economic and trade relations that are mutually beneficial to Africa and the U.S. HR 1432 is not a free trade agreement—it promotes free trade with African countries as a goal for the future.

The second cornerstone is the creation of a U.S.-African Economic Cooperation Forum, loosely modeled on APEC. The forum will begin to change the perception of Africa as anything other than a recipient of donor aid, or as a humanitarian basket case. The forum will be the place where trade and investment issues and concerns will be discussed at by Cabinet level officials and will demonstrate to the international community that the United States takes Africa seriously. The forum will also send a signal to our business community that the U.S. government is committed to making it easier to do business in Africa.

The third cornerstone is the U.S.-Africa investment partnership. OPIC will be directed to establish a privately managed equity fund and an infrastructure fund that will leverage private financing for small and moderate sized U.S. and African businesses, and expand opportunities for infrastructure development throughout Africa. The demand for infrastructure in Africa is enormous but, the response from the international finance community has not been promising. It is clear that Africa's future competitiveness depends on reliable telecommunications, roads, railways, and power plants.

The principal goal of our three cornerstones is to attract international project financing to Africa, and to make it financially feasible for U.S. investors to participate in profitable business opportunities in Africa. If successful, there will be substantial job growth, increase in per capita incomes, and expanded trade between the U.S. and Africa.

While the three cornerstone programs will take time to implement, there is one initiative that could have an immediate impact on Africa countries. African textile and clothing exports to the U.S. represent less than 1% (about $383 million) of the total import market of $46 billion. HR 1432 contains a provision that could be implemented immediately and would not compete with U.S. products or cost U.S. jobs. In fact, when the World Bank analyzed HR 1432, it reported that the impact on U.S. manufacturers would be negligible. The provision eliminates the existing quotas on textiles and clothing exports from the countries of Africa as long as a cost effective and efficient visa system to guard against transshipment is in place. This provision represents a major opportunity to expand Africa's exports to the U.S. and generates more than 200,000 jobs and millions of dollars in tax revenue for Africa. Moreover, African and American products would not compete with each other.

HR 1432 is a commitment to a major shift in emphasis towards a private sector and market incentives approach to stimulating economic growth and reducing poverty in Africa. To participate, a country will have to meet eligibility requirements based on a strong commitment to economic, political, and trade liberalization.

Some think this initiative is naive, overly optimistic, or just completely unrealistic. I think that it is time that the U.S. becomes actively involved in building an economic partnership with the countries of Africa. That's what HR 1432 intends to do.

Mr. Speaker, on the floor of the House of Representatives, we often hear of days which are declared "historic". However, with the passage of HR 1432, the African Growth and Opportunity Act, today is truly a historic day.

COMMEMORATION OF CALIFORNIA'S CHILDHOOD CANCER AWARENESS WEEK

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 1998

Mr. GALLEGLY. Mr. Speaker, I would like to commemorate the week of March 15–21, 1998, which Governor Pete Wilson has proclaimed as "Childhood Cancer Awareness Week," in my home State of California.

Each year, about 10,000 children in our country are diagnosed with cancer. In California, this deadly disease is the second leading cause of death among children. There can be little else that can compare with the senselessness and tragedy of a little child who has been struck with a life-threatening illness. Today, I would like to recognize the American Cancer Fund for Children, and it's founder, Steven Firestein, for not only helping to find a cure for these sick children, but for easing their road to recovery, or to their final rest.

The American Cancer Fund for Children has helped families get through what is certain to be the most difficult time in their lives. Providing food, clothing, transportation, prosthetic devices and social service programs to young cancer patients, this organization comes to the aid of families who need it the most. They help take away worries, so families can have more time for hope.

Besides touching lives of individual children, the American Cancer Fund for Children has also made an impact on communities, through outreach and education about childhood cancer, and has contributed to cancer research.

While researchers and activists continue to search for a cure for cancer, it's important to recognize the interim needs of child victims and their families. Steven Firestein and the American Cancer Fund for children are doing just that. I encourage all my colleagues to join me in recognizing the American Cancer Fund for Children, and it's continuing efforts in easing the pain of childhood sickness and reaching for a cure.

INDIA LABELS INNOCENT SIKH A "TERRORIST"

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 1998

Mr. BURTON of Indiana. Mr. Speaker, it has come to my attention that India's Central Bureau of Investigation (CBI) conspired to place a false label of "terrorist" on a young Sikh man named Navjot Singh, and that the vaunted National Human Rights Commission (NHRC) has ignored his case.

I have a copy of a letter sent to the NHRC President by the young man's father, Tarlok Singh Chhabra, this past December 12, 1997, that details his case. It is very disturbing. The letter states "that the CBI with the connivance of Delhi Police, planted a false claim" against Navjot Singh. According to the letter, "on protracted correspondence with the NHRC, it transpired that the NHRC had not bothered at all to go through the representation." Navjot Singh was forced to sign false papers to implicate him falsely in an incident in Delhi, as well as another pending case. This is an outrageous abuse of power, unacceptable in any country, but especially when that country wants to portray itself as the world's largest "democracy."

Several of us recently sent a letter to the Government of Punjab regarding its failure to punish those responsible for the genocide against the Sikh Nation. It requested that the Punjab Chief Minister appoint a commission to investigate over 75 cases of police murder, rape, and torture of Sikh youth that have been documented by the CBI, the Supreme Court of India, and the United Nations Commission on Human Rights. In fact, these agencies report that this abusive behavior has occurred deliberately, and on a massive scale. Also, it has been reported that the Punjab Government is diverting the mail of a fiercely independent journalist named Sukhbir Singh Osan. And a number of my colleagues were dismayed by Prime Minister Gujral's recent threat that "Hindustan will not tolerate another attack on Iraq." Now we are informed about Mr. Navjot Singh and his unfortunate experience with the Indian Government. India may have conducted a new round of elections, resulting in its fifth government in two years, but it takes more than elections to make a democracy.

Mr. Speaker, India is one of the five largest recipients of U.S. foreign aid, and the President wants to increase last year's assistance by almost $12 million. The Indian Government is responsible for taking the lives of 250,000 Sikhs in Punjab between 1984–1992, over 200,000 Christians in Nagaland since 1974, and 53,000 Muslims in Kashmir since 1988. There are a half-million Indian soldiers occupying the province of Punjab, and another half-million occupying Kashmir. We should not be supporting a government that condones these widespread abuses with American tax dollars.

The United States is the world's preeminent power, arguably the only Nation on earth with both the economic might and the moral legitimacy to make the observance of human rights a pillar of its foreign policy. The unfortunate peoples of the world, whose basic human rights are suppressed either by tyrants or failed economic experiments, turn to the United States for hope, not cheap imports. From India to China, the people who suffer under such regimes understand that, if America joins their struggle by sacrificing short-term economic gain for long-term justice and freedom, the regimes will ultimately succumb.

An increase in aid is difficult to justify to the American people, who send their hard-earned tax dollars to a country that obviously shares none of our most-cherished values. The time has come for action, it is time for America to take a stand.

The Human Rights in India Act, introduced by me along with my good friend and colleague GARY CONDIT of California, will bar development aid to India unless the government releases prisoners of conscience, ends the practice of torture by police and military forces, permits impartial investigations of reported torture and disappearances of those in custody, brings to justice police forces responsible for human rights abuses, and permits critics of the government to travel abroad.

My colleagues, from this well of the House of Representatives you will hear many stories of human rights abuses from all around the world. Today, I ask that you think of the hundreds of thousands who are suffering in India. Please do not turn your back on the innocent. Give them a flicker of hope and send a strong message to the Government of India. I urge my colleagues to give the Human Rights in India Act their full consideration, and their strong support.

I am placing Mr. Chhabra's letter into the RECORD, and recommend that my colleagues give it their immediate attention.

Subject: Conspiracy of the CBI to implicate Mr. Navjot Singh, an innocent boy & labelled him fraudulently as a "terrorist"

The CHAIRMAN,
National Human Rights Commission, New Delhi.

SIR: Your attention is invited immediately to paras 6 and 7 of my representation dated 19-1-96, which is reproduced for ready reference: "That the CBI with the Connivance of Delhi Police, planted a false case and implicated him in FIR 681/95 of 27-9-95 and he was lodged in Tihar Jail Delhi for about 6 weeks in 'C' class and that too in solitary confinement whereas in Chandigarh he was kept in 'B' class on account of his academic and professional qualifications. That the falsification of Delhi Police case can be proven by its own concocted story, that on 17-9-95 he had been arrested from our home and on the next day produced in the Chandigarh Police and remanded to police custody & then Judicial custody and it was from Burail Jail Chandigarh only to Delhi and planted a false case against him in Delhi whereas he was never present at Delhi on 27-09-95 as he was present in his office up to the last date of his arrest. During his police remand Delhi, he was interrogated by the officers/officials of the CBI only and not by any other Agency. There at also he was forced to sign many blank papers etc."

2. On protracted correspondence with the NHRC, it transpired that the NHRC had not bothered at all to go through the representation in totality and had taken the matter

lightly which required rapt attention of the NHRC in such a crucial matter involving the whole career of an educated young man. I have the documentary evidence to adduce, that it is all a conspiracy of the CBI officials to implicate my son falsely in Delhi case as well as Beant Singh case. What the hell on earth is that my son was forced to sign many blank papers including few diary pages of an old diary at gun point? Why duty is not cast upon the investigating agencies to faithfully discharge their duties and not involve innocent people in concocted and false cases which has glaringly happened in our case? Why penal action should not be taken against defaulting officials, who themselves behave like criminals and human rights are violated? A thorough enquiry be conducted and I be associated with the NHRC Court proceedings with following observations besides other issues:

1. The name of my son in FIR 681/95, does not figure at all at any stage.

2. The concocted confessional statement has been written in a language other than English and his signatures in English were already taken on blank sheets besides diary writings and few papers might have been filled in later on suiting the whims and fancies of the investigating officials, which is again a criminal offence on the part of the so called investigating officials and this fact cannot be ignored.

3. The Delhi case against my son came into being only as CBI were refused further remand by Chandigarh Court in Beant Singh case, in which he was falsely implicated already.

4. My son had never known any person named as co-accused or to any witness cited by the prosecuting agency, which again shows implication in a false and concocted case.

5. He was already arrested on 17-9-95 and was already lodged in Changigarh Jail, whereas the Delhi FIR came into being on 27-9-95, what a big fraud? He was straight away taken from Chandigarh Jail for Delhi, it is highly unbelievable as to how the Delhi Police came to know that he was already lodged in Chandigarh Jail, whereas in the statement of a witness falsely brought on record by Delhi Police in connivance with CBI, as the complete residential address as well as the name of father of Navjot Singh was completely missing, requires thorough probe and stern action against the erring officials, both of CBI and the Delhi Police which culminated in implicating an innocent boy in false cases. It is pertinent to add that he was subjected to 3rd degree methods, just to compel him to become approver in Beant Singh assassination case which he flatly refused to do so. He was also threatened that he will be implicated in other false cases of other states too and his family members shall also be subjected to all sorts of tortures etc.

PRAYER

I urge to your Lordship to please raise our case to its entirety and book the culprit officers/officials of the CBI and of Delhi police in whose connivance all episode of Delhi case as well as Chandigarh case took place, which had shaken the whole precious life of my only son.

Yours faithfully,
TARLOK SINGH CHHABRA,
889, Sector-60, MOHALI.

TRIBUTE TO DON TURNER

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 1998

Mr. WELLER. Mr. Speaker, I rise today to honor the work and dedication of Don Turner who will retire from his post as Superintendent of Bradley-Bourbonnais Community High School at the end of the 1998 school year.

Mr. Turner retires from Bradley-Bourbonnais Community after thirty-five years of service to the High School. Mr. Turner grew up in Chrisman, Illinois where his dream in life was to become a basketball coach. After graduation from High School, Mr. Turner entered Eastern Illinois University to pursue that dream but left halfway through to serve in the Korean War. After serving his country, Mr. Turner returned home and finished his degree at Eastern Illinois University.

Mr. Turner's dream of becoming a coach became true when he became the head basketball coach at Lafayette High School. After two years of coaching at Lafayette, he moved to Serena, Illinois to become the high school basketball coach. It was during this time that Mr. Turner decided to make a career change. He returned to college and obtained a master's degree in education administration from the University of Illinois. After receiving his master's degree, he became principal at Gilman Grade School and after one year he became principal at Gilman High School.

In 1963, Mr. Turner was hired by Bradley-Bourbonnais Community High School. During his tenure at Bradley-Bourbonnais High School, Mr. Turner has been dean of boys, dean of students, and assistant superintendent. In 1982, Mr. Turner became the Superintendent at Bradley-Bourbonnais High School. Mr. Turner has seen Bradley-Bourbonnais High School grow dramatically and has been instrumental in the additions of the pool, computers and the new auditorium. Mr. Turner's best memories of the school include all the people who have passed through its doors. In spite of numerous job offers, Mr. Turner has never considered leaving Bradley-Bourbonnais High School.

Mr. Speaker, today I recognize this gentleman for his honorable career, uncommon loyalty, and education impact. I urge this body to identify and recognize others in their communities whose actions have so greatly benefited and strengthened America's schools.

TRIBUTE TO LT. GEN. JOE N. BALLARD

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 1998

Mr. SKELTON. Mr. Speaker, today I congratulate Lt. Gen. Joe Ballard the Chief of Army Engineers and the Commander of the United States Army Corp of Engineers. On February 28, General Ballard was recognized as the Black Engineer of the Year during the 12th Annual Black Engineer of the Year Awards Conference at Baltimore, Maryland. This award was presented by the Career Communications Group and the Council of Engineering Deans of the Historically Black College and Universities. A panel of judges from industry and academia screened over 200 entries and unanimously agreed that General Ballard was by far the best qualified for this award. General Ballard, a native of Oakdale, Louisiana, and a graduate of Southern University, leads the world's premier public engineering organization with engineering, construction and real estate responsibilities worldwide.

In the civil works program, the Army Corps of Engineers is responsible for operating and maintaining 275 locks, 12,000 miles of navigable waterway and 300 deep draft harbors. Flood control systems across our nation prevent an estimated $26.8 billion in potential damage each year and Corps facilities provide 24 percent of our nation's hydroelectric power. When disaster hits our hometowns across the United States, General Ballard's forces are always on the front lines fighting as they did recently in the Midwest and California floods and the New England ice storm.

General Ballard overseas the design and construction management of military facilities for the Army and Air Forces worldwide and often provides the same support for other Defense and federal agencies. As the senior Engineer in the Army, his engineer soldiers are also found on the front lines in Bosnia and Kuwait serving our nation. Through all this, he has the additional responsibilities for the nation's environment, managing environmental restoration programs and practicing environmentally sustainable development to balance environment values with economic growth.

It is a tremendous honor that one of our finest public servants is recognized across the country as the Black Engineer of the Year for 1998. We applaud General Ballard for his professionalism, dedication and leadership, and we in the Congress, congratulate him on this significant distinction.

DIRECTING THE PRESIDENT TO REMOVE UNITED STATES ARMED FORCES FROM BOSNIA-HERZEGOVINA

SPEECH OF

HON. DOC HASTINGS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 1998

Mr. HASTINGS of Washington. Mr. Speaker, I rise to express my reluctant opposition to this resolution, which I believe proposes the wrong means of achieving the right end. I opposed the President's original decision to deploy our troops in Bosnia because I believed that neither the goals of the mission nor the exit strategy was clearly defined. Furthermore, I strongly suspected that the Dayton Agreement would not easily or permanently resolve the disagreements dividing groups in the region, and that the conditions of the Dayton Agreement could only be enforced through a long-term U.S. presence. As a result, I have voted on numerous occasions to put an end to this seemingly endless deployment of troops.

Unfortunately, my reservations have become reality. A mission originally characterized by President Clinton as a temporary implementation measure has turned into an open ended mission with U.S. troops serving as everything from peacekeepers, to traffic cops, to construction workers. For that reason, I have supported efforts in the House to fix a date certain for the withdrawal of our forces through the use of our Constitutional authority to control funding for such missions.

I must confess that because of my strong desire to see our troops returned home I considered supporting H. Con. Res. 227. However, in the end I cannot in good conscience endorse a process which I believe to be unconstitutional simply to settle a policy difference with this President. I have consistently opposed the War Powers Act as contrary to the intent of the framers of the Constitution, who reserved leadership in foreign policy to the Presidency.

I have always viewed the War Powers Act, enacted in 1973, as a partisan gimmick devised and used by liberal Democratic Congresses seeking to tie the hands of Republican presidents with whom they disagreed. To change my position now that we have a Congress controlled by Republicans in order to score points against Bill Clinton would be politically opportune, but counter to my basic opposition to the War Powers Act.

Mr. Speaker, I urge my colleagues to reject the unconstitutional mechanisms of the War Powers Act and defeat this resolution. Instead, I encourage my colleagues to vote their consciences on the Bosnia issue when we consider the President's request for additional funding to continue this deployment. Let us bring our troops home in an orderly, but timely manner. I have voted to do so before and I will do so again, but not in a way that I believe does such great damage to the doctrine of separation of powers enshrined in our Constitution.

TRIBUTE TO DR. STANLEY S. BERGEN, JR.

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 1998

Mr. PAYNE. Mr. Speaker, I rise today on behalf of Dr. Stanley S. Bergen, Jr., to mark the occasion of his retirement as President of the University of Medicine and Dentistry of New Jersey (UMDNJ).

Dr. Bergen has served the State of New Jersey with exceptional dedication, energy and leadership that has distinguished his 27-year career as the first and only president of UMDNJ. Under Dr. Bergen's stewardship, the University has emerged as the largest public university of the health sciences in the country, and serves as a national resource for health professions education, research, patient care, and service to the community.

Through his resolve to provide educational opportunity and health care services to all the people of New jersey, UMDNJ has grown to include seven schools on five academic campuses statewide, with programs at more than one hundred affiliated educational and health care institutions in communities throughout the State.

Dr. Bergen is recognized as a national authority on health care and a prominent leader in academic medicine in the State and in the nation.

It is fitting and proper that the members of Congress salute Dr. Bergen's exemplary career and service to New Jersey and the nation. His high standard of excellence in education, research and patient care have brought pride and honor to our State.

We wish him well in the years ahead and hope that he will continue to serve as a valuable resource to New Jersey and the nation.

TRIBUTE TO GAINESVILLE FIRE DEPARTMENT

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 1998

Mr. HALL of Texas. Mr. Speaker, in December of 1997 I had the honor of speaking to the Gainesville Fire Department at their annual Christmas banquet. Since that time, I have visited informally with Steve R. Boone, the highly regarded Fire Chief of the Gainesville Fire Department, Capt. Wally Cox, Training Officer, and Lt. David Tharp, Fire Safety Education Officer. I am impressed by their dedication and commitment to public service.

One of the main goals of the Gainesville Fire Department is to provide educational programs on fire safety. The Department accomplishes this by presenting programs in the local school systems as well as community events, sponsoring industrial training sessions, and making presentations to civic clubs. Ninety percent of their funding for fire safety education is received through donations from the community—evidence of the support that the Department receives from local citizens.

The Gainesville Fire Department has chosen to take a proactive approach to fire prevention and safety, rather than just a reactive one. Their efforts undoubtedly will help save lives and property. In the past, the Gainesville Fire Department has been recognized for their efforts by local groups, the International Association of Fire Chiefs, insurance companies, and other entities. Senator PHIL GRAMM also has recognized their commitment to serving the citizens of Cooke County.

Mr. Speaker, too often we take for granted the efforts of those who place their own lives at risk for their fellow citizens. I ask my colleagues to join me today in paying tribute to an outstanding group of public servants—the Gainesville Fire Department—and to other firemen across our great nation whose dedication to the prevention of fires and injuries deserves our gratitude and respect.

TRIBUTE TO HAZEL WOLF

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 1998

Mr. McDERMOTT. Mr. Speaker, I rise today to honor my constituent, Hazel Wolf. On Saturday, March 21, 1998, hundreds of her friends will gather in Seattle celebrating her 100th birthday and giving thanks for her lifetime of dedication to the environment and human rights.

Born in Victoria, British Columbia on March 10, 1898, Hazel emigrated to the United States in 1923 as a single mother seeking work to support her young daughter, eventually becoming a legal secretary. Hazel officially became a citizen in 1976 after devoting more than 50 years to making our country a better place to live.

Through the years Hazel championed issues of importance for women, working people, human rights, and the environment. A true citizen of the world, her work has been recognized with awards by numerous international, state, and local organizations. On Saturday the Seattle Audubon Society will acknowledge the "rare bird" by announcing the creation of the Hazel Wolf Kids for the Environment Endowment. This fund will be dedicated to helping urban youth experience and appreciate nature, a lasting tribute to a woman who cherishes our nation's young people and loves the beauty of our natural world.

Mr. Speaker, please join me in thanking Hazel for demonstrating to us the value of a simple life adorned with the riches of a lifetime of service to humanity and nature. We wish her continuing vigor in pursuit of future endeavors.

CROATIAN POLICE ATTACK PROTESTERS AT PEACEFUL TRADE UNION RALLY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 1998

Mr. TOWNS. Mr. Speaker, today I am sharing with my colleagues various newspaper articles related to a recent peaceful rally in which protesters were attacked by Croatian police. It was reported in the Federal Tribune that there were between 12,000 to 14,000 policemen from throughout Croatia brought in to control an estimated 10,000 to 30,000 protesters. The rally was organized by the largest trade union in Croatia and several opposition political parties. The reported focus of the rally were issues of high unemployment and poor living conditions for workers and retirees, while at the same time it has been reported that Croatia's President Franjo Tudjman has amassed a considerable fortune for himself and his family. I am also inserting into the RECORD an informative article released this week by Jack Anderson and Jan Moller entitled, "Croatian Seeks To End Human-Rights Abuses."

[From BBC News, Feb. 21, 1998]

CROATIAN POLICE DENY DEMO INJURIES

The Croatian Interior Ministry has denied reports that police used force against demonstrators during a mass protest in the capital Zagreb.

Tens of thousands of people took part in what is described as the largest rally the nation has seen, against growing poverty and unemployment.

The government banned the demonstration from main city square, Ban Jelacic square, deploying hundreds of police with riot gear to prevent the crowd from gaining access.

Protesters threw apples and eggs at officers and a shop window was shattered.

An Interior Ministry statement, carried by the official news agency HINA, contradicted Croatian radio and TV reports that several people were being treated in hospital for injuries.

Five police staff were also reported injured.

The demonstration was organized by three trade unions and backed by 10 opposition parties.

Correspondents say about 10,000 protesters moved to Marshall Tito square, also known as Theatre Square, where they held an hour-long meeting.

The head of the Croatian Workers Trade Union, Boris Kunst, said he was saddened that the Croatian police had raised their hands against the protesters.

"These people that gathered here are those who defended Croatia," he said. "But they cannot live off their salaries, while the others are decorating their palaces and are stealing from us."

Protesters called on ministers to reduce their own salaries and scrap the newly-introduced 22% value added tax which has seen prices increase on basic goods including food.

Correspondents say Croats have been reluctant to demonstrate against the government, led by President Franco Tujman, since the country achieved independence through a devastating war in 1991.

But dissatisfaction among citizens is mounting as the majority of them face post-war poverty.

An unemployment rate, which independent analysts say tops 23%, is at the center of public grievances.

As the rate rises a new wealthy elite consisting mainly of businessmen favored by the government or ruling party members, has emerged.

VECERNJI LIST—MARCH 18, 1998

ZAGREB. President of the United American Trade Union headquarters AFL-CIO John J. Sweeney sent a letter to the President of the Republic of Croatia Franjo Tudjman protesting confiscation of the trade union's property. Mr. Sweeney appealed to the government of Croatia that it was urgent that they change their position and rescind their orders under the "law of unions" in relation to the trade union's property, and withdraw their decision about nationalization of the trade union's property, declared the International Department of the Association of the Independent Trade Unions in Croatia, the largest association of trade unions in Croatia.

DIE TAGESZEITUNG—FEBRUARY 24, 1998

BERLIN, Federal Republic of Germany. At the peaceful rally in Zagreb, which was organized by the Association of Workers' Unions and several political opposition parties, on Friday, February 20th in the capital of Croatia, Zagreb, were tens of thousands of people who protested against social and economic policy and unemployment. The target of this protest was Croatian President Franjo Tudjman and the government of the ruling party, HDZ, who were proclaimed responsible for the poor living conditions of workers, retirees and unemployed persons. People shouted "Tudjman is Sadam" and "All of you are thieves". People were angry and resisting the selling of many factories to leading members of HDZ for symbolic money and that the current value of the private property of the President and his family is more than $1 billion.

DIE PRESSE—FEBRUARY 28, 1998

VIENNA, Austria. A Press Correspondent from Zagreb reported that President of Croatia, Dr. Franjo Tudjman has property of several billion dollars in German marks and this was the reason for the large workers' demonstration in Zagreb's streets. It is very important that the trade unions want to change policy through their demonstrations.

CROATIAN SEEKS TO END HUMAN-RIGHTS ABUSES

(By Jack Anderson and Jan Moller)

When Dobroslav Paraga rallied his fellow Croatians for change in 1991, he could get only a few hundred supporters to publicly protest Croatian President Franjo Tudjman's regime.

Seven years later, close to 15,000 of Paraga's countrymen routinely crowd the city squares in discontent over the civil rights violations and declining economic fortunes that have befallen Croatia under Tudjman's watch. One-fourth of all Croatians are currently unemployed.

"Before, people were afraid to speak out against the government," Paraga told our associate Kathryn Wallace. "Now they are hungry."

Conditions were supposed to improve when the communist government toppled in 1990 and democracy prevailed.

But Paraga tells us the new government is still communist, albeit disguised as a social democracy.

A 1997 State Department report agrees with this assessment, referring to the government as "authoritarian" and Tudjman's recent re-election as "fundamentally flawed."

"The president serves as head of state and commander of the armed forces, chairs the influential National Defense and Security Council, appoints the prime minister who leads the government, and approves senior appointments in local government," the report states.

"Government influence circumscribes and weakens the judiciary. This, combined with the extensive constitutional powers of the presidency, the overwhelming dominance of the (Croatian Democratic Union, Tudjman's party), its absolute control of television, and the continuing concentration of power within the one-party central government, makes Croatia's nominally democratic system in reality authoritarian."

It also grants the government the ability to violate human rights as it sees fit.

The tall, rumpled Paraga doesn't look the part of a patriot or a politician. Yet in the last decade he's been arrested and jailed in his own country as well as in Austria and Canada for what the Croatian government calls "high treason" and "terrorist acts."

Paraga's offense? He was the president on the Croatian Party of Rights 1861, espousing such radical views as freedom of the press and an equitable separation of powers between the judicial, legislative and executive branches of government. A 1993 visit to Washington to raise awareness of human rights violations in his homeland led to his removal from the legislature. The government's reason: "Dissemination of false information" to incite rebellion.

"Our neighbors have freedom, but we stay at the same place," Paraga told us. "I have lost 28 friends in car bombs and assassinations, (and) I have been imprisoned. I have lost fear."

While Paraga has been outspoken of the offenses of his government—assigning responsibility for the assassinations of 28 officials of his party to Tudjman's group—he disavows any violent or terrorist activities.

He is in the United States now at the invitation of recently retired Rep. Ronald V. Dellums, D-Calif., the ranking member of the House National Security Committee, to help draft a human rights resolution—which, if passed, would be the first official policy statement by the United States about the government of Croatia.

It's not the first time that Paraga has sought congressional help in his freedom fight. He first came to our attention nearly a decade ago, in 1989, when Croatia was still part of communist Yugoslavia. Then a 28-year-old dissident, he had already been in five prisons for a total of four years, the first time being when he was only 19.

In 1980 he and his friend Ernest Brajder were thrown in jail for circulating a petition opposing torture in Yugoslavia. Paraga came out alive, but Brajder did not. After three days in jail, he was dead in what the U.S. State Department admitted were "mysterious circumstances."

Back in 1989, Paraga made the rounds on Capitol Hill, as he has this month, explaining the plight of those who dared stand up to the Croatian authorities. The Senate believed Paraga and passed a resolution with plenty of "whereas" and "therefore" language. It had no binding effect on anyone, but it nevertheless made headlines in Yugoslavia.

One again, Paraga is hoping that a congressional resolution will help prod the Croatian government into loosening its iron-fisted grip on power and information. He told us that his party, disbanded by the government, nonetheless has the support of as much as 80 percent of young people in Croatia.

After nearly a decade of war and political turmoil, it's high time that Croatia gets back on the road toward free markets and respect for human rights. If a congressional resolution can help bring this about, we urge Congress to act without delay.

INTRODUCTION OF A BILL TO ADJUST THE BOUNDARIES OF THE LAKE CHELAN NATIONAL RECREATION AREA AND THE WENATCHEE NATIONAL FOREST

HON. DOC HASTINGS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 1998

Mr. HASTINGS of Washington. Mr. Speaker, I have introduced a bill today that would correct a mistakenly drawn boundary between the Lake Chelan National Recreation Area and the Wenatchee National Forest.

This measure would move the boundary that divides one land owner's property into two different federal jurisdictions, the National Park Service and the National Forest Service. While the land owner was originally assured that his property was located completely within the Wenatchee National Forest, it is now apparent that due to an error in the original boundary designation, that only part of his property is so designated. This bill would retroactively change this oversight to the original intent.

IN MEMORY OF OREE WOODS

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 1998

Mr. HALL of Texas. Mr. Speaker, I rise today to pay tribute to someone I had the privilege of meeting just last November—Oree Lea Woods of Sadler, Texas—who died on January 19 at his residence after a long illness. He was 79 years old. Although I knew Oree only two short months, I felt that I had known him all my life.

I had the opportunity to visit Oree and his wife, Jean, at the invitation of CASHA Resource Home Health Services. This was one of several home health visits that I made during our winter break. I have long been a supporter of home health services as a member of the Health and Environment Subcommittee of the Commerce Committee, and it was good to see how much these services meant to Oree. Oree had experienced continued health problems during the past two years and had been a home health patient for two months when I met him. He and Jean had high praise for this service and were grateful to have this health assistance during Oree's recuperation period.

Oree was a World War II veteran and a lifetime member of the Veterans of Foreign Wars. He served for three years as Mayor of Sadler, was a retired metal lather, and was a member of the First Baptist Church. He was married to his wife, Jean, for 57 years, and they have a son, Kimsey Woods, a daughter, Karen Whitmire, two grandchildren and three great-grandchildren.

Because of home health care, I was able to visit with Oree and Jean in the comfort of their home, where we swapped many stories about family, childhood escapades, school, World War II experiences, and health care. I came away from our visit feeling that I had truly had a chance to get to know Oree—an experience that I think would not have been possible outside the home environment.

Mr. Speaker, I ask my colleagues to join me in recognizing the importance of home health services in enhancing the quality of life for thousands of patients throughout our nation. As we adjourn today, it is a privilege for me to pay tribute to the late Oree Lea Woods—a man who lived his life in devotion to his wife, his family, his community, and his country.

ANNOUNCING THE INTRODUCTION OF LEGISLATION TO REDUCE THE MARRIAGE TAX PENALTY MARCH 19, 1998

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 1998

Mr. McDERMOTT. Mr. Speaker, today Representative KLECZKA and I are introducing legislation to reduce the marriage tax penalty for most Americans.

The marriage penalty reduction legislation I am introducing with Representative KLECZKA (D–WI) simply would increase the standard deduction for joint filers so that it equals twice that of single filers. The standard deduction in tax year 1997 is $6,900 for joint returns and $4,150 for single returns. Two singles get a combined standard deduction of $8,300 compared to $6,900 for a couple—thus penalizing the couple for getting married. In my view, increasing the standard deduction for joint filers is the simplest, fairest, easiest, and most fiscally responsible way in which to address the structural marriage tax penalties within the code.

As you can see from the attached charts to be inserted into the record, the fix I proposed last Congress would have eliminated virtually all marriage penalties, and, it even provides a modest bonus for one-earner families.

The McDermott-Kleczka plan is progressive: Since most high-income taxpayers do not use the standard deduction, the Congressional Budget Office (CBO) has found that only 36% of the benefits from this type of change goes to taxpayers earning $50,000 or more—meaning—64% of the benefits go to couples earning less than $50,000/year. CBO found that other leading repeal proposals direct at least 65% of the benefits to those taxpayers earning more than $50,000/year.

The McDermott-Kleczka plan is affordable: CBO estimates that increasing the standard deduction for joint filers costs roughly $4 billion/year. Estimates prepared by the Joint Committee on Taxation verify this finding. Meanwhile, CBO found other leading repeal proposals cost as much as $29 billion/year.

The McDermott-Kleczka plan is family friendly: In addition to eliminating the marriage penalty, the standard deduction fix slightly increases the marriage bonus (see charts)—making it more affordable for the spouses of single earners who prefer to have a parent stay at home to care for their child or children. This bonus provides a small incentive without creating a new program and is not excessive so that it overly penalizes individuals for being unmarried.

The McDermott-Kleczka plan is simple compared to the problems raised by other repeal proposals which will force taxpayers to do their taxes twice in order to figure out which is the best choice for their family.

In 1997, repeal of the marriage penalty was pushed aside by the Republican Majority. Inexplicably, in the W&M Committee, where roughly 20 members signed the Contract with America my amendment failed. Most likely, the Majority preferred cutting taxes for corporations (not mentioned in their contract). In my view, a tactical decision was made that it was more important to provide tax cuts preferred by the business community (such as reducing the corporate AMT and corporate capital gains tax cuts) than it was to address the marriage penalty.

In fact, no legislation was introduced during the 105th Congress to repeal the marriage penalty until after the Budget Agreement passed Congress last August.

Now that repeal of the marriage penalty is finally being addressed and if it sincerely is a priority of this Congress, I would urge my colleagues to take a second look at the McDermott-Kleczka proposal before they rush to advocate an alternative.

STRUCTURAL MARRIAGE TAX PENALTIES AND BONUSES IN 1997 DOLLAR AND PERCENTAGE AMOUNTS BY WHICH JOINT INCOME TAX LIABILITIES EXCEED THOSE OF TWO SINGLES

[Marriage tax bonus shown in parenthesis]

Income levels ($000s)	Joint income tax liability	50/50		60/40		70/30		100/0	
		Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent
20	$1,170	$210	22	$345	42	$378	48	($810)	(41)
25	1,920	210	12	210	12	384	25	(810)	(30)
30	2,670	210	9	210	9	269	11	(810)	(23)
35	3,420	210	7	210	7	210	7	(1,272)	(27)
40	4,170	210	5	210	5	210	5	(1,922)	(32)
50	5,670	210	4	210	4	(252)	(4)	(3,222)	(36)
60	8,028	1,068	15	1,476	6	(304)	(4)	(3,664)	(31)
75	12,228	1,444	13	1,256	11	281	2	(3,918)	(24)
100	19,228	1,444	8	1,444	8	1,152	6	(4,668)	(19)

Source: CRS.

McDERMOTT-KLECZKA LEGISLATION CHANGES THE STRUCTURAL MARRIAGE TAX PENALTIES AND BONUSES: DOLLAR AND PERCENTAGE AMOUNTS BY WHICH JOINT INCOME TAX LIABILITIES EXCEED THOSE OF TWO SINGLES

[Marriage tax bonus shown in parenthesis]

Income levels ($000s)	Joint income tax liability	50/50		60/40		70/30		100/0	
		Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent
20	$960	....	....	$135	16	$108	13	($1,020)	(52)
25	1,710	....	....	....	....	174	11	(1,020)	(37)
30	2,460	....	....	....	....	59	2	(1,020)	(29)
35	3,210	....	....	....	....	....	....	(1,482)	(32)
40	3,960	....	....	....	....	....	....	(2,132)	(35)
50	5,460	....	....	....	....	(462)	(8)	(3,432)	(39)
60	7,636	$676	10	84	1	(696)	(8)	(4,058)	(35)
75	11,836	1,052	10	864	8	(111)	(1)	(4,310)	(27)
100	18,836	1,052	6	1,052	6	760	4	(5,060)	(21)

Source: CRS.

PERSONAL EXPLANATION

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 1998

Mr. DIXON. Mr. Speaker, yesterday during Roll Call vote number 58 I inadvertently voted yea. I intended to vote nay.

RECOGNIZING THE UNIVERSITY OF MARY HARDIN-BAYLOR LADY CRUSADERS BASKETBALL TEAM

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 1998

Mr. EDWARDS. Mr. Speaker, today I rise to recognize the University of Mary Hardin-Baylor Lady Crusaders of Belton, Texas for their determination in making it to the national women's basketball championship game.

After posting an impressive season record of 24–6, the Lady Crusaders entered the women's NAIA Division II National Tournament unseeded. Fighting their way through highly ranked teams to the finals, they challenged Walsh University of Ohio for the championship trophy Tuesday night.

Although they fell in the championship game, these young ladies combined effort, teamwork, dedication, and vision to fool the experts and outplay their opposition. The Lady Crusaders set several new tournament records and proved that the underdog should never be counted out.

I ask you to join me in acknowledging the accomplishment of these outstanding athletes from my Texas Congressional District. Congratulations Lady Crusaders for a job well done.

TRIBUTE TO ANDREA GIBSON

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 1998

Mr. THOMPSON. Mr. Speaker, it is an honor to stand here before you today and pay tribute to a courageous young person in my district. Ms. Andrea Gibson, a 11th-grader at Warren Central High School in Vicksburg, MS saved a 5-year-old from drowning on June 29th in a pool in Birmingham, Ala. Ms. Gibson was on vacation with her mother when she noticed a child staring fearfully into the pool calling his brother's name.

When Andrea heard the young boy call out for his brother, she quickly noticed that the child was at the bottom of the pool and proceeded to jump in. Once the boy was rescued from the pool, Andrea quickly performed CPR to revive the young man. Had it not been for the actions of Ms. Gibson, the life of a young child could have been in severe jeopardy or lost.

Mr. Speaker, my hat goes off to Ms. Gibson. At a time in our history where so many children are doing negative things, it is stories such as these where we need to take a look at our young people's positive actions and congratulate them on their valor and good judgement. Ms. Gibson is a very courageous young woman and I wish her the very best in her future endeavors.

TRIBUTE TO LAMAR HIGH SCHOOL GIRLS BASKETBALL CHAMPIONSHIP

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to recognize the outstanding accomplishment of the Colorado Class 4A State Girls Basketball Championship Team, the Savages of Lamar High School. The championship game of March 7, 1998 was the culmination of a perfect 25–0 season.

here are many reasons this victory is so special for the team which hails from Lamar, an agricultural town of 8400 proud people in Colorado's Fourth Congressional District. They are proud of the fact that two of these fine athletes, Britt Hartshorn and Diane Dittburner, have been named "All-Americans." They are proud of the fact that their team had the strength and fortitude to overcome a 10-point deficit in the second half of the championship game. They are proud of Coach Dennis Bruns, who started the girls' basketball team in 1975 and has devoted the subsequent 23 years to the girls' athletic and academic excellence. They are proud of the fact that the Savages have won 96 of their last 100 games. But what makes them most proud of all is that this team has done what no other has—win four consecutive state championships.

This victory is an inspiration to all in high school athletics who strive for excellence and achievement. What these girls, from the plains of Colorado, have shown to all of us is that great talent and ability span across the state, the great state of Colorado and I ask the Congress to join me in congratulating these tremendous high school athletes and their dedicated Coach.

TRIBUTE TO DR. JOHN DONOHOO

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 1998

Mr. PORTMAN. Mr. Speaker, Georgetown, Ohio lost one of its finest last week: Dr. John Donohoo—known to his many friends, neighbors and patients simply as "Dr. John."

Dr. John was an old-fashioned family doctor in the finest American tradition. Throughout the 37 years he practiced medicine, if you happened to be sick, he came to your home. His fee was whatever the patient could afford; sometimes it was cash, other times it was a chicken or maybe some homegrown produce. There aren't many like him left.

A Georgetown native, he served in World War II as a medical technician before receiving his undergraduate and medical degrees from the University of Cincinnati. Dr. John dedicated a great deal of his time and leadership to the Brown County community. He served as a board member for Brown County Hospital; President of the Georgetown Exempted Village School District for nine years; and President of the Brown County Board of Health. He was also a member of the Georgetown Village Council; Chairman of the Brown County Courthouse Reconstruction Association; and an elder and choir member of the Georgetown Presbyterian Church. He loved horses and helped to found the Brown County Charity Horse Show, as well as owning and operating Donohoo Stable for 28 years.

Dr. John gave so much to so many throughout Brown County, but he will be missed the most by his family: his beloved wife of 55 years, Betty Donohoo; his children J. Michael Donohoo, Deborah Durbin and Dr. Jeffrey Donohoo; his mother Mary Donohoo; and his four grandchildren.

Mr. Speaker, Dr. John Donohoo represented the highest ideals of the medical profession. Throughout his life, he worked to make his community a better place to live. I salute his many contributions and offer my deepest sympathy to his family and many friends.

CONGRATULATIONS TO REGINA MORRISSEY

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 1998

Mr. WEYGAND. Mr. Speaker, I rise today to congratulate Miss Regina Morrissey on the occasion of her 90th birthday, which she will celebrate on March 27, 1998. Miss Morrissey was born in Providence, Rhode Island on March 27, 1908 and has resided most of her life in New Bedford, Massachusetts.

Miss Morrissey is a graduate of New Bedford High School. She received her college degree from Hyannis State Teachers College on Cape Cod. For 32 years Miss Morrissey taught elementary school in both the Fairhaven and New Bedford school systems. To hundreds of former pupils, she is known simply as "Aunt Reggie".

Miss Morrissey is a communicant of Saint James Catholic Church, is a member of New Bedford Women's Club, serving as the Chairman of Publicity, a member of the Executive Board, and the Committee for the Blind. She is a member of the Catholic Women's Club, the Saint James Women's Club, and the Saint James Senior Citizen's club. Miss Morrissey worked for many years on the Greater New Bedford Concert Series.

Throughout her life, Miss Morrissey has been an inspiration to her students, her community, and her large extended family. I ask my colleagues to join me in wishing Miss Morrissey a very Happy Birthday, and congratulate her on her first 90 years.

IN HONOR OF MR. CARL VAIL OF SOUTHOLD, LONG ISLAND, NY

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 1998

Mr. FORBES. Mr. Speaker, rare is the occasion when one person so defines the character of a place, but I stand here today reflecting on just such a man, Mr. Carl Vail, of Southold, Long Island, New York. A man of great dignity and integrity, someone who held dear his Long Island home and served his country with special distinction, Carl Vail was someone that made you feel proud to be an American. That is why it is with great sadness that I inform my colleagues in the U.S. House of Representatives of the passing of Car Vail, at 102 years of age, on Thursday, March 12, 1998.

Born on August 12, 1895, Carl Vail lived his life as a reflection of the view that our national and familial legacy are gifts to nurture and pass on to our sons and daughters. The Vails are one of Long Island's and America's longest reigning families, having served and protected this land since the early 1700's. A Vail has fought in nearly every American conflict since the French and Indian War. Just last year, Car discovered that he was a descendant of Christopher Vail who fought in the Revolutionary War. His own son Everett flew B–24s in World War II and his seven grandsons served during the Vietnam conflict.

That tradition of service and patriotism ran deep in Carl Vail, who left the family's Southold farm to join the U.S. Army in December of 1917 and served his country in World War I. Carl was wounded in combat a month before the war ended after an enemy mustard-gas attack in France's Argonne Forest. Due to lost paperwork and a modest regard for his own heroic service to our country, Carl did not receive his Purple Heart until 1982. Until he passed away, Carl Vail was one of two dozen surviving World War I veterans living in Suffolk County.

After courageously serving his country, Carl returned to Southold, where he and his brother started a Hupmobile franchise, the beginning of an automobile sales business that lasted nearly 70 years. Generations of East Enders purchased their cars from Vail Brothers in Southold, Vail Motors in Riverhead and Seavale Motors in Southampton, dealerships that sold 20 different makes of cars, from Packards to Hudsons to Model T Fords.

I am proud to have come to know Carl during my service as a Member of the Congress representing Brookhaven, Smithtown and the five East End towns of Suffolk County. Born and raised in the same East End community, I can tell you that Carl Vail was the epitome of Eastern Long Island: friendly, proud, independent-minded and loyal to the core of this place to which the Vail family was such an integral part.

Carl Vail was a spirited man who cared about our community and participated in it to the last hours of his 102 years. May God bless and keep him. He will be sorely missed by all who knew him and all who so dearly love the East End.

[From Newsday, Mar. 17, 1998]

CARL VAIL, WWI VETERAN, DIES

(By George DeWan)

The Vail family name is one of Long Island's oldest, and a Vail has fought in most of America's wars going back to the French and Indian War in the mid-1700s.

On Thursday, Carl Vail of Southold, who was gassed as an infantryman in France in World War I and was one of about two dozen surviving World War I veterans in Suffolk County, died at 102. He passed away at the Veterans Affairs Medical Center in Northport after an eight-month illness.

Vail was best known on the East End for the automobile dealerships he founded: Vail Brothers Inc. in Southold, Vail Motor Corp. in Riverhead and Seavale Motors in Southampton. He had sold 20 makes of cars—including Packard, Willys, Nash, Hudson, Maxwell and Model T Ford—and became one of the top dealers in eastern Suffolk.

Born in Peconic on Aug. 12, 1895, Vail was 22 when he was drafted in 1917. He was a farmer at the time, but was in love with the water. "I wanted to get in the Navy," he said in an interview with Newsday last year. "They said they'd take me only as a ship's cook." He didn't want to be a cook, so he went to the draft board in December, 1917.

Vail was a member of the Army's 77th, known as the Rainbow Division, which trained at Camp Upton in Brookhaven. He was hospitalized after an enemy mustard-gas attack in France's Argonne Forest in early October, 1918, a month before the war ended. After a number of governmental paperwork snafus, he was awarded the Purple Heart in 1982.

"My son, Everett, was a B–24 pilot in World War II," he has said. "He did 35 missions over Germany, and came home without a scratch. During the Vietnam War, I had seven grandsons in the service." Vail learned only last year that he was a descendant of Revolutionary War soldier Christopher Vail.

Vail first learned to drive in a 1905 Pierce Arrow, and cars became a hobby, then a business. In 1919, he and his brother got a Hupmobile franchise, the beginning of an automobile sales business that grew and grew, lasting until 1983, when he retired at 88.

"In '27 I bought an acre of potato land for $8,000," he said. "We built a garage, and I built up a $100,000 business in a little town."

"When World II started, most car dealers went out of business," Vail's grandson, Carl III, said yesterday. "He went out and bought a lot of cars. He once told me he was either going to go bankrupt or make a lot of money. After the war, he had a lot of cars, and he made a lot of money."

Vail helped found chapters of the American Legion in Mattituck and Southold. He was a life member of Eastern Long Island Hospital, a member of the Southold Universalist Church, the Southold Rotary Club and the East End Surf and Fishing Club.

Vail is survived by three children: Mary Hart of Southold, Virginia Bard of New York City and C. Everett Vail of Malabar, Fla.

Cremation was private. A memorial service will be held 3 p.m. Sunday, May 3, at the Universalist Church in Southold.

IN RECOGNITION OF BOOKS FOR KIDS

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 1998

Mr. QUINN. Mr. Speaker, I rise today to bring to the attention of my colleagues a very special program underway in my district, Books For Kids.

Now entering its fourth year, Books for Kids aims to collect 70,000 new or nearly new books for children ages 2–12 who have never owned a book of their own or who cannot afford to buy one.

As stated by Dr. Elizabeth Cappella, a confunder of Books for Kids, this program was established to help those children who can benefit the most by developing an early love of reading. That early love of reading can help them gain a major foundation for successful learning and living.

The Books for Kids drive has grown from an idea initiated in 1995 with the cooperation of The Buffalo News, United Way of Buffalo and Erie County, the Buffalo and Erie County Public Library, the Junior League of Buffalo, Inc., Buffalo State College's Project Flight and the 30th Congressional District to a successful community wide effort to promote literacy.

Mr. Speaker, today I would like to join with the entire Western New York community, to announce the start of the 1998 Books for Kids drive. I encourage my colleagues to join in similar programs in their Congressional Districts and strive to provide Books for Kids.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 1998

Mr. KIND. Mr. Speaker, next week this body will consider campaign finance reform. After a year and a half of work on this issue, by myself and many other members of Congress, I am hopeful that the result of our work is a meaningful bill that gets the big money out of the electoral process. I am afraid, however, that we may not see true reform.

An editorial in Saturday's New York Times may have foreshadowed the result of next week. "In order to quell a rebellion by Democrats and reform-minded Republicans, House Speaker Newt Gingrich promised that there would be a vote by the end of March on campaign finance reform. Now that the deadline is approaching, Mr. Gingrich is working hard to make sure the vote is rigged to come out the way he wants."

Mr. Speaker, I hope the New York Times is wrong. I hope that next week you will respond to the call of the public to fix our broken campaign finance system. I hope that next week we will finally have a chance to deliver true reform of our system and restore the public's faith in our democracy. Mr. Speaker, please don't let the people of my district down.

VOLUNTEERISM BY THE MERLE REED UNIT OF DELANO, CALIFORNIA

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 1998

Mr. DOOLEY of California. Mr. Speaker, I rise today to recognize and honor the work of the American Legion Auxiliary Unit #124, the Merle Reed Unit of Delano, California, for their remarkable and outstanding community service in the 20th District of California on October 25, 1997, "Make a Difference" Day in Delano truly did make a substantive difference in the lives and well-being of the people of Delano. Thirty-five members of the Merle Reed Unit worked that day on seven different projects designed to benefit the community in a wide range of ways.

They volunteered during the local Red Ribbon Week, promoting drug free awareness throughout the community. They collected yard sale items worth approximately $4,280 to sell at their "Spring Day", the proceeds of which will be donated to the Salvation Army and local church organizations. The Unit ran a canned food drive for the Holidays, recycled 583 pounds of bottles to benefit Veterans projects, and ran a comprehensive clean-up of the Auxiliary Post Hall, beautifying both the interior and exterior of the community center. Visits to the sick, local hospital volunteering and a joint luncheon for local Post Boys and Girls State participants rounded out an extremely beneficial day of service.

I commend the members of the Merle Reed Unit for their excellent commitment to bettering the community and the lives of those who live in it through public service, and am proud to be able to make this statement to honor just one of the many outstanding examples of service done everyday throughout this nation. I hope their fellow citizens will recognize the great work that the American Legion Auxiliary Unit had done, and continues to do, for the community, and will follow their admirable example.

REMARKS OF HIS EMINENCE BERNARD CARDINAL LAW ON CUBA

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 1998

Mr. McGOVERN. Mr. Speaker, I would like to share with my colleagues the remarks of His Eminence Bernard Cardinal Law, Archbishop of Boston, on Friday, March 13, 1998. Cardinal Law participated as a speaker in a conference co-sponsored by the Inter-American Dialogue, the Weatherhead Center for International Affairs, and the David Rockefeller Center for Latin American Studies of Harvard University.

AMERICAN ACADEMY OF ARTS AND SCIENCES TALK ON CUBA, MARCH 13, 1998, BY BERNARD CARDINAL LAW

In preparing these remarks, I reviewed my correspondence file from persons who accompanied me to Cuba for the Pope's visit. Our direct flight from Boston to Havana might have established a record in itself! Every letter expressed appreciation for the opportunity to participate in a historic and profoundly moving event. Almost to a person there was the expressed desire to be of assistance to the Church in Cuba and to the Cuban people.

These pilgrims to Cuba included bishops, priests and sisters, and Catholic laity as well as Protestants and Jews. There were business leaders, bankers, doctors and a Health Care System President. There were heads of social service agencies and representatives of foundations. There were lawyers and judges, Congressmen, presidents of colleges, a law school dean and a university professor, and the editor of a national magazine. We were a wondrously diverse group, but we found unity in our conviction that the time is now for a change in U.S. policy towards Cuba.

Since returning from the Papal Visit, I have often been asked if I thought that change might now come to Cuba. The question misses the point that change has already come. An earlier barometer of change focused on the departure of Fidel Castro as the threshold for any substantive change. The events of the past year clearly demonstrate that that barometer simply does not work. The toothpaste is out of the tube, and Fidel Castro squeezed the tube.

Any blueprint for a change in policy which demands a change in leadership in another country is too rigid a starting point and depending on the means willing to be used to achieve that departure, could lack a moral claim. This is not to condone a dismal record on human rights. Religious freedom is certainly not yet fully developed in Cuba. The fact remains, however, that dramatic change has occurred within the past twelve months in the area of religious liberty. These changes could not have occurred without the active approval of President Castro. He has been a promoter, not an obstacle to what is now happening in Cuba.

It is not the visit alone, stunning though it was, which chronicles change. Events leading up to the visit must also be acknowledged. Some in Cuba with whom I have spoken place great emphasis on the private audience accorded Fidel Castro by Pope John Paul II. One must also note the mixed commission of government and Church to plan for the Papal visit which marks a sea change in that relationship. The Church was able to engage in a door to door nationwide mission in preparation for the Pope's visit. Religious processions were allowed, as were some outside religious celebrations. The exclusion of the Church from the use of public media was, at least in a modest way, but nonetheless establishing a precedent, lifted with the pre-visit nationally televised address by the Archbishop of Havana, Jaime Cardinal Ortega.

Quite before the time of planning for the visit, the Church was allowed a new expression of social services through Caritas Cuba. While its work is still narrowly circumscribed, a principle of public, organized social service by the Catholic Church has been recognized. The backlog of visa requests by foreign clergy, religious and other Church workers has been broken as the number of visas has dramatically increased.

Change cannot be rooted in a precise paradigm for the future. If we are to measure change realistically, it must be measured against the past. The past that I know in terms of the Church in Cuba begins in 1984. Before then, there were confiscations of Church property, the closing of Catholic schools and other institutional works, the departure, and some would argue the forced exile, of hundreds of Church personnel. There were the labor camps which number among their alumni the present Cardinal Archbishop of Havana. Pervading and justifying all this was an official version of history, employing a method with which we have become all too sadly accustomed in some current trends in the U.S. academy. It is the application of deconstruction to the study of the past in a way which serves an ideological end.

In an earlier visit to Cuba, I objected to President Castro concerning the severe intimidation of the omnipresent Committees of the Revolution. These watchdogs of Marxist orthodoxy saw as dangerously subversive the baptism of a child or the visit of a priest or the regular attendance at Mass. Castro's response, replete with Church history according to Marx, made the claim that the state did allow for religious freedom. The State was powerless, in his explanation, to counter the strong anti-Church sentiment of the people borne of what he described as the Church's oppressive and sinful past.

For the past fourteen years, I have been in continual contact with the Church in Cuba. I was present in the Nunciature in Havana the first time Castro met with Cuban bishops. There were no more than three substantive encounters of this kind before the Pope's visit. During the past fourteen years there have been sporadic efforts on the part of the Cuban government to marginalize the Church by suggesting that the bishops were "counter revolutionary", which in our terms would mean unpatriotic and subversive.

Against that all too schematic background, focus on Havana, Sunday, January 25, 1998. The Plaza of the Revolution has a new face: a heroic-sized painting on the facade of the national library portrays Jesus in the familiar style of the Sacred Heart.

One million Cubans, with a sprinkling of foreign pilgrims, are ranged in front of the altar. Fidel Castro, in a business suit, is in the front row.

For me, one among the many moving moments stands out in a particularly vivid way. During the Havana Mass, the Holy Father commissioned representatives from various dioceses to go forth and present the message of the Church. He presented each with a Bible. The last person to approach the Pope was an older woman, quite frail, who was helped up the stairs by two young men. When she approached the Holy Father, she threw her arms around him. There they were, aging and frail, this elderly woman and the Pope, with their common witness to fidelity in the face of Communist oppression. As she was helped down the stairs, she was accompanied by the thunderous applause of thousands of Cubans.

I wondered what she thought. Must it not have been for her the unfolding of a miracle? What had it been for her these past years in a land governed by Marxism? What must have been her joy in this sea of Cubans, so many young and ecstatic in their celebration of faith? I could only think of Anna in the incident recorded by St. Luke. Anna was an old woman, a widow, who spent her days in prayer and fasting in the Temple. When Mary and Joseph brought the infant Jesus to present him to God in the Temple, Anna came to the scene at that moment. St. Luke says "she gave thanks to God and talked about the child to all who looked forward to the deliverance of Jerusalem."

It must be said that the Cuban government could not have been more obliging and welcoming. The Masses of the Holy Father were televised live nationally.

As the Holy Father left Jose Marti Airport on January 25th, he said that in our day "no nation can live in isolation. The Cuban people therefore cannot be denied the contacts with other peoples necessary for economic, social and cultural development, especially when the imposed isolation strikes the population indiscriminately, making it ever more difficult for the weakest to enjoy the bare essentials of decent living, things such as food, health and education. All can and should take practical steps to bring about changes in this regard."

These are important words of the Pope which have meaning not only for the Catholic faithful but for all women and men of good will, including those who exercise leadership in government. Current U.S. policy towards Cuba was set during the missile crisis. A few things have happened since then, however, including the tearing down of the Berlin Wall and the unraveling of Communist hegemony in Eastern Europe. The visit of the Holy Father to Cuba in January of this year is one of those defining events. A policy driven by events of an earlier time does not meet the challenge of new possibilities which the Holy Father's visit opens up.

One of the strongest impediments to new policy initiatives is the pressure of partisan politics. Is it but the musings of an unrealistic cleric to suggest than an earlier pattern of a bipartisan foreign policy could serve us well again? To that end, I propose the establishment of a bipartisan National Commission on U.S./Cuban relations. Such a Commission, perhaps Presidential or conceivably organized by a non-governmental body, would have as its charge the development of policy initiatives which could build on the changes already perceived in Cuba since the Pope's visit. The work of this Commission should be completed within three to six months. It should not take longer than this because the Commission's work would be essentially a simple and straightforward task.

The Commission might be co-chaired by President Carter and President Bush or President Ford. It ought to include Senator Lugar, Representative Hamilton, a U.S. Bishop, Elizabeth Dole, head of the American Red Cross, two corporate CEO's, two prominent Cuban-Americans, someone from the field of medicine and someone representing the concerns of the media.

Since the Holy Father's visit, there has been the release of more than 400 prisoners. While one political prisoner is one too many, this direct response to the Holy Father's visit cannot be dismissed. So very much more needs to be done to broaden the scope of human rights in Cuba. However, I am convinced that the best way to do this is to move the starting point of U.S. Policy from the missile crisis to the Papal visit. The Holy Father has amply demonstrated that a policy of positive engagement can achieve far more change within Cuba than can the embargo.

Cardinal Ortega has commented on the so-called Helms-Burton Act that "any economic measure that aims to isolate a country and thus eliminates the possibility of development, thus threatening the survival of people is unacceptable."

It is impossible to reasonably support the embargo against Cuba while at the same time granting most favored Nation status to the People's Republic of China, and while moving into closer relations with Vietnam. Both of these nations have a deplorable record on human rights in general and on religious liberty specifically. If openness is thought to further freedom in those nations where change is not so evident, how is that a different standard is applied to Cuba where there is evident change?

We should not wait for the report of a bipartisan commission to introduce some measures which would ameliorate human suffering in Cuba, which would foster cultural, religious and other interchanges, and which would therefore, encourage the new attitude of openness and change within Cuba. It is time for the U.S. to respond positively to the change that is occurring in Cuba.

There is no moral justification for the current embargo. In terms of effectiveness as an agent of change it has proven to be a complete failure. The most egregious aspects of the embargo, namely the prohibition of sale of food and medicine, must be lifted immediately. The two bills currently in Congress which would do this should be immediately passed. What is needed in Cuba is the ability to purchase food and medicine in the U.S. A singular focus on facilitating charitable donations of food and medicine is patently inadequate.

There are certain things that can be done tomorrow by the President of the United States.

The President should agree to license direct, humanitarian flights to Cuba.

The President could take immediate action to ease remittance restrictions, increase visiting privileges, and expand opportunities for U.S. citizens, particularly Cuban Americans, to visit Cuba by restoring direct flights. The right to travel is a Constitutional right. It should not be violated for out dated political reasons.

The President could restate that he will continue suspending the international trade bans of Helms-Burton indefinitely. This would help the people of Cuba and it would ease the concerns of our closets allies and trading partners.

The President should give serious critical attention to the legal opinion that concludes that the Executive Branch has the legal and constitutional right to grant a general license for medicines and for food. Such an action on the part of the President would, of course, effectively end the food and medicine embargo immediately.

The foreign policy initiatives of a President can be decisive. President Nixon went to China. President Carter brought Begin and Sadat to Camp David. President Reagan met Gorbachev in Iceland to ease nuclear tensions and President Bush followed up by reducing our nuclear weapons. President Clinton has the possibility of charting a new relationship between the United States and Cuba.

Let me end by recounting an incident during the Pope's visit. One of the pilgrims traveling with us took a walk along the waterfront. He was alone, it was raining, and the pavement was slippery. He stumbled and fell, with a resultant large cut in the head. Some passersby stopped their car and took him to the emergency room of the nearest hospital. The care he received was both professionally competent and compassionate. However, he was struck by the fact that the only medicine he could observe on the shelf in the treatment room was some alcohol. When the doctor arrived to stitch his wound, he first reached into a pocket of his white coat, removed a light bulb, and screwed it into the empty socket so that he could see more easily. It is not just a bulb that is missing. There is often a lack of power with devastating consequences, especially in surgery. The lack of medicines more quickly and cheaply attainable from the U.S. severely restricts the treatment that can be provided. Even more basically, the effects of the lack of sufficient food threaten the most vulnerable members of the population, the old and the young.

I would submit that the people of Cuba deserve better than that from us. I would submit that it adds no honor to our country to deprive a people of those necessities which should never be used as bargaining chips.

Change is occurring in Cuba. The question is, do we have the political will and moral courage to change?

HEALTH CARE CLAIMS GUIDANCE ACT

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 1998

Mr. McCOLLUM. Mr. Speaker, today I join my colleague from Massachusetts, Mr. DELAHUNT, in introducing the Health Care Claims Guidance Act. This legislation recognizes that, in our zeal to crack down on health care fraud and abuse, we must be careful not to throw our nets so wide that we ensnare honest providers who are making inadvertent billing mistakes. Ensuring that health care providers comply with all federal, state and local laws and regulations is, and always has been, a priority. At the same time, we should not carelessly paint all health care billing mistakes as billing fraud.

Many hospitals and other health care providers have received demand letters from the offices of U.S. Attorneys asserting that the provider may be guilty of fraudulent billing and threatening the imposition of treble damages plus $5,000 to $10,000 per claim under the False Claims Act unless a quick settlement is reached. In some cases, demand letters have been sent based on alleged overbilling of less than $100. In one case, a demand letter was sent to a hospital for overbilling in the amount of $8.79 on a single claim over a one year period.

The most innocent of providers often feel forced to settle these claims instead of facing the prospect of an automatic $10,000 fine for a small disputed amount. Even if a provider could clearly prove their innocence and show that these claims resulted from innocent clerical error, they would be likely to settle the case rather than incur large legal costs. The numbers speak for themselves. In fiscal year 1997, there were 4,010 federal civil health care fraud matters pending but only 89 cases resulted in the actual filing of a civil complaint. The large majority were settled.

Considering that providers are faced with a federal health care payment system of more than 1,700 pages of law and over 1,200 pages of regulations interpreting those laws, as well as thousands of additional pages of instruction, it is inevitable that human error will occur and that erroneous claims will be submitted. Every day, providers submit over 200,000 federal health care claims, adding up to 73 million claims per year. Considering the sheer volume and complexity of such claims, it is unreasonable to view every single billing mistake as fraud that merits the threat of the severest civil sanctions.

Mr. Speaker, the Health Care Claims Guidance Act provides a clear and simple way of distinguishing between those claims that are fraudulent and those claims that result from human error. The bill establishes a deminimus threshold requiring that the amount of damages in dispute be a material amount for an action brought under the False Claims Act. The deminimus threshold would be established by the Secretary of Health and Human Services. This requirement would protect against the use of the False Claims Act for small, erroneous billings which likely result from human error.

In addition, the legislation would provide safe harbors for reliance on government advice or written policies. There is no better example of fundamental unfairness than when a private party relies on government advice but is then threatened with court action for having done so. The Health Care Claims Guidance Act would also provide safe harbors for claims that are in substantial compliance with model compliance plans. Affirmative defenses would be established for these situations.

It is clearly in the public's interest for parties to work together to prevent health care billing mistakes from occurring. Providers should actively seek out trouble spots and quickly flag problems to government agencies. At the same time, in order to further the goal of compliance, federal agencies which administer federal health care programs should be encouraged to assist providers in the early detection and correction of practices which may result in a disputed claim. By encouraging such self-policing, providers and government agencies will be able to work together to root out problems quickly.

It is clear that there are organizations and individuals engaging in efforts to defraud the federal government and we must use all of the tools at our disposal to pursue and severely punish such willful violators. In fact, during consideration of the Health Insurance Portability and Accountability Act during the last Congress, the Crime Subcommittee worked on provisions to strengthen criminal health care fraud statutes. At the same time, there are honest providers doing their best to comply with complex health care rules and regulations who will make honest mistakes. The Health Care Claims Guidance Act provides clear guidance to ensure that the false claims of fraudulent actors are distinguished from the honest mistakes of innocent providers. I urge all my colleagues to support the Health Care Claims Guidance Act.

HONORING CANTOR BRUCE WETZLER OF CONGREGATION SHAAREY ZEDEK

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 1998

Ms. STABENOW. Mr. Speaker. I wish to recognize the service of a very special individual, Cantor Bruce Wetzler of Congregation Shaarey Zedek in East Lansing. After 39 years, Canton Wetzler will be retiring.

Cantor Wetzler graduated from the Hebrew High School of Congregation Tikvoh Chadoshoh in New York City. He then attended Yeshivah University Cantorial Institute and the Jewish Theological Seminary, while studying music at both the New York School of Music and the Victor Stott Music Conservatory.

Since 1959, Canton Wetzler had dedicated his life to Congregation Shaarey Zedeck by serving as musical leader, teacher, community spokesperson, and spiritual advisory to people of all ages.

Most of all, through music, Cantor Wetzler has brought many people in East Lansing closer to God. Whether it is a weekly service or a personal experience like a wedding or a Bar or Bat Mizvah, Cantor Wetzler has offered his voice though song to many people through the years. With his guidance, families and individuals have gained a better understanding of loss and a better appreciation of joy.

Cantor Wetzler is a leader in the greater Lansing community, but his special dedication to his Congregation and religious belief has been unparalleled. I wish him the very best in his future endeavors and I know he will relish the additional time with his wife Miriam, his two daughters, and his two grandchildren.

AMENDMENT TO H.R. 10

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 1998

Mr. BLILEY. Mr. Speaker, elsewhere in the CONGRESSIONAL RECORD today, an amendment in the nature of a substitute to H.R. 10, the Financial Services Act of 1998, was filed by James Leach on behalf of both the Banking Committee and the Commerce Committee.

This legislation is the culmination of 20 years of work, and represents our best opportunity to enact meaningful financial modernization and consumer protection this term. We have tried to work on a bipartisan basis where possible, and have enjoyed extensive input and involvement from affected businesses and consumer groups throughout the process. While everyone had to make compromises to move this bill forward, we have achieved our fundamental goals of functional regulation, increased competition on a level playing field, no expansion of taxpayer subsidies, and enhanced consumer protection and opportunities.

WOODROW WILSON MEMORIAL BRIDGE REPLACEMENT ACT

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 1998

Mr. MORAN of Virginia. Mr. Speaker, today I rise to introduce legislation that would authorize full federal funding for the replacement of the Woodrow Wilson Memorial Bridge.

As many of my colleagues know, the present bridge is in a serious state of disrepair and is one of the worst traffic bottlenecks in the metropolitan region. It is also the most troubled link on the east coast interstate corridor. Designed to carry 70,000 cars and trucks per day the bridge now carries 175,000 vehicles per day. By the year 2020, Federal Highway Administration estimates a 67 percent increase in vehicle traffic with up to 300,000 vehicles per day crossing the bridge. The future capacity needs alone should make the construction of a new crossing urgent.

Coupled with the capacity concerns, however, is the rapidly deteriorating condition of the present bridge. Federal and state highway engineers have determined that the useful life of the present bridge is less than six years. The underpinnings and supports of the bridge are literally crumbling into the Potomac River. The Federal Highway Administration has warned that at some point in the near future, it will need to restrict traffic on the bridge and would likely ban truck traffic for engineering and safety reasons.

While I would have favored replacing the present bridge with a tunnel, I recognize that there is not enough money in the federal highway program to support such a costly undertaking. There should, however, be sufficient funds for the Federal Government to meet its responsibility to pay for a replacement bridge. The bridge is owned by the Federal Government and will remain a federal liability until the funds are made available to replace it with a new bridge. At that time, the Commonwealth of Virginia, the District of Columbia and the State of Maryland are prepared to assume ownership and all future maintenance of this bridge through a multi-state authority.

I am deeply concerned that without a significant increase in the amount of federal funds pledged to build a new bridge, no significant progress will be made. My proposal authorizes full federal funding for the replacement bridge, the connecting interchanges and approaches. It also seeks to address some of the concerns raised by the affected community that endure the current congestion and traffic and will suffer from a bridge construction project that may last up to nine years. The legislation, therefore also seeks to address their concerns by ensuring that there is:

(1) Progress on an additional southern Potomac River crossing, (2) a restriction on tolls, (3) a restriction on the width of the bridge, (4) a limitation on the total number of operational lanes, (5) a requirement that the final two lanes be reserved exclusively for High Occupancy Vehicle lanes and/or mass transit, and (6) an enforcement mechanism to ensure that both the State and Federal Governments honor the mitigation commitments outlined in the Record of Decision.

Mr. Speaker, I believe this legislation reflects a compromise on what must be done to get a replacement bridge built.

PERSONAL EXPLANATION

HON. BILL REDMOND

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 1998

Mr. REDMOND. Mr. Speaker, I was absent from the floor, from Wednesday, March 11, through Friday, March 13 because I was attending my daughter's graduation from the Defense Languages Institute in Monterey, California.

What follows is a list of the votes I missed and how I would have voted had I been here:

Roll call #43 (H. Res. 383)—yes.

Roll call #44 (amendment to H.R. 1432)—no.

Roll call #45 (amendment to H.R. 1432)—yes.

Roll call #46 (amendment to H.R. 1432)—no.

Roll call #47 (final passage of H.R. 1432)—yes.

Roll call #48 (H. Res. 384)—yes.

Roll call #49 (Journal)—yes.

Roll call #50 (H.R. 2883)—yes.

Roll call #51 (amendment to H.R. 992)—no.

Roll call #52 (final passage of H.R. 992)—yes.

TRIBUTE TO MR. AND MRS. FERDINAND AND CARRIE HATFIELD PEARSON

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 1998

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Ferdinand and Carrie Hatfield Pearson of Clarendon County, South Carolina, on the occasion of their fiftieth wedding anniversary.

The Pearsons were married on February 28, 1948, in Manning, South Carolina. Their marriage is the kind we all wish to experience, one which has trials and tribulations throughout the years and which grows even stronger and more committed with each one. The Pearson's marriage has produced six children: Jerome Pearson (deceased), Alfreda Pearson, Grace Pearson Waters, Cynthia Pearson Felder, Ferdinand Pearson, Jr., and Timothy Pearson.

Both Mr. and Mrs. Pearson are dedicated members of their community. Ferdinand Pearson is a very active and senior member in the political arena of Clarendon County, as well as with the National Association of Colored People (NAACP) and the American Legion Post. Mr. Pearson has proven to be a model citizen both at home and abroad. Carrie Hatfield Pearson is a senior member of the Eastern Stars, as well as the Jordan Community Club and several churches. Her priorities have indicated a wealth of inner strength and charisma. Ms. Pearson puts God first, and she supports her family's needs and hopes as she helps to guide them through the phases of life. She is always attentive to the ways in which the community can be improved, and she encourages the youth to strive for excellence and high self-esteem.

Please join me in warmly wishing Mr. and Mrs. Pearson a very happy fiftieth anniversary, and in congratulating them for the inspiring example which they set for all of us.

SENATE—*Friday, March 20, 1998*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we echo Daniel's gratitude, "I thank You and praise You, O God of my fathers; You have given me wisdom and might"—Daniel 2:23. We need both of these gifts as we come to the end of this week and the challenges of this day. Thank You for the spiritual gift of wisdom that gives us x-ray penetration into the issues before us. Wisdom comes from listening to You and being open to others who have opened their minds to You. Thank You for the divine discernment that comes from talking to You before we talk publicly. Give us Your perspective. Reveal Your will. Then multiply Your gift of wisdom with might, the courage of our convictions, and the boldness to stand for Your truth.

Oh God, give this Senate men and women like Daniel who know they belong to You, who seek Your supernatural wisdom, who base their leadership on Your values, and who have Your character traits of faithfulness, righteousness, and truthfulness. Bless them as You have blessed lodestar leaders in each period of our history. May this be a great day when Your wisdom and might are expressed with undeniable vigor. Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Texas is recognized.

Mrs. HUTCHISON. Thank you, Mr. President.

I am speaking now for the leader to let Members know what the script is today.

SCHEDULE

Mrs. HUTCHISON. Mr. President, this morning the Senate will resume consideration of NATO expansion and its treaty, with amendments to the resolution of ratification being offered throughout the day.

As previously stated, any Senators with amendments are encouraged to contact the managers of the treaty with their amendments. As earlier stated, it is hoped that the Senate will be able to make considerable progress on the treaty today.

In addition, the Senate may consider any other legislative or executive business cleared for Senate action.

As previously announced, no rollcall votes will occur during today's session. The next vote will occur at 5:30 p.m. on Monday, hopefully in relation to an amendment to the NATO treaty. Also, the second cloture vote in connection with the Coverdell A+ bill has been postponed, to occur on Tuesday, March 24, in an effort to work on an agreement towards orderly handling of that bill. Therefore, a second cloture vote will occur on the Coverdell A+ bill on Tuesday, if an agreement cannot be reached in the meantime.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. SMITH of Oregon). Under the previous order, leadership time is reserved.

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session to resume consideration of treaty document No. 105–36.

PROTOCOLS TO THE NORTH ATLANTIC TREATY OF 1949 ON ACCESSION OF POLAND, HUNGARY, AND THE CZECH REPUBLIC

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> Treaty document 105–36, Protocols to the North Atlantic Treaty of 1949 on Accession of Poland, Hungary and the Czech Republic.

The Senate resumed consideration of the treaty.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I am going to speak today on the very important responsibility that the U.S. Senate has in ratifying the addition to the NATO treaty.

I am a strong believer in the Senate's constitutional obligation and responsibility to advise and consent on treaties. Generally speaking, I also believe we have an equally strong obligation and responsibility to oversee American foreign policy. In fact, I think too often in this body we simply acquiesce to the President—regardless of party—when it comes to these responsibilities. Members on both sides of the aisle too often interpret the authority the Constitution gives to the President to conduct foreign policy as somehow superior to the authority the same document gives to us to oversee, advise, and consent.

Because the Framers of our Constitution were concerned about the unchecked power of the executive branch, they placed the responsibility to advise and consent on all treaties in the U.S. Senate. I have read the Federalist Papers. I have studied the Constitution and what went into making the Constitution of the United States. It was clear that the Framers of the Constitution were very concerned about the king they had just left. And they put power in the legislative branch of Government to make sure that a treaty that would obligate the United States would be well thought out and not something that would be easily given by our Chief Executive. Because of that responsibility, I find myself—and the Senate in general—facing a dilemma when it comes to the question of whether or not to expand the North Atlantic Treaty Organization.

On one side we have colleagues who strongly support the resolution of ratification. I respect their views, and I believe they are in the majority in this body. But throughout the course of the past few days of debate, I have heard some of those supporters speak out in an intemperate manner about the reservations other Members have raised. I have heard supporters say, in effect, that any reservation is a bad reservation, that the proposal to add these new members is moral and just and needs no further thought. We have been told that the United States owes these countries membership in NATO, and it has been implied that to question this assumption is to question the very merits of the cold war and NATO's role in winning that war.

I was just a citizen during Desert Storm, and I watched intently the debate in the U.S. Senate on the resolution to approve sending our soldiers to Desert Storm. What struck me about that debate was that it was a wonderful debate, and it was what I thought the Senate would be and should be. It was Members speaking from the heart about what they believed their responsibilities were and how they would exercise those responsibilities in relation to what the President was asking them to do. I never heard one Member in that debate criticize another Member for having a different view. And I think that is what the Senate should be today as we debate NATO expansion.

Many of us who have reservations about this proposal are strong supporters of NATO—I certainly am—and of American leadership within the alliance, because I think NATO is the best defense alliance that has ever been in the history of the world. I want to make sure that we preserve it. We understand, however, that there are many other places in the world where only the United States can and will lead. We cherish the role that NATO played in winning the cold war, and it is because of that commitment to support NATO that we take this responsibility to consider the ramifications of enlargement so seriously.

Mr. President, many of us with reservations are not isolationists. Neither are we interventionists. We want to see the United States take its fair place in the world and its fair share of the responsibility, but we do not think it should be involved in every regional conflict, dissipating our strengths and endangering our role as a superpower capable of responding where no one else will.

On the other side of the dilemma—in which many of us find ourselves, frankly—is the failure of the President of the United States to lead. While our colleagues who support NATO and support the enlargement vigorously oppose any reservations and conditions we may wish to debate, the fact is it was the President's responsibility as the executor of American foreign policy to negotiate these reservations and conditions.

Instead, he all but promised the three countries under consideration—worthy countries—that their admission into the alliance was assured. He presented this to the Senate as a fait accompli, and now it is being suggested that any opposition or even reservation must be seen as isolationist or, as some colleagues in this body have suggested, as appeasement of the antidemocratic forces of the cold war.

Mr. President, we have seen this approach to difficult foreign policy issues by the President before. In Bosnia, the President negotiated peace accords that required the involvement of tens of thousand of U.S. troops and then dared the Congress to oppose his decision to send those troops. More recently, in Iraq he sent tens of thousands of U.S. forces without having laid out any coherent mission.

So what should the President have done? I think the responsibility of the President of the United States was to sit down with our NATO allies at the end of the cold war and say, "We won the cold war. Now let's talk about what is the biggest threat to our collective body, and let's address that threat."

What is the purpose of NATO? That should have been the first question. Given our victory in the cold war and the consolidation of freedom and democracy in the former Soviet bloc, what should we do that would enhance the security of Europe and look to the security threats to all of us in the future? What is the role of the United States in a revised strategic alliance? Does the United States need to be the glue that holds Europe together? Or is this the time to start encouraging our European allies to take more responsibility for their own continental security? I am not saying there is the answer before us, but I say this should be the question.

The second thing the President should have done before we started talking about specific countries is establish the criteria for membership, having negotiated a new post-world-war strategic rationale, as he should have done. Then the President should have organized the allies to start thinking about the criteria for new members. It would have been better to set these qualifications before personalities were involved.

No. 3, having adopted a new strategy on admission and identifying the country that could help NATO execute that strategy, the next step for the President would have been to establish the fair share of the United States of America. He would have made it clear to the allies exactly what it is the United States would bear, mindful ever of the reality that we already pay for 25 percent of NATO's common costs. He would have discussed with the allies the amounts the United States already spends disproportionately to maintain the remainder of power in Asia and in the Middle East. He would have recounted those early debates in the United States about NATO membership 50 years ago when the Senate and President Truman agreed that the United States commitment could not continue at such levels forever if we were to maintain the capability of responding elsewhere in the world.

It was President Truman who was thinking ahead at the time with the Congress of the United States and realized that there were limitations which must be addressed for the long term.

Fourth. With a new strategic rationale, a new mission, new members identified and reasonable cost sharing, the President should then have established some mechanism to ensure that NATO was not importing into the alliance the border, ethnic or religious disputes that have riven Europe for centuries. He would have pointed to the ongoing conflict in the Balkans, the longstanding conflict between Greece and Turkey and seen the opportunity to leverage our allies' desire for NATO enlargement into a formal process of dispute resolution that would be well understood and accepted by all members present and future. Such a process would prevent the United States and other NATO allies from having to honor mutual defense commitments required by the alliance in the event of border or other conflicts that are not worthy of the alliance's involvement.

We all know that this has not happened. Instead, the President has presented to us a proposal to add new members to the alliance—nothing more, nothing less. We know nothing about what it will cost the United States. The administration's own estimates have varied wildly. They are somewhere between $400 million and $125 billion. We are not considering an updated, new strategic rationale for the NATO alliance. We are not considering standard criteria for membership for other countries to have a precedent. We are not considering how the expanded alliance will handle future conflicts among members or between members and nonmembers.

To put it simply, we are today debating who and when, and we should be debating how and why.

That is the crux of my problem with this process. So it is left to the Senate to answer these questions and provide this definition. I commend the chairman of the Foreign Relations Committee, my friend, the senior Senator from North Carolina. He tried to do this work in his committee. He has established some good conditions and reporting requirements that are in the proposal before the Senate today. But because the President put the cart before the horse, we are facing a terrible dilemma. We are trying to put the criteria in place on the Senate floor that should have been negotiated before invitations were issued.

So where are we now? We are considering three wonderful countries, and we are talking about the criteria and the cost and the new mission in the context of whether we would take these wonderful countries into NATO. I do not like to be faced with a dilemma of voting against these countries, the hopes of which have been raised to such high expectations. I am affected by that dilemma because every one of these countries has wonderful people who are trying very hard for democracy and a free economic system. I want to support these countries. I want to support NATO enlargement. The key for me is whether we can set responsible conditions that should have been set before we ever got into invitations for membership.

I hope I will be able to do it because I hope the Senate will act in a responsible manner and do what the President should have done, and that is provide for the mission of a post-cold-war NATO, look at the fair share that America should put into European security, establish a border resolution process for disputes, and make sure that the criteria are set so that we will not raise false hopes or no hopes from other countries that will be seeking membership.

Let us talk about where we are now for our own security interests. Our defense resources are being stretched to the limit. We are leading all over the globe. We have tens of thousands of U.S. forces in Asia. We have thousands in Korea. We have thousands in Bosnia, with thousands more backing them up. I have already mentioned the Middle

East where it seems only the United States is able to lead in that vital area.

While these obligations have grown since the cold war, the forces we have to meet them have decreased. In fact, defense spending has declined by 40 percent in real terms since the peak in 1985. Our ability to modernize and prepare those forces for the 21st century threat has been mortgaged against today's more urgent, though ultimately less important, priorities.

Regardless of the cost, our intention to add security obligations seems to contradict the reality of declining defense budgets and the general post-cold-war retrenchment that is taking place in all of the Western democracies. French President Jacques Chirac has already flatly declared that France does not intend to raise its contribution to NATO because of the cost of enlargement.

It seems fitting that we are discussing these issues even as we are preparing to approve an additional $1/2 billion to the ongoing U.S. mission in Bosnia. It is a warning about cost estimates and reality. This administration estimated the cost of the operation in Bosnia at less than $2 billion. Recently, Secretary of Defense Cohen acknowledged that we are approaching $8 billion, and now our mission has no withdrawal date so there is no limit.

Mr. President, we are drawing $8 billion out of a shrinking defense budget, and we are having trouble recruiting in the Army, and we are having trouble keeping our F–16's in parts. What are we thinking? Have we looked at the big picture here? So this is why I and other Members are going to try to impose cost containment on the expansion of NATO. It is long past time that we tried to establish somewhat more equity between the amount we spend and the amount our allies spend to defend their countries. Right now, the United States spends nearly 4 percent of our gross national product on defense. Our allies spend an average of 2.5 percent. In NATO, we bear about 25 percent of the common costs. Our next closest ally spends 18 percent. So we will be introducing several amendments to establish equity for our fair share of NATO. We want to pay our fair share, but I am not sure we are there yet.

I am also concerned about the question of collective security. In an era when border and ethnic disputes may be on the rise, we obviously need to look at the example of the Balkans to see what could happen with the United States pledging, as we have in NATO, to consider an attack on an ally as an attack on the United States of America.

I am aware that the President and the Secretary of State have assured us that the very promise of NATO enlargement has served to hasten resolution of many longstanding disputes. Certainly, it seems that Hungary has worked quite hard to reach an agreement with Romania regarding the ethnic minorities and borders, and there are other good examples.

However, NATO is not a stakeholder in that resolution. Should the alliance expand to include Hungary as a member and should Hungary's agreement with Romania break down, for whatever reason, we would face a significant problem of alliance management as we work to resolve the dispute. Frankly, we have seen the burden imposed on the alliance by the ongoing dispute of Greece and Turkey. It makes little sense to pass up this opportunity to fix this problem.

So I have an amendment that will require the U.S. representative at NATO to enter into discussions with our allies on establishing such a process. My proposal for doing so would be for the North Atlantic Council to establish a formal mechanism for resolving disputes. There are a variety of approaches to do this. I am just going to suggest one to be like that used in American labor disputes. If such a process were adopted by the North Atlantic Council, countries would have the opportunity to resolve the dispute among themselves in this way. If by a certain date the parties cannot resolve the dispute, the North Atlantic Council could implement the dispute resolution mechanism. Each disputant would select a NATO country to represent it. The two representative members would together select a third member. These three NATO members could then form a dispute resolution council to consider the matter and help negotiate a settlement. Once a settlement is established, the disputants would have a specific period to accept or reject it and conduct the bilateral diplomacy needed to ratify it according to each country's laws. If the dispute resolution council's negotiated settlement is rejected, the rejecting disputant would forfeit their article 5 collective security protection.

I have discussed this process, or something similar to it, with the Foreign Ministers of the three prospective allies. Their responses were positive. Their only question was that they wanted to ensure they would not be treated differently from present members of the alliance. That is a fair statement, and I agree with them. It should apply to present and future members. This is an opportunity to help the situation we face now and for any future developments we may not see on the horizon.

There are other ways that we can improve the resolution before us. NATO needs a new strategic rationale. We must ask the question, Why do we have this great alliance in the post-cold-war era? What should be the goal for future alliance in Europe? What is our collective strategic need? And what is our threat? How does expanding the alliance help us with other priorities such as deterring the spread and use of nuclear weapons or other weapons of mass destruction? We are putting the cart before the horse by adding new members to the alliance without first answering the question as to what those members will be asked to do and what purpose the alliance serves for the future.

We have a golden opportunity to recreate this remarkable alliance in ways that were not possible when it was forged in the crucible of the cold war. If we miss this opportunity, we could sow seeds for the eventual demise of the alliance if it loses its focus and becomes mired in all manner of regional disputes. We should not be debating who and when. We should be debating how and why.

Mr. President, I take very seriously my responsibilities as a Member of the Senate to do what is best for America, what is best for our present troops that are protecting our security and the security of generations to come. How we approach our obligation to European security is a key part of the future security of the United States. We must establish our place in the world, our responsibilities in the world and make sure that we can cover those responsibilities with the strength and integrity that our word as the greatest superpower in the world should have. If we do this on a piecemeal basis, without laying the groundwork for the strength of this alliance, we could risk losing the alliance in the long term and we could risk losing the strength of America. I will not allow that to happen without at least speaking for what I think would maintain the place for America in the world, the strength of our country, and making sure that we have the ability to be the beacon for what is the best of people and that we have the strength to back it up. Our decision on the way we approach this alliance, this treaty, and the future of this alliance is key to the future of America.

I thank the Chair. I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, let me associate myself with the remarks of the Senator from Texas. She is always very thoughtful on these issues and spends the time it must take to understand them. I appreciate, not only her concern, but what she is offering as a constructive approach toward what might otherwise be a very frustrating effort to expand NATO without, certainly, the consideration of the impact of that expansion.

Mr. President, this morning I come to the floor not to speak about NATO, so let me, at this time, ask unanimous consent that I be allowed to speak up to 40 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CASE FOR TAX CUTS

Mr. CRAIG. Mr. President, America always rises to a challenge. We meet challenges readily and directly and would never ignore one knowingly as a country.

Therefore, it is not surprising that the greatest threat facing our Nation today would be the least visible. It is invisible because it originates behind our defenses. It does not come from a foreign country; it comes from our own. While it directly threatens our well-being, it dares not confront us directly. It uses Americans' good will and generosity against them. All of this serves to make the threat more insidious and more dangerous.

Mr. President, the greatest threat facing America today is excessive taxation and with it a Washington culture that has transformed excessive into acceptable.

By any estimation, America's tax burden is excessive. Washington is projected to take $1.68 trillion in taxes this year. No government in history has ever collected that much from its citizens. As an overall burden, that $1.7 trillion amounts to 20.1 percent of the Nation's gross domestic product. One-fifth of everything produced in this country is consumed by this city, this Government, Washington, DC. That one-fifth is the highest overall tax burden since World War II, when America had committed itself to a total effort to win the greatest war in mankind's history.

Even then, under those most serious of circumstances, the tax burden placed on the Nation was only slightly larger than it is today. That burden lasted for just 2 years, 1944 and 1945. When the war was done, then the taxes returned to normal because this Congress made that happen because at that time we had not slipped into the culture of excessive taxation.

In contrast, today's tax burden shows no signs of ever ending, to the point that excessive taxation has come to be accepted as normal. Even after the tax cuts of last year have been fully implemented by the year 2003, the overall Federal tax burden will still amount to 19.5 percent, still one-fifth of everything produced in this country. The burden will still be higher than all but 2 years following World War II: 1969, when America was involved in war, and in 1981, when America was being wracked by runaway inflation.

Today we no longer see the specter of Hitler stalking across Europe; today we no longer are fighting in the jungles of Southeast Asia; today there is no runaway inflation; but today, and even more sadly, tomorrow, America is saddled with the same tax burden that used to be reserved only for calamities of the magnitude I have just spoken of.

Today's calamity is the tax burden itself. What once was effect is now cause. Let me repeat that: What once was effect is now cause. Last year Federal, State and local taxes took 38.2 percent of the income of the median two-earner family. It is bad enough that Washington, DC, takes one-fifth of what America produces. But it is intolerable that we are party to, and the principal cause of, taking two-fifths from America's families.

These are not just abstract numbers, folks. Meaningless? Not at all. They are not just something that someone with a green eyeshade or a calculator came up with. These are real dollars taken from real families who could spend them, save them, invest them in real things. The median dual-earning American family pays $22,521—that is $15,400 to Washington alone. That is more than they pay in food costs, for housing, for clothing, or for medical care—combined. That is more than they have ever paid, and they must now work longer and harder than ever to pay it. It is no wonder that two must work when it takes two-fifths of a couple's earnings just to pay their taxes. In fact, one of those two working parents virtually is working entirely for Washington, DC, every day and every hour that spouse spends working, so that Washington politicians can simply spend and spend and spend.

Americans do not think it is fair, only Washington does. In a recent poll, 89 percent of Americans thought that the total tax burden for a family of four should not be any higher than 25 percent. That would mean Washington would still get a bigger portion of the family's earnings than each member of the family. Again, that's a statement worth repeating. Even with that figure, Washington still gets more of the money earned from the family than each member of the family gets.

Americans are a generous people and they thought it was fair that Washington get only 25 percent. Sadly, Washington, DC, does not. Without any war, any disaster, and with times good, Washington demands more than it ever has. Where will the money come from in the time of disaster then? Washington cannot afford a disaster, because America can now no longer afford Washington.

Somewhere along the way, the Federal Government lost its way. Washington has quietly and insidiously subverted the normal relationship that should exist between a state and a free people. Where excessive tax burdens were once relegated to abnormal circumstances, Washington now sees excessive as normal. Where wealth was once considered the property of those who created it, Washington now sees it as the property of those who tax it. Tax dollars have become Washington's dollars—not the rightful property of those from whom they are excessively taken, but the inalienable property of those to whom they are delivered. Only in Washington, DC, can a tax cut cause indignation, moral outrage that there exist people so selfish that they would dare to think their claim on their own earnings is more just than the claims of the bureaucrats and the politicians who wish to spend it.

It is not Washington's money. It is not Washington's money. Not one cent of it. It belongs to those who make it. We are not entitled to it. We are merely its stewards. Our claim to it does not outweigh that of those who earn it, their spouses, their children, their families.

Nor is it just money. To those who did not work for it, it is not real. They see it as a child might, understanding neither its origin nor its limits. What we diminish by calling it "taxes" is the work, the time, the property, the sacrifice and the very dreams of those who earn it for themselves and their families. It is what is taken when Washington taxes excessively.

That people have a fundamental right to their time, their work and their property—none of us would deny this, and none of us would support a system whereby these things were taken. If the Nation commandeered an individual's time, it would rightfully be called a police state. In fact, when an individual's time is taken by imprisonment, it is in fact a police action that takes it. We ended the draft because we thought it was unfair to lay claim to a young man's life when there was no emergency of war facing this Nation. Yet, when the subject is money, Washington demands its portion even in the absence of an emergency.

Excessive taxation is no less than confiscation. When the Federal Government takes more than its share, it forces others to pay more than their share. What crime have those committed who are able to pay, that they can be taxed and taxed and taxed? They are guilty of nothing but success, of supporting themselves, of having created jobs for others, of having saved so that others might borrow and open businesses and create yet more jobs. In 1995 the top one-half of earners paid 95.4 percent of the total income tax of this country.

Is it any wonder, then, when we have so subverted the system that excess is normal and that the product of a person's labor is rightfully Washington's, that we have heinous abuses by the IRS? They cannot be excused, but perhaps partially explained, by the development of a culture that has come to see success as an indictment.

Excessive taxation is immoral. The power to tax is the power to destroy. Yet, when Daniel Webster and Chief Justice John Marshall said it, they could not have known how right they really were. The power to tax not only has the potential to destroy those who are taxed but also, in a much more subtle way, the recipient as well.

The American people demanded welfare reform not because they are mean-spirited, but because they recognize that no system can succeed that separates money from work. Nor should it. To an American, it is no less than immoral to get something for nothing. Washington finally recognized this in the case of welfare, but Washington has yet to apply that same principle to itself and to its taxes.

By separating revenue from the work and the success that created it, Washington comes to take money for granted. It begins to be more concerned with those who receive Government programs than with those who are actually paying for them. And in the ultimate travesty, it comes to stigmatize those who, by their hard work and success, can afford to pay.

In short, Washington becomes morally weakened by indolence, as does someone who lives perpetually on someone else's work. It begins to take both the tax and the taxpayer for granted and, ultimately, it has come to resent the taxpayer as well.

Just as the power to tax is the power to destroy, so the reverse is true as well. The power to cut taxes is the power to create, to create higher wages, more and better jobs, homes, businesses, savings and investments.

In a free society and a free market, people decide where they want their money to go, and it will go where it will be most efficiently used. Raising taxes circumvents this process. Cutting taxes reinvigorates it.

Cutting taxes is not simply about leaving money with the individuals who created it, it is about leaving opportunities in communities. Washington spent more than $5 trillion in constant 1993 dollars on welfare in the 30 years between 1965 and 1994. That figure is roughly the size of the entire national debt today. Yet, there was never a Federal program that could give an individual what Main Street America does day after day after day, and that is a meaningful job, a job that exists strictly because someone, under no compulsion, thought it was worthwhile to hire that person. No Government program can replace by giving what an employee earns by working.

Cutting taxes will put money not only where it belongs morally—with those who earned it—but where it belongs economically—into the Nation's economy. With this spur, the growth we need to meet our future commitments would be at hand. Money going to Washington today will do less to prepare us for our future than money staying with America's earners. If the people knew enough to create the wealth in the first place, why then should Washington know best what to do with it?

Finally, cutting taxes is necessary. We have the highest peacetime tax burden on the largest economy the world has ever known, and it still cannot support our current programs in the near future. Every credible analyst, both inside and outside of Government, knows that we cannot afford our entire entitlement programs tomorrow. Only politicians disagree. President Clinton's latest budget, according to CBO, contains $128 billion in new spending. If we cannot afford today's programs tomorrow, how can we seriously consider adding more? We must first reform what we have.

In just 14 years, Social Security taxes will be unable to pay for benefits. The cost of both Medicare and Medicaid will shoot up. Tax increases will not possibly be able to pay for tomorrow's exploding costs without imploding the Nation's economy. If we follow the tax-hike route, we will not only not solve our problem, we will exacerbate it as slower economic growth leads to increased Federal costs.

In short, tax hikes are a treadmill to oblivion. That is why I offered an amendment last year to require a supermajority in the Senate in order to raise taxes to pay for new spending.

Instead of tax hikes tomorrow, we need to cut taxes today. We need to begin preparing the economic foundation now for a time when the ratio of workers paying taxes to the retirees receiving benefits is smaller than at any time in our Nation's history. This means increasing economic growth, and that means increasing investment.

Investment does not come from Government, it comes from millions of men and women savings and from hundreds of thousands of businesses adding new equipment, things that cannot happen if the money needed for savings and investment in America is being consumed for spending right here in this city.

Taxes are excessive. Excessive taxes are confiscatory. This confiscation by excessive taxation is immoral, both because of what it does to the person for whom excessive taxes are taken, and also because of what it does to the recipient.

Excessive taxes are bad for the economy, and excessive taxes are unsustainable because of the fiscal path now charted by existing spending programs. In the face of this overwhelming evidence, what do the defenders of tax-and-spend-welfare state offer in return? The only thing they can: good intentions. But good intentions are not enough. Would you excuse those who deny you your money, your time, your property, the things you earned for your family, just because their intentions were good?

Would you excuse those who denied basic common sense just because they meant well? Of course not. But we find ourselves too often paralyzed by the good intentions of counterfeit compassion, a compassion that argues there is never enough of other people's money to pay for their good wishes, a compassion that holds there is nothing so noble as a gift from the Government and something suspicious about those who succeed on their own.

Good intentions should not be allowed to excuse Washington's indolence when it claims it cannot cut, that it cannot reform, that it cannot restrain the growth of programs it created so that people can keep more of what they have earned. Nor should Washington be allowed to say it cannot reform when it really means it will not reform.

Washington will not reform because it imagines that it knows better, better than the tens of millions of taxpayers, workers, employers, savers and investors, but Washington, ladies and gentlemen, is wrong.

Instead, Washington should be made to answer this very simple question: Why should those who did not earn, did not save and did not invest the money be more entitled to the returns it generates than those who did?

We must finally say to Washington what Washington has been saying to taxpayers for decades: Sacrifice a little bit. We must fundamentally change how the Tax Code works. It can no longer be allowed to penalize people. It should not feed off of the system. It should offer rewards. And that is what we must recognize. We can no longer have a Tax Code that treats success as a crime to be punished instead of a goal to be emulated. We can argue over what would be the best tax reform, but we must agree that most suggestions for reform would do better than we are doing now with the current Tax Code.

We must simplify the system. It is bad enough that Washington takes more than it should without the additional insult of confusion. Last year, Americans spent $230.4 billion just complying with the Federal Tax Code. You can call that wasted money—I call that wasted money. That is $230.4 billion that Americans spent trying to stay within the law of the current Tax Code—a quarter of a trillion dollars, not paying taxes, just paying for the ability to pay taxes.

We must lower the excessive tax burden. It is not enough to say that taxes are excessively high and then satisfy ourselves with not reducing the burden. Shifting and simplifying the load is not enough; we have to reduce it, along with simplification. We must end the abuses. As bad as the current code is, it is made intolerable when it is abused.

In cases that we have heard in hearings in the Senate, we have seen the system not merely cross the line, but cross borders and time itself to become a system worthy of a totalitarian state of another time.

When America fears its Government, as America fears the IRS, something is wrong. This is beyond unacceptable, and it has to be stopped. We must do whatever it takes to make sure that it does and that it never returns.

To understand our duty in this, we must first look not to the Tax Code but back to America's foundations. Perhaps we in Idaho, my home State, have the advantage of doing this a little more clearly than some. Ours is a relatively new State of the Union, so perhaps we have a bit clearer view of the intention or the role that Government should take and the role that it ought to play in taxation.

No one was ever inspired to come to America to work for someone else, and certainly not for Washington, DC. They came to work for themselves. People did not cross oceans, and later prairies, in search of a Government program. They came in search of opportunity. Today, we have a Tax Code that takes that opportunity away and makes their search endless.

This country was not founded on a dream of paying excessive taxes. Rather, our country arose from a rebellion against paying excessive taxes. Today, we have a Government—not in London but right here in Washington, run not by a king but by ourselves—that demands from our citizens what our forefathers rejected.

America was not founded on an ideal of relative freedom but on the principles we believe to be absolutes. Excessive taxes are wrong, and the taxes we now pay as Americans are excessive. This is absolutely wrong. It does not matter that other governments exist in other places that demand even more excessive taxes of their citizens. Our standard was never those, and it never should be. America's goal was always to lead and not to follow, and one does not lead by looking back at those who lag behind but forward to the goals that beckon us.

There is no more basic test of Government than what it demands of its citizens. Failure to tax fairly is the worst of Government itself. Because taxpayers are honest, we must be prudent. Because taxpayers work hard, we must remind ourselves that they, not Washington, are entitled to the reward of those works. We are but stewards of their money and they trust us to use it properly. Sadly, we are abusing this trust through excessive taxes.

In governing, we should never use the trust that our people give us against the people themselves.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. SESSIONS). The Senator has 13 minutes 20 seconds.

NATIONAL SAFE PLACE WEEK

Mr. CRAIG. Mr. President, I would like to bring one other issue before the Senate today. I am talking about "National Safe Place Week." I rise today to thank my colleagues for passing Senate Resolution 96, which designates this week, March 15 through 21, as "National Safe Place Week."

I am truly pleased that the Senate agrees that Project Safe Place is a valuable community resource which deserves our attention and our recognition.

Project Safe Place is a unique union of community agencies and the private sector that promotes the well-being of our Nation's troubled youth. It is an innovative program of nonresidential community locations where youth who are at risk or in crisis situations can obtain help quickly and find shelter if necessary.

The mission of Project Safe Place is to cultivate community involvement, to combat adolescent crime and substance addiction, and to help youth who are abused, threatened, lost or scared, or in an unsafe situation.

Since its creation in 1983, in Louisville, KY, the scope of Project Safe Place has spread to include more than 8,000 Safe Places nationwide, and more than 27,000 young people have sought help at these locations. We all agree that our Nation's youth are our most valuable resource. In our largest cities and our smallest towns, this resource is threatened every minute of every day and every week.

The threats are truly enormous. Every 4 minutes in this country, a youth is arrested for alcohol-related crimes. Every 7 minutes, a youth is arrested for drug-related crimes. And every 2 hours, a youth's life is snuffed out prematurely, making homicide the No. 2 killer of 10- to 14-year-olds, usually with alcohol and drug abuse as the major factor in the violent act that took the life. Nearly half of all adolescent murders and between 20 and 35 percent of adolescent suicides are directly linked to alcohol and to drug abuse. Despite all of our efforts, alcohol and drug abuse among teenagers continues to rise.

Child abuse and neglect also threaten our children. In 1995, Child Protection Service agencies reported that more than 1 million children were abused and neglected, and in the same year almost 1,000 children were known to have died as a result of abuse or neglect. Just like drug abuse, incidents of child abuse are increasing. Between 1986 and 1993—a span of only 7 years—substantiated reports rose by 67 percent.

Another threat to the safety of our children is the temptation to run away from these problems rather than facing them head on. Most runaway youth are not running to some thing; rather, they are running away from family problems, drug problems, or physical or sexual abuse. Unfortunately, runaways find out quickly that their solution can only bring about more problems for themselves. In order to survive on the streets, runaways typically turn to "survival sex," theft, panhandling, or drugs—either selling them to pay for food and shelter or taking them to relieve their pain.

All this paints a pretty dark picture for our Nation's youth. But there is hope. For many troubled teens—over 27,000 of them in fact—this Safe Place sign that you see here serves as a beacon—a beacon of hope, a beacon of opportunity, a beacon which points to the first step in a long and sometimes difficult but necessary road to salvation.

Here is how it works. Here is what the sign means. Here is what is behind the sign. Say you are a teenager with a major problem. You see the Safe Place sign outside of your local fast-food restaurant and you decide that you need help with whatever you are facing. You walk in. It is busy. But as soon as you mention Safe Place and ask an employee for help, you are taken into the back, where there is a quiet and comfortable situation and, most important, away from any of your friends who might happen to be in the restaurant or wonder what you are doing there.

You do not know it, but the employee you have talked to is already on the phone to the local youth shelter. The shelter calls back to tell the employee the name of the counselor who is already on his or her way, and within minutes the volunteer, who is the same gender as you, will arrive to talk with you and transport you back to a shelter if you want counseling and a safe place to stay. If you decide to go to the shelter, counselors will be there to help you resolve your problems. Also, your family will be notified so that they know you are all right.

Little did you know that the first step of walking up to the counter and asking for help would open up to you all the local community service organizations that you have in your area. Little did you know that it would be that easy to gain help for yourself when you need it.

It is almost as easy to become a Safe Place site. Now, I took that first step last year when I asked my regional office in Pocatello, ID, to consider becoming a Safe Place location. After my employees passed a background check, they attended a short training session to become familiar with the do's and the don'ts and the what if's of greeting those who might seek help. Remember, all an employee in a Safe Place location needs to do is act as the middle person between the victim and the local Safe Place office. The Safe Place volunteers and the local youth shelter take care of everything else.

As Safe Place grows in my home State of Idaho, I will ask that all of my regional offices might join the program as well. I encourage my colleagues in the Senate to do the same in their regional offices. This morning—this very day—I have delivered information about Safe Place programs to each of my colleagues' offices, and I urge you to call the national Safe Place office to find out how you can join in this program. I also urge every business owner in the Nation or anyone who might be observing C-SPAN to talk about it and to encourage business owners to get involved. This is such an effortless way to give something back to the community you live in.

And community is what it is all about—the businesses in a community working together with Safe Place volunteers, and these private volunteers working together with community organizations and agencies. Project Safe Place brings together the best of every community into a long chain of people and resources working together to save young lives.

This chain is growing. Since I introduced the "National Safe Place" bill itself back in June of last year, 700 sites have been added to the Safe Place family. But this is only the beginning. The goal is to have a Safe Place in every State before the end of the millennium. That is not very far away. But I know that just as America's ingenuity created these Safe Place for kids, American industry and hard work is a guarantee that every troubled teen, every runaway and every abused or neglected child will know there is a Safe Place right in their own neighborhood if they need it.

Mr. President, I thank you. I yield back the balance of my time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROTOCOLS TO THE NORTH ATLANTIC TREATY OF 1949 ON ACCESSION OF POLAND, HUNGARY AND THE CZECH REPUBLIC

The Senate continued with the consideration of the treaty.

Mr. SMITH of Oregon. Mr. President, I happened to be sitting in the Presiding Officer's chair when the distinguished Senator from Texas came and spoke of her concerns about NATO expansion and expressed some of her regret that some of the debate had been cast in terms of, those who are opposed are somehow less than patriotic or pursuing appeasement. I want her to know that while I am a strong advocate for NATO expansion, I view with appreciation and respect all my colleagues who, for reasons of their conclusions and conscience, have decided that this is not appropriate.

The Senator from Texas has made some points that I think are valid parts of this debate. I would like to respond to the point, however, that she made about the advisability of having a formal dispute resolution process in the NATO alliance. On the surface, I think this may strike some as a very good idea because within the alliance there are long and historic disputes between member countries.

I note that it is a matter of historical record that NATO membership has been one of the primary ways in which longstanding enemies such as Germany and France have been able to resolve these historic enmities, I think in large part because of NATO. This is also occurring on a daily basis as Greece and Turkey—two NATO allies of ours—struggle to remain peaceful neighbors; also between the Spanish and the Portuguese, issues of borders and islands are being resolved; between the British and the Spanish there are ongoing discussions about the island of Gibraltar. All of this is occurring between NATO members.

I believe there is a very informal process going on that because you are a NATO member you don't attack your allies. This is a powerful peer pressure, if you will, that exists in a nonformal way in the NATO alliance.

Why shouldn't there be a formal process? I will tell you this: If it isn't broken, don't try to fix it. Moreover, what NATO does is have all of us who are members who have disparate national interests focus on one common theme, which is common security, a secure alliance, so that all of a sudden you get Germans and Frenchmen—hopefully Hungarians and Czechs—countries that have had disputes over the past—all of a sudden they will be working together for a common goal of mutual defense.

Now, if all of a sudden we say we recognize you have these internal problems or national disputes and we want you to take those into NATO, then what have we done? We have all of a sudden taken a defensive alliance and turned it into a mini European United Nations. I suggest that is the wrong thing to do for NATO. NATO needs to keep its purpose as a defensive alliance and it must not become a vehicle, a formal vehicle, for resolving national disputes. It has been a way in which we cooperate and get along and focus on common purposes and solving common problems, not as a vehicle for bringing our national interests and resolving them within this alliance.

I suggest, while on the surface this amendment sounds very good, it would operate in a very destructive fashion for NATO's well-being in the future. There are already institutions for resolving these kinds of differences, dispute resolutions. NATO must never be one of those.

Now, I have said this with the greatest respect for the Senator from Texas. I know of few people who are more thoughtful and more dedicated to their task in the U.S. Senate than Senator HUTCHISON. She is a great woman by any measure. I say that even though I intend to vote and lobby against her amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I second what the distinguished Senator from Oregon has just said. First, let me repeat what he said about the distinguished Senator from Texas. I know of no one for whom I have greater respect than the junior Senator from Texas. Ever since she has been a Member of this august body, she has contributed greatly to the debate and discussion of all issues, including those of security and defense. When she speaks, I listen with great care. It is my hope that she will not raise this amendment.

As I understand, her proposal is to establish, not study, a binding dispute resolution within the NATO current structure. Frankly, it is my concern that the effort to establish such a mechanism would have the unfortunate impact of reducing U.S. influence, weakening the alliance, and undercutting the North Atlantic Council, NATO's supreme decision-making body. Above all, I think it would increase, increase—not reduce—tensions in the alliance.

It is important that we remember NATO is first and foremost a war-fighting institution. It is not and it was never intended to be a mechanism for dispute resolution. That is a charter for the OSCE. I cannot emphasis too much the importance—we already have an international organization in Europe dedicated to mediating and bringing to an end disputes between countries. As an institution of collective defense, it is true NATO, for 50 years, has fostered trust among parties, trust that has provided the foundation for dispute resolution among allies.

In its role as an institution of collective defense, NATO's currently flexible methods for handling differences among allies maximizes U.S. influence. Frankly, this is most visible in the alliance's effort to mediate disputes between Turkey and Greece. We should not tinker with this success, the success that NATO has had in resolving differences because of the trust in which it is held by the members of this great alliance. I fear that the proposal would create the impression that the NAC has failed in its realm. I do not believe any of us would say that is true.

By introducing the proposal on this resolution of ratification, we would be communicating that the Senate regards Poland, Hungary, and the Czech Republic as more disputatious than NATO's current 16 members. I do not believe that is the sense of the Senate.

We should never, never in any way, undermine the supremacy of the NAC over all alliance matters and all alliance bodies. Yet, I fear that is what this proposal would do by creating a new body independent from the NAC.

Finally, this proposal would undercut its very own objectives. It would create the very tensions I assume it is intended to diffuse. Members of the Alliance will no longer focus primarily on the Alliance's core mission of collective defense, but will address the Alliance as a means to pursue their own strictly national interests. And, that will change the very culture of the Alliance.

How do you think Greece and Turkey are going to respond to this proposal? More importantly how will such a proposal affect their attitudes toward the Alliance?

It would certainly change the ways in which these two countries view their membership in NATO and their bilateral relationship within NATO. It will prompt them to become suspicious of the NAC. It will introduce greater tensions between them.

As well intentioned this amendment may be, it is nonetheless totally counterproductive.

In brief, Mr. President, this amendment would diminish U.S. influence in the Alliance. It would undercut trust between Allies. It will direct the very focus of our Allies away from NATO's core mission of collective defense. It will undercut trust within the Alliance. Ultimately, this proposal will weaken the Alliance.

I urge my colleagues to oppose this amendment.

Therefore, I urge, first of all, my distinguished colleague from Texas not to raise the amendment. But if she does, I urge my colleagues to oppose it.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CUTS IN EDUCATION FUNDING

Mr. KENNEDY. Mr. President, it's Friday noontime, and I want to make clear that the eyes of the Nation are going to be on the Senate of the United States next Tuesday when we will vote on a proposal that will provide a $1.6 billion tax cut that will mostly benefit the wealthy individuals who send their children to private school. That is $1.6 billion that could be used to support our public school system.

I think it's important for the Nation that parents review what has happened in the U.S. Senate over the last few days. Some very important decisions have been made by the Budget Committee. They have decided how to allocate the nation's scarce federal resources—and education doesn't get its fair share. And, next week, we will be voting on this $1.6 billion tax break that will primarily benefit the private schools.

I take issue with those who believe we ought to support the Budget Committee's decision to cut $1.6 billion from education. We should not abandon the public schools in this country. No challenge we face as a Nation is more important than strengthening the academic achievement and accomplishment of the young people in this country—the 48 million young people who attend the public schools in this country every single day.

On the one hand, Republicans want to use $1.6 billion to support for tax breaks to help private schools. And, at the same time, our Republican friends on the Budget Committee cut federal education funding by $400 million from last year, and $1.6 billion below the President's level. Those who are making the speeches about the importance of public schools, if they stand behind the public school system, are going to have to answer the questions why they continue to cut crucial support for education.

Now, look at what the Budget Committee provided in this past week. We will have the chance to debate the budget when it comes up here in the next several days. But let's look at where our Republican friends place their priorities and what they said about public education. They cut $1.6 billion below President Clinton's budget on public education. Now, money is not always the final indicator about what is a good program or what is a bad program; we recognize that. But it is a pretty good indication about where a nation's priorities are. If we go out and start to cut, as the Budget Committee did this past week, $1.6 billion in discretionary assistance for the public schools, we know that education is not a national priority.

That means that they cut education and Head Start funding by $1 billion below the level needed just to maintain the current services. In order for communities to be able to continue to serve the current number of children in Head Start, you would need an additional $1 billion just to meet inflation. Right now, we provide enough funding in Head Start to serve about 40 percent of all the children that are eligible. But now some of those children currently in Head Start programs won't get the help the need.

Now, the Head Start Program doesn't solve all of our problems in early education. But what is undeniable is the importance of early intervention with children. What we have seen with the various Carnegie Commission reports, and the other reports, is that the earlier the intervention, the more confidence young children will have. The Head Start Program is a tried and tested program. If a chid gets help in the Head Start Program, they are more likely to succeed in school and as adults. All you have to do is look at the Ypsilanti programs, the Beethoven project, and various other studies that have been done, and they show what the importance is in terms of early intervention. This Republican budget cuts $1 billion out of that Head Start Program and other important education programs. It also cuts funding for the education programs $400 million below even last year. It prohibits funding for any of the new programs.

So we are having a reduction of $1.6 billion in discretionary funding for education, which includes cuts in the Head Start Program. That Head Start Program has had bipartisan support. President Bush increased it $300 million or $400 million a year. We ran into problems during that period of time that we weren't giving sufficient support and help for those teachers that were involved in those programs. And some of the quality issues were important to address, but we addressed them in a bipartisan way. We also indicated in the reauthorization of the Head Start Program some special funding for the earliest interventions, going down to 3-year-olds and 2-year-olds. That was very important. But this Budget Committee says no to those programs, no to even those that are in those programs, by cutting back funding.

The President of the United States is working hard to address the challenges that we are facing out in our public schools, particularly that we are going to need additional teachers in our schools and we need to rebuild the nation's school buildings. Because of enrollments rising and massive teachers retirements, we are going to need 100,000 new teachers. The President has committed enough funding for 100,000 new teachers in his budget to reduce class sizes in the early grades. The President of the United States said, let's try a smaller class size for the early years, when the children are just beginning their education experience and they need more individual attention. But, the Republican Budget Committee has said no to the 100,000 new teachers and no to smaller class sizes.

Then the President of the United States introduced a plan to help disadvantaged communities—urban or rural—improve failing schools. A number of communities across this country, such as Chicago and my own city of Boston, are making dramatic improvements in educational opportunities for children. The President's program for creating educational opportunity zones is one of the most important investments we can make to get quick help for tough reform in these needy communities.

The President has proposed help for local communities that are going to take some dramatic steps to try to enhance academic achievement. He calls them "education opportunity zones." We have the record on these, where these are being tried across the country to try to provide additional help and support for those teachers. That program won't be given a chance to get off the ground. There won't be a nickel for that program that was advanced by the President of the United States.

Senator MOSELEY-BRAUN has introduced a very important program to modernize and rebuild the nation's schools. That is very important in every community in this country—whether you have to address overcrowded or crumbling schools. I believe that my own State has the second oldest schools in this country. We find that on a cold day where the temperature goes down to 20 degrees in Boston that 10 or 15 schools in Boston are effectively closed because of poor heating systems. Those children have to stay home. We are talking about a very modest program that will bring $22 billion in bonding authority to the states interest-free. Senator CAROL MOSELEY-BRAUN has been fighting for that day in and day out.

But, the Republicans refuse to make a strong investment in rebuilding the nation's schools.

There is no funding for the High Hopes School College Partnership Program to help young people from disadvantaged communities reach their dream of going to college.

There is no increase in the Title I funding to improve students achievement in math and reading.

What has to happen before Republicans will stop the attack on public education? The Third International Math and Science Study was just released that shows our students aren't measuring up. We have had hours and days of discussion, and volumes of reports, that talk about the importance of early intervention programs, and the importance of programs that provide extra help in areas of math reading, and science. The Title I program for needy children has made a tremendous difference in the reading and math skills of young people. We have been reminded as a nation about the importance of furthering our efforts in math and science. And yet, Title I and other important programs will not get an increase.

The Republican budget won't even allow for an increase in Pell grants that are so crucial to helping needy college students afford to go to college. About 80 percent of the children in the highest income bracket finish college, but only about 8 percent of students in the lowest 25 percent finish college. Many of those students cannot afford to finish. But the Republicans won't help more needy students get the assistance they need.

I can remember not long ago, at the University of Massachusetts in Boston, their tuition used to be $1,100. They raised it to $1,200, and they lost 10 percent of all their applicants—$100. What is the profile of those students? Eighty-five percent of those students' parents never went to college, and 85 percent of them are working 25 hours a week, or more. One hundred dollars makes a major difference. A modest increase in the Pell grants, even an increase of $300, is a lifeline to those young people so that they can finish college and get good jobs.

All of these programs that the Republicans have rejected or frozen are paid for in the President's budget. They are paid for. But, nonetheless, we see that the Budget Committee said no—no to each one of the President's programs to try to strengthen education. Then we are faced with billions of dollars of cuts from the President's levels. And at the same time, the Republican program provides a tax break for the wealthiest individuals in this country. And for what? To help improve public education? No! To subsidize the private school tuition they already pay.

If that makes sense, then my colleagues should vote for cloture next week. But every parent in this country ought to know what is happening on education, and every parent ought to know that we are being closed down from any opportunity to debate this issue—the most important debate we are going to be facing. It is Friday afternoon. We are going to have a little time to speak here on Friday afternoon, and only a little time before the cloture vote on Tuesday. Education is a key issue and it deserves a long debate. And, it deserves the discussion of other ideas, not just one way.

Mr. President, I can't believe that as an institution and as representatives of the people we constantly talk about education but our first order of business in education is to provide a tax break of $1.6 billion that does nothing to improve public schools. This is their education program: nothing to strengthen teachers; nothing to reduce class size; nothing to modernize and rebuild schools; nothing to expand afterschool programs; cutting back on the Head Start Program that provides skills for children to go into the public school system. They say that this is their answer to their education. And we are being denied the opportunity to debate it.

Mr. President, I think this is really the kind of irresponsible approach on education that really does an enormous disservice to the parents in this country. We should improve our public schools, not abandon them.

I see my good friend from Connecticut on the floor who serves on the Labor and Human Resources Committee that governs education issues, and who has been tireless in advancing the cause of education. I wonder if he is not as perplexed by the allocation of this $1.6 billion. As I understand, the Joint Tax Committee has stated that the bill spends $1.6 billion to allocate to private schools. Of the 35.4 million public school families, only 30 percent would be able to use this IRA. And those public school families would only get an average benefit of $7—$7 per family. Of the 2.9 million who send their children to private schools, 83 percent will be able to use it. And the private school families will get an average benefit of $37.

I am just wondering if he is not as perplexed by that whole approach and that whole program—and the allocations of the benefits of this program—and whether he would agree with me that this really is a sham. When we talk about trying to strengthen academic achievement, academic accomplishment, and investment in the young people of this country in our public school system, is this what we should accept?

Mr. DODD. Mr. President, first of all let me thank my colleague from Massachusetts for joining me in speaking on this issue. With just a few hours remaining between now and Tuesday when this matter may be very well decided, the very questions he is raising may never have another opportunity to be aired and discussed—certainly not in this Congress and maybe not again for some time. So I thank him for providing a valuable opportunity to raise some tremendously important issues.

My fervent hope is that people all across this country between now and Tuesday will listen to what is going on here and will raise their voices and address the American Congress. My hope is that they will say—this is my money you are talking about, this $1.6 billion over the next 10 years that you want to go for a tax break that gives only $7 to public school parents, and maybe $37 a year to private school parents. My hope is that they will tell us clearly that this is not exactly our nation's highest priority when it comes to the education of our children. That instead we should be talking about school construction, about the need for smaller class size, about the need for early childhood education, and the need for funding for special education.

These next few days may be the only time for the remainder of this year that we are going to have to talk about the educational priorities of this country. So I am hopeful that the questions that the Senator from Massachusetts has raised will raise the temperature of this debate. I am hopeful that the nation will focus its attention on this issue.

The education of our children is one subject matter that joins people all across the political spectrum—whether you are a conservative Republican, a liberal Democrat, or somewhere in between. Everyone in America understands that if you try to talk about making this Nation strong and vibrant in the 21st century and simultaneously fail to invest intelligently in the public educational needs of this Nation, you are engaging in hypocrisy. This Nation cannot be strong, cannot be vibrant, and cannot be a global competitor unless we are willing to make the commitment that the overwhelming majority of people in this country want to make to improve our schools and to give our children the opportunities they deserve.

I want to remind people of the numbers—they aren't terribly complicated. There are 53 million children in school today in elementary and secondary schools—53 million. Forty-eight million of them go to public schools—48 million. Five million go to private schools. Yet, this bill that we are going to be asked to vote on come Tuesday provides the lion's share of the dollars—fifty-two percent of the money—to only 5 million children and their families. These families get $37, and the kids who go to public school and their families get $7.

Do you think that taking $1.6 billion and providing people with a $7 tax break, or even a $37 tax break if your kid goes to a private school, is an intelligent investment of your money? Do you think it is the best investment given all the other needs we have—with schools falling apart in our inner cities, with special-education costs rising every year? It's not uncommon to spend $50,000 or $100,000 a year to meet the needs of one or two children who require special-education. Eighteen percent of the budget in my State for education goes to special education. Do you think that meeting these needs is a lessor priority? Do you think that reducing the average kindergarten class size from 32 kids is a lessor priority? If you do, then don't say anything over the next 72 hours, because that is what you are going to get. But if you have a sense of outrage, a sense of outrage about what you think is a misplaced priority, if you think that we ought to be doing a far better job than what this bill calls for, then we urge you to speak out.

Mr. KENNEDY. I must say that the Senator makes a powerful case. We urge those who are watching to write to their Members of the Senate. The vote is on Tuesday. Get busy and let them know that they shouldn't be voting to cut off this debate on how to support public education. We are just trying to have this debate and offer amendments on our own ideas.

I firmly believe that we should be building schools and not be building new tax shelters for the wealthy. We should be reducing the class size and not reducing aid to public schools.

But I will ask the Senator one final question on this: Does the Senator also find it extraordinary that just this past week the Budget Committee—on a party line vote—have passed a Republican budget that will cut $1.6 billion in education funding below the President's budget, to cut $1 billion below current services for education and Head Start, and to provide no funds for new teachers, smaller classrooms, or for safer, more modern school buildings? Does the Senator agree with me that last week our Republican friends cut $1.6 billion from education programs that are tried and tested and proven to be effective and helpful, and then came to the floor of U.S. Senate and said that they are really the friends of public education because the Coverdell bill to provide tax breaks to the wealthy will solve the problems in public education? Is he troubled by this juxtaposition where one day they are cutting the heart out of the public school budget and then coming onto the floor and emphasizing that their goal is to help public schools? The problem is that they can't answer the question that the money is going to private schools. And the bottom line is that if they get cloture, does the Senator agree with me that we would be seeing a significant reduction in our national commitment to the public schools of this country, if we continue to support the Coverdell bill and permit these cuts to go ahead?

Mr. DODD. The Senator from Massachusetts has said it very well. I couldn't agree with him more. The great irony, you know, is that most people do not follow the activities of the Senate budget committee. If you want your eyes to glaze over, try to follow a budget debate, whether you are talking about local, State, or national budgets. It can get pretty arcane—budget stories get buried away in the back of your local newspaper. But what the Senator from Massachusetts just told you is absolutely the truth. There was a budget agreement reached that will set the priorities for education for the coming months and years in this country. This agreement has just cut $1.6 billion out of priorities like Head Start, Title I, and Safe and Drug-Free Schools. This agreement failed to provide funding to reduce classroom size, to train teachers and to provide early education. All of these programs are being cut, and simultaneously we are being asked to provide an additional $1.6 billion in tax breaks—$7 to a public school family and $37 to a private school family—as if by doing so, we were making some great commitment to education.

I have spoken to students from every single public high school in my State in the last 10 or 12 years, and I try to make it to my inner-city public high schools every year. I spoke at Manchester High School last week, the week before at Harding, a public high school in Bridgeport, CT. I try to listen to what is going on in these schools. I have some wonderful schools in my State that have tremendous resources and great commitment by the local communities to support them. I am very excited when I go and visit those schools. I just wish I could take people with me on these visits because, unfortunately, in this country the only time we hear about public schools is when something goes wrong—when a violent act occurs or something falls apart. It is the old adage that the only planes that the media reports about are the ones that don't fly. We rarely hear about the planes that fly. And every day in this country there are teachers and students and families that are doing a terrific job in providing for the educational needs of their families.

But, I also have other schools that are not doing as well, that are suffering financially, that have encountered tremendous obstacles in trying to meet the special problems that large inner-city schools and rural schools can face. Clearly, there are needs in these schools. My concern here, as the Senator from Massachusetts has expressed, is that on Tuesday we are going to vote to limit debate, that we will not be allowed to bring up amendments that we think would offer some alternatives for meeting these needs and for creating real choices for families.

The irony of this bill is it is called a choice bill, a bill to give people choices about education. I would like the choice to represent the millions of families who think maybe the special-education needs are larger than a $7 tax break. And I have a lot of mayors and a lot of taxpayers in my communities who watch their property taxes go up because of the cost of special-educational needs. Why not give me a chance to offer an amendment that would allow this body to vote on whether or not they think that priority is higher than a $7 tax break?

How about early education needs? I would like the opportunity to offer an amendment on early childhood education. There are 13 million children every day in this country that are in child care settings. There are 5 million kids in this country who don't have anywhere to go after school. You tell me what you think is more important—that I try to do something for those 13 million kids who are in child care, much of it of appalling quality, or the 5 million children who are home alone or wandering around in malls getting involved in trouble after school? You tell me where you want your money to go—a $7 tax break or a

$37 tax break if you are in a private school, or would you like to see me as your Senator put some resources into after-school care to get these kids off the street?

We would like to offer an amendment on school construction to improve the quality of public schools. We have schools falling apart across this country, as the Senator from Massachusetts has pointed out. You tell me where you want your money to go—toward improving these facilities so these kids have a decent place to learn, or do you want a $7 tax break? I happen to believe most people in this country, if given the choice to be here to vote on Tuesday, would want their tax dollars to go for things like early childhood education, school construction, classroom size, and special education.

They may differ on the priority they would give to those different issues, but I would be willing to wager that given the choice of voting for any one of those options over the choice of spending $1.6 billion over the next 10 years for a $7 tax break, they would say that those issues are higher priorities.

So I am hopeful that over this weekend and on Monday, people across this country will be heard on this issue. After Tuesday it will be too late. We won't get the chance to bring up the issue of choice again. This may be the only significant debate we are able to have on the quality of education in this country.

So the Senator from Massachusetts and I and others are taking to the floor here today to try to raise the level of awareness so that the public will know what is at stake. It is an important debate and one that should be aired fully and thoroughly. We ought to have the chance to bring up school construction, classroom size, early education, special education and other ideas. This procedural debate is over whether or not we are going to be allowed to even raise these issues, to even discuss them and ask our colleagues to vote for them.

Whether or not you agree with each and every one of these other priorities, shouldn't I be allowed to raise the concerns of my constituents? Mr. President, when I traveled across my State a few weeks ago and met with all my mayors, 169 cities and towns, and traveled to various parts of my State and asked them to tell me what they thought the priorities should be in this coming session of Congress, almost without exception, special education was on the mind of every single mayor in every town. Shouldn't I have the opportunity to raise that issue?

I have communities in my State, Mr. President, that are small communities that have small populations, and yet it is not uncommon for those people and those towns to spend $50,000 or $100,000 on the special-educational needs of a child or two children in that community. And we all understands the value of doing so.

We made a commitment years ago that the Federal Government would meet at least 40 percent of the costs of special education. But we have never contributed more than 8 percent—we have never kept our promise. So, if you said to me, What do you think is more important, what do your constituents care more about, lowering their taxes and providing some help from the Federal Government to educate a child with special needs or giving a $7 or $37 tax break? I would have to say that a $7 or $37 tax break misses the mark.

Proponents of this bill will argue that this bill will give families more choices, that it will give them the option to enroll their children in private schools. There are many fine private schools in this nation and they do provide an important choice for families. But, Mr. President, I recently took a look around the Washington, DC, area to try to determine what the cost of a private school was just in this city, northern Virginia, and Maryland. The average cost is somewhere between $10,000 and $17,000 a year. Does anyone honestly believe that a $37 tax break is going to make any difference to a family trying to make a choice whether or not to send its child to a private school or a public school—$37?

I am not making up these numbers. These numbers come from the nonpartisan Joint Tax Committee that did an analysis of this bill. And the Joint Tax Committee said that the average benefit for private school families is only $37. Where is the logic in this? Where is the logic in this, with the limited resources we have? And our resources are limited. The days are far gone and over when we could just write checks and spend money without any consideration of the fiscal implications for our Nation. Limited dollars are all we have. So with these limited dollars, what do we do with them? Do we spend $1.6 billion to give a $7 or a $37 tax break? With $1.6 billion, I may not solve every one of the issues I raised here. School construction needs top $112 billion nationwide; finding 100,000 teachers to reduce class size is expensive; early education and afterschool care is expensive; special education is expensive. I am not suggesting that the $1.6 billion would in every way solve these four problems I have mentioned, but I would rather spend $1.6 billion on improving the school facilities where we send our kids, reducing class size so the kid can learn better, reducing taxpayer costs on special education, and providing early childhood and afterschool care for families, than spend it providing a $37 tax break for someone going to a private school or a $7 tax break for someone going to a public school.

What am I missing? The math here just does not add up. We have limited resources, we have limited financial capacity, we all know this. We are being told that we have a staggering problem in the quality of school facilities. We have a significant problem in special education. We have a significant problem in early education and afterschool needs in this country. We have a significant problem in the size of classrooms. Everyone understands these are legitimate problems. So, do I take that $1.6 billion and try to do something about school construction, special ed, class size, and early education and afterschool care, among others?

Mr. President, over the next few days there will be a lot of TV talk shows about other issues that seem to have captured the attention of the American public. It will be interesting to see, come Sunday, whether the national talk shows think that the quality of the education of our children is of interest to the public. Even if you disagree with me on where our educational priorities should be, I expect you would agree that this would be healthier debate to have on national TV shows—about what we ought to be doing with our tax dollars and educational system—than what I suspect will be the topic of some of the talk shows.

But without debate and without the discussion, this notion of choice will be lost. I am not going to have the choice on Tuesday, as it stands right now, to offer any of the ideas that I have raised here today. I think I ought to have that right, as one Member of this body. I think my constituency in Connecticut cares, at the very least as much and I would argue significantly more, about special education, early education, school construction and class size as they do whether or not someone gets a $37 or a $7 tax break or a $7 tax break. I think they care about these issues. Even the ones who disagree with me, I wager, Mr. President, think I ought to have the right to raise them and ask the 99 other Members of this body whether or not they want to vote for these ideas or against them.

But as it stands right now, I am going to be denied that opportunity. That may be the only opportunity this year to raise these issues in a meaningful debate. We spent 5 days here discussing whether or not we should name the national airport for Ronald Reagan. I voted for this proposal. But to spend five days—five days—on whether or not to rename an airport and then to be told I cannot get an hour on an education bill to talk about school construction. I do not get 5 minutes to talk about early education and afterschool care. I don't get 5 minutes to talk about special education. But I get 5 days to talk about whether or not we rename an airport. You tell me what the priorities are around here.

If you wonder why I am frustrated and sound a little angry, it is because I am, because I hear people all across this country saying education is key to our nation's future. This country cannot meet its obligations and the challenges in front of it unless our young people get a proper education. And 53 million of them are sitting today in a classroom studying and trying to learn, with teachers who are trying to help them, and parents who are worried about them. I do not understand how we think we are going to convince them we are doing something worthwhile in giving a private-school child a $37 tax break and a public-school child a $7 tax break. That is what this debate comes down to.

I plead with the public, please let your Members know that at the very least you think these ideas ought to be raised for debate and discussion and we ought to have the right to decide in a democratic fashion whether or not their votes, representing your ideas, are going to be cast in favor of a tax break for a few or trying to do something with that $1.6 billion that could affect the quality of public education in this country for years to come.

I urge you over this weekend, and I urge the media, to spend at least as much time between now and Monday venting this issue as we have on an issue that, frankly, has very little to do with the quality of life in this country. We need that kind of debate. We need the opportunity to cast some votes that offer real choices—real choices—about the educational priorities of this country.

CONNECTICUT'S NCAA TOURNAMENT WIN

Mr. DODD. Mr. President, on a happier note, I was up until about 12:30 this morning, along with some other people from the Nutmeg State. It was not Minnesota that we were facing on a wooden floor in Greensboro, NC, but it was a dogfight—Huskies versus Huskies, the University of Washington versus the University of Connecticut basketball team. I know none of these young people I see here today were up that late. They were studying very hard, if they were up that late.

The March Madness that we talked about last night watched Richard Hamilton, with zero time left on the clock, fade back and, over the outstretched arms of a 7-foot center from the University of Washington, hit a shot that was nothing but net.

I know I speak for all 3.5 million people in Connecticut when I say we are proud of our Connecticut Huskies and the job they did. If Senator HELMS and Senator FAIRCLOTH, my colleagues from North Carolina, were here, I would challenge them, because on Saturday we are going to beat that No. 1 team and go to the Final Four in San Antonio, TX.

Mr. President, I yield the floor. I see the distinguished Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator. What is the business before the Senate, Mr. President?

The PRESIDING OFFICER. The Senate is now in executive session. The pending business is the Resolution of Ratification to accompany the Protocols to the North Atlantic Treaty of 1949 and the accession of Poland, Hungary, and the Czech Republic.

Mr. BYRD. I thank the Chair.

Mr. President, I ask unanimous consent that I may speak out of order as in legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ON SPRING

Mr. BYRD. Mr. President, a great poet of the last century, William Wordsworth, wrote a famous piece of poetry which schoolchildren ought to memorize. They used to memorize it. It begins:

I wandered lonely as a cloud
That floats on high o'er vales and hills,
When all at once I saw a crowd,
A host, of golden daffodils;
Beside the lake, beneath the trees,
Fluttering and dancing in the breeze.

Continuous as the stars that shine
And twinkle in the milky way,
They stretched in never-ending line
Along the margin of a bay:
Ten thousand saw I at a glance,
Tossing their heads in sprightly dance.

* * * * *

For oft, when on my couch I lie
In vacant or in pensive mood,
They flash upon that inward eye
Which is the bliss of solitude;
And then my heart with pleasure fills,
And dances with the daffodils.

Wordsworth surely wrote those lines thinking, of course, of spring and perhaps of March, for again this March, the crisp brown leaves of winter are scattering before the blustery winds, and the daffodils are dancing in the breeze. And like those bright heralds of spring, I come to the floor today to celebrate today's vernal equinox, that celestial marker of winter's end and the beginning of perhaps the most blessed season of the earth's awakening. The dark, cold days of winter may now be safely said to be behind us and we may all begin to think optimistically about shedding our somber coats of wool, our bulky cocoon of hats, gloves, and scarves.

This winter has had more than the usual share of dreary, wet days in the Washington area. Locales more accustomed to winter and to winter's suntans have borne the psychic weight of day after day after day of unrelenting rain, of 3 months of steady downpour, floods, and mudslides. The mountains of my own West Virginia shouldered aside cold winds that left her ancient hollows heaped with snow—white, cold snow—that otherwise might have fallen on Washington, sheltering us in warmer air that caused flooding rains instead. There is hardly a spot in the nation that has escaped some abnormal weather occurrence, be it flood, freeze, gale, or tornado. I am sure that everyone joins me in welcoming the fading of El Niño's influence over the global weather patterns, but it will be a while before things return to normal. In the Senate, we have begun the recovery from winter's chilly wrath with the consideration of an emergency supplemental appropriations bill that will help to repair the worst of the nation's weather-spawned disasters.

But just when we begin to doubt that the sun will ever replace automobile headlights as the main source of illumination on our commutes to and from work, the morning brightens to reveal long skeins of Canada geese again filling the sky with their sweet music as they wing their way back northward. The robins, returned to our lawns again, search out worms in the warming earth, and the bluebirds busy themselves with nest building.

I asked the robin, as he sprang
From branch to branch and sweetly sang,
What made his breast so round and red;
'Twas "looking at the sun," he said.

The forsythia joins the crocus and daffodils in painting watercolor washes of lavender and yellow across lawns and roadsides. Spring's pale buds are peeping out from under the somber skirts of winter, giving hope on every tree and bulb. The annual pageant of the cherry blossoms cannot be far behind.

Mr. President, I admit to being no great fan of winter. I had all of the snow—all of the snow that I ever cared for when I was a boy, walking through the hills and mountains and hollows of West Virginia. Neither I nor my little dog, Billy, truly enjoys making our round of the neighborhood in the cold and lonely evenings of winter. I do not like to travel on wet or icy roads, on days so gray that the dawn seems to fade seamlessly into dusk, when snow or sleet drives sideways into the windshield—no, I would rather be hibernating in a comfortable chair with a good book, thank you. Not the trash that one finds on the book stands at the airports, but a truly good book written by Emerson or Carlyle.

And the beauty of the winter landscape is for me too austere, all shades of gray, brown, white, and black, dull after the scarlet and bronze riot of the fall. Give me instead the cheerful chaos of spring, with its stained glass window of colors, its energy, and its great sense of purpose.

I asked the violets, sweet and blue,
Sparkling in the morning dew,
Whence came their colors, then so shy;
They answered, "looking to the sky".

* * * * *

I asked the thrush, whose silvery note
Came like a song from angel's throat,
Why he sang in the twilight dim;

He answered, "looking up at Him."

So give me dew, instead of frost, on the grass in the morning, and thunderstorms instead of blizzards in the afternoons. And fill my evening sky with fireflies, not icy, twinkling stars. Let me feel the cool breeze from the West Virginia hills on my face while the sun warms my back, and let me listen to the cheerful cacophony of frogs while I spade up sweet garden soil in which I shall soon plant my tomatoes—my tomatoes—Big Boy or Better Boy or Beefsteak—whatever. I see our Presiding Officer, who comes from the hills and lakes of Minnesota, smiling. He, too, is thinking of spring.

Spring is a season for all the senses, a season savored all the more fully because it follows the season of greatest limits. Oh, give me the season so loved by poets, by Wordsworth.

Having begun with one great poet, perhaps it is only fitting that I close with another, whose life overlapped the first. Robert Browning surely appreciated the mysteries and the joys of spring. As a poet must do if his works are to stand the test of time, he has distilled a deep feeling, the abiding joy and contentment in the Creator's handiwork, and decanted it in words of pure and simple beauty:

The year's at the spring,
And day's at the morn,
Morning's at seven;
The hill-side's dew-pearled;
The lark's on the wing;
The snail's on the thorn:
God's in his heaven—[and]
All's right with the world!

The vernal equinox is at hand, Mr. President, tolling its celestial chime of spring. Oh, welcome, spring! What a difference it makes. At the thought of spring, again to the words of William Wordsworth, "And then my heart with pleasure fills, and dances with the daffodils."

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KYL). Without objection, it is so ordered.

Mr. GRAMS. Mr. President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Thank you very much.

RECOGNITION OF NATIONAL AGRICULTURE WEEK

Mr. GRAMS. Mr. President, I rise this afternoon just briefly to recognize National Agriculture Week. It is no secret that America's farmers are the most productive in the world, and it is so appropriate that we take a few moments to recognize their many, many contributions.

Agriculture is traditionally viewed as small family farms producing for a regional market. Local grain elevators, shipping interests, processors, banks, and consumers are all vital components in meeting the demands of a continually changing domestic and world market.

From the grocery store in Minneapolis to the rural implement dealer, each of us has an interest in ensuring a vibrant agricultural economy. But the foundation remains the individual producer. These are families who rise each morning and labor into the night to provide each of us the food we eat. These independent-minded individuals are heavy on common sense, and they are not predisposed to taking short cuts or pat answers.

Without a doubt, some of the best advice I receive comes from the savvy business men and women who are commonly called "farmers."

I was raised on an old-fashioned dairy farm in rural Minnesota. I know firsthand the hard work and dedication that it takes to do a job that is often overlooked and unrecognized.

However, a farmer's responsibility goes far beyond producing a crop or making sure that the cows are milked. To ensure continued productivity, he also must be an environmental steward of the land that he cultivates. In many cases, this leads to lower fertilizer inputs and enhanced wildlife habitat.

Mr. President, the last few years have brought about some great changes in agriculture. The 1996 farm bill was a step, I believe, in the right direction, yet the job is not yet finished. If farmers are to produce for the marketplace, we must give them the tools they need to manage their operations.

This includes addressing such issues as regulatory reform, risk-management options, and Federal crop insurance reforms. By providing farmers with the flexibility to manage their own businesses, we are ensuring a better future for everyone.

In an effort to produce for changing markets, groups of farmers across Minnesota are exploring ways to enhance their income and productivity through value-added ventures and cooperative research agreements.

It is this spirit of innovation that should be encouraged and not stifled by the heavy hand of Government. These farmers are the leaders of tomorrow who will ensure a safe and steady food supply for America and the world well into the next century.

So in short, Mr. President, we owe all those involved in agriculture a debt of gratitude, and I am very proud to join my colleagues in recognizing the outstanding contributions of America's agricultural sector.

With that, Mr. President, I thank you and yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, March 19, 1998, the federal debt stood at $5,537,630,079,097.83 (Five trillion, five hundred thirty-seven billion, six hundred thirty million, seventy-nine thousand, ninety-seven hundred dollars and eighty-three cents).

One year ago, March 19, 1997, the federal debt stood at $5,369,097,000,000 (Five trillion, three hundred sixty-nine billion, ninety-seven million).

Five years ago, March 19, 1993, the federal debt stood at $4,216,608,000,000 (Four trillion, two hundred sixteen billion, six hundred eight million).

Twenty-five years ago, March 19, 1973, the federal debt stood at $456,926,000,000 (Four hundred fifty-six billion, nine hundred twenty-six million) which reflects a debt increase of more than $5 trillion—$5,080,604,079,097.83 (five trillion, eighty billion, six hundred and four million, seventy-nine thousand, ninety-seven dollars and eighty-three cents) during the past 25 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a treaty which was referred to the Committee on Foreign Relations.

MEASURES REFERRED

The following bill, previously received from the House of Representatives for the concurrence of the Senate, was read twice, and referred as indicated:

H.R. 2294. An act to make improvements in the operation and administration of the Federal courts, and for other purposes; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on the Budget, without amendment:

S. Con. Res. 86. An original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998 (Rept. No. 105-170).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. WYDEN (for himself and Mr. SMITH of Oregon):

S. 1807. A bill to transfer administrative jurisdiction over certain parcels of public domain land in Lake County, Oregon, to facilitate management of the land, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. REED (for himself, Mr. KENNEDY, and Mrs. MURRAY):

S. 1808. A bill to amend title XXVII of the Public Health Service Act and part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 to establish standards for the health quality improvement of children in managed care plans and other health plans; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOMENICI:

S. Con. Res. 86. An original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998; from the Committee on the Budget; placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REED (for himself, Mr. KENNEDY, and Mrs. MURRAY):

S. 1808. A bill to amend title XXVII of the Public Health Service Act and part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 to establish standards for the health quality improvement of children in managed care plans and other health plans; to the Committee on Labor and Human Resources.

THE CHIDREN'S HEALTH INSURANCE ACCOUNTABILITY ACT OF 1998

Mr. REED. Children should not be left out of the health care quality debate. I rise today to introduce legislation that provides common sense consumer protections for children in managed care. I am pleased that Senators KENNEDY and MURRAY are cosponsors of this legislation.

Not one of us can deny that managed care plays a valid role in our health care system. Managed care's emphasis on preventive care has benefits for young and old alike. And HMOs have resulted in lower co-payments for consumers and higher immunization rates for our children. But all too often these days we read a story in the paper about a child whose unique health care needs have not been met.

While the problems are clear, it is difficult to say how big a problem we have on our hands. However, the anecdotal evidence is overwhelming. And when it comes to our children, we should not take risks.

While there has not been a great deal of child-specific research in this area, one recent study by Elizabeth Jameson at the University of California compared the experiences of chronically ill children in California's Medicaid program to those in private managed care. There was an interesting irony in the study's findings—low income children in public programs receive age appropriate care that is consistent with recognized clinical guidelines, while those in private health plans often do not.

The study also found that: some managed care plans impose restrictions on referrals to pediatric specialists and subspecialists for children with complex conditions; and, an increasing number of providers in managed care plans are attempting to treat complex pediatric conditions for which they have little experience.

The bill I am introducing is an attempt to address these issues by providing common sense protections for children in managed care. It is this simple: if we don't have health plan standards, there's no guarantee that we are providing adequate care for our children.

Our bill, The Children's Health Insurance Accountability Act, provides common sense protections for children in managed care plans—protections regarding access, appeals and accountability. These protections include: access to necessary pediatric services; appeal rights that address the special needs of children, such as an expedited review if the child's life or development is in jeopardy; quality programs that measure health outcomes unique to children; utilization review rules that are specific to children with evaluation from those with pediatric expertise; and child-specific information requirements that will help parents and employers choose health plans on the basis of care provided to children.

Mr. President, there is overwhelming public support for the ideas embodied in this legislation. According to a February 1998 survey by Lake Sosin Snell Perry and Associates and the Tarrance Group, 89 percent of adults surveyed favor having "Congress require HMO's and other insurance companies to allow parents to choose a pediatrician as their child's primary care physician." And 90 percent favor having "Congress require HMO's and other insurance companies to allow parents of children with special health care needs, like cerebral palsy, cystic fibrosis, or severe asthma, to choose a pediatric specialist to be their child's primary care physician." The poll also shows that people are willing to pay additional premiums adequate protections for children.

I am pleased that this legislation has the support of many groups, including the National Association of Childrens Hospitals, the American Academy of Pediatricians, the Childrens Defense Fund, Families USA, the National Organization of Rare Diseases, The Arc of the United States, Service Employees International Union, American Federation of State, County and Municipal Employees, the Association of Maternal and Child Health Programs, the National Mental Health Association, the American Academy of Child and Adolescent Psychiatry, the American Psychiatric Association, and the American College of Emergency Room Physicians.

Mr. President, the time is now for Congress to act. I urge my colleagues to join us in cosponsoring this bill, and to pass comprehensive managed care legislation that meets the needs of all of our citizens, including our children.

Mr. President, I ask unanimous consent that the text of the bill and a summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1808

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children's Health Insurance Accountability Act of 1998".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Children have health and development needs that are markedly different than those for the adult population.

(2) Children experience complex and continuing changes during the continuum from birth to adulthood in which appropriate health care is essential for optimal development.

(3) The vast majority of work done on development methods to assess the effectiveness of health care services and the impact of medical care on patient outcomes and patient satisfaction has been focused on adults.

(4) Health outcome measures need to be age, gender, and developmentally appropriate to be useful to families and children.

(5) Costly disorders of adulthood often have their origins in childhood, making early access to effective health services in childhood essential.

(6) More than 200 chronic conditions, disabilities and diseases affect children, including asthma, diabetes, sickle cell anemia, spina bifida, epilepsy, autism, cerebral palsy, congenital heart disease, mental retardation, and cystic fibrosis. These children need the services of specialists who have indepth knowledge about their particular condition.

(7) Children's patterns of illness, disability and injury differ dramatically from adults.

SEC. 2. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

(a) Patient Protection Standards.—Title XXVII of the Public Health Service Act is amended—

(1) by redesignating part C as part D; and

(2) by inserting after part B the following new part:

"Part C—Children's Health Protection Standards

"SEC. 2770. ACCESS TO CARE.

"(a) Access to Appropriate Primary Care Providers.—

"(1) In general.—If a group health plan, or a health insurance issuer, in connection with the provision of health insurance coverage, requires or provides for an enrollee to designate a participating primary care provider for a child of such enrollee—

"(A) the plan or issuer shall permit the enrollee to designate a physician who specializes in pediatrics as the child's primary care provider; and

"(B) if such an enrollee has not designated such a provider for the child, the plan or issuer shall consider appropriate pediatric expertise in mandatorily assigning such an enrollee to a primary care provider.

"(2) Construction.—Nothing in paragraph (1) shall waive any requirements of coverage relating to medical necessity or appropriations with respect to coverage of services.

"(b) Access to Pediatric Speciality Services.—

"(1) Referral to speciality care for children requiring treatment by specialists.—

"(A) In general.—In the case of a child who is covered under a group health plan, or health insurance coverage offered by a health insurance issuer and who has a mental or physical condition, disability, or disease of sufficient seriousness and complexity to require diagnosis, evaluation or treatment by a specialist, the plan or issuer shall make or provide for a referral to a specialist who has extensive experience or training, and is available and accessible to provide the treatment for such condition or disease, including the choice of a nonprimary care physician specialist participating in the plan or a referral to a nonparticipating provider as provided for under subparagraph (D) if such a provider is not available within the plan.

"(B) Specialist defined.—For purposes of this subsection, the term 'specialist' means, with respect to a condition, disability, or disease, a health care practitioner, facility, or center (such as a center of excellence) that has extensive pediatric expertise through appropriate training or experience to provide high quality care in treating the condition.

"(C) Referrals to participating providers.—A plan or issuer is not required under subparagraph (A) to provide for a referral to a specialist that is not a participating provider, unless the plan or issuer does not have an appropriate specialist that is available and accessible to treat the enrollee's condition and that is a participating provider with respect to such treatment.

"(D) Treatment of nonparticipating providers.—If a plan or issuer refers a child enrollee to a nonparticipating specialist, services provided pursuant to the referral shall be provided at no additional cost to the enrollee beyond what the enrollee would otherwise pay for services received by such a specialist that is a participating provider.

"(E) Specialists as primary care providers.—A plan or issuer shall have in place a procedure under which a child who is covered under health insurance coverage provided by the plan or issuer who has a condition or disease that requires specialized medical care over a prolonged period of time shall receive a referral to a pediatric specialist affiliated with the plan, or if not available within the plan, to a nonparticipating provider for such condition and such specialist may be responsible for and capable of providing and coordinating the child's primary and specialty care.

"(2) Standing referrals.—

"(A) In general.—A group health plan, or health insurance issuer in connection with the provision of health insurance coverage of a child, shall have a procedure by which a child who has a condition, disability, or disease that requires ongoing care from a specialist may request and obtain a standing referral to such specialist for treatment of such condition. If the primary care provider in consultation with the medical director of the plan or issuer and the specialist (if any), determines that such a standing referral is appropriate, the plan or issuer shall authorize such a referral to such a specialist. Such standing referral shall be consistent with a treatment plan.

"(B) Treatment plans.—A group health plan, or health insurance issuer, with the participation of the family and the health care providers of the child, shall develop a treatment plan for a child who requires ongoing care that covers a specified period of time (but in no event less than a 6-month period). Services provided for under the treatment plan shall not require additional approvals or referrals through a gatekeeper.

"(C) Terms of referral.—The provisions of subparagraph (C) and (D) of paragraph (1) shall apply with respect to referrals under subparagraph (A) in the same manner as they apply to referrals under paragraph (1)(A).

"(c) Adequacy of Access.—For purposes of subsections (a) and (b), a group health plan or health insurance issuer in connection with health insurance coverage shall ensure that a sufficient number, distribution, and variety of qualified participating health care providers are available so as to ensure that all covered health care services, including specialty services, are available and accessible to all enrollees in a timely manner.

"(d) Coverage of Emergency Services.—

"(1) In general.—If a group health plan, or health insurance coverage offered by a health insurance issuer, provides any benefits for children with respect to emergency services (as defined in paragraph (2)(A)), the plan or issuer shall cover emergency services furnished under the plan or coverage—

"(A) without the need for any prior authorization determination;

"(B) whether or not the physician or provider furnishing such services is a participating physician or provider with respect to such services; and

"(C) without regard to any other term or condition of such coverage (other than exclusion of benefits, or an affiliation or waiting period, permitted under section 2701).

"(2) Definitions.—In this subsection:

"(A) Emergency medical condition based on prudent layperson standard.—The term 'emergency medical condition' means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in a condition described in clause (i), (ii), or (iii) of section 1867(e)(1)(A) of the Social Security Act.

"(B) Emergency services.—The term 'emergency services' means—

"(i) a medical screening examination (as required under section 1867 of the Social Security Act) that is within the capability of the emergency department of a hospital, including ancillary services routinely available to the emergency department to evaluate an emergency medical condition (as defined in subparagraph (A)); and

"(ii) within the capabilities of the staff and facilities available at the hospital, such further medical examination and treatment as are required under section 1867 of such Act to stabilize the patient.

"(3) Reimbursement for maintenance care and post-stabilization care.—A group health plan, and health insurance issuer offering health insurance coverage, shall provide, in covering services other than emergency services, for reimbursement with respect to services which are otherwise covered and which are provided to an enrollee other than through the plan or issuer if the services are maintenance care or post-stabilization care covered under the guidelines established under section 1852(d) of the Social Security Act (relating to promoting efficient and timely coordination of appropriate maintenance and post-stabilization care of an enrollee after an enrollee has been determined to be stable).

"(e) Prohibition on Financial Barriers.—A health insurance issuer in connection with the provision of health insurance coverage may not impose any cost sharing for pediatric specialty services provided under such coverage to enrollee children in amounts that exceed the cost-sharing required for other specialty care under such coverage.

"(f) Children with Special Health Care Needs.—A health insurance issuer in connection with the provision of health insurance coverage shall ensure that such coverage provides special consideration for the provision of services to enrollee children with special health care needs. Appropriate procedures shall be implemented to provide care for children with special health care needs. The development of such procedures shall include participation by the families of such children.

"(g) Definitions.—In this part:

"(1) Child.—The term 'child' means an individual who is under 19 years of age.

"(2) Children with special health care needs.—The term 'children with special health care needs' means those children who have or are at elevated risk for chronic physical, developmental, behavioral or emotional conditions and who also require health and related services of a type and amount not usually required by children.

"SEC. 2771. CONTINUITY OF CARE.

"(a) In General.—If a contract between a health insurance issuer, in connection with the provision of health insurance coverage, and a health care provider is terminated (other than by the issuer for failure to meet applicable quality standards or for fraud) and an enrollee is undergoing a course of treatment from the provider at the time of such termination, the issuer shall—

"(1) notify the enrollee of such termination, and

“(2) subject to subsection (c), permit the enrollee to continue the course of treatment with the provider during a transitional period (provided under subsection (b)).

“(b) TRANSITIONAL PERIOD.—

“(1) IN GENERAL.—Except as provided in paragraphs (2) through (4), the transitional period under this subsection shall extend for at least—

“(A) 60 days from the date of the notice to the enrollee of the provider's termination in the case of a primary care provider, or

“(B) 120 days from such date in the case of another provider.

“(2) INSTITUTIONAL CARE.—The transitional period under this subsection for institutional or inpatient care from a provider shall extend until the discharge or termination of the period of institutionalization and shall include reasonable follow-up care related to the institutionalization and shall also include institutional care scheduled prior to the date of termination of the provider status.

“(3) PREGNANCY.—If—

“(A) an enrollee has entered the second trimester of pregnancy at the time of a provider's termination of participation, and

“(B) the provider was treating the pregnancy before date of the termination,

the transitional period under this subsection with respect to provider's treatment of the pregnancy shall extend through the provision of post-partum care directly related to the delivery.

“(4) TERMINAL ILLNESS.—

“(A) IN GENERAL.—If—

“(i) an enrollee was determined to be terminally ill (as defined in subparagraph (B)) at the time of a provider's termination of participation, and

“(ii) the provider was treating the terminal illness before the date of termination,

the transitional period under this subsection shall extend for the remainder of the enrollee's life for care directly related to the treatment of the terminal illness.

“(B) DEFINITION.—In subparagraph (A), an enrollee is considered to be ‘terminally ill’ if the enrollee has a medical prognosis that the enrollee's life expectancy is 6 months or less.

“(c) PERMISSIBLE TERMS AND CONDITIONS.—An issuer may condition coverage of continued treatment by a provider under subsection (a)(2) upon the provider agreeing to the following terms and conditions:

“(1) The provider agrees to continue to accept reimbursement from the issuer at the rates applicable prior to the start of the transitional period as payment in full.

“(2) The provider agrees to adhere to the issuer's quality assurance standards and to provide to the issuer necessary medical information related to the care provided.

“(3) The provider agrees otherwise to adhere to the issuer's policies and procedures, including procedures regarding referrals and obtaining prior authorization and providing services pursuant to a treatment plan approved by the issuer.

“SEC. 2772. CONTINUOUS QUALITY IMPROVEMENT.

“(a) IN GENERAL.—A health insurance issuer that offers health insurance coverage for children shall establish and maintain an ongoing, internal quality assurance program that at a minimum meets the requirements of subsection (b).

“(b) REQUIREMENTS.—The internal quality assurance program of an issuer under subsection (a) shall—

“(1) establish and measure a set of health care, functional assessments, structure, processes and outcomes, and quality indicators that are unique to children and based on nationally accepted standards or guidelines of care;

“(2) maintain written protocols consistent with recognized clinical guidelines or current consensus on the pediatric field, to be used for purposes of internal utilization review, with periodic updating and evaluation by pediatric specialists to determine effectiveness in controlling utilization;

“(3) provide for peer review by health care professionals of the structure, processes, and outcomes related to the provision of health services, including pediatric review of pediatric cases;

“(4) include in member satisfaction surveys, questions on child and family satisfaction and experience of care, including care to children with special needs;

“(5) monitor and evaluate the continuity of care with respect to children;

“(6) include pediatric measures that are directed at meeting the needs of at-risk children and children with chronic conditions, disabilities and severe illnesses;

“(7) maintain written guidelines to ensure the availability of medications appropriate to children;

“(8) use focused studies of care received by children with certain types of chronic conditions and disabilities and focused studies of specialized services used by children with chronic conditions and disabilities;

“(9) monitor access to pediatric specialty services; and

“(10) monitor child health care professional satisfaction.

“(c) UTILIZATION REVIEW ACTIVITIES.—

“(1) COMPLIANCE WITH REQUIREMENTS.—

“(A) IN GENERAL.—A health insurance issuer that offers health insurance coverage for children shall conduct utilization review activities in connection with the provision of such coverage only in accordance with a utilization review program that meets at a minimum the requirements of this subsection.

“(B) DEFINITIONS.—In this subsection:

“(i) CLINICAL PEERS.—The term ‘clinical peer’ means, with respect to a review, a physician or other health care professional who holds a non-restricted license in a State and in the same or similar specialty as typically manages the pediatric medical condition, procedure, or treatment under review.

“(ii) HEALTH CARE PROFESSIONAL.—The term ‘health care professional’ means a physician or other health care practitioner licensed or certified under State law to provide health care services and who is operating within the scope of such licensure or certification.

“(iii) UTILIZATION REVIEW.—The terms ‘utilization review’ and ‘utilization review activities’ mean procedures used to monitor or evaluate the clinical necessity, appropriateness, efficacy, or efficiency of health care services, procedures or settings for children, and includes prospective review, concurrent review, second opinions, case management, discharge planning, or retrospective review specific to children.

“(2) WRITTEN POLICIES AND CRITERIA.—

“(A) WRITTEN POLICIES.—A utilization review program shall be conducted consistent with written policies and procedures that govern all aspects of the program.

“(B) USE OF WRITTEN CRITERIA.—A utilization review program shall utilize written clinical review criteria specific to children and developed pursuant to the program with the input of appropriate physicians, including pediatricians, nonprimary care pediatric specialists, and other child health professionals.

“(C) ADMINISTRATION BY HEALTH CARE PROFESSIONALS.—A utilization review program shall be administered by qualified health care professionals, including health care professionals with pediatric expertise who shall oversee review decisions.

“(3) USE OF QUALIFIED, INDEPENDENT PERSONNEL.—

“(A) IN GENERAL.—A utilization review program shall provide for the conduct of utilization review activities only through personnel who are qualified and, to the extent required, who have received appropriate pediatric or child health training in the conduct of such activities under the program.

“(B) PEER REVIEW OF ADVERSE CLINICAL DETERMINATIONS.—A utilization review program shall provide that clinical peers shall evaluate the clinical appropriateness of adverse clinical determinations and divergent clinical options.

“SEC. 2773. APPEALS AND GRIEVANCE MECHANISMS FOR CHILDREN.

“(a) INTERNAL APPEALS PROCESS.—A health insurance issuer in connection with the provision of health insurance coverage for children shall establish and maintain a system to provide for the resolution of complaints and appeals regarding all aspects of such coverage. Such a system shall include an expedited procedure for appeals on behalf of a child enrollee in situations in which the time frame of a standard appeal would jeopardize the life, health, or development of the child.

“(b) EXTERNAL APPEALS PROCESS.—A health insurance issuer in connection with the provision of health insurance coverage for children shall provide for an independent external review process that meets the following requirements:

“(1) External appeal activities shall be conducted through clinical peers, a physician or other health care professional who is appropriately credentialed in pediatrics with the same or similar specialty and typically manages the condition, procedure, or treatment under review or appeal.

“(2) External appeal activities shall be conducted through an entity that has sufficient pediatric expertise, including subspeciality expertise, and staffing to conduct external appeal activities on a timely basis.

“(3) Such a review process shall include an expedited procedure for appeals on behalf of a child enrollee in which the time frame of a standard appeal would jeopardize the life, health, or development of the child.

“SEC. 2774. ACCOUNTABILITY THROUGH DISTRIBUTION OF INFORMATION.

“(a) IN GENERAL.—A health insurance issuer in connection with the provision of health insurance coverage for children shall submit to enrollees (and prospective enrollees), and make available to the public, in writing the health-related information described in subsection (b).

“(b) INFORMATION.—The information to be provided under subsection (a) shall include a report of measures of structures, processes, and outcomes regarding each health insurance product offered to participants and dependents in a manner that is separate for both the adult and child enrollees, using measures that are specific to each group.”.

“(b) APPLICATION TO GROUP HEALTH INSURANCE COVERAGE.—

“(1) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act is amended by adding at the end the following new section:

“SEC. 2706. CHILDREN'S HEALTH ACCOUNTABILITY STANDARDS.

“(a) IN GENERAL.—Each health insurance issuer shall comply with children's health accountability requirement under part C with respect to group health insurance coverage it offers.

"(b) ASSURING COORDINATION.—The Secretary of Health and Human Services and the Secretary of Labor shall ensure, through the execution of an interagency memorandum of understanding between such Secretaries, that—

"(1) regulations, rulings, and interpretations issued by such Secretaries relating to the same matter over which such Secretaries have responsibility under part C (and this section) and section 713 of the Employee Retirement Income Security Act of 1974 are administered so as to have the same effect at all times; and

"(2) coordination of policies relating to enforcing the same requirements through such Secretaries in order to have a coordinated enforcement strategy that avoids duplication of enforcement efforts and assigns priorities in enforcement.".

(2) CONFORMING AMENDMENT.—Section 2792 of the Public Health Service Act (42 U.S.C. 300gg—92) is amended by inserting "and section 2706(b)" after "of 1996".

(c) APPLICATION TO INDIVIDUAL HEALTH INSURANCE COVERAGE.—Part B of title XXVII of the Public Health Service Act is amended by inserting after section 2751 the following new section:

"SEC. 2752. CHILDREN'S HEALTH ACCOUNTABILITY STANDARDS.

"Each health insurance issuer shall comply with children's health accountability requirements under part C with respect to individual health insurance coverage it offers.".

(d) MODIFICATION OF PREEMPTION STANDARDS.—

(1) GROUP HEALTH INSURANCE COVERAGE.—Section 2723 of the Public Health Service Act (42 U.S.C. 300gg-23) is amended—

(A) in subsection (a)(1), by striking "subsection (b)" and inserting "subsection (b) and (c)";

(B) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(C) by inserting after subsection (b) the following new subsection:

"(c) SPECIAL RULES IN CASE OF CHILDREN'S HEALTH ACCOUNTABILITY REQUIREMENTS.—Subject to subsection (a)(2), the provisions of section 2706 and part C, and part D insofar as it applies to section 2706 or part C, shall not prevent a State from establishing requirements relating to the subject matter of such provisions so long as such requirements are at least as stringent on health insurance issuers as the requirements imposed under such provisions.".

(2) INDIVIDUAL HEALTH INSURANCE COVERAGE.—Section 2762 of the Public Health Service Act (42 U.S.C. 300gg-62), as added by section 605(b)(3)(B) of Public Law 104–204, is amended—

(A) in subsection (a), by striking "subsection (b), nothing in this part" and inserting "subsections (b) and (c)", and

(B) by adding at the end the following new subsection:

"(c) SPECIAL RULES IN CASE OF CHILDREN'S HEALTH ACCOUNTABILITY REQUIREMENTS.—Subject to subsection (b), the provisions of section 2752 and part C, and part D insofar as it applies to section 2752 or part C, shall not prevent a State from establishing requirements relating to the subject matter of such provisions so long as such requirements are at least as stringent on health insurance issuers as the requirements imposed under such section.".

SEC. 3. AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following:

"SEC. 713. CHILDREN'S HEALTH ACCOUNTABILITY STANDARDS.

"(a) IN GENERAL.—Subject to subsection (b), the provisions of part C of title XXVII of the Public Health Service Act shall apply under this subpart and part to a group health plan (and group health insurance coverage offered in connection with a group health plan) as if such part were incorporated in this section.

"(b) APPLICATION.—In applying subsection (a) under this subpart and part, and reference in such part C—

"(1) to health insurance coverage is deemed to be a reference only to group health insurance coverage offered in connection with a group health plan and to also be a reference to coverage under a group health plan;

"(2) to a health insurance issuer is deemed to be a reference only to such an issuer in relation to group health insurance coverage or, with respect to a group health plan, to the plan;

"(3) to the Secretary is deemed to be a reference to the Secretary of Labor;

"(4) to an applicable State authority is deemed to be a reference to the Secretary of Labor; and

"(5) to an enrollee with respect to health insurance coverage is deemed to include a reference to a participant or beneficiary with respect to a group health plan.".

(b) MODIFICATION OF PREEMPTION STANDARDS.—Section 731 of such Act (42 U.S.C. 1191) is amended—

(1) in subsection (a)(1), by striking "subsection (b)" and inserting "subsections (b) and (c)";

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(3) by inserting after subsection (b) the following new subsection:

"(c) SPECIAL RULES IN CASE OF PATIENT ACCOUNTABILITY REQUIREMENTS.—Subject to subsection (a)(2), the provisions of section 713, shall not prevent a State from establishing requirements relating to the subject matter of such provisions so long as such requirements are at least as stringent on group health plans and health insurance issuers in connection with group health insurance coverage as the requirements imposed under such provisions.".

(c) CONFORMING AMENDMENTS.—

(1) Section 732(a) of such Act (29 U.S.C. 1185(a)) is amended by striking "section 711" and inserting "sections 711 and 713".

(2) The table of contents in section 1 of such Act is amended by inserting after the item relating to section 712 the following new item:

"Sec. 713. Children's health accountability standards.".

SEC. 4. STUDIES.

(a) BY SECRETARY.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall conduct a study, and prepare and submit to Congress a report, concerning—

(1) the unique characteristics of patterns of illness, disability, and injury in children;

(2) the development of measures of quality of care and outcomes related to the health care of children; and

(3) the access of children to primary mental health services and the coordination of managed behavioral health services.

(b) BY GAO.—

(1) MANAGED CARE.—Not later than 1 year after the date of enactment of this Act, the General Accounting Office shall conduct a study, and prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Commerce of the House of Representatives a report, concerning—

(A) an assessment of the structure and performance of non-governmental health plans, medicaid managed care organizations, plans under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), and the program under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) serving the needs of children with special health care needs;

(B) an assessment of the structure and performance of non-governmental plans in serving the needs of children as compared to medicaid managed care organizations under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and

(C) the emphasis that private managed care health plans place on primary care and the control of services as it relates to care and services provided to children with special health care needs.

(2) PLAN SURVEY.—Not later than 1 year after the date of enactment of this Act, the General Accounting Office shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Commerce of the House of Representatives a report that contains a survey of health plan activities that address the unique health needs of adolescents, including quality measures for adolescents and innovative practice arrangement.

THE CHILDREN'S HEALTH INSURANCE ACCOUNTABILITY ACT SUMMARY

ACCESS TO APPROPRIATE PRIMARY CARE PROVIDERS

Health plans that require designation of a primary care provider shall permit enrollees to designate a physician who specializes in pediatrics.

ACCESS TO PEDIATRIC SPECIALTY SERVICES

Health plans must demonstrate the capacity to adequately serve child enrollees through an appropriate mix, quantity and access to pediatric and child health specialists, including centers of excellence and tertiary care centers for children. Health plans' definition of specialist must include pediatric specialty in the case of care for children. Health plans shall also establish procedures through which an enrollee with a condition that requires ongoing care from a pediatric specialist may obtain a standing referral to that specialist. Health plans must have a process for selecting a specialist as primary care provider.

CONTINUITY OF CARE

Enrollees who are being treated for a serious or chronic illness are allowed to continue receiving treatment from their specialists for a period of time if their physician is terminated from the plan or if their health plan is changed by the employer and the enrollees no longer have the option of continuing to receive care from their previous physician specialist.

EMERGENCY CARE

The bill requires the "prudent layperson" standard for access to emergency services for children.

SPECIAL PROVISION FOR CHILDREN WITH SPECIAL HEALTH CARE NEEDS

Plans must have in place procedures for the provision of services to enrollee children with special health care needs. This would include a requirement of participation by families of such children in the development of those procedures and a treatment plan.

INTERNAL AND EXTERNAL APPEALS AND GRIEVANCES

The legislation requires internal and independent external appeals and grievance procedures that require review by appropriate pediatric experts. Such a system shall also provide for expedited procedures for a child enrollee in situations in which the time frame of a standard appeal would jeopardize the life, physical or mental health, or development of the child.

DISCLOSURE OF HEALTH INFORMATION

The health plan must provide information to consumers that includes measures of structures, processes and outcomes in a manner that is separate for both the adult and child enrollees using measures that are specific to each group.

CONTINUOUS QUALITY IMPROVEMENT

Each health plan must have an ongoing internal quality assurance program that measures health outcomes that are unique to children.

UTILIZATION REVIEW

Plans must maintain written protocols that are specific to children with evaluation from those with expertise in pediatrics. Utilization review criteria must be established with input from those with expertise in pediatrics.

STUDIES

The legislation requires studies on (1) the characteristics of illness in children and the development of quality of care measures and outcomes related to the health care of children; (2) how private and public managed care plans are serving children with special health care needs; and, (3) health plans activities that address the unique health needs of adolescents; and, (4) children's access to mental health services.

ADDITIONAL COSPONSORS

S. 1069

At the request of Mr. MURKOWSKI, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 1069, a bill entitled the "National Discovery Trails Act of 1997."

S. 1283

At the request of Mr. HUTCHINSON, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1283, a bill to award Congressional gold medals to Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, commonly referred collectively as the "Little Rock Nine" on the occasion of the 40th anniversary of the integration of the Central High School in Little Rock, Arkansas.

S. 1305

At the request of Mr. GRAMM, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1305, a bill to invest in the future of the United States by doubling the amount authorized for basic scientific, medical, and pre-competitive engineering research.

S. 1321

At the request of Mr. TORRICELLI, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 1321, a bill to amend the Federal Water Pollution Control Act to permit grants for the national estuary program to be used for the development and implementation of a comprehensive conservation and management plan, to reauthorize appropriations to carry out the program, and for other purposes.

S. 1737

At the request of Mr. MACK, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1737, a bill to amend the Internal Revenue Code of 1986 to provide a uniform application of the confidentiality privilege to taxpayer communications with federally authorized practitioners.

SENATE CONCURRENT RESOLUTION 65

At the request of Ms. SNOWE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of Senate Concurrent Resolution 65, a concurrent resolution calling for a United States effort to end restriction on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

SENATE RESOLUTION 155

At the request of Mr. LOTT, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of Senate Resolution 155, a resolution designating April 6 of each year as "National Tartan Day" to recognize the outstanding achievements and contributions made by Scottish Americans to the United States.

SENATE RESOLUTION 198

At the request of Mr. MACK, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of Senate Resolution 198, a resolution designating April 1, 1998, as "National Breast Cancer Survivors' Day."

NOTICES OF HEARINGS

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation.

The hearing will take place on Thursday, May 7, 1998, at 2 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on titles VI, VII, VIII, and XI of S. 1693, a bill to renew, reform, reinvigorate, and protect the National Park System.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on National Parks, Historic Preservation and Recreation, Committee on Energy and Natural Resources, U.S. Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole of the subcommittee staff at (202) 224–5161 or Shawn Taylor at (202) 224–6969.

SUBCOMMITTEE ON WATER AND POWER

Mr. KYL. Mr. President, I would like to announce for the public that the hearing scheduled before the Subcommittee on Water and Power, of the Energy and Natural Resources Committee to receive testimony regarding S. 1515, a bill "To amend Public Law 89–108 to increase authorization levels for State and Indian tribal, municipal, rural, and industrial water supplies, to meet current and future water quantity and quality needs of the Red River Valley, to deauthorize certain project features and irrigation service areas, to enhance natural resources and fish and wildlife habitat, and for other purposes," has been postponed.

The hearing was scheduled to take place on Tuesday, March 31, 1998, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC, and will be rescheduled later.

For further information, please call Jim Beirne, senior counsel (202) 224–2564 or Betty Nevitt, staff assistant at (202) 224–0765.

ADDITIONAL STATEMENTS

JUDGE T. EMMET CLARIE

● Mr. DODD. Mr. President, when my father served in the Senate, he felt that one of his most important responsibilities was recommending individuals to serve on the federal bench. He took great care in choosing the most qualified individuals to serve these lifelong appointments. His selections were a source of pride, but none greater than Judge T. Emmet Clarie. Judge Clarie was appointed to the federal bench in 1961, and he served our state and the country honorably for more than three decades as a U.S. District Judge. Sadly, Judge Clarie recently died at the age of 84.

Upon his passing, Judge Clarie was praised by all those who knew him. One of his clerks referred to him as "a second father." Another said that they "learned much more working for him than they ever did in law school." A third called him "the best teacher of lawyering you could imagine."

This admiration was shared by his colleagues on the bench. He was described by his peers as "a judge's judge" and "a model and an inspiration to all his judicial colleagues."

Judge Clarie's career of public service extended far beyond the federal bench. He taught high school to help pay his way through law school. He served as chairman of the Killingly Board of Education from 1938 to 1961. He was a state legislator for six years. He also served as clerk of the Connecticut Senate, prosecutor of the Killingly Town Court, and Commissioner of State Liquor Control Commission.

The Judge was a skilled legal thinker, and he presided over perhaps the most complex criminal case in Connecticut history: the armed robbery of a Wells Fargo truck by foreign nationalists. But he will always be remembered for his common sense, his nononsense style, his fundamental fairness, more than anything else. When presiding over the case that involved the theft of millions of dollars and terrorists who were trying to fund a revolution, Judge Clarie saw beyond the defendants' hype and insisted all the while that they would be tried as simple robbers. He said, "Common crimes do not become political crimes simply because the criminal is a would-be politician."

Judge Clarie may have sat on one of the highest courts in the land, but he never forgot his roots. He lived in eastern Connecticut for practically his entire life, and he commuted more than 100 miles round-trip every day from his farm home in Danielson to his courtroom in Hartford. The Judge said that he needed to return to the country to be "refreshed" every night. His roots helped shape his philosophy toward the law. He said: "If the law is to mean anything, it means that all people—little and big—must comply with it."

T. Emmet Clarie was a straightforward jurist who brought a tremendous sense of fairness and equity to the bench. He was also a caring and honorable man who dedicated his entire life to public service and went out of his way to help others. The State of Connecticut is better for his service, and all those who were fortunate to know this great man will miss him dearly.●

JAPAN'S ROLE IN THE ASIAN FINANCIAL CRISIS

● Mr. ROTH. Mr. President, earlier this week, I addressed an audience at the Center for Strategic and International Studies on the Asian financial crisis and the critical role Japan needs to play in bringing that crisis to an end. While Japan has made bilateral assistance available to the countries most affected, Japan clearly is not facing up to the challenges presented by its own economic problems, let alone those of the region as a whole.

Japan still constitutes more than two-thirds of East Asia's GDP. Regional recovery, therefore, is impossible without economic growth in Japan. Quite simply, the countries of the region in most dire condition need markets for their goods, and the United States alone cannot serve as the world's only major engine of growth. For Japan's own good, and for the good of the region and the global economy, Tokyo must serve as a second engine of growth.

Unfortunately, Tokyo's economy remains mired in its seventh straight year of stagnation, and Japan is failing to take the steps it must take to stimulate and open its economy. At this critical moment in Asia's future, when Japan's role is so vital, Tokyo is failing to provide leadership of any lasting consequence. I hope that Japan can be convinced to change course and implement the bold series of measures I outlined in my speech. Because of the importance of this matter, I ask that the text of my speech be printed in the RECORD.

The speech follows:

ADDRESS BY SENATOR WILLIAM V. ROTH, JR.

It's a pleasure to be here today—to join CSIS in looking at a vital and very volatile area of the world. That, of course, is Asia—a region that has captivated our attention and generated quite some concern in recent months . . . and for good reason.

Today, I will address the Asian financial crisis and the role of each of the major players in the crisis, particularly the role of Japan. The concern these past few months is borne by the fact that Asia, Japan and the United States have a critical stake in the outcome of the problems rocking the economies along the Pacific Rim of Asia.

In a global economy, all of us have a stake in seeing Asia's rapid return to prosperity and growth. Our economic interdependence with Japan and the rest of Asia continues to grow by the day, as does our interest in the maintenance of peace and security for the region. That's why I'm convinced that restoring the economic health of Asia is vital to the economic health of the United States.

In January, I had the chance to visit the heads of state and economic leaders of Korea, Malaysia, Thailand and Japan. In each of the first three countries, I was impressed with the steps taken to address the problems they face, and the resolve they demonstrated to continue on the right path. Each has made strides in opening up to foreign investment and liberalizing its trade regime.

In Japan, however, I was disappointed with the seeming inability, and even unwillingness, to do the things necessary to stimulate the country's economy—not only for the sake of Japan, but for the sake of Asia and the global economy as well.

Let me leave Japan aside for the moment, and begin by addressing the Asian financial situation as a whole. I believe that if the right steps are taken, Asia can and will emerge from its current problems stronger and more dynamic than ever. This will, of course, take time and inevitably there will be pain and hardship.

The most-pressing of the steps necessary to restore Asian growth and prosperity is for Indonesia to implement immediately and forthrightly the conditions the IMF imposed upon it as part of its rescue package. From ending crony capitalism to breaking up the monopolies that control so much of its economy, Indonesia must take the steps outlined by the IMF to realize a more open economy. I fear we are facing renewed regional contagion unless Indonesia proves more flexible on this score.

Our friends in Thailand, Korea and Malaysia must continue on the path of trade and investment liberalization—a path on which they have embarked and made some significant gains.

For its part, China must resist any temptation to devalue its currency to avoid a series of regional competitive devaluations.

All the countries of Asia must make the structural reforms necessary to open their markets to freer flows of capital and goods. These reforms are squarely in the interest of everyone in the region because greater economic openness is fundamental to Asia's future prosperity.

The agreement to create the ASEAN Free Trade Area was a vital step in this direction. Now, the financial crisis only makes the speed of implementation more critical.

The nations of Asia must also very significantly improve financial and economic transparency by making available accurate and timely information on both public and private sector institutions. That is the only way market economies can function efficiently.

For our part, the United States must support the process of economic reform under way in Asia and the role of the International Monetary Fund in that process. At the same time, the Fund must be more transparent, flexible and accountable in its operations. In addition, as the IMF's Articles of Agreement make clear, IMF assistance programs should "facilitate the expansion and balanced growth of international trade."

Finally, Japan: In my view, the single most important step in ensuring the long-term economic health of the Asia Pacific is for Japan to embark immediately on a fundamental, systemic program of economic reform. Simply put, Japan must become a locomotive for regional growth if we are to see our way out of the Asian financial crisis.

It's also clearly in Japan's interest to get its economy moving. We have been waiting seven years for action by Tokyo, yet here's what we see: Japan's economy is likely to finish fiscal year 1997 with negative growth for the first time since 1974. The so-called diffusion index of coincident indicators used by the Government of Japan to gauge the state of the economy was zero in both November and December. Consumer spending was down 4% in January and 5% in December compared to the same months a year earlier, and the willingness of salaried workers' households to spend—expressed as the amount of money set aside for that purpose—is at a record low. Prices are falling due to lack of demand rather than productivity improvements—indicating the potential for a dangerous deflationary spiral. Two-thirds of Japanese polled just last week say they are getting hurt by what most see as a "severe recession." Pre-tax profits of major corporations outside the financial sector are expected to be down by 2.2% for fiscal year 1997. Japan's auto industry—which makes up 10% of the country's GDP—is making large-scale production cuts. Housing starts have been down on a year-on-year basis for the past 13 months.

I could go on, but the point is clear: Japan's economy is in a precarious situation. I believe it should also be clear that the only way for Japan to address the situation is through drastic, fundamental economic change.

In my view, Japan needs to take action on four fronts. First, Japan needs immediate economic stimulus. Tokyo must deliver a significant package of tax cuts coupled with a campaign to induce the Japanese public to use those tax cuts for consumption rather than savings. The recent, small, temporary tax cut is of negligible significance. What is needed is a large permanent tax cut, perhaps taking the form of a rebate in the first year to get money into the hands of the public so they'll be encouraged to spend rather than save.

Second, to absorb more of the exports from troubled Asian economies, Japan should more quickly open its markets to foreign imports. Keep in mind that there is already a great deal of concern in Congress over the flood of imports that the United States is expecting from Asia. The resulting surge in our trade deficit could lead to increased protectionist pressures.

Third, to rid itself of a major source of economic drag, Japan must finally come to terms with its enormous, festering bad loan problem.

And finally, Tokyo needs speedier—and real—deregulation.

Now, what is Japan doing on these four fronts? Unfortunately, as we all know, very little. The next fiscal stimulus package will consist mainly of public works projects—more bridges and tunnels to nowhere. More pork-barrel projects that help politicians in the elections later this year, but do almost nothing to stimulate the economy.

On opening its markets and absorbing imports, Japan has already seen a sharp drop in imports from Asia, and a sharp rise in exports to the United States.

In the banking sector, the large amount of funds made available recently to deal with the problem appear headed for use instead to prop up the archaic convoy system. Moreover, the government of Japan is planning yet another "Price-Keeping Operation" to boost share prices before FY97 ends on March 31. It seems we will have to wait once again before the Ministry of Finance lets the bad banks fail and deals forthrightly with the massive bad loan problem.

On deregulation, the next three-year plan is due out at the end of this month. Meanwhile aspects of the so-called "Big Bang" financial deregulation are set to go into effect. The problem is that so far, deregulatory efforts in Japan have yielded little in terms of tangible results. Because of this, and because deregulation is opposed by the bureaucracy, until we see such results, many—including myself—remain skeptical about the Japan's efforts in this area.

The bottom line on all four fronts is that Japan is not facing up to the challenges presented by its own economic problems, let alone those of the region as a whole. Instead of stimulating its economy by reducing tax burdens and encouraging its public to spend, Japan is relying again on public works projects that will have no real impact. Instead of opening its markets to the exports crucial to Asia's recovery, Japan is increasing its exports to levels that will soon be politically unsustainable. Instead of finally dealing with its banking mess, Japan is still propping up failed banks.

Now, I recognize that Japan has done some significant things to address the Asian financial crisis. Tokyo has committed more funds on a bilateral basis to the various IMF bailout packages than any other country. I also commend Prime Minister Hashimoto for his attempts to move President Suharto of Indonesia in the right direction.

But at this critical moment in Asia's future, when Japan's role is so vital, Tokyo has so far failed to provide leadership of any lasting consequence. Japan still constitutes more than two-thirds of the East Asia's GDP. Regional recovery, therefore, is impossible without economic recovery in Japan.

Ironically, it is Japan's enormous resources—its $11 trillion in savings and its massive foreign reserves—that make it too easy for Japan to resist the sorts of changes being forced upon other countries in Asia. Korea and Thailand have no choice but to institute the IMF conditions requiring systemic economic reforms. Those countries face a crisis that has enabled them thus far to advance economic reforms that only months ago were unthinkable.

Japan does not face a financial crisis—not yet anyway. Given weak leadership in Tokyo and resistance to the fundamental reforms necessary, I fear that Japan may actually need a crisis if it is ever to get its economic house in order. I hope that I am wrong and that Japan will begin to take the steps necessary to boost its economy and serve as an engine of economic growth. Clearly, it is in Japan's interest to do so, as it is in the interest of Asia and of the United States. Toward this end, we must all remain engaged in encouraging and persuading Japan to move forward.

Japan faces enormous challenges in the coming months and years, as does all of Asia. The challenges, however, are far from insurmountable. And global prosperity depends on meeting those challenges head-on. As I have outlined, the road back to prosperity and growth should be fairly clear, though in some instances, politically treacherous. The good news is that most of the steps on that road require increased economic liberalization, greater transparency and reduced regulation. If that road is taken, the Asian financial crisis will have had the positive result of moving the global economy toward a new level of growth and prosperity.●

TRIBUTE TO KENNETH EUGENE GRUBE

● Mr. DODD. Mr. President, I rise today to pay tribute to a great journalist, but more important, a good friend: Kenneth Eugene Grube of Groton, Connecticut. Sadly, Mr. Grube recently died at the age of 76.

Ken Grube worked for 44 years as a newspaper editor and reporter, and he spent the last 25 years of his career in Southeastern Connecticut at The New London Day, where he was a managing editor and the long-time editorial page editor.

While he was at The Day, he was renowned for his emphasis on local topics, but he earned a regional and national reputation for his work. He served as President of the New England Society of Newspaper Editors and the Connecticut Circuit of the Associated Press. He was also a longtime member of the National Conference of Editorial Writers, and he edited the group's quarterly publication and served on its Professional Standards Committee.

In recognition of his outstanding career of newspaper achievement, he received the prestigious Yankee Quill Award from the New England Academy of Journalists.

The strong reputation that Ken Grube earned was based not only his journalistic talent, but also on his good will and commitment to serving his community.

In 1976, the New London County Bar Association gave him its award for outstanding public service. People don't necessarily think of journalists as public servants, but Mr. Grube showed an uncommon devotion to his community and he used his position to affect social change.

During his 15 years as editorial page editor, he would consistently focus on a particular topic, often on behalf of the poor and less fortunate, writing editorial after editorial until he had achieved the ends that he thought were best for his community and its people.

He also spent a great deal of his time away from the newspaper working with various organizations in the New London/Groton area. He was President of the Family Service Association of Southern New London County. He served on the board for Waterford Country School. And he helped found the local Martin Luther King, Jr. Scholarship Fund.

He was also Chairman of the State Freedom of Information Commission, which is fitting because he was one of the leading journalists in the state who fought to pass a state law that would protect the availability of public information.

But aside from his many accolades and accomplishments, Ken Grube will be remembered as a newspaper man with a huge heart who genuinely cared about his readers. Everyone in town knew him, and he could often be seen in the restaurants and pubs in town striking up conversation with whomever was around. For Mr. Grube, the most exciting stories didn't come from City Hall or the Capital, they came from Main Street. He believed that the primary role of any good reporter was to note the everyday events in people's lives, and he stayed true to this principle through his entire career.

Ken Grube performed countless good deeds in order to lift up others, and for that, we thank him. He was also a kind man and a good friend, and for that, we will miss him.

He is survived by four children and four grandchildren. I offer my heartfelt condolences to them all.●

THE 42ND ANNIVERSARY OF TUNISIA'S INDEPENDENCE

Mr. GRASSLEY. Mr. President, today Tunisia celebrates the 42nd Anniversary of its Independence from France. I would like to take this opportunity to congratulate them for their many successful endeavors of the past 42 years.

Last year, Tunisia and the U.S. celebrated the bicentennial of the "Treaty of Peace and Friendship." This celebration marked the longest unbroken friendship treaty in the history of the two countries. Throughout our long relationship the United States and Tunisia have experienced cooperation based on respect and our mutual commitment to freedom, democracy, and the peaceful resolution of conflict.

Despite its location in a very volatile area of the world, Tunisia has been a leader in promoting stability and peace in Africa and the Middle East. It has been a voice of moderation in the Arab-Israeli peace process promoting dialogue and improved relations. It was the first Arab State to host an Israeli delegation and to hold a multilateral meeting of the peace process. In 1996, Tunisia and Israel opened interest sections in each country and established full diplomatic relations.

Tunisia also has made impressive economic strides. It has successfully graduated from development assistance to become a self-sufficient nation. The people of Tunisia enjoy the highest standard of living in the region. These improvements have come about through the devotion of vital resources to the promotion of its people, education, and economic reform.

In the past 12 years, the government has focused its economic development on privatizing many of the state-owned companies and reforming the financial and banking systems. As a result, Tunisians have developed a diverse and market oriented economy where they have experienced not only domestic success but increased international standing. Tunisia is a member of the World Trade Organization and enjoys duty-free access to the European Union and most Arab countries.

Tunisia has been a friend and ally to the United States for many years. I look forward to continued cooperation and friendship in the years to come. As Tunisia celebrates its 42nd anniversary of independence, I offer my sincere congratulations on their many successful accomplishments.

IN HONOR OF BARBARA M. WHEELER

• Ms. MOSELEY-BRAUN. Mr. President, it is my special privilege to take this opportunity to honor a woman from my home state of Illinois who has spent her career fighting to improve public education. For almost 25 years, Barbara M. Wheeler has served the students, teachers, and schools of Illinois as a champion of public education. Recently, her devotion and hard work was recognized by her peers when she was named President of the National School Boards Association.

Ms. Wheeler began her extraordinary career of public service by earning an undergraduate degree in Non-Western History from Saint Dominic College in 1969. In 1972, she received her Illinois Teaching Certificate from Elmhurst College. In 1974, Ms. Wheeler joined the Community High School District 99 Board of Education in Downers Grove, and served as President from 1976 to 1987, and again from 1994 to 1995. In 1980, Ms. Wheeler graduated from the Depaul University College of Law, and served as an Assistant State's Attorney in Cook County from 1980 to 1982 before going into private practice.

While practicing law, Barbara Wheeler's service to the community continued. She has been an active member of the Illinois Association of School Boards, serving in 18 different positions including President (1987–1989) and Vice President (1985–1987). Additionally, Ms. Wheeler has spoke on educational matters before convention audiences around the nation, and has advised and consulted many groups, including the Chicago Board of Education, 57 school districts across Illinois, the New York School Boards Association and the Institute for Educational Leadership.

For her outstanding leadership and achievements, Ms. Wheeler has received awards from the Illinois State Board of Education, the Illinois Association of School Administrators, and the Illinois Association of School Boards.

Education is not the only field which benefits from Ms. Wheeler's talent and energy. She also unselfishly volunteers her time with worthwhile groups such as the Illinois Department on Aging, George Williams College, the Downers Grove Chamber of Commerce and the Downers Grove YMCA. Ms. Wheeler is also a member of the Chicago Bar Association, the Illinois Bar Association and the American Bar Association.

Barbara Wheeler commands a high level of respect from educators in Illinois and around the country, and her broad understanding of the issues and challenges facing public education demonstrates the level of excellence that she will bring to the office of President of the National School Boards Association. Her advocacy in behalf of our nation's students and schools is a model of action for all Americans to follow. I congratulate her on her recent appointment, and wish her good luck and Godspeed.•

TRIBUTE TO RAYMOND SCHMITT

• Mr. DODD. Mr. President, I rise today to pay tribute to a man who, like me, called East Haddam, Connecticut home and who demonstrated a great passion and love for this little town along the Connecticut River: Raymond Schmitt, who recently died at his home in Florida.

Raymond Schmitt was a successful businessman who owned several companies that manufactured components for the aircraft industry. He was very generous with his wealth, donating money to the school system, the local historical society and many other organizations.

He will be best remembered for his association with a Victorian-era mill village in Connecticut known as Johnsonville. In 1965, he purchased the mill village and restored the old schoolhouse, general store, and carriage house. In the windows of the buildings, there were whimsical mechanized scenes that delighted all visitors. Johnsonville would open during Christmas and other special occasions, and thousands of people delighted in visiting the village. It became part of the holiday tradition for many Connecticut families.

Johnsonville has been closed for almost a decade, but Mr. Schmitt would still open it for certain events such as a fund-raiser for music students at an area high school.

Mr. Schmitt was known not only for his commitment to his community, but also to his ideas for making it better. In recent years, he came to believe that the town's selectman style of government, which has been in place since the town's inception, was too antiquated and in need of reform. As a result, he wrote his own town charter, which called for a 7-member town council and town government.

His charter was never adopted. But no one doubted that Raymond Schmitt loved the town of East Haddam. And it is this passion for his hometown for which Raymond Schmitt should and will be remembered.•

TRIBUTE TO STETSON MODEL SENATE

• Mr. CLELAND. Mr. President, I rise today to congratulate and commend the Stetson Model Senate program and the nearly one hundred college students who participated in this year's three-day session. Students from Stetson University, Goucher College, University of Central Florida, Clemson University, Lake Sumter Community College, Jacksonville University, The Citadel, and Longwood College conducted committee meetings, party caucuses, and sessions of the full Senate, portraying Senators of the 105th Congress.

This year's program marked my second year attending and speaking at the Model Senate's annual dinner. I was very impressed both with the level of student awareness of public affairs, and with the number of students and schools which participate every year.

I congratulate Stetson University, my alma mater, for encouraging these college students to learn more about this nation's political processes and history.

Mr. President, I would like to especially honor and commend Dr. T. Wayne Bailey, professor of Political Science at Stetson University and organizer of the proceedings, and Kevin Kayes, Senate Parliamentarian, who guided the students during the sessions of the mock Senate. I truly enjoyed meeting these young men and women participating in the 1998 Stetson Model Senate and ask my colleagues to join me in saluting and congratulating these college students and the organizers of this inspirational program.•

TRIBUTE TO THE UNIVERSITY OF RHODE ISLAND RAMS

• Mr. REED. Mr. President, ten years ago the Rams of the University of Rhode Island, shocked sports fans throughout the country when they beat the #3 seeded Orangemen of Syracuse and advanced to the Sweet Sixteen in the NCAA men's basketball tournament.

It took a few years, but the giant slayers from little Rhody are back. Last weekend, the Rams shocked the basketball world again, defeating the indomitable, #1 seeded Jayhawks of Kansas. With a win tonight over Valparaiso, URI will advance to the Elite Eight.

But, Mr. President, don't sell this team short. They may be smaller than their opponents. They readily admit that. But they know how to win, just ask anyone from Lawrence, Kansas.

I should add, Mr. President, with regard to tonight's game, that beyond the match-ups on the floor, there will be a contest on the sidelines. As many have commented, URI Coach Jim Harrick will do battle with his son, Jim Jr., an assistant coach at Valparaiso. At stake will be family bragging rights that will last a very long time. In this game, however, I'd bet on the elder Coach Harrick. Indeed, Mr. President, I expect to be back on the Senate floor next week to talk about the Rams and the Final Four.•

RICHARD GARDNER AND THE UNITED STATES-SPAIN COUNCIL

• Mr. GRAHAM. Mr. President, it is with great pleasure that I bring to the Senate's attention the distinguished service of the former United States Ambassador to Spain, Richard Gardner. Ambassador Gardner concluded his service on July 12, 1997. During his tenure, Ambassador Gardner performed his diplomatic duties with grace and distinction. As a result of his outstanding work, the relationship between the United States and Spain has been immeasurably strengthened.

The ambassador has received praise and high marks for his exemplary performance from a number of observers. For example, Spanish journalists have commented on his successful efforts to increase private donations for student exchange program, which provide expanded opportunities for cultural and academic interaction between United States and Spanish citizens. In a more formal capacity, Ambassador Gardner's efforts facilitated an improved, and mutually beneficial, trade relationship between our countries and enhanced relations between our respective governments.

One aspect of Ambassador Gardner's work of which I am very familiar is his instrumental role in establishing the United States-Spain Council. Founded in 1995, the Council has grown to become an important institution for the development and enhancement of United States-Spain relations. Its mission is to encourage understanding of our shared interests and to promote constructive relations and cooperation between the Spanish and American governments on a variety of important issues, including, trade, intellectual property rights, and education. Currently, I am the chairman of the council. Its membership includes a diverse group of business, academic, and government leaders.

Mr. President, Ambassador Gardner served his country with great distinction and conducted himself in a manner worthy of the respect and admiration of all Americans. Diplomats serve as liaisons and are the most visible representatives of their home countries. In this capacity, Ambassador Gardner exemplified the best our country has to offer. He will be sorely missed by the many colleagues and friends he has left behind. Luckily, he will continue to serve our country through his work in the private sector and on the United States-Spain Council.

I ask that an article titled "Hasta Siempre, Mr. Gardner," which first appeared in the Spanish periodical *Gaceta de los Negocios*, be printed in the RECORD.

The article follows:

[From the Gaceta de los Negocios, June 30, 1997]

HASTA SIEMPRE, MR. GARDNER

(By Carlos Rodriguez)

A great ambassador is leaving on July 12 to return to his career as an attorney and distinguished Columbia University professor. He and his wife Danielle are leaving behind so many friends and so much affection in Spain that they will surely return often to the country that has conquered them and that they have come to understand and love. Richard N. Gardner has imbued his diplomatic mission with culture and has achieved excellent relations with both the last Gonzalez government and the first Aznar government.

Three years and nine months have flown by for those of us who have had the opportunity to enjoy his intellectual stature, his sense of humor and his warmth. He is, however, above all a professor and wants to return to his Chair and his students, which is both comprehensible and praiseworthy. He has also been enriched somewhat during this stay among us, not only in friends but also in his use of our language, only a few words of which he spoke when he arrived and which he now speaks easily and with visible pleasure.

The Ambassador of the United States is not just another diplomat in Spain, not just because of the overwhelming dimension of the world power that he represents, but also because relations between our two countries are quite special and the American friend has long sought to help Spaniards have a better life and live in freedom.

The Embassy was a point of reference for decades, until the unwarranted, adolescent anti-Americanism bias and simplemindedness of twenty or thirty years ago melted away. America is too large and varied to correspond to a stereotype, but above all else it is a great beacon of freedom. With Gardner and, it must be said, almost always before, embassy parties have brought together politicians from all the democratic parties, journalists from the different stables, intellectuals and business persons on friendly terms; all given equal treatment simply as Spanish friends.

As a professor, Gardner has given special care to cultivating cultural and educational relations. During his mandate the Fulbright scholarship program has seen spectacular growth. The Ambassador has used his charm to garner increasingly more commitments from Spanish sponsors. He knows the importance of having so many young researchers in different fields not only benefiting from the U.S. system of higher education, but at the same time opening up bridges to the rich variety in the American lifestyle. Professorial exchanges will further enhance this project.

This instinct for cultural, social and economic relations, without which government relations would be rigid and bureaucratical, has resulted, for example, in the recent creation of the U.S.-Spain Council, which held its first meeting last November in Toledo and will meet again in Washington at the end of October this year. And, of course, there is the endless hosting of luncheons, dinners, breakfasts and receptions that has made this Embassy a forum for meeting and dialog.

Aznar's trip to the United States was an important achievement in Gardner's mandate. A succession of errors and misunderstandings prior to the visit did not help create the best atmosphere in Washington for the visit. Nonetheless, thorough preparation and careful agenda design made the two-hour meeting with Clinton cordial and quite satisfactory in content. Gardner was working on principles of State as what he often states is in his view the job of an ambassador: to be the eyes and ears of his president.

Trade and capital movements are at the forefront of relations between our two countries. The work has not been all intellectual. During Gardner's term, access to the U.S. market has been achieved for Spanish products as important as the Talgo train, serrano ham, canned tomatoes and tuna fish, and strong investment flows have been generated in the privatization of large companies such as Telefonica.

During these past three years and nine months, Gardner has honored the opinion pages of Gaceta de los Negocios, as have other distinguished members of the Clinton Administration, and been an avid reader of its news, reports, and commentary. He is a man concerned with intellectual discovery and understanding, two important values that he has at all times put to work in his diplomatic mission to our country.

The Spain that Ambassador Gardner has known and grown to love is no longer an isolated, different nation, insistent upon licking its wounds from 1898, but rather a modern, democratic country with a strong, recognized presence in at least four major areas: the European Union, NATO, Latin America, and the Mediterranean. It is precisely its special relations with Spain which open up better possibilities for the United States in all of these quite relevant areas.

Richard N. Gardner is now going to leave his position right after an important event relating specifically to one of these areas, the NATO Summit, to be held in Madrid on July 8 and 9, and which, as the Ambassador himself has stated, "aptly symbolizes the emergence of Spain on the European scene." He will, therefore, be working intensely up to the very end of his mandate, a symbol of his personal dedication to this Latin country that will bid him not good-bye, but hasta siempre.●

TRIBUTE TO JUNE K. GOODMAN

● Mr. DODD. Mr. President, I rise today to pay tribute to a true champion of public education and the arts. June K. Goodman of Danbury, Connecticut. Sadly, Mrs. Goodman recently died at the age of 77.

One of the greatest gifts that June Goodman's parents gave her was an appreciation and a passion for opera and the performing arts. Just as they also provided her with a sense of community and an unfailing commitment to helping others. She had many jobs, including teaching, but what set her apart from others was her volunteer work.

She directed the Danbury Music Center for 20 years and helped found the Charles Ives Center for the Performing Arts in Danbury. She also served on the board for the National Theater of the Deaf in Chester. In Hartford, she was best known for her unpaid service as Chairwoman of the State Board of Education and the Commission on the Arts. During the 1970s and 1980s she would actually make the 100 mile round-trip to Hartford several times each week to serve in these posts.

June Goodman attained a national reputation for her expertise and work in the arts. In fact, President Carter often called on her for her advice and ideas. But the focus of her work always shone brightest on her home town and the state.

For more than 40 years, Mrs. Goodman was a close friend to the famed opera singer Marian Anderson, who also hailed from Danbury. In 1990, Mrs. Goodman established the Marian Anderson Award fund, which provides grant assistance for talented opera singers throughout the country. After her passing, Mrs. Goodman's family asked that donations be made to the Anderson Award fund. This fund will serve as living testament to both of their legacies.

June Goodman was an extraordinary woman and a true treasure. She will be dearly missed. She is survived by her husband, William, her five children, her six grandchildren, her sister and her brother. I offer my heartfelt condolences to them all.●

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT 105-37

Mr. LOTT. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on March 20, 1998, by the President of the United States: Treaty with Saint Kitts and Nevis on Mutual Legal Assistance in Criminal Matters, Treaty Document 105-37.

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of Saint Kitts and Nevis on Mutual Legal Assistance in Criminal Matters, signed at Basseterre on September 18, 1997, and a related exchange of notes signed at Bridgetown on October 29, 1997, and February 4, 1998. I transmit also, for the information of the Senate, the Report of the Department of State with respect to the Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties being negotiated by the United States in order to counter criminal activities more effectively. The Treaty should be an effective tool to assist in the prosecution of a wide variety of crimes, including drug trafficking offenses. The Treaty is self-executing.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Treaty includes: taking of testimony or statements of persons; providing documents, records, and articles of evidence; serving documents; locating or identifying persons; transferring persons in custody for testimony or other purposes; executing requests for searches and seizures; assisting in proceedings related to immobilization and forfeiture of assets; restitution; collection of fines; and any other form of assistance not prohibited by the laws of the Requested State.

I recommend that the Senate give early and favorable consideration to the Treaty and related exchange of notes, and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 20, 1998.*

NATIONAL TARTAN DAY

Mr. LOTT. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 328 S. Res. 155.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 155) designating April 6th as National Tartan Day to recognize the outstanding achievements and contributions made by Scottish Americans to the United States.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I want to express my appreciation to Chairman HATCH and members of the Judiciary Committee for expediting this legislation, because the time was running out and we wanted to get this in effect before this April 6 date. On behalf of all of us of Scottish descent, we appreciate this recognition of Tartan Day.

The PRESIDING OFFICER. Without objection, the resolution is agreed to.

The resolution (S. Res. 155) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 155

Whereas April 6 has a special significance for all Americans, and especially those Americans of Scottish descent, because the Declaration of Arbroath, the Scottish Declaration of Independence, was signed on April 6, 1320 and the American Declaration of Independence was modeled on that inspirational document;

Whereas this resolution honors the major role that Scottish Americans played in the founding of this Nation, such as the fact that almost half of the signers of the Declaration of Independence were of Scottish descent, the Governors in 9 of the original 13 States were of Scottish ancestry, Scottish Americans successfully helped shape this country in its formative years and guide this Nation through its most troubled times;

Whereas this resolution recognizes the monumental achievements and invaluable contributions made by Scottish Americans that have led to America's preeminence in the fields of science, technology, medicine, government, politics, economics, architecture, literature, media, and visual and performing arts;

Whereas this resolution commends the more than 200 organizations throughout the United States that honor Scottish heritage, tradition, and culture, representing the hundreds of thousands of Americans of Scottish descent, residing in every State, who already have made the observance of Tartan Day on April 6 a success; and

Whereas these numerous individuals, clans, societies, clubs, and fraternal organizations do not let the great contributions of the Scottish people go unnoticed: Now, therefore, be it

Resolved, That the Senate designates April 6 of each year as "National Tartan Day".

NATIONAL BREAST CANCER SURVIVORS DAY

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 329, S. Res. 198.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 198) designating April 1, 1998 as "National Breast Cancer Survivors Day."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 198) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

Whereas breast cancer strikes an estimated 178,700 women and 1,600 men in the United States annually;

Whereas breast cancer strikes 1 out of every 9 American women during an average woman's lifetime;

Whereas breast cancer is the leading cause of death among American women between the ages of 35 and 54;

Whereas during this decade, it is estimated that more than 1,800,000 women and 12,000 men will be diagnosed with breast cancer in the United States;

Whereas when breast cancer is detected at an early stage, the 5-year survival rate is 97 percent;

Whereas according to the United States Centers for Disease Control and Prevention, the percentage of American women who die from breast cancer has begun to decline;

Whereas according to the United States Centers for Disease Control and Prevention, the mortality rate among American women with breast cancer decreased during the period from 1990 to 1995; and

Whereas breast cancer survivors have shown tremendous courage and determination in the face of adversity: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 1, 1998, as "National Breast Cancer Survivors' Day"; and

(2) requests the President to issue a proclamation calling upon the people of the United States to observe the day with appropriate programs and activities.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 545 through 552, and all nominations on the Secretary's desk in the Air Force, Army, and Marine Corps.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

IN THE AIR FORCE

The following-named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. James E. Andrews, 8141
Brig. Gen. Claude M. Bolton, Jr., 5880
Brig. Gen. Robert J. Boots, 9226
Brig. Gen. John W. Brooks, 8909
Brig. Gen. Richard E. Brown III, 8999
Brig. Gen. John H. Campbell, 2822
Brig. Gen. Bruce A. Carlson, 4082
Brig. Gen. Robert J. Courter, Jr., 9691
Brig. Gen. Daniel M. Dick, 7629
Brig. Gen. Paul V. Hester, 2071
Brig. Gen. Leslie F. Kenne, 0741
Brig. Gen. Tiiu Kera, 6343
Brig. Gen. Donald A. LaMontagne, 3494
Brig. Gen. David F. MacGhee, 3517
Brig. Gen. Timothy P. Malishenko, 3563
Brig. Gen. Glen W. Moorhead III, 6124
Brig. Gen. Harry D. Raduege, Jr., 9435
Brig. Gen. Leonard M. Randolph, Jr., 3223
Brig. Gen. James E. Sandstrom, 8096
Brig. Gen. Lance L. Smith, 7660
Brig. Gen. Charles F. Wald, 1222
Brig. Gen. Tome H. Walters, Jr., 3355
Brig. Gen. Herbert M. Ward, 0157
Brig. Gen. Joseph H. Wehrle, Jr., 6021
Brig. Gen. William Welser III, 4623
Brig. Gen. Michael E. Zettler, 3436

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Frederick H. Forster, 6694

The following-named officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Louis C. Ferraro, Jr., 2366
Brig. Gen. Danny A. Hogan, 6985
Brig. Gen. Robert B. Stephens, 2399
Brig. Gen. Geoffrey P. Wiedeman, Jr., 2483
Brig. Gen. Robert J. Winner, 3113

To be brigadier general

Col. Marvin J. Barry, 3766
Col. Bruce M. Carskadon, 0890
Col. John M. Danahy, 2107
Col. John D. Dorris, 4306
Col. Robert E. Duignan, 8409
Col. Sally Ann Eaves, 5962
Col. Bobby L. Efferson, 5676
Col. William F. Gordon, 8896
Col. Joseph G. Lynch, 4963
Col. Mark V. Rosenker, 1990
Col. Ronald M. Sega, 0560
Col. Stephen A. Smith, 9174
Col. Edwin B. Tatum, 7680
Col. Kathy E. Thomas, 0940

IN THE ARMY

The following United States Army Reserve officer for promotion in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 14101, 14315 and 12203(a):

To be brigadier general

Col. Michael W. Beasley, 5949

The following-named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. John S. Parker, 5626

The following-named officer for appointment as The Chief of Chaplains, United States Army and for appointment to the grade indicated under title 10, U.S.C., section 3036:

To be major general

Brig. Gen. Gaylord T. Gunhus, 7362

IN THE MARINE CORPS

The following-named officer for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C. section 624:

To be brigadier general

Col. Michael J. Aguilar, 3724
Col. James F. Amos, 1550
Col. John G. Castellaw, 2524
Col. Timothy E. Conovan, 4843
Col. James M. Feigley, 1052
Col. Emerson N. Gardner, Jr., 0157
Col. Stephen T. Johnson, 0874
Col. James N. Mattis, 7981
Col. Gordon C. Nash, 4684
Col. Robert M. Shea, 3652
Col. Keith J. Stalder, 5748
Col. Jospeh F. Weber, 1316

IN THE NAVY

The following-named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Edmund P. Giambastiani, Jr., 8318

IN THE AIR FORCE, ARMY, MARINE CORPS

Air Force nominations beginning Richard A. Allnutt III, and ending Diane A. Zipprich, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD OF February 10, 1998

Army nominations beginning Richard W. Meyers, and ending Charles M. Sines, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 24, 1998

Army nominations beginning Frederick P. Hammersen, and ending Thomas M. Walton, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 3, 1998

Army nominations beginning James R. Agar II, and ending *Everett F. Yates, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 6, 1998

Marine Corps nominations beginning Raymond Adamiec, and ending Gerald A. Yingling, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 24, 1998

Marine Corps nominations beginning Anthony P. Alfano, and ending James R. Wenzel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 24, 1998

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDER FOR RECORD TO REMAIN OPEN UNTIL 2 P.M.

Mr. LOTT. Mr. President, I ask unanimous consent that the RECORD remain open until 2 p.m. today for the introduction of bills and statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, MARCH 23, 1998

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 noon on Monday, March 23, and, immediately following the prayer, the routine requests through the morning hour be granted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I ask unanimous consent that immediately following the convening on Monday, the Senate proceed to Calendar No. 326, S. 1768, which is the emergency supplemental appropriations bill for defense and natural disasters.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I emphasize on the supplemental that we have now just 2 weeks before the Easter recess period. I am under the impression that there is some increased urgency for this particular bill because of the impact it has on the Department of Defense. These funds would go to replenish the expenditures for the Bosnian operation, and for activities in the Persian Gulf, as well as the natural disasters.

Recognizing that, I thought it would be important that we go ahead and try to get this legislation up, considered, and passed, or ready to be passed, so that when the House acts, they can go to conference immediately. This is at the request of Chairman STEVENS. I know that he has been working very closely with the ranking member, Senator BYRD, on this legislation.

I ask unanimous consent that at 5:30 on Tuesday the Senate proceed to the cloture vote with respect to the Coverdell education savings account bill. This will only be necessary if an agreement cannot be reached in the meantime for an orderly procedure for consideration of the education bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, again perhaps we could come to some agreement, other than going straight to cloture. But if we have not, we will have this cloture vote at 5:30 on Tuesday.

I remind all Senators that under rule XXII, if the cloture vote does occur on Tuesday, then all first-degree amendments will be filed by 1 p.m. on Monday, and second-degree amendments must be filed by 4:30 on Tuesday.

I think Senators have to proceed under the assumption that this cloture vote will occur. I want to also emphasis that this is going to be the cloture vote that really determines whether or not we are going to be able to get this very important legislation completed or not.

PROGRAM

Mr. LOTT. Mr. President, the Senate will lay aside the NATO treaty and begin consideration of the emergency supplemental appropriations bill on Monday. A vote will occur on Monday at 5:30, hopefully, with respect to an amendment on this supplemental appropriations bill, if some are available. If that cannot be arranged, then we will be voting with respect to the Executive Calendar item—at least one. Senators should be on notice that a vote will occur at 5:30 on Monday, March 23.

I hope the Senate can make good progress, if not complete action on the supplemental appropriations bill, by the 5:30 cloture vote on Tuesday.

I really believe that we should be able to finish that bill in just a few hours, actually. I urge all Members who must offer an amendment to restrain themselves and make sure that it is a very important amendment and that it relates to the subjects we have included in this supplemental appropriations.

As Members can determine from the various agreements and announcements I have outlined here, the NATO treaty has been postponed to occur on a later date. Perhaps we can return to it next week. But it depends on what we can get done on the supplemental appropriations and on the education savings account.

For instance, assuming we get cloture, there still could be 30 hours that could be eaten up after that. So rather than continue to go back and forth, I thought we had reached a point where we need to get focused on doing these two bills, and then we will go back to NATO enlargement at a later date.

It could actually now not be back for a concentrated debate and amendments and votes even until after the Easter recess. I had hoped we could have gotten it done earlier. I had hoped we would have it done by now. But we have not received cooperation on any bill that has come up this year, and I can only do so much to try to get the Senate to focus and complete action. If they do not, then I have to turn to other emergency matters.

So once a determination is made that we want to get this work completed, then we will go back to it. But until the Senate indicates a willingness to stay focused and we get a little cooperation and don't have a filibuster fight and a cloture vote on every bill, then it will just have to come up later because I do have Members on both sides of the aisle asking me to delay it. And yet I have tried to go forward with it because I thought it was the right thing to do, and I am willing always to try to do the right thing for our country but not if everybody else is going to be playing games.

So we will just go with this schedule and hopefully next week with cooperation we can complete the Coverdell education savings account bill, the supplemental appropriations, NATO enlargement perhaps even, and then turn to the budget resolution next. Hope springs eternal. I hope it will apply to next week.

ADJOURNMENT UNTIL MONDAY, MARCH 23, 1998

Mr. LOTT. With that, Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 1:40 p.m., adjourned until Monday, March 23, 1998, at 12 noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 20, 1998:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. JAMES E. ANDREWS, 8141.
BRIG. GEN. CLAUDE M. BOLTON, JR., 5880.
BRIG. GEN. ROBERT J. BOOTS, 9226.
BRIG. GEN. JOHN W. BROOKS, 8909.
BRIG. GEN. RICHARD E. BROWN III, 8999.
BRIG. GEN. JOHN H. CAMPBELL, 2822.
BRIG. GEN. BRUCE A. CARLSON, 4082.
BRIG. GEN. ROBERT J. COURTER, JR., 9691.
BRIG. GEN. DANIEL M. DICK, 7629.
BRIG. GEN. PAUL V. HESTER, 2071.
BRIG. GEN. LESLIE F. KENNE, 0741.
BRIG. GEN. TIIU KERA, 6343.
BRIG. GEN. DONALD A. LAMONTAGNE, 3494.
BRIG. GEN. DAVID F. MACGHEE, 3517.
BRIG. GEN. TIMOTHY P. MALISHENKO, 3563.
BRIG. GEN. GLEN W. MOORHEAD III, 6124.
BRIG. GEN. HARRY D. RADUEGE, JR., 9435.
BRIG. GEN. LEOANRD M. RANDOLPH, JR., 3223.
BRIG. GEN. JAMES E. SANDSTROM, 8096.
BRIG. GEN. LANCE L. SMTIH, 7660.
BRIG. GEN. CHARLES F. WALD, 1222.
BRIG. GEN. TOME H. WALTERS, JR., 3355.
BRIG. GEN. HERBERT M. WARD, 0157.
BRIG. GEN. JOSEPH H. WEHRLE, JR., 6021.
BRIG. GEN. WILLIAM WELSER III, 4623.
BRIG. GEN. MICHAEL E. ZETTLER, 3436.

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. FREDERICK H. FORSTER, 6694.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. LOUIS C. FERRARO, JR., 2366.
BRIG. GEN. DANNY A. HOGAN, 6985.
BRIG. GEN. ROBERT B. STEPHENS, 2399.
BRIG. GEN. GEOFFREY P. WIEDEMAN, JR., 2483.
BRIG. GEN. ROBERT J. WINNER, 3113.

To be brigadier general

COL. MARVIN J. BARRY, 3766.
COL. BRUCE M. CARSKADON, 0890.
COL. JOHN M. DANAHY, 2107.
COL. JOHN D. DORRIS, 4306.
COL. ROBERT E. DUIGNAN, 8409.
COL. SALLY ANN EAVES, 5962.
COL. BOBBY L. EFFERSON, 5676.
COL. WILLIAM F. GORDON, 8896.
COL. JOSEPH G. LYNCH, 4963.
COL. MARK V. ROSENKER, 1990.
COL. RONALD M. SEGA, 0560.
COL. STEPHEN A. SMITH, 9174.
COL. EDWIN B. TATUM, 7680.
COL. KATHY E. THOMAS, 0940.

IN THE ARMY

THE FOLLOWING UNITED STATES ARMY RESERVE OFFICER FOR PROMOTION IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 14101, 14315 AND 12203(A):

To be brigadier general

COL. MICHAEL W. BEASLEY, 5949.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. JOHN S. PARKER, 5626.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE CHIEF OF CHAPLAINS, UNITED STATES ARMY AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 3036:

To be major general

BRIG. GEN. GAYLORD T. GUNHUS, 7632.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. MICHAEL J. AGUILAR, 3724.
COL. JAMES F. AMOS, 1550.
COL. JOHN G. CASTELLAW, 2524.
COL. TIMOTHY E. DONOVAN, 4843.
COL. JAMES M. FEIGLEY, 1052.
COL. EMERSON N. GARDNER, JR., 0157.
COL. STEPHEN T. JOHNSON, 0874.
COL. JAMES N. MATTIS, 7981.
COL. GORDON C. NASH, 4684.
COL. ROBERT M. SHEA, 3652.
COL. KEITH J. STALDER, 5748.
COL. JOSEPH F. WEBER, 1316.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. EDMUND P. GIAMBASTIANI, JR., 8318.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING RICHARD A. ALLNUTT III, AND ENDING DIANE A. ZIPPRICH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 10, 1998.

IN THE ARMY

ARMY NOMINATIONS BEGINNING RICHARD W. MEYERS, AND ENDING CHARLES M. SINES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 24, 1998.

ARMY NOMINATIONS BEGINNING FREDERICK P. HAMMERSEN, AND ENDING THOMAS M. WALTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 5, 1998.

ARMY NOMINATIONS BEGINNING JAMES R. AGAR II, AND ENDING *EVERETT F. YATES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 6, 1998.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING RAYMOND ADAMIEC, AND ENDING GERALD A. YINGLING, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 24, 1998.

MARINE CORPS NOMINATIONS BEGINNING ANTHONY P. ALFANO, AND ENDING JAMES R. WENZEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 24, 1998.

HOUSE OF REPRESENTATIVES—*Monday, March 23, 1998*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. NETHERCUTT).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 23, 1998.

I hereby designate the Honorable GEORGE R. NETHERCUTT, Jr., to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

We are grateful, O God, for the revelation of Your Word, a word that creates, endures, and makes us whole. We pray that we will not take that good Word and use it for our narrow purposes imagining that we are the only ones who know Your way and Your will. Open our hearts and minds so that we are judged by that Word and then made free by its grace to serve You and the people of our communities and of our world. With thankfulness and praise we enter this new day comforted by Your abiding spirit and sustained by Your message of peace and goodwill. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The Speaker pro tempore led the House in the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Edwin Thomas, one of his secretaries.

REPORT REGARDING NATIONAL EMERGENCY WITH RESPECT TO ANGOLA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–233)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

I hereby report to the Congress on the developments since my last report of September 24, 1997, concerning the national emergency with respect to Angola that was declared in Executive Order 12865 of September 26, 1993. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c).

On September 26, 1993, I declared a national emergency with respect to the National Union for the Total Independence of Angola ("UNITA"), invoking the authority, *inter alia*, of the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) and the United Nations Participation Act of 1945 (22 U.S.C. 287c). Consistent with United Nations Security Council Resolution ("UNSCR") 864, dated September 15, 1993, the order prohibited the sale or supply by United States persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to the territory of Angola other than through designated points of entry. The order also prohibited such sale or supply to UNITA. United States persons are prohibited from activities that promote or are calculated to promote such sales or supplies, or from attempted violations, or from evasion or avoidance or transactions that have the purpose of evasion or avoidance, of the stated prohibitions. The order authorized the Secretary of the Treasury, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, as might be necessary to carry out the purposes of the order.

1. On December 10, 1993, the Department of the Treasury's Office of Foreign Assets Control (OFAC) issued the UNITA (Angola) Sanctions Regulations (the "Regulations") (58 Fed. Reg. 64904) to implement the imposition of sanctions against UNITA. The Regulations prohibit the sale or supply by United States persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to UNITA or to the territory of Angola other than through designated points. United States persons are also prohibited from activities that promote or are calculated to promote such sales or supplies to UNITA or Angola, or from any transaction by any United States persons that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in the Executive order. Also prohibited are transactions by United States persons, or involving the use of U.S.-registered vessels or aircraft, relating to transportation to Angola or UNITA of goods the exportation of which is prohibited.

The Government of Angola has designated the following points of entry as points in Angola to which the articles otherwise prohibited by the Regulations may be shipped: *Airports:* Luanda and Katumbela, Benguela Province; *Ports:* Luanda and Lobito, Benguela Province; and Namibe, Namibe Province; and *Entry Points:* Malongo, Cabinda Province. Although no specific license is required by the Department of the Treasury for shipments to these designated points of entry (unless the item is destined for UNITA), any such exports remain subject to the licensing requirements of the Departments of State and/or Commerce.

2. On August 28, 1997, the United Nations Security Council adopted UNSCR 1127, expressing its grave concern at the serious difficulties in the peace process, demanding that the Government of Angola and in particular UNITA comply fully and completely with those obligations, and imposing additional sanctions against UNITA. Subsequently, the Security Council adopted UNSCR 1130 postponing the effective date of measures specified by UNSCR 1127 until 12:01 a.m., eastern standard time, October 30, 1997, at which time they went into effect.

On December 12, 1997, I issued Executive Order 13069 to implement in the United States the provisions of UNSCRs 1127 and 1130 (62 Fed. Reg. 65989, December 16, 1997). Executive Order 13069 prohibits (a) the sale, supply, or making available in any form, by United States persons or from the United States or using U.S.-registered vessels or aircraft, of any aircraft or aircraft components, regardless of origin: (i) to UNITA; (ii) to the territory of Angola other than through a specified point of entry; (b) the insurance, engineering, or servicing by United States persons or from the United States of any aircraft owned or controlled by UNITA; (c) the granting of permission to any aircraft to take off from, land in, or overfly the United States if the aircraft, as part of the same flight or as a continuation of that flight, is destined to land in or has taken off from a place in the territory of Angola other than a specified point of entry; (d) the provision or making available by United States persons or from the United States of engineering and maintenance servicing, the certification of airworthiness, the payment of new claims against existing insurance contracts, or the provision, renewal, or making available of direct insurance with respect to (i) any aircraft registered in Angola other than those specified by the Secretary of the Treasury, in consultation with the Secretary of State, and other appropriate agencies; (ii) any aircraft that entered the territory of Angola other than through a specified point of entry; (e) any transaction by any United States person or within the United States that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in this order. Specific licenses may be issued on a case-by-case basis authorizing, as appropriate, medical emergency flights or flights of aircraft carrying food, medicine, or supplies for essential humanitarian needs. Executive Order 13069 became effective at 12:01 a.m., eastern standard time, December 15, 1997.

There have been no amendments to the Regulations since my report of September 24, 1997.

3. On December 31, 1997, OFAC issued an order to the Center for Democracy in Angola ("CEDA" or "CDA") to immediately close its offices in the United States as required by Executive Order 13069. The CEDA responded that it had closed its only U.S. office, located in Washington, D.C., in compliance with Executive Order 13069.

The OFAC has worked closely with the U.S. financial and exporting communities to assure a heightened awareness of the sanctions against UNITA—through the dissemination of publications, seminars, and a variety of media, including via the Internet, Fax-on-Demand, special fliers, and computer bulletin board information initiated by OFAC and posted through the U.S. Department of Commerce and the U.S. Government Printing Office. There have been no license applications under the program since my last report.

4. The expenses incurred by the Federal Government in the 6-month period from September 26, 1997, through March 25, 1998, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to UNITA are about $80,000, most of which represent wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel) and the Department of State (particularly the Office of Southern African Affairs).

I will continue to report periodically to the Congress on significant developments, pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 23, 1998.*

ANNUAL REPORT OF NATIONAL ENDOWMENT FOR DEMOCRACY, 1997—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying paper, without objection, referred to the Committee on International Relations.

To the Congress of the United States:

As required by the provisions of section 504(h) of Public Law 98-164, as amended (22 U.S.C. 4413(i)), I transmit herewith the 14th Annual Report of the National Endowment for Democracy, which covers fiscal year 1997.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 23, 1998.*

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. NETHERCUTT) to revise and extend their remarks and include extraneous material:)

Mr. RIGGS, for 5 minutes each day, on March 24, 25, and 26.

Mr. REDMOND, for 5 minutes, on March 25.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. NETHERCUTT) and to include extraneous matter:)

Mr. NETHERCUTT.
Mr. HORN.
Mr. KANJORSKI.
Mr. NEAL of Massachusetts.
Mr. HAMILTON.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. tomorrow for morning hour debates.

There was no objection.

Accordingly (at 2 o'clock and 8 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, March 24, 1998, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

8129. A letter from the Administrator for Rural Development, Department of Agriculture, transmitting the Department's final rule—Electric Transmission Specifications and Drawings (34.5 kV to 69 kV and 115 kV to 230 kV) for Use on RUS Financed Electric Systems [7 CFR Part 1728] received March 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8130. A letter from the Under Secretary for Acquisition and Technology, Department of Defense, transmitting notice of a plan to study conversion of any commercial- or industrial-type function from performance by DOD civilian employees to private contractors; cost comparison; certification that comparisons are based on most efficient DOD organization possible; and economic and military impact of conversion and cost of contractor performance, pursuant to 10 U.S.C. 2304 nt; to the Committee on National Security.

8131. A letter from the Under Secretary for Acquisition and Technology, Department of Defense, transmitting the Department's 1997 report entitled "International Cooperative Research and Development Program," pursuant to 10 U.S.C. 2350(f)(1); to the Committee on National Security.

8132. A letter from the Director, Office of Personnel Management, transmitting notification that OPM has approved proposals for three personnel management demonstration projects for the Department of the Army, submitted by the Department of Defense, pursuant to Public Law 103-337, section 342(b) (108 Stat. 2721); to the Committee on National Security.

8133. A letter from the Secretary of Defense, transmitting a letter regarding the current Future Years Defense Program (FYDP), associated with the DDG-51 multiyear program, pursuant to Public Law 105-56; to the Committee on National Security.

8134. A letter from the Secretary of Defense, transmitting a report on the feasibility and desirability of converting Active Guard and Reserve personnel to military technicians (dual status), pursuant to Public Law 105-85; to the Committee on National Security.

8135. A letter from the Secretary of Defense, transmitting a report on the joint demilitarization technology program, pursuant to Public Law 104-201; to the Committee on National Security.

8136. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Implementation of the Native American Housing Assistance and Self-Determination Act of 1996; Final Rule [Docket No. FR-4170-F-16] (RIN: 2577-AB74) received March 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8137. A letter from the Assistant Secretary for OSHA, Department of Labor, transmitting the Department's final rule—Safety Standards for Scaffolds Used in the Construction Industry [Docket No. S–205] (RIN: 1218–AA40) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8138. A letter from the Clerk, U.S. Court of Appeals for the District of Columbia Circuit, transmitting two opinions of the United States Court of Appeals for the District of Columbia Circuit; to the Committee on Education and the Workforce.

8139. A letter from the Secretary of Health and Human Services, transmitting the 1994 and 1995 report on the Consolidated Federal Programs under the Maternal and Child Health Services Block Grant, pursuant to 42 U.S.C. 706(a)(2); to the Committee on Commerce.

8140. A letter from the Regulatory Policy Officer, Bureau of Alcohol, Tobacco and Firearms, transmitting the Bureau's final rule—Implementation of Public Law 103–322, the Violent Crime Control and Law Enforcement Act of 1994 (94F–022P) [T.D. ATF–396; Ref: T.D. ATF–363 and Notice No. 807; T.D. ATF–383 and Notice No. 833] received March 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8141. A letter from the Director, Office of Rulemaking Coordination, Department of Energy, transmitting the Department's final rule—Acquisition Regulation: Department of Energy Management and Operating Contracts (RIN: 1991–AB–37) received March 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8142. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, transmitting the Administration's final rule—Removal of Exemption for Certain Pseudoephedrine Products Marketed Under the Food, Drug, and Cosmetic Act (FD&C Act) [DEA Number 138P] (RIN: 1117–AA32) received March 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8143. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Kenova, West Virginia) [MM Docket No. 97–177 RM–9131] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8144. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—In the Matter of Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Proprietary Network Information and Other Customer Information [CC Docket No. 96–115] received March 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8145. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Presho, South Dakota) [MM Docket No. 97–175 RM–9138) received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8146. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Guymon, Oklahoma) [MM Docket No. 97–238 RM–9201] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8147. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Roscoe, South Dakota) [MM Docket No. 97–176 RM–9141] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8148. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Murdo, South Dakota) [MM Docket No. 97–191 RM–9140] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8149. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Ipswich, South Dakota) [MM Docket No. 97–190 RM–9139] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8150. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Colchester, Illinois) [MM Docket No. 97–218 RM–9172] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8151. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Rules and Regulations Under the Textile Fiber Products Identification Act, the Wool Products Labeling Act, and the Fur Products Labeling Act [76 CFR Parts, 1, 300, 301, and 303] received March 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8152. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a draft of proposed legislation to authorize appropriations for the Nuclear Regulatory Commission for fiscal year 1999, pursuant to 31 U.S.C. 1110; to the Committee on Commerce.

8153. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to provide for user fees for approval, importation, and postmarket surveillance of products regulated under the Federal Food, Drug, and Cosmetic Act; to the Committee on Commerce.

8154. A letter from the Chairman, Merit Systems Protection Board, transmitting the Nineteenth Annual Report on the activities of the Board during Fiscal Year 1997, pursuant to 5 U.S.C. 1206; to the Committee on Government Reform and Oversight.

8155. A letter from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Revocation of Critical Habitat for the Mexican Spotted Owl, Loach Minnow, and Spikedace (RIN: 1018–AE95) received March 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8156. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to designate segments of the Clavey River and tributaries, Stanislaus River and tributaries, and South Fork Tuolumne River as components of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Resources.

8157. A letter from the Administrator, Federal Aviation Administration, transmitting a report on the minimum standards for pilot qualifications and of pay for training, pursuant to 49 U.S.C. 44935 nt.; to the Committee on Transportation and Infrastructure.

8158. A letter from the Secretary of Transportation, transmitting the Department's biennial report entitled "1997 Status of the Nation's Surface Transportation System: Condition and Performance Report," pursuant to 49 U.S.C. 308(e)(1); to the Committee on Transportation and Infrastructure.

8159. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Guidance Document (Memorandum) For Award Of Grants Authorized By This Agency's FY 1998 Appropriations Act—received March 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8160. A letter from the Secretary of Transportation, transmitting a report entitled "The Impact of Increased Speed Limits in the Post-NMSL Era," pursuant to Public Law 104–59; to the Committee on Transportation and Infrastructure.

8161. A letter from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting the Department's final rule—Regulations Governing CUBES (Coupons Under Book-Entry Safekeeping) [31 CFR Part 358] received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8162. A letter from the Secretary of the Navy, transmitting a report entitled "U.S. Navy Submarine Solid Waste Management Plan for MARPOL Annex V Special Areas," pursuant to Public Law 105–85; jointly to the Committees on National Security and Transportation and Infrastructure.

8163. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the National School Lunch Act, and the Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management, to extend certain authorities contained in such Acts through fiscal year 2002, and for other purposes; jointly to the Committees on Education and the Workforce and Government Reform and Oversight.

8164. A letter from the Director, Defense Security Agency, transmitting a report on the delivery of defense articles for Cambodia to support efforts to locate and repatriate members of the United States Armed Forces and civilians employed directly or indirectly by the USG who remain unaccounted for from the Vietnam War, pursuant to Public Law 104–107, section 540(c) (110 Stat. 736); jointly to the Committees on International Relations and Appropriations.

8165. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report regarding allocations of all Economic Support Funds, including those allocated for the Middle East, pursuant to Public Law 105–118; jointly to the Committees on International Relations and Appropriations.

8166. A letter from the Administrator, Federal Aviation Administration, transmitting a report on the independent assessment of the acquisition management system, pursuant to 49 U.S.C. 40110 nt; jointly to the Committees on Transportation and Infrastructure and Appropriations.

8167. A letter from the Secretary of Health and Human Services, transmitting a report entitled "Development of Resource-Based Practice Expense Relative Value Units," pursuant to Public Law 105–33; jointly to the Committees on Ways and Means and Commerce.

8168. A letter from the Commissioner, Social Security Administration, transmitting a draft of proposed legislation to amend the Social Security Act and the Balanced Budget and Emergency Deficit Control Act of 1985 and a related law to make various changes in suppport of the President's Fiscal Year 1999 Budget respecting the Social Security Administration; jointly to the Committees on Ways and Means and the Budget.

8169. A letter from the Administator, National Aeronautics and Space Administration, transmitting a draft of proposed legislation to authorize appropriations to the National Aeronautics and Space Administration for human space flight, science, aeronautics, and technology, mission support, and Inspector General, and for other purposes, pursuant to 31 U.S.C. 1110; jointly to the Committees on Science, Government Reform and Oversight, and the Judiciary.

8170. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1999, and for other purposes, pursuant to 31 U.S.C. 1110; jointly to the Committees on National Security, Government Reform and Oversight, Education and the Workforce, the Judiciary, Ways and Means, Transportation and Infrastructure, and Intelligence (Permanent Select).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[The following action occurred on March 20, 1998]

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 2843. A bill to direct the Administrator of the Federal Aviation Administration to reevaluate the equipment in medical kits carried on, and to make a decision regarding requiring automatic external defilbrillators to be carried on, aircraft operated by air carriers, and for other purposes; with an amendment (Rept. 105–456). Referred to the Committee of the Whole House on the State of the Union.

[Submitted March 23, 1998]

Mr. THOMAS: Committee on House Oversight. H.R. 3485. A bill to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for election for Federal office, and for other purposes; with an amendment (Rept. 105–457 Pt. 1).

DISCHARGE OF COMMITTEES

Pursuant to clause 5 of rule X the Committees on the Judiciary and Ways and Means discharged from further consideration. H.R. 3485 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 3485. Referral to the Committees on the Judiciary and Ways and Means extended for a period ending not later than March 23, 1998.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred, as follows:

[Omitted from the Record of March 17, 1998]

By Mr. FAZIO of California (for himself, Mr. Gephardt, Mr. Bonior, Mr. Pallone, Mr. Sawyer, Mr. Meehan, Mr. Ackerman, Mr. Allen, Mr. Becerra, Mr. Blumenauer, Mr. Boswell, Mr. Brown of California, Ms. DeGette, Mr. Delahunt, Ms. DeLauro, Mr. Faleomavaega, Mr. Farr of California, Mr. Ford, Mr. Hinchey, Mr. Kennedy of Massachusetts, Mr. LaFalce, Mr. Lampson, Mr. Lantos, Mr. Levin, Mr. Lewis of Georgia, Mr. Lipinski, Mr. Matsui, Ms. McCarthy of Missouri, Mr. McGovern, Mr. McHale, Mr. Minge, Mr. Nadler, Ms. Norton, Mr. Oberstar, Mr. Olver, Mr. Pomeroy, Ms. Roybal-Allard, Mr. Serrano, Mr. Sherman, Mr. Stokes, Mrs. Tauscher, Ms. Velázquez, Mr. Wexler, Ms. Woolsey, Mr. Underwood, and Mr. YATES):

H.R. 3474. A bill to help parents keep their children from starting to use tobacco products, to expose the tobacco industry's past misconduct and to stop the tobacco industry from targeting children, to eliminate or greatly reduce the illegal use of tobacco products by children, to improve the public health by reducing the overall use of tobacco products, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Ways and Means, the Judiciary, Education and the Workforce, Agriculture, the Budget, Resources, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

[Submitted March 23, 1998]

By Mr. COBLE:

H.R. 3528. A bill to amend title 28, United States Code, with respect to the use of alternative dispute resolution processes in United States district courts, and for other purposes; to the Committee on the Judiciary.

By Mr. CHABOT:

H.R. 3529. A bill to establish a national policy against State and local interference with interstate commerce on the Internet or online services, and to excise congressional jurisdiction over interstate commerce by establishing a moratorium on the imposition of exactions that would interfere with the free flow of commerce via the Internet, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Rules, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

257. The SPEAKER presented a memorial of the State Senate of Michigan, relative to Senate Resolution Number 141 memorializing March 1998 as Parenting Awareness Month; to the Committee on Education and the Workforce.

258. Also, a memorial of the House of Representatives of the State of New Hampshire, relative to Resolution 53 urging Congress to pass and the President to sign a bill returning to the states the power to regulate campaign finance in state races for federal office; to the Committee on House Oversight.

259. Also, a memorial of the Senate of the State of New Jersey, relative to Senate Resolution Number 8 memorializing Congress to appropriate funds for creation of Grover Cleveland Museum and Library in Caldwell, New Jersey; to the Committee on Resources.

260. Also, a memorial of the Legislature of the Commonwealth of The Mariana Islands, relative to Resolution Number 11–10 urging the United States Congress not to entertain the President's proposal of imposing a tariff on certain textiles and apparel products produced in the Commonwealth of the Northern Mariana Islands; to the Committee on Ways and Means.

261. Also, a memorial of the Legislature of the Territory of Virgin Islands, relative to Resolution Number 1587 amending the Taxpayer Relief Act of 1997; to the Committee on Ways and Means.

262. Also, a memorial of the General Assembly of the State of Iowa, relative to Resolution Number 102 requesting the United States Department of Health and Human Services to revise a proposed rulemaking for implementing welfare reform and requesting the United States Congress to provide oversight; to the Committee on Ways and Means.

263. Also, a memorial of the House of Representatives of the State of New Hampshire, relative to Resolution Number 55 urging timely responses to damage caused to forests by the ice storm of 1998; jointly to the Committees on Agriculture and Ways and Means.

264. Also, a memorial of the House of Representatives of the State of Maine, relative to urging the President of the United States to release LIHEAP funds to assist Maine citizens; jointly to the Committees on Commerce and Education and the Workforce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 457: Mr. Klug and Mr. LoBiondo.

H.R. 1126: Mr. Serrano.

H.R. 1425: Mr. Kucinich and Mr. Lampson.

H.R. 1539: Mr. Condit.

H.R. 1704: Mr. Souder.

H.R. 1812: Mr. Nethercutt.

H.R. 1861: Mr. Ackerman, Ms. Furse, and Mr. Markey.

H.R. 1995: Mr. Davis of Illinois, Mr. Blagojevich, Mr. Scott, Mr. McGovern, Mr. Clyburn, and Ms. Brown of Florida.

H.R. 2070: Mr. Bateman and Mr. Goodlatte.

H.R. 2231: Mr. Armey, Mr. Upton, and Mr. Chabot.

H.R. 2701: Mrs. Thurman.

H.R. 2801: Ms. Carson and Mr. Martinez.

H.R. 3107: Mr. Stenholm.

H.R. 3127: Mr. Coburn, Mr. Shadegg, Mr. Bereuter, Mr. Gordon, Mr. Miller of Florida, Mr. Crapo, Mr. Kolbe, and Mr. Upton.

H.R. 3131: Mr. HEFNER and Mr. BOEHLERT.

H.R. 3156: Mr. BLAGOJEVICH, Ms. BROWN of Florida, Mrs. CLAYTON, Mr. COSTELLO, Mr. DELAHUNT, Mrs. EMERSON, Mr. GUTIERREZ, Mr. GUTKNECHT, Mr. HASTINGS of Washington, Mr. LEWIS of California, Mr. McDADE, Ms. McKINNEY, Mr. MEEHAN, Mr. MEEKS of New York, Mrs. MINK of Hawaii, Mr. MORAN of Virginia, Mr. NEAL of Massachusetts, Mr. PALLONE, Mr. ROTHMAN, Mr. SHIMKUS, Ms. STABENOW, Mr. THOMAS, Ms. VELÁZQUEZ, Mr. VENTO, Mr. WOLF, Mr. YATES, Mr. ANDREWS, Mrs. KENNELLY of Connecticut, Mr. PASCRELL, Mr. MATSUI, Mr. ENSIGN, Mr. SHAYS, Mr. LEVIN, Mr. McINNIS, Mrs. JOHNSON of Connecticut, Mr. CONDIT, Mr. THOMPSON, Mr. BORSKI, Mr. CLYBURN, Mr. LaTOURETTE, Mr. DICKEY, Mr. CUMMINGS, Mr. FATTAH, Ms. DeGETTE, Ms. HARMAN, Mr. WATT of North Carolina, Mr. CLEMENT, Mr. JOHNSON of Wisconsin, Mr. SAWYER, Mrs. TAUSCHER, and Mr. CRAMER.

H.R. 3216: Mr. LAMPSON, Ms. ROYBAL-ALLARD, Ms. CARSON, Mr. BROWN of California, Mr. CLYBURN, and Mr. LANTOS.

H.R. 3279: Mr. LANTOS and Ms. KILPATRICK.

H.R. 3336: Mrs. FOWLER, Mr. YOUNG of Florida, Mr. MILLER of Florida, Mr. GOSS, Mr. WELDON of Florida, Ms. ROS-LEHTINEN, and Mr. SHAW.

H.R. 3469: Mr. STARK, Mr. NADLER, and Ms. HOOLEY of Oregon.

H.R. 3501: Mr. LIVINGSTON and Mrs. MYRICK.

H.R. 3526: Mr. McHALE and Mr. CLEMENT.

H.J. Res. 102: Mr. BARRETT of Wisconsin, Ms. CARSON, Mr. LAMPSON, Mr. McDERMOTT, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. NORWOOD, Mr. PALLONE, Mr. POSHARD, and Mr. RYUN.

H. Con. Res. 210: Mr. GOSS.

H. Con. Res. 212: Mr. SNYDER, Mr. METCALF, Mr. MINGE, Mr. BONILLA, Mr. PAPPAS, and Mr. HEFLEY.

H. Res. 313: Mrs. JOHNSON of Connecticut, Ms. NORTON, and Ms. JACKSON-LEE.

PETITIONS, ETC.

Under clause 1 of rule XXII,

54. The SPEAKER presented a petition of the Township of Brick, Ocean County, New Jersey, relative to urging the President and Congress to support closure of the School of the Americas; which was referred to the Committee on National Security.

SENATE—*Monday, March 23, 1998*

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

God of mercy and mirth, when tensions mount, tempers are frayed, and work piles up, we thank You that You are the source of true joy. When life gets tedious and people are difficult, we praise You that we can experience what Habakkuk of old discovered, "I will rejoice in the Lord, I will joy in the God of my salvation. The Lord is my strength. . . ."—Habakkuk 3:18. How wonderful! The prophet uses joy as a verb.

Today, we too want to joy in You. We know that joy is an outward expression of an inner experience of Your grace. So we begin this new week reflecting on Your amazing grace. Your love for us has no limits. There is nothing we can do to stop You from loving us, but there is much that we do to block the experience of Your love. We confess our self-justification, our pride, and our reluctance to forgive. Cleanse anything in us that would block the flow of Your joy in us. Also show us ways we suppress or even kill Your joy in others. Nehemiah gives us today's motto: "The joy of the Lord is Your strength."—Nehemiah 8:10. In the name of Christ who brings lasting joy. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader of the Senate, Senator LOTT, is recognized.

SCHEDULE

Mr. LOTT. Mr. President, today the Senate will begin consideration of S. 1768, the emergency supplemental appropriations bill. As earlier announced, a vote will occur today at 5:30, hopefully with respect to an amendment to the supplemental appropriations bill, but if that cannot be arranged, or if there is not an amendment available at that time, then the Senate will be voting with respect to an Executive Calendar item. Therefore, Senators should be on notice that a vote will occur at 5:30.

It is my hope the Senate can make good progress, if not complete action, on the supplemental appropriations bill, since it is an emergency. It is the funds for our activities in Bosnia and the Persian Gulf, as well as for natural disasters. I hope we can get it completed, certainly prior to an anticipated cloture vote at 5:30 p.m. on Tuesday. That cloture vote would be on H.R. 2646, which is the Coverdell A+ Education Savings Account Act. Perhaps we will be able to work out a unanimous consent agreement on a limited number of amendments and how those amendments could be handled so that cloture would not be necessary, but if not, we will have cloture at 5:30. And I assume and hope that that cloture motion will be agreed to.

So I ask all Members who must amend that important legislation to notify the managers of their intentions. Senator STEVENS will be coming here later, and he will be looking for notification of any amendments that might be necessary.

As announced earlier, consideration of the NATO treaty has been postponed, to occur at a later date, possibly even after the Easter recess. The Senate has several very important emergency items we have to consider prior to the recess, including, probably on Thursday of this week, the Mexico decertification issue. The rules require that we have to act on that before Saturday, and I believe the rules also provide for up to 10 hours of debate. So we have to do that Thursday, we have to complete the supplemental appropriations, and we have to complete the education bill. So we just do not have the time to have the necessary focused debate that we need to have on NATO enlargement. It may be after the Easter recess before we come back to that. A number of Senators have asked that we have the final debate and votes after the Easter recess, so we may have to do that.

So we will have a vote at 5:30 this afternoon on the supplemental appropriations bill, an amendment perhaps, and then we will have the Coverdell education bill tomorrow. I hope that we can find a way to work together and not spend the whole week with filibusters and cloture votes, but if not, we will go with the cloture votes and take up the emergency issues we have to deal with. I hope we will get cooperation. I thank the Senators for that.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROBERTS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I ask unanimous consent I be allowed to speak as in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

SHRINKING WELFARE ROLLS

Mr. WELLSTONE. Mr. President, I came to the floor last week—maybe it was a week and a half ago—with an amendment that called on my colleagues to be willing, as responsible policymakers, to take a close look at what was happening around the country, to mainly women and children, as a result of the welfare "reform" bill that was passed in 1996. When I came to the floor, I marshaled evidence as to the need for us to know more, as to the need for some kind of study. What the amendment said was that we should call on States to provide data to Health and Human Services as to how many of the families that were no longer on the welfare rolls were reaching economic self-sufficiency, what kind of jobs people had, what kind of wages, and what about child care for children?

Mr. President, that amendment I think received about 43 or 44 votes. Maybe the reason the amendment was not agreed to was because I put that amendment on the highway bill, or the ISTEA bill, because I wanted to call attention to what is happening around the country as, from some of my own travel, I have seen it.

Today we have two front page stories, colleagues. I want to announce my intention on an amendment. One, in the Washington Post, "Sanctions: A Force Behind Falling Welfare Rolls," and the other, in the New York Times: "Most Dropped from Welfare Don't Get Jobs."

Mr. President, I ask unanimous consent that both these articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 23, 1998]

SANCTIONS: A FORCE BEHIND FALLING WELFARE ROLLS—STATES ARE CUTTING OFF TENS OF THOUSANDS WHO WON'T SEEK WORK OR FOLLOW RULES

(By Barbara Vobejda and Judith Havemann

Governors across the country are boasting that welfare reform is successfully moving millions of people off the rolls and into jobs. But closer scrutiny of state and federal records shows that tens of thousands of families are being forced off welfare as punishment for not complying with tough new rules.

Federal statistics show that in one three-month period last year, 38 percent of the recipients who left welfare did so because of state sanctions, ordered for infractions from

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

missing appointments with caseworkers to refusing to search for work.

These and other sanction numbers gathered by The Washington Post from welfare offices nationwide are among the earliest statistics available on how the states are implementing the 1996 federal welfare law, which triggered a dramatic revision of public assistance programs.

In some states, sanctions have become a significant part of declining caseloads. More than half of the 14,248 cases closed in Indiana in a three-month period last year, for example, were a result not of people finding work but of sanctions, according to federal records. In Florida, state officials report that 27 percent of the 148,000 cases they closed in the second half of 1997 were because of sanctions.

In the first year of Tennessee's new program, 40 percent of the families leaving welfare—nearly 14,000—lost benefits because they did not comply with regulations, compared with 29 percent who left for employment, according to a University of Memphis study.

Nationally, caseloads have fallen by 18 percent in the past year, attributable both to a healthy economy and welfare reform efforts. But the sanction statistics provide a fuller picture of what has generally been cast as the success of welfare overhaul: Not all of those leaving the rolls are converts to the work ethic; a sizable number either are refusing to cooperate or are so hampered by serious problems that they are unable to comply with the new requirements.

State officials say that the high rate of sanctioning is evidence the new law is working as intended, smoking out people who already had jobs but weren't reporting them, or in other cases impressing upon recipients that they can no longer receive aid indefinitely without preparing themselves for work.

But advocates for the poor warn that many states are imposing severe measures that end people's benefits with no assurances that their children will be fed or their houses heated.

Valerie Watson, a Memphis mother who says she has recurring back problems, was cut off welfare last fall for missing training classes and showing up late for an appointment with her caseworker. She gradually sold her belongings as she grew more desperate for money.

"We went through the whole winter with no utilities," she said. "This is a story you wouldn't believe because it has been so rough."

Watson is part of the hidden story behind the tale of welfare success being told across the country. Until the passage of welfare reform legislation, states were hampered from cutting off families for failure to work. Now, 30 state legislatures have given caseworkers the authority to eliminate welfare grants when families fail to cooperate with several new rules, including requirements that recipients search for jobs, volunteer or attend job-preparation classes.

"Sanctions are the spur for people to make the move from welfare to work," said New Jersey welfare commissioner William Waldman. "To have a program that wasn't serious, that didn't have consequences or sanctions for not taking a step up in life, was very bad public policy that served to trap people on the rolls. I don't minimize the impact of sanctions, but the alternative is worse."

During the national debate over welfare reform two years ago, many assumed that the moment of truth would come years from now when recipients reached time limits that would end their benefits. But the widespread use of sanctions has moved up that moment.

Energized by their welfare reform programs, states are moving swiftly to put their new sanction power to use. But social service advocates argue that in many cases, states are making bad judgments.

Bill Biggs, a former welfare administrator from Utah, wrote in a recent publication that under a pilot program in his state, half of the sanctions ordered were done in error, often when a caseworker didn't detect that a recipient suffered from mental illness or some other problem.

Nothing illustrates individual states' new discretion—and how that produces widely divergent policies—more vividly than their approach to sanctions.

New York, for example, prohibits caseworkers from taking a family's entire check for failure to work. In Georgia, families who receive two sanctions are banned for life from receiving assistance, although this has happened in only a handful of cases.

In Alabama, clients can lose their benefits for failing to show up for a single appointment without a good excuse, but they can reapply the next month.

No matter what the state policy, women like Valerie Watson represent a common problem facing caseworkers. In welfare parlance, she is what's known as a hard-to-serve client—somebody who hasn't worked in a decade, who tangles with her landlord and the mailman, who lacks transportation and has a history of back problems that she says flare up almost every time she is asked to show up for an appointment or meet a deadline.

A few years ago, during an earlier effort at welfare reform, her caseworker threatened to cut off her welfare check if she didn't go to work. The caseworker "said it was the law that I had to get a job," said Watson, 42. "I asked her to show it to me."

The caseworker gave up.

But in 1996, welfare reform got serious in Tennessee. Watson, who lives in a rented house with her 18-year-old son and a 20-year-old daughter, was soon called in to the Memphis welfare office and handed a "personal responsibility" contract requiring her to attend classes to prepare for work. She was offered the choice of signing the form or losing her check right then. "I signed, but I knew I couldn't attend classes because of my back injury," she said.

Her check was docked 20 percent after she failed to attend any of the eight weeks of daily classes. She appealed, citing her back injury, but missed the hearing; she said she was ill. Eventually, she lost all benefits. When she tried to reopen the case, she was a "little late, about five minutes," she said, and officials sent her home to wait until she heard from them again.

Months passed, with Watson trying to get by without her $142 monthly welfare check. She haunted food pantries and churches, borrowed $1,200 from friends and acquaintances, lost her phone and had her electricity cut off.

Soon she started selling everything she owned: her refrigerator, three gas heaters, the dining room table, her ladder, fans.

Eventually, she sold her stove. She cooks on a grill in the back yard, even in winter. All along, she couldn't comply, she explained, because of her back injury.

She sought legal help, tried to qualify for disability payments, fought eviction and recently got back on the rolls by signing a new personal responsibility agreement.

But Watson said she is already worried: Back pain may once more prevent her from complying.

Classes start at 8 a.m. today.

The problem for caseworkers is how to know whether Watson and other recipients like her are disabled or only in need of a strong push to become independent. In a city where each caseworker handles a minimum of 150 active welfare cases—plus an additional 100 miscellaneous clients for food stamps or other benefits—it is hard to get to know each recipient well.

"On any given day we can have a 40 to 60 percent no-show rate" said Anola Crunk, a program supervisor in Memphis. Each missed appointment requires a follow-up.

Caseworkers say that even in face-to-face interviews, clients are not always forthcoming about their problems.

State officials and welfare experts say they believe that those who do get cut from the rolls represent the two extremes of the welfare population. At one end are people who are able to find jobs, or have other income, and simply choose not to comply. Officials say they are unlikely to be in desperate straits.

At the other extreme are those unable to meet requirements because they are the most troubled families—plagued by mental illness, substance abuse, domestic violence or such low reading levels that they have difficulty understanding the new regulations, much less finding work.

A Minnesota study of sanctioned families found they were twice as likely as other welfare recipients to report mental health problems and four times as likely to report substance abuse.

These are the families that authors of welfare reform assumed would be lingering on the rolls for years, the people most likely to be affected by a five-year lifetime limit on benefits included in the 1996 federal law. Instead, they are often the ones being kicked off the rolls now, because they are unable or unwilling to meet requirements.

At the same time, sanctions have worked for some recipients.

Margaret Simpson, 22, a mother of three in Cincinnati, lost her welfare check for seven months after she failed to show up at her state's job readiness program.

"I wasn't paying attention," she said. "There was a letter with my check. Who pays attention to a letter with a check? You pay attention to the check."

But eventually, when the check quit arriving, Simpson complied with the rules by helping her caseworker track down the father of her children to collect child support, working on her high school equivalency test and attending a job-preparation course. A new check is on the way.

"If I would have been under the old law, I would still just be getting a check," she said.

A number of states, including Tennessee, are beginning to track what happens to those who are sanctioned, but only fragmentary evidence is available.

A study of Iowa families who lost their benefits found that about half were working after they left the rolls. University of Memphis researchers found that 80 percent of Tennessee recipients who had lost aid because of sanctions said they had other sources of income.

In Utah, a researcher found that most sanctioned families had income from other sources, but a small group was so disadvantaged she wondered how they would ever land jobs and become self-supporting.

Although states have always closed some welfare cases because of clients' failure to comply, the numbers are increasing and many of the sanctions are bigger and more permanent than ever before.

Rosie Saunders, a 29-year-old mother of twins in Columbus, Ohio, is frantically applying for jobs to avoid being sanctioned.

"I have asthma real bad," she said. "I have two children on [disability]. I had an industrial accident. I have to take pills for depression."

But, "I still have to get a job or they are going to cut me," she said. "They told me there was no excuses."

[New York Times, Mar. 23, 1998]

MOST DROPPED FROM WELFARE DON'T GET JOBS—CRITICS OF WORK RULES CITE NEW YORK STUDY

(By Raymond Hernandez)

ALBANY, MARCH 22.—A vast majority of people who have dropped off New York State's rapidly shrinking welfare rolls have not obtained legitimate jobs, a state survey indicates.

The survey found, among other things, that of the legions of people who came off the welfare rolls in New York City from July 1996 through March 1997, only 29 percent found full-time or part-time jobs in the first several months after they were no longer on public assistance.

The survey, which has been circulating among policymakers statewide and has been obtained by The New York Times, has raised questions among welfare experts about a bedrock premise of the nation's new welfare laws: that tougher restrictions move people from government dependency into jobs.

The survey, by the State Office of Temporary and Disability Assistance, compared lists of people whose benefits ended during a given quarter of the year against records of wages that were reported to the state by employers in later quarters. Employers are required to file wage reports to the state each quarter.

Of the families in New York City who dropped off the rolls from July 1996 through September 1996, 32.7 percent showed earnings in the next quarter, according to the report. Of those who disappeared from the rolls from October through December, 32.2 percent showed wages in the next quarter. And of those who left the rolls from January through March 1997, 22.1 showed wages in the next quarter.

For the purposes of the study, anybody who made $100 or more in three months after leaving the rolls would have been counted as employed. The report does not distinguish between those who found full-time permanent jobs and those who found only part-time or occasional work.

The numbers were generally better statewide, where slightly more than one-third of families on average who left the rolls from July 1996 through March 1997 showed earnings at or above the $100 threshold.

The research provides a rare peek into the fate of those who leave welfare, though an imperfect one. It does not take into account people who are self-employed, work off the books or move out of New York. It also does not include those whose employers fail to report wage data promptly or are not required to report wages at all, like farm owners.

But the survey represents the first statistical attempt in New York to determine what has happened to the 480,000 people who have left the rolls of the two main welfare programs—Aid to Families With Dependent Children and Home Relief—across the state in the last three years, 350,000 of them in New York City. It also calls into question claims by state and city officials that the steep reductions in caseloads are strong evidence that their welfare initiatives are working.

The figures are especially useful because the administration of Mayor Rudolph W. Giuliani has resisted requests to release records that would allow an independent survey of former welfare recipients. The administration has also declined to conduct such a survey itself.

Dan Hogan, the executive deputy commissioner for the State Office of Temporary and Disability Assistance, warned against drawings too many conclusions from the state survey. He said that the disparity between the number of people reporting wages from one quarter to the next was one indication of the survey's imprecision.

He added that the state intended to develop more precise ways of determining the fate of former welfare recipients, including cross-checking the names of former recipients against labor statistics over a longer period than officials currently do. That change, he said, would make up for employers who do not report employee wages to the state on a timely basis and thereby make it seem as if some former recipients are unemployed when they actually have jobs.

"Are we satisfied that these numbers tell us enough? No," Mr. Hogan said. "We want to know more."

But Marcia Meyers, an assistant professor of social work at Columbia University who specializes in welfare policy, said the survey provided a singular opportunity to gauge the overall impact of the changes in welfare policy championed by Mr. Giuliani and Gov. George E. Pataki. The changes include cutting off aid to recipients who fail to comply with requirements to work for their benefits, commonly known as workfare.

"Up to now," she said, "there have been claims and counterclaims about the success of welfare reform, but there has been no data with which to evaluate those claims. This really gives us the first glimpse of life after welfare, and it is alarming."

Experts and advocates for the poor say that despite the limitations of the study's methods, its income threshold was so low—a mere $100 over three months—that poor people should have shown up in the labor statistics if they indeed had jobs. They say the state's research provided the strongest evidence yet that people were being knocked off the welfare rolls by a host of new sanctions and rules even though they had no prospect of legitimate employment.

The advocates say that numbers help confirm what they have long suspected: that the stringent policies of the Pataki and Giuliani administration are driving thousands of former welfare recipients into deeper poverty, not self-sufficiency.

"The more people you require to be in workfare, the greater the opportunity will be to sanction them for failing to comply," said Shelly Nortz, a policy analyst and lobbyist for New York State Coalition for the Homeless. "That policy is just going to drive more and more people off the welfare rolls even though there aren't enough jobs for them."

The situation will only get worse, advocates say, because new welfare rules enacted in Washington require the state to both place greater numbers of recipients into so-called workfare assignments and cut off assistance to those who fail to comply with those assignments.

Among the other interesting findings in the survey is one that deals with childless single, able-bodied adults who received aid under the state-financed program called Home Relief. Those who support making the welfare system more restrictive have often pointed to this group, made up mostly of men, as the most employable and therefore the least in need of public assistance.

But the study appears to support an assertion by welfare advocates that many people on Home Relief are drug addicts or mentally ill, or suffer from other problems that make them difficult to employ.

The study showed that about 20 percent of the people who left Home Relief in New York City from July 1996 through March 1997 had reported earning at least $100 in the immediate months after they stopped being on the rolls. Statewide, the average was about 23 percent.

The state, however, fared much better when New York City was not factored in, with an average of 30 percent of the people who left Home Relief showing incomes a few months after their public assistance was stopped, the report showed.

Anne Erickson, the legislative coordinator for the New York Upstate Law Project, an advocacy group for the poor, said the numbers were particularly distressing because they come at a time when a good economy has allowed the most employable people to get jobs and leave the welfare rolls.

"The true test will be when the economy takes an inevitable down-turn and the people who remain on the caseload are less-skilled and harder to serve," she said. "It's troubling."

But Mr. Hogan said the state was using the money it had saved from caseload reductions and reinvesting it in creating more child-care slots, job-training programs and other initiatives aimed at getting people into jobs.

Mr. WELLSTONE. Mr. President, let me quote a few relevant paragraphs from both pieces.

The Washington Post piece:

> Governors across the country are boasting that welfare reform is successfully moving millions of people off the rolls and into jobs. But closer scrutiny of state and federal records shows that tens of thousands of families are being forced off welfare as punishment for not complying with tough new rules.
>
> Federal statistics show that in one three-month period last year, 38 percent of the recipients who left welfare did so because of state sanctions, ordered for infractions from missing appointments with caseworkers to refusing to search for work.

The article then goes on:

> During the national debate over welfare reform two years ago, many assumed that the moment of truth would come years from now when recipients reached time limits that would end their benefits. But the widespread use of sanctions has moved up that moment.
>
> Energized by their welfare reform programs, states are moving swiftly to put their new sanction power to use. But social service advocates argue that in many cases, states are making bad judgments.
>
> Bill Biggs, a former welfare administrator from Utah, wrote in a recent publication that under a pilot program in his state, half of the sanctions ordered were done in error, often when a caseworker didn't detect that a recipient suffered from mental illness or some other problem.

I go on:

> State officials and welfare experts say they believe that those who do get cut from the rolls represent the two extremes of the welfare population. At one end are people who

> are able to find jobs, or have other income, and simply choose not to comply.

That is less of a problem, I say to my colleagues. They are working, they have a job, they are OK, their children are all right.

> At the other extreme are those unable to meet requirements because they are the most troubled families—plagued by mental illness, substance abuse, domestic violence or such low reading levels that they have difficulty understanding the new regulations, much less finding work. . . .
>
> Rosy Saunders, a 29-year-old mother of twins in Columbus, Ohio, is frantically applying for jobs to avoid being sanctioned.
>
> "I have asthma real bad," she said. "I have two children on [disability]. I had an industrial accident. I have to take pills for depression."
>
> But "I still have to get a job or they are going to cut me," she said. "They told me there was no excuses."

End of the Washington Post piece.

Just to emphasize one point, I say to my colleagues, what may very well be happening right now is that, yes, we are reducing the rolls. It is happening State by State, but the sanctions are invoked on people who are not working, and many of these people are not working because they are unable to work, because they struggle with mental illness, they struggle with substance abuse, or you have women who have been battered over and over and over again, and they are not able to take a job right away.

Don't we want to know what is happening to these families? Just because they are poor, does that mean they matter any less than any other family in our country?

The New York Times piece, "Most Dropped From Welfare Don't Get Jobs":

> A vast majority of people who have dropped off New York State's rapidly shrinking welfare rolls have not obtained legitimate jobs, a state survey indicates.
>
> The survey found, among other things, that of the legions of people who came off the welfare rolls in New York City from July 1996 through March 1997, only 29 percent found full-time or part-time jobs in the first several months after they were no longer on public assistance.

That is a long piece, which I have had printed in the RECORD. Let me just simply say that I think the key point in this article is that many are now worrying that these welfare reforms, rather than enabling families to reach self-sufficiency, are driving many of these families into deeper poverty.

Mr. President, when I brought this amendment to the floor last week, I quoted from a speech that Secretary Shalala had given on February 6. At one point in her speech, she says:

> Today, fewer than 4 percent of Americans are on welfare. What we don't know—

And this is a direct quote—

> is precisely what is happening to all of those former welfare recipients.

Mr. President, I say to colleagues, I am going to be back with this amendment this week, and I am going to take a lot of time to talk about it. If it is not this amendment, it will be another amendment which will be an effort with Senator MOYNIHAN. I had a chance to talk with Senator MOYNIHAN this morning, someone for whom I have a tremendous amount of admiration and a great deal of respect. He has done more work in this area than any of us. I think I have done a lot of work in this area as a teacher and as a community organizer before ever becoming a Senator, but I think Senator MOYNIHAN has, without a doubt, the most intellectual capital and has probably done some of the most important work dealing with welfare policy that has been done in our country. I look forward to joining efforts with Senator MOYNIHAN.

But I want to say to colleagues today, I will be back with this amendment. I came to the floor and I said the reduction in caseload—and let me just be real clear, the same message goes to the administration. The President has touted the reduction of the caseload by 4 million people. That is only reform if it is a reduction in poverty. We need to know what is happening. As a matter of fact, as you travel around the country and you go to State after State, there is no information available.

Mr. President, is it true that in all too many cases people didn't show up for the initial job interview or job training because there were problems with mental illness in the family, problems with substance abuse, women who came out of battered homes and weren't able to do it, and now we are cutting them off all assistance and, even worse, we are cutting their children off assistance? Is it true that many of these recipients are now in workfare programs where they work minimum-wage jobs with no benefits and they are told that if they should leave the job because the conditions are horrible—they are never allowed to take a break to go to the bathroom, they have a ruptured disk in their back, or it turns out there isn't good child care for their children—that they never again will receive any welfare benefits? That is happening around our country, I say to my colleagues.

We ought to know what the situation is with these families. I just say to colleagues, both Democrats and Republicans alike, that I think the problem is we don't want to know. I think the problem with the administration is they don't want to know. Everybody was talking about how great this "welfare reform" was, about how we saw all this reduction, 4 million fewer people receiving benefits, and everybody was cheering.

Then I came to the floor and I said to colleagues—I thought I would get 100 votes—how about we know exactly what is happening, how about at least we call for all of the States to provide to Health and Human Services every 6 months a report on these families—are they reaching economic self-sufficiency?—and then Health and Human Services would pull that data together and give it to us as responsible policymakers. And it was voted down. It was voted down.

Mr. President, I have a GAO report that just came out dealing with Health and Human Services, noting that HHS missed the statutory deadline for implementing the high-performance bonus program. This was going to be a program where there would be bonuses for States that were doing real well in placing people in jobs. The idea is we would see more of that. That is what it is supposed to be about:

> While the law required HHS to implement this program by August 1997, HHS is still writing regulations that will define specific measures against which States are to be assessed. So on and so forth. The point is, finally, now we are coming around with the regulations.

Mr. President, I recommend both of these articles to colleagues. This is a most serious problem. We don't know what is going on around the country, but now we have two front-page stories which suggest that a whole lot of people are being cut off assistance, but it is not because they are working.

I have other studies that I can refer to today. I won't. I see other colleagues have now come to the floor to talk about the supplemental. But let me just conclude this way: I brought this amendment to the floor a week and a half ago. I said, "Don't you think we at least ought to study this?" I was arguing that the reason we needed to have the study is that eventually—in some States it will be a year and a half from now; in other States, 3 years; it depends on the State—there is going to be a drop-dead date certain where everyone will be eliminated from assistance.

We ought to know whether people are working. We ought to know whether they have jobs. We ought to know whether the children are all right.

Now what we find out is a whole lot of people who we thought would be in the most trouble, children who have children—and they don't have a high school degree, they don't have the job training, and they don't have the skills development—we were worried about whether they would be able to obtain employment and whether their children would be better off. We worried about people struggling with mental illness. We had an amendment out here on the floor called the "family violence option," and the administration still has not made clear to States that they should be able to get a good-faith waiver for those women who come out of battered homes and that wouldn't be counted against their work force participation requirements.

We worried about all these people. We didn't want women to be driven back into very dangerous homes because they were going to be cut off assistance, because they couldn't work, because they were being stalked, they couldn't go to job training, they had been traumatized, they suffered from posttraumatic stress syndrome from being beaten up over and over and over again. We didn't want them forced back into dangerous homes. A lot of that is happening around the country.

I am coming back with this amendment, I say to my colleague Senator STEVENS, not on this emergency supplemental bill, but on the first vehicle that is out here, I am going to come back with this amendment which essentially says to all of us as responsible policymakers, "Please, let's find out what's going on around the country; let's make sure that families aren't going hungry."

By the way, there has been a dramatic increase all around the country in demand for food shelves, a dramatic increase of families needing basic nutritional assistance, and you have to wonder whether or not part of the reason is people are getting cut off welfare assistance, but they are not being able to get the jobs, they are not finding the employment, and they are worse off.

Mr. President, we ought to know, and I know that this is a critically important question. I am very pleased that I know Senator MOYNIHAN will be a part of this effort, and I hope one way or the other I can get 100 votes so that all of us can get the data that we need and we know what is happening around the country. That is what we should do as responsible policymakers. I will be back with this amendment as soon as there is an appropriate vehicle. I thank the Chair.

SUPPLEMENTAL APPROPRIATIONS FOR NATURAL DISASTERS AND OVERSEAS PEACEKEEPING EFFORTS FOR FISCAL YEAR 1998

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 1768, which the clerk will report.

The legislative clerk read as follows:

> A bill (S. 1768) making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, for the fiscal year ending September 30, 1998, and for other purposes.

The Senate proceeded to consider the bill.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, today the Senate will consider the supplemental appropriations bill. It is a bill for emergency disaster needs and for overseas military operations.

Our Committee on Appropriations reported this bill, S. 1768, along with S. 1769, on Tuesday, March 17. S. 1769 provides funds for the International Monetary Fund. We reported both of these bills by one roll call vote, and that vote was 26–2. I call that to the attention of the Senate because it indicates a substantial agreement within our committee on the terms of these two bills.

Prior to the date we reported this bill, the administration had transmitted four supplemental or rescission messages to the Congress for 1998. This bill addresses each of those requests and makes other adjustments based on our committee's review of agency needs and priorities.

Our committee originated this bill ahead of the House Committee on Appropriations in order to complete action on these two urgent measures prior to the April recess. We have also done it to get ahead of some of the problems that are involved in the cloture votes before the Senate, because we just don't want this bill to be held up by the period of time that has to run if we do vote cloture on any other measure.

We have consulted with the House committee, and particularly the House committee chairman, on this approach, and I am pleased that the House understands what we are doing. The House committee will take up these two matters later this week. It is our hope that both of the bills will be in conference by the last week of March.

We have to have these bills passed before the recess. That is necessary, as I will explain later, as far as military implications and the disaster moneys that are involved. In order to do that, we must start this bill today and finish the bill before the cloture vote tomorrow, which is scheduled for 5:30 tomorrow evening.

S. 1768 makes appropriations for natural disaster relief and military operations. It provides $2.5 billion in emergency funds. Pursuant to the budget agreement and the administration's request, these amounts are not offset by rescissions. Additionally, there are approximately $190 million in new, nonemergency appropriations offset by specific rescissions or reductions in contract authority that are also addressed in this bill.

Most of those amounts are directed to meet the "Year 2000" computer crisis faced by several Federal agencies. Additional funds to ensure Federal computer systems are ready for the year 2000 will be provided in the 1999 fiscal year bill. We will present the bill later this year.

For Department of Defense operations, the committee recommends $1.8 billion in emergency funding for ongoing missions in Bosnia and in Southwest Asia and for the natural disaster response.

The supplemental request for Bosnia was mandated by section 8132 of the 1998 defense appropriations bill, along with certifications and other submissions on the Bosnian mission.

The committee also received a fiscal year 1999 budget amendment for Bosnia. We will consider that amendment in the context of the fiscal year 1999 defense bill for the full year of 1999. We will not deal with 1999 funds for Bosnia in this bill.

The request for operations in Southwest Asia is approximately $1.3 billion. That amount sustains the current force structure and operating tempo through September 30 of this year.

Let me say that again. The amount we have requested is sufficient only to maintain the existing deployment that has been made to contain Iraq. Should additional units be sent, we would have to once again ask for additional money.

Secretary Cohen, the Secretary of Defense, has not made any request for funding for the fiscal year 1999 yet; that is, no money has been requested for fiscal year 1999 for the deployment that is ongoing to contain Iraq in Southwest Asia.

As was discussed at our hearing on Friday, it is essential that our allies and regional partners in the gulf contribute more to this mission. Both Senator BYRD and I have spoken out on this before. At our committee markup before the Appropriations Committee, Senator BYRD offered his amendment, which is section 203 of this bill.

The Byrd amendment establishes a process for the administration to seek fuller participation by our allies and regional partners for the Southwest Asia mission and the costs associated with that mission.

The recommendation from the committee also includes $672 million for disaster relief efforts by several Federal agencies including the Departments of Agriculture, Interior, the Army Corps of Engineers, and Transportation.

These amounts reflect the most recent estimates available to the committee from the Office of Management and Budget and increases that have been advocated by Senators for ongoing flooding in the Southeast and other needs. Some of these instances took place after the submission by the administration.

The administration has not yet requested additional funds for FEMA, the Federal Emergency Management Agency. We may still receive such a request today or tomorrow as better estimates are prepared for flooding, ice storm and tornado damage across the country.

Based on the recent devastating tornadoes in North Carolina and Georgia over the weekend, I have urged the administration to forward any such request now so it will be considered during action on this bill.

On Tuesday, the committee also reported S. 1769, as I indicated. That appropriates $17.9 billion for the International Monetary Fund. I hope the

Senate will consider that bill this week as well. And we may well consider it as an amendment to this bill. At this time, there are discussions underway concerning the package proposed for IMF reforms. That was in the second bill, S. 1769, as reported by the committee. It is my hope that those talks will result in a new IMF package that will receive bipartisan support here in the Senate as we debate this bill.

Our committee did not recommend at this time additional funding to pay arrears at the United Nations. The fiscal year 1998 Commerce-Justice-State appropriations bill included $100 million pursuant to the budget agreement for arrears. This amount was made available subject to authorization of the U.N. budget and management reforms. That authorization bill has not yet passed nor has a firm agreement been reached between Congress and the administration concerning this matter.

We do believe that the administration should conclude an agreement with Congress on U.N. reforms. And we hope, on that basis, to deal with the U.N. funding in the fiscal year 1999 State Department appropriations bill.

However, Mr. President, it is also possible that the House of Representatives may address the U.N. funding and the matter could be considered in conference. It would do so on the basis of the House passing the authorization bill and, based upon such action by the House, it would send us a bill to be considered here in the Senate. And of course it is possible we might consider that in conference without the necessity of an authorization bill in the Senate if that is agreed to by appropriate Members of the Senate. Any resolution, of course, hinges on securing an agreement on U.N. reforms.

The committee reported these two bills separately at the request of the House. We, however, want to ensure that defense and disaster relief amounts are enacted prior to the April recess. It is my intention to do everything I can to achieve passage of not only this bill but the IMF bill before that deadline.

Let me ask every Member of the Senate to be on notice that we are going to do everything we can to work with them on amendments today. We will do everything possible to complete action on this bill tomorrow before the cloture vote that is already set, as I indicated.

Now, once again, I just have to urge Members to come here today and offer their amendments. We hope that we will have some of them voted on tonight. There will be at least one vote tonight; that is for sure. And I think that Senator BYRD will join me in working to achieve reasonable time agreements wherever it is necessary to assure that we can debate and dispose of all amendments to this bill in a timely manner.

It will be my intention to move to table extraneous amendments that are not urgent for action prior to September 30. The committee will begin the markup of the fiscal year 1999 bill early this year. We hope to do so in May or early June. I implore Senators to reserve amendments that pertain to issues that can be funded after September 30, to reserve those amendments for the fiscal year 1999 bill. This is an emergency supplemental. It deals with the disaster funding and it deals with the amounts necessary to support our forces which are overseas at this time.

Now, Senators may disagree with the President on the deployment to Bosnia and may have some question about the size of the deployments to Kuwait and in the Southwest Asia area. All I can tell them is that the forces are there. The men and women in our armed services deserve support. If we do not support this bill now, the Department of Defense, under the Food and Forage Act, will simply have to take money out of the readiness accounts and we will see our forces here at home not receive the amount of money they need to continue to maintain their expertise and to maintain their readiness and to keep our defense systems in the shape that is necessary for any contingency.

When we, as the superpower of the world, have deployments of the level we already have overseas, it is just not possible to neglect the readiness of these people here at home. We are turning over the forces in the Iraq deployment every 6 months, Mr. President. That means that forces that are here at home must be ready to go on active duty and in a deployment mode when their time comes.

To be forced to take money from their readiness account in order to support those that are already deployed overseas is wrong. We need this money now. As I said, it must be done before April 1. The Joint Chiefs joined together to come to our committee and explain to us in detail the impact that not having these moneys available by April 1 would have on the readiness of forces stationed right here at home.

Mr. President, this is a bill that is necessary because of these emergencies. All amendments that are offered making additional appropriations must either qualify for the emergency as is described in this bill or must have appropriate budget authority and outlay offsets. So we will be examining every amendment that comes forward to see whether it would delay the passage of this bill. Again, I can only plead with Senators to keep in mind the absolute necessity to assist us to get this job done before April 1.

Now it is my pleasure to yield to my good and distinguished friend from West Virginia. I know he has a statement to make as well as an amendment to offer. I look forward to working with him throughout the consideration of the bill.

I thank you, Mr. President.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the Chair, and I thank my friend, the very distinguished Senator from Alaska, who is the chairman of the Senate Appropriations Committee.

I commend the leaders of the Senate for scheduling this very important emergency supplemental appropriations bill so quickly after its having been reported out of the committee, and I was pleased to join our distinguished chairman, Senator STEVENS, in taking the unusual step of scheduling our markup of this emergency bill prior to House action, in order to expedite congressional consideration of the bill. This bill contains some $2 billion in emergency appropriations which are urgently needed for the support of our men and women overseas engaged in peacekeeping efforts in both Bosnia and Southwest Asia, as well as to cover necessary repairs resulting from natural disasters at various military installations throughout the Nation. In addition, over $560 million is included in the bill for assistance to those of our citizens who have suffered from natural disasters, such as the flooding in the western and southern portions of the Nation and the ice storms in the northeast and the recent killer tornadoes in Florida.

The bill also includes some $280 million in appropriations for various nonemergency purposes which are, nevertheless, necessary in order to enable various departments and agencies to continue their operations through the end of this fiscal year, without undue interruption. Of this amount, some $156 million is for the Federal Aviation Administration to expedite its work on improving the Air Traffic Control computer system in order to avoid any problems connected with the year 2000. As noted in the committee report, the Department of Transportation's Inspector General has recently concluded that without this additional assistance, if unexpected problems are identified during testing of the replacement computers, the FAA might find themselves in a situation where they may be unable to assure the safety of the traveling public in the year 2000. Page 25 of the committee report states—and I quote therefrom—that: "Failure to resolve these computer hardware and software deficiencies well before the year 2000 problem could disrupt air traffic." These nonemergency discretionary appropriations are fully offset, largely through rescissions, which are set forth in Chapter 11 of Title I of the bill.

Finally, and very importantly, the bill includes $550 million in mandatory appropriations for veterans compensation and pensions. These funds are needed to accommodate the additional costs associated with the 1998 cost-of-living adjustment of 2.1 percent for compensation beneficiaries, as well as an increase in the estimated number of persons receiving such compensation and pension beneficiaries.

With respect to Bosnia, the President has provided a certification and report, required by the Fiscal Year 1998 Defense Authorization and Appropriations Acts, that the continued presence of U.S. armed forces is required after June 30, 1998. The report bears some careful reading by my colleagues, and I hope they will read it, in that there is a departure from the requests of the administration in previous years. The requests in previous years were all couched in the language of short-term duration.

Last year, the administration told us that we would be out of Bosnia in about a year.

All of the witnesses who came up before the Armed Services Committee and the Appropriations Committee assured the committees that that was the expected timeframe which would be needed during which we would have to place our men and women in possible harm's way, but we were assured—we didn't just ask the question once or twice, and the response didn't come forth just once or twice, but the response was always in the context of a year's time.

Well, I had strong suspicions then that it wouldn't work out that way, and I have a feeling that the administration felt the same way about it. I had a feeling that the administration was putting the best face on it and that they would be back within a year seeking more money. There is a bit of disingenuousness about it, I think. They probably knew in their own minds and hearts that it couldn't likely be done in a year, but that was the approach, that was the songbook from which everyone in the administration or the witnesses were to sing. It was to be a mighty chorus, everyone in harmony, no one out of tune, no sour notes, no "off" beats, everything orchestrated so that everyone would sound in unison to the effect it would be about a year.

Having seen this kind of game played before, I was suspicious of it. The time is up now and we are not only in, but we are in for an indefinite amount of time. The President's report doesn't have any end point included. Here is what the President said, now that men and women are there, and I quote from the report: "We do not propose a fixed end-date for the deployment." Let me repeat that: "We do not propose a fixed end-date for the deployment." Now, that is a far cry from what the President's people were saying last year, a year ago. But there is a big difference. Once you get the Congress to go along for a little while and get the men over there, then it is a fait accompli for the Congress and they come back saying, "We need more money."

"We do not propose a fixed end-date for the deployment." That says it all. So we are in a different situation now. The exit strategy—in other words, the required conditions for our forces to come out and come home—reads like a nation-building strategy. What is required for us to leave Bosnia? First, judicial reform. Just a minor thing, judicial reform. Then, development of an independent media throughout the territory. Now, that sounds to me like a pretty big order. Then there is more. Democratic elections. What do we mean by democratic elections? Democratic elections followed by free market economic reforms—ahhh, free market economic reforms—privatization of the economy, and so on and on.

Well, that is an amazing piece of work. I urge my colleagues to read that report. We all get the point. This is a formula requiring the completion of a new, integrated democratic state. That is what nation-building is. I didn't buy on to that. The U.S. Senate has not bought onto that. And if the duration of our stay is going to be based on nation-building, as the President is obviously saying in the report, we are there for a good, long time.

How many Senators want to buy on now? Now is your chance, or your chance will soon come as to whether or not Senators want to buy on for a long time. Who knows, perhaps a good case can be made for it. Perhaps a good case can be made. But I haven't heard it as yet. This Senator from West Virginia is not in there for a good long time. Not yet, certainly. The administration was being disingenuous. Those who came up here and testified last year—obviously they had to say what the administration had required them to say. They all came up before the committees and it was like a broken record to hear everybody say practically the same thing, "We will be there about a year, about a year." Well, they are the people who are supposed to know. So that is what we were told.

But I don't believe this is going to be an indefinite free ride. I think the administration ought to have to make its case this time, and it ought to be required to give more specifics, more facts, more reasoning, more reasons for its program. The terms of our involvement are turning into a permanent force, turning into a permanent force, and the pressure to get out is dissipating. The pressure for our allies to take the lead is evaporating, evaporating.

The distinguished Presiding Officer has stood on some afternoons and seen the Sun "drawing up water," as they say. The Sun's rays will be peeping through a cloud and we are told that the Sun is drawing up water. But water is evaporating. I often pour water into my little fountain for my birds over in McLean and the water evaporates after a while. The birds get some of it, but it also evaporates.

Likewise the pressure for our allies to take the lead is evaporating. Our combat forces are going to be there for years if the report is accurate. And the funding is to the tune of some $2 billion per year through regular, so-called "emergency" supplementals. Now, are our allies being asked to defray any of these costs? I support this supplemental request for fiscal year 1998, but the fiscal year 1999 cost of nearly $2 billion should be debated again, when the regular authorization and appropriations bills are considered on this floor.

We need to debate this regularly because we are spending your money. One of the network's TV programs from time to time talks about spending "your money" and gives examples of projects from time to time that are being supported by Members of Congress or perhaps others, and they will say, "This is your money." Well, we need to debate this request because we are spending your money, the taxpayers' money. And we need to get some answers.

Now, when we turn to Southwest Asia, the situation seems to be even worse. Not only do we have 30,000 troops in the region waiting for the signal to go after the Iraqi regime, but our allies are not there with us.

We look over our shoulders and we don't see anybody. Where are they? It reminds me of the first question that was ever asked through all the eternity, all time and eternity, that preceded the making of the world, the universe. The first question that was ever asked, when God, walking in the cool of the evening, was seeking Adam and Eve, and they were not to be found, and then God said, "Adam, Adam, where art thou?" The first question.

So, we should say to our friends and our allies, where art thou in this matter? Many countries of the world are not in that immediate region but they depend upon oil from that region. Why are they not assisting? Why are we not asking them to assist? The President, in his report to Congress, speaks about leadership. In other words, we, the eldest remaining superpower, must provide the leadership. Well, it comes with a price tag. I take it we are all providing the money, apparently all of us. We are not asking our friends. We are going to do it whole hog this time. Our friends in the Arab world are cool, to say the least, about building an effective coalition to enforce the U.N. inspections team on Saddam Hussein. Meanwhile, we continue to pony up to the tune of $1.3 billion for this current fiscal year.

My colleagues should be aware that the committee adopted an amendment which I offered and which our distinguished chairman, Mr. STEVENS, cosponsored urging the President to go out and get contributions from our friends and allies for financial help, in kind, and other support to share the burden in Southwest Asia against a threat to world peace. Go out and get a little help. People downtown might start out by reading Shakespeare, read about Timon of Athens. Read Shakespeare's "The Life of Timon of Athens." He, too, sought to get help from his friends. After he had squandered his own wealth on his friends, he sought to get some help from them. One day the bookkeeper said, "Look, Master, we are out of money. You are broke." Old Timon said, "I am sure my friends will help me. You go see this fellow over here and then go see that one over there—I helped him one day—and this one over here, go see him."

Well, Timon was disappointed. He didn't get any help.

I urge the administration to go out and get contributions from our friends and allies for financial help, in kind, and other support to share the burden in Southwest Asia against a threat to world peace. We fully expect a vigorous campaign by the administration to create an effective international political coalition where the burden is shared. This will take a great deal of effort on the part of the administration's foreign policy team. They talk about all this big debt we owe the U.N. Why not charge off some of the costs that we have been spending and that we are yet spending and that we will continue to spend for a while in dealing with the threat of Saddam Hussein. How about that, Mr. U.N.? How about giving us some credit on those expenditures? We ought to try. We expect that an effort will be made on the part of the administration's foreign policy team, and it will result in a wide-ranging political effort to isolate the regime currently in power in Iraq.

We face a situation of grave weight and precedent in dealing with this transparent attempt to intimidate the world with weapons of mass destruction. How we handle this threat will be of great importance for the future of effective efforts to control the proliferation of weapons, components, and delivery systems of mass destruction. It is the future of arms control, and we need to pay great attention to it. That is why I offered this amendment in the committee. That is why Mr. STEVENS, the chairman of the committee, supported it.

Mr. President, I urge my colleagues to support the committee's recommendations as it brings forth this bill, S. 1768. I again commend my chairman and express my appreciation to him for the excellent work he has put forth in bringing the bill to the floor. Also, I thank him for his courtesy and for the good will and friendship that he has continued to extend toward me.

Now, Mr. President, are amendments in order to the bill?

The PRESIDING OFFICER (Mr. SMITH of Oregon). Amendments may be offered.

AMENDMENT NO. 2062

(Purpose: To establish an emergency commission to study the trade deficit)

Mr. BYRD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself and Mr. DORGAN, proposes an amendment numbered 2062.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. BYRD. Mr. President, I have offered this amendment on behalf of myself and the distinguished Senator from North Dakota, Mr. DORGAN. I am very pleased to join with the distinguished Senator from North Dakota in introducing an ambitious new effort on the matter of the Nation's persistent and growing trade deficit. Mr. DORGAN has taken the floor time after time and spoken eloquently and very knowledgeably concerning the perennial trade deficits that seem ever to grow larger. This legislation would establish a commission to take a broad, thorough look at all important aspects of trends involving and solutions to the growing U.S. trade deficit, with particular attention to the manufacturing sector.

The trade deficit, as my colleagues know, is a recent phenomenon—recent in terms of its being over a period of recent years—with large annual deficits only occurring within the last 15 years or so. Between 1970 and 1996, the U.S. merchandise trade balance shifted from a surplus of $3.2 billion—did you hear me, Senators? Our merchandise trade balance has shifted from a surplus of $3.2 billion to a deficit, in 1996, of $199 billion. That is $199 billion. As my colleague, Mr. DORGAN, has suggested, projections by econometric forecasting firms indicate that long-term trends will bring this figure to $300 billion, or more, within the next 10 years. So hold on to your hats. The deficit was $199 billion in 1996, but long-term trends indicate that the figure will go to $300 billion, or more. You better hold on to two hats. It is going to really take off within the next 10 years. No one is predicting a decline in the near future. Sounds kind of like the stock market, doesn't it? This is bad news about the trade deficit. Thus, unless we act, our trade deficits will soon exceed our annual appropriations for the Department of Defense.

Mr. President, $2 million is made available in this amendment to establish a 12-member congressional commission to be known as the trade deficit emergency review commission, with three members each to be named by the majority and minority leaders of the Senate, and by the Speaker and minority leader of the House. At least two of those individuals are to be Senators, and at least two are to be Members of the other body. The purpose of the commission shall be to study the causes and the consequences of the U.S. merchandise trade and current account deficits and to develop trade policy recommendations for the 21st century. The recommendations shall include strategies necessary to achieve market access to foreign markets that fully reflect the competitiveness and productivity of the United States and also improve the standard of living in the United States.

While it is not clear what the particular reasons for this growing trade deficit may be nor what the long-term impacts of a persistently growing deficit may be, the time is overdue for a detailed examination of the factors causing the deficit. We need to understand the impacts of it on specific industrial and manufacturing sectors. We need to identify the gaps that exist in our databases and economic measurements to understand specifically the impacts of the deficit on such important things as our manufacturing capacity and the integrity of our industrial base on productivity, on jobs, and on wages in specific sectors.

From time to time, we debate the trade deficits. Both Senator DORGAN and I and other Senators have participated in these debates. Senator DORGAN is an expert on the subject. I voted against NAFTA, I voted against GATT, and for good reasons, which every day seem to be becoming clearer and clearer. So we debate these deficits frequently. We moan and we groan, we weep and we shed great tears by the bucketsful. We complain about them, but if we do not understand the nature, the impacts, and the long-term vulnerabilities that such manufacturing imbalances create in our economy and standard of living, we are in the dark.

It appears to me that debate over trade matters too often takes on the form of lofty rhetorical bombast of so-called "protections" versus so-called "free trade agreements." But I suggest that neither side knows enough about what is really transpiring in our economy, given the very recent nature of these annual persistent deficits. Certainly, we know that the deficits reflect on the ability of American business to compete abroad. We want to be competitive. Certainly, we know that specific deficits with specific trading partners cause frictions between the United States and those friends and allies. This is particularly the case with the Japanese, as we are well aware, and is becoming quickly the case with China. It will only be when we truly understand the specific impacts of this large deficit on our economy—particularly our industrial and manufacturing base—that the importance of insisting on fair play on the trade account will be clear.

Finally, the legislation requires the commission to examine alternative strategies—big words, "alternative strategies"—which we can pursue to achieve the systematic reduction of the deficit, and particularly how to retard the migration of our manufacturing base abroad and the changes that might be needed to our basic trade agreements and practices.

These are the purposes of the commission that Senator DORGAN, I, and other Senators are proposing in this legislation.

I join in welcoming other Senators. I join with Senator DORGAN in welcoming other Senators to cosponsor the legislation. Senator DORGAN will speak later this afternoon on this subject matter. I again thank him for the leadership that he has been providing and continues to provide on this subject matter.

I urge Senators to support the amendment.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, the amendment we are considering deals with a subject I have spoken about on the floor many, many times called the Federal trade deficit, the national trade deficit. I know some will roll their eyes when I talk about the trade deficit, because I have come to the floor very often to talk about this issue. But it is critically important, and I want to explain why I care about this issue and why the Senator from West Virginia and I have offered the amendment that we have.

The amendment itself is an emergency commission to end the trade deficit. It establishes a commission to study the current trade deficit that we have and to make recommendations to Congress on strategies and approaches that we may use to deal with the trade deficit.

I would like to proceed by describing just a bit my concern about the trade deficit. There are a lot of things in this country that are going right. Many Americans take a look at this economy and they say, gee, the country is in pretty good shape. The Federal budget deficit is down, down, way down. Inflation is down, down, down 5 years in a row, 6 years in a row. Unemployment is down. The crime rate is down. The welfare rolls are down. Most people would think this country is doing quite well.

That is the case. It certainly is true. There are, however, some small-craft warnings out there dealing with the trade deficit. The trade deficit is the one economic indicator that is not going down; it is going up. Our trade deficit is increasing. The last 4 years in a row we have had the largest trade deficit, merchandise trade deficit, in the history of this country. And this year it will increase once again.

In order to talk about trade just for a moment, I want to begin by talking about the parochial issues that affect North Dakota, among others—the Canadian grain imports to the United States.

It seems to me every time we have a trade agreement, we end up with the short end of the stick. We had a trade agreement with Canada, and look what happens to grain coming into the United States from Canada. Here is what was going on before we had a trade agreement, and here are the massive quantities of imports into this country since the trade agreement, undercutting our farmers, markets, lowering our grain prices, costing, according to North Dakota State University, $220 million a year out of the pockets of North Dakota farmers.

So am I concerned about that? Sure I am. Because you cannot get the similar kind of grain into Canada. I have told my colleagues before that one day I drove to the Canadian border with a man named Earl Jensen in a 12-year-old orange truck. We pulled up to the Canadian border with 200 bushels of durum wheat.

All the way to the border we saw semitruckload after semitruckload, perhaps two dozen of them, coming into this country hauling Canadian durum. When Earl and I got to the Canadian border with his 12-year-old orange truck with 200 bushels of durum, we were told, "We're sorry, but you can't take United States durum into Canada." My question was, "Why? Did I not just see a dozen semitruckloads or two dozen semitruckloads of Canadian durum coming into the United States?" "Yes." "Don't we have a trade agreement with you?" "Yes." "Then why can't we take American durum, U.S. durum, into Canada?" "Because that's the way the trade agreement works," we were told.

It is not the way a thoughtful trade agreement would work and not the way that a trade agreement that was thoughtfully negotiated would work, but it may be the way this one works. This is precisely my point about the trade problem we have in this country. Every time our negotiators go out and negotiate another trade agreement, they seem to lose in the first 2 weeks.

Will Rogers, 60 years ago, said, "The United States of America has never lost a war and never won a conference." He surely must have been thinking about trade negotiators.

Now, let me describe to you this merchandise trade deficit. You see this red ink? The merchandise trade deficit is 22 years old—22 straight years of trade deficits, 35 of 36 years of trade deficits. And you see, this is not getting better; it is getting worse. It is not just getting worse; it is getting much worse. Some would say, "Well, let's ignore that. Let's just ignore it. It doesn't matter." It does matter. The trade deficit ultimately is going to be repaid with a lower standard of living in this country. We had better worry about it and better do something to deal with it.

The merchandise trade deficit was a record in 1997. Here are the projections by the U.S. Department of Commerce and Standard and Poors of what will happen to the trade deficit in the next 4 years. Is this good news? I don't think so. It is successive and alarming—continued trade deficits year after year after year.

Now, Mr. President, there are a number of reasons for the trade deficits. I will describe one of them, for example, currency valuations. If you take a look at this chart, you will see what happens when we compare foreign currencies versus U.S. dollars. The Japanese yen, fallen; the Mexican peso fell through the basement; the Canadian dollar, way down; the Taiwan dollar, apparently subbasement here; the Thai dollar and Indonesian dollar, down—you see what has happened in every one of these? What does this mean?

It means that when you have a trade agreement and you reduce tariffs, and a currency fluctuation like this exists, foreign goods are less expensive in the United States and U.S. goods are more expensive in foreign countries. Therefore, we see fewer exports and more imports and, therefore, a huge trade deficit—33 consecutive years of merchandise trade deficits with Japan.

Let me talk just for a moment about Japan, China, Canada, Mexico.

Japan. Here is our trade relationship with Japan. The Japanese are sharp. The Japanese have said to us, "Here is the way we're going to trade with you. By the way, our relationship with you is going to be that we're going to flood your market with Japanese goods, and when you want to get American goods into the Japanese market, good luck."

Oh, we get some goods into the Japanese market, but we do not get nearly enough of the things we need to get in to reduce this trade deficit. You know all of the standard brands that come in. People say this is good for our consumers. Well, in some ways it could be good for our consumers, but wouldn't it be good for our producers, wouldn't it be good for our wage earners, the people who have jobs in this country, if we could take this amount of red and say that is what we are going to put into Japan in products made by Americans who are earning a wage and earning benefits and have a good job?

The Japanese, for example, fill our country with their goods, and then they say to us, "By the way, when you send beef to Japan, there is a 47 percent tariff on every pound of beef going into Japan." So, a T-bone steak in Tokyo is $30, $35 a pound. Why? Because we do not get enough beef into Japan. In fact, the 47 percent tariff is our success rate, that is after we negotiated a beef agreement with Japan.

How many other countries would say it is a success if they were to have a 47 percent tariff on something imported into the United States? They would say that is a colossal failure. They would say the United States is failing to meet its responsibilities towards opening expanded fair and free trade. But the Japanese have a 47 percent tariff on beef. Nobody whispers a thing about it. All the while we have a literal tide of red ink year after year after year that now reaches $50 billion and $60 billion every year.

Now, I ask the question on behalf of those who want to export to Japan and want the jobs that come with those exports, the jobs that pay well, that have decent benefits, I ask the question: When are we going to do something about this? When are we going to do something about this trade deficit? And who is going to stand up and say, let us do it?

Now, this exists, at least in part, because the Japanese will not allow our goods in, but also in part because of corporations who want to do business on both sides and think this is just fine. As long as they are selling goods both ways, they don't care who ends up swallowing the red ink. In fact, with respect to other countries like China, Indonesia, Sri Lanka, Bangladesh, and dozens of other countries, the largest corporations think it is a wonderful thing to be able to produce where you can produce dirt cheap and then sell the goods in the United States. That is part of this trade deficit as well.

China now has a nearly $50 billion trade deficit with this country—nearly $50 billion. And it has ratcheted up, as you can see, very quickly. China sees the American marketplace as a market in which they can move a substantial amount of their produce from trousers to shirts to shoes to electronics. You name it, the Chinese send it. And, yes, trinkets and toys. The Chinese send all these products to our country.

Now, China, of course, does not buy nearly enough wheat from us, something we produce in great quantity. Oh, they are worried about all kinds of things, and they are price shopping elsewhere while they are ratcheting up this huge trade surplus with us; for us a deficit with them.

China, for example, desperately needs airplanes. They have a lot of people. They are going to need apparently about 2,000 airplanes in the coming couple of decades. China is saying, "By the way, yeah, we'll buy a few airplanes from you, but what we want to do is move your airplane manufacturing capability to China." They say to Boeing, "Yeah, we'll buy Boeing airplanes, but produce them in China." That is not the way the trade works. If we are buying what China produces, they have a responsibility, when we produce something, to buy it from our country. That is the way in which we reduce this trade deficit.

There are some in this country, and some enterprises, who make a lot of money because of this trade deficit. They say, "Well, gee, we're making a lot of profit for our stockholders. We hire a kid 14 years old, and we can work that kid 14 hours a day. We can pay that kid 14 cents an hour, and we can make a lot of money by shipping the product that child makes to the U.S. marketplace."

Yes, there are children today who are earning 14 cents an hour. They produce, for example, a pair of shoes that has 20 cents of direct labor in the pair of shoes, and it is sent to a store shelf in Pittsburgh or Fargo or Edina or Los Angeles and sold for $80 a pair—with 20 cents of labor. Is that a good deal for the producer? Sure. That means higher profits for the corporations. It means fewer jobs here in this country and it means a swollen trade deficit for America.

In the long term, we need to construct a trade strategy that says to producers that there is an admission price to our economy. We are a leader in world trade. We are a leader in open trade. But we demand as a country fair trade. Our country needs to say to this administration and to future administrations, as we have said to past ones, that when we negotiate a trade agreement, we expect the agreement to be in this country's best economic interest.

You cannot tell me that having negotiated, as our Government has, a trade agreement with Mexico and Canada that turns sour immediately and costs us several hundred thousand lost jobs in this country and has increased our deficit with Canada, an agreement which took a surplus in Mexico and immediately turned that into a huge deficit, you cannot tell me that is success. It is a failure. We ought to expect more from our trade negotiators, and we ought to expect a better trade policy in this country.

American trade deficits have grown under the trade agreements. This chart shows what has happened with both Canada and Mexico. It shows that we had a surplus with Mexico, and we turned it immediately into a deficit. With Canada, the deficit has increased. It seems to me that is not progress.

Now, the commission that we have recommended—Senator BYRD and myself—we have suggested that the commission should develop trade policy recommendations by examining the impacts on investments, the impacts on domestic wages and prices, the causes and consequence of trade deficits I have just discussed, the barriers to trade, the relationship of tariff and nontariff trade barriers to bilateral deficits, the comparative and competitive trade advantages that exist, the effects of labor, environmental health and safety standards on trade.

The series of things that we want to occur with this trade deficit commission are simple. We want all the spotlights to shine on the same spot on the question of trade. We believe the trade deficit injures this country. And we believe the trade deficit that is growing is counterproductive to our future economic progress.

Mr. President, all of us have read about the Asian financial crisis. I have described a swollen trade deficit prior to the Asian crisis. The Asian currency crisis, as shown by last week's announcement of that the trade deficit continues to grow, is exacerbating the problem. In fact, last month's trade deficit was the highest in history. What we now understand is that Asian crisis, that Asian financial crisis, will inevitably continue to put upward pressure on these trade deficits.

That is why we think it is time to turn to this subject in earnest as a country and decide what is wrong and what is right. How do we fix what is wrong? And how do we strengthen what is right?

As I conclude, I want to again point out that I have come to the floor very often and talked about trade. And instantly people, when you talk about trade, decide that there are only two sides to the trade issue—protectionists and the free traders. They could not be more wrong.

I believe very much in expanded trade. I come from a State in which nearly one-half of our production is in agriculture that must find a foreign home. But we also understand in our State that there are certain requirements when we negotiate agreements and treaties, especially in trade, that demand this country be treated fairly. It was all right just after the Second World War to have a trade policy that was essentially stimulated by foreign policy considerations, but it is not all right any more. We now face tough, shrewd economic competitors. And it is not satisfactory to me, and I believe not satisfactory to this country, to allow other countries to ratchet up huge, huge trade surpluses with us or force us into having huge trade deficits with them and see that circumstance weaken our manufacturing sector in this country, and weaken the capability of having long-term good jobs that pay well, with benefits.

Anyone who believes that it does not matter when you weaken your manufacturing sector does not understand what makes a good, strong country viable in the long term. You cannot survive as a world economic power unless you have a viable, strong, growing, vibrant manufacturing sector. And that is what all of this is about.

This country and its producers and its workers can, should, and will compete anywhere in the world, any time. But we should not be expected to compete against the conditions of production that we see existing in some parts of the world, nor should we be expected to compete when the rules are not fair. We ought not expect our trading partners to flood our market with goods and then close their market to American producers and American workers. That is not fair trade. It is not right for the future of this country.

I thank the Senator from Alaska for his courtesy. I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, the amendment that is pending is the Byrd amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. This amendment now has been cleared on this side of the aisle. I am prepared to accept that on behalf of the committee, and I urge Senators to request its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia.

The amendment (No. 2062) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, there are other Senators coming with amendments. I urge Senators to come and take advantage of today. It is the right period of time to clear an amendment that any Senator wishes us to agree to without debate.

Mr. BYRD. Mr. President, I ask unanimous consent that the name of Mr. SARBANES be added as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Will the Senator add my name?

Mr. BYRD. Mr. President, I ask that the name of the distinguished chairman of the committee, Mr. STEVENS, be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I understand Senator FEINGOLD is seeking the floor to speak as in morning business, which we do not object to, provided there would be no amendments introduced to this bill during that period. I ask the Senator how much time he would like to have.

Mr. FEINGOLD. Mr. President, I appreciate the chairman's remarks and respectfully request 30 minutes as in morning business. I have no intention of introducing any amendment on this bill at this time.

Mr. STEVENS. Under those circumstances, I ask unanimous consent the Senator be recognized for that period of time and that I regain the floor at that time.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Wisconsin.

THE NAVY'S F/A-18E/F SUPER HORNET PROGRAM

Mr. FEINGOLD. Mr. President, I rise today to tell a story that perhaps will intrigue and may be worthy of Tom Clancy's best novel. The story has a little bit of deception and what might be called good old-fashioned Government coverup. Maybe if we could get Alec Baldwin and Sharon Stone, we might even have a halfway decent movie to boot. But the unfortunate aspect of this story is that it is true and that the American people are the ones who I think are getting duped.

Mr. President, the Navy's F/A-18 E/F "Super Hornet" program is foundering and the Defense Department is doing everything in its power to keep it afloat. Last April I requested a review of this program by the General Accounting Office. Just this week the GAO finished its work on this report. The report itself raises numerous questions regarding the aircraft and also the Navy's judgment in developing, producing, and testing the aircraft. Perhaps even more telling, though, is the Navy aircraft's testing team's efforts to keep this wasteful and unnecessary program alive.

The new GAO report makes the following recommendations:

First, that the Department of Defense and the Navy adopt a more cautious approach as they make funding decisions and prepare for the operational testing of the Super Hornet;

No. 2, that the Department of Defense direct the Secretary of Navy not to approve contracting of additional F/A-18E/F aircraft beyond the first 12 for the first low-rate production phase until the Navy demonstrates through flight testing that these deficiencies that we are talking about are corrected; and,

No. 3, that the Navy not begin operational testing and evaluation of these planes until the corrections are incorporated into the aircraft used for operational testing and evaluation.

These GAO recommendations seem reasonable. Even DOD has agreed in part with the first two recommendations. But DOD resists agreeing to anything that could delay the development process. They are so adamant in ramming this program through that they decided to cut out valuable data-gathering requirements so they could still maintain their test schedule. As our first chart shows, the new report quotes the Navy's Program Risk Advisory Board, which states that the current F/A-18C is actually better than the E/F in some performance areas, including some acceleration and maneuvering. What that means is the current plane, the one the Navy says we have to switch from, from the current plan for the Super Hornet, actually may do better in some of these areas than the plane that would come in the future.

The report also states that the Navy will likely exceed the $4.88 billion development cost cap on this program. This report falls on the heels of another GAO report on this subject in late 1996 which concluded that the only marginal improvements of the F/A-18E/F are far outweighed by the much higher cost of the E and F planes as compared to the C/D planes. The revelation in these reports force us, the President, and the buyers of this aircraft to cast a wary eye on the Super Hornet program.

Let me back up for a minute to put this recent series of recommendations by the GAO into context. The Super Hornet, the F/A-18E/F, is just one of three costly new fighter programs that the Department of Defense has on the drawing board right now. In addition to the Super Hornet, there is the Air Force's F-22, and also the Joint Strike Fighter.

The Joint Strike Fighter is intended to perform virtually every type of fighter aircraft mission in today's force structure. The Joint Strike Fighter is expected to be a stealthy strike aircraft built on a single production line with a high degree of commonality of parts and cost. The Navy plans to procure 300 JSF's, with a projected initial operational capability beginning around the year 2007. Demonstration studies indicate that the JSF—this is as compared to the Super Hornet—will have superior or comparable capabilities in all Navy tactical mission aircraft areas, especially range and survivability, at far less cost than the

Super Hornet or any other existing or planned carrier-based tactical aircraft.

The Navy's JSF variant is expected to have longer ranges than the Super Hornet to attack high-value targets without having to use external tanks. Unlike the Super Hornet, which would carry all of its weapons externally, the Navy's Joint Strike Fighter will carry internally at least four weapons for both air-to-air and air-to-ground combat. That, of course, would maximize its stealthiness.

Finally, the JSF would not require jamming support from the EA-6B Prowler aircraft as does the Super Hornet in carrying out its mission in the face of integrated air defense systems, and, while the Joint Strike Fighter is expected to have superior operational capabilities as compared to the Super Hornet, it is expected that it can be developed and procured at far less cost than the Super Hornet. However, there are few who look at this whole picture of how much we are talking about for all three of these new planes and who can honestly say we can afford all three tactical fighter programs.

This chart that we have up now shows the total estimated cost for all three of these planes—the F-22, the Super Hornet, and the JSF. That total figure is an astonishing $397 billion.

That is enough to pay for the fiscal year 1998 appropriations for the Department of Defense plus Veterans Affairs plus Housing and Urban Development plus Treasury plus Energy plus Military Construction and the Legislative Branch Appropriations thrown in as well. With the money we would spend on these three tactical fighter programs, we could pay for all of those things and we would still have $1 billion change back in your pocket, as they might say at McDonald's.

The GAO, the CBO, the National Defense Panel, and many others agree that the likelihood that all three of these plane programs can be fully funded with the planned number of aircraft buys is virtually nil.

Interestingly, the Marine Corps has decided not to purchase any of the Super Hornets. The Marine Corps has decided that the E/Fs are too expensive and that the Super Hornets—the F/A-18Cs and Ds, the planes currently flown by marine aviators—are up to their mission. They know, and say, that the C/D is adequate for what they have to do now and so they have wisely opted to wait—not have the current C/D, then go to the Super Hornet, and then go to the Joint Strike Fighters. What the Marines are apparently saying is they will wait for that Joint Strike Fighter instead of putting us to the enormous expense of moving up to the Super Hornet. Given our fiscal constraints, we cannot afford to finance three separate fighter planes that accumulate to the final costs that these three programs involve. Over the next few minutes, I will just cite a few of the many reasons that we really ought to put an end to the Super Hornet E/F program.

The Navy and the planes' manufacturer, Boeing, base their argument for the need to develop and procure the Super Hornet on existing or projected operational deficiencies of the C/D plane in five different areas: strike range, carrier recovery payload, survivability, avionics growth space, and payload capacity.

The Navy and Boeing like to call these five points the "five pillars" of the Super Hornet program. But the new GAO report and my own review of the program show that these five pillars of the Super Hornet are actually weak and crumbling. GAO identifies problems with E/F in each of these five key areas, and the responses that the Navy has to each of these concerns are actually at odds with their own arguments in favor of the E/F program.

In the report, GAO identifies problems that could diminish the effectiveness of the plane's survivability improvements, problems that could degrade engine performance and service life, and dangerous weapons separation problems that do require additional testing. As recently as July 1997, the Navy's Program Risk Advisory Board stated that "operational testing may determine that the aircraft is not operationally effective or suitable."

In December, the board reversed its position and then said the following, that the E/F is potentially operationally effective and suitable, but also reiterated that it did have quality concerns with certain systems that are supposed to make the E/F Super Hornet superior to the current C/D.

Mr. President, these are not the words of a glowing review for any program, but they are downright awful for an aircraft program some estimate will cost over $106 billion. We should not gamble with our pilots' lives. We should not gamble with more than $100 billion of taxpayers' money. These stakes are too high.

Also, in the new report GAO asserts that the E/F doesn't accelerate or maneuver as well as the current C/D plane. DOD agrees with this point but says that this is an acceptable tradeoff for an E/F that is more capable in other respects. I wonder if the pilot flying the E/F would agree with that kind of a tradeoff.

It gets better—or, really, worse. The publication "Inside the Pentagon" reported in its February 19 issue that the Navy will not hold the Super Hornet to strict performance specifications in three areas. It published a copy of a memo written by Rear Adm. Dennis McGinn, the Navy's officer in charge of air warfare programs, that ordered the Super Hornet would not be strictly held to performance specifications in turning, climbing and maneuvering.

Everyone can agree that these are important performance criteria for a state-of-the-art fighter and attack plane.

It turns out that the memo was sent to the E/F test team after, Mr. President, after the team concluded that the E/F was, in some cases, not as proficient in turning or accelerating as the current C/D version of the plane.

Keep in mind that the C models used in these comparisons were not even the most advanced examples of the current C models. In its new report, the GAO said that the Navy board's program officials came to "the realization that the F/A-18 E/F may not be as capable in a number of operational performance areas as the most recently procured C model aircraft that are equipped with an enhanced performance engine."

The Navy's own test team has now stated that the new plane does not perform as well as the reliable version currently used in key performance areas. The Navy now is somehow apparently saying that these performance criteria are suddenly not important. This strikes me as a little shameful.

In its 1996 report, the GAO reached a number of conclusions. It found that the E/F Super Hornet offers only marginal—marginal—improvements over the C/D and that these are greatly outweighed by the far greater cost of the new plane, the E/F. It found that the current plane, the C/D, can be modified to meet every capacity that this new E/F is intended to fulfill. Let me just say it another way. A modified C/D would meet the performance specifications that the E/F was built to meet.

The GAO found and put a figure on this that was very troubling to me at the time and still is. They said that the Defense Department could save $17 billion by purchasing more of the current improved C/D planes instead of creating this entirely new plane that isn't clearly better than the C/D, a difference of 17 billion-taxpayer-dollars. The report also addressed other purported improvements of the Super Hornet over the C/D.

The GAO concluded that the reported operational deficiencies of the C/D that the Navy cited to justify the Super Hornet either have not materialized as projected or that such deficiencies can be corrected with nonstructural changes to the current C/D and additional upgrades to further improve its capability. In effect, the GAO has rebutted all of the Navy's claims about what disadvantages the current C/D plane supposedly has.

So, we have a plane that doesn't really do the things the Navy said it would do and, in some respects, it does not perform as well as the current older version, but we are supposed to pay double for these new planes anyway. Caveat emptor, indeed.

Mr. President, I now would like to address an additional newer problem that has come out, and that is the issue known as the wing-drop problem.

In its new review, the GAO reports a wing-drop problem that threatens this entire E/F program. This issue has garnered the most publicity recently and presents a major problem for the Navy. I want to reiterate, because I devoted most of my talk discussing all the problems that existed with this plane before this wing-drop problem came up, but this is a very serious problem indeed.

Wing drop causes the aircraft to rock back and forth when it is flying at the altitude and speed at which air-to-air combat maneuvers are expected to occur. Obviously, this is not a good situation for a fighter pilot.

GAO reports that the Navy and Boeing think wing drop is unacceptable and presents the program's most challenging technical problem.

DOD claims to have a variety of promising solutions that will mitigate the wing-drop problem, but it is very interesting to note what the Defense Department does not say. They are not saying that they will have a complete fix to the wing-drop problem. Additionally, these potential solutions will negatively affect the already very marginal benefits of the Super Hornet over the C/D.

The Navy's solutions affect the plane's speed, maneuverability and stealthiness, and I think these tradeoffs are clearly unacceptable, given the Navy's position so adamantly adhered to that somehow this E/F is better than the C/D. It will be interesting to observe how DOD handles this situation given its past performance.

This chart shows the progression of the wing-drop problem from the flight test team to the Secretary of Defense.

On March 4, 1996, the Navy's test team first discovered the E/F's wing-drop problem.

In November of that year, the Navy classified the wing drop a priority problem.

On February 5, 1997, the test team noted wing drop in an official deficiency report.

On March 12, the Navy reported that wing drop "adversely impacts the minimum acceptable operational performance requirement."

Two weeks later, Secretary Cohen approved the recommendation of Paul Kaminski, the Navy's chief procurement officer, to go ahead and purchase the first dozen production versions of the E/F for a figure of $1.9 billion.

Kaminski's decision followed a meeting with the Navy's test team in which this wing-drop problem apparently wasn't even mentioned.

On November 20, almost a year and a half after this wing-drop problem was first discovered, John Douglas, Assistant Secretary of the Navy for Research, Development and Acquisition, then informed Navy Secretary John Dalton of the wing-drop problem. This program-threatening wing-drop problem seems to have been kept, Mr. President, from the top Defense Department staff, including the Secretary, until after the decision was made to initially procure the first 12 aircraft.

If this sort of manipulation of the process is really taking place, it is obviously totally unacceptable. I have asked a full account of the discovery and progression of the wing-drop problem from the Secretary of Defense. In light of these allegations, I also urge the Department of Defense to fully consider the panel's findings and halt the purchase of any additional Super Hornet aircraft scheduled for this month until this wing-drop problem is fully understood and corrected. To do otherwise would compromise the safety of our Navy's pilots and the integrity of the Department of Defense.

Having mentioned a number of issues, including this very serious wing-drop problem, I want to briefly conclude my remarks by reemphasizing the exorbitant cost of this new Super Hornet aircraft.

The Navy initially plans to procure 62 aircraft in three separate procurement lots. Secretary Cohen is delaying procurement of the second round of 20 aircraft pending identification of a solution to this wing-drop problem. The final aircraft buy is scheduled for late 1998 or early 1999.

DOD claims that failure to provide full funding for the second round of planes would result in a production break and then would involve considerable additional costs. The total cost, though, of these planes is already $15 billion more than estimates that were given just 2 years ago—$15 billion more from just 2 years ago. How much worse can this get?

The original cost estimates were based on unrealistically large projections of the number of aircraft to be purchased, low inflation assumptions for later years, and the Navy's failure to factor in the effect of its decision to buy more of the higher cost F models of the Super Hornets.

GAO estimates that the Navy could save almost $17 billion if the Navy were to simply procure the F/A-18 C/Ds rather than the E/Fs. This savings alone could have easily paid for the fiscal year 1998 Transportation or Interior appropriations in their entirety.

I know that some of my colleagues will say that by halting production of the Super Hornet and instead relying on the current C/D, we will somehow be mortgaging the future of our naval aviation fleet, but GAO clearly states that this is not the case.

Given the program-threatening design problems and its enormous cost and marginal improvement in operational capabilities that the Super Hornet would provide, it seems that this new airplane is just not justified. Operational deficiencies in the current C/D aircraft either have not materialized or they could be corrected with nonstructural changes to the plane. The question is whether the current C/D can serve that function as it has demonstrated or whether we should proceed with an expensive new plane for a very marginal level of improvement.

The $17 billion difference in projected costs does not seem to provide a significant return on our investment. The Super Hornet is, in effect, a solution in need of a problem. The Super Hornet program should be ended. The Defense Department and the Navy should also remain above board with the taxpayers when problems arise during the development of a new aircraft.

As a result, proceeding with the Super Hornet program is not the most cost-effective approach to modernizing the Navy's tactical aircraft fleet. In the short term, it has been made very clear the Navy can continue to procure F/A-18 C/D aircraft while upgrading it to further improve its operational capabilities. For the long term, the Navy can look forward to the next generation of strike fighters, the joint strike fighter, which will provide more operational capability at far less cost than this Super Hornet that they want to go through with right now.

The most efficient and fiscally appropriate bridge is an upgraded C/D. The question is whether we can afford a $17 billion hit that can't be justified.

We should discontinue the E/F program before the American taxpayers are asked to shell out additional tens of billions of dollars for an unnecessary and flawed program.

I thank the Chair, and I yield the floor. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Mr. President, what is the current order of business before the Senate?

The PRESIDING OFFICER. Senate bill 1768 is pending.

Mr. GRAMS. Mr. President, I ask unanimous consent to speak for up to 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE EDUCATION IRA BILL

Mr. GRAMS. Mr. President, as you know, the Senate has before it and is debating a very important bill to promote educational alternatives. It is a bill which advances educational options, one which would encourage families to be actively involved in their children's education.

It comes at a critical time. Test results released last month show that American high school seniors score far below their peers from other countries in math and science.

Education Secretary Riley called the scores "unacceptable," and indicated that schools are failing to establish appropriate academic standards.

S. 1133 is the Senate's version of the education-IRA which has already passed in the House. The bill, commonly referred to as the A+ savings accounts, would expand the college education savings accounts established in the Taxpayer Relief Act of 1997 to include primary and secondary students.

A+ accounts would also increase the maximum allowable annual contribution from $500 to $2,000 per child. The money could be used without tax penalty to pay for a variety of education-related expenses for students in K–12, as well as college expenses.

The Senate bill closely resembles what is currently happening at the state level in Minnesota. Our state is establishing itself as a leader in bringing educational opportunity, authority and choice to parents. Last summer, the Minnesota legislature approved Governor Carlson's two-year package of tax cuts valued at $160 million. The package includes a 250% increase in educational tax deductions. Parents can now deduct between $1,625 and $2,500 each year per child, depending on the child's grade. These deductions may be used for all education expenses, including tuition.

Senate consideration of the A+ legislation comes at a notable time, a time of increasing focus on the future of America's children. Last October, the White House held a summit intended to bring children's issues into the forefront as a national priority.

Well, what better way to turn consensus-building into action than to give parents practical tools, such as the A+ accounts, which enable them to better provide for their children's education.

Unfortunately, tired, groundless attacks against the A+ accounts continue to hang on. The charge I hear most frequently is that "education savings accounts and tax breaks for parents would shift tax dollars away from public schools." That is simply not the case.

More education dollars under parental control would promote education by encouraging parents to save, invest in, and support programs and materials that facilitate and provide the right option for a child's education. Nothing would be taken away from public education resources.

The A+ accounts help working families. They encourage savings and enable families to make plans which shape a child's future. They are directed at low and middle income families, not wealthy families which currently have more education options. It seems ironic to me that some of the loudest opponents of these savings accounts are high-income, high-option individuals, who can afford to send their own children to private schools.

According to the Joint Committee on Taxation, the great majority of families expected to take advantage of the education savings accounts have incomes of $75,000 or less. These are the families who need savings options and incentives the most.

Mr. President, the A+ accounts simply provide a modest, tax-free savings plan for families. This is a commonsense approach to the serious issue of educating our children. It offers a real solution for America's working families, and I urge my colleagues to give it their support.

Thank you, Mr. President. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that I be permitted to speak as if in morning business and to introduce two amendments to be considered at the time the NATO expansion issue is before the Senate for consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska is recognized.

PROTOCOLS TO THE NORTH ATLANTIC TREATY OF 1949 ON ACCESSION OF POLAND, HUNGARY, AND THE CZECH REPUBLIC

Mr. STEVENS. Mr. President, I am going to speak for a few minutes about the issue of NATO expansion, and I want to offer these two amendments today. These amendments, I believe, will serve to bring greater accountability to the unresolved issue of the additional costs that will result with the accession of Hungary, Poland, and the Czech Republic to the NATO alliance.

My first amendment requires all costs related to either the admission of new NATO members or their participation in NATO to be specifically authorized by law prior to the payment of these costs. I am speaking of the U.S. costs. Our U.S. costs would have to be specifically authorized by law before they could be paid.

Actually, this ought to be the proper interpretation of the Constitution. But too often we find that costs—particularly those of foreign policy objectives supported by the Department of Defense—are incurred and then we are asked to pay for them in the budget process later.

The costs related to NATO enlargement are still general estimates, but the debate is continuing as to what is actually required and what portion of these requirements should be paid by the NATO common budgets. These estimates will continue to evolve and change in the coming months, well past the completion of the NATO expansion debates here in this Chamber.

U.S. costs could increase as NATO finalizes its implementation plans and eligibility criteria for common funding, or if new member countries have problems paying for infrastructure improvements. A Congressional Budget Office study released last week confirms that the United States is likely to incur bilateral costs for expanded exercises, training, and programs to incorporate NATO compatible equipment into the central European militaries.

My amendment would ensure a more accurate accounting for, and explanation of, the actual costs related to NATO enlargement as the process continues to develop.

My second amendment will restrict the use of funds for payment of NATO costs after September 30 of this year unless the Secretaries of Defense and State certify to the Congress that the total percentage of NATO common costs paid by the United States will not exceed 20 percent during the NATO fiscal year. Historically, NATO has not systematically reviewed or renegotiated member cost shares for the common budgets. This amendment would effectively require a reduction of the U.S. percentage paid in support of NATO common budget costs from a historic average of 24 or 25 percent. And I believe it is actually higher than that, but that is the average that they use. This is a reassessment that is long overdue in light of U.S. global defense responsibilities.

We have to remember that NATO was formed at the time when we were coming out of World War II, before the United States had started really to carry out its global responsibilities. When Spain joined NATO in 1982, there were pro rata adjustments to the civil and military budget shares based upon Spain's increased contribution. No other formal renegotiations have occurred since 1955 in these two common budget areas. The NSIP—or NATO infrastructure budget—has been adjusted five times since 1960, but that was due more to the way projects were approved and funded than any actual attempt to reallocate the percentages.

With the amount included in the emergency supplemental that we will consider today, the United States will have expended over $7.5 billion for operations in and around Bosnia and the former Yugoslavia by the end of fiscal year 1998. Mr. President, it is estimated that the United States is paying over 50 percent of the costs of maintaining the peace in Bosnia—nearly $200 million a month in 1997 alone—and there is no end in sight to the U.S. presence there with the President's decision to keep deployments there indefinitely.

Our defense overseas funding in NATO countries—the cost of maintaining our forces there, including the operations and maintenance, military pay, family housing, and military construction—now averages nearly $10 billion a year. Security assistance to the NATO allies since 1950—this is the military assistance and military education and training—has totaled over $19 billion.

No other member of NATO has the global defense role of the United States, nor does any other member have the forward-deployed presence in potential flash point areas such as the Middle East or the Korean peninsula.

There is just no alternative but to take the two steps that I am going to ask the Senate to propose to the House and to the President by these two amendments.

I would like to introduce the amendments.

The first is an amendment that I mentioned to require prior specific authorization of funds before U.S. funds may be used to pay NATO enlargement costs. It is cosponsored by Senators BYRD, CAMPBELL, ROBERTS, THURMOND, and WARNER.

The second amendment is the amendment to require that certification of payments to NATO will not cause the U.S. share of NATO common budget accounts or activities to exceed 20 percent, and that is cosponsored by Senators BYRD, CAMPBELL, ROBERTS and WARNER.

I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. COLLINS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts is recognized.

SUPPORT FOR PUBLIC EDUCATION

Mr. KENNEDY. Madam President, I know that we are debating very important issues on the supplemental appropriations bill. But I would like to take a few moments this afternoon to address another important issue, the Coverdell bill. There is a very important question we must all ask. Will Congress support public education or abandon it? I believe the vote tomorrow, and the debate going through next week on the Budget Resolution, may very well be the most important days that we will have to talk about the issue of education in this Congress. I would like to outline the challenges we face in the nation's public schools. May I yield myself 5 minutes? Can I do that; if the chair will let me know?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KENNEDY. Madam President, we ought to understand exactly where we are as a nation and measure the proposal that we will be voting on tomorrow against our particular national needs. I think that is a fair way of making the decision whether we ought to eliminate any opportunity for additional debate and discussion on the question of support for public education across the country. No one is questioning whether the Coverdell bill will make a substantial contribution to private education. But if you are going to spend $1.6 billion, which is the amount of money that will be lost from the Federal budget under the Coverdell bill, we ought to know whether the money we spend will benefit the majority of the children in this country? Does this proposal abandon our support for public education, where about 48 million—90 percent—of our children are educated?

This year, K-12 enrollment has reached an all-time high and will grow by 4 million students over the next 7 years across this country. Second, 6,000 new public schools will be needed by the year 2006 just to maintain the current class size—6,000 new schools by the year 2006. Due to overcrowding, schools are using trailers for classrooms, teaching students in former hallways, closets and bathrooms. Overcrowded classrooms undermine discipline and decrease the students' morale. America's children are learning in overcrowded classrooms. These are the undisputed facts on the condition of education in the United States of America.

This chart is called "America's Children Are Learning In Crumbling Schools." Madam President, 14 million children learn in substandard schools; 7 million children attend schools with asbestos, lead paint or radon in the ceilings or walls; 12 million children go to school under leaky roofs; one-third of American children study in classrooms without enough panel outlets and electrical wiring to accommodate computers and for multimedia equipment.

These are the conditions today and these are the expectations of tomorrow. We are going to be faced with a Republican education program that says we will answer this national challenge with a $1.6 billion tax break for wealthy individuals. I call it an entitlement. I want to hear our friends who are always talking about entitlements address that issue, because this is an entitlement. Once the proposal goes into effect, anyone who is qualified is going to get a tax break every year—that's an entitlement in my book. It's an entitlement for the wealthy who send their children to private school.

Should we have a good chance to debate different public policy alternatives to the Coverdell bill that is offered on behalf of the Republicans? We would welcome that debate. We do not fear that debate; we welcome it. We think the country would welcome it. We have our ideas. The President has his ideas. The President, in his State of the Union and in his speech on education, has outlined some very important measures—school construction and modernization, smaller class size, better trained teachers, increase in the number of qualified teachers, after-school programs, and expansion of the Head Start programs. Those are out there. These crucial programs are paid for in the President's budget.

How did the Budget Committee address these issues? Thumbs down on all of those programs. Not only thumbs down on those programs, but reducing aid for education by $1.6 billion on existing programs below the President's level. We have not had that debate here. And we are being asked now to provide a new entitlement for the wealthier individuals who are sending their children to the private schools—not the public schools; to the private schools. That is what we are being asked to do.

So let's get out and debate this issue. But, no; we are facing a cloture motion that says we are going to be absolutely denied the opportunity for considering alternatives. That is wrong. But it is something that American parents ought to understand, that this is basically an ill-conceived program that is abandoning the public schools in order to get additional tax entitlements and tax breaks for tuition for children to go to private schools. We do not have anything against the private schools, but with the scarce resources that are available, they ought to be carefully invested in the public schools. We should not be creating more tax breaks for the wealthy individuals. We should not be abandoning the public schools of this country. We ought to be responding to their particular needs.

Mr. President, I believe my 5 minutes is up, and I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, let me continue what our colleague from Massachusetts has been talking about.

This issue is going to come up tomorrow and will be debated. There will be a cloture motion. There are two issues the Senator from Massachusetts and the Senator from North Dakota, who has joined us here on the floor, and I care about. The first is we would like the opportunity to be able to offer amendments to this bill. I gather there has been some agreement on a limited number of amendments. But we think, on something as important as education, this may be the only time this year that we get to talk about the educational needs of the 53 million children who attend our primary and secondary schools in this country.

First of all, the issue is about choice and giving our colleagues the choice to consider an alternative or alternatives to Senator COVERDELL's legislation. Secondly, we believe that the issue is how the American people decide how they want their tax dollars spent.

Let me first, if I can, describe what the Coverdell amendment does. The Coverdell amendment is a tax expenditure of $1.6 billion over the next 10 years that would provide, according to the Joint Taxation Committee, a $1.6 billion tax break, providing $37 a year to the families of children who attend private schools and $7 a year to the children who attend public schools.

Of the 53 million children who attend primary and secondary schools, 90 percent of those 53 million children attend public primary and secondary schools; 10 percent, 5.3 million, attend private schools. What Senator COVERDELL's legislation does is take a $37 tax break and a $7 tax break, and gives it to the 5.3 million children who attend private schools and gives the $7 tax break to children attending public schools. Madam President, 52 percent of the tax break goes to the 10 percent of children who are in private schools.

Please let me put that in context. I recently researched how much it costs to attend a private school in the Greater Washington area. On average, it is between $10,000 and $14,000 a year. Such a small tax break, Mr. President, would provide very little assistance to parents who choose these schools for their children.

The point that I make is, if you are going to spend $1.6 billion, whether you are a conservative Republican or liberal Democrat, would it not be wiser for us to try to improve the deteriorating physical structures of public schools that are falling apart in this country? Would it not be better, perhaps, to take the $1.6 billion and have it go to special education?

Mr. President, I don't know how many mayors, how many county boards of supervisors I have heard from who report to me that they are spending an exorbitant amount of money to provide the valuable needed services to children who have special needs? All of us would agree that these children often require and deserve a great deal of assistance, but local school districts and taxpayers are often in desperate need of some financial assistance in providing for the educational needs of children with disabilities. Is this not a priority? Do you perhaps think this priority more deserves our attention than a $37 tax break?

How about providing 100,000 new teachers to shrink the size of classrooms across this country? Most everyone will tell you, if a teacher is teaching 25, 30, or 35 students, those students are not learning as well as they could. Again, most everyone agrees, if you can make classes smaller, you can greatly increase the learning potential of children. Is that not a higher priority than a $37 tax break to go to the top 70 percent of income earners in the country? Or a $7 tax break if your child attends a public school? $1.6 billion could, as I said, provide some real assistance in construction, special education, Head Start, or additional teachers. There are many other valuable ideas. I am not limiting it to these four.

As I said earlier, we have come through an era where we often spent money on many different ideas. We cannot do that any longer. We must now be very selective when we spend federal tax dollars. It seems to me it would be a wiser investment of taxpayer money to do something about special ed, something about school construction, something about classroom size, and something about early childhood education. I don't know of anyone in this country, regardless of their personal ideology or political affiliation, who would tell you they think those four ideas are less important than a $37 or $7 tax break.

Mr. KENNEDY. Will the Senator yield?

Mr. DODD. I will be glad to yield to the Senator from Massachusetts.

Mr. KENNEDY. As you know, the Budget Committee approved $30 billion in tax breaks—$30 billion. So, on the one hand, Republicans cut back education funding $1.6 billion below the President's program, and then spend $1.6 billion to create a $37 tax break for individuals that send their children to private school. Then they have the gall to come out here to say that Coverdell is the answer to the problems in education. Instead, the Coverdell bill is another Republican effort to abandon the public schools.

I wonder, if the Senator will yield for another moment, I would like to just mention David Rosborough and ask my colleague whether this is the kind of situation that is troubling the Senator.

> Hi, my name is David Rosborough and I am a junior at Centerville High School in Clifton, Virginia. My school is extremely overcrowded, having well over 2600 students in a school that holds 2000, and whose optimal size is 1800. As a result of this, we have 32 makeshift trailers as classrooms this year and will have a total of 40 next year. Nearly 1000 students are in these trailers at any one time, and we have been forced to go to a complicated "double master" schedule. This new schedule which divides the school in two, is a great idea, and makes it so that class changes are staggered, however also created many new problems. Lunch periods begin at 10:00 a.m. and don't end until well after 1:00 p.m.
>
> This bill—

He was talking about the President's bill—

> will put an end to ridiculous situations, like that of my school.
>
> The tremendous size of the school has caused inconveniences and problems, some minor, like the assembly situation. Right now, a simple music assembly will have to run three or four different times throughout the day, creating scheduling problems and keeping students out of class for unnecessarily long periods of time.
>
> Some problems are a lot more significant. "Hall rage" —

I never heard of that word before; "hall rage" are the words that this young student, a junior, uses—

> "Hall rage" as our principal calls it, is one of them. Last year, before the new schedule was implemented, there was a huge outbreak of fights, many caused by frustration of being knocked around in the overflowing halls. Teachers found it much harder to teach with the distraction of "hall rage," causing students to have difficulty focusing on class work with all the chaos outside. Teachers very rarely even get to teach in the same classroom all day, and some move between three and four classrooms.
>
> The new schedule at our school has solved some of these problems, but many still remain, and the school's size keeps on mushrooming. The "double master" schedule has caused many conflicts which limit the courses available to students. Hopefully this bill will pass—

Talking about the President's bill—

> and bring . . . long-term relief to my school as well as many others like it.

This is not the inner-city; this is in the suburbs. School repair, modernization, and expansion problems affect every community—urban, rural, or suburban.

I ask the Senator from Connecticut, will the Coverdell legislation do anything about the kind of problems that this student is talking about; that would shock any parent?

Mr. DODD. Madam President, I say to my colleague from Massachusetts, absolutely not. In fact, as the Senator knows, our distinguished colleague from Illinois, CAROL MOSELEY-BRAUN, has offered legislation to try and do something that would allow for these schools to be repaired. The estimated cost of that, the estimated cost nationwide from Maine to California I think is $22 billion.

Mr. KENNEDY. Her program costs only $3.3 billion, but will allocate $22 billion in interest-free bonding authority for States and local communities.

Mr. DODD. What we are talking about today, when we say we would like to take this $1.6 billion and maybe apply it to the programs I have mentioned, not to suggest we will pay for all of it, but if you have limited resources, it will at least provide meaningful resources to these communities.

Senator COVERDELL's legislation is a tax break that goes to individuals, and parents who send their children to private schools get the bulk of it. Remember, 7 percent of the families in this country send their children to private schools. Ten percent of the children—93 percent of the families send their kids to public schools.

Has anyone asked the families of children attending public schools how they feel about subsidizing the children who go to private schools? With all due respect, those parents made a choice. I respect that choice, but I don't necessarily believe that we ought to subsidize it with $37 a year when that $1.6 billion might go to the very issue the Senator from Massachusetts raised.

Mr. KENNEDY. Finally, because I see other Senators on the floor, will anything in the Coverdell bill result in a reduction of class size?

Mr. DODD. I say to my colleague, absolutely nothing.

Mr. KENNEDY. Will anything help provide 100,000 new teachers as proposed by the President?

Mr. DODD. I say to my colleague, absolutely nothing.

Mr. KENNEDY. Is there anything in the Coverdell bill that will help provide after-school programs that are so important for the 13 million young people that the Senator from Connecticut, who is a champion for children in this country, speaks about? Is there anything in the Coverdell bill that will help expand and improve those after-school programs?

Mr. DODD. Not one penny of the $1.6 billion will go for after-school programs.

Mr. KENNEDY. Is it not true that the cuts in education funding by the Budget Committee provide no increase in Pell grants?

Mr. DODD. I say to my colleague from Massachusetts, he brings up an excellent point. Not only do we have $1.6 billion here in tax breaks, but just the other day the Budget Committee cut $1.6 billion out of the budget for educational programs.

Our colleague from Illinois CAROL MOSELEY-BRAUN, our colleague from the State of Washington PATTY MURRAY, Senator BOXER of California, among others, all tried, as members of that committee, to get some resources in order to help out in these areas. Not only did they lose providing some additional help for these areas, the Budget Committee cut $1.6 billion across the board in education.

Mr. DORGAN. Will my colleague yield?

Mr. DODD. I will yield to my colleague from North Dakota.

Mr. DORGAN. I ask the Senator from Connecticut, are we now talking about the Coverdell education proposal? Is it not the case that the Coverdell legislation is not now before the Senate —it was before the Senate but then was withdrawn—because a number of Senators, including myself, the Senator from Connecticut, the Senator from Massachusetts, and others, wanted to offer amendments to it dealing with the kinds of questions you are now asking? Isn't that the case?

Mr. DODD. It is true. We had hoped to be able to offer these amendments, and the bill was pulled down last week. We are told now it is going to come up again tomorrow, and the reason why we are here this afternoon to talk about it is because we believe it may be coming back.

Mr. DORGAN. I would like to ask the Senator an additional question relating to an issue I discussed last week when the Coverdell bill was first withdrawn from the floor. It is not acceptable to me to have someone bring a bill to the floor that is amendable and then tell us, "By the way, we have established a gate here, and the only people who can go through the gate are the ones we decide can go through the gate."

The Coverdell IRA proposal, in my judgment, ought to be amended by a range of other proposals. One, for example, deals with reducing class size. I have a daughter in the third grade. Last year, that daughter was in a public school class with 30 students—30 in a class. Do I have a self-interest here as a parent? Of course I do. Do we think kids do better when they are in a smaller class? Of course they do. We know that. The studies demonstrate that.

The question before us is not just about Coverdell IRAs, but about what our priorities are going to be. One hundred years from now, all of us in the Chamber are going to be gone.

Mr. DODD. Except STROM THURMOND.

Mr. DORGAN. Except Senator THURMOND. But historians will be able to look back at what we did here and evaluate, by looking at how we decided to spend money, what our priorities were. What did we place first? What did we think was important? Kids? Education? What kind of legislation did we pass to advance these issues that are important to public education in this country?

Finally, to those who say the public education system in this country is somehow unworthy of keeping, I ask them, how did this country get to where it is? How did we get here? Is anybody going out to the airport this afternoon to get on a plane and leave? Have they found a better place to live? I don't think so.

We have had in this country a wonderful system of public education. We also have some outstanding private schools. Our obligation in this Chamber is to provide the support that we can, especially with niche financing. We don't provide the bulk of financing for elementary and secondary education, but we provide important funds to support a number of priorities in public education. That is our job. That is what we need to do.

But we were told last week that because a bill is brought to the floor dealing with education—a bill that essentially provides tax breaks for those who want to send their kids to private school—somehow we are being selfish for saying let's amend this so we invest in and strengthen public schools. It seems to me that the message from all of this is that kids are not first, education is not a priority. Isn't that how you would view it?

Mr. DODD. I thank my colleague from North Dakota. I think he said it very well. Of course, he brings some firsthand information to it, talking about his own daughter who is in the third grade and the size of her classroom. It provides a wonderful example of something we might do to help out our local school districts.

Education is very expensive, and the bulk of it is paid for by local property taxes, sales taxes; in some States by a State income tax. It is expensive. We made a commitment here years ago that we would help out with special education; we said we would contribute as much as 40 percent of the expenses to educate a child that has special needs. We have never gotten above 8 percent—never above 8 percent.

I have communities in my State of Connecticut that spend $100,000 on a child in a small town. Now, these towns surely want to help these children with disabilities, but it seems to me that is a national issue, giving children an opportunity to maximize their potential. We promised 40 percent; we have never provided more than 8.

What if we gave $1.6 billion to the States across this country that are trying to provide the education for these special needs children? I assure you, people will say thank you.

I don't think anyone would believe that a $37 tax break for children attending private schools and a $7 tax break for children attending public schools is of a higher priority than almost any other issue you can mention when it comes to the educational needs of America's children. On the close of the 20th century, when we are going to have to have the best prepared and the best educated generation we have ever produced to compete in the global resources with limited, scarce resources, we provide $1.6 billion tax cut that could be better applied to our Nation's schools. I don't think it is right, and I am hopeful the American people will be heard over the next 24 hours and say to their Members, "Don't vote for this. Don't vote for this. Use my money wisely and well."

Madam President, I thank our distinguished colleague from Alaska for yielding us some time to be heard on this issue.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

SUPPLEMENTAL APPROPRIATIONS FOR NATURAL DISASTERS AND OVERSEAS PEACEKEEPING EFFORTS FOR FISCAL YEAR 1998

The Senate continued with the consideration of the bill.

PRIVILEGE OF THE FLOOR

Mr. STEVENS. Madam President, I have a list at the desk. I ask unanimous consent these members of the staff of the Appropriations Committee be admitted to the floor during the consideration of the supplemental.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list is as follows:

APPROPRIATIONS COMMITTEE STAFF

Carolyn E. Apostolou, Sid Ashworth, Liz Blevins, Wally Burnett, Andrew R. Cavnar, Jennifer Chartrand, Liz Connell, Christine Ciccone, Robin Cleveland, John J. Conway, Steve Cortese, Gregory Daines, Dick D'Amato, Rebecca Davies, Mary Dewald, Emelie East, Lula Edwards, James H. English, Bruce Evans, Alex Flint, and Galen Fountain.

Carole Geagley, Andrew Givens, Rachelle Graves, Scott Gudes, David Gwaltney, Tom Hawkins, Susan Hogan, Charlie Houy, Ginny James, Kevin Johnson, Jon Kamark, Jay Kimmitt, Lashawnda Leftwich, Paddy Link, Kevin Linsky, Mary Marshall, Sue Masica, Mazie Mattson, Anne McInerney, and Jim Morhard.

Mary Beth Nethercutt, Joseph Norrell, Dona Pate, Tammy Perrin, Martha Scott Poindexter, Robert W. Putnam, Dana Quam, John Raffetto, Michelle Randolph, Pat Raymond, Gary Reese, Barbara Ann Retzlaff, Tim Reiser, Peter Rogoff, Joyce Rose, Terry Sauvain, Marsha Simon, Jennifer Stiefel, Lisa Sutherland, Betty Lou Taylor, Scott Thomasson, Justin Weddle, Paul Weinberger, and John Young.

Mr. STEVENS. Madam President, on page 18 of our committee report, it stated that $10 million is provided for the national forest system account within the Forest Service. This does not accurately reflect the action taken in the committee markup. We added $2 million for payments to States, pursuant to section 405 of the bill. The total in the bill for the national forest system should be $12 million. I ask that the bill be corrected accordingly.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Madam President, the Senator from Georgia is here and wishes to have time while we are on the defense bill to respond to the Senators from Massachusetts and Connecticut.

I announce to the Senate, as soon as the Senator from Arizona, Mr. MCCAIN, arrives he will present an amendment and that amendment will be voted on at 5:30 today. It would be my hope that we also would be able to take a series of amendments prior to that time, amendments that we have been working on with individual Senators. It should take us 20 to 30 minutes to deal with four or five amendments that will be accepted.

I ask unanimous consent the Senator from Georgia be allowed a time now not to exceed the time taken by the Senators from Massachusetts and Connecticut and that time take place as soon as possible.

The PRESIDING OFFICER. Is there an objection?

Mr. WELLSTONE. Reserving the right to object, and I shall not, I wonder whether or not, before the Senator from Arizona comes to the floor, I might have 10 minutes to speak on education following Senator COVERDELL, if there is time.

Mr. STEVENS. Madam President, I am a little reluctant. What we are getting into is an equal time situation. Every time one Senator speaks the other side wants to answer. If we can find some way to add the Senator's time to what has already been used on your side of the aisle on the education matter and agree now how long that will be—the leader wants some time, too. The Senator is entitled, as I understand, to about 25 or 26 minutes already because of the statements made concerning education, if we follow an equal time proposition. I do want the floor at no later than 10 minutes of 5 o'clock to go into these other amendments, and even prefer to have it before that.

Mr. COVERDELL. Will the Senator yield?

Mr. STEVENS. I yield to the Senator.

Mr. COVERDELL. I wonder, to facilitate this so the response can be conclusive, if the Senator from Minnesota would agree to taking the next 5 or 6 minutes or so and make a statement and then we would take our 30 minutes at that point and try to respond to the other side.

Would that facilitate the Senator from Minnesota?

Mr. STEVENS. Would that meet the Senator's approval? We want to get back to the defense bill before the afternoon is over.

Mr. WELLSTONE. Madam President, I can do it. I will need about 10 minutes. I am pleased to do it either way. Since I am on the floor, I wanted to make sure I had a chance to speak. If the Senator from Georgia would rather I precede him, and he wants to respond to all of us, we will get a chance to get back to this. I would love to respond to what my colleague from Georgia has to say, but I am pleased to do it that way.

Mr. STEVENS. I say to my friend, the difficulty is that we started off with what was supposed to be 5 minutes for each Senator and that turned into 26 minutes and now we are about ready to do the same thing. I do want to limit the time. I hope he will agree with me that we will proceed and the Senator would take his 10 minutes now and the Senator from Georgia has 35 minutes. I will still be back here by 25 minutes of 5 o'clock.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

SUBSTANTIVE DEBATE ON EDUCATION

Mr. WELLSTONE. Let me thank the Senator from Georgia for his graciousness and let me thank my colleague from Alaska.

Madam President, I think there are two different issues that we are confronted with as we address the Coverdell bill. One of them has to do with just the substantive debate about education, which I want to talk about for a few minutes; and the other has to do with, I guess, the Senate process, which I think is equally important, as we think about the Senate and how we do our work together.

On the substance, I simply say to my colleague I spend about every 2 weeks in a school somewhere in Minnesota. If I could think of any one area that I feel I have the most passion about, it is education: education of children, preschool, young people, high school, higher ed. For that matter, since I think education is preschool all the way to 85 or 90, education, period.

As I travel the country, with a special emphasis in Minnesota, I say to my colleague, I can think of much better uses and a higher priority for $1.6 billion to be spent. I put the emphasis not in the direction that my colleague from Georgia goes in, which is people being able to put this money into IRAs. Not a whole lot of families I know have $2,000 they can put into IRAs. This disproportionately benefits people who are fairly well off. It benefits people who especially want to send their kids to private schools and who have the resource to do so. I would rather make an all-out effort to support the public school system.

I would be pleased to come back to the U.S. Senate some day, the sooner the better, and maybe in a debate change my mind and say that I would be all for applying taxpayers' money to support for private education—and that is why I say the sooner the better—but not until we have made the commitment to public education, not until we rebuild crumbling schools around the country; I have been to too many of those schools in Minnesota, and all around the country as well, and not until we reduce class size, not until we get more teachers and teacher assistants into the classrooms, and not until we have more resources for professional development, not until we make an all-out commitment to really deal with the learning gap between children who do well in school and children who don't do well in school, which starts, I might say, with a real commitment and the resources to early childhood development. I think the medical evidence is irreducible and irrefutable; if we don't get it right for these children by age 3, many of them will never be able to do well in school or well in life.

I don't understand what I think is a misplaced priority that my colleagues on the other side of the aisle have about $1.6 billion that doesn't go directly to public education. And I put the emphasis, and I think the vast majority of the people in the United States of America would put the emphasis, on rebuilding the crumbling schools, on reducing class size, on making sure that we have the best education for our teachers and, I might argue, making sure we do our very best by way of children so that when children come to kindergarten, they come ready to learn. That is where we ought to be investing our resources—not in allocating resources to support private education, not in a Coverdell bill where the benefits disproportionately go to those families which least need those benefits.

The second point speaks more to the majority leader than my colleague from Georgia. I don't have a corner on the truth and I do not want to come off arrogant, but this argument that the majority leader makes about getting to decide what kind of amendments are relevant and dramatically reducing the number of amendments that are out here on the floor presupposes that there aren't any number of different ways of thinking about what is really helpful for education and the development of children and young people in this country.

I have a number of amendments that I think are important. I think the amendment on rebuilding crumbling schools is right on the mark. I think we devalue children and we devalue the work of adults who work with children when we don't make an investment in rebuilding these crumbling schools. I think reducing class size and more teachers in the classroom is extremely important. If I am going to think about ways of making better use of $1.6 billion, we ought to get back to making sure young people have the hope to go on to higher education. The HOPE scholarship with tax credits that aren't refundable doesn't help very many families in Georgia or Minnesota with incomes under $28,000 a year. Spend a little time in community colleges. The education is not affordable. I have an amendment to take that $1.6 billion and make higher education more affordable for these men and women from working families.

I have an amendment, since we are talking about children and education, that deals with the cuts we made in the Food Stamp Program, the major safety net program for poor children in America. We made a 20 percent cut in food stamp benefits. The vast majority of the beneficiaries are children. The vast majority of beneficiaries are working poor families. Every single doctor and every single scientist and every single nutritional expert will tell you children don't do well in school when they are malnourished. They don't do well in school when they don't have enough to eat. I think we ought to restore that funding for the Food Stamp Program as it applies to children in America. That is a top priority education program.

Now we have a majority leader who is saying, "No, I don't want to have debate on all these amendments." What are my colleagues afraid of? Why would it be too much time to take 4 or 5 days or a week and debate this piece of legislation?

I have another amendment which I think is terribly important and I think it has everything in the world to do with how well kids do in school. We, right now, all around the country, are saying to single parents—and I spoke about this last week—mainly women, you can't stay in college because of the welfare bill. You have to leave school. Take a job at $6 an hour with no health care benefits. You know what. If those single parents —that means they have children—are able to finish their college education, it means better earnings, better opportunities for their children, more self-esteem for the parent, better educational achievement by the child. I have an amendment which says we ought to make sure that those single parents, those women, are able to finish their college education. I may or may not be able to present that amendment here in this debate.

I just want to make it crystal clear, Madam President, on both counts I am in opposition with the majority leader on this question. Madam President, $1.6 billion—put it into rebuilding crumbling schools, put it into smaller class size. Don't put it into a program that benefits mainly upper income people and private schools. It is that simple.

Second of all, let's have a debate about education. You cannot decontextualize what happens to children before they go to school and what happens to children when they go home after being in school from how well they do in school. There are a whole bunch of issues—some of them are direct education issues; some of them have to do with whether the parents are doing well employment-wise; some have to do with nutrition; some have to do with health care; some of them have to do with whether or not these young people think they can afford higher education—that dramatically affect how well children do in school.

I don't think the majority leader ought to, as a priority, decide what are relevant amendments or what kind of debate we ought to have on education. I don't know why my colleagues are afraid of a full-fledged substantive debate about education. Let's take the next week and let's debate the education amendments up or down.

I said to my colleague from Georgia, to end on a slightly different note, that I appreciated his effort. I said that a few days ago, that I think he is absolutely sincere in what he is doing, even though we disagree and that, most important of all, I look forward to a real debate. I hope we will have that real debate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

Mr. COVERDELL. Mr. President, first, I will respond to the Senator from Minnesota. I appreciate his courtesy, his reflection on my passion for this legislation. I will, at least for his benefit and others, put a slightly different view on the analysis the Senator has presented.

First, the Senator talked about a cost of $1.6 billion. Now, that is a 10-year period. Of course, it is leaving $1.6 billion in the checking accounts of 14 million American families. But what that fails to acknowledge is that that modest—modest —incentive generates over $10 billion of assets, not tax dollars. These are volunteered assets of American families. So it becomes one of the largest single new sources of financial support for all education in recent times. It is a large, large number. It is not $1.6 billion, but we say, OK, we are not going to tax the interest buildup, so we will receive $1.6 billion less here in Washington. They will keep it in savings accounts. That will generate over $10 billion.

The Senator from Minnesota has not, I believe, acknowledged that this proposal is now a very bipartisan proposal, and it is far more expansive than the savings account which I just described.

The filibuster that we have been fighting since last July with the Presidential veto threat includes State prepaid tuition plans. It is about the same cost. Again, it is tax relief to families so they are not taxed when they come with prepaid tuition to a college. Twenty-one States now have it. And that was brought to us by Senator BREAUX of Louisiana and Senator GRAHAM of Florida.

The Senator has not acknowledged the employer-provided educational assistance which expands tax exemptions for employers helping their employees continue to improve their education. This leaves almost $2.7 billion of tax relief in these companies' checking accounts. But, of course, it affects over 1 million workers who would be able to have a better education because of it, and 250,000 graduate students, because they would be included for the first time. We owe Senator MOYNIHAN of New York the gratitude for having put this proposal in the package that is being filibustered.

There are a couple of minor provisions that I will not go into. But the other more significant one that has been brought forward is from Senator GRAHAM of Florida who has devised an expanded financing tool for public school systems which would enable the construction of about 500 new schools.

So you have a very broad range. You have savings accounts effecting 14 million families and 20 million children generating almost $10 billion of new energy. You have $5 billion in new resources supporting public and private schools; $3 billion in new school construction; 1 million workers receiving tax-free employer-provided education assistance; 1 million students receiving tax relief on State prepaid tuition plans.

So, A, we have to look at it in a broader context—not just the savings account. And the other is that the vast majority of the proposal now has been proposed by the other side of the aisle.

The Senator from Minnesota inferred that it is for public education. This is not for public education. That is just not the case. The 500 new schools, public schools, 1 million workers, and 1 million students are all associated with public education. Half of all the proceeds coming out of the savings account, which in the first 5 years is $5 billion, and then, as I said, $10 billion over 10 years—half of it, if you accept the very bare bottom analysis of the Joint Tax Committee, supports students in public schools. That is billions of dollars. And half of it supports children in private or home school. So it is a lot of money.

The thing that is not clear to anybody right now, and for which we do not have numbers—we can only imagine—is that one of the unique features of the savings account is that a sponsor can be a contributor, a grandparent, an uncle, an aunt, a sister, a neighbor, a church, an employer, a union, a benevolent association—you name it. Those resources coming into the savings account no one has estimated. My judgment is that in the second 5 years it will be equal to what the families are putting in because people's imaginations begin. And it is a limitless opportunity for people to help youngsters have sufficient resources for helping their education, whether it is the requirement to have a tutor, or a home computer, or transportation, or after-school programs, or whatever is perceived to be the problem associated with the child.

The majority leader has come. The Senator is trying to ask a question. Let us give the majority leader his time.

Mr. WELLSTONE. Madam President, will the Senator yield for 10 seconds?

Mr. COVERDELL. Yes.

Mr. WELLSTONE. I want to be clear. Since the Senator from Alaska sort of set the terms and was gracious enough to let me speak, I wanted to stay on the floor because I wanted to respond to the Senator's very eloquent viewpoint. I have not tried to debate using his time. Later on I will come back to the debate. But I did not want to leave in the middle of the Senator's remarks because I respect what he is trying to do. I don't understand how someone so nice can be so wrong. But we will come back to the debate.

Mr. COVERDELL. I thank the Senator.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Madam President, first, I want to congratulate the Senator from Georgia for the leadership he has provided on this issue and so many other issues, and for his persistence in coming to the floor and engaging in the discussion with the Senator from Minnesota and others.

One of the things that comes to my mind is: What are you afraid of? What is it about this that causes you great concern? I am a product of public education from day one all the way through college all the way through law school. I really care about public education. I daresay a lot of our colleagues here in the Chamber can't say that. They went to one private school or another; one special school or another. Not me. I went to public schools in Mississippi from the first grade—in fact, even a little pre-first grade program right on through law school. When I was in elementary and in high school, my family didn't have a lot of income. My mother was a schoolteacher. My dad was a shipyard worker. They could have used an opportunity to maybe save a little money to help with our education—my education needs when I was in high school, or when I got ready to go to college.

So look at what we are talking about here: an education savings account. Who is disadvantaged by this? Shouldn't we encourage parents and grandparents and scholarship groups to save for their children and their grandchildren's needs? Maybe that is something that they would need in high school, or maybe even elementary school, as has been pointed out, whether it is computers or uniforms. Some schools are going to need uniforms or tutors. That is something that I think really could be very helpful.

But also in this package are some other things that would have been helpful to me and my family. And that is, prepaid tuition opportunities that would allow people to save a little to begin to invest for tuition costs when their children get ready to go to a trade school, or community college, or college, or a university.

Then also there is the very attractive provision that would encourage employers to have, as a part of their agreement with their employees, paid higher education provisions. Shouldn't we encourage that? Isn't that something that would be good for employers to do for their employees?

What is it that our colleagues here are afraid of on these programs?

Also, on the bond program for private organizations to build public schools, I have had some reservations about it. But in a State such as California, or a State like Florida, if some private company wants to participate and be a part of this bond opportunity to build public schools to help school districts, shouldn't we encourage that?

So I am really astounded at some of the opposition I hear about this legislation. I think it would help children to have options. Yes, it might allow parents and children to be able to escape a violent school, or a dangerous school, or a drug-infested school to go someplace else. Shouldn't there be some provision to try to help them do that?

Remember this: Everything in this bill, except the school construction fees, has already been voted on and passed by the Senate.

I address a question to the Senator from Georgia. As I recall last year, the Senate passed the Coverdell education savings account with a very substantial vote. What was it?

Mr. COVERDELL. Fifty-nine.

Mr. LOTT. Fifty-nine Senators voted for this provision in the 1st session of the 105th Congress.

The other provisions—I believe the prepaid tuition and the employer-paid higher education provisions—were those both in the budget tax bill last year?

Mr. COVERDELL. Yes; they were both in the tax bill.

Mr. LOTT. I believe they were. And I believe they were advocated in the Finance Committee—at least one of them, if not both of them—by the Senator from New York, Senator MOYNIHAN, because I remember in conference defending these programs. And they were objected to at that time by the House conferees. We didn't get them through. But they have been supported on a bipartisan basis. So I am really at a loss to understand the resistance to these, particularly since three of the four provisions have already been adopted by the Senate. I just wanted to have the Senator confirm for me my memory with regard to the strong vote that occurred.

Should we have other amendments on education and tax provisions that would help education? Sure. Is this going to be the end of the debate this year on education? Probably not. I would imagine that Senators are going to have a number of provisions. Hopefully, we may even have another bill that would address the number of questions. I would like for us to consolidate some of the myriad of Federal programs that provide funds to education into a block grant. I understand there are some 750 Federal education programs of one sort or another, and almost 39, I think it was, different agencies, bureaus, or departments.

Couldn't we consolidate some of those and send them back to the States without strings and let the States decide if they want to use that money for school construction or for a merit pay for star teachers? But let the people at the local level decide how that money would be spent without it being directed by some Washington bureaucrat saying that you have to spend it here, or you must spend it there.

So I wanted today to take the floor. I ask my colleague, Senator DASCHLE, to encourage my Democratic colleagues to work with us on some sort of agreement for the consideration of the Coverdell education savings account bill.

On Friday, March 13, I offered an agreement that would provide for a minority substitute to be debated, and voted on first, prior to a cloture vote occurring, if one was necessary. Late last week I offered a second agreement that would provide for nine education amendments to be offered by Members of the minority, I believe it was 5 by the majority, for a total of 14 education taxes that would benefit education amendments with 9 going to the minority side.

Needless to say, now both agreements were rejected. I understand that it is difficult to get some limit on amendments so that we can debate the ones that really are critical and come to some conclusion on this issue so we can move on to other issues. But I take the floor again today to attempt to reach an agreement on the education bill prior to a second cloture vote on Tuesday at 5:30. The agreement would be as follows:

That there be nine education amendments in order as listed in the previous agreement, plus one amendment to be offered by the minority leader in the form of a substitute, if he so desires; one additional amendment to be offered by Senator MOSELEY-BRAUN of Illinois, as was suggested by Senator DASCHLE, one that might be important to be included on the list; and one to be offered by Senator BOXER. I don't even know the details of all of these amendments, except that I think they generally are in the education, or tax benefits for education category; and that there be five education amendments to be offered by Members on the majority side of the aisle.

Before the minority leader responds, I hope he could keep in mind once again that this bill includes a number of positions or provisions that were advocated by our colleagues on the Democratic side of the aisle—Senators BREAUX, MOYNIHAN, GRAHAM, FEINSTEIN. And, as I understand it, 80 percent of the cost of this bill actually goes into those three areas: the bond program, the prepaid tuition, and the employer-paid higher education provision.

So, having said that, I hope that the minority leader would be able to agree to this agreement in some form in the next few hours, and, if he has some suggestion or some other idea of how we can proceed, I am open to hearing those, also.

I would be glad to yield the floor for a response of Senator DASCHLE.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Madam President, I will begin by asking the distinguished majority leader whether he has unanimous consent on his side. If we were to agree to this, would he get unanimous consent on his side for that particular proposal?

Mr. LOTT. I believe we would. And I certainly would be prepared to aggressively advocate it and pursue it. You never know until you go to the individual Senators and work with them and try to get their agreement to go forward with it.

I would not want to be the Senator on either side of the aisle who stands in the way of this major piece of education legislation.

Mr. DASCHLE. Is the Senator then suggesting that he has not hot-lined it on his side?

Mr. LOTT. We have been making Members aware of the agreement we were offering.

Mr. DASCHLE. Oh.

Mr. LOTT. Let me put it this way. We will get a unanimous consent agreement on our side to go with this, but it is useless to go with it if the Democratic leader does not indicate that this is something on which he would like for us both to try to get approval.

Mr. DASCHLE. The reason I asked, Madam President, is because I am quite sure he cannot get unanimous consent on his side, at least for the moment. And I am not surprised he has not hot-lined it, because he realizes he cannot get unanimous consent. I know of at least one Republican Senator who has indicated he would object. There may be others.

So, having just made that part of the record, let me address the issue that the distinguished majority leader has propounded once more. I see the chart, and it notes that we have been on this bill for 10 days. What I hope most people will recognize is that while we have been on it 10 days, our Republican colleagues have refused to entertain one Democratic amendment in those 10 days. What they are saying is, we want you to debate this bill on our terms or we are not going to debate it at all. So they bring the bill to the floor, they make a couple of speeches, they lament the fact that we cannot have this cave-in on Democratic amendments, and then they pull the bill and move on to something else. We have been playing this charade, this game, now for 10 days: Put the bill down, give a couple of speeches, pull the bill off, blame it on the Democrats. I do not know about anybody else, but I think that gets a little tiresome. We have seen this charade now in the name of education for 10 days, and we may see it for a lot more.

In 1992, we had a similar situation. Democrats were in the majority; the Republicans insisted, in a similar situation, that they be allowed to offer 52 amendments; 52. I have checked with all of my colleagues. I am told there may be somewhere between 10 and 15 amendments, give or take; I am not sure. We are still working on it in good faith, in response to the distinguished majority leader, who said, by the way, late last Friday, we would have some announcement, we would see if we could find a resolution for this, by Tuesday. Here it is 4 o'clock on Monday and I am presented with this once more on the floor. No consultation. No personal discussion. This is: Here is a proposal. Why aren't you Democrats responding as you should? Why are you holding this bill hostage for 10 days? It makes me wonder if they want agreement or whether they want to play games.

So, in 1992 our Republican colleagues said they had to have 52 amendments. What we are simply suggesting is that we have some very good ideas that are beyond the scope of this very limited—"Is that all there is?"—Republican answer to the problems we have in education. And for some reason they are afraid to vote on them. They do not want to vote on school construction. They do not want to vote on after-school programs. They do not want to vote on child care. They do not want to vote on all of the things that we have proposed in our agenda. Why? Because they will have to vote against them, and they don't want to do that.

So that is what this is all about. Don't tell us we are holding this bill hostage. The hostage takers are on that side of the aisle. How they can come to the floor with a straight face and blame us is beyond me. But I have to tell you, we are going to continue to try to find a way to resolve this. I, in good faith, would like to find a way to allow our Senators the chance to offer good amendments on good education public policy. I want them to do it this week.

The majority leader says we will have more opportunities. Why do I somehow fear that every time we will have an education vehicle on the floor, or a tax vehicle, we will be in this same situation? "It is our bill or nothing at all. It is our amendments or nothing at all. You take this or nothing at all." Madam President, that just does not wash. This is the U.S. Senate, for Heaven's sake. Go over to the House and work under those kinds of rules if you want to constrain the debate that consequentially.

So we will try to work it out. We will try to find a way to play by those rules. But I must say, it is very disconcerting. Sooner or later we will have a vote on school construction. There are too many schools out there that need some help. Sooner or later we will have an opportunity to vote on after-school programs, and on child care, and on the things that we have to do to deal realistically with public policy affecting education. No $7 bailout for those making $80,000 a year and say we have solved the education problem. That is not going to work.

I see my colleague—I will be happy to yield to the Senator from North Dakota.

Mr. DORGAN. I appreciate the Senator yielding for an inquiry. The regular order here in the Senate would be to bring a piece of legislation to the floor, amendments can be offered and debated, and then votes occur on the amendments.

It seems to me to be a bad habit to bring to the floor a proposition and then file cloture motions immediately. In this case, the most recent opportunity to bring this bill to the floor occasioned two cloture motions before anybody had an opportunity to offer one amendment. That does not suggest a search for an agreement. Isn't it the case that the procedure that is suggested by the other side is extraordinary? The ordinary procedure would be to bring the bill to the floor and allow those who have amendments to offer the amendments, and then have votes on the amendments. Isn't that the regular order of the Senate?

Mr. DASCHLE. The Senator from North Dakota is absolutely right. I have never seen this so-called debating institution so fearful of debate as I have on this particular bill. It is the most tepid approach to a good, healthy debate about education that I think anyone can imagine: "File cloture because we don't want any amendments. File cloture because we don't want to have to vote on these amendments. File cloture because we have to move onto other things." You can come up with 100 reasons why we should file cloture, but the bottom line is, if it is 10 days, we have wasted a lot of time talking about talking, and we have not been able to deal with one issue. So, the Senator is right.

Mr. DORGAN. If I might just inquire further about this notion of individuals being held hostage. What have been held hostage in this process are the amendments that some of us would like to offer to legislation that comes before the Senate. If there is a hostage-taking here it is a hostage-taking of those of us who have ideas that we want to have debated in the Senate.

This, after all, is a process of debating ideas. Some have ideas on the other side. Some of them may be very good. And some of us have ideas. If those who control this Chamber say, "By the way, the way we are going to run this Chamber will be to allow our ideas to be debated, and then our strategy will be to limit your ideas," then I want to say that it doesn't work that way. Whoever stands at these desks is elected to the Senate and can operate in this Senate under the rules of the Senate. The rules allow a bill to be brought to the floor of the Senate and then allow every other Member, even that Member who sits in the farthest chair, with the least seniority, to stand up and offer his or her idea and to debate his or her idea here in the U.S. Senate. That is the way the rules are in the U.S. Senate. What is being asked of us is to create extraordinary rules here. That is where the hostage-taking comes in, taking hostage those who want to offer ideas, those who have other ideas about education in this debate.

We have not had that opportunity, not even one opportunity to offer one amendment, and that is why I object to this notion about hostage day 10. The only hostage that exists here is the hostage of ideas that ought to be able to be offered under the regular order of the Senate.

Mr. LOTT addressed the Chair.

Mr. DASCHLE. Madam President, I assume I still retain the floor?

Mr. LOTT. Parliamentary inquiry, though. Is the minority leader speaking under leader time?

The PRESIDING OFFICER. The assumption is that he is proceeding under leader time.

Mr. DODD. Will the distinguished leader yield?

Mr. DASCHLE. Under my leader time, I will be happy to yield to the Senator from Connecticut.

Mr. DODD. I thank the leader for yielding. I don't believe I heard one of the amendments being potentially allowed to be raised as one on the early education issues of child care alternatives which would promote public and private sector construction and improving the quality of early education. I do not believe I heard a proposal I had suggested on special education, which I might point out, by the way, the distinguished Senator from Mississippi cares deeply about. In fact, he and I worked years ago, I would say to the Democratic leader, on the Budget Committee on the issue. But I would like to be able to raise that issue, I say to the Democratic leader, so the $1.6 billion specified in the Coverdell bill goes towards special education. I think it is a very important issue. I hope, and I inquire of the distinguished Democratic leader as to whether or not those two proposals would, under the present agreement, be allowed to be raised?

Mr. DASCHLE. The Senator from Connecticut is correct. Under the proposal raised by the distinguished majority leader, you would be denied an opportunity on the bill of offering relevant legislation that might give us an opportunity to debate whether the $1.6 billion ought to be spent on a $37 tax bailout for those making $100,000, $200,000 a year—$37 is all this legislation provides them in tax relief—or an opportunity to sincerely and very deeply help some people who otherwise are having serious trouble finding ways in which to pay for child care in this country today. So you would be denied that right.

I yield to the Senator from Massachusetts.

Mr. KENNEDY. Madam President, I want to just commend our leader and friend for his response to the proposal. As I understand his position, it is that we would like at least an opportunity to offer and vote on amendments on the important issues that have been introduced by the President of the United States such as increased support for early childhood education, smaller class size, more teachers, after-school programs, and education opportunity zones. Would he think it is appropriate, if we are dealing with an education proposal, that at least he be given, or those ideas be given, an opportunity for debate and discussion here on the floor of the U.S. Senate?

Would I be correct in thinking that at least those proposals ought to be among the ones being advanced by our Republican friends, which targets public tax dollars to private schools rather than, as the President's does, to the public schools? Am I right?

Mr. DASCHLE. The Senator from Massachusetts is absolutely correct. This would be the perfect opportunity for us, as we debate how are we going to spend $1.6 billion, whether it ought to be spent perhaps on school construction. Should we spend it on child care? Should we spend more than $1.6 billion on matters concerning after-school programs and the applications of our new technology to education? Should we have an opportunity to say what is the proper Federal role, given our circumstances right now, given the constraints we are working under in the budget?

For whatever reason, our Republican colleagues are saying, "I'm sorry we don't want you to offer those amendments. We don't want to have to vote on them. We don't want to spend the time on them." Apparently they don't think it is important enough to spend the time on them. "We just want you to decide for us, and with us, whether giving $37 to people making $100,000 or more a year a tax break of $37 makes sense. That is what we want you to decide with us." We don't think that ought to be the rule of the Senate. We think the debate of the Senate on education ought to be broader than that. We think there ought to be a real opportunity to talk in detail about these issues.

We are prepared to perhaps work through some suggestions on how we might limit amendments and try to find a way with which to deal with those issues that are directly confronting us. We are not there yet. Maybe we can't. But simply to tell Democrats, "No, you are going to debate this bill on our terms or on no terms at all," is just not something we can accept. So the Senator from Massachusetts is entirely correct.

Mr. KENNEDY. Does the Senator, finally, really understand what our Republican leadership or Republican friends are really afraid of? Are they afraid to debate these issues? Is it just a question of working out a time agreement to discuss these matters fully and openly, or are they afraid that their proposal won't measure up?

Mr. LOTT. Madam President, I would be glad to try to respond to that.

Mr. KENNEDY. I was asking my leader. I would like to hear from Senator DASCHLE first, and then perhaps Senator LOTT could respond.

Mr. DASCHLE. I would be happy to hear the majority leader's answer. My guess is, if I understand the Senator's question correctly, that they don't have an interest in school construction. They don't really have an interest in some of the amendments we are trying to offer here. They would prefer not to have to vote on them, because oftentimes these amendments are critical to school districts back home. So I don't blame the majority leader for trying to avoid having some of these tough votes. Maybe if I were in that position, I would, too.

But the fact is that they are critical issues directly confronting education. We have an education bill pending. We have a tax bill pending, and the last time a circumstance similar to this occurred when we were in the majority, we let the Republicans offer 52 amendments. So that is really the essence of the question before us. Do we have a good debate about issues that are directly relevant to this bill or not? So far, the Republicans have refused us that debate. According to that chart, we are now in day 10.

I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Madam President, first of all, I want to respond to several questions that have been asked and comments that have been made. I would be glad to talk to the minority leader any time he would like about trying to work out a list. I was willing to do that Friday. I was willing to do that today. I hadn't really heard any suggestions or movement since we last talked on Thursday, and I thought it was important to come out here and show that we are willing to make movement.

For instance, on the school construction issue that you just mentioned, I believe that one of the additional amendments that I listed here, the one by Senator MOSELEY-BRAUN, would deal with that issue. So we are not prepared to try to—we don't want to duck that issue or other education and taxes-for-education-related issues.

I will tell you what we would like not to do. We would first like to stay on and talk about education and how to improve education in America. We would like the amendments to relate to improving the quality of education. What we would prefer not to do is debate amendments on this bill that have to do with the sale of livestock. That is one of the amendments that I understand somebody wants to offer—to amend the Internal Revenue Code to exclude gain or loss for the sale of livestock from computation of capital gain net income for the purposes of the earned income credit. That is something I might be for, but I don't think it relates to education and an education bill.

You talk about let us have a good debate about education. Do we want to get off into cows? And there are several others. Senator WELLSTONE wants to debate welfare reform on an education bill, food stamps on an education bill. There will be other times where those amendments can be offered. But I think to agree to a reasonable list of education amendments or tax amendments related to education, to have that kind of debate is fine. I think we can work that out if they are education related. But I don't think getting into all these other issues serves the purposes of getting a focused debate on education and getting this bill to a conclusion so that we can go to other, even emergency, pieces of legislation.

Let me take, for example, the bill Senator DODD just mentioned. He is right. I have, over the years, worked to try to support the Individuals with Disabilities Education Act, IDEA. But I note that the administration flat-lined that program. They did not provide the funds we promised, did not provide for increasing funds in that area. Yet, the Budget Committee this past week voted to add $2.5 billion over 5 years to get the funding up for that program. So you can be assured, as the year goes forward, that we are going to have a debate about how much more money is needed for IDEA.

But what we don't think we should have is what the Senator from Connecticut is proposing, which is to turn that program into another entitlement program—mandated appropriations, which would be an entitlement program. We need to face up to the fact that this is an important education program that, quite frankly, is having real difficulties now because we have not provided the funding we said we were going to give. What it really has to do with is, we should not make it mandatory or an entitlement; we should live up to what we said we were going to do.

Mr. DODD. Will the Senator yield?

Mr. LOTT. Yes, I will, since I was responding to his particular question about that amendment.

Mr. DODD. I thank my colleague. I was proposing something that Senator LOTT and I talked about years ago, which was the Federal commitment to special education, where we made a promise long ago to our communities across this country that we would have the Federal level of participation for special education around 40 percent. We are nowhere near that presently. We are still quite short of that 40 percent commitment. I raise the question that if we have $1.6 billion would it be better allocated to help out families and communities with escalating special education costs?

Mr. LOTT. How about helping out families by letting them make the choice on how to use that money at the local level?

Mr. DODD. That is $37 is for private schools. You do not receive special education in private schools. It is a public school commitment I am referring to. I was in Connecticut recently and I spoke with a group of mayors, and they were very interested in ISTEA. I thank the majority leader for the way he moved on the transportation bill. But every mayor I talked to said, "Senator, we need help on special education."

Mr. LOTT. I say to the Senator, we should do that—I wish the administration had done it—and we will have an opportunity to add funds to that when we vote on the budget resolution next week.

Mr. DODD. But this is an education proposal. I would like to be able to offer this amendment. I would like to be able to offer communities money that can go to defray special education costs more than a $7 tax break. That is an alternative, a choice, I say to the leader. I should be allowed to offer that choice. It is an education matter. Shouldn't I be allowed to offer this amendment to our colleagues?

Mr. LOTT. In answer to that, as a matter of fact, from the beginning, we have suggested to the minority leader that he could offer a substitute, which could include that and a number of other very attractive things. We think, though, the emphasis should be on giving parents and grandparents more opportunities to save for their children and decide how their own money would be spent. Let me yield to the Senator from Georgia——

Mr. DODD. Well, I respect the prospect of offering that idea. But is that idea any more meritorious than my idea?

Mr. LOTT. It is very interesting here——

Mr. DODD. Shouldn't I be allowed, as an equal here, to offer an idea that says——

Mr. LOTT. Madam President, if I could reclaim my time?

The PRESIDING OFFICER. The majority leader has the floor.

Mr. LOTT. First, it was 14 amendments, and 16 amendments, and then it was 16 amendments and a substitute. Where does it end? Quite frankly, if it was directly related to education and a tax provision, I would be inclined to say, yes, let us debate and vote. I don't think we ought to vote on cows and welfare reform. Where will it end? I don't really think that you want us to be able to get a process that gets us some amendments and votes and gets to a conclusion.

I yield to the Senator from Georgia.

Mr. COVERDELL. I thank the majority leader. I think a better question is, where did it begin? Let us remember that this is the fourth filibuster. This all comes from a proposal that was passed by the Senate with 59 votes—overwhelmingly—and the President of the United States told us he would veto the entire Nation's tax relief if that line stayed in the bill. So that is where we began—the Senate adopting a proposal, the House adopting a proposal, and the administration saying, no way, no deal, no how. It all goes down. So we brought it back as a freestanding proposal. That was filibustered. Then we tried to move to the bill in this sitting of the Congress, and that was filibustered. And we have now had a cloture vote to bring it to an end. We have had three separate suggestions to try to keep it within the realm of germaneness.

But I think one thing that has not been really talked about here today is that, yes, there is a concern that this is just another filibuster. There is no end to it. If you look at the empirical evidence, everything we have seen is designed not to modify, but to kill or to "poison pill" this thing. You all have used that term very frequently, "poison pill." We are concerned about that. Now, I don't want to get into debate now. We have both leaders here.

I will come to the point of my good friend, Senator DODD, on the $7 and the like. You don't acknowledge the principle that it has gathered up to support public and private education when you try to describe it as the amount of tax relief. What that means is that a person has, on the private side, saved over $1,000, which is a 50 percent increase in the average family savings. On the $7 side, it is a $200 account. It ultimately means that over $2.5 billion in 5 years—$5 billion-plus—is going to public support and private support within 10 years.

But we will have time to come back to that. I want to honor our two leaders here by trying to iron out how we might proceed.

Mr. LOTT. Madam President, I see the chairman of the Appropriations Committee here. He has some work he needs to do, amendments he needs to work on between now and 5:30. I believe we have an amendment to be offered around 5 with a vote to occur at 5:30. I see that Senator DASCHLE may want to respond more. I will run down two or three points, and perhaps we can wrap this up.

As far as a move to try to block amendments, I remind the body that when this bill was called up, the motion to proceed was filibustered, objected to—not even to get to the substance or get to amendments, just the motion to proceed was filibustered. We had to have a cloture vote on even proceeding to the point where we might get to the substance. No amendments. I have suggested here 16 amendments, I believe it is, plus a substitute. If we need to give or take some, I am willing to work on that. Now, as far as who is willing to go along with this agreement, I remind my colleagues on the Democratic side of the aisle that 55 of our Senators, every one of them, voted for cloture last week. And as far as regular procedure around here, regular procedure is that after you have talked for a while, cloture motions are quite often filed. I have watched Senator Mitchell and Senator Dole and Senator BYRD file cloture after cloture. I note to my colleagues that I have had to file clotures 43 times in the 105th Congress, and we have had to actually vote 31 times. Tomorrow, if we don't get this worked out, it will be 32 times to stop the talk and get to the substance. Also, you need to remember that postcloture doesn't mean you can't have amendments. They have to be germane amendments. There would still be amendments. I think there were maybe 14, 15, or 16 amendments filed that would have probably cleared the postcloture vote.

So, who is being cut off here? I think the average American sitting out there listening to this is saying, "I don't understand. You mean you are going to have 14 amendments on an education bill and you don't think that is enough?"

What is reasonable? I have tried to be. I will continue to be. If the Senator from South Dakota has some specific recommendation of how we can get to an agreement and not have to go through another cloture vote, I would certainly be more than glad to entertain that.

I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. Madam President, let me respond to a few of the points made by our colleagues in the last few minutes.

First, with regard to the motion to proceed, the majority leader wasn't forced to file that motion. We could have gone on a motion to proceed. We could have gotten onto the bill. The problem, as the majority leader, I think, would note, is that there is a great deal of concern on this side about his inaction on judges. We have done 10 judges so far this year. There are approximately 40 judges still pending in the U.S. Senate. Six are on the calendar. He knows very well that that was a vote on judges. It was a vote desired by several of our colleagues on my side of the aisle to express how frustrated they are that we are not getting the cooperation that we were promised about Federal judges, about moving through these judges. We get one, we get another, we get a third maybe now and then—just enough to keep everybody mollified. But the fact is, you have 40 judges that still have to be acted upon, most of which haven't even come out of committee yet.

He makes mention of the fact that he was "forced" to file cloture. He hasn't been forced to file cloture this year. He has chosen to file cloture, but he hasn't been forced to file cloture. No leader is forced to file cloture. He has filed cloture to prevent Democrats from offering amendments. So I suppose from that perspective, in order to preclude us from offering amendments, he is forced to do so, but he isn't forced, as leader, to prevent the Senate from having a good debate about these issues.

I defy my Republican colleagues to find a time when we were in the majority that we filed cloture to prevent an amendment. Now, we had amendments; amendments were offered; but we never filed cloture to prevent an amendment, and I defy my colleagues to find a time.

I would like to go to the point raised by the majority leader about how improper it is to offer amendments to a tax bill that are not directly related to education. Again, I go back to this time in 1992 when our Republican colleagues demanded they be able to offer 52 amendments. This particular bill, this Enterprise Zone Tax Incentives Act, was a tax vehicle very similar to the tax vehicle we have here on the education bill. This is an enterprise zone tax act.

Our colleague from Florida, Senator MACK, whom I admire immensely, demanded the opportunity to offer an amendment on, what? On tractors. That is right. Our colleague from Florida asked to be able to be recognized so that he could offer an amendment on tractors on an enterprise zone act.

And then my colleague, the distinguished majority leader, even though this was an Enterprise Zone Tax Incentive Act, said, "You know, I know it is just on enterprise zones, but I want to talk about scholarships; I want to have an amendment on scholarships." And guess what? That is on the list, too.

And then our colleague from Washington, Senator GORTON, said, "You know what, I know it is just a little old tax bill dealing with enterprise zones, but I have an amendment on dental schools, and I want to offer that." And guess what happened? The U.S. Senate had a debate, we agreed to debate all the amendments to be offered, we had a debate on them, we offered our amendments, we had our day, we finished the bill, and it went on.

But our Republican colleagues were not coming to the floor then saying, this is just an enterprise zone, so we don't think we ought to be able to offer nonenterprise zone amendments; we want to offer amendments on tractors; we want to offer amendments on dental schools; we even have a great scholarship amendment we think the Democrats ought to vote for.

What a difference some time makes. It is now 1998. We have a tax bill on the floor. Our Republican colleagues are saying, "No, we don't want you to offer 52 amendments." Last week it was a half a dozen, then it was 9, now the leader is saying 15—but not 52 and not on anything but education; you have to stick to education, by golly.

This is an entitlement program. Let nobody misunderstand, this is an entitlement program we are talking about. If we pass this, we pass a new entitlement program. We pass a tax bill. So when you manage the Senate floor, you have to come to the realization that when you pass something with the consequences of a new entitlement and a new tax program, there may be a few amendments and they may not be just on the topic to which the bill is supposed to be directed.

So, Madam President, we can talk about cattle and welfare and education and all of these issues. The bottom line is, are we ever going to get to a point where we can move off this impasse? I again make the offer to make my best effort to do so. We will continue to try to do so. But I hope nobody here is swayed by these arguments that we can't come on to the Senate floor with a tax bill and not talk about taxes and not talk about entitlements, and if we are going to talk about farms, maybe we ought to remember that once, not long ago, we talked about tractors and that was OK.

I hope we can resolve this, but it is going to take some give on both sides, and we both have to realize that to move forward, it is going to require some cooperation here; we are not going to get it just the way we want it. We may not be able to offer 52 amendments, but we have some darn good amendments that ought to be considered here, and we are going to do all that we can to ensure that our rights are protected.

I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senate majority leader.

JUDICIAL NOMINATIONS

Mr. LOTT. Madam President, I know we are faced with a time problem, but since a separate extraneous issue was raised, I must respond to this question of judicial nominations.

First of all, when I go to my State or around the country, the last thing I hear people clamoring for is more lifetime-tenured Federal judges. There is no clamor out there in the real world for more Federal judges.

But, so the record will be clear, the number of Clinton appointments to the Federal judiciary as of that date is 252. The total number of Clinton nominees confirmed by the 105th Congress—that is last year and the first 3 months of this year—48, 9 for the court of appeals, 37 for district courts, 2 for the USIT; 36 in the first session and 12 in the second session.

There are currently 81 vacancies in this very large Federal judiciary, and of that 81, 41 of them have not had nominees. It is pretty hard for us to consider nominees if we do not have them even presented to the Congress.

I have been hearing this now for months about, "Oh, why don't you move more?" Maybe the administration ought to consider moving a little faster. They can't send them up here and immediately start complaining that they are not considered in the next week or even the next month. But half of the vacancies do not have a nominee pending. Plus, there are only six pending on the calendar, and we will probably consider a couple of those this week. So there will only be four pending on the Senate Executive Calendar for judicial positions.

Then let me make one other point. Should we take our time and look at these people who are nominated to be Federal judges for life and hold sway over us in ways that exceed the imagination—and certainly I don't approve of—right down to trying to run our schools at the local level?

Should we take our time, look at them carefully when they are received in the committee, have hearings on them, ask them a lot of questions, then send them to the floor and have them checked once again?

Yes; and I will give you exhibit A of why we need to do that.

Just look at the one that was withdrawn last week—Frederica Massiah-Jackson, a nominee for the Eastern District of Pennsylvania, who used profanity from the bench, had identified undercover policemen so that they could be recognized by the criminal element, a whole raft of things that came out, and, by the way, much of it after she was nominated, after she was reported by the Judiciary Committee and had been pending in the Senate for months.

Finally, the local district attorney—I might say, a Democrat—and the Pennsylvania District Attorneys Association came out in opposition to this nomination, and, after it had been reported by the Judiciary Committee, held on the floors for weeks and months, the administration, realizing she was going to be defeated, withdrew her nomination. Should we take our time on these Federal judges? Yes. Do I have any apologies? Only one: I probably moved too many already.

I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

SUPPLEMENTAL APPROPRIATIONS FOR NATURAL DISASTERS AND OVERSEAS PEACEKEEPING EFFORTS FOR FISCAL YEAR 1998

The Senate continued with the consideration of the bill.

Mr. STEVENS. Madam President, I might state for the record, it sort of proves my point. I yielded time on the appropriations bill for 5 minutes, and here we are 2 hours later. I do hope that Members will understand if we are not very cooperative any further on this bill. Further, however, I might say to the Senator from Georgia, who was yielded specific time so he could have time comparable to that used by the Senators from Massachusetts and Connecticut—and I understand he only had 5 minutes of that 25, 26 minutes—he is not included in the prohibition against having some time on this bill when I manage it, as far as I am concerned.

Madam President, I have a series of amendments. I would like to proceed with them.

I do have one of them that is cleared already. It is an amendment to the pending supplemental appropriations bill.

AMENDMENT NO. 2067

(Purpose: To prohibit the Department of the Army from moving forward with civilian personnel reductions and the offer of Voluntary Separations Incentive Pay (VSIP) and Voluntary Early Retirement Authority (VERA) benefits at all Army Test Ranges until such time as the Congress has the opportunity to consider the merits of such actions during the Fiscal Year 1999 Appropriations process; and to require that the VERA and VSIP benefits being currently offered will continue to be available if necessary)

Mr. STEVENS. I send the amendment to the desk on behalf of the two Senators from New Mexico, Senators DOMENICI and BINGAMAN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. DOMENICI, for himself, and Mr. BINGAMAN, proposes an amendment numbered 2067.

Mr. STEVENS. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 15, after line 21, insert:

SEC. . Notwithstanding any other provision of law, the Department of the Army is hereby prohibited from moving forward with civilian personnel reductions at all Army Test Ranges resulting from proposed reductions in their fiscal year 1999 budget, until such time as the Congress has the opportunity to consider the merits of such action during the fiscal year 1999 defense appropriations process. Where civilian personnel are concerned, the Army is required to offer such Voluntary Separation Incentive Pay (VSIP) and Voluntary Early Retirement Authority benefits as are currently being offered, should such benefits be necessary at a future date.

Mr. DOMENICI. Madam President, my amendment does not increase the cost of the emergency supplemental in any way.

What it does is it freezes in place the current posture of civilian personnel authorizations at all Army Test Ranges, including White Sands Missile Range until such time as the Congress, and this Committee, has an opportunity to consider the merits of the President's fiscal year 1999 budget as it relates to this installation.

It is a very simple, straight forward amendment, and it is necessary for me to proceed in this way at this time because the Department of the Army has chosen to circumvent the congressional oversight process. Let me tell you how:

Because of budgetary constraints, the Department of the Army made a distributional decision that would reduce White Sands Missile Range's WSMR's, overall RDT&E budget by approximately $17 million in fiscal year 1999. As a result, WSMR was asked to plan for a reduction of as many as 550 full-time civilian positions.

Subsequently, in late December 1997, the Army agreed to provide approximately $11 million to WSMR for the purpose of offering Voluntary Early Retirement Authority, VERA, and Voluntary Separation Incentive Pay, VSIP, benefits. This ameliorated some of the civilian personnel reductions that are scheduled to take place in fiscal year 1999. With the VERA and VSIP benefits, the Army's plan for WSMR is to reduce approximately 350 civilian personnel.

I do not believe it is prudent for the Army to be reducing civilian personnel authorizations at WSMR until such time as the Congress has an opportunity to consider the merits of such actions during the fiscal year 1999 defense appropriations process. Unfortunately, the Army has directed WSMR to open the window of opportunity for retirement benefits from now until March 31, 1998.

This action effectively precludes the Congress from exercising any oversight responsibility of the Department of Defense decisions in this regard. Once civilian personnel at WSMR elect to take the benefits, those civilian personnel positions are essentially eliminated.

In addition, if the Army does not find enough personnel who are willing to take the benefits, a Reduction In Force, RIF, will have to occur and its timing will be such that the Congress will have little or no ability to address these issues.

Finally, what should cause great concern to every member who is interested in Congressional oversight, the Army is using fiscal year 1998 funds to implement reductions that are planned to occur in fiscal year 1999. This circumvents the Congressional oversight process.

Again, my amendment prohibits the Department of the Army from continuing to move forward with any civilian personnel reductions at WSMR until such time as the Congress has the opportunity to consider the merits of such action during the fiscal year 1999 Defense Appropriations process. In addition, the bill language requires the Department of the Army to offer such VERA and VSIP benefits as are currently being offered should such benefits be necessary at a future date.

The PRESIDING OFFICER. If there is no objection, the amendment is agreed to.

The amendment (No. 2067) was agreed to.

Mr. STEVENS. I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Madam President, the Senator from Georgia is still here, and we are waiting for the beginning of the time on the McCain amendment. I yield him 5 minutes at this time.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Madam President, I thank the Senator from Alaska.

EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

Mr. COVERDELL. Madam President, earlier this afternoon, the Senator from Massachusetts and the Senator from Connecticut were debating their opposition to the education savings account that we have been struggling with since last July. The essence of their argument is that it does not amount to much, that there would only be $37 of interest saved on a family that had a child in private school and only $7 if the family had a child in public school.

You cannot have it both ways. If it is so insignificant, why have we spent the better part of a year filibustering it? Why would the President say, "I will veto the entire tax relief package if that provision is in there"? Something about that argument does not fit.

The other thing I will say about those arguments is that they talk about the tax—that figure is a tax that wouldn't have been paid by that family—but they forget to mention the amount of principal that is in the account earning interest which is forgiven. In the case of $37, that means that family has saved over $1,000 in order to earn the $37 tax relief. What it says to me is how little incentive it takes to make Americans go out and save.

Madam President, $1,000 is 50 percent greater than the average savings of American families. The average American family today saves $1,900. That is their savings. And by this modest forgiveness, we take it up to $3,000. So we are using a very modest amount of tax relief to cause Americans to save billions of dollars. This tax relief proposal would generate in the first 5 years $5 billion worth of savings and over a 10-year period over $10 billion worth of savings to aid and support students in public and private education.

The third point I will make is this: The other side and the White House celebrated extensively the passage of a $500 education savings account, one-fourth the size of this savings account, and that was, as I said, celebrated on the White House lawn: "This is a great idea." Well, if $500 worth of the ability to save is such a great idea, how come if we expand it up to $2,000 it is suddenly an insignificant idea? That becomes a little hard to follow, too.

You know, again, I go back, Madam President. The President of the United States said, "I will veto the entire tax relief to every American citizen in the United States if that savings account for American families stays in the tax relief bill." So we had to take it out. We are not going to have every American family denied tax relief over this idea. We think it is a good idea, but we were not going to do that. So we brought it back as freestanding legislation and, as we have said here this afternoon, have been filibustered every step of the way.

The other point I would like to make to my colleague from Massachusetts and my colleague from Connecticut, who has left the floor, is that this proposal is now a much larger proposal. And the proposal represents the input of Senator BREAUX of Louisiana, Senator GRAHAM of Florida, and Senator MOYNIHAN of New York. In other words, we have made this a very broad-based, broad policy, with representatives from both sides of the aisle. This is no longer a Republican proposal; this is a Senate proposal. The chief cosponsor of this legislation is Senator TORRICELLI of New Jersey. He sits over there—principal cosponsor.

By listening to this thrashing back and forth this afternoon, you would think this were a gold-gilded Republican, highly partisan proposition. The proposal on the floor—if we can ever get to it—the amount of tax relief we represented, 80 percent of it comes from the Democrats' ideas. They are good ideas. State prepaid tuition plans; they are not going to tax students when they get the money to go to college; or expanding employer-provided educational assistance.

I yield for just a moment. I say to the Senator from Alaska, if he wants to call back his time, I will be glad to facilitate his needs.

Mr. STEVENS. Madam President, the Senator from Georgia is very kind. But

I prefer to let him continue until the time comes to lay down the next amendment. It should be before his time expires, I assure him.

Mr. COVERDELL. I thank the Senator from Alaska.

Expanded employer-provided educational assistance. That is a tax relief to employers who help their employees expand their education. And the Joint Tax Committee says 1 million American workers will benefit from that.

Senator GRAHAM from Florida has a school construction provision which makes financing to build public schools expanded and will lead to 500 new schools across the Nation.

The Senator from Arizona has arrived. The chairman of the Appropriations Committee needs to proceed with his business. I thank him for his cordial assistance here, and I yield the floor.

Mr. STEVENS. I am sure the Senator still has some time coming on his 26 minutes, and we certainly will account for that before this bill is over.

Mr. COVERDELL. Very good.

Mr. STEVENS. I yield the floor to the Senator from Arizona.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Arizona is recognized.

SUPPLEMENTAL APPROPRIATIONS FOR NATURAL DISASTERS AND OVERSEAS PEACEKEEPING EFFORTS FOR FISCAL YEAR 1998

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2063

(Purpose: To eliminate unrelated, wasteful, and unnecessary spending items from the bill)

Mr. MCCAIN. Mr. President, I send amendment No. 2063 to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, Mr. FEINGOLD, and Mr. GRAMS, proposes amendment numbered 2063.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 16, strike beginning with line 6 through page 18, line 5.

On page 19, strike beginning with line 2 through line 12.

On page 19, strike beginning with line 24 through page 20, line 2.

On page 26, strike beginning with line 7 through line 11.

On page 35, strike beginning with line 10 through page 38, line 18.

On page 40, strike beginning with line 1 through line 25.

On page 43, strike beginning with line 8 through line 13.

On page 4, strike beginning with line 13 through 10 page 5, line 3.

Mr. MCCAIN. Mr. President, I want to begin by expressing my appreciation to the chairman of the Appropriations Committee, my dear friend and a person who is responsible for the timely and important provision of this bill to the Senate. It is in the nature of the defense and disaster supplemental appropriations bill.

There are some very vital needs that have to be met in this bill for the good of the American people and for our defense. And, as always, I am very appreciative of the outstanding leadership exercised by the chairman of the committee.

As I have done for many years, Mr. President, however, I would like to point out that there are provisions of this bill which I find wasteful and unnecessary and should not be included in any appropriations bill, much less one which is a defense and disaster supplemental appropriations.

This amendment that I have at the desk would eliminate $78 million for unrelated wasteful and unnecessary spending that was added in committee.

I want to clarify that the amendment would not strike the $50 million added for disaster relief for Georgia. These funds were added to the bill well before the disastrous tornadoes struck last Friday in Georgia and North Carolina and Tennessee. And I believe that in light of the clear need for relief of those hit by the devastating tornadoes last week, these funds should remain in the bill. I trust that the conferees will ensure that these added funds are shared among those who suffered losses of family, friends, and property in all three affected States.

Now, let us turn to the items that would be eliminated by this amendment:

$4.48 million in unrequested emergency funds for maple producers, to replace taps and tubing damaged by ice storms in the Northeast;

$33 million in emergency funds for unrequested levee and waterway repairs in Alabama and Mississippi;

$4 million in unrequested funds for development and demonstration of dielectric wall accelerator technology for remote explosive detonation, radiography, and fusion applications.

I want to repeat that one, Mr. President.

$4 million in unrequested funds for development and demonstration of dielectric wall accelerator technology for remote explosive detonation, radiography, and fusion applications;

Language providing a special exemption from the law to allow the Secretary of Energy to pay $80,000 in retraining costs for workers at the Pinellas Plant site;

$2 million and language that requires payments to counties to replace funds counties expected to receive from timber road construction projects which will be canceled due to the proposed moratorium on such projects;

$7.5 million as the first increment of a $26.5 million project to repair and rehabilitate the Capitol Dome, and $20 million for security upgrades around the Capitol complex;

$6.9 million for transportation planning and research and an investment analysis in the area of transit planning and research.

None of these items, Mr. President, is related to military operations in Bosnia and the Persian Gulf. None of these items were requested as emergency disaster relief requirements, and most bear no relation to disaster relief at all. The bottom line is that none of them belongs in this emergency appropriations bill.

Let me briefly just talk about a few of the add-ons in greater detail.

First, I do recognize that the ice storms in the Northeast have had a devastating effect on the maple syrup and sugar industry. But I question whether the urgency of ensuring the future of maple sugar production warrants an earmark of almost $4.5 million as an emergency expenditure. It would seem maple producers would have access to the same types of financial assistance made available to other businesses and individuals as a result of the disastrous storms in Vermont.

For example, why should workers at the Department of Energy's Pinellas Plant in Florida be retrained at the Government's expense? What about all those other Government employees who are displaced because of downsizing? And are not there already enough worker retraining programs at both the Federal and State levels that these employees could utilize?

I find it somewhat disturbing that we are providing $2 million in additional funding for the Secretary of Transportation to conduct a study of the Amtrak system. Mr. President, at the end of the last session we went through a rather long and involved debate and discussion about restructuring Amtrak. We bailed them out to the tune of over $3 billion, if I remember correctly. And we have appointed a new board to try to restructure and save Amtrak. And now, as an emergency, we are pumping in $2 million extra. I don't get it.

The Secretary of Transportation also gets $3 million to study transit system requirements in Hawaii. The Secretary of Transportation gets $3 million to study transit system requirements in Hawaii. Mr. President, I don't go to Hawaii a lot, but I have to admit, I have heard no reports here on the mainland of some emergency that requires $3 million to study the transit system. The people were getting back and forth to Waikiki easily the last time I checked.

Of course, the Olympics have to get their share of the pork. This bill contains another $1.9 million for transportation requirements for the 2002 Winter

Olympics in Utah. I have lost track of just how much money we have thrown at the Olympics over the years, and I have asked my friend, the junior Senator from Utah, to tell me just how much he thinks his State will need to host these games. I have yet to receive an answer from him.

You know, Mr. President, the latest scam that goes on in America is the following: A city wants to have the Olympics, so they get together all their civic boosters and supporters and commitments for financial support, and they go and they bid, and they receive the Olympics, and everybody is happy. And they are so proud because they did it themselves. And then, guess what. The first place they turn—and they perfected this to a fine art in Atlanta—is where? The Congress, to get tens, hundreds, of millions of dollars to take care of, guess what? Their Olympic requirements.

And, by the way, I do not blame them. I do not blame them for trying it. I blame them somewhat for getting away with it. So we have already spent numbers of millions of dollars.

Remember, this is 2002. We still have some time to go. We have already spent many millions of dollars already for the Olympics in Utah. And I can guarantee you one thing: There will be tens of millions of dollars or more before the torch is lit. I guarantee you that.

Finally, I would like to ask the managers of the bill if they could explain one of the add-ons in this bill. What is dielectric wall accelerator technology for remote explosive detonation, radiography, and fusion applications? And why is it essential that $4 million be included in this bill for this program?

Mr. President, this amendment targets only those items that will cost taxpayers dollars, but there are several other provisions that do not appear to have a direct cost to the taxpayer, at least not yet.

For example, the bill contains a section that requires the Federal Government to construct the Trappers Loop connector road in support of, guess what. The 2002 Winter Olympics. The funding has already been provided for this project, but apparently it has run into some difficulties.

The report language acknowledges the potential for cost growth in the project, an ominous sign that more taxpayer dollars will be required to complete this nondiscretionary road project. Remember this one, Mr. President: Trappers Loop connector road. You will hear again about that. And we will pay several more millions of dollars so that the Trappers Loop connector road in support of the 2002 Winter Olympics will be paid for.

The bill contains a provision that directs the Secretary of the Interior to enter into negotiations with the City of Albuquerque, NM, for storm water runoff and drainage management in the Petroglyph National Monument. What concerns me is the potential of future costs to the road project that is facilitated by the directed boundary adjustment in the bill, the usual report language exhortations to various agencies to address myriad problems, but for which the solution is not, surprisingly, spending taxpayer dollars. Like another $250,000 to complete damage repair in North Dakota, which was funded at $600,000 as an add-on in the 1997 emergency disaster supplemental appropriations bill; adequate funds to repair and restock the Beckley, WV, Military Entrance Processing Station that was damaged.

Mr. President, I hope that we can pass this amendment. And I hope we will appreciate that when it comes time to take care of emergency supplemental appropriations bills, we will take care of true emergencies.

Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. McCAIN. Mr. President, I yield the floor.

Mr. FEINGOLD. Mr. President, I am pleased to join with my friend from Arizona, Mr. McCAIN, in offering this amendment to strike a number of extraneous provisions from the emergency supplemental appropriations bill.

These provisions are only the most recent example of the abuse of our emergency appropriations process.

In general, the rules require that new spending, whether through direct spending, tax expenditures, or discretionary programs, be offset with spending cuts or revenue increases.

However, the rules provide for exceptions in the event of true emergencies.

The deliberate review through the federal budget process, weighing one priority against another, may not permit a timely response to an international crisis, a natural disaster, or some other emergency.

We do not ask that earthquake victims find a funding source before we send them aid, though that should not, even in dire circumstances, be read to imply we must not find ways to pay for emergencies, rather than simply add their costs to the deficit.

But, Mr. President, the emergency exception to our budget rules, designed to expedite a response to an urgent need, has become a loophole, abused by those trying to circumvent the scrutiny of the budget process, in particular, by adding non-emergency matters to emergency legislation that is receiving special, accelerated consideration.

One former Member of the other body, who was especially skilled at advancing spending items, was quoted as saying, "I never saw a disaster that wasn't an opportunity."

That, in a nutshell, is still the unfortunate attitude of a few.

Mr. President, there is a long history of adding non-emergency special interest items to emergency supplemental measures.

Just last year, a number of items were included in the disaster relief bill that had absolutely nothing to do with the need for emergency relief: an additional $35 million available for new grants under the Advanced Technology Program; a $5 million earmark for study of water allocation issues in Alabama, Florida, and Georgia; $15 million for research on environmental factors affecting breast cancer; $650,000 for the National Commission on the Cost of Higher Education; $16 million for continued development of Automated Targeting System for the Customs Service; a $12.3 million set-aside for construction of a parking garage at a VA medical center in Cleveland; and, a $500,000 earmark for a parking garage in Ashland, Kentucky.

Mr. President, we even used the emergency relief bill to give the Secretary of the Senate $5 million for the development of a Legislative Information System.

In the 103rd Congress, when the appropriations bill to provide relief for the Los Angeles earthquake was introduced, it initially did four things: provided $7.8 billion for the Los Angeles quake, $1.2 billion for the Department of Defense peacekeeping operations; $436 million for Midwest flood relief, and $315 million more for the 1989 California earthquake.

But, Mr. President, by the time the Los Angeles earthquake bill became law, it also provided: $1.4 million to fight potato fungus; $2.3 million for FDA pay raises; $14.4 million for the National Park Service; $12.4 million for the Bureau of Indian Affairs; $10 million for a new Amtrak station in New York; $40 million for the space shuttle; $20 million for a fingerprint lab; $500,000 for United States Trade Representative travel office; and $5.2 million for the Bureau of Public Debt.

Mr. President, we now come to this year's model, and not much has changed.

The Senator from Arizona's amendment seeks to eliminate a number of extraneous provisions in the current emergency supplemental appropriations bill, including: $7.5 million to begin repair and rehabilitation of the Capitol Dome; $4 million for development and demonstration of dielectric wall accelerator technology for remote explosive detonation, radiography, and fusion applications; and, $2 million for payments to counties to replace funds expected from timber road construction projects.

Mr. President, some of these projects may well be worthy.

In fact, the last provision I mentioned, providing $2 million in payments to counties to replace funds expected from timber road construction projects, is something I believe may have great merit.

But, Mr. President, just because a provision may be worthwhile does not justify using an emergency appropriations bill to skirt normal budget scrutiny.

Mr. President, though non-emergency matters attached to emergency bills are still subject to the spending caps established in the concurrent budget resolution, as long as total spending remains under those caps, these unrelated spending matters are not required to be offset with spending cuts.

Some might suggest that new spending is less a problem on emergency supplemental appropriations when it is offset with spending cuts.

But, Mr. President, in such instances, we miss an opportunity to use those rescissions to reduce the deficit, having instead to use them just to stay even.

Moreover, by using emergency appropriations bills as a vehicle, these extraneous proposals avoid the normal scrutiny through which legislative proposals must go to justify Federal spending.

Mr. President, those who add unrelated provisions to disaster relief measures are engaging in a game of chicken—daring the body to oppose the emergency relief that may be desperately needed.

I urge my colleagues to reject this reckless approach, and support the McCain amendment to strip out the unrequested provisions added to this emergency supplemental appropriations measure.

Mr. STEVENS. Mr. President, I am grateful to the Senator from Arizona for raising these issues, and I think it is good to have a dialog on what we are doing. I am trying to get the answer to the question the Senator asks.

On page 14 of the report, we report that we have recommended $4 million for the development of the electric wall accelerator technology, in the atomic energy division of the Department of Energy. It is fully offset by a reduction in Federal funds for defense. It is not an emergency; it is not an add-on. It really is a reprogramming through this bill. I understand it is at the request of the Department. It was presented by a Senator to the full Appropriations Committee. I might add, I am a member of the committee and I am trying to get further information about the wall accelerator technology. It is related to the smaller accelerators, I am told, not the large types. It is a $4 million item using money that has already been allocated to another form of defense activity and moved over to this, and the other account has been reduced accordingly.

I might say, this is one of my problems about the bill, Mr. President, because when we reprogram this money, it is my understanding that the Congressional Budget Office still charges us with the original $4 million and the second $4 million. This is what has led us into this great debate with the Office of Management and Budget and the CBO about the scoring for the purpose of our Budget Act of transfers, reprogrammings, and recessions. I hope to talk about that at a later time.

I note, also, the Senator has given us a list of the items. He is correct; there is no question about it that Olympics cost us money. There isn't a nation in the world that doesn't fight to have Olympics. I have just come back now from Australia where I looked at the venue for the Olympics to be held in the year 2000 by that country. I can tell the Senator that every National Government expends substantial funds. I saw the changes in the wharfs, I saw the changes in the site. As a matter of fact, they are making an addition to one of their national parks as their venue for their world Olympics. There is a considerable amount that will be spent there in the effort to assure that those games are carried on to meet their national needs. Many of these items really are moneys that are in advance of expenditures under other Federal programs.

I also went up to look at the site of the 2002 Winter Olympics. I am sure the Senator remembers, as chairman of the Commerce Committee, my interest in the Olympic movement. I can report that he is absolutely correct. This is not the last time we will hear about the Winter Olympics in Salt Lake City. It does require a substantial change in traffic patterns there, both in terms of rail and road connections, to assure that we can handle in this country the tremendous number of foreign visitors who will come to our country when we once again host the 2002 Winter Olympics.

Beyond that, Mr. President, as I said, as I look at these questions that the Senator has raised, there is no question that there are terrible ice storms in the Northeast. One of the substantial problems there is to make available funds for the damage that occurred there in the area where they produce, as one of the major economic activities, the maple syrup. That is a lot of money, but it is something that we looked at, and it is consistent with the precedence of the Senate in dealing with the disaster. We accepted the amendment in regard to that.

I personally, as I told the Senate, went to Georgia, met with the people handling the transportation activities in Georgia, and at the time met others who were involved in dealing with some of the difficulties that were encountered there in the floods. I did not make a trip to Alabama and Mississippi, but I did get a briefing on levy and waterway repairs in both of those States, and I believe that money that the Senator from Arizona has questioned is within, again, the precedence of the Senate in dealing with emergency funding.

As a matter of fact, I might say to my friend from Arizona, we expect either today or tomorrow another request from the administration for FEMA money, Federal Emergency Management money, because of the two very difficult storms that occurred the past weekend. That money must be added to this bill or wait until fall when we approve the regular bill. I do not expect we will have another supplemental between now and consideration of the regular appropriations bills for the fiscal year 1999. That could change, but I do not expect it at this time.

The road moratorium money is another item here that was questioned, section 405, that requires payments to counties to replace funds counties expected to receive from the timber road construction projects. This is another precedent established by the Congress. As a matter of fact, it was established in my State of Alaska when, by action of the Forest Service and the Department of Agriculture, existing programs for road construction and for timber utilization were canceled and there was, in fact, passed by the Congress a substantial bill to replace those funds for a period of time because the schools in these counties where the timber activity takes place relied to a great extent on the revenue-sharing provisions of Federal law to maintain the schools. We have taken action in the past to replace funds under similar circumstances, and this section of this bill is to continue that precedent, also.

I am pleased to try and answer any other question the Senator has. To deal with a bill of this type, you have to come back to the concept of the eye of the beholder. I honor and respect the Senator from Arizona as chairman of the authorizing committee that looks very carefully at all of the funds that are authorized in the normal process. This type of bill—a supplemental appropriations bill, disaster appropriations bill, and a defense emergency appropriations bill—relies to a great extent on items that have not been authorized. They are authorized by virtue of the very nature of the occurrence as disaster or emergency or defense matters, and, as such, these matters that the Senator from Arizona has raised have not been reviewed by the legislative committees and they should be fully examined by all Members of the Senate. I invite all Members of the Senate to examine these matters. We tried to go into these in depth in the Appropriations Committee and, because of the time circumstance, we may not have gone into each one to the extent we should, but I was convinced as chairman, and I know that other members of the committee were convinced through their own listening of the presentations, that these items do merit the approval of the Senate as legitimate disaster expenses or as legitimate funds to replace funds already spent by the Department of Defense.

This defense money is to replace the money that has been spent and is necessary to be spent in terms of the deployment to Southwest Asia and in Bosnia, and they are declared emergencies. I believe they should be so classified.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. If the Senator would yield, I will speak in opposition to the amendment.

Mr. STEVENS. I am pleased to yield briefly. May I inquire how much time the Senator desires?

Ms. COLLINS. If I could have 3 minutes.

Mr. STEVENS. I yield 3 minutes. I do not wish to look constrained, but we tried and notified Members we will vote at 5:30.

Mr. GRAMS. If I could speak for 5 minutes in support of the amendment following the Senator from Maine.

Mr. STEVENS. I will yield each Senator 5 minutes.

I ask unanimous consent the vote on this measure take place at 5:35. That is a vote on or in relation to this. I shall make a motion to table this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine.

Ms. COLLINS. I thank the distinguished chairman of the Appropriations Committee for his courtesy.

Mr. President, I rise in opposition to the amendment offered by the Senator from Arizona, Senator McCain. I cannot speak to the value of some of the projects which he has singled out in this amendment, but I can speak to the necessity of providing assistance to the maple sugar producers in northern New England.

Maine and other northern New England States recently endured the ice storm of the century. Part of the result of that ice storm was extensive damage to the forests in Maine. Our maple sugar producers have been severely hurt by the ice storm. Their trees may well take a very long time to recover. These maple sugar producers in northern New England have fallen through the cracks of our traditional disaster assistance programs. They need our assistance. This bill would provide a modest amount of money, $4.48 million in funds, that are desperately needed for these small maple sugar producers to recover from the impact of this devastating storm.

The amendment of the Senator from Arizona also raises important public policy issues. We have more than one branch of government in this country. The idea that the President and the President alone should solely dictate what is in an urgent supplemental bill should give us all cause for alarm. It is inconsistent with the traditions of this noble body and it is contrary to the public interests.

I urge my colleagues in the Senate to vote to table the amendment offered by the Senator from Arizona.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. GRAMS. Mr. President, I am pleased to join the distinguished Senator from Arizona today to offer this amendment striking some add-on, non-emergency items from the supplemental appropriations.

This amendment represents sound and responsible fiscal policy.

I want to take this opportunity to commend Senator McCain for his consistent leadership and persistent efforts to ensure Congress exercises fiscal responsibility.

Supplemental appropriations legislation has routinely become a Christmas tree. Every year it is loaded with all kinds of unauthorized, non-emergency projects, stuck here and there, until it reaches the point where it has grown out of control.

Supplemental appropriations, by definition, are supposed to be enacted when the need for additional funds is too urgent to be postponed until the next regular appropriation is considered.

Today, this legislation has become a major vehicle for lawmakers to bring home the bacon. In fact, not one of the items listed in this amendment is too urgent to wait for consideration under the proper procedures.

Many of us come down to the floor each year demanding this irresponsible practice come to an end. Unfortunately, it has been a fight to persuade Congress that this is the only sensible course lately.

Taxpayer dollars are too often considered "free money" here in Washington, and the thought of more "free money" is creating a feeding frenzy on Capitol Hill, particularly when there might be "budget surplus" in sight.

As I've said before in this Chamber, the rush to spend reminds me of the free-for-all that results when you toss a piece of raw meat to a pack of hungry dogs.

Washington will pounce on a stack of tax dollars and spend, spend, spend until it's all gone—until the bones have been stripped of every last morsel of meat.

This is nothing new, of course. But just because it has become habit on Capitol Hill doesn't mean it's right.

The greatest concern I have about these add-on, non-emergency items and the supplemental appropriations bill is that this spending will consume a possible budget surplus that should rightfully be returned to the taxpayers in the form of tax relief, national debt reduction, or Social Security reform.

The President is maintaining that not one penny of a potential surplus would be used for spending increases or tax cuts, and every penny should go to save Social Security. But in his fiscal year 1999 budget, he has already proposed to spend some $43 billion of the surplus.

Now the President has proposed a supplemental appropriation that will spend another $2.5 billion of this surplus.

I believe strongly that Congress owes it to the taxpayers not to spend any surplus for government programs.

After all, the Government has no claim on any surplus, because the Government didn't generate it—the sweat and hard work of the American people created it, and it therefore should be returned to the people first.

Washington should not be first in line for this surplus. If we are serious about saving Social Security, we should first stop looting the Social Security surplus by cutting government spending, returning the borrowed surplus to the trust funds, and beginning real reform now.

Congress has done very little to shrink the size of the Government by eliminating wasteful and unnecessary Federal programs. It instead continues to increase the size of the Government.

As I've said before, it this is a race to prove who can be the most "compassionate" with taxpayers' dollars, it's a race nobody will win, and one the taxpayers most certainly will lose. The truth is simple: You can't buy compassion.

A big, expensive Federal Government is a bad deal for Americans. If Congress could roll back government domestic spending back to 1969 levels, a family of four would keep $9,000 a year more of its earnings than it does today. Millions of families would pay no income tax at all.

Unfortunately, tax-and-spend—not tax relief and streamlining—is the policy Washington is now pursuing.

Since the 1970's, Congress has passed a number of bills to make it difficult to use supplementals to bypass spending controls. But they don't appear to be working. In fact, Congress has provided $5 billion each year in emergency spending since the establishment of spending caps. All of the supplementals are offset.

Breaching the spending caps would be fiscally irresponsible at a time in which domestic discretionary spending continues to grow and large numbers of wasteful programs are allowed to continue.

Although our short-term fiscal condition has improved in recent years, we still have a long way to go to address our long-term fiscal imbalances which pose a serious threat to our future.

We must exercise fiscal discipline to ensure the Federal budget will be balanced—and stay balanced—without new taxes and without new spending.

In conclusion, there might be merits for some of these add-on, non-emergency programs. But they should undergo the normal authorizing process. Non-emergency add-ons destroy the purpose of supplemental appropriations and weaken our fiscal discipline.

Again, supplemental appropriations, by definition, are supposed to be enacted when the need for additional funds is too urgent to be postponed until the next regular appropriation is considered. Again, today, this legislation has become a major vehicle for lawmakers to bring home the bacon, and, in fact, not one of the items listed in this amendment is too urgent to wait for consideration under proper procedures. So they should be stricken out of this legislation.

I urge my colleagues to support the amendment.

I yield the floor.

Mr. STEVENS. Mr. President, all time is expired now, is that correct?

The PRESIDING OFFICER. Yes.

Mr. STEVENS. I move to table the amendment of the Senator from Arizona, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 2063. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New York (Mr. D'AMATO), the Senator from Oklahoma, (Mr. INHOFE), and the Senator from Missouri (Mr. BOND), are necessarily absent.

Mr. FORD. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Nebraska (Mr. KERREY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

The result was announced—yeas 61, nays 31, as follows:

[Rollcall Vote No. 39 Leg.]

YEAS—61

Akaka
Baucus
Bennett
Bingaman
Boxer
Breaux
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Ford
Frist
Gorton
Grassley
Hagel
Harkin
Hatch
Helms
Hollings
Hutchison
Inouye
Jeffords
Kennedy
Lautenberg
Leahy
Lieberman
Lott
Mack
McConnell
Moynihan
Murkowski
Murray
Reed
Reid
Roberts
Rockefeller
Sarbanes
Sessions
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thurmond
Torricelli
Warner
Wellstone

NAYS—31

Abraham
Allard
Ashcroft
Brownback
Bryan
Coats
Faircloth
Feingold
Feinstein
Glenn
Graham
Gramm
Grams
Gregg
Hutchinson
Johnson
Kempthorne
Kerry
Kohl
Kyl
Levin
Lugar
McCain
Moseley-Braun
Nickles
Robb
Roth
Santorum
Smith (NH)
Thomas
Thompson

NOT VOTING—8

Biden
Bond
D'Amato
Inhofe
Kerrey
Landrieu
Mikulski
Wyden

The motion to lay on the table the amendment (No. 2063) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, if the Senate can be in order, the distinguished President pro tempore wishes to make remarks about this bill at this time.

The PRESIDING OFFICER. The Senate will please be in order.

Mr. STEVENS. I yield to the Senator from South Carolina and ask unanimous consent I reclaim the floor when he is finished with his statement so I may deal with some amendments that we have agreed to on both sides. As has been noted, there will be no more votes tonight, but we will try our best to have a vote early in the morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise today to support this supplemental request, and urge my colleagues to speed its passage. I want to commend Senator STEVENS, the chairman of the Appropriations Committee, and Senator INOUYE, the ranking member, on this supplemental. It is needed, and the Senate should act on it quickly.

The Chiefs of our Military Services have testified that without swift approval of this defense supplemental request, they are concerned there will be significant impacts to the readiness and quality of life of our armed forces. The Defense Department has already paid $9 billion for operations in Bosnia and the Persian Gulf over the past three years and is currently paying the bills for these unbudgeted operations this year, while attempting to maintain already constrained programs for readiness, modernization, and quality of life programs in this year's defense budget.

I agree with Senator STEVENS, chairman of the Appropriations Committee that the defense budget should not be offset to pay for these operations. I understand that the chairman of the Budget Committee, Senator DOMENICI also agrees that the defense budget should not be offset to pay for these unbudgeted operations. The defense budget has been steadily reduced over the last fifteen years and is at its lowest point since 1956, while at the same time our military forces are being called on to respond to an unprecedented number of deployments. Contingency and ongoing operations are draining needed resources for current readiness and the future modernization of our military forces. The cost of these operations in fiscal year 1998 alone is expected to reach more than $4.3 billion. We must not allow the costs of these unbudgeted operations to adversely affect the future modernization, current readiness, or quality of life of our military forces.

Mr. President, I know that there are Senators who do not support the open-end commitment of our troops in Bosnia, which the President has requested. I have some concerns about that commitment myself. However, I suggest to those Senators who are absolutely opposed to our continuing commitment in Bosnia to consider legislation limiting or terminating our role there—and insist on a vote on such legislation. This approach, it seems to me is far more appropriate than proposing that we continue to pay for Bosnia—and the Persian Gulf operations as well—from already scarce resources in the defense budget—which further weakens the readiness of our forces and delays or terminates critically needed modernization and quality of life programs.

I urge my colleagues to support the quick passage of this much needed defense supplemental request and not require offsets from the defense budget. Continuing the practice of requiring offsets will undermine the capability of our armed forces, many of whom are forward deployed now protecting our national security interests.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I thank the Senator for those remarks. He is absolutely correct. We do need this bill. We need it for the men and women in the armed services who have already been deployed. I, too, have trouble with some of these deployments, but I never have any trouble voting and asking people to vote for money to keep and support our men and women who have been sent in harm's way because of command decisions.

AMENDMENTS NOS. 2069 THROUGH 2076, EN BLOC

Mr. STEVENS. Mr. President, we have a series of amendments that have been agreed to on both sides. I would like to just review them and make sure the Democratic members of the committee and their staffs concur that these are the ones that have been cleared.

Let me read them. Then I will send them all to the desk at one time.

First, I propose an amendment to make technical corrections to section 405 to the bill that pertains to the Forest Service transportation system moratorium. That has been cleared on both sides. I offer it on behalf of Senator CRAIG. It has been also cleared by the chairman of the subcommittee involved.

I have a second amendment. This is offered on behalf of the distinguished minority leader, Senator DASCHLE. It deals with emergency river and shoreline repairs along the Missouri River. That has been cleared on both sides.

I have another amendment on behalf of Senator COCHRAN, Senator BUMPERS, Senator D'AMATO and Senator BOXER. It deals with assistance to replace and rehabilitate trees and vineyards damaged by natural disasters.

I have an amendment on behalf of Senator BOXER that deals with emergency levee repairs at Suisun Marsh in California. That has been cleared on both sides.

Mr. President, I have another amendment on behalf of the Senator from Hawaii, Mr. INOUYE. It deals with Apra Harbor in Guam. That is another emergency amendment and has been cleared.

Another amendment on behalf of Senator COCHRAN and Senator BUMPERS, that deals with additional boll weevil eradication loans. It is for the amount of $222,000. This is to the natural disaster bill and emergency defense bill, but it is to correct a shortfall in the fiscal year 1998 appropriation due to an interest rate subsidy miscalculation. So it is to correct an error in the previous law.

I have another amendment that has been cleared on both sides. It is on behalf of Senator BOXER. It deals with not applying changes in a prior act of Congress to the projects that are resulting from fall and winter flooding.

Mr. President, there is another amendment here that I offer on behalf of the majority leader and Senators LIEBERMAN, GREGG, HOLLINGS, KYL, myself, MCCONNELL, HELMS, SHELBY, BROWNBACK and KERREY. It deals with the availability of funds for the activities in connection with the Iraqi Democratic opposition; the second portion of this deals with the establishment of Radio Free Iraq. That has been cleared on both sides.

To my knowledge, those are all the amendments that we have cleared. I now send these to the desk. I ask unanimous consent they be reported and the amendments be considered en bloc.

The PRESIDING OFFICER. The clerk will report the amendments en bloc.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes amendments numbered 2069 through 2076 en bloc.

Mr. STEVENS. Due to the fact that I read the intent and purposes, I ask the amendments not be read any further and they be considered en bloc at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 2069

(Purpose: To make technical corrections to Sec. 405 of the bill regarding a Forest Service transportation system moratorium)

On page 36, strike lines 6 through 10 and insert in lieu thereof the following:

(b)(1) For any previously scheduled projects that are referred to in, but not authorized pursuant to, subsection (a)(1), the Chief may, to the maximum extent practicable, prepare and authorize substitute projects within the same state to be offered or initiated in fiscal year 1998 or fiscal year 1999. Such projects shall be subject to the requirements of subsection (a)(2).

AMENDMENT NO. 2070

On page 18, following line 5, insert the following:

An additional amount for emergency river and shoreline repairs along the Missouri River in South Dakota to be conducted at full Federal expenses, $2,500,000, to remain available until expended: Provided, That the Secretary of the Army is authorized and directed to obligate and expend the funds appropriated for South Dakota emergency river and shoreline repair if the Secretary of the Army certifies that such work is necessary to provide flood related benefits: Provided further, That the Corps of Engineers shall not be responsible for the future costs of operation, repair, replacement or rehabilitation of the project: Provided further, That the entire amount shall be available only to the extent an official budget request of $2,500,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

AMENDMENT NO. 2071

(Purpose: To provide funds for assistance to replace or rehabilitate trees and vineyards damaged by natural disasters)

On page 5, after line 3, insert the following:

"TREE ASSISTANCE PROGRAM

"An amount of $8,700,000 is provided for assistance to replace or rehabilitate trees and vineyards damaged by natural disasters: *Provided*, That the entire amount is available only to the extent that an official budget request for $8,700,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act."

Mr. COCHRAN. Mr. President, this amendment provides $8.7 million in assistance to farmers whose trees and vineyards were lost or damaged as a result of natural disasters. The Tree Assistance Program (TAP) provides assistance for the cost of replanting, reseeding, or repairing damage to trees, including commercial trees, orchards, and vineyards.

This assistance has been extended to producers in past years. Funding for this program was not included in the Administration's disaster funding request. However, based on discussions with Members from the affected States and the Department, there is an apparent need for this program. This program is not intended to duplicate assistance for tree losses covered by programs of the United States Forest Service.

AMENDMENT NO. 2072

On page 18, following line 5, insert the following:

An additional amount for emergency levee repairs at Suisun Marsh, California to be conducted at full Federal expense, $1,100,000, to remain available until expended: *Provided*, That the Secretary of the Army is authorized and directed to obligate and expend the funds appropriated for the Suisun Marsh, California levee repair to proceed with engineering and design and reconstruction if the Secretary of the Army certifies that such work is necessary to provide flood control benefits in the vicinity of Suisun Marsh, California: *Provided further*, That the Corps of Engineers shall not be responsible for the future costs of operation, repair, replacement or rehabilitation of the project: *Provided further*, That the entire amount shall be available only to the extent an official budget request of $1,100,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

AMENDMENT NO. 2073

On page 18, following line 5, insert the following:

An additional amount for emergency maintenance dredging at Apra Harbor, Guam to be conducted at full Federal expense, $1,400,000, to remain available until expended: *Provided*, That the Secretary of the Army is authorized and directed to obligate and expend the funds appropriated for the Apra Harbor, Guam emergency maintenance dredging if the Secretary of the Army certifies that such work is in the national interest: *Provided further*, That the Corps of Engineers shall not be responsible for the future costs of operation, repair, replacement or rehabilitation of the project: *Provided further*, That the entire amount shall be available only to the extent an official budget request of $1,400,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

AMENDMENT NO. 2074

(Purpose: To subsidize the cost of additional boll weevil eradication loans)

On page 3, line 3, strike "and".

On page 3, line 4, before the period, add "; and for boll weevil eradication program loans as authorized by 7 U.S.C. 1989, $222,000".

Mr. COCHRAN. Mr. President, this amendment provides $222,000 to cover the cost of additional boll weevil eradication loans. This will correct a shortfall in the fiscal year 1998 appropriation due to an interest rate subsidy miscalculation. The additional amount provided by this amendment will maintain the fiscal year 1997 $40 million loan level in fiscal year 1998.

These loans are used to enhance the funding of the Boll Weevil Eradication Program and are made to the participating States' individual Boll Weevil Eradication Foundations. The applications for the loans are not made until April when the need for the actual money during the planting season can be determined by farmers. This procedure is in response to the Farm Services Agency's concerns that the funds be utilized when received rather than deposited for future use. At a recent Mid-South Boll Weevil Action Committee meeting, the committee agreed that applications will be made for the use of approximately $40 million and this money will be needed in fiscal year 1998.

Again, I wish to reiterate that this amendment is only for a small amount and is necessary to maintain this program at its current level.

Mr. BUMPERS. Mr. President, I am pleased to join my colleague Senator COCHRAN, Chairman of the Agriculture, Rural Development, and Related Agencies Subcommittee, in offering an amendment to S. 1768 relating to the boll weevil eradication loan program. Our amendment will provide an additional $222,000 in budget authority to support an increased program level of nearly $19,000,000. This amendment will return the program to the fiscal year 1997 level of approximately $40,000,000 which is consistent with the program's identified need.

This loan program is an important component of USDA's overall boll weevil eradication strategy. Already, regions of this country are benefitting from complete boll weevil eradication. The benefits of this program include reduced chemical applications, higher net farm income, increased land values, and other attributes important to the vitality of rural America. This program benefits not only farmers, but everyone interested in a clean environment and economic prosperity.

There are still large regions of the country where the boll weevil eradication program is either in the very early stages or has not yet begun. In my state of Arkansas, referendums have been recently concluded in which farmers are agreeing to assessments to pay their share of the boll weevil grant program that is administered through the Animal and Plant Health Inspection Service. The loan program that we seek to increase, administered by the Farm Service Agency, helps farmers accelerate the timetable for complete eradication of this pest.

It is very important that we move these areas forward as quickly as possible to help protect the environment and to help sustain rural economies. The program level made possible by this amendment will return the program to last year's level which is the very least we should do at this time.

Again, I want to thank Senator COCHRAN for his leadership on this issue and to Senators STEVENS and BYRD for seeing it included in the text of S. 1768.

AMENDMENT NO. 2075

(Purpose: Waive the requirements of 23 U.S.C. 125(b)(1) with respect to emergency disaster highway assistance necessitated by the 1997/1998 storms from El Nino)

On page 45, line 13, after the words, "highway program made available by this Act", insert the following: ": *Provided further*, That 23 U.S.C. 125(b)(1) shall not apply to projects resulting from the Fall 1997 and Winter 1998 flooding in the western States".

AMENDMENT NO. 2076

At the appropriate place in title II of the bill insert the following new general provisions:

SEC. . SUPPORT FOR DEMOCRATIC OPPOSITION IN IRAQ.

In addition to the amounts appropriated to the President under Public Law 105-118, there is hereby appropriated $5,000,000 for the "Economic Support Fund," to remain available until September 30, 1999, for assistance to the Iraqi democratic opposition for such activities as organization, training, disseminating information, developing and implementing agreements among opposition groups, and for related purposes: *Provided further*, That within 30 days of enactment into law of this Act the Secretary of State shall submit a detailed report to the appropriate committees of Congress on plans to establish a program to support the democratic opposition in Iraq: *Provided further*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress.

SEC. . ESTABLISHMENT OF RADIO FREE IRAQ.

In addition to the amounts appropriated to the United States Information Agency under Public Law 105–119, there is hereby appropriated $5,000,000 for "International Broadcasting Operations," to remain available until September 30, 1999, for a grant to Radio Free Europe/Radio Liberty for surrogate radio broadcasting to the Iraqi people: *Provided*, That such broadcasting shall be designated "Radio Free Iraq": *Provided further*, That within 30 days of enactment into law of this Act the Broadcasting Board of Governors shall submit a detailed report to the appropriate committees of Congress on plans to establish a surrogate broadcasting service to Iraq: *Provided further*, That such amount is designated by Congress as an emergency requirement pursuant to section 251 (b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress.

Mr. LOTT. Mr. President, I am pleased to offer this amendment providing $5 million for overt political support and $5 million for the establishment of "Radio Free Iraq."

This is a bipartisan amendment. I am joined by Senators LIEBERMAN, GREGG, HOLLINGS, KYL, STEVENS, HELMS, and BROWNBACK in support for this start to a political approach to changing the regime in Iraq.

This emergency appropriations bill contains over $1.3 billion for U.S. military operations in Southwest Asia. Our military deployments to the Persian Gulf are very expensive. They are necessary to keep pressure on Iraq.

But I believe that a new policy goal is necessary as well. I have publicly advocated an approach that has an explicit goal for the removal of Saddam Hussein from power. I expect to continue to examine how such a policy can be developed and implemented. I will continue to work with the Administration to explore ways we can develop a Iraq policy that is more effective and more sustainable.

The amendment today is intended to be a first step in a policy reappraisal. It is drawn from a provision in the State Department Authorization Conference Report. Section 1814 authorizes $38 million for a number of purposes, including political support and creating "Radio Free Iraq."

The amendment today would appropriate the money. It would be non-offset—designated as an emergency. It seems reasonable to me to put a modest $10 million for political efforts when the underlying bill has more than $1.3 billion for military efforts.

I would also like to note what the statement of managers on the State Department Authorization Conference Report says about the Iraqi opposition: "The Committee further notes that disparate Kurdish, Shiite and Sunni groups have in the past been willing to set aside their differences and unite under the umbrella of the Iraqi National Congress (INC) to challenge Saddam Hussein."

This amendment requires the Administration to submit their proposal to spend these funds within 30 days. Congress will review their proposal very carefully—especially what groups the Administration plans to work with.

I understand there is some division within the Administration about the INC. I know you can always find reasons for not undertaking a difficult policy. In my view, the Iraqi National Congress should be front and center in any efforts to develop a strategy for a democratic Iraq. There may be other opposition groups deserving of support but I do not know of any that have been as effective as the INC was until the fall of 1996.

Along with the other sponsors, I intend to keep pressing on various elements of this strategy during legislative action on fiscal year 1999 bills.

I thank the co-sponsors for their support and look forward to the unanimous adoption of this amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendments.

The amendments (Nos. 2069 through 2076) were agreed to.

Mr. STEVENS. Mr. President, I move to reconsider that action and I move to lay my motion on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The motion to lay on this table was agreed to.

Mr. STEVENS. Mr. President, the Senator from Michigan has an amendment that we have previously discussed. I encourage him to raise it at this time.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 2077

(Purpose: To urge the President to formalize certain benchmarks by agreement with NATO and to provide for NATO review of any failures timely to achieve such benchmarks, and to impose related reporting requirements)

Mr. LEVIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 2077.

Mr. LEVIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 15, after line 21, insert the following:

SEC. 205. (a) Congress urges the President to enter into an agreement with the North Atlantic Treaty Organization (NATO) that sets forth—

(1) the benchmarks that are detailed in the report accompanying the certification that was made by the President to Congress on March 3, 1998;

(2) a schedule for achieving the benchmarks; and

(3) a process for NATO to carry out a formal review of each failure, if any, to achieve any such benchmark on schedule.

(b) The President shall submit to Congress—

(1) not later than June 30, 1998, a report on the results of the efforts to obtain an agreement described in subsection (a); and

(2) semiannually after that report, a report on the progress made toward achieving the benchmarks referred to in subsection (a)(1), including a discussion of each achievement of a benchmark referred to in that subsection, each failure to achieve a benchmark on schedule, and the results of NATO's formal review of each such failure.

Mr. LEVIN. Mr. President, this amendment seeks to build on the President's March 3, 1998, report to Congress that sets forth a series of benchmarks for the implementation of the Dayton accords in Bosnia. That report was submitted by the President pursuant to identical provisions contained in the National Defense Authorization Act for fiscal year 1998 and the National Defense Appropriations Act for fiscal year 1998.

The benchmarks, which are described in the report as "concrete and achievable," however, were established unilaterally by the administration and were not shared with or agreed upon by our NATO allies.

My amendment would call for the President to seek agreement by NATO to those benchmarks to an estimated timetable for their accomplishment and to a process to review the accomplishment of those benchmarks.

The amendment would thus attempt to ensure that all NATO members are using the same objectives and estimated time lines for their achievement and are committed to reviewing the situation if those time lines are not met.

I want to stress, Mr. President, that the time lines are not deadlines, they are not rigid or inflexible; they are estimates. But I do believe that establishing benchmarks without an estimated timeframe within which you hope to accomplish those benchmarks is only doing half the job. This is particularly true when, as here, the benchmarks, with one exception, are largely beyond the control of the NATO-led stabilization force.

That force, SFOR, can create the secure environment within which the civil implementation of the Dayton accords can take place and SFOR can provide support to the Office of the High Representative, the International Police Task Force, the Organization for Security and Cooperation in Europe and the International Criminal Tribunal for Yugoslavia, but SFOR cannot and should not seek to directly carry out those civil implementation functions.

Thus, since the accomplishments of these benchmarks are generally beyond SFOR's control, it is important for NATO to agree on the benchmarks and the estimated time lines for their accomplishment so the Bosnian entities and the several international organizations are aware of what is expected of them.

The amendment also calls for NATO to periodically review the accomplishments of the benchmarks within the estimated time lines that they establish and calls on the President to submit semiannual reports to Congress on the results of NATO's review.

I am not here, Mr. President, criticizing the Bosnian entities or the international organizations involved in the implementation of the civil aspects of the Dayton accords. As a matter of fact, I am pleased with the progress that has been made over the last 6 months, particularly with the installation of a new government in the Republika Srpska.

Finally, Mr. President, I believe, as I have expressed many times on this floor, that U.S. ground combat forces should remain in Bosnia only for a reasonable period of time beyond June of this year. I do not believe our commitment should be open-ended. This amendment, by seeking to ensure that everybody agrees on the same benchmarks and the same estimated time lines for their achievement, will, I believe, provide a framework by which to judge the movement forward to the time that U.S. ground combat forces can be withdrawn from Bosnia.

Mr. President, I understand that the Senator from Alaska has a second-degree amendment that he wishes to offer which is acceptable to me. I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I offer my apologies to the Senator from Michigan. I have discussed this matter, Mr. President, and I would like to make certain that the amendment of the Senator from Michigan does not reflect approval or disapproval of the benchmarks concept in the President's certification transmitted to Congress.

AMENDMENT NO. 2078 TO AMENDMENT NO. 2077

Mr. STEVENS. Mr. President, I have an amendment in the second degree which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 2078 to amendment No. 2077.

At the end of the amendment, add the following: (c) The enactment of this section does not reflect approval or disapproval of the benchmarks submitted by the President in the certification to Congress transmitted on March 3, 1998.

Mr. STEVENS. Mr. President, this amendment is necessary because of the problems we had with the Bosnian money in this bill already. Many people oppose Bosnian deployment, as the Senator from South Carolina has just stated. I want to make certain we are not going to get into a debate over the benchmarks when we get to conference, and I am grateful to the Senator from Michigan. I believe he will agree to this amendment.

Mr. LEVIN. Mr. President, I do welcome the amendment. I think it is a clarification that is important, and I support it.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 2078.

The amendment (No. 2078) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Is there further debate on the underlying amendment No. 2077, as amended?

Mr. STEVENS. We are prepared to accept the amendment as amended.

Mr. LEVIN. I thank my friend from Alaska.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 2077, as amended.

The amendment (No. 2077), as amended, was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2079

(Purpose: To provide contingent emergency funds for the enhancement of a number of theater missile defense programs)

Mr. STEVENS. Mr. President, I send to the desk an amendment on behalf of the Senator from Arizona, Mr. KYL.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. KYL, proposes an amendment numbered 2079.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 15, after line 21, add the following:

SEC. 205. In addition to the amounts provided in Public Law 105-56, $151,000,000 is appropriated under the heading "Research Development, Test and Evaluation, Defense-Wide": *Provided*, That the additional amount shall be made available for enhancements to selected theater missile defense programs to counter enhanced ballistic missile threats: *Provided further*, That of the additional amount appropriated, $45,000,000 shall be made available only for the procurement of items and equipment required for a third Arrow missile defense battery: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for $151,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

Mr. STEVENS. Mr. President, I have asked this be presented at this time so that other Members may see it and have a chance to discuss it with me or with Senator KYL before the time tomorrow when we will seek to have it either adopted or voted on.

I ask now that that amendment be set aside in order that Senator ASHCROFT may offer his amendment at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 2080

(Purpose: To amend the Fair Labor Standards Act of 1938 to provide to private sector employees the same opportunities for time-and-a-half compensatory time off and biweekly work programs as Federal employees currently enjoy to help balance the demands and needs of work and family, to clarify the provisions relating to exemptions of certain professionals from the minimum wage and overtime requirements of the Fair Labor Standards Act of 1938)

Mr. ASHCROFT. Mr. President, thank you very much. I am pleased to have this opportunity today. We are speaking about a supplemental appropriations measure that relates to emergencies, about the needs that individuals in Government have. I would like to talk about emergencies that relate to the needs of America's families. Frankly, I want to talk about how we value women in our culture.

Over the last 2 months, our sensibilities have been assaulted with the national debate on the President's behavior toward women in the workplace. I am worried that this preoccupation with the President's alleged sexual advances in the workplace is taking the focus off the real concerns of working women everywhere.

Working men and women face a unique challenge in the workplace. Not only must they navigate the choppy waters of sexual politics in their own jobs, but at the end of the work day, they head home to their second full-time jobs as moms and dads.

Working moms wake up each morning, hustle to ensure that the toddler is bathed, changed, fed and dressed, all the while keeping track of the 7-year-old or 4-year-old or a 3-year-old, doublechecking homework, packing lunch. With all these balls in the air, working moms must then get dressed and head off to the workplace, stopping to drop off the youngest at grandma's or at preschool. Then it begins again after 8 hours on the job.

These are monumental challenges that America's supermoms meet and beat every day. Yet, we in Congress have been unable to extend to working moms and dads an invaluable option for the workplace. For 2 years, the Senate has debated and declined to pass flexible work arrangements that would grant these working moms and dads and all workers the freedom to adjust their work schedules to meet the needs of their families. Flexible working arrangements could allow a mom to leave work early on a Friday when the nurse at the first grader's school calls to ask that the child be taken home. That mom could take that afternoon off and make up the missed hours the following Monday, or any day that next week, without suffering a loss of pay.

This is currently illegal under today's outdated labor laws, and we find that America's families are in a state of real need. And while we are looking to meet the needs of Government, I think it is appropriate that we work as well to meet the needs of America's families. I think it is time that we fix this absurd result in the law.

I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Missouri [Mr. ASHCROFT] proposes an amendment numbered 2080.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. ASHCROFT. Mr. President, in today's fast-paced, information-based society, the rigid and inflexible provisions of the Fair Labor Standards Act have paralyzed those whom it was meant to help. It is interesting to note what Franklin Delano Roosevelt's words were: "Those who toil in factory and on farm to obtain a fair day's work" were to be the focal point of the Fair Labor Standards Act.

That Fair Labor Standards Act now deprives employees of the right to structure their daily lives on and off the job to meet the responsibilities they have both at work and at home. It is not the employer who holds the employee in this Catch-22. It is, however, the Government. Inside-the-beltway elitists who think they know best continue to deprive America's working families of the right to make decisions which employees think meet their circumstances best.

The charge to America's lawmakers now and into the next century is to restructure the rules regulating the workplace to help increase long-term productivity. How do we build a workplace for the next century rather than try to recreate the workplace of the last century? How do we reflect the needs of the American family as it currently exists, rather than try to impose upon the American family, as it currently exists, the laws which were shaped 70 years ago to deal with families as they then existed?

The days are past when the Federal Government can treat employment policy and employee productivity as if they were wholly unrelated. Our ability to compete in an international marketplace of intense competition is going to be largely dependent on our ability to provide for workers an accommodating, comfortable work environment where they can both meet the demands of the workplace and the marketplace and also meet the very compelling demands of their families.

I just might add that not only is this an issue of economic productivity, in terms of this ability to sort of boost production and boost moral and boost the sense in which individuals are able to work effectively; this is a matter that relates to whether or not the most fundamental unit of American culture, the family, can be successful, or whether we are going to make it impossible, whether our Government will be at war with the values of American families.

I don't think there are very many people anyplace in this culture who wouldn't underscore the fact that when moms and dads can spend time with their kids that those kids do better, that we build a strong future. And yet we have to make sure that our culture does not have rules and regulations which make it impossible for moms and dads to accommodate the needs of the youngsters.

As Washington's establishment clings to the workplace policies of the 1930s, which assume employer-employee relationships that are always adversarial, we have to make sure that Government itself does not become adversarial to the fundamental values of American culture and American life. Prime among those values is the value we place on families. And essential to that value on families is the ability of moms and dads to find time to spend with their children.

The law has assumed for too long that if something is good for the employer, it is bad for the employee. And if it is good for the employee, it must be bad for the employer. That cannot be so. We will not succeed in the marketplace of the next century assuming that we must always fight, that we must always be antagonistic or we cannot be successful. As a matter of fact, we know that the real key to success is teamwork, employers and employees working together, accommodating each other's needs, making sure that what is good for one is good for the other. We have a great opportunity to do that by giving employers and employees the opportunity to have adjustable work schedules and to allow for moms and dads not only to meet the demands of the workplace, but allow them to accommodate the needs of their families.

America's employers have found that this adversarial basis for writing the employment law, which happened to have characterized the way it was written in the 1930s, is counterproductive and it hurts our competitiveness. However, our companies are managing within the narrow constraints of the Federal law to establish progressive employment practices in cooperation with their employees.

Employees are becoming owners of their companies through employee stock option plans, and profit-sharing incentives are on the rise. The benefit of giving employees greater input in their decisionmaking processes is making command and control style situations far less acceptable. So what we have to do really is to find a way to accommodate these competing demands of the home place and the workplace if we are going to be successful.

Let me just stop for a moment to give some data about the difference between the family as it was and family as it is.

First of all, back in the 1930s, when we originally crafted our Fair Labor Standards Act, about one out of every six or seven—about 16 percent—of the moms of school-aged children were in the work force. That means that five out of six—or six out of seven—were in the home place. And so the need for flexible working arrangements was not the same as it is now.

There has been a virtual sea change in the work dynamic in America in the way in which the work force is configured. Very frankly, now, instead of one out of six or one out of seven being moms of school-aged children who are in the workplace, now four out of five moms of school-aged children are in the workplace. So that the vast majority of moms of school-aged children are working as opposed to the vast majority in the 1930s not working. And this means that our needs are different. It means that it is impossible for us to get the same kind of return on a legal system which no longer provides a basis for meeting the needs of the culture since the culture's needs are vastly different.

There are some companies that are going to very significant ends to try to help their employees, companies like TRW, Eastman Kodak, Computer Sciences Corporation, the insurance company Mass Mutual. They are finding ways to make their employees' lives better by offering what they can in terms of flexible working arrangements.

However, the Federal law limits the extent to which they can offer these benefits. I might just add that these companies are trying—they are trying—to match what is available in the Federal system for Federal employees. They are trying in many ways to match what is available at the State system for State employees. But they cannot because they are prevented by the law.

They have sought to provide flexible working arrangements, but if you are trying to have flexible working hours, it has to be within a week. There can be no change that goes over from one week to another in the employment week. That means generally that if you need to make up an hour that you want to miss on Friday afternoon, you cannot make it up on the next Monday unless you are a Federal Government employee.

Oddly enough, the Federal workers have had that privilege since 1978. And what is interesting about it is that Federal workers have had it not only since 1978, but it has been vastly successful. When the General Accounting Office, for example, decided to inventory the extent to which individuals in the Federal system respond constructively to flexible working times, they found that 9 out of 10 Federal workers who had an opinion on flextime said that it was good—it was very good—9 out of 10. It is very hard to find 9 out of 10 Federal workers who will agree on virtually anything. So the Federal Government workers find that it is a very good way to try to meet the competing demands of the home place and the workplace.

And secondly, not only is flextime highly regarded in the Federal system, but comptime is the ability to say, look, I have worked a little overtime, instead of paying me time and a half for that overtime, will you give me time and a half off at another time so I can spend time with my family? That is a very popular program with Federal workers. So popular was that with workers at the Federal level that it has been extended, that capacity to be involved in that kind of operation has been extended to other Government workers, particularly at the State and local level.

So we have a real interesting situation where the universe of workers is not treated fairly or equally. Governmental workers had the opportunity for flextime and comptime. Both at the State level they have comptime, and at the Federal level they have comptime. They have flexible working arrangements at the Federal level. They simply do not in the private sector. No comptime in the private sector. It is against the law to have comptime in the private sector, and when it goes from one week to the next.

These kinds of privileges, these kinds of opportunities really would make it a lot easier on our families. They would give parents the ability to go and attend to a sick child. They would give parents the ability to attend events where children are being honored or children are performing. They would frequently give the opportunity to individuals who had built up some comptime to take some time off, perhaps extend a vacation or provide for a 3-day weekend without sacrificing their salaries.

This benefit, which is available to Government workers in virtually every level, is not available to workers in the private sector who are paid by the hour. But interestingly enough, salaried workers have pretty much had the ability to have flexible working arrangements for quite some time.

The salaried worker takes a 2-hour lunch break to take care of personal business or leaves early to go to a child's soccer game. The hourly worker who sits beside the salaried worker is tied to his or her desk and has to deprive his or her family of that same kind of attention. Now, this result is not due to their employers being unwilling to help. This result is due to the Federal Government's policy—our law under the Fair Labor Standards Act—which makes flexible working arrangements and comptime for private-sector workers illegal.

Some of these hourly workers have come to Washington to tell their stories about how Federal policies impact their everyday lives.

One of those individuals I remember who came was Arlyce Robinson. She was a worker who had a great story to tell about working on an hourly basis, and the snow storm that hit the town, hit Washington, DC, as a matter of fact. They had to send workers home, and said, you can't work—well, they closed the offices for a day. The workers wanted to make up that day in the next week. But in order to make up that day in the next week, those 8 hours which they missed, those hours would have had to have been paid as overtime.

The employer could not afford to have a 50 percent increase in his labor costs for that time, so those workers simply were unable to make that time up the next week. That is a serious problem for individuals who are on that kind of a schedule and who are not on salary but are on an hourly wage.

Leslie Langford is a secretary at Mass Mutual in Springfield, MA. Her husband is a printer. They have a son who has just had his first birthday and a daughter about 6 years old. She put it this way:

> I've been an hourly employee with Mass Mutual for 14 years. As a full-time employee and mother of two young children, including a child just over a year old, it is one of the most valuable commodities in my life. And I can't afford to waste any of my time, like many of you.

She says:

> I find it a challenge to juggle the needs of my employer and my family.

She wants to have the ability to have comptime and flextime in the private sector. She put it this way:

> Family-friendly legislation such as this is not only desperately needed but long overdue in this country to benefit working parents and their children.

So you have situations where individuals who work by the hour simply are not allowed by the law to cooperate with their employers to develop work schedules which will accommodate the competing needs of the home place and the workplace. As a result, families suffer.

Now, as I mentioned, salaried workers frequently get flexible schedules because salaried workers do not punch the clock. The boardroom and the managers have flexible schedules in that respect. Government employees have flexible schedules because they have the authority under the Federal Government. In 1978, Congress recognized the benefit of flexible working arrangements and passed the Federal Employees Flexible and Compressed Work Schedules Act. And the Senator from Alaska, Senator STEVENS, was the Senator who helped shepherd that act into existence.

That act allowed the Federal Government employees to experiment with flexible work schedules, which are still illegal in the private sector. The program allows hourly workers to work an extra hour one week in order to work an hour less the next week. As a matter of fact, it goes beyond that. Sometimes people work 45 hours one week, so they only have to work 35 hours the next week. By doing so, they can arrange their time so they have every other Friday off. There are lots of parents who would like to have the capacity to take every other Friday off or a weekday off every other week.

These authorities, which make it possible for Federal employees to have flexible work schedules, are specific in the law to Government employees alone. And the law forbids private workers to have the same kind of situation. I know of one family in my home State of Missouri, a family in the St. Louis area where there is a Federal worker—one of the spouses is a Federal worker—the other is a private sector worker. One has the privilege of flexible working arrangements, the other does not. The disparity is stark. And the burden inordinately falls on the worker who has the flexible work capacity because of the ability of that worker to get flexibility in the area of governmental work. But I do not think you should have to work for the Government or should have to be a salaried worker in the management pool in order to be able to be a good mom or dad. You should be able to do it because our Government should not be at war with the values of this culture.

Our Government should be reinforcing the values of the American culture and strengthening our families—not attacking them. And a failure on the part of Government to allow for flexible working arrangements, a failure on the part of Government to allow people to work with their employees to have family-friendly working arrangements, is simply a way for Government to attack our values rather than to underscore our values.

As a matter of fact, it was as far back as 1945 that Congress recognized that when an employee paid by the hour works overtime hours, that monetary compensation does not always make up for the time that the worker misses with his or her family.

Now, flexible work arrangements, which I have mentioned, the ability to assign work from one week to next week, to take fewer hours of work in one week and take more hours in the next week, that is a very popular program in the Federal Government. That is flextime.

The compensatory time is simply when you are being asked to work overtime, you have the right to request that some of what you do by way of overtime be reflected not in additional salary but you can take some time off.

The overtime rules in our culture generally are, when you are asked to work overtime, you get time and a half. But some people realize no matter how much time and a half they get paid, that doesn't help them get more time with their families. So occasionally they say, "Instead of paying time and a half, will you give me time and a half off instead of the payment, so instead of me working the full week next week, I could take time and a half off in those hours; I would still be paid as if I worked a full week, but I get the time off to be with my family."

Now, that became a possibility in the Federal Government system back in 1945. In that recognition, Congress amended the Federal Employee Pay Act to allow the Federal Government employees the choice of being compensated for overtime work with either money or time. Of course, in 1985—it took 40 years—the Congress gave this same choice to State and local employees, the ability of an employee to say, "I would like to have some time off; instead of being paid time and a half, how about time and a half off in the next pay period or at some time down the road."

Time can be more valuable than money, and certainly when it relates to our families that can be true. That has never been more true than it is today. Yet some Members of Congress continue to fight giving the same rights to private-sector employees. A Family Friendly Workplace Act would give hourly workers this same choice.

President Clinton recognized the benefits of flexible work schedules when he directed the use of flexible working arrangements for executive branch employees. On July 11 of 1994, the President of the United States, President Clinton, said, "Broad use of flexible work arrangements to enable Federal employees to better balance their work and family responsibilities can increase employee effectiveness and job satisfaction, while decreasing turnover rates and absenteeism." The President has clearly recognized the value of flexible working arrangements with an Executive order. He states that the broad use—broad use, not narrow use—of these arrangements to allow workers to come to agreement with their employers is where we can find win-win situations—better for the worker, better for the employer.

What does he say is the consequence? Better balance of their work and family responsibilities—I underscore that; thank goodness the President believes in that and cares about it—and he says increased employee effectiveness and job satisfaction. Wait a second, here is job satisfaction and effectiveness, boosting productivity, and on the other hand we have a win-win situation for the employees, with better service for their family.

This is not the old antagonism of, "It can't be good for the employer unless it is bad for the employee," or saying, "It can't be good for the employee unless it is bad for the employer." No; this is an opportunity to move forward in labor policy as saying yes, let's make it good for the employee and also make it good for the employer; let's authorize people to cooperate and authorize them to act as a team and to improve their performance.

Unfortunately, though, private-sector employees are denied this same right. As I indicated before, salaried people have it; Government people have it, at the State and local level; the boardroom has it. But individuals working by the hour are a minority, frankly, of individuals working in America now. When you consider Government workers and salaried workers, you get individuals working by the hour. Our labor law of the 1930s prevents them from having this benefit. It makes illegal the opportunity of these individuals to collaborate, to confer with, to cooperate with their employers to be able to serve their families more effectively.

If everyone agrees that flexibility is good for Federal Government employees, for salaried workers, everybody appears to say it works for salaried people, for America's boardrooms, why is the group of hard-working Americans, the hourly-paid individuals, why are they being discriminated against? Why can't they have this? The laborers of this Nation—stock clerks, mechanics, factory workers, clerical workers, store clerks, baggage handlers, gas station attendants—the list goes on and on—people who actually serve America, who build America, who make it possible for this country to run, why is it that they are discriminated against by having a law prohibiting flexible working arrangements and prohibiting compensatory time arrangements?

Because Congress has decided that they cannot make these decisions for themselves; is that it? Is it that the Congress feels the backbone of the Nation doesn't have the requisite intellect to figure out whether they would be better served by time and a half off instead of time-and-a-half pay? That somehow these private sector workers who work by the hour are not as bright as the Government workers who work by the hour and therefore don't have the capacity to make these judgments? Surely that can't be the case. I know that it is not the case.

Frequently during my opportunity to return to my home State, I spend time working in jobs in a variety of settings. I have sacked groceries, I have sacked seed corn, I have worked to manufacture windows, I have worked in a whole variety of settings, and I have learned one thing—that the American people are bright people. They know whether they need time off. They know whether they would rather have time with their families or overtime pay, and they would, by far, appreciate the opportunity to be able to cooperate so that they could make that choice. The poll data on this issue bears that out. The American people do not believe that Government should prohibit them from making these kinds of decisions and choices. As a matter of fact, they think that big Government, which would prohibit that kind of awareness and activity, is sad and that it deprives them of their ability to serve their family.

Now the Family Friendly Workplace Act is an act that is designed to correct the inequity. It recognizes that hourly workers, the people who build America, should have the opportunity to cooperate with their employers to work out arrangements, to help those hourly workers find time to balance the demands of the family and the workplace. The legislation will drag the Fair Labor Standards Act into the realities of the working family of the 1990s instead of the 1930s.

The bill would permit the fair labor standards rigid 40-hour maximum workweek schedule to be modified only if consented to by the employee. This is important. There are those who say we can't really expect this to be a fair situation and this will be an abused situation. These provisions in the law that we are promoting in the Family Friendly Workplace Act will double the penalties that would normally come from overtime violations. They will strengthen the hands of the worker to be treated fairly. These will not provide a place where the worker is in jeopardy. They will provide an opportunity for the worker to make good decisions. I believe it is important for us to make sure that we have those protections.

Under the law as proposed, we have strengthened substantially any penalty for an abusive corporation, any penalty for an employer that says that the worker must work overtime and not be compensated. There are a number of safeguards. Let me say this, the law provides this is at the option of the worker. So if the worker says, "I would like to take time and a half off down the road, instead of having time-and-a-half pay, I would like to be able to do that," that gives the worker that option. But in order to protect the worker in that option, we have made it possible that any time after that decision is made the worker is eligible to change his or her mind. So immediately, the next week, 2 weeks later, or any time prior to taking the time and a half off, the worker is able to say, "Cash me out, I want the money." This is a little bit of a burden on the employer, because the employer can't count on not having to pay the money. The employer will have to maintain a readiness to cash it out if it is overtime that was worked for pay instead of work for compensatory time. But employers are willing to do this. Employers are also willing to provide this option because they want to help workers meet these needs.

So there is a safeguard in the bill that it gives the worker the right to cash it out at any time. It also provides that at the end of the year, if there is a great accumulation or if there is any accumulation of compensatory time, the time is cashed out so that the money is given. This is designed to make it so that there aren't inordinate opportunities or accumulations of compensatory time that are never paid off. As a matter of fact the company will have to pay at the end of every year, any unused compensatory time.

So you have the ability of the worker to cash in the compensatory time at any time. You have the requirement that the company pay off the compensatory time at the end of the year. You have elevated penalties—basically, double the normal penalties—in the event there is any abuse here. And I think you get the message that the Family Friendly Workplace Act is designed to be friendly to families but it is not designed to force families into any kind of a situation that they would not otherwise be involved in. They don't have to take overtime as time off. They can take overtime as pay, and that option enures to them any time prior to taking it as time off. Of course, you couldn't take the time off and then demand to be paid for it. Obviously, that would be inappropriate.

The most successful corporations in America reflect the new realities of American life. They are decentralized, flexible, they are nonhierarchical. Meanwhile, our workplace laws for the private sector are, unfortunately, stuck in a time warp of centralized, hierarchal, one size, so-called, fits all, and we found out that one size fits none. America understands that there isn't any single way things are done for everyone. We need flexibility. We need to be able to accommodate different appeals, different needs, different styles of living, kinds of living.

I think we need to be able to accommodate individuals in this respect. Congress has ignored the realities faced in the workplace and families too long. American workers need the Government to get out of the way so that Americans can work in partnership with and in cooperation with their employers, not just against their employers. That is what will characterize America in the next century, if we are successful.

Now, I believe it is essential that we act on flextime and comptime this year. The American people, at about 80 percent of the people, believe this is something we ought to do. This has been delayed over and over again. The Democrats delayed this benefit on a number of occasions last year, and today there were individuals from the other side of the floor saying how they want to debate, want to be able to bring amendments to the floor.

In our last effort to bring this to the floor, we brought it to the floor and those on the other side of the aisle would not bring any amendments. They would not allow us to go to a vote. They would not bring amendments. They would just talk because they were not interested in amendments. They were not interested in negotiations. There were no serious negotiations. They were just interested in stalling. They were just interested in filibustering. They were just interested in prohibiting the American people from having these kinds of flexible, working arrangements at the salaried-worker level. Now we know they can't stop them from having them at the hourly level. They can't stop them at the salaried-worker level. They already have those arrangements. We know Government workers have these arrangements already, too.

Today we heard a lot of speeches about how we need to debate openly and bring amendments to the floor, how we need to make sure that there is lots of discussion and we get votes on a variety of things. I think that is an important concept that I would like to see honored as it relates to this agenda for the American people. We are going to debate and act on flextime this year. I can indicate with a relatively high degree of confidence that this is a Senator who is going to do everything possible to make sure that we get that done. I think it is important, because it is an agenda that is important to the American people.

There will be those who talk about other ways to try and help the American people. I know last year they said what we really need is a different plan for more medical and family leave. The family and medical leave provisions in the law now which allow a worker to say to the employer, "I've got a sickness in the family and I'm going to take time to leave for that sickness," that allows a person to leave the workplace, but a person that leaves under family and medical leave law, when they leave, their pay stops.

So in order to be a good parent under the Family and Medical Leave Act, you have to take a pay cut. Any time you leave under that particular law, your pay terminates.

Now, what we are looking for, I think what is very important, is in the area of flextime and comptime people don't have to take a pay cut in order to be a good parent. They can meet the needs of the home place and leave the working place, because they have built up some comptime or they have flexible working arrangements and they don't have to take a pay cut to do it.

Now, it seems to me that there is a real problem in saying that the solution to the country's distress is making people take pay cuts in order to be a good mom or dad. Most of the time when you have both people in the work force, it is because they need the money. If you just read the Washington Post, I believe from this past Sunday, there is a big feature that indicates people have both breadwinners in the workplace because they can't make ends meet without both of them working there. And to tell them, if you want to be a good parent, you can just take a pay cut and do so under an expanded Family and Medical Leave approach is foolhardy.

Look what happens to people when they are involved in the Family and Medical Leave Act. Leave-takers, according to a Government study here—and this was a study that was populated by Members of the Senate and overseen by a variety of Government individuals—people lose wages when they take medical leave. Here is how they have to make up for what they have done:

28.1 percent of the people had to borrow money to make up for the wages they lost in medical leave. Well, let's not force them to do that. Let's give them the opportunity to have flexible working arrangements, to get some comptime built up, or to work flexible working hours.

10.4 percent of the people who took medical leave had to go on public assistance in order to make ends meet. I don't think that's the way we want to have people accommodate the needs of their families, by going on public assistance.

41.9 percent of the individuals who went on family and medical leave had to stop paying their bills because, in order to take leave, they had to stop getting their paychecks.

Now, it seems to me that we have a real choice here. Family and medical leave says if you want to serve your family, yes, you can take time off, but you have to lose your income, you have to take a pay cut when you take time off. But with the Family Friendly Workplace Act, with flexible and compensatory time available to individuals, you don't have to take a pay cut. You are able to build up some time by having compensatory time available, and when the time comes that you need to take some time off, you can do it without taking the pay cut. I think if it kept 28.1 percent of the people doing it from having to borrow money, or another 10.4 percent from going on welfare, or 41.9 percent from putting off bills, not paying their bills, when you put those numbers together, there is a tremendous group of individuals who find themselves severely stressed, borrowing money, going on welfare, not paying their bills. Those are the kinds of things we don't want to add, in terms of stress, to the American family.

If you said to people that in order to be a good mom or dad, you have to go on welfare, I think we would say that is an affront to the dignity of the American worker, that is an assault on the value of work, that is an assault on the character of what it means to be an American or to be productive. Or if we said that in order to be a good mom or dad and take some time off, you have to stiff your creditors 42 percent of the time, you have to stop paying your bills, the American people don't want to do that. They should not want to do that. Or that you have to go to a bank or a loan company to borrow money, run up your credit card debt, and pay outrageous interest in order to be able to accommodate a sick child or witness your child's participation in the school play.

The American people don't think they ought to have to take these kinds of pay cuts, borrow money, go on public assistance, or put off paying their bills. That is why, at an amazing rate, they indicate their preference is not to have this kind of mandated pay cut, but to have family-friendly workplace arrangements that allow hourly workers to have the same kind of benefits that salaried workers already have, that allow hourly workers to enjoy the same kind of benefits that are enjoyed by people in the boardroom, that allow hourly workers in the private sector to have the same kind of benefits that salaried workers in the private sector have and the same kind of benefits hourly workers have had in Government.

Comptime has been available at the Federal Government level since 1945. Comptime has been available for State and local governments since 1985. Flexible working arrangements have been available for individuals in the Federal Government since 1978. That is when we began the program. The President of the United States lauded the program officially and extended it by Executive order in the mid-1990s to Government workers, and it is time to say, wait a second, we really can't afford to have this second-class group of citizens that we will call hourly workers in America. They are not the Government workers, they are not salaried workers, and they are not boardroom workers; they are just hourly workers. We can't afford to give them a lower standard. We should not be saying to them: You can't have the same kind of benefit for a win-win situation. You can't cooperate with your employer. You can't make it possible for your family to endure some of the struggles you endure without going into debt, on welfare, or not paying your creditors. We don't want you to have that kind of potential.

I think we ought to extend the potential of family-friendly, flexible workplace opportunities, including comptime, to all the families of America. As I indicated earlier, this is not the first time this subject has been debated in the U.S. Congress. This subject has been debated on a couple of occasions. But in no circumstance have individuals on the other side of the aisle been willing to go to a vote in this matter. While earlier today there was quite a discussion about the need to go to a vote and to have amendments, when this issue was brought up previously, there was not a single individual who brought an amendment to the floor to add to this legislation. For days, we talked about this legislation, but no one would bring an amendment. It wasn't because there was an agreement with the legislation; it was merely a way to try to keep us from voting, which they were successful in doing, by stonewalling. Now, the American working people should not be stonewalled. The working arrangements of the 1930s simply do not fit the families of the 1990s. We have in many, many families both parents in the workplace, and we need the flexibility to get the job done well.

Here is a letter from a security guard who occasionally gets overtime:

> The federal government should do everything it can to promote family life, particularly since both parents typically work in today's world.
>
> Given the choice, which the Family Friendly Workplace Act allows, parents would have the ability to be with their kids on occasions when current guidelines prohibit. In my case, my job as a security guard occasionally calls for overtime. Under this legislation, I would be allowed the choice to receive pay or to be more involved in coaching, attending school events and other general activities my kids are involved with.
>
> Our government serves people in many ways, but there is no better way to serve than building strong families, which the Family Friendly Workplace Act obviously seeks to accomplish.

There is a security guard that I think feels capable of making judgments about whether or not he wants to be paid for all of his overtime, or whether he would like to be able to opt to have some time off. I am just delighted that there are moms and dads in America that would like to be more involved in coaching, attending school events, and other general activities with kids. Yet, our Government is keeping that from happening.

Here is a letter from a 29-year-old working mother:

> I am a 29 year old working mother. I have a two-year-old daughter and am pregnant and due. . . .
>
> I recently heard about your Family Friendly Workplace Act. Under the current law, the law firm in which I am employed does not allow me to have a flexible work schedule.

No wonder it doesn't; the law doesn't allow it.

> In my current condition, I need to be able to take off for doctor appointments. Due to the fact that I have a complication in my pregnancy, I have more appointments than average. If I was able to take time in one week and work more the next, it would be very helpful to me and other mothers. . .
>
> My two-year-old daughter is healthy, but there are some days when she needs extra attention and some days that she is sick. Some days she is just two!

Those of us who are parents are familiar with kids that are "just two."

> If I was able to take the time I needed for some mornings and make it up the next week, it would make my life much easier.

Well, these letters are just a few. As we debate these issues during this session and over the next few days or as we approach voting on this particular measure, I would just say that it is fundamentally important for us to recognize the need to provide America's working families with the same kind of advantage, with flexible time, which American families that work for Government have. If it's good enough for Government workers, it is good enough for private workers. If Government workers are smart enough to know when they want comptime as compared to pay and are able to figure that out and when they would like to be able to rearrange their schedules to be involved with their children, I firmly believe that private workers have the same kind of intelligence and capacity. I think it is incumbent upon those of us in Government to make sure that we begin to legislate policy which is consistent with the principles of America and the principle of strong families, which is one we ought to be careful to understand and reinforce.

So I think we are going to have a great opportunity in this session. I expect that it will be a great opportunity as we legislate in this particular matter. We are going to have the opportunity to provide flextime and comptime to America's private-sector hourly workers. It is a privilege that is understood by the salaried workers in the private sector, understood by both the hourly and salaried workers in Government. Flextime is understood by people in the Federal Government system. Comptime is understood by, and enjoyed by, people in government systems everywhere, State, local and Federal.

We have delayed this benefit package for too many days. I say "we," and I have done that to label the U.S. Senate. But the delay has come from the other side of the aisle. No amendments were offered when we brought this up before, but no vote was allowed. It's time that we have serious amendments, serious negotiations, and that we seriously embark upon providing the people of this country with this opportunity to serve their families.

Today's speeches about how we need to debate openly and bring amendments on a family-friendly agenda could not be more on point. So let's have the debate, let's have the family-friendly agenda, let's have those amendments as it relates to the opportunity for hourly workers in the private sector to be able to spend time with their families as a result of voluntary agreements with their employers, to have flexible working arrangements and compensatory time arrangements similar to those of salaried workers and similar to those of Government workers.

We are going to debate and act on flextime and comptime this year. I look forward to the debate very much. I am grateful for the opportunity to submit this amendment in this respect.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HAGEL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

* * *

APPOINTMENT OF CONFEREES—H.R. 2472

The PRESIDING OFFICER. Pursuant to the order of February 12, 1998, the Chair appoints the following conferees to H.R. 2472.

The Chair appointed Mr. MURKOWSKI, Mr. NICKLES, Mr. CRAIG, Mr. THOMAS, Mr. BUMPERS, Mr. BINGAMAN, and Mr. AKAKA conferees on the part of the Senate.

* * *

MORNING BUSINESS

Mr. ASHCROFT. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

* * *

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, March 20, 1998, the federal debt stood at $5,538,571,184,190.64 (Five trillion, five hundred thirty-eight billion, five hundred seventy-one million, one hundred eighty-four thousand, one hundred ninety dollars and sixty-four cents).

One year ago, March 20, 1997, the federal debt stood at $5,369,250,000,000 (Five trillion, three hundred sixty-nine billion, two hundred fifty million).

Twenty-five years ago, March 20, 1973, the federal debt stood at $456,695,000,000 (Four hundred fifty-six billion, six hundred ninety-five million) which reflects a debt increase of more than $5 trillion—$5,081,876,184,190.64 (Five trillion, eighty-one billion, eight hundred seventy-six million, one hundred eighty-four thousand, one hundred ninety dollars and sixty-four cents) during the past 25 years.

MUHAMMAD ALI—ATHLETE OF THE CENTURY

Mr. HATCH. Mr. President, I am delighted that my dear friend Muhammad Ali has been named by Gentlemen's Quarterly as Athlete of the Century.

We have had many noteworthy athletes in this century—the century that has brought us modern sport. Excellence has been personified by such sports heroes as Lou Gehrig, Babe Didrickson Zaharias, Bobby Orr, Walter Payton, and Michael Jordan. But, to my mind, though this company is clearly outstanding, GQ made the obvious choice.

Muhammad Ali's road to sports immortality began on January 17, 1942, in Louisville, Kentucky. Introduced to boxing at the age of 12, Ali won National AAU and Golden Gloves titles. He brought home the Olympic gold medal from Rome in 1960.

After turning professional, he stunned the sports world by defeating the also great boxer Sonny Liston in 1964. His victories over such accomplished opponents as Liston, Floyd Patterson, Ernie Terrell, Joe Frazier, George Foreman, and Ken Norton make him, in my mind, the greatest boxer of all time.

But Ali's greatness goes beyond his physical strength and athleticism. In 1964, he converted to the religion of Islam, adopting a set of beliefs for which he would sacrifice a great deal. In 1967, at the height of his career, he was convicted of draft evasion and stripped of his heavyweight title. For a period of three years, Ali was shunned by the boxing world and vilified by many who had previously hailed him.

The conviction was eventually overturned by the United States Supreme Court, and Ali turned to the ring in 1970 and took on Joe Frazier in the "Fight of the Century." This bout, between the only two undefeated fighters, resulted Ali's ascension as the undisputed heavyweight champion of the world. Ali brought speed and grace to the world of boxing, demonstrating how to "flit like a butterfly and sting like a bee."

Ali held this title until 1978 when he lost a hard fought bout to Leon Spinks in 15 rounds on points. But, just seven months later, he dethroned Spinks and recaptured the title for an unprecedented third time.

I have come to admire Ali, however, not just for his unparalleled skill in the boxing ring, but also for his faith and his humanity.

Ali has traveled the world on humanitarian missions. And he has given most unselfishly, particularly to young people. During his recent visit to Utah he was never without a gaggle of kids surrounding him. Even though the effects of Parkinson's disease have made speech difficult, he really does not need to talk to communicate. He exudes kindness and friendship.

I am honored to count Ali and his wonderful wife Lonnie among my friends. I commend the writers and editors at GQ for selecting Ali for this very significant distinction. No one deserves it more. He's the greatest.

SUCCESS OF IMMIGRANT CHILDREN

Mr. KENNEDY. Mr. President, according to a recent study by sociologists at Michigan State University, and Princeton University, one of the great contributions of immigrants to America, in addition to their own skills and hard work, is the values they instill in their children—respect for hard work, doing well in school, succeeding against the odds, loving their families and their cultures, and an abiding belief that the United States is the best country in the world.

Contrary to many of the myths about immigrants, this study concludes that the vast majority of immigrant children learn English. Nine out of 10 speak their native languages at home, but 88 percent preferred English by the time they completed high school.

This study is also significant because it does not gloss over the challenges that many immigrant families face along the way. The study reminds us that immigrant children struggle against discrimination and anti-immigrant attitudes and policies. The study found that as a result of attacks on immigrants in public policy in recent years, children of immigrants were less likely to regard themselves as "Americans" and more likely to regard themselves as members of their ethnic groups. This kind of polarization could have profound consequences for our society in the future, and we need to be vigilant against it.

Mr. President, I ask unanimous consent that a March 21 article in the New York Times on this study may be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 21, 1998]

BEST STUDENTS ARE IMMIGRANTS' CHILDREN, STUDY SAYS

(By Celia W. Dugger)

A multiyear survey that is the largest ever of the children of immigrants—who now account for almost one in five American children—found that they overwhelmingly prefer English to their parents' native tongues and have higher grades and steeply lower school dropout rates than other American children.

While a majority of those surveyed, who were predominantly Hispanic, Asian and black children, said they had personally experienced discrimination, an even larger majority of them said they still believed that the United States is the best country in the world to live in. The youths were adolescent.

The lead researchers on the study describe these findings as reassuring indications that the children of immigrants are unlikely to form a new multiethnic underclass, as some experts fear, cut off from the mainstream by academic failure and an inability to speak English.

But the researchers also say it is still an open question how well these young people will do in college and the job market, a caution shared by other experts.

The researchers said that the survey brought into sharp relief the extraordinary diversity of the children of immigrants, not only by national origin, but by social class. It reaches from the young of Chinese and Indian couples from highly educated, upper-middle-class backgrounds to Mexicans and Dominicans from the humblest origins.

"What can certainly be predicted now is that the destinies of these youth will diverge," said Professor Ruben Rumbaut, a sociologist at Michigan State University. "Some will go up and some will go down."

The survey, which shows that the children of immigrants outperform their American peers and that those from more advantaged backgrounds do better than poorer children, will inevitably become fodder for the larger debate about the United States' immigration policy.

Supporters of the current high levels of immigration will cite the achievements of these young people, while critics may find reinforcement for their view that national policy should be titled to favor more highly skilled and educated immigrants.

The research team, led by Rumbaut and Professor Alejandro Portes, a sociologist at Princeton University, first interviewed 5,200 youngsters in Southern California and South Florida in 1992 when the youths were in the eighth or ninth grades, and then tracked down 82 percent of them for a second interview in 1995 and 1996 when most of them were high school seniors.

This fall, another team of sociologists will begin a large-scale survey of the grown children of immigrants in New York City and its suburbs, focusing on adults 18 to 32 years old, rather than adolescents.

The number of children who are either immigrants or the American-born offspring of immigrants grew to 13.7 million last year, from 8 million in 1990, making them the fastest-growing segment of the U.S. population under the age of 18, according to a new analysis of census data by Rumbaut.

The $1 million survey of the children of immigrants was financed by the Russell Sage, Andrew W. Mellon, Spencer and National Science Foundations. The researchers provided their findings to The New York Times.

Among the most striking findings of the bicoastal survey of children from San Diego and Dade and Broward counties in South

Florida have to do with the contentious issue of language. While nine out of 10 of the youths surveyed spoke a language other than English at home, almost exactly the same proportion, 88 percent, preferred English by the end of high school.

Rumbaut wrote, "The findings suggest that the linguistic outcomes for the third generation—the grandchildren of the current wave of immigrants—will be no different than what has been the age-old pattern in American history: The grandchildren may learn a few foreign words and phrases as a quaint vestige of their ancestry, but they will most likely grow up speaking English only."

And the professor also pointed to the ascendancy of English as evidence of the irrelevance of a California ballot initiative that could end bilingual education, which has been depicted as an impediment to the acquisition of English. "English is triumphing with breathtaking rapidity," he said.

The study presents a generally upbeat portrayal of the children of immigrants as ambitious, hopeful and resilient in the face of discrimination.

In San Diego, the children of immigrants had better grades than their American peers in every grade. The gap narrowed over time, largely because the poorly performing children of immigrants were more likely to stay in school than their peers who were not the children of immigrants, the researchers say. In South Florida, the school districts were unable to provide the researchers with grade-point averages for the district as a whole.

But when the researchers analyzed how the children of immigrants were faring by national origin, they found that levels of scholastic success diverged sharply. Generally, the children whose immigrant parents had better educations and jobs and who came from stable, two-parent families were predictably more successful, with a few startling exceptions.

The children of Chinese, Indian, Japanese and Korean parents had the highest grade-point averages, A's and B's. English-speaking West Indians had lower grades, C's and C-pluses. Latin American and Haitian youths performed most poorly, with averages that were slightly higher or lower than a C.

But a few groups defied what would have been expected based on their socioeconomic status. The children of Southeast Asian refugees, who came from the most impoverished backgrounds and whose parents were among the least educated, were also among the least likely to drop out of school and had above-average grades. They did it by studying for longer hours and watching less television than many of the other children of immigrants, the study found.

And the children of Cuban immigrants, who were from average to above-average socioeconomic backgrounds, had the highest dropout rates and among the lowest grades (an average of C or C-plus), the survey reported. The Cuban children, who belonged to the dominant group in metropolitan Miami faced less discrimination than any other group in the survey, the researchers said.

The children of Cubans did worse academically than the children of Mexicans, who are one of the poorest and by far the largest immigrant group in the United States.

The findings about Cubans were among the survey's most startling to Rumbaut and Portes and their colleague, Lisandro Perez, director of the Cuban Research Center at Florida International University, who are all Cuban immigrants themselves.

Portes had earlier hypothesized that Cuban youths would use their economically powerful ethnic enclave as a springboard to higher education and the middle class, much as Eastern European Jews did in an earlier wave of immigration.

"As it turns out, the enclave may not be a springboard," Perez said, "but a cushy net that means you don't have to depend exclusively on education for a job. It may be that Cubans are right, and will do better going to work at an uncle's factory in Hialeah. We're not certain how it will translate economically."

The survey also found some intriguing changes in the way the children of immigrants identified themselves, possibly reflecting their altered relationship to the rest of American society or perhaps just adolescent rebelliousness.

When the youths were first interviewed, more than half labeled themselves as hyphenated Americans or as plain Americans. That sounded like old-fashioned assimilation and it might have been expected that, three years later, even more of the youths would have chosen an American identity.

But the results of the second interview, conducted in the months after California's passage of Proposition 187, the initiative that called for restricting social and educational benefits to illegal immigrants, turned those expectations on their head.

Only a third of the youths in Southern California picked an American identity the second time around, while almost half identified themselves by their national identity, especially youths of Mexican and Filipino descent, who belong to the two largest immigrant groups in the United States.

The researchers interpreted the change as part of a backlash among these youth against what they perceived as immigrant bashing that surfaced in the campaign for Proposition 187.

In South Florida the pattern was different, but equally striking. The proportion identifying themselves by some kind of American label dropped to about a third, while those who chose ethnic identities such as Hispanic or black doubled to 38 percent, mainly among Latin Americans and Jamaicans.

The more militant, nationalistic identities assumed by Mexicans and Filipinos in California, and the minority-groups identities chosen in Florida, reflected the youths' rising awareness "of the ethnic and racial categories in which they were persistently classified by mainstream society, Rumbaut wrote.

In one of the more troubling findings of the study, the young people who identified themselves by ethnic identities like Chicano or Latino in junior high had lower grades and somewhat higher dropout rates than the other children studied. This finding lends support to analysts who have suggested that children of immigrants who come to identify with American minorities may take on "oppositional" identities and see doing well in school as "acting white."

* * *

REPORT CONCERNING THE NATIONAL EMERGENCY WITH RESPECT TO ANGOLA—MESSAGE FROM THE PRESIDENT—PM 114

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report, which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

I hereby report to the Congress on the developments since my last report of September 24, 1997, concerning the national emergency with respect to Angola that was declared in Executive Order 12865 of September 26, 1993. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c).

On September 26, 1993, I declared a national emergency with respect to the National Union for the Total Independence of Angola ("UNITA"), invoking the authority, *inter alia*, of the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) and the United Nations Participation Act of 1945 (22 U.S.C. 287c). Consistent with United Nations Security Council Resolution ("UNSCR") 864, dated September 15, 1993, the order prohibited the sale or supply by United States persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related material of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to the territory of Angola other than through designated points of entry. The order also prohibited such sale or supply to UNITA. United States persons are prohibited from activities that promote or are calculated to promote such sales or supplies, or from attempted violations, or from evasion or avoidance or transactions that have the purpose of evasion or avoidance, of the stated prohibitions. The order authorized the Secretary of the Treasury, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, as might be necessary to carry out the purposes of the order.

1. On December 10, 1993, the Department of the Treasury's Office of Foreign Assets Control (OFAC) issued the UNITA (Angola) Sanctions Regulations (the "Regulations") (58 *Fed. Reg.* 64904) to implement the imposition of sanctions against UNITA. The Regulations prohibit the sale or supply by United States persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to UNITA or to the territory of Angola other than through designated points. United States persons are also prohibited from activities that promote or are calculated to promote such sales or supplies to UNITA or Angola, or from any transaction by any United States persons that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in the Executive order. Also prohibited are transactions by

United States persons, or involving the use of U.S.-registered vessels or aircraft, relating to transportation to Angola or UNITA of goods the exportation of which is prohibited.

The Government of Angola has designated the following points of entry as points in Angola to which the articles otherwise prohibited by the Regulations may be shipped: *Airports:* Luanda and Katumbela, Benguela Province; *Ports:* Luanda and Lobito, Benguela Province; and Namibe, Namibe Province; and *Entry Points:* Malongo, Cabinda Province. Although no specific license is required by the Department of the Treasury for shipments to these designated points of entry (unless the item is destined for UNITA), any such exports remain subject to the licensing requirements of the Departments of State and/or Commerce.

2. On August 28, 1997, the United Nations Security Council adopted UNSCR 1127, expressing its grave concern at the serious difficulties in the peace process, demanding that the Government of Angola and in particular UNITA comply fully and completely with those obligations, and imposing additional sanctions against UNITA. Subsequently, the Security Council adopted UNSCR 1130 postponing the effective date of measures specified by UNSCR 1127 until 12:01 a.m., eastern standard time, October 30, 1997, at which time they went into effect.

On December 12, 1997, I issued Executive Order 13069 to implement in the United States the provisions of UNSCRs 1127 and 1130 (62 *Fed. Reg.* 65989, December 16, 1997). Executive Order 13069 prohibits (a) the sale, supply, or making available in any form, by United States persons or from the United States or using U.S.-registered vessels or aircraft, of any aircraft or aircraft components, regardless of origin; (i) to UNITA; (ii) to the territory of Angola other than through a specified point of entry; (b) the insurance, engineering, or servicing by United States persons or from the United States of any aircraft owned or controlled by UNITA; (c) the granting of permission to any aircraft to take off from, land in, or overfly the United States if the aircraft, as part of the same flight or as a continuation of that flight, is destined to land in or has taken off from a place in the territory of Angola other than a specified point of entry; (d) the provision or making available by United States persons or from the United States of engineering and maintenance servicing, the certification of airworthiness, the payment of new claims against existing insurance contracts, or the provision, renewal, or making available of direct insurance with respect to (i) any aircraft registered in Angola other than those specified by the Secretary of the Treasury, in consultation with the Secretary of State, and other appropriate agencies; (ii) any aircraft that entered the territory of Angola other than through a specified point of entry; (e) any transaction by any United States person or within the United States that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in this order. Specific licenses may be issued on a case-by-case basis authorizing, as appropriate, medical emergency flights or flights of aircraft carrying food, medicine, or supplies for essential humanitarian needs. Executive Order 13069 became effective at 12:01 a.m., eastern standard time, December 15, 1997.

There have been no amendments to the Regulations since my report of September 24, 1997.

3. On December 31, 1997, OFAC issued an order to the Center for Democracy in Angola ("CEDA" or "CDA") to immediately close its offices in the United States as required by Executive Order 13069. The CEDA responded that it had closed its only U.S. office, located in Washington, D.C., in compliance with Executive Order 13069.

The OFAC has worked closely with the U.S. financial and exporting communities to assure a heightened awareness of the sanctions against UNITA—through the dissemination of publications, seminars, and a variety of media, including via the Internet, Fax-on-Demand, special fliers, and computer bulletin board information initiated by OFAC and posted through the U.S. Department of Commerce and the U.S. Government Printing Office. There have been no license applications under the program since my last report.

4. The expenses incurred by the Federal Government in the 6-month period from September 26, 1997, through March 25, 1998, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to UNITA are about $80,000, most of which represent wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel) and the Department of State (particularly the Office of Southern African Affairs).

I will continue to report periodically to the Congress on significant developments, pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 23, 1998.*

REPORT OF THE NATIONAL ENDOWMENT FOR DEMOCRACY FOR FISCAL YEAR 1997—MESSAGE FROM THE PRESIDENT—PM 115

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

As required by the provisions of section 504(h) of Public Law 98-164, as amended (22 U.S.C. 4413(i)), I transmit herewith the 14th Annual Report of the National Endowment for Democracy, which covers fiscal year 1997.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 23, 1998.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-4121. A communication from the Program Manager of Pentagon Renovation, Office of the Secretary of Defense, transmitting, pursuant to law, a report relative to cost estimates; to the Committee on Appropriations.

EC-4122. A communication from the Architect of the Capitol, transmitting, pursuant to law, the report of all expenditures from April 1 through September 30, 1997; to the Committee on Appropriations.

EC-4123. A communication from the Acting Assistant Secretary of Defense (Health Affairs), transmitting, pursuant to law, a report relative to Gulf War veterans; to the Committee on Armed Services.

EC-4124. A communication from the Director of Defense Procurement (Acquisition and Technology), Office of the Under Secretary of Defense, transmitting, pursuant to law, the report of a rule relative to restructuring costs received on February 12, 1998; to the Committee on Armed Services.

EC-4125. A communication from the Office of Acquisition and Technology, Under Secretary of Defense, transmitting, pursuant to law, the report entitled "Restructuring Cost Associated With Business Combinations"; to the Committee on Armed Services.

EC-4126. A communication from the Director of Defense Procurement (Acquisition and Technology), Office of the Under Secretary of Defense, transmitting, pursuant to law, the report of thirty-one rules received on February 25, 1998; to the Committee on Armed Services.

EC-4127. A communication from the Office of the Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a report relative to federally funded research and development centers; to the Committee on Armed Services.

EC-4128. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a notice relative to the Defense Manpower Requirements Report; to the Committee on Armed Services.

EC-4129. A communication from the Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, the report of commercial activities for fiscal year 1997; to the Committee on Armed Services.

EC-4130. A communication from the Director of Defense Procurement (Acquisition and Technology), Office of the Under Secretary of Defense, transmitting, pursuant to law, the report of a rule received on March 11, 1998; to the Committee on Armed Services.

EC-4131. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions and deferrals dated March 1, 1998; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition, and Forestry, to the Committee on Commerce, Science, and Transportation, to the Committee on Energy and Natural Resources, to the Committee on Finance, to the Committee on Foreign Relations, and to the Committee on Indian Affairs.

EC-4132. A communication from the Vice Chairman of the Federal Election Commission, transmitting, pursuant to law, the report of 60 recommendations for legislative action; to the Committee on Rules and Administration.

EC-4133. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report on direct spending or receipts legislations within seven days of enactment; to the Committee on the Budget.

EC-4134. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule received on March 12, 1998; to the Committee on Indian Affairs.

EC-4135. A communication from the Assistant Secretary of the Interior for Indian Affairs, transmitting, pursuant to law, the report of a rule received on February 25, 1998; to the Committee on Indian Affairs.

EC-4136. A communication from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, the report of the initiation of a multi-function cost comparison; to the Committee on Armed Services.

EC-4137. A communication from the Acting Secretary of Veterans' Affairs, transmitting, a draft of proposed legislation entitled "The Servicemembers' and Veterans' Group Life Insurance Accelerated Death Benefits Act"; to the Committee on Veterans' Affairs.

EC-4138. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to veterans, Reservists, and National Guard members; to the Committee on Veterans' Affairs.

EC-4139. A communication from the Director of the Office of Regulations Management, Department of Veterans' Affairs, transmitting, pursuant to law, the reports of three rules; to the Committee on Veterans' Affairs.

EC-4140. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC-4141. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC-4142. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, the report of a Presidential Determination relative to Cambodia; to the Committee on Foreign Relations.

EC-4143. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the Chinasat-8 satellite program; to the Committee on Foreign Relations.

EC-4144. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of thirty-nine rules received on March 20, 1998; to the Committee on Commerce, Science, and Transportation.

EC-4145. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report relative to Economic Support Funds; to the Committee on Foreign Relations.

EC-4146. A communication from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting, pursuant to law, the report of the annual performance plan for fiscal year 1999; to the Committee on Foreign Relations.

EC-4147. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report entitled "International Narcotics Control Strategy"; to the Committee on Foreign Relations.

EC-4148. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of fifteen notices of the proposed issuances of export licenses; to the Committee on Foreign Relations.

EC-4149. A communication from the Chairman of the National Committee on Vital and Health Statistics, transmitting, pursuant to law, a report relative to health data; to the Committee on Labor and Human Resources.

EC-4150. A communication from the Director of the National Science Foundation, transmitting, a draft of proposed legislation entitled "The National Science Foundation Authorization Act for Fiscal Years 1999 and 2000"; to the Committee on Labor and Human Resources.

EC-4151. A communication from the Director the National Science Foundation, transmitting, pursuant to law, the report of the annual performance plan for fiscal year 1999; to the Committee on Labor and Human Resources.

EC-4152. A communication from the Board Members of the Railroad Retirement Board, transmitting, pursuant to law, the report of the justification of budget estimates for fiscal year 1999; to the Committee on Labor and Human Resources.

EC-4153. A communication from the Chairman of the Federal Mine Safety and Health Review Commission, transmitting, pursuant to law, the report of the annual performance plan for fiscal year 1999; to the Committee on Labor and Human Resources.

EC-4154. A communication from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule received on March 11, 1998; to the Committee on Labor and Human Resources.

EC-4155. A communication from the Assistant Secretary of Labor for Mine Safety and Health Administration, transmitting, pursuant to law, the report of a rule received on February 25, 1998; to the Committee on Labor and Human Resources.

EC-4156. A communication from the Assistant Secretary of Health and Human Services for Children and Families, transmitting, pursuant to law, the report of a rule received on March 17, 1998; to the Committee on Labor and Human Resources.

EC-4157. A communication from the Assistant Secretary of Labor for Occupational Safety and Health, transmitting, pursuant to law, the report of a rule received on March 6, 1998; to the Committee on Labor and Human Resources.

EC-4158. A communication from the Secretary of Education, transmitting, a draft of proposed legislation relative to the reauthorization of the Higher Education Act of 1965; to the Committee on Labor and Human Resources.

EC-4159. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Prescription Drug User Fee Act of 1992; to the Committee on Labor and Human Resources.

EC-4160. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the National Institutes of Health Loan Repayment Program For Research Generally; to the Committee on Labor and Human Resources.

EC-4161. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a rule received on March 6, 1998; to the Committee on Labor and Human Resources.

EC-4162. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled "The Food and Drug Administration User Fee Act of 1998"; to the Committee on Labor and Human Resources.

EC-4163. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the reports of three rules; to the Committee on Labor and Human Resources.

EC-4164. A communication from the Acting Director of Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the reports of eleven rules; to the Committee on Labor and Human Resources.

EC-4165. A communication from the Acting Assistant Secretary of Labor for Employment and Training, transmitting, pursuant to law, the reports of two rules; to the Committee on Labor and Human Resources.

EC-4166. A communication from the Deputy Associate Director for Compliance, Royalty Management Program, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-4167. A communication from the Assistant Secretary of the Interior for Land and Minerals Management, transmitting, pursuant to law, the report of a rule received on March 13, 1998; to the Committee on Energy and Natural Resources.

EC-4168. A communication from the Commissioner of the Bureau of Reclamation, Department of the Interior, transmitting, pursuant to law, the report of financial statements of the Colorado River Basin Project for fiscal year 1996; to the Committee on Energy and Natural Resources.

EC-4169. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule received on March 13, 1998; to the Committee on Energy and Natural Resources.

EC-4170. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, the report entitled "Performance Profiles of Major Energy Producers 1996"; to the Committee on Energy and Natural Resources.

EC-4171. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the Formerly Utilized Sites Remedial Action Program; to the Committee on Energy and Natural Resources.

EC-4172. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to advanced automotive technologies; to the Committee on Energy and Natural Resources.

EC-4173. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation relative to the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

EC-4174. A communication from the Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, a draft of proposed legislation to amend the National Trails System Act; to the Committee on Energy and Natural Resources.

EC-4175. A communication from the Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, a draft of proposed legislation relative to the Keweenaw National Historical Park; to the Committee on Energy and Natural Resources.

EC-4176. A communication from the Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, a draft of proposed legislation relative to the Adams National Historical Park; to the Committee on Energy and Natural Resources.

EC-4177. A communication from the Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, a draft of proposed legislation relative to the Fort Matanzas National Monument; to the Committee on Energy and Natural Resources.

EC-4178. A communication from the Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, a draft of proposed legislation relative to the Lake Chelan National Recreation Area; to the Committee on Energy and Natural Resources.

EC-4179. A communication from the Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, a draft of proposed legislation relative to the Saint-Gaudens National Historic Site; to the Committee on Energy and Natural Resources.

EC-4180. A communication from the Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, a draft of proposed legislation relative to the U.S. Park Police; to the Committee on Energy and Natural Resources.

EC-4181. A communication from the Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, pursuant to law, the report of a rule received on March 16, 1998; to the Committee on Energy and Natural Resources.

EC-4182. A communication from the Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the reports of six rules; to the Committee on Energy and Natural Resources.

EC-4183. A communication from the Director of the Office of Rulemaking Coordination, Department of Energy, transmitting, pursuant to law, the reports of six rules; to the Committee on Energy and Natural Resources.

EC-4184. A communication from the Attorney-Advisor, U.S. Trade and Development Agency, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC-4185. A communication from the Marshall of the Supreme Court of the United States, transmitting, pursuant to law, the annual report for the period February 15, 1997 through February 15, 1998; to the Committee on the Judiciary.

EC-4186. A communication from the Director of the Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a rule received on March 10, 1998; to the Committee on the Judiciary.

EC-4187. A communication from the Secretary of the Judicial Conference of the United States, transmitting, pursuant to law, a draft of proposed legislation relative to the conversion and extension of certain temporary judgeship positions; to the Committee on the Judiciary.

EC-4188. A communication from the Chairman of the Board of U.S. Naval Sea Cadet Corps, transmitting, pursuant to law, the annual report of program activities for calendar year 1997; to the Committee on the Judiciary.

EC-4189. A communication from the General Counsel of the Department of Defense, transmitting, pursuant to law, a report of the Defense Office of Hearings and Appeals Claims Appeals Board; to the Committee on the Judiciary.

EC-4190. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC-4191. A communication from the Assistant Attorney General (Office of Legislative Affairs), transmitting, a draft of proposed legislation entitled "The Money Laundering Act of 1998"; to the Committee on the Judiciary.

EC-4192. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the reports of seven rules; to the Committee on the Judiciary.

EC-4193. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the reports of two rules; to the Committee on the Judiciary.

EC-4194. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC-4195. A communication from the Vice President and General Counsel of the Overseas Private Investment Corporation, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC-4196. A communication from the Director of the Office of Science and Technology Policy, Executive Office of the President, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC-4197. A communication from the Executive Director of the Federal Labor Relations Authority, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC-4198. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report from the Federal Open Market Committee under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC-4199. A communication from the Executive Director of the Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC-4200. A communication from the Assistant Secretary for Management and Chief Financial Officer, Department of the Treasury, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC-4201. A communication from the General Counsel of the National Science Foundation, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC-4202. A communication from the Executive Director of the Occupational Safety and Health Review Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC-4203. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC-4204. A communication from the Director of Selective Service, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC-4205. A communication from the Acting Director of the Office of Federal Housing Enterprise Oversight, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC-4206. A communication from the Agency Freedom of Information Officer, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC-4207. A communication from the Chairman of the Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC-4208. A communication from the Executive Director of the National Capital Planning Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC-4209. A communication from the Archivist of the United States, transmitting, pursuant to law, the report of the National Archives and Records Administration under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC-4210. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC-4211. A communication from the Director of the Office of Administration, Executive Office of the President, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC-4212. A communication from the Commissioner of Social Security, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC-4213. A communication from the Chairman of the Farm Credit System Insurance Corporation, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC-4214. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC-4215. A communication from the Vice President, Government Affairs, National Railroad Passenger Corporation, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC-4216. A communication from the Office of Communications, Department of Agriculture, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC-4217. A communication from the Chairman of the U.S. International Trade Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC-4218. A communication from the Chairman of the U.S. Consumer Product Safety Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC-4219. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC-4220. A communication from the Assistant Secretary of Energy for Human Resources and Administration, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC-4221. A communication from the Chairman of the Federal Housing Finance Board, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC-4222. A communication from the Administrator of the U.S. Small Business Administration, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC-4223. A communication from the Deputy Assistant Secretary of the Interior for the Budget and Finance, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC-4224. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC-4225. A communication from the Office of the Secretariat, U.S. Commodity Futures Trading Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC-4226. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC-4227. A communication from the Acting Special Counsel of the U.S. Office of Special Counsel, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC-4228. A communication from the Administrator of the Panama Canal Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC-4229. A communication from the Director of the Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of the 1998 compensation plan; to the Committee on Banking, Housing, and Urban Affairs.

EC-4230. A communication from the Managing Director of the Federal Housing Finance Board, transmitting, pursuant to law, the report of the 1998 compensation plan; to the Committee on Banking, Housing, and Urban Affairs.

EC-4231. A communication from the Assistant Secretary of Commerce for Export Administration, transmitting, pursuant to law, the report of a rule received on March 19, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC-4232. A communication from the Deputy Director for Policy and Programs, Community Development Financial Institutions Fund, Department of the Treasury, transmitting, pursuant to law, the report of a rule received on February 25, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC-4233. A communication from the Acting Director of the Office of Federal Housing Enterprise Oversight, transmitting, pursuant to law, the report of the strategic plan for fiscal years 1998 through 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-4234. A communication from the Chief Counsel of the Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule received on February 26, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC-4235. A communication from the Director of the Community Development Financial Institutions Fund, Department of the Treasury, transmitting, pursuant to law, the annual report for fiscal year 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-4236. A communication from the Secretary of the Treasury, transmitting, a draft of proposed legislation entitled "The Financial Contract Netting Improvement Act of 1998"; to the Committee on Banking, Housing, and Urban Affairs.

EC-4237. A communication from the Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule received on March 5, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC-4238. A communication from the Secretary of Housing and Urban Development, transmitting, a draft of proposed legislation entitled "The HUD 2020 Program Repeal and Streamlining Act"; to the Committee on Banking, Housing, and Urban Affairs.

EC-4239. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of the monetary policy; to the Committee on Banking, Housing, and Urban Affairs.

EC-4240. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the reports of two rules; to the Committee on Banking, Housing, and Urban Affairs.

EC-4241. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to tied aid credits; to the Committee on Banking, Housing, and Urban Affairs.

EC-4242. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, the annual report for fiscal year 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-4243. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the reports of two rules; to the Committee on Banking, Housing, and Urban Affairs.

EC-4244. A communication from the Secretary of the Board of the National Credit Union Administration, transmitting, pursuant to law, the reports of two rules; to the Committee on Banking, Housing, and Urban Affairs.

EC-4245. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the reports of eighty-two rules; to the Committee on Banking, Housing, and Urban Affairs.

EC-4246. A communication from the Secretary of the U.S. Securities and Exchange Commission, transmitting, pursuant to law, the reports of five rules; to the Committee on Banking, Housing, and Urban Affairs.

EC-4247. A communication from the Commissioner of Social Security, transmitting, the fiscal year 1999 budget request; to the Committee on Finance.

EC-4248. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a rule received on March 3, 1998; to the Committee on Finance.

EC-4249. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled "The Medicare Administrative Improvement Amendments of 1998"; to the Committee on Finance.

EC-4250. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Development of Resource-Based Practice Expense Relative Value Units"; to the Committee on Finance.

EC-4251. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report regarding the administration of the Maternal and Child Health program for fiscal years 1994 and 1995; to the Committee on Finance.

EC–4252. A communication from the Chair of the Medicare Payment Advisory Commission, transmitting, pursuant to law, a report entitled "Medicare Payment Policy"; to the Committee on Finance.

EC–4253. A communication from the Chief Counsel of the Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule received on March 6, 1998; to the Committee on Finance.

EC–4254. A communication from the Regulatory Policy Officer of the Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the reports of two rules; to the Committee on Finance.

EC–4255. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Announcement 98:18; to the Committee on Finance.

EC–4256. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the reports of Revenue Rulings 98:10–12 and 98:15–18; to the Committee on Finance.

EC–4257. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the reports of Notices 98:17, 19–20; to the Committee on Finance.

EC–4258. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the reports of Revenue Procedures 98:24–25; to the Committee on Finance.

EC–4259. A communication from the Assistant Commissioner (Examination), Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule received on February 25, 1998; to the Committee on Finance.

EC–4260. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the reports of three Treasury Regulations; to the Committee on Finance.

EC–4261. A communication from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the reports of six rules; to the Committee on Finance.

EC–4262. A communication from the Deputy Associate Administrator for Acquisition Policy, Office of Governmentwide Policy, U.S. General Services Administration, transmitting, pursuant to law, the report of a rule received on March 11, 1998; to the Committee on Governmental Affairs.

EC–4263. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule received on February 19, 1998; to the Committee on Governmental Affairs.

EC–4264. A communication from the Director of the U.S. Office of Government Ethics, transmitting, pursuant to law, the report of a rule received on March 13, 1998; to the Committee on Governmental Affairs.

EC–4265. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting, pursuant to law, six additions to the procurement list received on March 10, 1998; to the Committee on Governmental Affairs.

EC–4266. A communication from the Assistant Attorney General for Administration, transmitting, pursuant to law, the report of a rule received on February 23, 1998; to the Committee on Governmental Affairs.

EC–4267. A communication from the Director of the Office of Administration, Executive Office of the President, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1997; to the Committee on Governmental Affairs.

EC–4268. A communication from the Director of the Federal Mediation and Conciliation Service, U.S. Government, transmitting, pursuant to law, the report of the Office of Inspector General for fiscal year 1996; to the Committee on Governmental Affairs.

EC–4269. A communication from the Acting Administrator and Chief Executive Officer, Bonneville Power Administration, Department of Energy, transmitting, pursuant to law, the report under the Chief Financial Officers Act for calendar year 1997; to the Committee on Governmental Affairs.

EC–4270. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to surplus real property; to the Committee on Governmental Affairs.

EC–4271. A communication from the Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, a report relative to three personnel management demonstration projects; to the Committee on Governmental Affairs.

EC–4272. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, the report of General Accounting Office reports for January 1998; to the Committee on Governmental Affairs.

EC–4273. A communication from the Acting Administrator of the Office of Federal Procurement Policy, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled "Electronic Commerce for Buyers and Sellers"; to the Committee on Governmental Affairs.

EC–4274. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Audit of the Public Service Commission's Agency Fund for Fiscal Years 1995 and 1996"; to the Committee on Governmental Affairs.

EC–4275. A communication from the Executive Director of the District of Columbia Financial Responsibility and Management Assistant Authority, transmitting, pursuant to law, a report entitled "Foreign Capital City Governance"; to the Committee on Governmental Affairs.

EC–4276. A communication from the Executive Director of the District of Columbia Financial Responsibility and Management Assistant Authority, transmitting, pursuant to law, a report entitled "District of Columbia Medical Liability Reform"; to the Committee on Governmental Affairs.

EC–4277. A communication from the Executive Director of the District of Columbia Financial Responsibility and Management Assistant Authority, transmitting, pursuant to law, the report of the annual performance plan for fiscal year 1999; to the Committee on Governmental Affairs.

EC–4278. A communication from the Inspector General of the Department of Transportation, transmitting, pursuant to law, the report of the annual performance plan for fiscal year 1999; to the Committee on Governmental Affairs.

EC–4279. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the report of the annual performance plan for fiscal year 1998 through 2002; to the Committee on Governmental Affairs.

EC–4280. A communication from the Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, the reports of two reports; to the Committee on Governmental Affairs.

EC–4281. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, the annual report for fiscal year 1997; to the Committee on Governmental Affairs.

EC–4282. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, a report entitled "The Changing Federal Workplace: Employee Perspectives"; to the Committee on Governmental Affairs.

EC–4283. A communication from the Chairman of the U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1997; to the Committee on Governmental Affairs.

EC–4284. A communication from the Chairman of the Federal Housing Finance Board, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1997; to the Committee on Governmental Affairs.

EC–4285. A communication from the Board Members of the Railroad Retirement Board, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1997; to the Committee on Governmental Affairs.

EC–4286. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–254 adopted by the Council on January 6, 1998; to the Committee on Governmental Affairs.

EC–4287. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–257 adopted by the Council on January 6, 1998; to the Committee on Governmental Affairs.

EC–4288. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–256 adopted by the Council on January 6, 1998; to the Committee on Governmental Affairs.

EC–4289. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–259 adopted by the Council on January 6, 1998; to the Committee on Governmental Affairs.

EC–4290. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–260 adopted by the Council on January 6, 1998; to the Committee on Governmental Affairs.

EC–4291. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–261 adopted by the Council on January 6, 1998; to the Committee on Governmental Affairs.

EC–4292. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–262 adopted by the Council on January 6, 1998; to the Committee on Governmental Affairs.

EC–4293. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–263 adopted by the Council on January 6, 1998; to the Committee on Governmental Affairs.

EC-4294. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-264 adopted by the Council on January 6, 1998; to the Committee on Governmental Affairs.

EC-4295. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-265 adopted by the Council on January 6, 1998; to the Committee on Governmental Affairs.

EC-4296. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-266 adopted by the Council on January 6, 1998; to the Committee on Governmental Affairs.

EC-4297. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-267 adopted by the Council on January 6, 1998; to the Committee on Governmental Affairs.

EC-4298. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-268 adopted by the Council on January 6, 1998; to the Committee on Governmental Affairs.

EC-4299. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-270 adopted by the Council on January 6, 1998; to the Committee on Governmental Affairs.

EC-4300. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-271 adopted by the Council on January 6, 1998; to the Committee on Governmental Affairs.

EC-4301. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-272 adopted by the Council on January 6, 1998; to the Committee on Governmental Affairs.

EC-4302. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-273 adopted by the Council on January 6, 1998; to the Committee on Governmental Affairs.

EC-4303. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-276 adopted by the Council on January 6, 1998; to the Committee on Governmental Affairs.

EC-4304. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-277 adopted by the Council on January 6, 1998; to the Committee on Governmental Affairs.

EC-4305. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-278 adopted by the Council on January 6, 1998; to the Committee on Governmental Affairs.

EC-4306. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-279 adopted by the Council on January 6, 1998; to the Committee on Governmental Affairs.

EC-4307. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-280 adopted by the Council on January 6, 1998; to the Committee on Governmental Affairs.

EC-4308. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-283 adopted by the Council on February 3, 1998; to the Committee on Governmental Affairs.

EC-4309. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-284 adopted by the Council on February 3, 1998; to the Committee on Governmental Affairs.

EC-4310. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-285 adopted by the Council on February 3, 1998; to the Committee on Governmental Affairs.

EC-4311. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-286 adopted by the Council on February 3, 1998; to the Committee on Governmental Affairs.

EC-4312. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-287 adopted by the Council on February 3, 1998; to the Committee on Governmental Affairs.

EC-4313. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-288 adopted by the Council on February 3, 1998; to the Committee on Governmental Affairs.

EC-4314. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-300 adopted by the Council on February 3, 1998; to the Committee on Governmental Affairs.

EC-4315. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-301 adopted by the Council on February 3, 1998; to the Committee on Governmental Affairs.

EC-4316. A communication from the Acting Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to a flood damage reduction project; to the Committee on Environment and Public Works.

EC-4317. A communication from the Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a report on reimbursement of contractor environmental response action costs; to the Committee on Environment and Public Works.

EC-4318. A communication from the President of the John F. Kennedy Center for the Performing Arts, transmitting, a draft of proposed legislation to authorize appropriations; to the Committee on Environment and Public Works.

EC-4319. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "The Impact of Increased Speed Limits in the Post-NMSL Era"; to the Committee on Environment and Public Works.

EC-4320. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "1997 Status of the Nation's Surface Transportation System: Condition and Performance"; to the Committee on Environment and Public Works.

EC-4321. A communication from the Administrator of the U.S. General Services Administration, transmitting, pursuant to law, the report of the activities required by the Architectural Barriers Act; to the Committee on Environment and Public Works.

EC-4322. A communication from the Chairman of the Advisory Committee on Reactor Safeguards, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, a report entitled "Nuclear Safety Research"; to the Committee on Environment and Public Works.

EC-4323. A communication from the Chairman of the Advisory Committee on Reactor Safeguards, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule received on March 10, 1998; to the Committee on Environment and Public Works.

EC-4324. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the reports of two rules; to the Committee on Environment and Public Works.

EC-4325. A communication from the Acting Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, pursuant to law, the reports of two rules; to the Committee on Environment and Public Works.

EC-4326. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the reports of three rules; to the Committee on Environment and Public Works.

EC-4327. A communication from the Administrator of the U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of the study of hazardous air pollutant emissions from electric utility steam generating units; to the Committee on Environment and Public Works.

EC-4328. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of two rules received on February 19, 1998; to the Committee on Environment and Public Works.

EC-4329. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of seven rules received on February 23, 1998; to the Committee on Environment and Public Works.

EC-4330. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of a rule received on February 24, 1998; to the Committee on Environment and Public Works.

EC-4331. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the reports of five rules received on February 25, 1998; to the Committee on Environment and Public Works.

EC-4332. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of four rules received on February 26, 1998; to the Committee on Environment and Public Works.

EC-4333. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of two rules received on March 3, 1998; to the Committee on Environment and Public Works.

EC-4334. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the reports of nine rules received on March 4, 1998; to the Committee on Environment and Public Works.

EC-4335. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of eight rules received on March 10, 1998; to the Committee on Environment and Public Works.

EC-4336. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the reports of four rules received on March 13, 1998; to the Committee on Environment and Public Works.

EC-4337. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of five rules received on March 16, 1998; to the Committee on Environment and Public Works.

EC-4338. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of three rules received on March 17, 1998; to the Committee on Environment and Public Works.

EC-4339. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of a rule received on March 18, 1998; to the Committee on Environment and Public Works.

EC-4340. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of three rules received on March 20, 1998; to the Committee on Environment and Public Works.

EC-4341. A communication from the Acting Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, pursuant to law, the report of a rule received on February 26, 1998; to the Committee on Environment and Public Works.

EC-4342. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, a draft of proposed legislation to authorize appropriations; to the Committee on Commerce, Science, and Transportation.

EC-4343. A communication from the Associate Administrator for Procurement of the National Aeronautics and Space Administration, transmitting, pursuant to law, the reports of fourteen rules; to the Committee on Commerce, Science, and Transportation.

EC-4344. A communication from the Administrator of the Federal Aviation Administration, transmitting, pursuant to law, the report of the pilot pay-for-training study; to the Committee on Commerce, Science, and Transportation.

EC-4345. A communication from the Administrator of the Federal Aviation Administration, transmitting, pursuant to law, a report relative to the FAA's acquisition management system; to the Committee on Commerce, Science, and Transportation.

EC-4346. A communication from the Chairman of the Surface Transportation Board, transmitting, pursuant to law, the report of a rule received on February 24, 1998; to the Committee on Commerce, Science, and Transportation.

EC-4347. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the report of the annual performance plan for fiscal year 1999; to the Committee on Foreign Relations.

EC-4348. A communication from the Vice President, Government Affairs, National Railroad Passenger Corporation, transmitting, pursuant to law, the annual report for calendar year 1997; to the Committee on Commerce, Science, and Transportation.

EC-4349. A communication from the Director of the Federal Bureau of Investigation, transmitting, pursuant to law, the report of a rule received on March 17, 1998; to the Committee on Commerce, Science, and Transportation.

EC-4350. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Automotive Fuel Economy Program"; to the Committee on Commerce, Science, and Transportation.

EC-4351. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of accomplishments under the Airport Improvement Program for fiscal year 1996; to the Committee on Commerce, Science, and Transportation.

EC-4352. A communication from the Secretary of Federal Trade Commission, transmitting, pursuant to law, the report of a rule received on March 10, 1998; to the Committee on Commerce, Science, and Transportation.

EC-4353. A communication from the Secretary of Federal Trade Commission, transmitting, pursuant to law, the report under the Federal Cigarette Labeling and Advertising Act; to the Committee on Commerce, Science, and Transportation.

EC-4354. A communication from the Deputy General Counsel, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule received on March 17, 1998; to the Committee on Commerce, Science, and Transportation.

EC-4355. A communication from the Acting Deputy Director, National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, the reports of two rules; to the Committee on Commerce, Science, and Transportation.

EC-4356. A communication from the Acting Director of the Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the reports of two rules; to the Committee on Commerce, Science, and Transportation.

EC-4357. A communication from the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the reports of three rules; to the Committee on Commerce, Science, and Transportation.

EC-4358. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the reports of four rules; to the Committee on Commerce, Science, and Transportation.

EC-4359. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the reports of six rules; to the Committee on Commerce, Science, and Transportation.

EC-4360. A communication from the Deputy Assistant For Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the reports of seven rules; to the Committee on Commerce, Science, and Transportation.

EC-4361. A communication from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the reports of forty-six rules; to the Committee on Commerce, Science, and Transportation.

EC-4362. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the reports of 187 rules; to the Committee on Commerce, Science, and Transportation.

EC-4363. A communication from the Secretary of Commerce, transmitting, pursuant to law, the annual report for calendar year 1997 of the Visiting Committee on Advance Technology (National Institute of Standards and Technology); to the Committee on Commerce, Science, and Transportation.

EC-4364. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule received on February 26, 1998; to the Committee on Commerce, Science, and Transportation.

EC-4365. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of the annual performance plan for fiscal year 1999; to the Committee on Foreign Relations.

EC-4366. A communication from the Deputy Executive Director of the U.S. Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule received on February, 23, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4367. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation to reform agricultural credit programs; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4368. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation entitled "The Child Nutrition and WIC Reauthorization Amendments of 1998"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4369. A communication from the Under Secretary of Agriculture for Food, Nutrition, and Consumer Services, transmitting, pursuant to law, the report of a rule received on February 18, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4370. A communication from the Secretary of the Panama Canal Commission, transmitting, pursuant to law, the report of a rule received on March 10, 1998; to the Committee on Armed Services.

EC-4371. A communication from the Director of Selective Service, transmitting, pursuant to law, the annual report for fiscal year 1997; to the Committee on Armed Services.

EC-4372. A communication from the Secretary of the Navy, transmitting, pursuant to law, a report entitled "U.S. Navy Submarine Solid Waste Management Plan for MARPOL Annex V Special Areas"; to the Committee on Armed Services.

EC-4373. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the Defense Nuclear Facilities Safety Board for calendar year 1997; to the Committee on Armed Services.

REPORTS OF COMMITTEE

The following report of committee was submitted:

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget totals from the Concurrent Resolution for Fiscal Year 1998" (Rept. No. 105-171).

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

H.R. 400. A bill to amend title 35, United States Code, with respect to patents, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ROCKEFELLER (for himself, Ms. SNOWE, Mr. KERRY, Mr. KENNEDY, Mr. DODD, Mr. JEFFORDS, and Mr. CHAFEE):

S. 1809. A bill to improve the performance outcomes of the child support enforcement program in order to increase the financial stability and well-being of children and families, and to require the Secretary of Health and Human Services and the Secretary of Labor to jointly develop a National Standardized Medical Support Notice and establish a working group to eliminate existing barriers to the effective establishment and enforcement of medical child support; to the Committee on Finance.

By Mr. ROTH:

S. 1810. A bill to suspend temporarily the duty on a certain anti-HIV and anti-AIDS drug; to the Committee on Finance.

By Mr. FAIRCLOTH:

S. 1811. A bill to prohibit the Secretary of Health and Human Services from promulgating any regulation, rule, or other order if the effect of such regulation, rule, or order is to eliminate or modify any requirement under the medicare program under title XVIII of the Social Security Act for physician supervision of anesthesia services, as such requirement was in effect on December 31, 1997; to the Committee on Finance.

By Mr. THURMOND (for himself and Mr. LEVIN) (by request):

S. 1812. A bill to authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1999, and for other purposes; to the Committee on Armed Services.

S. 1813. A bill to authorize military construction and related activities of the Department of Defense for fiscal year 1999; to the Committee on Armed Services.

S. 1814. A bill entitled "Department of Defense Reform Act of 1998"; to the Committee on Armed Services.

By Mr. SPECTER:

S. 1815. A bill to suspend temporarily the duty on tebufenozide; to the Committee on Finance.

S. 1816. A bill to suspend temporarily the duty on halofenozide; to the Committee on Finance.

S. 1817. A bill to suspend temporarily the duty on modified secondary-tertiary amine phenol/formaldehyde copolymers; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 1818. A bill to suspend temporarily the duty on organic luminescent pigments, dyes, and fibers for security applications; to the Committee on Finance.

S. 1819. A bill to suspend temporarily the duty on certain fluorozirconium compounds; to the Committee on Finance.

S. 1820. A bill to suspend temporarily the duty on 4-Hexylresorcinol; to the Committee on Finance.

S. 1821. A bill to suspend temporarily the duty on polymethine sensitizing dyes for imaging applications; to the Committee on Finance.

By Mr. SPECTER (for himself, Mr. THURMOND, Mr. JEFFORDS, Mr. MURKOWSKI, Mr. ROCKEFELLER, Mr. AKAKA, Mr. WELLSTONE, Mr. LIEBERMAN, and Mrs. MURRAY):

S. 1822. A bill to amend title 38, United States Code, to authorize provision of care to veterans treated with nasopharyngeal radium irradiation; to the Committee on Veterans Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROCKEFELLER (for himself, Ms. SNOWE, Mr. KERRY, Mr. KENNEDY, Mr. DODD, Mr. JEFFORDS, and Mr. CHAFEE):

S. 1809. A bill to improve the performance outcomes of the child support enforcement program in order to increase the financial stability and well-being of children and families, and to require the Secretary of Health and Human Services and the Secretary of Labor to jointly develop a National Standardized Medical Support Notice and establish a working group to eliminate existing barriers to the effective establishment and enforcement of medical child support; to the Committee on Finance.

THE CHILD SUPPORT PERFORMANCE IMPROVEMENT ACT OF 1998

Mr. ROCKEFELLER. Mr. President, I am pleased to join with my colleagues to introduce the Child Support Performance Improvement Act of 1998. I believe this legislation, with its special emphasis on the enforcement of medical child support orders, will improve the financial security and health of thousands of American children. This bill also takes careful steps to ensure that vital Federal health programs such as Medicaid and the new Children's Health Insurance Program are not misused by parents who are able but unwilling to live up to their health care responsibilities. I want to take this opportunity to share my special thanks with Senator SNOWE, who has shown a long-standing commitment to this important issue. I would also like to thank Senators KERRY, KENNEDY, DODD, JEFFORDS, and CHAFEE for their work on the issue of child support.

As a nation, our most fundamental measure of success is how effectively we provide for our children. We have a collective responsibility to ensure that our children have the financial resources they need to live happy, healthy and stable lives. At the same time, the responsibility for addressing many of children's daily needs fall squarely at the feet of their parents. In my state of West Virginia and elsewhere, too many parents neglect their financial responsibilities, maintaining that because they are no longer living in the same house as their children, they no longer have to support them. With so many parents refusing to provide their children with adequate financial support and health care, between $15 and $25 billion dollars in child support remains uncollected each year.

The Child Support Performance Improvement Act of 1998 takes several steps to make child support a dependable part of the continuum of private and public benefits available to American children. Since the child support enforcement system was created in 1975 to centralize state government collections, Congress has authorized Federal funding to improve and broaden state child support programs. In addition to general financial support, the Federal government also makes annual incentive payments to the states based on the cost effectiveness of their child support collections. That is, dollar for dollar, do the states show a significant return for the money they spend on child support collections.

For several years, there has been a consensus among both state child support agencies and child advocates that basing incentive payments on cost effectiveness alone does no justice to the many other areas of state performance. Two years ago, the welfare reform law took a positive step forward by commissioning a task force composed of child support experts from the Department of Health and Human Services and state agencies to come up with a new set of incentives that would keep states on the road to more effective child support collections in a variety of areas. The Child Support Performance Improvement Act of 1998 incorporates the consensus findings of this work group. For the first time, the new incentives structure takes into account not only a state's cost effectiveness but its ability to establish paternity and child support orders and to collect current and back child support payments.

This legislation also increases the emphasis on a State's collection of medical child support and eliminates some of the barriers the States face in their efforts to enforce medical child support orders. With one out of seven American children unable to access basic health coverage, medical child support or "medical support" has become a vital part of child support enforcement. Medical support can take many forms including an order to a non-custodial parent to provide health insurance, to cover a portion of an insurance co-payment or a deductible, or to pay past medical bills. Since 1984, federal law has required state child support enforcement agencies to petition for and collect medical support as part of any general child support order if health care coverage is available to the non-custodial parent at a reasonable cost. Unfortunately, however, medical child support is still only collected in about 30% of all child support cases. If we fail to use this prime opportunity to re-establish medical support as a priority, enforcement of medical support might be even more dismal in the future.

The Child Support Performance Improvement Act of 1998 will improve the collection of medical support in two significant ways. First, it requires the Secretary of Health and Human Services to create a sixth medical support criterion upon which Federal incentives payments will be based. This sixth medical support incentives factor will not only ensure that States do their best to collect medical support, but it will also send a message to the States that when creating and improving their overall collections systems, medical support is a top priority.

Many of us have worked hard to make sure that all American children receive appropriate health care coverage through both public and private programs such as the newly-created Children's Health Insurance (or "CHIPS") Program. Although this and other Federal programs are vital, they were never intended and should not be used as a parachute for parents who could afford to cover their own children, but refuse to do so.

This bill also helps improve medical support collections by eliminating some of the procedural barriers that the states face when they try to enforce medical support orders through health plans governed by the Employment Retirement Income Security Act of 1974 (ERISA). Once a court issues a medical support order, the state child support enforcement agencies sends a notice of that order to the non-custodial parent's health plan. Over 50 percent of American employers offer health plans that are governed by ERISA. As a result, there are over 700,000 children who are dependent on a medical support order through an ERISA-governed plan. Currently, there is a lack of uniformity in the way that state child support enforcement agency and the health plan administrators communicate with one another. Despite the fact that ERISA already defines the elements a medical support order must contain in order to be valid under federal law, there is still a lot of confusion by the state agencies and the plan administrators about what is required.

After consultation with dozens of ERISA plan administrators, state agencies, and child advocates, this bill removes this procedural barrier by requiring the Secretaries of the Department of Health and Human Services and the Department of Labor to create and implement a standardized national medical support notice that states would be required to use and employers would be required to accept under ERISA. This standardized form will take into account the respective administrative needs of both states and employers. Second, the bill requires the Secretary of the Department of Labor, in consultation with the Department of Health and Human Services, to submit recommendations for any other necessary improvements to the medical child support provisions of ERISA. Finally, the bill commissions a work group composed of medical support experts from state agencies, employers, plan administrators and child advocates to identify and make recommendations for the elimination of any remaining medical support barriers.

The Child Support Performance Improvement Act of 1998 is designed to improve States' overall child support collections with a special emphasis on the effective enforcement of medical support orders, so that all qualified children receive the health coverage that they deserve.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1809

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Support Performance Improvement Act of 1998".

SEC. 2. INCENTIVE PAYMENTS TO STATES.

(a) In General.—Part D of title IV of the Social Security Act (42 U.S.C. 651–669) is amended by inserting after section 458 the following:

"SEC. 458A. INCENTIVE PAYMENTS TO STATES.

"(a) In General.—In addition to any other payment under this part, the Secretary shall, subject to subsection (f), make an incentive payment to each State for each fiscal year in an amount determined under subsection (b).

"(b) Amount of Incentive Payment.—

"(1) In general.—The incentive payment for a State for a fiscal year is equal to the incentive payment pool for the fiscal year, multiplied by the State incentive payment share for the fiscal year.

"(2) Incentive payment pool.—

"(A) In general.—In paragraph (1), the term 'incentive payment pool' means—

"(i) $422,000,000 for fiscal year 2000;

"(ii) $429,000,000 for fiscal year 2001;

"(iii) $450,000,000 for fiscal year 2002;

"(iv) $461,000,000 for fiscal year 2003;

"(v) $454,000,000 for fiscal year 2004;

"(vi) $446,000,000 for fiscal year 2005;

"(vii) $458,000,000 for fiscal year 2006;

"(viii) $471,000,000 for fiscal year 2007;

"(ix) $483,000,000 for fiscal year 2008; and

"(x) for any succeeding fiscal year, the amount of the incentive payment pool for the fiscal year that precedes such succeeding fiscal year, multiplied by the percentage (if any) by which the CPI for such preceding fiscal year exceeds the CPI for the 2nd preceding fiscal year.

"(B) CPI.—For purposes of subparagraph (A), the CPI for a fiscal year is the average of the Consumer Price Index for the 12-month period ending on September 30 of the fiscal year. As used in the preceding sentence, the term 'Consumer Price Index' means the last Consumer Price Index for all-urban consumers published by the Department of Labor.

"(3) State incentive payment share.—In paragraph (1), the term 'State incentive payment share' means, with respect to a fiscal year—

"(A) the incentive base amount for the State for the fiscal year; divided by

"(B) the sum of the incentive base amounts for all of the States for the fiscal year.

"(4) Incentive base amount.—In paragraph (3), the term 'incentive base amount' means, with respect to a State and a fiscal year, the sum of the applicable percentages (determined in accordance with paragraph (6)) multiplied by the corresponding maximum incentive base amounts for the State for the fiscal year, with respect to each of the following measures of State performance for the fiscal year:

"(A) The paternity establishment performance level.

"(B) The support order performance level.

"(C) The current payment performance level.

"(D) The arrearage payment performance level.

"(E) The cost-effectiveness performance level.

"(5) Maximum incentive base amount.—

"(A) In general.—For purposes of paragraph (4), the maximum incentive base amount for a State for a fiscal year is—

"(i) with respect to the performance measures described in subparagraphs (A), (B), and (C) of paragraph (4), 100 percent of the State collections base for the fiscal year; and

"(ii) with respect to the performance measures described in subparagraphs (D) and (E) of paragraph (4), 75 percent of the State collections base for the fiscal year.

"(B) Data required to be complete and reliable.—Notwithstanding subparagraph (A), the maximum incentive base amount for a State for a fiscal year with respect to a performance measure described in paragraph (4) is zero, unless the Secretary determines, on the basis of an audit performed under section 452(a)(4)(C)(i), that the data which the State submitted pursuant to section 454(15)(B) for the fiscal year and which is used to determine the performance level involved is complete and reliable.

"(C) State collections base.—For purposes of subparagraph (A), the State collections base for a fiscal year is equal to the sum of—

"(i) 2 times the sum of—

"(I) the total amount of support collected during the fiscal year under the State plan approved under this part in cases in which the support obligation involved is required to be assigned to the State pursuant to part A or E of this title or title XIX; and

"(II) the total amount of support collected during the fiscal year under the State plan approved under this part in cases in which the support obligation involved was so assigned but, at the time of collection, is not required to be so assigned; and

"(ii) the total amount of support collected during the fiscal year under the State plan approved under this part in all other cases.

"(6) Determination of applicable percentages based on performance levels.—

"(A) Paternity establishment.—

"(i) Determination of paternity establishment performance level.—The paternity establishment performance level for a State for a fiscal year is, at the option of the State, the IV–D paternity establishment percentage determined under section 452(g)(2)(A) or the statewide paternity establishment percentage determined under section 452(g)(2)(B).

"(ii) Determination of applicable percentage.—The applicable percentage with respect to a State's paternity establishment performance level is as follows:

"If the paternity establishment performance level is:		The applicable percentage is:
At least:	But less than:	
80%		100
79%	80%	98
78%	79%	96
77%	78%	94
76%	77%	92
75%	76%	90
74%	75%	88
73%	74%	86
72%	73%	84
71%	72%	82
70%	71%	80
69%	70%	79
68%	69%	78
67%	68%	77
66%	67%	76
65%	66%	75
64%	65%	74
63%	64%	73
62%	63%	72
61%	62%	71
60%	61%	70
59%	60%	69
58%	59%	68
57%	58%	67
56%	57%	66
55%	56%	65
54%	55%	64
53%	54%	63
52%	53%	62
51%	52%	61
50%	51%	60
0%	50%	0.

Notwithstanding the preceding sentence, if the paternity establishment performance level of a State for a fiscal year is less than 50 percent but exceeds by at least 10 percentage points the paternity establishment performance level of the State for the immediately preceding fiscal year, then the applicable percentage with respect to the State's paternity establishment performance level is 50 percent.

"(B) ESTABLISHMENT OF CHILD SUPPORT ORDERS.—

"(i) DETERMINATION OF SUPPORT ORDER PERFORMANCE LEVEL.—The support order performance level for a State for a fiscal year is the percentage of the total number of cases under the State plan approved under this part in which there is a support order during the fiscal year.

"(ii) DETERMINATION OF APPLICABLE PERCENTAGE.—The applicable percentage with respect to a State's support order performance level is as follows:

"If the support order performance level is:		The applicable percentage is:
At least:	But less than:	
80%		100
79%	80%	98
78%	79%	96
77%	78%	94
76%	77%	92
75%	76%	90
74%	75%	88
73%	74%	86
72%	73%	84
71%	72%	82
70%	71%	80
69%	70%	79
68%	69%	78
67%	68%	77
66%	67%	76
65%	66%	75
64%	65%	74
63%	64%	73
62%	63%	72
61%	62%	71
60%	61%	70
59%	60%	69
58%	59%	68
57%	58%	67
56%	57%	66
55%	56%	65
54%	55%	64
53%	54%	63
52%	53%	62
51%	52%	61
50%	51%	60
0%	50%	0.

Notwithstanding the preceding sentence, if the support order performance level of a State for a fiscal year is less than 50 percent but exceeds by at least 5 percentage points the support order performance level of the State for the immediately preceding fiscal year, then the applicable percentage with respect to the State's support order performance level is 50 percent.

"(C) COLLECTIONS ON CURRENT CHILD SUPPORT DUE.—

"(i) DETERMINATION OF CURRENT PAYMENT PERFORMANCE LEVEL.—The current payment performance level for a State for a fiscal year is equal to the total amount of current support collected during the fiscal year under the State plan approved under this part divided by the total amount of current support owed during the fiscal year in all cases under the State plan, expressed as a percentage.

"(ii) DETERMINATION OF APPLICABLE PERCENTAGE.—The applicable percentage with respect to a State's current payment performance level is as follows:

"If the current payment performance level is:		The applicable percentage is:
At least:	But less than:	
80%		100
79%	80%	98
78%	79%	96
77%	78%	94
76%	77%	92
75%	76%	90
74%	75%	88
73%	74%	86
72%	73%	84
71%	72%	82
70%	71%	80
69%	70%	79
68%	69%	78
67%	68%	77
66%	67%	76
65%	66%	75
64%	65%	74
63%	64%	73
62%	63%	72
61%	62%	71
60%	61%	70
59%	60%	69
58%	59%	68
57%	58%	67
56%	57%	66
55%	56%	65
54%	55%	64
53%	54%	63
52%	53%	62
51%	52%	61
50%	51%	60
49%	50%	59
48%	49%	58
47%	48%	57
46%	47%	56
45%	46%	55
44%	45%	54
43%	44%	53
42%	43%	52
41%	42%	51
40%	41%	50
0%	40%	0.

Notwithstanding the preceding sentence, if the current payment performance level of a State for a fiscal year is less than 40 percent but exceeds by at least 5 percentage points the current payment performance level of the State for the immediately preceding fiscal year, then the applicable percentage with respect to the State's current payment performance level is 50 percent.

"(D) COLLECTIONS ON CHILD SUPPORT ARREARAGES.—

"(i) DETERMINATION OF ARREARAGE PAYMENT PERFORMANCE LEVEL.—The arrearage payment performance level for a State for a fiscal year is equal to the total number of cases under the State plan approved under this part in which payments of past-due child support were received during the fiscal year and part or all of the payments were distributed to the family to whom the past-due child support was owed (or, if all past-due child support owed to the family was, at the time of receipt, subject to an assignment to the State, part or all of the payments were retained by the State) divided by the total number of cases under the State plan in which there is past-due child support, expressed as a percentage.

"(ii) DETERMINATION OF APPLICABLE PERCENTAGE.—The applicable percentage with respect to a State's arrearage payment performance level is as follows:

"If the arrearage payment performance level is:		The applicable percentage is:
At least:	But less than:	
80%		100
79%	80%	98
78%	79%	96
77%	78%	94
76%	77%	92
75%	76%	90
74%	75%	88
73%	74%	86
72%	73%	84
71%	72%	82
70%	71%	80
69%	70%	79
68%	69%	78
67%	68%	77
66%	67%	76
65%	66%	75
64%	65%	74
63%	64%	73
62%	63%	72
61%	62%	71
60%	61%	70
59%	60%	69
58%	59%	68
57%	58%	67
56%	57%	66
55%	56%	65
54%	55%	64
53%	54%	63
52%	53%	62
51%	52%	61
50%	51%	60
49%	50%	59

"If the arrearage payment performance level is:		The applicable percentage is:
At least:	But less than:	
48%	49%	58
47%	48%	57
46%	47%	56
45%	46%	55
44%	45%	54
43%	44%	53
42%	43%	52
41%	42%	51
40%	41%	50
0%	40%	0.

Notwithstanding the preceding sentence, if the arrearage payment performance level of a State for a fiscal year is less than 40 percent but exceeds by at least 5 percentage points the arrearage payment performance level of the State for the immediately preceding fiscal year, then the applicable percentage with respect to the State's arrearage payment performance level is 50 percent.

"(E) Cost-effectiveness.—

"(i) Determination of cost-effectiveness performance level.—The cost-effectiveness performance level for a State for a fiscal year is equal to the total amount collected during the fiscal year under the State plan approved under this part divided by the total amount expended during the fiscal year under the State plan, expressed as a ratio.

"(ii) Determination of applicable percentage.—The applicable percentage with respect to a State's cost-effectiveness performance level is as follows:

"If the cost-effectiveness performance level is:		The applicable percentage is:
At least:	But less than:	
5.00		100
4.50	4.99	90
4.00	4.50	80
3.50	4.00	70
3.00	3.50	60
2.50	3.00	50
2.00	2.50	40
0.00	2.00	0.

"(F) Medical support.—Subject to section 2(d)(2)(C) of the Child Support Performance Improvement Act of 1998 the medical support performance level for a State for a fiscal year, and the applicable percentage for a State with respect to such level, shall be determined in accordance with regulations implementing the recommendations required to be included in the report submitted under section 2(d)(2)(B) of such Act.

"(c) Treatment of Interstate Collections.—In computing incentive payments under this section, support which is collected by a State at the request of another State shall be treated as having been collected in full by both States, and any amounts expended by a State in carrying out a special project assisted under section 455(e) shall be excluded.

"(d) Administrative Provisions.—The amounts of the incentive payments to be made to the States under this section for a fiscal year shall be estimated by the Secretary at or before the beginning of the fiscal year on the basis of the best information available, as obtained in accordance with section 452(a)(12). The Secretary shall make the payments for the fiscal year, on a quarterly basis (with each quarterly payment being made not later than the beginning of the quarter involved), in the amounts so estimated, reduced, or increased to the extent of any overpayments or underpayments which the Secretary determines were made under this section to the States involved for prior periods and with respect to which adjustment has not already been made under this subsection. Upon the making of any estimate by the Secretary under the preceding sentence, any appropriations available for payments under this section are deemed obligated.

"(e) Regulations.—

"(1) In general.—The Secretary shall prescribe such regulations as may be necessary governing the calculation of incentive payments under this section, including directions for excluding from the calculations certain closed cases and cases over which the States do not have jurisdiction, and regulations excluding from the calculations of the current payment performance level and the arrearage payment performance level any case in which the State used State funds to make such payments for the primary purpose of increasing the State's performance levels in such areas.

"(2) Regulations implementing the medical support performance level.—Subject to section 2(d)(2)(C) of the Child Support Performance Improvement Act of 1998, the Secretary shall prescribe regulations implementing the recommendations required to be included in the report submitted under section 2(d)(2)(B) of such Act. To the extent necessary to ensure that the implementation of such recommendations does not result in total Federal expenditures under this section in excess of the amount of such expenditures in the absence of such implementation, such regulations may increase or decrease the percentages specified in clauses (i) and (ii) of subsection (b)(5)(A).

"(f) Reinvestment.—

"(1) In general.—Until such time as the State qualifies for the maximum incentive amount possible, as determined under subsection (b)(5), payments under this section and section 458 shall supplement, not supplant, State child support expenditures under the State program under this part to the extent that such expenditures were funded by the State in fiscal year 1997.

"(2) Penalty.—Failure to satisfy the requirement of paragraph (1) shall result in a proportionate reduction, determined by the Secretary, of future payments to the State under this section and section 458.".

(b) Payments During Transition Period.—Notwithstanding section 458A of the Social Security Act (42 U.S.C. 658A), as added by subsection (a), the amount of an incentive payment for a State under such section shall not be—

(1) in the case of fiscal year 2000, less than 80 percent or greater than 120 percent of the incentive payment for the State determined under section 458 of the Social Security Act (42 U.S.C. 658) for fiscal year 1999 (as such section was in effect for such fiscal year);

(2) in the case of fiscal year 2001, less than 60 percent or greater than 140 percent of the incentive payment for the State (as so determined);

(3) in the case of fiscal year 2002, less than 40 percent or greater than 160 percent of the incentive payment for the State (as so determined); and

(4) in the case of fiscal year 2003, less than 20 percent or greater than 180 percent of the incentive payment for the State (as so determined).

(c) Regulations.—Within 9 months after the date of enactment of this section, the Secretary of Health and Human Services shall, in addition to the regulations required under section 458A(e) of the Social Security Act, issue regulations governing the implementation of section 458A of the Social Security Act, when such section takes effect, and the implementation of subsection (b) of this section.

(d) Studies.—

(1) General review of new incentive payment system.—

(A) In general.—The Secretary of Health and Human Services (in this subsection referred to as the "Secretary") shall conduct a study of the implementation of the incentive payment system established by section 458A of the Social Security Act, in order to identify the problems and successes of the system.

(B) Reports to congress.—

(i) Report on variations in state performance attributable to demographic variables.—Not later than October 1, 2000, the Secretary shall submit to Congress a report that identifies any demographic or economic variables that account for differences in the performance levels achieved by the States with respect to the performance measures used in the system, and contains the recommendations of the Secretary for such adjustments to the system as may be necessary to ensure that the relative performance of States is measured from a baseline that takes account of any such variables.

(ii) Interim report.—Not later than March 1, 2001, the Secretary shall submit to Congress an interim report that contains the findings of the study required by subparagraph (A).

(iii) Final report.—Not later than October 1, 2003, the Secretary shall submit to Congress a final report that contains the final findings of the study required by subparagraph (A). The report shall include any recommendations for changes in the system that the Secretary determines would improve the operation of the child support enforcement program.

(2) Development of medical support incentive.—

(A) In general.—The Secretary, in consultation with State directors of programs operated under part D of title IV of the Social Security Act and representatives of children potentially eligible for medical support, such as child advocacy organizations, shall develop a new medical support performance measure based on the effectiveness of States in establishing and enforcing medical support obligations, and shall make recommendations for the incorporation of the measure, in a revenue neutral manner, into the incentive payment system established by section 458A of the Social Security Act.

(B) Report.—Not later than October 1, 1999, the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, a report that describes the performance measure and contains the recommendations required under subparagraph (A).

(C) Congressional disapproval required.—

(i) In general.—The Secretary shall, by regulation, implement the recommendations required to be included in the report submitted under subparagraph (B) unless a joint resolution is enacted, in accordance with subparagraph (D), disapproving such recommendations before the end of the 1-year period that begins on the date on which the Secretary submits such report.

(ii) Exclusion of certain days.—For purposes of clause (i) and subparagraph (D), the days on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain shall be excluded from the computation of the period.

(D) CONGRESSIONAL CONSIDERATION.—

(i) TERMS OF THE RESOLUTION.—For purposes of subparagraph (C)(i), the term "joint resolution" means only a joint resolution that is introduced within the 1-year period described in such subparagraph and—

(I) that does not have a preamble;

(II) the matter after the resolving clause of which is as follows: "That Congress disapproves the recommendations of the Secretary of Health and Human Services regarding the implementation of a medical support performance measure submitted on ______", the blank space being filled in with the appropriate date; and

(III) the title of which is as follows: "Joint resolution disapproving the recommendations of the Secretary of Health and Human Services regarding the implementation of a medical support performance measure.".

(ii) REFERRAL.—A resolution described in clause (i) that is introduced—

(I) in the House of Representatives, shall be referred to the Committee on Ways and Means; and

(II) in the Senate, shall be referred to the Committee on Finance.

(iii) DISCHARGE.—If a committee to which a resolution described in clause (i) is referred has not reported such resolution by the end of the 20-day period beginning on the date on which the Secretary submits the report required under subparagraph (B), such committee shall be, at the end of such period, discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calendar of the House involved.

(iv) CONSIDERATION.—On or after the third day after the date on which the committee to which a resolution described in clause (i) has reported, or has been discharged from further consideration of such resolution, such resolution shall be considered in the same manner as a resolution is considered under subsections (d), (e), and (f) of section 2908 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note).

(e) TECHNICAL AMENDMENTS.—

(1) IN GENERAL.—Section 341 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (42 U.S.C. 658 note) is amended—

(A) by striking subsection (a) and redesignating subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively; and

(B) in subsection (c) (as so redesignated)—

(i) by striking paragraph (1) and inserting the following:

"(1) CONFORMING AMENDMENTS TO PRESENT SYSTEM.—The amendments made by subsection (a) of this section shall become effective with respect to a State as of the date the amendments made by section 103(a) (without regard to section 116(a)(2)) first apply to the State."; and

(ii) in paragraph (2), by striking "(c)" and inserting "(b)".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of section 341 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

(f) ELIMINATION OF PREDECESSOR INCENTIVE PAYMENT SYSTEM.—

(1) REPEAL.—Section 458 of the Social Security Act (42 U.S.C. 658) is repealed.

(2) CONFORMING AMENDMENTS.—

(A) Section 458A of the Social Security Act (42 U.S.C. 658a) is redesignated as section 458.

(B) Paragraphs (1) and (2) of section 458(f) (as so redesignated) are each amended by striking "and section 458".

(C) Subsections (c) and (d) of this section are each amended by striking "458A" each place it appears and inserting "458".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2003.

(g) GENERAL EFFECTIVE DATE.—Except as otherwise provided in this section, the amendments made by this section shall take effect on October 1, 1999.

SEC. 3. DATA INTEGRITY.

(a) DUTY OF THE SECRETARY TO ENSURE RELIABLE DATA.—Section 452(a) of the Social Security Act (42 U.S.C. 652(a)) is amended—

(1) in paragraph (10), by striking "and" at the end;

(2) in paragraph (11), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(12) ensure that data required for the operation of State programs under this part is complete and reliable by providing Federal guidance, technical assistance, and monitoring.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of enactment of this Act.

SEC. 4. ELIMINATION OF BARRIERS TO THE EFFECTIVE ESTABLISHMENT AND ENFORCEMENT OF MEDICAL CHILD SUPPORT.

(a) PROMULGATION OF NATIONAL STANDARDIZED MEDICAL SUPPORT NOTICE.—Section 452(a) of the Social Security Act (42 U.S.C. 652(a)), as amended by section 3(a), is amended—

(1) in paragraph (11), by striking "and" at the end;

(2) in paragraph (12), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(13)(A) develop jointly with the Secretary of Labor—

"(i) a National Standardized Medical Support Notice that satisfies the requirements of section 609(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1169(a)(3)) and the requirements of this part and shall be used by States to enforce medical support orders; and

"(ii) appropriate procedures for the transmission of such Notice to employers by State agencies administering the program established under this part;

"(B) not later than 90 days after the date of enactment of this paragraph, establish with the Secretary of Labor, a medical support working group, not to exceed 20 individuals, that shall—

"(i) identify the impediments to the effective enforcement of medical support by State agencies administering the program established under this part; and

"(ii) be composed of representatives of—

"(I) the Department of Labor;

"(II) the Department of Health and Human Services;

"(III) State directors of programs under this part;

"(IV) State directors of the medicaid program under title XIX;

"(V) employers, including owners of small businesses;

"(VI) plan administrators and plan sponsors of group health plans (as defined in section 607(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1167(1));

"(VII) children potentially eligible for medical support, such as child advocacy organizations; and

"(VIII) State public welfare programs;

"(C) require the working group established in accordance with subparagraph (B) to—

"(i) not later than 18 months after the date of enactment of this paragraph, submit to the Secretary and Congress a report containing recommendations for appropriate measures to address the impediments to the effective enforcement of medical support by State agencies administering the program established under this part identified by the working group, including—

"(I) appropriate measures that establish the priority of withholding of child support obligations, medical support obligations, arrearages in such obligations, and, in the case of a medical support obligation, the employee's portion of any health care coverage premium, by the State agency administering the program established under this part in light of the restrictions on garnishment provided under title III of the Consumer Credit Protection Act (15 U.S.C. 1671–1677);

"(II) appropriate procedures for coordinating the provision, enforcement, and transition of health care coverage under the State programs established under this part, title XIX, and title XXI;

"(III) appropriate measures to improve the enforcement of alternate types of medical support that are aside from health coverage offered through the noncustodial parent's health plan and unrelated to the noncustodial parent's employer, including measures that establish a noncustodial parent's responsibility to share the cost of a copayment, deductible, or a payment for services not covered under a child's existing health coverage; and

"(IV) appropriate measures for eliminating any other impediments to the effective enforcement of medical support orders that the working group deems necessary; and

"(D) issue, under the authority of the Secretary—

"(i) not later than 180 days after the date of enactment of this paragraph, a proposed regulation that specifies that the National Standardized Medical Support Notice shall be used by State agencies administering the program under this part to enforce medical support orders, and that includes such procedures for transmission of the Notice to employers that the Secretary determines are appropriate; and

"(ii) not later than 1 year after the date of enactment of this paragraph, a final regulation that specifies that the National Standardized Medical Support Notice shall be used by State agencies administering the program under this part to enforce medical support orders and the procedures for the transmission of that Notice to employers.".

(b) REQUIRED USE OF NOTICE BY STATES.—

(1) STATE PROCEDURES.—Section 466(a)(19) of the Social Security Act (42 U.S.C. 466(a)(19)) is amended to read as follows:

"(19) HEALTH CARE COVERAGE.—Procedures under which—

"(A) all child support orders enforced pursuant to this part include a provision for the health care coverage of the child that, not later than October 1, 2000, is enforced, where appropriate, through the use of the National Standardized Medical Support Notice promulgated pursuant to section 452(a)(13);

"(B) in any case in which a noncustodial parent is required to provide such health care coverage and the employer of such noncustodial parent is known to the State agency, the State agency shall use the National Standardized Medical Support Notice to transfer notice of the provision for the health care coverage of the child to the employer in conjunction, where appropriate, with an income withholding notice within 2 days of the date that information regarding a newly hired employee is entered in the State Directory of New Hires pursuant to section 453A(e), and to any subsequent employer if the parent changes employment or obtains additional employment and the subsequent employer of such noncustodial parent is known to the State agency;

"(C) not later than 7 business days after the date the National Standardized Medical Support Notice is issued, the Notice shall operate to enroll the child in the noncustodial parent's employer's health plan, and to authorize the collection of any employee contributions required for such enrollment, unless the noncustodial parent contests enforcement of the health care coverage provision of the child support order pursuant to the Notice to the State agency based on mistake of fact; and

"(D) the employer shall, within 21 days after the date the Notice is issued, notify the State agency administering the program under this part whether such health care coverage is available and, if so, whether the child has been enrolled in such coverage and the effective date of the enrollment, and provide to the custodial parent any necessary documentation to provide the child with coverage.".

(2) CONFORMING AMENDMENTS.—Section 452(f) of the Social Security Act (42 U.S.C. 652(f)) is amended in the first sentence—

(A) by striking "petition for the inclusion of" and inserting "include"; and

(B) by inserting "and enforce medical support" before "whenever".

(c) NATIONAL STANDARDIZED MEDICAL SUPPORT NOTICE DEEMED A QUALIFIED MEDICAL CHILD SUPPORT ORDER.—

(1) AMENDMENT TO ERISA.—Section 609(a)(5) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1169(a)(5)) is amended by adding at the end the following:

"(C) NATIONAL STANDARDIZED MEDICAL SUPPORT NOTICE DEEMED TO BE A QUALIFIED MEDICAL CHILD SUPPORT ORDER.—If a group health plan administrator receives a completed National Standardized Medical Support Notice promulgated pursuant to section 452(a)(13) of the Social Security Act (42 U.S.C. 652(a)(13)), and the notice meets the requirements of paragraphs (3) and (4), the notice shall, not later than 7 business days after the date the National Standardized Medical Support Notice is issued, be deemed to be a qualified medical child support order and the plan administrator shall comply with the notice.".

(2) RULE OF CONSTRUCTION.—The amendment made by paragraph (1) shall not be construed as requiring an employer to provide or expand any health benefits coverage provided by the employer that the employer is not, as of the date of enactment of this section, required to provide, or to modify or change the eligibility rules applicable to a group health plan (as defined in section 607(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1167(1))).

(d) REPORT AND RECOMMENDATIONS REGARDING THE ENFORCEMENT OF QUALIFIED MEDICAL SUPPORT ORDERS UNDER ERISA.—Not later than 1 year after the date of enactment of this Act, the Secretary of Labor, in consultation with the Secretary of Health and Human Services, shall submit to the Committee on Labor and Human Resources and the Committee on Finance of the Senate, and the Committee on Education and the Workforce and the Committee on Ways and Means of the House of Representatives, a report containing recommendations for appropriate legislation to improve the effectiveness of, and enforcement of, qualified medical child support orders under the provisions of section 609 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1169).

Mr. KERRY. Mr. President, I am pleased to join the distinguished Senators from West Virginia and Maine as a co-sponsor of this very important legislation on behalf of America's children. Senators ROCKEFELLER and SNOWE have long been leaders in the effort to crack down on delinquent parents who would deny their children the much-needed financial support to which they are entitled. I commend their dedication to this worthy cause.

Each year, as much as $15 to $25 billion in child support remains uncollected. Of the 5.4 million single mothers who were owed child support in 1994, slightly more than half received the full amount due, while one quarter received partial payment and one quarter received not a penny. The delinquency of deadbeat parents is not only a disgrace, but also an emergency, as it primarily impacts the neediest children of this nation. One of every four children in America lives in a single parent family, 18.7 million children in all. Half of these children live at or below the poverty level, compared with only slightly more than one out of every ten children in two-parent families.

The Rockefeller-Snowe-Kerry Child Support Performance Act of 1997 aims to restructure and improve the federal performance incentive system for state collection of child support. It does so by replacing the system's current emphasis on the cost effectiveness of state programs with one that recognizes substantive achievements. Moreover, the bill requires states to use federal incentives payments to supplement, not supplant, existing state expenditures to enforce child support orders.

I am particularly committed to working toward the goal of passing the medical support component of the Rockefeller-Snowe-Kerry bill. Although federal law requires state child support enforcement agencies to pursue medical support—particularly, health insurance coverage—when it is available to non-custodial parents at a reasonable cost, only 60 percent of established child support orders included medical support in 1995. Moreover, the General Accounting Office has reported that as many as 20 states were not enforcing existing medical support orders. This legislation addresses the inability of children of single parents to receive this crucial form of support by requiring the Secretary of Health and Human Services to develop and implement a medical support performance factor. Enabling child support agencies to enforce the requirement for medical support through ERISA-protected plans would shift many of the 700,000 children who currently receive public health coverage to private health insurance, thereby reducing significantly the cost to the public.

Mr. President, my colleagues and I are determined to ensure that the millions of American children who are being short-changed by the non-payment of child support, and medical support particularly, get help in the form of stricter enforcement. We are confident that the Rockefeller-Snowe-Kerry approach will make great strides toward this end and urge all of our colleagues to support this important legislation.

By Mr. ROTH:

S. 1810. A bill to suspend temporarily the duty on a certain anti-HIV and anti-AIDS drug; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

Mr. ROTH. Mr. President, I rise today to introduce temporary duty suspension legislation for the active ingredient used in producing Sustiva, a breakthrough drug for treating people with HIV and AIDS.

I am pleased to introduce this bill on the active ingredients in a drug that could simplify treatment for HIV patients and could possibly reduce the level of this virus in the bloodstream. By temporarily suspending the imposition of duties, this bill will help DuPont Merck, a company located in Wilmington, Delaware, lower its cost of production and improve its competitiveness.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1810

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY SUSPENSION OF DUTY.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.56	6-Chloro-4-(cyclopropylethynyl)-1, 4-Dihydro-4-(trifluro-methyl)-2H-3, 1-benzoxazin-2-one (CAS No 154598–52–4) (provided for in subheading 2934.90.30)	Free	No change	No change	On or before 12/31/2000".

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

By Mr. FAIRCLOTH:

S. 1811. A bill to prohibit the Secretary of Health and Human Services from promulgating any regulation, rule, or other order if the effect of such regulation, rule, or order is to eliminate or modify any requirement under the medicare program under title XVIII of the Social Security Act for physician supervision of anesthesia services, as such requirement was in effect on December 31, 1997; to the Committee on Finance.

THE SAFE SENIORS MEDICAL CARE ACT OF 1998

Mr. FAIRCLOTH. Mr. President, I come before you today to introduce legislation that should be of interest to all senior citizens in the U.S.

Mr. President, I must share with you my shock and outrage when I learned of a recently proposed rule by the Clinton Administration that eliminates the requirement of a real anesthesiologist during surgery for Medicare and Medicaid patients.

The legislation I am introducing today would stop the Administration from imposing such on rule on our nation's senior population.

At a time when President Clinton is seeking to expand Medicare coverage for more Americans, why is he quietly moving to lessen the standard of care for our senior citizens? This Administration is proposing a change that will permit non-physicians to evaluate patient health and administer anesthesia to a population at the greatest risk for complications.

Not long ago, the President stood before Congress and stated that "Medical decisions should be made by medical doctors" and that "every American deserves quality care." I totally agree with the President on these important points.

But it's not good enough to simply say this—actions have to speak louder than words. This is one of the reasons I am introducing this bill.

Mr. President, our elderly are our most vulnerable population. We established Medicare because of the cost of health care for the elderly. But Medicare doesn't have to be second class care. I think it is sinful to lower the quality of care for our seniors.

Furthermore, this Administration won't even allow seniors that want to pay for their own health costs to do so—without forcing the doctor out of Medicare. So our seniors have little choice, but to be treated under the guidelines of Medicare.

Now I am 70 years old, but to other Senators this will involve their mothers and fathers. To the younger generation, this will involve the treatment of their grandparents.

I have to ask, do you really want to send your mother or father, or grandparents in for a critical operation and have the anesthesia administered by a non-doctor?

Does the same standard apply to senior government officials? I would assume the President had a doctor administer his anesthesia. When I asked HHS Secretary Shalala whether she would choose a nurse or doctor to administer the anesthesia, when pressed she said she would ask her doctor!

Here we go again, one standard for Washington officials—another for everyone else. I think that is wrong.

Mr. President, I want to make an important point. This is not about diminishing the important role that nurses play an important role in the health care system. They play a valuable, great role. But on this one issue, I feel that the practice of Anesthesiology is simply too important to the any medical procedure to be left to those that are not trained extensively in this field. Anesthesia is the most important part of any operation, particularly for the elderly.

Nurse anesthetists are non-physician providers who normally complete a two or three-year training technique-oriented training program after nursing school. Anesthesiologists are physicians who, after taking a pre-med curriculum in college, complete four years of medical school and a four-year anesthesiology residency program.

We value the need for greater education in society, and here we are ignoring the importance of extensive education. All the rhetoric in Washington these days is about the importance of education. But if the Administration has its way, further education in the field will be deemed worthless.

Mr. President, for three decades, Medicare and Medicaid patients have benefitted from an attending anesthesiologist. To my knowledge, there is no clinical study that can provide justification for eliminating the physician supervision requirement. 81% of senior citizens oppose the President's rule. And you can count me in that group.

It is my understanding that there is no difference in cost if this rule is implemented. The reimbursement is the same to the doctor or the nurse. Furthermore, the number of patient deaths involving anesthesia has dramatically declined since the 1950's because we have a greater number of anesthesiologists in practice. We have made great strides in this field. Why would it make sense to radically change the rules at a time when we are so successful? It just doesn't make any sense.

Mr. President, the bottom line is that senior citizens don't want this rule, there is no difference in cost and there is no evidence that warrants such a change. I simply cannot stand by and watch the President put the lives of senior citizens all across this country in a potentially dangerous situation. Thank you, Mr. President. I urge all the members to support this legislation.

By Mr. LAUTENBERG:

S. 1818. A bill to suspend temporarily the duty on organic luminescent pigments, dyes, and fibers for security applications; to the Committee on Finance.

S. 1819. A bill to suspend temporarily the duty on fluorozirconium compounds; to the Committee on Finance.

S. 1820. A bill to suspend temporarily the duty on 4-Hexylresorcinol; to the Committee on Finance.

S. 1821. A bill to suspend temporarily the duty on polymethine sensitizing dyes for imaging applications; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

Mr. LAUTENBERG. Mr. President, I rise today to introduce legislation to suspend temporarily the rate of duty on four products produced by a constituent, AlliedSignal Inc. I am introducing a separate bill for each of the four products. The first is organic luminescent pigments, dyes, and fibers that are used in products requiring security and anti-counterfeiting technology. Unlike other pigments and dyes, these luminescent compounds are designed on a proprietary basis for one specific anti-counterfeiting application. The current duty is 5.9%. The second product, 4-Hexylresorcinol, has a variety of applications, including in throat lozenges, topical antiseptics, and other pharmaceutical and cosmetic applications. The current duty is 5.8%. Potassium hexafluorozirconate and hexafluorozirconium acid are used in the treatment of aluminum alloys in a variety of applications, including aerospace. The current duties are 3.1% and 4.2%. Finally, polymethine sensitizing dyes are used to improve the spectral response of photo-sensitive emulsions on photographic films. These dyes are complex organic molecules, and each one is typically designed on a proprietary basis to the customer's specifications. The current duty is 6.8%.

I have received assurances from AlliedSignal that there is no commercial US manufacturer for any of these products. Furthermore, each of the products was included in the United States Trade Representative's "zero list" of chemicals whose U.S. tariffs it tried to eliminate, in exchange for concessions from trading partners, during the November 1997 APEC Ministerial meeting. In a chemical industry-wide review of the zero list, no U.S. company objected to the proposed elimination of these products' duties.

Suspending the duties of products that are not produced in the United States helps our companies maintain their global competitiveness. This benefits our manufacturers as well as American workers and consumers. I ask my colleagues to support this legislation. I ask unanimous consent text of the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1818

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY SUSPENSION OF DUTY ON CERTAIN ORGANIC PIGMENTS, DYES, AND FIBERS.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the

United States is amended by inserting in numerical sequence the following new heading:

"9902.32.04	Organic luminescent pigments, dyes, and fibers for security applications (provided for in subheading 3204.90.00)	Free	No change	No change	On or before 12/31/2001".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

S. 1819

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY SUSPENSION OF DUTY ON CERTAIN FLUOROZIRCONIUM COMPOUNDS.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.28.11	Potassium hexafluorozirconate (CAS No. 16923–95–8) (provided for in subheading 2826.90.00) and hexafluorozirconium acid (CAS No. 12021–95–3) (provided for in subheading 2811.19.60)	Free	No change	No change	On or before 12/31/2001".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

S. 1820

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY SUSPENSION OF DUTY ON 4-HEXYLRESORCINOL.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.29.07	4-Hexylresorcinol (CAS No. 136–77–6) (provided for in subheading 2907.29.90)	Free	No change	No change	On or before 12/31/2001".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

S. 1821

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY SUSPENSION OF DUTY ON CERTAIN SENSITIZING DYES.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.29.34	Polymethine photosensitizing dyes (provided for in subheadings 2934.90.90 and 2933.19.90)	Free	No change	No change	On or before 12/31/2001".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

By Mr. SPECTER (for himself, Mr. THURMOND, Mr. JEFFORDS, Mr. MURKOWSKI, Mr. ROCKEFELLER, Mr. AKAKA, Mr. WELLSTONE, Mr. LIEBERMAN, and Mrs. MURRAY):

S. 1822. A bill to amend title 38, United States Code, to authorize provision of care to veterans treated with nasopharyngeal radium irradiation; to the Committee on Veterans' Affairs.

MEDICAL CARE TO VETERANS LEGISLATION

Mr. SPECTER. Mr. President, as Chairman of the Committee on Veterans' Affairs, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 1822, a proposed bill to authorize the provision of medical care to veterans who were treated with nasopharyngeal radium irradiation. The Acting Secretary of Veterans Affairs submitted this proposed legislation to the President of the Senate by letter dated August 11, 1997.

Mr. President, it is my usual practice, as Chairman of the Committee on Veterans Affairs, to introduce Administration-requested legislation that is referred to the Committee without commenting on the substance of the introduced bills, without committing myself to either support or oppose the legislation in question, and without seeking co-sponsors. In this case, I have departed from my usual practice due to the unusual nature of this legislation, which is long overdue. I am pleased that Senator JAY ROCKEFELLER, the Ranking Minority Member of the Committee on Veterans Affairs, has joined me as a cosponsor.

A medical treatment known as nasopharyngeal radium irradiation —the inserting of a radium-tipped metal rod through the nose—began in 1924 at the Johns Hopkins University as a means to treat middle ear obstructions and deafness. It was also commonly used to treat children with chronic ear infections. Even until the mid 1960's, medical textbooks recommended this treatment to shrink adenoid tissue in children. It is estimated that from 500,000 to 2 million persons may have received nasopharyngeal radium irradiation treatments over the years.

During the 1940's and 1950's—and perhaps later—the military treated submariners and air crew members with nasopharyngeal radium irradiation to prevent ear injury caused by severe pressure changes encountered in submarine and flight duty. The Final Report of the Advisory Committee on Human Radiation Experiments issued in 1995 cites one case where the Navy in the early 1940's treated 732 submariners with nasopharyngeal radium irradiation to equalize middle ear pressure with a 90 percent success rate.

Unfortunately, scientific research now suggests that individuals who received this then-accepted medical treatment may be at increased risk for developing head and neck cancers and other types of diseases and disorders. When nasopharyngeal irradiation was administered, radiation targeted to lymph tissue also affected the brain and other tissues in the head and neck, including the paranasal sinuses, salivary glands, thyroid and parathyroid glands.

Mr. President, the Committee on Veterans Affairs will fully develop the scientific record on this legislation. I will not now, therefore, discuss at length the evidence to support the proposition that veterans who received such therapy should now be eligible for VA care to treat the previously unknown medical consequences of nasopharyngeal radium irradiation. Suffice it to say now that the quantum of radiation to which people were routinely exposed as a consequence of nasopharyngeal radium irradiation far exceeded levels that would be judged acceptable today. Our colleague from Connecticut, Senator LIEBERMAN, stated it well when he commented in August 1994, at a hearing of the Environment and Public Works Subcommittee on Clean Air and Nuclear Radiation: "* * * the best evidence of the danger of this radium treatment is the fact that no doctor in his right mind would think of performing such a procedure today."

VA has proposed that veterans who received such treatment in the past be deemed eligible for treatment of cancers and other diseases and disorders that might be associated with this well-intentioned, but seemingly misguided, exposure to radiation. This legislation, if enacted, would authorize VA to treat such veterans on the same priority basis as it treats veterans who may have been exposed to ionizing radiation during weapons testing or during the occupation of Japan following World War II. It would also authorize VA to examine any veteran who was subjected to nasopharyngeal irradiation and include any findings in the VA's radiation registry.

As Chairman of the Veteran's Affairs Committee, I urge my colleagues in the Senate to join me in supporting this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1822

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. (a) The Secretary may examine, and include in the Department's Ionizing Radiation Registry Program, any veteran who received nasopharyngeal radium irradiation treatments while serving in the active military, naval, or air service.

(b) Section 1710 is amended—

(1) in subsection (a)(2)(F), by inserting "or who received nasopharyngeal radium irradiation treatments," after "environmental hazard,"; and

(2) in subsection (e)(1)(B) by inserting ", or a veteran who received nasopharyngeal radium irradiation treatments while serving in the active military, naval, or air service," after "radiation-exposed veteran".

Mr. ROCKEFELLER. Mr. President, I am pleased to cosponsor legislation that will authorize provision of care to veterans treated with nasopharyngeal radium irradiation. This bill, requested by the Department of Veterans Affairs, will provide priority health care to a group of veterans that have so far been excluded from access to VA services. I urge all of my colleagues to support this bill.

Let me take you back over 40 years, to the 1940's and 50's, when thousands of military personnel (primarily Navy submariners and Army Air Corps pilots) received nasopharyngeal radium treatments to treat and prevent inner ear problems that developed due to the inadequate pressurization of their respective vessels. These treatments were considered the standard in the medical community at the time for children with severe middle ear obstructions and infections, often with accompanying deafness. To adapt the treatments to healthy adults, the Navy and Army conducted experiments on small groups of submariners and pilots. Subsequently, between 8,000 and 12,000 servicemen were irradiated for military purposes. The treatments were halted in the early 1960's as a result of two developments: pressurized planes and submarines became available (thus obviating the need for the treatments), and the clinical dangers associated with radiation were becoming apparent.

Looking back, we now know just how dangerous these treatments can be. The Centers for Disease Control and Prevention estimate that tissues at the exact site of radium placement were exposed to 2000 rem of radiation. That is 400 times greater than the maximum "safe" level of radiation exposure established by the Atomic Energy Commission many years ago. Parts of the brain received 24 rem, five times the accepted limit of exposure. Studies that have analyzed the health effects of external irradiation of the head and neck conclude that there is an increased risk of tumors of the brain, and of the thyroid, salivary, and parathyroid glands. One study done on individuals who had received nasopharyngeal radium treatments concluded there was an increased risk of developing head and neck tumors associated with the childhood treatments.

Unfortunately, the health effects of the treatments that were given to our veterans is unknown. Careful scientific studies cannot be done because the records documenting the treatments are incomplete or nonexistent. However, when such high levels of exposure are sustained, we must be concerned about long-term health effects, and thus, we have a responsibility to ensure access to health care by these veterans. Simply put, it is the right thing to do.

This legislation is a step in the right direction in helping these individuals. As Ranking Minority Member of the Senate Committee on Veterans' Affairs, I am well acquainted with the difficulties experienced by veterans who were exposed to radiation during service to their country and later sought help from the VA. The willingness of the VA to include this group of veterans is clearly demonstrated by the fact that VA initiated this legislation, and that is good.

In summary, this legislation grants veterans who received nasopharyngeal radium treatments the same status as other atomic veterans who served in the occupational forces in Nagasaki and Hiroshima, or who were present at the atmospheric test sites in Nevada and the Pacific. These veterans will now be able to enroll in the ionizing radiation registry, which entitles them to a full and complete physical examination. They will also gain access to medical care, to treat cancerous conditions detected during this examination that are associated with exposure to ionizing radiation.

It is especially important to provide physical examinations and health care to these veterans because documentation of the nasopharyngeal radium treatments was poorly done, if it was done at all. Thus, the relevant clinical information is not in their civilian or military medical records to alert a physician to potential problems. The appalling lack of documentation has proved to be a constant problem in ongoing efforts to grant benefits to atomic veterans of all types, and continues to plague us in this effort as well.

We will continue to study the plight of all atomic veterans, but this legislation offers eligible health care to a group of atomic veterans that have up to now been closed out of the VA. It is reasonable, compassionate, and long overdue.

Mr. LIEBERMAN. Mr. President, I am very pleased today to join with my colleagues, including Senators SPECTER and ROCKEFELLER, the Chairman and Ranking Member of the Veterans Affairs Committee, and the Chairman of the Armed Services Committee, Senator THURMOND, as an original cosponsor of this legislation which would authorize access to priority medical care for veterans treated with nasopharyngeal radium irradiation. Enactment of this legislation would be a major step forward for our veterans who received this treatment for inner-air problems between 1940 and 1960. I applaud the Clinton Administration for submitting this legislation.

Mr. President, nasal radium irradiation was the largest scale radiation experiment in the United States and the consequences of exposing so many people to ionizing radiation has not been adequately addressed. It was used to alleviate pressure changes associated with submarine and flying duties for our soldiers and to treat children with inner ear problems. We have a moral obligation to do everything we can to help these veterans and civilians. This legislation is especially important to me because veterans who received this treatment included Navy submariners trained in Connecticut. I've been working for the last four years to get similar legislation enacted.

Under this bill, veterans who received nasopharyngeal radium treatments will receive the same status as other atomic veterans who served in the occupational forces in Nagasaki and Hiroshima or were present at the test sites in Nevada and the Pacific. What this means is that these veterans will be able to enroll in the ionizing radiation registry which entitles them to a full and complete physical examination. They will also gain access to medical care to treat cancerous conditions detected during this examination that are associated with exposure to ionizing radiation.

Studies that have analyzed the health effects of external irradiation of the head and neck indicate that there is an increased risk of tumours of the brain and of the thyroid, salivary and parathyroid glands.

Mr. President, I've been working on many aspects of this problem for a number of years. I've been very concerned about notifying veterans who received this treatment so that they are aware of the concerns about the long term effects of such treatment and can take appropriate actions. Last September, the Veterans Administration agreed to provide such notification where they had the information available. The Veterans Administration is also considering performing a health surveillance involving about 400 veterans whose names were discovered in a logbook in April 1996 at the Submarine School Museum in Connecticut. This would also be a significant step forward.

I also remain very concerned about our civilians who have been exposed to this treatment. The Center for Disease Control and Prevention estimates that between 500,000 and two million civilians received this treatment between 1945 and 1960. I was very pleased that CDC hosted a video conference on the treatment at Yale in September 1995 and has published notices in medical bulletins about the treatment, including fact sheets for the general public.

My number one priority on the civilian side now is attempting to ensure that civilians who received the treatment are notified. I have written to Secretary Shalala asking her to undertake a feasibility study about providing notice. People need to know that they had this treatment so that they can determine appropriate next steps, and our government should do everything possible to ensure that notice is provided.

Mr. President, many challenges remain as the government seeks to fulfill its moral obligation to our veterans. But enactment of this legislation would be an extremely important step forward.

ADDITIONAL COSPONSORS

S. 230

At the request of Mr. THURMOND, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 230, a bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), and for other purposes.

S. 531

At the request of Mr. ROTH, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 531, A bill to designate a portion of the Arctic National Wildlife Refuge as wilderness.

S. 1069

At the request of Mr. MURKOWSKI, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1069, a bill entitled the "National Discovery Trails Act of 1997."

S. 1220

At the request of Mr. DODD, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 1220, a bill to provide a process for declassifying on an expedited basis certain documents relating to human rights abuses in Guatemala and Honduras.

S. 1251

At the request of Mr. D'AMATO, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Vermont (Mr. JEFFORDS), the Senator from Illinois (Ms. MOSELEY-BRAUN), and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 1251, a bill to amend the Internal Revenue Code of 1986 to increase the amount of private activity bonds which may be issued in each State, and to index such amount for inflation.

S. 1252

At the request of Mr. D'AMATO, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Maine (Ms. COLLINS), the Senator from Maine (Ms. SNOWE), and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 1252, a bill to amend the Internal Revenue Code of 1986 to increase the amount of low-income housing credits which may be allocated in each State, and to index such amount for inflation.

S. 1259

At the request of Ms. SNOWE, the names of the Senator from Virginia (Mr. ROBB), the Senator from Minnesota (Mr. WELLSTONE), and the Senator from Illinois (Ms. MOSELEY-BRAUN) were added as cosponsors of S. 1259, a bill to authorize appropriations for fiscal years 1998 and 1999 for the United States Coast Guard, and for other purposes.

S. 1482

At the request of Mr. COATS, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1482, a bill to amend section 223 of the Communications Act of 1934 to establish a prohibition on commercial distribution on the World Wide Web of material that is harmful to minors, and for other purposes.

S. 1610

At the request of Mr. DODD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1610, a bill to increase the availability, affordability, and quality of child care.

S. 1677

At the request of Mr. CHAFEE, the name of the Senator from Arkansas (Mr. BUMPERS) was added as a cosponsor of S. 1677, a bill to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act.

S. 1682

At the request of Mr. D'AMATO, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1682, a bill to amend the Internal Revenue Code of 1986 to repeal joint and several liability of spouses on joint returns of Federal income tax, and for other purposes.

S. 1724

At the request of Ms. COLLINS, the name of the Senator from Kentucky (Mr. FORD) was added as a cosponsor of S. 1724, a bill to amend the Internal Revenue Code of 1986 to repeal the information reporting requirement relating to the Hope Scholarship and Lifetime Learning Credits imposed on educational institutions and certain other trades and businesses.

S. 1737

At the request of Mr. MACK, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1737, a bill to amend the Internal Revenue Code of 1986 to provide a uniform application of the confidentiality privilege to taxpayer communications with federally authorized practitioners.

S. 1789

At the request of Mr. MOYNIHAN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1789, a bill to amend title XVIII of the Social Security Act and the Employee Retirement Income Security Act of 1974 to improve access to health insurance and medicare benefits for individuals ages 55 to 65 to be fully funded through premiums and anti-fraud provision, and for other purposes.

SENATE CONCURRENT RESOLUTION 65

At the request of Ms. SNOWE, the name of the Senator from Delaware (Mr. ROTH) was added as a cosponsor of Senate Concurrent Resolution 65, a concurrent resolution calling for a United States effort to end restriction on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

SENATE CONCURRENT RESOLUTION 73

At the request of Mr. GRASSLEY, the name of the Senator from Florida (Mr. MACK) was added as a cosponsor of Senate Concurrent Resolution 73, a concurrent resolution expressing the sense of Congress that the European Union is unfairly restricting the importation of United States agriculture products and the elimination of such restrictions should be a top priority in trade negotiations with the European Union.

SENATE CONCURRENT RESOLUTION 75

At the request of Mr. FEINGOLD, the names of the Senator from Virginia (Mr. WARNER), the Senator from Virginia (Mr. ROBB), the Senator from Illinois (Mr. DURBIN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from California (Mrs. FEINSTEIN), the Senator from Mississippi (Mr. LOTT), and the Senator from Nevada (Mr. BRYAN) were added as cosponsors of Senate Concurrent Resolution 75, a concurrent resolution honoring the sesquicentennial of Wisconsin statehood.

SENATE CONCURRENT RESOLUTION 77

At the request of Mr. SESSIONS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of Senate Concurrent Resolution 77, a concurrent resolution expressing the sense of the Congress that the Federal government should acknowledge the importance of at-home parents and should not discriminate against families who forego a second income in order for a mother or father to be at home with their children.

SENATE RESOLUTION 194

At the request of Mrs. HUTCHISON, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of Senate Resolution 194, a resolution designating the week of

April 20 through April 26, 1998, as "National Kick Drugs Out of America Week."

SENATE RESOLUTION 195

At the request of Mrs. HUTCHISON, the names of the Senator from Michigan (Mr. ABRAHAM) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of Senate Resolution 195, a bill designating the week of March 22 through March 28, 1998, as "National Corrosion Prevention Week."

AMENDMENTS SUBMITTED

THE EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

KENNEDY AMENDMENT NO. 2054

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill (H.R. 2646) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes; as follows:

Strike sections 101 and 106, and insert at the end the following:

TITLE III—LOAN FORGIVENESS FOR TEACHERS

SEC. 301. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Our Nation is witnessing a 10-year rise in the elementary and secondary school age population. Between the fall of 1996 and the fall of 2006, total elementary and secondary school enrollment will rise from a record 51,700,000 to 54,600,000, a rise of approximately 3,000,000 children. Elementary school enrollment is projected to grow by 2 percent, from 37,300,000 to 38,100,000, while secondary school enrollment is expected to rise by 15 percent, from 14,400,000 to 16,500,000.

(2) In addition to the enrollment increases, many of the 2,600,000 elementary and secondary school teachers working in 1998 will begin to reach retirement age. According to the National Center for Education Statistics data, between one-third and one-half of all elementary and secondary school teachers are 45 years old or older. Qualified, experienced elementary and secondary school teachers will be leaving the profession at a time when the demand for the teachers is at the highest level in our Nation's history.

(3) There is a lack of qualified elementary and secondary school teachers in specific geographic and content areas. More than one-half, 56 percent, of secondary school students taking physical science courses are taught by teachers who have no background in physical science. Twenty-seven percent of secondary school students taking any level mathematics course are taught by teachers with no mathematics background. Students in inner-city schools have only a 50 percent chance of being taught by a qualified mathematics or science teacher. States that have large percentages of classes taught by teachers without a background in a particular subject area, such as Tennessee (26.5 percent), Florida (26.4 percent), Louisiana (26.2 percent), and Maryland (25.6 percent), demonstrate the need for increased numbers of elementary and secondary school teachers with the necessary qualifications.

(4) Our Nation must address the need described in paragraph (3) to ensure a qualified elementary and secondary school teacher for every child in every elementary and secondary school course.

(b) PURPOSE.—The purpose of this section is to create a Federal student loan forgiveness program to attract individuals to careers as elementary and secondary school teachers.

SEC. 302. LOAN FORGIVENESS FOR TEACHERS.

Part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.) is amended by inserting after section 428J (20 U.S.C. 1078-10) the following:

"SEC. 428K. LOAN FORGIVENESS FOR TEACHERS.

"(a) PROGRAM AUTHORIZED.—The Secretary is authorized to carry out a program of assuming the obligation to repay a loan made, insured, or guaranteed under this title (excluding loans made under section 428A for any new borrower after July 1, 1998, who is employed as a full-time elementary school or secondary school teacher—

"(1) in a school served by a local educational agency that is eligible for assistance under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.); or

"(2) who teaches mathematics, science, foreign language, bilingual education, or any other area that the State educational agency determines to be an area for which there is a shortage of qualified elementary school or secondary school teachers.

"(b) LOAN REPAYMENT.—

"(1) IN GENERAL.—The Secretary shall assume the obligation to repay—

"(A) 15 percent of the total amount of loans incurred by the borrower under this title, not to exceed $1,200 per year, for each of the first two years the borrower meets the employment requirement described in subsection (a);

"(B) 20 percent of such total amount, not to exceed $1,600 per year, for each of the third and fourth years the borrower meets such requirement; and

"(C) 30 percent of such total amount, not to exceed $2,400, for the fifth year the borrower meets such requirement.

"(2) CONSTRUCTION.—Nothing in this subsection shall be construed to authorize the refunding of any repayment of a loan under this title.

"(3) INTEREST.—If a portion of a loan is repaid by the Secretary under this section for any year, the proportionate amount of interest on such loan which accrues for such year shall be repaid by the Secretary.

"(c) REPAYMENT TO ELIGIBLE LENDERS.—The Secretary shall pay to each eligible lender or holder for each fiscal year an amount equal to the aggregate amount of loans which are subject to repayment pursuant to this section for such year.

"(d) APPLICATION FOR REPAYMENT.—

"(1) IN GENERAL.—Each eligible individual desiring loan repayment under this section shall submit a complete and accurate application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Loan repayment under this section shall be on a first-come, first-served basis and subject to the availability of appropriations.

"(2) CONDITIONS.—An eligible individual may apply for repayment after completing each year of qualifying employment. The borrower shall receive forbearance while engaged in qualifying employment unless the borrower is in deferment while so engaged.

"(e) DEFINITIONS.—For the purpose of this section the term "eligible lender" has the meaning given the term in section 435(d).

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $3,600,000 for each of the fiscal years 1999 and 2000.".

DODD AMENDMENT NO. 2055

(Ordered to lie on the table.)

Mr. DODD submitted an amendment intended to be proposed by him to the bill, H.R. 2646, supra; as follows:

Strike section 101, and insert the following:

SEC. 101. FUNDING FOR PART B OF IDEA.

Any amounts of revenue increases resulting from the enactment of title II shall be used to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

LEVIN AMENDMENTS NOS. 2056–2057

(Ordered to lie on the table.)

Mr. LEVIN submitted two amendments intended to be proposed by him to the bill, H.R. 2646, supra; as follows:

AMENDMENT NO. 2056

After title II add the following:

TITLE ___—MISCELLANEOUS

SEC. ___. EXTENSION OF PERIOD OF TIME FOR COUNTING VOCATIONAL EDUCATIONAL TRAINING AS A WORK ACTIVITY UNDER THE TANF PROGRAM.

Section 407(d)(8) of the Social Security Act (42 U.S.C. 607(d)(8)) is amended by striking "12" and inserting "24".

AMENDMENT NO. 2057

At the end of title I, insert:

SEC. ___. INCREASED LIFETIME LEARNING CREDIT FOR TECHNOLOGY TRAINING OF ELEMENTARY AND SECONDARY TEACHERS.

(a) IN GENERAL.—Section 25A(c) (relating to lifetime learning credit) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULE FOR TECHNOLOGY TRAINING OF CERTAIN TEACHERS.—If any portion of the qualified tuition and related expenses to which this subsection applies—

"(A) are paid or incurred by an individual who is a kindergarten through grade 12 teacher in an elementary or secondary school, and

"(B) are incurred as part of a program which is approved and certified by the appropriate local educational agency as directly related to improvement of the individual's capacity to use technology in teaching,

paragraph (1) shall be applied with respect to such portion by substituting '50 percent' for '20 percent'."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenses paid after December 31, 1997, for education furnished in academic periods beginning after such date.

WELLSTONE AMENDMENT NO. 2058

(Ordered to lie on the table.)

Mr. WELLSTONE submitted an amendment intended to be proposed by him to the bill, H.R. 2646, supra; as follows:

At the appropriate place, insert the following:

SEC. . REPORT ON THE STATUS OF FORMER TANF RECIPIENTS.

Section 413 of the Social Security Act (42 U.S.C. 613) is amended by adding at the end the following:

"(k) REPORT ON THE STATUS OF FORMER TANF RECIPIENTS.—

"(1) DEVELOPMENT OF PLAN.—The Secretary shall develop a plan to assess, to the extent possible based on all available information, the number and percentage of former recipients of assistance under the State programs funded under this part that are, as of the date that the assessment is performed, economically self-sufficient. In determining economic self-sufficiency, the Secretary shall consider—

"(A) the number and percentage of such recipients that are, as of the date of the assessment, employed;

"(B) the number and percentage of such recipients earning incomes at or above 150 percent of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by such section for a family of the size involved); and

"(C) the number and percentage of such recipients that have access to housing, transportation, and child care.

"(2) REPORTS TO CONGRESS.—Beginning 4 months after the date of enactment of this subsection, the Secretary shall submit biannual reports to the appropriate committees of Congress on the assessment conducted under this subsection. The reports shall analyze the ability of former recipients of assistance under the State programs funded under this part to achieve economic self-sufficiency. The Secretary shall include in the reports all available information 'about the economic self-sufficiency of such recipients, including data from quarterly State reports submitted to the Department of Health and Human Services (in this paragraph referred to as the 'Department'), data from State applications submitted to the Department for bonuses, and to the extent the Secretary determines they are relevant to the assessment—

"(A) reports prepared by the Comptroller General of the United States;

"(B) samples prepared by the Bureau of the Census;

"(C) surveys funded by the Department;

"(D) studies conducted by the Department;

"(E) studies conducted by States;

"(F) surveys conducted by non-governmental entities;

"(G) administrative data from other Federal agencies; and

"(H) information and materials available from any other appropriate source.".

MACK (AND D'AMATO) AMENDMENT NO. 2059

(Ordered to lie on the table.)

Mr. MACK (for himself and Mr. D'AMATO) submitted an amendment intended to be proposed by them to the bill, H.R. 2646, supra; as follows:

At the end, add the following:

TITLE —MEASURES TO ENCOURAGE RESULTS IN TEACHING

SEC. 01. SHORT TITLE; FINDINGS; AND PURPOSES.

(a) SHORT TITLE.—This title may be cited as the "Measures to Encourage Results in Teaching Act of 1998".

(b) FINDINGS.—Congress makes the following findings:

(1) All students deserve to be taught by well-educated, competent, and qualified teachers.

(2) More than ever before, education has and will continue to become the ticket not only to economic success but to basic survival. Students will not succeed in meeting the demands of a knowledge-based, 21st century society and economy if the students do not encounter more challenging work in school. For future generations to have the opportunities to achieve success the future generations will need to have an education and a teacher workforce second to none.

(3) No other intervention can make the difference that a knowledgeable, skillful teacher can make in the learning process. At the same time, nothing can fully compensate for weak teaching that, despite good intentions, can result from a teacher's lack of opportunity to acquire the knowledge and skill needed to help students master the curriculum.

(4) The Federal Government established the Dwight D. Eisenhower Professional Development Program in 1985 to ensure that teachers and other educational staff have access to sustained and high-quality professional development. This ongoing development must include the ability to demonstrate and judge the performance of teachers and other instructional staff.

(5) States should evaluate their teachers on the basis of demonstrated ability, including tests of subject matter knowledge, teaching knowledge, and teaching skill. States should develop a test for their teachers and other instructional staff with respect to the subjects taught by the teachers and staff, and should administer the test every 3 to 5 years.

(6) Evaluating and rewarding teachers with a compensation system that supports teachers who become increasingly expert in a subject area, are proficient in meeting the needs of students and schools, and demonstrate high levels of performance measured against professional teaching standards, will encourage teachers to continue to learn needed skills and broaden teachers' expertise, thereby enhancing education for all students.

(c) PURPOSES.—The purposes of this title are as follows:

(1) To provide incentives for States to establish and administer periodic teacher testing and merit pay programs for elementary school and secondary school teachers.

(2) To encourage States to establish merit pay programs that have a significant impact on teacher salary scales.

(3) To encourage programs that recognize and reward the best teachers, and encourage those teachers that need to do better.

SEC. 02. STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY.

(a) AMENDMENTS.—Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended—

(1) by redesignating part D as part E;

(2) by redesignating sections 2401 and 2402 as sections 2501 and 2502, respectively; and

(3) by inserting after part C the following:

"PART D—STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY

"SEC. 2401. STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY.

"(a) STATE AWARDS.—Notwithstanding any other provision of this title, from funds described in subsection (b) that are made available for a fiscal year, the Secretary shall make an award to each State that—

"(1) administers a test to each elementary school and secondary school teacher in the State, with respect to the subjects taught by the teacher, every 3 to 5 years; and

"(2) has an elementary school and secondary school teacher compensation system that is based on merit.

"(b) AVAILABLE FUNDING.—The amount of funds referred to in subsection (a) that are available to carry out this section for a fiscal year is 50 percent of the amount of funds appropriated to carry out this title that are in excess of the amount so appropriated for fiscal year 1999, except that no funds shall be available to carry out this section for any fiscal year for which—

"(1) the amount appropriated to carry out this title exceeds $600,000,000; or

"(2) each of the several States is eligible to receive an award under this section.

"(c) AWARD AMOUNT.—A State shall receive an award under this section in an amount that bears the same relation to the total amount available for awards under this section for a fiscal year as the number of States that are eligible to receive such an award for the fiscal year bears to the total number of all States so eligible for the fiscal year.

"(d) USE OF FUNDS.—Funds provided under this section may be used by States to carry out the activities described in section 2207.

"(e) DEFINITION OF STATE.—For the purpose of this section, the term 'State' means each of the 50 States and the District of Columbia.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999.

SEC. 03. TEACHER TESTING AND MERIT PAY.

(a) IN GENERAL.—Notwithstanding any other provision of law, a State may use Federal education funds—

(1) to carry out a test of each elementary school or secondary school teacher in the State with respect to the subjects taught by the teacher; or

(2) to establish a merit pay program for the teachers.

(b) DEFINITIONS.—In this section, the terms "elementary school" and "secondary school" have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

WELLSTONE AMENDMENT NO. 2060

(Ordered to lie on the table.)

Mr. WELLSTONE submitted an amendment intended to be proposed by him to the bill, H.R. 2646, supra; as follows:

At the appropriate place, insert the following:

SEC. . REPEAL OF FOOD STAMP BENEFIT REDUCTIONS.

(a) THRIFTY FOOD PLAN.—Section 3(o)(4) of the Food Stamp Act of 1977 (7 U.S.C. 2011(o)(4)) is amended by inserting "103 percent of" after "reflect".

(b) INCOME EARNED BY HIGH SCHOOL STUDENTS.—Section 5(d)(7) of the Food Stamp Act of 1977 (7 U.S.C. 2014(d)(7)) is amended by striking "17" and inserting "21".

(c) INDEXING OF STANDARD DEDUCTION.—Section 5(e)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)(1)) is amended by inserting before the period at the end the following: ", adjusted on October 1, 1998, and each October 1 thereafter, to the nearest lower dollar increment to reflect changes in the Consumer Price Index for all urban consumers published by the Bureau of Labor Statistics, for items other than food, for the 12 months ending the preceding June 30".

(d) FAMILIES WITH HIGH SHELTER COSTS.—Section 5(e)(7) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)(7)) is amended—

(1) by striking "EXPENSE DEDUCTION.—" and all that follows through "A household" and inserting "EXPENSE DEDUCTION.—A household"; and

(2) by striking subparagraph (B).

(e) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 1998.

GORTON (AND FAIRCLOTH) AMENDMENT NO. 2061

(Ordered to lie on the table.)

Mr. GORTON (for himself and Mr FAIRCLOTH) submitted an amendment intended to be proposed by them to the bill, H.R. 2646, supra; as follows:

At the appropriate place, add the following:

SECTION 1. UNIFORM DISCIPLINARY POLICIES.

Section 615(k) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(k)) is amended—

(1) by redesignating paragraph (10) as paragraph (11); and

(2) by inserting after paragraph (9) the following:

"(10) UNIFORM DISCIPLINARY POLICIES.—Notwithstanding any other provision of this Act, each State educational agency or local educational agency may establish and implement uniform policies with respect to discipline and order applicable to all children within its jurisdiction to ensure safety and an appropriate educational atmosphere in its schools.".

1998 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM NATURAL DISASTERS, AND FOR OVERSEAS PEACEKEEPING EFFORTS

BYRD (AND OTHERS) AMENDMENT NO. 2062

Mr. BYRD (for himself, Mr. DORGAN, Mr. STEVENS, and Mr. SARBANES) proposed an amendment to the bill (S. 1768) making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, for the fiscal year ending September 30, 1998, and for other purposes; as follows:

At the appropriate place, insert the following new title:

TITLE __—EMERGENCY TRADE DEFICIT REVIEW COMMISSION

SEC. __01. SHORT TITLE.

This title may be cited as the "Emergency Trade Deficit Review Commission Act".

SEC. __02. FINDINGS.

Congress makes the following findings:

(1) The United States continues to run substantial merchandise trade and current account deficits.

(2) Economic forecasts anticipate continued growth in such deficits in the next few years.

(3) The positive net international asset position that the United States built up over many years was eliminated in the 1980s. The United States today has become the world's largest debtor nation.

(4) The United States merchandise trade deficit is characterized by large bilateral trade imbalances with a handful of countries.

(5) The United States has one of the most open borders and economies in the world. The United States faces significant tariff and nontariff trade barriers with its trading partners. Current overall trade balances do not reflect the actual competitiveness or productivity of the United States economy.

(6) Since the last comprehensive review of national trade and investment policies was conducted by a Presidential commission in 1970, there have been massive worldwide economic and political changes which have profoundly affected world trading relationships. Globalization, the increased mobility of capital and technology, the role of transnational corporations, and the outsourcing of production across national boundaries, are reshaping both the comparative and competitive trade advantages among nations.

(7) The United States is once again at a critical juncture in trade policy development. The nature of the United States trade deficit and its causes and consequences must be analyzed and documented.

SEC. __03. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the Emergency Trade Deficit Review Commission (hereafter in this title referred to as the "Commission").

(b) PURPOSE.—The purpose of the Commission is to study the causes and consequences of the United States merchandise trade and current account deficits and to develop trade policy recommendations for the 21st century. The recommendations shall include strategies necessary to achieve United States market access to foreign markets that fully reflects the competitiveness and productivity of the United States and also improves the standard of living of United States citizens.

(c) MEMBERSHIP OF COMMISSION.—

(1) COMPOSITION.—The Commission shall be composed of 12 members of whom—

(A) 1 Senator and 2 other persons shall be appointed by the President pro tempore of the Senate upon the recommendation of the Majority Leader of the Senate;

(B) 1 Senator and 2 other persons shall be appointed by the President pro tempore of the Senate upon the recommendation of the Minority Leader of the Senate;

(C) 1 Member of the House of Representatives and 2 other persons shall be appointed by the Speaker of the House of Representatives; and

(D) 1 Member of the House of Representatives and 2 other persons shall be appointed by the Minority Leader of the House of Representatives.

(2) QUALIFICATIONS OF MEMBERS.—

(A) APPOINTMENTS.—Persons who are appointed under paragraph (1), shall be persons who—

(i) have expertise in economics, international trade, manufacturing, labor, environment, business, or have other pertinent qualifications or experience; and

(ii) are not officers or employees of the United States.

(B) OTHER CONSIDERATIONS.—In appointing Commission members, every effort shall be made to ensure that the members—

(i) are representative of a broad cross-section of economic and trade perspectives within the United States; and

(ii) provide fresh insights to analyzing the causes and consequences of United States merchandise trade and current account deficits.

(d) PERIOD OF APPOINTMENT; VACANCIES.—

(1) IN GENERAL.—Members shall be appointed not later than 60 days after the date of enactment of this Act and the appointment shall be for the life of the Commission.

(2) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(e) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(f) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(g) CHAIRPERSON AND VICE CHAIRPERSON.—The members of the Commission shall elect a chairperson and vice chairperson from among the members of the Commission.

(h) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business.

(i) VOTING.—Each member of the Commission shall be entitled to 1 vote, which shall be equal to the vote of every other member of the Commission.

SEC. __04. DUTIES OF THE COMMISSION.

(a) IN GENERAL.—The Commission shall be responsible for developing trade policy recommendations, by examining the economic, trade, tax, and investment policies and laws, and other incentives and restrictions that are relevant to addressing the causes and consequences of the United States merchandise trade and current account deficits.

(b) RECOMMENDATIONS.—The Commission shall examine and make recommendations to Congress and the President on the following:

(1) The manner in which the Government of the United States establishes and administers the Nation's fundamental trade policies and objectives, including—

(A) the relationship of the merchandise trade and current account balances to the overall well-being of the United States economy and any impact the trade balance may have on wages and employment in various sectors of the United States economy;

(B) any effects the merchandise trade and current account deficits may have on the areas of manufacturing and technology and on defense production and innovation capabilities of the United States;

(C) the impact that United States monetary and fiscal policies may have on United States merchandise trade and current account deficits; and

(D) the coordination, allocation, and accountability of trade responsibilities among Federal agencies and the means for congressional oversight of the trade policy process.

(2) The causes and consequences of the merchandise trade and current account deficits and specific bilateral trade deficits, including—

(A) identification and quantification of the macroeconomic factors and bilateral trade barriers contributing to the United States merchandise trade and current account deficits;

(B) identification and quantification of any impact of the merchandise trade and current account deficits on the domestic economy, industrial base, manufacturing capacity, number and quality of jobs, productivity, wages, and the United States standard of living;

(C) identification and quantification of trade deficits within individual industrial, manufacturing, and production sectors, and any relationship to intraindustry and intracompany transactions;

(D) a review of the adequacy of the current collection and reporting of import and export data, and the identification and development of additional data bases and economic measurements that may be needed to properly quantify the factors described in subparagraphs (A), (B), and (C);

(E) the relationship that tariff and nontariff barriers may have to the merchandise trade and current account deficits and the extent to which such deficits have become structural;

(F) the extent to which there is reciprocal market access substantially equivalent to that afforded by the United States in each country with which the United States has a persistent and substantial bilateral trade deficit; and

(G) the impact of transhipments on bilateral trade.

(3) Any relationship of United States merchandise trade and current account deficits to both comparative and competitive trade advantages within the global economy, including—

(A) a systematic analysis of the United States trade patterns with different trading partners, to what extent the trade patterns are based on comparative and competitive trade advantages, and how the trade advantages relate to the goods that are exported to and imported from various trading partners;

(B) the extent to which the increased mobility of capital and technology has changed both comparative and competitive trade advantages;

(C) the extent to which differences in the growth rates of the United States and its trading partners may impact on United States merchandise trade and current account deficits;

(D) any impact that labor, environmental, or health and safety standards may have on world trade;

(E) the impact that currency exchange rate fluctuations and any manipulation of exchange rates may have on United States merchandise trade and current account deficits;

(F) the effect that offset and technology transfer agreements have on the long-term competitiveness of the United States manufacturing sectors; and

(G) any effect that international trade, labor, environmental, or other agreements may have on United States competitiveness.

(4) The flow of investments both into and out of the United States, including—

(A) any consequences for the United States economy of the current status of the United States as a debtor nation;

(B) any relationship between such investments and the United States merchandise trade and current account deficits and living standards of United States workers;

(C) any impact such investments may have on United States labor, community, environmental, and health and safety standards, and how such investment flows influence the location of manufacturing facilities; and

(D) the effect of barriers to United States foreign direct investment in developed and developing nations, particularly nations with which the United States has a merchandise trade and current account deficit.

SEC. 05. FINAL REPORT; CONGRESSIONAL HEARINGS.

(a) FINAL REPORT.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Commission shall submit to the President and Congress a final report which contains—

(A) the findings and conclusions of the Commission described in section 04;

(B) recommendations for addressing the problems identified as part of the Commission's analysis; and

(C) any proposals for administrative and legislative actions necessary to implement such recommendations.

(2) SEPARATE VIEWS.—Any member of the Commission may submit additional findings and recommendations as part of the final report.

(b) CONGRESSIONAL HEARINGS.—Not later than 6 months after the final report described in subsection (a) is submitted, the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate shall hold hearings on the report. Other committees of the House of Representatives and Senate with relevant jurisdiction may also hold hearings on the report.

SEC. 06. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission may find advisable to fulfill the requirements of this title. The Commission shall hold at least 1 or more hearings in Washington, D.C., and 4 in different regions of the United States.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this title. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

SEC. 07. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 08. SUPPORT SERVICES.

The Comptroller General of the United States shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

SEC. 09. APPROPRIATIONS.

There are appropriated $20,000,000 to the Commission to carry out the provisions of this title.

McCAIN (AND OTHERS) AMENDMENT NO. 2063

Mr. McCAIN (for himself, Mr. FEINGOLD, and Mr. GRAMS) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 16, strike beginning with line 6 through page 18, line 5.

On page 19, strike beginning with line 2 through line 12.

On page 19, strike beginning with line 24 through page 20, line 2.

On page 26, strike beginning with line 7 through line 11.

On page 35, strike beginning with line 10 through page 38, line 18.

On page 40, strike beginning with line 1 through line 25.

On page 43, strike beginning with line 8 through line 13.

On page 4, strike beginning with line 13 through page 5, line 3.

FRIST AMENDMENT NO. 2064

(Ordered to lie on the table.)

Mr. FRIST submitted an amendment intended to be proposed by him to the bill, S. 1768, supra; as follows:

At the appropriate place, insert the following:

SEC. . EXEMPTION AUTHORITY FOR AIR SERVICE TO SLOT-CONTROLLED AIRPORTS.

(a) IN GENERAL.—Section 41714(i) of title 49, United States Code, is amended by—

(1) striking "CERTAIN" in the caption;

(2) striking "120" and inserting "90"; and

(3) striking "(a)(2) to improve air service between a nonhub airport (as defined in section 41731(a)(4)) and a high density airport subject to the exemption authority under subsection (a)," and inserting "(a) or (c),".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) apply to applications for slot exemptions pending at the Department of Transportation under section 41714 of title 49, United States Code, on the date of enactment of this Act or filed thereafter.

(2) APPLICATION TO PENDING REQUESTS.—For the purpose of applying the amendments made by subsection (a) to applications pending on the date of enactment of this Act, the

Secretary of Transportation shall take into account the number of days the application was pending before the date of enactment of this Act. If such an application was pending for 80 or more days before the date of enactment of this Act, the Secretary shall grant or deny the exemption to which the application relates within 20 calendar days after that date.

PROTOCOLS TO THE NORTH ATLANTIC TREATY OF 1949 ON ACCESSION OF POLAND, HUNGARY, AND THE CZECH REPUBLIC

STEVENS (AND OTHERS) EXECUTIVE AMENDMENT NO. 2065

(Ordered to lie on the table.)

Mr. STEVENS (for himself, Mr. BYRD, Mr. CAMPBELL, Mr. THURMOND, Mr. WARNER, and Mr. ROBERTS) submitted an executive amendment intended to be proposed by them to the resolution of ratification for the treaty (Treaty Doc. No. 105-36) protocols to the North Atlantic Treaty of 1949 on the accession of Poland, Hungary, and the Czech Republic. These protocols were opened for signature at Brussels on December 16, 1997, and signed on behalf of the United States of America and other parties to the North Atlantic Treaty; as follows:

At the end of section 3(2) of the resolution, add the following:

(C) REQUIREMENT OF PAYMENT OUT OF FUNDS SPECIFICALLY AUTHORIZED.—No cost incurred by the North Atlantic Treaty Organization (NATO) in connection with the admission to membership, or participation, in NATO of any country that was not a member of NATO as of March 1, 1998, may be paid out of funds available to any department, agency, or other entity of the United States unless the funds are specifically authorized by law for that purpose.

STEVENS (AND OTHERS) EXECUTIVE AMENDMENT NO. 2006

(Ordered to lie on the table.)

Mr. STEVENS (for himself, Mr. BYRD, Mr. CAMPBELL, Mr. WARNER, and Mr. ROBERTS) submitted an executive amendment intended to be proposed by them to the resolution of ratification for the treaty (Treaty Doc. No. 105-36) protocols to the North Atlantic Treaty of 1949 on the accession of Poland, Hungary, and the Czech Republic. These protocols were opened for signature at Brussels on December 16, 1997, and signed on behalf of the United States of America and other parties to the North Atlantic Treaty; as follows:

At the end of section 3(2) of the resolution, add the following:

(C) RESTRICTION ON USE OF APPROPRIATED FUNDS.—None of the funds appropriated by any provision of United States law may be obligated for the payment of costs incurred in connection with NATO after September 30, 1998, unless the Secretary of Defense, with respect to any payment of costs under the Military Budget or the Security Investment Program of NATO, and the Secretary of State, with respect to any payment of costs under the Civil Budget of NATO, certify to Congress that such payment will not cause the total payments of the United States to the common budgets, accounts, and activities of NATO during the NATO fiscal year to exceed 20 percent of the total amount payable by NATO members to those budgets, accounts, and activities during that year.

1998 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM NATURAL DISASTERS, AND FOR OVERSEAS PEACEKEEPING EFFORTS

DOMENICI (AND BINGAMAN) AMENDMENT NO. 2067

Mr. STEVENS (for Mr. DOMENICI, for himself and Mr. BINGAMAN) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 15, after line 21, insert:

SEC. . Notwithstanding any other provision of law, the Department of the Army is hereby prohibited from moving forward with civilian personnel reductions at all Army Test Ranges resulting from proposed reductions in their fiscal year 1999 budget, until such time as the Congress has the opportunity to consider the merits of such action during the fiscal year 1999 defense appropriations process. Where civilian personnel are concerned, the Army is required to offer such Voluntary Separation Incentive Pay (VSIP) and Voluntary Early Retirement Authority benefits as are currently being offered, should such benefits be necessary at a future date.

THE EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

SPECTER AMENDMENT NO. 2068

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment intended to be proposed by him to the bill, H.R. 2646, supra; as follows:

At the end of the matter proposed to be inserted, insert:

TITLE —FLAT TAX

SEC. 01. SHORT TITLE; TABLE OF CONTENTS; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This title may be cited as the "Flat Tax Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

Sec. 01. Short title; table of contents; amendment of 1986 Code.
Sec. 02. Flat tax on individual taxable earned income and business taxable income.
Sec. 03. Repeal of estate and gift taxes.
Sec. 04. Additional repeals.
Sec. 05. Effective dates.

(c) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 02. FLAT TAX ON INDIVIDUAL TAXABLE EARNED INCOME AND BUSINESS TAXABLE INCOME.

(a) IN GENERAL.—Subchapter A of chapter 1 of subtitle A is amended to read as follows:

"Subchapter A—Determination of Tax Liability

"Part I. Tax on individuals.
"Part II. Tax on business activities.

"PART I—TAX ON INDIVIDUALS

"Sec. 1. Tax imposed.
"Sec. 2. Standard deduction.
"Sec. 3. Deduction for cash charitable contributions.
"Sec. 4. Deduction for home acquisition indebtedness.
"Sec. 5. Definitions and special rules.

"SECTION 1. TAX IMPOSED.

"(a) IMPOSITION OF TAX.—There is hereby imposed on every individual a tax equal to 20 percent of the taxable earned income of such individual.

"(b) TAXABLE EARNED INCOME.—For purposes of this section, the term 'taxable earned income' means the excess (if any) of—

"(1) the earned income received or accrued during the taxable year, over

"(2) the sum of—

"(A) the standard deduction,

"(B) the deduction for cash charitable contributions, and

"(C) the deduction for home acquisition indebtedness,

for such taxable year.

"(c) EARNED INCOME.—For purposes of this section—

"(1) IN GENERAL.—The term 'earned income' means wages, salaries, or professional fees, and other amounts received from sources within the United States as compensation for personal services actually rendered, but does not include that part of compensation derived by the taxpayer for personal services rendered by the taxpayer to a corporation which represents a distribution of earnings or profits rather than a reasonable allowance as compensation for the personal services actually rendered.

"(2) TAXPAYER ENGAGED IN TRADE OR BUSINESS.—In the case of a taxpayer engaged in a trade or business in which both personal services and capital are material income-producing factors, under regulations prescribed by the Secretary, a reasonable allowance as compensation for the personal services rendered by the taxpayer, not in excess of 30 percent of the taxpayer's share of the net profits of such trade or business, shall be considered as earned income.

"SEC. 2. STANDARD DEDUCTION.

"(a) IN GENERAL.—For purposes of this subtitle, the term 'standard deduction' means the sum of—

"(1) the basic standard deduction, plus

"(2) the additional standard deduction.

"(b) BASIC STANDARD DEDUCTION.—For purposes of subsection (a), the basic standard deduction is—

"(1) $17,500 in the case of—

"(A) a joint return, and

"(B) a surviving spouse (as defined in section 5(a)),

"(2) $15,000 in the case of a head of household (as defined in section 5(b)), and

"(3) $10,000 in the case of an individual—

"(A) who is not married and who is not a surviving spouse or head of household, or

"(B) who is a married individual filing a separate return.

"(c) ADDITIONAL STANDARD DEDUCTION.—For purposes of subsection (a), the additional standard deduction is $5,000 for each dependent (as defined in section 5(d))—

"(1) whose earned income for the calendar year in which the taxable year of the taxpayer begins is less than the basic standard deduction specified in subsection (b)(3), or

“(2) who is a child of the taxpayer and who—

“(A) has not attained the age of 19 at the close of the calendar year in which the taxable year of the taxpayer begins, or

“(B) is a student who has not attained the age of 24 at the close of such calendar year.

“(d) INFLATION ADJUSTMENT.—

“(1) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 1997, each dollar amount contained in subsections (b) and (c) shall be increased by an amount equal to—

“(A) such dollar amount, multiplied by

“(B) the cost-of-living adjustment under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 1996’ for ‘calendar year 1992’ in subparagraph (B) of such section.

“(2) ROUNDING.—If any increase determined under paragraph (1) is not a multiple of $50, such amount shall be rounded to the next lowest multiple of $50.

“SEC. 3. DEDUCTION FOR CASH CHARITABLE CONTRIBUTIONS.

“(a) GENERAL RULE.—For purposes of this part, there shall be allowed as a deduction any charitable contribution (as defined in subsection (b)) not to exceed $2,500 ($1,250, in the case of a married individual filing a separate return), payment of which is made within the taxable year.

“(b) CHARITABLE CONTRIBUTION DEFINED.—For purposes of this section , the term ‘charitable contribution’ means a contribution or gift of cash or its equivalent to or for the use of the following:

“(1) A State, a possession of the United States, or any political subdivision of any of the foregoing, or the United States or the District of Columbia, but only if the contribution or gift is made for exclusively public purposes.

“(2) A corporation, trust, or community chest, fund, or foundation—

“(A) created or organized in the United States or in any possession thereof, or under the law of the United States, any State, the District of Columbia, or any possession of the United States;

“(B) organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or to foster national or international amateur sports competition (but only if no part of its activities involve the provision of athletic facilities or equipment), or for the prevention of cruelty to children or animals;

“(C) no part of the net earnings of which inures to the benefit of any private shareholder or individual; and

“(D) which is not disqualified for tax exemption under section 501(c)(3) by reason of attempting to influence legislation, and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office.

A contribution or gift by a corporation to a trust, chest, fund, or foundation shall be deductible by reason of this paragraph only if it is to be used within the United States or any of its possessions exclusively for purposes specified in subparagraph (B). Rules similar to the rules of section 501(j) shall apply for purposes of this paragraph.

“(3) A post or organization of war veterans, or an auxiliary unit or society of, or trust or foundation for, any such post or organization—

“(A) organized in the United States or any of its possessions, and

“(B) no part of the net earnings of which inures to the benefit of any private shareholder or individual.

“(4) In the case of a contribution or gift by an individual, a domestic fraternal society, order, or association, operating under the lodge system, but only if such contribution or gift is to be used exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals.

“(5) A cemetery company owned and operated exclusively for the benefit of its members, or any corporation chartered solely for burial purposes as a cemetery corporation and not permitted by its charter to engage in any business not necessarily incident to that purpose, if such company or corporation is not operated for profit and no part of the net earnings of such company or corporation inures to the benefit of any private shareholder or individual.

For purposes of this section, the term ‘charitable contribution’ also means an amount treated under subsection (d) as paid for the use of an organization described in paragraph (2), (3), or (4).

“(c) DISALLOWANCE OF DEDUCTION IN CERTAIN CASES AND SPECIAL RULES.—

“(1) SUBSTANTIATION REQUIREMENT FOR CERTAIN CONTRIBUTIONS.—

“(A) GENERAL RULE.—No deduction shall be allowed under subsection (a) for any contribution of $250 or more unless the taxpayer substantiates the contribution by a contemporaneous written acknowledgment of the contribution by the donee organization that meets the requirements of subparagraph (B).

“(B) CONTENT OF ACKNOWLEDGMENT.—An acknowledgment meets the requirements of this subparagraph if it includes the following information:

“(i) The amount of cash contributed.

“(ii) Whether the donee organization provided any goods or services in consideration, in whole or in part, for any contribution described in clause (i).

“(iii) A description and good faith estimate of the value of any goods or services referred to in clause (ii) or, if such goods or services consist solely of intangible religious benefits, a statement to that effect.

For purposes of this subparagraph, the term ‘intangible religious benefit’ means any intangible religious benefit which is provided by an organization organized exclusively for religious purposes and which generally is not sold in a commercial transaction outside the donative context.

“(C) CONTEMPORANEOUS.—For purposes of subparagraph (A), an acknowledgment shall be considered to be contemporaneous if the taxpayer obtains the acknowledgment on or before the earlier of—

“(i) the date on which the taxpayer files a return for the taxable year in which the contribution was made, or

“(ii) the due date (including extensions) for filing such return.

“(D) SUBSTANTIATION NOT REQUIRED FOR CONTRIBUTIONS REPORTED BY THE DONEE ORGANIZATION.—Subparagraph (A) shall not apply to a contribution if the donee organization files a return, on such form and in accordance with such regulations as the Secretary may prescribe, which includes the information described in subparagraph (B) with respect to the contribution.

“(E) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this paragraph, including regulations that may provide that some or all of the requirements of this paragraph do not apply in appropriate cases.

“(2) DENIAL OF DEDUCTION WHERE CONTRIBUTION FOR LOBBYING ACTIVITIES.—No deduction shall be allowed under this section for a contribution to an organization which conducts activities to which section 11(d)(2)(C)(i) applies on matters of direct financial interest to the donor's trade or business, if a principal purpose of the contribution was to avoid Federal income tax by securing a deduction for such activities under this section which would be disallowed by reason of section 11(d)(2)(C) if the donor had conducted such activities directly. No deduction shall be allowed under section 11(d) for any amount for which a deduction is disallowed under the preceding sentence.

“(d) AMOUNTS PAID TO MAINTAIN CERTAIN STUDENTS AS MEMBERS OF TAXPAYER'S HOUSEHOLD.—

“(1) IN GENERAL.—Subject to the limitations provided by paragraph (2), amounts paid by the taxpayer to maintain an individual (other than a dependent, as defined in section 5(d), or a relative of the taxpayer) as a member of such taxpayer's household during the period that such individual is—

“(A) a member of the taxpayer's household under a written agreement between the taxpayer and an organization described in paragraph (2), (3), or (4) of subsection (b) to implement a program of the organization to provide educational opportunities for pupils or students in private homes, and

“(B) a full-time pupil or student in the twelfth or any lower grade at an educational organization located in the United States which normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on,

shall be treated as amounts paid for the use of the organization.

“(2) LIMITATIONS.—

“(A) AMOUNT.—Paragraph (1) shall apply to amounts paid within the taxable year only to the extent that such amounts do not exceed $50 multiplied by the number of full calendar months during the taxable year which fall within the period described in paragraph (1). For purposes of the preceding sentence, if 15 or more days of a calendar month fall within such period such month shall be considered as a full calendar month.

“(B) COMPENSATION OR REIMBURSEMENT.—Paragraph (1) shall not apply to any amount paid by the taxpayer within the taxable year if the taxpayer receives any money or other property as compensation or reimbursement for maintaining the individual in the taxpayer's household during the period described in paragraph (1).

“(3) RELATIVE DEFINED.—For purposes of paragraph (1), the term ‘relative of the taxpayer’ means an individual who, with respect to the taxpayer, bears any of the relationships described in subparagraphs (A) through (H) of section 5(d)(1).

“(4) NO OTHER AMOUNT ALLOWED AS DEDUCTION.—No deduction shall be allowed under subsection (a) for any amount paid by a taxpayer to maintain an individual as a member of the taxpayer's household under a program described in paragraph (1)(A) except as provided in this subsection.

“(e) DENIAL OF DEDUCTION FOR CERTAIN TRAVEL EXPENSES.—No deduction shall be allowed under this section for traveling expenses (including amounts expended for meals and lodging) while away from home, whether paid directly or by reimbursement, unless there is no significant element of personal pleasure, recreation, or vacation in such travel.

"(f) Disallowance of Deductions in Certain Cases.—For disallowance of deductions for contributions to or for the use of Communist controlled organizations, see section 11(a) of the Internal Security Act of 1950 (50 U.S.C. 790).

"(g) Treatment of Certain Amounts Paid to or for the Benefit of Institutions of Higher Education.—

"(1) In general.—For purposes of this section, 80 percent of any amount described in paragraph (2) shall be treated as a charitable contribution.

"(2) Amount described.—For purposes of paragraph (1), an amount is described in this paragraph if—

"(A) the amount is paid by the taxpayer to or for the benefit of an educational organization—

"(i) which is described in subsection (d)(1)(B), and

"(ii) which is an institution of higher education (as defined in section 3304(f)), and

"(B) such amount would be allowable as a deduction under this section but for the fact that the taxpayer receives (directly or indirectly) as a result of paying such amount the right to purchase tickets for seating at an athletic event in an athletic stadium of such institution.

If any portion of a payment is for the purchase of such tickets, such portion and the remaining portion (if any) of such payment shall be treated as separate amounts for purposes of this subsection.

"(h) Other Cross References.—

"(1) For treatment of certain organizations providing child care, see section 501(k).

"(2) For charitable contributions of partners, see section 702.

"(3) For treatment of gifts for benefit of or use in connection with the Naval Academy as gifts to or for the use of the United States, see section 6973 of title 10, United States Code.

"(4) For treatment of gifts accepted by the Secretary of State, the Director of the International Communication Agency, or the Director of the United States International Development Cooperation Agency, as gifts to or for the use of the United States, see section 25 of the State Department Basic Authorities Act of 1956.

"(5) For treatment of gifts of money accepted by the Attorney General for credit to the 'Commissary Funds, Federal Prisons' as gifts to or for the use of the United States, see section 4043 of title 18, United States Code.

"(6) For charitable contributions to or for the use of Indian tribal governments (or subdivisions of such governments), see section 7871.

"SEC. 4. DEDUCTION FOR HOME ACQUISITION INDEBTEDNESS.

"(a) General Rule.—For purposes of this part, there shall be allowed as a deduction all qualified residence interest paid or accrued within the taxable year.

"(b) Qualified Residence Interest Defined.—The term 'qualified residence interest' means any interest which is paid or accrued during the taxable year on acquisition indebtedness with respect to any qualified residence of the taxpayer. For purposes of the preceding sentence, the determination of whether any property is a qualified residence of the taxpayer shall be made as of the time the interest is accrued.

"(c) Acquisition Indebtedness.—

"(1) In general.—The term 'acquisition indebtedness' means any indebtedness which—

"(A) is incurred in acquiring, constructing, or substantially improving any qualified residence of the taxpayer, and

"(B) is secured by such residence.

Such term also includes any indebtedness secured by such residence resulting from the refinancing of indebtedness meeting the requirements of the preceding sentence (or this sentence); but only to the extent the amount of the indebtedness resulting from such refinancing does not exceed the amount of the refinanced indebtedness.

"(2) $100,000 limitation.—The aggregate amount treated as acquisition indebtedness for any period shall not exceed $100,000 ($50,000 in the case of a married individual filing a separate return).

"(d) Treatment of Indebtedness Incurred on or Before October 13, 1987.—

"(1) In general.—In the case of any pre-October 13, 1987, indebtedness—

"(A) such indebtedness shall be treated as acquisition indebtedness, and

"(B) the limitation of subsection (b)(2) shall not apply.

"(2) Reduction in $100,000 limitation.—The limitation of subsection (b)(2) shall be reduced (but not below zero) by the aggregate amount of outstanding pre-October 13, 1987, indebtedness.

"(3) Pre-October 13, 1987, indebtedness.—The term 'pre-October 13, 1987, indebtedness' means—

"(A) any indebtedness which was incurred on or before October 13, 1987, and which was secured by a qualified residence on October 13, 1987, and at all times thereafter before the interest is paid or accrued, or

"(B) any indebtedness which is secured by the qualified residence and was incurred after October 13, 1987, to refinance indebtedness described in subparagraph (A) (or refinanced indebtedness meeting the requirements of this subparagraph) to the extent (immediately after the refinancing) the principal amount of the indebtedness resulting from the refinancing does not exceed the principal amount of the refinanced indebtedness (immediately before the refinancing).

"(4) Limitation on period of refinancing.—Subparagraph (B) of paragraph (3) shall not apply to any indebtedness after—

"(A) the expiration of the term of the indebtedness described in paragraph (3)(A), or

"(B) if the principal of the indebtedness described in paragraph (3)(A) is not amortized over its term, the expiration of the term of the first refinancing of such indebtedness (or if earlier, the date which is 30 years after the date of such first refinancing).

"(e) Other Definitions and Special Rules.—For purposes of this section—

"(1) Qualified residence.—For purposes of this subsection—

"(A) In general.—Except as provided in subparagraph (C), the term 'qualified residence' means the principal residence of the taxpayer.

"(B) Married individuals filing separate returns.—If a married couple does not file a joint return for the taxable year—

"(i) such couple shall be treated as 1 taxpayer for purposes of subparagraph (A), and

"(ii) each individual shall be entitled to take into account ½ of the principal residence unless both individuals consent in writing to 1 individual taking into account the principal residence.

"(C) Pre-October 13, 1987, indebtedness.—In the case of any pre-October 13, 1987, indebtedness, the term 'qualified residence' has the meaning given that term in section 163(h)(4), as in effect on the day before the date of enactment of this subparagraph.

"(2) Special rule for cooperative housing corporations.—Any indebtedness secured by stock held by the taxpayer as a tenant-stockholder in a cooperative housing corporation shall be treated as secured by the house or apartment which the taxpayer is entitled to occupy as such a tenant-stockholder. If stock described in the preceding sentence may not be used to secure indebtedness, indebtedness shall be treated as so secured if the taxpayer establishes to the satisfaction of the Secretary that such indebtedness was incurred to acquire such stock.

"(3) Unenforceable security interests.—Indebtedness shall not fail to be treated as secured by any property solely because, under any applicable State or local homestead or other debtor protection law in effect on August 16, 1986, the security interest is ineffective or the enforceability of the security interest is restricted.

"(4) Special rules for estates and trusts.—For purposes of determining whether any interest paid or accrued by an estate or trust is qualified residence interest, any residence held by such estate or trust shall be treated as a qualified residence of such estate or trust if such estate or trust establishes that such residence is a qualified residence of a beneficiary who has a present interest in such estate or trust or an interest in the residuary of such estate or trust.

"SEC. 5. DEFINITIONS AND SPECIAL RULES.

"(a) Definition of Surviving Spouse.—

"(1) In general.—For purposes of this part, the term 'surviving spouse' means a taxpayer—

"(A) whose spouse died during either of the taxpayer's 2 taxable years immediately preceding the taxable year, and

"(B) who maintains as the taxpayer's home a household which constitutes for the taxable year the principal place of abode (as a member of such household) of a dependent—

"(i) who (within the meaning of subsection (d)) is a son, stepson, daughter, or stepdaughter of the taxpayer, and

"(ii) with respect to whom the taxpayer is entitled to a deduction for the taxable year under section 2.

For purposes of this paragraph, an individual shall be considered as maintaining a household only if over one-half of the cost of maintaining the household during the taxable year is furnished by such individual.

"(2) Limitations.—Notwithstanding paragraph (1), for purposes of this part a taxpayer shall not be considered to be a surviving spouse—

"(A) if the taxpayer has remarried at any time before the close of the taxable year, or

"(B) unless, for the taxpayer's taxable year during which the taxpayer's spouse died, a joint return could have been made under the provisions of section 6013 (without regard to subsection (a)(3) thereof).

"(3) Special rule where deceased spouse was in missing status.—If an individual was in a missing status (within the meaning of section 6013(f)(3)) as a result of service in a combat zone and if such individual remains in such status until the date referred to in subparagraph (A) or (B), then, for purposes of paragraph (1)(A), the date on which such individual dies shall be treated as the earlier of the date determined under subparagraph (A) or the date determined under subparagraph (B):

"(A) The date on which the determination is made under section 556 of title 37 of the United States Code or under section 5566 of title 5 of such Code (whichever is applicable) that such individual died while in such missing status.

"(B) Except in the case of the combat zone designated for purposes of the Vietnam conflict, the date which is 2 years after the date designated as the date of termination of combatant activities in that zone.

"(b) Definition of Head of Household.—

"(1) In general.—For purposes of this part, an individual shall be considered a head of a household if, and only if, such individual is not married at the close of such individual's taxable year, is not a surviving spouse (as defined in subsection (a)), and either—

"(A) maintains as such individual's home a household which constitutes for more than one-half of such taxable year the principal place of abode, as a member of such household, of—

"(i) a son, stepson, daughter, or stepdaughter of the taxpayer, or a descendant of a son or daughter of the taxpayer, but if such son, stepson, daughter, stepdaughter, or descendant is married at the close of the taxpayer's taxable year, only if the taxpayer is entitled to a deduction for the taxable year for such person under section 2 (or would be so entitled but for subparagraph (B) or (D) of subsection (d)(5)), or

"(ii) any other person who is a dependent of the taxpayer, if the taxpayer is entitled to a deduction for the taxable year for such person under section 2, or

"(B) maintains a household which constitutes for such taxable year the principal place of abode of the father or mother of the taxpayer, if the taxpayer is entitled to a deduction for the taxable year for such father or mother under section 2.

For purposes of this paragraph, an individual shall be considered as maintaining a household only if over one-half of the cost of maintaining the household during the taxable year is furnished by such individual.

"(2) Determination of status.—For purposes of this subsection—

"(A) a legally adopted child of a person shall be considered a child of such person by blood;

"(B) an individual who is legally separated from such individual's spouse under a decree of divorce or of separate maintenance shall not be considered as married;

"(C) a taxpayer shall be considered as not married at the close of such taxpayer's taxable year if at any time during the taxable year such taxpayer's spouse is a nonresident alien; and

"(D) a taxpayer shall be considered as married at the close of such taxpayer's taxable year if such taxpayer's spouse (other than a spouse described in subparagraph (C)) died during the taxable year.

"(3) Limitations.—Notwithstanding paragraph (1), for purposes of this part, a taxpayer shall not be considered to be a head of a household—

"(A) if at any time during the taxable year the taxpayer is a nonresident alien; or

"(B) by reason of an individual who would not be a dependent for the taxable year but for—

"(i) subparagraph (I) of subsection (d)(1), or

"(ii) paragraph (3) of subsection (d).

"(c) Certain Married Individuals Living Apart.—For purposes of this part, an individual shall be treated as not married at the close of the taxable year if such individual is so treated under the provisions of section 7703(b).

"(d) Dependent Defined.—

"(1) General definition.—For purposes of this part, the term 'dependent' means any of the following individuals over one-half of whose support, for the calendar year in which the taxable year of the taxpayer begins, was received from the taxpayer (or is treated under paragraph (3) or (5) as received from the taxpayer):

"(A) A son or daughter of the taxpayer, or a descendant of either.

"(B) A stepson or stepdaughter of the taxpayer.

"(C) A brother, sister, stepbrother, or stepsister of the taxpayer.

"(D) The father or mother of the taxpayer, or an ancestor of either.

"(E) A stepfather or stepmother of the taxpayer.

"(F) A son or daughter of a brother or sister of the taxpayer.

"(G) A brother or sister of the father or mother of the taxpayer.

"(H) A son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law of the taxpayer.

"(I) An individual (other than an individual who at any time during the taxable year was the spouse, determined without regard to section 7703, of the taxpayer) who, for the taxable year of the taxpayer, has as such individual's principal place of abode the home of the taxpayer and is a member of the taxpayer's household.

"(2) Rules relating to general definition.—For purposes of this section—

"(A) Brother; sister.—The terms 'brother' and 'sister' include a brother or sister by the halfblood.

"(B) Child.—In determining whether any of the relationships specified in paragraph (1) or subparagraph (A) of this paragraph exists, a legally adopted child of an individual (and a child who is a member of an individual's household, if placed with such individual by an authorized placement agency for legal adoption by such individual), or a foster child of an individual (if such child satisfies the requirements of paragraph (1)(I) with respect to such individual), shall be treated as a child of such individual by blood.

"(C) Citizenship.—The term 'dependent' does not include any individual who is not a citizen or national of the United States unless such individual is a resident of the United States or of a country contiguous to the United States. The preceding sentence shall not exclude from the definition of 'dependent' any child of the taxpayer legally adopted by such taxpayer, if, for the taxable year of the taxpayer, the child has as such child's principal place of abode the home of the taxpayer and is a member of the taxpayer's household, and if the taxpayer is a citizen or national of the United States.

"(D) Alimony, etc.—A payment to a wife which is alimony or separate maintenance shall not be treated as a payment by the wife's husband for the support of any dependent.

"(E) Unlawful arrangements.—An individual is not a member of the taxpayer's household if at any time during the taxable year of the taxpayer the relationship between such individual and the taxpayer is in violation of local law.

"(3) Multiple support agreements.—For purposes of paragraph (1), over one-half of the support of an individual for a calendar year shall be treated as received from the taxpayer if—

"(A) no one person contributed over one-half of such support;

"(B) over one-half of such support was received from persons each of whom, but for the fact that such person did not contribute over one-half of such support, would have been entitled to claim such individual as a dependent for a taxable year beginning in such calendar year;

"(C) the taxpayer contributed over 10 percent of such support; and

"(D) each person described in subparagraph (B) (other than the taxpayer) who contributed over 10 percent of such support files a written declaration (in such manner and form as the Secretary may by regulations prescribe) that such person will not claim such individual as a dependent for any taxable year beginning in such calendar year.

"(4) Special support test in case of students.—For purposes of paragraph (1), in the case of any individual who is—

"(A) a son, stepson, daughter, or stepdaughter of the taxpayer (within the meaning of this subsection), and

"(B) a student,

amounts received as scholarships for study at an educational organization described in section 3(d)(1)(B) shall not be taken into account in determining whether such individual received more than one-half of such individual's support from the taxpayer.

"(5) Support test in case of child of divorced parents, etc.—

"(A) Custodial parent gets exemption.—Except as otherwise provided in this paragraph, if—

"(i) a child receives over one-half of such child's support during the calendar year from such child's parents—

"(I) who are divorced or legally separated under a decree of divorce or separate maintenance,

"(II) who are separated under a written separation agreement, or

"(III) who live apart at all times during the last 6 months of the calendar year, and

"(ii) such child is in the custody of 1 or both of such child's parents for more than one-half of the calendar year,

such child shall be treated, for purposes of paragraph (1), as receiving over one-half of such child's support during the calendar year from the parent having custody for a greater portion of the calendar year (hereafter in this paragraph referred to as the 'custodial parent').

"(B) Exception where custodial parent releases claim to exemption for the year.—A child of parents described in subparagraph (A) shall be treated as having received over one-half of such child's support during a calendar year from the noncustodial parent if—

"(i) the custodial parent signs a written declaration (in such manner and form as the Secretary may by regulations prescribe) that such custodial parent will not claim such child as a dependent for any taxable year beginning in such calendar year, and

"(ii) the noncustodial parent attaches such written declaration to the noncustodial parent's return for the taxable year beginning during such calendar year.

For purposes of this paragraph, the term 'noncustodial parent' means the parent who is not the custodial parent.

"(C) Exception for multiple-support agreement.—This paragraph shall not apply in any case where over one-half of the support of the child is treated as having been received from a taxpayer under the provisions of paragraph (3).

"(D) Exception for certain pre-1985 instruments.—

"(i) In general.—A child of parents described in subparagraph (A) shall be treated as having received over one-half such child's support during a calendar year from the noncustodial parent if—

"(I) a qualified pre-1985 instrument between the parents applicable to the taxable year beginning in such calendar year provides that the noncustodial parent shall be entitled to any deduction allowable under section 2 for such child, and

"(II) the noncustodial parent provides at least $600 for the support of such child during such calendar year.

For purposes of this clause, amounts expended for the support of a child or children shall be treated as received from the noncustodial parent to the extent that such parent provided amounts for such support.

"(ii) QUALIFIED PRE-1985 INSTRUMENT.—For purposes of this subparagraph, the term 'qualified pre-1985 instrument' means any decree of divorce or separate maintenance or written agreement—

"(I) which is executed before January 1, 1985,

"(II) which on such date contains the provision described in clause (i)(I), and

"(III) which is not modified on or after such date in a modification which expressly provides that this subparagraph shall not apply to such decree or agreement.

"(E) SPECIAL RULE FOR SUPPORT RECEIVED FROM NEW SPOUSE OF PARENT.—For purposes of this paragraph, in the case of the remarriage of a parent, support of a child received from the parent's spouse shall be treated as received from the parent.

"PART II—TAX ON BUSINESS ACTIVITIES

"Sec. 11. Tax imposed on business activities.

"SEC. 11. TAX IMPOSED ON BUSINESS ACTIVITIES.

"(a) TAX IMPOSED.—There is hereby imposed on every person engaged in a business activity located in the United States a tax equal to 20 percent of the business taxable income of such person.

"(b) LIABILITY FOR TAX.—The tax imposed by this section shall be paid by the person engaged in the business activity, whether such person is an individual, partnership, corporation, or otherwise.

"(c) BUSINESS TAXABLE INCOME.—

"(1) IN GENERAL.—For purposes of this section, the term 'business taxable income' means gross active income reduced by the deductions specified in subsection (d).

"(2) GROSS ACTIVE INCOME.—For purposes of paragraph (1), the term 'gross active income' means gross income other than investment income.

"(d) DEDUCTIONS.—

"(1) IN GENERAL.—The deductions specified in this subsection are—

"(A) the cost of business inputs for the business activity,

"(B) the compensation (including contributions to qualified retirement plans but not including other fringe benefits) paid for employees performing services in such activity, and

"(C) the cost of personal and real property used in such activity.

"(2) BUSINESS INPUTS.—

"(A) IN GENERAL.—For purposes of paragraph (1)(A), the term 'cost of business inputs' means—

"(i) the actual cost of goods, services, and materials, whether or not resold during the taxable year, and

"(ii) the actual cost, if reasonable, of travel and entertainment expenses for business purposes.

"(B) PURCHASES OF GOODS AND SERVICES EXCLUDED.—Such term shall not include purchases of goods and services provided to employees or owners.

"(C) CERTAIN LOBBYING AND POLITICAL EXPENDITURES EXCLUDED.—

"(i) IN GENERAL.—Such term shall not include any amount paid or incurred in connection with—

"(I) influencing legislation,

"(II) participation in, or intervention in, any political campaign on behalf of (or in opposition to) any candidate for public office,

"(III) any attempt to influence the general public, or segments thereof, with respect to elections, legislative matters, or referendums, or

"(IV) any direct communication with a covered executive branch official in an attempt to influence the official actions or positions of such official.

"(ii) EXCEPTION FOR LOCAL LEGISLATION.—In the case of any legislation of any local council or similar governing body—

"(I) clause (i)(I) shall not apply, and

"(II) such term shall include all ordinary and necessary expenses (including, but not limited to, traveling expenses described in subparagraph (A)(iii) and the cost of preparing testimony) paid or incurred during the taxable year in carrying on any trade or business—

"(aa) in direct connection with appearances before, submission of statements to, or sending communications to the committees, or individual members, of such council or body with respect to legislation or proposed legislation of direct interest to the taxpayer, or

"(bb) in direct connection with communication of information between the taxpayer and an organization of which the taxpayer is a member with respect to any such legislation or proposed legislation which is of direct interest to the taxpayer and to such organization, and that portion of the dues so paid or incurred with respect to any organization of which the taxpayer is a member which is attributable to the expenses of the activities carried on by such organization.

"(iii) APPLICATION TO DUES OF TAX-EXEMPT ORGANIZATIONS.—Such term shall include the portion of dues or other similar amounts paid by the taxpayer to an organization which is exempt from tax under this subtitle which the organization notifies the taxpayer under section 6033(e)(1)(A)(ii) is allocable to expenditures to which clause (i) applies.

"(iv) INFLUENCING LEGISLATION.—For purposes of this subparagraph—

"(I) IN GENERAL.—The term 'influencing legislation' means any attempt to influence any legislation through communication with any member or employee of a legislative body, or with any government official or employee who may participate in the formulation of legislation.

"(II) LEGISLATION.—The term 'legislation' has the meaning given that term in section 4911(e)(2).

"(v) OTHER SPECIAL RULES.—

"(I) EXCEPTION FOR CERTAIN TAXPAYERS.—In the case of any taxpayer engaged in the trade or business of conducting activities described in clause (i), clause (i) shall not apply to expenditures of the taxpayer in conducting such activities directly on behalf of another person (but shall apply to payments by such other person to the taxpayer for conducting such activities).

"(II) DE MINIMIS EXCEPTION.—

"(aa) IN GENERAL.—Clause (i) shall not apply to any in-house expenditures for any taxable year if such expenditures do not exceed $2,000. In determining whether a taxpayer exceeds the $2,000 limit, there shall not be taken into account overhead costs otherwise allocable to activities described in subclauses (I) and (IV) of clause (i).

"(bb) IN-HOUSE EXPENDITURES.—For purposes of provision (aa), the term 'in-house expenditures' means expenditures described in subclauses (I) and (IV) of clause (i) other than payments by the taxpayer to a person engaged in the trade or business of conducting activities described in clause (i) for the conduct of such activities on behalf of the taxpayer, or dues or other similar amounts paid or incurred by the taxpayer which are allocable to activities described in clause (i).

"(III) EXPENSES INCURRED IN CONNECTION WITH LOBBYING AND POLITICAL ACTIVITIES.—Any amount paid or incurred for research for, or preparation, planning, or coordination of, any activity described in clause (i) shall be treated as paid or incurred in connection with such activity.

"(vi) COVERED EXECUTIVE BRANCH OFFICIAL.—For purposes of this subparagraph, the term 'covered executive branch official' means—

"(I) the President,

"(II) the Vice President,

"(III) any officer or employee of the White House Office of the Executive Office of the President, and the 2 most senior level officers of each of the other agencies in such Executive Office, and

"(IV) any individual serving in a position in level I of the Executive Schedule under section 5312 of title 5, United States Code, any other individual designated by the President as having Cabinet level status, and any immediate deputy of such an individual.

"(vii) SPECIAL RULE FOR INDIAN TRIBAL GOVERNMENTS.—For purposes of this subparagraph, an Indian tribal government shall be treated in the same manner as a local council or similar governing body.

"(viii) CROSS REFERENCE.—

"For reporting requirements and alternative taxes related to this subsection, see section 6033(e).

"(e) CARRYOVER OF EXCESS DEDUCTIONS.—

"(1) IN GENERAL.—If the aggregate deductions for any taxable year exceed the gross active income for such taxable year, the amount of the deductions specified in subsection (d) for the succeeding taxable year (determined without regard to this subsection) shall be increased by the sum of—

"(A) such excess, plus

"(B) the product of such excess and the 3-month Treasury rate for the last month of such taxable year.

"(2) 3-MONTH TREASURY RATE.—For purposes of paragraph (1), the 3-month Treasury rate is the rate determined by the Secretary based on the average market yield (during any 1-month period selected by the Secretary and ending in the calendar month in which the determination is made) on outstanding marketable obligations of the United States with remaining periods to maturity of 3 months or less."

(b) CONFORMING REPEALS AND REDESIGNATIONS.—

(1) REPEALS.—The following subchapters of chapter 1 of subtitle A and the items relating to such subchapters in the table of subchapters for such chapter 1 are repealed:

(A) Subchapter B (relating to computation of taxable income).

(B) Subchapter C (relating to corporate distributions and adjustments).

(C) Subchapter D (relating to deferred compensation, etc.).

(D) Subchapter G (relating to corporations used to avoid income tax on shareholders).

(E) Subchapter H (relating to banking institutions).

(F) Subchapter I (relating to natural resources).

(G) Subchapter J (relating to estates, trusts, beneficiaries, and decedents).

(H) Subchapter L (relating to insurance companies).

(I) Subchapter M (relating to regulated investment companies and real estate investment trusts).

(J) Subchapter N (relating to tax based on income from sources within or without the United States).

(K) Subchapter O (relating to gain or loss on disposition of property).

(L) Subchapter P (relating to capital gains and losses).

(M) Subchapter Q (relating to readjustment of tax between years and special limitations).

(N) Subchapter S (relating to tax treatment of S corporations and their shareholders).

(O) Subchapter T (relating to cooperatives and their patrons).

(P) Subchapter U (relating to designation and treatment of empowerment zones, enterprise communities, and rural development investment areas).

(Q) Subchapter V (relating to title 11 cases).

(2) REDESIGNATIONS.—The following subchapters of chapter 1 of subtitle A and the items relating to such subchapters in the table of subchapters for such chapter 1 are redesignated:

(A) Subchapter E (relating to accounting periods and methods of accounting) as subchapter B.

(B) Subchapter F (relating to exempt organizations) as subchapter C.

(C) Subchapter K (relating to partners and partnerships) as subchapter D.

SEC. 03. REPEAL OF ESTATE AND GIFT TAXES.

Subtitle B (relating to estate, gift, and generation-skipping taxes) and the item relating to such subtitle in the table of subtitles is repealed.

SEC. 04. ADDITIONAL REPEALS.

Subtitles H (relating to financing of presidential election campaigns) and J (relating to coal industry health benefits) and the items relating to such subtitles in the table of subtitles are repealed.

SEC. 05. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this title apply to taxable years beginning after December 31, 1997.

(b) REPEAL OF ESTATE AND GIFT TAXES.—The repeal made by section 03 applies to estates of decedents dying, and transfers made, after December 31, 1997.

(c) TECHNICAL AND CONFORMING CHANGES.—The Secretary of the Treasury or the Secretary's delegate shall, as soon as practicable but in any event not later than 90 days after the date of enactment of this title, submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a draft of any technical and conforming changes in the Internal Revenue Code of 1986 which are necessary to reflect throughout such Code the changes in the substantive provisions of law made by this title.

1998 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM NATURAL DISASTERS, AND FOR OVERSEAS PEACEKEEPING EFFORTS

CRAIG AMENDMENT NO. 2069

Mr. STEVENS (for Mr. CRAIG) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 36, strike lines 6 through 10 and insert in lieu thereof the following:

(b)(1) For any previously scheduled projects that are referred to in, but not authorized pursuant to, subsection (a)(1), the Chief may, to the maximum extent practicable, prepare and authorize substitute projects within the same state to be offered or initiated in fiscal year 1998 or fiscal year 1999. Such projects shall be subject to the requirements of subsection (a)(2).

DASCHLE AMENDMENT NO. 2070

Mr. STEVENS (for Mr. DASCHLE) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 18, following line 5, insert the following:

An additional amount for emergency river and shoreline repairs along the Missouri River in South Dakota to be conducted at full Federal expense, $2,500,000, to remain available until expended: Provided, That the Secretary of the Army is authorized and directed to obligate and expend the funds appropriated for South Dakota emergency river and shoreline repair if the Secretary of the Army certifies that such work is necessary to provide flood related benefits: Provided further, That the Corps of Engineers shall not be responsible for the future costs of operation, repair, replacement or rehabilitation of the project. Provided further, That the entire amount shall be available only to the extent an official budget request of $2,500,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

COCHRAN (AND OTHERS) AMENDMENT NO. 2071

Mr. STEVENS (for Mr. COCHRAN, Mr. BUMPERS, Mr. D'AMATO, and Mrs. BOXER) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 5, after line 3, insert the following:

"TREE ASSISTANCE PROGRAM

"An amount of $8,700,000 is provided for assistance to replace or rehabilitate trees and vineyards damaged by natural disasters: Provided, That the entire amount is available only to the extent that an official budget request for $8,700,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act."

BOXER AMENDMENT NO. 2072

Mr. STEVENS (for Mrs. BOXER) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 18, following line 5, insert the following:

An additional amount for emergency levee repairs at Suisun Marsh, California to be conducted at full Federal expense, $1,100,000, to remain available until expended: Provided, That the Secretary of the Army is authorized and directed to obligate and expend the funds appropriated for the Suisun Marsh, California levee repair to proceed with engineering and design and reconstruction if the Secretary of the Army certifies that such work is necessary to provide flood control benefits in the vicinity of Suisun Marsh, California: Provided further, That the Corps of Engineers shall not be responsible for the future costs of operation, repair, replacement or rehabilitation of the project: Provided further, That the entire amount shall be available only to the extent an official budget request of $1,100,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

INOUYE AMENDMENT NO. 2073

Mr. STEVENS (for Mr. INOUYE) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 18, following line 5, insert the following:

An additional amount for emergency maintenance dredging at Apra Harbor, Guam to be conducted at full Federal expense, $1,400,000, to remain available until expended: Provided, That the Secretary of the Army is authorized and directed to obligate and expand the funds appropriated for the Apra Harbor, Guam emergency maintenance dredging if the Secretary of the Army certifies that such work is in the national interest: Provided further, That the Corps of Engineers shall not be responsible for the future costs of operation, repair, replacement or rehabilitation of the project: Provided further, That the entire amount shall be available only to the extent an official budget request of $1,400,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

COCHRAN (AND BUMPERS) AMENDMENT NO. 2074

Mr. STEVENS (for Mr. COCHRAN, for himself and Mr. BUMPERS) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 3, line 3, strike "and".

On page 3, line 4, before the period, add "; and for boll weevil eradication program loans as authorized by 7 U.S.C. 1989, $222,000".

BOXER AMENDMENT NO. 2075

Mr. STEVENS (for Mrs. BOXER) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 45, line 13, after the words, "highway program made available by this Act", insert the following: "; *Provided further*, That 23 U.S.C. 125(b)(1) shall not apply to projects resulting from the Fall 1997 and Winter 1998 flooding in the western States".

LOTT (AND OTHERS) AMENDMENT NO. 2076

Mr. STEVENS (for Mr. LOTT, for himself, Mr. LIEBERMAN, Mr. GREGG, Mr. HOLLINGS, Mr. KYL, Mr. STEVENS, Mr. MCCONNELL, Mr. HELMS, Mr. SHELBY, Mr. BROWNBACK, and Mr. KERREY) proposed an amendment to the bill, S. 1768, supra; as follows:

At the appropriate place in title II of the bill insert the following new general provisions:

SEC. . SUPPORT FOR DEMOCRATIC OPPOSITION IN IRAQ.

In addition to the amounts appropriated to the President under Public Law 105–118, there is hereby appropriated $5,000,000 for the "Economic Support Fund," to remain available until September 30, 1999, for assistance to the Iraqi democratic opposition for such activities as organization, training, disseminating information, developing and implementing agreements among opposition groups, and for related purposes: Provided further, That within 30 days of enactment into law of this Act the Secretary of State shall submit a detailed report to the appropriate committees of Congress on plans to establish a program to support the democratic opposition in Iraq: Provided further, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress.

SEC. . ESTABLISHMENT OF RADIO FREE IRAQ.

In addition to the amounts appropriated to the United States Information Agency under Public Law 105–119, there is hereby appropriated $5,000,000 for "International Broadcasting Operations," to remain available until September 30, 1999, for a grant to Radio Free Europe/Radio Liberty for surrogate radio broadcasting to the Iraqi people: Provided, That such broadcasting shall be designated "Radio Free Iraq": Provided further, That within 30 days of enactment into law of this Act the Broadcasting Board of Governors shall submit a detailed report to the appropriate committees to Congress on plans to establish a surrogate broadcasting service to Iraq: Provided further, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress.

LEVIN AMENDMENT NO. 2077

Mr. LEVIN proposed an amendment to the bill S. 1768, supra; as follows:

On page 15, after line 21, insert the following:

SEC. 205. (a) Congress urges the President to enter into an agreement with the North Atlantic Treaty Organization (NATO) that sets forth—

(1) the benchmarks that are detailed in the report accompanying the certification that was made by the President to Congress on March 3, 1998;

(2) a schedule for achieving the benchmarks; and

(3) a process for NATO to carry out a formal review of each failure, if any, to achieve any such benchmark on schedule.

(b) The President shall submit to Congress—

(1) not later than June 30, 1998, a report on the results of the efforts to obtain an agreement described in subsection (a); and

(2) semiannually after that report, a report on the progress made toward achieving the benchmarks referred to in subsection (a)(1), including a discussion of each achievement of a benchmark referred to in that subsection, each failure to achieve a benchmark on schedule, and the results of NATO's formal review of each such failure.

STEVENS AMENDMENT NO. 2078

Mr. STEVENS proposed an amendment to amendment No. 2077 proposed by Mr. LEVIN to the bill, S. 1768, supra; as follows:

At the end of the amendment, add the following: (c) The enactment of this section does not reflect approval or disapproval of the benchmarks submitted by the President in the certification to Congress transmitted on March 3, 1998.

KYL AMENDMENT NO. 2079

Mr. STEVENS (for Mr. KYL) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 15, after line 21, add the following:

SEC. 205. In addition to the amounts provided in Public Law 105–56, $151,000,000 is appropriated under the heading "Research, Development, Test and Evaluation, Defense-Wide": *Provided*, That the additional amount shall be made available for enhancements to selected theater missile defense programs to counter enhanced ballistic missile threats: *Provided further*, That of the additional amount appropriated, $45,000,000 shall be made available only for the procurement of items and equipment required for a third Arrow missile defense battery: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for $151,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

ASHCROFT AMENDMENT NO. 2080

Mr. ASHCROFT proposed an amendment to the bill, S. 1768, supra; as follows:

At the appropriate place, insert the following:

TITLE —FAMILY FRIENDLY WORKPLACE

SEC. 1. SHORT TITLE.

This title may be cited as the "Family Friendly Workplace Act".

SEC. 2. PURPOSES.

The purposes of this title are—

(1) to assist working people in the United States;

(2) to balance the demands of workplaces with the needs of families;

(3) to provide such assistance and balance such demands by allowing employers to offer compensatory time off, which employees may voluntarily elect to receive, and to establish biweekly work programs, in which employees may voluntarily participate; and

(4) to give private sector employees the same benefits of compensatory time off, biweekly work schedules, as have been enjoyed by Federal Government employees since 1978.

SEC. 3. WORKPLACE FLEXIBILITY OPTIONS.

(a) COMPENSATORY TIME OFF.—

(1) IN GENERAL.—Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) is amended by adding at the end the following:

"(r) COMPENSATORY TIME OFF FOR PRIVATE EMPLOYEES.—

"(1) VOLUNTARY PARTICIPATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), no employee may be required under this subsection to receive compensatory time off in lieu of monetary overtime compensation. The acceptance of compensatory time off in lieu of monetary overtime compensation may not be a condition of employment.

"(B) COLLECTIVE BARGAINING AGREEMENT.—In a case in which a valid collective bargaining agreement exists between an employer and the representative of the employees that is recognized as provided for in section 9(a) of the National Labor Relations Act (29 U.S.C. 159(a)), an employee may only be required under this subsection to receive compensatory time off in lieu of monetary overtime compensation in accordance with the agreement.

"(2) GENERAL RULE.—

"(A) COMPENSATORY TIME OFF.—An employee may receive, in accordance with this subsection and in lieu of monetary overtime compensation, compensatory time off at a rate not less than one and one-half hours for each hour of employment for which monetary overtime compensation is required by this section.

"(B) DEFINITIONS.—In this subsection:

"(i) EMPLOYEE.—The term 'employee' does not include an employee of a public agency.

"(ii) EMPLOYER.—The term 'employer' does not include a public agency.

"(3) CONDITIONS.—An employer may provide compensatory time off to employees under paragraph (2)(A) only pursuant to the following:

"(A) The compensatory time off may be provided only in accordance with—

"(i) applicable provisions of a collective bargaining agreement between the employer and the representative of the employee that is recognized as provided for in section 9(a) of the National Labor Relations Act (29 U.S.C. 159(a)); or

"(ii) in the case of an employee who is not represented by a labor organization that is recognized as provided for in section 9(a) of the National Labor Relations Act, an agreement or understanding arrived at between the employer and employee before the performance of the work involved if the agreement or understanding was entered into knowingly and voluntarily by such employee and was not a condition of employment.

"(B) The compensatory time off may only be provided to an employee described in subparagraph (A)(ii) if such employee has affirmed, in a written or otherwise verifiable statement that is made, kept, and preserved in accordance with section 11(c), that the employee has chosen to receive compensatory time off in lieu of monetary overtime compensation.

"(C) An employee shall be eligible to accrue compensatory time off if such employee has not accrued compensatory time off in excess of the limit applicable to the employee prescribed by paragraph (4).

"(4) HOUR LIMIT.—

"(A) MAXIMUM HOURS.—An employee may accrue not more than 160 hours of compensatory time off.

"(B) COMPENSATION DATE.—Not later than January 31 of each calendar year, the employer of the employee shall provide monetary compensation for any unused compensatory time off accrued during the preceding calendar year that was not used prior to December 31 of the preceding calendar year at the rate prescribed by paragraph (8). An employer may designate and communicate to the employees of the employer a 12-month period other than the calendar year, in which case the compensation shall be provided not later than 31 days after the end of the 12-month period.

"(C) EXCESS OF 80 HOURS.—The employer may provide monetary compensation for an employee's unused compensatory time off in excess of 80 hours at any time after providing the employee with at least 30 days' written notice. The compensation shall be provided at the rate prescribed by paragraph (8).

"(5) DISCONTINUANCE OF POLICY OR WITHDRAWAL.—

"(A) DISCONTINUANCE OF POLICY.—An employer that has adopted a policy offering compensatory time off to employees may discontinue the policy for employees described in paragraph (3)(A)(ii) after providing 30 days' written notice to the employees who are subject to an agreement or understanding described in paragraph (3)(A)(ii).

"(B) WITHDRAWAL.—An employee may withdraw an agreement or understanding described in paragraph (3)(A)(ii) at any time, by submitting a written notice of withdrawal to the employer of the employee. An employee may also request in writing that monetary compensation be provided, at any time, for all compensatory time off accrued that has not been used. Within 30 days after receiving the written request, the employer shall provide the employee the monetary compensation due in accordance with paragraph (8).

"(6) ADDITIONAL REQUIREMENTS.—

"(A) PROHIBITION OF COERCION.—

"(i) IN GENERAL.—An employer that provides compensatory time off under paragraph (2) to an employee shall not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any employee for the purpose of—

"(I) interfering with the rights of the employee under this subsection to request or not request compensatory time off in lieu of payment of monetary overtime compensation for overtime hours;

"(II) interfering with the rights of the employee to use accrued compensatory time off in accordance with paragraph (9); or

"(III) requiring the employee to use the compensatory time off.

"(ii) DEFINITION.—In clause (i), the term 'intimidate, threaten, or coerce' has the meaning given the term in section 13A(d)(2).

"(B) ELECTION OF OVERTIME COMPENSATION OR COMPENSATORY TIME.—An agreement or understanding that is entered into by an employee and employer under paragraph (3)(A)(ii) shall permit the employee to elect, for an applicable workweek—

"(i) the payment of monetary overtime compensation for the workweek; or

"(ii) the accrual of compensatory time off in lieu of the payment of monetary overtime compensation for the workweek.".

(2) REMEDIES AND SANCTIONS.—Section 16 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216) is amended by adding at the end the following:

"(f)(1) In addition to any amount that an employer is liable under subsection (b) for a violation of a provision of section 7, an employer that violates section 7(r)(6)(A) shall be liable to the employee affected in an amount equal to—

"(A) the product of—

"(i) the rate of compensation (determined in accordance with section 7(r)(8)(A)); and

"(ii)(I) the number of hours of compensatory time off involved in the violation that was initially accrued by the employee; minus

"(II) the number of such hours used by the employee; and

"(B) as liquidated damages, the product of—

"(i) such rate of compensation; and

"(ii) the number of hours of compensatory time off involved in the violation that was initially accrued by the employee.

"(2) The employer shall be subject to such liability in addition to any other remedy available for such violation under this section or section 17, including a criminal penalty under subsection (a) and a civil penalty under subsection (e).".

(3) CALCULATIONS AND SPECIAL RULES.—Section 7(r) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(r)), as added by paragraph (1), is amended by adding at the end the following:

"(7) TERMINATION OF EMPLOYMENT.—An employee who has accrued compensatory time off authorized to be provided under paragraph (2) shall, upon the voluntary or involuntary termination of employment, be paid for the unused compensatory time off in accordance with paragraph (8).

"(8) RATE OF COMPENSATION FOR COMPENSATORY TIME OFF.—

"(A) GENERAL RULE.—If compensation is to be paid to an employee for accrued compensatory time off, the compensation shall be paid at a rate of compensation not less than—

"(i) the regular rate received by such employee when the compensatory time off was earned; or

"(ii) the final regular rate received by such employee,

whichever is higher.

"(B) CONSIDERATION OF PAYMENT.—Any payment owed to an employee under this subsection for unused compensatory time off shall be considered unpaid monetary overtime compensation.

"(9) USE OF TIME.—An employee—

"(A) who has accrued compensatory time off authorized to be provided under paragraph (2); and

"(B) who has requested the use of the accrued compensatory time off,

shall be permitted by the employer of the employee to use the accrued compensatory time off within a reasonable period after making the request if the use of the accrued compensatory time off does not unduly disrupt the operations of the employer.

"(10) DEFINITIONS.—In this subsection—

"(A) the terms 'monetary overtime compensation' and 'compensatory time off' shall have the meanings given the terms 'overtime compensation' and 'compensatory time', respectively, by subsection (o)(7); and

"(B) the term 'unduly disrupt the operations of the employer', used with respect to the use of compensatory time off by an employee of the employer, means to create a situation in which the absence of the employee during the time requested would likely impose a burden on the business of the employer that would prevent the employer from providing an acceptable quality or quantity of goods or services during the time requested without the services of the employee.".

(4) NOTICE TO EMPLOYEES.—Not later than 30 days after the date of enactment of this Act, the Secretary of Labor shall revise the materials the Secretary provides, under regulations contained in section 516.4 of title 29, Code of Federal Regulations, to employers for purposes of a notice explaining the Fair Labor Standards Act of 1938 to employees so that the notice reflects the amendments made to the Act by this subsection.

(b) BIWEEKLY WORK PROGRAMS.—

(1) IN GENERAL.—The Fair Labor Standards Act of 1938 is amended by inserting after section 13 (29 U.S.C. 213) the following:

"SEC. 13A. BIWEEKLY WORK PROGRAMS.

"(a) VOLUNTARY PARTICIPATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no employee may be required to participate in a program described in this section. Participation in a program described in this section may not be a condition of employment.

"(2) COLLECTIVE BARGAINING AGREEMENT.—In a case in which a valid collective bargaining agreement exists, an employee may only be required to participate in such a program in accordance with the agreement.

"(b) BIWEEKLY WORK PROGRAMS.—

"(1) IN GENERAL.—Notwithstanding section 7, an employer may establish biweekly work programs that allow the use of a biweekly work schedule—

"(A) that consists of a basic work requirement of not more than 80 hours, over a 2-week period; and

"(B) in which more than 40 hours of the work requirement may occur in a week of the period, except that no more than 10 hours may be shifted between the 2—weeks involved.

"(2) CONDITIONS.—An employer may carry out a biweekly work program described in paragraph (1) for employees only pursuant to the following:

"(A) AGREEMENT OR UNDERSTANDING.—The program may be carried out only in accordance with—

"(i) applicable provisions of a collective bargaining agreement between the employer and the representative of the employees that is recognized as provided for in section 9(a) of the National Labor Relations Act (29 U.S.C. 159(a)); or

"(ii) in the case of an employee who is not represented by a labor organization that is recognized as provided for in section 9(a) of the National Labor Relations Act, an agreement or understanding arrived at between the employer and employee before the performance of the work involved if the agreement or understanding was entered into knowingly and voluntarily by such employee and was not a condition of employment.

"(B) STATEMENT.—The program shall apply to an employee described in subparagraph (A)(ii) if such employee has affirmed, in a written or otherwise verifiable statement that is made, kept, and preserved in accordance with section 11(c), that the employee has chosen to participate in the program.

"(3) COMPENSATION FOR HOURS IN SCHEDULE.—Notwithstanding section 7, in the case of an employee participating in such a biweekly work program, the employee shall be compensated for each hour in such a biweekly work schedule at a rate not less than the regular rate at which the employee is employed.

"(4) COMPUTATION OF OVERTIME.—All hours worked by the employee in excess of such a biweekly work schedule or in excess of 80 hours in the 2-week period, that are requested in advance by the employer, shall be overtime hours.

"(5) OVERTIME COMPENSATION PROVISION.—The employee shall be compensated for each such overtime hour at a rate not less than one and one-half times the regular rate at which the employee is employed, in accordance with section 7(a)(1), or receive compensatory time off in accordance with section 7(r) for each such overtime hour.

"(6) DISCONTINUANCE OF PROGRAM OR WITHDRAWAL.—

"(A) DISCONTINUANCE OF PROGRAM.—An employer that has established a biweekly work program under paragraph (1) may discontinue the program for employees described in paragraph (2)(A)(ii) after providing 30 days' written notice to the employees who are subject to an agreement or understanding described in paragraph (2)(A)(ii).

"(B) WITHDRAWAL.—An employee may withdraw an agreement or understanding described in paragraph (2)(A)(ii) at the end of any 2-week period described in paragraph (1)(A), by submitting a written notice of withdrawal to the employer of the employee.

"(d) PROHIBITION OF COERCION.—

"(1) IN GENERAL.—An employer shall not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any employee for the purpose of interfering with the rights of the employee under this section to elect or not to elect to work a biweekly work schedule.

"(B)

"(2) DEFINITION.—In paragraph (1), the term 'intimidate, threaten, or coerce' includes promising to confer or conferring any benefit (such as appointment, promotion, or compensation) or effecting or threatening to effect any reprisal (such as deprivation of appointment, promotion, or compensation).

"(e) DEFINITIONS.—In this section:

"(1) BASIC WORK REQUIREMENT.—The term 'basic work requirement' means the number of hours, excluding overtime hours, that an employee is required to work or is required to account for by leave or otherwise.

"(2) COLLECTIVE BARGAINING.—The term 'collective bargaining' means the performance of the mutual obligation of the representative of an employer and the representative of employees of the employer that is recognized as provided for in section 9(a) of the National Labor Relations Act (29 U.S.C. 159(a)) to meet at reasonable times and to consult and bargain in a good-faith effort to reach agreement with respect to the conditions of employment affecting such employees and to execute, if requested by either party, a written document incorporating any collective bargaining agreement reached, but the obligation referred to in this paragraph shall not compel either party to agree to a proposal or to make a concession.

"(3) COLLECTIVE BARGAINING AGREEMENT.—The term 'collective bargaining agreement' means an agreement entered into as a result of collective bargaining.

"(4) ELECTION.—The term 'at the election of', used with respect to an employee, means at the initiative of, and at the request of, the employee.

"(5) EMPLOYEE.—The term 'employee' does not include an employee of a public agency.

"(6) EMPLOYER.—The term 'employer' does not include a public agency.

"(7) OVERTIME HOURS.—The term 'overtime hours'—

"(A) when used with respect to biweekly work programs under subsection (b), means all hours worked in excess of the biweekly work schedule involved or in excess of 80 hours in the 2-week period involved, that are requested in advance by an employer; or

"(B) when used with respect to flexible credit hour programs under subsection (c), means all hours worked in excess of 40 hours in a week that are requested in advance by an employer, but does not include flexible credit hours.

"(8) REGULAR RATE.—The term 'regular rate' has the meaning given the term in section 7(e).".

(2) PROHIBITIONS.—Section 15(a)(3) of the Fair Labor Standards Act of 1938 (29 U.S.C. 215(a)(3)) is amended—

(A) by inserting "(A)" after "(3)";

(B) by adding "or" after the semicolon; and

(C) by adding at the end the following:

"(B) to violate any of the provisions of section 13A;".

(c) LIMITATIONS ON SALARY PRACTICES RELATING TO EXEMPT EMPLOYEES.—

(1) IN GENERAL.—Section 13 of the Fair Labor Standards Act of 1938 (29 U.S.C. 213) is amended by adding at the end the following:

"(m)(1)(A) In the case of a determination of whether an employee is an exempt employee described in subsection (a)(1), the fact that the employee is subject to deductions in pay for—

"(i) absences of the employee from employment of less than a full workday; or

"(ii) absences of the employee from employment of less than a full pay period,

shall not be considered in making such determination.

"(B) In the case of a determination described in subparagraph (A), an actual reduction in pay of the employee may be considered in making the determination for that employee.

"(C) For the purposes of this paragraph, the term 'actual reduction in pay' does not include any reduction in accrued paid leave, or any other practice, that does not reduce the amount of pay an employee receives for a pay period.

"(2) The payment of overtime compensation or other additions to the compensation of an employee employed on a salary based on hours worked shall not be considered in determining if the employee is an exempt employee described in subsection (a)(1).".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of enactment of this Act and shall apply to any civil action—

(A) that involves an issue with respect to section 13(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)(1)); and

(B) in which a final judgment has not been made prior to such date.

(d) PROTECTIONS FOR CLAIMS RELATING TO COMPENSATORY TIME OFF IN BANKRUPTCY PROCEEDINGS.—Section 507(a)(3) of title 11, United States Code, is amended—

(1) by striking "$4,000" and inserting "$6,000";

(2) by striking "for—" and inserting the following: "except that all accrued compensatory time (as defined in section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207)) shall be deemed to have been earned within 90 days before the date of the filing of the petition or the date of the cessation of the debtor's business, whichever occurs first, for—"; and

(3) in subparagraph (A), by inserting before the semicolon the following: "or the value of unused, accrued compensatory time (as defined in section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207))".

SEC. 4. TERMINATION.

The authority provided by this title, and the amendments made by this title, terminates 5 years after the date of enactment of this Act.

PROTOCOLS TO THE NORTH ATLANTIC TREATY OF 1949 ON ACCESSION OF POLAND, HUNGARY, AND CZECH REPUBLIC

CRAIG EXECUTIVE AMENDMENT NO. 2081

(Ordered to lie on the table.)

Mr. CRAIG submitted an amendment intended to be proposed by him to the resolution of ratification for the treaty (Treaty Doc. No. 105-36) supra; as follows:

> At the appropriate place in section 3 of the resolution, insert the following:
>
> ( ) STATUTORY AUTHORIZATION FOR DEPLOYMENTS IN BOSNIA AND HERZEGVIAN.—Prior to the deposit of the United States instrument of ratification, there must be enacted a law containing specific authorization for the continued deployment of the United States Armed Forces in Bosnia and Herzegovina as part of the NATO mission in that country.

Mr. CRAIG. Mr. President, today I am filing an amendment related to the resolution of ratification for the proposed expansion of the North Atlantic Treaty Organization.

Last May, President Clinton publicly embraced the idea of a "new NATO" mission. It is my concern that the President's vision of a new NATO will signal the end of NATO as a defensive alliance and begin its role as a regional peacekeeping organization. The President declared:

> We are building a new NATO. It will remain the strongest alliance in history, with smaller, more flexible forces, prepared to provide for our defense, but also trained for peacekeeping. It will work closely with other nations that share our hopes and values and interests through the Partnership for Peace. It will be an alliance directed no longer against a hostile bloc of nations, but instead designed to advance the security of every democracy in Europe—NATO's old members, new members, and non-members alike.

I cannot support the President's call for a new NATO to be the de facto regional peacekeeper in Europe. President Clinton's peacekeeping operation in Bosnia has been going on for more than two years, without authorization from Congress, with costs mounting far above every estimate, and with mission end-dates repeatedly broken. The mission in Bosnia is now just what we were promised it would not be: an unauthorized, open-ended, no end-date, nation building deployment with no withdrawal criteria.

In 1995, President Clinton vowed that the U.S. troop deployed to Bosnia "should and will take about one year." Three years, and $8 billion later, the Administration now admits "we do not propose a fixed end date for the deployment." Will the expansion of NATO be a green light for other unauthorized, open-ended, and cost missions for the U.S.?

Today I am filing an amendment which provides that before the President can deposit the instruments of ratification for NATO expansion he must receive authorization for the Bosnia mission. Let me be clear on one point: this is NOT a "war power" amendment. This does not say he cannot continue the deployment in Bosnia without authorization, nor does it cut off funds for that mission, nor does it set an end-date for that mission, nor does it establish withdrawal criteria. It does, however, require the President to cooperate with Congress to set reasonable parameters for that mission before he gets a blank check—like a "new NATO "—for more just out of area, out of Article 5 missions.

Membership in NATO is a commitment of U.S. blood. This is a responsibility that I do not take lightly. For the sake of our men and women serving in this dangerous and volatile region, the mission in Bosnia ought to be authorized by Congress.

CRAIG (AND HUTCHISON) EXECUTIVE AMENDMENT NO. 2082

(Ordered to lie on the table.)

Mr. CRAIG (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by them to the resolution of ratification for the treaty (Treaty Doc. No. 105–36) supra; as follows:

In section 3(2)(A), strike "Prior" and insert "Subject to subparagraph (C), prior".

In section 3(2)(B)(i), strike "Not" and insert "Subject to subparagraph (C), not later than 180 days after the date of adoption of this resolution, and not".

At the end of section 3(2), add the following new subparagraph:

(C) RESOLUTION OF APPROVAL.—

(i) IN GENERAL.—Prior to the date of deposit of the United States instrument of ratification, the Senate has adopted a resolution, by an affirmative vote of two-thirds of the Senators present and voting, stating in substance the approval of the certification under subparagraph (A), and the first report required to be submitted under subparagraph (B).

(ii) PROCEDURES.—A resolution described in subparagraph (A)(ii) that is introduced on or after the date of certification under subparagraph (A)(i) shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

Mr. CRAIG. Mr. President, today I am filing an amendment to the resolution of ratification for the proposed expansion of the North Atlantic Treaty Organization.

As the Senate begins debate about expansion, I think it is fair to say that most Senators—whether they favor, oppose, or are undecided about the proposed treaty revision—can all agree that the issue of cost to the U.S. taxpayer is of great concern. Unfortunately, these costs are yet to be determined. The Administration claims the NATO expansion bill for the U.S. will be approximately $1 billion. On the other hand, the Congressional Budget Office contends it will cost taxpayers $125 billion. Given the enormous discrepancy between the estimates, it only makes sense that we know what actual costs will be before we make an irrevocable decision to enlarge NATO.

I would like to commend the Foreign Relations Committee for their fine work in crafting language detailing American cost obligations to NATO. However, there seems to be one problem: all of this cost related information will be made available to Congress only after the Senate's advice and consent to expansion is final and irrevocable. That means if the information is not satisfactory to the Senate, we will have no recourse.

The amendment I am filing simply provides that the Congress has the fullest possible information as to what we will pay for, before we commit to the United States to this tremendous political and economic decision by requiring a Senate vote of approval related to cost, benefits, burden-sharing, and military implications of NATO enlargement prior to the President depositing the instruments of ratification.

1998 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM NATURAL DISASTERS AND FOR OVERSEAS PEACEKEEPING EFFORTS

HUTCHISON AMENDMENT NO. 2083

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill, S. 1768, supra; as follows:

At the end of the bill, insert the following title:

TITLE —UNITED STATES ARMED FORCES IN BOSNIA WITHDRAWAL

SECTION 1. SHORT TITLE.

This title may be cited as the 'United States Armed Forces in Bosnia Withdrawal Act of 1998'.

SEC. 2. FINDINGS AND DECLARATIONS OF POLICY.

(a) FINDINGS.—The Congress finds the following:

(1)(A) On November 27, 1995, the President affirmed that United States participation in the multinational military Implementation Force in the Republic of Bosnia and Herzegovina would terminate in one year.

(B) The President declared the expiration date of the mandate for the Implementation Force to be December 20, 1996.

(2) The Secretary of Defense and the Chairman of the Joint Chiefs of Staff likewise expressed their confidence that the Implementation Force would complete its mission in one year.

(3) The Secretary of Defense and the Chairman of the Joint Chiefs of Staff further expressed the critical importance of establishing a firm deadline, in the absence of which there is a potential for expansion of the mission of U.S. forces;

(3) The exemplary performance of United States Armed Forces personnel has significantly contributed to the accomplishment of the military mission of the Implementation Force. The courage, dedication, and professionalism of such personnel have permitted a separation of the belligerent parties to the conflict in the Republic of Bosnia and Herzegovina and have resulted in a significant mitigation of the violence and suffering in the Republic of Bosnia and Herzegovina.

(4) On October 3, 1996, the Chairman of the Joint Chiefs of Staff announced the intention of the United States Administration to delay the removal of United States Armed Forces personnel from the Republic of Bosnia and Herzegovina until March 1997.

(5) Notwithstanding the fact that the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff assured the Congress of their resolve to end the mission of United States Armed Forces in the Republic of Bosnia and Herzegovina by December 20, 1996, in November 1996 the President announced his intention to further extend the deployment of United States Armed Forces in the Republic of Bosnia and Herzegovina until June 1998.

(6) Before the announcement of the new policy referred to in paragraph (5), the President did not request authorization by the Congress of a policy that would result in the further deployment of United States Armed Forces in the Republic of Bosnia and Herzegovina until June 1998.

(7) Notwithstanding the passage of two previously established deadlines, the reaffirmation of those deadlines by senior national security officials, and the endorsement by those same national security officials of the importance of having a deadline as a hedge against an expanded mission, the President announced on December 19, 1997 that establishing a deadline had been a mistake and that U.S. ground combat forces were committed to the NATO-led mission in Bosnia for the indefinite future;

(8) NATO military forces have increased their participation in law enforcement activities in Bosnia aimed at capturing alleged war criminals.

(9) U.S. Commanders of NATO have stated on several occasions that, in accordance with the Dayton Peace Accords, the principal responsibility for apprehending war criminals lies with the Bosnian parties themselves.

(10) The Secretary of Defense has affirmed this understanding on several occasions, including on March 3, 1997, when he stated that "[t]he apprehension of war criminals is not a part of the mission . . . It is a police function . . . it is not a military-type mission.

(b) DECLARATIONS OF POLICY—The Congress—

(1) expresses its serious concerns and opposition to the policy of the President that has resulted in the open-ended deployment of United States Armed Forces on the ground in the Republic of Bosnia Herzegovina without prior authorization by the Congress; and

(2) urges the President to work with our European allies to begin an orderly transition of all peacekeeping functions in the Republic of Bosnia and Herzegovina from the United States to appropriate European countries in preparation for a withdrawal of United States Armed Forces ground combat troops by January 1, 1999.

(3) identifies the following conditions that should be satisfied as a minimum to create the environment in which such an orderly transition can take place:

(i) The original parties to the Dayton Accords should be reconvened so that progress towards full implementation can be ascertained and modifications as necessary be made;

(ii) The process of establishing defensible sectors in Bosnia and Herzegovina that was started in the Dayton Peace Accords should be accelerated;

(iii) Establishment of a Combined Joint Task Force (CJTF) in accordance with the President's Partnership for Peace initiative. The CJTF should be under American command but to be turned over to allied command within 90 days;

(iv) Establishment of a civilian led/operated police training task force, including the establishment of a police training academy capable of graduating 500 police every quarter. This force will have ultimate responsibility for maintaining peace and order, as envisioned by the Dayton Accords;

(v) The United States should advise its allies in the NATO-led peacekeeping force in Bosnia that no U.S. ground forces shall be deployed to the province of Kosovo should the conflict there escalate;

(vi) Cessation of U.S. military involvement in local broadcast and print media operations.

SEC. 3. SENSE OF THE CONGRESS REGARDING THE USE OF DEPARTMENT OF DEFENSE FUNDS OR OTHER FEDERAL DEPARTMENT OR AGENCY FUNDS FOR CONTINUED DEPLOYMENT ON THE GROUND OF ARMED FORCES IN THE TERRITORY OF THE REPUBLIC OF BOSNIA AND HERZEGOVINA.

(a) PROHIBITION—It is the Sense of the Congress that none of the funds appropriated or otherwise available to the Department of Defense or to any other Federal department or agency may be obligated or expended for the deployment on the ground of United States Armed Forces in the territory of the Republic of Bosnia and Herzegovina after January 1, 1999.

(b) EXCEPTIONS—The prohibition contained in subsection (a) shall not apply—

(1) with respect to the deployment of United States Armed Forces after January 1, 1999, but not later than May 1, 1999, for the express purpose of ensuring the safe and timely withdrawal of such Armed Forces from the Republic of Bosnia and Herzegovina; or

(2)(A) if the President transmits to the Congress a report containing a request for an extension of deployment of United States Armed Forces for an additional 180 days after the date otherwise applicable under subsection (a); and

(B) if a joint resolution is enacted, in accordance with section 4, specifically approving such request.

SEC. 5. SENSE OF THE CONGRESS REGARDING THE USE OF DEPARTMENT OF DEFENSE FUNDS OR OTHER FEDERAL DEPARTMENT OR AGENCY FUNDS FOR LAW ENFORCEMENT OR RELATED ACTIVITIES IN THE TERRITORY OF THE REPUBLIC OF BOSNIA AND HERZEGOVINA.

It is the sense of Congress that U.S. policy in Bosnia, as that relates to the use of our forces as a part of the NATO force, should not be changed to include a NATO military mission to hunt down and arrest alleged war criminals and that there should be no change to U.S. or NATO policy regarding alleged war criminals until the Congress has had the opportunity to review any proposed change in policy and authorize the expenditure of funds for this mission.

It is the Sense of the Congress that none of the funds appropriated or otherwise available to the Department of Defense or to any other Federal department or agency may be obligated or expended after the date of the enactment of this Act for the following:

(1) Conduct of, or direct support for, law enforcement activities in the Republic of Bosnia and Herzegovina, except for the training of law enforcement personnel or to prevent imminent loss of life.

(2) Conduct of, or support for, any activity in the Republic of Bosnia and Herzegovina that may have the effect of jeopardizing the primary mission of the NATO-led force in preventing armed conflict between the Federation of Bosnia and Herzegovina and the Republika Srpska ('Bosnian Entities').

(3) Transfer of refugees within the Republic of Bosnia and Herzegovina that, in the opinion of the commander of NATO Forces involved in such transfer—

(A) has as one of its purposes the acquisition of control by a Bosnian Entity of territory allocated to the other Bosnian Entity under the Dayton Peace Agreement; or

(B) may expose United States Armed Forces to substantial risk to their personal safety.

(4) Implementation of any decision to change the legal status of any territory within the Republic of Bosnia and Herzegovina unless expressly agreed to by all signatories to the Dayton Peace Agreement.

NOTICE OF HEARINGS

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources will be held on Tuesday, March 24, 1998, 10:00 a.m., in SD-430 of the Senate Dirksen Building. The subject of the hearing is Health Care Quality.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. president, I would like to announce for the information of the Senate that the hearing scheduled before the Subcommittee on Forests and Public Land Management will also include S. 1807, a bill to transfer administrative jurisdiction over certain parcels of public domain land in Lake County, OR, to facilitate management of the land, and for other purposes.

The hearing will take place Wednesday, March 25, 1998, at 2:00 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510.

ADDITIONAL STATEMENTS

NATIONAL RECOGNITION FOR PROGRAMS IN RURAL MEDICINE AT EAST TENNESSEE STATE UNIVERSITY

• Mr. FRIST. Mr. President, both East Tennessee State University's (ETSU) College of Nursing and the James Quillen College of Medicine are featured in the "1998 Best Graduate Schools," published by U.S. News and World Report. This national recognition was given because of their excellent reputation for providing a variety of programs and specialty offerings.

According to the guide, the Quillen College of Medicine is ranked sixth in the nation for its programs in rural medicine. The ETSU College of Nursing is ranked 26th among the nation's more than 300 graduate schools offering the family nurse practitioner program, which is part of the university's master of science in nursing curriculum. The rankings were determined based on a reputation survey that was sent to academic deans and senior faculty members at medical and nursing schools across the country. These programs are to be commended for providing high quality education and for their efforts to meet the health care needs in rural areas.

As a physician, I know that programs in rural medicine are necessary and vital in meeting the health care needs of those who otherwise would not have access to care. Mr. President, it is programs like these that promote and encourage an interest in rural medicine for young people entering the medical profession today.•

U.N. CONVENTION TO COMBAT DESERTIFICATION

• Mr. FEINGOLD. Mr. President, I rise today to urge the Senate to exercise its role to advise and consent on international treaties and take up consideration of the United Nations Convention to Combat Desertification, which the President submitted to this body in 1996.

The purpose of the Convention is to combat desertification and mitigate the effects of drought on arid, semiarid, and dry sub-humid land. The Convention addresses the fundamental causes of famine and food insecurity in Africa by encouraging partnerships between governments, local communities, nongovernmental organizations and aid donors.

As Ranking Member on the Subcommittee on African Affairs, I feel it is especially important that the Senate exercise its advice and consent on this Convention. It is a mechanism by which the people of Africa will be assisted in preserving and protecting their land, which is a vital link in Africa's fight to become self-sufficient. As Americans, we understand the importance of land and what land can bring us: food, a place to live, and, perhaps most importantly, a place to call home. Whatever their political differences, the people of Africa can agree that protecting the land from drought and erosion is a priority.

The consideration of this Convention will also refocus the Senate's attention on the plight of the African people. Unlike the other environmental conventions on which the Senate has focused attention in recent years, the Convention on Climate Change and Biological Diversity, the Convention on Desertification does not establish a new financial "mechanism" to administer funds for convention-related projects and activities. Instead, it emphasizes the need to mobilize substantial funding from existing sources and to rationalize and strengthen their management.

In light of the President's visit to Africa, which began today, it is especially important that the Senate be actively engaged regarding Africa. This Convention is a perfect opportunity for the Senate to go on record in support of programs that are both vital to the African continent and consistent with United States foreign, economic, and environmental policy.

I hope that the Senate Committee on Foreign Relations, and the full Senate, will consider this Convention in the near future.●

DAVID DOMENICI AND JAMES FORMAN, JR: LIGHTING CANDLES

● Mr. MOYNIHAN. Mr. President, there is an article in the Metro section of today's Washington Post, "A New Way to See the Future," about a small school which is going about the difficult business of reclaiming young people here in the District of Columbia. The school, which is called See Forever, was started by two lawyers, David Domenici and James Forman, Jr. See Forever—on its way to becoming a charter school—only enrolls those students who have become "entangled" in the D.C. court system. The regime consists of a regimented schedule, strict discipline, core classes and electives, participation in a school-run catering service, and paid internships (the money from which is put into Merrill Lynch investment funds, which the students learn to manage). The school runs 12 months a year, and 10 and one-half hours a day. The youngsters enrolled are turning their lives around; they are beating the odds.

Adlai E. Stevenson once remarked of Eleanor Roosevelt that she "would rather light candles than curse the darkness." So it seems with David Domenici and James Forman, Jr. (whose father was active in the civil rights movement a generation ago). Of course, knowing David's father—the senior Senator from New Mexico—it is not surprising at all that David should dedicate his life to helping those less fortunate.

Mr. President, throughout the course of our nation's history, we have seen the shift from labor to capital—in agriculture, in manufacturing, etc. But there is one enterprise that remains stubbornly labor-intensive, if we are to do it properly. And that enterprise is raising our children, especially those who are socially and economically disadvantaged. David Domenici and James Forman, Jr. understand. The student-teacher ratio at See Forever is 5-1, and more than sixty volunteers help tutor the twenty or so students.

Two years ago, I published a book on social policy, "Miles to Go." I ended that book by saying,

> Even were governments specifically qualified for such work, which is to say the restoration of individual character and moral instruction in everyday life, the national government has entered a time of chronic, even disabling fiscal stricture. . . It is a time for small platoons; a time possibly to be welcomed for such can move quickly, and there are miles to go.

David Domenici and James Forman, Jr. have formed one such "small platoon" and we—and the lives of those whom they touch—are lucky for it.

I ask that the article, "A New Way to See the Future," be printed in the RECORD.

The article follows:

[From the Washington Post, Mar. 23, 1998]

A NEW WAY TO SEE THE FUTURE—SCHOOL WITH HIGH-POWERED BACKERS AIMS TO HELP TROUBLED D.C. TEENS

(By Peter Slevin)

Sherti Hendrix was 15 years old and headed nowhere but down. School was lousy and the rest of the day seemed worse. After she was jailed overnight in the District for fighting with a teacher, nothing ahead or behind her looked good.

The same was true for Jerome Green. Kicked out of one New York school at age 14 for what he called "cussing teachers . . . and fighting," he blew another opportunity by getting arrested in Washington, accused of street fighting.

Both teenagers are now on a different track. Both got another chance to do things right. Both say an innovative school program run by a pair of fired-up young District lawyers is helping them believe in themselves and in a future no longer entirely bleak.

The school is called See Forever. Not yet one year old, it serves about 20 students in a row house on a tattered block of Sixth Street NW. Amid modest beginnings, See Forever's dreams are big and its backers include some of the best-known faces in Washington.

The two lawyers are David Domenici, 33, son of Sen. Pete V. Domenici (R-N.M.), and James Forman Jr., 30, namesake of the civil rights activist who presented the 1969 "Black Economic Manifesto," demanding $500 million in reparations from white churches and synagogues.

Domenici and Forman, who have run study and work programs for youngsters in trouble before, believe too many adolescents are written off early by a D.C. juvenile justice system that seems forever short on solutions.

"We're trying to get kids into the game. They've been locked out. They're not players," Forman said. "They need discipline. They need high standards. They need jobs. One of our goals is to change the vision of where they can go."

It's not just another struggling D.C. program for delinquent youths.

The idea for the school was hatched by Deputy Attorney General Eric H. Holder Jr., a former U.S. attorney for the District, and Holder's friend Reid Weingarten, one of Washington's most prominent white-collar criminal defense lawyers. The first fund-raiser was sponsored by then-Commerce Secretary Ron Brown before his death in an April 1996 plane crash.

Another fund-raiser—a $100-a-plate gathering March 10—drew poet Maya Angelou and a constellation of D.C. power players, including Health and Human Services Secretary Donna E. Shalala, White House Chief of Staff Erskine B. Bowles, former U.S. Senator Robert J. Dole and a half-dozen senators.

See Forever has a $500,000 budget this year and plans to spend $2 million in coming years to expand the school to 100 children, including space for 20 boarders. In September, it will become a D.C. charter school—The Maya Angelou Public Charter School—which will mean an allocation of $6,000 in D.C. tax money per student and the authority to award high school diplomas.

One D.C. Superior Court judge, who asked not to be identified, calls See Forever "the only program I have complete faith in." Such words are high praise for a largely untested program, but students echo the sentiment.

"These streets are only going to lead you to getting locked up. Or you'll probably die," Sherti, now 16, said. "Today, I'm not all the way all right, but I'll be all right for the future. I know what I'm capable of doing."

For that, Sherti credits the adults at See Forever, where the student-teacher ratio is 5 to 1 and more than 60 volunteers come each week to tutor the teenagers individually. The 12-month school calendar and 10½-hour day are not for the faint of heart, and some students drop out early.

The school is open only to students who have been entangled in the D.C. court system, but the seriousness of their situations varies. What gets each teenager in the door at See Forever, after interviews and recommendations, is that school's assessment that the youngster can be saved.

Twenty percent of the students, Forman estimates, were "factually and legally innocent," and the cases were dropped. An additional 50 percent were picked up for crimes such as joy riding, fighting or theft. The remaining 30 percent faced more serious charges, including armed robbery.

In a typical tightly structured day, the teenagers are kept occupied from 9:30 a.m. until 8 p.m. They eat two meals a day cooked by other students in a catering kitchen. Each student gets lots of individual attention and is tutored every night. Some stay until 11 p.m. because they prefer the place to home.

Study subjects are broken into five 80-minute classes. Core subjects are math, English, social studies and computer. Electives have included a layman's law class taught by two Pentagon lawyers, an art class led by Domenici's sister Helen, and classes in jazz appreciation and public speaking.

All students do internships part of the year. The school requires that they be paid $130 a week, and the money goes into bank accounts and Merrill Lynch investment funds that they learn to manage. Each student also works in a moneymaking catering service called Untouchable Taste, run by the school.

A guiding principle is that job skills and schoolwork are connected. See Forever aims to be broader than either a conventional school or a vocational school by combining the best elements of each. If the skills are useful, the reasoning goes, jobs will be available and the students will stay motivated.

"Schools dump kids with behavioral problems, learning problems, those who've been locked up," said Forman, a Yale Law School graduate on leave from the D.C. Public Defender Service. "D.C. taxpayers are spending money that is being wasted on programs that aren't working."

Judges and advocates alike acknowledge that options are painfully limited for children in the District's court system. D.C. delinquents are offered few broad services close to home. Some are sent to distant states in search of programs that work at costs that exceed $100,000 a year per child.

Some of Washington's most violent teenagers, and many who are not, end up at the city's Oak Hill Youth Center, a widely perceived failure that has operated under court supervision since 1986. In November, Department of Human Services Director Jearline Williams and the D.C. financial control board declared a state of emergency at Oak Hill because of poor conditions.

See Forever, with room for only about 20 students, can serve only a fraction of the needs of a city where supervision or jail beds were required for 3,800 youths in 1996. The goal is to set a tone, create a model. As Holder said, "If it works, maybe it can be copied."

Angelou, taking the stage at the March 10 fund-raiser, told the students of her own life.

"Somebody would've looked at me as an illiterate or semiliterate black girl on the dirt roads of Arkansas and said, 'Never!'" Angelou said, adding ebulliently, "Look at me now!"

She sang a Negro spiritual, "Don't You Let Nobody Turn You Around," and told students, "Keep on walking, keep on talking, keep on learning, keep on burning, keep on laughing."

Jerome is feeling good about things. In an essay, he recalled how difficult his work at See Forever seemed at first. He said he got mad and sometimes skipped his schoolwork. But then he made a discovery: He could do it.

"Now that I have finally made a change, I want to look back on everyone who told me I was stupid or dumb," Jerome said. "I want to see if they are still on the street selling drugs. I want to ask them, 'Who's dumb now?'"•

IN MEMORY OF PATRICIA COLBERT ROBINSON

• Mr. HOLLINGS. Mr. President, today I would like to mourn the passing of a great woman and pay tribute to her legacy. On March 11, one of the leading lights of the Charleston theater community, Patricia Colbert Robinson, was extinguished. Mrs. Robinson was a well-known and beloved Charleston author, poet, playwright, and actress. Together with her husband, Emmett E. Robinson Jr., and fellow actress Dorothy D'Anna, she ran the Footlight Players, Charleston's community theater group, for almost three decades. In addition to acting in many of the Players' productions, Mrs. Robinson helped raise money and organized publicity for their events.

Patricia Robinson was a woman of many talents, and her interests encompassed all the arts. She once won first place in the Poetry Society of South Carolina spring forum. In addition to her poems, she wrote or co-authored seven novels. She also wrote for the Charleston News and Courier and The Charleston Evening Post.

Mrs. Robinson set many of her stories in Charleston and portrayed the city with a fine eye for detail and much love. Surprisingly, she was not a native Southerner. She was born and reared in Pittsburgh, but moved to Charleston in 1944. Nonetheless, she loved the city as ardently as its longest residents and always exhibited a great passion for its architecture, history, and people. Charlestonians reciprocated by embracing her as a neighbor and honorary native daughter.

With the passing of Patricia Colbert Robinson, Charleston has lost one of its most beloved literary and artistic figures. The people of Charleston have lost a beloved friend who entertained them on the stage and on paper, and who reminded them in beautiful prose of the rich history and beauty of their city. She will be much missed.•

ORDER FOR PRINTING OF SENATE DOCUMENTS

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the following Senate documents be printed in the usual number: Senate Document 99–33, Senate Document 98–29, and Senate Document 97–20.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, MARCH 24, 1998

Mr. ASHCROFT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Tuesday, March 24, and immediately following the prayer the routine requests through the morning hour be granted, and the Senate resume consideration of S. 1768, the emergency supplemental appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT. I further ask unanimous consent that from 12:30 p.m. to 2:15 p.m. the Senate stand in recess for the weekly policy luncheons to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ASHCROFT. Mr. President, tomorrow the Senate will resume consideration of the emergency supplemental appropriations bill with the hope of concluding action on the bill during Tuesday's session.

As a reminder to all Members, a second cloture vote on H.R. 2646, the Coverdell A+ education bill, was postponed last Friday to occur on Tuesday, March 24, at 5:30 p.m. in an effort to work out an agreement for an orderly handling of the bill. Therefore, a second cloture vote is scheduled to occur on the Coverdell A+ bill on Tuesday at 5:30 p.m. if an agreement cannot be reached in the meantime. In addition, as under the previous consent, all second-degree amendments must be filed by 4:30 p.m.

Subsequently, Members can anticipate a great deal of action on the supplemental appropriations bill tomorrow as the Senate works through amendments to the legislation. Also, it is hoped progress will be made on the Coverdell education bill during Tuesday's session. In addition, the Senate may consider any executive or legislative items cleared for action.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. ASHCROFT. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:15 p.m. adjourned until Tuesday, March 24, 1998, at 9:30 a.m.

EXTENSIONS OF REMARKS

CELEBRATING THE 10TH ANNIVERSARY OF THE MEMORIAL BREAST CENTER

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1998

Mr. HORN. Mr. Speaker, I commend the Memorial Breast Center which is located in Long Beach, California, upon its 10th Anniversary on March 30th. In its short history, this center has already achieved national acclaim. It was named by Self Magazine in October, 1997, as one of the ten best breast centers in the United States.

The center offers comprehensive and coordinated care to every woman, emphasizing early and accurate diagnosis. Every mammogram is read by two specially trained radiologists. That is a rare service. Informed patients participate in their treatment options. The multidisciplinary approach features the latest technology along with a well trained and caring staff. During 1998, the center will perform its 200,000th imaging examination.

At the 10th Anniversary Celebration several members of the past and present professional staff will be honored for the devotion of their talents and energies in building the Breast Center. Internationally noted radiologist Lazlo Tabar, M.D., will receive a special recognition award that evening. Dr. John S. Link, M.D., the Medical Director of the center, will receive a special contribution award, along with others who have been essential to the success of the center: Cathy Coleman, RN, OCN; Arthur B. Diamond, M.D.; Eldon B. Hickman, M.D.; Julio A. Ibarra, M.D.; Cary S. Kaufman, M.D.; Claudia Z. Lee, MBA; Gainer S. Pillsbury, M.D.; Lowell W. Rogers, M.D.; Susan Roux, M.D.; Wendy Schain, Ed.D.; A.M. Nisar Syed, M.D.; James H. Wells, M.D.; and Robert G. Wells, M.D. These individuals represent radiology, pathology, surgery, medical oncology, nursing, and psychological and social services. They are well deserving of this recognition for the outstanding center which they have helped to build. We are very fortunate to have this facility in California. It serves not only Long Beach, but the entire Southern California region.

Mr. Speaker, breast cancer is a major scourge of this nation. Congress has provided billions of dollars for needed research in the field. Such research is vital. Facilities such as the Memorial Breast Center at Long Beach are where that research is applied. But its patients and talented medical staff are also the basis for new research and a variety of cancer treatment strategies which might result in saving the lives of many women in the years ahead.

TIME TO PAY OUR U.N. DUES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1998

Mr. HAMILTON. Mr. Speaker, it is time to pay the dues that we owe to the United Nations.

A number of us have worked hard to try to get needed reforms in the United Nations. Those efforts are being undercut by our continued failure to pay our past bills. We are alienating our allies and eroding our ability to lead in the world by our refusal to pay our debts.

I ask permission to include in the RECORD a letter from a wide variety of organizations calling on Congress to take action to pay the United Nations what we owe that organization.

March 1998.

DEAR MEMBERS OF CONGRESS: We, the undersigned organizations, urge you to work actively with your colleagues and the Administration to insure that the United States government meets its legally binding financial obligations to the United Nations in full this spring. It is time for Congress to affirmatively settle the issue of U.S. arrears.

Public opinion polls consistently find that a large majority of Americans supports both the U.N. and a strong, continuing role for the U.S. in the U.N. Recently, 83% indicated that strengthening the U.N. should be a priority for the U.S. (Pew Research, 1997). We, the organizations listed below, with hundreds of thousands of members, constituents, and congregations across the country, represent a significant portion of this broad, bipartisan consensus.

The payment of U.S. arrears to the U.N. is currently being blocked by an unrelated, highly controversial issue which has been linked to passage of the U.N. arrears supplemental appropriations request (proposed restrictions on the activities of private voluntary organizations that administer international family planning programs). An impasse has resulted from the continuing political stalemate over this unrelated issue.

We urge you to call upon the congressional leadership to separate these two unrelated issues before more damage is done to the credibility of the U.S. government in world affairs. Just as Congress would not allow an unrelated, controversial political issue to block government payments on the public debt, so Congress should not allow this issue to block the fulfillment of the U.S. obligation to the U.N. In either case, the credibility and trust in the U.S. Government would be at risk. Such is the case now for the U.S. in world affairs.

We are deeply concerned that the U.S. government's failure to pay its U.N. dues has already soured U.S. relations with its allies and the broader community of nations. Further, we are concerned that this failure to pay has undermined respect for the rule of law in international affairs, exacerbated the U.N.'s financial crisis, and undermined the organization's valuable work.

The U.N. is an indispensable organization for advancing U.S. interests in world affairs. It provides a mechanism through which the U.S. can work cooperatively with other countries to address issues that no single country can address alone—such as preserving international security, advancing human rights, containing the spread of infectious diseases, caring for refugees, prosecuting war crimes, protecting the global environment, and promoting international development. The U.N. provides the U.S. with an essential burden-sharing mechanism, whereby U.S. taxpayers do not have to pay the entire cost of addressing global problems.

Our country and the world community need your leadership now. The U.S. government must meet its legal obligation to the U.N. The cost of further delay could be significant—both for the achievement of U.S. foreign policy goals and for the future of international cooperation. If you lead, the public will support you, and Congress will follow.

Africa Faith and Justice Network, American Baptist Churches USA, National Ministries, Americans for Democratic Action, American Friends Service Committee, Campaign for American Leadership Abroad (COLEAD), Campaign for UN Reform, Church of the Brethren, Washington Office, Church Women United, Columban Fathers' Justice and Peace Office, Demilitarization for Democracy, Friends Committee on National Legislation, Fund for New Priorities in America, International Religious Liberty Association, The League of Women Voters of the United States, The Lutheran Office for Governmental Affairs, Evangelical Lutheran Church in America, Maryknoll Justice and Peace Office, Methodists United for Peace With Justice, Mennonite Central Committee, National Audubon Society Population and Habitat Campaign, National Council of the Churches of Christ in the USA, and National Spiritual Assembly of the Baha'is of the United States.

Peace Action, Planned Parenthood Federation of America, Presbyterian Church (USA), Psychologists for Social Responsibility, Religious Action Center of Reform Judaism, Union of American Hebrew Congregations, 20/20 Vision, Union of Concerned Scientists, Unitarian Universalist Association of Congregations, United Church of Christ, Office of Church in Society, United Methodist Church, Women's Division, United Nations Association, National Capital Area, United Nations Association-USA, Veterans for Peace, Washington Office on Latin America, Women Strike for Peace, Women's Action for New Directions (WAND), Women's Institute for Freedom of the Press, World Federalist Association, and World Learning.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

SUPPORT GROWS FOR CREDIT UNIONS

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

HON. STEVE C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1998

Mr. KANJORSKI. Mr. Speaker, my collegue, Mr. LATOURETTE, and I are pleased to announce that support for H.R. 1151, the Credit Union Membership Access Act, continues to grow. Below are the twenty-first through thirtieth of the more than 100 editorials and columns from newspapers all across our nation which support giving consumers the right to choose a non-profit, cooperative, credit union for their financial services.

Surveys have consistently shown that consumers strongly support the value and services they receive from their credit unions. That is why the Consumer Federation of America endorses H.R. 1151, the Credit Union Membership Access Act.

A bipartisan group of more than 190 Members from all regions of our country. and all parts of the political spectrum, are now cosponsoring the Credit Union Membership Access Act. We should pass it quickly so that credit unions can stop worrying about their future and return to serving their members.

[From the Wilkes-Barre, PA, Citizens' Voice, Apr. 12, 1997]

CREDIT UNIONS DESERVE HELP FROM A D.C. FRIEND

Credit unions occupy a very small part of the world of finance. But they perform a service which is huge.

Credit unions don't have a lot of political clout. But they have become part of a controversial national issue.

Credit unions need a little help from a friend at this time.

And we're happy to see they're getting some, from a local legislator.

Congressman Paul Kanjorski recently introduced legislation to provide access to credit unions to a greater number of consumers.

The legislation aims to reverse a recent court decision which prevents credit unions from merging—and prevents employees of one company from joining the credit union of another company.

At the heart of the issue is whether consumers will have greater or lesser choice regarding small loans and daily finance. Credit unions, said Kanjorski, often serve the smaller loans that large banks overlook.

That's a genuine service. And that's a service we hope all our area's members of the U.S. Congress will understand and support by signing on to Kanjorski's bill on behalf of credit unions.

[From the San Francisco Chronicle]

SMALL CREDIT UNIONS FACE BANK CHALLENGE

A car loan, an advance for a rent deposit or college tuition bill, or a savings account are the bread-and-butter services long offered by the country's 12,000 credit unions. But these small institutions are now in legal struggle with the country's banks, who believe that credit unions have pushed beyond their authorized limits and are piling up a growing share of the financial marketplace.

The David versus Goliath struggle is now before the U.S. Supreme Court, which agreed earlier this week to hear the dispute and possibly rule within a year.

Founded in the Great Depression, credit unions were designed to help workers from the same occupation or company band together because conventional banks ignored working people. Credit unions endured before running into modern reality: Downsizing company moves, mergers and even military base closures cut into membership. Also, fresh deposits were needed to offer ATMs, debit cards and other modern services. The solution was to find new members, often from different trades or companies, in a clear break with founding traditions.

For example, The Embarcadero Federal Credit Union in San Francisco was losing members as federal workers were shifted to new quarters outside the city. So its leaders brought in a local hospital credit union that was struggling. Both groups benefited from the merger, but the court fight has put the marriage on hold.

If credit unions fade away, so will some great deals for consumers. In a 1995 survey the Consumer Federation of America rated six basic services from checking accounts to money orders, and it found that credit unions were cheaper in every category.

Banks estimate the nonprofit status of credit unions is an unfair advantage that totals $1 billion per year. In addition, credit unions have wandered from their origins and must compete fully since they have restyled themselves. Further, 1,000 credit unions have assets of $75 million or more, hardly the one-room money-lending outfit near the plant gate. Finally, the real losers are not big banks, which handle huge sums, but smaller financial institutions which may offer small loans in Main Street towns, say critics of credit unions.

True enough, credit unions have evolved from populist origins. But banks have changed too and should tolerate a sturdy competitor that offers low-cost service to consumers. The Supreme Court should be wary of punishing workplace institutions that have aided millions of Americans.

[From the Asbury Park Press, NJ]

PROTECTING CREDIT UNIONS—CONGRESS COULD KEEP BANKING OPTIONS BROAD

Rather than await the outcome of a Supreme Court case, Congress should revise the law authorizing the establishment of not-for-profit credit unions to ensure that all Americans can have the widest choice of banking services.

The Supreme Court yesterday heard arguments in a case brought by the banking industry against broad membership rules for credit unions. During the Depression, Congress authorized groups with common bonds—workers within one company or residents of one small area—to form credit unions. All credit unions accept deposits and make loans; some permit checking accounts and issue credit cards. Today, 45 million people have accounts at credit unions, although many also still use commercial banks, too.

Because they are not-for-profit, subject to less regulation and are owned and operated by their shareholders, credit unions generally pay higher interest rates and often charge less for loans than commercial banks. Yet credit unions hold just 5.65 percent of all deposits and other banking assets. The other 94.35 percent is held by commercial banks and by savings and loans. The average credit union has $2.7 million in assets; the average commercial bank has $533 million in assets. Two huge banks, Chase Manhattan and Citicorp, alone hold more assets than all credit unions combined.

Still, the banking industry wants the law that created credit unions narrowly interpreted to limit their growth. Plain and simple, banks don't want too many people to be able to turn to credit unions as an alternative.

Since 1982, the National Credit Union Administration, a federal agency, has allowed credit unions to solicit customers beyond their traditional base. The 1934 act that authorized credit unions limited membership to "groups having a common bond of occupation or association, or to groups within a well-defined neighborhood, community or rural district." In the wake of a wave of corporate mergers and layoffs, the federal agency allowed many smaller credit unions to merge and to accept customers who did not work for the specific companies or other common groups.

Judging from their questions during oral arguments yesterday, the Supreme Court justices seemed to be leaning toward the narrower interpretation of the law, advocated by the banking industry. That's why it's crucial that Congress remove any ambiguity in this law and allow credit unions the broadest ability to accept customers. A bill before Congress would do that.

Since federal restrictions on interstate banking were removed, a few large banks have come to dominate the market in New Jersey. Whatever the merits of banking mergers, the consolidations have served to reduce competition. As small as credit unions are, they act as a brake on the fees the commercial banks charge. They also offer residents of underserved inner city and rural areas access to banking services they might otherwise not have.

Congress should act to ensure that as many Americans as possible retain the right to join a credit union.

[From the Las Vegas Sun, Feb. 26, 1998]

EDITORIAL: CONGRESS NEEDS TO HELP CREDIT UNIONS

Credit unions and their members took a hit Wednesday from a long-anticipated Supreme Court ruling.

In a 5–4 decision, the Supreme Court discarded a 16-year-old government rule that let company credit unions accept members from other companies. The court agreed with a legal challenge brought by banks that federal law doesn't allow credit unions to expand their memberships that way. The court's ruling will prevent many Americans from joining federally chartered credit unions, and could cost credit unions millions of customers.

Despite the decision, help may be on the way for credit unions, which for many individuals are the only institutions where they can secure low-cost financing. Legislation is being offered in Congress, which has strong bipartisan support, that would reinstate credit unions' ability to sign members from other companies.

Banks aren't hurting for business, and it's estimated that only 6 percent of financial business is handled by credit unions. In light of the increasing number of bank mergers, there is definitely a need and a place for credit unions, which offer their customers an alternative to higher-cost financial services.

[From the New Bern Journal, NC]

LET'S GIVE CREDIT UNIONS THE CREDIT THEY DESERVE

Credit unions, which have been helping people with their financial needs for more than six decades, are themselves in need now. They need to win a legal fight and, failing that, they need some political help from Congress. If they don't get it, the credit unions themselves may no longer be available for millions when they come knocking, and American consumers, especially those of modest means, will have reason to grieve.

Congress established credit unions as nonprofit cooperatives in 1934 chiefly for poorer people left out of the loop by banks.

It required that members have a "common bond," such as being employees of the same company. The formula worked fine until the late 1970s, when the disappearance of large manufacturing plants and other economic changes began robbing the credit unions of members. A federal agency then said a credit union could include a multitude of groups in its membership in order to maintain a sufficiently large operational base.

The commercial banks yelped. What's more, they sued. The maintained that the federal agency, The National Credit Union Administration, had misconstrued the law, and a federal judge said the commercial banks were right. The Supreme Court has agreed to hear the case either late this year or early next. If the high court concurs with lower court rulings, some 10 million people will no longer be members of credit unions, and millions more may never get the chance.

If the credit unions lose in court, Congress could quickly come to the rescue with just a slight change in the 1934 law's wording about "common bonds."

After all, 70 million Americans belong to credit unions, and that's a lot of voters. It's possible, of course, that another number speaks more loudly in the legislative ear: 4.4 trillion, which is the accumulation of dollars the banks have in assets, and more than 12 times the assets of credit unions.

[From the District News, Dec. 1, 1997]

Don't Put Credit Unions at Risk

In the looming battle of banks vs. credit unions, credit unions should not be put at risk.

Strong arguments exist on both sides. The status of credit unions, which are nonprofit and, as such, receive tax exemptions not afforded banks, is a topic of considerable debate locally and nationally, and the whole question currently is before the U.S. Supreme Court.

But credit unions should not be put in jeopardy. Many people in Utah and the United States (nationally the number is in the millions) would be prohibited from belonging to a credit union if the top court, and subsequent legislation, favored the banks. This is not fair nor is it right.

Credit unions originally were established to make loans available to people who might be considered risks by banks and to give people with small means access to loans. The Federal Credit Union Act of 1934 brought credit unions under federal regulation with the stipulation that membership should be limited to "groups having a common bond of occupation" or association.

The thrust changed in 1982 when the National Credit Union Administration expanded the interpretation of the law to let credit unions accept nontraditional members. This was a response to a downturn in the economy and was an attempt to keep credit unions viable during a time when many of the companies that had formed them were in financial trouble. For example, small businesses that lacked enough workers to form their own credit unions were allowed to join existing credit unions.

Banks claim the new interpretation precipitated a situation that has gotten out of hand. Some credit unions no longer fall under the traditional definition.

Several North Carolina community banks and the National Bankers Association sued the AT&T Family Federal Credit Union based in Winston-Salem, N.C., for overstepping its bounds. It has 165,000 members from 323 companies. A judge ruled in favor of the credit unions but a federal appeals court reversed that decision. That's the case before the high court.

Locally, the Utah Bankers Association brought suit against credit unions—a suit that initially was dismissed in 3rd District Court and then reinstated on appeal.

Bank officials argue that large credit unions, such as AT&T Family Federal Credit Union nationally and America First locally, no longer fall under the 1934 guidelines and therefore should not be afforded tax-exempt status. They also point out that large credit unions advertise for customers and offer many of the same types of services as banks. Because of their tax exemptions they have an unfair advantage and are able to offer their customers lower interest rates. All banks ask for is a level playing field.

Credit union officials counter that banks could be more competitive if they were as concerned about their customers as they are about their stockholders and that their sheer size gives banks advantages that equate to a level playing field and then some.

The fact is conditions have changed a lot for a lot of organizations since 1934, including banks.

It's also a fact both banks and credit unions are doing well. Banks have about $4.4 trillion in assets compared to $330 billion for credit unions.

This is not a time of crisis for either. And it shouldn't have to be a time of crisis for credit unions or their customers. Rulings and legislation should reflect that.

[From the Oakland Tribune, Feb. 7, 1997]

Banks Should Back Off From Credit Unions

As banks have merged, closed branches and added additional fees for services that were previously free, an increasing number of customers have looked for alternatives. Sometimes they are motivated by the simple urge to deal with a person with a familiar face in a familiar place.

Credit unions have been the beneficiaries of banking customers' dissatisfaction. But those who run banks are trying to keep their customers from joining credit unions.

Banks should keep their hands off the credit unions.

Credit unions were originally established during the Great Depression to accommodate low-paid workers the banks rejected as customers. Membership was restricted to people who worked together or lived in the same vicinity. In recent years, because so many employees have lost their jobs through corporate downsizing, membership requirements for credit unions were relaxed, allowing people from outside groups to join.

Even as banks were cutting back services, they began a legal assault on the growing credit union industry. In the past six years, bankers have filed 13 suits in 10 states to stop expanding membership of credit unions.

In one of those cases, five North Carolina Banks and the American Bankers Association sued AT&T Family Federal Credit Union and the National Credit Union Administration, claiming they had violated the federal law by allowing employees of other companies to join the credit union.

A lower court rejected the banks' argument and the banks appealed. Last July, the U.S. Court of Appeals for the D.C. Circuit sided with the bankers. In October, a District Court judge issued an injunction against the expanded memberships.

As a result, credit unions nationwide reported that each business day they were forced to turn away 4,400 people who wanted to join. On Christmas Eve, however, the U.S. Court of Appeals temporarily blocked the injunction against accepting new members. Now, both sides are waiting to see if the U.S. Supreme Court will hear the case.

The banks should back off. The moves they have made have led many customers to believe that banks don't have their best interests in mind. Consumers should have the choice of opting for credit unions. If banks don't want credit unions to take away their customers, perhaps they can do a better job of meeting customers' needs. That is the basic principle of our free market system.

[From the Blade, Toledo, OH, Feb. 28, 1998]

Credit Unions for Whom?

The narrow Supreme Court ruling that credit unions cannot draw members from a variety of occupations, contrary to the way regulators had interpreted a 1934 law, is just the beginning of a good fight.

It's one that will pit average people against big banking interests. And it's one in which a nonprofit, tax-exempt, do-it-yourself approach to financial services wages war with money managers committed to bottom lines, shareholder demands for profit, and, with plenty of grumbling, tax payments.

The 5-4 decision, because it is so narrow, is not one to be relied on over the long haul, but now it defines the law of the land.

And both banks and credit unions are back in Congress lobbying for pending legislation that would allow individual credit unions to serve a broader clientele.

The credit unions offer lower fees and better rates on loans.

Bankers argue that credit unions are exempt from taxes so they can do this. Well, if banks want to be exempt from taxes, it's pretty easy. Let them go nonprofit.

The current credit union law says these institutions must be limited to groups with a "common bond" of occupation, association, or geographical area. Nearly 20 years ago, as companies downsized, merged, or disappeared, the National Credit Union Administration said smaller groups sharing a common employment bond could meet the condition.

The American Bankers Association argued successfully that the same bond had to unite every member.

If bankers fear credit union competition, they have only themselves to blame. Their fees have escalated outrageously, along with their profits. Financial services share values have skyrocketed over the decade.

While credit unions were begun as a way to provide for poor people, in whom banks weren't interested, with banking services, many now serve working people who, as a result of union participation, have middle-class incomes. That ought not matter at all, because working people everywhere are still at the mercy of big business, including big banking.

It's worth noting that the push to let credit unions expand isn't coming from the political left. Ohio Congressman Steven LaTourette (R., Madison Village) is lead sponsor of a bill to expand them so workers of small companies could join together to form one. And House Speaker Newt Gingrich (R., Georgia) has endorsed the legislation.

Credit unions are about local folks helping local folks. It seems odd that the banking industry, which gave up this approach for mergermania, wants every American now to go along with their way of doing things, letting the diversity that has been America's strength go by the boards.

[From the Pocono Record, Stroudsburg, PA, Feb. 27, 1998]

REVERSE CREDIT UNION RULING

The banking industry's victory over federal credit unions may be short-lived. Even before the U.S. Supreme Court's ruling curtailed credit union membership, a bill was awaiting action in the House to reverse the ruling's effects.

At issue is a 1992 government rule allowing credit unions to accept members from other companies than the one that formed them. The Court invalidated that rule, basing its decision on the 1934 law that authorized credit unions. That law said credit union memberships "shall be limited to groups having a common bond of occupation or association" or to groups in a geographic area.

What is a common bond? The government had interpreted it broadly, allowing employees of other, smaller companies to join a credit union because they enjoyed a common bond among themselves. Not precise enough, said the Court. That is the issue addressed by the House measure, filed by Rep. Paul Kanjorski, D-Luzerne-Monroe.

Kanjorski's bill has 138 co-sponsors. It received a bi-partisan boost when House Speaker Newt Gingrich endorsed it, ensuring at least that it will come up for a vote in the House Banking Committee. What happens next will be the subject of a fierce lobbying battle between credit unions and the banking industry.

What is likely, however, is less legislation to overturn the Court's decision, than a compromise, possibly restoring more latitude to that definition of "common bond," while imposing a membership threshold on some of the larger credit unions.

That would be a workable and fair resolution of the issue. Allowing the court's ruling to stand as it is fails that test. Particularly since deregulation of the banking industry allowed so many and massive consolidations, more competition is needed in the financial industry, not less.

Kanjorski's bill is pitched at small businesses, which he points out is the fastest growing sector of the economy. Small companies generally do not have enough employees to sustain a credit union by themselves. Even some large companies face problems during economic slowdowns, as layoffs reduce their credit unions' active memberships. That is what happened in the recession of 1982, and prompted the government to broaden membership rules.

If the Court decision were allowed to stand, in effect it would discriminate against employees of small companies. Unless their workforce—their "common bond"—were large enough to form a credit union, they would be denied the opportunity to take advantage of its lower loan and mortgage costs and higher savings account interest rates, among other benefits.

The reason credit unions can offer such benefits, though, is why a compromise is likely. Credit unions bear fewer regulatory and financial burdens than banks do, not having to pay federal taxes, for example. The banking industry considers that unfair competition. But in truth, it is hardly an insupportable competitive burden for banks: In Pennsylvania, with more credit unions than any other state, they still hold only 4 percent of all bank deposits.

As their recent moves to raise or impose ATM and check-cashing rates show, banks are aggressively pursing profits wherever they can find them. Reining in credit union membership is in step with that drive. But as with the service rates, the credit union restrictions will hurt those with less money, who need low-cost alternatives to what banks offer.

The money will gush in the intensive lobbying against and for Kanjorski's bill. There is merit in a compromise that levels the field for the larger credit unions. But Congress should allow access to credit unions for small-business employees as one way of restoring competition to the banking industry.

[From the Evansville Press, Mar. 4, 1998]

CONGRESS SHOULD ALLOW CREDIT UNION EXPANSION

The long-running battle between commercial banks and credit unions didn't end last week when the U.S. Supreme Court ruled that a Depression-era law places strict limits on the membership of credit unions.

The 1934 Federal Credit Union Act established credit unions because banks were perceived as ignoring the needs of low- and moderate-income Americans.

The act limited credit union membership to "groups having a common bond of occupation or association, or groups within a well-defined neighborhood, community or rural district."

But in 1982, responding to a wave of corporate reorganizations and downsizing that threatened existing credit unions, the National Credit Union Administration expanded membership beyond the single-company, single-community confines.

It is this expansion that the Supreme Court, in a 5-4 decision in a case from North Carolina, said was in violation of the 1934 federal law.

Anticipating the Supreme Court decision, the Credit Union National Association asked Congress last year to consider legislation to allow federally chartered credit unions to maintain their expanded membership base.

Credit unions operate on a not-for-profit basis. They pay no taxes and tend to offer lower-cost loans and higher earnings for savings. They also tend to charge fewer and lower fees than commercial banks. But the commercial banks say credit unions' not-for-profit status creates an unfair competitive advantage.

Bankers have reason for concern.

Since the 1982 regulation took effect, credit unions have rapidly expanded their membership. Last year, 72 million Americans belonged to credit unions, double the number in 1991.

Although banking industry officials say consumers who currently belong to credit unions will not be asked to give up their memberships, the choice of joining a credit union may prove more difficult in the future unless Congress changes the 1934 law.

A bill before Congress to allow credit unions to serve multiple groups deserves approval.

With Congress set to begin hearings this week on a bill aimed at resolving the dispute between banks and credit unions, both sides already have begun their lobbying efforts.

The commercial banks, particularly the smaller community-based banks, have legitimate concerns about rapidly expanding credit unions.

But in drafting new legislation, Congress must recognize the realities of America's small-business economy. Americans have shown an increasing preference for credit unions, and consumer choice must be preserved.

SAN FRANCISCO EXAMINER EDITORIAL CRITICIZES H.R. 1757—FOREIGN AFFAIRS AUTHORIZATION LEGISLATION IS BAD LAW AND BAD POLICY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1998

Mr. LANTOS. Mr. Speaker, for the past two weeks, H.R. 1757, the foreign affairs authorization legislation has been on the schedule for House consideration and both weeks, the bill was pulled because the Republican leadership was not able to get the necessary votes to pass the bill. Mr. Speaker, that is fortunate for the American people and for the foreign policy of the United States.

Mr. Speaker, this legislation has been foisted on the House through a flawed and blatantly partisan procedure. It is a preposterous process that was perpetrated in public. It is calculated to appeal to a narrow but noisy special interest group, and it is clearly not in the best interests of the American people and our nation's foreign policy.

American foreign policy is best, strongest, and most effective when it is a bipartisan foreign policy. As many of our colleagues have observed throughout the years, "Politics should stop at the water's edge." Unfortunately, what we have here is domestic politics being injected into foreign policy. All Americans are the losers in this process, Mr. Speaker.

I call the attention of my colleagues in the House to an excellent editorial that appeared on March 13 in the San Francisco Examiner which discusses H.R. 1757. I ask that the full text of that editorial be placed in the RECORD, and I urge my colleagues to read it carefully and thoughtfully. Who knows? We may actually find ourselves having to cast a vote on this outrageous bill some day in the near future.

GOP SHORTSIGHTEDNESS: REPUBLICANS IN CONGRESS SHOULD RETHINK TYING IMF AND U.N. FUNDS TO AN ANTI-ABORTION PROVISION THAT DOES MORE HARM THAN GOOD

The annual blackmail of the administration by some Republican members of Congress has begun. They insist that $18 billion in U.S. funding for the International Monetary Fund, as well as payment of past dues to the United Nations, be held hostage to an anti-abortion provision.

"Killing babies is a very serious matter," Rep. Christopher Smith, R-N.J., told a New York Times reporter. "The administration is promoting abortion overseas."

Smith wants to deny U.S. funds to any overseas organization that provides or promotes abortions. Under existing law, no U.S. money can be used for those activities. Smith argues that other activities, such as family planning services, allows organizations to shift money abortion-related programs.

But it's much more reasonable to assume that supporting birth control in other countries actually reduces the number of unplanned pregnancies and, hence, diminishes the need for abortions.

The GOP position is offensive to some traditional political allies.

Thomas Donohue, president of the United States Chamber of Commerce, says failing to fund the IMF during its financial bailout of Asian nations would "come under the heading of stupid."

Many conservatives and environmentalists concerned about the escalation of world population believe global education about family planning is essential to humankind's future welfare and even its survival.

The U.S. debt to the United Nations, now almost $1 billion, has been a source of embarrassment to Americans who believe in the worldwide organization. The image of the United States as a deadbeat is especially alarming when this country needs to persuade other nations to go along with its policy initiatives, as in the recent confrontation over arms inspections in Iraq.

In any case, U.S. funding for international financial and political organizations ought to be separate from the question of whether this country should back family planning groups that also provide abortion services. Combining the two issues hurts causes that even the most anti-abortion members of the GOP cares about—or ought to care about.

Last year's hostage was the $12 billion foreign operations bill. After a threatened veto, the GOP finally relented.

The annual exercise is, unfortunately, even more harmful this year when resurrecting the economies of a half dozen Asian allies depends on our financial goodwill. Their pain, of course, soon can become our own as American exports fall and U.S. investments in those countries teeter.

Let's instill some good sense in the IMF/U.N. funding debate—and turn down the volume of political rhetoric.

CELEBRATING THE 150TH ANNIVERSARY OF THE EVANGELICAL COVENANT CHURCH IN INDIAN ORCHARD, MASSACHUSETTS

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1998

Mr. NEAL of Massachusetts. Mr. Speaker, it is my privilege today to honor the parish of the Evangelical Covenant Church of Indian Orchard, Massachusetts, as they celebrate their 150th year of existence.

This church has a strong history of roots in the community and I am proud to share with you some important facts and unique traditions. Its origins date back to the winter of 1848 when an interested group of citizens formed the nucleus of the parish and founded what is now called the Evangelical Covenant Church of Indian Orchard. After more than a century of service, the church, in 1954, adopted a new name, becoming the First Congregational Church of Indian Orchard.

However, in June of 1997, upon joining the Evangelical Covenant Church of America which was first organized in 1885, the church acquired yet another name, its current name, the Evangelical Covenant Church of Indian Orchard. From this chronology, it is interesting to see how this 150 year old Indian Orchard institution is in some ways, very new.

During the past 150 years, the church has survived several calamities including fires and hurricanes. Despite this adversity, the church has been a constant source of religious inspiration and stewardship for its parishioners and community.

Through this time, the church has also been able to establish and preserve many significant traditions while similarly adapting to modernity. One custom which began in 1894 and is still carried out today is that of presenting bibles to seven year old children of the Sunday school. Another practice of the church noted in the records in 1880 was the serving of communion wine by the pastor into a single cup used by all who partook. Today this convention has been altered as communion wine is now served in individual cups.

The parishioners of the Evangelical Covenant Church of Indian Orchard look forward to celebrating and sharing these traditions with their newly installed Pastor, Reverend Donald Olson. There are many special plans set for the weekend of April 17, 1998 which include a hymn sing, anniversary banquet, and worship services. These events should make for a fine celebration and I congratulate the church on 150 years of religious service.

OPPOSE PUBLIC BENEFITS FOR ILLEGAL IMMIGRANTS

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1998

Mr. PACKARD. Mr. Speaker, this week a U.S. District Court in Los Angeles ruled that key portions of California Proposition 187 are unconstitutional. I am absolutely appalled by this declaration, which ultimately indicates that taxpayer dollars may be used to benefit undocumented immigrants.

Passed as a ballot initiative in 1994, Proposition 187 broadly denies state taxpayer-funded benefits to illegal aliens. This initiative also calls for greater cooperation between state authorities and the U.S. Immigration and Naturalization Service in the detection of illegal aliens. I endorse Proposition 187 and signed the petition to put it on the ballot.

Proposition 187 was supposed to have taken effect on November 9, 1994; however it has been plagued with controversy since it was passed by California voters. Federal Judge Mariana Pfaelzer has declared a number of the initiatives are unconstitutional, citing the 1982 Supreme Court ruling in *Plyler v. Doe* which maintained that states could not deny public school enrollment to illegal aliens. Although the state attorney general's office has indicated it will appeal to the 9th Circuit Court of Appeals, the final resolution of this appeal and other suits filed by various citizens' groups will likely take years.

That Americans' hard-earned wages should be used to support immigrants who reside in this nation illegally is totally unacceptable. Mr. Speaker, I will not stand for such injustice.

Congressman BRIAN BILBRAY (R–CA) has introduced H.R. 7, the Citizenship Reform Act to amend the Immigration and Nationality Act and deny citizenship at birth to children born in the U.S. of parents who are not citizens or permanent resident aliens. In addition, Congressman BOB STUMP (R–AZ) has introduced H.R. 347, which will effect a moratorium on immigration by aliens other than refugees, priority workers, and the spouses and children of United States citizens.

Mr. Speaker, I am cosponsor of both of these pieces of legislation because I believe something must be done and it is up to us to act now. I urge my colleagues to support H.R. 7 and H.R. 347 in order to ensure that taxpayers' dollars are benefitting taxpayers, not illegal aliens.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 24, 1998, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 25

2:30 a.m.

Commerce, Science, and Transportation
Communications Subcommittee

To hold hearings on the implementation of section 271 of the Telecommunications Act (P.L. 104-104) relating to the application process for local telephone companies desiring to provide long distance service, and on S. 1766, to permit Bell operating companies to provide interstate and intrastate telecommunications services within one year after the date of enactment of this Act.

SR–253

9:30 a.m.

Rules and Administration

To hold hearings on proposed legislation authorizing funds for fiscal year 1999 for the Federal Election Commission.

SR–301

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of AMVETS, the American Ex-Prisoners of War, the Vietnam Veterans of America, and the Retired Officers Association.

345 Cannon Building

10:00 a.m.

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on Army programs.
SD–192

Armed Services
Airland Forces Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on tactical aviation modernization.
SR–222

Foreign Relations
International Economic Policy, Export and Trade Promotion Subcommittee
To hold hearings on S. 1413, to provide a framework for consideration by the legislative and executive branches of unilateral economic sanctions.
SD–419

Governmental Affairs
To resume hearings on S. 712, to provide for a system to classify information in the interests of national security and a system to declassify such information.
SD–342

2:00 p.m.

Armed Services
To hold hearings to examine the situation in the Persian Gulf.
SR–222

Banking, Housing, and Urban Affairs
To hold hearings on the nomination of Arthur Levitt Jr., of New York, to be a Member of the Securities and Exchange Commission.
SD–538

Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on general land exchange bills, including S. 890, S. 1109, S. 1468, S. 1469, S. 1510, S. 1683, S. 1719, S. 1752, S. 1807, H.R. 1439, and H.R. 1663.
SD–366

Judiciary
Constitution, Federalism, and Property Rights Subcommittee
To hold hearings to examine the tradition and importance of protecting the United States flag.
SD–226

3:00 p.m.

Select on Intelligence
To hold closed hearings on intelligence matters.
SH–219

MARCH 26

9:30 a.m.

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the National Endowment for the Arts, National Foundation on the Arts and the Humanities.
SD–124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Corp of Engineers, and the Bureau of Reclamation, Department of the Interior.
SD–116

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Office of National Drug Control Policy.
SD–192

Banking, Housing, and Urban Affairs
To hold hearings to examine the implications of the recent Supreme Court decision regarding credit union memberships.
SD–538

Labor and Human Resources
Children and Families Subcommittee
To hold joint hearings with the House Committee on Education and the Workforce Subcommittee on Early Childhood, Youth and Families to examine the effectiveness of the Head Start education program.
SD–430

10:00 a.m.

Armed Services
To resume hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on Department of Energy atomic energy defense activities.
SR–222

Judiciary
Business meeting, to consider pending calendar business.
SD–226

2:00 p.m.

Armed Services
Strategic Forces Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on the DOD domestic emergency response program and support to the interagency preparedness efforts, including the federal response plan and the city training program.
SR–222

Commerce, Science, and Transportation
Oceans and Fisheries Subcommittee
To hold hearings on S. 1221, to prevent foreign ownership and control of United States flag vessels employed in the fisheries in the navigable waters and exclusive economic zone of the United States, and to prevent the issuance of fishery endorsements to certain vessels.
SR–253

2:30 p.m.

Select on Intelligence
To hold closed hearings on intelligence matters.
SH–219

MARCH 30

2:00 p.m.

Governmental Affairs
To hold hearings on the nominations of Elaine D. Kaplan, of the District of Columbia, to be Special Counsel, Office of Special Counsel, and Ruth Y. Goldway, of California, to be a Commissioner of the Postal Rate Commission.
SD–342

MARCH 31

9:30 a.m.

Energy and Natural Resources
To hold hearings on S. 1100, to amend the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, the legislation approving such covenant, and S. 1275, to implement further the Act (Public Law 94-241) approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America.
SH–216

10:00 a.m.

Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Commodity Futures Trading Commission and the Food and Drug Administration.
SD–138

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Justice's counterterrorism programs.
SD–192

Labor and Human Resources
To hold hearings to examine issues relating to charter schools.
SD–430

Veterans' Affairs
To hold hearings to examine tobacco-related compensation and associated issues.
SD–106

10:30 a.m.

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs, focusing on the Caspian energy program.
SD–124

APRIL 1

9:30 a.m.

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of the Interior.
SD–124

Indian Affairs
Business meeting, to mark up S. 1797, to reduce tobacco use by Native Americans and to make the proposed tobacco settlement applicable to tobacco-related activities on Indian lands, and S. 1279, proposed Indian Employment Training and Related Services Demonstration Act; to be followed by hearings on proposed legislation to revise the Indian Gaming Regulatory Act of 1988.
SH–216

10:00 a.m.

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for Department of Defense medical programs.
SD–192

Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings to examine competition and concentration in the cable and video markets.
SD–226

2:00 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the National Institutes of Health, Department of Health and Human Services.
SD–124

Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on titles I, II, III, and V of S. 1693, to renew, reform, reinvigorate, and protect the National Park System.
SD–366

2:30 p.m.
Judiciary
Immigration Subcommittee
Business meeting, to consider pending calendar business.
SD–226

APRIL 2

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on S. 1323, to regulate concentrated animal feeding operations for the protection of the environment and public health.
SR–332

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine the status of Puerto Rico.
SH–216

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings to examine airline ticketing practices.
SD–124

2:00 p.m.
Judiciary
Administrative Oversight and the Courts Subcommittee
Business meeting, to consider pending calendar business.
SD–226

APRIL 21

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance, focusing on crime programs.
Room to be announced

APRIL 22

9:30 a.m.
Indian Affairs
To hold oversight hearings on Title V amendments to the Indian Self-Determination and Education Assistance Act of 1975.
SR–485

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on the Ballistic Missile Defense program.
SD–192

APRIL 23

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the National Aeronautics and Space Administration.
SD–138

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Forest Service, Department of Agriculture.
SD–124

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs, focusing on infectious diseases.
SD–192

APRIL 28

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for foreign assistance programs, focusing on Bosnia.
Room to be announced

APRIL 29

9:30 a.m.
Indian Affairs
To resume hearings to examine Indian gaming issues.
Room to be announced

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on Bosnian assistance.
SD–192

APRIL 30

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Environmental Protection Agency, and the Council on Environmental Quality.
SD–138

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on title IV of S. 1693, to renew, reform, reinvigorate, and protect the National Park System, and S. 624, to establish a competitive process for the awarding of concession contracts in units of the National Park System.
SD–366

MAY 5

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs.
Room to be announced

MAY 6

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on the U.S. Pacific Command.
SD–192

MAY 7

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the National Science Foundation, and the Office of Science and Technology.
SD–138

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on titles VI, VII, VIII, and XI of S. 1693, to renew, reform, reinvigorate, and protect the National Park System.
SD–366

MAY 11

2:00 p.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense.
SD–192

MAY 13

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense.
SD–192

MAY 14

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on titles IX and X of S. 1693, to renew, reform, reinvigorate, and protect the National Park System, and S. 1614, to require a permit for the making of motion picture, television program, or other forms of commercial visual depiction in a unit of the National Park System or National Wildlife Refuge System.
SD–366

OCTOBER 6

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs on the legislative recommendations of the American Legion.
345 Cannon Building

CANCELLATIONS

MARCH 24

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign

assistance programs, focusing on infectious diseases.

SD–124

MARCH 25

9:30 a.m.

Commerce, Science, and Transportation

Business meeting, to mark up S. 1415, to reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, and to redress the adverse health effects of tobacco use, and to consider other pending calendar business.

SR–253

MARCH 31

2:30 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings on S. 1515, to amend Public Law 89-108 to increase authorization levels for State and Indian tribal, municipal, rural, and industrial water supplies, to meet current and future water quantity and quality needs of the Red River Valley, to deauthorize certain project features and irrigation service areas, and to enhance natural resources and fish and wildlife habitat.

SD–366

POSTPONEMENTS

MARCH 24

2:30 p.m.

Finance

Social Security and Family Policy Subcommittee

To hold hearings to examine the social security policy for children.

SD–215

MARCH 26

2:00 p.m.

Governmental Affairs

Oversight of Government Management, Restructuring and the District of Columbia Subcommittee

To hold hearings to examine the Government management of electromagnetic spectrum.

SD–342

APRIL 1

9:30 a.m.

Indian Affairs

To hold oversight hearings on barriers to credit and lending in Indian country.

SR–485

SENATE—*Tuesday, March 24, 1998*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear Father, thank You for this quiet moment with You when we can receive the peace of knowing we are loved and forgiven, the healing of hurts from harbored memories, the answers to problems that seem unsolvable, and a vision for our Nation that would otherwise be beyond human expectation. To know You is our greatest desire and to serve You is life's greatest delight.

Gracious Lord of all life, forgive our imposed dichotomy between the sacred and the secular. Every person, situation, and responsibility is sacred to You because everyone and everything belongs to You. Give us a renewed awareness that all we have and are is Your gift. May we cherish the wonder of life You have entrusted to us. May our gratitude be the motive for our work today in this Senate. We want our work to be an expression of our worship of You. Therefore, we make a renewed commitment to excellence in everything we do and say. In the name of Him who is the Way, the Truth, and the Life. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the distinguished Senator from Alaska, is recognized.

SCHEDULE

Mr. STEVENS. Mr. President, on behalf of the majority leader, I announce that this morning's session will be one where we resume consideration of the emergency supplemental appropriations bill, with hope of concluding action on the bill during today's session.

As under a previous consent agreement, from 12:30 to 2:15 the Senate will recess for the weekly policy luncheons to meet. As a reminder to all Members, the second cloture vote on H.R. 2646, the Coverdell A+ education bill, is scheduled to occur at 5:30 p.m. if an agreement cannot be reached prior to that time. In addition, by consent, all second-degree amendments to that legislation must be filed by 4:30 p.m.

Again, it is hoped that good progress can be made on the emergency supplemental appropriations bill during today's session. All Members should contact either Senator BYRD or myself regarding this legislation if they intend to offer an amendment as the Senate attempts to complete action on this supplemental appropriations bill before the cloture vote.

Also, it is hoped that headway will be made on the Coverdell education bill. In addition, the Senate may consider any executive or legislative items cleared for action. And, on behalf of the majority leader, I thank our colleagues for their attention to his message.

ORDER OF PROCEDURE

Mr. STEVENS. For myself, let me say this, Mr. President. If we do get cloture on the Coverdell bill, that will mean we cannot finish this bill, the supplemental, until the cloture time has expired. We believe that we are very close to having cloture on the Coverdell bill, and it is imperative that we finish this supplemental bill so that when the House passes its bill we can go immediately to conference. It is our intent to take this bill through third reading and have it ready for immediate action without any further requests, based on a unanimous-consent agreement, to send the bill to the House for conference as soon as we are aware that the House bill has been received in the Senate.

That means it is imperative, if Senators believe, as I do, that our first job must be to assure we do not take money from the defense accounts to repay the costs of the deployment that has already been made in Bosnia, already been made in southwest Asia. If we cannot get this bill passed before April 1, that money is going to start coming out of the readiness accounts that apply to the men and women in the armed services who are still deployed in the continental U.S. and throughout areas other than Bosnia and the Iraq area.

The consequence of not passing this bill before April 1 is that the people who may have to be sent over to replace those already deployed—and we are making our rotations every 6 months—might not have the readiness and the edge that they need to go into a combat area. It is just imperative that we pass this bill before April 1. I have said that before on the floor. I again urge Senators to realize there is a timeframe problem on this bill and we do not want it to get involved in waiting for the cloture period on the A+ bill to expire.

I hope Senators will contact us. We are more than willing to consider any amendment. I hope Senators will listen to us with regard to time limits on their amendments. And we do have a pending amendment. Senator ASHCROFT is here to present his amendment. As soon as that is over, we really have a schedule of amendments ready to proceed, and I hope Senators will come as we call them and assist us by entering into time agreements. The time we will be taking off for the period of the luncheons is certain.

I remind Senators, tonight we start a new routine—the leader's seminars that are going to take place, with the distinguished former majority leader coming at 6 p.m., in the Old Senate Chamber, for Members only. A chance to listen to the former majority leader, Senator Mansfield, I think is something we must all make time for. It is a memorable thing. We are starting, I think, a great new tradition in the Senate from today.

Mr. KENNEDY. Mr. President, I have just a question of the floor manager. I have no amendments. I am quite prepared to vote at any time on this particular measure. I am just wondering if we are going to have any time prior to the 5:30 vote so we could discuss the Coverdell amendment. I want to accommodate the floor manager. I don't want to interrupt the orderly procedure. It is 9:40 now. I note we do have an issue before the Senate which is not directly related to the supplemental which will be taking up some time. So I am just wondering if there is any time that is preferable to the Senator, or whether there might be a designated period of time before a vote on the legislation of Senator COVERDELL, and maybe those that oppose it—not a lengthy time, but maybe there is a time that we could address it prior to 5 or 5:30 that would be convenient?

Mr. STEVENS. The Senator makes a good request, and I will consult with the majority leader on that. As the Senator knows, we took almost 2 hours yesterday on that bill. But I do think it would be a fair thing to have a period prior to the vote at 5:30 so both sides might state their positions.

It is not our intention this morning to have any morning hour time. We have Senator ASHCROFT's amendment pending. Senator HUTCHISON is waiting to bring up an amendment, and there are other amendments waiting in line behind that. So it is our hope that we can dispose of many of those this morning if possible. And if we can, that will mean we can open up some time later in the afternoon for a period for the discussion of the Senator from Massachusetts. I hope that is agreeable.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Mr. KENNEDY. I appreciate the cooperation and courtesy of the Senator. I see Senator ASHCROFT on the floor now. I know he wants to address the comptime issue, which is not directly related. I am prepared to respond to that. But, again, I have no interest in taking us off the measure which we have before us. I just want to cooperate with the floor manager on it. I was unaware that this amendment was coming up, but that's life around here.

But I want to cooperate with the Senator from Alaska in any way, so they can move the process forward. As I say, I am ready to vote on the supplemental now. I do not intend to either speak or offer amendments on it.

Mr. STEVENS. This amendment was offered last evening and is the pending amendment. It needs to be disposed of. I hope as soon as possible we will dispose of this amendment and move on to another amendment that Senator HUTCHISON also discussed last night, and that is the amendment pertaining to some conditions on the Bosnia deployment. That is relevant to the money in the bill. We expect to get to that as soon as possible.

But I commit to the Senator from Massachusetts, we will notify him if there is a lull in activities here and try to accommodate his request for some morning hour time. Senator COVERDELL still has about 20 minutes coming under the agreement we reached yesterday for equal time, under the discussion that took place yesterday, but now that has to be accommodated, and we will do our best to do so.

I yield to Senator ASHCROFT.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ALLARD). Under the previous order, the leadership time is reserved.

SUPPLEMENTAL APPROPRIATIONS FOR NATURAL DISASTERS AND OVERSEAS PEACEKEEPING EFFORTS FOR FISCAL YEAR 1998

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1768, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1768) making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, for the fiscal year ending September 30, 1998, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Stevens (for Kyl) amendment No. 2079, to provide contingent emergency funds for the enhancement of a number of theater missile defense programs.

Ashcroft amendment No. 2080, to amend the Fair Labor Standards Act of 1938 to provide to private sector employees the same opportunities for time-and-a-half compensatory time off and bi-weekly work programs as Federal employees currently enjoy to help balance the demands and needs of work and family, and to clarify the provisions relating to exemptions of certain professionals from the minimum wage and overtime requirements of the Fair Labor Standards Act of 1938.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

AMENDMENT NO. 2080

Mr. ASHCROFT. Mr. President, I appreciate this opportunity to spend a few moments speaking about two of America's most fundamental values. These values are embraced by our people across the Nation from sea to shining sea. If we were to inventory values among the American people, I think these would percolate to the top. They are the values of family and the values of work. These values come together when we think about how our workplaces impact families.

Sometimes when they come together, it is through collision. This collision takes place when the value of family conflicts with the value of work—the workplace actually competes with the family and the family's needs. Sometimes, though, they can come together through cooperation instead of by collision. I think that is what we ought to seek to encourage in our culture that these two most important values of our culture—work and family—should be able to coexist and to cooperate. They must be able to coexist and cooperate to build a strong America. But when one of these values undermines, erodes or undercuts the other value, we develop tensions that keep us from operating at our highest and best.

How we resolve the particular conflicts between these values that are important will determine how well we do in the next century. Most of us want to be survivors in the next century; we don't want to be succumbers. We want to be swimmers; we don't want to be sinkers. We want America to continue to define the world culture. We want the 21st century to be marked as an American century. We can do that if the Congress builds an important framework which allows people to respect these values in cooperation rather than in conflict. If we make it possible for the value of work to be a value which can be elevated without undermining or eroding the value of family.

So it is important for us to make sure that, as a Government, that we allow rules to exist and we provide a framework in which both the value of work and the value of family can flourish. Without hard work, we will never make it. Without strong families, we will never make it. Without finding a way to harmonize these competing interests—we will never be able to succeed in the next century.

Since 1965, the amount of time that parents spend with their children has dropped 40 percent. This is a decrease of almost half of the amount of time that parents spend with their children. This does not necessarily threaten the work part of the equation, but it certainly indicates that there is a serious challenge to the family side of the equation. These two values of work and family must work together—must be elevated together. And if we have elevated work to the detriment of family, we have to find out ways, we have to seek out ways, we have to search for ways to make it possible for families to spend more time together.

A 1993 study found that 66 percent—two out of every three adults surveyed nationwide—wanted to spend more time with their children.

How can we begin to restore a balance? How can we restore the capacity of families to have that kind of chemistry within them that builds the strong sense of loyalty, of belonging, and of confidence that provides the basis for transmitting values from one generation to the next?

The family is the best department of education; it is the best department of social services and health; it is the best employment training in the world. If we have strong families, we will succeed.

How can we make it possible for these 66 percent of American adults who want to spend more time with their children to do so?

Fifty-five percent of the adults surveyed are willing to give up some seniority or pay at work in exchange for more personal time. People feel this need to be with their family very strongly.

According to the U.S. Department of Labor in its report "Working Women Count"—and here is the cover of the report. This was the executive summary of the cover from the Women's Bureau, the U.S. Department of Labor. According to that, "The number one issue women want to bring to the President's attention is the difficulty of balancing work and family obligations."

That was out of this report from the President's Department of Labor, U.S. Department of Labor, May 1994.

In 1940, just 2 years after the passage of the Fair Labor Standards Act, 67 percent of all the families had sort of a traditional structure. Let's go to the next chart.

In 1938, only 2 out of 12 women with school-aged children worked outside the home. So for these women, they had lots of time with their children. Only 2 out of 12, 1 out of 6—about 17 percent—only 2 out of 12 worked outside the home. Look at the difference today. By 1995, we had a situation where 9 out of 12 women with school-aged children worked outside the home.

This represents a major change in America's families, a substantial change in the structure of the home, a major change in the ability of people to spend time with their children. It is becoming very clear that we need to do something to make it possible, if we can, to allow families to spend time together.

By 1995, only 70 percent of families had a traditional structure; 43 percent of all families had two working spouses.

In 1995, almost 70 percent of single women headed families with children. That is a real situation where not only do you not have a mom and dad to work to help children together, but you have one-parent families. And if you take that one-parent family into a rigid employment environment where there is no ability to accommodate the needs of the family, you basically have a situation where there is no capacity to meet the needs of children when the work of the family comes in conflict with the work of the workplace.

There is a way for us to improve this situation. There is a way for us to help American families meet the needs of their families and the needs of the workplace as well. This solution was recognized as far back as 1945 when the Federal Employee Pay Act was passed to give Federal workers a compensatory time-off option. I want to restate the date. That is 1945. That is a long time ago. In 1945, over half a century ago, Federal workers began to have the ability, instead of taking time-and-a-half pay for overtime hours they worked, to take time off sometime later when they realized, "Wait a second, all the time-and-a-half pay in the world will never buy me more time with my family if I can't get a break. Could I possibly make it some time so that when I work an extra hour, instead of getting an hour and a half pay for the overtime, I would get time off sometime later to spend with my family?"

This concept was recognized again in 1978 when Congress gave flextime options to the Federal Government. I think it is important to note that that was a major step forward. It took individuals looking down the tunnel of time a little bit to understand there would be more and more women in the work force, more and more families without time spent by parents for children.

Among those who were at the forefront of the march to help preserve the capacity of families to spend time with their children is the senior Senator from Alaska, who was part of this 1978 effort to give Federal Government employees options for flextime in addition to comptime.

What is important is that in 1994, President Clinton decided that flextime was so valuable that he extended this sort of flexible-working-arrangement time situation to a whole group of individuals in the executive department of Government, because he understood the need that workers and their families have to spend more time together. The Federal workers have it.

Here is a little chart: Flexible scheduling today. Who can benefit? Mr. President, 2.9 million Federal employees are eligible for flexible scheduling benefits under the current law.

Who can't have it? By law, 59.2 million private-sector workers cannot make the same choices about their work schedules. Special privilege to the Federal worker with flexible scheduling; the absence of this capacity to assist individuals, reinforce the value of family and work together for non-Federal workers.

When asked, 8 out of 10 respondents supported continuation of the program in the Federal sector. The General Accounting Office, conducted the study and workers indicated that they approve the program; 72 percent stated they had more flexibility to spend time with their families. Just think of that, flexible working arrangements had helped 72 percent of the Federal employees spend more time with their families—that is something we should encourage—rather than discourage, all Americans to do.

What is interesting is that these studies also included that productivity went up. What we are beginning to define here is a win-win situation. The workers have their capacity to spend more time with their family—at the same time—the employer has its capacity elevated because productivity goes up. This defines a new way of looking at the relationship between employees and employers. We need for the next century to see ourselves as teams going forward together, not adversaries that can only move forward if the other moves backward. That is a very important concept as we face the 21st century. We will never do well in the 21st century if we don't understand that we only walk forward together.

Seventy-four percent of Federal employees participating in these programs said that alternative work schedules improve their morale. Overwhelmingly, American workers want the same options to be available in the private sector.

There is a group of those who survey public attitudes, Penn and Schoen, these are pollsters who often work for President Clinton. Their studies show that 75 percent favor allowing employees the choice of getting time off, time and a half either in wages or as time off. Three out of four, 7½ out of 10 people surveyed said they would like to have that choice—they just want a choice. Fifty-seven percent said they would take time off instead of being paid, if the option were available, from time to time.

What is interesting is that you don't have to make a choice under these proposals to always take time as comptime and never get paid for it. As a matter of fact, you can take it as comptime when you have something, some needs, arising in your families, not take it as comptime if you need the money more—it is your decision. Unlike the current situation when workers have no choice, no choice whatsoever, as to whether time is more valuable than money.

If you decide you want it as comptime and later on change your mind because you need the money, the proposal allows you to cash in the comptime. Fifty-eight percent of those who would choose the option of time off would choose it more often than pay, they say. This indicates that there is a strong demand and a capacity of American workers who believe they could make their own choice here. They would like simply to have the choice. In fact, a recent poll by Money magazine found that 64 percent of the American people and 68 percent of women would rather have their overtime in the form of time off than in cash wages.

We wouldn't be here to tell people that they had to take it in time off, to say they must take it in wages or must take it in time off. I think what we ought to do is allow people to have the flexibility to meet their needs at the moment, to meet the needs of their families at the moment. There are times when they might prefer to work a little extra and have the extra cash, but there are times when they would be asked to work overtime and they would like to say, "You know, I have been working a lot, I need to spend time with my family, we need to take a day off together, we need to go to the zoo, we need to go to the basketball game, we need to see our son and daughter in a play; how about I work the extra time you are asking me and I get time and a half off later on?" Eighty-two percent of the people said they support the Republican proposal to give working men and women more control over their time.

This is the challenge we face. We have two competing values in America: the value of work, which is understood as one of the primary values of our culture, and the value of family, family the primary institution of our culture. We shouldn't have them colliding and conflicting in the law. We should have them cooperating, and we should find ways to give people more options to make choices that respect both of those values.

Let me make a few points about the amendment which I propose. First of all, it does not alter the 40-hour workweek. It is a new section at the end of the Fair Labor Standards Act that does not revise the 40-hour workweek, and it is voluntary, totally voluntary. Any one who wants to operate under the current law could continue to operate that way without discrimination, and if there are any violations of this provision, the penalties are doubled for violations.

It just provides that there is a potential for compensatory time off when time is more valuable than money to individuals. There would be limits so that we wouldn't have a situation where people might be putting a lot of compensatory time off into a bank and then if the employer went out of business or were to leave the area that the person, his or her time off or income would be jeopardized. Accumulation would be limited to 160 hours. At the end of every year, any accumulated time would be cashed out so that if you didn't use your comptime by the end of the year, you just got time-and-a-half pay. Or any time prior to taking the time off that a worker decides, "Hey, I don't think I am going to be able to afford to take that time off, I just would like to have my money instead," the law would allow the worker to just take the time-and-a-half pay instead of the time off for comptime. Under this amendment, cashing-out your comp time bank is an absolute right.

There is a strong provision in this amendment which would allow for a reasonable use, at the employee's option, of the time off if it does not unduly disrupt the employer's operation. The undue-disruption criterion has been used in the employment setting for quite some time now, so that there is relatively good understanding that employers are required to make a significant showing, and can't just unreasonably deny an employee's request to take that time off.

Sometimes people worry about whether or not there would be some sort of coercion under this proposal. I think it is important for us to understand that there are strong protections to prohibit coercion. The protections that are provided in this law would be far greater than the protections that are enjoyed by the State and local and Federal Government workers as it relates to comptime now.

For instance, for State and local workers, workers can be required to participate—as a condition of employment—in comptime provisions. Ours would be totally voluntary in the private sector. So that is a protection, a safeguard, against coercion of any worker who didn't want to participate in comptime. This would be an authorization for an employer and employee to work together, but an employee who chose not to participate in getting comptime off could, with total assurance, have the resources instead, and even if the worker decided to take the comptime off and later changed his or her mind, just like that, the money has to be paid.

Management can decide when a worker must use comptime under the State and local workers' law. Not so under ours. Management cannot dictate, and the workers would have the right to make choices about when to use them.

Under the State and local workers' law, comptime is paid in cash only when the worker leaves the job. Under the State and local situation, in order to convert your comptime to cash, you have to leave your job. Not so under the provision of the amendment which we are proposing. Any time you want to convert your comptime to cash, you could automatically do it, as a matter of right. Just say, I want to change from the comptime which I have in the bank, time I had intended to take off, and I would like to have the overtime pay instead.

Under S. 4, participation is strictly voluntary. It cannot be required. This is in stark contrast to the required participation condition of State and local workers which currently is the law now.

Under this proposal, workers cannot be coerced into using their comptime. For state and local government workers—management can decide when the comptime is to be used. Under this proposal, workers cannot be coerced, comptime must be cashed out on request under our proposal and must be cashed out at the end of every year.

You can only cash out your comptime under the State and local provisions which have been in effect now for the last, basically, dozen years. You can only get your money when you leave the job. Under our proposal, you get the money anytime you decide you want the money.

Now, in addition to the compensatory time option to make the values of family and work harmonious—so that they are in cooperation, not in conflict—so that they work together in harmony and unity to provide a better setting for workers, there is another thing besides comptime. It is called flexible schedules.

One of the most popular programs in the Federal Government is the ability to—the ability to—allocate hours from one week to the next and to figure the 40-hour week over a 2-week period. A lot of Federal workers have done this so that they can take a day off, an extra day off every other week.

When a lot of folks are asked the question, would you like to have every other Friday off or every other Monday off or would you like to have a weekday off every other week, they respond very positively to that. In order to do that, sometimes you will have to allow people, as a matter of choice, to say, "I'll work more than 40 hours in one week in return for working less the next week." So that the most popular schedule among Federal workers in flexible working arrangements is to work 45 hours the first week, 35 hours the next week, and in so doing by working 9 hours a day for most of the days, have every other Friday off.

Now this gives people a chance to take a weekday off so that they can go to the schoolhouse and talk to teachers or they can attend events or maybe even just go to the motor vehicle department and stand in line so they can get their license renewed. Or maybe just be told that they did not bring the right supporting documents and get sent home to get whatever is necessary.

But this ability to have flex hours at the option of the workers—at the request of the workers—so that people can take an extra day off every other week and still preserve their paycheck and still have the complete capacity, is an important thing. This flexible credit hour provision is important because not all workers earn overtime. In other words, comptime alone will not solve the problem. Workers who do not earn overtime also would like to have some time off so they can just rearrange their schedule but would be precluded from doing so under a comp time only plan.

Flexible scheduling. Sure, lots of people who work overtime can take Friday off every other week, if they are working enough overtime. The vast majority of people do not get overtime, but they would like to have flexible scheduling. They would like to have some time off in which they can meet the needs of their families.

Only 20 percent of workers who get paid by the hour report receiving overtime during a typical week—only one out of five. Seventy-two percent of those reporting overtime compensation are men. So that some of the people who need flexibility—women—need to be able to take some time off, but are not the ones who are getting the capacity to take time off. Comptime alone would help only 1.9 million working women. That is only 4.5 percent of all the working women in the private sector.

Other flexible scheduling options: Instead of helping just 4.5 percent of the women, flexible scheduling options would help 67 percent of all working women. In addition to the comptime for people who actually get overtime, we ought to be working with individuals who are only going to get 40 hours a week. We can do this by giving them the opportunity to tailor that 40 hours a week in ways that gives them time off to spend with their families, spend with their children, or if they do not have families, they can spend it on themselves.

The idea that individuals should not be able to agree with their employers to arrange things so they can have a more fulfilling life—to be with their children or take care of themselves—is an idea of the past. American workers know how to accommodate their needs and should be able to agree with their employers in a framework of protections to do that.

Comptime would only help 5 million working men. That is only 10 percent of the working men in the private sector. The other flexible scheduling options provided in this amendment would benefit 61 percent of all men working in the private sector.

Who would gain from flexible scheduling? Mr. President, 59.2 million private sector workers would have new choices in setting work schedules and making time for their family and friends—30.4 million men, 28.8 million women.

These are individuals with families; these are individuals who have something that competes with the workplace for their interests. We should not make it a situation where in order to do your job you cannot be a parent or be a good parent or in order to be a good parent you have to be a bad employee. We should provide the flexibility of scheduling. We should tailor the laws of this country to make it possible for individuals—to make it possible for individuals—to be able to meet the needs of their families and the workplace.

We mentioned earlier, when we surveyed the situation in Government, the General Accounting Office said two things happened: Morale and productivity went up, and worker satisfaction and their ability to spend time with their families went up. Wait a second. Here is a win-win situation. The value of work went up and the value of family went up. When Government can provide a basis for enhancing the value of families and enhancing the value of work in this culture, we ought to seize that opportunity. Too much of what we do impairs the value of these cultures.

Well, there are others who have said there are other solutions. Frankly, the solution that has been proposed on the other side of the aisle is more unpaid leave, more of the so-called Family and Medical Leave. And that is a tragedy because unpaid leave exacerbates one of the problems that families are enduring—that is, they need resources.

A lot of families would not have both adults in the work force if they did not need the money. So telling people that they should not get money, that they should take unpaid leave, is saying, sure, we know you are having a problem spending time with your family and a problem funding your family, so you should take more time with your family and, therefore, have greater difficulty funding it. That is a vice. That is a crack into which we should not let families fall.

That exacerbates the tension between the home place and the workplace. It does not lift them both together. Let me give you some data which I found to be stunning. The Family and Medical Leave Commission report, which included notable Members of this Chamber, reported that in order to make up for the money people lost when they took family leave, 28 percent of the families had to borrow money—go further into debt.

This basically says, if you need to have some time off, you have to go into debt to spend time with your family. We should not try to force people into financial crisis. As a matter of fact, 10.4 percent of the families who took family and medical leave had to go on welfare in order to accommodate the needs that arose from the lack of resources when they took family and medical leave. And this is stunning, 42 percent—41.9 percent; let me not overstate it—41.9 percent had to put off paying bills.

I don't know about most folks, but if I have to put off paying a bill, that is a matter of serious tension. If you have to go on welfare just to make up for your family and medical leave that you took for your time off, that is a matter of serious tension. Or if you have to go into debt, 28.1 percent had to borrow money under the family and medical leave provisions in order to meet the needs of their family. That is serious tension.

I think it would be far better if, instead of asking people to take a pay cut, which you have to do in order to address the needs of your family under family and medical leave, that you should allow us to have flexible working arrangements where you might have compensatory time off as a result of overtime you have worked or you have a flexible working schedule that you have designed.

Well, the provisions in this bill are not the kinds of things that are new or novel or have not been tested. Since 1945, comptime has been available to Federal workers. We have seen how it works. Since 1985, it has been available to State and local workers. We know how it works. And we have designed a superior product with more choices for workers in this amendment than are existent for Federal workers and for State and local workers who like the program. It seems like common sense.

We offered this during the 104th Congress, the Work and Family Integration Act. It was selected as one of the top 10 agenda items on the Republican side of the Senate for the 105th Congress. This past summer the bill was filibustered by the other side of the aisle.

Yesterday, there was a lot of talk in this Chamber about having time for debate, having time for amendments, and the need to have amendments and debate. Well, you know, last year we brought up the Family Friendly Workplace Act. There was not a single amendment brought forward by the individuals who opposed this on the other side of the aisle. Not one amendment came to the floor, and yet they would not let us vote. They talked and talked and talked. I stood on this floor and encouraged them to offer amendments to address their concerns. I encouraged them to offer these amendments so the issues could be resolved—so we could end up with a product they could support. Not one amendment was offered.

We did fail to get two cloture votes while I, along with many other Republicans, stood on the floor and asked for our colleagues on the other side of the aisle to offer their amendments. They simply were not forthcoming. We even had Republican Members come down to offer our own amendments to address some of their concerns. But we were unable to because Democrats were stonewalling the issue.

Eventually President Clinton rhetorically supported comptime. He even spoke to me personally about it. The very day of the last failed cloture vote, I was told that flextime is the most important thing we could do for American families by the President himself. But when we tried to begin negotiations, it became a series of unreturned phone calls while making continued statements to the press of the importance of flextime and their desire to compromise—but no real negotiations.

Not only did I try to get the White House to sit down and talk, so did the chairman of the Labor Committee and Congressman BALLENGER, the sponsor of the House comptime bill. We were told, "Wait until we finish the budget," and then "Wait until the fast track vote," and wait and wait and wait.

I am reminded of the old saying in the Ozarks, "Wait is what broke the bridge down." I think the bridge collapsed under the waiting of the bridge. We are still waiting.

Well, we will not wait idly by while millions of Americans are denied the ability to balance their work and family demands. This is something the American people deserve. This is something that is essential to the survival of our culture. We must respect our families. We must give them the opportunity to survive, and we must have a competitive and productive work force. And there are ways for this to happen. We must harmonize these values. They must work together in cooperation. They cannot work antagonistically in conflict.

This is an issue that the Democrats in Congress and the President will not be able to make disappear. I will continue to bring this issue up at every opportunity. We have been accused of being unwilling to compromise. Well, we have made changes in the bill to try to address concerns that have been raised.

We added bankruptcy protections to ensure that employees will be able to collect accumulated comptime if their employer declares bankruptcy. We limited the number of hours that an employee can accrue from 240 hours to 160 to make sure that a person does not get too many hours of comptime out there and somehow it might not be fulfilled.

We have put a sunset provision on the bill saying, look, we are only trying it for 5 years. Let the American people find out about it. If it is abusive to the workers, it will be over in 5 years. It will not be abusive. If this was an abuse of workers, they would have curtailed it after 5 years in 1950, from the time it started in 1945; or for State and local workers in 1990, after it was started in 1985.

We completely eliminated the flexible credit hour provisions of the bill so that we are just talking about flexible scheduling. This amendment only permits workers to move 10 hours from one week to the next, but that would provide a basis for a day off every other week.

We will find out who really supports giving workers the flexible work schedules that workers desperately need. We will do so by asking that this bill move forward. We will find out who believes that it is appropriate for Government to allow flexible work schedules for their own employees and for salaried workers but not for laborers, those who have built this great Nation. Everybody has flexible work time. All the Government does, all the salaried workers. The boardroom has it, the people on salary.

Local and State governments have it. But who doesn't have it? Hourly workers in America, the people who built this country. They are in the minority now. They don't have it. I believe it is time for them to have this same kind of capacity to be with their families the way others have found it to be with theirs. We also will find out who really cares about women's positions in the workplace.

It is interesting to note that Working Woman Magazine says this:

> Poll after poll shows that Americans want to spend time with their families and cite flexible scheduling as a top priority. . . . Give women what they want, not what you (Members of Congress) think they need.

That is what Working Woman Magazine said. This is a fight that must be continued. I believe that this is a fight that should be continued for the hourly workers of America, who don't happen to be Federal workers, who don't happen to be State workers, who don't happen to be local government workers, who don't happen to be salaried workers, who don't happen to inhabit the walnut-paneled boardrooms of America, but do happen to have families and do happen to have the same kinds of needs.

President Clinton and the Democratic platform have all endorsed flextime as a way to help Americans balance the needs of work and family. It is time for that endorsement to become a reality. It is time for Congress to stop ignoring the serious challenges that are facing families in today's workplace and give American workers what they want and need.

This issue will not go away. This issue of giving working Americans the ability to balance work and family must be addressed. I am not going to tie up this supplemental appropriations bill with this amendment at this time. But I lay this before the Congress as a clear signal and indication that this is a must-address issue. I will bring this issue back to the floor on an insistent basis. While we are meeting the emergency needs of Government, we cannot continue to ignore the needs, emergency needs, of families and of the American work force, particularly those who have built this Nation as hourly workers.

So I will withdraw my amendment at this time. I will indicate that this is a must-address issue, but I will not allow it to foreclose or preclude or otherwise impair our ability to address the emergency needs of troops that are deployed by this country overseas. But I will say that neither will I allow this body to ignore this issue and thereby ignore the needs of American families, just as we are not going to ignore the needs of the American Government.

Mr. President, I ask for the opportunity to withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska, Mr. STEVENS, is recognized.

Mr. STEVENS. Mr. President, I thank the Senator for his courtesy. He is the original sponsor of the legislation that provided the Federal system flextime and comptime, and I have supported what the Senator is doing. I think it is a step that should be taken. I regret that we cannot proceed, but I appreciate the fact that he has seen fit to withdraw this amendment now so that we can proceed and try to keep this bill limited to those items that are emergency in nature, which affect our defense and affect the disasters that have taken place in this country. I commend the Senator for his action. I am very appreciative of it.

AMENDMENT NO. 2079

Mr. STEVENS. Mr. President, as I understand it, the Kyl amendment that I offered on behalf of the Senator from Arizona is the pending amendment; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. Mr. President, I would like to have that remain the pending amendment now so we can see if we can dispose of it. I am not sure we can do that before noon, but I hope that we can. I urge any Members who have any questions about this to come and discuss them with me. Unfortunately, Senator KYL is not here. I am not sure whether he will be here today because of illness. It is not serious; he just has a problem, I am told.

Let me say this to the Senate. I and a number of my colleagues have watched with concern as Iran has worked aggressively to develop longer range theater ballistic missiles.

There have been many reports that a new Iranian missile, the Shahab-3, may be tested within the coming year.

This new missile, with a range approaching 1,300 kilometers, can now reach targets in the Middle East that were previously not threatened by ballistic missiles from Iran.

Further, the Shahab-3's velocity and range could require changes in our own theater missile defense systems currently under development.

Obviously, our allies, particularly Israel, are very concerned about this new Iranian missile development effort. In parallel—and I believe this is of utmost importance—North Korea has continued to pursue the development of a longer range missile. They are working on the no dong and the taepo dong missiles. These missiles have created concern not just in Asia, but in my home State of Alaska, as well as in Hawaii, which is the home State of both of my colleagues from Hawaii.

Now, I believe the Senate should know that the first targets within the reach of the longer range Korean missiles are in fact the States of Alaska and Hawaii.

As a nation, I think we have to react swiftly to the threat posed by these new ballistic missile development and test efforts.

Senator KYL and others who have watched this issue closely have urged that we take action now to respond to this threat. Therefore, I have offered this amendment on behalf of Senator KYL and myself to provide emergency appropriations to respond to this dangerous new threat.

The amendment will provide $151 million for urgent development efforts which directly address these new missile threats. I might say that this matter has been reviewed by the Deputy Secretary of Defense. They have indicated that if additional resources are not made available, they can address these initiatives with reallocation of existing funds. Now, that is exactly what we don't want. The funds have already been allocated, and what this bill is doing is trying to make additional funds available to make up for the ones that have already been used in Bosnia and in the deployment in Southwest Asia.

This amendment provides for better integration of Army and Navy missile defense systems and radars, for additional testing of the Patriot and lower tier systems against these longer range theater ballistic missiles, and other efforts which will link our existing sensors, communications, and weapon systems to defeat improved theater ballistic missiles.

In addition, the amendment specifically provides funds to assist Israel in purchasing a third arrow missile battery. The capabilities of the emerging

Iranian threat force us and Israel to add additional batteries to protect not only our forces, but our allies in Israel.

Mr. President, I believe these efforts have some of the most urgent projects we could undertake in the Department of Defense. As I indicated, Deputy Secretary of Defense John Hamre wrote a letter bringing these needed investments to the attention of our colleagues in the House. The emergency supplemental before us provides an opportunity to deal with these critical investments. But we cannot do it from here directly. This amendment provides that the moneys in the amendment will only be available if there is an official budget estimate for the amounts that are designated to be an emergency. This would be in a request transmitted to the Congress as emergency requirements, as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Now, as I say, the amendment I offered for the Senator from Arizona, Mr. KYL, does not make that money available. It will only be available if the administration agrees that there is a critical issue here and that these moneys should be available now to deal with these issues.

Mr. President, we have troops, once again, stationed in this area. We do not have an adequate theater missile defense system. We don't have a missile defense system that is even currently planned for the total 50 States. When it was presented to our committee, the Department specifically pointed out that it was not possible for a period of 15 or more years to cover the States of Alaska and Hawaii. But a theater missile defense system would.

I believe there is an emergency. I believe it is highly important that we proceed to make these investments. I do not think the investments should be made available from funds we have already appropriated for other critical projects in the Department; nor do I think we should defer acquisitions of new systems. That has been done too much already.

Mr. President, we spent more time in the last 3 years reprogramming money we have already made available to the Department of Defense than we have in considering how much money should be available to the Department of Defense. I don't want to start the concept of reprogramming. What this does is, it says to the administration that if they are as serious as we are about proceeding now with the ballistic missile defense system—we have made the finding ourselves that it is an emergency, and we ask the President to simply make the decision. I hope the executive branch will agree that these funds will respond to security crises and the projects should be added. If they do not, these funds would not be available under this amendment. I do believe that my good friend from Hawaii wants to make a statement on the matter when he arrives.

(At the request of Mr. STEVENS, the following statement was ordered to be printed in the RECORD.)

Mr. KYL. Madam President, my amendment to the supplemental appropriations bill (S. 1768) would accelerate the development and deployment of theater missile defense systems.

Recent revelations that Iran has nearly completed development of two new ballistic missiles—made possible with Russian assistance—that will allow it to strike targets as far away as Central Europe have convinced me that U.S. theater missile defenses must be accelerated in order to counter the emerging Iranian threat. This increased Iranian missile threat has materialized much sooner than expected due to the extensive assistance Russia has provided over the past year.

According to press reports, development of Iran's 1,300 kilometer-range Shahab-3 missile, which will be capable of reaching Israel, could be completed in 12 to 18 months. Development of a longer-range missile, called the Shahab-4, whose 2,000 kilometer range will allow it to reach targets in Central Europe, could be completed in as little as three years. Both missiles could be armed with chemical or biological warheads. These revelations are part of a string of very troubling disclosures that have surfaced over the past year detailing the extensive aid Russia has provided to Iran.

A bipartisan group of Senators and Representatives have been working on various legislative approaches to address the Iranian threat for some time. For example, last fall both Houses of Congress passed a Concurrent Resolution which Representative JANE HARMAN and I submitted expressing the sense of the Congress that the Administration should impose sanctions against the Russian organizations and individuals that have transferred ballistic missile technology to Iran. The annual foreign aid bill passed last year also contains a provision conditioning the release of foreign aid to Russia on a halt to the transfer of nuclear and missile technology to Iran. And, Senator LOTT and Representative GILMAN have introduced legislation that would require that sanctions be imposed against any entity caught transferring goods to support Iran's ballistic missile program.

In addition to these legislative initiatives, the Administration has engaged in a series of diplomatic exchanges with the Russians. According to press accounts, Vice President GORE has raised the issue with Prime Minister Chernomyrdin on several occasions. President Clinton has discussed the matter with President Yeltsin at the Helsinki summit in March 1997 and at the P–8 summit last June. The President also appointed Ambassador Frank Wisner as his special envoy to hold detailed discussions with Russian officials about the dangers of aiding Iran's ballistic missile program. This is a very serious issue which the Clinton Administration has clearly acknowledged.

As a result of the Administration's diplomatic efforts, in January Russian Prime Minister Chernomyrdin signed a decree issuing catch-all export controls on nuclear, biological, chemical, and missile technology. The Russian government has also said it will not assist Iran's missile program. While we all hope this will lead to an end to the transfer of Russian missile hardware and expertise to Iran, I think the jury is still out on whether Moscow will fully comply with its obligations. For example, just one month after Prime Minister Chernomyrdin issued the decree on catch-all export controls, the Washington Times reported that Russia was still providing missile aid to Tehran. Specifically Russia and Iran's intelligence services were reportedly coordinating a visit to Moscow by a group of Iranian missile technicians and Russian missile experts were planning to teach courses in Tehran on missile guidance systems and pyrotechnics.

It is also worth remembering that Russia promised three years ago to phase out conventional arms sales to Iran and to join the Missile Technology Control Regime. In addition, last March, President Yeltsin assured President Clinton at the Helsinki summit that it was not Russia's policy to assist Iran's missile program. But Russia has given missile aid to Iran in violation of these commitments. Deputy Assistant Secretary of State Einhorn summarized this situation well in Senate testimony last year stating,

> We have pressed the Russian leadership at the highest levels and we have been told that it is not Russia's policy to assist Iran's long-range missile program. But the problem is this: There's a disconnect between those reassurances, which we welcome, and what we believe is actually occurring.

In any event, the United States and our allies must be prepared to protect ourselves from the possibility that Iran will use ballistic missiles armed with nuclear, biological, or nuclear warheads. It is that possibility that this amendment is intended to address. Neither the United States nor Israel will have missile defenses capable of countering the threat from the Shahab-3 or Shahab-4 missiles before those systems are deployed. This amendment provides funding to accelerate the development of some key theater missile defense systems, as well as procurement of items for a third Arrow missile defense battery for Israel.

In crafting this amendment, I have worked closely with the Defense Department and my colleagues in the House of Representatives. Last month, Deputy Defense Secretary Hamre identified a variety of initiatives which DoD felt were needed to counter the new missile threat from Iran. In a letter to Representative WELDON, Mr. Hamre indicated the Administration felt so strongly about the need for these new initiatives that if additional funding was not provided, that the Ballistic Missile Defense Organization would reprogram $100 million from existing missile defense programs for this purpose. Reprogramming missile defense funds would be counterproductive since, in effect, we would be robbing Peter to pay Paul.

The $100 million of funding for initiatives identified by DoD are the core of this amendment. This funding requested by the Administration would provide:

$35 million for integration of the Patriot (PAC-3), Navy Upper and Lower Tier, and THAAD radar systems to allow earlier, more accurate cueing that will increase the effective range of these missile defense systems.

$15 million to accelerate completion of the PAC-3 remote launch capability. Remote launch allows PAC-3 missiles to be deployed at considerable distances from the PAC-3 radars effectively doubling the amount of territory defended.

$40 million for one additional test flight of the PAC-3 and Navy Lower Tier systems to test their capabilities against longer-range missiles such as the Shahab-3 missile that Iran is developing.

$10 million to improve interoperability between the Arrow and U.S. TMD systems.

In addition to providing funding for the programs identified by the Administration, this amendment would also provide $6 million to integrate a variety of sensors and communication systems to provide better, more accurate early warning data from a missile launch, and $45 million to purchase a third radar for the Israeli Arrow system, the first step toward eventually providing a third battery of the system to Israel.

The proposals contained in this amendment enjoy bipartisan support. Last week, the House National Security Committee passed a bill, which is very similar to the amendment I have offered, by a vote of 45 to 0. It is also important to note that the amendment I have offered simply makes $151 million in funding available to the administration. In order for the Administration to use this funding it must designate it as an emergency requirement.

In closing, I thank the distinguished Chairman of the Appropriations Committee, Senator STEVENS for his support and urge my Senate colleagues to support this amendment which will help ensure that the United States and its allies can take meaningful steps to counter the growing threat from Iran's missile program.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2085

(Purpose: Treatment of Educational Accomplishments of National Guard Challenge Program Participants)

Mr. STEVENS. Mr. President, I have three amendments that have been discussed on both sides of the aisle and have been cleared now. I send to the desk an amendment on behalf of Senator LEAHY; a second amendment proposed by myself and Senators COCHRAN, BOXER, and BUMPERS; and an amendment for Senator MCCAIN that has been cleared.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask that the clerk read only the amendment that I offered for myself and Senator COCHRAN at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS), for himself, Mr. COCHRAN, Mrs. BOXER, and Mr. BUMPERS, proposes an amendment numbered 2085.

The amendment is as follows:

On page 15, after line 21 of the bill insert: "SEC. . Notwithstanding any other provision of law, in the case of a person who is selected for training in a State program conducted under the National Guard Challenge Program and who obtains a general education diploma in connection with such training, the general education diploma shall be treated as equivalent to a high school diploma for purposes of determining the eligibility of the person for enlistment in the armed forces."

Mr. STEVENS. Mr. President, this came to light during a hearing we held in the Defense Subcommittee of our Committee on Appropriations last week. Since that time, I have discussed it with members of the Joint Chiefs of Staff and other members in the armed services.

These young people who go through the Challenge Program get a general equivalent degree, a GED, but under our existing law a person must have a high school diploma to enlist. This amendment covers only those people who come through that program with a GED. They will have spent 20 weeks or more with the National Guard in a semimilitary situation, and they go through and get their GED, which is acceptable to colleges and universities but not acceptable for enlistment in the Armed Forces. Having spent their time with the National Guard in its Challenge Program, many of them really want to continue and go into military service and continue their education as a member of the armed services. We believe that opportunity ought to be there for these young people who have made a commitment to change their lives and who have made a commitment that they want to be part of the military system.

This, as I said, is something that is very limited in scope and only deals with a few hundred people in the country as a whole. But they are people that the Guard has worked with, and they have worked with the Guard.

As I said, that was one of the most impressive hearings that I have conducted in the Defense Appropriations Subcommittee. It was very emotional, really, to listen to these young people who came forward and told us they had problems with drugs, or being members of gangs, and they decided they wanted to change. And they have changed. One young man was in his second year at The Citadel. He got into The Citadel with a GED, but he could not have gotten into the Army, or the Navy, or the Air Force. We think that ought to change.

This provision will change that. I believe it should be adopted. It has been cleared on both sides, and Senator BYRD wishes to be listed as a cosponsor.

Mr. BYRD. Mr. President, I thank the Senator.

Mr. STEVENS. I am pleased to make that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska.

The amendment (No. 2085) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, for the time being, I ask that the other two amendments I have sent to the desk be held in abeyance.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, has the Kyl amendment finally been disposed of?

The PRESIDING OFFICER. It has not been disposed of.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I ask unanimous consent Senator BOND be listed as a cosponsor of amendment No. 2085.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BYRD. Madam President, on behalf of Mr. BIDEN, I ask unanimous consent that Mark Tauber, a State Department Pearson Fellow on the Foreign Relations Committee staff, be granted floor privileges for the duration of consideration of S. 1768, the emergency supplemental appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I am now informed that the Kyl amendment has been cleared on both sides. Is it the pending business?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. I ask for its immediate consideration.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Arizona.

The amendment (No. 2079) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2092

Mr. STEVENS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes an amendment numbered 2092.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 51, line 22, strike Section 2004 and insert in lieu thereof the following:

SEC. 2005. PROVISIONS RELATING TO UNIVERSAL SERVICE SUPPORT FOR PUBLIC INSTITUTIONAL TELECOMMUNICATIONS USERS.

(a) NO INFERENCE REGARDING EXISTING UNIVERSAL SERVICE ADMINISTRATIVE MECHANISM.—Nothing in this section may be considered as expressing the approval of the Congress of the action of the Federal Communications Commission in establishing, or causing to be established, one or more corporations to administer the schools and libraries program and the rural health care provider program under section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)), or the approval of any provision of such programs.

(b) FCC TO REPORT TO THE CONGRESS.—

(1) REPORT DUE DATE.—Pursuant to the findings of the General Accounting Office (B-278820) dated February 10, 1998, the Federal Communications Commission shall, by May 8, 1998, submit a 2-part report to the Congress under this section.

(2) REVISED STRUCTURE.—The report shall propose a revised structure for the administration of the programs established under section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)). The revised structure shall consist of a single entity.

(A) LIMITATION ON ADMINISTRATION OF PROGRAMS.—The entity proposed by the Commission to administer the programs—

(i) is limited to implementation of the FCC rules for applications for discounts and processing the applications necessary to determine eligibility for discounts under section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)) as determined by the Commission;

(ii) may not administer the programs in any manner that requires that entity to interpret the intent of the Congress in establishing the programs or interpret any rule promulgated by the Commission in carrying out the programs, without appropriate consultation and guidance from the Commission.

(B) APA REQUIREMENTS WAIVED.—In preparing the report required by this section, the Commission shall find that good cause exists to waive the requirements of section 553 of title 5, United States Code, to the extent necessary to enable the Commission to submit the report to the Congress by May 8, 1998.

(3) REPORT ON FUNDING OF SCHOOLS AND LIBRARIES PROGRAM AND RURAL HEALTH CARE PROGRAM.—The report required by this section shall also provide the following information about the contributions to, and requests for funding from, the schools and libraries subsidy program:

(A) An estimate of the expected reductions in interstate access charges anticipated on July 1, 1998.

(B) An accounting of the total contributions to the universal service fund that are available for use to support the schools and libraries program under section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)) for the second quarter of 1998.

(C) An accounting of the amount of the contribution described in subparagraph (B) that the Commission expects to receive from—

(i) incumbent local exchange carriers;

(ii) interexchange carriers;

(iii) information service providers;

(iv) commercial mobile radio service providers; and

(v) any other provider.

(D) Based on the applications for funding under section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)) received as of April 15, 1998, an estimate of the costs of providing universal service support to schools and libraries under that section disaggregated by eligible services and facilities as set forth in the eligibility list of the Schools and Libraries Corporation, including—

(i) the amounts requested for costs associated with telecommunications services;

(ii) the amounts requested for costs described in clause (i) plus the costs of internal connections under the program; and

(iii) the amounts requested for the costs described in clause (ii), plus the cost of internet access;

(iv) the amount requested by eligible schools and libraries in each category and discount level listed in the matrix appearing at paragraph 520 of the Commission's May 8, 1997 Order, calculated as dollar figures and as percentages of the total of all requests:

(I) the amount requested by eligible schools and libraries in each such category and discount level to provide telecommunications services;

(II) the amount requested by eligible schools and libraries in each such category and discount level to provide internal connections; and

(III) the amount requested by eligible schools and libraries in each such category and discount level to provide internet access.

(E) A justification for the amount, if any, by which the total requested disbursements from the fund described in subparagraph (D) exceeds the amount of available contributions described in subparagraph (B).

(F) Based on the amount described in subparagraph (D), an estimate of the amount of contributions that will be required for the schools and libraries program in the third and fourth quarters of 1998, and, to the extent these estimated contributions for the third and fourth quarter exceed the current second-quarter contribution, the Commission shall provide an estimate of the amount of support that will be needed for each of the eligible services and facilities as set forth in the eligibility list of the Schools and Libraries Corporation, and disaggregated as specified in subparagraph (D).

(G) An explanation of why restricting the basis of telecommunications carriers' contributions to universal service under 254(a)(3) of the Communications Act of 1934 (47 U.S.C. 254(a)(3)) to interstate revenues, while requiring that contributions to universal service under section 254(h) of that Act (47 U.S.C. 254(h)) be based on both interstate as well as intrastate revenues, is consistent with the provisions of section 254(d) of that Act (47 U.S.C. 254(d)).

(H) An explanation as to whether access charge reductions should be passed through on a dollar-for-dollar basis to each customer class on a proportionate basis.

(I) An explanation of the contribution mechanisms established by the Commission under the Commission's Report and Order (FCC 97-157), May 8, 1997, and whether any direct end-user charges on consumers are appropriate.

(c) IMPOSITION OF CAP ON COMPENSATION OF INDIVIDUALS EMPLOYED TO CARRY OUT THE PROGRAMS.—No officer or employee of the entity to be proposed to be established under subsection (b)(2) of this section may be compensated at an annual rate of pay, including any non-regular, extraordinary, or unexpected payment based on specific determinations of exceptionally meritorious service or otherwise, bonuses, or any other compensation (either monetary or in-kind), which exceeds the rate of basic pay in effect from time to time for level I of the Executive Schedule under section 5312 of title 5, United States Code.

(d) SECOND-HALF 1998 CONTRIBUTIONS.—Before June 1, 1998, the Federal Communications Commission may not—

(1) adjust the contribution factors for telecommunications carriers under section 254; or

(2) collect any such contribution due for the third or fourth quarter of calendar year 1998.

Mr. STEVENS. Mr. President, I am informed that this amendment is acceptable on both sides. This substitute is very similar to the original section 2004 of the bill before the Senate. We have made some changes based upon input from several Senators in segments of the telecommunications industry.

This amendment and legislation addresses the fact that the GAO has determined that the Federal Communications Commission established the Schools and Library and Rural Health Care Corporations in violation of the Government Corporations Control Act. That law states that agencies must have specific statutory authority to establish such corporations.

Our bipartisan bill urges the FCC to come to Congress with an acceptable structure. Our effort also mandates that the FCC report to Congress by May 8 of each year on the cost of this program.

Consumers experienced a 4.9 percent rate increase on their business phone bills after initial collections to fund this program. Congress needs to know why rates went up and how we can avoid such an outcome in the future.

I want to personally thank Senators HOLLINGS, MCCAIN, BURNS, DORGAN, and ROCKEFELLER for their help with this amendment. As I said, it has now been found acceptable to both sides as a substitute to the provisions that are in this bill as reported by the committee. I urge its adoption.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2092) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. I yield the floor.

Mr. LEAHY. Mr. President, I tell my friend, the senior Senator from Alaska, we have a matter that I think has been somewhat of a regional and local controversy about to be worked out. I advise the distinguished chairman of the Appropriations Committee, I think within a matter of minutes we will be able to move on that.

In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2098

Mr. LEAHY. Mr. President, I send an amendment to S. 1768 to the desk on behalf of myself, Mr. ABRAHAM and Mr. LEVIN.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself, Mr. ABRAHAM and Mr. LEVIN, proposes an amendment numbered 2098.

Mr. LEAHY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, add the following:

SEC. . Section 203 of the National Sea Grant College Program Act (33 U.S.C. 1122) is amended by—

(1) striking paragraph (5) and redesignating paragraphs (6) through (17) as paragraphs (5) through (16);

(2) redesignating subparagraphs (C) through (F) of paragraph (7), as redesignated, as subparagraphs (D) through (G); and

(3) inserting after subparagraph (B) of paragraph (7), as redesignated, the following:

"(C) Lake Champlain (to the extent that such resources have hydrological, biological, physical, or geological characteristics and problems similar or related to those of the Great Lakes);"

Mr. LEAHY. Mr. President, I am pleased to join my colleagues from the Great Lakes State today to offer an amendment that clarifies an issue that relates to ecological research involving Lake Champlain and its relatives, the Great Lakes of the Midwest.

Almost 10 years ago, I embarked on a campaign to reverse what was the appearance of initial environmental degradation of Lake Champlain. This campaign included access to the research and expertise of the National Oceanic and Atmospheric Administration and the National Sea Grant Program.

When I included Lake Champlain within the definition of the "Great Lakes" for the purpose, and solely for the purpose, of the National Sea Grant Program, that change ignited some regional anxiety in the Midwest, the traditional home of the five Great Lakes. It sparked a geography debate over the last month that has enlightened many a classroom. It certainly enlivened the conversation across many a dinner table, including my own in Middlesex, VT. But it has had the added advantage of even classes that did a poor job of teaching geography now had something with which they could do a good job, and people now know at least where the top northern tier of States are.

My original amendment only modified the term "Great Lakes" for the purpose of the National Sea Grant Program. But it snowballed into concerns that we would have to rewrite our encyclopedias or throw out our atlases. My amendment to the National Sea Grant Program simply allows Vermont colleges that border Lake Champlain to compete for Sea Grant College status and research funds.

Although Vermonters, I must admit to my good friends from the Midwest, and New Englanders have always thought of Lake Champlain as the "sixth Great Lake," because it is the sixth largest body of fresh water in the continental United States, I recognize the historical and emotional significance this definition carries in much of the Midwest where they have the fantastic Great Lakes—Huron, Ontario, Michigan, Erie and Superior. That is why I have been working with my colleagues of the Midwest to ensure their image of the Great Lakes remains intact, while allowing schools in Vermont to compete for research dollars on a level playing field with other schools within the National Sea Grant Program.

Over the last weeks, we have all heard tales of the greatness of Lake Champlain and the Great Lakes. We all agree that these lakes share in the greatness, whether from their common geological history or their shared biological system that supports the diverse flora and fauna in the region.

Lake Champlain is not as large as the Great Lakes of the Midwest, but it has proved its greatness throughout American history. The pivotal Battle of Valcour in 1776 on Lake Champlain was a key element in winning the Revolutionary War, because it turned back the British fleet coming down to resupply their forces. A turning point in the War of 1812 was the Battle of Plattsburg. And last year, the sister ship to the Smithsonian's Philadelphia, Benedict Arnold's gunboat, was discovered intact in Lake Champlain. So, if we expand the National Sea Grant Program to include Lake Champlain, we will be able to preserve the environmental, economic, and historical value of a lake that is a Vermont and a national treasure.

The amendment I am offering today with Senators LEVIN and ABRAHAM clarifies the definition of "Great

Lakes." Representative Fred Upton has also been extremely active and helpful in developing this solution. Senator LEVIN, the new chair of the Great Lakes task force, has made darn sure, as have his other colleagues and friends from the Midwest, that I have read every editorial written in their region. In fact, I expect at some moment to be in front of the blackboard saying, "I shall name"—but, because they are such good friends, and both are on the floor now, they didn't make me do that. But the fact that all of us are offering this amendment together is testimony to the shared understanding and respect for the importance of our lakes to our environment, our economy, and our history.

Unfortunately, while we have that shared interest, we also share some common threats to our lakes. In the last year, we have witnessed the spread of the zebra mussel infestation throughout Lake Champlain, because we connect through the St. Lawrence Seaway, and we share that with the other lakes. These small freshwater pests are threatening native mussels, community water systems, and the network of underwater shipwrecks that make up a rich part of our Nation's history. In fact, scientists forecast that zebra mussels and other invasive species are likely to reach their maximum levels within the next few years.

The zebra mussel represents one of the many connections between the Great Lakes and Lake Champlain, having spread through waterways by boaters who travel among our lakes. We share other concerns such as toxic pollutants, nutrient enrichment and habitat degradation, and these threaten our common fisheries.

For the most part, this Great Lakes debate has not been a dispute among scientists who know the common history and problems facing these lakes, but among politicians and columnists and radio talk show hosts. By pooling all of our resources on freshwater lake research and allowing schools conducting research on Lake Champlain to directly participate in the Sea Grant College Program, we are going to be better prepared to solve these environmental and economic problems. We have already heard from scientists who are excited about the prospect of sharing information and starting joint research projects to address these problems.

Our amendment will build on our existing partnership and ensure the Sea Grant Program protects the water resources, biodiversity, and economic health of the Great Lakes and Lake Champlain.

The purpose of my earlier amendment was not to change any maps but to promote ecological research on the common problems facing our lakes. I understand the symbolic issue this has become with our friends in the Midwest and, because they are my friends, I do not want to create problems for them.

Even though we are the sixth largest lake in this country, we have agreed to call Lake Champlain the cousin instead of a little brother to those larger lakes in the Midwest. But we accomplish our goal of improving the ecological health of our lakes. I think it is a win-win solution that achieves our purposes while skirting the symbolism. We can say, "Mission accomplished," because it means all our lakes will share the benefits of this research about the common problems, like phosphorous runoff, zebra mussels, and mercury pollution. It will help us avoid some of the pollution pitfalls that have stricken other lakes.

In the meantime, it has been a marvelous tourism ad for our beautiful lake. I have never seen so many pictures of Lake Champlain on television ringed by the Adirondack Mountains of New York and the Green Mountains of Vermont. In fact, having watched some more pictures of it today, it makes me all the more homesick. I can't wait to be back home this weekend.

I yield the floor with an invitation to any of my friends from the Midwest, or any other area: Come to Vermont; we would love to have you there.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, I thank Senator LEAHY for offering this amendment. It is a very important amendment to those of us in the Great Lakes for the reasons he has described. His initiative was aimed at making certain that Lake Champlain would be eligible to compete for certain funds. That eligibility is dependent upon Lake Champlain facing a common problem.

There is no reason why Lake Champlain should not be able to compete for funds where they face a common problem with the Great Lakes, such as zebra mussels or contaminated sediments. So that was never the problem. The problem was the redesignation of Lake Champlain as a Great Lake, and that is what created the difficulty.

Basically, what this Leahy amendment does is to reconfirm the historical definition of the Great Lakes. That historical definition of the five Great Lakes is learned by every child in the Great Lakes region. It is HOMES. It is the easy way for our children to learn what the Great Lakes are. HOMES—Lake Huron, Lake Ontario, Lake Michigan, Lake Erie and Lake Superior. Together they spell HOMES. That is a very significant part of our identity in the Great Lakes.

Senator LEAHY, in his amendment this morning and in his words on the floor, recognizes the importance of that historical identity to us, and we are very supportive of this amendment, indeed, have actively helped to create it, to cosponsor it.

I also thank Senator ABRAHAM who has played such an active role in this effort to maintain the Great Lakes as the traditional five Great Lakes. His role has also been critically important, as has the role of the other Great Lakes Senators who have been supportive of this amendment.

There are many, many laws that designate the Great Lakes as the five traditional Great Lakes. Under the Great Lakes Critical Programs Act, for instance, the Great Lakes have been defined as the "five Great Lakes." Under the Great Lakes Water Quality Agreement of 1978, the traditional "five Great Lakes" have been designated. And so forth throughout history, both legislative and geographic, the "five Great Lakes" have been clearly identified as those five Great Lakes that I have just identified.

I want to, again, state that this amendment may hopefully now resolve a controversy. We hope this will pass the House of Representatives. We believe it will. But this is not just a tempest in a teapot for those of us who live in the Great Lakes region. This is a matter of our very identity. The importance of these Great Lakes to us, to our economy, to our ecology, to our environment, and to our recreation is clear. So, in reversing the designation, as this amendment would, continuing Vermont and Lake Champlain as being eligible to compete for funds where there is a common problem is the right way to go.

We thank Senator LEAHY for his recognition of that. All of us who live in the Great Lakes region, I think, are now going to be assured that a traditional definition, which has been so important to us in our identities, will be maintained and will be restored.

Now this language will hopefully pass the House of Representatives, and I am sure with Senator LEAHY's support, it will do so. Again, I thank him, I thank Senator ABRAHAM, and I thank our colleagues from the Great Lakes region for their effort in this legislation.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Thank you very much, Mr. President.

I rise today with my colleagues in support of the Leahy amendment which includes S. 1873, legislation which I had previously introduced with Senators LEAHY and LEVIN, legislation which will resolve the recent controversy surrounding the designation of Lake Champlain as a Great Lake. Since being signed into law last month, the Sea Grant College Program Act has received a tremendous amount of attention, not for the important research it fosters, but for a single sentence that designated Lake Champlain as a Great Lake for purposes of the bill.

Today's agreement will restore the designation of a "Great Lake" to the original five. This has been made possible as a result of several weeks of discussion among myself, Senator LEVIN, and Senator LEAHY. I thank them for their efforts. I also thank and draw attention to Congressman FRED UPTON, our Michigan colleague in the House, for his important participation and contributions which have helped us reach this agreement.

Mr. President, I was extremely pleased to be an original cosponsor of the Sea Grant College Program Act as passed out of the Commerce Committee last year. This act is an important piece of legislation which supplies crucial funding for research into a host of problems which challenge the health of the Great Lakes, such as zebra mussel infestation.

Late last year, the Sea Grant College Program Act was amended to allow Vermont colleges and universities to apply to the Sea Grant programs in the hope of securing research grant dollars for the study of Lake Champlain. This amendment was offered as part of a managers' amendment which addressed a number of technical issues. Unfortunately, it did so in a manner totally unacceptable to the residents of the Great Lakes, in that it named Lake Champlain a "Great Lake."

As my colleague from Michigan indicated, at least in our part of the country, it is a very typical teaching device to have students memorize the names of the Great Lakes by using the acronym HOMES, H-O-M-E-S.

To add another letter to this acronym at this late date, Mr. President, would, in my judgment, not make sense. And I cannot quite figure out what acronym it would be that would be sufficiently memorable for our young people to use this as a study device.

Beyond that, we in Michigan pride ourselves in the fact that our State bears, as its own self-proclaimed motto, "The Great Lake State." Obviously, to the people in Michigan, it is quite important that we remain a State that is in contact with and connected to the Great Lakes.

For those reasons, among many others, great concern was registered, as has been previously noted by editorial writers and educators, and others, about the way the legislation that was passed with respect to Sea Grant colleges might affect the Great Lakes designation for other purposes.

So, Mr. President, although this designation only applied for purposes of the Sea Grant Program Act, it still created a serious perception problem. The residents of the Great Lakes take great pride in the Lakes. In all the world, there is no comparable system of fresh water. Even for the limited purposes outlined in this Sea Grant Program Act, the designation of any lake as a Great Lake beyond the original five was simply unacceptable. So this legislation introduced today strikes any reference to Lake Champlain as a Great Lake.

Yet, Mr. President, it is clear that something needs to be done to help Lake Champlain. While not a Great Lake, it is nevertheless an important body of water that is part of the Great Lakes freshwater system. Outside the obvious differences, Lake Champlain does share a host of similarities with its larger cousins and suffers from many of the same problems present in the five Great Lakes. Zebra mussel infestation is just one of the similarities. Michiganians especially can understand and empathize with Vermont's efforts to battle this invader. For this reason, my colleagues and I have agreed to language which will allow colleges and universities in Vermont to apply for a sea grant program in the same manner that a school in a Great Lakes State would apply.

Specifically, this legislation also makes clear that sea grant funds directed to the study of Lake Champlain are applicable to the Great Lakes system. Because funds directed to Vermont institutions for research on Lake Champlain will also be applicable to the Great Lakes, funding of sea grant research into Great Lakes problems will not be diminished.

So, Mr. President, I am pleased to have introduced this legislation earlier and to support this amendment now, which will reverse the designation of Lake Champlain as a Great Lake and will yet allow Vermont colleges and universities to apply to the Sea Grant Program.

I am pleased that we could come to an agreement with our colleague from Vermont. He is a tireless advocate for his State. The Great Lakes and the St. Lawrence River will benefit from his energy and understanding and support of the Sea Grant Program. And I look forward to working with him and the Great Lakes delegation in the months ahead to facilitate Sea Grant's efforts to preserve and protect the entire Great Lakes system.

Mr. President, before I yield the floor, I would also like to state for the record the names of a number of individuals who cosponsored my bill, which is now being incorporated into this amendment in the supplemental appropriations bill, because I know that they wish to be associated with this effort as we move to the finish line. So in addition to myself and Senators LEVIN and LEAHY, I ask unanimous consent to add on to that legislation as cosponsors Senators SANTORUM, DEWINE, GLENN, COATS, GORTON, and GRAMS.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM. Mr. President, I thank all the Senators for their help and their support of this legislation.

Mr. President, I yield the floor.

Mr. ABRAHAM. Mr. President, I would like to engage the chair of the Oceans and Fisheries Subcommittee, Senator SNOWE in a colloquy regarding her understanding of the amendment offered by Senator LEAHY and myself on the Sea Grant College Program. The Commerce Committee and its Oceans and Fisheries Subcommittee have jurisdiction over the Sea Grant College Program.

Ms. SNOWE. I would be pleased to join the Senator from Michigan in a colloquy.

Mr. ABRAHAM. The Leahy-Abraham amendment, which is based on a bill that I introduced, deletes the line in the National Sea Grant College Program Act that says "the term 'Great Lakes' includes Lake Champlain." This line was included in the recent reauthorization of the act, and it has caused all of the recent concern on this issue in the Great Lakes region. In lieu of this language, the amendment lists Lake Champlain separately from the Great lakes in the list of water bodies for which Sea Grant projects can be undertaken. It is therefore clear from the amendment that Lake Champlain is not designated a Great Lake under the National Sea Grant College Program Act. Nevertheless, I do think it would be useful to have the chairman of the authorizing subcommittee with jurisdiction over this issue state her understanding of the term "Great Lakes" in the act as it would be amended by our amendment.

Ms. SNOWE. Mr. President, I would be happy to comment on this issue. The Leahy-Abraham amendment makes a clear distinction between the Great Lakes and Lake Champlain. Lake Champlain is not a Great Lake. There are only five Great Lakes—Michigan, Superior, Huron, Ontario, and Erie. The Leahy-Abraham amendment clearly reflects this traditional understanding of the Great Lakes. With passage of the Leahy-Abraham amendment, there should be no doubt that the term "Great Lakes" in the Sea Grant Act means only Michigan, Superior, Huron, Ontario, and Erie.

Mr. ABRAHAM. I thank Senator SNOWE for her comments on this point.

Mr. LEAHY. Mr. President, I know we are about to go into recess. I ask unanimous consent to be able to continue for 3 more minutes.

The PRESIDING OFFICER. Under the previous order, 12:30 was the time to recess. Without objection, the Senator may proceed.

Mr. LEAHY. I thank the Chair.

Mr. President, I ask unanimous consent to add as cosponsors to this amendment Senators DEWINE, GLENN, KOHL, and GORTON.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I thank my two friends from Michigan for their efforts on this. The distinguished Senator from Michigan, Mr. ABRAHAM, is on the floor now. We have spent hours going back and forth. And we are good friends. We talked about this a great deal, as we did with Senator LEVIN, whose office is down the hall from mine. It seems we went back and forth and discussed this over and over again, and the way to do it.

I commend them because they have made it very clear they do not want in any way to hurt the ecology of the environment of Lake Champlain, which is a spectacular lake. They have tried to find a way that they can retain their own identity, a well-deserved identity, and with a remarkable geographic situation with the five lakes. And I think we have ended up with a win-win situation.

So, Mr. President, I thank them for their help. It is one of the nice things about being in the Senate—when you know each other, you can sometimes work out things that would be more difficult otherwise.

Mr. President, I urge the adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

Without objection, the amendment is agreed to.

The amendment (No. 2098) was agreed to.

Mr. LEAHY. I move to reconsider the vote.

Mr. ABRAHAM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until 2:15 p.m.

There being no objection, at 12:34 p.m. the Senate recessed until 2:15; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPLEMENTAL APPROPRIATIONS FOR NATURAL DISASTERS AND OVERSEAS PEACEKEEPING EFFORTS FOR FISCAL YEAR 1998

The Senate continued with the consideration of the bill.

CHANGES TO THE BUDGET RESOLUTION AGGREGATES AND APPROPRIATIONS COMMITTEE ALLOCATION

Mr. DOMENICI. Mr. President, section 314(b)(3) of the Congressional Budget Act, as amended, requires the chairman of the Senate Budget Committee to adjust the appropriate budgetary aggregates and the allocation for the Appropriations Committee to reflect an amount of budget authority provided that is the dollar equivalent of the Special Drawing Rights with respect to: (1) an increase in the United States quota as part of the International Monetary Fund Eleventh General Review of Quotas (United States Quota); and (2) any increase in the maximum amount available to the Secretary of the Treasury pursuant to section 17 of the Bretton Woods Agreements Act, as amended from time to time (New Arrangements to Borrow).

I ask unanimous consent to have printed in the RECORD a revision to the budget authority aggregates for fiscal year 1998 contained in section 101 of H. Con. Res. 84.

There being no objection, the revision was ordered to be printed in the RECORD, as follows:

	Budget authority
Current aggregates	1,387,577,000,000
Adjustments	+17,861,000,000
Revised aggregates	1,405,438,000,000

Mr. DOMENICI. Mr. President, I also ask unanimous consent that revisions to the 1998 Senate Appropriations Committee allocation, pursuant to section 302 of the Congressional Budget Act, be printed in the RECORD,

There being no objection, the revisions were ordered to be printed in the RECORD, as follows:

	Budget authority	Outlays
CURRENT ALLOCATION		
Defense discretionary	269,000,000,000	266,823,000,000
Nondefense discretionary	252,214,000,000	283,293,000,000
Violent crime reduction fund	5,500,000,000	3,592,000,000
Mandatory	277,312,000,000	278,725,000,000
Total	803,026,000,000	832,433,000,000
ADJUSTMENTS		
Defense discretionary		
Nondefense discretionary	+17,861,000,000	
Violent crime reduction fund		
Mandatory		
Total	+17,861,000,000	
REVISED ALLOCATION		
Defense discretionary	269,000,000,000	266,823,000,000
Nondefense discretionary	270,075,000,000	283,293,000,000
Violent crime reduction fund	5,500,000,000	3,592,000,000
Mandatory	277,312,000,000	278,725,000,000
Total	821,887,000,000	832,433,000,000

Mr. McCONNELL. Mr. President, it is the desire of the chairman of the Appropriations Committee that we proceed with an amendment to the supplemental to add to the supplemental an agreement painfully worked out over the last few weeks with regard to the IMF new arrangements for borrowing and quota increase.

AMENDMENT NO. 2100

(Purpose: To provide supplemental appropriations for the International Monetary Fund for the fiscal year ending September 30, 1998, and for other purposes)

Mr. McCONNELL. Mr. President, I send an amendment on behalf of Senator STEVENS, myself, Senator HAGEL, and Senator GRAMM of Texas to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky (Mr. McCONNELL) for himself, Mr. STEVENS, Mr. HAGEL, and Mr. GRAMM, proposes an amendment numbered 2100.

Mr. McCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new title:

TITLE —INTERNATIONAL MONETARY FUND

That the following sums are appropriated, out of any money in the Treasury and otherwise appropriated, for the International Monetary Fund for the fiscal year ending September 30, 1998, and for other purposes, namely:

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

LOANS TO INTERNATIONAL MONETARY FUND

NEW ARRANGEMENTS TO BORROW

For loans to the International Monetary Fund (Fund) under the New Arrangements to Borrow, the dollar equivalent of 2,462,000,000 Special Drawing Rights, to remain available until expended; in addition, up to the dollar equivalent of 4,250,000,000 Special Drawing Rights previously appropriated by the Act of November 30, 1983 (Public Law 98-181), and the Act of October 23, 1962 (Public Law 87-872), for the General Arrangements to Borrow, may also be used for the New Arrangements to Borrow.

UNITED STATES QUOTA

For an increase in the United States quota in the International Monetary Fund, the dollar equivalent of 10,622,500,000 Special Drawing Rights, to remain available until expended.

GENERAL PROVISIONS

SECTION . CONDITIONS FOR THE USE OF QUOTA RESOURCES.—(a) None of the funds appropriated in this Act under the heading "United States Quota, International Monetary Fund" may be obligated, transferred or made available to the International Monetary Fund until 30 days after the Secretary of the Treasury certifies that the major shareholders of the International Monetary Fund, including the United States, Japan, the Federal Republic of Germany, France, Italy, the United Kingdom, and Canada have publicly agreed to, and will seek to implement in the Fund, policies that provide conditions in stand-by agreements or other arrangements regarding the use of Fund resources, requirements that the recipient country—

(1) liberalize restrictions on trade in goods and services and on investment, at a minimum consistent with the terms of all international trade obligations and agreements; and

(2) to eliminate the practice or policy of government directed lending on non-commercial terms or provision of market distorting subsidies to favored industries, enterprises, parties, or institutions.

(b) Subsequent to the certification provided in subsection (a), in conjunction with the annual submission of the President's budget, the Secretary of the Treasury shall report to the appropriate committees on the implementation and enforcement of the provisions in subsection (a).

(c) The United States shall exert its influence with the Fund and its members to encourage the Fund to include as part of its conditions of stand-by agreements or other uses of the Fund's resources that the recipient country take action to remove discriminatory treatment between foreign and domestic creditors in its debt resolution proceedings. The Secretary of the Treasury shall report back to the Congress six months after the enactment of this Act, and annually thereafter, on the progress in achieving this requirement.

(d) Nothing in this section shall be construed to create any private right of action with respect to the enforcement of its terms.

SEC. . TRANSPARENCY AND OVERSIGHT.—(a) Not later than 30 days after enactment of this Act, the Secretary of the Treasury shall certify to the appropriate committees that the Board of Executive Directors of the International Monetary Fund has agreed to provide timely access by the Comptroller General to information and documents relating to the Fund's operations, program and policy reviews and decisions regarding stand-by agreements and other uses of the Fund's resources.

(b) The Secretary of the Treasury shall direct, and the U.S. Executive Director to the International Monetary Fund shall agree to—

(1) provide any documents or information available to the Director that are requested by the Comptroller General;

(2) request from the Fund any documents or material requested by the Comptroller General; and

(3) use all necessary means to ensure all possible access by the Comptroller General to the staff and operations of the Fund for the purposes of conducting financial and program audits.

(c) The Secretary of the Treasury, in consultation with the Comptroller General and the U.S. Executive Director of the Fund, shall develop and implement a plan to obtain timely public access to information and documents relating to the Fund's operations, programs and policy reviews and decisions regarding stand-by agreements and other uses of the Fund's resources.

(d) No later than July 1, 1998 and, not later than March 1 of each year thereafter, the Secretary of the Treasury shall submit a report to the appropriate committees on the status of timely publication of Letters of Intent and Article IV consultation documents and the availability of information referred to in (c).

SEC. . ADVISORY COMMISSION.—(a) The President shall establish an International Financial Institution Advisory Commission (hereafter "Commission").

(b) The Commission shall include at least five former United States Secretaries of the Treasury.

(c) Within 180 days, the Commission shall report to the appropriate committees on the future role and responsibilities, if any, of the International Monetary Fund and the merit, costs and related implications of consolidation of the organization, management, and activities of the International Monetary Fund, the International Bank for Reconstruction and Development and the World Trade Organization.

SEC. . BRETTON WOODS CONFERENCE.—Not later than 180 days after the Commission reports to the appropriate committees, the President shall call for a conference of representatives of the governments of the member countries of the International Monetary Fund, the International Bank for Reconstruction and Development and the World Trade Organization to consider the structure, management and activities of the institutions, their possible merger and their capacity to contribute to exchange rate stability and economic growth and to respond effectively to financial crises.

SEC. . REPORTS.—(a) Following the extension of a stand-by agreement or other uses of the resources by the International Monetary Fund, the Secretary of the Treasury, in consultation with the U.S. Executive Director of the Fund, shall submit a report to the appropriate committees providing the following information—

(1) the borrower's rules and regulations dealing with capitalization ratios, reserves, deposit insurance system and initiatives to improve transparency of information on the financial institutions and banks which may benefit from the use of the Fund's resources;

(2) the burden shared by private sector investors and creditors, including commercial banks in the Group of Seven Nations, in the losses which have prompted the use of the Fund's resources;

(3) the Fund's strategy, plan and timetable for completing the borrower's pay back of the Fund's resources including a date by which he borrower will be free from all international institutional debt obligation; and

(4) the status of efforts to upgrade the borrower's national standards to meet the Basle Committee's Core Principles for Effective Banking Supervision.

(b) Following the extension of a stand-by agreement or other use of the Fund's resources, the Secretary of the Treasury shall report to the appropriate committees in conjunction with the annual submission of the President's budget, an account of the direct and indirect institutional recipients of such resources: *Provided*, That this account shall include the institutions or banks indirectly supported by the Fund through resources made available by the borrower's Central Bank.

(c) Not later than 30 days after the enactment of this Act, the Secretary shall submit a report to the appropriate committees of Congress providing the information requested in paragraphs (a) and (b) for the countries of South Korea, Indonesia, Thailand and the Philippines.

SEC. . CERTIFICATIONS.—(a) The Secretary of the Treasury shall certify to the appropriate committees that the following conditions have been met—

(1) No International Monetary Fund resources have resulted in direct support to the semiconductor, steel, automobile, or textile and apparel industries in any form;

(2) The Fund has not guaranteed nor underwritten the private loans of semiconductor, steel, automobile, or textile and apparel manufacturers; and

(3) Officials from the Fund and the Department of the Treasury have monitored the implementation of the provisions contained in stabilization programs in effect after July 1, 1997, and all of the conditions have either been met, or the recipient government has committed itself to fulfill all of these conditions according to an explicit timetable for completion; which timetable has been provided to and approved by the Fund and the Department of the Treasury.

(b) Such certifications shall be made 14 days prior to the disbursement of any Fund resources to the borrower.

(c) The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use the voice and vote of the Executive Director to oppose disbursement of further funds if such certification is not given.

(d) Such certifications shall continue to be made on an annual basis as long as Fund contributions continue to be outstanding to the borrower country.

SEC. . DEFINITIONS.—For the purposes of this Act, "appropriate committees" includes the Appropriations Committee, the Committee on Foreign Relations, Committee on Finance and the Committee on Banking, Housing and Urban Affairs of the Senate and the Committee on Appropriations and the Committee on Banking and Financial Services in the House of Representatives.

This title may be cited as the "1998 Supplemental Appropriations Act for the International Monetary Fund".

Mr. McCONNELL. Mr. President, I will not propose a time agreement at this point. Rather, let me say with regard to the amendment that after a great deal of work with my colleagues, Senator STEVENS and Senator HAGEL, who spent an endless amount of time on this—and Senator ROBERTS, as well, was heavily involved in it; Senator GRAMM also spent a great amount of time on this; Senator CRAIG of Idaho is on the floor and spent hours on this proposition—

Mr. CRAIG. Mr. President, will the Senator yield?

Mr. McCONNELL. Yes.

Mr. CRAIG. Let me ask an instructive question, if I might, Mr. President. On page 8 of the amendment, line 13, you will find the word "direct." If the chairman has no difficulty with the removal of that word, I ask unanimous consent that it be stricken from the amendment.

Mr. McCONNELL. It is my understanding that the Senator from Idaho would like to delete the word "direct."

Mr. CRAIG. That is correct; to read, "have resulted in support to."

The PRESIDING OFFICER. The Senator has the right to modify his amendment.

Mr. McCONNELL. Mr. President, I therefore modify the amendment.

The modification to amendment (No. 2100) is as follows:

On page 8, line 13, strike the word "direct".

Mr. CRAIG. I thank the chairman.

Mr. McCONNELL. I thank the Senator from Idaho and thank him as well for his considerable involvement in this discussion, which led to the final amendment that we have before us.

In addition, Senator BENNETT and Senator FAIRCLOTH were also involved in these discussions, and, of course, the usual and valuable contribution of the ranking member of the subcommittee, Senator LEAHY.

I believe we have produced a tough but fair bill. This bill would change the way IMF does business.

Let me offer some brief highlights of the reforms which we have agreed upon. This bill appropriates funds for the IMF's emergency facility, the new arrangements to borrow without any restrictions, just as the Senate did, I might add, in the last year, in fiscal year 1998. However, for the new subscription to the IMF, the U.S. funding of the $14.5 billion quota cannot be released—I repeat, cannot be released—unless the Secretary certifies that the group of seven nations have publicly committed and are working toward changing the IMF's lending policies.

The conditions which we expect to see included in future loans tackled the systemic problems which caused the Asian crisis. The bill sets out the two conditions for future IMF agreements.

First, borrowers will have to comply with their international trade obligations and liberalize trade restrictions. Monopolies, protected tariffs for family or friendly enterprises, and off-budget accounts each have contributed to financial weaknesses and collapse in Asia. This legislation will ensure that the IMF meets those problems head on before sinking funds into a troubled economy.

Just as important, the bill attacks phony capitalism. Economies in trouble are often economies which have experienced chronic government manipulation and intervention where ministries subsidize favored individuals or enterprises. As a matter of routine, this bill expects market-distorting subsidies and government-directed lending to good friends rather than good business partners to come to an end.

In addition to setting new conditions for IMF lending, we have improved accountability and transparency in fund operations. Senator HELMS was deeply concerned about the General Accounting Office having access to the IMF decisionmaking process. I believe we have not only addressed this issue, but have also taken a step in the right direction in terms of expanding public access and involvement.

Public access is a problem that Senator LEAHY has drawn attention to for some years, so I especially appreciate his help in moving this bill in the right direction on that issue. As I pointed out in markup back in committee, Treasury only produces reforms and results when Congress requires action in law. While Treasury and the administration would have preferred a blank check, that would have been both unwise as well as unachievable. It was not possible to fund the NAB and Quota now and hope for reforms down the road. Not one of my colleagues was willing to support $18 billion with no strings attached at all.

While the crisis in the Pacific has created a sense of alarm and generated an urgency to passing this bill, I hope everyone understands that not one dime—not one dime of this money is planned for Asia. These funds are being appropriated to take care of some unknown country at some unknown time for unknown purposes. After today, however, what we will know is that IMF lending practices will, in fact, improve. We will know that U.S. resources will not be wasted on corrupt governments. We will know we are not going to subsidize unfair trading practices. In sum, we will know we have permanently and substantially changed the way IMF does business.

Mr. President, that completes my statement. I am going to yield the floor here momentarily. I see my good friend from Nebraska, Senator HAGEL, here. No one has spent more time on this complex question than the distinguished Senator from Nebraska. He has brought to this his usual intellect and energy and has been a very important part of working all this out in a way that I believe is going to improve the way IMF does business in the future.

So with that I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, I thank my friend and distinguished colleague, the chairman of the appropriations subcommittee that is handling this piece of legislation. I am grateful.

I might add, Mr. President, there were many people who worked hard, and some even diligently, on this to get an achievable reform package that really would do what the chairman from Kentucky has pointed out it would accomplish. There is not one among us in this body who did not want real reform, nor understand that real reform was required within the IMF structure. That was accomplished. I am proud of what we have done here and how we have done it. I am proud of the product.

Beyond that, I think it is important to recognize that today we live in a global community, anchored by a global economy. Certainly all the markets of the world are important to the United States. Not just farmers and ranchers and small businesspeople, but every person in America is affected when markets go down and when currencies are devalued. Not that the United States should rescue or has the obligation or responsibility to rescue every economy, but we must lead because it is relevant, it is in our best interests, our national interest.

We know that markets respond to confidence. What we are doing here is projecting the leadership that America must project in a global economy and with that is attached a certain amount of confidence. Investors and others around the globe, regardless where they look for those investments and opportunities in stable, secure areas, can do so with some confidence that all nations of the world are interconnected and have some global responsibility for those markets.

I might also add to something the distinguished Senator MCCONNELL from Kentucky mentioned. This is not foreign aid. There is some confusion about that when it is portrayed as a bailout to big bankers and big investors who care little about jeopardizing their own interests, thinking that there is some safety net of taxpayers' dollars under them. This is not a foreign aid bill. This is a process where for 50 years the United States has been essentially on a credit/demand process loaning money into the International Monetary Fund. We are repaid for those loans, and we are repaid with interest for those loans. We can get our money out of the IMF at any moment. The IMF moneys and accounts are backed up by gold reserves. The United States has never lost one dollar on any loan it has made to the IMF. As a matter of fact, it should be pointed out the United States, in fact, in 1978, took advantage of the IMF.

So it is my opinion, and I think the opinion of many of my colleagues, that the IMF can play an important role in the world. It should not be the banker for everyone. It should not be the safety net for every investor, no. But, in a world that is interconnected—and when markets in Asia go down that backs up to every market in America; that we are connected—the IMF institute, and that kind of institution, is important as we trade and become more globally linked.

So I am pleased that I have had an opportunity, along with many of my colleagues who were mentioned by Senator MCCONNELL, to have played a small role in this. I encourage my colleagues to support what has been done here today and what has been agreed upon and the language that is in this amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, once again I thank the distinguished Senator from Nebraska. I am told that the other side has cleared, now, a time agreement on this amendment.

So I ask unanimous consent there be a 20-minute time agreement on this amendment.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCONNELL. Mr. President, I am not prepared to speak any further. I don't know whether the Senator from Nebraska would like to speak further or not. Therefore, seeing no one on the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I have been around here long enough where I should have realized a quorum call was counting against the 20 minutes. So I think what I will do is ask unanimous consent that there be 20 minutes on this amendment beyond the current time, equally divided.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, the distinguished Senator from North Carolina, an enthusiastic supporter of the compromise that we have worked out—just joking, Mr. President. I am unaware of any opponents of the compromise, other than the distinguished Senator from North Carolina. So I think it would be appropriate to yield him some of the time against the amendment.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. FAIRCLOTH. Thank you, Mr. President, and I thank Senator McCONNELL.

I do not support the IMF compromise because I think it is incredibly weak. I did not support IMF funding out of the committee, and I think it is absolutely sinful to support $14 billion more to go to the IMF. It is everything but an emergency. It probably isn't even needed. In fact, Federal Reserve Chairman Greenspan said there was just the remote possibility of it ever being needed. The IMF is the problem; it is not the cure. Once people realize that, I think they will be in less of a hurry to give them $90 billion.

Further, this has no possibility of ending our international economic problems. There will be other bailouts. The IMF has created a safety net for international lenders. We have put together a corporate welfare project, the likes of which we have never in this world seen. We have privatized the profit, and we have socialized the losses. We are asking today for $18 billion for Asia. Well, it sounds fine. Why don't we go ahead and ask for $40 billion so we can be ready for Russia in 6 months? We might as well have it in reserve.

We do not want to do anything that would inconvenience Mr. Camdessus, who flies around the country in leased jets with 2,000 economists—2,000. On October 25, 1997, his 2,000 economists said that South Korea was an excellent country in superb financial shape, a banking system to really be emulated by the rest of the world, a governance of a country you couldn't improve upon. And before the ink dried on the report, the whole thing was in chaos. If he had had 3,000, he might have done better.

We have said three things had to be done before they could get the money:

They had to comply with international trade agreements that the countries have already signed. One thing.

Two, ensure no crony capitalism;

Three, ensure that foreign borrowers, i.e., U.S. borrowers, were not going to be discriminated against.

How tough would it be for each country to comply with those rules before they get an IMF loan? Obviously, way too tough because we have now weakened the language. The new language says that G–7 countries will require a public commitment. Will somebody tell me what requiring a public commitment means? If it gets weaker than that, it couldn't run off the table.

Anybody who votes for this amendment is voting for corporate welfare of the highest order; we are voting for international banking welfare of the highest order; we are saying to any lending institution anywhere in the world, "Lend anybody anything, 20 percent, 30 percent, whatever rate you can get, and the American taxpayer will bail you out." That is simply what we are doing here. It is the ultimate in bad business, it is the ultimate in foolishness, but we are determined to do it. I intend to vote against it.

Thank you, Mr. President. I yield back my time.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. I yield 3 minutes to the distinguished Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Thank you very much, Mr. President. I thank the Senator from Kentucky.

I rise to briefly state my strong support for the $3.5 billion in NAB, the new arrangements to borrow, and also the additional $14.5 billion in replenishment. The conditions attached to this amendment, I believe, are a good compromise based on the Hagel-Gramm-Roberts bill that was introduced last week, which will make the IMF, I believe, work better in the future than it has worked up to now. It is my hope there can be further improvements also in conference.

I thank the majority leader Senator LOTT for his strong leadership and support and also the hard work that Senator HAGEL and Senator ROBERTS, also Senator McCONNELL and Senator Phil GRAMM, Senator MACK of Florida and also Senator CRAIG, among others, who have worked very hard to reach this compromise over the last few days. I really believe the IMF is too important at this time not to replenish, not to continue to show strong American leadership in this area.

The financial crisis of other nations can no longer exist in a vacuum. They affect every other nation as we move closer to a global economy. I encourage the support of my colleagues for this very important amendment.

I thank you very much, Mr. President, and I yield the floor.

Mr. McCONNELL. I yield 4 minutes to the distinguished Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. KEMPTHORNE. Mr. President, thank you very much.

As we debate the issue of increasing the American share in reserve funds of the International Monetary Fund, I think we should first consider the following two questions: Would it make sense for U.S. companies and employees to pay taxes to bail out foreign competitors of American business? Should Americans pay taxes to bail out foreign countries that have engaged in unfair business practices that previously made it difficult for American companies to sell their goods at home and abroad?

The resounding answer to these questions is no. These would, however, be the precise ramifications were Congress to approve IMF funding legislation that does not require all countries who receive IMF loans to engage in just and fair business practices that do not threaten the American companies whose very tax dollars make these IMF contributions possible.

I would like to touch on the recent IMF loan to South Korea, which I believe is a compelling example for why the IMF must be reformed.

By many accounts, South Korea's economic crisis stems in large part from the government's practice of extending favorable loans to industrial conglomerations to rapidly expand in export-oriented sectors. When world markets could not absorb the resulting excess production capacity in these industries, the prices for South Korea's major export products declined, which in turn threatened South Korea's ability to repay these loans.

Such government-directed subsidization for expansion can be seen in the 350 percent debt-to-equity ratio of the three major South Korean semiconductor manufacturers, nearly 10 times the U.S. average. This practice of the government subsidizing rapid industrial expansion in overcrowded industrial sectors has threatened American industry. It has allowed South Korea to sell its products below market costs, jeopardizing American competitors, who operate in a free-market economic structure.

South Korean dumping has been well documented and has resulted in several antidumping rulings against the country's semiconductor conglomerations.

The results of these practices have been devastating for domestic semiconductor producers, including those in Idaho. Take, for example, Micron Technology, America's largest producer of dynamic random access memory computer chips headquartered in Idaho, which employs more than 10,000 people. From their perspective, a United States-backed IMF loan to South Korea that does not put an end to some of South Korea's unsound and unfair economic practices would mean they would pay taxes to bail out foreign competitors who have engaged in business practices designed to undermine the U.S. semiconductor industry generally, and Micron specifically. American Microsystems, Incorporated, also in Idaho, would suffer from IMF loans that could be used to support their foreign competitors.

So as we consider this funding increase for the IMF, we have a unique opportunity to place some reforms on the IMF which would prevent loans such as the one granted to South Korea from threatening American businesses in the future.

The supplemental appropriations bill that was passed by the Appropriations Committee requires the Secretary of the Treasury to certify that IMF borrowers have to end government lending and subsidies to businesses, as well as comply with all international trade obligations they have made.

In addition, the Secretary of the Treasury would be required to certify that no IMF resources have resulted in supporting the borrower country's semiconductor, steel, automobile, or textile and apparel industries, and that both the IMF and the Treasury Department will strictly monitor these conditions.

These are good steps toward ensuring that IMF money, which is backed largely by the American taxpayer, will not in the future be used to undermine the American businesses and workers who generate this revenue.

Mr. President, that concludes my statement. I want to thank the Senators from Alaska and Kentucky and Nebraska for their leadership on this issue.

Mr. McCONNELL. I say thank you to the Senator from Idaho.

The PRESIDING OFFICER. The time allocated to the Senator from Kentucky has expired.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the distinguished Senator from Idaho have 2 minutes to address the Senate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I thank Senator McCONNELL and Senator HAGEL for the work they have done on reform issues tied with this most critical IMF funding. I must tell you that at the outset I was not a champion of the idea that we bail out anybody—and I am still not. But clearly what we have done here is say to the IMF and to nations who would benefit from their loans that there needs to be the establishment of some clear-cut rules that impact loaning policies and the economy of those countries.

My colleague from Idaho has just spoken to an issue that I think so clearly demonstrates why we need to do what we need to do. Senator KEMPTHORNE and I, for the last several years, have worked in my State with a company that has fought overwhelming odds. They fought a major government of a growing economic power—the Korean Government—and a major industry in Korea. Why? Because of a very cozy relationship between this industry and its government to build an extremely large and excessive capacity to dominate a world market and, therefore, substantially underbid in the market the efficiencies of this company that was leading the world in technology and productivity. We should not allow this nor should we allow the taxpayers of this country to be a part in this bailing out.

Well, we are no longer doing that. We are making a major move to create transparency in the relationships that governments and their banking institutions and private industry in those countries have. That is what will strengthen the Asian economy. That is what will disallow the kind of Asian flu that currently exists, when we can work on equal footing, when all are treated relatively equal in a growing global economy.

That is what strengthens what the Senate is doing today. And clearly, the amendments that Senator McCONNELL and Senator HAGEL and others have worked on will do just that in bringing about reforms. The United States must have a major voice in this issue.

The IMF and our support of it can, in fact, be that voice to bring about uniformity around the world for all citizens of the world, and certainly the citizens of our country, the banking institutions of our country, but most importantly, the private industry of our country which without Government support and without Government subsidy must compete in a world market where that subsidy and support exists.

So I thank my colleagues for working jointly together to accomplish what I think these amendments, included with the IMF funding, will accomplish.

The PRESIDING OFFICER. Who yields time?

Mr. McCONNELL. I thank the distinguished Senator from Idaho for his important contribution to this compromise.

I say to my chairman, I thought Senator ROBERTS was going to come over. He also was interested in this issue and has been significantly involved in it. But I do not see Senator ROBERTS yet.

Mr. STEVENS. I do commend Senator McCONNELL, as chairman of the subcommittee, and Senators HAGEL, ROBERTS, KEMPTHORNE, CRAIG, Senator GRAMS of Minnesota, Senator Phil GRAMM of Texas, and my good friend from New Mexico also on this matter. I think it has brought about a better understanding of what we are doing. I must also say that the Secretary of Treasury, Mr. Rubin, has been working with us and helping to iron out this problem. He has had a working relationship with us, which I think bodes well for the future.

Did the Senator from New Mexico wish to say something? Time has expired.

Mr. DOMENICI. Could I speak for 2 minutes? One minute?

Mr. STEVENS. Does the Senator from North Carolina seek time?

Mr. HELMS. A couple minutes.

Mr. STEVENS. I yield back all of the time for the opposition, but ask unanimous consent to convert 4 minutes—2 minutes for the Senator from New Mexico and 2 minutes for the Senator from North Carolina. And that would be the end of the time on this amendment.

The PRESIDING OFFICER (Mr. KEMPTHORNE). Without objection, it is so ordered.

The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I thank the distinguished chairman for finding 2 minutes for me.

There are so many Senators who worked on this to get this amendment done with the appropriate reforms that will stand the test of international participation and yet be something that will be accommodating. I do not want to mention names, except I want to mention one freshman Senator—CHUCK HAGEL. I say to Senator HAGEL, it has been a pleasure working with you on this. And I compliment you for your leadership.

Mr. President, fellow Senators, there will be some Senators who disagree with this statement, but I think the final test of how you ought to vote in the Senate is whether the measure before you is the right thing to do. I do not think there is any question that, looking at our country and how we might suffer, if the countries that are in trouble in Asia do not have an opportunity consistent with reasonable reforms to get their economies back as soon as possible, we are going to suffer.

I am already suggesting that inland States, like New Mexico, are suffering immensely by way of layoffs in the computer chip business because of the slowdown in that market.

Now, I do not know that we are smart enough to know how to fix everything that went wrong there, but the amendments and this extension will, indeed, give the international community an opportunity to see if they cannot get vital reforms and make this International Monetary Fund functional and operative as those countries in that part of the world attempt to put their banking system and their monetary policy back on sound ground.

Ultimately, it will never cost America anything. I do not believe it is going to cost us anything but reserves behind these loans. And participatory arrangements are adequate to cover any obligation that will be forthcoming. But we need a significant reserve. This amendment will let the other countries come in with their part and we will have a significant reserve for the future.

Mr. President, I support the pending amendment to the supplemental appropriations bill, authorizing and providing appropriations to the International Monetary Fund.

Primarily, it is the depletion of funds at the IMF that has brought the urgency of this matter to our attention. There are two funding issues before the Congress in the supplemental request: a $3.5 billion appropriation to the IMF's emergency reserve—the New Arrangements to Borrow, and the periodic appropriation for the US quota subscription, the regular pool of money at the IMF, equal to $14.5 billion.

The Budget Committee in February held a meeting with the Managing Director of the International Monetary Fund, Mr. Michel Camdessus to engage us in a frank discussion about the IMF. What I learned then I hope to share with many members inclined to vote against the IMF funding today.

I know that many Members are very suspicious of foreign aid—but let me explain today why this is not foreign aid and why the Senate should do everything possible to fund the IMF.

First, last Thursday we received the most current economic data and it shows the effects of the ongoing Asian financial crisis. January's US trade deficit surged to $12.0 billion, its highest level since 1987. This was led by a near doubling of our deficit with Asian countries excluding Japan and China.

This is a direct result of the Asian financial crisis—which has cut demand in Asia for U.S. exports. Because of the cheaper Asian currencies against the dollar, now Asian imports are much cheaper and much more competitive in the United States.

Second, the Asian crisis has convinced many of our top technology companies to warn of lower profits, including IBM, Compaq, Intel, Motorola, as well as many smaller companies.

In my state of New Mexico, the result has been announcements by Philips and Motorola that they will furlough or lay off hundreds of employees.

Mr. President, let me explain the problem facing the IMF and why the Senate must act and act quickly.

Presently the IMF has uncommitted resources to lend a further $10 to $15 billion to its members before its liquidity is reduced to historically low levels.

The lowest ratio ever allowed at the IMF by its members was 33%. Historically a comfortable level was 120–140%, but after the Mexico and Russian loans, liquidity fell to 88%. Presently the liquidity ratio is 47%. To lower today's ratio to 33% would require only $10–15 billion in possible loans to countries in crisis.

Mr. President, the 182-members of the IMF decided last year before the Asian crisis that the reserves of the IMF were too low. That was before they lent $20 billion to Korea, $10 billion to Thailand, and $5 billion to Indonesia.

Mr. President, let me be clear about one fact—if the U.S. chooses not to fund our share of the increase, there will be no increases from the other 181 members of the IMF. 85% of current members must increase their quotas for it to be implemented, and since the US holds over 17%, no US participation would guarantee no world participation in the increased funding.

This would mean that any more crises in Asia or other emerging markets, could see the IMF run seriously short of cash. And that is a risk neither America nor the US Senate should take.

While the IMF was created in 1944 originally to support global trade and economic growth by helping maintain stability in the international monetary system, as the monetary system has evolved, so has the IMF's duties.

With the Mexican peso crisis in 1995 and the current Asian financial crisis, this new IMF has become more apparent to all of us.

While the exact economic causes of the Mexico crisis are quite different from Asia, Mexico and Asia have one striking similarity. They represent a major structural change in international capital markets that has occurred over the past decade—the increasing capital flows into and out of emerging economies. Capital flows into emerging markets rose from $25 billion in 1986 to $235 billion in 1996.

Given the potentially destabilizing role of investor confidence especially when directing capital flows, we must ask—what is the role for domestic government policy or the IMF in addressing instability?

Mr. President, the Asian financial crisis has also raised an important policy question for the IMF—whether the Fund's willingness to lend in a crisis contributes to "moral hazard"—the tendency for countries or investors to behave recklessly while expecting the IMF will likely bail them out in an emergency.

There is no consensus on what role private financiers play in such crises and how they should bear the consequences of their actions. The IMF and the US still need to figure out how to safeguard a financial system without bailing out investors who are guilty of making bad decisions.

Mr. President, I believe most Senators can agree on one factor: the IMF is too secretive in its operations and escapes accountability and public debate.

The bill as written by Senator HAGEL would address this concern by requiring greater transparency by the IMF in its lending practices, its strategies with respect to borrowing countries, economic data collection, and its own accounting and financial information.

Demands for greater transparency at the IMF are forthright and appropriate as we consider the supplemental request, and given the IMF's extreme secrecy, this is an important condition we should insist upon for any US dollars spent at any international organization.

Mr. President, as more and more evidence becomes stronger on the long-term benefits of free trade, it is surely time that the IMF does more to promote it. In Senator HAGEL, he specifically addresses this as a condition of the IMF funding.

Immediately the WTO Financial Services Agreement comes to mind—what better way for many of the Asian countries to introduce needed competition to their banking industries than by signing on to the WTO Financial Services Agreement. The WTO and the IMF should be working more closely together to achieve the same goals—economic growth through free trade.

Mr. President, while many US Senators today may debate whether or not we should even have an IMF, a time of crisis such as today in Asia is not the appropriate time for the US to effectively gut the IMF.

Regarding the budgetary treatment of the IMF, the way we count the IMF contributions is a little unusual. Since 1967, the budget has treated contributions to the IMF as budget authority only; contributions to the IMF do not affect outlays or the budget deficit, or surplus. Only since 1980 has the Congress required an appropriation.

Last year's Balanced Budget Agreement specifically addresses the IMF funding until fiscal year 2002 and effectively allows legislation that provides an increase in U.S. contributions to the IMF to not be required to offset the budget authority. Section 314 provides a procedure to adjust the discretionary spending caps and budget totals.

Some in Congress have argued that the IMF is putting the US taxpayer at risk similar to the US savings and loan crisis in the 1980s. There is one stark difference: savings and loan institutions held a US government guarantee. With the IMF, there is no US guarantee in times of default. And even most economists agree that the prospects of an IMF default are negligible. No country has ever defaulted on its IMF loans, arrears on IMF loans are modest, and gold and currency reserves substantially exceed any foreseeable losses in the event of a liquidation.

The IMF has not cost the US Treasury the loss of any federal resources over the years.

In a democracy such as ours, the debate over replenishing the IMF's reserves is the perfect time to debate what role the IMF should play in the global capital market and its accountability to member nations. This is no different than the examination we give to our domestic programs to decide if they are still relevant in today's world.

Mr. President, today's financial world is an uncertain one—but the IMF has been a key component to the stability the United States has enjoyed over the last few years and also a key proponent of many US economic policies around the world.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 2 minutes.

Mr. HELMS. Mr. President, thank you for recognizing me.

I think at this point it would be appropriate to insert in the RECORD—and in a moment I shall ask that it be done—a piece written jointly for the Wall Street Journal by three distinguished people, all of whom are friends of most of us: First, Bill Simon, who was Secretary of the Treasury, and George Shultz, who was Secretary of State; and Walter Wriston, who was former chairman of City Bank.

Now, I will make no comment except that I share the views of my distinguished colleague from North Carolina. I ask unanimous consent that the aforementioned article published in the Wall Street Journal be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Feb. 3, 1998]

WHO NEEDS THE IMF?

(By George P. Shultz, William E. Simon, and Walter B. Wriston)

President Clinton and the International Monetary Fund have shifted into overdrive in their effort to save the economies of Indonesia, the Philippines, South Korea and Thailand—or, to be more accurate, to save the pocketbooks of international investors who could face a tide of defaults if these markets are not now shored up. But this must be the last time that the IMF acts in this capacity. If it is not, further bailouts, unprecedented in scope, will follow. Therefore, Congress should allocate no further funds to the IMF.

It is the IMF's promise of massive intervention that has spurred a global melt-down of financial markets. When such hysteria sweeps world markets, it becomes more difficult to do what should have been done earlier—namely, to let the private parties most involved share the pain and resolve their difficulties, perhaps with the help of a modest program of public financial support and policy guidance. With the IMF standing in the background ready to bail them out, the parties at interest had little incentive to take these painful, though necessary, steps.

LARGEST BAILOUT EVER

The $118 billion Asian bailout, which may rise to as much as $160 billion, is by far the largest ever undertaken by the IMF. A distant second was the 1995 Mexican bailout, which involved some $30 billion in loans, mostly from the IMF and the U.S. Treasury. The IMF's defenders often tout the Mexican bailout as a success because the Mexican government repaid the loans on schedule. But the Mexican people suffered a massive decline in their standard of living as a result of that crisis. As is typical when the IMF intervenes, the governments and the lenders were rescued, but not the people.

The promise of an IMF bailout insulates financiers and politicians from the consequences of bad economic and financial practices, and encourages investments that would not otherwise have been made. Recall how the Asian crisis came about. Asia's "tiger" economies were performing well, with strong growth, moderate price inflation, fiscal discipline and high rates of saving. But these countries encountered a currency crisis because their governments attempted to maintain an exchange rate pegged to the U.S. dollar, while conducting monetary policies that diverged from that of the U.S. Capital inflows covered up this disparity for a time. But when the Thai currency wobbled on rumors of exchange controls and devaluation, the currency markets quickly swept aside increasingly unrealistic currency values.

This led quickly to a solvency crisis. It became difficult, if not impossible, to repay loans made in foreign currency on time. The devaluations shrank the values of local assets, which were often the product of speculative excesses, unwise ventures directed by government, and crony capitalism. The private lenders and borrowers involved were in deep trouble. They were, and are, more than ready for money from the IMF.

The world financial system has changed fundamentally since 1946, when the Bretton Woods agreement was approved. The gold standard has been replaced by the information standard, an iron discipline that no government can evade. Foreign exchange rates are now set by tens of thousands of traders at computer terminals around the globe. Their judgments about monetary and economic policies are instantly translated in the cross rates of currencies.

No country can hide from the new global information standard—but the IMF can lull nations into complacency by acting as the self-appointed lender of last resort, a function never contemplated by its founders. When the day of reckoning finally does arrive, the needed financial reforms are extremely difficult politically because they are imposed by the IMF under duress, rather than undertaken by the countries themselves. The photograph, widely published throughout Asia, of Indonesian President Soeharto signing on to IMF conditions with IMF Managing Director Michael Camdessus standing over him imperiously reinforces the perception of an outside institution dictating policy to a sovereign government.

Even though the IMF recognizes the causes of the crises and conditions its loans on remedial measures, many observers believe that these remedies often make the situation worse. In any event they are rarely carried out in a timely fashion. There are already indications that several Asian countries have violated the terms of their agreements. Furthermore, IMF-prescribed tax increases and austerity will cause pain for the people of these nations, producing a backlash against the West. There is already talk of a conspiracy to beat down Asian asset values in order to provide bargains and control for Western investors.

And yet, because these countries are able to avoid fundamental economic reforms, their currencies continue to collapse. Indonesia, South Korea and Thailand have each seen their currencies lose more than half their value against the U.S. dollar in recent weeks, despite the promised IMF bailouts. The loans from the IMF are, in fact, trivial when compared to the size of the international currency market, in which some $2 trillion is traded daily. These markets' instant verdicts on unsound economic and financial policies overwhelm the feeble efforts of politicians and bureaucrats.

The IMF's efforts are, however, effective in distorting the international investment market. Every investment has an associated risk, and investors seeking higher returns must accept higher risks. The IMF interferes with this fundamental market mechanism by encouraging investors to seek out risky markets on the assumption that if their investments turn sour, they still stand a good chance of getting their money back through IMF bailouts. This kind of interference will only encourage more crises.

Asian nations are facing financial difficulties not because outside forces have imposed bad economic policies on them but because they have imposed these policies on themselves. The issue is not whether the IMF can move from country to country dispensing financial and economic medicine. The issue is whether the governments in these countries have the political will to fix problems of their own making.

What should we do about the problem? We certainly shouldn't follow the advice of George Soros, a well known figure in the international currency markets, who has called for the creation of a new International Credit Insurance Corporation to be underwritten by taxpayers of the member countries. The new institution, which would operate in tandem with the IMF, would guarantee international loans up to a point deemed safe by the bureaucrats running the organization. "The private sector is ill-suited to allocate international credit," Mr. Soros writes in the Financial Times. "It provides either too little or too much. It does not have the information with which to form a balanced judgment."

APPALLING COMMENT

When will we ever learn? This appalling comment is exactly the opposite of the truth. The protected markets, not the open ones, are in trouble. Only the market, with its millions of interested participants, is capable of generating the information needed to make sound financial decisions and to allocate credit (or any other resource) efficiently and rationally. Governments and politically directed institutions like the IMF have shown time and again that they are incapable of making these kinds of decisions without creating the kinds of crises we are now facing in Asia.

The IMF is ineffective, unnecessary and obsolete. We do not need another IMF, as Mr. Soros recommends. Once the Asian crisis is over, we should abolish the one we have.

Mr. HELMS. I thank the Chair.

Mr. STEVENS. Is all time now expired on this amendment?

The PRESIDING OFFICER. All time has expired on this amendment.

Mr. STEVENS. Mr. President, we had a request not to go to a vote yet because of other circumstances and the presence of Members. I ask unanimous consent that this amendment be set aside to be called up by either the majority leader or myself when it is time to vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I do have more amendments I want to take right away, but I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the following Senators be added as original cosponsors of amendment No. 2085 relating to the National Guard Youth Challenge Program: Senators LOTT, BOND, and FORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2101

(Purpose: To expedite consideration of slot exemption requests)

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of Senator FRIST and Senator BYRD.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Alaska [Mr. STEVENS], for Mr. FRIST, for himself and Mr. BYRD, proposes an amendment numbered 2101.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . EXEMPTION AUTHORITY FOR AIR SERVICE TO SLOT-CONTROLLED AIRPORTS.

(a) IN GENERAL.—Section 41714(i) of title 49, United States Code, is amended by—

(1) striking "CERTAIN" in the caption;

(2) striking "120" and inserting "90"; and

(3) striking "(a)(2) to improve air service between a nonhub airport (as defined in section 41731(a)(4)) and a high density airport subject to the exemption authority under subsection (a)," and inserting "(a) or (c),".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) apply to applications for slot exemptions pending at the Department of Transportation under section 41714 of title 49, United States Code, on the date of enactment of this Act or filed thereafter.

(2) APPLICATION TO PENDING REQUESTS.—For the purpose of applying the amendments made by subsection (a) to applications pending on the date of enactment of this Act, the Secretary of Transportation shall take into account the number of days the application was pending before the date of enactment of this Act. If such an application was pending for 80 or more days before the date of enactment of this Act, the Secretary shall grant or deny the exemption to which the application relates within 20 calendar days after that date.

Mr. STEVENS. Mr. President, this has been agreed to. It is an amendment that deals with slots at airports for commuter airlines. And it is a problem that, as I said, has been agreed to on both sides.

Mr. President, I urge the adoption of Senator FRIST's and Senator BYRD's amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

If there is no objection, the amendment is agreed to.

The amendment (No. 2101) was agreed to.

Mr. STEVENS. I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, the Senator from Washington, Mr. GORTON, will offer an amendment to the IMF title of the bill. I will ask unanimous consent that there be a time agreement on that amendment. He can explain the amendment.

I ask unanimous consent that we have a 15-minute-per-side time agreement and that the vote on the Gorton amendment follow after the vote on the IMF amendment that has been set aside.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Washington is recognized.

AMENDMENT NO. 2102

(Purpose: To limit International Monetary Fund loans to Indonesia.)

Mr. GORTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Washington [Mr. GORTON] proposes an amendment numbered 2102.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . LIMITATIONS ON INTERNATIONAL MONETARY FUND LOANS TO INDONESIA.

The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use the voice and vote of the United States to prevent the extension by the International Monetary Fund of loans or credits that would—

(1) personally benefit the President of Indonesia or any member of the President's family, or

(2) benefit any financial institution or commercial enterprise in which the President of Indonesia or any member of the President's family has a financial interest.

Mr. GORTON. Mr. President, I speak to you and my colleagues here today as a supporter of the International Monetary Fund. I believe that the crisis in Southeast Asia is one that is important to the economy of the United States, and that those nations in Southeast Asia that are in great financial difficulty can be helped to work their own way out of these economic difficulties by the kind of prescriptions to which the International Monetary Fund has subjected them. One of those nations, South Korea, is bound to us by the close-as-possible ties of blood and sentiment over almost half a century and, reflecting the views of the people of the United States, has become a free market and a democracy.

Another of those nations, the Philippine Republic, has been tied to us for a full century and has struggled in the direction of free markets and of a democracy during that period of time. Today, it is a rather considerable success at both.

Thailand and Malaysia are trying, with great difficulty, to meet the financial challenges with which they have been faced.

One nation, however, does not fall into any of these categories. In Indonesia, President Soeharto is a wholly owned family enterprise. Its economy—behind those of all the other nations in Southeast Asia, from the point of view of the degree to which its benefits have been distributed among its people—is corrupt, undemocratic, and designed to primarily, it seems, at least through its economy, to benefit the immediate family and the close friends and henchmen of the now seven-term President of Indonesia, Mr. Soeharto. Indonesia has resisted, at every turn, the prescriptions that the International Monetary Fund has laid down for the recovery of its economy. As a consequence, I believe, and I believe firmly, that we in the United States should not bow to the will of this dictator, should not say that requirements that are being imposed on other nations that are trying, with great difficulties, to work their way out, with democratic institutions in place in those countries, should not be imposed on Indonesia.

This amendment is quite simple. It doesn't attempt to dictate to the International Monetary Fund what it does, but it does direct our Secretary of the Treasury to instruct our representative on the International Monetary Fund to use the voice and vote of the United

States to prevent the extension by the International Monetary Fund of loans or credits that would personally benefit the President of Indonesia or any member of the President's family or benefit any financial institution or commercial enterprise in which the President of Indonesia or any member of the President's family has a financial interest.

Now, I understand, curiously enough, that there are those who object to this amendment on the grounds that that covers everything in Indonesia, that every institution that would be helped is owned, in whole or in part, by the President or by members of his family. In my view, that is the best possible argument in favor of this amendment. We have a financial structure in that country that has been built up to benefit the family of the President and his close associates, and only them. While my heart goes out to the people of Indonesia, I believe that if there is to be any International Monetary Fund aid to Indonesia with the consent and help of the United States, it should be to the people and not to the family of the President.

Essentially, Mr. President, that is what this amendment says—neither more nor less. We should not use our credits in the International Monetary Fund, with our vote, to bail out a President whose sole interest seems to be in the aggrandizement of his own family, who is indifferent to the requirements that the International Monetary Fund has laid out to them, who has caused the crisis in his country to become much worse, sharply worse, as a result of his inaction than it would have been had he followed the requirements of the IMF some time ago. We should not lend ourselves to his intransigence in any respect whatsoever, Mr. President. As a consequence, I ask my colleagues to support the amendment. I will reserve the remainder of my time.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time? The time will be deducted equally if no one yields time.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the pending amendment be set aside so that I may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2103

(Purpose: To provide for an Education Stabilization Fund)

Mr. FAIRCLOTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. FAIRCLOTH] proposes an amendment numbered 2103.

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, add the following:

SEC. . EDUCATION STABILIZATION LOANS AND FUND.

(a) LOANS.—

(1) IN GENERAL.—The Secretary of Education (referred to in this subsection as the "Secretary") shall make loans to States for the purpose of constructing and modernizing elementary schools and secondary schools.

(2) TERMS.—The Secretary shall make low interest, long-term loans, as determined by the Secretary, under paragraph (1). The Secretary shall determine the eligibility requirements for, and the terms of, any loan made under paragraph (1).

(3) ALLOCATION OF FUNDS.—The Secretary shall determine a formula for allocating the funds made available under subsection (b)(4) to States for loans under paragraph (1). The Secretary shall ensure that the formula provides for the allocation of funds for such loans to each eligible State. In determining the formula, the Secretary shall take into consideration the need for financial assistance of States with significant increases in populations of elementary school and secondary school students.

(4) DEFINITIONS.—In this subsection, the terms "elementary school" and "secondary school" have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(b) FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund, to be known as the "Education Stabilization Fund", consisting of the amounts transferred to or deposited in the Trust Fund under paragraph (2) and any interest earned on investment of the amounts in the Trust Fund under paragraph (3).

(2) TRANSFERS AND DEPOSITS.—

(A) TRANSFER.—The Secretary of the Treasury shall transfer to the Trust Fund an amount equal to $5,000,000,000 from the stabilization fund described in section 5302 of title 31, United States Code.

(B) DEPOSITS.—There shall be deposited in the Trust Fund all amounts received by the Secretary of Education incident to loan operations under subsection (a), including all collections of principal and interest.

(3) INVESTMENT OF TRUST FUND.—

(A) IN GENERAL.—The Secretary of the Treasury shall invest the portion of the Trust Fund that is not, in the Secretary's judgment, required to meet current withdrawals.

(B) OBLIGATIONS.—Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired—

(i) on original issue at the issue price; or

(ii) by purchase of outstanding obligations at the market price.

(C) PURPOSES FOR OBLIGATIONS OF THE UNITED STATES.—The purposes for which obligations of the United States may be issued under chapter 31 of title 31, United States Code, are extended to authorize the issuance at par of special obligations exclusively to the Trust Fund.

(D) INTEREST.—Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the Public Debt, except that where such average rate is not a multiple of ⅛ of 1 percent, the rate of interest of such special obligations shall be the multiple of ⅛ of 1 percent next lower than such average rate.

(E) DETERMINATION.—Such special obligations shall be issued only if the Secretary of the Treasury determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest.

(F) SALE OF OBLIGATION.—Any obligation acquired by the Trust Fund (except special obligations issued exclusively to the Trust Fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

(G) CREDITS TO TRUST FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

Mr. FAIRCLOTH. Mr. President, this amendment would transfer $5 billion from the Exchange Stabilization Fund at the Treasury Department to the Department of Education. There would be a new account established, the Education Stabilization Fund. This fund would be used to offer low-interest, long-term loans to States for the purpose of building and modernizing elementary and secondary schools.

The GAO has estimated that one-third of all schools, housing 14 million students, are in need of repair. In my home State of North Carolina, 36 percent of schools report they have at least one inadequate building, 90 percent of the schools report that they have construction needs up from $3.5 million to $10 million. We have a fast-growing student population, and many, many students are housed in trailers—literally hundreds of thousands are housed in trailers.

The purpose of this amendment is very simple. We have a slush fund at the Treasury Department called the Exchange Stabilization Fund. This fund is under the personal control of the Secretary of the Treasury. He can do whatever he wants with it. I think this is totally wrong. What has the Secretary done with the fund? Over the last 4 years, he has used it to supplement international bailouts, which was never the original intent for the funds. He loaned Mexico $12 billion. He promised Indonesia—which the Senator from Washington was just talking about—$3 billion. He has promised South Korea $5 billion, and everything indicates that Korea is going to call for the money quickly. He has done all of this without any congressional approval or authorization.

This fund has over $30 billion available in it. It seems to be only common sense that if we can lend to Indonesia $3 billion, $5 billion to Korea, $12 billion to Mexico, and who knows where in the future it will be going, without any advice or consent from the Congress, then we can provide loans for school construction. I don't see how we can do otherwise.

The President had wanted $20 billion in new tax-free bonds. But with this amendment, we can start immediately with $5 billion in loans to schools. This would be loans, and it would have no budget impact. This is not an outlay; it's a revolving loan fund.

I urge all my colleagues to support the amendment. Mr. President, if we can provide $18 billion for the IMF, we can provide $5 billion for our schools.

I ask for the yeas and nays on the amendment, with the time for the vote to be determined by the manager of the bill.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second at this time.

Mr. FAIRCLOTH. Mr. President, we will hold until we get a sufficient second.

Mr. GRAMM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Mr. President, what is the pending business of the Senate?

The PRESIDING OFFICER. The pending question is the amendment offered by the Senator from North Carolina.

Mr. GRAMM. Mr. President, let me ask unanimous consent that the amendment of the Senator from North Carolina be temporarily set aside so that Senator SANTORUM and I might offer an amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 2104

(Purpose: To ensure that the surplus in fiscal years 1999 through 2003, proposed by the President to be dedicated to save Social Security, will not be lowered by the enactment of this Act)

Mr. GRAMM. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas (Mr. GRAMM), for himself, and Mr. SANTORUM, proposes an amendment numbered 2104.

Mr. GRAMM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . Notwithstanding any other provision of this Act or any other provision of law, only that portion of budget authority provided in this Act that is obligated during fiscal year 1998 shall be designated as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985. All remaining budget authority provided in this Act shall not be available for obligation until October 1, 1998.

Mr. GRAMM. Mr. President, I am very happy to come over here this afternoon and be joined by my distinguished colleague from Pennsylvania in alerting the American people. I say the American people rather than alerting the Senate because I don't think the Senate wants to be alerted to a fraud that we continually perpetrate on the American people. That fraud is that we set out spending limits, we adopt budgets, and we know with absolute certainty that the way we define emergencies, floods, hurricanes—many things that are natural disasters—but the way we define emergencies is we know with certainty that every year we are going to have emergencies, and, yet, we don't put any money in the budget for that purpose.

So, for example, since Bill Clinton has been President, we have averaged $7.3 billion in emergency spending every single year. There was a time when we wrote budgets and we set aside money for the purpose of paying for natural disasters, because in a big country like America we know with absolute certainty that we are going to have natural disasters and that we are going to have to pay for them. In fact, we have averaged over the last 7 years on natural disasters $5.6 billion in spending. We have spent that amount every year on average for the last 7 years. Yet, during this time we have provided no money in the budget for this purpose.

So what we play is a little game. Here is how the game works:

The President stands before the American people in the Chamber of the House of Representatives, and says "Put Social Security first." Don't spend the surplus. Take that surplus and put it into Social Security. We all stand and we have a standing ovation. And the lead story in the Washington Post and on every network is "President Says Put Social Security First."

So the American people believe that the projected surplus in the President's budget that has come to the Congress and that shows a surplus of about $8 billion next year—people really believe that we are setting that aside to help save Social Security. And then at the same time, the President sends a disaster bill to Congress, says don't pay for it, simply take it out of the surplus, which has the effect of taking the money away from Social Security and has the effect of allowing us every single year to bust the budget that we have adopted.

The first point I would like to make is these are not unexpected expenses. In fact, I would like to predict right now that this won't be the last disaster bill we will have this year. This disaster bill, as it stands now, is for $2.6 billion, and we will end up spending at least twice this amount this year. And we will take every penny of it from the surplus, and we will take every penny of it, therefore, away from our effort to save and to rebuild the financial base of Social Security because we will not pay for this bill.

The second thing I want to note is there is a lot in this bill that is not an emergency; that is not unexpected. The President is now asking us to pay for the cost of having troops in Bosnia. Is anybody shocked that a bill was going to come due over the Bosnian deployment? Everybody knew this bill was going to come due. Why didn't we, the Senate and the President, provide the money in the appropriations bill for the Defense Department? We didn't provide it in the appropriations bill because we decided to cheat and not put the money in the appropriations bill, knowing that we would come back here today and that we would add that money in, and, as a result, we wouldn't have to count it against the budget and we could simply take it from the surplus.

We have a bill before us that has an emergency designation, and it has two kinds of outlays. It has outlays that are going to occur for the remainder of this year. Then it has outlays that will occur in 1999 and then on out through the year 2003.

The Senator from Pennsylvania and I have a very modest amendment. What we ought to be doing is paying for every bit of this spending because we knew every bit of it was coming. This is a shell game that we play every single year, which is why people are totally skeptical, as they should be, about our whole budget process. But while we should be paying for every bit of it, we know that we don't have the votes to do that.

So here is what we are saying. Take the money that we are going to spend this year and spend it and don't offset it. But the money that will be spent under this bill in 1999, 2000, 2001, 2002, and 2003, over that 5-year period, don't have an emergency designation for that spending, which means it will have to count against the spending caps in 1999.

For 1999, we have spending caps for discretionary spending, nondefense, and for the Defense Department. We are spending under this bill $1.979 over a 5-year period, and we are spending $1.5 billion in 1999—not this year, but next year.

So what we are saying is spend the money but then count the money as part of next year's budget and against next year's spending cap so you can't commit today to spend next year, and not then commit to count it against the budget.

So the issue here is simple and straightforward. Should we count these outlays as part of the Federal budget next year when the expenditures occur next year and each year through the year 2003? I believe we should. Some of our colleagues are going to say, "Well, you know we can't make cuts this year because we would have to interrupt the expenditures of the various Government agencies that are spending money and we are halfway or more through the fiscal year." We are not talking about this year. We are talking about spending money in 1999. We have not even written the budget for 1999 yet. All we are saying is when we do write the budget in 1999, take the money we are spending under this bill in that year and count it as part of the money being spent that year. That way the surplus does not go down. That way we do not take money away from Social Security.

So I see this as being a test of whether all that rhetoric that the President said about putting Social Security first was phony or not. The fact that the President sent this bill with an emergency designation that said we are going to spend the Social Security money next year through this bill—that says, to begin with, that his position was phony. But now we are questioning whether or not the Senate is phony on this issue. Do we want to take money that is designated to save Social Security and spend it next year and for the remaining 4 years that this bill will spend out, or do we want to count that money against the budgets in those years so the surplus we expect can be used to save Social Security?

That is what this amendment is about.

So if you meant it when you stood up and applauded the President when he said "Put Social Security first," then you are going to want to vote for the amendment that I am offering with Senator SANTORUM. On the other hand, if that was your position then and now is another day and you are for it in the abstract, but when it gets down to spending the money you are not for that, then you are going to want to vote against this amendment.

So I yield the floor to let my cosponsor speak.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Mr. President, the Senator from Texas did an excellent job of outlining the amendment. I think his comments are very persuasive. Let me add one element to the veracity of the comments of the Senator from Texas.

He said this bill has some $2.5 billion for offset emergencies. He said but on average, about this fiscal year, that we will get up to five. There was discussion in the Cloakroom about an amendment to add another $1.6 billion of emergency spending. So maybe before the day is out, as opposed to before the year is out, we will get to our $5 billion in emergency spending for this year.

When I say "emergency," people tend to think when you hear the term "emergency," an ambulance, or something that has to be done right away. A lot of these things don't have to be done right away. As the Senator from Texas laid out, a lot of this spending doesn't get spent right away. It gets spent in the long term.

What we are trying to do is say, look, if you have an emergency now, we have to spend the money now. We are in the middle of the fiscal year. We understand that to go back and ask to try to offset this money within the FEMA budget, or the Defense Department, or wherever the other spending proposals come from, would be very difficult. We understand the difficulty in these departments.

But there is no reason why our good friends, the appropriators, cannot within the context of this year's budget for this additional spending that we are going to pass today and appropriate today—whether they can't put it within their appropriations amounts for the fiscal year. That is responsible budgeting. That is, in fact, truth in budgeting.

The Senator from Texas is right about the issue of Social Security. I chair the leader's task force on the issue of Social Security here in the Senate. I was one of those people who stood up and applauded the President for saying "Save Social Security First." Use that money, use that surplus out there to direct the Social Security to save the Social Security system in the future.

If we are going to box this money, remember, we said we are going to put this money and set it aside. Well, here is the money. Here is the money. Here are those first few dollars that we had planned to set aside. They want to spend it right now.

That is not a good-faith promise to the American public. We know the President is not going to keep his promises. But that doesn't mean we shouldn't keep our promises.

I noticed, because I was watching across the aisle, that every single one of my Democratic colleagues jumped up when the President said "save Social Security first." Use that money that is there, that surplus that is coming down the road, and use that to save Social Security. They jumped up, and said, "Yes; we are going to use that money to save Social Security."

Here is the first vote of whether we are going to use the surplus to help transition for future generations the Social Security system, or whether we are going to use it for current political needs.

I will be honest with you. These are not emergency needs in the real sense of the word. These are not unpredictable needs. As the Senator from Texas said, with respect to defense, I think most Members of the Senate knew we were going to be in Bosnia. I certainly believe the President knew we were going to be in Bosnia. He certainly knew the costs associated with being in Bosnia. I think the President and the people at FEMA and the people here in the Senate knew that the money we appropriated for disasters was not going to be sufficient to be able to fund it. It has not been for the past 7 or 8 years that I can recollect since I have been here. We have always, or seemingly, had some money—some years more, some years less—for disasters, natural disasters that are out there because we never adequately appropriated.

I have to say I took my hat off to the Senator from Missouri, Senator BOND. That is his subcommittee. He has done a tremendous amount of work in trying to get FEMA to come forward with reforms so we don't have this open spigot where the money just flows out of here for natural disasters in some places not particularly well-accounted for. He has done a great job, and, in fact, has a bill before the Environment and Public Works Committee, I believe, to make some reforms in FEMA so we aren't back here every year with the President having this wide latitude to declare emergencies and spend all sorts of money outside of the confines of what we believe emergencies should be.

So we have hopefully in place some tools in the future to control the growth or the expansion of these emergencies we have to end up dealing with. But the issue before us now is a very simple one. It is one that I hope we can agree to because it does not affect current outlays, it does not affect the current year budget, and it doesn't put any pain on the administration to come up with money in this year's budget cycle.

I had a meeting the other day with the Chief of Naval Operations. He told me that as a result of the operations they deployed—whether it is the gulf, Korea, or Bosnia, or whatever—because of these extended deployments that they have had they have had to continually reprogram—not money; they can find the money other places within the Defense Department—he is spending more of his time doing bookkeeping or reprogramming money than he is out there leading our sailors. That is not a good position for our CNO to be in. We want him to pay attention, not just to the accounting within the service, but how we are going to be an effective fighting force.

So I understand the problems and the concerns. Senator GRAMM's amendment and my amendment deals with the issue of not making the CNO go back and find money and shift it all around, but it says: Declare the emergency. You have the money this year, but in future years when we do have an opportunity to put it in context, keep it under the caps.

I know the caps are tough. I know Senator GRAMM and I, as well as every Member of the Senate, will come to the chairman of the Appropriations Committee and say: Mr. Chairman, I am going to need help for this project, or I am going to need this—and I understand that. But I also expect him to do it within the caps, as I expect him to do this within the caps for future year funding.

If we do not do that, then that downpayment on transitioning Social Security, that downpayment on creating that pool of money that is going to be so crucial for us to begin to develop a system in Social Security which is going to allow that transition for future generations of Americans to have some hope, some hope that Social Security will be there when they retire, will be frittered away, and all the promises that were made about how we are going to put Social Security first will go by the wayside when some other thing comes up first.

I suspect this will not be the last time we do this. We will be back with another emergency bill, I am sure, before the end of the year, and we will have other plans. The President in his budget already has spent some of the surplus with overprojecting his revenues and underprojecting his expenditures, and so the surplus has already been eaten up.

Look, I think there is a sincere feeling in this Chamber actually to take the surpluses that we are expecting in the next few years and use them for Social Security. I believe my colleagues, when they say that is what they would like to do with it, that they would like to save Social Security first, we can say that and we can mean it, but we have to do something to ensure that it is there. We have to make sure we are not robbing future generations with appropriations bills, year-to-year appropriations bills, spending more than the caps and thereby winnowing away that surplus.

This is our first opportunity to stand up and say we are going to live within the budget and thereby, living within the budget, we will have money available to do what is right for the American public and that is create a Social Security system that will be there for future generations.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Alaska.

Mr. STEVENS. Mr. President, to begin with, let me say to my friend from Texas, I hope he will never again say that this Senator brought a bill to the floor to cheat. If he wants to start arguments here sometime, this Senator is fairly well ready for that. But I will just put that aside for now and discuss the merits of the issue that the Senator has brought to the Senate.

We have followed the Budget Act. If you look at our report that we filed with the Senate, on page 36, Members of the Senate will see the 5-year projection of outlays is in compliance with section 308(a)(1)(C) of the Congressional Budget Act of 1974 as amended. We have provided the 5-year projection associated with the budget authority that we provide in this bill. There are, in fact, follow-on costs for the outlays for moneys that are expended this year. They have to continue to spend for a period of years, and the Budget Act requires us to do this. It requires us not only to do it but to inform the Senate how much it is going to cost. There has been no cheating here. As a matter of fact, we have gone out of our way to make certain we have complied to the exact letter and dot and paragraph of that bill.

Now, I want the Senate to know the effect of this amendment was just the contrary to what the Senator from Pennsylvania said. If we do not provide this money on the basis of ongoing accounts based upon the emergency that exists now, every year subsequently, when there are amounts to be expended, the commanders will have to do the reverse of what the Senator from Pennsylvania said. They will have to take something out of their budget. Remember, we have a flat line budget now for 5 years. They will have to take something out to accommodate for an emergency that existed in 1998. We are providing money pursuant to the President's designation of an emergency, primarily for Southwest Asia and for Bosnia.

There are ongoing costs to this emergency. We have deployed people to Kuwait City and to the Persian Gulf. When the emergency is over, they will have to be brought back. Those costs are part of the emergency. But under the amendment of the Senator from Texas, they will be part of the normal operating costs of that year, and it will be just that much less available for training or for acquisition, for procurement of various items. Whatever the bill authorizes that year, these moneys will have to come out first because they have already been obligated first.

For instance, the Department of Defense estimates that it will cost $250 million to redeploy these forces that went to Southwest Asia. Once they are redeployed to the United States, they are reconstituted in their units, and that cost of reassociating with various units, the total cost of that is $250 million. That is still part of the emergency. That is not something that is just a normal event taking place in subsequent years, in the year 1999 or the year 2000. The impact of what the Senator from Texas has suggested would be to say: "The President can declare an emergency and have the funds not be counted for this year only" means that the emergency is over on September 30. Right? Wrong. Even if the deployment stopped at the end of September 30—I hope it will stop sooner—there would be ongoing costs associated with the emergency, and that is what we have covered as the Budget Act requires us to cover.

If this emergency designation is lifted, what are the consequences in 1999? We go into 1999, according to the CBO, with a $3.7 billion outlay deficit. What the Senator from Texas is saying is, notwithstanding that, we are going to add all the costs associated with the emergency from 1998 that are actually paid in 1999. If you talk about complicating the bookkeeping of the Department of Defense, I don't know of any better way to do it. If there is $400 million that remains unobligated as of September 30, and it pays out in 1999, CBO is going to score that $400 million for 1999. Even though it was an obligation that came about because of the 1998 emergency, and it is spent in 1999, we are going to have to take $400 million out. I wonder how many things are going to come out of Texas or Pennsylvania if that happens.

I am not going to do it because that is over to the Department of Defense. But I can assure you that any State involved that has outlays is going to suffer, and the program will be reduced. Accommodating this amendment will bring about $2 billion in 1999 of budget authority being utilized because it will take the outlays for that year based upon procurement rates of outlays and say you cannot start $2 billion worth of acquisitions because of an emergency that happened in 1998. We should tell the Department of Defense, cancel the F-18s, cancel the ships, cancel whatever it is we are going to try to procure. I am talking about procurement outlays, which are the ones that are going to suffer the most.

Mr. President, we have in this proposal—the Budget Act is very wise, really. There is an incentive to manage the money correctly, to not wish to spend it before the end of this year. The effect of the Senator's amendment would be if you can get the money spent before the end of the fiscal year, then you can take it all off this year, it doesn't count. But if you take anything into the next year, guess what. It counts against your next year's outlay allowance. So what does that do? It is a rush to the cash register for September 30; a total disincentive to manage money right.

I have seen amendments that have been brought to the floor that attempted to reconstruct the whole apparatus of the Budget Act, and I have to say I have some problems with the Budget Act, and the Senate will hear about those later with regard to scoring. But this is not one of them. The Budget Act was correct. When we have an emergency or a disaster—this would cover the disaster money too, by the way.

I don't quite understand what they are doing, because we have disasters. When we had our great earthquake in 1964, we did not pay for some of those things that we had to do until 1966. Look at what is going on in Georgia right now, and Mississippi and Alabama. Does anyone think that all of those levees are going to be reconstructed by September 30? I want the Senate to start thinking, and, above all, I want to say again, I want the Senator from Texas to be careful when he accuses this Senator of cheating with an appropriations bill. That does not go down lightly with me.

I remember the days before when I saw majority Members arguing, and I can tell you the majority didn't last very long. The majority doesn't last very long when people come out and accuse chairmen of motives that are just absolutely unfounded.

Mr. President, at the appropriate time I will move to table the Senator's amendment. I can tell the Senate I will remember the Senators who do not vote to table this amendment.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, first of all, I want to answer the question about the cheating. I said the Senate and the President were cheating on a commitment that we made, and I stand by that point. I don't single any Senator out in the process. But the bottom line is, facts are stubborn things. Let me review the facts.

Eight weeks ago today the President of the United States stood at the Speaker's table at the House of Representatives, we were all there, and talked about the fact that we were about to have a surplus. And he used his words, great slogan—he has no program, as we know, but he has a great slogan—save Social Security first. We are going to have a program to save Social Security. In fact, there are three Members right here on the floor who are working on one.

But we can't save Social Security if we don't have the money. So, when the President said "save Social Security first, take the surplus and use it to save Social Security," there was an eruption of applause. We all stood up. We all applauded. And now we are in the process on this bill of taking $1,979,000,000 away from Social Security, money that would have gone to help us make the system solvent not just for our parents but for our children, and we are taking it away from Social Security because we are going around the budget.

The Senator from Alaska points out that we have had floods, we have had disasters. No one is saying not to provide the help.

Our amendment provides the assistance. We are for the assistance. But what we are saying is give the assistance this year and we won't even make you pay for it this year. But this bill spends money not just this year but for the next 5 years. All we are saying is, the money that will be spent next year and through the year 2003, count it as part of the budgets in those years.

Our colleague from Alaska tells us, "Well, the departments will have to change their budgets next year and in 2000 and 2001 and 2002 and 2003" if we make them count spending that they are incurring in those years. How many families have the option when Johnny falls down the steps and breaks his arm and they have to take Johnny to the emergency room and they have to have the arm set can say, "Well, now, we have already planned our vacation next year. We were going to buy a new refrigerator. You can't expect us to go back now and change our budget and not buy a refrigerator because Johnny broke his arm." That would be a great world for real Americans to be able to say, "Well, you know, we had planned on this and this thing happened and we don't want to have to change our plans."

The point is real American families change their plans every single day. So, far from being this outrageous proposal that is going to put great hardship on the American Government, we are not saying don't fund the emergencies; we are saying fund it. What we are saying is that we should pay for them. We are not even asking that they be paid for this year, but we are saying when you haven't even written the budget yet for 1999, why should you spend $1.533 billion next year and not even count it in next year's budget?

Finally, let me say that with regard to projects in Texas and Pennsylvania, I never thought we were going to balance the budget without making tough decisions. If we have to affect defense spending or nondefense spending in all 50 States and the District of Columbia to balance the budget and save Social Security, I thought that's what we were about.

But this amendment is eminently reasonable. You can be for it or you can be against it. Both those positions are perfectly legitimate. But you cannot say that we are going to use the surplus to save Social Security and put Social Security first and defend the surplus as the President has said and then turn around, as the President has done, and start spending the surplus, which he did when he sent this bill to Congress without offsetting spending. You can't do that and claim that you are serious about wanting to protect the surplus. You can't have it both ways. You can be for all these programs, you can be for this emergency spending without offsetting it, but you can't turn around and say that you are living up to the commitment that we have made.

So this is a serious issue. It seems every year that I and others end up offering these amendments saying we know there are going to be emergencies, we ought to be setting aside the money as we used to.

Let me just read you these numbers. Last year, we had $5.4 billion of emergency spending that we added directly to the deficit, some of it being spent this moment. The year before, we added $6.4 billion, the year before $10.1 billion, the year before $9 billion and the year before that $5.4 billion.

When we go back to 1991 and 1992, the numbers were pretty small, but beginning in the Clinton administration, we have averaged, if you take the actual outlays, $7.3 billion of emergency spending every single year since Bill Clinton has been President.

Now, did any of these expenditures occur because we had no way of anticipating they would occur? Absolutely not. We knew there were going to be emergencies. America is a big country, and we have emergencies every single year. But we set aside no money for the purpose of paying for them. How can anybody call the Bosnian deployment a new, unexpected emergency this year? Why didn't the President put the money in his budget last year? He didn't do it because it was a way of jimmying the books. It was a way of spending money without saying he was spending it, knowing that we would pay for it in a supplemental appropriation. And I can tell you what will happen this year. We will not provide money for Bosnia in the defense bill, and we will do the same thing again next year.

So here is the point: We do have the power under the Budget Act, with the compliance of the President and Congress, to spend the surplus. We have the power to do that by declaring an emergency. What Senator SANTORUM and I are saying is declare an emergency for spending this year, but the spending that is going to occur in 1999, 2000, 2001, 2002, and 2003, for the money that will be spent under this bill all the way out 5 years from now, go ahead and build that into the regular budget so that we don't raise total spending in those years from this bill and so that the surplus in those years that we are counting on for a budget that we have not yet brought to the floor of the Congress, but money we are counting on to put Social Security first, will actually be there to put Social Security first.

So that is what we are trying to do in this amendment. It is an amendment you can be for or against, but it is not very confusing. It basically says pay for these programs. We don't have to. We, obviously, have the power not to, and we haven't in any year since Bill Clinton has been President. Not that we haven't voted on it. We voted on it regular like clockwork. I or another Senator have offered an amendment to each and every one of them, and all of these amendments have failed. But the point is we have it within the power to pay for them, and I hope we will pay for them.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, the law we passed in August 1997, Public Law 105-33, contains this provision, which is the one I referred to before, but I want to read it now. It pertains to sequestration. When the OMB determines spending—they determine whether we lived up to the caps that are in the budget agreement—it first is instructed to examine those budgets. What it says is this:

> OMB shall calculate in the sequestration report and subsequent budgets submitted by the President under section 1105(a) of title 31, United States Code, shall include adjustments to discretionary spending limits and those limits as adjusted for the fiscal year in and each succeeding year through 2002 as follows: Emergency appropriations—If for any fiscal year appropriations for discretionary accounts are enacted that the President designates as emergency requirements and the Congress so designates in statute, the adjustment shall be the total of such appropriations in discretionary accounts designated as emergency requirements and the outlays flowing in all fiscal years from such appropriations.

Mr. President, what we are looking at is a finding by the Congressional Budget Office which has determined—that is what we put in our report on page 36, the 5-year projection. Incidentally, just as a footnote, I hope everyone knows, they assumed we won't pass this bill, it won't become law until July 1; therefore, the outlays cannot be made until subsequently in July, possibly August and September. So they moved into 1999 a considerable amount of money that actually is going to be spent this year because we are going to pass this bill and it is going to become law before the end of April. There is no question about that. It will, hopefully, become law the 1st of April.

But in any event, what has happened is we have complied with the law, and the law says we list the amounts. Although they are authorized for emergencies that have taken place this year, the spending may continue for a series of years.

The Senator used an interesting analogy about Johnny breaking his arm. We have disaster money here, and there are lots of homes that have been broken. If those homes were covered by insurance, they take a look at it, the insurance adjustor says we are going to pay X dollars, and you proceed to spend that money over a period of years. You get it from your insurance account.

They don't come by and say, "OK, you only get the amount of money you can spend this year." That is what the Senator from Texas is saying. The disaster account is a taxpayer insurance against the calamity of disasters that take place in this country. And as such, the impact of the Senator's amendment—anyone who has had a disaster in their State this year better listen to me now because he is saying that all you can do is count the emergency only for the money that can be spent this year. It is outlays. Very little of that money is going to be outlaid this year. We know that. It is primarily the disaster money that is carried out for a period of years.

The Senator mentions Bosnia, and I have opposed the Bosnian deployment. He is not correct in saying we have not budgeted and spent money, programmed money on a nonemergency basis. We have, in fact, appropriated money for Bosnia. We did this year but only through July 1. The emergency came about when the President of the United States found that we could not withdraw. Under his determination and the Joint Chiefs, they decided we have to stay there. We face the problem of paying between now and July 1 and through the end of the year for that deployment.

If we do not put up the money, the money comes, as I said before, from the readiness accounts for moneys we have already appropriated for the fiscal year 1998. That will mean the readiness accounts for the rest of the military not deployed to Bosnia or to Southwest Asia will pay the cost of the emergency.

Mr. President, that is a nice question, whether this is an emergency, but the President has declared it is an emergency and we have agreed it should be an emergency because we really believed when we made the bill up last year for 1998 that the troops would be out by July 1.

Having done that, we spent the balance of the money in the procurement accounts and in the readiness accounts. We were operating under a ceiling. What the Senator from Texas does now, if it is not considered emergency as the President declares it is an emergency, is we have to go back, as I said, and take it out of moneys that we put into, whatever it might be—aircraft acquisition, whatever it might be—in the Department of Defense.

It is not easy to find that kind of money, particularly when we have troops deployed in the field. Over 40 percent of our personnel are deployed overseas right now. If we are going to readjust anything, it has to be in the procurement accounts, and the procurement does not outlay dollar for dollar. If we cancel procurement, we only probably get 10, 15, 20 percent adjustment for outlays.

Again, I say, it will take billions from the 1990 account to deal with the millions that are involved in this bill for expenditure.

I am not going to belabor it except to say, once again, this is a killer amendment. I think it is against the Budget Act. I leave that to the Senator from New Mexico. I hope he will talk about it. At least in purpose it is against it. I think actually it is subject to a point of order, but I don't intend to raise a point of order. If the Senate doesn't understand this amendment, it doesn't understand defense economics and defense spending. I understand there are some people here who want to put the screws on us in terms of the next year.

Remember this, Mr. President. We have no firewall between defense and nondefense next year. We have to legislate it if we can get it. The effect of this is to take money out of defense when defense is already going to be under attack as far as money in 1999.

I just cannot be emphatic enough to deal with this in terms of what it means. It means that we are readjusting the concept of the accounting for emergency money. If you look at just the disaster account alone, it reneges on the commitment we have made to the people who are in the disaster area to help them pay for the cost of adjusting to that disaster.

My State has more disasters than any State in the Union. We don't have any right now, except me, and I feel like a disaster right now because I really don't like this amendment.

I think if Members of the Senate think about it, they will understand what we have done. This amendment impacts defense most damagingly because the funds for Southwest Asia assume current force levels and the current op tempo—the tempo of operations. We made these moneys available until expended. That means they can be expended in 1999 and subsequent years. That gives an incentive to the Department to manage their money wisely and not rush to expend it before the end of this year.

The effect of the Senator's amendment would be to reverse that decision of our committee.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Thank you, Mr. President.

Mr. President, first, I say to the Senator from Alaska, he is absolutely right. I do not think either Senator GRAMM or I are intending, or what the Appropriations Committee did here, is somehow outside the Budget Act or illegal or against the law. Absolutely not. The chairman and the committee followed the Budget Act to a "t." They declared the emergency. The President asked for emergency spending. They went ahead and spent the money outside of the parameters of the budget that we have for the country this year and for future years.

We just do not agree that we should do that. I think we do have the right, because we have done it in the past, to make that spending this year, frankly, for future years, to stay within the caps and to allow some reprogramming to be done within those accounts.

So my argument has never been, and I think the Senator from Texas would admit that his argument has never been, that what they have done is somehow wrong. Not wrong; certainly it is within the law. But to suggest that it is the right thing to do is another matter.

I understand the problems that the Senator has with the defense budget. I have as many concerns as he does with the top line number of defense. I think we are at a very tight defense budget for this year. I serve as a subcommittee chairman on the Armed Services Committee, and I understand the tough choices that have to be made.

I do not have as big a budget to oversee in my authorization. I have about $9 billion to oversee. But I have to make tough choices, and sometimes projects in Pennsylvania do not make it on there. They did not make it on there because they are not worthy projects, not because they are from Pennsylvania or from North Carolina or Texas or anywhere else. And I will assume and I will hope that the appropriations process is a similar one; that we look at the merits of the projects that are on there being requested by the Department and we sort it out on the basis of merit.

That is what I will continue to do and that is what I hope the Appropriations Committee will continue to do. It is a tough job. The resources are very slim. I accept what the Senator from Alaska is saying, that if we adopt this amendment, it will make that job somewhat tougher to do—next year by the tune of about $1.6 billion, and the following year $391 million, and then it sort of trails off to a couple million. But I understand that is a difficult task.

The point we are trying to make is, we did not require you to do it this year because you are halfway through the budget year and it would be very difficult to reprogram that money having been put in a cycle where you had a certain expectation of money, you spent to that level, so you spent half your money and then you are basically taking savings out of the last half of the money that is there, which requires a commensurately higher percentage of cuts than the overall amount.

So I understand that problem. That is why we tried to avoid that problem by saying, if you spend the money this year, you do not have to reprogram it. You can declare the emergency and you can spend it above the budget level.

I find it somewhat curious that the Senator from Alaska would attack our amendment by saying it creates an incentive to spend the money unwisely this year and that he opposes this amendment because we are going to have money being forced out of the pipeline prematurely so it can be spent on an emergency basis as opposed to being kept under the caps in future years.

The only reason we have released the pressure valve, if you will, for this year is because we know the objections that the Senator from Alaska would have if we put the caps on it this year. He would be opposed to it, I suspect, even more vociferously if we made the relevant departments stay within the caps every year as opposed to just future years. So I am not too sure that is necessarily a valid argument.

The bottom line here is very simple. What we are suggesting is to take the money that we know is going to be there for the surplus and use it for Social Security, not for emergency spending, particularly given the fact that I understand from the cloakroom there is another $1.6 billion to throw on top of this bill. It is going to be spent out over the next few years, money that the President has just asked for.

I have voted against disaster bills in the past. In fact, I stood on the floor of the Senate just a few years ago and said I would vote against a disaster bill when most of the money for that bill was going to Pennsylvania—my State. And I said I would do so unless we did something to make sure that that money was offset within the budget, because I feel it is that important. I think there is not truth in budgeting with this administration and with our budgets in the past when it comes to disaster assistance. We chronically have this problem that we do not appropriate enough money.

Again, I do not point to Senator BOND and his subcommittee as the problem. I point down to 1600 Pennsylvania Avenue to a President who just willy-nilly, in many cases, declares items eligible for assistance and expands the definition beyond what congressional intent is as to what is covered. Not that he declares disasters willy-nilly. In fact, they are very serious disasters. But what should be and is eligible to be paid for by the Federal Government is, in fact, where I think we have a problem with this administration, which I think the Senator from Missouri, Mr. BOND, is attempting to correct. So I give credit to him. But we still have the problem.

The problem has shown up in huge amounts of outlays that we spend every year on disasters because we continue to pay ever-increasing amounts from the Federal level on disasters around this country. That is a problem. All we are doing is allowing that spending to continue and not keeping within the discipline that we promised the American public. We promised, us right here in the Senate, we promised the American public that we would stand here and stick to our agreement, that we would not continue this stream of red ink, we would not just continue to spend money like there was no tomorrow, that we were going to put a budget agreement in concrete, we were going to stick to it, and, as a result of that, we would have surpluses, we would have a balanced budget, and we would have surpluses and, as a result, the economic prosperity that would come with that.

Right here today we are just saying, oh, we didn't mean it. You know, we had an unexpected—not so unexpected—expense so we have to break the deal. We are going to break the deal. We are just going to say, fine, we are going to spend more.

I am surprised there is just $1.6 billion more in the cloakroom ready to come down here to be spent. Let us throw in some more. I mean, this is open season. We have lied once. We have broken our promise once to the American public. We said we were going to keep the deal. Now we are not going to keep the deal. Why just 1.6 billion? Let us throw in a few more billion. Once you break it—I mean, it is like being a little bit pregnant—let us really have a party. Let us spend it all. Let us throw some more money down here and find out how much more we can throw on that we can consider an emergency that all we have to do is declare. We do not have to follow any law here. For those of you who think that there is a law that we follow that says "this is actually an emergency" and "this isn't an emergency"—no, no, no. We just have to say it is. That is all. We just say it is, and it is an emergency.

So let us bring all the turkeys out. Let us start flying around and shooting everything around here. And, by the way, there is lots of stuff in here that is not emergency, just supplemental spending that we are just going to throw out here and say, "Well, we'll just include it in. It's something we really wanted to do. Couldn't fit it in last year's budget, may not be able to fit it in this year's budget. It's going to fly. It's going to pass and we can help out some of our Members." It is just not the way we should do business.

Mr. STEVENS. Will the Senator yield for a question?

Mr. SANTORUM. I will be happy to.

Mr. STEVENS. Does the Senator mean to say with regard to disaster money that is in this bill, that only the money that is spent this year will be treated as an emergency?

Mr. SANTORUM. That is correct. Under the legislation, that is correct.

Mr. STEVENS. So that the cost of repairing the levees in Georgia or Alabama or fixing the frozen trees in New Hampshire, wherever they might be, that money, if it is not spent this year, will have to be charged against the regular bill for that purpose in the next fiscal year?

Mr. SANTORUM. That is correct. Just like next year. When we appropriate money this year, when we appropriate money for next year, we will have in the FEMA budget money for anticipated disasters. That is what we will be putting money aside for. That is what we appropriate the money for in FEMA, for anticipated disasters and for spending on those disasters.

What we are saying is, we now have a leg up. We know what money we need to spend this year, so we are going to include it in that budgeted amount. So, yes.

Mr. STEVENS. Does the Senator understand, first we have to declare a disaster for that not to be accounted?

Mr. SANTORUM. That is correct.

Mr. STEVENS. That is what this bill does?

Mr. SANTORUM. Yes.

Mr. STEVENS. Some money is already over there in FEMA, but when it is spent, it is emergency money.

Mr. SANTORUM. That is correct.

Mr. STEVENS. I am not sure the Senator is understanding me yet. The money that we appropriate to FEMA, we just put in FEMA.

Mr. SANTORUM. Right.

Mr. STEVENS. It is counted in the budget. But when they spend it for real emergencies, we relieve them from accounting for that as far as sequestrations are concerned because it does not count against this year's allocation or the allocation in any year for which the outlay is made. Do you understand that?

Mr. SANTORUM. What we are suggesting is that money should count within the budget, that it should count within the amount for that appropriation.

Mr. STEVENS. I say to the Senator, I do not know if a disaster can recover under that situation—not one. We declared a disaster in South Dakota. We declared a disaster because of the earthquakes in California. We did it because of the fact we had to have the emergency designation in order to spend the money.

As a matter of fact, the Senator from New Mexico says there was not enough money. We had to add to it. That is what we are doing to it; we are adding to the money that we previously had. But whatever you spend in connection with these disasters, you do not have to account for it at the time of sequestration. It is only at the time of sequestration.

Mr. SANTORUM. I understand that. All I am saying is that money is going to be spent next year. That money is going to be spent next year. And in the appropriations bill that deals with these different accounts, we are saying we want to keep it under that cap, and that means to find money other places in the legislation, absolutely. That means that we are going to have to reduce other accounts to make sure we stay within those caps.

This is about, in our opinion—I know the Senator from Texas agrees—controlling the growth, controlling Government spending. What we are doing is saying, there is in fact a budget that says there is so much to spend, and whether we declare an emergency or not we are going to stay within that. If we declare an emergency, we can spend the money for that particular purpose—fine—but it is still going to stay in the aggregate cap for our total spending. That is the point we are trying to make.

Mr. DOMENICI. Will the Senator yield for a question?

Mr. SANTORUM. I am happy to.

Mr. DOMENICI. How big does a disaster have to be in terms of its outyear cost for you not to expect it to be paid for out of education money and NIH money and others? How about the Alaskan earthquake? I assume we had 5, 6 percent of the entire budget of the United States in one or two of those years. Is that big enough? Or should we assimilate that and reduce education funding and NIH funding and all the other funds, highway funds?

Mr. SANTORUM. I say to the Senator, I would expect in a $1.6-some trillion budget, that we can in fact find in this case for disasters some $2-plus billion, of which it is not even $2 billion. I think in our opinion it is $3.1 billion—no; less than that—it is $2.5 billion overall. And we are allowing this year's to go as an emergency. So I think $1.5 billion. So we can find $1.5 billion out of the next 5 years'—out of the next 5 years—spending. I think we can do that.

Mr. DOMENICI. I say to the Senator, because I know you intend always to be very precise and specific, and I laud you for that, and you are eloquent in your remarks, I hope you do not speak of a $1.7 trillion budget unless you want to take money out of Social Security and Medicare and all the other entitlements. That is two-thirds of the budget. So we ought to be talking about the right number. Nobody is expecting this to come out of Social Security. Are you?

Mr. SANTORUM. No, I am not.

Mr. DOMENICI. Out of Medicare?

Mr. SANTORUM. No. Roughly a third is discretionary.

Mr. DOMENICI. That is about right.

Mr. SANTORUM. Roughly a third. So roughly a third of the $1.7 trillion. So you are talking about around $550 billion. And we are talking about $1.5 billion out of $550 billion.

Mr. DOMENICI. That includes defense, which more than half of that is. Do you want it to come out of defense?

Mr. SANTORUM. Yes. Part of it does come out of defense within our amendment, yes, absolutely.

Thank you, Mr. President.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I did not intend to speak to this particular amendment because I have an amendment that is sponsored by Senator MOYNIHAN, Senator JEFFORDS, Senator LEAHY, Senator SNOWE, Senator COLLINS and I believe has been accepted by both sides.

But I think it is rather germane because it seems to me that in times of crisis our Nation sets aside its differences and we come to the aid of our neighbors. I do not say that because you had a disaster in the State of Washington, we are not going to be there to help you. That is what happened, and this country came forward together and made available emergency aid, some several billions of dollars. Then we had floods along the rivers. Those rivers were not in New York, but they were in the United States of America, and my State is part of this country. I think that our citizens would have been very upset with this Senator and my colleague if we had voted against providing aid to those who had their farms wiped out, their homes wiped out, their lives disrupted.

What are we doing? I mean, what in the world are we saying here? Are we saying, really, that you should cut the National Institutes of Health by half a percent to provide emergency relief? For whom? For our citizens. My gosh, we have sent troops all over the world to help out others. Are we really seriously saying that we should not make available disaster relief to our citizens without this clap trap of finding it under a budget cap next year? If it is an emergency, by gosh, the American citizens expect us to rally to our neighbors and to our friends and stop this parliamentary nonsense. That is what this is.

I want to tell you something. We should move to table this now. I am not going to do it because that is the chairman's spot. It is his responsibility. We have some important business to get done here. I have an amendment that I am going to offer to help the dairy farmers of New York and the people of New York who are devastated—hundreds of millions of dollars worth of damage, thousands and thousands of manhours lost. Thousands of homes were ravaged as a result of the ice storm when people's power went out for 2 or 3 weeks, and when they came back to their homes, they found them flooded because the pipes had burst.

Now, we have to get to the business of the people and do it here and now and not get into this business of saying we are going to offset next year's expenditures. They have to rebuild those homes, and these are people of modest incomes. Are we really going to say here and now, oh, no, we are not going to do that unless we cut low-income assistance programs next year or unless we are going to cut—what program? Tell me. Tell me. What happens if you have a $10 billion disaster? Next year someplace we are going to start offsetting it? Let's get to the business of the people. This isn't the business of the people. This is playing games.

I would like to be able to offer my amendment, and I would like to move to set aside the pending business. I am going to withhold. New Yorkers have been devastated to the tune of hundreds of millions of dollars.

I just think what is being done absolutely puts us in a light that is irresponsible. If we want to make cuts and say that there are programs here that are not of an emergency nature, I will vote on them. If you want to build bicycle trails—I was here when that was put up, and I voted against bicycle trails—and if you want to build igloos someplace and say that is a disaster when it is not, I am going to vote against it. By gosh, let us not simply say that all of the emergency relief should be treated as a nondisaster. That is not being fair to our colleagues.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I think we can wrap this debate up and have a vote, if we are ready to do it. I do not know if the chairman is going to move to table the amendment or just have an up-or-down vote on it. But I would like to conclude by making several very simple points:

No. 1, no one is saying, and nothing in this amendment has the effect of saying, don't provide emergency money. That is not what the issue is here. This has nothing to do with providing emergency money. Nobody is saying provide it only this year. What we are saying is pay for it. What we are saying is that when you are committing to spend money over the next 5 years—and we have not even written budgets for those 5 years—that these expenditures ought to be counted in the budget.

Do we really take the position that anything we declare is an emergency, and what we are going to spend 4 or 5 years from now should have nothing to do with the budgets we are writing for those years 4 or 5 years from now? I reject that. If this is not the people's business, I don't know what the people's business is.

Finally, the example has been used about an insurance company paying a claim. We want the insurance company to pay the claim but we want the insurance company to cut their dividends. What we want to do here is to be sure that we are helping people who have suffered but that we pay for it by cutting other programs so that we don't end up in a position of claiming that we are setting aside money to rebuild Social Security, and, yet, if this amendment fails, we are going to have $2 billion less to rebuild Social Security with than if our amendment succeeds. That is what the issue is about.

It is pretty simple. And I suggest we vote on it.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair. I actually would ask the Senator from Alaska, if he wants to respond, I would follow. I would be pleased to yield to the Senator from Alaska, but I would like to follow.

Mr. STEVENS. Does the Senator wish to speak on this amendment?

Mr. WELLSTONE. There are a number of amendments out here. I want to speak on another amendment.

Mr. STEVENS. I intend to make a short statement and move to table. Could the Senator make his comments after that?

Mr. WELLSTONE. I ask unanimous consent that after the Senator moves to table and we have the vote, I then be allowed to speak.

Mr. STEVENS. For how long?

Mr. WELLSTONE. Ten minutes.

Mr. STEVENS. I might say to the Senator that we have a 5:30 cloture vote, and we have an agreement. I am informed that following the vote on my motion to table we will have an agreement dividing time between the proponents and opponents of the cloture motion and then vote on the cloture motion. I will be more than willing to say the Senator gets the first 10 minutes after the cloture vote. The cloture vote was supposed to take place at 5:30. We are jammed in on it right now.

Mr. WELLSTONE. Mr. President, I say to my colleague, I want him to have a chance to respond. I know he wants to. I would then ask unanimous consent after we have the debate on the cloture vote and the cloture vote that I be allowed to speak after that vote.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Mr. President, I am not prepared to agree to that because I understand that we have a commitment that we will go out of session at that time.

Mr. WELLSTONE. Mr. President, let me try one other unanimous consent. I ask unanimous consent that I be allowed to speak for 10 minutes before the vote on the IMF amendment.

Mr. STEVENS. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, let me make sure that everybody understands what we are voting on. The Senator from Texas complains—and I think rightly—that we are spending really a great deal of money on disasters. They grow every year, and it is because the moneys that we have allocated to disasters under authorization laws and under regulations have increased.

I tell the Senator that the money available during the period right after the great earthquake in Alaska in 1964 compared to the amount of money that was available to those people who were harmed by the California earthquake—the California program for recovery—was much more heavily financed, and necessarily so. New concepts of assistance have grown since that time.

If the Senator wants to examine and ask the Congress to examine and put limits on what we spend after a disaster, this Senator would be pleased to work with him on it. If the Senator wants to say that we ought to predict how much money we are going to have available for disasters and put a cap on that, this Senator would never agree with that.

If the great Madrid Fault down by Tennessee ever slips again, as it did in the middle of the last century, to the extent that the bells in Boston rang when that earthquake took place in the middle of our continent, if that would happen today, the cost of that disaster would be just overwhelming. There is no way to predict how much money we are going to spend on disasters.

As applied to this bill now, I say to the Senator, if the Senate adopts this amendment, I will move to recommit this bill to the Appropriations Committee because we cannot afford to have such a heavy balance on the 1999 bill that we are working on now for fiscal year 1999 if the Senate adopts the amendment of the Senator from Texas. Disasters aside, the major impact of this amendment is on defense. It would say that any moneys that are spent for the Bosnian or Iraqi deployments after September 30 would count against the allocations that we are already looking at for 1999 under the budget that the President has submitted to us.

I have said before to the Senate, we believe that the impact of this amendment would mean procurement cuts—cuts in the amount of money we allocate to procurement of $2 billion in 1999. That is because when we authorized the use of $2 billion in 1999, the amount that actually would be spent would be about $400 million. That is what it does to the bill we are planning now.

I just do not think that we should have a supplemental that so hamstrings the budget for the full year of 1999 in a way that was never contemplated by the President's budget nor is it contemplated by the budget before the Budget Committee and ready for submission to the Senate. This issue should come up but should come up in other ways, and that is how much money we will spend per person on a disaster.

Does the Senator seek time before I make a motion to table?

Mr. NICKLES. If the Senator will yield, I know there are two or three amendments in line.

Mr. STEVENS. The Senator is correct.

Mr. NICKLES. I have an amendment. I would be happy to introduce it now and you can stack it as well.

Mr. STEVENS. I might say to the Senator that we just had a discussion with the Senator from Minnesota, and I understand there is an agreement to postpone the cloture vote that has been scheduled for 5:30.

So I am going to move to table, and I would renew the request of the Senator from Minnesota that following that vote on my motion to table he get 10 minutes, and after that we will be happy to have any amendments that the Senator from Oklahoma has. All right.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I reluctantly but enthusiastically move to table the amendment of the Senator from Texas and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska to lay on the table the amendment of the Senator from Texas. On this motion, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 76, nays 24, as follows:

[Rollcall Vote No. 40 Leg.]

YEAS—76

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Reed
Reid
Roberts
Rockefeller
Roth
Sarbanes
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—24

Abraham
Allard
Ashcroft
Brownback
Coats
Enzi
Faircloth
Feingold
Gramm
Grams
Helms
Hutchinson
Hutchison
Inhofe
Kohl
Kyl
Mack
McCain
Nickles
Robb
Santorum
Sessions
Smith (NH)
Thomas

The motion was agreed to.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LEAHY. Mr. President, can we have order?

The PRESIDING OFFICER. The Senate will come to order. The majority leader is recognized.

Mr. LOTT. Mr. President, let me withhold while we confer a few minutes more. I don't seek recognition at this time.

Mr. LEAHY. Mr. President, parliamentary inquiry: What is the regular order at this point?

The PRESIDING OFFICER. The regular order is for the Senator from Minnesota to be recognized.

Mr. LEAHY. Mr. President, further, has all time run out on the pending amendment?

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. And will the Chair explain why it would not be the regular order to vote on that?

The PRESIDING OFFICER. The pending amendment is a Faircloth amendment No. 2103.

Mr. STEVENS. Under the unanimous consent agreement, the Senator from Minnesota has 10 minutes coming now.

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. A further parliamentary inquiry, Mr. President. After that 10 minutes, what would then be the regular order?

The PRESIDING OFFICER. The cloture vote.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. D'AMATO. Mr. President, if I might——

The PRESIDING OFFICER. Does the Senator from Minnesota yield?

Mr. WELLSTONE. Mr. President, I want to make sure that I have my time on the floor. I will be pleased to yield.

Mr. D'AMATO. Mr. President, I thank the Senator from Minnesota. I ask unanimous consent that I be given up to 2 minutes to submit an amendment, that has been agreed to by both sides, on behalf of Senator MOYNIHAN, Senator LEAHY, Senator SNOWE, Senator COLLINS and myself, with respect to the disaster bill and ask that the pending amendment be set aside for that purpose.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 2109

(Purpose: To provide funds to compensate dairy producers for production losses due to natural disasters)

Mr. D'AMATO. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO], for himself, Mr. MOYNIHAN, Mr. JEFFORDS, Mr. LEAHY, Ms. SNOWE, and Ms. COLLINS, proposes an amendment numbered 2109.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 5, line 5, strike "DAIRY AND". On page 5, line 8, strike "and dairy". On page 5, line 10, strike "and milk".

On page 5, line 20, beginning with the word "is", strike everything down through and including the word "amended" on line 23, and insert in lieu thereof:

"shall be available only to the extent that an official budget request for $4,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act."

On page 5, after line 23, insert the following:

"DAIRY PRODUCTION DISASTER ASSISTANCE PROGRAM

"Effective only for natural disasters beginning on November 27, 1997, through the date of enactment of this Act, $10,000,000 to implement a dairy production indemnity program to compensate producers for losses of milk that had been produced but not marketed or for diminished production (including diminished future production due to mastitis) due to natural disasters designated pursuant to a Presidential or Secretarial declaration requested during such period: *Provided*, That payments for diminished production shall be determined on a per head basis derived from a comparison to a like production period from the previous year, the disaster period is 180 days starting with the date of the disaster and the payment rate shall be $4.00 per hundredweight of milk: *Provided further*, That in establishing this program, the Secretary shall, to the extent practicable, utilize gross income and payment limitations established for the Disaster Reserve Assistance Program for the 1996 crop year: *Provided further*, That the entire amount is available only to the extent that an official budget request for $10,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act."

Mr. D'AMATO. Mr. President, in response to the 100-year ice storm which hit the Northeast area of the country, and to address the unmet needs of our dairy farmers, I offer this amendment with my colleagues, Senator MOYNIHAN, Senator JEFFORDS, Senator LEAHY, Senator SNOWE, and Senator COLLINS, to reimburse dairy farmers for up to $10 million for their milk losses.

Our amendment covers two types of dairy losses: first, the losses that farmers experienced by having to dump their milk because it either could not be shipped to market or it could not be processed properly; and, second, the losses they will see through decreased milk production over the next few months.

In addition, this amendment will allocate $4 million to provide relief to the dairy farmers who have had a cow die because of the storm. Our amendment, along with the provisions of this bill, will help prevent a lot of dairy farmers who have had thousands of dollars of losses from going out of business.

When disaster strikes, America responds. The damage, adversity, and loss experienced in the North Country and in New England deserves the attention and assistance of our Government.

I thank the chairman of the Appropriations Committee, Senator STEVENS, and the chairman of the Agriculture Subcommittee, Senator COCHRAN, as well as the two ranking members, Senator BYRD and Senator BUMPERS, for their support.

In times of crisis, our Nation sets aside its differences and our own troubles in order to help-out those who are truly in need.

Beginning on January 5, 1998, six counties in the northernmost part of New York State were ravaged by a fierce winter storm that covered the area in a three-inch blanket of ice. On January 10th, President Clinton declared the region a Federal disaster area.

This storm caused tremendous damage to homes, farms, roads and infrastructure throughout this area of northern New York—which we call the North Country.

Tragically, the effects of this storm led to nine deaths in New York.

This ice storm damaged thousands of utility poles, brought down countless miles of power lines and left several hundred thousand people in the dark for up to three weeks.

The loss of power in this region had a particularly difficult impact on North Country dairy farmers.

As some of my colleagues know, dairy cows must be milked at least twice a day, every day. Modern farms use electric milking machines to do this task and then transfer the milk to cooling tanks until it is picked up and taken to an area processing plant.

With no power, farmers did their best to try and milk their cows. For those who had generators and were able to milk their cows, they had to then store the milk.

Unfortunately, for a number of dairy farmers, the lack of power to cool the storage tanks made their milk unfit for consumption.

Farmers also faced the possibility that the milk truck could not reach the farm because icy road conditions, downed trees or downed utility poles made it impossible.

As these circumstances piled up, individual dairy farmers across the entire Northeast region were forced to dump their milk incurring thousands of dollars of losses along the way.

Farmers also have had to worry about mastitis. Mastitis is an inflammation of a cow's udder which can take hold in a cow when it is not milked regularly.

This inflammation can reduce milk production and cause a cow to become sick, requiring treatment with antibiotics. When a cow is being treated with antibiotics, that cow's milk cannot be used.

When a cow gets out of its milking cycle, there is nothing that can be done to make up for that lost production. That milk, and that income, is lost forever.

Overall, dairy production losses may likely add up to millions of dollars for dairy farmers in the North Country and northern New England.

Dairy farmers already run their operations on very tight margins—even a slight decrease in production can cost thousands of dollars and be the deciding factor in determining whether a farmer stays in business or not.

That is why I am offering this amendment—to help provide a measure of relief for New York and New England dairy farmers.

With the passage of this amendment, I believe we will help meet the needs of our dairy farmers as they continue to recover from the effects of this storm.

I am pleased to join with my colleagues in offering this amendment and I urge its adoption.

Mr. LEAHY. Mr. President, I would like to join my colleagues from the Northeast in support of Senator D'AMATO's amendment providing assistance to dairy farmers devastated by an ice storm earlier this year. I am proud to be a cosponsor of this amendment which will provide much needed assistance to dairy farmers in Vermont and throughout the Northeast.

This storm which hit the Northeast on January 9 left dairy farmers in Vermont, New York, New Hampshire and Maine without power for days at a time. I was happy to see that the disaster bill proposed by the administration and passed by the Appropriations Committee includes $4 million to reimburse dairy farmers for production losses suffered during the storm for milk that farmers were forced to dump.

Unfortunately the bill did not consider the long term losses that will be suffered by farmers until milk production returns to pre-storm levels. Now cows don't know whether the power is on or off, they still need to be milked twice a day every day. In addition to the costs incurred by the dumped milk, many cows suffered mastitis as a result of the delayed milking or were thrown off in their milking cycle to the extent that their milk production levels were significantly affected. In Vermont, it is estimated that the cost of long-term production losses will be $186,300. The total damages throughout the region will be much higher. For small dairy farms, this is just one more cost they can not afford to shoulder.

I urge my colleagues to support this important amendment.

Mr. MOYNIHAN. Mr. President, I rise to join my colleagues in emphasizing the importance of providing adequate assistance to the dairy farmers of the Northeast, who suffered tremendous losses due to the ice storm of January 1998. Our amendment will address an important gap in the Dairy and Livestock Disaster Assistance Program described in the supplemental—by providing for compensation for diminished milk production for the remainder of this year.

In the days and weeks following the January ice storm, my staff met with dairy farmers from upstate New York, and listened while they detailed the extent and the nature of their losses. My staff realized that one of the main needs expressed by our farmers—compensation for the diminished production which they knew would ensue for the remainder of the year—was not being addressed. Working with the New York Farm Service Agency, my staff developed an approach which will provide crucial assistance to our farmers for these losses. I am pleased to see that compensation for diminished milk production is included in this amendment.

Without electric power, farmers were unable to use electrical milking machines, in some cases for several days. Veterinarians at Cornell University estimate that two days of missed milkings will result in an average loss in milk production of ten percent for the remainder of the lactation cycle. The situation is analogous to damages to fruit trees, which suffer production losses in the months—or years—following a storm, in addition to the initial losses suffered at the time of the storm.

Diminished milk production losses will greatly surpass the value of milk dumped at the time of the storm. For example, in New York, the value of milk dumped in the days immediately following the storm is estimated to be $1 million. The New York Farm Service Agency projects $12 million in losses due to diminished milk production.

Dairy farmers in Vermont and Maine will be similarly affected.

The amount provided for dairy and livestock in the Administration's request—$4 million—drastically under represents the amount of damage. The $10 million which this amendment will provide for dairy and livestock farmers is based on the best estimates of damages available from the Farm Service Agencies of the affected states. Through this amendment, we will be able to compensate dairy farmers for 30 percent of the value of their demonstrated losses—the same proportion provided to other farmers under previous disaster relief programs.

The farmers of the Northeast dairy industry do not have sufficient means of emergency support outside of Federal aid. Many farmers were shocked to find that their private insurance policies, which do cover losses sustained due to fires, floods, and other natural disasters, will not cover damages sustained during ice storms. The states of New York, Maine and Vermont are offering limited assistance to their dairy farmers, but additional Federal aid is sorely needed.

Mr. President, I thank Senator STEVENS and Senator BYRD for their assistance with this amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2109) was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENT—H.R. 2646

Mr. LOTT. Mr. President, I ask unanimous consent that the cloture vote scheduled to occur at 5:30 this evening be postponed to occur at a time to be determined by the majority leader after notification of the Democratic leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, to notify all Members, we are working and getting very close, I think, to a unanimous-consent agreement being possible with regard to the education savings account issue, and other issues, but we are not quite there. So we think we can keep working on it and reach agreement hopefully early in the morning.

Also, I remind the Senate that we do have this very important opportunity to hear from our former distinguished majority leader, Mike Mansfield, at 6 o'clock. I would like for us to be able to start that right on time in deference to his agreeing to be with us. I urge all my colleagues to come to this first in a series of lectures from former majority leaders and Vice Presidents. Therefore, I ask unanimous consent that the Senate stand in recess until 7:30 p.m. at the conclusion of the 10-minute remarks by Senator WELLSTONE.

Mr. WELLSTONE. Reserving the right to object, and I will not, but I would be pleased, when we go back in session tomorrow, to speak. So you can go ahead, as long as I have consent I will be able to speak for 10 minutes when we go back in.

Mr. DASCHLE. Reserving the right to object, I would like to be recognized following the remarks made by the distinguished majority leader and then preceding whatever remarks the Senator from Minnesota would care to make.

Mr. LOTT. Mr. President, if the Senator would yield, I think that is a very generous offer by the Senator from Minnesota. We will make sure you get the 10 minutes tomorrow, hopefully, I guess, in the morning. That way we can recess before 6 o'clock and allow us to greet Senator Mansfield.

Mr. DASCHLE. Reserving——

Mr. WELLSTONE. If I could say, the understanding is I want a chance to speak before any vote on the IMF.

Mr. DASCHLE. Further reserving the right to object, just to clarify the proposal made by the majority leader, I would assume there would then be no more votes tonight.

Mr. LOTT. There will be no more votes when we come back in at 7:30, although we need to cooperate with the chairman of the Appropriations Committee and the ranking member to try to identify those amendments that will have to be disposed of, will have to be voted on. I urge, again, all Senators—I am not asking for amendments, but I am asking for cooperation in getting a limited number or identifying those amendments we are going to have to have a vote on so we can complete action on this emergency supplemental appropriations bill.

Mr. DASCHLE. Mr. President, again reserving the right to object for purposes of clarification, is it now the understanding of the Chair that I will be recognized following the remarks made by the majority leader?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Would the Senator just yield to me for one question of the majority leader?

We have a series of amendments, when we come back in, that have been cleared and that we are in the process of clearing. I just want to notify all Senators, we will be working on amendments to the bill after the presentation of the former majority leader. So in particular, we wanted to stress the needs for FEMA and CDBG amounts that are part of the request.

Ms. MIKULSKI. We want to debate them tonight?

Mr. STEVENS. No. We want to see if there is objection. So if anyone has any objection, I would like to know before we go out. Thank you.

Mr. LOTT. Mr. President, in view of one development that just occurred—and I think we will have the answer in just 2 or 3 minutes—I want to withhold that unanimous-consent request that we stand in recess until 7:30. I expect to renew that in 2 or 3 minutes. But I would like to hold it at this time; and, therefore, the Senator could be recognized in his own right to speak if that is what he has in mind.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I have indicated to the distinguished chairman of the Appropriations Committee my frustration with the amendment process. The majority leader has noted the need for cooperation.

I think we have been extraordinarily cooperative. I have encouraged my colleagues to withhold on an array of amendments that were proposed. Now we have an array of amendments here, including one now by the Senator from North Carolina having to do with school construction. If we want to get into a lot of these extraneous amendments, I have a whole pot load of amendments over here that we will begin offering.

So, Mr. President, I call for the regular order under these circumstances so we can go back to the business at hand. The business at hand is to deal with the IMF amendment and to get on with resolving these matters once and for all so we can finally come to cloture on this legislation. I call for the regular order and hope that at long last we can begin dealing with these issues one by one.

The PRESIDING OFFICER. The regular order is amendment No. 2100.

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate stand in recess until 7:30 p.m.

There being no objection, at 5:40 p.m., the Senate recessed until 7:30; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ALLARD).

SUPPLEMENTAL APPROPRIATIONS FOR NATURAL DISASTERS AND OVERSEAS PEACEKEEPING EFFORTS FOR FISCAL YEAR 1998

The Senate continued with consideration of the bill.

AMENDMENT NO. 2102, AS MODIFIED

The PRESIDING OFFICER. The pending amendment is the Gorton amendment No. 2102 to Senate bill 1768.

The Senator from Washington is recognized.

Mr. GORTON. Mr. President, I ask unanimous consent the yeas and nays on that amendment be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. I send a modification of that amendment to the desk.

The PRESIDING OFFICER. Without objection, the amendment is modified.

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

SEC. . LIMITATIONS ON INTERNATIONAL MONETARY FUND LOANS TO INDONESIA.

The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use the voice and vote of the United States to prevent the extension of International Monetary Fund resources—

(1) directly to or for the direct benefit of the President of Indonesia or any member of the President's family; and

(2) the Secretary of the Treasury shall instruct the Executive Director to use the U.S. voice and vote to oppose further disbursement of funds to Indonesia on any IMF terms or conditions less stringent than those imposed on the Republic of Korea and the Philippines Republic.

Mr. GORTON. I ask unanimous consent Senator GREGG be added as a cosponsor to the modified amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Earlier this afternoon, I introduced an amendment which would have instructed the U.S. representative to the International Monetary Fund to vote against any proposal with respect to Indonesia that would have benefited President Soeharto or his family or his close associates.

I did so because it seemed to me that while several of the Nations in Southeast Asia that have been subjected to these runs on their currency and toward the present economic crisis were close friends of the United States, had developed democratic institutions like our own, were struggling toward free markets like our own, this was not taking place in Indonesia. It was a wholly-owned family subsidiary benefiting largely the Soeharto family and not the people of Indonesia.

I pointed out that it seemed to me unfair to impose heavy requirements on friends of ours like the Republic of Korea and the Philippine Republic and allow any IMF money to go to Indonesia that was resisting all of the attempts by IMF to reform its economy.

Others, including the Treasury, the distinguished chairman of the committee, and many others who have been interested in the International Monetary Fund asked me to modify my amendment. I have done so, to make it more narrow with respect to aid to the Soeharto family, narrow enough so I must say, I think it is symbolic only, but to require the United States not to favor any proposition with respect to Indonesia that is less stringent than those that the IMF is imposing on the Republic of Korea and the Philippine Republic, two of the closest allies and best friends with the longest association with the United States of any of the countries of Southeast Asia.

With that motion, I understand the amendment is acceptable and will be adopted by a voice vote. But I do want to say that I know that I represent a strong strain of opinion in this Senate that we should not be bailing out the Soeharto family, even indirectly, through our contributions to the International Monetary Fund.

I want the message to be heard loud and clear in Jakarta that true reforms to its economy are absolutely essential, that the International Monetary Fund and the United States are simply not interested in bailing out a family enterprise—fortunes stolen through corruption and inside dealing in the way that has been all too true in Indonesia over the course of the past decades—that there is a difference among the countries seeking aid in Southeast Asia from the International Monetary Fund. I am told that in some respects the requirements being imposed on Indonesia are tougher than those on South Korea and the Philippine Republic. If so, that is fine. But I certainly don't want us favoring Indonesia over those two nations that have been our allies for such an extended period of time.

So even if this amendment is only symbolic at this point—and it may very well be—I think the symbolism is important. I think that symbolism is vitally important.

I believe as a general proposition that it is in the interests of the United States to help the International Monetary Fund help countries that are willing to try to help themselves out of a severe economic crisis, even selfishly from the point of view of our own economy and our own exporters who are already seeing, in increasing trade deficits, the adverse impacts on trade in the crisis in Southeast Asia.

Certain IMF assistance is in the interest of the United States. Bailing out the Soeharto family is not, and that is what this amendment is designed to accomplish.

Mr. STEVENS. It is my understanding that the amendment of Senator GORTON has been cleared on both sides, and I know of no other debate. I congratulate the Senator for working so hard on this amendment. I remember the discussions that he and I had with various members of the South Pacific community in Australia when we were down there earlier this year. This certainly reflects the general feeling in the Senate.

The Senator is to be congratulated for doing this.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2102), as modified, was agreed to.

Mr. GORTON. I move to reconsider the vote.

Mr. STEVENS. I move to lay it on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The pending amendment is the Faircloth amendment, No. 2103.

Mr. STEVENS. I ask unanimous consent that amendment might be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 2111 THROUGH 2116, EN BLOC

Mr. STEVENS. I will send to the desk the managers' package of amendments that have been cleared on both sides: The first amendment, for Mr. LEAHY, to eliminate the State matching requirement with respect to certain amounts made available for fiscal year 1998 for the Small Business Development Center Program of the Small Business Administration; the second amendment, for Senators COVERDELL, COCHRAN, BUMPERS, BOXER, and CLELAND, to provide additional funds for emergency watershed and flood prevention separations and strike certain earmarks from the bill; third is an amendment, for Senator KENNEDY, to authorize the Secretary of Defense to lease or create another type of short-term interest in certain land near the Massachusetts Military Reservation; fourth is, for Senators COATS and LIEBERMAN, to extend the National Defense Panel to the end of fiscal year 1998; the fifth amendment is on behalf of Senators SHELBY, BYRD, BOXER, and Senator DORGAN, to provide funds for emergency railroad rehabilitation and repair; the last amendment is on behalf of Senators GREGG and HOLLINGS, to allow the transfer of funds from various agencies to the State Department to address the cost of departmental overhead.

As I indicated, these have all been cleared on both sides. I ask for their consideration.

The PRESIDING OFFICER. The clerk will report the amendments, en bloc.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes amendments No. 2111 through 2116, en bloc.

The amendments are as follows:

AMENDMENT NO. 2111

(Purpose: To eliminate the State matching requirement with respect to certain amounts made available for fiscal year 1998 for the Small Business Development Center program of the Small Business Administration)

At the appropriate place, insert the following:

SEC. . Notwithstanding section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) or any other provision of law, of the amount made available under the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119) for the account for salaries and expenses of the Small Business Administration, to fund grants for performance in fiscal year 1998 or fiscal year 1999 as authorized by section 21 of the Small Business Act (15 U.S.C. 648), any funds obligated or expended for the conduct of a pilot project for a study on the current state of commerce on the Internet in Vermont shall not be subject to a nonfederal matching requirement.

AMENDMENT NO. 2112

(Purpose: To provide additional funds for emergency Watershed and Flood Prevention Operations and to strike earmarks from the bill)

On page 4, line 1, beginning with the word "of", strike all down through and including the word "That" at the end of line 3.

On page 6, line 6, strike "$50,000,000" and insert "$100,000,000".

On page 6, line 7, beginning with the word "of", strike all down through and including the word "That" on line 10.

On page 6, line 12, strike "$50,000,000" and insert "$100,000,000".

Mr. COVERDELL. Mr. President, I would first like to commend the chairman, Senator STEVENS for his attention to Georgia disaster victims in this bill. I would also like to thank Senator COCHRAN for his fine work as Agriculture Subcommittee chairman in working through the many requests for assistance he has received.

Mr. COCHRAN. I thank the Senator.

Mr. COVERDELL. I would like to ask a question of Chairman COCHRAN if I might. Is it the Senator's understanding that the $40 million in the Emergency Conservation Program account and $10 million in the Emergency Watershed and Flood Prevention Program account we provided for the State of Georgia in the 1998 Emergency Supplemental Appropriations Bill is sufficient to fully cover our losses.

Mr. COCHRAN. The Senator from Georgia is correct with regard to the Emergency Conservation Program. Officials at the Department of Agriculture have reported that the $60 million that we provided for this program will be more than sufficient to address Georgia's disaster needs. Regarding the Emergency Watershed and Flood Prevention program, officials have reported that Georgia will require approximately $25 million, according to the current estimates.

Mr. COVERDELL. Would the Senator from Mississippi be willing to consider an amendment providing additional funds for the Emergency Watershed and Flood Prevention account in order to cover the $25 million needed for relief in Georgia and for needs resulting from more recent disasters elsewhere? And, if this assistance is provided at these levels, will it be sufficient to cover Georgia's estimated disaster needs?

Mr. COCHRAN. I would be happy to agree to the amount necessary to cover disaster assistance under the Emergency Watershed and Flood Prevention Program for Georgia in the wake of its recent flooding and tornado damage. In response to the second question, it is my understanding currently that the agricultural disaster needs of Georgia will be sufficiently addressed with a total supplemental appropriation of $100 million in the Emergency Watershed and Flood Prevention account and $60 million in the Emergency Conservation Program. So, yes, Georgia's needs will be accommodated, and the Senator's work on behalf of his state is appreciated.

Mr. COVERDELL. The Chairman's assistance is greatly appreciated. Rest assured these vital funds will go to good use in what has become a very trying year for Georgia farmers, and the Chairman's leadership is especially helpful to my state.

THE CHINO DAIRY PRESERVE IN SAN BERNARDINO COUNTY

Mrs. BOXER. Mr. President, one of the consequences of the torrential rains in Southern California has been massive flooding. In the Chino Basin in San Bernardino County, we have a dairy preserve that is home to more than 325 thousand dairy cows. Because of the heavy rains, wastewater wash flows and related manure that are usually stored in lagoons for subsequent disposal, have become inundated causing overflows. These overflows discharge into the Santa Ana River, threatening the underlying aquifer and impairing the water quality. It is important to note that the Santa Ana River is a drinking water source for more than 2 million citizens in Orange County, California. These threats include inorganic salts, parasites, bacteria and viruses and can pollute drinking water with high levels of nitrates that can be potentially fatal to infants.

I would like to ask Senator COCHRAN, chairman of the Agriculture Appropriations Subcommittee, a question. I have been told by the United States Department of Agriculture that $5 million of the amount requested by the Administration for California from the United States Department of Agriculture Natural Resources Conservation Service Watershed and Flood Prevention Operations, is for the Chino Dairy Preserve in San Bernardino County. Is this the understanding of the Chairman?

Mr. COCHRAN. Yes, I understand that the United States Department of Agriculture estimate includes $5 million for the Chino Dairy Preserve in San Bernardino County. I support this appropriation.

Mrs. BOXER. I thank the chairman.

This $5 million will provide important emergency work to begin repairing flood control channels, berms and other related activities that will ensure that this important watershed is provided every protection possible.

With this disaster assistance, we can begin the process of responding to this public health problem without delay and ensure that the citizens of Orange County will have continued confidence in their water supplies. I express my deep appreciation to the chairman, my colleagues on the Committee, and the U.S. Department of Agriculture for their support of this appropriation.

AMENDMENT NO. 2113

(Purpose: To authorize the Secretary of Defense to acquire a lease or other short-term interest in certain cranberry bogs near the Massachusetts Military Reservation, Massachusetts)

On page 15, below line 21, add the following:

SEC. 205. (a)(1) The Secretary of Defense may enter into a lease or acquire any other interest in the parcels of land described in paragraph (2). The parcels consist in aggregate of approximately 90 acres.

The parcels of land referred to in paragraph (1) are the following land used for the commercial production of cranberries:

(A) The parcels known as the Mashpee bogs, located on the Quashup River adjacent to the Massachusetts Military Reservation, Massachusetts.

(B) The parcels known as the Falmouth bogs, located on the Coonamessett River adjacent to the Massachusetts Military Reservation, Massachusetts.

(3) The term of any lease or other interest acquired under paragraph (1) may not exceed two years.

(4) Any lease or other real property interest acquired under paragraph (1) shall be subject to such other terms and conditions as are agreed upon jointly by the Secretary and the person or entity entering into the lease or extending the interest.

(b) Of the amounts appropriated or otherwise made available for the Department of Defense for fiscal year 1998, up to $2,000,000 may be available to acquire the lease or other interest acquired under subsection (a).

AMENDMENT NO. 2114

(Purpose: To extend the National Defense Panel to the end of fiscal year 1998)

On page 15, after line 21, insert the following:

SEC. 205. (a) Section 924(j) of Public Law 104–201 (110 Stat. 2628) is amended to read as follows:

"(j) DURATION OF PANEL.—The Panel shall exist until September 30, 1998, and shall terminate at the end of the day on such date.".

(b) The National Defense Panel established under section 924 of Public Law 104–201 shall be deemed to have continued in existence after the Panel submitted its report under subsection (e) of such section until the Panel terminates under subsection (j) of such section as amended by subsection (a).

Mr. COATS. Mr. President, the report of the National Defense Panel (NDP) has been tremendously useful to the Congress as we consider the national security requirements for our military today, and into the 21st century. The termination of the National Defense Panel (NDP) is extended through fiscal year 1998 to provide additional details on their deliberations. The members of the National Defense Panel have provided insightful testimony on their assessment of the scope scale, and pace of military transformation needed to address the operational challenges of the 21st century. They are also providing insights on transforming the defense industrial base and infrastructure. The NDP will retain status, staff, and facilities as directed in section 924 of the National Defense Authorization Act for 1997.

AMENDMENT NO. 2115

(Purpose: To provide funds for emergency railroad rehabilitation and repair on Class II and Class III railroads)

(On page 45 of the bill, between lines 13 and 14, insert the following:)

FEDERAL RAILROAD ADMINISTRATION

EMERGENCY RAILROAD REHABILITATION AND REPAIR

For necessary expenses to repair and rebuild freight rail lines of regional and short line railroads or a State entity damaged by floods, $10,600,000, to be awarded subject to the discretion of the Secretary on a case-by-case basis: *Provided*, That not to exceed $5,250,000 shall be solely for damage incurred in the Northern Plains States in March and April 1997 and in California in January 1997 and in West Virginia in September 1996: *Provided further*, That not less than $5,350,000 shall be solely for damage incurred in Fall 1997 and Winter 1998 storms: *Provided further*, That funds provided under this head shall be available for rehabilitation of railroad rights-of-way, bridges, and other facilities which are part of the general railroad system of transportation, and primarily used by railroads to move freight traffic: *Provided further*, That railroad rights-of-way, bridges, and other facilities owned by class I railroads are not eligible for funding under this head unless the rights-of-way., bridges or other facilities are under contract lease to a class II or class III railroad under which the lessee is responsible for all maintenance costs of the line: *Provided further*, That railroad rights-of-way, bridges and other facilities owned by passenger railroads, or by tourist, scenic, or historic railroads are not eligible for funding under this head: *Provided further*, That these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amounts as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That all funds made available under this head are to remain available until September 30, 1998: *Provided further*, that the Secretary of Transportation shall report to the House and Senate Appropriations Committees not later than December 31, 1998, with recommendations on how future emergency railroad repair costs should be borne by the railroad industry and their underwriters.

AMENDMENT NO. 2116

At the appropriate place in the bill, insert the following:

SEC. . (a) Any agency listed in section 404(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998, P.L. 105–119, may transfer any amount to the Department of State, subject to the limitation of subsection (b) of this section, for the purpose for making technical adjustments to the amounts transferred by section 404 of such act.

(b) Funds transferred pursuant to subsection (a) shall not exceed $12,000,000, of which not to exceed $3,500,000 may be transferred from the U.S. Information Agency, of which not to exceed $3,600,000 may be transferred from the Defense Intelligence Agency, of which not to exceed $1,600,000 may be transferred from the Defense Security Assistance Agency, of which not to exceed $900,000 may be transferred from the Peace Corps, and of which not to exceed $500,000 may be transferred from any other single agency listed in section 404(b) of P.L. 105–119.

(c) A transfer of funds pursuant to this section shall not require any notification or certification to Congress or any committee of Congress, notwithstanding any other provisions of law.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments (Nos. 2111 through 2116) were agreed to.

Mr. STEVENS. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 2117 TO 2119, EN BLOC

Mr. STEVENS. I have additional amendments that have been cleared on both sides. The first amendment, by Senator ASHCROFT, is on the IMF and opening markets to agriculture; second is an amendment by Senator HOLLINGS to send a Treasury team to collect data on industry statistics and the impact of the Asian economic crisis; and the last is an amendment by Senator GRASSLEY, accompanied by a statement that he wished to insert in the RECORD before adoption of the amendment regarding reforms in bankruptcy laws.

I send the package to the desk.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

The clerk will please report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes amendments Nos. 2117 through 2119, en bloc.

The amendments are as follows:

AMENDMENT NO. 2117

(Purpose: To use the voice and vote of the United States to enhance the general effectiveness of the International Monetary Fund)

On page 8, after line 25, insert the following new section and renumber the remaining section accordingly:

SEC. . ADVOCACY OF POLICIES TO ENHANCE THE GENERAL EFFECTIVENESS OF THE INTERNATIONAL MONETARY FUND.

The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use aggressively the voice and vote of the United States to vigorously promote policies to—

(2) encourage the opening of markets for agricultural commodities and products by requiring recipient countries to make efforts to reduce trade barriers.

AMENDMENT NO. 2118

Insert at the appropriate place in the IMF title:

SEC. . IMF INDUSTRY IMPACT TEAM.—(a) After consultation with the Secretary of the Treasury and the United States Trade Representative, the Secretary of Commerce shall establish a team composed of employees of the Department of Commerce—

(1) to collect data on import volumes and prices, and industry statistics in—

(A) the steel industry;

(B) the semiconductor industry;

(C) the automobile industry; and

(D) the textile and apparel industry;

(2) to monitor the effect of the Asian economic crisis on these industries;

(3) to collect accounting data from Asian producers; and

(4) to work to prevent import surges in these industries or to assist United States industries affected by such surges in their efforts to protect themselves under the trade laws of the United States.

(b) The Secretary of Commerce shall provide administrative support, including office space, for the team.

(c) The Secretary of the Treasury and the United States Trade Representative may assign such employees to the team as may be necessary to assist the team in carrying out its functions under subsection (a).

AMENDMENT NO. 2119

At an appropriate place, add the following:

"(c) BANKRUPTCY LAW REFORM.—The United States shall exert its influence with the IMF and its members to encourage the IMF to include as part of its conditions of assistance that the recipient country take action to adopt, as soon as possible, modern insolvency laws that—

"(1) emphasize reorganization of business enterprises rather than liquidation whenever possible;

"(2) provide for a high degree of flexibility of action, in place of rigid requirements of form or substance, together with appropriate review and approval by a court and a majority of the creditors involved;

"(3) include provisions to ensure that assets gathered in insolvency proceedings are accounted for and put back into the market stream as quickly as possible in order to maximize the number of businesses that can be kept productive and increase the number of jobs that can be saved; and

"(4) promote international cooperation in insolvency matters by including—

"(A) provisions set forth in the Model Law on Cross-Border Insolvency approved by the United Nations Commission on International Trade Law, including removal of discriminatory treatment between foreign and domestic creditors in debt resolution proceedings; and

"(B) other provisions appropriate for promoting such cooperation.

"The Secretary of the Treasury shall report back to Congress six months after the enactment of this Act, and annually, thereafter, on the progress in achieving this requirement.''

Mr. President, I rise to offer an amendment to the IMF funding amendment offered by Senator HAGEL. The amendment I offer relates to international bankruptcies. As chairman of the Subcommittee on Administrative Oversight and the Courts, which has jurisdiction over bankruptcy policy, I believe that it is crucially important to encourage the IMF to encourage nations which seek IMF economic assistance to implement meaningful bankruptcy and insolvency reforms. In fact, last year, I held extensive hearings on the subject of international bankruptcies. To my surprise, I learned that Wall Street analysts who assess how risky it is to invest in a particular developing country often look at the type of bankruptcy system in place. On the basis of these risk assessments, investors decide whether to invest in a particular country. In other words, bankruptcy reform will encourage private development and investment in emerging economies. My amendment has been developed to encourage the kind of bankruptcy reform which will in turn encourage increased private investment.

As I said, the lack of a developed insolvency system to deal with business failures has frequently been cited as an aggravating factor in the Asian financial crisis. Without effective legal procedures to deal with bankruptcies, jobs are needlessly lost and creditors are needlessly denied access to corporate assets. By encouraging the IMF to push for meaningful bankruptcy reform in economically troubled nations, we will strengthen the global marketplace and provide much-needed certainty to international investors.

The amendment I will offer has been developed in conjunction with the Office of Legal Advisor in the State Department as well as specialists in the field of international bankruptcies who have direct, first-hand experience working with the bankruptcy and insolvency systems in the troubled Asian nations. So, I believe my amendment will result in positive and meaningful change. I urge the passage of my amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments (Nos. 2117 through 2119) were agreed to.

Mr. STEVENS. I move to reconsider the vote, and I move to lay the motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2120

(Purpose: To strike unrelated and unnecessary HCFA funding from the bill)

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of Senator NICKLES.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS), for Mr. NICKLES, proposes an amendment numbered 2120.

On page 39, strike beginning with line 21 through line 24.

On page 50, strike beginning with line 20 through line 24.

Mr. STEVENS. Mr. President, Senator NICKLES intends to raise that amendment tomorrow. It has not been cleared.

AMENDMENT NO. 2080

Mr. KENNEDY. Mr. President, I opposed the amendment by the Senator from Missouri. The so-called ''Family Friendly Workplace Act'' is anything but family-friendly. It is anti-worker and anti-family, and it should not take time away from this emergency appropriations bill.

The amendment was offered three times in the last session, and each time, my colleagues on the other side failed to invoke cloture. The reason is clear: the ''Family-Friendly Workplace Act'' has an appealing title, but appalling substance. It will never become law—nor should it.

This amendment was offered last June while we were debating another necessary appropriations bill. That bill provided billions of dollars of relief to Americans in the Midwest, who were suffering the devastating effects of floods. Yet my colleagues on the other side insisted on delaying that emergency legislation, so they could offer this amendment.

On this side of the aisle, we stood up to the opposition. We said ''no.'' We said that Americans in the Dakotas and Minnesota desperately needed help. They needed assistance to recover their homes, their property and their lives. We defeated the opposition's efforts to jam this bill through the Senate.

Each time the legislation was offered, we defeated it. Finally, last June, the bill's supporters withdrew. We thought we had seen the last of this regressive legislation.

But no, here we go again. Another essential appropriations measure is on the floor, and what do my friends on the other side do? They return to this anti-worker, anti-family amendment.

We won't let it happen this time, any more than we did last June.

Before I discuss the fatal flaws in this legislation, let me make one additional point. For the past ten days, the Senate has been trying to consider an education bill. Throughout that period, the Majority Leader has insisted that only amendments ''germane'' to the bill should be discussed. He refuses to allow those on this side to discuss amendments addressing the nation's crumbling public schools. He won't allow debate on amendments dealing with reducing class size. And he blocks discussion of amendments meant to encourage more college graduates to become teachers.

Somehow, these education amendments aren't important enough to warrant consideration on the floor of the Senate. The Majority will not allow full and fair debate on these significant policy issues.

But there is a double standard at work. The appropriations measure currently before us is an emergency measure. It provides essential support to our troops in Bosnia and other troubled areas of the world. And, it gives emergency relief to families devastated by tornadoes, floods and ice storms, from Maine to Florida to California.

Apparently the Majority Leader is prepared to delay this emergency appropriations bill with a totally unrelated amendment.

The inconsistency is obvious. The Majority will not permit debate on important education amendments, because they do not want to delay tax breaks to families who can afford to send their children to private school. But when it comes to postponing essential financial help to American soldiers overseas, and American families at home suffering from disastrous weather conditions—that is acceptable to my Republican friends. Those on the other side of the aisle may find this approach satisfactory, but those on this side couldn't disagree more.

Now, I'd like to offer a few words on the substance of the amendment. Just a brief review demonstrates why it is unacceptable, and why it will never become law.

First, the amendment is a pay cut for 65 million American workers. The so-called ''biweekly work schedule'' lets employers schedule workers for 60, 70, even 80 hours in a single week. Employers pay every hour at the employee's regular rate, as long as the total number of hours worked in a two-week period does not exceed 80. Under current law, every hour worked over 40 must be paid at time-and-a-half. This proposal would abolish that guarantee.

Second, the amendment cuts benefits. In many industries, health and retirement benefits are based on the number of hours that employees worked. But the amendment does not guarantee that ''comp time'' or ''flexible credit hours'' must be considered ''hours worked'' for these important purposes. The result could be lower pensions and fewer health benefits. This does not help working families.

The amendment does not even assure employees an increase in time off. If an employee takes 8 hours of comp time on a Monday in order to spend time with her family, the employer is free to force the employee to work on Saturday to make up for the lost time. The employer does not even have to pay time-and-a-half for the hours worked on Saturday. The comp time hours used on Monday do not count toward the 40-hour week. This does not help working families.

Despite supporters' claims, this provision does not move the Fair Labor Standards Act into the 21st century. Instead, it turns back the clock, and makes it harder for workers to juggle the obligations of their job with the demands of their family.

Third, the proposal abolishes the 40-hour week. That protection has been basic to employee-employer relations for nearly 60 years. Yet the Republicans want to return to the days when employees could be forced to work from sunup to sundown, day after day. This does not help modern working families juggle their obligations at home and at work.

Finally, the amendment does not guarantee employee choice. The employer chooses who works overtime and when an employee can use accrued comp time. The employer is free to assign all the overtime work to employees who will accept comp time. Those employees who need the money the most, who can't afford to take time off, would be hurt the most. Their paychecks would be smaller. This is discrimination, and it is wrong—but the proposal does nothing to prevent it.

And nothing in the proposal guarantees that workers can take time off when they want to or need to. The proposal does not guarantee any worker the right to use compensatory time under any circumstances. Even if the employee has a legal right under the Family and Medical Leave Act to take time off, the amendment does not give the employee the right to use earned compensatory hours for that purpose.

This amendment is a cruel hoax. It does not help working men, it does not help working women, and it does not help working families.

Many organizations that have historically struggled for the rights of working women and their families recognize the fatal flaws in this proposal. 9 to 5, the National Association of Working Women; the American Nurses Association; the Business and Professional Women; the National Council of Jewish Women; the National Women's Law Center; the Women's Legal Defense Fund; the League of Women Voters; the American Association of University Women—the list goes on and on.

These organizations have fought for years to improve working women's lives on the job and in the home. They have supported affordable and high-quality child care. They have supported a living wage on the job. They were in the forefront of the battle to achieve Family and Medical Leave. From pay equity to pension equity to equal opportunity at home and at work, these organizations and others like them have worked tirelessly with and for working women.

Yet these groups uniformly oppose this proposal. Last spring they sent a letter to Senators LOTT and DASCHLE, expressing their belief that the bill "fails to offer real flexibility to the working women it purports to help while offering a substantial windfall to employers."

These organizations understand that working women may want more time with their families, but they cannot afford to give up overtime pay. As the letter to Senators LOTT and DASCHLE explained, "Women want flexibility in the workplace, but not at the risk of jeopardizing their overtime pay or the well-established 40-hour work week."

Democrats in Congress understand these concerns, and we are prepared to honor them. Unfortunately, this legislation either ignores these problems or makes them worse.

This is a bad bill, and the President has rightly promised to veto it should it ever reach his desk. But it should never leave the Senate.

The Senate was right to reject this proposal last year, and we would have done so again today.

DISASTER RELIEF NEEDS OF U.S. MILITARY INSTALLATIONS IN CALIFORNIA

Mrs. BOXER. Mr. President, as I did during the Appropriations Committee mark-up of the emergency supplemental bill, I wanted to take a few moments and thank Senator STEVENS and Senator BYRD for their efforts on this important legislation. Once again, my state of California will be able to rebound from a devastating natural disaster, thanks to the leadership of these two distinguished Senators.

One of the consequences of El Nino has been extensive damage to the military infrastructure in my state. High winds and massive flooding have left a trail of destruction that must be addressed. This legislation includes important disaster funding that is critical to the readiness of our Armed Forces and to the quality of life of our military personnel.

I was pleased that the administration requested $50 million in contingency funding for El Nino related disasters. I am also thankful that a portion of these funds have been designated to repair Marine Corps facilities and Air Force family housing in California. However, it is my understanding that damage estimates from California are still evolving and it is likely that the current allotment for California will not be sufficient.

I would like to ask Senator STEVENS, Chairman of the Appropriations Committee, if it is his intention during conference committee to increase disaster funding for California military installations when better estimates from the Defense Department are made available?

Mr. STEVENS. Mr. President, in the bill being reported by the House today, the House of Representatives has included additional funds for damages incurred from these storms. This amount is based on updated figures that have become available, subsequent to the President's submission to the Congress.

Mrs. BOXER. Mr. President, I thank my friend, Chairman STEVENS, for his continued leadership. His assistance is greatly appreciated. These funds are very important to California and to those serving our nation in the Armed Forces.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANNIVERSARY OF THE EDISON, NJ, PIPELINE ACCIDENT

Mr. LOTT. Mr. President, I rise today to recognize the anniversary of the tragic and frightening natural gas explosion that occurred four years ago near Edison, New Jersey. According to the National Transportation Safety Board, that accident was caused by a gouge in a major natural gas pipeline from unreported external damage during excavation. This dramatic accident caused Congress to focus on underground damage prevention.

Mr. President, I knew then that we needed to act to prevent future damage to the American underground infrastructure. I started working with Senator Bradley and Senator LAUTENBERG to develop "one-call" legislation to improve state laws so as to require excavators to call before they dig, and facility owners to mark their underground facilities accurately when notified. In spite of the clear need to act to reduce the number of dangerous and disruptive accidents at our underground facilities, the consensus needed to pass a one-call bill has eluded Congress for four years. This Congress is going to be different.

Mr. President, the Senate has twice passed a one-call bill in this Congress. The Senate has made a great start. The Senate has a bipartisan bill. The Senate has a bill passed by all 100 members. The Lott-Daschle one-call bill (S.1115) passed the Senate unanimously. In the House, the Baker-Pallone one-call bill (H.R. 3318) is moving ahead. I believe this legislation is a compatible component for the ISTEA bill. There is an overwhelming logic that as this Congress deals with the surface infrastructure it should deal with our underground infrastructure. ISTEA is the right legislative vehicle for one-call.

I promised my good friend, Bill Bradley, when he left the Senate that I would continue the legislative effort. This Congress is not going to let another anniversary pass without enacting a one-call bill into law. This Congress will not turn its back on Edison, New Jersey. This Congress will not turn its back on a common sense safety procedure. This Congress will not allow future Americans to be subjected to the tragic consequences of an avoidable natural gas explosion.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, March 23, 1998, the federal debt stood at $5,539,832,909,123.38 (Five trillion, five hundred thirty-nine billion, eight hundred thirty-two million, nine hundred nine thousand, one hundred twenty-three dollars and thirty-eight cents).

Five years ago, March 23, 1993, the federal debt stood at $4,219,501,000,000 (Four trillion, two hundred nineteen billion, five hundred one million).

Ten years ago, March 23, 1988, the federal debt stood at $2,481,367,000,000 (Two trillion, four hundred eighty-one billion, three hundred sixty-seven million).

Fifteen years ago, March 23, 1983, the federal debt stood at $1,229,199,000,000 (One trillion, two hundred twenty-nine billion, one hundred ninety-nine million).

Twenty-five years ago, March 23, 1973, the federal debt stood at $457,287,000,000 (Four hundred fifty-seven billion, two hundred eighty-seven million) which reflects a debt increase of more than $5 trillion—$5,082,545,909,123.38 (Five trillion, eighty-two billion, five hundred forty-five million, nine hundred nine thousand, one hundred twenty-three dollars and thirty-eight cents) during the past 25 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 4:03 p.m. a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, has announced that the Speaker has signed the following enrolled bill:

S. 758. An act to make certain technical connections to the Lobbying Disclosure Act of 1995.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-4374. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled "The Economic Effects of the Northeast Interstate Dairy Compact"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4375. A communication from the Assistant Administrator, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of a rule received on February 26, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4376. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, a notice relative to 1998 salary range structure; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4377. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the annual report of the performance plan for fiscal year 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4378. A communication from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, the report of a cost comparison; to the Committee on Armed Services.

EC–4379. A communication from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, the report of a cost comparison; to the Committee on Armed Services.

EC–4380. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation relative to Congressionally-mandated reporting requirements; to the Committee on Armed Services.

EC–4381. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation relative to authorize military construction; to the Committee on Armed Services.

EC–4382. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation entitled the "National Defense Authorization Act for Fiscal Year 1999"; to the Committee on Armed Services.

EC–4383. A communication from the Director of the Office of the Secretary of Defense (Administration and Management), transmitting, pursuant to law, a report of a rule received on February 25, 1998; to the Committee on Armed Services.

EC–4384. A communication from the Director of the Office of the Secretary of Defense (Administration and Management), transmitting, pursuant to law, a report of a rule received on February 25, 1998; to the Committee on Armed Services.

EC–4385. A communication from the Director of the Office of the Secretary of Defense (Administration and Management), transmitting, pursuant to law, a report entitled "Extraordinary Contractual Actions to Facilitate the National Defense"; to the Committee on Armed Services.

EC–4386. A communication from the Secretary of Defense, transmitting, notices relative to retirement; to the Committee on Armed Services.

EC–4387. A communication from the Secretary of Defense, transmitting, pursuant to law, a report on the numbers of military technician positions; to the Committee on Armed Services.

EC–4388. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the DDG-51 program; to the Committee on Armed Services.

EC–4389. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to commissary stores; to the Committee on Armed Services.

EC–4390. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to DOD purchases; to the Committee on Armed Services.

EC–4391. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the F-22 aircraft program; to the Committee on Armed Services.

EC–4392. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to AGR personnel; to the Committee on Armed Services.

EC–4393. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the Manufacturing Technology Program; to the Committee on Armed Services.

EC–4394. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the Research Working Group of the interagency Persian Gulf Veterans' Coordinating Board; to the Committee on Armed Services.

EC–4395. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the Joint Demilitarization Technology Program; to the Committee on Armed Services.

EC–4396. A communication from the Administrator of the Foreign Agricultural Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule received on March 18, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4397. A communication from the General Sales Manager and Vice President of the Commodity Credit Corporation, Foreign Agricultural Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule received on March 18, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4398. A communication from the Administrator of Rural Development, Department of Agriculture, transmitting, pursuant to law, a report of a rule received on March 10, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4399. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, a report of a rule received on February

24, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4400. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the reports of two rules received on March 10, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4401. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule received on March 11, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4402. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule received on March 20, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4403. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, a report of a rule received on February 25, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4404. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the reports of three rules received on March 3, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4405. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule received on March 10, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4406. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule received on March 18, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4407. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule received on March 18, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4408. A communication from the Administrator of the Farm and Foreign Agricultural Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule received on March 3, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4409. A communication from the Administrator of the Farm and Foreign Agricultural Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule received on March 5, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4410. A communication from the Administrator of the Farm and Foreign Agricultural Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule received on March 5, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4411. A communication from the Administrator of the Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule received on March 2, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4412. A communication from the Administrator of the Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule received on March 6, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4413. A communication from the Administrator of the Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule received on March 13, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4414. A communication from the Manager of the Federal Crop Insurance Corporation, Department of Agriculture, the report of a rule received on March 3, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4415. A communication from the Manager of the Federal Crop Insurance Corporation, Department of Agriculture, the report of a rule received on March 10, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4416. A communication from the Manager of the Federal Crop Insurance Corporation, Department of Agriculture, the report of a rule received on March 16, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4417. A communication from the Manager of the Federal Crop Insurance Corporation, Department of Agriculture, the reports of twenty-two rules received on February 23, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4418. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule received on March 23, 1998; to the Committee on Commerce, Science, and Transportation.

EC-4419. A communication from the Director of the Office of Rulemaking Coordination, Department of Energy, transmitting, pursuant to law, the report of a rule received on March 23, 1998; to the Committee on Energy and Natural Resources.

EC-4420. A communication from the Director of the Office of Rulemaking Coordination, Department of Energy, transmitting, pursuant to law, the report of a rule received on March 23, 1998; to the Committee on Energy and Natural Resources.

EC-4421. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, a draft of proposed legislation entitled "Hawaii Volcanoes National Park Adjustment Act of 1998"; to the Committee on Energy and Natural Resources.

EC-4422. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of three rules received on March 20, 1998; to the Committee on Environment and Public Works.

EC-4423. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the notice of the proposed issuance of an export license; to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-357. A petition from the Lithuanian American Council, Inc. of Cicero, Illinois relative to the East Prussia, Kaliningrad Region; to the Committee on Foreign Relations.

POM-358. A petition from a citizen of the State of Texas relative to the Congressional Record and the Journal of the U.S. Senate; to the Committee on Rules and Administration.

POM-359. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Agriculture, Nutrition, and Forestry.

JOINT RESOLUTION

Whereas, tobacco is addictive and detrimental to people's health; and

Whereas, people of all ages are affected by the use of tobacco; and

Whereas, the United States Secretary of Agriculture sets price supports for tobacco; authorizes loans to tobacco producers; provides noninsured crop disaster assistance; and, through the Commodity Credit Corporation, provides federal crop insurance for tobacco producers; and

Whereas, the State of Maine, the 49 other states and the Federal Government have spent billions of dollars collectively on health care costs related to tobacco; and

Whereas, farms with fertile soil grow over a ton of tobacco per acre; and

Whereas, 124,000 farms in the United States grow a total of 1.65 billion pounds of tobacco annually; and

Whereas, the $358.5 billion settlement from tobacco companies to the states could be used by producers to grow food crops; and

Whereas, the tobacco quota rights program gives producers permission to grow tobacco at $8 per pound and gives transition payments to producers who lease the quota rights; and

Whereas, the price paid to tobacco producers for tobacco will fall if the price support is eliminated; and

Whereas, federal price supports are critical and producers will not grow tobacco without this assistance; now, therefore, be it

Resolved, That We, your Memorialists, request the President of the United States and the United States Congress to remove the financial assistance necessary to grow the tobacco crop; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Honorable William J. Clinton, President of the United States; the President of the United States Senate; the Speaker of the House of Representatives of the United States; the Speaker of the House or the equivalent officer in the 49 other states; the President of the Senate or the equivalent officer in the 49 other states; and each member of the Maine Congressional Delegation.

POM-360. A joint resolution adopted by the Legislature of the State of New Hampshire; to the Committee on Armed Services.

HOUSE JOINT RESOLUTION 24

Whereas, the State of New Hampshire was the ninth state to enter the union; and

Whereas, the first-in-the-nation New Hampshire presidential primary plays a vital role in the election of our nation's presidents; and

Whereas, 59 servicemen from New Hampshire have earned the United States highest military honor, the Congressional Medal of Honor; and

Whereas, since June 12, 1800, the Portsmouth Naval Shipyard has provided invaluable service to the fleet; and

Whereas, New Hampshire was the home of Franklin Pierce, the fourteenth president of the United States; and

Whereas, New Hampshire veterans have fought for the United States in every major conflict in American history; and

Whereas, the people of New Hampshire are extremely proud of their service members who today serve in all corners of the world; and

Whereas, the United States Navy has not had a commissioned vessel in its fleet honoring the state of New Hampshire since May 21, 1921; now, therefore, be it

Resolved by the Senate and House of Representatives in General Court convened, That the state of New Hampshire encourages the Department of the Navy to name a vessel in its fleet the U.S.S. New Hampshire; and

That copies of this resolution signed by the governor, the speaker of the house, and the president of the senate be forwarded by the house clerk to each member of the New Hampshire congressional delegation to be forwarded to the Secretary of the Navy for consideration and appropriate action.

REPORTS OF COMMITTEE

The following report of committee was submitted:

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1998" (Rept. No. 105–172).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ABRAHAM (for himself, Mr. LEVIN, Mr. LEAHY, Mr. SANTORUM, Mr. DEWINE, Mr. GLENN, Mr. COATS, Mr. KOHL, Mr. GORTON, and Mr. GRAMS):

S. 1823. A bill to amend the National Sea Grant College Program Act with respect to the treatment of Lake Champlain; to the Committee on Commerce, Science, and Transportation.

By Mr. TORRICELLI (for himself and Mr. LAUTENBERG):

S. 1824. A bill to amend the Harmonized Tariff Schedule of the United States to provide duty-free treatment for certain skating boots used for in-line skates; to the Committee on Finance.

By Mrs. MURRAY (for herself, Mr. MURKOWSKI, and Mr. SARBANES):

S. 1825. A bill to amend title 10, United States Code, to provide sufficient funding to assure a minimum size for honor guard details at funerals of veterans of the Armed Forces, to establish the minimum size of such details, and for other purposes; to the Committee on Armed Services.

By Mr. MOYNIHAN (for himself, Mr. D'AMATO, Mr. LAUTENBERG, and Mr. TORRICELLI):

S. 1826. A bill to amend the Harmonized Tariff Schedule of the United States to suspend temporarily the duty on personal effects of participants in the 1999 Women's World Cup; to the Committee on Finance.

By Mr. HELMS:

S. 1827. A bill to suspend temporarily the duty on dialkinaphthalene suflonic acid sodium salt; to the Committee on Finance.

S. 1828. A bill to suspend temporarily the duty on sodium N-methyl-N-oleoly taurate; to the Committee on Finance.

S. 1829. A bill to suspend temporarily the duty on O-(6-chloro-3-phenyl-4-pyridazinyl)-S-0ctyl-carbonothioate; to the Committee on Finance.

S. 1830. A bill to suspend temporarily the duty on 4-cyclopropyl-6-methyl-2-phenylamino-pyrimidine; to the Committee on Finance.

S. 1831. A bill to suspend temporarily the duty on O,O-Dimethyl-S-(5-methoxy-2-oxo-1,3,4-thiadiazol-3(2H)-yl-methyl)-dithiophosphate; to the Committee on Finance.

S. 1832. A bill to suspend temporarily the duty on (Ethyl (2-(4-phenoxyphenoxy) ethyl) carbamate; to the Committee on Finance.

S. 1833. A bill to suspend temporarily the duty on 1-(4-methoxy-6-methyl-triazin-2-yl)-3-(2-(3,3,3-trifluoropropyl)-phenylsulfonyl)-urea; to the Committee on Finance.

S. 1834. A bill to suspend temporarily the duty on 3-(4,6-Bis (difluoromethoxy)-pryimidin-2-yl)-1-(methoxy-carbonylphenylsulfonyl) urea; to the Committee on Finance.

S. 1835. A bill to suspend temporarily the duty on 3-(6-methoxy-4-methyl-1,3,5-triazin-2-yl)-1-(2-(2-chloroethoxy)-phenylsulfonyl)-urea; to the Committee on Finance.

S. 1836. A bill to suspend temporarily the duty on ((2S,4R)/(2R,4S)/(2R,4R)/(2S,4S))-1-(2-(4-(4-chloro-phenoxy)-2-chlorophenyl)-4-methyl-1,3-dioxolan-2-yl-methyl)-1H-1,2,4-triazole; to the Committee on Finance.

S. 1837. A bill to suspend temporarily the duty on 2,4 dichloro 3,5 dinitro benzotrifluoride; to the Committee on Finance.

S. 1838. A bill to suspend temporarily the duty on streptomycin sulfate; to the Committee on Finance.

S. 1839. A bill to suspend temporarily the duty on 2-chloro-N-(2,6-dinitro-4-(trifluoromethyl) phenyl)-N-ethyl-6-fluorobenzenemethanamine; to the Committee on Finance.

S. 1840. A bill to suspend temporarily the duty on chloroacetone; to the Committee on Finance.

S. 1841. A bill to suspend temporarily the duty on orthonitrophenyl; to the Committee on Finance.

S. 1842. A bill to suspend temporarily the duty on acetic acid, ((2-chloro-4-fluoro-5-((tetrahydro-3-oxo-1h,3H-(1,3,4) thiadiazolo(3,4-A)pyridazin-1-ylidene)amino)phenyl)thio)-,methyl ester; to the Committee on Finance.

S. 1843. A bill to suspend temporarily the duty on acetic acid, ((5-chloro-8-quinolinyl)oxy)-1-methyhexyl ester; to the Committee on Finance.

S. 1844. A bill to suspend temporarily the duty on calcium oxytetracycline; to the Committee on Finance.

S. 1845. A bill to suspend temporarily the duty on Tinopal CBS-X; to the Committee on Finance.

S. 1846. A bill to suspend temporarily the duty on 2,4 dichloro 3,5 dinitro benzotrifluoride; to the Committee on Finance.

S. 1847. A bill to suspend temporarily the duty on streptomycin sulfate; to the Committee on Finance.

S. 1848. A bill to suspend temporarily the duty on propanoic acid, 2-(4-((5-chloro-3-fluor-2-pyridinyl)oxy)-phenoxyl)-2-propynyl . ester; to the Committee on Finance.

S. 1849. A bill to suspend temporarily the duty on trifluoromethylaniline; to the Committee on Finance.

S. 1850. A bill to suspend temporarily the duty on mucochloric acid; to the Committee on Finance.

By Mr. MACK (for himself and Mr. GRAHAM):

S. 1851. A bill to suspend temporarily the duty on certain rocket engines; to the Committee on Finance.

By Mr. THURMOND:

S. 1852. A bill to suspend temporarily the duty on parts for use in the manufacture of loudspeakers; to the Committee on Finance.

S. 1853. A bill to suspend temporarily the duty on loudspeakers not mounted in their enclosures; to the Committee on Finance.

S. 1854. A bill to suspend temporarily the duty on certain electrical transformers for use in the manufacture of audio systems; to the Committee on Finance.

By Mr. WYDEN (for himself and Ms. COLLINS):

S. 1855. A bill to require the Occupational Safety and Health Administration to recognize that electronic forms of providing MSDSs provide the same level of access to information as paper copies; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. TORRICELLI:

S. Res. 199. A resolution designating the last week of April of each calendar year as "National Youth Fitness Week"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THURMOND.

S. 1852. A bill to suspend temporarily the duty on parts for use in the manufacture of loudspeakers; to the Committee on Finance.

S. 1853. A bill to temporarily the duty on loudspeakers not mounted in their enclosures; to the Committee on Finance.

S. 1854. A bill to suspend temporarily the duty on certain electrical transformers for use in the manufacture of audio systems; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

Mr. THURMOND. Mr. President, I rise today to introduce three bills which will temporarily suspend the duties on parts used to manufacture loudspeakers. Currently, these parts are imported into the United States.

The three items which will receive temporary duty suspensions are certain electrical transformers, loudspeakers not mounted in their enclosures, and parts for loudspeakers. The tariffs on these items are scheduled for elimination in the Information Technology Agreement II that is currently being negotiated in the World Trade Organization.

Mr. President, suspending the duty on these items will allow a South Carolina industry to be competitive in the world marketplace. I hope the Senate will consider these measures expeditiously.

Mr. President, I ask unanimous consent that the text of the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1852

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUSPENSION OF DUTY ON PARTS FOR USE IN THE MANUFACTURE OF LOUDSPEAKERS.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new subheading:

"9902.85.18	Parts for use in the manufacture of loudspeakers (provided for in subheading 8518.90.80)	Free	No change	No change	On or before 12/31/2002".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 1853

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUSPENSION OF DUTY ON LOUDSPEAKERS NOT MOUNTED IN THEIR ENCLOSURES.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new subheading:

"9902.85.19	Loudspeakers not mounted in their enclosures (provided for in subheading 8518.29.80)	Free	No change	No change	On or before 12/31/2002".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 1854

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUSPENSION OF DUTY ON CERTAIN ELECTRICAL TRANSFORMERS FOR USE IN THE MANUFACTURE OF AUDIO SYSTEMS.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new subheading:

"9902.85.04	Electrical transformers having a power handling capacity less than 1 kVA for use in the manufacture of audio systems (provided for in subheading 8504.31.40)	Free	No change	No change	On or before 12/31/2002".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

By Mr. WYDEN (for himself and Ms. COLLINS):

S. 1855. A bill to require the Occupational Safety and Health Administration to recognize that electronic forms of providing MSDSs provide the same level of access to information as paper copies; to the Committee on Labor and Human Resources.

THE WORKPLACE INFORMATION READABILITY AND ELECTRONIC DISSEMINATION ACT

Mr. WYDEN. Mr. President, today, I am introducing legislation that would improve and modernize the current system for accessing information about hazardous chemicals in the workplace. This legislation will make it easier for workers to protect themselves against chemical exposure risks in their workplaces by giving them online access to essential safety information. It will also make this information more quickly accessible in the event of an emergency.

Under current regulations, employers are required to have available in the workplace Material Safety Data Sheets (MSDS) describing every chemical ever used at the site. The MSDS contains information about the chemical and what to do in the event a worker is exposed by ingesting it, having it splash on the skin or in the eyes.

Employers typically keep MSDS sheets in huge binders making them difficult to access quickly during actual exposure incidents. As a result, emergency personnel may have to flip through page after page of information to find out how to respond to the specific chemical exposure. This complies with the law, but it's not the best way to get critical information in an emergency.

The better approach is to have the information accessible online. This can greatly reduce the time it takes to get essential information on the proper first aid procedures in the event of exposure. In some cases, this faster response can literally mean the difference between life and death.

The bill I am introducing today allows—but does not require—electronic access to MSDS information, so there is no mandate that employers have to switch to an electronic system. This legislation simply updates the current workplace safety system to recognize the widespread use of computers in the workplace. It merely provides an additional option that can yield better protection for workers with less hassle for employers.

My legislation requires chemical hazard information to be written in plain English, so that workers and emergency personnel can better understand the risks and what to do in an emergency. The MSDS sheets now in use are typically written by lawyers to protect the chemical manufacturers from liability. Because they are often written in legalese, it is difficult for workers to understand MSDS, especially in emergencies.

For example, instead of simply stating, "Keep this material away from your eyes," the instructions on one MSDS say "Avoid ocular contact." Workplace safety information should be understandable to all employees without having to look up every other word in the dictionary.

My legislation addresses this problem by requiring information on new hazardous chemicals brought into the workplace to be written in easily understandable English.

This legislation has the support of Oregon OSHA officials, industry and union safety officials. A companion bill introduced in the House this week has bipartisan support. I urge my colleagues to support this common sense workplace safety initiative.

Ms. COLLINS. Mr. President, I am pleased to join my colleague from Oregon, Senator WYDEN, in introducing the Workplace Information, Readability and Electronic Dissemination (or WIRED) Act, which will significantly improve the ability of both workers and employers to use and understand the Material Safety Data Sheets that accompany potentially hazardous chemicals used in the workplace.

The Occupational Safety and Health Administration rightly requires employers to provide information to their employees about hazardous chemicals used in the workplace on Material Safety Data Sheets, or MSDSs. These MSDSs, which are provided by the manufacturer, must be "readily accessible" to employees during each work shift and must include information about the manufacturer, the physical properties of the chemical, health precautions that should be taken, and instructions on how to handle spills and other emergencies.

OSHA issued the rule requiring MSDSs in the workplace in the early 1980s, well before computers and fax machines became routine fixtures in virtually every workplace. As a consequence, employers are required to keep huge, loose-leaf notebooks or file cabinets filled with handwritten or printed MSDSs in the workplace at all times. More often than not, the MSDSs are tattered, stained and out-of-date since, in an average inventory, as many as 7 percent will become obsolete within a month. Finding the right MSDS quickly in an emergency under these circumstances can be a real challenge, particularly since they can easily be misfiled.

In this age of electronic communication, there simply are better ways for employers and employees to maintain and access this important safety information. Currently, there are a number of different products on the market such as CD-ROMs and fax-on-demand response systems that provide all the MSDS information an employer or employee might need within minutes of the request. Businesses contend that these services are more efficient, since they allow an independent service to maintain the information and the employees to access the information instantaneously and at will. Not only are computer systems faster, but they also enable employees to cross-reference different chemicals. These electronic systems are certainly better than the current paper system required by OSHA, which requires fumbling through a notebook or file cabinet, hoping that the MSDSs are current and filed correctly.

Unfortunately, OSHA will not allow employers to replace their paper MSDS systems with electronic access. As a consequence, many employers have been reluctant to take advantage of these superior new systems. The legislation we are introducing today will enable employers to bring their MSDS system into the 21st century by clarifying that employers have the option of replacing their paper system with electronic access, as long as the new system is readily available to all employees.

Another problem with the current system is that the information presented on a MSDS is extremely technical and complicated, making it difficult for many employees to understand, particularly when an accident has occurred and time is of the essence. Not only is the information on the MSDS itself technical, but it is also presented in language that is too advanced for the vast majority of manufacturing workers to understand. According to a review of the National Center for Education Statistics 1992 Adult Literacy Survey, the information on a typical MSDS requires a Level 5 reading proficiency, while the same survey shows that manufacturing workers typically read at a Level 2.

This situation is complicated by the fact that there is no standard format for MSDSs and different manufacturers have different formats for presenting the same information. This makes it difficult for employees who must look at more than one MSDS to find the information they need quickly, and quick information is particularly important in an emergency. The legislation we are introducing today will therefore require OSHA not only to standardize the format for MSDSs, but also to ensure that they are written at a literacy level that is appropriate for the typical industrial worker.

Mr. President, the legislation we are introducing today will not only make it easier for employers to comply with important OSHA safety standards, but it will also ensure that their employees have better access to accurate and up-to-date safety information that they can both read and understand. Enactment of the WIRED Act will result in safer, more efficient workplaces, and I encourage all of my colleagues to join us as cosponsors.

ADDITIONAL COSPONSORS

S. 314

At the request of Mr. THOMAS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 314, a bill to require that the Federal Government procure from the private sector the goods and services necessary for the operations and management of certain Government agencies, and for other purposes.

S. 1260

At the request of Mr. GRAMM, the names of the Senator from Virginia (Mr. WARNER), the Senator from Virginia (Mr. ROBB), and the Senator from Kentucky (Mr. FORD) were added as cosponsors of S. 1260, a bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes.

S. 1284

At the request of Mr. ROBERTS, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1284, a bill to prohibit construction of any monument, memorial, or other structure at the site of the Iwo Jima Memorial in Arlington, Virginia, and for other purposes.

S. 1600

At the request of Mrs. BOXER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1600, a bill to amend the Internal Revenue Code of 1986 to waive in the case of multiemployer plans the section 415 limit on benefits to the participant's average compensation for his high 3 years.

S. 1677

At the request of Mr. CHAFEE, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1677, a bill to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act.

S. 1737

At the request of Mr. MACK, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1737, a bill to amend the Internal Revenue Code of 1986 to provide a uniform application of the confidentiality privilege to taxpayer communications with federally authorized practitioners.

S. 1811

At the request of Mr. FAIRCLOTH, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1811, a bill to prohibit the Secretary of Health and Human Services from promulgating any regulation, rule, or other order if the effect of such regulation, rule, or order is to eliminate or modify any requirement under the Medicare program under title XVIII of the Social Security Act for physician supervision of anesthesia services, as such requirement was in effect on December 31, 1997.

SENATE CONCURRENT RESOLUTION 84

At the request of Mr. KEMPTHORNE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of Senate Concurrent Resolution 84, a concurrent resolution expressing the sense of Congress that the Government of Costa Rica should take steps to protect the lives of property owners in Costa Rica, and for other purposes.

AMENDMENT NO. 2077

At the request of Mr. LEVIN the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 2077 proposed to S. 1768, an original bill making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, for the fiscal year ending September 30, 1998, and for other purposes.

SENATE RESOLUTION 199—DESIGNATING "NATIONAL YOUTH FITNESS WEEK"

Mr. TORRICELLI submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 199

Whereas we are witnessing a historic decrease in the health of our Nation's adolescents with only 22 percent of our children physically active for the recommended 30 minutes each day and nearly 15 percent of American youths almost completely inactive;

Whereas even physical education classes are on the decline with 75 percent of students in America not attending daily physical education classes and 25 percent of students not participating in any form of physical education in schools, which is a decrease in participation of almost 20 percent in just 4 years;

Whereas more than 60,000,000 people, ⅓ of the Nation's population, are overweight and even more disturbing, the percentage of overweight adolescents has doubled in the last 30 years;

Whereas these serious trends have resulted in a decrease in the self-esteem of, and an increase in the risk of future health problems for, our Nation's adolescents;

Whereas adolescents represent the future of the Nation and the decrease in physical fitness in the United States may destroy our future potential unless we invest in our youthful population today to increase our productivity and stability tomorrow;

Whereas regular physical activity has proven effective in fighting depression, anxiety, premature death, diabetes, heart disease, high blood pressure, colon cancer, and a variety of weight problems;

Whereas physical fitness campaigns help encourage consideration of the mental and physical health of our Nation's youth; and

Whereas Congress should take steps to reverse a trend which, if not resolved, could destroy future opportunities for millions of today's youth because a healthy child makes a healthy, happy, and productive adult: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning with the last Sunday in April of each calendar year as "National Youth Fitness Week";

(2) urges parents, families, caregivers, and teachers to encourage and help adolescents to participate in athletic activities and to teach adolescents to engage in healthy lifestyles; and

(3) requests the President to issue a proclamation each calendar year designating such week as "National Youth Fitness Week" and encouraging the people of the United States to observe this week with appropriate activities and celebrations.

Mr. TORRICELLI. Mr. President, I rise today to address a crisis facing our youngest citizens. Physical inactivity among our children is threatening the very foundation of the health of our nation. Physical inactivity and poor diet together account for at least 300,000 deaths in the United States each year. Only tobacco use contributes to more preventable deaths. More than 58 million American adults, one third of the population, are overweight or obese. Even more alarming, childhood obesity rates are rising with 22 percent of children now overweight, a percentage that has doubled in the past 30 years.

This growing trend of inactivity is especially dangerous for our younger generations. According to the National Center for Health Statistics, nearly half of our young people aged 12–21 do not engage in vigorous physical activity on a regular basis. In fact, only 22 percent of American children are physically active for the recommended 30 minutes each day and nearly 15 percent are completely inactive. As the Centers for Disease Control point out, these destructive behaviors established during youth are likely to extend into adulthood. We must be proactive in setting a positive example for our children and stop the negative behavior before it starts.

To plant the seed for a healthy future, we must continue to cultivate and educate our children. Fostering enjoyment of exercise in our adolescents will spur them to maintain a healthy lifestyle into adulthood. The result will be fewer physical and mental disorders and increased productivity. As Dr. C. Everett Koop recently pointed out "this is not an issue requiring additional fact-finding before action is taken." The time for action is now.

A national commitment to lifetime fitness must be fostered. Congress has the opportunity and the responsibility to step forward and take a crucial leadership role. Several programs are currently addressing this important issue but they need our active support: the CDC's National Physical Activity Initiative, the President's Council on Physical Fitness and Sports, C. Everett Koop's "Shape Up America" campaign, the YMCA's Healthy Kids Day, and most recently, the National Sporting Good Association's "Wannabe Cool, Gottabe Active" campaign.

These programs, and others like them, need our encouragement, our gratitude and our support. That is why I am here today. To submit a resolution declaring the last week in April National Youth Fitness Week. Together we can reverse the trend in physical inactivity and restore our nation to a course of wellness, fitness and productivity. It is our responsibility as the nation's leaders to ensure a healthy America.

AMENDMENTS SUBMITTED

1998 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM NATURAL DISASTERS, AND FOR OVERSEAS PEACEKEEPING EFFORTS

McCAIN AMENDMENT NO. 2084

(Ordered to lie on the table.)

Mr. McCAIN submitted an amendment intended to be proposed by him to the bill (S. 1768) making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, for the fiscal year ending September 30, 1998, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . ELIGIBILITY FOR REFUGEE STATUS.

Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (Public Law 104–208; 110 Stat. 3009–171) is amended—

(1) in subsection (a)—

(A) by striking "For purposes" and inserting "Notwithstanding any other provision of law, for purposes"; and

(B) by striking "fiscal year 1997" and inserting "fiscal year 1998 and 1999"; and

(2) by amending subsection (b) to read as follows:

"(b) ALIENS COVERED.—

"(1) IN GENERAL.—An alien described in this subsection is an alien who—

"(A) is the son or daughter of a qualified national;

"(B) is 21 years of age or older; and

"(C) was unmarried as of the date of acceptance of the alien's parent for resettlement under the Orderly Departure Program.

"(2) QUALIFIED NATIONAL.—For purposes of paragraph (1), the term 'qualified national' means a national of Vietnam who—

"(A)(i) was formerly interned in a reeducation camp in Vietnam by the Government of the Socialist Republic of Vietnam; or

"(ii) is the widow or widower of an individual described in clause (i); and

"(B)(i) qualified for refugee processing under the reeducation camp internees subprogram of the Orderly Departure Program; and

"(ii) on or after April 1, 1995, is accepted—

"(I) for resettlement as a refugee; or

"(II) for admission as an immigrant under the Orderly Departure Program.".

STEVENS (AND OTHERS) AMENDMENT NO. 2085

Mr. STEVENS (for himself, Mr. COCHRAN, Mrs. BOXER, Mr. BUMPERS, Mr. BYRD, Mr. BOND, Mr. LOTT, and Mr. FORD) proposed an amendment to the bill, S. 1768, supra; as follows:

Pg. 15, after line 21 of the bill insert:

"SEC. . Nothwithstanding any other provision of law, in the case of a person who is selected for training in a State program conducted under the National Guard Challenge Program and who obtains a general education diploma in connection with such training, the general education diploma shall be treated as equivalent to a high school diploma for purposes of determining the eligibility of the person for enlistment in the armed forces."

HATCH (AND OTHERS) AMENDMENT NO. 2086

(Ordered to lie on the table.)

Mr. HATCH (for himself, Mr. WARNER, Mr. LAUTENBERG, and Mr. ROBB) submitted an amendment intended to be proposed by them to the bill, S. 1768, supra; as follows:

On page 51, strike lines 5 through 16 and insert in lieu thereof the following:

"SEC. 2001. None of the funds appropriated or otherwise made available in this or any other Act may be obligated or expended by the Patent and Trademark Office to plan for the construction or lease of new facilities until 30 days after the submission of a report by the Secretary of Commerce, to be delivered not later than May 1, 1998, to the Committees on Appropriations analyzing whether the project is properly scoped, the procurement properly structured, and whether the project should go forward. Such funds shall only be made available in accordance with section 605 of Public Law 105–119."

GRAMM (AND SANTORUM) AMENDMENT NO. 2087

(Ordered to lie on the table.)

Mr. GRAMM (for himself and Mr. SANTORUM) submitted an amendment intended to be proposed by them to the bill, S. 1768, supra; as follows:

At the appropriate place, insert the following:

SEC. . Notwithstanding any other provision of this Act or any other provision of law, only that portion of budget authority provided in this Act that is obligated during fiscal year 1998 shall be designated as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985. All remaining budget authority provided in this Act shall not be available for obligation until October 1, 1998.

WYDEN AMENDMENT NO. 2088

(Ordered to lie on the table.)

Mr. WYDEN submitted an amendment intended to be proposed by him to the bill, S. 1768, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . ELIMINATION OF SECRECY IN INTERNATIONAL FINANCIAL AND TRADE ORGANIZATIONS.

The President shall instruct the United States Representatives to the World Trade

Organization, the International Monetary Fund, the World Bank, and regional development banks in which the United States is a member to seek the implementation of a system of open meetings and activities in their respective organizations. Open meetings and activities in an organization include, but are not limited to, a policy that—

(1) all meetings sponsored by the organization and involving delegates from member countries are open to the public;

(2) all activities involving voting by member countries are open to the public; and

(3) all records of meetings and activities are made available to the public.

BAUCUS AMENDMENT NOS. 2089–2090

(Ordered to lie on the table.)

Mr. BAUCUS submitted two amendments intended to be proposed by him to the bill, S. 1768, supra; as follows:

AMENDMENT NO. 2089

On page 5, after line 23, add the following:

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

FOOD ANIMAL RESIDUE AVOIDANCE DATABASE

For an additional amount for the Food Animal Residue Avoidance Database, $150,000.

AMENDMENT NO. 2090

On page 59, between lines 7 and 8, insert the following:

SEC. . CLAIMS REGARDING PROTEIN CONTENT OF WHEAT.

(a) IN GENERAL.—Notwithstanding section 2401 of title 28, United States Code, a claim described in subsection (b) shall be considered to be timely filed if the claim is filed with the Secretary of Agriculture by the date that is 90 days after the date of enactment of this Act.

(b) CLAIMS.—Subsection (a) applies to a claim that is—

(1) filed under section 1346 of title 28, United States Code, by a wheat producer in the United States that sold hard red spring wheat or durum wheat during the period beginning May 2, 1993, and ending January 24, 1994; and

(2) based on the alleged negligence of the Secretary of Agriculture in connection with the determination of the protein content of the wheat.

BAUCUS (AND BURNS) AMENDMENT NO. 2091

(Ordered to lie on the table.)

Mr. BAUCUS (for himself and Mr. BURNS) submitted an amendment intended to be proposed by them to the bill. S. 1768, supra; as follows:

On page 59, between lines 7 and 8, insert the following:

SEC. . EXTENSION OF MARKETING ASSISTANCE LOANS.

Section 133 of the Agricultural Market Transition Act (7 U.S.C. 7233) is amended by striking subsection (c) and inserting the following:

"(c) EXTENSION.—The Secretary may extend the term of a marketing assistance loan made to producers on a farm for any loan commodity for 1 6-month period.".

STEVENS AMENDMENT NO. 2092

Mr. STEVENS proposed an amendment to the bill, S. 1768, supra; as follows:

On page 51, line 22, strike Section 2004 and insert in lieu thereof the following:

SEC. 2005. PROVISIONS RELATING TO UNIVERSAL SERVICE SUPPORT FOR PUBLIC INSTITUTIONAL TELECOMMUNICATIONS USERS.

(a) NO INFERENCE REGARDING EXISTING UNIVERSAL SERVICE ADMINISTRATIVE MECHANISM.—Nothing in this section may be considered as expressing the approval of the Congress of the action of the Federal Communications Commission in establishing, or causing to be established, one or more corporations to administer the schools and libraries program and the rural health care provider program under section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)), or the approval of any provision of such programs.

(b) FCC TO REPORT TO THE CONGRESS.—

(1) REPORT DUE DATE.—Pursuant to the findings of the General Accounting Office (B–278820) dated February 10, 1998, the Federal Communications Commission shall, by May 8, 1998, submit a 2-part report to the Congress under this section.

(2) REVISED STRUCTURE.—The report shall propose a revised structure for the administration of the programs established under section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)). The revised structure shall consist of a single entity.

(A) LIMITATION ON ADMINISTRATION OF PROGRAMS.—The entity proposed by the Commission to administer the programs—

(i) is limited to implementation of the FCC rules for applications for discounts and processing the applications necessary to determine eligibility for discounts under section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)) as determined by the Commission;

(ii) may not administer the programs in any manner that requires that entity to interpret the intent of the Congress in establishing the programs or interpret any rule promulgated by the Commission in carrying out the programs, without appropriate consultation and guidance from the Commission.

(B) APA REQUIREMENTS WAIVED.—In preparing the report required by this section, the Commission shall find that good cause exists to waive the requirements of section 553 of title 5, United States Code, to the extent necessary to enable the Commission to submit the report to the Congress by May 8, 1998.

(3) REPORT ON FUNDING OF SCHOOLS AND LIBRARIES PROGRAM AND RURAL HEALTH CARE PROGRAM.—The report required by this section shall also provide the following information about the contributions to, and requests for funding from, the schools and libraries subsidy program:

(A) An estimate of the expected reductions in interstate access charges anticipated on July 1, 1998.

(B) An accounting of the total contributions to the universal service fund that are available for use to support the schools and libraries program under section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)) for the second quarter of 1998.

(C) An accounting of the amount of the contribution described in subparagraph (B) that the Commission expects to receive from—

(i) incumbent local exchange carriers;

(ii) interexchange carriers;

(iii) information service providers;

(iv) commercial mobile radio service providers; and

(v) any other provider.

(D) Based on the applications for funding under section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)) received as of April 15, 1998, an estimate of the costs of providing universal service support to schools and libraries under that section disaggregated by eligible services and facilities as set forth in the eligibility list of the Schools and Libraries Corporation, including—

(i) the amounts requested for costs associated with telecommunications services;

(ii) the amounts requested for costs described in clause (i) plus the costs of internal connections under the program; and

(iii) the amounts requested for the costs described in clause (ii), plus the cost of internet access;

(iv) the amount requested by eligible schools and libraries in each category and discount level listed in the matrix appearing at paragraph 520 of the Commission's May 8, 1997 Order, calculated as dollar figures and as percentages of the total of all requests:

(I) the amount requested by eligible schools and libraries in each such category and discount level to provide telecommunications services;

(II) the amount requested by eligible schools and libraries in each such category and discount level to provide internal connections; and

(III) the amount requested by eligible schools and libraries in each such category and discount level to provide internet access.

(E) A justification for the amount, if any, by which the total requested disbursements from the fund described in subparagraph (D) exceeds the amount of available contributions described in subparagraph (B).

(F) Based on the amount described in subparagraph (D), an estimate of the amount of contributions that will be required for the schools and libraries program in the third and fourth quarters of 1998, and, to the extent these estimated contributions for the third and fourth quarter exceed the current second-quarter contribution, the Commission shall provide an estimate of the amount of support that will be needed for each of the eligible services and facilities as set forth in the eligibility list of the Schools and Libraries Corporation, and disaggregated as specified in subparagraph (D).

(G) An explanation of why restricting the basis of telecommunications carriers' contributions to universal service under 254(a)(3) of the Communications Act of 1934 (47 U.S.C. 254(a)(3)) to interstate revenues, while requiring that contributions to universal service under section 254(h) of that Act (47 U.S.C. 254(h)) be based on both interstate as well as intrastate revenues, is consistent with the provisions of section 254(d) of that Act (47 U.S.C. 254(d)).

(H) An explanation as to whether access charge reductions should be passed through on a dollar-for-dollar basis to each customer class on a proportionate basis.

(I) An explanation of the contribution mechanisms established by the Commission under the Commission's Report and Order (FCC 97–157), May 8, 1997, and whether any direct end-user charges on consumers are appropriate.

(c) IMPOSITION OF CAP ON COMPENSATION OF INDIVIDUALS EMPLOYED TO CARRY OUT THE PROGRAMS.—No officer or employee of the entity to be proposed to be established under subsection (b)(2) of this section may be compensated at an annual rate of pay, including any non-regular, extraordinary, or unexpected payment based on specific determinations of exceptionally meritorious service or otherwise, bonuses, or any other compensation (either monetary or in-kind), which exceeds the rate of basic pay in effect from time to time for level I of the Executive Schedule under section 5312 of title 5, United States Code.

(d) Second-Half 1998 Contributions.—Before June 1, 1998, the Federal Communications Commission may not—

(1) adjust the contribution factors for telecommunications carriers under section 254; or

(2) collect any such contribution due for the third or fourth quarter of calendar year 1998.

BROWNBACK AMENDMENT NO. 2093

(Ordered to lie on the table.)

Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill, S. 1768, supra; as follows:

On page , after line , insert the following:

SEC. . FULL OFFSET OF SPENDING.

Upon enactment of this Act, the Director of the Office of Management and Budget shall reduce the nondefense discretionary spending limits (on a pro rata basis for each category) for budget authority for fiscal year 1999 by the amounts required to offset budget authority provided for fiscal year 1998 in this Act. This section shall apply to any amount designated as emergency spending in this Act.

ASHCROFT AMENDMENTS NOS. 2094–2095

Ordered to lie on the table.)

Mr. ASHCROFT submittted two amendments intended to be proposed by him to the bill, S. 1768, supra; as follows:

Amendment No. 2094

At the appropriate place insert the following:

SEC. . ESTABLISHMENT OF, AND LIMITATION ON FUTURE CHANGES TO, PUBLICLY-HELD FEDERAL DEBT CEILING.

(a) Establishment of Publicly-Held Federal Debt Ceiling.—Section 3101(b) of title 31, United States Code, is amended—

(1) by striking "(b) The face amount" and inserting "(b)(1) Subject to paragraph (2), the face amount", and

(2) by adding at the end the following:

"(2) The face amount of the obligations described in paragraph (1) not held by Government accounts may not be more than $3,774,000,000,000 outstanding at one time.".

(b) Point of Order Against Changes in Publicly-Held Federal Debt Ceiling.—Title IV of the Congressional Budget Act of 1974 is amended by—

(1) redesignating section 407 as section 408; and

(2) inserting after section 406 the following:

"POINT OF ORDER AGAINST CHANGES IN PUBLICLY-HELD FEDERAL DEBT CEILING

"Sec. 407. (a) In General.—Except as otherwise provided in this section and notwithstanding any other provision of law, it shall not be in order in the Senate or House of Representatives to consider any bill, resolution, or resolution of ratification (or amendment, motion, or conference report on that bill or resolution) that would raise the Federal debt limit specified in section 3101(b)(2) of title 31, United States Code, for any fiscal year.

"(b) Exception for Declaration of War.—Subsection (a) shall not apply if a declaration of war by the Congress is in effect.

"(c) Timing of Points of Order in the Senate.—A point of order under subsection (a) may not be raised against a bill, resolution, amendment, motion, or conference report while an amendment or motion, the adoption of which would remedy the violation of subsection (a), is pending before the Senate.

"(d) Points of Order in the Senate Against Amendments Between the Houses.—The provision of subsection (a) that establishes a point of order against an amendment also establishes a point of order in the Senate against an amendment between the Houses. If a point of order under subsection (a) is raised in the Senate against an amendment between the Houses and the point of order is sustained, the effect shall be the same as if the Senate had disagreed to the amendment.

"(e) Effect of a Point of Order in the Senate.—In the Senate, if a point of order under subsection (a) against a bill or resolution is sustained, the Presiding Officer shall then recommit the bill or resolution to the committee of appropriate jurisdiction for further consideration.

"(f) Waiver.—A point of order under subsection (a) may be waived or suspended in the Senate and the House of Representatives only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.".

(c) Clerical Amendment.—The table of contents of the Congressional Budget and Impoundment Control Act of 1974 is amended in title IV by—

(1) redesignating section 407 as section 408; and

(2) inserting after the item for section 406 the following:

"Sec. 407. Point of order against changes in level of publicly-held Federal debt.".

(d) Effective Date.—The amendments made by this section shall apply to fiscal years beginning after September 30, 1998.

Amendment No. 2095

On page 8, after line 25, insert the following new section and renumber the remaining section accordingly:

SEC. . ADVOCACY OF POLICIES TO ENHANCE THE GENERAL EFFECTIVENESS OF THE INTERNATIONAL MONETARY FUND.

The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use aggressively the voice and vote of the United States to vigorously promote policies to—

(1) increase the effectiveness of the International Monetary Fund in promoting market-oriented reform, trade liberalization, economic growth, democratic governance, and social stability; and

(2) encourage the opening of markets for agricultural commodities and products by requiring recipient countries to make efforts to reduce trade barriers.

GORTON AMENDMENTS NOS. 2096–2097

(Ordered to lie on the table.)

Mr. GORTON submitted two amendments intended to be proposed by him to the bill, S. 1768, supra; as follows:

Amendment No. 2096

At the appropriate place, insert the following:

SEC. . LIMITATIONS ON INTERNATIONAL MONETARY FUND LOANS TO INDONESIA.

The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use the voice and vote of the United States to prevent the extension by the International Monetary Fund of loans or credits that would—

(1) personally benefit the President of Indonesia or any member of the President's family, or

(2) benefit any financial institution or commercial enterprise in which the President of Indonesia or any member of the President's family has a financial interest.

Amendment No. 2097

On page , line of the amendment, strike "House of Representatives." and insert the following:

House of Representatives.

SEC. . LIMITATIONS ON INTERNATIONAL MONETARY FUND LOANS TO INDONESIA.

The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use the voice and vote of the United States to prevent the extension by the International Monetary Fund of loans or credits that would—

(1) personally benefit the President of Indonesia or any member of the President's family, or

(2) benefit any financial institution or commercial enterprise in which the President of Indonesia or any member of the President's family has a financial interest.

LEAHY (AND OTHERS) AMENDMENT NO. 2098

Mr. LEAHY (for himself, Mr. Abraham, Mr. Levin, Mr. DeWine, Mr. Glenn, Mr. Kohl, Mr. Gorton, Mr. Moynihan, Mr. Santorum, and Mr. Feingold) proposed an amendment to the bill, S. 1768, supra; as follows:

At the appropriate place, add the following:

Sec. . Section 203 of the National Sea Grant College Program Act (33 U.S.C. 1122) is amended by—

(1) striking paragraph (5) and redesignating paragraphs (6) through (17) as paragraphs (5) through (16);

(2) redesignating subparagraphs (C) through (F) of paragraph (7), as redesignated, as subparagraphs (D) through (G); and

(3) inserting after subparagraph (B) of paragraph (7), as redesignated, the following:

"(C) Lake Champlain (to the extent that such resources have hydrological, biological, physical, or geological characteristics and problems similar or related to those of the Great Lakes);"

CHAFEE AMENDMENT NO. 2099

(Ordered to lie on the table.)

Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill, S. 1768, supra; as follows:

On page 17, beginning on line 10, strike "to be conducted at full Federal expense".

McCONNELL (AND OTHERS) AMENDMENT NO. 2100

Mr. McCONNELL (for himself, Mr. Hagel, Mr. Gramm, and Mr. Stevens) proposed an amendment to the bill, S. 1768, supra; as follows:

At the appropriate place, insert the following new title:

TITLE —INTERNATIONAL MONETARY FUND

That the following sums are appropriated, out of any money in the Treasury and otherwise appropriated, for the International Monetary Fund for the fiscal year ending September 30, 1998, and for other purposes, namely:

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

LOANS TO INTERNATIONAL MONETARY FUND

NEW ARRANGEMENTS TO BORROW

For loans to the International Monetary Fund (Fund) under the New Arrangements to Borrow, the dollar equivalent of 2,462,000,000 Special Drawing Rights, to remain available until expended; in addition, up to the dollar equivalent of 4,250,000,000 Special Drawing Rights previously appropriated by the Act of November 30, 1983 (Public Law 98–181), and the Act of October 23, 1962 (Public Law 87–872), for the General Arrangements to Borrow, may also be used for the New Arrangements to Borrow.

UNITED STATES QUOTA

For an increase in the United States quota in the International Monetary Fund, the dollar equivalent of 10,622,500,000 Special Drawing Rights, to remain available until expended.

GENERAL PROVISIONS

SECTION . CONDITIONS FOR THE USE OF QUOTA RESOURCES.—(a) None of the funds appropriated in this Act under the heading "United States Quota, International Monetary Fund" may be obligated, transferred or made available to the International Monetary Fund until 30 days after the Secretary of the Treasury certifies that the major shareholders of the International Monetary Fund, including the United States, Japan, the Federal Republic of Germany, France, Italy, the United Kingdom, and Canada have publicly agreed to, and will seek to implement in the Fund, policies that provide conditions in stand-by agreements or other arrangements regarding the use of Fund resources, requirements that the recipient country—

(1) liberalize restrictions on trade in goods and services and on investment, at a minimum consistent with the terms of all international trade obligations and agreements; and

(2) to eliminate the practice or policy of government directed lending on non-commercial terms or provision of market distorting subsidies to favored industries, enterprises, parties, or institutions.

(b) Subsequent to the certification provided in subsection (a), in conjunction with the annual submission of the President's budget, the Secretary of the Treasury shall report to the appropriate committees on the implementation and enforcement of the provisions in subsection (a).

(c) The United States shall exert its influence with the Fund and its members to encourage the Fund to include as part of its conditions of stand-by agreements or other uses of the Fund's resources that the recipient country take action to remove discriminatory treatment between foreign and domestic creditors in its debt resolution proceedings. The Secretary of the Treasury shall report back to the Congress six months after the enactment of this Act, and annually thereafter, on the progress in achieving this requirement.

(d) Nothing in this section shall be construed to create any private right of action with respect to the enforcement of its terms.

SEC. . TRANSPARENCY AND OVERSIGHT.—(a) Not later than 30 days after enactment of this Act, the Secretary of the Treasury shall certify to the appropriate committees that the Board of Executive Directors of the International Monetary Fund has agreed to provide timely access by the Comptroller General to information and documents relating to the Fund's operations, program and policy reviews and decisions regarding stand-by agreements and other uses of the Fund's resources.

(b) The Secretary of the Treasury shall direct, and the U.S. Executive Director to the International Monetary Fund shall agree to—

(1) provide any documents or information available to the Director that are requested by the Comptroller General;

(2) request from the Fund any documents or material requested by the Comptroller General; and

(3) use all necessary means to ensure all possible access by the Comptroller General to the staff and operations of the Fund for the purposes of conducting financial and program audits.

(c) The Secretary of the Treasury, in consultation with the Comptroller General and the U.S. Executive Director of the Fund, shall develop and implement a plan to obtain timely public access to information and documents relating to the Fund's operations, programs and policy reviews and decisions regarding stand-by agreements and other uses of the Fund's resources.

(d) No later than July 1, 1998 and, not later than March 1 of each year thereafter, the Secretary of the Treasury shall submit a report to the appropriate committees on the status of timely publication of Letters of Intent and Article IV consultation documents and the availability of information referred to in (c).

SEC. . ADVISORY COMMISSION.—(a) The President shall establish an International Financial Institution Advisory Commission (hereafter "Commission").

(b) The Commission shall include at least five former United States Secretaries of the Treasury.

(c) Within 180 days, the Commission shall report to the appropriate committees on the future role and responsibilities, if any, of the International Monetary Fund and the merit, costs and related implications of consolidation of the organization, management, and activities of the International Monetary Fund, the International Bank for Reconstruction and Development and the World Trade Organization.

SEC. . BRETTON WOODS CONFERENCE.—Not later than 180 days after the Commission reports to the appropriate committees, the President shall call for a conference of representatives of the governments of the member countries of the International Monetary Fund, the International Bank for Reconstruction and Development and the World Trade Organization to consider the structure, management and activities of the institutions, their possible merger and their capacity to contribute to exchange rate stability and economic growth and to respond effectively to financial crises.

SEC. . REPORTS.—(a) Following the extension of a stand-by agreement or other uses of the resources by the International Monetary Fund, the Secretary of the Treasury, in consultation with the U.S. Executive Director of the Fund, shall submit a report to the appropriate committees providing the following information—

(1) the borrower's rules and regulations dealing with capitalization ratios, reserves, deposit insurance system and initiatives to improve transparency of information on the financial institutions and banks which may benefit from the use of the Fund's resources;

(2) the burden shared by private sector investors and creditors, including commercial banks in the Group of Seven Nations, in the losses which have prompted the use of the Fund's resources;

(3) the Fund's strategy, plan and timetable for completing the borrower's pay back of the Fund's resources including a date by which he borrower will be free from all international institutional debt obligation; and

(4) the status of efforts to upgrade the borrower's national standards to meet the Basle Committee's Core Principles for Effective Banking Supervision.

(b) Following the extension of a stand-by agreement or other use of the Fund's resources, the Secretary of the Treasury shall report to the appropriate committees in conjunction with the annual submission of the President's budget, an account of the direct and indirect institutional recipients of such resources: *Provided*, That this account shall include the institutions or banks indirectly supported by the Fund through resources made available by the borrower's Central Bank.

(c) Not later than 30 days after the enactment of this Act, the Secretary shall submit a report to the appropriate committees of Congress providing the information requested in paragraphs (a) and (b) for the countries of South Korea, Indonesia, Thailand and the Philippines.

SEC. . CERTIFICATIONS.—(a) The Secretary of the Treasury shall certify to the appropriate committees that the following conditions have been met—

(1) No International Monetary Fund resources have resulted in direct support to the semiconductor, steel, automobile, or textile and apparel industries in any form;

(2) The Fund has not guaranteed nor underwritten the private loans of semiconductor, steel, automobile, or textile and apparel manufacturers; and

(3) Officials from the Fund and the Department of the Treasury have monitored the implementation of the provisions contained in stabilization programs in effect after July 1, 1997, and all of the conditions have either been met, or the recipient government has committed itself to fulfill all of these conditions according to an explicit timetable for completion; which timetable has been provided to and approved by the Fund and the Department of the Treasury.

(b) Such certifications shall be made 14 days prior to the disbursement of any Fund resources to the borrower.

(c) The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use the voice and vote of the Executive Director to oppose disbursement of further funds if such certification is not given.

(d) Such certifications shall continue to be made on an annual basis as long as Fund contributions continue to be outstanding to the borrower country.

SEC. . DEFINITIONS.—For the purposes of this Act, "appropriate committees" includes the Appropriations Committee, the Committee on Foreign Relations, Committee on Finance and the Committee on Banking, Housing and Urban Affairs of the Senate and the Committee on Appropriations and the Committee on Banking and Financial Services in the House of Representatives.

This title may be cited as the "1998 Supplemental Appropriations Act for the International Monetary Fund".

FRIST (AND BYRD) AMENDMENT NO. 2101

Mr. STEVENS (for Mr. FRIST, for himself and Mr. BYRD) proposed an amendment to the bill, S. 1768, supra; as follows:

At the appropriate place, insert the following:

SEC. . EXEMPTION AUTHORITY FOR AIR SERVICE TO SLOT-CONTROLLED AIRPORTS.

(a) IN GENERAL.—Section 41714(i) of title 49, United States Code, is amended by—

(1) striking "CERTAIN" in the caption;

(2) striking "120" and inserting "90"; and

(3) striking "(a)(2) to improve air service between a nonhub airport (as defined in section 41731(a)(4)) and a high density airport subject to the exemption authority under subsection (a)," and inserting "(a) or (c),".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) apply to applications for slot exemptions pending at the Department of Transportation under section 41714 of title 49, United States Code, on the date of enactment of this Act or filed thereafter.

(2) APPLICATION TO PENDING REQUESTS.—For the purpose of applying the amendments made by subsection (a) to applications pending on the date of enactment of this Act, the Secretary of Transportation shall take into account the number of days the application was pending before the date of enactment of this Act. If such an application was pending for 80 or more days before the date of enactment of this Act, the Secretary shall grant or deny the exemption to which the application relates within 20 calendar days after that date.

GORTON (AND GREGG) AMENDMENT NO. 2102

Mr. GORTON (for himself and Mr. GREGG) proposed an amendment to the bill, S. 1768, supra; as follows:

At the appropriate place, insert the following:

SEC. . LIMITATIONS ON INTERNATIONAL MONETARY FUND LOANS TO INDONESIA.

The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use the voice and vote of the United States to prevent the extension by the International Monetary Fund of loans or credits that would—

(1) personally benefit the President of Indonesia or any member of the President's family, or

(2) benefit any financial institution or commercial enterprise in which the President of Indonesia or any member of the President's family has a financial interest.

FAIRCLOTH AMENDMENT NO. 2103

Mr. FAIRCLOTH proposed an amendment to the bill, S. 1768, supra; as follows:

At the appropriate place, add the following:

SEC. . EDUCATION STABILIZATION LOANS AND FUND.

(a) LOANS.—

(1) IN GENERAL.—The Secretary of Education (referred to in this subsection as the "Secretary") shall make loans to States for the purpose of constructing and modernizing elementary schools and secondary schools.

(2) TERMS.—The Secretary shall make low interest, long-term loans, as determined by the Secretary, under paragraph (1). The Secretary shall determine the eligibility requirements for, and the terms of, any loan made under paragraph (1).

(3) ALLOCATION OF FUNDS.—The Secretary shall determine a formula for allocating the funds made available under subsection (b)(4) to States for loans under paragraph (1). The Secretary shall ensure that the formula provides for the allocation of funds for such loans to each eligible State. In determining the formula, the Secretary shall take into consideration the need for financial assistance of States with significant increases in populations of elementary school and secondary school students.

(4) DEFINITIONS.—In this subsection, the terms "elementary school" and "secondary school" have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(b) FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund, to be known as the "Education Stabilization Fund", consisting of the amounts transferred to or deposited in the Trust Fund under paragraph (2) and any interest earned on investment of the amounts in the Trust Fund under paragraph (3).

(2) TRANSFERS AND DEPOSITS.—

(A) TRANSFER.—The Secretary of the Treasury shall transfer to the Trust Fund an amount equal to $5,000,000,000 from the stabilization fund described in section 5302 of title 31, United States Code.

(B) DEPOSITS.—There shall be deposited in the Trust Fund all amounts received by the Secretary of Education incident to loan operations under subsection (a), including all collections of principal and interest.

(3) INVESTMENT OF TRUST FUND.—

(A) IN GENERAL.—The Secretary of the Treasury shall invest the portion of the Trust Fund that is not, in the Secretary's judgment, required to meet current withdrawals.

(B) OBLIGATIONS.—Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired—

(i) on original issue at the issue price; or

(ii) by purchase of outstanding obligations at the market price.

(C) PURPOSES FOR OBLIGATIONS OF THE UNITED STATES.—The purposes for which obligations of the United States may be issued under chapter 31 of title 31, United States Code, are extended to authorize the issuance at par of special obligations exclusively to the Trust Fund.

(D) INTEREST.—Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the Public Debt, except that where such average rate is not a multiple of ⅛ of 1 percent, the rate of interest of such special obligations shall be the multiple of ⅛ of 1 percent next lower than such average rate.

(E) DETERMINATION.—Such special obligations shall be issued only if the Secretary of the Treasury determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest.

(F) SALE OF OBLIGATION.—Any obligation acquired by the Trust Fund (except special obligations issued exclusively to the Trust Fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

(G) CREDITS TO TRUST FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

GRAMM (AND SANTORUM) AMENDMENT NO. 2104

Mr. GRAMM (for himself and Mr. SANTORUM) proposed an amendment to the bill, S. 1768, supra; as follows:

At the appropriate place, insert the following:

SEC. . Notwithstanding any other provision of this Act or any other provision of law, only that portion of budget authority provided in this Act that is obligated during fiscal year 1998 shall be designated as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985. All remaining budget authority provided in this Act shall not be available for obligation until October 1, 1998.

THE EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

FAIRCLOTH AMENDMENT NO. 2105

(Ordered to lie on the table.)

Mr. FAIRCLOTH submitted an amendment intended to be proposed by him to amendment No. 2029 submitted by Mr. KERREY to the bill (H.R. 2646) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes; as follows:

Beginning with page 5, line 8, and ending with page 30, line 13, strike all, and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Internal Revenue Service Private Citizen Oversight Board Act of 1998".

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; amendment of 1986 Code; table of contents.
Sec. 2. Internal Revenue Service Oversight Board.
Sec. 3. Commissioner of Internal Revenue; other officials.
Sec. 4. Other personnel.
Sec. 5. Prohibition on executive branch influence over taxpayer audits and other investigations.

SEC. 2. INTERNAL REVENUE SERVICE OVERSIGHT BOARD.

(a) IN GENERAL.—Section 7802 (relating to the Commissioner of Internal Revenue) is amended to read as follows:

"SEC. 7802. INTERNAL REVENUE SERVICE OVERSIGHT BOARD.

"(a) ESTABLISHMENT.—There is established within the Department of the Treasury the

Internal Revenue Service Oversight Board (hereafter in this subchapter referred to as the 'Oversight Board').

"(b) MEMBERSHIP.—

"(1) COMPOSITION.—The Oversight Board shall be composed of 9 members who are not Federal officers or employees and who are appointed by the President, by and with the advice and consent of the Senate.

"(2) QUALIFICATIONS AND TERMS.—

"(A) QUALIFICATIONS.—Members of the Oversight Board shall be appointed solely on the basis of their professional experience and expertise in 1 or more of the following areas:

"(i) Management of large service organizations.

"(ii) Customer service.

"(iii) Federal tax laws, including tax administration and compliance.

"(iv) Information technology.

"(v) Organization development.

"(vi) The needs and concerns of taxpayers.

"(vii) Management or ownership of a small business.

In the aggregate, the members of the Oversight Board should collectively bring to bear expertise in all of the areas described in the preceding sentence.

"(B) TERMS.—Each member shall be appointed for a term of 5 years, except that of the members first appointed under paragraph (1)—

"(i) 1 member shall be appointed for a term of 1 year,

"(ii) 1 member shall be appointed for a term of 2 years,

"(iii) 2 members shall be appointed for a term of 3 years, and

"(iv) 2 members shall be appointed for a term of 4 years.

Such terms shall begin on the date of appointment.

"(C) REAPPOINTMENT.—An individual may be appointed to no more than two 5-year terms on the Oversight Board.

"(D) VACANCY.—Any vacancy on the Oversight Board shall be filled in the same manner as the original appointment. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of that term.

"(E) SPECIAL GOVERNMENT EMPLOYEES.—During the entire period that an individual is a member of the Oversight Board, such individual shall be treated as—

"(i) serving as a special government employee (as defined in section 202 of title 18, United States Code) and as described in section 207(c)(2) of such title, 18, and

"(ii) serving as an officer or employee referred to in section 101(f) of the Ethics in Government Act of 1978 for purposes of title I of such Act.

"(3) QUORUM.—6 members of the Oversight Board shall constitute a quorum. A majority of members present and voting shall be required for the Oversight Board to take action.

"(4) REMOVAL.—Any member of the Oversight Board may be removed at the will of the President.

"(5) CLAIMS.—

"(A) IN GENERAL.—Members of the Oversight Board shall have no personal liability under Federal law with respect to any claim arising out of or resulting from an act or omission by such member within the scope of service as a member. The preceding sentence shall not be construed to limit personal liability for criminal acts or omissions, willful or malicious conduct, acts or omissions for private gain, or any other act or omission outside the scope of the service of such member on the Oversight Board."

"(B) EFFECT ON OTHER LAW.—This paragraph shall not be construed—

"(i) to affect any other immunities and protections that may be available to such member under applicable law with respect to such transactions,

"(ii) to affect any other right or remedy against the United States under applicable law, or

"(iii) to limit or alter in any way the immunities that are available under applicable law for Federal officers and employees.

"(c) GENERAL RESPONSIBILITIES.—

"(1) IN GENERAL.—The Oversight Board shall oversee the Internal Revenue Service in its administration, management, conduct, direction, and supervision of the execution and application of the internal revenue laws or related statues and tax conventions to which the United States is a party.

"(2) REQUIREMENT FOR DISCLOSURE OF RETURN INFORMATION TO OVERSIGHT BOARD MEMBERS.—Notwithstanding any other provision of law, any return, return information, or taxpayer return information (as defined in section 6103(b)) shall, without written request, be open to inspection by or disclosure to the members and staff of the Internal Revenue Service Oversight Board.

"(d) SPECIFIC RESPONSIBILITIES.—The Oversight Board shall have the following specific responsibilities:

"(1) STRATEGIC PLANS.—To review and approve strategic plans of the Internal Revenue Service, including the establishment of—

"(A) mission and objectives, and standards of performance relative to either, and

"(B) annual and long-range strategic plans.

"(2) OPERATIONAL PLANS.—To review the operational functions of the Internal Revenue Service, including—

"(A) plans for modernization of the tax system, including the procurement of information technology intended to process tax returns,

"(B) plans for outsourcing or managed competition, and

"(C) plans for training and education.

"(3) MANAGEMENT.—To—

"(A) recommend to the President candidates for appointment as the Commissioner of Internal Revenue and recommend to the President the removal of the Commissioner,

"(B) review the Commissioner's selection, evaluation, and compensation of senior managers,

"(C) review and approve the Commissioner's plans for any major reorganization of the Internal Revenue Service, and

"(D) review, and make recommendations to the Commissioner concerning, the auditing procedures and collection activities of the Internal Revenue Service.

"(4) BUDGET.—To—

"(A) review and approve the budget request of the Internal Revenue Service prepared by the Commissioner,

"(B) submit such budget request to the Secretary of the Treasury, and

"(C) ensure that the budget request supports the annual and long-range strategic plans.

The Secretary shall submit the budget request referred to in paragraph (4)(B) for any fiscal year to the President who shall submit such request, without revision, to Congress together with the President's annual budget request for the Internal Revenue Service for such fiscal year.

"(e) OVERSIGHT BOARD PERSONNEL MATTERS.—

"(1) COMPENSATION OF MEMBERS.—

"(A) IN GENERAL.—Each member of the Oversight Board shall be compensated at a rate not to exceed $30,000 per year.

"(B) CHAIRPERSON.—In lieu of the amount specified in subparagraph (A), the Chairperson of the Oversight Board shall be compensated at a rate not to exceed $50,000.

"(2) TRAVEL EXPENSES.—The members of the Oversight Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business for purposes of attending meetings of the Oversight Board.

"(3) STAFF.—At the request of the Chairperson of the Oversight Board, the Commissioner shall detail to the Oversight Board such personnel as may be necessary to enable the Oversight Board to perform its duties. Such detail shall be without interruption or loss of civil service status or privilege. The Chairperson of the Oversight Board may recommend to the Commissioner specific staff of the Internal Revenue Service for detail to the Oversight Board, and may recommend to the Commissioner specific individuals not employed by the Internal Revenue Service to be hired by the Internal Revenue Service for the purpose of being detailed to the Oversight Board.

"(4) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Oversight Board may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

"(f) ADMINISTRATIVE MATTERS.—

"(1) CHAIR.—The members of the Oversight Board shall elect for a 2-year term a chairperson from among the members.

"(2) COMMITTEES.—The Oversight Board may establish such committees as the Oversight Board determines appropriate.

"(3) MEETINGS.—The Oversight Board shall meet at least once each month and at such other times as the Oversight Board determines appropriate.

"(4) REPORTS.—The Oversight Board shall each year report to the President and the Congress with respect to the conduct of its responsibilities under this title.".

(b) CONFORMING AMENDMENTS.—

(1) Section 4946(c) (relating to definitions and special rules for chapter 42) is amended—

(A) by striking "or" at the end of paragraph (5),

(B) by striking the period at the end of paragraph (6) and inserting ", or", and

(C) by adding at the end the following new paragraph:

"(7) a member of the Internal Revenue Service Oversight Board.".

(2) The table of sections for subchapter A of chapter 80 is amended by striking the item relating to section 7802 and inserting the following new item:

"Sec. 7802. Internal Revenue Service Oversight Board.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(2) NOMINATIONS TO INTERNAL REVENUE SERVICE OVERSIGHT BOARD.—The President shall submit nominations under section 7802 of the Internal Revenue Code of 1986, as added by this section, to the Senate not later than 6 months after the date of the enactment of this Act.

SEC. 3. COMMISSIONER OF INTERNAL REVENUE; OTHER OFFICIALS.

(a) IN GENERAL.—Section 7803 (relating to other personnel) is amended to read as follows:

"SEC. 7803. COMMISSIONER OF INTERNAL REVENUE; OTHER OFFICIALS.

"(a) COMMISSIONER OF INTERNAL REVENUE.—

"(1) APPOINTMENT.—

"(A) IN GENERAL.—There shall be in the Department of the Treasury a Commissioner of Internal Revenue who shall be appointed by the President, by and with the advice and consent of the Senate, to a 5-year term. The appointment shall be made without regard to political affiliation or activity.

"(B) VACANCY.—Any individual appointed to fill a vacancy in the position of Commissioner occurring before the expiration of the term for which such individual's predecessor was appointed shall be appointed only for the remainder of that term.

"(C) REMOVAL.—The Commissioner may be removed at the will of the President.

"(2) DUTIES.—The Commissioner shall have such duties and powers as the Secretary may prescribe, including the power to—

"(A) administer, manage, conduct, direct, and supervise the execution and application of the internal revenue laws or related statutes and ax conventions to which the United States is a party; and

"(B) recommend to the President a candidate for appointment as Chief Counsel for the Internal Revenue Service when a vacancy occurs, and recommend to the President the removal of such Chief Counsel.

If the Secretary determines not to delegate a power specified in subparagraph (A) or (B), such determination may not take effect until 30 days after the Secretary notifies the Committees on Ways and Means, Government Reform and Oversight, and Appropriations of the House of Representatives, the Committees on Finance, Government Operations, and Appropriations of the Senate, and the Joint Committee on Taxation.

"(3) CONSULTATION WITH OVERSIGHT BOARD.—The Commissioner shall consult with the Oversight Board on all matters set forth in paragraphs (2) and (3) (other than paragraph (3)(A) of section 7802(d).

"(b) ASSISTANT COMMISSIONER FOR EMPLOYEE PLANS AND EXEMPT ORGANIZATIONS.—There is established within the Internal Revenue Service an office to be known as the "Office of Employee Plans and Exempt Organizations' to be under the supervision and direction of an Assistant Commissioner of Internal Revenue. As head of the Office, the Assistant Commissioner shall be responsible for carrying out such functions as the Secretary may prescribe with respect to organizations exempt from tax under section 501(a) and with respect to plans to which part I of subchapter D of chapter 1 applies (and with respect to organizations designed to be exempt under such section and plans designed to be plans to which such part applies) and other nonqualified deferred compensation arrangements. The Assistant Commissioner shall report annually to the Commissioner with respect to the Assistant Commissioner's responsibilities under this section.

"(c) OFFICE OF TAXPAYER ADVOCATE.—

"(1) IN GENERAL.—

"(A) ESTABLISHMENT.—There is established in the Internal Revenue Service an office to be known as the "Office of the Taxpayer Advocate'. Such office shall be under the supervision and direction of an official to be known as the "Taxpayer Advocate' who shall be appointed with the approval of the Oversight Board by the Commissioner of Internal Revenue and shall report directly to the Commissioner. The Taxpayer Advocate shall be entitled to compensation at the same rate as the highest level official reporting directly to the Commissioner of Internal Revenue.

"(B) RESTRICTION ON SUBSEQUENT EMPLOYMENT.—An individual who is an officer or employee of the Internal Revenue Service may be appointed as Taxpayer Advocate only if such individual agrees not to accept any employment with the Internal Revenue Service for at least 5 years after ceasing to be the Taxpayer Advocate.

"(2) FUNCTIONS OF OFFICE.—

"(A) IN GENERAL.—It shall be the function of the Office of Taxpayer Advocate to—

"(i) assist taxpayers in resolving problems with the Internal Revenue Service,

"(ii) identify areas in which taxpayers have problems in dealings with the Internal Revenue Service,

"(iii) to the extent possible, propose changes in the administrative practices of the Internal Revenue Service to mitigate problems identified under clause (ii), and

"(iv) identify potential legislative changes which may be appropriate to mitigate such problems.

"(B) ANNUAL REPORTS.—

"(i) OBJECTIVES.—Not later than June 30 of each calendar year, the Taxpayer Advocate shall report to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and the Subcommittees on Treasury, Postal Service, and General Government of the Committees on Appropriation of the House of Representatives and the Senate on the objectives of the Taxpayer Advocate for the fiscal year beginning in such calendar year. Any such report shall contain full and substantive analysis, in addition to statistical information.

"(ii) ACTIVITIES.—Not later than December 31 of each calendar year, the Taxpayer Advocate shall report to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and the Subcommittees on Treasury, Postal Service, and General Government of the Committees on Appropriation of the House of Representatives and the Senate on the activities of the Taxpayer Advocate during the fiscal year ending during such calendar year. Any such report shall contain full and substantive analysis, in addition to statistical information, and shall—

"(I) identify the initiatives the Taxpayer Advocate has taken on improving taxpayer services and Internal Revenue Service responsiveness,

"(II) contain recommendations received from individuals with the authority to issue Taxpayer Assistance Orders under section 7811,

"(III) contain a summary of at least 20 of the most serious problems encountered by taxpayers, including a description of the nature of such problems,

"(IV) contain an inventory of the items described in subclauses (I), (II), and (III) for which action has been taken and the result of such action,

"(V) contain an inventory of the items described in subclauses (I), (II), and (III) for which action remains to be completed and the period during which each item has remained on such inventory,

"(VI) contain an inventory of the items described in subclauses (I), (II), and (III) for which no action has been taken, the period during which each item has remained on such inventory, the reasons for the inaction, and identify any Internal Revenue Service official who is responsible for such inaction,

"(VII) identify any Taxpayer Assistance Order which was not honored by the Internal Revenue Service in a timely manner, as specified under section 7811(b),

"(VIII) contain recommendations for such administrative and legislative action as may be appropriate to resolve problems encountered by taxpayers,

"(IX) identify areas of the tax law that impose significant compliance burdens on taxpayers or the Internal Revenue Service, including specific recommendations for remedying these problems,

"(X) in conjunction with the National Director of Appeals, identify the 10 most litigated issues for each category of taxpayers, including recommendations for mitigating such disputes, and

"(XI) include such other information as the Taxpayer Advocate may deem advisable.

"(iii) SUBMISSION OF REPORT.—Each report required under this subparagraph shall be provided to the committees described in clauses (i) and (ii) with prior review and comment from the Oversight Board, but without any prior review or comment from the Secretary of the Treasury, any other officer or employee of the Department of the Treasury, or the Office of Management and Budget.

"(C) OTHER RESPONSIBILITIES.—The Taxpayer Advocate shall—

"(i) monitor the coverage and geographic allocation of problem resolution officers, and

"(ii) develop guidance to be distributed to all Internal Revenue Service officers and employees outlining the criteria for referral of taxpayer inquiries to problem resolution officers.

"(3) RESPONSIBILITIES OF COMMISSIONER.—The Commissioner shall establish procedures requiring a formal response to all recommendations submitted to the Commissioner by the Taxpayer Advocate within 3 months after submission to the Commissioner.".

(b) CONFORMING AMENDMENTS.—

(1) The table of sections for subchapter A of chapter 80 is amended by striking the item relating to section 7803 and inserting the following new item:

"Sec. 7803. Commissioner of Internal Revenue; other officials.".

(2) Subsection (b) of section 5109 of title 5, United States Code, is amended by striking "7802(b)" and inserting "7803(b)".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(2) CURRENT OFFICERS.—

(A) In the case of an individual serving as Commissioner of Internal Revenue on the date of the enactment of this Act who was appointed to such position before such date, the 5-year term required by section 7803(a)(1) of the Internal Revenue Code of 1986, as added by this section, shall begin as of the date of such appointment.

(B) Section 7803(c)(1)(B) of such Code, as added by this section, shall not apply to the individual serving as Taxpayer Advocate on the date of the enactment of this Act.

SEC. 4. OTHER PERSONNEL.

(a) IN GENERAL.—Section 7804 (relating to the effect of reorganization plans) is amended to read as follows:

"SEC. 7804. OTHER PERSONNEL.

"(a) APPOINTMENT AND SUPERVISION.—Unless otherwise prescribed by the Secretary, the Commissioner of Internal Revenue is authorized to employ such number of persons as the Commissioner deems proper for the administration and enforcement of the internal revenue laws, and the Commissioner shall issue all necessary directions, instructions, orders, and rules applicable to such persons.

"(b) POSTS OF DUTY OF EMPLOYEES IN FIELD SERVICE OR TRAVELING.—Unless otherwise prescribed by the Secretary—

"(1) DESIGNATION OF POST OF DUTY.—The Commissioner shall determine and designate the posts of duty of all such persons engaged in field work or traveling on official business outside of the District of Columbia.

"(2) DETAIL OF PERSONNEL FROM FIELD SERVICE.—The Commissioner may order any such person engaged in field work to duty in the District of Columbia, for such periods as the Commissioner may prescribe, and to any designated post of duty outside the District of Columbia upon the completion of such duty.

"(c) DELINQUENT INTERNAL REVENUE OFFICERS AND EMPLOYEES.—If any officer or employee of the Treasury Department acting in connection with the internal revenue laws fails to account for and pay over any amount of money or property collected or received by him in connection with the internal revenue laws, the Secretary shall issue notice and demand to such officer or employee for payment of the amount which he failed to account for and pay over, and, upon failure to pay the amount demanded within the time specified in such notice, the amount so demanded shall be deemed imposed upon such officer or employee and assessed upon the date of such notice and demand, and the provisions of chapter 64 and all other provisions of law relating to the collection of assessed taxes shall be applicable in respect of such amount.".

(b) CONFORMING AMENDMENTS.—

(1) Subsection (b) of section 6344 is amended by striking "section 7803(d)" and inserting "section 7804(c)".

(2) The table of sections for subchapter A of chapter 80 is amended by striking the item relating to section 7804 and inserting the following new item:

"Sec. 7804. Other personnel.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 5. PROHIBITION ON EXECUTIVE BRANCH INFLUENCE OVER TAXPAYER AUDITS AND OTHER INVESTIGATIONS.

(a) IN GENERAL.—Part I of subchapter A of chapter 75 (relating to crimes, other offenses, and forfeitures) is amended by adding after section 7216 the following new section:

"SEC. 7217. PROHIBITION ON EXECUTIVE BRANCH INFLUENCE OVER TAXPAYER AUDITS AND OTHER INVESTIGATIONS.

"(a) PROHIBITION.—It shall be unlawful for any applicable person to request any officer or employee of the Internal Revenue Service to conduct or terminate an audit or other investigation of any particular taxpayer with respect to the tax liability of such taxpayer.

"(b) REPORTING REQUIREMENTS.—Any officer or employee of the Internal Revenue Service receiving any request prohibited by subsection (a) shall report the receipt of such request to the Chief Inspector of the Internal Revenue Service.

"(c) EXCEPTIONS.—Subsection (a) shall not apply to—

"(1) any request made to an applicable person by the taxpayer or a representative of the taxpayer and forwarded by such applicable person to the Internal Revenue Service,

"(2) any request by an applicable person for disclosure of return or return information under section 6103 if such request is made in accordance with the requirements of such section, or

"(3) any request by the Secretary of the Treasury as a consequence of the implementation of a change in tax policy.

"(d) PENALTY.—Any person who willfully violates subsection (a) or fails to report under subsection (b) shall be punished upon conviction by a fine in any amount not exceeding $5,000, or imprisonment of not more than 5 years, or both, together with the costs of prosecution.

"(e) APPLICABLE PERSON.—For purposes of this section, the term 'applicable person' means—

"(1) the President, the Vice President, any employee of the executive office of the President, and any employee of the executive office of the Vice President, and

"(2) any individual (other than the Attorney General of the United States) serving in a position specified in section 5312 of title 5, United States Code.".

(b) CLERICAL AMENDMENT.—The table of sections for part I of subchapter A of chapter 75 is amended by adding after the item relating to section 7216 the following new item:

"Sec. 7217. Prohibition on executive branch influence over taxpayer audits and other investigations.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to requests made after the date of the enactment of this Act.

1998 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM NATURAL DISASTERS, AND FOR OVERSEAS PEACEKEEPING EFFORTS

MACK (AND GRAHAM) AMENDMENT NO. 2106

(Ordered to lie on the table.)

Mr. MACK (and Mr. GRAHAM) submitted an amendment intended to be proposed by them to the bill, S. 1768, supra; as follows:

On page 38, after line 18, add the following:

SEC. 4 . COASTAL BARRIER RESOURCES SYSTEM.

(a) REPLACEMENT OF MAPS.—

(1) IN GENERAL.—The final set of maps entitled "Coastal Barrier Resources System", dated October 24, 1990, and revised November 12, 1996, and relating to the units of the Coastal Barrier Resources System specified in subsection (b) (which set of maps was created by the Department of the Interior to comply with section 220 of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 3503 note; 110 Stat. 4115), and notice of which was published in the Federal Register on May 28, 1997) shall have the force and effect of law and replace any other inconsistent Coastal Barrier Resources System maps in the possession of the Department of the Interior.

(2) UNITS.—The units of the Coastal Barrier Resources System referred to in subsection (a) are the following: P04A, P05/P05P; P05A/P05AP, FL–06P; P10/P10P; P11; P11AP, P11A; P18/P18P; P25/P25P; and P32/P32P.

(b) EFFECTIVE DATE.—Subsection (a) shall be effective on the date of enactment of this Act, and the Secretary of the Interior shall replace the inconsistent maps on that date.

1998 SUPPLEMENTAL APPROPRIATIONS ACT FOR THE INTERNATIONAL MONETARY FUND

ASCHCROFT AMENDMENT NO. 2107

(Ordered to lie on the table.)

Mr. ASHCROFT submitted an amendment intended to be proposed by him to the bill (S. 1769) making supplemental appropriations for the International Monetary Fund for the fiscal year ending September 30, 1998, and for other purposes; as follows:

On page 8, after line 25, insert the following new section and renumber the remaining section accordingly:

SEC. ___. ADVOCACY OF POLICIES TO ENHANCE THE GENERAL EFFECTIVENESS OF THE INTERNATIONAL MONETARY FUND.

The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use aggressively the voice and vote of the United States to vigorously promote policies to—

(2) encourage the opening of markets for agricultural commodities and products by requiring recipient countries to make efforts to reduce trade barriers.

THE EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

GREGG AMENDMENT NO. 2108

(Ordered to lie on the table.)

Mr. GREGG submitted an amendment intended to be proposed by him to an amendent submitted by Ms. MOSELEY-BRAUN to the bill (H.R. 2646) to amend the Internal Revenue Code of 1986b to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes, as follows:

At the end of the amendment, insert the following:

(3) APPLICATION.—Notwithstanding any other provision of law, the amendments made by this section shall not apply to obligations issued before January 1, 2005, which is the date on which the amount appropriated to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) for a fiscal year should be sufficient to fully fund such part for the fiscal year at the originally promised by providing to each State 40 percent of the average per-pupil expenditure for providing special education and related services for each child with a disability in the State.

1998 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM NATURAL DISASTERS, AND FOR OVERSEAS PEACEKEEPING EFFORTS

D'AMATO (AND OTHERS) AMENDMENT NO. 2109

Mr. D'AMATO (for himself, Mr. MOYNIHAN, Mr. JEFFORDS, Mr. LEAHY, Ms. SNOWE, and Ms. COLLINS) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 5, line 5, strike "DAIRY AND".

On page 5, line 8, strike "and dairy".

On page 5, line 10, strike "and milk".

On page 5, line 20, beginning with the word "is", strike everything down through and including the word "amended" on line 23, and insert in lieu thereof:

"shall be available only to the extent that an official budget request for $4,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act."

On page 5, after line 23, insert the following:

"DAIRY PRODUCTION DISASTER ASSISTANCE PROGRAM

"Effective only for natural disasters beginning on November 27, 1997, through the date of enactment of this Act, $10,000,000 to implement a dairy production indemnity program to compensate producers for losses of milk that had been produced but not marketed or for diminished production (including diminished future production due to mastitis) due to natural disasters designated pursuant to a Presidential or Secretarial declaration requested during such period: *Provided*, That payments for diminished production shall be determined on a per head basis derived from a comparison to a like production period from the previous year, the disaster period is 180 days starting with the date of the disaster and the payment rate shall be $4.00 per hundredweight of milk: *Provided further*, That in establishing this program, the Secretary shall, to the extent practicable, utilize gross income and payment limitations established for the Disaster Reserve Assistance Program for the 1996 crop year: *Provided further*, That the entire amount is available only to the extent that an official budget request for $10,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act."

HELMS AMENDMENT NO. 2110

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 1768, supra; as follows:

At the appropriate place, insert the following:

SEC. . POLITICAL REFORM IN INDONESIA.

(a) IN GENERAL.—The Secretary of the Treasury shall not make any of the funds appropriated or otherwise made available for the International Monetary Fund by this Act available for Indonesia until the Secretary of the Treasury determines and certifies to the appropriate congressional committees that the Government of Indonesia—

(1) has announced a timetable for free and fair elections for the presidency, vice presidency, and parliament of Indonesia; and

(2) is providing for such elections to be completed within one year.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES.—As used in this section, the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Bankiial Services and the Committee on Appropriations of the House of Representatives.

LEAHY AMENDMENT NO. 2111

Mr. STEVENS (for Mr. LEAHY) proposed an amendment to the bill, S. 1768, supra; as follows:

At the appropriate place, insert the following:

SEC. . Notwithstanding section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) or any other provision of law, of the amount made available under the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119) for the account for salaries and expenses of the Small Business Administration, to fund grants for performance in fiscal year 1998 or fiscal year 1999 as authorized by section 21 of the Small Business Act (15 U.S.C. 648), any funds obligated or expended for the conduct of a pilot project for a study on the current state of commerce on the Internet in Vermont shall not be subject to a non-Federal matching requirement.

COVERDELL (AND OTHERS) AMENDMENT NO. 2112

Mr. STEVENS (for Mr. COVERDELL, for himself, Mr. COCHRAN, Mr. BUMPERS, Mrs. BOXER, and Mr. CLELAND) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 4, line 1, beginning with the word "of", strike all down through and including the word "That" at the end of line 3.

On page 6, line 6, strike "$50,000,000" and insert "$100,000,000".

On page 6, line 7, beginning with the word "of", strike all down through and including the word "That" on line 10.

On page 6, line 12, strike "$50,000,000" and insert "$100,000,000".

KENNEDY (AND KERRY) AMENDMENT NO. 2113

Mr. STEVENS (for Mr. KENNEDY, for himself and Mr. KERRY) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 15, below line 21, add the following:

SEC. 205. (a)(1) The Secretary of Defense may enter into a lease or acquire any other interest in the parcels of land described in paragraph (2). The parcels consist in aggregate of approximately 90 acres.

(2) The parcels of land referred to in paragraph (1) are the following land used for the commercial production of cranberries:

(A) The parcels known as the Mashpee bogs, located in the Quashupt River adjacent to the Massachusetts Military Reservation, Massachusetts.

(B) The parcels known as the Falmouth bogs, located on the Coonamessett River adjacent to the Massachusetts Military Reservation, Massachusetts.

(3) The term of any lease or other interest acquired under paragraph (1) may not exceed two years.

(4) Any lease or other real property interest acquired under paragraph (1) shall be subject to such other terms and conditions as are agreed upon jointly by the Secretary and the person or entity entering into the lease or extending the interest.

(b) Of the amounts appropriated or otherwise made available for the Department of Defense for fiscal year 1998, up to $2,000,000 may be available to acquire the lease or other interest under subsection (a).

COATS (AND LIEBERMAN) AMENDMENT NO. 2114

Mr. STEVENS (for Mr. COATS, for himself and Mr. LIEBERMAN) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 15, after line 21, insert the following:

SEC. 205. (a) Section 924(j) of Public Law 104–201 (110 Stat. 2628) is amended to read as follows:

"(j) DURATION OF PANEL.—The Panel shall exist until September 30, 1998, and shall terminate at the end of the day on such date.".

(b) The National Defense Panel established under section 924 of Public Law 104–201 shall be deemed to have continued in existence after the Panel submitted its report under subsection (e) of such section until the Panel terminates under subsection (j) of such section as amended by subsection (a).

SHELBY (AND OTHERS) AMENDMENT NO. 2115

Mr. STEVENS (for Mr. SHELBY, for himself, Mr. BYRD, Mrs. BOXER, and Mr. DORGAN) proposed an amendment to the bill, S. 1768, supra; as follows:

(On page 45 of the bill, between lines 13 and 14, insert the following:

FEDERAL RAILROAD ADMINISTRATION

EMERGENCY RAILROAD REHABILITATION AND REPAIR

For necessary expenses to repair and rebuild freight rail lines of regional and short line railroads or a State entity damaged by floods, $10,600,000, to be awarded subject to the discretion of the Secretary on a case-by-case basis: *Provided*, That not to exceed $5,250,000 shall be solely for damage incurred in the Northern Plains States in March and April 1997 and in California in January 1997 and in West Virginia in September 1996: *Provided further*, That not less than $5,350,000 shall be solely for damage incurred in Fall 1997 and Winter 1998 storms: *Provided further*, That funds provided under this head shall be available for rehabilitation of railroad rights-of-way, bridges, and other facilities which are part of the general railroad system of transportation, and primarily used by railroads to move freight traffic: *Provided further*, That railroad rights-of-way, bridges, and other facilities owned by class I railroads are not eligible for funding under this head unless the rights-of-way, bridges or other facilities are under contract lease to a class II or class III railroad under which the lessee is responsible for all maintenance costs of the line: *Provided further*, That railroad rights-of-way, bridges and other facilities owned by passenger railroads, or by tourist, scenic, or historic railroads are not eligible for funding under this head: *Provided further*, That these funds shall be available only to the extent an official budget request, for a special dollar amount, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control

Act of 1985, as amended: *Provided further*, That all funds made available under this head are to remain available until September 30, 1998: *Provided further*, That the Secretary of Transportation shall report to the House and Senate Appropriations Committees not later than December 31, 1998, with recommendations on how future emergency railroad repair costs should be borne by the railroad industry and their underwriters.

GREGG (AND HOLLINGS) AMENDMENT NO. 2116

Mr. STEVENS (for Mr. GREGG, for himself and Mr. HOLLINGS) proposed an amendment to the bill, S. 1768, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . (a) Any agency listed in section 404(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998, P.L. 105-119, may transfer any amount to the Department of State, subject to the limitations of subsection (b) of this section, for the purpose for making technical adjustments to the amounts transferred by section 404 of such act.

(b) Funds transferred pursuant to subsection (a) shall not exceed $12,000,000, of which not to exceed $3,500,000 may be transferred from the U.S. Information Agency, of which not to exceed $3,600,000 may be transferred from the Defense Intelligence Agency, of which not to exceed $1,600,000 may be transferred from the Defense Security Assistance Agency, of which not to exceed $900,000 may be transferred from the Peace Corps, and of which not to exceed $500,000 may be transferred from any other single agency listed in section 404(b) of P.L. 105-119.

(c) A transfer of funds pursuant to this section shall not require any notification or certification to Congress or any committee of Congress, notwithstanding any other provision of law.

ASHCROFT AMENDMENT NO. 2117

Mr. STEVENS (for Mr. ASHCROFT) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 8, after line 25, insert the following new section and renumber the remaining section accordingly:

SEC. . ADVOCACY OF POLICIES TO ENHANCE THE GENERAL EFFECTIVENESS OF THE INTERNATIONAL MONETARY FUND.

The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use aggressively the voice and vote of the United States to vigorously promote policies to—

(2) Encourage the opening of markets for agricultural commodities and products by requiring recipient countries to make efforts to reduce trade barriers.

HOLLINGS AMENDMENT NO. 2118

Mr. STEVENS (for Mr. HOLLINGS) proposed an amendment to the bill, S. 1768, supra; as follows:

Insert at the appropriate place in the IMF Title:

SEC. . IMF INDUSTRY IMPACT TEAM.—(a) After consultation with the Secretary of the Treasury and the United States Trade Representative, the Secretary of Commerce shall establish a team composed of employees of the Department of Commerce—

(1) to collect data on import volumes and prices, and industry statistics in—

(A) the steel industry;

(B) the semiconductor industry;

(C) the automobile industry; and

(D) the textile and apparel industry;

(2) to monitor the effect of the Asian economic crisis on these industries;

(3) to collect accounting data from Asian producers; and

(4) to work to prevent import surges in these industries or to assist United States industries affected by such surges in their efforts to protect themselves under the trade laws of the United States.

(b) The Secretary of Commerce shall provide administrative support, including office space, for the team.

(c) The Secretary of the Treasury and the United States Trade Representative may assign such employees to the team as may be necessary to assist the team in carrying out its functions under subsection (a).

GRASSLEY AMENDMENT NO. 2119

Mr. STEVENS (for Mr. GRASSLEY) proposed an amendment to amendment No. 2100 proposed by Mr. MCCONNEL to the bill, S. 1768, supra; as follows:

At an appropriate place add the following:

"(c) BANKRUPTCY LAW REFORM.—The United States shall exert its influence with the IMF and its members to encourage the IMF to include as part of its conditions of assistance that the recipient country take action to adopt, as soon as possible, modern insolvency laws that—

(1) emphasize reorganization of business enterprises rather than liquidation whenever possible;

(2) provide for a high degree of flexibility of action, in place of rigid requirements of form or substance, together with appropriate review and approval by a court and a majority of the creditors involved;

(3) include provisions to ensure that assets gathered in insolvency proceedings are accounted for and put back into the market stream as quickly as possible in order to maximize the number of businesses that can be kept productive and increase the number of jobs that can be saved; and

(4) promote international cooperation in insolvency matters by including—

(A) provisions set forth in the Model Law on Cross-Border Insolvency approved by the United Nations Commission on International Trade Law, including removal of discriminatory treatment between foreign and domestic creditors in debt resolution proceedings; and

(B) other provisions appropriate for promoting such cooperation.

The Secretary of the Treasury shall report back to Congress six months after the enactment of this Act, and annually, thereafter, on the progress in achieving this requirement."

NICKLES AMENDMENT NO. 2120

Mr. STEVENS (for Mr. NICKLES) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 39, strike beginning with line 21 through line 24.

On page 50, strike beginning with line 20 through line 24.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, March 24, 1998, at 9:30 a.m. on business practices in the professional boxing industry.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation by authorized to meet on Tuesday, March 24, 1998, at 2:30 p.m. on tobacco legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. STEVENS. Mr. President. I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a business meeting to consider S. 8, the Superfund Cleanup Acceleration Act of 1997, Tuesday, March 24, 11 a.m., hearing room (SD-406).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet for a joint hearing on Tuesday, March 24, 1998, at 2 p.m. The subject of the hearing is the Fair Competition Act of 1998: A New Free Market Approach to Federal Contracting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, March 24, 1998 at 2:30 p.m. in room 138 of the Senate Dirksen Office Building to hold a hearing on "Judicial Nominations."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Health Care Quality during the session of the Senate on Tuesday, March 24, 1998, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. STEVENS. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on S. 1021, the Veterans' Employment Opportunities Act.

The hearing will take place on Tuesday, March 24, 1998, at 2:15 p.m., in room 418 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ACQUISITION AND TECHNOLOGY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Acquisition and Technology of the Committee on Armed Services be authorized to meet at 9:30 a.m. on Tuesday, March 24, 1998, in open session, to receive testimony on RDT&E Management Reform and related issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 24, 1998, at 10 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, March 24, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2 p.m. The purpose of this hearing is to receive testimony on S. 887, the National Underground Railroad Network to Freedom Act of 1997; S. 991, a bill to make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996, and for other purposes; S. 1695, the Sand Creek Massacre National Historic Site Preservation Act of 1998; and Senate Joint Resolution 41, legislation approving the location of a Martin Luther King, Jr., Memorial in the Nation's Capitol.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SOCIAL SECURITY AND FAMILY POLICY

Mr. STEVENS. Mr. President, the Finance Committee Subcommittee on Social Security and Family Policy requests unanimous consent to conduct a hearing on Tuesday, March 24, 1998, beginning at 2 p.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet on Tuesday, March 24, 1998, at 2:30 p.m. in open session, to receive testimony on ballistic missile defense programs in review of the Defense authorization request for fiscal year 1999 and the future years Defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

HONORING MR. SIDNEY GRAYBEAL

• Mr. BINGAMAN. Mr. President, an American hero in both wartime and peacetime passed away on March 19, 1998 in Santa Fe, New Mexico. I'd like to take a moment to honor the memory of Mr. Sidney Graybeal, one of the nation's finest patriots. Mr. Graybeal's contributions to the nation spanned six decades, from his decorated service as a B–29 pilot during World War II through his distinguished career as a public servant to more recent years when he served as a distinguished member of the Secretary of Defense's high level Defense Policy Board. His many accomplishments in the nation's service have been recognized and applauded by both sides of the political aisle. Presidents Nixon and Ford commended Mr. Graybeal during their tenures in the White House, and in 1980, President Carter awarded Mr. Graybeal the nation's highest civilian honor, the President's Award for Distinguished Federal Service.

Mr. Graybeal will be remembered and revered for his pioneering work in arms control during the coldest years of the Cold War. His extensive experience in intelligence matters and strategic nuclear policy issues served him well during his tenure on the negotiating team that crafted the historic SALT I agreements limiting offensive and defensive strategic weapons for the first time. As a result of his trailblazing work on those agreements, Mr. Graybeal was appointed as the first commissioner on the Standing Consultative Commission (SCC)—the first official U.S.-Soviet organization established to resolve arms control compliance disputes between the two superpowers. SALT I and the SCC stand as enduring legacies of Mr. Graybeal's dedicated efforts to bring the Cold War to a successful conclusion.

Sidney Graybeal was admired by his colleagues for his energy and dedication to the nation. He was widely known as a tough negotiator, but widely loved for his warm sense of humor and diplomatic skills. New Mexico will miss one of our finest citizens. The nation will miss his wisdom and experience as we navigate these uncharted waters of the post-Cold War era. I urge my colleagues in the Congress to join me in saluting this great American.

Mr. President, I ask that a March 20 article in the Santa Fe New Mexican on Mr. Graybeal be printed in the RECORD.

The article follows:

[From the Santa Fe New Mexican, Mar. 20, 1998]

SIDNEY GRAYBEAL, INTELLIGENCE ADVISER DIES AT 73

Sidney N. Graybeal, a Central Intelligence Agency senior intelligence adviser during the Cuban missile crisis, died Thursday of a heart attack at his Santa Fe home. He was 73.

A memorial service will be held at St. Francis Auditorium on March 27 at 6 p.m.

Graybeal, who had more than 40 years of experience in arms control, intelligence, and national security, in 1994 was appointed to the Defense Policy Board by Secretary of Defense William Perry.

At the time of his death, he was a chief scientist for Science Applications International Corp.

Born in Butler, Tenn., Graybeal was a B-29 pilot during World War II and flew 32 missions over Japan. He received the Distinguished Flying Cross and other decorations for his military service.

After the war, he joined the CIA and was responsible for analysis of all foreign missile and space programs. During the 1962 missile crisis, Graybeal was the first person to inform President John F. Kennedy of the presence of Soviet missiles in Cuba.

Graybeal was recently filmed by the BBC for a documentary on the Cold War.

He also served in the State Department in the Arms Control and Disarmament Agency and was a member of the negotiating team for the Strategic Arms Limitation Treaty (SALT)–I agreements.

He helped negotiate the Anti-Ballistic Missile (ABM) Treaty and was appointed as the first U.S. commissioner of the Standing Consultative Commission, the body that administered the ABM treaty.

In 1980, Graybeal received the President's Award for Distinguished Federal Civilian Service from President Carter.

In Santa Fe, Graybeal was on the board of the Santa Fe Chamber Music Festival.

He is survived by his wife, Patricia McFate; his son Douglas of Aspen, Colo.; his daughter, Joan Graybeal Menard of Annandale, Va.; and two grandchildren, Katrina and Steven Menard.•

NASHUA LIONS CLUB 75 YEARS OF PUBLIC SERVICE

• Mr. SMITH of New Hampshire. Mr. President, I rise today to congratulate the Nashua Lions Club for devoting over 75 years to humanitarian acts of public service. I commend their fervent passion and aggressive dedication to improving the quality of life for fellow Americans. They have touched the lives of many through gifts of hope and continued support through countless charitable endeavors.

I am proud to know many of the members in the Nashua Lions Club. I recently had the opportunity to address the club, and enjoyed the time I spent with them. They are great men who live by their motto of "We Serve," and give others the chance to better their lives.

The Nashua Lions Club was started in 1923 by a small group of businessmen led by William Hillman, Jr., and former Mayor Alvin Lucier. It became the first club in District 44-H and remains the second oldest Lions Club in New Hampshire. As a result of their foresight, these businessmen started a tradition of service and benevolence still exemplified today.

The Nashua Lions Club has kept this 75-year old legacy alive by raising money and funding organizations like the Lions Sight and Hearing Foundation, Lions Eye Clinic and Lions Diabetes Awareness Programs. Also, major building projects have been realized like the "Friendship Club," for the handicapped and "Melanie's Room," for multiple handicapped young girls.

Over the years, the Lions Club has raised over $750,000. Its members continue to develop new and innovative ways to invest that money back into the community. The above mentioned groups are just a few of the wonderful organizations for which the Nashua Lions Club have spent countless hours and dedicated service. This impressive list goes on and they should be very proud of these contributions. Mr. President, I want to congratulate the Nashua Lions Club for their outstanding work over the past three-quarters of a century. I am proud to represent them in the U.S. Senate.•

NORTHERN STATE UNIVERSITY MEN'S BASKETBALL TEAM MAKES IT TO THE NCAA DIVISION II ELITE EIGHT TOURNAMENT

• Mr. JOHNSON. Mr. President, I want to take this opportunity today to recognize an extraordinary group of young athletes from Northern State University in Aberdeen, South Dakota. The Northern State University Men's Basketball Team won the 1998 NCAA Division II North Central Regional Basketball Championship held on Sunday, March 8, 1998 in Brookings, South Dakota. In a battle of South Dakota basketball powers, NSU took charge in the final minute to win a hard-fought victory over South Dakota State University. The NSU Wolves, with a 27-5 record, ended the season in a close 67-63 loss to Virginia Union University in the 1998 NCAA Division II Elite Eight Tournament.

The athletes that made this great season happen include Scott Hanson, Jared Miller, Todd Schlekeway, Ryan Miller, Kyle Johnson, Dan Fischer, Jim Sumption, Jake Phillips, Ross Pankratz, Dustin Undlin, Mark Rich, Ben Dahl, Jeff Rich, Andy Foster and Brad Hansen. Their coaches include: Bob Olson, Mike Hultz, Brad Christenson, Craig Smith and Kent Leiss. Team Managers are Joe Flynn and Justin Forde. The NSU strength coach is Doug Bull, and the training staff is directed by Lisa McIntyre. The NSU Wolves cheerleaders are Jennifer Eye, Tonya Bird, Jackie Hortes, Jaime Fauth, Erica Paulson, Gary Olson along with advisor Susan Rozell.

I want to commend Coach Olson for providing outstanding leadership to the NSU team, and I also want to compliment Ryan Miller on his contribution of 45 points in the regional championship game.

The State of South Dakota has much to be proud of in this accomplishment. I again want to congratulate all of these fine young athletes from Northern State University, and to all the many others who contributed to this outstanding accomplishment.•

TRIBUTE TO FRANK A. GERMACK, JR.

• Mr. ABRAHAM. Mr. President, I rise to pay homage to Frank A. Germack, of Grosse Pointe Farms, Michigan. Mr. Germack, who ran his family's business in Detroit's historic Eastern Market passed away recently. Although Frank is gone, his legacy will live on throughout the Detroit community.

The family business, the Germack Pistachio Co., was founded in 1924 by Mr. Germack's father. Considered to be the oldest pistachio importing company in the country, Germack Pistachio Co. eventually expanded to include a full line of nut products. After graduating from Fordham University and the Detroit College of Law, Frank began working at the family business in 1961. Frank contributed greatly to the success of his family's company. For example, through his leadership in the Executive International Advisory Board, Frank helped expand the cashew crop to countries such as Guatemala and Indonesia.

According to Frank's son, "The business was his life." Up until the time he passed away, he was actively involved in making the company run as efficiently as possible. In addition to working at the company, Frank enjoyed boating on Lake St. Clair, listening to classical music and jazz, and contributing to his community. He was active within many organizations such as the Detroit Rotary, the Detroit Symphony Orchestra and United Way. He was also an active member of St. Paul's Catholic Church in Grosse Pointe Farms, Michigan. Despite his tireless dedication to his company and the causes that were important to him, he remained deeply committed to his family. He was a wonderful husband to his wife, Stephanie, father to his son Frank III and daughter Suzanne Gregory Frederickson, and grandfather to Olivia Frederickson.

During this difficult time, my thoughts and prayers go out to Frank Germack's family and friends.•

POSITION ON VOTE NO. 39

• Mr. KERREY. Mr. President, due to an unavoidable delay in my travel, I missed yesterday's rollcall vote number 39. Had I been present, I would have voted against tabling that amendment.•

ORDERS FOR WEDNESDAY, MARCH 25, 1998

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Wednesday, March 25, and immediately following the prayer the routine requests through the morning hour be granted and the Senate resume consideration of S. 1768, the emergency supplemental appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. STEVENS. Mr. President, on behalf of the leader, it is his intention tomorrow that the Senate will resume consideration of the emergency supplemental appropriations bill with the hope of concluding action on that bill early Wednesday.

As a reminder to all Members, the second cloture vote on H.R. 2646, the Coverdell A+ education bill, was postponed this evening and will occur at a time to be determined by the majority leader. As always, all Members will be notified as to when that vote will occur. It is still hoped that an agreement can be worked out for an orderly handling of that bill. Therefore, tomorrow Members can anticipate a busy day of floor activity on the emergency supplemental appropriations bill as well as the Coverdell education bill. In addition, the Senate may consider any executive or legislative items cleared for action.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. STEVENS. Mr. President, I seek to inquire whether there is any Member seeking time in morning business. I don't see anyone. If there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:48 p.m., adjourned until Wednesday, March 25, 1998, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 24, 1998:

DEPARTMENT OF STATE

WILLIAM JOSEPH BURNS, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE HASHEMITE KINGDOM OF JORDAN.

RYAN CLARK CROCKER, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SYRIAN ARAB REPUBLIC.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE

AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. HAL M. HORNBURG, 6836.

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JOHN F. KANE, 6020.

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL J. WILLIAMS, 8024.

HOUSE OF REPRESENTATIVES—*Tuesday, March 24, 1998*

The House met at 12:30 p.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2472. An act to extend certain programs under the Energy Policy and Conservation Act.

The message also announced that the Senate insists upon its amendment to the House amendment to the Senate amendment to the bill (H.R. 2472) "An Act to extend certain programs under the Energy Policy and Conservation Act," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MURKOWSKI, Mr. NICKLES, Mr. CRAIG, Mr. THOMAS, Mr. BUMPERS, Mr. BINGAMAN, and Mr. AKAKA, to be the conferees on the part of the Senate.

MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 21, 1997 the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leaders and minority whip limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. WELLER) for 5 minutes.

UNFAIRNESS IN TAX CODE: MARRIAGE TAX PENALTY

Mr. WELLER. Mr. Speaker, there is an important question out there and that question is: Why is enactment of the Marriage Tax Elimination Act so important for American families? And I think it is best to ask a series of questions. Do Americans feel that it is fair that our Tax Code imposes a higher tax on marriage? Do Americans feel that it is fair that 21 million married working couples, 42 million Americans, pay on average $1,400 more in taxes just because they are married, $1,400 more than an identical couple who chooses to live together outside of marriage, even though they have identical incomes? Do Americans feel that it is right that our Tax Code actually provides an incentive to get divorced?

Well, the answer is pretty clear: Of course not. Not only is the marriage tax unfair, it is wrong. It is immoral that our Tax Code actually punishes our society's most basic institution, the institution of marriage.

Mr. Speaker, the Congressional Budget Office last year reported that 21 million married working couples paid on average $1,400 more in taxes.

Let me share an example. I will take a couple from Joliet, Illinois, a community in the district that I have the privilege of representing. This one gentleman is a machinist at the local Caterpillar manufacturing plant. He makes $30,500 a year in income, and after taking out the standard exemption that he is able to claim as a single person, he is in the 15 percent tax bracket, which means he is taxed at the 15 percent tax rate. Say he meets a gal and she is a school teacher in the Joliet public schools and she has an identical income of $30,500. If they choose to get married, their combined income of $61,000 pushes them into the 28 percent tax bracket, producing the average marriage tax penalty of $1,400.

In Joliet, Illinois, $1,400 is a lot of money. Here in Washington, D.C., it is a drop in the bucket. But for this couple, this machinist and public school teacher in Joliet, $1,400 is one year's tuition at Joliet Junior College. It is 3 months of day care at a local day care center and several months of car payments and even a significant portion of a down payment on a home.

I mentioned child care and the President talks about increasing the child care tax deduction. So a lot of questions are which is better, eliminating the marriage tax penalty or increasing that child care tax deduction.

I noted earlier that $1,400 is 3 months' worth of day care at a local day care center in Joliet, Illinois. One of the President's ideas, expansion of the child care tax credit, the average family that will qualify with a combined income of less than $50,000, they would see $358 more in net take-home pay. Under the Marriage Tax Elimination Act, they would see $1,400 more in net take-home pay. And in Joliet, Illinois, $358 will pay for 3 weeks of day care. Elimination of the marriage penalty for that machinist and that school teacher will pay for 3 months.

So which is better, 3 weeks or 3 months of day care? Clearly, elimination of the marriage tax would be a bigger help to this working family in Joliet, Illinois.

Under the Marriage Tax Elimination Act, we give this machinist and this school teacher the power of choice where rather than filing jointly, which penalizes them with a $1,400 marriage tax penalty, they can choose to file as two singles. It would be to their financial advantage and they would save that $1,400 by enjoying the lower tax rate.

What is the bottom line? The bottom line is the Marriage Tax Elimination Act would put a married couple with two incomes on equal footing with the working couple with identical income living together outside of marriage. That is an issue of fairness, and I believe that we should stop punishing marriage.

In 1996, this Republican Congress helped families by providing for an adoption tax credit so that families could better afford to provide a loving home for a child in need of adoption. In 1997, this Republican Congress provided for a $500-per-child tax credit which would benefit 3 million children in Illinois. $1.5 billion in higher take-home pay will stay in Illinois to meet the needs of local Illinois families rather than coming here to Washington. We believe that those Illinois families can better spend their hard-earned dollars better at home than we can here in Washington.

Mr. Speaker, this year let us help the American family again by eliminating the marriage tax penalty. Let us allow those 21 million married couples who are currently paying on average $1,400 more, just because they are married, under our Tax Code to keep that money to meet their own needs. Let us eliminate the marriage tax penalty and let us pass the Marriage Tax Elimination Act and let us do it now.

H.R. 2400, SURFACE TRANSPORTATION FUNDING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, this afternoon, the Committee on Transportation and Infrastructure will finish its consideration of H.R. 2400, which authorizes surface transportation funding for the next 6 years, better known as BESTEA. This is the most important domestic bill of this Congress and, indeed, well into the next century. It provides for rails, roads and pathways that bind our Nation's cities and regions into one country.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

In 1991, ISTEA, the groundbreaking legislation, promoted efficient use of scarce resources by encouraging balanced transportation systems and long-range planning. As a supporter of ISTEA's principles, I have been pleased with the progress of BESTEA through Congress. I want to thank our chairman and ranking members for their terrific work. Thanks to the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Wisconsin (Mr. PETRI) and the gentleman from West Virginia (Mr. RAHALL), H.R. 2400 is proof that in the spirit of bipartisanship, building on sound policy, everyone can win.

BESTEA continues the ISTEA tradition of encouraging real transportation solutions. Our citizens know from experience that an unbalanced, unplanned transportation system can waste millions of their dollars while eliminating their choices and even destroying their communities. ISTEA contained a mix of incentives, instructions and opportunities for citizen participation that helped guarantee that Federal dollars will be spent wisely.

Mr. Speaker, this is a comprehensive bill. Its greatest achievement is in promoting the two pillars of sound transportation: balance and local decision-making. A balanced transportation system is more efficient, cost effective, and it gives people choices about how they get to where they need to go to live, work, and play.

Mr. Speaker, I am particularly pleased that in BESTEA all modes of transportation are supported. BESTEA does great things for bicycling with strong support of the Congressional Bicycle Caucus and a national campaign to promote bikes. It requires increased consideration of safety for cyclists. It adds important provisions to require that bike and pedestrian facilities be considered when new roads are planned, and it increases overall funding for the Enhancements and CMAQ programs, which have been the key to over $1 billion in cycling facilities.

BESTEA does great things for transit and transit does great things for our communities, returning $4 in benefits in the environment, social and infrastructure for every dollar that we invest. Millions of us, whether we use transit or not, have reasons to be grateful for the record funding level of $36 billion over the next 6 years.

BESTEA does great things for rail, one of the most cost-effective ways to move passengers and freight. Rail helps to relieve pressure on our crowded highways and airports, adding capacity at a fraction of the cost.

BESTEA does great things for drivers. These funds are essential for badly needed maintenance and repair of our roads and bridges and to add capacity where it is truly needed. The best thing for motorists is that balancing the transportation system means giving people alternatives which in turn reduces congestion, pollution and even road rage. Even if we do not use the alternatives, the experience for the motorist is improved.

BESTEA also maintains the local decision-making, one of the most important but underappreciated things the Federal Government has done for communities in the last 25 years.

I have to say that one omission does, in fact, concern me. For in 1991, with the passage of ISTEA, Congress required States and larger communities to develop realistic plans that linked transportation and land use. Transportation plans were intended to avoid wasting scarce resources.

Unfortunately, BESTEA takes a step backward by making this planning optional. This means, as a practical matter, some of the States which have the greatest need are less likely to do the integrating planning for the future.

We have been working on improving the planning language for BESTEA for months and this struggle will continue through final passage. We cannot afford to throw money at transportation solutions that will only cause more problems in the long run. Planning does not mean dictating results; it simply ensures that communities cannot get away with ignoring problems, or worse, shifting them on to their neighbors. These are unarguably Federal priorities.

I think the text that best captures the spirit of the ISTEA reauthorization is to be found in the 58th chapter, 12th verse of Isaiah:

> Those from among you.
> Shall build the waste places;
> You shall rise up the foundations of many generations;
> And you shall be called the Repairer of the Breach.
> The Restorer of Streets to Dwell In.

I think ISTEA makes progress towards this timeless goal and I, along with the prophet Isaiah, am pleased to support it.

HONESTY IS AN ABSOLUTE PREREQUISITE FOR PUBLIC SERVICE

The SPEAKER pro tempore (Mr. HEFLEY). Under the Speaker's announced policy of January 21, 1997, the gentleman from Kentucky (Mr. LEWIS) is recognized during morning hour debates for 5 minutes.

☐ 1245

Mr. LEWIS of Kentucky. Mr. Speaker, I would like to read a piece from the Washington Times that caught my attention. It reads: "Still amazingly relevant today, New York Gov. Theodore Roosevelt observed on May 12, 1900:

> We can afford to differ on the currency, the tariff, and foreign policy; but we cannot afford to differ on the question of honesty if we expect our republic permanently to endure.
>
> Honesty is it not so much a credit as an absolute prerequisite to efficient service to the public. Unless a man is honest, we have no right to keep him in public life. It matters not how brilliant his capacity.
>
> The weakling and the coward cannot be saved by honesty alone. But without honesty, the brave and able man is merely a civic wild beast who should be hunted down by every lover of righteousness.
>
> No man who is corrupt, no man what condones corruption in others can possibly do his duty by the community.
>
> 'Liar' is just as ugly a word as 'thief' because it implies the presence of just as ugly a sin in one case as in the other. If a man lies under oath or procures a lie of another under oath, if he perjures himself or suborns perjury, he is guilty under the statute law.
>
> Under the higher law, under the great law of morality and righteousness, he is precisely as guilty if, instead of lying in court, he lies in a newspaper or on the stump; and in all probability, the evil effects of his conduct are more widespread and more pernicious.

MORAL DECLINE IN AMERICA

The SPEAKER pro tempore (Mr. HEFLEY). Under the Speaker's announced policy of January 21, 1997, the gentleman from Kansas (Mr. TIAHRT) is recognized during morning hour debates for 5 minutes.

Mr. TIAHRT. Mr. Speaker, I am increasingly concerned about the moral decline we are facing in America. As a society, it seems to be sinking to an all-time low. Sunday mornings are often reserved for a time for us to exercise our faith, but now it has become the Nation's pastime to defend the undefendable.

Men and women who have proclaimed to care about justice for women in the workplace now defend sexual advances and now defend inappropriate behavior. Most parents want to protect their children. I know I do. I have a 17-year-old daughter and two younger sons, and I want to be able to protect them from any unlawful pressure or from bad behavior that is the lowest and worst in our society.

I am particularly concerned about my daughter, because she will be the first to go out on her own. When she attends a college, I do not want a professor or the president of the college or university groping her to pressure her for sex for performance, for grades. And when she gets her first job, I do not want the CEO or president of the corporation or any of her fellow workers making sexual advances in exchange for promotions.

And for my sons, it is a great compromise to the virtues and values that built this great Nation for us to just let them watch a weeknight evening of television. The language, the violence, the lack of morals, the attacks on the institution of marriage all go against what civil people do when they want to live peaceably together.

Only a few programs, very few programs, restore our faith in hard work, honesty, integrity, respect for each other. But most of television leaves us wanting, wanting for heroes that will bring us to our highest and best.

Yes, our economy is strong. The New York Stock Exchange presses new records almost weekly. Unemployment is low. The welfare rolls are down. More and more people are working and earning more and more money. Our bank accounts seem full, but our hearts and souls are empty.

Well, my colleagues have heard, "You can't legislate morality, so you can't change our society." Well, first of all, that is a false statement. When a 14-year-old boy breaks into a liquor store to rob the store and kills an attendant, that is against the law. It is also against God's law, the Ten Commandments.

But we can do our best as a government to prevent that 14-year-old from making that decision through good education, through encouraging strong families and communities, trying to steer them from a decision that would destruct them for the rest of their lives and harm society. But we as a government cannot change that young boy's heart. And that is really what needs to happen.

To change a young man's heart, we have to go beyond just the laws of the land, and each of us has to take on a responsibility, a responsibility to first live our lives as we would like others to live theirs; second, to build strong families, then strong communities. Because what happens when that 14-year-old boy makes a decision is, he goes against all those things that built this country as a great Nation: hard work, integrity, virtue, faith in God.

Those are the values and virtues that each of us must turn back to in order to save our society from this downward spiral, in order to inspire us to rise beyond our daily circumstance to our highest and best, not only as individuals, but as a great Nation.

HUMAN CLONING LEGISLATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Michigan (Mr. EHLERS) is recognized during morning hour debates for 5 minutes.

Mr. EHLERS. Mr. Speaker I rise today to address the subject of cloning.

Last year Ian Wilmuth, a scientist in Scotland, announced the cloning of a sheep named Dolly; and at that time I came to the floor and expressed my concern about the possibility of applying that technique to cloning humans. I was certainly in tune with the American people, because it turned out over 90 percent of them object to cloning of human beings, for various reasons.

I am in the unusual situation of being one of the few scientists in the Congress, and as a scientist I understand the vital role that science plays in enhancing the welfare of individuals in society, and I am extremely reluctant to place any limits on scientific research. However, while the possibilities of scientific experiments may seem limitless, there are times when society, through its governmental process, can and should place limits on scientific experimentation.

There are many things which science can do. Most of them should be done. Some should not. And it is up to us to decide which should not.

There are a number of scientific reasons at this point for banning human cloning. It took 277 tries to produce Dolly, and it would take considerably more than a thousand, I believe, to produce a human clone. The dangers associated with that are immense. And in particular, we have to worry about the rights of all those failures which resulted in discards. If we are cloning sheep and things go bad, no one regrets discarding the defective sheep. But if it is a human, we have an entirely different situation.

There are also social and psychological reasons for banning human cloning and, above all, there are moral and ethical reasons for a ban. However, in spite of the national consensus on banning human cloning that I mentioned, the bill that I introduced to do this has come under attack, primarily from those who would benefit in various ways, from allowing the process to go forward. The Biotechnology Industry Organization and the Association for Reproductive Medicine clearly have a vested interest in this.

Let me point out some of the scare tactics that have been used. The following was distributed in a letter to all Members of the House of Representatives, from the Biotechnology Industry Organization, better known as BIO. They state, just to select one phrase, "We urge you to use caution before deciding to cosponsor or support hastily drafted legislation which would not only ban human cloning, but would inadvertently shut down biomedical research by outlawing basic laboratory techniques used for decades."

There are several things wrong with that statement. First of all, they say the legislation is hastily drafted. That seems to be a phrase people always use when they do not like legislation. The bill under discussion in the Committee on Commerce has survived several hearings over several months in the Committee on Science. It has been deliberated and modified by the Committee on Science and is certainly not hastily drafted. I think it is a good bill.

Secondly, they say it will inadvertently shut down biomedical research. That is absurd, absolutely absurd. The bill that I have introduced would not shut down biomedical research. The letter says it would do that by outlawing basic laboratory techniques used for decades. I would like the industry to show me one such technique used for decades which my bill would shut down.

It is time for the facts to get out. It is time for the Members of the House to get the facts and to pay attention to it and not be guided by alarmist information distributed by organizations that have a vested financial interest in preventing my bill from passing.

If we look at the bill that came out of the Committee on Science, which is now before the Committee on Commerce, and a companion bill which will be modified similar to this, we were very careful. We do not ban human cloning, first of all, because "cloning" is not a precise term. We defined it in terms of prohibiting human somatic cell nuclear transfer. Now, that is a very technical definition, but very narrow and very precise.

Secondly, we specifically outline what is permitted, because I did not just want to ban human cloning and leave things up in the air; I wanted to be very specific about what was permitted. And this bill makes it clear that somatic cell nuclear transfer or other cloning technologies can be used to clone molecules, to clone DNA, clone cells other than human embryo cells or tissues, to clone animals; and I plan to expand that to include cloning plants as well.

We are working very hard to come up with a good bill that is fair and equitable and that will allow legitimate research to go forward but will ban the cloning of human beings in any form and at any stage of life. I would appreciate the support of my colleagues.

2000 CENSUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentlewoman from New York (Mrs. MALONEY) is recognized during morning hour debates for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, we have a serious problem in America today that might seem somewhat paranormal. It might be something we would see on "Ripley's Believe it or Not" or maybe "The X Files." Ten million Americans have become invisible. And even more will disappear if this Congress fails to act.

I am talking about the 1990 census. That is when ten million people were not counted, they were simply overlooked. It was as if the population of Michigan or Ohio simply fell off the map. Many of those who were missed are people who most need the things that being counted in the census brings, representation in government and inclusion in government's Federal funding formulas. The 1990 census was the first to be worse than the census before it, and the difference between the undercount for whites and minorities was the worst ever recorded.

About 4½ percent of all African Americans were missed, as were 1 in 20

Latinos, 1 in 14 children, and 1 in 10 black males. But the problem does not end with the undercount. In 1990, over 6 million people were counted more than once and most of them were white. That makes the undercount even more unfair to minorities and poor people, because not only are they missed, but their proportional representation, the basis for House seats and Federal dollars, is further diminished by double-counting.

The 1990 census cost 20 percent more than the 1980 census and was 33 percent less accurate. In fact, unless we make some fundamental changes, there is every reason to believe that the 2000 census will cost even more and be less accurate.

As we enter a new millennium, our Nation needs an accurate census that includes everybody. We cannot be satisfied with the census that continues to miss millions of people. But that is exactly what will happen 2 years from now unless we use the best knowledge and technology available to fix the problems of the past.

There is some good news. Some people have been thinking about this problem already. In 1992, a bipartisan coalition of representatives pushed legislation to ask the National Academy of Sciences to review the census. They chose the National Academy of Sciences because the Academy is fair and independent of political influence.

Using the recommendations from that independent review, the Census Bureau has developed a comprehensive plan for the 2000 census that will produce the most accurate census in our Nation's history. It includes using the latest technology, shorter forms, more ways to respond, a paid advertising campaign, better address lists, and closer partnerships with both local governments and community-based organizations.

□ 1300

All of these things will improve the response rate and improve accuracy while containing costs. After extensive efforts to count absolutely everybody, the plan for the 2000 census calls for the application of basic statistical methods to establish the number and characteristics of the people who still do not respond based on those who do.

Congress recently approved a test of these methods in 2 of the 3 dress rehearsals for the census that starts this spring. Under the Census Bureau plan, everybody counts. All Americans will be included in the census. But the bureau faces one obstacle, and that is this Congress. Those who oppose the Census Bureau's plan for the 2000 census say they are willing to spend whatever it takes to count everybody the old way. But everybody knows that no matter how much you spend, the old ways will not count everyone.

Dr. Barbara Bryant stepped into the breach for President Bush to direct the 1990 census. The Republican appointee knew all too well the problems with the plans for 1990. But she was brought on board just 4 months before it was to begin. It takes 24 hours to turn around an aircraft carrier. Four months was hardly enough time to stop the momentum of an operation as massive as the census. Recently Dr. Bryant wrote, and I quote,

> Throwing more money and more temporarily hired census takers at the job of enumeration will not find the missing.

She echoes what everybody knows. The old methods are as worn out as the arguments that keep them.

One of those arguments being used by the House Leadership is that we are under a Constitutional mandate to physically count everyone, nose by nose.

That is an impossibility, and it gives the illusion that the census can reach everyone directly, which it cannot and does not. However, it can reach many people directly. And it will—because the current plan calls for the Census Bureau to make an unprecedented effort to count most Americans directly, either through the mail, by telephone, or by going door-to-door to find those people who don't respond.

This is not a "sample census" of "virtual Americans" as some have claimed. In fact, it is the most extensive effort to count everyone in the history of the census.

Every household will receive 4 mailings between the middle of March and the middle of April.

Questionnaires will be available in public places such as libraries, post offices, and churches.

People can even call in their responses by telephone.

The plans for the 2000 census are on solid legal ground, despite the rhetoric.

The Department of Justice under the Carter, Bush, and Clinton administrations has consistently ruled that the Constitution doesn't bar sampling or statistical methods to improve a good faith effort to count everyone directly.

We can listen to the experts to get the best count possible. Or we can let politics rule the day, and end up with a census that costs too much and misses millions of Americans.

We must put an end to the injustice census.

SOCIAL SECURITY

The SPEAKER pro tempore (Mr. HEFLEY). Under the Speaker's announced policy of January 21, 1997, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I would like to spend a couple of minutes talking about the future of Social Security. Last Saturday there was a National town hall type discussion among citizens in 10 cities of the country linked by interactive television. The purpose was to discuss the problems of Social Security, and possible solutions. I compliment the Pew Foundation for starting this kind of discussion that I think is so vital in deciding how we make Social Security more secure. The first step is to understand what the problems are and understand the seriousness of the problems in terms of keeping Social Security solvent.

I was asked to participate with President Clinton, with both of us making statements and listening to suggestions. Speaking at Cobo Hall in Detroit I said there were certain guidelines that need to be adhered to as we move ahead on solving Social Security. Number one, that it be bipartisan; number two, that we need to keep all solutions on the table in our discussions over the next several months in looking at the best possible ways to keep Social Security solvent; number three, that we do not reduce the benefits for existing retirees or near-term retirees; number four, that we have a system where our kids and our grandkids, and their children can have retirement incomes that will last them through their expected longer life span, and; number five, that we stop government using Social Security Trust Fund money in exchange for nonmarketable I.O.Us. Finely, that we have a system that is not going to be privitized, but rather a system that allows forced saving and investment in retirement accounts owned by the worker.

Let me very briefly describe some of the problems in Social Security. Right now, because it is a pay-as-you-go program, where existing taxpayers pay in their Social Security tax and immediately that tax is used to pay out benefits, to existing retirees. It is sort of a pay-as-you-go system, in effect a Ponzi scheme. When we started this program in 1935, it was easy to keep the system going because actually at that time the average age of death at birth was 61 years old. That means most people never reached the age where they would draw any benefits. They would give up what money they and their employers had put into the system. Over the years since 1935, every time there was a little more money coming in than was necessary to pay out benefits, politicians in this city made popular decisions to expand the benefits. Every time there was less tax money coming in than required to pay out those expanded benefits, Congress and the President would increase the Social Security tax on working Americans. Actually since 1971, Social Security, taxes on these working Americans, has been increased 36 times. More often than once a year since 1971 we have increased the rate or the base on the Social Security taxes. We started out taxing 1.5 percent on the first $3,500. Now it is 12.4 percent on the first $68,000.

I would like to suggest as I conclude this, Mr. Speaker, that Social Security in its current configuration is not a good investment. The National Tax Foundation estimates that anybody that retires after the year 2000 will receive back between a negative ½ percent and a negative 1½ percent on the money they and their employers put into Social Security. So if you could take some of this money and allow as an option some of the younger workers to invest in any return that is going to be greater than that kind of negative return in Social Security, then we are much better off.

I suggest, Mr. Speaker, that it is so vitally important to preserve Social Security that we forget the rhetoric and get down to business. We get down to the nitty-gritty of the alternatives of how we are going to make it work. I mentioned when we started the program in 1935 the average age of death was 61. Today the average age of death at birth is 74 years old for a male, 76 years old for a female. But if you are lucky enough to reach the retirement age, then on the average you are going to live another 20 years. There are fewer and fewer workers supporting more and more retirees. Hopefully voters, Mr. Speaker, will demand of the people running for office this fall that they have suggestions on how to proceed with this very serious problem of keeping Social Security solvent.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 1 o'clock and 7 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FOLEY) at 2 p.m.

PRAYER

Bishop Eddie L. Long, Senior Pastor, New Birth Missionary Baptist Church, Decatur, Georgia, offered the following prayer:

Let us pray. Father, in the name of Jesus, we come before You and claim Your promise in 2 Chronicles 7:14. "If My people, who are called by My name shall humble themselves, pray, seek, crave, and require of necessity My face and turn from their wicked ways, then I will hear from heaven, forgive their sins, and heal their land."

We as a Nation stated in our Declaration of Independence through our Founding Fathers, "We hold these truths to be self-evident that all men are created equal, that they are endowed by their Creator, with certain unalienable rights. . . ."

Lord, the fact that our Founding Fathers declared that nothing we do, or will do, as leaders and citizens of this Nation is legal without God being the foundation of this government is significant. We must turn and legitimize ourselves through repentance so that this Nation can be led into spiritual and earthly clarity as to why it was created. We understand that when You, as Creator and the Founding Father in creation, created fish, You called them from water, yet, in order for them to live, they have to stay connected to the water. When You called trees and vegetation, You called it from the ground. And in order for that to live, it had to stay connected to the earth. When You created us, You called us out of You, and we must stay connected to You that we might have life.

Therefore, God, allow us, along with all creation, to reconnect ourselves into Your Divine, harmonious flow of life, that we would hear from heaven, and our land would be healed. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. SHIMKUS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SHIMKUS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Georgia (Ms. MCKINNEY) come forward and lead the House in the Pledge of Allegiance.

Ms. MCKINNEY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 740

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 740.

The SPEAKER pro tempore. Is there objection to the gentleman from Illinois?

There was no objection.

APPOINTMENT TO NATIONAL SUMMIT ON RETIREMENT SAVINGS

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 517(e)(3) of the Employee Retirement Income Security Act, the Chair announces the Speaker's appointment of the following participant on the part of the House to the National Summit on Retirement Savings to fill the existing vacancy thereon:

Mr. Jack Ulrich from Pennsylvania.

There was no objection.

DRUGS ARE A GROWING NATIONAL CRISIS FOR OUR CHILDREN

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, few in this body would argue that a more worthy cause for Federal funds exists than the fight to keep our Nation's children off of drugs. However, a six-year professional study released yesterday reveals that we are not winning the war on juvenile drug use.

In fact, a dozen other recent studies have all come to the very same conclusion, that, overall, America's efforts just do not deliver on its promise to teach kids to resist drugs.

According to this latest study, last year alone, hundreds of millions of dollars were spent on "feel-good" programs that have apparently had little or no effect on our kids.

Mr. Speaker, this is a growing national crisis that is too important to ignore, too important for our children's future, and too important for us to fail.

Mr. Speaker, this is not about laying blame or pointing fingers, it is about correcting mistakes. The young people in this country are our future, and it is our duty to see that they grow up in a world free of the scourge of drugs.

BORIS YELTSIN NEEDS COUNSELING, NOT MONITORING

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, in 1993, Boris Yeltsin fell off a stage in Germany. In 1994, Boris could not get off his plane in Ireland. In 1996, Boris came up missing for 7 consecutive days, unexplained, before an election. In 1997, he forgot about a meeting with Vice President AL GORE. Yesterday, he fired his entire cabinet. The White House says they are monitoring it.

Mr. Speaker, is Boris Yeltsin a victim of El Nino, too? Let us tell it like it is. This guy is not exactly the head of Kiwanis International. Boris Yeltsin has his shaky little finger on the button of one of the world's most massive nuclear arsenals.

I say monitor this, Boris Yeltsin does not need monitors. Boris Yeltsin needs Alcoholics Anonymous. I say let us save our foreign aid and let us send some counselors over to take care of this guy. I yield back 1 day at a time the balance my time.

THE OVRETTE PROGRAM IN HONDURAS: A VIOLATION OF HUMAN RIGHTS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I rise today to share another tragic story of human rights violations abroad, this time in the country of Honduras.

For more than 34 years and with millions of dollars, women of Honduras have been victims of an overzealous population control movement. They have been subjected to sterilizations and mass contraceptive pill distribution without caution or required exams or information, funded entirely by U.S. taxpayers.

Mr. Speaker, now we find that these Honduran women have been the subjects of a human experiment, this time with the Ovrette contraceptive pill, which has been used without any information about its potential side effects to the women taking the pill.

Instead of warning women that the effects of the pill were undetermined and that it should not be taken while breast-feeding, the USAID-led effort chose to strongly push the use of the pill among the women. At the same time, the government decided to monitor unsuspecting women to see what the effects of Ovrette might be.

To make matters worse, while this was going on, Ovrette was not even registered with the proper authorities, as is the law.

Mr. Speaker, this would not take place in America. It should stop in Honduras.

THE MORAL DEFICIT

(Mr. LEWIS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Kentucky. Mr. Speaker, in 1993 when I decided to run for Congress, there were many reasons why I felt I should get involved in the political campaign. One of the main reasons was my concern over the national debt and deficit spending. My wife and I did not want to see our two children faced with a mountain of debt that would eventually destroy their future.

Now, just 5 years later, it is with a lot of relief and thankfulness that Congress has been able to balance the Federal budget. But today we are faced with a problem that is even greater and more destructive than runaway debt.

My children and the children of this Nation are faced with a society that is experiencing a moral deficit. Eighty-four percent of the American people say their biggest concern is the decline in the traditional moral values.

Mr. Speaker, if we give our children the richest economy in the world but a society that is morally bankrupt, what have we gained? Some would say, but it is the economy, stupid. But I disagree, because good economies come and go, but for a Nation to survive as history has proven over and over again, patriotism, courage, fidelity, honesty, and public and personal character must be the foundation on which it stands.

ELIMINATE THE MARRIAGE PENALTY TAX

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, since 1969, the Federal tax code has penalized 21 million couples annually, not for getting divorced, not for having children out of wedlock, not for shacking up, but for getting married.

When a couple gets married, they are taxed at a higher rate than if they were still single or divorced. The marriage penalty for the average couple is $1,400. Now this may not seem like much to some, but with an additional $1,400, an average couple could pay the electric bill for 9 months, pay for 3 or 4 months of day care, pay for a 5-day vacation at Disneyland, pay four or five payments on their minivan, eat out 35 times, purchase 1,053 gallons of gas, and purchase 1,228 loaves of bread.

It is immoral that our tax code discriminates against marriage. We have a tax code that discourages marriage and encourages divorce. Reforming a tax code will restore equity by ensuring that working couples are treated no differently when they get married than they were before.

THE JASON PROJECT

(Mr. FARR of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR of California. Mr. Speaker, I stand here before you recognizing that at last night's Oscars the Titanic swept away with 11 awards. It is a fitting occurrence because this is the year of the oceans. Right now, something more exciting is happening across this country and around the world than anything that was ever put on the big screen. That is what is going on in our classrooms around the United States called the Jason project.

It was started by the man, Bob Ballard, who found the Titanic. He has dedicated his services to science and to education where children at this moment are speaking to scientists that are on the floor of the ocean live. Those scientists are in California and Bermuda, and they are talking back and forth, and students interact with it.

So in this year, the International Year of the Oceans, we have to celebrate that. We also celebrate it, because it is our own money that Congress has put into NOAA and put into the Navy that has helped sponsor this project.

This show goes on all week. And if you are here in the Nation's capital, visit the National Geographic, where the show is live right now. So the Year of the Oceans is get into it. Get into it.

THE OVERWHELMING TAX BURDEN

(Mr. JONES asked and was given permission to address the House for 1 minute.)

Mr. JONES. Mr. Speaker, we are now just 22 days away from April 15, tax day. As this dreaded day approaches, now, more than ever, Americans are struggling with an unbelievable tax burden.

On top of their already busy daily routine, the citizens of this Nation are having to file through the 8 billion pages of forms and instructions that the IRS sends out each year. Laid end to end, these forms would stretch 28 times around the Earth.

It is past time to reduce this tremendous burden. The American people want, need, and deserve tax relief. I hope that people throughout this Nation will contact their Representatives and encourage them to begin a national debate on how best to create a fairer, simpler tax system for the American people.

LIBERALS VERSUS CONSERVATIVES

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, I often hear from liberals that the labels "liberal" and "conservative" do not mean much anymore. I think that is total nonsense.

One way to distinguish between liberals and conservatives is to look at how a liberal views taxes versus how a conservative does.

A liberal will do everything in his power to make it difficult for others to become rich. A conservative will do everything in his power to help others become rich.

A liberal will vilify the rich. A conservative recognizes the benefits to society that the rich provide and the benefits of having a society where people strive to become rich.

A liberal believes, apparently, that the rich acquire their wealth at the expense of the poor. A conservative knows that Bill Gates and Michael Jordan achieve riches because they produce things that other people value.

Our choice is to put obstacles in the way of those striving to become rich, or take away people's incentive to pursue that same course.

For this American holder of public office who is proud to call himself a conservative, it is not a difficult choice.

SMALL BUSINESS PAPERWORK REDUCTION ACT

(Mrs. LINDA SMITH of Washington asked and was given permission to address the House for 1 minute.)

Mrs. LINDA SMITH of Washington. Mr. Speaker, I am often asked what is the great secret in Washington State's success. Yes, we have beautiful natural wonders and thriving high-tech industries, and we are a great place to come and visit. Well, I want to tell my colleagues, even though we are beautiful in Washington State, it is really the people.

Today, I want to tell my colleagues about the people in Washington State and what makes our thriving economy grow: small business owners. Mr. Speaker, 63 percent of all businesses in Washington are operated by sole proprietors and 97 percent have less than 100 employees. These men and women provide nearly 60 percent of all jobs in the State, and lead the way in new job creation. They are the leaders in our community.

However, each year, massive amounts of paperwork are stifling their potential, job growth and productivity. For firms with fewer than 20 employees, these firms are paying $2,000 per year per employee that could go into salaries, jobs and others new sources of income for the communities.

Today, I am proud to cosponsor the Small Business Paperwork Reduction Act, H.R. 3310, and I will be proud to vote for it this afternoon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 5 p.m. today.

TRAFFIC STOPS STATISTICS STUDY ACT OF 1998

Mr. HYDE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 118) to provide for the collection of data on traffic stops, as amended.

The Clerk read as follows:

H.R. 118

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Traffic Stops Statistics Study Act of 1998".

SEC. 2. ATTORNEY GENERAL TO COLLECT.

The Attorney General shall conduct a study of stops for routine traffic violations by law enforcement officers. Such study shall include collection and analysis of appropriate available data. The study shall include consideration of the following factors, among others:

(1) The number of individuals stopped for routine traffic violations.

(2) Identifying characteristics of the individual stopped, including the race and or ethnicity as well as the approximate age of that individual.

(3) The traffic infraction alleged to have been committed that led to the stop.

(4) Whether a search was instituted as a result of the stop.

(5) How the search was instituted.

(6) The rationale for the search.

(7) Whether any contraband was discovered in the course of the search.

(8) The nature of such contraband.

(9) Whether any warning or citation was issued as a result of the stop.

(10) Whether an arrest was made as a result of either the stop or the search.

(11) The benefit of traffic stops with regard to the interdiction of drugs and the proceeds of drug trafficking, including the approximate quantity of drugs and value of drug proceeds seized on an annual basis as a result of routine traffic stops.

SEC. 3. LIMITATION ON USE OF DATA.

Data acquired under this section shall be used only for research or statistical purposes and may not contain any information that may reveal the identity of any individual who is stopped or any law enforcement officer. Data acquired under this section shall not be used in any legal or administrative proceeding to establish an inference of discrimination on the basis of particular identifying characteristics.

SEC. 4. RESULTS OF STUDY.

Not later than 2 years after the date of the enactment of this Act, the Attorney General shall report the results of the study conducted under this Act to Congress.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 118, the Traffic Stops Statistics Act of 1997, was introduced by the ranking minority member of the Committee on the Judiciary, the gentleman from Michigan (Mr. CONYERS). This bill has bipartisan support and the support of the Department of Justice. H.R. 118 will authorize the Attorney General to conduct a study of the reasons why police make routine traffic stops.

Racial profiling is a law enforcement method that uses race, age, dress, vehicle type, and other factors to identify people who police believe are more likely to be involved in crimes.

Profiling is often used to stop those suspected of crimes without any indicia of criminal activity. However, there is a growing number of reported incidents and allegations that black American males are being stopped for no reason. They are merely stopped, not given tickets, not given citations.

The fourth amendment provides, "The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated." Traffic stops based solely on race are wrong and must not be tolerated.

The study will provide for the collection of data that will help determine whether police are using race as the predominant reason to stop motorists of color. The study will include consideration of such factors as the race and age of the individual stopped; the traffic infraction alleged to have been committed that led to the stop, if any; whether a search was instituted; the rationale for the search; whether contraband was discovered during the search; whether any warning or citation was issued as a result of the stop; and whether an arrest was made as a result of the stop or search.

The study will also report on the beneficial efforts of law enforcement departments to fight the war on drugs by recording the approximate quantity of the drugs and the value of drug proceeds seized on an annual basis as a result of traffic stops. The Department of Justice will submit the results of the 2-year study to Congress.

Mr. Speaker, this is a good bill, and I am pleased to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to endorse the remarks made by the gentleman from Illinois (Mr. HYDE), the Chairman of the Committee on the Judiciary, about the Traffic Stops Statistics Study Act. I am deeply indebted to him for moving this bill from the committee to the full House.

This is an offense and an activity that is very familiar to many people. It is something that has happened to more African Americans, particularly males, than I would care to admit today on the floor of the House of Representatives. There are very few of us in this country who have not been stopped at one time for an alleged traffic violation that we constituted really simple racial harassment.

Mr. Speaker, I say this as a friend of law enforcement, as one who has always received the support and has worked closely with police organizations across the country for many years. Law enforcement officers may admit to isolated instances of racially targeted police stops, but very few will concede that this harassment is routine, that it happens literally everywhere; and it is to this complaint that this study, this examination of this peculiar kind of incident in law enforcement, is directed.

There have been limited studies that have occurred which have found that as many as 72 percent of all routine traffic stops occur with African-American drivers in a population that we all know is not over 15 percent. The coincidence need not to be confirmed.

In the Ninth Circuit Court of Appeals, we had a case in which the court itself, in 1993, came to a conclusion that we think will be supported by the study that is proposed in the bill before us. That was the case of a police officer from Santa Monica who was found to have violated the rights of 2 African-American men that he stopped and subsequently arrested at gunpoint. The case is cited here because it was an example of how police routinely violate the constitutional rights of others by stopping them without just cause. There must be a cause to stop someone. It cannot be subjective; it cannot be racially motivated. There has to be a reason.

Now, for those who might say, well, why do we not just go to court and let the lawsuits flow, the lawsuits cannot solve this problem. First of all, the individual costs that must be borne by plaintiffs would, in most cases, be more than they could bear; and it would also take considerable amounts of time.

Last year, in November, the American Civil Liberties Union sought a fine for contempt of court against the State police near us, the Maryland State police, arguing that police were still conducting a disproportionate number of searches of cars driven by African Americans 2 years after they had agreed to stop that practice as a result of a 1992 lawsuit. In other words, they were violating the agreement.

The State police statistics show that 73 percent of the cars stopped and searched on interstate I–95 a few blocks from here, between Baltimore and Delaware, since January of 1995, were conducted on the cars of African Americans, despite the fact that only 14 percent of those driving along that part of the freeway were African Americans. Moreover, there was nothing found in 70 percent of those searches.

Mr. Speaker, this and other evidence suggests that African Americans are routinely being stopped by law enforcement simply because of the color of their skin, and it is precisely this sort of unfair treatment that leads many people to distrust the criminal justice system. If we expect everyone to abide by the rules, and we do, we must ensure that those rules are applied equally to everybody, and they are frequently not.

In many ways, this sort of harassment is even more serious than police brutality itself. Not to minimize police brutality, but these are insidious ways of antagonizing people, and this treatment must be examined.

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The measure before us today will not stop or punish the treatment, it will investigate as to whether it in fact goes on in the proportions that our hearings suggest that it does.

Unlike police brutality, which frequently comes to light, these punishments are like knife cuts. They are not reported. There is nothing done with them. They are wounds to the psyche that spread, they never heal, and they are painful to those that sustain them.

So what we are saying is that this is not an anti-police piece of legislation, it is a piece of legislation to determine whether a practice that we have long suspected is still in fact going on. As we know here in this Chamber, the Supreme Court has expanded police powers by holding that an individual need not be informed that they have a right not to consent to a search of their vehicles.

There is a bit of flux in the law on this subject. So this measure, that authorizes the Attorney General to conduct a study regarding the race and alleged infractions of drivers stopped by the police, is designed to provide us with specific information regarding the extent of the problem, and will provide information as to the rationale for any search made subsequent to a traffic stop, and of course, any contraband recovered in that search.

Through this study, I hope we will increase police awareness of the problem involved of some few police officers targeting minorities routinely for car searches when there is, indeed, no justification. Perhaps we can discover the extent of the problem, and hopefully reduce the number of discriminatory, inappropriate traffic stops by police officers made based on the color of the skin of the motorist.

Because the study proposed by this legislation presents a reasonable way of dealing with an issue I have been hearing complaints about throughout my service in the Congress, I deeply appreciate my colleagues on the Committee on the Judiciary and our chairman for bringing this measure to the floor, and I urge that we support the bill.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. SHEILA JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) for yielding time to me. I thank the gentleman for his leadership on this bill.

Mr. Speaker, I do appreciate the gentleman from Illinois (Mr. HYDE) for the expeditious manner in which this legislation came to the floor, and the gentleman from Florida (Mr. CANADY) as well for consenting and working with the ranking member in realizing the importance of the information that we are trying to secure.

I would like to emphasize one or two or three or four different points on this issue.

One, let me say, we do not come to the floor of the House to personalize our presentations, but as the mother of a young black boy, and as someone who relates constantly to young African American teenagers, along with other ethnic groups in my community, this is an issue that has long confronted us, and one that we have, in some instances, accepted and suffered in silence.

For every young child is taught to respect the blue and white, or the men and women in blue, of the law enforcement officer of your community. We as parents still do that. But the tragedy of teaching them that kind of respect sometimes befalls them in a negative way.

It is not infrequently that I talk to parents of minority children who are fearful of having them drive throughout their community or be in neighborhoods where they might be suspected of acting illegally, albeit they are there for legitimate and legal reasons.

Just recently I had a family tell me that after they moved into a very prominent neighborhood, and their young male African American son was going home to his home, that about 10 or so police cars ran up into the driveway to begin to shine flashlights in his face and wonder why he was sticking a key in the front door. Though this is not a traffic stop, these are incidents that occur on a regular basis. So this study is in fact needed.

I am delighted that the Attorney General will not isolate the study but will study the Nation, for it will respect and respond to the issues dealing with race and ethnicity, particularly in groups of Asians, African Americans, and Hispanics, those who are traveling in modern cars and those whose cars may not look too recent.

It is important to find out whether the traffic infraction alleged to have been committed was committed and what was it that led to a stop; whether a search was instituted as a result of the stop; how the search was instituted; the rationale for the search; whether any warning or citation was issued as a result of the stop; and whether an arrest was made as a result of either the stop or the search.

It is important to emphasize again that although African Americans make up between 12 and 14 percent, they make up 72 percent of all routine traffic stops. This study will help us determine what occurs in the Asian community, or what occurs to the new immigrants in the Vietnamese community, what occurs in the Hispanic community, in all parts of our country.

Just a few doors away from this House we can find examples of mistreatment of those who are African American and minorities. Robert Wilkins is a Harvard Law School graduate, a public defender here in the District of Columbia. Mr. Wilkins is also an African American.

In May, 1992, Mr. Wilkins went to a family funeral with his aunt, uncle, and cousin. A State trooper stopped Mr. Wilkins for doing 60 miles per hour on the interstate, well under the speed limit, and based upon this grave crime, ordered all the family members out of the car so he could search for drugs. In this time of grief and tragedy, they had to be disturbed with this kind of treatment. Of course, no drugs were found.

The State trooper in the case claimed the rented Cadillac the family was driving made him think them suspicious, as well as the fact that Mr. Wilkins appeared nervous when stopped. Are we to believe that being nervous when pulled over by a State trooper is cause to suspect that a respected attorney returning from a family funeral is a drug trafficker? Are we to believe that the race of the Wilkins family was not the reason that he and his family were ordered out of their vehicle on a busy highway?

Under the Fourth Amendment, a law enforcement official must have reasonable grounds to suspect illegal activity before searching a car during a routine traffic stop. The dislike or suspicion of a person's race does not constitute reasonable grounds.

Again, reemphasizing the point made by the gentleman from Michigan (Mr. CONYERS), how interesting it is that even after getting an agreement through the ACLU, we find some 2 years later that these stoppings of individuals of African American heritage are still occurring.

In fact, despite the agreement that was gotten by the ACLU, we find that State police statistics show that 73 percent of cars stopped and searched on I-95 between Baltimore and Delaware since 1995 were those of African Americans, again, despite the fact that only 14 percent of those driving along that stretch were African Americans.

This is a piece of legislation that is long overdue, and its emphasis should not detract from the fact that its importance is the right of the protection of the Constitution and the Bill of Rights. It is the protection of those constitutional provisions that will apply to all citizens.

We are long overdue in trying to find out why we have this kind of disparate treatment, why many of us as parents of African American children are fearful of sending our young people out on the freeways and highways of America. If this is to be a country for all people, then the laws must treat everyone fairly. I appreciate very much the efforts of the gentleman from Michigan (Mr. CONYERS) and the gentleman from Illinois (Mr. HYDE) for this legislation.

Mr. Speaker, I rise today in strong support of Congressman CONYER's H.R. 118, the "Traffic Stops Statistics Act of 1997." This legislation is an important step towards addressing the discrimination faced by minorities on our nation's roadways.

The Traffic Stops Statistics Act authorizes the Attorney General to conduct a study of stops for routine traffic violations by law enforcement officers. The study is to include consideration of such factors as: (1) the race and ethnicity of the individual stopped; (2) the traffic infraction alleged to have been committed that led to the stop; (3) whether a search was instituted as a result of the stop; (4) how the search was instituted; (5) the rationale for the search; (6) whether any warning or citation was issued as a result of the stop; and (7) whether an arrest was made as a result of either the stop or the search.

The need for such a study becomes readily apparent when we review the few, limited studies already conducted in this area. Those studies reveal that although African Americans make up only 14 percent of the population, they account for 72 percent of all routine traffic stops. To make matters worse, far more blacks stopped for traffic violations are subject to car searches than comparable whites. The numbers are so out of line that coincidence is impossible.

For an example of the arbitrary and discriminatory treatment of African Americans on our nation's roadways, we need not look far beyond the Beltway. Robert Wilkins is a Harvard Law School graduate—a public defender here in the District of Columbia. Mr. Wilkins is also African-American. In May 1992, Mr. Wilkins went to a family funeral with his aunt, uncle, and cousin. A state trooper stopped Mr. Wilkins for doing 60 miles per hour on the interstate, and based upon this grave crime ordered all the family members out of the car so he could search for drugs. Of course, no drugs were found. The state trooper in this case claimed the rented Cadillac the family was driving made him suspicious, as did the fact that Mr. Wilkins appeared nervous when stopped. Are we to believe that being nervous when pulled over by a state trooper is cause to suspect that a respected attorney returning from a family funeral is a drug trafficker? Are we to believe that the race of the Wilkins family was not the reason he and his family were ordered out of their vehicle on a busy highway? Under the Fourth Amendment, a law enforcement official must have reasonable grounds to suspect illegal activity before searching a car during a routine traffic stop. The dislike or suspicion of a person's race does not constitute reasonable grounds.

In November 1996, the ACLU sought a fine for contempt of court against the Maryland State Police, arguing that police were still conducting a disproportionate number of drug searches of cars driven by African Americans almost two years after agreeing to remedy these practices as a result of a 1992 lawsuit. Despite the agreement, state police statistics show that 73 percent of cars stopped and searched on I–95 between Baltimore and Delaware since January, 1995 were those of African Americans, despite the fact that only 14 percent of persons driving on that stretch of road were black. Police found absolutely nothing in 70 percent of those searches.

The Traffic Stops Statistics Act study will discourage law enforcement officers from such discriminatory treatment of minorities by discouraging the use of race as the primary factor in making determinations as to whe4ther or not to institute a car search. It will also provide statistical data as to the nature and extent of the problem of African Americans being targeted for traffic stops.

I want to commend Mr. CONYERS and his staff for their determination and tireless work in bringing this legislation before us today. I urge my colleagues to cast a vote today for fairness and justice and to vote in support of H.R. 118, the "Traffic Stops Statistics Act."

Mr. Speaker, I ask my colleagues to vote for this legislation.

Mr. CONYERS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore (Mr. FOLEY). Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and pass the bill, H.R. 118, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ARLINGTON NATIONAL CEMETERY BURIAL ELIGIBILITY ACT

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3211) to amend title 38, United States Code, to enact into law eligibility requirements for burial in Arlington National Cemetery, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3211

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arlington National Cemetery Burial Eligibility Act".

SEC. 2. PERSONS ELIGIBLE FOR BURIAL IN ARLINGTON NATIONAL CEMETERY.

(a) IN GENERAL.—Chapter 24 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 2412. Arlington National Cemetery: persons eligible for burial

"(a) PRIMARY ELIGIBILITY.—The remains of the following individuals may be buried in Arlington National Cemetery:

"(1) Any member of the Armed Forces who dies while on active duty.

"(2) Any retired member of the Armed Forces and any person who served on active duty and at the time of death was entitled (or but for age would have been entitled) to retired pay under chapter 1223 of title 10.

"(3) Any former member of the Armed Forces separated for physical disability before October 1, 1949, who—

"(A) served on active duty; and

"(B) would have been eligible for retirement under the provisions of section 1201 of title 10 (relating to retirement for disability) had that section been in effect on the date of separation of the member.

"(4) Any former member of the Armed Forces whose last active duty military service terminated honorably and who has been awarded one of the following decorations:

"(A) Medal of Honor.

"(B) Distinguished Service Cross, Air Force Cross, or Navy Cross.

"(C) Distinguished Service Medal.

"(D) Silver Star.

"(E) Purple Heart.

"(5) Any former prisoner of war who dies on or after November 30, 1993.

"(6) The President or any former President.

"(b) Eligibility of Family Members.—The remains of the following individuals may be buried in Arlington National Cemetery:

"(1) The spouse, surviving spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a person listed in subsection (a), but only if buried in the same gravesite as that person.

"(2)(A) The spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces on active duty if such spouse, minor child, or unmarried adult child dies while such member is on active duty.

"(B) The individual whose spouse, minor child, and unmarried adult child is eligible under subparagraph (A), but only if buried in the same gravesite as the spouse, minor child, or unmarried adult child.

"(3) The parents of a minor child or unmarried adult child whose remains, based on the eligibility of a parent, are already buried in Arlington National Cemetery, but only if buried in the same gravesite as that minor child or unmarried adult child.

"(4)(A) Subject to subparagraph (B), the surviving spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces who was lost, buried at sea, or officially determined to be permanently absent in a status of missing or missing in action.

"(B) A person is not eligible under subparagraph (A) if a memorial to honor the memory of the member is placed in a cemetery in the national cemetery system, unless the memorial is removed. A memorial removed under this subparagraph may be placed, at the discretion of the Superintendent, in Arlington National Cemetery.

"(5) The surviving spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces buried in a cemetery under the jurisdiction of the American Battle Monuments Commission.

"(c) Spouses.—For purposes of subsection (b)(1), a surviving spouse of a person whose remains are buried in Arlington National Cemetery by reason of eligibility under subsection (a), who has remarried is eligible for burial in the same gravesite of that person. The spouse of the surviving spouse is not eligible for burial in such gravesite.

"(d) Disabled Adult Unmarried Children.—In the case of an unmarried adult child who is incapable of self-support up to the time of death because of a physical or mental condition, the child may be buried under subsection (b) without requirement for approval by the Superintendent under that subsection if the burial is in the same gravesite as the gravesite in which the parent, who is eligible for burial under subsection (a), has been or will be buried.

"(e) Family Members of Persons Buried in a Group Gravesite.—In the case of a person eligible for burial under subsection (a) who is buried in Arlington National Cemetery as part of a group burial, the surviving spouse, minor child, or unmarried adult child of the member may not be buried in the group gravesite.

"(f) Exclusive Authority for Burial in Arlington National Cemetery.—Eligibility for burial of remains in Arlington National Cemetery prescribed under this section is the exclusive eligibility for such burial.

"(g) Application for Burial.—A request for burial of remains of an individual in Arlington National Cemetery made before the death of the individual may not be considered by the Secretary of the Army or any other responsible official.

"(h) Register of Buried Individuals.—(1) The Secretary of the Army shall maintain a register of each individual buried in Arlington National Cemetery and shall make such register available to the public.

"(2) With respect to each such individual buried on or after January 1, 1998, the register shall include a brief description of the basis of eligibility of the individual for burial in Arlington National Cemetery.

"(i) Definitions.—For purposes of this section:

"(1) The term 'retired member of the Armed Forces' means—

"(A) any member of the Armed Forces on a retired list who served on active duty and who is entitled to retired pay;

"(B) any member of the Fleet Reserve or Fleet Marine Corps Reserve who served on active duty and who is entitled to retainer pay; and

"(C) any member of a reserve component of the Armed Forces who has served on active duty and who has received notice from the Secretary concerned under section 12731(d) of title 10, of eligibility for retired pay under chapter 1223 of title 10.

"(2) The term 'former member of the Armed Forces' includes a person whose service is considered active duty service pursuant to a determination of the Secretary of Defense under section 401 of Public Law 95-202 (38 U.S.C. 106 note).

"(3) The term 'Superintendent' means the Superintendent of Arlington National Cemetery.".

(b) Publication of Updated Pamphlet.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall publish an updated pamphlet describing eligibility for burial in Arlington National Cemetery. The pamphlet shall reflect the provisions of section 2412 of title 38, United States Code, as added by subsection (a).

(c) Clerical Amendment.—The table of sections at the beginning of chapter 24 of title 38, United States Code, is amended by adding at the end the following new item:

"2412. Arlington National Cemetery: persons eligible for burial.".

(d) Technical Amendments.—Section 2402(7) of title 38, United States Code, is amended—

(1) by inserting "(or but for age would have been entitled)" after "was entitled";

(2) by striking out "chapter 67" and inserting in lieu thereof "chapter 1223"; and

(3) by striking out "or would have been entitled to" and all that follows and inserting in lieu thereof a period.

(e) Effective Date.—Section 2412 of title 38, United States Code, as added by subsection (a), shall apply with respect to individuals dying on or after the date of the enactment of this Act.

SEC. 3. PERSONS ELIGIBLE FOR PLACEMENT IN THE COLUMBARIUM IN ARLINGTON NATIONAL CEMETERY.

(a) In General.—Chapter 24 of title 38, United States Code, is amended by adding after section 2412, as added by section 2(a) of this Act, the following new section:

"§ 2413. Arlington National Cemetery: persons eligible for placement in columbarium

"(a) Eligibility.—The cremated remains of the following individuals may be placed in the columbarium in Arlington National Cemetery:

"(1) A person eligible for burial in Arlington National Cemetery under section 2412 of this title.

"(2)(A) A veteran whose last period of active duty service (other than active duty for training) ended honorably.

"(B) The spouse, surviving spouse, minor child, and, at the discretion of the Superintendent of Arlington National Cemetery, unmarried adult child of such a veteran.

"(b) Spouse.—Section 2412(c) of this title shall apply to a spouse under this section in the same manner as it applies to a spouse under section 2412.".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 24 of title 38, United States Code, is amended by adding after section 2412, as added by section 2(c) of this Act, the following new item:

"2413. Arlington National Cemetery: persons eligible for placement in columbarium.".

(c) Effective Date.—Section 2413 of title 38, United States Code, as added by subsection (a), shall apply with respect to individuals dying on or after the date of the enactment of this Act.

SEC. 4. MONUMENTS IN ARLINGTON NATIONAL CEMETERY.

(a) In General.—Chapter 24 of title 38, United States Code, is amended by adding after section 2413, as added by section 3(a) of this Act, the following new section:

"§ 2414. Arlington National Cemetery: authorized headstones, markers, and monuments

"(a) Gravesite Markers Provided by the Secretary.—A gravesite in Arlington National Cemetery shall be appropriately marked in accordance with section 2404 of this title.

"(b) Gravesite Markers Provided at Private Expense.—(1) The Secretary of the Army shall prescribe regulations for the provision of headstones or markers to mark a gravesite at private expense in lieu of headstones and markers provided by the Secretary of Veterans Affairs in Arlington National Cemetery.

"(2) Such regulations shall ensure that—

"(A) such headstones or markers are of simple design, dignified, and appropriate to a military cemetery;

"(B) the person providing such headstone or marker provides for the future maintenance of the headstone or marker in the event repairs are necessary;

"(C) the Secretary of the Army shall not be liable for maintenance of or damage to the headstone or marker;

"(D) such headstones or markers are aesthetically compatible with Arlington National Cemetery; and

"(E) such headstones or markers are permitted only in sections of Arlington National Cemetery authorized for such headstones or markers as of January 1, 1947.

"(c) MONUMENTS.—(1) No monument (or similar structure as determined by the Secretary of the Army in regulations) may be placed in Arlington National Cemetery except pursuant to the provisions of this subsection.

"(2) A monument may be placed in Arlington National Cemetery if the monument commemorates—

"(A) the service in the Armed Forces of the individual, or group of individuals, whose memory is to be honored by the monument; or

"(B) a particular military event.

"(3) No monument may be placed in Arlington National Cemetery until the end of the 25-year period beginning—

"(A) in the case of commemoration of service under paragraph (1)(A), on the last day of the period of service so commemorated; and

"(B) in the case of commemoration of a particular military event under paragraph (1)(B), on the last day of the period of the event.

"(4) A monument may be placed only in those sections of Arlington National Cemetery designated by the Secretary of the Army for such placement.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 24 of title 38, United States Code, is amended by adding after section 2413, as added by section 3(b) of this Act, the following new item:

"2414. Arlington National Cemetery: authorized headstones, markers, and monuments.".

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to headstones, markers, or monuments placed in Arlington National Cemetery on or after the date of the enactment of this Act.

SEC. 5. PUBLICATION OF REGULATIONS.

Not later than one year after the date of the enactment of this Act, the Secretary of the Army shall publish in the Federal Register any regulation proposed by the Secretary under this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

(Mr. STUMP asked and was given permission to revise and extend his remarks.)

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3211.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3211, the Arlington National Cemetery Burial Eligibility Act, is an important bill that is strongly supported by veterans and their service organizations.

The lion's share of credit for setting the stage for this bill goes to the gentleman from Alabama (Mr. TERRY EVERETT), chairman of the Subcommittee on Oversight and Investigations. His investigation of the waiver process in Arlington National Cemetery has resulted in bipartisan support for H.R. 3211.

In concert with his ranking member, the gentleman from South Carolina (Mr. JIM CLYBURN), the subcommittee tackled some very difficult issues in a comprehensive and professional manner. The bill codifies many of the current regulations of eligibility for burial in the cemetery and placement in the Columbarium.

However, the bill departs from current practice in the following ways:

One, no waivers to the military service requirements for a burial would be allowed for anyone. Family members of eligible veterans would be the only nonveterans allowed to be buried, and they would be in the same gravesite as the eligible veteran.

Second, the bill would eliminate automatic eligibility for Members of Congress and other Federal officials who do not meet all of the military criteria required for other veterans. Currently, these so-called "high Federal officials" are eligible simply by being veterans. The President, as Commander in Chief of the Armed Forces, would be the only official whose eligibility would be retained under the bill.

Third, the bill requires that in the future, memorials and markers erected in the cemetery must commemorate service in the armed services.

Mr. Speaker, I reserve the balance of my time.

Mr. EVANS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very proud to join the gentleman from Arizona (Mr. STUMP) in introducing H.R. 3211, the Arlington National Cemetery Burial Eligibility Act.

The GAO has told us that the eligibility requirements for burial at the cemetery needs clarification, and that the standards for waivers have been inconsistently applied over several years.

The bill we are considering today directly addresses those concerns. It writes into law the eligibility rules for burial at Arlington, allows for the burial of the close family members of persons whose military service has qualified them for burial at Arlington, and virtually eliminates the possibility that waivers shall be granted in the future to persons who do not otherwise meet the eligibility criteria for burial there.

As an enlisted in the United States Marine Corps and a member of the Committee on Veterans' Affairs since I came to Congress, I know that the cemetery is truly sacred ground, especially for our Nation's veteran population. That is why I was extremely concerned by reports that waivers for burial at the cemetery were being granted in exchange for major political contributions.

As everyone should know by now, those reports turned out to be untrue, and without any substantiation whatsoever. But while the GAO expedited review found "no evidence" of waivers for contributions, it did highlight some of the serious flaws in the existing process for burials at the cemetery.

The bill that the gentleman from Arizona (Mr. STUMP), our chairman, and I have put together addresses those concerns. It removes most of the discretion, ambiguity and guesswork from the eligibility process for burials at the cemetery, and it makes it easier for the public to understand the requirements for burial at the cemetery.

Before I conclude my remarks, Mr. Speaker, I want to take a moment to thank the gentleman from Arizona (Chairman STUMP). His focus has been on policy over politics. He has worked through this entire process, working with virtually every member of the committee, and has extended great cooperation to me as the leading Democrat on the committee.

I salute the gentleman from Arizona (Mr. STUMP), Mr. Speaker, for his work on getting this bill here today.

The bill we are bringing to this Congress today will honor the commitments that so many veterans have made to this country. I urge my colleagues to support the bill, H.R. 3211.

Mr. Speaker, I reserve the balance of my time.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. EVERETT), who is chairman of our Subcommittee on Oversight and Investigations.

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Mr. EVERETT. Mr. Speaker, if the recent Veterans' Affairs subcommittee hearings on Arlington National Cemetery have demonstrated anything, it is the special reverence with which Americans regard Arlington as a national shrine to honor our military heroes, many of whom were ordinary people who were extraordinary in their defense of our liberties. The only objective of our work has been to ensure the integrity of that hallowed place.

Although the committee's active interest in Arlington preceded the burial waivers investigation by the Subcommittee on Oversight and Investigations, which I chaired, the subcommittee took a thorough look at Arlington and identified serious problems with the waivers and laid much of the foundation of H.R. 3211.

Mr. Speaker, I am proud to join the gentleman from Arizona (Mr. STUMP), our full committee chairman, and many of our colleagues in this bipartisan legislation to codify and reform

Arlington eligibility. With the assistance of the General Accounting Office review of burial waivers at Arlington, the Subcommittee on Oversight and Investigations found that the waiver process and criteria were unpublished; information about waivers has often not been available to the general public; the waiver process has lacked clear and consistent criteria, and to the extent it had criteria, it was never followed; decisions themselves have sometimes been inconsistent and not clearly documented; and worst of all, in large part because of the lack of openness and definition, the waiver process has been open to insider political influence, string-pulling and favoritism.

While nothing is perfect, Arlington's system of burial waivers has proved to fall far short of the openness that veterans and the public deserve. I believe that there is widespread agreement that legislative steps are necessary to correct these serious problems our investigation has identified.

As H.R. 3211 moves along and encounters the vagaries of all legislation, we should maintain the bill's objectives of establishing clear-cut eligibility and preserving the military character of Arlington.

Mr. Speaker, I want to commend the gentleman from Arizona (Mr. STUMP) for his leadership on Arlington burial eligibility and for moving this very important legislation. I also want to commend the gentleman from Illinois (Mr. EVANS), our ranking Democrat, the gentleman from New York (Mr. QUINN), chairman of the Subcommittee on Benefits, the gentleman from California (Mr. FILNER), that subcommittee's ranking Democrat, and the gentleman from South Carolina (Mr. CLYBURN), ranking Democrat on my subcommittee.

They have worked long and hard on H.R. 3211.

Mr. Speaker, I urge my colleagues to approve this timely measure to protect the integrity and honor of Arlington National Cemetery.

Mr. EVANS. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentleman from Illinois (Mr. EVANS), for yielding me this time, and I thank the gentleman from Arizona (Mr. STUMP), our chairman, for bringing this bill to the floor so quickly.

Mr. Speaker, I too am a strong proponent of the bill before us, H.R. 3211. The Subcommittee on Benefits held a hearing on this measure on February 24, and all of our witnesses were supportive of this bill.

After all that has been said and written in recent months about Arlington National Cemetery, we all agreed that Arlington's burial eligibility requirements needed to be clarified, codified, and refined and this is exactly what H.R. 3211 will do.

I am very proud that the members of our committee came together in a bipartisan fashion to introduce responsible and evenhanded legislation that will maintain the honor and dignity of Arlington's sacred ground. This matter is too important to us as a Nation, a Nation that deeply respects its military dead, for it to be manipulated.

I know that all of my colleagues were comforted, as I was, by the results of the GAO investigation which found no evidence that political contributions played a role in waiver decisions. This is not to say that the Arlington waiver process does not need revision and clarification. The process needs to be reworked, and H.R. 3211 will satisfy the concerns that many of us have had about burial eligibility at Arlington National Cemetery.

I do believe, however, Mr. Speaker, that the bill we are considering today can be and should be improved. As reported by the committee, H.R. 3211 includes no mechanism by which individuals who perform extraordinary acts in service to the United States can be recognized and be buried in Arlington. But common sense and historical evidence makes it clear to me that there must be some procedure in place to permit burial of those rare and unusual individuals whose military service alone does not meet the specific criteria included in H.R. 3211, but whose life accomplishments following their service in America's Armed Forces are so remarkable and distinctive and compelling that we as a Nation feel we must honor these individuals with burial in Arlington National Cemetery.

I am certain that a very tight, very disciplined, and very public process can be designed that would protect and ensure the integrity of the hallowed ground of Arlington, but that would also enable Americans to demonstrate their deep respect and appreciation for the lives and contributions of our most brilliant and beloved countrymen and women. Although this issue was raised too late in the process for the committee to address it, I look forward to working with Members of the other body to further improve a very good bill.

Mr. Speaker, I urge support of H.R. 3211.

Mr. STUMP. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York (Mr. SOLOMON), chairman of the Committee on Rules, a great supporter of veterans and this committee.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Arizona (Mr. STUMP) for taking me out of order so I can get back to a meeting of the Committee on Rules and expedite the legislation for the next 2 weeks.

Mr. Speaker, I do rise in strong support of this legislation to protect our most sacred national cemetery, and to commend the gentleman from Arizona (Mr. STUMP), my very good friend and chairman of the Committee on Veterans' Affairs, the gentleman from Illinois (Mr. EVANS), and certainly the gentleman from Alabama (Mr. EVERETT) as well as the gentleman from New York (Mr. QUINN) sitting next to me, all of whom have done such a great job bringing this bill to the floor.

As a cosponsor of this legislation, I am proud that today the House is taking this decisive step to protect the sanctity and integrity of Arlington Cemetery. Arlington Cemetery is a place that has become synonymous with valor, courage, and honor that is second to none. It is rightfully a place to be revered as more than a graveyard, but as a resting place and as a lasting monument to heroes, real American heroes, Mr. Speaker, to whom all of us owe our freedoms. And that means that the very least that we can do is to remove the potential for dishonoring that shrine with politics.

This bill does just that by removing virtually all discretion and all waivers for burials at Arlington. In other words, Mr. Speaker, either individuals qualify or they do not, and that is the way it should be. That goes for Members of Congress, for Vice Presidents, for Cabinet members, Court Justices and anyone else. If the person was not killed while serving this country in uniform, was not a decorated veteran, a former prisoner of war, a military retiree or a spouse or child of such qualified veterans that will be buried there, there is no room for burial at Arlington. And again that is the way it should be.

Still, any honorably discharged veteran is always eligible to have their cremated remains displayed there. That is, any honorably discharged veteran.

Mr. Speaker, I urge everyone in the House to support this bill and, when they get a chance, to go out to Arlington again, if they have not been there before, and walk among the headstones, as Chairman STUMP and I did just the other today. I believe they will thank themselves for voting to protect that national shrine and for keeping it open exclusively for those brave men and women who above all else deserve it.

Mr. EVANS. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. KLECZKA).

Mr. KLECZKA. Mr. Speaker, I also rise in support of H.R. 3211. Earlier this year, in response to public concern with the number of burial waivers granted at Arlington National Cemetery, I introduced the Arlington National Cemetery Integrity Act to clarify once and for all who can and who cannot be buried there.

Because this is the last honor the United States can bestow upon our veterans who sacrificed for our freedoms, I was pleased that the gentleman from Arizona (Mr. STUMP), chairman, and the gentleman from Illinois (Mr.

EVANS), ranking member of the Committee on Veterans' Affairs, introduced this bill which is similar to the one that I have introduced. Under both of these proposals, current burial guidelines would be put into law and waivers would be eliminated.

Mr. Speaker, we must preserve the integrity and true meaning of this final tribute to our soldiers. H.R. 3211 will accomplish this goal. I urge my colleagues to support this important legislation and again commend the Committee on Veterans' Affairs for its swift action on this piece of legislation.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. QUINN), chairman of our Subcommittee on Benefits.

Mr. QUINN. Mr. Speaker, I too would like to support H.R. 3211. We have talked about its intention to bring order to the process of being buried at Arlington National Cemetery. We all know that the bill would codify, with exceptions that have been discussed today, existing regulatory eligibility criteria for burial at Arlington National Cemetery. Other than persons specifically enumerated in the bill, no other person could be buried in Arlington. In general, we have discussed who those persons would include. Those could include members of the Armed Forces who die in active duty, retired members of the Armed Forces, including Reservists who have served on active duty, former members of the Armed Services who have been awarded the Medal of Honor, Distinguished Service Cross, Air Force Cross, or Navy Cross, Distinguished Service Medal, Silver Star or Purple Heart, former prisoners of war, President or any former President, Members of the Guard and Reserves who have served on active duty and are eligible for retirement but have not yet retired, the spouse, surviving spouse, minor child and, at the discretion of the superintendent, all of those unmarried adult children, A through F, as we have said.

Mr. Speaker, what I wanted to do is to thank the people on our committee on both sides of the aisle, both the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS), ranking member, as well as the gentleman from Alabama (Mr. EVERETT), the ranking member of the Subcommittee on Benefits, the gentleman from California (Mr. FILNER) and the gentleman from Arkansas (Mr. SNYDER), a committee member who had thoughtful questions and brought discussion of this whole issue of Arlington.

Now that we have come up with a compromise of sorts to make sure that we are heading in the right direction, toward the end of next month, the gentleman from California (Mr. FILNER) and I will be organizing a visit to Arlington for members on the committee and Members of the Congress at large to talk about their plans for changes at Arlington and to talk about the things that are done in this bill today so that all of us at least in the Congress know where we are headed when we talk about changes necessary at Arlington National Cemetery.

Mr. Speaker, I urge my colleagues to support the bill.

Mr. EVANS. Mr. Speaker, may I inquire as to how much time is remaining on both sides at this point?

The SPEAKER pro tempore. The gentleman from Illinois (Mr. EVANS) has 13 minutes remaining and the gentleman from Arizona (Mr. STUMP) has 11 minutes remaining.

Mr. EVANS. Mr. Speaker, I yield 10 minutes to the gentleman from Arizona (Mr. STUMP), and ask unanimous consent that he be permitted to control that time as he sees fit.

Mr. STUMP. Mr. Speaker, if the gentleman would yield, I thank him and would say that we do need the time. I have more speakers than I anticipated.

The SPEAKER pro tempore (Mr. FOLEY). Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. STUMP. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. STEARNS), the chairman of the Subcommittee on Health.

Mr. STEARNS. Mr. Speaker, I thank the distinguished gentleman from Arizona for yielding me this time.

Mr. Speaker, I rise in support of H.R. 3211, as amended. This bill establishes an important policy. It provides clear specific statutory criteria for burial at Arlington National Cemetery. In doing so, the bill would rule out a troubling policy of granting exceptions to eligibility rules which, until now, have been set in regulations.

As the oversight of the Committee on Veterans' Affairs has shown, the practice of entertaining requests for waivers and exceptions at Arlington has opened a door to inconsistency and subjectivity. I hardly need to remind Members of the stains such practices have created.

The bill would close the door to exceptions and restore a sense of honor to administration of this precious, precious site. Burial at Arlington should be reserved to those with distinguished military service. This bill would crystallize that policy. This bill codifies key elements of the current regulations governing eligibility for burial at Arlington. H.R. 3211 draws some hard lines, but they are lines that need to be drawn. They include the following:

No waivers could be granted to the military service requirements for burial. The only nonveterans eligible for burial would be the immediate family members of those veterans eligible for burial, and Members of Congress and other Federal officials who do not meet the military criteria would no longer be eligible for burial at Arlington.

The Committee on Veterans' Affairs did not set this policy in place lightly. H.R. 3211 is a product of careful, comprehensive oversight, extensive consultation with veterans and military service organizations and a great deal of hard work.

I am proud to be a cosponsor of this fine bill and commend my colleagues for their fine work on this legislation.

Mr. Speaker, I have the honor to have my father buried at Arlington National Cemetery for the work he did in the Navy and receiving the Bronze Star in the Iwo Jima campaign. And then I have a great-great-grandfather who is also buried there who has the same criteria. So it is with a great deal of heartfelt feeling on this issue that I commend this bill to my colleagues and I hope they will pass it.

Mr. STUMP. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. HAYWORTH), a member of the committee.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Arizona (Mr. STUMP), chairman of our committee and dean of our delegation, who continues to set an example in his legislative work, as he did as a younger man in the Pacific theater in World War II.

I thank also the gentleman from Illinois (Mr. EVANS), ranking minority member of the Committee on Veterans' Affairs, for moving forward with this legislation in such a timely manner; for, Mr. Speaker, what we are preparing to do in this Chamber with this vote on this legislation, for which I rise in strong support, is to restore trust with the American people for this hallowed ground.

☐ 1500

I cannot help but notice as we look at the ground that makes up Arlington National Cemetery that the headstones literally border the Pentagon. And indeed decisions made there and decisions made here to send American citizens into harm's way must always be carried out with the utmost sobriety and seriousness, because, as General MacArthur pointed out, "The soldier personally loathes war the most, for it is the soldier who quite literally has the most to lose."

Mr. Speaker, as constituents of mine in the Sixth District of Arizona reacted with surprise and outrage, and Mr. Speaker, I do not think those terms are too strong to use, as revelations came forth that, sadly, this hallowed ground was being misused with a liberal use of waivers, what we will do with this legislation is again to state that Arlington National Cemetery exists for the purpose of honoring our military dead, those who have fallen in pursuing freedom, that we are reaffirming that this hallowed ground belongs to the memory and the remains of those who have contributed mightily, who may have fallen on the field of battle, but who always and forever represented this country with valor and bravery, and that we would not succumb to the temptations and political pressures ever again of yielding any of that ground under suspicions that it might go to the highest bidder.

This is a mission of honor and a restoration of trust, and I appreciate the bipartisan manner in which this legislation has been approached because, again, we set up a formula whereby if waivers are ever to be granted, they will be granted with the full sunshine of this Congress, representing the people constitutionally to make such waivers, not to any back room or any regulation or waiver otherwise granted.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. MCINTOSH).

Mr. MCINTOSH. Mr. Speaker, I want to thank the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) for their hard work on this bill and the bipartisan effort to bring it forward to the House today.

I, too, was greatly disturbed, as were my constituents, by rumors that there may have been attempts used to have Arlington Cemetery and the privilege of being put to rest there used for political fund-raising purposes.

My grandmother served this country as a nurse in World War I. She had three sons, who all served this country in World War II. My father was in the Navy as an enlisted man. My father-in-law served 30 years in the Navy and retired as a captain. Our family takes great pride in the service that they have offered this country.

It extends to all people, Democrats, Republicans, rich and poor, the ability to make a sacrifice to serve this country. And Arlington is where we honor those who have perhaps sacrificed the most in the cause of freedom and upholding liberty in this great Nation.

So it is with great pleasure that I speak out in favor of this bill. My generation wants to honor those who have sacrificed for our country and those who will sacrifice for our country by serving in the military in the future. This bill puts on record that all of us can come together today and say, this has to be above politics.

Mr. Speaker, I do want to thank the chairman and the ranking member for their hard efforts in bringing this bill to the floor.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Mr. Speaker, I thank the chairman for yielding me the time.

Mr. Speaker, I am pleased to join the distinguished chairman of the Committee on Veterans' Affairs and the ranking member in support of H.R. 3211, which will do much to restore the honor of burial at Arlington National Cemetery.

I have heard from hundreds of my constituents who are concerned that burial at Arlington has been granted to nonveterans because of special waivers. My constituents were equally concerned by the reluctance of the administration to release names and details about those buried under the waiver process. So I acted on these concerns by introducing a bill of my own, similar to the legislation before the House today, to ensure greater scrutiny and full disclosure of waiver requests.

H.R. 3211 requires the Secretary of the Army to maintain a register of those buried at Arlington and requires that this register be made available to the public. While I understand the privacy concerns that limit the initial disclosures of waiver recipients, I also believe that this reluctance created the unfortunate perception that the administration was trying to hide something.

Arlington is a public cemetery, and we should have the full public disclosure which this bill provides. I also agree with the emphasis that this bill gives to educating veterans about Arlington. This bill will require the Secretary of the Army to publish a pamphlet describing eligibility requirements. Such materials are needed to reassure the veterans community, as well as to clarify eligibility requirements.

I have heard stories of veterans awarded the Silver Star who deserve burial at Arlington by any measure, but they do not realize they are worthy of this honor or this opportunity. This bill corrects that problem by providing the Secretary the materials needed to educate this community.

This is an outstanding bill, Mr. Speaker, that corrects the significant loopholes created by the waiver process and reaffirms our belief that only a very honored few deserve to be buried at Arlington National Cemetery. I urge my colleagues to support this legislation.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there have been some Members that have expressed a desire to consider language that would still provide a waiver for Arlington, and we considered this at length in committee. I personally oppose such language and would like to include for the record letters from the American Legion, AMVETS, the Disabled American Veterans, the Veterans of Foreign Wars, Vietnam Veterans of America, the Non-Commissioned Officers Association, and the Retired Enlisted Association, among others, that oppose such language.

Mr. Speaker, I include the following for the RECORD:

THE AMERICAN LEGION,
Washington, DC, March 12, 1998.

Hon. BOB STUMP,
Chairman, House Committee on Veterans' Affairs, Washington DC.

DEAR CHAIRMAN STUMP: The American Legion fully supports H.R. 3211, a bill to codify existing regulatory criteria for burial in Arlington National Cemetery. The American Legion believes codifying existing regulations and prohibiting any future waiver authority is an unfortunate but necessary step to maintain the honor and sanctity of Arlington National Cemetery. The current waiver process is purely subjective, inconsistent and vulnerable to political influence. Allowing future waivers at Arlington National Cemetery would continue this subjective and inconsistent waiver process and allow for possible abuses by the current and future administrations.

Although the valuable contributions of non-veterans in service to the nation and society is notable, these individuals are not legally obligated to perform their duties in the same manner as member of the armed forces. When individuals don the military uniform and take the oath of office, they lose some personal freedoms, experience undue hardships and accept a unique standard of conduct governed by the Uniform Code of Military Justice. Failure or refusal to perform their assigned mission will result in criminal proceedings that may lead to a General Court Martial and a dishonorable discharge. Individuals serving in the civilian government and private workforce are not legally obligated in this same manner.

The American Legion believes Arlington National Cemetery is clearly a cemetery operated and maintained by the Department of the Army exclusively for military personnel, retirees, veterans and their immediate family members. Requirements to be buried in Arlington are strict because of the prestige, history and special recognition of honorable military service. If Congress truly believes someone warrants burial in Arlington National Cemetery, it can pass separate legislation authorizing a waiver on a case by case basis. In light of the recent waiver abuses, The American Legion believes H.R. 3211 is now the best alternative to protecting the sanctity of this national military shrine.

Sincerely,
STEVE A. ROBERTSON,
Director,
National Legislative Commission.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, DC, March 13, 1998.

Hon. BOB STUMP,
Chairman, Veterans' Affairs Committee, House of Representatives, Washington DC.

DEAR MR. CHAIRMAN: The Veterans of Foreign Wars of the United States (VFW) has already strongly endorsed your excellent bipartisan bill H.R. 3211, the "Arlington National Cemetery Burial Eligibility Act." I again put the VFW on record with you and your committee to clearly and concisely state that the 2.1 million members of this organization firmly believe no other persons should be buried at Arlington other than those enumerated in your bill.

Thank you and all other members of your committee for the collective concerns and efforts extended to our nation's veterans. The VFW asks that you do the only proper and equitable thing today regarding Arlington National Cemetery. Please retain this piece of hallowed ground for persons who have dedicated their lives to the military profession and/or who were either killed while on active duty or received an award for extraordinary heroism.

Sincerely,

JOHN E. MOON,
Commander-in-Chief.

DISABLED AMERICAN VETERANS,
Washington, DC, March 20, 1998.

Hon. BOB STUMP,
Chairman, House Veterans' Affairs Committee, Washington, DC.

Attn: Mike Brinck.

DEAR REPRESENTATIVE STUMP: This letter is to advise you that the Disabled American Veterans (DAV) National Executive Committee passed a resolution on March 17, 1998, supporting legislation to preserve burial space in Arlington National Cemetery for America's military heroes. I have enclosed a copy of this resolution.

It is the DAV's position that, with the exception of the President or former Presidents of the United States, burial in Arlington should be reserved for veterans who meet the existing criteria for burial eligibility in Arlington National Cemetery. The DAV does not support any discretionary waiver process that would allow for the burial of nonveterans at Arlington National Cemetery.

Accordingly, the DAV is on record as supporting the principles of H.R. 3211. Thank you for your continued support.

Sincerely,

HARRY R. MCDONALD, Jr.,
National Commander.

Enclosure.

DAV NATIONAL EXECUTIVE COMMITTEE RESOLUTION

SUPPORTING LEGISLATION TO PRESERVE BURIAL SPACE IN ARLINGTON NATIONAL CEMETERY FOR AMERICA'S MILITARY HEROES

Whereas, our citizens hold veterans in the highest esteem and accord special honors to them for the unique contributions they make in service in our Nation's Armed Forces, and

Whereas, such honors set veterans apart because they are bestowed only upon veterans, and

Whereas, burial in Arlington National Cemetery, our Nation's most prestigious and hallowed national cemetery, should be an honor reserved for America's military heroes, and

Whereas, burials of nonveterans at the discretion of the Secretary of the Army have brought into question not only the application but also the wisdom of such policy, and

Whereas, the limited burial space in Arlington should not be further depleted by burial of nonveterans, NOW

Therefore, be it resolved That the Disabled American Veterans, National Executive Committee, meeting at Arlington, Virginia on this the 17th day of March, 1998, goes on record as supporting legislation to codify existing criteria for veterans' burial eligibility and eliminating provisions for burial of nonveterans, other than Presidents of the United States, in Arlington National Cemetery.

AMVETS,
Lanham, MD, March 12, 1998.

Hon. BOB STUMP,
Chairman, House Veterans Affairs Committee, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: We understand that there was some discussion during the markup of H.R. 3211 (Arlington Cemetery) in which committee members raised the issue of providing authorization of waivers for burial in Arlington National Cemetery. AMVETS adamantly opposes any waivers and supports H.R. 3211 as it stands.

We testified to that effect in February to the House Veterans Affairs Health Subcommittee. Arlington is a veterans cemetery and should be reserved for those who served.

Sincerely,

JOSEPHUS C. VANDENGOORBERGH,
AMVETS National Commander.

VIETNAM VETERANS OF AMERICA, INC.,
Washington, DC, March 11, 1998.

Hon. BOB STUMP,
House Committee on Veterans' Affairs, Cannon House Office Building, Washington, DC.

DEAR CHAIRMAN STUMP: In response to some of the discussion at the full Committee markup this afternoon, I wanted to convey to you and the members of the Committee VVA's perspective on the Arlington Cemetery burial criteria bill.

Recent scrutiny of the burial waiver procedures in Arlington National Cemetery have certainly brought to light the passion America feels for this most sacred of all military burial grounds. The public at large, and veterans in particular, were very alarmed at the appearance of impropriety of the burial waiver process. What seems to have come to light is the fact that the burial eligibility for Arlington National Cemetery was not a matter of clear statutory guidance. And furthermore, the waiver process was not accessed by most veterans' families who were turned away by the Superintendent upon initial inquiries about eligibility. We suspect that many of these families were not aware of a waiver process, or probably took the Superintendent's assessment at face value and did not pursue nor even inquire about waivers.

It certainly seems desirable to have a cut-and-dry set of criteria outlining who may and who may not be buried in Arlington National Cemetery. And thus, eliminating the waiver process precludes all appearances of impropriety.

If this bill is passed, VVA is confident that Congress could, in extraordinary circumstances, provide an exception for individuals who do not have military service which meets the statutory criteria, but who have demonstrated public service which merits a distinctive burial at Arlington Cemetery. Just as the Veterans' Affairs Committees led Congress in the move to make Bob Hope an "Honorary Veteran," we believe a similar procedure would be possible in specific cases. VVA would prefer that the more cumbersome route of Congressional exemptions be implemented, rather than having the potential for ambiguous interpretation in an administrative waiver process.

Should there be any additional questions or concerns about this bill or the waiver process, I would be very pleased to clarify VVA's position further. Again, thank you for your leadership on this issue.

Sincerely,

KELLI WILLARD WEST,
Director of Government Relations.

NON COMMISSIONED OFFICERS ASSOCIATION OF THE UNITED STATES OF AMERICA,
Alexandria, Virginia, March 11, 1998.

Hon. BOB STUMP,
Chairman, Committee on Veterans Affairs, House of Representatives, Cannon House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The Non Commissioned Officers Association of the USA (NCOA) is writing to restate its strong and unequivocal support for H.R. 3211, a bill that would codify the eligibility requirements for burial at Arlington National Cemetery.

The whole purpose of H.R. 3211 is to eliminate the discretion and subjective determinations that have led to questionable actions concerning Arlington. This Association believes we should not provide even a small amount of wedge room that likely would lead to future controversy. In our view, the eligibility for burial at Arlington should be so clear and explicit so as to allow the Superintendent to make all eligibility determinations. Waiver of the eligibility criteria must be strictly forbidden including those actions currently authorized by the Secretary of the Army and the President. Under current, and a proposed criteria, that disallows burial in Arlington National Cemetery for millions of veterans, this Association is adamantly opposed to any further leniency in the eligibility criteria beyond that proposed in H.R. 3211.

In NCOA's opinion, our position on this issue does not preclude the consideration of exceptionally, compelling cases by the Congress of the United States. Congress has taken such actions previously and this course is clearly the way preferred by this Association.

For your information, I have sent a similar letter to all of your colleagues on the House Veterans Affairs Committee.

Sincerely,

LARRY D. RHEA,
Deputy Director of Legislative Affairs.

THE RETIRED ENLISTED ASSOCIATION,
Alexandria, Virginia, March 11, 1998.

To: All members of the House Veterans Affairs Committee.

The Retired Enlisted Association (TREA) is writing to restate its strong support for H.R. 3211, a bill that would codify the eligibility requirements for burial at Arlington National Cemetery.

The purpose of H.R. 3211 is to eliminate the discretion and subjective determinations that have led to questionable actions concerning Arlington. In our view, the eligibility for burial at Arlington should be so clear and explicit so as to allow the Superintendent to make all eligibility determinations. Many veterans are not allowed to be buried at Arlington with the current regulations. Why should we allow waivers for persons that do meet the requirements for burial at Arlington?

In TREA's opinion, our position on this issue does not preclude the consideration of exceptionally, compelling cases by the Congress of the United States. Congress has taken such actions previously and this course is clearly the way preferred by this Association.

Sincerely,

MARK H. OLANOFF,
Legislative Director.

Mr. STUMP. Mr. Speaker, I believe it would be better to investigate the feasibility of establishing perhaps another cemetery in Washington for the purpose of honoring Americans who have substantially contributed to the well-being of the Nation but who do not meet the strict military criteria for burial at Arlington. If there are Members who are willing to pursue this avenue, I would be happy to commit to working with the Senate in conference to achieve such a consensus.

In closing, Mr. Speaker, there are a lot of people who deserve a lot of thanks, and I would like to thank the gentleman from New York (Mr. QUINN), the gentleman from California (Mr. FILNER), the chairman and the ranking member of the Subcommittee on Benefits; the gentleman from Alabama (Mr. EVERETT) and the gentleman from South Carolina (Mr. CLYBURN), the ranking member and the chairman of the Subcommittee on Oversight and Investigations; and special thanks to the gentleman from Illinois (Mr. EVANS), the ranking Democrat on this committee, for all the help he has provided in working out the differences on this bill, and I am entirely grateful for his help.

As I mentioned before, this is a bipartisan bill and would I urge all Members to support it.

Mr. GOSS. Mr. Speaker, Arlington National Cemetery is more than just a place or burial for our veterans. It is a symbol of honor, respect and American tradition. It is a tragedy when these principles are threatened by inconsistency or irresponsibility. There has been an outpouring of anger and suspicion in my district and elsewhere following the accusations that Arlington waivers were being handed over on the basis of campaign donations or political clout, rather than meritorious service to our country. People are questioning the integrity of those charged with overseeing the process. Today, we are responding because our veterans deserve better.

Burial at Arlington National Cemetery shouldn't be diminished by red tape. But if it takes some Federal legislation to protect our commemoration of those who have sacrificed for our Nation, then passage of H.R. 3211 is the right thing to do. It is my hope that this again will help restore faith among our deserving veterans and the American people by clarifying once and for all the proper standards and procedures for burial in Arlington's sacred ground. I urge adoption.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. EVANS. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I urge my colleagues to support the bill.

The SPEAKER pro tempore (Mr. FOLEY). The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the bill, H.R. 3211, as amended.

The question was taken.

Mr. STUMP. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1415

Mr. MCINTOSH. Mr. Speaker, I ask unanimous consent that my name be removed as cosponsor from H.R. 1415.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. MCINTOSH. Mr. Speaker, my district health care advisory committee, consisting of health industry professionals, insurers and providers, has advised me that PARCA, H.R. 1415, is not the best means to protect patients rights and has recommended that I withdraw from the bill.

However, I do support patient protections and am submitting for the RECORD a statement of principles that is a small government approach to protecting patients' rights and health care reform.

Health Care Statement of Principles: What Health Care Reform Legislation Must Include This Year

1. Increasing the number of insured Americans by providing everyone access to tax-free insurance. Millions of Americans receive a tax free employer-provided health insurance coverage. However, this option is not available to everyone. As a matter of fairness, it should be. The self-employed and individual workers must be able to purchase fully deductible insurance. This would vastly decrease the roles of America's uninsured. Moreover, increasing the number of insured children can be achieved by making children's health care completely tax deductible.

2. Individual choice: Individuals must be able to choose the health coverage that meets their needs as well as the needs of their family. Americans should be able to select from a menu of benefits in any health coverage plan, including a point-of-service option. They should be allowed to choose from plans available in the marketplace, based on price competition and personal choice. Especially important in this effort is eliminating government restrictions, such as innovative health care plans like Medical Savings Accounts.

3. Patient access: Americans should have the right to see the doctor of their choice. Americans should have the flexibility and accessibility to see their own doctors or specialists at an affordable rate. Health care plans should not discriminate on the basis of license in reimbursing eligible network health care providers for performing a covered service.

4. Freedom of Speech: Americans must have the right to talk freely with their doctors. Health care plans should not include "gag clauses" that restrict a physician's ability to communicate to their patients. Patients have the right to know all possible options concerning their care.

5. Quality health care at lower costs. Health care costs have skyrocketed in large part because of the proliferation of litigation by unscrupulous trial lawyers. The abuse of the system has made all of us victims of high health care costs. Congress must enact medical malpractice reform and common sense legal reform for life-saving bio-medical materials. The revised standard of liability should apply to third party health care plans that make medical judgements on applicable care.

6. Lower Cost Options for Healthy Americans. Americans should not be punished for being in good health. Those Americans who look after their health by eating healthy, exercising, and not smoking should be rewarded with less expensive health care for their efforts.

7. Elderly Americans and Doctors Must Have Freedom to Choose. Section 4507 of the Balanced Budget Act, which forbids doctors from treating any Medicare patients if they see one Medicare patient on a private contracting basis, should be repealed. Patients must not be coerced by the federal government from seeing each other if it best serves their health care needs.

9. Freedom of Information. American health care consumers shall have the right to a clear and concise description of what is and is not covered by any health plan. In addition, all health care plans shall provide full disclosure of the professional qualifications and performance records of their health care providers as well as their practices and procedures.

USERRA AMENDMENTS ACT OF 1998

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3213) to amend title 38, United States Code, to clarify enforcement of veterans' employment and reemployment rights with respect to a State as an employer or a private employer, to extend veterans' employment and reemployment rights to members of the uniformed services employed abroad by United States companies, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3213

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "USERRA Amendments Act of 1998".

SEC. 2. ENFORCEMENT OF RIGHTS WITH RESPECT TO A STATE AS AN EMPLOYER.

(a) IN GENERAL.—Section 4323 of title 38, United States Code, is amended to read as follows:

"§ 4323. Enforcement of rights with respect to a State or private employer

"(a) ACTION FOR RELIEF.—(1) A person who receives from the Secretary a notification pursuant to section 4322(e) of this title of an unsuccessful effort to resolve a complaint relating to a State (as an employer) or a private employer may request that the Secretary refer the complaint to the Attorney General. If the Attorney General is reasonably satisfied that the person on whose behalf the complaint is referred is entitled to the rights or benefits sought, the Attorney General may appear on behalf of, and act as attorney for, the person on whose behalf the complaint is submitted and commence an action for relief under this chapter for such person. In the case of such an action against a State (as an employer), the action shall be brought in the name of the United States as the plaintiff in the action.

"(2) A person may commence an action for relief with respect to a complaint against a State (as an employer) or a private employer if the person—

"(A) has chosen not to apply to the Secretary for assistance under section 4322(a) of this title;

"(B) has chosen not to request that the Secretary refer the complaint to the Attorney General under paragraph (1); or

"(C) has been refused representation by the Attorney General with respect to the complaint under such paragraph.

"(b) JURISDICTION.—(1) In the case of an action against a State (as an employer) or a private employer commenced by the United States, the district courts of the United

States shall have jurisdiction over the action.

"(2) In the case of an action against a State (as an employer) by a person, the action may be brought in a State court of competent jurisdiction in accordance with the laws of the State.

"(3) In the case of an action against a private employer by a person, the district courts of the United States shall have jurisdiction of the action.

"(c) VENUE.—(1) In the case of an action by the United States against a State (as an employer), the action may proceed in the United States district court for any district in which the State exercises any authority or carries out any function.

"(2) In the case of an action against a private employer, the action may proceed in the United States district court for any district in which the private employer of the person maintains a place of business.

"(d) REMEDIES.—(1) In any action under this section, the court may award relief as follows:

"(A) The court may require the employer to comply with the provisions of this chapter.

"(B) The court may require the employer to compensate the person for any loss of wages or benefits suffered by reason of such employer's failure to comply with the provisions of this chapter.

"(C) The court may require the employer to pay the person an amount equal to the amount referred to in subparagraph (B) as liquidated damages, if the court determines that the employer's failure to comply with the provisions of this chapter was willful.

"(2)(A) Any compensation awarded under subparagraph (B) or (C) of paragraph (1) shall be in addition to, and shall not diminish, any of the other rights and benefits provided for under this chapter.

"(B) In the case of an action commenced in the name of the United States for which the relief includes compensation awarded under subparagraph (B) or (C) of paragraph (1), such compensation shall be held in a special deposit account and shall be paid, on order of the Attorney General, directly to the person. If the compensation is not paid to the person because of inability to do so within a period of three years, the compensation shall be covered into the Treasury of the United States as miscellaneous receipts.

"(3) A State shall be subject to the same remedies, including prejudgment interest, as may be imposed upon any private employer under this section.

"(e) EQUITY POWERS.—The court may use its full equity powers, including temporary or permanent injunctions, temporary restraining orders, and contempt orders, to vindicate fully the rights or benefits of persons under this chapter.

"(f) STANDING.—An action under this chapter may be initiated only by a person claiming rights or benefits under this chapter under subsection (a) or by the United States under subsection (a)(1).

"(g) RESPONDENT.—In any action under this chapter, only an employer or a potential employer, as the case may be, shall be a necessary party respondent.

"(h) FEES, COURT COSTS.—(1) No fees or court costs may be charged or taxed against any person claiming rights under this chapter.

"(2) In any action or proceeding to enforce a provision of this chapter by a person under subsection (a)(2) who obtained private counsel for such action or proceeding, the court may award any such person who prevails in such action or proceeding reasonable attorney fees, expert witness fees, and other litigation expenses.

"(i) INAPPLICABILITY OF STATE STATUTE OF LIMITATIONS.—No State statute of limitations shall apply to any proceeding under this chapter.

"(j) DEFINITION.—In this section, the term 'private employer' includes a political subdivision of a State.".

(b) EFFECTIVE DATE.—(1) Section 4323 of title 38, United States Code, as amended by subsection (a), shall apply to actions commenced under chapter 43 of such title on or after the date of the enactment of this Act, and shall apply to actions commenced under such chapter before the date of the enactment of this Act that are not final on the date of the enactment of this Act, without regard to when the cause of action accrued.

(2) In the case of any such action against a State (as an employer) in which a person, on the day before the date of the enactment of this Act, is represented by the Attorney General under section 4323(a)(1) of such title as in effect on such day, the court shall upon motion of the Attorney General, substitute the United States as the plaintiff in the action pursuant to such section as amended by subsection (a).

SEC. 3. PROTECTION OF EXTRATERRITORIAL EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES.

(a) DEFINITION OF EMPLOYEE.—Section 4303(3) of title 38, United States Code, is amended by adding at the end the following: "Such term includes any person who is a citizen, national, or permanent resident alien of the United States employed in a workplace in a foreign country by an employer that is an entity incorporated or otherwise organized in the United States or that is controlled by an entity organized in the United States, within the meaning of section 4319(c) of this title.".

(b) FOREIGN COUNTRIES.—Subchapter II of chapter 43 of such title is amended by inserting after section 4318 the following new section:

"§ 4319. Employment and reemployment rights in foreign countries

"(a) LIABILITY OF CONTROLLING U.S. EMPLOYER OF FOREIGN ENTITY.—If an employer controls an entity that is incorporated or otherwise organized in a foreign country, any denial of employment, reemployment, or benefit by such entity shall be presumed to be by such employer.

"(b) INAPPLICABILITY TO FOREIGN EMPLOYER.—This subchapter does not apply to foreign operations of an employer that is a foreign person not controlled by an United States employer.

"(c) DETERMINATION OF CONTROLLING EMPLOYER.—For the purpose of this section, the determination of whether an employer controls an entity shall be based upon the interrelations of operations, common management, centralized control of labor relations, and common ownership or financial control of the employer and the entity.

"(d) EXEMPTION.—Notwithstanding any other provision of this subchapter, an employer, or an entity controlled by an employer, may—

"(1) discriminate within the meaning of section 4311 of this title;

"(2) deny reemployment rights within the meaning of section 4312, 4313, 4314, or 4315 of this title; or

"(3) deny benefits within the meaning of section 4316, 4317, or 4318 of this title,

with respect to an employee in a workplace in a foreign country, if compliance with any such section would cause such employer, or such entity controlled by an employer, to violate the law of the foreign country in which the workplace is located.".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 43 of such title is amended by inserting after the item relating to section 4318 the following new item:

"4319. Employment and reemployment rights in foreign countries.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply only with respect to conduct occurring after the date of the enactment of this Act.

SEC. 4. COMPLAINTS RELATING TO REEMPLOYMENT OF MEMBERS OF THE UNIFORMED SERVICES IN FEDERAL SERVICE.

(a) IN GENERAL.—The first sentence of paragraph (1) of section 4324(c) of title 38, United States Code, is amended by inserting before the period at the end the following: ", without regard as to whether the complaint accrued before, on, or after October 13, 1994".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to all complaints filed with the Merit Systems Protection Board on or after October 13, 1994.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3213.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3213 clarifies enforcement of the Uniformed Services Employment and Reemployment Rights Act with respect to State governments. It would also include U.S. employers in foreign countries under the provisions of this act. Many committee members from both sides of the aisle contributed to this bill and their efforts are appreciated.

Mr. Speaker, I reserve the balance of my time.

Mr. EVANS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wish to thank the chairman of the full committee for his bipartisan work again on this important bill to restore and strengthen the employment and reemployment rights of those who have served in our country's Armed Forces.

I also want to thank the gentleman from California (Mr. FILNER), the ranking member of the Subcommittee on Benefits, for introducing this legislation last year. The bill brought to our attention the need to restore the employment and reemployment rights of State employees following a 1996 subcommittee decision that had the effect of terminating their rights.

I also want to thank the gentleman from New York (Mr. QUINN), chairman of the subcommittee, for introducing this bill before us today, H.R. 3213, which incorporates several important provisions to protect the rights of our servicemembers. Federal law must assure that the appropriate remedies are available when violations of employment or reemployment rights to servicemembers threaten our Nation's ability to obtain and attract a strong military force.

Federal law protecting employment and reemployment rights for servicemembers has been in effect since the days before World War II. By passing this bill, we are fulfilling our duty to provide for the common defense of our Nation. With the need to utilize the resources of the National Guard and Reserves to meet our Total Force military responsibilities, it is essential that those who volunteer to serve our country be protected by adequate safeguards of their right to obtain and retain suitable civilian employment.

I want to thank my colleagues again, especially the gentleman from New York (Mr. QUINN), the gentleman from California (Mr. FILNER), and the chairman for their hard work that they put in in bringing this bill to the floor today.

Mr. Speaker, I wish to thank the Chairman of the Full Committee for his bipartisan work on this important bill to restore and strengthen the employment and re-employment rights of those who have served our country in the Armed Forces. I wish to thank the Ranking Democratic Member of the Subcommittee on Benefits, Mr. FILNER for introducing H.R. 166 last year. This bill brought to our attention the need to restore the employment and re-employment rights of State employees following a 1996 Subcommittee decision that had the effect of terminating their rights.

I also wish to thank the Chairman of the Subcommittee on Benefits, Mr. QUINN for introducing the bill before us, H.R. 3213, which incorporates several important provisions to protect the rights of our servicemembers. Federal law must assure that appropriate remedies are available when violations of the employment or re-employment rights of servicemembers threaten our nation's ability to attain and maintain a strong military force.

This bill will correct several deficiencies in present law. Specifically, this bill will provide remedies for violations of employment and re-employment rights of servicemembers by:

Providing the federal government with a means of enforcing servicemembers' employment and re-employment rights in federal court;

Providing a remedy for servicemembers who are employed in foreign lands by United States corporations; and

Providing for review of certain complaints involving violation of servicemembers' rights by federal employers.

The need for this legislation became apparent after the Supreme Court's 1996 ruling in *Seminole Tribe of Florida* v. *Florida*, 116 S. Ct. 1114, that Congress was precluded by the Eleventh amendment from providing a federal forum for suits under laws enacted pursuant to the Commerce Clause of the United States Constitution. Although the authority for laws involving veterans benefits is derived from the War Powers clause, several courts have held the reasoning of the Seminole Tribe case precludes federal court jurisdiction of claims to enforce federal rights of State employees under the Uniformed Service Employment and Re-employment Rights Act (USERRA).

Federal law protecting employment and re-employment rights of servicemembers has been in effect since 1940. No claim of Eleventh amendment immunity from suit to enforce those rights in federal court had been granted until after the Supreme Court's Seminole Tribe decision. Several courts have now ruled that the Eleventh amendment bars suit to enforce the present law governing the employment and re-employment rights of State employees.

By passing this bill, we are fulfilling our Constitutional duty to "provide for the common Defence" of our nation. With the need to utilize the resources of the National Guard and Reserves to meet our Total Force military responsibilities, it is essential that those who volunteer to serve our country be protected by adequate safeguards of their right to obtain and retain suitable civilian employment.

The United States has a strong national interest in assuring that its military readiness will not be undermined by policies and practices which can deter competent and qualified citizens from military service, including the Guard and Reserve. This bill assures that the federal government's interest in protecting the employment and re-employment rights of our military personnel can be fully exercised in those cases where the employer is a State government. The ability of the United States to attract and retain the competent and qualified personnel necessary to meet our national security interests will be undermined absent a remedy which the federal government can pursue for egregious violations of veterans' rights.

This bill would permit the United States to bring such an action, thereby protecting the federal government's responsibility to provide for the national defense.

In addition, this bill extends the protection of employment and re-employment rights to veterans who are employed in foreign lands by United States corporations. In *EEOC* v. *Arabian American Oil Co.*, 111 S. Ct. 1227 (1991), the Supreme Court considered the issue of the extraterritorial application of Title VII of the Civil Rights Act of 1964 and held that there is a presumption against such application of U.S. laws. The Court also noted that the presumption can be overcome by a clear expression of congressional intent to apply a particular statute outside the United States. This clear expression is desirable in order to fully apply the universal coverage principle that has been inherent in veterans' employment and re-employment rights since the law's inception.

Finally the bill provides specific authority to the Federal Merit Protection Board to hear certain complaints involving federal employers, regardless of when the complaint arose. The basis for this change is the case of *Monsivais* v. *Department of Justice* (Three Rivers Bureau of Prisons). Mr. Monsivais had been charged with being absent from work without leave due to his participation in required military training after the Bureau of Prisons had refused his request for a military leave of absence. On March 17, 1997, the Office of the Special Counsel determined that even though the Bureau of Prison's alleged violations were prohibited under the prior version of the law, the Veteran's Reemployment Rights Act (VRRA), it was unable to represent Mr. Monsivais because the alleged violation of the law arose under the statute which preceded the enactment of USERRA on October 13, 1994. Because the VRRA did not provide for enforcement by the Office of the Special Counsel, there was no forum to address this violation. The provisions of this bill will allow for representation by the Office of the Special Counsel of persons before the Merit Systems Protection Board for pre-USERRA causes of action which are alleged to be violations of the VRRA statute. Jurisdiction of the Merit Systems Protection Board is extended to all claims filed with the Board after October 13, 1994 regardless of whether the action complained of occurred before, on, or after that date.

I thank my colleagues, especially Mr. QUINN, Chairman of the Subcommittee on Benefits and Mr. FILNER the Ranking Member of that subcommittee for their hard work in bringing this bill to the floor and recommend its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. QUINN), the chairman of the Subcommittee on Benefits, for further explanation of H.R. 3213.

Mr. QUINN. Mr. Speaker, for the record, I just want to mention that USERRA, the Uniformed Services Employment and Reemployment Rights Act, is the continuation of policy which was originally enacted in 1940 Public Law 76-96. Its purpose is to provide persons who serve for a limited period in the U.S. Armed Forces the right to return to civilian employment. This law applies to all employers, regardless of their size. It is particularly important today to persons serving in the Guard and Reserve.

This bill would substitute the United States for an individual veteran as the plaintiff in enforcement actions in cases where the Attorney General believes that a State has not complied with USERRA. Since the Attorney General, through U.S. Attorneys, is already involved in enforcing this law, this will not impose any new duties on the Department of Justice. Individuals not represented by the Attorney General would be able to bring enforcement actions in State court.

The bill also makes a technical change to USERRA suggested by the Department of Labor concerning overseas employees of U.S. companies and another needed change affecting Federal employee enforcement rights that was discovered as a result of hearings held some 2 years ago.

In summary, Mr. Speaker, we are looking at State employees to be granted the same rights under USERRA as any other veteran or member of the Guard and Reserve who works in the private sector or the Federal Government.

I want to suggest to our colleagues that we support 3213. And finally, as others have, thanks to the ranking member of the committee, the gentleman from California (Mr. FILNER); of course, the gentleman from Illinois (Mr. EVANS), the ranking member of the full committee; and the gentleman from Arizona (Mr. STUMP), the chairman, for their cooperation with the subcommittee in bringing the hearings together and also in bringing the bill to the floor today.

Mr. EVANS. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentleman for yielding me the time; and I thank the gentleman from New York (Mr. QUINN) for working so closely with the members of the subcommittee to make sure that after the problem was identified, we came up with the consensus rather quickly to solve it for the men and women in our armed forces.

Mr. Speaker, I am pleased also to be an original cosponsor of H.R. 3213, what we call the USERRA Amendments Act of 1998. The measure is similar to H.R. 166, the Veterans' Job Protection Act that I introduced at the beginning of this Congress. It was clear to me that the 1996 Supreme Court decision that was referred to by Chairman Quinn would adversely affect members of the uniformed services employed by State governments and that legislation would be required to fix the problem.

H.R. 3213 will accomplish this goal and restore the employment and reemployment protections that have been provided for over 50 years to State employees who are also citizen-soldiers. There have already been at least two court decisions that rule against the veterans involved, so I am pleased that the House is now acting on this matter.

Mr. Speaker, since colonial days, the citizen-soldier has been one of America's oldest and most venerated military traditions; and members of the Reserve and National Guard are a critical component of our national defense. Since the adoption of the Total Force Policy in 1973, which recognized that all of America's military should be readily available to provide for the common defense, these men and women have been tasked with greater responsibility for nearly every phase of military preparedness.

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We all remember the crucial role members of the Guard and Reserves played in the successful conduct of the Persian Gulf War and the sacrifices these individuals made to serve their country. Literally hundreds of thousands of our citizen soldiers, many with little more than 48 hours' notice, left their families and their jobs to answer their country's call to arms. Because the law protects veterans' reemployment rights, these brave men and women were able to contribute enormously to the Gulf War effort with the assurance that their civilian employment would be available to them following their military service.

Mr. Speaker, as a result of the Supreme Court decision in 1996, members of the Guard and Reserves who are State employees were no longer to have that job protection provided for all other members of the uniformed services. The enactment of H.R. 3213 will restore this very important protection. I urge all my colleagues to support this legislation.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. QUINN), the chairman of the Subcommittee on Benefits.

Mr. QUINN. Mr. Speaker, I appreciate the gentleman yielding me this time to sort of speak a little bit out of turn, not on the topic of this bill but there is another bill that we were going to discuss today and we have not included it. That is H.R. 3039, the bill we call the Veterans Transitional Housing bill. We are not dealing with it today and will not until later this year because the Committee on the Budget has asked for more time to review the bill, which makes sense to me.

Mr. Speaker, we said in both the hearing which we held here in Washington and in a hearing held in Buffalo, New York late last year that a lot of Americans, indeed a lot of veterans are not aware that of all the homeless people in this country, fully one-third of them are veterans, people who have served their country at various points in our history and in their past. As we try to do whatever we can to bring services together to deal with this homelessness, particularly as it deals with veterans, there are a number of other Members here and certainly those on the committee who are concerned that this transitional housing bill, H.R. 3039, does come up later this year, possibly in May or June. I want to make certain the Committee on the Budget knows we will be working with them in every way possible to bring the bill up later this year.

Mr. EVANS. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. RODRIGUEZ), a very able member of our committee.

Mr. RODRIGUEZ. Mr. Speaker, I rise in strong support of this bill which would advance the protections of the landmark Uniformed Services Employment and Reemployment Rights Act. Since 1940, USERRA has been the source of employment protection and remedies for veterans and reservists against all employers, government and private. Veterans and members of the armed services have had to fight for some of these rights in the courts. This bill addresses the problems which employees have faced against individual State employers and U.S. employers which control a foreign entity. I wish to focus on the provisions of H.R. 3213, which would expand veterans and uniformed service employment rights to employees in a foreign country working for an entity controlled by a U.S. company. Let me give my colleagues an example. We have individuals in the maquiladoras right across the border in Mexico. If they are called into the service of this country, we want to make sure that those individuals will be able to keep their jobs when they return. This bill provides that if a U.S. employer controls that overseas entity where the reservist works, then any denial of employment, reemployment or benefits by that foreign entity will be actionable against the U.S. employer. Foreign countries should not worry about this law imposing on their sovereignty, since the bill specifically does not apply when employer compliance would violate the law of the foreign country in which the workplace is located.

Mr. Speaker, I also would add that every effort needs to be made to assure that these individuals that have given of themselves and that are called to defend this country and called to serve this country, to make sure when they get back that that particular job is there waiting for them. I welcome this legislation and commend the House for its swift passage. I want to thank both the chairman and the ranking member of the committee for their work on this measure.

Mr. EVANS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume. Once again I would like to thank the gentleman from New York (Mr. QUINN) and the gentleman from California (Mr. FILNER), chairman and ranking member of the Subcommittee on Benefits as well as the gentleman from Illinois (Mr. EVANS), the ranking Democrat on the full committee for all their contributions to this bill. Once again this is a bipartisan bill. I urge all Members to support it.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 3213, a bill to clarify the enforcement of veterran's employment rights. This legislation clarifies the enforcement of veteran's employment rights in regards to state employers and extends these rights to veterans employed overseas by American companies.

More specifically, this bill makes certain procedural changes to the enforcement of the Uniformed Services Employment and Reemployment Rights Act (USERRA) in response to a 1996 Supreme Court decision which held that the 11th amendment precluded congressionally authorized suits by private parties against nonconsenting states.

In response to this decision, this bill substitutes the United States for an individual veteran as the plaintiff in enforcement actions in cases where the attorney general believes that a state has not complied with USERRA law.

Furthermore, this bill applies USERRA law to U.S. employers in foreign countries. It does allow an exception when employer compliance would violate the law of the country where the workplace is located. It also requires direct payment of any claim compensation which is considered lost wages, benefits, or liquidated damages and clarifies that the merit systems protection board has jurisdiction to hear complaints brought by federal employees without regard to when the complaint was filed.

Mr. Speaker, one of the most important benefits to those who serve in our nation's military is veterans preference in future employment once they have left the armed forces. This legislation helps make this benefit more available to our veterans, who have earned it through their service to their country.

I urge my colleagues to join in supporting this worthwhile measure.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FOLEY). The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the bill, H.R. 3213, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SMALL BUSINESS INVESTMENT COMPANY TECHNICAL CORRECTIONS ACT OF 1998

Mr. TALENT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3412) to amend and make technical corrections in title III of the Small Business Investment Act, as amended.

The Clerk read as follows:

H.R. 3412

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Investment Company Technical Corrections Act of 1998".

SEC. 2. TECHNICAL CORRECTIONS.

Title III of the Small Business Investment Act of 1958 (15 U.S.C. 661) is amended—

(1) in section 303(g) (15 U.S.C. 683(g)), by striking subparagraph (13);

(2) in section 308 (15 U.S.C. 687) by adding at the end the following:

"(j) For the purposes of sections 304 and 305, in a case in which an incorporated or unincorporated business is not required by law to pay Federal income taxes at the enterprise level but is required to pass income through to its shareholders or partners, an eligible small business or smaller enterprise may be determined by computing the after-tax income of such business by deducting from the net income an amount equal to the net income multiplied by the combined marginal Federal and State income tax rate for corporations."; and

(3) in section 320 (15 U.S.C. 687m), by striking "6" and inserting "12".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. TALENT) and the gentlewoman from New York (Ms. VELÁZQUEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri (Mr. TALENT).

Mr. TALENT. Mr. Speaker, I yield myself such time as I may consume. Let me start by thanking the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member of the Committee on Small Business. I appreciate her assistance in moving the bill and her help in fashioning it.

Mr. Speaker, I will not take too long. This is a technical corrections bill. While it is important work, there is no reason to spend a great deal of time on it. The purpose of H.R. 3412 is to make certain technical amendments to title III of the Small Business Investment Act of 1958. Title III authorizes the Small Business Investment Company program. The small business investment companies are venture capital firms licensed by the Small Business Administration that use SBA guarantees to leverage private capital for investment in small businesses. The technical corrections proposed by H.R. 3412, as amended, will improve the flexibility of the SBIC program and allow increased access to this program by small businesses.

Congress revamped the SBIC program during the 103rd Congress to provide for a new form of leverage geared specifically toward equity investment in small businesses. Over the past few years as the new program has become established, certain deficiencies have come to light. In addition, certain statutory provisions have become obsolete. Moreover, the nature of the SBIC industry has changed. The result is a participating securities program that is made up primarily of smaller SBICs. The fact that these smaller SBICs are dominating the program points to shifting dynamics in the SBIC program. Smaller, start-up investments are more typical, and therefore the demand for SBA leverage has shifted to smaller individual placements.

H.R. 3412 seeks to correct these deficiencies and remove provisions that may produce confusion due to changes in law and the character of the SBIC program. Under H.R. 3412, a provision in the Small Business Investment Act that reserves leverage for smaller SBICs will be repealed. Changes in SBA policy regarding applications for leverage, statutory changes in the availability of commitments for SBICs and the makeup of the industry present the possibility that that provision may, unless repealed, create conflicts and confusion.

H.R. 3412 also modifies the test for determining the eligibility of small businesses for SBIC financing. Current statutory language does not account for small businesses organized in pass-through tax structures such as S corporations, limited liability companies, and certain partnerships. These small businesses do not pay taxes at the enterprise level, but instead pass through income and the ensuing tax liabilities to their partners and shareholders. Consequently, many of these small businesses face difficulties when the income test is applied to them, and are often declared ineligible for financing they should receive.

Finally, H.R. 3412 will allow the SBA greater flexibility in issuing trust certificates to finance the SBIC program's investments in small businesses. Current law allows funding pools to be issued every 6 months or more frequently. This inhibits the ability of the SBICs and the SBA to form pools of certificates that are large enough to generate serious investor interest. Allowing more time between fundings will permit SBA and the industry to form larger pools for sale in the market, thereby increasing investor interest and improving the interest rates for the small businesses financed.

Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 3412. I would like to thank the distinguished chairman of the Committee on Small Business for bringing this legislation to the floor. I urge my colleagues to support this bill, which makes corrections to the Small Business Investment Act and the Small Business Investment Company Program.

There is no question that the value of small business investment companies has been felt across this Nation. SBICs have invested nearly $15 billion in long-term debt and equity capital to over 90,000 small businesses. Over the years, SBICs have given companies like Intel Corporation, Federal Express and America Online the push they needed to succeed. The result has been the creation of millions of jobs and billions of dollars in tax revenue. The bill before us today expands on that legacy by taking a good program and making it better.

The passage of H.R. 3412 will make the SBIC program even more efficient and responsive to the needs of small entrepreneurs. The changes made by this legislation will serve a number of important purposes. By giving the SBIC program greater flexibility in issuing investment guarantees, small businesses will be assured lower interest rates.

Second, H.R. 3412 clarifies SBA's role in ensuring equitable distribution and management of its participating securities to SBICs of all sizes. Finally, the bill confirms that small businesses, regardless of their chosen business form, are eligible for SBIC financing.

These changes are part of an ongoing process that will enable us to provide creative financing to more small businesses more efficiently. Last year alone SBICs invested over $2.4 billion in over 2,500 small businesses. This bill will allow us to expand the scope of the SBIC program even further, allowing us to create more jobs and provide even greater economic opportunity to our Nation's small entrepreneurs.

I am pleased to join the distinguished chairman in support of the proposed corrections, and I am happy to be a cosponsor of this legislation. I urge my colleagues to join me in supporting H.R. 3412.

Mr. Speaker, I yield back the balance of my time.

Mr. TALENT. Mr. Speaker, I yield myself such time as I may consume. This bill will have a real impact on the businesses in this country seeking start-up financing. At the end of the day, that is the most important part of our job. Let me again thank the gentlewoman from New York (Ms. VELÁZQUEZ) and her staff, Michael Day and Salomon Torres, for their assistance in moving this measure before us. Let me also extend my appreciation to my staff, particularly Emily Murphy, Harry Katrichis and Tee Rowe. Mr. Speaker, I urge my colleagues to support H.R. 3412.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. TALENT) that the House suspend the rules and pass the bill, H.R. 3412, as amended.

The question was taken.

Mr. TALENT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONVEYANCE OF CERTAIN LANDS AND IMPROVEMENTS IN VIRGINIA

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3226) to authorize the Secretary of Agriculture to convey certain lands and improvements in the State of Virginia, and for other purposes.

The Clerk read as follows:

H.R. 3226

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSE.

The purpose of this Act is to authorize the Secretary of Agriculture (referred to in this Act as the "Secretary") to sell or exchange all or part of certain administrative sites and other lands in the George Washington National Forest and the Jefferson National Forest, and to use the value derived therefrom to acquire a replacement site and to construct on the site suitable improvements for national forest administrative purposes.

SEC. 2. SALE OR EXCHANGE OF LAND.

(a) IN GENERAL.—The Secretary may, under such terms and conditions as the Secretary may prescribe, sell or exchange any or all right, title, and interest of the United States in and to the approximately 368 acres contained in the following tracts of land situated in the State of Virginia:

(1) Tract J–1665 (approximately 101 acres), as shown on the map titled "Natural Bridge Juvenile Corrections Center, February 4, 1998".

(2) Tract G–1312a (approximately 214 acres), Tract G–1312b (approximately 2 acres), and Tract G1312a–I (approximately 10 acres), as shown on the plat titled "George Washington National Forest, Alleghany Construction Company, (1312a,-I,b), Alleghany County, Virginia, June 1936".

(3) Tract G–1709 (approximately 23 acres), as shown on the plat titled "James C. Doyle, Alleghany County, Virginia, April 13, 1993".

(4) Tract G–1360 (consisting of Lots 31 and 32; approximately .29 acres), Tract G–1361 (consisting of Lots 29 and 30; approximately .29 acres), Tract G–1362 (consisting of Lots 22, 23, and 24; approximately .43 acres), and Tract G–1363 (consisting of Lot 21; approximately .14 acres), as shown on the plat titled "Dry River Road, George Washington National Forest, Warehouse Site, Bridgewater, Rockingham County, Virginia, July 1936".

(5) Tract G–1524 (consisting of Lot 13; approximately .13 acres), as shown on the plat titled "Vertie E. Beery Tract, Rockingham County, Virginia, February 3, 1966".

(6) Tract G–1525 (consisting of Lots 11 and 12; approximately .26 acres), as shown on the plat titled "Charles F. Simmons Tract 1525, Rockingham County, Virginia, February 3, 1966".

(7) Tract G–1486 (consisting of Lots 14, 15, and 16; approximately .39 acres), as shown on the plat shown at Deed Book 133, Page 341 Rockingham Virginia Records of the D.S. Thomas Inc. Addition, Town of Bridgewater.

(8) Tract N–123a (consisting of Lots 7 and 8; approximately .287 acres), as shown on the plat titled "George Washington Forest. A.M. Rucker, Tract N–123a, Buena Vista, Virginia".

(9) Tract N–123b (consisting of Lots 5 and 6; approximately .287 acres), as shown on the plat titled "George Washington Unit, A.M. Rucker, N–123b, Rockbridge County, Virginia, city of Buena Vista, dated 1942".

(10) Tract G–1417 (approximately 1.2 acres), as shown on the plat titled "George Washington Unit, R.A. Warren, Tracts (1417-1417a), Bath County, Virginia, May 1940".

(11) Tract G–1520 (approximately 1 acre), as shown on the plat titled "Samuel J. Snead Tract, Bath County, Virginia, February 3, 1966".

(12) Tract G–1522a (approximately .65 acres), as shown on the plat titled "Charles N. Loving Tract, Bath County, Virginia, February 3, 1966".

(13) Tract G–1582 (approximately .86 acres), as shown on the plat titled "Willie I. Haynes Tract, Bath County, Virginia, January 1974".

(14) Tract G–1582a (approximately .62 acres), as shown on the plat titled "Willie I. Haynes, Bath County, Virginia, January 1979".

(15) Tract G–1673 (approximately 1.69 acres), as shown on the plat titled "Erwin S. Solomon Tract, Bath County, Virginia, September 15, 1970".

(16) Tract J–1497 (approximately 2.66 acres), as shown on the plat titled "James A. Williams, Tract 1497, January 24, 1990".

(17) Tract J–1652 (approximately 1.64 acres), as shown on the plat titled "United States of America, Tract J–1652, Buchanan Magisterial District, Botetourt County, Virginia, September 4, 1996".

(18) Tract J–1653 (approximately 5.08 acres), as shown on the plat titled "United States of America, Tract J–1653, Peaks Magisterial District, Bedford County, Virginia, November 4, 1996".

The Secretary may acquire land, and existing or future administrative improvements, in consideration for the conveyance of the lands designated in this subsection.

(b) APPLICABLE AUTHORITIES.—Except as otherwise provided in this Act, any sale or exchange of all or a portion of the lands designated in subsection (a) shall be subject to existing laws, rules, and regulations applicable to the conveyance and acquisition of lands for National Forest System purposes.

(c) CASH EQUALIZATION.—Notwithstanding any other provision of law, the Secretary may accept cash equalization payments in excess of 25 percent of the total value of the lands designated in subsection (a) from any exchange authorized by subsection (a).

(d) SOLICITATIONS OF OFFERS.—In carrying out this Act, the Secretary may use public or private solicitations of offers for sale or exchange on such terms and conditions as the Secretary may prescribe. The Secretary may reject any offer if the Secretary determines that the offer is not adequate or not in the public interest.

SEC. 3. DISPOSITION OF FUNDS.

Any funds received by the Secretary through sale or by cash equalization from an exchange shall be deposited into the fund provided by the Act of December 4, 1967 (16 U.S.C. 484a), commonly known as the Sisk Act, and shall be available for expenditure, upon appropriation, for—

(1) the acquisition of lands, and interests in the lands, in the State of Virginia; and

(2) the acquisition or construction of administrative improvements in connection with the George Washington and Jefferson National Forests.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Virginia (Mr. GOODE) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I rise in support of H.R. 3226, my bill to convey administrative and other lands in the George Washington and Jefferson National Forests and to utilize the value derived therefrom to acquire replacement sites, where appropriate, and suitable improvements for national forest administrative purposes.

H.R. 3226 grants authority for the Forest Service to sell 200 acres of land adjacent to U.S. Interstate 64 to the

Allegheny Highlands Economic Development Authority for purposes of developing a corporate area catering to high tech companies.

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It will be named Innovation Park. Innovation Park should prove to have a positive economic impact by bringing high-tech jobs to those living in the rural areas. This project will not only address a need for good high-paying jobs but also for additional transportation, water, and wastewater system development and improvement.

An environmental impact review is currently underway. Preliminary results indicate that Innovation Park will not adversely impact any habitats for plant or animal life. A public notice of environmental assessment was issued in January and not a single complaint has been registered.

Mr. Speaker, let me say that I have had the opportunity to visit this site in Allegheny County in my congressional district. It is an ideal location for a transfer of land from the National Forest Service to this economic development authority because this land is not contiguous with any other land in the national forest and it is located in a place where it is particularly suitable for economic development, right along an interstate highway.

The plans for this particular park are very exciting for this area of my district, which is a rural area and which needs to have the kind of high-tech jobs that this park we think will draw to the Allegheny Highlands, one of the most beautiful areas in the entire country, one that has a very high quality of life and is in need of higher-paying jobs.

My bill also transfers the Natural Bridge Juvenile Correction Center from the Forest Service to the Commonwealth of Virginia, along with nearly 20 other administrative land tracts or land tracts that lost their natural forest character because of proximity to interstate highways. The largest of these tracts is 1.69 acres, but the majority of them are about a third of an acre. They are either residential sites, vacant lots or the lands are not manageable as forestlands and are no longer necessary for administrative purposes.

The Forest Service does not object to the land transfers and has been very cooperative in this attempt to gain transfer authority. They believe that the property included in my bill is more conducive to economic development than forest management and therefore are anxious to remove it from their need to manage inventory.

I would like to offer special recognition to Glynn Loope, the executive director of the Economic Development Authority. The Innovation Park project would not have made it as far as it has without his perseverance and enthusiasm.

This is just the first step in a long journey to bring major economic and high-tech development to the Allegheny Highlands as well as the greater Rockbridge area, Bath, Botecort, and Craig counties in Virginia. I am proud to sponsor and support this bill. I am confident of its success and look forward to being of continued assistance to the Innovation Park project.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODE. Mr. Speaker, I yield myself such time as I may consume. I rise in support of H.R. 3226 authorizing the Secretary of Agriculture to convey certain lands and improvements in the State of Virginia. I would like to begin by commending the gentleman from Virginia (Mr. GOODLATTE) for his leadership and hard work on this legislation. This bill will clear the way for George Washington and Jefferson National Forests to sell 368 acres to the Commonwealth of Virginia in exchange for cash and land. All sales or exchanges would be for fair market value.

The Natural Bridge Juvenile Correctional Center is located in Rockbridge County. It has been under the maintenance and supervision of the Commonwealth since 1964 and, having seen that facility, in my opinion it is highly appropriate that it be conveyed to the Commonwealth.

This legislation also authorizes the sale of over 200 acres along Interstate 64. This tract will be sold to the Allegheny Highland Economic Development Authority which will develop the land into a separate area called Innovative Park. Additionally, this bill authorizes the sale of several other small tracts of land which are close to I-64 and which have lost their natural forest characteristics. The proceeds from the sale will be used for the acquisition of other lands in Virginia that still have forest characteristics.

The George Washington National Forest, the Jefferson National Forest and the U.S. Forest Service have expressed their support for this legislation. I strongly support the measure and urge its passage by the House.

Mr. Speaker, I yield back the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume simply to thank my colleague from my neighboring district for his support for this legislation, which hopefully will also yield some benefits further across the State to his district as well. This is something that is responsible use of National Forest Service land and good for economic development in Virginia, it is something that has the strong support of the National Forest Service, and I urge my colleagues to adopt this legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FOLEY). The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, H.R. 3226.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3226, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

CORRECTIONS CALENDAR

The SPEAKER pro tempore. This is the day for the call of the Corrections Calendar.

The Clerk will call the bill on the Corrections Calendar.

CORRECTING A PROVISION RELATING TO TERMINATION OF BENEFITS FOR CONVICTED PERSONS

The Clerk called the bill (H.R. 3096) to correct a provision relating to termination of benefits for convicted persons.

The Clerk read the bill, as follows:

H.R. 3096

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CORRECTION.

Section 8148(a) of title 5, United States Code, is amended by striking "a receipt" and inserting "or receipt".

The SPEAKER pro tempore. Pursuant to the rule the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from New York (Mr. OWENS) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GREENWOOD).

Mr. GREENWOOD. Mr. Speaker, I yield myself such time as I may consume.

The subject of H.R. 3096 is the Federal Employees Compensation Act. The Federal Employees Compensation Act is a good statute, it is an important one, it makes sure that when Federal employees are injured in the line of work that their lost wages are made up by the Federal Government and that their medical bills are paid for. It is a program that has been in place for a long time and it is one that we need to have, of course.

There are some problems with this program in my view. We are now spending $1.9 billion a year to pay for the costs of 270,000 Federal workers. There are some changes that I will propose at a future date. We had a hearing on those changes this morning. But today, for Corrections Day, we are considering H.R. 3096, which unlike some of the other more controversial changes that I will propose, is noncontroversial and enjoys bipartisan support.

The loophole that we are trying to close with this Corrections Day Calendar has to do with the following:

Under the current law, if an individual files a valid claim for an injury during the course of Federal employment and then subsequently files a false claim or false follow-up information and is convicted and may even go to jail, under that scenario that individual can still, believe it or not, receive every 4 weeks a Federal workers' compensation check from the very funds supported by the taxpayers that that individual has defrauded.

We are going to simply change one word, change the word "a" to "or" so that we make sure that an individual will be ineligible to receive workers' compensation funds whether they had committed the initial fraud at the first claim or any subsequent fraud thereafter.

It is a good bill, it is an important thing to do to make the system have a bit more integrity. It has bipartisan support. It is supported by the Department of Labor and the Department of Labor's Office of Inspector General, and I would urge an aye vote.

Mr. Speaker, I reserve the balance of my time.

Mr. OWENS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Pennsylvania (Mr. GREENWOOD), the sponsor of H.R. 3096, and the Inspector General of the Department of Labor who recommended that we make this correction to the statute. The statute as presently drafted and the parallel language in the Federal Criminal Code differ, creating a discrepancy in the law which could have been interpreted to allow persons to receive FECA benefits on the basis of fraudulent information. The legislation before us makes a minor technical correction, changing an "a" to an "or." This will ensure that persons who commit fraud and the receipt of FECA benefits would lose their entitlements to such benefits.

I am pleased to support this legislation and again I commend the sponsor, the gentleman from Pennsylvania (Mr. GREENWOOD), for bringing it before us.

Mr. Speaker, I reserve the balance of my time.

Mr. GREENWOOD. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. CAMP).

Mr. CAMP. Mr. Speaker, as Chairman of the Corrections Advisory Group, I rise today in full support of the legislation of the gentleman from Pennsylvania (Mr. GREENWOOD), H.R. 3096. This is truly a technical correction, and it is fitting for the bill to be considered on the Corrections Calendar.

Mr. Speaker, our Nation's laws are complex and sometimes confusing, and when someone interprets the law, one word can make a difference. In this case, the inconsistent use of one word and the thousands of words that make up our laws called into question the law's application to certain individuals.

The gentleman from Pennsylvania (Mr. GREENWOOD) recognized this inconsistency and quickly acted to make a change. He contacted the Corrections Advisory Group, which moved to correct the problem. The bill ensures that no Federal employee can lie on a benefit application or any subsequent request for information and get away with it.

The Corrections Calendar was created to fix small, technical corrections such as this, and I am pleased the bill has made its way to the House floor so quickly.

I would like to thank the gentleman from Pennsylvania for introducing this bill and for utilizing the Corrections Advisory Group, and I urge my colleagues to support the bill.

Mr. GREENWOOD. Mr. Speaker, I thank the gentleman from New York (Mr. OWENS) for his bipartisan support of this legislation. I want to thank the full committee chairman, the gentleman from Pennsylvania (Mr. GOODLING), and the Subcommittee on Workforce Protection chairman, the gentleman from North Carolina (Mr. BALLENGER), for their support of H.R. 3096 and for moving it so quickly through the committee. I would also like to again express my appreciation to the gentleman from New York (Mr. OWENS) and the gentleman from Missouri (Mr. CLAY), as well as the Members on both sides of the aisle and, as well, the Corrections Day committee for their support of H.R. 3096.

Mr. Speaker, I yield back the balance of my time.

Mr. OWENS. Mr. Speaker, I have no additional speakers and I, too, yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken.

Mr. GREENWOOD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, further proceedings on this question are postponed.

GENERAL LEAVE

Mr. GREENWOOD. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H.R. 3096.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3096, CORRECTING A PROVISION RELATING TO TERMINATION OF BENEFITS FOR CONVICTED PERSONS

Mr. GREENWOOD. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 3096, the Clerk be authorized to make such technical and conforming changes that will be necessary to correct such things as spelling, punctuation, cross-referencing, and section numbering.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AVIATION MEDICAL ASSISTANCE ACT OF 1998

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2843) to direct the Administrator of the Federal Aviation Administration to reevaluate the equipment in medical kits carried on, and to make a decision regarding requiring automatic external defibrillators to be carried on, aircraft operated by air carriers, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2843

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Aviation Medical Assistance Act of 1998".

SEC. 2. MEDICAL KIT EQUIPMENT AND TRAINING.

Not later than 1 year after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall reevaluate regulations regarding (1) the equipment required to be carried in medical kits of aircraft operated by air carriers, and (2) the training required of flight attendants in the use of such equipment, and, if the Administrator determines that such regulations should be modified as a result of such reevaluation, shall issue a notice of proposed rulemaking to modify such regulations.

SEC. 3. REPORTS REGARDING DEATHS ON AIRCRAFT.

(a) IN GENERAL.—During the 1-year period beginning on the 90th day following the date of the enactment of this Act, a major air carrier shall make a good faith effort to obtain, and shall submit quarterly reports to the Administrator of the Federal Aviation Administration on, the following:

(1) The number of persons who died on aircraft of the air carrier, including any person who was declared dead after being removed

from such an aircraft as a result of a medical incident that occurred on such aircraft.

(2) The age of each such person.

(3) Any information concerning cause of death that is available at the time such person died on the aircraft or is removed from the aircraft or that subsequently becomes known to the air carrier.

(4) Whether or not the aircraft was diverted as a result of the death or incident.

(5) Such other information as the Administrator may request as necessary to aid in a decision as to whether or not to require automatic external defibrillators in airports or on aircraft operated by air carriers, or both.

(b) FORMAT.—The Administrator may specify a format for reports to be submitted under this section.

SEC. 4. DECISION ON AUTOMATIC EXTERNAL DEFIBRILLATORS.

(a) IN GENERAL.—Not later than 120 days after the last day of the 1-year period described in section 3, the Administrator of the Federal Aviation Administration shall make a decision on whether or not to require automatic external defibrillators on passenger aircraft operated by air carriers and whether or not to require automatic external defibrillators at airports.

(b) FORM OF DECISION.—A decision under this section shall be in the form of a notice of proposed rulemaking requiring automatic external defibrillators in airports or on passenger aircraft operated by air carriers, or both, or a recommendation to Congress for legislation requiring such defibrillators or a notice in the Federal Register that such defibrillators should not be required in airports or on such aircraft. If a decision under this section is in the form of a notice of proposed rulemaking, the Administrator shall make a final decision not later than the 120th day following the date on which comments are due on the notice of proposed rulemaking.

(c) CONTENTS.—If the Administrator decides that automatic external defibrillators should be required—

(1) on passenger aircraft operated by air carriers, the proposed rulemaking or recommendation shall include—

(A) the size of the aircraft on which such defibrillators should be required;

(B) the class flights (whether interstate, overseas, or foreign air transportation or any combination thereof) on which such defibrillators should be required;

(C) the training that should be required for air carrier personnel in the use of such defibrillators; and

(D) the associated equipment and medication that should be required to be carried in the aircraft medical kit; and

(2) at airports, the proposed rulemaking or recommendation shall include—

(A) the size of the airport at which such defibrillators should be required;

(B) the training that should be required for airport personnel in the use of such defibrillators; and

(C) the associated equipment and medication that should be required at the airport.

(d) LIMITATION.—The Administrator may not require automatic external defibrillators on helicopters and on aircraft with a maximum payload capacity (as defined in section 119.3 of title 14, Code of Federal Regulations) of 7,500 pounds or less.

(e) SPECIAL RULE.—If the Administrator decides that automatic external defibrillators should be required at airports, the proposed rulemaking or recommendation shall provide that the airports are responsible for providing the defibrillators.

SEC. 5. LIMITATIONS ON LIABILITY.

(a) LIABILITY OF AIR CARRIERS.—An air carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of the air carrier in obtaining or attempting to obtain the assistance of a passenger in an in-flight medical emergency, or out of the acts or omissions of the passenger rendering the assistance, if the passenger is not an employee or agent of the carrier and the carrier in good faith believes that the passenger is a medically qualified individual.

(b) LIABILITY OF INDIVIDUALS.—An individual shall not be liable for damages in any action brought in a Federal or State court arising out of the acts or omissions of the individual in providing or attempting to provide assistance in the case of an in-flight medical emergency unless the individual, while rendering such assistance, is guilty of gross negligence or willful misconduct.

SEC. 6. DEFINITIONS.

In this Act—

(1) the terms "air carrier", "aircraft", "airport", "interstate air transportation", "overseas air transportation", and "foreign air transportation" have the meanings such terms have under section 40102 of title 49, United States Code;

(2) the term "major air carrier" means an air carrier certificated under section 41102 of title 49, United States Code, that accounted for at least 1 percent of domestic scheduled-passenger revenues in the 12 months ending March 31 of the most recent year preceding the date of the enactment of this Act, as reported to the Department of Transportation pursuant to part 241 of title 14 of the Code of Federal Regulations; and

(3) the term "medically qualified individual" includes any person who is licensed, certified, or otherwise qualified to provide medical care in a State, including a physician, nurse, physician assistant, paramedic, and emergency medical technician.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Illinois (Mr. LIPINSKI) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Subcommittee on Aviation and the full Committee on Transportation and Infrastructure unanimously approved the Aviation Medical Assistance Act, H.R. 2843, on March 5 and March 11 respectively. Medical equipment aboard commercial aircraft have not been reviewed in over 13 years, until the Subcommittee on Aviation held a hearing last year. We heard from several expert witnesses in aviation medical equipment, including the FAA air surgeon, Dr. Jon Jordan, Dr. Russell Rayman from the Aerospace Medical Association, Dr. David McKenas from American Airlines, and several other well informed and knowledgeable witnesses. We heard very dramatic and moving testimony from family members who had loved ones who had died after experiencing medical problems during plane trips.

From this testimony we basically heard three overriding things: One, we need to improve our medical equipment on aircraft; two, there is no reliable data on the number of in-flight medical emergencies; and three, a Good Samaritan provision should be incorporated into any bill.

Before I go on, let me say that I am very encouraged by the increasing number of U.S. airlines that have voluntarily placed or have begun to place defibrillators and other improved medical equipment on board their aircraft. American Airlines, Delta, United, Alaska Air and American Trans Air should all be commended for their efforts to provide passengers with the best possible care and the best medical equipment available. In fact, it is my understanding that these defibrillators have already saved the lives of at least two passengers just within the last few months.

And I should point out that in 1997, 640 million people flew in the United States, and the FAA predicts that almost 1 billion passengers will fly commercially in the United States by the year 2007.

□ 1545

These enormous increases in passenger traffic will almost undoubtedly lead to an increase in the number of in-flight medical emergencies. There are those who prefer to see these defibrillators mandated by the FAA. I must admit that we gave this some thought, mainly because the American Heart Association tells us that more than 1,000 Americans suffer from sudden cardiac arrest each day, and this is bound to increase with the aging of the American population.

We went back and reviewed testimony from our witnesses who expressed concerns about the lack of reliable data on medical emergencies and a concern about what sizes or types of aircraft could accommodate these medical devices.

So this is basically why we are here today with H.R. 2843, which I have sometimes referred to as the Good Samaritan in the Skies bill.

H.R. 2843 has four components. First, it requires the FAA, not later than 1 year after enactment of the bill, to re-evaluate regulations regarding the equipment required to be carried in medical kits and first-aid training, medical emergency training required by flight attendants.

Secondly, it requires air carriers to submit reports to the FAA on the number of deaths on board aircraft, age of the person, and whether or not the aircraft was diverted as a result of the death or incident.

Third, it also requires the FAA, based upon data gathered over the year period, to determine whether or not automatic external defibrillators should be required on commercial passenger airplanes and at airports.

Fourth, and finally, and I think very importantly, the bill limits liability for an air carrier, should the flight attendant or crew in good faith believe that the passenger rendering assistance is a medically qualified individual such as a doctor, nurse, or paramedic.

It also limits liability for the passenger rendering assistance unless he or she is found guilty of gross negligence or willful misconduct.

This legislation will enable the needed information to be properly gathered and analyzed so that the FAA can make a proper and informed decision on what types of additional equipment should be required for air passenger carriers.

This is a good bill, Mr. Speaker, that every Member of the House can support. And I urge its passage.

Lastly, I want to thank my good friend, the gentleman from Illinois (Mr. LIPINSKI), the ranking member of the Subcommittee on Aviation. He is truly a man with a good and kind heart. He really tries to help people.

I have heard it said, and I believe it to be true, that no committee or subcommittee in this Congress has a chairman and ranking member who get along and work together better than the gentleman from Illinois and I do. I thank him for his support on this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. LIPINSKI. Mr. Speaker, I yield myself the amount of time I may consume.

Mr. Speaker, first of all, I want to thank the gentleman from Tennessee (Mr. DUNCAN) for introducing such an important bill. After our excellent Subcommittee on Aviation hearing on this issue last session, it was obvious that something needed to be done to address the increasing number of medical emergencies in the sky. I am proud to be an original cosponsor of H.R. 2843, the Aviation Medical Assistance Act.

The number of airline passengers traveling both domestically and internationally is growing by leaps and bounds each year. As more people fly, and fly longer distances, there is a greater chance of serious medical emergencies occurring during flight.

Unfortunately, because the Federal Aviation Administration does not require airlines to report the number of in-flight medical emergencies, we can only make an educated guess that the number of medical emergencies has increased each year with the number of airline passengers.

Fortunately, the Aviation Medical Assistance Act will require major airlines to report their on-board medical incidents to the FAA. This reporting requirement will provide data on the number and types of in-flight medical emergencies.

This data can then be used to determine exactly what the major airlines need to have on board to help prevent the most common types of in-flight medical emergencies. Without this data provided by this reporting requirement, the airlines and the FAA would have to continue to guess about how to best prevent an in-flight medical tragedy.

H.R. 2843 also directs the FAA to use the in-flight medical incident data reported by the airlines to determine whether to require defibrillators aboard aircraft and, if so, what type of aircraft.

Recent technology improvements have made defibrillators portable, compact, and easy to use. In fact, at the Subcommittee on Aviation hearing last May, we saw the new smaller defibrillator, and it is amazing how easy this lifesaving device is to use.

Several major air carriers have already agreed to voluntarily place defibrillators on their aircraft. I want to commend American Airlines, Delta Airlines, United, and Alaskan Airlines for voluntarily taking this step forward in passenger safety.

I believe that the FAA will quickly see from the in-flight medical data that defibrillators are lifesaving devices that should be required on all major carriers and at all major airports. Hopefully, the FAA will act quickly and make a decision to require defibrillators on all major carriers in the near future.

Finally, the bill includes a Good Samaritan provision. This provision would protect from legal liability the Good Samaritan, such as the doctor on board the flight who volunteers to help in a medical emergency.

When a medical emergency happens during flight, the flight crew must often rely on the help of passengers who are medical professionals. Unfortunately, many doctors on board are often weary of volunteering their services for fear of being sued.

This Good Samaritan provision protects passengers who volunteer to help, unless, of course, they are grossly negligent or engaged in willful misconduct. The Good Samaritan provision also generally protects the airlines from legal liability for the actions of their passengers.

When passengers get on a plane, they assume that they will be safe. H.R. 2843, the Aviation Medical Assistance Act, will make sure that all passengers are safe when they board a plane. H.R. 2843 will help ensure that in-flight medical emergencies do not become in-flight medical tragedies.

Again, I am a proud cosponsor of this bill, and I want to urge all of my colleagues to vote yes on this very important piece of legislation.

Mr. Speaker, I yield as much time as she may consume to the young gentlewoman from Connecticut (Mrs. KENNELLY).

Mrs. KENNELLY of Connecticut. Mr. Speaker, I thank the gentleman from Illinois for that compliment.

Mr. Speaker, I rise today in support of this legislation which will provide American air travelers with a vital margin of safety that they need so much.

It was not that long ago, a little over a year ago, that I was traveling on a plane one evening, and a gentleman came down the aisle and he fell face forward and was unconscious. It did not seem it was my imagination, but it seemed that the flight attendants were going in opposite directions. Then a call was put out for a doctor on the plane.

There was no doctor on the plane, unfortunately. But, fortunately, there was a nurse on the plane, and she came to the assistance of the passenger. At one point, she called for the first-aid box. The box came, she opened it, and there were just a few bandages in it and something that looked like something for a toothache, and very little else. She found nothing that could help her in her assistance at that time.

It was shortly after this, Mr. Speaker, that I introduced legislation to require airlines to carry automatic electronic defibrillators on all flights. This legislation was prompted by a visit from one of my constituents, Mrs. Lynn Talit, who came to see me in Washington shortly after this occasion that happened to me on an airline, to tell me that her husband had suffered a heart attack during a flight.

The facts were devastating, and I felt very badly for Mrs. Talit. She told me her husband had died. She had a terrible time finding information about exactly when he had died, what were the circumstances after his death, what had occurred during the illness. And yet she was a very brave woman and she persevered to find out all this information. Then she felt that she really should help others who had loved ones who suffer heart attacks on an air flight.

Since then, of course, we have learned that this experience is one that happens to others. In fact, newspapers, since this problem has come to light, have chronicled both a sudden death of a young woman aboard a plane not long ago and the use of an AED to save another passenger's life.

So now that we have highlighted the situation that people do, in fact, have heart attacks on planes, as they have heart attacks everywhere else, and that if we have an automatic defibrillator on the plane, it could save a passenger's life.

This constituent of mine had the good fortunate to go see the gentleman from Tennessee (Mr. DUNCAN) and told her story to him. He was marvelous about making it possible to have a hearing on this situation of people becoming ill on airlines, and the fact that if an automatic defibrillator is available lives can be saved.

Chairman DUNCAN held a hearing and my constituent was able to testify at that hearing, and I think now we have evidence to justify requiring AEDs on all flights.

This bill that the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Illinois (Mr. LIPINSKI) have brought forth will move this decision in the right direction by giving FAA 1 year to make the decision. In other words, the added margin of safety passengers deserve may be only a year away.

What I am saying today is that I think we have a situation where we should have an automatic electronic defibrillator on every flight. American Airlines actually has said that they intend to do this. Other airlines are coming to this practical decision.

But in the meantime, this study that the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Illinois (Mr. LIPINSKI) is bringing forth will make it possible for us to address the whole idea of health and safety on airlines, making sure that first-aid box has in it what is necessary to assist passengers.

By the way, we have come a long way, probably as has been mentioned before on the floor, that airline attendants, beginning after World War I, when we first had airline attendants, were required to have nurse's training. We have gone all the way from having nurse's training as a requirement to having a sick person sick on a plane without an adequate first aid box. We can understand why the airline attendants are concerned when a passenger becomes ill because they do not have the training to take care of a sick passenger, and they know it.

All of us in this room travel by air quite often, and if we are sick we certainly hope that there is a doctor on board, but more importantly, we hope there is trained personnel to help us till the plane lands.

I hope in the name of my constituent that an automatic electric defibrillator gets on every plane so that, in fact, if there is a serious heart attack, if, in fact, there is heart failure, every individual will have a chance to have the necessary help available to save his or her life. It makes good sense to have automatic electronic defibrillators on all planes. Thank you Mr. Speaker.

Mr. LIPINSKI. Mr. Speaker, I yield myself as much time as I may consume to close for our side.

I simply want to say this is really a very important piece of legislation and a piece of legislation that will help make the skies much safer than they are at the present time.

I want to compliment the gentleman from Tennessee (Mr. DUNCAN), chairman of the Subcommittee on Aviation. As usual, he has been enormously generous in sharing the credit on this bill with everybody else on the subcommittee. His usual cooperation has once again been there. It is a pleasure and a great opportunity, really, for me to continue to work with him on the Subcommittee on Aviation.

Mr. Speaker, I yield back the balance of our time.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to close by once again thanking the gentleman from Illinois (Mr. LIPINSKI), but also I want to thank the gentlewoman from Connecticut (Mrs. KENNELLY), who is a cosponsor of this legislation.

I mentioned in my statement a few minutes ago the very moving and dramatic testimony that we heard from two family members, one of whom was her constituent. I can tell my colleagues that I do not believe we would be as far along on this legislation today, where we are at this moment, if it was not for the gentlewoman from Connecticut (Mrs. KENNELLY). And I appreciate her work.

This is a good bill. This bill is going to lead to better medical equipment on airlines throughout this Nation. It is going to lead to better medical training for airline personnel. It is going to lead to the first ever Good Samaritan law in the skies so that passengers who have medical training can provide much-needed assistance during medical emergencies.

When we add all of those things together, I think this is very important legislation. It is very good legislation. It is legislation that all Members of this Congress can point to with pride and support enthusiastically.

Mr. OBERSTAR. Mr. Speaker, I support H.R. 2843, the Aviation Medical Assistance Act, and I urge our colleagues to vote for it today. I commend Chairman DUNCAN and Congressman LIPINSKI for working closely together in a nonpartisan fashion to develop a bill that was reported out of the Committee with no dissenting votes.

Other speakers have done a good job of explaining the legislation. This bill will move us along the road to an industry standard that will require the carriage of heart defibrillator equipment on airliners.

I firmly believe that if there is safety technology available and some in the industry are utilizing it to good benefit, then there is little reason not to require all of the industry to take similar steps. The traveling public expects that when they board an airliner that there will be equivalent levels of safety.

I want to strongly commend those airlines, Delta, American, Alaska, and United, for recognizing the need, being forward-thinking enough to recognize new developments in medical technology, and taking the initiative to carry defibrillators without waiting for the government to require them. It is because of these sorts of steps that these particular airlines are widely recognized and appreciated as leaders in aviation safety.

This bill, if enacted this year, will likely lead us to a rule about two years from now, requiring defibrillators on airline aircraft. Given the fact that the three largest carriers and Alaska Airlines are already instituting programs for this life-saving equipment, I believe that the rest of the industry and the Federal Aviation Administration need not and should not take all of this time to decide that all aircraft be equipped.

In the area of liability, this bill takes a very reasoned and narrow approach in protecting airlines from liability. An airline will not be liable for its selection of a passenger to use the defibrillator equipment, if the airline, in good faith, believed that the person was qualified to use the equipment. Other than that, the airline's liability remains the same as it is today.

The bill also provides "Good Samaritan" protections for the individual using the equipment, so long as they are not grossly negligent or engaged in willful misconduct.

Again, Mr. Speaker, I urge an "aye" vote on this bill.

Mr. DUNCAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and pass the bill, H.R. 2843, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

☐ 1400

GENERAL LEAVE

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2843, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5 p.m.

Accordingly (at 4 o'clock and 1 minute p.m.), the House stood in recess until approximately 5 p.m.

☐ 1700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 5 o'clock and 2 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5, rule I, the Chair will now put the question on the approval of the Journal, on each motion to suspend the rules on which further proceedings were postponed earlier today, and then on the bill on the Corrections Calendar, in the order in which that motion was entertained.

Votes will be taken in the following order: approval of the Journal, de novo; H.R. 3211, by the yeas and nays; H.R. 3412, by the yeas and nays; and H.R. 3096, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CAMP. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 368, nays 40, not voting 23, as follows:

[Roll No 64]

YEAS—368

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Boswell
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cox
Coyne
Cramer
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Salmon
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Weygand
White
Whitfield
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—40

Becerra
Borski
Brown (CA)
Clay
Clyburn
Costello
Crane
DeFazio
Ehlers
Ensign
Fazio
Filner
Fox
Gutierrez
Gutknecht
Hill
Hilleary
Hilliard
Johnson, E. B.
Kucinich
Lewis (GA)
LoBiondo
Maloney (NY)
McNulty
Menendez
Moran (KS)
Oberstar
Pickett
Ramstad
Rogan
Sabo
Schaffer, Bob
Sessions
Slaughter
Stupak
Taylor (MS)
Thompson
Wamp
Weller
Wicker

NOT VOTING—23

Buyer
Cannon
Capps
Chenoweth
Cooksey
Deal
Diaz-Balart
Gonzalez
Harman
Hooley
Inglis
Jefferson
Manzullo
McDermott
Payne
Rangel
Royce
Schiff
Schumer
Spratt
Stark
Waters
Yates

☐ 1723

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. CAPPS. Mr. Speaker, during rollcall vote number 64, the Journal, my airplane was delayed and I was unavoidably detained. Had I been present, I would have voted "yes."

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2589, COPYRIGHT TERM EXTENSION ACT

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–460) on the resolution (H. Res. 390) providing for consideration of the bill (H.R. 2589) to amend the provisions of title 17, United States Code, with respect to the duration of copyright, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2578, EXTENDING THE VISA WAIVER PILOT PROGRAM

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–461) on the resolution (H. Res. 391) providing for consideration of the bill (H.R. 2578) to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and to provide for the collection of data with respect to the number of non-immigrants who remain in the United States after the expiration of the period of stay authorized by the Attorney General, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT OF AMENDMENT PROCESS FOR H.R. 2400, BUILDING EFFICIENT SURFACE TRANSPORTATION AND EQUITY ACT OF 1997 (BESTEA)

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, I have an announcement about BESTEA and ISTEA, and all my colleagues should listen up.

Mr. Speaker, the Committee on Rules is planning to meet early next week, maybe as early as Monday, to grant a rule to limit the amendments which may be offered to the BESTEA bill. Any Member who wishes to offer an amendment should submit 55 copies and a brief explanation of the amendment by 12 noon on Monday, March 30, at the Committee on Rules.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GOODLATTE). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed earlier proceedings.

ARLINGTON NATIONAL CEMETERY BURIAL ELIGIBILITY ACT

The SPEAKER pro tempore (Mr. GOODLATTE). The pending business is the question of suspending the rules and passing the bill, H.R. 3211, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the bill, H.R. 3211, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 0, not voting 19, as follows:

[Roll No. 65]

YEAS—412

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Salmon
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—19

Cannon
Capps
Chenoweth
Gonzalez
Harman
Hooley
Inglis
Jefferson
Manzullo
McDermott
Payne
Rangel
Royce
Schiff
Schumer
Spratt
Stark
Waters
Yates

□ 1734

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. CAPPS. Mr. Speaker, during rollcall vote number 65, H.R. 3211, my airplane was delayed, and I was unavoidably detained. Had I been present, I would have voted "yes."

SMALL BUSINESS INVESTMENT COMPANY TECHNICAL CORRECTIONS ACT OF 1998

The SPEAKER pro tempore (Mr. GOODLATTE). The pending business is the question of suspending the rules and passing the bill, H.R. 3412, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. TALENT) to suspend the rules and pass the bill, H.R. 3412, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 0, not voting 24, as follows:

[Roll No. 66]

YEAS—407

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett

Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Salmon
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)

NOT VOTING—24

Bass
Becerra
Cannon
Chenoweth
Coburn
Gonzalez
Harman
Herger
Hooley
Inglis
Jefferson
Manzullo
McDermott
Payne
Rangel
Royce
Schiff
Schumer
Smith (OR)
Spratt
Stark
Waters
Yates
Young (FL)

□ 1743

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CORRECTING A PROVISION RELATING TO TERMINATION OF BENEFITS FOR CONVICTED PERSONS

The SPEAKER pro tempore. The pending business is the question of passage of the bill, H.R. 3096, on which further proceedings were postponed.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 23, as follows:

[Roll No. 67]

YEAS—408

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
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Meek (FL)
Meeks (NY)
Menendez
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Millender-McDonald
Miller (CA)
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Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
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Northup
Norwood
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Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
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Pascrell
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Price (NC)
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Quinn
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Ramstad
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Ros-Lehtinen
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Roybal-Allard
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Sánchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
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Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
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Stabenow
Stearns
Stenholm
Stokes
Strickland
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Turner
Upton
Velázquez
Vento
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Watt (NC)
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Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield

Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)

NOT VOTING—23

Armey
Barton
Berry
Cannon
Chenoweth
Gonzalez
Harman
Herger
Hooley
Inglis
Jefferson
Manzullo
McDermott
Payne
Rangel
Royce
Schiff
Schumer
Spratt
Stark
Waters
Yates
Young (FL)

□ 1751

So (three-fifths having voted in favor thereof) the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. CHENOWETH. Mr. Speaker, due to health reasons and doctor's orders, I missed rollcall votes 64 through 67.

Had I been here I would have voted: "Yea" on Roll Call 64, Approval of the Journal; "Yea" on Roll Call 65, H.R. 3211, Regarding Eligibility Requirements for Burial in Arlington National Cemetery; "Yea" on Roll Call 66, H.R. 3412, Small Business Investment Company Technical Corrections Act of 1998; and "Yea" on Roll Call 67, H.R. 3096, To Correct a Provision Relating to Termination of Benefits for Convicted Persons.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 981

Mrs. MYRICK. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of H.R. 981.

The SPEAKER pro tempore (Mr. GOODLATTE). Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

COMMUNICATION FROM ADMINISTRATOR OF FIRST CONGRESSIONAL DISTRICT OF PENNSYLVANIA

The SPEAKER pro tempore laid before the House the following communication from Stanley V. White, Administrator of the First Congressional District of Pennsylvania:

CONGRESS OF THE UNITED STATES,
Washington, DC, March 17, 1998.

Hon. NEWT GINGRICH,
Speaker,
U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursaunt to Rule L (50) of the Rules of the House that I have been served with a subpoena ad testificandum issued by the United States District Court for the Eastern District of Pennsylvania, in the case of *Raymond Wood* v. *David L. Cohen, et al.*, Case No. 96-3707.

After consultation with the Office of General Counsel, I have determined that the subpoena relates to my official duties, and that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

STANLEY V. WHITE,
Administrator.

APPOINTMENT OF MEMBER TO UNITED STATES CAPITOL PRESERVATION COMMISSION

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 801(b) of Public Law 100-696, the Chair announces the Speaker's appointment of the following Member of the House to the United States Capitol Preservation Commission:

Mr. WALSH of New York.

There was no objection.

IMF SHOULD REEVALUATE LENDING POLICIES

(Mr. SAXTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. SAXTON. Mr. Speaker, during the past several months, I have warned time and again that the International Monetary Fund's lending policies are counterproductive. That is because they lend at rates far below market rates. That practice, in and of itself, generates demand for even more low interest rate loans. That is called moral hazard.

Yesterday's Financial Times, published in the U.K., reported that European central bankers agree with my position. They attack the bailout practices of the IMF, and they say it will be putting forward proposals next month that would involve commercial banks at an earlier stage.

The criticism reflects concern about the IMF's handling of the Asia financial crisis. Hans Tietmeyer, president of the Bundesbank said, the multibillion dollar international rescue plans for Thailand, South Korea, Malaysia and Indonesia could encourage reckless banking practices. The IMF should reevaluate its policies, he said.

Mr. Speaker, I include the following for the RECORD:

[Monday, Mar. 23, 1998]

CRITICISM: EU BANKERS HIT AT IMF ON BAIL-OUTS

(By Wolfgang Müchau and Lionel Barber in York)

European Union central bankers have attacked the bail-out practices of the International Monetary Fund and will be putting forward proposals next month that would involve commercial banks at an earlier stage.

The criticism reflects concern about the IMF's handling of the Asia financial crisis. It also signals the EU's intention to raise its profile in international financial institutions as 11 European countries prepare to adopt a single currency next January.

The US has dominated the policy agenda of the IMF, even though EU countries have a larger combined shareholding.

Hans Tietmeyer, president of the Bundesbank, speaking after the informal meeting of EU economies and finance ministers at the weekend, said the multi-billion-dollar international rescue plans for Thailand, South Korea, Malaysia and Indonesia could encourage reckless bank lending.

"The IMF should re-evaluate its policies and should question itself on how far its policy generates moral hazard. The IMF should consider whether it is better to tackle problems with large sums of bail-out money or whether it might be better to involve private sector creditors at an earlier stage," he said.

Mr. Tietmeyer said he had drawn up proposals which he would present to the IMF's interim committee at its next meeting on April 16 in Washington.

He did not divulge details of the programme, but a key element is believed to include regular monitoring of private sector debt.

At the meeting, EU central bankers also discussed the possible dangers of electronic money to monetary policy under Emu. Smart cards with computer chips are becoming increasingly popular, but central bankers are worried because this is a form of money that operates outside the control of central banks.

The bankers are particularly concerned that the transition period between the launch of monetary union in January and the introduction of euro notes and coins in 2002 could encourage the use of electronic money.

Mr. Tietmeyer called on the European Commission to consider regulating the markets for electronic money and electronic banking, restricting its use only to established banks

NO TOLERANCE FOR HATE CRIMES

(Mr. HILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. HILL. Mr. Speaker, one film which earned an Academy Award nomination for best picture more than 10 years ago featured Harrison Ford whose character went to the aid of an Amish family after they had become entangled in a brutal crime. The film, Witness, was fiction, but it taught us what we can learn from communities like the Amish. It is a sad fact, however, that these colonies are often the targets of scorn and ridicule.

In my home State of Montana there are similar religious-based colonies known as Hutterites. What has happened to one of them in recent weeks is outrageous.

The FBI has been asked to investigate a fire which was deliberately set in the timber supply of a new Hutterite colony in Montana. Damage is estimated at $100,000.

There have been other attempts to harass colony members, which is equally disturbing.

Mr. Speaker, Montanans will not stand for these sorts of hate crimes. We welcome people of all religious backgrounds with open arms, and I urge Federal officials to use all means at their disposal to assure the safety and the welfare of these citizens. It is the very least we can do.

Mr. Speaker, I include the following for the RECORD:

[From the Billings Gazette, Mar. 23, 1998]

FBI ASKED TO INVESTIGATE HUTTERITE FIRE

BLAZE DELIBERATELY SET, FIRE OFFICIALS SAY; HUMAN RIGHTS GROUPS DESCRIBE INCIDENT AS HATE CRIME

Ledger (AP)—Fire officials say a blaze in a lumber shed at a fledgling Hutterite colony in north-central Montana was arson, and it may be a hate crime aimed at the religious sect.

The fire two weeks ago charred lumber intended to build housing at the new Camrose Colony, near Ledger in southeastern Toole County. Investigators say the fire was clearly arson.

The fire took 13 hours and 38,000 gallons of water to extinguish. Damage was estimated at about $100,000.

Toole County Sheriff Vern Anderson said the fire appeared to be an attempt to intimidate colony members, who have bought several farms in the area within the past few weeks.

"It appears that we've got somebody disgruntled that the colony people have purchased that property," Anderson said. But he shied from describing the fire as a hate crime.

"Those are some of the words that are floating around here," Anderson said: "It's hard for me to say."

The Montana Human Rights Network is less reticent.

"It's got a lot of the classic elements of a hate crime," said Christine Kaufmann. The network's research director, "A group that is different in some way is singled out in the community. It seams to be clearly an effort to prevent them from establishing a colony in the area."

The fires and a spate of vandalism, including damage to vehicles and grain bins, have left colony members shaken.

"We just took it over about three weeks ago," said Joe Waldner, a spokesman for the East End Colony near Havre, which is splitting and establishing Camrose.

The Havre-area colony acquired several area farms, about 8,500 acres, south of the Marias River. The plan is to grow grain and raise livestock "a few cattle, a few hogs and some chickens," Waldner said.

The value of the building materials lost in the fire totaled about $70,000. Waldner says the damage to the building itself probably tops $30,000.

The loss will slow building at Camrose, but it won't alter the long-range plan.

"We are just going to keep on going," Waldner said, "We hope the police catch the guy who did this."

So do a number of neighbors.

"I don't like what happened up here," said Karl Ratzburg, whose property adjoins the colony. "I hope they find these people and prosecute them for what they did."

The sheriff said his deputies continue to check leads on the arson, and he notified the FBI of the incident. The FBI declined comment on any involvement on its part.

Kaufmann, the network's research director, has written the FBI and U.S. Attorney Sherry Matteucci asking the agency to actively investigate the colony fires.

Margie MacDonald, executive director of the Montana Association of Churches, said she hoped residents in the area will rally behind the colony.

"We are real concerned about the magnitude of violence up there." MacDonald said, "Arson of any sort is pretty appalling."

MacDonald said she hopes area pastors will work to develop a community response to the colony crimes, which seem to be rooted in religious intolerance. Pastors were a key part of the strong backlash against hate crimes that targeted Jewish families in Billings in 1993, she noted.

"What we hope to see is some strong community response." MacDonald said. "People really can't be silent when something like this happens."

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GOODLATTE). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

WASTED MONEY ON IRRELEVANT INVESTIGATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

Mr. CONYERS. Mr. Speaker, tomorrow the Committee on House Oversight is expected to give $1.3 million to the House Committee on the Judiciary for an enlarged congressional staff to investigate President Clinton. The American people are tired of this waste, and so am I, and this is from a leadership that promised to trim congressional staffs.

□ 1800

Now, what is amazing to me is the exchange between the chairman, the gentleman from Illinois (Mr. HENRY HYDE), myself, and the gentleman from Massachusetts (Mr. FRANK) only 1½ hours ago in the Committee on the Judiciary, when I explained that I thought we needed no more wasted dollars and harassment of the President.

The chairman of this committee, in session, sought to reassure me that the monies would be used for harmless oversight of the Department of Justice and for the noncontroversial reauthorization of the Department. It is on the record in the committee. This is in direct contradiction to the written statement yesterday of the gentleman from Illinois (Mr. HYDE) in a letter that has come to my attention that he has sent to the gentleman from California (Mr. THOMAS), chairman of the Committee of House Oversight, to justify this new windfall by saying that new investigators were needed to recycle and duplicate nearly every independent counsel investigation into the Clinton administration, from fundraising to allegations at the Department of Energy and the Department of the Interior. These matters have already been overinvestigated, but they directly contradict the purpose for which these funds are being authorized by the committee.

I have never received a letter about this in my career. This is a unilateral Republican action to which I take total exception. There has been stealth in correspondence, there have been internal contradictions. But I must now come to the House and report that the Republican leadership is planning to surreptitiously commence to staff for an impeachment investigation without any notice to the Congress, to the Democrats on the Committee on the Judiciary, or to the American people, without a vote from the House of Representatives.

I urge the gentleman from Georgia (Speaker GINGRICH), with all respect, to rethink this dangerous, radical political strategy. It is outrageous that we are being told publicly one thing by the gentleman from Illinois (Chairman HYDE) when his letter to his own leadership is saying something else entirely different: More money to investigate the President.

Why can the majority not just admit it, rather than hiding under these cloaks and misstatements. Members of the House will get no opportunity to vote on this massive increase of funds. When I explained that the Speaker agreed with this request in a cover letter, the gentleman from Illinois (Mr. HYDE) asked that he not be saddled with the Speaker's words.

So today, Mr. Speaker, I will release to the press the words of the gentleman from Illinois (Chairman HYDE) justifying this new congressional surplus of money and staff and resources, and let the American people judge for themselves.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Massachusetts, the ranking subcommittee chairman.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the ranking member, and I think he is performing a very important service.

I know as the second ranking minority member that neither he, I, nor any other Members have been consulted. We have read a lot in the paper about what the Committee on the Judiciary was going to do, what it would not be allowed to do, how it was going to be bypassed.

To have this funding request come forward, it is over a $1 million, some of which would be presumably assigned the minority, with no consultation is a problem. And the problem is compounded because the chairman of the committee did say there would be consultation, but the consultation he discussed was on a subject that appears to be different.

CONFUSION SURROUNDING REQUEST OF COMMITTEE ON THE JUDICIARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. FRANK) is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, the point is that the justification that the chairman mentioned, the consultations that have been held with staff of the minority and the majority, apparently are irrelevant to the request tomorrow.

So I would hope, and I would think the ranking minority member would agree with me, that we could get the Committee on House Oversight to hold off voting this kind of money until there could be a public hearing.

There appears to be a fundamental confusion, at best, about $1.3 million. Is it money that is to redo the investigation of the independent counsel? Is it money to check up on whether the Attorney General has appropriately dealt with the independent counsel? Or is it for the reauthorization of the Justice Department?

What the chairman told us today was one justification, but the letter that he and the gentleman from Georgia (Speaker GINGRICH) sent to the chairman of the committee is entirely about something else. We ought not to have $1,300,000 so casually used.

We also ought to stop what appears to be a two-track operation in which the ranking minority member is told one thing about the operation of the Committee on the Judiciary when other conversations are going on. There is a partisan tinge to this which is inappropriate when dealing with the most significant things we can deal with.

Mr. Speaker, I yield to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, here is what the justification submitted to the Committee on House Oversight said: "The Committee on the Judiciary contemplates an investigation of the Department of Justice's investigation, with an emphasis on the need for an independent counsel."

They go on to point out that the 17 Republican members have written a letter to the Attorney General and that their plans include the following: The Department of Justice Public Integrity Section and Campaign Fundraising Task Force has been plagued with conflicts of interest, et cetera. In the Chippewa casino matter the Department of Justice is acting as the criminal prosecutor.

Further on, the fundraising investigations, the last time the Committee on the Judiciary sought an appointment of an independent counsel was on the Health Care Task Force.

Mr. FRANK of Massachusetts. Mr. Speaker, if the gentleman would allow me, as he is making clear from reading this, nothing in here deals with the ongoing responsibilities of the Department of Justice, which was the stated purpose for this funding from the chairman. Maybe the chairman thinks it is for one thing and the Speaker is, to use his phrase, saddling him with another purpose.

There ought to be a public hearing. I would think the ranking minority member ought to have a chance to go before the committee and talk about that money, whether it is needed, what it ought to be used for.

Mr. CONYERS. Mr. Speaker, I would say to my friend, the gentleman from Massachusetts, if anybody in this House thinks that any serious investigation of the White House or this administration can begin on a partisan basis, as this is appearing to be, I think they are dooming it to a total failure. The notion that anything remotely resembling impeachment activity be sent to any committee other than the Committee on the Judiciary is a clear signal that something is wrong.

Mr. FRANK of Massachusetts. I would ask the ranking minority member, has there been any conversation on the part of any member of the majority, from the Committee on the Judiciary or elsewhere, with the gentleman dealing with how we might respond to Independent Counsel Starr?

Mr. CONYERS. No. Not only has that not happened, but I have been assured repeatedly, and I am sorry to have to put this into the RECORD now, that I would be kept abreast of all developments connected with this, because I have repeatedly been hearing in the media what they were trying to do. As a matter of fact, a January letter requesting this money was brought to me by a member of the press when I told them I had never seen it before. This document I did not see until after the hearing of the full Committee on the Judiciary late this afternoon.

So it is with some sadness that I make public that the agreement that I thought that I was entering into has been shattered. Perhaps it can be replaced. But I want the entire Congress to know that these unilateral Republican shenanigans, whether they come from the Speaker or from the chairman of the Committee on the Judiciary, work an extreme disservice on the processes that are within the jurisdiction of the Committee on the Judiciary in the House.

THE TAXPAYER BILL OF RIGHTS III

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FOX) is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I rise to bring to the attention of my colleagues the importance now of the passing of the Taxpayer Bill of Rights III. We know that it was not that long ago the Senate Finance Committee had hearings wherein IRS agents, presently working for the agency, as well as taxpayers, came forward to talk about the problems of abuse, the problems of mom and pop stores being levied with fines and with penalties for violations that had not occurred, but they had paid them, nonetheless, out of fear of the agency going after them, and yet these people do not have attorneys or CPAs to help them.

My Taxpayer Bill of Rights legislation, which has enjoyed bipartisan support, is, frankly, a bill that is going to move forward in this respect to change the burden of proof to make sure that taxpayers will now be presumed innocent, and the Commissioner of the IRS will have the burden of proving otherwise, instead of the reverse, the way it is now.

It also will say, no more quotas for IRS investigations, no more quotas for IRS audits, no more fishing expeditions where taxpayers live in fear of the IRS, no more random audits, and, more importantly than the ones I have already mentioned, the fifth provision of the bill says that, in fact, if the IRS is overreaching or causes a legal business or individual loss in an unfair way to any constituent, then they would be responsible for reimbursing that taxpayer.

Moreover, there would be whistleblower protection. If in fact an individual comes forward to talk about an IRS violation by an agency employee or the agency itself, then they will not be audited just out of retribution. Moreover, the bill calls for mediators to be provided in case someone wants to settle a claim.

These are all commonsense provisions to make the IRS more taxpayer-friendly. We know very well that the employees of the agency work very hard to do a good job, but the burden of proof and other items within the tax code and within the tax system have made it difficult to have anything but an adversarial relationship between the IRS employees and the taxpayers they are supposed to work for.

The fact is out of 100,000 tax employees that the IRS has, there are only 43 taxpayer advocates. That is certainly an imbalance there, Mr. Speaker, that we need to correct. I know that working with our Senate colleagues in a bipartisan fashion, we can make the IRS an agency that will be fair to the public while still making sure that taxes are collected, but in a fair and responsible way that will make sure that the American taxpayer will not be violated in any way, shape, or form.

TRIBUTE TO GIRLS' BASKETBALL COACH DOROTHY GATERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, as we continue with the celebration of Women's History Month, I am reminded of the fact that it takes great teachers to make great schools.

I rise today to recognize one of the great female coaches of girl basketball of all time, Coach Dorothy Gaters.

Coach Gaters coaches the Lady Commandoes, a Marshall High School girls basketball team on the West Side of Chicago, located in the Seventh Congressional District.

Dorothy Gaters graduated from Marshall High School in 1964, and went on to attend DePaul University, where she graduated with a Bachelor's Degree in 1968. She received her Master's Degree from Governor State University and began teaching at Marshall High School in 1969.

Coach Gaters has not rewritten but has simply written the record book when it comes to girls' basketball in the State of Illinois. Coach Gaters has been coaching in the Chicago Public League at Marshall High School since 1976.

During this time, she has won six State titles, three State runner-ups, three third places, and three fourth places in State tournaments. She currently holds eight State records: 17 tournament appearances, 15 AA tournaments, nine title game appearances, 13 class AA consecutive tournament appearances, and three consecutive title game appearances, to name a few. In 22 years, Coach Gaters has a record of 619 wins. No other coach in Illinois has even 500 victories in girls' basketball.

□ 1815

No other coach has been in as many State tournament final games as her nine, or won as many titles as her six. Her team has played more games, won more games, and even lost more games in the Elite Eight than anyone else's in girl's basketball history. Of the 14 girl tournament coaching records, Coach Gaters owns 10 of them outright and is tied with Teutopolis's Dennis Koester two other categories.

Before girls basketball was sanctioned by the Illinois High School Association, Coach Gaters was there from the beginning when young women who loved the game could compete only in clubs and intramural contests. She and her teams grew with the sport and today it is as fully recognized as any boys' sport, with its own State championship. And all along, the Lady Commandos were role models of excellence and perseverance and an inspiration to all the other teams.

Coach Gaters' response to all the numbers and all the fawning is consistent with her straightforward approach in coaching: "It says I have been around a long time. I care about it because it will be a victory, not necessarily because it is number 597. I have never really been one to count the games."

Mr. Speaker, we both know that the Illinois High School Association counts, and it listed the Marshall coach with 597 victories against 70 losses entering this, her 23rd season as coach. That was then. Today it is 619 wins to 70 losses. And according to the national high school statistics, Coach Gaters ranks among the top 20 coaches of all time in number of victories. She was inducted into the Illinois Basketball Coaches Association Hall of Fame in 1996, and while her basketball team is nothing short of amazing, they have also succeeded academically. Ninety-five percent of the players who started with Coach Gaters went to colleges and/or universities. Over three fourths of them have graduated. Several of Coach Gaters' former players are now coaches at various institutions. Marie Christian coaches at California-Berkeley; Kimberly McQuarter at Chicago State University; Trinette Wright is an assistant coach at Chicago State University; and Jennifer Jones coaches at Manley High School.

Other players went on to play in the Women's National Basketball Association. Kim Williams plays for the Utah STARZZ; Toni Foster is with the Phoenix-MERCURY; and Janet Harris plays for the Charlotte STING.

Mr. Speaker, I congratulate Coach Dorothy Gaters and the Lady Commandos of Marshall High School who have demonstrated that academic excellence coupled with athletic prowess is the order of the day.

CONGRESS MUST FACE UP TO SERIOUS PROBLEMS IN SOCIAL SECURITY

The SPEAKER pro tempore (Mr. BOB SCHAFFER of Colorado). Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, this last Saturday, the Pew Foundation, responding to the President's comments in the State of the Nation address, had a forum where 10 cities in the United States were linked together in interactive television. In each one of those cities there were 10 tables. At each table there were 10 participants talking about the problems of Social Security and what we might do with Social Security.

One thing that came from almost all the cities was that we should stop using the Social Security trust fund money to mask the deficit and that we should stop using, taking that money, and in return giving nonmarketable IOUs.

One point I made on Friday night, the Pew Foundation called me and said that they understood the President had requested time and asked if I would like to also have 12 minutes of time making my comments as far as the situation with Social Security. The first thing I said was my concern about using Social Security trust fund money to really mask the deficit.

Mr. Speaker, I suggested that we really did not have a surplus in this country and that only because this current year we are borrowing about $85 billion from the Social Security trust fund, next year we are going to be borrowing closer to $100 billion from the Social Security trust fund, that borrowing is what is allowing us to say that we have a balanced budget.

I think it is very important that we stop, in effect, hoodwinking the American people. Even though it is nice to brag about a balanced budget, the fact is that the only reason we are pretending the budget is balanced is because we are borrowing all of this money from the Social Security trust fund.

I told the people, I was at Cobo Hall in Detroit in Michigan, and I suggested that there has got to be several guidelines as we proceed in making sure that Social Security stays solvent. Number one, that it be bipartisan. Number two, that all possible solutions be kept on the table. Number three, that we do not reduce the benefits for existing retirees or near retirees. Number four, that we have some kind of a system where our kids and our grandkids and their kids and grandkids can expect retirement accounts that are going to last them through what is expected to be an even longer life span, and that we have a system that is fair and equitable. That we not privatize the system, but rather that we have a system that allows forced savings and investments in accounts that are owned by the individual workers that can accrue dividends throughout their working lifetime.

I pointed out an interesting fact from what has been suggested by the Tax Foundation, and that relates to the fact that there is unlikely to be a positive return on the money that is paid into Social Security by the employee and the employer. They estimate that anybody that retires after the year 2000 will have a return of between a negative one-half percent and a negative 1½ percent. Another way of saying the serious dilemma of Social Security is that if a worker retires after the year of 2015, then they are going to have to live 26 years after they retire in order to break even and just get back the money they and their employer put in.

Part of the problem is that when we started Social Security as a pay-as-you-go program where existing workers pay in their tax to pay for the benefits of existing retirees, the average age of death in this country in 1935 was 61 years old. That meant most people never lived long enough to collect anything from Social Security, but simply paid in their money.

Now the average age of death is 74 years old for a male and 76 years old for a female. But if Americans are, I will say, lucky enough to live to retirement age, age 65, then on the average they are going to live another 20 years. At the same time, we have more people living longer, we are seeing a larger population that are retired because of the decline in the birth rate after the baby boomers of World War II, and we have a smaller and smaller number of people working.

In 1942 we had 40 people working, paying in Social Security tax for each retiree. By 1950 it got down to 17 people. Today guess what it is. Today, Mr. Speaker, it is three people working, paying in their tax for each retiree, and what has happened is that we keep increasing the Social Security tax on that fewer number of workers.

Since 1971 we have increased the Social Security tax 36 times. More often than once a year, we have increased the rate or the base.

Mr. Speaker, in concluding, I suggest that we face up to the very serious problem that is facing us, both in Social Security, in Medicare, and that we not continue to put off the solutions but start talking about the best possible ways to do it, and we do it as quickly as possible.

URGING THE FEDERAL RESERVE TO LOWER INTEREST RATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

Mr. HINCHEY. Mr. Speaker, on Tuesday of next week, March 31, the Federal Open Market Committee of the Federal Reserve Board will meet. This is a critically important meeting, for out of this meeting the FOMC will recommend short-term interest rates for the foreseeable future.

There are urgings coming to the Federal Reserve now from monetarists that watch the Federal Reserve Board, and those urgings are that the Federal Reserve should increase interest rates. If they do so, that would be a very serious mistake. It would be a serious mistake if these times were ordinary or normal. But, in fact, they are not ordinary nor normal, for we are beginning to experience the profound negative economic consequences of the financial crisis that is sweeping across east Asia. I say we are "beginning" to feel those effects, and we will continue to feel them and the full brunt of those effects will not express themselves on our economy until some time later this year, perhaps within the next 6 months to a year.

The effect of the downturn result from this financial crisis in east Asia is going to be to suppress prices, and it is estimated that it will cost us substantially in terms of our own economic growth.

Our economic growth rate now, which is in excess of 3 percent, could fall by more than 2 percentage points. In other words, we could be experiencing economic growth of only 1 percent or, at worst, our economic growth could fall into the negative range.

We can begin now to buttress our economy from the negative effects of the financial crisis sweeping across east Asia if we act now. One of the ways, one of the most important ways that we can act is for the Federal Reserve now to lower interest rates. Interest rates at this particular moment are high by historical standards, high in real terms; in other words, high in terms of inflation. The inflationary rate currently in our economy is essentially zero. We are experiencing virtually no inflation whatsoever. Nevertheless, real interest rates are abnormally high in that particular context.

Mr. Speaker, people will remember that in 1994 and 1995, the Federal Reserve raised interest rates six times during that period. Back then, that was a mistake and it cost us in terms of our economic growth. We would have recovered from the recession more fully and more quickly if the Federal Reserve had not raised those interest rates. But they did so. And those raised interest rates now stand.

Mr. Speaker, we have interest rates today that are higher than they ought to be, and the Federal Reserve should lower them. They should lower them in any case, but particularly they should lower them in light of the fact that we are going to feel these profound consequences from the economic crisis sweeping across east Asia.

What are those profound consequences? They will be, as I have indicated, a substantial loss in the rate of our economic growth. They will have the effect of depressing prices for goods manufactured in the United States. They will increase our trade deficit.

Mr. Speaker, the trade deficit in goods alone is already increasing markedly, one might say dramatically. The trade deficit, for example in January in goods alone, was $18.8 billion. That is a record for a single month. We have never had a trade deficit for goods alone as high as $18.8 billion ever before. That is up by more than a billion dollars from $17.7 billion in December of last year. So we see already that the trade deficit in goods is going up and going up substantially.

As that trade deficit goes up, as the full effect of the overproduction in East Asia comes into our market, the price of our goods is going to drop. That is going to cost us jobs. It is estimated that the cost in jobs could be as much as 1 million. We could lose as many as 1 million jobs in our economy as a result of the financial crisis in east Asia if we fail to act.

One of the most important ways available to us to act to head off this substantial loss in economic growth, the substantial increase in the trade deficit, and the substantial loss in jobs is through our monetary policy. The Federal Open Market Committee has the ability to control monetary policy, and they can lower interest rates next Tuesday when they meet.

I am now circulating a letter to the Members of the House asking them to join me in this letter to the Chairman of the Federal Reserve Board, Alan Greenspan, asking him to exert his influence in the Federal Reserve and in the Federal Reserve Open Market Committee to lower interest rates. It is critical that we do so in order to head off the dire consequences of this economic crisis.

☐ 1830

H-1B PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. KLINK) is recognized for 5 minutes.

Mr. KLINK. Mr. Speaker, several years ago when we were debating on the floor of this House the North American Free Trade Agreement, we were being told by those who were proponents of that agreement that we would lose some low-skill, low-income jobs in this country, but that as we move from an industrial society more toward an information technology society, those people who lost those jobs would receive training, would receive opportunities in jobs that would pay more money in those information technologies.

Well, lo and behold, we have moved to information technologies and now the Information Technology Association of America said we are growing so fast we cannot fill these jobs. And so, under a very little-known program, little known by most legislators and few Americans, it is called the H-1B Program, they now want to import foreign workers into our country to take those jobs.

I simply ask, Mr. Speaker, what kind of jobs are we supposed to give those displaced Americans who have lost their jobs? What jobs are we supposed to give to those kids who are coming out of college, out of high school, out of career training right now if we are importing workers to take the jobs that are being created in this Nation?

Now, there is a flaw, of course, in this rationale. Even the GAO in a report that they released yesterday said that the Department of Commerce, in agreeing with the industry, and the industry in releasing their information, used flawed data. There is not, apparently, according to many of us, the severe shortage that cannot be filled by retraining Americans and by training Americans to take those jobs.

First of all, let me tell my colleagues, there is no universally accepted definition of what is an information technology worker. There also is no universal definition as to what training is required for those jobs. And, so, the industry in standing up and crying "wolf" and crying, like Chicken Little, that "the sky has fallen," that they have got these millions of jobs that they cannot fill, defined very broadly what is an information technology worker and very narrowly what kind of training would be required to fill those jobs. They seem to require right now that if you do not have a Bachelor's degree in computer science or information science you cannot fill those jobs.

Well, that is crazy. Because in 1993, only 25 percent of the workers across this Nation who were working in information technology actually had a BA in computer or in information science. Many of the other workers had degrees, but they had degrees in business, in social science, in math, engineering, psychology, economics, education. They were smart people. They had training and could be retrained to take these jobs in what is a burgeoning industry.

We project between 1996 and the year 2006 we will need 1.3 million workers in information technology; 1.1 million of those workers will be needed because of the growth alone. The wages for information technology workers are increasing, but they are increasing only because the market calls for an increase, and they are increasing no more than the wages for the general public.

Now the ITAA, this Information Technology Association of America that wants to use this little-known program now to import workers to this country to take these new jobs in a growth industry, sent out a sampling to 2,000 industries. Only 14 percent of those industries responded, and on that 14-percent response, they are basing their request to import workers into this country to take those jobs.

Mr. Speaker, it would take a 75-percent response to make a credible extrapolation on a nationwide basis, a nationwide generalization as to how many workers we need and where they have to come from.

Let me tell my colleagues about this program, the origination of the H-1B program. This was established in 1990 to alleviate an anticipated shortage of scientists and engineers, particularly at a Ph.D. level. But by the time this program was in place, the Berlin Wall had fallen, there was an economic downturn, we had gone into a recession, downsizing was rampant in defense and other industries, and we really never needed the program. The people that were proponents of this program were primarily the National Science Foundation and some industry groups.

But the information technology companies have gotten smart. They said, here is a program, we can import workers; and in fact they become indentured servants. We own them. If they complain about the work hours, if they complain about the salary, if they complain about the benefits, we will send them back to the country they came from. And what has happened is, we have seen tremendous numbers of layoffs of American workers while these foreign workers have been brought into this country. This needs to be looked at.

And I would ask, Mr. Speaker, that other Members of this House would look at this program and we can stand up for American workers and get training and retraining for our workers for these jobs.

INFORMATION TECHNOLOGY PARTNERSHIP ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) is recognized for 5 minutes.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I think my colleague has pointed out a problem, and I think there is at least one other.

There are 346,000 unfilled information technology jobs nationwide. And one of the problems is that the results of the Third International Mathematics and Science Study, called the TIMSS, shows that American high school seniors rank near the bottom in math and science education when compared to their international counterparts.

I am attempting to find a solution, so I have introduced House Resolution 3496 that was heard in committee today, the Information Technology Partnership Act, which creates an additional grant program through the National Science Foundation and the Urban Systemic Initiative Program. The Urban Systemic Initiative Program focuses primarily on math and science by using mentor teachers to help educators introduce an innovative and engaging math and science curriculum to K through 12 students in the inner city.

The IT Partnership, that is, the information technology partnership grant is aimed at improving scientific and mathematical literacy of all students in urban communities while fostering a student's career in the information technology field. This partnership consists of local education agencies and local businesses investing in the educational development of the youth in their districts. Specialized curricula and scholarships would assist students in filling future information technology jobs.

My district is driven by technology; and so we see firsthand not having enough people trained in this country. And, yes, people are being brought in and information is being developed outside this country, but not because of trade and not because of avoiding any other type of barrier. It is simply because we do not have them available right now.

So specifically, the IT Partnership Grant focuses on math and science curricula for students in grades 10 through 12 and offers internships and scholarship opportunity for students majoring in fields relating to information technology. Under this program, eligibility for the IT Partnership Grant is limited to the cities with the largest number of school age children, ages 5 to 17, living in economic poverty as determined by the 1990 census.

The following cities are eligible for this grant: Atlanta; Baltimore; Bayamo; Boston; Chicago; Cincinnati; Cleveland; Columbus, Ohio; Dallas, Texas; Detroit; El Paso; Fresno; Houston; Indianapolis; Jacksonville; Los Angeles; Memphis; Miami; Milwaukee; New Orleans; New York City; Phoenix; Philadelphia; Ponce; San Antonio; San Diego; San Juan; and St. Louis.

The grant awards five local education agencies $300,000 to develop math, science, and technology curricula for grades 10 through 12 and to train teachers in technology. That is a problem we have throughout this Nation.

In order for the local education agencies to win this grant, they must enter into a partnership with businesses in their community. These businesses would commit to provide to the local education agencies a minimum of at least internships, scholarships, and mentoring programs and computer products. Local businesses would promise the local education agencies scholarship money, which would be awarded to high school seniors. You see, because these businesses have a stake, their future depends on having qualified people to do the job, and seniors who would be majoring in these fields associated with information technology, that is, math, computer science, and engineering at 2- and 4-year colleges. The partnership between the local education agencies and local business sponsors would determine the amount and the number of scholarships given.

It is important to note that the local education agencies will have direct responsibility for overseeing the program, and the National Science Foundation's role is limited to determining which 5 cities meet the criteria for eligibility. We would like to award them all, but are trying to think about staying in the budget even though we are not doing what we should for education if we are going to have a cutting-edge Nation in the future.

The National Science Foundation director will award the IT Partnership Grants to 5 cities with the best package of business sponsorship and curricular development. In addition, priority will be given to those local education agencies that grant scholarships to students who are first generation college students.

I hope, Mr. Speaker, that we can get up support for this legislation. Because there are companies, and I have many in my district, that are screaming out for these people to be qualified so they can give them jobs.

JIMMY HERMAN—WARRIOR FOR JUSTICE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. PELOSI) is recognized for 5 minutes.

Ms. PELOSI. Mr. Speaker, sadly I rise to call to the attention of my colleagues the passing of a good friend of working people in America, Jimmy Herman.

Jimmy Herman is one of the most respected and beloved labor leaders in San Francisco history, and he died on Friday. He was the president emeritus of the International Longshoremen's and Warehousemen's Union.

Jimmy was known for his enormous compassion, commitment to workers' rights and social justice. His life was truly about justice. He was also an extraordinary orator who inspired thousands to take up the cause of workers' rights, justice for farm workers, peace in Vietnam, to name a few. His death marks the end of an historic era in the labor history of the San Francisco Bay area and our Nation.

Jimmy devoted his life to building a strong, democratic and multiracial trade union. Since the big strike of 1934, the ILWU has provided democratic and strong representation that gives voice, and that is "democratic" with a small "d", Mr. Speaker, to the aspirations of working people up and down the West Coast.

The ILWU broke down barriers denied members of minority groups by providing access to a decent standard of living. It also provided a powerful means for working men and women to make a contribution to the political and social fabrics of their communities.

Under the leadership of Harry Bridges, followed by Jim Herman, the ILWU faced head-on the great political challenges of our Nation, refusing in the 1930s to load scrap metal on ships bound for Japan or to unload cargo in ships bearing the Nazi swastika.

Jim Herman led his union in its efforts to oppose the apartheid regime in South Africa, leading his members in refusing to unload cargo sent from South Africa. Jim Herman had a social conscience that did not allow for rest or moral fatigue. His moral leadership played an important role in bringing about a negotiated end to the war in El Salvador.

In November 1989, Neighbor to Neighbor, a national grass-roots human rights organization based in San Francisco, launched a boycott of Salvadoran coffee to apply economic pressure on the Salvadoran Government and the coffee growers, many of whom had founded and funded the notorious death squads. The boycott was triggered by the murder of 6 Jesuit priests and the bombing of a Salvadoran trade union federation.

My chief of staff in San Francisco, Fred Ross, was the head of Neighbor to Neighbor at that time. So I was well aware of Jimmy's leadership and involvement. Under Jimmy's leadership, the ILWU strongly endorsed the coffee boycott. The members honored picket lines on the docks of San Francisco, Vancouver, B.C., Seattle, and gave the *Ciudad de Buenaventura* ship loaded with 43 tons of Salvadoran coffee a final rejection in Long Beach, forcing it to sail back to El Salvador with its coffee in its hold.

□ 1845

The ILWU effectively sealed off the West Coast from shipments of Salvadoran coffee over the next 2 years.

Another cause that Jim Herman championed was that of the farm workers led by Cesar Chavez. He was one of the first labor leaders to go to Delano to join the farm workers on the picket line. Later in his life he was a mentor to people at Delancey Street Foundation in San Francisco.

I will submit for the RECORD some of the particulars of his background which is an extraordinary one.

On this Earth, God's work for the poor, the disenfranchised for peace and social justice was done with love and compassion by Jim Herman throughout his lifetime. He was truly a warrior for justice.

My heartfelt sympathies go out to his two brothers, Rodman Herman and Milton Herman. On a very personal note, I along with the gentlewoman from California (Ms. ESHOO), the gentleman from California (Mr. MILLER) and many other members of the California delegation have lost a friend, a person who loved life, loved politics and all of the art of the impossibilities. Jim Herman's passion for life was matched only by his rage for justice.

He is now our shining star, the one with the twinkle of merriment for all to see as night draws near, the twinkle that we will miss in his eye forever. We will miss you, our dear Jimmy, our sweet friend.

Born in Newark, NJ on August 21, 1924, son of a school janitor, Jim Herman went to sea in the early months of World War II. Sailing was a tough, lonely business, ". . . But it provided the opportunity to read everything in reach, and to talk with people who had seen it all," Jimmy once remarked.

As a 16-year-old in 1942 he served on a freighter backing up the invasion of North Africa. After the war he was a steward on the *Lurline* during its majestic cruises between San Francisco and Honolulu. In 1949 he led a walkout that forced the *Lurline* empty and silent for 6 months in solidarity with an ILWU strike in the massive sugar cane fields of Hawaii.

In 1953, he joined Warehouse Local 6 in San Francisco. In 1956 he moved to Ship Clerk's Local 34, where he was elected vice president in 1960 and president 1 year later. He was re-elected every 2 years thereafter, until his election to the presidency of the ILWU in 1977.

His leadership was characterized by the continuation of the rank and file style of the leadership which had characterized the ILWU during Bridges' years. Under Jim Herman's leadership, through five sets of negotiations, the daily wage of longshoremen more than doubled, and the maximum monthly pension benefit tripled.

In 1988, he steered the ILWU toward affiliation with the AFL–CIO, ending a long chapter of exclusion which had benefited neither the ILWU nor the Nation's labor movement. Throughout his presidency he was the ILWU's ambassador, building and strengthening the union's relationships with maritime and other unions, and within the larger community. Most of all, he kept the ILWU—with its broad and complex jurisdiction in the maritime industry, tourism, warehouse and distribution, manufacturing and processsing—strong and viable in extraordinarily difficult times.

The labor movement was his family. "The labor movement offered me a chance to be part of history, not just a passive observer," he has said. "I'll never be able to repay that debt." It's not for lack of effort. Take Jim Herman's mentorship with the young men and women putting their lives back together at Delancey Street. "He makes me cry," says Mimi Silbert, president of the drug and alcohol rehabilitation program. "Two of three times a week he drops by to have coffee with the residents, talking, getting them interested in the world outside themselves, strengthening their faith in themselves."

CONGRESSIONAL TRIP TO KOSOVO

The SPEAKER pro tempore (Mr. BOB SCHAFFER of Colorado). Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, just yesterday I returned from the Balkans along with the gentleman from Virginia (Mr. MORAN) and the gentlewoman from New York (Mrs. KELLY). We had hoped to go into a region called Kosovo to monitor elections that were being held this past Sunday by the Albanians in the region of Kosovo who make up 90 percent, 2 million people, 90 percent of Kosovo, but have no political, economic or human rights whatsoever.

I have been to Kosovo a number of times, and I can tell my colleagues the people, they are truly a people under oppression. We have witnessed during the past few weeks, Mr. Speaker, the wanton killings of men, women and children by the Serbian police forces going into villages and slaughtering people. It reminds us of what happened in Bosnia early on. If the West, particularly the United States, does not take strong action early on, we will wind up with another Bosnia in Kosovo.

Kosovo again are people, Albanians, 90 percent ethnic Albanians, they have no rights, they have no political rights, they have no economic rights, unemployment is high, they cannot teach in the Albanian language. They are constantly oppressed, harassed, beaten and murdered. This Sunday they conducted their own elections. The Albanian leadership conducted their elections. Dr. Ibrahim Rugova was reelected as the president. They elected a parliament. This parliament and Dr. Rugova had been elected 6 years ago but the parliament had never been allowed to meet under threat of jail or exile.

We had hoped to go there, but we were stopped at the border. First, we were denied visas here in Washington and then we were denied visas when we flew to Macedonia; in Skopje we could not get visas. We went to the border and we were stopped by the Serbian guards, who told us we could not get in.

It is unprecedented that three Members of this Congress would be barred from visiting another country. This is the first time that I have been barred and the first time I have heard of Members of Congress being barred. But again it shows the arrogance of the leadership of the Serbian government, particularly President Milosevic, who has done the kind of atrocities in Europe that makes one remember the Nazi era, with the ethnic cleansing and the genocide being perpetrated first on the Bosnian Muslims, now on the Albanians, a constant pattern of harassment and killings and intimidation of the Albanians.

The people of Kosovo I believe have the right to self-determination, the same self-determination we would want for ourselves or for all free peoples around the world. They have the absolute right to determine their destiny. They have the absolute right to determine their political future if they want to be an independent republic.

I personally, this Congressman support them, and if they want to do whatever they want to do as a free people, they have the right to do so. The United States must very strongly stand with them. This House last week passed a resolution sponsored by the gentleman from New York (Mr. GILMAN) and myself and lots of other people calling on the Serbs to end their oppression, condemning the Serbian oppression against the Albanian majority in Kosovo. The contact group is meeting tomorrow. Under the able leadership of Ambassador Gelbard and Secretary of State Albright they will be pushing for further sanctions on the Serbian regime. They have to understand that the people of Kosovo need to be free, the people of Kosovo will not tolerate and the people of the world will not tolerate the wanton slaughter of innocent men, women and children.

They went into villages and just killed people. This is unheard of. We will not stand by and allow genocide and ethnic cleansing to continue. The gentlewoman from New York (Mrs. KELLY), the gentleman from Virginia (Mr. MORAN) and myself all took very strong stands. It was outrageous that we were not allowed to go into the border. We can only say that the Serbian leader must be hiding something because he does not want us to know the truth.

To add insult to injury, while we were not allowed to go to the border, Mr. Milosevic's forces jailed six Americans on trumped-up phony charges, jailed them and put them in prison. Thankfully, those prisoners were finally released yesterday after our State Department intervened, after the three of us made very strong statements urging their release, and they are here in Washington and we are going to meet them in a little while to have dinner with them, and tomorrow morning we are calling a press conference to let the world know what we saw and the brutality that Milosevic is putting onto the Albanian people. We are going to have these Americans who were imprisoned against their will join us at the press conference.

I would like to now yield to either one of my colleagues if they would like to comment. We are going to spend the next 15 minutes talking and comparing notes and letting the American people know precisely what is happening.

CONGRESSIONAL TRIP TO KOSOVO

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. KELLY) is recognized for 5 minutes.

Mrs. KELLY. Mr. Speaker, I too just returned from the Republic of Macedonia, where I participated in this 14-member bipartisan congressional mission to Kosovo, invited to observe presidential and parliamentary elections in the Republic of Kosovo. We also sought to learn the facts surrounding the brutal repression currently taking place in Kosovo by the Serbs. Our mission was simply to observe and bear witness to the happenings in this troubled part of the world.

Unfortunately, the Serbian leader, Slobodan Milosevic, denied our entry into Kosovo. Let us be clear. We worked very diligently in advance of this trip to ensure that we would receive our visas to enter Kosovo. We contacted the Yugoslav embassy in Washington well in advance of our trip. We submitted our visa applications and generally provided whatever information was needed to support this important trip.

We waited several days for a response to our request and called the embassy on a daily basis to inquire into the status of our request. The answer always came back the same, "We are considering it. We'll get back to you." With still no answer, our delegation made the decision to proceed with the hope that we would be granted visas. Unfortunately, we arrived in Macedonia, which borders Kosovo, to the disappointing news that our request had been denied.

Why? Supposedly the reason given was the inadequacies of the information we provided in our visa applications to the Yugoslav government. Perhaps the true reason was that President Milosevic did not want us to see firsthand the brutal campaign of repression he has waged against the ethnic Albanian population of Kosovo.

Despite this denial, Mr. Speaker, we decided to make one last effort to cross the border. We assembled the delegation and made our way to the nearest border post separating Kosovo and Macedonia. The location was a remote one. It was extremely cold as we made our way on foot from the Macedonian checkpoint to the border of Kosovo. Unfortunately, the heavily armed border guards had no intention of allowing us to proceed.

A CNN camera crew which was already across the border in Kosovo was prevented from coming down to the border checkpoint to talk with us. We finally gave up, Mr. Speaker, and returned to the capital of Macedonia, where we established an election monitoring effort there. The election did take place despite repression and violence by Serb police and paramilitary units, and the people of Kosovo elected Ibrahim Rugova to another term as President.

Sadly, the Serbs consider this election an illegal one and continue to deny the people of Kosovo basic human rights, such as the right to choose their own elected leaders. Mr. Speaker, the people of Kosovo want nothing more than to simply live and work in peace, yet the Serbs time and again resort to violence and repression in an effort to maintain control over the former Yugoslav republics.

I want my colleagues in this institution as well as the American people to know of our experiences in simply seeking to observe an election and investigate human rights abuses. I want them to know of the violence that is taking place right now against the people of Kosovo.

I heard today that another half a dozen villages have been surrounded and there is heavy artillery up there around these new villages that have been surrounded. Many are dead, tens of thousands are homeless, and scores of towns are currently under siege by Serbian military units. Innocent civilians are without food and heat. It was recently reported that six ethnic Albanians died from starvation and cold.

I want the world to know of what is going on in Kosovo because we must not allow Kosovo to become another Bosnia. Yet that is exactly what could happen. Until now, the resistance in Kosovo has largely been peaceful and nonviolent. I hope and pray that it remains that way. My greatest fear is that the Serbian brutality and repression results in more armed resistance in Kosovo which will lead to only greater violence and bloodshed.

We must not allow this to happen, Mr. Speaker. The world community can prevent this if it has the will to do so.

CONGRESSIONAL TRIP TO KOSOVO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Virginia. Mr. Speaker, I joined the gentlewoman from New York (Mrs. KELLY) and the gentleman from New York (Mr. ENGEL) over the weekend. Our intent was to go to Kosovo because we were aware of the brutal violence that the Milosevic regime had imposed upon the Kosovo people. They went into villages and wiped out the village. The Interior Minister of Kosovo, who was acting under the orders of Mr. Milosevic, said that if there are even two terrorists opposed to our regime, we consider the entire village opposed and are justified in eliminating it.

They killed 87 people, innocent men, women, children. They lined them up. Many of them they only killed after torturing them. These people were not a threat. Virtually all of them were unarmed. They wiped them out because they were afraid that they might at some point pose a threat to their regime. Why would it be a threat? Kosovo is a country of 2.2 million people. About 2 million of them are Albanian Muslims. A little less than 10 percent of the population is Serbian. Many of those Serbs have been sent there by Mr. Milosevic, who is the head of the Serbian government, that now calls itself the Federal Republic of Yugoslavia, sent to populate Kosovo. Most of the Serbs there did not want to be there. Some of them had been driven out by Croatians, out of the Krajina region in Croatia, but the reality is that the vast majority of the Kosovo people want to have their own representation. They had a vote in 1991, overwhelmingly elected Mr. Ibrahim Rugova as the President. That presidency was not allowed to take effect, that government was not allowed to take effect. Mr. Milosevic took over control of the country. The way he maintains control over 90 percent of the population is through the most brutal repression, the same kind of brutality we saw in Bosnia.

□ 1900

I can tell you one instance when I visited Kosovo earlier, there was a school that was fit for about a thousand students. Half of the school was reserved for a handful of Serbian children, the other half, a thousand Albanian Muslim children were consigned to. The government bricked over the bathrooms. One of the parents who had two daughters there complained about the conditions. That man had his body mutilated, was slit from head to toe and dumped on the doorstep of the family. That is the kind of brutality that enables a very small portion of the population, through a reign of terror, to control 90 percent of the population.

That is why we went there, in defense of human rights, of democracy and, in fact, of free enterprise because the Serbian regime out of Belgrade seized control of the private businesses. The majority of the population are not allowed to own their businesses. They seize the assets of the banks, they deprive people of the means of livelihood. You have an 85 percent unemployment rate in Kosovo. What you have is a landmine that is going to explode.

President Rugova believes in nonviolence. The six Americans who were imprisoned believe in nonviolence. In fact they were there to preach nonviolent conflict resolution, and yet they were arrested by the police under a phony charge that has never been used before, that they had not registered their exact location with the police. They had moved from one home to another, apparently, and so they had their heads shaved, they were sentenced to 10 days.

This is an untenable situation. It cannot continue in the way it is. We are going to have a press conference tomorrow. We will have a rally tomorrow. I hope that free peoples around the world will join in unison against these repressive tactics, restore independence to Kosovo.

THE MISUSE OF EXECUTIVE PRIVILEGE

The SPEAKER pro tempore (BOB SCHAFFER of Colorado). Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, last week the President reportedly asserted executive privilege over conversations the President had with his longtime aid Bruce Lindsey as well as conversation the First Lady had with White House aide Sidney Blumenthal. This is the first time since President Richard Nixon, during Watergate, that a President has asserted executive privilege in a criminal proceeding. This stunning misuse of executive privilege is one of the White House's many delay tactics designed to drag out investigations.

As the New York Times editorialized this morning, Mr. Clinton's attempt to block grand jury testimony by two important White House aides, Bruce Lindsey and Sidney Blumenthal, is an alarming attempt to extend presidential power. Even former Clinton advisor George Stephanopoulos recognizes the absurdity of this claim of executive privilege when on This Week with David Brinkley he said, "They cannot win this fight on executive privilege. It has been tried before in the Whitewater case and eventually they turned over the documents." That was a quote from This Week on March 22, 1998.

The President initially raised executive privilege with the Committee on Government Reform and Oversight, my committee, in a deposition of Bruce Lindsey last fall. The President's White House counsel directed Bruce Lindsey not to answer questions regarding conversations Lindsey had with the President about campaign contributor James Riady.

When we challenged the White House on these claims, the President's counsel informed the committee last week that the President would not assert these claims over Mr. Lindsey's conversations. It is important to note that the committee could have held Mr. Lindsey in contempt for refusal to answer the questions if the committee determined that there was no basis for a valid claim of privilege.

The President's former White House counsel, Lloyd Cutler, wrote in a 1994 executive privilege memo, quote, "In circumstances involving communications relating to investigations of personal wrongdoing by government officials, it is our practice," the White House's practice, "it is our practice not to assert executive privilege either in judicial proceedings or in congressional investigations and hearings." End quote.

The President is not following his own order on executive privilege when it comes to the grand jury. Since these proceedings are all behind closed doors, the White House raises frivolous arguments to delay the proceedings. In the light of day with Congress the White House has backed down.

Executive privilege is supposed to be used only rarely when national security would be significantly impaired, conduct of foreign relations would be impacted, or the performance of the President's constitutional duties would be impacted.

This is not Bosnia, this is not the Middle East. These are scandals about possible personal wrongdoing by government and political officials. It has been White House policy since the Kennedy administration not to invoke executive privilege when allegations of wrongdoing are at issue. In contrast to Mr. Clinton, President Reagan declined to claim executive privilege over any matters in Iran-Contra where sensitive foreign policy decisions and negotiations were at issue. Executive privilege is not supposed to be used as a shield against responding to criminal proceedings. This is a clear misuse of the executive privilege.

As George Washington University Professor Jonathan Turley recently stated, quote, "It is ironic to see the extent to which the Clinton administration has adopted executive privilege arguments far beyond those made by the Nixon administration." End quote.

Mr. Speaker, this administration and the President has no basis to claim executive privilege on matters before the grand jury that Mr. Starr is conducting, and, Mr. Speaker, I believe they are only doing this to extend the investigation, to drag it out, so that it eventually wears out the American people and they are able to hide behind that.

So, Mr. Speaker, I think this is something that should be stopped. I think the President should not claim executive privilege, he should get on with the investigation, he should make a clean breast of all this before the American people so that the American people know the facts.

THE PRESIDENT'S HISTORIC VISIT TO AFRICA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think it is important, as we watch the historic visit of the President to the Continent of Africa, to be able to put into perspective this very important trip for it highlights many issues. For many, it was thought that this was a trip to talk about trade and economic development and opportunities of partnership on the issues of trade and economic development between the United States and sub-Saharan Africa, but we are finding that there is much more that can occur and that will occur, and I think it is vital for the countries that the President is visiting to be singled out for their individual merits and as well to acknowledge the problems and the future efforts that will be needed to enhance Africa's international position and as well its friendship and partnership with the United States of America.

I would like to personally acknowledge my appreciation for my own hometown newspaper, the Houston Chronicle, which has taken a great interest not only in the President's visit but the whole new opportunities that may be available, not only for this Nation but for Texas and Houston. They had a very large article on the issue of trade in the African Growth and Opportunity Act, explaining its viability and possibilities for large corporations but particularly small- and medium-sized businesses. They offered an editorialized their support for the African Growth and Opportunity Act and, as well, as I said earlier, they have a reporter from the Chronicle traveling with the President. Likewise, one of my local television stations, ABC Capital Channel 13, is as well viewing this as an important effort.

But what do we expect to see? Many of the news footage yesterday showed the President warmly received by the President of Ghana who has been reelected democratically and has shown an economic recovery in that country that competes well internationally. We saw a crowd that was, in its excitement, pushing toward the President, and I hope that we understood that his reaction was to protect those who were being crushed in the front and no other reaction other than to recognize how well he was being received.

But do we realize the leaps of faith and success that Botswana has experienced, another country that he will visit, having had democracy for 31 years? As long as it has been an independent country, it has been democratic. It has had few Presidents. The economics of the country is amazing. Housing is there, but yet it has a severe and serious HIV problem, and when I visited in December they offered to say that there were individuals who have seen six members of their family buried due to HIV. Uganda, who has implemented an economic program to increase the employment of the underemployed and unemployed, and yet has some problems which we will work on and need to expose as relates to the rebels' action in parts of that country in doing heinous acts; but the President stands against that, and we must emphasize human rights along with his visit to Rwanda.

As I listened to my colleagues talk about the Balkans, human rights violations and tragic genocide and ethnic cleansing are going on in Africa, and those of us who believe in human rights must stand up against it. It is important for the President to be in Rwanda to talk about these extreme abuses and the tragedies against families and children. It is all right for us to see that, but we must see that in the context of the whole Africa.

And that is why it is so very important as we visit this continent that the President also visits and interacts in South Africa and visits with Nelson Mandela, the father of Africa, who through his peaceful existence for 27 years of incarceration helped bring about the end of apartheid, and now South Africa has its position as one who can lead Africa in the course of economic development and human rights.

Then the President's visit to Senegal is extremely important as he realizes the tragedy of slavery. I hope that this will generate a healing process, and I hope that many who will view this will acknowledge the importance of this trip, Mr. Speaker, and that we will work together to heal any racial divide and, as well, bring us together around issues like an apology to African-Americans because we have seen the connection and the viability and the positive relationship.

CONGRATULATIONS TO INDIA'S NEW PRIME MINISTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise today to express my congratulations to the newly-elected leader of the world's largest democracy. Mr. Atal Behari Vajpayee was sworn in last week as the Prime Minister of India. India's Parliament will hold a confidence vote later this week on Prime Minister Vajpayee's new government. Pending the outcome of the confidence vote, the Prime Minister is poised to lead the world's second most populous nation into the 21st century.

Mr. Speaker, the new Prime Minister is a veteran political leader in India who was once introduced by Prime Minister Nehru, India's first Prime Minister, as the future Prime Minister of India. He is a member of the party commonly referred to as the BJP, which has been described as a nationalist party. While some media accounts have portrayed the party in a negative light, Prime Minister Vajpayee has shown every indication of his intent to follow a moderate course. He has already reached out to India's neighbors, Pakistan and Sri Lanka, expressing the desire to build on recent efforts to foster friendlier relations among the nations of south Asia. In fact, the Prime Minister also intends to oversee the foreign affairs portfolio. During the 1970s Mr. Vajpayee served as Foreign Minister in a coalition government and won widespread praise for helping to reduce Indo-Pakistani tensions.

☐ 1915

He has also indicated that he intends to stay the course on the free-market reforms that have transformed India into one of the world's most dynamic emerging markets.

Mr. Speaker, Prime Minister Vajpayee has also spoken of his commitment to maintain the secular principles of India's constitution.

I had the opportunity to meet the new Prime Minister last year in New Delhi, then in his capacity as leader of the opposition in the Parliament. I also met with members of his shadow cabinet, many of whom will now assume the leadership of the various ministries.

I found Mr. Vajpayee and his colleagues to be sincerely dedicated to building a better future for India's nearly 1 billion people, continuing the free-market reforms while better developing the nation's infrastructure.

Given the negative characterizations of the BJP as a chauvinistic or fundamentalist party, I was impressed by the party's grassroots strategy of building alliances with regional parties representing India's many ethnic and religious groups.

Perhaps most important, as a visiting Representative of the U.S. Congress, and by extension of the American people, I was very happy to hear of Prime Minister Vajpayee's strong desire to work for close ties between India and the United States.

True, there have been some voices in India expressing concern about protecting India's culture from too much American or Western influence, but the leaders of India's new government have made it very clear, in my meeting with them and in the countless other forums, that they welcome U.S. trade and investment.

In fact, BJP leaders often point out that their party was at the forefront of calls to introduce free-market reforms in the Indian economy. This increased trade and investment translates into additional revenues for American companies and good jobs, I believe, for American workers.

It also means the prospect of better opportunities for the people of India, a growing market for American goods and services, and a long-term stability in a strategically vital region in the world. All in all, it is a win/win situation.

Mr. Speaker, obviously the United States and India are not going to agree on every issue. There will undoubtedly be occasional diplomatic tiffs between our administration and the new BJP government. But the underlying relationship between the United States and India is based on shared values of democracy and a commitment to economic development.

The people of India have spoken through elections in which more than 300 million people participated. While no single party gained a majority in the Parliament, the BJP won a plurality and has been given this historic opportunity to form a government. As a legitimately elected head of government, Prime Minister Vajpayee deserves our respect.

Expressions of congratulations have poured in from around the world. President Clinton called the Prime Minister, and the two leaders had a 10-minute conversation that focused on continuing on the path of strong bilateral ties. I hope that those who have viewed the BJP in a critical or suspicious way in the past will join me in congratulating the Prime Minister and wishing him and his government well.

I also wanted to point out that India's Parliament has elected as its Speaker G.M.C. Balayogi, a member of the TDP party. His election shows the BJP's willingness to form coalitions with other parties and to provide key positions of leadership for members of other parties.

Mr. Speaker, many of our Members of the House, both on the Democratic and Republican side, are members of our Congressional Caucus on India. And we look forward to the new government's relations and improved relations between the United States and India, because we do believe it is very important to continue the strong ties and the closer relationships that have grown in the last few years between our two countries.

ECONOMIC EQUITY FOR WOMEN

The SPEAKER pro tempore (Mr. BOB SCHAFFER of Colorado). Under the Speaker's announced policy of January 7, 1997, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 60 minutes as the designee of the minority leader.

Ms. NORTON. Mr. Speaker, I rise to lead a special order on economic equity for women. I expect to be joined by other women Members of Congress, perhaps by some men as well. They would be welcome. I have already been joined by the energetic and able gentlewoman from New York (Mrs. MALONEY), to whom I will yield in a few moments.

I come to the floor this evening during this special Women's History Month, Mr. Speaker. During this month, women Members, and we are proudly 50 Members strong in this House, of course, when you consider that there are 440 Members, we are the first to concede that we are proud, but not pleased, but we are proud to honor Women's History Month by participating in a number of floor speeches simply to keep before this body what I know most Members would not want to forget, and that is that women's issues increasingly dominate much of what concerns America, often as family issues.

This evening I want to devote my own time to discussion of specific aspects of economic equity, but I remind the body that this general subject covers a multitude of problems, among them old-fashioned discrimination against women in everything from sports to jobs, women's new rise in small business, women's special place as now primary in their dependence for their economic survival and benefit on a whole set of gender neutral economic programs, among them Social Security.

We say watch when you change Social Security, particularly when you talk about privatization, that you do not forget who lives the longest and who is most dependent on Social Security, and consider whether or not they will quickly and freely enter the market, particularly since it is low wage workers, among whom women are the predominant group who are most dependent on Social Security.

The earned income tax credit where many women, this very month, simply would have thousands of dollars in reduction in pay were it not for the earned income tax credit, which goes in this country predominantly to women who are, again, the low paid workers of America, minimum wage.

We got a minimum wage through, I think in no small part because this body understood it was talking about women, women vote, and women understood that that vote was a women's vote because two-thirds of those who qualify for the minimum wage, in a very real sense, to our shame, are women and women with children at that.

Mr. Speaker, I yield to the gentlewoman from New York (Mrs. MALONEY) and thank her for coming to the floor to speak on an aspect of this subject.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I rise today to join my colleagues from the Women's Caucus as we work to bring greater attention to the issue of economic equity for women.

I thank my colleague, the gentlewoman from the District of Columbia (Ms. NORTON) for her valuable leadership, both of the Women's Caucus and on this critical issue.

I do want to note that, in her notice for this special order on economic equity for women, she cites a quote from the United States Bureau of the Census. And I would like to read this quote into the RECORD. It says, "The median earnings of women with a strong commitment to workforce were $23,710 while those of men were a substantially greater $32,144."

I would like to bring notice to this, not only for the important data that is below that points out the discrepancy between the earnings between men and women, but as an example of how we use census data over and over again in our everyday lives to know where we are as a Nation, where we are going as a Nation. Without good data, we are just another opinion.

This is one example of how the census data helps us track the progress or lack thereof of women in the workforce and that we, likewise, need to work for a fair and accurate census that is coming up.

Mr. Speaker, the Women's History Month is traditionally a time to highlight women's achievements and an opportunity to increase public awareness of the unique contributions women have made throughout history.

It is true that American women have made great strides. Women break through more personal and professional barriers every day, and we all should take pride in these many accomplishments. But we cannot afford to rest on these laurels, because the facts also show that there is a great deal of work that needs to be done.

The sad reality is, almost 35 years after the Equal Pay Act was passed there is still a huge wage gap. In fact, women earned equal pay in only 2 out of 90 jobs tracked by the Bureau of Labor Statistics in 1995.

While the wage gap has narrowed by 15 percent since 1981, white women still make just 74 cents on the dollar to a male dollar. The situation is worse for the women of color. The wage gap for African-American women is 64 cents to the male dollar. For Hispanic women, it is 53 cents. This fact should make us all angry. We should all be indignant when women are not paid the same as men for the same exact same job, comparable work.

Pay inequity is yet another example of the lingering sexism and racism that is still in our society. Most of the wage gap cannot be explained away by differences in education, experience, or other legitimate qualifications. Even among recent college graduates, women earned 15.7 percent less than male graduates. While there has been some real progress, there is still a cultural bias against, in some cases, women workers.

There are still antiquated perceptions that women possibly do not need as much money as men, but they do. Women support their families. Their income is very much an important part of a two-wage family income. Yet, great women are supporting their families alone. As many as one in five American families are headed by women. Many two-parent families could not make it without both incomes.

Clearly, economic equality is a fundamental issue for women. It goes straight to the heart of how we care for our families and the roles we play in our communities and the security of our retirement years, which my colleague is focusing on and mentioned earlier.

Women continue to battle the glass ceiling, and virtually every profession is now open to us. But women have not yet broken the wage barrier. The notion of equal pay for equal work is so basic to the values of this country It we genuinely want an equal society, we need to show women we value their work.

This country can do better. We must do better. And we are working to achieve it.

Mr. Speaker, I include for the RECORD "101 Facts On The Status of Working Women", which is important information that we need to look at during this Women's History Month:

101 FACTS ON THE STATUS OF WORKING WOMEN

WOMEN AND THE LABOR FORCE

1. In January 1997, there were 105 million women age 16 and over in the U.S. Of that total, 62.7 million (59.7%) were in the civilian labor force (persons working or looking for work).

2. The U.S. Department of Labor is projecting that between 1994 and 2005, women's labor force participation will increase from 46 to 48%—nearly double the growth rate for men.

3. In 1995, 3.6 million women held more than one job.

4. In 1995, 60% of all employed women worked in traditionally female dominated occupations.

5. Two out of every three temporary workers are women.

6. Women comprised 44% of the total number employed in executive, administrative and managerial positions in 1996, up from 39% in 1988.

7. In 1996, 42% of women in executive, administrative and managerial positions were employed in the service industry, compared to 31% of men. Women are also much less likely than men to be employed in manufacturing, construction, transportation and public utilities.

8. Of the 1,960,000 engineers in the U.S. in 1996, only 167,000 (9%) were women, up from 2% in 1976.

PAY EQUITY

9. Since 1981, the wage gap has narrowed from 59% to 71% in 1996—a decline of less than a penny per year.

10. The wage gap for African American women is 64 cents to a white man's dollar; for Hispanic women it is 53 cents.

11. The average woman loses approximately $420,000 over a lifetime due to unequal pay practices.

12. The total amount of wages lost due to pay inequity was over $130 billion in 1995.

13. About 60% of the improvement in the wage gap during the last 15 years can be attributed to the decline in men's real earnings.

14. According to a recent report, between one-third and one-half of the wage difference between men and women cannot be explained by differences in experience, education, or other legitimate qualifications.

15. Demonstrating that there is still not equal pay for equal work, in 1995 female sales workers earned 43.1%, female managers 32%, female college professors 22%, administrative support 22%, health technologists and technicians 18%, female elementary school teachers 12%, and female nurses 3.1% less than their male colleagues.

16. At all educational levels, women suffer from a wage gap compared to male workers. College educated women earn $14,217 a year less than college educated white men, and only $794 more than white men who have never taken a college course.

17. College educated African American and Hispanic women annually earn $17,549 and $14,779 less, respectively, than their white male colleagues, and college educated African American women earn $2,558 less than white male high school graduates.

18. Even among recent college graduates, women earn 15.7% less than men.

19. While women constituted 46% of the work force in 1995, over 63% of all workers earning the minimum wage or below were women.

20. The median weekly earnings for all men in 1996 was $557, compared to $418 for all women, $362 for African American women, and $316 for Hispanic women.

21. Women in unions in 1995 earned weekly wages that were 35% higher than women who were not union members.

22. Poverty rates are higher at every age for women who live alone or with non-relatives than for their male counterparts.

WOMEN-OWNED BUSINESSES

23. According to the National Foundation for Women Business Owners, there are nearly eight million women-owned businesses in the U.S., employing over 18.5 million people and generating close to $2.3 trillion in sales.

24. In 1996, women-owned firms accounted for over one-third (36%) of all firms in the country, and provided employment for one out of every four (26%) U.S. workers.

25. The growth of women-owned businesses is outpacing overall business growth by nearly two to one, with an average of 1,400 starting each day.

26. Between 1987 and 1996, the number of women-owned firms increased by 78% nationwide, employment by these firms increased by 183%, and sales grew by 236%.

27. Women-owned firms are more likely to remain in business than the average U.S. firm. Nearly three-fourths of women-owned firms in business in 1991 were still in business three years later, compared to two-thirds of all U.S. firms.

28. An estimated 3.5 million women-owned businesses are home-based and employ 14 million full- and part-time workers.

29. Women business owners are more likely than all business owners to offer flex-time, tuition reimbursement, and profit sharing, and are more likely than men to volunteer and to encourage their employees to volunteer.

30. Women will own 40 to 50% of all U.S. businesses by the year 2000.

WOMEN IN THE FORTUNE 500

31. According to a 1996 Catalyst study of the Fortune 500 companies, 1,302 out of 13,013 (10%) corporate officers are women, up from 8.7% in 1994.

32. A total of 394 companies (78%) have one or more women corporate officers, up from 77% in 1994, and 105 companies (21%) have no women corporate officers, down from 23% in 1994.

33. Student Loan Marketing Association (Sallie Mae) is the only company with women in more than half (57%) of corporate officer positions.

34. Women comprise 57 (2.4%) of the 3,430 highest corporate rank positions (chairman, vice chairman, CEO, president, COO, EVP).

35. The highest level of women corporate officers can be found in savings institutions (22%), while the lowest level is found in brokerage firms (4%).

36. Only 47 (1.9%) of the 2,500 top earners in the Fortune 500 are women.

37. Of all of the Fortune 500 companies, 417 have women on the board of directors, but only 177 (35%) have two or more women. Eighty-three companies (17%) have no women on their boards.

38. The rate of increase of women on boards is actually decreasing—it grew by 9% in 1994, 7% in 1995, and 3% in 1996.

39. Only 626 (10.2%) out of 6,123 of board positions are held by women.

40. A total of 53 women of color sit on boards (12.6% of women board members, 1.4% of total members).

41. The industry with highest number of women on boards is the soap/cosmetics industry with 19%, while the mail/package/freight delivery industry has the lowest number, with only 3%.

42. The industries with the highest percentage of companies with no women on boards (43%) are computers/data service, engineering and construction.

43. There is a direct correlation between the number of women on a company's board and the number of women serving as corporate officers and at the highest corporate level at that company. Companies with one woman board member have an average of 7.1% women at the highest corporate levels, whereas those with three or more women on the board have 30.4%.

WOMEN IN POLITICS

44. Four women serve in the Cabinet of the second Clinton Administration.

45. Two women occupy seats on the U.S. Supreme Court.

46. In 1997, women hold nine (9% of the 100 seats of U.S. Senate and 51 (11.7%) of the 435 seats in the U.S. House of Representatives. In addition, two women serve as Delegates to the House representing the District of Columbia and the Virgin Islands.

47. Of the 62 women serving in the 105th Congress (including the two Delegates), 12 are African American, four are Hispanic, one is Asian American/Pacific Islander and one is Caribbean American.

48. California has sent more women to Congress than any other state—a total of 21. Seven states have never elected a woman to either the U.S. House or Senate. They are: Alaska, Delaware, Iowas, Mississippi, New Hampshire, Vermont and Wisconsin.

49. Currently, two women serve as governors of their states and 18 women serve as lieutenant governors.

50. Women hold 25.1% of the 3223 available statewide elected executive offices in 1997, an increase from 18.2% in 1992.

51. In 1997, 1,597 (21.5%) of the 7, 424 state legislators are women, up from 18.3% in 1991 and 5.6% in 1973.

52. Of the 100 largest American cities, 12 have women mayors.

OLDER WOMEN'S ISSUES

53. Women on average can expect to live 19 years into retirement while men can expect to live 15 years.

54. In 1993, 48% of women employed full-time by private employers were participating in an employer-provided retirement plan.

55. Almost 12 million women work for small firms that do not offer pension plans.

56. Only 39% of all working women and fewer than 17% of part-time working women are covered by a pension plan.

57. Less than 33% of all women retirees age 55 and over receive pension benefits, compared to 55% of male retirees.

58. The median amount of women's pensions is $250 monthly, compared to $650 for men.

59. Two-thirds of working women are employed in sectors of the economy that have the lowest pension coverage rate, including the service and retail sectors.

60. Workers covered by union agreements are nearly twice as likely to have a pension. Women, however, are half as likely to be in these jobs.

61. Since women change jobs more frequently than men—women stay with an employer for an average of 5.8 years, compared to 7.6 years for men—many women leave jobs before they reach the required years of service to qualify for employment retirement plans, usually five to seven years.

62. Only 20% of all widows receive a survivor pension, which is usually only 50% of what their husbands benefits had been.

63. Fewer than one-fourth of divorced women age 62 and older receive any employer-sponsored pension income, whether from their own or their ex-husband's past work. Often, divorced women are left with no share of their ex-husband's pension, even after a long marriage.

64. In 1995 women comprised only 58% of the total elderly population but comprised 74% of the elderly poor. Older women are twice as likely as older men to be poor, and nearly 40% of older women living alone live in or near poverty level.

65. A widowed woman is four times more likely, and a single or divorced women five times more likely, to live in poverty after retirement than a married woman.

66. Of all unmarried women age 65 and older, 40% rely on Social Security for 90 % or more of their household income.

67. The U.S. has the greatest percentage of elderly women in poverty of all the major industrialized nations.

WORKING FAMILIES

68. The net increase in family incomes between 1973 and 1993 was driven almost entirely by the gains for married couples with working wives, the only family type for which real income increased significantly over the period.

69. Despite the fact that employed mothers and fathers work in similarly sized organizations, fewer mothers than fathers are eligible for coverage under the Family and Medical Leave Act (FMLA) because of women's higher rate of part-time employment.

70. In 1960, women were the sole support of less than 10% of all families. In 1994, this figure was 18.1%. Of these, 38.6% had incomes below poverty level.

71. Most women will spend 17 years caring for children and 18 years helping an elderly parent. Eighty-nine percent of all women over age 18 will be caregivers to children, parents or both.

72. Less than one-fourth of new mothers leave the paid labor force.

73. Women average 11.5 years out of the paid labor force, primarily because of care giving responsibilities; men average 1.3 years.

HEALTH ISSUES

74. It is estimated that 19% of women in the U.S. are uninsured. Hispanic women are 2.5 times and African Americans are 1.8 times as likely to be uninsured than white women.

75. Women and their children are disproportionately represented among the nation's uninsured population, primarily due to women's segregation in service and retail jobs, which have low rates of employer-provided insurance and low wages. In 1993, 59% of uninsured women were from families with an annual income of less than $25,000.

76. More than 184,000 women were diagnosed with breast cancer in 1996 and 44,300 women died from the disease. Research indicates that universal access to screening mammography would reduce breast cancer mortality by 30%.

77. Many poor women and women of color do not have access to mammography screening because they lack health coverage and earn low wages. Because Medicare requires a woman to pay a share of the cost, 85% of women covered by Medicare only (without supplemental coverage) did not have a mammography screening in 1992 or 1993.

78. More than 52% of uninsured women ages 18–64 did not have a Pap Test in 1993.

79. Almost one in four women does not receive prenatal care during the critical first trimester of pregnancy. Hispanic and African American women are twice as likely as white women to receive little or no care.

80. While men have higher death rates from many diseases, women suffer more from chronic and debilitating physical and mental illnesses. Minority women disproportionately suffer from the chronic diseases of hypertension, asthma, diabetes and chronic bronchitis.

81. Older women, ages 65 to 85, frequently suffer from multiple chronic diseases: 27% suffer from two chronic diseases and 24% suffer from three or more. Half of women over 80 suffer from osteoporosis.

82. Almost half (49%) of disabled women have annual incomes below $15,900; 19% are on Medicaid or receive public aid; and 24% live alone.

83. In 1995, 59% of Medicaid recipients and 60% of Medicare enrollees were women. Of the women on Medicaid, 61% have been on for more than two years and 37% for more than five years.

84. Only one-third of women enrolled in Medicare live with spouses compared to over half of men enrolled in Medicare.

85. Women ages 15–44 had out-of-pocket expenditures for health care services ($573) that were 68% higher than those of men of the same age ($342).

86. The most common reasons women give for failure to obtain clinical preventative services are cost, lack of time and lack of physician counseling.

87. One in four women report that physicians talk down to them, and one in six women have been told by a physician that a problem was "all in her head."

VIOLENCE

88. Each year about one million women become victims of violence at the hands of an intimate—a husband, ex-husband, boyfriend, or ex-boyfriend. This is seven times higher than the rate of violence committed by an intimate against male victims.

89. In 1994, there was one rape for every 270 women, one robbery for every 240 women, one assault for every 29 women, and one homicide for every 23,000 women.

90. Women in families with incomes below $10,000 per year were more likely than other women to be violently attacked by an intimate. Geographically, however, women living in central cities, suburban areas and rural locations experienced similar rates of violence committed by intimates.

91. Each year nearly one million individuals become victims of violent crime while working or on duty. Although men were more likely to be attacked at work by a stranger, women were more likely to be attacked by someone they knew.

92. One-sixth of all workplace homicides of women are committed by a spouse, ex-spouse, boyfriend, or ex-boyfriend. Boyfriends and husbands, both current and former, commit more than 13,000 acts of violence against women in the workplace every year.

93. Workplace violence resulted in $42. billion in lost productivity and legal expenses for American businesses in 1992 alone.

WOMEN IN HIGHER EDUCATION

94. Women earn 54% of the B.A.s awarded in the U.S., 52% of the Masters and professional degrees, and 40% of the doctorates.

95. The number of colleges and universities headed by women increased from 5% in 1975 to 10% in 1990. Women of color made up less than 2% of these high-level administrators.

96. In 1910, 20% of college faculty were female. In 1985, women comprised only 28% of college faculty. This is only an eight percentage point increase over a 75 year period.

97. In 1995, women made up only 31% of the full-time faculty of American colleges and universities, up from 26% in 1920—a five percentage point increase in 75 years.

98. Women make up almost 40% of the full-time faculty at public junior colleges, but only 20% of positions at top-ranked public and private research institutions.

WOMEN AND CHARITABLE GIVING

99. Women direct 43% of all foundations in the U.S.

100. In 1995, women's average annual charitable contribution was $983, up 26% from 1993. Men's average annual contribution was $1,057, only a 6% increase since 1993.

101. 1995 was the first year that women donated a larger share of their annual income than men.

Mr. Speaker, I thank my colleague for yielding. I thank her for organizing this special order and for all of her work for women, children, families, and working families in our society.

Ms. NORTON. Mr. Speaker, I thank the gentlewoman from New York for her valuable contribution. May I also thank her for her very valuable work as vice chair of the Women's Caucus.

Mr. Speaker, I want to speak this evening specifically on pay equity for women. This is one of the great issues, working women say their most important issue, more important than issues which also are among their great priorities, education and choice and health care. They say pay equity.

Why should this be so, Mr. Speaker? Well, part of the reason is that women are now close to half of all the workers in the United States. Mr. Speaker, that is an enormous increase from just 1996, when not half, but only less than a third, actually 30 percent of women were in the workforce.

Why have they come in such numbers? I am not sure that all of them are like me, Mr. Speaker, born to work. I think that we all know why women are in the workforce today in such huge and increasing numbers.

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I think we all know that wages have been stagnant since the early 1970s, that even with the splendid economy, the American family has sent everybody who could work out to work.

First and foremost, it is women and so almost half of the work force now is female. Perhaps the stagnant wages and increasing entry of women into the labor force helps us understand why pay equity now shows up in polls at the top, the number 1, top issue for men and women; not women alone, Mr. Speaker, but men and women.

I would hypothesize that the reason that people are saying that equal pay or pay equity, traditionally a woman's issue, is at the top of their agenda, that the reason is that women's pay has now become central to family income.

When the women go out to work with the men and if there is a male in the household, he looks at her paycheck and then looks at his, and he says, how come you are not bringing home what I am bringing home, pay equity shoots to the top of the agenda, because he is talking about his family now. What we have seen is truly extraordinary. This women's issue has morphed into a family issue and into the number 1 issue according to the polls.

That is driven, Mr. Speaker, not only by the fact that women have come in such huge numbers into the work force, it is driven by their lower wages compared to men. Study hard and do your homework, girls are told, and you can grow up to be anything you desire. I was told that, even as a skinny little black girl in the segregated public schools of the District of Columbia.

And so that is exactly what good little girls do; they become good students. And today, it turns out that they have been good at everything except getting the equal pay they have earned.

They have cracked open virtually every profession, but they have yet to crack the wage barrier, Mr. Speaker. They now collect 55 percent of college degrees. Men, Mr. Speaker, get only 45 percent of college degrees today. Women get 65 percent of the 3.5 grade point averages. None of that has done it. Study hard, little girl, and you can grow up to be anything you desire, so long as you do not ask to be paid the same as men who do the same work.

I confess, Mr. Speaker, that I have been chasing fair pay for women for 20 years, since the Carter administration when I chaired the Equal Employment Opportunity Commission. We had the first hearings on pay equity at the EEOC in 1980, and later commissioned the landmark study by the National Academy of Sciences that is remembered and referred to still today because it confirmed that there is comparable pay discrimination against women.

Mr. Speaker, women today have a comparable pay problem, not an equal pay problem. A comparable pay problem comes when people, mostly women, have the same skill, effort, responsibility and working conditions as men, but get paid less for jobs that are not the same, except in all the essentials of skill, effort, responsibility and working conditions.

When I came to Congress, I brought my experience at the EEOC to the only place that can do something about gender bias. My bill, H.R. 1302, the Fair Pay Act, now has more than 60 cosponsors; and I thank the Members of this body who have cosponsored this bill with me. It takes the pay gap head-on by barring discrimination based on section or race when jobs are comparable in skill, effort, responsibility, and working conditions.

The Fair Pay Act would end the discrimination between, for example, the pay of a probation officer and the pay of his wife, a social worker. Both these people have gone to college. They may have even come out at the same time, they work every day. He hears from people who have been released from jail and may be on probation for years. She goes into some of the most troubled neighborhoods to work with disadvantaged people and their children. It is time that the Nation seriously ask whether we can expect women to continue to pursue higher education with the same vengeance only to earn close to $800 more than men who pass up college altogether.

The budget reconciliation bill we have just passed offers tax breaks to help more women and men go to college. We should engage in some self-congratulation for that bill passed last year, Mr. Speaker. Now we must make the incentives to pursue higher education equal for women as for men. Pursuing pay discrimination will send the signal that college pays.

Over and over again we say, we need to send more young people to college. Women have heeded that call so that they can meet the global competition in greater numbers than men. We do not want to have a reverse effect after some years when they figure out that college does not matter in pay.

This signal is surely needed now to counter the danger signals of the 1990s on pay for women. The gender gap has stabilized again.

Mr. Speaker, the increase in closing the gap, or should I say the "decreasing of the gap," has stopped. It stopped at the end of the 1980s. We have seen no real movement since closing in on a man's dollar, and we keep fluctuating, all in the upper 70s, between 70 percent, sometimes getting as high as 75 percent or 76 percent, but always going back down in the ensuing year.

The country simply cannot afford another 25 years of wage gap stability, not with so many women in the work force, not with the greater call for education, not with family income increasingly dependent on women's wages. As we have seen by the gender gap retrenchment of the 1990s, the gap will not close itself, or else it would have simply continued, unabated, to close.

Congress has an obligation to eliminate the gender discrimination that sustains the gap. Good girls who go on to be good students deserve better when they go to work. I think they deserve what my Fair Pay Act would bring them.

Mr. Speaker, I know that this is not a country that will allow the rise in real wages for women that we saw during the 1990s to simply top out, that is it, glass ceiling in wages, you have had it; go on for another 10, 15 years, and maybe you will slip up again the way you did in the 1980s. The country will not tolerate that this time. Too many women in the work force are too dependent on their income. And yet, between 1979 and 1997, we have seen increases that encouraged us. Women earned $395 in median weekly earnings in 1979. That $395 turned to $431 by 1997.

Women reached their highest ratio of earnings to men in 1993 when the ratio was almost 77 percent of a man's dollar. Since 1995, and this is the bad news, Mr. Speaker, the wage gap has actually increased so that women in 1997 are showing about 74 percent of men's median earnings.

Some have asked whether or not women have caught the so-called "male wage disease." That disease is the disease, as it were, that has stalled men's wages for what seems like an eternity when they stopped rising in the 1990s. We have every reason to be concerned, Mr. Speaker, because we are now living in the best of times economically.

The fact is that over and over again we are told by everybody from the President to the nightly news that we are now living in the longest period of sustained economic growth since the end of the Second World War. How then to explain the lack of real growth in women's wages and in men's wages during the 1990s?

We explained it for men's wages by saying, well, men were in manufacturing, they were moving overseas, it would all straighten itself out. In that sense, they are in worse trouble than women, because it has been downhill all the way with no respite such as women got during the 1980s when the gap, in fact, was closed.

Mr. Speaker, what concerns me most is that women's wage gap-closing is not explained by the growth in real wages. A substantial amount of the closing of the gap is not closing at all. It is because men have not, in fact, had an increase in their real wages, and that simply leaves them where they are, or declining, causing women to meet them more easily than if their wages had continued to go up since the early 1970s.

This, Mr. Speaker, is not what we had in mind when women started to close the wage gap. We do not mean to do that at the expense of men, our husbands, our fathers, our brothers; and of course, it is not at their expense that we are doing it. What these figures show is simply that they are not rising for whatever reasons women's are and, thus, there is the appearance of the closing of the gap that is in fact not the case.

Beyond the fact that much of the closing of the gap of women's wages is really nothing more than a decline in men's wages, there is also a serious problem, and that is that most of the closing of the gap is not due to an increase in women's real wages.

Mr. Speaker, 41 percent of the closing is due to an increase in women's real wages, but that leaves 59 percent which comes because of the decline in men's wages, and Mr. Speaker, the proportion of the gap that is closed due to the growth in real wages is only 19 percent; and that is in this decade, the 1990s.

□ 1945

Compare that to the 1980s, when the proportion of the closure of the gap for women due to real wage growth was 51 percent. Fifty-one percent of the gap closed because of real wage increases in the 1980s. Nineteen percent of the decrease in the gap in the 1990s is due to an increase in real wages for women. That is unsatisfactory, Mr. Speaker, and it tells us perhaps all we need to know about why pay equity has found itself at the top of the agenda for men and for women.

We are talking family business here, Mr. Speaker. It is family wages that are falling. There is no such thing as women's wages anymore. Women are single heads of households. Imagine what this slow-up in the rise in women's wages means to women who have to support children by themselves.

A third of all children in this country are born out of wedlock. Many more simply live for huge periods of time after divorce or separation with their mothers alone. These women are out here trying to make it on a woman's wage. Even when a woman is part of a two-earner household, men are so disquieted by the failure of the woman to bring home her fair pay that they have joined with women to put pay equity at the top of the list, at least according to the polls; a serious, serious problem.

Mr. Speaker, to get some sense of just how serious it is and why this body needs to pay attention to it, and I offer my Fair Pay Act as one approach at hand, an example comes out of what has happened to the pay of the women one would most expect to be ahead of the game.

Let us look at women with Bachelor's Degrees. Mr. Speaker, they earned $28,701 in 1996. A man with a Bachelor's Degree earned $46,702. Let us look at high school graduates. A woman with a high school education earned $16,161, Mr. Speaker. A man with a high school education earned $27,642.

Even if we consider that there are some reasons to discount part of this discrepancy, such as perhaps the woman has taken some time out to have children, perhaps the woman, and these are all either high school or college graduates, perhaps the woman has taken some time to have a part-time job, but can you really tell me that the difference should be almost $20,000 between a man who graduated from college and a woman who graduated from college? That gap is simply too great to be explained away by any explanation except some degree of discrimination in wages for women.

We think that discrimination comes because, Mr. Speaker, wages in this country and throughout the world have been designed for women. When a job is a traditional women's job, throughout human time, that fact and that fact alone has depressed the wage scale. What the Fair Pay Act asks is that one eliminate that factor and that factor alone from wage-setting.

My bill respects the market system. I am not crazy. This is a free market system, and I do not want to change it one bit in that regard. But the free market system does not allow men and women who do the same work to be paid dissimilarly, and the reason is because discrimination is not a market factor, or at least it is not a legitimate market factor.

In the same way, the free market system should not allow discrimination to be a factor in the difference between what a probation officer and a social worker receive. Assuming they are measured objectively by the grade point scale widely used throughout industry, they are performing work that is comparable in skill, effort and responsibility, and working conditions.

Mr. Speaker, there are a number of ways to rectify this matter. I shall be speaking about the filing of a complaint, but I would like to speak to an old-fashioned market system way to rectify this discrimination. That is through collective bargaining.

In every market system one way to legitimately raise wages is simply to bargain for increases, and the theory of bargaining for increases is that the market will keep the union from getting more of an increase than the market will bear. If it does not, workers will be laid off or other sacrifices will have to be made, and the employer's bargaining position in a market system will keep the wage from becoming higher than the market should allow.

I believe we should take a very close look at what unions have done to bring pay equity for women. It is worth noting that white union women earn $151 more than their counterparts who are not unionized, a 38 percent difference; that black union women earn $73 more than their counterparts who are not unionized.

Mr. Speaker, these figures are weekly earnings, of course. That figure is an 18.5 percent difference. Hispanic women earn $24 more per week than their nonunion counterparts. That is a 6 percent difference. Looked at at the bottom line, women who are in unions are about one-third closer to union white men's earnings.

Why does this occur through unionization? Why are women increasingly coming to unionization? Why are so many people of color attracted to unionization? Because it tends to standardize wages in and of itself by the way bargaining occurs, and therefore, naturally, to eliminate some of this wage disparity and to reduce wage gaps.

Of course, the fact that women and minorities have a voice in wage-setting through their unions and the democratic practices of unions means that they can exert pressure on their unions to keep men and women's wages from getting out of line. If the difference is out of line and their consciousness is sufficiently raised, then they can in fact democratically compel their union to bring about greater equalization.

Unions themselves, frankly, have stepped to the forefront often to raise the consciousness of their own members, rather than the other way around. I would like to offer some examples, because I think that they point up what can be done using this traditional market system approach.

AFCSME, which by the way also represents many Federal workers, in the private sector has raised over $1 billion in wage adjustments alone for women workers. This is the American Federation of State and Municipal Employees.

Their Minnesota pay equity contract is particularly noteworthy. AFCSME in fact bargained for a pay equity study in 1985, and looking at comparable skill, effort, responsibility, and working conditions, AFCSME got a contract that provided $21.7 million to reduce wage and equity in female-dominated jobs. That was an approximate increase of 9 percent, and it occurred without reducing the number of jobs for women in State government, where this landmark win took place.

That is important to note, again, because the way in which collective bargaining works, if the union finds that it is asking for an increase that the employer will make up for by laying off women or other workers, it gets nowhere. So again, the market system, using collective bargaining, disciplines how one bargains for increases in wages involving pay equity for women. It is a wonderfully neat and classic approach to improving wages for women.

Occasionally this straight-out collective bargaining will not do it. Occasionally, therefore, there have been strikes. In 1981, AFCSME Local 101, Council 57, had to go on strike. This occurred in the City of San Jose, California. What happened as a result, however, was a $1.5 million increase in female-dominated jobs.

It says something about a union that is willing to go on strike to bring pay fairness to its women workers, because it means that the men and women went on strike. And if the strike was successful, and it was, it was a nine-day strike, by the way, and it was, then what it means is the employer in fact gave an increase, but obviously, not from his point of view, more of an increase than the market would bear.

Another union, SEIU, Service Employees International Union, has moved aggressively in the pay equity area. I am most intrigued by a settlement they won in 1987 in San Francisco.

Essentially what SEIU did was to negotiate a $35 million settlement with the City of San Francisco. In order to do that, the city had to put a referendum on the ballot, and the pay equity referendum passed by 60 percent. Twelve thousand workers benefited. Here we see a combination of democracy, collective bargaining, and pay equity for workers.

□ 2000

SEIU deserves a lot of credit for being among the first to raise the issue of pay equity for men of color as well as for women. SEIU has forced a study that shows that in L.A. County, 81 percent of the jobs were sex-segregated and 21 percent were segregated by race. This is the kind of study that often produces action through collective bargaining, Mr. Speaker.

More recently, in 1994, there was another pay equity victory for the SEIU. The Local 715 in Santa Clara, California won nearly $30 million through achieving changes in job classifications of traditionally women-dominated jobs and jobs dominated by minority workers. In the end, these workers were brought to the wage levels of mixed-gender occupations.

Mr. Speaker, the National Education Association represents not only teachers, but many education support personnel who have been left behind. The NEA has had some notable success in negotiating pay equity for these support workers in various school districts. More than two dozen contracts to be exact; 14,000 personnel affected.

The estimate is that over a worker's career, their pay equity program has brought raises of a minimum of $10,000 for most of the employees involved, and as much as $40,000 in the career earnings for many others.

In 1991, the utility workers of America negotiated a pay equalization increase at Southern California Gas Company. Traditional female-dominated jobs saw increases of 15 percent. Typical of the occupation comparisons was the case of the female customer service representative who was equalized with the male service representative or meter reader. That is the way it is parsed out. The inside job is less, the outside job is more. Maybe it should be. But, in fact, often when we look at skill, effort, responsibility and working conditions, that should not be the case.

The Hotel Employees and Restaurant Employees International, Local 34, negotiated a famous contract with my own university, Yale, where I went to law school, in 1988 for its clerical and technical workers, winning for these female-dominated occupations 24 to 35 percent over 4 years, and they had to go on strike to do it. I was on the Yale Corporation at time. Yale held out for a long time. There was a 10-week strike. It was the first pay equity strike in the private sector.

Mr. Speaker, if workers have to do that, they have got to do that. Hopefully, more and more employers will see that it is in their best interest to settle these matters peacefully, a strike peacefully, but a strike, of course, is almost inherently peaceful. But I would hope that most employers would understand that it is in their best interest to raise the wages of women workers so that they do not have people doing comparable work who are paid less than men who sit beside them or who work outdoors doing comparable work.

The Newspaper Guild, perhaps some think of that as an unlikely union for pay equity, but it is no such thing. Here there have been three pay equity increases in three different newspapers. Examples of jobs that have been equalized are the female insider classified sales jobs and the historic male outside sales jobs.

Mr. Speaker, nonunion workers may also get themselves into voluntary associations of one kind or another to try to negotiate pay equity disparities, but they will be at a severe disadvantage. They may advocate, but each and every one of these cases have required technical expertise, political support and financial resources. Pay equity case or matter cannot be argued without enormous backup. It must be shown that the skill, effort, responsibility, and working conditions are indeed unequal. That is not the case simply because the man in the workplace earns more than the woman in the workplace. The jobs may not be comparable. Most jobs are not comparable. Complainants have got to find in the same workplace two jobs that are comparable and then have to show by a very detailed and technical study that each and every one of these areas, when added up, should result in the same pay. Mr. Speaker, it is a very difficult thing to do, and cannot be done by getting on a PC and figuring it out. It takes lawyers, economists, statisticians, and a whole host of skills. That is why unions have proved most valuable to women and people of color in correcting pay disparity.

Tom Donahue, a good friend and former Secretary-Treasurer of the AFL–CIO, said it best in a hearing in the 1980's: Bargaining about wage rates is something, after all, that we have been doing for decades. That is what unions do.

I recognize that not everyone in this body favors unions or collective bargaining, strange as that may seem in a great democracy like ours. But that is indeed the case. It is either going to be done through that traditional market-oriented approach, collective bargaining, or my Fair Pay Act would do it for nonunion workers and, for that matter, for union workers if the union cannot or does not move forward. And one way or the other, look at the polls. We will see that the American family is demanding that we do something about it.

Mr. Speaker, this discrimination in wages results in no small part because women have only a limited number of occupations, really about six major occupations to which they have essentially been consigned. If a woman walks into a workplace and says, "What jobs do you have open," Mr. Speaker, if we would like to do the testing, what will happen is the woman will be sent to the woman's track and the employer will not even recognize what he is doing. It is just what he has always done and the company has done for decades. And what happens results in crowding often of qualified and overqualified people into a few job categories whose talents could take them almost anywhere in the workplace.

The way to undo this is to bring it to the employer's attention, make them undo it, make them understand that it is against the law and the law then has a deterrent effect and it begins to then undo itself, as much discrimination does today. It is discrimination that has reduced these wages.

Mr. Speaker, I repeat, where these wages are unequal, and the cause is not discrimination, I do not call for equalization. I am not trying to build a command wage-setting economy. Not only do I respect the market economy, I glory in what it can do. Of course when it does not do what it is supposed to do, that is what this body is here for, to make sure that people do not unduly suffer while the economic cycle works its way out.

I am talking about pinpointing the discrimination factor in wage-setting, and only the discrimination factor, and I am talking about making the woman do that as a plaintiff if the matter were to turn out to be a discrimination suit.

Mr. Speaker, my backup on that, and perhaps my preference, is collective bargaining. Ultimately, though, we have got to take responsibility for this. We cannot keep sending the woman out to work or having her, as in most cases, go out to work on her own or having her have the responsibility for the family income on her own and saying you are on your own; if you encounter comparable pay discrimination, you are still on your own. Discrimination, and only discrimination is what I am after, Mr. Speaker.

The women of America have so many priorities that we often lose sight of what really is the priority. Is it child care? Is it osteoporosis? Is it breast cancer? Is it affirmative action? Women have spoken in unison with the men. They say it is pay equity. I am out here working every day and want the same pay that I would get if I were a man going out here on the job. If I do not get it, give me a statute that gives me a tool, and employers will begin to do it on their own.

Nobody in this body would want to say to a woman who was a 911 operator, an emergency service operator, that she is worth less than her husband who is a fire dispatcher. Can my colleagues imagine what it is like to sit at 911? I can tell you one thing, Mr. Speaker, it is probably more hectic than it is to be a fire dispatcher, unless fires occur every moment. It is time we said to working women that they are on their own except when you encounter discrimination, and then the Congress of the United States is with them.

The Fair Pay Act, like the AEPA or the Equal Pay Act, the historic landmark statute that we passed in 1963, will root out the discrimination I am after without tampering with the market system. A woman may file a discrimination claim, but as in all discrimination cases, she must prove that the gap between herself and a male coworker doing comparable work is discrimination and no other reason such as, first and foremost, legitimate market factors. Gender is not a legitimate market factor.

Mr. Speaker may I inquire how much time I have remaining?

The SPEAKER pro tempore (Mr. BOB SCHAFFER of Colorado). The gentlewoman from the District of Columbia (Ms. NORTON) has 3 minutes remaining.

Ms. NORTON. Mr. Speaker, I would like to use my remaining time to thank the gentleman from Kentucky (Mr. ROGERS) chairman of the Subcommittee on Commerce, Justice, State, and Judiciary of the Committee on Appropriations. I appeared before him to seek an increase for the Equal Employment Opportunity Commission. I had twice sought such an increase, and have once gotten one on the floor with the gentleman from North Carolina (Mr. WATT) as the cosponsor. And, again, as chair of the Women's Caucus, when we sent a letter the chairman had been responsive to us.

This year I tried a different approach and said to Chairman Rogers that I sought support for the President's call for a $37 million increase for the EEOC, which has a serious backlog and runs backlogs every year, but I sought it in a different way, in a way that would keep the EEOC from coming back for annual increases. I raise this now because the EEOC is vitally important to women. Pay equity, sexual discrimination, pregnancy discrimination, job discrimination comes through its doors and through its complaint process.

We had an extraordinary case, the Mitsubishi case here, involving virtually pornographic, outrageous actions by male co-workers, and the whole Women's Caucus got involved. Essentially what I said to the gentleman from Kentucky is that I would like to have the EEOC do something comparable to what I tried to leave in place when I was at the EEOC, which was a system of alternative dispute resolution, a way that processes cases rapidly, using settlement techniques, and a way that I found also increased the awards to women because after a woman has remained in the system for 2 years, she is likely to get no award at all because the evidence falls away. If she settles, she gets often some money, assuming the case is worthy.

Chairman Rogers was intrigued by the notion that EEOC might not come back every year if they got an increase this time, and put in place structural changes that would then last for some considerable number of years.

□ 2015

That is what happened when I was at EEOC. I said, forget this increase. You will not see me again.

I was at the EEOC for 4 years. I never came back on increase. I put in place something called rapid charge processing. We brought the average time of processing an individual charge from 2 years to 2½ months and raised the remedy rate from 14 percent to 43 percent using settlement techniques that are commonly used to resolve cases in the court system.

Chairman ROGERS said, show me a plan. And perhaps if we can tie the President's request for an increase to a plan, that would mean that the EEOC would have to show structural changes and not come back for annual increases. Perhaps he would look more closely at this substantial increase for the EEOC. I thank the chairman for looking closely at my proposal.

When I came to the EEOC, it was known primarily for a backlog of 125,000 cases. We got rid of most of that backlog before I left the agency in about 3 years' time.

I raise the case of EEOC not only because I am a former chair, but because I believe not only in quality, I believe in equity and efficiency. And I think those of us that are for equality had better stand for efficiency or we are not going to get equality. The best way to go about cases is to try and work them out. Then they deter employers and then there is a win-win for everyone.

Mr. Speaker, I remind this body that I have been speaking here this evening not for myself but for 50 women in this House, some of whom will embrace some of what I have to say, all of whom who stand for fairness and equality for women during Women's History Month.

FEDERAL BUDGET

The SPEAKER pro tempore (Mr. LEWIS of Kentucky). Under the Speaker's announced policy of January 7, 1997, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GUTKNECHT. Mr. Speaker, I have joining me tonight my distinguished colleague, the gentleman from the State of Arizona (Mr. HAYWORTH). We are going to talk for a good portion of our allotted time tonight about the Federal budget and principally about where we were just 3½ years ago, where we are today, and a little bit about where I think we should go.

First of all, if I could before I yield to my friend, I would like to talk a little bit about what was happening back not so many years ago. This is a chart that anybody, and any of the Members who watch us on C-SPAN from time to time, I am sure have seen. This is a chart that was put together by our colleague, the gentleman from Wisconsin (Mr. NEUMANN). What it shows is the budget deficit. This actually is the debt. The accumulated debt was growing out of control.

In fact, there was a study by, I believe, the Congressional Budget Office, done just a few years ago, that said that if Congress did not get serious about this problem, by the time our children reached middle-age they could be paying a total tax rate of over 80 percent just to pay the interest on the national debt.

I tell the people back home and sometimes they have trouble believing this, which does not surprise me because I have difficulty believing this as well, that the debt has become so large. But right now the debt is $5.5 trillion.

And one of our other colleagues has done some calculations to try and explain how much a trillion dollars is; and the way he describes it is this, and I believe his numbers are accurate, that if you spent a million dollars a day every single day, it would take you 2,700 years to spend a trillion dollars.

Previous Congresses have run up almost $5.5 trillion worth of debt that our kids are going to be responsible for. And worse than that, we have to pay the interest on that; that is like an entitlement, and it becomes the second or third largest single entry in the Federal budget.

I tell people, as I say, back in my district that every single dollar of personal income taxes collected west of the Mississippi River now goes to pay the interest on the national debt. That is a very scary statistic. And I also remind people, and particularly where I come from back in Minnesota we still have an awful lot of farm families; in fact, many of the people who live in the cities like Rochester and Mankato and Winona and Austin and Albert Lea, they also understand that because many of them are no more than one generation removed from the farm.

But the American dream back in farm country is, very simply, to pay off the mortgage and leave the kids the farm. But, unfortunately, what has been happening over the last 30 years is that Congress has literally been selling the farm and leaving the kids the mortgage. I think we all know that there is something fundamentally improper about that.

Mr. Speaker, at this point, I would like to yield to my colleague, the gentleman from Arizona (Mr. HAYWORTH). It is nice to have him with me today.

Mr. HAYWORTH. I thank my colleague from Minnesota for yielding. Mr. Speaker, it is good to join him coast to coast and beyond through the facilities of C-SPAN.

There are many different ways to examine this debt. Mr. Speaker, lest there are those who join us who believe this is simply a statistical argument, I would urge them to think again. Because, as my colleague from Minnesota points out, this translates to a mortgage on the future of our children.

A lot of things have changed in the 3 years since a new common-sense, conservative Congress came to town. I can remember the almost dark humor that was employed that surrounded an item that each of us receive here in the Congress of the United States. It is our voting card. And the joke, which really was not so funny, that went along with this voting card went as follows:

The people here in Washington, inside the Beltway, said, oh, well, you now have the world's most expensive charge card because when you received your copy as a Member of Congress, it came with a debt in excess of $5 trillion.

My colleague from Minnesota broke it down for us, in fact, using figures that indeed came from the President's budgeteers, to his credit. He asked us to predict budgets into the future as this town was still held in the grip of a tax-and-spend philosophy; and it was the President's own budgeteers who told us if we did nothing but continue the cycle of debt and deficit and taxing and spending, then all our children could look forward to a future in which they would surrender in excess of 80 percent of their income to taxation.

So what we have to remember is that this debt does not deal with the whole batch of zeros attached to a large number; it is not something for the green eye shades or the new fancy calculators, but instead is something that families have to deal with.

What do I mean by that? My colleague from Minnesota, who has had a versatile time in the real world before coming to Congress, is a gentleman who worked as an auctioneer. He understands the challenge of family farmers and what goes on on the family farm in his district of Minnesota.

I represent a district in square mileage about the size of the Commonwealth of Pennsylvania, incredibly diverse from metropolitan Phoenix to suburban Scottsdale and Mesa, and then around rural areas from the small town of Franklin in southern Greenlee County, north to four corners of the Navajo Nation, west to Flagstaff and south again to Florence, there is incredible diversity. But all those diverse areas are held together by some basic economic truths, and those truths, among them centrally is this notion that as we move to reduce the deficit and, ergo, the national debt, as we move to fiscal sanity, we help families.

What do I mean? Well, my colleague from Minnesota is well aware of the appearance a couple years ago of Alan Greenspan, the chairman of the Federal Reserve, who projected what it meant to balance our Federal budget, as we now have done. He said that would mean a reduction basically of 2 full percentage points in interest rates.

Now stop and think, Mr. Speaker, and all my colleagues who deal with paying the family mortgage or paying off a loan on a family car or paying a student loan, think what a reduction in interest rates of 2 points means, especially on a 30-year mortgage. We are talking about thousands of dollars.

On a car loan over a span of 5 years, we are talking hundreds of dollars. And that money makes a difference. Because, in essence, what we pay, if you will, as we continue to generate deficits and have that large national debt is in essence a debt tax.

But my colleague from Minnesota who joined me here in the well of the House, as a Member of the new common-sense, conservative Congress in January of 1995, is well aware of what has transpired and the progress we have made. When we took office on that day back in 1995, the budgeteers in this town were saying that the annual deficit in the year 2002 would be some $320 billion. Today those self-same budgeteers say now, in the year 2002 there will be a surplus of at least, at least, $32 billion. Imagine what that means to the American people.

Again, my good friend from Minnesota has the figures, but more than that, has the stories of the American people and the folks in his district who are coming to grips with this and, by extension, how Washington is coming to grips with this challenge.

Mr. GUTKNECHT. Mr. Speaker, reclaiming my time, I appreciate the point that my colleague has made, because I think sometimes when we talk about $5.5 trillion and $1.7 trillion and all of this interest and all of these numbers and all of these statistics, I think sometimes people do sort of tune out and they say, well, you know, that is green-eye-shade accounting stuff and it does not really matter in my life. But the point I make is that the debate about balancing the budget, the debate about ultimately paying off that national debt is really a debate about what kind of a future we are going to leave to our kids. I mean, is it going to be a future of hope, growth, and opportunity, or is it going to be a future of debt and dependency?

We have made some real progress. I want to talk a little more accounting talk about what this really means, because sometimes it is hard and you have to almost break this down.

What does $5.5 trillion in debt mean? If you divide that up by the number of Americans, 270 million Americans in this country, it works out to over $20,000 for every man, woman, and child.

My wife Mary and I have 3 children. If we multiply our family of 5, that means we have a debt hanging over our heads larger than the mortgage on our home. Now, we might say, well, but we do not have to pay that. Yes, we do. The interest has to be paid.

Last year we paid an average of about 7 percent interest on that national debt. Break that down and it works out to about $7,000 per family in interest that has to be paid. And people say, well, I do not pay $7,000 in Federal income tax. The average family may not pay that much. But one way or another, that has to be paid. And much of that is hidden in the price of the products that we pay.

For example, a grocer buys a loaf of bread; whatever he pays for the bread, he has got some costs. He has got to pay salaries and he has got to pay overhead, but he also has to pay taxes. And hidden in the price of that loaf of bread when the consumer ultimately goes there and buys it for his family is the price of this interest bill that has to be paid. And that is distributed all through the economy because there is one debt that has to be paid. We have to finance that debt.

So what we are really talking about, for the average family, the interest on the national debt equals about the average family's house payment. And as the gentleman has indicated, if we began to use some fiscal restraint, if we began to do the things that I think the American people really want us to do, the good news is not only do you preserve a better future for our kids, but we are starting to see the benefits right now.

Real interest rates in the United States since we came to Congress have dropped by 25 percent. And we believe that they can drop more. Now that is perhaps the best tax cut we could ever give the American family because it affects their car payments, it affects their house payments, it affects how much that grocer has to pay, it affects everything.

So we came here and there was some serious problems. And I will never forget a farmer in my district, and I think sometimes farmers make wonderful philosophers, and we were talking about this debt and we were talking about taxation and the old suggestion or the old policy in terms of balancing the budget was, I know, we will just raise taxes. But if raising taxes had been the solution, we would have had a balanced budget long ago. My colleague is a little younger than I am, but when I was a kid growing up, my parents could raise 3 boys on 1 paycheck and part of the reason they could do that was because the average family in America sent about 4 percent of their gross income to the Federal Government. Today that number is almost 25 percent. And when we add total taxes, when we add State, Federal, and local taxes all together, the average family spends more for taxes than they do for food, clothing, and shelter combined.

There was a conversation going on here on the floor of the House earlier about why so many women have joined the work force. The truth of the matter is, a lot of moms have had to leave their families and go to work just to pay the taxes. And this old farmer in my district, and he said it so well, he said, "You know, Gil, you know the problem is not that we don't send enough money into Washington. The problem is that Washington spends it faster than we can send it in."

□ 2030

I thought, what a brilliant way to say it. The problem is that Washington continues, no matter how much money the American people were sending in to Washington, they always spent more. I do have some numbers. I used to have a chart, I have a chart somewhere. It is on my web site so if people want to look it up. But this is a great statistic. In the 20 years previous to our coming here, Congress spent on average a $1.21 for every dollar it took in. It really did not matter what the tax rates were. Taxes went up a little bit, then they went down a little during the Reagan revolution. But Congress tended to spend an average of $1.21 for every dollar it took in. That is the bad news.

The good news is since we came to Congress, that number has dropped to $1.01. This year we will actually for the first time, in fact the Congressional Budget Office tells us we will actually take in more than we spend for the first time since I was in high school. That was in 1969. We believe that if we continue that kind of fiscal discipline we will talk a little more about what that has meant and what we have done since we came here; frankly, what we got beat up for in the last election.

Do you remember the discussion? I am sure they ran many of the same ads against the gentleman from Arizona that they did against me, saying they were going to throw grandma out in the street, that the school lunch program would stop, that Medicare is going to be destroyed and all these things are just going to come to a screeching halt. And guess what? It was not true. We did make some serious changes, though. We did reform the welfare system. We need to talk a little bit about welfare too, I think, tonight, the good news about welfare reform, and of course it has saved money. It has saved a little money to the Federal Government, it has saved a lot of money for the States.

The reason is welfare rolls around the United States have dropped dramatically. That is partly because of our reform and it is partly because of a stronger economy, and frankly I think the two work hand in hand. But because of what we did, because of the welfare reform and because of that stronger economy, the really good news is this, not just that we are saving money but 2.2 million American families who were on the welfare rolls have now moved onto payrolls.

I want to share a story tonight if I could. I was at a school in my district, we were talking to some of the teachers. We talked about title 1, we talked about title 3, we talked about some of the other school problems. Finally, one of the teachers said, "Of all the things you guys have done, the single most important I think is this welfare reform." I said, "Really? Why do you say that?" She said, "Let me tell you a story about a little boy in my classroom." She said, "Let's call him Johnny." All of a sudden Johnny started to behave better. He had a better attitude. He was a better student. He was a better kid in every respect. Finally the teacher said, "Johnny, is there something different at your house?" The little boy said, "Yeah, my dad got a job." It is easy for some of us who have had at least one job since we were 15, as a matter of fact during a lot of my lifetime I have had two jobs. It's easy for us to sometimes forget that a job is more than the way you earn your living. A job helps to define your very life.

We have given a certain number of American families just a little nudge and moved them off the welfare rolls and onto payrolls. As I told people, the real goal of welfare reform was not so much to save money but it was to save people. It was about saving families. It was about saving children from one more generation of dependency and despair. That is just one area we have reformed. We have reformed Medicare and other things.

I yield to the gentleman from Arizona.

Mr. HAYWORTH. I thank the gentleman from Minnesota. I do not believe too much can be said about what welfare reform means. I think part of it, the gentleman talked about some of the static, if you will, and the disagreement in terms of public policy and, to be diplomatic, the efforts by some within the liberal community to paint a false contrast of caring. But, Mr. Speaker, the true measure of compassion and caring is not the number of people added to the welfare rolls. Quite the contrary, it is the number of people who are able to leave to become gainfully employed, to take pride in themselves, pride in their endeavors and as my colleague from Minnesota points out, there is no greater social program than a job, a job where people can work to earn a decent wage, to have pride in themselves, to have a portion of the productivity and the fruits of their labor, and it does wonders. That is what is vitally important.

So your teacher in the district had it absolutely right. That is what I hear in many parts of the Sixth District, that work makes all the difference in the world. What we have seen is a change in attitude. We have changed the paradigm, in that buzzspeak of the late 1990s, to take a different outlook.

In my district, in the town of Holbrook, a lady named Pee Wee Maestas told the same story, how she privately would invite the young unwed mothers of her town to come to work at her small restaurant, to have a chance to work before there was this official welfare reform, and inevitably she told me nine times out of 10 the call would come from one of the young ladies about 3 weeks into her work program. The call would come, "Gee, Pee Wee, I really appreciate what you're doing for me, but, you see, the government pays me more to stay at home and do nothing than to come down and get a job."

What we have done is to change that thinking, turn that paradigm around, say there is value in work, there is pride in performance, and as we measure the true barometer of compassion, it is found in gainful employment, where it was said by one of our dear friends from Texas in the other body, ensuring that yes, there is a safety net but that that safety net does not become a hammock.

Mr. GUTKNECHT. I think that is the wonderful thing. It is not just about welfare reform. It is also about Medicare reform. In fact, most Americans are not aware, again I am on the Committee on the Budget, the gentleman from Arizona is on the Committee on Ways and Means. Sometimes we risk sounding like accountants, but I think sometimes numbers do illustrate very powerful points. Something most Americans do not know and we need to remind them as often as we can, that 53 percent of the Federal budget is what we call entitlements; in other words, things that have to be paid, Medicare, Medicaid, Social Security, welfare. Those are the 4 largest entitlements, 53 percent. That had pretty much been put on autopilot. That happened in Congress back in about 1975.

The important thing this Congress did when we came here is we said, "We've got to get control of entitlements. Because if we don't control entitlements, they're going to eat us alive." Entitlements were growing at something like 10 percent per year at a time inflation was only going up 3 percent. This is where we had some very pivotal fights here on this floor and ultimately I think that were played out in many districts around the United States in the last congressional elections where there were ads run that said, you know, if so and so has their way, kids are not going to get school lunch and if so and so has their way kids are going to get thrown out in the streets and Medicare is going to, quote, wither on the vine, which was, I was going to say deceptive, but it was downright dishonest.

The truth of the matter is what we did is we slowed the rate of growth of those entitlements, we have dramatically slowed the rate of growth. We have encouraged work, we have encouraged personal responsibility. Even more important than that, we have encouraged families to stay together. The good news is it is working. It is working in part because of the kind of faith that Ronald Reagan had in the system and in the American people. He believed that if you give them just a modest amount of incentive to do the right things; in other words, lower the capital gains tax rates by 30 percent, which we did, you will encourage people to invest and save for their future. When they do that, it means there is more capital to expand businesses. It makes it more opportunity for all Americans. If you give people a little incentive to get out and work, people will work. People want to work. The real tragedy of American compassion was we had been so compassionate that we have destroyed people's initiative, their sense of personal responsibility, and their desire to build a better life on their own.

I want to come back to a couple of more charts and if we can, I want to talk a little bit about why the American people I think sometimes distrust what is happening here in Washington. Sometimes I say to myself, why should they not distrust it because there have been so many broken promises. Let us give one example.

Remember in 1987 we had the Gramm-Rudman bill. The Gramm-Rudman fix is this blue line right here. Basically they said we will use budget mechanisms to slow the rate of growth in Federal spending and by 1993 we will balance the budget. That is the blue line. Here is what really happened. The reason of course is Congress did not have the courage to face some of those interest groups, to slow the rate of growth of entitlement spending, to eliminate Federal programs as we have, and we will talk a little bit about that as well. And so as a result, we had the Gramm-Rudman fix but all we got was a broken promise.

But down here, what has really happened since 1994 we see, the elections of 1994. This is what our plan was, to balance the budget. It was not a perfectly straight line. We had a 7-year plan to balance the budget. Here is where we are. In fact, we have a balanced budget today.

How has that happened? A couple of things have happened. Most Americans know that at least on the revenue side because we have had a stronger economy, because interest rates have gone down, there is more consumer confidence, there is more confidence on Main Street, there is more confidence on Wall Street, the economy is stronger.

Everybody knows that we have taken in more revenue than we expected in our original 7-year balanced budget plan. What most Americans do not know is we have actually spent $50 billion less than we said we were going to spend in the summer of 1995, when we passed that 7-year balanced budget plan. Frankly, I cannot blame the American people for not knowing that because the truth of the matter is most Members of Congress do not know that, that we have slowed the rate of growth that much in entitlements plus we have eliminated over 300 programs.

I tease people sometimes. I say, "How is your coffee today?" They say, "well, it tasted like it always does." I said, "Well, that's interesting. We eliminated the Coffee Tasters Commission." We eliminated a lot of commissions. We eliminated a lot of needless government. We have folded a number of programs together. There is so much more to be done. The truth of the matter is the more you get inside the budget, the more you realize there is still an enormous amount of duplication, of waste, of fat in this budget, but we have made enormous progress. We have dramatically slowed, in fact we have cut the rate of growth in spending almost in half. You combine that with a stronger economy and it is relatively easy to balance the budget.

Mr. HAYWORTH. I think what the gentleman says bears repetition, because there is a tendency in our fast food, perishable throwaway society to forget some events that make up if not current events, then rather recent history. While there were many—it was interesting, the paradox at work in 1996 in the 104th Congress. There were those who attempted to paint what ultimately turned out to be an inaccurate picture for political reasons. There were others who were champions of the conservative cause who said, "You haven't gone far enough, New Majority," and we understood and sympathized with that point of view. Yet even with the challenges confronted within our constitutional republic and our unique system of government, still what we were able to do was to reverse for the first time in the postwar era the notion of constant growth of government, not only the elimination of more than 300 wasteful and duplicative programs and boards of absurdity, if you will, such as the Coffee Tasters Commission, but also in the process holding on and refusing to spend some $54 billion.

That is something that cannot be overemphasized, because what that signaled to Main Street, to Wall Street, to our friends internationally and most importantly to the American people, although sometimes it gets lost in the context, was a willingness to say that government has grown too large, it has continued to grow out of control, we are going to rein in the growth of spending for spending sake. We are going to have controlled growth in a variety of areas where growth is not a bad thing and we are going to cut it out in those areas where we can, to eliminate the waste and fraud that had been so much a part.

Please do not misunderstand me, Mr. Speaker. There is still a long way to go. But that pivotal step in the 104th Congress amidst all the wailing and gnashing of teeth, amidst the, shall we say, inaccurate political ads that littered the landscape, made a key difference. There is no escaping that fact. Indeed, as we look back to the changes that brought us to where we are today, I believe it can be argued that the strong hand of fiscal sanity from this, the legislative branch, helped the American worker succeed and helped show Main Street, Wall Street and everyone on every street the seriousness of our endeavor and that words were backed up with actions.

Mr. GUTKNECHT. I just want to remind my colleagues or people who are listening that the information we have has all been scored by the Congressional Budget Office and is available to them. We are happy to share it with any of our colleagues. I just want to come back to that very important number, that for the 20 years previous to our coming here to Washington, for every dollar that Washington took in, it spent an average of $1.21. Now last year it was $1.01. This year we will actually have for the first time a surplus. Frankly, I believe the surplus is going to be much larger than the Congressional Budget Office says it is.

□ 2045

And it has happened, hatched through a combination of efforts. It has happened because we have had the courage to eliminate programs, we have had the courage to fold programs together, we have had the courage to tackle those entitlements, to reform welfare, to reform Medicare, to reform Medicaid and begin to put back on a commonsense course what I think the American people have wanted the Congress to do for so many years.

In some respects it is, you know, those of us in Washington and those of us with election certificates sometimes want to take more credit than perhaps we really deserve. The credit really does go to the American people. They have been way out in front of the Congress for so many years. They understand.

You know the average family, this is another thing that I find when I talk to regular folks, how they balance their budgets. The average family, and you may know this, J.D., the average family in America today clips over a hundred million coupons from the Sunday newspaper. They sit around their coffee tables, their kitchen tables, and they clip over a hundred million coupons out of their Sunday papers, worth an average of 53 cents. They watch their pennies, and they make certain that they get good value for every dollar that they spend, and as a result that is how they balance their budgets every week, and frankly that is what they expect from us. They expect us to watch our pennies to make sure we balance the budget.

I want to show another chart here, and this just underscores what we have been talking about. This is sort of where we were, this is what we have done, and this is where we are going. And I think we need to spend a little bit of time tonight to talk about, you know, it is great that we finally turned the corner and we are moving towards what I think will be a future, assuming the American people do not decide to turn back and change course and go back to tax and spend and some of the failed policies of the past. Unless the voters decide to do that this November, I think there is a very good chance that we will see surpluses well into the future.

Now that is good news, but we have to think a little bit about what are we going to do with that. Are we going to start to pay down some of that debt? And I have become a supporter and an advocate of a plan—well, I will show another chart in a minute. Maybe we ought to talk about this chart because this is a scary chart, and this is what this demonstrates, what we agreed to with the White House; and I think you know this, Congressman HAYWORTH, that last year on August 5, the President and the Congress came to a very historic agreement, and we put in place spending caps within what are called the discretionary accounts on how much we can spend in each of the next 5 years. And the blue line represents what those spending caps are. The red line, unfortunately, represents what the President has proposed in the budget that he submitted to Congress just about a month ago. And this is of great concern because over the next 5 years the President wants to spend about a hundred—almost $150 billion more than we agreed to spend just last year.

Now worse than that he wants to raise taxes and fees by about $130 billion, and that is where the battle is going to be fought over the next several months as we argue about the budget. Now if we have the courage to stick to our agreement, and in fact I have said that I think Congress ought to live up to its end of the bargain, even if the President does not want to, and we are going to have a fight here on the floor of the House very soon about a supplemental appropriation bill and whether or not that should be offset with spending cuts elsewhere in the budget. I happen to believe that it should. It is about keeping faith and it is not just about keeping faith here now with the agreement, it is about keeping faith with the American people and ultimately with interest rates and the money markets because they are watching, are we serious.

And I yield to my friend from Arizona.

Mr. HAYWORTH. I thank my colleague from Minnesota, and again I think he points out the key issue that confronts us, because there will always be those who find themselves susceptible to the roar of the grease paint, the smell of the crowd, and the adulation of those for whom they can try to find more spending or they can paint an incredibly rosy scenario but fail to offer the price tag along with it.

And indeed, Mr. Speaker, I would argue the reason there is such cynicism among citizens of this Nation and so much "We will believe it when we see it" is because of two factors: No. 1, in so many ways the repeated contradictions in policy pronouncements and other actions that emanate from the other end of Pennsylvania Avenue, policy with a wink, a nudge, a smile, and, sadly, policy that does not equate with agreements nor an acknowledgment of reality in very many cases. And so given that, coupled with the fact that previous Congresses, as my colleague from Minnesota points out, spend an average of $1.21 for every dollar in taxation, that explosive combination has led to the cynicism there.

And again, right here on this chart my colleague shows us, again based on the numbers from this administration, that, sadly, they are willing in almost hauntingly familiar tones, in a very real policy sense, to break a commitment.

There are reasons why within our constitutional republic we have many different tensions. We have the challenges of the executive branch and the legislative branch and the judicial branch of government, and we have different outlooks and philosophies. But when we put aside our differences and make a commitment, the American people deserve that the commitment be upheld, not swept away in roguish embellishment of oratory and a little something for everybody and pet projects based on emergency focus groups to focus attention into a type of Nirvana.

No. What this needs to be based on is the truth, and basic choices, and basic agreements and bedrock principles that this Nation should not spend more than it takes in, that we should all live within our means, that by holding down spending and reaching agreements we could allow the American people to hold onto more of their money and send less of it here to Washington because after all, Mr. Speaker, that is the central truth here. All the money we have talked about, all of the figures we have offered tonight, large, small, and in-between, one central fact is inescapable; the money does not belong to the government, it is not hoarded into the Treasury. The money belongs to the American people who voluntarily, although with some reluctance, confer it and offer it to the government in the form of taxation.

We ought to make sure that American families continue to hang onto more of their hard-earned money to save, spend, and invest as they see fit. Why should a family have to change its plans and priorities and make sacrifices so that Washington bureaucrats can make decisions? We believe the opposite should be true, that Washington ought to alter its behavior and make sacrifices so the American families can realize their own dreams and their potentials, and that is the importance of the agreement we reached, setting aside some partisan and philosophical differences, and that is the very real danger we confront at this juncture in our constitutional republic, eerily familiar in so many different areas, when some in this city and nationally want to abandon commitments they made.

Mr. GUTKNECHT. If the gentleman will yield back, and I think it is a telling point because particularly you get out on the farms where I come from and you go to an auction and literally 100,000 pieces of equipment are bought or sold, and sometimes all that is really exchanged on the day of the sale is a handshake; a handshake, and people out there believe that handshake means something. And frankly, out there, and without being overly disparaging of lawyers, they tend to resent that, the whole notion that something has to be written down on paper and that you need a contract, although we have contracts and we have attorneys and I do not want to sound—but there is still an awful lot of old farmers who believe that a man's word is his bond and that when you make an agreement, and I want to remind my colleagues, you know, we did not make this chart up. I mean, this is according to the Congressional Budget Office. They are nonpartisan, this is not a Republican chart. This just shows what they believe we agreed to last year on August 5, and then they have overlaid what the President is requesting in his budget, and the two numbers are quite divergent. And this is really about trust, and it is about faith and it is about breaking faith with an agreement that we had.

The problem, of course, is a lot of people around this town are saying well, yeah, but that was then this is now, and the economy is booming and unemployment is down and more revenues coming into the Federal Government, and we have got to spend more money on all these programs.

But is that not what got us into the mess in the first place? I mean, is that not really—the heart of the problem is it is so easy to spend other people's money, and it is even easier to spend people's money who have not even been born yet. And that is where we got into the problem in borrowing against future generations of Americans without their consent. And that is why Jefferson warned over 200 years ago that public debt was one of the greatest evils to be feared, and this represents turning away from the direction that we have been on for the last 3 years and saying well, yeah, now things are good, let us go back and begin to resume spending normally.

And we are going to have some really heated debates and fights here on the floor of the House and in the Committee on the Budget and the Committee on Ways and Means, but I think it is so critical that we keep that faith, that we say not only to Americans living today but generations of Americans yet unborn that we were serious, we meant what we said, we said what we meant; our agreement was we would limit and cap spending, and we are going to do the best to keep that cap.

Mr. HAYWORTH. And it sets up another challenge because as we transition from the policies and the politics of debt, if you will, to the policies and politics of surplus, that can be fraught with challenges as well. We have seen one of the temptations here to say, well, there is a surplus so let the good times roll, let us spend as if there is a never-ending spending spree.

And it reminds me, if I can personalize this to a certain degree at my own expense and self-deprecation, Mr. Speaker, and viewers from coast to coast will note that some would say I have somewhat of a robust physique. One of the challenges I face is when I go on a diet and I lose 5 to 10 pounds, I celebrate by cracking open a pack of cream puffs. That kind of defeats the purpose. And I do not mean to trivialize this debate but try to bring it home because it is so easy to rush back into old familiar habits that may not be good for us and in the process negate the very real progress that has been made, and, doubly defeating, rush right back into the failed policies of taxing and spending and debt and deficit and create conditions that, far from a continued and sustained growth pattern economically, lead us back into cycles of boom and bust.

Indeed, much talk has been proffered around this city of dangerous schemes. I can think of no more dangerous scheme than to rush headlong back into the failed policies of the past, try to claim everything for everybody and promise everything except stronger shoelaces through increased Federal spending, and then continue to ask for more and more and more of the American people's hard-earned paycheck.

My colleague from Minnesota, and indeed the delegate from the District of Columbia, in the preceding hour, I believe, offer a compelling case. The gentlelady from the District was talking about the choices of women in the workplace and the challenges of economic equality, and certainly I agree with a portion of what she had to say. But as my colleague from Minnesota pointed out earlier, one of the problems we face today in two-parent households is the fact that both spouses ofttimes have to work, not by choice but by necessity, one spouse working to essentially pay the tax bills of the family so that the other spouse can bring home the paycheck.

And while we have those conditions right now, we need to look at a way again to move forward to cut taxes further. We made a modest start last year. I think we will take another step this year, but, again, to continue to allow families to hold onto more of their money so they can save spend and invest it.

Mr. GUTKNECHT. Mr. Speaker, I think we need to remind people what some of the cynics said. We originally came to Washington and said, you know, we are going to limit the growth of entitlements, we are going to cut domestic discretionary spending, we are going to put a flexible freeze on defense spending, and we are going to cut taxes, and we are going to balance the budget.

□ 2100

The cynics said you cannot do that; I mean, you cannot balance the budget. In fact, you used the term earlier, you blow a hole in the budget. That is a reckless scheme to want to balance the budget while you are kiting taxes, because some of our liberal friends believe that it is their money and that Washington can spend it best; the last thing we should ever do here in this city is cut taxes on American families.

But thanks to the leadership of the chairman of the Committee on Ways and Means and the leadership here in the House as well as the Senate, they said no, no, we are going to balance the budget and we are going to cut tax.

We even had some of our Republican friends who have criticized us because the tax cut was not large enough, but I would tell you this, for a lot of families in my district have figured out it is $400-per-child tax credit this year and $500 next year.

I was in a radio station, and one of the people who worked there, I was trying to explain this to. We had a radio town hall meeting. He said, wait a second. Let me see if I understand this. I have got three kids, and they are all under 17, so you mean I get to keep an extra $1,200? I said yes.

I know to some of our friends $1,200 is not a whole lot of money. But to a lot of typical families out there, $1,200 is a lot of money. That will help pay for a vacation. That will help pay for an addition onto the home. That will help pay for a newer car. It will do a lot of things for that family.

Our friend from Texas, Senator PHIL GRAMM, one day he really said it so well. One of his colleagues said this is about how much we are going to spend on children and their education and their health care. He said no, no. This is not a debate about how much we are going to spend on children or their education or their health care. He said, this is a debate about who gets to do the spending.

He said, I know the family, and I know the Federal government, and I know the difference. We all know who can spend that $1,200 smarter. We know that that family can.

It was not just the per-child tax credit. I want to give a lot of credit to Senator ROD GRAMS from my home State of Minnesota, because when he first came here as a freshman Member of this House, he made the per-child tax credit one of his top priorities. He doggedly has pursued that, and ultimately it has become reality. He deserves a lot of credit. So I want to at least acknowledge my colleague from the other body from my State.

The other thing we did is we said, you know, for the typical family, one of the worst fears that most American families have is when their oldest child begins to look at college catalogs. They begin to say, wow, I had no idea it was going to cost this much.

When you are paying 38 percent of your gross income in taxes and you have got a mortgage over your head and you have got to pay for all these sneakers and everything else it costs to raise kids nowadays, most families are not able to save enough money to send their kids off to college or technical schools.

We said there is a real problem there, and that is one area we ought to give families another little boost. So we provided the $1,500-per-child HOPE scholarship. It is going to make it a lot easier for a lot of families to send their kids to school and get the education they are going to need in an increasingly competitive marketplace.

So that was not the end of it either. We said we ought to encourage families to invest and save for their future. So we gave them almost a 30 percent cut in capital gains taxes. Guess what? Revenues have gone up geometrically because people are investing, people are saving, people are selling assets, people are trading, businesses are being bought and sold, assets are being bought and sold, farms are being bought and sold.

I will tell you a story of a farmer in my district who lives near Faribault, Minnesota. He would call me about every month, and he would say, Mr. GUTKNECHT, when are you guys to cut this capital gains tax because, you know, I want to sell my farm, and I have got some people who want to buy it, but I do not want to pay all that money in capital gains taxes. He said, I believe you are going to cut that capital gains tax, and I am not going to sell my farm until you do.

I think he represented literally millions of Americans who are sitting on assets that actually would have been better in the hands of someone else, but they did not want to pay that high capital gains tax. We lowered the rate, and guess what? Total receipts have gone up geometrically.

Mr. HAYWORTH. Mr. Speaker, as the gentleman from Minnesota tells us the story of real people in his district, I could not help but reflect, listening to the opportunities for tax relief offered last spring by this 105th Congress, taking a look at the opportunities that exist.

I look at the tremendous number of housing starts, and I look at the homes now throughout north Scottsdale, and the East Valley around Mesa in the Sixth Congressional District of Arizona.

I take a look at what has transpired because of capital gains tax relief for the average family selling their principal residence and moving into another house. A married couple able to have and reinvest profits in the sale of a primary residence up to half a million dollars, or a single person hanging on and having tax-free profits up to one-quarter of a million dollars. Again, for a lot of people, the figures are not that high, but they are just as dramatic an opportunity.

And other opportunities that we have opened up in terms of home buying. I take a look at the new Roth Individual Retirement Accounts. I think about and I reflect back on our early days of marriage when Mary and I were trying to buy a home. Yes, I had a conventional IRA or what the tax law provided at that time, and I was a private citizen. How I wish I had had an opportunity with a Roth IRA to have money invested for 5 years in that type of forced savings program that could be taken out, penalty free, at the end of 5 years as a down payment on a first purchase of a home, what is so vitally important.

I think about young Americans 5 years hence as we continue to sustain this economic growth in part on some very simple commonsensical philosophies of tax relief, allowing Americans to save, spend, and invest their own money, because there is no greater myth ever articulated in this Chamber than those who would try to drive the wedge between economic stations in life, to claim that tax relief helps only the wealthy.

Because even as the gentleman from Minnesota told about one of my former colleagues in broadcasting, I thought about the young man in Payson, Arizona who owns a print shop, who I saw the other week at a luncheon, who has four children, who the per-child tax credit will help immensely with $1,600 staying in that family budget, and then elevating that to some $2,000 on next year's tax return with the $500-per-child tax credit.

Yet, our challenge, Mr. Speaker, is how do we expand this, because I will go in other town halls in communities like Maricopa, just south of Phoenix in the metropolitan area, and have people come to me and say, look, I am not married, I do not have a child, I do not have any of those targeted areas that are covered with tax relief right now. What about my circumstance?

And so one of the things we are examining is how to broaden that base and how to offer simple, sane, reasonable tax relief to even more Americans. And that is one of the challenges we confront.

But it is vital to remember that these are not the stories of micro or macroeconomic incidents in a textbook or even despite the graphic nature of these charts that have been presented tonight, Mr. Speaker. No, these are the stories of flesh-and-blood families in the American heartland who may have studied economics but who know the reality of their economic situation, who sit around the kitchen table on a weekly basis making those tough decisions that have the most impact on their futures, decisions about education for their children, decisions about how much to put away, to save, spend, and invest if that is possible, decisions about mom joining the work force, ofttimes out of necessity rather than choice.

In this land of the free, we must work to ensure economic freedom and prosperity by allowing people that freedom to make decisions based on what they feel is best for their family, not on what some Washington person feels is best for some Washington program.

Mr. GUTKNECHT. Mr. Speaker, if the gentleman would yield, I just want to go over just a few of the facts. And one of my favorite quotes is from John Adams. And he said that facts are stubborn things. And you know Winston Churchill said it slightly different. He said, you can ignore the facts, you can deny the facts, but in the end there they are.

The facts are these: Since we came here, the deficit has been slashed. And for the first time since 1969, we have a balanced budget. That, in part, has driven interest rates down by 25 percent. The stock market has more than doubled. Eight million new jobs have been created. Unemployment is lower than it has been in 27 years. Violent crime is actually down to its lowest point in 24 years. We cut taxes for the first time since Tiger Woods was 5 years old. That is an amazing thing when you think about that.

We have allowed families to keep and invest more of their money. We have made it easier for them to send their kids on to higher education. Over 2 million families have gone off the welfare rolls and onto payrolls. We have eliminated over 300 government programs.

Well, the American people expect results. We are a results society. We have produced some results. But there is so much more to be done. I think we do need to spend a few minutes talking about will we return to the old policies of tax and spend, or will we start to take some of those surplus dollars that we believe are going to be created in the next several years, and are we going to start to pay down some of that debt.

There was an architect from Chicago, and he said something very simply but very powerfully. He said, make no small plans. If you think about that, the American people have always been big dreamers and big thinkers.

The people who came here, our ancestors, as Winston Churchill said, you did not cross the oceans, ford the streams, traverse the mountains, and deal with the droughts and pestilence because you were made of sugar candy.

I think the American people have always wanted big dreams and big goals. I think we ought to set this goal and this marker out before the American people. I think we ought to pay off that $5.5 trillion worth of debt in this generation.

The fact of the matter is, if we will exercise the same kind of fiscal discipline that we have exercised for the last 3 years, if we will limit the growth in Federal spending to about 1 percent greater than the inflation rate, the good news is pay off the debt in 22 years.

I cannot think of a better thing to leave our kids than a debt-free future. It is within our grasp; that can be done. What is the great news about that? It means they do not have to pay that $7,000 per family in interest that ultimately gets paid today. It means we leave our kids a brighter future, and we do what those farmers talked about, as I mentioned earlier. You pay off the mortgage and you leave your kids the farm. In some respects, that is generational fairness. That is generational equity.

As you pay down that debt, the good news is 40 percent of the debt is owed to the Social Security trust fund. So you make Social Security solvent again. Congress has been borrowing from Social Security since 1964. I think, again, we all know that is wrong. We have been borrowing from our kids, and we have also been borrowing from our parents. I think it has been left to our generation to make things right. So we are headed in the right direction.

I am delighted that you joined me tonight. If you have got any closing remarks, we certainly would like to hear them, and we will yield to the next speaker.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Minnesota very much. I would simply remind all of us assembled of the observations of Abraham Lincoln, who reminded us that you do not strengthen the weak by weakening the strong; that you do not enrich the poor by sending impoverishment upon the well-to-do; that, indeed, our strength is not from finding divisions among us bred from envy; but, in fact, the American dream is best summed up by allowing all families the freedom to pursue faith as they see fit, to reinvest faith in this remarkable grand experiment called the United States, by letting them choose their destinies with their economic resources for their futures and the future of their children.

Let us all pledge to do that, no matter our partisan stripe or political label. Even though we champion disagreements within this Chamber, we will be better off. The American Nation will be better off because we recognized these basic truths. Again, I thank the gentleman from Minnesota and the American people, Mr. Speaker, for this time in this Chamber to discuss these topics.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman from Arizona for joining me tonight, and I just want to say that sometimes, as I said earlier, we talk about these issues, and we sound as if we are accountants, and we talk about numbers and statistics, but in the end, this is really about what kind of a country we are going to leave to our kids.

□ 2115

And it is about what kind of a country we are going to have for ourselves. Is it going to be a future of debt and dependency, or will it be a future of hope, growth and opportunity?

The good news is we have made so much progress, but we still have those challenges. There are people who want to turn back to the old policies of tax and spend, but as long as we are here, we are going to fight the good fight. We have been making a difference, we are going to continue to make a difference, not just for this generation of Americans, but for generations of Americans to come.

SCHOOL CONSTRUCTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentlewoman from California (Ms. SÁNCHEZ) is recognized for 60 minutes.

Ms. SANCHEZ. Mr. Speaker, I am here today with my friend and colleague, the gentlewoman from the Virgin Islands (Ms. CHRISTIAN-GREEN) to host this special order on one of the most important needs of children today, and that is the need that I call "the fourth R," the need for room.

There has been much talk about school construction needs. That is because schools across America have reached their breaking point. I know this is true because I have visited over 70 schools this past year alone in my district, and I have witnessed firsthand how schools are trying to house double the numbers of students they were originally meant to accommodate. I have seen auditoriums and closets converted into classrooms; and I have seen more than enough portables take over the school grounds.

To highlight the need for legislation addressing school overcrowding, I invited Vice President AL GORE to my district last week for a town hall meeting on education, and during this town hall meeting the Vice President spoke with students and parents and administrators about the daily challenges they face due to crowded schools and classrooms. The stories we heard were heartbreaking.

Elementary and junior high school students talked about no longer having playgrounds because 19 portables took up the blacktop at their junior high school. Parents discussed the difficulties over constant scheduling changes due to double sessions and year-round schooling.

It is disappointing to see the public school that I went to as a child in such bad condition. Remember, I represent my own hometown. But I know that the Federal Government can assist our schools with the infrastructure needs. The Federal Government can help local schools without threatening local control. We can help schools save money in interest costs and give local investors a Federal tax break.

My colleagues might ask, how can we do this? Through the legislation offered by myself and the President that will create new bond programs designed to give our schools the helping hand they need. It is a partnership between national government and local school districts and, really, the business community.

These bond programs would offer interest-free bonds to schools seeking to finance new school construction or renovate aging schools. The Federal Government would provide a tax credit to investors in the amount of the interest that would otherwise be paid by the school.

One of my local school districts, for example, Anaheim City school district, with elementary schools has a bond initiative on April 14. It is going to be on the ballot, and it is to pass to raise monies for a new elementary school. If local voters approve this bond initiative, it would raise almost $48 million to rehabilitate schools and to build new classrooms for children.

My bill, the Expand and Rebuild America's Schools Act, could save Orange County taxpayers millions of dollars in interest costs and keep more taxpayer dollars at home at the local level.

Let us give our schools a fair shake. Let us give them a chance to help themselves. This Federal tax break will lighten the load on local taxpayers. As an investment banker, I know this program can work. It will provide stimulus for local schools to pass bond initiatives and encourage private investment at the same time.

Congress must pass meaningful legislation this year for school construction. We can help our schools through tax incentives and through Federal bond programs. I am looking forward to hearing from my colleagues about their efforts to address school construction needs and how their schools can benefit from Federal legislation.

I would like to thank all of my colleagues for joining me this evening. At this time I yield to my colleague, the gentlewoman from the Virgin Islands (Ms. CHRISTIAN-GREEN).

Ms. CHRISTIAN-GREEN. Mr. Speaker, I am pleased to join the gentlewoman in this special order this evening and I am pleased to join my other colleagues as we discuss school construction in our districts. We repeatedly say that our children are our future; we talk a lot about preparing that bridge to the 21st century. Well, Mr. Speaker and colleagues, the investment in our children and their education is the strongest bridge that we can build.

I have listened time after time to the ongoing debate about private versus public education. That discussion is not productive, because today our schools are far from being on a level playing field. The fact is that our public schools have not been provided with the tools they need to prepare our children, to educate them, and to help them develop into the productive citizens that they can be and whom we need to enable this country to compete globally.

Primary among the deficiencies which impede the proper education of our children is the fact that in all of our districts, States and territories alike, there are too many schools which are dilapidated, unsafe, or do not have the necessary infrastructure to accommodate the technology that is needed to educate our children for this century, not to mention the next one.

My district, the Virgin Islands, is currently plagued with schools that are structurally inadequate, mostly due to damage from several powerful hurricanes over recent years; but insufficient funds to properly maintain the facilities have also taken its toll. Last year, the Virgin Islands Department of Education reported that there were air-conditioning deficiencies, inadequate infrastructure, shortages of classroom space even at the kindergarten level, dysfunctional locker rooms and bathrooms, lack of water fountains, substandard cafeteria facilities, potentially dangerous electrical hookups, and more. In fact, the St. Thomas-St. John district proposed repairs of new construction totaling over $40 million. At least the same amount will be needed to bring St. Croix's long-neglected schools up to standard as well.

So, Mr. Speaker, if we indeed believe that the children are our future and that the work of our village is to be the raising of our children, we are not doing the very best job. In fact, the majority of America's children who happen to be in the public school system are being neglected.

I feel that just as it is a criminal offense for families to neglect children, it is also a criminal offense that it happens within America's family, and it is to our shame. The children of this country spend most of their waking hours in schools. Looking at the schools we give them, we are saying to them day after day that we do not care about their well-being or their education.

And Mr. Speaker, they are getting the message. They are letting us know in clear messages of their own just how they feel about it.

So we cannot speak about improving education or opportunity in this country if we do not begin by putting the facilities in which our children spend most of their time, our schools, in order.

That is why I support the President's initiative which provides over $22 billion for school construction bonds, as well as the legislation of the gentleman from New York (Mr. RANGEL), the Public School Modernization Act of 1998, which provides for an education zone program, as well as a school construction bond program; and I also fully support H.R. 2695, the bill sponsored by the gentlewoman from California, the Expand and Rebuild America's Schools Act which would set up a pilot bond program to assist local education agencies and provide additional classrooms necessary to meet the ballooning needs of those communities.

These are initiatives that put our money where our children are.

Mr. Speaker, I want to take this time to commend my colleagues who have provided leadership on this issue, such as the gentlewoman from California (Ms. SÁNCHEZ) as well as the gentleman from New York (Mr. RANGEL), the gentlewoman from New York (Mrs. LOWEY), the gentleman from New York (Mr. OWENS), and others who have labored long in this very same vineyard. I am pleased to join them in supporting the bill of the gentlewoman from California (Ms. SÁNCHEZ) and the American public schools and supporting our children. I will continue to do so as long and until all of the needs of our children are met.

Mr. Speaker, before I close and turn this over to my colleague who will be speaking, I want to take the opportunity to welcome the gentlewoman from California (Mrs. CAPPS). I was not able to be here when the gentlewoman was sworn in last week, and we welcome her in many respects, but we know that she has been committed for a long time to our children and that she will join us as we work to provide better schools for all of America's children.

Ms. SANCHEZ. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Speaker, I thank my good friend, the gentlewoman from California (Ms. SÁNCHEZ) for organizing this special order this evening and for giving us an opportunity to focus attention on the urgent needs that our States and our communities have as we work to provide schools, quality schools and quality facilities for our children so that they can meet the challenges of the 21st century.

Mr. Speaker, I could not help but think as the previous speakers were talking and both of the gentlewomen were talking about school construction, what a different world it would be if children could vote. We would not be arguing about school facilities this evening; we would have them. We would not be talking about the need for infrastructure and having the kinds of technology that our schools need, and we would not be talking about all of these things that children need to be prepared for the 21st century. We would have it.

Mr. Speaker, prior to my service in this body, I served for 8 years as the elected superintendent of schools in the State of North Carolina. I have probably spent more time in school classrooms than any other member of this Congress.

In fact, just this morning, I taught all the 6th graders; well, I am not sure I taught, I spoke with the 6th graders at Terrell Lane Middle School in Louisburg, North Carolina, and we talked about the government and how they respond to government. We had a delightful time. But I can tell my colleagues from my experience that there are some wonderful things going on in the public schools in my State of North Carolina and in the schools across the country.

I can also tell my colleagues that we need to invest to upgrade our infrastructure, to relieve the overcrowding, to reduce class sizes, and to restore a sense of order and discipline for a solid learning environment in the schools of this country. Every day in America countless elementary and secondary school students are forced to attend classes in trailers, closets, portable classrooms, and substandard facilities.

In Wake County, which happens to be the county of our capital city, that county has 13,000 children who go to school every day in a trailer. In fact, in communities throughout the United States, we have an urgent need to build new schools, reduce overcrowding and class sizes, and improve good discipline and provide for quality instruction.

The General Accounting Office has officially estimated that nationwide, there exist in America some $112 billion in unmet needs for modern school facilities. That does not even address the need for technology. In North Carolina alone, the School Capital Construction Study Commission reports that the most comprehensive study that has ever been done in our State identified school construction needs of more than $6.2 billion worth of needs.

As a former school superintendent of schools, I know that we cannot expect our children to learn in substandard physical facilities. We cannot ask our teachers to maintain the kind of order in an environment that is conducive to learning if we relegate them to second-class infrastructure. We cannot adequately prepare the next generation to tackle the challenges of the 21st century if we fail to meet the needs of modern school facilities.

We would not dare, at a Chamber of Commerce meeting, to invite a new business to town and put them in the kind of buildings we put some of our children in to learn.

□ 2130

The problem is bad, and it is getting worse. Growing communities suffer under tremendous strain of overcrowded schools. Just last week the number crunchers at the Census Bureau confirmed what many of us have known for a long time: that our communities are cracking at the seams.

Since 1990 in my home State of North Carolina, my home county has grown by 18.9 percent. Johnston County, an adjoining county, has grown by 25.3 percent. Our capital county of Wake has grown by a whopping 29.4 percent. State legislatures from California to Virginia are struggling to provide the funds to build the schools that we need. I believe it is now time for Congress to do their part.

The administration has requested that Congress approve in next year's balanced budget a plan to provide $19.4 billion in assistance to States for construction, rehabilitation, or repair of public school buildings. Under the administration's plan, our State, my own State, would receive roughly $300 million for school construction.

I support the administration's plan, but I am also working on my own initiative to target additional school construction resources to those fast-growing States like North Carolina. We happen to be the second fastest growing State in the United States. North Carolina happens to be second only to California in growth.

The Secretary of Education has projected that over the next 10 years our State will experience the second largest growth rate in the country in the number of students enrolled in high school. This phenomenon is known as the Baby Boom Echo. It will present some immense challenges all across the country for school systems that are already under the stress of rapid growth.

I am drafting legislation to provide $7.2 billion in school construction bonds over the next 10 years specifically to those growing States that we know will need the resources, and many cannot meet those needs. My bill will be fully paid for by closing an obscure tax loophole that some seek to use to finance a risky voucher scheme.

The Etheridge bill is a commonsense approach to a very real and urgent problem. Members can be sure that I plan to work to the end of this 105th Congress, and I challenge my colleagues to join me. And once again, I thank my colleagues who are here this evening for organizing the special order to call attention to the tremendous need in school facilities all across the country. The children of America deserve quality facilities if we want quality education.

I say to the members, our teachers are doing an outstanding job in conditions that no business would put many of their employees in.

Ms. CHRISTIAN-GREEN. Mr. Speaker, I thank the gentleman from North Carolina. If we here in Congress worked in some of those facilities in the same type of disrepair that our teachers have to work in and our children go to school in, we would probably not be doing a very good job, either.

Mr. Speaker, I yield to the gentlewoman from the 22nd District of California (Mrs. LOIS CAPPS).

Mrs. CAPPS. Mr. Speaker, my thanks to the gentlewoman from the Virgin Islands (Ms. CHRISTIAN-GREEN).

Mr. Speaker, schools are so essential in our future. I firmly believe that it is our responsibility as a society to ensure that our schools are not failing our children. Rather, the role of schools is to assist families by providing a safe, even uplifting educational setting so that each child's full potential can be realized.

As a school nurse in the Santa Barbara school system for over 20 years, I have seen firsthand the damage that deteriorating schools can do. Students cannot thrive academically if they are learning in overcrowded and crumbling buildings.

As the gentlewoman just mentioned, imagine how hard it would be for all of us in Congress to work if we had to dodge falling plaster or work in our hallways or contend with leaky roofs. It would surely interfere with our concentration, and this is exactly what is happening to children all over the country at the most critical time in their lives for learning.

According to the General Accounting Office, one out of every three schools in America needs extensive repair or replacement. Surely we can do better than that for our children. Education is, first, a local and a State issue, but I believe that we have a responsibility to get involved at the Federal level as well. There is a role for us here.

This is a local problem which deserves a national response. When local school bond measures fail, local communities, with school boards, parents, and teachers, need to find other resources to turn to. The proposed legislation will assist local districts in providing that option for educational settings that are quality for all of our students.

Today I have cosponsored two bills which address this problem. The first is introduced by my colleague, the gentlewoman from New York (Mrs. LOWEY), which will provide $5 billion in Federal funding for school construction across the Nation. Half of these funds would be distributed to the States and the remaining half would target 100 school districts with the largest number of students living in poverty. For the first time, the Federal Government will enter into a partnership with our local communities to rejuvenate our ailing schools.

Another innovative approach introduced by my colleague, the gentlewoman from California (Mrs. TAUSCHER), incorporates the use of State infrastructure banks which will be created with Federal seed money, and then offer a flexible menu of loan and credit enhancement assistance to local school districts.

I am also interested in proposals raised by Vice President GORE, where State governments could help schools issue bonds to modernize school facilities. Schools would owe only the principal to investors, who would receive interest in the form of Federal tax credit. This is a great idea. California has made real progress in school construction, and yet in my own district I have seen classrooms, being held in hallways, teachers lounges, utility rooms, and auditoriums.

On the other hand, when it goes well, we have so much to be proud of. Just three weeks ago I had the pleasure of touring the Sinsheimer School in St. San Luis Obispo. I was amazed with the advanced state of their school technology program which allows children easy access to modern computer labs.

The same is true at the Joe Nightingale School in Santa Maria, which was chosen as a blue ribbon school by the Department of Education because of its superior test scores and community-wide commitment to technology.

I have also had the pleasure of visiting recently Goleta's Kellogg School, another fine example of educational technology at work. If only all of our children could have such state of the art classrooms and programs to return to each morning.

Really, this is what it is all about, ensuring that all children, no matter what their economic status or the economic status of their community, that all children have safe, clean, adequate schools to attend each day. We must set our standards high, challenging our teachers and students to be the best they could be and providing them with the tools to do so.

Today we are preparing students for jobs in the new economy, where technological skills are of the highest importance. To do this, students must be learning in school facilities which are well-equipped and up to date, including modern science labs and adequate wiring for access to computers and to the Internet.

We are not keeping up with these demands, and we simply cannot afford to look the other way another minute. America is only as good as its schools. We know that. We cannot prepare our children for the 21st century in outdated schools. Let us make this a priority for our children and for ourselves.

Ms. SANCHEZ. Mr. Speaker, I would just like to thank our new colleague, and also say, considering that she is from California, that these initiatives are so important for our State in particular.

For example, the proposal that the President and Vice President GORE have with respect to interest credits is so important, when we take a look at the fact that when we pass a local bond issue to build new schools, in California we need two-thirds of the vote affirmative in order to pass that.

By saying that the Federal Government will give tax credits to pay the interest cost, what we are actually doing is giving an incentive to those on a local basis to take the responsibility on of building schools in their communities, and saying, we are going to help you hand-in-hand to ensure that the students of the gentlewoman's area, who are the students of America, are going to succeed in the future.

Mrs. CAPPS. If I could respond to the gentlewoman, that is exactly why, even though this is my second week on this job, during my campaign countless parents told me how critical this is to them in the State of California, where local bond issues do fail, and where we can, as the Congress, offer not a heavy hand but just a helping hand, a loan or seed money for an interest on a bank loan. That is what we are talking about.

Ms. SANCHEZ. I thank the gentlewoman. Now I yield to our good colleague, the gentleman from Maine (Mr. TOM ALLEN), from the other coast of the United States.

Mr. ALLEN. Mr. Speaker, I thank the gentlewoman from California (Ms. SÁNCHEZ) and the gentlewoman from the Virgin Islands (Ms. CHRISTIAN-GREEN) for organizing this event tonight, and to say to our newest Representative in Congress, it is great to have her here. She is going to be a wonderful Representative for her district, I say to the gentlewoman from California (Mrs. CAPPS), and I am very glad to see the gentlewoman here.

Mr. Speaker, it is springtime in Maine. When I say springtime in Maine, I do not mean the snow is gone, because it is still on the ground. When I say springtime in Maine, that it is springtime in Maine, I am just saying it is after March 21. What that means to most municipalities in Maine and most school administrative districts is that budget time is coming.

For 6 years I was a member of the Portland City Council. I read six Portland school committee budgets. I went to all of our schools in the city, and I worked with members of the school committee trying to put together budgets that work for our community.

Since I have been a Member of Congress, I have talked in schools all around the District. I have talked to superintendents, school committee members, parents, teachers, principals, all trying to get a grip on the problems we have with our schools, and what we need to do in order to make sure that our children get the best possible education that will prepare them for the 21st century.

We have a late spring in Maine. We have, frankly, not much of a spring. We are not even in mud season yet. But I know that the debate is already beginning, because the way we fund our schools in Maine is primarily, almost entirely, with State money and with local money; now more local money than State money. That is raised on the basis of property taxes.

So every year in certain communities around the State of Maine we have a huge debate among those who are trying to hold down property taxes and those who are trying to make sure that the kids in that particular community have a fair chance to get a good education and move ahead. That debate is repeated all across the country. This is a national problem.

If we expect our children to grow, to prosper, to learn, we have to take account of the environments in which we are asking them to do that. With the current condition of our Nation's public schools, the question we have to ask is, what message are we sending to our children? One out of every three schools in this country needs extensive repair or replacement.

Nearly 60 percent of schools in this country have at least one major building feature in disrepair: maybe a leaking roof, maybe a wall that is not quite what it should be, maybe stairs that are deteriorating, but major problems. Nearly one out of every three schools in this country was built before World War II.

There is a recent report by the American Society of Civil Engineers which found that the only infrastructure category in the United States to receive a failing grade is our schools, the only infrastructure category in the country. It will cost $112 billion to repair, renovate, and modernize our existing schools, and another $60 billion over the next decade will be needed for new school construction.

Back in Maine we have some very good schools. We have some schools that are relatively new, but we also have some schools that are run down, that are not being renovated, that are not being replaced when they should be. It always comes back to that debate in the spring when some communities, some school administrative districts, realize they simply cannot afford to bring their schools up to the level of quality that they think they need.

Just in terms of numbers, in Maine there is about $60 million in urgent health, safety, and legal compliance needs in the public schools. The total repair and renovation needs may be as high as $637 million. More than one-half of the schools in Maine have unsatisfactory environmental conditions. Air quality conditions are aggravating asthma problems. That is a leading cause for absenteeism.

□ 2145

And some schools are really being forced to close unsafe schools.

Now, as I said before, the question always comes up: How do we pay for these schools? We have had referenda in some communities where the school budget has been voted down not once but two or three or four times before we get a school budget through, and that is often just for the operating expenses. And when communities have that kind of struggle over the operating expenses, they cannot get there in terms of funding the schools.

The people are saying we need new schools, but we cannot figure out how to pay for them. The Federal Government pays only 7 percent of education costs around the country and we could do a little bit more to help our local property taxpayers, to help our local communities and school administrative districts do some school renovations, school expansions, and school repairs.

The Federal Government, I believe, should support States and local school districts, help them afford the costs of school construction and modernization. I think that we in Congress can be proud of the fact that the 1997 Taxpayer Relief Act established qualified zone academy bonds, and they provide a source of capital at little or no interest. Now, while those qualified zone academy bonds are a step in the right direction, we need to do more.

Democrats in this House, including the gentlewoman from California (Ms. SÁNCHEZ) have put forth a number of initiatives which support school construction and modernization. We need to deal with those proposals. We need those proposals to be debated here on the floor, not after hours, but while we are engaged in our legislative work.

It is time to say to our children and parents around this country that children remain our top priority for the 21st century. Our goal this decade, this century, has got to be to leave no child behind, and we cannot do that if we are trying to teach in crumbling schools around the country. It is time for a new national initiative to help not to take over the school system, but simply to afford some financial assistance to our States and local communities to help them upgrade the quality of our schools.

Mr. Speaker, I just want to say "thank you" to both the gentlewoman from California (Ms. SÁNCHEZ) and the gentlewoman from the Virgin Islands (Ms. CHRISTIAN-GREEN) tonight for bringing us here to talk about this very important issue. I look forward to working with them both to make sure that we get something done.

Ms. CHRISTIAN-GREEN. Mr. Speaker, we thank the gentleman from Maine (Mr. ALLEN) for joining us this evening.

Mr. Speaker, I would now like to yield to the gentleman from Pennsylvania (Mr. KLINK) for such time as he may consume.

Mr. KLINK. Mr. Speaker, I thank the gentlewoman for yielding to me, and it is so nice to join my colleagues from the Virgin Islands to California, from Maine to North Carolina and all the States in between to talk about something that really, this is an issue that really comes down to good Democratic Party ideals, something that we believe in.

So much has been said tonight about the shortfall in investment in our schools and the need that we have. We have heard the statistics and too often these statistics just become raw numbers that we start throwing around, millions and billions and shortfalls, but there are real stories that are tied to the numbers that we are discussing on the floor tonight.

There are a couple of things that happen, and I think if we look at western Pennsylvania, we are in many ways a composite of what is going on around the whole Nation. In cities like Pittsburgh and communities like Aliquippa and Ambridge and Beaver Falls, those old industrial communities people have left because those industries have closed down, and when they leave there they move into a suburban area or they move to other parts of our Nation.

When they move to a new area, we have to build new schools because the population is increasing. We have to build new highways. We have to make an investment in infrastructure. And what is left behind is a shrinking tax base of primarily elderly people, people who do not have the means to be able to pay property taxes, people who do not have the good jobs, but they are stuck in those communities.

So what we are looking for is some help from State and Federal Government to say to the kids who are stuck in these communities that we are going to help, that we care; that as this Nation begins to move from the Industrial Age into the Information Technology Age that we are here as a Nation to establish an agenda to make sure that no child is left behind; that we are investing in safe schools, we are investing in building more space, more classrooms so people are not jammed in. We are investing in modern schools so that we do not have leaky roofs or asbestos that can cause harm to those kids.

In fact, I was on the floor a little earlier during the 5-minute segments, talking about the fact that it has been projected by our Commerce Department and by those people in the Information Technology Association of America that between now and the year 2006 we are going to need 1.3 million new workers in the information technology field. What are we doing in this Nation to be able to train the students for those jobs? In fact, the industry has said we do not want to do that; we would rather import workers.

Now, I have got a problem with this. When we have got a lot of workers out there, like in my region of the country, southwestern Pennsylvania, during the 1970s and 1980s we lost 155,000 industrial jobs. During the debate on NAFTA, we admitted as a Nation that we were going to watch many of what we called the low-wage, entry-level manufacturing jobs move off shore, but the new economy, the Information Age, was going to ping up our work force and create tens of thousands of jobs.

Well, if we are going to import workers from other nations rather than spending money on schools, rather than spending money on training the students and retraining that displaced work force, what kind of a Nation are we? We should be looking at our people in this country. We certainly want to be a Nation that welcomes people; we have always done that. My family were immigrants from Europe. Other families are immigrants. We welcome that. But we also have a responsibility to give hope to the sons and daughters of the taxpayers who built this Nation.

And if we are going through a difficult time where we enter a worldwide economy, this Nation has to be willing to put its money where its mouth is. We have to be willing to invest from the Federal level on down in the building of schools, in the creation of more classrooms and the modernization of the teaching technologies that will match the technologies that these same students will be using in the workplace.

Those schools need to be safe. Those schools need to be effective. And we have seen study after study where the atmosphere of the school, the condition of the building, obviously has an impression on the ability of the students to learn and the teachers to teach. If people are going to work in any job in the worst conditions, in the worst physical plant, they cannot do the best job. And as a young impressionable student, if they are going to school in a school that is falling apart and the roof is leaking and windows are broken and there are dangers of asbestos and other kinds of things in the school building, then they cannot learn and the teachers cannot teach and they have a whole bad idea of their own self-esteem, the self-esteem of the school where they are coming from and they say, what is there to strive for?

Mr. Speaker, we owe our children better. And that is why I would like to thank both of my colleagues for moving forward with an idea that stands up for what the Democratic Party believes in. We believe that we have to take a nationwide view of where this country is going, of how this country is going to compete in a worldwide economy; how we are going to prepare our work force, both those students who are growing up now, our sons and daughters as they are getting ready to enter the work force, and those workers who, as we have gone from a manufacturing industrial base technology into a technology that is information based, that is scientific based, that is technologically based, that we give them the tools, give them the schools, make the investment in those workers for training and for retraining so that we can educate that work force. Those people need to become taxpayers, not tax recipients.

Mr. Speaker, that is what this party stands for. That is why I am proud to be a Democrat. That is why I am proud to stand here at almost 10 o'clock when many people are home, but my colleagues are here working because we cannot talk about these things during the day. These things are not brought up on the floor during the day. They are not bills that are put on the calendar that we can vote on, even though 70 percent-plus of the American public believes we need to invest. The Federal Government needs to join the State government in investing, so that the burden does not fall only on those people paying property taxes, so that we are not taxing the elderly out of their homes by forcing the local government to raise all the taxes and to make their own determination as to how they can build school buildings.

So we need to find a national answer, and we in the Federal Government as the representatives of 500,000 people that reside in our district have that responsibility. We have that responsibility as Democrats, as Republicans, as independents, as citizens of this great Nation.

Mr. Speaker, I thank my colleagues for their leadership on this issue, and thank them for the time to join them, and to them I say, "May God bless you for your efforts."

Ms. CHRISTIAN-GREEN. Mr. Speaker, I thank the gentleman from Pennsylvania very much for joining us. We want to call on our colleagues to bring these issues to the floor for a vote, as the gentleman from Maine (Mr. ALLEN) said. It is important for us to gather here this evening to discuss the needs for school construction in all of our districts, but to be effective at doing this, we must bring it to debate on the floor when Congress is in session and vote on these issues and make sure that in voting we leave no child behind, as he has said.

The gentleman from North Carolina (Mr. ETHERIDGE) mentioned the "Baby Boom Echo," which is a Department of Education report which highlights the need for expanding our Nation's classrooms. That report says that it is predicted that K through 12 enrollments will be at an all-time high of 52.2 million by this fall, and by 2007 the number will reach 54.3 million. The Secretary of Education anticipates that 6,000 schools need to be built over the next 10 years to accommodate this school population increase.

These are the kinds of issues that H.R. 2695 is to address, and I think we could spend the few more minutes remaining to us to highlight some of the points in the bill offered by the gentlewoman from California (Ms. SÁNCHEZ).

GENERAL LEAVE

Ms. SANCHEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of this special order.

The SPEAKER pro tempore (Mr. LEWIS of Kentucky). Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. SANCHEZ. Mr. Speaker, thank you for the opportunity to talk about the particular bill that I have introduced into the floor here.

I have here a chart that I want to go over so that I can somewhat explain some of the situation that is going on. Mr. Speaker, tonight we have many of our colleagues here from across the Nation. This is not just a California problem. It is not just an Anaheim problem or a Santa Ana problem. It is really an opportunity for us to make the room to educate our children.

Remember that the schoolhouse is not only the room in which we educate our children of the Nation, but we also use our school buildings for other reasons. Boy Scout and Girl Scout meetings, special meetings of the community, and we do ESL classes at night for new immigrants who want to learn English. So the schoolrooms are actually used more often than just the 5 or 6 hours during the school day.

On this chart, this is the projected increase of children in the next 10 years across the United States. And we see here we have the five fastest growing as far as projection of schoolchildren, the five fastest growing States: California, Hawaii, New Mexico, Utah, Idaho at about 16 percent to 11 percent, growing in the next 10 years.

Now here is the interesting point. Here is the Anaheim Elementary School District, the elementary schools of my hometown, and we are growing at a 25 percent rate. Let me tell my colleagues, Anaheim is a major city. It is the home of Disneyland. But I have a city right next to it, Santa Ana, and Santa Ana is also a major city and it has the youngest population of a major city across the United States. What does that tell us? We are full of youngsters in these towns. And we are growing at a 25 percent rate and yet, for example, in Santa Ana, we have 600 portable classrooms. Now, if we do the math, 600 portable classrooms is the equivalent of 27 elementary schools. New elementary schools. Where have we put these portable classrooms? We have put them on blacktop, on the places where our children used to play basketball and dodgeball, and where they used to play soccer on the green fields, on the staff parking lots. We are actually using more and more of the playground and the other amenities that we need.

Mr. Speaker, I have gone to schools. One of the things about growing up in the same area that I represent is that I have gone to the same schools that I went to.

□ 2200

We used to have, a "breezeway" we used to call it, a separate hall. It is a tunnel between classrooms where you have a large amount of classrooms so that the teacher would not have to take the children all the way around all the building, of all the classrooms, you had to wait to cut in between. And that separate hall now has doors up on it and it has become a classroom. The broom closet of the janitor, the place where he used to store his round barrel with all the push brooms and everything, has now become an office of a therapist who now deals with 6 special ed children. These are the classrooms of today.

And I have classrooms in my district that actually do not have a classroom assigned to them, classes that, thank God, we are in Southern California, they teach outside; and on a rainy day, like when we have El Nino, we put them in a classroom where there is already a class going on, and it makes it very difficult to learn in those situations.

So not only are we bulging at the seams already, not only have we used up our space and now to the equivalent of 27 elementary schools, for example, but on top of that we have this almost double-growing happening in our area.

And that is why I say it is a local concern, it is the responsibility of people in local communities to stand up and say we need to do something about it and we want to do something about it. But it is also important for us to help at the Federal level, especially when we cannot build a school fast enough to house the growth that is going on. That is why these tax incentives are important. That is why we need to get involved.

Now let me tell my colleagues, it is not just willy-nilly; we are not just saying, oh, here, let us give away tax dollars up here. First of all, the restrictions on these are, for example, you must have already as a school district done something to help alleviate this problem.

Let me tell my colleagues what they have done at home. We have gone to year-round school. We do not go traditionally September through June any longer, and take the 3 months off of vacation time in the summer. And that is tough. Think about the fact that Southern California is a desert, so during the summer it is very warm in the classrooms, and those classrooms were not built with air conditioners. So in those classrooms where we might have had the funds to put an air conditioner in, usually the air conditioner is louder than the teacher in the classroom. So it makes it very difficult to learn even if we have air conditioning in the classroom.

So we have done things. We have gone to year-round school. In fact, in Anaheim, if our bond issue does not pass on April 14, what will happen is we will go to double sessions, little kids going early in the morning to school and others coming home late at night after 5:00 p.m., when it is already dark at times during the year walking home or coming home. It is a very dangerous situation to be in.

Or what happens if you are a mother with 2 or 3 children, some going to the a.m. schedule, some going to the p.m. schedule, 1 of them going to a junior high that is on the traditional 9-month schedule, your other 2 children in the elementary school district going on the year-round schedule? How are you supposed to get your children there, take vacation, plan for the family? Think about that.

Or think about the fact that now we are having double or triple sessions of our children when they go to lunch and when our children stand 15 minutes in line to get their lunch. They sit down and have got 3 minutes to eat it because they have got to clear the picnic table for the next set of children to come on in. They have tried to solve their problems effectively, but it is still not enough.

Here is another problem that occurs for example: If you are using the school all the time, when do you do the normal wear-and-tear maintenance? How do you paint the graffiti out when the kids are there all the time? It becomes very difficult. Do you pay the custodian more to come in on Saturdays and

Sundays? Because that is overtime; that is extra time. How do you make sure the kids' fingerprints do not show up on the wet paint because you cannot get it dry overnight? These are the difficulties that we are fighting, just very practical difficulties.

Secondly, what other incentive, what other restriction do we have? The business community must be involved in the school district. And we have very many partnership companies that have adopted schools that are helping with the technology aspect of schools. This is another thing that we put in.

Third, another way to qualify, another qualification that you need for this bill that we have got. They must have some children, at least 35 percent, who are on the school lunch program, i.e., it is a lower income area, someone who really needs the help. Because we were talking about property taxes earlier and there are really some school districts in dire straits.

Now, the issues for renovation that we already passed in the Tax Relief Act this past August targets the 100 most poverty-stricken school districts across the Nation. But there are even more who need help. I have to tell my colleagues, I know just how much we need help because, it is a shame to say, but one of my school districts qualifies in that top 100 poverty-stricken school districts across the Nation.

But my bill would require that they meet some basic provisions; that we have a low income level; secondly, that the business community is working with them; and third, that they try to do something to help with the situation that they have before they would qualify to have the opportunity to try to pass a bond issue again, remembering in California this is a two-thirds vote, 66.7 percent of the people who come to vote must say yes, and then they would get a tax incentive provision to those investors in the bonds that would allow the interest cost to be picked up basically by the Federal Government.

So it is not just willy-nilly, it is really for those school districts like Anaheim Elementary School that have come forward and said, we need to do something, let us work very hard to get this bond issue passed; and it is a way for the Federal Government to say, we understand the need that you have there, we believe that "the fourth R" is important, and we are going to help you with that.

Ms. CHRISTIAN-GREEN. Mr. Speaker, I think we need to commend those school districts where they have made the effort to ease the overcrowding through creatively trying to address it. But as my colleague has pointed out, in many of those instances where they have tried to accommodate the overcrowded classrooms, our children have suffered. They have to rush. They have no playroom space.

And so the whole educational environment is compromised, and so they do not get the kind of nurturing and support that school is supposed to provide; and so it is very important that we pass bills such as yours to provide additional classrooms and alleviate that overcrowding and, in a sense, reward some of those schools that have really worked very hard to keep the standards of their classrooms up and relieve the overcrowding.

Ms. SANCHEZ. Mr. Speaker, one of the other things that is happening is that we are realizing as a nation that the smaller amount of kids we have in the classroom with the teacher the more they learn. We have tried in California for the past 18 months the 20-to-1 ratio. Our kids, we used to have 28, 32, 40 kids sometimes to every teacher in the classroom. So we tried in the beginning classes, first grade, second grade, third grade, to try to accommodate and go to 20-to-1 ratio. We put the money forward to do that, and we have brought on new teachers.

There is also a teacher problem; but we brought on new teachers, we cut it down to 20-to-1. And where we have done that up and down the State of California, we have seen an improvement in test scores. Teachers that work with the children in the classrooms say this is the best thing they have ever seen, our children are learning. And guess what? No classrooms.

Here is another problem. We know what works: more outreach, more time with each child. It requires more rooms in which to teach. I noticed that the President's initiative, as it came forward in the budget, had an 18-to-1 ratio that he wants to try to implement across the United States. Why? Because it works. We know it works. We have tested it in California. We are there. The problem is "the fourth R," where do we find the room for this to happen?

Ms. CHRISTIAN-GREEN. I do not know if my colleague has ever experienced double sessions, but when I was a PTA president and served on the board of education in the Virgin Islands, we had double sessions; we had our children getting up in the dark, coming home in the dark, and it is a very unsatisfactory situation for children to have to go through in trying to just get a basic education. So we do not want our children to have to go through that again.

Another point that was made was that schools are used for more than just educating our children; and also as we have realized how important it is to have small class size, we have realized the important role that school facilities can play in our community for the enrichment and the learning of the entire community. And so again it even underscores much more strongly how important it is that we have facilities that can meet the many and varied needs of the community that we represent and that we serve.

Mr. SNYDER. Mr. Speaker, will the gentlewoman yield?

Ms. SANCHEZ. I yield to the gentleman from Arkansas.

Mr. SNYDER. I wanted to add my voice of support for what my colleagues are talking about tonight. In Arkansas, I kind of divide our State into areas of rapid growth, the suburban areas; and then we also have the areas in which we have had lots of growth. And in all those areas there is a need for help with funding for school construction.

Our rapid-growth areas, I talk with superintendents, and each year they talk about how can we keep up with the growth of the next year, another elementary class? The problem we have with the folks that lose population is how do they keep up with the old school buildings?

I go, as I am sure all of my colleagues do, into the school buildings and take tours and meet the kids; and I went into one classroom and there was a huge hole in the wall. And every year they would patch it, but it is a structural problem and it leaks. And so those kids go in there every day to see the area where plaster is falling off the wall, yet we consider this as one of our very premier high schools in Arkansas, and I think it is a real problem.

It is too easy for us sitting here in Washington to say, that is a local problem, it is a State problem, it is not anything we should worry about. And yet we expect our kids to be competitive around the world in jobs. We expect our kids to go into military and provide national defense. We expect our kids to be top, premier scientists to compete with the rest of the world. And yet we are going to turn our back on these school building problems, which I think is a real big part of what makes our kids do well in math and science with reading skills that we all expect.

So I do not know what the answer is in terms of the bill. But I know the first part of it is to call attention to the problem, and I commend my colleagues for doing it. In fact, I was back at my apartment watching C–SPAN and I thought, by gosh, I want to get in my two cents' worth on this issue. Because it is a big issue for Arkansas, and I appreciate my colleagues doing the work on it.

Ms. CHRISTIAN-GREEN. Mr. Speaker, we appreciate our colleague running over to join us and offering those words of encouragement and support.

Ms. SANCHEZ. I want to add something to that. My colleague talked about how we want our children to compete and be the best in the world. And we know that we are in an information age now, we are in the 21st century. I just had the Vice President out and he is a big pusher of technology in the classroom, and I was trying to tell him that in Anaheim Elementary, here is another reason why we need that bond issue passed on April 14. We have 3, count them, 3 phone lines into each of our elementary schools. That means when people call, to call in their kids being sick that morning, there are only 3 phone lines they can call in.

If someone needs to fax something, they are going to be using one of those phone lines. If the principal needs to be talking to somebody or making a phone call out, he or she is going to be using one of those phone lines. There are only 3 phone lines into that entire school.

If the teacher is in a classroom and an emergency is going on, there is no phone line into her classroom. Somebody has to get through the phone line at the front office and then somebody has to run down to that teacher's classroom and tell her something is going on and get the problem solved. Only 3 phone lines at a time.

Think about it, in our own businesses, imagine if in our businesses we had 60 managers and we had all these clients coming in and we had only 3 lines coming into our office, 3 lines in which to fax, et cetera, and call and take calls outside and bring calls in. How much work would we really get done?

And then add this to it. If we wanted to be on the Internet on your computers, if we wanted to be connected to the rest of the world the way all of us are now connected, we cannot do it on 3 phone lines alone. And that is why we need to put money not just to buy them computers or bring them computers or to get them connected, but to redo the infrastructure that our children use.

Ms. CHRISTIAN-GREEN. Well, I do not know if there are any points that my colleague still wants to bring out in her bill.

I want to join my colleague who said earlier how proud he was to be a Democrat. We have several proposals that have been mentioned here this evening. We have H.R. 2695. We have one of the gentleman from New York (Mr. RANGEL), H.R. 3320. The gentlewoman from New York (Mrs. LOWEY) has a bill. The gentlewoman from California (Mrs. TAUSCHER) has a bill.

The Democrats really have been working very, very hard to improve education, beginning with the President's initiative.

□ 2215

I think with all of the bills that have been mentioned here this evening, we are putting together quite a comprehensive package that will begin to address the deficiencies in the school facilities while we also try to address giving the children the tools that they need and the teachers the tools that they need to educate our children. I am very proud to be a part of this caucus. I look forward to working with the other members of the caucus on their legislation and to see that it is passed.

Ms. SANCHEZ. Mr. Speaker, I would like to end by thanking all my colleagues for spending their time tonight to highlight the situation, to bring forth their ideas and in response, yes, it is great to be a Democrat and to bring forward these initiatives. I hope that we actually get them on during the legislative day and get to vote on some of these proposals.

Mr. TORRES. Mr. Speaker, I rise in support of increased funding for school construction and for bond initiatives to assist local communities in school improvement projects.

I have received numerous letters from my constituents regarding the need for action in this matter. These are not letters from large organizations or big corporations with a financial agenda. These letters are from junior high and high school students in my district. They are writing me to ask what I can do about the leaking ceilings and the crumbling walls in their schools. One of the high schools in my district has an entire section of its buildings sectioned off because it has been condemned. This is not only a crisis in my district but a crisis throughout the country.

We tell our children that they must maintain better grades, and that they must perform to higher standards, yet, we send them to schools that are falling apart. And we ask our teachers, who have one of the hardest jobs in the world and are grossly underpaid, to perform at higher standards, while sending them to work in substandard buildings.

One of the more promising ideas for reform is to reduce class size. This is a proven, effective method for improving academic achievement in students, but we need more classrooms to accomplish this goal.

We talk about reforming the public school system and debate over vouchers, block grants and national tests. But tomorrow morning, millions of children will go to school in buildings that are inadequate.

We have an opportunity in this Congress, in his budget cycle, to give these children the classrooms they need to achieve their full academic potential. Let's not let them down.

Mrs. McCARTHY of New York. Mr. Speaker, I rise today to join my colleagues in support of school construction. I believe that the best way to give young people the chance to succeed in life is to ensure that they have a quality education. I spend every Monday and Friday in the schools on Long Island, talking with students, teachers, principals, superintendents, and parents about how we can make the education system work better. In visiting these schools, I see teachers and students who are committed to education. And these visits show me that we have great schools on Long Island. But these visits also show that many of the buildings in which our students learn are inadequate, overcrowded, and in poor condition.

Mr. Speaker, what kind of message do we send kids about reading when their libraries have no books? What message do we send to our teachers about teaching when their classrooms are overcrowded and run-down? And what message do we give to the world about our ability to compete globally when our computers are hopelessly outdated?

These problems were repeated in many of the schools I visited across Long Island—overcrowded classrooms, leaky roofs, broken doors, poor heating and bad ventilation systems. And this surprised me. I thought as many others do that this was an urban problem. Well, I was very wrong.

I decided to find out the true extent of the problem. Last Fall, I sent out a survey to every Superintendent in my District, asking them about the physical condition of their schools—the age of the buildings, whether they needed renovations, the quality of the roofs, the windows and the walls, and whether they had access to the Internet.

The response was overwhelming and insightful. Twenty three percent of schools say that additional space is a top problem and 44 percent said that classes are held in other areas. After the survey results were in, I visited the Washington Rose School, a school that reported many problems. I toured the facility with the principal, superintendent, and parents. And I talked with wonderful, bright children who are very eager to learn—but stuck in a school with physical problems.

In fact, one of the most serious was the speech teacher's office—a small desk with two chairs out in the stairwell. I thought to myself, how can any child work through a learning disability in the stairwell, with other children passing by?

Who is to blame for these problems? I have spoken with the principals, superintendents, teachers and the parents in my district. They are committed to making their school buildings the very best they can be. But it is expensive to rebuild and repair schools. And local money is simply not available.

School construction and renovation affect every corner of the nation, and each child in school now demands our attention. If we provide funds for school construction, then we will send a clear message to our young people that, yes, we do care about your education, and, yes, we do want you to learn in the best environment possible. We can do no less for our children.

RELIGIOUS FREEDOM

The SPEAKER pro tempore (Mr. LEWIS of Kentucky). Under the Speaker's announced policy of January 7, 1997, the gentleman from Oklahoma (Mr. ISTOOK) is recognized for 60 minutes.

Mr. ISTOOK. Mr. Speaker, I am thankful for the opportunity to address an extremely significant issue that relates to our schools, that relates to some of our most cherished principles as citizens of the United States of America and that unfortunately involves things which the courts of the United States have thrust upon the people despite the unwillingness of the people, in fact despite great concern and opposition by the public.

This relates, Mr. Speaker, to the matter of what happens in our public schools. It relates to the practices that have gone on for generations upon generations in this country involving prayer in public bodies, in particular, in our schools.

I am not talking about this just to be talking about it, Mr. Speaker. I am doing it because we are going to have an opportunity in the next few weeks here in the House of Representatives to vote on correcting what the courts in the United States have done, what the U.S. Supreme Court has done in its bans and restrictions and prohibitions on the practice of simple prayers being offered at public school. That particular legislation is the Religious Freedom Amendment, House Joint Resolution 78. I am privileged to be the principal sponsor of it. There are over 150 Members of this body who are sponsors as well. I would like to share with my colleagues the text of that. The Religious Freedom Amendment is very simple and straightforward and tries to return us to what were bedrock principles of this country until the Supreme Court began undercutting those principles some 36 years ago. The text is very straightforward and reads as follows as an amendment to the U.S. Constitution:

> To secure the people's right to acknowledge God according to the dictates of conscience, neither the United States nor any State shall establish any official religion, but the people's right to pray and to recognize their religious beliefs, heritage or traditions on public property, including schools, shall not be infringed. Neither the United States nor any State shall require any person to join in prayer or other religious activity, prescribe school prayers, discriminate against religion or deny equal access to a benefit on account of religion.

It is simple and it is straightforward. It states that just as the constitutions of every single State in this country state, we believe in the people's right to acknowledge God, and expressly mentions him, as the constitutions of the States do. No official religion, but not these restrictions that are put on prayer and positive expressions of religious faith but that are not applied to other forms of speech.

Why is religious speech singled out for discrimination? Mr. Speaker, in 1962, the U.S. Supreme Court ruled that even when participation was voluntary and even if it was some sort of nonsectarian prayer, it was unconstitutional, they said, for school children to join together in a prayer in their classroom. That was followed by other Supreme Court decisions, Stone v. Graham in 1980, in which the U.S. Supreme Court said that the Ten Commandments could not be displayed on the walls of a public school. Mr. Speaker, I would note that that decision came out of your home State of Kentucky because it was Kentucky schools that had the practice. Groups would make copies of the Ten Commandments available and they would be hung with other important documents as the source of law as well as the source of spiritual guidance.

I notice, Mr. Speaker, here in the Chamber of this House as I am facing and as the Speaker faces from the Speaker's dais, right there is the visage of Moses looking down on this Chamber, the great lawgiver who brought down from Mount Sinai the Ten Commandments which cannot be displayed in public schools. The U.S. Supreme Court says it is unconstitutional.

They went beyond that. They ruled in a case that came out of Pennsylvania, they ruled that a nativity scene and also a Jewish menorah could not be placed on public property during the holiday season unless right up there next to it you put nonreligious emblems, like plastic reindeer and Santa Claus and Frosty the Snowman. They had to be balanced. But, Mr. Speaker, I have never heard of any community that is required if they want to put out Santa Claus that they have to balance him with a nativity scene or a menorah or whatever it may be. It seems to be a one-way street.

The U.S. Supreme Court kept going. They had the case in 1985 of Wallace v. Jaffree. It came out of Alabama. Alabama had a law that said you can have a moment of silence to start the day at school, a moment of silence. The U.S. Supreme Court ruled that was unconstitutional, because one of the permitted uses of that moment of silence was to enable students to have a silent prayer, and thus they said the whole moment of silence is even unconstitutional. And then a case upon which I would like to elaborate in 1992. By a 5-4 decision, the case of Lee v. Wiseman out of Rhode Island, the U.S. Supreme Court ruled a prayer at a school graduation to be unconstitutional. It was a prayer that was offered by a Jewish rabbi. The court held it was unconstitutional.

All of these things, Mr. Speaker, are what the Supreme Court has done to twist and distort and undermine our First Amendment, the very first right mentioned in the First Amendment, Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof. Now, without even getting into the point of whether a school is creating an act of the Congress, and we are kind of two different bodies at two different levels, but to say that they are ignoring the part of the Constitution that says you do not prohibit the free exercise of religion, because what the Court did, Mr. Speaker, in all of these cases is to say that having a prayer or the Ten Commandments or a moment of silence or a nativity scene or a menorah, that that was the same as creating an official church. How absurd. An official church created just because you have a prayer? We open sessions of this Congress with a prayer. The House and the Senate, just like legislative bodies all around the country, be it State legislatures or city councils or private groups, Chamber of Commerce meetings, Kiwanis Club, Rotary Club, PTA meetings, people commonly open those things with prayer, just as we do here in Congress. It is normal. It does not make us a church just because we have a prayer. But the Supreme Court says, "Oh, you have a prayer at school and you're turning the school into a church." Therefore, they ignore the free exercise clause of the Constitution.

We have been living under this for 36 years. The only way that we are going to be able to fix this is with the religious freedom amendment, to straighten out the courts, by saying that the things they have said are somehow wrong are indeed, as the American people believe, right.

I said I wanted to focus on a particular case. That was the case in 1992 of Lee v. Weisman. What I would like to do, Mr. Speaker, is in different evenings during these special orders in talking about the religious freedom amendment, I think it is important to dissect and to help Members of this body as well as the general public to understand what the courts said so that we can understand the necessity of correcting it with the religious freedom amendment. After all, that has been the method that we have used to correct Supreme Court decisions ever since the 1800s in America, including, for example, Supreme Court decisions such as the Dred Scott decision that were trying to uphold the practice of slavery. We made sure that it was outlawed.

Mr. Speaker, looking at the Lee v. Wiseman case, and I would note, it is a 5-4 decision of the U.S. Supreme Court. Had one justice, just one of the nine justices of the U.S. Supreme Court gone the other way, we would not have this same problem when it comes to being able to have a prayer at a school graduation. Yet because one justice would not go the other way, we have to get two-thirds of the House of Representatives, two-thirds of the Senate to approve a constitutional amendment, and of course then it has to be ratified by the legislatures in three-fourths of the States, all because by a margin of 5-4 the Supreme Court made this ruling.

This was a very strange ruling, Mr. Speaker, because the Supreme Court rested the whole decision on the notion that to expect someone during a prayer is psychological coercion that the majority of the Supreme Court equated with the same as using compulsion on someone to have a particular religion just because at this graduation the students were expected to be respectful, not only respectful of the prayer offered by the rabbi but respectful of the other speakers, respectful of the people as they came in as a group, as part of this graduation, respectful of the other people in attendance. But, oh, if it was respect for the rabbi's prayer, oh, there the Supreme Court said, "Well, you can't expect people to be respectful of religion. After all, they may disagree." Okay. I disagree with many of the things said on the floor of this House. That does not mean that I have a right to silence and to censor the people who may say it. It is common in everyday life. In all sorts of settings, we hear things with which we disagree. That does not give us the right to censor and silence people. But this notion of political correctness which has been extended into schools is saying, "Oh, but my goodness, if somebody doesn't like it, let's see if we can find an excuse to silence them," and they twist and distort the First Amendment to make it anti-religious instead of positive toward religion and use that as an excuse to silence people. Let us look at this decision. The decision came down from the U.S. Supreme Court June 24, 1992. The justices who said that this prayer at a school graduation was unconstitutional were Justices Kennedy, Blackmun, Stevens, O'Connor and Souder. Dissenting and, boy, did they dissent in very clear terms, dissenting were Justices Scalia, Rehnquist, the Chief Justice, White, and Thomas.

I am looking at the Supreme Court decision and for people that look up these things and want to look up the reference, which is called the citation, it is cited as 505 U.S. 577. That is 505 United States Reports, page 577. As the Court wrote, and Justice Kennedy wrote the opinion for the majority and a lot of organizations got involved in this, and I am glad to say, Mr. Speaker, by the way, that most of those who were arguing in favor of the graduation prayer are also supporters of the religious freedom amendment. The prayer actually happened in 1989. The Supreme Court took 3 years to make its decision. But it was a public school, Nathan Bishop Middle School in Providence, Rhode Island. There was a 14-year-old girl who was one of the graduates of middle school, her name was Deborah Wiseman. At the time she was about 14 years old. Now, it was the policy in the schools and the superintendent to permit principals to invite members of the clergy to give invocations and benedictions. Often, it was not always but often they chose to make these part of the graduation ceremonies.

□ 2230

The objector in this case was Deborah Weisman and her father Daniel Weisman. The school principal invited a Jewish rabbi to offer the prayer. The rabbi's name was Leslie Gutterman, and he was from the Temple Beth El in Providence, Rhode Island.

Now these were the two prayers that he offered Mr. Speaker, which the Supreme Court held were unconstitutional, and I think people can decide for themselves if they think there is something offensive here. The invocation offered by Rabbi Gutterman was as follows:

God of the free, hope of the brave, for the legacy of America where diversity is celebrated and the rights of minorities are protected, we thank You. May these young men and women grow up to enrich it. For the liberty of America, we thank You. May these new graduates grow up to guard it. For the political process of America in which all its citizens may participate, for its court system where all may seek justice, we thank You. May those we honor this morning always turn to it in trust. For the destiny of America, we thank You. May the graduates of Nathan Bishop Middle School so live that they might help to share it. May our aspirations for our country and for these young people who are our hope for the future be richly fulfilled. Amen.

So the invocation by Rabbi Gutterman even praised the very courts which later said that he violated the Constitution in doing so.

Then there is the benediction that the rabbi offered at the close of the graduation. These were the words that he pronounced:

O God, we are grateful to you for having endowed us with a capacity for learning which we have celebrated on this joyous commencement. Happy families give thanks for seeing their children achieve an important milestone. Send your blessings upon the teachers and administrators who helped prepare them. The graduates now need strength and guidance for the future. Help them to understand that we are not complete with academic knowledge alone. We must each strive to fulfill what you require of us all, to do justly, to love mercy, to walk humbly. We give thanks to you, Lord, for keeping us alive, sustaining us and allowing us to reach this special happy occasion. Amen.

That was the benediction offered by Rabbi Gutterman which again the U.S. Supreme Court, because someone chose to find it offensive, the U.S. Supreme Court ruled it unconstitutional.

Now in this, Mr. Speaker, do you notice the case was brought by and on behalf of one student?

Now the Court does not tell us clearly just how big the class was. It was evidently, from other comments you know, a good-size graduating class from this middle school.

No one else joined in the court case to say I also object, just one student, and that is part of the problem with the standard, the erroneous standard that has been created by the Supreme Court. If one person objects, everyone else is censored. In fact, they have even said even if nobody does object, the possibility that somebody could object is enough to make us say that you should not have prayers at school graduations or prayers at the start of the school day.

Since when, Mr. Speaker, does something have to be unanimous before we can say it under free speech in the USA? And why should we restrict religious speech?

But let me get back to what Justice Kennedy wrote for this five—four-Court majority. He mentioned the parties stipulate attendance at these graduations is voluntary, and they also note the students stood for the Pledge of Allegiance, and then they remained standing for the rabbi's prayers, and the court wrote that they assume that there was a respectful moment of silence just before and just after the prayers, but despite that, the rabbi's two prayers probably did not last much beyond a minute each, if even that much.

Now the school board, and by the way the United States of America through the Solicitor General's Office, sided with the school board. The Solicitor General filed a brief on behalf of the school. The school board argued that the short prayers and others like it are of profound meaning to many students and parents throughout the country. As Justice Kennedy noted, they consider that due respect and acknowledgment for divine guidance and for the deepest spiritual aspirations of our people ought to be expressed at an event as important in life as graduation.

Now first the plaintiffs, the Weismans, asked for a court injunction to stop the prayer from taking place. The court said we do not have time before the graduation, did not grant the injunction. They maintained the suit after the prayers were given, the court made the decision, oh, it should not have happened, it was unconstitutional, and they held, of course, a violation of the first amendment. They issued a permanent injunction against the school system there in Providence, Rhode Island, saying you are permanently enjoined, do not do this again, do not have one of these horrible prayers at school graduation.

Of course, I do not think it is horrible, I think it is normal. But the court held that it was unconstitutional, and on appeal the U.S. Court of Appeals agreed with the district court, as ultimately the U.S. Supreme Court did.

Now Justice Kennedy wrote, well, even though attendance is voluntary at graduation it is really kind of obligatory because you expect students to want to be at their graduation. And they found a lot of criticism with the fact that the actual invitation to the rabbi, rather than coming maybe from a student body officer or something like that, the fact that the invitation was extended by the principal of the school, the Supreme Court thought that was very significant. Now I do not know how that affected necessarily the nature of the prayer that the rabbi gave, but the rabbi was given a copy of different guidelines for civic occasions. And that was the name of the document, Guidelines for Civic Occasions, that the principal gave him and said, I hope your prayers are going to be nonsectarian. And, as the Court said, well, that was a State effort to control the prayer.

Now imagine that. They say we hope that you will offer a prayer that will be as acceptable as possible to people, and the Court says that is the same as controlling the content.

And then the Court went on to say that it is unconstitutional for the government to try to suggest that a prayer seek common ground. Really, they really said that. This is what Justice Kennedy wrote, these are his words: If common ground can be defined which permits one's conflicting faiths to express the shared conviction that there is an ethic and morality which transcends human invention, the sense of community and purpose sought by all decent societies might be advanced. But though the first amendment does not allow the government to stifle prayers which aspire to these ends, neither does it permit the government to undertake that task for itself.

I find it very interesting, Mr. Speaker, that Justice Kennedy says the first amendment does not allow the government to stifle prayers, and yet that is what the Supreme Court did in this very case. They stifled the prayers. They said that it may have happened that time but do not let us catch you doing it again.

□ 2245

What a remedy. They say that they knocked out the prayer to avoid insulting the rabbi who offered the prayer.

It is really hard for me, Mr. Speaker, to follow this psychological coercion test that Justice Kennedy and the majority of the Supreme Court wrote about in this decision. I think it is much more fruitful to look at what the four Justices wrote when they dissented, that being Justices Scalia, Chief Justice Rehnquist, Justice White, and Justice Thomas.

This is what they wrote countering what the Supreme Court had done. I would like to advise you, Mr. Speaker, that it is the philosophy that was voiced by four Justices of the U.S. Supreme Court in this dissent; it is that philosophy which is embodied in the religious freedom amendment. In fact, in other cases impinging upon religious freedom, there were dissents filed by other Justices of the Supreme Court.

We have taken to heart what they said, and what they believe is the proper interpretation of the Constitution and I think what the American people believe is the proper interpretation. We have sought to incorporate that in the religious freedom amendment upon which we will soon be voting.

So let us look then at what these four Justices wrote through Justice Scalia. Talking about the majority ruling, they wrote:

As its instrument of destruction, the bulldozer of social engineering, the Court invents a boundless and boundlessly manipulable test of psychological coercion; lays waste a tradition that is as old as public school graduations themselves, and that is a component of an even more long-standing American tradition.

> Today's opinion shows more forcibly than volumes of argumentation why our Nation's protection, that fortress which is our Constitution, cannot possibly rest upon the changeable, philosophical predilections of the Justices of this Court, but must have deep foundations in the historic practices of our people.

They went on to discuss, Mr. Speaker, some of the historic practices of prayer in public settings. As they wrote, the history and tradition of our Nation are replete with public ceremonies featuring prayers of thanksgiving and petition.

In his first inaugural address, after swearing his oath of office on a Bible, George Washington deliberately made a prayer part of his first official act as President. Such supplication has been a characteristic feature of inaugural addresses ever since.

Thomas Jefferson, for example, prayed in his first inaugural address. In his second inaugural address, Jefferson acknowledged his need for divine guidance and invited his audience to join his prayer.

Reading further from the Court dissent, similarly, James Madison, in his first inaugural address, placed his confidence in the guardianship and guidance of that Almighty Being whose power regulates the destiny of nations.

Most recently, President Bush, continuing the tradition established by President Washington, asked those attending his inauguration to bow their heads and made a prayer his first official act as President.

Reading further from Justice Scalia, the day after the First Amendment was proposed, Congress urged President Washington to proclaim a day of public thanksgiving and prayer to be observed by acknowledging with grateful hearts the many and signal favors of Almighty God. President Washington responded by declaring Thanksgiving for November 26, 1789.

Reading further from the dissent in the Lee v. Weisman case, the other two branches of the Federal Government also have a long-established practice of prayer at public events. As we detailed in Marsh v. Chambers, congressional sessions have opened with a chaplain's prayer ever since the first Congress. And this Court's own sessions have opened with the invocation "God save the United States and this Honorable Court" since the days of Chief Justice Marshall.

In addition to this general tradition of prayer at public ceremonies, there exists a more specific tradition of invocations and benedictions at public school graduation exercises.

By one account, the first public high school graduation ceremony took place in Connecticut in July 1868, the very month, as it happens, that the Fourteenth Amendment was ratified, when 15 seniors from the Norwich Free Academy marched in their best Sunday suits and dresses into a church hall and waited through majestic music and long prayers.

As the Court acknowledges in describing the customary features of high school graduations, the invocation and benediction have long been recognized to be as traditional as any other parts of the school graduation program and are widely established.

Yet, Mr. Speaker, despite what 4 dissenting Justices were telling them in the words which I am reading to you, Mr. Speaker, despite that, just by a margin of 5 to 4, the Supreme Court said you should not have prayer at school graduations.

Now, these dissenting 4 Justices, Mr. Speaker, they turned their attention then to the argument, this psychological coercion argument that had been made by Justice Kennedy on behalf of the majority. Let me read you what they wrote about this.

According to the Court, students in graduation who want to avoid the fact or appearance of participation in the invocation and benediction are psychologically obligated by public pressure as well as peer pressure to stand as a group or at least maintain respectful silence during those prayers.

This assertion, the very linchpin of the Court's opinion, is almost as intriguing for what it is does not say as for what it says. It does not say, for example, that students are psychologically coerced to bow their heads, to place their hands in a prayerful position, to pay attention to the prayers, to utter amen, or in fact to pray.

It claims only that the psychological coercion consists of being coerced to stand or at least maintain respectful silence. That is all anybody was coerced to do. Nobody was required to join in a prayer. They were just expected to be respectful.

Mr. Speaker, it is a sad day when students in public schools are not taught to be respectful even, and perhaps especially, when somebody is saying or doing something with which they disagree.

The 4 dissenting Justices called the arguments of their 5 brethren ludicrous. That is their word for it, ludicrous. But they wrote further, let us assume the very worst, that the nonparticipating graduate is suddenly coerced to stand. Even that does not remotely establish a participation or an appearance of participation in a religious exercise.

The Court acknowledges that in our culture, standing can signify adherence to a view or simple respect for the views of others. But if it is a permissible inference that one who is standing is doing so simply out of respect for the prayers of others, then how can it possibly be said that a reasonable dissenter could believe that the group exercise signifies her own participation or approval.

The opinion manifests that the Court itself has not given careful consideration to its test of psychological coercion. For if it had, how could it observe with no hint of concern or disapproval that the student stood for the pledge of allegiance which immediately preceded Rabbi Gutterman's invocation?

Does that not ring a bell, Mr. Speaker? Is that now how we open our sessions of this Congress? We stand together, and we say the Pledge of Allegiance to the flag that is draped behind you, Mr. Speaker, and a prayer is offered. The Supreme Court said that that simple pattern was unconstitutional in a public school setting.

Now, about this requirement of standing, which is the only thing that any student was asked, not compelled, but they said, well, it was coercion. It was coercion to expect him to stand, even though they were not forced to.

As Justice Scalia wrote in the dissent, if students were psychologically coerced to remain standing during the invocation, they must also have been psychologically coerced moments before to stand for, and thereby, in the Court's view, to take part in or appear to take part in the Pledge of Allegiance. Must the pledge, therefore, be barred from the public schools?

I mention that, Mr. Speaker, because there is another U.S. Supreme Court decision, it is 50 years old now, 50 years old this year, relating to the Pledge of Allegiance in public schools. I think, Mr. Speaker, that it incorporates the proper standard, whether you are talking about at the graduation or the classroom setting, the proper standard.

Because in that case, which came out of West Virginia, West Virginia versus Barnette, the U.S. Supreme Court said no child can be compelled to say the Pledge of Allegiance. That is fine with me, Mr. Speaker. I do not want to compel someone to say the Pledge of Allegiance if they do not wish to say it. But what the Court did not do was to say that, because one child objects or might object, therefore, they can stop the other children from saying the Pledge of Allegiance.

That ought to be the standard that applies to prayer, to voluntary prayer at public schools or at a school graduation. No one is compelled to participate. The religious freedom amendment makes that explicit. You cannot require any person to join in prayer or other religious activity, but that does not give you the right to censor and silence those who do.

And as Justice Scalia noted here, does this mean that under this test that the Supreme Court applied to graduation prayer, now we are going to have to go back and ban the Pledge of Allegiance from our public schools? Because it is the same coercion to be respectful for that.

Mr. Speaker, it is long overdue that we correct decisions like this that have come from the U.S. Supreme Court, decisions that have used the First Amendment not as a shield of protection for religious freedom of the U.S.A., but as a weapon to stifle simple prayers, simple expressions of faith, whether it be at a school graduation or in a classroom.

Let me read some of the last words that were written by the 4 Justices who stood strong for our values and our traditions and dissented from this decision in Lee versus Weisman. Here is what they wrote in closing their decision or their dissent:

> The reader has been told much in this case about the personal interest of Mr. Weisman and his daughter and very little about the personal interests on the other side. They are not inconsequential. Church and State would not be such a difficult subject if religion were, as the Court apparently thinks it to be, some purely personal avocation that can be indulged entirely in secret, like pornography in the privacy of one's room. For most believers, it is not that and has never been.
>
> Religious men and women of almost all denominations have felt it necessary to acknowledge and beseech the blessing of God as a people and not just as individuals, because they believe in the protection of Divine Providence, as the Declaration of Independence put it, not just for individuals, but for societies.
>
> One can believe in the effectiveness of such public worship or one can deprecate and deride it, but the long-standing American tradition of prayer at official ceremonies displays with unmistakable clarity that the establishment clause does not forbid the government to accommodate it.

Nothing, absolutely nothing, the closing words of Justice Scalia, nothing, absolutely nothing is so inclined to foster among religious believers of various faiths a toleration, no, an affection for one another than voluntarily joining in prayer together. No one should be compelled to do that, but it is a shame to deprive our public culture of the opportunity and, indeed, the encouragement for people to do it voluntarily.

The Baptist or Catholic who heard and joined in the simple and inspiring prayers of Rabbi Gutterman on this official and patriotic occasion was inoculated from religious bigotry and prejudice in a manner that cannot be replicated.

To deprive our society of that important unifying mechanism in order to spare the nonbeliever what seems to me the minimal inconvenience of standing or even sitting in respectful nonparticipation is as senseless in policy as it is unsupported in law.

□ 2300

We have had a lot of senseless decisions from the U.S. Supreme Court when it comes to prayer in public schools, at graduation, the ability to have the Ten Commandments displayed in public places, or a nativity scene, a menorah, or it might be an emblem of some other religious holiday at an appropriate time of celebration. But, Mr. Speaker, to strip away the history, the culture, the tradition, the beliefs, the faith and the heritage of the people of the United States of America, not by a joint decision of the people of this country, but by bare majorities or even a 9-to-0 decision of the U.S. Supreme Court, to tromp upon the beliefs and convictions of the people of this country is not justified by the First Amendment.

Mr. Speaker, I do not want to change the Constitution to fix this, but there is no other way, because the Supreme Court has already distorted our First Amendment, using it as a weapon against public expression of faith; using it to censor and to silence simple prayers of hope and faith by children in our schools.

The religious freedom amendment, Mr. Speaker, addresses this, and we will be addressing it in the next few weeks. It has been approved by the Subcommittee on the Constitution; it has been approved by the House Committee on the Judiciary; it will be coming to this floor for a vote, to correct decisions such as this one and others of the U.S. Supreme Court.

I repeat, Mr. Speaker, a simple text, the Religious Freedom Amendment:

> To secure the people's right to acknowledge God according to the dictates of conscience. Neither the United States nor any State shall establish any official religion, but the people's right to pray and to recognize the religious beliefs, heritage or traditions on public property, including schools, shall not be infringed. Neither the United States nor any State shall require any person to join in prayer or other religious activity, proscribe school prayers, discriminate against religion, or deny equal access to a benefit on account of religion.

Religion is something that is good in this country. It has had a positive influence ever since it motivated the pilgrims to come to America and to found this Nation, because they sought religious freedom; they sought the protections that the Supreme Court would deny people today.

Mr. Speaker, I urge my colleagues to support the Religious Freedom Amendment. To those who have not joined the more than 150 cosponsors, I invite them to join and put their name on this amendment and join with us today in that. I hope that their constituents will call their offices and tell them they need to be supporting the Religious Freedom Amendment, they need to put their name on it. They need to be helping Congressman Istook and the others who are supporting this.

Mr. Speaker, this is something that is so vital because our cherished first freedom is being undercut by the Supreme Court that is supposed to be its guardian, and the Constitution sets up a system where if something goes wrong with interpretation of the Constitution, we offer an amendment, because we, Mr. Speaker, are charged to be the protectors of what the Founding Fathers intended, and the Religious Freedom Amendment helps us to provide that protection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. WATERS (at the request of Mr. GEPHARDT) for today through April 1, on account of official business.

Mr. YATES (at the request of Mr. GEPHARDT) for today, on account of physical reasons.

Mr. JEFFERSON (at the request of Mr. GEPHARDT) for today through April 3, on account of official business.

Mr. MCDERMOTT (at the request of Mr. GEPHARDT) for today through March 27, on account of official business.

Mr. RANGEL (at the request of Mr. GEPHARDT) for today through April 1, on account of official business.

Mr. STARK (at the request of Mr. GEPHARDT) for today and March 25, on account of official business.

Mr. ROYCE (at the request of Mr. ARMEY) for today through April 1, on account of traveling on behalf of the Speaker of the House of Representatives with the President of the United States in Africa.

Mrs. CHENOWETH (at the request of Mr. ARMEY) for today, on account of illness.

Mr. CANNON (at the request of Mr. ARMEY) for today and the balance of the week, on account of the birth of his child.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BORSKI) to revise and extend their remarks and include extraneous material:)

Mr. CONYERS, for 5 minutes, today.

Mr. FRANK, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. KLINK, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Ms. PELOSI, for 5 minutes, today.

Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Mr. MORAN, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. WELDON of Florida) to revise and extend their remarks and include extraneous material:)

Mr. EWING, for 5 minutes, each day today and on March 25, 26, and 27.

Mrs. CUBIN, for 5 minutes, on March 25.

Mrs. KELLY, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, on March 25.

Mr. JONES, for 5 minutes, on March 25.

Mr. EHRLICH, for 5 minutes, on March 25.

Mr. METCALF, for 5 minutes, on March 25.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. FRANK of Massachusetts, for 5 minutes, today.

Mr. FOX of Pennsylvania, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BORSKI) and to include extraneous matter:)

Mr. KIND.
Mr. MANTON.
Ms. NORTON.
Mr. HALL of Ohio.
Mr. MORAN of Virginia.
Mr. SCHUMER.
Mr. EVANS.
Mr. KENNEDY of Rhode Island.
Mr. KUCINICH.
Mr. LANTOS.
Mr. PASCRELL.
Mr. HAMILTON.
Mr. LIPINSKI.
Mrs. MEEK of Florida.
Mr. BENTSEN.
Mr. FATTAH.
Mr. FROST.

(The following Members (at the request of Mr. WELDON of Florida) and to include extraneous matter:)

Mr. DAVIS of Virginia.
Mr. LEWIS of California.
Mr. RIGGS.
Mrs. ROUKEMA.
Mr. GINGRICH.
Mr. EVERETT.
Mr. SOLOMON.
Mr. COLLINS.
Mr. SMITH of Oregon.
Mr. TAYLOR of North Carolina.

(The following Members (at the request of Mr. ISTOOK) and to include extraneous matter:)

Mr. BASS.
Mr. TIERNEY.
Ms. MILLENDER-MCDONALD.
Mr. LEWIS of Kentucky.
Mr. CONYERS.
Mr. EVANS.
Mr. KANJORSKI.
Mr. TORRES.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 758. An act to make certain technical corrections to the Lobbying Disclosure Act of 1995.

ADJOURNMENT

Mr. ISTOOK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 25, 1998, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

8171. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Bamboo [Docket No. 96-082-2] received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8172. A communication from the President of the United States, transmitting his requests for an emergency FY 1998 supplemental appropriation of $1,632.2 million for disaster relief activities of the Federal Emergency Management Agency, and accompanying amendment, pursuant to 31 U.S.C. 1107; (H. Doc. No. 105—234); to the Committee on Appropriations and ordered to be printed.

8173. A letter from the Chairman, Panel to Review Long-Range Air Power, transmitting the report of the Panel To Review Long-Range Air Power, pursuant to Pub. L 105—56 and Public Law 105—85, section 131; to the Committee on National Security.

8174. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Closure of Specified Groundfish Fisheries in the Bering Sea and Aleutian Islands [Docket No. 971208298-8055-02; I.D. 031198A] received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8175. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters [Rev. Proc. 98-28] received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8176. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 98-18] received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8177. A letter from the Secretary of Defense, transmitting supplemental information on the proposed obligation of certain Cooperative Threat Reduction Program funds; jointly to the Committees on International Relations and National Security.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of the rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STUMP: Committee on Veterans' Affairs. H.R. 3211. A bill to amend title 38, United States Code, to enact into law eligibility requirements for burial in Arlington National Cemetery, and for other purposes; with an amendment (Rept. 105-458). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2186. A bill to authorize the Secretary of the Interior to provide assistance to the National Historic Trails Interpretive Center in Casper, Wyoming (Rept. 105-459). Referred to the Committee of the Whole House on the State of the Union.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 390. Resolution providing for consideration of the bill (H.R. 2589) to amend the provisions of title 17, United States Code, with respect to the duration of copyright, and for other purposes (Rept. 105-460). Referred to the House Calendar.

Mrs. MYRICK: Committee on Rules. House Resolution 391. Resolution providing for consideration of the bill (H.R. 2578) to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and to provide for the collection of data with respect to the number of non-immigrants who remain in the United States after the expiration of the period of stay authorized by the Attorney General (Rept. 105-461). Referred to the House Calendar.

Mr. BURTON: Committee on Government Reform and Oversight. H.R. 3310. A bill to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements, and to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses; with an amendment (Rept. 105-462 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on Small Business discharged from further consideration. H.R. 3310 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 3310. Referral to the Committee on Small Business extended for a period ending not later than March 24, 1998.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Oregon:

H.R. 3530. A bill to address the destruction and degradation of important forest resources on Federal lands in the United States through a program of recovery and protection consistent with the requirements of existing public land management and environmental laws, to establish a program to inventory and analyze public and private forests, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY of New York (for herself, Mr. McDermott, Ms. Christian-Green, Mr. Gejdenson, Mr. Hilliard, Ms. Kaptur, Mr. Lantos, Ms. Lofgren, Mr. Nadler, Ms. Norton, Mr. Rush, Mrs. Thurman, and Ms. Woolsey):

H.R. 3531. A bill to support breastfeeding by new mothers and encourage employers to support workplace lactation programs, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, House Oversight, Government Reform and Oversight, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAN SCHAEFER of Colorado:

H.R. 3532. A bill to authorize appropriations for the Nuclear Regulatory Commission for fiscal year 1999, and for other purposes; to the Committee on Commerce.

By Mr. COLLINS:

H.R. 3533. A bill to terminate the exception provided for certain real estate investment trusts from the rules relating to stapled entities; to the Committee on Ways and Means.

By Mr. CONDIT (for himself, Mr. Portman, Mr. Goode, Mr. Solomon, Mr. Dreier, Mr. Bishop, Mr. Armey, Mr. Stenholm, Mr. Goss, Mr. McIntyre, Mr. Linder, Mr. John, Ms. Pryce of Ohio, Mr. Cramer, Mr. McInnis, Mr. Hastings of Washington, Mrs. Myrick, Mr. Boehner, Mr. Doolittle, Mr. Sessions, Mr. Chabot, and Mr. Turner):

H.R. 3534. A bill to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes; to the Committee on Rules.

By Mr. ENSIGN (for himself, Mr. Ney, Mr. Christensen, Mr. Gibbons, and Mr. Shays):

H.R. 3535. A bill to establish limits on medical malpractice claims, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY of Rhode Island:

H.R. 3536. A bill to amend the Internal Revenue Code of 1986 to encourage the construction in the United States of luxury yachts, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MILLENDER-McDONALD (for herself, Mr. Hastings of Florida, Ms. Kilpatrick, Ms. Norton, Mr. Faleomavaega, Mr. Rangel, Mr. Davis of Illinois, Ms. Brown of Florida, Mr. Lewis of Georgia, Mr. Gutierrez, Mr. Martinez, Ms. DeLauro, Mr. Lantos, Mr. Pallone, Mr. Wynn, Ms. Rivers, and Ms. Jackson-Lee):

H.R. 3537. A bill to amend title 18, United States Code, to prohibit the delivery of alcohol to minors; to the Committee on the Judiciary.

By Mr. PALLONE (for himself and Mr. Green):

H.R. 3538. A bill to amend title XXVII of the Public Health Service Act to limit the amount of any increase in the payments required by health insurance issuers for health insurance coverage provided to individuals who are guaranteed an offer of enrollment under individual health insurance coverage relative to other individuals who purchase health insurance coverage; to the Committee on Commerce.

By Mr. REDMOND (for himself, Mr. Skeen, and Mr. Schiff):

H.R. 3539. A bill to amend the Radiation Exposure Compensation Act to provide for payment of compensation to individuals exposed to radiation as the result of working in uranium mines and mills which provided uranium for the use and benefit of the United States Government, and for other purposes; to the Committee on the Judiciary.

By Ms. RIVERS:

H.R. 3540. A bill to assess the impact of the North American Free Trade Agreement on domestic job loss and the environment, and for other purposes; to the Committee on Ways and Means.

By Mrs. ROUKEMA:

H.R. 3541. A bill to amend the Internal Revenue Code of 1986 to provide that the $500,000 exclusion of gain on the sale of a principal residence shall apply to certain sales by a surviving spouse; to the Committee on Ways and Means.

By Mr. SMITH of Oregon:

H.R. 3542. A bill to clarify the Bureau of Land Management's authority to make sales and exchanges of certain Federal lands in the State of Oregon, and for other purposes; to the Committee on Resources.

By Mrs. LINDA SMITH of Washington:

H.R. 3543. A bill to amend the Federal Election Campaign Act of 1971 to prohibit a political committee from reimbursing a candidate for election for Federal office for amounts provided to the committee in support of the candidate's campaign; to the Committee on House Oversight.

By Mr. UPTON:

H.R. 3544. A bill to amend the National Sea Grant College Program Act with respect to the treatment of Lake Champlain; to the Committee on Resources.

By Mr. BOYD (for himself and Mr. Stenholm):

H. Con. Res. 248. Concurrent resolution expressing the sense of Congress that the Internal Revenue Code of 1986 should be reformed by April 15, 2001, in a manner that protects the Social Security and Medicare Trust Funds, that is revenue neutral, and that results in a fair and less complicated tax code; to the Committee on Ways and Means.

By Mr. EVANS (for himself, Mr. SMITH of New Jersey, Mr. KENNEDY of Massachusetts, Mr. FILNER, Mr. DOYLE, Mr. MASCARA, Mr. PETERSON of Minnesota, Mr. REYES, and Mr. RODRIGUEZ):

H. Con. Res. 249. Concurrent resolution stating the sense of Congress that substantial amounts of the proceeds received by the United States under any congressionally approved tobacco settlement should be allocated to the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. BEREUTER (for himself and Mr. BERMAN):

H. Res. 392. A resolution relating to the importance of Japanese-American relations and the urgent need for Japan to more effectively address its economic and financial problems and open its markets by eliminating informal barriers to trade and investment, thereby making a more effective contribution to leading the Asian region out of its current financial crisis, insuring against a global recession, and reinforcing regional stability and security; to the Committee on International Relations, and in addition to the Committees on Banking and Financial Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 96: Mr. RILEY and Mr. SCARBOROUGH.

H.R. 306: Mr. KING of New York.

H.R. 543: Mr. PETERSON of Minnesota and Mr. LANTOS.

H.R. 612: Mr. REGULA, Mrs. MINK of Hawaii, Mr. WEXLER, Mr. HUTCHINSON, and Mr. LIVINGSTON.

H.R. 746: Mr. OBERSTAR.

H.R. 777: Mr. KENNEDY of Massachusetts.

H.R. 815: Ms. SÁNCHEZ.

H.R. 836: Mr. WEXLER, Mr. CHRISTENSEN, Mr. ADAM SMITH of Washington, and Mrs. MORELLA.

H.R. 859: Mr. LEWIS of Kentucky.

H.R. 864: Mr. GUTIERREZ, Ms. KAPTUR, Mr. MASCARA, Mr. SHERMAN, Mr. LANTOS, Ms. PELOSI, Mr. CUMMINGS, Mr. PASTOR, Ms. MCKINNEY, Mr. SNYDER, and Mrs. MINK of Hawaii.

H.R. 872: Mr. CAMP, Mr. FRELINGHUYSEN, Mr. LEWIS of California, and Ms. WOOLSEY.

H.R. 880: Mr. SMITH of Michigan.

H.R. 922: Mr. CAMP.

H.R. 923: Mr. CAMP.

H.R. 979: Mrs. MORELLA, Mr. JOHN, Mr. BARRETT of Wisconsin, Mr. PETERSON of Minnesota, Mr. SHERMAN, Mr. PASCRELL, and Mr. PACKARD.

H.R. 981: Mr. OLVER, Mr. BECERRA, Mr. DELAHUNT, and Mrs. CAPPS.

H.R. 982: Mr. WAXMAN.

H.R. 1070: Mr. SNYDER.

H.R. 1121: Mr. CHAMBLISS and Mr. REDMOND.

H.R. 1231: Mr. KENNEDY of Rhode Island and Mr. SKAGGS.

H.R. 1234: Ms. CARSON.

H.R. 1322: Mr. NORWOOD, Mr. PETERSON of Pennsylvania, Mr. SESSIONS, Mr. HALL of Texas, Mr. RAHALL, Ms. GRANGER, and Mr. SOLOMON.

H.R. 1378: Mr. GOODLATTE.

H.R. 1401: Mr. BOEHLERT.

H.R. 1500: Ms. SÁNCHEZ.

H.R. 1525: Mr. ANDREWS.

H.R. 1555: Mr. MCGOVERN, Ms. MILLENDER-MCDONALD, Mr. FAZIO of California, and Mr. WEYGAND.

H.R. 1573: Mr. WAXMAN, Mr. FILNER, Mr. UNDERWOOD, and Mr. LAMPSON.

H.R. 1586: Mr. NADLER.

H.R. 1595: Mr. ENSIGN.

H.R. 1689: Mrs. JOHNSON of Connecticut and Mr. FOLEY.

H.R. 1737: Mr. ABERCROMBIE.

H.R. 1864: Mr. BLUMENAUER.

H.R. 2009: Mr. RODRIGUEZ, Ms. NORTON, Mr. LEVIN, Mr. FOX of Pennsylvania, Mr. HORN, Mr. PRICE of North Carolina, Mr. WYNN, Mr. KENNEDY of Massachusetts, Mr. STRICKLAND, Ms. JACKSON-LEE, and Mr. MEEHAN.

H.R. 2120: Mr. MORAN of Virginia.

H.R. 2124: Mr. DIAZ-BALART and Mr. GOODLING.

H.R. 2125: Mrs. ROUKEMA.

H.R. 2163: Mr. PAUL.

H.R. 2223: Mr. GIBBONS.

H.R. 2275: Mr. KUCINICH.

H.R. 2313: Mr. CAMPBELL.

H.R. 2396: Mr. MCHALE, Mr. OLVER, and Ms. STABENOW.

H.R. 2400: Mr. ROGERS.

H.R. 2424: Mr. GOSS.

H.R. 2433: Mr. LUTHER, Ms. LOFGREN, Mr. BARRETT of Wisconsin, and Mr. WAXMAN.

H.R. 2497: Mr. CONDIT.

H.R. 2538: Mr. COOKSEY, Mr. CALVERT, Mr. PAPPAS, Mr. GINGRICH, Mr. LANTOS, and Mr. THOMAS.

H.R. 2549: Ms. NORTON.

H.R. 2635: Mr. KUCINICH.

H.R. 2652: Mrs. TAUSCHER.

H.R. 2670: Ms. PELOSI and Mr. CASTLE.

H.R. 2701: Ms. BROWN of Florida, Mr. BORSKI, Mr. TORRES, and Mr. JENKINS.

H.R. 2821: Mr. HASTINGS of Washington and Mr. MCDERMOTT.

H.R. 2828: Mr. KENNEDY of Rhode Island.

H.R. 2829: Ms. JACKSON-LEE, Mr. MCINTOSH, Mrs. MORELLA, Mr. PAYNE, Mr. SISISKY, Mr. FORD, and Mr. MOAKLEY.

H.R. 2923: Mr. SHERMAN, Mr. STARK, and Mr. LEWIS of California.

H.R. 2938: Mr. BONILLA.

H.R. 2955: Mr. HINCHEY.

H.R. 2962: Mr. BALDACCI.

H.R. 3001: Mr. COYNE, Ms. PELOSI, and Ms. DEGETTE.

H.R. 3014: Mr. CAMPBELL.

H.R. 3048: Mr. CLYBURN, Mr. ROHRABACHER, and Mr. BILBRAY.

H.R. 3097: Mr. PETERSON of Pennsylvania.

H.R. 3099: Mr. WEYGAND and Mr. RANGEL.

H.R. 3131: Mr. GREENWOOD.

H.R. 3140: Mr. BARCIA of Michigan, Mr. SKEEN, Mr. TANNER, Mr. LUCAS of Oklahoma, Mr. WATTS of Oklahoma, Mr. ETHERIDGE, Mr. HANSEN, Mr. HASTINGS of Washington, Mr. SMITH of Oregon, and Mr. HOEKSTRA.

H.R. 3155: Mr. EVANS.

H.R. 3181: Mr. FORD.

H.R. 3205: Mr. KILDEE and Mr. RODRIGUEZ.

H.R. 3211: Mr. WELDON of Florida, Mr. GOODLING, Mr. CHRISTENSEN, Mr. LARGENT, Mr. ABERCROMBIE, and Mr. KLECZKA.

H.R. 3217: Mr. HAYWORTH, Mrs. KENNELLY of Connecticut, and Mr. FOLEY.

H.R. 3241: Mr. PITTS.

H.R. 3242: Mr. CALVERT and Mr. ENGLISH of Pennsylvania.

H.R. 3249: Mr. WOLF.

H.R. 3255: Ms. FURSE.

H.R. 3260: Mr. RAMSTAD, Ms. RIVERS, Mr. OXLEY, Mr. PORTER, and Mr. PETRI.

H.R. 3269: Ms. FURSE and Mr. GREEN.

H.R. 3275: Mr. SCHIFF.

H.R. 3279: Mr. GONZALEZ and Mr. MARTINEZ.

H.R. 3295: Mr. MANTON, Mr. SPENCE, Mr. SKELTON, Mr. DEFAZIO, Mr. TURNER, Mr. HOYER, Mr. SYNDER, Mr. LUTHER, Mr. SISISKY, Mr. TAYLOR of Mississippi, Ms. MCKINNEY, Ms. FURSE, and Mr. WATT of North Carolina.

H.R. 3297: Mrs. EMERSON and Mr. CRAPO.

H.R. 3314: Mrs. MYRICK.

H.R. 3318: Mr. HYDE, Mr. DOOLEY of California, Mr. WATKINS, Mr. YOUNG of Alaska, Mr. KLINK, Mr. ROYCE, Mr. POMEROY, Mr. ENGLISH of Pennsylvania, Mr. COOKSEY, Mr. DAVIS of Virginia, Mr. PASCRELL, Mr. PAXON, Ms. FURSE, and Mr. NADLER.

H.R. 3331: Mr. LEWIS of Kentucky, Mr. HOEKSTRA, and Mrs. MYRICK.

H.R. 3335: Mr. MCCOLLUM.

H.R. 3336: Mr. SCARBOROUGH.

H.R. 3351: Mr. PORTMAN.

H.R. 3396: Mr. STOKES, Mr. WELDON of Pennsylvania, Mr. GOODLING, Mr. SISISKY, Mr. ROHRABACHER, Mr. MOAKLEY, Mr. HORN, Mr. BACHUS, Mr. SKEEN, Mr. FORD, and Mr. BALDACCI.

H.R. 3400: Mr. MCDERMOTT, Mr. SANDERS, and Mrs. CLAYTON.

H.R. 3433: Mr. RAMSTAD, Mr. ENGLISH of Pennsylvania, Mr. HAYWORTH, Mr. HULSHOF, Mr. RANGEL, Mr. MATSUI, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mrs. THURMAN, Ms. KAPTUR, Ms. LOFGREN, and Mr. KLINK.

H.R. 3440: Mr. DAVIS of Florida.

H.R. 3464: Mr. EDWARDS and Mr. MARTINEZ.

H.R. 3469: Mr. BARRETT of Wisconsin.

H.R. 3502: Mr. GILMAN, Mr. HOYER, Mr. KLECZKA, Mr. BOEHLERT, Mr. BENTSEN, Mr. RAHALL, Mr. ADAM SMITH of Washington, and Mr. ANDREWS.

H.R. 3510: Ms. BROWN of Florida, Ms. FURSE, and Mr. SERRANO.

H.R. 3514: Mr. KILDEE, Mr. KUCINICH, and Mr. BENTSEN.

H.R. 3526: Mr. LEVIN and Mr. FARR of California.

H.J. Res. 71: Mr. NORWOOD, Mr. PETERSON of Pennsylvania, Mr. SESSIONS, Mr. HALL of Texas, Mr. RAHALL, Ms. GRANGER, and Mr. SOLOMON.

H.J. Res. 78: Mr. ROGAN and Mr. OXLEY.

H. Con. Res. 188: Mr. HINCHEY.

H. Con. Res. 203: Mr. MORAN of Virginia and Mr. MCDADE.

H. Con. Res. 211: Mr. GOODLING.

H. Con. Res. 228: Ms. RIVERS, Mr. MATSUI, Mr. LUTHER, and Mr. DOOLEY of California.

H. Con. Res. 229: Mr. BARR of Georgia, Mr. BASS, Mr. BILBRAY, Mr. BLILEY, Mr. FILNER, Mr. HUNTER, Mr. MCNULTY, Mr. PITTS, Mr. STEARNS, Mrs. THURMAN, Mr. WATTS of Oklahoma, and Mrs. WOOLSEY.

H. Con. Res. 239: Mr. LEACH.

H. Res. 83: Mr. BLUMENAUER.

H. Res. 363: Mr. CALLAHAN, Ms. PELOSI, Mr. BENTSEN, Mr. CLAY, Ms. FURSE, Mr. BACHUS, Mr. FARR of California, Mr. GUTIERREZ, Mr. SANDERS, Mr. GONZALEZ, and Mr. BILBRAY.

H. Res. 387: Mr. MEEHAN, Mr. ACKERMAN, Mr. BARRETT of Wisconsin, Mr. BONIOR, Mr. OLVER, Mr. FILNER, Mr. SERRANO, Mr. SNYDER, Mr. TIERNEY Mr. MCGOVERN, and Mr. MANTON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 740: Mr. SHIMKUS.
H.R. 981: Mrs. MYRICK.
H.R. 1415: Mr. MCINTOSH.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2578

OFFERED BY: MR. LAFALCE

AMENDMENT NO. 1: Page 2, after line 22, insert the following:

SEC. 3. AMENDMENT OF THE ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996.

(a) IN GENERAL.—Section 110(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note) is amended to read as follows:

"(a) SYSTEM.—

"(1) IN GENERAL.—Subject to paragraph (2), not later than 2 years after the date of the enactment of this Act, the Attorney General shall develop an automated entry and exit control system that will—

"(A) collect a record of departure for every alien departing the United States and match the record of departure with the record of the alien's arrival in the United States; and

"(B) enable the Attorney General to identify, through on-line searching procedures, lawfully admitted nonimmigrants who remain in the United States beyond the period authorized by the Attorney General.

"(2) EXCEPTION.—The system under paragraph (1) shall not collect a record of arrival or departure—

"(A) at a land border or seaport of the United States for any alien;

"(B) for any alien for whom the documentary requirements in section 212(a)(7)(B) of the Immigration and Nationality Act have been waived by the Attorney General and the Secretary of State under section 212(d)(4)(B) of the Immigration and Nationality Act.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 110 Stat. 3009-546).

SEC. 4. REPORT.

(a) REQUIREMENT.—Not later than two years after the date of enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives on the feasibility of developing and implementing an automated entry-exit control system that would collect a record of departure for every alien departing the United States and match the record of departure with the record of the alien's arrival in the United States, including departures and arrivals at the land borders of the United States.

(b) CONTENTS OF REPORT.—Such report shall—

(1) assess the costs and feasibility of various means of operating such an automated entry-exit control system, including exploring—

(A) how, if the automated entry-exit control system were limited to certain aliens arriving at airports, departure records of those aliens could be collected when they depart through a land border or seaport; and

(B) the feasibility of the Attorney General, in consultation with the Secretary of State, negotiating reciprocal agreements with the governments of contiguous countries to collect such information on behalf of the United States and share it in an acceptable automated format;

(2) consider the various means of developing such a system, including the use of pilot projects if appropriate, and assess which means would be most appropriate in which geographical regions;

(3) evaluate how such a system could be implemented without increasing border traffic congestion and border crossing delays and, if any such system would increase border crossing delays, evaluate to what extent such congestion or delays would increase; and

(4) estimate the length of time that would be required for any such system to be developed and implemented.

SEC. 5. INCREASED RESOURCES FOR BORDER CONTROL AND ENFORCEMENT.

(a) INCREASED NUMBER OF INS INSPECTORS AT THE LAND BORDERS.—The Attorney General in each of fiscal years 1998, 1999, and 2000 shall increase by not less than 300 the number of full-time inspectors assigned to active duty at the land borders of the United States by the Immigration and Naturalization Service, above the number of such positions for which funds were made available for the preceding fiscal year. Not less than one-half of the inspectors added under the preceding sentence in each fiscal year shall be assigned tо the northern border of the United States.

(b) INCREASED NUMBER OF CUSTOMS INSPECTORS AT THE LAND BORDERS.—The Secretary of the Treasury in each of fiscal years 1998, 1999, and 2000 shall increase by not less than 150 the number of full-time inspectors assigned to active duty at the land borders of the United States by the Customs Service, above the number of such positions for which funds were made available for the preceding fiscal year. One-half of the inspectors added under the preceding sentence in each fiscal year shall be assigned to the northern border and one-half to the southern border of the United States.

H.R. 2578

OFFERED BY: MR. POMBO

AMENDMENT NO. 2: Page 2, after line 22, insert the following:

SEC. 3. QUALIFICATIONS FOR DESIGNATION AS PILOT PROGRAM COUNTRY.

Section 217(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(2)) is amended to read as follows:

"(2) QUALIFICATIONS.—Except as provided in subsection (g), a country may not be designated as a pilot program country unless the following requirements are met:

"(A) LOW NONIMMIGRANT VISA REFUSAL RATE.—Either—

"(i) the average number of refusals of nonimmigrant visitor visas for nationals of that country during—

"(I) the two previous full fiscal years was less than 2.0 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years; and

"(II) either of such two previous full fiscal years was less than 2.5 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year; or

"(ii) such refusal rate for nationals of that country during the previous full fiscal year was less than 3.0 percent.

"(B) MACHINE READABLE PASSPORT PROGRAM.—The government of the country certifies that it has or is in the process of developing a program to issue machine-readable passports to its citizens.

"(C) LAW ENFORCEMENT INTERESTS.—The Attorney General determines that the United States law enforcement interests would not be compromised by the designation of the country.".

Amend the title so as to read: "A bill to amend the Immigration and Nationality Act to modify and extend the visa waiver pilot program, and to provide for the collection of data with respect to the number of nonimmigrants who remain in the United States after the expiration of the period of stay authorized by the Attorney General.".

H.R. 2578

OFFERED BY: MR. SMITH OF TEXAS

AMENDMENT NO. 3: Page 2, strike lines 1 through 5 and insert the following:

SECTION 1. EXTENSION OF VISA WAIVER PILOT PROGRAM.

Section 217(f) of the Immigration and Naturalization Act is amended by striking "1998." and inserting "2000.".

H.R. 2578

OFFERED BY: MR. UNDERWOOD

AMENDMENT NO. 4: Page 2, after line 22, insert the following:

SEC. 3. VISA WAIVER PILOT PROGRAM FOR PHILIPPINE NATIONALS VISITING GUAM.

(a) ESTABLISHMENT OF PILOT PROGRAM.—The Attorney General and the Secretary of State shall establish a pilot program (hereinafter in this section referred to as the "pilot program") under which the requirement of section 212(a)(7)(B)(i)(II) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(7)(B)(i)(II)) may be waived by the Attorney General, in consultation with the Secretary of State, and in accordance with this section, in the case of an alien who meets the following requirements:

(1) SEEKING ENTRY INTO GUAM FOR 15 DAYS OR LESS.—The alien is applying for admission during the pilot program period (described in subsection (d)) as a nonimmigrant visitor (described in section 101(a)(15)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(B))) and solely for entry into and stay on Guam for a period not to exceed 15 days.

(2) NATIONAL OF PHILIPPINES.—The alien is a national of, and presents a passport issued by, the Republic of the Philippines.

(3) FAMILY OBLIGATION.—The alien before the time of such admission completes an immigration form stating that the application for admission is occasioned by a family obligation involving an occurrence such as the illness or death of a close relative or other family need.

(4) ATTESTING SPONSOR.—The alien before the time of such admission submits an attestation executed by a sponsor of the alien, in which the sponsor attests, under penalty of perjury and on a form designated or established by the Attorney General by regulation, that—

(A) the sponsor is a national of the United States residing on Guam;

(B) the sponsor is a spouse, parent, grandparent, aunt, uncle, brother, sister, son, or daughter of the alien; and

(C) the trip is occasioned by a family obligation described in paragraph (3).

(5) EXECUTES IMMIGRATION FORMS.—The alien before the time of such admission completes such other immigration forms (consistent with this section) as the Attorney General may establish.

(6) NOT A SAFETY THREAT.—The alien has been determined not to represent a threat to the welfare, health, safety, or security of the United States.

(7) No previous violation.—If the alien previously was admitted without a visa under this section, the alien must not have failed to comply with the conditions of any previous admission as such a nonimmigrant.

(8) Round-trip ticket.—The alien is in possession of a round-trip transportation ticket (unless this requirement is waived by the Attorney General under regulations).

(b) Waiver of Rights.—An alien may not be provided a waiver under the pilot program unless the alien has waived any right—

(1) to review or appeal under the Immigration and Nationality Act of an immigration officer's determination as to the admissibility of the alien at the port of entry into Guam; or

(2) to contest, other than on the basis of an application for asylum, any action for removal of the alien.

(c) Limitation.—The total number of nationals of the Republic of the Philippines who are admitted for entry into Guam pursuant to a waiver under this section may not exceed 100 during any calendar month.

(d) Pilot Program Period.—

(1) In general.—Except as provided in paragraph (2), the pilot program period described in this subsection is the 12-month period beginning on the first day of the implementation of the pilot program.

(2) Termination due to high overstay rate.—

(A) In general.—The pilot program period shall terminate upon a determination by the Attorney General that the overstay rate (defined in subparagraph (B)) with respect to any calendar month exceeds 20 percent. The termination under the preceding sentence shall take effect on the first day of the first month following the month in which the determination is made.

(B) Overstay rate.—For purposes of this paragraph, the term "overstay rate" means the percentage which—

(i) the total number of nationals of the Republic of the Philippines who were admitted for entry into Guam pursuant to a waiver under this section during the most recent month for which data are available, and who violated the terms of such admission; bears to

(ii) the total number of nationals of such country who were admitted for entry into Guam pursuant to a waiver under this section during such month.

(e) Enforcement and Reporting.—

(1) Memorandum of understanding.—Prior to the implementation of the pilot program, the Attorney General and the Government of Guam shall enter into a memorandum of understanding setting forth their respective obligations with respect to the program's operation. The memorandum shall contain provisions sufficient to ensure that the requirements of this section are enforced effectively, including provisions ensuring that the arrival and departure control system on Guam—

(A) will collect a record of departure for every alien who was admitted pursuant to a waiver under this section, and match the record of departure with the record of the alien's arrival in Guam; and

(B) will enable the Attorney General to identify aliens who remain on Guam beyond the period authorized by the Attorney General under this section.

(2) Reporting on aliens overstaying period of lawful admission.—The memorandum under paragraph (1) shall require the Government of Guam to report to the Attorney General in a timely manner (but not less than monthly) any information, in addition to the information described in paragraph (1), that the Government of Guam may acquire with respect to aliens admitted pursuant to a waiver under this section who remain on Guam beyond the period authorized by the Attorney General under this section.

(f) Inclusion of Philippines in Guam-Only Visa Waiver Program.—

(1) Program review.—Upon the termination of the pilot program under subsection (d)(1), the Attorney General shall conduct a review of the success of the program and shall determine whether the overstay rates (as defined in subsection (d)(2)(B)) for the months comprising the pilot program period were excessive. The Attorney General shall complete the review, and shall issue the determination, not later than 6 months after the termination of the pilot program under subsection (d)(1).

(2) Determination of success.—Upon the issuance of a determination by the Attorney General under paragraph (1) that the overstay rates, when considered together, were not excessive, the Republic of the Philippines shall be deemed to be a geographic area that meets the eligibility criteria for inclusion in the visa waiver program under section 212(l) of the Immigration and Nationality Act (8 U.S.C. 1182(l)).

(g) Definitions.—Except as otherwise provided in this section, the terms used in this section shall have the meaning given such terms in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

H.R. 2589

Offered By: Mr. Sensenbrenner

Amendment No. 1: Page 1, insert before section 1 the following:

TITLE I—COPYRIGHT TERM EXTENSION

Strike section 1 and insert the following:

SEC. 101. SHORT TITLE.

This title may be referred to as the "Copyright Term Extension Act".

Redesignate sections 2 through 5 as sections 102 through 105, respectively.

In section 105, as so redesignated, strike "this Act" and insert "this title".

Strike section 6 and insert the following:

SEC. 106. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on the date of the enactment of this Act.

Add at the end the following:

TITLE II—MUSIC LICENSING

SEC. 201. SHORT TITLE.

This title may be cited as the "Fairness in Musical Licensing Act of 1998".

SEC. 202. EXEMPTION OF CERTAIN MUSIC USES FROM COPYRIGHT PROTECTION.

(a) Business Exemption.—Section 110(5) of title 17, United States Code, is amended to read as follows:

"(5) communication by electronic device of a transmission embodying a performance or display of a nondramatic musical work by the public reception of a broadcast, cable, satellite, or other transmission, if—

"(A)(i) the rooms or areas within the establishment where the transmission is intended to be received by the general public contains less than 3,500 square feet, excluding any space used for customer parking; or

"(ii) the rooms or areas within the establishment where the transmission is intended to be received by the general public contains 3,500 square feet or more, excluding any space used for customer parking, if—

"(I) in the case of performance by audio means only, the performance is transmitted by means of a total of not more than 6 speakers (excluding any speakers in the device receiving the communication), of which not more than 4 speakers are located in any 1 room or area; or

"(II) in the case of a performance or display by visual or audiovisual means, any visual portion of the performance or display is communicated by means of not more than 2 audio visual devices, if no such audio visual device has a diagonal screen size greater than 55 inches, and any audio portion of the performance or display is transmitted by means of a total of not more than 6 speakers (excluding any speakers in the device receiving the communication), of which not more than 4 speakers are located in any 1 room or area;

"(B) no direct charge is made to see or hear the transmission;

"(C) the transmission is not further transmitted to the public beyond the establishment where it is received; and

"(D) the transmission is licensed.".

(b) Exemption Relating to Promotion.—Section 110(7) of title 17, United States Code, is amended—

(1) by striking "a vending" and inserting "an";

(2) by striking "sole";

(3) by inserting "or of the audio, video, or other devices utilized in the performance," after "phonorecords of the work,"; and

(4) by striking "and is within the immediate area where the sale is occurring".

SEC. 203. BINDING ARBITRATION OF RATE DISPUTES INVOLVING PERFORMING RIGHTS SOCIETIES.

(a) In General.—Section 504 of title 17, United States Code, is amended by adding at the end the following new subsection:

"(d) Performing Rights Societies; Binding Arbitration.—

"(1) Arbitration of disputes prior to court action.—

"(A) Arbitration.—(i) If a general music user and a performing rights society are unable to agree on the appropriate rate or fee to be paid for the user's past or future performance of musical works in the repertoire of the performing rights society, the general music user shall, in lieu of any other dispute-resolution mechanism established by any judgment or decree governing the operation of the performing rights society, be entitled to binding arbitration of such disagreement pursuant to the rules of the American Arbitration Association. The music user may initiate such arbitration.

"(ii) The arbitrator in such binding arbitration shall determine a fair and reasonable rate or fee for the general music user's past and future performance of musical works in such society's repertoire and shall determine whether the user's past performances of such musical works, if any, infringed the copyrights of works in the society's repertoire. If the arbitrator determines that the general music user's past performances of such musical works infringed the copyrights of works in the society's repertoire, the arbitrator shall impose a penalty for such infringement. Such penalty shall not exceed the arbitrator's determination of the fair and reasonable license fee for the performances at issue.

"(B) Definitions.—(i) For purposes of this paragraph, a 'general music user' is any person who performs musical works publicly but is not engaged in the transmission of musical works to the general public or to subscribers through broadcast, cable, satellite, or other transmission.

"(ii) For purposes of this paragraph, transmissions within a single commercial establishment or within establishments under common ownership or control are not transmissions to the general public.

"(iii) For purposes of clause (ii), an 'establishment' is a retail business, restaurant, bar, inn, tavern, or any other place of business in which the public may assemble.

"(C) Enforcement of Arbitrator's Determinations.—An arbitrator's determination under this paragraph is binding on the parties and may be enforced pursuant to sections 9 through 13 of title 9.

"(2) Court-Annexed Arbitration.—(A) In any civil action brought against a general music user, as defined in paragraph (1) for infringement of the right granted in section 106(4) involving a musical work that is in the repertoire of a performing rights society, if the general music user admits the prior public performance of one or more works in the repertoire of the performing rights society but contests the rate or the amount of the license fee demanded by such society for such performance, the dispute shall, if requested by the general music user, be submitted to arbitration under section 652(e) of title 28. In such arbitration proceeding, the arbitrator shall determine the appropriate rate and amount owed by the music user to the performing rights society for all past public performances of musical works in the society's repertoire. The amount of the license fee shall not exceed two times the amount of the blanket license fee that would be applied by the society to the music user for the year or years in which the performances occurred. In addition, the arbitrator shall, if requested by the music user, determine a fair and reasonable rate or license fee for the music user's future public performances of the musical works in such society's repertoire.

"(B) As used in this paragraph, the term 'blanket license' means a license provided by a performing rights society that authorizes the unlimited performance of musical works in the society's repertoire, for a fee that does not vary with the quantity or type of performances of musical works in the society's repertoire.

"(3) Term of License Fee Determination.—In any arbitration proceeding initiated under this subsection, the arbitrator's determination of a fair and reasonable rate or license fee for the performance of the music in the repertoire of the performing rights society concerned shall apply for a period of not less than 3 years nor more than 5 years after the date of the arbitrator's determination.".

(b) Actions That Shall Be Referred to Arbitration.—Section 652 of title 28, United States Code, is amended by adding at the end the following:

"(e) Actions That Shall Be Referred to Arbitration.—In any civil action against a general music user for infringement of the right granted in section 106(4) of title 17 involving a musical work that is in the repertoire of a performing rights society, if the general music user admits the public performance of any musical work in the repertoire of the performing rights society but contests the rate or the amount of the license fee demanded by the society for such performance, the district court shall, if requested by the general music user, refer the dispute to arbitration, which shall be conducted in accordance with section 504(d)(2) of title 17. Each district court shall establish procedures by local rule authorizing the use of arbitration under this subsection. The definitions set forth in title 17 apply to the terms used in this subsection.".

SEC. 204. VICARIOUS LIABILITY PROHIBITED.

Section 501 of title 17, United States Code, is amended by adding at the end the following:

"(f) A landlord, an organizer or sponsor of a convention, exposition, or meeting, a facility owner, or any other person making space available to another party by contract, shall not be liable under any theory of vicarious or contributory infringement with respect to an infringing public performance of a copyrighted work by a tenant, lessee, subtenant, sublessee, licensee, exhibitor, or other user of such space on the ground that—

"(1) a contract for such space provides the landlord, organizer or sponsor, facility owner, or other person a right or ability to control such space and compensation for the use of such space; or

"(2) the landlord, organizer or sponsor, facility owner, or other person has or had at the time of the infringing performance actual control over some aspects of the use of such space, if the contract for the use of such space prohibits infringing public performances and the landlord, organizer or sponsor, facility owner, or other person does not exercise control over the selection of works performed.".

SEC. 205. CONFORMING AMENDMENTS.

Section 101 of title 17, United States Code, is amended by inserting after the undesignated paragraph relating to the definition of "perform" the following:

"A 'performing rights society' is an association, corporation, or other entity that licenses the public performance of nondramatic musical works on behalf of copyright owners of such works, such as the American Society of Composers, Authors, and Publishers, Broadcast Music, Inc., and SESAC, Inc. The 'repertoire' of a performing rights society consists of those works for which the society provides licenses on behalf of the owners of copyright in the works.".

SEC. 206. CONSTRUCTION OF TITLE.

Except as provided in section 504(d)(1) of title 17, United States Code, as added by section 203(a) of this Act, nothing in this title shall be construed to relieve any performing rights society (as defined in section 101 of title 17, United States Code) of any obligation under any consent decree, State statute, or other court order governing its operation, as such statute, decree, or order is in effect on the date of the enactment of this Act, as it may be amended after such date, or as it may be enacted, issued, or agreed to after such date.

SEC. 207. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on the date of the enactment of this Act, and shall apply to actions filed on or after such date.

H.R. 2589

Offered By: Mr. Coble

Amendment No. 2: Page 4, line 9, strike "of 1997".

Page 4, line 24, strike "of 1997".

Page 5, line 12, strike "of 1997".

Page 6, line 4, strike "of 1997".

Page 6, strike line 17 and all that follows through page 7, line 4 and insert the following:

"(D) In the event that the author's widow or widower, children, and grandchildren are not living, the author's executor, administrator, personal representative, or trustee shall own the author's entire termination interest.".

Insert the following after section 5 and redesignate the succeeding section accordingly:

SEC. 6. ASSUMPTION OF CONTRACTUAL OBLIGATIONS RELATED TO TRANSFERS OF RIGHTS IN MOTION PICTURES.

(a) In General.—Part VI of title 28, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 180—ASSUMPTION OF CERTAIN CONTRACTUAL OBLIGATIONS

"Sec.

"4001. Assumption of contractual obligations related to transfers of rights in motion pictures.

"§4001. Assumption of contractual obligations related to transfers of rights in motion pictures

"(a) Assumption of Obligations.—In the case of a transfer of copyright ownership in a motion picture (as defined in section 101 of title 17) that is produced subject to 1 or more collective bargaining agreements negotiated under the laws of the United States, if the transfer is executed on or after the effective date of this Act and is not limited to public performance rights, the transfer instrument shall be deemed to incorporate the assumption agreements applicable to the copyright ownership being transferred that are required by the applicable collective bargaining agreement, and the transferee shall be subject to the obligations under each such assumption agreement to make residual payments and provide related notices, accruing after the effective date of the transfer and applicable to the exploitation of the rights transferred, and any remedies under each such assumption agreement for breach of those obligations, as those obligations and remedies are set forth in the applicable collective bargaining agreement, if—

"(1) the transferee knows or has reason to know at the time of the transfer that such collective bargaining agreement was or will be applicable to the motion picture; or

"(2) in the event of a court order confirming an arbitration award against the transferor under the collective bargaining agreement, the transferor does not have the financial ability to satisfy the award within 90 days after the order is issued.

"(b) Failure To Notify.—If the transferor under subsection (a) fails to notify the transferee under subsection (a) of applicable collective bargaining obligations before the execution of the transfer instrument, and subsection (a) is made applicable to the transferee solely by virtue of subsection (a)(2), the transferor shall be liable to the transferee for any damages suffered by the transferee as a result of the failure to notify.

"(c) Determination of Disputes and Claims.—Any dispute concerning the application of subsection (a) and any claim made under subsection (b) shall be determined by an action in United States district court, and the court in its discretion may allow the recovery of full costs by or against any party and may also award a reasonable attorney's fee to the prevailing party as part of the costs.".

(b) Conforming Amendment.—The table of chapters for part VI of title 28, United States Code, is amended by adding at the end the following:

"180. Assumption of Certain Contractual Obligations .... 4001".

H.R. 2589

Offered by: Mr. McCollum

(To the Amendment Offered by: Mr. Sensenbrenner)

Amendment No. 3: In lieu of the matter proposed to be inserted as title II, insert the following:

TITLE II—MUSIC LICENSING EXEMPTION FOR FOOD SERVICE OR DRINKING ESTABLISHMENTS

SEC. 201. SHORT TITLE.

This title may be cited as the "Fairness In Music Licensing Act of 1998."

SEC. 202. EXEMPTION.

Section 110(5) of title 17, United States Code is amended—

(1) by striking "(5)" and inserting "(5)(A) except as provided in subparagraph (B),";

(2) by adding at the end the following:

"(B) communication by a food service or drinking establishment of a transmission or retransmission embodying a performance or display of a nondramatic musical work intended to be received by the general public, originated by a radio or television broadcast station licensed by the Federal Communications Commission, or, if an audiovisual transmission, by a cable system or satellite carrier, if—

"(i) either the establishment in which the communication occurs has less than 3500 gross square feet of space (excluding space used for customer parking), or the establishment in which the communication occurs has 3500 gross square feet of space or more (excluding space used for customer parking) and—

"(I) if the performance is by audio means only, the performance is communicated by means of a total of not more than 6 loudspeakers, of which not more than 4 loudspeakers are located in any 1 room or adjoining outdoor space; or

"(II) if the performance or display is by audiovisual means, any visual portion of the performance or display is communicated by means of a total of not more than 4 audiovisual devices, of which not more than one audiovisual device is located in any 1 room, and no such audiovisual device has a diagonal screen size greater than 55 inches, and any audio portion of the performance or display is communicated by means of a total of not more than 6 loudspeakers, of which not more than 4 loudspeakers are located in any 1 room or adjoining outdoor space;

"(ii) no direct charge is made to see or hear the transmission or retransmission;

"(iii) the transmission or retransmission is not further transmitted beyond the food service or drinking establishment where it is received; and

"(iv) the transmission or retransmission is licensed by the copyright owner of the work so publicly performed or displayed;"; and

(3) by adding after paragraph (10) the following:

"The exemptions provided under paragraph (5) shall not be taken into account in any administrative, judicial, or other governmental proceeding to set or adjust the royalties payable to copyright owners for the public performance or display of their works. Royalties payable to copyright owners for any public performance or display of their works other than such performances or displays as are exempted under paragraph (5) shall not be diminished in any respect as a result of such exemption".

SEC. 203. LICENSING BY PERFORMING RIGHTS SOCIETIES.

(a) IN GENERAL.—Chapter 5 of title 17, United States Code, is amended by adding at the end the following:

"§512. determinations of reasonable license fee for individual proprietors

"In the case of any performing rights society subject to a consent decree which provides for the determination of reasonable license fees to be charged by the performing rights society, notwithstanding the provisions of that consent decree, an individual proprietor who owns or operates fewer than 3 food service or drinking establishments in which nondramatic musical works are performed publicly and who claims that any license agreement offered by that performing rights society to the industry of which the individual proprietor is a member is unreasonable in its license fee as to that individual proprietor, shall be entitled to determination of a reasonable license fee as follows:

"(1) The individual proprietor may commence such proceeding for determination of a reasonable license fee by filing an application in the applicable district court under paragraph (2) that a rate disagreement exists and by serving a copy of the application on the performing rights society Such proceeding shall commence in the applicable district court within 90 days after the service of such copy, except that such 90-day requirement shall be subject to the administrative requirements of the court.

"(2) The proceeding under paragraph (1) shall be held, at the individual proprietor's election, in the judicial district of the district court with jurisdiction over the applicable consent decree or in that place of holding court of a district court that is the seat of the Federal circuit (other than the Court of Appeals for the Federal Circuit) in which the proprietor's establishment is located.

"(3) Such proceeding shall be held before the judge of the court with jurisdiction over the consent decree governing the performing rights society. At the discretion of the court, the proceeding shall be held before a special master or magistrate judge appointed by such judge. Should that consent decree provide for the appointment of an advisor or advisors to the court for any purpose, any such advisor shall be the special master so named by the court.

"(4) In any such proceeding, the industry rate, or, in the absence of an industry rate, the most recent license fee agreed to by the parties or determined by the court, shall be presumed to have been reasonable at the time it was agreed to or determined by the court. The burden of proof shall be on the individual proprietor to establish the reasonableness of any other fee it requests.

"(5) Pending the completion of such proceeding, the individual proprietor shall have the right to perform publicly the copyrighted musical compositions in the repertoire of the performing rights society, and shall pay an interim license fee, subject to retroactive adjustment when a final fee has been determined, in an amount equal to the industry rate, or, in the absence of an industry rate, the amount of the most recent license fee agreed to by the parties. Failure to pay such interim license fee shall result in immediate dismissal of the proceeding, and the individual proprietor shall then be deemed to have had no right to perform the copyrighted musical compositions in the repertoire of the performing rights society under this section from the date it submitted its notice commencing the proceeding.

"(6) Any decision rendered in such proceeding by a special master or magistrate judge named under paragraph (3) shall be reviewed by the presiding judge. Such proceeding, including such review, shall be concluded within 6 months after its commencement.

"(7) Any such final determination shall be binding only as to the individual proprietor commencing the proceeding, and shall not be applicable to any other proprietor or any other performing rights society, and the performing rights society shall be relieved of any obligation of nondiscrimination among similarly situated music users that may be imposed by the consent decree governing its operations.

"(8) For purposes of this section, the term 'industry rate' means the license fee a performing rights society has agreed to with, or which has been determined by the court for, a significant segment of the music user industry to which the individual proprietor belongs.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 17, United States Code, is amended by adding after the item relating to section 511 the following:

"512.Determinations of reasonable license fee for individual proprietors.".

SEC. 204. DEFINITIONS.

Section 101 of title 17, United States Code, is amended—

(1) by inserting after the definition of "display" the following:

"A 'food service or drinking establishment' is a restaurant, inn, bar, tavern, or any other similar place of business in which the public or patrons assemble for the primary purpose of being served food or drink, in which the majority of the gross square feet of space is used for that purpose, and in which nondramatic musical works are performed publicly.";

(2) by inserting after the definition of "fixed" the following:

"The 'gross square feet of space' of a food service or drinking establishment means the entire interior space of that establishment and any adjoining outdoor space used to serve patrons, whether on a seasonal basis or otherwise.";

(3) by inserting after the definition of "perform" the following:

"A 'performing rights society' is an association, corporation, or other entity that licenses the public performance of nondramatic musical works on behalf of copyright owners of such works, such as the American Society of Composers, Authors and Publishers (ASCAP), Broadcast Music, Inc. (BMI), and SESAC, Inc."; and

(4) by inserting after the definition of "pictorial, graphic and sculptural works" the following:

"A 'proprietor' is an individual, corporation, partnership, or other entity, as the case may be, that owns a food service or drinking establishment. No owner or operator of a radio or television station licensed by the Federal Communications Commission, cable system or satellite carrier, cable or satellite carrier service or programmer, Internet service provider, online service provider, telecommunications company, or any other such audio-visual service or programmer now known or as may be developed in the future, commercial subscription music service, or owner or operator of any other transmission service, or owner of any other establishment in which the service to the public of food or drink is not the primary purpose, shall under any circumstances be deemed to be a proprietor."

SEC. 205. CONSTRUCTION OF TITLE.

Except as otherwise provided in this title, nothing in this title shall be construed to relieve any performing rights society of any obligation under any State or local statute, ordinance, or law, or consent decree or other court order governing its operation, as such statute, ordinance, law, decree, or order is in effect on the date of the enactment of this title, as it may be amended after such date, or as it may be issued or agreed to after such date.

SEC. 206. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect 90 days after the date of the enactment of this title.

EXTENSIONS OF REMARKS

MINIMUM WAGE

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. GINGRICH. Mr. Speaker, I want to encourage my colleagues to read the following article the Wall Street Journal which was written by a woman who owns a small business in the Sixth district of Georgia. Although the President may have good intentions when he suggests that raising the minimum wage would help working Americans, I believe that Ms. Cane points out that another minimum wage increase would actually hurt the people it is trying to help which include teenagers, working mothers, and single parents.

[From the Wall Street Journal, March 13, 1998]

MINIMUM WAGE: WHO PAYS?

(By Harriet F. Cane)

President Clinton and his allies in Congress are calling for another increase in the minimum wage. But they should consider the experience of small-business owners like me, who struggled through the last increase. I own and manage a small cafe. I have had as many as 16 employees; I now have nine. Most of them are teenagers; the rest, working mothers.

Before the last increase I wrote letters to the president and my congressmen. I explained that the mandated wage increase was only the tip of the iceberg. To maintain the wage increment for senior employees, I would have to raise their wages above the new minimum. My monthly payroll would increase by $570—and that didn't include the payroll taxes for Social Security, Medicare, unemployment insurance and workman's compensation. For my efforts I received nicely worded form letters about the benefits of the wage increase.

When the increase passed, I had to reduce staffing hours. Result: I am working harder to earn my money. I already worked six days a week, every week. The staffing cutbacks increased my workload by 15 hours a week. I also cut back on outside services, so I am now mopping my own floors two weeks each month and doing all my own accounting, the weekly laundry and as many of the repairs as I can.

When Mr. Clinton signed the wage increase into law, he had by his side a minimum-wage worker who stated that now she did not have to choose between paying her electric bill or her gas bill. The same evening, our local news interviewed a woman who said she would now be able to buy her daughter a compact disk player for graduation. I do not begrudge either of these women their good fortune. But business owners work hard too, and we also have to make tough choices. I suffer from several chronic illnesses, and the wage increase has forced me to cut back on medical care.

Money for minimum wage increases has to come from somewhere. Mr. Clinton's proposed increase would raise my annual payroll by $7,200, forcing me to close my doors. To the politicians I say this: You have the power to destroy the American Dream for thousands of small business owners. If you pass another increase in the minimum wage, you can tell the teenagers and working mothers I employ why they no longer have jobs. Then try asking for their votes.

IN HONOR OF SHAUN HUGHES ON HIS ATTAINMENT OF EAGLE SCOUT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. KUCINICH. Mr. Speaker, I rise to honor Shaun Hughes of Cleveland, Ohio, who will be honored April 4, 1998 for his attainment of Eagle Scout.

The attainment of Eagle Scout is a high and rare honor requiring years of dedication to self-improvement, hard work and the community. Each Eagle Scout must earn 21 merit badges, twelve of which are required, including badges in: lifesaving, first aid; citizenship in the community, citizenship in the nation; citizenship in the world, personal management of time and money, family life, environmental science, and camping.

In addition to acquiring and proving proficiency in those and other skills, an Eagle Scout must hold leadership positions within the troop where he learns to earn the respect and hear the criticism of those he leads.

The Eagle Scout must live by the Scouting Law, which holds that he must be trustworthy, loyal, brave, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, clean, and reverent.

And the Eagle Scout must complete an Eagle Project, which he must plan, finance and evaluate on his own. It is no wonder that only two percent of all boys entering scouting achieve this rank.

My fellow colleagues, let us recognize and congratulate Shaun for his achievement.

QUAKER SPRINGS FIRE DEPARTMENT CELEBRATES 50 YEARS OF COMMUNITY SERVICE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. SOLOMON. Mr. Speaker, anyone who visits my office can't help but notice the display of fire helmets that dominates my reception area. The main reason for this is the fact that I learned firsthand the true value of Fire Companies. While serving as Queensbury Town Supervisor, and a New York State Legislator, I had the privilege of being an active member of the Queensbury Central Volunteer Fire Company. It was this experience that gave me a tremendous respect for those who provide fire protection in our rural areas.

In a largely rural area like the 22nd District of New York, fire protection is often solely in the hands of volunteer companies. In New York State, as elsewhere, they save countless lives and billions of dollars worth of property. That is why the efforts of people like the fire fighters in the Quaker Springs Fire Department is so very critical.

Mr. Speaker, I have always been partial to the charm and character of small towns and small town people. The town of Saratoga is certainly no exception. The traits which make me most fond of such communities are the undeniable camaraderie which exists among neighbors and their strong civic pride. Looking out for one another and the needs of the community make places like the Quaker Springs Fire District great places to live. This concept of community service and pride is exemplified by the devoted service of the members of their volunteer fire department. For 50 years now, this organization has provided critical services for its neighbors on a volunteer basis.

Mr. Speaker, it is all too rare that you see fellow citizens put themselves in harm's way for the sake of another. For the members of the Quaker Springs Fire Department, however, this is a day to day occurrence. Our young people would do well to emulate the selfless service of these noble individuals. On April 19, 1998 the fire company will be holding a ceremony to commemorate this milestone. This will provide the ideal opportunity for the residents of the area to extend their gratitude to this organization and its members, both past and present.

Mr. Speaker, I have always been one to judge people by how much they give back to their community. By that measure, the members of the Quaker Springs Fire Department are truly great Americans. I am extremely proud of this organization because it typifies the spirit of volunteerism which has been a central part of American life. To that end, it is with a sense of pride, Mr. Speaker, that I ask all members of the House to join me in paying tribute to the Quaker Springs Fire Department on the occasion of its 50th anniversary.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

TRIBUTE TO THE 100TH ANNIVERSARY OF THE BOROUGH OF TOTOWA

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the truly momentous occasion of the 100th Anniversary of the Borough of Totowa in Passaic County, New Jersey.

The incorporation of Totowa in 1898 as a municipality in Passaic County, New Jersey, defined the boundaries that included the 3.7 square miles of mountain, meadows, rivers, and glens that are known today as Totowa Borough.

The original inhabitants of Totowa were the Minsi tribe of the Lenni-Lenape people. "Minsi" means "people of the stony country." The Lenni-Lenape word "Totauwei," from which we get the name Totowa, has been translated to mean "heavy falling weights of water" or "where the water dives and reappears." Many historians believe this was in reference to the Great Falls of the Passaic River in Paterson.

Settled by the Dutch around 1620, Totowa soon became part of the thriving, larger Dutch colony in the New York-New Jersey area. The colony changed to British rule in 1664 until the War for Independence began in 1776 and set the stage for a new nation.

Totowa's shining moment in our nation's history came during the summer and fall of 1780 when General Washington and his Continental Army positioned themselves along the Totowa ridges, protected by the high ground and overlooking the river barrier to the East. During this time, some of our greatest patriots trod on Totowa's soil. Among this group were Generals Washington, Wayne, Knox, Stirling, Huntington, Glover, Saint Claire, Howe, and Greene. Additionally, the famous Marquis de Lafayette, Baron von Steuben, and the young Colonel Alexander Hamilton were also Totowa's honored guests.

During Washington's encampment, the Army's most valued possession was their artillery, gathered at great risk and cost. General Washington and his Artillery Officer, General Henry Knox, chose to place their cannons close to Totowa Road where they could be used to support the army, but were to be quickly withdrawn Westward in the event of a British breakthrough. Indeed some of the street names such as Artillery Park Road, Knox Terrace, Battle Ridge Trail, and Lookout Point Trail reflect this proud period in our history.

The Borough of Totowa was part of Essex County and then Bergen County before the County of Passaic was formed in 1837. Until the incorporation in 1898, Totowa was part of Manchester Township. The first election in the new municipality showed 85 registered voters with 75 voting on April 12, 1898.

From humble beginnings, Totowa has enjoyed steady growth until the end of World War II, which brought an influx of young families into the Borough thus doubling the population in the following decade. Today, through the efforts of citizens past and present, Totowa has become a balanced community with a blend of commerce, industry, and residential areas designed to provide affordable suburban living for its residents. In return, Totowa citizens have developed a tradition of volunteer service to their community, giving freely of their time and energy to benefit their neighbors.

Mr. Speaker, I ask that you join me, our colleagues, and Totowa's Mayor, Council, and residents in celebrating the truly momentous occasion of the Borough of Totowa's 100th Anniversary.

IN HONOR OF JOSEPH M. CONDON ON HIS ATTAINMENT OF EAGLE SCOUT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. KUCINICH. Mr. Speaker, I rise to honor Joseph M. Condon of Cleveland, Ohio, who will be honored March 29, 1998 for his attainment of Eagle Scout.

The attainment of Eagle Scout is a high and rare honor requiring years of dedication to self-improvement, hard work and the community. Each Eagle Scout must earn 21 merit badges, twelve of which are required, including badges in: lifesaving; first aid; citizenship in the community; citizenship in the nation; citizenship in the world; personal management of time and money; family life; environmental science; and camping.

In addition to acquiring and proving proficiency in those and other skills, an Eagle Scout must hold leadership positions within the troop where he learns to earn the respect and hear the criticism of those he leads.

The Eagle Scout must live by the Scouting Law, which holds that he must be: trustworthy, loyal, brave, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, clean, and reverent.

And the Eagle Scout must complete an Eagle Project, which he must plan, finance and evaluate on his own. It is no wonder that only two percent of all boys entering scouting achieve this rank.

My fellow colleagues, let us recognize and congratulate Joseph for his achievement.

HAROLD JORDAN: AMERICAN HERO

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. SOLOMON. Mr. Speaker, I have always been partial to the charm and character of small towns and small town people. That is why I travel home to my congressional district nearly every weekend, to spend time in the picturesque towns with the remarkable people of the 22nd district of New York.

Harold Jordan, of Greenwich, New York, epitomizes what I love most about my constituents: the undeniable selflessness and camaraderie which exists among neighbors who always look out for one another and the needs of the community. Harold has been a member of the Greenwich Volunteer Fire Department for forty-seven years, and still maintains active status, having responded personally to 90% of the calls in 1997. He has constantly put himself in harm's way for his fellow citizens, saving countless lives and dollars in property damage over his long and storied term of service. Harold has spent the majority of his life protecting his community in this way, and as a former volunteer fireman myself, I understand and appreciate the commitment required to perform such vital public duties.

Just as important as the lives and property which Harold has helped save is the example he's set for others around him, especially for young people. In our fast-paced modern society, the joy and responsibility of volunteering too often fall by the wayside in the quest for wealth and status. I am proud to say that people like Harold Jordan prove that in the 22nd district of New York, the spirit of voluntarism which made America great is still alive and well!

Mr. Speaker, I have always been one to judge individuals in large part by the amount of time and care they give back to their community. By that measure, Harold Jordan is truly a great American. We should all strive to emulate the service of this small-town hero, taking time out of each of our days to further the health and well-being of our communities. With that in mind, Mr. Speaker, I ask all Members to join me in paying tribute to Harold Jordan in honor of his extraordinary forty-seven years of service as a volunteer fireman.

TRIBUTE TO LIEUTENANT JOHN REAGAN ON THE OCCASION OF HIS RETIREMENT FROM THE CHICAGO POLICE DEPARTMENT

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. LIPINSKI. Mr. Speaker, I would like to pay tribute to a dedicated police officer who has spent 36 years protecting the lives and property of his fellow citizens, Lieutenant John T. Reagan of the Chicago Police Department.

Since 1962, Lieutenant Reagan has served the city of Chicago and his community, including many people from my district, as a member of the Chicago Police Department. Most recently he has worked in the Violent Crimes Office One Detective Division.

On March 5, 1998, however, Lieutenant John Reagan retired from the police force. His presence will certainly be missed, both by his fellow officers and by the members of his community who he has served diligently for many years.

Mr. Speaker, I salute Lieutenant John T. Reagan on his 36 years of service as a police officer. I would like to extend my very best wishes for continued success and happiness on his retirement and in the years to come.

TRIBUTE TO SISTER PATRICIA CODEY

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention Sister Patricia Codey who is being honored this evening at the 55th Annual Dinner Dance of the Friends of Brian Boru.

Sister Patricia is being honored this evening with the organization's "Irish Religious of the Year Award." This award is given in recognition of her selfless and dedicated service, efforts and contributions that have served to improve the quality of life for the residents of the State of New Jersey.

Sister Patricia's remarkable record of leadership includes teaching at Saint Paul's in Clifton, law intern at the Essex County Prosecutor's office, and Assistant Federal Defender in the Federal Public Defender's office in Newark.

Additionally, Sister Patricia serves her fellow citizens as Representative in the Sisters of Charity Southern Provincial Assembly, the Red Mass Committee, the Seton Hall Law School, the Archdiocese of Newark Response Team, and the Judicial and Prosecutorial Appointments Committee in Essex County.

Mr. Speaker, I ask that you join me, our colleagues and, Sister Patricia's family and friends in recognition of Sister Patricia Codey's many outstanding and invaluable contributions to the community.

IN HONOR OF ZACHARY J. BROWN ON HIS ATTAINMENT OF EAGLE SCOUT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. KUCINICH. Mr. Speaker, I rise to honor Zachary J. Brown of Cleveland, Ohio, who will be honored March 29, 1998 for his attainment of Eagle Scout.

The attainment of Eagle Scout is a high and rare honor requiring years of dedication to self-improvement, hard work and the community. Each Eagle Scout must earn 21 merit badges, twelve of which are required, including badges in: lifesaving; first aid; citizenship in the community; citizenship in the nation; citizenship in the world; personal management of time and money; family life; environmental science; and camping.

In addition to acquiring and proving proficiency in those and other skills, an Eagle Scout must hold leadership positions within the troop where he learns to earn the respect and hear the criticism of those he leads.

The Eagle Scout must live by the Scouting Law, which holds that he must be: trustworthy, loyal, brave, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, clean, and reverent.

And the Eagle Scout must complete an Eagle Project, which he must plan, finance and evaluate on his own. It is no wonder that only two percent of all boys entering scouting achieve this rank.

My fellow colleagues, let us recognize and congratulate Zachary for his achievement.

TOWN OF WINDHAM CELEBRATES 200TH ANNIVERSARY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. SOLOMON. Mr. Speaker, I have always been partial to the charm and character of small towns and small town people. That is why I travel home to my congressional district every weekend, to spend time in the picturesque towns with the remarkable people of the 22nd district of New York. I truly believe that the people and places around my home are among the most beautiful and welcoming in the world.

Nestled in the scenic Catskill Mountains in upstate New York, the town of Windham typifies what I love most about my district. Much is said about the loss of traditional values in many parts of our nation. In Windham, however, like many of the towns and villages of the 22nd district, the spirit of community is still going strong. The citizens of Windham know their neighbors, and, in a tradition dating back to the founding of our nation, they know that if they are ever in need, their fellow citizens will be there for them without question. This spirit is the foundation on which America was built, and I am proud to say that in my district, in Windham, New York, the people still put their community first.

Mr. Speaker, on March 27, 1998, Windham celebrates its 200th anniversary. After two centuries, Windham is still thriving and setting an example of small-town values, from which I believe many other cities and towns could learn a great deal about creating a wonderful environment to live and raise a family. In that spirit, Mr. Speaker, I ask that all members join me in paying tribute to Windham, New York on the occasion of it's bicentennial celebration. May the next two hundred years be even better than the first.

YOUTH LEADERSHIP AT ITS FINEST—CHRISTOPHER JACKSON

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. LIPINSKI. Mr. Speaker, I would like to take this opportunity to recognize an outstanding individual from my district, Christopher Jackson. Christopher, a senior at Marist High School, has proven himself time and time again to be an intelligent, energetic and multi-talented individual.

I have been acquainted with Christopher for several years now. For the past 28 years I have sponsored an "All American Boy, All American Girl" which annually recognizes outstanding seventh and eighth grade students in my district on their accomplishments both academically and service within the community. Christopher is the first and only participant of the "All American Boy" competition to have won twice.

Christopher Jackson possesses strong qualities as a leader amongst his peers and as a role model for others. He is a caring person who is always willing to lend a helping hand in the community. Christopher remains active both academically and athletically in school and performs various community service duties throughout the community, has excelled remarkably in his scholastic and athletic areas.

In the fall of 1997, Christopher was honored as a finalist of the Wendy's High School Heisman award. Out of a pool of 10,020 chosen for the competition, 12 national finalists were invited to New York City for the awards program and banquet. Students are nominated for this award based on their individual academic achievements, athletic accomplishments, and community service. Mr. Jackson has demonstrated all of the above with great performance and is a truly well developed individual.

I would like to extend my best wishes as Christopher graduates from Marist High School in May 1998 and with all his future endeavors. Christopher is an energetic and intelligent individual who will have a bright future with all he chooses to accomplish. I would also like to extend my warmest wishes to his family as Christopher is headed toward success.

TRIBUTE TO VERONICA "RONNIE" SOMMER

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention Ms. Veronica "Ronnie" Sommer who is being honored this evening at the 55th Annual Dinner Dance of the Friends of Brian Boru.

Ronnie is being honored this evening with the organization's "Irishwoman of the Year Award." This prestigious award is given in recognition of her selfless and dedicated efforts, and contributions that have served to improve the quality of life for the residents of Essex County and the surrounding community.

Ronnie's remarkable record of leadership includes 20 distinguished years of service on the Saint Patrick's Day Parade Committee, of which in 1996 she served as the Parade's Deputy Grand Marshall.

Additionally, Ronnie has served her fellow citizens as an active member of the "Women of Irish Heritage," where she has served as President from 1987 through 1989, and is currently the President for a second term; the New Jersey Irish Festival for 16 years; Independent Irish for 12 years; and many other numerous Irish organizations.

Mr. Speaker, I ask that you join me, our colleagues and, Ronnie's family and friends in recognition of Veronica "Ronnie" Sommer's many outstanding and invaluable contributions to the community.

IN HONOR OF ST. PATRICK'S PARISH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to commemorate the sesquincentennial of St. Patrick's Parish, one of Cleveland's foremost Catholic congregations. During its tenure, St. Patrick's has served as a beacon for the religious community of West Park in Cleveland and, recently, has taken numerous steps to service the people of the community.

St. Patrick's Parish was founded on March 17, 1848 in the home of Morgan Waters, a humble beginning for the church. In the first years of its existence, St. Patrick's was a parish without a home, but the generosity of many in its congregation served its spacial needs. In 1851, Patrick Lahiff donated a half-acre of land and after three years of construction, a wood frame church was built. The parish school was founded a few years later and several groups of Cleveland-area sisters such as the Sisters of Notre Dame and the Ursulan Sisters were brought in to educate the students.

After years of service to the parish community, the old wood church was torn down in favor of a large, impressive, spacious stone church. The new building was dedicated in 1898 and has continued to serve as a sanctuary for the community until this day. The parish received its first resident pastor in 1910 and has continued to grow in its population ever since.

The main focus of St. Patrick's in this century has been service to the community. During the Great Depression, the parish operated a school and tried to feed the hungry and cold of the area. St. Patrick's Hunger Center was installed many years later as a way to continue service to the less fortunate of the community. Also, a parish council was established to better service the congregation of St. Patrick's.

St. Patrick's has clearly been a beacon for the community of West Park in Cleveland during its 150 year existence. My fellow colleagues, join me in saluting a gem of the West Park neighborhood, St. Patrick's Parish.

INTER-CLUB COUNCIL AWARDS

HON. THOMAS M. DAVIS

OF VIRGINIA

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. DAVIS of Virginia. Mr. Speaker, it gives my colleague, Mr. MORAN, and myself great pleasure to rise today and pay tribute to Mrs. Martha McCash and Mrs. Thelma Gallant McDonald, two outstanding citizens of Northern Virginia for their dedicated community service. On March 25, they will be honored by the Inter-Service Club Council of Springfield ISCC as co-recipients of the Bob Westmoreland Award for Person of the Year.

Martha is currently the Secretary of the Kiwanis Club of Springfield and formerly served as President. She coordinates the activities of twenty-two Kiwanis-affiliated Key Clubs in area high schools. Martha's devotion and hard work has earned her the support of the high schools' faculty advisors, the President of the Springfield Club, and the Capital Kiwanis Key Clubs Zone Administrator. Her past honors for outstanding community service include the Capital District Kiwanis Governor's Distinguished Service Award, the Kiwanis International Distinguished Club Officers Award for 1995, and 1996 and 1997, and the Capital District Kiwanis Distinguished Member Award for 1994, 1995, 1996 and 1997. Martha's clear dedication to service makes her truly deserving of the Bob Westmoreland Award.

Thelma has persevered through the great personal loss of being twice-widowed, to devote herself to community service. For ten years, she was involved in American Legion Auxiliary Unit 176 Junior activities. As a Girl Scout Troop Leader, Thelma was active in a program to provide performing groups to local schools. She has been involved with the Host Lions Club for thirty-five years, first as a spouse, then as member in 1994. There she trained and managed Lions Club sponsored baton corps, served on the Club Board of Directors, chaired the local Nursing Home Bingo prize project, and chaired a project that collected over one hundred lap rugs for a nursing home and seniors. In addition, she is active in church programs to aid handicapped children and a local nursing home, and has logged over one thousand hours of volunteer service at Fairfax Hospital. The Bob Westmoreland Award is well bestowed on Thelma with her unwavering commitment to others.

Mr. Speaker, we know our colleagues join us in congratulating these two outstanding women on their service and dedication. We appreciate their true spirit of giving and helping others that makes the Northern Virginia community such a fine place to live and work.

OUR LADY QUEEN OF PEACE CHURCH CELEBRATES 50TH ANNIVERSARY

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Ms. NORTON. Mr. Speaker, I rise to pay tribute to Our Lady Queen of Peace Church on its 50th Anniversary as a Church and Parish in the Archdiocese of Washington.

Fifty years ago, Our Lady Queen of Peace was little more than a mission of the St. Francis Xavier Church that at the time was said to be the largest parish in Southeast Washington. On the eve that it was formally announced as a parish, it had no building of its own and was in fairly embryonic state. It had been established as a mission in March 1943 during the turbulence of World War II by the late Monsignor Joseph V. Buckley. If there was a physical edifice to call home, it was distributed between three buildings: The City Bank Building, the Senator Theater and a small store building, all of which were clustered along Minnesota Avenue just below Benning Road. These were indeed humble circumstances and remained so for nearly nine years. The church's early parishioners, bolstered by their first pastor, Reverend James H. Brooks, set to work helping him to build and organize the new parish. In January of 1950, construction began on the church and school at its present location, the corner of Ely Place and Ridge Road, SE. The first Mass of the Eucharistic Celebration was held on December 24, 1951, in the building while it was under construction.

Even in that long ago generation, before Queen of Peace had a home of its own, its members were founding organizations to address social concerns extending beyond the church membership. That membership was composed of many converts and non-Catholics who were regular Sunday mass worshipers. Many of these organizations are cornerstones of Our Lady Queen of Peace and have been active for almost as long as the parish has existed. Such groups as the St. Vincent de Paul Society, the Sodality, the Parish Credit Union, the Parish Council, the Men's Club, the Catholic Youth Organization (CYO), and the Scouting programs fall in this category. They have done much to make Our Lady Queen of Peace the still "young, but strong and active" church that it is. These groups, and their activities, encourage brotherhood in the true sense of the word both within and outside the parish.

Since that time, mainly under the umbrella of the Social Justice and Community Outreach committees of the Pastoral Council, new organizations have emerged in response to the needs of the neighborhood-at-large as well as the parish family. One particular endeavor the Church recently worked on with the community was to put pressure on the city to remove abandoned buildings located on Ridge Road SE that had become havens for drug traffic.

There are now groups and ministries providing real support: food for the mind as well as the body. Ministries such as Visitation of the Sick and Shut-In, the Community Empowering and Outreach in Public Housing and the Reclaiming Our Youth and Mentoring Program are but a few of these organizations. There are also ministries such as SOME and SHARE that prepare and distribute food for the hungry, the Prison Ministry and the Youth Ministry. The HIV/AIDS Ministry of Hope and Love is only a few months old and works side-by-side with the venerable St. Vincent de Paul Society that has been meeting the needs of the poor in the community for its 50 years in existence at Our Lady Queen of Peace.

Mr. Speaker, I ask this august body to join me in saluting a snapshot of this church, itself homeless for more than eight years of its early life, yet rooted from the start to build, love and serve families.

HONORING THE 60TH REDWOOD REGION LOGGING CONFERENCE AND DON ANDERSON

HON. FRANK RIGGS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. RIGGS. Mr. Speaker, I rise today to recognize the 60th Anniversary of the Redwood Region Logging Conference and its 1998 Achievement Award Winner, Don Anderson.

For over 60 years the Redwood Region Logging Conference has provided a forum for the exchange of ideas by focusing on the improvement of forest management and harvesting practices in the redwood and Douglas-fir forests of Northwestern California. The Conference provides an opportunity to showcase the men and women of the logging industry to the communities in which they work and live.

The organization was founded in 1936 by Professor Emanuel Fritz. Thirty-six men attended the first meeting a the Eureka Inn in Eureka, California. Professor Fritz thought a logging conference was a great opportunity to bring loggers together for an exchange of ideas and to become better acquainted with one another. That first meeting was an unqualified success, and the Conference has been an annual affair since 1936, with only a short lapse during World War II.

The Redwood Region Logging Conference is an industry leader because of its exemplary education program. The goals of the program are to educate the public and students on forestry and logging practices in the Redwood Region. The Conference is the major sponsor of the Redwood Forest Institute for Teachers, the Temperate Forest Teacher Tour, the northcoast section of Future Farmers of America Forestry judging contest. Additionally, the Conference funds the transportation needs for the field trips which give children a better understanding of the forestry and logging industry. Each year, over $10,000 of academic scholarships are awarded to forestry students from accredited forestry programs throughout California. Also, approximately two thousand children attend the annual Forest Education Day which is held during the Logging Conference.

I would also like to recognize this year's Redwood Region Logging Conference Achievement Award winner, Don Anderson. Don was born in Wisconsin in 1926 and at the age of seventeen had his first taste of logging while working for Peterson Brothers Logging at a logging camp near Mercer, Wisconsin. After a stint as a Merchant Seaman from 1944 to 1946, Don landed in Fort Bragg, California where he met his future wife, Marie. Don and Marie have three children, Donna, Mike, and Joe, six grandchildren and three great-grandchildren. The Andersons celebrated their fiftieth wedding anniversary last year.

In 1947, Don was reunited with the logging industry, working a myriad of jobs within the industry. In 1963, Don and Marie refinanced their home and went into the logging business as a junior partner in Eastman Logging. Don went into business on his own and Anderson Lagging was born in 1977. By 1983, it became obvious to Don that his sons, Mike and Joe, were ready and able to run the company he had founded. Mike and Joe took over the business in 1983 and have built it into a very successful company.

There have been many hard working men and women over the past 60 years, who, just like Don and Marie, have worked in and cared for the forests of northern California. These men and women have contributed much to the communities where they have lived, worked, and raised their families. The Redwood Region Logging Conference has done the logging industry a great service by highlighting these individuals through their Annual Achievement Awards.

Once again, I salute the Redwood Region Logging Conference and its 1998 Achievement Award winner, Don Anderson.

A TRIBUTE TO THE HIGHLAND WOMEN'S CLUB

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today the fine work and outstanding public service of the Highland Women's Club of Highland, California. Earlier this year, the club marked its centennial as an active and vibrant part of the local community.

On January 14, 1898, ten ladies in the village of Highland met to organize the Pleasant Hour Club. From this small beginning, the first library hall was built and, with the assistance of the members of the Pleasant Hour Club, furnished and manned. Later, after this first building burned, another library hall and public library was built in what is now the Knights of Pythias Hall on West Main Street. The Pleasant Hour Club met in both of these buildings.

In 1926, the people of Highland raised money to build a facility at the corner of Palm Avenue and Main Street. A lovely large Spanish style building, it housed the public library, the Chamber of Commerce, and a very large beautiful meeting room with a stage, fireplace, and large kitchen. The building was finished in 1926 and was given to the Highland Women's Club to maintain.

Over the years, the building was used for a variety of purposes—Chamber banquets, church affairs, community service work, square dancing, and even the crowning of several Miss Highland contestants for the National Orange Show. Largely because of the expense of maintaining the building, the women of the club sold the building to the Highland Temple Baptist Church in 1975.

The outstanding work of the Highland Women's Club is well known and deeply appreciated by local citizens. It has been actively involved with the PTA, little league, scouting, 4–H and other activities relating to the youth of our community. It has also played a role in raising awareness of fire safety rules among grade school students and purchasing supplies for the first paramedic truck in Highland, as well as the Jaws of Life for the local fire station. The Women's Club also assisted the Highland Citizens Patrol with the purchase of uniforms as well as with the purchase of radio equipment for the local sheriffs office.

The contributions made by the Highland Women's Club to education has been nothing short of remarkable. It has adopted the Highland Head Start School in recent years and has also taken part in the Pennies for Pines Program since the 1950's. All of these activities underscore one fundamental point: the Highland Women's Club has made a difference for 100 years and is well on its way to making a difference for at least another 100 years.

Mr. Speaker, I ask you to join me and our colleagues in recognizing the outstanding contributions made to our local community by this tremendous organization. The Highland Women's Club represents the very finest in civic and community affairs and it is only appropriate that the House recognize this organization during its centennial celebration.

IN HONOR OF BRIAN J. SAMMON ON HIS ATTAINMENT OF EAGLE SCOUT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. KUCINICH. Mr. Speaker, I rise to honor Brian J. Sammon of Cleveland, Ohio, who will be honored March 29, 1998 for his attainment of Eagle Scout.

The attainment of Eagle Scout is a high and rare honor requiring years of dedication to self-improvement, hard work and the community. Each Eagle Scout must earn 21 merit badges, twelve of which are required, including badges in: lifesaving; first aid; citizenship in the community; citizenship in the nation; citizenship in the world; personal management of time and money; family life; environmental science; and camping.

In addition to acquiring and proving proficiency in those and other skills, an Eagle Scout must hold leadership positions within the troop where he learns to earn the respect and hear the criticism of those he leads.

The Eagle Scout must live by the Scouting Law, which holds that he must be: trustworthy, loyal, brave, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, clean, and reverent.

And the Eagle Scout must complete an Eagle Project, which he must plan, finance and evaluate on his own. It is no wonder that only two percent of all boys entering scouting achieve this rank.

My fellow colleagues, let us recognize and congratulate Brian for his achievement.

CELEBRATING RHODE ISLAND MANUFACTURING

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today in support of the second annual Rhode Island Manufacturing Week taking place from April 27 to May 1 of this year. The conference is a celebration of the significant role manufacturing has played and will continue to play in the lives of the people of Rhode Island. But it is much more than that. The week-long seminar is an opportunity to educate the over 2,500 manufacturing companies in Rhode Island about the latest in technological business advances. It is an opportunity to stress the necessity of adapting to the constant cultural and societal changes that impact our economy. In short, it is an opportunity to ensure that Rhode Island manufacturers remain competitive in today's rapidly changing market.

This year, the Rhode Island Manufacturing Week organizing committee is honored to have Mr. Daniel S. Goldin, Administrator at NASA, as its keynote speaker. Mr. Goldin will discuss the most modern NASA technology, and how that technology can be commercially applied to improve the changing face of business. As we all know, an essential element in the growth of our nation is the sustained success of our manufacturing infrastructure. This industry is a part of our historical job base, and is a key to our economic future.

Today in Rhode Island, there are over 80,000 high skill/high wage manufacturing jobs. Successful public/private partnerships there are proving that the government and private corporations can work together to not just succeed, but rather flourish. Simply put, Rhode Island is taking the lead in what should be a nationwide fight to reinvigorate American manufacturing. The Manufacturing Week Conference is a giant step in this direction.

As the birthplace of the Industrial Revolution, Rhode Island long ago recognized the significance of manufacturing. In 1790, innovations by Rhode Islander Samuel Slater helped spur along industrial changes that dramatically impacted both our nation and the world. Since that time, technological improvements have continued to alter the landscape of the business industry. In order to stay competitive in this environment, leadership is necessary to educate and sustain our businesses. The Rhode Island Manufacturing Week Conference is attempting to provide that leadership, to provide that education, to provide that sustenance, so that our economy, and in turn our nation, can continue to grow as it should.

IN HONOR OF RABBI ALLEN & ALISA SCHWARTZ

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. SCHUMER. Mr. Speaker, I wish to take this opportunity to commend members of my community for their outstanding service, Rabbi Allen and his wife, Alisa Schwartz. This will mark the 125th anniversary of Congregation Ohab Zedek along with the 10th anniversary of the arrival of Rabbi and Mrs. Schwartz to the fold.

Since Rabbi Schwartz joined Congregation Ohab Zedek, things have not been the same. In ten years, membership has increased 600 percent. Under his direction, the Congregation has instituted countless charitable programs such as food delivery for the homebound, hospital visits and clothing, food and toy drives. His presence and service have helped to guide the 125 year old congregation into becoming a vibrant part of the upper West Side community.

Mrs. Schwartz has been equally successful in her activities at the Congregation. She has been very active in her efforts to develop a children's program at Ohab Zedek as well as a Shiurim for women of the congregation. Mrs. Schwartz has worked diligently side by side Rabbi Schwartz to create a true sense of community among the congregants.

In addition to being senior rabbi at Ohab Zedek, Rabbi Schwartz finds time to teach Bible at Yeshiva University, where he was also ordained. He is currently working on his doctoral thesis on the Methodology of Rashi and has published numerous themes on Bible, Rabbinics, Halakha and Jewish thought. He also manages to find time to write Bible curriculum for Jewish Day Schools and lectures on behalf of the Board of Jewish Education in New York.

I would like to take this opportunity to commend both Rabbi and Mrs. Schwartz for their limitless generosity to the congregants of Ohab Zedek. Their devotion to the community and effort to promote Jewish education is admirable. I wish them the best on this ten year anniversary with Ohab Zedek and to the congregation, many more great years of fellowship.

CONGRATULATING ELIZABETH AMES AS WOMAN OF THE YEAR

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate Elizabeth Ames, of Stewartville, New Jersey, on being named "Woman of the Year" by the Warren County Commission for Women. Mrs. Ames has had a distinguished career as a volunteer in many areas of community life but has been especially dedicated to the cause of public education. She has served on local school boards for nearly three decades, been active in the Warren County School Boards Association and has been on the New Jersey School Boards Association's board of directors for 20 years. She has been called upon by the state Department of Education many times for her expertise in a variety of subjects. In all of this work, Mrs. Ames' goal has been to improve the quality of education for the children of our community. As a former teacher and school board member myself—and the mother of children who attended public schools—I can attest to the importance of this work. This high honor is well deserved.

Mrs. Ames holds a degree in bacteriology from the University of Pennsylvania, where she met her husband, veterinarian Sherman Ames II. She worked several years as a research chemist at General Aniline and Film Corp. before becoming business manager of her husband's practice. She was also a research fellow at the Hospital of the University of Pennsylvania, where she conducted government-sponsored research on hepatitis.

Mrs. Ames has been a member of the Warren Hills Regional Board of Education since 1969, serving twice as president, currently as vice president and chairing a variety of committees over the years. She has been a member of the Franklin Township Board of Education since 1974, serving three times as president, chairing several committees and serving on the Community Council. She is a former president of the Warren County School Boards Association and served on the board of directors of the New Jersey School Boards Association form 1975–1996.

The state Department of Education called on Mrs. Ames to serve on its High School Graduation Requirements Committee in 1977 and to participate in its retreat to study reorganization of the department in 1991. She worked with the department's Northwest Educational Improvement Center from 1973–1979, serving one year as chairwoman. In 1985, she participated in the Executive Academy for School Board Members.

Mrs. Ames is a former chairwoman of the Warren County Economic Commission and has been involved in career education coordination, family life planning and the student foreign exchange program. She is a trustee of the Charles Smith Foundation.

A former ballet dancer, Mrs. Ames is also an avid swimmer. She and Dr. Ames live in Stewartville. They have five children and nine grandchildren.

I would like to take this occasion to bring attention to the achievements and service of this outstanding woman and add the recognition of my colleagues in this House for all she has done for Warren County. She deserves this honor for her many years of hard work and dedication.

IN HONOR OF DANIEL J. GARNEK ON HIS ATTAINMENT OF EAGLE SCOUT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. KUCINICH. Mr. Speaker, I rise to honor Daniel J. Garnek of Cleveland, Ohio, who will be honored March 29, 1998 for his attainment of Eagle Scout.

The attainment of Eagle Scout is a high and rare honor requiring years of dedication to self-improvement, hard work and the community. Each Eagle Scout must earn 21 merit badges, twelve of which are required, including badges in: lifesaving; first aid; citizenship in the community; citizenship in the nation; citizenship in the world; personal management of time and money; family life; environmental science; and camping.

In addition to acquiring and proving proficiency in those and other skills, an Eagle Scout must hold leadership positions within the troop where he learns to earn the respect and hear the criticism of those he leads.

The Eagle Scout must live by the Scouting Law, which holds that he must be: trustworthy, loyal, brave, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, clean, and reverent.

And the Eagle Scout must complete an Eagle Project, which he must plan, finance and evaluate on his own. It is no wonder that only two percent of all boys entering scouting achieve this rank.

My fellow colleagues, let us recognize and congratulate Daniel for his achievement.

TRIBUTE TO CARL STEPHENS—ALABAMA BROADCAST LEGEND

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. EVERETT. Mr. Speaker, I have been informed that one of Alabama broadcasting's best loved personalities will soon retire after 40 years behind the microphone and television camera.

A native Alabamian, Carl Stephens was practically born into his profession. A radio sportcaster at the age of ten in his native Gadsden and student manager of the college radio station while at the University of Alabama, Carl Stephens began his television career at the Alabama Educational Television Network before settling in as one of the states' best-known on-camera personalities at WSFA TV in Montgomery.

At WSFA, Carl Stephens forged a 38-year career witnessing and reporting some of Alabama's and the nation's most historic events during the 1960s. Despite his contribution to news reporting in Alabama, it is noteworthy that Carl is best known by many Alabamians for his other roles. As host of a popular children's cartoon show in the late 1950's and co-anchor of the Auburn Football Review for many years, Carl's genteel charm and warm personality best shown through the television screen, earning him wide respect and many loyal fans.

Carl will begin his well-deserved retirement effective this Thursday, but his voice will continue to be heard, as it has been for many years, over the public address system of Auburn University football and basketball games.

I join with all Alabama in wishing Carl, his wife Mary, and all his family the very best in the years ahead.

AMBASSADOR ROBERT E. HUNTER ON NATO ENLARGEMENT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. LANTOS. Mr. Speaker, last week the Senate began the debate on the admission of Poland, Hungary and the Czech Republic to the North Atlantic Alliance. One of the key players in the process of admitting these three newly democratic states of Central Europe to NATO was Robert E. Hunter, who served for most of the past five years as the United States Ambassador to NATO in Brussels. Ambassador Hunter was a highly articulate and extremely effective representative of our government in this critical post at that critical time, and we owe him a debt of gratitude for his constructive and productive efforts.

As the Senate debate began last week, Mr. Speaker, two opinion pieces which were published in The Washington Post—one by David Broder and the other by Jim Hoagland—questioned the extent to which the enlargement of NATO has been thoroughly discussed and evaluated prior to the Senate vote on this critical issue. I strongly disagree with the point of view that these two experienced journalists have expressed on this matter. While I could express the reasons for my disagreement with their positions at some length, Ambassador Hunter has done a much more effective and concise job than I could do in responding to the issues raised in the two Post articles.

Mr. Speaker, I ask that Ambassador Hunter's excellent response, published in The Washington Post on Monday, March 23, be placed in the RECORD. I urge my colleagues to read his thoughtful article.

[From the Washington Post, Mar. 23, 1998]

THIS WAY TO A SAFER EUROPE

(By Robert E. Hunter)

David Broder and Jim Hoagland [op-ed, March 18 and 19] see a rush to judgment in the impending U.S. Senate vote to admit Poland, Hungary and the Czech Republic to NATO. They are right that full debate is critical to create the potilical underpinning for the most important U.S. commitment abroad in a generation. They are wrong that the Senate is acting "in haste" (Hoagland) or "outside the hearing of the American people" (Broder). Rarely has any major foreign policy have been developed over such a long period, displayed so fully before the public and considered so comprehensively with so many members of Congress.

The commitment to enlarge NATO was made by all 16 allies at the January 1994 NATO summit in Brussels, fully 50 months before today's Senate deliberations on whether to ratify the accession of the first new members. In the intervening period, every aspect of the issue has been ventilated in the media and with our elected leaders. As ambassador to NATO, I welcomed to its Brussels headquarters a stream of congressional visitors and immersed them in discussion with the allies, the Central Europeans and the Russians. During the past several months, Congress has held a score of hearings and been bombarded by arguments by all sides. Doubts may remain about NATO enlargement, but adequate information and debate are not the problem.

Hoagland argues that the administration is engaging in "strategic promiscuity and impulse" and "has not taken seriously its responsibility to think through the consequences of its NATO initiative." Not so. During the past 50 months, the United States—indeed, all the allies—carefully and thoughtfully has sought to take advantage of the first opportunity in European history to craft a security system in which all countries can gain and, potentially, none will lose. After a century of three wars, hundreds of millions killed and a nuclear confrontation, no other test can suffice.

Thus the 16 allies understand that security cannot just be based on accepting Russia's viewpoint, which includes leaving Central Europe in limbo (the practical result of the views Broder reports); nor can it be based on rushing all of Central Europe, unprepared, into a Western alliance which freezing Russia out and thus eroding allied strength and cohesion. Hard as it is to achieve, the perspectives of both Russia and the Central Europeans must be accounted for. They and the current allies must all end up more secure, and the alliance must be as strong and robust in the future as it is now.

This is an agenda of unprecedented scope, but one NATO allies set out to achieve four years ago. This is why enlargement is only one part of the "new NATO" and the overall, root-and-branch reform of European security to meet the realities of the 21st century. The integrated grand strategy devised by the alliance includes renovating the NATO command structure, creating new combined joint task forces (and validating the principles in Bosnia) and making it possible for the Europeans to take more responsibility through a Western European union able for the first time to take military action.

This strategy also explains why NATO created the Partnership for Peace, which is both a program for NATO aspirants to meet the military demands of membership—a valid matter for Senate scrutiny—and a means for those who do not join to have practical engagement with the alliance instead of feeling considered to a security gray area. It is why NATO created a special partnership with Ukraine, whose independence is a critical test of any European security arrangements. It is why the alliance undertook responsibility for preserving peace in Bosnia, and why the United States has pressed the European Union to expand its membership.

And this grand strategy is why the allies negotiated the NATO-Russia Founding Act. No one coerced President Boris Yeltsin into signing it, nor dragooned the Russions into the practical cooperation now taking place at NATO headquarters, nor drafted the 1,500 Russian soldiers who serve with the Stabilization Force in Bosnia, within an American division under NATO command. And remarkably, while NATO's actions in Central Europe can resolve Russia's historic preoccupation with stability on its western frontier, the alliance's effort to forge a strategic partnership with Moscow has elicited not one charge of a "new Yalta" from Central Europe.

Thus, despite Hoagland's assertion, NATO allies do have a clear sense of "strategic mission." If the NATO plan can secure the full backing of the Senate and thus of American power and purpose, it offers hope for a lasting security that Europe and its peoples have never known.

STATEMENTS BY SECRETARIES ALBRIGHT AND COHEN, AND BY CHAIRMAN SHELTON OF THE JOINT CHIEFS OF STAFF, ON U.S. POLICY IN BOSNIA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. HAMILTON. Mr. Speaker, in connection with last week's debate on House Concurrent Resolution 227, Secretary of State Albright and Secretary of Defense Cohen sent a letter in opposition to that resolution. I believe that their letter, and the letter I received from General Shelton, Chairman of the Joint Chiefs of Staff, detail the importance of the NATO mission in Bosnia, and detail the very harmful consequences for the United States and for peace in Bosnia if U.S. troops were to be pulled out at this time.

The text of their letters follow:

HONORABLE RICHARD GEPHARDT,
Minority Leader, House of Representatives.

DEAR MR. GEPHARDT: We are informing you of our strong opposition to H. Con. Res. 227, as amended, directing the withdrawal of United States forces in Bosnia. The House will consider this matter on March 18.

We oppose this concurrent resolution for both policy and legal reasons. As a policy matter, this resolution would fundamentally undermine our efforts in Bosnia. It would encourage those who oppose Dayton and would send the wrong signal to Serbia about U.S. resolve at exactly the time that concerns about destabilization in Kosovo are mounting. It would totally undercut our ability to implement the Dayton Accords and thereby dramatically lessen regional stability.

The President's decision that the United States should participate in a NATO-led multinational force in Bosnia after SFOR's current mandate expires has already begun to affect the calculations of even the most hardened Bosnian opponents of the peace accords. If we disengage militarily from Bosnia now, the momentum we have built will stop. The result could be a return to war.

As a legal matter, the resolution is based on a part of the War Powers Resolution—section 5(c)—that is unconstitutional. We recognize that there have long been differences of opinion about the constitutionality and wisdom of the 60-day withdrawal provisions of section 5(b) of the War Powers Resolution. But there has been widespread agreement that section 5(c) is inconsistent with the Supreme Court's 1983 decision in *Chadha v. INS*. Under *Chadha*, Congress cannot create a legal requirement binding on the Executive branch through a concurrent resolution, but may only act through a resolution passed by both Houses and submitted to the President for signature or veto.

We also note that, even if section 5(c) were constitutional, it would not apply here because by its own terms it applies only to situations where U.S. forces are "engaged in hostilities". In fact, U.S. forces in Bosnia are performing peacekeeping functions and are not engaged in hostilities. The Dayton Peace Accords, which ended the previous armed conflict in the former Yugoslavia, were initialed on November 21, 1995—before the deployment of IFOR or SFOR. From that point to the present, there have been only sporadic criminal acts against U.S. forces which do not constitute "hostilities" for the purpose of the War Powers Resolution, and there have been no U.S. fatalities from these acts. Our presence in Bosnia is with the consent of the relevant parties under the Dayton Accords.

Finally, one stated purpose of the proposed resolution is to provide a basis for a federal court suit to address the constitutionality of various aspects of the War Powers Resolution. In the past, federal district courts have declined to accept such suits on a variety of legal grounds, including standing, ripeness, political question, and equitable discretion. Whatever the district court's response might be in this case, such a proceeding—and the appeals that might follow—would create a prolonged period of considerable uncertainty about U.S. intentions with respect to Bosnia that would have a serious harmful effect on the stability of the situation in that country during a critical time.

For all these reasons we urge you and other Members of Congress to oppose this concurrent resolution and thereby avoid putting in jeopardy the important work of stabilizing the troubled Balkan region.

Sincerely,
MADELEINE K. ALBRIGHT,
Secretary of State
WILLIAM S. COHEN,
Secretary of Defense.

CHAIRMAN OF THE
JOINT CHIEFS OF STAFF,
Washington, DC, March 18, 1998.

Hon. LEE H. HAMILTON,
Committee on International Relations, House of Representatives, Washington, DC.

DEAR MR. HAMILTON: Thank you for your letter of 18 March and the opportunity to express my thoughts on the importance of our mission in Bosnia.

Pulling US forces out of Bosnia would cripple the mission at a critical time when we are achieving success in that troubled country. A US withdrawal would send the wrong signals to our NATO allies and the wrong signals to those who wish our efforts ill. Beyond that, US leadership within the Alliance would suffer a severe blow.

Europe's stability and America's security are joined. There is no more volatile region in Europe than the Balkans. Failure to see our mission in Bosnia through to full implementation of the Dayton Accords would send a harmful message to states throughout the Balkans—a message that the United States lacks resolve.

Our troops know they have made a difference in Bosnia. Their presence, together with that of our NATO allies and other partners in this effort, stopped the killing and ethnic cleansing. They see the signs of progress in Bosnia every day.

We have a strategy for success in Bosnia. A US military presence coupled with US leadership are essential to the achievement of a self-sustaining peace in that country.

Sincerely,
HENRY H. SHELTON,
Chairman,
of the Joint Chiefs of Staff.

IN HONOR OF DANIEL G. SAJNER ON HIS ATTAINMENT OF EAGLE SCOUT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. KUCINICH. Mr. Speaker, I rise to honor Daniel Sajner of Strongsville, Ohio, who will be honored on March 22, 1998 for his attainment of Eagle Scout.

The attainment of Eagle Scout is a high and rare honor requiring years of dedication to self-improvement, hard work and the community. Each Eagle Scout must earn 21 merit badges, twelve of which are required, including badges in: lifesaving, first aid; citizenship in the community; citizenship in the nation; citizenship in the world; personal management of time and money; family life; environmental science; and camping.

In addition to acquiring and proving proficiency in those and other skills, an Eagle Scout must hold leadership positions within the troop where he learns to earn the respect and hear the criticism of those he leads.

The Eagle Scout must live by the Scouting Law, which holds that he must be: trustworthy, loyal, brave, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, clean, and reverent.

And the Eagle Scout must complete an Eagle Project, which he must plan, finance and evaluate on his own. It is no wonder that only two percent of all boys entering scouting achieve this rank.

My fellow colleagues, let us recognize and praise Daniel for his achievement.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. KIND. Mr. Speaker, the New York Times continues to clearly spell out the problem facing those of us who support campaign finance reform. In an editorial in yesterday's paper the Times described the campaign finance reform bill which will be considered this week as ". . . sham legislation dressed up to look like reform, with no chance for members to vote on the real thing."

Mr. Speaker, the hard work of many members of this House is being destroyed by the highly partisan legislation being offered by the majority. The bill being considered contains poison pills designed to insure the failure of campaign reform. There are better alternatives. If the majority would allow an open rule on the floor these alternatives could be considered. Failure to allow a free, open debate on campaign finance reform would be a terrible disservice to the public and to our democratic process.

I open over the next several days the leadership of the House will reconsider their decision and allow an open rule on campaign finance reform. We need real campaign finance reform. The people of my district will not accept "no" for an answer.

IN RECOGNITION OF MONIQUE WRIGHT, TRACEY A. ROBERTS AND THE DAYTON METROPOLITAN HOUSING AUTHORITY MARCH 19, 1998

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. HALL of Ohio. Mr. Speaker, I am pleased to recognize and honor the work of the Dayton Metropolitan Housing Authority (DMHA) for its successful efforts and dedication to improving the quality of life for people in the Dayton area. The programs provided by DMHA are helping people move away from dependency to self-sufficiency. The success of these programs is highlighted by the uplifting stories of two remarkable women who reside in my district.

Ms. Monique Wright has always been determined to improve her life and provide a good future for her children. As a single mother, Monique received public assistance while she attended school full-time at Central State University in Ohio. After the birth of her second child, it became very difficult to give her children the nurture and care they needed and attend school at the same time. Moniques' priority was her children.

Because of her devotion as a mother, Monique pro-actively sought ways to provide for her two children. She worked at various jobs. But as we in Congress know all too well, jobs for the working poor often do not provide enough even for a family to eat. Monique was just making it from day to day. She wanted more for herself and more for her two precious children. That is why she enrolled in DMHA's Job Shadowing Program which provides job training, mentoring, and employment to its participants. Through her initiative, and with the assistance of DMHA, Monique received the training she needed to move her in the right direction.

Today, Monique is a full-time employee of DMHA. She is giving back to the community by helping others who are in need. By taking advantage of DMHA programs, Monique has also moved her family into a better housing situation. In addition, Monique has gone back to school to earn an Associate Degree in Liberal Arts with a concentration in Social Work.

Ms. Tracey A. Roberts is another wonderful woman who took advantage of these opportunities. As a single mother with two children, Tracey moved to Dayton in search of better job opportunities to improve the lives of her children. Tracey participated in DMHA's Family Self-Sufficiency Program. This program provides people with the tools necessary to move themselves away from dependency on the government and enables them to be self-sufficient. Case managers work with participants to develop a comprehensive plan for change.

Tracey enrolled in the program with the belief that a combination of hard-work, training, and motivation would help her take control of her own life. That is exactly what she did. Two years after enrolling in the Family Self-Sufficiency Program, Tracey now holds a rewarding job and has moved her family into a new home which she owns.

The programs of the Dayton Metropolitan Housing Authority work. They provide people with opportunities for self improvement.

Like Monique and Tracey, Americans who struggle with poverty want to lead more rewarding lives. They want to provide a brighter future for their families and they are willing to work to achieve it. With the help of organizations like the Dayton Metropolitan Housing Authority, many more people like Monique and Tracey will have the opportunity to improve their own lives.

It is with much pride that I recognize and commend Monique Wright and Tracey A. Roberts along with the Dayton Metropolitan Housing Authority for their outstanding achievements.

SCHOOLS NEED A HELPING HAND

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. FROST. Mr. Speaker, parents throughout Arlington, Texas, which is in my congressional district, received a scare earlier this month when school inspectors revealed that the floor was near collapse in the north wing of Arlington High School. The school, which was constructed in 1955, had to have classes and students rerouted because of the potential danger.

The floor damage was noticed by school inspectors who were preparing for a summer renovation of the building. Recognizing the accelerated rate however, at which the floor was deteriorating, the inspectors recommended closing the north wing and beginning emergency repairs immediately.

This incident highlighted what has become a national problem, Mr. Speaker, the deterioration of our nation's schools. Many of our nation's public elementary and secondary schools are in substandard condition and need many repairs due to leaking roofs, plumbing problems, inadequate heating systems or other structural failures.

The General Accounting Office (GAO), on behalf of several Members, recently performed a comprehensive survey of the nation's elementary and secondary school facilities, and found severe levels of disrepair in all areas of the country. The GAO contacted 10,000 of the nation's 80,000 public schools, and conducted site visits to schools around the country. According to the GAO's report, of the over 6,000 elementary and secondary schools in Texas, 76% percent of them reported a need for necessary upgrades or repairs.

Currently, more than 14 million children attend schools in need of extensive repair or replacement, and nearly one-third of our public schools were built prior to the beginning of World War II in 1939. If we want to prepare our children to succeed in an economy where technical skills are increasingly important, we need modern schools, meaning everything from updated science laboratories to computers in classrooms.

That same GAO report found that nearly 60 percent of all schools have at least one major building feature in disrepair, such as leaky roofs or crumbling walls. These schools are distributed throughout our communities, with 38 percent of urban schools, 30 percent of rural schools and 29 percent of suburban schools needing repairs.

More than half of the schools reported deteriorating environmental conditions, such as poor ventilation, hearing or lighting problems, as well as poor physical security. And 46% of our schools lack even the basic electrical wiring necessary to support computers, modems and other modern communications technology.

As well, the American Society of Civil Engineers (ASCE), in their 1998 Report Card for America's Infrastructure, gave America's schools an F, based on the urgent need for repairs. Schools were the only infrastructure category to receive a failing grade. ASCE has determined that it will cost about $12 billion to repair, renovate and modernize our schools.

Of this amount, approximately $5 billion is needed to fix or remove hazardous substances such as asbestos, lead and radon. Another $60 billion in new construction is needed to accommodate the 3 million new students expected in the next decade. Total annual construction and renovation spending since 1991 has remained between $10 and $12 billion for K–12 schools.

In order to address this serious problem, the President has proposed, and I support, a bill to establish and expand tax incentives to help states and local school districts address the need for school modernization. This bill would help states and local schools districts pay for the cost of modernizing and building more than 5,000 schools by creating new School Modernization Bonds.

Under the bill, these zero-interest bonds would be available for the construction and renovation of pubic school facilities. The Department of the Treasury would allocate the rights to offer these special 15-year bonds to States that have submitted school construction plans to the Secretary of Education. The federal government would subsidize a total of $9.7 billion per year of these bonds in the years 1999 and 2000. Texas would receive $1.6 billion of this new bond authority.

The federal government would pay the interest on the School Modernization Bonds through an annual tax credit to the holder. These credits are allocated to the states, which will determine how to divide the credits. The bonds can be issued by any state or local government, but they are still required to pay the principal.

Mr. Speaker, forty-two national groups, including the National Parent Teacher Association and the National School Boards Association support this bill, and support repairing our nation's schools. The students at Arlington High School will have their school repaired this summer thanks to the community. Congress, by passing a school modernization bill, can ensure that all of our neighborhood schools are given that same helping hand.

TRIBUTE TO JUDGE TOM PETERSEN ON HIS RETIREMENT FROM THE BENCH

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mrs. MEEK of Florida. Mr. Speaker, it is indeed a distinct honor to pay tribute to one of Miami-Dade's unsung heroes, Judge Tom Petersen. His retirement on Friday, March 27, 1998 from the Dade Circuit Court will leave a deep void in that bench.

Judge Petersen represented the best of our community. Having dedicated a major portion of his life to making the juvenile justice system work on behalf of our wayward youth, he was relentless in his development of many innovative programs that helped turn them around. His was a crusade that maximized understanding and compassion for many adolescents under the tutelage of the juvenile court system. His motto, "Hug a kid: that's where it starts" was one that bordered on a thorough understanding of many a youth's need to be understood and guided through their growing years.

He was virtually the lone voice in the wilderness in exposing his righteous indignation over many irrelevant programs that siphoned off funds from the public till instead of succinctly eradicating the symptoms of juvenile delinquency. At the same time, he has been forthright and forceful in advocating the tenets of equal treatment under the law for those juveniles who have been remanded to the juvenile court system. His sensitivity toward them knew no bounds, and he was untiring in seeking the appropriate guidance and counseling strategies for them so that they could pull themselves out of the gutter of juvenile delinquency. In a 1993 Miami Herald editorial, Judge Petersen was cited for his firm belief that ". . . the state's approach toward juvenile delinquency is antiquated." A little TLC, he said, and they'd stop stealing hub caps and start doing their algebra homework.

In his stint on the Dade Circuit bench, Judge Petersen truly represented an exemplary public servant who abided by the dictum that those who have less in life through no fault of their own should somehow be lifted by those who have been blessed with life's great amenities. As a gadfly on the Circuit Court, he was wont to prod both elected and appointed officials in redirecting many government-funded programs to focus their resources on reducing juvenile delinquency, and thereby provide youthful offenders with the tools to create a more meaningful life.

As one of those hardy spirits who chose to reach out to the at-risk youth living in public housing projects, Judge Petersen thoroughly understood the accouterments of power and leadership. He sagely exercised them alongside the mandate of his conviction and the wisdom of his knowledge, focusing his energies to enhance the well-being of our community he learned to love and care for so deeply.

His undaunted efforts in the juvenile court system shaped and formed the agenda of many community organizations. His word is his bond of honor to those who dealt with him, not only in moments of triumphal exuberance in helping many a wayward youth turn the corners around, but also in his resilient quest to transform Miami-Dade county into a veritable mosaic of vibrant cultures and diverse peoples converging together into the great experiment that is America.

For this he was awarded the much-coveted Miami Herald's Spirit of Excellence in 1988. Numerous accolades with which various organizations have honored him symbolize the unequivocal testimony of the utmost respect and admiration he enjoys from our community.

Judge Tom Petersen truly exemplified a one-of-a-kind leadership whose courage and wisdom appealed to our noblest character. It is his compassionate and resilient spirit that genuinely dignifies the role of a public servant. For this he will sorely be missed! I truly salute him on behalf of a grateful community.

TRIBUTE TO CARL STEPHENS—ALABAMA BROADCAST LEGEND

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. EVERETT. Mr. Speaker, I have been informed that one of Alabama broadcasting's best loved personalities will soon retire after 40 years behind the microphone and television camera.

A native Alabamian, Carl Stephens was practically born into his profession. A radio sportscaster at the age of ten in his native Gadsden and student manager of the college radio station while at the University of Alabama, Carl Stephens began his television career at the Alabama Educational Television Network before settling in as one of the states' best-known on-camera personalities at WSFA TV in Montgomery.

At WSFA, Carl Stephens forged a 38-year career witnessing and reporting some of Alabama's and the nation's most historic events during the 1960s. Despite his contribution to news reporting in Alabama, it is noteworthy that Carl is best known by many Alabamians for his other roles. As host of a popular children's cartoon show in the late 1950's and coanchor of the Auburn Football Review for many years, Carl's charm and warm personality was best shown through the television screen, earning him wide respect and many loyal fans.

Carl will begin his well-deserved retirement effective this Thursday, but his voice will continue to be heard, as it has for many years, over the public address systems of Auburn University football and basketball games.

I join with all Alabama in wishing Carl, his wife Mary, and all his family the very best in the years ahead.

HONORING CANTOR IRVING DEAN FOR 38 YEARS OF SERVICE TO UNITED ORTHODOX SYNAGOGUES OF HOUSTON

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. BENTSEN. Mr. Speaker, I rise to honor Cantor Irving Dean for his 38 years of continuous service to the synagogue and community. On March 29, 1998, the community will gather in the Grand Ballroom of the Westin Galleria Hotel to pay well-deserved tribute to Cantor Dean.

Cantor Irving Dean's musical talent was recognized as a child. He received his first instruction in Hazzanic art while singing in choirs with renowned cantors. He began his career in New York, appearing on radio, television, and concerts. He also appeared on "The Heritage of Israel," a special NBC television program. He has recorded "Shiru B'Simcha," a popular tape of holiday and Israeli songs for children. The proceeds from the sale of this recording benefit the United Orthodox Synagogue Montessori School. He also recently recorded a CD, "Musical Memories," of favorite concert music.

Aptly named, Cantor Dean is praised as the cantorial dean of Houston. In this capacity, he is well-trained, having earned secular and music degrees at Yeshiva and Columbia Universities. Since his first Cantorial Concert in 1960, Cantor Dean has enriched the Houston Jewish community with his music.

Cantor Dean has organized and trained the choir that sings with him during the High Holiday services and he appears with them on special programs. Cantor Dean has also presented concerts throughout the Southwest, New York, and Mexico City. He has sung at military bases, interfaith events, and for many Jewish organizations. In Houston, he conducted a citywide choir at a special rally for Soviet Jewry.

Before coming to Houston, Cantor Dean; his wife, Millie; and their children, Ronnie, Sherrie, and Debbie, lived in San Antonio, where the Cantor served Congregation Rodeif Shalom. During their 10 years in the Alamo City, the Dean family reached out to Jewish members of the military bases in the area, hosting them in their home and providing them with entertainment as well. For their work with the soldiers and the Jewish community, Cantor and Millie Dean were given special recognition by the National Jewish Welfare Board.

Cantor Dean has received numerous awards for his work. Among them are the ZOA Award for Distinguished Service to Southwest Jewry and the Bureau of Jewish Education of the Jewish Federation of Greater Houston award for 42 years of dedicated service to Jewish teaching and promoting Jewish learning among children and youth. He was also honored by the Jewish Theological Seminary as an Honorary Fellow of the Cantor's Institute, the highest award for musical achievement given by the Seminary.

A cantor is an emissary of the community, giving voice to those seeking connection with God and providing leadership and guidance through song. Cantor Dean, with his mellifluous voice, has led and continues to lead the congregants of United Orthodox Synagogues in prayer.

Mr. Speaker, I congratulate Cantor Dean for 38 years of service to the United Orthodox Synagogues family. I wish him continued success in providing vital leadership and spiritual guidance to his congregants and the Jewish community.

PRESIDENT LEE TENG-HUI LEADS TAIWAN THROUGH FINANCIAL STORM

HON. ROBERT SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. SMITH of Oregon. Mr. Speaker, Much has been written and reported about the Asian financial crisis, the worst in decades. But Taiwan, so far, has remained relatively unscathed. Its economy has been jolted but not sunk.

Taiwan's financial stability is attributable to its careful banking practices, ceilings on foreign equity investment and high foreign reserves. With a healthy financial system, Taiwan is more immune to the monetary crisis affecting the region.

The Taiwan economic miracle has time and again demonstrated its resilience and dynamism during the past year of regional and global slowdown. Taiwan's economic growth rate in 1997 reached 6.72 percent, the highest in five years. Foreign currency reserves stand at US$86 billion, an indication that Taiwan's traders and manufacturers have maintained their competitive edge amid growing competition from their Asian neighbors.

Taiwan's economic vitality is seen in its debt-free status. Its total foreign debt amounts to less than US$100 million, whereas its Asian neighbors such as Korea and Indonesia are reeling from foreign debts.

Taiwan's latest financial strength has prompted the financial Times of London and the Asian Wall Street Journal to hail it as the "Switzerland of the Orient." Most economists believe that Taiwan has the full potential to become a full-fledged developed country by the turn of the century.

Taiwan's economic dynamics has been unquestionably helped by its growth of democracy. Last November, Taiwan held successful elections for county chiefs and city mayors. In fact, opposition party candidates won a majority of the seats, marking a new milestone in the development of party politics and popular political participation in Taiwan.

As the year of the Tiger on the Chinese lunar calender begins, I wish Taiwan well in maintaining its economic prosperity, in initiating further dialogue with the Chinese mainland on the issue of reunification, in strengthening its strong ties to the United States and in gaining more and better friends internationally.

Last but not least, I wish to send my greetings to Taiwan's Foreign Minister Jason Hu, who was the former Taiwan representative in Washington. Minister Hu was a very able diplomat in Washington. My colleagues and I benefitted greatly from his insight on world affairs. Madam Jason Hu was a charming hostess. In the meantime, my colleagues and I are looking forward to working closely with Jason Hu's successor, Ambassador Stephen Chen. Ambassador Chen was a former deputy secretary-general to President Lee Teng-hui of the Republic of China and has been in government service all his adult life.

WOMEN'S HISTORY MONTH

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. TIERNEY. Mr. Speaker, the great suffragist Susan B. Anthony once said, "Failure is impossible." The confidence and inspiration of her words are as powerful today as they were almost a hundred years ago. Women have played integral roles in American history, from the fledgling days of a new republic, to today's shattering of glass ceilings in corporate management. They are mothers, teachers, elected officials, athletes and entrepreneurs. Today's young girls will experience less discrimination and have fewer limits imposed on them than their grandmothers.

As we celebrate this month the many accomplishments of women in American history, I would like to call to the attention of my colleagues a few women whose accomplishments and dedication offer strength and inspiration to many individuals.

Edith Nourse Rogers from Bedford, MA, was first elected to Congress in 1925 to fill the office vacated by the death of her husband. A former World War I Red Cross volunteer, Mrs. Rogers earned the title of Angel of Walter Reed Hospital. During her 18 terms as a Member, she fought unabashedly for veterans rights, serving as an inspector of veterans' hospitals as well as a mentor to many of the young soldiers interned there. One of her first major bills appropriated $15 million to build additional veterans hospitals. She was a leading sponsor of the GI Bill of Rights of 1944 and helped create a volunteer women's Army Corps.

Judith Sargent Stevens Murray of Gloucester closely followed the works of Abigail Adams and questioned why women were not granted the same rights and freedoms that men touted. Using the pseudonym Constantia, she began writing on the status of women, and published an essay "On the Equality of Sexes" in the Massachusetts Magazine. In her essay, Murray questioned the differences in education for boys and girls, asking "How is the one exalted and the other depressed * * * the one is taught to aspire, and the other is early confined and limited." Her powerful voice helped spur the fight for equal educational opportunities for young girls.

Anne Bradstreet of Ipswich and Swampscott, was New England's first woman poet. While keeping house at the edge of the wilderness for her husband and eight children, she wrote poetry despite criticism that she was not devoting enough time to "domestic responsibilities." To that, she replied, "I am obnoxious to each carping tongue who says my hand a better needle fits."

Finally, Louise du Pont Crowninshield of Salem, was a great and knowledgeable collector of antiques and a tireless advocate of historical preservation. Crowninshield's energy and dedication to charity work and historic preservation benefitted and continues to serve the National Trust for Historic Preservation and the Peabody-Essex Museum in my hometown of Salem, Massachusetts.

Mr. Speaker, America would not have flourished were it not for the tireless work of women. They have been, and continue to be, essential to building a country where all citizens, male and female, are free to live to their fullest potential.

THE PROHIBITION AGAINST ALCOHOL TRAFFIC TO MINORS ACT PAAT ACT

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Ms. MILLENDER-McDONALD. Mr. Speaker, today I am introducing legislation to help save our Nation's children: The Prohibition Against Alcohol Traffic to Minors Act. The PAAT Act curbs the problem of underage drinking by prohibiting the "direct shipment" of alcoholic beverages to persons not meeting a State's legal drinking age.

The bill amends Title 18, United States Code by inserting a new section after 1865 that prohibits shippers, their employees, common carriers or agents of common carriers or delivery companies from delivering a package containing an alcoholic beverage or compound, fit for consumption, to any person not meeting the minimum drinking age within a state.

On Friday, December 12, 1997, a local NBC affiliate aired in which an underage youth ordered and received shipment of alcoholic beverages. The youth in question lived in New York, purchased the alcohol via the internet from a retailer in California, paid for the order with a credit card, and accepted delivery of the alcohol from a commercial air-freight carrier. This same story is also the subject of an undercover operation being conducted by the Attorney General of the State of New York. While this particular incident was documented by television cameras, there are numerous others that are not.

According to the Center for Disease Control, 80.4% percent of the nation's high school students have had at least one drink of alcohol during their lifetime; 51.6% have had at least one drink in a 30 day period; and 32.6% qualify as "episodic heavy drinkers" having had five or more drinks on at least one occasion during a 30 day period.

Sixty-nine percent of Americans polled oppose the direct shipment of alcohol to minors; 85% agree that the sale of alcoholic beverages over the Internet would give minors easier access to alcohol and could result in more abuse; and 70% of those polled don't trust delivery drivers to ensure that the recipient of alcoholic beverages via common carriers is at least 21 years of age.

Direct shippers operate outside of the licensed distribution system. The licensed beverage distribution system is an essential and legal of the alcohol control process and contributes billions in federal and state taxes each year. Direct shipments circumvent these laws and robs states of tax revenues. Florida, Tennessee, Kentucky, Georgia and North Carolina have recently upgraded their laws to make "direct shipment" a felony. At least 26 other states have sent "cease and desist" letters to wineries or retailers urging them to stop illegal shipments.

Every state has set 21 as the minimum drinking age. The passage of "21" laws by states stopped underage drinkers from driving to another state to purchase alcohol. However, Internet and toll-free direct shipment creates a new technological way for underage drinkers to have alcohol shipped directly to the home.

With "shipments" there is no regulatory system to guard against underage access and to collect alcohol beverage taxes. What started many years ago as a cottage industry to sell rare wines and micro brewed beer to connoisseurs has burgeoned into a billion dollar a year business.

According to the Center for Disease Control, 80.4% percent of the nation's high school students have had at least one drink of alcohol during their lifetime; 51.6% have had at least one drink in a 30 day period; and 32.6% qualify as "episodic heavy drinkers" having had five or more drinks on at least one occasion during a 30 day period. This behavior is dangerous, life threatening and must be stopped. I ask that my colleagues support our nation's children and pass this important legislation.

SUMMARY OF THE PROHIBITION AGAINST ALCOHOL TRAFFIC TO MINORS ACT (PAAT ACT)

The PAAT Act curbs the problem of underage drinking by prohibiting the "direct shipment" of alcohol beverages to persons not meeting a State's legal drinking age.

The bill amends Title 18, United States Code by inserting a new section (1866) after 1865 that prohibits shippers, their employees, common carriers or agents of common carriers, delivery companies, or business entities that deliver goods from delivering a package containing an alcoholic beverage or compound, fit for consumption, to any person not meeting the minimum drinking age within a state.

THE FRENCH BROAD RIVER DOESN'T NEED NEW BUREAUCRACY

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. TAYLOR of North Carolina. Mr. Speaker, I commend to your attention this article written by Will Haynie for the Asheville Citizen-Times—a newspaper in North Carolina's 11th Congressional District. It provides a persuasive argument against the American Heritage Rivers Initiative as proposed by President Clinton.

[From the Asheville Citizens-Times, March 22, 1998]

OLD MAN RIVER DOESN'T NEED THE FEDS

(By Will Haynie)

The song says that Old Man River, he just keeps rolling along. In today's political environment permeated by hype and hysteria, some say that may be easy for an old man, but a French Broad needs federal help.

After the American Heritage Rivers Initiative was announced, the result was a knee-jerk reaction to jump on the federal bandwagon to do something nice for rivers. Not for all of America's rivers, but just for the ten whose communities jump through the federal hoops required for a chance to be personally picked by the president. And with this president, how could ours lose with a name like French-Broad?

The American Heritage Rivers initiative was announced by President Clinton in his State of the Union Address in February 1997. This is an executive branch program, the details of which I viewed at the web site maintained by the federal Environmental Protection Agency (the address is http://www.epa.gov/rivers).

The efforts to nominate the French Broad for American Heritage River status sparked a healthy local debate over the role of the federal government and its control over our lives and property. This debate combines the best lessons from history and social studies along with some environmental science topics thrown into the mix.

With such a precious natural resource as the focal point, it's tempting for even the most conservative of us to respond by supporting what looks at face value to be a good intention.

But one thing I learned spending a lot of my youth around water is to look before you leap. Sometimes smooth surfaces hide harmful obstacles.

One obstacle in this initiative is that it comes straight from the executive branch of the federal government and involves the allocation of the funds and assets. When our constitution was framed, the representative branch was given such powers.

One of the initiative's stated goals is to "protect the health of our communities by delivering federal resources more effectively and efficiently."

Two of the most famous lies in the world are "the check's in the mail" and "we're from the federal government and we're here to help you." Add another one to that list: 'we will deliver federal resources more effectively and efficiently." Sure, like the speed of the Post Office, the thriftiness of the Pentagon, and the courtesy of the IRS.

Is this to say that paying our federal taxes and acting in a law-abiding manner are not enough reasons to get effective, efficient service from federal agencies? Do we now have to petition the feds and hope for special designations just to get what we are owed?

The third stated requirement for communities whose rivers receive the designation is "the willingness . . . to enter into new, or to continue and expand existing partnership agreements."

The EPA also states "designated rivers and their communities will also receive a commitment from federal agencies to act as 'Good Neighbors' in making decisions that affect communities." That statement raises another question: where does that leave communities who either don't seek or seek but don't achieve American Heritage status? They better not count on the feds to be their good neighbors. They didn't buy an indulgence.

Proponents of The American Heritage Rivers Initiative swear it is not a federal land and power grab. Yet the initiative lists ten contact agencies involved with the program, and the only state agency listed is the North Carolina Historical Preservation Office.

The biggest mystery in this initiative is the statement that federal agencies will support local communities "within existing laws and regulations." Really?

Then, why must we approach the federal government by pleading and petitioning and promising to play by their rules so we can get protection for our river?

Nobody wants the French Broad River to be an open sewer. But running to the executive branch so all the king's horses and all the king's men can put it back together again is not the only solution, and it certainly isn't the best solution. Our congressman is called a representative because that's what he does for us in Washington.

Rep. Charles Taylor has presented a viable plan for the French Broad that will use existing channels to make all applicable agencies do their jobs for us without having to be petitioned to do so. The river is not yet in perfect condition, but it's a lot cleaner than it was fifty or even twenty-five years ago. We're making too much progress to call in the feds, even if they are "here to help us."

HONORING RUTH PUGH

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. MANTON. Mr. Speaker, I rise today to pay special tribute to Ruth Pugh—a modern day Florence Nightengale whose contribution to the nursing profession has spanned approximately 40 years.

Born in Jamaica, West Indies, Ruth was trained in Plaistow Hospital London, England, and graduated as an RN in 1961. Her interest in the study of midwifery resulted in her commencing specialized training in this field in 1962, later to be complemented by an interest and experience in the disciplines of medicine and surgery. Knowing the significance of the mind-body connection as it pertains to patient care, Ruth went on to attain a Bachelor's degree in Psychology/Sociology from Marymount College, Manhattan, New York.

A Master's degree from Long Island University soon rounded out the academic picture and manifested the striving for excellence that has always been the hallmark of her professional life. Later, a nursing administration certification in 1986 served as a preamble to her distinguished career as the Associate Director of Nursing, Department of Medicine, Jacobi Medical Center, where she was aided by her loyal associate Juanita Duncan and many friends and colleagues.

Mr. Speaker, although Ruth's academic credentials are comprehensive and impressive, they fail to show the most abiding dimension of who she is as a woman and a person—her strong sense of compassion. I, personally, know that Ruth Pugh's supervision and care of a beloved family member resulted in her being affectionately called "Commander Pugh." For that is indeed who she is—a leader of people, a person who pays attention to detail, and one who inspires a sense of teamwork among the healthcare professionals with whom she serves. She can, at times, be strong and firm in ensuring that the highest quality of health care is given and then, at a moment's notice, upon seeing a distraught family member, rush to console them with prayer and kind words. This combination of qualities is unbeatable.

Mr. Speaker, those for whom she has been a steadfast source of help and support recognize this quality in her. They know that she can set a goal and, no matter how insurmountable the obstacles, achieve those goals. Such was the case when in the history of her hospital budget and financial constraints necessitated the elimination of several nursing positions. It was Ruth Pugh, who saw to it that when qualified nursing staff was so desperately needed those staff positions were reinstated. This was no small task in a time of limited resources and fiscal pressures.

Ruth Pugh is a human dynamo, a gracious human being, an accomplished professional, and a hallmark of those characteristics that define the consummate nurse—caring for others while simultaneously caring for her husband Sidney and three children. She is someone not easily forgotten, and through her care and the meaningful way she has touched people's lives, someone whose influence will endure forever.

PERSONAL EXPLANATION

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. LEWIS of Kentucky. Mr. Speaker, on March 19, 1998, I was unavoidably detained and therefore missed roll call vote #62. Had I been present I would have voted "no."

REAL ESTATE INVESTMENT TRUST TAX EQUITY ACT

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

I. INTRODUCTION

Mr. COLLINS. Mr. Speaker, I rise today to introduce the Real Estate Investment Trust Tax Equity Act. This legislation is an important measure which levels the playing field among investors and businesses competing in similar real estate markets. It addresses an inequity first recognized by Congress in 1984. Unfortunately, the legislative change that occurred in the Deficit Reduction Act of 1984 made important modifications that were too open-ended. As a result, certain players in the REIT market have taken advantage of a loophole which potentially shifts the markets in their favor. Specifically, paired-share REITS were provided a shotgun tax benefit in the 1984 legislation which has created a meaningful imbalance in certain industries. My legislation seeks to install equity, true to the intent of the 1984 changes.

II. BACKGROUND

A. WHAT IS A REAL ESTATE INVESTMENT TRUST (REIT)?

A REIT is organized as a corporation, business trust or similar association which allows many investors to pool capital in order to acquire or provide financing for real estate.

REITs were first created in 1960 in order to give small investors access to the commercial real estate investment market. Previously this market had been monopolized by large capital investors, and this new structure afforded a wider group of investors to share in the profit opportunities.

A REIT is not required to pay a corporate level of tax, but must pass 95% of its taxable income through to its investors. Additionally, 95% of a REIT's income must come from passive sources, such as lease payments or interest on mortgage debt, etc. Also, 75% of a REIT's income must come from real estate. A REIT may not receive a significant portion of income from operating its real estate.

Over the years, there have been several legislative efforts to modify the REIT structure. While REITS have been generally prohibited from self-managing properties that they hold in trust, changes to the code were made in 1986 which allowed REITS that own specific types of real estate to provide customary services to their tenants. However, under current law, REITS are still restricted from operating real estate that requires a high level of operation management services (usually associated with such entities as hotels, casinos or similar properties). REITs that operate in these markets must lease the property to a third party, usually structured as a C corporation, which is tasked with providing the operation and direct management of the restricted real estate held by the REIT.

The REIT market has seen considerable recent growth. According to the National Association of REITs, five years ago there were 142 REITS with a market value of $16 billion. Today there are 210 REITs with a value of $141 billion. Experts forecast that at current growth rates, within a decade REITs will reach a market value of $1.3 trillion.

B. WHAT ARE PAIRED-SHARE REITS?

In the 1980s certain REITS began pairing their shares of the REIT with those of the management company. For each share of the REIT received by the investor, they also received one share of the management company. Pairing these shares creates significant benefits because the same shareholders derive all of the profits from operations related to the real estate owned by the REIT.

C. CONGRESSIONAL ACTION

Because of several concerns about the paired share structure, including the fact that it could cause an artificial reduction in tax liabilities attributable to the income associate to management of properties, Congress took action in 1984 to ensure that the two structures would be treated as one for purposes of applying the REIT gross income tests. However, in this legislation, Congress considered the impact on the companies that had already adopted the paired-share REIT structure. Consequently, these existing entities were grandfathered, with the acknowledgment that they would need additional time to "unwind" in the effort to meet the standard gross income tests.

Historical discussion language indicates Congressional intent:

> "Congress did not intend to eliminate the corporate tax on the portion of an active business' income that arises from the ownership of its real estate."
>
> "Congress believed that to permit the use of such a transparent device would have weakened the integrity of the tax system."
>
> "Congress believed that all stapled entities should have adequate time to remove the requirement that shares trade in tandem . . ."

D. THE COMPETITIVE BENEFITS OF PAIRED-SHARE REITs

Although supporters of paired-share REITs argue they have no benefit over competitors within their industries, indications are to the contrary. Specifically, this structure provides significant benefit because it eliminates the sometimes adversarial relationship between the REIT and the management company. If both entities have the same group of shareholders, there is no friction over who should realize the benefit of profits.

Second, the shifting of income between the two entities can have a significant impact on the tax liability attributable to profits. There are a number of ways this can be accomplished whether through rent payments, or shifting other overhead expenses.

Third, the structure of paired-share REITs enables these entities to avoid the double taxation of income from real estate, a benefit not realized by non-paired-share REIT competitors in certain markets. Again, tax liabilities are minimized and profits are significantly increased for shareholders.

This unique business structure has made them particularly attractive to investors, thereby giving them more advantageous access to capital.

Rather than making movements to "unwind" or adjust their structure in anticipation of having to comply with standard REIT gross income tests, since 1995, a majority of the grandfathered entities have expanded aggressively.

Again, while today's paired-share REITs argue they have no real advantage over the traditionally structured corporations against whom they compete, their behavior indicates otherwise. Not only have some of the grandfathered REITS publicly discussed their advantage in an effort to attract investors, they have also stated in the past that they originally purchased the paired-share REIT, not for the line of business that it was participating in, but because they wanted the paired-share structure which provides unique, advantageous opportunities in certain markets.

III. THE REAL ESTATE INVESTMENT TRUST EQUITY ACT

Mr. Speaker, because the REIT market continues to expand aggressively, Congress must take action to ensure that the grandfathered REITS are not enjoying tax based advantages, to the detriment of other businesses competing within the same industries. The legislation I introduce today levels the playing field by further clarifying the intent of Congress expressed in the Deficit Reduction Act of 1984. My legislation simply states that paired-share REITs must comply with the standard gross income texts applicable to all REITs, contained in section 856 of the Internal Revenue Code. Federal tax policy must be consistent so that it does not favor one competitor over another within industries. This important legislation ensures equitable tax policy so that one group of investors does not have a significant benefit over their competitors.

COMMENTS ON WORKFORCE DEVELOPMENT BY EDWARD RENDELL, MAYOR OF PHILADELPHIA

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. FATTAH. Mr. Speaker, at a Town Meeting I convened in Philadelphia on March 10, the Mayor, Edward Rendell made the following remarks which I commend to my colleagues.

> Mayor Rendell: Good morning. Congressman. Good morning, members of the Panel. Let me just start out by saying that there is no issue as important to the future of the City as workforce development. We are a City that has currently 66,000 families on AFDC. We are a City that will face an enormously difficult problem because as those families begin to phase off of welfare, it will be required by the Welfare Reform Act of 1996 to have jobs or lose any support whatsoever beginning in March of '99 and going through the year 2000.
>
> We will find that with what is essentially a labor surplus market, we will not be able to accommodate, in my judgment, somewhere between 35 and 40,000 of those families. So by the year 2000, we will have in Philadelphia, a situation that hasn't occurred, in my judgment, since the Great Depression. It will not just be in Philadelphia. It will be Detroit. It will be in Newark, Baltimore, even cities like Seattle that are considered to be cities that are economically viable and not labor surplus markets.

The U.S. Conference of Mayors did a press conference and a report based on a survey in 17 cities and each city reported, in differing degrees, the same problem that I'm going to address. And it is a shocking problem that nobody is paying any attention to. I don't say nobody because you are all here, but very few people are paying any attention to it in Washington, D.C. When I had the press conference, myself and Mayor Archer had this press conference on how we viewed welfare reform and where it was going. Only CNN showed up.

About a month and-a-half later, I was in Washington at the U.S. Conference of Mayors, and myself and four other mayors were chosen to speak after our visit to the White House, and I noted that the CBA Network had 33 camera crews in Washington that week all covering various aspects of the Monica Lewinsky problem. To me, one of the greatest problems we have as a nation is that we can't get our news media to concentrate on serious issues that affect the bread and butter and really not only the quality of life but the very lives and survival of people themselves.

Now, let me tell you how I get to the 35 to 40,000 range. We believe the normal evident flow for the private sector, and the normal entry an coming off welfare, will cause 10,000 of that 66,000 to come off the rolls before the year 2000 is done.

Additionally, as you know, Congressman, myself, Mayor Archer, and Mayor Rice of Seattle were an integral part of persuading both the Administration and the Congress to appropriate additional dollars for a jobs bill for welfare recipients. As you will recall, you appropriated $3.1 billion to be administered over a two-year period. And that was certainly positive news, but one of the things that I want to recommend to you again is that you go back an tell your colleagues that that is not nearly enough money to do this job correctly, and that if we really care about welfare reform and putting former recipients of welfare on the work rolls, that we have to spend more than $3 billion.

I would reference in 1996, the Congressional Budget Office did a study which said that the Welfare Reform Act of 1996 was $12 billion short in the necessary funds to adequately transition people from welfare to work. Unfortunately, no one listened at that time. The President said he would try to cure those defects afterwards and in part, he did with his $3.1 billion jobs bill, but my experience leads me to believe that the $12 billion estimate made by the CBO in the summer of 1996 is probably 50 percent less than is needed.

I think if we are really serious about welfare reform, if we were really serious about ending welfare as we know it, we have to spend money. If you look at the individual states that have had the most success in workforce development and transitioning people from welfare to work and doing all the things that are necessary components of that, training, job skills, literacy in many cases, adequate child care, transportation, addressing all of the needs, those states spent actually more money in the first several years of their reform effort than they did in their traditional welfare systems. They spent the money up front so that down the road, they would spend less money because people would be successfully transitioned from welfare to work.

So I think we will find that the money that's been appropriated by Congress at the President's request is far too little. For example, in the next month, we will release our plans for using that federal money. That federal money, with the state match, and the state did in fact give us the necessary match, that will make somewhere between $51 and $55 million available for the next two years in Philadelphia. We are going to release our plans on how we are going to spend that money but the bottom line is that if we are successful, if we reach our goals, that will give 15,000 people the type of employment necessary, either full-term employment, 40 hours a week plus, or the 20-hour a week employment that's necessary to keep them receiving benefits at the same time.

So if you take our 15, the 10 that will come from the normal evident flow, we're down somewhere in the high 30's, 35, 38 thousand families, heads of households with children, will not find jobs in Philadelphia. And I don't know what is going to happen to those individuals. You have to realize that that's not a surprising outcome because we are truly a labor surplus area.

As you know, Congressman, Philadelphia was losing jobs at a debilitating rate. For the last nine years, we averaged a loss of 10,000 jobs a year from Philadelphia. Over a course of 11 years, we lost over 100,000 jobs from our job base. It is only in the last year and three-quarters we've now had seven-quarters straight of job gain, but those job gains are modest probably cumulatively less than 4,000, less than 4,000. While it is true that there has been some job growth in our suburban corridors, there are maybe 15 job growth centers that we've identified in the suburbs. They've added another 20,000 jobs into the mix. So we've created 25,000 new jobs.

The problem is that in addition to the 38,000 families that are going to be unaccounted for that I mentioned, we have 45,000 displaced workers on the unemployment rolls here in Philadelphia. Those are the workers from the Navy yard. Those are the workers from Breyers. Those are the workers from the Meridian/CoreStates merger, soon to be the CoreStates/First Union merger. Those are workers with job skills and job experience. So our 38,000, or to be honest, our 66,000 are competing against those 45,000 who are better skilled, better trained, better experienced.

Additionally, there are some 40,000, single males that are out there looking for jobs as a result of state changes in welfare. On top of that, each and every year, we have a new class of high school graduates that come into the job place. And the numbers don't add up. They don't add up in Philadelphia. They don't add up in Detroit. They don't add up in Atlanta. And they don't even add up in Seattle because when you put all those people into the mix looking for jobs, almost all of them were better educated, better trained, and have more work experience than the AFDC heads of households. You can see the problem we have created.

I heard a little bit of your earlier panel and I know that it is easy in Washington to say that welfare reform is a success, that in the 13 or 14 months since welfare reform has been the law, we've knocked 15 percent of the people off the rolls. Well, of course as we know, a good hunk of that 15 percent are people who were smoked out who really didn't belong on the welfare rolls. Then my guess is the other half of that 15 percent were the cream of the crop, were people that were on the welfare rolls but had recent job experience who had some skills, who were totally and functionally literate.

You go deep within the mix of our 66,000 heads of households here in Philadelphia and you will find people shockingly, and it's the reason why we all agreed that there had to be change, but shockingly who have never worked in their life, who don't have one day's worth of work experience. You will find people, when you go deep into the rolls, who are functionally illiterate. As we all know, the necessary job skills in the moderate economy simply won't accommodate those type of people.

It used to be, not very long ago, ten years ago, you could be a cashier in most retail stores if you could learn to punch one button on the cash register and make change, but now, go into any retail store, small, or large, and you virtually have to run a mini computer to be a retail clerk, to be a cashier.

The necessary job skills are changing so quickly that we are kidding ourselves to think that we can change a system that has been in existence for decades and that simply doesn't work to fit the needs of Welfare-to-Work. For example, let's take child care. We basically have a child care system that is 8:30 to 5:30 because that's been the needs of the working parents, 8:30 to 5:30. But if you look at the jobs wanted in the entry level or the type of jobs our welfare recipients can hold, many of them are for weekend and night work. And there's virtually no child care available in the evenings or weekends in Philadelphia.

Now, let's talk for a second about these suburban growth centers. There are 15 of them and only two are near public transportation, traditional public transportation where someone from Philadelphia can take the subway down to Suburban Station and get on a commuter train and go out and wind up close enough that they can walk to the job centers. Thirteen of them are far enough away that you simply can't get there from here if you don't have a car. And of course, almost none of our current AFDC welfare recipients have vehicles. So not only are we going to spend a chunk of that $51 million creating van pools and things like that to get our people to suburban job centers, but I heard you, and I know this isn't the main thrust of this hearing, but to not re-enact ISTEA without significant funds in there for Welfare-to-Work transportation programs.

As you know, Senator Specter and Senator Santorum have combined to put an amendment to the ISTEA reorganization bill in the Senate upping those dollars from $100 million that the Administration has put in their budget, to $250 million, and I would urge that is an absolutely essential step. If we're serious about what we're trying to do there, and in all due respect, this is not a reflection on Congressman Fattah or any of the Congressmen who are represented here, but if we're serious about trying to get people from welfare to work, we can't do it cheap. We have to spend money for transportation. We have to spend money for child care. We have to spend money for job training. And most of all, we have to spend money to help create jobs whether they be transitional jobs in the public sector whether they'll be subsidizing job growth in the private sector. Whatever it is, we have to touch every element of that, and we better do it fast.

In sum, if we do all of our jobs well, we're going to fail to be able to place well over 50 percent of our current caseload of welfare recipients and that is a pattern that you are going to find is going to happen all over the country. It is a freight train coming down the tracks going to hit us right smack in the forehead.

I would make two long-term recommendations, and I make them with the full knowledge that these may be difficult for you, Congressman, or the Congressmen represented here, may be difficult for us to get enacted, but number one, I would urge legislation to extend the deadline. I think the two-year deadline is just going to prove to be unworkable. We're not going to be ready to have job opportunities, child care, transportation to meet the needs of most of those AFDC families. So I would urge a year or two or three-year extension in the cutoff.

TRIBUTE TO THE NASHUA LIONS CLUB

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. BASS. Mr. Speaker, I rise to pay tribute to the Nashua Lions Club on their 75th anniversary.

Eighty-one years ago, insurance executive Melvin Jones and his fellow Chicago businessmen formed the Lions International. The group was created to focus on humanitarian acts of service.

Several years later, after Hellen Keller challenged the Lions to become her "Knights of the Blind," William Hillman, Jr., and former Mayor Alvin Lucier established the Nashua Lions Club. Since being chartered in 1923, the Nashua Lions have not only heeded Hellen Keller's call, but have lived up to their motto "We Serve" by making Nashua a better community and improving the lives of those who live there.

After 75 years of hard work and selfless devotion, the Nashua Lions Club have raised and returned over $750,000 to their community. But the true measure of their impact on Nashua is not in the dollars they have raised, but in the lives they have touched.

Most notably, the Nashua Lions have dedicated substantial time and resources to building projects designed to assist handicapped individuals. Under the leadership of former Mayor Mario J. Vagge, the Nashua Lions built the "Friendship Club" for the handicapped, and under the direction of past President Rich Nadeau, they constructed "Melanie's Room" for a handicapped young girl.

Responding to Hellen Keller's challenge 77 years ago, the Nashua Lions have also worked closely with the Nashua school nurses to provide free eye exams and eye glasses to needy area students. They have spent over $30,000 in the last 25 years to buy new eye screening machines for Nashua schools.

Aside from their numerous community and charity efforts, the Nashua Lions have also provided leadership to the entire Lions International organization. During their 75-year history, the Nashua Lions proudly have produced two District 44-H Governors, Joseph J. Bielawski from 1983 to 1984, and Edward Lecius this year for their diamond jubilee.

Mr. Speaker, the Nashua Lions exemplify America's charitable spirit. Their leadership, compassion, and hard work have helped make the Gate City a wonderful place to live. I rise to express my thanks and congratulations for 75 years of caring and devoted service.

THE MANDATES INFORMATION ACT OF 1998

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. CONDIT. Mr. Speaker, I rise today to introduce the Mandates Information Act of 1998. This bill is similar to H.R. 1010, the Mandates Information Act of 1997, which I introduced on March 11, 1997. The bill is introduced as a follow up to the success we have had with the Unfunded Mandate Reform Act.

As you are aware, the Unfunded Mandate Relief Act required the Congressional Budget Office to estimate the cost of unfunded mandates a bill would place on both local governments and the private sector. These cost estimates are required to be included in the committee's report which accompanies a bill reported to the House.

The law also established a point of order procedure for bills which contained a mandate on local governments exceeding $50 million. The Mandates Information Act of 1998 will establish a similar point or order procedure for bills containing a unfunded mandate on the private sector in excess of $100 million.

The changes reflected in the Mandates Information Act of 1998 have been made at the behest of the Rules Committee Chairman and Vice Chairman with the commitment to move this important piece of legislation forward. I look forward to participating in a hearing on these changes later this week followed by a full and open debate on the bill before the full House in the near future.

DE COLORES MEXICAN FOLK DANCE COMPANY

HON. ESTEBAN EDWARD TORRES

OF CALIFORIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. TORRES. Mr. Speaker, earlier this month I was witness to a most dazzling and energetic dance ensemble at their inaugural performance at the Kennedy Center for the Performing Arts. This Washington, D.C. based dance company has received broad acclaim at major performances including the Presidential Inaugural's "American Journey" at the Smithsonian, and a near sellout concert performance commemorating Mexico's "day of the dead" at the Gunston Community Arts Center Theater.

De Colores Mexican Folk Dance Company is unique in the area for its commitment to preserving and presenting the authentic, rich and varied interpretations of Mexican dance, music, and costumes. Their vision is to establish an Instituto de Danza for children and adults in the nation's capital to teach and train a future generation of artists. Performances are intended to foster greater understanding about Mexican art, history and culture. Members receive rigorous training, tutoring and performing opportunities, and are encouraged to strive for the highest standards in Mexican folkloric dance interpretation.

Company General Director, Adriana Martinez, a former Capitol Hill staff assistant, began performing professionally at the age of 21 with the Ballet Folklorico de Stanford under the tutelage of master instructors Susan Cashion and Ramon Morones. She joined forces with the principal dancer and Co-Director Enrique Ortiz, former Director of Los Tapatios, to form De Colores Mexican Folk Dance Company in 1996. Principal dancers and several of the founding members each brought with them years of experience teaching, directing, performing, and training. Other Capitol Hill staffers performed traditional dances of Mexican regions highlighting Veracruz, El Norte (Chihuahua), Tamaulipas (Huasteca), and Region Jalisco. The company is composed of beautifully attired women: Constance Chubb, Gloria Corral, Guadalupe Jaramillo, Rocio Jimenez, Irene Macias, Irma Martinez, and Alma Medina. Along with male partners: Maximo Galindo, David Garcia, John McKiernan Gonzalez, Joseph Lukowski, Geoffrey Rhodes, and A. Santiago Alvarez.

Mr. Speaker, the De Colores Mexican Folk Dance Company brings to our nation's capital a rich contribution of Latinos in the arts and humanities visible through their unique art form. I ask colleagues in Congress assembled to wish them great success as they move forward with our vision to educate children about Mexican culture and heritage through traditional folklore.

UPON INTRODUCTION OF H. CON. RES. 249 RESOLUTION TO EXPRESS SENSE OF CONGRESS THAT THE VA SHOULD RECEIVE PROCEEDS FROM ANY TOBACCO SETTLEMENT

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. EVANS. Mr. Speaker, the proposed settlement between major tobacco companies and various states will receive much attention by the Congress in the coming session. With so much money and emotion wrapped up in one issue, it is anybody's guess how Congress will finally try to resolve this highly contentious issue.

But no matter how Congress ultimately decides to address this issue, there is one group of Americans that cannot be left out of any tobacco settlement—our nation's veterans.

I share the Administration's view that we should make it a major public health priority to reduce cigarette smoking and nicotine addiction, in part through establishing significant constraints on the ability of tobacco companies to continue to engage in deceptive and deadly marketing practices. A responsible, comprehensive tobacco settlement may be the best way to achieve this goal.

But while the Administration has assumed our federal government will collect over $65 billion in proceeds from any tobacco settlement, its Fiscal Year 1999 (FY 99) budget fails to earmark any settlement money for the Department of Veterans Affairs, the federal agency that spends over $4 billion each year providing health care to veterans suffering from tobacco-related illnesses.

If anybody deserves to be protected under the terms of a tobacco settlement, it is our nation's veterans, many of whom became addicted to nicotine while in service to our nation.

As the resolution I am introducing today spells out in greater detail, tobacco companies and our federal government facilitated—if not encouraged—cigarette smoking in the military. From the time of the Civil War until 1956, the Army was required by law to provide a cheap and nearly endless supply of tobacco to its enlisted men. The Air Force still has a similar law on the books. Cigarettes have been distributed free of charge to members of the Armed Forces as part of their so-called "C-rations." As many as 75 percent of our World War II veterans began smoking as young adults during the course of their military service.

Labeling requirements warning of the dangers of nicotine and tobacco usage did not become mandatory for products distributed through the military system until 1970, five years after such a requirement was made applicable to the civilian market. Tobacco products are still sold by military exchanges at substantially discounted rates, thus actively encouraging tobacco usage by military personnel and their dependents. "Smoke 'em if you got 'em" has been a watchword of the military culture for years.

Given this historical backdrop, it should hardly be surprising that many veterans developed an addiction to nicotine in large part because our government and the tobacco companies made cigarettes so accessible and easy to smoke during their military service.

But while our public servants have correctly criticized the tobacco companies for preying on millions of Americans with their highly manipulative marketing practices, the Administration's proposed budget leaves the Department of Veterans Affairs and our veterans to fend for themselves in dealing with tobacco-related illnesses that haunt a substantial portion of our nation's veteran population. And while many would agree that millions of Americans were victimized by misleading advertising and deceptive marketing practices that led them down the path to addiction, the Administration's message appears to be that our veterans should have known better.

The resolution I have introduced today attempts to send a message that the Congress is not prepared to leave our veterans behind. The Department of Veterans Affairs should receive substantial amounts from any tobacco settlement so that it will have sufficient funds to meet the needs of our veterans suffering from tobacco-related illnesses.

This resolution has already received support from most major veterans service organizations, including the Veterans of Foreign Wars (VFW), the Paralyzed Veterans of America (PVA), the Vietnam Veterans of America (VVA), the Fleet Reserve Association, the Blinded Veterans Association, and the Military Order of the Purple Heart.

I am also pleased that Representative CHRISTOPHER SMITH (R–NJ), the Vice-Chairman of the House Committee on Veterans' Affairs, has joined with me to introduce this bipartisan, common sense resolution. Congressman SMITH's leadership on this issue is indicative of his long-standing commitment to our nation's veterans, and I welcome his support.

I urge all Members to join me in co-sponsoring this extremely important resolution.

SUPPORT GROWS FOR CREDIT UNIONS

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

HON. STEVE C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. KANJORSKI. Mr. Speaker, my colleague, Mr. LATOURETTE, and I are pleased to announce that support for H.R. 1151, the Credit Union Membership Access Act, continues to grow. Below are the thirty-first through fortieth of the more than 100 editorials and columns from newspapers all across our nation which support giving consumers the right to chose a non-profit, cooperative, credit union for their financial services.

Surveys have consistently shown that consumers strongly support the value and services they receive from their credit unions. That is why the Consumer Federation of America endorses H.R. 1151, the Credit Union Membership Access Act.

A bipartisan group of more than 190 Members from all regions of our country, and all parts of the political spectrum, are now cosponsoring the Credit Union Membership Access Act. We should pass it quickly so that credit unions can stop worrying about their future and return to serving their members.

[From the Des Moines Register, Mar. 7, 1998]

BANKS VS. CREDIT UNIONS—BOTH SIDES HAVE EXAGGERATED THE THREAT—THERE SHOULD BE A PLACE FOR BOTH

Next week, Iowa Congressman Jim Leach has scheduled hearings on whether Congress should act in response to the U.S. Supreme Court's Feb. 25 ruling regarding credit-union membership. Leach had better wear his hard hat.

The court case is part of an increasingly acrimonious debate as banks battle to prevent credit unions from eating into their market.

The banks, which pay hefty taxes, say credit unions, which don't, have an unfair advantage. That advantage might be acceptable for the classic mom-and-pop credit union, but bankers are alarmed at the growth of huge credit unions like the John Deere Community Credit Union in Waterloo with more than $385 million in assets and a full array of financial services offered to 77,000 members.

Credit unions, in response, point out that at best they still have a slender 6 percent slice of the total market pie nationally, while banks have 77 percent. In Iowa the ratio is something like to 88 to 5. As for the tax disparity, credit unions note that, unlike banks, they have no profits on which to pay taxes. Credit unions return all profits to their members, who pay taxes on their earnings. In fact, some Iowa banks are now switching to that very taxing scheme under a new state law.

Although these issues are not central to the question that prompted Leach's hearing, they are what drove the bankers to bring suit against federally chartered credit unions. The suit challenged recent interpretations of federal law that have allowed credit unions to broaden eligibility for membership.

The Supreme Court, in its Feb. 25 ruling, came down on the side of the banks: Federal law says there must be a "common bond" between employee groups belonging to a credit union, and the National Credit Union Administration has been reading the law too liberally by allowing federally chartered credit unions to sign up any employee group that walks in the door.

Only five of the 212 credit unions in Iowa are federally chartered; the remainder are chartered under state law, which requires a common bond among employee groups. But, while this ruling may not have direct consequences here, Iowa credit unions see the bankers' Supreme Court victory as the possible leading edge for other victories by the banks.

Credit-union advocates see this as a life-or-death struggle and suspect the bankers' ultimate aim is to destroy credit unions. That's a bit of an exaggeration, though the bankers have done themselves no favors with their own exaggerations of the credit unions' potential threat.

While most credit unions hardly pose a serious threat to banks, the bankers have a good argument about the phenomenon of a few giant credit unions that have morphed into full service institutions that look an awfully lot like banks. As long as those operations continue to grow, they make an attractive target for banks and other financial institutions looking to curb credit unions.

Whatever legislation emerges from Congress should ultimately aim to assure the banks of a fair shake and to leave the credit unions intact.

Credit unions have for 80 years served a vital function for millions of Americans by offering services to their members that are not offered by banks. They still serve a vital function today.

[From the Cincinnati Post]

CREDIT FOR CREDIT UNIONS

Credit unions, which have been helping people with their financial needs for more than six decades, are themselves in need now. They need to win a legal fight and, failing that, they need some political help from Congress.

If they don't get it, the credit unions themselves may no longer be available for millions when they come knocking, and American consumers, especially those of modest means, will have reason to grieve.

Congress established credit unions as nonprofit cooperatives in 1934 chiefly for poorer people left out of the loop by banks. It required that members have a "common bond," such as being employees of the same company.

The formula worked fine until the late 1970s, when the disappearance of large manufacturing plants and other economic changes began robbing the credit unions of members. A federal agency then said a credit union could include a multitude of groups in its membership in order to maintain a sufficiently large operational base.

The commercial banks yelped. What's more, they sued. They maintained that the federal agency, the National Credit Union Administration, had misconstrued the law, and a federal judge said the commercial banks were right. The Supreme Court has agreed to hear the case either late this year or early next. If the high court concurs with lower court rulings, some 10 million people will no longer be members of credit unions.

Banks say the competition from the credit unions is unfair because they don't pay taxes. It's true that, as non-profits, the credit unions don't have profits to pay taxes on. Members do pay income taxes on any dividends.

If the credit unions lose in court, Congress could come to the rescue with just a slight change in the 1934 law's wording about "common bonds."

You would think many would support the amendment. After all, 70 million Americans belong to credit unions, and that's a lot of voters.

It's possible that another number speaks more loudly in the legislative ear: 4.4 trillion, which is the accumulation of dollars the banks have in assets, and more than 12 times the assets of credit unions.

The banks would not seem to be at much of a disadvantage economically, after all.

[From the Louisville Courier-Journal, Sept. 15, 1997]

BANKERS SHOULD QUIT BULLYING WORKERS' CREDIT UNIONS

With America's banks raking in record profits, you'd think that bankers would have little to complain about. But you'd be wrong.

At the annual convention of the Kentucky Bankers Association in Louisville last week, the president-elect of the American Bankers Association and the president of America's Community Bankers worried aloud about the growth of credit unions and a sharp rise in personal bankruptcies.

Their concern about bankruptcies is valid. Federal laws make it too easy to declare bankruptcy. If bankruptcy were more painful, fewer people would resort to it, and, instead, would struggle to pay their creditors.

(Of course, if banks and other lenders were more careful about extending credit, fewer potential deadbeats would have a chance to get deeply into debt to begin with:)

The verbal volleys against credit unions were less persuasive.

Yes, credit unions have grown rapidly, and as non-profit institutions they don't pay federal taxes. This irritates bankers.

But the reason credit unions have grown is because they serve an important function in our economy. They help a lot of workers buy cars or finance college education—including workers who might find it hard to get a bank loan for the same purposes, at least not one at an affordable interest rate.

The banks and the nation's credit unions are battling it out in the courts and in Congress:

For the moment, the bankers have the upper hand, thanks to a federal appeals court ruling that has stalled the industry's expansion.

But the Supreme Court will hear an appeal of that ruling soon, and Congress could make the legal battle moot by changing the law governing credit unions.

If the credit unions win, you'll hear more grumbling from bankers about unfair competition.

But they'll be crying all the way to the bank. Profits, we suspect, will remain robust.

[From the Evansville Courier, Mar. 5, 1998]

CREDIT UNIONS HAVE REMEDY TO SETBACK—LAWSUIT THREATENS NEEDED INSTITUTIONS

The U.S. Supreme Court has ruled that a 1934 law that permitted the creation of credit unions also prohibits any single one of them from getting its members from different companies in different industries. The decision is a setback to a consumer-friendly institution, but nothing that a 1998 law couldn't or shouldn't fix.

Congress decided to allow credit unions during the Depression so that workers who couldn't get loans from banks would have someplace to turn. Credit unions are nonprofit cooperatives, and that has enabled them to skip taxes, operate cheaply and keep interest rates on loans down. But Congress also set limits on them, insisting that members have a common bond, such as the same occupation or the same workplace. Many credit unions have been ignoring that restraint since a 1982 reinterpretation of the law by a federal agency. That agency ruling was probably necessary to keep credit unions thriving. For a variety of reasons, many places of business were declining in size, meaning that some of them individually did not have enough employees to support a credit union.

The ruling rankled banks, though. They have not liked this expanding competition, especially when the competition has not been paying taxes like they have been. It was a lawsuit brought by banks that led to the Supreme Court decision. While it's true that the bankers who brought this suit say they will not move to have current members kicked out of their credit unions, it's also true that no institution that remains valuable to many millions of people ultimately could be endangered by an incapacity to grow and serve those who need it most. There's nothing intrinsically unconstitutional or unfair about exempting organizations from taxes if they have forsaken profits, and there's certainly room in this economy for this particular alternative to banks.

Locally, credit union officials have been scrambling to explain to customers the implications of the ruling. One is that it has no impact on community—(such as the Warrick Federal Credit Union) or state-chartered credit unions. John McKenzie, president of the Indiana Credit Union League, said Congress should make sure the banking industry does not get in the way of people's access to credit unions.

Obviously, a new law should not give credit unions carte blanche to operate any way they choose, but it should relieve them of some of those 1934 restrictions.

[From the Palm Beach Post, Mar. 17, 1997]

TELL BANKS TO BACK OFF

Credit unions fill just a tiny niche in American banking, but their members appreciate them. Why, then, are bankers attacking credit unions every way possible?

The House Banking Committee is holding hearings on whether federally chartered credit unions should be allowed to recruit members outside limited groups with a "common bond." Banks are fighting the change in Congress and in the courts. The Supreme Court will hear a bank-inspired case that could end with credit unions having to drop 20 million members.

You don't join a credit union to finance a 40-story office tower. But you can still get a $50 loan there, as people have been doing since the 1930s. Credit unions are not-for-profit. They don't pay most taxes, so they can charge less interest than banks for loans.

Credit unions hold 6.8 percent of all banking assets nationally, 7.5 percent in Florida. The percentages are up since 1980 from 3.6 percent and 3.5 percent respectively, but they came at the expense of savings and loans. For-profit banks pulled in more assets of former S&Ls than credit unions ever did.

The typical credit union was set up by employees of a big company. As large companies shrank, unions served ex-employees and recruited outside the fold to stay afloat. The Florida Legislature loosened the "common bond" rule for state-chartered credit unions in 1982 to allow that. Now banks are acting as if they are losing $100 bills to credit unions, not nickels.

A decade ago, the banks were hurting. Corporations found ways to handle their own money. Big depositors switched their checking to their brokers. But the banks roared back. They are doing so well that if you are not looking to finance a 40-story office tower, they give the impression that you should deal with their machines and not waste their employees' time.

Merging and expanding banks are classic cases of a business in need of discipline by market competition. The credit unions are hardly a threat. But they hang in. Smart lawmakers in Washington and Tallahassee will do nothing to make it harder for them

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[From the San Francisco Examiner, Oct. 27, 1997]

GOLIATH VS. DAVID FOR SMALL BUCKS—BANKS WAGE A HARSH CAMPAIGN AGAINST INCREASINGLY POPULAR CREDIT UNIONS

The nation's banks should drop their mean-spirited campaign to clip the wings of 12,000 credit unions. The banks would do better to emulate some of the credit unions' people-friendly policies instead of dreaming up new ways to extract fees from their hapless customers. (We are braced for the spread of the $3 charge for using the services of a human teller.)

Nonprofit credit unions have grown hugely popular by offering a break on limited financial services to members under terms of a 1934 federal law. They pay interest on insured deposits and earn interest on loans to members at competitive rates. The members ordinarily share some link like working for the same employer or belonging to the same church. Credit unions were created during the Depression to serve individual savers, who were of little interest to the major banks. This is still part of their function, as when a black church sponsors one in a neighborhood the big banks have deserted.

While some credit unions have substantial assets, their collective market share hovers around 2 percent—nothing for the bankers to worry about. But the banks are arguing before the U.S. Supreme Court, and in a separate lawsuit in the District of Columbia, to overturn the National Credit Union Administration on loosening "affinity" standards for credit union membership. Another fight over credit union rules proceeds in Congress. Both sides are waging public relations campaigns.

The credit unions are valuable as a tiny check on the financial power of the major banks and as a reminder to them that consumers value decent treatment in the conduct of their financial affairs, however modest. If credit union membership nationwide grows beyond the present 70 million thanks to more generous interpretations of who can join, it will be because more people cherish that alternative to the average cold-blooded bank.

[From the San Diego Union Tribune, Mar. 2, 1998]

THE CONSUMERS' CHOICE—CONGRESS SHOULD NOT RESTRICT CREDIT UNIONS

The long-running battle between commercial banks and credit unions didn't end last week when the U.S. Supreme Court ruled that a Depression-era law places strict limits on the membership of credit unions.

The 1934 Federal Credit Union Act, which established credit unions because banks were perceived as ignoring the needs of low- and moderate-income Americans, limited credit union membership to "groups having a common bond of occupation or association, or groups within a well-defined neighbor-hood, community or rural district." But in 1982, responding to a wave of corporate reorganizations and downsizing that threatened existing credit unions, the National Credit Union Administration expanded membership beyond the single-company, single-community confines. It is this expansion that the Supreme Court, in a 5–4 decision in a case from North Carolina, said was in violation of the 1934 federal law.

Anticipating the Supreme Court decision, the Credit Union National Association asked Congress last year to consider legislation to allow federally chartered credit unions to maintain their expanded membership base.

Credit unions operate on a not-for-profit basis. They pay no taxes and tend to offer lower-cost loans and higher earnings for savings. They also tend to charge fewer and lower fees than commercial banks. But the commercial banks say credit unions' not-for-profit status creates an unfair competitive advantage.

Bankers have reason for concern. Since the 1982 regulation took effect, credit unions have rapidly expanded their membership. Last year, 72 million Americans belonged to credit unions, double the number in 1991. California alone has 735 credit unions, of which 340 are federally chartered and will be directly affected by last week's Supreme Court ruling. Although banking industry officials say consumers who currently belong to credit unions will not be asked to give up their memberships, joining a credit union may prove more difficult in the future unless Congress changes the 1934 law.

A bill before Congress to allow credit unions to serve multiple groups deserves approval. Credit union industry observers say it takes several thousand employees to form a credit union. In California, not many employers of this size exist. In San Diego, 95 percent of the work force is employed with firms with 50 or fewer employers.

With Congress set to begin hearings this week on a bill aimed at resolving the dispute between banks and credit unions, both sides already have begun their lobbying efforts. The commercial banks, particularly the smaller community-based banks, have legitimate concerns about rapidly expanding credit unions. But in drafting new legislation, Congress must recognize the realities of America's small-business economy. Americans have shown an increasing preference for credit unions, and consumer choice must be preserved.

[From the Tampa Tribune, Jan. 14, 1997]

NO REASON TO PUNISH CREDIT UNIONS

A financial battle is brewing that warrants consumer attention. The banking industry is putting the squeeze on credit unions in hopes of limiting your opportunity to join one.

If they are successful, banks will have more business for themselves and some credit unions will be put out of business. Although credit unions handle only a small fraction of the nation's savings accounts and consumer loans, banks are jealous of that little share and worry that credit unions will continue to gain customers.

A credit union is a group of people who get together to pool their savings and lend each other cash. They began more than 60 years ago, long before the popularity of checking accounts, credit cards and ATM machines. The Federal Credit Union Act of 1934 allowed people to form a financial partnership if they shared a common bond, such as a single employer or trade group. They were, and still are, run by volunteer boards and do not make a profit, and consequently pay no income taxes.

BANKS HAVE LONG been suspicious of the special relationship credit unions have with their members and the government. The unions have an unfair advantage, banks complain, because they have no taxes to pay and no shareholders to please. Credit unions drew more attention to themselves when some of the larger ones began offering checking accounts, credit cards and mortgages. Because of their lower overhead, they tend to pay higher interest to savers and charge lower interest to borrowers, and banks don't like that.

As the definition of who qualified to join a credit union expanded in recent years, banks filed suit. Last year a federal judge sided with the banks and ordered federally chartered credit unions to comply with a narrow definition of the "common bond" requirement of the 1934 law.

The case is being appealed, but in the meantime Florida credit unions are expecting banks to try to clip their wings too. Florida law is less restrictive in that it does not require members to have a narrow common bond. An attempt is likely this session to make state law as tight as the outdated federal law. If this happened, it would prevent federally chartered credit unions in Florida from switching to a state charter to get around last year's unfavorable court ruling.

The Legislature should resist efforts to change the state law. Credit unions are no real threat to banks; in fact, banks are enjoying record profits. Many of the people served by credit unions would be shunned by banks anyway. How many banks would make a $50 loan? Credit unions make small loans every day.

At the federal level, Congress should not sit idly by while the courts put credit unions into a time machine and ship them back to 1934. Times have changed since then, and so have the needs of consumers.

Congress should take a close look at what has happened under Florida's more modern law. Credit unions have saved consumers millions of dollars in fees and interest; and banks have continued to grow; offering innovative services and sound management.

Credit unions don't want to become banks, and banks certainly have no desire to become more like credit unions. Until someone can identify a problem with these member-owned institutions, they deserve to be left alone.

[From the Goshen News]

GIVING CREDIT TO CREDIT UNIONS

Credit unions, which have been helping people with their financial needs for more than six decades, are themselves in need now. They need to win a legal fight and, failing that, they need some political help from Congress. If they don't get it, the credit unions themselves may no longer be available for millions when they come knocking, and American consumers, especially those of modest means, will have reason to grieve.

Congress established credit unions as nonprofit cooperatives in 1934 chiefly for poorer people left out of the loop by banks. It required that members have a "common bond," such as being employees of the same company. The formula worked fine until the late 1970s, when the disappearance of large manufacturing plants and other economic changes began robbing the credit unions of members. A federal agency then said a credit union could include a multitude of groups in its membership in order to maintain a sufficiently large operational base.

The commercial banks yelped. What's more, they sued. They maintained that the federal agency, The National Credit Union Administration, had misconstrued the law, and a federal judge said the commercial banks were right. The Supreme Court has agreed to hear the case either late this year or early next. If the high court concurs with lower court rulings, some 10 million people will no longer be members of credit unions, and millions more may never get the chance.

That would be a shame because credit unions normally pay higher rates of return on deposits and charge less interest on loans than banks. They tend to be easy and friendly to deal with, partly because the directors are likely to be the consumer's fellow workers. Banks say the competition from the credit unions is unfair because they don't pay taxes. It's true that, as non-profits, the credit unions don't have profits to pay taxes on. Their members do pay income taxes on any dividends.

If the credit unions lose in court, Congress could quickly come to the rescue with just a slight change in the 1934 law's wording about "common bonds." There is some bipartisan support for the amendment, though not exactly a ground swell yet. You would think, at first blush, that there would be more interest. After all, 70 million Americans belong to credit unions, and that's a lot of voters. It's possible, of course, that another number speaks more loudly in the legislative ear: 4.4 trillion, which is the accumulation of dollars the banks have in assets, and more than 12 times the assets of credit unions. The banks would not seem to be at much of a disadvantage economically, after all, although the credit unions may be at a disadvantage politically.